



*Planning, Zoning and Building Department*

**BOARD ACTION REPORT – APPEALABLE ITEM**

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**Project Name:** 55 SE 7<sup>th</sup> Avenue  
**Project Location:** 55 SE 7<sup>th</sup> Avenue  
**Request:** Variance  
**Board:** Historic Preservation Board  
**Meeting Date:** December 6, 2017

**Board Action:**

Approved a Variance request to reduce to allow a pergola structure within the 7.5' (side interior) setback located at 55 SE 7<sup>th</sup> Avenue, on a 5 to 0 vote (John Miller and John Klein absent).

**Project Description:**

The property is located within the RM (Multi-Family Residential) zoning district. The 0.11-acre lot measures 50' wide x 100' deep and contains an existing single-family residence. The original historic, ranch-style residence was built in 1935 and is classified as contributing to the Marina Historic District. The subject property is located within the Marina Historic District, created in 1988.

A Certificate of Appropriateness (COA) was approved at the October 2015 Historic Preservation Board (HPB) meeting for rehabilitation and renovation of the existing historic residence and addition of a new living space where the garage was once located. The approval included site improvements including a swimming pool and associated brick paver deck, new concrete driveway strips and paver brick, front entry walk areas.

The restoration and renovation to the existing structure is completed, an application for Historic Tax Exemption for the restoration was approved by the City Commission and is pending approval from the Palm Beach County Board of County Commissioners.

The subject request is a variance to allow construction of a 10' wide x 24' deep carport pergola on the south side of the property to encroach 6.5' into the required 7.5' side interior setback

Staff supported the Variance request.

**Board Comments:**

The Board comments were supportive.

**Public Comments:**

No members of the public spoke for or against the project.

**Associated Actions:** All required actions were taken.

**Next Action:** HPB action is final.

# HISTORIC PRESERVATION BOARD

## CITY OF DELRAY BEACH

## STAFF REPORT

**MEETING DATE:** December 6, 2017

**ITEM:** 55 SE 7<sup>th</sup> Avenue, Marina Historic District-Variance Request, (2017-268) to allow a pergola structure within the 7.5' (side interior) setback.

**RECOMMENDATION:** Approve the Variance

### GENERAL DATA:

Owner/Applicant: ..... NGI, LLC - Michael Marco

Location:..... East side of SE 7th Avenue,  
Between E. Atlantic Avenue &  
SE 1<sup>st</sup> Street

Property Size:..... 0.11 Acres

Historic District: ..... Marina Historic District

Zoning:..... RM (Multiple Family Residential  
Medium Density)

Adjacent Zoning:.....  
North: RM  
South: RM  
East: RM  
West: RM

Future Land Use  
Designation:..... MD (Medium Density 5-12 DU/ Acre)

Water Service:..... Public water service is provided  
on site.

Sewer Service:..... Public sewer service is provided  
on site.



### ITEM BEFORE THE BOARD

The item before the Board is the consideration of a Variance (2017-268) for the property located at **55 SE 7<sup>th</sup> Avenue, Marina Historic District**, pursuant to Land Development Regulation (LDR) Section 2.4.7(A).

### BACKGROUND / DESCRIPTION

The property is located within the RM (Multi-Family Residential) zoning district. The 0.11-acre lot measures 50' wide x 100' deep and contains an existing single-family residence. The original historic, ranch-style residence was built in 1935 and is classified as contributing to the Marina Historic District. The subject property is located within the Marina Historic District, created in 1988.

At its meeting of October 7, 2015, the Historic Preservation Board (HPB) approved a Certificate of Appropriateness (COA) (2015-240) for the following:

- Rehabilitation and renovation of the existing historic residence;
  - Restoration of original wood siding (horizontal and vertical) and replacement of damaged material with new wood milled product;
  - New dimensional asphalt shingle roof (to replicate original roof material);
  - Redesign and reconstruction of the (non-original) roof cupola;
  - Replacement of all existing doors and windows with new impact resistant, aluminum, windows with a 6 over one pattern, installation of round metal framed, fixed windows;
- Addition of new living space where the garage was once located; and,
- Site improvements including a swimming pool and associated brick paver deck, new concrete driveway strips and paver brick, front entry walk areas.

