

# HISTORIC PRESERVATION BOARD

## CITY OF DELRAY BEACH

## STAFF REPORT

**MEETING DATE:** February 6, 2019

**ITEM:** 143 S. Swinton Avenue, Old School Square Historic District – Class V Site Plan, Landscape Plan, Elevations, Certificate of Appropriateness (2018-155), Waiver, and Variance (2018-156) for addition and conversion of the existing single-family residence to office .

**RECOMMENDATION:** Approve the Class V Site Plan, Landscape Plan, Elevations, Certificate of Appropriateness, Waiver and Landscape Variance, and, Deny Setback Variance.

### GENERAL DATA:

Owner/Applicant..... Nigel Development, Inc.

Agent:..... Jaime Mayo – Nigel Development, Inc.

Location:..... Northeast corner at the intersection of S. Swinton Avenue and SE 2nd Street

Property Size:..... 0.3 Acres

Historic District: ..... Old School Square Historic District

Zoning:..... OSSHAD (Old School Square Historic Arts District)

Adjacent Zoning:.....  
North: OSSHAD  
East: OSSHAD  
South: RM (Multi-Family Residential)  
West: CF (Community Facilities)

Existing Future Land Use Designation:..... OMU (Other Mixed Use)

Water Service:..... Public water service is provided on site.

Sewer Service:..... Public sewer service is provided on site.



## ITEM BEFORE THE BOARD

The item before the Board is consideration of Class V Site Plan, Landscape Plan, Elevations, Certificate of Appropriateness (2018-155), Waiver, and Variance (2018-156) requests associated with the conversion of the existing single-family residence to office along with a 1-story 2,789 square foot addition on property located at **143 South Swinton Avenue, Old School Square Historic District Historic District**, pursuant to Land Development Regulations (LDR) Sections 2.4.5(F)(5), 2.4.6(H)(5), 2.4.5(H)(5), 2.4.5(I)(5), 2.4.7(A)(5) and 4.5.1.

## BACKGROUND & PROJECT DESCRIPTION

The subject 0.30 acre property is located on the northeast corner of South Swinton Avenue and SE 2nd Street. The property is located within the Old School Square Historic Arts District (OSSHAD) zoning district, the Locally and Nationally Registered Old School Square Historic District (OSSHD) and consists of Lots 9 and 10, block 70, of the Amended Plat of Sundy and Cromers Subdivision. The property was originally owned by John S. and Elizabeth C. Sundy. The property contains a 1-story Bungalow style residential structure, built in 1917 and is classified as contributing to the OSSHD. The 1,571 sq. ft. structure was built as single-family residence.

The property has been recently purchased by Nigel Development Inc., and the subject request is for a Class V Site Plan, Landscape Plan, Certificate of Appropriateness, Waiver, and Variance requests consisting of: conversion of the existing single-family residence to office, construction of a 1-story 2,789 square foot addition, construction of an 8-space parking lot, landscape improvements, waiver request to increase the width of the building that is facing the street, variance requests to reduce the interior side setback and to reduce the width of the landscape islands at the end of a parking row.

## SITE PLAN ANALYSIS

**Pursuant to LDR Section 3.1.1(D), Compliance with LDRs, whenever an item is identified elsewhere in these Land Development Regulations (LDRs), it shall specifically be addressed by the body taking final action on a land development application/request.**

The applicable LDRs have been identified and reviewed throughout this report and shall be specifically addressed by the body taking final action on the site and development proposal.

### **Article 4.4, Base Zoning District Regulations**

#### **LDR Section 4.4.24 – Old School Square Historic Arts District (OSSHAD)**

**Pursuant to LDR Section 4.4.24(B)(3) - Principal Uses and Structures: Within the OSSHAD zoning district, Business, Professional, Medical and Government offices are listed as a Permitted Use.**

Offices are permitted uses within the OSSHAD zoning district.

**Pursuant to LDR Section 4.3.4(K) - Development Standards:** The following standards shall apply:

|                                                    | Existing  | Required | Proposed      |
|----------------------------------------------------|-----------|----------|---------------|
| <b>Lot Coverage (Maximum)</b>                      | 10%       | 40% Max. | 33.80%        |
| <b>Open Space (Minimum, Non-Vehicular)</b>         |           | 25%      | 46.03%        |
| <b>Setbacks: Front (West – South Swinton Ave.)</b> | 30' – 38' | 25'      | 30'           |
| <b>Side Street (South – SE 2<sup>nd</sup> St.)</b> | 30'2"     | 15'      | 25'           |
| <b>Side Interior (North)</b>                       | 32'9"     | 7'6"     | 5' (Variance) |
| <b>Rear – (East – Alley)</b>                       | 48' 10"   | 10'      | 24'4"         |
| <b>Height</b>                                      | 14'6"     | 35'      | 14'6"         |

The chart above illustrates compliance with the required development standards and a Variance request to reduce the side interior setback.

**Pursuant to LDR Section 4.4.24(G)(4)(d) - business and professional offices shall provide one space per 300 square feet of total new or existing net floor area being converted to office use. This requirement may be reduced to one parking space per 400 square feet of net floor area or by at least one space, where there is a mix of residential and office use in the same structure.**

**Pursuant to LDR Section 4.4.24(G)(6), When the parking requirements are applied to either new development, expansion of an existing use or a change in use, which results in the requirement of only one new parking space, a one space exemption shall be allowed. This exemption may only occur once per property.**

Rehabilitation of the existing structure and the new addition provides for a total square footage of 4,360 sq. ft. of office use (1,571 sq. ft. existing and 2,789 sq. ft. proposed) with a proposed net floor area of 3,370 sq. ft. requiring 11.23 parking spaces, rounded down to a total of 11 spaces. Taking the one-time, one-space reduction into consideration, the parking requirement is further reduced to 10 spaces. The applicant is providing 8 parking spaces on site and constructing 3 parking spaces in the adjacent right-of-way (for which a 1 parking space credit can be taken as required by code – see below explanation); therefore, the proposal is deficient for 1 parking space. An In-Lieu of Parking application was approved by the City Commission at its meeting of December 4, 2018 for 1 parking space. The proposal meets the requirements of the code for parking.

**Pursuant to LDR Section 4.6.9(E)(3)(e), in addition to in-lieu fees due, where adequate right-of-way exists adjacent to a proposed project for which an in-lieu parking fee has been approved, the applicant must construct additional on-street parking, not to exceed the total amount of spaces subject to in-lieu fees unless authorized by the City Commission. The applicant will be credited up to one-half of a parking space for each full parking space constructed within public right-of-way.**

Adequate right-of-way exists adjacent to the proposed project; hence, the applicant is constructing 3 on-street parking spaces within the adjacent rights-of-way. Construction of the on-street parking spaces allows for a credit of 1 parking space (0.5 space x 3 spaces = 1.5 spaces and rounded down for a total of 1 credited parking space). This credit leaves the site deficient for 1 parking space. An In-Lieu of Parking application was approved by the City Commission at its meeting of December 4, 2018 for 1 parking space.

**Pursuant to LDR Section 4.4.24(G)(3), all parking, except for single-family homes and duplexes, shall be located in the side or rear yard or adjacent to a rear alley. No such parking shall be located in the area between any street and the closest building or structure.**

The proposed parking is located in the rear of the building adjacent to the alley; therefore, positive findings with this code requirement are made.

