

**BOARD OF ADJUSTMENT MEETING MINUTES
MONDAY, JUNE 14, 5:30 P.M.
PLANNING & ZONING CONFERENCE ROOM**

A regular meeting of the City of Delray Beach Board of Adjustment was called to order by Vice Chairperson, Mel Pollack, in the Planning & Zoning Conference Room at 5:32 p.m. on Thursday, June 14, 2012.

1. ROLL CALL SHOWED:

Present:	Harvey Starin	Absent:	Allen Kilik
	Isabelle Alarie		Dale Miller
	Mel Pollack		Michael Park
	Brenda Cullinan		

Also Present: Brian Shutt, City Attorney
Al Berg, Assistant Director, Community Improvement
Steve Tobias, Building Official
Francisco Perez
Jim Zengage

2. APPROVAL OF MINUTES:

Mr. Starin made a motion to approve the minutes from April 5, 2012, seconded by Ms. Alarie. Said motion passed unanimously.

Mr. Starin made a motion to approve the minutes from April 26, 2012, seconded by Ms. Cullinan. Said motion passed unanimously.

3. PUBLIC HEARING:

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

Board Liaison, Venice Cobb, swore in those individuals who wished to give testimony.

There were no ex parte communications by any Board member.

PETITION NO. 1011

A. Applicant: West Corner Venture, LLC
Premises: Vacant Lot-north side of SW 11th Street between SW 10th Avenue and SW 9th Avenue.
Request: Requesting a side interior setback reduction from 10 feet to 5 feet and a side street setback reduction from 25 feet to 10 feet in order to construct an industrial research facility on the north side of SW 11th Street (vacant lot) between SW 10th Avenue and SW 9th Avenue.

Mr. Berg stated that the applicant is requesting an appeal to the Code section 4.3.4(K) to allow a side yard setback of 5 feet where 10 feet are required and to allow a side street yard of 10 feet where 25 feet is required to construct a new research building. The property is considered light industrial. The applicant has acquired the site and proposes to construct a new office building, pools and parking. The property to the north of the site is owned by the City and is being used as a retention area. There is a problem because the property is only 66 feet wide and there would only be room for a 30 foot building if the setback is applied. At this time Mr. Berg passed out the zoning matrix and stated the overlay district created the current problem as it states that the Mixed

Industrial/Commercial requirements have to be met. Staff recommends approval of the variance request for a side setback of 5 feet and a side street setback of 10 feet.

Ms. Alarie asked for the location of the Overlay District.

Mr. Berg pointed out the Overlay District on a map showing the Light Industrial and Mixed Industrial/Commercial areas.

Mr. Starin asked if the Overlay affect the remaining residential properties.

Mr. Berg advised that the Overlay only affects properties that are considered Light Industrial.

Ms. Cullinan asked when the overlay took place.

Mr. Zengage advised that the overlay took place in 2004. He then noted that the builder would like to Aproceed quickly. He also said that there used to be single family homes on the lot. There is now an opportunity to join the lots together and develop the property.

Mr. Starin 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 subject to the two (2) conditions noted. The motion was seconded by Ms. Alarie and passed 4-0.

4. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. Board Members

None

B. City Attorney

None

There being no further business, Chairperson, Mr. Pollack, declared the meeting adjourned at 5:46 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 June 14, 2012, which minutes were formally approved and adopted by the Board on _____.

Venice Cobb, Executive Assistant/Board Liaison