



CITY OF DELRAY BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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



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HISTORIC PRESERVATION BOARD STAFF REPORT

516 N. Swinton Avenue

Meeting	File No.	Application Type
August 5, 2026	HP-526-2026	Certificate of Appropriateness, Demolition, Variance, & Waiver

REQUEST

The item before the Board for consideration of a Certificate of Appropriateness (HP-526-2026), Demolition, Variance and Waiver requests for a second-floor addition to an existing non-contributing one-story garage structure for use as a guest cottage for the property located at **516 N. Swinton Avenue (Harden-Hart House), Individually Designated to the Local Register.**

GENERAL DATA

Owner: John Basford & Jasmine Carvajal

Applicant: Jose Erazo

Location: 516 N. Swinton Avenue

PCN: 12-43-46-08-21-011-0060

Property Size: 0.28 Acres

Zoning: R-1-AA – Lake Ida Overlay

LUM: Low Density Residential (LD)

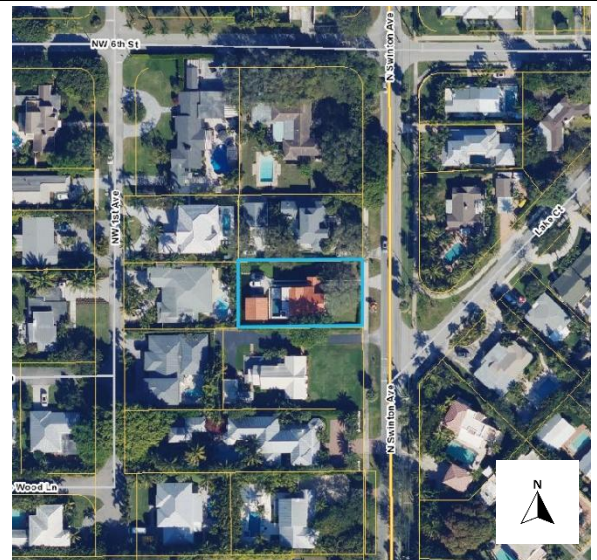
Historic District: Individually Designated

Adjacent Zoning:

- R-1-AA – Single Family Residential (North)
- R-1-A – Single Family Residential (East)
- R-1-AA - Single Family Residential (South)
- R-1-AA - Single Family Residential (West)

Existing Land Use: Residential

Proposed Land Use: Residential



BACKGROUND AND PROJECT DESCRIPTION

The subject property is located at 516 North Swinton Avenue, on the west side of North Swinton Avenue between Lake Ida Road and NW 6th Street, within the Lake Ida Neighborhood Overlay. The property contains a circa 1925 single-family residence designed in the Mediterranean Revival style.

The Mediterranean Revival style, 2-story structure was originally constructed in 1925 at 326 Pioneer Place within the city of West Palm Beach. The home was relocated to its current location by David (former Mayor) and Andrea Harden in 1994 to a vacant lot the Harden's purchased from retired Trinity Lutheran Church pastor, Rev. Robert Klemm.

In the early nineties, the Norton Gallery of Art acquired properties along Pioneer Place as part of its plan for expansion. The subject structure, along with several others along Pioneer Place, were slated for demolition or relocation.

Project Planner: Michelle Hewett, Senior Planner, hewettm@mydelraybeach.com	Review Dates: HPB: August 5, 2026	Attachments: 1. Plans and Survey 2. Justification Statements 3. Photographs. 4. Building Color and Material
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The Harden's had originally planned to build a new home on their N. Swinton Avenue vacant lot but when their plans did not work out, it was suggested by Mr. Chris Brown, then Director of the Delray Beach Community Redevelopment Agency (CRA), to move a West Palm Beach home to the vacant lot. The CRA was planning to move two other structures from the Hillcrest neighborhood in West Palm Beach to Delray Beach, logistically the timing was ideal to move another. Then, John Johnson, Preservationist with the Palm Beach County Historic Preservation Board and the State of Florida informed the Hardens of the availability of two historic houses in good condition located on Pioneer Place. The homes were to be relocated rather than demolished. The Harden's looked at both houses and decided to take the one at 326 Pioneer Place.

