



CITY OF DELRAY BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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



HISTORIC PRESERVATION BOARD STAFF REPORT

212 Seabreeze Avenue – Sewell C. Biggs House

Meeting	File No.	Application Type
December 1, 2021	2021-102	Certificate of Appropriateness

REQUEST

The item before the Board is consideration of a Certificate of Appropriateness No. 3 (20XX-XXX) The original structure was built in 1955 and contained 1,594 square feet, including a glass entry vestibule on the ground floor. Named for the original owner, Sewell C. Biggs, and designed by architect Paul Rudolph, the structure is representative of 20th century regional modernism tailored for the Florida environment.

The property has been “Red Tagged” and construction halted by the Building Official pending further investigation into demolition work done on the structure in July 2020 that exceeded what was authorized by the Historic Preservation Board in Certificates of Appropriateness No. 1 (City of Delray Beach File No. 2018-076) and Certificate of Appropriateness No. 2 (City of Delray Beach File No. 2018-191). This proposed request for COA updates the COA (2018-191) approved by the HPB on May 1, 2019. This COA includes a request for after the fact demolition, the change in finish floor elevation to + 7' NAVD and a contemporary reconstruction of the existing historic house.

GENERAL DATA

Owners: Michael Marco and Antonina Marco
Location: 212 Seabreeze Avenue
PCN: 12-43-46-16-18-000-0210
Property Size: 11,500 Sq. Ft.
Zoning: R-1-AA (Single-Family Residential)
Historic District: Individually Listed Local Register of Historic Places
Land Use: LD (Low Density Residential)
Adjacent Zoning:

- (North) R-1-AA
- (West) R-1-AA
- (South) R-1-AA
- (East) R-1-AA

Existing Use: Single Family Residence
Proposed Use: Single Family Residence



BACKGROUND AND PROJECT DESCRIPTION

The subject property located at 212 Seabreeze Avenue consists of Lot 21 and the West 35 Feet of Lot 22, Delray Beach Esplanade, is zoned Single Family Residential (R-1-AA) and is individually listed to the Local Register of Historic Places, known as the Sewell C. Biggs House. The original structure was built in 1955 and contained 1,594 square feet, including a glass entry vestibule on the ground floor. Named for the original owner, Sewell C. Biggs, and designed by architect Paul Rudolph, the structure is representative of 20th century regional modernism tailored for the Florida environment.

Paul Rudolph studied architecture as an undergraduate at Alabama Polytechnic and he completed graduate studies at Harvard under Bauhaus founder Walter Gropius. In 1941, Rudolph began his career as an apprentice

Project Planners: R.J. HEISENBOTTLE ARCHITECTS, P.A. Richard J. Heisenbottle, FAIA Michelle Hoyland, Principal Planner, HoylandM@mydelraybeach.com	Review Date: HPB: December 1, 2021	Attachments: 1. Plans & Survey 2. Color Rendering & Materials 3. Reports & Justification Statement
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and later a partner in Ralph Twitchell's architectural practice in Sarasota, Florida. Together, Rudolph and Twitchell's work became known as part of the "Sarasota School of Architecture" movement. Common characteristics of the Sarasota School of Architecture are a strict adherence to function, modular composition, articulation of individual building components and attention to local climate and terrain. (Paul Rudolph Foundation website)

In 1952 Paul Rudolph left Twitchell's office to open his own firm. He began traveling between Florida and New York to lecture at various schools in the Northeast. Then, in 1954 Rudolph was awarded the "Outstanding Young Architect Award" in an international competition, this recognition led to large projects around and outside Florida. He was invited to serve as the Dean of the Yale School of Architecture, he served in this capacity from 1958-1965. He is known as one of America's most important Late Modernist architects. (Paul Rudolph Foundation website)

It is important to the history of the Sewell C. Biggs house, to note that the current project architect, Jeffrey Silberstein was a student of Ralph Twitchell. Mr. Silberstein stated that his "knowledge and experience in the modernist movement has allowed him to design a compatible and coherent modern addition" to the Sewell C. Biggs house.

In the early 1980's a 1,156-1st floor addition was constructed on the north side of the property. It was at this time that the kitchen was relocated from the original structure to the addition.