#### **Article 4.6 - Supplemental District Regulations**

**Pursuant to LDR Section 4.6.8 – Lighting: All developments/redevelopments are encouraged to utilize energy efficiency lighting. The maximum height for luminaires on buildings and structures is 25' or eave overhang, whichever is lower, and 25' for a parking lot. All perimeter exterior lighting shall be full cutoff luminaires to minimize spillover on adjacent properties. In order to decrease urban glow, no luminaires shall be directed upwards.**

**Pursuant to LDR Section 4.6.8(A)(3) – Illumination Standards: The applicable illumination standards are as follows:**

|                               | FOOT CANDLES      |                   |            |
|-------------------------------|-------------------|-------------------|------------|
|                               | Maximum Permitted | Minimum Permitted | Provided   |
| <b>Commercial Parking Lot</b> | 12                | 1.0               | 0.25 – 3.6 |

There are 4 wall mounted decorative light fixtures proposed adjacent to the parking on the east side of the property. The fixtures are residential in nature and are appropriate for the surrounding historic area.

The submitted photometric plan illustrates that the proposed light fixtures will meet the maximum permitted foot candles and there is no proposed spillover onto the adjacent properties; thus, the photometric plan is in compliance with the Illumination Standards listed above, and within an appropriate foot candle range given the surrounding mixed-use area.

**Pursuant to LDR Section 4.6.9(D)(2)(b) - Provisions for Ingress and Egress: Parking that takes access to an alley, the parking space and alley must have a combined minimum depth of 42 feet and a minimum width of 10 feet.**

The proposed parking spaces are accessed onto the north/south alley on the east side of the subject property. The required 42' depth for the space and the alley is provided for as well as minimum 10' wide parking spaces. There are 7 parking spaces which are 10' and one handicapped space which is 12' wide with a 5' wide maneuvering area.

#### **Refuse Container Area**

The proposed refuse containers are residential roll-out type bins and will be stored inside the office building and the bins will be rolled out to the curb on collection day.

### **LANDSCAPING**

**Pursuant to LDR Section 4.6.16(A) – Landscape Regulations – The objective of this article is to improve the appearance of setback and yard areas in conjunction with the development of commercial, industrial, and residential properties, including off-street vehicular parking and open-lot sales and service areas in the City, and to protect and preserve the appearance, character and value of the surrounding neighborhoods and thereby promote the general welfare by providing minimum standards for the installation and maintenance of landscaping.**

The proposal has been reviewed and determined to be in compliance with LDR Section 4.6.16. The landscape plan includes replacement of existing landscape material as well as installation of new landscaping to meet the requirements of the code; therefore, positive findings with this code section are made.

A Variance has been requested to reduce required landscape island width for the islands at the northeast and southeast corners of the site and is discussed in further detail in the Variance Analysis section below.

### **SECTION 4.5.1 HISTORIC PRESERVATION DISTRICTS AND SITES**

**Pursuant to LDR Section 2.4.6(H)(5), Procedures for Obtaining Permits and Approvals, Certificate of Appropriateness for Individually Designated Historic Structures and all Properties Located within Historic Districts, Findings, 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 A-4 of the Land Use 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 LDR Section 2.4.5(I)(5), Findings for Architectural Elevations, at the time of the action on the architectural elevations the approving Board shall make findings with respect to the objectives and standards as contained in the architectural regulations, Section 4.6.18. an overall determination of consistency with respect to the above is required in order for an architectural plan to be approved.**

**Pursuant to LDR Section 4.6.18(E) Criteria for board action on Architectural Elevations and aesthetics, the following criteria shall be considered, by the Site Plan Review and Appearance Board or Historic Preservation Board, in the review of plans for building permits. If the following criteria are not met, the application shall be disapproved.**

1. The plan or the proposed structure is in conformity with good taste, good design, and in general, contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.
2. The proposed structure, or project, is in its exterior design and appearance of quality such as not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.
3. The proposed structure, or project, is in harmony with the proposed developments in the general area, with the Comprehensive Plan, and with the supplemental criteria which may be set forth for the Board from time to time.

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.

#### **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.

In consideration of the applicable Standards noted above, the proposal meets their intent by preserving the existing contributing structure while allowing for adaptive reuse of the existing structure. The proposed improvements contribute to the environment while also protecting the historic integrity of the OSSHD. The proposed addition and renovation of the existing structure have been designed to ensure that the essential form and integrity of the historic property and its environment will be unimpaired while also bringing new business into town.

Pursuant to LDR Section 4.5.1(E)(2)(b)2 – Major and Minor development: The subject proposal is classified as Major Development as it is “the construction, reconstruction, or alteration of a building in excess of twenty-five percent (25%) of the existing floor area.”

In accordance with the above, the subject proposal has been reviewed as a Major Development.

Pursuant to LDR Section 4.5.1(E)(3)(b)1 – Buildings, Structures, Appurtenances and Parking: Parking areas shall strive to contribute to the historic nature of the properties/districts in which they are located by use of creative design and landscape elements to buffer parking areas from adjacent historic structures. At a minimum, the following criteria shall be considered:

- a. Locate parking adjacent to the building or in the rear.
- b. Screen parking that can be viewed from a public right-of-way with fencing, landscaping, or a combination of the two.
- c. Utilize existing alleys to provide vehicular access to sites.
- d. Construct new curb cuts and street side driveways only in areas where they are appropriate or existed historically.
- e. Use appropriate materials for driveways.
- f. Driveway type and design should convey the historic character of the district and the property.

The subject property is a corner lot situated at the northeast corner of the intersection of S. Swinton Avenue and SE 2<sup>nd</sup> Street. Parking is proposed to the rear (east side) of the structure adjacent to the north/south alley. Additionally, the proposal eliminates 3-4 back-out parking spaces along SE 2<sup>nd</sup> Street, which will reduce conflicts with the rights-of-way and alley. The proposed location of the parking is the only reasonable location where parking could be located, especially given the fact that the LDRs do not allow for parking adjacent to the front or side street side of the structure.

**Pursuant to LDR Section 4.5.1(E)(8)(a-l) – 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 in (a)-(l).**

The applicant has submitted the following justification statement:

- a. Height, Building Height Plane and First Floor Maximum Height and Upper Story Height:**  
*Existing Structure's Main Roof Overall Height is 14'-6" (top of ridge at North-South, Cross-Gable). New Addition proposes two new secondary roofs at the primary façades; hipped on Swinton (West elevation) and gabled on 2nd Street (South Elevation); with 12'-0" and 12'-4" overall roof heights, respectively. Along the West Elevation there is also a tertiary roof line (behind the aforementioned secondary hipped roof), which has a top of roof ridge height of 12'-9" that extends easterly, along the north elevation, then turns and continues south, following the 'L' shape floor plan of the new addition. This 12'-9" ridge height allows the addition's new roof to join the existing structures north façade and fall under the existing Main Cross-Gable Roof height of 14'-6". Along the South Elevation(2nd Street) there is also a tertiary roof line (behind the aforementioned new 12'-4" high Gabled roof) with a top of ridge at 14'-6" to match and balance out the main/existing 14'-6" cross gable; however this tertiary roof at this height only extends the width of the existing structure's east façade and the eastern edge of this tertiary roof then 'pops' out along the east elevation a gabled roof above and on top of the main roof along the east façade. This tertiary roof allows this portion of the new addition to join the existing structure's roof, which is an existing gabled roof on the original east façade.*