On Monday, January 24, 1994, Modern Moving detached the house from its foundation at 326 Pioneer Place, moved it to the Intracoastal Waterway, loaded it onto a barge, and along with two other West Palm Beach homes, it was floated down the Intracoastal to Knowles Park in Delray Beach where all three homes remained for the next week. The following Monday, January 31, 1994, with the Harden-Hart House leading the way, hundreds of people gathered to watch the three historic homes (including the 2 CRA acquired homes) move from Knowles Park west on SE 10th Street, over the Florida East Coast Railway, to Swinton Avenue, then slowly north on Swinton in a nearly two-mile "Parade of Homes". The Hardens moved into their newly relocated home at 516 N. Swinton Avenue in April of 1994.

The Harden-Hart house is an excellent example of the Mediterranean Revival architectural style. The City of West Palm Beach noted in a letter dated November 17, 1993, that neither the builder nor the architect of the structure was known. The two-story structure has a modified rectangular floor plan with an intersecting gable roof and a front entry porch off a porte-cochère. Typical of Mediterranean Revival style of architecture, the second story is shorter than the ground level, which allows for 9' tall first floor ceiling heights. The structure is constructed of wood with a textured stucco exterior and a terra-cotta, barrel tile roof with gables and exposed wood rafter tails. Decorative features unique to the structure include four Solomonic or Barley-sugar columns that support the porte-cochère and the outside front corner of the entry porch. Each spiral type column has a bas-relief head centered at the top of each column and each head is different from the others. The columns are original to the structure. The structure features two pairs of single-hung, wood first floor windows on the front façade, which are inset in faux, rusticated, keystone arches that rise up from the ground and surround the windows. Simpler double-hung, four over-one wood windows are featured on the balance of the elevations. The windows feature vertical pane, four-lites in the upper sash and are inset with stone sills. Other window styles include three slip head, single sash windows and four casement windows

In 1994, an accessory garage structure was constructed in the rear of the historic home in the same Mediterranean Revival architectural style, and in 2024 a paint color change was administratively approved for the main structure.

Then, on April 16, 2019, the City Commission approved Ordinance No. 15-19, listing the home & property to the Local Register of Historic Places, to be known as the Harden-Hart House. The historical and cultural significance of the structure began with its development, residency by former City of Delray Beach City Manager David Harden and his wife Andrea, as their residence since 1994. Previously, John M. and Eliza Hart built and lived in the home when it was located in West Palm Beach from 1925-1994. The structure was deemed historic when it was located in the City of West Palm Beach but was later slated for demolition as part of the expansion of the Norton Art Museum in the 1990's. The structure exemplifies the Mediterranean Revival architectural style popular during the 1930's and the Harden's saved the structure by relocating it in 1994.

The subject request before the board is for the demolition of the existing non-contributing garage via the entire removal of the roof for the construction of a new second story guest cottage. The request also includes relief for the following:

- Waiver for the maximum percentage of upper floors within the Lake Ida Overlay District; and
- Variance for the side interior (south) setback for steps.

REVIEW AND ANALYSIS

Pursuant to Land Development Regulation (LDR) Section 2.4.12(A)(5), prior to approval, a finding must be made that any Certificate of Appropriateness is consistent with Historic Preservation purposes pursuant to Objective HPE 1.4 of the Historic Preservation Element of the Comprehensive Plan; the provisions of Section 4.5.1; the Delray Beach Historic Preservation Design Guidelines; and, the Secretary of the Interior's Standards for Rehabilitation.

ZONING USE AND REVIEW

Pursuant to LDR Section 4.4.3 – Single Family Residential (R-1) Development Standards: There is no change proposed to the existing principal structures' single-family residential use, which is permitted within the R-1-AA zoning district. Additionally, guest cottages are listed as a permitted accessory structure within the R-1 zoning districts.

Pursuant to LDR Table 4.3.4(A) Building Elements or Site Improvements Allowed in Building Setbacks, there are several building elements proposed with the second story addition. The proposal includes a Juliette balcony on the north elevation and roof overhangs which are within the south and west setback but only extend 2 feet, where a maximum of 3 feet is permitted within the setback. There are steps proposed within the south side interior setback, thus a variance has been submitted for that request; analyzed later in the report.

