



DEVELOPMENT SERVICES

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

HISTORIC PRESERVATION BOARD STAFF REPORT

415 N Swinton Avenue

Meeting	File No.	Application Type
August 7, 2019	2018-211, 2018-212	Certificate of Appropriateness & Variance

Request

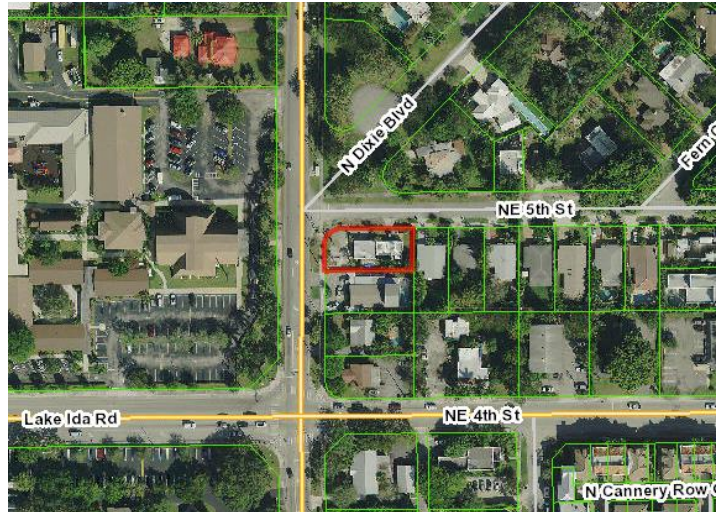
The item before the Board is consideration of a Certificate of Appropriateness (2018-211) and Variance (2018-212) requests associated with the single-family residence located at **415 North Swinton Avenue, Del-Ida Park Historic District**, pursuant to LDR Section 2.4.6(H) and 2.4.7(A). Specifically, the requests include: demolition of a portion of the non-contributing structure, construction of a new 1,215 sq. ft. addition & new 220 sq. ft. carport, construction of a new swimming pool decking and fencing.

General Data

Agent: Jeffrey Silberstein
Owner: Kurt Steinhardt
Location: 415 N Swinton Avenue
PCN: 12-43-46-09-29-006-0010
Property Size: 0.16 Acres
FLUM: LD (Low Density Residential)
Zoning: R-1-AA (Single Family Residential)
Adjacent Zoning:

- R-1-AA (North)
- R-1-AA (West)
- R-1-AA (South)
- R-1AA (East)

Existing Land Use: Residence
Proposed Land Use: Residence



Background Information

In 2011, a COA for the installation of new windows was administratively approved for the subject property. Then, at its meeting of February 15, 2012, the Board approved a COA (2012-039) for the addition of an open front porch on the west (front) elevation and a new chimney on the side street (north) elevation. The improvements were approved with the following conditions:

- The front porch be revised to meet the required 30' front setback;
- The stucco pattern for the porch and chimney differ from that of the existing stucco pattern;
- That the tile design around the entry be submitted;
- That a specification for the new entry door be submitted;
- That the scupper on the porch are added on each side (north and south) towards the front of the porch; and,
- That any exterior lighting fixtures be submitted for administrative review.

Project Planner:
Project Planners: Katherina Paliwoda, Planner &
Michelle Hoyland, Principal Planner
PaliwodaK@mydelraybeach.com
HoylandM@mydelraybeach.com

Review Dates:
HPB: August 7, 2019

Attachments:
1. Architectural Plans
2. Justification Statements
3. Photos

While a building permit was submitted for the approved improvements, the approval expired prior to issuance of the building permit.

At its meeting of August 3, 2016, the Board approved a COA (2016-191) associated with additions and alterations to the contributing structure. The approval included a front porch addition and new fireplace and chimney; the addition of a small bay window on the north elevation with a barrel tile roof; and, new impact-rated, aluminum 2/1 windows on the smaller angled walls and 4/1 windows on the central wall. A condition of approval included that light fixtures be added to the front, with specifications submitted to staff. The owner commenced with the improvements; however, the project has not been completed to date. Most recently the exterior stucco finish was applied to the structure in a smooth texture and not the rough stucco pattern as existed.