Also, included with the COA were three associated variances:

- Variance allowing for parking within the 25' front setback. Introducing a new driveway in a similar location of the historic driveway;
- Variance allowing for a new addition to be constructed 2' from the east property line, resulting in an 8' reduction to the required 10' rear setback.
- Variance allowing for a new 10' x 16' swimming pool to be placed 5' from the east (rear) property line, resulting in a 5' reduction to the required 10' rear setback.

At the time of the 2015 COA, the lot was 100' wide. The COA included the double lot being divided into two properties, with new construction proposed on the northern lot (53 SE 7<sup>th</sup> Avenue), renovation and addition of the existing historic structure on the southern lot (55 SE 7<sup>th</sup> Avenue). Each lot measures 50' wide x 100' deep.

The restoration and renovation to the existing structure is completed, an application for Historic Tax Exemption for the restoration was approved by the City Commission and is pending approval from the Palm Beach County Board of County Commissioners.

The subject request is a variance to allow construction of a 10' wide x 24' deep carport pergola on the south side of the property to encroach 6.5' into the required 7.5' side interior setback. The variance request is now before the Board for consideration.

## VARIANCE ANALYSIS

Pursuant to LDR Section 4.4.6(F)(1), the provisions for the R-1-A District shall apply for single family detached dwellings.

Pursuant to LDR Section 4.3.4(K), required side setbacks within the R-1-A District are 7.5'.

The subject variance request is to allow construction of a 10' wide x 24' deep carport pergola on the south side of the property to encroach 6.5' into the required 7.5' side interior setback, providing for a 1' setback.

Pursuant to LDR Section 2.2.6(D), the Historic Preservation Board (HPB) shall act on all variance requests within an historic district, or on a historic site, which otherwise would be acted upon by the Board of Adjustment.

Section 2.4.7(A)(6), Variances: Alternative Findings of the Historic Preservation Board: *The Board may be guided by the following to make findings as an alternative to the criteria listed in Section 2.4.7(A)(5):*

- (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.
- (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.
- (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.
- (d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.
- (a) That the requested variance is necessary to accommodate an appropriate adaptive reuse of a historic building, structure, or site.

Based upon the subject variance request, the Alternative Findings of the Historic Preservation Board (LDR Section 2.4.7(A)(6)) are most appropriate for consideration of the subject variance request.

The property owner has submitted the following justification statement (attached).

*"We recognize that the LDR's do not allow any parking spaces within the setback or any structure within 5' of the boundary line. With regard to the parking issue we have previously received a Variance to allow a driveway and 2 parking spots within the approximately 11' space between the south side of the house and the boundary line of the adjoining property.*

*With regard to the policy of not building any structures within 5' of the property line. Since there is no possibility of building a garage anywhere on the site and recognizing that most owners own a vehicle and desire a defined parking structure we are proposing a Pergola carport to resolve this issue. The plan for the Pergola will accommodate one vehicle. The design and look of the Pergola is compatible with the existing historic house at 55 SE 7<sup>th</sup> Avenue and the surrounding Marina Historic District.*

*In fact it seems precedence has previously been established regarding other historic projects, so we seek the same consideration.*

*In conclusion, if granted, the "Variance" would in no way "be contrary to the public interest and where owing to the conditions peculiar to the property and do not result of the actions of the*

*landowner, a literal enforcement of the regulations would result in unnecessary and undue hardship.” Furthermore, we feel “that the reasons set forth in the “Variance” petition justify the granting of the “Variance,” and feel that the “Variance” is the minimum “Variance” that will make possible the reasonable use of the land, building, or structure” and finally “that the granting of the “Variance” will be in (complete) harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.”*

*For these reasons, the owner respectfully requests that this nominal variance be granted.”*

The variance is to allow a reduced setback for the construction of a 10' wide by 24' long pergola within the 7.5' side setback providing for a 1' setback along the south property line. A driveway exists in this location accommodating the required parking for the residence. The pergola provides for a covered parking area on the subject property.