At its meeting of June 15, 2005, the Historic Preservation Board recommended approval for individual historic designation of 212 Seabreeze Avenue to be known as The Sewell C. Biggs House. At its meeting of July 5, 2005, the City Commission passed Ordinance 50-05 that listed the subject property on the Local Register of Historic Places.

At its meeting of October 18, 2006, the HPB approved Certificate of Appropriateness (2006-454) for a two-story, 1,936 square foot, handicap accessible addition to the existing structure on the South elevation, which was constructed in 2007-2008.

At its meeting of October 6, 2009, the HPB recommended approval of the Ad Valorem Tax Exemption Application for the improvements stated above as approved with COA 2006-454. In addition to the components associated with the approved addition, all interior improvements were eligible for the exemption. At its meeting of October 20, 2009, the City Commission passed Resolution 52-09 granting an Ad Valorem Tax Exemption to Virginia Courtenay (property owner) for the historic rehabilitation of the property located at 212 Seabreeze Avenue.

At its meeting of July 18, 2018, the HPB approved a COA request for the demolition of an existing 1,936 square foot, handicap accessible addition to the existing structure on the South elevation; and demolition of the first-floor addition constructed in 1981 on the North elevation. The request also included revocation of the existing Ad Valorem Tax Exemption Covenant (ORB 24208, Pages 718-721). HPB recommended approval of the revocation at the July 18, 2018, meeting and the City Commission approved the request via Resolution 99-18 at their August 21, 2018 meeting. Following city review and approval, the Palm Beach County Board of Commissioners approved the request to revoke the Ad Valorem Tax Exemption at their September 24, 2018, meeting subject to a repayment of the taxes owed for the difference in the exemption plus interest, which was approximately \$5,017.41. Subsequently, the non-contributing additions were demolished.

On May 1, 2019, the HPB approved a Certificate of Appropriateness, Variance, and Waiver request for the construction of a new 2-story addition, variances to reduce the front yard setback for a pool & to reduce the finished floor elevation for the first floor of the new addition, and a waiver to the Visual Compatibility Standards to allow the new addition to be constructed in a manner that is not secondary nor subordinate to the existing structure. A building permit was issued, and work began on the project.

In July of 2020, a Stop Work Order was issued by the Chief Building Official as it was determined that demolition work had been completed on the structure that exceeded what was authorized by the Historic Preservation Board. The demolition work included removal of the existing structure to the original metal frame of the building. It was also determined that the structure had been vertically elevated in place.

Following the issuance of the Stop Work Order, the city engaged Historic Preservation Architect Richard J. Heisenbottle, on a consultant basis to assess the property and its ability to remain on the Local Register of Historic Places. In September of 2020 Mr. Heisenbottle provided the city with an expert analysis of the historic integrity of the structure and the path forward for the building to retain its Local Register Listing, which included review and approval of an after the fact demolition and reconstruction as well as approval of the vertical elevation of the structure 18”.

Then, on December 18, 2020, the Code Enforcement Division of the Neighborhood and Community Services Department issued the property owner code enforcement violations as follows:

- An exterior and interior demolition was conducted prior to obtaining an approved demolition permit. Submit and obtain a demolition permit from the building department.
- Work has been conducted that exceeds the scope of work provided in the single-family addition permit (19-185798). The elevation of the structure exceeds the elevation listed on the approved building permit. Submit an amendment to the existing permit to permit the actual height of the structure.
- An exterior and interior demolition of a historically designated structure exceeding 25% of the structure was conducted prior to obtaining a Certificate of Appropriateness (COA). Submit a COA application and obtain approval of the COA from the Historic Preservation Board.

The violations were heard by the Special Magistrate on February 24, 2021. The Special Magistrate found that the respondent/property owner was in violation and ordered the property owner to submit a new COA within 60 days to appear before the Historic Preservation Board to address concerns from city staff, no fines were assessed.

The property owner submitted the COA request on February 23, 2021, for an after the fact demolition, reconstruction, and elevation of the existing historic structure. The request is now before the board for review and action.

