

**MINUTES
HISTORIC PRESERVATION BOARD
CITY OF DELRAY BEACH**

MEETING DATE: January 17, 2024

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

The meeting was called to order by Jim Chard, Chair at 6:00 P.M.

2. ROLL CALL

A quorum was present.

Members present Jim Chard, Chair; John Miller, Vice Chair; Chris Cabezas, 2nd Vice Chair; Ivan Heredia; Peter Dwyer, Kristin Finn, and John Brewer.

Absent none

Staff present were William Bennett, Assistant City Attorney; Michelle Hoyland, Principal Planner, Michelle Hewett, Planner; Katherina Paliwoda, Planner; and Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Motion to APPROVE the agenda for January 17, 2024, made by John Brewer and seconded by John Miller.

MOTION CARRIED 7-0

4. MINUTES

Motion to APPROVE the October 4, 2023, minutes were made by Peter Dwyer and seconded by Chris Cabezas.

Motion Carried 7-0

5. SWEARING IN OF THE PUBLIC

Chair, read the Quasi-Judicial Rules for the City of Delray Beach and Diane Miller swore in all who wished to give testimony.

6. COMMENTS FROM THE PUBLIC

None

7. PRESENTATION

- A. Historic Preservation Board Bylaws: William Bennett, Asst. City Attorney presented the adoption of the bylaws with minor changes. The main change is to adjust the time that the board has to wait before they have to terminate the meeting for a non-quorum. It was 30 minutes and has been changed to 15 minutes. The second item appropriate for board discussion would be the bylaws to continue with the meeting to commence at 6:00pm or if the board would consider starting at 5:01pm as being consistent with the other advisory boards.

Michelle Hoyland explained that some of the other boards moved to a 5:01pm start whereas the other are continuing with a 5:01pm start. Presenting this change would not have confusion with the public on what time the boards begin.

John Miller asked if there was any pushback from other boards and Ms. Hoyland said that there was not.

MOTION to approve the Historic Preservation Bylaws for 2024 made by Chris Cabezas and seconded by Kristin Finn.

Motion Carried 7-0

8. QUASI-LEGISLATIVE ITEMS-CITY INITIATED

- A. **Certificate of Appropriateness (2024-039):** Consideration of a Certificate of Appropriateness request for the installation of a new awning to the front a 2-story single-family residence known as the Price House.

Address: 1109 Seaspray Avenue, Individually Designated to the Local Register of Historic Places

Owner/Agent: Sandra and David Boucher; sandraboucher@mac.com

Planner: Michelle Hewett, hewettm@mydelraybeach.com

Michelle Hoyland, Principal Planner entered file 2024-039 into the record.

Exparte

Ivan Heredia - None

Kristin Finn - None

John Brewer - None

John Miller - None

Jim Chard - None

Chris Cabezas - None

Peter Dwyer - None

Applicant

Tom Carney, 135 SE 5th Avenue representing the owner, David and Sandra Boucher.

Staff Presentation

Katherina Paliwoda, Planner presented through Microsoft PowerPoint presentation.

Public Comment

None

Rebuttal/Cross

None

Board Comments

Ivan Heredia - Simple addition, no issues

Kristin Finn - No issues

John Miller - Change with awning is good.

John Brewer - No issues

Chris Cabezas - No issues

Peter Dwyer - No issues

Jim Chard - Asked if Ogrin was known for cemetery.

MOTION to approve the Certificate of Appropriateness (2024-039), for the property located at 1109 Seaspray Avenue and known as The Price House, Individually Designated to the Local Register of Historic Places, by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations was made by Chris Cabezas and seconded by Kristin Finn.

MOTION CARRIED 7-0

- B. Certificate of Appropriateness (2024-043):** Consideration of a Certificate of Appropriateness request associated with changes to window glass appearance for an existing, commercial contributing structure.

Address: 202 N. Swinton Avenue, Old School Square Historic District

Owner: Ron Kurzman; ronkurzman@gmail.com

Agent: Roger Cope; copearchitectsinc@gmail.com

Planner: Michelle Hewett, hewettm@mydelraybeach.com

Michelle Hoyland, Principal Planner entered the file 2024-043 into the record.