**b. Building Facade Proportion:**

*The new addition is proportional to the main existing façade, in terms of height, scale and massing, in order to serve as 'a secondary and subordinate structure to the main mass of the historic building and not overwhelm the original building. Proportion of the addition is subordinate to the existing in that the existing historic structure has a width of 37'-0" and the new addition 27'-0"; thereby making the existing structure's mass more prominent over the subordinate/secondary, new addition. The addition is also subordinate to the existing in terms of height, in that the existing main roof over the existing 37 foot length of façade along this West elevation is 14'-6" high (top of ridge) and the new addition is 12'-0" (hipped roof) and 12'-9" (secondary hipped roof). To further reduce the scale and to provide balance of this façade, the new addition portion along this elevation, has two jogs in the exterior wall to further express this addition as a secondary structure. More so, the main portion of this new addition is only approximately 17 feet wide (the front hipped roof over the addition) and then jogs back 8 feet to the east for a 5'-6" length and jogs again another 3'-4" back to the east for a 4'-8" length of this façade. The primary façade of the addition at 17 feet wide balances out the entire length of this façade in that it is setback the same 30'-0" from the property line as that of the existing exterior porch that is also 17 feet wide, with both of the roofs over these two segments of the façade*



*having a matching roof height of 12'-0" which gives them the exact same proportions and provides balance to the elevation.*

**c. Proportion of Openings (Windows and Doors) Rhythm of Buildings on Street:**

*All windows and doors openings of the new addition are the same proportions as the openings of the existing historic structure. The larger window openings of the existing historic structure were only limited to the historic structure itself so that it would remain dominant and the smaller windows of approximately 2ftx4ft were only used on the new addition, including the corner glass detail that was duplicated from original historic structure and was a product of enclosing all the original porches as described in the historical information section of this application.*

**d. Rhythm of Solids to Voids:**

*The relationship of solids to voids of the new addition is visually compatible with the existing historic structure and district. Particular attention was taken to keep the openings of the new structure residential in scale to match the vocabulary of the historic residential structure while the end use will be commercial in nature where large glass openings are typical. The rhythm of solid to void is balanced well along the Primary Front Façade (Swinton), whereas the new 17'-0" wide addition presents a solid wall (less the corner windows) and the existing 17'-0" renovated open porch presents a void (less the three double pier wood columns).*

**e. Rhythm of Buildings on Streets:**

*The relationship of the new structure with the new addition is compatible with the existing historic district with regards to open space between buildings. Along the south (2nd street), the distance of 'openness' from Swinton's eastern edge of pavement to the west edge of the structure is 50 feet, followed by this subject property's 75 feet southern façade length, then 60 feet of openness (parking, alley and green area) then the western edge of the adjacent property's (to the east) 100 ft. long façade; thereby giving a balanced rhythm of 50 ft. (open) 75 ft. (building) 60 ft. (open) 100 ft. (building) along 2nd street. Along the West (Swinton), from 2nd Street's northern edge of pavement to the south face of the structure is 45 feet, followed by this subject property's 65 ft. western façade length, then 50 feet of openness (green area and parking lot of adjacent property (to the north) and then the adjacent property's building width of approximately 45 ft; thereby giving a balanced rhythm of 45ft-65ft-50ft. All compatible with existing siting of buildings along the street in this historic district, even though this subject property is somewhat unique to the historic district given its location on a corner, it being at the edge of the historic district, having a lot width of 100 ft. and being across the street from St. Paul's Church.*

**f. Rhythm of Entrance and/or Porch Projections:**

*We are proposing to renovate the porch of the historic structure to its original design. Currently this space is enclosed. We will be utilizing the renovated porch as the main entrance to the building as originally intended, with the new front door facing Swinton. Renovating this porch to its original nature allows the original and historic relationship between porch and sidewalk to be reclaimed.*

**g. Relationship of Materials, Texture, and Color:**

*The relationship of the materials, textures and color of the façade of the building will be of original materials with new natural cedar siding throughout. The unique pattern/texture at the gabled ends will be duplicated with new cedar siding as well. In addition to these materials, New Hardieplank siding will be used as a base to the building and new aluminum framed windows are being proposed; however both of these types of 'newer' materials are already represented throughout the Historic District. In order to make these 'newer' materials more compatible to authentic original materials, we are also providing wood casings/trim/sills around all the windows/doors as well as framing the openings within the renovated porch with wood casings and trims. To separate the Hardieplank siding from the natural cedar siding, there is also a wood sill being proposed.*

**h. Roof Shapes:**

*The roof shapes of the new addition are the same type as the existing historic structure with gabled ends where the structures physically meet along with hipped roofs at the same slope as*

the existing historic structure. The existing structure utilizes hipped, gabled and crossgabled roof types as does the new addition, which also utilizes all three of these roof types.

**i. Walls of Continuity:**

A new 30" high wood fence is being proposed along the west and south perimeters along the sidewalk areas. This 30" high wood fence is proportionate and visually compatible with the surrounding historic district. This fence will be a horizontal shadow box type that will visually connect with the Hardieplank siding that we are using at the base of the building. At the North-West (Swinton) point of the property, this fence turns east along the northern property at a height of 30 inches for approximately 25 feet (which is the setback distance from Swinton to the new addition and renovated porch), then gradually gets taller as follows: 46 inches high for the next 6 feet, then 63 inches for another 6 feet, then heightens to its ultimate height of 72 inches for another 80 feet along the north property line. These fences form the enclosure along the East, West and North side, while the building's east façade length of approximately 70 feet creates this enclosure along the alley (east).

**j. Scale of a Building:**

1. A total length of 32'-6" of the west/front building façade is required to be setback an additional 7 feet for a total of 32 feet required setback due to the width of the building. The total length of the building setback at least 32 feet that we are proposing is 35'-2" which exceed this requirement.
2. Not applicable. Single story building.
3. Porch is being restored to its original design and location to remain at the southwest corner.

**k. Directional Expression of the Front Elevation:**

The 1-story structure being proposed is horizontal by nature, given its height vs façade length ratio. This horizontality is further expressed by the Hardieplank siding being proposed to the base of the building, thereby making this proposed expression of the front elevation compatible with the mostly all 1-story structures in the surrounding historic district.

**l. Architectural Style**

The architectural style of this structure is wood framed vernacular/bungalow style. All building elements being proposed are compatible with this style and mostly being taken from the original contributing structure's design/components.

**m. Additions to individually designated properties and contributing structures in all historic districts.**

1. Along the South Façade (SE 2nd St) the existing historic building has a width of 50'-0" and the new addition is 25'-0" (towards the east) thereby creating a 2 to 1 ratio in proportion of the existing mass to the new mass and establishing this Façade as a secondary façade, since the primary façade's (West Façade—Swinton Ave) proportions are a width of 37'-0" for the existing historic structure and 17'-0" for the new addition's main mass; thereby making the existing structure's mass more prominent over the subordinate mass on Swinton versus that same relationship of the new/addition mass on SE 2nd St. We feel that these proposed proportions/massing maintain the intent of the code whereas the new addition still serve as a secondary or subordinate mass to the main existing primary façade.
2. The new addition facing Swinton aligns with the front plane of the existing structure (25'-0" setback from the property line) even though by code 30'-0" setback is permitted.
3. All characteristics features of the original building will not be destroyed or obscured. All features will be restored using authentic material that pertains to the existing historic structure.
4. We have designed two short jogs in the exterior walls (along the West façade) and one short jog in the exterior wall (along the South Façade) where the new structure is 'joining' into the existing. These jogs are proposed to not only enhance the aesthetic appeal (NOT make it appear as an obvious addition) but also to provide a feasible structural expansion joint to tie the new into the old. These jogs and structural joints, provide not only further 'visual relief' to the proposed overall length of these facades and but also provide the ability for the basic form and character of the historic building to remain intact should the addition ever be removed.



