

# HISTORIC PRESERVATION BOARD

## CITY OF DELRAY BEACH

## STAFF REPORT

**MEETING DATE:** July 18, 2018

**ITEM:** 212 Seabreeze Avenue, Individually Designated – Certificate of Appropriateness (2018-076) for the demolition of two (2) noncontributing additions and Revocation of an existing Historic Property Ad Valorem Tax Exemption.

**RECOMMENDATION:** Approve the Certificate of Appropriateness

### GENERAL DATA:

Owner/ Applicant..... Michael Marco

Agent:..... Jeffrey Silberstein  
Silberstein Architecture, Inc.

Location:..... 212 Seabreeze Avenue,  
North side of Seabreeze Avenue  
and South side of Vista Del Mar Drive

Property Size:..... 0.26 Acres

Historic District:..... Individually Listed to Local Register  
of Historic Places

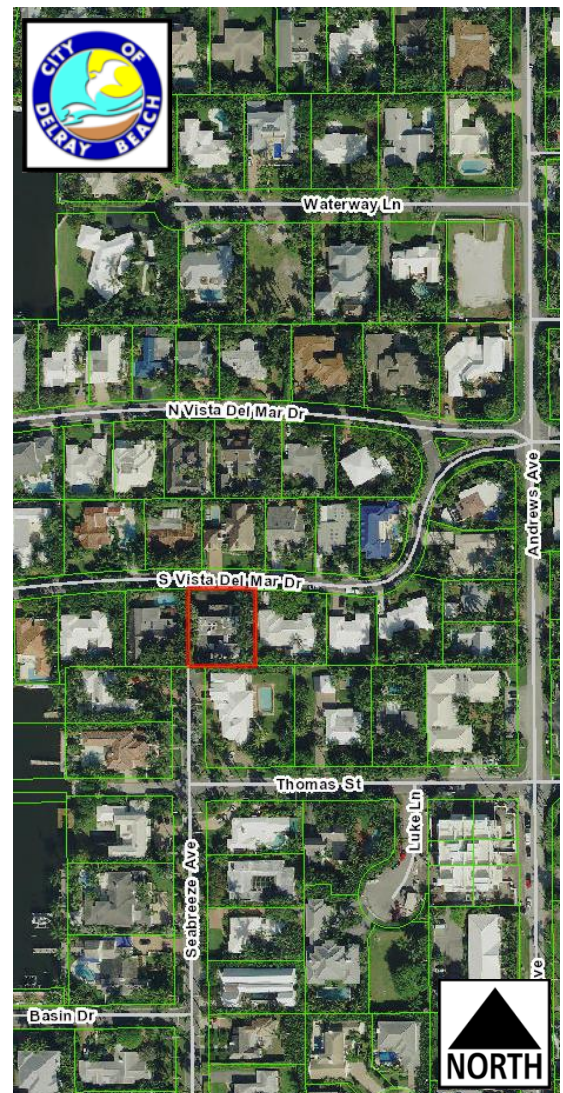
Current Zoning:..... R-1-AA (Single Family Residential)

Adjacent Zoning:.....  
North: R-1-AA  
South: R-1-AA  
East: R-1-AA  
West: R-1-AA

Existing Future Land  
Use Designation:..... LD (Low Density Residential  
0-5 DU/Acre)

Water Service:..... Public water service is  
provided on site.

Sewer Service:..... Public sewer service is  
provided on site.



## ITEM BEFORE THE BOARD

The item before the Board is approval of Certificate of Appropriateness (2018-076) for the demolition of two (2) noncontributing additions and Revocation of an existing Historic Property Ad Valorem Tax Exemption for property located at **212 Seabreeze Avenue, Individually Designated**, pursuant to LDR Section 2.4.6(H).

## BACKGROUND & PROJECT DESCRIPTION

The subject property consists of Lot 21 and the West 35 Feet of Lot 22, Delray Beach Esplanade and is zoned Single Family Residential (R-1-AA). The structure consists of 4,686 square feet. The original structure was built in 1955 and contained 1,594 square feet. Named for the original owner, Sewell C. Biggs, and designed by architect Paul Rudolph, the structure is representative of 20th century regional modernism tailored for the Florida environment. In the early 1980's a 1,156 1<sup>st</sup> floor addition was constructed on the north side of the property.

At its meeting of June 15, 2005, the Historic Preservation Board recommended approval for individual historic designation of 212 Seabreeze Avenue to be known as The Sewell C. Biggs House. At its meeting of July 5, 2005, the City Commission passed Ordinance 50-05 that listed the subject property on the Local Register of Historic Places.

At its meeting of October 18, 2006, the HPB approved Certificate of Appropriateness (2006-454) for a two-story, 1,936 square foot, handicap accessible addition to the existing structure on the South elevation.

At its meeting of October 6, 2009, the HPB recommended approval of the Ad Valorem Tax Exemption Application for the improvements stated above as approved with COA 2006-454. In addition to the components associated with the approved addition, all interior improvements were eligible for the exemption. At its meeting of October 20, 2009, the City Commission passed Resolution 52-09 granting an Ad Valorem Tax Exemption to Virginia Courtenay (property owner) for the historic rehabilitation of the property located at 212 Seabreeze Avenue.

