



DEVELOPMENT SERVICES

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

HISTORIC PRESERVATION BOARD STAFF REPORT

222 SE 7th Avenue

Meeting	File No.	Application Type
July 1, 2020	2020-119	Certificate of Appropriateness & Variance

REQUEST

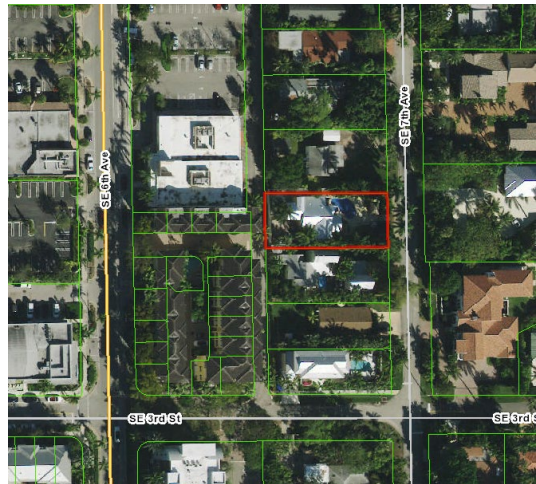
The item before the Board is consideration of a Certificate of Appropriateness and Variance (2020-119) request for the installation of a swimming pool and exterior improvements associated with the existing, contributing single-family residence located at **222 SE 7th Avenue, Marina Historic District**.

GENERAL DATA

Owner: Thomas P. Bloch & Jessica Wolfe
Agent: Carol Perez, AGTLAND, P.A.
Location: 222 SE 7th Avenue
PCN: 12-43-46-16-B3-000-0181
Property Size: 0.19 Acres
Zoning: R-1-AA (Single Family Residential)
Historic District: Marina Historic District
FLUM: LD (Low Density 0-5 DU/ Acre)
Adjacent Zoning:

- R-1-AA - Single-Family Residential (North)
- R-1-AA - Single-Family Residential (East)
- R-1-AA - Single-Family Residential (South)
- CBD – Central Business District (West)

Existing Land Use: Residence
Proposed Land Use: Residence



BACKGROUND & ITEM DESCRIPTION

The subject property consists of the north 10 feet of Lot 18, and Lot 19, Gracey-Byrd Subdivision, and is situated on the west side of SE 7th Avenue, between SE 2nd Street and SE 3rd Street. The original circa 1937, Frame Vernacular style, single-family residence is classified as contributing to the Marina Historic District. The Marina Historic District is listed on both the Local and National Registers of Historic Places. The front porch (which is now enclosed with single glass panels) and a utility room were added in 1954. A carport on the north side of the structure was altered in 1957 to accommodate a kitchen and bathroom.

At its meeting of September 3, 2014, the Historic Preservation Board (HPB) considered Certificate of Appropriateness (COA) 2014-206 for the following:

- Demolition of the carport support columns & roof and of a small storage room;
- Construction of additions to the side (north) and rear (west) elevations to enlarge the kitchen, and accommodate a new family room and master suite;
- Addition of a new covered terrace, consisting of a heavy timber trellis and wrapped columns, on the south elevation, and accessed from the new family room and master bedroom; and,
- Associated site improvements.

Project Planner: Project Planners: Katherina Paliwoda, Planner PaliwodaK@mydelraybeach.com	Review Dates: HPB: July 1, 2020	Attachments: <ol style="list-style-type: none"> 1. Photos 2. Plan 3. Justification
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At its meeting of August 3, 2016, the Historic Preservation Board recommended approval to the City Commission for the request of the Historic Property Ad Valorem Tax Exemption for the aforementioned site and building improvements. At its meeting of September 20, 2016, the City Commission approved the request of the Ad Valorem Tax Exemption.

The subject request is for a COA application for the installation of a swimming pool with a Variance to allow the new swimming pool to encroach 5' into the required 10' setback on the interior side (south), and 7'0" – 7'2" into the required 10' setback on the rear (west) of the property. The request also includes the replacement and reconfiguration of walkway and patio pavers, which include steps/landings, and the replacement of existing fencing with a 4' aluminum picket fence in the front of the property and an 8' wood shadowbox fence surrounding the back and sides of the property. The request 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 1.4 of the Historic Preservation 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)(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 1, 2, 5, 9, & 10 are applicable to the proposed modification of the site. The proposed swimming pool has been designed so that its location is on the south side of the property. The layout of the 60' wide property includes the main structure's existing location being situated to the rear of the lot, which leaves no room in the rear of the site for a swimming pool. While there is space available in the front of the property for construction of a pool, a large Banyan tree with expansive roots currently exists in this area. It is noted that the design of the adjacent SE 7th Avenue right-of-way includes a chicane in front of the subject property where the large Banyan Tree exists. As this is a rather large and older tree, the applicant considers it to be a defining characteristic of the small residential property and the area. Allowing the pool to be installed on the side of the property will ensure preservation of the tree and the protection of the existing historic structure. However, this design will require a variance to the setback requirements. The new swimming pool has been designed to be placed in an area on the property that should it be removed in the future the essential form and integrity of the historic structure and its surrounding environment would not be impacted.

