



CITY OF DELRAY BEACH
DEPARTMENT OF DEVELOPMENT SERVICES
100 N.W. 1ST AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7040



HISTORIC PRESERVATION BOARD STAFF REPORT

139-143 SE 7th Avenue

Meeting	File No.	Application Type
August 6, 2025	2023-164	Level 3 Site Plan, Certificate of Appropriateness, Landscape Plan, Architectural Elevations, Demolition, Relocation, Variances, Waivers, and Internal Adjustment

REQUEST

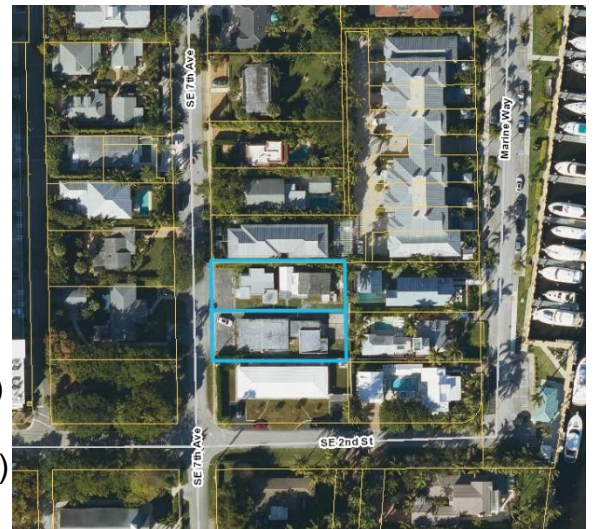
The item before the Board is consideration of a Level 3 Site Plan, Certificate of Appropriateness, Landscape Plan, Architectural Elevations, Demolition, Relocation, Variances, Waivers, and Internal Adjustment (2023-164) request associated with an existing contributing multi-family residential property located at 139-143 SE 7th Avenue, within the Marina Historic District.

GENERAL DATA

Owner: 139 143 SE 7th Avenue, LLC
Agent: Steve Siebert Architecture
Location: 139-143 SE 7th Avenue
PCN: 12-43-46-16-01-126-0180
Property Size: 0.328 acres
Zoning: Multiple Family Residential-Medium Density (RM)
Historic District: Marina Historic District
Land Use: Medium Density Residential
Adjacent Zoning:

- East: RM (Multiple Family Residential-Medium Density)
- North: RM (Multiple Family Residential-Medium Density)
- West: RM (Multiple Family Residential-Medium Density)
- South: RM (Multiple Family Residential-Medium Density)

Existing Use: Residential
Proposed Use: Residential



BACKGROUND AND PROJECT DESCRIPTION

The subject 0.328 acre property consist of two 0.16 acre lots on the east side of SE 7th Avenue between SE 1st Street and SE 2nd Street, within the RM zoning district. The property is situated within the Locally and Nationally Registered Marina Historic District, which holds the distinction of being the first residential neighborhood in the City of Delray Beach. The neighborhood was developed between the 1920s and 1940s and contains a mix of architectural styles, including Mediterranean Revival, Mission Revival, Monterey, Minimal Traditional, Mid-Century Modern, and Art Moderne. Several architects contributed to the character and design of the Marina Historic District: Gustav Maas, Samuel Ogren Sr., Belford Shoumate, Addison Mizner, and Henry Pope. This area is comprised of low-rise development with original structures constructed as one and two-story structures. The district maintains its historic physical integrity, with a street layout that has not changed since it was platted in 1924.

Project Planner:	Review Dates:	Attachments:
Katherina Paliwoda, Planner, Paliwodak@mydelraybeach.com Michelle Hewett, Planner, HewettM@mydelraybeach.com	HPB: September 17, 2025	1. Plans, Renderings, & Survey 2. Materials and Color Samples 3. Justification Statements 4. Demolition & Appraisal Reports 5. Relocation Report

Prior to the neighborhood's development, the area encompassed by the Marina Historic District was home to the Blank Family Nursery. The John Rudolph Blank family came to Delray in 1903 from Bay City, Michigan, which makes them part of the early "Michigan Connection" as the pioneering settlers from the Saginaw area were called. They founded the first tropical plant nursery in the area and were successful in shipping palms and other tropical house plants north on the Florida East Coast Railroad. Their business contributed to the financial growth of the city as this was a period when palms and other exotics were in great demand for hotel lobbies and public spaces as well as for home decoration. The nursery was centered in the area of the Marina Historic District, which accounts for the many beautiful trees found within the district.

The subject property contains seven residential units within four contributing residential structures. A fifth structure, a 1920's garage/storage building, previously existed on the south side of the site and was recently demolished. The south 0.16-acre parcel contains two structures, which are further described below:

Building 1 – 1 residential unit:

- The eastern structure was constructed in 1924 in the Masonry Vernacular architectural style as an apartment. It is constructed of concrete block with a gable roof and stucco siding.

Building 3 – duplex 2 residential units:

- The west structure is a one-story Mid-Century Modern duplex constructed in 1952, designed by Kenneth Jacobsen. The structure is CBS with smooth stucco siding and a low-pitched gable roof.

The north 0.16-acre parcel also contains two structures, which are described in more detail below:

Building 2 – 2 residential units:

- The eastern Frame Vernacular style, two-story structure was originally constructed in 1925 and was later altered and expanded to encompass an existing one-car storage/garage structure.
- The structure consists of a concrete block first floor and a wood frame second floor with a gable roof, and a mix of jalousie & sash windows. At one point the structure was connected to a flat roof garage via a breezeway.

Building 4 – 1 residential unit:

- The western one-story structure was constructed in 1925, originally representing a 1920s Mission-style structure. The Mission architectural style was altered in the 1950's through the addition of a Mid-century flat roofed front porch canopy with splayed supports, clam shell awnings, and smooth stucco on the facade.

The 1920's storage building that was situated to the rear (east side) of the south lot was recently demolished without approval by the Historic Preservation Board (HPB) nor building permits.

The subject request before the board is a Level 3 Site Plan, Certification of Appropriateness (COA), Demolition, Relocation, Variances, and Waiver. Modifications proposed to the site are listed below:

- Exterior alterations to all existing historic structures;
- Construction of a new additions (131 and 146 square feet) to the east and west sides of Building 1 (existing 690 square feet) for a total of 967 square feet;

- Construction of a new 269 square feet addition on the second floor, north side of Building 2 (existing 1,860 square feet) for a total of 2,129 square feet. Construction of new decking and stairs;
- After the fact demolition of an existing one-story, one-car garage/storage building located in the rear (east side) of the property on the south parcel;
- Vertical relocation of Buildings 1, 2, & 4 to meet the 9' required FEMA floor height;
- Demolition of the existing open porches to the front (west) and rear (east) sides of Building 1;
- Demolition of a 64 square feet open air portion of Building 2;
- Construction of a new swimming pool to the rear of Building 1; and,
- Landscaping and hardscaping including walkway pavers throughout the site, and a pool and paver deck to the rear (east) of Building 1.

Proposed relief requests:

- Internal Adjustment to allow reduced separation of between Buildings 1 & 3;
- Waiver to allow a reduction in the required width and overall size of the two terminal landscape islands from 9' to 5'6" and from 135 square feet to 120 square feet;
- Waiver to the Secondary and Subordinate visual compatibility standard to allow a second-floor addition to be constructed on top of Building 2;
- Variance to reduce the required 9' finished floor elevation to allow Building #3 to remain at the existing 3.54' finished floor elevation;
- Variance to allow an addition to be constructed on the south side of Building #1 with a reduced side interior setback;
- Variance to allow a 2nd floor addition to be constructed on the north side of Building #2 with a reduced side interior;

REVIEW AND ANALYSIS

LDR Section 2.4.10(A)(1)(c), Level 3. Level 3 Site Plan applications include new construction, additions to an existing building, or the conversion of an existing single-family residence or duplex, consisting of more than a total of five dwelling units for multi-family residential development or 15,000 gross square feet of mixed-use or nonresidential development.

The project is being reviewed and processed as a Level 3 Site Plan Modification. The proposal involves reducing the number of units on-site from seven to six, increasing the square footage of Buildings 1 & 2, and removal of the garage/storage building. The overall project will contain a total of 6,756 square feet.

LDR Section 2.4.10(A)(3)(b), Findings. All site plan applications require compliance with the applicable regulations and review criteria and shall be consistent with the Comprehensive Plan and other local ordinances.

- **Level 2, Level 3, and Level 4 Site Plan applications require compliance with the findings in Chapter 3, Performance Standards.**

The proposal is for additions and exterior alterations to four existing residential structures. A review of the Performance Standards can be found later in this report.

