

October 11, 2021

City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444

Attn.: Michelle Hoyland – Principal Planner

Justification letter: Proposed 2nd story addition to the existing guesthouse of Ocean Apple Estate -
Certificate of Appropriateness (COA): 610 N. Ocean Blvd. (The Fontaine Fox Residence)

Mrs. Hoyland:

While we feel the proposed addition currently before you is indeed “*secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building,*” and does meet the Visibility Compatibility Standard and the Secretary of the Interior Standards for Rehabilitation, at the determination of City of Delray Beach Staff, we are requesting relief from **LDR Section 4.5.1(E)(7)(m)(6)** as: “*Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building*” and are addressing the findings in **LDR Section 2.4.7(B)(5) and 2.4.7(A)(5&6)**.

After a thorough review of the original staff report prepared in advance of the September 1, 2021, Historic Preservation Board meeting, combined with an August 27, 2021, visit to the Fontaine Fox Residence by Michelle Hoyland and Katherina Paliwoda, we have chosen not to locate the new guest wing above the garage, and instead, construct it above the first floor of the existing guesthouse.

As stated by Staff on page 17 (of 19) of the 9.1.21 Report; *The subject property is generally considered a large site in that it contains 0.633 acres and the existing structure is situated farther back on the site; thus, there is ample room on the property to accommodate an appropriate addition that could meet the requirements of the Additions to Contributing Structures Visual Compatibility requirements as they relate to massing.*

This is exactly what we have done.

We have placed the new addition to the rear of the property, directly on top of the existing guest house’s footprint. It is not visible from the public domain, which is unfortunate, because the design is stunning. We feel we now meet the requirements of the Additions to Contributing Structures Visual Compatibility requirements as they relate to massing.

The addition does not introduce a new architectural style, mimic too closely the style of the existing guesthouse nor replicate the original design but is coherent in design with the existing guesthouse. The addition is now secondary and subordinate to the main mass of the guesthouse and by no means does it overwhelm the existing guesthouse.

Not that the process requires the applicant to answer the question as to “why” they are requesting the approval of the addition, we are happy to provide insight as to the need for the same.

The McKinney’s desire to add two (2) more bedrooms to simply accommodate their growing family (they have 19 nieces and nephews and someday their daughter Laura will have children too).

We feel our design for guesthouse addition is a win for the McKinney’s and any future generations. It’s a win for all future owners. It’s a win for the public. It’s a win for preservation, and it’s a win for The City of Delray Beach and its Historic Preservation Board.

Pursuant to LDR Section 2.4.7(B)(5) and LDR Section 2.4.7(A)(5)&(6) "Procedures for Obtaining Relief from Compliance with Portions of the Land Development Regulations",

Waivers are a design instrument granted to well-designed historic Projects to afford an Owner an opportunity to stay true to their individual and site-specific conditions. We feel the intent of the code, in all matters, will not be compromised in any fashion whatsoever by the granting of our requested waiver.

If granted, the waiver recognizes; "That special conditions and circumstances exist which are peculiar to the land, structures, or buildings involved and which are not generally applicable to other land, structures or buildings subject to the same zoning".

"That the literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning".

"That the special conditions and circumstances have not resulted from actions of the applicant".

"That granting of the waiver 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 non-conforming use, of neighboring lands, structures or buildings under the same zoning shall be considered grounds for the issuance of a waiver.

"That the reasons set forth in the waiver petition justify the granting of the waiver, and that the waiver is the minimum waiver "that will make possible the reasonable use of the land, building or structure(s)".

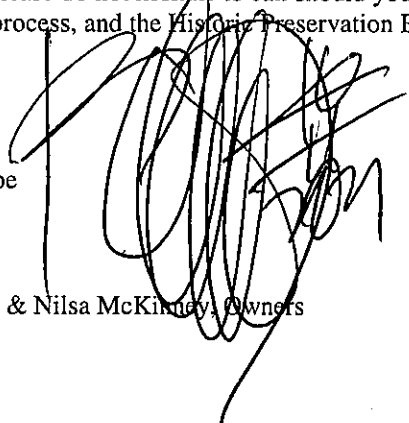
And finally; "That the granting of the waiver will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare".

Please do not hesitate to call should you require anything else. I look forward to the support, the approval process, and the Historic Preservation Board hearing in November.

