

# HISTORIC PRESERVATION BOARD

## CITY OF DELRAY BEACH

### ---STAFF REPORT---

**MEETING DATE:** December 19, 2017

**ITEM:** 40 South Swinton Avenue, Old School Square Historic District (Building 'F') – Consideration of a Certificate of Appropriateness for the **Relocation** of a contributing structure.

**RECOMMENDATION:** Approve the Certificate of Appropriateness for the relocation of building 'F'

#### GENERAL DATA:

**Owner/Applicant:** Atlantic Ave Development, LLC  
and MGM Sundy House, LLC

**Agent:** Bonnie Miskel, Esq. – Dunay,  
Miskel and Blackman, LLP

**Location:** 40 South Swinton Avenue between  
West Atlantic Avenue and  
SW 1<sup>st</sup> Street

**Zoning District:** Old School Square Historic Arts  
District (OSSHAD)

**Historic District:** Old School Square Historic  
District

**Building Reference:** Peach House or Building 'F'

**Year Built:** 1925

**Present Use:** Residence

**Proposed Use:** Integration into Sundy House  
operations



### ITEM BEFORE THE BOARD

The item before the Board is the consideration of a Certificate of Appropriateness (COA) for the relocation of Building 'F', from 40 South Swinton Avenue, Old School Square Historic District, (OSSHD) to a site further south on Block 61.

### BACKGROUND / DESCRIPTION

According to the Florida Master Site File (FMSF – 8-PB12967) and Palm Beach County Property Appraiser report 'indicate the subject property, Building 'F' a.k.a. the "Peach" House located at 40 South Swinton Avenue between West Atlantic Avenue and SW 1<sup>st</sup> Street, OSSHAD was built in 1925. The footprint of Building 'F', however, is not seen on the 1926 Sanborn Map. Its footprint is noted on the 1946 & 1963 Sanborn maps. It is classified as contributing to OSSHD.

Building 'F' is a 1-story 1,169 SF wood frame bungalow style. It has an irregular plan with intersecting gable roofline. The roof is covered with asphalt shingles and appears to be well maintained. Rafter tails are noted along the eaves. The windows are single hung non-impact 1/1 style. East Façade (front) exhibits a full front gable roof line, a centrally located front door entrance with a small shed roof supported by metal post and railing and a one-step stoop. The front door is non-impact half glaze, half wood panel flanked by 2 and 3 1/1 windows. West Façade (rear) exhibits a side gable roofline interrupted by a front gable extension on the south end. A multi-paneled front door is centrally located with double awning style windows flanking the north side of the door. North Façade exhibits an elongated front gable roof line with a brick fireplace chimney extending through the eaves above the roofline. Double 1/1 single hung, non-impact windows of various sizes make up the west façade. South Façade exhibits a central wide low-pitch front gable roof line extending from the main side gable roof. Four pairs of double 1/1 and a single 1/1 window dominate the south façade. Once relocated, Building 'F' will be restored to its original bungalow style. The aluminum siding will be replaced with wood siding, the windows, front door, porch roof and metal posts and railing will be restored with historically compatible style. The restoration will be accomplished with strict adherence to the Secretary of Interior Standards for Rehabilitation and Delray Beach Historic Preservation Guidelines.

The request is to temporarily relocate Building 'F' from its existing site at 40 S Swinton Avenue on Block 61 where it is currently used as a single-family residence to its existing site on Block 61 (address to be determined), where it will continue to front on S Swinton Avenue with an approximate 37' setback from the property line. Its relocation meets the setbacks of the OSSHAD zoning district pursuant to LDR Section 2.4.6(B). Temporarily, Building 'F' will be reoriented to face north and moved approximately 20' south of its existing site and east to the property line on S Swinton. Once Building 'F' is permanently relocated it will remain approximately 20' south of its existing location, have an approximately 25' setback off S. Swinton, and reoriented consistent with its existing location. Once restored, Building 'F' will be a viable historic resource, as it is proposed to become integrated as part of the operations of the Sundry House as an accessory building.

At its meeting of June 27, 2017, The Historic Preservation Board denied the proposed relocation.

## DEVELOPMENT STANDARDS

### Zoning and Use Review

Pursuant to LDR Section 4.4.24(F), Development Standards, the development standards as set forth in Section 4.3.4 apply, as noted in the chart below:

Setbacks:	Requirement	Proposed
Front (East)	25'	25'
Side Interior (North)	7'-6"	N/A
Side Interior (South)	7'-6"	N/A
Rear (West)	10'	N/A

As illustrated above, the proposal complies with the minimum setbacks of the Development Standards for the OSSHAD zoning district.

