



**HISTORIC PRESERVATION BOARD STAFF REPORT**

Downtown Delray Villas/Magnolia Place		
Meeting	File No.	Application Type
June 5, 2024	2024-156-WAI-HPB	Waiver

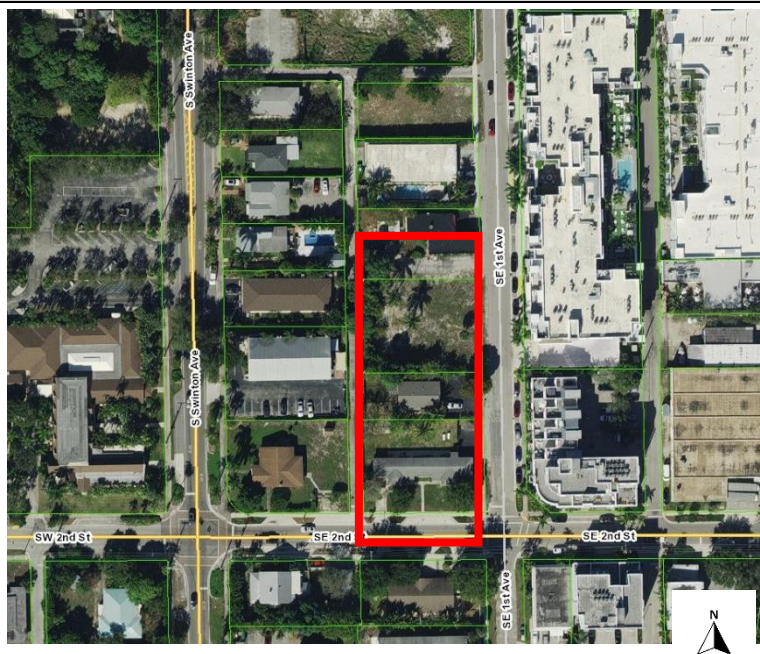
**REQUEST**  
 Provide a recommendation to the City Commission regarding a Waiver to LDR Section 4.5.1(F)(3) to allow demolition of three non-contributing structures with the issuance of a foundation permit for **Downtown Delray Villas/Magnolia Place**, within the **Old School Square Historic District**.

**GENERAL DATA**

**Owner:** 130 SE 1<sup>st</sup>, LLC  
**Applicant:** 130 SE 1<sup>st</sup> LLC  
**Agent:** Gary P. Eliopoulos, AIA, NCARB, GE Architecture Inc.  
**Location:** 19 SE 2<sup>nd</sup> Street – 130, 134, & 148 SE 1<sup>st</sup> Avenue  
**PCN:** 12-43-46-16-B4-070-0180, 0170, 0150, and 0131  
**Property Size:** 0.9811 Acres (Overall)  
**Zoning:** OSSHAD  
**FLUM:** Historic Mixed Use (HMU)  
**Historic District:** OSSHD  
**Adjacent Zoning:**

