

## COA DEMO BACKGROUND AND JUSTIFICATION STATEMENT

### BACKGROUND

Bianca and Don Pucci purchased a home located at 303 SE 7<sup>th</sup> Avenue in Delray Beach on September 30, 2021. At the time of the purchase the home was known by the buyers to be in the historic district. It was the intention of the homeowners to pursue an expansion plan to be approved by the Historic Preservation Board. Pursuant to this goal, many meetings were held with the city staff including a concept plan review with the HPB in April of 2022.

On or about May 2022, an application submitted to improve the home included raising the slab and adding several additions to the property. The application was rejected by staff for several reasons including the lack of a demolition plan which the applicant believes was due to having been given mixed feedback as to removal of the noncontributing wood-framed exterior walls as these were not part of the original structure. The owners were concerned with the condition of the walls considering the inspection report upon purchase noted wood rot and because the roof had leaks. The owners, the architect and staff met to discuss the problems with the application. One suggestion offered was to not remove the non-contributing wood framed exterior walls and "replace in place" with newer wood-framed walls. After several more meetings a new application was submitted that included plans to maintain the wood-framed north wall and limit the demolition square footage to the non-contributing additions, and only those walls that needed to be removed to accommodate the planned expansion. The demo calculation was based on documented feedback between the architect, the applicant and the staff which noted that anything more than *25% of the square footage of the original structure* required a separate demo application. The applicant revealed to staff that since no walls were being removed other than those for the planned additions, the calculation would be based on the square footage of the non-contributing additions removed and therefore not require a separate demo application. No objection was raised by staff as to the calculation provided by the applicant's architect to support this reasoning.

### HPB COA Meetings

On October 19<sup>th</sup> 2022, the staff presented COA 2022-170 for a demolition waiver and variances to the HPB. The staff report specifically noted the COA was for "Demolition of non-contributing additions located in the front west elevation to return the front plane to the historical elevation as well as removing a rear addition to allow for the approved expansion of the home to the east of the property." Further elaboration in the report noted:

1. "Demolition of the rear (east) portions of the exterior walls to accommodate the rear addition."
2. "Demolition of the south portions of the exterior walls to accommodate the second story addition."
3. "Demolition of the west portion of the structure to allow a new use for a garage."

The COA also included raising the floor elevation 3' to meet FEMA regulations. This was to be done by creating a new slab 3' above the old slab. *The COA noted the necessary removal of the roof and truss system and interior walls to execute the raising of the house.* The demolition noted in the COA was summarized by the applicant's architect during the HPB meeting. Although the level of demolition was clearly noted in the staff report, there was no specific discussion among the staff or the HPB with respect to the level of demolition or the need to have a separate COA for demolition. After much discussion on the COA's waiver request, the applicant chose to continue the application for a future date.

On December 7, 2022, the HPB approved COA 2022-170 for a demolition, waiver and variances for property located at 303 SE 7<sup>th</sup> Avenue, Delray Beach, Florida 33483. The approved COA was based upon the quasi-judicial hearing procedures that included testimony by city staff and the applicant. Prior to the meeting the HPB received an updated city staff report, whereby the demolition plan had not changed since the original submission dated October 19<sup>th</sup>, 2022. The demolition plan that accompanied the approved COA dated December 7, 2022 is shown in Exhibit A.

As shown in **Exhibit A**, the planned execution of the above noted demo was discussed with staff was to maintain most of the original exterior walls on the west, and south elevations and to repair and replace in place in a stepped sequence the wood framed noncontributory walls on the north elevation. The east walls were to be removed to allow for the planned east addition. As previously noted, the applicant architect's demo calculation was based on the square foot removal of the noncontributing structures assuming that all walls stayed in place other than those required to expand the property for the additions.

