

# HISTORIC PRESERVATION BOARD

## CITY OF DELRAY BEACH

### ---STAFF REPORT---

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

**ITEM:** 35½ SW 1<sup>st</sup> Avenue, Old School Square Historic District (Building 'V') – Consideration of a Certificate of Appropriateness for the demolition of a non-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:** 35½ SW 1<sup>st</sup> Avenue, Lot 9, Parcel 7

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

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

**Building Reference:** Building ('V')

**Year Built:** Circa early 1900s

**Present Use:** Originally a shed, possibly a  
residence associated with Sundy  
House

**Proposed Use:** Demolition



## ITEM BEFORE THE BOARD

The item before the Board is a Certificate of Appropriateness (COA) for the demolition of Building 'V' at 35½ SW 1<sup>st</sup> Avenue, pursuant to LDR Sections 4.5.1 (E)(5) and 4.5.1(F).

## BACKGROUND & PROJECT DESCRIPTION

The subject property, Building 'V' on Lot 9, Parcel 7, Block 61 is located at 35 ½ SW 1<sup>st</sup> Avenue. It sets between Atlantic Avenue and SW 1<sup>st</sup> Street within OSSHAD. It occupies the northeast corner of the parking lot setting immediately west of an alley running north and south. Its front façade faces west onto the parking lot east of SW 1<sup>st</sup> Avenue. Building 'V' is associated with the Sundy House property located at 106 S Swinton Avenue. The 708 SF building is referred to as Building 'V' in the *Demolition Justification Statement* and Building 'K' in the structural condition report prepared by Robert J. Selinsky, P.E. A map of the OSSHAD in the 2008 report prepared by R. J. Heisenbottle Architects, P.A. classified the property a contributing and located at 35½ SW 1<sup>st</sup> Avenue.

Architecturally, it is a one-story, frame vernacular structure partially covered with low-pitch front gable roofline facing west with a flat roof section that appears to be a later addition (date undetermined). The exterior indicates asbestos siding. The interior floor plan shows a living space, bathroom and breakfast in the gabled-roof portion of Building 'V' and a workshop occupies the flat-roof section. The interior of the front gable portion of the building exhibits a wood floor that may be Dade County Pine. Applicant's interior photos suggest the building functions as a workspace and possibly a small residence. This secondary building associated with the Sundy House property located on Block 61 of the Swinton Commons mixed-use redevelopment project is associated with the developmental history of the area that occurred early 1900s.

Building 'V' appears to be in good condition, showing no signs of deterioration or neglect.

*Structures that are individually designated as historic or are located in historic districts shall be maintained in a secure and attractive manner. All defective structural and decorative elements of such building facades shall be repaired or replaced in a workman-like manner, to match as closely as possible the original materials and construction of the building. All exterior walls shall have all loose material removed and patching or resurfacing shall be accomplished to match the existing or adjacent surfaces as to materials, color, bond, and joining. All cornices, trim and window frames that are damaged, sagging or otherwise deteriorated shall be repaired or replaced to be made structurally sound and all exposed materials painted, stained or otherwise treated in a consistent manner.*

Building 'V', appears to have been originally built as a small one-story front gabled structure, which may have originally functioned as a shed or garage associated with the Sundy House. A flat roof section with double doors was added on the south end of the original building (date undetermined). More recent photographs suggest the small building functions as a residence, or office and a workspace associated with the Sundy House. Not knowing when the front gabled portion of the structure was actually built, it is hard to determine for sure whether the wood floors are Dade County Pine or of a later vintage, although photographs suggests the floors could be Dade County Pine.

The current condition of the interior and exterior of Building 'V' appear in good condition. Overall, the structure has been maintained. Building 'V' is located on Block 61 where the

mixed-use Swinton Commons redevelopment is proposed. The owner is requesting demolition of Building 'V' to allow for the Swinton Commons redevelopment project as proposed. Based on the analysis relocating Building 'V' would be difficult to justify. Architecturally, it is a common design with undetermined dates as to when it was initially constructed or added on to. Its loss would not impede the study of local history, architecture and design and could be rebuilt in a new location economically. The Applicant should determine whether the floors of Building 'V' are Dade County Pine, which would be salvaged for reuse.

The Applicant's request is for demolition of Building 'V', a secondary building associated with the Sundry House. The request is based on the following: a) Building 'V' utility is limited to serving as an outbuilding to the main structure, the Sundry House located on the Sundry Block; b) independently, Building 'V' has little individual merit and does not contribute to the historic integrity of the historic district; c) Its small footprint and limited use and lack of architectural significance does not warrant its relocation within the proposed Swinton Commons Redevelopment project, and; d) It does not make economic sense to relocate it as no interest has been expressed by other parties for its relocation. Additionally, the demolition of Building 'V' would not negatively affect OSSHAD, it would continue to be a designated historic district. Building 'V' has no individual merit architecturally. Its association with the Sundry house suggests that part of the structure (front gable section) was built in early 1900s and an inappropriate flat roof area was added at a later time (date undetermined). It would not individually fulfill criteria for designation as a listing in the National Register. Except for the possibility of having Dade County floors, it has no significant features and can be easily be reproduced. It is not one of the last remaining examples of this kind in the historic district or the city in general.

