

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

MEETING DATE: February 1, 2024

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

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

2. ROLL CALL

A quorum was present.

Members present: Alek Hayes, Chair, Richard Kasser, Vice Chair, Seth Mitchell 2nd Vice Chair, Brenda Cullinan, Jesse Schloesser and Aura Ramirez.

Members absent: None

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

3. APPROVAL OF AGENDA

Motion to approve the agenda of February 1, 2024, made by Richard Kasser and seconded by Brenda Cullinan.

Motion Carried 6-0

4. MINUTES

None.

5. 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.

6. COMMENTS FROM THE PUBLIC

None.

7. Public Hearing Items

A. 325 Sandpiper Lane (2024-053): 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 (west) setback from 30 feet to seven feet, six inches, whereas a minimum of 35 feet is required, and to reduce the side street (north) setback to 10 feet, whereas a minimum of 17 feet is required, associated with an addition to the existing single-family residence.

Address: 325 Sandpiper Lane

PCN: 12-43-46-16-22-003-0090

Property Owner: Hillary T. Matchett

Authorized Agent: Gary Eliopoulos of GE Architecture, Inc.; Gary@eliarch.com

Planner: Alexis Rosenberg, Senior Planner; RosenbergA@mydelraybeach.com

Experte Communication

Jesse Schloesser-None

Alek Hayes-None

Richard Kasser-None

Seth Mitchell-None

Aura Ramirez-None

Brenda Cullinan-None

Applicant Presentation

Gary Eliopoulos of GE Architecture

Staff Presentation

Alexis Rosenberg, Senior Planner, presented the project by means of Microsoft PowerPoint presentation.

Public Comments

Hillary Matchett and Chris Sandleitner – Owners of 325 Sandpiper Lane- Hillary said that the house's unique situation for pulling out of their current driveway to use the public road access is very limited and often difficult. She also said that emergency responders have had difficulty getting to the property in the past.

David D'Angelo – 326 Sandpiper Lane – Neighbor of the applicants. He spoke about the difficulty of using the Sandpiper Lane as a full-time resident. He also said that the proposed garage is not taking away from the green landscape as it is being put on of the driveway that is already there.

Max Weinberg – 2001 N Federal Highway also known as 813 Delmare Way- He said that both he and his wife have written a letter in support of his neighbors. As he feels the public access streets are very narrow and often hard for the enclave of homeowners to drive through to and do their daily routines.

Ken Kaltman – 1229 Lang Street – Said that he is in support of the proposed garage, as it would be an enhancement to their home. This will give the ability to enter/exit their

driveway in a much more safe and efficient way compared to the narrow public street of Sandpiper Lane.

Rebuttal/Cross Examination

None

Board Comments

Jesse Schloesser – None

Brenda Cullinan asked if all the neighbors beside the applicant have two-car garages already? Gary Eliopoulos said yes for the most part; except for the 2,000sq ft house.

Richard Kasser asked if any of the other homeowners near the applicant have any double loaded garages? Mr. Eliopoulos responded that he is not aware if they do or not. Mr. Kasser asked if the goal to use Sandpiper Lane, and vice versa, Sandoway Lane for egress to pull in or pull out? Mr. Eliopoulos responded that it is a unique situation for the applicants in that it would create a new habit for them to get used to. Sandoway might be the majority of where they need to go as there is more to do in that direction. Mr. Kasser then asked if the new drive access to Sandoway is going to increase traffic congestion in any way? Mr. Eliopoulos responded that using Sandoway to enter and exit the driveway would cause minimal changes and impacts to the traffic flow that is already there. Mr. Kasser asked if there is a historical designation on the home? Gary Eliopoulos responded no there is not. Mr. Kasser's final question, is there a plan for the construction of this garage to keep building materials on the property, and not increase congestion with construction parking? Mr. Eliopoulos responded that construction workers would have to use golf carts, deliveries of materials would have to be unloaded swiftly and the truck carrying the materials would have to leave the roadways immediately after dropping off. He believes that the construction shouldn't interrupt the neighbors, service vehicles, etc.

