

**BOARD OF ADJUSTMENT MINUTES
THURSDAY, SEPTEMBER 17, 2009, 5:30 P.M.
FIRST FLOOR CONFERENCE ROOM**

A regular meeting of the City of Delray Beach Board of Adjustment was called to order by Chairperson, Mr. Bernard Federgreen, in the City Commission Chambers at 5:40 p.m. on Thursday, September 17, 2009.

1. ROLL CALL SHOWED:

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| Present: | Sigurdur Hardester Jess Sowards Clifton Miller Bernard Federgreen Dale Miller | Absent: | None |
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Also Present: Brian Shutt, Assistant City Attorney
Lula Butler, Director, Community Improvement

2. APPROVAL OF MINUTES:

Ms. Miller moved to approve the minutes from the meeting of July 8, 2009, seconded by Mr. Hardester. Said motion passed 5-0.

Board Liaison, Venice Cobb, swore in those individuals who wished to give testimony for Petition No. 986.

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

There were no ex parte communications by any Board member.

3. PUBLIC HEARING:

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|----|------------|---|-------------------------|
| A. | Applicant: | Warren Durkin | <u>PETITION NO. 986</u> |
| | Premises: | 333 Palm Trail | |
| | Request: | Requesting to construct a boatlift which is 27.5 feet from the seawall where the code allows 20 feet. | |

Mrs. Lula Butler, Director of Community Improvement, advised that the applicant is appealing Section 7.9.11(A) of the Land Development Regulations related to boatlifts which specify that they be no more than 20 feet from the seawall. The applicant is asking for a 7.5 foot variance. The Chief Building Official believes that the variance will not be injurious to the public or neighborhood. The property is far enough away from the channel and would not hinder any views of the adjacent property owners. The request has also been approved by the State of Florida DEP and the Army Corp of Engineers. City staff is in support of the applicant's request.

At this time, the file was entered into the record.

Mr. Federgreen asked if any other residents have had the 7.5 foot variance.

Mrs. Butler was unaware of any other residents having a 7.5 foot variance and stated that most properties are within code unless an approved variance was obtained.

Mr. Hardester wanted to know if any communication was received from the neighbors or other residents of the City.

Mrs. Bulter was not aware of any communication from the public.

Mr. David Nutter, with B.K. Marine Construction Inc., advised that the water depth at the property is extremely shallow due to the navigation traffic on the channel. There is a buildup of sand and silt materials along the shoreline. Due to the presence of seagrass patches in the area, dredging is prohibited by the State of Florida's DEP. The Army Corps of Engineers the State of Florida's DEP feel that it is better to bring the dock and boatlift out into the deeper water.

Mr. Sowards asked for the width of the Intracoastal at the point of the subject property.

Mr. Nutter stated that the width is 350-400 feet.

Mr. Miller inquired about the size of the boat.

Mr. Nutter stated that the boat is approximately 40-50 feet.

Mr. Sowards noted that he can see where the configuration of the land differs from the adjoining shoreline which causes the buildup of the sand and other materials. The channel is substantially wide and the land configuration is as such where the request can be supported.

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

4. ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON

Mr. Sowards moved to appoint Mr. Sigurdur as Chairperson, seconded by Mr. Miller. Said motion passed 4-0 with Mr. Hardester dissenting.

Mr. Hardester moved to appoint Ms. Dale Miller as Vice Chairperson, seconded by Mr. Sowards. Said motion passed 5-0.

Mr. Sowards moved to appoint Mr. Clifton Miller as Second Vice Chairperson, seconded by Ms. Miller. Said motion passed 5-0.

5. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. Board Members

None

B. Assistant City Attorney

None

There being no further business, Mr. Hardester, Chairperson declared the meeting adjourned at 5:59 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 September 17, 2009, 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.