

**BOARD OF ADJUSTMENT MEETING MINUTES
MONDAY, JULY 25, 2011, 5:00 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 5:00 p.m. on Monday, July 25, 2011.

1. ROLL CALL SHOWED:

Present: Mel Pollack Absent: Jess Sowards

Michael Park
Allen Kilik
Isabelle Alarie
Bryce Newell
Sigurdur Hardester

Also Present: Brian Shutt, City Attorney
Al Berg, Assistant Director, Community Improvement
Jose Aguila, Currie-Sowards-Aguila Architects

2. APPROVAL OF MINUTES:

Mr. Pollack made a motion to approve the minutes of April 7, 2011, seconded by Mr. Newell. Said motion passed unanimously.

Mr. Pollack made a motion to approve the minutes of May 9, 2011, seconded by Mr. Newell. Said motion passed unanimously.

At this time, Mr. Hardester 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 member.

3. PUBLIC HEARING:

PETITION NO. 1002

A. Applicant: Currie-Sowards-Aguila, for Paul & Michelle Hoffman
Premises: 1216 Southways Street
Request: Requesting a variance to the interior side setback to 10 feet where 12 feet is required in order to construct a third story addition.

Mr. Berg advised that the applicant is appealing Section 4.3.4(K) to allow a side yard setback of 10' where 12' are required for a side setback for construction of a 559 square feet third story addition. The side setback was 10' when it was originally constructed. The front setback is over 50' back from the street. There is an exterior set of stairs within the setback area about 4' wide which causes a 4' intrusion into the side setback. Consequently, that will leave only a 6' setback between the house in question and another property. Staff recommends denial of the applicant's request as the applicant requested a variance for the structure and not for the stairs.

Mr. Pollack asked if there is access without the stairs.

Mr. Berg advised that there is an interior stairwell.

Mr. Kilik asked if the structure meets the access requirements without consideration of the stairs in question.

Mr. Berg stated that the structure would meet the access requirements without consideration of the stairs. He added that the applicant maybe considering moving furniture which may be difficult to do with a circular stairwell.

Mr. Aguila stated that the stairs are 3' and not 4'. The structure is located on a private road with twelve (12) lots. Eight (8) of the twelve (12) lots are not conforming to R-1AAA which requires a minimum lot width of 100'.

Mr. Shutt asked if a request was made for the addition of the stairs.

Mr. Aguila stated that he thought that approving a variance for the building would be the same as approving a variance for the stairs. He stated that the stairs existed until recently.

Mr. Shutt asked if the notice sent to the adjacent properties noted the staircase.

Mr. Berg advised that the notice did not mention the staircase.

Mr. Shutt advised that the Board can only consider what was on the Public Notice which is the 3rd floor addition excluding the staircase.

Mr. Aguila stated that they do not meet the requirements of R-1AAA nor do other properties because of zoning designation that was inherited fifty years ago. The original house was built sometime before 1962. It was a one-story with a carport. In 1962, there was an addition above the garage. The back patio was enclosed and converted into a family room. The stairs was constructed at this time within the 10' setback. In 1982 addition of the spiral stair in the back was constructed, the stairs in the front and bedrooms on the east side of the building. The second floor does not connect to the second floor on the east side above the garage. Mr. Aguila spoke of a concrete pedestal and a second floor landing that is currently existing stating that the stairs connect the two structures. The stairs were torn down because they were damaged and rotting. However, the landing was left in tack for safety purposes. The intent was to repair and replace the existing stair up to the second floor and construct a continuation of new ones at the 3' width which would continue to the third floor. No one in the neighborhood objects to the stairs. If the stairs cannot be reconstructed, it will be difficult to get furniture inside the bedrooms on the second floor.

There are no members of the public present to speak on this matter.

Mr. Berg stated that house eaves are allowed in the setback as long as they do not exceed 3'. Steps and platforms for the principal building cannot exceed 3' in height.

Mr. Kilik asked if it is recommended to approve the third floor without consideration of the stairs.

Mr. Berg stated that the members can consider approval of the third floor without consideration of the stairs.

Mr. Newell moved to approve the request for the variance and to adopt the Board Order. The motion was seconded by Mr. Kilik and passed 5-0.

4. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. Board Members

None

B. City Attorney

Mr. Shutt spoke briefly about ethics and advised that all Board members are required to attend a training class.

There being no further business, Acting Chairperson, Mr. Sowards, declared the meeting adjourned at 5:40 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 7, 2011, 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.