



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING  
100 NW 1<sup>ST</sup> AVENUE, DELRAY BEACH, FLORIDA 33444  
(561) 243-7040

## HISTORIC PRESERVATION BOARD STAFF REPORT

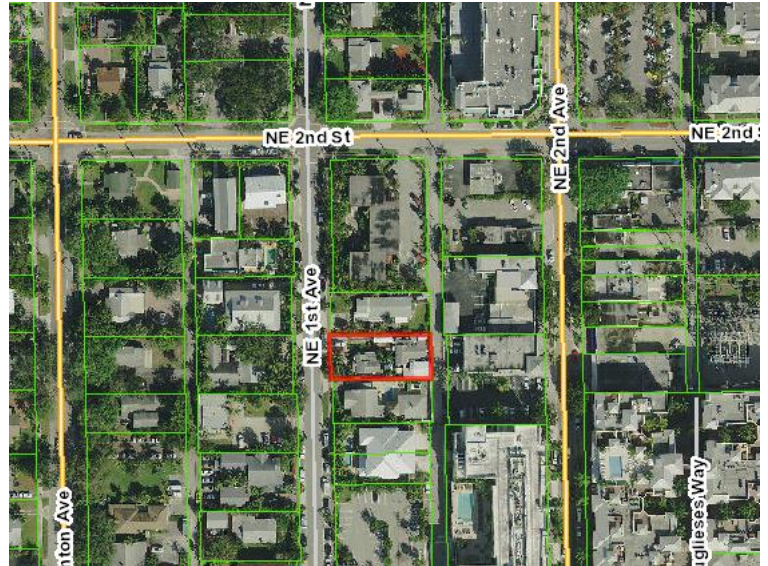
### 215 NE 1<sup>st</sup> Avenue

<b>Meeting:</b> June 19, 2019	<b>File No.:</b> 2016-178 & 2017-304	<b>Application Type:</b> Certificate of Appropriateness, Class III Site Plan, Landscape Plan, Elevations and Variances
-------------------------------	--------------------------------------	--

**Agent:** Ames International Architecture  
**Owner:** Jason Sylvester  
**Location:** 215 NE 1<sup>st</sup> Avenue  
**PCN:** 12-43-46-16-01-074-0081  
**Property Size:** 0.169 Acres  
**FLUM:** OMU (Other Mixed Use)  
**Zoning:** OSSHAD (Old School Square Historic Arts District)  
**Adjacent Zoning:**

- OSSHAD (North)
- OSSHAD (West)
- OSSHAD (South)
- Central Business District (CBD) (East)

**Existing Land Use:** Mixed Use (Office and Residence)  
**Proposed Land Use:** Mixed Use (Office and Residence)



### ITEM BEFORE THE BOARD

Certificate of Appropriateness (2016-178), Class III Site Plan Modification, Landscape Plan, Elevations, and Variances (2017-304) to reduce the side interior (north) setback from the required 7'-6" to 5'- 0" for the construction of an addition and to reduce the side interior (south) setback from the required 10' to 7'6" for the construction of a new swimming pool associated with the mixed-use structure located at **215 NE 1st Avenue, Old School Square Historic District**, pursuant to Land Development Regulation (LDR) Sections 2.4.6(H), 2.4.5(G), 2.4.5(H), 2.4.5(I), and 2.4.7(A). This includes:

- ☐ Site Plan;
- ☐ Landscape Plan;
- ☐ Architectural Elevations; and,
- ☐ Variances

#### Optional Board Motions for Action Items:

1. Move to continue with direction.
2. Move approval of the Certificate of Appropriateness (2016-178), Class III Site Plan Modification, Landscape Plan, Elevations, and Variances (2017-304) to reduce the side interior (north) setback from the required 7'-6" to 5'- 0" for the construction of an addition and to reduce the side interior (south) setback from the required 10' to 7'6" for the construction of a new swimming pool associated with the mixed-use structure located at **215 NE 1st Avenue**, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.6(H), 2.4.5(G), 2.4.5(H), 2.4.5(I), 2.4.7(A) and Chapter 3 of the Land Development Regulations.
3. Move approval of the Certificate of Appropriateness (2016-178), Class III Site Plan Modification,

#### **Project Planner:**

Michelle Hoyland, Principal Planner  
[hoylandm@mydelraybeach.com](mailto:hoylandm@mydelraybeach.com),  
561-243-7039

#### **Review Dates:**

HPB: June 19, 2019

#### **Attachments:**

1. Architectural Plans
2. Applicant Justifications
3. Photographs



Landscape Plan, Elevations, and Variances (2017-304) to reduce the side interior (north) setback from the required 7'-6" to 5'- 0" for the construction of an addition and to reduce the side interior (south) setback from the required 10' to 7'6" for the construction of a new swimming pool associated with the mixed-use structure located at **215 NE 1st Avenue**, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.6(H), 2.4.5(G), 2.4.5(H), 2.4.5(I), and 2.4.7(A) and Chapter 3 of the Land Development Regulations, subject to the following conditions:

1. That a refuse container area be noted on the plans and that the area be enclosed on 3 sides and with vision obscuring gates on the 4<sup>th</sup> side;
  2. That the photometric plan be revised to be in compliance with the requirements of LDR Section 4.6.8 limiting the spillage to no more than 0.25 onto adjacent properties and right-of-way;
  3. That the Landscape Plan be revised to indicate the locational numbers for existing plant material;
  4. That shutter dogs be incorporated for use on all windows with shutters and a note to such be provide on the elevation plan sheets;
  5. That clear glass be utilized for the new windows and a note be provided on Sheet A05 to such; and,
  6. That the windows have dimensional muntins and a note be provided on Sheet A05.
4. Move denial of the Certificate of Appropriateness (2016-178), Class III Site Plan Modification, Landscape Plan, Elevations, and Variances (2017-304) to reduce the side interior (north) setback from the required 7'-6" to 5'- 0" for the construction of an addition and to reduce the side interior (south) setback from the required 10' to 7'6" for the construction of a new swimming pool associated with the mixed-use structure located at **215 NE 1st Avenue**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in Sections 2.4.6(H), 2.4.5(G), 2.4.5(H), 2.4.5(I), and 2.4.7(A) and Chapter 3 of the Land Development Regulations.

