

HISTORIC PRESERVATION BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE: December 19, 2017

ITEM: 38 South Swinton Avenue, The Cathcart House, Old School Square Historic District (Building 'E') – Consideration of a Certificate of Appropriateness for the Relocation of a contributing structure.

RECOMMENDATION: Approve the Certificate of Appropriateness for the relocation of building 'E'

GENERAL DATA:

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

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

Location: 38 South Swinton Avenue between
West Atlantic Avenue and
SW 1st Street

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

Historic District: Old School Square Historic
District

Building Reference: The Cathcart House or Building
'E'

Year Built: 1902

Present Use: Vacant

Proposed Use: Retail, accessory use to Sundy
House, 1st floor lounge, guest
rooms 2nd floor.



ITEM BEFORE THE BOARD

The item before the Board is the consideration of a Certificate of Appropriateness (COA) for the relocation of Building 'E', The Cathcart House located at 38 South Swinton Avenue, Block 61, Old School Square Historic District, (OSSHD) to its same location following construction of the subgrade parking area, pursuant to LDR Section 2.4.6(B).

BACKGROUND / DESCRIPTION

Built in 1902, the subject property, Building 'E' a.k.a. Cathcart House' located at 38 South Swinton Avenue, between West Atlantic Avenue and SW 1st Street, Block 61 is classified as contributing to the OSSHAD. The Cathcart name is associated with its early pioneer family who lived in the house from 1902 to 1966. Subsequently, the Themines also a well-known family in Delray Beach lived there. Virginia Snyder, a well-known reporter and a private investigator bought the Cathcart House in 1998 until she sold the property it to Rectory Park LC in 2000. The Florida Master Site File (FMSF, #8PBO345 indicates Building 'G', a.k.a the Yellow House located at 44 South Swinton Avenue was also owned by Ross and Virginia A. Snyder.

The Cathcart House is a 2-story 3,112 SF woodframe French Colonial architectural style considered the "crown jewel" on South Swinton in OSSHAD. It has mostly a regular plan exhibiting a wide hipped roof extending over the 2nd floor veranda (galleries), an identifying feature of the French Colonial style. The roof is covered with oxidized copper shingles and a 2-3 foot wide band near the eaves. The roof appears to be in good condition. The exterior walls are painted wood siding but poorly maintained. The second floor veranda is somewhat fragile, although no signs of structural deficiencies noted. The windows are 1/1 single hung non-impact.

The Sanborn Insurance Map of 1922 shows the veranda wrapped most of the north façade, the entire east and south façades and an outside kitchen is located contiguous to the west end of the south veranda. A classic feature of a French Colonial architecture is a 360° wrap-around veranda on the first and 2nd floors. Sanborn Maps of 1926, 1946 and 1963 exhibit the veranda wrapping around the building including most of the west façade and the outside kitchen is detached and located southwest of the main building.

East Façade (front) exhibits a high pitch hip roof extending to support the second story veranda. All the windows are 1/1 wood framed with vertical wood shutters symmetrically placed on the façade. Two centrally located single half-glaze half-wood panel doors provide separate entrances to the first floor. Likely operable transoms appear to be located above the doors and windows on the first floor. West Façade (rear) the west façade underwent the most change. The 2nd floor veranda was also partially eliminated by infill to create an interior space and has small villa-like windows. The outdoor kitchen was at some point attached to the main house, thus eliminating the veranda on the first floor. South Façade exhibits a full veranda on the second floor with ornamented wood balustrades supported by lattice bracketed columns. The first floor exhibits a veranda with an entry on the east end. The 1-story non-historic structure can be seen projecting on the west end of the building. North Façade exhibits a partial veranda (3/4 of the façade) and ornamented balustrade on the second floor to the infilled structure on the west end. The first floor exhibits a partial veranda up to where a non-historic structure with a 1/1 window is located. The north wall of the 1-story structure can be seen extending from the west end.

