

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

**MEETING DATE:** April 1, 2021

**MEETING PLACE:** **Virtual Meeting**

**1. CALL**

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

**2. ROLL**

A quorum was present.

**Members present:** Garland Williams (Chairman), Robert Cohen (Vice Chairman), Michael O'Connor (2<sup>nd</sup> Vice Chairman), Alexander Candia, and Vlad Dumitrescu.

**Member absent:** None

**3. APPROVAL OF AGENDA**

**Motion** to approve the Agenda of March 4, 2021, was made by Robert Cohen and seconded by Alexander Candia.

**ALL IN FAVOR**

**4. MINUTES**

**Motion** to approve the minutes of March 4, 2021 was made by Robert Cohen, seconded by Alexander Candia.

**ALL IN FAVOR**

**5. 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

**SWEARING IN OF THE PUBLIC**

Garland Williams, Chairman, read the Quasi-Judicial Rules for the City of Delray Beach and because it was a virtual meeting, the public was previously sworn in by Diane Miller when they called in to leave their comments via voicemail to give testimony.

## **6. QUASI-JUDICIAL ITEMS**

**A. File Number (2021-101) 25 NW 8<sup>th</sup> Street:** Consideration of a variance request from Land Development Regulation (LDR) Section 4.3.4(K) to reduce the front setback from 30 feet to 23 feet and the side street setback from 15 feet to 8.5 feet.

PCN: 12-43-46-08-21-010-0040

Applicant/Agent: Eric Collin, Collin Builders; [eric@collinbuilders.com](mailto:eric@collinbuilders.com)

Planner: Rachel Falcone, Planner; [FalconeR@mydelraybeach.com](mailto:FalconeR@mydelraybeach.com)

### **Exparte**

Vlad Dumitrescu-Drive by

Alex Candia-None

Michael O'Connor-None

Garland Williams-None

Rachel Falcone, Planner entered the file 2021-101 into the record.

### **Applicant Presentation**

Eric Collin, Collin Builders representing the owner.

### **Staff Presentation**

Rachel Falcone Planner presented the project through a PowerPoint presentation.

### **Public Comments**

No comments, but emails were sent in prior to the meeting that were presented to the board.

### **Cross Examination/Rebuttal**

Michael Weiner will reserve the opportunity to comment after board comments.

### **Board Comments**

Robert Cohen-Typo in Motion 'C'. Should say 'inconsistent'. Also

Vlad Dumitrescu-The map 'green line' doesn't always line up with the property.

- Scott Pape-The property south is NW 8<sup>th</sup> Street. The front is NW 1<sup>st</sup> Avenue. So the setbacks change for that house. Its not the same orientation.

Vlad Dumitrescu-The house seems to protrude more than the other house.

Robert Cohen-What is the easement used for?

- Eric Collin-It will be for a sidewalk.
- William Bennett-There is a difference between the easement and ROW dedication.
- City is requesting a ROW dedication.

William Bennett, Assistant City Attorney, read the six findings. and the Board of Adjustments adopts these findings and were ALL approved by the board.

**MOTION** Move approval of the variance requests (2021-101-VAR-BOA) from LDR Section 4.3.4 (K) to reduce the front setback from 30 feet by 7 feet to establish a 23 foot front setback and to reduce the side street setback from 15 feet by 6.5 feet to establish a 8.5 foot side street setback for the property located at 25 NW 8th Street, 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 Alexander Candia and seconded by Robert Cohen.

**MOTION CARRIED 5-0**

**B. 1221 Laing St. (2021-078)** The requested variances are to certain requirements of “Section I - District Regulations and Incentives” of the Beach Property Owners Design Manual related to setbacks and maximum lot coverage. Pursuant to Section 4.4.3 of the Land Development Regulations (LDR) which establishes the requirements for Single Family Residential (R-1) Districts; LDR Section 4.4.3(F)(1) provides additional development standards for properties subject to the adopted Beach Property Owners Design Manual.

Address: 1221 Laing Street

PCN: 12-43-46-16-A8-004-0080

Agent: Gary P. Eliopoulos; gary@eliarch.com

Planner: Jennifer Buce, buce@mydelraybeach.com

Anthea Gianniotis, Development Services Director, on behalf of Jennifer Buce, Planner, entered the file (2021-078) into the record. This project was postponed from the March 4, 2021 meeting.

**Exparte Communication**

No new Exparte, just what was at the meeting of March 4, 2021.

**Applicant Presentation**

Gary Eliopoulos, GE Architecture, 1045 E. Atlantic Ave.

Max Weinberg, owner

**Staff Presentation**

Anthea Gianniotis, Development Services Director presented through a Microsoft Power Point presentation.

**Public Comments**

Chris Davey-6 NW 23<sup>rd</sup> Lane

Kent Caltman-1227 Laing Street

Scott Porton-112 Basin Drive

Winnie Edwards-202 Gleason Street

Chris Sadlieter-325 Sandpiper Lane

David DeAngelo-326 Sandpiper Lane

Fran Maricola-1138 Vista Del Mar

James Kuhn-1227 Laing Street

Walter Reynolds-330 Harman Ct.

Frank Mariani-300 Sandpiper Lane

### **Board Comments**

- William Bennett-Asked the board how they would like to decide on the Board Orders and comments.

Robert Cohen-Have not seen the changes from the March 4, 2021 meeting.

- Anthea Gianniotis-There is a series of setbacks with no changes.

Vlad Dumitrescu-There is no action on #5.

Alex Candia-to William Bennett-Is there a way to vote on all across the board.

- William Bennett-Individual request motions for each item.
- Gary Eliopoulos-Perfer to vote on each item.

Vlad Dumitrescu-Do the setbacks include balconies?

- Anthea Gianniotis-There are some allowances.

### **MOTION**

William Bennett, Assistant City Attorney, read the six findings for **Front Setback (South Side)** and the Board of Adjustments adopts these findings and were ALL approved by the board was made by Alexander Candia and seconded by Robert Cohen.

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

William Bennett, Assistant City Attorney, read the six findings for **Side Street Setback (West/Sandpiper Street)** and the Board of Adjustments adopts these findings and were ALL approved by the board was made by Robert Cohen and seconded by Vlad Dumitrescu.

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

William Bennett, Assistant City Attorney, read the six findings for **Side Interior/East)** and the Board of Adjustments adopts these findings and were ALL approved by the board was made by Alexander Candia and seconded by Vlad Dumitrescu.

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

William Bennett, Assistant City Attorney, read the six findings for **Overlay Guidelines (Rear Setback)** and the Board of Adjustments adopts these findings and were ALL approved by the board was made by Alexander Candia and seconded by Robert Cohen.

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

### **7. REPORTS AND COMMENTS**

**A.** Staff Comments – Next meeting – May 6, 2021

**B.** Board Attorney – City Commission adopted the Rules of Procedure at their March 25<sup>th</sup> board meeting.

A couple of sections of the rules that the board should be aware of. (1) Social Media and (2) Attendance by telephone, Limit public comment to 1 hour.

**C.** Board Comments – None

## **8. ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 8:30pm.

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 **April 1, 2021** which were formally adopted and APPROVED by the Board on \_\_\_\_\_

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Diane Miller, Board Secretary

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.*