

# HISTORIC PRESERVATION BOARD

## CITY OF DELRAY BEACH

## STAFF REPORT

**MEETING DATE:** October 4, 2017

**ITEM:** 1420 North Swinton Avenue, Clint Moore House, Individually Designated-Certificate of Appropriateness, (2017-149) construction of additions and alterations to the existing single-family residence, construction of a new two-story garage & one-story pool house and Waiver request for an increase to the maximum fence height.

**RECOMMENDATION:** Approve the Certificate of Appropriateness and Deny the Waiver Request

### GENERAL DATA:

Owner:..... Blaine Minton

Agent:..... Roger Cope, AIA  
Cope Architects, Inc.

Location:..... 1420 N. Swinton Avenue

Property Size:..... 1.71 Acres

Historic District: ..... Individually Designated

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

Adjacent Zoning:.....

North:	R-1-AA (Single Family Residential)
South:	R-1-AA (Single Family Residential)
East:	R-1-AA (Single Family Residential)
West:	R-1-AA (Single Family Residential)

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

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

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



## ITEM BEFORE THE BOARD

The item before the Board is the consideration of a Certificate of Appropriateness (COA) 2017-149 associated with the additions and alterations to the existing historic structure and a Waiver request for a new fence and gates for property located at **1420 N. Swinton Avenue, The Clint Moore House, Individually Designated**, pursuant to Land Development Regulations (LDR) Section 2.4.6(H) and 2.4.7(B).

## BACKGROUND & PROJECT DESCRIPTION

The subject property is located at 1420 North Swinton Avenue, on the west side of North Swinton Avenue between Grove Way and NW 15<sup>th</sup> Street. The property is zoned R-1-AA (Single Family Residential) and is within the Lake Ida Overlay District. The property contains a 3,610 square foot residence, historically known as the Clint Moore House.

At its meeting of February 1, 2017, the Historic Preservation Board (HPB) reviewed a Concept Plan for the subject property which is near identical to the request now before the Board. The Board was supportive of the Concept Plan and was pleased with the owner's plans to have the property individually designated. The existing single-family residence and property was added to the Local Register of Historic Places on April 4, 2017 (Ordinance 05-17).

The historical and cultural significance of the subject property began with its development, residence by a member of the Sundry family, ownership by the Moore family from 1929 through the 1950's, and ownership by the Gringles. Mr. Clint Moore acquired the property in 1929 from Ben Sundry; Clint Moore "was the first person in Delray Beach to farm west of 441", and was referred to as "The Lima Bean King". The Moore family was active in the Delray Beach community, particularly with the local Boy Scouts and St. Paul Episcopal Church. Clint Moore Road is now in Boca Raton, just south of the Delray Beach border. While Clint Moore may be the most historically prominent owner of the property, the designation report includes the Gringles and Ferrers, also very important families who contributed to the Delray Beach community and provide additional interest and significance to the designation.

The structure is believed to have been constructed in 1928 and is considered to be the only local example of the simplistic adaptation of the Georgian Colonial style in the area. The architectural significance is in the design itself, as the Georgian Colonial style is not commonly found in this area, and as indicated in the report, "traces its roots back to the early American colonies."

Prior to listing of the property to the Local Register of Historic Places, the owner obtained permits for the demolition of existing accessory structures on the property and the structures have since been demolished. These structures included a guest house, garage, shed and gazebo. At the time of demolition the owner noted that the state of the structures was diminished and one had suffered fire damage.

The subject request includes a Certificate of Appropriateness for additions and alterations to the existing structure, construction of new accessory structures as well as a waiver request for an increase to the minimum fence height restrictions. Specifically, the additions and alterations include:

- Addition of 4,594 square feet to the rear of the existing 3,610 square foot residence for a total of 8,204 square feet;
- Construction of a new 3,063 square foot, 2-story detached garage;
- Construction of a new 1,162 square foot pool house;
- Construction of a new pool and associated concrete deck;
- Construction of a new decorative fence and gates on the east side of the property; and,
- Installation of new concrete and paver brick parking courts and walkways.

