

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

Thursday, August 17, 2006  
9:07 a.m. - 9:22 a.m.  
100 Australian Avenue  
West Palm Beach, Florida

Reporting:

Sophie M. (Bunny) Springer  
Notary Public

A T T E N D E E S

Ms. Chelle Konyk, Chairperson

Mr. Raymond Puzzitiello

Ms. Nancy Cardone

Mr. Donald Mathis

Mr. William Sadoff

Annie Helfant, Assistant County Attorney

Alan Seaman, Senior Site Planner

C. Larry Roberts, P.E., Senior Registered Engineer

Joe Cearley, Site Planner I

Juanita James, Zoning Tech

Annette Stabilito, Secretary

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P R O C E E D I N G S

CHAIRPERSON KONYK: Okay. We'll call to order the August 17th, 2006, Board of Adjustment meeting, starting with the roll call and declaration of quorum.

MS. STABILITO: Mr. William Sadoff.

MR. SADOFF: Here.

MS. STABILITO: Mr. Raymond Puzzitiello.

MR. PUZZITIELLO: Here.

MS. STABILITO: Ms. Dinah Stephenson.

(No response)

MS. STABILITO: Chairperson, Ms. Chelle Konyk.

CHAIRPERSON KONYK: Here.

MS. STABILITO: Vice Chairman, Mr. Robert Basehart.

(No response)

MS. STABILITO: Ms. Nancy Cardone.

MS. CARDONE: Here.

MS. STABILITO: Mr. Joseph Jacobs.

(No response)

MS. STABILITO: Mr. Stanley Misroch.

(No response)

MS. STABILITO: Mr. Donald Mathis.

MR. MATHIS: Here.

CHAIRPERSON KONYK: We have a quorum.

Next item on the agenda is the opening prayer which Ms. Cardone is going to do.

MS. CARDONE: May we approach today's business as tasks of faith to do our best within our power to provide positive leadership on behalf of our community and those who live and work here and that our decisions meet the standards of divine compassion for all. Amen.

CHAIRPERSON KONYK: Join us in the Pledge.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRPERSON KONYK: I have before me proof of publication in the *Palm Beach Post*. So we're set on that.

Remarks of the Chair, for those of you who are not familiar with how this Board conducts its business, the meeting 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. The applicant agrees with any conditions that the staff has recommended. There's no Board member that feels the item warrants a full hearing, and there is no opposition from the public.

If your item's on consent and one of those things change, such as opposition from the public, your item will be removed from the consent agenda and will be reordered to the first item on the regular agenda.

After we hear all the items on the consent, the Board will vote, and once that portion of the hearing is completed, you're free to leave.

The regular agenda are items that have either got opposition or Board members feel that

they warrant a full hearing, or the applicant does not agree with the conditions recommended.

Items on the regular agenda will be introduced by staff. The applicant will give their presentation. The staff will then give their presentation. If there's any opposition from the public, we'll then hear from the public.

After the public portion of the hearing is closed, the Board will vote on the item.

We had a meeting in June, right, June -- what was it, June 15<sup>th</sup>? Everybody received your copies of the minutes? Does anybody have any corrections or additions?

(No response)

CHAIRPERSON KONYK: Seeing none, can I have a motion for approval?

MR. PUZZITIELLO: So moved.

CHAIRPERSON KONYK: Motion by Mr. Puzzitiello.

MR. MATHIS: Second.

CHAIRPERSON KONYK: Second by Mr. Mathis.

All those in favor.

BOARD MEMBERS: Aye.

CHAIRPERSON KONYK: Opposed.

(No response)

CHAIRPERSON KONYK: Motion carries unanimously.

Remarks of the Zoning Director.

MR. SEAMAN: If I might just reiterate for the Board members that just got here, we are planning on having the meeting -- Board of Adjustment meeting here basically indefinitely until maybe November or December because the room's not prepared at the new building, but as soon as it is, you'll be told.

CHAIRPERSON KONYK: Well, as soon as it is, we'll be over; right?

MR. SEAMAN: I'm hoping so.

CHAIRPERSON KONYK: Yeah.

MR. SEAMAN: Okay. That's it.

CHAIRPERSON KONYK: You're not hoping so.

You're going to miss us.

MR. SEAMAN: No, you --

CHAIRPERSON KONYK: Okay.

Any changes in the agenda?

MR. SEAMAN: No.

CHAIRPERSON KONYK: Anybody need to be sworn in? Okay.

First item on the agenda is a withdrawn item, B of A 2006-00720. Withdrawn?

No, we just said nobody needs to be sworn in. That's only new people -- oh, all those people, yeah. Well, it's all consent, isn't it?

MS. HELFANT: We should swear them in.

CHAIRPERSON KONYK: Okay. Let's -- anybody that's going to speak on these -- I thought it was because of -- never mind.

