

RESOLUTION NO. 04-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND SECTION 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 9 BLOCK 5), 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 Waivers to the Land Development Regulations (2021-040) associated with the property located at 816 Palm Trail (the “Property”), from Interloc, LLC (“Applicant/Property Owner”), requesting the dissolution of a unity of title and demolition of the existing structure and the construction of a new single-family home on Lot 9 Block 5; and

WHEREAS, the Property is located in the Medium Density Residential (RM) Zoning District; and

WHEREAS, LDR Section 4.1.4(B) 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), and the lot is a minimum of 4,000 square feet and conforms to setbacks; and

WHEREAS, the subject property was platted in 1926 as Lot 9 Block 5 with a frontage of (50.12 feet,) as depicted in Exhibit “A”, attached hereto and incorporated herein; and

WHEREAS, pursuant to LDR Section 5.3.1(D)(2), the subject property must dedicate a right of way to the City of 2.5’ on the north side of Lot 9 Block 5, which will decrease the frontage of the lot, and;

WHEREAS, the applicant proposes the construction of a single family non-workforce housing structure on the property; and

WHEREAS, pursuant to LDR Section 2.4.7(B)(5), which governs waivers from development regulations, the approving body shall 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 Section 4.1.4(B) and 4.1.4(D), seeking to construct a single family home on Lot 9 Block 5 for a non-workforce housing structure, was presented to the City Commission at a quasi-judicial hearing on February 9, 2021; and

WHEREAS, the City Commission considered the requested waivers 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 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. That 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 Section 4.1.4(B) and 4.1.4(D), to allow for the construction of a single-family non-workforce housing structure on the property.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Thomas F. Carney, Jr., 135 SE 5th Avenue, Suite 202, 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 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