

**BOARD OF ADJUSTMENT
MINUTES
THURSDAY, JANUARY 4, 2007, 5:30 P.M.
CITY COMMISSION CHAMBERS**

A regular meeting of the City of Delray Beach Board of Adjustment was called to order by Board Liaison, Venice Cobb, in the City Commission Chambers at 5:30 p.m. on Thursday, January, 4, 2007.

1. ROLL CALL SHOWED:

Present:	Mel Pollack Clifton Miller Harvey Starin Lisa Shaheen George Thacker	Absent:	None
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Also Present: Brian Shutt, Assistant City Attorney
Al Berg, Assistant Director, Community Improvement
Holly Gershon

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

Board Liaison, Venice Cobb, swore in those individuals who wished to give testimony for Petition No. 976.

There were no ex parte contacts by any Board member.

2. APPROVAL OF MINUTES:

Mr. Starin moved to approve the minutes from the meeting of June 15, 2006, seconded by Ms. Shaheen. Said motion passed unanimously.

3. PUBLIC HEARING:

A.	Applicant:	Mr. Mark T. Pulte	<u>PETITION No. 976</u>
	Premises:	1103 South Ocean Boulevard	
	Request:	Requesting approval to install a generator in the front yard setback.	

Mr. Al Berg, Assistant Director of Community Improvement, stated that the applicant is seeking a variance to Section 4.3.3 (ZZ)(1) to allow a setback of 15 feet where 30 feet are required for all structures except fences. The property is 120 feet wide and 419 feet deep located in the R-1-AA land use district. The applicant proposes to install a generator on the property where new homes have recently been constructed. Mr. Berg noted that the generator was not originally on the approved site plan.

At this time, Mr. Berg presented pictures of the property submitted by the applicant. He advised that staff could not recommend approval of the variance. He then stated that there are other areas on the property where the generator could be installed which would comply with the City's code. A text amendment was recently adopted by the City in May 2006

which would allow generators up to 4.5 feet in height to be installed in the side yard setback. Mr. Berg noted that the applicant's generator would meet that requirement.

Mr. Miller wanted to know how the generator is powered.

Mr. Berg stated that he believes that the generator is powered by propane.

Mr. Starin wanted to know if there was a barrier on the property.

Mr. Berg advised that there is a garden wall on the property.

Ms. Shaheen wanted to know the depth of the generator.

Mr. Berg stated that the generator is 4.5 feet high, 9.7 feet long and 36 inches wide.

Mr. Starin wanted to know what the surface is made of between the garden wall and the actual wall of the garage.

Mr. Berg stated that landscaping is between the garden wall and the wall of the garage.

Ms. Holly Gershon, stated that the site plans were submitted before the three (3) previous hurricanes. She advised that the decision to install a generator is to enhance the quality of the home and to protect the structure. She then stated that the applicant is requesting the generator to be installed in a service area where it will be protected by concrete walls and will be hidden from the view of the public. She feels that any other area would not be beneficial because the generator would then be next to someone's home or in an area which would be difficult for service.

Mr. Pollack inquired as to whether the builder has considered other areas of installation which would not require a variance.

Ms. Gershon stated the location proposed is an ideal location which provides the most safety for the owner of the property.

Ms. Shaheen inquired as to whether the City has guidelines regarding safety issues for generators.

Brian Shutt, Assistant City Attorney, stated that there are guidelines for the installation of generators concerning safety.

Mr. Berg stated that generators cannot be installed too closely to air conditioners. Mr. Berg also noted that generators also have to be installed where they cannot vent through a window into a home.

Mr. Miller wanted to know the proximity of the Florida Power & Light box and the area proposed by the applicant for the installation of the generator.

Mr. Berg stated that the Florida Power & Light box is approximately 5 feet away from the proposed area of installation. Mr. Berg noted that he is unsure if an installation in such close proximity to the power box would be permitted.

It was confirmed that there were no members from the public that wished to speak.

Mr. Starin 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 Mr. Thacker. Said motion was denied 3-2.

4. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

- A. Board Members
None.

- B. Assistant City Attorney
None.

There being no further business, Mr. Pollack, Chairperson declared the meeting adjourned at 6:07 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 January 4, 2007, 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.