#### ASSESSMENT AND SUMMARY

The property consists of 0.16 acres, is zoned OSSHAD (Old School Square Historic Arts District), is located at 215 NE 1<sup>st</sup> Avenue within the Banker's Row area and the Locally and Nationally designated Old School Square Historic District. The development consists of 1<sup>st</sup> and 2<sup>nd</sup> floor additions to the existing 1-story structure and conversion of the existing garage for office use. The proposed mixed-use is consistent with all of the surrounding properties and the purpose and intent of the OSSHAD zoning district. Provided the conditions of approval are met and the variances approved, the proposed density and intensity are as permitted. The architectural style of the modification will preserve the historic façade and be compatible with adjacent properties along NE 1<sup>st</sup> Avenue.

#### BACKGROUND

The subject property is located on the east side of NE 1st Avenue between NE 2nd Street and NE 3rd Street within Banker's Row of the Locally and Nationally designated Old School Square Historic District. A circa 1937, 1,572 square foot, mixed-use structure and 2-car garage (610 sq. ft.) exists on the 0.17 acre property and is zoned OSSHAD (Old School Square Historic Arts District).

Banker's Row began from a replat of the original Block 66 as the individual lots were sold by J.C. Keen, who purchased the block from J.S. Sundy in 1924. Mr. Keen sold the lots to wealthy businessmen in Delray. The structures within the Banker's Row were built in two periods of economic growth and change, before and after the Great Depression. The block (originally established as residential) was characterized by the presence of 2-story Mediterranean Revival residences on the west side of the street and built pre-depression along with 1-story Minimal Traditional Cottages (known as the Mackle Cottages) on the east side of the block, built post-depression during World War II. The Mackle cottages are named for the Mackle Brothers who built the 11 homes purchased as kits from Sears in the late 1930's. The row of Minimal Traditional cottages along the east side of the street significantly contrast the Mediterranean Revival structures on the west side of the street and represent an excellent example of American history and its impact on architecture in the built environment.

The "Banker's Row Plan", developed in the early 1990s, accurately described these structures as relatively small, simple one-story structures, with a dominant gable and simplified façade, absent of traditional



detailing with an off-center front door. With the increasing dependence on the automobile, garages were either integrated into the structure or free-standing. The houses were originally very much alike, however, changes were incorporated over the years “as owners adapted their houses to new housing needs.”

At its meeting of July 7, 2004, the Historic Preservation Board approved a Certificate of Appropriateness and associated Class III Site Plan Modification request for the conversion of the 1,572 sq. ft. dwelling to an office with associated surface and garage parking. The property was subsequently converted to an office. Over the years, the garage was illegally converted to office area and the principal structure was utilized as a residence.

### PROJECT DESCRIPTION

The applicant has submitted a COA and Class III Site Plan Modification to construct a 1,330 sq. ft. residential addition (425 sq. ft. of 1<sup>st</sup> floor area and 905 sq. ft. of 2<sup>nd</sup> floor area) to the existing 1,572 sq. ft. contributing structure (2,902 sq. ft. total residential floor area) and to convert the existing 610 sq. ft. accessory garage building to office space (3,512 sq. ft. total mixed-use building floor area). The proposal also includes the construction of 4 parking spaces (1 covered space, 2 tandem spaces and 1 handicapped, parallel space), a new swimming pool, landscaping, and pool deck. Two variances are sought, one to reduce the north side interior setback from the required 7'5" to 5' in order to accommodate additional building square footage; and, the second to reduce the south side interior setback from the required 10' to 7'6" in order to accommodate a new swimming pool.

### SITE PLAN ANALYSIS

**Pursuant to LDR Section 2.4.5(G)(5) Modification to site and development plans - Findings. Formal findings are not required for a Class I or II modification. A finding that the proposed changes do not significantly affect the originally approved plan must be made concurrent with approval of a Class III modification. Class IV modification is subject to the same findings required of a new submittal.**

**Pursuant to LDR Section 3.1.1(D), Compliance with LDRs, whenever an item is identified elsewhere in these Land Development Regulations (LDRs), it shall specifically be addressed by the body taking final action on a land development application/request.**

The applicable LDRs have been identified and reviewed throughout this report and shall be specifically addressed by the body taking final action on the site and development proposal.

