



**HISTORIC PRESERVATION BOARD STAFF REPORT**

**303 SE 7<sup>th</sup> Avenue**

Meeting	File No.	Application Type
May 1, 2024	2024-057	Certificate of Appropriateness & Demolition

**REQUEST**

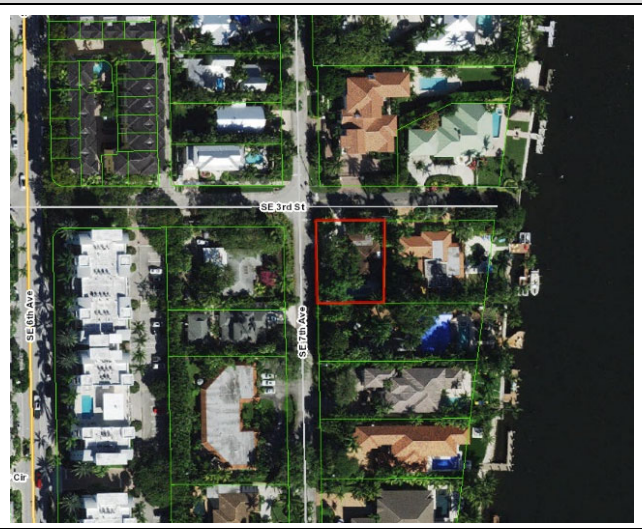
The item before the Board is consideration for a Certificate of Appropriateness (COA) and Demolition (2024-057) of a contributing single-family structure located at **303 SE 7<sup>th</sup> Avenue, Marina Historic District**.

**GENERAL DATA**

**Owner:** Bianca & Donald Pucci  
**Location:** 303 SE 7<sup>th</sup> Avenue  
**PCN:** 12-43-46-16-A9-128-0012  
**Property Size:** 0.189 Acres  
**Zoning:** R-1-AA (Single Family Residential)  
**FLUM:** LD (Low Density Residential)  
**Historic District:** Marina Historic District  
**Adjacent Zoning:**

- R-1-AA (North)
- R-1-AA (West)
- R-1-AA (South)
- R-1-AA (East)

**Existing Land Use:** Residential  
**Proposed Land Use:** Residential



**BACKGROUND AND PROJECT DESCRIPTION**

The subject 0.189-acre property is located at the southeast corner of SE 7<sup>th</sup> Avenue and SE 3<sup>rd</sup> Street, within the Locally and Nationally Registered Marina Historic District. The property contains a one-story Ranch style single-family residence, built in 1954 and is classified as contributing to the Marina Historic District. City Building Permit Yellowcards note that Mike L. Blank, of the original Blank Family, was previously one of the owners of the subject property. 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 original architect of record was Carlos B. Schoepl (1898-1990), who was born in Comfort, Texas. He was a first generation American, his father was Austrian, and his mother was German. Schoepl

<p><b>Project Planner:</b>          Katherina Paliwoda, Planner, paliwodak@mydelraybeach.com          Michelle Hewett, Planner, hewettm@mydelraybeach.com</p>	<p><b>Review Dates:</b>          May 1, 2024</p>	<p><b>Attachments:</b></p> <ol style="list-style-type: none"> <li>1. Plans, Survey, &amp; Renderings</li> <li>2. Photographs</li> <li>3. Color &amp; Materials</li> <li>4. Justification Statements</li> <li>5. Permits</li> </ol>
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studied architecture at UCLA and in 1922, he began private practice in San Antonio and Houston, Texas. He moved to Florida in 1927 where he established an architectural practice in both St. Augustine and Jacksonville from 1927 to 1929. While in Jacksonville, Schoeppl designed some of the earliest Art Deco buildings in the city. He had an interest in aviation and was friends with Howard Hughes and Eddie Rickenbacker. In the early 1930's, he relocated to Miami, where he joined in partnership with Arnold Southwell. During their partnership, Schoeppl and Southwell produced "A Florida Brochure" highlighting their numerous projects, predominately residential structures, in the South Florida area. Schoeppl became a highly respected Miami Beach architect and interestingly Belford Shoumate, noted Palm Beach architect, worked for Schoeppl early in his career.

