CITY OF DELRAY BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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CITY COMMISSION STAFF REPORT

46 Marine Way

Meeting	File No.	Application Type
August 18th, 2026	HP-544-2026	Certificate of Appropriateness, Demolition, Relocation, Variances, & Waivers

REQUEST

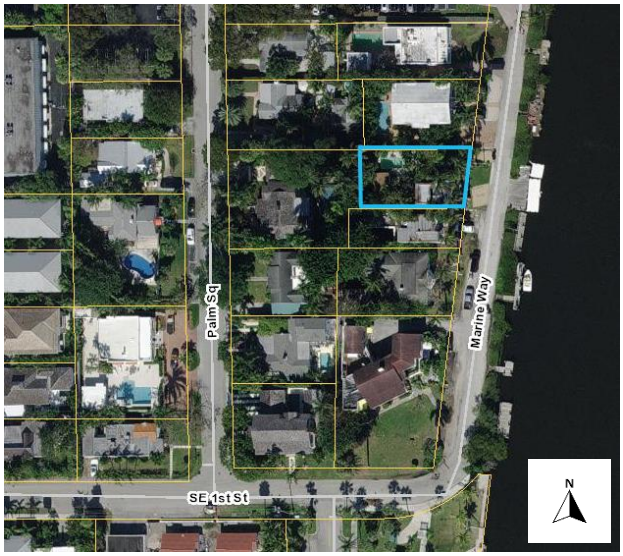
The item before the City Commission is for consideration of a Certificate of Appropriateness (HP-544-2026), Demolition, Relocation, Variances, & Waivers in association with the vertical relocation, alteration and additions to the existing main contributing structure and demolition of the accessory contributing structure for the property located at **46 Marine Way, Marina Historic District.**

GENERAL DATA

Owner: 46 Marine Way, LLC
Applicant: Catherine Craig
Location: 46 Marine Way
PCN: 12-43-46-16-34-000-0642
Property Size: 0.12 Acres
Zoning: Multiple Family Residential (RM)
FLUM: Multiple Family Residential (RM)
Historic District: Marina Historic District
Adjacent Zoning:

- RM - Medium Density Residential (North)
- RM - Medium Density Residential (East)
- RM - Multiple Density Residential (South)
- RM - Multiple Density Residential (West)

Existing Land Use: Residential
Proposed Land Use: Residential



BACKGROUND AND PROJECT DESCRIPTION

The subject 0.12-acre property is located on the west side of Marine Way, south of E. Atlantic Avenue and north of SE 1st Street within the Locally and Nationally Registered Marina Historic District. The property contains a two-story, contributing residential structure in the Mediterranean Revival architectural style and a one-story, contributing detached pool house (originally constructed as a detached garage sometime between 1926 and 1949 per the Sanborn Fire Insurance Maps).

The main residence serves as a prime example of Mediterranean Revival architecture within Delray Beach, and the accessory structure serves as a classic example of a garage that was later altered and converted to a guest cottage. Interestingly, the north side of the existing residence and garage served as the front of the structures, facing a now abandoned pedestrian lane known as “Lovers Lane”, which was abandoned and closed in 1970. The door on the north side of the structure originally served as the front door to the structure. That along with architectural detailing such as the original bell arch and the

Project Planner:	Review Dates:	Attachments:
Michelle Hewett, Senior Planner, hewettm@mydelraybeach.com	CC: August 18, 2026	1. Plans 2. Justification Statements 3. Mover/Relocation/Demo Docs. 4. Building Color and Material

now enclosed staircase on the north elevation of the home could be evidence that the homes original front was north facing.

Much of the original detailing of the main structure has been preserved with minimal alterations occurring in 1983. Such alterations included installation of a new door on the east elevation, construction of a new patio & associated knee wall around the front of the structure, and construction of a new swimming pool. The garage was also altered and converted to a guest cottage in 1983, which included raising the roof and construction of a new tie beam at the top of the existing walls, effectively increasing the minimum interior ceiling height to a minimum of eight foot to ensure the structure met minimum Florida Building Code habitation requirements. The main structure qualifies for individual listing to the National Register of Historic Places.

At its meeting of March 5, 2025, the Historic Preservation Board reviewed an application for Certificate of Appropriateness, Relocations, Variances, and Waivers for the subject property. Specifically, the request included vertical relocation of both the existing contributing, 987 sq. ft. two-story residence and detached, 296 sq. ft. one-story guest cottage, alteration of the structures, construction of new one and three-story additions containing 3,631 sq. ft. connecting the two existing structures (5,255 sq. ft. overall and 4,444 sq. ft. under air), construction of a new swimming pool, and hardscaping. Relief requests for the property included setback variances for the front (east), sides (south) and (north – swimming pool); and waivers to the Land Development Regulations - Visual Compatibility Standards for Secondary and Subordinate and Building Height Plane for the proposed addition. The board did not find the proposal to be consistent with the requirements of the city's Land Development Regulations (LDR), the Secretary of the Interior's Standards, & the Delray Beach Historic Preservation Design Guidelines and voted to continue the request providing direction to the applicant to revise the proposal. The board's concerns were as follows:

- The appearance and scale of the raised porch/patio in relation to the front façade;
- The visual impact of the third floor;
- The size of the proposed roof overhangs of the addition;
- The impact of the structure in relation to the streetscape; and,
- The proposed front yard setback variance.

The applicant revised the proposal and resubmitted the request on April 16, 2025. The modified request for the existing 987 sq. ft. two-story residence and detached, 296 sq. ft. one-story guest cottage were proposed for relocation, alteration, and additions. The proposal continued to involve construction of new one and three-story additions containing 5,457 sq. ft. overall (4,922 sq. ft. under air) connecting the two existing structures, with the existing guest cottage being vertically elevated from grade to the third floor, construction of a new swimming pool, and hardscaping. Additionally, the request was further modified below:

- Revised proposed three Variance requests to add an additional relief request;
- Revised proposed two Waiver requests to add an additional waiver request;
- Revised Relocation request;
- Increased the overall size of structure by 202 sq. ft. an increase from 5,255 sq. ft. overall (4,444 sq. ft. under air) to 5,457 sq. ft. overall (4,921 sq. ft. under air);
    - Increased the square footage of the first floor by 246 square feet;
    - Increased the square footage of the second floor by 397 square feet;
    - Reduced the square footage of the third floor by 185 square feet;
    - Reduced the square footage of the garage by 274 square feet;
- Modified and reduced the front porch element;
- Modified the proposed location of the relocated guest cottage on the site;

- Reduced the overhangs on the additions; and,
- Alteration of the proposed windows.

Variances:
- Front (east) setback relief request;
- Side (south) setback relief request;
- Rear (rear) setback relief request; and,
- Side interior (north) setback relief request (swimming pool).

Relocation:
- Vertical relocation of existing home; and,
- Vertical relocation of existing guest cottage from grade to third floor.

Waivers
- Waiver relief request – Secondary and Subordinate Visual Compatibility Standard;
- Waiver relief request – Building Height Plane Visual Compatibility Standard; and,
- Waiver relief request – Scale of a Building Visual Compatibility Standard

The revised request was subsequently approved by the Historic Preservation Board at their meeting of June 4, 2025.

At its meeting of June 17, 2025, the City Commission appealed the approval of the project, where a de novo review of the decision was to be reviewed on July 15, 2025, but was pulled from the agenda to be heard on August 19, 2025. The request was then denied by the Commission.

Pursuant to LDR Section 2.2.4(E)(5)(a) - Whenever the City Commission or Board has denied a development application: Any further application for the same request shall not be considered on any part or all of the same property for a period of 24 months from the date of such action.

The applicant has since submitted a new application request for the following:
- **Demolition** of the detached, 296 sq. ft. one-story guest cottage;
- Vertical **Relocation** of the existing contributing, 987 sq. ft. two-story residence with construction of a new 544 sq. ft. carport ground level beneath;
- Alteration of the existing residence, including the construction of a two-story addition (24 feet in height) and ground level garage. The structure will contain 4,476 sq. ft. overall (3,489 sq. ft. of new area, 987 sq. ft. existing area, of which 2,333 sq. ft. is air conditioned);
- Construction of a new swimming pool, and hardscaping.
- **Variances**:
  - Front (east) setback relief request for the proposed carport;
  - Side (south) setback relief request; and
- **Waivers**:
  - Secondary and Subordinate Visual Compatibility Standard; and
  - Building Height Plane Visual Compatibility Standard.

At its meeting of July 1st, 2026, the Historic Preservation Board denied a Certificate of Appropriateness, Demolition, Relocation, Variances, and Waivers for the subject property, by a vote of 4 - 3.

Pursuant to LDR Section 2.5(C)(2), the applicant appealed the HPB denial decision on July 8th, 2026.

Pursuant to LDR Section 2.5(E)(2) a *de novo* review of the decision is now before the City Commission.

REVIEW AND ANALYSIS

Pursuant to Land Development Regulation (LDR) Section 2.4.12(A)(5), prior to approval, a finding must be made that any Certificate of Appropriateness is consistent with Historic Preservation purposes pursuant to Objective HPE 1.4 of the Historic Preservation Element of the Comprehensive Plan; the provisions of Section 4.5.1; the Delray Beach Historic Preservation Design Guidelines; and, the Secretary of the Interior's Standards for Rehabilitation.

ZONING USE AND REVIEW

Pursuant to LDR Section 4.4.6 – Multiple Family Residential (RM) Development Standards: The proposed use is single-family residential, which is a permitted use within the RM zoning district. There are no modifications to this portion of the request with the latest submittal. Pursuant to LDR Section 4.4.6(F)(1), the R-1-A District regulations apply to single-family detached dwellings.

Pursuant to LDR Table 4.3.4(A) Building Elements or Site Improvements Allowed in Building Setbacks, air conditioning units, pool equipment, and steps are all proposed within the building setbacks. All elements are proposed to meet the requirements of the code, including the steps leading up to the entry on the north, which are to be 2 feet within the front setback where 3 feet is maximum allowed within the setbacks. There are no generators proposed on the site.