**Pursuant to LDR Section 4.3.4(K), Development Standards, properties located within the OSSHAD zoning district shall be developed according to the requirements noted in the chart below. Provided the setback variances are approved, the proposal can be found to be in compliance with the applicable requirements; therefore, positive findings can be made.**

DEVELOPMENT STANDARDS	REQUIRED	EXISTING	PROPOSED
Minimum Setbacks:			
Front (West)	25'	26'3"	NO CHANGE
Side Interior (North)	7'6"	7'6"	5'*
Side Interior (South)	7'6"	10'4"	7'6"
Pool - Side Interior (South)	10'	n/a	7'6"*
Rear (East)	10'	15'8"	10'
Building Height:	35' Max.	14' (17'8" to top of ridge)	17'8" (to top of mansard)
Minimum Lot Size:	8,000 sq. ft.	7,360 sq. ft. <sup>†</sup>	No Change
Minimum Lot Width & Frontage:	80'	55.50' <sup>†</sup>	No Change
Minimum Lot Depth:	100'	132.60'	No Change
Maximum Lot Coverage:	40% Max.	30.23%	39.73%
Open Space	25% Min.	38.1%	25%
Floor Area Ratio (Per the Comprehensive Plan - Future Land Use Element)	1.0 Max.	0.21 (1,572 sq. ft. office)	0.08 (610 sq. ft. office)

\* Subject to approval of setback variance

<sup>†</sup> Existing non-conformity/lot of record





#### **Article 4.4 Base Zoning District Regulations**

**Pursuant to LDR Section 4.4.24(B)(3) - Principal Uses and Structures:** Within the OSSHAD zoning district, Business, Professional, Medical and Government offices are listed as a Permitted Use.

**LDR Section 4.4.24(C)(2) – Accessory uses and structures:** On a parcel that has as its principal use a non-residential use, there may be no more than two residential units, either within a separate structure or within a structure housing a non-residential use.

**LDR Section 4.4.24(H)(1) – Special District Regulations:** The gross floor area of residential units within a structure containing permitted non-residential use(s) shall not exceed 50 percent of the gross floor area of the structure within which they are located.

The proposal is for a mixed-use building as it incorporates a business office and a single-family residential unit within one structure. In the OSSHAD zoning district a maximum of 2 residential units are permitted on a parcel that has its principal use a non-residential use. Further, the Special District Regulations limits the gross floor area of those 2 units to no more than 50 percent of the gross floor area of the mixed-use structure within which they are located. As the proposal includes a single unit for the owner of the property with a proprietor office space in the rear garage the limitation for the gross floor area of the residential unit is not applicable in this case.

**Pursuant to LDR Section 4.4.24(G)(4)(d) – Parking Requirements:** Business and professional offices shall provide one space per 300 square feet of total new or existing net floor area being converted to office use. This requirement may be reduced to one parking space per 400 square feet of net floor area or by at least one space, where there is a mix of residential and office use in the same structure.

**Pursuant to LDR Section 4.4.24(G)(1), parcels located along N.E. 1st Avenue between N.E. 2nd Street and N.E. 3rd Street (Banker's Row) shall comply with either provisions of Article 4.6 of the Land Development Regulations, or provisions of the Banker's Row Development Plan, whichever is more permissive.**

Based upon the project's location in the Banker's Row area, the parking can be permitted as indicated in the Banker's Row Master Development Plan and associated Neighborhood Plan/Site Plan. Pursuant to this plan, when a new project comes through the City approval process (i.e. for conversion of use) the site plan as indicated in the Banker's Row Neighborhood Plan/Site Plan (Plan) can be utilized as a vested situation for purposes of the number of parking spaces and location of such parking spaces and associated maneuvering areas. It is noted that at the time of adoption of the Banker's Row Plan new curbed, on-street parking spaces and a 29 space parking lot (21 standard, 6 electric vehicle charging spaces and 2 handicapped accessible spaces) at the northwest corner of NE 2nd Street and NE 1st Avenue were constructed to meet the parking demand of future commercially converted properties.

The Banker's Row Neighborhood Plan/Site Plan notes this property is required to install 4 parking spaces in the rear of the property backing out onto the alley in either a perpendicular configuration or a tandem configuration. The proposal incorporates 2 tandem parking spaces, 1 standard space and 1 handicapped parking space in a parallel configuration. The required 24' wide by 6' maneuvering area has been provided. The requirements for parking have been met.

**Pursuant to LDR Section 4.4.24(G)(3), all parking, except for single-family homes and duplexes, shall be located in the side or rear yard or adjacent to a rear alley. No such parking shall be located in the area between any street and the closest building or structure.**

The proposed parking is located in the rear of the building adjacent to the alley; therefore, positive findings with this code requirement can be made.

#### **Article 4.6 Supplemental District Regulations**

**Pursuant to LDR Section 4.6.6(C)(1), dumpsters, recycling containers and similar service areas must be enclosed on three sides with vision obscuring gates on the fourth side, unless such areas are not**

**visible from any adjacent public right-of-way.**

A refuse container area has not been identified on the plans. An added condition of approval is that a refuse container area be noted on the plans and that the area be enclosed on 3 sides with vision obscuring gates on the 4<sup>th</sup> side.

**Pursuant to LDR Section 4.6.8 – Lighting:** All developments/redevelopments are encouraged to utilize energy efficiency lighting. The maximum height for luminaires on buildings and structures is 25' or eave overhang, whichever is lower, and 25' for a parking lot. All perimeter exterior lighting shall be full cutoff luminaires to minimize spillover on adjacent properties. In order to decrease urban glow, no luminaires shall be directed upwards.

**Pursuant to LDR Section 4.6.8(A)(3) – Illumination Standards:** The applicable illumination standards are as follows:

	FOOT CANDLES		
	Maximum Permitted	Minimum Permitted	Provided
Commercial Parking Lot	12	1.0	1.2 - 2.6

**Pursuant to LDR Section 4.6.8 – Requirements for outdoor parking and commercial sites:** Light control and spillage. For perimeter exterior lighting, only full cutoff luminaires will be approved. The applicant is encouraged to minimize light spillage from building and site and to reduce urban-glow for the development/redevelopment proposed. Maximum allowable illumination at the property line of any adjoining parcel or public right-of-way is 0.25 horizontal and vertical foot-candles measured at six feet above grade level.