Anybody that's going to speak on any issue today could you please stand and be sworn in. Anybody -- that includes if you have an item on consent.

(Whereupon, speakers were sworn in by Ms.

Springer.)

CHAIRPERSON KONYK: Okay. Withdrawn item, B of A 2006-00720 and B of A 2006-00763, are both withdrawn.

There's nobody here from the public on those, are there? Okay.

CHAIRPERSON KONYK: Postponed items are B of A 2006-00725, Kilday & Associates --

MR. SEAMAN: If I can interrupt, I'm sorry, there is an additional request for postponement for another petition.

CHAIRPERSON KONYK: Okay. We'll get to that next. Okay.

Is this by right, this postponement?

MR. SEAMAN: This is by vote.

CHAIRPERSON KONYK: Okay. So -- and when do they want to postpone it until?

MR. SEAMAN: Thirty days to September 21<sup>st</sup>.

CHAIRPERSON KONYK: Okay. September 21<sup>st</sup>.

Can I have a motion to postpone B of A 2006-00725?

MR. SADOFF: So moved.

CHAIRPERSON KONYK: Second?

MR. PUZZITIELLO: Second.

CHAIRPERSON KONYK: Motion by Mr. Sadoff, second by Mr. Puzzitiello.

Any discussion?

(No response)

All those in favor.

BOARD MEMBERS: Aye.

CHAIRPERSON KONYK: Opposed.

(No response)

CHAIRPERSON KONYK: Motion carries unanimously.

There's nobody here from the public for that one, was there?

(No response)

CHAIRPERSON KONYK: Okay.

CHAIRPERSON KONYK: Next one for postponement is?

MR. SEAMAN: B of A 2006-939, and asking for postponement for 30 days. It's by right, and it'd be September 21<sup>st</sup>.

There was a problem with the legal ad.

CHAIRPERSON KONYK: Okay.

CHAIRPERSON KONYK: Next item is a consent item, B of A 2006-00498, Alvaro Cabal, agent for Antonia De La Rosa, owners, to allow an existing single family development to encroach into the front setback.

Is the applicant present?

MR. CEARLEY: It's one of the agents for Mr. Cabal who I spoke -- I spoke with him yesterday, said he was going to show today, so --

MR. SEAMAN: So they were informed.

CHAIRPERSON KONYK: So we're going to pull this? Let's put it to the end.

MR. SEAMAN: Yeah, probably.

CHAIRPERSON KONYK: Okay.

CHAIRPERSON KONYK: Next item, B of A 2006-00921, Sharon and Lawrence Edelson, to allow an existing structure to encroach into the required rear setback.

Applicant present? Come forward and give us your name for the record.

MR. EDELSON: Lawrence Edelson.

CHAIRPERSON KONYK: Staff has recommended two conditions. Do you understand and agree with those conditions?

MR. EDELSON: Yes.

CHAIRPERSON KONYK: Is there any member of the public here to speak against this item?

(No response)

CHAIRPERSON KONYK: Any letters?

MR. SEAMAN: There are -- got to wait for

me there.

There are none.

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

(No response)

CHAIRPERSON KONYK: Seeing none, you can have a seat. We'll vote on this at the end of the consent.

#### **BOARD OF ADJUSTMENT CONDITIONS**

1. By **8/17/2007**, 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 of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)
2. Prior to the Development Order expiration (**8/17/2007**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

CHAIRPERSON KONYK: B of A 2006-00929, Cynthia and Benjamin Reyes, owners, to allow a single family development and structure to encroach into the side interior setback.

Your name for the record?

MS. REYES: Cynthia Reyes.

CHAIRPERSON KONYK: Staff has recommended two conditions. Do you understand and agree with those?

MS. REYES: Yes, ma'am.

CHAIRPERSON KONYK: Any member of the public here to speak against this item?

(No response)

CHAIRPERSON KONYK: Any letters?

MR. SEAMAN: Four, two for clarification and two in approval.

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

(No response)

CHAIRPERSON KONYK: Seeing none, you'll remain on the consent. You can have a seat.

#### **BOARD OF ADJUSTMENT CONDITIONS**

1. By **8/17/2007**, the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and a



copy of the site plan or survey (which may be the same) presented to the Board of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)

2. Prior to the Development Order expiration (8/17/2007), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

CHAIRPERSON KONYK: B of A 2006-00932, Jim Snay, agent for Daniel and Crystal Eggen, owners, to allow an existing structure to encroach into the required side setback.

Your name for the record.

MR. SNAY: Jim Snay.

CHAIRPERSON KONYK: Staff has recommended two conditions. Do you understand and agree with those?

MR. SNAY: Yes.

CHAIRPERSON KONYK: Any member of the public here to speak against this item?

