

**PALM BEACH COUNTY**  
**BOARD OF ADJUSTMENT**

Thursday, March 21, 2002  
9:00 a.m. - 9:30 a.m.  
100 South Australian Avenue  
West Palm Beach, Florida

Reporting:

Sophie M. (Bunny) Springer  
Notary Public

**A T E N D E S**

Chelle Konyk, Chairman

Robert E. Basehart, Vice Chairman

Mr. Stanley Misroch

Mr. Bart Cunningham

Ms. Nancy Cardone

David Cuffe, Civil Engineer II, Land Development

Michael Jones, Assistant County Attorney

Jon P. MacGillis, Principal Planner, Zoning

Alan Seaman, Senior Planner, Zoning

Miradieu Aubourg, Planner I, Zoning

Damon Kolb, Planner I, Zoning

Mary Moody, Secretary

Juanita James, Secretary

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CERTIFICATE OF REPORTER:

**P R O C E E D I N G S**

CHAIRMAN KONYK: I'd like to call to order the March 21st, 2002, Board of Adjustment meeting, and start with the roll call and the declaration of quorum.

MS. JAMES: Mr. Bart Cunningham.

MR. CUNNINGHAM: Here.

MS. JAMES: Mr. Robert Basehart.

VICE CHAIRMAN BASEHART: Here.

MS. JAMES: Nancy Cardone.

MS. CARDONE: Here.

MS. JAMES: Mr. Stanley Misroch.

MR. MISROCH: Here.

MS. JAMES: Ms. Chelle Konyk.

CHAIRMAN KONYK: Chelle Konyk.

I have before me proof of publication. I'd like to make sure that that's entered into the record. It was published in the Palm Beach Post February 2nd.

VICE CHAIRMAN BASEHART: You want a motion for that or are you just going to accept it? I don't think we need a motion.

CHAIRMAN KONYK: I don't think we do.

VICE CHAIRMAN BASEHART: Just put it in the record.

CHAIRMAN KONYK: Just put it in the record.

Remarks of the Chairman, I'd like to welcome everybody to the meeting. And for those of you who are not familiar with how we conduct our business, the agenda is divided into two parts, the consent and the regular agenda.

Items on the consent agenda are items that have been recommended for approval by staff with no opposition and no Board member feels the item warrants a full hearing. If there is opposition that comes forward today, your item will be pulled from the consent agenda and reordered to the first item on the regular agenda.

Items on the regular agenda are items that have either been recommended for denial by staff, the applicant does not agree with the conditions recommended, there's opposition from the public or there's a board member that thinks the item warrants a full hearing.

If your item is on the regular agenda, it will be introduced by staff. The applicant will have an opportunity to make their presentation. The staff will make their presentation. At that point, we'll hear from the public. After the public portion of the hearing is closed, the Board members will have an opportunity to ask questions

February, 2002, meeting.

CHAIRMAN KONYK: We have a motion by Mr. Basehart.

MR. CUNNINGHAM: Second

CHAIRMAN KONYK: Second by Mr. Cunningham. All those in favor?

BOARD: Aye.

CHAIRMAN KONYK: Motion carries unanimously. Remarks of the Zoning Director?

MR. MacGILLIS: We have the annual workshop and some other procedural stuff that I'll go over. We'll do that at the end of that meeting before the workshop.

CHAIRMAN KONYK: Okay. Are there any revisions to the agenda?

MR. MacGILLIS: We have three requests for withdrawal without prejudice. The first item under withdrawal is BOFA 2002-003. This item was before the Board last month regarding a variance for a rear setback and the staff had an issue regarding the encroachment of a pool deck into this buffer.

Alan Seaman has worked with the agent, and apparently they have worked this out to the agreement of all parties. So staff supports the withdrawal without prejudice.

VICE CHAIRMAN BASEHART: Does that mean that they moved the pool or does that mean that they came up with a way to reduce the buffer?

MR. MacGILLIS: They reduced the buffer by just five feet on that lot, and the HOA is -- why don't you --

MR. SEAMAN: Actually, what it is, they worked with the homeowners association and they created a licensing agreement, and the licensing agreement says that the Testais only can allow their pool and their pool deck to encroach into the easement. And it was pointed out that since the County has no interest in the easement, and it's not required by the ULDC, there's no violation and therefore there is no need to request a variance

had mentioned that he was going to take these reports and put them in the file, so that if anyone else looks in the file that wants to use this contractor, they'll see that there's been two times that he's made this error and been before the Board. I think in the past we didn't -- Kurt, what was --

MR. MacGILLIS: Typically, it has to be from the property owner to send a complaint to contractor certification because we have a similar situation with a screen enclosure where a contractor went out and did it. When staff pursued it, when Bart asked us to pursue that, we went downstairs and they told us it had to come -- they gave us all the paperwork and said you had to give this to the applicant to file a complaint; we couldn't do it.

CHAIRMAN KONYK: Didn't Kurt say that he is going to do it this time?

MR. MacGILLIS: He said he'll take the paperwork. I can -- staff will follow up on it and make sure he gets the staff report and puts it in. What weight it holds, I don't know, comparing it coming for a formal complaint form that has to be filled out by the party that's injured.

CHAIRMAN KONYK: Right. But at least we've done what we can.

MR. MacGILLIS: Yes.

MR. CUNNINGHAM: Thank you.

CHAIRMAN KONYK: And then the next item for withdrawal?

MR. MacGILLIS: The next item for withdrawal is BOFA 2002-007. This was a Board of Adjustment appeal of the Zoning Director's decision to revoke an administrative site plan. Apparently, the agent -- he's given us a letter to accept the withdrawal of this item. Staff has met with the Zoning Director and the agent and worked this item out as well. He's going to come back and revise the site plan on file and comply with the Code.

MR. MacGILLIS: Yes, the last item on the agenda, regular agenda, BOFA2002-014, the petition of Cotleur & Hearing. The agent is requesting this to be withdrawn without prejudice. Apparently, they're having to get the authorization from the HOA who may not at this point support this.

MR. SEAMAN: They have more restrictive setbacks than the County.

MR. MacGILLIS: Those are the only changes to the agenda.

CHAIRMAN KONYK: Okay.

MR. MacGILLIS: Oh, I'm sorry. The subdivision item -- Dave will address that.

MR. CUFFE: There was a subdivision variance SD-106 that was inadvertently omitted apparently from the agenda, and it has been requested by the applicant to have it postponed until the April meeting, the April 18th meeting. It's a first request for postponement, postponement by right.

CHAIRMAN KONYK: So it's not even on here?

MR. CUFFE: It should have been posted on the regular agenda.

