



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

229 Venetian Drive

Meeting	File No.	Application Type
February 7, 2024	2024-038	Certificate of Appropriateness and Variance

REQUEST

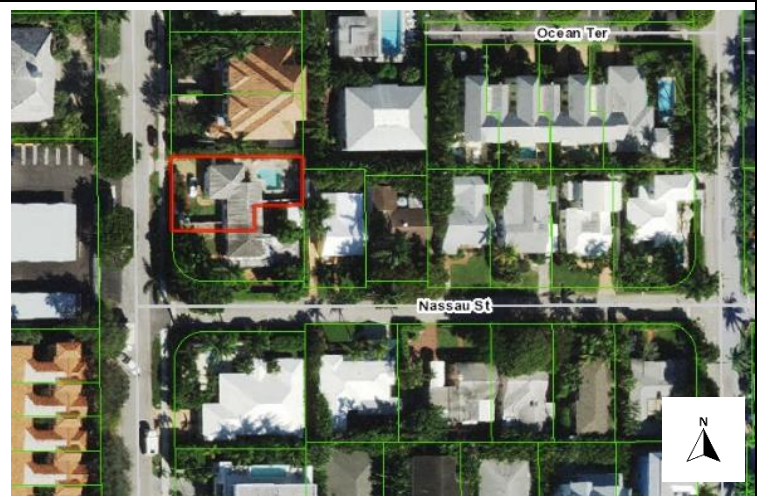
The item before the Board is consideration for a Certificate of Appropriateness (2024-038) and Variance associated with exterior modifications to the existing one-story, contributing duplex structure located at **229 Venetian Drive** within the Nassau Park Historic District.

GENERAL DATA

Owner: The Mark V. Holden Legacy Trust
Agent: Hillary McClain
Location: 229 Venetian Drive
PCN: 12-43-46-16-14-005-0042
Property Size: 0.1266 Acres
Zoning: RM (Multiple Family Residential)
FLUM: MD (Medium Density Residential)
Historic District: Nassau Park Historic District
Adjacent Zoning:

- North, West, South: RM
- East: R-1-A - Single Family Residential

Existing Land Use: Residential
Proposed Land Use: Residential



BACKGROUND AND PROJECT DESCRIPTION

The 0.1266-acre subject property is located at the northwest corner of Venetian Drive and Nassau Street and contains a 1949 duplex structure constructed in the Minimal Masonry architectural style.

The Nassau Park Historic District was originally conceived in 1935 as the first planned residential development south of Atlantic Avenue. In 1935 developer R.C. McNeill commissioned Sam Ogren, Sr. to design the first house, located at 234 South Ocean Boulevard, now demolished. Sam Ogren, Sr. is recognized as the most prominent early architect in Delray Beach, for his designs of the 1925 High School & Gymnasium at Old School Square, the Marine Villas in the Nassau Park Historic District, and the Arcade Building on Atlantic Avenue, to name a few.

Nassau Park's close proximity to the beach and charming, simple, yet stylish architecture of its small-scale houses made this neighborhood highly desirable and successful from its inception. Eighteen houses were built between 1935 and 1941, with four more homes built during the 1950s and 1960s. Many of the homes were inspired by the Colonial-Cape Cod Revival and Minimal Traditional styles. The subject structure features architectural details common in south Florida including a barrel tile roof, covered entryway, and a large, paned picture window. The structure is approximately 1298 sq. ft. and

Project Planner: Michelle Hewett, Planner, hewettm@mydelraybeach.com Katherina Paliwoda, Planner, paliwodak@mydelraybeach.com	Review Dates: February 7, 2024	Attachments: <ol style="list-style-type: none">1. Plans, Survey, & Renderings2. Photographs3. Color & Materials4. Justification Statements
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is considered a contributing structure within the Nassau Park Historic District. The subject unit, 229 Venetian Drive, is to the north of the second unit 231 Venetian Drive.

In 1958, a porch was added to the rear of the structure. In 1989, two permits were approved for the construction of a garage in the front of the property and pool/tiki hut at the rear of the property. The existing structure has a hipped barrel tile roof, with the existing porch located on the east side of the building under a flat roof which runs along the east elevation. The entrance is located on the east side of the building with 15-lite French doors.

