# HISTORIC PRESERVATION BOARD **CITY OF DELRAY BEACH** ---STAFF REPORT---

August 3, 2016 **MEETING DATE:** 

222 SE 7<sup>th</sup> Avenue, Marina Historic District (2016-186) - Consideration of a ITEM:

Historic Property Ad Valorem Tax Exemption associated with approved

additions and alterations to a contributing structure.

**RECOMMENDATION:** Recommend approval to the City Commission

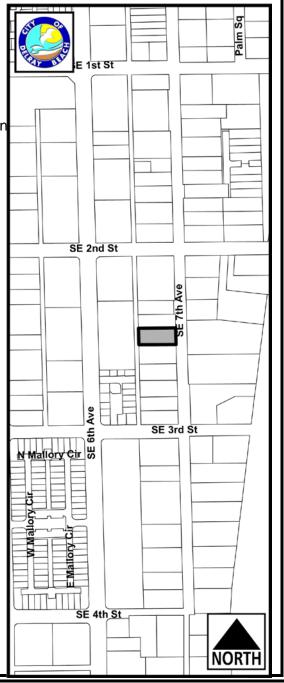
# **GENERAL DATA:**

Owner/Applicant...... Cynthia and Jack Lamon

Agent...... Cope Architects, Inc.

Property Size...... 0.186 acres

Zoning District...... R-1-AA (Single-Family Residential)



## ITEM BEFORE THE BOARD

The action requested of the Board is to approve a Historic Property Ad Valorem Tax Exemption Application for improvements to a contributing property located at **222 SE 7th Avenue, Marina Historic District,** pursuant to Land Development Regulations (LDR) Section 4.5.1(J).

## **BACKGROUND/PROJECT DESCRIPTION**

The subject property consists of the north 10 feet of Lot 18, and Lot 19, Gracey-Byrd Subdivision, and is situated on the east side of SE 7th Avenue between SE 2nd Street and SE 3rd Street. The original circa 1937, Frame Vernacular style, single family residence is classified as contributing to the Marina Historic District. The front porch (which is now enclosed with single glass panels) and a utility room were added in 1954. A carport on the north side of the structure was altered in 1957 to accommodate a kitchen and bathroom.

At its meeting of September 3, 2014, the Board considered a COA (2014-206) for the following:

- Demolish the remaining support columns and roof from the original carport and a small storage room;
- Construct additions to both the side (north) and rear (west) elevations to enlarge the kitchen, and accommodate a new family room and master suite;
- Add a new covered terrace, consisting of a heavy timber trellis and wrapped columns, on the south elevation, and accessed from the new family room and master bedroom; and,
- Associated site improvements.

The applicant is now before the Board to request review of the Tax Exemption Application for the aforenoted site and building improvements. Landscaping associated with this project is not permitted as a legitimate expenditure as it is not interpreted as a "site improvement," pursuant to the Florida Administrative Code 1A-38.

Based on State regulations, an Ad Valorem Tax Exemption can be approved for a project before, during, or after it has been undertaken. The applicant therefore requests consideration of the ad valorem tax exemption as the project is complete.

# **AD VALOREM TAX EXEMPTION**

Pursuant to **LDR Section 4.5.1(J)**, a tax exemption is available for improvements to qualifying contributing properties in a designated historic district or individually designated properties, as listed in Section 4.5.1(I). Qualifying properties shall be exempt from that portion of ad valorem taxation levied by the City of Delray Beach on one hundred percent (100%) of the increase in assessed value resulting from any HPB approved renovation, restoration, rehabilitation, or other improvements of the qualifying property made on or after the effective date of the original passing of Ordinance 50-96 on November 19, 1996.

LDR Section 4.5.1(J)(1), clarifies that the exemption does not apply to the following:

- (a) Taxes levied for payment of bonds;
- (b) Taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article 7 of the Florida Constitution; or
- (c) Personal property.

**LDR Section 4.5.1(J)(2),** explains the exemption period shall be for ten (10) years, unless a lesser term is set by the City Commission.

(a) The term of the exemption shall be specified in the resolution approving the exemption and shall continue regardless of any changes in the authority of the City to authorize such exemption or change in ownership of the property.

(b) To retain an exemption, the historic character of the property and the improvements which qualified the property for an exemption must be maintained in their historic state over the period for which the exemption was authorized.