CHAIRMAN KONYK: Okay. So what is the number on that?

MR. CUFFE: SD-106. You have the paperwork in front of you.

CHAIRMAN KONYK: And that's postponed.

MR. CUFFE: Just for the record, on the item that you have in front of you, there is a correction that I would like to make on that.

Just for your information, up in the heading under the proposed, existing and proposed 30 foot access easements, it should be paved roadways rather than unpaved roadways.

CHAIRMAN KONYK: I imagine that will be corrected before the next meeting.

MR. CUFFE: We'll send out a correction sheet on that.

CHAIRMAN KONYK: Okay. That brings us to the consent?

CHAIRMAN KONYK: Other than the other postponed items, which is BOFA 2002-011 postponed, and that's by right? Did we talk about that?

MR. MacGILLIS: 001?

CHAIRMAN KONYK: 011.

MR. MacGILLIS: Oh, yes, that's the first item on the regular agenda.

CHAIRMAN KONYK: Okay. That's postponed?

MR. MacGILLIS: No, that's pulled -- oh, I'm sorry, yes, it is.

CHAIRMAN KONYK: Okay. All right. Items on consent are BOFA 2002 --

VICE-CHAIRMAN BASEHART: Wait. All these people have requested two withdrawal and two postponements; the two withdrawals are requesting without prejudice -- three withdrawals, and they're requesting withdrawals without postponement. I think the Code says that withdrawals with -- you know, unless specifically authorized by the Board-- so does that mean we have to vote on these or can we just acknowledge that they're withdrawn without prejudice?

MR. MacGILLIS: That they're assumed to be without prejudice unless they Board says with prejudice.

VICE-CHAIRMAN BASEHART: Okay.

CHAIRMAN KONYK: Do we need to vote on --

VICE-CHAIRMAN BASEHART: We don't need to vote then.

CHAIRMAN KONYK: They're all by right?

MR. MacGILLIS: Since the three and seven were already before you on a previous agenda, staff would on those two would like a vote.

The third one, since it's never been before this Board before, we don't have a problem with that one. It's just withdrawn by right.

But the other two, since they were on your agendas last month, and if somebody was here on --

CHAIRMAN KONYK: So you'd like a motion on the BOFA2002-003 and BOFA2002-007?

MR. MacGILLIS: Yes.

CHAIRMAN KONYK: Okay. Someone want to make a motion?

VICE-CHAIRMAN BASEHART: I'll make a motion that we allow the withdrawal of 2002-003 and 007 without prejudice.

CHAIRMAN KONYK: We have a motion by Mr. Basehart.

MR. CUNNINGHAM: Second.

CHAIRMAN KONYK: Second by Mr. Cunningham. Any discussion?

(No response.)



CHAIRMAN KONYK: Postponed items we did, right?

VICE-CHAIRMAN BASEHART: Right.

CHAIRMAN KONYK: So now consent. Okay. That moves us to the consent agenda. First item on consent is BOFA2002-009. Is the applicant present?

Before we get started, anybody that's going to speak on this or any other item needs to be sworn in. So if anybody is going to speak on any item, would you please stand and raise your right hand, even if you're just coming forward for consent?

UNIDENTIFIED SPEAKER: On anything?

CHAIRMAN KONYK: Anybody that's going to speak today needs to stand up; we're going to swear everybody in at once.

(Whereupon, the speakers were sworn in by Ms. Springer.)

CHAIRMAN KONYK: Your name for the record?

MR. KREINER: I'm Robert Kreiner.

CHAIRMAN KONYK: And staff has recommended four conditions. Do you understand and agree with those conditions?

MR. KREINER: Yes.

CHAIRMAN KONYK: Is there any letters on this item?

MR. MacGILLIS: There was one letter from a Mr. and Mrs. Martin at 244 Hiawatha Avenue posing that the property value will go down, the neighborhood is already a mess; this just adds to it.

CHAIRMAN KONYK: Are there any members of the public here to speak on this item?

Any Board member feel this item warrants a full hearing?

(No response.)

CHAIRMAN KONYK: Seeing none, this item will remain on the consent. You can sit down.

#### **STAFF RECOMMENDATIONS**

**Approval with conditions**, based upon the following application of the standards enumerated in Article 5, Section 5.7.E of the Palm Beach County Unified Land Development Code (ULDC), which a petitioner must meet before the Board of Adjustment may authorize a variance.

#### **ANALYSIS OF ARTICLE 5, SECTION 5.7.E VARIANCE STANDARDS**

side of Saginaw Ave. approximately .12 miles W. of Congress Ave., and approximately .38 miles S. of Okeechobee Blvd. within the Westgate Estates Plat No.8, page 38. The property has an HR8 land use designation within an RH zoning classification. The applicant is proposing a larger garage, which will exceed the distance between property lines, in order to store a motor home and a boat in other items that are presently stored on the lot in view by the neighborhood. Granting the variance would provide reasonable use of the property as well as improve the aesthetics and general public welfare of the Westgate Estates neighborhood.

2. SPECIAL CIRCUMSTANCES AND CONDITIONS ARE THE RESULT OF ACTIONS OF THE APPLICANT:

**NO.** The special circumstances and conditions **are not the result** of actions of the applicant. The applicant purchased the property in 1984 and constructed an approximately 1,339.30 sq/ft garage on the property. In July, 2001, the garage was destroyed by fire by more than 25% and was demolished by the property owner in September, 2001 (B01023678). The applicant requests the variance for the exceeding 25 percent of the distance between the property lines in order to provide a storage area for a 38 foot motor home, a tractor and a boat. The proposed garage would allow the applicant to store vehicles out of view of the surrounding neighbors. The storage area would provide an added measure of security in order for the applicant. Also, the proposed 45'X51.94 garage will improve the aesthetical value of the property and other surrounding properties.

3. GRANTING THE VARIANCE SHALL CONFER UPON THE APPLICANT SPECIAL PRIVILEGE(S) DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDINGS OR STRUCTURES, IN THE SAME DISTRICT:

**NO.** As calculated pursuant to the ULDC regulations, the maximum distance allowed to be covered between the east and west property lines is 37.50 feet. The applicant

structures in the same district.

4. A LITERAL INTERPRETATION AND ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS CODE WILL DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PARCELS OF LAND IN THE SAME DISTRICT, AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:

**YES.** A literal enforcement of the provision of the Code **will deprive** the applicant of rights commonly enjoyed by other parcels of land in the same district. The variance request is consistent with the purpose and intent of the Westgate/Belvedere Homes community Redevelopment Agency (WCRA-O) which was created to remove blighted conditions, enhance the county's tax base, improve the living conditions, and preserve areas of low moderate cost house in the Westgate/Belvedere Homes area. Granting this variance will mostly impact the applicant himself since he owns the lot adjacent to the west of the subject property and the lots adjacent to the north of the subject property.

