

**BOARD OF ADJUSTMENT MINUTES
THURSDAY, FEBRUARY 19, 2009, 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. Bernard Federgreen, in the City Commission Chambers, at 5:36 p.m. on Thursday, February 19, 2009.

1. ROLL CALL SHOWED:

Present: Sigurdur Hardester Absent:None
 Jess Sowards
 Bernard Federgreen
 Dale Miller
 Clifton Miller

Also Present: Brian Shutt, Assistant City Attorney
 Al Berg, Assistant Director, Community Improvement
 Nathan Gates

2. APPROVAL OF MINUTES:

Mr. Hardester moved to approve the minutes from the meeting of December 18, 2008, seconded by Mr. Sowards. Said motion passed unanimously.

At this time, Chairperson Bernard Federgreen reviewed the quasi-judicial rules.

Board Liaison, Venice Cobb, swore in those individuals who wished to give testimony for Petition No. 982.

There were no ex parte communications by any Board member.

3. PUBLIC HEARING:

A. Applicant: Bomar Builders, INC. PETITION NO. 983
 Premises: 501 Palm Trail
 Request: Requesting approval to install a generator in the street side setback where the code prohibits generators at a height of 5 feet, where the code allows a maximum of 4.5 feet.

Mr. Al Berg, Assistant Director of Community Improvement, stated that the applicant is seeking an appeal to Section 4.3.3 (ZZ) to allow a generator 5 feet in height in the street side setback, where the code allows a maximum of 4.5 feet.

At this time, Mr. Berg presented visual of the property noting where the proposed generator would be located. He stated that the property is 100 feet wide and 186 feet deep. The applicant proposes a 6 foot picket fence in addition to lush landscaping. Mr. Berg suggested that he installs a 5 foot high screen around the generator. He went on to advise that the generator comes completely enclosed and runs extremely quietly. Staff supports the applicant's request.

Mr. Hardester asked if any public comments were received.

Mr. Berg stated that all notices were mailed and no public comments were received.

Mr. Miller is in favor of the applicant's request.

Mr. Nathan Gates stated that the location chosen for the installation of the generator is the most reasonable. There will be no visual disturbance or noise. The generator is very energy efficient and quiet. He stated that neighbors visited the property and had no problem with his request.

Mr. Federgreen asked how the generator would be powered.

Mr. Gates advised that natural gas will be used to power the generator.

There were no members of the public wishing to speak on this item.

Brian Shutt, Assistant City Attorney, discussed the findings pursuant to Section 2.4.7 (a)(5) which are to be considered by the Board members.

Mr. Miller moved to approve the request for a 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, seconded by Ms. Miller. Said motion was passed 5-0.

4. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

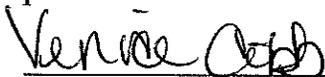
A. Board Members

None

B. Assistant City Attorney

None

There being no further business, Mr. Federgreen, Chairperson, declared the meeting adjourned at 5:53 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 February 19, 2009, 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.