

submitting a new request for the erection of a new structure. Staff recommends approval as it is a minimal request. Mr. Hedgepeth has skin cancer and needs shade to be outdoors.

Mr. Hedgepeth stated that his main reason for purchasing the property was because of the tiki hut which was constructed 15 years ago as he has skin cancer. Upon inspection of a replacement air conditioning unit, it was discovered that the tiki hut was a violation.

Mr. Park asked if the new construction would be attached to the existing building and whether or not the applicant had intentions of enclosing the area in the future.

Mr. Hedgepeth stated that the new construction would be attached to the existing building. However, he has no intention of enclosing the area in the future.

Mr. Starin asked if there was an adjoining house to the rear of the property.

Mr. Berg stated that there was no house to the rear.

Mr. Park stated that he is concerned about a future attempt to enclose the area as it does provide a roof. He suggested adding a stipulation which prevents future enclosure.

Ms. Phyburn stated that the Board can make a stipulation if they choose to.

Mr. Kilik stated that he finds it difficult to make restrictions on something that may or may not happen in the future. He also noted that the applicant would have to obtain a permit or present to the Board if he were to attempt to enclose.

Mr. Park stated that tiki huts are commonly a separate structure. However, this tiki hut is attached to the property and has an existing roof. Consequently, it will be easier to enclose in the future.

Ms. Miller agrees that a stipulation is needed stating that the verbiage should include the phrase unenclosed tiki hut.

Mr. Pollack moved to approve the request for the variance for an unenclosed tiki hut 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. Herrera and passed unanimously. The motion was seconded by Mr. Starin and approved 5-0.

PETITION NO. 1008

- A. Applicant: Joseph A. Petri
Premises: 936 Bolender Drive
Request: Requesting approval to reduce the front setback from 25 feet to 22 feet and reduce the rear setback from 25 feet to 22 feet to allow the construction of two (2) second floor balconies at the front and rear of the property.

Mr. Berg that the applicant is appealing Section 4.3.4(K) of the Land Development Regulations to allow a front yard setback of 22 feet where 25 feet are required and a rear setback yard setback of 22 feet where 25 feet are required to allow the construction of two (2) balconies at the front and rear of the property. The property is 95 feet by 108 feet located in an R-1 AA-B singly family land use district. The applicant proposes to build a new addition and wants a balcony to the front and to the rear. Both will

extend out 3 feet. There is nothing in the Land Development Regulations which would regulate these structures and have been traditionally looked at as roof overhangs which is addressed in the Code and can extend out 3 feet. Staff recommends approval of the request as it will not impact the architectural elevation of the home.

Mr. Eliopoulos stated that the side setback is 8.5 feet and the front and rear are 25 feet. The footprint will not be increased. There will be 80 square feet added to the front on the second floor. The applicant's request will not encroach in the front setback and nor in a neighbor's property. The setback requested is the minimal for a balcony. It is an architectural feature and is not habitable.

At this time, Mr. Berg read into the record, a letter of objection received from Mr. Philip Friedman.

Mr. 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. The motion was seconded by Mr. Parl and passed 5-0.

Mr. Berg requested that Petition #1009 be tabled to a date certain of April 26, 2012.

Board members agreed that the petition be tabled.

4. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. Board Members

None

B. City Attorney

None

There being no further business, Chairperson, Mr. Kilik, declared the meeting adjourned at 6:01 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 on April 5, 2012, which minutes were formally approved and adopted by the Board on _____.

Venice Cobb, Executive Assistant/Board Liaison