



# CITY OF DELRAY BEACH

## DEPARTMENT OF DEVELOPMENT SERVICES

100 N.W. 1<sup>ST</sup> AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7040



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### HISTORIC PRESERVATION BOARD STAFF REPORT

226 N. Swinton Avenue

Meeting	File No.	Application Type
June 7, 2023	2022-294	Certificate of Appropriateness, Demolition & Variance

### REQUEST

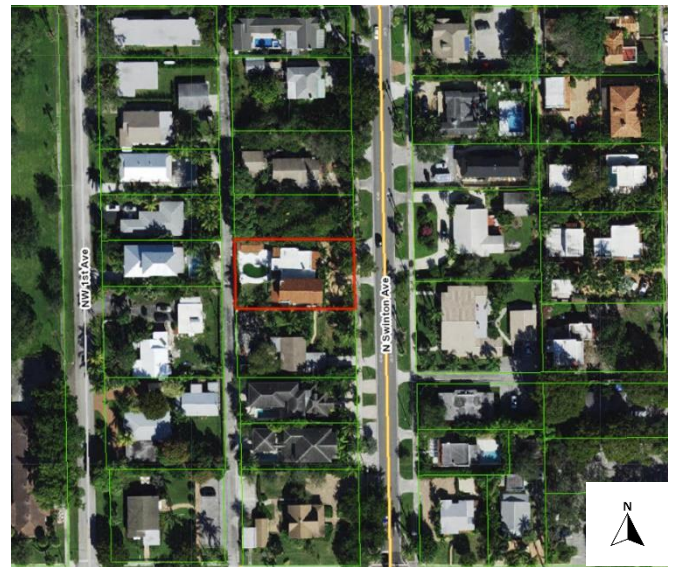
The item before the Board is consideration for a Certificate of Appropriateness, Demolition, and Variance (2022-294) requests for the demolition and construction of an existing rear garage with exterior modifications to an existing 2-story single-family residence on the property located at **226 N. Swinton Avenue, Old School Square Historic District**.

### GENERAL DATA

**Owner:** Cathy and John Barbiarz  
**Agent:** Roger Cope, Cope Architects, Inc.  
**Location:** 226 N. Swinton Avenue  
**PCN:** 12-43-46-17-49-058-0051  
**Property Size:** 0.23 Acres  
**Zoning:** OSSHAD  
**FLUM:** Historic Mixed Use (HMU)  
**Historic District:** OSSHD  
**Adjacent Zoning:**

- OSSHAD (North)
- OSSHAD (East)
- OSSHAD (South)
- OSSHAD (West)

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



### BACKGROUND AND PROJECT DESCRIPTION

The subject property is situated on the west side of North Swinton Avenue between NE 2<sup>nd</sup> Street and NE 3<sup>rd</sup> Street, within the Locally and Nationally designated Old School Square Historic District and contains a 1930 Mission Style residence and 1-car garage. Previously, 226 N. Swinton Avenue and 220 N. Swinton Avenue were joined by a unity-of-title which was recently dissolved. All structures are contributing structures within the district. The structure originally consisted of a 1,490 sq. ft. contributing, one-story, Mission Revival style single-family residence along with a 250 sq. ft. contributing, Frame Vernacular accessory garage circa 1920's. On January 28, 2004, a fire occurred within the structure damaging the wall and ceiling finishes as well as damaging the structural integrity of the roof framing which required repair and replacement.

<b>Project Planner:</b> Katherina Paliwoda, Planner, paliwodak@mydelraybeach.com Michelle Hewett, Planner, hewettm@mydelraybeach.com	<b>Review Dates:</b> June 7, 2023	<b>Attachments:</b> <ol style="list-style-type: none"> <li>1. Plans</li> <li>2. Photographs</li> <li>3. Survey</li> <li>4. Justification Statements</li> <li>5. Appraisal Report</li> </ol>
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At its meeting of December 15, 2004, the Historic Preservation Board approved a COA (2005-027) for a two-story, 1,888 square foot addition to the south side of the contributing structure. Prior to the COA submittal and review, the interior and roof of the subject structure were damaged by fire which resulted in the demolition of the majority of the interior as well as repairs to the roof and electrical systems of the dwelling. A building permit was then issued for the reconstruction of the damaged interior. A subsequent revision (2006-053) to the original COA approval was approved administratively on December 2, 2005 which included a covered porch on the rear elevation. In 2007, an Ad Valorem Tax Exemption application was subsequently reviewed and approved by HPB.

