



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING  
 100 NW 1<sup>ST</sup> AVENUE, DELRAY BEACH, FLORIDA 33444  
 (561) 243-7040

## HISTORIC PRESERVATION BOARD STAFF REPORT

### 143 South Swinton Avenue

Meeting	File No.	Application Type
August 7, 2019	2019-227 & 228	Class V Site Plan, Certificate of Appropriateness & Variance

### REQUEST

The item before the Board is consideration of a Class V Site Plan, Landscape Plan, Elevations, Certificate of Appropriateness, (2019-227) and Variance (2019- 228) requests associated with the conversion of the existing single-family residence to office along with a 1-story 2,826 square foot addition on property located at **143 South Swinton Avenue, Old School Square Historic District**, pursuant to LDR Sections 2.4.5(F), 2.4.5(H), 2.4.5(I), 2.4.6(H), and 2.4.7(A).

### GENERAL DATA

**Agent:** Jaime Mayo – Nigel Development, Inc.  
**Owner:** Nigel Development, Inc.  
**Location:** 143 South Swinton Avenue  
**PCN:** 12-43-46-16-B4-070-0090  
**Property Size:** 0.30 Acres  
**Historic District:** Old School Square Historic District (OSSHD)  
**FLUM:** OMU (Other Mixed Use)  
**Zoning:** OOSHAD (Old School Square Historic Arts District)  
**Adjacent Zoning:**

- OSSHAD (North)
- OSSHAD (East)
- RM - Multiple-Family Residential (South)
- CF - Community Facilities (West)

**Existing Land Use:** Residence  
**Proposed Land Use:** Commercial



### BACKGROUND AND PROJECT DESCRIPTION

The subject 0.30-acre property is located on the northeast corner of South Swinton Avenue and SE 2nd Street. The property is located within the Old School Square Historic Arts District (OSSHAD) zoning district, the Locally and Nationally Registered Old School Square Historic District (OSSHD) and consists of Lots 9 and 10, block 70, of the Amended Plat of Sundy and Cromers Subdivision. The property was originally owned by John S. and

Project Planner:	Review Dates:	Attachments:
<b>Project Planners:</b> Katherina Paliwoda, Planner & Michelle Hoyland, Principal Planner <a href="mailto:PaliwodaK@mydelraybeach.com">PaliwodaK@mydelraybeach.com</a> <a href="mailto:HoylandM@mydelraybeach.com">HoylandM@mydelraybeach.com</a>	HPB: August 7, 2019	<ol style="list-style-type: none"> <li>1. Appendix "A" – Concurrency Findings</li> <li>2. Appendix "B" – Consistency Findings &amp; Standards for Site Plan Actions</li> <li>3. Visual Compatibility and Variance Justification Statements</li> <li>4. Proposed Site Plans, Landscape Plan and Elevations</li> <li>5. Photos</li> </ol>

Elizabeth C. Sundy. The property contains a 1-story Bungalow style residential structure, built in 1917 and is classified as contributing to the OSSHD. The 1,571 sq. ft. structure was built as single-family residence.

On December 4, 2018 the City Commission approved an In-Lieu of Parking Fee Request in the amount of \$10,140 for 1 parking space for the HNM Office, located at the subject property. Conditions of approval included that the full payment for the In-Lieu of Parking Fee be paid upon issuance of a building permit and that the applicant construct 3 additional on-street parking spaces adjacent to the subject property within the Swinton Avenue and SE 2<sup>nd</sup> Street rights-of-way.

Then at its meeting of February 6, 2019 the HPB board denied the request for a Class V Site Plan, Landscape Plan, Certificate of Appropriateness, Waiver, and Variance requests consisting of: conversion of the existing single-family residence to office, construction of a 1-story 2,789 square foot addition, construction of an 8-space parking lot, landscape improvements, waiver request to increase the width of the building that is facing the street, variance requests to reduce the interior side setback and to reduce the width of the landscape islands at the end of a parking row. Subsequently, the applicant appealed HPB's denial of the request to the City Commission. The requests were heard by the City Commission at its April 2, 2019 meeting and ultimately denied.

