

# HISTORIC PRESERVATION BOARD

## CITY OF DELRAY BEACH

### ---STAFF REPORT---

**MEETING DATE:** June 26, 2017 and June 27, 2017 (if needed)

**ITEM:** 44 South Swinton Avenue, Old School Square Historic District (Building 'G') – Consideration of a Certificate of Appropriateness for the Relocation of a contributing structure.

**RECOMMENDATION:** Approve

#### GENERAL DATA:

**Owner/Applicant:** Atlantic Ave Development, LLC  
and MGM Sundy House, LLC

**Agent:** Bonnie Miskel, Esq. – Dunay,  
Miskel and Blackman, LLP

**Location:** 44 South Swinton Avenue between  
West Atlantic Avenue and  
SW 1<sup>st</sup> Street

**Zoning District:** Old School Square Historic Arts  
District (OSSHAD)

**Historic District:** Old School Square Historic  
District

**Building Reference:** Yellow House or Building 'G'

**Year Built:** 1930

**Present Use:** storage

**Proposed Use:** Integrated into Sundy House  
operations as assessor building



## ITEM BEFORE THE BOARD

The item before the Board is the consideration of a Certificate of Appropriateness (COA) for the relocation of Building 'G', located at 44 South Swinton Avenue, Block 61, Old School Square Historic District, to approximately 12' south facing South Swinton Avenue, pursuant to LDR Section 2.4.6(B).

## BACKGROUND / DESCRIPTION

Building 'G' a.k.a. the "Yellow" House' was built in 1930 located at 44 S Swinton Avenue between West Atlantic Avenue and SW 1<sup>st</sup> Street, Block 61 and is classified as contributing to the OSSHAD. The Florida Master Site File (FMSF, #8PBO345) indicates Building 'G' was owned by Ross and Virginia A Snyder a well-known reporter and a private investigator.

Building 'G' is a 1-story 1,664 SF wood frame vernacular with an irregular plan with intersecting hip/gable roofline. The roof is covered with asphalt shingles and appears to be in good condition. Rafter tails are noted along the eaves. The windows are wood sash non-impact 8/8 double hung with vertical style wood shutters. East façade (front) the front door is non-impact, style undetermined. The main entrance is accessed by a walkway to a non-historic concrete platform porch supported by columns and shed-style roof. West Façade a non-historic flat roof addition was built on the north end of the west façade and projects outward from the main façade. It exhibits 4-ribbon style awning windows. North Façade An exterior brick fireplace chimney is located on the northeast wall. A non-historic addition can be seen projecting westward of the north facade. South Façade The main façade exhibits 8/8 and a smaller multi-pane windows. The entrance to the non-historic section is located on the south façade. It steps back from the main façade and is accessed by a 3-step platform entry. The non-historic addition, concrete porch and columns will be removed prior to relocation. Once relocated Building 'G' will be restored to its original vernacular style. The aluminum siding will be replaced with cedar or cypress wood to match existing. New impact windows will replace existing in same openings. The front door, porch, and columns will be restored to match archival photographs. The restoration will be accomplished with strict adherence to the Secretary of Interior Standards for Rehabilitation.

Since a portion of Block 61 has a CBD overlay, which is intended to rejuvenate blighted areas such as West Atlantic Avenue, there is pressure for more intense development on block 61, which also makes it more economically feasible for redeveloping Block 61. The applicant is requesting to move Building 'G' located at 44 S Swinton Avenue, Block 61 approximately 12' southward where it will continue to have approximately a 25' setback off S Swinton Avenue and be integrated into the operations of the Sundry House as an accessory use, such as a guest cottage. It is currently used for storage. The relocation of Building 'G' preserves the historic building and is harmonious with historic structures located nearby. Restoring it reestablishes its architectural integrity, allows it to become viable and contribute to the local economy. It also helps to express Delray Beach's important heritage and becomes an important historical component of the redevelopment of Block 61. The applicant's *Justification Relocation Statement* indicates that attempts over the past 15 to 20 years to find uses to occupy and sustain the historic structures on Block 61 have not been successful as a whole or have only worked temporality.