## ANALYSIS

**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 provided below:

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 1)

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 2)

Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved. (Standard 5)

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 6)

Although Building 'V' is considered contributing, it does not share any of the defining features finishes, construction techniques or has examples of craftsmanship that characterize its associated building, the Sundy House that should be preserved, except for possibly the floors if determined to be Dade County Pine. Although partially built in early 1900s, within the period of significance of OSSHAD, it is of little individual merit itself and its demolition would not negatively affect OSSHAD as a historic district. The request before the Board is for demolition of 'V'. In demolishing Building 'V' the applicant shall adhere to Standards and Guidelines 1, 2, 5 & 6, pursuant to LDR Section 4.5.1(E)(5) noted above as applicable, and in accordance to The Secretary of the Interior's Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines, as amended from time to time.

**Pursuant to LDR Section 4.5.1(F), Demolition, 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).**

Building 'V' shall not be demolished until a COA 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.**

Building 'V' shall not be demolished until a COA for the redevelopment of the property has been issued.

- (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.**

The subject COA is accompanied by a Class V Site Plan for Swinton Commons, which encompasses the subject property. The demolition permit shall not be issued until the building permit is issued for the entire project, which includes other demolitions and relocation of structures.

- (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).**

At this time the Chief Building Official has not determined that that Building 'V' is unsafe, consequently, Building "V" will remain in existing condition until the CEO for demolition is approved.

This requirement is to ensure that either further neglect takes place, if already in a bad condition, or that the building not fall into disrepair due to neglect while awaiting a building permit. Some properties, although there is an approved site plan, are not redeveloped, and therefore, the structure should be maintained to ensure its viability in the future.

**(5) A Certificate of Appropriateness for demolition of 25% 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 alterations or redevelopment shall meet the "Additional Public Notice" requirements of LDR Section 2.4.2(b)(1)(i).**

Building "V" is proposed for demolition. As a contributing building, Building "V's existing plans shall be provided for the entire structure to illustrate compliance with COA for demolition. Also, the additional Public Notice requirements including a mailing to all property owners within a 500' radius of the property, as well as the posting of a Public Notice sign on the property shall be required.

**(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.**

In compliance with guidelines for COA for demolition:

- (a) Building 'V' does not fulfill criteria for designation for listing in the National Register of Historic Places.**
- (b) Building 'V' design, craftsmanship or material if reproduced would be an economically non-viable expense.**
- (c) Building 'V' is not one of the last remaining examples of its kind in the designated historic district within the city. There are other similar buildings noted within and**

outside the historic district that were built for utilitarian purposes with no architectural significance.

- (d) Retaining Building 'V' would not promote the general and value of a particular culture and heritage.
- (e) There are proposed plans for immediate reuse of the property if the proposed demolition is carried out. The current site will become part of a setting mixed-use redevelopment will occur. The demolition of Building 'V' will not negatively impact the designation of the historic district. The OSSHAD will continue to be a designated historic district.

**(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).**

The Applicant has not claimed undue economic hardship with respect to this request. If the Applicant does claim undue economic hardship all materials must be submitted for evaluation pursuant 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.**

Should the Board deny the request, the Board shall provide an explanation within the motion and a written supporting statement for the record 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.**

If approved, the property owner is not permitted to demolish the structure until a building permit is issued concurrently with the approved development. Therefore, an additional delay is not necessary, unless the Board can determine that additional time would assist in finding an alternative to the demolition.

**(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. The justification statement must include the following:**

- (a) A certified report from a registered architect or engineer which provides documentation explaining that the building is structurally unsound and is damaged beyond the ability to repair it at a reasonable cost. The report must include photographs to substantiate the damage.**

- (b) A certified report from an engineer, architect, general contractor, or other qualified professional which documents the projected cost of repairing the structure and returning it to a safe and habitable condition.**
- (c) An appraisal of the property in its current condition, its value as vacant land and its potential value as a preserved and restored historic property.**
- (d) Documentation that reasonable efforts have been made to find a suitable alternate location for the structure within the City of Delray Beach to which the contributing/ individually designated historic.**
- (e) Documentation that the APPLICANT or property owner has taken such steps as it deems necessary to preserve the structure requested for demolition including consultation with community groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies, or agencies and exploration of the possibility of moving one or more structures or other features.**

Building 'V', the secondary building associated with the Sundry House is considered to be contributing to OSSHAD, therefore, the Applicant shall comply with the Demolition Justification Statement, item (10) (a –e) above.

**(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.**

In compliance with (11) (a – b) above, and at the expense of the APPLICANT with City staff, an inventory shall be conducted of all salvable materials from the structures to be demolished prior to release of demolition permits, including but not limited to flooring, doors, windows, and hardware. The APPLICANT would reuse materials on relocated properties where possible. Copies of the recordings shall be submitted to the City's Planning and Zoning Department, and to the Delray Beach Historical Society for archiving purposes.

<b>ALTERNATIVE ACTIONS</b>
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- A. Continue with direction.
- B. Move approval of the COA (Building 'V') for the demolition of the structure located at 35½ SW 1<sup>st</sup> Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F).
- C. Move denial of the COA (Building 'V') for the demolition of the structure located at 35½ SW 1<sup>st</sup> Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is not consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F).

<b>RECOMMENDATION</b>
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Move approval of the COA (Building 'V') for the demolition of the structure located at 35½ SW 1<sup>st</sup> Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F).