At its meeting of October 2, 2019, the Historic Preservation Board approved Class II Site Plan Modification, Landscape Plan, and Certificate of Appropriateness (2019-252) for construction of a new pagoda style gazebo in the southwest corner of the property, construction of an arbor in the northwest corner of the property, installation of new water features with decorative stones/boulders, and construction of a new wall and gate. These improvements were not constructed, and the approval expired.

The request before the board is for the demolition of the existing 1-car garage and construction of a new 2-car garage, hardscape modifications, and a variance request to reduce the required 7'6" setback to 2' on the north property line. Exterior modifications to the main residence include removal of a brick screen wall in the front, along with a window & door on the rear porch and the existing fence between the residence and garage.

#### REVIEW AND ANALYSIS

Pursuant to Land Development Regulation (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 1.4 of the Historic Preservation Element of the Comprehensive Plan and specifically with provisions of Section 4.5.1, the Delray Beach Historic Preservation Design Guidelines, and the Secretary of the Interior's Standards for Rehabilitation.

#### ZONING USE AND REVIEW

Pursuant to LDR Section 4.4.24(F)(1) – Old School Square Historic Arts District (OSSHAD) Development Standards:

The existing use is a single-family residence with a detached, accessory, 1-car garage, structure, which are permitted use within the OSSHAD zoning district.

Pursuant to LDR Section 4.3.4(K) - Development Standards: properties located within the OSSHAD zoning district shall be developed according to the requirements noted in the chart below.

PROPOSED 2-CAR DETACHED GARAGE STRUCTURE			
DEVELOPMENT STANDARDS	REQUIRED	EXISTING	PROPOSED
OPEN SPACE	25%	72.8%	25%
<b>SETBACKS (MINIMUM)</b>			
FRONT (EAST)	25'	122'6" (Garage)** 37'10" (Residence)	122'6" (Garage)** 37'10" (Residence)
SIDE INTERIOR (NORTH)	7'6"	1'2" (Garage) 13'6" (Residence)**	2' (Garage) 13'6" (Residence)**
SIDE INTERIOR (SOUTH)	7'6"	78'3" (Garage)** 7' (Residence)	65' (Garage)** 7' (Residence)
REAR (WEST)	10'	2'4" (Garage)	10'1" (Garage)

		51' (Residence)**	51' (Residence)**
HEIGHT	35'(MAX)	10'1" (Garage) 25' (Residence)	No change

\*A variance is requested to reduce the minimum required setback.

\*\*Approximate Values

A variance is requested for a reduction of the north side street setback. The rest of the proposal is in compliance with the applicable Development Standards. Provided the variance is approved by the board, positive findings can be made.

**Pursuant to LDR Section 4.6.14 – Sight Visibility – Driveway intersecting street or alley. The area on both sides of a driveway formed by the intersection of a driveway and a street or alley with a length of ten feet along the driveway, a length of ten feet along the street or alley right-of-way and the third side being a line connecting the ends of the other two lines**

A 6' wood fence exists in the rear of the property along with a 1-car garage. adjacent to the north/south alley. A new 2-car garage is proposed in the northwest corner of the site, adjacent to the alley in the rear. Also a new 7' high masonry wall in the rear, which will be attached to the proposed garage, but outside of the site visibility triangles. The proposal will meet the minimum 10' site visibility requirements.

#### **LDR SECTION 4.5.1**

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

Pursuant to LDR Section 4.5.1(E), Development Standards, all new development or exterior improvements on individually designated historic properties and/or properties located within historic districts shall, comply with the goals, objectives, and policies of the Comprehensive Plan, the Delray Beach Historic Preservation Design Guidelines, the Secretary of the Interior's Standards for Rehabilitation, and the Development Standards of this Section.

##### **Pursuant to LDR Section 4.5.1E(2) – Major and Minor Development.**

The subject application is considered "Major Development" as it involves "the alteration of more than 25 percent of a contributing structure."