**LDR Section 4.5.1(J)(4)** provides the parameters for qualifying properties and improvements. The subject property qualifies as it is listed on the Local Register of Historic Places. **LDR Section 4.5.1(J)(5)** requires that for an improvement to a historic property to qualify the property for an exemption, the improvement must:

- (a) be consistent with the United States Secretary of the Interior's Standards for Rehabilitation, as amended; and
- (b) be a constructed and/or installed improvement as approved by the Historic Preservation Board and as established in rules adopted by the Department of State, Division of Historical Resources, FAC 1A-38, as amended which defines real property improvements as changes in the condition of real property brought about by the expenditure of labor and money for the restoration, renovation, or rehabilitation of such property. Improvements shall include, but are not limited to: modifications, repairs, or additions to the principal contributing building and its associated accessory structures (i.e. a garage, cabana, guest cottage, storage/utility structures, swimming pools), whether existing or new. The exemption does not apply to improvements made to non-contributing principal buildings, existing non-contributing accessory structures, or undesignated structures and/or properties; and,
- (c) be consistent with Section 4.5.1(E), "Development Standards", of the City's Land Development Regulations; and
- (d) include, as part of the overall project, visible improvements to the exterior of the structure.

The project meets the above criteria through previous approval by the Board of the associated improvements outlined above which constituted its compliance with the Secretary of the Interior's Standards for Rehabilitation, as well as the rules of Florida Administrative Code 1A-38, promulgated by the Florida Department of State, Division of Historical Resources. The development project meets criterion (c) per the COA approval which applied the LDR Development Standards in the assessment of the proposal. Finally, the project meets criterion (d) as the project encompasses visible improvements to the exterior of the building and related property.

Pursuant to **LDR Section 4.5.1(J)(7)**, any property owner, or the authorized agent of the owner, that desires an ad valorem tax exemption for the improvement of a historic property must submit a Historic Property Tax Exemption Application to the Planning and Zoning Department upon completion of the qualifying improvements.

- (a) The application shall indicate the estimated cost of the total project, the estimated cost attributed solely to the historic structure, and project completion date as determined by the Certificate of Occupancy issued by the Building Department.
- (b) The Historic Property Tax Exemption Application shall be accompanied by a copy of the most recent tax bill from the Palm Beach County Property Appraiser for the property; a new property survey illustrating the improvements; a copy of the building permit application indicating estimated project cost; a copy of the Certificate of Occupancy/Final Inspection; and photographs illustrating the before and after of each improvement, including both the interior, exterior, and all new construction. The photographs shall be identified with a date and description indicating the impact of the improvement.
- (c) The application must be submitted within three (3) months from the date of issuance of a Certificate of Occupancy.
- (d) The Historic Preservation Planner will inspect the completed work to verify such compliance prior to Historic Preservation Board review.
  - a. If the Historic Preservation Board determines that the work is a qualifying improvement and is in compliance with the approved plans and the review standards contained in Section 4.5.1(E), the Board shall recommend that the City Commission grant the Historic Property Tax Exemption Application.

- b. Upon a recommendation of approval of a Historic Property Tax Exemption Application by the Historic Preservation Board, the application shall be placed by resolution on the agenda of the City Commission for approval. The resolution of the City Commission approving the application shall provide the name of the owner of the property, the property address and legal description, a recorded restrictive covenant in the official records of Palm Beach County as a condition of receiving the exemption, and the effective dates of the exemption, including the expiration date.
- c. If the Historic Preservation Board determines that the work as completed is either not consistent with the approved plans or is not in compliance with the review standards contained in Section 4.5.1(E), the applicant shall be advised that the request has been denied

While the subject application was not submitted within three months of the Certificate of Occupancy which was issued on November 30, 2015, and the application was submitted on June 1, 2016, the application may still be processed. This codified time period is to ensure that completed improvements are submitted in a timely manner for processing prior to reassessment of the value by the Palm Beach County Property Appraiser. Further, Staff may accept applications until July 1<sup>st</sup> of any year to ensure transmittal to the County no later than October 1<sup>st</sup> of that same year.

Pursuant to LDR Section 4.5.1(J)(8), Historic Preservation Exemption Covenant, the covenant required in order to qualify for the exemption:

- (a) To qualify for an exemption, the applicant must sign and return the Historic Preservation Exemption Covenant with the Final Application/Request for Review of Completed Work. The covenant as established by the Department of State, Division of Historical Resources, shall be in a form approved by the City of Delray Beach City Attorney's Office and applicable for the term for which the exemption is granted and shall require the character of the property and qualifying improvements to be maintained during the period that the exemption is granted.
- (b) On or before the effective date of the exemption, the owner of the property shall have the covenant recorded in the official records of Palm Beach County, Florida, and shall cause a certified copy of the recorded covenant to be delivered to the City's Historic Preservation Planner. Such covenant shall be binding on the current property owner, transferees, and their heirs, assigns and successors. A violation of the covenant shall result in the property owner being subject to the payment of the differences between the total amount of the taxes which would have been due in March of each of the previous years in which the covenant or agreement was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in Sec. 212.12(3), Florida Statutes.