Pursuant to LDR Section 4.3.4(K) Development Standards and LDR Section 4.4.3(F)(2) Lake Ida Overlay District – The subject property is located within the R-1-AA zoning district and Lake Ida Overlay District and shall be developed according to the requirements noted in the chart below:

DEVELOPMENT STANDARDS	REQUIRED	EXISTING	PROPOSED
OPEN SPACE	25%	67.5%	No change
SETBACKS (MINIMUM)			
FRONT (EAST)	25'	44' 9 ³ / ₄ "	No change
SIDE INTERIOR (SOUTH)	10'	11' 7 ¹ / ₂ "	8' ³ / ₄ "-8'3 ¹ / ₂ " *
SIDE INTERIOR (NORTH)	10'	44' 4 ¹ / ₂ "	No change
REAR (WEST)	15'	15'	No change
HEIGHT	35'	Principal 24'3 ¹ / ₄ " Accessory 9'6"	Principal No change Accessory 21'
Floor Area Ratio - Multi Story (Max)	.35	.30	.35
Accessory Structure (Max)	40%	15%	30%
Guest Cottage Square footage (Max)	700 SF	N/A	528 SF
Guest Cottage one-twentieth lot area (Max)	600 SF	N/A	528 SF

* Variance request

Pursuant to LDR Section 4.3.3(Q)(1) – Accessory Residential Structures.

General Standards. To promote aesthetically harmonious neighborhoods, accessory structures in residential zoning districts must comply with the regulations herein.

- a) The height of an accessory structure shall not exceed the height of the principal structure. This limitation does not apply to Accessory Dwelling Units (ADUs).
- b) The floor area of an accessory structure shall not exceed 40 percent of the floor area of the principal structure. This limitation does not apply to ADUs.
- c) Accessory structures larger than 350 square feet or taller than ten feet are subject to the following design standards:
 1. The accessory structure must be designed with a similar architectural style and be finished with materials similar in appearance to the principal structure.
 2. Foundation landscaping, in accordance with Section 4.6.16, must be provided along the entire building frontage, if visible from the right-of-way.
 3. All doors, including garage and overhead doors, must have a decorative appearance consistent with the overall architectural style of the primary residential structure.
 4. Blank walls visible from the right-of-way are prohibited. Fenestration consistent with the design and appearance of the principal structure and/or design treatments such as trellises with climbing vines or other plant materials, or architectural details may be used to avoid the appearance of blank walls.

The proposed second story addition to the existing garage will increase in height from an existing 9 feet 6 inches to 21 feet. It will not exceed the height of the existing principal structure, which is 24 feet 3¼ inches. The floor area of the accessory structure is also proposed below the maximum 40% of the floor area of the principal structure. As the accessory structure is proposed to be larger than 350 square feet, the design standards are applicable. The proposed architectural style is to retain the Mediterranean Revival style that the principal structure and existing garage utilize including a textured stucco finish and barrel tile roofing. The accessory structure is located directly behind the existing principal structure, making it somewhat visible from the adjacent North Swinton Avenue public right-of-way, however, there are visual compatibility standards that are applicable to the structures façade, discussed later in the report.

Pursuant to LDR Section 4.3.3(Q)(2) – Guest Cottage

- a) Guest Cottages are accessory residential structures for use by members of the family occupying the principal dwelling, their nonpaying guest (except in Bed and Breakfast Inns), or persons employed for service on the premises
- b) The guest cottage, whether detached or attached to the principal structure, shall not occupy more than one-twentieth of the lot area and shall not exceed a floor area of 700 square feet
- c) The guest cottage shall comply with the minimum setbacks required for the principal structure
- d) Only one guest cottage shall be allowed on a property
- e) The guest cottage shall not have a kitchen
- f) A guest cottage shall not have a separate water or electric meter.

The proposed guest cottage is to contain 528 square feet, which is no more than one-twentieth of the lot area (maximum of 600 square feet) and no more than 700 square feet. This would be the only guest cottage on the site and is not proposed with a kitchen. A site plan technical item has been added that the guest cottage shall not have a separate water or electric meter. The requirements of this section are being met with this proposal.

LDR SECTION 4.5.1

HISTORIC PRESERVATION: DESIGNATED DISTRICTS, SITES, AND BUILDINGS

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

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

The subject application is considered "Major Development" as it involves the modification of more than 25 percent an existing structure within the R-1-AA zoning district.

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.

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 existing two-car garage will remain with the proposed second story addition. The demolition request consists of the complete removal of the roof to accommodate the addition, discussed later in the report.

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

The subject request is for a 528 square foot second-story addition to an existing non-contributing accessory structure. Applicable development and preservation standards have been applied during the review of the proposal while also taking into consideration the original design of the individually designated primary structure.

Pursuant to LDR Section 4.5.1(E)(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.

SECRETARY OF THE INTERIOR'S STANDARDS

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.