There are 4 wall mounted light fixtures proposed on the rear of the building adjacent to the new parking area. The style fixtures are residential in nature and are appropriate for the surrounding historic area. The submitted photometric plan illustrates that the proposed light fixtures will exceed the maximum permitted foot candles at the rear property line and there is proposed spillover onto the adjacent properties. An added condition of approval is that the photometric plan be revised to be in compliance with the Illumination Standards limiting the spillage to no more than 0.25 onto adjacent properties and right-of-way.

**Pursuant to LDR Section 4.6.15(G)(1) – Swimming Pool Yard Encroachment:** Swimming pools, the tops of which are no higher than grade level, may extend into the rear, interior or street side setback areas but no closer than ten feet to any property line. Swimming pools shall not extend into the front setback area noted in Section 4.3.4(K).

A variance has been submitted to reduce the required pool setback from 10' to 7'6" on the south side of the property. Analysis relating to the variance can be found later in this report.

**LANDSCAPING PLAN ANALYSIS**

**Pursuant to LDR Section 2.4.5(H)(5) Landscaping Plan - Findings.** At the time of action on a landscape plan, the approving body shall make finding with respect to the proposed plan's relationship to the following:

(a) Objectives of landscaping regulations Section 4.6.16;

(b) Site and landscape design standards pursuant to Section 4.6.16;

An overall determination of consistency with respect to the above items is required in order for a landscaping plan to be approved.

**Pursuant to LDR 4.6.16(H)(3)(g):** The amount of interior landscaping within off-street parking areas shall amount to no less than ten percent of the total area used for parking and accessways.

**Pursuant to LDR 4.6.16(E)(5): Trees.** Shall be a species having an average mature spread of crown greater than 20 feet and having trunks which can be maintained in a clean condition with over six feet of clear mature wood. Trees having an average mature spread of crown less than 20 feet may be substituted by grouping the same so as to create the equivalent of a 20 foot spread of crown. Tree



species shall be a minimum of 16 feet in overall height at the time of planting, with a minimum of six feet of single straight trunk with eight feet of clear trunk, and a seven-foot spread of canopy. Tree species required for single family homes and duplexes shall be a minimum of 12 feet in overall height at the time of planting, with a minimum of four feet of single straight trunk with six feet of clear trunk, and a six-foot spread of canopy.

There are existing mature Royal, Sabal, Queen, Bamboo, Areca and Travelers Palm trees on the property along with existing ground cover and foundation plantings. The proposal incorporates 2 new Silver Buttonwood trees on the west side of the structure adjacent to NE 1<sup>st</sup> Avenue. An added condition of approval is that the Landscape Plan be revised to indicate the locational numbers for existing plant material. Provided the condition of approval is met, positive findings with the Landscape Regulations can be made.

#### **HISTORIC PLAN ANALYSIS**

Pursuant to LDR Section 2.4.6(H)(5), Certificate of Appropriateness – Findings. 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

#### **Pursuant to LDR Section 4.5.1(E)(2)(c)(4) – Major Development.**

The subject application is considered "Major Development" as it involves "alteration of more than 25 percent of a contributing structure."

**Pursuant to LDR Section 4.5.1(E)(4) – Alterations:** 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.

The existing structure, and its remaining original form, has been considered with respect to the proposed addition and site improvements.

**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.

#### **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 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 4**

**Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.**

**Standard 5**

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

**Standard 6**

**Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.**

**Standard 7**

**Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.**

**Standard 8**

**Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.**

**Standard 9**

**New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.**

**Standard 10**

**New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.**

Standards 2, 5, 9, & 10 are applicable to the proposed modification of the structure. The proposed 1 and 2-story additions have been designed to be compatible and in direct relationship with the low-scale of the existing structure. The addition is situated to the rear of the structure on the east side of the property which aids in preserving distinctive features that characterize the historic property.

The row of 1-story, post-Great Depression, Minimal Traditional cottages along the east side of the street significantly contrast the grander, pre-Great Depression, 2-story Mediterranean Revival structures on the west side of the street. It is specifically this contrast that is so important to Banker's Row as it represents an excellent example of American history and its impact on architecture in the built environment; hence, there is concern with the addition of a 2<sup>nd</sup> story to any of the 1-story Mackle Cottages. Should a 2<sup>nd</sup> story addition be visible from the front of the structure, such addition could have a negative effect on the historic integrity of the street. The proposed design of the 2<sup>nd</sup> floor addition to the existing wood-frame, 2-car garage incorporates a new mansard roof (which is different from the existing pitched roof). The applicant designed the addition so the new 2<sup>nd</sup> floor addition would not be visible from the front elevation; thus, protecting the historic integrity of the property and its environment.

The new additions have been designed to the rear of the structure and in such a manner that should they be removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.



Pursuant to LDR Section 4.5.1(E)(8) - Visual Compatibility Standards: new construction and all improvements to both contributing and noncontributing buildings, structures and appurtenances thereto within a designated historic district or on an individually designated property shall be visually compatible. In addition to the Zoning District Regulations, the Historic Preservation Board shall apply the visual compatibility standards provided for in this Section with regard to height, width, mass, scale, façade, openings, rhythm, material, color, texture, roof shape, direction, and other criteria set forth elsewhere in Section 4.5.1. Visual compatibility for minor and major development as referenced in Section 4.5.1(E)(2) shall be determined by utilizing criteria contained in (a)-(m) below. Visual compatibility for all development on individually designated properties outside the district shall be determined by comparison to other structures within the site.