On January 4, 2023, the Historic Preservation Board (HPB) approved a Certificate of Appropriateness (COA) request for exterior modifications to the existing contributing structure, specifically as follows:

- Installation of a new open air front porch with trellis;
- Replacement of windows to impact resistant;
- Removal of the garage door for conversion to additional living space; and,
- Installation of a new pool, fountain, and hardscape modifications.

The COA now before the board is for a 46 square foot rear addition to the previously approved garage conversion on the north side of the structure. The request also includes a variance for the addition to encroach into the north setback, at 9 feet 10 inches and a variance for the existing finish floor elevation to remain at 5.3 feet along with the proposed addition and renovation.

REVIEW AND ANALYSIS

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 USE AND REVIEW

Pursuant to LDR Section 4.4.6B) – Medium Density Residential (RM) Development Standards:

The proposed use of a residential duplex will remain the same, which is a permitted used within the Medium Density Residential zoning district.

Pursuant to LDR Section 4.3.4(K), Development Standards, properties located within the RM zoning district shall be developed according to the requirements noted in the chart below.

DEVELOPMENT STANDARDS	REQ'D	EXISTING	PROPOSED
SETBACKS (MINIMUM)			
FRONT (WEST)	25'	25'	No Change
SIDE INTERIOR (SOUTH)	0'	0'	No Change
SIDE INTERIOR (NORTH)	15'	9'10"	9'10" *
REAR (EAST)	15'	41'4"	No Change
HEIGHT	35'(MAX)	13'9"	No Change

* Variance requested for setback

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 and Minor Development.

The subject application is considered "Minor Development" as it involves "the alteration of less than 25 percent of the existing floor area of the building and all appurtenances".

Pursuant to LDR Section 4.5.1(E)(3) – 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:

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 the construction of a 46 square foot addition to the rear of the residence. The original design of the existing historic structure has been considered with respect to the proposed modifications and site improvements.

SECRETARY OF THE INTERIORS STANDARDS

Pursuant to LDR Section 4.5.1(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.

Standard 1, 2, 5, 9, and 10 are applicable to this request. The subject proposal consists of the construction of a 46 square foot addition to the rear (east side) of the residence. The proposal does not modify the defining characteristics of the historic structure meeting the intent of Standard 1. Additionally, the use will remain as a residence (duplex) as it was traditionally utilized, maintaining its original historic purpose.

Regarding Standard 2 and 5 the addition is not proposed to remove or alter the existing structure as it will be constructed to the rear of the 1989 addition. The minor addition will retain the architectural style, materials, and color palette. Regarding Standards 9 and 10, the proposed addition will maintain the same height and setback on the north side as the existing structure (provided the setback variance is approved) and HPB approved renovations. Also, as the addition will be placed in the rear, it will not hinder the massing, size, scale, nor architectural features of the existing structure. The historic integrity of the historic structure is not anticipated to be harmed by the proposed alterations.

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 4.5.1(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 4.5.1(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 **Height**, the proposed addition will meet the height of the existing structure. Also, as the **Addition** will be located to the rear of the existing structure, it will not be visible from the public right-of-way, and can be considered secondary and subordinate to the main massing of the existing residence. The proposal can be considered an appropriate modification that will help to preserve the modest scale of the structure and its visual compatibility with the Nassau Park Historic District.

Regarding **Relationship of Materials and Color**, the exterior of the addition is proposed to be smooth stucco painted “Benjamin Moore – oc-45 Swiss Coffee”, to match the color previously approved for the main structure. The roof material will also match the previous approval and will be a gray barrel tile (Barcelona sterling 900). The proposed colors and materials can be considered to be appropriate for the historic structure. All **Windows and Doors** are proposed to match the existing in color and material, as they will be white aluminum framed with clear, non-reflective, no tint glass. The windows will also have dimensional muntins.

The **Roof Shape** and profile are not proposed to change with the addition as it will match the existing slope on the east side of the existing structure. With respect to **Rhythm of Solids to Voids**, the proposed addition will have double French doors on the rear (east) elevation to match existing. The proposed north elevation will include two single hung windows that were previously approved, the design of the proposed addition will provide for additional wall space between the windows and the corner of the building. There are no concerns with any of the blank walls on the addition, due to the small proposed square footage of the addition. Therefore, the proposed window and door pattern can be considered appropriate to the architectural style, existing structure, and district.