**LDR Section 4.5.1(J)(10), Revocation Proceedings**, provides guidelines to revocation of the tax exemption upon violation of the recorded covenant.

- (a) The Historic Preservation Board may initiate proceedings to revoke the ad valorem tax exemption provided herein, in the event the applicant, or subsequent owner or successors in interest to the property, fails to maintain the property according to the terms, conditions and standards of the Historic Preservation Exemption Covenant.
- (b) The Historic Preservation Planner shall provide notice to the current owner of record of the property and the Historic Preservation Board shall hold a revocation hearing in the same manner as in Section 4.5.1(M)(10), and make a recommendation to the City Commission.
- (c) The City Commission shall review the recommendation of the Historic Preservation Board and make a determination as to whether the tax exemption shall be revoked. Should the City Commission determine that the tax exemption shall be revoked, a written resolution revoking the exemption and notice of penalties as provided in Paragraph 8 of the covenant shall be provided to the owner, the Palm Beach County Property Appraiser, and filed in the official records of Palm Beach County.

(d) Upon receipt of the resolution revoking the tax exemption, the Palm Beach County Property Appraiser shall discontinue the tax exemption on the property as of January 1st of the year following receipt of the notice of revocation.

The Sections noted above regarding the "Restrictive Covenant" and "Revocation Proceedings" are provided to demonstrate that the tax exemption is binding, and if violated, the property owner would have to comply with the consequences.

The tax exemption request complies with the criteria contained in LDR Section 4.5.1(J) as the Historic Preservation Board approved the associated improvements by making positive findings with respect to the applicable LDR Sections, Delray Beach Historic Preservation Design Guidelines, and Secretary of the Interior's Standards for Rehabilitation. Therefore, positive findings can be made with respect to LDR Section 4.5.1(J).

## **ALTERNATIVE ACTIONS**

- A. Continue with direction.
- B. Recommend approval to the City Commission of the complete Ad Valorem Tax Exemption Application for improvements to the property at **222 SE 7th Avenue**, **Marina Historic District**, based upon positive findings with respect to LDR Section 4.5.1(J).
- C. Recommend denial to the City Commission of the complete Ad Valorem Tax Exemption Application for improvements to the property at **222 SE 7th Avenue**, **Marina Historic District**, based upon a failure to make positive findings with respect to LDR Section 4.5.1(J).

## RECOMMENDATION

Recommend approval to the City Commission of the Historic Property Ad Valorem Tax Exemption Application (2016-186) for improvements to the property at **222 SE 7th Avenue, Marina Historic District,** based upon positive findings with respect to LDR Section 4.5.1(J).

Report Prepared by: Amy E. Alvarez, AICP, Senior Planner

# HISTORIC PRESERVATION BOARD MEMORADUM STAFF REPORT

**Applicant:** Cynthia and John Lamon **Authorized Agent:** Cope Architects, Inc.

Property Address: 222 SE 7th Avenue, Marina Historic District

HPB Meeting Date: September 3, 2014 File No.: 2014-206

# ITEM BEFORE THE BOARD

The item before the Board is the consideration of a Certificate of Appropriateness (COA) associated with major alterations and additions to the contributing structure located at **222 SE 7th Avenue, Marina Historic District**, pursuant to LDR Section 2.4.6(H).

## **BACKGROUND & PROJECT DESCRIPTION**

The subject property consists of the north 10 feet of Lot 18, and Lot 19, Gracey-Byrd Subdivision, and is situated on the east side of SE 7<sup>th</sup> Avenue between SE 2<sup>nd</sup> Street and SE 3<sup>rd</sup> Street. The existing, circa 1937, Frame Vernacular style, single family residence is classified as contributing to the Marina Historic District. The front porch (which is now enclosed with single glass panels) and a utility room were added in 1954. A carport on the north side of the structure was altered in 1957 to accommodate a kitchen and bathroom.

A COA (2011-009) for color changes was administratively approved in 2010. There are no other COAs on file for the subject property.

The current request is to demolish the remaining support columns and roof from the original carport and a small storage room, all of which are presently located on the north elevation. An addition is proposed on both the side (north) and rear (west) elevations to enlarge the kitchen, and accommodate a new family room and master suite. A new covered terrace, consisting of a heavy timber trellis and wrapped columns, will be on the south elevation, and accessed from the new family room and master bedroom. The existing Slash Pine, Cabbage Palms, and Ficus Aurea will remain at the southwest corner of the property adjacent to the terrace. The addition on the north side where the kitchen will be expanded will consist of a flat roof with wood finials around the perimeter of the roof. The rest of the addition to the rear will add a third forward facing gable-end. The rear elevation, which does not contain any fenestration, consists of two gable-ends due to a slight jog in the wall plane. A side entrance is proposed on the north elevation via a two-step stoop and decorative, gable overhang with brackets.