The following criteria apply:

1. **Height:** The height of proposed buildings or modifications shall be visually compatible in comparison or relation to the height of existing structures and buildings in a historic district for all major and minor development. For major development, visual compatibility with respect to the height of residential structures, as defined by 4.5.1(E)(2)(a), shall also be determined through application of the Building Height Plane.
2. **Front Facade Proportion:** The front facade of each building or structure shall be visually compatible with and be in direct relationship to the width of the building and to the height of the front elevation of other existing structures and buildings within the subject historic district.
3. **Proportion of Openings (Windows and Doors):** The openings of any building within a historic district shall be visually compatible with the openings exemplified by prevailing historic architectural styles of similar buildings within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings shall be visually compatible within the subject historic district.
4. **Rhythm of Solids to Voids:** The relationship of solids to voids of a building or structure shall be visually compatible with existing historic buildings or structures within the subject historic district for all development, with particular attention paid to the front facades.
5. **Rhythm of Buildings on Streets:** The relationship of buildings to open space between them and adjoining buildings shall be visually compatible with the relationship between existing historic buildings or structures within the subject historic district.
6. **Rhythm of Entrance and/or Porch Projections:** The relationship of entrances and porch projections to the sidewalks of a building shall be visually compatible with existing architectural styles of entrances and porch projections on existing historic buildings and structures within the subject historic district for all development.
7. **Relationship of Materials, Texture, and Color:** The relationship of materials, texture, and color of the facade of a building and/or hardscaping shall be visually compatible with the predominant materials used in the historic buildings and structures within the subject historic district.
8. **Roof Shapes:** The roof shape, including type and slope, of a building or structure shall be visually compatible with the roof shape of existing historic buildings or structures within the subject historic district. The roof shape shall be consistent with the architectural style of the building.
9. **Walls of Continuity:** Walls, fences, evergreen landscape masses, or building facades, shall form cohesive walls of enclosure along a street to ensure visual compatibility with historic buildings or structures within the subject historic district and the structure to which it is visually related.
10. **Scale of a Building:** The size of a building and the building mass in relation to open spaces, windows, door openings, balconies, porches, and lot size shall be visually compatible with the building size and mass of historic buildings and structures within a historic district for all development. To determine whether the scale of a building is appropriate, the following shall apply for major development only:
  - a. For buildings wider than sixty percent (60%) of the lot width, a portion of the front





façade must be setback a minimum of seven (7) additional feet from the front setback line:

- b. For buildings deeper than fifty percent (50%) of the lot depth, a portion of each side façade, which is greater than one story high, must be setback a minimum of five (5) additional feet from the side setback line:

11. **Directional Expression of Front Elevation:** A building shall be visually compatible with the buildings, structures, and sites within a historic district for all development with regard to its directional character, whether vertical or horizontal.

12. **Architectural Style:** All major and minor development shall consist of only one (1) architectural style per structure or property and not introduce elements definitive of another style.

(m) **Additions to individually designated properties and contributing structures in all historic districts:** Visual compatibility shall be accomplished as follows:

1. Additions shall be located to the rear or least public side of a building and be as inconspicuous as possible.
2. Additions or accessory structures shall not be located in front of the established front wall plane of a historic building.
3. Characteristic features of the original building shall not be destroyed or obscured.
4. Additions shall be designed and constructed so that the basic form and character of the historic building will remain intact if the addition is ever removed.
5. Additions shall not introduce a new architectural style, mimic too closely the style of the existing building nor replicate the original design but shall be coherent in design with the existing building.
6. Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.

The proposed additions are situated to the rear of the structure on the east side of the property facilitating visual compatibility of the historic property and maintaining the Front Façade Proportion. The proposal includes removal of the Bahama shutters & replacement of the traditional wood shutters and installation of new, white, aluminum framed windows; thus, meeting the requirement for Proportion of Openings (Windows and Doors) in relation to the openings of other structures in OSSHD. The use of shutter dogs on the shutters would impart the functionality of the shutters, this item is attached as a condition of approval. The proposal includes the use of Low E windows which typically have a green, slightly iridescent/reflective tint to them. Clear glass is original to the structure and should be utilized instead of the Low E windows, this item is attached as a condition of approval. This is based upon the Secretary of the Interior's Standards for the Treatment of Historic Properties, which states:

*"It is not recommended to change the appearance of windows that contribute to the historic character of the building by replacing materials, finishes, or colors which noticeably change the sash, depth of the reveal, and muntin configurations; the reflectivity and color of the glazing; or the appearance of the frame."*

The relationship and Rhythm of Solids to Voids of the proposed is visually compatible with other structures in OSSHD and particular attention has been paid to retaining the character of the front façade. The Rhythm of Buildings on Streets is being retained as the proposed open space between the front facades of the subject structure and adjacent buildings is not being reduced, while the side interior setback is being reduced on the north side for the new addition, this setback already exists for a portion of the existing structure. The Rhythm of Entrance and Porch Projections to the adjacent sidewalk in NE 1<sup>st</sup> Avenue is being retained and not modified. The Relationship of Materials, Texture and Color of the building are being retained in that wood siding exists and is proposed for the addition, similar materials including aluminum framed windows and roof shingles are proposed; and, the color scheme will remain the same as existing (blue body with white trim).

