



# CITY OF DELRAY BEACH

## DEPARTMENT OF DEVELOPMENT SERVICES

100 N.W. 1<sup>ST</sup> AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7040



1993-2001-2017

### HISTORIC PRESERVATION BOARD STAFF REPORT

#### 610 N. Ocean Boulevard

Meeting	File No.	Application Type
December 1, 2021	2021-165	Certificate of Appropriateness, Variance, & Waiver

#### REQUEST

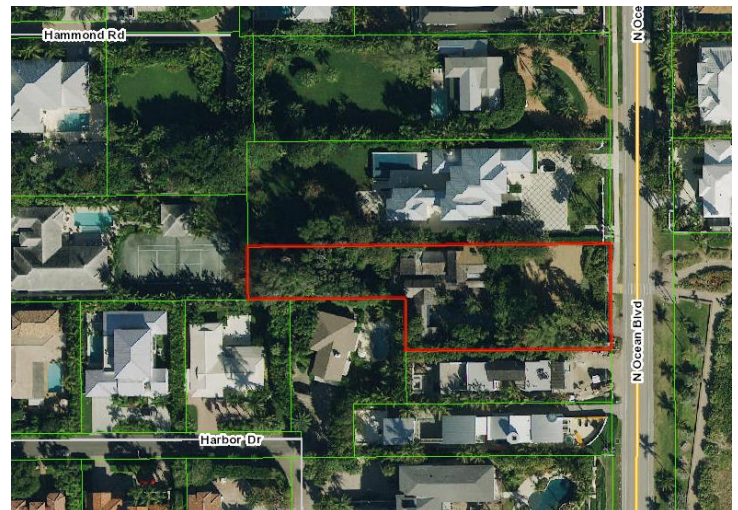
The item before the Board is consideration of a Certificate of Appropriateness (COA), Variance, and Waiver (2021-165) requests for the construction of additions to the structures and detached 2-car garage, and exterior modifications to the existing individually designated residence located at **610 N. Ocean Boulevard, Individually Listed to the Local Register of Historic Places.**

#### GENERAL DATA

**Agent:** Roger Cope, Cope Architects, Inc.  
**Owner:** Frank and Nilsa McKinney  
**Location:** 610 N. Ocean Boulevard  
**PCN:** 12-43-46-09-93-000-0010  
**Property Size:** 0.62 Acres  
**Zoning:** R-1-AAA (Single family residential)  
**Historic District:** Individually Listed to the Local Register of Historic Places  
**Land Use:** LD (Low Density)  
**Adjacent Zoning:**

- R-1-AAA (Single family residence) (North)
- R-1-AAA (Single family residence) (West)
- R-1-AAA (Single family residence) (South)
- R-1-AAA (Single family residence) (East)

**Existing Land Use:** Residence  
**Proposed Land Use:** Residence



#### BACKGROUND AND PROJECT DESCRIPTION AND UPDATED PROPOSAL

The subject request is for the construction of additions to the structures and detached 2-car garage, and exterior modifications to the existing individually designated residence. It is noted that subject request was originally scheduled for the September 1, 2021, HPB meeting, which was postponed at the applicant's request. The original request included construction of a 2<sup>nd</sup> story addition to the front of the existing main structure with the modification of the porch on the 1<sup>st</sup> story of the front façade. The request also included a connection or "hyphen" to be added to the rear of the main structure connecting the existing structures in the rear of the property. An addition was proposed to the existing guest wing located in the rear of the property and a 2<sup>nd</sup> story addition was proposed directly on top of the existing 2-car garage located to the front of the property.

A waiver was requested pertaining to LDR Section 4.5.1(E)(7)(m) to allow secondary and subordinate relief for the 2<sup>nd</sup> story addition. Also included in the previous request, was removal of the existing

treehouse with its placement proposed at ground level, directly west of the existing garage. The Treehouse was proposed as a changing room for the pool house. Additional exterior alterations were proposed throughout the property, including a new 4' wide covered walkway connecting the garage to the main residence.

The previous request also included a variance to allow for the 2<sup>nd</sup> story addition to encroach into the north side interior setback from the required 12' to 1'. It is noted that there is an existing Variance approval for the 1<sup>st</sup> floor of the north side of the main residence to encroach 1' into the side setback along the north property line. As the request introduces a 2<sup>nd</sup> floor to that encroachment, an additional variance request is required.