**Pursuant to LDR Section 4.5.1E(3) – Buildings, Structures, Appurtenances and Parking: Buildings, structures, appurtenances and parking shall only be moved, reconstructed, altered, or maintained, in accordance with this chapter, in a manner that will preserve the historical and architectural character of the building, structure, site, or district:**

**Appurtenances:** Appurtenances include, but are not limited to, stone walls, fences, light fixtures, steps, paving, sidewalks, signs, and accessory structures.

**Fences and Walls:** The provisions of Section 4.6.5 shall apply, except as modified below:

- Chain-link fences are discouraged. When permitted, chain-link fences shall be clad in a green or black vinyl and only used in rear yards where they are not visible from a public right of way, even when screened by a hedge or other landscaping.
- Swimming pool fences shall be designed in a manner that integrates the layout with the lot and structures without exhibiting a utilitarian or stand-alone appearance.
- Fences and walls over four feet (4') shall not be allowed in front or side street setbacks.
- Non-historic and/or synthetic materials are discouraged, particularly when visible from a public right of way.
- Decorative landscape features, including but not limited to, arbors, pergolas, and trellises shall not exceed a height of eight feet (8') within the front or side street setbacks.

The property currently contains a 6' wood fence along the north, south, and west sides of the property. Between the main residence and existing garage, there is an existing fence proposed to be removed for the demolition of the 1-car garage. The proposal includes a new 6' high wood gate/fence located at the north and south sides of the property. Adjacent to the garage in the rear, a 7' masonry wall is proposed. All other existing fences/gates are considered conforming with the requirements of this code section. New paving is proposed between the requested two-car garage and rear of the existing structure. At the front/east of the structure, an existing brick screen wall is proposed to be removed, which is believed to have been added around 2004, and thus would not be original to the structure.

#### **Garages and Carports:**

- a. **Garages and carports are encouraged to be oriented so that they may be accessed from the side or rear and out of view from a public right of way.**
- b. **The orientation of garages and carports shall be consistent with the historic development pattern of structures of a similar architectural style within the district.**
- c. **The enclosure of carports is discouraged. When permitted, the enclosure of the carport should maintain the original details, associated with the carport, such as decorative posts, columns, roof planes, and other features.**
- d. **Garage doors shall be designed to be compatible with the architectural style of the principal structure and should include individual openings for vehicles rather than two car expanses of doors. Metal two car garage doors are discouraged; however, if options are limited and metal is proposed, the doors must include additional architectural detailing appropriate to the building.**

The subject single-family residence includes an existing, detached, 1-car garage, located in the rear of the property adjacent to an alley. A driveway exists along the north side of the residence, leading to the 1-car garage, providing access off of N. Swinton Avenue. The proposal includes demolition of the existing 1-car garage and construction of a 2-car garage in the same general area. There is no concern with regards to orientation of the garage, as the current garage is situated behind the existing residence. There is concern, however, regarding the 2-car expanse door proposed on the west side along the alley. While the proposed door will be constructed of an appropriate material (white insulated aluminum) that emulates two separate doors, it is not designed as two individual openings. The board should consider requiring two, individual openings with separate garage doors for each vehicle rather than one large door as such is considered appropriate for historic structures. There is no concern regarding the garage door facing east, as it matches the existing garage door appearance, and is for single car entry. Demolition and variance requests have been submitted for the contributing garage, which are analyzed later in the report.

**Parking:** Parking areas shall strive to contribute to the historic nature of the properties/districts in which they are located by use of creative design and landscape elements to buffer parking areas from adjacent historic structures. At a minimum, the following criteria shall be considered:

- a. **Locate parking adjacent to the building or in the rear.**
- b. **Screen parking that can be viewed from a public right-of-way with fencing, landscaping, or a combination of the two.**
- c. **Utilize existing alleys to provide vehicular access to sites.**
- d. **Construct new curb cuts and street side driveways only in areas where they are appropriate or existed historically.**
- e. **Use appropriate materials for driveways.**
- f. **Driveway type and design should convey the historic character of the district and the property.**

There are two existing parking spaces in the front of the property and one in the rear for the garage. Parking is proposed in the rear of the structure with the demolition of the current one car garage, as an

additional parking space is provided with the construction of the two-car garage. As all other parking is existing and the proposed parking spaces are to be located in the rear, no new non-conformities will be created.

