

**BOARD OF ADJUSTMENT MEETING MINUTES
THURSDAY, MAY 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 First Floor Conference Room at 5:30 p.m. on Thursday, May 7, 2015.

1. ROLL CALL SHOWED:

Present:	Allen Kilik	Absent:
	Brenda Cullinan	
	Dale Miller	
	Michael Park	
	Harvey Starin	
	Jess Sowards	
	Bryan Weber	

Also Present: Michael Dutko, Assistant City Attorney
Al Berg, Assistant Director of Community Improvement
Steve Tobias, Building Chief Official
Vincent E. Schindeler, Applicant Representative
Peter Nelson, Owner
Evelyn Dobson, Delray Beach Community Land Trust, Inc.
Jason Jabcusa, City of Delray Beach Police Officer
Ann Stacey-Wright
Chuck Ridley
Joycelyn B. Patrick
Charles Ferguson (Reverend Prince Arafat)

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:

Ms. Miller made a motion to approve the minutes from July 24, 2014, seconded by Mr. Park. Said motion passed unanimously.

3. ELECTION OF OFFICERS:

Mr. Starin moved to nominate Mr. Kilik as Chairperson, seconded by Mr. Park. Motion passed unanimously.

Mr. Park moved to nominate Ms. Miller as Vice Chairperson, seconded by Mr. Starin. Motion passed unanimously.

4. PUBLIC HEARING:

PETITION NO. 1034

- A. Applicant: Peter Nelson
Premises: 332 S.W. 8th Avenue
Request: The appellant(s) wish to appeal all matters contained in Notice of Unsafe Building/Structure as outlined in Notice issued on November 17, 2014.

Mr. Berg stated that the applicant is appealing Section 7.8.12 (B), challenging the action taken by the Building Official, who has determined that the building is unsafe and should be demolished. Section 7.8.8 (B) allows the Chief Building Official to determine that if a building structure or portion thereof is unsafe; he may initiate proceedings to abate the unsafe conditions.

The property is approximately 100' wide and 60' deep located in the R-1-A residential district of Rosemont Gardens. There is a 1,648 sq. ft., concrete block and a stucco one-story house on the site, which was erected in 1972. The house has been unoccupied for some time.

In 2007 the City Commission abolished the Construction Appeals Board which heard appeals of the Building Official because the Board met so infrequently. It was determined that the Board of Adjustment could hear these appeals. For this reason the case was brought before you. Copies of the applicable Code Section, containing the procedures for the hearing, were distributed from Section 7 of the Land Development Regulations.

Code Section 7.8.12 (B) is specific with regard to standards used to determine the action to be taken by the Building Official. The section stated in part, "The building or structure will be ordered demolished when the condition of the building structure or portion thereof is sufficiently unsanitary, unsafe, unsecured." An onsite inspection showed the structure had several unsecured openings, which included broken windows and missing exterior doors. On the northwest elevation, an approximate 4' x 4' penetration was unsecured from a vehicle crash. The interior concrete slab, partition walls, electrical wiring, plumbing and mechanical systems had been removed leaving only the exterior walls and roof. The exterior walls and beams contained large structural cracks while the roofline showed deflection at the ridge and fascia.

Due to the current unsafe condition, Staff recommended demolition and removal of the structure. A letter from Engineer, Mr. Luis A. Lopez was provided to confirm the need to demolish the property.

At this time, the members of the board asked if permits had been obtained. They questioned if there had been any repairs done on the property since 2007. Had the City official seen the interior of the property, does boarding up the property mitigate previous actions taken by the City, and if there had been any complaints from neighbors.

Mr. Steve Tobias, Chief Building Official, stated that the property is boarded up; however, his main concern was the deflection of the roofline and the beam. He has seen the condition of the interior of the property. No permits had been obtained; and numerous complaints had been received by Code Enforcement from neighbors.

At this time, interested members from the community testified about the condition of the property.

Ms. Dobson stated that Delray Beach Community Land Trust, Inc. acquired a home adjacent to this property, the home was rehabilitated with new landscaping, painting, etc., however, the property remained vacant for over a year due to the condition of the surrounding area.

Ms. Ann Stacy-Wright stated that the building is deteriorated and vagrants used the property for illegal activities.

Ms. Joycelyn Patrick stated that the neighbors adjacent to the property had raised numerous complaints in particular a daycare that found the building unsanitary, unsafe, and dangerous.

Mr. Chuck Ridley, a member of the Atlantic Redevelopment Coalition, stated that they had received complaints from neighbors regarding the condition of this building and the effect that it had on the quality of life of the neighborhood.

Reverend Prince Arafat, representing Missionary Baptist Church stated that he resided adjacent to this property, the condition of the property is in poor condition and is unsafe.

Sergeant Jason Jabcusa stated that the Police Department had received numerous calls in reference to vagrants entering and utilizing the residence for illegal activities such as prostitution and drug use. The appellant had refused to cooperate with the City; they had refused to place no trespassing sign, and had given permission to vagrants to use the property. The property was unsecured, however, for safety reasons officers have been instructed not to enter the building.

Mr. Peter Nelson stated that in 2007 the building department condemned the property. Mr. Nelson informed them that if building materials inside of the condemned property would be stolen. The property had a crack on the floor. An engineer stated in a letter that by installing a 5' floor this would take care of that problem, however, there were other problems.

Mr. Sowards stated that the engineer's letter referenced a concrete slab but it did not reference the building perimeter or the roof.

Mr. Park stated that the property had been in the same condition for the last 5 years and no building permits had been obtained.

Ms. Miller stated that not hiring an engineer to evaluate the situation for the past 5 years had attributed to the deterioration of the property.

Mr. Webber stated that a licensed professional opinion had not been presented in this case.

Mr. Berg read into record a portion of the Land Development Regulation (LDR) Section 7.8.12 (B) and stated that the property should be demolished due to the condition of the building structure or portion thereof is sufficiently unsanitary, unsafe, unsecured, unguarded, or detrimental to neighboring properties.

At this, time the board had a discussion.

Mr. Starin moved to make a motion to affirm the determination of the Chief Building Official's decision that the property is unsafe and that demolition is proper. The motion was seconded by Ms. Miller and passed 5-0.

Chairman Mr. Kilik stated that the Assistant City Attorney would prepare an order and he would sign it on behalf the board.

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 6:51 p.m.

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 7, 2015, which minutes were formally approved and adopted by the Board on July 16, 2015.

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.