Two "birdsmouth" dormers are proposed on each side of the new gable roof, finished with wood siding, and square attic vents to match the existing gable ends on the historic structure. The new gable ends, however, will consist of a full triangular attic vent.

The existing openings and windows not impacted by the new construction will not be replaced; however, the single-panes of glass on the front "porch" will be replaced with impact resistant glass. While the existing photos do not depict shutters, the "existing elevations" depict shutters on the remaining windows. The proposed windows in the new additions consist of a variety of multi-light sash windows; the plans indicate the new windows to be made of wood and impact rated.

The proposed color scheme of the historic structure will remain as exists: grey-blue siding with white trim. The chimney, however, is also painted to match the siding up to the roofline, while the balance above the roofline is painted red (from the previous color scheme). The existing asphalt shingle roof material will remain and expand on the new construction. All new materials will match existing.

The COA is now before the Board for consideration.

## **ANALYSIS OF PROPOSAL**

# **Zoning and Use Review**

Pursuant to **LDR Section 4.3.4(K)**, **Development Standards**, properties located within the R-1-AA zoning district shall be developed according to the requirements noted in the chart below. As illustrated, the proposal is in compliance with the applicable requirements.

	Required	Existing	Proposed Additions
Height (Maximum)	35'	18'3"" (grade to ridge)	19'9" (to ridge)
Front Setback (East)	30'	33.6'	No change
Side Interior Setback (South)	10'	16.8'	23'9"
Side Interior Setback (North)	10'	9.5'	10'
Rear Setback (West)	10'	38'	10'
Open Space (Non-vehicular)	25%	Not available	61%
Lot Coverage		17.6% (1,216 square feet)	29% (2,000 square feet)

# **STAFF COMMENT:**

As illustrated in the chart above, the proposed improvements are in compliance with the required height maximum, setbacks, open space, and lot coverage. Therefore, positive findings can be made.

# Historic Preservation: Designated District, 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. Relief from Subsections (1) through (9) below may be granted by seeking a waiver approvable by the Historic Preservation Board, unless otherwise stated.

Pursuant to LDR Section 4.5.1(E)(2)(b)(2), Major Development, the subject application is considered "Major Development" as it is "the construction, reconstruction, or alteration of in excess of twenty-five percent (25%) of the existing floor area of the building, and all appurtenances." The subject Sections also note that "all limitations and regulations shall be reviewed in a cumulative manner from the date of passage of this ordinance in 2008."

# **STAFF COMMENT:**

The proposed improvements are therefore considered "Major Development" in accordance with the LDR noted above.

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.

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.

The applicable Standards are noted below:

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 1

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 2

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 9

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.-Standard 10

#### STAFF ANALYSIS:

In consideration of the applicable Standards noted above, the proposal appears to have taken them into consideration and meets their intent. The historic use of the property as a single family residence is being maintained, and expanded, with changes which will not alter those defining characteristics of the historic structure. The new additions and alterations do not compromise the property and are differentiated from the historic elements with slight deviations, such as the new dormers, gable vents and window configurations.

Based on the above, positive findings can be made with respect to compliance with the subject Section.

Pursuant to LDR Section 4.5.1(E)(8), 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)-(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) <u>Height</u>: 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(E)(2)(a), shall also be determined through application of the following:
  - 1. <u>Building Height Plane (BHP):</u> The building height plane technique sets back the overall height of a building from the front property line.
- (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.
- (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.
- (j) <u>Scale of a Building</u>: 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.
- (I) <u>Architectural Style:</u> 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.

# STAFF ANALYSIS:

In consideration of the Visual Compatibility Standards, the proposed additions and alterations are in compliance with the technical requirements of "Height" and "Scale". The "Roof Shape" is appropriate as the new gable is naturally set further back and also differentiated with the use of a triangular vent. The flat roof, which also replaces an existing flat roof, is necessary to avoid interrupting the original gables. The materials and architectural style are appropriately designed. The color of the chimney, however, should be revised to a single-color, and differ from the color painted on the siding in order to differentiate this feature.

The new stoop on the north elevation is not visually tied to the structure and therefore, should contain a rail which will also increase safety. A simple, capped picket, wood rail is suggested, however, the Board may suggest another design if deemed appropriate.