**Landscaping Recommendations** : The existing setting of the historic buildings on Block 61 and the Sundry Block exhibits an organic unplanned growth pattern that has evolved over time based on the buildings' occupant(s) and nature's determination. The Swinton Commons

proposed development indicates the historic buildings will have adaptive uses and not used as a residences, as was their original purpose. Therefore, the overall landscaping palette and design for the historic buildings become an important and prominent aspect in their relocated "historic neighborhood."

The following are landscaping concept recommendations for the proposed historic buildings relocated sites:

- The landscaping proposal should reflect sensitivity to the overall appearance of the historic "neighborhood" as the landscaping matures over time.
- The proposed functions of the historic buildings in their relocated sites are yet to be determined. It is important that proposed landscape settings relate to the scale and is sensitive to the architecture of the historic structures and not to the building's proposed function, since the function is likely to change over time.
- Most of the historic buildings were initially built as residences for the early settlers of Delray Beach with the early landscaping likely minimal, informal and possibly more oriented to food-producing vegetation/landscaping, which is not practical or recommended. The landscaping, however, should be in keeping with the scale of the historic buildings and complementary to its architecture.
- The relocated site(s) should reflect a somewhat informal setting that would be less of a "traditional commercial landscape" scheme and more "garden-like" in their plant palette and overall design.

To ensure the historic building sites are landscaped appropriately, compatible, complementary, and maintainable over time it is recommended:

- The developer provide a basic landscaping plan and maintenance program specifically for the historic building(s) that reflect a somewhat less "traditional commercial landscape" and more "garden-like" setting that is compatible and complementary to the historic buildings approved by the city landscape planner.
- A leased building is likely to have multiple lessees and functional changes over time. Consequently, a lessee is less likely to invest in costly landscaping. This may result in a setting that may or may not be complementary to, or compatible with the historic building site(s) unless landscaping standards are in place approved by the city landscape planner. The lessee of a historic structure would be allowed to embellish the proposed landscaping with complementary vegetation approved by the City landscaping planner.
- Privately owned historic properties should have an overall landscaping plan that would also be a less "traditional commercial landscape" scheme and be more "garden-like" in overall design that is compatible with and complementary to the historic building approved by the city landscape planner.

**Consultant Requirement:** It is important that the relocation of this and other historic buildings, as proposed do not create a false sense of historic placement if the project is approved. Therefore, it is imperative that the applicant be required to take measures to describe and explain the evolution and transition of Blocks 61, the Sundry Block, Block 69 and 70 as stated in the **Addendum** at the end of this report. Other structures have been successfully relocated in the past within Delray and in particular the OSSHAD.

## **DEVELOPMENT STANDARDS**

### **Zoning and Use Review**

Pursuant to LDR Section 4.4.24(F), Development Standards, the development standards as set forth in Section 4.3.4 apply, as noted in the chart below:

<b>Setbacks:</b>	<b>Requirement</b>	<b>Proposed</b>
Front (East)	25'	25' plus
Side Interior (North)	7'-6"	60'-6 plus
Side Street (South)	15'	25"
Rear (West)	10'	70'6"

As illustrated above, the proposal complies with the minimum setbacks of the Development Standards for the OSSHAD zoning district. Lot Coverage, Open Space, and Height will be reviewed for compliance with the Class V Site Plan.

## **LDR SECTION 4.5.1**

### **HISTORIC PRESERVATION: DESIGNATED DISTRICTS, SITES, AND BUILDINGS**

Pursuant to LDR Section 2.4.6(H)(5), Prior to approval, a finding must be made that any Certificate of Appropriateness which is to be approved is consistent with Historic Preservation purposes pursuant to Objective A-4 of the Land Use Element of the Comprehensive Plan and specifically with provisions of Section 4.5.1, the Delray Beach Historic Preservation Design Guidelines, and the Secretary of the Interior's Standards for Rehabilitation.

Pursuant to 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. Relief from Subsections (1) through (9) below may be granted by seeking a waiver approvable by the Historic Preservation Board, unless otherwise stated.

Pursuant to LDR Section 4.5.1(E)(2), Major Development, the subject application is classified as Major Development as it is the "alteration of a building in excess of twenty-five percent (25%) of the existing floor area, and all appurtenances...", and "the construction, reconstruction, or alteration of any part of the front façade of an existing contributing residential or non-residential structure and all appurtenances..."

The proposed improvements are considered "Major Development" in accordance with the LDR noted above.

Pursuant to LDR Section 4.5.1(E), 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.

