



DEVELOPMENT SERVICES

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

HISTORIC PRESERVATION BOARD STAFF REPORT

126 NW 4th Avenue

Meeting	File No.	Application Type
September 7, 2022	2022-190	Certificate of Appropriateness

REQUEST

The item before the Board is in consideration of a Certificate of Appropriateness (2022-190) request associated with the installation of a new guest cottage and two storage sheds in the rear of the existing one-story single family, non-contributing residence located on the property located at **126 NW 4th Street, West Settlers Historic District.**

GENERAL DATA

Agent: Covelli Design Associates, Inc. – Mike Covelli

Owner: Jonathan Morgenstern

Location: 702 SE 1st Street

PCN: 12-43-46-17-05-000-0110

Property Size: 0.156 Acres

Zoning: R-1-A (Single Family Residential)

LUM Designation: LD (Low Density Residential)

Historic District: West Settlers Historic District

Adjacent Zoning:

- CF – Community Facilities (North)
- R-1-A – Single Family Residential (East)
- R-1-A – Single Family Residential (South)
- CBD – Central Business District (West)

Existing Land Use: Residential

Proposed Land Use: Residential



BACKGROUND INFORMATION AND PROJECT DESCRIPTION

The property is located within the R-1-A (Single Family Residential) zoning district and the West Settlers Historic District. The existing single-family residence is a non-contributing Minimal Masonry structure constructed in 1951.

With the recent 2020 Historic Resource Resurvey, this non-contributing structure is recommended to be reclassified as a contributing structure, due to its association with events that made a significant contributing to the broad pattern of the City’s history, as it contributed to the evolution of the city’s African American community and pioneers.

On February 9, 2016, staff administratively approved an exterior paint change to “Lilly Lavender” walls with “Chantilly Lace” trim. On October 15th, 2018, the City of Delray Beach issued a Code Enforcement Violation (case number: 18-00118597), for modifications without permits or approval that include new fencing, addition of a structure on the property, and addition of cement paver stones in the backyard. A permit was submitted on May 2nd, 2019, for the fence and patio pavers, which was disapproved. The violation was presented before the Code Enforcement Board on Jun 13th, 2019, where the property owner

Project Planners:	Review Dates:	Attachments:
Michelle Hewett, Planner, HewettM@mydelraybeach.com Katherina Paliwoda, Planner, PaliwodaK@mydelraybeach.com	HPB: September 7, 2022	1. Plans 2. Photos 3. Justification Statement

was found to be in violation. As a result, on January 12, 2022, staff administratively approved the after the fact installation of 4x4 paver stones in the backyard and a new 8' board on board wood fence surrounding the rear of the property along with a new man gate at the rear of the property along the alley. Historic Preservation Board approval is needed for the new guest cottage (mobile structure) and sheds.

The property owner has submitted a Certificate of Appropriateness (COA) for an after the fact approval to allow for the installation of a mobile structure to be used as a guest cottage and for two new storage sheds in the rear of the existing one-story single-family residence. The request is now before the board.

REVIEW AND ANALYSIS

Pursuant to Land Development Regulation (LDR) Section 2.4.6(H)(5), 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 1.4 of the Historic Preservation 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 Land Development Regulation (LDR) Section 2.4.5(I)(5), Architectural (appearance) elevations, the Site Plan Review and Appearance Board or the Historic Preservation Board, as appropriate, may approve subject to conditions or deny architectural elevations or plans for a change in the exterior color of a building or structure, or for any exterior feature which requires a building permit.

ZONING AND USE REVIEW

Pursuant to LDR Section 4.4.3(B)(3) & (4) – Single Family Residential (R-1-A) Principal & Accessory Uses.

Single Family structures, guest cottages, and sheds are permitted as principal and accessory uses.

Pursuant to LDR Section 4.3.3(Q) – Guest Cottage

1. Can only be used by members of the family occupying the principal dwelling, their nonpaying guests, (except in Bed and Breakfast Inns), or persons employed for service on the premises.
2. The guest cottage shall not occupy more than one-twentieth of the lot area and in no case shall exceed a floor area of 700 square feet.
3. The structure shall be located to observe the setback requirements as imposed for the principal structure.
4. When located on individually designated historic properties or within designated historic districts, the structure shall not exceed the height of the principal structure.
5. Only one (1) guest cottage shall be allowed on a property.