5. THE APPROVAL OF VARIANCE IS THE MINIMUM VARIANCE THAT WILL ALLOW A REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:

The approval of a variance **is the minimum** variance that will allow a reasonable use of the parcel of land, building or structure. The storage of the applicant's property within the proposed structure would keep the property out of view by the neighborhood. Also, the proposed garage would improve the aesthetical value of the property and other surrounding properties. This variance would be the minimum variance required to achieve the reasonable desired uses of the property while maintaining the general intent of the ULDC.

6. GRANT OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS

he lot and to ensure the aesthetical value of that lot and other adjacent lots are maintained. In this case, the construction of the proposed structure will exceed the percentage of the distance between property lines allowed to be occupied by an accessory structure within the RH zoning district, which is defined as twenty-five (25) percent of the distance between property lines. The structure, as proposed, would be 45 feet in length and 51.95 feet in width. As calculated pursuant to the ULDC regulations, the maximum distance allowed to be covered between the east and west property lines is 37.50 feet. The applicant is proposing 51.95 feet. Also the maximum distance between the north and south property lines for the subject is 28.75 feet. The applicant is proposing 45 feet.

7. THE GRANT OF THE VARIANCE WILL BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:

**NO.** Granting the variance **will not be injurious** to the neighborhood. The general intent of the ULDC is to ensure the size of the accessory structure is in scale proportion to the lot. The proposed structure is not encroaching any setback, therefore, the separation between adjacent properties will be maintained. In addition, granting this variance will mostly impact the applicant himself since he owns the lot adjacent to the west of the subject property and the lots adjacent to the north of the subject property. Also, the applicant is using the existing concrete slab to construct proposed garage. As outlined in the ULDC Sec. 6.7B.1, the WCRA-0 district is established with the purpose and intent of encouraging development and redevelopment of the area through regulatory incentives in order to arrest deterioration of property values.

#### **ENGINEERING COMMENT**

No comment. (ENG)

#### **ZONING CONDITIONS**

provide the Building Division with a copy of the Board of Adjustment Result Letter and a copy of the Site Plan presented to the Board, simultaneously with the building permit application. **(BLDG PERMIT:BLDG)**

3. By September 21, 2002, the applicant shall obtain a building permit for the proposed garage in order to vest the variance approved pursuant to BA2002-009. **(DATE:MONITORING-BLDG PERMIT)**
4. By February 21, 2003, the applicant shall remove the canopy on the property. **(DATE:MONITORING-BOFA-ZONING)**

CHAIRMAN KONYK: Next item on consent is BATE2002-010. Is the applicant present?

MR. KEEL: Yes.

CHAIRMAN KONYK: Your name for the record?

MR. KEEL: Ervin Keel.

CHAIRMAN KONYK: You are requesting a six month time extension; is that -- that's not advertised, right, so there's no opposition from the public.

Does any Board member have any objection to this?

(No response.)

CHAIRMAN KONYK: Seeing none, this item will remain on the consent.

MR. KEEL: Thank you.

#### **STAFF RECOMMENDATION**

Staff recommends approval of a **6 month** time extension of Condition #3 from **March 20, 2002, to September 20, 2002** and to allow a **6 month** time extension for the development from **March 15, 2002 to September 15, 2002**, consistent with Article 5.7.H.2 of the ULDC, to provide additional time for the petitioner to commence development and

the Board, simultaneously with the building permit application. **(BLDG PERMIT: BLDG COMPLETED ON February 4, 2002.**

2. Prior to DRC certification the applicant shall ensure the BA2001-017 conditions are attached to the Site Plan. **(DRC) Completed 2001.**
3. Prior to March 20, 2002, the applicant shall obtain a building permit for the expansion to the church to vest the front, rear setback variances and the lot coverage variance approved pursuant to BA2001-004. **(DATE: MONITORING: BLDG PERMIT)**

**Is hereby amended to read:**

Prior to **September 20, 2002**, the applicant shall obtain a building permit for the expansion to the church to vest the front, rear setback variances and the lot coverage variance approved pursuant to BA2001-004. **(DATE:MONITORING:BLDG PERMIT) See PR02-004166 for church expansion.**

4. Prior to DRC certification the applicant shall provide additional landscaping around the foundation of the future expansion at both the rear and front to mitigate the setback variances. The use of native plant material is encouraged to maintain the natural character created by the existing vegetation. **(DRC)**
5. The Development Order shall expire on September 15, 2002. The applicant shall have obtained the building permit for the church expansion in order to vest the three variances approved pursuant to BA2001-017. **(DATE:MONITORING-ZONING-BA)**

**ENGINEERING COMMENT:**

No comment. **(ENG)**

conditions on this item. Do you understand and agree with those conditions?

MS. LaVALLEY: Yes.

CHAIRMAN KONYK: Is (sic) there any letters on this one, Jon?

MR. MacGILLIS: No, just one contact from a Paula Maximillian. No comments once staff spoke to her.

CHAIRMAN KONYK: Is there any member of the public here to speak on this item?

(No response.)

CHAIRMAN KONYK: Any Board member feel this item warrants a full hearing?

(No response.)

CHAIRMAN KONYK: Seeing none, this BOFA2002-012 will remain on consent.

MS. LaVALLEY: Thanks.

#### **STAFF RECOMMENDATIONS**

**Approval with conditions**, based upon the following application of the standards enumerated in Article 5, Section 5.7.E of the Palm Beach County Unified Land Development Code (ULDC), which a petitioner must meet before the Board of Adjustment may authorize a variance.

#### **ANALYSIS OF ARTICLE 5, SECTION 5.7.E VARIANCE STANDARDS**

1. SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST THAT ARE PECULIAR TO THE PARCEL OF LAND, BUILDING OR STRUCTURE, THAT ARE NOT APPLICABLE TO OTHER PARCELS OF LAND, STRUCTURES OR BUILDINGS IN THE SAME DISTRICT.

**YES.** The subject property is located at 8346 Stagecoach Lane, approximately .25 miles N of Clint Moore Road and approximately .1 mile east of Wagon Wheel Dr. within the Horseshoe Acres subdivision.