**Pursuant to LDR Section 4.5.1(E)(4) – Alterations:** in considering proposals for alterations to the exterior of historic buildings and structures and in applying development and preservation standards, the documented, original design of the building may be considered, among other factors.

The existing original design of the single-family residence and detached 1-car garage structures, have been considered with respect to the proposed 2-car garage and exterior modifications request.

### **SECRETARY OF THE INTERIORS STANDARDS**

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

#### **Standard 1**

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

#### **Standard 2**

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

#### **Standard 3**

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

#### **Standard 4**

Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

#### **Standard 5**

Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

#### **Standard 6**

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

#### **Standard 7**

Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

#### **Standard 8**

**Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.**

**Standard 9**

**New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.**

**Standard 10**

**New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.**

Standard 1, 2, 3, 5, 9, and 10 are applicable to this request. The proposal includes the demolition of an existing 1-car garage and construction of a new 2-car garage built in the same general location as the original. To place the new garage in the same general area as the existing garage, a variance has been requested to retain similar setbacks for the proposed garage on the north side of the property.

Additionally, a demolition request has been submitted for removal of the existing 1-car garage, which are reviewed later in the staff report. The proposal also includes the removal of a brick screen wall in the front of the property, new pavers between the garage & existing structure, and the enclosure of a rear door on the existing rear porch of the structure with the removal of a fence as a result of the new garage. Regarding standard 1 and 2, the proposal is for residential use, which is the current use of the structure and is considered appropriate to the Old School Square Historic District (OSSHD) and the OSSHAD zoning district. The proposed demolition of the existing garage and construction of a 2-car garage is to utilize appropriate materials and features to ensure compatibility with the contributing residence on the site. There is concern with use of proposed synthetic, man-made trim around the garage door, as synthetic materials are not considered appropriate nor authentic for use with historic structures. The board will need to determine if the use of synthetic material is appropriate for the proposed structure. All other modifications are proposed to use appropriate materials relative to the residence and are not anticipated to harm the integrity of the property.

Regarding standard 5, 9, and 10, there is concern regarding the expanse of the proposed 2-car garage door facing the alley, as single car garage doors are considered appropriate modifications for garages within historic districts in Delray Beach. The proposal also includes modifications to the rear and front of the contributing, single-family residence. Such alterations include: removal of a window & door, and installation of a new door on the rear porch and the removal of a brick screen wall in the front of the main structure.

An existing fence in the rear of the property is proposed to be removed as a result of the proposed garage. These alterations occur in the rear of the structure and are not anticipated to negatively affect the structure if removed in the future. If the modifications were proposed to be removed in the future, the essential form and integrity of the historic property would not be impaired, particularly if the demolition of the contributing garage is approved.

**Pursuant to LDR Section 4.5.11(7) – Visual Compatibility Standards: new construction and all improvements to both contributing and noncontributing buildings, structures, and appurtenances thereto within a designated historic district or on an individually designated property shall be visually compatible. In addition to the Zoning District Regulations, the Historic Preservation Board shall apply the visual compatibility standards provided for in this Section with regard to height, width, mass, scale, façade, openings, rhythm, material, color, texture, roof**

shape, direction, and other criteria set forth elsewhere in Section 4.5.1. Visual compatibility for minor and major development as referenced in Section 4.5.1(2) shall be determined by utilizing criteria contained in (a)-(m) below.

