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December 20, 2016

Via: Hand Delivery

Ms. Chevelle Nubin, City Clerk
City of Delray Beach
100 NW 1st Avenue
Delray Beach, FL 33444

Re: Administrative Appeal
Our File No.: JULM006

Dear Chevelle:

This letter is an appeal filed pursuant to Section 2.4.7(E) of the City of Delray Beach Land Development Regulations ("LDRs") on behalf of Marc Julien Homes (the "Appellant") the owner of property located at 218 NE 5th Court, Delray Beach, Florida 33444 (the "Property"). This is an appeal of an administrative interpretation and/or a finding made by an approving body and/or of a decision made by an approving body.

This appeal is being made by Weiner & Thompson, P.A., counsel for the Appellant, pursuant to Section 2.4.7(E)(2) of the LDRs. The required appeal fee in the amount of \$375.00 is enclosed. The action being appealed is the decision by the Historic Preservation Board (the "Board") to deny the request for demolition of a contributing structure on the Property. The action was taken by the Board at its meeting on Wednesday December 7, 2016, and the Board sent a letter to Appellant on December 14, 2016 detailing its decision. A copy of the letter from the Historic Preservation Board is attached as **Exhibit "A"**. The basis of the appeal is discussed further below. The Appellant's interest is that the Appellant is the owner of the property and is unable to demolish the structure without approval of the Historic Preservation Board.

At its December 7, 2016 meeting, the Historic Preservation Board failed to consider substantial competent evidence meeting the standard of proof for the support of the application. The Board's decision is not supported in that the evidence submitted met the burden of proof.

Among other items the Board failed to consider or incorrectly considered is the application of current Building Code requirements to the structure at issue. At the December 7th meeting, Applicant presented information relating to the impossibility of bringing the structure on the property up to current Building Code standards. Applicant presented letters from two engineers as evidence that the structure is incapable of meeting the current building code requirements. Both engineers determined that the current structure is not salvageable. Copies of these letters are attached as **Exhibit "B"**. Ms. Amy Alvarez informed the Board that Applicant could keep the structure on the property as long as it was structurally sound, stating also that the structure would

not have to meet current building code requirements. Based on these incorrect statements from Ms. Alvarez, the Board voted to deny Applicant's request for permission to demolish the building. The email Ms. Alvarez sent following the Board meeting, which summarized her conversation with the Building Department, stated that the structure would in fact need to meet current Building Code requirements. The email from Ms. Alvarez to Applicant on December 13, 2016, which contradicts her statements about the Building Code at the Board meeting, is attached as **Exhibit "C"**.

As discussed above, the Board improperly assumed that the structure would not need to meet Building Code requirements. The Board relied upon a statement which the City has directly contradicted, whether or not that contradiction came in the form of a final decision. Accordingly, with respect to both the contradiction as to the position of the City on the matter of rebuilding and the information supplied to the Board at the meeting, we are making this appeal.

Appellant is respectfully requesting that the City Commission conduct a hearing de novo and determine that the Appellant is entitled to a demolition of the structure and a consistent position as to rebuilding. We request this matter be placed on the meeting agenda for the next regular City Commission meeting. Upon your receipt of these materials, if you believe any additional documentation is required, please contact us. We reserve all rights, including but not limited to the right to submit additional evidence in support of this appeal at or prior to the City Commission hearing.

Very truly yours,



Michael S. Weiner

MSW:rz

Cc: R. Max Lohman, Esq., City Attorney (via email)
Mr. Tim Stillings, Director, Planning and Zoning (via email)
Mr. Don Cooper, City Manager (via email)

CITY OF DELRAY BEACH



100 N.W 1st AVENUE

• DELRAY BEACH, FLORIDA 33444 •

561/243-7000

December 14, 2016

Marc Julien Homes
Attention: Marc Julien
755 NW 17th Avenue, Suite 107
Delray Beach, Florida 33445

EXHIBIT A

RE: 218 NE 5th Court; COA 2017-011

Dear Mr. Julien:

At its December 7, 2016 meeting, the Historic Preservation Board (HPB) reviewed the Certificate of Appropriateness request for the demolition of a contributing structure on the property located at 218 NE 5th Court in the Del-Ida Park Historic District. The Board voted to deny the request on a vote of 7-0, based on a finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in LDR Section 4.5.1(F).

As the Board's action is considered final, you do have the right to appeal their decision to the City Commission. Please review the City's Land Development Regulations for further guidance on the procedural requirements to file an appeal, if you so desire.

If you have any questions, please feel free to contact me at (561) 243-7284 or via e-mail at alvarez@mydelraybeach.com.

Sincerely,

Amy E. Alvarez

Amy E. Alvarez, AICP
Senior Planner

BRENNAN ENGINEERING, INC.

1600 S. Dixie Hwy., Ste. 400B, Boca Raton, FL 33432

(561) 392-3748 (Office) (561) 392-4833 (Fax)

June 3, 2016

EXHIBIT B

City of Delray Beach
Building Department
Delray Beach, FL

Re: 218 NE 5th Court
Delray Beach, FL

Building Official,

Regarding the one story single family home at the above referenced address, our office has performed site inspections of the framing (roof, walls, floor) and the foundation to assess the integrity of the structural members and the building's overall structural ability. The roof, walls, and floor are structural wood members and the foundation is constructed with a continuous concrete footings and a masonry stem wall.