Overall, the request can be considered appropriate and meets the visual compatibility standards.

VARIANCE ANALYSIS

Pursuant to LDR Section 2.1.9(E)(12)(d)(1), Board Actions. The Board hereby has the authority to take action on the following items 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: Variances and appeals from the following: Base district development standards, Section 4.3.4, unless otherwise stated.

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.

Variance Request 1

Pursuant to Section 4.3.4(K), required side interior setbacks within the RM Zoning District are 15 feet. The request is to reduce the minimum required side interior setback on the north side of the property from 15 feet to 9 feet 10 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 can be considered necessary to maintain the historic character of the property as the 46 square foot addition is proposed to be constructed to the rear of the property and not visible from the public right-of-way. The variance request is not anticipated to 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.

The setback on the north side of the existing structure is 9 feet 10 inches and is currently an existing non-conformity. As the 46 square foot addition is proposed to be placed behind the main façade at the same setback measurement, the request will be consistent with the configuration of the existing 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 proposal is to allow for the 46 square foot addition to be placed directly behind the existing wall of the structure. It is noted that the north part of the structure was a 1980 addition, and therefore not yet considered a contributing element to the main residence. Constructing the addition on this part of the house allows for the original footprint of the historic structure to

remain, preserving the historic integrity of the residence. If the addition were to meet the required 15 feet side setback, the north wall of the original structure would need to be removed to accommodate it. Finally, variances, can be seen as “tools” in assisting and incentivizing historic preservation efforts.

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

There are no concerns with the proposed addition as its size is very minor and will be placed in the rear of the structure. The proposal will help maintain the historic integrity of the structure, will allow for modernization of the home’s interior, and is not anticipated to diminish the historic character of the site nor the historic district.

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

The proposal will facilitate the continued use of the structure as a residence.

Variance Request 2

Pursuant to Section 10.1.1(C)(2) The purposes of the Floodplain Management Regulations and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to: Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

The request is to reduce the minimum required Federal Emergency Management Agency (FEMA) finish floor elevation from 8 feet to 5.3 feet in order to allow for the continued use of the structure as a residence.

Pursuant to LDR Section 10.1.7(E), Historic buildings, A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building’s continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building’s continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

Pursuant to the Florida Building code, an exception to the flood resistant construction requirements is defined as:

If the program that designated the building as historic determines that it will continue to be an historic building after the proposed work is completed, then the proposed work is not considered to be substantial improvement. For the purposes of this exception, an historic building is:

- 1. Individually listed in the National Register of Historic Places; or**
- 2. A contributing resource within a National Register of Historic Places listed district; or**

3. Designated as historic property under an official municipal, county, special district or state designation, law, ordinance or resolution either individually or as a contributing property in a district, provided the local program making the designation is approved by the Department of the Interior (the Florida state historic preservation officer maintains a list of approved local programs); or
4. Determined eligible by the Florida State Historic Preservation Officer for listing in the National Register of Historic Places, either individually or as a contributing property in a district.

Pursuant to LDR Section 10.1.7(G), Considerations for issuance of variances, In reviewing requests for variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, the Floodplain Management Regulations, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

Pursuant to LDR Section 10.1.7(H), Conditions for issuance of variances, Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of the Floodplain Management Regulations or the required elevation standards;
- (2) Determination by the Board of Adjustment that:
 - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

- (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and 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 request is to allow the existing structure and proposed 46 square foot addition to remain at the existing finish floor elevation. FEMA regulations and the Florida Building Code require alterations to existing structures that exceed a 50% improvement value to be elevated to required FEMA finished floor elevations, in this instance, the required finished floor elevation is 8 feet. The applicant expects the improvement to exceed the value threshold.

As the structure is historic, an exemption from the FEMA finished floor elevation is applicable through an approved variance based upon the proposal being necessary to maintain the existing historic character of the property. Given that the subject property is the north unit of an existing duplex, elevation of the subject unit is nearly impossible without having a negative effect upon the character of the adjacent unit and entire duplex structure.

