

RESOLUTION NO. 23-23

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTION 4.1.4(B) AND SECTION 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 318 SE 5TH STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Victoria Bomango (“Applicant” or “Owner”) is the owner of a parcel of land located at 318 SE 5<sup>th</sup> Street (“Property”), as more particularly described in Exhibit “A”; and

WHEREAS, the City of Delray Beach (“City”) received a waiver request application (File No. 2023-022) associated with the Property, seeking to construct a single-family non-workforce home on a lot within a residential zoning district with frontage less than 50 feet; and

WHEREAS, the Property is located in the R-1-A Zoning District; and

WHEREAS, Section 4.1.4(B) of the City Land Development Regulations (“LDR”) prohibits a residential structure from being constructed on any lot within a residential zoning district which has frontage less than 50 feet; and; and

WHEREAS, LDR Section 4.1.4(D) allows for the construction of only workforce housing on lots of record with less than 50 feet of frontage, having at least 40 feet of frontage; and

WHEREAS, the Property was originally platted in Osceola Park as Lot 5, Block 5 with lot frontage of only 46.80 feet, as depicted in Exhibit “B”; and

WHEREAS, LDR Section 2.4.7(B)(5) requires the approving body to make a finding that the granting of a waiver:

- (a) Shall not adversely affect the neighboring area;
- (b) Shall not significantly diminish the provision of public facilities;
- (c) Shall not create an unsafe situation; and,
- (d) Does not result in the grant of a special privilege in that the same waiver would be granted under a similar circumstance on other property for another applicant or owner; and

WHEREAS, the requested waivers of relief from LDR Sections 4.1.4(B) and 4.1.4(D), seeking to

construct a single-family non-workforce home on a lot within a residential zoning district with frontage less than 50 feet, was presented to the City Commission at a quasi-judicial hearing on January 17, 2023; and

WHEREAS, the City Commission considered the requested waivers to LDR Sections 4.1.4(B) and 4.1.4(D), to allow the construction of a single family non-workforce housing structure on the Property, and has considered the respective findings as set forth in the Land Development Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby incorporated herein by this reference and are approved and adopted.

Section 2. The City Commission makes positive findings that the requested waivers (1) do not adversely affect the neighboring area, (2) do not significantly diminish the provision of public facilities, (3) do not create an unsafe situation, and (4) do not result in the grant of a special privilege in that the same waivers would be granted under similar circumstances on other property for another applicant or owner.

Section 3. The City Commission approves the waiver requests to LDR Sections 4.1.4(B) and 4.1.4(D) and approves the construction of a single-family non-workforce housing structure on the Property as more particularly described in Exhibit "A".

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Victoria Bomango at 318 SE 5<sup>th</sup> Street, Delray Beach, FL 33483.

Section 5. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 6. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

\_\_\_\_\_  
Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney

**Exhibit "A"**  
**Legal Description**

LOT 5, BLOCK 5, OSCEOLA PARK, according to the Plat recorded in Plat Book 3, Page 2, as recorded in the Public Records of Palm Beach County, Florida; said land situate, lying and being in Palm Beach County, Florida.

# OSCEOLA PARK

[illegible][illegible]

2

Exhibit "B" 2 of 2  
Osceola Park Plat