The proposal involves review and approval of a new structure in the rear of the property to be utilized as a guest cottage. The proposed square footage of the cottage is 256 sq. ft., which is within the maximum size requirements of 700 sq ft and one-twentieth of the lot (a max of 338.94 sq. ft. based on the 6778.8 sq. ft. lot).

Pursuant to LDR Section 4.3.4(k) – Development Standards.

The proposal involves utilizing a shipping container on wheels as a guest cottage and two new sheds. The structures were placed in the rear yard without the required approvals and are required to meet all development standards; however, the two proposed sheds do not meet the minimum setback requirements for the south side interior setback. A Site Plan Technical Item has been added that the sheds

be moved to comply with the required 7.5' side setback. Other than this item, the proposal can be found to be in compliance with the applicable standards; therefore, positive findings can be made.

DEVELOPMENT STANDARDS GUEST COTTAGE	REQUIRED	EXISTING	PROPOSED
SETBACKS (MINIMUM) FRONT (EAST)	25'	89.79'	92.43'
SIDE INTERIOR (NORTH)	7.5'	5.85'	8.5'
SIDE INTERIOR (SOUTH)	7.5'	36.11'	33.47'
REAR (WEST)	10'	13.9'	11'
HEIGHT	35' (MAX.)	11'	11'

Pursuant to LDR Section 4.4.6(H)(4) – Special Regulations – The height of accessory structures shall not exceed the height of the associated principal structure.

The subject mobile structure and two storage sheds are located in the rear of the property. The proposed height of the proposed guest cottage is 11' and the two existing plastic sheds are 7' where the existing residence is a height of 20', below the existing main structures height. The proposal meets the requirements of this standard as the height of the accessory structures do not exceed the height of the existing principal structure.

Pursuant to LDR Section 4.4.6(H)(5) – Special Regulations - The floor area of an accessory structure shall not exceed 40 percent of the floor area of the principal structure.

The existing mobile structure prior to rehabilitation is 256 sq. ft. and will remain the same after the conversion. The square footage of the main structure is 1,050. The total square footage for all accessory structures, including the two sheds with 98 sq. ft., is 354 sq. ft., which represents 33.71% of the floor area of the principal structure meeting the intent of this code requirement.

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 4.5.1(E)(2) – Minor Development.

The subject application is considered "Minor Development" as it involves "alteration of less than 25 percent of the existing floor area of the building and all appurtenances."

Pursuant to LDR Section 4.5.1(E)(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.

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 the installation of a 256 square foot of an accessory structure for use as a guest cottage. The proposal involves utilization of a shipping container on wheels with an exterior treatment to be compatible with the design of the original single-family residence. The design of the original structure has been considered with regards to the alteration.

SECRETARY OF THE INTERIORS STANDARDS

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.

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.

Standards 1, 2, 5, 9, and 10 are applicable. The COA request to allow for the use of a shipping container on wheels to be utilized as an accessory guest cottage and for the installation of two plastic storage sheds. The structure was previously placed on the property without the required approvals and the subject COA is a result of a Code Enforcement violation. Regarding standard 1, the proposed use is residential with guest cottages and sheds being accessory structures commonly associated with residential structures, thus it is consistent with the residential use of the existing contributing structure. Regarding standard 2, the proposed accessory structures are detached from the main structure and located in the rear of the property. Regarding standard 5, The exterior of the proposed guest cottage will have a smooth stucco exterior to be complimentary with the materials and style of the existing contributing structure. The two storage sheds are constructed of plastic with double entry doors and pitched roofs. Plastic is a material discouraged for use within historic districts and while the shed structures are in the rear of the property and not visible from the front right-of-way, the board will need to consider the appropriateness of these structures when making a determination of compliance with these standards.