The item before the board is the subject COA request for the conversion of the existing 1,571 sq. ft., 1- story single-family residence to office, construction of a 1-story, 2,826 sq. ft. addition, construction of an 8-space parking lot, landscape improvements, and Variances to reduce the terminal landscape island widths at NE & SE corners of property from the required 9' to 5'5" and 6'5".

#### REVIEW AND ANALYSIS

#### **Article 4.4, Base Zoning District Regulations**

#### **LDR Section 4.4.24 – Old School Square Historic Arts District (OSSHAD)**

**Pursuant to LDR Section 4.4.24(B)(3) - Principal Uses and Structures: Within the OSSHAD zoning district, Business, Professional, Medical and Government offices are listed as a Permitted Use.**

Offices are permitted uses within the OSSHAD zoning district.

**Pursuant to LDR Section 4.3.4(K) - Development Standards:** The following standards shall apply:

DEVELOPMENT STANDARDS	REQUIRED	EXISTING	PROPOSED
<b>Lot Coverage (Maximum)</b>	40% Max.	10%	50.10%
<b>Open Space (Minimum, Non-Vehicular)</b>	25%	76.12%	46.07%
<b>Setbacks: Front (West – South Swinton Avenue)</b>	25'	30'-38'	30'
<b>Side Street (South – SE 2<sup>nd</sup> Street)</b>	15'	32'9"	22'
<b>Side Interior (North)</b>	7'6"	30'2"	9' 1 ½ "
<b>Rear (East – Alley)</b>	10'	48' 10"	10'
<b>Height</b>	35'	14'6"	17-1- ½"

**Pursuant to LDR Section 4.4.24(G)(4)(d) - business and professional offices shall provide one space per 300 square feet of total new or existing net floor area being converted to office use. This requirement may be reduced to one parking space per 400 square feet of net floor area or by at least one space, where there is a mix of residential and office use in the same structure.**

**Pursuant to LDR Section 4.4.24(G)(6), When the parking requirements are applied to either new development, expansion of an existing use or a change in use, which results in the requirement of only one new parking space, a one space exemption shall be allowed. This exemption may only occur once per property.**

Rehabilitation of the existing structure and the new addition provides for a total square footage of 4,397 sq. ft. of office use (1,571 sq. ft. existing and 2,826 sq. ft. proposed) with a proposed net floor area of 4,397 sq. ft. requiring 11.27 parking spaces, rounded down to a total of 11 spaces. Taking the one-time, one-space reduction into consideration, the parking requirement is further reduced to 10 spaces. The applicant is providing 8 parking

spaces on site and constructing 3 parking spaces in the adjacent right-of-way (for which a 1 parking space credit can be taken as required by code – see below explanation); therefore, the proposal is deficient for 1 parking space. An In-Lieu of Parking application was approved by the City Commission at its meeting of December 4, 2018 for 1 parking space. The proposal meets the requirements of the code for parking.

**Pursuant to LDR Section 4.6.9(E)(3)(e), in addition to in-lieu fees due, where adequate right-of-way exists adjacent to a proposed project for which an in-lieu parking fee has been approved, the applicant must construct additional on-street parking, not to exceed the total amount of spaces subject to in-lieu fees unless authorized by the City Commission. The applicant will be credited up to one-half of a parking space for each full parking space constructed within public right-of-way.**

Adequate right-of-way exists adjacent to the proposed project; hence, the applicant is constructing 3 on-street parking spaces within the adjacent rights-of-way. Construction of the on-street parking spaces allows for a credit of 1 parking space (0.5 space x 3 spaces = 1.5 spaces and rounded down for a total of 1 credited parking space). This credit leaves the site deficient for 1 parking space. An In-Lieu of Parking application was approved by the City Commission at its meeting of December 4, 2018 for 1 parking space.

**Pursuant to LDR Section 4.4.24(G)(3), all parking, except for single-family homes and duplexes, shall be located in the side or rear yard or adjacent to a rear alley. No such parking shall be located in the area between any street and the closest building or structure.**

The proposed parking is located in the rear of the building adjacent to the alley; therefore, positive findings with this code requirement are made.