Pursuant to LDR Section 4.3.4(K) Development Standards and LDR Section 4.6.15 Swimming Pools, single-family structures within the RM zoning district, shall be developed according to the requirements set forth in the R-1-A development standards, noted in the chart below:

DEVELOPMENT STANDARDS	REQUIRED	EXISTING	PROPOSED
OPEN SPACE	25%	39%	41.7%
SETBACKS (MINIMUM) FRONT (EAST)	25'	17'7" - 20'6"	17'7" - 20'6" *
SIDE INTERIOR (SOUTH)	7'6"	2'3"	2'3" - 10' *
SIDE INTERIOR (NORTH)	7'6"	22'1"	7'6"
REAR (WEST)	10'	6'8"	10'
HEIGHT (measured from new finished floor elevation)	35'	18'6"	24'
SWIMMING POOL			
FRONT (EAST)	25'	55'7"-53'11½"	25' – 26' 8½"
SIDE INTERIOR (NORTH)	10'	7'2"	10'
SIDE INTERIOR (SOUTH)	10'	35'2"	30'6"
REAR	10'	11'9"	49'3"

*** Variances are required for any new building area that encroaches into required setbacks, including ground floor building area proposed underneath the existing structure.**

Pursuant to LDR Section 4.6.9 - Off-street Parking Regulations(C)(2)(b), Two spaces per dwelling unit. Tandem parking may be used in the Single Family (R-1) Residential Districts or Low Density Residential (RL) District. Required parking spaces shall not be located in the front setback or side street setback areas. For lots that are less than 60 feet wide and do not have alley access, one parking space may be located in either the front setback area or the side street setback area, provided that no more than 50 percent of the front and side street setback area may be improved for parking purposes.

The subject property is less than 60 feet wide and does not have alley access. A two-vehicle gravel parking area exists on the east side (front) of the property, which encroaches into the front setback and the public right-of-way. The request provides for parking for two vehicles within a parking garage/carport proposed for construction underneath the relocated existing contributing residence and the new addition. The proposal eliminates the existing non-conformity with respect to the location of parking spaces. The carport and garage uses have been placed at ground level as the area experiences frequent flooding. Mitigation efforts include flood vents and an open gate for the carport. It is noted that additional flood vents may be required during review of a building permit. Should the flood vents be designed in a manner that alters the architectural elevations, the project may require revision via the COA process or in the least require the architectural elevation drawings to be updated in the COA file.

Pursuant to LDR Section 4.6.14 – Sight Visibility, Intersections (C), When an access way intersects a public right-of-way, all visual obstructions within the sight visibility triangle shall provide unobstructed cross-visibility at a level between three feet and six feet.
The proposal includes a new driveway location for entrance into a carport and garage. There are no proposed fences, gates, or visual obstructions anticipated to be within the sight visibility triangles.

SWIMMING POOL, WHIRLPOOLS, AND SPAS
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).
The property contains an existing swimming pool on the north side of the property, which is proposed for removal. The pool is currently non-conforming as it has a 7-feet 2-inch north side interior setback, where 10 feet is required from the water's edge. The proposal requests the installation of a new pool that meets the required setbacks, including a 25 feet – 26 feet 8½ inches front setback where 25 feet is required. The pool and its deck are meeting all other required setbacks (10 feet from the water's edge from the side interior/rear, and a 5 feet setback is proposed for the deck from all property lines). The pool is to be constructed at the ground level.

ROW DEDICATIONS
Pursuant to LDR Section 5.3.1(A)(6) - Additional right-of-way width may be required to promote public safety and welfare; to provide for stormwater management; to provide adequate area for street trees; and to assure adequate access, circulation, and parking in high intensity use areas. Such a determination shall be advanced by a recommendation from the City Engineer and may be based upon the results of a traffic study or general knowledge of the City. The authority for requiring such additional right-of-way shall rest with the body having the approval authority of the associated development application.
While it is noted that there are no right-of-way dedications required for this application, there is a capital improvement project underway known as the Historic Marine Way Seawall, Roadway and Drainage Improvement. The project is aimed at addressing flooding issues occurring along Marine Way (see photo bottom right). The project will install a new seawall along Marine Way. The drainage system will be upgraded and routed to a new stormwater pump station with a backup emergency generator. Also, a new water-main and sewer system will be installed along Marine Way along with pedestrian friendly lighting, a shared-use path, landscaping/hardscaping improvements, and wayfinding signage.

The city has held community meetings have occurred over the last several years to gather input from the public about the project and the impact of flooding upon the area. The applicant has been encouraged to connect with the Public Works Department to learn more about the project and how their proposal coordinates with the same. An added site plan technical item is that prior to submitting a building permit, the certified plan set (including the survey) be updated to include the improvements for the Marine Way seawall roadway improvement project.

Improve Roadway Conditions

New Section & Status Updates

Flooding Streets

ROOFTOP USES

Pursuant to LDR Section 4.3.3(RR) - Rooftop uses.

a) Rooftop uses in all residential zoning districts. Rooftop uses shall not be located higher than 26 feet and shall be limited to open air terraces and amenities that are ancillary or accessory to the principal use, including but not limited to outdoor kitchen areas, swimming pools, and hot tubs. Rooftops located higher than 26 feet shall not have rooftop uses, may only be accessed for maintenance and repair, and shall not provide elevator access.

1) General design standards for rooftop uses and terraces. All rooftop uses and terraces shall meet the following:

a) Features or structures shall not extend beyond the maximum building height, except pursuant to Section 4.3.4(J)(3), "Exceptions to zoning district height", or as specifically increased by the zoning district regulations.

b) Parking must be provided for principal uses, such as restaurant seating, located on rooftops. Parking is not required for amenities that are ancillary or accessory to the principal use, such as a swimming pool for a condominium.

c) Rooftop use areas greater than 100 square feet and located below the maximum building height shall landscape a minimum of ten percent of the rooftop use area. Rooftop use areas that are located at the maximum building height shall landscape a minimum of 20 percent. Landscaping shall consist of trees, shrubs, ground cover, and vines.

d) Rooftop use areas shall be hardscaped with materials that reduce the urban heat island effect such as cool or reflective roofs, patterned concrete, pavers, or wood decking. Open-air shade elements, such as awnings, trellises, and shade sails are allowed up to ten feet in height subject to the setback requirements of the zoning district.

e) Railings and parapets shall be provided as follows:

(1) The full perimeter of rooftop use area shall be surrounded by a parapet or railing at a minimum height of four feet that is consistent with the architectural style.

(2) For non-residential rooftop uses adjoining or separated by an alley from OSSHAD, RO, or a residential zoning district, rooftop uses and terraces larger than 100 square feet located at any story or height shall provide privacy and mitigate potential impacts to the adjoining property through at least one of the following:
(a) a solid parapet or screening, greater than 75 percent opaque and minimum of six feet in height along the adjoining perimeter; or
(b) a setback of at least 20 feet from the property line(s) with a railing or parapet at least four feet in height along the adjoining perimeter.

f) Restroom facilities allowed to be located above the maximum building height shall be setback an additional ten feet on all sides.

g) All rooftop lighting shall comply with Section 4.6.8 and shall provide full cutoff luminaries to minimize spillover on adjacent properties. Light poles shall not extend beyond the maximum building height.

h) Relief to the general design standards for rooftop uses and terraces is subject to review and action by the City Commission through the waiver process per Section 2.4.7(B).

The proposal includes rooftop use, with rooftop access via a spiral staircase located on the south side of the addition, thus the requirements of this section are applicable. The proposed rooftop sits at 24 feet. The request includes a 4' parapet around the perimeter of the area, which meets the requirements of this code section. Also, barrel tile is proposed along the top the parapet, which is compatible with the existing structures Mediterranean Revival architecture. As the rooftop use is greater than 100 square feet and lower than the maximum building height, it is required to be landscaped, a minimum of 10 percent. The applicant has indicated on the roof plan that a minimum of 10% of the rooftop use (a total of 806 sq. ft.) will be landscaped area (a minimum of 80.6 sq. ft.).

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 4.5.1E(2) – Major and Minor Development.
The subject application is considered "Major Development" as it involves the modification of more than 25 percent of the existing contributing single-family residence within the RM zoning district.

Pursuant to LDR Section 4.5.1E(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.**

The subject site contains an existing 6' fence on the north, west, and south sides of the property. The wood fence is proposed to remain. There is also an existing aluminum fence located with the interior and rear side of the property of the main existing structure. The proposal includes construction of a new pool which will require a pool barrier, that is proposed to be a 4' high black aluminum fence. There are no proposed modifications with the updated request. A site plan technical item has been added that any proposed fencing within the front setback and be not taller than 4 feet and no taller than 3 feet within any sight visibility triangles (pursuant to LDR section 4.6.14(c)).

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.**

A two-car garage beneath the two-story addition in the rear and a new carport are proposed at the ground level underneath the proposed vertically elevated existing main structure. The carport will be accessible from the front of the property and faces east (Marine Way). The proposed two-car garage is located directly behind the carport and is only accessible via the carport. Essentially, a vehicle will enter the carport, drive through the structure and the breezeway (that separates the carport and garage) where the vehicle will access the garage in the rear underneath the structure. Given the narrow width of the lot, orientation for access from the side and/or rear is difficult to achieve, particularly for minimum vehicle turning ratios. It is a unique design approach to solving existing parking constraints on the site.

The carport entry gate is proposed to be 4 feet tall, black aluminum. The two-car garage door will be 7 feet tall, metal, and is not visible from the adjacent Marine Way right-of-way (it is situated between the garage and carport structures). The proposed metal carport entry gate can be seen as compatible with the architectural style, and the dark metal will create the appearance that the carport is open, which is a typical appearance.

This LDR Section relating to **Appurtenances**, states that **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 proposal involves vertical relocation of the main residence, which is situated below the minimum required 9 feet finished floor elevation required by the Federal Emergency Management Agency (FEMA) and the Florida Building Code. Vertical elevation of the contributing structure is anticipated to ensure it is resiliency and longevity, given the frequency with which Marine

Way has flooded. As previously noted, the city has begun a multi-million-dollar improvement project to further reduce the effects of flooding due to severe weather events, king tides, sea level rise, etc. Locating the carport/garage underneath the existing structure and new addition aids in minimizing the impact of vertical relocation upon the contributing residence and can be seen as a step in further preserving the architectural and historical character of the building, site, and surrounding Marina Historic District. It is understood that any garage/carport would still be visible from the Marine Way and Intracoastal rights-of-way given the properties size and parking feasibility. The City Commission will need to make a determination that the appearance, configuration and location of the garage/carport meet the requirements of the LDRs. Additional analysis of the relocation is discussed in the Relocation section of this report.