This subdivision was part of the County initiated rezoning (Pet.75-120, Resolution 98-851 that rezoned the property from AR to AGR. The property has an AGR land use designation with an AGR zoning classification. The subdivision supports approximately 66 single family lots. The lots are typically 5 acres in size or larger as a result of a property owner buying and

comply with the current code regulation, which required 100 foot setback for AGR zoning district. The existing setbacks are a result of zoning regulations under the A1 designation. Zoning in this district has since changed to AGR (Agricultural Reserve).

Considering the facts above, the applicant is unable to meet the AGR setback requirements and a variance is the only relief that the applicant has to meet their needs.

2. SPECIAL CIRCUMSTANCES AND CONDITIONS ARE THE RESULT OF ACTIONS OF THE APPLICANT:

**NO.** The zoning designation in the applicants district was recently amended by Palm Beach County in 1998. When the original dwelling was constructed in 1972, it was permitted a front setback of 30 feet, which the existing house met at the time. The applicant is proposing to construct an addition to the existing single family dwelling that can only be accomplished if a variance is granted. The proposal will be consistent with the existing dwelling setbacks. The applicant had no other design options for the construction of the proposed addition since there is an existing stable located in the rear yard of the property. Granting the variance would allow the proposed addition to align with the existing single family dwelling in the front setback.

3. GRANTING THE VARIANCE SHALL CONFER UPON THE APPLICANT SPECIAL PRIVILEGE(S) DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDINGS OR STRUCTURES, IN THE SAME DISTRICT:

**NO.** Granting of the variance requested **shall not** confer upon the applicants special privileges denied by the comprehensive plan and this code to other parcels of land in the same district. The Comprehensive Plan permits additions to single family dwellings in this district. Other properties in the AGR zoning district and general neighborhood have single family dwellings with similar square footage. The proposed addition to this existing legal non-conforming dwelling



4. A LITERAL INTERPRETATION AND ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS CODE WILL DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PARCELS OF LAND IN THE SAME DISTRICT, AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:

**YES.** A literal interpretation and enforcement of the terms and provisions of the code **would** deprive the applicants of rights commonly enjoyed by other parcels of land in the same district. The setbacks in the AGR zoning district were established for a minimum 5 acre lot. The lot dimensions are 330 feet deep and 330 feet wide, which would allow for a 100 foot front and rear setback. The subject lot is 2.5 acres and has a legal non-conforming structure constructed at a 26.1 foot setback. The 30 foot setback was applied to many of the homes built prior to the zoning change in 1998. The proposed addition will align with the existing front facade setback at 26.1 feet. Therefore the existing uniformity along the street will be maintained and adjacent property values and existing separations will be maintained.

5. THE APPROVAL OF VARIANCE IS THE MINIMUM VARIANCE THAT WILL ALLOW A REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:

**YES.** The variance requested **is** the minimum necessary to allow a reasonable use of the parcel of land and to allow the proposed addition to move forward. Due to the structural design and layout of the existing house there is no other design option for the proposed addition. The proposed addition is minimal and remains in keeping with the character of the other houses in the neighborhood.

6. GRANT OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:

**YES.** Granting of the variance **will be**

in this rural subdivision constructed at varying front setbacks because of the change in land use and zoning in this area over the past 50 years. The applicant's proposal simply aligns the addition to the same front setback line as the existing dwelling. There will be no significant impact on the street by these proposed improvements to the dwelling.

The required front setback for this property is 100 feet. As a legal nonconforming structure, the existing front setback is 26.1 feet from the road easement and the proposed front setback is 26.1 feet for the addition to the house. The proposed setbacks are sufficient to be consistent with the original approval and the general intent of the front setback for this community.

7. THE GRANT OF THE VARIANCE WILL BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:

**NO.** The grant of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The request for the reduction in the front setback will not be visually detectable since the proposed front setbacks will be in keeping with the original setbacks applied to the existing dwelling and generally in character with other homes constructed with a 30 foot setback. The proposed improvements of the property will also enhance the property values of the neighborhood.

#### **ENGINEERING COMMENT**

No comment. (ENG)

#### **ZONING CONDITIONS**

1. The development order for this particular variance shall lapse on March 21, 2003, one year from the approval date. The applicant may apply for an extension provided they complete the time extension application prior to the original Development Order expiring.

- addition to the existing single family dwelling in order to vest the approved variance. **(DATE:MONITORING-BLDG PERMIT)**
4. All improvements to the existing dwelling shall be consistent with the setbacks shown on Exhibit 9 in the Board of Adjustment File (BA2002-0012). **(BLDG PERMIT)**

CHAIRMAN KONYK: Next item on consent is BOFA2002-015. It's you again?

MS. LaVALLEY: 015 or 013?

CHAIRMAN KONYK: Oh, 013. Sorry, I saw your name twice. Again, we have five conditions. Do you understand and agree?

MS. LaVALLEY: Yes, but didn't we need to change a date on one of them?

MR. MacGILLIS: Page 48 is the conditions. Staff has already made --

CHAIRMAN KONYK: So they are correct --

MR. MacGILLIS: Yes, they are correct what's on the record.

CHAIRMAN KONYK: Okay. So you understand and agree with the conditions?

MS. LaVALLEY: Yes.

CHAIRMAN KONYK: Are there any letters on this?

MR. MacGILLIS: There are no letters.

CHAIRMAN KONYK: Any member of the public here to speak on this item?

(No response.)

CHAIRMAN KONYK: Any Board member feel this item warrants a full hearing?

(No response.)

CHAIRMAN KONYK: Seeing none, this item will remain on consent.

MS. LaVALLEY: Thank you.

#### STAFF RECOMMENDATIONS

**Approval with conditions**, based upon the following

1. SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST THAT ARE PECULIAR TO THE PARCEL OF LAND, BUILDING OR STRUCTURE, THAT ARE NOT APPLICABLE TO OTHER PARCELS OF LAND, STRUCTURES OR BUILDINGS IN THE SAME DISTRICT.

**YES.** The subject site is a legal nonconforming .53-acre parcel with a CG Zoning designation. Presumably, the existing structures were constructed prior to the 1957 Zoning Code. Current ULDC property development regulations require a CG zoned property to comply with minimum regulations, including lot size and setbacks. The applicant would like to convert the existing structures to an office use (business or professional), a permitted use in the CG Zoning District. The applicant is attempting to preserve the existing structures and redevelop the site in accordance with current ULDC requirements. The site is surrounded by varied non-residential uses that limit alternative site design options. The requested variances are required to address the nonconforming characteristics on site.