Pursuant to Land Development Regulation (LDR) Section 2.4.10(A)(3)(d), Architectural Elevations, including modifications to existing building facades, require an overall determination of consistency with the objectives and standards of Section 4.6.18, Architectural

Elevations and Aesthetics, and any adopted architectural design guidelines and standards, as applicable.

Analysis of the proposed architectural elevations are found in the Historic Preservation section of this report.

Pursuant to Land Development Regulation (LDR) Section 2.4.12(A)(5), prior to approval, a finding must be made that any Certificate of Appropriateness is consistent with Historic Preservation purposes pursuant to Objective HPE 1.4 of the Historic Preservation Element of the Comprehensive Plan; the provisions of Section 4.5.1; the Delray Beach Historic Preservation Design Guidelines; and, the Secretary of the Interior's Standards for Rehabilitation.

ZONING AND USE REVIEW

Pursuant to LDR Section 4.4.6(F)(1) - **Medium Density Residential (RM) - Development standards**: The existing use is multi-family residential, which is a permitted use within the RM zoning district.

DEVELOPMENT STANDARDS	REQUIRED/ PERMITTED	EXISTING	PROPOSED
Required Setbacks:			
Front (West)	25'/30'	24'10"-27'	No change
Side Interior (North)	15/30'	3'9"-9'3"	9'3"**
Side Interior (South)	15/30'	5'9"-11'4"	5'9"**
Rear (East)	15/25'	20'1"-25'1"	15.1'
Building Height:	35' Max	21'-11&1/2'	26'-11&1/2'
Minimum Lot Size:	2,000 sq. ft.	3,902 sq. ft.	3,902 sq. ft.
Minimum Lot Width & Frontage:	60'	100'	100'
Minimum Lot Depth:	100'	143'	143'
Open Space	25%	37.5%	38.5%
Density (Per the Neighborhood, Districts, & Communities [NDC] Element of the Always Delray Comprehensive Plan)	6-12 units/acre	1-3 units/acre allowed 7 units existing**	6 units**
Parking	16	10	16
Floor Area Ratio (Per the NDC Element of the Always Delray Comprehensive Plan)	N/A	.36	.47

* Variance requested

** Existing non-conformity

Pursuant to LDR Section 4.6.9(C)(2)(c), parking for Multiple-family structures is as follows:

Efficiency dwelling unit	1.0 space/unit
One bedroom dwelling unit	1.5 spaces/unit
Two or more bedroom dwelling unit	2.0 spaces/unit
Guest parking shall be provided cumulatively as follows:	
For the first 20 units	0.5 spaces per unit
For units 21-50	0.3 spaces per unit
For units 51 and above	0.2 spaces per unit

The subject site contains seven residential units, six are two-bedroom units and one is an efficiency unit, requiring 17 parking spaces. The subject request involves elimination of the efficiency unit resulting in an overall reduction in required parking by two parking spaces. Overall, the proposal requires 15 parking spaces (see calculation table below):

2 parking spaces per unit x 6 units	12 spaces
0.5 guest spaces per unit x 6 units	3 spaces
Total spaces required	15 spaces

The subject site contains 10 existing back-out parking spaces located at the front (west) side of the property. The current on-site parking configuration is considered an existing non-conformity. The proposal includes a reduction of provided parking spaces by one space to 9 parking spaces. Such reduction is a result of the new design that includes a required handicap accessible parking space and pedestrian walkways, where such do not currently exist.

Pursuant to LDR Section 4.6.9(D), Design Standards, all parking spaces which are created in order to fulfill requirements of this Section (i.e. required parking spaces) shall conform to the design standards of this subsection.

The existing parking spaces are situated in the front (west side) of the property backing out onto SE 7th Avenue. The back-out parking configuration is considered an existing non-conformity and has historically existed in such configuration since original development of the site. It is noted that there is no other anticipated configuration of the site that would result in a conforming parking lot design with respect to location of parking spaces. Aside from the back-out design of the parking area, the spaces meet the design requirements of the LDRs with regard to the width, striping, access, handicap accessibility, etc. Thus, the proposal can be considered a reduction of an existing non-conformity.

Pursuant to LDR Section 4.6.15(G) Swimming Pool - Yard encroachment. Swimming pools, the tops of which are no higher than grade level, may extend into the rear, interior or street side setback areas but no closer than ten feet to any property line. Swimming pools shall not extend into the front setback area noted in Section 4.3.4(K).

A new swimming pool is proposed on the east side of the property behind Building #1. The request is compliant with the requirements of this code section, as the pool meets the setback requirements. All proposed decking and hardscaping meet the required minimum of 5-foot setback, per LDR Chapter 6.

Pursuant to LDR Section 5.1.4(C) – Exemptions, The following are hereby exempt from the platting procedure. The combination or recombination of portions of platted lots where no additional lots are created and the new lots conform to the development regulations for the applicable zoning district in which the properties are located.

An application for plat exemption has been submitted, which is required to combine the two lots into one lot. The site has been functioning as one site for many years, sharing open space, walkways, parking, etc. A site plan technical item has been included requiring the plat exemption be completed prior to site plan certification.

Pursuant to LDR Section 5.3.1(A)(6) - Additional right-of-way width may be required to promote public safety and welfare; to provide for stormwater management; to provide adequate area for street trees; and to assure adequate access, circulation, and parking in high intensity use areas. Such a determination shall be advanced by a recommendation from the City Engineer and may be based upon the results of a traffic study or general knowledge of the City. The authority for

requiring such additional right-of-way shall rest with the body having the approval authority of the associated development application.

A five-foot right-of-way dedication is required along the west side of the site adjacent to SE 7th Avenue, in accordance with the Comprehensive Plan, Mobility Table. The required five-foot right-of-way dedication is proposed and is illustrated on the plans. The dedication will need to be completed prior to issuance of permit; this item is attached as a Site Plan Technical Item.

LDR SECTION 4.5.1

HISTORIC PRESERVATION: DESIGNATED DISTRICTS, SITES, AND BUILDINGS

Pursuant to LDR Section 4.5.1(E), Development Standards, all new development or exterior improvements on individually designated historic properties and/or properties located within historic districts shall, comply with the goals, objectives, and policies of the Comprehensive Plan, the Delray Beach Historic Preservation Design Guidelines, the Secretary of the Interior's Standards for Rehabilitation, and the Development Standards of this Section.

Pursuant to LDR Section 4.5.1(E)(2) – Major Development.

The subject application is considered "Major Development" as it involves "The construction, reconstruction, or alteration of more than 25 percent of the existing floor area of the buildings and all appurtenances."

Pursuant to LDR Section 4.5.1(E)(3)(a)(1.)(d) – Buildings, Structures, Appurtenances and Parking: Buildings, structures, appurtenances and parking shall only be moved, reconstructed, altered, or maintained, in accordance with this chapter, in a manner that will preserve the historical and architectural character of the building, structure, site, or district:

Appurtenances: Appurtenances include, but are not limited to, stone walls, fences, light fixtures, steps, paving, sidewalks, signs, and accessory structures.

Fences and Walls: The provisions of Section 4.6.5 shall apply, except as modified below:

- a. Chain-link fences are discouraged. When permitted, chain-link fences shall be clad in a green or black vinyl and only used in rear yards where they are not visible from a public right of way, even when screened by a hedge or other landscaping.
- b. Swimming pool fences shall be designed in a manner that integrates the layout with the lot and structures without exhibiting a utilitarian or stand-alone appearance.
- c. Fences and walls over four feet (4') shall not be allowed in front or side street setbacks.
- d. Non-historic and/or synthetic materials are discouraged, particularly when visible from a public right of way.
- e. Decorative landscape features, including but not limited to, arbors, pergolas, and trellises shall not exceed a height of eight feet (8') within the front or side street setbacks.

The subject request includes a new 4' black aluminum fence with a gate proposed in front of the existing parking area. Additionally, a 4' masonry wall with painted stucco finish is proposed for the enclosure of the pool in the rear of Building 1. A 3' wood fence is proposed to the rear of Building 2. All other existing fencing on the site includes a 6' wood fence screened with hedging on the south side of the property, a 4' CMU fence in the rear (east), and 4' aluminum fence with hedging on the north side of the property.