Agent Presentation

Roger Cope – provided a presentation to the board.

Staff Presentation

Michelle Hewett, Planner presented through Microsoft PowerPoint presentation.

Public Comment

George Long - Not a window expert but looking to help the applicant.

Exparte

Ivan Heredia - None

Kristin Finn - None

John Miller - None

John Brewer - None

Chris Cabezas - None

Peter Dwyer - None

Jim Chard - None

Rebuttal/Cross

Ron Kurzman – Owner - We have been a year in permitting and trying to restore the siding of the house and the process of the project. When ordering the windows we were instructed to order Clear, Low E glass. There has been no conversation regarding the color of green tint. The original windows were a renovation project from the prior owner, and we are not replacing the windows from a historic expensive window.

Michelle Hoyland - One comment from Mr. Cope's presentation was that a couple of windows have been installed and it has been at least ten windows. Also, there was testimony about staff saying they were going to change the way we do our staff reports and there is no change. Another comment is that the applicant has been in for permit since June 2023 and the windows were done prior to obtaining a permit. The original request was approved at the March 2023 board meeting.

Board Comments

Peter Dwyer – Yes, has worked in the construction industry, and the low-E coating does impart color and it is in the surface of the glazing. If it is low-E you there will not be pure clear glass.

Ivan Heredia – Asked how this can be prevented from happening again.

John Brewer – Listening to conversations it seems like there is a lack of clarity and is sympathetic to the amount of work and expense that has been put into this project.

Kristin Finn – Disagreed with the comments. The owner came before the board and it was specified that clear glass was approved and there is a reason for that. What was the process. Were the windows installed prior to discussing with the city?

Ron Kurzman – Stated he was in front of the board and ordered clear low-E glass and not sure what the difference is. Stated that the color is perception and stated that the color doesn't exist in reality.

Ivan Heredia – Felt that once low-E windows were introduced, that is where the discrepancy or disconnect occurred.

John Miller – There is a lot of definitions of clear glass, however the window that was installed has a tint. This could have been an honest accident and theoretically the windows can be sent back to manufacturer. The owner has put a lot of effort into this project but is concerned with what precedent this could set going forward.

Michelle Hoyland – (Ms. Hoyland read an excerpt from the Historic Preservation Design Guidelines). Noted that historic structures are exempt from compliance with the Energy Code and that applicants are not required to use low-E glass. Ms. Hoyland disagreed with Mr. Cope saying that he can't have windows without low-E. This issue is not perception and it is very clearly recognizable that the windows are reflective and green.

Jim Chard – Asked the applicant to explain how the windows got installed before the permit was approved.

Ron Kurzman – Stated that the windows were installed and we do not need to check with staff before ordering windows. We ordered the windows via approval of the Historic Board.

MOTION to approve Certificate of Appropriateness (2024-043), for the property located at 202 N. Swinton Avenue, Old School Square Historic District, by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations made by John Miller and seconded by Peter Dwyer with discussion by Ivan Heredia.

Mr. Heredia said there was not clear direction on the windows and move forward. Chris Cabezas asked why there was not clear direction of the windows being installed before the permit was approved and why wasn't an answer provided.

MOTION CARRIED 4-3

Michelle Hoyland, Principal Planner entered all the files for Downtown Delray Villas (A.K.A Magnolia Place) into the record at one time.

C. Certificate of Appropriateness, Demolition, Variances, and Waiver (2023-134):

Consideration for a Certificate of Appropriateness, Demolition, Variances & Waiver in association with the construction of a new 2-story duplex structure

Address: Downtown Delray Villas - Lot 1 (A.K.A Magnolia Place - 19 SE 2nd Street),
Old School Square Historic District

Owner/Applicant: 130 SE 1st, LLC; reception@seasidebuildersfla.com

Agent: Jeffrey A. Costello; jcostello@jcplanningsolutions.com

Planner: Michelle Hewett; hewettm@mydelraybeach.com

D. Certificate of Appropriateness, Demolition, Variances, and Waiver (2023-136):

Consideration for a Certificate of Appropriateness, Demolition, Variances & Waiver in association with the construction of a new 2-story duplex structure.

