

PETITION NO. 1004

- A. Applicant: Jacqueline Shear
Premises: 701 N. Ocean Boulevard
Request: Requesting a variance to allow a side yard setback of 6 feet where 10 feet are required for a side setback for a pool on a new house in the Ocean Overlay District.

Mr. Berg advised that a letter of objection was received from a neighboring property. However, the objection has nothing to do with the variance. The applicant is requesting a side yard setback of 6 feet where the Code requires 10 feet. Mr. Berg mentioned a small cutout for the walk out steps and a pool bench which will encroach into the required setback. Both items are at ground level and are non-obstructing. The applicant proposes to remove a portion of the house on the south side, remodel the existing house and build a new pool. Staff has no objection to the variance.

Mr. Kilik asked if the applicant would plant shrubs between the pool and the property lines.

Mr. Berg stated that there will be landscaping.

Mr. Kilik was concerned that the neighboring lot would be developed and the owner would make the same request.

Mr. Berg stated that staff's recommendation would still be approval of the applicant's request.

Mr. Eliopoulos gave a presentation via power point. He noted that the property was built in 1994 by Roy Simons. The recent owner fell upon hard times and the home became a rental property. He spoke of the coastal lines stating that they were maxed out in 1994. He then spoke of the sea wall advising that the erosion control line has to have exactly 30 feet back for pool construction. He pointed out areas that have been enclosed. The current pool is small in size and the owner would like a more Florida living dwelling by making adjustments in construction. There is not a lot of living depth in the house which is the reason for the renovation. The renovation will result in reducing the size of the home. Mr. Eliopoulos addressed Mr. Kilik's concern regarding a neighboring lot being developed. He advised that there will not be an issue because pools are constructed on the southwest side of the property so the pool will be on the opposite side of the home. Mr. Eliopoulos also spoke of the letter of objection noting that the issue is relating to an access that may be removed and is between two private individuals and not in relation to the variance. At this time, Mr. Eliopoulos showed additional pictures of the home and photos of the landscape plan.

Mr. Kilik asked if the wall met Code requirement.

Mr. Eliopoulos stated that the wall met Code requirement. He added that a wall on a side property line can be built up to 8 feet in height and an inch away from the property line. The wall has not yet been designed but will be approximately 6 feet high. Mr. Shear proposes aluminum fencing so that the view can be seen.

Ms. Miller stated that she is in favor of the project. She lives in the area and feels that the house was out of balance and too large for the lot.

There was no public present to speak.

Mr. Pollack moved to approve 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 subject to the two (2) conditions noted. The motion was seconded by Ms. Miller and 5-0.

4. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. Board Members

None

B. City Attorney

None

There being no further business, Chairperson, Mr. Kilik, declared the meeting adjourned at 6:04 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 on October 27, 2011, which minutes were formally approved and adopted by the Board on _____.

Venice Cobb, Executive Assistant/Board Liaison