

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

**MEETING DATE:** March 10, 2022

**MEETING PLACE:** City Commission Chambers

**1. CALL TO ORDER**

The meeting was called to order by Garland Williams (Chairman) at 5:01 p.m.

**2. ROLL CALL**

A quorum was present.

**Members present:** Garland Williams (Chairman), Robert Cohen (Vice Chairman), Scott Clark, Alek Hayes and Carol Fredericks.

**Member absent:** Alexander Candia, Vlad Dumitrescu (2<sup>nd</sup> Vice Chairman).

**Staff Present:** William Bennett, Asst. City Attorney, Scott Pape, Principal Planner, Alexis Rosenberg, Senior Planner, Julian Gdaniec, Senior Planner and Diane Miller, Board Secretary.

**3. APPROVAL OF AGENDA**

**5 (a)** swearing in of the public was inserted into the agenda as it was omitted.

**6(b)- 1221 Laing Street Variance (2022-072)** has been withdrawn from the agenda as a quorum cannot be reached.

**6(c)** 1115 N Swinton Avenue (2022-073) was amended to **6(b)**

**Motion** to approve the Agenda of March 10, 2022, as amended was made by Robert Cohen and seconded by Carol Fredericks.

**MOTION CARRIED 5-0**

**4. MINUTES**

**MOTION** to approve minutes for August 5, 2021, October 7, 2021, and November 4, 2021, was made by Carol Fredericks and seconded by Robert Cohen

**MOTION CARRIED 5-0**

**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.

**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 (2022-087) 358 N Ocean Boulevard:** Consideration of a variance request from Land Development Regulation (LDR) Section 4.3.4(K), Development Standards Matrix – Residential Zoning Districts, to allow a front setback of 21 feet and six inches in lieu of the required 35 feet.

### **Exparte**

Garland Williams- No

Robert Cohen- No

Scott Clark- No

Alek Hayes- No

Carol Fredericks- No

Alexis Rosenberg, Senior Planner entered file #2022-087 into the record.

### **Applicant Presentation**

Thomas F. Carney Jr, Carney Stanton 135 SE 5<sup>th</sup> Avenue Delray Beach FL 33483

Daniel Sheriff, Architect- Stofft Architects 42 N Swinton Avenue Delray Beach FL 33444

### **Staff Presentation**

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

### **Public Comments**

None

### **Rebuttal/Cross**

Thomas Carney-Wanted to emphasize the set back problem and they are aware of this.

### **Board Comments**

Robert Cohen requested clarification as to the Applicant justification letter, noting that the address listed on the first page stated 344 N Ocean Boulevard, Mr. Carney stated that it was an error and should state 358 N Ocean Boulevard. Mr. Cohen requested additional information regarding as to what would be located underneath the deck if the variance is approved. Alek Hayes noted that properties to the south of the subject property have similar right of ways and approving the requested variance would not alter the general appearance of Ocean Boulevard. Scott Clark inquired whether granting this variance would create a precedent for similarly situated properties in the future, William Bennet responded that each request is reviewed individually, and it was the sole discretion of the Board if any future requests for similar variances are granted in the future. Mr. Cohen noted that it appears that the fence on the property is constructed past the property lines.

**MOTION** of approval of the Variance request for 358 N Ocean Boulevard (2022-87-VAR-BOA) from LDR Section 4.3.4 (K) to allow a front setback of 21 feet and six inches in lieu of the required 35 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 Robert Cohen and seconded by Alek Hayes.

**MOTION APPROVED 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 denies \_\_\_\_\_ the variance solely for the purposes as presented at the meeting. The Board of Adjustment adopts this Order this 10<sup>th</sup> day of March 2022.*

**b. File Number (2022-073) 1115 N Swinton Avenue, Variance (2022-073):** Variance to reduce the minimum required front setback from 30 feet to 26.5 feet for the portion of the property identified as Parcel 1 per the recorded plat.

**Exparte**

Garland Williams- No

Robert Cohen- No

Scott Clark- Received an email from Mr. Costello and spoke with him.

Alek Hayes- No

Carol Fredericks- Drove by, received an email from Mr. Costello and spoke with him.

Julian Gdaniec, Senior Planner entered file #2022-073 into the record.

**Applicant Presentation**

Jeff Costello, JC Planning Solutions 981 Delray Lakes Drive, Delray Beach, FL 33444

Ann Koplas, Owner of 1115 N Swinton Avenue, Delray Beach, FL 33444

**Staff Presentation**

Julian Gdaniec, Senior Planner presented the project by means of a PowerPoint presentation.

**Public Comments**

None

**Rebuttal/Cross**

None

**Board Comments**

Robert Cohen requested clarification of page 3 of the staff report as it incorrectly stated, "to reduce the front setback from seven feet, six inches, to six feet, two inches" staff agreed that it was written in error and should read "to reduce the front setback from 30 feet, to twenty six feet, six inches". William Bennet informed the Board that if the variance is approved it will run with the land, whether the garage exists or not. Alek Hayes noted that the adjacent structures along NE 12<sup>th</sup> Road appear to be within the 30-foot front setback requirements and granting the waiver would not alter the overall appearance of NE 12<sup>th</sup> Street.

**MOTION** to approve the Variance request for 1115 N Swinton Avenue (2022-073-VAR-BOA) from LDR Section 4.3.4 (K) to allow a front setback of 26 feet and six inches in lieu

of the required 30 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 Robert Cohen and seconded by Carol Fredericks.

**MOTION APPROVED 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 denies     the variance solely for the purposes as presented at the meeting. The Board of Adjustment adopts this Order this 4<sup>TH</sup> day of November 2021.*

**Reports and Comments**

A. Staff Comments-None

B. Attorney Comments

-With the postponement of item 6B we would like not to have the applicant wait till April to hear his item. We would like to hear it on March 22, 23 or 24. The board secretary will email everyone regarding availability. Mr. Pape mentioned that the 23<sup>rd</sup> would not be available as it is SPRAB meeting.

C. Board Comments-None

**8. ADJOURN**

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

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 **March 10, 2022**, which were formally adopted and **APPROVED** by the Board on **XXXXXXX**

**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.