

# HISTORIC PRESERVATION BOARD CITY OF DELRAY BEACH

## ---STAFF REPORT---

**MEETING DATE:** December 19, 2017

**ITEM:** 22 S Swinton Avenue, Old School Square Historic District (Building 'C') – Consideration of a Certificate of Appropriateness for the Relocation of a contributing structure.

**RECOMMENDATION:** Approve the Certificate of Appropriateness for the relocation of building 'C'

### GENERAL DATA:

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

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

**Location:** 22 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:** Building 'C'

**Year Built:** 1925

**Present Use:** Office

**Proposed Use:** Offices



## ITEM BEFORE THE BOARD

The item before the Board is the consideration of a Certificate of Appropriateness (COA) for the relocation of Building 'C' from 22 South Swinton Avenue, Block 61, Old School Square Historic District, to a site further south on Block 61, pursuant to LDR Section 2.4.6(B).

## BACKGROUND / DESCRIPTION

Built in 1925, the subject property, Building 'C', a.k.a. the Bakery is located at 22 South Swinton Avenue, Block 61 between West Atlantic Avenue and SW 1<sup>st</sup> Street, and classified contributing to the OSSHAD.

Building 'C' is a 2,732 SF 1-story wood frame Bungalow architectural style. It has a simple plan with a low-pitch hip roof covered with asphalt shingle and appears to be in good condition. The wood frame structure has a stucco finish. The windows are 4/1 double and ribbon style fenestration. East Façade (front) a central front gable roof projects from the side gable roof that is supported with elephantine piers and 3/1 ribbon style windows. The south end displays a single glazed door flanked by 3/1 windows. A port cochere supported with elephantine piers is located on the north end of the main façade. West Façade (rear) exhibits a low-pitch hip roof with double windows on the south end and double glazed doors with 5-step concrete platform entry with railings on the north end of the facade. North Façade exhibits a port cochere supported by elephantine piers, a central door flanked by double and single 3/1 windows. An exterior chimney projects beyond the roofline. The remaining wall is single, double and 4-ribbon style window fenestration. South Façade exhibits ribbon style windows beneath a low-pitch gable projection flanked by elephantine piers. Double windows are noted on the remaining exterior wall.

The 1926, 1946 and 1963 Sanborn Maps show no change in the location of Building 'C'. Originally built as a residence, it has recently functioned as a bakery and appears to be in good condition. The porte cochere will be reestablished after its relocation. The concrete steps and stoop noted on the rear of the building will be replaced with wood steps and decking. Concrete steps will access the main entrance on the east façade.

Since West Atlantic Avenue 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 and makes it economically feasible for the applicant. Building 'C's existing location is approximately 247' south of West Atlantic Avenue with a 31.31' setback from property line off South Swinton Avenue. Its 1-story small footprint is incompatible with the proposed redevelopment on the central and northern area of Block 61. The applicant is requesting to relocate Building 'C' to a site approximately 34' further south of its existing site but maintaining it's a similar setback from property line off South Swinton Avenue. Temporally Building 'C' will be reoriented 90 degrees, facing north. At its permanent relocation site it will remain at 34' south of its existing location, with a 31.31' setback, and reoriented to face South Swinton consistent with its existing location. The co-location of the Buildings 'C' with other historic buildings with similar architectural characteristics assists in demonstrating the need to maintain some relevance of their existing and proposed locations within the OSSHAD.

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 that occupy Block 61 have not been successful as a whole or have only worked temporally. The historic and architectural

integrity of Building 'C' is preserved. The Midtown Delray redevelopment will create the foot traffic need to help Building 'C' become a viable and economically contributing historic resource.

**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>Existing</b>	<b>Proposed</b>
Front (East)	25'	31.31'	<b>31.31'</b>
Side Interior (North)	7'-6"	39'	<b>N/A</b>
Side Interior (South)	7'-6"	8'	<b>N/A</b>
Rear (West)	10'	44'	<b>N/A</b>

As illustrated above, the proposal complies with the minimum setbacks of the Development Standards for the OSSHAD zoning district.

**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.

Building 'C' will be relocated mostly intact including its interior fireplace. The elephantine piers of the port cochere, may need to be removed prior to relocation. They will be rebuilt after relocation if necessary. The building will be in harmony with other historic buildings that will be relocated or reconstructed at its proposed location. All work will be changed in accordance with the Secretary of the Interior's Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines.

Standard 3: 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. The historic elephantine piers of the port cochere of Building 'C' will be reconstructed in the new location in a manner consistent with its historic design. All work shall accomplished with strict adherence to the Secretary of Interiors Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines.

**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 existing property is located near property that has a CBD overlay, which allows more intense development. The small size and footprint of Building 'C' does not comply with the needs of the applicant at its existing location. The relocation site of Building 'C' is in a more compatible setting for Building 'C' where other 1- and 2-story historic buildings are located. At this time the applicant has not claimed undue economic hardship. If the owner decides to claim undue economic hardship, the owner must comply and submit all materials requested pursuant to **Article 4.5, Section 4.5.1 (H).**

**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 'C' will be relocated within the same historic district, OSSHAD.;
- 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 Building 'C' shows no signs of structural distress and no structural defects are noted in the exterior walls. It can be moved to its new location, including the existing fireplace without having a detrimental effect on Building 'C';
- c) Its relocation will not have a negative effect on other historic buildings, within the originating historic district, at the new site;
- d) The new surroundings of the relocated structure will be compatible with its architectural character;
- e) Moving it is a practical means to making it viable again and less likely to be considered for demolition by the applicant.

**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) There are no modifications to the building planned to move Building 'C' to its new location. The elephantine piers of the port cochere may be removed and reconstructed after relocation.
- c) The small footprint of Building 'C' does not require it to be split for moving to 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.
- e) A certified engineering report as required as part of the Relocation plan will be provided as required. Building 'C' is a one-story woodframe structure with stucco finish that shows no signs of structural distress, 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 no 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 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.
- 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 will 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 damage during relocation, failure of relocation and requests for relief if necessary.

**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 vandalism, weather damage, maintenance requirements, and compliance with Moving 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 'C' from its existing location to a site further south on Block 61 within OSSHAD, the applicant preserves the historic resource thus meeting Comprehensive Plan Objective A-4. Building 'C'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 change the character of Block 61. Consequently, Building 'C' would not possess identifying characteristics with the new construction proposed on Block 61 in its existing location. By relocating it further south on Block 61 and co-locating it with other historic buildings, Building 'C' is preserved and is an identifying characteristic of the surroundings where other historic buildings are relocated on Block 61. Additionally, it will be complementary to the streetscape. Prior to approval or recommending approval the Historic

Preservation Board must make a finding that the requested action is consistent with the provisions of Section 4.5.1 of LDRs relating to historic sites and districts and the "Delray Beach Design Guidelines".

<b>ALTERNATIVE ACTIONS</b>
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- A. Continue with the following direction:
  
- B. Move to approve the COA (Building 'C') for the relocation of the contributing structure on the property located at 22 South Swinton Avenue, Block 61 to the property located further south on Block 61 (address to be determined), OSSHD 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 'C') for the relocation of the historic structure on the property located at 22 South Swinton Avenue, Block 61 to a property further south on Block 61 (address to be determined) OSSHD by 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 'C') for the relocation of the contributing structure on the property located at 22 South Swinton Avenue, OSSHD to the property further south on Block 61 (address to be determined) OSSHAD 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.

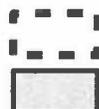


## MIDTOWN DELRAY

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