Since a portion of Block 61 has a CBD overlay, which was intended to rejuvenate blighted areas such as West Atlantic Avenue, there is pressure for more intense development on that block to

make it more economically feasible for the applicant. The request is to relocate Building 'E', Cathcart House at 38 South Swinton Avenue on Block 61 to a site approximately 20 feet further south on South Swinton Avenue, Block 61 (address to be determined) to allow more intense development on the northern end of Block 61. The Cathcart House will continue to front on South Swinton Avenue behind the coquina stone wall that is historically associated with the Cathcart House. The coquina wall will also be moved southward to accommodate the relocated Building 'E'. Prior to relocation, the non-historic 1-story addition, the infill walls on the 2nd floor veranda and veranda ramp will be removed. Once relocated, the Cathcart House will be restored to its original French Colonial design exhibiting a 360° first and second floor wrap-around veranda done with strict adherence to the Secretary of Interior Standards for Rehabilitation and Delray Beach Historic Preservation Design Guidelines.

The temporary relocation of Building 'E' will allow it to remain viable, contribute to the local economy, express Delray Beach's important heritage and become an important component of the redevelopment on Block 61. Please refer to overall Site Building Demo/Relocation and Master plan prepared by REG Architects, which shows Building 'E' in its proposed new location. Other structures have been successfully relocated in the past within Delray and in particular the OSSHAD. It has been a way to preserve and restore historically significant structures.

At its meeting of June 27, 2017, The Historic Preservation Board denied the proposed relocation.

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:

Setbacks:	Requirement	Proposed
Front(East)	25'	59'
Side Interior (North)	7'-6"	N/A
Side Interior (South)	7'-6"	N/A
Rear (West)	10'	N/A

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: Before relocating the Cathcart House back to its existing site on Block 61, the non-historic additions, including veranda ramp, infill walls on the 2nd floor veranda and 1-story addition in the rear of the building will be removed. Standard 3: Once relocated to its new site, the applicant will restore the Cathcart House with strict adherence to the Secretary of Interior Standards and 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 adjacent to an area on Block 61 that has a CBD overlay, which allows more intense development. It preserves an important historic resource and allows it to remain on the same block and near its existing site, become viable. 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 'E' will be relocated within the same block, approximately 20' south of its existing site;
- b) 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 relocation of Building 'E' will not have a detrimental effect on the structural soundness of the building;
- c) Its relocation will have a positive effect on other historic buildings on Block 61;
- d) Its new surroundings will be compatible with its architectural character, if the applicant is sensitive to landscaping it with a less formal setting than the landscaping proposed for the new construction; and
- e) By temporarily moving the Cathcart House until the subgrade parking area is constructed allows the applicant to redevelop the nearby sites without having to consider demolition of the Cathcart House.

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 applicant's *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) a demolition plan illustrating any parts of the structure to be removed or modified to facilitate the relocation are provided indicating that the non-historic veranda ramp, one-story addition and enclosure on the 2nd floor veranda will be removed. The verandas will remain and be restored;
 - c) the building's small footprint and short relocation distance do not require it being split for a successful relocation;
 - 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;
 - e) Building 'E' is a two-story woodframe structure. Although its painted wood siding finish needs maintenance it shows no signs of structural distress or defects observed in the exterior walls noted by consulting engineers McCarthy and Associates.

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.**

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 COA for Cathcart House at 38 South Swinton Avenue 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 will 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.

a. 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.

b. 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.

c. 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 relating to Additional Public Notice requirements of LDR Section 2.4.2(B)(f)(j).

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.

Applicant shall meet all requirements pursuant to LDR Section 4.5.1(E)(6)(d), Relocation, Supplemental Requirements, (1-3) relating to vandalism, potential weather damage, maintaining structure awaiting permit and comply with "Moving Historic Structures" requirements.

