

**BOARD OF ADJUSTMENT  
CITY OF DELRAY BEACH, FLORIDA**

**PETITION # \_\_\_\_\_**

The submittal of an application package will require an application submittal appointment. The appointment is required to ensure that all required materials, exhibits, and information is included and provided. Prior to the submittal of the application package please call the Planning, Zoning and Building Department at 561-243-7040 for an appointment. All application packages will only be accepted for processing when deemed complete at the time of submittal. If the submittal is deemed incomplete, the application will not be accepted until all components, including any fees, are provided together in one submittal.

The undersigned petitions the Board of Adjustment of the City of Delray Beach, Florida to consider the granting of a variance for the parcel(s) of land described in this application.

NAME OF APPLICANT: \_\_\_Darren L. Moser\_\_\_\_\_ Phone: (612) \_\_\_801-2308\_\_\_\_\_

ADDRESS OF APPLICANT: \_\_\_1501 Dale Lane, Delray Beach, FL 33444\_\_\_ Fax: \_\_\_( )\_\_\_\_\_

PROPERTY INTEREST OF APPLICANT: 1501 Dale Lane, Delray Beach, FL 33444\_\_\_\_\_

NAME AND ADDRESS OF PROPERTY OWNER: \_\_\_Darren L. Moser, 1501 Dale Lane, Delray Beach, FL 33444\_\_\_\_\_

SUBJECT PROPERTY:

ADDRESS: \_\_\_1501 Dale Lane, Delray Beach, FL 33444\_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_Lot 4, Block 1, of "Totterdale Addition"\_\_\_\_\_

FOLIO # \_\_\_12-43-46-08-20-001-0040\_\_\_\_\_

PRESENT ZONING: \_\_\_R-1-A\_\_\_\_\_ LOT SIZE/AREA: \_\_\_8,250\_\_\_\_\_

PRESENT USE OF PROPERTY: Single Family\_\_\_\_\_

PROPOSED USE OF PROPERTY: Single Family Residential\_\_\_\_\_

DESCRIPTION OF VARIANCE(S): (LIST THE LAND DEVELOPMENT OR CODE OF ORDINANCE SECTION YOU WOULD LIKE THE VARIANCE FROM AND WHAT IS PROPOSED - PLEASE CONTACT THE PLANNING, ZONING AND BUILDING DEPARTMENT IF YOU HAVE ANY QUESTIONS:

*LDR Section 4.6.13 (G)(I). Proposing construction of a new swimming pool, to be located with in the side interior setback which is 10 ft .*

*To a reduction of 5 feet from the required set back*

LIST THE NAME(S), ADDRESS(ES) AND PHONE NUMBER(S) OF ANY CONSULTANT(S), IF ANY (i.e. - ARCHITECT, ENGINEER, ATTORNEY, ETC.) WHO MAY SPEAK ON YOUR BEHALF AT THE BOARD MEETING:

None

**PLEASE COMPLETE THIS PORTION OF THE APPLICATION CAREFULLY. EACH REQUEST FOR A VARIANCE MUST STAND ON ITS OWN MERITS WITHOUT REGARD TO ANY OTHER PROPERTY.**

The following questions pertain to the criteria upon which the Board of Adjustment will consider this application.

1. Describe which special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district:

Please see attached letter of explanation

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2. Describe which literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning:

Please see attached letter of explanation

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3. Explain how special conditions and circumstances have not resulted from actions of the applicant:

Please see attached letter of explanation

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4. Explain how granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance.

Please see attached letter of explanation

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5. Describe how the reasons set forth in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure:

Please see attached letter of explanation

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6. Explain how the granting of the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare:

Please see attached letter of explanation

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7. Please add any other comments which may assist the Board of Adjustment in reviewing this request:

Please see attached letter of explanation

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## Letter of Explanation

May 15, 2019

City of Delray Beach  
Board of Adjustments  
100 N. W. 1<sup>st</sup> Ave  
Delray Beach, FL 33444

RE: Darren Moser  
1501 Dale Lane  
Delray Beach, FL 33444

To whom it may concern:

Please accept this letter to request the item listed below from the Board of Adjustment for the proposed new pool construction at the above referenced property, as follows:

**Item #1:** I am requesting a reduction in the interior side setback from the required 10' to 5', to allow for the proposed swimming pool which will be at grade.

