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HISTORIC PRESERVATION BOARD STAFF REPORT

170 Marine Way

Meeting	File No.	Application Type
June 5, 2024	2024-134	Certificate of Appropriateness

REQUEST

The item before the Board is consideration of a Certificate of Appropriateness (2024-134) request associated with the reconstruction of an existing chimney and exterior modifications on a contributing single-family structure located at 170 Marine Way, within the Marina Historic District.

GENERAL DATA

Owner: Angela L Porter Trust
Agent: Mark Hunley
Location: 170 Marine Way
PCN: 12-43-46-16-01-126-0150
Property Size: 0.197 acres
Zoning: Multiple Family Residential-Medium Density (RM)
Historic District: Marina Historic District
 OSSHAD (North)
Land Use: Medium Density Residential
Adjacent Zoning:

- East: CF (Community Facilities)
- North: RM (Multiple Family Residential - Medium Density)
- West: RM
- South: R-1-AA (Single-Family Residential)

Existing Use: Residential
Proposed Use: Residential



BACKGROUND AND PROJECT DESCRIPTION

The subject property is located within the RM zoning district. A circa 1939 two-story, A-frame, vernacular style structure was relocated to the subject property in 2012 and subsequently Individually Designated to the Local Register of Historic Places via Ordinance No. 03-13.

At its meeting of August 15, 2012, the Historic Preservation Board (HPB) approved Certificate of Appropriateness (COA) and Variance (2012-189) requests associated with the Relocation of the single-family residence from 806 NE 2nd Street to 170 Marine Way. The variance associated with the relocation proposal was to reduce the south side street setback from 15' to 5' (adjacent to SE 2nd Street).

At its meeting of February 6, 2013, HPB approved COA (2013-082) associated with additions and alterations to the single-family residence that included an open front porch addition (East elevation),

<p>Project Planner: Katherina Paliwoda, Planner, Paliwodak@mydelraybeach.com Michelle Hoyland, Principal Planner, HoylandM@mydelraybeach.com</p>	<p>Review Dates: HPB: June 5, 2024</p>	<p>Attachments:</p> <ol style="list-style-type: none"> 1. Plans 2. Materials and Color Samples 3. Renderings
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installation of concrete landing and steps (North and West elevation), installation of concrete porch (South elevation), brick paver walkway from Marine Way, and replacement of upper story rail with decorative capped aluminum rail. HPB also recommended approval of a request to individually designate the subject structure to the Local Register of Historic Places to be known as "The Marina House". The designation (2013-044) was approved by the City Commission at its March 5, 2013, meeting via Ordinance No. 03-13.

At its meeting of February 7, 2018, HPB approved a Certificate of Appropriateness (2017-267) request associated with a 172 square foot exterior addition, construction of a 432 square foot, two-story, two-car garage, pool, landscaping and perimeter fence. To date, construction has commenced but is not yet completed.

At its meeting of July 6, 2022, HPB approved Certificate of Appropriateness (2022-064) request associated with a 259 square foot addition to the existing 1,601 square foot, 2-story main residence, replacement of the existing trusses and white cement tile roof on the single-family residence, construction of a new covered porch and aluminum trellis to the rear (west side) of the property.

At its meeting of January 4, 2023, HPB approved Certificate of Appropriateness (2023-040) request for the demolition of 236 square feet of non-contributing additions to the existing residence to allow for the structure to be raised from its existing 6' finished floor elevation height to 8.5' finished floor elevation in order to comply with FEMA flood zone requirements. The elements of the structure to be removed included the front steps, the non-contributing addition on the north rear side of the main residence, and the terrace on the south of the existing structure. These elements were to be reconstructed once the structure is raised.

Work has been ongoing on the structure and property and during construction, the existing chimney fell. As the structure is contributing to the Marina Historic District, the certified set from the previous approval noted that the chimney was to remain. Therefore, as the request has exceeded the approved scope of work, the reconstruction of the chimney requires the review and approval from HPB. It is noted that chimney frame was already constructed before the applicant was given direction from staff that board approval was required, and work has been stopped on permit (18-180765) for the roof and chimney. The exterior brick for the chimney has not yet been applied to the structure. A Certificate of Appropriateness for the request was submitted on April 17, 2024. In addition to the reconstruction of the chimney other exterior modifications to the property are being requested, and are listed below:

- New white aluminum railings and handrail added to the front porch of the main structure.
- New stair configuration on the rear (west) side of the main structure.
- Tiled wall for outdoor kitchen in the rear of main structure.
- Change of paver material from marble to shellock.
- Addition of artificial turf to the backyard.
- Change of exterior colors for façade, awnings, and shutters.
- New aluminum fences and gates with columns on the front (east) and side street (south) side of the property.
- Sliding gate for driveway on the northeast side of the property.

The request is now before the board.

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.

