

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

MEETING DATE: November 5, 2020

MEETING PLACE: City Commission Chambers – City Hall

1. CALL

The meeting was called to order by William Bennett, Asst. City Attorney at 5:02 p.m.

2. ROLL

A quorum was present.

Members present Christopher Davey, Robert Cohen, Michael O'Connor, Garland Williams, and Vlad Dumitrescu.

Absent: None

Staff present: Lynn Gelin, City Attorney, William Bennett, Assistant City Attorney; Anthea Gianniotis, Development Services Director, Scott Pape, Principal Planner; Rachel Falcone, Planner; Elizabeth Essa, Senior 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 he announced the process of electing officers.

Motion made by Robert Cohen and seconded by Vlad Dumitrescu to nominate Garland Williams as Chairman.

ALL IN FAVOR – Garland Williams was selected as Chairman.

Motion made by Garland Williams and seconded by Vlad Dumitrescu to nominate Robert Cohen as Vice chairman.

ALL IN FAVOR – Robert Cohen was selected as Vice Chairman.

Motion made by Garland Williams and seconded by Robert Cohen to nominate Michael O'Connor as 2nd Vice Chairman.

ALL IN FAVOR – Michael O'Connor was selected as 2nd Vice Chairman.

4. APPROVAL OF AGENDA

Motion to approve the Agenda of November 5, 2020, was made by Robert Cohen and seconded by Michael O'Connor.

ALL IN FAVOR

5. MINUTES

Motion to approve minutes of August 6, 2020, was made by Robert Cohen and seconded by Michael O'Connor.

ALL IN FAVOR

6. PRESENTATION

William Bennett, Asst. City Attorney presented and explained the Sunshine Laws to the board.

7. SWEARING IN OF THE PUBLIC

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

8. 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.

9. PUBLIC HEARING

A. VARIANCES

File Number 2020-185 – 311 SE 3rd Street Consideration of variance requests from Land Development Regulation (LDR) Section 4.3.4 (K) and LDR Section 4.6.15(G) to allow the structure to encroach within the side street setback and to allow a pool in the front setback.

Address: 311 SE 3rd Street

Exparte

None.

Applicant Presentation

James Sandwick – Owner

Staff Presentation

Anthea Gianniotis, Development Services Director presented the project through a power point presentation.

Public Comments

John Quilen – President of the HOA

Rebuttal

Anthea Gianniotis – (Respond to public comment) No one else can sub-divide their lot. County does not allow to split lots.

Robert Cohen – Do not want a precedent to be set.

Garland Williams – From our last meeting, I thought renderings were to be shown to the board.

William Bennett – We are not talking about the height.

Lynn Gelin – We need to talk about the purview of the project. What is before us is the setbacks.

Board Comments

- Garland Williams – Wasn't there something last meeting about a car lift?
- William Bennett – That would be with Code Enforcement.
- Vlad Dumitrescu – The orientation looks good.
- Alex Candia – Look good.
- Robert Cohen – What is considered as "Commonly Enjoyed"?
- Anthea Gianniotis – That the property owner to enjoy and can have a pool.

Attorney Comments

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

MOTION to approve the variance requests (2020-185-VAR-BOA) from LDR Section 4.3.4 (K) and Section 4.6.15(G) to allow for the structure to encroach 7.5 ft into the required 15 ft side street setback and to allow a swimming pool to encroach 14 ft into the required 25 ft front setback for the property located at 311 SE 3rd Street, by finding that the request is consistent with the findings set forth in the Land Development Regulations Section 2.4.7(A)(5) made by Robert Cohen and seconded by Vlad Dumitrescu.

MOTION CARRIED 5-0

B. File Number 2020-199 – 300 Sandpiper Lane: Consideration of a variance request from Land Development Regulation (LDR) Section 4.3.4 (K) to allow an addition to a single-family dwelling unit to encroach 8 feet into the required 12 foot rear setback area. Address: 300 Sandpiper Lane

Exparte

Alex Candia – Looked at the site.

Applicant Presentation

Gary Eliopoulos – GE Architecture, Inc., 1025 E. Atlantic

Staff Presentation

Elizabeth Eassa, Senior Planner presented the project through a power point presentation.

Public Comments

Max Weinberg – 1041 Seaspray

Board Comments

- Robert Cohen – Is the garage staying the same of going to 2 story?
- Elizabeth Eassa – No, the building is going forward and vertical.
- Alex Candia – Unclear why a smaller footprint is ok?

MOTION to approve the Variance request (2020-199-VAR-BOA) from LDR Section 4.3.4 (K), to allow an addition to a single-family dwelling unit to encroach between 8 feet into the required 12 foot rear setback area for the property located at 300 Sandpiper Lane, by finding that the request is consistent with the findings set forth in the Land Development Regulations Section 2.4.7(A)(5) made by Michael O'Connor and seconded by Alex Candia.

MOTION CARRIED 4-1 Dissenting Robert Cohen

C. File Number 2020-280 – 220 South Boulevard: Consideration of variance requests from Land Development Regulation (LDR) Section 4.3.4 (K) and LDR Section 4.6.15(G)(1) to allow a swimming pool to encroach 11.5 feet into the front setback.
Address: 220 South Ocean Boulevard

Exparte

Michael O'Connor – Have been to the property and know the owner.

Applicant Presentation

Michael Weiner – Sachs, Sax and Caplan
Peter Morse – Owner
Zina Morse - Owner

Staff Presentation

Elizabeth Eassa, Senior Planner presented the project through a power point presentation.

Public Comments

None

Board Comments

None

MOTION to approve the Variance request (2020-280-VAR-BOA) from LDR Sections 4.3.4(K) and 4.6.15(G)(1) to allow a swimming pool to encroach 11.5 feet into the front setback area for the property located at 220 South Ocean Boulevard, by finding that the request is consistent with the findings set forth in the Land Development Regulations Section 2.4.7(A)(5) made by Alex Candia and seconded by Robert Cohen.

MOTION CARRIED 5-0

10. REPORTS AND COMMENTS

- ❖ City Staff –
 - a. Next meeting – December 1, 2020
 - b. Distributed board calendar for the 2021 meetings.
- ❖ City Attorney –
 - a. None
- ❖ Board Members – -None

11. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 7:15pm

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 **November 5, 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 or a digital copy may be purchased.