1. *Describe which special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district:*

When I purchased the property; I intended to build a pool on the north side of the dwelling, the selling agent/contacter Orange Homes Corporation explained this property was approved for a pool in this location. To the south of the proposed pool location is an addition installed by the original owner. The addition was installed in the center of the property limiting the area for the proposed pool. With the current interior side setback on the North side of the property the pool size can be no larger than 9' x 24'. The average size "back yard" pool is 15' x 30'. Increasing the interior side setback from 10' to 5' will allow for a 14' x 24' pool which can be considered average size.

2. *Describe which literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning:*

In this neighborhood; more specifically, within the surrounding 3 block area of this address many structures including pools detached buildings and attached structures are located within the 10' interior side setback. I am aware of two pool variances granted for interior side setbacks; one of which is 1410 Dale lane, located directly across the street from this address. The interior side setback variance was granted for 3-5 feet, I am requesting a minimum of 5'. The other is 402 Lake Drive, this address is only 4 houses away from this address.

3. *Explain how special conditions and circumstances have not resulted from actions of the applicant:*

Since I have purchased this property, I have made no exterior improvements impacting my neighbors.

4. *Explain how granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance.*

Granting an interior side setback of 5' vs 10' will not impede or limit the enjoyment/use of my neighbor's property. If granted the interior side setback will allow for ample growth of vegetation creating privacy enjoyed on both sides of the property line. The properties are also divided by a 6' high privacy fence, the fence is shared and maintained by both property owners.

Several of my immediate neighbors have structures including: pools, attached or unattached buildings and or covered patio areas located within the 10' interior side setback no additional privilege will be granted to this property by allowing this variance.

5. *Describe how the reasons set forth in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure:*

Granting this variance of 5' will allow for a reasonably sized pool to be installed at this address, the average size "back yard" pool is 15' x 30', the proposed pool will be 14' x 24'. Granting a 5' interior side setback variance will allow for the pool to be set of the North side of the previously installed family room addition with enough area to walk between the pool and the dwelling to access the balance of the back yard.

6. *Explain how the granting of the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare:*

The variance request is for 5'; if the request is granted the 5' setback will allow for ample access and vegetation growth on the North side of this property creating privacy for the neighboring property. This will not impact my neighbor's use or enjoyment of his property. Also; as at least two variances for interior side setbacks of 3'-5' have been granted within 500 ft of this address, satellite imagery shows several buildings/structures attached or detached located within the interior side setback of 10' in the surrounding three blocks of this address.

7. *Please add any other comments which may assist the Board of Adjustment in reviewing this request:*

I am a combat veteran with joint issues; a pool large enough to allow for daily low impact exercise is beneficial to my health. I have also discussed this pool project with my neighbor DJ Lee, 561-715-1828, DJ's address is 1507 Dale Ln which is directly North of

my property. He has no concerns or issues the increased interior side setback or pool installation.

I have enclosed the applications for the two approved interior side setbacks located within 500' of this address, current survey, plot plan for the proposed pool location and a copy of my Military Discharge papers.

Thank you for your consideration,

Darren Moser  
612-801-2308



# PINNELL SURVEY, INC.

5300 W. HILLSBORO BLVD., SUITE 215-A COCONUT CREEK, FLORIDA 33073  
PHONE(954)418-4940 FAX(954)418-4941 EMAIL: order@sfland.net  
CERTIFICATE NO.: LB6857

## SURVEY ADDRESS:

1501 DALE LANE  
DELRAY BEACH, FLORIDA 33444

## CERTIFY TO:

1. DARREN L. MOSER
2. DELRAY BEACH TITLE COMPANY
3. WESTCOR LAND TITLE INSURANCE COMPANY
4. BELL BANK MORTGAGE, ITS SUCCESSORS AND/OR ASSIGNS, AS THEIR INTEREST MAY APPEAR

