

# HISTORIC PRESERVATION BOARD CITY OF DELRAY BEACH

## ---STAFF REPORT---

**MEETING DATE:** December 19, 2017

**ITEM:** 14 S. Swinton Avenue, Old School Square Historic District, The Rectory, (Building 'A') – Consideration of a Certificate of Appropriateness for the **Relocation** of a contributing structure.

**RECOMMENDATION:** Approve the Certificate of Appropriateness for the relocation of Building 'A'

### GENERAL DATA:

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

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

**Location:** 14 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:** The Rectory (Building 'A')

**Year Built:** 1905

**Present Use:** Coffee shop on the first floor and  
offices on the second floor

**Proposed Use:** Commercial



## ITEM BEFORE THE BOARD

The item before the Board is the consideration of a Certificate of Appropriateness (COA) for the relocation of Building 'A', a.k.a. the Rectory (hereafter referred to as the Rectory) from 14 South Swinton, Block 61, Old School Square Historic Arts District, (OSSHAD) to approximately 150' south of its existing location. Its relocation meets the setbacks of the OSSHAD zoning district pursuant to LDR Section 2.4.6(B).

## BACKGROUND / DESCRIPTION

The subject building known as the Rectory is located at 14 South Swinton Avenue, Block 61, OSSHAD, south of West Atlantic Avenue with a setback of approximately 78' west of South Swinton Avenue. It is classified as a contributing building to OSSHAD. The Midtown Delray redevelopment proposes to permanently relocate the Rectory south of its existing site with an approximate front setback of 70' off South Swinton Avenue. The building will be moved approximately 221.5' south of West Atlantic Avenue and approximately 7 feet closer to South Swinton Avenue. It will be relocated north and contiguous to the Cathcart House, a.k.a.(Building 'E'), Block 61, OSSHAD where it will retain its original orientation fronting on South Swinton Avenue, Pursuant to LDR Section 2.4.6(B).

The Rectory was built in 1905 and is located at 14 South Swinton Avenue, Block 61, OSSHAD. The 1922 and 1926 Sanborn maps show the Rectory in its existing location and the footprint of the First Methodist Church immediately southeast of the Rectory. Historically, The Rectory was the parsonage associated with the First Methodist Church serving many religious denominations. Being the only rectory and church in Delray Beach at that time, multiple European settlers in Delray Beach of various religions attended services in the church until their own church was built. The First Methodist Church was severely damaged in the 1926 Hurricane and ultimately demolished. The 1946 and 1963 Sanborn maps show an addition to the west façade of the Rectory with an alley running along the west and north sides of the building. Over time the Rectory has had adaptive uses including serving as a residence, dress boutique, and currently as a coffee shop on the first floor and offices on the second.

The Rectory is a 1,782 SF 2-story wood frame modest Victorian Queen Anne architectural style. It has an irregular plan with a high pitch cross-gable roof covered with standing seam metal. The exteriors are covered with painted wood siding. The front gable end is adorned with patterned wood shingles. The windows are single hung non-impact 4/1 and 2/2 with louvered wood shutters that appear in good condition. The East Façade (front) exhibits a cross-gable roof line and patterned shingles adorn the front end gable. An exterior brick chimney penetrates the metal roof on the first floor. All the historic windows are 2/2 with louvered shutters. The front door entry has single multi-pane door. The West Façade (rear) exhibits side gable high pitch roof with a 1-story non-historic addition with a shed roof and small porch on the south end with railing and 3-step entry. The North Façade exhibits a gable end adorned with patterned shingles, 2/2 windows and louvered shutters. 4/1 windows are noted on the partial infill on the first floor. An exterior chimney penetrates the metal roof on the first floor. A 1-story non-historic addition with a shed roof is on the west end of the north facade. The South Façade exhibits a central steep gable roof and patterned shingles adorn the gable end. The west end exhibits a non-historic 1-story partial porch with railing and two step entry with a multi-pane French Doors entrance. The east end exhibits a partial wrap around 1-story metal roof, balustrades, columns and 2/2 windows. Its existing lush foliage setting appears to have evolved organically over time.

The applicant is requesting to permanently move the Rectory from its existing location at 14 South Swinton, Block 61 to a site approximately 221.5' further south where it will have a front setback of approximately 70' from property line on South Swinton to accommodate the proposed Midtown Delray redevelopment project.

The massing and scale of the newly constructed buildings along South Swinton with the revised knee wall, individual placement and 2-story height limit appear to be compatible with the 2-story Rectory and Cathcart House. The revised plan of allowing the existing historic buildings immediately south of the Cathcart House to remain in their approximate location eliminates concerns of dramatically changing the streetscape of South Swinton Avenue as noted in previous submittals

Since the north end of Block 61 has CBD overlay, which is intended to rejuvenate blighted areas such as West Atlantic Avenue and allows for more intense development, there is pressure for develop the CBD overlay with greater density. The 2-story Rectory's small footprint, square footage and existing location is incompatible with the proposed redevelopment on the north end of Block 61, where 4-story mixed-use buildings are being proposed. The 4-story structures and altered setting would overshadow the 2-story Rectory. Consequently, The Rectory is proposed to be permanently relocated approximately 89.5' south of its existing site and north and contiguous to the historically significant Cathcart house (Building 'E'). 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 on Block 61 have not been successful as a whole or have only worked temporally. Relocation of the Rectory within the redevelopment of Block 61 will provide the foot traffic needed to sustain potential businesses. This 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.