The request was scheduled for review by HPB at their September 1, 2021, meeting. The applicant requested to postpone to a date certain for November 3, 2021, to allow time to revise the site plan in order address concerns in the staff report and with adjacent neighbors.

The applicant revised the proposal, and the following changes went before the board for review at the November 3, 2021 meeting:

- The proposed 2<sup>nd</sup> story addition on top of the existing 2-car garage has been removed and a new 2<sup>nd</sup> floor addition is proposed on the existing guest wing to the rear of the property.
- Waiver request to allow the 2<sup>nd</sup> floor addition to the guest wing to not be secondary and subordinate.
- A proposed 2<sup>nd</sup> story addition and 1<sup>st</sup> floor porch addition to the main structure.
- Variance request to allow the addition to the main structure to be situated 1' from the north property line.
- Expansion of the 2-car garage to a 3-car garage through a new addition to the east side of the existing structure.
- Construction of a new 4' wide covered walkway connecting the main structure to the garage.
- Relocation of the "tree house" to the ground-level, west side of the existing garage.
- Construction of a new pitched roof, glass walled connection (hyphen) between the main structure and the guest wing.

The subject COA was reviewed by the board and there were many concerns with the proposal. The board voted to continue with direction to a date certain of December 1, 2021, to address the following items:

- Recess and setback of the garage;
- Design the garage to honor the progression of changes;
- Provide various color samples for the proposed exterior color;
- Reduce the massing on the east side of the 2<sup>nd</sup> story main structure and guest wing to be secondary and subordinate to the original structures; and,
- Design the 2<sup>nd</sup> floor of the guest house to provide for differentiation from the original structure to the proposed.

The applicant revised the request and resubmitted plans on November 12, 2021. Below is a list of the revisions made to the application:

- The garage has been redesigned to show the progression of changes.

- The proposed 2<sup>nd</sup> story guest wing in the rear of the property has been redesigned to be differentiated from the existing first floor. In addition, the windows have been revised on the plans to show accurate sizes of the existing windows.
- The window gables on the south elevation of the proposed 2<sup>nd</sup> story expansion on the front of the main residence has been removed.
- Three proposed whitewash samples of paint to be presented to the board regarding the paint color for the exterior of the property.
- Window changes throughout the site have been revised and clarified on the elevations.
- North and South elevations of the proposed 2<sup>nd</sup> floor guest wing have been included on the plan sheets.

The revised COA is now before the board.

### UPDATED REVIEW AND ANALYSIS

Below is a list of the proposed plan updates:

**Plan Sheet A2.1:** Site plan sheet revised to illustrate the new design of the garage addition and the removal of the proposed covered walkway that was originally proposed behind the existing garage.

**Floor Plan Sheets A3.1, A3.3, & A7.1:** Site plan and floor plans revised to depict the new differentiation of the new garage addition. A site plan technical item is included for the existing and proposed square footage information for the garage to be included on both site plan and floor plan sheets.

**Elevation Plan Sheets A8.0, A9.0, A11.0, A12.1, A12.2, & A14.0:** The front east elevation of the main structure has been revised to note the windows that are to be modified on the front façade.

The south side elevation of the main structure has been revised to note the windows that are being modified, along with the removal of the gable window details that were previously proposed on the two new windows on the 2<sup>nd</sup> story expansion.

The revision of modifications made to the windows located on the west elevations of the main structure and guest wing. It is noted that windows that are not shadowed are proposed as faux windows to comply with the visual compatibility of solids to voids standard.

The front (east) elevation of the guest cottage has been revised to depict the preservation of the gable roof, that depicts the original 1-car garage. The new configuration of the balcony on the front guest wing façade is also depicted.

The proposed north elevation was added to this submittal. However, as an added site plan technical item, the existing north elevation be included on this plan sheet.

All four revised elevations of the proposed garage addition to show the new progression of changes from the original 2-car garage to the proposed 3-car garage with an increased roof pitch.

Pursuant to LDR Section 4.3.4(K), Development Standards, properties located within the R-1-AAA zoning district shall be developed according to the requirements noted in the chart below.

