

# HISTORIC PRESERVATION BOARD CITY OF DELRAY BEACH

## ---STAFF REPORT---

**MEETING DATE:** December 19, 2017

**ITEM:** 20 West Atlantic Avenue, Old School Square Historic District (Building 'B') – Consideration of a Certificate of Appropriateness for the **Relocation** of a contributing structure.

**RECOMMENDATION:** Approve the Certificate of Appropriateness for the relocation of Building 'B'

### GENERAL DATA:

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

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

**Location:** 20 W Atlantic Avenue between  
SW 1<sup>st</sup> Avenue and Swinton Avenue

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

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

**Building Reference:** (Building 'B')

**Year Built:** 1940

**Present Use:** Office

**Proposed Use:** Retail or professional offices



## ITEM BEFORE THE BOARD

The item before the Board is the consideration of a Certificate of Appropriateness (COA) for the relocation of Building 'B', annex to the Rectory located at 16 South Swinton Avenue, Block 61, Old School Square Historic Arts District, (OSSHAD) pursuant to LDR Section 2.4.6(B).

## BACKGROUND / DESCRIPTION

The 1963 Sanborn Map shows Building 'B' footprint in approximately the same location as a shed that once occupied the site. Building 'B' was built partially on the shed site and slightly to the east. The building currently functions as an office, and appears to be in good condition. Built in 1940, the subject property, Building 'B', is classified as contributing to the OSSHAD. Architecture - It is a 736 SF 1-story wood frame Minimal Traditional building located immediately south of the Rectory (Building A), oriented north between SW 1<sup>st</sup> Avenue and S. Swinton Avenue. It has a simple plan with a low pitch side gable roofline covered with standing seam metal roof that appears to be in good condition. The exteriors are covered with painted wood siding, and adorned with patterned shingles on the pediment of the small gable front porch. The windows are single hung non-impact 6/6 with louvered wood shutters. The North Façade exhibits a low pitch side gable roofline. A small pediment style entry porch supported with two columns is noted on its main façade facing north and a single multi-pane door accesses the main entrance. The East Façade exhibits an exterior gable fireplace chimney flanked by a shuttered multi-pane window on the north side of the fireplace. The West Façade has a central single 6/6 window with louvered shutters. The South Façade exhibits a single multi-pane door centrally located flanked by 6/6 windows with louvered shutters.

The north end of Block 61 has a CBD overlay that allows for more intense development, consequently there is pressure for more intense development in the CBD overlay to make the area more viable and contributing to the local economy. Building 'B's small footprint and existing location on the north end of Block 61 (approximately 181' south of West Atlantic Avenue and 83' west of South Swinton) is viewed by the applicant as being incompatible with the redevelopment proposed for Block 61. For Building 'B' to remain at its existing location, it would be overshadowed by the 4-story mixed use development proposed to the north. The applicant is requesting that Building 'B' be relocated temporarily and also permanently to the south end of Block 61. It is proposed to be permanently relocated approximately 15' from SW 1<sup>st</sup> Street. Its permanent relocation is approximately 362' south with a 90 degree reorientation from its existing site.

The CBD overlay along West Atlantic Avenue, Block 61 allows 4-story commercial structures, which would overshadow Building B's one-story small footprint were it to remain at its existing location. Its relocation on the south end of Block 61, co-located with other 1-and 2-story historic buildings with similar architectural characteristics creates a more compatible setting. The intended use of the historic buildings proposed for relocation/reconstruction on Block 61 is for small scale retail, boutiques and professional offices that will attract office workers, hotel guests and visitors from the nearby hotels, offices, retail and restaurants in Midtown Delray redevelopment on Blocks 61, 69, 70 and the Sundry Block, providing the foot-traffic needed for a small business proposed for Building 'B' and other historic buildings to be successful. Additionally, Building 'B's architectural integrity is preserved. Its new location will help it remain a viable and contributing historic resource. Please refer to overall Site Building

Demo/Relocation and Master plan prepared by REG Architects, which shows Building 'B' in its proposed relocation on Block 61.