Parking: Parking areas shall strive to contribute to the historic nature of the properties/districts in which they are located by use of creative design and landscape elements to buffer parking

areas from adjacent historic structures. At a minimum, the following criteria shall be considered:

- a. Locate parking adjacent to the building or in the rear.
- b. Screen parking that can be viewed from a public right-of-way with fencing, landscaping, or a combination of the two.
- c. Utilize existing alleys to provide vehicular access to sites.
- d. Construct new curb cuts and street side driveways only in areas where they are appropriate or existed historically.
- e. Use appropriate materials for driveways.
- f. Driveway type and design should convey the historic character of the district and the property.

An existing asphalt parking area is situated on the west side of the property and is designed to back-out into the adjacent SE 7th Avenue right-of-way.

LANDSCAPE ANALYSIS

Pursuant to Land Development Regulation (LDR) Section 2.4.10(A)(3)(c), Findings. Landscape Plans, including modifications to existing landscaping, shall be consistent with Section 4.6.16, Landscape Regulations.

Pursuant to LDR Section 4.6.16 – Landscape Regulations – The provisions of this Section are minimum standards which may be increased in accordance with the guidelines contained herein as well as aesthetic criteria established by the Site Plan Review and Appearance Board and the Historic Preservation Board when applicable. Additional landscape requirements may be required for certain zoning districts and roadways as provided for elsewhere in these regulations.

There are existing non-conformities with regard to landscaping. A waiver is requested for the required landscape islands for the parking lot located on the front (west) side of the property, pursuant to LDR Section 4.6.16(H)(3), analyzed later in this report. Overall, the landscape plans for the proposed site have been reviewed by the Senior Landscape Planner and if the waiver is approved, the request can be determined to be in compliance with the LDRs.

HISTORIC PRESERVATION ANALYSIS

Pursuant to LDR Section 4.5.1(E)(4) – Alterations: in considering proposals for alterations to the exterior of historic buildings and structures and in applying development and preservation standards, the documented, original design of the building may be considered, among other factors.

The subject request is for additions and exterior modifications to an existing multi-family property. Applicable development and preservation standards have been applied during the review of the proposal while also taking into consideration the original design of the four contributing structures and their location within the Locally and Nationally Designated Marina Historic District.

SECRETARY OF THE INTERIORS STANDARDS

Pursuant to LDR Section 4.5.1(E)(5) - Standards and Guidelines: a historic site, building, structure, improvement, or appurtenance within a historic district shall only be altered, restored, preserved, repaired, relocated, demolished, or otherwise changed in accordance with the Secretary of the Interior's Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines, as amended from time to time.

Standard 1

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

Standard 2

The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Standard 3

Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

Standard 4

Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

Standard 5

Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

Standard 6

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Standard 7

Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

Standard 8

Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

Standard 9

New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Standard 10

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Standards 1, 2, 3, 5, 9, and 10 are applicable to this request. The subject request is for exterior modifications to four existing contributing residential structures. The property was originally constructed

for residential use so there will be no change to use or the historic character of property with regard to Standards 1, 2, and 3. The existing windows on all four structures are to be replaced with impact white aluminum frames glass with clear, non-reflective, non-tinted glass. The roof materials are to be gray dimensional shingles for Buildings 2 and 3. The structure's walls will be lightly textured stucco to match existing and wood fascia will be painted in SW9547 Vessel. Railings used throughout the site will be aluminum with brown color/style. It is noted that with the exception of window replacements and exterior painting, there are no exterior changes proposed to Building 3. The proposed materials can be considered appropriate to the site and meet the requirements of Standard 5.

With regard to Standards 9 and 10, the request consists of additions to Buildings 1 and 2. The additions to Building 1 are located on the west and east sides of the one-story structure. The additions are minor and can be considered appropriate to the size and massing of the existing structure, as well as the other structures within the site. The structures within the property consist of different style of architecture, however the additions are proposed to match the style of its perspective building. There is concern regarding the addition to Building 2 as it is located on top of the structure, essentially expanding the existing second floor. Although the size of the addition is minor in comparison to the existing two-story building, if the addition were to be removed in the future, it could compromise the integrity of the contributing structure.

Pursuant to LDR Section 4.5.11(7) – Visual Compatibility Standards: new construction and all improvements to both contributing and noncontributing buildings, structures, and appurtenances thereto within a designated historic district or on an individually designated property shall be visually compatible. In addition to the Zoning District Regulations, the Historic Preservation Board shall apply the visual compatibility standards provided for in this Section with regard to height, width, mass, scale, façade, openings, rhythm, material, color, texture, roof shape, direction, and other criteria set forth elsewhere in Section 4.5.1. Visual compatibility for minor and major development as referenced in Section 4.5.11(2) shall be determined by utilizing criteria contained in (a)-(m) below.

- a. **Height:** The height of proposed buildings or modifications shall be visually compatible in comparison or relation to the height of existing structures and buildings in a historic district for all major and minor development. For major development, visual compatibility with respect to the height of residential structures, as defined by 4.5.11(2)(a), shall also be determined through application of the Building Height Plane.
- b. **Front Facade Proportion:** The front facade of each building or structure shall be visually compatible with and be in direct relationship to the width of the building and to the height of the front elevation of other existing structures and buildings within the subject historic district.
- c. **Proportion of Openings (Windows and Doors):** The openings of any building within a historic district shall be visually compatible with the openings exemplified by prevailing historic architectural styles of similar buildings within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings shall be visually compatible within the subject historic district.
- d. **Rhythm of Solids to Voids:** The relationship of solids to voids of a building or structure shall be visually compatible with existing historic buildings or structures within the subject historic district for all development, with particular attention paid to the front facades.

- e. **Rhythm of Buildings on Streets:** The relationship of buildings to open space between them and adjoining buildings shall be visually compatible with the relationship between existing historic buildings or structures within the subject historic district.
- f. **Rhythm of Entrance and/or Porch Projections:** The relationship of entrances and porch projections to the sidewalks of a building shall be visually compatible with existing architectural styles of entrances and porch projections on existing historic buildings and structures within the subject historic district for all development.
- g. **Relationship of Materials, Texture, and Color:** The relationship of materials, texture, and color of the facade of a building and/or hardscaping shall be visually compatible with the predominant materials used in the historic buildings and structures within the subject historic district.
- h. **Roof Shapes:** The roof shape, including type and slope, of a building or structure shall be visually compatible with the roof shape of existing historic buildings or structures within the subject historic district. The roof shape shall be consistent with the architectural style of the building.
- i. **Walls of Continuity:** Walls, fences, evergreen landscape masses, or building facades, shall form cohesive walls of enclosure along a street to ensure visual compatibility with historic buildings or structures within the subject historic district and the structure to which it is visually related.
- j. **Scale of a Building:** The size of a building and the building mass in relation to open spaces, windows, door openings, balconies, porches, and lot size shall be visually compatible with the building size and mass of historic buildings and structures within a historic district for all development. To determine whether the scale of a building is appropriate, the following shall apply for major development only:
 - a. For buildings wider than sixty percent (60%) of the lot width, a portion of the front façade must be setback a minimum of seven (7) additional feet from the front setback line:
 - b. For buildings deeper than fifty percent (50%) of the lot depth, a portion of each side façade, which is greater than one story high, must be setback a minimum of five (5) additional feet from the side setback line:
- k. **Directional Expression of Front Elevation:** A building shall be visually compatible with the buildings, structures, and sites within a historic district for all development with regard to its directional character, whether vertical or horizontal.
- l. **Architectural Style:** All major and minor development shall consist of only one (1) architectural style per structure or property and not introduce elements definitive of another style.
- m. **Additions to individually designated properties and contributing structures in all historic districts:** Visual compatibility shall be accomplished as follows:
 - 1. Additions shall be located to the rear or least public side of a building and be as inconspicuous as possible.
 - 2. Additions or accessory structures shall not be located in front of the established front wall plane of a historic building.
 - 3. Characteristic features of the original building shall not be destroyed or obscured.
 - 4. Additions shall be designed and constructed so that the basic form and character of the historic building will remain intact if the addition is ever removed.
 - 5. Additions shall not introduce a new architectural style, mimic too closely the style of the existing building nor replicate the original design but shall be coherent in design with the existing building.

6. Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.

With regard to the **Relationship of Materials, Texture, and Color**, the proposed modifications include all existing windows to be replaced with white aluminum frames with clear glass. The roof materials are to be gray dimensional shingles for Buildings 2 and 3. The structures walls will be lightly textures stucco to match existing and wood fascia will be painted in SW9547 Vessel. Railings used throughout the site will be aluminum with wood color/style. The proposed materials on all existing structures will match what currently exists. The proposed color pallet reflects the Mid-Century timeframe as earth tones, browns, and warm grays were prominently used for such style of architecture. However, it is noted that these neutral tones were used as a base which accompanied a contrasting pop of color, such as mustard yellows, burnt oranges, reds, and even teals as a way to reflect the architectural organic design and form. Even the Art Deco style utilized neutrals and vibrant hues as a way of giving balance to a structure. It is recommended that a brighter accent color be included in the color pallet to appropriately display the structure's time period and to avoid washing out the important defining architectural detailing that exists on-site.

