

CITY OF DELRAY BEACH

CITY CLERK



DISCLOSURE OF EX PARTE EMAIL COMMUNICATIONS

Pursuant to Florida law, certain items are deemed “quasi-judicial” in nature, as indicated on the City Commission agenda, and thus, certain protocols are required to be followed for those items.

Any communication with any person concerning a quasi-judicial item needs to be disclosed prior to the public hearing on the matter. This form is designed to assist the Mayor and City Commissioners in declaring ex parte communications.

All documents disclosed as part of this form are part of the official record of the City in connection with the quasi-judicial matter.

To be completed by the City Clerk’s Office:

Meeting Date	August 19, 2025
Agenda Item Number	7.D.
Resolution/Ordinance Number	Resolution No. 135-25
Legistar File ID Number	25-1027
Date Range of Email Search	6/16/2024 to 8/18/2025
Date Email Search Conducted	8/19/2025
Terms Utilized for Search	135-25; 46 Marine Way; 46 Marine; Catherine Edwards; Kay Edwards; Dan Edwards; Daniel Edwards; kayedwards321@aol.com; mwood@affiniti.us; Dealerdane@aol.com

To be completed by applicable Department Staff:

Project Name	46 Marine Way
Date Application was Received by City	06/16/24
Address for the Project	46 Marine Way
Name of Property Owner	46 Marine, LLC
Name of Applicant/Agent	Catherine Edwards
Name of Applicant/Agent	Daniel Edwards
Known Email Address(es) for Owner and Applicant/Agent	kayedwards321@aol.com; mwood@affiniti.us ; Dealerdane@aol.com
Name of Assigned Planner/Staff	Michelle Hoyland; Michelle Hewett; Katherina Paliwoda

Additional Information:

As Item 7.D. on the August 19, 2025 agenda pertains to a quasi-judicial public hearing, the City has made a good faith effort to facilitate public access to written, potential ex parte communications located within the City's email server.

To this end, the City has conducted a thorough search of its E-mail server and the results are attached.

Form version 1, June 2, 2025

From: [Kay Edwards](#)
To: [Michelle Hewett](#); [Katherina Paliwoda](#)
Cc: [GianniotesA@mydelraybeach.com](#); [Carney@mydelraybeach.com](#)
Subject: 46 Marine Way
Date: Monday, October 14, 2024 6:06:17 AM

****Please be cautious****

This email originated from outside of The City of Delray Beach. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi ladies!

It's been almost two weeks since we last spoke. I'm wondering if you have any updates on 46 Marine Way. As you stated in the last email, I would like to not keep going back and forth with the comments and have the ability to get in front of the board sooner than later. I know the rounds of comments are time consuming for you as they are for me. As the applicant, I want to request to go right to the board and be on the agenda for November. I would like to avoid a 3rd round of TAC comments and have to be charged the resubmittal fee again as we've already paid a lot of money on this project.

Thank you.

Best,

Kay Edwards
Sent from my iPhone

From: [Roger Cope](#)
To: [Carney, Tom](#); long@mydelraybeach.com; burns@mydelraybeach.com; markert@mydelraybeach.com; [Casale, Juli](#)
Cc: [Gianniotes, Anthea](#); [Hoyland, Michelle](#); [Alvarez, Amy](#); [Paliwoda, Katherina](#); [Hewett, Michelle](#)
Subject: 46 Marine Way in the National Marina Historic District
Date: Friday, July 11, 2025 4:52:34 PM
Attachments: [SOUTH ELEVATION.PNG](#)

Mayor & Commissioners:

Thank you for reviewing Tuesday nights Item 7C (Resolution 135-25), a COA approval recently granted by the HPB Board for a residence at 46 Marine Way within the National Marina Historic District. I have been opposed to it since its inception, and believe the Board erred in passing it.

I am an Architect in Delray Beach specializing in Historic Preservation for the past 32 years. I know there is a much better solution.

May I say that your STAFF has completed an exhausting and outstanding assessment of the Project citing no less than twenty (20) general areas of grave concern. Excessive massing, excessive height, disrespect for the Secretary of Interior's Standards, violation of a design tool referred to as "the Building Height Plane", building FORWARD of the front of the existing structure (a "Cardinal Sin" as established by Staff), an excessive ask for too many Variances & Waivers, generally - very poor Architectural Design philosophies evident in every aspect of the Project, no discernable design features between existing fabric and proposed expansion.....

Your Staff has it CORRECT. The professionals on your HPB Advisory Board had it CORRECT, they ALL voted against it (citing far too many concerns). The historic preservation community and many surrounding neighbors oppose it - as they are the most aggrieved party.

Please see the attached graphic which is of their South Elevation - this ENTIRE un-eventful, poorly designed facade is a mere 2'-3" off of its associated property line whereby the Code requires 7'-6".....it is more suited to comply with the density, height and massing of nearby Atlantic Crossings than it is to the single family Historic District along Marine Way. It reads as a four-story structure and dwarfs everything around it.

Please deny the Project as currently designed as it is extremely inappropriate in too many ways. The City deserves a much more sensitive and APPROPRIATE solution on this all important, highly visible parcel within our National Marina Historic District.

Roger Cope

From: pricepatton@aol.com
To: burns@mydelraybeach.com
Subject: 46 Marine Way
Date: Friday, July 11, 2025 3:15:50 PM

Price Patton
1020 Tamarind Rd.
Delray Beach, Fla. 33483

July 11, 2025

Dear Deputy Vice-Mayor Burns:

Writing to share my deep concerns about item 7C, the *de novo* July 15 hearing on the proposed application to make drastic and irreparable changes to the historic 1926 Mediterranean-style house at 46 Marine Way.

In a rare move, the city's Development Services Director has joined the city's historic preservation staff to raise more than 20 "concerns" about the proposal.

Their report notes "concerns" about the scale, massing and impact to the neighborhood. There are also "concerns" that approving such a request could jeopardize the "historic integrity" of not only 46 Marine Way, but the entire district as well.

In short, approving such a project would pose a grave threat to the future of the Marina Historic District as well as our four other historic districts. Lot by lot. Piece by piece, properties will be over-developed and lose their historic integrity.

Those are not my thoughts alone. They are also the thoughts of your professional staff.

Perhaps most alarming is the applicant's contention that in order to repurpose the property, he needs to add some 3,814 square feet to the original 1,644 square foot building. The Secretary of the Interior recommends that additions be "subordinate" to the historic building and on rare instances as large or slightly larger. This proposed addition is THREE TIMES the size.

Carolyn and I have repurposed three historic properties in the MHD. We did it to preserve the historic house by modernizing and upgrading it. How much did we add? About 800 square feet to her late mother's 1,800 square foot bungalow at 65 Palm Square.

Our duplex renovations on 226 and 228 SE 7th Ave. added just 60 square feet to each unit to provide a second bathroom. That is all.

Waivers and variances are written into our LDR's to allow folks to modernize historic buildings, add pools and other amenities on these small lots. They are intended to bend the rules to allow appropriate upgrades. The proposal before you doesn't merely bend the rules. It breaks them.

Follow the direction of your staff on this unacceptable proposal. Follow our LDR's. Follow our Comprehensive Plan. Follow the Secretary of the Interior guidelines. Reject this proposal.

I am at your service should you wish to discuss further.

Best,

Price Patton
561-573-2598

From: [Casale, Juli](#)
To: [Hoyland, Michelle](#); [Gianniotes, Anthea](#)
Subject: 46 Marine Way
Date: Wednesday, July 9, 2025 8:39:35 AM
Attachments: [Outlook-City of De.png](#)

Would it be possible to meet on this item. It is scheduled for Tuesday's agenda - July 15th.

Juli



Juli Casale
Commissioner
City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444
(561) 243-7010
casale@mydelraybeach.com

" PUBLIC RECORDS NOTE: Florida has a very broad public records law. Most written communications to or from local officials, employees, or the general public regarding city business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

PLEASE NOTE: Pursuant to Florida's Government in the Sunshine Act (a.k.a. "Sunshine Law"), e-mails containing city business should be directed to either: all City Commissioners or only 1 City Commissioner at a time and should not include prior responses from other Commissioners in order to avoid the perception that a third party is acting as a liaison between Commissioners.

From: [Kay Edwards](#)
To: [Michelle Hewett](#); [Michelle Hoyland](#); [Katherina Paliwoda](#); [Mariana Wood](#); kristin.finn@serhant.com; Carney@mydelraybeach.com
Subject: 46 Marine Way
Date: Thursday, February 20, 2025 2:44:27 PM

****Please be cautious****

This email originated from outside of The City of Delray Beach. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi all!

I wanted to touch base on something I noticed while preparing our presentation for the March agenda.

I would like to request a refund for the #2 Variance Request (steps in the front setback/porch) that was requested from Michelle Hoyland in her comments. In the last meeting we had on 2/7/25 with Michelle, it was told to us that this variance was not necessary and we only needed the variance for the front (east) setback. For this variance we paid \$1,575 and then again we paid \$630. I am requesting a refund of \$2,205.

I would also like to request a refund for the rear setback variance that Michelle also requested in her comments. In reviewing this with Mariana and Kristin, this is for the existing accessory structure in the rear that we are keeping where it is. The new addition is going to a 10' setback which we are complying with. To my knowledge we shouldn't be paying for a variance for something that is existing. And Michelle you spoke about this when we added the 6'-1" dimension for the south side setback- stating we did not need to apply for a new variance since it was existing. So I'm not sure why this was requested of us. For this variance we paid \$1,575 and then again we paid \$630. I am requesting a refund of \$2,205.

In total I am requesting a refund of \$4,410. Please let me know when I can come pick up this check. I appreciate it.

Sent from my iPhone

From: [Kay Edwards](#)
To: [Michelle Hewett](#); [Michelle Hoyland](#); [Katherina Paliwoda](#); [Patrick Figurella](#); [Carney@mydelraybeach.com](#); [Dad](#)
Subject: 46 Marine Way
Date: Friday, January 17, 2025 7:54:55 AM

****Please be cautious****

This email originated from outside of The City of Delray Beach. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning everyone,

All plans and comments (including civil engineering plans) have been turned in to Michelle, Michelle and Katerina. We appreciate the time you've taken to help us get everything we need so we can go before the historic board. Please let us know what time we will go before the board for February's meeting.

Best,

Kay

Sent from my iPhone

From: [Claudia Willis](#)
To: [Tom Carney](#); [Tom Markert](#); [Angela Burns](#); [Juli Casale](#); [Rob Long](#)
Cc: [Michelle Hoyland](#); [Michelle Hewett](#)
Subject: 46 Marine Way
Date: Friday, July 11, 2025 4:39:36 PM

Dear Mayor and Commissioners,

Historic Preservation involves understanding and interpreting the regulations which are specific to historic properties and districts. It is not difficult if one focuses on the intent as all the regulations support that. The staff report (6/4/2025) was 36 pages. I encourage you to read it to find the support you need to make your decision. I would at least recommend that you look at pages 9-10 (Sec of Interior Flood Adaption Guidelines) as well as pages 16 and 19. These give visuals that clearly illustrate what is, and what is not, recommended.

At the first presentation, the HPB unanimously voiced concern with the massing and setbacks. The board asked for massing reductions and additional setbacks to the proposed additions to soften the appearance and impact on the historic and adjacent structures, streetscape, and neighbors.

The applicant returned saying they had listened and made changes. Still in the new revision there was not much modification overall to the size and massing of the addition, or the compatibility of the proposed addition in relation to the existing historic structure or the historic streetscape. In fact, the new proposal increased the square footage of both the floors and asked for additional waivers.

Two board members who voted for the final approval specifically mentioned economics. None of our Guidelines, Standards or Comp plan use "economics" as a criterion for appropriate preservation. They focus on the preservation of the original structure and equally important, the stability of the district and what an owner chooses to spend is up to the owner and not regulated by the board. It is the owner who sets his budget which reflects in his proposal and not a design issue in the purview of the board.

Because there is so much information and little time, I have tried to do a "Cliff Notes" version of what is involved.

THE CRITERIA FOR WHICH ALL FINDINGS MUST BE BASED

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.**

1.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**

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.**

2. SECRETARY OF INTERIORS STANDARDS

Standard 9

New additions.....shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment

3.LDR SECTION 4.5.1 HISTORIC PRESERVATION:

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.**

LDR Section 4.5.1(7) – Visual Compatibility Standards:

New construction**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 regarding height, width, mass, scale, façade, openings, rhythm, material, color, texture, roof shape, direction, and other criteria set forth elsewhere in Section 4.5.1.

4.5.1.(7) m. 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.**
6. Additions **shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.**

4. DELRAY BEACH HISTORIC PRESERVATION DESIGN GUIDELINES

Pg 47-48

Insure that the addition is secondary and subordinate to the main mass of the historic building. Additions that overwhelm the original building are not an acceptable solution.

In a historic district, consider the surrounding buildings and the compatibility of the addition in terms of size, scale, materials, mass and roof form

Additions or accessory structures should not be located in front of the established front plane of a historic building.

Avoid obscuring or destroying characteristic features of the original building; the loss of historic fabric should be minimal.

When possible, design and construct the addition so that the basic form and character of the historic building would remain intact if the addition were ever removed

VARIANCES

A variance is requested for the construction of an **addition in front of the front wall plane of the existing contributing structure.** Such an addition is in direct conflict with the Visual Compatibility standards and would diminish the historic character of the site and Marina Historic District.

WAIVERS

Prior to approval of a waiver: Pursuant to LDR Section 2.4.11(B)(5) – The following findings must be made that it Shall not adversely affect the neighboring area

A Waiver for Relief to the secondary and subordinate Visual Compatibility Standard is requested.

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

The waiver request is due to the construction of a three-story addition to the rear of an existing two-story structure, which **does not meet the Visual Compatibility Standard** in 4.5.1

The Secretary of the Interior's Standards do not recommend constructing a new addition that is as large or larger than the historic building, which visually overwhelms it (i.e., results in the diminution or loss of its historic character and negatively impacts the historic integrity of the area.

A waiver for Relief of the Building Height Plane Visibility Standard is requested.

If granted, this request would allow for the existing two-story structure, once elevated, along with the proposed three-story structure to encroach into the “No Build Zone” of the standard’s requirements.

This standard, No Build Zone, is a tool to control massing and height within historic districts and approval of the waiver will cause the proposal to be non-compatible with the historic streetscape and diminish the historic neighboring area.

Some level of waiver can be anticipated with improvement of the property, as the height requirement to elevate to a minimum 9-foot finished floor elevation is now required by FEMA.

However, the proposal involves elevating the existing structure to a finished floor elevation of 14 feet, 5 feet above the minimum requirement to accommodate a ground level garage underneath the historic residence.

Therefore, nearly the entire historic structure and portion of the new garage fall within the “No Build Zone” of the BHP. Also, the entire third-floor rear addition and a portion of the second floor are within the “No Build Zone”.

In summary, the owner is trying to put too much on the lot and in the process sacrifice the integrity of the historic structure and the Marine Way streetscape.

For Example, if the structure were to be elevated to only a 9-foot finished floor elevation rather than a 14-foot elevation, it would reduce the impact of the massing of the structure on Marine Way. Additionally, the entire third floor of the rear addition and a small portion of the second floor of the addition would also fall within the Building Height Plane (BHP) area. **Currently, the 14’ proposed will negatively impact the historic district. At 9 feet this could more easily be determined as not adversely affect the neighboring area.**

Additionally, a smaller addition could be accommodated in the rear of the site, that could be

secondary and subordinate to the main mass of the historic building and not overwhelm the historic character of the existing contributing residence. The proposed ground level garage addition which is to be placed under and forward of the existing historic residence could accommodate a garage in a different configuration, one that does not encroach into the front setback nor increase the existing setback non-conformity.

This current proposal is not compatible with our existing goals and regulations. Positive findings cannot be found in the required regulations. It will unjustly burden the neighbors and not honor the historic structure or streetscape.

Claudia Willis
42 Palm Sq
Marina Historic District

From: [Burns, Angela](#)
To: [Morgan, Nohemi](#)
Subject: Accepted: Appeal of HPB Approval - 46 Marine Way
Date: Tuesday, July 1, 2025 10:04:15 PM

From: [Morgan, Nohemi](#)
To: [Gelin, Lynn](#); [Burns, Angela](#); nschiller@govlawgroup.com
Subject: Appeal of HPB Approval - 46 Marine Way
Date: Monday, June 30, 2025 10:44:12 AM

From: [Morgan, Nohemi](#)
To: [Burns, Angela](#)
Subject: Automatic reply: Appeal of HPB Approval - 46 Marine Way
Date: Tuesday, July 1, 2025 10:04:18 PM

Thank you for your email. I will be out of the office from July 1st to July 3rd and will not have regular access to email during this time. I will respond to your email and any requests upon my return.

Respectfully,

Nohemi Morgan
Executive Administrative Assistant
City Commission Office
City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444
(561) 243-7005

From: [Julie Causle](#)
To: [Michelle Hoyland](#), [Gail Long](#)
Subject: [Re: 46 Marine Way in the National Marine Historic District](#)
Date: Monday, July 14, 2025 8:02 AM
Attachments: [image001.png](#), [Screenshot of Roger Cape's email](#)

May I ask if anyone from the commission forwarded Mr. Cape's email?
Jul



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From: Roger Cape <rocaparchitects@gmail.com>

Sent: Monday, July 14, 2025 8:02 AM

To: Brandon, Kelly <brandonk@mydelraybeach.com>; Carney, Tom <Carney@mydelraybeach.com>; Long, Rob <rlong@mydelraybeach.com>; Burns, Angela <aburns@mydelraybeach.com>; Markert, Tom <tmarkert@mydelraybeach.com>; Causle, Julie <Causle@mydelraybeach.com>

Subject: Fwd: 46 Marine Way in the National Marine Historic District

Sent from my iPhone

Begin forwarded message:

From: Roger Cape <rocaparchitects@gmail.com>

Date: July 14, 2025 at 8:42:34 AM EDT

To: Lynn Gelis <GelisL@mydelraybeach.com>

Cc: Architect Commission <commission@mydelraybeach.com>; Michelle Hoyland <HoymidM@mydelraybeach.com>

Subject: Fwd: 46 Marine Way in the National Marine Historic District

Mrs Gelis:

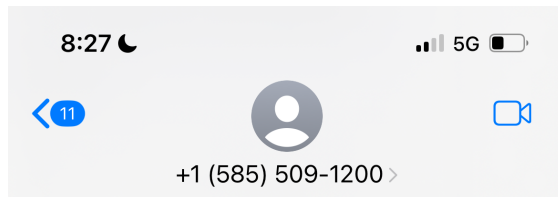
Good morning!

Please see attached email I sent into our Commissioners Friday evening minutes before 5pm? Expressing my opposition to an Architectural COA Project at 46 Marine Way?

Within minutes, I received a threatening text from the applicant (phone 565 509-1200) that I think your office deserves to be made aware of! See attached!

I have NEVER received such a threat in my professional career and do not take it lightly! I ask that a record of it be made, should other threats follow!

Sorry to bother your office with this issue! Thank you in advance!



Have you ever been to War?

Have a great evening.

Funny when you completely lie about the siding from your client though..

Nuts

One small piece replaced!

Cmon

A joke!

Good night! Nice to run into you at bagels with.