At its meeting of June 19, 2019, the Board voted to continue with direction for subject COA & Variance (2018-211 & 212) requests for the demolition of the existing carport and 516 sq. ft. of floor area on the eastern side of main structure (non-contributing), construction of a 1,215 sq. ft. addition & new 220 sq. ft. carport, construction of a new swimming pool on the south side of the property along with associated decking & fencing. The Variance requests are to allow the new carport to encroach 5' into the required 10' rear (east) setback and to allow the new swimming pool to encroach 5' into the required 10' side (south) setback.

The applicant has chosen not to make the changes directed by the HPB; thus, the request is now before the board for action. The applicant has indicated that should HPB deny the requests, he intends to appeal the decision to the City Commission.

Review and Analysis

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.

Pursuant to LDR Section 4.3.4(K), Development Standards, properties located within the R-1-AA zoning district shall be developed according to the requirements noted in the chart below. Provided the setback variance on the side interior (south) for the swimming pool and rear (east) are approved, the proposal is in compliance with the applicable requirements; therefore, positive findings can be made.

DEVELOPMENT STANDARDS	REQUIRED	EXISTING	PROPOSED
SETBACKS (MINIMUM) FRONT (WEST)	30'	30'2"	NO CHANGE
SIDE STREET (NORTH)	10'	15'4"	5'
SIDE INTERIOR (SOUTH)	10'	16'7"	NO CHANGE
REAR (EAST)	10'	15'8"	5'
HEIGHT	35 (MAXIMUM)	35'	NO CHANGE

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 the existing floor area of the building and all appurtenances.” [HM1]

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-story addition and improvements to the property have been designed to be compatible and in direct relationship with the low-scale of the existing structure. The addition is proposed to the east of the existing structure, is stepped back 8" from the front elevation, and is not placed forward of the plane of existing structure, such design protects the historic integrity of the historic district and surrounding area which is especially important given the structures location on a corner lot. The proposed modifications will add appropriate visual interest the Mission style structure and to the adjacent streetscapes.

The new addition has been designed such that should it be removed in the future; the essential form and integrity of the historic structure and its environment would not be impacted.

Standard 5 notes that "Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved". The owner commenced with the improvements approved in 2016; however, the project has not been completed to date. Most recently a smooth stucco finish was applied to the exterior of the structure and not the original rough stucco texture. In order for the project to be in compliance with Standard 5 a condition of approval is added that the original stucco texture be replaced on the original structure and that the stucco pattern of the new additions be differentiated.

Provided the condition of approval is met the proposed architectural features will protect the historic integrity of the property & its environment and the proposal can be found to be compliant with these standards. Based on the above, positive findings can be made with respect to compliance with the Standards.

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 addition replaces a non-contributing addition and does not change the defining characteristics of the historic building and its environment. The subject property is situated on a corner lot, making the siting of an addition to the least public side of the building or to an inconspicuous side of the structure difficult, the proposal addition replaces existing portion of the building; thus, the basic form of the structure will appear similar to the existing.

The residence had a rough stucco texture on its exterior, which was original to the structure and the Mission style of architecture. During recent renovations, a smooth stucco finish was applied to the exterior of the structure instead of the original rough stucco texture. In order for the project to be in compliance with the Relationship of Texture of the façade of the building and to ensure visually compatibility a condition of approval is added that the original stucco texture be replaced on the original structure and that the stucco pattern of the new additions be differentiated.

The proposed parapets relate to the parapets of the historic building and do not exceed the height of these parapets. Windows and doors are in scale with the existing openings and do not mimic them. The proposed addition will differentiate itself from the old and is compatible with the massing, size, scale & architectural features and does not try to create a sense of false historical development. If the proposed addition were to be removed at a later date, the essential form and integrity of the historic property and its environment would be unimpaired.

The proposed addition to the existing 1-story structure will allow for an addition and modernization of the residence with durable materials that are compatible with the property and its environment. The overall proposal maintains the existing Mission style architectural details appropriate for the Del-Ida Park Historic District. Provided the conditions of approval are met the proposal will meet the intent of the review criteria above and positive findings can be made.

SUPPLEMENTAL DISTRICT REGULATIONS

Pursuant to LDR Section 4.6.9(C)(2), Parking Requirements for Residential Uses: two parking spaces per dwelling unit. Tandem parking may be used provided that in the Single Family (R-1 District) or RL District, no required parking space may be located in a required front or street side setback.