ZONING AND USE REVIEW

Pursuant to LDR Section 4.4.6(F)(1) - Medium Density Residential (RM) - Development standards: The provisions for the R-1-A District shall apply for single family detached dwellings.

The existing use is a single-family residence will remain, which is a permitted use within the RM zoning district.

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 "The construction, reconstruction, or 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)(a)(1)(d) – 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.

Fences and Walls: The provisions of Section 4.6.5 shall apply, except as modified below:

- a. Chain-link fences are discouraged. When permitted, chain-link fences shall be clad in a green or black vinyl and only used in rear yards where they are not visible from a public right of way, even when screened by a hedge or other landscaping.
- b. Swimming pool fences shall be designed in a manner that integrates the layout with the lot and structures without exhibiting a utilitarian or stand-alone appearance.
- c. Fences and walls over four feet (4') shall not be allowed in front or side street setbacks.
- d. Non-historic and/or synthetic materials are discouraged, particularly when visible from a public right of way.
- e. Decorative landscape features, including but not limited to, arbors, pergolas, and trellises shall not exceed a height of eight feet (8') within the front or side street setbacks.

The subject request includes new 5' aluminum fencing, driveway gate, and 5' concrete columns on the front (east) side of the property (adjacent to Marine Way) and on the side street (south) of the property (adjacent to SE 2nd Street). The LDRs allow fencing to be a maximum of 4' within the front and side street setbacks within an historic district, the applicants have agreed to lower the height to the appropriate 4' height, so it has been added as a site plan technical item.

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 a result of work being done at the building permit stage that exceeds the approval from HPB. Modifications to the structure went to the Historic Preservation Board on January 4, 2023, where the project was approved and included the existing chimney to remain. Due to unforeseen events in the field, the existing chimney was removed and now requires reconstruction. The deviation from HPB's approval is being brought to the board for review. In addition, other exterior modifications to the structure and the site are proposed.

Pursuant to LDR Section 4.6.9(D), Design Standards, All parking spaces which are created in order to fulfill requirements of this Section (i.e. required parking spaces) shall conform to the design standards of this subsection.

Single-Family dwelling units, duplexes and townhomes with direct, individual unit access to a public right-of-way shall provide:

- **Along all road classifications, except local, a minimum stacking distance of 20 feet from the ultimate right-of-way.**
- **Along local roads, gates, wall, fences, or similar structures, that are 25 percent or less opaque and do not create visual obstructions, are permitted on the ultimate right-of-way line or on the property line without a stacking distance, whichever distance is greater, and are not subject to the regulations in Section 4.6.14.**

The proposal includes a sliding gate for the previously approved driveway on the northeast side of the property that will enter from Marine Way. As the proposed gate is not 25% percent opaque or less and does not meet the site visibility requirements of LDR Section 4.6.14 it will be need to meet the minimum 20' stacking distance requirement. This item is an added site plan technical item.

Pursuant to LDR Section 4.6.14 – Sight Visibility – Driveway intersecting street or alley. The area on both sides of a driveway formed by the intersection of a driveway and a street or alley with a length of ten feet along the driveway, a length of ten feet along the street or alley right-of-way and the third side being a line connecting the ends of the other two lines.

The subject request includes a sliding gate for the previously approved driveway. A site plan technical item has been added that site triangles be depicted on the plan to ensure the driveway meets the minimum 10' site visibility requirements.

Landscape Regulations– Section 4.6.16(E)(12) *Artificial Turf*. Artificial turf is allowed on both residential and non-residential properties, subject to the following requirements:

- a) **General.**
 - i. **The installation of artificial turf requires a landscape permit.**

- ii. Artificial turf areas may not be included in open space calculations.
 - iii. Artificial turf is considered pervious but cannot be used within permanent drainage features, including ponds and swales.
 - iv. Artificial turf shall not be installed closer than five feet to the property line.
 - v. Artificial turf shall not be installed in or be visible from a public or private right-of-way.
 - vi. Artificial turf may be used in combination with living plants as part of a landscape design, but artificial turf shall not by inset constitute landscaping.
- b) Locational criteria.
- i. Residential and commercial uses. Residential and commercial properties are subject to the following additional criteria:
 - 1. After building coverage, hardscaping areas, and minimum open space requirement areas are subtracted from the total lot area, no more than 15 percent of the remaining lot area may be comprised of artificial turf.
 - 2. Artificial turf is allowed in rear and interior side yards, and in side street yards when shielded from view. Artificial turf may also be used in conjunction with driveway pavers.
 - ii. Recreational uses. Artificial turf is allowed in recreational use areas, and is not required to be shielded from view.
 - iii. Historic. On properties located within a Historic District or on Individually Designated Sites, as listed on the Local Register of Historic Places, artificial turf is only allowed in rear and side yards and must be shielded from view.

