

**MINUTES
HISTORIC PRESERVATION BOARD
CITY OF DELRAY BEACH**

MEETING DATE: June 7, 2023

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

The meeting was called to order by Alyse Lemstrom, Chair at 6:13 P.M.

2. ROLL CALL

A quorum was present.

Members present Alyse Lemstrom, Chair; Rhonda Sexton, Vice Chair; John Miller, 2nd Vice Chair; Ivan Heredia; Jim Chard; Kristin Finn; and, Chris Cabezas.

Absent none

Staff present were William Bennett, Assistant City Attorney; Anthea Gianniotis, Development Services Director; Michelle Hoyland, Principal Planner; Michelle Hewett, Planner; Katherina Paliwoda, Planner; and Diane Miller, Board Secretary.

Consultants present were Richard J. Heisenbottle, AIA, RJH Architects

3. APPROVAL OF AGENDA

Motion to APPROVE the agenda for the June 7, 2023, was made by John Miller and seconded by Jim Chard.

MOTION CARRIED 7-0

4. MINUTES

Motion to APPROVE the March 1, 2023, minutes was made by Jim Chard and seconded by John Miller.

Motion Carried 7-0

5. SWEARING IN OF THE PUBLIC

Alyse Lemstrom read the Quasi-Judicial Rules for the City of Delray Beach and Diane Miller swore in all who wished to give testimony.

6. COMMENTS FROM THE PUBLIC

None

7. PRESENTATION

None

8. QUASI-LEGISLATIVE ITEMS-CITY INITIATED

A. Historic Designation (2021-278): Recommendation to the City Commission regarding Ordinance No. 26-23 for the historic designation of the “**Atlantic Avenue Historic District**”, which is generally located along E. Atlantic Avenue from Swinton Avenue to the Intracoastal Waterway, pursuant to Land Development Regulations (LDR) Section 4.5.1(B) & (C), Designation Procedures.

Owner/Applicant: City of Delray Beach; pzmail@mydelraybeach.com

Planner: Michelle Hoyland; hoylandm@mydelraybeach.com

Michelle Hoyland, Principal Planner, entered the file into the record.

Anthea Gianniotis, Development Services Director, commented that this is a public hearing that the consultant, Mr. Richard J. Heisenbottle, RJ Heisenbottle Architects is also in attendance and a resource for questions and comments.

Public Comment

Robert Sweetapple - 792 Kokin Way, Boca Raton, Florida - Mr. Sweetapple spoke of his opposition and that it was stated that the downtown of Delray Beach was slum and blighted and to come and redevelop in our downtown.

Price Patton - 1022 Tamarind Road - Mr. Patton made comments regarding the economic value of the Atlantic Avenue Historic District, that it was important to educate the public and how the Old School Square is the value of the City of Delray Beach.

Linda Oxford - 148 Coconut Road - Ms. Oxford commented about the quaintness of the town and we need to preserve the downtown.

Billy Himmelrich - 45 N. Congress - Mr. Himmelrich owns the Old School Bakery and four parcels of land in the City. Mr. Himmelrich note that he hopes people realize that property owners have rights and plans for their property, but that we also need protection in our investments in the downtown.

Michael Weiner - 44 E. Atlantic Avenue - Mr. Weiner stated that we need to protect history and do not stop improving.

Caroline Patton -1022 Tamarind Road - Ms. Patton gave an overview on the history of Atlantic Avenue and hope in the end we can save Atlantic Avenue.

Jason Evens - Evens Law, Represents Delray Beach Associates Inc and Patio Partners Inc. - Mr. Even’s clients oppose Ordinance No. 26-23 and oppose the re-development of the downtown.

Hillary Roche - 525 E. Atlantic Avenue (business), 1037 Brooks Lane - Ms. Roche represents the Colony Hotel and has spent three years in permitting for awnings and looking to understand the regulations and restrictions placed on an historic business. It was just brought to my attention that the southeast corner of the building is not in compliance with the new regulations. I am in support of the new district, but wanted to know what is going to be done to help me and the hotel.

George Long - 46 N. Swinton - I think things that bring people to Delray Beach is not having all these tall buildings. It's all about the perception of how this all looks.

Claudia Willis - 42 Palm Square - Ms. Willis would like Ms. Hoyland and Mr. Heisenbottle to answer some of the questions that people have posed about the value of the historic properties brought to tourism. People are concerned about more regulations, but every area of the City has regulations. Probably the worst regulations are your HOA, they have the heaviest regulations. Probably the most important is to ask for the national designation for residence and buildings.

Rebuttal/Cross

Anthea Gianniotis - There were a lot of comments regarding property rights. There is nothing in the ordinance that will be changing your zoning nor the uses what you can use your property for. Regarding in-lieu of parking matter, the City Commission passed a zoning in progress to pause all applications in downtown.