## ANALYSIS OF PROPOSAL

Pursuant to LDR Section 4.3.4(K) Development Standards and 4.4.3(F)(2) Single Family Residential – Development Standards, properties located within the R-1-AA zoning district and the Lake Ida Neighborhood Overlay District, respectively shall be developed according to the requirements noted in the chart below. As illustrated, the proposal is in compliance with the applicable requirements; therefore, positive findings can be made.

Development Standards	Required	Proposed
Open Space (Minimum, Non-Vehicular)	25%	70.5%
Setbacks (Minimum):		
Front (East)	30'	225'
Side Interior (North)	10'	10' - 17'6"
Side Interior (South)	10'	10' - 65'
Rear (West)	15'	15'
Height (Maximum)	35'	23'10"

Pursuant to LDR Section 4.4.3(F)(2) – Single Family Residential Development Standards: In addition to the provisions of Section 4.3.4(K), properties located within the Lake Ida Neighborhood Overlay District shall comply with the following regulations:

**(a) Maximum lot coverage:**

1. Forty percent for one story houses.
2. Thirty percent for multi-story houses.

The proposal includes a total of 8,420 square feet of ground floor area which represents a total of 11% lot coverage; thus, meeting the 30% maximum requirement for multi-story houses.

**(b) The maximum Floor Area Ratio is .35 for a multi-story house. Property with frontage on Lake Ida are allowed a Floor Area Ratio of .40 for a multi-story house.**

The proposal includes a total of 12,429 square feet of floor area which represents a total of Floor Area Ratio of .17; thus, meeting the .35 maximum requirement for a multi-story house.

**(c) The area of the upper floors shall not be greater than 75 percent of the area of the first floor. Properties with frontage on Lake Ida are allowed to have upper floors with up to 100 percent of the area of the first floor.**

The first floor square footage for the home totals 5,140 square feet and the second floor totals 2,986 which represents 58% of the area of the first floor. The first floor square footage for the garage totals 2,040 square feet and the second floor totals 1,023 square feet which represents 50% of the area of the first floor. Based upon the above the area of the upper floors is not greater than 75% of the area of the first floor.

**(d) Minimum setback for multi-story homes in the R-1-AA zoning district shall be 25 feet for the front yard and 15 feet for the rear yard.**

The proposal meets this requirement as the property is zoned R-1-AA and the front yard setback is 225 feet while the rear yard setback is 15 feet.

**(e) Minimum setback for multi-story homes in the R-1-AAA and R-1-AAAB zoning districts shall be 30 feet for the front yard and 17 feet for the rear yard.**

This code requirement is not applicable as the property is zoned R-1-AA.

**(f) Additional landscaping required for both new multi-story houses or additions to existing multi-story houses shall be as follows:**

1. New houses: landscaping requirements shall be the same as the Beach Districts as provided in the Beach Property Owners Design Manual for the North Beach and Seagate Neighborhoods.

- 2. Additions: supplemental landscaping shall be provided along that portion of the house where the new upper floor addition occurs within five feet of the minimum required setback lines. The intent of the requirement is to soften and screen the upper story addition and shall generally consist of additional vertical landscaping, which would include 14-foot shade trees or 18-foot Palm trees at spacings determined by the City Landscape Department to be sufficient to meet the intent of this requirement.**

Review of a landscape plan is not required at the time of review of a Certificate of Appropriateness application. The landscape plan is required for review at the time of building permit and it is anticipated that the proposal will meet the requirements of this code section.

**(g) First floor maximum height:**

- 1. Single-story or first floor limits shall be established by:**

- a. Height from finished floor elevation to top of beam (tie or bond) shall not exceed 14 feet.**

The proposal is for a two-story addition to an existing two-story structure as well as construction of a new two-story garage and a one-story pool house. The requirements of this code section are met as: the first floor maximum height for the residence is 9' and 14'; and, 12'6" for the pool house. The height of first floor of the garage exceeds this requirement as it is proposed at 17'4". A condition of approval has been added to this request to reduce the height of the first floor to not exceed 14'.

