



CITY OF DELRAY BEACH
DEPARTMENT OF DEVELOPMENT SERVICES
100 N.W. 1ST AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7040



HISTORIC PRESERVATION BOARD STAFF REPORT

170-176 SE 1st Avenue (Magnolia Place)

Meeting	File No.	Application Type
November 5, 2025	HP-168-2025 & HP-257-2025	Certificate of Appropriateness and Waiver

REQUEST

The item before the Board is consideration of a Certificate of Appropriateness (HP-168-2025) and after-the-fact waiver (HP-257-2025) for a free-standing sign at a non-contributing duplex structure located at **170-176 SE 1st Avenue, Old School Square Historic District**.

GENERAL DATA

Owner: 130 SE 1st LLC
Applicant: Jessica Hazel
Location: 170-176 SE 1st Avenue
PCN: 12-43-46-16-R5-000-0010
Project Size: 0.157 Acres
Project Zoning: OSSHAD
LUM: HMU (Historic Mixed Use)
Historic District: Old School Square Historic District
Adjacent Zoning:

- North: OSSHAD
- East: CBD
- South: RM
- West: OSSHAD

Existing Land Use: Residential
Proposed Land Use: Residential



BACKGROUND

The subject property was previously known as Lot 1 within the proposed Downtown Delray Villas project, which was a new 5-lot subdivision plat for the construction of duplexes, now known as Magnolia Place and formally addressed 170-176 SE 1st Avenue. The subject property has been platted as Magnolia Place Delray Lot 1 and is zoned OSSHAD (Old School Square Historic Arts District) and is located within the Locally Designated Old School Square Historic District.

On January 17, 2024, the Historic Preservation Board denied a Certificate of Appropriateness, Demolition, Variance, and Waiver requests for Lot 1 that involved the demolition of an existing non-contributing 1-story 1950s Ranch style, quadraplex structure and construction of a new, 2-story, French Colonial style duplex structure. The structure is part of a larger development that includes 5 new duplex structures called “Magnolia Place”. The duplex was to be configured with one unit fronting on SE 1st Avenue and the other unit fronting on the north/south alley in the rear of the property. Each unit included a swimming pool, 2-car garages, and a total of 2,979 sq. ft. (5,944 sq. ft. total for both units) The request also included 4 variances and 1 waiver outlined below:

Project Planner: Michelle Hewett, Senior Planner	Review Dates: HPB: November 5, 2025	Attachments: 1. Sign Documentation 2. Photographs 3. Justification Statement
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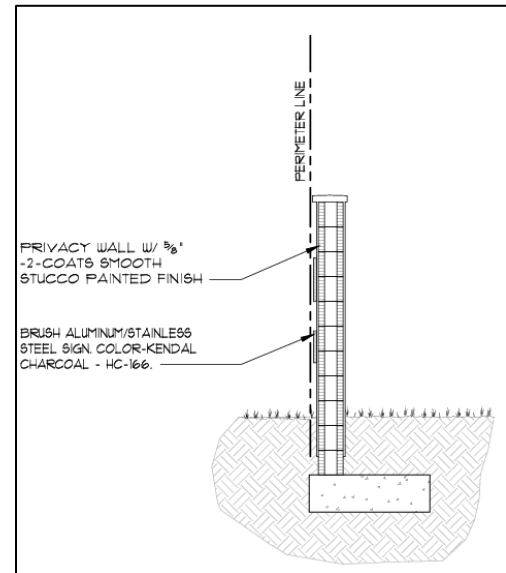
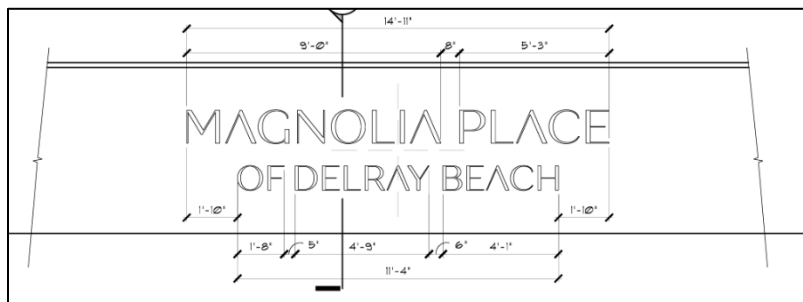
- A variance to exceed the maximum lot coverage from 40% to 41.3%;
- A variance to allow a reduction in the required 10' side interior setback to 6'5" for a swimming pool associated with the rear (west) duplex unit;
- A variance to allow a reduction in the required 10' side interior setback to 6'5" for a swimming pool associated with the front (east) duplex unit ;
- A variance to allow a reduction in the required 25' front setback to 9'10" for a swimming pool associated with the front (east) duplex unit;
- A waiver to the historic preservation Visual Compatibility Standards to allow the front duplex unit to encroach within the required Building Height Plane.