The proposal includes a new 2<sup>nd</sup> floor addition to the 1-story detached garage in the rear of the property and the garage will be connected to the principal dwelling via a new 1-story addition; thus, the garage will no



longer be an accessory structure. The height of the new 2<sup>nd</sup> floor addition has been designed to be lower than the height of the existing structure through the use of a mansard roof. Mansard roofs were widely used in the Renaissance and Baroque French styles of architecture. Such roof can provide additional attic space or other room without building an entire additional floor or serve as a method of screening for mechanical equipment on roof tops. The Minimal Traditional style of architecture has also been known as Depression-era cottages due to their small scale and modest style. Such architecture includes minimal decoration, simple windows, and simple rooflines, such as gable roofs, all of which decreases the time and cost of construction. This was important during and after World War II where there was a need such housing. The proposed mansard roof is contrasting to the pitched gabled roof which exists on the principal structure. It is the applicant's solution to incorporating a second floor addition without causing it to exceed the massing requirements noting the requirement for additions to be secondary and subordinate to the massing of the historic building. The mansard roof is not an element typically incorporated in the Minimal Traditional style of architecture and its use on the proposed addition is a creative architectural solution to massing.

Regarding the Roof Shape, both the principal structure and accessory, detached garage includes pitched roof, a gabled roof and a hip roof, respectively. The proposed roof on the 2<sup>nd</sup> floor addition above the existing garage incorporates a mansard roof with a flat deck. The use of the mansard adds architectural detail to the roof rather than incorporating a 2-story flat-deck roof.

Locally, the Mackle Cottages were quick to build and marketed towards military service people who were working in Boca Raton and the area. Retaining the low-scale of the 1-story Mackle Cottage's within Banker's Row is important to local and American history as the modest Minimal Traditional style of architecture (Sears Kit Homes) on the east side of the road represents the building recovery efforts post-Great Depression versus the design of the Mediterranean Revival style of the 2-story structures on the west side of the street, which represents a grander time in the history of America.

The Scale of a Building shall be visually compatible with the building size and mass of other structures within the historic district. The width of the building is not being enlarged; thus, this Visual Compatibility standard is not applicable. It is noted, that the proposal includes a 1,330 sq. ft. addition to the existing 1,572 sq. ft. contributing structure along with conversion of the 610 sq. ft. garage. The overall size of the building will be 3,512 sq. ft. and the additions have been situated to the rear of the structure in order to maintain the small scale of the façade. The façade is not being enlarged, but is being restored to original, which meets the Directional Expression of the Front Elevation standard. The Minimal Traditional Architectural Style is being retained at the prominent side of the building, the façade. It is noted that the rear of the structure incorporates a 2-story addition which has been designed to be low-scale in that it will not exceed the overall height of the existing structure.

Provided the conditions of approval are met, the Visual Compatibility Standards will be met.

**Pursuant to LDR Section 2.4.5(I)(5), Architectural (appearance) elevations - Findings. At the time of action on architectural elevations the approving Board shall make findings with respect to the objectives and standards as contained in the architectural regulations, Section 4.6.18. An overall determination of consistency with respect to the above is required in order for an architectural plan to be approved.**

#### **Architectural Elevations Analysis**

**Pursuant to LDR Section 4.6.18(E), Criteria for Board Action, the following criteria shall be considered by the Historic Preservation Board (HPB) in the review of plans for building permits. If the following criteria are not met, the application shall be disapproved:**

- 1. The plan or the proposed structure is in conformity with good taste, good design, and in general contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.**
- 2. The proposed structure, or project, is in its exterior design and appearance of quality such as**



not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

3. The proposed structure, or project, is in harmony with the proposed developments in the general area, with the Comprehensive Plan, and with the supplemental criteria which may be set forth for the Board from time to time.

The development proposal is also subject to the requirement for Visual Compatibility pursuant to LDR Section 4.5.1(E)(7) which provides for a specific analysis of the historic exterior of the proposal. The existing structure is of the Minimal Traditional architectural style with a wood siding, pitched gable roof, minimal roof overhangs and simple 6/6 single-hung windows with Bahama style shutters on the front windows (not original). A small front porch covers front walkway and front door and a bay window exists on the front façade. As much of the proposed modifications affect the rear of the structure and provided the conditions of approval are addressed, the proposed architectural elevations present design elements that will contribute to the general area, will maintain the architectural harmony, compatibility, and quality of the neighborhood. It will not cause the nature of the local environment or evolving environment to materially depreciate in appearance and value. Based on the above, positive findings with respect to LDR Section 4.6.18(E) can be made.

#### VARIANCE ANALYSIS

Pursuant to LDR Section 2.2.6(D), the Historic Preservation Board (HPB) shall act on all variance requests within an historic district, or on a historic site, which otherwise would be acted upon by the Board of Adjustment.

Pursuant to LDR Section 2.4.7(A)(6) - Alternative Findings of the Historic Preservation Board: The Board may be guided by the following to make findings as an alternative to the variance standard criteria:

#### VARIANCE REQUEST 1

Pursuant to LDR Section 4.3.4(K), required side interior setbacks within the OSSHAD district are 7'6".

The subject request is a variance to reduce the side interior setback from the required 7'6" to 5' on the north side of the property for a new building addition.