Development Standards	Required	Existing	Proposed
Open Space (Minimum, Non-Vehicular)	25%	86%	83%
Setbacks (Minimum): Front (East)	35'	112'-7" (main house) 58'-5" (garage)	101'-7" (main house) 41'-3" (garage)
Side Interior (North)	12'	7'-10" – 1'-0"	7'-10" – 1'-0" *
Side Interior (South)	12'	12'-1"	no change
Rear (West)	12'	12'	no change
Height (Maximum)	35' (MAXIMUM)	22'-7 ½ "	22'-7 ½ "

\* Variance Requested

#### 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)(b)(2) – Major Development.

The subject application is considered "Major Development" as it involves "alteration of more than 25 percent of the existing floor area of the building and all appurtenances."

Pursuant to LDR Section 4.5.1(E)(3) – Buildings, Structures, Appurtenances and Parking: Buildings, structures, appurtenances and parking shall only be moved, reconstructed, altered, or maintained, in accordance with this chapter, in a manner that will preserve the historical and architectural character of the building, structure, site, or district:

Appurtenances: Appurtenances include, but are not limited to, stone walls, fences, light fixtures, steps, paving, sidewalks, signs, and accessory structures.

##### Garages and Carports:

- Garages and carports are encouraged to be oriented so that they may be accessed from the side or rear and out of view from a public right of way.
- The orientation of garages and carports shall be consistent with the historic development pattern of structures of a similar architectural style within the district.
- The enclosure of carports is discouraged. When permitted, the enclosure of the carport should maintain the original details, associated with the carport, such as decorative posts, columns, roof planes, and other features.
- Garage doors shall be designed to be compatible with the architectural style of the principal structure and should include individual openings for vehicles rather than

**two car expanses of doors. Metal two car garage doors are discouraged; however, if options are limited and metal is proposed, the doors must include additional architectural detailing appropriate to the building.**

The subject proposal includes renovation of the existing detached two-car garage that is located on the front southeast corner of the historic site. A proposed addition to the garage includes the expansion of the structure to accommodate parking for a 3rd car. The garage faces the north side of the site, which is out of view from the public right of way. The new garage addition includes a single garage door in a stained mahogany wood.

**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 existing 2-car garage is situated in the front of the property, forward of the existing residence. The subject proposal includes construction of an addition to the east side of the garage. The existing driveway is a gravel material. Given site constraints, placing parking adjacent or in the rear of the site is not possible.

#### **SECRETARY OF THE INTERIORS STANDARDS**

Standard 1, 2, 3, 5, 9, & 10 are still applicable to this request. The proposal includes a 485 sq. ft. addition to the main structure, a 273 sq. ft. 1-story addition to the east side (front) of the guest wing, a 1,278 sq. ft. 2-story addition added directly on top of the guest wing, and a 345 sq. ft. 1-story addition to the east side of the detached 1-story 2-car garage. Also, included with the proposal are a waiver request to the requirements for visual compatibility and a variance request to allow a portion of the proposed addition on the second story of the main residence, to encroach into the side (north) setback.

Regarding **Standard 5** that states **Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.** At the November 3, 2021 HPB meeting, the board expressed concern regarding the proposal to paint the existing Cypress wood siding on the site. After a long discussion on the history of the property, the board decided this part of the request be continued with direction so that the applicant can bring samples of whitewash technique variations of a whitewash technique for the board to review. The applicant has created 3 versions for the board to review the night of meeting.

Standard 9, states **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.** The board expressed concerns with the massing 2nd-story expansion of the main residence as the proposed modifications are not secondary and subordinate and could affect the integrity and the original form of the structure. The applicant has revised the elevation removing the gable window design on the south side of the proposed 2<sup>nd</sup> story expansion as a way to reduce the massing of the addition.

It is noted that at the meeting, the board's direction included the need to reduce the massing of both the 2<sup>nd</sup> story expansion as well as the 2<sup>nd</sup> story guest wing. The comments also included that both additions be secondary and subordinate as a way to appropriately preserve the historic structure.