The materials proposed for brick pavers for the walkways and replacement of the fence proposes 4' aluminum picket within the front setback and 8' wooden shadowbox style behind the front setback. These materials are authentic and appropriate to the visual compatibility of the district.

The proposal can be found to meet the requirements of these standards, include the protection of the historic integrity of the property & its environment.

VARIANCE ANALYSIS

The applicant has requested a variance to the setback requirements, which are summarized below:

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.

Two variances have been requested as follows:

1. A variance to reduce the required pool setback from 10' to 5' on the interior (south) side of the property; and,
2. A variance to reduce the required pool setback from 10' to 7'0" - 7'2" on the rear (west) 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:

(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 requests are not anticipated to be contrary to the public interest, safety, or welfare. The pool is a ground level improvement, which is not anticipated to affect the historic character of the property.

(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 60' lot and its historic setting, special conditions and circumstances exist that are not applicable to other historic lands or structures. The existing siting of the residence on the property is situated to the rear of the lot making it difficult to allow for construction of a pool within the rear of the property. In addition, there is a large banyan tree located in the front of the property making it difficult to add a pool without destroying the tree.

(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 could alter the historic character of the site to an extent that it would not be feasible to preserve the historic character of the site and district. The variance requests to reduce the required setbacks for the pool is supportable given the ground level nature of the improvement. Situating the pool in a traditional rear yard location is not feasible given the siting of the residence on the lot. Further, placing the pool in the front yard could harm the large, existing Banyan tree; thus, the only feasible location for a new pool is on the south side of the property, between the structure and the south property line.

(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 variances are not anticipated to significantly diminish the historic character of the historic site nor the historic district. On the contrary, the placement of the pool on the side yard will allow for preservation of the large, existing Banyan tree in the front yard, which contributes to the SE 7th Avenue streetscape. Further, construction of a pool is a ground level improvement that is not anticipated to have a negative effect on the historic character of the site nor district.

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

Staff Analysis

The requested variances can facilitate the construction of a new swimming pool on the property, allowing for the modernization of the site, while also protecting the existing contributing residence. This can be seen as an appropriate adaptive reuse of the historic property. Additionally, the requested variances will ensure the conservation of the large, existing Banyan tree on the east side of the property.

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.

COMPREHENSIVE PLAN

Pursuant to the Historic Preservation Element (HPE), Objective 1.4, Historic Preservation Planning: Implement appropriate and compatible design and planning strategies for historic sites and properties within historic districts.

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:

HPE Policy 1.4.1

Continue to require that the Historic Preservation Board make findings that any land use or development application for a historic structure, site or within a historic district, is consistent with the provisions of the Secretary of the Interior's Standards for Rehabilitation, the Land Development Regulations, and Delray Beach Historic Preservation Design Guidelines.

The development proposal involves the installation of a swimming pool in the interior south side of the property adjacent to the existing contributing structure. The proposal can be found to be consistent with the requirements of the Comprehensive Plan and 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 "Secretary of the Interior's Standard for Rehabilitation" and "Delray Beach Historic Preservation Design Guidelines".

ALTERNATIVE ACTIONS

- A. Move to continue with direction
- B. Approve Certificate of Appropriateness and Variance (2020-119), for the property located at **222 SE 7th Avenue, Marina Historic District**, by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.
- C. Approve Certificate of Appropriateness and Variance (2020-119), for the property located at **222 SE 7th Avenue, Marina Historic District** by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, subject to the following conditions:
- D. Deny Certificate of Appropriateness and Variance (2020-119), for the property located at **222 SE 7th Avenue, Marina Historic District**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations.

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:

Marina Historic District Homeowners Association

☒ Public notice mailers were sent to all properties within a 500' radius of the subject property on (6/19/20)

☒ Agenda was posted on (6/24/20), 5 working days prior to meeting.