Next time probably not so pleasant



Roger Cape, Historic Preservationist

Sent from my iPhone

Begin forwarded message:

From: Roger Cape <rocaparchitects@gmail.com>

Date: July 11, 2025 at 4:52:46 PM EDT

To: "Carney, Tom" <Carney@mydelraybeach.com>; long@mydelraybeach.com, burn@mydelraybeach.com, markert@mydelraybeach.com, "Causle, Julie" <Causle@mydelraybeach.com>

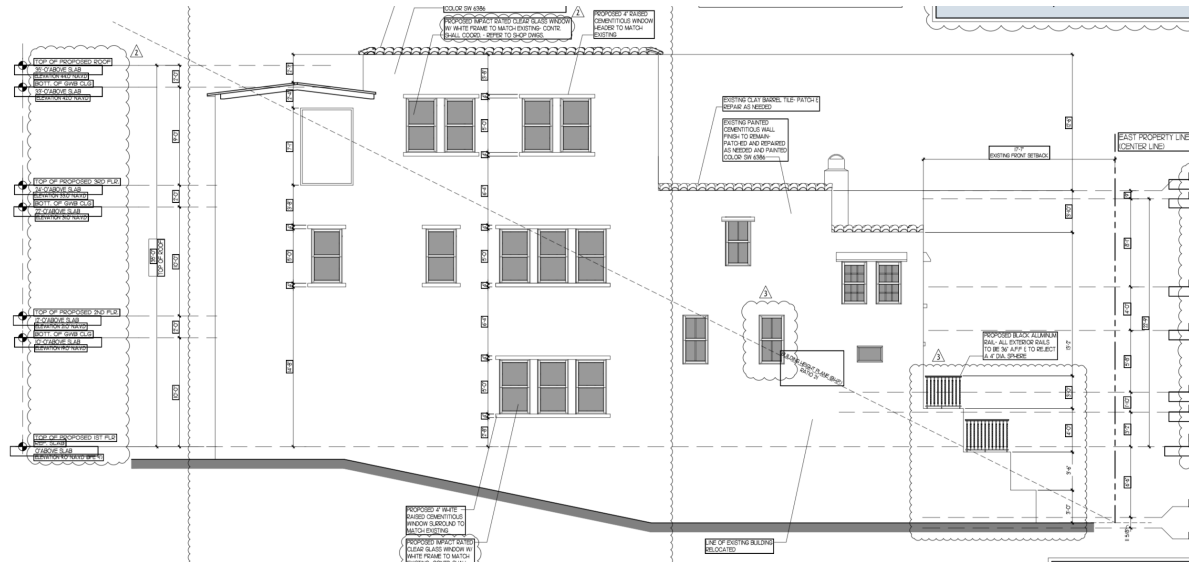
Cc: "Commissioners, Architect" <commission@mydelraybeach.com>; "Hoyland, Michelle" <HoymidM@mydelraybeach.com>; "Alvarez, Amy" <Alvarez@mydelraybeach.com>; "Palitodis, Katherine" <palitodis@mydelraybeach.com>; "Hewett, Michelle" <hewett@mydelraybeach.com>

Subject: 46 Marine Way in the National Marine Historic District

Mayor & Commissioners:

Thank you for reviewing Tuesday night Item 7C (Resolution 135-25), a COA approval recently granted by the HPB Board for a residence at 46 Marine Way within the National Marina Historic District. I have been opposed to it since its inception, and believe the Board erred in passing it. I am an Architect in Delray Beach specializing in Historic Preservation for the past 32 years. I know there is a much better solution.

Roger Cope



From: [Gelin, Lynn](#)
To: [Carney, Tom](#); [Long, Rob](#); [Burns, Angela](#); [Casale, Juli](#); [Markert, Tom](#)
Cc: [Terrence R. Moore](#); [Gianniotes, Anthea](#)
Subject: Fwd: 46 Marine Way in the National Marina Historic District
Date: Monday, July 14, 2025 9:26:55 AM
Attachments: [image0.png](#)
[SOUTH ELEVATION.PNG](#)

Good morning. Sending this as an FYI. Please do not "reply all" as this matter will be coming before the commission. Thank you and feel free to contact me if you have any questions.

Lynn
Sent from my iPhone

Begin forwarded message:

From: Roger Cope <copearchitectsinc@gmail.com>
Date: July 14, 2025 at 2:42:45 PM GMT+2
To: "Gelin, Lynn" <GelinL@mydelraybeach.com>
Cc: "Gianniotes, Anthea" <GianniotesA@mydelraybeach.com>, "Hoyland, Michelle" <HoylandM@mydelraybeach.com>
Subject: Fwd: 46 Marine Way in the National Marina Historic District

Mrs Gelin:

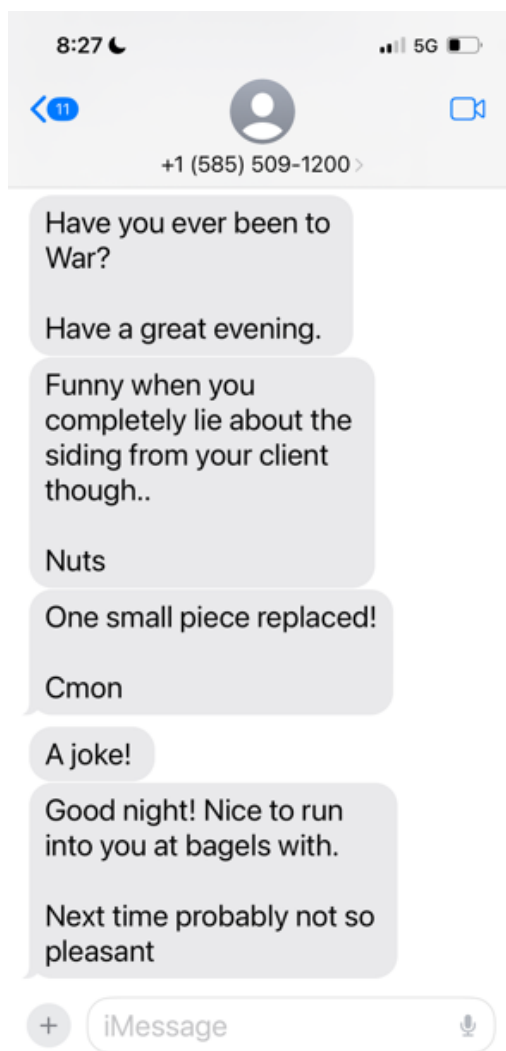
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Roger Cope, Historic Preservationist

Sent from my iPhone

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Date: July 11, 2025 at 4:52:46 PM EDT
To: "Carney, Tom" <Carney@mydelraybeach.com>, long@mydelraybeach.com, burns@mydelraybeach.com, markert@mydelraybeach.com, "Casale, Juli" <Casale@mydelraybeach.com>
Cc: "Gianniotes, Anthea" <GianniotesA@mydelraybeach.com>, "Hoyland, Michelle" <HoylandM@mydelraybeach.com>, "Alvarez, Amy" <Alvarez@mydelraybeach.com>, "Paliwoda, Katherina" <paliwodak@mydelraybeach.com>, "Hewett, Michelle" <hewettm@mydelraybeach.com>
Subject: 46 Marine Way in the National Marina Historic District

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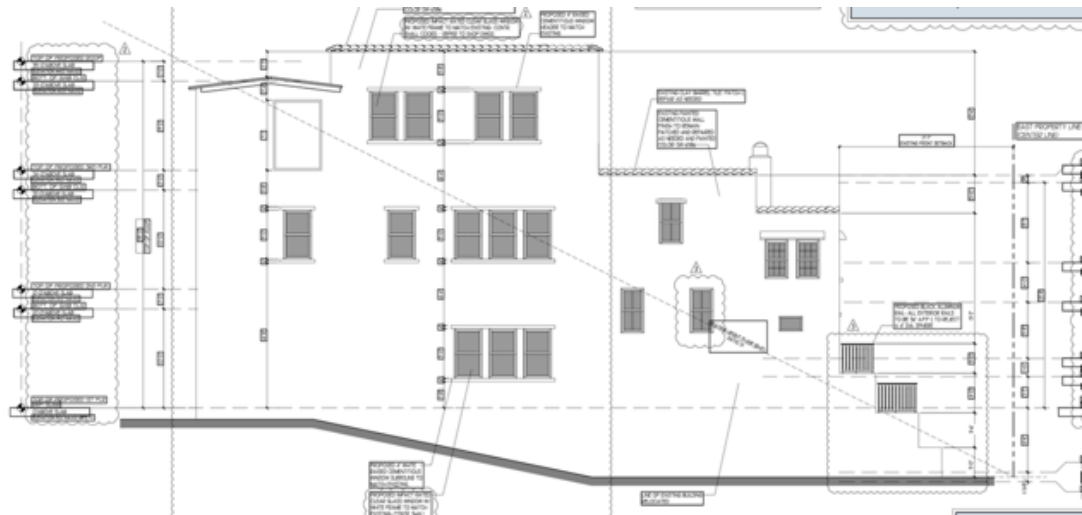
May I say that your STAFF has completed an exhausting and outstanding assessment of the Project citing no less than twenty (20) general areas of grave concern. Excessive massing, excessive height, disrespect for the Secretary of Interior's Standards, violation of a design tool referred to as "the Building Height Plane", building FORWARD of the front of the existing structure (a "Cardinal Sin" as established by Staff), an excessive ask for too many Variances & Waivers, generally - very poor Architectural Design philosophies evident in every aspect of the Project, no discernable design features between existing fabric and proposed expansion.....

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Please deny the Project as currently designed as it is extremely inappropriate in too many ways. The City deserves a much more sensitive and APPROPRIATE solution on this all important, highly visible parcel within our National Marina Historic District.

Roger Cope



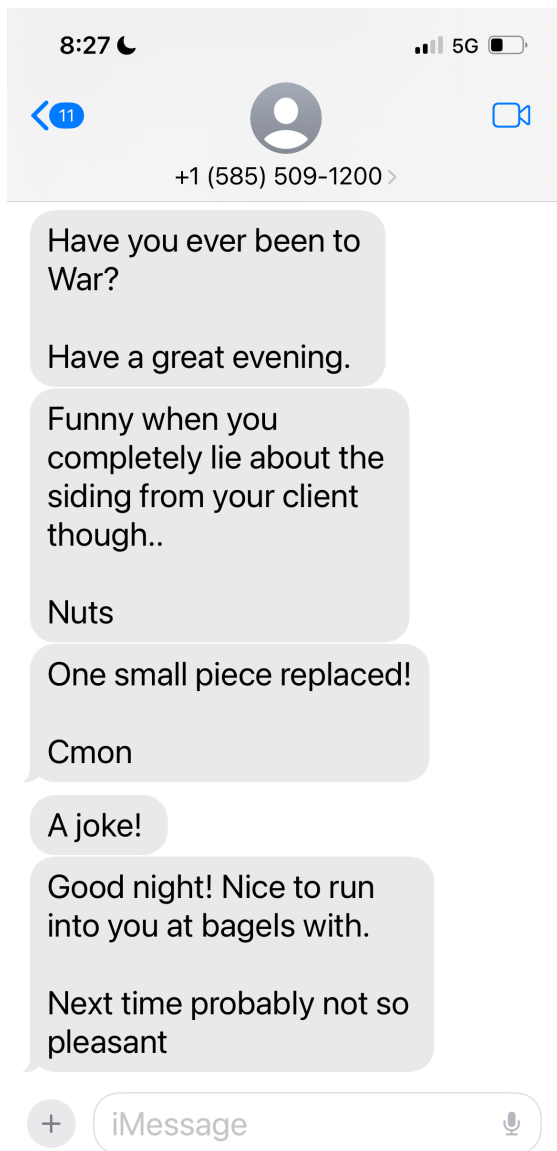
From: Roger Cope
To: Mayor, Tom Carney
Subject: 46 Marine Way in the National Marine Historic District
Date: Monday, July 14, 2025 at 8:42:34 AM EDT
Attachments: 20250714_20250714_01.jpg

Sent from my iPhone

Begin forwarded message:

From: Roger Cope <rogercope@mydelraybeach.com>
Date: July 14, 2025 at 8:42:34 AM EDT
To: Lynn Gelin <lgelin@mydelraybeach.com>
Cc: Arthur Giannetakis <GiannetakisA@mydelraybeach.com>, Michelle Heyland <HeylandM@mydelraybeach.com>
Subject: Fwd: 46 Marine Way in the National Marine Historic District

Ms Gelin:
Good morning!
Please see attached email I sent into our Commissioners Friday evening minutes before 5pm! Expressing my opposition to an Architectural COA Project at 46 Marine Way!
Within minutes, I received a threatening text from the applicant (phone: 561 509-1200) that I think your office deserves to be made aware of! See attached!
I have NEVER received such a threat in my professional career and do not take it lightly! I ask that a record of it be made, should other threats follow!
Sorry to bother your office with this issue! Thank you in advance!



Roger Cope, Historic Preservationist

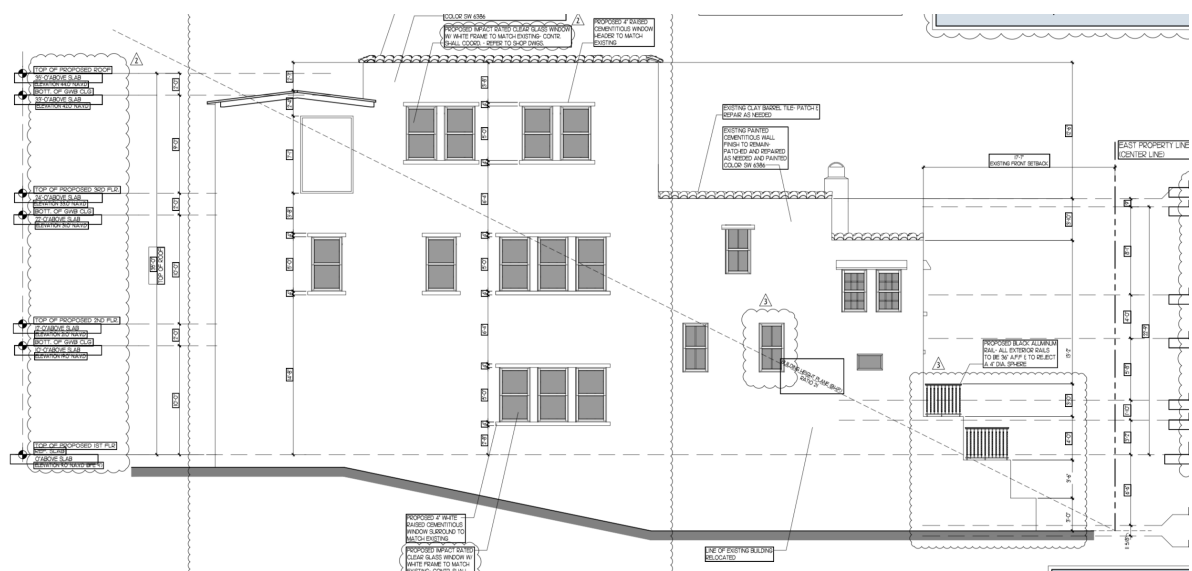
Sent from my iPhone

Begin forwarded message:

From: Roger Cope <rogercope@mydelraybeach.com>
Date: July 14, 2025 at 4:52:46 PM EDT
To: "Carney, Tom" <CarneyT@mydelraybeach.com>, long@mydelraybeach.com, barne@mydelraybeach.com, markert@mydelraybeach.com, "Cassidy, Jill" <CassidyJ@mydelraybeach.com>
Cc: "Giannetakis, Arthur" <GiannetakisA@mydelraybeach.com>, "Heyland, Michelle" <HeylandM@mydelraybeach.com>, "Abrams, Amy" <AbramsA@mydelraybeach.com>, "Palivoda, Katherina" <palivoda@mydelraybeach.com>, "Hewett, Michelle" <hewettm@mydelraybeach.com>
Subject: 46 Marine Way in the National Marine Historic District

Mayor & Commissioners:
Thank you for reviewing Tuesday nights from 7C (Resolution 135-23), a COA approval recently granted by the HPB Board for a residence at 46 Marine Way within the National Marine Historic District. I have been opposed to it since its inception, and believe the Board erred in passing it.
I am an Architect in Delray Beach specializing in Historic Preservation for the past 32 years. I know there is a much better solution.
May I say that your STAFF has completed an educating and outstanding assessment of the Project citing no less than twenty (20) general areas of grave concern. Excessive massing, excessive height, disrespect for the Secretary of Interior's Standards, violation of a design tool referred to as "The Building Height Plane", building FORWARD of the front of the existing structure (a "Cardinal Sin" as established by Staff), an excessive ask for too many Variances & Waivers, generally - very poor Architectural Design philosophies evident in every aspect of the Project, to discernable design features between existing fabric and proposed expansion.
Your Staff has on your HPB Advisory Board had a CORRECT, they ALL (voted against it citing far too many concerns). The historic preservation community and many surrounding neighbors oppose it - as they are the most aggrieved party.
Please see the attached graphics which is of their South Elevation - this ENTIRE successful, poorly designed facade is a mere 2-3' off of its associated property line whereby the Code requires 7'-0". It is more suited to comply with the density, height and massing of nearby Atlantic Crossings than it is to the single family Historic District along Marine Way. It reads as a four-story structure and dwarfs everything around it.
Please deny the Project as currently designed as it is extremely inappropriate in too many ways. The City deserves a much more sensitive and APPROPRIATE solution on this all important, highly visible parcel within our National Marine Historic District.

Roger Cope



From: Roger Cope
To: Thomas.F.Carney@mydelraybeach.com
Subject: 46 Marine Way in the National Marina Historic District
Date: Sunday, July 15, 2023 5:23:23 PM
Attachments: [27579317.DWG \(7/15/2023\).DWG](#)

Thomas F. Carney, Jr.
Mayor
100 NW 1st Avenue
Delray Beach, Florida 33444
(561) 243-7010
carney@mydelraybeach.com

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----- Forwarded message -----

From: Roger Cope <copearchitects@gmail.com>

Date: Jul 11, 2023 4:52 PM

Subject: 46 Marine Way in the National Marina Historic District

To: "Carney, Tom" <carney@mydelraybeach.com>; "Lang, Rob" <Lang@mydelraybeach.com>; "Barnes, Angela" <Barnes@mydelraybeach.com>; "Markert, Tom" <Markert@mydelraybeach.com>; "Cusack, Jill" <Cusack@mydelraybeach.com>;

Cc: "Ginsburgh, Arthur" <Ginsburgh@mydelraybeach.com>; "Hayland, Michelle" <HaylandM@mydelraybeach.com>; "Alvaraz, Amy" <Alvaraz@mydelraybeach.com>; "Palvoldi, Katherine" <palvoldi@mydelraybeach.com>; "Hewett, Michelle" <hewett@mydelraybeach.com>

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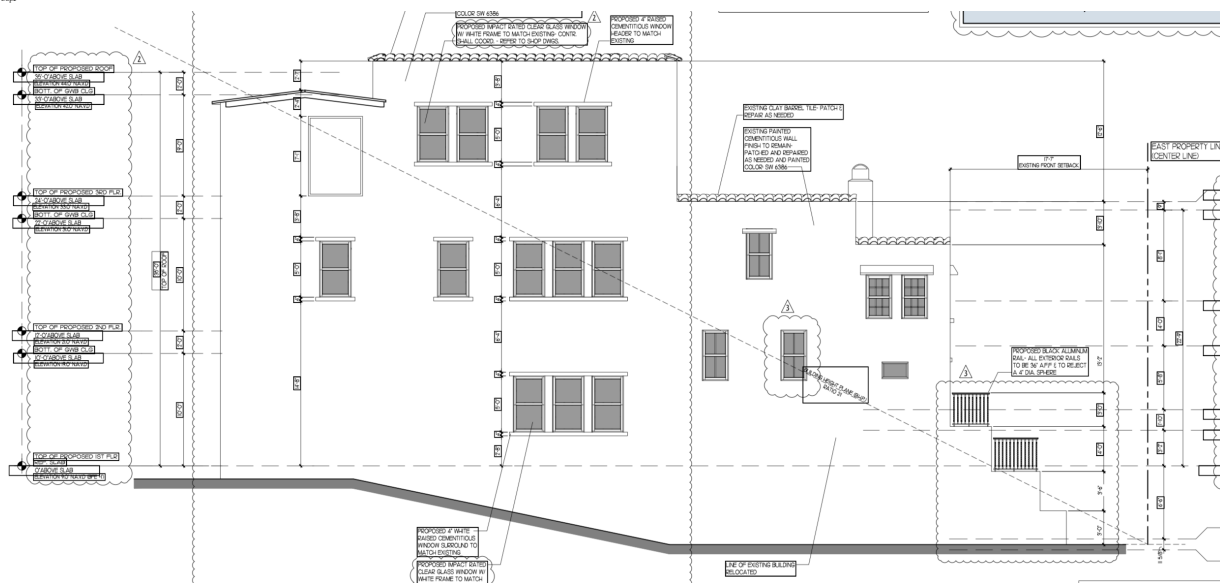
Staff), an excessive risk for too many Variances & Waivers generally - very poor Architectural Design philosophies evident in every aspect of the Project, no discernable design features between existing fabric and proposed expansion...

