

RESOLUTION NO. 64-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND 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 211 SE 12TH ROAD, 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 (2021-121) associated with the property located at 211 SE 12th Road (the “Property”), from Alt Homes & Investments LLC (“Applicant/Property Owner”), requesting the construction of a new single-family home; and

WHEREAS, the Property is located in the R-1-A Single Family Residential Zoning District; 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), and the lot is a minimum of 4,000 square feet and conforms to setbacks; and

WHEREAS, the Property was originally part of a plat and subsequently subdivided, which resulted in the current lot frontage of only 40 feet; 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 Sections 4.1.4(B) and 4.1.4(D), seeking to construct a single family non-workforce housing structure on the Property, was presented to the City Commission at a quasi-judicial hearing on May 4, 2021; 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", which is incorporated herein.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Jill Gorelick at 4214 Burns Heritage Trail NE, Roswell, GA 30075.

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**

### **LEGAL DESCRIPTION**

THE WEST 40 FEET OF THE EAST 280 FEET OF LOT 6, LAMBERT TRAILER COURT,  
ACCORDING TO THE PLAT THERE OF ON FILE IN THE OFFICE OF THE CLERK OF THE  
CIRCUIT COURT AND FOR PALM BEACH COUNTY, IN PLAT BOOK 22, PAGE 41, INCLUDING  
THE IMPROVEMENTS THEREON AND FURNISHINGS THEREIN CONTAINED, PER  
AGREEMENT