The application was appealed by the property owner, and at their meeting of February 20, 2024, the City Commission meeting approved the request.

PROJECT DESCRIPTION

The request before the board is for the installation of a new free-standing sign (affixed letters to an installed wall) facing SE 2nd Street. An after-the-fact waiver is also requested to exceed the maximum fence/wall height allowed within the side street setback. The proposed signage is a combined 28.8 sq. ft. (17.4 sq. ft. for the top row and 9.4 sq. ft. for the bottom row) wall sign. The sign is not proposed to be lit and the color and material palette includes brushed aluminum/stainless steel letter in the color – Kendal Charcoal – HC-166.





REVIEW AND ANALYSIS

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

LDR SECTION 4.5.1 HISTORIC PRESERVATION

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) – Major and Minor Development.

The subject application is considered "Minor Development" as it involves "the construction, reconstruction, or alteration of a building less than 25 percent of the existing floor area, 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.

This request includes the installation of a new free-standing sign (affixed letters to an installed wall) and an after-the-fact waiver to exceed the maximum fence/wall height allowed within the side street setback for a new construction development.

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 Delray Beach Historic Preservation Design Guidelines lists a series of recommended approaches to signage within historic districts. This includes the following:

- Use materials and sign types that are based on historical precedent. For example, the use of neon tubing was common during the Art Deco period but is inappropriate for buildings of another historical period.
- Place signage so significant architectural detail is not obscured.
- In commercial districts, the valance of an awning is often a visible and unobtrusive location for signage.
- Use indirect lighting when illuminating the sign.
- Avoid cabinet or box signs unless there is historical precedent.
- Ground-mounted signs are appropriate in cases of residential conversions.
- The scale of the signage should relate to the scale and detail of the historic building, and not overwhelm or call attention to the sign.
- The choice of typeface is a recommended way of conveying the period in which the building was constructed. Historic photographs of the period may be consulted to identify some common typestyles.
- The material of the sign need not be identical, but should be compatible with the construction materials of the building.
- For signs that are used in residential conversions, the application materials, of the original and sometimes details, is a recommended approach to sign design. For example, for a masonry building, a masonry monument sign may be an appropriate choice. If the building possesses a parapet detail, the signage may reflect that detail, tying the two together.

The proposed materials for the signage can be considered compatible with the architectural style, and construction materials utilized on the buildings and wall. The proposed size of the signage can be considered appropriate, however, due to the signs intent to indicate residential uses, the sign could be reduced in scale to be more in line with the residential nature of the project. There is no proposed lighting with the request. Should the applicant want to add lighting, staff can administratively approve indirect lighting that does not encroach into the adjacent SE 2nd Street public right-of-way.

SECRETARY OF THE INTERIOR'S STANDARDS

Standard 1

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

Standard 2

The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Standard 3

Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

Standard 4

Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

Standard 5

Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

Standard 6

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Standard 7

Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

Standard 8

Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

Standard 9

New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Standard 10

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

The proposal includes the installation of a new free-standing sign (affixed letters on an installed wall) and an after-the-fact waiver for the installed wall height, discussed later in the report. The wall faces SE 2nd Street. While the entire Magnolia Place project is new construction, it is important that modifications made on the site are compatible with the Old School Square Historic District and future potential as a contributing structure. With regards to **Standard 1**, the duplex structure where the proposed signage is located and the adjacent duplex structures that were approved with the Magnolia Place site plan and COA submittals, are designed and approved for residential use in the Anglo-Caribbean style inspired by French Colonial. Thus, the appearance of the signage should utilize characteristics of the historic appearance of the not only the architectural style but represent the residential nature scale of these properties. The proposed signage can be considered appropriate through its design, appearance, and material. Regarding **Standard 3**, there is no concern that the installed signage could be seen as creating a false sense of historical development through adding conjectural features and architectural elements from other building styles.

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). Visual compatibility for all development on individually designated properties outside the district shall be determined by comparison to other structures within the site.

