

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

MEETING DATE: June 16, 2022

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

The meeting was called to order by Garland Williams (Chairman) at 5:20 p.m.
There was a delay starting the meeting as a quorum was not met. At 5:20pm Scott Clark arrived to acquire a quorum and the meeting began.

2. ROLL CALL

A quorum was present.

Members Present: Garland Williams (Chairman), Vlad Dumitrescu (2nd Vice Chairman), Scott Clark, Alek Hayes, Carol Fredericks.

Member Absent: Robert Cohen (Vice Chairman), Alexander Candia

Staff Present: William Bennett, Asst. City Attorney, Scott Pape, Development Permit Manager, Jennifer Buce, Planner and Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Motion to approve the agenda of June 16, 2022, was made by Vlad Dumitrescu and seconded by Alek Hayes.

MOTION CARRIED 5-0

4. MINUTES

None

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. 227 Palm Trail 227 Palm Trail (2022-175): The variance request is to reduce the required front setback from 30 feet to 25 feet. Address: 227 Palm Trail

PCN: 12-43-46-16-09-000-0100

Applicant/Agent: Thomas R. Speno and Laura Speno; tspeno@prd-realty.com

Planner: Jennifer Buce, Planner, buce@mydelraybeach.com

Jennifer Buce, Planner entered the file 2022-175 into the record.

Exparte

Alex Hayes-No

Scott Clark-No

Vlad Dumitrescu-No

Carol Fredericks-No

Garland Williams-Visited Site, Spoke to Mr. Bennett

Applicant Presentation

Don Cessoron-801 SW 36th Avenue, Boynton Beach, Florida

Staff Presentation

Jennifer Buce, Planner presented the project by means of a PowerPoint presentation.

Public Comments

None

Rebuttal/Cross

Don Cessoron-Please take into consideration that they are looking for this extra area for their family.

Board Comments

Alek Hayes-Would like a justification on the setbacks. It seems even though you are losing five feet in the front of the house and the back, but the designs of the house is not getting affected.

Don Cessoron-The owner wants as much of the back yard as possible and with the ROW dedication they have to move the house back, the pool will have to become smaller, and it isn't what they wanted.

William Bennett-The City is not looking for free land and the ROW dedication is tied to the redevelopment of the property and redevelopment will create more uses in the area. That is the general thought process. With this you will need wider roads, and possibly more drainage especially with rising coastal waters, more water service and water mains. This isn't that the City wants ROW its about redevelopment in this community for additional infrastructure.

Carol Fredericks-Did neighbors send in any letters? Jen Buce said that they did not.

Jen Buce- Majority of the homes on this street are original homes and did not have to dedicate.

Don Cessoron-I have researched other homes on the street, and some did demo to a good portion of the home. This problem is going to be a consistent problem.

Scott Clark-When was the road expansion? Mr. Bennett said that the ROW was before 2018 and in Feb 2020 the Always Delray was adopted.

Scott Pape-In 1986 the City overhauled the Comp. Plan and the ROW widths were included and in 1992 the LDRs were overhauled as well including the ROW dedication.

Thomas Speno-Owner-We submitted our building plans a year ago, followed the rules. We have a background of building other homes here in Delray Beach and now the City has come to us and asked us to dedicate five feet.

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.

Alek Hayes-There was an Exparte that Garland Williams had with a neighbor and wanted to hear details.

Garland Williams-I was riding my bike and spoke to Claudia Willis regarding this item and she expressed her concerns about this five-foot dedication.

Alek Hayes-Is there a way to change the code and the setbacks to twenty-five feet.
Jen Buce-As there are different zoning areas, there are also different setbacks.

William Bennett-Mr. Speno, regarding rules with the board orders, you must have five votes to have this variance pass. With only five members here you will need all five members to vote in the affirmative to pass. We ask this so you can decide if you would like to come back to the board when all seven members are here.

Mr. Speno-If I do not get a positive vote can we come back to the board?

William Bennett-Probably it could not come back to the board. In an appeal process it will not go to the City Commission, it can only go to the Circuit Court.

MOTION of **denial** for the Variance request for 227 Palm Trail (2022-175-VAR-BOA) from LDR Section 4.3.4(K) to allow a 25 foot front setback where 30 feet is required by finding that the request is inconsistent with the findings set forth in the Land Development Regulations Section 2.4.7(A)(5). made by Alex Hayes and seconded by Scott Clark.

MOTION TO DENY 5-0

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 denied X the variance solely for the purposes as presented at the meeting. The Board of Adjustment adopts this Order this 6th day of June 2022.

8. Reports and Comments

A. Staff Comments-Next meeting is July 7, 2022.

Mr. Pape mentioned that we will have a large agenda and would like to know who can be here for the July 7, 2022 meeting:

Alex Hayes

Scott Clark

Vlad Dumitrescu

Carol Fredericks

Garland Williams

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 6:30 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 **June 16, 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.