Your Staff has a CORRECT. The professionals on your HPB Advisory Board had a CORRECT, they ALL voted against it (citing far too many concerns). The historic preservation community and many surrounding neighbors oppose it - so they are the most aggrieved party.

Please see the attached graphics which is of their South Elevation - this ENTIRE un-eventful, poorly designed facade is a mere 2'-3" off of its associated property line whereby the Code requires 7'-6". It is more suited to comply with the density, height and massing of nearby Atlantic Crossings than it is to the single family Historic District along Marine Way. It reads as a four-story structure and dwarfs everything around it.

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Roger Cope



From: [Gelin, Lynn](#)
To: [Casale, Juli](#)
Subject: Fwd: 46 Marine Way in the National Marina Historic District
Date: Monday, July 14, 2025 9:54:59 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Cope Email Search 7.14.25.pdf](#)

Good morning Commissioner. Below please find the response to your inquiry.
Sent from my iPhone

Begin forwarded message:

From: "Graikowski, Beverly" <graikowskib@mydelraybeach.com>
Date: July 14, 2025 at 3:52:17 PM GMT+2
To: "Gelin, Lynn" <GelinL@mydelraybeach.com>
Subject: RE: 46 Marine Way in the National Marina Historic District

I performed the search, and the mayor is the only member of the Commission that has forwarded the email. He sent it to his personal email address.

*Thank you & have a *~)
 :~:~*~)~:~*~)
 (.~'(.~'* Wonderful day!!*

Beverly Searvogel-Graikowski
Legal Services Office Manager

*City of Delray Beach Attorney's Office
200 NW 1st Avenue
Delray Beach, FL 33444
Phone: 561.243.7091
Website: <https://www.delraybeachfl.gov>*

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Subject: Fwd: 46 Marine Way in the National Marina Historic District

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Sent from my iPhone

Begin forwarded message:

From: "Casale, Juli" <Casale@mydelraybeach.com>
Date: July 14, 2025 at 3:04:58 PM GMT+2
To: "Brandon, Kelly" <brandonk@mydelraybeach.com>, "Gelin, Lynn" <GelinL@mydelraybeach.com>
Subject: Fw: 46 Marine Way in the National Marina Historic District

May I ask if anyone from the commission forwarded Mr. Cope's email?
Juli

Juli Casale
Vice Mayor
City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444
(561) 243-7010
casale@mydelraybeach.com

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From: Roger Cope <copearchitectsinc@gmail.com>
Sent: Monday, July 14, 2025 8:50 AM
To: Brandon, Kelly <brandonk@mydelraybeach.com>; Carney, Tom <Carney@mydelraybeach.com>; Long, Rob <Long@mydelraybeach.com>; Burns, Angela <Burns@mydelraybeach.com>; Markert, Tom <Markert@mydelraybeach.com>; Casale, Juli <Casale@mydelraybeach.com>
Subject: Fwd: 46 Marine Way in the National Marina Historic District

Sent from my iPhone

Begin forwarded message:

From: Roger Cope <copearchitectsinc@gmail.com>
Date: July 14, 2025 at 8:42:34 AM EDT
To: Lynn Gelin <GelinL@mydelraybeach.com>
Cc: Anthea Gianniotis <GianniotisA@mydelraybeach.com>, Michelle Hoyland <HoylandM@mydelraybeach.com>
Subject: Fwd: 46 Marine Way in the National Marina Historic District

Mrs Gelin:

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<copearchitectsinc@gmail.com>
Date: July 11, 2025 at 4:52:46 PM EDT
To: "Carney, Tom"
<Carney@mydelraybeach.com>, long@mydelraybeach.com, burns@mydelraybeach.com, markert@mydelraybeach.com, "Casale, Juli" <Casale@mydelraybeach.com>
Cc: "Gianniotes, Anthea"
<GianniotesA@mydelraybeach.com>, "Hoyland, Michelle"
<HoylandM@mydelraybeach.com>, "Alvarez, Amy"
<Alvarez@mydelraybeach.com>, "Paliwoda, Katherina"
<paliwodak@mydelraybeach.com>, "Hewett, Michelle"
<hewettm@mydelraybeach.com>
Subject: 46 Marine Way in the National Marina Historic District

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Please see the attached graphic which is of their South Elevation - this ENTIRE un-eventful, poorly designed facade is a mere 2'-3" off of its associated property line whereby the Code requires 7'-6".....it is more suited to comply with the density, height and massing of nearby Atlantic Crossings than it is to the single family

Historic District along Marine Way. It reads as a four-story structure and dwarfs everything around it.

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Roger Cope

From: [EUGENIA DEPONTE](#)
To: Commissioners_mayor@mydelraybeach.com
Subject: Project 46 Marine Way
Date: Friday, July 11, 2025 4:02:46 PM

Some people who received this message don't often get email from genie11@bellsouth.net. [Learn why this is important](#)

To Mayor Carney and Commissioners:

I would speak to this issue directly on July 15 however I am out of town so

I am writing this email to let you know I am in support of this project at 46 Marine Way. I live next door on the north side. My only concern is the height of the pool and that it will tower over my rear garden/pool area.

Marine Way North has languished for years as it's historic homes deteriorate and crumble. These homes have flooded annually causing them extreme damage. Historic preservation on this street has been more akin to historic destruction. The plight of these homes and flooding issues has been ignored. A seawall renovation has been proposed but it has been 5 years and nothing. Army Corp of Engineers has granted 10 million dollars toward the project and it may expire if nothing goes forward soon.

So yes I am in favor of this project, I am happy someone has stepped forward to save one of these homes. And if approved hopefully will inspire the other property owners to renovate and improve their homes. They have been reluctant to invest great sums of money due some of the restrictive regulations and the costly long drawn out process. The city should streamline the process. Lastly in order to be true to "historic preservation" in the Marina Historic District the flooding issue needs to be addressed and soon.

Please vote yes, so this project can move forward.

Eugenia Deponte
24 Marine Way

From: [Mariana Wood](#)
To: [Hoyland, Michelle](#); [Kay Edwards](#)
Cc: [Paliwoda, Katherina](#); [Hewett, Michelle](#); kristin.finn@serchant.com; [Gianniotes, Anthea](#); [Alvarez, Amy](#); carney@mydelraybeach.com; tfc@carneystanton.com
Subject: RE: 46 Marine Way
Date: Friday, February 21, 2025 3:30:07 PM
Attachments: [image008.png](#)
[image009.png](#)
[image011.png](#)
[image013.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image010.png](#)
[image001.png](#)
[image002.png](#)

****Please be cautious****

This email originated from outside of The City of Delray Beach. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Michelle,

My answers are below in RED

Thank you,



MARIANA WOOD

☎ 561.750.0445 EXT. 161

📠 561.750.7872

✉ MWOOD@AFFINITI.US 🌐 AFFINITI.US

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The attached file(s) are provided to You (the User) in AutoCAD format (the "Electronic files"). Your receipt and use of the attached indicates Your acceptance of the terms and conditions set forth below.

The attached Electronic Files are in a format that can be altered by the User. You acknowledge that You will not share the Electronic Files with any other individual or entity. Your use of the drawings or data contained in the Electronic Files herein is at Your own risk and You agree to indemnify and hold harmless Affiniti Architects Inc., its employees, officers, agents and contractors from any and all claims, injuries, damages, losses and expenses including but not limited to attorney's fees arising out of, concerning, or resulting from use of the Electronic files. It is the sole responsibility of the User to compare all data in Electronic files with the final signed and sealed drawing(s) used for permit submittal. In the event there is a conflict between the signed and sealed drawing(s) and the Electronic files, the signed and sealed drawing(s) shall prevail.

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From: Hoyland, Michelle <HoylandM@mydelraybeach.com>

Sent: Friday, February 21, 2025 2:48 PM

To: Kay Edwards <kayedwards321@aol.com>

Also, while it is not our practice to scale digital drawings, much less utilize Adobe Acrobat to do so, if we scale the drawing the rear setback appears to be less than 10'. Further, it

appears that the scale may be wrong, where 1" = 10' is indicated for plan sheet A1.0, I believe the scale may actually be 1" = 20'? Mariana can confirm if I am looking at the drawing wrong. **The drawing scale is accurate, and it is scale 1"-10'**

I do agree that the existing relocated accessory structure's setback doesn't require a variance, since it is only being relocated vertically on the site (not horizontally). But I believe the proposed rear portion of the building does require a variance. With that said we are required to rely on the application submittal for the requested variance as it is the applicant's request to make. **See images below, the proposed rear portion of the building is within the 0' setback, please refer to my previous answer, no variance will be required.**

Please let us know once you've had a chance to review and let us know if we can assist. We can get on a call with you, but are hard pressed for time today as we are preparing another project for HPB review on March 6th. We can be available first thing Monday morning if needed. I agree that we should all be putting our best foot forward with the application, striving for the request to be accurate before being presented to the board.

Regards,

Michelle Hoyland, Principal Planner
Historic Preservation Division
Development Services Department
City of Delray Beach
100 N.W. 1st Avenue

Delray Beach, FL 33444
561-243-7039
hoylandm@mydelraybeach.com
www.delraybeachfl.gov/historic

-----Original Message-----

From: Kay Edwards kayedwards321@aol.com
Sent: Friday, February 21, 2025 1:38 PM
To: Hoyland, Michelle HoylandM@mydelraybeach.com
Cc: Hewett, Michelle hewettm@mydelraybeach.com; Paliwoda, Katherina paliwodak@mydelraybeach.com; Mariana Wood mwood@affiniti.us; kristin.finn@serhant.com; Gianniotes, Anthea GianniotesA@mydelraybeach.com; Alvarez, Amy Alvarez@mydelraybeach.com
Subject: Re: 46 Marine Way

****Please be cautious****

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I really appreciate it Michelle. Thank you for working to get these refunds for us.

More importantly, the rear (west) setback variance needs to come off before the March agenda. The board shouldn't be voting on a variance that is not necessary since it is already existing. How is this rectified? In another public notice? And will this be taken off your staff report since the board doesn't need to vote on this?

Please let me know so I can get out whatever you need me to do!

Sent from my iPhone

> On Feb 20, 2025, at 2:58 PM, Hoyland, Michelle <HoylandM@mydelraybeach.com> wrote:

> Thanks for the email, Kay.

>

> I will review your fee refund request with our leadership team and get back to you. Please allow me some time to do so as our priority is to prepare the staff reports and agenda for next week's publication, given the hard deadline.

>

> FYI - I removed Mayor Carney from my response to you and instead have included the Development Services Director and Assistant Director, so they are aware of your request and our communication. Feel free to forward my response onto Mr. Carney.

>

> Have a great day!

>

> Regards,

>

>

> Michelle Hoyland, Principal Planner

> Historic Preservation Division
> Development Services Department
> City of Delray Beach
> 100 N.W. 1st Avenue
> Delray Beach, FL 33444
> 561-243-7039
> hoylandm@mydelraybeach.com
> www.delraybeachfl.gov/historic

>

>

> -----Original Message-----

> From: Kay Edwards <kayedwards321@aol.com>

> Sent: Thursday, February 20, 2025 2:44 PM

> To: Hewett, Michelle <hewettm@mydelraybeach.com>; Hoyland, Michelle

<HoylandM@mydelraybeach.com>; Paliwoda, Katherina

<paliwodak@mydelraybeach.com>; Mariana Wood <mwood@affiniti.us>;

kristin.finn@serhant.com; Carney, Tom <Carney@mydelraybeach.com>

> Subject: 46 Marine Way

>

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>

>

> Hi all!

>

> I wanted to touch base on something I noticed while preparing our presentation for the March agenda.

>

> I would like to request a refund for the #2 Variance Request (steps in the front setback/porch) that was requested from Michelle Hoyland in her comments. In the last meeting we had on 2/7/25 with Michelle, it was told to us that this variance was not necessary and we only needed the variance for the front (east) setback.

> For this variance we paid \$1,575 and then again we paid \$630. I am requesting a refund of \$2,205.

>

> I would also like to request a refund for the rear setback variance that Michelle also requested in her comments. In reviewing this with Mariana and Kristin, this is for the existing accessory structure in the rear that we are keeping where it is. The new addition is going to a 10' setback which we are complying with. To my knowledge we shouldn't be paying for a variance for something that is existing. And Michelle you spoke about this when we added the 6'-1" dimension for the south side setback- stating we did not need to apply for a new variance since it was existing. So I'm not sure why this was requested of us.

> For this variance we paid \$1,575 and then again we paid \$630. I am requesting a refund of \$2,205.

>

> In total I am requesting a refund of \$4,410. Please let me know when I can come pick up this check. I appreciate it.

>

> Sent from my iPhone

Regards,



**Michelle Hoyland, Principal Planner
Historic Preservation Division
Development Services Department
City of Delray Beach**

100 N.W. 1st Avenue
Delray Beach, FL 33444
561-243-7039

hoylandm@mydelraybeach.com
www.delraybeachfl.gov/historic

From: [Casale, Juli](#)
To: [Gelin, Lynn](#)
Subject: Re: 46 Marine Way in the National Marina Historic District
Date: Monday, July 14, 2025 10:06:50 AM
Attachments: [Outlook-City of De.png](#)

What date and time was the Cope email forwarded from the Mayor to his personal email?

Juli



Juli Casale
Vice Mayor
City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444
(561) 243-7010
casale@mydelraybeach.com

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From: Gelin, Lynn <GelinL@mydelraybeach.com>
Sent: Monday, July 14, 2025 9:54 AM
To: Casale, Juli <Casale@mydelraybeach.com>
Subject: Fwd: 46 Marine Way in the National Marina Historic District

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 ././*~) ,/./*~)
 (./ (./* Wonderful day!!

Thank you & have a *~)
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Beverly Searvogel-Graikowski
Legal Services Office Manager

City of Delray Beach Attorney's Office
200 NW 1st Avenue
Delray Beach, FL 33444
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To: "Brandon, Kelly" <brandonk@mydelraybeach.com>, "Gelin, Lynn" <GelinL@mydelraybeach.com>
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Juli

Juli Casale
Vice Mayor
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casale@mydelraybeach.com

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Cc: Anthea Gianniotis

<GianniotesA@mydelraybeach.com>, Michelle Hoyland
<HoylandM@mydelraybeach.com>

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Marina Historic District**

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Expressing my opposition to an Architectural COA
Project at 46 Marine Way!

Within minutes, I received a threatening text from the
applicant (phone 585 509-1200) that I think your office
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professional career and do not take it lightly! I ask that a
record of it be made, should other threats follow!

Sorry to bother your office with this issue! Thank you
in advance!

Roger Cope, Historic Preservationist

Sent from my iPhone

Begin forwarded message:

From: Roger Cope

<copearchitectsinc@gmail.com>

Date: July 11, 2025 at 4:52:46 PM EDT

To: "Carney, Tom"

<Carney@mydelraybeach.com>,

long@mydelraybeach.com,

burns@mydelraybeach.com,

markert@mydelraybeach.com, "Casale,

Juli" <Casale@mydelraybeach.com>

Cc: "Gianniotes, Anthea"

<GianniotesA@mydelraybeach.com>,

"Hoyland, Michelle"

<HoylandM@mydelraybeach.com>,
"Alvarez, Amy"
<Alvarez@mydelraybeach.com>, "Paliwoda,
Katherina"
<paliwodak@mydelraybeach.com>,
"Hewett, Michelle"
<hewettm@mydelraybeach.com>
**Subject: 46 Marine Way in the National
Marina Historic District**

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Please deny the Project as currently designed as it is extremely inappropriate in too many ways. The City deserves a much more sensitive and APPROPRIATE solution on this all important, highly visible parcel within our National Marina Historic District.

Roger Cope

From: [Casale, Juli](#)
To: [Gelin, Lynn](#)
Subject: Re: 46 Marine Way in the National Marina Historic District
Date: Monday, July 14, 2025 9:09:21 AM

Thank you.

From: Gelin, Lynn <GelinL@mydelraybeach.com>
Sent: Monday, July 14, 2025 9:07 AM
To: Casale, Juli <Casale@mydelraybeach.com>
Cc: Brandon, Kelly <brandonk@mydelraybeach.com>
Subject: Re: 46 Marine Way in the National Marina Historic District

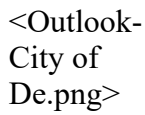
I will have my staff check. I forwarded the email to the applicant's attorney, Neil Schiller, to make him aware.

Sent from my iPhone

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May I ask if anyone from the commission forwarded Mr. Cope's email?

Juli

	<p>Juli Casale Vice Mayor City of Delray Beach 100 NW 1st Avenue Delray Beach, Florida 33444 (561) 243-7010 casale@mydelraybeach.com</p>
---	--

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Subject: Fwd: 46 Marine Way in the National Marina Historic District

Sent from my iPhone

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From: Roger Cope <copearchitectsinc@gmail.com>
Date: July 14, 2025 at 8:42:34 AM EDT
To: Lynn Gelin <GelinL@mydelraybeach.com>
Cc: Anthea Gianniotis <GianniotisA@mydelraybeach.com>, Michelle Hoyland <HoylandM@mydelraybeach.com>
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Cc: "Gianniotes, Anthea"

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Roger Cope

<SOUTH ELEVATION.PNG>

From: [Gelin, Lynn](#)
To: [Casale, Juli](#)
Cc: [Brandon, Kelly](#)
Subject: Re: 46 Marine Way in the National Marina Historic District
Date: Monday, July 14, 2025 9:07:13 AM
Attachments: [image0.png](#)
[SOUTH ELEVATION.PNG](#)
[Outlook-City of De.png](#)

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Vice Mayor

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casale@mydelraybeach.com

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Roger Cope

<SOUTH ELEVATION.PNG>

Architectural drawing of the exterior elevation of a building. The drawing includes numerous annotations and dimensions. Key features include a large central window, a smaller window to the left, and a series of windows along the top. Annotations specify materials like "CONCRETE/STAINLESS STEEL" and "CONCRETE/STAINLESS STEEL", and dimensions such as "10' 0" x 10' 0"" and "10' 0" x 10' 0"". A dashed line indicates the "LINE OF EXISTING BUILDING".