Parking: Parking areas shall strive to contribute to the historic nature of the properties/districts in which they are located by use of creative design and landscape elements to buffer parking areas from adjacent historic structures. At a minimum, the following criteria shall be considered:

a. **Locate parking adjacent to the building or in the rear.**
b. **Screen parking that can be viewed from a public right-of-way with fencing, landscaping, or a combination of the two.**
c. **Utilize existing alleys to provide vehicular access to sites.**
d. **Construct new curb cuts and street side driveways only in areas where they are appropriate or existed historically.**
e. **Use appropriate materials for driveways.**
f. **Driveway type and design should convey the historic character of the district and the property.**

The subject request includes a two-car garage and carport that is accessed from Marine Way, and the request remains with the revision. As mentioned previously, the site rests substantially below the required FEMA finish floor elevation of 9 feet. As the intent of raising the structure is to protect the contributing structure and any habitable spaces, the use of parking beneath both the existing structure and new addition is appropriate for not only FEMAs standards, but for historic preservation. A new driveway will also be constructed on the front (east) side of the property, to allow direct access to the carport and garage. The driveway material will be pavers which can be considered an appropriate material as they are typically utilized throughout the historic district. Finally, construction of a garage and carport aids in reducing the existing non-conformity of parking situated within the front setback and adjacent right-of-way.

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.

Applicable development and preservation standards have been applied during the review of the proposal while also taking into consideration the original design of the contributing structure and its location within the Locally and Nationally Designated Marina Historic District.

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.

SECRETARY OF THE INTERIOR'S STANDARDS

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.

Standards 1, 2, 3, 5, 9, and 10 are applicable. The existing configuration of the site and its structures is for single-family use, its original function, and no modifications to the use are proposed, thus meeting the intent of **Standard 1**. Regarding **Standard 2, 3, & 5**, the proposal includes the vertical relocation of the existing structure from 2 feet 6 inches and 4 feet N.A.V.D. to 10 feet and 11 feet 10 inches, an

overall one to two feet 10 inches higher than the required nine feet established by FEMA and the Florida Building Code. Pursuant to LDR section 4.3.4(J)(2)(b)(i) allows up to an additional 12 inches of optional freeboard, making the proposed 10 feet appropriate per the LDR requirements. The elevation of the structure is designed to accommodate a new carport beneath it along with a new garage at the same height beneath the rear addition. There are minor window/door modifications to the existing two-story residence, which are expanded on in the Visual Compatibility analysis; all materials/color are proposed to remain with the vertical relocation.

The rear guest cottage is proposed for demolition, which is expanded on in the Demolition analysis section. The front grade level 1980's patio stones and knee wall are proposed for removal with the vertical relocation. There is no concern with the removal of the front patio, as it is ground level improvement and does not provide historic significance for the structure or site.

Additionally, two variances are required to accommodate the new carport structure beneath the existing structure, which is also expanded upon further in the Variance analysis section. The board will need to make a determination that the alterations are compatible with the structure and Marina historic district and that such are appropriate examples of craftsmanship that characterize the Mediterranean Revival style structure.

With regard to **Standards 9 and 10**, there is concern with the proposed size of the rear addition. The previous proposal was for two stories, as is the existing structure, but the interior ceiling heights were substantially taller than the historic structure. As proposed, the existing contributing structure was to have a new height of 19 feet 7 inches (measured from the new finished floor elevation which is approximately 7 feet 6 inches to 9 feet 4 inches above existing) and the addition would be at 24 feet (a 4 feet 5 inch difference). The addition is also proposed to be substantially wider than the existing main structure, however, it is still recessed 24 feet behind the front wall plane; entirely behind the existing main structure. Thus, the waiver for the Secondary and Subordinate Visual Compatibility standard is requested and is analyzed later in the report. The request does utilize a series of methods/designs on the addition that allow it to be architecturally compatible but differentiated from the historic structure. The larger size of the openings on the addition (to accommodate the larger ceilings heights), the introduction of arched features for the garage entrance and balconies, and utilization of a different coral feature along the walls of the carport are some ways the new structure has been integrated into the architecture. Overall, these differences ensure a degree of compatibility, in an attempt to not overwhelm the main residence. Yet, some concern remains with some of the elevations and architectural detailing that is discussed within the Visual Compatibility standards section.

Below are site specific examples of projects and the recommended approach to Elevating a Structure on a New Foundation, (taken directly from the Secretary of the Interior's Flood Adaption Guidelines), that are applicable to the modified request:

(a) *Photo: Rubion Construction Co., LLC*

[83] This historic house has been elevated and altered to an extent that it has lost its historic character and integrity. As part of the project to elevate the house, a new story was added beneath the original one-story building. Elevating a small-scale or one-story building by an additional story is almost always not an appropriate adaption.

HEIGHT OF THE ELEVATION

RECOMMENDED	NOT RECOMMENDED
Identifying and retaining the historic massing, scale, size, form, and proportional relationships of the major elements of the historic building and/or the historic district.	Elevating a building without considering the impact to the massing, size, scale, form, and proportional relationships of the historic building and/or the historic district.
Designing a new foundation that preserves the historic character of the building.	Designing a new foundation that is too tall, so that its size and scale are out of proportion to the historic building and, diminishing its character.

(b) *Photo: Rubion Construction Co., LLC*

ASSOCIATED SITE ALTERATIONS
(SEE ALSO SITE AND LANDSCAPE ADAPTATIONS)

RECOMMENDED	NOT RECOMMENDED
Altering the landscape by adding fill or constructing raised planters to reduce the amount of new foundation that is visible.	Altering a landscape, garden, or archeological site that has historic significance in its own right or that is integral to the significance of the site in conjunction with the building.
Designing new driveways, parking areas, or patios so that they are as unobtrusive as possible and are compatible with the historic character of the property and the district. Using permeable surfaces where possible.	Adding new site features in prominent locations where they negatively impact the historic character of the building site or result in the loss of historic landscape features or plant materials. Adding new driveways and curb cuts to facilitate parking underneath an elevated house.

[93] This home has used elevated planting beds across the front of the house to bring the landscaping up higher and help screen the change in height. The stairs are stone, to blend in with the foundation and the planters, and a landing breaks up the long run of stairs at a point that aligns with the top of the planters. This provides a visual reference point for what was the original foundation height. The garage remains at grade level. *Photo: FloodSavvy.com*

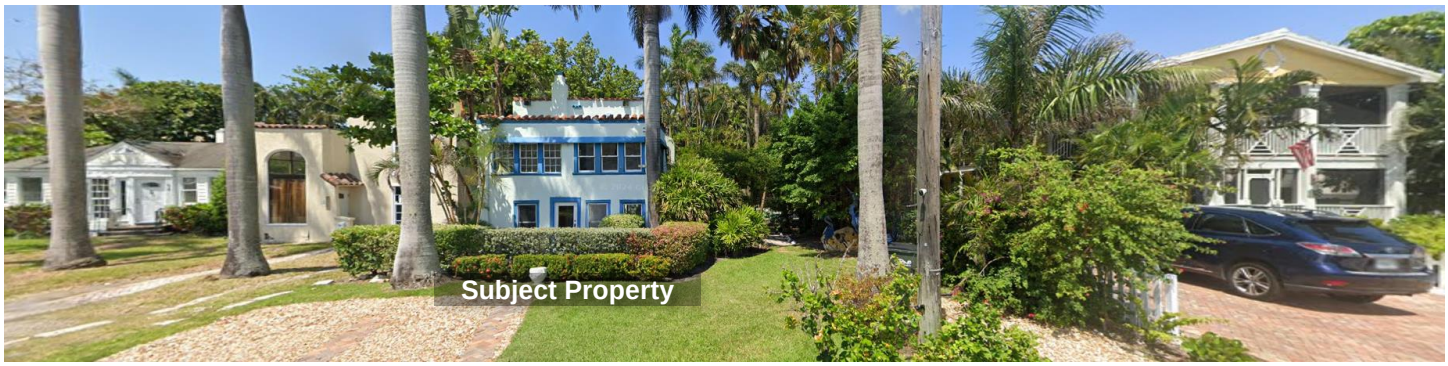
NEW FOUNDATION	
RECOMMENDED	NOT RECOMMENDED
Using creative design techniques to minimize the perception of the change in height and appearance of the foundation of the historic building where compatible. Creating an illusion of solidity in tall open foundations by installing louvers or traditional lattice between piers or posts. Creating an illusion of a shorter foundation in wood-clad buildings by lowering the transition point from visible foundation materials to siding or weatherboard.	Designing new foundation treatments that mask the change in elevation to a point that alters the historic proportions of the building and changes its historic character.

As mentioned previously, the structure is being raised to meet the current FEMA requirements, and as a result, preserving the existing principal structure for the future. The request incorporates architectural elements currently on the existing structure, while allowing the existing proportions to remain. Along the front (east), the introduction of the arched carport entryway, and single hung window help alleviate the appearance of what would otherwise be a solid wall foundation. The proposed new carport wall finish is to be coral rock, in a style different to the existing organic rock style coral that exists on the north side of the structure. Consideration could be given to the introduction of landscaping around the base to further reduce the impact of the new wall. Below is imagery of the existing and proposed streetscapes of the subject structure and surrounding properties, (some that are under development review) and the future FEMA raised streetscape along Marine Way. These images depict examples of how alteration of a site and structure can impact the historic streetscape (regarding massing and height), and the historic integrity of the existing structure(s).

Proposed streetscape

Proposed streetscape – Development Application Projects

Proposed streetscape – FEMA elevated



Existing streetview - Marine Way

The proposed method of connection involves the removal of the rear walls, and the retention of the existing floors, including the mezzanine. This method is commonly seen with rear additions, as it involves minimal structural modification to the primary façade. As the existing main residence is being vertically relocated as well, there are additional structural method assurances required, discussed in the relocation analysis section. The board will need to make a determination that the proposal can be found in compliance with the Secretary of the Interior's Standards and Guidelines.

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(E)(2) shall be determined by utilizing criteria contained in (a) through (m) below. Visual compatibility for all development on individually designated properties outside the district shall be determined by comparison to other structures within the site.

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 4.5.1I(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:

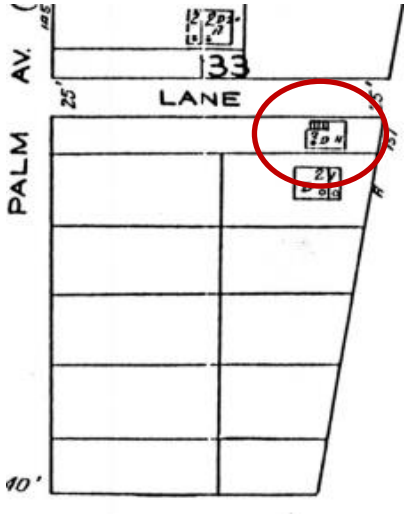
1. Additions shall be located to the rear or least public side of a building and be as inconspicuous as possible.
2. Additions or accessory structures shall not be located in front of the established front wall plane of a historic building.
3. Characteristic features of the original building shall not 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.