Regarding **Architectural** style, Building 4, which is situated at the front northwest corner of the site, was originally designed in the Mission Revival style. The structure's style has progressed through the years with alterations in the Mid-Century Modern style having been made to the structure in the 1950's. Such alterations included the addition of clamshell awnings, smooth stucco detailing on the front facade, and the addition of a flat eyebrow type of front porch roof with slanted supports. The Yellowcard shows the structure was remodeled in 1959, which is likely when these alterations occurred. This is primarily assumed given this would have been the same time period that the adjacent duplex structure to the south was constructed (also in the Mid-Century Modern style). It is possible that the property owner or architect designed the alterations to the Mission Revival style structure at that time to make the structures more cohesive and less juxtaposed in their style.

It is noted that given the flat roof design of the original Mission style along with the smooth stucco of the front facade, the Mid-Century alterations lend themselves more to the Art Deco style. And the 1920's Mission Revival style is still prevalent on the rear and side elevations with the rough stucco pattern, roof scuppers, parapets, and "dog ears". The mix of detailing results in a structure that is having somewhat of an architectural identity crisis. While such finishes and details should be retained in order to tell the story of architectural progression of the structure, the applicant could consider a historic restoration of the Mission Revival style in the future.

Finally, the front porch feature on Building 4 is considered a significant architectural detail to the existing design of its front façade and it is important that defining elements are carried through to the rehabilitated design. The existing building has the design of the horizontal roof line continuing through to create a brow over the front façade, however, the proposal only shows the element ending at the porch. A site plan technical item has been added for the front porch brow design to continue through the structure as it currently exists.

HISTORIC PRESERVATION BOARD September 17, 2025
139-143 SE 7th Avenue



Front of Building 4



Rear of Building 4



(Image of original stucco detail Building 4 located at 139 SE 7th Ave (west structure) compared with 714 NE 2nd Ave, another contributing 1920 Mission style structure.

Buildings 1 and 2 are in the Masonry Vernacular Architectural Style with minor detailing on Building 1 that are Mid-Century in their simplicity (roof detailing, porch additions, etc.). The proposed additions to these buildings are designed to honor their existing styles.

There is concern with respect to **Proportion of Openings (Windows and Doors)** and **Rhythm of Solids to Voids** as the proposal consists of removal and relocation of windows and doors on Buildings 1 and 2. On Building 1 there are windows being shifted on each side of the structure, with the door on the north, east and west elevations being removed to accommodate new doors and windows. On Building 2, there are relocations and removal of windows and doors on all four elevations as well. Although, the proposed change in openings are located on the structures' facades that are interior to the site, and not visible from the public right-of-way, it should be noted that the reconfiguration of interior spaces should not reflect on exterior elevation changes such as window profiles.

Relating to the standards for **Additions**, there are additions proposed to the east and west façade of Building 1 and an addition proposed to the 2nd story of Building 2 as an expansion to the existing 2nd floor. There is concern with regards to the addition to Building 1 as the expansion of the east and west facades could alter the historic character of the structure. There are also concerns with the alteration of Building 2 as it is the highest structure on site, and the addition is proposed on top of the structure, which cannot be considered secondary and subordinate. Also, as previously noted that if removed in the future, the integrity of the structure would be problematic. The applicant has requested a waiver for relief from this standard which is analyzed in the later in the report.

RELOCATION ANALYSIS

Pursuant to LDR Section 4.5.1(E)(6)(b)(1), Relocation of Contributing or Individually Designated Structures, Criteria - when considering the relocation of a contributing structure from a historic district, or an individually designated structure from a site, the Board shall be guided by the following, as applicable:

- c. Whether the structure will be relocated within the same historic district, into a new historic district, or outside of a historic district;
- d. Whether the proposed relocation may have a detrimental effect on the structural soundness of the building or structure;
- e. Whether the proposed relocation would have a negative or positive effect on other historic sites, buildings, or structures within the originating historic district, at the new site;
- f. Whether the new surroundings of the relocated structure would be compatible with its architectural character; and,
- g. Whether the proposed relocation is the only practicable means of saving the structure from demolition.

The proposal involves elevating three of the four existing contributing structures (Buildings 1, 2, & 4) from their existing grades using hydraulic crib jacks and Unified Hydraulic Jacking System. This method of vertical relocation will allow for the installation of new foundations at the required FEMA and Florida Building code finished floor height of 9' N.A.V.D. The installation of shoring/jacking stands will be put inside of the structure with temporary steel I-Beam lifting platform throughout the building. It is also noted that the upper floor of Building 2 will vertically elevate given its original construction method, which lacks some of the necessary structural supports. Building 3, a concrete block structure, is proposed to remain at its current finished floor elevation of 5.34' via a Variance request, which is discussed later in this report.

The proposed relocation is not anticipated to have a negative effect on the surrounding buildings/site, as it is to be located in its original position/siting. The board will need to make a determination that the proposed vertical relocation is appropriate for the structure, site, and historic district.

Pursuant to LDR Section 4.5.1(E)(6)(b)(2), Relocation of Contributing or Individually Designated Structures, Relocation Plan - when considering the relocation of a contributing or individually designated structure, the Board shall require a Relocation Plan that includes the following:

- a. A detailed explanation of the relocation method including the type of machinery and equipment to be utilized;
- b. A demolition plan illustrating any parts of the structure to be removed or modified to facilitate the relocation;
- c. An illustration of locations where the building will be split, as applicable;
- d. The name of the Florida Licensed Building Mover who will relocate the structure(s) and the following support materials, if available:
 - i. A description of the Florida Licensed Building Mover's past experience in moving historic buildings of a similar construction technique.
 - ii. Photographs of prior relocation projects completed by the Florida Licensed Building Mover taken before and after the relocation, if applicable.
- e. A certified engineering report which includes:
 - i. A relocation feasibility study with an assessment of the building's structural condition to determine any damage that might occur during the move.
 - ii. Details and a description of the historic structure's construction type including technique and materials and current condition of materials.
 - iii. Identification of any areas of concern, and how these areas will be addressed prior to the relocation.

Brownie Companies, LLC is the proposed Relocation Contractor (Mover) who is a Florida Licensed Contractor. The Mover has indicated that they have elevated over 5,000 buildings since 1922 with four generations of service. Brownie Companies, LLC have been associated with several projects in Delray Beach including homes on Nassau Street and Sundry Village. They were founded in New York and moved to Florida in 1982. The Mover will utilize "hydraulic crib jacks and a unified hydraulic jacking system" to elevate the three structures and then lower the buildings. A temporary steel I-Beam lifting platform will be installed throughout the structures with ledgers attached to existing wood studs to provide additional lateral support during the elevation. Shoring towers will be installed on top of steel lifting platform to bottom side of roof framing with hydraulic crib jacks and Unified Hydraulic Jacking System to lift each series of hydraulic jacks simultaneously. Each structure will be vertically elevated approximately five feet (5') from existing finished floor elevation. The structures will be left elevated to allow for the installation of a new permanent foundation and then lowered onto their new foundations.

Pursuant to LDR Section 4.5.1(E)(10')(b)(3), Relocation of Contributing or Individually Designated Structures, Supplemental Documentation - The following information shall be provided with the application for a Certificate of Appropriateness for relocation of a contributing or individually designated structure prior to Board consideration:

- a. As built drawings of the building as it exists on its originating site before undertaking the move, particularly if the move will require substantial reconstruction, including but not limited to floor plans, elevations, and architectural details and profiles;
- b. Photographs of the site and the interior and exterior of the building, including but not limited to all elevations and exterior details.

- c. History of any code violations applied to the structure and property, along with an explanation of any pending violations or structure violations which have been issued within five (5) years of the application request.

Architectural drawings documenting the existing conditions of the structure have been provided as well as interior and exterior photographs of the structure.

Pursuant to LDR Section 4.5.1(E)(6)(b)(4), Relocation, Relocation of Contributing or Individually Designated Structures, Concurrent New Development Review - Applications for a Certificate of Appropriateness for relocation shall be submitted concurrently with the application for a Certificate of Appropriateness for the new development on the originating site.

