



CITY OF DELRAY BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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



1993 • 2001 • 2017

HISTORIC PRESERVATION BOARD STAFF REPORT

310 NE 1ST Avenue

Meeting

January 4, 2023

File No.

2022-292

Application Type

Certificate of Appropriateness & Variance

REQUEST

The item before the Board is consideration for a Certificate of Appropriateness (COA) & Variance (2022-292) requests for an addition and exterior modifications to a contributing one-story single-family residence located at **310 NE 1ST Avenue, Old School Square Historic District**.

GENERAL DATA

Owner: Joe Wagman

Agent: Ames International Architecture

Location: 310 NE 1ST Avenue

PCN: 12-43-46-16-01-065-0260

Property Size: 0.1504 Acres

Zoning: OSSHAD

FLUM: HMU (Historic Mixed Use)

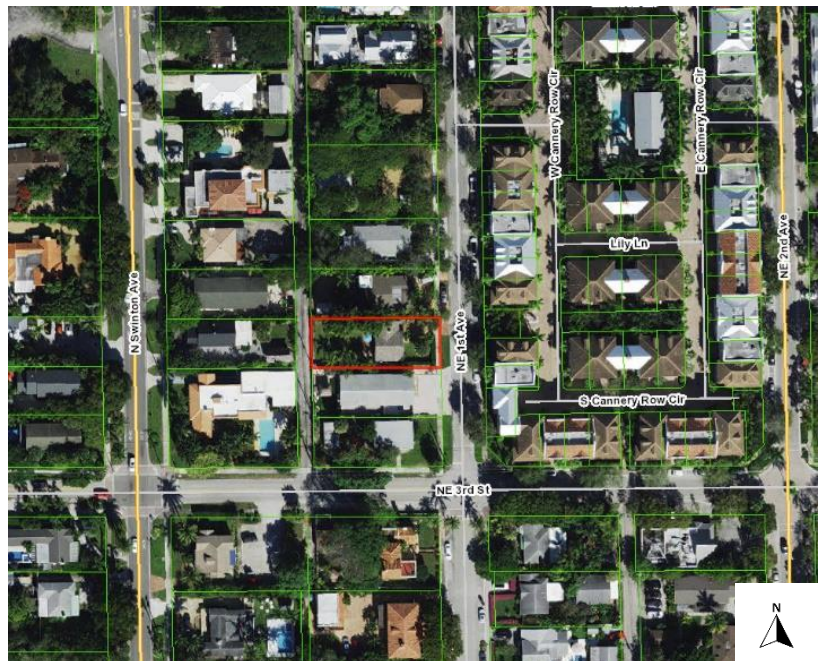
Historic District: Old School Square Historic District

Adjacent Zoning:

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

Existing Land Use: Residential

Proposed Land Use: Residential



BACKGROUND AND PROJECT DESCRIPTION

The subject 0.154-acre property is located within the Locally and Nationally Registered Old School Square Historic District. The property contains a circa 1940, one-story minimal traditional style structure that is classified as contributing within the district. Distinguishing architectural features include a secondary gable form inset within the primary front facing gable on the east, a porch recessed below the gable below and supported by cross-brace wood posts, a brick chimney, and composition shingles. The structure includes 6/6 double hung windows, that replaced the original awning windows in 2001.

The request before the board is a Certificate of Appropriateness and Variance (2022-292) for an addition and exterior modifications to the existing contributing structure. Specifically, the following:

Project Planner:

Katherina Paliwoda, Planner, paliwodak@mydelraybeach.com
Michelle Hewett, Planner, hewettm@mydelraybeach.com

Review Dates:

January 4, 2023

Attachments:

1. Plans, Survey, & Renderings
2. Photographs
3. Color & Materials
4. Justification Statements
5. Permits

- A 1,290-square foot rear addition with garage;
- Installation of a pool and deck in the rear;
- Installation of a rear driveway for the addition with garage;
- Repainting of the structure;
- Minor façade alterations; and
- Enclosure of the existing carport.
- Variance to the minimum required interior side setback

The COA & Variance requests are now before the board

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.

Pursuant to Land Development Regulation (LDR) Section 2.4.5(I)(5), Architectural (appearance) elevations, the Site Plan Review and Appearance Board or the Historic Preservation Board, as appropriate, may approve subject to conditions or deny architectural elevations or plans for a change in the exterior color of a building or structure, or for any exterior feature which requires a building permit.

ZONING USE AND REVIEW

Pursuant to LDR Section 4.4.24(F) – Old School Square Historic Arts District (OSSHAD) Development Standards: The existing use is residential, and the proposed use will remain the same, which is a permitted use within the OSSHAD zoning district.