**Article 4.6 - Supplemental District Regulations**

**Pursuant to LDR Section 4.6.8 – Lighting: All developments/redevelopments are encouraged to utilize energy efficiency lighting. The maximum height for luminaires on buildings and structures is 25’ or eave overhang, whichever is lower, and 25’ for a parking lot. All perimeter exterior lighting shall be full cutoff luminaires to minimize spillover on adjacent properties. In order to decrease urban glow, no luminaires shall be directed upwards.**

**Pursuant to LDR Section 4.6.8(A)(3) – Illumination Standards: The applicable illumination standards are as follows:**

	FOOT CANDLES		
	Maximum Permitted	Minimum Permitted	Provided
<b>Commercial Parking Lot</b>	12	1.0	0.25 – 3.6

There are 4 wall mounted decorative light fixtures proposed adjacent to the parking on the east side of the property. The fixtures are residential in nature and are appropriate for the surrounding historic area. The submitted photometric plan illustrates that the proposed light fixtures will meet the maximum permitted foot candles and there is no proposed spillover onto the adjacent properties; thus, the photometric plan is in compliance with the Illumination Standards listed above, and within an appropriate foot candle range given the surrounding mixed-use area.

**Pursuant to LDR Section 4.6.9(D)(2)(b) - Provisions for Ingress and Egress: Parking that takes access to an alley, the parking space and alley must have a combined minimum depth of 42 feet and a minimum width of 10 feet.**

The proposed parking spaces are accessed onto the north/south alley on the east side of the subject property. The required 42’ depth for the space and the alley is provided for as well as minimum 10’ wide parking spaces. There are 7 parking spaces which are 10’ and one handicapped space which is 12’ wide with a 5’ wide maneuvering area.

**Refuse Container Area**

The proposed refuse containers are residential roll-out type bins and will be stored on the north side of the office building and the bins will be rolled out to the curb on collection day. The area will be screened by hedging.

Pursuant to LDR Section 4.6.18(E) Criteria for board action on Architectural Elevations and aesthetics, the following criteria shall be considered, by the Site Plan Review and Appearance Board or Historic Preservation Board, in the review of plans for building permits. If the following criteria are not met, the application shall be disapproved.

1. The plan or the proposed structure is in conformity with good taste, good design, and in general, contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.
2. The proposed structure, or project, is in its exterior design and appearance of quality such as not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.
3. The proposed structure, or project, is in harmony with the proposed developments in the general area, with the Comprehensive Plan, and with the supplemental criteria which may be set forth for the Board from time to time.

A complete review of the elevations and aesthetics can be found in the Historic Analysis section of this report.

### LANDSCAPE ANALYSIS

Pursuant to LDR Section 2.4.5(H)(5) – Landscape Plan Findings - At the time of action on a landscape plan, the approving body shall make finding with respect to the proposed plan's relationship to the following:

- (a) Objectives of landscaping regulations Section 4.6.16;
- (b) Site and landscape design standards pursuant to Section 4.6.16.

An overall determination of consistency with respect to the above items is required in order for a landscaping plan to be approved.

Pursuant to LDR Section 4.6.16(A) – Landscape Regulations – The objective of this article is to improve the appearance of setback and yard areas in conjunction with the development of commercial, industrial, and residential properties, including off-street vehicular parking and open-lot sales and service areas in the City, and to protect and preserve the appearance, character and value of the surrounding neighborhoods and thereby promote the general welfare by providing minimum standards for the installation and maintenance of landscaping.

The proposal has been reviewed and determined to be in compliance with LDR Section 4.6.16. The landscape plan includes replacement of existing landscape material as well as installation of new landscaping to meet the requirements of the code; therefore, positive findings with this code section can be made.

A Variance has been requested to reduce required landscape island width for the islands at the northeast and southeast corners of the site and is discussed in further detail in the Variance Analysis section below.

A positive finding can be made for an overall determination of consistency with respect to the landscape plan.

### HISTORIC ANALYSIS

Pursuant to LDR Section 2.4.6(H)(5), Procedures for Obtaining Permits and Approvals, Certificate of Appropriateness for Individually Designated Historic Structures and all Properties Located within Historic Districts, Findings, prior to approval, a finding must be made that any Certificate of Appropriateness which is to be approved is consistent with Historic Preservation purposes pursuant to Objective A-4 of the Land Use Element of the Comprehensive Plan and specifically with provisions of Section 4.5.1, the Delray Beach Historic Preservation Design Guidelines, and the Secretary of the Interior's Standards for Rehabilitation.