(No response)

CHAIRPERSON KONYK: Any letters?

MR. SEAMAN: Two in favor of approval.

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

(No response)

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

#### **BOARD OF ADJUSTMENT CONDITIONS**

1. By 8/17/2007, 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 of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)
2. Prior to the Development Order expiration (8/17/2007), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

CHAIRPERSON KONYK: B of A 2006-00934, Evelyn Castro, to allow an existing single family development to encroach into both required side interior setbacks and the front setback.

You didn't get sworn in. You'll have to be sworn in. Excuse me.

(Whereupon, speaker was sworn in by Ms. Springer.)

CHAIRPERSON KONYK: Your name for the record.

MS. CASTRO: Evelyn Castro.

CHAIRPERSON KONYK: Staff has recommended three conditions. Do you understand and agree with those?

MS. CASTRO: Yes.

CHAIRPERSON KONYK: Any member of the public here to speak against this item?

(No response)

CHAIRPERSON KONYK: Any letters?

MR. SEAMAN: There are none.

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

(No response)

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

You may have a seat.

#### **BOARD OF ADJUSTMENT CONDITIONS**

1. By **8/17/2007**, the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and a copy of the site plan or survey (which may be the same) presented to the Board of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)
2. Prior to the Development Order expiration (**8/17/2007**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)
3. By **10/17/06**, the applicant shall pay all liens and fines associated with the subject property pursuant to Case Number C0503280028 as issued by Officer Rick Torrance, Code Enforcement Division (CODE ENFORCEMENT: DATE: ZONING)

CHAIRPERSON KONYK: B of A 2006-00935, K-Char, Inc., agent for Ronald and Heather Deletoile, owner, to allow a proposed structure to encroach into the required rear setback.

CHAIRPERSON KONYK: Name for the record.

MS. DELETOILE: Heather Deletoile.

MR. DELETOILE: And Ronald Deletoile.

CHAIRPERSON KONYK: Do you have an agent or no?

MR. DELETOILE: That's -- well, he --

MS. DELETOILE: I'm sorry, he didn't --

CHAIRPERSON KONYK: I mean it doesn't matter because you're the applicant.

Two conditions. Do you understand and agree with those?

MR. DELETOILE: Yes.

CHAIRPERSON KONYK: Any member of the public here to speak against this item?

(No response)

CHAIRPERSON KONYK: Any letters?

MR. SEAMAN: One for clarification only.

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

(No response)

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

You may have a seat.

#### **BOARD OF ADJUSTMENT CONDITIONS**

1. By **8/17/2007**, the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and a copy of the site plan and survey (which may be the same) presented to the Board of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)
2. Prior to the Development Order expiration (**8/17/2007**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

CHAIRPERSON KONYK: B of A 2006-00961, Greenberg, Traurig, agent for Cumberland Farms, to eliminate the requirement for planting materials.

MR. NICHOLS: Josh Nichols, Greenberg, Traurig.

CHAIRPERSON KONYK: Staff has recommended

two conditions. Do you understand and agree with those?

MR. NICHOLS: Yes, we do.

CHAIRPERSON KONYK: Any member of the public here to speak against this item?

(No response)

CHAIRPERSON KONYK: Any letters?

MR. SEAMAN: We have four letters, and two are in approval, and two disapprove, and they said -- they're just saying not enough detail as of yet.

CHAIRPERSON KONYK: Okay. So it's not significantly related to the variance.

MR. SEAMAN: They're going through the public hearing process.

CHAIRPERSON KONYK: Okay.

Any Board member feel this item warrants a full hearing?

(No response)

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

#### **BOARD OF ADJUSTMENT CONDITIONS**

1. By **8/17/2009**, the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and a copy of the site plan or survey (which may be the same) presented to the Board of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)
2. Prior to the Development Order expiration (**8/17/2009**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

CHAIRPERSON KONYK: Time extension, 2006-00996, Land Design South.

Is the applicant present?

MR. CEARLEY: I guess Juanita spoke with the applicant. She's on her way.

CHAIRPERSON KONYK: Okay. So this was not advertised.

MR. SEAMAN: No.

CHAIRPERSON KONYK: So it's unlikely there's any public here, but if there is -- okay. Any -- unlikely there's any letters; correct?

MR. SEAMAN: There are no letters on this.

CHAIRPERSON KONYK: Right.  
Any Board member feel this item doesn't  
warrant a time extension?  
(No response)  
CHAIRPERSON KONYK: Okay. This item will  
remain on consent.