*5. The addition does not introduce a new architectural style in that we are keeping with the wood framed Bungalow Style; it does not mimic too closely the style of the existing building or replicate the original design but instead provides an proportionate massing to the existing. We feel that the proposed massing will celebrate the existing historic structure and provide a secondary façade that will showcase the existing contributing structure.*

*6. The (2) proposed building facades portions of these new additions (to the north of the west façade and to the east of the south façade) are not only proportional to the main existing façade, in terms of height, scale and massing, but also proportional in that the new additions are in a proper scale/mass in order to serve as 'a secondary and subordinate structure to the main mass of the historic building and does not overwhelm the original building; thereby keeping the intent of the code.*

The addition and renovation to the existing contributing structure utilizes authentic materials that are compatible with the predominant materials utilized in the historic building in the district ensuring a proper relationship between materials, texture and color. Such materials include cedar siding, aluminum framed windows, wood casings/trim/sills around all the windows/doors and asphalt shingle roof. A combination of Wood Framed Walls and New CMU walls clad in Natural color Cedar Wood Shingles are proposed with a base of "Hardieplank" Composite Siding (Iron Gray color) that is capped at the top of the base with a continuous wood sill painted white. Smaller 2' x 4' aluminum framed windows are proposed on the new addition and the existing larger windows are to be retained. The window frames, sills, wood casings and trims will be extra white.

The proposed 1-story addition utilizes "hyphens" to separate the addition from the existing structure, allowing for a reduced massing of the street facing façades. The original front porch was enclosed over the years; the proposal returns the porch to its intended use as a porch, restoring the relationship between the front porch and the front façade. The roof shape is consistent with the architectural style of the building and existing historic building in the district. The proposal ensures a proper relationship of solids to voids and is visually compatible with structures within the district.

Overall, the proposal has been designed to meet the Visual Compatibility Standards and the requirements for architectural elevations and aesthetics while allowing for the adaptive reuse and conversion of the existing structure from single-family residence to an office. Further, this structure sits at a prominent corner within the southern boundary of the Old School Square Historic District and the proposed updates are considerate to the district by demonstrating compatibility with the built environment. The applicant's proposal will maintain a residential appearance and allow for a neighborhood-based use. Based upon the above, the proposal is appropriate and compatible with the requirements for Visual Compatibility.

#### WAIVER ANALYSIS

**Pursuant to LDR Section 4.4.24(F)(4), the maximum width of a building fronting a street shall be limited to 60 feet and shall have a minimum separation of 15 feet between buildings fronting a street in a development site that contains more than one structure.**

The proposal includes a waiver request to allow the maximum width of the building fronting a street (S. Swinton Avenue) to be exceeded by 7.5' as the proposed building width is 67.5' where 60' is permitted.

**Pursuant to LDR Section 2.4.7(B)(5), 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;**
- (b) Shall not significantly diminish the provision of public facilities;**
- (c) Shall not create an unsafe situation; and,**
- (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.**

The applicant has submitted the following justification statement (attached):

*"Purpose of this letter is to request relief from the required 60 foot max width of a building fronting a Street. Relief being requested is to allow for 64'-3-1/2" building width along Swinton and to allow for a 74'-5-1/2" building depth along SE 2nd Street. We are requesting such relief for the following reasons:*

*This property has not only a unique location but also a relatively unique lot size (100 ft- Swinton & 131'-6"-SE 2nd St.) for this Zoning District and it is situated on a corner lot facing two streets; thereby requiring this property to comply with a 60 foot max width of a building length on what is two street frontages; whereas most similar type properties in this district need only adhere to 60 foot max requirement for one street frontage; making this requirement a hardship presented to only a property of this unique location.*

*More so, most lot sizes for this building type, in this district are mostly 50 ft wide and/or 75 ft wide. The code's limiting 60 foot building width in this district in order to not 'overwhelm' the lot with a lengthy façade is significantly diminished for this particular lot given its 100 foot lot width (Swinton) and 131'-6" lot depth (SE 2nd St). To further illustrate this, please note the following:*

- i. The proposed 64'-3-1/2" building length along Swinton is approximately 65% of the 100 foot lot width along this street side; whereas other more typical lot widths of 75 feet, in this district, would allow for building lengths that would equate to 80% of lot width (60 feet). In comparison this would equate to max bldg length of 80 feet for a lot with a 100 foot width, such as that at 143 S Swinton.*
- ii. The proposed 74'-5-1/2" building depth along SE 2nd Street is approximately only 56% of the 131'-6" lot depth along this street side. In addition and as stated in the opening paragraph, this site's unique location, requires this property to comply with a 60 foot max width of a building length on two street frontages; whereas most similar type properties in this district need only adhere to 60 foot max requirement for one street frontage; therefore we are requesting relief of the 60 foot max width/depth of façade along SE 2nd St for not only this unique situation but also for the other reasons noted further along this justification statement.*

*This site has limited locations available on site for a new addition to make this a viable intended use (professional architectural office) due to not only the existing 'siting/location' of the existing historic structure but also to comply with other parts of the Codes Visual Compatibility Standards such as Front Façade proportions - 4.5.1(E)(8)(b) & Additions must be located to the rear or least public side -4.5.1(E)(8)(m)(1). Given these limited areas for expansion, limiting this property to only a 60 foot max width further reduces the feasibility to convert this existing residence into a viable professional office use.*

*Even though the (2) proposed building facades in question exceed the Max width of 60 feet; please note that the portions of these new additions (to the north of the west façade and to the east of the south façade) are not only proportional to the main existing façade, in terms of height, scale and massing, but also proportional in that the new additions are in a proper scale/mass in order to serve as 'a secondary and subordinate structure to the main mass of the historic building and do not overwhelm the original building – 4.5.1(E)(8)(m)(6); thereby keeping the intent of the code.*

*Along the South Façade (SE 2nd St) the existing historic building has a width of 50'-0" and the new addition is 25'-0"(towards the east) thereby creating a 2 to 1 ratio in proportion of the existing mass to the new mass and establishing this Façade as a secondary façade, since the primary façade's (West Façade–Swinton Ave) proportions are a width of 37'0" for the existing historic structure and 17'-0" for the new addition's main mass; thereby making the existing structure's mass more*

*prominent over the subordinate mass on Swinton versus that same relationship of the new/addition mass on SE 2nd St. We feel that these proposed proportions/massing maintain the intent of the code whereas the new addition still serve as a secondary or subordinate mass to the main existing primary façade, even though both exceed the 60 foot max requirement.*

*To even further minimize the effect of what is being considered an 'overwhelming' façade due to it surpassing the 60 foot max width allowed we are also proposing two improvements/building designs as follows:*

- a) Renovation to revert the existing SW corner of the historic home back to its original 'exterior porch' in order to not only improve the historic preservation of the property but also to provide some voids in the overall building facade to diminish the appearance of the length of the building as well as to improve the aesthetics of the existing structure. This new 'void' encompasses 20'-0" of the existing 50'-0" South Façade and is 18'-0" of the existing 37'-0" West Façade, thereby by providing much visual relief or void to the overall length of the building.*
- b) We have designed two short jogs in the exterior walls (along the West façade) and one short jog in the exterior wall (along the South Façade) where the new structure is 'joining' into the existing. These jogs are proposed to not only enhance the aesthetic appeal (NOT make it appear as an obvious addition) but also to provide a feasible structural expansion joint to tie the new into the old. These jogs provide further 'visual relief' to the proposed overall length of these facades that exceed 60'-0"; however still meet the intent of the code.*

