



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING  
100 NW 1<sup>ST</sup> AVENUE, DELRAY BEACH, FLORIDA 33444  
(561) 243-7040

## HISTORIC PRESERVATION BOARD MEMORANDUM

### 231 Venetian Drive

#### Meeting

June 1, 2022

#### File No.

2021-086

#### Application Type

Certificate of Appropriateness & Variance

### REQUEST

The item before the Board is in consideration of a Certificate of Appropriateness (2021-086) and Variance requests associated with the construction of a one-story 544 square foot garage addition and swimming pool to a one-story contributing residence on the property located at **231 Venetian Drive, Nassau Park Historic District.**

### GENERAL DATA

**Agent:** Carol Perez

**Owner:** John and Eleanor Beckworth

**Location:** 231 Venetian Drive

**PCN:** 12-43-46-16-14-005-0041

**Property Size:** 0.11 Acres

**Zoning:** RM – Medium Density Residential

**LUM Designation:** MD (Medium Density)

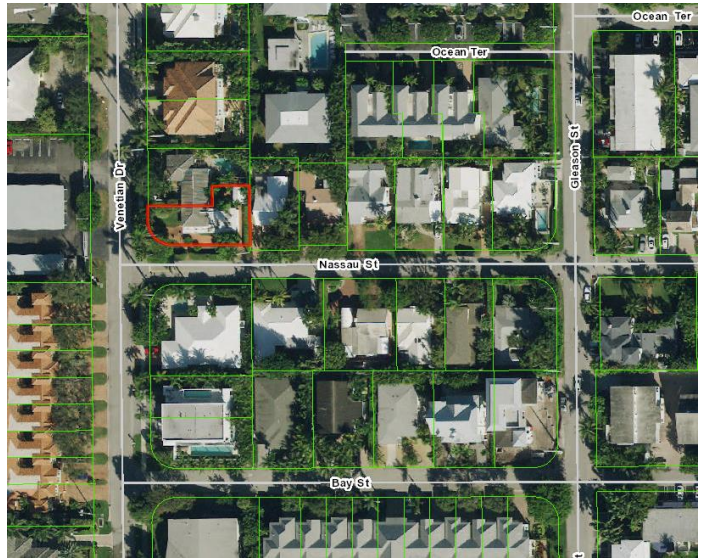
**Historic District:** Nassau Park Historic District

#### Adjacent Zoning:

- RM – Medium Density Residential (North)
- RM – Medium Density Residential (West)
- RM – Medium Density Residential (South)
- R-1-A – Single-Family Residential (East)

**Existing Land Use:** Residential

**Proposed Land Use:** Residential



### BACKGROUND INFORMATION AND UPDATED PROPOSAL

The subject was for the construction of a two-story, 551 square foot addition to the rear of the existing structure, addition of a new front porch, construction of new carport, swimming pool with hot tub, pool deck, and replacement of the existing driveway & walkway materials from brick to a travertine paver. A waiver is requested to allow the proposed 2<sup>nd</sup> story addition and front porch not to be secondary and subordinate and a variance is requested to allow the new swimming pool to be located within the front yard setback.

The request was scheduled for review by HPB at their April 6, 2022, HPB meeting. The applicant requested to postpone to a date certain for June 1, 2022, as the property was under contract to be sold, and the new owners requested time to review the site plans and make changes to the request. During this time the property was purchased by John and Eleanor Beckworth who have revised the proposal and the following is now before the board:

- Construction of a new one-story, two-car garage in the rear (northeast) of the property;
- Construction of a new swimming pool in the front (west) of the property;

#### Project Planners:

Katherina Paliwoda, Planner PaliwodaK@mydelraybeach.com  
Michelle Hoyland, Principal Planner HoylandM@mydelraybeach.com

#### Review Dates:

HPB: June 1, 2022

#### Attachments:

1. Plans
2. Justification Statements
3. Photographs
4. Building Materials and Color Samples

- Modification of the previously requested variance request to allow for a 10'9" to 13'8" front setback (west) and a 4' side interior setback (north);
- Installation of a new 4' black, aluminum rail fence; and,
- Installation of new hardscaping.

The COA is now before the board.

### UPDATED REVIEW AND ANALYSIS

Below is an updated analysis based on the revisions made to the request:

Pursuant to LDR Section 4.4.6(F)(1) – **Medium Density Residential (RM) Development Standards:** the provisions for duplex shall apply.

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

The proposal is in compliance with the applicable requirements; therefore, positive findings can be made.

