

RESOLUTION NO. 170-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTIONS 4.1.4(B) AND (D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 822 N. LAKE AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach, Florida (“the City”) received an application for a Waiver to the Land Development Regulations (2020-222) associated with the property located at 822 N. Lake Avenue (the “Property”), from Ronald Ives (“Applicant/Property Owner”), requesting the demolition of the existing single family structure and the construction of a new two-story non-workforce single family structure; and

WHEREAS, Section 4.1.4(B) of the City of Delray Beach Land Development Regulations (“LDR”) states that a residential structure shall not be constructed on any lot, within a residential district, which has frontage of less than 50 feet; and

WHEREAS, pursuant to LDR Section 4.1.4(D), lots of record having at least 40 feet of frontage may be used for Workforce Housing, as long as the workforce housing unit meets the typical designs represented by the sketches set forth in LDR Section 4.7.12(a), the lot is a minimum of 4,000 square feet and conforms to setbacks; and

WHEREAS, the subject property was platted in 1926 and has a frontage of 49.89 feet, as depicted in Exhibit “A”, attached hereto and incorporated herein; and

WHEREAS, pursuant to LDR Section 2.4.7(B)(5), which governs waivers from development regulations, the approving body shall make a finding 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 waiver of relief from LDR Section 4.1.4(B) and 4.1.4(D), seeking to construct a single family non-workforce housing structure, was presented to the City Commission at a quasi-judicial hearing on November 10, 2020; and

WHEREAS, the City Commission considered the waiver request to LDR Section 4.1.4(B) and 4.1.4(D) to allow the construction of a single family non-workforce housing structure on the subject property.

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

Section 1. That the forgoing recitals are hereby incorporated herein by this reference and are approved and adopted.

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

Section 3. The City Commission approves the waiver request to LDR Section 4.1.4(B) and 4.1.4(D), to allow for the construction of a single-family non-workforce housing structure.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Gary P. Eliopoulos of GE Architecture Inc.

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 \_\_\_\_\_, 2020.

ATTEST:

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

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

Approved as to form and legal sufficiency:

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Lynn Gelin, City Attorney