*More unique to this site's location, especially in comparison to other similar sites in this zoning district) is that 143 S Swinton is facing to the west, St. Paul's Church, an approximately 380 foot wide property along Swinton Ave and we are NOT facing multiple smaller width lots/structures, in which case we would NOT be creating any discord or unbalance in the rhythm of the buildings along the street (Swinton Ave) due to having a façade length that is only 4 feet longer than permitted. Same argument can be made for the South Façade, whereas the aforementioned St Pauls Church to the West spans across the entire block between Swinton Ave and SW 1st Ave (approximately 275 foot property depth) and the property to the east of 143 S Swinton is not only separated from our property by a 15 foot wide alley but also currently has a 100 foot long façade facing South, which is 25% longer than the Southern Façade we are proposing. Therefore, given the dimensions and conditions, just stated regarding these properties to the West and East of 143 S Swinton, affords us to propose a building length that exceeds the 60 foot max length without creating any discord or unbalance in the rhythm of the buildings along SE 2nd Street and maintaining the intent of the code. In our opinion, providing a longer building for this unique site only improves the rhythm and balance of the buildings along SE 2nd Street and Swinton Avenue.*

*Solely unique to this subject property and that of the neighboring property to the east are its' location within the Historic District. 143 S Swinton is the southernmost property in the OSSHAD district and therefore relief for the additional 14 foot length of building façade being proposed along the South Façade should be consequentially more acceptable being that it is NOT facing any other historical sites across the street of SE 2nd Street.*

*Finally, the additional 4 feet (along the West Façade) and the additional 14 feet (along the South Façade) beyond the allowed 60'-0" length shall not adversely affect the neighboring areas. Along the north the neighboring property is comprised of (from south to north or starting from our proposed northern building line):*

- a) An approximately 5'-0" landscape buffer*
- b) An approximately 18'-0" to 20'-0" asphalt row of parking (along entire length of it's southern property line)*
- c) An approximately 32'-0" to 30'-0" asphalt driveway.*

- d) A 2-story 'residential' structure, placing this adjacent property's 2-story structure approximately 55'-0" away from the north face of our proposed structure at 143 S Swinton.

*Therefore it is evident that an additional 4 foot length of our West Elevation will not adversely affect this adjacent property. To the east, the neighboring property is separated from the subject property by a 15 foot wide alley, which provides relief of the buildings depth exceed 60 feet along SE 2nd Street.*

*Neither of these additional building lengths will diminish public facilities in any manner (there are not public facilities along these portions of the site) and shall not create an unsafe situation (given the 50 foot separation from our proposed exterior wall to that of the adjacent neighboring property's 2-story structure) and given the 15 foot alley that separates 143 S Swinton from the neighboring property to the east.*

*For reasons explained herein we are respectfully requesting a waiver be granted to allow to exceed the maximum building length/depth by 4 feet along Swinton and 14 feet along SE 2nd Street."*

The proposal includes the construction of a 2,789 square feet addition in order to accommodate a new office use. The design of the new addition utilizes a small "hyphen" type of connection, that separates the addition from the original structure while only removing a small portion of the historic wall. Given the structures placement on the lot, "wrapping" the historic structure on the north and east sides is one of the only ways to integrate a building addition. An interior/exterior courtyard is also proposed, while not visible from the street, it facilitates the use of the hyphen allowing for less of the structure to be modified in the course of the rehabilitation. The hyphen is an architectural design element that provides for a connecting link between a main building and an addition, in the subject case is slightly increases the width of the overall building cause the maximum length of the building (60') to be exceeded.

Approving a waiver to allow the maximum length of building fronting a street to exceed 60 feet by 7.5' will not adversely affect the neighboring area and will not significantly diminish the provision of public facilities. Approving this waiver will not create an unsafe situation and it will 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. The renovated existing structure with the addition will still appear as residential in nature. Consequently, a positive finding with respect to LDR Section 2.4.7(B)(5), Waiver Findings, can be made.

#### **VARIANCE ANALYSIS**

**Pursuant to LDR Section 4.3.4(K), required side interior setbacks within the OSSHAD District are 7'6".**

**Pursuant to LDR Section 2.2.6(D)(1), the Historic Preservation Board (HPB) shall act in lieu of the Board of Adjustment to grant variances pursuant to Section 2.4.7(A) for properties located within a Historic District or for Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1(I).**

**Pursuant to LDR Section 2.4.7(A)(5) Variances, the following findings must be made prior to the approval of a variance:**

- (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning (The matter of economic hardship shall not constitute a basis for the granting of a variance);**
- (b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning;**

- (c) That the special conditions and circumstances have not resulted from actions of the applicant;
- (d) That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance;
- (e) That the reasons set forth in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and,
- (f) That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

A variance has been requested to allow a reduction from the required 7'6" side interior setback to 5' on the north side of the property. The variance will accommodate a new 1-story 2,789 square foot addition around the north and east sides of the existing contributing structure.

The applicant has submitted the following justification statement (attached).

*"Purpose of this letter is to request partial relief from the required 7'-6" " 'side interior setback' distance, along the north side of the new addition. Relief being requested is to allow for a 5'-0" setback along a portion of the northern property line in lieu of the required 7'-6". We are requesting that we be allowed to encroach 2'-6" into the required 7'-6" setback requirement for a length of 66'-8" along the 131'-6" long northern property line. The 7'-6" required setback is met along the remaining 64'-9" length along the northern property line. We are requesting such relief for the following reasons.*

- A) *The granting of this variance would not be contrary to the public interest, safety or welfare, being that this 'encroachment' is occurring along the tertiary northern façade and facing the adjacent northern neighbor's parking lot. It should also be noted that historically this property once did have a secondary structure (guest house) located at the NE corner of the site that was directly abutting (0ft setback) the northern property line, please refer to Historical Information provided with the HPB COA Site Plan Application. Therefore, if anything this variance request would be more historically accurate for this property and thereby maintain or somewhat reclaim the historic character of this property.*
- B) *1. Due to the existing 'siting' or location of the existing contributing Historic Structure on site, disallows this property to be developed per the development standards afforded to other similar zoned properties. Specifically, the development standards as they relate to Lot Coverage (40%) and 25 foot setbacks along Swinton Ave and SE 2nd Street.*
  - a) *The existing structure's setback along Swinton Ave is 30 feet, which will be maintained for the new addition even though 25 feet is allowed per Development Standards. This limits our developable area for lot coverage along both the West and South by approximately 635 square feet; in comparison the square footage of the new additions 'encroachment' we are requesting relief from equates to only 165 square feet.*
  - b) *Our proposed renovation to revert the SW corner of the existing home back to its original 'exterior porch' in order to not only maintain the original historic character of this property but also to improve the aesthetics of the existing structure, further reduces our interior, usable floor area by approximately 254 square feet.*
- 2. Due to this property's unique location in this Zoning District; situated on a corner lot facing two streets and an alley; further diminishes lot area available to create new interior floor area in order to convert this into a usable professional office.*