- b. Any portion exceeding the dimensions described in Section 4.4.3(F)(2)(g)1.a. above shall be considered multi-story structures.**

The home and detached garage are considered multi-story structures.

**(h) Upper story height:**

- 1. Height from finished floor elevation to finished floor elevation or top of beam (tie or bond) shall not exceed 12 feet.**

The proposal is for a two-story addition to an existing two-story structure as well as construction of a new two-story garage and a one-story pool house. The requirements of this code section are met as the second floor maximum height for the residence is 9'4" and 10'4" for the second floor of the garage.

**Pursuant to LDR Section 4.4.3(H) Special regulations.**

- 1. The height of accessory structures shall not exceed the height of the associated principal structure. Screen enclosures without a solid roof are excluded from this limit.**

Provided the conditions of approval are addressed regarding reducing the first floor height of the proposed garage, then the height of the accessory structures will not exceed the height of the principal structure.

- 2. The floor area of an accessory structure shall not exceed 40 percent of the floor area of the principal structure.**

The proposal includes construction of a new two-story garage with garage use on the ground floor and 1,023 square feet of floor area on the second floor as well as a 1,162 square foot pool house. The proposal notes that the floor area of the 2<sup>nd</sup> floor of the garage is to be utilized as a recreation room and the area also includes a bathroom with a shower.

A total of 3,281 square feet is allowed for accessory structures in order to meet the maximum 40 percent floor area limitation. The proposal meets this limitation as 2,185 square feet of floor area is proposed within two accessory structures (1,162 square feet within the pool house and 1,023 square feet within the area above the garage) representing 26 percent of the 8,204 square foot floor area of the principal structure.

<p style="text-align: center;"><b>LDR SECTION 4.5.1</b> <b>HISTORIC PRESERVATION: DESIGNATED DISTRICTS, SITES, AND BUILDINGS</b></p>
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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.

Pursuant to LDR Section 4.5.1(E), Development Standards, all new development or exterior improvements on individually designated historic properties and/or properties located within historic districts shall, comply with the goals, objectives, and policies of the Comprehensive Plan, the Delray Beach Historic Preservation Design Guidelines, the Secretary of the Interior's Standards for Rehabilitation, and the Development Standards of this Section.

**Standard 1**

**A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.**

The subject property contains an existing single-family residence and also previously contained several accessory structures. As the proposal is for construction of an addition to the existing single-family residence as well as construction of accessory structures including a pool house and garage, the property will be used for its historic purpose meeting this standard.

**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.**

The historic character of the property will be retained and preserved. The agent has indicated that the existing windows are being restored and that the decorative, concrete porch rails which were deteriorated are being recreated to match what was existing. The new addition and structures are proposed to the rear of the existing structure in order to ensure that the space which characterizes the property will be retained. That space is largely the vast estate appearance of the property with the structure being setback deep on the lot along with the Royal Palm tree flanked meandering driveway which leads to the home. This standard has been met.

**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.**

The property originally included several accessory buildings for use as a guest house, garage and storage. Due to their deteriorated condition, these structures have been removed from the property. The proposal includes construction of a new pool house and two-story garage which meet the intent of original development of the property. This standard has been met.

**Standard 5**

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

As previously noted, distinctive features and finishes such as the existing wood windows and decorative, concrete porch rail are to be restored; thus, meeting this requirement.

**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.**

As previously noted, deteriorated features and finishes such as the existing wood windows and decorative, concrete porch rail are to be restored; thus, meeting this requirement.

#### **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.**

The proposal meets this standard as the new additions and related new construction will not destroy historic materials that characterize the property. The new work is differentiated from the old and will be compatible with the massing, size, scale and architectural features in order to protect the historic integrity of the property and its environment. Further, the proposed exterior alterations to the existing structure are predominantly restorative in nature.

#### **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.**

The new additions and related new construction have been sited and designed in a manner that if removed in the future, the essential form and integrity of the property and its environment would be unimpaired; thus, this requirement has been met.