Sincerely:

Roger Cope
Principal
RWC/jad

CC Frank & Nilsa McKinney, Owners

A large, stylized handwritten signature in black ink, likely belonging to Roger Cope, is written over the typed name and extends upwards into the preceding paragraph.

October 11, 2021

City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444

Attn.: Michelle Hoyland – Principal Planner

Justification letter: Variance for 610 N. Ocean Blvd. (Fontaine Fox Residence) - Certificate of Appropriateness (COA): 610 N. Ocean Blvd. (The Fontaine Fox Residence)

Mrs. Hoyland:

Prior to the 9.1.21 Historic Preservation Board Meeting a variance request, with accompanying justification letter, was submitted to Staff.

After a careful review of the resulting 9.1.21 Staff report, combined with an onsite meeting with our neighbors, the requested variance request and its impact has been significantly reduced.

The variance seeks a reduction in the North Side Yard Building Setback Line for the positioning of a minor 2nd story expansion within the site. As you'll read below, the requested variance was, in essence, contemplated and accounted for in Ordinance 04-13.

On February 19, 2013, Ordinance 04-13 (and resulting COA) was granted and approved that created a 23' south side building setback line, and within that 23' south side setback line, a 13' south side landscape easement for landscape materials only for LOT "2," the lot immediately north of the Fontaine Fox Residence. Said lot is part of the "Historic Fontaine Fox House Properties" designation as identified in Ordinance 04-13.

The purpose of Ordinance 04-13, according to Amy Alvarez at the time, was to create "symmetry from the street" when looking at the new home to be built on Lot 2 as that symmetry related to the Fontaine Fox Residence. In essence, the side setbacks are 12' for each structure (1' to the property line between the Fontaine Fox Residence and Lot 2 + 23' that Lot 2 is setback from that property line).

Therefore, we aren't seeking anything in this application that wasn't already contemplated, accounted for, and approved in Ordinance 04-13, which is a 11' reduction, from the side setback requirement of 12'.

This minor expansion is cleverly integrated into the existing historic structure and is within the "23' + 1" side setback already in place. I feel the proposed width is the minimum required to make reasonable use of its interior spaces.

LDR Section 4.3.4, (H), (1): Setbacks addresses building setback guidelines. The "Side Yard Building Setback Line" requirement for our site is 12', as we are within an R-1-AAA zoning district. In addition to the explanation above that was covered in the 2.19.03 ordinance (04-13), the rationale behind our request is to keep the proposed minor expansion harmonious with the existing structure. We have accomplished this from a massing perspective and have certainly made the expansion subordinate to the existing structure. Most importantly, the expansion has been tastefully designed so that it enhances the inherent beauty of the Fontaine Fox Residence without any negative impact on Lot 2. As staff has encouraged responsible and tasteful growth, we are certainly doing so with the application and request(s) before you.

I have designed many tasteful projects within the city limits of Delray Beach, one (65 Palm Square) receiving as many as seven (7) variances that made that project so much more appealing. Variances are a design instrument granted to well-designed historic projects to afford an owner an opportunity to stay true to their individual and site-specific conditions. We feel the intent of the code, in all matters, will not be compromised in any fashion whatsoever by the granting of our requested variance.

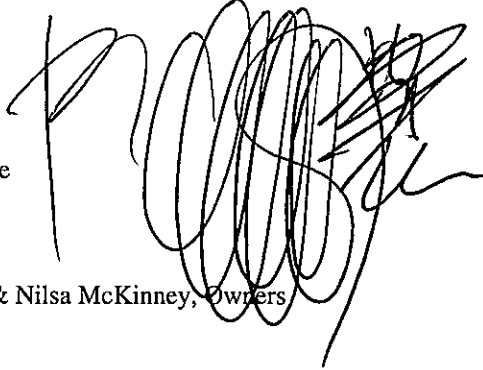
In conclusion, if granted, the variance would in no way be contrary to the public interest and, where owing to the conditions peculiar to the property and not the result of the actions of the landowner, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Furthermore, we feel 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.

Finally, we feel that the granting of the variance will be in complete harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Please do not hesitate to call should you require additional information. I look forward to your support, the Historic Preservation Board hearing, and an approval as soon as practical.

Sincerely:

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end.