With respect to **Height**, both the existing structure and proposed addition are to be at a finish floor of 10 feet N.A.V.D. (10 feet and 11 feet 10 inches for the existing structure), where height is then measured from that new finish floor elevation. The proposal will have the new two-story addition situated 4 feet 5 inches taller than the principal structure, where there is concern with respect to Visual Compatibility. With the vertical relocation, relief is requested for the Building Height Plane (BHP) requirements, as once elevated, the existing structure and portions of the two-story addition will be within the “no build zone”. This request is expanded on in the Waiver request section.

The **Front Façade Proportion** of the building, as proposed, is wider than most structures along the streetscape, particularly compared to the other two-story structures. The Commission will need to make a determination if the proposed front façade impact is substantial enough to be considered compatible. The request includes modifications to the existing **openings (windows and doors)**, however, they retain the existing **proportions**. Modifications to the existing window configuration/appearance include the following:

- East (Front) – Removal of the entry door for the installation of a six-over-six single hung window, replacement of the existing windows with six-over-six single hung windows;
- South (Side Interior) – Replacement of two adjacent one-over-one single hung windows to six over six, replacement of two two-over-two single hung windows with six-over-six, removal of a closed window with a two-over-two window;
- North (Side Interior) – Replacement of four one-over-one windows for six-over-six single hung, replacement of two one-over-one windows for two-over-two single hung windows and the installation of a new door; and
- The west elevation is to accommodate the addition, thus a new window pattern is proposed.

There are no concerns with the proposals' window/door modifications, particularly with the removal of the east facing door, as it has been uncovered through additional research that the door was not original to the structure. Further, it is believed that the orientation of the front of the residence may have been facing the north where Lovers Lane a pedestrian right-of-way once existed. Thus, the structure historically and currently retains its entrance from the north side.



Regarding compliance with the **Proportion of Openings (Windows and Doors)** Visual Compatibility requirement, along the south elevation, there were new single hung and clerestory windows, substantially larger in scale to the existing structures. The proposal will utilize larger windows than on the existing, which will aid in differentiating between the old and the new. There is proposed use of a clerestory window on the first floor, where the use of this window type is not consistent with the Mediterranean Revival architectural style. Further, this type of window is only utilized once on the main existing residence. Consideration could be given to a vertically oriented window type, which is the common window appearance on the existing structure or windows that communicate that a staircase is situated on the interior. The proposal will also aid in creating a transition of the original structure to the new addition, however, there is concern with the large size of the proposed carport windows situated directly underneath the existing structure. Those window openings could be smaller in size for visual compatibility purposes. There is also a proposed closed window with shutters, which has been utilized to maintain appropriate proportions while allowing flexibility to the interior space (whose interior functions are not a requirement of the visual compatibility standards). Along the north elevation, the proposal utilizes single hung windows in place of the clerestory, which is compatible with the architectural style. This elevation also includes openings that are considered compatible with the standards regarding blank walls. Some of these openings are to have a closed decorative wood shutter, to keep an appropriate rhythm appearance, while again allowing flexibility for the interior space. The elevations not highly visible from the public right-of-way also includes openings/fenestration/architectural features, which also addresses any concern regarding the treatment of all elevations, even those not visible from the public right-of-way, meeting the requirements of the guidelines. Consideration could be given to the use of muntins along the rear windows for further compatibility. The existing structure contains a harmonious **Rhythm of Solids to Voids,** and thus the proposed additions should retain a similar ratio. The proposed window and door configuration assists in retaining a residential appearance and ensure compatibility with the existing structure.

With regard to **Relationship of Materials, Texture, and Color,** the proposal is to utilize an organic raised coral stone feature, similar to but differentiated from the existing coral feature on the north elevation, which is proposed to be cleaned and remain. Retention of the existing coral is an important historic context clue as it is indicative of an open air and partially enclosed stairway that once existed on the north elevation. This material ensures compatibility with the Relationship of Materials, Texture, and Color and would not create a false sense of historic context. It is not seen as **mimicking too closely the style of the existing building nor replicating the original design but can be coherent in design with the existing building.**

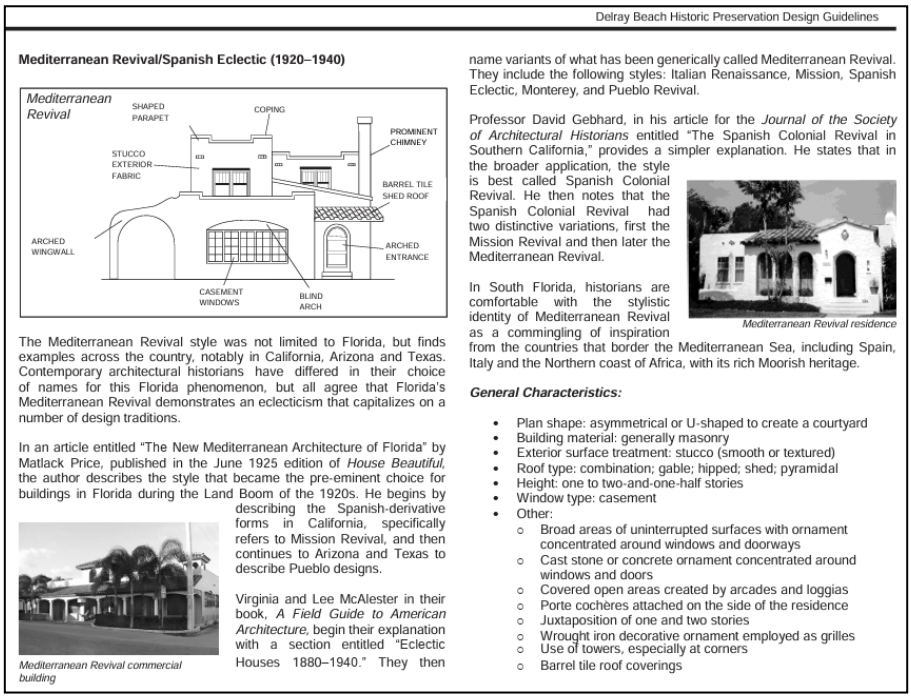
Existing Coral Feature (North Elevation)

The proposed roof is to be barrel tile, with the Cementous walls and downspouts are to be painted creamy beige - Sherwin Williams Napery (SW 6386) and the Fasia, Trim, and Columns to be painted off white - Sherwin Williams Whitetail (SW 7103). The railings are proposed to be black aluminum, and all windows/doors are to be white frame aluminum with clear glass (no tint, non-reflective, and no low-e). There are no proposed modifications to these materials/color with the revision.

There is some concern regarding the **Rhythm of Entrance and/or Porch Projections** and **Directional Expression Of The Front Elevation** as the original main structure is no longer prominent due to the addition being substantially larger, in addition to the new ground level beneath to accommodate FEMA requirements. The addition, however, is recessed behind the entire existing structure, though a portion of it is highly visible from the adjacent Marine Way right-of-way. The proposal adds contrasting architectural features to assist in making the existing structure more prominent, however. This includes the use of muntins on all of the windows across the front elevation and organic raised coral stone feature where the carport is proposed. This does impact the structures appearance and rhythm from the street. The City Commission will need to make a determination that the proposed additions are compatible with respect to the rhythm of entrance and/or porch projections and directional expression of the front elevation.

Proposed Rendering

For **Architectural Style**, the proposal will maintain the existing ornamental elements including the clay roof scuppers and downspouts. The proportion of windows and doors on the proposal along with it slight differences against the existing can be seen as compatible. Ther is concern with the size of the windows along the carport. Additionally, as the style is Mediterranean Revival, one and two-and-one-half stories is most appropriate. As previously mentioned, the proposal is for a two-story that is taller than the existing two-story structure. This height difference is mainly due to the type of architecture, as common roof heights utilized during the existing residences period of construction were lower than what is seen in modern construction. Regarding the **Roof**, the addition proposes modest overhangs which can be seen as appropriate for architectural compatibility while creating distinction between the existing residence and the modern version: the addition. The City Commission will need to make a determination that the proposal is compliant with the **Architectural Style** visual compatibility standard.



Delray Beach Historic Preservation Design Guidelines

Mediterranean Revival/Spanish Eclectic (1920–1940)

The Mediterranean Revival style was not limited to Florida, but finds examples across the country, notably in California, Arizona and Texas. Contemporary architectural historians have differed in their choice of names for this Florida phenomenon, but all agree that Florida's Mediterranean Revival demonstrates an eclecticism that capitalizes on a number of design traditions.

In an article entitled "The New Mediterranean Architecture of Florida" by Matlack Price, published in the June 1925 edition of *House Beautiful*, the author describes the style that became the pre-eminent choice for buildings in Florida during the Land Boom of the 1920s. He begins by describing the Spanish-derivative forms in California, specifically refers to Mission Revival, and then continues to Arizona and Texas to describe Pueblo designs.

Mediterranean Revival commercial building

Virginia and Lee McAlester in their book, *A Field Guide to American Architecture*, begin their explanation with a section entitled "Eclectic Houses 1880–1940." They then name variants of what has been generically called Mediterranean Revival. They include the following styles: Italian Renaissance, Mission, Spanish Eclectic, Monterey, and Pueblo Revival.

Professor David Gebhard, in his article for the *Journal of the Society of Architectural Historians* entitled "The Spanish Colonial Revival in Southern California," provides a simpler explanation. He states that in the broader application, the style is best called Spanish Colonial Revival. He then notes that the Spanish Colonial Revival had two distinctive variations, first the Mission Revival and then later the Mediterranean Revival.

Mediterranean Revival residence

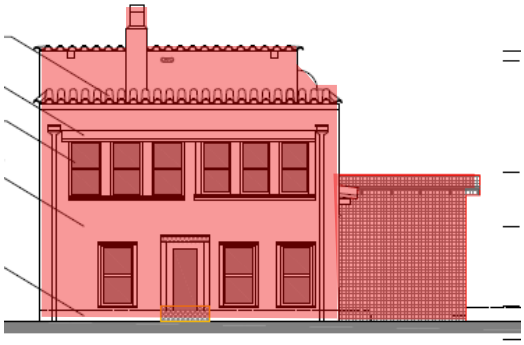
In South Florida, historians are comfortable with the stylistic identity of Mediterranean Revival as a commingling of inspiration from the countries that border the Mediterranean Sea, including Spain, Italy and the Northern coast of Africa, with its rich Moorish heritage.

