



April 19, 2019

City of Delray Beach

Re: 1120 Nassau Street

### Compatibility Standards Justification Letter:

(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.

Complies. The primary façade clearly represents the original one-story structure. The two-story addition at the rear with the residences to the east and west being greater than a single story.

1. Building Height Plane (BHP): The building height plane technique sets back the overall height of a building from the front property line.

The relocated structure, is required to be at +7.5 NAVD causing the conflict with the BHP at the front setback. Because it is a relocated structure, it may be exempt due to 1(b) below.

b. A structure relocated to a historic district or to an individually designated historic site shall be exempt from this requirement.

Complies.

2. First floor maximum height. Single-story or first floor limits shall be established by:

a. Height from finished floor elevation to top of beam (tie or bond) shall not exceed 14 feet.

Complies.

b. Mean Roof Height shall not exceed 18 feet.

Complies.

c. If any portion of the building exceeds the dimensions described in a. and b. above, the building shall be considered a multi-story structure

N/A

e. Sections a., b., and c., above may be waived by the Historic Preservation Board when appropriate, based on the architectural style of the building.

3. Upper Story Height(s). Height from finished floor elevation to finished floor elevation or top of beam (tie or bond) shall not exceed 12 feet.

Complies.

(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.

The proposed front façade is very similar to the existing façade. The original front façade is to remain.

(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.

Proportion of windows and doors on the original structure is primarily existing to remain. Window widths have been replicated on the rear addition with a lower sill height and different light division to differentiate the new from the old.

(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.

The rhythm of solids to voids is nearly identical from the street façade. With the rear addition, massing is broken up with a change in planes and trellis space.

(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.

Rhythm of buildings on streets. The visual impact from the street will remain virtually unchanged with the exception of the mandated raise in grade.

(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.

The addition of a north facing trellis does not obstruct the clarity of the primary front massing. The scale of the trellis is in keeping with similar porch features on the street, though it has less of a visual impact.

(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.

All new or repaired materials will look identical to those predominant materials of the 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.

The roof shape is existing to remain. Additions are created to replicate the roof detail and tie into the existing structure.

(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:

1. For buildings wider than 60 percent of the lot width, a portion of the front façade must be setback a minimum of seven additional feet from the front setback line:

a. Lots 65 feet or less in width are exempt from this requirement.

Exempt. The lot is less than 65'.

2. For buildings deeper than 50 percent of the lot depth, a portion of each side façade, which is greater than one story high, must be setback a minimum of five 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.

A variance for the side yard setbacks has been applied for.

(l) Architectural style. All major and minor development shall consist of only one architectural style per structure or property and not introduce elements definitive of another style.

Complies.

(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.

Complies. Addition is at the rear and positioned near adjacent massing.

2. Additions or accessory structures shall not be located in front of the established front wall plane of a historic building.

Complies.

3. Characteristic features of the original building shall not be destroyed or obscured.

Complies. No original historic street facing features are being 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.

Complies. The addition is at the rear, and the second story addition, if removed in the future, would not cause harm to the original structure. The second story feature allows most of the added mass of the building to be contained to one area to have less of a structural impact on the original building.

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.

Complies. The addition is designed in the same language as the existing structure, but with distinct changes in building plane and fenestration and materials to communicate that the addition is not original.

6. Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.

Complies. Given how far back the addition is situated, there is a clear differentiation and hierarchy between the addition and the original structure. The addition is positioned in such a way to obscure it from view at the street level and gives deference to the original structure.

#### Secretary of the Interior's Standards for Rehabilitation:

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.

Complies. The property will continue to be used as a single-family residence.

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.

Complies. The original character defining features of the home will be preserved. Non-original additions are to be removed.

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.

Complies. Conjectural features have not been added. Detailing of the original structure to remain intact.

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

Complies. Additions to the property include a rear bathroom, carport, laundry room and enclosed porch. Of those that are still structurally sound, the rear bathroom and enclosed porch are outside of the original period of significance for the district.

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

Complies. Character defining features include the brick at the entry, colonial door surround, outlookers and chimney detailing. All of these features will remain.

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.

Complies.

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.

Complies.

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

Acknowledged.

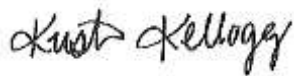
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity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

Complies. The proposed alterations and addition to the home will allow the already fire-damaged historic materials to be restored. The street façade retains all of its original detailing and massing. The addition to the home is differentiated in both a jog in the plane of the building and by its materiality. By pushing the two-story massing to the very rear of the property, over 60' from the property line, there is an emphasis on the historic massing, and eliminates almost all of the addition from view at the street façade. The property is surrounded by homes with more than one story.

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.