With respect to Standard 9, the proposed guest cottage is detached from and secondary & subordinate to the main structure. The exterior of the structure will have a smooth stucco finish, with wood entry stairs leading to a sliding glass door entry, two aluminum framed, single-hung windows on the south side (front) and a single aluminum framed, horizontal sliding window on the north side (rear). There are no other openings proposed on the rear nor the sides of the structure. The structure has been differentiated from the existing single-family residence yet is also compatible in style and scale. The two plastic storage sheds situated in the rear of the property do not destroy historic materials which exist on the property, are differentiated from the old, are compatible with the massing, size, and scale of the existing home but are comprised of synthetic materials not typically utilized in the historic district. Finally, regarding Standard 10, the accessory structures have been designed in a manner that should they be removed in the future, the essential form and integrity of the historic property would be unimpaired.

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)-(m) 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.**

With regards to **Rhythm of Solids to Voids**, it is noted that that the shipping container on wheels, which is to be utilized as an accessory guest cottage has blank walls on the east, west, and the north elevation. While it is noted that the cottage cannot be seen from any public right of way, there is concern that the flow of windows and doors on the guest structure need to be visually compatible with the rhythm of solids to voids on the main residence. The plastic storage sheds have double doors on the north elevation and blank walls on the remaining sides, which is not untypical for a storage shed.

Regarding the visual compatibility requirement for **Relationship of Materials, Texture, and Color**, the exterior surface of the shipping container guest cottage structure is currently corrugated metal and is proposed to be smooth stucco to match the existing residence, which is considered an appropriate exterior surface for Minimal Masonry structures. The color of the exterior will be white, which will be different from the main structure's lavender color. A lattice skirt is proposed around all 4 sides of the base in order to conceal the existing cement block foundation. As the main structure also uses a lattice skirt, the proposed material will be visually compatible with main residence. The windows will be white, aluminum framed with clear glass. The decorative screen features that currently exist around the accessory structure will be removed in order to give a more simplistic appearance to complement the style of the residence. Light fixtures flank the sliding glass doors on the front entrance. The roof on the guest structure is a flat roof design which is proposed to remain. A wood deck/guardrail is proposed on the south side of the structure, which is considered an appropriate material within Historic Districts. The two proposed sheds are constructed of plastic, which is not typically considered an appropriate material for structures within Historic Districts but is a typical material for these types of storage structures.

Regarding **Additions**, the guest cottage and the two shed structures can be considered secondary and subordinate to the existing structure, as their heights and massing do not exceed that of the main residence. In addition, the three accessory structures are not visible from the public right of way, as there is an 8' tall wood fence along the alley and they are situated to the rear of the residence. As all three are detached from the main residence, there is no concern that if any of these are removed in the future, that it would harm the original structure.

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 development proposal involves the use of a shipping container on wheels to be utilized as an accessory guest cottage and installation of two plastic storage sheds. The structure was previously placed on the property without the required approvals and the subject COA is a result of a Code Enforcement violation. There are no concerns with respect to soil, topographic or other physical considerations. With respect to the adjacent land uses, the property is in an area surrounded by residential and community facilities. The board will need to make a determination that the proposal can be found to be consistent with the requirements of the Comprehensive Plan, and the provisions of LDR Section 4.5.1 relating to historic sites and districts as well as the “Delray Beach Historic Preservation Design Guidelines”.

OPTIONAL BOARD MOTIONS FOR ACTION ITEMS

- A. Move to continue with direction
- B. Approve Certificate of Appropriateness (2022-190), requests for the property located at **126 NW 4th Avenue, West Settlers 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.

Site Plan Technical Items:

- 1. That all proposed structures meet setback requirements.
- C. Approve Certificate of Appropriateness (2022-190), requests for the property located at **126 NW 4th Avenue, West Settlers 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 subject to the following conditions:
- D. Deny Certificate of Appropriateness (2022-190), requests for the property located at **126 NW 4th Avenue, West Settlers 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.

PUBLIC AND COURTESY NOTICES

<input checked="" type="checkbox"/> Courtesy Notices are not applicable to this request	<input checked="" type="checkbox"/> Public Notices are not required for this request. <input checked="" type="checkbox"/> Agenda was posted on 8/31/22, 5 working days prior to meeting.
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