While the subject structure and proposed addition are non-contributing, the Secretary of the Interior's Standards are utilized to ensure appropriate modifications are made should these structures become contributing and to ensure compatibility with the individually designated primary structure. Standards 1, 2, 5, 9, and 10 are applicable. The subject proposal consists of the demolition of the entire roof of

the existing non-contributing garage to accommodate a second story addition for use as a guest cottage. The existing individually designated primary structure was constructed circa 1925 as a single-family residence (relocated to the site in 1994) and the rear accessory two-car garage was constructed in 1994. There are no proposed changes to those existing uses. There are no modifications proposed to the historic structure; thus, the original residence's distinctive features and design will be preserved.

Regarding **Standards 9 and 10**, the renovated garage/proposed guest cottage will incorporate the same type of materials that exist on the main residence and detached garage. This includes textured stucco siding, barrel tile roofing, clear (no low-e, non-reflective, no tint) glass with white frames), and a black aluminum balcony railings. Should the structure be required to meet energy calculations per the Florida Building Code, gray glass (non-reflective, no low-e) can also be utilized to meet those requirements, as this is a non-contributing structure. These are considered compatible materials for the individually designated structure and site. If the guest cottage were to be removed in the future, the historic integrity of the main structure would remain where the accessory structure is non-contributing.

The request also includes a Waiver and Variance to build the second story directly above the existing accessory structure. The waiver is for the proposed upper story's size relative to the ground floor due to the property being located within the Lake Ida Overlay District, and the Variance is to accommodate exterior stairs for access to the guest cottage. These are discussed later in the report.

VISUAL COMPATIBILITY STANDARDS

Pursuant to LDR Section 4.5.1(E)(7) – Visual Compatibility Standards: New construction and all improvements to both contributing and noncontributing buildings, structures and appurtenances thereto within a designated historic district or on an individually designated property shall be visually compatible. In addition to the Zoning District Regulations, the Historic Preservation Board shall apply the visual compatibility standards provided for in this Section with regard to height, width, mass, scale, façade, openings, rhythm, material, color, texture, roof shape, direction, and other criteria set forth elsewhere in Section 4.5.1. Visual compatibility for minor and major development as referenced in Section 4.5.1(E)(2) shall be determined by utilizing criteria contained in (a) through (m) below. Visual compatibility for all development on individually designated properties outside the district shall be determined by comparison to other structures within the site.

- a. **Height:** The height of proposed buildings or modifications shall be visually compatible in comparison or relation to the height of existing structures and buildings in a historic district for all major and minor development. For major development, visual compatibility with respect to the height of residential structures, as defined by 4.5.1(2)(a), shall also be determined through application of the Building Height Plane.
- b. **Front Facade Proportion:** The front facade of each building or structure shall be visually compatible with and be in direct relationship to the width of the building and to the height of the front elevation of other existing structures and buildings within the subject historic district.
- c. **Proportion of Openings (Windows and Doors):** The openings of any building within a historic district shall be visually compatible with the openings exemplified by prevailing historic architectural styles of similar buildings within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings shall be visually compatible within the subject historic district.
- d. **Rhythm of Solids to Voids:** The relationship of solids to voids of a building or structure shall be visually compatible with existing historic buildings or structures within the

subject historic district for all development, with particular attention paid to the front facades.