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

DEVELOPMENT STANDARDS	REQUIRED	EXISTING	PROPOSED
SETBACKS (MINIMUM)			
FRONT (WEST)	25'	40'-2"	35'-2"*
SIDE INTERIOR (NORTH)	7'-6"	5'	6'**
SIDE INTERIOR (SOUTH)	7'-6"	5.02'	6'**
REAR (EAST)	10'	62'	10'2 ⁵ / ₈ "
HEIGHT	35'(MAX)	16'-10"***	17'-7"***

*Reduction due to 5' right-of-way dedication.

**Variance Requested.

***Average crown of road to top of roof.

Pursuant to LDR Section 4.6.15(G) Swimming Pool - Yard encroachment. Swimming pools, the tops of which are no higher than grade level, may extend into the rear, interior or street side setback areas but no closer than ten feet to any property line. Swimming pools shall not extend into the front setback area noted in Section 4.3.4(K).

A swimming pool is proposed on the rear/west side of the property and will meet the requirements of this code section.

LDR SECTION 4.5.1

HISTORIC PRESERVATION: DESIGNATED DISTRICTS, SITES, AND BUILDINGS

Pursuant to LDR Section 4.5.1I, 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 "alteration of more than 25 percent of the existing floor area of the building and all appurtenances."

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.

An existing wood-frame shed is proposed to be removed to accommodate the new one-story addition and garage in the rear. It is noted that the shed holds no historic significance to the property and, therefore, its removal will not affect the historic integrity of the site. The subject request also includes the removal of a deck in the rear of the property to accommodate new hardscaping, a pool, and addition in the rear. The removal of the shed and deck will meet the requirements of this code section and will not affect the existing structure nor the historic site if removed.

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

- a. 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.
- b. 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.
- c. Fences and walls over four feet (4') shall not be allowed in front or side street setbacks.
- d. Non-historic and/or synthetic materials are discouraged, particularly when visible from a public right of way.
- e. 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 site contains an existing 6' PVC fence on the front/southeast corner of the property that is proposed for removal, aiding in preservation of the historic integrity of the site. A 4' high wood fence is proposed around the front of the property. The existing 6' high wood fencing and gates around the rest of the property will be refurbished, except where the rear driveway is proposed, where the existing gate will be removed to afford access to the property. The front porch contains a vertical wood railing, which is

proposed to be removed. The proposed fencing is considered appropriate to the historic district and meet the required regulations.

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 proposal includes the conversion of the existing carport to an enclosed space for storage. The carport is original to the structure; however, the proposed enclosure will utilize wood carriage doors, keeping the same character of a garage and existing details, as well. According to the Delray Beach Historic Preservation Design Guidelines, Minimal Traditional structures have a garage bay “attached” to the structure. The use of the garage is being relocated to the rear of the property and can be considered appropriate based on this LDR Section. The rear garage doors will also use the same wood carriage doors as well.

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.

The proposal complies with and furthers the intent of the subject regulations, as there will be one parking space within the rear garage in addition to an existing driveway in front on the home. The provision of vehicular access at the rear of the property allows for the potential to reduce vehicles at the front and allow more visibility of the historic structure along the streetscape.

Pursuant to LDR Section 4.6.9(I)(2)(a) – Parking requirements for residential uses. Single family detached residences. Two spaces per dwelling unit. Tandem parking may be used in the Single Family (R-1) Residential Districts or Low Density Residential (RL) District. Required parking spaces shall not be located in the front setback or side street setback areas. For lots that are less than 60 feet wide and do not have alley access, one parking space may be located in either the front setback area or the side street setback area, provided that no more than 50 percent of the front and side street setback area may be improved for parking purposes.

The existing parking consists of two parking spaces; one under the carport and one on the driveway, with access from NE 1st Avenue, which does not comply with the requirement as one of the spaces is located within the front setback. The proposal involves enclosing the existing carport and adding a garage in the rear, with access off the alley. Thus, one space will be located in the rear, and one will remain in the front of the property. Additionally, LDR Section 4.6.9(D)(2)(b) indicates a minimum depth of 42' is required from the alley for ingress/egress. The proposed garage space in the rear meets these requirements.

Pursuant to LDR Section 4.5.1I(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 subject request is for the construction of a one-story addition to the west side/rear of the existing one-story residence. The request also includes the installation of a pool, conversion of the carport to storage, and exterior modifications to the existing one-story residence. The existing structure, and its remaining original form, has been considered with respect to the proposed addition and site improvements.

SECRETARY OF THE INTERIORS STANDARDS

Pursuant to LDR Section 4.5.1I(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 construction of a new one-story addition to the rear/east side of the existing one story, contributing structure. The proposal also includes the enclosure of the existing carport for storage, installation of a new swimming pool and decking, exterior modifications to the existing structure including re-painting the structure and replacement of the existing shingles, and new paver surfaces. The use of the property will remain a single-family residence as it was traditionally used, so the property meets the intent of Standard 1, preserving its original historic purpose. Regarding Standard 2, 3, and 5 the historic character of the property is that of a one-story minimal traditional architectural style structure constructed in the 1940s.