Pursuant to LDR Section 2.4.5(I)(5), Findings for Architectural Elevations, at the time of the action on the architectural elevations the approving Board shall make findings with respect to the objectives and standards as contained in the architectural regulations, Section 4.6.18. An overall determination of consistency with respect to the above is required in order for an architectural plan to be approved.

## **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.

#### **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.

In consideration of the applicable Standards noted above, the proposal meets their intent by preserving the existing contributing structure while allowing for adaptive reuse of the existing structure. The proposed improvements contribute to the environment while also protecting the historic integrity of the OSSHD. The addition and exterior alteration is proposed to preserve the historic materials that characterize this property. Further, the new work will be differentiated from the old in the design and placement of the addition is setback from the original utilizing a hyphen. The proposed windows are similar to the original but slightly different in scale and the proposed roof utilizes a hip in a compatible scale to the existing gabled roof. The proposed addition and renovation of the existing structure have been designed to ensure that should it every be removed in the future, the essential form and integrity of the historic property and its environment.

**Pursuant to LDR Section 4.5.1(E)(2)(c)(4) – Major Development.**

In accordance with the above, the subject proposal has been reviewed as a Major Development.

**Pursuant to LDR Section 4.5.1(E)(3)(b)1 – Buildings, Structures, Appurtenances and Parking: Parking areas shall strive to contribute to the historic nature of the properties/districts in which they are located by use of creative design and landscape elements to buffer parking areas from adjacent historic structures. At a minimum, the following criteria shall be considered:**

- a. Locate parking adjacent to the building or in the rear.
- b. Screen parking that can be viewed from a public right-of-way with fencing, landscaping, or a combination of the two.
- c. Utilize existing alleys to provide vehicular access to sites.
- d. Construct new curb cuts and street side driveways only in areas where they are appropriate or existed historically.
- e. Use appropriate materials for driveways.
- f. Driveway type and design should convey the historic character of the district and the property.

The subject property is a corner lot situated at the northeast corner of the intersection of S. Swinton Avenue and SE 2<sup>nd</sup> Street. Parking is proposed to the rear (east side) of the structure adjacent to the north/south alley. Additionally, the proposal eliminates 3-4 back-out parking spaces along SE 2<sup>nd</sup> Street, which will reduce conflicts with the rights-of-way and alley. The proposed location of the parking is the only reasonable location where parking could be located, especially given the fact that the LDRs do not allow for parking adjacent to the front or side street side of the structure.

**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 in (a)-(m), noted below:**

- 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(E)(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.

The addition and renovation to the existing contributing structure utilizes authentic materials that are compatible with the predominant materials utilized in the historic building in the district ensuring a proper relationship between materials, texture and color. Such materials include cedar siding, aluminum framed windows, wood casings/trim/sills around all the windows/doors and asphalt shingle roof. A combination of Wood Framed Walls and New CMU walls clad in Natural color Cedar Wood Shingles are proposed with a base of "Hardieplank" Composite Siding (Iron Gray color) that is capped at the top of the base with a continuous wood sill painted

white. Smaller 2' x 4' aluminum framed windows are proposed on the new addition and the existing larger windows are to be retained. The window frames, sills, wood casings and trims will be extra white.

The proposed 1-story addition utilizes "hyphens" to separate the addition from the existing structure, allowing for a reduced massing of the street facing façades. The original front porch was enclosed over the years; the proposal returns the porch to its intended use as a porch, restoring the relationship between the front porch and the front façade. The roof shape is consistent with the architectural style of the building and existing historic building in the district. The proposal ensures a proper relationship of solids to voids and is visually compatible with structures within the district.

Overall, the proposal has been designed to meet the Visual Compatibility Standards and the requirements for architectural elevations and aesthetics while allowing for the adaptive reuse and conversion of the existing structure from single-family residence to an office. Further, this structure sits at a prominent corner within the southern boundary of the Old School Square Historic District and the proposed updates are considerate to the district by demonstrating compatibility with the built environment. The applicant's proposal will maintain a residential appearance and allow for a neighborhood-based use. Based upon the above, the proposal is appropriate and compatible with the requirements for Visual Compatibility.

The applicant has submitted a justification statement, which is attached.