- e. **Rhythm of Buildings on Streets:** The relationship of buildings to open space between them and adjoining buildings shall be visually compatible with the relationship between existing historic buildings or structures within the subject historic district.
- f. **Rhythm of Entrance and/or Porch Projections:** The relationship of entrances and porch projections to the sidewalks of a building shall be visually compatible with existing architectural styles of entrances and porch projections on existing historic buildings and structures within the subject historic district for all development.
- g. **Relationship of Materials, Texture, and Color:** The relationship of materials, texture, and color of the facade of a building and/or hardscaping shall be visually compatible with the predominant materials used in the historic buildings and structures within the subject historic district.
- h. **Roof Shapes:** The roof shape, including type and slope, of a building or structure shall be visually compatible with the roof shape of existing historic buildings or structures within the subject historic district. The roof shape shall be consistent with the architectural style of the building.
- i. **Walls of Continuity:** Walls, fences, evergreen landscape masses, or building facades, shall form cohesive walls of enclosure along a street to ensure visual compatibility with historic buildings or structures within the subject historic district and the structure to which it is visually related.
- j. **Scale of a Building:** The size of a building and the building mass in relation to open spaces, windows, door openings, balconies, porches, and lot size shall be visually compatible with the building size and mass of historic buildings and structures within a historic district for all development. To determine whether the scale of a building is appropriate, the following shall apply for major development only:
 - a. For buildings wider than sixty percent (60%) of the lot width, a portion of the front façade must be setback a minimum of seven (7) additional feet from the front setback line:
 - b. For buildings deeper than fifty percent (50%) of the lot depth, a portion of each side façade, which is greater than one story high, must be setback a minimum of five (5) additional feet from the side setback line:
- k. **Directional Expression of Front Elevation:** A building shall be visually compatible with the buildings, structures, and sites within a historic district for all development with regard to its directional character, whether vertical or horizontal.
- l. **Architectural Style:** All major and minor development shall consist of only one (1) architectural style per structure or property and not introduce elements definitive of another style.
- m. **Additions to individually designated properties and contributing structures in all historic districts:** Visual compatibility shall be accomplished as follows:
 - 1. Additions shall be located to the rear or least public side of a building and be as inconspicuous as possible.
 - 2. Additions or accessory structures shall not be located in front of the established front wall plane of a historic building.
 - 3. Characteristic features of the original building shall not be destroyed or obscured.
 - 4. Additions shall be designed and constructed so that the basic form and character of the historic building will remain intact if the addition is ever removed.
 - 5. Additions shall not introduce a new architectural style, mimic too closely the style of the existing building nor replicate the original design but shall be coherent in design with the existing building.

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

With respect to Height, the Land Development Regulations indicate that accessory structures are not permitted to be taller than the principal structure. The proposal meets the requirements, as it is shorter than the principal structure by 3 feet 3¼ inches. There will be a height change for the rear accessory structure changing from an existing one-story structure at 9 feet 6 inches to 21 feet for the second story addition. The proposed roof profile will retain the same appearance as exists on the accessory garage structure, which is currently compatible with the principal structure. The proposed materials and colors can also be seen as appropriate as the textured siding, barrel tile roofing, black aluminum balcony railing, and white window frame/glass colors are elements either currently seen on the principal structure or compatible with the Mediterranean Revival architectural style.

There is concern with the amount of blank walls proposed, however. As the existing accessory structure is designed as a garage, there is little fenestration and existing blank walls along the east, south, and west elevations (the north contains the garage door). The proposed second story guest cottage addition introduces openings and a Juliette balcony that weren't previously on the structure, however, the ground floor retains the blank walls around the garage. Consideration could be given to additional fenestration or architectural detailing along the ground floor, and along the south elevation in its entirety, although this elevation is not visible from the public right-of-way. The proposed windows are to utilize similar window types as the existing does, which include four-over-one and six panel fixed windows. The slight differentiation between the existing three-over-one windows on the principal structure and the proposed four-over-one windows on the addition will provide subtle distinction between old and new. Regarding additions, the proposed guest cottage is detached from the principal structure. It will be located on the rear/least public portion of the site, be behind the front wall plane of the historic structure, utilize appropriate materials/finishes, and can be seen as secondary subordinate to the principal structure. The proposal is not anticipated to overwhelm the original building.

DEMOLITION ANALYSIS

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

- (1) No structure within a historic district or on a historic site shall be demolished before a Certificate of Appropriateness has been issued pursuant to Section 2.4.6(H).
- (2) The application for a Certificate of Appropriateness for demolition must be accompanied by an application for a Certificate of Appropriateness for alterations to the structure or the redevelopment of the property.
- (3) Demolition shall not occur until a building permit has been issued for the alterations or redevelopment as described in the applicable Certificate of Appropriateness.
- (4) All structures approved for demolition and awaiting issuance of a building permit for the alterations or redevelopment shall be maintained so as to remain in a condition similar to that which existed at time that the Certificate of Appropriateness for demolition was approved unless the Chief Building Official determines that an unsafe building condition exists in accordance with Section 4.5.3(G).
- (5) A Certificate of Appropriateness for demolition of 25 percent or more of contributing or individually designated structure shall be subject to the following additional requirements:
 - a. A demolition plan shall accompany the application for a Certificate of Appropriateness for demolition. The plan shall illustrate all portions of the existing structure that will be removed or altered.