From: [Gelin, Lynn](#)
To: [Casale, Juli](#)
Subject: Re: 46 Marine Way in the National Marina Historic District
Date: Monday, July 14, 2025 10:08:58 AM
Attachments: [Outlook-City of De.png](#)

It looks like Sunday at 8:21 pm.
Sent from my iPhone

On Jul 14, 2025, at 4:06 PM, Casale, Juli <Casale@mydelraybeach.com> wrote:

What date and time was the Cope email forwarded from the Mayor to his personal email?

Juli

<Outlook-
City of
De.png>

Juli Casale

Vice Mayor

City of Delray Beach

100 NW 1st Avenue

Delray Beach, Florida 33444

(561) 243-7010

casale@mydelraybeach.com

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From: Gelin, Lynn <GelinL@mydelraybeach.com>

Sent: Monday, July 14, 2025 9:54 AM

To: Casale, Juli <Casale@mydelraybeach.com>

Subject: Fwd: 46 Marine Way in the National Marina Historic District

Good morning Commissioner. Below please find the response to your inquiry.
Sent from my iPhone

Begin forwarded message:

From: "Graikowski, Beverly" <graikowskib@mydelraybeach.com>

Date: July 14, 2025 at 3:52:17 PM GMT+2

To: "Gelin, Lynn" <GelinL@mydelraybeach.com>

Subject: RE: 46 Marine Way in the National Marina Historic District

I performed the search, and the mayor is the only member of the Commission that has forwarded the email. He sent it to his personal email address.

*Thank you & have a *~)*

.~'.~~)~'.~*~)*

(.~'(.~ Wonderful day!!*

Beverly Searvogel-Graikowski
Legal Services Office Manager

City of Delray Beach Attorney's Office

200 NW 1st Avenue

Delray Beach, FL 33444

Phone: 561.243.7091

Website: <https://www.delraybeachfl.gov>

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From: Gelin, Lynn <GelinL@mydelraybeach.com>
Sent: Monday, July 14, 2025 9:15 AM
To: Graikowski, Beverly <graikowskib@mydelraybeach.com>
Subject: Fwd: 46 Marine Way in the National Marina Historic District

Can you perform a search?

Sent from my iPhone

Begin forwarded message:

From: "Casale, Juli" <Casale@mydelraybeach.com>
Date: July 14, 2025 at 3:04:58 PM GMT+2
To: "Brandon, Kelly" <brandonk@mydelraybeach.com>, "Gelin, Lynn" <GelinL@mydelraybeach.com>
Subject: Fw: 46 Marine Way in the National Marina Historic District

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Juli

Juli Casale

Vice Mayor

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Delray Beach, Florida 33444

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Roger Cope

From: [Casale, Juli](#)
To: [Claudia Willis](#)
Subject: Re: 46 Marine Way
Date: Friday, July 11, 2025 7:05:44 PM

As always, can't thank you enough for taking the time to provide your thoughtful input.

Juli

Get [Outlook for iOS](#)

From: Claudia Willis <claudia_willis@bellsouth.net>
Sent: Friday, July 11, 2025 4:39:36 PM
To: Carney, Tom <Carney@mydelraybeach.com>; Markert, Tom <Markert@mydelraybeach.com>; Burns, Angela <Burns@mydelraybeach.com>; Casale, Juli <Casale@mydelraybeach.com>; Long, Rob <Long@mydelraybeach.com>
Cc: Hoyland, Michelle <HoylandM@mydelraybeach.com>; Hewett, Michelle <hewettm@mydelraybeach.com>
Subject: 46 Marine Way

Dear Mayor and Commissioners,

Historic Preservation involves understanding and interpreting the regulations which are specific to historic properties and districts. It is not difficult if one focuses on the intent as all the regulations support that. The staff report (6/4/2025) was 36 pages. I encourage you to read it to find the support you need to make your decision. I would at least recommend that you look at pages 9-10(Sec of Interior Flood Adaption Guidelines) as well as pages 16 and 19. These give visuals that clearly illustrate what is, and what is not, recommended.

At the first presentation, the HPB unanimously voiced concern with the massing and setbacks. The board asked for massing reductions and additional setbacks to the proposed additions to soften the appearance and impact on the historic and adjacent structures, streetscape, and neighbors.

The applicant returned saying they had listened and made changes. Still in the new revision there was not much modification overall to the size and massing of the addition, or the compatibility of the proposed addition in relation to the existing historic structure or the historic streetscape. In fact, the new proposal increased the square footage of both the floors and asked for additional waivers.

Two board members who voted for the final approval specifically mentioned economics. None of our Guidelines, Standards or Comp plan use "economics" as a criterion for appropriate preservation. They focus on the preservation of the original structure and equally important, the stability of the district and what an owner chooses to spend is up to the owner and not regulated by the board. It is the owner who sets his budget which reflects in his proposal and not a design issue in the purview of the board.

Because there is so much information and little time, I have tried to do a "Cliff Notes" version of what is involved.

THE CRITERIA FOR WHICH ALL FINDINGS MUST BE BASED

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.

1.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**

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.**

2. SECRETARY OF INTERIORS STANDARDS

Standard 9

New additions.....shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment

3.LDR SECTION 4.5.1 HISTORIC PRESERVATION:

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.**

LDR Section 4.5.1(7) – Visual Compatibility Standards:

New construction**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 regarding height, width, mass, scale, façade, openings, rhythm, material, color, texture, roof shape, direction, and other criteria set forth elsewhere in Section 4.5.1.**

4.5.1.(7) m. 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.**
6. Additions **shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.**

4. DELRAY BEACH HISTORIC PRESERVATION DESIGN GUIDELINES

Pg 47-48

Insure that the addition is secondary and subordinate to the main mass of the historic building. Additions that overwhelm the original building are not an acceptable solution.

In a historic district, consider the surrounding buildings and the compatibility of the addition in terms of size, scale, materials, mass and roof form

Additions or accessory structures should not be located in front of the established front plane of a historic

building.

Avoid obscuring or destroying characteristic features of the original building; the loss of historic fabric should be minimal.

When possible, design and construct the addition so that the basic form and character of the historic building would remain intact if the addition were ever removed

VARIANCES

A variance is requested for the construction of an **addition in front of the front wall plane of the existing contributing structure**. Such an addition is in direct conflict with the Visual Compatibility standards and would diminish the historic character of the site and Marina Historic District.

WAIVERS

Prior to approval of a waiver: Pursuant to LDR Section 2.4.11(B)(5) – The following findings must be made that it **Shall not adversely affect the neighboring area**

A Waiver for Relief to the secondary and subordinate Visual Compatibility Standard is requested.

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

The waiver request is due to the construction of a three-story addition to the rear of an existing two-story structure, which **does not meet the Visual Compatibility Standard** in 4.5.1

The Secretary of the Interior's Standards **do not recommend constructing a new addition that is as large or larger than the historic building, which visually overwhelms it** (i.e., results in the diminution or loss of its historic character and negatively impacts the historic integrity of the area.

A waiver for Relief of the Building Height Plane Visibility Standard is requested.

If granted, this request would allow for the existing two-story structure, once elevated, along with the proposed three-story structure to encroach into the “No Build Zone” of the standard’s requirements.

This standard, No Build Zone, is a tool to control massing and height within historic districts and approval of the waiver will cause the proposal to be non-compatible with the historic streetscape and diminish the historic neighboring area.

Some level of waiver can be anticipated with improvement of the property, as the height requirement to elevate to a minimum 9-foot finished floor elevation is now required by FEMA.

However, the proposal involves elevating the existing structure to a finished floor elevation of 14 feet, 5 feet above the minimum requirement to accommodate a ground level garage underneath the historic residence.

Therefore, nearly the entire historic structure and portion of the new garage fall within the “No Build Zone” of the BHP. Also, the entire third-floor rear addition and a portion of the second floor are within the “No Build Zone”.

In summary, the owner is trying to put too much on the lot and in the process sacrifice the integrity of the historic structure and the Marine Way streetscape.

For Example, if the structure were to be elevated to only a 9-foot finished floor elevation rather than a 14-foot elevation, it would reduce the impact of the massing of the structure on Marine Way. Additionally, the entire third floor of the rear addition and a small portion of the second floor of the addition would also fall within the Building Height Plane (BHP) area.

Currently, the 14’ proposed will negatively impact the historic district. At 9 feet this could more easily be determined as not adversely affect the neighboring area.

Additionally, a smaller addition could be accommodated in the rear of the site, that could be secondary and subordinate to the main mass of the historic building and not overwhelm the historic character of the existing contributing residence. The proposed ground level garage addition which is to be placed under and forward of the existing historic residence could accommodate a garage in a different configuration, one that does not encroach into the front setback nor increase the existing setback non-conformity.

This current proposal is not compatible with our existing goals and regulations. Positive findings cannot be found in the required regulations. It will unjustly burden the neighbors and not honor the historic structure or streetscape.

Claudia Willis
42 Palm Sq
Marina Historic District

From: [Claudia Willis](#)
To: [Casale, Juli](#)
Subject: Re: 46 Marine Way
Date: Friday, July 11, 2025 7:10:39 PM

I cant thank you enough for supporting Historic preservation and understanding and respecting the regulations in place. Without them , we will lose our districts .
ClaudiaW

"Never travel without a good book and a corkscrew..."

On Friday, July 11, 2025 at 07:05:50 PM EDT, Casale, Juli <casale@mydelraybeach.com> wrote:

As always, can't thank you enough for taking the time to provide your thoughtful input.
Juli

Get [Outlook for iOS](#)

From: Claudia Willis <claudia_willis@bellsouth.net>
Sent: Friday, July 11, 2025 4:39:36 PM
To: Carney, Tom <Carney@mydelraybeach.com>; Markert, Tom <Markert@mydelraybeach.com>; Burns, Angela <Burns@mydelraybeach.com>; Casale, Juli <Casale@mydelraybeach.com>; Long, Rob <Long@mydelraybeach.com>
Cc: Hoyland, Michelle <HoylandM@mydelraybeach.com>; Hewett, Michelle <hewettm@mydelraybeach.com>
Subject: 46 Marine Way

Dear Mayor and Commissioners,

Historic Preservation involves understanding and interpreting the regulations which are specific to historic properties and districts. It is not difficult if one focuses on the intent as all the regulations support that. The staff report (6/4/2025) was 36 pages. I encourage you to read it to find the support you need to make your decision. I would at least recommend that you look at pages 9-10(Sec of Interior Flood Adaption Guidelines) as well as pages 16 and 19. These give visuals that clearly illustrate what is, and what is not, recommended.

At the first presentation, the HPB unanimously voiced concern with the massing and setbacks. The board asked for massing reductions and additional setbacks to the proposed additions to soften the appearance and impact on the historic and adjacent structures, streetscape, and neighbors.

The applicant returned saying they had listened and made changes. Still in the new revision there was not much modification overall to the size and massing of the addition, or the compatibility of the proposed addition in relation to the existing historic structure or the historic streetscape. In fact, the new proposal increased the square footage of both the floors and asked for additional waivers.

Two board members who voted for the final approval specifically mentioned economics. None of our Guidelines, Standards or Comp plan use "economics" as a criterion for appropriate preservation. They focus on the preservation of the original structure and equally important, the stability of the district and what an owner chooses to spend is up to the owner and not regulated by the board. It is the owner who

sets his budget which reflects in his proposal and not a design issue in the purview of the board.

Because there is so much information and little time, I have tried to do a "Cliff Notes" version of what is involved.

THE CRITERIA FOR WHICH ALL FINDINGS MUST BE BASED

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.**

1.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**

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.**

2. SECRETARY OF IINTERIORS STANDARDS

Standard 9

New additions.....shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment

3.LDR SECTION 4.5.1 HISTORIC PRESERVATION:

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.**

LDR Section 4.5.1(7) – Visual Compatibility Standards:

New construction**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 regarding height, width, mass, scale, façade, openings, rhythm, material, color, texture, roof shape, direction, and other criteria set forth elsewhere in Section 4.5.1.

4.5.1.(7) m. 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.**
6. Additions **shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.**

4. DELRAY BEACH HISTORIC PRESERVATION DESIGN GUIDELINES

Insure that the addition is secondary and subordinate to the main mass of the historic building. Additions that overwhelm the original building are not an acceptable solution.

In a historic district, consider the surrounding buildings and the compatibility of the addition in terms of size, scale, materials, mass and roof form

Additions or accessory structures should not be located in front of the established front plane of a historic building.

Avoid obscuring or destroying characteristic features of the original building; the loss of historic fabric should be minimal.

When possible, design and construct the addition so that the basic form and character of the historic building would remain intact if the addition were ever removed

VARIANCES

A variance is requested for the construction of an **addition in front of the front wall plane of the existing contributing structure**. Such an addition is in direct conflict with the Visual Compatibility standards and would diminish the historic character of the site and Marina Historic District.

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The **Secretary of the Interior's Standards do not recommend constructing a new addition that is as large or larger than the historic building, which visually overwhelms it** (i.e., results in the diminution or loss of its historic character and negatively impacts the historic integrity of the area.

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If granted, this request would allow for the existing two-story structure, once elevated, along with the proposed three-story structure to encroach into the “No Build Zone” of the standard’s requirements.

This standard, No Build Zone, is a tool to control massing and height within historic districts and approval of the waiver will cause the proposal to be non-compatible with the historic streetscape and diminish the historic neighboring area.

Some level of waiver can be anticipated with improvement of the property, as the height requirement to elevate to a minimum 9-foot finished floor elevation is now required by FEMA.

However, the proposal involves elevating the existing structure to a finished floor elevation of 14 feet, 5 feet above the minimum requirement to accommodate a ground level garage underneath the historic residence.

Therefore, nearly the entire historic structure and portion of the new garage fall within the “No

Build Zone” of the BHP. Also, the entire third-floor rear addition and a portion of the second floor are within the “No Build Zone”.

In summary, the owner is trying to put too much on the lot and in the process sacrifice the integrity of the historic structure and the Marine Way streetscape.

For Example, if the structure were to be elevated to only a 9-foot finished floor elevation rather than a 14-foot elevation, it would reduce the impact of the massing of the structure on Marine Way. Additionally, the entire third floor of the rear addition and a small portion of the second floor of the addition would also fall within the Building Height Plane (BHP) area. **Currently, the 14’ proposed will negatively impact the historic district. At 9 feet this could more easily be determined as not adversely affect the neighboring area.**

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This current proposal is not compatible with our existing goals and regulations. Positive findings cannot be found in the required regulations. It will unjustly burden the neighbors and not honor the historic structure or streetscape.

Claudia Willis
42 Palm Sq
Marina Historic District

From: [Mariana Wood](#)
To: [Hoyland, Michelle](#); [Kay Edwards](#)
Cc: [Paliwoda, Katherina](#); [Hewett, Michelle](#); kristin.finn@serchant.com; [Gianniotes, Anthea](#); [Alvarez, Amy](#); carney@mydelraybeach.com; tfc@carneystanton.com
Subject: RE: 46 Marine Way
Date: Friday, February 21, 2025 3:30:07 PM
Attachments: [image008.png](#)
[image009.png](#)
[image011.png](#)
[image013.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image010.png](#)
[image001.png](#)
[image002.png](#)

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This email originated from outside of The City of Delray Beach. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Michelle,

My answers are below in RED

Thank you,



MARIANA WOOD

☎ 561.750.0445 EXT. 161

📠 561.750.7872

✉ MWOOD@AFFINITI.US 🌐 AFFINITI.US

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The attached file(s) are provided to You (the User) in AutoCAD format (the "Electronic files"). Your receipt and use of the attached indicates Your acceptance of the terms and conditions set forth below.

The attached Electronic Files are in a format that can be altered by the User. You acknowledge that You will not share the Electronic Files with any other individual or entity. Your use of the drawings or data contained in the Electronic Files herein is at Your own risk and You agree to indemnify and hold harmless Affiniti Architects Inc., its employees, officers, agents and contractors from any and all claims, injuries, damages, losses and expenses including but not limited to attorney's fees arising out of, concerning, or resulting from use of the Electronic files. It is the sole responsibility of the User to compare all data in Electronic files with the final signed and sealed drawing(s) used for permit submittal. In the event there is a conflict between the signed and sealed drawing(s) and the Electronic files, the signed and sealed drawing(s) shall prevail.

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From: Hoyland, Michelle <HoylandM@mydelraybeach.com>

Sent: Friday, February 21, 2025 2:48 PM

To: Kay Edwards <kayedwards321@aol.com>

Also, while it is not our practice to scale digital drawings, much less utilize Adobe Acrobat to do so, if we scale the drawing the rear setback appears to be less than 10'. Further, it

appears that the scale may be wrong, where 1" = 10' is indicated for plan sheet A1.0, I believe the scale may actually be 1" = 20'? Mariana can confirm if I am looking at the drawing wrong. **The drawing scale is accurate, and it is scale 1"-10'**

I do agree that the existing relocated accessory structure's setback doesn't require a variance, since it is only being relocated vertically on the site (not horizontally). But I believe the proposed rear portion of the building does require a variance. With that said we are required to rely on the application submittal for the requested variance as it is the applicant's request to make. **See images below, the proposed rear portion of the building is within the 0' setback, please refer to my previous answer, no variance will be required.**

Please let us know once you've had a chance to review and let us know if we can assist. We can get on a call with you, but are hard pressed for time today as we are preparing another project for HPB review on March 6th. We can be available first thing Monday morning if needed. I agree that we should all be putting our best foot forward with the application, striving for the request to be accurate before being presented to the board.

Regards,

Michelle Hoyland, Principal Planner
Historic Preservation Division
Development Services Department
City of Delray Beach
100 N.W. 1st Avenue

Delray Beach, FL 33444
561-243-7039
hoylandm@mydelraybeach.com
www.delraybeachfl.gov/historic

-----Original Message-----

From: Kay Edwards kayedwards321@aol.com
Sent: Friday, February 21, 2025 1:38 PM
To: Hoyland, Michelle HoylandM@mydelraybeach.com
Cc: Hewett, Michelle hewettm@mydelraybeach.com; Paliwoda, Katherina paliwodak@mydelraybeach.com; Mariana Wood mwood@affiniti.us; kristin.finn@serhant.com; Gianniotes, Anthea GianniotesA@mydelraybeach.com; Alvarez, Amy Alvarez@mydelraybeach.com
Subject: Re: 46 Marine Way

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I really appreciate it Michelle. Thank you for working to get these refunds for us.

More importantly, the rear (west) setback variance needs to come off before the March agenda. The board shouldn't be voting on a variance that is not necessary since it is already existing. How is this rectified? In another public notice? And will this be taken off your staff report since the board doesn't need to vote on this?

Please let me know so I can get out whatever you need me to do!