Special conditions and circumstances exist due to the small size of the 50' wide property as well as the historic setting of the site within the Marina Historic District. Further, the variance is the minimum necessary to preserve the historic character of the property and it will not significantly diminish the historic character of the site nor the district. It is noted that there are other similarly sited pergolas which exist within the district. Literal interpretation of the requirements of the code would alter the historic character and scale of the property as it is situated within the Marina Historic District. The variance is necessary to accommodate an appropriate adaptive reuse of the historic structure and site. Finally, the variance is not contrary to the public interest, safety or welfare.

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

#### ALTERNATIVE ACTIONS

- A. Continue with the following direction
- B. Approve the Variance request (2017-268) for the property located at **55 SE 7<sup>th</sup> Avenue, Marina Historic District** 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 LDR Section 2.4.7(A)(6).
- C. Deny the Variance request (2017-268) for the property located at **55 SE 7<sup>th</sup> Avenue, Marina Historic District** by finding that the request and approval thereof is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in LDR Section 2.4.7(A)(6).

#### RECOMMENDATIONS

Approve the variance to allow a reduction to the required 7.5' side interior setback to 6.5', based upon positive findings with respect to LDR Section 2.4.7(A)(6).

#### Attachments:

- Applicant Justification Statement
- Site plan, elevations and survey
- Applicant graphics of proposed pergola
- Applicant photos of existing pergolas in Marina Historic District

**Report Prepared by:** Michelle Hoyland, Principal Planner



## PROJECT DATA (SOUTH LOT/55 SE 7TH AVE.):

PROPOSED TOTAL GROUND FLOOR AREA -	± 1,872.00 SQ. FT. ± 37.4% OF SITE
PARKING & PAVED AREAS -	± 788.00 SQ. FT. ± 15.8% OF SITE
OPEN LANDSCAPED SPACE -	± 2,180.00 SQ. FT. ± 43.6% OF SITE
WATER BODIES (POOL) -	± 160 SQ. FT. ± 3.2% OF SITE
TOTALS	± 5,000.00 SQ. FT. 100% OF SITE

## PARKING DATA:

	REQUIRED	PROVIDED
RM - MULTI FAMILY RESIDENTIAL:		
TWO (2) PER HOUSEHOLD		TWO (2)
ONE GUEST (1) PER HOUSEHOLD		ONE (1)
TOTALS:	THREE (3)	THREE (3)

## LEGAL DESCRIPTION:

(AS PROVIDED BY THE OWNER)

## SITE DATA: (APPROX. 5,000.00 SQ. FT. OR ± 0.115 ACRES)

ZONED: RM (MULTI FAMILY RESIDENTIAL DISTRICT)  
PROPOSED USE: PRIVATE SINGLE FAMILY RESIDENCE

## DRAINAGE CALCULATIONS (SOUTH LOT):

TOTAL SITE AREA:	5,000.00 SQ. FT.
IMPERVIOUS AREA:	2,872.00 SQ. FT. OR 56.4%
PERVIOUS AREA:	2,128.00 SQ. FT. OR 43.6%

STORAGE REQUIREMENT = 1ST INCH OF RUNOFF

VOLUME OF STORAGE REQUIRED =  $C \times I \times A$   
WHERE C = (% IMPERVIOUS X 0.9) + (% PERVIOUS X 0.3)  
 $C = (0.564 \times 0.9) + (0.436 \times 0.3) = 0.5207$   
I = RAINFALL INTENSITY = 1 INCH/12 = 0.0833  
A = AREA = 5,000 SQ. FT.