## **PLAN SUBMITTAL**

Subsequent to the December 7, 2022 COA approval, on or around June 2023, a first set of plans were submitted to the building department and approved as such by staff including historic preservation staff. A final set of plans that included structural engineering changes was submitted on or around September 28, 2023. These plans were approved by the various departments including the historic preservation staff. These final plans included a revised demolition plan due to necessary and code requirements for structural support.

An assumption was made that, since the city, including historic staff signed off on the changes, the contractor could move forward with the updated plans. We recognize that the staff should have been notified by the appropriate parties, at the time of submission, rather than assuming that their "signoff" was an authorization to move forward.

The approved demolition plans were not aligned with the December 7, 2022 COA in three specific areas as noted in **Exhibit B** and detailed as follows:

1. Plans from the structural engineer noted most of the foundation of the south wall required to be replaced to support the second story addition and as such this wall would need to be replaced. The December 7, 2022 COA approved plan only allowed a partial

removal. The full wall and footers were removed to structurally support the second story addition.

2. Plans from the structural engineer noted the north portion of the structure which surrounded the enclosed non-contributing carport could not be replaced in place with wood but CBS to support the 8" concrete eyebrow. The wood frame walls were incorrectly built directly on the concrete slab without footers causing water intrusion/damage. These walls were found to be rotted causing a concern for stability. (See photo below) (This was not a surprise since the inspection report at the time of purchase noted significant rotting.) The walls were removed in real time for safety reasons.
3. The December 7, 2022 COA approved plans showed an internal masonry wall on the south side of the garage was to remain in place. A portion of this wall to the west was found to be wood framed and removed for safety reasons. Once the roof was taken off, the CBS portion of the same wall crumbled and only a portion of the masonry wall could be saved. (See photo below) The damaged wall was removed for safety reasons.

## **POST DEMOLITION**

The applicant and their architect were involved in preliminary discussions with the contractor prior to plan submittal to discuss the demo. After the demo occurred, the applicant expressed concern as to the magnitude of the demo, specifically the three areas noted above and was assured it was according to plan. Although the applicant relied on its agents to plan and execute the demo, the applicant now recognizes that once the structural engineering plans were submitted as last minute changes, which included the removal of the south wall and the planned replacement of the non-contributing north wall with CBS, that these two changes should have been proactively discussed with Historic Preservation Staff, regardless of their signoff on the plans. Additionally, the applicant recognizes that staff should have been notified when the CBS interior wall of the garage collapsed during demolition and the north wall wood framed wall could not remain in place as planned.

On December 1, 2023, a stop work order was issued by the building department due to the demolition of more than 25% of the structure and demolition taking place beyond the scope approved.

## **JUSTIFICATION (Refer to Exhibit B for graphical reference)**

The following areas of the structure are requested to be subject to demolition as follows:

### **Non-Contributing Additions**

**Non-Contributing Mother-in-law suite addition to allow for a new garage laundry and office area. 420sq ft.**

*North Exterior Wall.* Not Previously Approved: the December 7, 2022 COA did not have this portion of the structure to be removed. The structural engineering plans submitted to the city were revised after a field observation noting incorrect installation and potential damage to the wood framed north, east and west walls of the enclosed carport structure which was not sufficient to support the 8" concrete eyebrow. Plans were adjusted to replace in place with CBS to mitigate this problem. Per the certified structural engineering report provided, the construction of the garage using CBS walls to restore the angled 8" concrete eyebrow, a historical trademark for this structure is justified for safety reasons and to return the wall back to its original material by replacing the walls with CBS rather than wood framed as had been previously approved.

*West Exterior Wall.* Previously Approved: The December 7, 2022 COA approved removal of this wall is justified to convert the converting the living space area to a new garage door.

*Northeast Exterior Wall.* Previously Approved: The December 7, 2022 COA approved removal of the Northeast Wall is justified to accommodate the east addition.