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

**Existing Land Use:** Residential/Vacant  
**Proposed Land Use:** Residential



**BACKGROUND AND PROJECT DESCRIPTION**

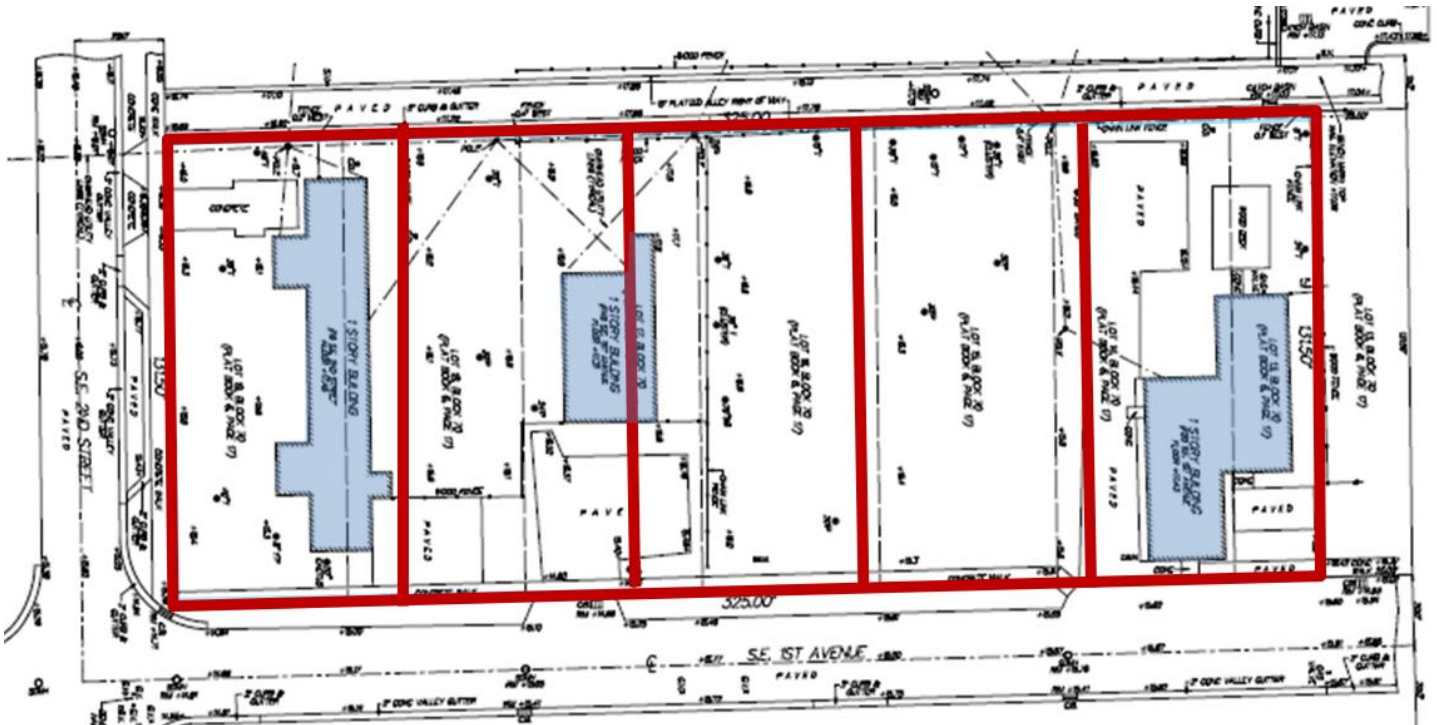
**Background**  
 The subject properties are located north of SE 2<sup>nd</sup> Street on SE 1<sup>st</sup> Avenue within the south half of Lot 13 and all of Lots 14 through 19, inclusive Block 70, Amended Plat of Sundy and Cromer’s Subdivision of Block 70. The properties are zoned Old School Square Historic Arts District (OSSHAD) and are located within the Old School Square Historic District.

On March 5, 2024, the City Commission, on appeal, approved the Certificates of Appropriateness, Demolitions, Variances, & Waivers (File Nos. 2023-132, 2023-133, 2023-134, 2023-135, and 2023-136) associated with Downtown Delray Villas/Magnolia Place (“Magnolia Place”). At its meeting of January 17, 2024, the Historic Preservation Board denied the applications and recommended denial of the plat. Magnolia Place is approved to replat four existing lots into five lots and construct new two-story duplexes, each with a pool.

<b>Project Planners:</b> Anthea Giannotes, <a href="mailto:giannotesa@mydelraybeach.com">giannotesa@mydelraybeach.com</a> Director Michelle Hoyland, <a href="mailto:hoylandm@mydelraybeach.com">hoylandm@mydelraybeach.com</a> Historic Preservation Planning Division	<b>Meeting Date:</b> June 5, 2024	<b>Attachments:</b> 1. Plans, Survey, & Renderings 2. Justification Statement
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The subject request at this time is a waiver to **Land Development Regulations (LDR) Section 4.5.1(F)(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** to allow demolition of the three existing buildings upon issuance of foundation permits, instead of the issuance of permits for the full construction of each duplex. The applicant's justification statement is attached.