Complies. The addition is jogged away from the original portion of the house and primarily impacts the rear of the structure. The second story addition could be removed in the future while leaving the original footprint and massing of the house intact.

Sincerely,



Kristin H. Kellogg  
Principal Architect | Smith Kellogg Architecture, Inc.



July 9, 2019

City of Delray Beach

Re: 1120 Nassau Street

**Variance Justification Letter:**

Applicant requests relief from Section 4.3.4 (K) R-1-A side yard interior setback, 7-1/2' required.

Applicant proposes: 6'6" (East) and 4'1-1/2" (West) side interior setbacks in lieu of the 7-1/2' required. Existing side setbacks are 7.14' (East) and 3.54' (West). The applicant's proposal has reduced the nonconformity in the side setbacks encroachment and reduced the overall combined setback nonconformity.

**Findings of Fact:**

(5) Findings: The following findings must be made prior to approval of a variance:

(a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning (The matter of economic hardship shall not constitute a basis for the granting of a variance);

*Existing lot is an undersized non-conforming lot at 5493 sf. Minimum lot square footage for the R-1-A zoning district is 7500 sf.*

(b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning;

Abiding by the required side setbacks would not allow for the applicant to retain the existing, historic, massing and dimensions of the home. The undersized lot also limits the applicant to less buildable frontage than is allowed to others within the same zoning district on conforming lots.

(c) That the special conditions and circumstances have not resulted from actions of the applicant;

*The non-conformity is existing and granting the variance will only reduce the existing non-conformity.*

(d) That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance;

*Granting of the variance would only permit the owner to continue to maintain the historic structure and will not worsen existing nonconformities.*

(e) That the reasons set forth in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and,

*Requested variances decrease the existing nonconformity while maintaining the sections of the original, historic structure. Special efforts have been made to reduce the existing the non-conformity to only that which is necessary to maintain the historic structure and character.*

(f) That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

*The granting of the variance is in keeping with the existing historic context and dimensions.*

(6) Alternative Findings of the Historic Preservation Board: The Board may be guided by the following to make findings as an alternative to the criteria above:

(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.

*Yes, the variance is required in order for the existing historic structure to maintain its current width.*

(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.

*The lot is 55' wide with the existing building at 42.6' wide making the required 14' cumulative side setbacks not feasible.*

(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 literal interpretation would not allow the historic building to be maintained at its current width.

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

*True. The variance would enable the historic structure to be maintained.*

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

*Due to the current condition of the fire damaged structure, moving the building on the site would allow the owners to incorporate the program required to make their investment in the restoration of the existing structure feasible. The variance is only necessitated by historic structure, and not the proposed addition.*

Applicant requests relief from Section 4.3.4 (K) R-1-A front yard interior setback, 25' required.

Applicant proposes: 14.4' front yard setback in lieu of the 25' required.

**Findings of Fact:**

(5) Findings: The following findings must be made prior to approval of a variance:

(a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning (The matter of economic hardship shall not constitute a basis for the granting of a variance);

*Existing lot is an undersized non-conforming. The deeded right-of-way for the property as provided in the survey and recorded in the plat book is 18.8'. The City's proposed right-of-way is 40'-0". With a 40'-0" right-of-way, the front yard setback would be 35.6' from the edge of the street compared with the 25' intent. The structure would not be able to be relocated at the contextual front setback for the district.*

(b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning;

*With a 40'-0" right-of-way, the structure would not be able to sit at the contextual front setback for the district, as do many of the surrounding properties. It also limits additions on the lot to be significantly less than many of the other structures in the district.*

(c) That the special conditions and circumstances have not resulted from actions of the applicant;

*The significant right-of-way increase from 18.8' to 40' by the City creates the hardship for historic neighborhoods. The intent of the code still complies with the proposed plans. According to the City Engineer, the width of the road will not change, and the intent of the code would comply with the building set back 25'-0" from the edge of the road.*

(d) That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance;

*Granting of the variance would only permit the owner to use the property the same way other structures in the district are allowed.*



*The intent of the code to have the house setback 25'-0" from the road will be followed.*

(e) That the reasons set forth in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and,

*The deeded right of way for the property as provided in the survey and recorded in the plat books is 18.8'. The City's proposed right-of-way is 40'-0". With this right-of-way, the structure cannot sit at the contextual front setback for the district, as do many of the surrounding properties. The proposed right-of-way would leave only 54.4' of the lot buildable.*

(f) That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

*The intent of the code still complies with the proposed plans. According to the City Engineer, the width of the road will not change, and intent of the code would be in compliance with the building setback 25'-0" from the edge of the road.*

(6) Alternative Findings of the Historic Preservation Board: The Board may be guided by the following to make findings as an alternative to the criteria above:

(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.