The applicant has also revised the proposal for the addition to the existing 2-car garage in the front of the property. As the board had concerns about honoring the progression of change to this 2-car garage as well as preserving an existing tree. The revision has taken this direction into account. The proposed third bay has now been proposed to be offset with its roof slope to be separate so that the original roof shape of the 2-car garage remains. As noted at the night of the meeting, recent historic research by staff has confirmed that although this is not the original 1-car garage that was constructed at the time the residence was originally built, the existing structure and its location still contributes to the historic integrity of the site.

Regarding the placement of the proposed 2<sup>nd</sup> story addition to the guest wing, the board expressed concern regarding the removal and relocation of windows, a need to differentiate the design from the existing structure, the need to honor the progression of changes, as well as the massing of the addition. The applicant has revised the request based on the board's comments to correct the sizing errors of the windows to show that that window modifications on the guest wing include the removal of one window with the rest of the existing windows to remain but with a change in sizes, on the rear west elevation of the existing 1-story structure. Regarding changes to the front (east) elevation of the structure, the gable roof on the northeast side of the 1<sup>st</sup> floor will be retained. This is an important feature, as according to the original Yellowcards and building records this part of the structure most likely was the location of the original 1-story 1-car garage. By preserving this gable, the applicants are honoring the progression of changes ensuring that the original garage will not be lost in the continuation of additions to the structure. Also, in order to differentiate the addition from the existing part of the residence, the addition will be constructed with 6" Cypress wood siding while the original retains its historic 8" Cypress wood siding. The original proposed balcony over the northeast side of the first floor has been removed to accommodate the existing gable roof detail and the longer balcony on the rest of the east elevation has been extended further north of the facade. Also, there are two windows on the 1<sup>st</sup> floor, front east elevation that will be altered in size to accommodate the alterations made to the first floor with the enclosure of the existing front porch on the east side of the guest wing.

Finally, as the 2<sup>nd</sup> story addition of the guest wing doesn't not comply with the secondary and subordinate standard, the requested waiver for relief to the Visual Compatibility standard to allow the proposed 2<sup>nd</sup> story on top of the 1-story guest wing in order to exceed the Visual Compatibility requirements for the massing of additions is still required.



## VISUAL COMPATIBILITY STANDARDS

The proposal includes additions to the main residence, expansion of the 1-story, 2-car garage to a 3-car garage, relocation of the existing tree house to the west side ground level of the garage, and construction of a 2<sup>nd</sup> story addition to the existing 1-story guest wing in the rear of the property.

Regarding the 2<sup>nd</sup> story expansion to the main structure, the board expressed concerns regarding the massing and the fact that the proposed addition needed to be secondary and subordinate to the main structure. In addition, there were also comments to remove the gable roof features over the two new windows located on the south of the expansion. The revised request included the removal of these window design features to reduce part of the massing when viewed from the front (east) elevation. However, there are no additional revisions proposed to minimize this addition. As noted in the previous staff report, there have been several modifications to this individually designated site and when looking at all of these modifications in a cumulative manner, the additional proposed changes could effect the overall historic integrity of the site. In addition, as the modifications to the 2<sup>nd</sup> story expansion still encroach into the 12' setback, the variance request is still requested and included below.

With regards to the 2-story addition proposed to the existing 1-story guest wing located to the rear of the property, there were concerns with the Visual Compatibility Requirements for **Additions to individually designated properties** for the proposed design. The revision addressed concerns with this standard by designing the exterior wood siding on the addition to be constructed with 6" wood siding so that it would be differentiated from the original 8" wood siding. This can be considered an acceptable practice of historic preservation. However, regarding the secondary and subordinate aspect of this standard, since the massing of the second floor is identical in size to the 1<sup>st</sup> floor, this addition cannot be considered secondary and subordinate. Therefore, the requested waiver for the relief of secondary and subordinate standard is still being requested. The Secretary of the Interior Standards recommended practice for additions have been restated below for reference.

**Pursuant to The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, & Reconstructing Historic Buildings" (Guidelines):**

NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION	
RECOMMENDED	NOT RECOMMENDED
<b>New Additions</b>	
Placing functions and services required for a new use (including elevators and stairways) in secondary or non-character-defining interior spaces of the historic building rather than constructing a new addition.	Expanding the size of the historic building by constructing a new addition when requirements for the new use could be met by altering non-character-defining interior spaces.

