

RESOLUTION NO. 37-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.3.4(H)(4)(F) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING A PLANTER WALL FIVE-FEET SIX-INCHES IN HEIGHT TO BE ERECTED IN REQUIRED SETBACKS FOR THE PROPERTY LOCATED AT 1114 VISTA DEL MAR DRIVE NORTH, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach, Florida (“the City”) received a waiver application (2021-041) associated with the property located at 1114 Vista Del Mar Drive North (“the Property”), from Gary Eliopoulos (“Applicant”), which involves the construction of a planter wall five-feet six-inches in height in the required front setback area; and

WHEREAS, City Land Development Regulation (“the LDR”) Section 4.3.4(H)(4)(f), allows for planter walls to be erected within required setbacks so long as the planter wall does not exceed three feet in height; and

WHEREAS, the Applicant seeks to erect a planter wall five-feet six-inches in height in the front setback area; and

WHEREAS, LDR Section 2.4.7(B)(5), which governs waivers from development regulations, 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 waiver of relief from LDR Section 4.3.4(H)(4)(f), regarding height limitations of planter walls erected in required setbacks, for the proposed development was presented to the City Commission at a quasi-judicial hearing conducted on February 2, 2021; and

WHEREAS, the City Commission considered the waiver request to LDR Section 4.3.4(H)(4)(f), to allow a planter wall five-feet six-inches in height to be erected in the front setback area, 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 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 similar circumstances on other property for another applicant or owner.

Section 3. The City Commission approves the waiver request to LDR Section 4.3.4(H)(4)(f) and approves a planter wall five-feet six-inches in height to be erected within the front setback area for the Property as more particularly described in Exhibit "A", which is incorporated herein.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Gary Eliopoulos at GE Architecture, Inc. at 1045 East Atlantic Avenue, Suite 303, 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 _____, 2021.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

EXHIBIT "A"
1114 NORTH VISTA DEL MAR DRIVE LEGAL DESCRIPTION

THE WEST 30.00 FEET OF LOT 31 AND THE EAST 50.00 FEET OF LOT 32, DELRAY BEACH ESPLANDE, ACCORDING TO THE MAP OF THE PLAT THEREOF AS RECORDED IN PLAT BOOK 18, PAGE 39, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAIN 8,899 SQUARE FEET MORE OR LESS.