### DEVELOPMENT STANDARDS

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

| <b>Setbacks:</b>     | <b>Requirement</b> | <b>Existing</b> | <b>Proposed</b> |
|----------------------|--------------------|-----------------|-----------------|
| Front (East)         | 25'                | 83.5'           | <b>82'</b>      |
| Side interior(North) | 7'-6"              | 65'             | <b>22'</b>      |
| Side Street (South)  | 7'-6"              | 7.34'           | <b>14'</b>      |
| Rear (West)          | 10'                | 14.67'          | <b>28'</b>      |

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

### LDR SECTION 4.5.1

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

Pursuant to **LDR Section 2.4.6(H)(5)**, Prior to approval, a finding must be made that any Certificate of Appropriateness which is to be approved is consistent with Historic Preservation purposes pursuant to Objective A-4 of the Land Use Element of the Comprehensive Plan and specifically with provisions of Section 4.5.1, the Delray Beach Historic Preservation Design Guidelines, and the Secretary of the Interior's Standards for Rehabilitation.

Pursuant to **LDR Section 4.5.1(E), Development Standards**, all new development or exterior improvements on individually designated historic properties and/or properties located within historic districts shall, comply with the goals, objectives, and policies of the Comprehensive Plan, the Delray Beach Historic Preservation Design Guidelines, the Secretary of the Interior's Standards for Rehabilitation, and the Development Standards of this Section. Relief from Subsections (1) through (9) below may be granted by seeking a waiver approvable by the Historic Preservation Board, unless otherwise stated.

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

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

Pursuant to **LDR Section 4.5.1(E)**, in considering proposals for alterations to the exterior of historic buildings and structures and in applying development and preservation standards, the documented, original design of the building may be considered, among other factors.

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

The applicable Standards are noted below:

Standard 2 The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Standard 3 Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

Building 'B' will be relocated intact including its fireplace. Building 'B' will be preserved. There are no historic features, alterations planned for its relocation complying with Standard 2 & Standard 3. Any changes shall be in accordance with the Secretary of the Interior's Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines, pursuant to **LDR Section 4.5.1(E)(5), Standards and Guidelines,**

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

Building 'B' is located near property that has a CBD overlay, which was intended to rejuvenate blighted areas such as West Atlantic Avenue and allows more intense development. The small footprint of Building 'B' does not comply with the needs of the owner, however, the developer does intend to preserve the contributing historic building at its proposed relocation site. Additionally, Building 'B' in its existing location would be over shaded by the 4-story mixed use development proposed in the CBD overlay area north of its existing site. At this time the owner has not claimed undue economic hardship. If the owner decides to claim undue economic hardship, the owner must comply and submit all materials requested in Article 4.5, Section 4.5.1 (H).

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

- a. **Whether the structure will be relocated within the same historic district, into a new historic district, or outside of a historic district;**
- b. **Whether the proposed relocation may have a detrimental effect on the structural soundness of the building or structure;**

- c. **Whether the proposed relocation would have a negative or positive effect on other historic sites, buildings, or structures within the originating historic district, at the new site;**
  - d. **Whether the new surroundings of the relocated structure would be compatible with its architectural character; and,**
  - e. **Whether the proposed relocation is the only practicable means of saving the structure from demolition.**
- a) Building 'B' will be relocated within the same historic district;
  - b) According to *Justification Statement and Relocation Criteria*, A Field Report by Robert J. Selinsky, P.E., August 13, 2015 and Mike Brovant of Wolfe House and Building Movers indicate that Building 'B' shows no signs of structural distress and no structural defects are noted in the exterior walls. That the building could be moved to its new location, including the existing fireplace
  - c) Its relocation will have a positive effect on exiting and relocated historic buildings at its new site
  - d) Its new surroundings will be compatible with its architectural character;
  - e) Relocating Building 'B' is a practical means of saving it from demolition.

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

- a. **A detailed explanation of the relocation method including the type of machinery and equipment to be utilized;**
  - b. **A demolition plan illustrating any parts of the structure to be removed or modified to facilitate the relocation;**
  - c. **An illustration of locations where the building will be split, as applicable;**
  - d. **The name of the Florida Licensed Building Mover who will relocate the structure(s) and the following support materials, if available:**
    - i. **A description of the Florida Licensed Building Mover's past experience in moving historic buildings of a similar construction technique.**
    - ii. **Photographs of prior relocation projects completed by the Florida Licensed Building Mover taken before and after the relocation, if applicable.**
  - e. **A certified engineering report which includes:**
    - i. **A relocation feasibility study with an assessment of the building's structural condition to determine any damage that might occur during the move.**
    - ii. **Details and a description of the historic structure's construction type including technique and materials and current condition of materials.**
    - iii. **Identification of any areas of concern, and how these areas will be addressed prior to the relocation.**
- a) "Buckingham Structural Moving Equipment" will be used to move the structure, which shows the type of equipment that have been used to move buildings throughout the country. Information is found in the appendix of the application package.
  - b) There are no modifications to the building planned to move Building 'B' to its new location.
  - c) The small footprint of Building 'B' does not require it to be split for moving to new location.