Michelle Hoyland - There was a member of the public that spoke in opposition about the code and I disagree with his comment. We will reach out to that speaker. I appreciate the comments from Ms. Roche of the Colony Hotel and there is a lot of work and certainly understand the matter of the awnings. Ms. Roche was also interested in the regulations and the main one is likely visual compatibility.

Mr. Heisenbottle commented on how impressed he was with the staff presentation. So very professional. There was a comment on what the historic district will do and to ensure that the property rights are not being taken away with this new ordinance. Mr. Heisenbottle was happy with the support of the new district and the visual characteristics will continue.

Board Comments

Jim Chard asked why the original survey cut off part of Atlantic Avenue east of the canal and noted about being most interested in the frustrations from people in the City. The Colony Hotel is concerned with the problem of getting new awnings, which is really a process not a Historic issue. Another issue is our parking in Delray Beach and have the walkability come to Atlantic Avenue.

John Miller asked staff about two parcels west of Veterans Park that are included in the staff recommendation but in the report they were not included. Ms. Hoyland commented and said they are not included. Mr. Miller said that Delray Beach was developed before cars and electricity and people moved here because of the vibe it gives people. Change is possible and happens all the time.

Chris Cabezas asked if the public has reached out before this meeting. Ms. Hoyland and Ms.

Gianniotes said that very few comments were received.

Mr. Cabezas asked Mr. Heisenbottle about a successful Historic District in Miami. Mr. Heisenbottle said a major one is the Downtown Historic District, Miracle Mile is also successful, but the main one is in Coral Gables.

Ivan Heredia voiced his support for the district with the scale, proportion and walkability, and that with that he expressed his support.

Rhonda Sexton expressed that the hub of our town has evolved and how the streetscape of Atlantic Avenue is very unique and this historic designation will support maintaining individual ownership.

Kristen Finn expressed that she was happy that none of the zoning will change, and that the designation will be done the right way.

MOTION to RECOMMEND APPROVAL to the City Commission of Ordinance No. 26-23, amending Section 4.5.1, "Local register of historic places" of the Land Development Regulations for the historic designation of the "Atlantic Avenue Historic District", by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations, made by John Miller and seconded by Rhonda Sexton.

MOTION CARRIED 7-0

The Board took a 5-minute break.

9. QUASI-JUDICIAL HEARING ITEMS

A. Certificate of Appropriateness (2023-158): Consideration of a Certificate of Appropriateness request for the installation of a PVC fence associated with an existing contributing single-family residence.

Address: 321 N. Swinton Ave, Old School Square Historic District

Owner/Applicant: Tom Sedita; tsedita@aol.com

Agent: Mateo Encinosa; mateo@oakdesigngroup.com

Planner: Michelle Hewett; hewettm@mydelraybeach.com

Michelle Hewett, Planner, entered project file 2023-158 into the record.

Exparte

Ivan Heredia-None

Kristin Finn-None

Rhonda Sexton-None

John Miller-Spoke to the owner

Jim Chare-None

Chris Cabezas-None

Alyse Lemstrom-None

Applicant Presentation

Mateo Encinose, Oak Design Group

Staff Presentation

Michelle Hewett, Planner, presented the project from a Microsoft PowerPoint presentation.

Public Comment

None

Rebuttal/Cross

None

Board Comments

Alyse Lemstrom asked if the fencing be seen from the right of way. Ms. Hewett said it cannot be seen.

Rhonda Sexton asked if the fence is synthetic. Mr. Encinose said that is correct.

William Bennett asked if the material being brought to the meeting tonight is a modification to the request. Ms. Hewett confirmed that it is a modification. Mr. Bennett asked if there is a sample, color, style number brought here tonight. Ms. Hewett said that it was given to her.

Ivan Heredia asked to see a little more detail on the construction of the wall, and wanted to know if there could be more details. Mr. Bennett reminded the Board that we do not design from the dais.

MOTION to APPROVE Certificate of Appropriateness (2023-158), for the property located at 321 N. 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, made by John Miller and seconded by Kristin Finn, subject to the following conditions:

1. That the project will utilize Trex Composite in brown in lieu of the white PVC noted in the staff report; and,
2. That the distance between the road and the masonry wall be 25 feet.

MOTION CARRIED 7-0

- B. Certificate of Appropriateness (2023-093 & 094):** Consideration of a Certificate of Appropriateness request associated with exterior modifications to an existing non-contributing three-story 2-unit residential structure.

