



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

100 NW 1<sup>ST</sup> AVENUE, DELRAY BEACH, FLORIDA 33444

(561) 243-7040

## HISTORIC PRESERVATION BOARD MEMORANDUM

### 145 NE 6<sup>th</sup> Avenue

The item before the Board is in consideration of a Certificate of Appropriateness request associated with the demolition of the existing contributing garage and construction of a new garage for the property located at **145 NE 6<sup>th</sup> Avenue, Individually Listed on the Local Register of Historic Places**.

On March 4, 2020, the Historic Preservation Board reviewed the Certificate of Appropriateness (2018-089) request for demolition of the existing one-story contributing detached garage in the rear of the property and reconstruction of a new one-story masonry garage. The Board had concerns regarding the lack of maintenance of the structure that may have contributed to the deterioration of its interior. There were also questions regarding the proposed new garage and what the differences were between the original garage and the proposed.

The Board moved to continue the request and asked that staff review the Land Development Regulations relating to Affirmative Maintenance and Demolition by Neglect and report to the HPB the requirements of the code. The requirements are listed below:

**(9) Maintenance Requirements for Historic Sites and Buildings; Penalties.**

- (a) Every owner of historic and archeological sites or owner of buildings, structures, improvements and appurtenances within historic districts shall keep in good repair and shall properly maintain both the exterior and site. The owner of a building or structure located within a historic district through the exercise of sufficient and reasonable care shall provide for the maintenance and upkeep of these sites and buildings to prevent destruction and decay as caused by either deterioration or other hazards.
- (b) In addition to the general standards and guidelines set forth at Sub-paragraph 4.5.1(E)(5) above, the owner shall preserve a historic structure against decay and deterioration through the correction of the following deficiencies:
  1. Facades which may fall and injure the subject or adjoining structure or building, or members of the public.
  2. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.
  3. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split or buckle due to defective material or deterioration.
  4. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
  5. Presence of signs that would indicate rotting wood or termite infestation.
  6. Any fault or defect in the structure or building which renders it structurally unsafe, insufficiently protected from weathering, or not properly watertight.

### GENERAL DATA

**Agent:** Chuck Halberg, Stuart & Shelby Development, Inc.

**Owner:** Allison Turner & Nancy Turner

**Location:** 145 NE 6<sup>th</sup> Avenue

**PCN:** 12-43-46-16-01-115-0051

**Property Size:** 0.45 Acres

**Zoning:** CBD (Central Business District)

**FLUM:** CC (Commercial Core)

**Historic District:** Individually Designated

**Adjacent Zoning:**

- Central Business District (CBD) (North)
- CBD (West)
- CBD (South)
- Multi-Family Residential (RM) (East)

**Existing Land Use:** Residential

**Proposed Land Use:** Residential

**NOTE:** This item is under review and is subject to changes upon further analysis based on comments made by Staff according to the City's Land Development Regulations (LDR) and other department technical reviews. Any comments or objections shall be presented to the approving body during the scheduled meeting or discussed with the project planner in advance.

**Memo Date:** June 24, 2020

**Meeting Date:** July 1, 2020

- (c) In the sole discretion of the City, a violation of any of the provisions of subparagraph 4.5.1(E)(9) may be penalized either as set forth in the City of Delray Beach Operating Guidelines Manual for the Neighborhood and Community Services Department, as may be amended from time to time, or additionally by imposing the penalties provided for in Section 37.36 of the City Code of Ordinances which have been authorized pursuant to state law at Chapter 162, F.S.
- (d) Notwithstanding the penalties set forth at above sub-paragraph (c), and in addition to the penalties authorized by this section and the Code of Ordinances, a violation of these maintenance regulations which are determined by the City to be either a repeat violation, or a serious threat to the public health, safety and welfare; or if the violation is irreparable or irreversible in nature, then in any of these circumstances, the owner may also be subject to the following provisions:
  1. Following the determination by the City of violations under one or more of the circumstances set forth above, no permit will be issued for any alteration or new construction affecting such property for a period of five years, other than permits necessary to correct the violation. However, upon presentation of evidence satisfactory to the Historic Preservation Board that the violation has been corrected, any remaining portion of the five-year prohibition on issuance of a permit may be waived. Notwithstanding this waiver, no other provision or penalty of Subparagraph 4.5.1(E)(9) may be waived by the Historic Preservation Board.
  2. As a condition for any new land use approval, the owner may be required to rebuild, reconstruct, restore or replicate the structure or object on the property in accordance with applicable standards and development procedures as set forth in Section 4.5.1.
  3. The ad valorem tax exemption provided for historic structures or properties under Section 4.5.1 and all historic preservation incentives will not apply to historically designated buildings, structures, landscape features, improvements or sites that are damaged, destroyed, or demolished through either action or inaction of the owner concerning maintenance regulation violations identified in sub-paragraph 4.5.1(E)(9)(b) herein.

The applicant has made minor modifications to the proposed elevation drawings to clarify the proposal by placing the existing and proposed elevations on the same page. There have been no substantive changes to the request.

The request is now before the board for review and action.