*Southeast Exterior Wall.* Previously approved: The December 7, 2022 COA did not approve the removal of this CBS wall as it was assumed it to be part of the historical structure, however at the time of demo it was noted that the exterior part of the wall was not CBS but rather a noncontributing wood frame wall. Additionally, as previously noted, replacement of the wood framed wall with CBS does return the wall back to its historical material. The removal of the wood framed wall is justified for structural support per the certified structural engineering report provided.

**Contributing walls:**

**Interior south masonry wall** Not Previously approved: The December 7, 2022 COA approved plans showed an internal masonry wall on the southside of the future garage was to remain in place. Once the roof was taken off, the CBS crumbled, and the wall was taken down immediately for safety reasons. Only a part of that wall could be saved. This wall is justified to be removed and replaced to maintain integrity of the 8" concrete eyebrow per the structural engineering certified report provided.

**South exterior wall (future interior wall)** . Not previously approved. The December 7, 2022 approved COA plans referenced only a portion of this wall to be removed to accompany the second story addition. According to the provided structural engineering certified report the existing CBS footers were not sufficient to hold the load of the second story addition and required the wall to be fully removed including replacement of all footers. The replacement of this wall is justified to meet the city code requirements of structural support.

The following demolition was approved in the December 7, 2022 COA.

**Approved at 12-7-22 COA noted in Exhibit A.**

Per Exhibit B, justification for approval of these walls is outlined in the December 7, 2022 approved COA staff report. In summary this previous approved demolition is justified as follows:

**East contributing masonry walls** to be removed to allow for the east addition.

**East non-contributing wood framed addition** to be removed to allow for the east addition.

**West non-contributing wood framed addition** to be removed to allow for the new structure to retain the footprint of the original historic structure.

**Portion of the south wall** (Southwest) to be removed to allow for the construction of the south two-story addition.

**A portion of the west carport** enclosure to allow for a new garage door.

Again, we note that the purpose of this background and justification statement is to note that the intent of the applicant was *never* to execute a demolition more than what was approved at the December 7, 2022 HPB meeting. We recognize three particular areas previously detailed above were demolished not in accordance with the COA plans and were mostly a result of last-minute structural changes to the permit submission or due to an immediate need for safety conditions on the job. In fact, per Exhibit B, most of the walls demolished were in accordance with the December 7, 2022 approved plans. We are providing this summary as a transparent reflection of what exactly happened why it happened and justification of the demolition that occurred.

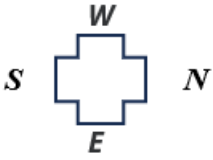
Portion of Interior  
Masonry Wall Collapsed-  
Removed