Development Standards	Required	Existing	Proposed
<b>Open Space (Minimum, Non-Vehicular)</b>	25%	33%	26%
<b>Setbacks (Minimum):</b> <b>Front (West)</b>	25'	39'8"	No change - Porch 10'9"- 13'8" - Pool**
<b>Side Interior (North)</b>	0'-15'	0' - 26'4"	0'-26'4"- Main Structure 0'6" – 0'10" Addition 4' – Pool**
<b>Side Street (South)</b>	25'	12'3"-12'10" 12'10" *	No change 10'9"-16'4" - Pool
<b>Rear (East)</b>	15'	13'*	13' -Main Structure 15'2" - Addition
<b>Height (Maximum)</b>	35' Max.	12'8"	No change

\*Existing non-conformity

\*\*Variance requested

Pursuant to LDR Section 4.3.4(H)(4)(c), **Structures allowed in setbacks. Fish or lily ponds, not to exceed a depth of 24 inches.**

The original request included two small water features on the south side of the main structure that measure from 18" to 22" deep. As these proposed water features do not exceed 24" they were allowed within the setback. These features have been removed and are no longer part of the request.

Pursuant to LDR Section 4.6.15(G) **Swimming Pool - 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 to any property line. Swimming pools shall not extend into the front setback area noted in Section 4.3.4(K).**

A swimming pool is proposed in the front (west) of the property, within the required 25' front setback. As the request does not comply with the setback requirements of this code section, a variance to allow the pool to have a reduced front (west) setback of 10'9" to 13'8" and a 4' side interior (north) setback and is analyzed within the Variance Analysis section of this report.

### 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) – Major Development.**

The subject application is considered "Major Development" as it involves modification of more than 25% of a contributing structure within the RM zoning district.

**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.

**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.

A masonry wall exists in the rear and side of the property between the subject duplex unit and the unit to the north. The revised proposal includes a new 4' black aluminum fence is proposed to enclose the new swimming pool rather than the previously proposed masonry wall and wood fence.

**SECRETARY OF THE INTERIOR 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.**

Standard 1, 2, 3, 5, 9, & 10 are still applicable to this request. The proposal originally included the construction of new two-story 551 square foot addition & carport to the rear of the existing one-story, contributing structure; a new 211 square foot addition to modify the existing 166 square foot porch on front (west) of the main structure; and a new swimming pool and spa to be constructed within the front setback. The revised request has been significantly reduced to include a new one-story 544 square foot garage to the rear (northeast) side of the property, elimination of the modifications to the south side of the structure, and a reduction in the size of the proposed swimming pool.

Regarding Standard 1, 2, 3, and 5 the historic character of the property is that of a one-story Minimal Masonry structure constructed in 1949. The residence gives an appearance of a single-family structure, but as the interior is separated by a wall, the home serves as a duplex. The use of the property will remain a multi-family residence as it was traditionally used, so the property will be used as its original historic purpose.

Regarding Standard 3 & 10, there was concern with the original proposal as the front porch was to be placed forward of the front façade of the contributing residence, which cannot be considered a secondary and subordinate addition and could be viewed as a conjectural feature as the structure was not originally constructed with that style of porch. The porch did not comply with the intent of **Standard 3** as it



represented a **change that creates a false sense of historical development by adding conjectural features or architectural elements from other buildings**. Further, there was concern regarding compliance with **Standard 10, as 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 revised proposal no longer raises concern with these standards as the porch addition has been eliminated, keeping the contributing structure's historic integrity intact.

Regarding Standard 9, as the Guidelines state the **recommended approach** to new exterior additions is to **ensure that the addition is subordinate and secondary to the historic building, it is not recommended that additions be constructed that are as large as or larger than the historic building, which visually overwhelms a historic structure (i.e., results in the diminution or loss of its historic character)**. With the original proposal, a waiver for relief to secondary and subordinate standard was submitted for the proposed front porch addition and the rear 2-story addition as neither were considered to be secondary and subordinate to the massing of the contributing structure.

The revised proposal eliminates the waiver request for both the modification of the front porch and the 2<sup>nd</sup> story addition in the rear of the property.

Alternatively, the new request includes a 544 square foot, one-story garage addition to the rear (northeast) corner of the property. The proposed garage will have a flat sloped roof and will not be visible from the public right-of-way, therefore the request now meets the requirements of these standards.

#### **VISUAL COMPATILTY 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(E)(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(E)(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:
  - 1. 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:
  - 2. 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.

With regards to **Proportion of Openings (Windows and Doors) & Rhythm of Solids to Voids**, the original request included a series of window alterations, removals, and styles that were not appropriate

to the existing structure. The proposed windows on the rear of the new garage will be complimentary to the existing windows. It is noted that the subject addition involves the removal of an existing window and door on the north elevation in order to facilitate construction of the 1-story garage addition. As these openings are being altered to accommodate the addition and in the rear of the property there is not concern with respect to the Proportion of Openings.