- a) Given its unique location lends for the property area along the north to be the most reasonable area for an addition; however this area is being limited due to the 7'-6" setback.
  - b) The proposed lot coverage is still 900 square feet under the max allowed lot coverage of 5,260 sf and given the reasons stated above, once again leaves only the property area along the north the most reasonable area for expansion / addition.
  - c) The east is another reasonable area for new interior floor area; however the majority of the east property is truly the only reasonable area on site to provide the majority of the parking required for a new office use; therefore once again limiting areas for expansion/addition to the north.
- C) This partial 5'-0" setback request in lieu of the 7'-6" along the northern property line shall not affect the neighboring area. The adjacent property along the north is comprised of the following (from south to north or starting from our proposed northern 5 foot setback):
- a) An approximately 5'-0" landscape buffer
  - b) An approximately 18'-0" to 20'-0" asphalt row of parking (along entire length of it's southern property line)
  - c) An approximately 32'-0" to 30'-0" asphalt driveway.
  - d) A 2-story 'residential' structure, placing this adjacent property's 2-story structure approximately 55'-0" away from the north face of our proposed structure at 143 S Swinton.
- D) In order to maintain the historic original West Façade an addition to the north of this façade is a challenging task in order to a) NOT make it appear as an obvious addition, b) maintain a superior aesthetic appeal and c) in order to provide the required expansion system to tie the new structure into the old; which will also provide the ability to comply with the compatibility standard that 'additions shall be designed and constructed so that the basic form and character of the historic building will remain intact if the addition ever removed' – 4.51(E)(8)(m)(4). More so along the north is the most reasonable location for any addition being that 'additions are required to be located along the rear or least public side of the building' – per compatibility standards – 4.5.1(E)(8)(m)(1). To create this aesthetic appeal, maintain the building's original characteristics and provide a feasible structural joint; we are proposing two short jogs in the exterior walls (along the west façade) where the new structure is 'joining' into the existing. These jogs are required to not only provide a superior aesthetic (NOT make it appear as an obvious addition) but also to provide a feasible structural expansion joint to tie the new into the old. These jogs are essential to maintain a superior aesthetic/provide feasibility of structure that will preserve the existing building and the required 7'-6" setback further reduces the width of the developable area to the north, which is the most reasonable area on site for an addition. This 7'-6" setback requirement and 'jogs' created for joining new and old' would reduce the width of this portion of the addition (main studio for professional architectural offices) to such a width that would be unusable for its intended use.
- E) In order to comply with Visual compatibility standards in terms of Front Façade Proportions – 4.5.1(E)(8)(b), the proposed addition design along this West Façade is required to be at the width proposed (encroaching 2'-6" into the required 7'-6" setback) in order to maintain a proper proportion between the main existing façade and its new addition, not only as it relates to the width of the exterior walls but also to maintain a proper proportion of the roof lines, slopes and overhangs between existing and new.
- F) Finally, please also note that as previously stated this historic property once did have a secondary structure (guest house) located at the NE corner of the site that was directly abutting (0ft setback) the northern property line, please refer to Historical Information provided with the HPB COA Site Plan Application. Therefore this variance request does not significantly diminish the historic character of this historic site but actually would be more historically accurate for this site. Our proposed 2'-6" encroachment into the required 7'-6" setback, for only a portion of the

*northern property length, can certainly be considered less adverse to the development standards when compared to what was originally on this property. Given the location for this minor encroachment along the north, shall not adversely affect the neighboring areas, diminish public facilities in any manner (there are no public facilities along this portion of the site) and shall not create an unsafe situation (given the 50 foot separation from our proposed exterior wall to that of the adjacent neighboring property's 2-story structure). This requested variance is also necessary to accommodate the adaptive reuse of this historic home into the proposed architectural offices of HNM Architecture, a local Delray Beach firm since 2003, which is relocating to downtown Delray Beach. The studio portion of this new building shall be located within this new 'northern' addition and in order for this space to function as intended for an architectural studio the additional width of 2'-6" is crucial in order to serve as a well-designed 'open studio'.*

*For all these reasons stated herein, we are respectfully requesting a waiver be granted to allow for the partial reduction of the required 7'-6" side interior setback to 5'-0" along only a portion of the northern property line. Please refer to sheet A0.1 Site plan in the plans submitted for dimensions noted herein."*

Staff's position is that special conditions and circumstances do not exist due to the existing siting or location of the existing contributing structure on the subject property. While the north and east sides of the building are the only options for a new addition, the proposal could be designed to meet the required 7.5' setback along the north property line by reducing the interior floor area. The use of a "hyphen" has been introduced with the proposal, which is a good design solution to ensure the proper rehabilitation of the structure; however, the north side of the proposed building could be reduced by 2.5' to meet the setback requirements.

Further, the variance is not needed to preserve the historic character of the property, which is sited, similar to a single-family residence that typically has a side interior setback of 7'6". The applicant is constructing additional 2,789 square feet, which is nearly a 180% increase in square footage from the existing 1,571 square feet.

Additionally, there are potential conflicts with mechanical equipment within the north setback. Typically, mechanical equipment is placed in setbacks without conflict; however, the placement of the proposed units have been determined to not allow for the required maneuvering area per the Florida Building Code, Section 306.1 which requires a level working space of no less than 30 inches deep and 30 inches wide in order to service an appliance. To further complicate the available maneuvering area around the units are proposed Solitaire Palm Trees and a new 6' high fence. The trees are required to meet the code required separation between commercial uses and residential uses. The property to the north contains a multi-family residential apartment building and its required parking is situated immediately north of the property line, with a 0'-2' wide landscape strip. The proposed Solitaire Palms have small trunks, making them susceptible to swaying in high winds where they will likely rub against the eave of the new structure causing damage to the fascia.

Staff is not supportive of this Variance request. It represents a self-created situation that will cause conflicts between the new office building, the proposed mechanical equipment, landscaping, and fencing. The variance would confer a special privilege onto the applicant. This area only represents 165 square feet of the 2,765 square foot overall addition, reduction of the addition by 2.5' will not cause the rehabilitation to be inefficient or impractical.

Staff recommends denial of the variance.

Note: As required by the LDRs, a notice regarding the subject variance request was sent to those property owners located within a 500' radius of the subject property.



Pursuant to LDR Section 4.6.16(H)(3)(j), each row of parking spaces shall be terminated by landscape islands which contain a minimum of 135 square feet of planting area, with a minimum dimension of 9 feet, exclusive of the required curb.

Pursuant to LDR Section 2.2.6(D)(1), the Historic Preservation Board (HPB) shall act in lieu of the Board of Adjustment to grant variances pursuant to Section 2.4.7(A) for properties located within a Historic District or for Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1(I).

Pursuant to LDR Section 2.4.7(A)(5) Variances, the following findings must be made prior to the approval of a variance:

- (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning (The matter of economic hardship shall not constitute a basis for the granting of a variance);
- (b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning;
- (c) That the special conditions and circumstances have not resulted from actions of the applicant;
- (d) That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance;
- (e) That the reasons set forth in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and,
- (f) That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

The proposal includes a landscape variance to reduce the width of the landscape islands, which terminate adjacent to the parking areas on the east side of the property adjacent to the alley. The required width is 9' and 5'9" and 5' wide islands are proposed. The applicant has submitted the following justification statement (attached).