REVIEW AND ANALYSIS

Pursuant to Land Development Regulation (LDR) Section 2.4.6(H)(5), 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 1.4 of the Historic Preservation 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 Land Development Regulation (LDR) Section 2.4.5(I)(5), Architectural (appearance) elevations, the Site Plan Review and Appearance Board or the Historic Preservation Board, as appropriate, may approve subject to conditions or deny architectural elevations or plans for a change in the exterior color of a building or structure, or for any exterior feature which requires a building permit.

ZONING AND USE REVIEW

Pursuant to LDR Section 4.4.3(F)(1) – Single-Family Residential (R-1-AA) Development Standards:

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

The previously approved COA was shown to be in compliance with the applicable requirements. Where not in compliance, Variances and Waivers were issued. Nothing in the current COA application alters this.

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)(c)(4) – Major and Minor Development.

The subject application is considered "Minor Development" as all development on individually designated properties in all zoning districts is Minor.

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:

The existing structure, and its remaining original form, have been considered with respect to the proposed addition and site improvements.

Pursuant to LDR Section 4.5.1(E)(3)(1)(a) - Appurtenances: Appurtenances include, but are not limited to, stone walls, fences, light fixtures, steps, paving, sidewalks, signs, and accessory structures.

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

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

Fences and Walls were approved in the previous COA application and met the requirements of the LDRs. It is noted that an easement is being dedicated along the western side of the property and fencing is proposed within the easement in order to comply with the requirements of the easement.

Garages and carports:

- a. 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.
- b. The orientation of garages and carports shall be consistent with the historic development pattern of structures of a similar architectural style within the district.

- c. 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.
- d. 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 proposal includes a previously approved new 2-car garage and parking court with access taken off of Seabreeze Avenue which is in the rear (south side) of the property; therefore, required parking is provided for outside of the front or side street setback areas. In this manner it preserves the historical and architectural character of the building. This location was previously approved.

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.

Previously approved, see comments on Garages and Carports above.

Pursuant to LDR Section 4.5.1(E)(4) – **Alterations:** in considering proposals for alterations to the exterior of historic buildings and structures and in applying development and preservation standards, the documented, original design of the building may be considered, among other factors.

The existing structure, and its remaining original form, have been considered with respect to the proposed addition and site improvements.

SECRETARY OF THE INTERIORS STANDARDS

Pursuant to LDR Section 4.5.1(E)(5) - Standards and Guidelines: a historic site, building, structure, improvement, or appurtenance within a historic district shall only be altered, restored, preserved, repaired, relocated, demolished, or otherwise changed in accordance with the Secretary of the Interior's Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines, as amended from time to time.

Standard 1

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

Standard 2

The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Standard 3

Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

Standard 4

Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

Standard 5

Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

Standard 6

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Standard 7

Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

Standard 8

Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

Standard 9

New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Standard 10

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The previously approved addition and improvements to the property are generally visually compatible and in direct relationship with the scale of the existing structure. A complete review of the approved request was completed with the COA and determined to be compatible by the Historic Preservation Board on May 1, 2019.

As it relates specifically to this COA application for after the fact demolition, the change in elevation to 7' NAVD and a contemporary reconstruction of the existing historic house, the U.S. Department of the Interior provides us with guidance in this matter through the Secretary of the Interior's Standards for Reconstruction and Guidelines for Reconstructing Historic Buildings. Please refer to Demolition Analysis section that follows.

VISUAL COMPATIBILITY STANDARDS

Pursuant to LDR Section 4.5.1(E)(7) – Visual Compatibility Standards: new construction and all improvements to both contributing and noncontributing buildings, structures, and appurtenances thereto within a designated historic district or on an individually designated property shall be visually compatible. In addition to the Zoning District Regulations, the Historic Preservation Board shall apply the visual compatibility standards provided for in this Section with regard to height, width, mass, scale,

façade, openings, rhythm, material, color, texture, roof shape, direction, and other criteria set forth elsewhere in Section 4.5.1. Visual compatibility for minor and major development as referenced in Section 4.5.1(2) shall be determined by utilizing criteria contained in (a)-(m) below.