## FLOOD ZONE & ELEVATIONS:

FLOOD ZONE: X  
BASE FLOOD ELEVATION: N/A  
CONTROL PANEL NO.: 125102-0977-F  
DATE OF FIRM INDEX: 10/05/17

## POTENTIAL ENCROACHMENTS:

1. 6 FOOT WOOD FENCES CROSS OVER THE NORTHERLY PROPERTY LINE.
2. 6 FOOT CHAIN LINK FENCE CROSSES OVER THE SOUTHERLY PROPERTY LINE.
3. 6 FOOT WOOD FENCE, 4 FOOT CHAIN LINK FENCE AND 6 FOOT CHAIN LINK FENCE ENCROACHING INTO 5 FOOT UTILITY EASEMENT ALONG THE EASTERLY PORTION OF THE SUBJECT PROPERTY.
4. 4 FOOT CHAIN LINK FENCE CROSSES OVER THE SOUTHERLY PROPERTY LINE.

## LEGAL DESCRIPTION:

LOT 4, BLOCK 1, OF "TOTTERDALE ADDITION", ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, AT PAGE 151, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

## LEGEND & ABBREVIATIONS:

A	= ARC	D.E.	= DRAINAGE EASEMENT	P.C.	= POINT OF CURVATURE
A/C	= AIR CONDITIONER	ELEV.	= ELEVATION	P.E.	= POOL EQUIPMENT
A.E.	= ANCHOR EASEMENT	E.S.	= ELECTRIC SERVICE	P.I.	= POINT OF INTERSECTION
B.M.	= BENCHMARK	F.P. & L.	= FLORIDA POWER & LIGHT	P.R.C.	= POINT OF REVERSE CURVE
B.C.R.	= BROWARD COUNTY RECORDS	L.B.	= LICENSED BUSINESS	P.O.B.	= POINT OF BEGINNING
C.B.S.	= CONCRETE BLOCK STRUCTURE	L.P.	= LIGHT POLE	P.O.C.	= POINT OF COMMENCEMENT
CHATT.	= CHATTAHOOCHEE	M.H.	= MANHOLE	P.P.	= POWER POLE
C.O.	= CLEANOUT	(M)	= MEASURED	R	= RADIUS
CONC.	= CONCRETE	NAVD	= NORTH AMERICAN VERTICAL DATUM	R/W	= RIGHT-OF-WAY
C.L.F.	= CHAIN LINK FENCE	NGVD	= NATIONAL GEODETIC VERTICAL DATUM	T	= TANGENT
C.L.P.	= CONCRETE LIGHT POLE	NO.	= NUMBER	(TYP.)	= TYPICAL
(C)	= CALCULATED	O.H.	= OVERHANG	U.E.	= UTILITY EASEMENT
C.B.	= CHORD BEARING	O.R.B.	= OFFICIAL RECORDS BOOK	W.F.	= WOOD FENCE
C.R.	= CABLE RISER	O/S	= OFFSET	W.M.	= WATER METER
(D)	= DEED	(P)	= PLAT	$\Delta$	= DELTA OR CENTRAL ANGLE
D.B.	= DEED BOOK	P.B.C.R.	= PALM BEACH COUNTY RECORDS	$\frac{C}{L}$	= CENTERLINE
M-D.C.R.	= MIAMI-DADE COUNTY RECORDS	P.B.	= PLAT BOOK	$\frac{E}{L}$	= ELEVATION

## GENERAL NOTES:

1. TYPE OF SURVEY: BOUNDARY
2. IF THIS SURVEY HAS BEEN REVISED AS INDICATED IN THE REVISION BOX SHOWN HEREON, THEN ANY AND ALL PREVIOUS VERSIONS OF THIS SURVEY PREPARED BY PINNELL SURVEY, INC. ARE NULL & VOID.
3. THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF RECORD BY PINNELL SURVEY, INC. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT DEPICTED ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY, FOR WHICH THE SUBJECT PROPERTY IS LOCATED IN.
4. UNLESS OTHERWISE NOTED, FIELD MEASUREMENTS ARE IN AGREEMENT WITH RECORD MEASUREMENTS.
5. ELEVATIONS SHOWN HEREON (IF ANY) ARE RELATIVE TO NAVD 1988, UNLESS OTHERWISE NOTED.
6. UNDERGROUND IMPROVEMENTS AND UTILITIES ARE NOT LOCATED.
7. FENCE AND WALL OWNERSHIP IS NOT DETERMINED.
8. THIS DRAWING IS THE PROPERTY OF PINNELL SURVEY, INC. AND SHALL NOT BE USED OR REPRODUCED, WHOLE OR IN PART WITHOUT WRITTEN PERMISSION & AUTHORIZATION FROM PINNELL SURVEY, INC.
9. ALL EASEMENTS SHOWN ON THE ATTACHED DRAWING ARE PER THE RECORD PLAT (UNLESS OTHERWISE NOTED).
10. THIS SURVEY IS FOR MORTGAGE AND TITLE PURPOSES ONLY.