### LDR SECTION 4.5.1

#### HISTORIC PRESERVATION: DESIGNATED DISTRICTS, SITES, AND BUILDINGS

Pursuant to LDR Section 2.4.6(H)(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 A-4 of the Land Use 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.

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. Relief from Subsections (1) through (9) below may be granted by seeking a waiver approvable by the Historic Preservation Board, unless otherwise stated.

Pursuant to LDR Section 4.5.1(E)(2), Major Development, the subject application is classified as Major Development as it is the "alteration of a building in excess of twenty-five percent (25%) of the existing floor area, and all appurtenances...", and "the construction, reconstruction, or alteration of any part of the front façade of an existing contributing residential or non-residential structure and all appurtenances..."

The proposed improvements are considered "Major Development" in accordance with the LDR noted above.

Pursuant to LDR Section 4.5.1(E), 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.

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

The applicable Standards are noted below:

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 2 & Standard 3 - The applicant plans to move Building 'F' intact including its front porch, restore it back to its original Bungalow style, following the Secretary of Interior Standards for Rehabilitation and the Delray Beach Historic Preservation Design Guidelines (Please see REG Associates proposed restoration architectural drawings).

**Pursuant to LDR Section 4.5.1(E)(6)(a), Relocation, Relocation of a Structures in a Historic District or on an Individually Designated Site, relocation of a contributing or non-contributing building or structure or an individually designated building or structure to another site shall not take place unless it is shown that preservation on their existing or original site would cause undue economic hardship to the property owner in accordance with definition and requirements of undue economic hardship found in Section 4.5.1(H) or a building permit has been issued.**

The property is located on Block 61 where a portion of the block has a CBD overlay and allows more intense development, therefore, there is pressure for more intense development to make it economically feasible for the applicant. Building 'F' will remain compatible with the historic structures nearby and it preserves the historically significant building. At this time the owner has not claimed undue economic hardship. If the owner decides to claim undue economic hardship, all data, information requested pursuant to Article 4.5, Section 4.5.1 (H) must be submitted for review.

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

- a. Whether the structure will be relocated within the same historic district, into a new historic district, or outside of a historic district;
- b. Whether the proposed relocation may have a detrimental effect on the structural soundness of the building or structure;
- c. Whether the proposed relocation would have a negative or positive effect on other historic sites, buildings, or structures within the originating historic district, at the new site;

- d. Whether the new surroundings of the relocated structure would be compatible with its architectural character; and,**
- e. Whether the proposed relocation is the only practicable means of saving the structure from demolition.**

- a) Building 'F' will be relocated within Block 61 within OSSHAD;
- b) According to the applicant's *Justification Statement and Relocation Criteria*, A Field Report by Robert J. Selinsky, P.E., August 13, 2015 and Mike Brovant of Wolfe House and Building Movers indicate that Building 'F' shows no signs of structural distress and no structural defects are noted in the exterior walls;
- c) The proposed relocation will have a positive effect on other historic sites, buildings in OSSHAD. Wolfe House and Building Movers;
- d) The relocated structure would be compatible with its architectural character; and
- e) The proposed relocation is a practicable means of saving the structure from demolition.

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

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

- a) The applicant's *Justification Statement and Relocation statements*, indicate that "Buckingham Structural Moving Equipment" will be used to move the structure, which shows the type of equipment that have been used to move buildings throughout the country. Information is found in the appendix of the application package;
- b) Building 'F' will be moved intact including its front porch and exterior fireplace;
- c) The footprint of Building 'F' and the short distance does not require it to be split for moving to its new location.
- d) Wolf House and building Movers will register as a subcontractor under a Florida General Contractor who supposedly will perform the preparatory work related to the right-of-way preparation, relocation of overhead utilities, traffic signals and general maintenances of traffic during the preparation for any relocation. Backup information

relating to the experience of Wolf House and Building Movers are included in the application found in the appendix;.

- e) Building 'F' is a one-story woodframe structure. It shows no signs of structural distress or defects observed in the exterior walls noted by consulting engineers McCarthy and Associates.

**Pursuant to LDR Section 4.5.1(E)(6)(a)3., Relocation, Relocation of Contributing or Individually Designated Structures, Supplemental Documentation, the following information shall be provided with the application for a Certificate of Appropriateness for relocation of a contributing or individually designated structure prior to Board consideration:**

- a. As built drawings of the building as it exists on its originating site before undertaking the move, particularly if the move will require substantial reconstruction, including but not limited to floor plans, elevations, and architectural details and profiles;**
- b. Photographs of the site and the interior and exterior of the building, including but not limited to all elevations and exterior details.**
- c. History of any code violations applied to the structure and property, along with an explanation of any pending violations or structure violations which have been issued within five (5) years of the application request.**

REG Associates provides drawings of existing conditions at its original site, floor plans, elevations and architectural details and profiles, multiple photographs of the site and interior and exterior of building are provided. The building has no history of code violations within the past 5 years.