Address: Downtown Delray Villas - Lot 2 (A.K.A Magnolia Place - 148 SE 1st Avenue),
Old School Square Historic District

Owner/Applicant: 130 SE 1st, LLC; reception@seasidebuildersfla.com

Agent: Jeffrey A. Costello; jcostello@jcplanningsolutions.com

Planner: Michelle Hewett; hewettm@mydelraybeach.com

E. Certificate of Appropriateness, Demolition, Variances, and Waiver (2023-133):

Consideration for a Certificate of Appropriateness, Demolition, Variances & Waiver in association with the construction of a new 2-story duplex structure.

Address: Downtown Delray Villas - Lot 3 (A.K.A Magnolia Place - SE 1st Avenue), Old School Square Historic District

Owner/Applicant: 130 SE 1st, LLC; reception@seasidebuildersfla.com

Agent: Jeffrey A. Costello; jcostello@jcplanningsolutions.com

Planner: Michelle Hewett; hewettm@mydelraybeach.com

F. Certificate of Appropriateness, Variances, and Waiver (2023-132): Consideration for a Certificate of Appropriateness, Variances & Waiver in association with the construction of a new 2-story duplex structure
Address: Downtown Delray Villas - Lot 4 (A.K.A Magnolia Place - 134 SE 1st Avenue), Old School Square Historic District
Owner/Applicant: 130 SE 1st, LLC; reception@seasidebuildersfla.com
Agent: Jeffrey A. Costello; jcostello@jcplanningsolutions.com
Planner: Michelle Hewett; hewettm@mydelraybeach.com

G. Certificate of Appropriateness, Demolition, Variances, and Waiver (2023-135): Consideration for a Certificate of Appropriateness, Demolition, Variances & Waiver in association with the construction of a new 2-story duplex structure.
Address: Downtown Delray Villas - Lot 5 (A.K.A Magnolia Place - 130 SE 1st Avenue), Old School Square Historic District
Owner/Applicant: 130 SE 1st, LLC; reception@seasidebuildersfla.com
Agent: Jeffrey A. Costello; jcostello@jcplanningsolutions.com
Planner: Michelle Hewett; hewettm@mydelraybeach.com

Exparte

Ivan Heredia - Received emails from Claudia Willis & Mr. Mayo
Kristin Finn - Received a voicemail and emails from Claudia Willis & Mr. Mayo
John Brewer - Received emails from Claudia Willis & Mr. Mayo, phone call from Commissioner Long.
John Miller - Received emails from Claudia Willis & Mr. Mayo
Jim Chard - None
Chris Cabezas - None
Peter Dwyer - None

Applicant

Gary Eliopoulos - GE Architects
Jeff Costello - JC Planning Solutions
Tom Laudani - Seaside Builders
Chris Bernardo - Attorney

Staff Presentation

Michelle Hoyland, Principal Planner presented through Microsoft PowerPoint presentation.

Rebuttal/Cross

Gary Eliopoulos – Regarding the structure that is recommended as contributing, he disagreed. It represents a time period post WWII, and the owner probably didn't even consult with architects just wanted a building for people to live in. There are no elements on the building that are historic, and we feel that the building should be knocked down. Regarding massing, Mr. Eliopoulos said to look at the streetscape and mostly vacant lots.

Michelle Hoyland - In the applicant's presentation talked about historic longevity of new structures and staff agree. The style that the applicant has presented is not the issue but the repetitive nature of the buildings. The massing examples that were given in the applicants presentation, are smaller in scale and located in a different part of the historic

district, however staff was not given those examples as any part of a study that they could have accessed prior to this meeting. Discussed properties that are closer than 25 feet to the front property line. Regarding material for the new structures, important to be authentic, the simulated stucco board and batten siding doesn't provide the appearance of wood like Hardi-board does as with such there is a wood grain appearance. Disagreed that there are mostly vacant lots on this street, as there are three structures on the subject four lots.

Public Comment

Tyler Knight - 180 SE 5th Avenue - Mr. Knight read into the record comments from the public.

Roger Cope - 701 SE 1st Street - Great project and hope the siding is endorsed.

George Long - 46 N. Swinton - Very nice project.

Joe Pasquarella - 111 SE 1st Avenue - Support the project.