Rotted, defective wood  
removed



Exhibit A – Demo plan approved COA December 7, 2022



COA Approved Demolition

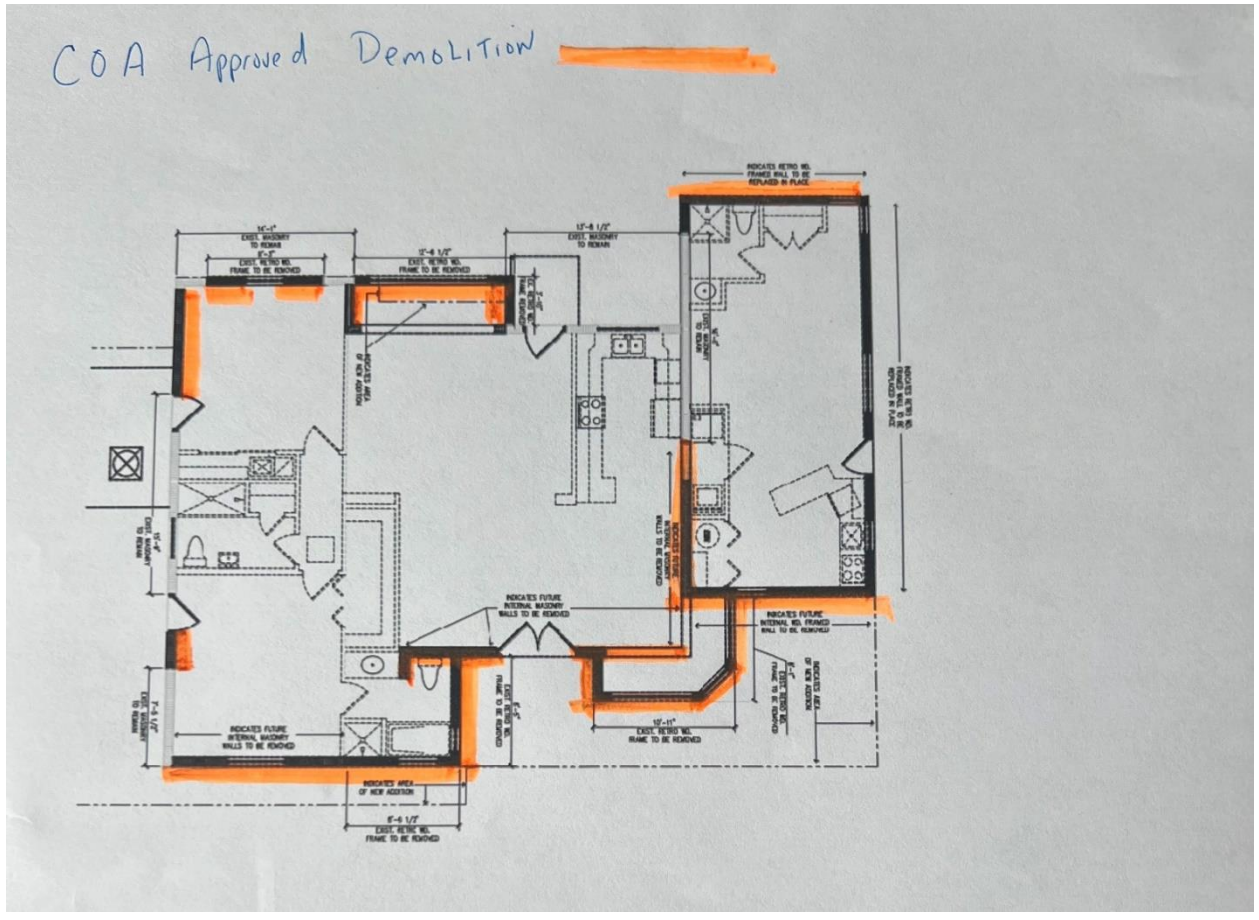
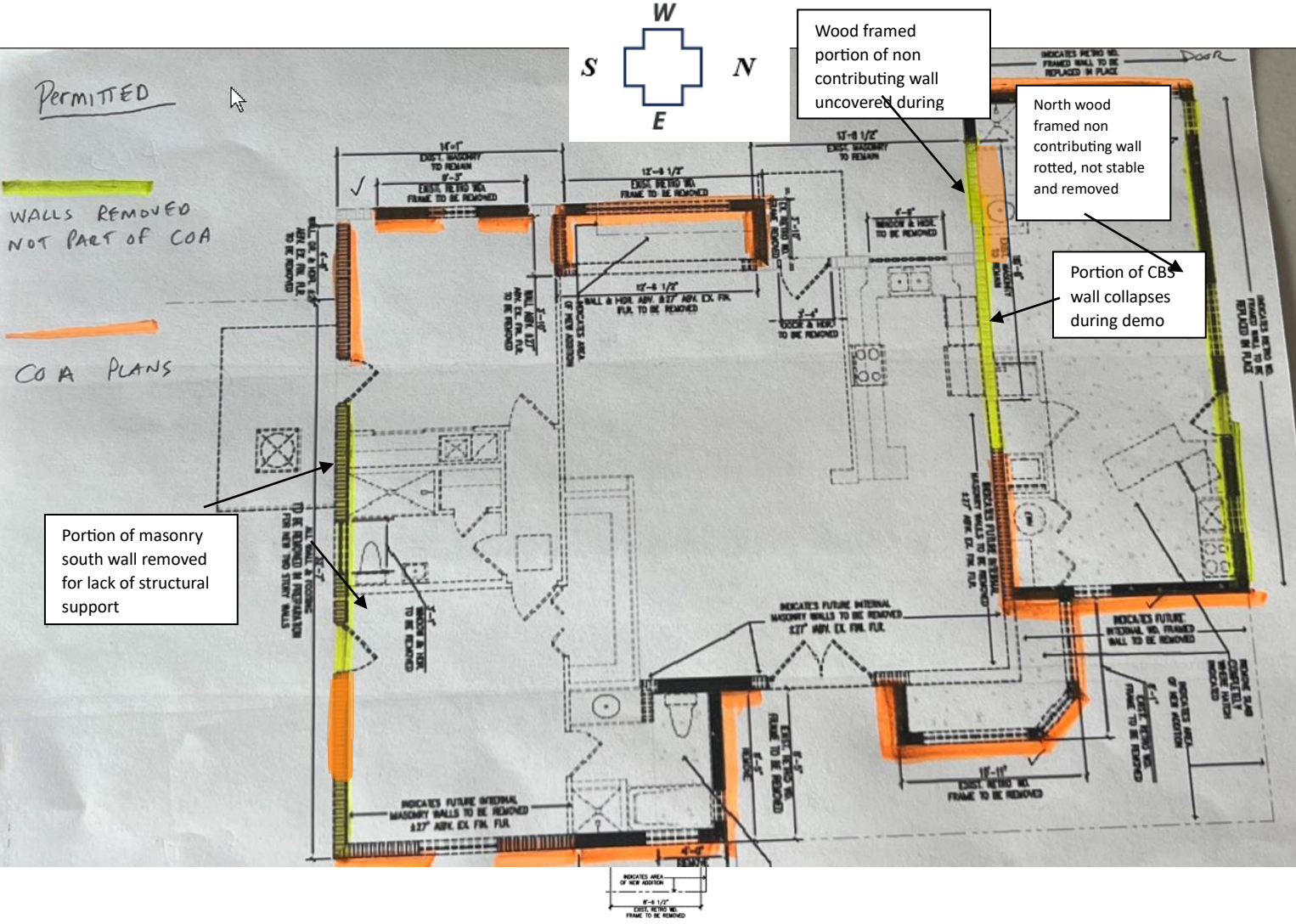


