Cover Memorandum/Staff Report

File #: 25-819   **Agenda Date:** 7/15/2025   **Item #:** 7.C.

TO: **Mayor and Commissioners**
FROM: **Anthea Gianniotes, Development Services Director**
THROUGH: **Terrence R. Moore, ICMA-CM**
DATE: **July 15, 2025**

<u>RESOLUTION NO. 135-25</u>: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CERTIFICATE OF APPROPRIATENESS FOR THE PROPERTY LOCATED AT 46 MARINE WAY, AS MORE PARTICULARLY DESCRIBED HEREIN; APPROVING A VERTICAL RELOCATION PURSUANT TO SECTION 4.5.1(E)(6)(B)(1) OF THE LAND DEVELOPMENT REGULATIONS (LDR); APPROVING VARIANCES TO LDR SECTION 4.3.4 (K) TO REDUCE THE FRONT, SIDE INTERIOR, AND REAR SETBACKS FOR THE STRUCTURE AND TO LDR SECTION 4.6.15 TO REDUCE THE SIDE INTERIOR SETBACK FOR A SWIMMING POOL; APPROVING WAIVERS TO THE VISUAL COMPATIBILITY STANDARDS IN LDR SECTIONS 4.5.1(E)(7)(A)(1), 4.5.1(E)(7)(J)(2), AND 4.5.1(E)(7)(M)(6) ; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL).

Recommended Action:

Review and consider Resolution No. 135-25, approving a Certificate of Appropriateness, Relocation, Variances, and Waivers in association with the vertical relocation and alteration of the existing contributing structures (1.328 two-story main structure & 296 sq. ft. one-story guest cottage - 1,644 sq. ft. overall), and construction of additions containing 3,814 sq. ft. (5,457 sq. ft. overall building) for the property located at 46 Marine Way, Marina Historic District.

Background:

The subject 0.12-acre property is located on the west side of Marine Way, south of E. Atlantic Avenue and north of SE 1st Street within the Locally and Nationally Registered Marina Historic District. The property contains a two-story residential structure with a detached pool house in the rear of the property. According to the original city of Delray Beach Building Yellow cards, both structures were built in 1926. The structures are classified as contributing to the Marina Historic District and serve as prime examples of Mediterranean Revival architecture within Delray Beach. The original detailing of the structures have been preserved and as such they qualify for individual listing to the National Register of Historic Places.

The request before the board is for the following:
1. Vertical relocation of the existing contributing, 1,328 sq. ft. two-story residence and detached, 296 sq. ft. one-story guest cottage,
2. Alterations of both structures,
3. Construction of new one and three-story additions that will connect the two historic structures,
4. Construction of a new, elevated swimming pool, and hardscaping.

Multiple relief requests for the property include the following:
1. Setback variances for the front (east), rear (west), sides (south) and (north - swimming pool); and

2. Waivers to the Land Development Regulations Section 4.5.1.(E)(7)(m), Visual Compatibility Standards for Secondary and Subordinate, Building Height Plane, and Scale of a Building .
Each relief requests must meet the associated findings.

At its meeting of June 4th, 2025, the Historic Preservation Board approved a Certificate of Appropriateness, Relocations, Variances, and Waivers for the subject property, by a vote of 4 - 3.

Pursuant to LDR Section 2.5(C)(2), at its meeting of June 17, 2025, the City Commission appealed the approval of the project.

Pursuant to LDR Section 2.5(E)(2) a de novo review of the decision is now before the City Commission.

The attached Staff Report provides a full analysis of the application, including the relocation, variance, and waiver findings. To aid in the assessment of the proposal with City ordinance, the Secretary of the Interior Standards, and the findings of each relief request, the staff report includes the applicable Land Development Regulations (LDR) and standards. LDR language and standards are in **bold** and the analysis follows for each provision.

City Attorney Review:
Approved to form and legal sufficiency.

Funding Source/Financial Impact:
N/A

Timing of Request:
N/A