- 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.
- l. Architectural Style, all major and minor development shall consist of only one architectural style per structure or property and not introduce elements definitive of another style.

The proposed signage material is brushed aluminum/stainless steel, which are both considered appropriate for use within historic districts, as they are authentic compatible materials typically used within historic districts. The proposed color can also be considered compatible, as it contains a similar appearance as the duplexes with a neutral base and contrasting detailing. The architectural style utilizes clean detailing and lightweight materials, which are reflected in the signage and could be seen as appropriate and compatible. The board will need to make a determination that the proposal is in compliance with the requirements of LDR Section 4.5.1, the Secretary of the Interior's Standards and Guidelines, and the Delray Beach Historic Preservation Design Guidelines.

LDR SECTION 4.6.7 - SIGNS

LDR Section 4.6.7(D)(2), Aesthetic qualifications: Basis, "the aesthetic quality of a building, or of an entire neighborhood, is materially affected by achieving visual harmony of the sign on or about a structure as it relates to the architecture or the building or the adjacent surroundings. In addition to the limitations on signs imposed in Subsections (E) and (K), the following aesthetic considerations must be met.

- a) Garishness: The overall effect of the lettering, configuration or color of a sign shall not be garish. "Garish" signs are those that are too bright or gaudy, showy, glaring, and/or cheaply brilliant or involving excessive ornamentation. Garish signs are not in harmony with and are not compatible with the building or adjacent surroundings.
- b) Scale, design, and location:

 - 1. Signs shall be appropriate in size, scale, and design for the neighborhood or streetscape where it is to be located.
 - 2. Signs placed on structures shall be proportionate in size and scale to the building facade, designed consistently with the building architecture, and positioned harmoniously with building features; architectural features shall not be provided solely for the purpose of accommodating signage, but shall relate to building location, function, and use.
- c) Quality: All signs shall have a professional appearance that enhances the visual aesthetics of the area."

As previously mentioned, the proposed signage can be considered **appropriate in size, scale, and design for the neighborhood or streetscape where it is to be located**, as the subject property contains residential use within the mixed use zoning for the historic district. The proposed color and material are considered harmonious with the architectural style which utilizes small colorful trims that contrast the neutral walls. The board will need to make a determination that the proposed signage aligns with the surrounding environment in terms of size, scale, design, and appropriateness of location. It is also important to note that the walls' location is along the sidewalk on SE 2nd Street, the public right-of-way. Should the signage encroach, outside of their property lines, they will either have to be moved to be situated within the property boundary or a hold harmless agreement will need to be executed between the property owner and the city.

WAIVER ANALYSIS

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

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

Waiver Request:

Pursuant to LDR Section 4.5.1(E)(3)(a)(1)(c), Fences and walls over four feet shall not be allowed in front or side street setbacks.

An after-the-fact waiver for relief to the height requirements for walls within side street setbacks, from a maximum of 4' to 5'1"-5'5".

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

(a) Shall not adversely affect the neighboring area:

The submitted waiver request is to allow for an after-the-fact perimeter wall to exceed the maximum four feet height requirement. The installed wall faces SE 2nd Street and its height ranges from 5' 1" to 5' 5" from west to east, respectively. The wall is not anticipated to affect the neighboring area as OSSHAD is a mixed-use zoning district. The wall could be seen as providing privacy for the lower-scale residential uses that are situated at the corner of a fairly busy intersection within close proximity to the downtown. The board will have to make a determination that the waiver will not adversely affect the neighboring area nor the Old School Square Historic District.

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

The proposed waiver is not anticipated to diminish the provision of any public facilities.

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

The request is not anticipated to create an unsafe situation. It is also important to note that while this wall is along a roadway, it does not impede the required sight visibility triangles as a fence is proposed at the corner of the SE 2nd Street and SE 1st Avenue right-of-way that will meet the LDR requirements for sight visibility.

(d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

There are elevation/grade changes which exist both from east to west and north to south for the subject property and associated properties to the north. Such has resulted in the variation of the fencing and walls throughout the site. As mentioned previously, the Magnolia Place project consists of residential uses, and the close proximity of this particular duplex structure to a roadway and adjacent public sidewalk near the city's downtown could be considered a specific circumstance to this property. Therefore, the board will need to determine if the waiver results in a special privilege and if the same waiver would be granted under similar circumstances on other property.