2. SPECIAL CIRCUMSTANCES AND CONDITIONS ARE THE RESULT OF ACTIONS OF THE APPLICANT:

**NO.** The existing site conditions are not the result of the property owner. Presumably, the existing structures were constructed prior to the 1957 Zoning Code. The only building records Staff located were filed for alterations due to road widening (Military Trail) in 1965. The site supported a legal nonconforming church use until the applicant purchased the site December 19, 2001. The nonconforming church use can be reestablished and would continue the nonconforming use. The applicant would like to convert the existing structures to an office use (business or professional), a permitted use in the CG Zoning District. The proposed redevelopment of the existing structures will require several variances in order to comply with current Unified Land Development Code (ULDC) requirements. The proposed redevelopment of this site will greatly enhance the site and area.

legal nonconforming lot that has two existing structures on it. The future land use designation of CH permits an office use.

The proposed office use would also be permitted in the CG Zoning District. The requested variances will reduce several nonconformities and improve the existing site condition. The applicant has examined several design options in order to minimize the requested variances. Staff is recommending a condition that the applicant complete a BA approved landscape plan to mitigate the reduction of the buffer.

4. A LITERAL INTERPRETATION AND ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS CODE WILL DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PARCELS OF LAND IN THE SAME DISTRICT, AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:

**YES.** The ULDC establishes minimum code requirements for the development of each site. The ULDC currently does not address infill or redevelopment of sites. This site has existing limitations that result in the need for variances. The existing nonconforming structures and the nonconforming lot size limit the available design options. The applicant is attempting to comply with the current ULDC requirements, yet utilize the existing nonconforming structures for the proposed office use. A literal interpretation of the ULDC would restrict any substantial redevelopment on site.

5. THE APPROVAL OF VARIANCE IS THE MINIMUM VARIANCE THAT WILL ALLOW A REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:

**YES.** The granting of this variance **is the minimum variance** that will make possible the reasonable use of the parcel of land. The applicant would like to convert the existing structures to an office use (business or professional), a permitted use in the CG Zoning District. The proposed redevelopment of the existing structures will require several variances in order to comply with

redevelopment on site.

6. GRANT OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:

**YES.** The granting of the requested variances will be consistent with Comprehensive Plan and ULDC provisions. The site has a future land use of CH and a Zoning designation of CG. The intent of the Comprehensive Plan and ULDC is that this site be used for commercial uses. The requested variances will allow the site to be redeveloped to accommodate a permitted office use. The applicant is attempting to preserve the existing structures and redevelop the site in accordance with current ULDC requirements. The site is surrounded by varied non-residential uses that limit alternative site design options. The requested variances are required to address the nonconforming characteristics on site. The redevelopment of the site will improve the overall site design.

7. THE GRANT OF THE VARIANCE WILL BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:

**NO.** Granting the requested variances **will not be injurious** to the surrounding area. The requested variances are the minimum necessary to redevelop the existing structures. The requested variances will not be injurious to the adjacent parcels or the general public, as they have existed for over 50 years in their current configuration. The surrounding area supports varied non-residential uses. The proposed redevelopment of this site will greatly enhance the site and area. Staff is recommending a condition that the applicant complete a BA approved landscape plan to mitigate the reduction of the buffer.

#### ENGINEERING COMMENTS

The requirement that the Base Building Line for the

right-of-way line, being the north property line of the subject property.

#### **ZONING CONDITIONS**

1. The development order for this particular variance shall lapse on March 21, 2003, one year from the approval date. The applicant may apply for an extension provided they complete the time extension application, prior to the original Development Order expiring. **(DATE:MONITORING-Zoning)**
2. By June 21, 2002, the property owner shall provide the Building Division with a copy of the Board of Adjustment Result Letter and a copy of the Site Plan presented to the Board, simultaneously with the building permit application. **(BLDG PERMIT:BLDG)**
3. By September 23, 2002, the applicant shall obtain a building permit for the redevelopment of the existing site. **(DATE:MONITORING-BLDG PERMIT-BA)**
4. The final site layout of the professional office shall be consistent with the BA Site Plan, Exhibit 9, and all BA conditions. Any modifications to the site layout shall be reviewed with Zoning BA Section prior to the changes being submitted for a building permit. **(ONGOING)**
5. Prior to receiving building permits, the applicant shall submit a landscape plan to the Zoning BA Section consistent with all ULDC requirements and indicating the approved variances. **(BLDG PERMIT:LANDSCAPE-BA)**

MR. BARBER: Yes, they do.

CHAIRMAN KONYK: Jon, any letters?

MR. MacGILLIS: Just one from a Bob Hamilton supporting the variance.

CHAIRMAN KONYK: Any member of the public here to speak on this item?

(No response.)

CHAIRMAN KONYK: Any board member feel this item warrants a full hearing?

(No response.)

CHAIRMAN KONYK: Seeing none, this item will stay on the consent.

MR. BARBER: Thank you

#### **STAFF RECOMMENDATIONS**

**Approval with conditions**, based upon the following application of the standards enumerated in Article 5, Section 5.7.E of the Palm Beach County Unified Land Development Code (ULDC), which a petitioner must meet before the Board of Adjustment may authorize a variance.

#### **ANALYSIS OF ARTICLE 5, SECTION 5.7.E VARIANCE STANDARDS**

1. SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST THAT ARE PECULIAR TO THE PARCEL OF LAND, BUILDING OR STRUCTURE, THAT ARE NOT APPLICABLE TO OTHER PARCELS OF LAND, STRUCTURES OR BUILDINGS IN THE SAME DISTRICT.

**YES.** The property is located at 1100 W. Yamato Road, approx 1 mile West of State Road 7 (SR7) and approximately .5 miles E of 115th Ave. So. n the PO Zoning District. The property has a land use designation of Park and a PO zoning classification. This particular property received prior Development review committee approval (DRC) 01-081 for the expansion of Kimberly substation in December 2001. The property is 2.5 acres with a depth of 330.03 feet by 330.03 feet. The property currently supports an existing 532 sq/ft approved in 1988 (B89000069). According to the aerial map, the nearest single family dwelling is located at 280 feet east of the subject. The applicant is requesting a variance to



wire on the top, therefore, granting the variance will simply allow the proposed 1 foot barbed wire to be located on the top of fence and be consistent with the existing fence.

2. SPECIAL CIRCUMSTANCES AND CONDITIONS ARE THE RESULT OF ACTIONS OF THE APPLICANT:

**NO.** The code was recently amended by Palm Beach County in 1999. When the original substation was constructed in 1989, it was permitted for the fence to have barbed wire on the top. The request can only be accomplished if a variance is granted.