The proposal includes 2 tandem parking spaces on the east side of the property within the carport; thus, required parking is provided for outside the side-street setback area.

Pursuant to the LDR Appendix A - Definitions - GUEST UNIT. A dwelling unit which is located within a single family dwelling. A Guest Unit may only be occupied by members of the immediate family of the occupants of the single family dwelling or occupied by persons employed for service on the premises.

A Guest Unit is proposed on the east side of the structure and is within the single family dwelling. The unit is correctly labeled as such within the site data table; however, on the plan the Guest Unit is labeled as a Guest Cottage. A Guest Cottage is defined as “an accessory building used exclusively for housing members of the family occupying the principal dwelling...” and has size limitations. The site plan shall be revised to identify the Guest Unit, this item has been added as a Site Plan Technical Item.

VARIANCE ANALYSIS

The applicant has requested 2 setback variances which are summarized below:

Pursuant to LDR Section 4.3.4(K), required rear setbacks within the R-1-AA District are 10’.

The subject request is a variance to reduce the rear setback from the required 10’ to 5’ on the east side of the property for a 1-car carport.

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 5' on the south side of the property.

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 rear setbacks within the R-1-AA District are 10'. A variance request has been submitted to reduce the required rear setback from 10' to 5' on the east side of the property for construction of a new carport.
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. <u>Staff Analysis</u> 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. 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. <u>Staff Analysis</u> Due to the small size of the lot and its historic setting on a corner lot, 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. <u>Staff Analysis</u> 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. 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. <u>Staff Analysis</u> The requested variance will not significantly diminish the historic character of the historic site nor the historic district. 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. <u>Staff Analysis</u>

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 5' 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 on a corner lot, special conditions and circumstances exist that are not applicable to other historic lands or structures. The existing siting of the residence on the property makes accommodation of a pool impossible without a setback variance. **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. The variance to reduce the pool setback is supportable given the ground level nature of the improvement. In order to locate the pool out of sight from the street and not in the front yard or on the side (fronting N.E. 5th St) of the house, the only place is on the side interior between the original structure and the property line to the south. **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. **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 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.

Review By Others

Not applicable.

Assessment and Summary

The proposed modifications associated with the single-family residence is appropriate and compatible and will have a positive impact on the surrounding area as well as the Del-Ida Park Historic District. Based on the above, positive findings can be made with respect to the Land Development Regulations.

Alternative Actions

- A. Move to continue with direction
- B. Approve Certificate of Appropriateness (2018-211) and Variances (2018-212) requests for the property located at **415 North Swinton Avenue, Del-Ida Park Historic District** 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), and 2.4.7(A)(6).
- C. Approve Certificate of Appropriateness (2018-211) and Variances (2018-212) requests for the property located at 415 North Swinton Avenue, Del-Ida Park Historic District 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), and 2.4.7(A)(6), subject to the following condition:
1. That the original stucco texture be replaced on the original structure and that the stucco pattern of the new additions be differentiated.
- Site Plan Technical Item**
1. That the Guest Unit be labeled as such rather than "Guest Cottage".
- D. Deny Certificate of Appropriateness (2018-211) and Variances (2018-212) requests for the property located at **415 North Swinton Avenue, Del-Ida Park Historic District**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in LDR Sections 2.4.6(H)(5) and 2.4.7(A)(6).

Public and Courtesy Notices

- ☐ Courtesy Notices are not applicable to this request
- ☒ Courtesy Notices were provided to the following, at least 5 working days prior to the meeting:
- (Del-Ida Park Neighborhood Association and 7/30/19)[HM2]

- ☐ Public Notices are not required for this request.
- ☐ Public Notice was posted at the property on (insert date), 7 calendar days prior to the meeting.
- ☒ Public Notice was mailed to property owners within a 500' radius on (7/26/2019), 10 days prior to the meeting.
- ☐ Public Notice was mailed to the adjacent property owners on (insert date), 20 days prior to the meeting.
- ☐ Public Notice was published in the (insert publication) on (insert date), 10 calendar days prior to the meeting.

X Public Notice was posted to the City's website on (7/29/19)), 10 calendar days prior to the meeting.^[HM3]

X Public Notice was posted in the main lobby at City Hall on (7/26/19), 10 working days prior to the meeting.

X Agenda was posted on (7/30/19), 5 working days prior to meeting.