**Pursuant to "The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, & Reconstructing Historic Buildings" (Guidelines):**

## WINDOWS

### RECOMMENDED

**Identifying, retaining, and preserving** windows and their functional and decorative features that are important to the overall character of the building. The window material and how the window operates (e.g., double hung, casement, awning, or hopper) are significant, as are its components (including sash, muntins, ogee lugs, glazing, pane configuration, sills, mullions, casings, or brick molds) and related features, such as shutters.

### NOT RECOMMENDED

Removing or substantially changing windows or window features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Changing the appearance of windows that contribute to the historic character of the building by replacing materials, finishes, or colors which noticeably change the sash, depth of the reveal, and muntin configurations; the reflectivity and color of the glazing; or the appearance of the frame.

Obscuring historic wood window trim with metal or other material.

Replacing windows solely because of peeling paint, broken glass, stuck sash, or high air infiltration. These conditions, in themselves, do not indicate that windows are beyond repair.

The Delray Beach Historic Preservation Design Guidelines note the following with respect to the Windows:

The Guidelines do “not recommend removing or substantially changing windows or window features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.” The Guidelines also do “not recommend changing the appearance of windows that contribute to the historic character of the building by replacing materials, finishes, or colors which noticeable change the sash, depth of the reveal, and muntin configurations; the reflectivity and color of the glazing; or the appearance of the frame.” (pg. 102).

“Windows are a preeminent character-defining feature of a building. Their placement, design and materials serve to articulate and give definition to the design-specific styles and periods of time. For example, in Bungalows, there are usually multiple panes in the upper window sash and in Mediterranean Revival designs, windows are frequently arched (page 43).”

The Secretary of the Interior’s Standard for the Treatment of Historic Properties (pg. 157) recommends basing the alignment, rhythm, and size of the window and door openings of the new addition on those of the historic building.

Regarding the concerns with the **Proportion of Openings (Windows and Doors)** and **Rhythm of Solids to Voids** as the proposal consisted of several windows being removed and/or relocated throughout the site. Revisions have been made to correctly illustrate some existing sizes of the windows that have lessen the number of changes. However, the request still includes windows that are being relocated or removed from the structures. On the front east and north side façade of the main structure, the proposal has not changed with respect to windows and doors. Windows on the south side of the main structure are also the same as the previous proposal, with the exception that the decorative gables over the 2 windows on the 2<sup>nd</sup> story expansion have been removed from the design so they are consistent with the rest of the windows on the structure. Windows being



reconfigured/alterd to the rear (west) elevation haven't change from the previous request, as well. Finally, the front (east) elevation also doesn't include any additional window changes from the previous approval, however one window is being removed on the existing 1-story rear (west) façade of the guest wing. The additional windows are to remain in place, but the sizing is proposed to be enlarged for all of them. The new 2<sup>nd</sup> floor addition will have working and faux windows added to the façade. The reconfiguration of interior spaces should not reflect on exterior elevation changes such as window profiles. To remedy this concern on the proposed 2<sup>nd</sup> story of the guest wing, the proposed faux windows will be added to keep the placement of solids to voids consistent on the structure.

In addition, as requested a south and north elevation were added to the elevation sheets to which the south elevation shows a window and door to be removed on the existing 1<sup>st</sup> floor with two faux windows to be added to the proposed 2<sup>nd</sup> floor addition. With regards to the north elevation, the proposed elevation shows two windows on the existing 1<sup>st</sup> floor and two windows on the new 2<sup>nd</sup> floor addition. As there is no existing north elevation depicted, it is difficult to note if there are any modifications to windows and doors.

WINDOWS	
RECOMMENDED	NOT RECOMMENDED
<b>Alterations and Additions for a New Use</b>	
Adding new window openings on rear or other secondary, less-visible elevations, if required by a new use. The new openings and the windows in them should be compatible with the overall design of the building but, in most cases, not duplicate the historic fenestration.	Changing the number, location, size, or glazing pattern of windows on primary or highly-visible elevations which will alter the historic character of the building.  Cutting new openings on character-defining elevations or cutting new openings that damage or destroy significant features.  Adding balconies at existing window openings or new window openings on primary or other highly-visible elevations where balconies never existed and, therefore, would be incompatible with the historic character of the building.