The subject request includes artificial turf with a checkerboard style design proposed in the rear of the main structure surrounding the pool area in the backyard. As the structure is located within an historic district, the location of the proposed turf in the rear yard is considered appropriate and can be considered to meet the requirements. However, open space calculations on the plans and site data table need to be updated to ensure the minimum 25% open space requirements match the revisions being made to the property. This item has been added as a site plan technical item.

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.

The subject request is for the reconstruction of the existing brick chimney on the existing historic structure and other exterior and site modifications. As previously noted, the chimney frame has already been reconstructed prior to the submittal of the subject COA request. Regarding Standard 1, 2, and 3, the historic character of the property is that of a 2-story Frame Vernacular style structure constructed in 1939. The use of the property will remain as a single-family residence as it was traditionally used, so the property will be used as its original historic purpose. With respect to the reconstruction of the chimney, the use of the original brick material on the exterior of the chimney will ensure the integrity of the historic structure is not diminished.

With regard to Standard 5, the proposed material to be used on the exterior of the chimney will be the existing brick from the original chimney. In addition, the proposed railings on the front porch and rear stairs of the main structure will match the design of the railings existing on the residence. The proposed tile wall for the summer kitchen to the rear of the main structure will be concrete block with a ceramic tile added to the exterior. Also the new fences and gate will be white aluminum to match what is existing

and approved for the site, with gate columns to be concrete. Previously approved marble pavers to the rear of the main structure surrounding the pool will be replaced with shelloak pavers and artificial turf. Other exterior modifications include a change of the color to the façade, trim, and existing fabric awnings. There are no concerns with any of the proposed materials as they can be considered appropriate to the property and the historic streetscape.

Pursuant to LDR Section 4.5.1I(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 4.5.1I(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 4.5.1I(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 regard to **Relationship of Materials, Texture, and Color**, the proposed reconstruction of the chimney will utilize the existing chimney brick. The proposed new white aluminum railings for the front porch and rear stairs will match exactly what is existing/previously approved on the structure. The proposed wall for the outdoor summer kitchen will be concrete block with 8x8 ceramic tile in Capri. The proposed house color will be Iceberg 2122-50, trim to be Chantily Lace OC-65, shutters to be Denim Wash CC-770, and front door to be Kensington Blue 840. The existing fabric awnings will be replaced with colors to be white and blue to match the structure.

Additionally, a new walkway is proposed to the front of the property and the paver materials throughout the site are proposed to be changed from marble to shellock. Artificial turf is also proposed to the rear of the property. There are no concerns with these hardscape alterations as the paver material and

location of the artificial turf is appropriate to the site and can be considered visually compatible with other materials within the historic district. Regarding **Walls of Continuity**, white aluminum fencing and driveway gate are proposed on the front (east) and side street (south) sides of the property. The gates and columns are proposed at 5' when the requirements are 4'. A site plan technical item has been included for the gates and columns not to exceed 4' in height within the front setback.

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 Objective 1.4 - 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.

The development proposal involves the request for the reconstruction of a chimney and other exterior modifications. 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 historic district that is comprised of single-family and multi-family uses. The board will need to make a determination that the proposal can be found to be consistent with the requirements of this Comprehensive Plan Policy.

Historic Preservation Element 1.4.1 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 development proposal involves a request for reconstruction of the existing chimney and other exterior modifications to a contributing single-family residence. The board will need to make a determination that the alterations are 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".

SITE PLAN TECHNICAL ITEMS

1. That the site plan utilizes an architect scale that matches the survey.
2. That dimensions for the proposed tile wall be included on the detail drawings and elevations.
3. That the proposed tile wall for approved summer kitchen be illustrated on all elevations.
4. That the proposed driveway be dimensioned 5' from the property line to meet drainage requirements.
5. That the open space calculations be updated on the plans to ensure the site meets minimum LDR requirements.
6. That the sliding driveway gate meets minimum stacking distance requirements.
7. That the sliding driveway gate meets minimum site visibility requirements.
8. That all fences, gates, and columns within the front setback be at the required 4'.

- 9. That the site data table be updated on the plans and supplemental data form to include open space update due to the use of artificial turf.
- 10. That the proposed material for the reconstruction of the chimney be consistent throughout the application.

ALTERNATIVE ACTIONS

- A. Move to continue with direction.
- B. Approve Certificate of Appropriateness (2024-134), for the property located at **170 Marine Way, Marina 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 (2024-134), for the property located at **170 Marine Way, Marina 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 (2024-134), for the property located at **170 Marine Way, Marina 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 were provided to the following, at least 5 working days prior to the meeting: <input checked="" type="checkbox"/> Marina Historic District Homeowners Association	<input checked="" type="checkbox"/> Public Notices are not required for this request. <input checked="" type="checkbox"/> Agenda was posted on 5/29/24, 5 working days prior to meeting.
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