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** – The proposed garage addition is to be constructed of concrete block with smooth stucco to match the existing structure. Wall colors were originally proposed to be PPG18-09 – Garlic Clove with accent wall color to be PPG1001-1-Delicate White. The new proposed color for the walls will be SW 7005 “Pure White”. A 4’ black, aluminum fence is now proposed to the front (west) and sides (north and south) to ensure enclose the proposed pool in the front of the property. The existing 4’ stucco wall on the east and south sides of the property are to remain. The existing windows will remain. The proposed materials can be considered appropriate for the structure.

Regarding the visual compatibility requirement for **Roofs:** **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** – The existing roof for the duplex structure is currently a Spanish “S” concrete tile. The original request included replacing the Spanish tile with a wood cedar shake shingles. The roof material is no longer changing with this request and the existing Spanish tile is to remain on the duplex. However, it is noted that the original roof material for the Minimal Masonry structure was asphalt shingle, should the applicants wish to change the roof material in the future, it is recommended that they return to a material more appropriate and visually compatible with the existing architectural style. In addition, the proposed garage will have a sloped (1/4” per foot) flat roof.

With regards to **Additions to contributing structures**, additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building. The request has been revised, which no longer includes the two-story structure in the rear, nor the modification to the front porch. A new 544 sq. ft., one-story, two-car garage is now proposed to the rear of the existing structure. This revised addition can be considered appropriate to the structure as the height and massing do not overwhelm the historic structure.

Overall, the revised proposal includes changes to the application that can now be considered appropriate modifications to the site.

## VARIANCE

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

**Pursuant to Section 4.6.15(G)(1), Pursuant to 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.**

**Pursuant to LDR Section 4.3.4(K), the required front setback for duplexes that are zoned RM is 25'.**

A variance to reduce the front setback from the required 25' to 13'8"-10'9" on the west side of the property to allow the construction of a swimming pool to encroach into the front setback of the property.

**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. The pool is a ground level improvement, which is not anticipated to affect the historic character of 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 and small lot size, special conditions and circumstances exist that are not applicable to other historic lands or structures. The existing placement of the structure on the lot, the proposed rear addition, along with the driveway to the rear of the property does not allow for additional space for a pool to the rear of the site. As the front (west) side of the property has a larger, open area, it can easily accommodate a pool. The north/east corner of the property might also be able to accommodate a pool, but this area is the most appropriate location for an addition as it is in the rear and is the least conspicuous area of the site.

- (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

Literal interpretation of the code could alter the historic character of the site to an extent that it would not be feasible to preserve the historic character of the site and district. The variance request to reduce the required setbacks for the pool is supportable given the ground level nature of the improvement. Although, it is noted that situating the pool in a traditional rear yard location would be possible if the new addition were not proposed.

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

Staff Analysis

The requested variance is not anticipated to significantly diminish the historic character of the historic site nor the historic district. The lots within the Nassau Park Historic District are primarily small in size. The placement of the pool in the front yard will allow for preservation of the structure and allow for an addition to be appropriately placed to the rear of the historic structure. Further, construction of a pool is a ground level improvement that is not anticipated to have a negative effect on the historic character of the site nor district.

- (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 facilitate the construction of a new swimming pool on the property, allowing for the modernization of the site. This can be seen as an appropriate adaptive reuse of the historic property.

**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.

### TECHNICAL ITEMS

1. That all measurements including size, height, and setbacks for the proposed pool equipment be included on the site plan and associated plan sheets.
2. That the required and proposed setbacks be provided in the site data table for the proposed pool setbacks per the approved variance and as required listed in LDR Section 4.6.15.
3. Provide a sidewalk in-lieu fee.
4. That the scale of plan sheet "SP" be revised to be the same scale as the survey (1" = 10' scale).

### OPTIONAL BOARD MOTIONS FOR ACTION ITEMS

- A. Move to continue with direction.
- B. Approve Certificate of Appropriateness (2021-086), Waiver, and Variance requests for the property located at **231 Venetian Drive, Nassau Park Historic District** 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 (2021-086), Waiver, and Variance requests for the property located at **231 Venetian Drive, Nassau Park Historic District** 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:
- D. Deny Certificate of Appropriateness (2021-086), Waiver, and Variance requests for the property located at **231 Venetian Drive, Nassau Park Historic District**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations.

### PUBLIC AND COURTESY NOTICES

☒ Courtesy Notices are not applicable to this request

(The request was continued at the April 6, 2022, HPB meeting to a date certain of June 1, 2022)

☒ Public notice was mailed to property owners within a 500' radius on (3/24/22), 10 days prior to the meeting.

☒ Public Notice was posted to the City's website on (3/24/22), 10 calendar days prior to the meeting.

☒ Public Notice was posted in the main lobby at City Hall on (3/24/22), 10 working days prior to the meeting.

	<u>X</u> Agenda was posted on (05/24/22), 5 working days prior to meeting.
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