

**MINUTES
BOARD OF ADJUSTMENT
CITY OF DELRAY BEACH**

MEETING DATE: January 16, 2025

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

The meeting was called to order by Richard Kasser, Chair, at 5:01p.m.

2. ROLL CALL

A quorum was present.

Members Present: Richard Kasser, John DeLacio, Brenda Cullinan, Jesse Schloesser, Mark Ronald

Members Absent: Tiana Morales

Staff Present: William Bennett, Assistant City Attorney; Madison Brown, Development Permit Manager, Jennifer Buce, Planner and Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Motion to approve the amended agenda of January 15, 2025, made by Jesse Schloesser and seconded by Mark Ronald.

Motion Carried 5-0

4. MINUTES

Motion to approve the minutes for January 18, 2024; February 1, 2024; March 7, 2024; and April 4, 2024 was made by Brenda Cullinan and was seconded by Jesse Schloesser.

Motion Carried 5-0

5. SWEARING IN OF THE PUBLIC

Chair Kasser read the quasi-judicial rules for the City of Delray Beach and Ms. Miller swore in all who wished to give testimony.

6. COMMENTS FROM THE PUBLIC

None

7. PUBLIC HEARING ITEMS

A. 412 SE 4th Ave (File #2025-071): Consideration of a variance request from Land Development Regulations (LDR) Section 4.6.15(G)(1)(a), Swimming Pool, Whirlpools, and Spas: Yard Encroachment, to allow the construction of a new swimming pool within the front setback area at a setback of 15 feet, whereas a minimum of 25 feet is required.

Address: 412 SE 4th Avenue

PCN: 12-43-46-21-01-004-0071

Applicant/ Owner: Patricia Britton & Miguel Decosta; plager@yahoo.com

Agent: Place Planning and Design, Inc.; Corey O’Gorman; corey@placepnd.com

Planner: Jennifer Buce; buce@mydelraybeach.com

Jennifer Buce, Planner, entered project file number 2025-071 into the record.

Exparte Communication

Mr. Kasser-Visited Property, Property Appraiser

Mr. DeLacio-Visited Property

Applicant Presentation

Corey O’Gorman, Place Planning, corey@placepnd.com

Patricia Britton & Miguel DeCosta, Property Owners

Staff Presentation

Jennifer Buce, Planner; Buce@mydelraybeach.com

Public Comments

Chris MCGateal, 414 SE 4th Ave, spoke in support, expecting this request to be more common in the future, and leniency in policies would make the process better for applicants and City Staff.

Rebuttal/Cross Examination

None

Staff Comments

None

Board Comments

Mr. Ronald asked for an explanation on the difference between 412 SE 4th and the 2 adjacent homes.

Mr. Bennett remarked that the other homes are not pertinent to the item.

Mr. Ronald requested further information.

Ms. Buce explained the different variances and their circumstances.

Mr. Ronald asked where the setback is measured from.

Ms. Buce replied to the water’s edge.

Mr. DeLacio asked if there were any variances granted during construction

Ms. Britton explained the sides are 7’ 6” side setback.

Mr. DeLacio commented the survey submitted shows the setback as 6.26; He brings this up to aid his thinking in the new variance for consideration.

Ms. Cullinan asked if any neighbors objected to the request.

Ms. Britton said no neighbors disagreed.

Mr. DeLacio agreed that the proposed landscaping would be in harmony but still had concerns.

Mr. Kasser asked what type of fence and screening there would be.

Ms. Britton replied: metal fence and landscaping.

Mr. Kasser asked if the applicant had to redesign the house for the alley setback and if it pushed the house to back of the lot.

Ms. Britton confirmed.

Ms. Buce confirmed the side setback is 7.5 feet.

Mr. DeLacio asked if it is common in this neighborhood for lot size to be below the minimum requirement.

Ms. Buce explained in this neighborhood all the lots were originally platted at 50' wide, now the minimum is 60' but most are still 50'. It is common in this neighborhood for lots to be below the minimum requirement.

MOTION to approve the Variance request for 412 SE 4th Ave (File #2025-071): Consideration of a variance request from Land Development Regulations (LDR) Section 4.6.15(G)(1)(a), Swimming Pool, Whirlpools, and Spas: Yard Encroachment, to allow the construction of a new swimming pool within the front setback area at a setback of 15 feet, whereas a minimum of 25 feet is required was made by John DeLacio and seconded by Mark Ronald.

MOTION APPROVED 5-0

*Pursuant to LDR Section 2.4.11(A)(5)(a-f), all decisions of the Board of Adjustment are final. Based on the entire record before it, the Board of Adjustment **APPROVED X** the variance solely for the purposes as presented at the meeting. The Board of Adjustment adopts this Order on this 16th day of January 2025.*

9. REPORTS AND COMMENT

A. City Staff- Ms. Brown, stated she will send out the meeting agenda the week of Jan 27, the Board of Adjustment will meet February 6th 2025 and March 6th 2025.

B. Board Attorney- None

C. Board Members— Mr. DeLacio inquired about a house on Andrews Ave that went before the Zoning board that had a wavier and asked for clarification.

Ms. Brown confirmed variances are for the land and waivers are for how high a structure can be built.

Mr. Ronald asked if there's a difference for new construction going to a different committee.

Ms. Brown explained waivers go through a different process and go to commission.

Mr. DeLacio asked if this Board is made aware if a property is requesting a variance and a waiver.

Ms. Buce explained it would be included in both reports, they would go at different times, you'd have to assess the findings for both.

The Board discussed the challenges they face with one LDR presiding over so many different neighborhoods.

The Board spoke about applicants including neighboring homes in their presentation, and how the information can be useful when considering similarity of use but can't influence the decision.

10. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 6:00pm.

The undersigned is the Secretary of the Board of Adjustments, and the information provided herein is the Minutes of the meeting of said body for **January 16, 2025**, which were formally adopted and **APPROVED** by the Board on **July 17, 2025**.

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ATTEST:



CHAIR



BOARD SECRETARY

NOTE TO READER: If the Minutes you have received are not completed as indicated above, then this means that these are not the official Minutes of the Board of Adjustments. They will become official minutes only after review and approval, which may involve some amendments, additions or deletions.