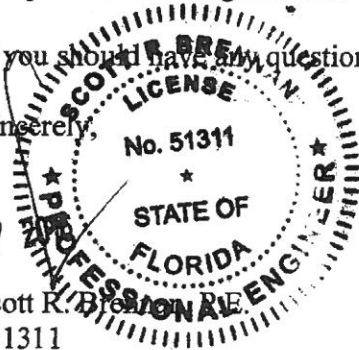
The roof framing members are incapable of supporting the loads required by the FBC and, in many locations, is deteriorated, cracked, and/or broken. The floor joists are in similar condition. The exterior wall framing is installed in a manner that creates a hinge point in some locations and is in most cases unable to meet the wind loading. In additions, the continuous load path is nonexistent. No straps or anchors are used at the roof joist to wall connections, or wall to foundation.

It is my opinion, based on the inspections and knowledge of the FBC, that the current structure is incapable of meeting the basic FBC loading requirements and therefore is not salvageable.

If you should have any questions or need any further information, please feel free to call.

Sincerely,

Scott R. Brennan
#51311





QUANTUM ENGINEERING ASSOCIATES INC.

Structural Engineering & Cost Segregation

July 12, 2016

APPROVAL LETTER

City of Delray Beach Building Department
Delray Beach, Florida

RE: 218 NE 5th Ct
Delray Beach, FL

Dear Building Official:

Please be advised that our office has inspected the above referenced structure with regards to its structural integrity and the retro-fit required to bring the structure up to current FBC code. The structure was found to be completely framed with wood members from the roof and walls down to the floor. The foundation is a new masonry/concrete stem-wall type foundation that was placed prior to moving the structure to its current location.

Upon inspection, it was immediately noticed that the roof members are undersized and in a lot of cases have deteriorated or failed and split. This roof framing would not be able to support the loading required by current code. The floor joists are in similar condition with more deterioration and rot observed. The exterior wall framing in many locations is terminated at headers or horizontal framing rather than framed full height between brace points as is required to maintain a continuous load path. This creates an unstable hinge point in the wall. The sill plate around the majority of the perimeter is deteriorated along with many of the studs. Due to the age of the house there no strapping or anchorage of the joist to top plate, top plate to stud nor the stud to bottom plate. Complete strapping would be required to transfer the current wind loading.

Based on our inspection and the requirements of the FBC, we believe this structure is incapable of meeting the current requirements of the code and would require a complete deconstruction and reconstruction in order to do so. Therefore it is our opinion that the current structure is not salvageable.

If you have any questions, please feel free to call me.

Thank You,



Digitally signed by Shawn Stambaugh, PE
DN: cn=Shawn Stambaugh, PE, o=Quantum
Engineering Associates, Inc., ou=FL PE 61850,
email=sstambaugh@qeassociates.com, c=US
Date: 2016.07.14 22:37:57 -04'00'

Shawn M. Stambaugh, P.E.

State of Florida:

Registered Professional Engineering Number: 0061850

300 AVENUE OF CHAMPIONS, SUITE 260, PALM BEACH GARDENS, FLORIDA 33418
P/ 561.202.6994 F/ 561.296.2494
C.A. 26210

EXHIBIT C

From: "Alvarez, Amy" <Alvarez@mydelraybeach.com>
Date: Tuesday, December 13, 2016 at 6:37 PM
To: Valerie Cacciaguida <valerie@marcjulienhomes.com>, Marc Julien <mjulien@marcjulienhomes.com>
Cc: "Stillings, Tim" <stillings@mydelraybeach.com>
Subject: RE: 218 - email to building department

Good Afternoon,

I spoke briefly with Steve Tobias last week and was finally able to speak with Steve and Bill Kraemer together this afternoon. At this time, there is no new information, and the historic building would need to meet building code with electrical, plumbing, etc.

In addition to discussing the Building Code, we looked at the permit file for the relocation, and noticed that the letter submitted by Joseph P. McCarty, Architect, indicates that the structure was inspected and determined to be structurally sound. Mr. McCarty also specified that no plumbing or electrical work would be incorporated with the foundation. We also looked through the permit application submitted in 2015 for the additions and alterations to the existing structures. It was noted that the Building Code requirements were included in those plans, and that the permit was close to approval with just a few outstanding comments by Engineering and Building.

I will be sending out the Board's decision letter by the end of this week. Please let me know if you have any questions. Thank you.

Amy E. Alvarez

Senior Planner, AICP
City of Delray Beach, Planning & Zoning
100 NW 1st Avenue, Delray Beach, Florida 33444
561.243.7284
www.mydelraybeach.com

Please note that all presentations requiring the City's computer MUST be provided by 12 noon the day before the meeting, either to the Planning and Zoning Department or via email to the project planner.

PUBLIC RECORDS NOTE: Florida has a very broad public records law. Most written communications to or from local officials, employees, or the general public regarding city business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

WEINER & THOMPSON, PA
OPERATING ACCOUNT
 10 SE 1ST AVE., STE. C
 DELRAY BEACH, FL 33444-3693

CENTERSTATE BANK
 DELRAY BEACH OFFICE
 DELRAY BEACH, FL 33483

7443

63-1403/631

CHECK ARMOR
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TRADE PROTECTION

12/20/2016

PAY TO THE ORDER OF City of Delray Beach

\$ **375.00

Three Hundred Seventy-Five and 00/100*****

DOLLARS

City of Delray Beach
 100 N.W. 1st Avenue
 Delray Beach, Florida 33444

MEMO

JULM006



AUTHORIZED SIGNATURE

HEAT SENSITIVE MP

WEINER & THOMPSON, PA

OPERATING ACCOUNT

7443

City of Delray Beach
 Cost Advance

JULM006

12/20/2016

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City of Delray Beach
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