THEREFORE, REQUIRED VOLUME =  $0.5207 \times 0.0833 \times 5,000 = 217$  CUBIC FEET

THE PROPOSED 6' D. X 1'-6" W. X 62'-6" L. SWALE 'C' ALONG THE NORTH PROPERTY LINE SHALL RETAIN APPROX. 234.5 CUBIC FEET OF WATER -

THEREFORE, VOLUME PROVIDED = ± 234.5 CUBIC FEET

## SYMBOLS LEGEND:

± 1.00'±0.00	EXISTING TOPOGRAPHY (GRADE) TO REMAIN - SEE SURVEY
± 2.00'±0.00	PROPOSED NEW TOPOGRAPHY (FINISH GRADE)

## A2: SWALE SECTION 'A'

NOT TO SCALE

## A3: SWALE SECTION 'B'

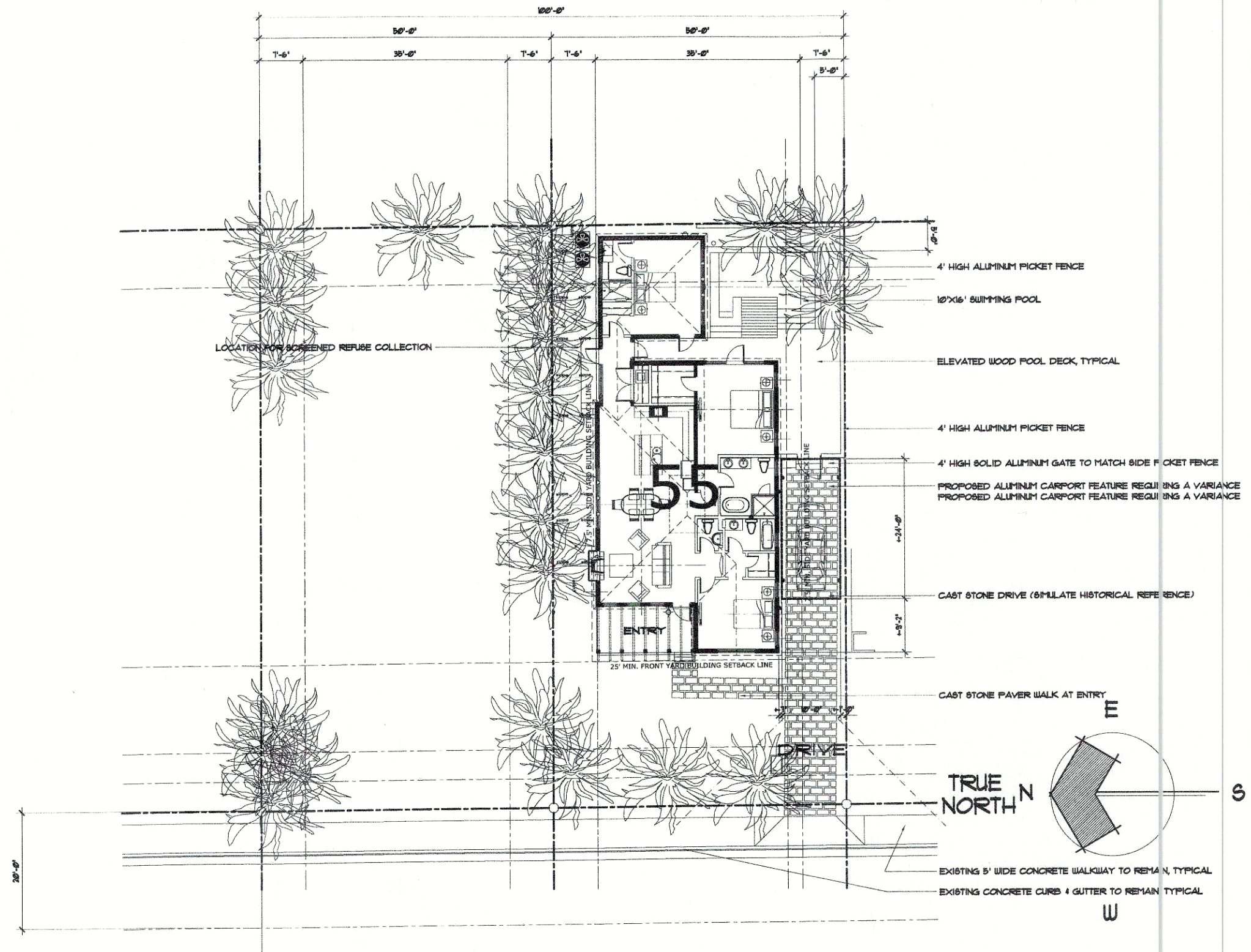
NOT TO SCALE

## A4: SWALE SECTION 'C'

NOT TO SCALE

## A1 ARCHITECTURAL SITE PLAN

SCALE: 1" = 10'-0"