Address: 1180 Nassau Street, Nassau Park Historic District

Owner/Applicant: Edward and Jane Graham; edwardgraham@outlook.com

Address: 1190 Nassau Street, Nassau Park Historic District

Owner/Applicant: Mark Harrison; mharrison.delray@gmail.com

Agent: Gary Eliopoulos; gary@eliarch.com

Planner: Katherina Paliwoda; paliwodak@mydelraybeach.com

Michelle Hewett, Planner, entered project file 2023-093 & 094 into the record.

Exparte

Ivan Heredia-None
Kristin Finn-None
Rhonda Sexton-None
John Miller-None
Jim Chard-None
Chris Cabezas-None
Alyse Lemstrom-None

Applicant Presentation

Gary Eliopoulos, GE Architect, 1045 E. Atlantic Avenue
Mark Harrison, Owner
Ed Graham, Applicant

Staff Presentation

Katherina Paliwoda, Planner, presented the project from a Microsoft PowerPoint presentation.

Public Comment

None

Rebuttal/Cross

Gary Eliopoulos, GE Architect, commented that gray tint will be used.

Board Comments

Kristin Finn asked if the house was built in 1988 or 1998. Ms. Paliwoda confirmed the house was built in 1988.

Ivan Heredia, asked if, regarding the structure, the clock would be set back. Ms. Paliwoda replied no.

Chris Cabezas, asked if the neighbors have been contacted. Mr. Harrison said that letters were signed in support.

Rhonda Sexton commented about the color and wanted to confirm that it is charcoal gray.

Chris Cabezas commented that the improvements are being done tastefully.

Ivan Heredia commented that the board and batten is a little heavy but nice for the community.

Jim Chard asked what the railings are made of. Mr. Eliopoulos said they will be aluminum.

MOTION to APPROVE Certificate of Appropriateness requests (2023-093 & 094), for the

property located at 1180 Nassau Street, Nassau Park 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 was made by Chris Cabezas and seconded by John Miller.

MOTION CARRIED 7-0

- C. **Certificate of Appropriateness (2022-294):** Consideration of Certificate of Appropriateness, Demolition, and Variance requests for the demolition and construction of an existing rear garage with exterior modifications to an existing 2-story residence.

Address: 226 N. Swinton Avenue, Old School Square Historic District

Owner/Applicant: John and Cathy Babiarz; babiarzj@gmail.com

Agent: Roger Cope; copearchitectsinc@gmail.com

Planner: Michelle Hewett; hewettm@mydelraybeach.com

Katerine Paliwoda, Planner, entered project file 2022-294 into the record.

Exparte

Ivan Heredia-None

Kristin Finn-None

Rhonda Sexton-None

John Miller-None

Jim Chard-None

Chris Cabezas-None

Alyse Lemstrom-None

Applicant Presentation

Roger Cope, Cope Architects

Matthew Scott, Attorney

John Babiarz, Owner

Staff Presentation

Michelle Hewett, Planner, presented the project from a Microsoft PowerPoint presentation.

Public Comment

George Long - 46 N. Swinton – Mr. Long suggested a two-car garage.

Rebuttal/Cross

Roger Cope indicated that real wood would be used on the outside and not man-made products. There will be a single car garage and, a change to the original plans, to keep the brick wall in front.

Board Comments

John Miller asked if there was a pool in the back of the house. Mr. Cope said there was, and that it would be removed to build a modern pool. Mr. Miller indicated that a two-car garage in the back is fine.

Jim Chard commented on having a two-car garage door. Mr. Cope said by doing this it will

add two feet.

John Miller asked about the turning radius. Ms. Hoyland said that backing up should be 24 feet.

THE BOARD in general supports having one garage door.

MOTION to Approve Certificate of Appropriateness, Demolition, and Variance (2022-294), for the property located at 226 N. 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, made by John Miller and seconded by Rhonda Sexton, subject to the following conditions:

1. That clear, no tint glass be used;
2. That the wood trim be used on the new garage be real wood; and,
3. That the existing brick wall on the east elevation will remain, and the east facing garage door is a usable door made by

MOTION CARRIED 7-0

10. REPORTS AND COMMENTS

A. Staff Comments

The next Historic Preservation Board will meet on July 5, 2023.

Sundy Village had an accident on property and four workers were hurt with no further information.

The City Commission met regarding the golf course and provided direction to Staff to pursue historic designation.

The cemetery grant funding has come through.

B. Attorney Comments

None

11. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 10:45 P.M.

The undersigned is the Secretary of the Historic Preservation Board and the information provided herein is the Minutes of the meeting of said body for **June 7, 2023**, which were formally adopted and APPROVED by the Board on _____.

ATTEST:

CHAIR

BOARD SECRETARY

NOTE TO READER: If the Minutes you have received are not completed as indicated above, then this means that these are not the official Minutes of the Historic Preservation Board. They will become official minutes only after review and approval, which may involve some amendments, additions, or deletions.