**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'	77.18'	<b>70'</b>
Side Interior (North)	7'-6"	3"	<b>9'</b>
Side Interior (South)	7'-6"	44'	<b>37'</b>
Rear (West)	10'	10.64'	<b>25.5'</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.

Standard 2: The intent is to restore the Rectory, (Building 'A') to its original design. Prior to relocation, selective demolition of non-historic features will be removed. The non-historic 1-story addition, wood porch, steps and railing on the western side of the existing structure as well as the historic wood porch on the east, shutter system, and partial infill of north side of the building will be removed in accordance with the Secretary of the Interior's Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines.

Standard 3: The historic porch on the east and partial north side of the Rectory will be reconstructed in the new location in a manner consistent with its historic design. All work shall be 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.

Since the north end of Block 61 has a CBD overlay intended to rejuvenate blighted areas such as West Atlantic Avenue and allows for more intense development, there is pressure to develop the CBD overlay area with a higher density. The small footprint of the 2-story Rectory does not comply with the needs of the applicant. Additionally, the Rectory at its existing site would be overshadowed by the 4-story mixed use development that is proposed in the CBD overlay area immediately north of the Rectory's existing site. 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 in Article 4.5, Section 4.5.1 (H).

**Pursuant to LDR Section 4.5.1(E)(6)(a)1., 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) The Rectory (Building 'A') will be relocated within the same historic district, OSSHD; 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 'A' shows no signs of structural distress and no structural defects are noted in the exterior walls; c) Its relocation will not have a negative effect on other historic sites, buildings, or structures at its new site. Its relocation will be complementary to the historic buildings at its new site; d) The Rectory will be compatible with the massing and scale of the proposed individual new construction on South Swinton and also will be compatible with the historic Cathcart House (Building 'E') and other historic buildings that are proposed to be relocated along South Swinton Avenue; e) Because of its small footprint, the Rectory does not

comply with the needs of the applicant in its existing location. Additionally, the CBD overlay immediately north of the Rectory along West Atlantic Avenue allows 4-story buildings to be built, create an incompatible setting, and would overshadow the Rectory in its existing location. Relocating the Rectory to its proposed new site further south on South Swinton Avenue is a way to preserve and restore it to its original design, place it in a more compatible setting away from more intense development, and it can serve as a heritage center or other compatible uses, as well as make it viable and contributing to the local economy as part of the Midtown Delray redevelopment project. By relocating the Rectory as noted above is a practicable means of saving the structure from consideration 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) Non-historic features will be removed prior to relocation of the Rectory. The front porch will also be removed prior to relocation and reconstructed on its relocated site;

c) The small footprint of The Rectory 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.

d)The Rectory is a two-story woodframe structure that shows no signs of structural distress, defects observed in the exterior walls noted by consulting engineers McCarthy and Associates;

e) A Certified engineering report as necessary shall be provided.

**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.**

Pursuant to LDR Section 4.5.1(E)(6)(a)3 (a-e) 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.**

Pursuant to LDR Section 4.5.1(E)(6)(a)4, The applicant will submit COA of Rectory at 14 S. South Swinton 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 shall 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 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 and Additional Public Notice requirements of LDR Section 2.4.2(B)(f)(j) relating to Additional Public Notice.

**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, potential weather damage, maintaining structure awaiting permit and comply with "Moving Historic Structures" requirements.

### **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 Historic Rehabilitation of historically significant housing, especially where such housing is an identifying characteristic of a particular neighborhood.**

Comprehensive Plan, Pursuant to the Future Land Use Element, Objective A-4: By relocating the Rectory, from the north end of Block 61 to further south on Block 61 within OSSHAD, the applicant preserves the historic resource meeting Comprehensive Plan Objective A-4. The proposed 2-story new construction on South Swinton does possess characteristics that relate to the placement, setting, scale, and proportion of the Rectory particularly having it paired with the Cathcart House in a garden park-like setting as recommended. The redevelopment of Block 61 with a partial CBD overlay allows more intense redevelopment, which will substantially change the character of north end of Block 61. The development along South Swinton, however, is less intense than along West Atlantic Avenue. By relocating the Rectory, (Building 'A') further south on Block 61, it preserves the historic resource and its historic fronting on South Swinton Avenue that is an identifying characteristic of OSSHD. It also keeps the Rectory viable and contributing to Delray Beach's local economy and evolving environment.

## **ALTERNATIVE ACTIONS**

- A. Continue with the following direction:
  1. That justification regarding the relocation be provided which addresses its viability in its current location;
  2. That information regarding the relocation method be provided;
  3. That a report regarding the structural stability including an analysis of the original building materials of the structure be provided; and,
  4. That a complete demolition plan be submitted which includes the interior of the structure.
  
- B. Move to approve the COA (Rectory, Building 'A'), 14 S. South Swinton for the relocation of the contributing structure on the property located at 20 W Atlantic Avenue, Block 61 to the

property located further south on Block 61 fronting on South Swinton Avenue (address to be determined) within 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.

- C. Move to deny the COA (Rectory, Building 'A') 14 S. South Swinton for the relocation of the historic structure on the property located at 20 W Atlantic Avenue, Block 61 to the property located south section of Block 61 (address to be determined) OSSHAD 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 Historic Rehabilitation.

<b>RECOMMENDATION</b>
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Move to approve the COA (Rectory, Building 'A'), 14 S. South Swinton for the relocation of the contributing structure on the property located at 20 W. Atlantic Avenue, Block 61 to the property located at further south on Block 61 fronting on South Swinton Avenue (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