

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

MEETING DATE: March 6, 2025

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

The meeting was called to order by Richard Kasser, Chair, at 5:16p.m.

2. ROLL CALL

A quorum was present.

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

Members Absent: none

Staff Present: Daniela Vega, Assistant City Attorney; Madison Brown, Development Permit Manager, Jennifer Buce, Planner and Rochelle Sinisgalli, Board Secretary.

3. APPROVAL OF AGENDA

Item 7A removed, applicant withdrew.

Motion to approve the amended agenda of March 6, 2025, made by John DeLacio and seconded by Brenda Cullinan.

Motion Carried 6-0

4. MINUTES

Motion to approve the minutes for June 6, 2024; July 18, 2024; and November 7 2024, was made by Jesse Schloesser and seconded by Mark Ronald.

Motion Carried 6-0

5. SWEARING IN OF THE PUBLIC

6. COMMENTS FROM THE PUBLIC

None

7. PUBLIC HEARING ITEMS

B. 1220 Crestwood Drive (2024-251-VAR-BOA): Consideration of three variances from Land Development Regulations (LDR) Section 4.3.4(K), Development Standards Matrix-Residential Zoning Districts associated with additions to the existing single-family residence, as follows; reduce the front (north) setback from the minimum requirement of 35 feet to 20 feet, reduce the side-interior (west) setback from the minimum requirement of 12 feet to 10 feet 2.6 inches, reduce the side-interior (east) setback from the minimum requirement of 12 feet to 10 feet 1 inch.

Address: 1220 Crestwood Drive

PCN: 12-43-46-09-35-000-0040 Applicant

Owner: Denise M and Galan G Daukas; gdaukas@bfinvest.com

Agent: Thomas M. Stanley, Esq. MacMillian & Stanley, PLLC, tom@macmillanstanley.com

Planner: Jennifer Buce, buce@mydelraybeach.com

Jennifer Buce, Planner, entered file number 2024-251 into the record.

Exparte Communication

John DeLacio drove by the property

Applicant Presentation

Nicholas Ritornato, Associate Attorney, MacMillian & Stanley

Staff Presentation

Jennifer Buce, Planner, gave the City's presentation.

Public Comments

None

Rebuttals/Cross Examination

None

Staff Comments

None

Board Comments

Mr. Schloesser asked if the subject lot is currently non-conforming and are other two variances for existing footprint.

Ms. Buce explained the front setback is conforming, but applicant wants to bring front of home out towards street and the variances are for the existing footprint.

Mr. DeLacio asked if the street is 40' wide.

Mr. Buce responded that the street is 16' wide per the Always Delray Comprehensive Plan; Before the comprehensive plan the ROW was 60' which accounts for future development.

The Board discussed the size of the lot and the zoning requirements for the neighborhood.

Mr. Kasser asked about the ROW Variance in 2023 and asked if the lot would become smaller by 8'.

Jennifer Buce confirmed.

MOTION to approve the Variance request for **1220 Crestwood Drive (2024-251-VAR-BOA)** from **LDR Section 4.3.4(K), Development Standards Matrix – Residential Zoning Districts** to reduce the front (north) setback from the minimum requirement of 35 feet to 20 feet, associated with a proposed addition to the existing single-family residence, by finding that the request is consistent with the findings set forth in LDR Section **2.4.11(A)(5)(a-f)** made by Jesse Schloesser and seconded by John DeLacio.

MOTION APPROVED 6-0

MOTION to approve the Variance request for **1220 Crestwood Drive (2024-251-VAR-BOA)** from **LDR Section 4.3.4(K), Development Standards Matrix – Residential Zoning Districts** reduce the side-interior (west) setback from the minimum requirement of 12 feet to 10 feet 2.6 inches, , associated with a proposed addition to the existing single-family residence, by finding that the request is consistent with the findings set forth in LDR Section **2.4.11(A)(5)(a-f)** made by John DeLacio and seconded by Brenda Cullinan.

MOTION APPROVED 6-0

MOTION to approve the Variance request for **1220 Crestwood Drive (2024-251-VAR-BOA)** from **LDR Section 4.3.4(K), Development Standards Matrix – Residential Zoning Districts** minimum requirement of 12 feet to 10 feet 1 inch, associated with a proposed addition to the existing single-family residence, by finding that the request is consistent with the findings set forth in LDR Section **2.4.11(A)(5)(a-)** made by Jesse Schloesser and seconded by John DeLacio.