Alek Hayes asked for clarification that if there was a cul-de-sac, would there be a reduction in the setback. Mr. Eliopoulos responded that using the cul-de-sac as an example of reduction in setback because the houses are not on a straight-line parcel property. Yet using this example to represent the unique situation of the applicants have asked for the variances to be applicable to their situation in building a two-car garage

Seth Mitchell asked if there is a structured wall between the applicant 325 and his neighbor 326? Mr. Eliopoulos responded that there is a Masonry wall and some planting that separates the two properties Mr. Mitchell asked if there are any requirements for the lot size in square footage for a property or is it just lot size, in North Beach Overlay District? The Staff responded Single family residential doesn't have a maximum floor area ratio which is usually what we use to put a minimum limit on the size of the housing. In this case it's typically dictated by the minimum required setbacks and the minimum open space requirements. Mr. Mitchell then asked, Is there a requirement about garages in the regulations? Are you to require all garages have enough space for two parking spaces? For new construction in Delray Beach? The Staff responded Single Family Residences are required to have two-car parking spaces type of garage. These garages are typically not allowed in the front setbacks of the property whether it be a car

port or driveway or garage. Since the applicants' property is in the North Beach Overlay District there are even more guideline for new construction. This construction the applicant is wanting to do is also going to need a building permit. This would not be subject to those guidelines. The garage doors not facing the front of the property lot

Aura Ramirez – None

MOTION to move approval of the Variance request for 325 Sandpiper Lane (2024-053) from LDR Section 4.3.4(K), to reduce the side street (north) setback to 10 feet, whereas a minimum of 17 feet is required, associated with the construction of a two-car garage, by finding that the request is consistent with the findings set forth in LDR Section 2.4.11(A)(5)(a-f), was made by Seth Mitchell and seconded by Richard Kasser.

MOTION CARRIED 6-0

*Pursuant to LDR Section 2.1.7(F), all decisions of the Board of Adjustment are final. Based on the entire record before it, the Board of Adjustment **APPROVES** X the variance solely for the purposes as presented at the meeting. The Board of Adjustment adopts this Order this 1st day of February 2024.*

MOTION to move approval of the Variance request for 325 Sandpiper Lane (2024-053-VAR-BOA) from LDR Section 4.3.4(K), Development Standards Matrix - Residential Zoning Districts, to reduce the existing front (west) setback from 30 feet to seven feet, six inches, whereas a minimum of 35 feet is required, associated with the construction of a two-car garage by finding that the request is consistent with the findings set forth in LDR Section 2.4.11(A)(5)(a-f), was made by Seth Mitchell and seconded by Aura Ramirez.

MOTION CARRIED 6-0

*Pursuant to LDR Section 2.1.7(F), all decisions of the Board of Adjustment are final. Based on the entire record before it, the Board of Adjustment **APPROVES** X the variance solely for the purposes as presented at the meeting. The Board of Adjustment adopts this Order this 1st day of February 2024.*

8. Reports and Comment

A. City Staff

We appreciate your consideration of this last item; the board had a lot of good points. 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 March 7, 2024, and April 4, 2024. Members will be notified a week prior if a meeting is to be canceled.

B. Board Attorney

None.

C. Board Members

The Board shared concerns and asked if there is a need to look at street parking issues in the Sandpiper Lane and Sandoway Lane historical area regarding emergency response being able to get through. Staff responded that because the area is on the Barrier Island the streets tend to be smaller, as was presented in the presentation. The comp plan recognizes that and the roads on the barrier Island have to be a minimum of forty feet trying to preserve the historical integrity of the area, instead of West of the Intercoastal which are fifty feet.

9. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 6:03pm.

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 **February 1, 2024**, which were formally adopted and APPROVED by the Board on _____.

ATTEST:

CHAIR



BOARD SECRETARY

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