General Characteristics:

- Plan shape: asymmetrical or U-shaped to create a courtyard
- Building material: generally masonry
- Exterior surface treatment: stucco (smooth or textured)
- Roof type: combination; gable; hipped; shed; pyramidal
- Height: one to two-and-one-half stories
- Window type: casement
- Other:
  - Broad areas of uninterrupted surfaces with ornament concentrated around windows and doorways
  - Cast stone or concrete ornament concentrated around windows and doors
  - Covered open areas created by arcades and loggias
  - Porte cochères attached on the side of the residence
  - Juxtaposition of one and two stories
  - Wrought iron decorative ornament employed as grilles
  - Use of towers, especially at corners
  - Barrel tile roof coverings

Regarding the **Additions** visual compatibility standard, there is concern with the proposed new addition in relation to the existing historic structure and surrounding historic structures within the Marina Historic District. While the proposed addition is in an appropriate location, to the side and rear of the existing structure, it still remains substantially larger than the historic structure, affecting visual compatibility relating to additions being "as inconspicuous as possible". The addition being recessed, the open-air balconies, and the introduction of a carport does aid in reducing the intensity of the proposed modification. It is understood that the structure must be elevated for not only FEMA/Florida Building Code requirements, but for the preservation of the structure. Efforts should be made to keep the existing structure as the focal point of the site, when accommodating new additions, which the proposal contains some elements that do aid in maintaining the existing structure prominence. This includes the six-over-six windows along the front of the existing structure, and providing differentiation from the new, and the organic raised coral material beneath. Two waivers for relief have been submitted to the Building Height Plane and Additions (Secondary and Subordinate) visual compatibility standards. Both are analyzed later in the report.

Proposed Addition



Proposed Addition

The following guidelines are applicable with the proposal. According to the **Secretary of the Interior's Standards and Guidelines for Rehabilitation** (pg. 110):

ENTRANCES AND PORCHES

RECOMMENDED	NOT RECOMMENDED
Identifying, retaining, and preserving entrances and porches and their functional and decorative features that are important in defining the overall historic character of the building. The materials themselves (including masonry, wood, and metal) are significant, as are their features, such as doors, transoms, pilasters, columns, balustrades, stairs, roofs, and projecting canopies.	Removing or substantially changing entrances and porches which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Cutting new entrances on a primary façade. Altering utilitarian or service entrances so they compete visually with the historic primary entrance; increasing their size so that they appear significantly more important; or adding decorative details that cannot be documented to the building or are incompatible with the building's historic character.
Retaining a historic entrance or porch even though it will no longer be used because of a change in the building's function.	Removing a historic entrance or porch that will no longer be required for the building's new use.

Pursuant to the **Secretary of the Interior's Standards and Guidelines for Rehabilitation** (pg.156 & 158):

NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED	NOT RECOMMENDED
New Additions	
Placing functions and services required for a new use (including elevators and stairways) in secondary or non-character-defining interior spaces of the historic building rather than constructing a new addition.	Expanding the size of the historic building by constructing a new addition when requirements for the new use could be met by altering non-character-defining interior spaces.
Constructing a new addition on a secondary or non-character-defining elevation and limiting its size and scale in relationship to the historic building.	Constructing a new addition on or adjacent to a primary elevation of the building which negatively impacts the building's historic character.
Constructing a new addition that results in the least possible loss of historic materials so that character-defining features are not obscured, damaged, or destroyed.	Attaching a new addition in a manner that obscures, damages, or destroys character-defining features of the historic building.
Designing a new addition that is compatible with the historic building.	Designing a new addition that is significantly different and, thus, incompatible with the historic building.
Ensuring that the addition is subordinate and secondary to the historic building and is compatible in massing, scale, materials, relationship of solids to voids, and color.	Constructing a new addition that is as large as or larger than the historic building, which visually overwhelms it (i.e., results in the diminution or loss of its historic character).

NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED	NOT RECOMMENDED
Ensuring that the addition is stylistically appropriate for the historic building type (e.g., whether it is residential or institutional).	
Considering the design for a new addition in terms of its relationship to the historic building as well as the historic district, neighborhood, and setting.	

RELOCATION ANALYSIS

Pursuant to LDR Section 4.5.1(E)(6)(b)(1), Relocation of Contributing or Individually Designated Structures, Criteria - when considering the relocation of a contributing structure from a historic district, or an individually designated structure from a site, the Board shall be guided by the following, as applicable:

a. **Whether the structure will be relocated within the same historic district, into a new historic district, or outside of a historic district;**
b. **Whether the proposed relocation may have a detrimental effect on the structural soundness of the building or structure;**
c. **Whether the proposed relocation would have a negative or positive effect on other historic sites, buildings, or structures within the originating historic district, at the new site;**
d. **Whether the new surroundings of the relocated structure would be compatible with its architectural character; and,**
e. **Whether the proposed relocation is the only practicable means of saving the structure from demolition.**

The existing historic structure is situated along the west side of Marine Way and has a finished floor elevation of 2 feet 6 inches to 4 feet N.A.V.D. (the building is stepped where a porch was enclosed), which is below the required 9-foot FEMA & Florida Building Code finished floor requirements. It is noted that Marine Way does experience significant flooding, in fact it is the subject of a multi-million-dollar city improvement project to install/construct flood resilient mechanisms such as higher seawalls, flood pumps, drainage, etc. The FEMA maps were recently updated requiring the finished floor elevation to change from 6' to 8'. It is also noted that the Florida Building Code requires an additional 12 inches above the FEMA requirement, bringing the current finished floor elevation requirement to 9'. Additionally, the Land Development Regulations allow an optional 12 inches of freeboard, pursuant to LDR Section 4.3.4(J). The proposal includes the relocation of the existing main residence, as the accessory structure is proposed for demolition. relocation proposes the existing structure to sit at 10 feet to 11 feet 10 inches, which is above the FEMA requirement, but permitted per the Land Development Regulation requirements. Raising the historic structure will accommodate a new carport beneath it. Although the height of the carport could be reduced to reduce the visual impact of the overall structures vertical elevation, it is noted that the use as a non-habitable, open carport provides less constraint for modifications to the elevations appearance, allowing more flexibility for new openings, finishes, etc. There are concerns with regard to the massing, character, and compatibility of the proposed addition in relation to the existing structure, however.

Pursuant to LDR Section 4.5.1(E)(6)(b)(2), <u>Relocation of Contributing or Individually Designated Structures, Relocation Plan</u> - when considering the relocation of a contributing or individually designated structure, the Board shall require a Relocation Plan that includes the following:

a. **A detailed explanation of the relocation method including the type of machinery and equipment to be utilized;**
b. **A demolition plan illustrating any parts of the structure to be removed or modified to facilitate the relocation;**
c. **An illustration of locations where the building will be split, as applicable;**
d. **The name of the Florida Licensed Building Mover who will relocate the structure(s) and the following support materials, if available:**
    i. **A description of the Florida Licensed Building Mover's past experience in moving historic buildings of a similar construction technique.**
    ii. **Photographs of prior relocation projects completed by the Florida Licensed Building Mover taken before and after the relocation, if applicable.**

e. A certified engineering report which includes:

i. A relocation feasibility study with an assessment of the building's structural condition to determine any damage that might occur during the move.

ii. Details and a description of the historic structure's construction type including technique and materials and current condition of materials.

iii. Identification of any areas of concern, and how these areas will be addressed prior to the relocation.

Modern Movers is the proposed Relocation Contractor (mover) who is a Florida Licensed Contractor. The Mover has indicated that they have experience with relocating historic structures in Delray as well as other Florida cities. Their method of vertical relocation consists of raising structures with steel beams, unified jacking system, and cribbing to secure the structure until the new foundation is constructed. Multiple steel beams are to be placed beneath the structure, to which the structure is hydraulically loaded onto the beams, then elevated to the proposed elevation with helical pilings installed. Once pilings are in place, a new footing is poured, then the structure is lowered to allow the concrete stem wall to be constructed, then the structure is finally placed onto the new wall. In some instances, structures must be shifted horizontally within the site in order to place the new foundation and then returned to its original location. Such technique is dependent on the existing slab and footing construction method.

The sections and screenshots below are appliable to the request. Pursuant to the Secretary of the Interior's Standards for Rehabilitation and Guidelines on Flood Adaptation for Rehabilitating Historic Buildings:

ELEVATE THE BUILDING ON A NEW FOUNDATION

"This adaptation method involves raising the height of a building by lifting the building from the existing foundation, constructing a higher foundation, and resetting the building on the new base. While this is one of the most common solutions for addressing flood risk, the historic character and appearance of the building can be considerably impacted when the change in height of the new foundation is significantly different from the original height. Elevating a building on a new foundation can greatly affect the historic character and integrity of the building, and any associated historic district, if not carefully planned and considered.

A smaller-scale building may be difficult to elevate more than a few feet without having an impact on its historic character. With some exceptions, elevating a small building to a height approaching a full story will not meet the Standards for Rehabilitation. The historic setting, features, spaces, and materials of a building should be preserved if they are important in conveying the historic associations, character, and significance of the property. As the height of a building increases, meeting the Standards will be more challenging because of the substantial change to the character and appearance of foundations, basements, porches or terraces, and staircase height and length, as well as other exterior features and materials. For buildings within historic districts, elevations should be coordinated to maintain the historic spatial and architectural relationships among buildings and the character of the district. Local preservation guidelines can help provide standardized design and treatment approaches for elevating buildings specific to the district. Where there is a tradition of elevating buildings, there may be more flexibility to increase the height of a foundation. In this historic context, a more significant degree of change may be acceptable while still maintaining the historic character of the property. Traditional adaptive approaches may be specific to certain regions, to building or construction types in those areas, and have common materials or design features. It is important to maintain the material and foundation treatments of the regional tradition."

ELEVATE THE BUILDING ON A NEW FOUNDATION

This adaptation method involves raising the height of a building by lifting the building from the existing foundation, constructing a higher foundation, and resetting the building on the new base. While this is one of the most common solutions for addressing flood risk, the historic character and appearance of the building can be considerably impacted when the change in height of the new foundation is significantly different from the original height. Elevating a building on a new foundation can greatly affect the historic character and integrity of the building, and any associated historic district, if not carefully planned and considered.

A smaller-scale building may be difficult to elevate more than a few feet without having an impact on its historic character. With some exceptions, elevating a small building to a height approaching a full story will not meet the Standards for Rehabilitation.