- b. The Certificate of Appropriateness for demolition and the Certificate of Appropriateness for alternation or redevelopment shall meet the "Additional Public Notice" requirements of LDR Section 2.4.2(B)(1)(j).
- (6) The Board upon a request for demolition by a property owner, shall consider the following guidelines in evaluating applications for a Certificate of Appropriateness for demolition of designated historic sites, historic interiors, or buildings, structures, or appurtenances within designated historic districts:
- a. Whether the structure is of such interest or quality that it would reasonably fulfill criteria for designation for listing on the national register.
 - b. Whether the structure is of such design, craftsmanship, or material that it could be reproduced only with great difficulty or economically nonviable expense.
 - c. Whether the structure is one of the last remaining examples of its kind in the designated historic district within the city.
 - d. Whether retaining the structure would promote the general and value of a particular culture and heritage.
 - e. Whether there are approved plans for immediate reuse of the property if the proposed demolition is carried out, and what effect those plans will have on the historic district designation or the individual designation of the property.

The existing accessory structure is non-contributing, as it was constructed in 1994, and thus does not provide historic significance to the individually designated principal structure. It is important to note that while it is non-contributing, a structure can gain historic significance over time. This is an accessory structure, however, that is proposed to have the entire roof removed to accommodate a second story guest cottage above it, thus the request for demolition. Given the structure's non-contributing status, the requirements for public notice are not applicable. The accessory structure is actively being utilized and remains in its current condition at the time the Certificate of Appropriateness was submitted. This particular structure is a simply designed garage that does not currently retain historic significance to the site.

The property owner has submitted a justification statement for the request (attached).

VARIANCE ANALYSIS

Pursuant to LDR Section 2.4.11(A) A variance is a departure from the dimensional or numeric requirements of these land development regulations where such variance will not be contrary to the public interest and where, owing to the existing 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 2.1.9(E)(12)(d)(1)&(3), Board Actions. The Board hereby has the authority to take action on Variances from LDR Section 4.3.4 - Base district development standards and LDR Section 4.6 - Supplemental District Regulations associated with property, sites, and structures located within a Historic District or for Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1(I), pursuant to the procedures and standards of the LDR.

Below is the Variance request for the subject property:

LDR Section	Requirement	Existing	Proposed
Variance Request: Side Interior (South) Setback – Steps 4.3.4(K) Structure Setback (Minimum)	10'	11' 7½"	8' ¾"-8' 3½" *

Variance Request 1

Pursuant to Section 4.3.4(K), Development Standards Matrix, the required South Side Interior setback is 10' for the R-1-AA zoning requirements. The request is to reduce the minimum required side interior (south) setback, from 10 feet to a range of 8 feet $\frac{3}{4}$ inch to 8 feet $3\frac{1}{2}$ inch for the installation of a new staircase for the second story addition on top of the non-contributing accessory garage structure.

Pursuant to LDR Section 2.4.11(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 is for the installation of steps within the south side interior setback to access the proposed second story guest cottage. As this structure is non-contributing, and no modifications are proposed to the principal structure, the variance isn't necessary to maintain the historic character of the property. However, the variance does not appear to be contrary to the public interest, safety, or welfare, as the steps are proposed on an elevation that is not clearly seen from the public right-of-way and is located on the accessory structure that is substantially recessed from the front setback and behind the principal structure.

- (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 subject accessory garage structure is not restricted by historic location or nature. However, the placement of the existing garage is considered appropriate due to it being substantially recessed with its access/entrance not visible from the public right-of-way and its orientation to the side. Thus, retaining the garage in its existing location would be most appropriate, and adding a second story to it would keep both the accessory structure and uses recessed and located behind the principal structure. In order to retain and utilize the existing garages building footprint to accommodate the second story, portions of the steps are proposed to encroach within the south side setback.

- (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.**

Literal interpretation of the code would require reconfiguration of the site to either modify the location of the garage entrance or remove the existing pool. It may also prompt a second accessory structure be placed on the site to accommodate the guest cottage that would then be highly visible from the public right-of-way, risking visual compatibility with the principal structure. The steps located on the south side require the least amount of site modification and would be the smallest variance option as the request is only for a portion of the steps, while the rear setback would be for the entirety of the steps within the setback.

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

The existing principal historic structure is not proposed for modification nor is it expected to be impacted with the subject variance request. There is no concern that the variance request will significantly diminish the historic character of the site or of the historic district as it is for a portion of steps on the non-contributing accessory structure that is located substantially behind the existing historic structure.