Sent from my iPhone

> On Feb 20, 2025, at 2:58 PM, Hoyland, Michelle <HoylandM@mydelraybeach.com> wrote:

> Thanks for the email, Kay.

>

> I will review your fee refund request with our leadership team and get back to you. Please allow me some time to do so as our priority is to prepare the staff reports and agenda for next week's publication, given the hard deadline.

>

> FYI - I removed Mayor Carney from my response to you and instead have included the Development Services Director and Assistant Director, so they are aware of your request and our communication. Feel free to forward my response onto Mr. Carney.

>

> Have a great day!

>

> Regards,

>

>

> Michelle Hoyland, Principal Planner

> Historic Preservation Division
> Development Services Department
> City of Delray Beach
> 100 N.W. 1st Avenue
> Delray Beach, FL 33444
> 561-243-7039
> hoylandm@mydelraybeach.com
> www.delraybeachfl.gov/historic

>

>

> -----Original Message-----

> From: Kay Edwards <kayedwards321@aol.com>

> Sent: Thursday, February 20, 2025 2:44 PM

> To: Hewett, Michelle <hewettm@mydelraybeach.com>; Hoyland, Michelle

<HoylandM@mydelraybeach.com>; Paliwoda, Katherina

<paliwodak@mydelraybeach.com>; Mariana Wood <mwood@affiniti.us>;

kristin.finn@serhant.com; Carney, Tom <Carney@mydelraybeach.com>

> Subject: 46 Marine Way

>

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>

>

> Hi all!

>

> I wanted to touch base on something I noticed while preparing our presentation for the March agenda.

>

> I would like to request a refund for the #2 Variance Request (steps in the front setback/porch) that was requested from Michelle Hoyland in her comments. In the last meeting we had on 2/7/25 with Michelle, it was told to us that this variance was not necessary and we only needed the variance for the front (east) setback.

> For this variance we paid \$1,575 and then again we paid \$630. I am requesting a refund of \$2,205.

>

> I would also like to request a refund for the rear setback variance that Michelle also requested in her comments. In reviewing this with Mariana and Kristin, this is for the existing accessory structure in the rear that we are keeping where it is. The new addition is going to a 10' setback which we are complying with. To my knowledge we shouldn't be paying for a variance for something that is existing. And Michelle you spoke about this when we added the 6'-1" dimension for the south side setback- stating we did not need to apply for a new variance since it was existing. So I'm not sure why this was requested of us.

> For this variance we paid \$1,575 and then again we paid \$630. I am requesting a refund of \$2,205.

>

> In total I am requesting a refund of \$4,410. Please let me know when I can come pick up this check. I appreciate it.

>

> Sent from my iPhone

Regards,



**Michelle Hoyland, Principal Planner
Historic Preservation Division
Development Services Department
City of Delray Beach**

100 N.W. 1st Avenue
Delray Beach, FL 33444
561-243-7039

hoylandm@mydelraybeach.com
www.delraybeachfl.gov/historic

From: [Kay Edwards](#)
To: [Michelle Hewett](#); [Katherina Paliwoda](#)
Cc: [GianniotesA@mydelraybeach.com](#); [Carney@mydelraybeach.com](#)
Subject: 46 Marine Way
Date: Monday, October 14, 2024 6:06:17 AM

****Please be cautious****

This email originated from outside of The City of Delray Beach. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi ladies!

It's been almost two weeks since we last spoke. I'm wondering if you have any updates on 46 Marine Way. As you stated in the last email, I would like to not keep going back and forth with the comments and have the ability to get in front of the board sooner than later. I know the rounds of comments are time consuming for you as they are for me. As the applicant, I want to request to go right to the board and be on the agenda for November. I would like to avoid a 3rd round of TAC comments and have to be charged the resubmittal fee again as we've already paid a lot of money on this project.

Thank you.

Best,

Kay Edwards
Sent from my iPhone

From: [Kay Edwards](#)
To: [Michelle Hewett](#); [Michelle Hoyland](#); [Katherina Paliwoda](#); [Patrick Figurella](#); [Carney@mydelraybeach.com](#); [Dad](#)
Subject: 46 Marine Way
Date: Friday, January 17, 2025 7:54:55 AM

****Please be cautious****

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Good morning everyone,

All plans and comments (including civil engineering plans) have been turned in to Michelle, Michelle and Katerina. We appreciate the time you've taken to help us get everything we need so we can go before the historic board. Please let us know what time we will go before the board for February's meeting.

Best,

Kay

Sent from my iPhone

From: [Kay Edwards](#)
To: [Michelle Hewett](#); [Michelle Hoyland](#); [Katherina Paliwoda](#); [Mariana Wood](#); kristin.finn@serhant.com; Carney@mydelraybeach.com
Subject: 46 Marine Way
Date: Thursday, February 20, 2025 2:44:27 PM

****Please be cautious****

This email originated from outside of The City of Delray Beach. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi all!

I wanted to touch base on something I noticed while preparing our presentation for the March agenda.

I would like to request a refund for the #2 Variance Request (steps in the front setback/porch) that was requested from Michelle Hoyland in her comments. In the last meeting we had on 2/7/25 with Michelle, it was told to us that this variance was not necessary and we only needed the variance for the front (east) setback. For this variance we paid \$1,575 and then again we paid \$630. I am requesting a refund of \$2,205.

I would also like to request a refund for the rear setback variance that Michelle also requested in her comments. In reviewing this with Mariana and Kristin, this is for the existing accessory structure in the rear that we are keeping where it is. The new addition is going to a 10' setback which we are complying with. To my knowledge we shouldn't be paying for a variance for something that is existing. And Michelle you spoke about this when we added the 6'-1" dimension for the south side setback- stating we did not need to apply for a new variance since it was existing. So I'm not sure why this was requested of us. For this variance we paid \$1,575 and then again we paid \$630. I am requesting a refund of \$2,205.

In total I am requesting a refund of \$4,410. Please let me know when I can come pick up this check. I appreciate it.

Sent from my iPhone

From: [Gelin, Lynn](#)
To: [Carney, Tom](#); [Long, Rob](#); [Burns, Angela](#); [Casale, Juli](#); [Markert, Tom](#); [Terrence R. Moore](#)
Cc: [Gianniotes, Anthea](#); [Vega, Daniela](#); [Neil Schiller](#)
Subject: 46 Marine Way
Date: Tuesday, July 15, 2025 11:43:12 AM

Good morning, Mayor and commissioners. The above-referenced appeal has been postponed to a future date. I appreciate your understanding and your support and I apologize for amending the agenda at the 11th hour.

I have asked Mr. Moore to republish the agenda. In addition, he has promised to make an announcement at the beginning of tonight's meeting for those individuals that may not receive this information in advance. Again, thank you for your understanding.

Lynn Gelin
City Attorney
Sent from my iPhone

From: pricepatton@aol.com
To: carney@mydelraybeach.com; long@mydelraybeach.com; burns@mydelraybeach.com; [Juli Casale](#); [Tom Markert](#)
Subject: 46 Marine way
Date: Monday, August 18, 2025 12:03:01 PM
Attachments: [46ResolutionFinal.pdf](#)
[Untitled.htm](#)
[46ResolutionFinal1.pdf](#)
[Untitled.htm](#)

Morning, Mayor and Commissioners:

Attached please find a resolution of the Executive Committee of the Delray Beach Preservation Trust, that was unanimously approved this weekend.

We are gravely concerned that this application, as proposed, could destroy not only the historic integrity of the house at 46 Marine Way, but adversely impact the integrity of the street and that of the entire Marina Historic District, which is also listed on the National Register of Historic Places.

Should any of you have any questions, don't hesitate to reach out to me via email or my cell, 561-573-2598.

Thank you for your time.

From: [Gelin, Lynn](#)
To: [Carney, Tom](#); [Long, Rob](#); [Burns, Angela](#); [Casale, Juli](#); [Markert, Tom](#)
Cc: [Terrence R. Moore](#); [Gianniotes, Anthea](#)
Subject: FW: 46 Marine Way Ex-Parte Communications
Date: Thursday, July 17, 2025 10:17:49 AM
Attachments: [46 Marine Way Search Results \(004\).pdf](#)

Good morning, Mayor and Commissioners. This information was not included as part of the backup for the appeal of 46 Marine Way. I am sending this to you for completeness of your records and will ensure its inclusion with the agenda when this matter is rescheduled. My apologies.

Lynn Gelin, Esq. | City Attorney

☎ office: 561-243-7090 | ☎ cell 561-815-9688 | ✉ gelinL@mydelraybeach.com | 200 N.W. 1st Avenue, Delray Beach, Florida 33444

CITY OF DELRAY BEACH



PUBLIC RECORDS NOTE: Florida has a very broad public records law. Most written communications to or from local officials, employees, or the general public regarding city business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: [Burns, Angela](#)
To: [Morgan, Nohemi](#)
Subject: FW: 46 Marine Way in the National Marina Historic District
Date: Tuesday, July 15, 2025 12:28:10 PM
Attachments: [image0.png](#)
[SOUTH ELEVATION.PNG](#)

Print this please.

Regards,

Angela D. Burns
Commissioner, Seat 4

CITY OF DELRAY BEACH



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PLEASE NOTE: Pursuant to Florida's Government in the Sunshine Act (a.k.a. "Sunshine Law"), e-mails containing city business should be directed to either: all City Commissioners or only 1 City Commissioner at a time and should not include prior responses from other Commissioners in order to avoid the perception that a third party is acting as a liaison between Commissioners.

From: Gelin, Lynn <GelinL@mydelraybeach.com>
Sent: Monday, July 14, 2025 9:27 AM
To: Carney, Tom <Carney@mydelraybeach.com>; Long, Rob <Long@mydelraybeach.com>; Burns, Angela <Burns@mydelraybeach.com>; Casale, Juli <Casale@mydelraybeach.com>; Markert, Tom <Markert@mydelraybeach.com>
Cc: Terrence R. Moore <moore@mydelraybeach.com>; Gianniotis, Anthea <GianniotisA@mydelraybeach.com>
Subject: Fwd: 46 Marine Way in the National Marina Historic District

Good morning. Sending this as an FYI. Please do not "reply all" as this matter will be coming before the commission. Thank you and feel free to contact me if you have any questions.

Lynn
Sent from my iPhone

Begin forwarded message:

From: Roger Cope <copearchitectsinc@gmail.com>
Date: July 14, 2025 at 2:42:45 PM GMT+2
To: "Gelin, Lynn" <GelinL@mydelraybeach.com>
Cc: "Gianniotis, Anthea" <GianniotisA@mydelraybeach.com>, "Hoyland, Michelle" <HoylandM@mydelraybeach.com>

Subject: Fwd: 46 Marine Way in the National Marina Historic District

Mrs Gelin:

Good morning!

Please see attached email I sent into our Commissioners Friday evening minutes before 5pm! Expressing my opposition to an Architectural COA Project at 46 Marine Way!

Within minutes, I received a threatening text from the applicant (phone 585 509-1200) that I think your office deserves to be made aware of! See attached!

I have NEVER received such a threat in my professional career and do not take it lightly! I ask that a record of it be made, should other threats follow!

Sorry to bother your office with this issue! Thank you in advance!



Roger Cope, Historic Preservationist

Sent from my iPhone

Begin forwarded message:

From: Roger Cope <copearchitectsinc@gmail.com>
Date: July 11, 2025 at 4:52:46 PM EDT
To: "Carney, Tom" <Carney@mydelraybeach.com>, long@mydelraybeach.com,
burns@mydelraybeach.com, markert@mydelraybeach.com, "Casale, Juli"
<Casale@mydelraybeach.com>
Cc: "Gianniotes, Anthea" <GianniotesA@mydelraybeach.com>, "Hoyland,
Michelle" <HoylandM@mydelraybeach.com>, "Alvarez, Amy"
<Alvarez@mydelraybeach.com>, "Paliwoda, Katherina"
<paliwodak@mydelraybeach.com>, "Hewett, Michelle"
<hewettm@mydelraybeach.com>
Subject: 46 Marine Way in the National Marina Historic District

Mayor & Commissioners:

Thank you for reviewing Tuesday nights Item 7C (Resolution 135-25), a COA approval recently granted by the HPB Board for a residence at 46 Marine Way within the National Marina Historic District. I have been opposed to it since its inception, and believe the Board erred in passing it.

I am an Architect in Delray Beach specializing in Historic Preservation for the past 32 years. I know there is a much better solution.

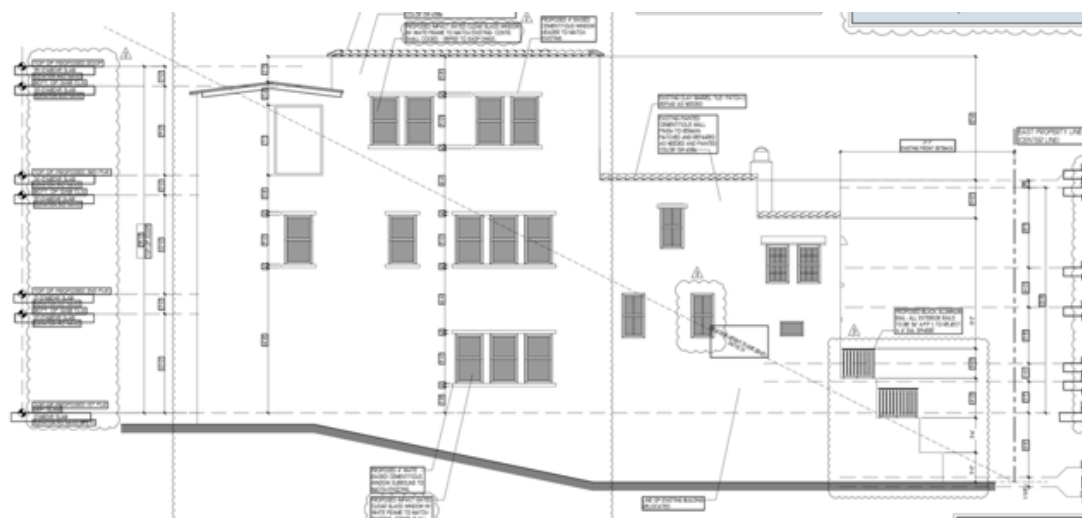
May I say that your STAFF has completed an exhausting and outstanding assessment of the Project citing no less than twenty (20) general areas of grave concern. Excessive massing, excessive height, disrespect for the Secretary of Interior's Standards, violation of a design tool referred to as "the Building Height Plane", building FORWARD of the front of the existing structure (a "Cardinal Sin" as established by Staff), an excessive ask for too many Variances & Waivers, generally - very poor Architectural Design philosophies evident in every aspect of the Project, no discernable design features between existing fabric and proposed expansion.....

Your Staff has it CORRECT. The professionals on your HPB Advisory Board had it CORRECT, they ALL voted against it (citing far too many concerns). The historic preservation community and many surrounding neighbors oppose it - as they are the most aggrieved party.

Please see the attached graphic which is of their South Elevation - this ENTIRE un-eventful, poorly designed facade is a mere 2'-3" off of its associated property line whereby the Code requires 7'-6".....it is more suited to comply with the density, height and massing of nearby Atlantic Crossings than it is to the single family Historic District along Marine Way. It reads as a four-story structure and dwarfs everything around it.

Please deny the Project as currently designed as it is extremely inappropriate in too many ways. The City deserves a much more sensitive and APPROPRIATE solution on this all important, highly visible parcel within our National Marina Historic District.

Roger Cope



From: [Burns, Angela](#)
To: [Angela Burns](#)
Subject: FW: 46 Marine Way
Date: Tuesday, July 15, 2025 9:13:23 PM

Regards,

Angela D. Burns
Commissioner, Seat 4

CITY OF DELRAY BEACH



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From: Claudia Willis <claudia_willis@bellsouth.net>
Sent: Friday, July 11, 2025 4:40 PM
To: Carney, Tom <Carney@mydelraybeach.com>; Markert, Tom <Markert@mydelraybeach.com>; Burns, Angela <Burns@mydelraybeach.com>; Casale, Juli <Casale@mydelraybeach.com>; Long, Rob <Long@mydelraybeach.com>
Cc: Hoyland, Michelle <HoylandM@mydelraybeach.com>; Hewett, Michelle <hewettm@mydelraybeach.com>
Subject: 46 Marine Way

Dear Mayor and Commissioners,

Historic Preservation involves understanding and interpreting the regulations which are specific to historic

properties and districts. It is not difficult if one focuses on the intent as all the regulations support that. The staff report (6/4/2025) was 36 pages. I encourage you to read it to find the support you need to make your decision. I would at least recommend that you look at pages 9-10 (Sec of Interior Flood Adaption Guidelines) as well as pages 16 and 19. These give visuals that clearly illustrate what is, and what is not, recommended.

At the first presentation, the HPB unanimously voiced concern with the massing and setbacks. The board asked for massing reductions and additional setbacks to the proposed additions to soften the appearance and impact on the historic and adjacent structures, streetscape, and neighbors.

The applicant returned saying they had listened and made changes. Still in the new revision there was not much modification overall to the size and massing of the addition, or the compatibility of the proposed addition in relation to the existing historic structure or the historic streetscape. In fact, the new proposal increased the square footage of both the floors and asked for additional waivers.

Two board members who voted for the final approval specifically mentioned economics. None of our Guidelines, Standards or Comp plan use “economics” as a criterion for appropriate preservation. They focus on the preservation of the original structure and equally important, the stability of the district and what an owner chooses to spend is up to the owner and not regulated by the board. It is the owner who sets his budget which reflects in his proposal and not a design issue in the purview of the board.

Because there is so much information and little time, I have tried to do a “Cliff Notes” version of what is involved.

THE CRITERIA FOR WHICH ALL FINDINGS MUST BE BASED

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.**

1.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**

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.**

2. SECRETARY OF INTERIORS STANDARDS

Standard 9

New additions.....shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment

3.LDR SECTION 4.5.1 HISTORIC PRESERVATION:

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.**

LDR Section 4.5.II(7) – Visual Compatibility Standards:

New construction**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 regarding height, width, mass, scale, façade, openings, rhythm, material, color, texture, roof shape, direction, and other criteria set forth elsewhere in Section 4.5.1.**

4.5.1.(7) m. 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**.
6. Additions **shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building**.

4. DELRAY BEACH HISTORIC PRESERVATION DESIGN GUIDELINES

Pg 47-48

Insure that the addition is secondary and subordinate to the main mass of the historic building. Additions that overwhelm the original building are not an acceptable solution.

In a historic district, consider the surrounding buildings and the compatibility of the addition in terms of size, scale, materials, mass and roof form

Additions or accessory structures should not be located in front of the established front plane of a historic building.

Avoid obscuring or destroying characteristic features of the original building; the loss of historic fabric should be minimal.

When possible, design and construct the addition so that the basic form and character of the historic building would remain intact if the addition were ever removed

VARIANCES

A variance is requested for the construction of an addition in front of the front wall plane of the existing contributing structure. Such an addition is in direct conflict with the Visual Compatibility standards and would diminish the historic character of the site and Marina Historic District.

WAIVERS

Prior to approval of a waiver: Pursuant to LDR Section 2.4.11(B)(5) – The following findings must be made that it Shall not adversely affect the neighboring area

A Waiver for Relief to the secondary and subordinate Visual Compatibility Standard is requested.