**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.**

The applicable Standards are noted below:

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 2 - The applicant plans to remove the non-historic addition, the concrete porch and columns but will retain the porch roof when moving Building 'G' to its new location. Standard 3 - Once relocated to its new site Block 61, the applicant plans to restore it back to its original wood vernacular style following the Secretary of Interior Standards for Rehabilitation and the Delray Beach Historic Preservation Design Guidelines. (Please see REG Associates proposed restoration architectural drawings (existing E.A7.ex and proposed E.A7.pr )

**Pursuant to LDR Section 4.5.1(E)(6)(a), Relocation, Relocation of a Structures in a Historic District or on an Individually Designated Site, relocation of a contributing or non-contributing building or structure or an individually designated building or structure to another site shall not take place unless it is shown that preservation on their existing or original site would cause undue economic hardship to the property owner in accordance with definition and requirements of undue economic hardship found in Section 4.5.1(H) or a building permit has been issued.**

The property is located on Block 61 where a portion of the block has a CBD overlay, which allows more intense development. By moving Building 'G' slightly south it will be compatible with other historic structures nearby, preserve the historic building that can now become more viable due to the foot-traffic that will generated by the redevelopment project, and contribute to the local economy, while allowing the applicant to redevelop Block 61. At this time the owner has not claimed undue economic hardship. If the owner decides to claim undue economic hardship, all data, information requested pursuant to Article 4.5, Section 4.5.1 (H) must be submitted for review.

**Pursuant to LDR Section 4.5.1(E)(6)(a)1., Relocation, 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.**

a) Building 'G' will be relocated approximately 12' south on Block 61 within OSSHAD. According to the applicant's *Justification Statement and Relocation Criteria*, A Field Report by Robert J. Selinsky, P.E., August 13, 2015 and Mike Brovant of Wolfe House and Building Movers indicate that Building 'G' identified no structural deficiencies;

b) Wolfe House and Building Movers, after inspection of the property determined that the house could be moved to its new location without have a detrimental effect on the structural soundness of the building;

c) Relocation of Building 'G' will not have a negative effect on other historic buildings within OSSHAD;

d) It will be compatible with existing historic buildings at the new site within OSSHAD; and

e) Relocating Building 'G' is a practicable means of saving the structure from consideration for demolition while allowing the applicant to redevelop Block 61 as proposed.

**Pursuant to LDR Section 4.5.1(E)(6)(a)2., Relocation, Relocation of Contributing or Individually Designated Structures, Relocation Plan, 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.**

a) The applicants' *Justification Statement and Relocation statements*, indicate that "Buckingham Structural Moving Equipment" will be used to move the structure, which shows the type of equipment that have been used to move buildings throughout the country. Information is found in the appendix of the application package.;

- b) After removal of the non-historic addition, concrete porch and columns, Building 'G' will be moved with the exterior fireplace to its newly proposed location within Block 61;
- c) The footprint of Building 'G' and the short distance does not require it to be split for moving to its new location.;
- d) Wolf House and building Movers will register as a subcontractor under a Florida General Contractor who supposedly will perform the preparatory work related to the right-of-way preparation, relocation of overhead utilities, traffic signals and general maintenances of traffic during the preparation for any relocation. Backup information relating to the experience of Wolf House and Building Movers are included in the application found in the appendix. Building 'G' is a one-story woodframe structure. It shows no signs of structural distress or defects observed in the exterior walls noted by consulting engineers McCarthy and Associates;
- e) The applicant will provide certified engineering report as required if necessary.

**Pursuant to LDR Section 4.5.1(E)(6)(a)3., Relocation, 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.**

(a – c) REG Associates provides drawings of existing conditions at its original site, floor plans, elevations and architectural details and profiles, Multiple photographs of the site and interior and exterior of building are provided. The building has not history of code violations within the past 5 years.

**Pursuant to LDR Section 4.5.1(E)(6)(a)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 applicant will submit a Certificate of Appropriateness for relocation concurrently with application for a Certificate of Appropriateness for the new development on the originating site

**Pursuant to LDR Section 4.5.1(E)(6)(a)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.**



If the originating site remains vacant and construction of the new development does not commence after 90 days following the relocation, the applicant shall sod and maintain the lot consistent with other open space in the historic district.

