



DEVELOPMENT SERVICES

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

HISTORIC PRESERVATION BOARD STAFF REPORT

235 NE 1st Avenue

Meeting	File No.	Application Type
October 2, 2019	2019-250 & 251	Certificate of Appropriateness and Variance

REQUEST

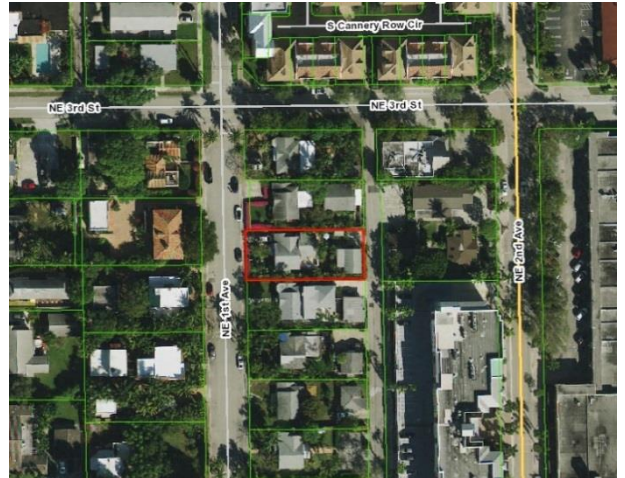
The item before the Board is consideration of a Certificate of Appropriateness (2019-250) and Variance (2019-251) requests for the construction of an addition to a contributing property located at **235 NE 1st Avenue, Old School Square Historic District**, pursuant to LDR Section 2.4.6(H) and 2.4.7(A)(5). Specifically, the request includes: a 42 sq. ft addition the side (north) interior, enlargement of the front porch with replacement of the existing fabric awning with a new sloped roof, and the addition of a pool with the replacement of the wood deck area.

GENERAL DATA

Agent: Dan Sloan, AIA, NCARB, Architect
Owner: Joel Darack & Laurie Clingan-Darack
Location: 235 NE 1st Avenue
PCN: 12-43-46-16-01-074-0031
Property Size: 0.17 Acres
Zoning: OSSHAD (Old School Square Historic Arts District)
Historic District: Old School Square Historic District
FLUM: OMU (Other Mixed Use)
Adjacent Zoning:

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

Existing Land Use: Residence
Proposed Land Use: Residence



BACKGROUND INFORMATION & ITEM DESCRIPTION

The 0.17 acre subject property is located on the east side of NE 1st Avenue between NE 2nd Street & NE 3rd Street within Banker's Row area of the Locally and Nationally designated Old School Square Historic District and is zoned OSSHAD (Old School Square Historic Arts District). The property consists of a 1938 1-story Frame Vernacular style contributing single-family residence, which contains 1,503 square feet and a 1-story 516 sq. ft. guest cottage structure.

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. Sundry 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-

Project Planner: Project Planners: Katherina Paliwoda, Planner PaliwodaK@mydelraybeach.com	Review Dates: HPB: October 2, 2019	Attachments: <ol style="list-style-type: none">1. Architectural Plans2. Justification Statements3. Photos
--	--	--

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."

The existing home has undergone numerous renovation projects over the years, including changing the original wood double hung widows to aluminum single hung windows. Then, at its meeting of April 5 1999, the Historic Preservation Board (HPB) approved a Certificate of Appropriateness (COA) request (COA-410) for a 380 sq. ft addition to the contributing single-family residence.

The subject request is for a 42 sq. ft. addition to the north side of the main structure, construction of a new sloped roof over the front porch, construction of a new pool and paver deck to the east side (rear) of the property, replacement of the concrete driveway with a paver driveway, and a variance to allow for the new addition to encroach into the north side setback. The COA is now before the board.

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 Land Development Regulation (LDR) Section 2.4.5(I)(5), Architectural (appearance) elevations, the Site Plan Review and Appearance Board or the Historic Preservation Board, as appropriate, may approve subject to conditions or deny architectural elevations or plans for a change in the exterior color of a building or structure, or for any exterior feature which requires a building permit.

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.