One additional note to be made is that while the existing structure does not contain shutters (per the submitted photos), the shutters should be limited to either the original structure, if they previously existed, or to the new construction, but not be installed on both, unless their designs slightly differ. In either case, shutterdogs should be installed.

Based on the above, positive findings can be made with respect to the application of the subject Section, subject to the suggested revisions which are listed as conditions of approval.

# **Supplemental District Regulations**

Pursuant to LDR Section 4.6.9(C)(2)(a), Requirements for Residential Uses: Single Family Detached Residences, including Assisted Living Facilities, two spaces per dwelling unit. Tandem parking may be used provided that in the Single Family (R-1 District) or RL District, no required parking space may be located in a required front or street side setback.

## **STAFF COMMENT:**

The existing parking is located within the right-of-way at the front of the property. A pea gravel area accommodates 2-3 vehicles for the property. While this is an existing non-conformity, it is noted that this area may remain and was considered and accommodated when SE 7<sup>th</sup> Avenue was improved.

## **ALTERNATIVE ACTIONS**

- A. Continue with direction.
- B. Approve the Certificate of Appropriateness (2014-206) for **222 SE 7th Avenue, Marina Historic District**, based on positive findings with respect to the Land Development Regulations, the Delray Beach Historic Preservation Design Guidelines, and the Secretary of the Interior's Standards for Rehabilitation subject to conditions.
- C. Deny the Certificate of Appropriateness (2014-206) for **222 SE 7th Avenue, Marina Historic District**, based upon a failure to make positive findings with respect to the Land Development Regulations, the Delray Beach Historic Preservation Design Guidelines, and the Secretary of the Interior's Standards for Rehabilitation. (Motion to be phrased in the affirmative. See above.)

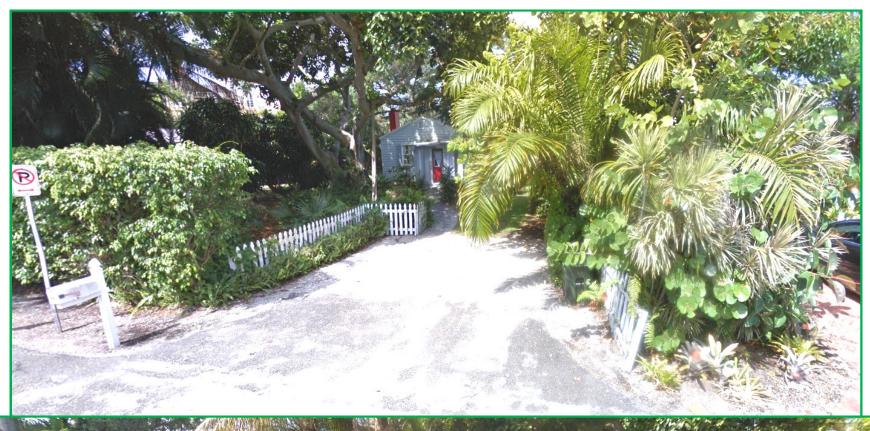
## **RECOMMENDATION**

Approve the Certificate of Appropriateness (2014-206) for **222 SE 7th Avenue, Marina Historic District**, based upon a failure to make positive findings with respect to the Land Development Regulations, the Delray Beach Historic Preservation Design Guidelines, and the Secretary of the Interior's Standards for Rehabilitation, with the following direction:

- 1. That the chimney is painted one color;
- 2. That appropriate shutter dogs be provided; and,
- 3. That a wood, capped picket rail be provided on the north elevation stoop and painted to match the trim.

