

**BOARD OF ADJUSTMENT MINUTES
THURSDAY, OCTOBER 1, 2009, 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 5:04 p.m. on Thursday, October 1, 2009.

1. ROLL CALL SHOWED:

Present:	Sigurdur Hardester Jess Sowards Clifton Miller Mel Pollack Dale Miller	Absent:	Bernard Federgreen
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Also Present: Brian Shutt, Assistant City Attorney
Al Berg, Assistant Director, Community Improvement

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

Board Liaison, Venice Cobb, swore in those individuals who wished to give testimony for Petition No. 987.

There were no ex parte communications by any Board member.

2. APPROVAL OF MINUTES:

The minutes of September 17, 2009, were deferred until the next regular meeting.

3. PUBLIC HEARING:

A.	Applicant:	Linda Kiley	<u>PETITION NO. 987</u>
	Premises:	1127 Miramar Drive	
	Request:	Requesting a variance to reduce the front setback from 25 ft to 12.5 ft to construct a swimming pool in the front yard.	

Mr. Al Berg, Assistant Director of Community Improvement, advised that the applicant has submitted revised plans deleting the fireplace and barbeque. The applicant is appealing Section 4.3.4(K) and 4.6.15(G)(1) of the Land Development Regulations to allow a front yard setback of 12.5 feet where 25 feet are required in order to erect a new swimming pool. Mr. Berg noted that the property is located in a small pocket of single family homes and surrounded by multifamily properties.

Mr. Miller wanted to know where the pool equipment will be kept.

Mr. Berg advised that the pool equipment may be kept alongside the home.

Ms. Miller inquired about an alarm that would sound if the entry gate is opened.

Mr. Berg advised that there is a requirement that the gate is to be at least four (4) feet and self-locking and self-closing.

Mr. Sowards asked about the width of the lot.

Mr. Berg stated that the width is larger than the adjacent properties.

Mr. Michael Weiner, party representing the applicant, stated that all pool equipment will be alongside of the home. He assured that all requirements pertaining to safety will be met. He stated that the property is surrounded by medium density residential or community facilities. Some of the homes along Miramar Drive most likely have had approved variances because most of the homes have less than a 25 foot setback. No vertical improvements will be made and the minimal setback has been requested. At this time, Mr. Weiner discussed the six (6) criteria that have to be met in order for the variance to be approved. He then noted that over the past 3 years, the Board members have voted in favor of variances within the setback far greater than what is being requested. The size of the pool has been decreased, the property is lushly landscaped and the vertical improvements have been deleted from the plans. Mr. Weiner spoke of other homes with the courtyard effect noting that the property will blend with the others. He then spoke of variances approved by the Historic Preservation Board.

Mr. Hardester commended Mr. Weiner on his proposal but stated that each variance is reviewed on a case by case basis.

Mr. Sowards asked for the size of the pool.

Mr. Richard Jones, Architect, stated that the pool is 12 feet by 20 feet.

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. 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 5:26 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 October 1, 2009, which minutes were formally approved and adopted by the Board on _____.

Venice Cobb, Executive Assistant/Board Liaison