Some of his Schoeppl's designs are documented within the Collins Waterfront Architectural District. His contributions to the historic district are now considered to be representative of the work of a master alongside of several other noted architects including Martin L. Hampton (Colony Hotel – Delray Beach, and associate of Addison Minzer), Russell Pancoast, and Morris Lapidus to name a few. Other examples of Schoeppl's work include:

- Lead architect of Davis Shores on Anastasia Island, St. Augustine, Florida;
- The Fred J. Heyne in House (1922) Houston, Texas, listed on the National Register of Historic Places;
- The Bryan-Champan House (1935), Houston, Texas, a recorded Texas Historic Landmark by the Texas Historical Commission; and,
- Echo Motor Hotel (1959), Edinburg, Texas.

Schoeppl designed the subject structure in a modest Ranch architectural style using Crab Orchard Stone detailing, which could have been inspired by his Texas roots. The existing 1,848 square foot single-family residence contains one-over-one single hung aluminum framed windows, with stucco banding surrounds. A stucco banded, raised arch detail exists on the west side of the house. The structure has a barrel tile roof and smooth stucco exterior. In 1987 and 1988, modifications were made to the structure, including the following:

- Enclosure of the original carport for additional living space;
- Small additions to the front and rear of the home;
- Modification of the original Crab Orchard Stone and block/brick veneer front exterior to a smooth stucco finish; and,
- Replacement of the original cement tile roof with a barrel tile roof.

In 1998, a new swimming pool, perimeter fence, and deck were constructed.

At its meeting of December 12, 2022, HPB approved the Certificate of Appropriateness (2022-170) Demolition, Variance, and Waiver request for the demolition of 106 sq. ft. of non-contributing additions, construction of a one-story addition to the rear of the home and two-story addition to the south side of the existing structure. The approved additions totaled 1,636 sq. ft and the overall square footage of the home was to be 3,484 sq. ft. In order to meet minimum FEMA finished floor elevations, the approval included elevation of the original structure vertically in place by pouring additional slab, construction of additional walls at the top of the existing structure and shifting window and door openings vertically. A new swimming pool and associated decking was approved for installation on the south side of the property. The proposal also included three project relief requests:

- A variance to allow for the proposed 2-story addition to encroach into the east/rear setback from the required 10' to 6'7".
- A variance to allow the pool to encroach into the west/front setback from the required 30' to 10'6".

- A waiver to allow for relief to the Secondary and Subordinate Visual Compatibility Standard for the proposed two-story addition.

Then, a permit for the approved work was issued on September 27, 2023 (23-212072). However, while working on site more than the approved demolition occurred and all but one section of existing walls and the roof were removed. As the approval did not include a request to demolish more than 25% of a contributing structure, the property owner was issued Code Enforcement Violations including Irreversible or Irreparable Violations for work exceeding the COA approval. The violations were heard by the Special Magistrate at its meeting of December 6, 2023, and the Special Magistrate assessed a one-time fine in the amount of \$15,000 and ordered the property owner obtain a modified Certificate of Appropriateness and Permits.

A Certificate of Appropriateness application was submitted on December 12, 2023. The request for a COA and an after the fact Demolition of the contributing single-family residence are now before the board for review.

**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 which is to be approved is consistent with Historic Preservation purposes pursuant to Objective 1.4 of the Historic Preservation Element of the Comprehensive Plan and specifically with 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 4.3.4(K), Development Standards, properties located within the R-1-AA zoning district shall be developed according to the requirements noted in the chart below. The previously approved COA was determined to be in compliance with the applicable requirements and Variances were approved to allow relief to setback requirements. The subject COA proposes reconstruction of the demolished structure, additions, and site improvements as was previously approved.**