- a. **Height:** The height of proposed buildings or modifications shall be visually compatible in comparison or relation to the height of existing structures and buildings in a historic district for all major and minor development. For major development, visual compatibility with respect to the height of residential structures, as defined by 4.5.1(2)(a), shall also be determined through application of the Building Height Plane.
- b. **Front Facade Proportion:** The front facade of each building or structure shall be visually compatible with and be in direct relationship to the width of the building and to the height of the front elevation of other existing structures and buildings within the subject historic district.
- c. **Proportion of Openings (Windows and Doors):** The openings of any building within a historic district shall be visually compatible with the openings exemplified by prevailing historic architectural styles of similar buildings within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings shall be visually compatible within the subject historic district.
- d. **Rhythm of Solids to Voids:** The relationship of solids to voids of a building or structure shall be visually compatible with existing historic buildings or structures within the subject historic district for all development, with particular attention paid to the front facades.
- e. **Rhythm of Buildings on Streets:** The relationship of buildings to open space between them and adjoining buildings shall be visually compatible with the relationship between existing historic buildings or structures within the subject historic district.
- f. **Rhythm of Entrance and/or Porch Projections:** The relationship of entrances and porch projections to the sidewalks of a building shall be visually compatible with existing architectural styles of entrances and porch projections on existing historic buildings and structures within the subject historic district for all development.
- g. **Relationship of Materials, Texture, and Color:** The relationship of materials, texture, and color of the facade of a building and/or hardscaping shall be visually compatible with the predominant materials used in the historic buildings and structures within the subject historic district.
- h. **Roof Shapes:** The roof shape, including type and slope, of a building or structure shall be visually compatible with the roof shape of existing historic buildings or structures within the subject historic district. The roof shape shall be consistent with the architectural style of the building.
- i. **Walls of Continuity:** Walls, fences, evergreen landscape masses, or building facades, shall form cohesive walls of enclosure along a street to ensure visual compatibility with historic buildings or structures within the subject historic district and the structure to which it is visually related.
- j. **Scale of a Building:** The size of a building and the building mass in relation to open spaces, windows, door openings, balconies, porches, and lot size shall be visually compatible with the building size and mass of historic buildings and structures within a historic district for all development. To determine whether the scale of a building is appropriate, the following shall apply for major development only:
 - a. For buildings wider than sixty percent (60%) of the lot width, a portion of the front façade must be setback a minimum of seven (7) additional feet from the front setback line:
 - b. For buildings deeper than fifty percent (50%) of the lot depth, a portion of each side façade, which is greater than one story high, must be setback a minimum of five (5) additional feet from the side setback line:
- k. **Directional Expression of Front Elevation:** A building shall be visually compatible with the buildings, structures, and sites within a historic district for all development with regard to its directional character, whether vertical or horizontal.
- l. **Architectural Style:** All major and minor development shall consist of only one (1) architectural style per structure or property and not introduce elements definitive of another style.

m. Additions to individually designated properties and contributing structures in all historic districts: Visual compatibility shall be accomplished as follows:

- 1. Additions shall be located to the rear or least public side of a building and be as inconspicuous as possible.**
- 2. Additions or accessory structures shall not be located in front of the established front wall plane of a historic building.**
- 3. Characteristic features of the original building shall not be destroyed or obscured.**
- 4. Additions shall be designed and constructed so that the basic form and character of the historic building will remain intact if the addition is ever removed.**
- 5. Additions shall not introduce a new architectural style, mimic too closely the style of the existing building nor replicate the original design but shall be coherent in design with the existing building.**
- 6. Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.**

The property was previously deemed to comply with the Visual Compatibility Standards for the following reasons:

The property has undergone a transformation as the current owner has removed the non-historic building additions in order to reveal the original structure in its built environment. This approach allowed the owner and architect to envision the proposed additions in true relation to the size and massing of the original structure. A new glass enclosure is proposed around the existing ground floor exterior living space and this improvement helps to preserve the directional expression of the front elevation. Literal interpretation of the Visual Compatibility Standards requires that additions be located to the rear or least public side of a building and be as inconspicuous as possible. Further, additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building. The bulk of the massing of the new addition is situated to the rear of the existing structure by way of a large hyphen. It is noted that the proposed addition is slightly taller than the existing structure (by approximately 2'2"). The applicant received approval from HPB for a waiver to this requirement governing the height of the structure. The proposed design of the addition utilizes materials and textures that are compatible with the existing structure such as stucco, glass, and wood.