3. GRANTING THE VARIANCE SHALL CONFER UPON THE APPLICANT SPECIAL PRIVILEGE(S) DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDINGS OR STRUCTURES, IN THE SAME DISTRICT:

**NO.** Granting the variance for the expansion of the existing fence with barbed wire adjacent to residential zoning district **will not grant** special privilege to the applicant. The applicant is requesting no more than what was approved for the existing fence in 1989. This particular property received prior Development Review Committee approval (DRC)01-081 for the expansion of Kimberly substation in December, 2001. This type of fence with barbed wire is needed for safety reasons for electrical station, substation or around communication equipment structure in order to minimize the possibility of entrance of unauthorized persons or interference with equipment operation inside these facilities.

4. A LITERAL INTERPRETATION AND ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS CODE WILL DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PARCELS OF LAND IN THE SAME DISTRICT, AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:

**YES.** The property has a land use designation of Park and a PO zoning classification. A literal interpretation and enforcement of the terms and provisions

person without permission from Florida Power & Light Co.

5. THE APPROVAL OF VARIANCE IS THE MINIMUM VARIANCE THAT WILL ALLOW A REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:

Granting the variance **is the minimum** variance to allow the existing barbed wire fence to be extended for security and safety measures. The current code does not allow fences with barbed wire or similar structures erected in or adjacent to any residential district. The nearest residential building is at least 200 feet away from the substation. When the substation was approved in 1989, the zoning code did not prohibit barbed wire adjacent to residential or for the subject substation. The code was amended recently in September, 1999, in order to prohibit barbed wire adjacent to residential zoning district. The expansion is required to service the increasing demands on the distribution of power in the immediate area. The substation is surrounding by existing 7' native hedge and slash pines, oak trees. This vegetation will mitigate any negative impacts associated with the variance.

6. GRANT OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:

**YES.** The property is located within a Public Ownership zoning district and is therefore surrounded by a PUD in the north, south county regional Park in the south and west FPL use in the east. The purpose of the barbed wire on the top of the fence is to provide safety and security enclosure for the existing substation as well as discouraging unauthorized persons to have access inside the substation. The fence including the proposed extension consists of 7 feet of chain link with 1 foot barbed wire on the top. The existing fence has existed with barbed wire for safety and security reasons since 1989. The code was recently amended by Palm Beach County in 1999 to

7. THE GRANT OF THE VARIANCE WILL BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:

**NO.** Granting this variance **will not be injurious** to the surrounding neighborhood. The existing substation supports a 532 sq/ft relay vault. The nearest single family dwelling to the east is located at approximately 280 feet, and the northeast at approximately 600. To the west and south, the substation is surrounded by an existing lake, property of South County Regional Park. If the variance is granted, the surrounding neighborhood could not visually detect where the requested variance starts and ends, since it will be in keeping with the original fence with barbed wire on the top.

#### **ENGINEERING CONDITIONS**

No comment. **(ENG)**

#### **ZONING CONDITIONS**

1. The development order for this particular variance shall lapse on March 21, 2003, one year from the approval date. The applicant may apply for an extension provided they complete the time extension application, prior to the original Development Order expiring. **(DATE:MONITORING-Zoning)**
2. By June 21, 2002, the applicant shall provide the Building Division with a copy of the Board of Adjustment Result Letter and a copy of the Site Plan presented to the Board, simultaneously with the building permit application. **(BLDG PERMIT:BLDG)**
3. By September 21, 2002, the applicant shall obtain a building permit for the proposed expansion of the existing fence with 1 foot barbed wire on the top in order to vest the variance approved pursuant to BA2002-015. **(DATE:MONITORING-BLDG PERMIT)**
4. Prior to DRC certification, the applicant shall ensure the BOFA conditions are shown on the site plan. **(DRC)**

CHAIRMAN KONYK: BOFA2002-016. Your name for the record?

MS. FEDAS: Karen Fedas.

CHAIRMAN KONYK: Staff has recommended five conditions. Do you understand and agree with those conditions?

MS. FEDAS: The zoning conditions?

CHAIRMAN KONYK: Yes.

MS. FEDAS: I don't.

CHAIRMAN KONYK: Pardon me?

MS. FEDAS: I don't.

VICE-CHAIRMAN BASEHART: You don't agree with them?

MS. FEDAS: I don't understand them.

CHAIRMAN KONYK: Well, if you don't understand them, we have to pull this for a full hearing.

VICE-CHAIRMAN BASEHART: Why don't we let the staff explain the --

MS. FEDAS: Is everything as I asked for or do I have to do something?

MR. SEAMAN: That's my mistake. I apologize. I thought I had called and I hadn't called.

MS. FEDAS: Right, you didn't call.

CHAIRMAN KONYK: Okay. Do you want to go over it real quick with her?

MR. SEAMAN: Yeah. There are five conditions for your approval and they state -- do you have them?

MS. FEDAS: I've got them. Zoning conditions?

MR. MacGILLIS: Yes.

MR. SEAMAN: On page 72 --

MS. FEDAS: Yes.

MR. SEAMAN: And your development order is good for one year. It expires March 21, 2003, or you must actually receive your building permit.

By September 23, 2002, the applicant shall apply to the Building Division for building permits for the solid roof screen enclosure.

MS. FEDAS: Okay.

MR. SEAMAN: By September 23, 2002, the property owner shall provide the Building Division with a copy of the Board of Adjustment Result Letter and a copy of the Site Plan presented to the Board indicating the BOFA conditions of approval, simultaneously with the building permit

certified site plan for Pine Ridge at Delray Beach.

That simply means that you need to contact me and we'll be sure we get the conditions of this approval on the approved master plan for Pine Ridge at Delray. Just give me a call and I'll take care of that for you.

MS. FEDAS: Thank you. Yes, I understand it.

CHAIRMAN KONYK: Okay. Any letters?

MR. MacGILLIS: No letters.

CHAIRMAN KONYK: Anyone from the public here to speak on this item?

(No response.)

CHAIRMAN KONYK: Any Board member feel this item warrants a full hearing?

(No response.)

CHAIRMAN KONYK: Seeing none, your item will remain on the consent.

MS. FEDAS: Thank you.

#### **STAFF RECOMMENDATIONS**

**Approval with conditions**, based upon the following application of the standards enumerated in Article 5, Section 5.7.E of the Palm Beach County Unified Land Development Code (ULDC), which a petitioner must meet before the Board of Adjustment may authorize a variance.

#### **ANALYSIS OF ARTICLE 5, SECTION 5.7.E VARIANCE STANDARDS**

1. SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST THAT ARE PECULIAR TO THE PARCEL OF LAND, BUILDING OR STRUCTURE, THAT ARE NOT APPLICABLE TO OTHER PARCELS OF LAND, STRUCTURES OR BUILDINGS IN THE SAME DISTRICT.