Exhibit B – Demo plan executed based on permitted plans including 3 areas not approved for demolition as part of the Demo planned submitted and approved 2022 COA HPB.





***Section 4.5.1 (F) Demolitions.***

- 1) 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:

**Response: Applicant acknowledges COA for demolition is required and is seeking COA "After the fact."**

- 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.

**Response: The COA application contains the revised plans for demolition**

- 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

**Response: A COA application is seeking approval for a demolition exceeded 25%. A demolition plan has already been submitted to the Building Department and approved but requires a COA approval.**

- 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\(G\)](#).

**Response: All demolition has been completed subject to completed and approved plans by the City Building Department. Certain demolition occurred due to unsafe conditions.**

- 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\(B\)\(1\)\(j\)](#).

**Response: The COA application includes the demolition plan by Archetelier, Inc. The execution of Public Notice Documents is noted on the COA checklist**

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. **The home's alteration would not support designation 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. **The home's design and material was already altered and is being reproduced with great difficulty and expense.**

c) Whether the structure is one of the last remaining examples of its kind in the designated historic district within the city. **The structure designed by Carlos Schoepl (known for his mid-century modern, art deco, and mediterranean revival designs) in 1954 was a mid-century modern ranch with art deco elements. In the late 80's the home was significantly renovated, and its exterior was reconstructed as a mediterranean revival. This mediterranean style is not considered one of its kind within the district. The unique architectural design of the original structure of which the architecture itself was removed in the late 80's could have been considered one of the last remaining examples in the Marina Historic district. The applicant's plans are to bring this unique architectural design back to the structure so that it does become one of its kind in the Marina Historic District.**