The new materials, finishes, and features of the rear one-story addition to the existing structure are proposed to be compatible with the existing minimal traditional style of the home, including hardie-board siding, asphalt shingle roofing, and half round gable vents. With regard to any significant or distinctive finishes, features, and construction techniques, the most impactful modification to the existing structure involves the enclosure of the carport. While commonly found as part of an original Minimal Traditional structures, carports are frequently “filled-in,” a detail now common among this historic style. It is the appropriateness of the modification that is of importance, and whether the resulting details are appropriate and compatible with the Minimal Traditional style. In this case, the “car use” appearance will be kept, and if the owner desired to reestablish the carport the historic form of the building would not be negatively impacted.

As previously noted, the structure’s porch contains vertical wood railings, which are proposed to be removed. The use of railing along the front porch, a detail that is compatible with the Minimal Traditional architectural style, was likely original to the structure. The Board should consider if the railing detail should be maintained, but with further consideration to the modifying it to lead directly to the front door, as opposed to the center of the porch.

The proposal includes a variance to the north and south side interior setbacks for the one-story addition, which are discussed in further detail in the Variance analysis sections of this report.

Pursuant to “The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, & Reconstructing Historic Buildings” (Guidelines):

NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION	
RECOMMENDED	NOT RECOMMENDED
New Additions	
Placing functions and services required for a new use (including elevators and stairways) in secondary or non-character-defining interior spaces of the historic building rather than constructing a new addition.	Expanding the size of the historic building by constructing a new addition when requirements for the new use could be met by altering non-character-defining interior spaces.
Constructing a new addition on a secondary or non-character-defining elevation and limiting its size and scale in relationship to the historic building.	Constructing a new addition on or adjacent to a primary elevation of the building which negatively impacts the building’s historic character.
Constructing a new addition that results in the least possible loss of historic materials so that character-defining features are not obscured, damaged, or destroyed.	Attaching a new addition in a manner that obscures, damages, or destroys character-defining features of the historic building.
Designing a new addition that is compatible with the historic building.	Designing a new addition that is significantly different and, thus, incompatible with the historic building.
Ensuring that the addition is subordinate and secondary to the historic building and is compatible in massing, scale, materials, relationship of solids to voids, and color.	Constructing a new addition that is as large as or larger than the historic building, which visually overwhelms it (i.e., results in the diminution or loss of its historic character).

Regarding Standards 9 and 10, the addition will include the removal of portions of the rear of the existing structure to accommodate the one-story addition. The height of the proposed addition is 9” taller than the existing structure; however, the proposed renderings and site triangle elevations indicate it will not be visible from the public right of way. The new rear addition to the existing contributing structure has been designed to be compatible with the original style of the home. On the front façade, proposed modifications include the enclosure of a carport for storage, removal of fencing around the existing porch, installation of a half-moon gable vent, and a new front door. All proposed modifications to the front facade can be considered appropriate, as no new openings are being created, no new materials are being introduced and the enclosure of the carport maintains visual compatibility with the minimal traditional “attached garage bay”.

Pursuant to LDR Section 4.5.1I(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 4.5.1I(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 4.5.1I(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.

- I. **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.

With regard to **Height and scale**, a one-story addition with garage is proposed to the rear (west) side of the existing structure. The the original structure was constructed as a one-story home, and any appropriate addition should be secondary and subordinate to the massing of the existing one-story structure. There is concern regarding the proposed height of the rear addition, as it is 9" higher than the existing roofline. However, the addition is located in the rear and the proposed rendering and visual analysis submitted suggest it will not be visible from the public right-of-way. The board will need to determine the appropriateness of the proposed addition height based on the existing guidelines.

With respect to the **Front Façade Proportion**, a series of modifications are proposed to the original structures front elevation including the enclosure of a carport for storage, removal of fencing around the existing porch, extending the x pattern on the existing porch columns, installation of a half-moon gable vent, and a new front door. The majority of the details in the proposed modifications already exist on the structure and are being either extended or duplicated elsewhere. While the enclosure of the carport will introduce a new door style, the overall design and character is consistent with the architectural style and existing structure. The proposed carriage doors will keep the appearance of an "attached garage bay".

Regarding the visual compatibility standard of **Relationship of Materials, Texture, and Color**, the finish of the existing structure is predominantly wood siding with a smooth stucco accent in the gable end of the front porch. The proposed addition incorporates the use of hardie-board siding in a similar dimension at the wood siding on the contributing structure. Both the existing structure and proposed addition are to be painted white with light brown trim to accent, where the existing structure currently has blue with white trim. The proposal also includes replacing the existing dimensional asphalt shingle roof like for like. All new windows are limited to the addition and are to be impact resistant in single hung or fixed with dimensional muntins, to match the existing structure. Window frames will also be white aluminum with glass to be clear, non-reflective. All doors are to be painted white, as well. With new construction, aluminum is commonly utilized, particularly for windows, doors, and railings. Overall, the use of authentic materials guarantees the longevity and authenticity of the district, ensuring there will be future resources that will contribute to the architectural and historical context of the historic district.