The COA approval involved restoration of a portion of the original window opening and louvers on the north/front elevation facing South Vista Del Mar Drive. This opening was originally covered with louvers to allow for airflow as the structure did not originally have central air conditioning. Two new large windows are proposed on the north elevation and these windows were not original to the design of the structure; thus, they should be eliminated from the north elevation in an effort for true restoration preserving the historic integrity and character of the property (**Standards 2, 5 & 9**). This item was attached as a condition of approval to the May 19, 2021 COA approval.

The COA approval included a 10' x 50' pool within the front yard setback for which a variance was approved. Installing the pool at ground level allows for preservation of the front façade as well as the relationship of buildings to open space between them and adjoining buildings. The proposed modern architectural style of the addition is cohesive with the Regional Modern architectural style of the existing structure. A Waiver to the Visual Compatibility Standards was approved.

There is nothing in the current COA application that impacts or changes the previous approval.

VARIANCE

The applicant is not seeking a variance to the setback requirements with the subject COA request; however, it is noted that HPB approved 2 variance requests for the property on May 1, 2019 as follows:

VARIANCE 1

Pursuant to LDR Section 4.6.15 LDR Section 4.6.15(G)(1), Swimming Pool, Whirlpools, & Spas: Yard Encroachment, swimming pools, the tops of which are no higher than grade level, may extend into the rear, interior or street side setback areas but no closer than ten feet (10') to any property line. Swimming pools shall not extend into the front setback area.

A variance was approved to reduce the required front yard setback from 30' to 13'1" on the north side of the property for a 50' x 10' pool.

VARIANCE 2

Pursuant to LDR Section 10.1.1(C)(2), Intent, the purposes of the Floodplain Management Regulations and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to require the use of appropriate construction practices in order to prevent or minimize future flood damage.

A variance was approved to allow the finished floor elevation of the existing structure to remain at 6 feet, whereas a minimum finished floor of 7 feet is required. As permitted by LDR Section 10.1.7, a variance to reduce the finished floor elevation was approved for the 1st floor the new addition as the structure is listed on the Local Register of Historic Places.

WAIVER

The applicant is not seeking a waiver with the subject COA request; however, it is noted that HPB approved a waiver request for the property on May 1, 2019 as follows:

Height. The height of proposed buildings or modifications shall be visually compatible in comparison or relation to the height of existing structures and buildings in a historic district for all major and minor development.

Additions to individually designated properties and contributing structures in all historic districts: Visual compatibility shall be accomplished as follows:

1. Additions shall be located to the rear or least public side of a building and be as inconspicuous as possible.
2. Additions or accessory structures shall not be located in front of the established front wall plane of a historic building.
3. Characteristic features of the original building shall not be destroyed or obscured.
4. Additions shall be designed and constructed so that the basic form and character of the historic building will remain intact if the addition is ever removed.
5. Additions shall not introduce a new architectural style, mimic too closely the style of the existing building nor replicate the original design but shall be coherent in design with the existing building.
6. Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.

A waiver to allow the new addition to be constructed in a manner that is not secondary nor subordinate to the existing structure so that the height of the proposed addition will be higher than the original structure.

DEMOLITION ANALYSIS

Pursuant to LDR Section 4.5.1(F), Demolitions – Demolition of historic or archaeological sites, or buildings, structures, improvements and appurtenances within historic districts shall be regulated by the Historic Preservation Board and shall be subject to the following requirements:

1. No structure within a historic district or on a historic site shall be demolished before a Certificate of Appropriateness has been issued pursuant to Section 2.4.6(H).
2. The application for a Certificate of Appropriateness for demolition must be accompanied by an application for a Certificate of Appropriateness for alterations to the structure or the redevelopment of the property.
3. Demolition shall not occur until a building permit has been issued for the alterations or redevelopment as described in the applicable Certificate of Appropriateness.
4. All structures approved for demolition and awaiting issuance of a building permit for the alterations or redevelopment shall be maintained so as to remain in a condition similar to that which existed at time that the Certificate of Appropriateness for demolition was approved unless the Chief Building Official determines that an unsafe building condition exists in accordance with Section 4.5.3(G).
5. A Certificate of Appropriateness for demolition of 25 percent or more of contributing or individually designated structure shall be subject to the following additional requirements:
 1. A demolition plan shall accompany the application for a Certificate of Appropriateness for demolition. The plan shall illustrate all portions of the existing structure that will be removed or altered.
 2. The Certificate of Appropriateness for demolition and the Certificate of Appropriateness for alternation or redevelopment shall meet the "Additional Public Notice" requirements of LDR Section 2.4.2(B)(1)(j).
6. The Board upon a request for demolition by a property owner, shall consider the following guidelines in evaluating applications for a Certificate of Appropriateness for demolition of designated historic sites, historic interiors, or buildings, structures, or appurtenances within designated historic districts;
 - (a) Whether the structure is of such interest or quality that it would reasonably fulfill criteria for designation for listing on the national register.
 - (b) Whether the structure is of such design, craftsmanship, or material that it could be reproduced only with great difficulty or economically nonviable expense.
 - (c) Whether the structure is one of the last remaining examples of its kind in the designated historic district within the city.
 - (d) Whether retaining the structure would promote the general and value of a particular culture and heritage.
 - (e) Whether there are approved plans for immediate reuse of the property if the proposed demolition is carried out, and what effect those plans will have on the historic district designation or the individual designation of the property.
7. No decision of the Board shall result in undue economic hardship for the property owner. The Board shall determine the existence of such hardship in accordance with the definition of undue economic hardship found in Section 4.5.1(H).
8. The Board's refusal to grant a Certificate of Appropriateness requested by a property owner for the purpose of demolition will be supported by a written statement describing the public interest that the Board seeks to preserve.
9. The Board may grant a certificate of appropriateness as requested by a property owner, for demolition which may provide for a delayed effective date. The effective date of the certificate will be determined by the Board based on the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. The Board may delay the demolition of designated historic sites and contributing buildings within historic districts for up to six months while demolition of non-contributing buildings within the historic district may be delayed for up to three months.
10. Request for demolition justification statement. A justification statement shall accompany the application for a Certificate of Appropriateness for demolition of any contributing structure in a

historic district or individually designated historic structure. The justification statement must include the following:

- (a) A certified report from a registered architect or engineer which provides documentation explaining that the building is structurally unsound and is damaged beyond the ability to repair it at a reasonable cost. The report must include photographs to substantiate the damage.
- (b) A certified report from an engineer, architect, general contractor, or other qualified professional which documents the projected cost of repairing the structure and returning it to a safe and habitable condition.
- (c) An appraisal of the property in its current condition, its value as vacant land and its potential value as a preserved and restored historic property.
- (d) Documentation that reasonable efforts have been made to find a suitable alternate location for the structure within the City of Delray Beach to which the contributing/individually designated historic structure could be safely relocated.
- (e) Documentation that the applicant or property owner has taken such steps as it deems necessary to preserve the structure requested for demolition including consultation with community groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies, or agencies and exploration of the possibility of moving one or more structures or other features.

11. Salvage and recordation of historic structures.

- (a) The property owner shall contact the Delray Beach Historical Society for the purpose of salvaging and preserving specified classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in the restoration of the other historic properties. Confirmation of such efforts shall be provided in a written statement and submitted with the other demolition application prior to consideration by the Historic Preservation Board.
- (b) The Board may, with the consent of the property owner, request that the Delray Beach Historical Society, or the owner, at the owner's expense, record the architectural details for archival purposes prior to demolition.
 - i. The recording may include, but shall not be limited to photographs, documents and scaled architectural drawings to include elevations and floor plans.
 - ii. One copy of the recording shall be submitted to the City's Planning and Zoning Department, and one copy shall be submitted to the Delray Beach Historical Society for archiving purposes.

The U.S. Department of the Interior provides us with guidance in this matter through the Secretary of the Interior's Standards for Reconstruction and Guidelines for Reconstructing Historic Buildings. Please refer to Demolition Analysis section that follows.

The Guidelines define “**Reconstruction** as the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.”

Standards for Reconstruction

“The Standards will be applied taking into consideration the economic and technical feasibility of each project.

- 1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
- 2. Reconstruction of a landscape, building, structure or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts that are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.

3. Reconstruction will include measures to preserve any remaining historic materials, features and spatial relationships.
4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color and texture.
5. A reconstruction will be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically will not be constructed.