#### VARIANCE REQUEST

**Pursuant to LDR Section 4.6.16(H)(3)(j), each row of parking spaces shall be terminated by landscape islands which contain a minimum of 135 square feet of planting area, with a minimum dimension of 9 feet, exclusive of the required curb.**

**Pursuant to LDR Section 2.2.6(D)(1), the Historic Preservation Board (HPB) shall act in lieu of the Board of Adjustment to grant variances pursuant to Section 2.4.7(A) for properties 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 LDR Section 2.4.7(A)(5) Variances, the following findings must be made prior to the 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);**
- (b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning;**
- (c) That the special conditions and circumstances have not resulted from actions of the applicant;**
- (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;**
- (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,**
- (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 proposal includes a landscape variance to reduce the width of the landscape islands, which terminate adjacent to the parking areas on the east side of the property adjacent to the alley. The required width is 9' and 5'9" and 5' wide islands are proposed. The applicant's justification statement is attached.

The request to allow narrower landscape islands is reasonable due to the structures position on the property and as parking is not allowed within the front and side street setbacks. The proposal places the parking in the only reasonable location on the property, adjacent to the alley. The parking stall width is increased from the standard 9' width to 10' wide as the spaces back-out onto an alley. This increase is code required in order to provide for proper maneuverability; however, the increased stall width contributes to the reduced landscaped island width.

Granting of this Variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning since this type of Variance is frequently sought.

Furthermore, 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. Consequently, a positive finding with respect to LDR Section 2.4.7(A)(5), Variance Findings, can be made.

Note: As required by the LDRs, a notice regarding the subject variance request was sent to those property owners located within a 500' radius of the subject property.

#### **FINDINGS AND STAFF ANALYSIS**

**Pursuant to LDR Section 2.4.5(F)(1)(a), Class V Site Plan Modification, New application for development of vacant land, or for modification of a developed property when no valid site plan of record exists, and which requires full review of Performance Standards found in Section 3.1.1.**

**Pursuant to LDR Section 2.4.5(F)(5), in addition to provisions of Chapter 3, the approving body must make a finding that development of the property pursuant to the site plan will be compatible and harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values.**

The development proposal involves a 2,826 total square foot first-floor addition to the existing 1,571 square foot one-story structure for an overall total building size of 4,397 square feet. The proposal will be compatible and harmonious with adjacent and nearby properties within the OSSHAD zoning district which is a mixed-use zoning district that supports the adaptive reuse of residential buildings. Conversion of the existing residence to office use is not likely intended to cause substantial depreciation of property values. Pursuant to LDR Section 2.4.5(F)(5), the applicable Future Land Use Map (FLUM) and Concurrency items as they relate to this development proposal are discussed below.

**Pursuant to LDR Section 3.1.1 (Required Findings), prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, written materials submitted by the applicant, the staff report, or minutes. Findings shall be made by the body, which has the authority to approve or deny the development application. These findings relate to the following areas:**

**(A) FUTURE LAND USE MAP: The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Future Land Use Map.**

The subject property has a FLUM (Future Land Use Map) designation of OMU (Other Mixed Use) and a zoning designation of OSSHAD (Old School Square Historic Arts District). The zoning district is consistent with the OMU Future Land Use Map designation. The proposed office use is permitted; and is therefore, appropriate. Positive findings can be made with respect to Future Land Use Map consistency

#### **LDR Section 3.1.1(B) - Concurrency**

As described in Appendix "A", a positive finding of concurrency can be made as it relates to water and sewer, streets and traffic, drainage, and solid waste.

### **LDR Section 3.1.1(C) - Consistency**

As described in Appendix "B", a positive finding of Consistency can be made as it relates to Standards for Site Plan Actions (LDR Section 3.2.3).

### **LDR Section 3.1.1(D) - Compliance with the Land Development Regulations**

As described under the Site Plan Analysis section of this report, a positive finding of compliance with the LDRs can be made.

### **Comprehensive Plan Policies**

A review of the objectives and policies of the adopted Comprehensive Plan was conducted, and the following applicable objectives or policies are noted:

**Future Land Use Objective A-1 Property shall be developed or redeveloped, in a manner so that the future use, intensity and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.**

Conversion of the single-family residence to an office use can be found to be of an appropriate intensity and density for the site. There are no concerns with respect to soil, topographic or other physical considerations. With respect to the adjacent land uses, the property is within a mixed-use zoning district and is surrounded by a mix of uses, including commercial, residential and institutional. Most of these uses have vehicular and pedestrian access off South Swinton Avenue. The proposed office use is complementary to adjacent land uses and can be found to be compatible with the area.