DEVELOPMENT STANDARDS	REQ'D	EXISTING	APPROVED	PROPOSED
<b>SETBACKS (MINIMUM)</b>	<b>30'</b>	<b>28'7" - (Before 5' r-o-w dedication)</b>	<b>30' (Structure) 10' ½" (pool)*</b>	<b>No change</b>
<b>FRONT (WEST)</b>		<b>23'7" - (After 5' r-o-w dedication)</b>		
<b>SIDE STREET (NORTH)</b>	<b>15'</b>	<b>15'3"</b>	<b>15'3"</b>	<b>No change</b>
<b>SIDE INTERIOR (SOUTH)</b>	<b>10'</b>	<b>29'11"</b>	<b>10' (Addition &amp; Pool)</b>	<b>No change</b>
<b>REAR (EAST)</b>	<b>10'</b>	<b>9'7"</b>	<b>9'-7"-6'-7"*</b>	<b>No change</b>
<b>HEIGHT</b>	<b>35' (MAX)</b>	<b>11'3½"</b>	<b>16' 3" 1-story 20' 5" (2-story addition)</b>	<b>No change</b>

## **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 "Major Development" as it involves "alteration of more 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:**

**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.

Fences and Walls were approved in the previous COA application and met the requirements of the LDRs. The proposal includes construction of a new 2' perimeter wall on the south and east sides of the property and a change in material color from the approved white 4' aluminum fence to dark bronze. The approved fencing will be placed in the southwest corner of the property to enclose the new swimming pool. The fencing and balcony railing colors can be considered appropriate to the historic district and the structure, respectively.

**Pursuant to LDR Section 4.5.1(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 an after the fact demolition of the existing one-story single-family residence. The original design of the home has been taken into consideration and the proposal represents a historic reconstruction of the existing residence. The proposal also includes construction of a 1-story addition on the east side (rear) of the structure and two-story addition on the south side of the property as was previously approved. The request includes a change in material color from the approved white fence and white balcony railings to dark bronze.

## **SECRETARY OF THE INTERIORS STANDARDS**

Pursuant to LDR Section 4.5.11(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.**

The proposal includes an after the fact demolition and reconstruction request of the previously existing contributing one-story single-family residence. 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."*

### **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 operative words that allow Reconstruction as an acceptable treatment for the contributing structure is the existence of physical evidence to permit accurate reconstruction with minimal conjecture. Moreover, such Reconstruction is essential for the public understanding of the property. It is noted that over the years there were inappropriate alterations made to the subject structure (prior to its inclusion as a contributing resource to the historic district). The previous HPB approval incorporated elements of the original structure into its design yet was not a complete restoration.



**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 Secretary of the Interior's Standard #4 for Reconstruction states:

**“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.”**

Also, the Secretary of the Interior notes that a property/building can qualify for contributing status based on the categories listed in the screenshot below, particularly that 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”**.

With regard to the historic status of the property, it is noted that the site itself holds historic meaning for Delray Beach as it was owned by the Blank Family and historically part of the Blank Family Nursery which is evident in its lush landscape and trees that are shared with the adjacent properties to the west and south.

Regarding the original architectural style of the structure, and its association with original architect Carlos B. Schoepl, the structure is representative of the work of a master. In the subject case, Schoepl incorporated Art Deco detailing into the Mid-Century Ranch style with 303 SE 7<sup>th</sup> Avenue. This was an approach he came to be known for in Miami Beach, with his Mid-Century designs that included Art Deco detailing. Schoepl designed in many different architectural styles including Mediterranean Revival, Art Deco, Mid-Century, Ranch, etc.

Evidence of the structure's original design by Schoeppel exists via historic building permit records. The HPB approval did include the use of stone similar to the Crab Orchard stone used on the planters, as well as a decorative brick veneer and Mid-Century roofline detail on the west/front façade. Yet, there were elements of the original design that were not included in the approved plans. Given that the subject property (prior to demolition) was the only known example of Schoeppel's work in Delray Beach, the board could make a determination that the structure can be a contributor to the Marina Historic District, if the proposal is an accurate execution of the original design, which would need to also incorporate the following:

1. Wood trellis feature to the right of the front door;
2. Concrete shelf & corbeled stone supports under the southernmost window on the west/front façade; and,
3. Original window and door proportions.

Should the owner wish to execute an accurate Reconstruction the design would need to be based upon the structure being in the same location with the original design, square footage, setbacks, and material and with the same purpose to be used as a single-family residence.

