

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

**MEETING DATE:** June 22, 2020

**MEETING PLACE:** Virtual Meeting – City Hall

**1. CALL**

The meeting was called to order by Christopher Davey, Chairman at 5:10 P.M.

**2. ROLL**

A quorum was present. Members present were Christopher Davey-Chairman, Robert Cohen, Michael O'Connor-Vice Chairman, Garland Williams-1<sup>st</sup> Vice Chairman, and Vlad Dumitrescu. No Board members were absent from meeting. Staff present were William Bennett, Assistant City Attorney; Amy Alvarez, Principal Planner; Jennifer Buce, Planner; and Diane Miller, Board Secretary.

**3. APPROVAL OF AGENDA**

**Motion** to approve the Agenda, was made by Robert Cohen and seconded by Vlad Dumitrescu.

**MOTION CARRIED 5-0**

**4. MINUTES**

Motion to approve minutes of 3/5/2020, was made by Robert Cohen and seconded by Michael O'Connor.

**MOTION CARRIED 5-0**

**SWEARING IN OF THE PUBLIC**

Christopher Davey read the Quasi-Judicial Rules for the City of Delray Beach and because of virtual meeting, the public was previously sworn in by Ms. Miller when they called in to leave their comments via voicemail to give testimony.

**5. 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.)*

**6. PUBLIC HEARING**

**A. VARIANCES**

**File Number 2020-114 – 1660 South Congress Avenue (2020-114):** Consideration of a variance request from Land Development Regulations (LDR) Section 4.3.4(K) to reduce the existing open space from 23.4% to 22.4%, whereas a minimum of 25% is required

Jennifer Buce, Planner entered the project into the record.

**Exparte** - None

**Applicant Presentation**

Mark Ricards – Kimley Horn

**Staff Presentation**

Jennifer Buce presented the project through a power point presentation.

**Public Comments** - None

**Board Comments**

Robert Cohen - What is the parcel being used for?  
What does it look like?

Michael O'Connor - Is there any concerns or is this request to protect the property down the line.

***Mr. Ricards said that Wells Fargo wanted to pro-active on the project.***

Christopher Davey – Because this situation has been caught 25 years later, I am for granting the variance.

Vlad Dumitrescu – Are they doing other corners?

**Attorney Comments**

William Bennett read the six findings and the Board of Adjustments adopts these findings and are **ALL** approved.

**MOTION CARRIED 5-0**

**B. 618 SE 4th Street (2020-104):** Consideration of a variance request from Land Development Regulation (LDR) Section 4.3.4(K), to reduce the front setback by 10 feet and establish a 20 foot front setback, whereas 30 feet are required, and to reduce the side-street setback by 5 feet and establish a 10 foot side-street setback, whereas

Amy Alvarez, Principal Planner entered the project file into the record.

**Exparte** - None

**Applicant Presentation**

Eric Collins – Collins Builders

**Staff Presentation**

Amy Alvarez presented the project through a power point presentation.

**Public Comments – (*A recording was played for the board with the recorded Public Comments*)**

David Slane – 405 SE 7<sup>th</sup> Avenue

Anthony Casey – 606 SE 4<sup>th</sup> Street

### **Rebuttal**

Eric Collin commented on some of the public comments that came in.

Sam Winniko – Wanted to let the board know that the next item on the agenda is the same and being represented by Eric Collin.

### **Board Comments**

Vlad Dumitrescu – Who is responsible for outside the variance? (*William Bennett said that the abutting property owner will be responsible. Also, the grading has not happened yet*).

Patrick Figurella – City Engineer in the Public Works Department – Mr. Figurella explained that the grading for the swale around the property has not been completed so when it is there will be considerable improvement.

### **Attorney Comments**

William Bennett read the six findings and the Board of Adjustments adopts these findings and are ALL approved.

### **MOTION CARRIED 5-0**

**C. 617 SE 5th Street (2020-104):** Consideration of a variance request from Land Development Regulation (LDR) Section 4.3.4 (K), to allow a reduction of the required front yard setback from 30 feet to 25 feet.

Amy Alvarez, Principal Planner entered the project file into the record.

**Exparte** - None

### **Applicant Presentation**

Eric Collins – Collins Builders

### **Staff Presentation**

Amy Alvarez presented the project through a power point presentation.

**Public Comments** – (A recording was played for the board with the recorded Public Comments)

David Slane – 405 SE 7th Avenue

Anthony Casey – 606 SE 4th Street

Edward Depinblock – 407 SE 7<sup>th</sup> Avenue

### **Board Comments**

Robert Cohen – Question that there was no building permit, but staff report said the permit was issued in February 2020. (*Correction to Staff report: Amy spoke to the Building Official the review has been completed but the permit has not been issued*).

Vlad Dumitrescu – If variance is not approved, would that cause further problems? No apparent problem.

### **Attorney Comments**

William Bennett read the six findings and the Board of Adjustments adopts these findings and are ALL approved.

### **MOTION CARRIED 5-0**

## **8. REPORTS AND COMMENTS**

- ❖ City Staff –
  - a. Next meeting – August 6, 2020
- ❖ City Attorney – None
- ❖ Board Members – -None

## **9. ADJOURN**

There being no further business to come before the Board, the meeting was adjourned at 7:45pm

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 **June 22, 2020**, which were formally adopted and **APPROVED** by the Board on \_\_\_\_\_.

**Diane Miller**

Diane Miller

If the Minutes you have received are not completed as indicated above, then this means that these are not the official Minutes. They will become so after review and approval, which may involve some changes.

*(These Minutes are a record of the proceedings of this Board. The full audio and video recording of these proceedings are available at: [www.mydelraybeach.com/city-commission/av](http://www.mydelraybeach.com/city-commission/av) or a digital copy may be purchased at City Hall.)*