**Future Land Use Objective A-4 The redevelopment of land and buildings shall provide for the preservation of historic resources. 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:**

**Future Land Use Policy A-4.1 Prior to approval or recommending approval of any land use or development application for property located within a historic district or designated as a historic site, the Historic Preservation Board must make a finding that the requested action is consistent with the provisions of Section 4.5.1 of the Land Development Regulations relating to historic sites and districts and the "Delray Beach Design Guidelines".**

The proposal provides for the conversion of the existing residential use to an office along with physical improvements to the existing contributing structure. The proposed improvements demonstrate the investment the property owner is making to support the historic fabric of the community. Further, its office-based use is appropriate and assists in the maintenance and protection of the historic district. A complete review of LDR Section 4.5.1 and the Delray Beach Design Guidelines was conducted, and positive findings can be made, as all technical items can be found to be in compliance with height, scale and massing; therefore, positive findings can be made.

### **REVIEW BY OTHERS**

An In-Lieu of a parking fee request was submitted. At its meeting on November 7, 2018, the Historic Preservation Board (HPB) reviewed the request and recommended denial to the City Commission. At its meeting on November 27, 2018, the Parking Management Advisory Board (PMAB) reviewed the request and recommended approval to the City Commission. At its meeting on December 4, 2018, City Commission approved the in-lieu of parking request for 1 parking space.

The proposal is within the Community Redevelopment Agency (CRA) district and HPBs action will be reported to the CRA.

### ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Move approval of the Class V Site Plan, Landscape Plan, Elevations, Certificate of Appropriateness, (2019-227) and Variance (2019-228) requests for **143 South Swinton Avenue, Old School Square Historic District**, by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations Sections 2.4.5(F), 2.4.5(H), 2.4.5(I), 2.4.6(H), and 2.4.7(A), subject to the following condition(s):
1. That the traffic approval letter from Palm Beach County Traffic Engineering Division be updated to reflect the correct proposed office square foot calculations which is 4,397 sq. ft.
- C. Move approval of the Class V Site Plan, Landscape Plan, Elevations, Certificate of Appropriateness, (2019-227) and Variance (2019-228) requests for **143 South Swinton Avenue, Old School Square Historic District**, by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations Sections 2.4.5(F), 2.4.5(H), 2.4.5(I), 2.4.6(H), and 2.4.7(A).

Move denial of the Class V Site Plan, Landscape Plan, Elevations, Certificate of Appropriateness (2019-227), and Variance (2019-228) requests for **143 South Swinton Avenue, Old School Square Historic District**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations Sections 2.4.5(F), 2.4.5(H), 2.4.5(I), 2.4.6(H), and 2.4.7(A).

### PUBLIC AND COURTESY NOTICES

Courtesy Notices are not applicable to this request

Courtesy Notices were provided to the following, at least 5 working days prior to the meeting:

Public Notices are not required for this request.

Public Notice was posted at the property on (insert date), 7 calendar days prior to the meeting.

Public Notice was mailed to property owners within a 500' radius on (7/25/2019), 10 days prior to the meeting.

Public Notice was mailed to the adjacent property owners on (insert date), 20 days prior to the meeting.

Public Notice was published in the (insert publication) on (insert date), 10 calendar days prior to the meeting.

Public Notice was posted to the City's website on (7/25/19), 10 calendar days prior to the meeting.

Public Notice was posted in the main lobby at City Hall on (insert date), 10 working days prior to the meeting.

Agenda was posted on (7/31/19), 5 working days prior to meeting.

**APPENDIX "A"**  
**CONCURRENCY FINDINGS**

Pursuant to LDR Section 3.1.1(B), Concurrency, as defined pursuant to Objective B-2 of the Land Use Element of the Comprehensive Plan, must be met and a determination made that the public facility needs of the requested land use and/or development application will not exceed the ability of the City to fund and provide, or to require the provision of, needed capital improvements for the following areas:

Water and Sewer:

Water and sewer services are existing on site. Pursuant to the Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant and the South-Central County Waste Water Treatment Plant for the City at build-out. Based upon the above, positive findings can be made with respect to this level of service standard.