Roger Cope
Principal
RWC/jad

cc: Frank & Nilsa McKinney, Owners

October 11, 2021

City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444

Attn.: Michelle Hoyland – Principal Planner

Justification letter: Proposed addition of one garage bay to the existing 2-car garage. Ocean Apple Estate - Certificate of Appropriateness (COA): 610 N. Ocean Blvd. (The Fontaine Fox Residence)

Mrs. Hoyland:

In 1935 the Fontaine Fox Garage began its life as a one-car, 12'x20' Garage with a barndoor style entry to the East. This is presumed to be because few families had more than one car back then. At some point in the late 1970's or early 1980's the Garage was changed to the current 2-car configuration with automatic lift doors and the entry was changed to face North. While no specific date for this change has been determined, the late 70's/early 80's is presumed due to the age and type of concrete used for the foundation/floor and the age and type of wood that was used for the wall framing and for the roof trusses/rafters. It was at this point in history (late 70's/early 80's) when families started to have more than one car.

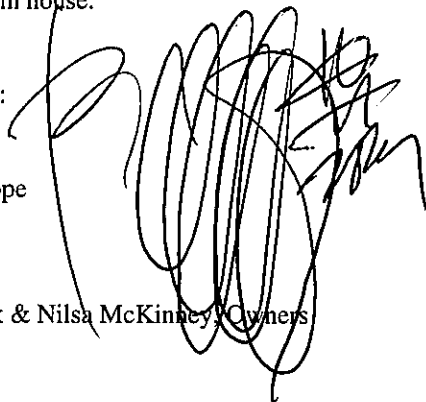
Now, some forty (40) years later, we are seeking the expansion to a 3-car Garage as the need for additional cars and, more importantly, golf carts for shorter trips to Atlantic Avenue that dramatically lower greenhouse gases are now the new norm and offer a far more environmentally responsible means of transportation.

The design before you is simple, minimalistic, and somewhat similar (but not too similar) to the existing garage. The easterly placement of the new bay is because there is no room to place it to the west, as the pool and deck prohibit the same. The roof is raised slightly by 2 feet yet is still 15+ feet below the roof of the main house.

Sincerely:

Roger Cope
Principal
RWC/jad

Cc Frank & Nilsa McKinney, Owners

A large, stylized handwritten signature in black ink, likely belonging to Roger Cope, is written over the signature line and extends into the left margin.

October 11, 2021

City of Delray Beach
100 NW 1st Avenue
Delray Beach, FL 33444

Attn.: Michelle Hoyland – Principal Planner

Letter of Relevance: "The Hyphen." Ocean Apple Estate - Certificate of Appropriateness (COA): 610 N. Ocean Blvd. (The Fontaine Fox Residence)

Mrs. Hoyland:

Please accept this letter as an elective "justification" for our design philosophy for a minor Architectural feature that will connect the main house to the guest house, thus making them one structure. This is now referred to as "The Hyphen" for the above referenced Project. This letter and accompanying photos shall serve to address **LDR Section 4.5.1(E)(8) "Visual Compatibility Standards"**.

After a thorough review of the original staff report prepared in advance of the September 1, 2021, Historic Preservation Board meeting, combined with an August 27, 2021, visit to the Fontaine Fox Residence by Michelle Hoyland and Katherina Paliwoda, we have chosen not to build the hyphen out of all glass, nor will it have a flat roof.

As stated by Staff on page 14 (of 19) of the 9.1.21 Report; *It is noted the proposed hyphen is located to the rear of the property, and therefore not visible from the public right-of-way. A solution to achieve visual compatibility is if the roof of the connection/hyphen were solid and that the fenestration pattern of the glass was more visually compatible with the main residence. This is added as condition of approval.*

This is exactly what we have done.

After all it is "The Hyphen". A "Hyphen" is, by definition, is used to join words to indicate that they have a combined meaning or that they are linked in the grammar of a sentence". In our case, words and grammar are the Architecture and the current two (2) separate wings are our sentences. We are linking our two (2) wings with a "hyphen" and we chose our "hyphen" to be a neutral, semi-transparent piece of Architecture that makes as little "noise" as possible yet, if removed, leaves no footprint behind.

It is in no way visible from any public domain, unless you're a bird. Its playful. It's there but it's really not there. Its shelter. Its connectivity interpreted as minimally as possible. It will be cherished by the owners of Ocean Apple Estate. It's a very private statement. It's tiny. It's a gem or a crystal. It's subjective. It's transcending.

Please see numerous photos that depict similar glass "hyphens" used to connect very old structures. It is far more common that one would think and reflects proper application of architectural styling. Thank you in advance.

Sincerely:

Roger Cope
Principal
RWC/jad

Cc Frank & Nilsa McKenney Clients