The Relocation requests have been submitted with the required COA application.

Pursuant to LDR Section 4.5.1(E)(6)(b)(5), Relocation, Relocation of Contributing or Individually Designated Structures, Site Maintenance - If the originating site is to remain vacant and construction of the new development will not commence for more than 90 days following the relocation, the lot shall be sodded and maintained in a manner consistent with other open space in the historic district.

The proposal will need to meet this requirement as applicable.

Pursuant to LDR Section 4.5.1(E)(6)(b)(6), Relocation, Relocation of Contributing or Individually Designated Structures, Successful or Unsuccessful Relocation - The relocation of a historic structure is deemed successful when either no damage occurs during or as a result of the relocation or minimal damage occurs which is not deemed to compromise the integrity (structurally and architecturally) of the structure, and when the relocation is completed in accordance with the approved Certificate of Appropriateness, including the associated Relocation Plan.

- a. If damage occurs during the relocation, then the property owner, applicant and/or Licensed Building Mover shall notify the Historic Preservation Planner and Chief Building Official within 24 hours of completion of the move to determine if the damage has compromised the integrity of the structure, thereby deeming the relocation as unsuccessful.
- b. If a relocation is not successful, then the property owner and/or applicant shall notify the Historic Preservation Planner and Chief Building Official within 24 hours of the failed relocation, or before the close of business on the next business day.
- c. Failure of any degree to successfully relocate the historic structure may result in the revocation of any site development relief (waivers, variances, internal adjustments, or other relief) associated with the relocation that has been granted by the Board or the City Commission, as required by the Planning and Zoning Director.
- d. The applicant or property owner may submit a written request for the reconsideration of any previously approved site development relief associated with the unsuccessfully relocated structure in accordance with the following:
 - i. The reconsideration request shall be submitted to the Planning and Zoning Director within five business days of notification of the unsuccessful relocation. The reconsideration will be placed on the next available agenda of the recommending or approving body as appropriate.
 - ii. Requests for reconsideration shall include a statement regarding the relocation, documentation of the relocation, an explanation of the relocation failure, and how the relocation

failed to meet the Relocation Plan of the approved Certificate of Appropriateness and the corrective actions to address issues caused by failed relocation.

The Applicant shall comply with this code section should there be damage that compromises the integrity of any of the structures, and if any of the relocations are deemed unsuccessful.

Pursuant to LDR Section 4.5.1(E)(6)(b)(7), Relocation, Relocation of Contributing or Individually Designated Structures, Public Notice - All applications for a Certificate of Appropriateness for the relocation of a contributing structure or an individually designated structure shall meet the “Additional Public Notice” requirements of LDR Section 2.4.2(B)(f)(j).

A notice of the Relocation was posted on the City’s website at least ten days prior to the scheduled hearing, sent to surrounding property owners within a 500’ radius of the subject property, and the notice was also posted at City Hall.

Pursuant to LDR Section 4.5.1(E)(6)(d), Relocation, Supplemental Requirements, all buildings and structures approved for relocation shall comply with the following:

- 1. The building to be relocated shall be secured from vandalism and potential weather damage before and after its move, in a manner as approved by the Chief Building Official.**
- 2. All structures approved for relocation and awaiting issuance of a building permit for the new development on the originating site shall be maintained so as to remain in a condition similar to that which existed at the time of the application.**
- 3. All structures to be relocated pursuant to this Section shall comply with the requirements of Section 7.10.11, “Moving of Building: Historic Structures”.**

The Applicant shall meet all requirements of this code section. Staff will work with applicants to ensure all requirements have been met before issuance of a permit for relocation.

DEMOLITION ANALYSIS

Pursuant to LDR Section 4.5.1(F), Demolitions – Demolition of historic or archaeological sites, or buildings, structures, improvements and appurtenances within historic districts shall be regulated by the Historic Preservation Board and shall be subject to the following requirements:

- (1) No structure within a historic district or on a historic site shall be demolished before a Certificate of Appropriateness has been issued pursuant to Section 2.4.6(H).**
- (2) The application for a Certificate of Appropriateness for demolition must be accompanied by an application for a Certificate of Appropriateness for alterations to the structure or the redevelopment of the property.**
- (3) Demolition shall not occur until a building permit has been issued for the alterations or redevelopment as described in the applicable Certificate of Appropriateness.**
- (4) All structures approved for demolition and awaiting issuance of a building permit for the alterations or redevelopment shall be maintained so as to remain in a condition similar to that which existed at time that the Certificate of Appropriateness for demolition was approved unless the Chief Building Official determines that an unsafe building condition exists in accordance with Section 4.5.3(G).**
- (5) A Certificate of Appropriateness for demolition of 25 percent or more of contributing or individually designated structure shall be subject to the following additional requirements:**
 - a. A demolition plan shall accompany the application for a Certificate of Appropriateness for demolition. The plan shall illustrate all portions of the existing structure that will be removed or altered.**

- b. The Certificate of Appropriateness for demolition and the Certificate of Appropriateness for alternation or redevelopment shall meet the "Additional Public Notice" requirements of LDR Section 2.4.2(B)(1)(j).
- (6) The Board upon a request for demolition by a property owner, shall consider the following guidelines in evaluating applications for a Certificate of Appropriateness for demolition of designated historic sites, historic interiors, or buildings, structures, or appurtenances within designated historic districts:
- a. Whether the structure is of such interest or quality that it would reasonably fulfill criteria for designation for listing on the national register.
 - b. Whether the structure is of such design, craftsmanship, or material that it could be reproduced only with great difficulty or economically nonviable expense.
 - c. Whether the structure is one of the last remaining examples of its kind in the designated historic district within the city.
 - d. Whether retaining the structure would promote the general and value of a particular culture and heritage.
 - e. Whether there are approved plans for immediate reuse of the property if the proposed demolition is carried out, and what effect those plans will have on the historic district designation or the individual designation of the property.
- (7) No decision of the Board shall result in undue economic hardship for the property owner. The Board shall determine the existence of such hardship in accordance with the definition of undue economic hardship found in Section 4.5.1(H).
- (8) The Board's refusal to grant a Certificate of Appropriateness requested by a property owner for the purpose of demolition will be supported by a written statement describing the public interest that the Board seeks to preserve.
- (9) The Board may grant a certificate of appropriateness as requested by a property owner, for demolition which may provide for a delayed effective date. The effective date of the certificate will be determined by the Board based on the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. The Board may delay the demolition of designated historic sites and contributing buildings within historic districts for up to six months while demolition of non-contributing buildings within the historic district may be delayed for up to three months.
- (10) Request for Demolition Justification Statement: A justification statement shall accompany the application for a Certificate of Appropriateness for demolition of any contributing structure in a historic district or individually designated historic structure.
- (11) Salvage and Recordation of Historic Structures:
- a. The property owner shall contact the Delray Beach Historical Society for the purpose of salvaging and preserving specified classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in the restoration of the other historic properties. Confirmation of such efforts shall be provided in a written statement and submitted with the other demolition application prior to consideration by the Historic Preservation Board.
 - b. The Board may, with the consent of the property owner, request that the Delray Beach Historical Society, or the owner, at the owner's expense, record the architectural details for archival purposes prior to demolition.

- i. The recording may include, but shall not be limited to photographs, documents and scaled architectural drawings to include elevations and floor plans.
- ii. One (1) copy of the recording shall be submitted to the City's Planning and Zoning Department, and one (1) copy shall be submitted to the Delray Beach Historical Society for archiving purposes.

The proposal involves an after-the-fact demolition of a one-story, 231 square foot, one car garage/storage building located at the rear (east) side of the southern parcel. It is noted that the structure is indicated on the survey as having a zero-foot setback on the eastern property line. The garage structure existed on-site as being utilized for storage and according to the timeframe of build on the Yellowcards, was considering a contributing structure to the site. It is noted that as the subject application was in process, the garage structure was demolished from the site due to structural conditions (per the applicant). The board will need to make a determination that the proposal has been executed appropriately.

Per the submittal requirements of this code section, appraisals for the existing site including the demolished garage was submitted along with justification statements and cost estimates.

Secretary of the Interior's Standards for Reconstruction:

1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture and such reconstruction is essential to the public understanding of the property.
2. Reconstruction of a landscape, building, structure or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.
3. Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.
4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color and texture.
5. A reconstruction will be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically will not be constructed.

Reconstruction as a Treatment

"When a contemporary depiction is required to understand and interpret a property's historic value (including the re-creation of missing components in a historic district or site); when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction, Reconstruction may be considered as a treatment."

