

# HISTORIC PRESERVATION BOARD

## CITY OF DELRAY BEACH

### ---STAFF REPORT---

**MEETING DATE:** December 19, 2017

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

**RECOMMENDATION:** Approve the Certificate of Appropriateness for the demolition of building 'G-ACC'

#### GENERAL DATA:

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

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

**Location:** 44 S 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:** Building 'G-ACC'

**Year Built:** 1930s

**Present Use:** Garage



## ITEM BEFORE THE BOARD

The item before the Board is a Certificate of Appropriateness (COA) for the demolition of Building 'G-ACC' located at 44½ South Swinton Avenue, Old School Square Historic District, pursuant to LDR Sections 4.5.1 (E)(5) and 4.5.1(F).

## BACKGROUND & PROJECT DESCRIPTION

The subject property consists of Lot 16, Block 61 and is located at 44½ South Swinton Avenue between West Atlantic Avenue and SW 1<sup>st</sup> Street and referenced as Building 'G-ACC' within the Midtown Delray mixed-use redevelopment project. It is a one-story, frame vernacular structure with a low pitch hip roof, rafter tails, and vinyl/aluminum siding. A single 1/1 window and storage addition is noted on the west elevation. A one-car garage door is on the south elevation. The north elevation is a solid vinyl/aluminum covered wall. A single access door is located on the east elevation. The building has been utilized as a single-car garage. This secondary building to Building 'G' is associated with the developmental history of the area that occurred during the 1930s, although there is no date-certain as to when the secondary building was actually constructed.

The historic structure appears to be in fairly good condition.

*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 workmanlike 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.*

The main alteration noted to Building 'G-ACC' is a partial addition on the west elevation likely used for storage. The vinyl/ aluminum siding was added later, date undetermined.

Building 'G-ACC' appears to be in good condition. As already noted, Building 'G-ACC' is located within the proposed Midtown Delray mixed-used redevelopment area on Block 61. It is a secondary building to principal Building 'G', which will be relocated within the OSSHAD where it will function as part of the proposed commercial adaptive reuse program as part of the Midtown Delray redevelopment project.

Due to the limited space and setback requirements, where the historic buildings will be relocated as part of the redevelopment project, Building 'G-ACC,' as a secondary building, its small footprint and purpose would not contribute to the proposed commercial adaptive use area. Accordingly, the Applicant does not find it feasible to relocate Building 'G-ACC' and is requesting a COA for demolition.

At its meeting of June 27, 2017, the Historic Preservation Board denied the demolition of building 'G-ACC'.

## 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)

Building 'G-ACC', classified as contributing is located within the Midtown Delray mixed-use redevelopment project. Building 'G-ACC' has been altered, is covered with vinyl/aluminum siding and has had additions over time. It has no distinctive features, defining characteristics, construction techniques or examples of craftsmanship that warrant being preserved. Its small footprint and function would not contribute to the purposed new development. The request before the Board is for demolition of 'Building 'G-ACC'. In demolishing Building 'G-ACC', the Applicant shall adhere to Standards and Guidelines 1, 2, 5 & 6, pursuant to LDR Section 4.5.1(E)(5), 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 'G-ACC' 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 'G-ACC' 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 Midtown Delray, 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 historic 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).**

Building 'G-ACC' appears in good condition and the Chief Building Official has not determined that that Building 'G-ACC' is unsafe, consequently, Building 'G-ACC' shall 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 'G-ACC', classified as contributing is proposed for demolition. The Applicant shall comply with Requirement Standard (5) (a- b) as applicable.

- (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 accordance with (6) (a-e) the following information is provided:

- (a) Building 'G-ACC' does not fulfill criteria for designation for listing in the National Register of Historic Places.
- (b) Building 'G-ACC' design, craftsmanship or material if reproduced would be an economically non-viable expense.
- (c) Building 'G-ACC' 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 'G-ACC' 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 where other historically significant buildings will be ultimately located. The demolition of Building 'G-ACC' will not negatively impact the designation of the historic district. 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 thus far has not claimed undue economic hardship with respect to this request. If the Applicant decides to claim undue economic hardship, the Applicant shall submit information required by the Delray Beach Historic Preservation Ordinance; ARTICLE 4.5; 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 'G-ACC is classified as contributing to OSSHAD and is a secondary building to Building 'G'. The applicant shall provide A Justification Statement to accompany the application for a Certificate of Appropriateness in compliance with Standard (10) (a-e) as noted above as applicable. Relocation would not make economic sense and no interest has been expressed by the parties as to its location.