It is also important to note the approved plat cannot be recorded until the certificates of completion of the demolition of the existing buildings has been issued. The approved 5-lot plat would result in new lot lines through existing buildings (see image below). Therefore, recording the plat requires the removal of the existing buildings. The staff reports for Magnolia Place noted the need for demolition to record the plat and the required building permits for the redevelopment prior to demolition.



Currently three structures are located at 19 SE 2<sup>nd</sup> Street, 148 SE 1<sup>st</sup> Avenue, and 130 SE 1<sup>st</sup> Avenue. The structure at 19 SE 2<sup>nd</sup> Street is a one-story Ranch quadruplex constructed in 1950, currently classified as non-contributing. It was noted in the 2005 Florida Master Site File Historical Structure Form to contribute to the district “as a modest example of domestic architecture...” The 2020 5-District Historic Resource Resurvey recommended the property be reclassified as a contributing resource. The property located at 148 SE 1<sup>st</sup> Avenue contains a non-contributing structure constructed in the late 1970s that has not yet gained historic significance. The structure located at 130 SE 1<sup>st</sup> Avenue is non-contributing and not recommended for contributing due to modifications made to the structure in the 1980s.

It is important to note, the approvals of the Certificates of Appropriateness, Demolitions, Variances, and Waivers are not open for reconsideration. The issue before the board is the sequence of demolition and construction of the approved project.

### WAIVER ANALYSIS

**LDR Section 4.5.1(F)(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.**

Limitations on demolition in historic districts are a common practice to protect historic (or potentially historic) resources. Limitations like the one in Delray Beach's Land Development Regulations stop the clearing of historic properties for future redevelopment that may not occur for years (or even decades), capitalizing on the character of the historic district, while removing contributing resources and contributing nothing in return. Maintaining existing structures for as long as possible provides opportunities for preservation if the construction plans do not progress.

For Magnolia Place, the following factors are relevant to the request:

1. The three buildings approved for demolition are not contributing structures, though 19 SE 2<sup>nd</sup> Street has potential to be reclassified.
2. The plat cannot be fully executed and recorded until the existing buildings are removed.
3. The applicant proposes positive work in the form of foundation permits.
4. The infill redevelopment has approved Certificates of Appropriateness.

Ultimately, the board must consider that request using the findings in LDR Section 2.4.11(B)(5).

**LDR Section 2.4.11(B)(5) Findings. Prior to granting a waiver, the granting body shall make findings that the granting of the waiver:**

**(a) Shall not adversely affect the neighboring area;**

If the construction proceeds in a timely manner, the waiver will accelerate timeline for the construction of the project. The existing structures are not contributing structures and the infill development has been determined to be appropriate for the district. Approving the demolition with the issuance of positive construction permits suggests the intent to build the project, rather than hold the land in a vacant state.

**(b) Shall not significantly diminish the provision of public facilities;**

Public facilities are not affected by this request. Approving the demolition will allow for the execution of the plat, which includes right-of-way dedications.

**(c) Shall not create an unsafe situation; and**

An unsafe situation will not result from demolishing the buildings.

**(d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.**

The circumstances of this request are unique. The structures are not contributing. Not being able to record the plat, creates complications with permit review, from intake through review process.

**OPTIONS FOR BOARD ACTION**

- A. Move to continue with direction.
- B. Recommend approval of the Waiver (2024-156), for **Downtown Delray Villas A.K.A. Magnolia Place, 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. Recommend denial of the the Waiver (2024-156), for **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.

**PUBLIC AND COURTESY NOTICES**

<input checked="" type="checkbox"/> Courtesy Notices are not applicable to this request.	<input checked="" type="checkbox"/> Public Notice was not required for this request. <input checked="" type="checkbox"/> Agenda was posted on 5/29/24, at least 5 working days prior to meeting.
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