The subject COA request includes:

1. Demolition of 1,936 square foot, handicap accessible addition to the existing structure on the South elevation; and,
2. Demolition of first floor addition constructed in 1981 on the North elevation.

The Ad Valorem Tax Exemption Application passed in 2009 is binding, and if violated, the property owner will have to comply with the agreement listed in the Covenant. Should the Board approve the subject COA request, demolition of the noncontributing additions would result in a Revocation of the Historic Preservation Property Tax Exemption Covenant. Upon revocation of the Ad Valorem Tax Exemption the owner is required to pay the difference between the total amount of taxes which would have been due in March in each of the previous years in which the Covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest in the difference calculation.

## ANALYSIS OF PROPOSAL

**Pursuant to Land Development Regulation (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.**

#### **LDR SECTION 4.5.1, HISTORIC PRESERVATION, DESIGNATED DISTRICTS, SITES, AND BUILDINGS**

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.

##### **Standard 1**

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 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 5**

**Distinctive** features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

The proposal meets the applicable standards noted above and its intent by providing for the continued use of the subject property as residential. The proposal includes demolition of the existing noncontributing additions, the 1,936 square foot, handicap accessible addition on the South elevation and the 1,156 square foot first floor addition on the North elevation. The noncontributing additions do not contain distinctive features, finishes, and construction techniques that contribute to the historic character of the property. The proposed changes will maintain the historic purpose of the lot as a residential use and maintain the original structure.

Pursuant to LDR Section 4.5.1(F) – **Demolitions**: 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).
- (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.
- (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.
- (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).
- (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 alteration or redevelopment shall meet the “Additional Public Notice” requirements of LDR Section 2.4.2(B)(1)(j).
- (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.
- (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).
- (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.
- (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.
- (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.
- (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.

The existing additions are considered noncontributing as they were built in 1981 and 2007. No alterations are proposed to the original 1955 structure. A review of the applicable code requirements relating to demolition of noncontributing structures has been completed and is noted below.

The applicant has provided a request for demolition via the subject COA application. The demolition is proposed prior to the issuance of a building permit for construction of a new structure because the original structure will remain. It is noted that the North addition constructed in 1981 contains the kitchen; therefore, a condition of approval is attached that this addition be retained until a permit is issued for replacement of the kitchen. This is to ensure the structure will meet the requirements of the Florida Building Code, which requires residential structures include a kitchen.

The existing structures are to be maintained so as to remain in a condition similar to that which existed at the time of the application for the COA. The applicant has not claimed undue economic hardship with respect to the subject COA request. 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. An additional delay period has not been requested and is not anticipated to be necessary.

**Pursuant to LDR Section 4.5.1(J)(10), Revocation proceedings for Tax Exemptions for Historic Properties, the Historic Preservation Board may initiate proceedings to revoke the ad valorem tax exemption. The Historic Preservation Board shall hold a revocation hearing and make recommendation to the City Commission. The City Commission shall review the recommendations of the Historic Preservation Board and make a determination as to whether the tax exemption shall be revoked. Should the City Commission determine that the tax exemption shall be revoked, a written resolution revoking the exemption and notice of penalties as provided in Paragraph 8 of the covenant shall be provided to the owner, the Palm Beach County Property Appraiser, and filed in the official records of Palm Beach County. Upon receipt of the resolution revoking the tax exemption, the Palm Beach County Property Appraiser shall discontinue the tax exemption on the property as of January 1 of the year following receipt of the notice of revocation.**

The applicant has requested the approved Historic Property Ad Valorem Tax Exemption be terminated for the subject property upon HPB's approval of the demolition of the non-contributing structures. The applicant accepts the penalties outlined in the LDRs and the recorded Covenant, which include repayment of taxes that are subject to the Historic Property Ad Valorem Tax Exemption, which expires in December of 2019 per the recorded Covenant. A condition of approval of the subject request is that the property owner will provide documentation that the taxes have been re-paid to Palm Beach County.

#### **ALTERNATIVE ACTIONS**

- A. Continue with direction.
- B. Approve Certificate of Appropriateness (2018-076) and recommend approval of the Revocation of the Historic Property Ad Valorem Tax Exemption to the City Commission for the property located at **212 Seabreeze Avenue, Individually Designated** 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 LDR Sections 2.4.6(H)(5), subject to conditions.
- C. Deny Certificate of Appropriateness (2018-076) and recommend denial of the Revocation of the Historic Property Ad Valorem Tax Exemption to the City Commission for the property located at **212 Seabreeze Avenue, Individually Designated** by finding that the request and approval thereof is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in LDR Sections 2.4.6(H)(5).

<b>RECOMMENDATION</b>
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**COA**

Approve the COA for 2018-076 and recommend approval of the Revocation of the Historic Property Ad Valorem Tax Exemption to the City Commission for the property located at **212 Seabreeze Avenue, Individually Designated**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof meets the criteria set forth in the Land Development Regulations Section 2.4.6(H)(5), subject to the following condition:

1. That the property owner provide documentation that the taxes associated with the Historic Property Ad Valorem Tax Exemption have been re-paid to Palm Beach County.

**Attachments:**

- Site plan
- Survey
- Photographs
- Resolution for Revocation of Ad Valorem Tax Exemption

**Report Prepared by:** Michelle Hoyland, Principal Planner and Abraham Fogel, Assistant Planner