- a. **Height:** The height of proposed buildings or modifications shall be visually compatible in comparison or relation to the height of existing structures and buildings in a historic district for all major and minor development. For major development, visual compatibility with respect to the height of residential structures, as defined by 4.5.1(2)(a), shall also be determined through application of the Building Height Plane.
- b. **Front Facade Proportion:** The front facade of each building or structure shall be visually compatible with and be in direct relationship to the width of the building and to the height of the front elevation of other existing structures and buildings within the subject historic district.
- c. **Proportion of Openings (Windows and Doors):** The openings of any building within a historic district shall be visually compatible with the openings exemplified by prevailing historic architectural styles of similar buildings within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings shall be visually compatible within the subject historic district.
- d. **Rhythm of Solids to Voids:** The relationship of solids to voids of a building or structure shall be visually compatible with existing historic buildings or structures within the subject historic district for all development, with particular attention paid to the front facades.
- e. **Rhythm of Buildings on Streets:** The relationship of buildings to open space between them and adjoining buildings shall be visually compatible with the relationship between existing historic buildings or structures within the subject historic district.
- f. **Rhythm of Entrance and/or Porch Projections:** The relationship of entrances and porch projections to the sidewalks of a building shall be visually compatible with existing architectural styles of entrances and porch projections on existing historic buildings and structures within the subject historic district for all development.
- g. **Relationship of Materials, Texture, and Color:** The relationship of materials, texture, and color of the facade of a building and/or hardscaping shall be visually compatible with the predominant materials used in the historic buildings and structures within the subject historic district.
- h. **Roof Shapes:** The roof shape, including type and slope, of a building or structure shall be visually compatible with the roof shape of existing historic buildings or structures within the subject historic district. The roof shape shall be consistent with the architectural style of the building.
- i. **Walls of Continuity:** Walls, fences, evergreen landscape masses, or building facades, shall form cohesive walls of enclosure along a street to ensure visual compatibility with historic buildings or structures within the subject historic district and the structure to which it is visually related.
- j. **Scale of a Building:** The size of a building and the building mass in relation to open spaces, windows, door openings, balconies, porches, and lot size shall be visually compatible with the building size and mass of historic buildings and structures within a historic district for all development. To determine whether the scale of a building is appropriate, the following shall apply for major development only:
  - a. For buildings wider than sixty percent (60%) of the lot width, a portion of the front façade must be setback a minimum of seven (7) additional feet from the front setback line:

- b. For buildings deeper than fifty percent (50%) of the lot depth, a portion of each side façade, which is greater than one story high, must be setback a minimum of five (5) additional feet from the side setback line:
- k. **Directional Expression of Front Elevation:** A building shall be visually compatible with the buildings, structures, and sites within a historic district for all development with regard to its directional character, whether vertical or horizontal.
- l. **Architectural Style:** All major and minor development shall consist of only one (1) architectural style per structure or property and not introduce elements definitive of another style.
- m. **Additions to individually designated properties and contributing structures in all historic districts:** Visual compatibility shall be accomplished as follows:
  - 1. Additions shall be located to the rear or least public side of a building and be as inconspicuous as possible.
  - 2. Additions or accessory structures shall not be located in front of the established front wall plane of a historic building.
  - 3. Characteristic features of the original building shall not be destroyed or obscured.
  - 4. Additions shall be designed and constructed so that the basic form and character of the historic building will remain intact if the addition is ever removed.
  - 5. Additions shall not introduce a new architectural style, mimic too closely the style of the existing building nor replicate the original design but shall be coherent in design with the existing building.
  - 6. Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.

The request is for the demolition of an existing 1-car garage and construction of a new 2-car garage. Also include with the request are minor exterior modifications to the rear and front of the existing residence and ground level improvements. With regard to height, this request does not include the modification of the height of the existing residence and the height proposed 2-car garage will be slightly altered in shape and profile but will match the proposed architectural style of the existing residence. A window and door on the rear porch of the main residence along with a fence between the main residence and existing garage are proposed to be removed/enclosed as a result of the proposed garage. All are located in the rear of the structure and are not anticipated to negatively affect the structure. The subject request also includes the removal of a brick screen wall in the front of main residence, which is not proposed to affect the front façade as it is a newer modification that has not gained historic significance. However, the proposed two-car garage will slightly alter the original façade, as there are some appearance changes that will be visible from the front. These changes are minor and can be seen as compatible with the existing architectural style.

Regarding the visual compatibility standard of Relationship of Materials, Texture, and Color, the proposed finish of the new 2-car garage will be stucco to match the existing residential structure. The existing garage is constructed of wood, so the use of that material would be considered most appropriate. An added site plan technical item is that all building materials be specified on the architectural elevation plan sheets. Fencing is proposed to be either masonry in the rear, or wood on the sides of the property. The wood will be the same style as the existing wood fences along the perimeter. The 2-car expanse of the proposed garage door along the alley (west) and the single car garage door facing east will be hurricane impact-rated, aluminum with a wood panel exterior. The applicant has indicated if the east facing single car garage door is salvageable, they would consider reusing it. There is concern regarding the man-made trim proposed on the garage doors, as synthetic materials are not considered appropriate for historic structures. The new window and door in the rear are proposed to be white frame aluminum, with Low-e glass. It is important to note that this structure is contributing and exempt from meeting energy calculations; thus, the use of Low-e glass is not permitted. An added site plan technical item is that all proposed window and door glass be clear. The proposed



roof material is to match the authentic Spanish barrel tile that currently exists on both the residence and the original 1-car garage. Overall, the proposed materials are in direct relation to materials utilized within the Old School Square Historic District.