**Pursuant to LDR Section 4.5.1(E)(2)(b)(3) - Major Development:** the subject application is considered "Major Development" as it involves "modification of a contributing structure over 25% the R-1-AA zoning 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. 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:

- (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:
  - 1. 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:
  - 2. 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.

The agent/architect-of-record has provided the following statement regarding the project and its compatibility with the requirements of this code section:

“Secretary of the Interior Standards is recognized.”

“We feel strongly that we meet all of the intent of the code as our entire proposed addition is subordinate to the pristine, existing, historic structure we are lovingly restoring. We could have proposed improvements in FRONT of the historic structure but we did NOT. Our heights, massing and rhythm are all well conceived of. Yes we are RETAINING all existing wood windows within the historic structure and lovingly and completely restoring them to like new condition. They are too special not to. We have a stucco structure and will retain that predominant exterior material on all new components.”



The new building addition, new pool house and garage are all proposed to the rear of the existing historic home. Given the property's large size and the orientation of the existing home central to the 450 foot deep lot, the design of the proposal has been carefully completed to reduce overall massing on the front elevation.

The exterior finish of the residence includes smooth stucco along with decorative architectural quoins at the corners of the proposed addition and new structures. Architectural elements include: restoration of the wood windows in the existing structure along with use of aluminum framed windows in the new addition; wood rafter tails and support brackets; aluminum shutters; aluminum railings; and, new concrete railings cast to recreate the existing rail system. The proposal includes maintaining a shingle roof on the existing structure with new black standing seam metal roof on the proposed addition and new structures.

The Visual Compatibility Standard for Relationship of Materials, Texture, and Color states that 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. Typically, the predominant materials used in and on historic structures are authentic such as wood for shutters, rafter tails, corbels and doors. With new construction, typically aluminum is utilized for doors, windows and railings with wood elements being utilized for both decorative and structural elements such as shutters, railings, rafter tails, corbels etc. The use of authentic materials guarantees the longevity and authenticity of the Individually Designated structure and property, ensuring there will be future resources that will contribute to the architectural and historical context of the historic district. It is hoped that restoration and improvement to the subject property will be a catalyst that may encourage other property owners in the area to see the benefit of being considered historic.

In consideration of the Visual Compatibility Standards, the proposed addition to the single-family residence, construction of a pool house and garage are generally appropriate and compatible with the property and surrounding development pattern.

The overall design maintains architectural details appropriate for the existing the adaptive Georgian Colonial structure. The proposal meets the intent of the review criteria above as a generally appropriate addition and new structures have been designed; thus, positive findings can be made with respect to the sections indicated above, subject to consideration of the conditions of approval.

#### **WAIVER REVIEW AND ANALYSIS**

**Pursuant to LDR Section 2.4.7(B)(5), Procedures for Obtaining Relief From Compliance With Portions of the Land Development Regulations, Waivers, prior to granting a waiver, the approving body shall make a finding that the granting of the waiver:**

- (a) Shall not adversely affect the neighboring area;**
- (b) Shall not significantly diminish the provision of public facilities;**
- (c) Shall not create an unsafe situation; and,**
- (d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.**

**Pursuant to LDR Section 4.5.1 (E)(3)(a)(1), Fences and Walls, Fences and walls over four feet (4') shall not be allowed in front or side street setbacks.**

In consideration of the criteria, the provision of a new fence, vehicular gate and columns greater than 4' in height within the front yard setback is not permitted on the subject property. The applicant is proposing the following on the east side of the property adjacent to North Swinton Avenue:

- Approximately 200 feet of 6' high, black aluminum rail style fence;
- Two pairs of 6' high concrete entry piers; and,
- Two pairs 12' wide by 6' high double vehicular gates.