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

The variance will allow portions of steps to encroach within the south side interior setback for the proposed second story guest cottage. While the historic main structure is not being altered with the proposal, the utilization of the non-contributing structure to accommodate a new addition, could be seen as aiding in the retention of the historic structure's appearance and building footprint with minimal visible changes to the streetscape elevation. The request is not necessary to accommodate an adaptive reuse of the historic structure, but it does provide an opportunity for expansion with minimal impact to the site/historic structure.

WAIVER ANALYSIS

Pursuant to LDR Section 2.4.11(B) A waiver involves the granting of partial or total relief from a specific development regulation. A waiver may be granted to the procedural and substantive provisions of these regulations. A waiver may be granted only for those substantive items within these regulations for which such provision is made. A waiver to substantive provisions may be granted only by the approving body with the final authority to approve or deny the related development application.

Pursuant to LDR Section 2.1.9(E)(12)(i), Board Actions. The Board hereby has the authority to take action on any other regulations or requirements that specify relief is available by the body acting upon the development application.

Waiver Request:

Pursuant to LDR Section 4.4.3(F)(2)(c) – Lake Ida Neighborhood Overlay District - The area of the upper floors shall not be greater than 75 percent of the area of the first floor. The Waiver request is to allow the proposed second story guest cottage to be 100 percent the area of the first floor.

Pursuant to LDR Section 2.4.11(B)(5) – Findings: The following findings must be made prior to approval of a waiver:

(a) Shall not adversely affect the neighboring area:

The request would allow for a second-story addition to the existing non-contributing accessory structure located in the rear of the property. Due to massing controls for accessory structures, the addition will be shorter than the existing structure and only a portion of the addition will be seen from behind the principal structure, having minimal impact to the existing streetscape, . The board will need to make a determination that the waiver shall not adversely affect the neighboring area.

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

As the proposal will be directly above the existing structure with support posts to accommodate the new stairs, there is no concern the waiver will diminish the provision of public facilities.

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

The request is anticipated not to cause any unsafe situations.

(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.

This particular structure is one of only three historic structures located within the Lake Ida Overlay District. There are additional requirements with the overlay district along with the historic regulations that are applicable. Given that there are size limitations in place for accessory structures, whether within the Lake Ida Overlay or not, many massing controls put in place were designed for the larger principal structures. While the addition could be reduced to 75 percent of the non-contributing accessory structure, consideration could be given to the minor visual impact it imparts on the historic principal structure and surrounding area. The board will need to determine if the waiver results in a special privilege and if the same waiver would be granted under similar circumstances on other 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 board will need to make a determination that the request can be found to be consistent with the provisions of LDR Section 4.5.1 relating to historic sites and districts as well as the Secretary of the Interior's Standards and the Delray Beach Historic Preservation Design Guidelines.

SITE PLAN TECHNICAL ITEMS

1. The guest cottage shall not have a separate water or electric meter.
2. That prior to site plan certification, a narrative and/or plan be submitted to ensure the structural stability of the structure once the roof is removed.
3. That the existing FAR is shown on the site data table

ALTERNATIVE ACTIONS

- A. Move to continue with direction.
- B. Approve Certificate of Appropriateness (HP-526-2026), Demolition, Variance, and Waiver for the property located at **516 N. Swinton Avenue, Individually Designated to the Local Register of Historic Places**, 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 (HP-526-2026), Demolition, Variance, and Waiver for the property located at **516 N. Swinton Avenue, Individually Designated to the Local Register of Historic Places**, 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 (HP-526-2026), Demolition, Variance, and Waiver for the property located at **516 N. Swinton Avenue, Individually Designated to the Local Register of Historic Places** 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 are not required for this request.	☒ Public Notice was mailed to property owners within a 500' radius on 7/24/26, 10 days prior to the meeting. ☒ Public Notice was posted at the property on 7/29/26, 7 calendar days prior to the meeting. ☒ Public Notice was posted in the main lobby at City Hall on 7/23/26, 10 working days prior to the meeting. ☒ Public Notice was posted to the City's website on 7/24/26, 10 calendar days prior to the meeting. ☒ Agenda was posted on 7/29/26, 5 working days prior to meeting.

TAC Timeline Table			
Review No.	Submittal Date	TAC Comments Transmitted	Board Meeting Date
1	05/1/2026	05/27/2026	N/A
2	6/3/2026	6/18/2026	N/A
3	7/9/2026	Determined Board Ready 7/17/2026	Scheduled for August 5 HPB Meeting