#### FINDINGS AND STAFF ANALYSIS

**(a) That a variance is necessary to maintain the historic character of property and demonstrating that the granting of the variance would not be contrary to the public interest, safety, or welfare.**

##### Staff Analysis

The variance request is necessary to maintain the historic character of the property and will not be contrary to the public interest, safety, or welfare. A portion of the structure exists in a similar configuration as to the proposed addition along the north elevation. The addition would extend the existing 5' setback on the north side of the structure for new building area; thus, the variance is necessary to maintain the historic character of the property. **Positive findings can be made.**

**b) That special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.**

##### Staff Analysis

Due to the small size of the lot (55.50' wide) and its historic setting within Banker's Row along NE 1<sup>st</sup> Street, special conditions and circumstances exist that are not applicable to other historic lands or structures. **Positive findings can be made.**

**(c) That literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district or historic site.**

**Staff Analysis**

Literal interpretation of the code would alter the historic character of the historic site to an extent that it would not be feasible to preserve the historic character of the site, this is due to the narrow size and area of the lot as well as the siting of the structure on the lot which is closer to the northern property line than the south. This is the case for all structures on the east side of Banker's Row. **Positive findings can be made.**

**(d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.**

**Staff Analysis**

The requested variance will not significantly diminish the historic character of the historic site nor the historic district as the area for which the variance is requested is situated to the rear of the façade of the existing 1-story structure. **Positive findings can be made.**

**(e) That the requested variance is necessary to accommodate an appropriate adaptive reuse of a historic building, structure, or site.**

**Staff Analysis**

The requested variance is necessary to accommodate an appropriate adaptive reuse of the historic structure by allowing for the construction of an addition that will allow for the modernization of the residence. **Positive findings can be made.**

**VARIANCE REQUEST 2**

**Pursuant to Section 4.6.15(G)(1), Swimming Pool, Whirlpools, & Spas: Yard Encroachment, swimming pools, the tops of which are no higher than grade level, may extend into the rear, interior or street side setback areas but no closer than ten feet (10') to any property line. Swimming pools shall not extend into the front setback area.**

A variance has been submitted to reduce the required pool setback from 10' to 7'6" on the south side of the property.

**FINDINGS AND STAFF ANALYSIS**

**(a) That a variance is necessary to maintain the historic character of property and demonstrating that the granting of the variance would not be contrary to the public interest, safety, or welfare.**

**Staff Analysis**

The variance request is necessary to maintain the historic character of the property and will not be contrary to the public interest, safety, or welfare. The pool is a ground level improvement, which will not affect the historic character of the property. **Positive findings can be made.**

**(b) That special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.**

**Staff Analysis**

Due to the small size of the lot and its historic setting as well as the siting of the structure on the lot which is closer to the northern property line than the south. This is the case for all structures on the east side of Banker's Row; thus, special conditions and circumstances exist that are not applicable to other historic lands or structures. **Positive findings can be made.**

**(c) That literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district or historic site.**



**Staff Analysis**

Literal interpretation of the code would alter the historic character of the historic site to an extent that it would not be feasible to preserve the historic character of the site. It is noted that the setback requirement for pools is 10' where the side setback requirement for buildings in OSSHAD is 7'6". This would allow a vertical improvement to be constructed closer to the side property line than the ground level improvement of a pool. The variance to reduce the pool setback is supportable given the ground level nature of the improvement. **Positive findings can be made.**

**(d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.**

**Staff Analysis**

The requested variance will not significantly diminish the historic character of the historic site nor the historic district. The variance ensures the historic character of the property is maintained by siting the pool interior to the lot rather than closer to the rear where an alley and parking exists. **Positive findings can be made.**

**(e) That the requested variance is necessary to accommodate an appropriate adaptive reuse of a historic building, structure, or site.**

**Staff Analysis**

The requested variance allows for the construction of a new pool permitting the modernization of the residence, which is an appropriate adaptive reuse of the historic property. The variance will facilitate a sufficient size pool. **Positive findings can be made.**

**The property owner has submitted justification statements for each of the variance requests (attached).**

Note: As required by the LDRs, a notice regarding the subject variance request was sent to those property owners located within a 500' radius of the subject property.

**FINDINGS**

**Pursuant to LDR Section 3.1.1 (Required Findings), prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, written materials submitted by the applicant, the staff report, or minutes. Findings shall be made by the body, which has the authority to approve or deny the development application. These findings relate to the following areas:**

**LDR Section 3.1.1(A) - Future Land Use Map:**

The subject property has a zoning designation of Old School Square Historic Arts District (OSSHAD) and a Other Mixed Use (OMU) Future Land Use Map designation. Business and Professional Offices are allowed pursuant to LDR Section 4.4.24(B)(3) and the residential units are permitted as an accessory use to the office. The purpose and intent of the OSSHAD includes promoting a mixed-use district and mixed-use structures are allowed as a permitted uses. Based upon the above, positive findings are made with respect to consistency with the Future Land Use Map (FLUM) designation.

**LDR Section 3.1.1(B) - Concurrency**

As described in Appendix "A", a positive finding of concurrency can be made as it relates to water and sewer, streets and traffic, drainage, and solid waste.

**LDR Section 3.1.1(C) - Consistency**

As described in Appendix "B", a positive finding of Consistency can be made as it relates to Standards for Site Plan Actions (LDR Section 3.2.3).



### **LDR Section 3.1.1(D) - Compliance with the Land Development Regulations**

As described under the Site Plan and Historic Plan Analysis sections of this report, a positive finding of compliance with the LDRs can be made.

### **Comprehensive Plan Policies**

A review of the objectives and policies of the adopted Comprehensive Plan was conducted and the following applicable objectives or policies are noted:

**Future Land Use Objective A-1 Property shall be developed or redeveloped, in a manner so that the future use, intensity and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.**

The development proposal involves incorporating a mixed-use of residential and office on the subject property through building additions. A parking area to the rear of the property is proposed and a pool is proposed on the south side of the structure. The proposal is consistent with the subject Objective. There are no concerns with respect to soil, topographic or other physical considerations. With respect to the adjacent land uses, the property is in an area surrounded by a mix of uses. The property is zoned for both residential and office, as well as retail, restaurant, and other commercial uses.

