

**BOARD OF ADJUSTMENT MEETING MINUTES
WEDNESDAY, SEPTEMBER 8, 2010, 5:30 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 5:32 p.m. on Wednesday, September 8, 2010.

1. ROLL CALL SHOWED:

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

Also Present:	Brian Shutt
	Al Berg

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. 995.

2. APPROVAL OF MINUTES:

Mr. Newell made a motion to approve the minutes of June 23, 2010, seconded by Mr. Hardester. Said motion passed unanimously.

3. PUBLIC HEARING:

A.	Applicant:	500 Seasage, LLC.	<u>PETITION NO. 995</u>
	Premises:	510 Seasage Drive	
	Request:	Requesting a variance to allow a side setback of 21 feet 8 inches where 30 feet is required for a new single family residence.	

Mr. Al Berg, Assistant Director of Community Improvement, stated that the applicant is requesting a variance to Land Development Regulations Section 4.4.3(F), (G) to allow a side yard setback of 21'8" where 30' are required for a side setback for a garage on a new house in the North Beach/Seagate/Ocean Overlay Districts. The property is approximately 100' wide, 140' deep and located in an R-1-AAA land use district. The proposal is to build a 4,873 square foot home (3,751 square foot of air conditioned space). A side setback of 30' is required for the garage side of the house. The 30' is 60% of the lot length which is 84'. The garage is 101' from the property line. The Property Owner's Design Manual for the district requires 84' which is 60 % of 140 feet. It is

the position of the Urban Design Studios, that a variance is needed because the structure does not maintain the 30' setback for the entire 60% distance. The Overlay District was designed to prevent structures from overshadowing older one story structures by requiring additional setbacks and wall breaks as an opportunity to create a more interesting architectural structure, as well as, to provide light and open space. The intent was to encourage good design, recognize the importance of aesthetics, establish special setbacks, place lot coverage limits, and reduce the massing of two story structures. Staff recommends approval of the request for the variance as the house represents a very high quality development that the Beach Property Owner's Manual was designed to achieve. The applicant is maintaining a large setback of 21' on the north side where only 12' is required. They do not have the 30' required on the side of the garage. The applicant has developed a plan which locates the garage in the rear of the structure completely hidden from the front elevation as the entry is accessed from the north. The applicant has shown a desire to meet the requirements of the beach design manual in locating the garage in the rear. Staff believes that the guidelines were designed to move the garage elevation away from the front and thus require the special 30' side setback for an additional 60% of the lot. Special conditions and circumstances are proposed because of the applicant's chosen design which meets the intent of the design guidelines. The granting of the variance will not confer special privilege on the applicant because the spirit of the design guidelines has been respected.

Mr. Richard Jones, from Richard Jones Architecture, stated that a side setback variance is being requested not to build a structure that is larger than allowed but a structure much less in size and mass keeping with the intent of the Beach Area Design Guidelines and with the community. There are two structures within two blocks of the existing site which are newer construction and are on similar sized lots. The applicant meets or exceeds all minimum requirements for open space, lot coverage and setbacks with the exception of the side garage setback. The design proposed takes the appearance of the garage off the street, as well as, the appearance of cars parked in the driveway which gives the area a more community feel. A rear side loaded garage takes the total view of the garage doors off the street. By providing a rear loaded garage, the design will have a reduced impact on the house to the north whose setback is already 40'. He noted that the applicant can build in the front of the house all the way to the side setback and add two-stories onto the back of the home. However, the intent of the design is to blend in with the community. He went on to state that the applicant is providing a greater front setback than what's required, as well as, a greater south side setback.

Ms. Mary Renaud, President of the Beach Property Owners, stated that a lot of time was spent with the design guidelines. She feels that the variance should be denied and the guidelines regulated.

Ms. Anita Nye stated that she is not in favor of the variance. She spoke of a home that was constructed and now has drainage problems. She is also concerned that precedence will be set.

At this time, Board Liaison, Venice Cobb, swore in additional individuals who wished to give testimony for Petition No. 995.

Ms. Elaine Morris stated that she had plans drawn for redesign of her home but was unable to move forward. Because of the Design Guidelines, the variance was not approved. She is in favor of the applicant's request as she feels it's a nice addition to the neighborhood.

Mr. Berg read into the record, a letter from Elizabeth Wiggins-Ostrich and M.P. Wiggins who is not in favor of the applicant's request.

Mr. Newell asked if any other homes in the area have been granted such a variance in the past.

Mr. Berg stated that this is the first time a variance of this nature has been presented to the Board.

Mr. Herrera asked about an area by the garage, wanting to know if that will be green space.

Mr. Jones stated that the area will be driveway.

Mr. Newell stated that the home could be much larger than what the applicant proposes and feels that although there is no hardship, the applicant has done everything possible to create a design that will blend in with the neighborhood.

Mr. Herrera stated that the design is nicely done.

Mr. Sowards stated that the design guidelines are in place to help ensure good design. The applicant has met the inherent intent by reducing the mass and the lot coverage.

Mr. Sowards 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. The motion was seconded by Mr. Herrera and passed unanimously.

4. ELECTION OF CHAIR/VICE CHAIRPERSON

Mr. Sowards made a motion to re-elect Mr. Hardester as Chairperson, seconded by Mr. Newell. Said motion passed unanimously.

Mr. Sowards made a motion to elect Mr. Bryce Newell as Vice Chairperson, seconded by Mr. Herrera. Said motion passed unanimously.

5. SUNSHINE/PUBLIC RECORDS LAW PRESENTATION

This item was deferred until the next scheduled meeting.

4. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. Board Members

None

B. City Attorney

None

There being no further business, Mr. Hardester, declared the meeting adjourned at 6:19 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 8, 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.