**YES.** Special circumstances and conditions **do exist** which are peculiar to this parcel of land that are not applicable to other parcels within the same zoning district. The subject lot is located .2 miles west of Hagen Ranch Road and .4 miles E of Florida Turnpike within a PUD known as Pine Ridge at Delray Beach. The subject lot has a land use designation of (MR5) Medium Residential 5 units per acre and a zoning classification of (PUD) Planned Unit Development. The

line home, and adjacent to the northern property line is a 20-foot wide perimeter lake maintenance easement and water tract.

The applicant states in the justification that the proposed screen enclosure will enhance the quality of life for her husband who has had a stroke and is now handicapped and limited in his movement. The solid roof screen enclosure will allow an extended permanent living space protected from the sun and rain. The proposed encroachment will be into the rear setback and allow the expansion of the existing 3X9' concrete patio to a living area of 12.5' x 18'. the roof will be a flat pan roof. As stated above, the variance requested is to reduce the rear setback from 10 feet to 0 feet. There are no lots adjacent to the rear property line. Abutting the rear property line is an approx. 150 water tract. The water tract can be considered an extension of the subject lot visually, which will mitigate any impacts of the variance request.

2. SPECIAL CIRCUMSTANCES AND CONDITIONS ARE THE RESULT OF ACTIONS OF THE APPLICANT:

**NO.** Unique to this lot is the fact that it has an existing 3 x 9 concrete patio and expanding it to a living area of 12.5 x 18 with a solid roof screen roof enclosure and that there is a 20 foot maintenance easement and approx. 110 foot water tract to the rear of the property. Both of these factors are unique and not self-created by the applicant.

3. GRANTING THE VARIANCE SHALL CONFER UPON THE APPLICANT SPECIAL PRIVILEGE(S) DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDINGS OR STRUCTURES, IN THE SAME DISTRICT:

**NO.** There are other property owners within the area that enjoy the use of a solid roof screen enclosure on the rear of their zero lot line single-family dwelling. A solid roof screen enclosure would allow the applicant and her husband to enjoy the

characteristics as the lot that is the subject of this variance request. Both of the lots abut passive open space to the rear of the lot.

4. A LITERAL INTERPRETATION AND ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS CODE WILL DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PARCELS OF LAND IN THE SAME DISTRICT, AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:

**YES.** As previously mentioned in the above criteria, there are other properties within this subdivision that support solid roof screen enclosures on the rear of the dwelling unit. The applicant would like to have a solid roof screen enclosure similar to others in the area. In addition, there will be no negative impacts to any of the surrounding property owners considering there is approx. 150 water tracts along the rear property line.

5. THE APPROVAL OF VARIANCE IS THE MINIMUM VARIANCE THAT WILL ALLOW A REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:

**YES.** The approval of the variance is the minimum variance that will allow a reasonable use of the parcel of land, building or structure. The subject lot supports a zero lot line home and is 50 feet wide by 100 feet deep. Considering there are no lots adjacent to the rear property line, the rear of the subject home is the most unobtrusive location for the proposed solid roof screen enclosure. In addition, there is not ample buildable area to the side (non zero lot line side) or the front of the subject dwelling unit to support the enclosure and meet the setbacks.

6. GRANT OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:

**YES.** The intent of the code is to maintain the quality of the residential areas by

7. THE GRANT OF THE VARIANCE WILL BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:

**NO.** As previously mentioned, the rear property line of the subject lot is adjacent to a 20 foot wide lake maintenance easement and water management tract of approx 110 feet. This results in a total of approx. 150 feet of separation from the nearest lot to the north. The encroachment into the rear setback will be mitigated by the lake open space. In addition, the solid roof screen enclosure will occupy the area currently supporting a 3 x 9 concrete patio. Therefore, it will not be visually obtrusive to the surrounding property owners. Considering this information, the granting of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. In addition, since many of the surrounding residents also have screen porches, the approval of the variance will not convey an activity or use not already being enjoyed in the neighborhood.

#### **ENGINEERING COMMENTS**

No portion of the proposed structure (including overhang) or fill placed above existing grade at the rear property line may encroach the abutting lake maintenance easement.

#### **ZONING CONDITIONS**

1. The development order for this particular variance shall lapse on March 21, 2003, one year from the approval date. The applicant may apply for an extension provided they complete the time extension application, prior to the original Development Order expiring. **(DATE:MONITORING-Zoning)**
2. By September 23, 2002, the applicant shall apply to the Building Division for building permit(s) for the solid roof screen enclosure. **(DATE:MONITORING BLDG PERMIT)**
3. By September 23, 2002, the property owner shall provide the Building Division with a copy of the Board of Adjustment Result Letter and a copy of the Site Plan presented



5. By September 23, 2002, the applicant shall ensure the BOFA conditions are shown on the certified site plan for Pine Ridge at Delray Beach. **(DATE: MONITORING BOFA-ZONING)**

VICE-CHAIRMAN BASEHART: Is that the end of the consent agenda?

CHAIRMAN KONYK: That's the end. We're ready for a motion.

VICE-CHAIRMAN BASEHART: I make a motion that we approve the following items on consent: BOFA2002-009, time extension -- I can't read it.

CHAIRMAN KONYK: BATE2002-010.

VICE-CHAIRMAN BASEHART: -- 010, then BOFA2002-012, 2002-013, 2002-015, 2002-016, all with the conditions of approval recommended by staff.

And also included in the motion I'd like to make the staff report the record of the hearing.

CHAIRMAN KONYK: We have a motion by Mr. Basehart. Do we have a second?

MS. CARDONE: Second.

CHAIRMAN KONYK: Second by Ms. Cardone. Any discussion?

All those in favor?

BOARD: Aye.

CHAIRMAN KONYK: Opposed?

(No response.)

CHAIRMAN KONYK: Motion carries unanimously. That's it.

VICE-CHAIRMAN BASEHART: Well, you've got your other items.

CHAIRMAN KONYK: We have other business to conduct.

MR. MacGILLIS: Are you waiting for a case or --

UNIDENTIFIED SPEAKER: I'm waiting for a case.

MR. MacGILLIS: Which one?

UNIDENTIFIED SPEAKER: SD-106.

that need the workshop are the ones that aren't here.

CHAIRMAN KONYK: Yeah.

MR. MacGILLIS: There's something else. I didn't get with Amy, too. I didn't know if we wanted somebody to do the stuff on the ethics again. You know, we usually update you each year. I didn't put anything in here.

VICE CHAIRMAN BASEHART: You mean something by that, Jon?