**Future Land Use 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”.**

The structure is contributing to the Old School Square Historic District and a purpose for OSSHAD is to *“provide for mixed uses of residential, office, and commercial activities, with an emphasis on the arts, that will encourage the restoration or preservation of historic structures and, yet, maintain and enhance the historic and pedestrian scale of the area”*. The proposed mixed-use structure (residential unit and professional office) is appropriate and assists in the maintenance and protection of the historic district. As indicated in this report, positive findings with respect to the LDRs have been made, more specifically to LDR Section 4.5.1, which provides the review criteria for properties within historic districts.

As a result, the proposal can be deemed to be consistent with the subject Objective and Policy.

### **Review by Others:**

The development proposal is in a geographic area requiring review by the Pineapple Grove Main Street (PGMS) and the Community Redevelopment Agency (CRA).

The PGMS reviewed the request at its May 22, 2019 meeting and made the following recommendation:

The proposal is in the rear of the property and will not be dominant, but the applicant should do the 2<sup>nd</sup> story and do it right with a pitched roof or if scale is an issue then reduce and keep the 1-story addition.

### **Courtesy Notice:**

This development proposal is not in a geographic area requiring courtesy notices.

Letters of objection or support, if any, will be presented at the Historic Preservation Board (HPB) meeting.



**APPENDIX "A"-CONCURRENCY FINDINGS:**

Pursuant to **LDR Section 3.1.1(B)** Concurrency as defined pursuant to Objective B-2 of the Land Use Element of the Comprehensive Plan must be met and a determination made that the public facility needs of the requested land use and/or development application will not exceed the ability of the City to fund and provide, or to require the provision of, needed capital improvements for the following areas:

**Water and Sewer:** •

- Water service exists.
- Sewer service exists.

Pursuant to the Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant and the South Central County Waste Water Treatment Plant for the City at build-out. Based upon the above, positive findings can be made with respect to this level of service standard.

**Streets and Traffic:** The proposed development will not have an increase upon traffic concurrency.

**Parks and Recreation Facilities:** The proposed units will not have a significant impact with level of service standards for parks and recreation facilities. However, per LDR Section 5.3.2, whenever a development is proposed upon land which is not designated for park purposes in the Comprehensive Plan, an impact fee assessed for the purpose of providing park and recreational facilities shall be imposed. The amount of the fee shall be \$500.00 per dwelling unit.

**Solid Waste:** Solid waste generated each year by this development will be approximately 2.44 tons per year. The residential unit generates 0.8 tons per year and the 610 sq. ft. office generates 1.64 tons per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2046.

**Drainage:** Drainage will be accommodated on site.



**APPENDIX "B" - STANDARDS FOR SITE PLAN ACTIONS Sec. 3.2.3 (A) through (J)**

- A. Building design, landscaping and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.
- ☐ Not applicable  
☒ Meets intent of standard  
☐ Does not meet intent
- B. Separation of different forms of transportation shall be encouraged. This includes pedestrians, bicyclists and vehicles in a manner consistent with policies found under Objectives D-1 and D-2 of the Transportation Element.
- ☐ Not applicable  
☒ Meets intent of standard  
☐ Does not meet intent
- C. Open space enhancements as described in Policies found under Objective B-1 of the Open Space and Recreation Element are appropriately addressed.
- ☐ Not applicable  
☒ Meets intent of standard  
☐ Does not meet intent
- D. The City shall evaluate the effect that any street widening or traffic circulation modification may have upon an existing neighborhood. If it is determined that the widening or modification will be detrimental and result in a degradation of the neighborhood, the project shall not be permitted.
- ☒ Not applicable  
☐ Meets intent of standard  
☐ Does not meet intent
- E. Development of vacant land which is zoned for residential purposes shall be planned in a manner which is consistent with adjacent development regardless of zoning designations.
- ☒ Not applicable  
☐ Meets intent of standard  
☐ Does not meet intent
- F. Property shall be developed or redeveloped in a manner so that the future use and intensity are appropriate in terms of soil, topographic, and other applicable physical considerations; complementary to adjacent land uses; and fulfills remaining land use needs.
- ☐ Not applicable  
☒ Meets intent of standard  
☐ Does not meet intent
- G. Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City's demographic profile and meet the housing needs identified in the Housing Element. This shall be accomplished through the implementation of policies under Objective B-2 of the Housing Element.
- ☐ Not applicable  
☒ Meets intent of standard  
☐ Does not meet intent





H. The City shall consider the effect that the proposal will have on the stability of nearby neighborhoods. Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.

- ☐ Not applicable
- ☒ Meets intent of standard
- ☐ Does not meet intent

I. Development shall not be approved if traffic associated with such development would create a new high accident location, or exacerbate an existing situation causing it to become a high accident location, without such development taking actions to remedy the accident situation.

- ☐ Not applicable
- ☒ Meets intent of standard
- ☐ Does not meet intent

J. Tot lots and recreational areas, serving children from toddler to teens, shall be a feature of all new housing developments as part of the design to accommodate households having a range of ages. This requirement may be waived or modified for residential developments located in the downtown area, and for infill projects having fewer than 25 units.

- ☒ Not applicable
- ☐ Meets intent of standard
- ☐ Does not meet intent