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

The waiver request is due to the construction of a three-story addition to the rear of an existing two-story structure, which does not meet the Visual Compatibility Standard in 4.5.1

The Secretary of the Interior's Standards do not recommend constructing a new addition that is as large or larger than the historic building, which visually overwhelms it (i.e., results in the diminution or loss of its historic character and negatively impacts the historic integrity of the area.

A waiver for Relief of the Building Height Plane Visibility Standard is requested.

If granted, this request would allow for the existing two-story structure, once elevated, along with the proposed three-story structure to encroach into the "No Build Zone" of the standard's requirements.

This standard, No Build Zone, is a tool to control massing and height within historic districts and approval of the waiver will cause the proposal to be non-compatible with the historic streetscape and diminish the historic neighboring area.

Some level of waiver can be anticipated with improvement of the property, as the height requirement to elevate to a minimum 9-foot finished floor elevation is now required by FEMA.

However, the proposal involves elevating the existing structure to a finished floor elevation of 14 feet, 5 feet above the minimum requirement to accommodate a ground level garage underneath the historic residence.

Therefore, nearly the entire historic structure and portion of the new garage fall within the "No Build Zone" of the BHP. Also, the entire third-floor rear addition and a portion of the second floor are within the "No Build Zone".

In summary, the owner is trying to put too much on the lot and in the process sacrifice the integrity of the historic structure and the Marine Way streetscape.

For Example, if the structure were to be elevated to only a 9-foot finished floor elevation rather than a 14-foot elevation, it would reduce the impact of the massing of the structure on Marine Way. Additionally, the entire third floor of the rear addition and a small portion of the second floor of the addition would also fall within the Building Height Plane (BHP) area. Currently, the 14' proposed will negatively impact the historic

district. At 9 feet this could more easily be determined as not adversely affect the neighboring area.

Additionally, a smaller addition could be accommodated in the rear of the site, that could be secondary and subordinate to the main mass of the historic building and not overwhelm the historic character of the existing contributing residence. The proposed ground level garage addition which is to be placed under and forward of the existing historic residence could accommodate a garage in a different configuration, one that does not encroach into the front setback nor increase the existing setback non-conformity.

This current proposal is not compatible with our existing goals and regulations. Positive findings cannot be found in the required regulations. It will unjustly burden the neighbors and not honor the historic structure or streetscape.

Claudia Willis
42 Palm Sq
Marina Historic District

From: [Burns, Angela](#)
To: [Angela Burns](#)
Subject: FW: 46 Marine Way
Date: Tuesday, July 15, 2025 9:13:29 PM

Regards,

Angela D. Burns
Commissioner, Seat 4

CITY OF DELRAY BEACH



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From: pricepatton@aol.com <pricepatton@aol.com>
Sent: Friday, July 11, 2025 3:16 PM
To: Burns, Angela <Burns@mydelraybeach.com>
Subject: 46 Marine Way

Price Patton
1020 Tamarind Rd.
Delray Beach, Fla. 33483

July 11, 2025

Dear Deputy Vice-Mayor Burns:

Writing to share my deep concerns about item 7C, the *de novo* July 15 hearing on the proposed application to make drastic and irreparable changes to the historic 1926 Mediterranean-style house at 46 Marine Way.

In a rare move, the city's Development Services Director has joined the city's historic preservation staff to raise more than 20 "concerns" about the proposal.

Their report notes "concerns" about the scale, massing and impact to the neighborhood. There are also "concerns" that approving such a request could jeopardize the "historic integrity" of not only 46 Marine Way, but the entire district as well.

In short, approving such a project would pose a grave threat to the future of the Marina Historic District as well as our four other historic districts. Lot by lot. Piece by piece, properties will be over-developed and lose their historic integrity.

Those are not my thoughts alone. They are also the thoughts of your professional staff.

Perhaps most alarming is the applicant's contention that in order to repurpose the property, he needs to add some 3,814 square feet to the original 1,644 square foot building. The Secretary of the Interior recommends that additions be "subordinate" to the historic building and on rare instances as large or slightly larger. This proposed addition is THREE TIMES the size.

Carolyn and I have repurposed three historic properties in the MHD. We did it to preserve the historic house by modernizing and upgrading it. How much did we add? About 800 square feet to her late mother's 1,800 square foot bungalow at 65 Palm Square.

Our duplex renovations on 226 and 228 SE 7th Ave. added just 60 square feet to each unit to provide a second bathroom. That is all.

Waivers and variances are written into our LDR's to allow folks to modernize historic buildings, add pools and other amenities on these small lots. They are intended to bend the rules to allow appropriate upgrades. The proposal before you doesn't merely bend the rules. It breaks them.

Follow the direction of your staff on this unacceptable proposal. Follow our LDR's. Follow our Comprehensive Plan. Follow the Secretary of the Interior guidelines. Reject this proposal.

I am at your service should you wish to discuss further.

Best,

Price Patton
561-573-2598

From: [Burns, Angela](#)
To: [Angela Burns](#)
Subject: FW: 46 Marine way
Date: Monday, August 18, 2025 12:19:11 PM
Attachments: [46ResolutionFinal.pdf](#)
[46ResolutionFinal1.pdf](#)

Regards,

Angela D. Burns
Commissioner, Seat 4

CITY OF DELRAY BEACH



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From: pricepatton@aol.com <pricepatton@aol.com>
Sent: Monday, August 18, 2025 12:03 PM
To: Carney, Tom <Carney@mydelraybeach.com>; Long, Rob <Long@mydelraybeach.com>; Burns, Angela <Burns@mydelraybeach.com>; Casale, Juli <Casale@mydelraybeach.com>; Markert, Tom <Markert@mydelraybeach.com>
Subject: 46 Marine way

Morning, Mayor and Commissioners:

Attached please find a resolution of the Executive Committee of the Delray Beach Preservation Trust, that was unanimously approved this weekend.

We are gravely concerned that this application, as proposed, could destroy not only the historic integrity of the house at 46 Marine Way, but adversely impact the integrity of the street and that of the entire Marina Historic District, which is also listed on the National Register of Historic Places.

Should any of you have any questions, don't hesitate to reach out to me via email or my cell, 561-573-2598.

Thank you for your time.

From: [Gelin, Lynn](#)
To: [Carney, Tom](#); [Long, Rob](#); [Burns, Angela](#); [Casale, Juli](#); [Markert, Tom](#)
Cc: [Terrence R. Moore](#); [Gianniotis, Anthea](#); [Alvarez, Amy](#); [Hoyland, Michelle](#)
Subject: FW: Letter RE: Item 7.C - 46 Marine Way
Date: Thursday, July 17, 2025 3:29:12 PM
Attachments: [July 15 - letter to recuse JC-FINAL.pdf](#)

Good afternoon, Mayor and Commissioners. Please see attached. As this matter is coming before you in the near future, I am providing this as part of the record.

If you have any questions, please reach out to me individually.

Lynn Gelin, Esq. | City Attorney

☎ office: 561-243-7090 | ☎ cell 561-815-9688 | ✉ gelinL@mydelraybeach.com | 200 N.W. 1st Avenue, Delray Beach, Florida 33444

CITY OF DELRAY BEACH



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From: Neil Schiller <nschiller@govlawgroup.com>
Sent: Tuesday, July 15, 2025 3:49 PM
To: Gelin, Lynn <gelinL@mydelraybeach.com>
Cc: Louise Myers <lmyers@govlawgroup.com>
Subject: Letter RE: Item 7.C - 46 Marine Way

Neil M. Schiller, Esq.

Government Law Group

137 NW 1st Avenue

Delray Beach, Florida 33444

Office: 561.771.9330

Cell: 954.224.3666

nschiller@govlawgroup.com

#nosocks



Neil M. Schiller, Esq.

nschiller@govlawgroup.com

O: **561.771.9330** | M: **954.224.3666**

137 NW 1st Avenue | Delray Beach, FL 33444

From: [Burns, Angela](#)
To: [Angela Burns](#)
Subject: FW: Letter RE: Item 7.C - 46 Marine Way
Date: Tuesday, July 22, 2025 1:47:05 PM
Attachments: [July 15 - letter to recuse JC-FINAL.pdf](#)

Regards,

Angela D. Burns
Commissioner, Seat 4

CITY OF DELRAY BEACH



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From: Gelin, Lynn <GelinL@mydelraybeach.com>
Sent: Thursday, July 17, 2025 3:29 PM
To: Carney, Tom <Carney@mydelraybeach.com>; Long, Rob <Long@mydelraybeach.com>; Burns, Angela <Burns@mydelraybeach.com>; Casale, Juli <Casale@mydelraybeach.com>; Markert, Tom <Markert@mydelraybeach.com>
Cc: Terrence R. Moore <moore@mydelraybeach.com>; Gianniotis, Anthea <GianniotisA@mydelraybeach.com>; Alvarez, Amy <Alvarez@mydelraybeach.com>; Hoyland, Michelle <HoylandM@mydelraybeach.com>
Subject: FW: Letter RE: Item 7.C - 46 Marine Way

Good afternoon, Mayor and Commissioners. Please see attached. As this matter is coming before you in the near future, I am providing this as part of the record.

If you have any questions, please reach out to me individually.

Lynn Gelin, Esq. | City Attorney

☎ office: 561-243-7090 | ☎ cell 561-815-9688 | ✉ gelinL@mydelraybeach.com | 200 N.W. 1st Avenue, Delray Beach, Florida 33444

CITY OF DELRAY BEACH



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From: Neil Schiller <nschiller@govlawgroup.com>
Sent: Tuesday, July 15, 2025 3:49 PM
To: Gelin, Lynn <GelinL@mydelraybeach.com>
Cc: Louise Myers <lmyers@govlawgroup.com>
Subject: Letter RE: Item 7.C - 46 Marine Way

Neil M. Schiller, Esq.

Government Law Group

137 NW 1st Avenue

Delray Beach, Florida 33444

Office: 561.771.9330

Cell: 954.224.3666

nschiller@govlawgroup.com

#nosocks



Neil M. Schiller, Esq.

nschiller@govlawgroup.com

O: 561.771.9330 | M: 954.224.3666

137 NW 1st Avenue | Delray Beach, FL 33444

From: [Burns, Angela](#)
To: [Angela Burns](#)
Subject: FW: Project 46 Marine Way
Date: Tuesday, July 15, 2025 9:13:24 PM

Regards,

Angela D. Burns
Commissioner, Seat 4

CITY OF DELRAY BEACH



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From: EUGENIA DEPONTE <genie11@bellsouth.net>
Sent: Friday, July 11, 2025 4:03 PM
To: Commissioners, Mayor <Commissioners_Mayor@mydelraybeach.com>
Subject: Project 46 Marine Way

Some people who received this message don't often get email from genie11@bellsouth.net. [Learn why this is important](#)

To Mayor Carney and Commissioners:

I would speak to this issue directly on July 15 however I am out of town so

I am writing this email to let you know I am in support of this project at 46 Marine Way. I live next door on the north side. My only concern is the height of the pool and that it will tower over my rear garden/pool area.

Marine Way North has languished for years as it's historic homes deteriorate and crumble. These homes have flooded annually causing them extreme damage. Historic preservation on this street has been more akin to historic destruction. The plight of these homes and flooding issues has been ignored. A seawall renovation has been proposed but is has been 5 years and

nothing. Army Corp of Engineers has granted 10 million dollars toward the project and it may expire if nothing goes forward soon.

So yes I am in favor of this project , I am happy someone has stepped forward to save one of these homes. And if approved hopefully will inspire the other property owners to renovate and improve their homes. They have been reluctant to invest great sums of money due some of the restrictive regulations and the costly long drawn out process. The city should streamline the process. Lastly in order to be true to "historic preservation" in the Marina Historic District the flooding issue needs to be addressed and soon.

Please vote yes, so this project can move forward.

Eugenia Deponte
24 Marine Way

From: [Gelin, Lynn](#)
To: [Casale, Juli](#)
Subject: Fwd: Letter RE: Item 7.C - 46 Marine Way
Date: Wednesday, July 16, 2025 5:34:48 AM
Attachments: [July 15 - letter to recuse JC-FINAL.pdf](#)

Good morning. Not sure if you received this, but I wanted to forward. I am traveling today but can give you a call after I land to discuss.

Lynn
Sent from my iPhone

Begin forwarded message:

From: Neil Schiller <nschilller@govlawgroup.com>
Date: July 15, 2025 at 8:50:34 PM GMT+1
To: "Gelin, Lynn" <GelinL@mydelraybeach.com>
Cc: Louise Myers <lmyers@govlawgroup.com>
Subject: Letter RE: Item 7.C - 46 Marine Way

Neil M. Schiller, Esq.

Government Law Group
137 NW 1st Avenue
Delray Beach, Florida 33444
Office: 561.771.9330
Cell: 954.224.3666
nschiller@govlawgroup.com
#nosocks

From: [Morgan, Nohemi](#)
To: [Commissioners, Mayor](#)
Cc: [Thomas Carney](#); [Givings, Alexis](#); [Agenda Coordinator](#); [Gelin, Lynn](#)
Subject: Quasi-Judicial Item Disclosures for City Commission Meeting - July 15
Date: Tuesday, July 15, 2025 8:36:48 AM
Attachments: [Outlook-signature .png](#)
[Local Rules approved 61725 change to board appointment final.pdf](#)
Importance: High

Good morning Mayor and Commissioners,

To comply with City of Delray Beach Local Rules of Procedure (attached), please submit the following highlighted disclosures for agenda item 7C **by 11:00 AM today July 15th:**

7C: RESOLUTION NO. 135-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CERTIFICATE OF APPROPRIATENESS FOR THE PROPERTY LOCATED AT 46 MARINE WAY, AS MORE PARTICULARLY DESCRIBED HEREIN; APPROVING A VERTICAL RELOCATION PURSUANT TO SECTION 4.5.1(E)(6)(B) (1) OF THE LAND DEVELOPMENT REGULATIONS (LDR); APPROVING VARIANCES TO LDR SECTION 4.3.4(K) TO REDUCE THE FRONT, SIDE INTERIOR, AND REAR SETBACKS FOR THE STRUCTURE AND TO LDR SECTION 4.6.15 TO REDUCE THE SIDE INTERIOR SETBACK FOR A SWIMMING POOL; APPROVING WAIVERS TO THE VISUAL COMPATIBILITY STANDARDS IN LDR SECTIONS 4.5.1(E)(7)(A)(1), 4.5.1(E)(7)(J)(2), AND 4.5.1(E)(7)(M)(6) ; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL).

Disclosure of Ex Parte Communications. The Commission or Board shall disclose any Ex Parte communications and shall disclose whether any member physically inspected the property in anticipation of their consideration of the agenda item.

(a) Effective May 1, 2025, as part of the backup materials for agenda items before the City Commission, the City Clerk will provide a Memorandum to the City Commission evidence a good faith effort to locate Ex Parte communications within the City server.

(b) Members of the Commission or Board members who have identified records not located within the City server shall provide those communications to the City or Board Clerk for inclusion in the backup materials.

(c) For all other communications, to the extent possible, the Commissioner or Board member shall identify with whom the communication took place, summarize the substance of the communication, and the date of the site visit, if any.

Please submit all documentation to me by 11:00 AM today to ensure disclosures are added to the agenda before tonight's City Commission

meeting.

If you have any questions, feel free to contact me.

Respectfully,



Nohemi Morgan

Executive Administrative Assistant

City Commission Office

100 N.W. 1st Avenue, Delray Beach, FL 33444

O: 561-243-7005 | morgann@mydelraybeach.com

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From: [Burns, Angela](#)
To: pricepatton@aol.com
Subject: RE: 46 Marine way
Date: Monday, August 18, 2025 12:19:40 PM

Thank you. If I have any additional questions, I will reach out.

Regards,

Angela D. Burns
Commissioner, Seat 4

CITY OF DELRAY BEACH



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Subject: 46 Marine way

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Thank you for your time.

From: [Morgan, Nohemi](#)
To: [Burns, Angela](#)
Subject: Re: 46 Marine Way in the National Marina Historic District
Date: Tuesday, July 15, 2025 12:29:27 PM
Attachments: [image0.png](#)
[SOUTH ELEVATION.PNG](#)
[Outlook-signature_.png](#)

Will do!

Respectfully,



Nohemi Morgan
Executive Administrative Assistant
City Commission Office
100 N.W. 1st Avenue, Delray Beach, FL 33444
O: 561-243-7005 | morgann@mydelraybeach.com

PUBLIC RECORDS NOTE: Florida has a very broad public records law. Most written communications to or from local officials, employees, or the general public regarding city business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Burns, Angela <Burns@mydelraybeach.com>
Sent: Tuesday, July 15, 2025 12:28 PM
To: Morgan, Nohemi <MorganN@mydelraybeach.com>
Subject: FW: 46 Marine Way in the National Marina Historic District

Print this please.

Regards,

Angela D. Burns
Commissioner, Seat 4

CITY OF DELRAY BEACH



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From: Gelin, Lynn <GelinL@mydelraybeach.com>

Sent: Monday, July 14, 2025 9:27 AM

To: Carney, Tom <Carney@mydelraybeach.com>; Long, Rob <Long@mydelraybeach.com>; Burns, Angela <Burns@mydelraybeach.com>; Casale, Juli <Casale@mydelraybeach.com>; Markert, Tom <Markert@mydelraybeach.com>

Cc: Terrence R. Moore <moore@mydelraybeach.com>; Gianniotis, Anthea <GianniotisA@mydelraybeach.com>

Subject: Fwd: 46 Marine Way in the National Marina Historic District

Good morning. Sending this as an FYI. Please do not "reply all" as this matter will be coming before the commission. Thank you and feel free to contact me if you have any questions.

Lynn

Sent from my iPhone

Begin forwarded message:

From: Roger Cope <copearchitectsinc@gmail.com>

Date: July 14, 2025 at 2:42:45 PM GMT+2

To: "Gelin, Lynn" <GelinL@mydelraybeach.com>

Cc: "Gianniotis, Anthea" <GianniotisA@mydelraybeach.com>, "Hoyland, Michelle" <HoylandM@mydelraybeach.com>

Subject: Fwd: 46 Marine Way in the National Marina Historic District

Mrs Gelin:

Good morning!

Please see attached email I sent into our Commissioners Friday evening minutes before 5pm! Expressing my opposition to an Architectural COA Project at 46 Marine Way!

Within minutes, I received a threatening text from the applicant (phone 585 509-1200) that I think your office deserves to be made aware of! See attached!

I have NEVER received such a threat in my professional career and do not take it lightly! I ask that a record of it be made, should other threats follow!

Sorry to bother your office with this issue! Thank you in advance!



Roger Cope, Historic Preservationist

Sent from my iPhone

Begin forwarded message:

From: Roger Cope <copearchitectsinc@gmail.com>
Date: July 11, 2025 at 4:52:46 PM EDT
To: "Carney, Tom" <Carney@mydelraybeach.com>, long@mydelraybeach.com,
burns@mydelraybeach.com, markert@mydelraybeach.com, "Casale, Juli"
<Casale@mydelraybeach.com>
Cc: "Gianniotes, Anthea" <GianniotesA@mydelraybeach.com>, "Hoyland,
Michelle" <HoylandM@mydelraybeach.com>, "Alvarez, Amy"
<Alvarez@mydelraybeach.com>, "Paliwoda, Katherina"
<paliwodak@mydelraybeach.com>, "Hewett, Michelle"
<hewettm@mydelraybeach.com>
Subject: 46 Marine Way in the National Marina Historic District

Mayor & Commissioners:

Thank you for reviewing Tuesday nights Item 7C (Resolution 135-25), a COA approval recently granted by the HPB Board for a residence at 46 Marine Way within the National Marina Historic District. I have been opposed to it since its inception, and believe the Board erred in passing it.