d) Whether retaining the structure would promote the general and value of a particular culture and heritage. **The original structure was associated with the Blank Family nurseries. Mike Blank had the home built as one of many homes he owned in Delray for his family. Mike Blank engaged the architect Carols Schoepl to design a mid-century modern ranch with a unique architectural style. Although the original structure was historic, the 80's renovation removed approximately 40% of the exterior walls and 100% of the home's original architectural style. Although the surveys in the district did not document this change as they incorrectly noted "No alterations present" the existence of the original structure's architectural plans clearly indicates that significant changes were indeed made to the structure and the architectural style. The applicant believes that these significant changes mitigates any potential loss promoting the cultural heritage of the home due to the demolition that took place.**

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. **The immediate reuse is residential and this does not have a bearing on a historic or 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\(H\)](#)

**Response: If the COA is not granted, there is no viable alternative as the home is in a unimproved state of construction and no longer viable and great economic hardship to the owner is likely as this is their planned primary residence. The applicant's intent was to not have the home demolished more than 25%, however, mistakes made by its agents beyond the applicant's control has caused undue hardship to the applicant.**

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.

**Response: In this case it would not be in the public interest to refuse to grant the COA. The existing site is not inhabitable and creates an eyesore in the neighborhood. The applicant has received overwhelming support from its neighbors to have the property put back to its historic potential by returning to the structure an authentic representation of the home's original design.**

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.

**Response: Demolition greater than 25% has already occurred when north and south walls were taken down.**

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. **The COA includes a certified report noting that the demolition plan as approved in the December 7<sup>th</sup>, 2022 would not have been structurally safe and sound. This COA is an after the fact Demo.**

**Photographs are included in the justification statement regarding walls demolished not in according to the COA approved by the HPB. See Supplemental attachment.**

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. **The COA includes a report from Stuart & Shelby that documents the costs to repair the structure to a safe and habitable condition. See Supplemental attachment.**

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. **The COA contains a property appraisal of the property in its current condition, its value as a vacant land and its potential as a restored historic property. See Supplemental attachment.**

**The value as a vacant land appraisal assumed the entire structure including walls and slabs were to be removed. The slab, certain walls including all original footers remain. A summary of the appraisals for these values taken from the report is as follows:**

**The Appraised value as vacant land was \$850,000**

**As before demolition: dimensions as per county website and  
mls: \$1,630,000**

**The value as Preserved & restored historic Property:  
\$3,000,000**

**Separate detailed reports of each valuation are provided in the application. Per the appraisal reports the value prior to demolition noted property to be in a major flood zone with compromised construction. The value after improvement is reflective of additional square footage, the restoration of walls to the original historic material and the elevation of the home to meet FEMA standards to obtain flood insurance and preserve the property from potential peril. The value as vacant land assumes 100% demolition of slab, footers and walls.**

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. No effort was made to find a suitable location because relocation was never an option. **Relocation was not considered in place of the selected demolition due to the fact that the existing structure no longer had historical significance in its architectural design. Additionally, due to the fact the home was built on a concrete slab with partial CBS**

**and wood frame walls relocation is not an option. A rehabilitation of the existing structure is considered the best option.**

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. **The property owner did take steps by meeting with its agents on more than one occasion to review the demolition plan as approved. The property owner did not receive the updated structural plans that revised the demolition plan until after the demo occurred when it inquired as to why certain walls were taken down. Unfortunately, the property owner could not preserve what remained of the structure. However, it should be noted that 40% of the original structure's walls along with a portion of the roof had already been removed by prior owners of the property. Additionally, certain walls of the structure prior to demolition that were wood framed were rotted and could not be preserved. The property owner has taken measures that have resulted in significant time and cost to bring back the historical design element of the home. Neighbors have been extremely supportive of this historical initiative.**