Drainage:

Drainage and water run-off will be addressed through the on-site retention. There should be no impact on drainage as it relates to this level of service standard.

Traffic:

The applicant has provided a traffic statement stating the 4,360 square foot office will generate 99 new Daily Trips and it is not anticipated to significantly affect traffic circulation nor cause negative impacts upon the surrounding area. Palm Beach County Traffic Engineering Division provided an approval letter stating the project will not have significant peak hour traffic impact on the roadway network and, therefore, meets the Traffic Performance Standards of Palm Beach County; however, the traffic approval letter needs to be updated to reflect the correct proposed office square foot calculations which is 4,397 sq. ft. This item is attached as a condition of approval.

Parks and Recreation:

Non-residential uses are not considered to have an impact on the City's Parks and Recreation facilities.

Solid Waste:

The existing 1,571 sq. ft. of residential use generated 1.56 tons of solid waste per year. The new 4,360 sq. ft. office use will generate 11.87 tons of solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals until the year 2046, thus a positive finding with respect to this level of service standard can be made.

Schools:

School concurrency findings do not apply for non-residential uses. Thus, the proposed development will not have an impact with respect to this level of service standard.

**APPENDIX "B"**  
**CONSISTENCY FINDINGS & STANDARDS FOR SITE PLAN ACTIONS**

**A. Building design, landscaping, and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.**

Not applicable \_\_\_\_\_  
Meets intent of standard   X    
Does not meet intent \_\_\_\_\_

**B. Separation of different forms of transportation shall be encouraged. This includes pedestrians, bicyclists, and vehicles in a manner consistent with policies found under Objectives D-1 and D-2 of the Transportation Element.**

Not applicable \_\_\_\_\_  
Meets intent of standard   X    
Does not meet intent \_\_\_\_\_

**C. Open space enhancements as described in Policies found under Objective B-1 of the Open Space and Recreation Element are appropriately addressed.**

Not applicable \_\_\_\_\_  
Meets intent of standard   X    
Does not meet intent \_\_\_\_\_

**D. The City shall evaluate the effect that any street widening or traffic circulation modification may have upon an existing neighborhood. If it is determined that the widening or modification will be detrimental and result in a degradation of the neighborhood, the project shall not be permitted.**

Not applicable   X    
Meets intent of standard \_\_\_\_\_  
Does not meet intent \_\_\_\_\_

**E. Development of vacant land which is zoned for residential purposes shall be planned in a manner which is consistent with adjacent development regardless of zoning designations.**

Not applicable   X    
Meets intent of standard \_\_\_\_\_  
Does not meet intent \_\_\_\_\_

**F. Property shall be developed or redeveloped in a manner so that the future use and intensity are appropriate in terms of soil, topographic, and other applicable physical considerations; complementary to adjacent land uses; and fulfills remaining land use needs.**

Not applicable \_\_\_\_\_  
Meets intent of standard   X    
Does not meet intent \_\_\_\_\_

**G. Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City's demographic profile, and meet the housing needs identified in the Housing Element. This shall be accomplished through the implementation of policies under Objective B-2 of the Housing Element.**

Not applicable   X    
Meets intent of standard \_\_\_\_\_  
Does not meet intent \_\_\_\_\_

**H. The City shall consider the effect that the proposal will have on the stability of nearby neighborhoods. Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.**

Not applicable \_\_\_\_\_  
Meets intent of standard   X    
Does not meet intent \_\_\_\_\_

**I. Development shall not be approved if traffic associated with such development would create a new high accident location, or exacerbate an existing situation causing it to become a high accident location, without such development taking actions to remedy the accident situation.**

Not applicable \_\_\_\_\_  
Meets intent of standard   X    
Does not meet intent \_\_\_\_\_

**J. Tot lots and recreational areas, serving children from toddler to teens, shall be a feature of all new housing developments as part of the design to accommodate households having a range of ages. This requirement may be waived or modified for residential developments located in the downtown area, and for infill projects having fewer than 25 units.**

Not applicable   X    
Meets intent of standard \_\_\_\_\_  
Does not meet intent \_\_\_\_\_