

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

MEETING DATE: March 7, 2024

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

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

2. ROLL CALL

A quorum was present.

Members present: Alek Hayes, Chair, Richard Kasser, Vice Chair, Brenda Cullinan, Jesse Schloesser, Aura Ramirez, Tiana Morales, and John DeLacio.

Members absent:

Staff Present: William Bennett, Assistant City Attorney; Amy Alvarez, Assistant Development Services Director; Alexia Howald, Senior Planner; and, Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Motion to approve the agenda of March 7, 2024 made by Richard Kasser, Vice Chair and second by Brenda Cullinan.

Motion Carried 7-0

4. ELECTIONS

William Bennett, Asst. City Attorney announced that the next item on the agenda will be Election of Officer and explained the process of electing officers.

Motion made by Jesse Schloesser to nominate Brenda Cullinan as 2nd Vice Chair and seconded by Richard Kasser.

Motion Carried 7-0

5. MINUTES

None.

6. SWEARING IN OF THE PUBLIC

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

7. COMMENTS FROM THE PUBLIC

None

8. Public Hearing Items

A. **690 Eagle Circle (2024-047)**: Consideration of two variance requests from Land Development Regulations (LDR) Section 4.3.4(K), Development Standards Matrix - Residential Zoning Districts, to reduce the existing front (north) setback to 22 feet, whereas a minimum of 30 feet is required; and to reduce the required side street setback (Eagle Drive) to 10 feet, whereas a minimum of 15 feet is required, associated with an addition to the existing single-family residence.

Address: 690 Eagle Circle

PCN: 12-43-46-29-04-000-6270

Property Owner: Elena Gospodinova & Scott Lachapelle

Authorized Agent: Scott Lachapelle; Scott8lachapelle@gmail.com

Planner: Alexia Howald, Senior Planner; HowaldA@mydelraybeach.com

Exparte Communication

Jesse Schloesser-None

Alek Hayes-None

Richard Kasser-None

John DeLacio – Visited the Site

Tiana Morales - None

Aura Ramirez- Visted the Site

Brenda Cullinan-None

Applicant Presentation

Elena Gospodinova -Applicant with husband Scott Lachapelle, not presenting.

Staff Presentation

Alexia Howald, Senior Planner; HowaldA@mydelraybeach.com

Public Comments

None.

Rebuttal/Cross Examination

None.

Board Comments

Aura Ramirez asked if the R-AA needed a one car or two-car garage- Alexia responded that the current requirement is for a two-car garage and that the applicant needs a two-car garage or at minimum two parking spaces in the driveway.

John DeLacio asked if this variance would impact the placement of sidewalks in the future. Alexia H. responded that it should not, a sidewalk would be within the right of way on public property. He then asked about the property size being below the minimum lot size requirement and if it had any weight in the report. To which Amy A. stated: "we didn't look at that aspect when analyzing the request in the staff report. But that could be part of the board's consideration. You know looking at what the lot size is, if it meets the criteria of course. But it's not part of the request."

Alek Hayes asked for the applicant to show the slide with the layout of the proposed garage and its dimensions. Elena G. showed the slide with Variance Criteria Section 2.4.11(C) to board members. She zoomed in on the slide to show dimensions more clearly to the board and explained the proposed width and depth. Aleksandra asked the applicant to show her the width and depth of the garage. Elena zoomed in on the portion of the slide and further explained the dimensions. Alek's inquired as to why the garage seemed larger than others and asked if the size of the garage was ever discussed and suggested that it may be a little bit to big. She then asked if it was really the minimum that's required for the use of two-cars. Elena G. went on to explain that both applicants own two wider cars and need more space to safely open garage door to the rest of the house. The current configuration prevents them from opening the doors of their vehicles in the garages and that another 12' addition, while in compliance with the requirements of the LDR would still leave them with a garage that was too small for their needs. Alek's asked about the interior width when the current garage was doubled and stated she was confused as to where the minimum dimensions came from. The applicant explained how their measurements were calculated and that they included access to their vehicles with the doors open.