## CERTIFICATION:

THIS IS TO CERTIFY THAT I HAVE RECENTLY SURVEYED THE PROPERTY DESCRIBED IN THE FOREGOING TITLE CAPTION AND HAVE SET OR FOUND MONUMENTS AS INDICATED ON THIS SKETCH AND THAT SAID ABOVE GROUND SURVEY AND SKETCH ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE UNDER RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



03/21/18

JASON H. PINNELL  
PROFESSIONAL SURVEYOR & MAPPER  
LICENSE NO. 5734, STATE OF FLORIDA

UPDATE SURVEY (18-0469)	03/20/18	S.A.
REVISIONS	DATE	CHK'D BY

SKETCH NO.: 16-0427

DATE OF SURVEY: 03/14/16

CHECKED BY: J.P.

FIELD BOOK/PAGE: 526/13

SIDE 1 OF 2

(50' RIGHT-OF-WAY)  
20.5' ASPHALT PAVEMENT



SCALE: 1" = 20'	SKETCH NO.: 16-0427
DRAWN BY: Q.D.L.	SIDE 2 OF 2



## Plot Plan

# CITY OF DELRAY BEACH



100 N.W. 1st AVENUE · DELRAY BEACH, FLORIDA 33444 · 561/243-7000

## PUBLIC NOTICE # 940

1993  
2001

A petition has been received from BRIAN AND SUZANNE CAULEY requesting a variance from the terms of Section 4.3.4 (K) (Matrix) of the Land Development Regulations of the City of Delray Beach relating to setback requirements in the R-1AA(Single Family) zoning district. The applicant is requesting to reduce the side and rear setback from 10 feet to 3-5 feet to allow a swimming pool. You are located within a 500-foot radius of the following described property:

Lot 12, Block 1, Totterdale, according to the plat thereof as recorded in Plat Book 23, Page 151, of the Public Records of Palm Beach County, Florida

Property Address: 402 Lake Drive

The BOARD OF ADJUSTMENT will conduct a **Public Hearing at 5:30 PM, Thursday, November 21, 2002** or at any continuation of such meeting, which is set by the Board of Adjustment in the Commission Chambers at the City Hall, 100 NW 1st Avenue, Delray Beach, Florida, all persons interested will be given an opportunity to be heard. Please be advised that if a person or persons decides to appeal any decision made by the Board of Adjustment with respect to any matter considered at this meeting or hearing, such persons will need a record of these proceedings, and for this purpose such persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not provide or prepare such record. Pursuant to F.S. 286.0105.

If you would like further information, please contact Donna Quinlan, Community Improvement Department, City Hall, 100 NW 1st Avenue, Delray Beach, Florida 33444, Phone: 561/243-7203.

CITY OF DELRAY BEACH  
Barbara Garito  
City Clerk  
(For Secretary of the Board)

BOA.940

# CITY OF DELRAY BEACH



1993  
2001

100 N.W. 1st AVENUE · DELRAY BEACH, FLORIDA 33444 · 561/243-7000

## PROPERTY OWNERS:

THE ORIGINAL NOTICE YOU RECEIVED WAS CORRECT; THE REVISED NOTICE WAS SENT IN ERROR.

WE ARE RESENDING THE ORIGINAL NOTICE. THE ONLY CHANGE IS THE HEARING DATE, WHICH IS NOVEMBER 21<sup>ST</sup>.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL GEORGE DIAZ, CHIEF BUILDING OFFICIAL AT 561/243-7207 OR DONNA QUINLAN AT 561/243-7203.

WE APOLOGIZE FOR ANY CONFUSION.