Regarding the visual compatibility requirement of **Relationship of Materials, Texture, and Color:** which requires **the relationship of materials, texture, and color of the facade of a building and/or hardscaping to be visually compatible with the predominant materials used in the historic buildings and structures within the subject historic district** – As there was a lot of discussion regarding the history of the exterior wood and proposed paint finishes, direction was given to the applicant to provide variations of whitewash samples on Cypress wood so that the board may deliberate further after seeing the proposal of options in person.

Another architectural feature that was proposed was a 4' wide covered walkway that connected the main house to the detached garage. The Board expressed concerns with the design of the walkway as architectural elevations were not provided for the walkway. The applicant has removed the walkway from the proposal, so elevations are no longer required.

**The Secretary of the Interior's Standard for the Treatment of Historic Properties (pg. 157) recommends distinguishing the addition from the original building by setting it back from the wall plane of the historic building.**

## NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

### RECOMMENDED

### NOT RECOMMENDED

Using the same forms, materials, and color range of the historic building in a manner that does not duplicate it, but distinguishes the addition from the original building.	Duplicating the exact form, material, style, and detailing of the historic building in a new addition so that the new work appears to be historic.
Basing the alignment, rhythm, and size of the window and door openings of the new addition on those of the historic building.	
Incorporating a simple, recessed, small-scale hyphen, or connection, to physically and visually separate the addition from the historic building.	
Distinguishing the addition from the original building by setting it back from the wall plane of the historic building.	

Overall, the revised proposal includes changes to the application that can now be considered appropriate modifications to the site. However, the Board must make the determination whether the proposed revisions, as a whole, are appropriate for the structure and meet the standards. As there were concerns regarding massing of the additions, it's important to reiterate that the proposed alterations to the site could be completed in a manner that respects the structure's historic integrity.

### VARIANCE

The applicant has requested a variance to the setback requirements, which are summarized below:

**Pursuant to Section 4.4.3(K), required side setbacks within the R-1-AAA District are 12'.**

A variance to reduce the side interior setback from the required 12' to 1' on the west side of the property for the expansion of the 2<sup>nd</sup> story addition.

**Pursuant to LDR Section 2.2.6(D), the Historic Preservation Board (HPB) shall act on all variance requests within an historic district, or on a historic site, which otherwise would be acted upon by the Board of Adjustment.**

**Pursuant to LDR Section 2.4.7(A)(6) – Alternative Findings of the Historic Preservation Board: The Board may be guided by the following to make findings as an alternative to the variance standard criteria:**

**(a) That a variance is necessary to maintain the historic character of property and demonstrating that the granting of the variance would not be contrary to the public interest, safety, or welfare.**

#### Staff Analysis

The variance request is not anticipated to be contrary to the public interest, safety, or welfare. It is noted that there was a variance approved for the north side setback of the main structure to allow the residence to be built 11' into the setback. This occurred when the property to the north was subdivided and developed with a new structure. As the existing request seeks to retain the same

encroachment and additional request for the 2<sup>nd</sup> story is required. The variance is anticipated to accommodate the placement of the addition so as not to further affect the structure's location on the property.

- (b) That special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.**

Staff Analysis

Due to the existing structure's historic setting on the site, special conditions and circumstances exist that are not applicable to other historic lands or structures. The existing siting of the residence being situated so close to the existing north property line, makes it difficult to allow for the construction of an addition without the encroachment of the setback on the north side of the property. While the structures' location on the property as it was historically, originally the property was much larger. The lot to the north was created in the 2000's and the home on that property built around the same time. There has been a progression of changes to the "lay of the land" with the subject property through subdivision and creation of several new lots.

- (c) That literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district or historic site.**

Staff Analysis

The variance request to reduce the required setback for the 2<sup>nd</sup> story addition and can be considered supportable given the nature of the existing site and the existing variance approval for the 1<sup>st</sup> floor. As the relief request has already been approved for this setback on the ground floor, the subject request seeks to continue the already approved encroachment to the addition on the 2<sup>nd</sup> floor.

- (d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.**

Staff Analysis

There is concern regarding the requested variance as the proposed expansion on the 2<sup>nd</sup> story of the main residence will be constructed forward of the east façade. The concern is in relation to the historic integrity of the site and visual compatibility requirements.

