

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

MEETING DATE: October 5, 2023

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

The meeting was called to order by Robert Cohen, Chair at 5:04 p.m.

2. ROLL CALL

A quorum was present.

Members present: Robert Cohen, Chair; Mike Miles, Vice Chair; Brenda Cullinan, 2nd Vice Chair; William Schloesser, and Vlad Dumitrescu.

Members absent: Alek Hayes

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

3. APPROVAL OF AGENDA

Motion to approve the agenda of October 5, 2023, was made by Vlad Dumitrescu and seconded by Brenda Cullinan.

MOTION CARRIED 5-0

4. MINUTES

None

5. SWEARING IN OF THE PUBLIC

Robert Cohen 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

Peter Carney, Carney Staton - Mr. Carney was representing Mr. Thomas Carney, the agent for 809 NW 2nd Street to request that the Board consider reconsideration of the request at 809 NW 2nd Street, which was heard at the September meeting.

NOTE: Comments on items that are NOT on the Agenda will be taken immediately prior to Public Hearing Items. Speakers will be limited to 3 minutes.

7. Public Hearing Items

A. 1215 Milfred Street (2023-205): Consideration of a variance request from Land Development Regulation (LDR) Section 4.3.4(K) Development Standard Matrix, for the reduction of the side-interior (east) and rear (north) setbacks from a minimum of 10 feet to five feet, associated with the new construction of a 5,987.93 square foot warehouse and office building.

Address: 1215 Milfred Street

PCN: 12434620190000111

Owner/Agent: Kristen Nowicki, AICP; Kristen.nowicki@wginc.com

Planner: Alexia Howald, Senior Planner, howalda@mydelraybeach.com

Alexis Howald, Senior Planner, entered the file 2023-205 into the record.

Experte

Robert Cohen-None

William Schloesser-None

Brenda Cullinan-None

Vlad Dumitrescu-None

Mike Miles-None

Applicant Presentation

Kristen Nowicki-WGI

Jaime Mayo-H&M Architecture

Staff Presentation

Alexis Howald, Senior Planner, presented the project by means of a PowerPoint presentation.

Public Comments

None

Rebuttal/Cross Examination

Alexis Howald - Ms. Howald identified an error on the PowerPoint but noted that the information was correct in the staff report regarding Criterion 'C' from the LDR that the special conditions and circumstances have not resulted from actions of the applicant.

Board Comments

Brenda Cullinan asked that between the house and what will be built, will any high hedges be planted.

William Bennett commented that the only thing before the Board is the variance.

Vlad Dumitrescu had a question regarding the purpose of a five-foot setback. Ms. Alvarez stated that setbacks provide relief between buildings, and the ability to maintain your building and landscape.

Mr. Mayo commented that the intent of the use of these buildings is industrial and, regarding fire separation, there are no windows on the side to eliminate the noise issue and no fire issues.

Mike Miles asked if the land was platted and how did the lot get chopped up. Ms. Alvarez said that history is interesting where owners requested what part of their land that they want and that is all that they want.

Robert Cohen asked what would be the impact if the building was moved. Mr. Bennett remarked to clarify that the actual criteria refers to the reasonable use of the land.

Mike Miles asked if the zoning was residential before it was changed to mixed industrial commercial. Ms. Alvarez said that there was not a full zoning history done on the property.

MOTION to move approval of the variance request for the property addressed as 1215 Milfred Street, for the reduction of the side interior setback (east) from a minimum of 10 feet to five feet, by finding that the request is consistent with the findings set forth in the Land Development Regulations Section 2.4.7(A)(5) was made by Mike Miles and seconded by Jesse Schloesser.

MOTION CARRIED 5-0

*Pursuant to LDR Section 2.2.4(D)(8), 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 5th day of October 2023.*

MOTION to deny the variance request for the property addressed as 1215 Milfred Street, for the reduction of the rear (north) setbacks from a minimum of 10 feet to five feet, by finding that the request is inconsistent with the findings set forth in the Land Development Regulations Section 2.4.7(A)(5) was made by Brenda Cullinan and no second.

Mr. Bennett explained that we have a motion and no second. A second can be made with discussion and if not the motion is dead.

MOTION to **deny** the variance request for the property addressed as 1215 Milfred Street, for the reduction of the rear (north) setbacks from a minimum of 10 feet to five feet, by finding that the request is inconsistent with the findings set forth in the Land Development Regulations Section 2.4.7(A)(5) was by Mike Miles and seconded by Brenda Cullinan.

MOTION CARRIED 4-1

*Pursuant to LDR Section 2.2.4(D)(8), all decisions of the Board of Adjustment are final. Based on the entire record before it, the Board of Adjustment **DENIES** X the variance solely for the purposes as presented at the meeting. The Board of Adjustment adopts this Order this 5th day of October 2023.*

8. Reports and Comment

A. Staff Comments

The next meetings will be:

November 2, 2023

Board appointments are going to occur on October 17, 2023, at the City Commission Meeting.

B. Attorney Comments

Mr. Bennett said that if the Board would like to talk about Mr. Carney's reconsideration letter it would need to be considered at this meeting (a copy of the local rules for reconsideration of a project was given to the board).

The Board was not in favor of reconsidering.

Mr. Bennett introduced and welcomed to the Board Daniela Vega, a new Assistant City Attorney.

C. Board Comments

None

9. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 6:30pm.

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 **October 5, 2023**, which were formally adopted and APPROVED by the Board on _____.

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.