#### **DEVELOPMENT ORDER**

The Development Order for this particular variance  
shall lapse on **3/16/2007**, one year from the  
approval date. (DATE: MONITORING: ZONING)

#### **BOARD OF ADJUSTMENT CONDITIONS**

1. By 3/16/2007, the Approved Site Plan for  
Spalding MUPD (P-99-92) shall be amended  
through the DRO section of the Zoning  
Division, to reflect the variance approval  
pursuant BA-2006-223. (DRO: DATE: ZONING)
2. By **6/16/2006**, 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 of Adjustment, simultaneously with  
the building permit application.  
(BUILDING: DATE: ZONING)

#### **IS HEREBY AMENDED TO READ:**

2. By **6/16/2007**, 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 of Adjustment, simultaneously with  
the building permit application.  
(BUILDING: DATE: ZONING)
3. Prior to the Development Order expiration  
(**3/16/2007**), the project shall have  
received and passed the first building  
inspection. (BUILDING: DATE: ZONING)

CHAIRPERSON KONYK: Now we got to go back  
to that other item, B of A 2006-00498.  
Does anybody know where that applicant is?  
Agent, applicant?  
MR. SEAMAN: They were informed to show  
up, but apparently they're not here.

CHAIRPERSON KONYK: Okay. I know we don't have to knock them off, but I -- I always get a little bit upset when an agent doesn't show up when a --

MR. SEAMAN: Well, this -- let me clarify this. This is actually a staff error where the legal ad wasn't appropriately put in the *Post*.

CHAIRPERSON KONYK: Oh.

MR. SEAMAN: So we requested that she take a postponement so she may be feeling that, okay, fine.

CHAIRPERSON KONYK: Is she postponed or not?

MR. SEAMAN: She is -- she is postponed. She has a letter saying -- let me read to you.

(Reading:) Due to staff --

MR. PUZZITIELLO: Postponed from the last one?

CHAIRPERSON KONYK: Is she postponed from this time, or is she on consent?

MR. SEAMAN: No, she's postponed from this time, right from right now to September.

CHAIRPERSON KONYK: So then why is she on consent?

MR. SEAMAN: Because I found this out yesterday, so staff --

CHAIRPERSON KONYK: So she's postponed?

MR. SEAMAN: She's postponed.

CHAIRPERSON KONYK: Okay. So let's go back to that one.

MS. STABILITO: Are you talking about the same case?

CHAIRPERSON KONYK: 2006-00498 is postponed?

MR. SEAMAN: It should have been postponed.

MS. STABILITO: No, no, that's --

MS. JAMES: No.

CHAIRPERSON KONYK: No, no, no.

MR. SEAMAN: Okay. Straighten it out, Juanita. What is it?

MS. JAMES: I just spoke with the owner, and they said the agent's on their way. They thought the agent was here, but I told them that they --

CHAIRPERSON KONYK: Well, just make sure they know the agent wasn't here so they don't get billed for it.

MS. JAMES: I did tell her.

CHAIRPERSON KONYK: Okay.

MS. JAMES: I did tell. I told her that she possibly will be postponed if no one comes here.

MR. SEAMAN: Okay. And my staff gave me the wrong report. The report I'm looking for is 498.

CHAIRPERSON KONYK: Can we blame it on the move?

MR. SEAMAN: Definitely on the move.

CHAIRPERSON KONYK: All right. So do you want to leave this item on consent? Does anybody have a problem with that?

MS. JAMES: No.  
CHAIRPERSON KONYK: No. Okay. So we'll  
leave it on consent. Just -- okay.

**BOARD OF ADJUSTMENT CONDITIONS**

1. By **8/17/2007**, the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and a copy of the site plan or survey (which may be the same) presented to the Board of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)
2. Prior to the Development Order expiration (**8/17/2007**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

CHAIRPERSON KONYK: So let me go through this. We've got B of A 2006-00498; B of A 2006-00921; B of A 2006-00929; B of A 2006-00932; B of A 2006-00934; B of A 2006-00935; B of A 2006-00961; and Time Extension 2006-00996 remaining on the consent agenda.

Can I have a motion for approval?

MR. SADOFF: So moved.

CHAIRPERSON KONYK: Who said that?

MR. SADOFF: Me.

CHAIRPERSON KONYK: Mr. Sadoff.

MR. PUZZITIELLO: I'll second with the staff report being made as part of the record.

CHAIRPERSON KONYK: Okay.

We have a motion by Mr. Sadoff, a second by Mr. Puzzitiello.

All those in favor.

BOARD MEMBERS: Aye.

CHAIRPERSON KONYK: Opposed.

(No response)

CHAIRPERSON KONYK: Motion carries  
unanimously.

Y'all got your -- you're mailing them,  
right? Okay.

MR. SEAMAN: That's it.

CHAIRPERSON KONYK: That's it.

Yeah, we're done, adjourned.

(Whereupon, the meeting was concluded at  
9:22 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 15, inclusive, comprise a true and correct transcription of the Board of Adjustment hearing.

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 28th day of August, 2006.

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Sophie M. (Bunny) Springer