Therefore, the board will need to make a determination on whether the Reconstruction could still be considered contributing to the historic district.

**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 regards to **Architectural Style**, the residence is proposed to be reconstructed in the same Ranch with a Mid-century Modern influence architectural style as was existing on the site. For **Additions to Contributing Structures**, the approved one-story addition to the rear of the existing one-story structure and two-story addition to the south side of the existing contributing structure will still be constructed along with the Reconstruction of the existing structure. Regarding Materials, the proposal includes a change in the material color of the aluminum fencing and balcony railings from the approved white to dark bronze. There is no concern with the color change of the fencing. With regard to visual compatibility, there is nothing in the current COA application that impacts nor changes the analysis of the previous approval.

**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% 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 includes an after the fact demolition and reconstruction request of the previously existing contributing one-story single-family residence. As previously noted, the original approval permitted less than 25% of the structure to be demolished with 106 sq. ft. of the 1,848 sq. ft. structure to have been removed. Demolition of the structure occurred without approval from the Historic Preservation Board and has resulted in a total loss of the historic structure. The subject request involves reconstruction of the 1,848 square feet single-family residence as well as the approved 1-story and 2-story additions as originally proposed.

As a side note, inappropriate alterations were made to many structures within the 300 block of SE 7<sup>th</sup> Avenue, which caused all but 4 properties within the entire block (subject property included) to be removed from the boundary of the Marina Historic District. Attention to detail will need to occur in order to ensure an accurate Reconstruction of the structure and its potential contributing status to the historic district. The board will need to make a determination that the proposal has been executed appropriately.

Finally, should the request be approved, and should the site be deemed to not be a contributing resource to the Marina Historic District, the property would not comply with the requirements for a future Historic Ad Valorem Tax Exemption. Those requirements are listed below for informational purposes:

**Pursuant to LDR Section 4.5.1(J)(5) – Historic Ad Valorem Tax Exemptions, Qualifying Improvements. Improvements to a qualifying property for an exemption, the improvement must:**

- (a) be consistent with the United States Secretary of the Interior's Standards for Rehabilitation, as amended; and**
- (b) be a constructed and/or installed improvement as approved by the Historic Preservation Board and as established in rules adopted by the Department of State, Division of Historical Resources, FAC 1A-38, as amended which defines real property improvements as changes in the condition of real property brought about by the expenditure of labor and money for the restoration, renovation, or rehabilitation of such property. Improvements shall include, but are not limited to: modifications, repairs, or additions to the principal contributing building and its associated accessory structures (i.e. a garage, cabana, guest cottage, storage/utility structures, swimming pools), whether existing or new. The exemption does not apply to improvements made to non-contributing principal buildings, existing non-contributing accessory structures, or undesignated structures and/or properties; and,**
- (c) be consistent with Section 4.5.1(E), "Development Standards", of the City's Land Development Regulations; and**
- (d) include, as part of the overall project, visible improvements to the exterior of the structure.**

The property owner has submitted a justification statement for the request (attached).

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

**The property owner has submitted justification statements for the request, and it is attached.**

**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 involves an after the fact demolition request and Reconstruction of a contributing single-family residence. There are no concerns with respect to soil, topographic or other physical considerations. With respect to the adjacent land uses, the property is in an area surrounded by single-family and multi-family residential uses. Provided the demolition request is approved, the proposal can be found to be consistent with the requirements of this.

**ALTERNATIVE ACTIONS**

- A. Move to continue with direction.
- B. Approve Certificate of Appropriateness and Demolition (2024-057), for the property located at **303 SE 7<sup>th</sup> 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 Certificate of Appropriateness and Demolition (2024-057), for the property located at **303 SE 7<sup>th</sup> 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:
- D. Deny Certificate of Appropriateness and Demolition (2024-057), for the property located **303 SE 7<sup>th</sup> 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:  Marina Historic District Homeowners Association	<input checked="" type="checkbox"/> Public Notice was mailed to property owners within a 500' radius on 4/18/24, 10 days prior to the meeting. <input checked="" type="checkbox"/> Agenda was posted on 4/24/24, 5 working days prior to meetingp.
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