

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

MEETING DATE: January 6, 2022

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

The meeting was called to order by Garland Williams (Chairman) at 5:06 p.m.

2. ROLL CALL

A quorum was present.

Members present: Garland Williams (Chairman), Robert Cohen (Vice Chairman), Vlad Dumitrescu (2nd Vice Chairman), Alexander Candia, Scott Clark, Alek Hayes and Carol Fredericks.

Member absent: None

Staff Present: William Bennett, Asst. City Attorney, Amy Alvarez, Principal Planner, Jennifer Buce, Planner and Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Motion to approve the Agenda of January 6, 2022, was made by Robert Cohen and seconded by Vlad Dumitrescu

MOTION CARRIED 7-0

4. MINUTES

None

5. SWEARING IN OF THE PUBLIC

Garland Williams read the Quasi- Judicial Rules for the City of Delray Beach and Ms. Miller swore in all who wished to give testimony.

William Bennett, Asst. City Attorney provided the updated *City of Delray Beach Procedures for Quasi-Judicial Hearings*. The updates to the procedures were a change in time limits for the applicant and city staff. The time was changed to a maximum of twenty (20) minutes for their full presentation. The other update was for *Extension of Time by the Commission or Board*. Either one of these boards at their reasonable discretion can extend the time for the presentation.

6. COMMENTS FROM THE PUBLIC

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.

None

7. QUASI-JUDICIAL ITEMS

A. File Number (2022-018) 614 SE 4th Avenue: Consideration of a variance request from Land Development regulation (LDR) Section 4.3.4(K) to maintain the existing side interior setback at six feet two inches for a second floor addition to maintain the existing nonconformity side interior setback at six feet two inches for a second-floor addition.

Exparte

Garland Williams- No
Robert Cohen- No
Alexander Candia- No
Scott Clark- Drive by
Vlad Dumitrescu- No
Alek Hayes- Drive by
Carol Fredericks- No

Jennifer Buce, Planner entered file #2022-018 into the record.

Applicant Presentation

Abhi Kanthan, Kanthan Design Corporation, 631 Potter Road, Boynton Beach, FL 33435

Staff Presentation

Jennifer Buce, Planner presented the project by means of a PowerPoint presentation.

Public Comments

Michael Muha – 622 SE 4th Avenue- Opposed the variance request, as he viewed it as open ended and would create a precedent for future request for side yard setback variance requests in the Osceola Park neighborhood.

Board Comments

Robert Cohen requested clarification as to the survey provided, which shows the actual distance from the structure to the property line is roughly seven feet four inches and not six feet two inches, 2.4 inches short of the required setback. Aleksandra Hayes clarified that the structure is not designated as a structure. There was Board discussion regarding the survey presented as it did not show the actual dimensions from the southern property line to the rear of the structure.

Amy Alvarez recommended that the Board can make a motion to continue with direction and request a survey showing the distance from the southern interior property line and the structure. William Bennet provided counsel to the Board as to what actions the Board can pursue in determining the actual distance between the southern property line and the rear of the structure.

MOTION to continue with direction to provide a survey showing the dimensions from the back of the structure to the rear property line by January 18, 2022, for the February 3, 2022 Board of Adjustments hearing made by Carol Fredericks and seconded by Robert Cohen.

MOTION CARRIED 7-0

8. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 6:00 P.M.

DRAFT

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 **January 6, 2022**, which were formally adopted and APPROVED by the Board on **May 5, 2022**.

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.