



HISTORIC PRESERVATION BOARD STAFF REPORT

53 Palm Square

Meeting	File No.	Application Type
February 4, 2026	HP-311-2025	Variance

REQUEST

The item before the Board is consideration of a Variance (HP-311-2025) request to maintain the existing finish floor elevation associated with a one-story, contributing single-family residence located at **53 Palm Square** within the Marina Historic District.

GENERAL DATA

Owner: Shapland Realty, LLC
Agent: KER Construction, LLC
Location: 53 Palm Square
PCN: 12-43-46-16-11-000-0060
Property Size: 0.132 Acres
Zoning: RM (Multiple Family Residential)
FLUM: HMU (Historic Mixed Use)
Historic District: Marina Historic District
Adjacent Zoning:

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

Existing Land Use: Residential
Proposed Land Use: Residential



BACKGROUND AND PROJECT DESCRIPTION

The subject 0.132-acre property is located within the Locally and Nationally Registered Marina Historic District. The property contains a 1942, one-story Minimal Traditional style structure that is classified as contributing to the historic district. Distinguishing architectural features include a side facing gable with vent, a symmetrical façade, and inset porch. The main entrance includes a 6-panel entry door within the inset porch, flanked by 6/6 double hung wood sash windows.

On February 7, 2024, the Historic Preservation Board approved a Certificate of Appropriateness and Variance (2024-054) request for an addition and exterior modifications to the existing contributing structure, specifically for the following:

- Two additions totaling 102 square feet;
- Addition to the rear of the home;
- Installation of a pool and deck in the rear of the property;
- Replacement of the existing carport awning;
- Replacement of the existing paver hardscaping in the rear of the property; and
- Variance to reduce the required south interior side setback from 7'6" to 5'9⁵/₈".

Project Planner: Michelle Hewett, Planner, hewettm@mydelraybeach.com Katherina Paliwoda, Planner, paliwodak@mydelraybeach.com	Review Dates: January 7, 2026	Attachments: 1. Plans, Survey, & Renderings 2. Photographs 3. Color & Materials 4. Justification Statements
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A building permit (25-223639) was submitted for the approved project, however during the Building Department's review it was determined that the percentage of improvements being made to the structure exceeded the fifty percent threshold and is thus considered a substantial improvement, which requires the structure to come into compliance with FEMA finish floor elevation requirements. Therefore, the variance request before the board is to allow the existing finish floor elevation of the existing contributing structure, as well the new additions, to remain at the current 5 feet and $\frac{3}{4}$ inches where 9 feet is required. The request is now before the board.

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 provisions for the R-1-A zoning District shall apply for single family detached dwellings. The existing use is residential, and the proposed use will remain the same, which is a permitted use within the RM zoning district.

VARIANCE ANALYSIS

Pursuant to LDR Section 2.1.9(E)(12)(d)(2), 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, as follows:

- Variances - Flood Damage Control Districts and Coastal Construction, Chapter 10.

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:

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 finished floor elevation per the Federal Emergency Management Agency (FEMA) regulations and the Florida Building code from 9 feet N.A.V.D to 5 feet and $\frac{3}{4}$ inches N.A.V.D for the existing contributing, one-story, single-family 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 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 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 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.

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 approved additions to remain at the existing 5 feet $\frac{3}{4}$ inches finish floor elevation where 9 feet is required. FEMA regulations and the Florida Building Code require alterations to existing structures that exceed a 50% improvement value to be vertically elevated/raised to the required FEMA finished floor elevation. In this instance,

the required finished floor elevation of 9 feet (8 feet required for minimum base flood elevation, and an additional 12 inches) is required for sites located within a FEMA designated Special Flood Hazard Area (SFHA). The submitted building permit improvement value indicates the project will exceed the value threshold, thus requiring the entire structure and new additions to be raised.

The FEMA requirements allow for an exemption from the finished floor elevation for historic structures. The city's Land Development Regulations require the exemption to be reviewed through the variance process and is based upon the proposal being necessary to maintain the existing historic character of the property.

The variance request would permit a small addition and would allow for interior renovations to the historic structure while maintaining the historic character of the home. The variance 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 given the historic setting and location within the Marina Historic District that may not be applicable to other lands or structures. The approved project includes minor additions increasing the overall size of the structure by 99 sq. ft. as well as interior renovations. The approved project will retain the appearance of the front façade, ensuring the structures' compatibility to the historic district and adjacent structures. Given the FEMA definition for substantial improvement, the interior renovation and small addition trigger the vertical elevation requirement for the finished floor elevation for the entire structure, not just the new additions. As the structure is a contributing resource to the historic district, preserving the existing finished floor elevation can ensure retention of the overall character of the single-family structure. Given the minor nature of the proposal, special conditions and circumstances exist given the historic setting of the structure within the Marina Historic District.

- 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 feet $\frac{3}{4}$ inches finished floor elevation in order to facilitate construction of new additions and interior renovations 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.

- 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 feet $\frac{3}{4}$ inches, where 9 feet is required by FEMA regulations. The proposal would allow for the additions to the rear and side of the structure to be constructed at the same consistent finish-floor elevation as the existing

residence. The proposed variance is not expected to diminish the historic character of the site, nor the Marina 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 FEMA finish floor elevation from 9 feet to 5 feet $\frac{3}{4}$ inches would allow for an appropriate rehabilitation of the existing structure with new modest additions and allow for the continued use of the structure as a single-family residence.

The board will need to make a determination that the proposal meets the above Variance findings. The property owner has submitted justification statement for the variance request (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, 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 subject request involves a variance for relief from the required FEMA finished floor elevation associated with a development approval for a additions (99 sq. ft. total) and interior modifications to an existing, contributing, one-story, single-family residence. With respect to the adjacent land uses, the property is a single-family structure and is in an area surrounded by a mix of residential uses including single-family residential homes and other residential based uses. The board will need to make a determination that 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 applicant 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;
2. That a certified copy of the recorded document be provided prior to issuance of a building permit; and,
3. That a letter from the city's Floodplain Administrator be provided to the applicant/property owner, 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.

ALTERNATIVE ACTIONS

- A. Move to continue with direction.
- B. Approve Variance (HP-311-2025), for the property located at **53 Palm Square, 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 Variance (HP-311-2025), for the property located at **53 Palm Square, 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 conditions.
- D. Deny Variance (HP-311-2025), for the property located at **53 Palm Square, 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: Marina Historic District Homeowners Association	<input checked="" type="checkbox"/> Public Notice was mailed to property owners within a 500 feet radius on 1/23/26, 10 days prior to the meeting. <input checked="" type="checkbox"/> Agenda was posted on 1/28/26, 5 working days prior to meeting. <input checked="" type="checkbox"/> The site was posted on 1/28/26, 7 calendar days prior to the meeting.
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TAC Timeline Table

Review No.	Submittal Date	TAC Comments Transmitted	Board Meeting Date
1	12/16/2025	12/16/2025	N/A
2	1/12/2026	Determined Board Ready 1/12/2026	HPB Scheduled- 2/04/2026