DEVELOPMENT STANDARDS	REQUIRED	EXISTING	PROPOSED
SETBACKS (MINIMUM) FRONT (EAST)	25'	30'10"	no change
SIDE INTERIOR (NORTH)	7.5'	6'	6'
SIDE INTERIOR (SOUTH)	7.5'	9.5'	9.5'
REAR (WEST)	10'	57.5'	no change
HEIGHT	35'(MAXIMUM)	13.29'	13.29'

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 "Minor Development" as it involves "alteration of less than 25 percent of the existing floor area of the building and all appurtenances."

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.

Standard 1, 2, 3, 5, 9, & 10 are applicable. The proposal includes replacement of the existing, projecting, fabric awning from the front façade with a wood framed, projecting and sloped, 3-dimensional asphalt shingle roof. It is noted that the elevation plans do not illustrate the existing fabric awning and must be updated to illustrate this existing condition. This item is added as a condition of approval.

The new porch roof will have “Cool Slate” shingles, which are a light grey and will match the color of the existing shingle roof. As a contributing structure within an historic district, it is imperative that the architectural style and its original features be preserved accurately. The proposed slope roof does not introduce a new feature to structure as a fabric awning exists in its proposed location; therefore, the new roof element can be considered an appropriate alteration. If the roof were to be removed in the future, it would not affect the integrity of the original structure.

The proposed 42 sq. ft. addition to the north of the structure is minor and is secondary & subordinate to the main residence. With respect to the original structure, the addition will have hardiboard siding to differentiate it from the existing wood siding. Colors of the siding will be painted “Alabaster” a light crème color.

Also proposed, is a swimming pool on the east side (rear) of the property with a new 18” x 18” paver brick & artificial grass deck replacing the existing wood deck. The existing concrete driveway on the west side (front) of the property will be replaced with the same material as the pool deck.

Provided the conditions of approval are addressed, the improvements can represent an appropriate modification to the historic structure and will contribute to the historic integrity of the Banker’s Row area and the Old School Square Historic District.

Pursuant to LDR Section 4.5.1(E)(7) - 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.

- a. **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.

- b. **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.
- c. **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.
- d. **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.
- e. **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.
- f. **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.
- g. **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.
- h. **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.
- i. **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.
- j. **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:
- k. **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.
- l. **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 Delray Beach Historic Preservation Design Guidelines note the following with respect to the Decorative Shutters:

Florida, louvered shutters have been used to block the afternoon sun, while still allowing circulation of the sea breezes, and to provide hurricane protection. Shutters were sometimes features of Colonial Revival and Minimal Traditional buildings, and Bahama shutters were sometimes incorporated into Bungalow designs. Board and batten shutters often are found on turn-of-the-century Vernacular buildings.

Applicable Secretary of the Interior's Standard(s):

"Each property will 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 of elements from other historic properties, will not be undertaken."

The proposal includes replacement of the existing, projecting, fabric awning from the front façade with a more permanent projecting/sloped, shingle asphalt roof element. The new roof feature will have a wood frame. It is noted that the elevation plans do not illustrate the existing fabric awning and must be updated to illustrate this existing condition. This item is added as a condition of approval. The new porch roof shingles will be "Cool Slate", which is a light grey and will match the color of the existing shingle roof. As a contributing structure within an historic district, it is imperative that the architectural style and its original features be preserved accurately. The proposed slope roof does not introduce a new feature to structure as a projecting fabric awning exists in this location; therefore, it can be considered an appropriate alteration.

The proposed 42 sq. ft. addition to the north of the structure is minor and is secondary & subordinate to the main residence. With respect to the original structure, the addition will have hardiboard siding to differentiate it from the existing wood siding. Colors of the siding will be painted "Alabaster", a light crème color.

Also proposed, is a swimming pool on the east side (rear) of the property with a new 18" x 18" paver brick & artificial grass deck replacing the existing wood deck. The existing concrete driveway on the west side (front) of the property will be replaced with the same material as the pool deck.

With regard to decorative shutters, photographs of the existing contributing structure depict windows on the front porch not having wooden shutters. It appears that there isn't enough space on the façade to accommodate operable shutters, which may be why the original awning was used to serve the purpose of providing shade and shelter from the elements.

If shutters on the front windows are proposed, a condition would be to make them appear as a double foldout to give the appearance of each side matching half the width of the window. The addition of shutter dogs would also give a more operable appearance.

Provided the conditions of approval are addressed, the improvements can represent an appropriate modification to the historic structure and will contribute to the historic integrity of the Banker's Row area and the Old School Square Historic District.