- (e) That the requested variance is necessary to accommodate an appropriate adaptive reuse of a historic building, structure, or site.**

Staff Analysis

The requested variance will allow for the modernization of the site allowing for continued use of the structures as residential uses.

**The property owner has submitted justification statements for each of the requests (attached).**

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.

**WAIVER**

**Pursuant to LDR Section 4.5.1(E) – Development Standards. Relief from Subsections (1) through (9) may be granted by seeking a waiver approvable by the Historic Preservation Board, unless otherwise stated.**

A waiver request has been submitted to the Visual Compatibility requirements as follows:

**Pursuant to LDR Section 4.5.1(E)(7)(m)(6), Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.**

The subject waiver request is to permit the construction of a 2<sup>nd</sup> floor addition to the existing 1-story guest wing located in the rear of the property.

The property owner has submitted justification statements for the waiver request (attached).

**Pursuant to LDR Section 2.4.7(B)(5) – Findings: The following findings must be made prior to approval of a waiver:**

**(a) Shall not adversely affect the neighboring area:**

Construction of a 2<sup>nd</sup> floor addition to the existing 1-story rear guest wing structure is not anticipated to affect the neighboring area as the addition is proposed to the rear of the property. As previously noted, the addition was originally proposed above the existing 1-story, 2-car garage, which was the structure located the most forward on the site. This was a concern as it not only overwhelmed the original 1-story garage, but the massing would have been the most prominent and visible part of the structure when viewed from the public right-of-way.

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

The proposal is required to meet the standards for drainage, which will be reviewed at the time of building permit. The request is for a private residence and is not anticipated to significantly diminish the provision of public facilities.

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

The request is not anticipated to create an unsafe situation.

**(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.**

While the property is an individually designated historic site, there are development limitations that exist on the properties to the north and west. These limitations were put in place to protect the historic integrity of the Fontaine Fox House. With recent development pressures in Delray Beach, many property owners want to expand their buildings to allow for “modernization” improvements such as bigger kitchens, closets, bathrooms, etc. Such additions are frequent, but depending upon the site, an appropriate addition should not overwhelm the existing historic structures; therefore there are massing controls built into the Visual Compatibility Standards as well as recommended approaches via the Secretary of the Interior’s Standards and Guidelines for Rehabilitation. The revised proposal includes a 1,278 sq. ft. 2<sup>nd</sup> story addition for guest cottage/living area above the existing 1-story rear guest wing. The proposal is no longer proposed to the front of the site and does not exceed the height of the original structure.

This request could result in the granting of a special privilege in that the same waiver to allow for an addition to not be secondary nor subordinate to the main massing of the existing structure may not be approved for another applicant/owner.

The property owner has submitted justification statements for each of the requests (attached).

#### ALTERNATIVE ACTIONS

- A. Move to continue with direction.
- B. Approve Certificate of Appropriateness (2021-165), Waiver, & Variance, for the property located at **610 N. Ocean Boulevard, Individually Listed to the Local Register of Historic Places**, 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 (2021-165), Waiver, & Variance, for the property located at **610 N. Ocean Boulevard, Individually Listed to the Local Register of Historic Places** 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:
  - 1.

#### Site Plan Technical Items

- 1. Square footage calculations on all site plan sheets be consistent.
  - 2. That existing and proposed square foot calculations and dimensions for the garage be provided on the site plan and the existing and proposed floor plan sheets.
  - 3. Revise label of the hyphen/atrium to ensure it's consistent throughout plan sheets.
  - 4. The existing north elevation of the guest wing be added to plan sheet A12.2.
- D. Deny Certificate of Appropriateness (2021-165), Waiver, & Variance, for the property located at **610 N. Ocean Boulevard, Individually Listed to the Local Register of Historic Places**, 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 are not applicable to this request	<input checked="" type="checkbox"/> Public Notice was mailed to property owners within a 500' radius on (8/19/21), 10 days prior to the meeting. <input checked="" type="checkbox"/> Public Notice was posted to the City's website on (insert date), 10 calendar days prior to the meeting. <input checked="" type="checkbox"/> Public Notice was posted in the main lobby at City Hall on (insert date), 10 working days prior to the meeting. <input checked="" type="checkbox"/> Agenda was posted on (11/23/21), 5 working days prior to meeting. to the meeting.
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