The proposal includes an after-the-fact demolition of a previously existing, contributing one-car garage/storage. As previously noted, demolition of the structure occurred without approval from the Historic Preservation Board. The Secretary of the Interior provides guidance relating to historic reconstruction practices via the Standards for Reconstruction and Guidelines for Reconstructing Historic Buildings, which defines Reconstruction as follows:

"The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location."

Criteria Considerations: Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years **shall not be considered eligible** for the National Register.

However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- (a) A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- (b) A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- (c) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life; or
- (d) A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- (e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- (f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
- (g) A property achieving significance within the past 50 years **if** it is of exceptional importance.

The operative words that allow Reconstruction as an acceptable treatment for a contributing structure is the existence of physical evidence to permit accurate reconstruction with minimal conjecture. While, the request does not propose a reconstruction of the garage/storage structure, it is noted as an option with regard to the Criteria Considerations. However, the secondary structure was utilitarian in nature and had structural issues due to lack of maintenance from previous owners. While there are photographs that were taken of the structure, no permits or structural plans from the time of construction has been located in order to create an accurate reconstruction. Given site contains, additional surviving structures with architectural significance constructed in the timeframe that the garage was built, staff does not have concerns that the demolished structure will not be reconstructed on site. But ultimately, the board will need to make a determination that the demolition is appropriate and that a reconstruction is not necessary.

VARIANCE ANALYSIS

Pursuant to LDR Section 2.4.11(A) A variance is a departure from the dimensional or numeric requirements of these land development regulations where such variance will not be contrary to the public interest and where, owing to the existing conditions peculiar to the property and not the result of the actions of the landowner, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Pursuant to LDR Section 2.1.9(E)(12)(d)(1)&(3), Board Actions. The Board hereby has the authority to take action on Variances from LDR Section 4.3.4 - Base district development standards and LDR Section 4.6 - Supplemental District Regulations associated with property,

sites, and structures located within a Historic District or for Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1(I), pursuant to the procedures and standards of the LDR.

Below are the Variance requests for the subject property:

LDR Section	Required	Existing	Variance Request
<u>Variance Request 1:</u> Side Interior (North) Setback of Building #2 4.3.4(K) Structure Setback (Minimum)	15'	3'-9"-9'3"	9'3"
<u>Variance Request 2:</u> Side Interior (South) Setback of Building #1 4.3.4(K) Structure Setback (Minimum)	15'	5'9" - 11'4"	5'-9"
<u>Variance Request 3:</u> Building #3 (southwest corner) 10.1.1.(C)(2) Reduction of Finished Floor Elevation	9'	5.34'	5.34'

Variance Request 1

Pursuant to Section 4.3.4(K), Development Standards Matrix, the required side interior setback is 15' for the RM zoning requirements. The request is to reduce the minimum required side interior (north) setback for the second story of Building 2 from 15 feet to 9 feet 3 inches.

Pursuant to LDR Section 2.4.11(A)(6) – Alternative Findings of the Historic Preservation Board: The Board may be guided by the following to make findings as an alternative to the variance standard criteria:

- (a) That a variance is necessary to maintain the historic character of property and demonstrating that the granting of the variance would not be contrary to the public interest, safety, or welfare.

The variance request is to allow the construction of a 269 square foot second floor addition to expand the existing 1,860 square foot structure. Building 2 is situated located at the northeast corner of the property behind Building 4. The addition is largely interior to the site and will be constructed on top of the existing building, which already encroaches into the north side interior setback. The board will need to make a determination that the variance is necessary to maintain the historic character of the property and that the variance would not be contrary to the public interest, safety or welfare.

- (b) That special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.

Due to the existing structure's historic setting on the site, encroaching into the north side interior setback, special conditions and circumstances exist that are not applicable to other historic lands or structures. The existing siting of the residence being situated within the side interior setback, could be seen as a challenge to accommodate a second story addition within the required fifteen-foot setback. Additionally, given the design of Building 2, with its south facade being the front of the structure, an addition forward of the front/south wall plane would impact the historic integrity

of the structure. The board will need to determine that special conditions and circumstances exist in order to meet this finding.

- (c) That literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district or historic site.**

Literal interpretation of the code is not anticipated to alter the historic character of the historic district as sufficient land area exists to the side and rear of the contributing structure where additional building area can and is being accommodated, however such addition would be a ground level addition rather than a second-floor addition. Building 2 contains two units, with each unit per floor. Preservation of the historic character of the structure also relies upon compliance with visual compatibility standards, such as not constructing additions forward of the established front wall plane of a historic building. The board will need to determine that literal interpretation of the code would alter the historic character of the district and site.

- (d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.**

The variance to reduce the required setback for the second-floor expansion can be considered supportable given the nature of the existing site and the setting of the existing structures on the property. However, there are concerns regarding the placement of the addition as it is on top of the one-story portion of the structure, which cannot be considered secondary and subordinate to the main massing of the contributing structure. The applicants have requested additional relief to the Secondary and Subordinate visual compatibility standard, which is analyzed in the Waiver section of this report.

- (e) That the requested variance is necessary to accommodate an appropriate adaptive reuse of a historic building, structure, or site.**

The requested variance will allow for the modernization of the site allowing for continued use of the structures as residential uses.

Variance Request 2

Pursuant to Section 4.3.4(K), Development Standards Matrix, the required side interior setback is 15' for the RM zoning requirements. The request is to reduce the minimum required side interior (south) setback, from 15' to 5' 9" for a one-story addition to the west side of Building 1.

Pursuant to LDR Section 2.4.11(A)(6) – Alternative Findings of the Historic Preservation Board: The Board may be guided by the following to make findings as an alternative to the variance standard criteria:

- (a) That a variance is necessary to maintain the historic character of property and demonstrating that the granting of the variance would not be contrary to the public interest, safety, or welfare.**

The request includes the construction of a 131 square feet addition to the southwest side of structure, in addition to a 146 square feet addition to the northeast facade of the existing 690 square feet one-story structure of Building 1 located the southeast corner of the property. The requested variance will allow for the 131 square foot addition to have a 5' 9" side interior setback where 15' is required. The board will need to make a determination that the variance is necessary

to maintain the historic character of the property and that the granting of the variance would not be contrary to public interest, safety, or welfare.

- (b) That special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.**

The existing south setback of Building 1 is at 5'9" and is an existing non-conformity. The 131 square foot addition is proposed to be placed at the same setback measurement as the existing building. The board will need to make a determination that special conditions and circumstances exist because of the historic setting, location, nature, or character of the land or building making the variance necessary.

- (c) That literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district or historic site.**

Literal interpretation of the code would require the proposed addition to meet the required 15' setback and sufficient space does exist surrounding the structure where a one-story addition could be accommodated. The board will need to make a determination that the request meets this variance finding.

- (d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.**

The historic structure is proposed to remain in its current configuration but will be elevated vertically on the site. The additions are proposed forward of the front wall plane of the home and to its side and rear. The variance request, if approved, would allow construction of an addition to be constructed at the same wall plane along the south side of the property as the existing historic structure. In some instances, it is appropriate to offset an addition from the existing wall plane to allow for differentiation from old to new. There is concern that the side setback variance could diminish the historic character of the structure in that the historic design of the modest structure is being altered.

- (e) That the requested variance is necessary to accommodate an appropriate adaptive reuse of a historic building, structure, or site.**

Approving the variance will allow for the proposed front addition to be line with the original structure. It is noted that all existing structures situated within the subject property encroach within the north and south setbacks. Yet, additions could be accommodated on sides of the structure that do not encroach into the setbacks. Finally, the enlargement and modernization of existing historic buildings represents a development pressure on historic district. The structure is modest in scale and size, and while the additions are also modest in nature the board will need to make a determination that the variance is necessary to accommodate an appropriate adaptive reuse of the building and site.

Variance Request 3

Pursuant to Section 10.1.1(C)(2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage. The request is to reduce the minimum required 9' N.A.V.D finished floor elevation per the Federal Emergency Management Agency (FEMA) regulations and the Florida Building Code to 5.34' N.A.V.D for the existing one-story duplex structure known as Building #3 located at the southwest corner of the property.

Pursuant to LDR Section 2.4.11(A)(6) – Alternative Findings of the Historic Preservation Board: The Board may be guided by the following to make findings as an alternative to the variance standard criteria:

- (a) That a variance is necessary to maintain the historic character of property and demonstrating that the granting of the variance would not be contrary to the public interest, safety, or welfare.**

The variance is not anticipated to be contrary to the public interest, safety, or welfare. It is expected to aid in maintaining the historic character of the property by retaining the historic streetscape and building facade. Should the new additions be required to be constructed to the new FEMA required finished floor elevations, the design would require an unreasonable interior transition to the new spaces making the additions impossible to accommodate.

