

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

MEETING DATE: February 4, 2021

MEETING PLACE: **Virtual Meeting**

1. CALL

The meeting was called to order by Garland Williams (Chairman) at 5:07 p.m.

2. ROLL

A quorum was present.

Members present: Garland Williams (Chairman), Robert Cohen (Vice Chairman), Michael O'Connor (2nd Vice Chairman), Alexander Candia, Vlad Dumitrescu, and Carol Fredericks (Alternate) was present for the Board Training presentation. Lynn Gelin, City Attorney, explained that alternates are spectators.

3. APPROVAL OF AGENDA

Motion to approve the Agenda of February 4, 2021, was made by Robert Cohen and seconded by Vlad Dumitrescu.

ALL IN FAVOR

Scott Pape, Principal Planner, introduced the new Assistant City Manager - Duncan Tavares.

4. MINUTES

Motion to approve the minutes of December 3, 2020 was made by Robert Cohen, seconded by Vlad Dumitrescu.

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

6. 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.

A. VARIANCES

File Number (2021-042) 1114 North Vista Del Mar Drive: Consideration of variance requests from Land Development regulation (LDR) Section 4.3.4 (K) and LDR Section

4.6.15(G)(1) to allow additions to a single-family dwelling unit to encroach 5'4" on the east side and 5' on the west side into the required 10-foot side setback area.

Exparte

None

Elizabeth Eassa, Senior Planner entered the file into the record.

Applicant Presentation

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

Aleksandra Hayes, GE Architecture 1045 E. Atlantic Ave.

Graham and Kate Hutchison, Owners

Staff Presentation

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

Elizabeth Eassa entered emails into the record, that were forwarded to the Board members earlier in the day.

Public Comments

William Petry, 1035 Vista Del Mar Dr. North

Emails from the following were entered into the record and read by Elizabeth Eassa:

Ben and KC Graham, 1014 S Vista Del Mar Dr.

Jenny Vogt and John Grogan, 1108 N Vista Del Mar Dr.

Michael Padovano and Stephanie Reubins, 1015 S Vista Del Mar Dr.

William Petry, 1035 N Vista Del Mar Dr.

Richard Caster, 1011 N Vista Del Mar Dr.

Rob Sherwood, 1012 North Vista Del Mar Dr.

Staff

Scott Pape, Principal Planner stated that staff does not have cross examination or rebuttal of the applicant's presentation.

Applicant

Gary Eliopolous stated that he and the owners do not have comments or rebuttal of staff.

Vlad Dumitrescu asked for clarification what happened to the pieces extending 5 ft within the property both east and west.

Gary Eliopolous responded and also said that they are allowed to lift the house.

William Bennett, Assistant City Attorney, read the six findings for the west side of the property.

Item #4 had only 3 positive findings with 2 negatives. William Bennett, Assistant City Attorney explained that it requires a supermajority for all 6 elements which means it needs 4 Yes' for all 6. A motion was still needed to memorialize that the Board found it to be inconsistent.

MOTION to deny the variance request (2021-042) from LDR Section 4.3.4 (K) and LDR Section 4.6.15(G)(1) to allow additions to a single-family dwelling unit to encroach 5' on the West side (existing garage) into the required 10-foot side setback areas was made by Robert Cohen. Garland Williams passed the gavel to Michael O'Connor, and motion was seconded by Garland Williams.

MOTION CARRIED 5-0

William Bennett, Assistant City Attorney, read the six findings for the east side of the property.

MOTION to approve the variance request (2021-042) from LDR Section 4.3.4 (K) and LDR Section 4.6.15(G)(1) to allow additions to a single-family dwelling unit to encroach 5'4" on the East side (golf cart) into the required 10-foot side setback area was made by Alexander Candia and seconded by Robert Cohen.

MOTION CARRIED 5-0

7. PRESENTATIONS

A. Board Training

Lynn Gelin, City Attorney, and Anthea Gianniotis, Director of Development Services Department, Planning and Zoning Division presented.

8. OTHER BUSINESS

A. Staff Comments – None

B. City Attorney – None

9. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 8:19 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 **February 4, 2021** which were formally adopted and APPROVED by the Board on March 4, 2021.

Rochelle Sinisgalli

Rochelle Sinisgalli acting 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.