Report Prepared By: Amy E. Alvarez, Historic Preservation Planner

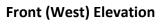
# **222 SE 7TH AVENUE**



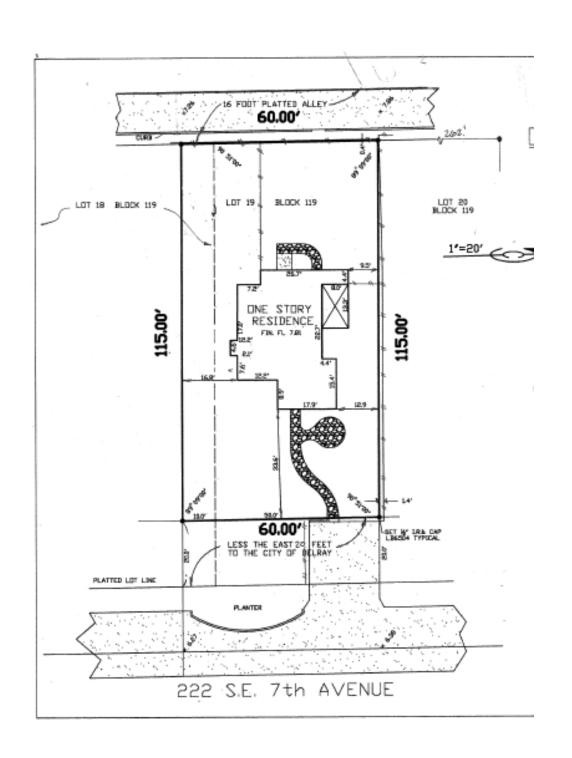