- (b) That special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.**

Special conditions exist due to the design and setting of the structure as well as the property. The subject structure has a finished floor elevation of 5.34' and is of concrete block construction. Such structures are more difficult to vertically elevate in place with the traditional methods utilized for frame construction. Therefore, special conditions and circumstances exist because of the historic nature of the structure. Finally, other flood resiliency treatments could be incorporated for use with this structure including but not limited to site and landscape adaptations such as flood gates or site drainage improvements meant to guide flood waters away from the structure.

- (c) That literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district or historic site.**

The literal interpretation of the code would alter the historic character of the structure. The variance request to reduce the FEMA requirement for Building 3 would allow the contributing structure to remain at its existing finished floor height.

- (d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.**

As Building 3 currently exists at the 5.34' finished floor height, which is at a higher elevation than some of the other structures on the property. Vertically elevating the low scale Mid-Century Modern structure could diminish the historic character of the structure and its placement within the adjacent historic Marina Historic District SE 7th Avenue streetscape. The variance is anticipated to ensure the historic character of the property is retained. It is noted that the FEMA regulations specifically allow for a variance to the flood zone finished floor elevation

requirements for historic properties in order to retain the historic character of the structure, site, and/or historic district. Such relief can be seen as a benefit that is not afforded to non-historic properties.

(e) That the requested variance is necessary to accommodate an appropriate adaptive reuse of a historic building, structure, or site.

The requested variance will facilitate the duplex structure can be utilized as handicap accessible units for the overall property; thus, accommodating an appropriate adaptive reuse of the historic residential structure.

The property owner has submitted justification statements for each of the requests (attached).

Note: As required by the LDRs, a notice regarding the subject variance request was sent to those property owners located within a 500' radius of the subject property.

WAIVER ANALYSIS

Pursuant to LDR Section 2.4.11(B) A waiver involves the granting of partial or total relief from a specific development regulation. A waiver may be granted to the procedural and substantive provisions of these regulations. A waiver may be granted only for those substantive items within these regulations for which such provision is made. A waiver to substantive provisions may be granted only by the approving body with the final authority to approve or deny the related development application.

Pursuant to LDR Section 2.1.9(E)(12)(i), Board Actions. The Board hereby has the authority to take action on any other regulations or requirements that specify relief is available by the body acting upon the development application.

Waiver Request 1:

The Waiver request is to allow a reduction in the required width and overall size of two terminal landscape islands from 9' to 5'6" and from 135 square feet to 120 square feet.

Pursuant to LDR Section 4.6.16(H)(3)(i) Minimum landscape requirements.

New multiple family, commercial, and industrial development. Multi-family, commercial, industrial and all other uses are required to comply with the minimum requirements for off-street parking.

Landscape islands which contain a minimum of 135 square feet of planting area, with a minimum dimension of nine feet, exclusive of the required curb, shall be placed at intervals of no less than one landscaped island for every 13 standard parking spaces. One shade tree shall be planted in every island with a minimum of 75 square feet of shrubs and groundcovers. Tree specifications shall adhere to those listed in Section 4.6.16(E)(5) and 4.6.16(E)(6). Where approval for the use of compact parking has been approved, islands may be placed at intervals of no less than one island for every 15 compact parking spaces

Pursuant to LDR Section 2.4.11(B)(5) – Findings: The following findings must be made prior to approval of a waiver:

(a) Shall not adversely affect the neighboring area:

The Waiver request is to allow a reduction for two required terminal landscape islands adjacent to the existing parking area to be smaller than what is required by the LDRs. The existing parking area has existed in the current configuration since the original development of the property. The proposal involves improvement of the parking area through the addition of new landscaping areas and pedestrian walkways in front of the existing parking spaces, increasing the size of the northern terminal landscape island, and installation of tress and ground cover as required by the LDRs. Additionally, the proposal includes curbing, parking space striping, and a new handicap parking space, which will aid in reducing existing non-conformities. It is noted that the parking lot is for private use and has existed in the current configuration for decades. The board will need to make a determination that the waiver shall not adversely affect the neighboring area.

(b) Shall not significantly diminish the provision of public facilities;

The proposal is for a private multi-family project and is not anticipated to diminish the provisions of public facilities.

(c) Shall not create an unsafe situation; and,

The request is not anticipated to cause any unsafe situations.

(d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

The existing parking area and associated landscaping have existed for many years, and the development proposal involves reducing the existing non-conformities through additional site and landscaping modifications in order to comply with other parking, safety, accessibility, and landscape requirements. Should the landscape islands be required such design would result in reducing the existing parking by an additional parking space. It is noted that similar waivers have been granted under similar circumstances on other property for another applicant. The board will need to determine if the waiver results in a special privilege and if the same waiver would be granted under similar circumstances on other property.

Waiver Request 2:

Pursuant to LDR Section 4.5.1(E)(7)(m)(6), Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.

A waiver to for relief to the Secondary and Subordinate visual compatibility standard to allow a second-floor addition to be constructed on top of Building 2.

Pursuant to LDR Section 2.4.11(B)(5) – Findings: The following findings must be made prior to approval of a waiver:

(a) Shall not adversely affect the neighboring area:

The submitted waiver request is to allow a second-floor addition to Building 2 to be on top of the first-floor which is not considered a Secondary and Subordinate approach to the required visual compatibility standards. The addition to the second floor of the structure is not anticipated to affect the neighboring area as Building 2 is situated to the rear and interior portion of the site. However, it is also important to note that if all the additions were to be removed in the future, it could have a negative effect on the historic integrity of the existing structures. The

board will have to make a determination that the waiver will not adversely affect the neighboring area and Marina Historic District.

(b) Shall not significantly diminish the provision of public facilities;

The proposed waiver is not anticipated to diminish the provision of any public facilities.

(c) Shall not create an unsafe situation; and,

The request is not anticipated to create an unsafe situation.

(d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

The Secretary of the Interior's Standards do not recommend adding upper story additions to low scale buildings (between one and three stories). However, Building 2 is already a two-story building and the proposal involves expanding the second floor further to the west, resulting in a square footage increase for the upper floor. There is concern that the proposal may not be compliant with Secretary of the Interior's Standard #10, which states that *"New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired"*. Therefore, the board will need to determine if the waiver results in a special privilege and if the same waiver would be granted under similar circumstances on other property.

The property owner has submitted justification statements for each of the requests (attached).

INTERNAL ADJUSTMENT

Pursuant to LDR Section 2.4.11(C) An adjustment involves the lessening, or a total waiver, of those development standards which affect the spatial relationship among improvements on the land within the boundary of the site or development plan.

An adjustment shall only be considered during the site and development plan review process and shall be only for requirements that do not pertain to, or affect, standards that apply to the perimeter of a proposed development. An adjustment may be granted by the body or board with authority to approve or deny the site and development plan.

Pursuant to LDR Section 2.1.9(E)(12)(i), Board Actions. The Board hereby has the authority to take action on any other regulations or requirements that specify relief is available by the body acting upon the development application.

The Internal Adjustment request is to allow a reduction for the separation of buildings requirement between Buildings 1 and Building 3 from the required 16.3' to 7'10' to accommodate the construction of an addition.

Pursuant to LDR Section 2.4.11(C)(5) – Findings: Concurrent with granting relief from a development standard or regulation, the granting body must find that such relief does not diminish the practical application of the affected regulation (requirement) and that by granting such relief a superior development product will result.

The existing contributing structures as they are situated on the property, do not meet minimum separation requirements as the current distance between Buildings 1 and 3 is 8'5". The proposal

requests a reduction from the required 16'3" to accommodate a new addition to Building #1. The requested measurements would not create an unsafe situation between Buildings 1 and 3 and is not anticipated to diminish the practical application of the building separation requirement. Ultimately, the waiver will facilitate a small addition to Building #1 allowing for the structure to be enlarged and modernized.

FINDINGS AND PERFORMANCE STANDARDS

Pursuant to LDR Section 2.4.10(A)(3)(b), Level 2, Level 3, and Level 4 Site Plan applications require compliance with the findings in Chapter 3, Performance Standards.

LDR Section 3.1.1 Required Findings, prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, written materials submitted by the applicant, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application.

A complete review and analysis of the request based on the Required Findings of LDR Section 3.1.1 are provided throughout the following report sections.

