

**BOARD OF ADJUSTMENT MEETING MINUTES
THURSDAY, SEPTEMBER 24, 2015 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, September 24, 2015.

1. ROLL CALL SHOWED:

Present:	Allen Kilik	Absent:
	Dale Miller	
	Brenda Cullinan	
	Kat Kadian-Baumeyer	
	Melvin Pollack	

Also Present: Michael Dutko, Assistant City Attorney
Al Berg, Assistant Director of Community Improvement
Steve Tobias, Building Chief Official
Jeffrey Nelson, Applicant
David Nutter, Applicant Representative

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

Kimberly Wynn, Deputy City Clerk, swore in those individuals who wished to give testimony.

There were no ex parte communications by any Board member.

2. APPROVAL OF MINUTES:

Ms. Cullinan made a motion to approve the minutes from July 16, 2015, seconded by Ms. Kadian-Baumeyer. Said motion passed unanimously.

3. PUBLIC HEARING:

PETITION NO. 1035

A. Applicant: Jeffrey & Kathleen Nelson
Premises: 3000 Jasmine Court
Request: Requesting a variance to Section 7.9.77 (A) to allow a finger pier and boat lift to be constructed more than the allowed 20' distance from the sea wall, property line or bulkhead. Applicant seeks to erect the finger pier and attached boat lift 23' from the seawall where the code allows 20' from the seawall property line or bulkhead.

Mr. Tobias stated that the property is a pie shaped lot approximately 225' wide in the front, tapering down to a 50' width at the rear of the property. It is 155' deep and located in the R-1-AAB zoning district of Tropic Isle. The applicant requests that the Board approve a finger pier and boat lift beyond a maximum 20' distance. An 18' finger pier extending from the exiting 5' dock is something which is not very common along this waterway and appears

atypical of the surrounding community. No finger piers were observed in the immediate Tropic Isle neighborhood. All boats were moored parallel to the rear property line.

Staff recommends approval of the request for variance as submitted. Application number 1035, originally heard on July 16, 2015 as a request for variance, was proposed as a finger pier extending 25' from the seawall, property line or bulkhead. The application, as submitted, was denied by the Board of Adjustment. Members of the Board suggested that the applicant work closely with staff to modify the request. The applicant has submitted a new site plan removing a section of the existing 5' dock in order to achieve a minimum variance request which accommodates a 33' long vessel. A variance would have to meet all of the following requirements:

1. *There are special conditions that exist which are peculiar to the land, structure, or building involved which are not generally applicable to other lands, structures, or buildings in the same zoning district.*

Yes. Staff agrees with the statement.

2. *The literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning.*

Yes. Staff agrees with the statement.

3. *Special conditions and circumstances have not resulted from the actions of the applicant.*

The proposed site plan is considered a reasonable minimum variance request.

4. *The granting of the variance will not confer special privilege to the applicant that is denied to other lands, structures, and buildings under the same zoning.*

Yes. Staff agrees with the statement.

5. *The reasons set forth in the petition justify the granting of the variance and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.*

Yes. Staff agrees with the statement.

6. *The granting of the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise be detrimental to the public welfare.*

Yes. Staff agrees with the statement.

At this time, the board had a brief discussion.

Ms. Miller 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. The motion was seconded by Mr. Pollack 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 5:45 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 September 24, 2015, which minutes were formally approved and adopted by the Board on January 7, 2016.

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.