The applicant has stated the following regarding the waiver request:

"We are requesting a waiver of two feet (2') to be consistent with other LDR Subsections which allows up to six feet (6') for all other non-historic properties in this zoning district for the reasons as set forth below. Mr. Minton is seeking the additional two feet (2') for the safety of his child. Mr. Minton's eight (8) year old daughter is 44" or 3'8" tall. The property is unique from many other historic properties with it's expansive front yard setback of +/- 224.0'. He would like for his eight (8) year old daughter and her friends to able to enjoy the full benefits of that expansive yard without having to be concerned with her safety. In addition to the uniquely expansive front yard setback, the property is adjacent to Swinton Avenue – a major thoroughfare within the City. Accordingly, Mr. Minton is seeking a greater level of security than what the 4' high decorative fence would provide. Mr. Minton is seeking only two (2) additional feet – the minimum necessary to ensure small children his daughter's age a height that could not easily be climbed over. In addition to his concerns of having small children playing in his yard adjacent to a busy street, since Mr. Minton has purchased the property there have been multiple trespassers to his property – most taking photos for weddings, but there was recently a fire set to the existing pool house from unknown causes. Mr. Minton would like to ensure that the property is not accessible to trespassers and the additional two feet (2') is the minimum necessary to accomplish this. It seems precedence has previously been established regarding other wonderful single family homes all along North Swinton Ave., so we seek the same consideration and privileges these property Owners enjoy. Please see case study photos of fences in our immediate neighborhood that are all higher than 4'. Moreover, none of these properties have as large a front yard setback as ours. The INTENT of the LDR's is to ensure that the beauty of the historic property is not obstructed by a tall wall given the +/- 224.9' front yard setback, the addition of only two feet (2') would not obstruct the sightline to the historic 2-story estate and its lush tree canopy and landscaping. We feel the intent of the code, in all matters, will NOT be compromised in any fashion whatsoever as shown on the renderings attached to this waiver request showing the street-view of the property with a six foot (6') fence."

The waiver request would result in the grant of a special privilege in that the same waiver would not be granted under similar circumstances on other property for another applicant or owner. It is staff's recommendation that in order to not adversely affect the intent of this code section and to maintain the integrity of the historic property, the 6' high gate posts, 6' entry gates and 6' fence be reduced to 4' in height. It is noted that the request does not diminish the provision of public facilities nor does it create an unsafe situation; however, similar waiver requests to increase maximum fence heights beyond 4' have not been permitted and the current request would result in the granting of a special privilege. While the applicant has provided documentation of other properties within the area which have fences or walls taller than the 4' maximum limitation, such improvements are not on historic properties; thus, are not subject to the maximum 4' high limitation, which is specific to subject historic property. A condition of approval has been included noting that the fence, gate posts and entry gates do not exceed 4' in height and that the fence detail be provided on the site plan.

#### ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Approve the Certificate of Appropriateness (2017-149) and Waiver for **1420 North Swinton Avenue, The Clint Moore House, Individually Listed**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof meets the criteria set forth in the Land Development Regulations Section 2.4.6(H)(5) and 2.4.7(B), subject to conditions.
- C. Deny the Certificate of Appropriateness (2017-149) and Waiver for **1420 North Swinton Avenue, The Clint Moore House, Individually Listed**, by adopting the findings of fact and law contained in

the staff report, and finding that the request and approval thereof does not meet the criteria set forth in the Land Development Regulations Section 2.4.6(H)(5) and 2.4.7(B).

<b>RECOMMENDATION</b>
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By separate motions:

**Waiver**

Deny the waiver request to **LDR Section 4.5.1 (E)(3)(a)(1)**, to allow the 6' gate posts, 6' entry gates and 6' decorative fence to exceed the maximum 4' height limitation, based upon a finding that the request and approval thereof does not meet the criteria set forth in LDR Section 2.4.7(B)(5).

**Certificate of Approval (COA)**

Approve the COA (2017-149) for **1420 North Swinton Avenue, The Clint Moore House, Individually Designated**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof meets the criteria set forth in the Land Development Regulations Section 2.4.6(H)(5), subject to the following conditions:

1. That the height of the first floor of the garage be reduced to not exceed 14'; and,
2. That the fence, gate posts and entry gates do not exceed 4' in height and that the fence detail be provided on the site plan.

**Report Prepared By:** Michelle Hoyland, Historic Preservation Planner