THE MARCO RESIDENCES  
55 SE 7TH AVENUE  
DELRAY BEACH, FLORIDA 33483

ARCHITECTURAL SITE PLAN

COPE ARCHITECTS, INC.  
114 1/2 NE 1ST AVENUE  
DELRAY BEACH, FLORIDA 33444-3713  
ARCHITECTURE - PLANNING - INTERIORS

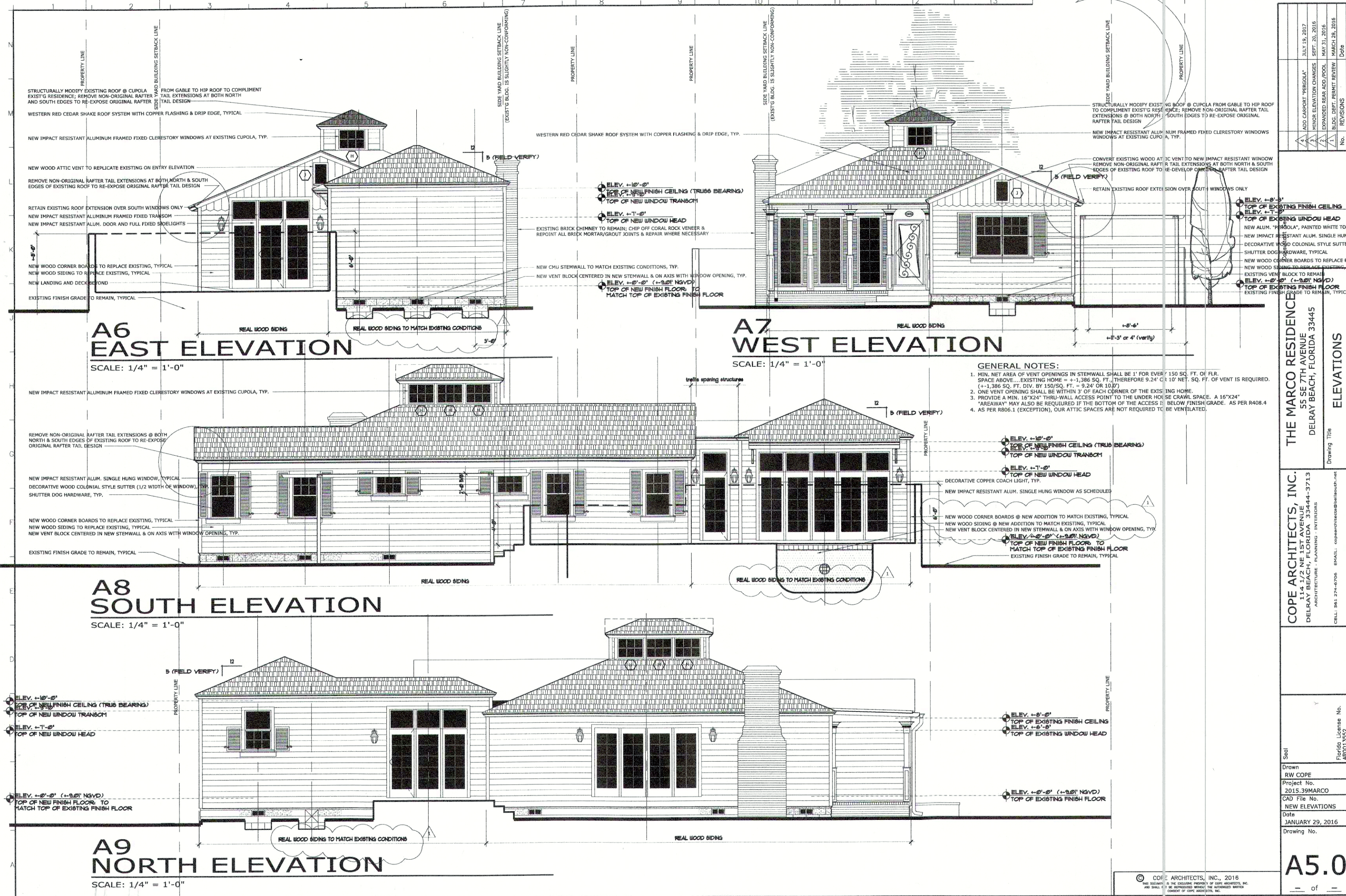
PHO 561.274-5706 FAX 561.274-5707

Seal  
Drawn  
RW COPE  
Project No.  
2015.39MARCO  
CAD File No.  
SITE PLAN  
Date  
OCTOBER 11, 2017  
Drawing No.

A2.0

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**A6  
EAST ELEVATION**

SCALE: 1/4" = 1'-0"

**A7  
WEST ELEVATION**

SCALE: 1/4" = 1'-0"

**A8  
SOUTH ELEVATION**

SCALE: 1/4" = 1'-0"

**A9  
NORTH ELEVATION**

SCALE: 1/4" = 1'-0"

- GENERAL NOTES:**
1. MIN. NET AREA OF VENT OPENINGS IN STEMWALL SHALL BE 1' FOR EVERY 150 SQ. FT. OF FLR. SPACE ABOVE... EXISTING HOME = +1,386 SQ. FT., THEREFORE 9.24' OR 10' NET. SQ. FT. OF VENT IS REQUIRED. (+1,386 SQ. FT. DIV. BY 150/SQ. FT. = 9.24' OR 10.0')
