

**BOARD OF ADJUSTMENT MEETING MINUTES
WEDNESDAY, OCTOBER 27, 2010, 5:00 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. Sigurdur Hardester, in the First Floor Conference Room at 5:00 p.m. on Wednesday, October 27, 2010.

1. ROLL CALL SHOWED:

Present:	Bryce Newell	Absent:
	Sigurdur Hardester	
	Jess Sowards	
	Jose Herrera	
	Mel Pollack	

Also Present:	Brian Shutt, City Attorney
	Al Berg, Assistant Director, Community Improvement

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

There were no ex parte communications by any Board member.

Board Liaison, Venice Cobb, swore in those individuals who wished to give testimony for Petition No. 996.

2. APPROVAL OF MINUTES:

Mr. Herrera asked that the minutes be amended to reflect that the City Attorney, Brian Shutt, attended the meeting of September 8, 2010.

Mr. Pollack made a motion to approve the minutes as amended, seconded by Mr. Newell. Said motion passed unanimously.

3. PUBLIC HEARING:

A.	Applicant:	William and Christine Delatron	<u>PETITION NO. 996</u>
	Premises:	419 SW 28 th Avenue	
	Request:	Requesting a variance to allow an enclosed room to have a rear setback of 12.98 ft where 15 ft is required.	

Mr. Al Berg, Assistant Director of Community Improvement, stated that the applicant would like to enclose the rear screen patio. Currently, there is a 12.98 foot setback where a 15 foot setback is required for all habitable space. The home was built with a special condition where the code allowed a 10 foot setback if there was a wide open space behind the screen enclosure. A problem exists because the roofed patio and rain gutters extend onto the neighbor's property next door. Allowing the area to be enclosed would further worsen the problem because of the zero lot line requirements.

Mr. Sowards asked about definitions of our Land Development Regulations (LDR) in respect to screen enclosures in order to determine the intent of the LDR.

Mr. Berg stated that a hard roof can be constructed over a screened enclosure.

Mr. Delatron stated that he cannot argue with the rules and will comply with the decision of the Board. He noted that it would be a financial hardship to demolish the existing structure and rebuild a new foundation.

Mr. Pollack moved to approve the Board Order therefore denying 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. The motion was seconded by Mr. Sowards and passed unanimously.

4. SUNSHINE /PUBLIC RECORDS LAW PRESENTATION

Deferred

5. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. Board Members

None

B. City Attorney

None

There being no further business, Chairperson, Mr. Hardester, 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 27, 2010, 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.