

**BOARD OF ADJUSTMENT MEETING MINUTES
THURSDAY, FEBRUARY 7, 5:30 P.M.
CITY COMMISSION CHAMBERS**

A regular meeting of the City of Delray Beach Board of Adjustment was called to order by Chairperson, Allen Kilik, in the City Commissioner Chambers at 5:30 p.m. on Thursday, February 7, 2013.

1. ROLL CALL SHOWED:

Present:	Mel Pollack	Absent:	None
	Allen Kilik		
	Michael Park		
	Harvey Starin		
	Dale Miller		

Also Present: Brian Shutt, City Attorney
Al Berg, Assistant Director
Steve Tobias, Building Official
Randy Welker, Applicant
Ken Kaltman, on behalf of applicant

At this time, Mr. Kilik reviewed the quasi-judicial rules.

Board Liaison, Venice Cobb, swore in those individuals who wished to give testimony.

There were no ex parte communications by any Board member.

2. APPROVAL OF MINUTES:

Mr. Starin made a motion to approve the minutes from January 17, 2013, seconded by Mr. Pollack. Said motion passed unanimously.

3. PUBLIC HEARING:

PETITION NO. 1019

A. Applicant: Randy Welker
Premises: 554 SW 29th Avenue
Request: Requesting a variance to reduce the side setback from 10 feet to 5 feet to allow a swimming pool and an 18' waterfall in the required setback.

Mr. Berg stated that the applicant has redrawn his original plan. The applicant will still require a five foot setback. Staff suggested that the pool be constructed in the rear of the property. Mr. Walker has complied. Therefore, staff recommends approval of the variance request.

Mr. Starin moved to approve the request for the variance based upon positive findings pursuant to Sections 2.4.7. (a)(5)(A-F) in the Land Development Regulations for the City of

Delray Beach subject to the two (2) conditions noted. The motion was seconded by Mr. Pollack and passed 5-0.

PETITION NO. 1020

B. Applicant: Rita Dew
Premises: 1227 Laing Street
Request: Requesting a variance to reduce the required setback from 12 feet to 6 feet to allow a new 22x25 ft. carport in the side yard setback.

Mr. Berg stated that the applicant is appealing Section 4.3.4 (k) of the Land Development Regulations to allow a side yard setback of 6 feet where 12 feet are required. Many of the streets in the development are not uniformed. Some of the homes are turned around in various ways that make the front and side yard confusing. Originally staff did not support the applicant's request because she asked for 6 feet. However, the applicant changed the request. She is now going to line the carport up with a paved driveway. Consequently, only an 8 foot setback is needed. Staff recommends approval being that the variance request is reasonable as it is less than the original 6 feet.

Mr. Kilik asked if the record is correct being that the variance request was originally 6 feet.

Mr. Berg stated that the record is correct. The applicant is asking for less than what was asked for originally and an adjustment from 6 feet to 8 feet was made.

Ms. Pyburn stated that there is no problem if the applicant is asking for less. The process of re-noticing would have to be followed if the applicant was asking for more than 6 feet.

Mr. Kaltman stated that he does not have a garage and it is difficult getting out of the car when it rains. He passed around photos of the property for the Board members to review. He noted that he has letters from neighbors who had no objections to the request.

Mr. Starin moved to approve the request for the variance based upon positive findings pursuant to Sections 2.4.7. (a)(5)(A-F) in the Land Development Regulations for the City of Delray Beach subject to the two (2) conditions noted. The motion was seconded by Ms. Miller and passed 5-0.

4. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. Board Members

None

B. City Attorney

Ms. Pyburn reminded the Board members to speak into the mic to ensure proper recording of the meeting.

There being no further business, Chairperson, Mr. Kilik, declared the meeting adjourned at 5:57 p.m.

Advisory Board Liaison

The undersigned is the Secretary of the Board of Adjustment of Delray Beach and the information provided herein is the minutes of the meeting of said Board on February 7, 2013, which minutes were formally approved and adopted by the Board on _____.

ATTEST:

CHAIR

Advisory Board Liaison

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