Brenda Cullinan asked if there were any houses like or near the applicant that had the same problem. The applicant explained the garages and parking for some of their neighbors.

Richard Kasser – asked the applicant, ‘if you can go back to the plan, you are going to bringing the garage to the 30-foot setback?’ Applicant responded yes, if they could.

Mr. Kasser followed up by asking, “also, are you going to expand the driveway?” Applicant responded no, as they know that the current driveway configuration is out of code and that they were aware they could modify the width of the driveway to approve the width of a new garage. Mr. Kasser added that other board members asked her about some of the neighbors also having two car garages to which the applicant agreed.

Mr. Kasser then addressed staff, by stating: “looking at the front setback if there was not the curve of the lot due to it’s being a corner lot we wouldn’t need a variance for the front?” Ms. Howald. responded: “as long as it is within outside that setback. Then yes”. Mr. Kasser followed up by asking: “were these setbacks in place with the lot was built? Or were the setbacks much greater? Or was this house just placed on the lot by the Builder just where it could fit?” Ms. Alvarez. responded: “I don’t recall what the setbacks were when the house was constructed. It looks like they were probably like what they are now currently given that it’s a 30ft setback at its most wall plane. It’s just the parking requirement that changed.”

Alek Hayes addressed staff and asked them about the proposed garage and the size and if this was common for garages within the city. Ms. Alvarez. responded that this is an addition to the garage already there. The staff is look at it as an addition. Not knowing whether two cars can really fit and use the garage for its intended purposes without damaging the vehicle or property. The board must make that decision to approve the variance. Alek stated she thought this applicant’s request is excessive to ask for. She asked the applicant further questions pertaining to the size of the garage and what the architect has drawn. The applicant explained their logic on the proposed size.

Jesse Schloesser asked if they took into consideration the sizes of any other cars or if this was just based on the size of the applicant’s current vehicles. The applicant said no that it was only based on the size of their current vehicles.

Tiana Morales – None

Alek asked staff about the different motions set forth in the presentation, specifically about approval with conditions. Attorney Bennett addressed her question about the types of motions and the process.

Consensus with the board: The applicant shall provide more information such as architectural drawings and interior figures showing how to accommodate two smaller size SUVs and to be able to open one side of the car doors in the middle of the garage. Applicant must provide the dimensions of the exterior and interior of the proposed

garage as well as the sizes of the vehicles. As of now the applicant is not showing the necessity for an interior of 24.5 feet. Applicant must provide more material to the board to demonstrate the necessity for the variance. The continuation process was explained by staff to the applicant. The applicant agreed to continue to the next meeting date of April 4, 2024.

MOTION to continue with direction and date certain of April 4, 2024 made by Jesse Schloesser and seconded by Brenda Cullinan.

MOTION CARRIED 7-0

Pursuant to LDR Section 2.6.3(G), Notice in accordance with LDR Section 2.6.2 (A), (B), (C), and (D) shall be provided prior to a Public Hearing. all decisions of the Board of Adjustment are final. Based on the entire record before it, the Board of Adjustment **CONTINUES WITH DIRECTION** the variance solely for the purposes as presented at the meeting. The Board of Adjustment adopts this Order this 7th day of March 2024.

8. Reports and Comment

A. City Staff

We appreciate your consideration of this last item had a lot of good point and discussion. We appreciate when you consider everything. Board Members were provided with the meeting dates for 2024. The September meeting may be rescheduled due to Labor Day. The next meetings are scheduled for April 4, 2024, and May 2, 2024. Members will be notified a week prior if a meeting is to be canceled.

New Board Member Welcome: Diane Miller Board Secretary will provide the new members any material they need.

B. Board Attorney

None

C. Board Members

None.

9. 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 **March 7, 2024**, which were formally adopted and APPROVED by the Board _____.

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.