I am an Architect in Delray Beach specializing in Historic Preservation for the past 32 years. I know there is a much better solution.

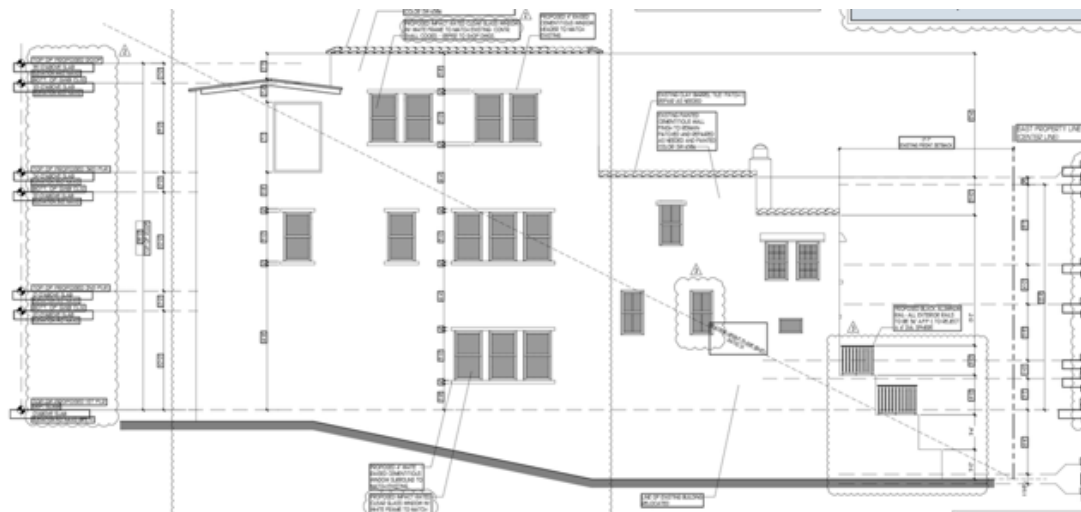
May I say that your STAFF has completed an exhausting and outstanding assessment of the Project citing no less than twenty (20) general areas of grave concern. Excessive massing, excessive height, disrespect for the Secretary of Interior's Standards, violation of a design tool referred to as "the Building Height Plane", building FORWARD of the front of the existing structure (a "Cardinal Sin" as established by Staff), an excessive ask for too many Variances & Waivers, generally - very poor Architectural Design philosophies evident in every aspect of the Project, no discernable design features between existing fabric and proposed expansion.....

Your Staff has it CORRECT. The professionals on your HPB Advisory Board had it CORRECT, they ALL voted against it (citing far too many concerns). The historic preservation community and many surrounding neighbors oppose it - as they are the most aggrieved party.

Please see the attached graphic which is of their South Elevation - this ENTIRE un-eventful, poorly designed facade is a mere 2'-3" off of its associated property line whereby the Code requires 7'-6".....it is more suited to comply with the density, height and massing of nearby Atlantic Crossings than it is to the single family Historic District along Marine Way. It reads as a four-story structure and dwarfs everything around it.

Please deny the Project as currently designed as it is extremely inappropriate in too many ways. The City deserves a much more sensitive and APPROPRIATE solution on this all important, highly visible parcel within our National Marina Historic District.

Roger Cope



From: [Casale, Juli](#)
To: [Claudia Willis](#)
Subject: Re: 46 Marine Way
Date: Monday, August 18, 2025 2:22:45 PM
Attachments: [Outlook-City of De.png](#)

Thanks for taking the time to provide input.

Juli



Juli Casale
Commission
City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444
(561) 243-7010
casale@mydelraybeach.com

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From: Claudia Willis <claudia_willis@bellsouth.net>
Sent: Monday, August 18, 2025 1:59 PM
To: Casale, Juli <Casale@mydelraybeach.com>; Burns, Angela <Burns@mydelraybeach.com>; Carney, Tom <Carney@mydelraybeach.com>; Markert, Tom <Markert@mydelraybeach.com>; Long, Rob <Long@mydelraybeach.com>
Cc: Hoyland, Michelle <HoylandM@mydelraybeach.com>
Subject: 46 Marine Way

I am resending the email below which aims to highlight the fundamental shortcomings of the proposal when assessed against key criteria, including the Historic Preservation Element of the Comprehensive Plan, Local Development Regulations (LDRs), Secretary of the Interior's Standards (and Flood Guidelines), as well as Delray Beach's Historic Design Guidelines.

For a community to successfully preserve its historic districts, it is vital that all members adhere to the essential rules and regulations. Such adherence ensures the long-term protection and integrity of our shared historic resources and ensures proper stewardship of the community's historic fabric

Dear Mayor and Commissioners,

Historic Preservation involves understanding and interpreting the regulations which are specific to historic properties and districts. It is not difficult if one focuses on the intent as all

the regulations support that. The staff report (6/4/2025) was 36 pages. I encourage you to read it to find the support you need to make your decision. I would at least recommend that you look at pages 9-10 (Sec of Interior Flood Adaption Guidelines) as well as pages 16 and 19. These give visuals that clearly illustrate what is, and what is not, recommended.

At the first presentation, the HPB unanimously voiced concern with the massing and setbacks. The board asked for massing reductions and additional setbacks to the proposed additions to soften the appearance and impact on the historic and adjacent structures, streetscape, and neighbors.

The applicant returned saying they had listened and made changes. Still in the new revision there was not much modification overall to the size and massing of the addition, or the compatibility of the proposed addition in relation to the existing historic structure or the historic streetscape. In fact, the new proposal increased the square footage of both the floors and asked for additional waivers.

Two board members who voted for the final approval specifically mentioned economics. None of our Guidelines, Standards or Comp plan use "economics" as a criterion for appropriate preservation. They focus on the preservation of the original structure and equally important, the stability of the district and what an owner chooses to spend is up to the owner and not regulated by the board. It is the owner who sets his budget which reflects in his proposal and not a design issue in the purview of the board.

Because there is so much information and little time, I have tried to do a "Cliff Notes" version of what is involved.

THE CRITERIA FOR WHICH ALL FINDINGS MUST BE BASED

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.**

1.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**

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.**

2. SECRETARY OF INTERIORS STANDARDS

Standard 9

New additions.....shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment

3.LDR SECTION 4.5.1 HISTORIC PRESERVATION:

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.**

LDR Section 4.5.1(7) – Visual Compatibility Standards:

New construction**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 regarding height, width, mass, scale, façade, openings, rhythm, material, color, texture, roof shape, direction, and other criteria set forth elsewhere in Section 4.5.1.

4.5.1.(7) m. 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**.
6. Additions **shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building**.

4. DELRAY BEACH HISTORIC PRESERVATION DESIGN GUIDELINES

Pg 47-48

Insure that the addition is secondary and subordinate to the main mass of the historic building. Additions that overwhelm the original building are not an acceptable solution.

In a historic district, consider the surrounding buildings and the compatibility of the addition in terms of size, scale, materials, mass and roof form

Additions or accessory structures should not be located in front of the established front plane of a historic building.

Avoid obscuring or destroying characteristic features of the original building; the loss of historic fabric should be minimal.

When possible, design and construct the addition so that the basic form and character of the historic building would remain intact if the addition were ever removed

VARIANCES

A variance is requested for the construction of an **addition in front of the front wall plane of the existing contributing structure**. Such an addition is in direct conflict with the Visual Compatibility standards and would diminish the historic character of the site and Marina Historic District.

WAIVERS

Prior to approval of a waiver: Pursuant to LDR Section 2.4.11(B)(5) – The following findings must be made that it **Shall not adversely affect the neighboring area**
A Waiver for Relief to the secondary and subordinate Visual Compatibility Standard is requested.

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

The waiver request is due to the construction of a three-story addition to the rear of an existing two-story structure, which **does not meet the Visual Compatibility Standard** in 4.5.1

The **Secretary of the Interior's Standards** **do not recommend constructing a new addition that is as large or larger than the historic building, which visually overwhelms it** (i.e., results in the diminution or loss of its historic character and negatively impacts the historic integrity of the area.

A waiver for Relief of the Building Height Plane Visibility Standard is requested.

If granted, this request would allow for the existing two-story structure, once elevated, along with the proposed three-story structure to encroach into the "No Build Zone" of the standard's requirements.

This standard, No Build Zone, is a tool to control massing and height within historic districts and approval of the waiver will cause the proposal to be non-compatible with the historic streetscape and diminish the historic neighboring area.

Some level of waiver can be anticipated with improvement of the property, as the height requirement to elevate to a minimum 9-foot finished floor elevation is now required by FEMA.

However, the proposal involves elevating the existing structure to a finished floor elevation of 14 feet, 5 feet above the minimum requirement to accommodate a ground level garage underneath the historic residence.

Therefore, nearly the entire historic structure and portion of the new garage fall within the “No Build Zone” of the BHP. Also, the entire third-floor rear addition and a portion of the second floor are within the “No Build Zone”.

In summary, the owner is trying to put too much on the lot and in the process sacrifice the integrity of the historic structure and the Marine Way streetscape.

For Example, if the structure were to be elevated to only a 9-foot finished floor elevation rather than a 14-foot elevation, it would reduce the impact of the massing of the structure on Marine Way. Additionally, the entire third floor of the rear addition and a small portion of the second floor of the addition would also fall within the Building Height Plane (BHP) area.

Currently, the 14’ proposed will negatively impact the historic district. At 9 feet this could more easily be determined as not adversely affect the neighboring area.

Additionally, a smaller addition could be accommodated in the rear of the site, that could be secondary and subordinate to the main mass of the historic building and not overwhelm the historic character of the existing contributing residence. The proposed ground level garage addition which is to be placed under and forward of the existing historic residence could accommodate a garage in a different configuration, one that does not encroach into the front setback nor increase the existing setback non-conformity.

This current proposal is not compatible with our existing goals and regulations. Positive findings cannot be found in the required regulations. It will unjustly burden the neighbors and not honor the historic structure or streetscape.

Claudia Willis

42 Palm Sq

Marina Historic District

From: [Casale, Juli](#)
To: pricepatton@aol.com
Subject: Re: 46 Marine way
Date: Monday, August 18, 2025 1:35:22 PM
Attachments: [Outlook-City of De.png](#)

Thank you for taking the time to provide input.

Juli



Juli Casale
Commissioner
City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444
(561) 243-7010
casale@mydelraybeach.com

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From: pricepatton@aol.com <pricepatton@aol.com>
Sent: Monday, August 18, 2025 12:03 PM
To: Carney, Tom <Carney@mydelraybeach.com>; Long, Rob <Long@mydelraybeach.com>; Burns, Angela <Burns@mydelraybeach.com>; Casale, Juli <Casale@mydelraybeach.com>; Markert, Tom <Markert@mydelraybeach.com>
Subject: 46 Marine way

Morning, Mayor and Commissioners:

Attached please find a resolution of the Executive Committee of the Delray Beach Preservation Trust, that was unanimously approved this weekend.

We are gravely concerned that this application, as proposed, could destroy not only the historic integrity of the house at 46 Marine Way, but adversely impact the integrity of the street and that of the entire Marina Historic District, which is also listed on the National Register of Historic Places.

Should any of you have any questions, don't hesitate to reach out to me via email or my cell, 561-573-2598.

Thank you for your time.

From: [Casale, Juli](#)
To: [Morgan, Nohemi](#)
Subject: Re: Quasi-Judicial Item Disclosures for City Commission Meeting - July 15
Date: Tuesday, July 15, 2025 9:45:56 AM
Attachments: [Outlook-signature .png](#)
[Outlook-City of De.png](#)

Aside from what is on the server.

I met with the applicants representative, Neil Schiller, at the location yesterday - July 14, 2025.

At Jim Chard's request, I met with Christin Finn and James Chard approximately 8-9 months ago - I am not certain of the date. While this project was what prompted the discussion, the topic of discussion was about concerns with the city process more than a discussion about the project itself. During the meeting I listened to complaints about the process. I was provided a stack of documents that were all part of the application and public record - I do not have those today. At the conclusion of the meeting I asked for email documentation of some of the statements/accusations made about the staff and process. I followed up and was told the email may have been deleted or were unlocatable. When supporting documents were not provided I had no further conversations.

Juli



Juli Casale
Commissioner
City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444
(561) 243-7010
casale@mydelraybeach.com

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From: Morgan, Nohemi <MorganN@mydelraybeach.com>

Sent: Tuesday, July 15, 2025 8:36 AM

To: Commissioners, Mayor <Commissioners_Mayor@mydelraybeach.com>

Cc: Thomas Carney <tfc@carneystanton.com>; Givings, Alexis <givingsa@mydelraybeach.com>; Agenda Coordinator <agcoordinator@mydelraybeach.com>; Gelin, Lynn <GelinL@mydelraybeach.com>

Subject: Quasi-Judicial Item Disclosures for City Commission Meeting - July 15

Good morning Mayor and Commissioners,

To comply with City of Delray Beach Local Rules of Procedure (attached), please submit the following highlighted disclosures for agenda item 7C **by 11:00 AM today July 15th:**

7C: RESOLUTION NO. 135-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CERTIFICATE OF APPROPRIATENESS FOR THE PROPERTY LOCATED AT 46 MARINE WAY, AS MORE PARTICULARLY DESCRIBED HEREIN; APPROVING A VERTICAL RELOCATION PURSUANT TO SECTION 4.5.1(E)(6)(B) (1) OF THE LAND DEVELOPMENT REGULATIONS (LDR); APPROVING VARIANCES TO LDR SECTION 4.3.4(K) TO REDUCE THE FRONT, SIDE INTERIOR, AND REAR SETBACKS FOR THE STRUCTURE AND TO LDR SECTION 4.6.15 TO REDUCE THE SIDE INTERIOR SETBACK FOR A SWIMMING POOL; APPROVING WAIVERS TO THE VISUAL COMPATIBILITY STANDARDS IN LDR SECTIONS 4.5.1(E)(7)(A)(1), 4.5.1(E)(7)(J)(2), AND 4.5.1(E)(7)(M)(6) ; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL).

Disclosure of Ex Parte Communications. The Commission or Board shall disclose any Ex Parte communications and shall disclose whether any member physically inspected the property in anticipation of their consideration of the agenda item.

(a) Effective May 1, 2025, as part of the backup materials for agenda items before the City Commission, the City Clerk will provide a Memorandum to the City Commission evidence a good faith effort to locate Ex Parte communications within the City server.

(b) Members of the Commission or Board members who have identified records not located within the City server shall provide those communications to the City or Board Clerk for inclusion in the backup materials.

(c) For all other communications, to the extent possible, the Commissioner or Board member shall identify with whom the communication took place, summarize the substance of the communication, and the date of the site visit, if any.

Please submit all documentation to me by 11:00 AM today to ensure disclosures are added to the agenda before tonight's City Commission

meeting.

If you have any questions, feel free to contact me.

Respectfully,



Nohemi Morgan

Executive Administrative Assistant

City Commission Office

100 N.W. 1st Avenue, Delray Beach, FL 33444

O: 561-243-7005 | morgann@mydelraybeach.com

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From: [Burns, Angela](#)
To: [Morgan, Nohemi](#)
Subject: Re: Quasi-Judicial Item Disclosures for City Commission Meeting - July 15
Date: Tuesday, July 15, 2025 12:05:59 PM
Attachments: [Outlook-signature .png](#)

Good afternoon. I met with the city attorney and the attorney for this project Mr. Schiller on Monday June 30th.

Get [Outlook for iOS](#)

From: Morgan, Nohemi <MorganN@mydelraybeach.com>
Sent: Tuesday, July 15, 2025 8:36:48 AM
To: Commissioners, Mayor <Commissioners_Mayor@mydelraybeach.com>
Cc: Thomas Carney <tfc@carneystanton.com>; Givings, Alexis <givingsa@mydelraybeach.com>; Agenda Coordinator <agcoordinator@mydelraybeach.com>; Gelin, Lynn <GelinL@mydelraybeach.com>
Subject: Quasi-Judicial Item Disclosures for City Commission Meeting - July 15

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7C: RESOLUTION NO. 135-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CERTIFICATE OF APPROPRIATENESS FOR THE PROPERTY LOCATED AT 46 MARINE WAY, AS MORE PARTICULARLY DESCRIBED HEREIN; APPROVING A VERTICAL RELOCATION PURSUANT TO SECTION 4.5.1(E)(6)(B) (1) OF THE LAND DEVELOPMENT REGULATIONS (LDR); APPROVING VARIANCES TO LDR SECTION 4.3.4(K) TO REDUCE THE FRONT, SIDE INTERIOR, AND REAR SETBACKS FOR THE STRUCTURE AND TO LDR SECTION 4.6.15 TO REDUCE THE SIDE INTERIOR SETBACK FOR A SWIMMING POOL; APPROVING WAIVERS TO THE VISUAL COMPATIBILITY STANDARDS IN LDR SECTIONS 4.5.1(E)(7)(A)(1), 4.5.1(E)(7)(J)(2), AND 4.5.1(E)(7)(M)(6) ; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL).

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(c) For all other communications, to the extent possible, the Commissioner or Board member shall identify with whom the communication took place, summarize the substance of the communication, and the date of the site visit, if any.

Please submit all documentation to me by 11:00 AM today to ensure disclosures are added to the agenda before tonight's City Commission meeting.

If you have any questions, feel free to contact me.

Respectfully,



Nohemi Morgan
Executive Administrative Assistant
City Commission Office

100 N.W. 1st Avenue, Delray Beach, FL 33444
O: 561-243-7005 | morgann@mydelraybeach.com

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From: [Casale, Juli](#)
To: [James Chard](#)
Subject: Re: Saving 46 Marine Way
Date: Tuesday, July 15, 2025 12:40:04 PM
Attachments: [Outlook-City of De.png](#)

This item was postponed. As an FYI, commission will not be hearing it tonight.

Thanks for taking the time to provide your input.

Juli



Juli Casale
Commissioner
City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444
(561) 243-7010
casale@mydelraybeach.com

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From: James Chard <jamesrchard@gmail.com>

Sent: Tuesday, July 15, 2025 12:38 PM

To: Carney, Tom <Carney@mydelraybeach.com>; Casale, Juli <Casale@mydelraybeach.com>; Long, Rob <Long@mydelraybeach.com>; Burns, Angela <Burns@mydelraybeach.com>; Markert, Tom <Markert@mydelraybeach.com>

Subject: Saving 46 Marine Way

[Some people who received this message don't often get email from jamesrchard@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Mayor and Commissioners,

I have served on the Historic Preservation Board for four years and I have learned that saving history is a hard job. Staff, applicants, professionals and board have to work through complicated regulations together.

No two buildings/parcels are the same, regulations never cover all of the exigencies of historic buildings, and various federal regulations (e.g., EPA) are in conflict with historic guidelines.

Consequently HPB has to exercise patience and careful consideration on each building/parcel. 46 Marine Way is probably the toughest decision in my four years on HPB. Without flexible application

of guidelines, the house can't be saved. And the 2 buildings to the south (also historic) could be lost as well.

I believe the HPB made the right decision. The fact that the board was split 4-3 indicates how difficult the decision was. We generally pass quasi judicial decisions 7-0.