APPEAL FOR A VARIANCE TO THE  
CITY OF DELRAY BEACH BOARD OF ADJUSTMENT

Appeal # 940 Receipt # 40045 000 Filing Date 10/8/02 Fee 151.25

1. The undersigned applicant(s) hereby file this Appeal requesting a variance from the terms of Section 4, 3, 4 (10) of the Land Development Regulations of the City of Delray Beach, pursuant to Section 2.2.4.

2. Zoning District: R-1AA

3. The owner(s) of the record for the property are: BRIAN E. CAULEY AND SUZANNE CAULEY

4. The legal description of the subject property is: LOT 12, BLOCK 1, PLAT OF TOTTERDALE ADDITION; PLATBOOK 23, PAGE 151

The street address of the subject property is: 402 LAKE DRIVE, DELRAY BEACH

5. Other than this Appeal, please state whether you or your predecessor(s) of title have ever filed an Appeal with the City of Delray Beach Board of Adjustment regarding the subject property. If so, please state the nature of the Appeal, the date the Appeal was filed, the Appeal Number and whether the Appeal was granted or denied:

NO

6. If the Appeal is granted, the effect will be to: PERMIT CONSTRUCTION OF A POOL WITHIN THE SIDE AND REAR SETBACKS

7. Check and fill in the applicable space below to which you are requesting the variance:  
(example: Front Setback, Code Requirement: 12 ft Request: 10 ft)

		<u>Code Requirement</u>	<u>Request</u>
Front Setback			
Side Setback	<u>X</u>	<u>10 FEET</u>	<u>3-5 FEET</u>
Rear Setback	<u>X</u>	<u>10 FEET</u>	<u>3-5 FEET</u>
Lot Area			
Lot Width			
Lot Depth			
Floor Elevation			
Parking			
Other			

8. Please attach a letter of justification demonstrating your unnecessary hardship, in compliance with Section 2.2.4 of the Land Development Regulations of the City of Delray Beach.

8. Please attach a letter of justification demonstrating your unnecessary hardship, in compliance with Section 2.2.4 of the Land Development Regulations of the City of Delray Beach.

Any person or persons of any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by law.

The undersigned applicant(s) certifies under penalties of perjury that all the statements contained in this Appeal, including any statements attached to the Appeal or any papers or plans submitted herewith are true and correct.

Date: 10/7/02

Brian Curly  
Owner of Record or Authorized Agent \*

Address: 402 LAKE DRIVE  
DELRAY BEACH, FL 33444

Tel. No: 561-274-2058  
cell 561-445-3785

Date: 10/7/02

Sharon Curley  
Owner of Record or Authorized Agent \*

Address: 402 LAKE DRIVE  
DELRAY BEACH, FL 33444

Tel. No: \_\_\_\_\_

\* If the owner(s) of record have appointed an Agent to file this Appeal, an authorization form signed by the owner(s) of record authorizing said agent to represent his/her/their interest in this Appeal accompanies this Appeal. (A form is attached to application packet if needed)

#### SCHEDULE OF APPEAL

Hearing Date: Nov 7, 2002 Nov 21, 2002

Time: 5:30 pm Place: City Hall, Commission Chambers, 100 NW 1st Ave, Delray Beach

Date First Advertised: Oct 24, 2002 Nov 8, 2002

At the conclusion of the hearing, a Board Order detailing the decision of the Board of Adjustment will be done by the City Attorney's Office and mailed to the applicant. If you have any questions concerning this, please contact the City Clerk's office at 561/243-7251.

# CITY OF DELRAY BEACH



1993  
2001

100 N. FLAMINGO AVENUE

DELRAY BEACH, FLORIDA 33444

561/243-7000

RIAA  
10' SIDE INT'R  
10' REAR

## PUBLIC NOTICE # 955 REHEARING

PETITION NO.  
955

A petition has been received from G. MARK AND TYRA GOODMAN LEVINE requesting a variance from the terms of Section 4.6.15 (G)(1) Land Development Regulations of the City of Delray Beach related to setback requirements in the R-1AA (Residential) zoning district. The applicant is requesting to reduce the side and rear setbacks from 10 ft to 3-5 ft to allow a swimming pool.

Since you are located within a 500-foot radius of the property described below, our City code requires that you be notified of this public hearing.