### VARIANCE ANALYSIS

The applicant has requested a variance to setback requirements, which are summarized below:

#### **VARIANCE ANALYSIS: REAR SETBACK**

**Pursuant to Section 4.3.4(K), required side interior setbacks within the OSSHAD District are 7'6".**

A variance to reduce the north side interior setback from the required 7'-6" to 2' for a new 2-car garage. The existing 1-story garage has a nonconforming side setback (north) of approximately 1'2". The applicant's justification statement for the request is provided as an attachment.

**Pursuant to LDR Section 2.2.6(D), the Historic Preservation Board (HPB) shall act on all variance requests within an historic district, or on a historic site, which otherwise would be acted upon by the Board of Adjustment.**

**Pursuant to LDR Section 2.4.7(A), a variance is a relaxation of the terms of these land development regulations where such variance will not be contrary to the public interest and where owing to the conditions peculiar to the property and not the result of the actions of the landowner, a literal enforcement of the regulations would result in unnecessary and undue hardship.**

**Pursuant to LDR Section 2.4.7(A)(6) – Alternative Findings of the Historic Preservation Board: The Board may be guided by the following to make findings as an alternative to the variance standard criteria:**

**(a) That a variance is necessary to maintain the historic character of property and demonstrating that the granting of the variance would not be contrary to the public interest, safety, or welfare.**

The variance request to reduce the side interior setback for the proposed demolition and construction for a 2-car garage is not anticipated to be contrary to the public interest, safety, or welfare. The reduced setback will position the proposed two-car garage in the same general area of the existing 1-story, 1-car garage. While the 1-car garage is being demolished and could potentially be placed to conform to the setback requirements for the OSSHAD zoning district, the proposal introduces a new 2-car garage which limits the space available for the larger structure. Further, the requested garage construction is to occur in the rear, which can be seen as an appropriate location for parking in historic districts.

**(b) That special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.**

While the existing 1-story, 1-car garage is situated within the north setback (1' from the north property line), which is its historic setting on the site the garage is proposed for demolition. The proposed 2-car garage represents construction of a larger structure within a limited sized area of the site, which could represent special conditions and circumstances that are not applicable to other properties not located within a historic district or not subject to the requirements of a historic

property. The applicant is requesting that the proposed addition be placed in the same general location as the existing structure, reducing the existing non-conformity by 10”.

**(c) That literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district or historic site.**

The variance request for the construction of a 2-car garage in the rear of the property will maintain a similar position to the existing garage, which is proposed for removal. Access from N. Swinton Avenue to the rear garage will be maintained and additional access to the rear from the alley is proposed. Variances, such as the proposed, are commonly referred to as “tools” in assisting and incentivizing historic preservation efforts.

**(d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.**

The requested variance for the side interior setback is not anticipated to diminish the historic character of the historic site nor the historic district. The 2-car garage is proposed in the rear of the existing structure and based on its width, there is no concern regarding negative impacts to the historic integrity of the site and visual compatibility requirement, as it would generally match what is currently there. The existing 1-car garage was likely originally constructed as a carriage house, horse stable, or storage shed. Since the existing garage is proposed to be demolished, this could create a false sense of history for the property, as the new garage is proposed to be a larger more modern 2-car garage. But given its placement in the rear of the property, tucked behind the historic home, it is within an area that can be considered appropriate.

**(e) That the requested variance is necessary to accommodate an appropriate adaptive reuse of a historic building, structure, or site.**

The requested variance will allow for the modernization of the site allowing for enclosed parking for 2 vehicles. The requested variance facilitates demolition of an existing historic structure rather than adaptive reuse of the existing 1-car garage, but does allow for adaptive reuse of the residence and site.