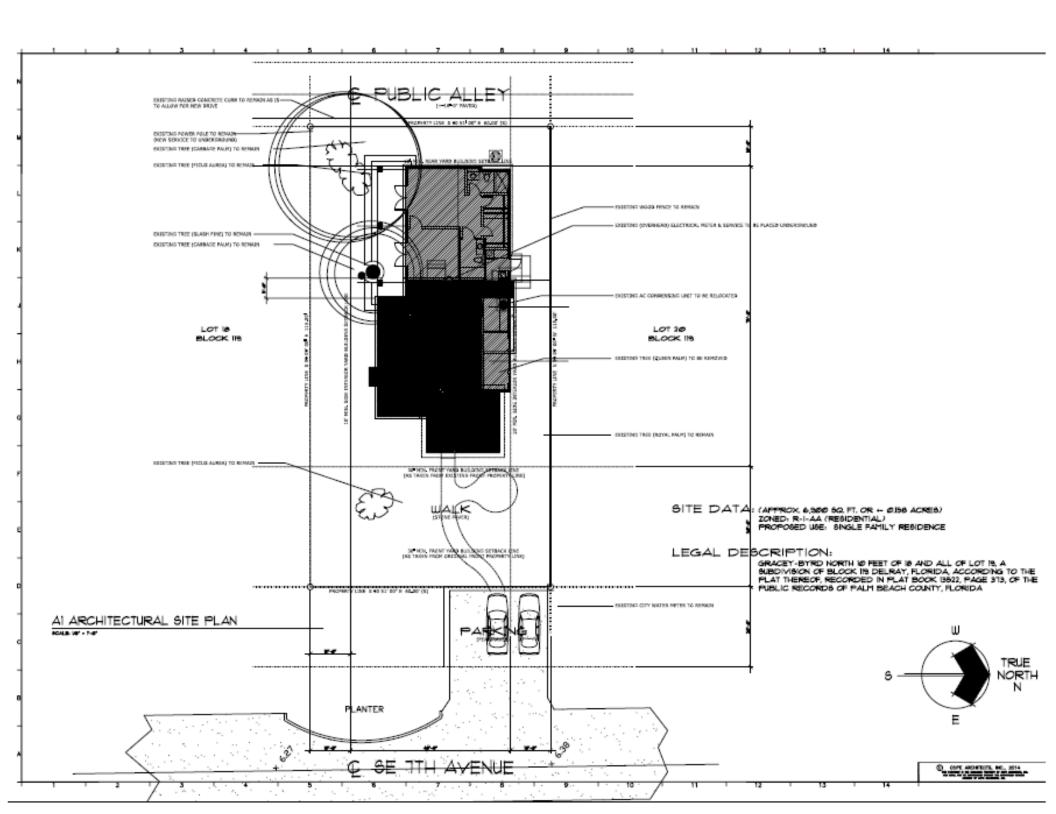
# **222 SE 7TH AVENUE**

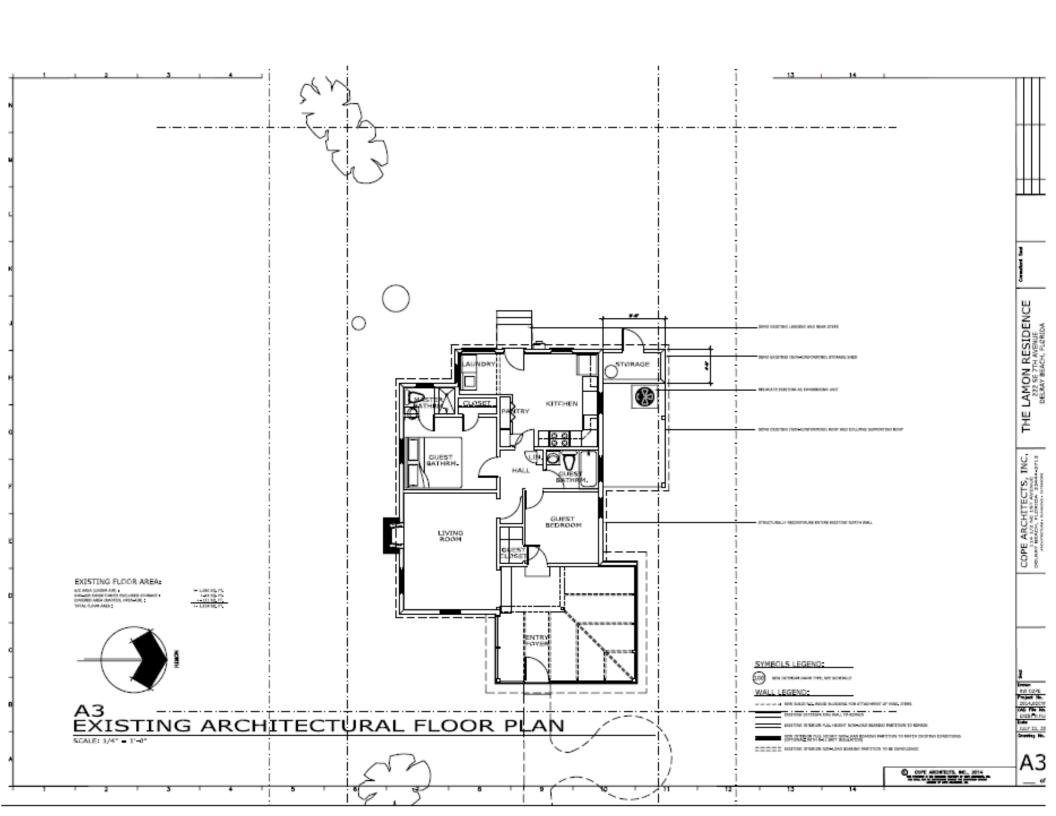


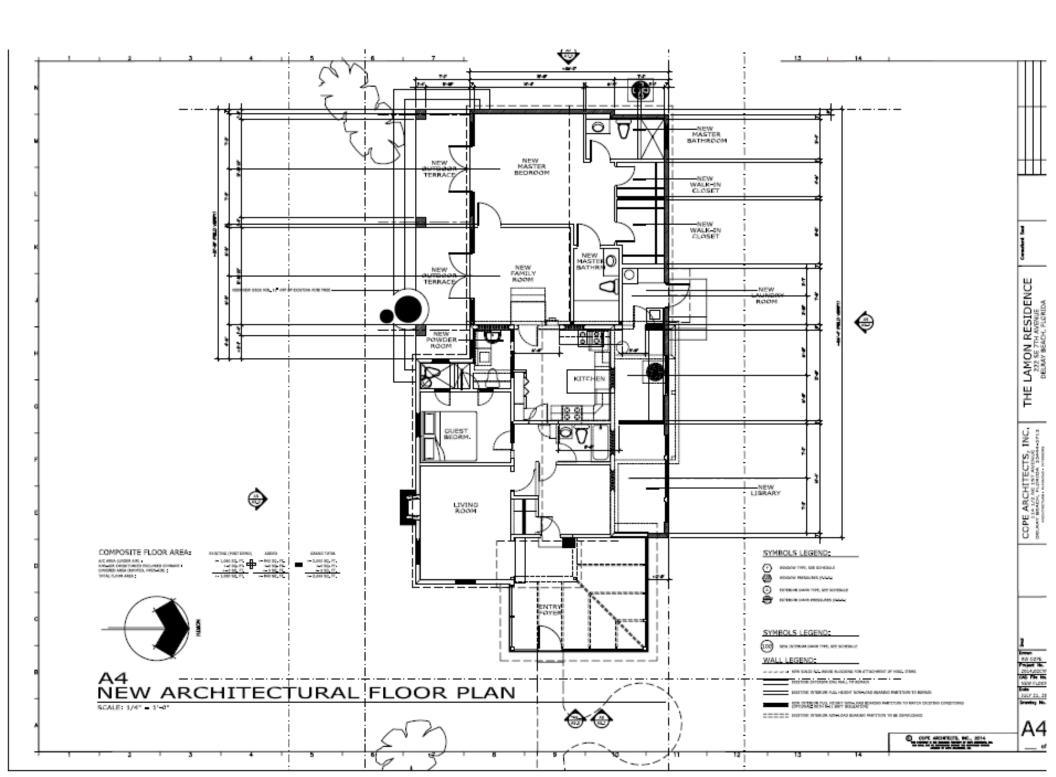