Lot 8, Block 2, Totterdale Addition, according to the plat recorded in Plat  
Book 23, Page 151, recorded in Public Records of Palm Beach County, Florida

Property Address: 1410 Dale Lane

The BOARD OF ADJUSTMENT will conduct a **Public Hearing at 5:30 PM, Thursday, May 6, 2004** or at any continuation of such meeting, which is set by the Board of Adjustment in the Commission Chambers at the City Hall, 100 NW 1st Avenue, Delray Beach, Florida, all persons interested will be given an opportunity to be heard. Please be advised that if a person or persons decides to appeal any decision made by the Board of Adjustment with respect to any matter considered at this meeting or hearing, such persons will need a record of these proceedings, and for this purpose such persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not provide or prepare such record. Pursuant to F.S. 286.0105.

If you would like further information, please contact Donna Quinlan, Community Improvement Department, City Hall, 100 NW 1st Avenue, Delray Beach, Florida 33444, Phone: 561/243-7203.

CITY OF DELRAY BEACH  
Barbara Garito  
City Clerk  
(For Secretary of the Board)

BOA.955.2 rehear

1502 DALE WAS 1414 DALE  
POOL BUILT 1955  
NO S/B INFO AVAIL.

The Board Always Matters

4/22/04

~~March 3, 2004~~

Board of Adjustment  
City of Delray Beach  
100 N.W. 1<sup>st</sup> Avenue  
Delray Beach, FL. 33444

RECEIVED

APR 22 2004

COMM. IMP. ADMIN.

Regarding: Levine/ Request for rehearing  
1410 Dale Lane. Delray Beach 33444

Ladies and Gentlemen:

This letter is being submitted to appeal for a variance pursuant to Section 2.2.4 of the Land Development Regulations of the City of Delray Beach. We are the owner/residents of 1410 Dale Lane.

Several issues have come to light since our ~~March 18, 2004~~ <sup>April 15, 2004</sup>:

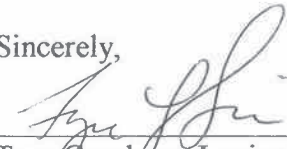
1. We have researched the easement issue raised at the 3/18 hearing by Ashleigh of the planning and zoning department. We paid for a title search, and learned that the easement is a FPL Utility Easement. We contacted Cassandra Rhodes, the area FPL engineer, whom has given written clearance to "encroach by 1 foot" into the 6' easement, allowing for a 5' variance from the property line.
2. We have measured the distance between our same side neighbors' pools and their property lines, and discovered a significant variance in what their setback regulations are compared to the 10' the city imposes on our property. If we were under the same setback regulations as our immediate neighbors, our setback variance request is for only 1.5 feet.
3. Our neighbor's, Brian and Susie Cauley of 402 Lake Drive (4 houses away), were granted a complete variance, to their property line, in October of 2002. Their hardship was as ours, as stated in their application: that their shape/size lot "severely limited the size pool...A literal interpretation of the setback would deprive [them] of the right to install a functional pool on our property..."
4. Mark has had both knee and back surgery. His physicians have recommended low impact exercise, specifically swimming, to relieve the discomfort he experiences resulting from two automobile accidents. There is no local pool that is open during the early morning hours when he is able to utilize the facilities.

We fully understand that the city building department may limit our ability to go forward with the construction of our pool despite the board's approval of our variance request, and we respectfully request that the board allow us to pursue our plan for a reasonable and safe pool.

Based upon the foregoing, we respectfully request that this board grant us a variance permitting the installation of a swimming pool within the setback regulations. We have fully discussed the pool with all our adjacent neighbors, and all are in complete agreement with the plans.

Thank you very much for your consideration.

Sincerely,

  
\_\_\_\_\_  
Tyra Goodman-Levine

  
\_\_\_\_\_  
Mark G. Levine



Florida Power & Light Company, 21400 Powerline Road, Boca Raton, FL 33433

April 21, 2004

Mark Levine  
1410 Dale Lane  
Delray Beach, FL 33444

WHAT ARE EXISTING  
CONDITIONS  
O.H. POWER LINES

Dear Mr. Levine:

Thank you for contacting FPL regarding the six foot easement located in the rear of the property. As discussed, FPL is willing to allow your property to encroach one foot into the easement in order to meet the setback requirements. The encroachment being allowed must adhere to the National Electric Safety Code (NESC) clearances.