The Board will need to make a determination that the variance request to reduce the required side interior setback for the new garage meets these Variance findings.

**The property owner has submitted justification statements for each of the requests (attached).**

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

<b>DEMOLITION ANALYSIS</b>
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**Pursuant to LDR Section 4.5.1(F), Demolitions – Demolition of historic or archaeological sites, or buildings, structures, improvements and appurtenances within historic districts shall be regulated by the Historic Preservation Board and shall be subject to the following requirements:**

- 1. No structure within a historic district or on a historic site shall be demolished before a Certificate of Appropriateness has been issued pursuant to Section 2.4.6(H).**
- 2. The application for a Certificate of Appropriateness for demolition must be accompanied by an application for a Certificate of Appropriateness for alterations to the structure or the redevelopment of the property.**
- 3. Demolition shall not occur until a building permit has been issued for the alterations or redevelopment as described in the applicable Certificate of Appropriateness.**

4. All structures approved for demolition and awaiting issuance of a building permit for the alterations or redevelopment shall be maintained so as to remain in a condition similar to that which existed at time that the Certificate of Appropriateness for demolition was approved unless the Chief Building Official determines that an unsafe building condition exists in accordance with Section 4.5.3(G).
5. A Certificate of Appropriateness for demolition of 25 percent or more of contributing or individually designated structure shall be subject to the following additional requirements:
  - (a) A demolition plan shall accompany the application for a Certificate of Appropriateness for demolition. The plan shall illustrate all portions of the existing structure that will be removed or altered.
  - (b) The Certificate of Appropriateness for demolition and the Certificate of Appropriateness for alternation or redevelopment shall meet the "Additional Public Notice" requirements of LDR Section 2.4.2(B)(1)(j).
6. The Board upon a request for demolition by a property owner, shall consider the following guidelines in evaluating applications for a Certificate of Appropriateness for demolition of designated historic sites, historic interiors, or buildings, structures, or appurtenances within designated historic districts;
  - (a) Whether the structure is of such interest or quality that it would reasonably fulfill criteria for designation for listing on the national register.
  - (b) Whether the structure is of such design, craftsmanship, or material that it could be reproduced only with great difficulty or economically nonviable expense.
  - (c) Whether the structure is one of the last remaining examples of its kind in the designated historic district within the city.
  - (d) Whether retaining the structure would promote the general and value of a particular culture and heritage.
  - (e) Whether there are approved plans for immediate reuse of the property if the proposed demolition is carried out, and what effect those plans will have on the historic district designation or the individual designation of the property.
7. No decision of the Board shall result in undue economic hardship for the property owner. The Board shall determine the existence of such hardship in accordance with the definition of undue economic hardship found in Section 4.5.1(H).
8. The Board's refusal to grant a Certificate of Appropriateness requested by a property owner for the purpose of demolition will be supported by a written statement describing the public interest that the Board seeks to preserve.
9. The Board may grant a certificate of appropriateness as requested by a property owner, for demolition which may provide for a delayed effective date. The effective date of the certificate will be determined by the Board based on the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. The Board may delay the demolition of designated historic sites and contributing buildings within historic districts for up to six months while demolition of non-contributing buildings within the historic district may be delayed for up to three months.
10. Request for demolition justification statement. A justification statement shall accompany the application for a Certificate of Appropriateness for demolition of any contributing structure in a historic district or individually designated historic structure. The justification statement must include the following:
  - (a) A certified report from a registered architect or engineer which provides documentation explaining that the building is structurally unsound and is damaged beyond the ability to repair it at a reasonable cost. The report must include photographs to substantiate the damage.

- (b) A certified report from an engineer, architect, general contractor, or other qualified professional which documents the projected cost of repairing the structure and returning it to a safe and habitable condition.
- (c) An appraisal of the property in its current condition, its value as vacant land and its potential value as a preserved and restored historic property.
- (d) Documentation that reasonable efforts have been made to find a suitable alternate location for the structure within the City of Delray Beach to which the contributing/individually designated historic structure could be safely relocated.
- (e) Documentation that the applicant or property owner has taken such steps as it deems necessary to preserve the structure requested for demolition including consultation with community groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies, or agencies and exploration of the possibility of moving one or more structures or other features.