Reconstruction as a Treatment

“When a contemporary depiction is required to understand and interpret a property's historic value (including the re-creation of missing components in a historic district or site); when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction, Reconstruction may be considered as a treatment.”

The operative words that allow reconstruction as an acceptable treatment for the missing characteristic features of the Sewell C. Biggs House, the siding, windows, doors and louvers, is the existence of physical evidence to permit accurate reconstruction with minimal conjecture. Moreover, such reconstruction is essential for the public understanding of the property.

This COA seeks approval to elevate the house to Elevation +7' NGVD by documenting that the change in building elevation, while not authorized in advance, was consistent with the FEMA and City of Delray Beach standards and is consistent with the Secretary of the Interiors Standards that allow mitigation to protect the historic structure against rising sea level and coastal flooding. No other change to elevation is contemplated. It should be noted that the home has been previously elevated by a previous owner.

In my professional opinion, in this COA the applicant has complied with the requirements of the Secretary of the Interiors Standards for Reconstruction as noted above.

The property owner has submitted a justification statement for the request (attached).

COMPREHENSIVE PLAN

Pursuant to the Historic Preservation Element (HPE), Objective 1.4, Historic Preservation Planning: Implement appropriate and compatible design and planning strategies for historic sites and properties within historic districts.

The objective shall be met through continued adherence to the City's Historic Preservation Ordinance and, where applicable, to architectural design guidelines through the following policies:

Historic Preservation Element 1.4 Property shall be developed or redeveloped, in a manner so that the future use, intensity and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.

The development proposal involves an after the fact demolition, reconstruction, and vertical elevation of the existing individually designated structure. There are no concerns with respect to soil, topographic or other physical considerations. With respect to the adjacent land uses, the property is in an area surrounded by single-family residential use. The proposal can be considered consistent with the subject Objective.

Historic Preservation Element 1.4.1 Prior to approval or recommending approval of any land use or development application for property located within a historic district or designated as a historic site, the Historic Preservation Board must make a finding that the requested action is consistent with the provisions of Section 4.5.1 of the Land Development Regulations relating to historic sites and districts and the “Delray Beach Design Guidelines”.

The development proposal involves an after the fact demolition, reconstruction, and vertical elevation of the existing individually designated structure. This property is historically significant as it is individually listed to the Local Register of Historic Places. The board must make a finding that the proposal is consistent with the provisions of LDR Section 4.5.1 relating to historic sites and districts as well as the “Delray Beach Historic Preservation Design Guidelines”.

ALTERNATIVE ACTIONS

- A. Move to continue with direction.
- B. Move to approve Certificate of Appropriateness (2021-102), for after the fact demolition, a change in finish floor elevation to + 7' NAVD (relocation) and a contemporary reconstruction of the existing historic house, by finding that the request and approval thereof is consistent with the City of Delray Beach Land Development Regulations and Visual Compatibility Standards and The Secretary of the Interiors Standards and Guidelines.
- C. Move to approve Certificate of Appropriateness (2021-102), after the fact demolition, a change in finish floor elevation to + 7' NAVD (relocation) and a contemporary reconstruction of the existing historic house, by finding that the request and approval thereof is consistent with the criteria contained in the City of Delray Beach Land Development Regulations and Visual Compatibility Standards and The Secretary of the Interiors Standards and Guidelines, subject to the following conditions:
- 1.
- D. Deny Certificate of Appropriateness (2021-102), by finding that the request for after the fact demolition, a change in finish floor elevation to + 7' NAVD (relocation) and a contemporary reconstruction of the existing historic house, does not meet with one or more of the following:
1. The criteria set forth in the City of Delray Beach Land Development Regulations and or Visual Compatibility Standards
 2. The Secretary of the Interiors Standards and Guidelines
 3. The Comprehensive Plan

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 (11/18/21), 10 days prior to the meeting.
<input checked="" type="checkbox"/> Public Notice was posted to the City's website on (11/18/21), 10 calendar days prior to the meeting.
<input checked="" type="checkbox"/> Public Notice was posted in the main lobby at City Hall on (11/18/21), 10 working days prior to the meeting.
<input checked="" type="checkbox"/> Agenda was posted on (11/23/21), 5 working days prior to meeting. |
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