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

The applicant submitted this COA for Building 'F' at 40 South Swinton Avenue relocation concurrently with application for a Certificate of Appropriateness for the new development on the originating site.

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

If the originating site remains vacant and construction of the new development does not commence after 90 days following the relocation, the applicant will sod and maintain the lot consistent with other open space in the historic district.

**Pursuant to LDR Section 4.5.1(E)(6)(a)6., Relocation, Relocation of Contributing or Individually Designated Structures, Successful or Unsuccessful Relocation, the relocation of a historic structure is deemed successful when either no damage occurs**

during or as a result of the relocation or minimal damage occurs which is not deemed to compromise the integrity (structurally and architecturally) of the structure, and when the relocation is completed in accordance with the approved Certificate of Appropriateness, including the associated Relocation Plan.

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

Applicant shall comply with LDR Section 4.5.1(E)(6)(a)6, (a - d) if there is damage that compromises the integrity of the structure and it is deemed a failure in relocation.

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

Applicant shall meet LDR Section 4.5.1(E)(6)(a)7 relating to Additional Public Notice requirements of LDR Section 2.4.2(B)(f)(j).

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

1. The building to be relocated shall be secured from vandalism and potential weather damage before and after its move, in a manner as approved by the Chief Building Official.
2. All structures approved for relocation and awaiting issuance of a building permit for the new development on the originating site shall be maintained so as to remain in a condition similar to that which existed at the time of the application.

**3. All structures to be relocated pursuant to this Section shall comply with the requirements of Section 7.10.11, "Moving of Building: Historic Structures".**

Applicant shall meet all requirements pursuant to LDR Section 4.5.1(E)(6)(d), Relocation, Supplemental Requirements, (1-3) relating to being secured from vandalism, maintained so as to remain in a condition similar to that which existed at the time of the application and will comply with Section 7.10.11, "Moving of Building: Historic Structures".

**Comprehensive Plan**

**Pursuant to the Future Land Use Element, Objective A-4, the redevelopment of land and buildings shall provide for the preservation of historic resources. 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:**

**Pursuant to the Future Land Use Element, Policy A-4.1, prior to approval or recommending approval of any land use or development application for property located within a historic district or designated as a historic site, the Historic Preservation Board must make a finding that the requested action is consistent with the provisions of Section 4.5.1 of the Land Development Regulations relating to historic sites and districts and the "Delray Beach Design Guidelines".**

**Pursuant to the Future Land Use Element, Objective A-9, the City shall support the conservation and rehabilitation of historically significant housing, especially where such housing is an identifying characteristic of a particular neighborhood.**

Relocating Building 'F', a.k.a. the Peach House within Block 61 OSSHAD, the applicant preserves the historic resource meeting Comprehensive Plan Objective A-4. Building 'F's scale, and architecture possesses identifying characteristics of the existing neighborhood. The redevelopment of Block 61 with a partial CBD overlay allows more intense redevelopment, which and will change the character of Block 61. By temporarily relocating Building 'F', it will be restored and identify with the other historic buildings also relocated as proposed, and will remain a viable historic resource. The Historic Preservation Board will determine if the requested action is consistent with the provisions of Section 4.5.1 of the Land Development Regulations.

<b>ALTERNATIVE ACTIONS</b>
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| <p>A. Continue with the following direction:</p> <p>B. Move to approve the COA (Building 'F'), for the relocation of the contributing structure on the property located at 40 South Swinton Avenue, Block 61 within OSSHAD by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.</p> <p>C. Move to deny the COA (Building 'F'), for the relocation of the historic structure on the property located at 40 South Swinton Avenue, Block 61 slightly south within OSSHAD (address to be determined) by finding that the request is inconsistent with the</p> |
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Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

<b>RECOMMENDATION</b>
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Move to approve of the COA (Building 'F'), a.k.a. Peach House for the temporary relocation of the contributing structure on the property located at 40 South Swinton Avenue to its existing location within OSSHD (address to be determined) by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

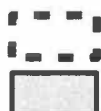


## MIDTOWN DELRAY

Number	Address
1A	14 S Swinton Ave (Relocation)
1B	20 W Atlantic Ave (Relocation)
3	22 S Swinton Ave (Relocation)
4	38 S Swinton Ave (Relocation)
5	40 S Swinton Ave (Relocation)
6	44 1/2 S Swinton Ave (Demolition)
7	38 1/2 S Swinton Ave (Demolition)



Planning, Zoning and  
Building Department



Midtown Delray Boundary

Midtown Delray



1 inch = 200 feet