

RESOLUTION NO. 03-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A MINOR SUBDIVISION APPLICATION FOR A FINAL PLAT THAT CONTAINS NON-CONFORMITIES FOR A TWO-LOT SUBDIVISION KNOWN AS “BANYAN 2020”, WHICH CONSISTS OF A REPLAT OF LOT 39, DELRAY BEACH SHORES PLAT, AS RECORDED IN PLAT BOOK 23, PAGE 167 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

WHEREAS, the City of Delray Beach, Florida (“the City”) received a Minor Subdivision application (2020-269) associated with an existing lot located on the west side of A1A at 1225 South Ocean Boulevard, described as Lot 39, Delray Beach Shores Plat, as recorded in Plat Book 23, Page 167, of the Official Records for Palm Beach County, Florida, as more particularly described in Exhibit “A”, (“the Property”) from Matthew H. Scott, Esq. (“the Agent”) on behalf of Banyan House Condominium, Inc. (“the Applicant”);

WHEREAS, the Applicant seeks to subdivide the Property into two lots with frontage on South Ocean Boulevard, as more particularly described in Exhibit “B,” for a project known as, “BANYAN 2020”; and

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

WHEREAS, Section 2.4.5(K)(1) of the Delray Beach Land Development Regulations (“LDR”) establishes that platting of a Minor Subdivision shall involve only the City Commission; and

WHEREAS, LDR Section 4.3.4(K) sets forth a minimum width and frontage of 95 feet for corner lots in the R-1-AA Zoning District; and

WHEREAS, the Minor Subdivision application creates nonconformities for Lot 2, a corner lot, by establishing a lot width of 77.50 feet and frontage of 78.23 feet, less than the requirements pursuant to LDR Section 4.3.4(K); and

WHEREAS, because the Minor Subdivision application creates nonconformities for Lot 2, pursuant to LDR 4.3.1(D), the City Commission must declare that is the creation of a nonconformity is necessary and appropriate; and

WHEREAS, the subject minor subdivision plat application was presented to the City Commission at a quasi-judicial hearing conducted on January 5, 2021; and

WHEREAS, the City Commission considered the request to create a nonconformity 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 incorporated herein by this reference and are approved and adopted.

Section 2. The City Commission finds that the nonconformities created by the subdivision resulting in a lot width of 77.50 feet and frontage of 78.23 feet on Lot 2 are necessary and appropriate.

Section 3. The City Commission approves the Minor Subdivision application for a final plat as presented in Exhibit “B,” attached hereto and incorporated herein. for a two-lot subdivision known as “BANYAN 2020”.

Section 4. The plat shall be recorded pursuant to procedures as set forth by the City Clerk.

Section 5. The City Clerk, or designee, is directed to send a certified copy of this Resolution to the registered agent, Matthew H. Scott of Dunay, Miskel, Backman, 14 SE 4<sup>th</sup> Street, Suite 36, Boca Raton, FL 33432.

Section 6. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 7. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on this \_\_\_ day of \_\_\_\_\_.2021.

ATTEST:

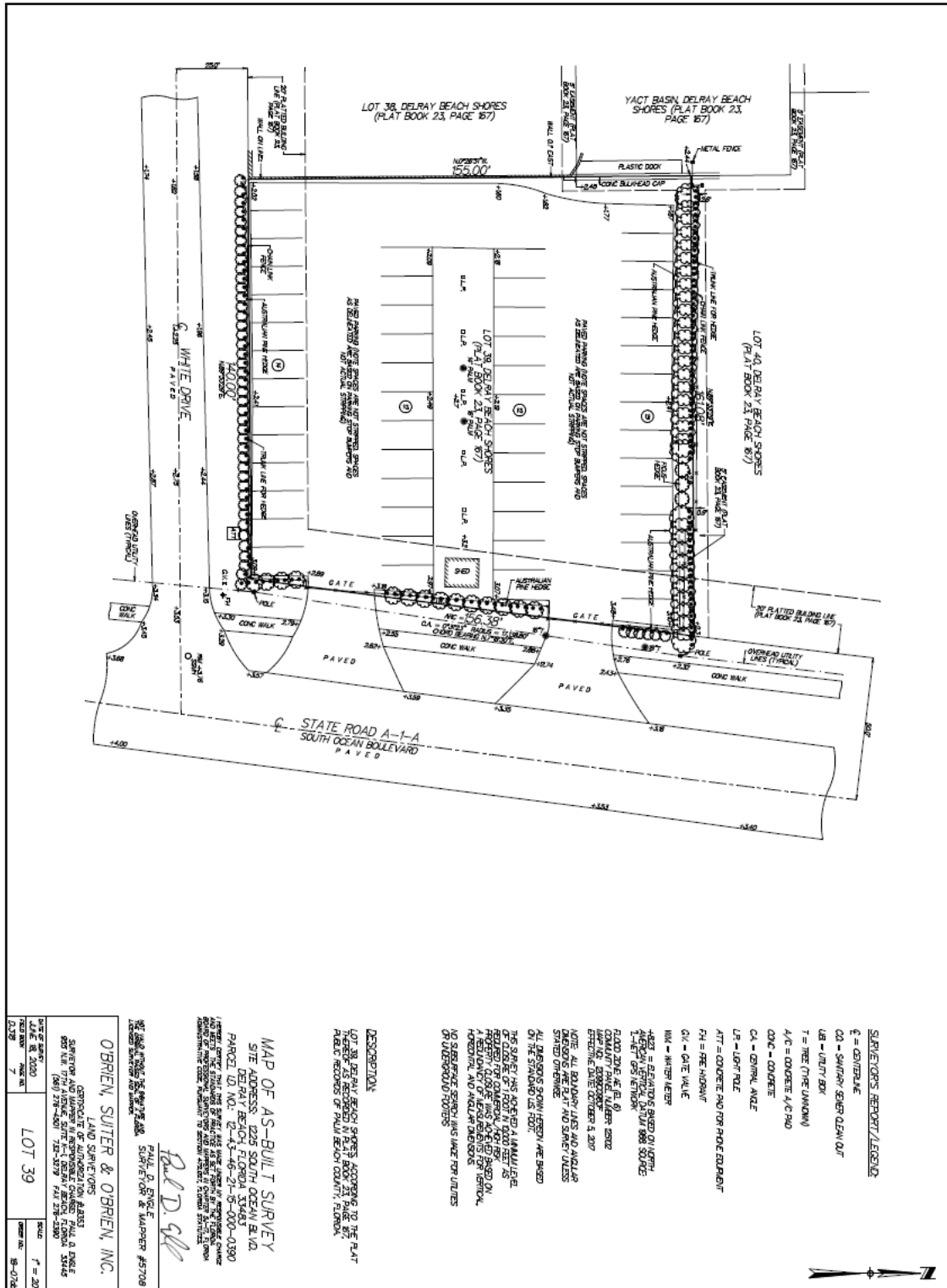
\_\_\_\_\_  
Katerri Johnson, City Clerk

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

Approved as to form and legal sufficiency:

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

EXHIBIT "A" – PAGE 1 OF 1  
EXISTING LOT



[illegible]