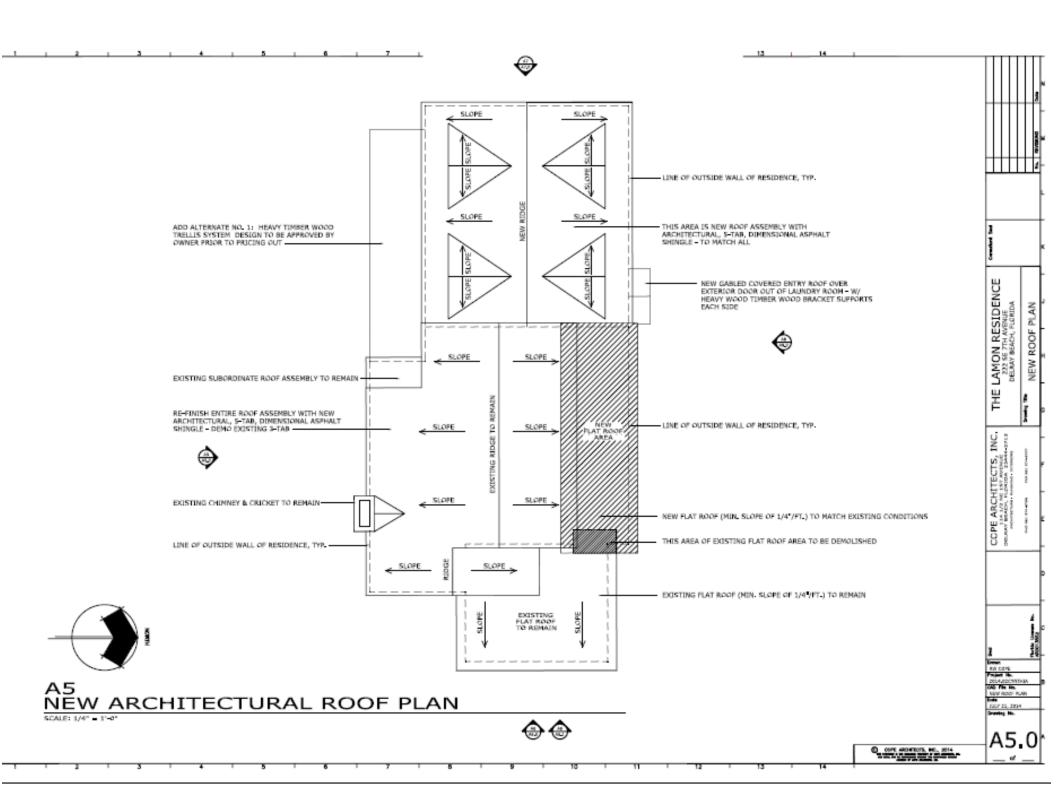














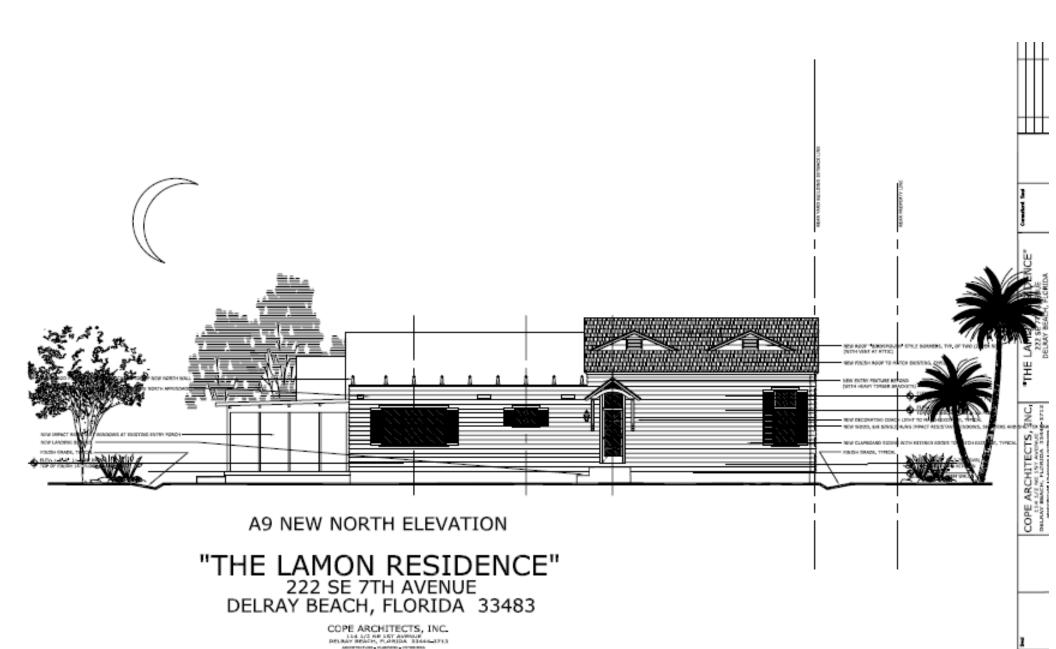
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