

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

MEETING DATE: May 5, 2022

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

The meeting was called to order by Garland Williams (Chairman) at 5:04 p.m.

2. ROLL CALL

A quorum was present.

Members present: Garland Williams (Chairman), Robert Cohen (Vice Chairman), Vlad Dumitrescu (2nd Vice Chairman), Scott Clark, Alek Hayes and Alexander Candia.

Member absent: Carol Fredericks

Staff Present: Kelly Brandon, Asst. City Attorney, Scott Pape, Development Permit Manager, Rachel Falcone, Planner, Peter Martinek, Administrative Office Coordinator and Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Motion to approve the agenda of May 5, 2022, was made by Vlad Dumitrescu and seconded by Robert Cohen.

MOTION CARRIED 6-0

4. MINUTES

MOTION to approve minutes for January 6, 2022, and March 10, 2022, was made by Robert Cohen and seconded by Alek Hayes.

MOTION CARRIED 6-0

5. SWEARING IN OF THE PUBLIC

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

6. 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.

7. QUASI-JUDICIAL ITEMS

A. 219 Palm Trail (2022-115): Consideration of variance requests from Land Development Regulation (LDR) Section 7.9.7(C) and LDR Section 7.9.11(A), to allow a finger pier to extend eight feet one inch beyond the 25-foot maximum distance permitted and to allow a boat lift to extend 13 feet one inch beyond the 20 foot maximum distance permitted into the waterway.

Address: 219 Palm Trail

PCN: 12-43-46-16-09-000-0090

Agent: The Chappell Group, INC.: kathryn@thechappellgroup.com

Planner: Rachel Falcone: falconer@mydelraybeach.com

Rachel Falcone entered the file 2022-115 into the record.

Exparte

Garland Williams- No

Robert Cohen- No

Scott Clark- No

Alek Hayes- No

Alexander Candia- No

Vlad Dumitrescu – No

Carol Fredericks-Absent

Applicant Presentation

Matthew Scott-Zoning Attorney-Dunay, Miskel and Backman, 14 SE 4th Street, Boca Raton, Florida

Tyler Schkal, Pompano Beach, Florida

Staff Presentation

Rachel Falcone, Planner presented the project by means of a PowerPoint presentation.

Public Comments

Eric Platero-209 Palm Trail, Delray Beach

Mr. Platero is a neighbor to the property in question. He reviewed the finger pier and explained how to compromise. Asked if it could stay at 32'.

Rebuttal/Cross

Rachel Falcone-None

Matthew Scott-The neighbor got a waiver for his dock. If the variance is denied, navigation will be challenging. If they move the dock north, there would be no effect to this neighbor.

Board Comments

Alek Hayes-They are taking the measurements from the new sea wall not the property line.

William Bennett-Yes, this measurement is in the code, and this was clarified by Mr. Scott at the beginning of the presentation. Even though the numbers are smaller, the footprint of this pier and boat lift are not smaller.

Alek Hayes-How did the angle line get a starting point?

-Mr. Scott said that it starts from the bottom part of the property.

Alexander Candia-Asked after reading the report, that there was nothing further that was controversial to support the variance.

-Rachel Falcone commented that staff does not give recommendations and everything in the report is based on the findings that were provided.

Robert Cohen-I do not see the north/south dimension location from the end of the sea wall.

-Mr. Scott said that there was a revised set of drawings submitted.

-Kathryn Malurzon-714 McNab Road, Pompano Beach, Florida-The distance is called out at 33.1 feet from where the sea wall will be.

Scott Pape-I believe what Mr. Cohen is asking is the distance from the north end of the finger pier and north property line.

Vlad Dumitrescu-Do we know the size of the boats? It would be a 32' maximum.

Garland Williams-Design has been reviewed by Engineering and no permits issued yet.

MOTION to approve the variance requests for 219 Palm Trail (2022-115-VAR-BOA) from LDR Section 7.9.7(C) and LDR Section 7.9.11(A), to allow a finger pier to extend 13 feet two inches beyond the 25 foot maximum distance permitted and to allow a boat lift to extend 15 feet beyond the 20 foot maximum distance permitted into the waterway, 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 Hayes and seconded by Robert Cohen.

MOTION APPROVED 6-0

Pursuant to LDR Section 2.2.4(D)(8), all decisions of the Board of Adjustment are final. Based on the entire record before it, the Board of Adjustment approves X the variance solely for the purposes as presented at the meeting. The Board of Adjustment adopts this Order this 5th day of May 2022.

8. Reports and Comments

A. Staff Comments-Next meeting is June 16, 2022.

B. Attorney Comments-None

C. Board Comments-None

9. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 6:09 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 **May 5, 2022**, which were formally adopted and APPROVED by the Board on October 6, 2022 .

ATTEST:



CHAIR



BOARD SECRETARY

NOTE TO READER: If the Minutes you have received are not completed as indicated above, then this means that these are not the official Minutes of the Board of Adjustments. They will become official minutes only after review and approval, which may involve some amendments, additions or deletions.