**Pursuant to LDR Section 4.5.1(E)(6)(a)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.**

Applicant shall comply with LDR Section 4.5.1(E)(6)(a)6, (a - d) if there is damage that compromises the integrity of the structure and it is deemed a failure in relocation.

**Pursuant to LDR Section 4.5.1(E)(6)(a)7., Relocation, Relocation of Contributing or Individually Designated Structures, Public Notice: 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).**

Applicant shall meet LDR Section 4.5.1(E)(6)(a)7 and Additional Public Notice requirements of LDR Section 2.4.2(B)(f)(j) relating to additional public notice.



**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".**

Applicant shall meet all requirements pursuant to LDR Section 4.5.1(E)(6)(d), Relocation, Supplemental Requirements, (1-3) relating to being secured from vandalism, maintained so as to remain in a condition similar to that which existed at the time of the application, and will comply with Section 7.10.11, "Moving of Building: Historic Structures".

### **Comprehensive Plan**

**Pursuant to the Future Land Use Element, Objective A-4, the redevelopment of land and buildings shall provide for the preservation of historic resources. 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:**

**Pursuant to the Future Land Use Element, Policy A-4.1, prior to approval or recommending approval of any land use or development application for property located within a historic district or designated as a historic site, the Historic Preservation Board must make a finding that the requested action is consistent with the provisions of Section 4.5.1 of the Land Development Regulations relating to historic sites and districts and the "Delray Beach Design Guidelines".**

**Pursuant to the Future Land Use Element, Objective A-9, the City shall support the conservation and rehabilitation of historically significant housing, especially where such housing is an identifying characteristic of a particular neighborhood.**

Relocating Building 'G', approximately 12' south on Block 61 within OSSHAD, the applicant preserves the historic resource meeting Comprehensive Plan Objective A-4. Building 'G's scale, and architecture possesses identifying characteristics of the existing neighborhood. The redevelopment of Block 61 with a partial CBD overlay allows more intense redevelopment, which will substantially change the character of Block 61. Consequently, Building 'G' is being moved approximately 12' south on Block 61 where it can possibly be integrated into the Sundry House operations. It will be compatible with other historic structures nearby. Its restoration and relocation will help it remain a viable historic resource. The Historic Preservation Board will determine if the requested action is consistent with the provisions of Section 4.5.1 of the Land Development Regulations.

<b>ALTERNATIVE ACTIONS</b>
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- A. Continue with the direction.
- B. Move to approve the COA (Building 'G'), for the relocation of the contributing structure on the property located at 44 South Swinton Avenue, Block 61 by adopting the findings of fact

and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

- C. Move to deny the COA (Building 'G'), for the relocation of the historic structure on the property located at 44 South Swinton Avenue, Block 61 by adopting the findings of fact and law contained in the staff report, and finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

<b>RECOMMENDATION</b>
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Move to approve the COA (Building 'G'), for the relocation of the contributing structure on the property located at 44 South Swinton Avenue, Block 61 by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

**ADDENDUM - The above Recommendation is based on the following:** The Swinton Commons mixed-use redevelopment project, if approved will substantially change the character of Block 61, the Sundry Block, Block 69 and Block 70, as it relocates/reconstruct eight historically significant resources to their proposed sites.

The Swinton Commons mixed-use redevelopment should only be approved if the applicant, at a minimum commits to the following:

- a) The applicant should be required to provide a standing "Historic Marker" that clearly describes the relocations or reconstruction of historic buildings within OSSHAD based on the Swinton Commons mixed-use redevelopment project as proposed. This avoids claims of presenting a false sense of history and appearance to the general public.
- b) The applicant would commit to keeping residents and visitors alike informed of the changes that have taken place within OSSHAD south of West Atlantic Avenue by dedicating space in the Cathcart House and/or Rectory for exhibits and possibly sponsoring a knowledgeable individual to give presentations (timeframe to be determined) of the changes that have occurred on Block 61, 69, 70 & Sundry Block with the Swinton Commons redevelopment project.

Additionally, to avoid a false sense of history, particularly in a historic district, all buildings that have been relocated into or within a historic district should have a plaque or marker expressing its relocation history. These Actions would, at the very least educate the public, demonstrate honesty, avoid claims of presenting a false sense of history and appearance to the general public, and as importantly exhibit serious interest in preserving our historic resources in today's evolving environment.