There are always going to be critics and "strict constructionists" who believe we need to follow the letter of the regs as opposed to the "spirit ". I believe the Commission should honor the spirit of the regulations and guidelines and vote yes on this plan. It will be one step forward in keeping Delray unique and memorable.

Kind regards,
Jim Chard

From: [Gelin, Lynn](#)
To: [Commissioners, Mayor](#)
Cc: [Terrence R. Moore](#)
Subject: Response concerning 46 Marine Way
Date: Wednesday, July 23, 2025 5:52:25 PM
Attachments: [Schiller Response 7-23-25.pdf](#)

Good evening. Attached please find my response to Neil Schiller, counsel for 46 Marine Way.

Lynn Gelin, Esq. | City Attorney

☎ office: 561-243-7090 | ☎ cell 561-815-9688 | ✉ gelinL@mydelraybeach.com | 200 N.W. 1st Avenue, Delray Beach, Florida 33444

CITY OF DELRAY BEACH



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From: [Gelin, Lynn](#)
To: [Neil Schiller](#)
Cc: [Casale, Juli](#); [Terrence R. Moore](#); [Gianniotes, Anthea](#)
Subject: Response to Correspondence dated 7-15-25
Date: Wednesday, July 23, 2025 5:46:22 PM
Attachments: [Schiller Response 7-23-25.pdf](#)

Good afternoon, Neil. Attached please find my response to your correspondence concerning the 46 Marine Way appeal.

Lynn Gelin, Esq. | City Attorney

☎ office: 561-243-7090 | ☎ cell 561-815-9688 | ✉ gelinL@mydelraybeach.com | 200 N.W. 1st Avenue, Delray Beach, Florida 33444

CITY OF DELRAY BEACH



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From: [Gelin, Lynn](#)
To: [Carney, Tom](#); [Long, Rob](#); [Burns, Angela](#); [Casale, Juli](#); [Markert, Tom](#)
Cc: [Terrence R. Moore](#); [Gianniotes, Anthea](#)
Subject: FW: 46 Marine Way Ex-Parte Communications
Date: Thursday, July 17, 2025 10:17:49 AM
Attachments: [46 Marine Way Search Results \(004\).pdf](#)

Good morning, Mayor and Commissioners. This information was not included as part of the backup for the appeal of 46 Marine Way. I am sending this to you for completeness of your records and will ensure its inclusion with the agenda when this matter is rescheduled. My apologies.

Lynn Gelin, Esq. | City Attorney

☎ office: 561-243-7090 | ☎ cell 561-815-9688 | ✉ gelinL@mydelraybeach.com | 200 N.W. 1st Avenue, Delray Beach, Florida 33444

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From: [Burns, Angela](#)
To: [Morgan, Nohemi](#)
Subject: FW: 46 Marine Way in the National Marina Historic District
Date: Tuesday, July 15, 2025 12:28:10 PM
Attachments: [image0.png](#)
[SOUTH ELEVATION.PNG](#)

Print this please.

Regards,

Angela D. Burns
Commissioner, Seat 4

CITY OF DELRAY BEACH



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From: Gelin, Lynn <GelinL@mydelraybeach.com>
Sent: Monday, July 14, 2025 9:27 AM
To: Carney, Tom <Carney@mydelraybeach.com>; Long, Rob <Long@mydelraybeach.com>; Burns, Angela <Burns@mydelraybeach.com>; Casale, Juli <Casale@mydelraybeach.com>; Markert, Tom <Markert@mydelraybeach.com>
Cc: Terrence R. Moore <moore@mydelraybeach.com>; Gianniotis, Anthea <GianniotisA@mydelraybeach.com>
Subject: Fwd: 46 Marine Way in the National Marina Historic District

Good morning. Sending this as an FYI. Please do not "reply all" as this matter will be coming before the commission. Thank you and feel free to contact me if you have any questions.

Lynn
Sent from my iPhone

Begin forwarded message:

From: Roger Cope <copearchitectsinc@gmail.com>
Date: July 14, 2025 at 2:42:45 PM GMT+2
To: "Gelin, Lynn" <GelinL@mydelraybeach.com>
Cc: "Gianniotis, Anthea" <GianniotisA@mydelraybeach.com>, "Hoyland, Michelle" <HoylandM@mydelraybeach.com>

Subject: Fwd: 46 Marine Way in the National Marina Historic District

Mrs Gelin:

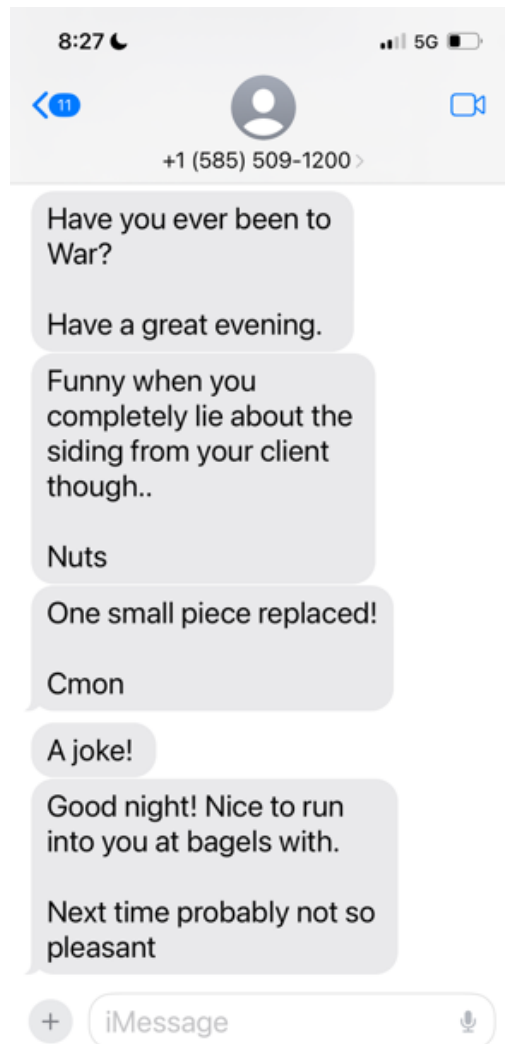
Good morning!

Please see attached email I sent into our Commissioners Friday evening minutes before 5pm! Expressing my opposition to an Architectural COA Project at 46 Marine Way!

Within minutes, I received a threatening text from the applicant (phone 585 509-1200) that I think your office deserves to be made aware of! See attached!

I have NEVER received such a threat in my professional career and do not take it lightly! I ask that a record of it be made, should other threats follow!

Sorry to bother your office with this issue! Thank you in advance!



Roger Cope, Historic Preservationist

Sent from my iPhone

Begin forwarded message:

From: Roger Cope <copearchitectsinc@gmail.com>
Date: July 11, 2025 at 4:52:46 PM EDT
To: "Carney, Tom" <Carney@mydelraybeach.com>, long@mydelraybeach.com,
burns@mydelraybeach.com, markert@mydelraybeach.com, "Casale, Juli"
<Casale@mydelraybeach.com>
Cc: "Gianniotes, Anthea" <GianniotesA@mydelraybeach.com>, "Hoyland,
Michelle" <HoylandM@mydelraybeach.com>, "Alvarez, Amy"
<Alvarez@mydelraybeach.com>, "Paliwoda, Katherina"
<paliwodak@mydelraybeach.com>, "Hewett, Michelle"
<hewettm@mydelraybeach.com>
Subject: 46 Marine Way in the National Marina Historic District

Mayor & Commissioners:

Thank you for reviewing Tuesday nights Item 7C (Resolution 135-25), a COA approval recently granted by the HPB Board for a residence at 46 Marine Way within the National Marina Historic District. I have been opposed to it since its inception, and believe the Board erred in passing it.

I am an Architect in Delray Beach specializing in Historic Preservation for the past 32 years. I know there is a much better solution.

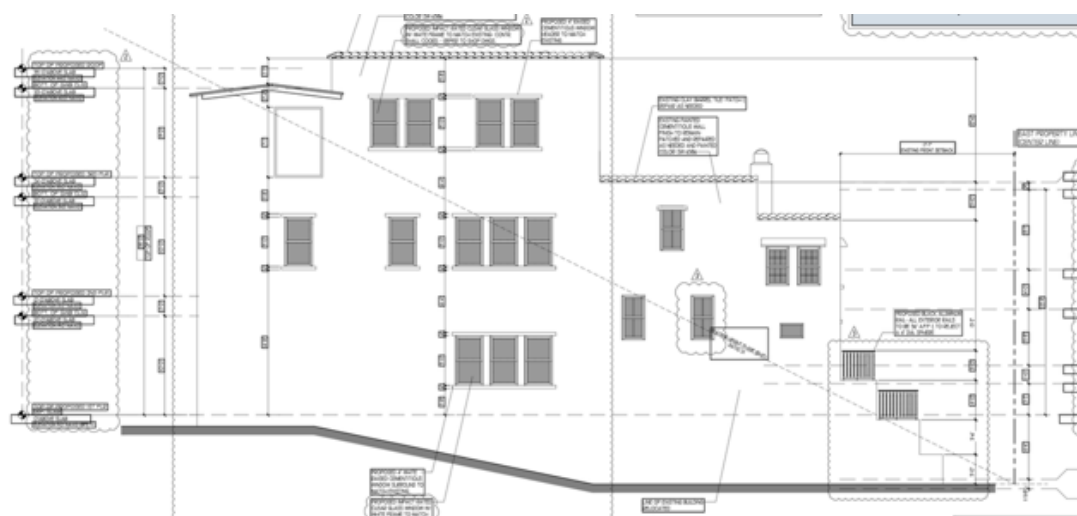
May I say that your STAFF has completed an exhausting and outstanding assessment of the Project citing no less than twenty (20) general areas of grave concern. Excessive massing, excessive height, disrespect for the Secretary of Interior's Standards, violation of a design tool referred to as "the Building Height Plane", building FORWARD of the front of the existing structure (a "Cardinal Sin" as established by Staff), an excessive ask for too many Variances & Waivers, generally - very poor Architectural Design philosophies evident in every aspect of the Project, no discernable design features between existing fabric and proposed expansion.....

Your Staff has it CORRECT. The professionals on your HPB Advisory Board had it CORRECT, they ALL voted against it (citing far too many concerns). The historic preservation community and many surrounding neighbors oppose it - as they are the most aggrieved party.

Please see the attached graphic which is of their South Elevation - this ENTIRE un-eventful, poorly designed facade is a mere 2'-3" off of its associated property line whereby the Code requires 7'-6".....it is more suited to comply with the density, height and massing of nearby Atlantic Crossings than it is to the single family Historic District along Marine Way. It reads as a four-story structure and dwarfs everything around it.

Please deny the Project as currently designed as it is extremely inappropriate in too many ways. The City deserves a much more sensitive and APPROPRIATE solution on this all important, highly visible parcel within our National Marina Historic District.

Roger Cope



From: [Morgan, Nohemi](#)
To: [Burns, Angela](#)
Subject: Re: 46 Marine Way in the National Marina Historic District
Date: Tuesday, July 15, 2025 12:29:27 PM
Attachments: [image0.png](#)
[SOUTH ELEVATION.PNG](#)
[Outlook-signature_.png](#)

Will do!

Respectfully,



Nohemi Morgan
Executive Administrative Assistant
City Commission Office
100 N.W. 1st Avenue, Delray Beach, FL 33444
O: 561-243-7005 | morgann@mydelraybeach.com

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From: Burns, Angela <Burns@mydelraybeach.com>
Sent: Tuesday, July 15, 2025 12:28 PM
To: Morgan, Nohemi <MorganN@mydelraybeach.com>
Subject: FW: 46 Marine Way in the National Marina Historic District

Print this please.

Regards,

Angela D. Burns
Commissioner, Seat 4

CITY OF DELRAY BEACH



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Cc: Terrence R. Moore <moore@mydelraybeach.com>; Gianniotes, Anthea <GianniotesA@mydelraybeach.com>

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Date: July 14, 2025 at 2:42:45 PM GMT+2

To: "Gelin, Lynn" <GelinL@mydelraybeach.com>

Cc: "Gianniotes, Anthea" <GianniotesA@mydelraybeach.com>, "Hoyland, Michelle" <HoylandM@mydelraybeach.com>

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burns@mydelraybeach.com, markert@mydelraybeach.com, "Casale, Juli"
<Casale@mydelraybeach.com>
Cc: "Gianniotes, Anthea" <GianniotesA@mydelraybeach.com>, "Hoyland,
Michelle" <HoylandM@mydelraybeach.com>, "Alvarez, Amy"
<Alvarez@mydelraybeach.com>, "Paliwoda, Katherina"
<paliwodak@mydelraybeach.com>, "Hewett, Michelle"
<hewettm@mydelraybeach.com>
Subject: 46 Marine Way in the National Marina Historic District

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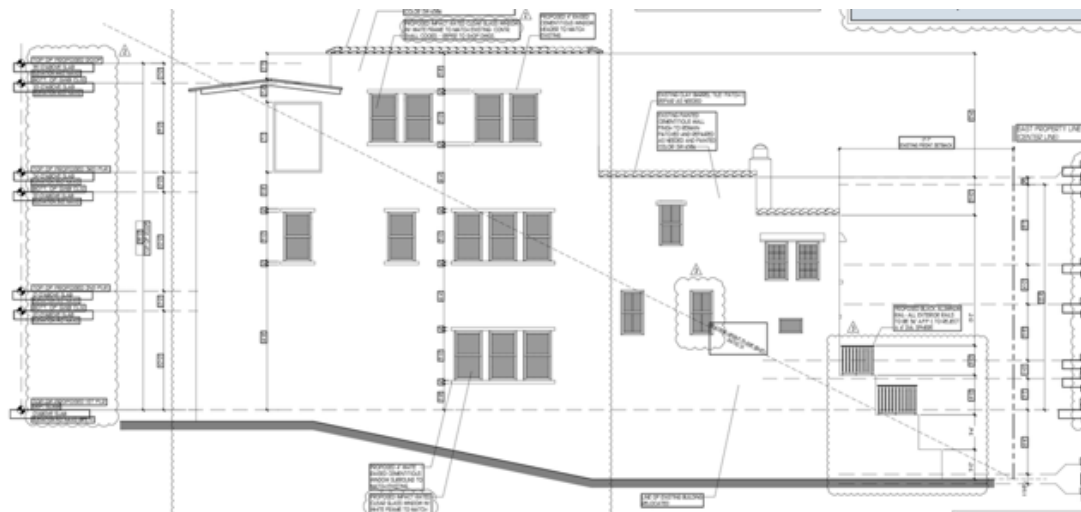
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Roger Cope



From: [Casale, Juli](#)
To: [Morgan, Nohemi](#)
Subject: Re: Quasi-Judicial Item Disclosures for City Commission Meeting - July 15
Date: Tuesday, July 15, 2025 9:45:56 AM
Attachments: [Outlook-signature .png](#)
[Outlook-City of De.png](#)

Aside from what is on the server.

I met with the applicants representative, Neil Schiller, at the location yesterday - July 14, 2025.

At Jim Chard's request, I met with Christin Finn and James Chard approximately 8-9 months ago - I am not certain of the date. While this project was what prompted the discussion, the topic of discussion was about concerns with the city process more than a discussion about the project itself. During the meeting I listened to complaints about the process. I was provided a stack of documents that were all part of the application and public record - I do not have those today. At the conclusion of the meeting I asked for email documentation of some of the statements/accusations made about the staff and process. I followed up and was told the email may have been deleted or were unlocatable. When supporting documents were not provided I had no further conversations.

Juli



Juli Casale
Commissioner
City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444
(561) 243-7010
casale@mydelraybeach.com

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From: Morgan, Nohemi <MorganN@mydelraybeach.com>

Sent: Tuesday, July 15, 2025 8:36 AM

To: Commissioners, Mayor <Commissioners_Mayor@mydelraybeach.com>

Cc: Thomas Carney <tfc@carneystanton.com>; Givings, Alexis <givingsa@mydelraybeach.com>; Agenda Coordinator <agcoordinator@mydelraybeach.com>; Gelin, Lynn <GelinL@mydelraybeach.com>

Subject: Quasi-Judicial Item Disclosures for City Commission Meeting - July 15

Good morning Mayor and Commissioners,

To comply with City of Delray Beach Local Rules of Procedure (attached), please submit the following highlighted disclosures for agenda item 7C **by 11:00 AM today July 15th:**

7C: RESOLUTION NO. 135-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CERTIFICATE OF APPROPRIATENESS FOR THE PROPERTY LOCATED AT 46 MARINE WAY, AS MORE PARTICULARLY DESCRIBED HEREIN; APPROVING A VERTICAL RELOCATION PURSUANT TO SECTION 4.5.1(E)(6)(B) (1) OF THE LAND DEVELOPMENT REGULATIONS (LDR); APPROVING VARIANCES TO LDR SECTION 4.3.4(K) TO REDUCE THE FRONT, SIDE INTERIOR, AND REAR SETBACKS FOR THE STRUCTURE AND TO LDR SECTION 4.6.15 TO REDUCE THE SIDE INTERIOR SETBACK FOR A SWIMMING POOL; APPROVING WAIVERS TO THE VISUAL COMPATIBILITY STANDARDS IN LDR SECTIONS 4.5.1(E)(7)(A)(1), 4.5.1(E)(7)(J)(2), AND 4.5.1(E)(7)(M)(6) ; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL).

Disclosure of Ex Parte Communications. The Commission or Board shall disclose any Ex Parte communications and shall disclose whether any member physically inspected the property in anticipation of their consideration of the agenda item.

(a) Effective May 1, 2025, as part of the backup materials for agenda items before the City Commission, the City Clerk will provide a Memorandum to the City Commission evidence a good faith effort to locate Ex Parte communications within the City server.

(b) Members of the Commission or Board members who have identified records not located within the City server shall provide those communications to the City or Board Clerk for inclusion in the backup materials.

(c) For all other communications, to the extent possible, the Commissioner or Board member shall identify with whom the communication took place, summarize the substance of the communication, and the date of the site visit, if any.

Please submit all documentation to me by 11:00 AM today to ensure disclosures are added to the agenda before tonight's City Commission

meeting.

If you have any questions, feel free to contact me.

Respectfully,



Nohemi Morgan

Executive Administrative Assistant

City Commission Office

100 N.W. 1st Avenue, Delray Beach, FL 33444

O: 561-243-7005 | morgann@mydelraybeach.com

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From: [Burns, Angela](#)
To: [Morgan, Nohemi](#)
Subject: Re: Quasi-Judicial Item Disclosures for City Commission Meeting - July 15
Date: Tuesday, July 15, 2025 12:05:59 PM
Attachments: [Outlook-signature .png](#)

Good afternoon. I met with the city attorney and the attorney for this project Mr. Schiller on Monday June 30th.

Get [Outlook for iOS](#)

From: Morgan, Nohemi <MorganN@mydelraybeach.com>
Sent: Tuesday, July 15, 2025 8:36:48 AM
To: Commissioners, Mayor <Commissioners_Mayor@mydelraybeach.com>
Cc: Thomas Carney <tfc@carneystanton.com>; Givings, Alexis <givingsa@mydelraybeach.com>; Agenda Coordinator <agcoordinator@mydelraybeach.com>; Gelin, Lynn <GelinL@mydelraybeach.com>
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