*"Purpose of this letter is to request partial relief from the required 9 foot wide landscape island at the ends of parking row. The proposed landscape islands seeking relief have dimensions of 5'-9"(NE corner) and 5'-0" (SE corner), exclusive of curbing.*

*The two landscape islands in question are at either end of the 7 stall parking row the east side (alley) of the property of the proposed addition. Due to several conditions this property is severely restricted as to where parking can be located, that is, parking sufficient to make this property viable as a professional office building for our architectural firm that we are relocating to downtown Delray Beach.*

*These conditions are as follows:*

- 1) Due to the location/siting of the existing structure we are preserving; the only reasonable location to add parking stalls to the property is along the alleyway; where the landscape islands in question are located. These stalls along with previously approved 4 parking stalls (HPB-COA approval as described in the Historical Information section of the Site Plan Approval Application) along SE 2nd street are the only viable locations for parking. Due to the siting of the existing structure, there is no possibility to locate parking along the north side of the existing structure without demolishing a portion of the existing historic structure.*
- 2) LDR 4.4.24(G)(3) further restricts this particular site in terms of locations for parking along Swinton or SE 2nd Street, thereby disallowing any more stalls along SE 2nd(more than the*

aforementioned & previously approved 4 parking stalls) or along Swinton, even though this historic property did previously have a drive off Swinton (refer to Historical Info section of the Site Plan application). However, it should be noted that we are requesting a waiver for the currently proposed (3) additional stalls off of Swinton (refer to Waiver Request #2) and should these (3) stalls off of Swinton receive approval, then the 7 parking stall row along the east (alley) would be reduced by one stall in order to provide the required 9 foot landscape islands at either end; presuming that in addition we would also be a granted the "one stall" exemption per 4.4.24 (G)(6).and would then rescind this waiver request no.3.

- 3) Further restricting the only viable location for parking (along the alley) is the strictly limited location to provide the required Handicap stall on site that would provide the proper ADA access to the building. This is due to the existing grading required to conform to for the existing finished floor of the historic structure. Given this nearly sole location for such a HC stall, further reduces the length along the east alley for parking being that we must provide a 5 foot HC path adjacent to the 12 foot wide HC stall.
- 4) These 9 foot landscape islands are required to be spaced out at an intervals of every 13 parking spaces; however our request for reduced landscape islands is for a parking row interval of only 7 stalls; thereby minimizing the ratio of paved/pavers area to landscape/green island when comparing 9 foot landscape islands for a 13 parking row versus 5 foot landscape islands for a row of 7 parking stalls. This proposed ration of 5 ft landscape islands for 7 parking stalls is nearly the exact ratio in terms of landscaping to paved/pavers area for a certain number of parking stalls as intended by the LDR. To further minimize the impact of a reduced landscape island, these parking stalls along the alleyway are proposed to be permeable pavers, thereby minimizing heat island affect and providing a visual relief to the 'hardscape' created by requesting reduced landscape islands.

*For these reasons we are respectfully requesting a waiver be granted to allow for the shortened distance on the landscape island. Please refer to sheet A0.1 for dimensions/distances and parking stalls noted in this justification statement."*

The request to allow narrower landscape islands is reasonable due to the structures position on the property and as parking is not allowed within the front and side street setbacks. The proposal places the parking in the only reasonable location on the property, adjacent to the alley. The parking stall width is increased from the standard 9' width to 10' wide as the spaces back-out onto an alley. This increase is code required in order to provide for proper maneuverability; however, the increased stall width contributes to the reduced landscaped island width.

Granting of this Variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning since this type of Variance is frequently sought. Furthermore, the granting of the variance will be in harmony with the general purpose and intent of existing regulations; will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. Consequently, a positive finding with respect to LDR Section 2.4.7(A)(5), Variance Findings, can be made.

Note: As required by the LDRs, a notice regarding the subject variance request was sent to those property owners located within a 500' radius of the subject property.

|                          |
|--------------------------|
| <b>REQUIRED FINDINGS</b> |
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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Pursuant to LDR Section 2.4.5(F)(1)(a), Class V Site Plan Modification, New application for development of vacant land, or for modification of a developed property when no valid site plan of record exists and which requires full review of Performance Standards found in Section 3.1.1.</b></p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Pursuant to LDR Section 2.4.5(F)(5), in addition to provisions of Chapter 3, the approving body must make a finding that development of the property pursuant to the site plan will be compatible and harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values.**

The development proposal involves a 2,789 total square foot first-floor addition to the existing 1,571 square foot one-story structure for an overall total building size of 4,360 square feet. Pursuant to LDR Section 2.4.5(F)(5), this Class V site plan does not significantly impact the originally approved plan; however, the applicable Future Land Use Map (FLUM) and Concurrency items as they relate to this development proposal are discussed below.

**Pursuant to LDR Section 3.1.1 (Required Findings), prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, written materials submitted by the applicant, the staff report, or minutes. Findings shall be made by the body, which has the authority to approve or deny the development application. These findings relate to the following areas:**

**(A) FUTURE LAND USE MAP:** The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Future Land Use Map.

The subject property has a FLUM (Future Land Use Map) designation of OMU (Other Mixed Use) and a zoning designation of OSSHAD (Old School Square Historic Arts District). The zoning district is consistent with the OMU Future Land Use Map designation. The proposed office use is permitted; and is therefore, appropriate. Positive findings are made with respect to Future Land Use Map consistency

#### **LDR Section 3.1.1(B) - Concurrency**

As described in Appendix "A", a positive finding of concurrency can be made as it relates to water and sewer, streets and traffic, drainage, and solid waste.

#### **LDR Section 3.1.1(C) - Consistency**

As described in Appendix "B", a positive finding of Consistency can be made as it relates to Standards for Site Plan Actions (LDR Section 3.2.3).

#### **LDR Section 3.1.1(D) - Compliance with the Land Development Regulations**

As described under the Site Plan Analysis section of this report, a positive finding of compliance with the LDRs can be made provided the attached conditions of approval are addressed.

#### **Comprehensive Plan Policies**

A review of the objectives and policies of the adopted Comprehensive Plan was conducted and the following applicable objectives or policies are noted:

**Future Land Use Objective A-1 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.** Conversion of the single-family residence to an office use is of an appropriate intensity and density for the site. There are no concerns with respect to soil, topographic or other physical considerations. With respect to the adjacent land uses, the property is within a mixed-use zoning district and is surrounded by a mix of uses, including commercial, residential and institutional. Most of these uses have vehicular and pedestrian access off South Swinton Avenue. The proposed office use is complementary to adjacent land uses and will be compatible with the area.

**Future Land Use Objective A-4** The redevelopment of land and buildings shall provide for the preservation of historic resources. 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:

**Future Land Use Policy A-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 proposal provides for the conversion of the existing residential use to an office along with physical improvements to the existing contributing structure. The proposed improvements demonstrate the investment the property owner is making to support the historic fabric of the community. Further, its office based use is appropriate and assists in the maintenance and protection of the historic district. A complete review of LDR Section 4.5.1 and the Delray Beach Design Guidelines was conducted and positive findings were generally made, as all technical items are in compliance with height, scale and massing; however, staff is not recommending approval of the requested setback variance.

#### REVIEW BY OTHERS

An In-Lieu of a parking fee request was submitted. At its meeting on November 7, 2018, the Historic Preservation Board (HPB) reviewed the request and recommended denial to the City Commission. At its meeting on November 27, 2018, the Parking Management Advisory Board (PMAB) reviewed the request and recommended approval to the City Commission. At its meeting on December 4, 2018, City Commission approved the in-lieu of parking request for 1 parking space.

#### ASSESSMENT & CONCLUSION

The proposed addition and renovation to the existing one-story building is appropriate and compatible, and will have a positive impact on the surrounding area as well as the Old School Square Historic District. The property is surrounded by a variety of established mixed uses. Staff recommends denial of the requested setback variance, provided the building is reduced in size, the site improvements will have minimal impacts upon the surrounding area. Based on the above, positive findings are made with respect to the Land Development Regulations.

#### ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Move approval of the Class V Site Plan, Landscape Plan, Elevations, Certificate of Appropriateness (2018-155), Waiver, and Variance (2018-156) for **143 South Swinton Avenue, Old School Square Historic District Historic District**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations Sections 2.4.5(F)(5), 2.4.6(H)(5), 2.4.5(H)(5), 2.4.5(I)(5), 2.4.7(A)(5) and 4.5.1.
- C. Move denial of the Class V Site Plan, Landscape Plan, Elevations, Certificate of Appropriateness (2018-155), Waiver, and Variance (2018-156) for **143 South Swinton Avenue, Old School Square Historic District 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 Sections 2.4.5(F)(5), 2.4.6(H)(5), 2.4.5(H)(5), 2.4.5(I)(5), 2.4.7(A)(5) and 4.5.1.

#### RECOMMENDATION

By Separate Motions:

### **Waiver**

Recommend approval of the Waiver request to the City Commission to allow the maximum length of building fronting a street to exceed 60 feet for a total of 67.5' for **143 South Swinton Avenue, Old School Square Historic District Historic District**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof meets the criteria set forth in LDR Sections 2.4.7(B)(5).

### **Site Plan and COA**

Approve the Class V Site Plan and the Certificate of Appropriateness (2018-155) for **143 South Swinton Avenue, Old School Square Historic District Historic District**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Sections 2.4.5(F)(5) and 2.4.6(H)(5), with the following condition:

1. That the location of the mechanical equipment on the north side of the structure be revised to comply with the requirements of the Florida Building Code; and,
2. That if the variance is denied, the structure be reduced by 2.5' (165 square feet) along the north side of the new addition.

### **Landscape Plan**

Approve the Landscape Plan for **143 South Swinton Avenue, Old School Square Historic District Historic District**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof meets the criteria set forth in LDR Section 2.4.5(H)(5).

### **Architectural Elevations**

Approve the Architectural Elevations for **143 South Swinton Avenue, Old School Square Historic District Historic District**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof meets the criteria set forth in LDR Sections 2.4.5(I)(5) and 4.5.1(E)(8).

### **Setback Variance**

Deny the Variance request to reduce the side interior setback from the required 7'-6" to 5'-0" for **143 South Swinton Avenue, Old School Square Historic District Historic District**, by finding that the request is inconsistent with the criteria set forth in LDR Section 2.4.7(A)(5).

### **Landscape Variance**

Approve the Variance request to reduce the required width of two landscape islands from 9' to 5' 8½" for the landscape island located on the northeast side of the property, and 6' 2" for the landscape island located at the southeast side of the property for **143 South Swinton Avenue, Old School Square Historic District Historic District**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof meets the criteria set forth in LDR Section 2.4.7(A)(5).

### **Attachments:**

- Appendix "A" – Concurrency Findings
- Appendix "B" – Consistency Findings & Standards for Site Plan Actions
- Waiver and Variance justification Statements
- Proposed Site Plans, Landscape Plan and Elevations

**Report prepared by:** Michelle Hoyland, Principal Planner

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| <p style="text-align: center;"><b>APPENDIX "A"</b><br/><b>CONCURRENCY FINDINGS</b></p> |
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**Pursuant to LDR Section 3.1.1(B), Concurrency, as defined pursuant to Objective B-2 of the Land Use Element of the Comprehensive Plan, must be met and a determination made that the public facility needs of the requested land use and/or development application will not exceed the ability of the City to fund and provide, or to require the provision of, needed capital improvements for the following areas:**

Water and Sewer:

Water and sewer services are existing on site. Pursuant to the Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant and the South Central County Waste Water Treatment Plant for the City at build-out. Based upon the above, positive findings can be made with respect to this level of service standard.

Drainage:

Drainage and water run-off will be addressed through the on-site retention. There should be no impact on drainage as it relates to this level of service standard.

Traffic:

The applicant has provided a traffic statement from Palm Beach County Traffic Engineering Division stating the 4,360 square foot office will generate 99 new Daily Trips and it is not anticipated to significantly affect traffic circulation nor cause negative impacts upon the surrounding area. Palm Beach County Traffic Engineering Division provided an approval letter stating the project will not have significant peak hour traffic impact on the roadway network and, therefore, meets the Traffic Performance Standards of Palm Beach County.

Parks and Recreation:

Non-residential uses are not considered to have an impact on the City's Parks and Recreation facilities.

Solid Waste:

The existing 1,571 sq. ft. of residential use generated 1.56 tons of solid waste per year. The new 4,360 sq. ft. office use will generate 11.77 tons of solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals until the year 2046, thus a positive finding with respect to this level of service standard can be made.

Schools:

School concurrency findings do not apply for non-residential uses. Thus, the proposed development will not have an impact with respect to this level of service standard.

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| <b>APPENDIX "B"</b><br><b>CONSISTENCY FINDINGS &amp; STANDARDS FOR SITE PLAN ACTIONS</b> |
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- A. Building design, landscaping, and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.**

Not applicable \_\_\_\_\_  
Meets intent of standard   X    
Does not meet intent \_\_\_\_\_

- B. Separation of different forms of transportation shall be encouraged. This includes pedestrians, bicyclists, and vehicles in a manner consistent with policies found under Objectives D-1 and D-2 of the Transportation Element.**

Not applicable \_\_\_\_\_  
Meets intent of standard   X    
Does not meet intent \_\_\_\_\_

- C. Open space enhancements as described in Policies found under Objective B-1 of the Open Space and Recreation Element are appropriately addressed.**

Not applicable \_\_\_\_\_  
Meets intent of standard   X    
Does not meet intent \_\_\_\_\_

- D. The City shall evaluate the effect that any street widening or traffic circulation modification may have upon an existing neighborhood. If it is determined that the widening or modification will be detrimental and result in a degradation of the neighborhood, the project shall not be permitted.**

Not applicable   X    
Meets intent of standard \_\_\_\_\_  
Does not meet intent \_\_\_\_\_

- E. Development of vacant land which is zoned for residential purposes shall be planned in a manner which is consistent with adjacent development regardless of zoning designations.**

Not applicable   X    
Meets intent of standard \_\_\_\_\_  
Does not meet intent \_\_\_\_\_

- F. Property shall be developed or redeveloped in a manner so that the future use and intensity are appropriate in terms of soil, topographic, and other applicable physical considerations; complementary to adjacent land uses; and fulfills remaining land use needs.**

Not applicable \_\_\_\_\_  
Meets intent of standard   X    
Does not meet intent \_\_\_\_\_

- G. Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City's demographic profile, and meet the housing needs identified in the Housing Element. This**

shall be accomplished through the implementation of policies under Objective B-2 of the Housing Element.

Not applicable   X    
Meets intent of standard             
Does not meet intent           

- H. The City shall consider the effect that the proposal will have on the stability of nearby neighborhoods. Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.

Not applicable \_\_\_\_\_  
Meets intent of standard   X    
Does not meet intent \_\_\_\_\_

- I. Development shall not be approved if traffic associated with such development would create a new high accident location, or exacerbate an existing situation causing it to become a high accident location, without such development taking actions to remedy the accident situation.**

Not applicable \_\_\_\_\_

Meets intent of standard   X  

Does not meet intent \_\_\_\_\_

- J. Tot lots and recreational areas, serving children from toddler to teens, shall be a feature of all new housing developments as part of the design to accommodate households having a range of ages. This requirement may be waived or modified for residential developments located in the downtown area, and for infill projects having fewer than 25 units.**

Not applicable   X    
Meets intent of standard             
Does not meet intent