It is noted that although there are no recent concerns with regard to regular flooding on the property, the existing elevation could be an issue in the future since this is in a FEMA special flood hazard area. To address this concern, the LDR requires a written notice from the city's Floodplain Administrator be provided to the applicant/property owner specifying the difference between the required base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property. This requirement is consistent with the FEMA requirements, which place such caveats upon a variance approval in the case of historic preservation.

The variance request is not anticipated to be contrary to the public interest, safety, or welfare and is expected to maintain the historic character of the property.

- 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.

There are special conditions and circumstances which exist that would not be applicable to other lands, structures, or buildings in the Nassau Park Historic District, or to any other historic district or individually designated structure. Since the proposal involves the north unit of an existing duplex structure, elevation of the structure would be complicated and potentially impossible without affecting the adjacent duplex unit. Therefore, as the structure is a contributing resource, preserving the existing finished floor elevation is vital to ensure retention of the overall character of the duplex 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 project involves a variance request to maintain the existing 5.3 feet finished floor elevation in order to facilitate construction of a new addition and renovation to the structure. The proposal would retain the original massing and setting of the historic structure. Literal interpretation of existing ordinance could have a negative effect upon the character of the site, given it's use as an attached unit within a duplex structure.

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

The subject structure has an existing finished floor elevation of 5.3 feet, where 8 feet is required by FEMA regulations. The proposal facilitates the addition and renovation to the existing structure, which is the north unit within a duplex structure. It is noted that the south unit of the duplex is also undergoing renovation and improvement, without an increase to the finished floor elevation (it did not exceed the 50% valuation threshold); thus, the proposal would allow for the units to have a consistent finished floor elevation. The proposed variance is not expected to diminish the historic character of the site, nor the Nassau Park historic district.

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

The request to reduce the minimum required Federal Emergency Management Agency (FEMA) finish floor elevation from 8 feet to 5.3 feet would allow for the continued use of the structure as a residence and a duplex.

Pursuant to the requirements of this LDR section, site plan technical items have been added requiring the applicant to record the variance in the Palm Beach County Office of the Clerk of the Court in such a manner that it appears in the chain-of-title of the affected parcel of land and that a certified copy of the recorded document be provided prior to issuance of a building permit as well as a letter from the city's Floodplain Administrator as noted above.

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 feet radius of the subject property.

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 Policy 1.4.1 - Continue to require that the Historic Preservation Board make findings that any land use or development application for a historic structure, site or within a historic district, is consistent with the provisions of the Secretary of the Interior's Standards for Rehabilitation, the Land Development Regulations, and Delray Beach Historic Preservation Design Guidelines.

The development proposal is for the construction of a 46 square foot addition to the rear of the existing contributing duplex and also involves variances to required setbacks and the required FEMA finished floor elevation. With respect to the adjacent land uses, the property is the north unit within a duplex structure and is in an area surrounded by a mix of residential uses including single-family residential homes and duplexes. Provided the board approves the variances, the proposal can be found to be 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 the average crown of road be illustrated on all existing and proposed elevations.
2. That the applicant records the variance in the Palm Beach County Office of the Clerk of the Court in such a manner that it appears in the chain-of-title of the affected parcel of land and that a certified copy of the recorded document be provided prior to issuance of a building permit.
3. That a written notice from the Floodplain Administrator be provided to the applicant specifying the difference between the required base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

ALTERNATIVE ACTIONS

- A. Move to continue with direction.
- B. Approve Certificate of Appropriateness (2024-038), for the property located at **229 Venetian Drive, Nassau Park 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 Certificate of Appropriateness (2024-038), for the property located at **229 Venetian Drive, Nassau Park 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 conditions.
- D. Deny Certificate of Appropriateness (2024-038), for the property located at **229 Venetian Drive, Nassau Park 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

☒ Courtesy Notices are not applicable to this request

- ☒ Public Notice was mailed to property owners within a 500 feet radius on 1/26/24, 10 days prior to the meeting.
- ☒ Agenda was posted on 1/31/24, 5 working days prior to meeting.
- ☒ The site was posted on 1/31/24, 7 calendar days prior to the meeting.