LDR SECTION 3.1.1(A) - LAND USE MAP

The subject property has a Land Use Map (LUM) designation of Medium Density Residential (MD) and a zoning designation of Multi-family Residential (RM). The zoning district is consistent with the Land Use Map designation. The proposed commercial uses are permitted. Positive findings can be made with respect to Future Land Use Map consistency.

LDR SECTION 3.1.1(B) - CONCURRENCY

As described in Appendix "A", a positive finding of concurrency can be made as it relates to water and sewer, streets and traffic, drainage, and solid waste.

LDR SECTION 3.1.1(C) - CONSISTENCY

As described in Appendix "B", a positive finding of Consistency can be made as it relates to Standards for Site Plan Actions (LDR Section 3.2.3).

LDR SECTION 3.1.1(D) - COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS

As described under the Site Plan Analysis section of this report, a positive finding of compliance with the LDRs can be made, provided the conditions of approval are met.

The development proposal involves modifications to four existing residential structures and to the design of the overall site. The board will need to determine that positive finding can be made with respect to compliance with the LDRs.

COMPREHENSIVE PLAN

Pursuant to the Historic Preservation Element (HPE), Objective 1.4, Historic Preservation Planning: Implement appropriate and compatible design and planning strategies for historic sites and properties within historic districts.

The objective shall be met through continued adherence to the City's Historic Preservation Ordinance and, where applicable, to architectural design guidelines through the following policies:

HPE Objective 1.4 - Property shall be developed or redeveloped, in a manner so that the future use, intensity and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.

Historic Preservation Element 1.4.1 Prior to approval or recommending approval of any land use or development application for property located within a historic district or designated as a historic site, the Historic Preservation Board must make a finding that the requested action is consistent with the provisions of Section 4.5.1 of the Land Development Regulations relating to historic sites and districts and the “Delray Beach Design Guidelines”.

The development proposal involves a request for the alteration and rehabilitation to multi-family residential contributing structures. The board will need to make a determination that the alterations are consistent with the requirements of the Comprehensive Plan, and the provisions of LDR Section 4.5.1 relating to historic sites and districts as well as the “Delray Beach Historic Preservation Design Guidelines”.

SITE PLAN TECHNICAL ITEMS

1. That a plat exemption be approved to join the two properties prior to site certification.
2. That a five-foot right-of-way dedication along SE 7th Avenue be completed prior to issuance of a building permit
3. That the site data table be updated to include separate required, existing, and proposed setbacks for each building and that setbacks be provided in a range where applicable.
4. That the site data table be updated to provide parking calculation details for each structure ensuring the number of bedrooms are identified in the table.
5. Ensure the setbacks on the site plan match the measurements given on the site data table.
6. That the existing horizontal design of the front porch brow on Building #4 be illustrated as continuing across the front of the structure as it currently exists.

ALTERNATIVE ACTIONS

- A. Move to continue with direction.
- B. Approve Level 3 Site Plan, Certificate of Appropriateness, Relocation, Variance, Waivers and Internal Adjustment (2023-164), for the property located at **139-143 SE 7th Avenue, Marina Historic District**, by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.
- C. Approve Level 3 Site Plan, Certificate of Appropriateness, Relocation, Variance, Waivers, and Internal Adjustment (2023-164), for the property located at **139-143 SE 7th Avenue, Marina Historic District** by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, subject to the following conditions:
 - 1.
- D. Deny Level 3 Site Plan, Certificate of Appropriateness, Relocation, Variance, Waivers, and Internal Adjustment (2023-164), for the property located at **139-143 SE 7th Avenue, Marina Historic**

District, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations.

PUBLIC AND COURTESY NOTICES	
<input checked="" type="checkbox"/> Courtesy Notices were provided to the following, at least 5 working days prior to the meeting: <input checked="" type="checkbox"/> Marina Historic District Homeowners Association	<input checked="" type="checkbox"/> Public Notice was mailed to property owners within a 500' radius on 9/5/25, 10 days prior to the meeting. <input checked="" type="checkbox"/> Public Notice was posted at the property on 9/10/25, 7 calendar days prior to the meeting. <input checked="" type="checkbox"/> Public Notice was posted in the main lobby at City Hall on 9/5/25, 10 working days prior to the meeting. <input checked="" type="checkbox"/> Public Notice was posted to the City's website on 9/5/25, 10 calendar days prior to the meeting. <input checked="" type="checkbox"/> Agenda was posted on 9/10/25, 5 working days prior to meeting.

APPENDIX "A"
CONCURRENCY FINDINGS

Pursuant to LDR Section 3.1.1(B), Concurrency, as defined pursuant to Objective B-2 of the Land Use Element of the Comprehensive Plan, must be met and a determination made that the public facility needs of the requested land use and/or development application will not exceed the ability of the City to fund and provide, or to require the provision of, needed capital improvements for the following areas:

Water and Sewer:

Water and sewer services exist on site. Pursuant to the Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant and the South-Central County Wastewater Treatment Plant for the City at build-out. Based upon the above, positive findings can be made with respect to this level of service standard.

Drainage:

Drainage and water run-off will be addressed through the on-site retention. There should be no impact on drainage as it relates to this level of service standard.

Traffic:

The proposal involves reduction of the number of units on site; therefore, the proposed development is not anticipated to have an increase upon traffic concurrency.

Parks and Recreation:

The proposal does not include an increase to the existing number of units on the property; therefore, the proposal will not have a significant impact with level of service standards for parks and recreation facilities.

Solid Waste:

The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2054.

Schools:

No changes are proposed to the number of residential units within the development; thus, the proposal will not have any further impact on the school concurrency level of service standard.

APPENDIX "B"
CONSISTENCY FINDINGS & STANDARDS FOR SITE PLAN ACTIONS

- A. Building design, landscaping, and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.**

Not applicable _____

Meets intent of standard X

Does not meet intent _____

- B. Separation of different forms of transportation shall be encouraged. This includes pedestrians, bicyclists, and vehicles in a manner consistent with policies found under Objectives D-1 and D-2 of the Transportation Element.**

Not applicable X

Meets intent of standard _____

Does not meet intent _____

- C. Open space enhancements as described in Policies found in the Open Space, Parks, and Recreation Element are appropriately addressed.**

Not applicable _____

Meets intent of standard X

Does not meet intent _____

- D. The City shall evaluate the effect that any street widening, or traffic circulation modification may have upon an existing neighborhood. If it is determined that the widening or modification will be detrimental and result in a degradation of the neighborhood, the project shall not be permitted.**

Not applicable X

Meets intent of standard _____

Does not meet intent _____

- E. Development of vacant land which is zoned for residential purposes shall be planned in a manner which is consistent with adjacent development regardless of zoning designations.**

Not applicable X

Meets intent of standard _____

Does not meet intent _____

- F. Property shall be developed or redeveloped in a manner so that the future use and intensity are appropriate in terms of soil, topographic, and other applicable physical considerations; complementary to adjacent land uses; and fulfills remaining land use needs.**

Not applicable _____

Meets intent of standard X

Does not meet intent _____

- G. Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City's demographic profile and meet the housing needs identified in the Housing Element. This shall be accomplished through the implementation of policies under Objective B-2 of the Housing Element.**

Not applicable _____

Meets intent of standard X

Does not meet intent _____

- H. The City shall consider the effect that the proposal will have on the stability of nearby neighborhoods. Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.**

Not applicable _____

Meets intent of standard X

Does not meet intent _____

- I. Development shall not be approved if traffic associated with such development would create a new high accident location or exacerbate an existing situation causing it to become a high accident location, without such development taking actions to remedy the accident situation.**

Not applicable _____

Meets intent of standard X

Does not meet intent _____

- J. Tot lots and recreational areas, serving children from toddlers to teens, shall be a feature of all new housing developments as part of the design to accommodate households having a range of ages. This requirement may be waived or modified for residential developments located in the downtown area, and for infill projects having fewer than 25 units.**

Not applicable X

Meets intent of standard _____

Does not meet intent _____

HISTORIC PRESERVATION BOARD September 17, 2025
139-143 SE 7th Avenue

TAC Timeline Table			
Review No.	Submittal Date	TAC Comments Transmitted	Board Meeting Date
1	05/10/2023	06/15/2023	N/A
2	01/05/2024	02/13/2024	N/A
3	7/23/2024	08/15/2025	N/A
4	12/05/2024	01/09/2025	N/A
5	03/25/2025	04/03/2025	N/A
6	06/23/2025	07/03/2025	N/A
7	08/18/2025	Determined Board Ready 08/02/2025	HPB Scheduled – 08/17/2025