The exterior walls are proposed to be painted white, and brown, specifically SW 7513 “Sanderling”, is proposed for the trim. For ground level improvements/modifications, there is a new paver deck proposed in the rear of the property for the proposed pool, as well as a paver driveway for the new garage on the north side of the addition. A new 4’ wood fence is proposed around the front of the property, and the existing wood fencing will be repaired where necessary. The whole structure with all proposed modifications and the addition are to be painted the same color with the same trim.

Regarding **Roof Shapes**, there are no proposed changes to the existing roof shape. The proposed addition will be slightly taller than the existing structure, altering the original roofline. However, the addition is located in the rear and the proposed roof shape will follow the same style as the existing structure. The roof profile is considered appropriate for the architectural style.

With regards to **Architectural Style**, the requirements state that all major and minor development shall consist of only one architectural style per structure or property and not introduce elements definitive of another style. As the architectural style of the existing contributing structure is minimal traditional, the proposed addition is designed in the same style as the original structure. The style for the addition is the same as the main structure and can be considered is compatible with the historic district.

With regards to **Additions to Contributing Structures**, the requirement states that additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building. Additions shall also be as inconspicuous as possible and to the least public side of a structure. The subject request proposes a one-story addition to the rear of the existing one-story structure. The proposed addition is located at the rear of the property and not proposed to be any wider than the existing structure including the carport. It is noted that the new addition will be 9” higher than the original structure. The proposed rendering with the addition indicates it will not be visible from the public right-of-way, due to how far it is recessed. The enclosure of the carport to storage space is not intended to overwhelm the original building, as it emulates “car use” with the use of carriage doors.

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 side interior setbacks from the required 7’-6” to 6’ on the north side and 6’ south side of the property for a new one-story addition, including a one-car garage. The existing house has nonconforming side setbacks of approximately 5’ on each side. 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 setbacks for the proposed one-story addition is not anticipated to be contrary to the public interest, safety, or welfare. The reduced setbacks will position the proposed addition generally consistent with the existing structure's location on the site while accommodating a slight inset by providing greater setbacks to help differentiate the new from the old. Further, the addition is to the rear and accommodates additional living space while relocating the primary vehicular parking to a more appropriate location at the rear, off of the alley. In addition, the historic structure is setback much further than is minimally required from the front property, thereby further reducing the area at the rear of the property where an addition could be accommodated. An addition to the front of the building is not an option, as it would severely impact the historic character of the property.

(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.

Due to the existing structure's historic setting on the site (set further back from the front, and within the side setback areas), special conditions and circumstances exist that are not applicable to other properties not located within a historic district or not subject to the requirements of a historic property. While the applicant is requesting that the proposed addition follow a similar building footprint line as the existing structure, the applicant is required to provide an offset to assist in differentiating between the new construction and historic structure. However, the differentiation could be accommodated in a more contrasted manner, i.e. offset of 2'-6", as opposed to just 1', as would be required for a property not subject to the regulations applicable to contributing structures.

(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 one-story rear addition will maintain a similar position of the house on the lot, and, instead of requesting more, will still provide a differentiation to the addition that is beneficial to the historic character. Variances, such as the ones requested, as commonly referred to as "tools" in assisting and incentivizing historic preservation efforts. The Board will need to make a determination that the variance request to reduce the required side interior setbacks for the new addition is supportable.

(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 setbacks is not anticipated to diminish the historic character of the historic site nor the historic district. The addition 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.

(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 continued use of the structure while maintaining the historic front setback and front facade.

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.

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 construction of a one-story rear addition and exterior modifications to an existing one-story, contributing 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 a variety of different uses, due to its zoning. Provided the variance is approved, the proposal can be found to be consistent with the requirements of this.

SITE PLAN TECHNICAL ITEMS

1. Label all proposed materials and colors on all elevations; and
2. All proposed driveways be a minimum 12' wide.

ALTERNATIVE ACTIONS

- A. Move to continue with direction.
- B. Approve Certificate of Appropriateness and Variances (2022-292), for the property located at **310 NE 1st 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 and Variances (2022-292), for the property located at **310 NE 1st 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 and Variances (2022-292), for the property located at **310 NE 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.

PUBLIC AND COURTESY NOTICES

☒ Courtesy Notices were not required for this property.	☒ Public Notice was mailed to property owners within a 500' radius on 12/22/22, 10 days prior to the meeting. ☒ Agenda was posted on 12/27/22, 5 working days prior to meeting.
---	--