

**BOARD OF ADJUSTMENT MEETING MINUTES
THURSDAY, JUNE 23, 2010, 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, Mr. Sigurdur Hardester, in the City Commission Chambers at 5:37 p.m. on Wednesday, June 23, 2010.

1. ROLL CALL SHOWED:

Present:	Bryce Newell	Absent: Jess Sowards
	Mel Pollack	
	Sigurdur Hardester	
	Dale Miller	
	Harvey Starin	

Also Present:	Brian Shutt
	Al Berg
	Henry Courtney
	Mr. Christopher Wainwright

2. APPROVAL OF MINUTES:

Mr. Starin made a motion to approve the minutes of April 15, 2010, seconded by Mr. Pollack. Said motion passed unanimously.

3. PUBLIC HEARING:

There were no ex parte communications by any Board member.

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

Board Liaison, Venice Cobb, swore in those individuals who wished to give testimony for Petition No. 994.

A.	Applicant:	Henry Courtney	<u>PETITION NO. 994</u>
	Premises:	1110 Seaspray Avenue	
	Request:	Requesting a variance to allow a 10 ft side setback where 12 ft is required to allow the construction of a second story.	

Mr. Al Berg, Assistant Director of Community Improvement, stated that the applicant is requesting a variance to Land Development Regulations Section 4.3.4(K) pertaining to the side yard setback. The side yard setback for properties in R-1-1AAA land use district is 12 feet. The setback at the time the home was built was 10 feet. The applicant is proposing to build a second floor over the garage with a sundeck. Most of the current properties are single story of similar construction built in the 1950's. However, two houses west and across the street are two story homes. The new addition will measure approximately 900 square feet of air conditioned space. Mature landscaping exists on the west side which provides screening for the proposed construction. It was requested that that the existing 5 foot setback for the driveway remain for improved drainage as the property is

low and the soil draining is not good. Staff recommends approval of the request for the variance with a stipulation that the cost of construction not exceed \$250,000.00, and that the elevation of the floor, garage, and utilities meet minimum standards.

Mr. Wainwright stated that they have worked hard to keep within the footprint and to keep the construction under \$250,000.00. Soil capacity tests have also been done. The home was built on concrete piles and grade beams so the existing foundation is very strong having all block construction. Consequently, the structure will be able to support the second story. After research, it was found that the lot was nonconforming because it is less than 100 feet which is what is required for this district. Mr. Wainwright provided photographs of the existing structure and renderings of what the proposed second story will look like above the garage.

Ms. Miller asked how the addition will affect the property next door.

Mr. Wainwright stated that the property next door is on a conforming lot at a 12 foot setback. The existing trees and plants act as a screen for the second story and the addition will not be visible. He advised that Mr. Courtney has a relationship with the owner of the property next door who is in favor of the request.

Mr. Courtney stated that the subject property was one of the first three homes built from the ocean to the intracoastal on that particular street. The owners are in favor of the request as they consider the addition an improvement to the neighborhood. Mr. Courtney is a new resident of Delray Beach and complimented the Board and Delray Beach on doing a good job.

Mr. Pollack feels that the request fits in with a lot of what has been done in the City and is in favor of the request.

Ms. Miller feels that the addition is well designed and is favor of the request as she feels it is an improvement to the neighborhood.

Ms. Miller 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 with a condition that the cost of construction does not exceed \$250,000.00. The motion was seconded by Mr. Starin and passed unanimously.

4. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. Board Members

None

B. City Attorney

None

There being no further business, Mr. Hardester, declared the meeting adjourned at 5:56 p.m.

Venice Cobb, 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 of April 15, 2010, which minutes were formally approved and adopted by the Board on _____.

Venice Cobb, 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.