

**BOARD OF ADJUSTMENT MEETING MINUTES  
THURSDAY, MAY 1, 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 Commission Chambers at 5:30 p.m. on Thursday, May 1, 2014.

**1. ROLL CALL SHOWED:**

Present: Mel Pollack                      Absent: Dale Miller  
          Allen Kilik  
          Michael Park  
          Brenda Cullinan  
          Harvey Starin

Also Present: Terrill Pyburn, Interim City Attorney  
                  Al Berg, Assistant Director, Community Improvement  
                  Steve Tobias, Building Official  
                  Michael Young, Applicant  
                  Francisco Perez, Agent

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

Board Liaison, Yolaina Ruiz, 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 April 17, 2014, seconded by Ms. Cullinan. Said motion passed unanimously.

**3. PUBLIC HEARING:**

PETITION NO. 1028

A. Applicant: Michael Young  
Premises: 1807 Spanish Trail  
Request: Requesting a variance to reduce the front yard setback from 25' to 19'8" feet and a side setback variance of 6'1" feet where 8'6" feet is required to construct a new garage at the site.

Mr. Berg stated that the applicant requested a variance to Section 4.3.4 (K) to allow a front yard setback of 19'8" where 25' was required for a front yard setback. The applicant also seeks a side yard setback of 6' where 8 ½' was required in order to construct a new garage which was very minimal in size. The property was approximately 110' wide in the front and narrows to 50' wide in the rear. It was 127' deep and located in an R-1-AAB land use district. There was extensive landscaping around both sides of the property. The lot was pie shaped which makes development particularly challenging, especially on the side yard setbacks. Because it narrows to 50' in the rear, building area was very limited. Regarding

the side setback, the building encroaches 1 ½” at almost 42’ from the front property line, at the corner of the garage. It would hardly be noticeable from the street given the distance and the amount of surrounding landscape. The front setback of 19’ was unusual as 25’ is the minimal setback for almost all of the residential districts. However, the 1960 code required a width of 110’ at the building line which was exactly where the building on this lot has been located, reason why the building was located at 19’ from the front property line.

At this time, Mr. Berg read into the record, a letter from a neighbor objecting to the variance.

Mr. Berg stated approval to grant the variance would not confer special privileges to the applicant. The owner has a very difficult lot to build upon because of the declining building space as you approach the rear property line. The front setback was probably established by the setback requirements at the time of construction causing the architect to locate the building where it is in order to observe the required sitting. The owner has done well at locating the other structures within required setback lines.

Mr. Starin asked what was the current setback.

Mr. Berg stated 25’ feet was the requirement.

Mr. Perez stated that the house was built in 1963 and has an unusual setback; the sharp angle of the side property lines cause for an odd shape of the house plan. The granting of the variance will not confer special privilege to the applicant. This situation is a very particular condition special to this property and this building. Any other property in the same zoning and with the same conditions could be granted a similar variance.

Mr. Young stated that the new garage would not look like an addition and it would be harmonious with the general purpose and intent of the existing regulations and would be injurious to the neighborhood or detrimental to the public welfare.

Mr. Pollack moved to approve the request for the variance based upon positive findings pursuant to Section 4.3.4 (K) in the Land Development Regulations for the City of Delray Beach and elevation would be reviewed by City Staff. The motion was seconded by Ms. Cullinan and passed 5-0.

#### **4. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

- A. Board Members
- B. City Attorney

There being no further business, Chairperson, Mr. Kilik, declared the meeting adjourned at 5:49 p.m.

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Yolaina Ruiz, Executive Assistant/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 May 1, 2014, which minutes were formally approved and adopted by the Board on June 26, 2014.

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Yolaina Ruiz, Executive Assistant/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.