Legislation Details (With Text)

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File created:	7/27/2026			**In control:**	City Commission
On agenda:	8/18/2026			**Final action:**	8/18/2026
Title:	RESOLUTION NO. 127-26:A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CERTIFICATE OF APPROPRIATENESS PURSUANT TO SECTION 2.4.12(A)(5) OF THE LAND DEVELOPMENT REGULATIONS (LDR); APPROVING A DEMOLITION PURSUANT TO LDR SECTION 4.5.1(F)(6); APPROVING A VERTICAL RELOCATION PURSUANT TO LDR SECTION 4.5.1(E)(6)(B)(1); APPROVING VARIANCES TO LDR SECTION 4.3.4(K) TO REDUCE THE FRONT AND SIDE INTERIOR SETBACKS FOR THE STRUCTURE; AND APPROVING WAIVERS TO THE VISUAL COMPATIBILITY STANDARDS IN LDR SECTIONS 4.5.1(E)(7)(A)(1) AND 4.5.1(E)(7)(M)(6) FOR THE PROPERTY LOCATED AT 46 MARINE WAY, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).				
Sponsors:	Development Services Department				
Indexes:					
Code sections:					
Attachments:	1. Agenda Cover Report, 2. Res. No. 127-26 46 Marine Way, 3. CC SR-46 Marine Way-2026-08-18, 4. Relocation Justification-46 Marine Way-2026-08-18, 5. Survey-46 Marine Way-2026-08-18, 6. Variance Justifications-46 Marine Way-2026-08-18, 7. Waiver Justifications-46 Marine Way-2026-08-18, 8. Building Materials and Colors-46 Marine Way-2026-08-18, 9. Demolition Justification-46 Marine Way-2026-08-18, 10. Engineers Letter-46 Marine Way-2026-08-18, 11. Modern Movers- 46 Marine Way-2026-08-18, 12. Movers Letter-46 Marine Way-2026-08-18, 13. Plans-46 Marine Way-2026-08-18, 14. Simple Legal Review Approval 46 Marine Way 8.3.26				

Date	Ver.	Action By	Action	Result
8/18/2026	1	City Commission	approved	Pass

TO: **Mayor and Commissioners**
FROM: **Anthea Gianniotes, Development Services Director**
THROUGH: **Terrence R. Moore, ICMA-CM**
DATE: **August 18, 2026**

RESOLUTION NO. 127-26:A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CERTIFICATE OF APPROPRIATENESS PURSUANT TO SECTION 2.4.12(A)(5) OF THE LAND DEVELOPMENT REGULATIONS (LDR); APPROVING A DEMOLITION PURSUANT TO LDR SECTION 4.5.1(F)(6); APPROVING A VERTICAL RELOCATION PURSUANT TO LDR SECTION 4.5.1(E)(6)(B)(1); APPROVING VARIANCES TO LDR SECTION 4.3.4(K) TO REDUCE THE FRONT AND SIDE INTERIOR SETBACKS FOR THE STRUCTURE; AND APPROVING WAIVERS TO THE VISUAL COMPATIBILITY STANDARDS IN LDR SECTIONS 4.5.1(E)(7)(A)(1) AND 4.5.1(E)(7)(M)(6) FOR THE PROPERTY LOCATED AT 46 MARINE WAY, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

Recommended Action:

Review and consider Resolution No. 127-26, approving a Certificate of Appropriateness, Demolition,

Relocation, Variances, and Waivers in association with the vertical relocation and alteration of the existing contributing principal structure (987 sq ft. two-story main structure) Demolition of the existing contributing accessory structure (296 sq. ft. one-story guest cottage), and construction of additions containing 2,333 sq. ft. (3, 321 sq ft total under air, and 5,189 sq. ft. overall building) for the property located at 46 Marine Way, Marina Historic District.

Background:

The subject 0.12-acre property is located on the west side of Marine Way, south of E. Atlantic Avenue and north of SE 1st Street within the Locally and Nationally Registered Marina Historic District. The property contains a two-story residential structure with a detached pool house in the rear of the property. According to the original city of Delray Beach Building Yellow cards, both structures were built in 1926. The structures are classified as contributing to the Marina Historic District and serve as prime examples of Mediterranean Revival architecture within Delray Beach. The original detailing of the structures have been preserved and as such they qualify for individual listing to the National Register of Historic Places.

The request before the board is for the following:
1. Vertical relocation of the existing contributing structure, 987 sq. ft. two-story residence,
2. Demolition of the contributing accessory structure, 296 sq. ft. one story structure,
3. Alteration of the existing principal contributing structure,
3. Construction of new one and two-story additions that will connect the principal contributing structure,
4. Construction of a new swimming pool, and hardscaping.

4 relief requests from the LDR are part of the application:
1. Setback variances for the front (east), and side (south); and
2. Waivers to the Land Development Regulations Section 4.5.1.(E)(7)(m), Visual Compatibility Standards for Secondary and Subordinate, and Building Height Plane.

Each relief request must meet the associated findings. The attached Staff Report provides a full analysis of the application, including the demolition, relocation, variance, and waiver findings. To aid in the assessment of the proposal with City ordinance, the Secretary of the Interior Standards, and the findings of each relief request, the staff report includes the applicable Land Development Regulations (LDR) and standards. LDR language and standards are in **bold** and the analysis follows for each provision.

At its meeting of July 1st, 2026, the Historic Preservation Board denied a Certificate of Appropriateness, Relocations, Variances, and Waivers for the subject property, by a vote of 4 to 3.

Pursuant to LDR Section 2.5(C)(2), on July 8, 2026, the Applicant filed an appeal of the denial.

Pursuant to LDR Section 2.5(E)(2) a *de novo* review of the decision is now before the City Commission.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:
N/A