Pursuant to the Future Land Use Element, Objective A-4, the redevelopment of land and buildings shall provide for the preservation of historic resources. The objective shall be met through continued adherence to the City's Historic Preservation Ordinance and, where applicable, to architectural design guidelines through the following policies:

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 an addition and maintenance of the existing contributing structure. 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 residential and commercial uses. The proposal can be considered consistent with the subject Objective.

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 located on Bankers Row. The proposal can be found to be consistent with the requirements of the Comprehensive Plan and provided the conditions of approval are addressed, the request can be considered to be consistent with the provisions of LDR Section 4.5.1 relating to historic sites and districts as well as the "Delray Beach Historic Preservation Design Guidelines".

The proposal represents an addition and renovation of a contributing structure involving a new 42 sq. ft. addition to the side interior of the existing residence, and renovation of the front porch awning feature. Replacement of the existing concrete driveway on the west side of the property with a new paver brick & turf surface will provide for a modern and appropriate update to the front of the property. Also, replacement of the existing wood deck on the east side of the structure with a new paver brick and turf deck and swimming pool is an appropriate improvement to the property. The project request is minor, and no adverse effects are anticipated. This property is significant to the Old School Square Historic District given the fact that it is a contributing structure within the district. Provided the conditions of approval are addressed, the proposal can be deemed to be consistent with the subject Objective and Policies.

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.

The applicant has requested a setback variance, which is summarized below:

Pursuant to LDR Section 4.3.4(K), required front setbacks within the R-1-A District are 7.5'.

A variance request has been submitted to reduce the required side interior setback from 7.5' to 6' on the north side of the property.

Pursuant to LDR Section 2.4.7(A)(5), findings of the Historic Preservation Board. The Board may be guided by the following to make findings:

(a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning (The matter of economic hardship shall not constitute a basis for the granting of a variance)

The 6' setback for the original structure is currently an existing non-conformity. The 42 sq. ft. addition is proposed to be placed behind the main façade at the same setback measurement would only match the current circumstances on the property.

(b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning

Due to the small size of the lot (55'6") and its historic setting within Banker's Row, literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning.

(c) That the special conditions and circumstances have not resulted from actions of the applicant;

Due to the small size of the lot (55'6"), the siting of the structure on the lot which is closer to the northern property line than the south, and the historic setting within the Banker's Row area it can be demonstrated that special conditions and circumstances exist that are not a result of actions of the applicant.

(d) That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance;

The requested variance will not offer any special privilege to the applicant as similar variances have been approved within the Banker's Row area.

(e) That the reasons set forth in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and,

The requested variance can be deemed to be justified in that the request allows for a modest expansion of the existing home making possible a reasonable use of the land.

(f) That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare

Granting of the variance will allow for the proposed addition to be line with the original structure. All of the structures situated on the east side of NE 1st Avenue are sited on their lots with smaller setbacks on the north side of the lot, and larger setbacks on the south side of the lot; thus, the proposal is not anticipated to have a negative effect on the streetscape nor should it be injurious to the neighborhood.

The property owner has submitted justification statements for each of the variance requests and are attached.

ALTERNATIVE ACTIONS

A. Move to continue with direction

B. Approve Certificate of Appropriateness (2019-250,251), for the property located at **235 NE 1st Avenue, Old School Square Historic District**, by 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 2.4.5(I)(5).

C. Approve Certificate of Appropriateness (2019-250,251), for the property located at **235 NE 1st Avenue, Old School Square Historic District** by 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 2.4.5(I)(5), subject to the following conditions:

1. That the elevation plans be updated to illustrate the existing fabric awning on the façade; and,
2. That any proposed shutters to the front windows be created to appear operable, and that shutter dogs be used.

D. Deny Certificate of Appropriateness (2019-250,251), for the property located at **235 NE 1st Avenue, Old School Square 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 2.4.5(I)(5).

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:

☐ 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 (9/19/2019), 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.

☒ Public Notice was posted to the City's website on (9/19/19)), 10 calendar days prior to the meeting.

☒ Public Notice was posted in the main lobby at City Hall on (insert date), 10 working days prior to the meeting.

☒ Agenda was posted on (9/24/19), 5 working days prior to meeting.