Rebuttal/Cross

Gary Eliopoulos - None

Michelle Hoyland - The code has a set of standards that are applied and certain styles that are allowed per historic district.

BOARD RECESS-9:00PM

RECONVIENED-9:10PM

William Bennett, Asst. City Attorney - Comment in general regarding emails. All the emails are unsworn statements not subject to cross examination by the applicant. The board should not rely on these emails when making a decision. Also, some of the emails from the public were generally in support of the project. Reminded the board to follow the Quasi-Judicial Hearing rules and procedures.

Board Comments

John Miller - He commented on the abutting CBD zoning and asked if those structures were in or nor they out. Regarding Lot 5, did not like seeing the structure being demolished. Waivers and Variances are to help with flexibility for historic structures and did not see the need for these requests but the height is ok. Mr. Miller disagreed about the adaptive reuse. The only thing that would be relative would be the dirt. Lastly, visual compatibility seems to be a problems as he sees the building to be a 'Cookie Cutter' style. With these concerns Mr. Miller stated he could not support the project, nor subdivision for Lots 1-5.

Kristin Finn – Thought the density is fine and liked the architecture. Felt that the design should be built to the lot, suggested that the plat be for 4 lots and not 5 lots. With 5 lots this would be described as incompatible massing. With these concerns Ms. Finn could not support the project, nor subdivision for Lots 1-5.

John Miller added that this project did receive relief in the form of approval from Commission on the reduction of the right-of-way, so there should be an additional five feet back from where the Building Height Plane starts. There is some relief but still does not

meets the standards.

Ivan Heredia – Agreed with comments from Mr. Miller and Ms. Finn and his main concern is that the alley is to be for service traffic. The alley should not be the front of the house and definitely not a proper use of the alley. Concerned that there is no landscaping and felt that the architecture is a little over done. Fundamentally, the use of an alley as the front door of a house doesn't work and cannot support the project if that is part of the solution.

John Brewer - I agree that the area needs to be rehabilitated and the buildings about the CBD. These buildings are not in the CBD even though they are downtown.

Chris Cabezas – Thinks there needs to be compatibility with the district and having the property be a little denser. The repetitiveness of the buildings is a big concern for him and hopes landscaping will be helpful and that it is not repetitive.

Peter Dwyer - Agreed with other board members, but would like to go back and look at the requirements that are set forth.

Jim Chard - Felt that the alleys are access for a lot of services. Seen other buildings where the garages have access off the alley. Agreed with the concern about landscaping and hoped that is not repetitive.

Chris Cabezas - Asked staff about the garages in the front plane. Ms. Hoyland said that staff completed a thorough analysis of garages with new construction and they have been pulled back with pergolas.

Jim Chard - Maybe the applicant would like to come back with the suggestions from the board.

Gary Eliopoulos said that he would like the board to vote tonight for either an approval or denial.

MOTION to deny Certificate of Appropriateness, Demolition, Variances, and Waiver request (2023-134), for Downtown Delray Villas – Lot 1 (A.K.A./Magnolia Place - 19 SE 2nd Street), Old School Square Historic District, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations made by John Miller and seconded by Kristin Finn.

MOTION CARRIED 4-3

MOTION to deny Certificate of Appropriateness, Demolition, Variances, and Waiver request (2023-136), for Downtown Delray Villas – Lot 2 (A.K.A./Magnolia Place – 148 SE 1st Avenue), Old School Square Historic District, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations made by John Miller and seconded by Kristin Finn.

MOTION CARRIED 4-3

MOTION to deny Certificate of Appropriateness, Demolition, Variances, and Waiver request (2023-133), for Downtown Delray Villas – Lot 3 (A.K.A./Magnolia Place - SE 1st

Avenue), Old School Square Historic District, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations made by John Miller and seconded by Kristin Finn.

MOTION CARRIED 4-3

MOTION to deny Certificate of Appropriateness and Variances (2023-136), for the property located at Downtown Delray Villas – Lot 4 (A.K.A Magnolia Place – 134 SE 1st Avenue), Old School Square Historic District, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations made by John Miller and seconded by Kristin Finn.