**11. Salvage and recordation of historic structures.**

- (a) The property owner shall contact the Delray Beach Historical Society for the purpose of salvaging and preserving specified classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in the restoration of the other historic properties. Confirmation of such efforts shall be provided in a written statement and submitted with the other demolition application prior to consideration by the Historic Preservation Board.
- (b) The Board may, with the consent of the property owner, request that the Delray Beach Historical Society, or the owner, at the owner's expense, record the architectural details for archival purposes prior to demolition.
  - i. The recording may include, but shall not be limited to photographs, documents and scaled architectural drawings to include elevations and floor plans.
  - ii. One copy of the recording shall be submitted to the City's Planning and Zoning Department, and one copy shall be submitted to the Delray Beach Historical Society for archiving purposes.

The applicant has provided reports and documentation regarding the present condition of the structure, the economic feasibility to maintain the structure, and an appraisal of the property. This information is included in the attachments. It is noted that the documentation does not permit the demolition to occur, but it permits a demolition request of a contributing structure to be considered by the Historic Preservation Board.

An attorney letter for the property states that the garage is in "an extreme state of disrepair and cannot be used by the applicants because of the unsafe condition it is in." An appraisal was also submitted that does not indicate the current condition of the garage, but notes that the demolition and construction of a new garage will increase the market value by \$160,000, where the appraisal with the current garage lowers the market value by \$20,000 than without it.

The applicant has also included documentation of efforts made to find another suitable location for the structure. The documentation letter (from Dunay, Miskel, Backman Law.) indicates that the historical Society was contacted and responded by stating they "did not believe any of the garage was salvageable and did not wish to preserve any parts of the garage". The cost analysis of the proposed demolition and reconstruction of the detached garage was determined to be the cost-effective solution instead of repairing the structure.

## SITE PLAN TECHNICAL ITEMS

1. Remove Boral siding note and replace with stucco siding on the proposed garage elevations.
2. The proposed garage door colors are indicated and approved prior to certification.
3. That all window and door glass be clear, non-reflective, non-tinted.
4. Clarify the proposed “man-made trim” on the elevations.
5. Include setback dimensions for all existing and proposed structures.
6. Provide south elevations for the main structure.
7. Ensure elevations are accurately illustrated on sheet A7.0.

## COMPREHENSIVE PLAN

**Pursuant to the Historic Preservation Element (HPE), Objective 1.4, Historic Preservation Planning: Implement appropriate and compatible design and planning strategies for historic sites and properties within historic districts.**

The objective shall be met through continued adherence to the City’s Historic Preservation Ordinance and, where applicable, to architectural design guidelines through the following policies:

### **HPE Policy 1.4.1**

**Continue to require that the Historic Preservation Board make findings that any land use or development application for a historic structure, site or within a historic district, is consistent with the provisions of the Secretary of the Interior’s Standards for Rehabilitation, the Land Development Regulations, and Delray Beach Historic Preservation Design Guidelines.**

The development proposal involves the demolition of a 1-car garage and construction of a new 2- car garage and exterior alterations to an existing single-family residence. There are no concerns with respect to soil, topographic or other physical considerations. With respect to the adjacent land uses, the property is in an area surrounded by various mixed uses. The board will need to make a determination that the proposal can be found to be consistent with the requirements of this policy.

## ALTERNATIVE ACTIONS

- A. Move to continue with direction.
- B. Approve Certificate of Appropriateness, Demolition, and Variance (2022-294), for the property located at **226 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.
- C. Approve Certificate of Appropriateness, Demolition, and Variance (2022-294), for the property located at **226 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, subject to the following conditions:
- D. Deny Certificate of Appropriateness, Demolition, and Variance (2022-294), for the property located at **226 N. Swinton 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.

## PUBLIC AND COURTESY NOTICES

**HISTORIC PRESERVATION BOARD I June 7, 2023**  
226 N. Swinton Avenue

<input checked="" type="checkbox"/> Courtesy Notices are not required for this request.	<input checked="" type="checkbox"/> Public Notice was mailed to property owners within a 500' radius on 5/25/23, 10 days prior to the meeting. <input checked="" type="checkbox"/> Agenda was posted on 5/31/23, 5 working days prior to meeting.
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