  2. ONE VENT OPENING SHALL BE WITHIN 3' OF EACH CORNER OF THE EXISTING HOME.
  3. PROVIDE A MIN. 16"x24" THRU-WALL ACCESS POINT TO THE UNDER HOUSE CRAWL SPACE. A 16"x24" "AREAWAY" MAY ALSO BE REQUIRED IF THE BOTTOM OF THE ACCESS IS BELOW FINISH GRADE. AS PER R408.4
  4. AS PER R806.1 (EXCEPTION), OUR ATTIC SPACES ARE NOT REQUIRED TO BE VENTILATED.

No.	REVISIONS	Date
1	ADD CARPORT "PERGOLA"	JULY 19, 2017
2	MINOR ELEVATION CHANGES	SEPT. 20, 2016
3	EXPANDED REAR ADD./POOL	MAY 31, 2016
4	BLDG. DEPT. PERMIT REVIEW	MARCH 28, 2016

**THE MARCO RESIDENCES**  
55 SE 7TH AVENUE  
DELRAY BEACH, FLORIDA 33445

**COPE ARCHITECTS, INC.**  
114 1/2 NE 1ST AVENUE  
DELRAY BEACH, FLORIDA 33444-3713  
ARCHITECTURE - PLANNING - INTERIORS  
CELL: 561.274-0706 EMAIL: copearchitects@bellsouth.net

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