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

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 proposal is for a new free-standing sign (affixed letters on an installed perimeter wall) and a waiver to allow the wall to exceed the maximum four feet height requirements (5'1" to 5'5" proposed). The board will need to make a determination that the request can be found to be consistent with the provisions of LDR Section 4.5.1 relating to historic sites and districts as well as the Secretary of the Interior's Standards and the Delray Beach Historic Preservation Design Guidelines.

ALTERNATIVE ACTIONS

- A. Move to continue with direction.
- B. Approve Certificate of Appropriateness and Waiver (HP-168-2025 & HP-257-2025), for the property located at **170-176 SE 1st 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.
- C. Approve Certificate of Appropriateness and Waiver (HP-168-2025 & HP-257-2025), for the property located at **170-176 SE 1st 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, subject to the following conditions:
- D. Deny Certificate of Appropriateness and Waiver (HP-168-2025 & HP-257-2025), for the property located at **170-176 SE 1st 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.

PUBLIC AND COURTESY NOTICES

☒ Courtesy Notices are not applicable to this request	☒ Public Notices are not required for this request. ☒ Agenda was posted on (10/29/25), 5 working days prior to the meeting.
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October 14, 2025

City of Delray Beach
Development Services Division
100 N. W. 1st Avenue
Delray Beach, Fl. 33444

Re: Magnolia Place (Lots 1-5)
130 SE 1st Avenue – HP-000168-2025
Waiver for Wall Height from LDR Section 4.5.1(E)(3)(a)(1)(c)
Delray Beach, Florida 33483

To Whom It May Concern:

Please accept this letter requesting a wall height waiver from the Historic Preservation Board for Magnolia Place for Lots 1-5 for the proposed duplex residences at the above-mentioned property. We are requesting the following waiver:

Request for wall height waiver from the allowable maximum wall height of 4'-0" within the front and side street setbacks to 5'-6" as per LDR Section 4.5.1(E)(3)(a)(1)(c). We believe this is justified for the following two reasons:

Item #1: The physical location of the project and the surrounding area. The property is located in the downtown area where there is a lot of pedestrian traffic in both the downtown and surrounding area with people going back and forth to Atlantic Avenue, all hours of the day and night. The slight increase in height of the wall provides a significant feeling of privacy for the residences once within the courtyard setting. In addition to the downtown location and close proximity to the Ave., we want to minimize the vehicular traffic headlights and sound impact on the residents.

Item #2: The proposed lots are situated at the northwest corner of SE 2nd Street and SE 1st Avenue and are located along the eastside of the alley, which runs in the north-south direction, in the "Old School Square Historic District". Lots 1-5 run from east to west and there is approximately a 24" change in grade between SE 1st Avenue and the alley along the west side of the project. The goal was to minimize the height above the allowable height of 4'-0". Where

the grades change along the street frontage, the actual average height of the proposed walls is +/-5'-0" above grade.

Per LDR Section 2.4.11 (B)(5), **Findings**. Prior to granting a waiver, the granting body shall make findings that the granting of the waiver:

- (a) Shall not adversely affect the neighboring area;

This request will not have a negative impact on the neighborhood due to there are high rise condominiums to the east of the project and along the west side are commercial and multifamily properties.

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

Will have no impact on the provisions of the public facilities.

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

Will not create and unsafe situation when you consider that most of the zoning throughout Delray allow for privacy walls to be 6'-0" in height.

- (d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

We believe that this waiver request would be granted to other properties with similar topographic conditions and location.

The property is located in the historic OSSHAD zoning with the following required setbacks:

Front setback: 25'-0"

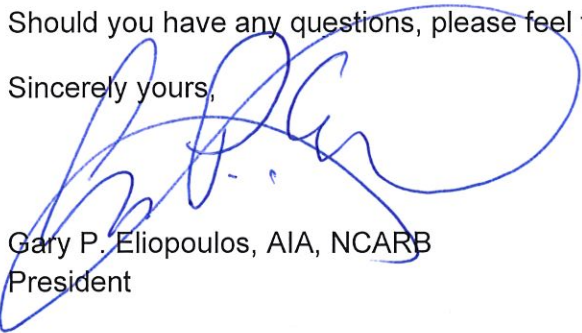
Side street setback: 15'-0"

Side interior setback: 7'-6"

Rear setback: 10'-0"

Should you have any questions, please feel free to contact me at our office (561) 276-6011.