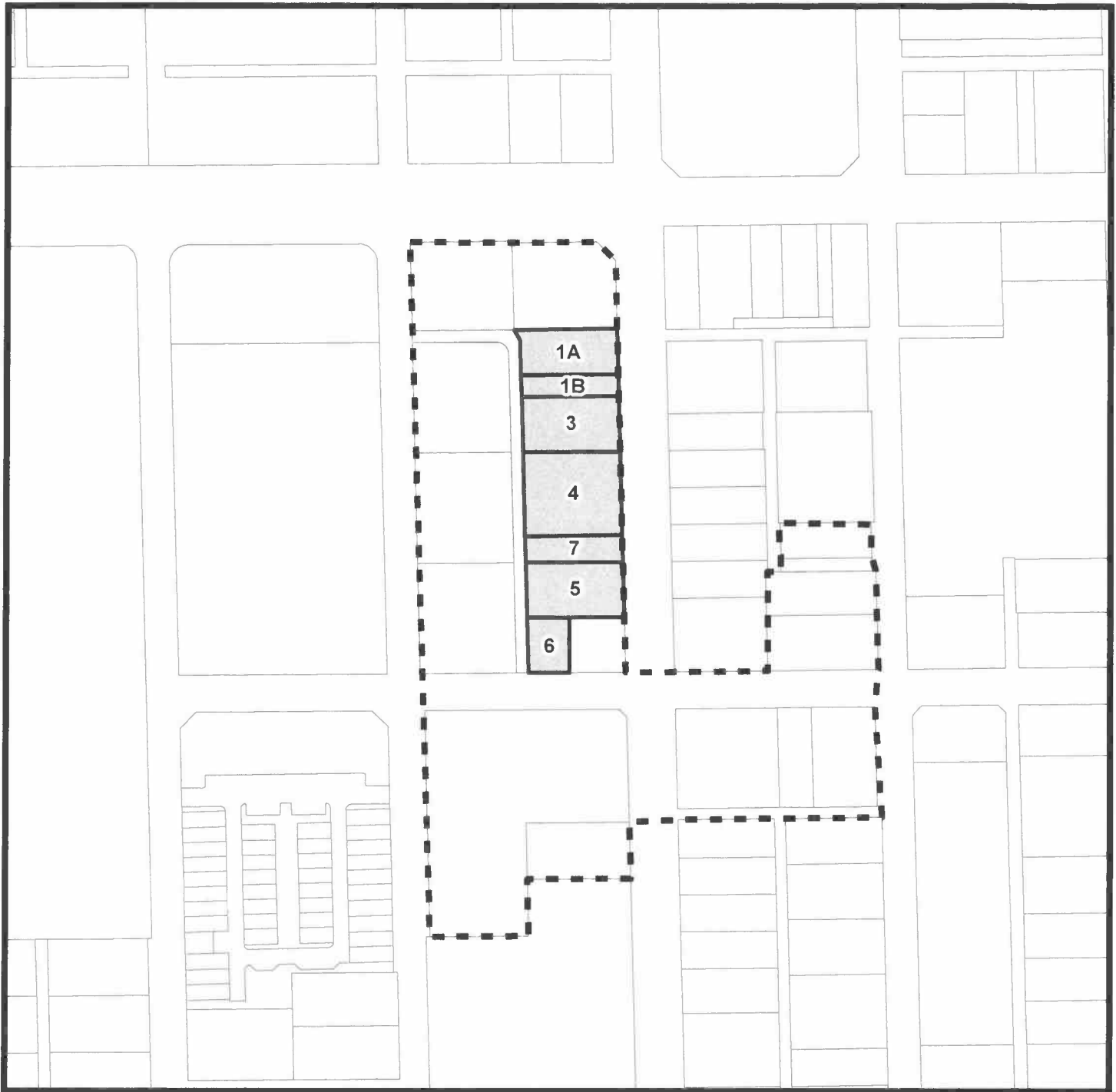
Relocating the Cathcart House, Building 'E' within Block 61, OSSHAD, the applicant preserves the historic resource meeting Comprehensive Plan Objective A-4. Building 'E's scale, and its architecture possesses identifying characteristics of the existing neighborhood. By relocating it to its new site approximately 20' south of its existing site, Building 'E' is preserved and will remain a viable historic resource. The Historic Preservation Board will determine that the requested action requested by the applicant is consistent with Section 4.5 of LDRs.

ALTERNATIVE ACTIONS

- A. Continue with the following direction:
- B. Move to approve the COA for the temporary relocation of The Cathcart House, a contributing structure on the property located at 38 South Swinton Avenue, Block 61 back to its existing location on 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 for the temporary relocation of The Cathcart House located at 38 South Swinton Avenue, Block 61 back to its existing location on Block 61 (address to be determined) OSSHD 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.

RECOMMENDATION

Move to approve the COA for the temporary relocation of The Cathcart House, a contributing structure back to its existing location on 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.



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