FPL has not abandoned the easement and therefore any irremovable structure should not be placed within it.

If there are any questions or concerns, feel free to contact me at (561) 479-4575.

Sincerely,

A handwritten signature in cursive script that reads 'CRhodes'.

Cassandra Rhodes  
Customer Project Manager

CAUTION: NOT TO BE USED FOR  
IDENTIFICATION PURPOSESTHIS IS AN IMPORTANT RECORD.  
SAFEGUARD IT.ANY ALTERATIONS IN SHADED  
AREAS RENDER FORM VOID

## CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

1. NAME (Last, First, Middle) MOSER, DARREN LEE		2. DEPARTMENT, COMPONENT AND BRANCH NAVY - USN		3. SOCIAL SECURITY NO. 469 94 5933	
4.a. GRADE, RATE OR RANK QM3		4.b. PAY GRADE E4		5. DATE OF BIRTH (YYMMDD) 70OCT19	
				6. RESERVE OBLIG. TERM. DATE Year 2000 Month 08 Day 05	
7.a. PLACE OF ENTRY INTO ACTIVE DUTY MINNEAPOLIS, MN			7.b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known) BROOKLYN CENTER, MN		
8.a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND USS COWPENS (CG-63)			8.b. STATION WHERE SEPARATED USS COWPENS (CG-63) NAVSTA SAN DIEGO, CA		
9. COMMAND TO WHICH TRANSFERRED NAVAL RESERVE PERSONNEL CENTER, NEW ORLEANS, LA 70149				10. SGLI COVERAGE <input type="checkbox"/> None Amount: \$ 200,000	
11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.)  QM-0000  X X X X  X X X X  X X X X				12. RECORD OF SERVICE	
				a. Date Entered AD This Period	
				b. Separation Date This Period	
				c. Net Active Service This Period	
				d. Total Prior Active Service	
				e. Total Prior Inactive Service	
				f. Foreign Service	
				g. Sea Service	
				h. Effective Date of Pay Grade	
13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service) NATIONAL DEFENSE SERVICE MEDAL; GOOD CONDUCT MEDAL; NAVY "E" RIBBON (3); MERITORIOUS UNIT COMMENDATION (2); SEA SERVICE DEPLOYMENT RIBBON (2); KUWAIT LIBERATION MEDAL (KUWAIT); LETTER OF COMMENDATION (2).					
14. MILITARY EDUCATION (Course title, number of weeks, and month and year completed) RECRUIT TRAINING, 8WKS, OCT92; SEAMAN APPRENTICESHIP TRAINING, 3WKS, NOV92. X X X X X X X X					
15.a. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM		Yes	No	15.b. HIGH SCHOOL GRADUATE OR EQUIVALENT	
			X	Yes No	
			X	16. DAYS ACCRUED LEAVE PAID	
17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
18. REMARKS "THE INFORMATION CONTAINED HEREIN IS SUBJECT TO COMPUTER MATCHING WITHIN THE DEPARTMENT OF DEFENSE OR WITH OTHER AFFECTED FEDERAL OR NON-FEDERAL AGENCY FOR VERIFICATION PURPOSES AND TO DETERMINE ELIGIBILITY FOR, AND/OR CONTINUED COMPLIANCE WITH, THE REQUIREMENTS OF A FEDERAL BENEFIT PROGRAM.  X X X X X X X X  X X X X X X X X  X X X X X X X X					
19.a. MAILING ADDRESS AFTER SEPARATION (Include Zip Code) 2370 E LAKE CARLOS DR N.E. CARLOS, MN 56319			19.b. NEAREST RELATIVE (Name and address - include Zip Code) MERLIN J. MOSER (FATHER) 2370 E LAKE CARLOS DR N.E. CARLOS, MN 56319		
20. MEMBER REQUESTS COPY 6 BE SENT TO <u>MN</u> DIR. OF VET AFFAIRS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			22. OFFICIAL AUTHORIZED TO SIGN (Typed name, grade, title and signature) H. T. DAUGHERTY, PNC(SW), USN PERSONNEL OFFICER BYDIRCO		
21. SIGNATURE OF MEMBER BEING SEPARATED <i>Darren L. Moser</i>					