

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

MEETING DATE: June 6, 2024

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

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

2. ROLL CALL

A quorum was present.

Members present: Richard Kasser, Vice Chair, Brenda Cullinan 2nd Vice Chair, Tiana Morales, John DeLacio, and Jesse Schloesser.

Members absent: Aleksandra Hayes, Aura Ramirez

Staff Present: William Bennett, Assistant City Attorney; Rebekah Dasari, Principal Planner; and Peter Martinek, Board Secretary.

3. APPROVAL OF AGENDA

Motion to Approve the agenda of June 6, 2024, made by Brenda Cullinan and seconded by Jesse Schloesser.

Motion Carried 5-0

4. MINUTES

Motion to approve the minutes for September 7, 2023, and October 5, 2023, was made by Jesse Schloesser and was seconded by Brenda Cullinan.

Motion Carried 5-0

5. SWEARING IN OF THE PUBLIC

Richard Kasser read the quasi-judicial rules for the City of Delray Beach and Mr. Peter Martinek swore in all who wished to give testimony.

6. COMMENTS FROM THE PUBLIC

None

7. Public Hearing Items

A. 227 Palm Trail (2024-131): Consideration of two variance requests from Section 7.9.7(C) and 7.9.11(A) of the Land Development Regulations (LDR), to allow a finger pier to extend 32.3 feet from the bulkhead into the Intercoastal Waterway, whereas a maximum of 25 feet is allowed, and to allow a boatlift in the raised position to be located 37 feet, one inch from the bulkhead, whereas a maximum of 20 feet is allowed.

Address: 227 Palm Trail

PCN: 12-43-46-16-09-000-0100

Property Owner: Thomas R Speno and Laura Speno

Authorized Agent: Matthew Scott, Esq., Greenspoon Marder,

Matthew.Scott@gmlaw.com

Planner: Amy Alvarez, Assistant Development Services Director

alvarez@mydelraybeach.com

Exparte Communication

John DeLacio had a conversation with the applicant previously and with the city attorney.

Richard Kasser had a conversation with the applicants and applicants' agent prior to the meeting.

Applicant Presentation

Matthew Scott, Esq., Greenspoon Marder, Matthew.Scott@gmlaw.com

Staff Presentation

Rebekah Dasari, Principal Planner, Development Services

Public Comments

None

Rebuttal/Cross Examination

None

Board Comments

Matthew Scott Esq., zoning attorney for the applicant, had received documents and images from the applicant's neighbor who has concerns about the project right at the start of the BOA meeting. Mr. Scott said he would like to have time to review the documents and go over them with the applicants and neighbor. Richard Kasser asked if the board should make a motion to defer the items to the next meeting.

William Bennett, Assistant City Attorney, had explained that if the board was to entertain postponing the meeting, the board would have two choices. The first would be to postpone with a certain date to alleviate the potential of reposting notices. The second would be to postpone until the applicant was ready to proceed. The board would then send out notification for the meeting.

Mr. Scott Esq. responded that he would want to defer it to next month, date certain with expectation to meet immediately.

Mr. Bennett asked staff about the date of the next meeting. Ms. Dasari responded that the date of the next meeting is July 18th, due to the 4th of July holiday. Mr. Bennett then said that the board can defer it to the July 18th meeting, if there is conflict with scheduling because of the CRA meeting that was originally scheduled, then the applicant will have to agree to have the new meeting date reposted. Mr. Scott agreed.

Motion to defer 227 Palm Trail (2024-131) to the July 18, 2024 meeting made by Brenda Cullinan and seconded by John DeLacio.

Motion Carried 5-0

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 **To Defer** **X** the variance solely for the purposes as presented at the meeting. The Board of Adjustment adopts this Order on this 6th day of June 2024.*

8. Reports and Comment

A. Staff

None

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 5:24pm.

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 June 6th, 2024, which were formally adopted and APPROVED by the Board on _____.

ATTEST:

CHAIR

A handwritten signature in blue ink, appearing to read "Shaw F. 11/14", is written over a horizontal line.

BOARD SECRETARY

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