- d) Wolf House and building Movers will register as a subcontractor under a Florida General Contractor who supposedly will perform the preparatory work related to the right-of-way preparation, relocation of overhead utilities, traffic signals and general maintenances of traffic during the preparation for any relocation. Backup information relating to the experience of Wolf House and Building Movers are included in the application found in the appendix.
- e) Building 'B' is a one-story wood frame structure that shows no signs of structural distress, defects observed in the exterior walls noted by consulting engineers McCarthy and Associates. A Certified engineering report as necessary will be provided by the applicant.

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

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

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

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

The applicant shall submit COA for relocation concurrently with application for a Certificate of Appropriateness for the new development on the originating site

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

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

**Pursuant to LDR Section 4.5.1(E)(6)(a)6., Relocation, Relocation of Contributing or Individually Designated Structures, Successful or Unsuccessful Relocation, the relocation of a historic structure is deemed successful when either no damage occurs during or as a result of the relocation or minimal damage occurs which is not deemed to compromise the integrity (structurally and architecturally) of the structure, and when the relocation is completed in accordance with the approved Certificate of Appropriateness, including the associated Relocation Plan.**

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

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

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

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

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

- 1. The building to be relocated shall be secured from vandalism and potential weather damage before and after its move, in a manner as approved by the Chief Building Official.**
- 2. All structures approved for relocation and awaiting issuance of a building permit for the new development on the originating site shall be maintained so as to remain in a condition similar to that which existed at the time of the application.**
- 3. All structures to be relocated pursuant to this Section shall comply with the requirements of Section 7.10.11, "Moving of Building: Historic Structures".**

Applicant shall meet all requirements pursuant to LDR Section 4.5.1(E)(6)(d), Relocation, Supplemental Requirements, (1-3) relating to securing for vandalism, weather damage, be maintained awaiting permits and comply with requirements of Moving Historic Structures.

### **Comprehensive Plan**

**Pursuant to the Future Land Use Element, Objective A-4, the redevelopment of land and buildings shall provide for the preservation of historic resources. The objective shall be met through continued adherence to the City's Historic Preservation Ordinance and, where applicable, to architectural design guidelines through the following policies:**

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

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

Comprehensive Plan, Pursuant to the Future Land Use Element, Objective A-4: Relocating Building 'B' from the north end Block 61 to south end of Block 61 within OSSHAD, the applicant preserves the historic resource meeting Comprehensive Plan Objective A-4. Building 'B' scale, and architecture possesses identifying characteristics of the existing neighborhood. The redevelopment of Block 61 with a partial CBD overlay which was intended to rejuvenate blighted areas such as West Atlantic Avenue allows more intense redevelopment, which will substantially change the areas of Block 61. Consequently, Building 'B' would no longer possess identifying characteristics with the new construction on the north end of Block 61. By relocating it to the south end of Block 61, Building 'B' is preserved and will identify with the setting and other historic buildings are also relocated or reconstructed on Block 61 as proposed.

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| <b>ALTERNATIVE ACTIONS</b> |
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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>A. Continue with the following direction:</p> <ol style="list-style-type: none"><li>1. That justification regarding the relocation be provided which addresses its viability in its current location;</li><li>2. That information regarding the relocation method be provided;</li><li>3. That a report regarding the structural stability including an analysis of the original building materials of the structure be provided; and,</li></ol> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

4. That a complete demolition plan be submitted which includes the interior of the structure.
- B. Move to approve the COA (Building 'B') for the relocation of the contributing structure on the property located at 20 West Atlantic Avenue, Block 61 to the property located at **the** south end of Block 61 (address to be determined) OSSHAD by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.
- C. Move to deny the COA (Building 'B') for the relocation of the historic structure on the property located at 20 West Atlantic Avenue, Block 61 to the property located at the south end of Block 61 (address to be determined) OSSHAD by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

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| <b>RECOMMENDATION</b> |
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Move to approve the COA (Building 'B') for the relocation of the contributing structure on the property located at 20 West Atlantic Avenue, OSSHAD to the property located at southwest section of Block 70 (address to be determined) OSSHAD by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.



## MIDTOWN DELRAY

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



Planning, Zoning and  
Building Department



Midtown Delray Boundary

Midtown Delray



1 inch = 200 feet