Sincerely yours,


Gary P. Eliopoulos, AIA, NCARB
President



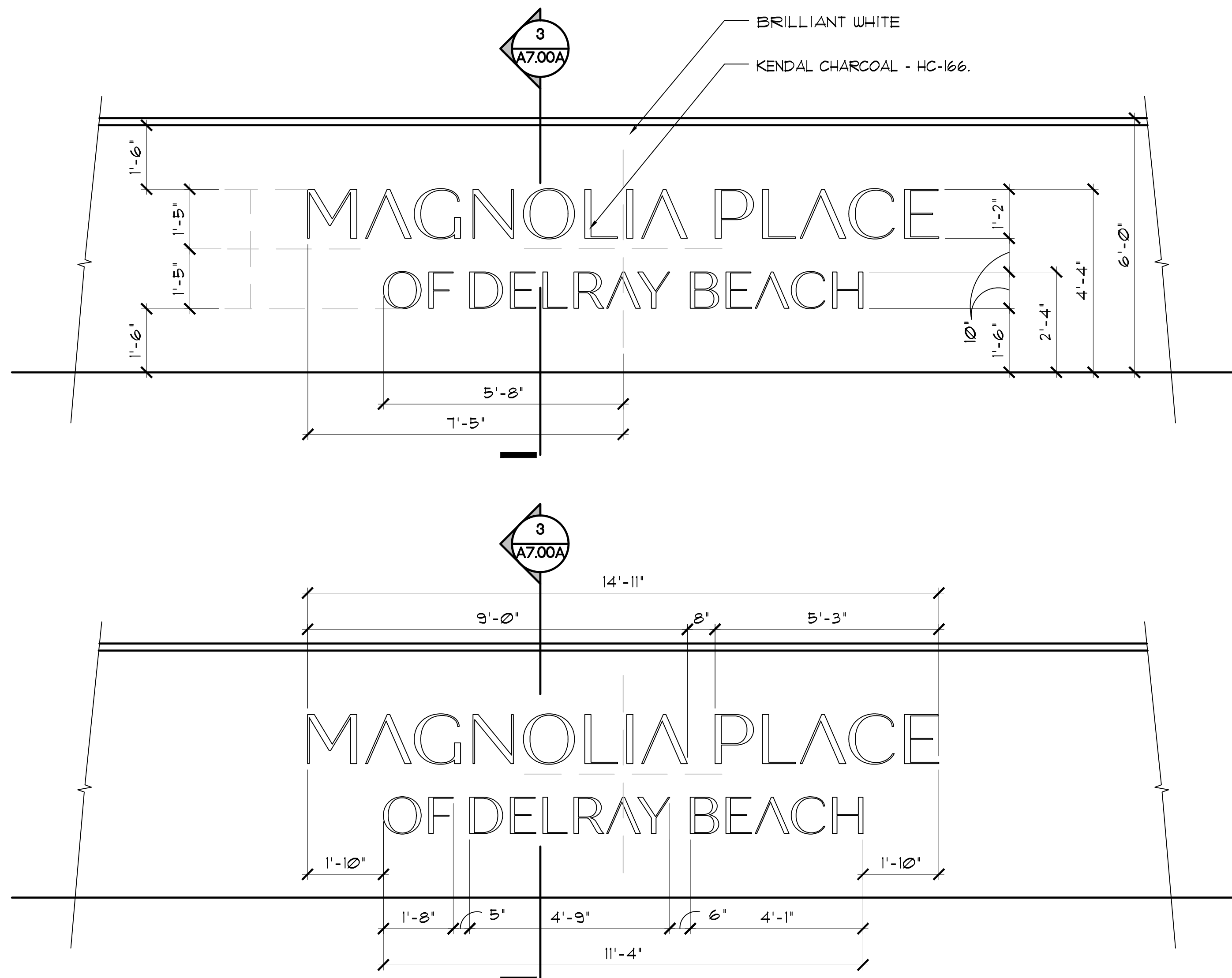




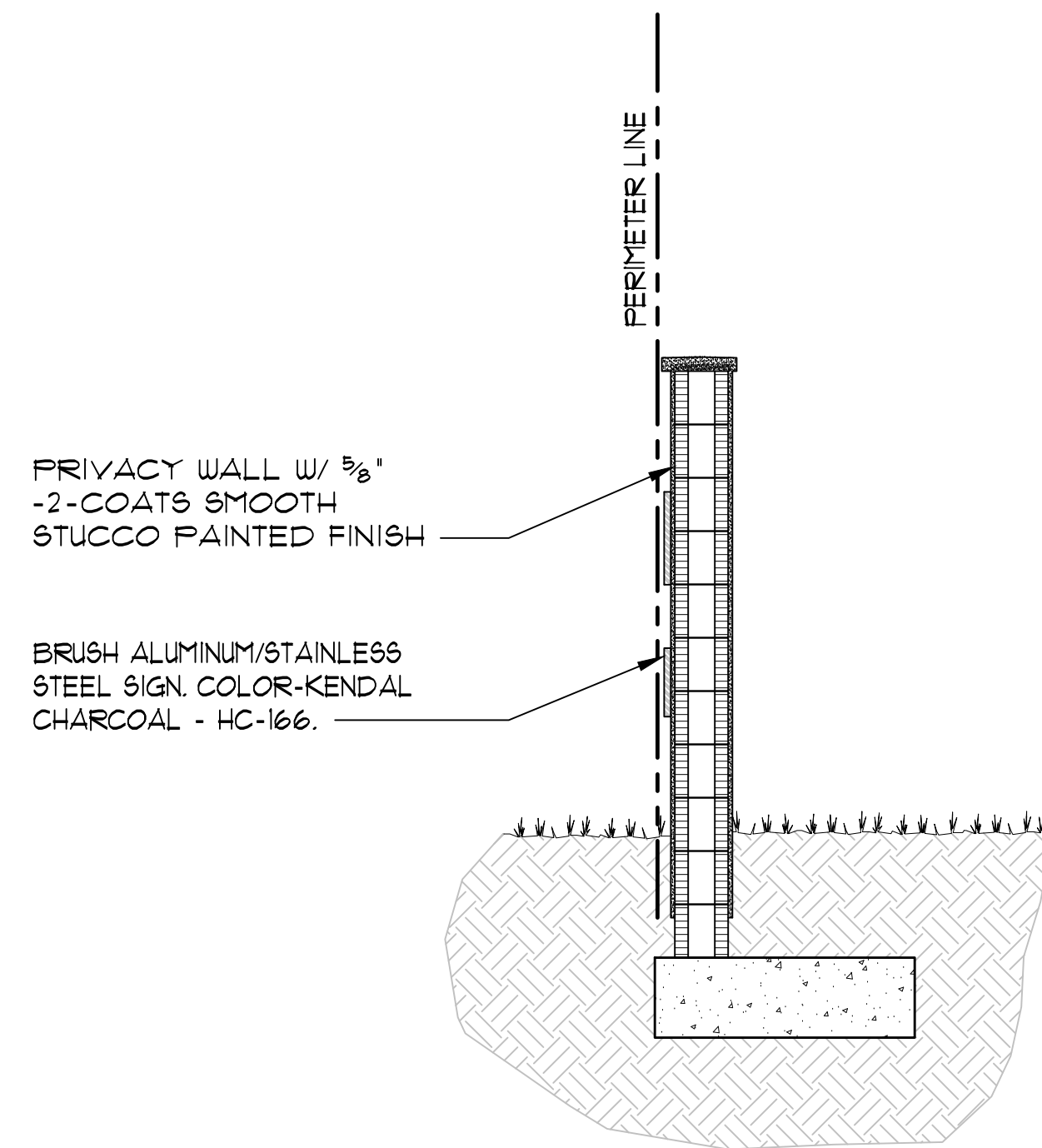
MAGNOLIA PLACE
OF DELRAY BEACH



1 PROPOSED SOUTH ELEVATION WITH SIGN
A3.01 SCALE : 3/16" = 1'-0" LOT 1



2 SOUTH PRIVACY WALL WITH SIGN
A3.01 SCALE : 1/2" = 1'-0"



3 PARTIAL SECTION
A3.01 SCALE : 1/2" = 1'-0"



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ISSUED FOR

BIDS

PERMIT

CONSTRUCTION

PROJECT TITLE

MAGNOLIA
PLACE
LOT 1

170 & 176 SE 1ST AVE.
DELRAY BEACH, FL

REVISIONS

FILE NUMBER
109A300A

DRAWING TITLE

PROPOSED
ELEVATIONS
LOT 1

DATE

8.29.25

DRAWN BY

GE/CM

JOB NUMBER

20230109

DRAWING NUMBER

A3.00A

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