HEIGHT OF THE ELEVATION

RECOMMENDED	NOT RECOMMENDED
Identifying and retaining the historic massing, scale, size, form, and proportional relationships of the major elements of the historic building and/or the historic district.	Elevating a building without considering the impact to the massing, size, scale, form, and proportional relationships of the historic building and/or the historic district.
Designing a new foundation that preserves the historic character of the building.	Designing a new foundation that is too tall, so that its size and scale are out of proportion to the historic building and, diminishing its character.

ASSOCIATED SITE ALTERATIONS
(SEE ALSO SITE AND LANDSCAPE ADAPTATIONS)

RECOMMENDED	NOT RECOMMENDED
Altering the landscape by adding fill or constructing raised planters to reduce the amount of new foundation that is visible.	Altering a landscape, garden, or archeological site that has historic significance in its own right or that is integral to the significance of the site in conjunction with the building.
Designing new driveways, parking areas, or patios so that they are as unobtrusive as possible and are compatible with the historic character of the property and the district.	Adding new site features in prominent locations where they negatively impact the historic character of the building site or result in the loss of historic landscape features or plant materials.
Using permeable surfaces where possible.	Adding new driveways and curb cuts to facilitate parking underneath an elevated house.

Not Recommended:

Recommended:

Pursuant to LDR Section 4.5.1(E)(6)(b)(3), Relocation of Contributing or Individually Designated Structures, Supplemental Documentation - The following information shall be provided with the application for a Certificate of Appropriateness for relocation of a contributing or individually designated structure prior to Board consideration:

a. **As built drawings of the building as it exists on its originating site before undertaking the move, particularly if the move will require substantial reconstruction, including but not limited to floor plans, elevations, and architectural details and profiles;**
b. **Photographs of the site and the interior and exterior of the building, including but not limited to all elevations and exterior details.**
c. **History of any code violations applied to the structure and property, along with an explanation of any pending violations or structure violations which have been issued within five (5) years of the application request.**

Architectural drawings documenting the existing conditions of the structure have been provided as well as interior and exterior photographs of the structure.

Pursuant to LDR Section 4.5.1(E)(6)(b)(4), Relocation, Relocation of Contributing or Individually Designated Structures, Concurrent New Development Review - Applications for a Certificate of Appropriateness for relocation shall be submitted concurrently with the application for a Certificate of Appropriateness for the new development on the originating site.

The subject request for relocation of the structure on site includes modifications to the existing structures.

Pursuant to LDR Section 4.5.1(E)(6)(b)(5), Relocation, Relocation of Contributing or Individually Designated Structures, Site Maintenance - If the originating site is to remain vacant and construction of the new development will not commence for more than 90 days following the relocation, the lot shall be sodded and maintained in a manner consistent with other open space in the historic district.

The proposal involves the relocation of the existing structure within the site; thus, this requirement is not applicable.

Pursuant to LDR Section 4.5.1(E)(6)(b)(6), Relocation, Relocation of Contributing or Individually Designated Structures, Successful or Unsuccessful Relocation - The relocation of a historic structure is deemed successful when either no damage occurs during or as a result of the relocation or minimal damage occurs which is not deemed to compromise the integrity (structurally and architecturally) of the structure, and when the relocation is completed in accordance with the approved Certificate of Appropriateness, including the associated Relocation Plan.

a. **If damage occurs during the relocation, then the property owner, applicant and/or Licensed Building Mover shall notify the Historic Preservation Planner and Chief Building Official within 24 hours of completion of the move to determine if the damage has compromised the integrity of the structure, thereby deeming the relocation as unsuccessful.**
b. **If a relocation is not successful, then the property owner and/or applicant shall notify the Historic Preservation Planner and Chief Building Official within 24 hours of the failed relocation, or before the close of business on the next business day.**
c. **Failure of any degree to successfully relocate the historic structure may result in the revocation of any site development relief (waivers, variances, internal adjustments, or other relief) associated with the relocation that has been granted by the Board or the City Commission, as required by the Planning and Zoning Director.**
d. **The applicant or property owner may submit a written request for the reconsideration of any previously approved site development relief associated with the unsuccessfully relocated structure in accordance with the following:**
    i. **The reconsideration request shall be submitted to the Planning and Zoning Director within five business days of notification of the unsuccessful relocation. The reconsideration will be placed on the next available agenda of the recommending or approving body as appropriate.**
    ii. **Requests for reconsideration shall include a statement regarding the relocation, documentation of the relocation, an explanation of the relocation failure, and how the relocation failed to meet the Relocation Plan of the approved Certificate of Appropriateness and the corrective actions to address issues caused by failed relocation.**

The Applicant must comply with this code section should there be damage that compromises the integrity of the structure, and if relocation is deemed unsuccessful.

Pursuant to LDR Section 4.5.1(E)(6)(b)(7), <u>Relocation, Relocation of Contributing or Individually Designated Structures, Public Notice</u> - All applications for a Certificate of Appropriateness for the relocation of a contributing structure or an individually designated structure shall meet the "Additional Public Notice" requirements of LDR Section 2.4.2(B)(f)(j).

A notice of the Relocation was posted on the City's website at least ten days prior to the scheduled hearing, sent to surrounding property owners within a 500' radius of the subject property, and the notice was also posted at City Hall.

Pursuant to LDR Section 4.5.1(E)(6)(d), Relocation, Supplemental Requirements, all buildings and structures approved for relocation shall comply with the following:

1. **The building to be relocated shall be secured from vandalism and potential weather damage before and after its move, in a manner as approved by the Chief Building Official.**
2. **All structures approved for relocation and awaiting issuance of a building permit for the new development on the originating site shall be maintained so as to remain in a condition similar to that which existed at the time of the application.**
3. **All structures to be relocated pursuant to this Section shall comply with the requirements of Section 7.10.11, "Moving of Building: Historic Structures".**

The Applicant shall meet all requirements of this code section.

LDR Section 7.10 – Moving of Building

The request must be compliant with the requirements of this code section including the below referenced code section relating to Surety Bond or Letter of Credit.

Pursuant to LDR Section 7.10.5, Cash deposit, bond, or insurance required.

(A) Cash deposit. An application hereunder shall be accompanied by a cash deposit in the sum of $5,000.00, as an indemnity for any damage which the City may sustain by reason of damage or injury to any highway, street, or alley, sidewalk, fire hydrant, or other property of the City, which may be caused by or be incidental to the removal of any building over, along, or across any highway, street, alley, or other rights-of-way within the City and to indemnify the City against any claims of damages to persons or private property, and to satisfy any claims by private individuals arising out of, caused by, or incidental to the moving of any building over, along, or across any street in the City.

(B) Bond in lieu of deposit. Any person filing an application hereunder may, in lieu of the general cash deposit required above, file with the Building Official a bond, approved as to form by the City Manager, executed by a bonding or surety company authorized to do business in the state in the amount of $5,000.00, conditioned upon the assurance that this subchapter and other applicable ordinances and laws will be complied with. This bond shall run to the City for the use and benefit of any person intended to be protected thereby and shall be conditioned on the payment for any damages or losses resulting from any malfeasance, misfeasance, or nonfeasance or negligence in connection with any of the activities or conditions upon which the permit applied for is granted.

(C) Insurance policy in lieu of deposit. Any person filing an application hereunder may, in lieu of the general cash deposit required above, file with the Building Official a liability insurance company authorized to do business in the state, and approved as to form by the City Manager, in the same amount and providing the same protection as would be required for a bond hereunder.

(D) Historic structure relocation bond. In addition to the above, an applicant requesting the relocation of a contributing structure or an individually designated structure shall provide a Surety Bond or a Letter of Credit in favor of the City of Delray Beach and in a form satisfactory to the City Attorney's Office of an amount equal to 125 percent of the "fair market value" of the property which includes the value of the land and any improvements such as the historic structure, as determined by or through an MAI (Member of the Appraisal Institute) appraisal. The appraisal must be performed no more than 60 days prior to the date of application for a relocation permit. The Surety Bond or Letter of Credit shall not be released until final inspection of the successfully completed relocation to the new foundation. Failure to successfully relocate a Historic structure may result in the forfeiture of the Surety Bond or a draw on the Letter of Credit as determined by the City Commission upon recommendation by the Historic preservation Board.

The request must comply with the requirements of this code section if approved.

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:

- **a. 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.**
- **b. 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.

(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 (1) copy of the recording shall be submitted to the City's Planning and Zoning Department, and one (1) copy shall be submitted to the Delray Beach Historical Society for archiving purposes.

The proposal involves the demolition of the one-story, 296 square foot, accessory structure located at the rear (west) side of the property. The accessory structure currently exists as a pool house, but was originally designed as a garage, further substantiating the evidence that the front of the building faced north. The structure was constructed prior to 1949, according to the Sanborn Maps, and is considered contributing. The Commission will need to make a determination that the proposal has been executed appropriately.

Per the submittal requirements of this code section, appraisals for the existing site including the demolished garage were submitted along with justification statements and cost estimates.

a. Whether the structure is of such interest or quality that it would reasonably fulfill criteria for designation for listing on the national register.
The accessory structure is already considered a contributing structure within the Locally and Nationally Designated Marina Historic District.

b. Whether the structure is of such design, craftsmanship, or material that it could be reproduced only with great difficulty or economically nonviable expense.
As this is an accessory structure that was originally intended for a vehicle, the ornamentation and detailing is very limited, with simple windows and openings. A determination could be made that the structure could be reproduced within a reasonable cost for today's values.

c. Whether the structure is one of the last remaining examples of its kind in the designated historic district within the city.
This accessory structure is not considered one of the last remaining examples of its kind. This type of structure is commonly seen throughout several Historic Districts.

d. Whether retaining the structure would promote the general and value of a particular culture and heritage.
As the structure is located in the rear, not visible from the right-of-way and accessory to the main residence, it can be determined that retention of the structure does not have a substantial impact to the overall Marine Way streetscape.

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.
The applicant has submitted plans for renovation and immediate reuse of the structure as a residence upon completion of the alteration and additions.

VARIANCE ANALYSIS

Pursuant to LDR Section 2.4.11(A) A variance is a departure from the dimensional or numeric requirements of these land development regulations where such variance will not be contrary to the public interest and where, owing to the existing 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.

Pursuant to LDR Section 2.1.9(E)(12)(d)(1)&(3), Board Actions. The Board hereby has the authority to take action on Variances from LDR Section 4.3.4 - Base district development standards and LDR Section 4.6 - Supplemental District Regulations associated with property, sites, and structures located within a Historic District or for Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1(I), pursuant to the procedures and standards of the LDR.