*Granting the variance will allow for the fire-damaged structure to be expeditiously rehabilitated.*

(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.

*The lot is undersized and the proposed right-of-way severely limits the buildable area on the lot.*

(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.

Complies. Applying the 40'-0" right-of-way would change the contextual front setback of the historic neighborhood.

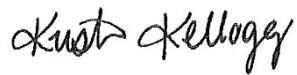
(d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.

*Complies. The requested variance will assist with restoring the historic structure.*

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

*Due to the current condition of the fire damaged structure, moving the building on the site would will allow necessary repairs to the structure to be undertaken.*

Sincerely,

A handwritten signature in black ink, reading "Kristin Kellogg". The signature is written in a cursive, flowing style.

**Kristin H. Kellogg**

Principal Architect | Smith Kellogg Architecture, Inc.



April 19, 2019

City of Delray Beach

Re: 1120 Nassau Street

Waiver Justification Letter:

LDR Section: Sec. 4.5.1. 3 (a)(2)(a) and (c)

Requirement: 2. Garages and carports. [Amd. Ord. 38-07 2/5/08] 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. [Amd. Ord. 01-12 8/21/12] 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. [Amd. Ord. 01-12 8/21/12] 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. [Amd. Ord. 01-12 8/21/12] 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. [Amd. Ord. 01-12 8/21/12]

Relief Requested: Permit front facing garage doors where a current non-original, fire-damaged, carport exists.

Findings of Fact:

- (a) Shall not adversely affect the neighboring area
  - 1. Front facing garage doors are not uncommon in the district. Permitting a front facing garage where a front facing carport currently exists will not adversely affect the district and is in keeping with the character of the district.
  - 2. The carport is not original to the home and was built an estimated thirty years later. Due to the fire, the carport is not able to be saved or restored. This part of the home will need to be rebuilt completely. No original, contributing portions of the home will be lost.
- (b) Shall not significantly diminish the provision of public facilities;
  - 1./2. Granting the waiver will not diminish the provision of the public facilities.
- (c) Shall not create an unsafe situation; and,
  - 1. The proposed waiver will not create an unsafe situation. Ample space is provided between the garage and the street.
  - 2. Granting the waiver will allow the existing unsafe carport to be remedied.
- (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.

1./2. Given the small lot frontage and massing of the historic house, there is no alternate location for a garage or carport. Other homes in the district with a similar lot configuration have a front-loading single car garage.

LDR Section: Sec. 4.5.1. 7 (m)(6)

Requirement: 6. Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building. [Amd. Ord. 38-07 2/5/08]

Relief Requested: The addition is secondary and subordinate as the second story addition is set back 61'-10" and will not be visible from the street.

Findings of Fact:

- (a) Shall not adversely affect the neighboring area
  - 1. The neighboring area will not perceive the second story addition because it is set at the very rear of the property.
- (b) Shall not significantly diminish the provision of public facilities;
  - 1. Granting the waiver will not diminish the provision of the public facilities.
- (c) Shall not create an unsafe situation; and,
  - 1. Granting of the waiver will not create an unsafe situation. Approval of the proposed plans will ensure the existing unsafe building will be rehabilitated.
- (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.
  - 1. All other contributing properties on the ocean block of Nassau Street on the south side of block have more than one story. The property under consideration is the only house within this part of the block that is a single story. The house also backs up to an approximately 15' high concrete wall and multistory condominium.

LDR Section: Sec. 4.5.1. 7 (a)(1)

Requirement: The building height plane line is extended at an inclined angle from the intersection of the front yard property line and the average grade of the adjacent street along the lot frontage. The inclined angle shall be established at a two to one (2:1) ratio.

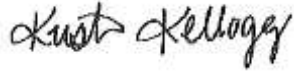
Relief Requested: Relief from the Building Height Plane as any one-story building positioned at the front yard setback would be in violation of this requirement due to mandates FEMA building elevations.

Findings of Fact:

- (a) Shall not adversely affect the neighboring area
  - 1. Complies. Due to the level of work required to refurbish the property, the building elevation will be required to be brought up to code.
- (b) Shall not significantly diminish the provision of public facilities;
  - 1. Granting the waiver will not diminish the provision of the public facilities.
- (c) Shall not create an unsafe situation; and,

1. Granting of the waiver will not create an unsafe situation. Approval of the proposed plans will ensure the existing unsafe building will be rehabilitated.
- (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.
  1. Not granting relief would prohibit the owners of the property from enjoying the same privileges as other properties. Due to FEMA requirements, the building height plane would be in violation for any one-story property on the site at the front yard setback.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristin Kellogg". The signature is written in a cursive, flowing style.

Kristin H. Kellogg  
Principal Architect | Smith Kellogg Architecture, Inc.