MOTION CARRIED 4-3

MOTION to deny Certificate of Appropriateness, Demolition, Variances and Waiver (2023-135), for Downtown Delray Villas – Lot 5 (A.K.A./Magnolia Place – 130 SE 1st Avenue), Old School Square Historic District, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations made by John Miller and seconded Kristin Finn.

MOTION CARRIED 4-3

H. Plat - Major Subdivision with Waivers (2023-139): Provide a recommendation to the Planning and Zoning Board on "Magnolia place," a Major Subdivision Plat with Waivers, to replat portions of the south half of Lot 13 and all of Lots 14 through 19, inclusive Block 70, Amended plat of Sundy and Cromer's Subdivision of Block 70

Address: Downtown Delray Villas/Magnolia Place (19 SE 2nd Street - 130, 134, & 148 SE 1st Avenue), Old School Square Historic District

Owner/Applicant: 130 SE 1st LLC; reception@seasidebuildersfla.com

Agent: Jeffrey A. Costello; mike@covellidesign.com

Planner: Michelle Hoyland; Hoylandm@mydelraybeach.com

Board Comments

John Miller- Read the following from the staff report:

LDR Section 4.3.1(D) – Application of District Regulation. No yard or lot existing at the time of the passage of this chapter shall be reduced in area or dimensions below the minimum requirements set forth herein. Lots or yards created after October 1, 1990 shall meet the minimum requirements established by this chapter unless the City Commission declares at the time of approval of an associated development application that it is necessary and appropriate to create such a nonconformity.

Mr. Miller felt this project is inappropriate by LDR regulations.

Jim Chard – Asked if there is any reason to pass the plat if we have not passed the COA's?

William Bennett – There is no guarantee but it is anticipated that there will be an appeal of the five denials and if the appeal is granted a full analysis of the plat will be required.

Jeff Costello – Just to clarify, the codes were adopted in 1988 when the district was created. But with block 70 the recorded plat in 1915 the majority of the lots were 50 feet. Nothing has been consistent.

MOTION to recommend denial of the Major Subdivision Plat and Waivers (2023-139), for the property located at Downtown Delray Villas A.K.A. Magnolia Place, Old School Square Historic District, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations made by Ivan Heredia and seconded by Kristin Finn.

MOTION CARRIED 4-3

- I. **Level 3 Site Plan, Certificate of Appropriateness, Landscape Plan, Architectural Elevations, Variance, and Waivers (2023-253):** Consideration of a Level 3 Site Plan, Certificate of Appropriateness, Landscape Plan, Architectural Elevations, Variance, and Waivers for change of use and exterior modifications to structures within Block 61, 69, and 70 of the Sundry Village project.

Address: Sundry Village, Old School Square Historic District

Owner/Applicant: Sundry Village West, LLC; jhochman@pebbcap.com

Agent: Covelli Design Associates, Inc.; mike@covellidesign.com

Planner: Katherina Paliwoda; paliwodak@mydelraybeach.com

Michelle Hoyland - The board has a time certain ending time of 11:00pm leaving 53 minutes and not sure that we will get through this request.

William Bennett - The presentations will go approximately 45-60 minutes which will bring the board past 11pm.

Ivan Heredia - Is this decision only up to the board or does the applicant have an opinion. Mr. Bennett said that this decision would rest with the board members.

Michelle Hoyland – Staff is looking at date for a special meeting and asked if the board members would be available on January 31, 2024.

MOTION to move to continue Item 8.I to January 31, 2024, date certain at 6:00pm made by John Miller and seconded by Ivan Heredia.

MOTION CARRIED 6-1

9. REPORTS AND COMMENTS

A. Staff Comments

The next Historic Preservation Board will meet on January 31, 2024 (Special Meeting-Sundry Village) and February 7, 2024, Regular Meeting.

B. Attorney Comments

None

10. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 10:45 P.M.

The undersigned is the Secretary of the Historic Preservation Board and the information provided herein is the Minutes of the meeting of said body for **January 17, 2024**, which were formally adopted and APPROVED by the Board on _____.

ATTEST:

CHAIR

BOARD SECRETARY

NOTE TO READER: If the Minutes you have received are not completed as indicated above, then this means that these are not the official Minutes of the Historic Preservation Board. They will become official minutes only after review and approval, which may involve some amendments, additions, or deletions.