Below are the Variance requests for the subject property:

LDR Section	Requirement	Existing	Proposed
Variance Request 1: Front (East) Setback 4.3.4(K) Structure Setback (Minimum)	25’	17’7” - 20’6”	17’7” - 20’6” (Existing Structure)
Variance Request 2: Side Interior (South) Setback 4.3.4(K) Structure Setback (Minimum)	7’6”	2’3” - 6’1”	2’-3” (Existing Structure)

Variance Request 1

Pursuant to Section 4.3.4(K), Development Standards Matrix, the required front setback is 25’ for the R-1-A zoning requirements. The request is to reduce the minimum required front (east) setback, from 25 feet to a range of 17 feet 7inches -20 feet 6 inches for a carport addition beneath the existing contributing structure.

Pursuant to LDR Section 2.4.11(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.

The request includes the vertical relocation of the existing structure to comply with FEMA requirements, construction of a new carport beneath, and the construction of a two story addition, with a garage below grade. The existing 987 sq. ft. main structure is currently non-conforming, with a front setback of 17 feet 7inches -20 feet 6 inches. The variance to allow the existing structure to be vertically relocated for a new foundation/carport can be seen as necessary to maintain the historic character of the property, as it will aid in flood resiliency. There is no concern that the granting of the variance would be contrary to the public interest, safety, or welfare.

(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.
The subject property is approximately 52 feet wide and 90 feet deep and the existing contributing residence encroaches into the front setback at 17 feet 7inches - 20 feet 6 inches. As the site is smaller than the required zoning regulations permit, the site's existing non-conformity could be considered a special condition or circumstance that currently exists. The request is specific to the new building area located directly below the existing structure. It is noted that the proposal includes construction of a two-story addition to the side and rear of the property, which is proposed to meet the setback requirements.

(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.
Literal interpretation of the code, while complying with FEMA requirements, would result in the structure being shifted back on the property AND construction of a new foundation. Whether a new foundation or new carport are proposed the structure still needs to be vertically elevated. The proposed request facilitates the structure to maintain its horizontal placement on the lot. This could be seen as appropriate for the visual compatibility of the existing structure, as preservation of the historic character of the residence also relies upon compliance with these standards, which the proposed front setback variance is not anticipated to impact.

(d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.
The historic structure is setback to 17 feet 7 inches - 20 feet 6 inches from the front property line and is proposed to remain at that setback once vertically elevated. The variance request, if approved, would allow construction to be facilitated directly beneath the existing home, which can be seen as maintaining the historic character of the site and Marina Historic District, while complying with the changing finished floor elevation requirements of FEMA and the Florida Building Code.

(e) That the requested variance is necessary to accommodate an appropriate adaptive reuse of a historic building, structure, or site.
The property has historically been utilized for residential use and is proposed for residential use. This specific variance is only for the new carport space beneath the existing structure. The proposal also involves a two-story addition and garage, which are proposed to meet the required setbacks. Therefore, the requested variance is necessary to accommodate an appropriate adaptive reuse, as the existing main structure is required to be elevated to meet current flooding regulations, and the use of a carport directly beneath the structure is an appropriate addition for the proposed adaptive reuse. There is concern, however, with the overall size of the rear addition. It is reasonable to expect that the existing contributing structure could be enlarged in order to accommodate its adaptive reuse without negatively impacting its integrity.

Variance Request 2
Pursuant to Section 4.3.4(K), Development Standards Matrix, the required side interior setback is 7'6" for the R-1-A zoning requirements. The request is to reduce the minimum required side interior (south) setback, from 7 feet 6 inches to 2 feet 3 inches for a carport addition beneath the existing contributing structure.

Pursuant to LDR Section 2.4.11(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.
The request includes the vertical relocation of the existing structure to comply with FEMA requirements, construction of a new carport beneath, and a new garage and two -story addition in the rear and side of the existing structure. The existing setback for the historic structure on the side (south) of the property is 2 feet 3 inches and is an existing non-conformity. The proposed side setback would allow for the vertical relocation of the structure, without increasing the amount of structure within the non-conforming setback, as the carport is proposed directly underneath the existing structure. The Commission will need to determine if the variance is necessary to maintain the historic character of the property and that such would not be contrary to the public interest, safety and welfare.

(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.
The request is for a new carport to be constructed directly below the existing main residence, at the existing south side setback of 2 feet 3 inches, which is the current south side setback for the existing main structure. Due to the lot being 52 feet by 90 feet +/- (4,972 sq. ft. overall lot area), there could be some constraints with regard to building an addition on the site as it is less than the minimum required lot size for the zoning district (7,500 sq. ft.).

(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.
Literal interpretation of the code, while complying with FEMA requirements, would result in the structure being shifted back on the property AND construction of a new foundation. Whether a new foundation or new carport are proposed the structure still needs to be vertically elevated. The proposed request facilitates the structure to maintain its horizontal placement on the lot. This could be seen as appropriate for the visual compatibility of the existing structure, as preservation of the historic character of the residence also relies upon compliance with these standards, which the proposed front setback variance is not anticipated to impact.

(d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.
The historic structure is proposed to remain at its current non-conforming setbacks but will be elevated vertically on the site. The variance request, if approved, would allow construction to be facilitated directly beneath the existing home, which can be seen as maintaining the historic character of the site and Marina Historic District, while complying with the changing finished floor elevation requirements of FEMA and the Florida Building Code.

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

The property has historically been utilized for residential use and is proposed for residential use. This specific variance is only for the new carport space beneath the existing structure. The proposal also involves a two-story addition and garage, which are proposed to meet the required setbacks. Therefore, the requested variance can be seen as necessary to accommodate an appropriate adaptive reuse, as the existing main structure is required to be elevated to meet current flooding regulations, and the use of a carport directly beneath the structure is an appropriate addition for the proposed adaptive reuse. There is concern, however, with the overall size of the rear addition. It is reasonable to expect that the existing contributing structure could be enlarged in order to accommodate its adaptive reuse without negatively impacting its integrity.

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 requests was sent to those property owners located within a 500' radius of the subject property.

WAIVER ANALYSIS

Pursuant to LDR Section 2.4.11(B) A waiver involves the granting of partial or total relief from a specific development regulation. A waiver may be granted to the procedural and substantive provisions of these regulations. A waiver may be granted only for those substantive items within these regulations for which such provision is made. A waiver to substantive provisions may be granted only by the approving body with the final authority to approve or deny the related development application.

Pursuant to LDR Section 2.1.9(E)(12)(i), Board Actions. The Board hereby has the authority to take action on any other regulations or requirements that specify relief is available by the body acting upon the development application.

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

Waiver Request 1:

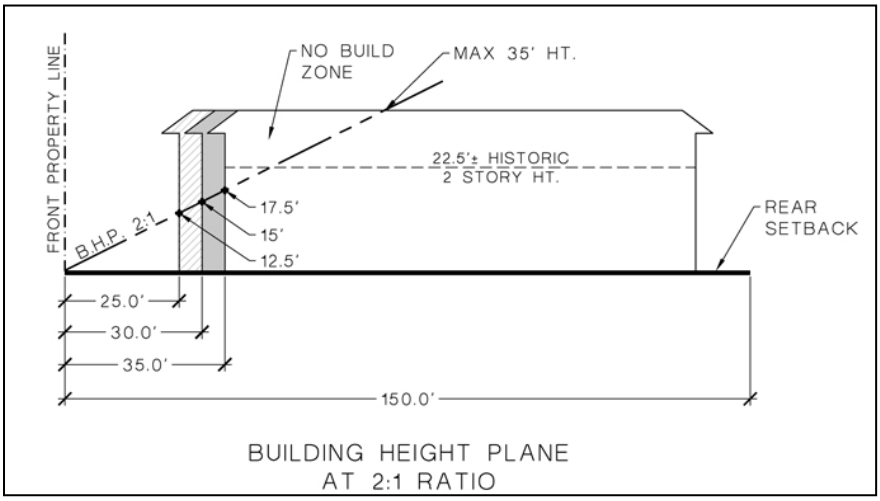
The Waiver request is to allow the existing vertically elevated structure and portions of the two-story addition to encroach within the required 2:1 Building Height Plane (BHP) ratio.

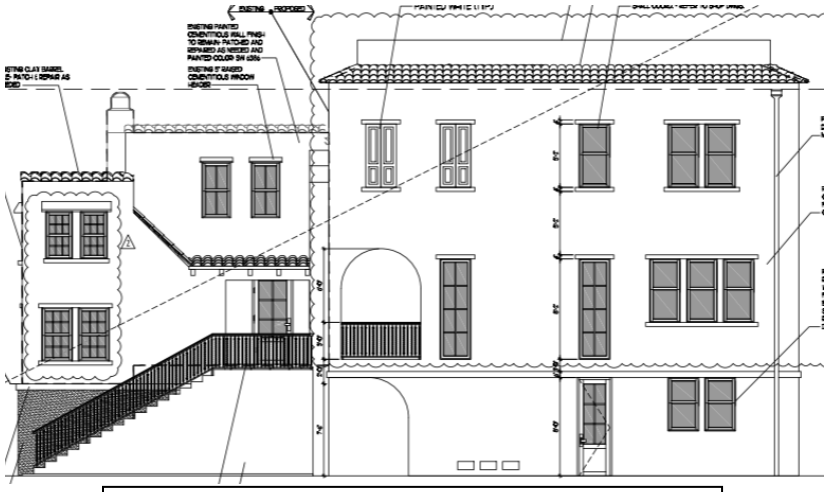
Pursuant to LDR Section 4.5.1(E)(7)(a) Height.

(a) 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 following:

1. Building Height Plane (BHP): The building height plane technique sets back the overall height of a building from the front property line.

a. The building height plane line is extended at an inclined angle from the intersection of the front yard property line and the average grade of the adjacent street along the lot frontage. The inclined angle shall be established at a two to one (2:1) ratio. See illustration below.





Proposed Building Height Plane

Pursuant to LDR Section 2.4.11(B)(5) – <u>Findings</u>: The following findings must be made prior to approval of a waiver:

(a) Shall not adversely affect the neighboring area:

The request would allow for the existing two-story structure, once elevated, and portions of the proposed two-story structure to encroach into the "No Build Zone" of the BHP standard requirements. There is concern that relief will cause the overall request not to be compatible with the historic streetscape as this standard is a tool to control massing and height within historic districts. It is noted however, that vertical elevation of historic structures along Marine Way is imminent given recent increases from FEMA to the minimum finished floor elevation requirements and ongoing flooding occurring in the area. The concern is to what degree the waiver is necessary. The reduced height does reduce the amount of the addition within the building height plane. Some level of waiver is anticipated with improvement of the property. The Commission will need to make a determination that the waiver shall not adversely affect the neighboring area.