**(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.**

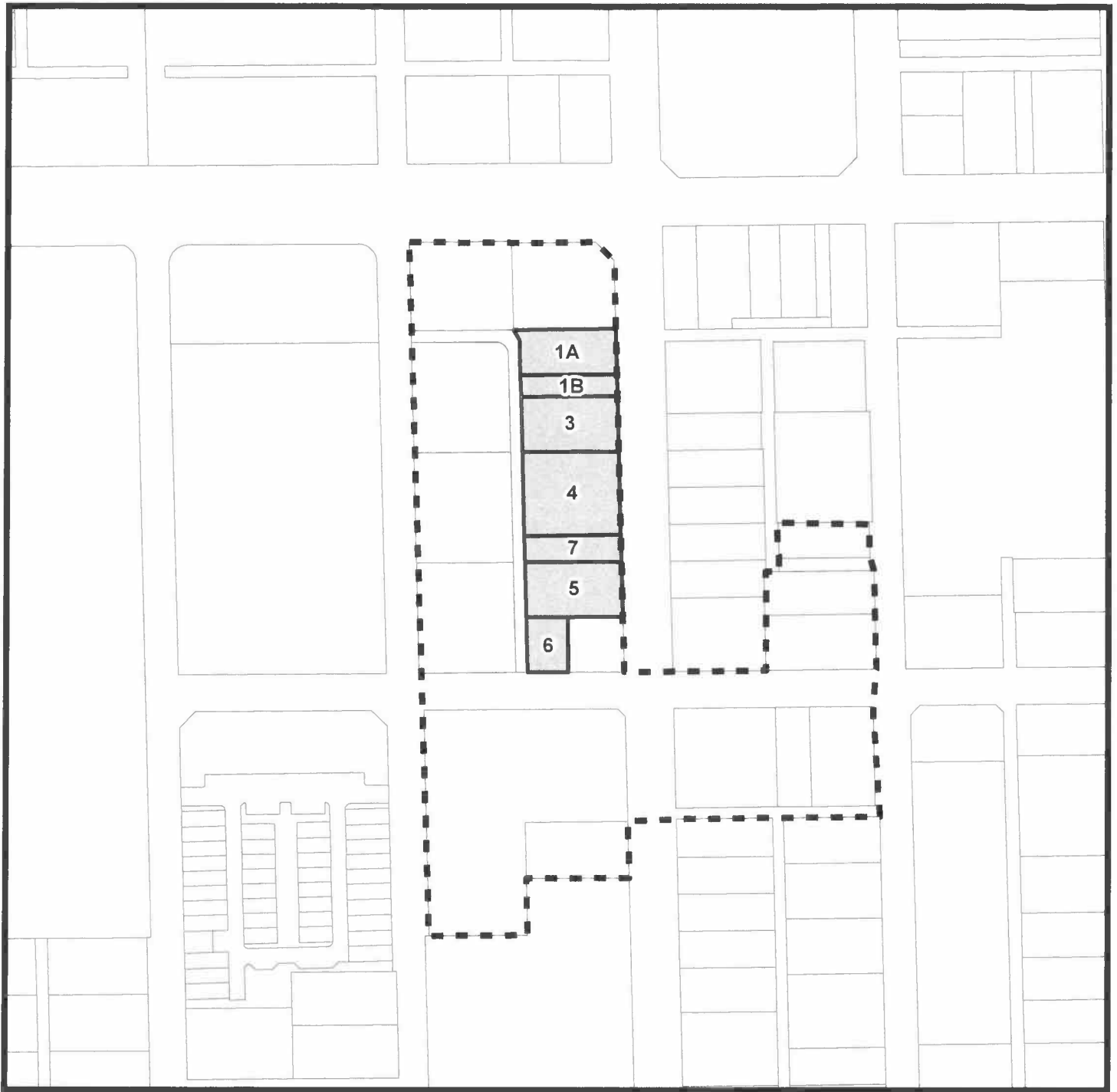
In compliance with Salvage and Recordation of Historic Structures: (11) (a & b), at the expense of the Applicant with City staff, shall conduct an inventory of all salvable materials from the structures to be demolished prior to release of demolition permits, including but not limited to flooring, doors, windows, and hardware. The Applicant would reuse materials on relocated properties where possible. The Applicant shall provide a copy of the recording to Planning & Zoning Department and Delray Beach Historical Society for archival purposes.

<b>ALTERNATIVE ACTIONS</b>
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- A. Continue with direction.
- B. Move approval of the COA (Building 'G-ACC') for the demolition of an accessory building located at 44½ South Swinton 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 'G-ACC') for the demolition of an accessory building located at 44½ South Swinton Avenue, Old School Square Historic District, by 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 'G-ACC') for the demolition of an accessory building to Building 'G' a contributing structure located at 44½ South Swinton 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).



## MIDTOWN DELRAY

Number	Address
1A	14 S Swinton Ave (Relocation)
1B	20 W Atlantic Ave (Relocation)
3	22 S Swinton Ave (Relocation)
4	38 S Swinton Ave (Relocation)
5	40 S Swinton Ave (Relocation)
6	44 1/2 S Swinton Ave (Demolition)
7	38 1/2 S Swinton Ave (Demolition)



Planning, Zoning and  
Building Department



Midtown Delray Boundary

Midtown Delray



1 inch = 200 feet