

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

**MEETING DATE:** October 6, 2022

**MEETING PLACE:** City Commission Chambers

**1. CALL TO ORDER**

The meeting was called to order by William Bennett, Asst. City Attorney at 5:01 p.m.

**2. ROLL CALL**

A quorum was present.

**Members present:** Robert Cohen (Chairman), Vlad Dumitrescu (2nd Vice Chairman), Scott Clark, Mike Miles and Carol Fredericks (2<sup>nd</sup> Vice Chairman).

**Member absent:** Garland Williams (Vice Chairman), Alex Hayes.

**Staff Present:** William Bennett, Asst. City Attorney, Scott Pape, Development Permit Manager, Jennifer Buce, Planner, Susana Rodriguez, Planner and Diane Miller, Board Secretary.

**3. ELECTION OF OFFICERS**

William Bennett announced that the next item on the agenda will be Election of Officers and announced the process of electing officers.

Motion made by Carol Fredericks to nominate Robert Cohen as Chairman and seconded by Vlad Dumitrescu.

**Motion Carried 5-0**

Motion made by Carol Fredericks to nominate Garland Williams as Vice Chairman and seconded by Robert Cohen

**Motion Carried 5-0**

Motion made by Scott Clark to nominate Carol Fredericks as 2<sup>nd</sup> Vice Chairman and seconded by Robert Cohen.

**Motion Carried 5-0**

**4. APPROVAL OF AGENDA**

**Motion** to approve the agenda of October 6, 2022, was made by Scott Clark and seconded by Vlad Dumitrescu.

**MOTION CARRIED 5-0**

#### **4. MINUTES**

**Motion** to approve minutes for May 5, 2022, was made by Carol Fredericks and seconded by Mike Miles.

**MOTION CARRIED 5-0**

**Motion** to approve minutes for June 16, 2022, was made by Vlad Dumitrescu and seconded by Scott Clark.

**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**

**None**

**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. QUASI-JUDICIAL ITEMS**

**A. 342 SW 4th Avenue (2022-193):** Consideration of a variance request to reduce the required 10-foot rear setback to 8 feet located in the R-1-A zoning district pursuant to LDR Section 4.3.4(K).

Address: 342 SW 4th Avenue

PCN: 12-43-46-16-01-032-0170

Owner/Agent: Developers Contractors Group Inc,;drr@decogroup.net/Charles Halberg;chuckh@staurtand shelby.com

Planner: Jennifer Buce;buce@mydelraybeach.com

Jennifer Buce entered the file 2022-193 into the record.

#### **Exparte**

Robert Cohen- No

Scott Clark- No

Carol Fredericks- No

Vlad Dumitrescu – No

Mike Miles-No

#### **Applicant Presentation**

Chuck Halberg, 120 NE 4<sup>th</sup> Avenue, representing Mr. David Reyes, Deco Group

#### **Staff Presentation**

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

### **Public Comments**

None

### **Rebuttal/Cross**

Chuck Halbert-Said that at City Commission they had asked what kind of house will be built. The house will be a modest 1/story home.

### **Board Comments**

Vlad Dumitrescu asked applicant why he was seeking this variance for the rear setback. Carol Fredericks would like to clarify on Item C, how do the special conditions have not resulted from the actions of the applicant and the City's intended expansion is the direct cause of the applicant's variance request. William Bennett, Asst. City Attorney explained that the City always need room to accommodate infrastructure.

Mike Miles-This house is the only 90 ft. lot and showing the hardship and questioning this corridor in general. Jennifer Buce, Planner explained that this corridor is the oldest corridor, and they are smaller scale.

William Bennett addressed Mr. Halbert saying that due to the fact that there are only five board members here tonight and speaking before the meeting saying that all five members need to have a positive vote. If Mr. Halbert would like to postpone the vote until there is a full board it is his choice. Mr. Halbert stated that he would like to proceed.

William Bennett, Asst. City Attorney read into the record the board orders.

**MOTION** to move approval of the Variance request for 342 SW 4th Avenue (2022-193-VAR-BOA) from LDR Section 4.3.4(K) to allow an eight foot setback to the rear of the property where ten feet is required 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 Carol Fredericks and seconded by Mike Miles.

### **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 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 April 2022.*

**B. Snyder Residence (2022-255):** Consideration of a Variance request to allow the dock to extend beyond 25 feet from the property for a total of 28 feet and six inches and the boatlift to extend more than 20 feet into the waterway for a total of 32 feet and 10 inches.

Address: 1715 Del Haven Dr C

PCN: 12-43-46-21-36-000-0030

Applicant/Agent: Christina Bilenki, Esq.; cbilenki@dmblaw.com

Planner: Susana Rodrigues; rodriguess@mydelraybeach.comPlanner: Jennifer Buce; [buce@mydelraybeach.com](mailto:buce@mydelraybeach.com)

**Applicant Presentation**

Christina Bilenki -Dunay, Miskel, and Backman Attorney-Aske, because there is only five board members we ask for a postponement to the next available board meeting.

**Exparte**

Carol Fredericks-None

Scott Clark-Worked with Ms. Bilenki but not on this project.

Mike Miles-Worked with Ms. Bilenki but not on this project.

Vlad Dumitrescu-None

Robert Cohen-None

**Public Comments**

None

**MOTION** to postponed Item 7B Snyder Residence (2022-255) to the November 3, 2022 meeting made by Carol Fredericks and seconded by Vlad Dumitrescu.

**MOTION APPROVED 5-0**

**8. Reports and Comments**

A. Staff Comments-Next meeting is November 3, 2022

Welcome to our new board member Mr. Mike Miles.

Please check your emails and voicemails.

B. Attorney Comments

Welcome our new board member Mr. Mike Miles.

C. Board Comments-None

**9. ADJOURN**

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

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 6, 2022**, which were formally adopted and APPROVED by the Board on \_\_\_\_\_.



**ATTEST:**

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**CHAIR**

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**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.