MOTION APPROVED 6-0

*Pursuant to (LDR) Section 4.3.4(K), 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 6th day of March 2025.*

C. 612 SE 3rd Avenue (2025-070-VAR-BOA): Consideration of a variance request from Land Development Regulation (LDR) Section 4.6.15(G)(1)(a), Swimming Pool, Whirlpools, and Spas: Yard Encroachment, to reduce the rear setback to eight feet, whereas a minimum of 10 feet is required, associated with the construction of a new swimming pool.

Address: 612 SE 3rd Avenue

PCN: 12-43-46-21-01-007-0240

Applicant/ Owner: Garrett Bender; gmb@raslg.com Agent: Corey O’Gorman;

corey@placepnd.com

Planner: Jennifer Buce, buce@mydelraybeach.com

Exparte Communication

None

Applicant Presentation

Corey O’Gorman, Place Planning, Agent

Staff Presentation

Jennifer Buce, Senior Planner, gave the City's presentation.

Public Comments

None

Rebuttals/Cross Examination

None

Staff Comments

None

Board Comments

The Board debated the need for variances in this neighborhood; it was noted this would be the first on this block.

Mr. DeLacio asked when the house was designed, was a pool considered and is the house built up to the front setback.

Mr. O'Gorman stated the original design was to meet the setbacks of the lot as it was originally platted at 130', the 2' dedication was discovered during the permitting process and that it may have been missed by the architect or not available to the designer.

The Board spoke about how and when pools are represented on building permits.

Mr. DeLacio asked what the necessity for the '2 is.

Mr. O'Gorman expressed that there is 5' needed around the pool for deck space for seating.

Mr. DeLacio asked what the front setback is.

Mr. O'Gorman provided that the setback is 25' and the home is built up to the setback.

The Board discussed the lot sizes in Osceola Park.

Mr. Kasser confirmed the variance specifications.

Ms. Morales inquired if the pool has to be 30' by 12' and is it standard, and could a pool still be built without the dedication.

Mr. O'Gorman answered it was originally designed bigger, and no, the pool as designed is smaller than standard, and yes, a pool can be built smaller without the need for a variance.

Mr. DeLacio asked if the fence on the plans has to be within property lines and off right of way.

Ms. Brown confirmed, the fence must be within property lines and not within the right of way.

Mr. O'Gorman added the wall along the alley will be constructed to building codes and standards.

MOTION to deny of the Variance request for **612 SE 3rd Avenue** (2025-070 VAR-BOA) from LDR Section 4.6.15(G)(1) to reduce the rear setback to eight feet, whereas a minimum of 10 feet is required, associated with the construction of a new swimming pool, by finding that the request is consistent with the findings set forth in LDR Section 2.4.11(A)(5)(a-f), made by John DeLacio and seconded by Mark Ronald

MOTION APPROVED 6-0

*Pursuant to (LDR) Section 4.6.15(G)(1)(a), all decisions of the Board of Adjustment are final. Based on the entire record before it, the Board of Adjustment **DENIED X** the variance solely for the purposes as presented at the meeting. The Board of Adjustment adopts this Order on this 6th day of March 2025.*

8. REPORTS AND COMMENTS

Ms. Brown stated the Robert's Rules of Order Workshop is available for review. April 3rd meeting currently has no agenda items and Mark Ronald will not be able to attend.

Mr. Ronald reiterated that the alley ways are used often.

Mr. DeLacio praised the planner's presentation and asked for further clarification on non-confirming lot regulations.

Ms. Buce agreed clarification can be made.

Ms. Vega added the board can motion to reconsider the motion at a future meeting.

Mr. Ronald thinks this applicant has ample room to operate within the code and granting a variance like this could establish a precedent.

Mr. Kasser clarified that each application needs to stand on its own so precedents should not affect your decision.

Mr. Ronald clarified that their decision will affect the number of applications the board receives.

MOTION to reconsider the denial of Variance request for **612 SE 3rd Avenue** (2025-070 VAR-BOA) from LDR Section 4.6.15(G)(1) to reduce the rear setback to eight feet, whereas a minimum of 10 feet is required, associated with the construction of a new swimming pool, by finding that the request is consistent with the findings set forth in LDR Section 2.4.11(A)(5)(a-f), Jesse Schlosser motion to reconsider Brenda Cullinan seconded.

MOTION DID NOT PASS 3-3

9. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 6:53pm.

The undersigned is the Secretary of the Board of Adjustment, and the information provided herein is the Minutes of the meeting of said body for March 6, 2025, which were formally adopted and APPROVED by the Board on July 17, 2025.

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.