MR. MacGILLIS: Pardon?

I think they changed some new stuff in the code revision task team -- or what we call it, the CTF.

Lenny Burger came in and actually did quite a good presentation on all the rules and how they apply. And I don't know, especially for some of the new Board members, I think that would be good so we could add that on here.

CHAIRMAN KONYK: So have Lenny do it?

MR. MacGILLIS: Lenny has done one of the best ones that I've seen. It was really comprehensive as he went through it, because I think that's his -- one of his specialties.

CHAIRMAN KONYK: Why don't you set that up for Lenny to do?

MR. MacGILLIS: Okay. I'll see if we can have him come to the next meeting. Put that on.

CHAIRMAN KONYK: As long as we don't have a long agenda.

MR. MacGILLIS: All right. Because most of the stuff on here, I think we can go through very quickly. I mean, most of the Board members have been here at least one or more workshops than one, so we could go through some of the stuff quickly and focus in on the -- I want to go over some of the stuff with code revision because -- actually, I haven't informed this Board.

I've actually been put in charge of the code revision section as of probably a month ago. I'm going to be focusing more of my attention on that than actually the Board of Adjustment. Alan's going to take on more of the daily operations of the Board of Adjustment.

As part of the code revision thing, we're looking at all articles in the code, and actually, Al, are you the team manager for BOA? We've actually taken the code and everyone in the Zoning Division is in a team where we're actually looking at the code. Alan's in charge of the Board of Adjustment.

So what he'll be doing, once we get the drafts done up and any changes we're making or any

again. But maybe we can look at that again.

VICE-CHAIRMAN BASEHART: Maybe do it something like Section 5.6 where you're entitled to one administrative extension, if you can justify it; then after that you have to come back to the Board.

CHAIRMAN KONYK: That's a good idea.

MR. MacGILLIS: Maybe what we'll do, if we can maybe next -- part of the workshop, too, we can include some of that stuff that's actually not on here. We can go through what we have in here fairly quickly, the stuff on the statistics and stuff, because you already have them and you can look those over. So I don't want to spend a lot of time on that, but --

VICE-CHAIRMAN BASEHART: Am I correct in my reading of this, that there wasn't a single case last year when the Board disagreed with the staff?

MR. MacGILLIS: That's correct.

CHAIRMAN KONYK: Wow. You guys are really doing a good job, aren't you?

VICE-CHAIRMAN BASEHART: They've got us whipped. We just do what they tell us.

CHAIRMAN KONYK: I think it may be the other way around.

MR. MacGILLIS: I told them to double check three or four times to make sure those statistics were correct, and they said yes, they're correct.

CHAIRMAN KONYK: You have us well trained, Jon.

VICE-CHAIRMAN BASEHART: So we're going to postpone -- do we need a motion to postpone our workshop?

CHAIRMAN KONYK: No, because it's not even on the agenda.

VICE-CHAIRMAN BASEHART: That's true. It was a separate meeting that was going to be after this meeting.

CHAIRMAN KONYK: I would suggest that when we have the workshop, we make sure that everybody is here, even the alternates though. I mean, especially the ethics portion of it. You know, have the alternates here as well, even if we don't need them.

MR. MacGILLIS: Right, we'll make sure. Unfortunately, we're in a transition here now, so this month has been kind of crazy for staff and I know for some of the Board members calling in here.

We're getting the phones -- Juanita James now is the secretary for Board of Adjustment. Mary is actually -- she's still in Board of Adjustment, but she's moving to architectural review section, and

with all the transition things will be smoother next month for us and you.

MS. CARDONE: Do you guys know where you work anymore?

MR. MacGILLIS: I do, and I'm trying to track down some of my staff where they are.

VICE CHAIRMAN BASEHART: It's a day to day thing.

MS. CARDONE: Are you reviewing that section on salary for the Board?

VICE-CHAIRMAN BASEHART: We did. We're getting a ten percent raise.

MS. CARDONE: All right.

MR. MacGILLIS: That you have to take directly to the County Administrator.

CHAIRMAN KONYK: Are we going to leave Glen's name on here forever, on this attendance record? Are we leaving Glen's name on here forever?

MR. MacGILLIS: That will be taken off.

MR. SEAMAN: We crossed that off today.

MS. MOODY: It has to stay on that list because he was here for part of it till it goes to the Board.

MR. MacGILLIS: Okay. I think that thing goes from September till whatever.

CHAIRMAN KONYK: Okay. So the attendance record for last month shows that everyone was present with Glen resigning and Mr. Sadoff, District 5, appointment was again ill. He's ill again today and he's told you he's going to be ill again next month.

So you're going to let Commissioner Aaronson's office know that they probably might need to look into that appointment, I would imagine.

We need a motion to -- I guess there's really no excused absences, is there?

VICE-CHAIRMAN BASEHART: No, so we don't need to make a motion to make anybody's absence excused.

CHAIRMAN KONYK: I don't know what you want to do about Sadoff because he's not even sworn in yet. So, what's the deal? Technically he's not a member.

MR. JONES: He's not a member.

MR. CUNNINGHAM: You gotta be sworn in. If the president isn't sworn in, he isn't president yet.

CHAIRMAN KONYK: Right. Exactly.

VICE-CHAIRMAN BASEHART: Right. So this guy is not on the Board yet.

CHAIRMAN KONYK: Just kidding. All right. So we don't need a motion on that, but we do need a motion to adjourn.

MS. CARDONE: So moved.

MR. CUNNINGHAM: Second.

CHAIRMAN KONYK: Ms. Cardone made the motion, Mr. Cunningham seconded it. All those in favor?

BOARD: Aye.

CHAIRMAN KONYK: Bob, you're welcome to stay.

VICE CHAIRMAN BASEHART: My vote's yes.

(Whereupon, the meeting was adjourned at 9:30 a.m.)

\* \* \* \* \*

C E R T I F I C A T E

THE STATE OF FLORIDA )

COUNTY OF PALM BEACH )

I, Sophie M. Springer, Notary Public, State of Florida at Large,

DO HEREBY CERTIFY that the above-entitled and numbered cause was heard as hereinabove set out; that I was authorized to and did report the proceedings and evidence adduced and offered in said hearing and that the foregoing and annexed pages, numbered 4 through 37, inclusive, comprise a true and correct transcription of the Board of Adjustment Meeting.

I FURTHER CERTIFY that I am not related to or employed by any of the parties or their counsel, nor have I any financial interest in the outcome of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 8th day of April, 2002.

\_\_\_\_\_

\_\_\_\_\_  
Sophie M. Springer, Notary Public.