

**BOARD OF ADJUSTMENT MEETING MINUTES
WEDNESDAY, APRIL 15, 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 5:38 p.m. on Thursday, April 15, 2010.

1. ROLL CALL SHOWED:

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

Also Present: Brian Shutt, City Attorney
George Diaz, Chief Building Official
PJ Owens
Ed Walker
James Bassa Jr.
Annie L. Bassa
Burl Gentry
Ed Walker

2. APPROVAL OF MINUTES:

Mr. Sowards made a motion to approve the minutes of February 4, 2010, seconded by Ms. Miller. Said motion passed unanimously.

3. PUBLIC HEARING:

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. 990.

There were no ex parte communications by any Board member.

A.	Applicant:	Dorothy Hilborn	<u>PETITION NO. 990</u>
	Premises:	111 NW 14 th Avenue	
	Request:	Requesting a waiver to allow a duplex in the R-1-A single family zoning district.	

Mr. George Diaz, Chief Building Official, stated that the applicant is requesting a waiver to allow a structure deemed to be a single family unit to be converted into a duplex. The City has been issuing landlord permits but there have been complaints from neighbors regarding the home being used as a duplex. In 2006, the owner submitted a permit for the conversion of the single family unit into a duplex. The request was not approved being that the property was never deemed a duplex. There has been only one water meter, one electric meter and the property has been taxed as a single family

home. Staff request that the applicant's waiver be denied. Mr. Diaz advised that the zoning was classified as R-2 in 1960 and R-2M in 1966 which allowed duplexes. However, in 1975 the zoning was changed to R-1A which does not allow duplexes. The home was not grandfathered in because it never was or used as a duplex.

Mr. Sowards asked if there are any duplexes in the neighborhood as a result of the rezoning.

Mr. Burl Gentry, with Gentry Engineering, stated that the home was sold as a duplex and used as a duplex in the past. He produced zoning maps from 1950 through 1970 stating that the property was zoned in a district allowing duplexes and noted that it was used as a duplex until the rezoning occurred. He also noted that the structure is on two different lots and amenities such as plumbing and electric for two separate units are present. He went on to state that there are other legal duplexes in the area.

Mr. Sowards asked how there could be one tax bill, one water meter and one electric meter for two properties.

Mr. Gentry stated that both units were serviced by one meter.

Ms. Bassa stated that she has been a resident at 102 NW 14th Avenue for forty years and the subject property was never a duplex. Ms. Bassa is concerned about the traffic in the neighborhood if the property is allowed to be converted into a duplex. She noted that one half of the home appears to be a transient home. She also stated that there is insufficient parking to accommodate a duplex and that the tenants have been parking on her property. Ms. Bassa stated that there have been problems since Ms. Hilborn took ownership. She mentioned an instance where police officers and members of the swat team had to respond to the property. She also brought records of fines issued to the property owner.

Mr. Bassa stated that the subject property has never been a duplex but there was an addition to accommodate foster children. He stated that there are duplexes on the street but they were artistically and architecturally designed as separate units. Mr. Bassa is not in favor of converting a single family home into a duplex. He ended by stating that there have been problems stemming from the illegal use of the property.

Mr. PJ Owens stated that work is being done presently and asked if there have been permits issued.

Mr. Diaz stated that there are no open permits for work being done presently. There is a permit from 2006 to convert the property into a duplex.

Mr. Hardester asked about the impact the conversion would have on the neighborhood.

Mr. PJ Owens does not feel that it would not be good for the neighborhood.

Mr. Ed Walker, Vice President of the Association, stated that the neighborhood is not in favor of the applicant's request. He added that the current duplexes are built as such and do not affect the neighborhood negatively. Mr. Walker stated that the owner of the property does not live in the neighborhood and that the property looks unfavorable.

Mr. Hardester asked about other duplexes in the neighborhood.

Mr. Diaz stated that the predominance are single family homes.

Mr. Gentry stated that there are entrances for each side of the proposed units. He then addressed construction at the property stating that that Mr. Diaz asked that a door be sealed that connected a laundry area. The property was originally zoned as a duplex and having two lots would entitle the owner to two separate units if the home can be configured as such.

Mr. Sowards stated that the decision hinges on whether or not the property was utilized and occupied as a single family resident versus a duplex prior to the rezoning in 1975. It does not appear that the home was a duplex during that time.

Ms. Miller stated that she is unsure of approving any change based upon the information presented by City staff and the residents of the community.

Ms. Miller moved to accept the Board order therefore denying 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. The motion was seconded by Mr. Hardester and denied 5-0.

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 6:29 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.