(b) Shall not significantly diminish the provision of public facilities;
The proposal is required to meet the standards for drainage, which will be reviewed at the time of the building permit. With that said it is anticipated that the proposal may utilize a drainage trenching system, which stores drainage underground. The proposal is situated along Marine Way, where a multi-million-dollar city capital improvement project is underway to make the area more flood resilient. The proposed waiver involves private residential development and there could be concerns with the site's ability to retain drainage in an underground trenching design, particularly during King tide events. The Commission will need to make a determination that the proposal will not diminish the provision of any public facilities.

(c) Shall not create an unsafe situation; and,
The request is anticipated not to cause any unsafe situations.

(d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.
As more development occurs within historic district, it is imperative that the historic sites and the historic streetscape as a whole remain with compatible massing and size in order to maintain the historic setting of the district. The Marine Way area is known for flooding during storms and King tide events, vertical elevation of the existing contributing structure is expected to improve its resiliency to flooding. The minimum finished floor elevation requirement per FEMA and the Florida Building code is 9 feet, where the proposal involves elevation of the existing structure to a finished floor elevation range of 10 feet to 11 feet – 10 inches. The increased finished floor elevation design will accommodate a carport beneath the existing structure. Hence, the new addition is designed to match the 10 feet finished floor elevation.

A large portion of the historic structure and portion of the new two-story addition fall within the "No Build Zone" of the BHP. It may not be possible to elevate the existing two-story structure to the minimum FEMA finished floor requirements without seeking a waiver to this visual compatibility standard, however the design of an addition could comply. Consideration could be given to keeping the structure at its lowest possible elevation per FEMA, to reduce the amount of the structure within the "No Build Zone". Should the proposal have planned for a one or shorter two-story addition it would reduce the impact upon the historic district and adjacent streetscape. The Commission will need to determine if the waiver results in a special privilege and if the same waiver would be granted under similar circumstances on other property.

Waiver Request 2:
Pursuant to LDR Section 4.5.1(E)(7)(m)(6), Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.
A waiver to allow for relief to the secondary and subordinate Visual Compatibility Standard for the proposed two-story addition.

Pursuant to LDR Section 2.4.11(B)(5) – Findings: The following findings must be made prior to approval of a waiver:

(a) Shall not adversely affect the neighboring area:
The submitted waiver request is due to the construction of a two-story addition to the rear and side of an existing two-story structure, which does not meet the Visual Compatibility Standard as it relates to the requirement that "Additions be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building." It is noted, however, that

with recent development pressures in Delray Beach, many property owners want to expand their buildings to allow for "modernization" such as bigger kitchens, closets, bathrooms, etc. Such alterations and additions are common but depend upon the configuration of the site. Per the Secretary of the Interior's Standards and Guidelines for Rehabilitation it is not recommended to ***Construct a new addition that is as large or larger than the historic building, which visually overwhelms it (i.e., results in the diminution or loss of its historic character).***

In a historic district, an appropriate addition should not overwhelm a one-story and especially a two-story structure. Also, over the years, there have been large additions and new construction to some properties within several of Delray's historic districts, including the Marina Historic District, many of which have occurred on Marine Way, that can be seen as having a negative impact upon the historic integrity of the area. This type of construction was the impetus behind removal of most of the 300 block from the historic district with the last Historic Resource survey in 2008. The redevelopment of several properties within that block pushed the limits on massing and scale. Recently, there have been applicants that have based their cases for large additions or arguments for relief to code requirements relating to massing, upon the fact that the Historic Preservation Board has approved large additions and new construction on neighboring properties. It is noted that each request is considered by the Boards and Commission on a case-by-case basis.

The Visual Compatibility Standards are specific in that they contain massing controls and require compatibility with "historic structures" within the district; thus, if the existing development pattern is a low scale (one or two-story structures) then that is what is appropriate for modifications to historic buildings and structures. It is noted the proposed addition is two-stories, but it is taller and substantially wider than the existing residence. However, it is recessed behind the entire building and contains balconies to reduce the impact of the massing. The addition also complies with setback requirements.

(b) Shall not significantly diminish the provision of public facilities;
The proposal is required to meet the standards for drainage, which will be reviewed at the time of the building permit. With that said it is anticipated that the proposal may utilize a drainage trenching system, which stores drainage underground. The proposal is situated along Marine Way, where a multi-million-dollar city capital improvement project is underway to make the area more flood resilient. The proposed waiver involves private residential development and there could be concerns with the site's ability to retain drainage in an underground trenching design, particularly during King tide events. The City Commission will need to make a determination that the proposal will not diminish the provision of any public facilities.

(c) Shall not create an unsafe situation; and,
The request is not anticipated to create an unsafe situation.

(d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.
As more development occurs within historic districts, it is imperative that the historic sites and the historic streetscape as a whole remain with compatible massing and size in order to maintain the historic setting of the district. The Marine Way area is known for flooding during storms and King tides and vertical elevation of the existing contributing structure will improve its resiliency to flooding. The height requirement to elevate to a minimum 9-foot finished floor elevation is now required by FEMA and the Florida Building Code, with an optional 12 inches

of freeboard, per the Land Development Regulations. The proposal involves elevating the existing structure to a finished floor elevation of 10 feet and 11 feet 10 inches, in order to accommodate a ground level carport underneath the historic residence. Thus, nearly the entire historic structure falls within the "No Build Zone" of the BHP, which appears unavoidable when elevating the structure.

With that said, the addition is still taller than the raised existing structure. It is noted that it is likely that some of the second floor addition behind the existing residence will not be visible when standing in front of the property (viewed from the right-of-way), particularly since the existing structure will no longer be at its original height with the vertical relocation. However, the portions of the addition not directly behind the existing main structure will be visible. The City Commission will need to determine if the waiver results in a special privilege and if the same waiver would be granted under similar circumstances on other property.

Finally, the subject property is considered smaller than the minimum requirements for a lot in R-1-A zoning district, and there is some constraint on square footage that can be built on the property. However, it is noted that the proposal is for a 3,489 sq. ft. addition to the rear of the 987 sq. ft. main structure property and demolition of the 296 sq. ft. pool house. The proposal will result in a building containing 4,333 sq. ft. on the 4,972 sq. ft. lot. While smaller non-conforming lots are common within historic districts, it is possible to construct an addition that can be considered more secondary and subordinate to the main structure, than what is proposed.

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

Note: As required by the LDRs, a notice regarding the subject Waiver requests was sent to those property owners located within a 500' radius of the subject property.

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:

HPE Policy 1.4.1 - Continue to require that the Historic Preservation Board make findings that any land use or development application for a historic structure, site or within a historic district, is consistent with the provisions of the Secretary of the Interior's Standards for Rehabilitation, the Land Development Regulations, and Delray Beach Historic Preservation Design Guidelines.
The City Commission will need to make a determination that the request can be found to be consistent with the provisions of LDR Section 4.5.1 relating to historic sites and districts as well as the Secretary of the Interior's Standards and the Delray Beach Historic Preservation Design Guidelines.

SITE PLAN TECHNICAL ITEMS

1. That the existing elevations be revised to indicate existing finished floor elevations (both interior finished floor elevations for the first floors) and top of floor values not "top of existing exercise" as such does not delineate a floor measurement value (first floor, second floor, mezzanine, etc.);
2. That the existing architectural elevation plan sheets are revised prior to site plan certification to indicate and illustrate all existing building architectural elements and materials including but not

limited to, coral, scuppers, gutters, etc. and that such elements and materials be labled as “existing to remain” on the proposed elevations;

3. That any proposed fencing within the front setback not be taller than 4 feet and no taller than 3 feet within any sight visibility triangles;
4. That the applicable requirements for Rooftop Uses are met prior to site plan certification including but not limited to 10 percent of the rooftop being landscaped, or that the spiral staircase is removed and replaced with an access point such as a scuttle hole, ladder with locks for pedestrian access, etc.
5. That prior to site plan certification, the proposed garage door color is indicated on the door schedule;
6. That prior to site plan certification, the driveway dimensions are updated on the civil plans; and
7. That at the time of certification, all required signatures in ProjectDox are active (not expired);
8. That prior to the submittal of a building permit, the certified plan set (including the survey) be updated to include the improvements for the Marine Way seawall roadway improvement project;
9. That at the time of submittal of a building permit, the sidewalk fee is paid;
10. That at the time of submittal of a building permit, a fire sprinkler system be designed for the structure and indicated on building plans;
11. That the building to be relocated shall be secured from vandalism and potential weather damage before and after its move, in a manner as approved by the Chief Building Official;
12. That the structure approved for relocation and while waiting for issuance of a building permit for the new development shall be maintained so as to remain in a condition similar to that which existed at the time of the application; and
13. That prior to issuance of a building permit, the request must comply with LDR 4.5.1(E)(6) and LDR Section 7.10 – Moving of a Building, including but not limited to the requirements for a Historic Structure Relocation Bond, as follows:
    a. A cash deposit, bond, or insurance for the proposed relocation be provided, pursuant to LDR Section 7.10.5.

ALTERNATIVE ACTIONS

A. Move to continue with direction.

B. Approve Certificate of Appropriateness (HP-544-2026), Demolition, Relocation, Variances, and Waivers for the property located at **46 Marine Way, Marina 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 (HP-544-2026), Demolition, Relocation, Variances, and Waivers for the property located at **46 Marine Way, Marina 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 (HP-544-2026), Demolition, Relocation, Variances, and Waivers for the property located at **46 Marine Way, Marina 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 were provided to the following, at least 5 working days prior to the meeting: Marina Historic District Homeowners Association	☑ Public Notice was mailed to property owners within a 500' radius on 8/17/26, 10 days prior to the meeting. ☑ Public Notice was posted at the property on 8/11/26, 7 calendar days prior to the meeting. ☑ Public Notice was posted in the main lobby at City Hall on 8/5/26, 10 working days prior to the meeting. ☑ Public Notice was posted to the City's website on 8/7/26, 10 calendar days prior to the meeting. ☑ Agenda was posted on 8/7/26, 5 working days prior to meeting.

TAC Timeline Table			
Review No.	**Submittal Date**	**TAC Comments Transmitted**	**Board Meeting Date**
1	**04/17/2026**	**05/08/2026**	**N/A**
2.	**5/18/2026 & 5/22/2026 (Demolition Appraisals)**	**Determined Board Ready 5/22/2026**	Scheduled for June 3 HPB Meeting
3.	**6/10/26 (address board comments)**	**Determined Board Ready 6/10/2026**	Scheduled for July 1 HPB Meeting
4.	**Appealed July 8**		Scheduled for August 18th CC Meeting