



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

100 NW 1<sup>ST</sup> AVENUE, DELRAY BEACH, FLORIDA 33444  
(561) 243-7040

## HISTORIC PRESERVATION BOARD STAFF REPORT

### 120 NW 4th Avenue

Meeting	File No.	Application Type
January 20, 2021	2020-164	Certificate of Appropriateness

### REQUEST

The item before the Board is consideration of a Certificate of Appropriateness (2020-164) request for the construction of a 518 sq. ft. one-story addition and accessory garage to a contributing property located at **120 NW 4th Avenue, West Settlers Historic District**, pursuant to the Land Development Regulations.

### GENERAL DATA

**Owner:** Charles and Pamela Halberg  
**Location:** 120 NW 4th Avenue  
**PCN:** 12-43-46-16-01-027-0131  
**Property Size:** 0.24 Acres  
**Historic District:** West Settlers Historic District  
**Zoning:** R-1-A (Single Family Residential)  
**LUM:** LD (Low Density)  
**Adjacent Zoning:**

- R-1-A (Single Family Residential) – North
- R-1-A (Single Family Residential) - East
- CF (Community Facility) - West
- R-1-A (Single Family Residential) - South

**Existing Land Use:** Residence  
**Proposed Land Use:** Residence



### BACKGROUND INFORMATION & ITEM DESCRIPTION

The subject property is located on Lot 13, Block 27, Town of Delray and is zoned R-1A (single family residential). The 10,370 square foot (76.5' x 135') property contains a Frame Vernacular style residence and detached storage shed. The property is classified as contributing to the West Settlers Historic District and is named after the Franklin family who owned it and resided there from as far back as 1949 until 2000.

For contextual purposes, it is important to note the historical significance of the West Settlers Historic District which was designated for listing on the Local Register of Historic Places in February 1997. The designation was primarily due to the district's high degree of historical significance and association with pioneering African American families who helped settle Delray Beach. Residents in this area lived, worked, worshipped, and were schooled in close proximity to their homes as a school, three churches and a Masonic Lodge were all established within the district between 1895 and 1920.

The historic district designation was accomplished by inspired citizens and residents who sought official recognition of the area, and who desired to see that some protective provisions could be enforced to halt the

<b>Project Planner:</b> <b>Project Planners:</b> Katherina Paliwoda, Planner <a href="mailto:PaliwodaK@mydelraybeach.com">PaliwodaK@mydelraybeach.com</a>	<b>Review Dates:</b> HPB: January 20, 2021	<b>Attachments:</b> <ol style="list-style-type: none"> <li>1. Architectural Plans</li> <li>2. Justification Statements</li> <li>3. Photos</li> </ol>
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wholesale demolition of the area. Over the years, many of the important buildings in the district have been demolished through neglect and disinterested owners, among other factors.

Regarding the subject property, the 1913 tax assessment records of the City indicate that William Robinson, an African American pioneer who came to Delray in 1901, owned Lot 13. He built the house in 1920 for Joe and Rosa Young, who were respected members of the community.

In September 2000, the Historic Preservation Board considered an application (COA-420) by the Community Redevelopment Agency (CRA) to demolish the subject residence. At the time, the structure was boarded and vacant, and the CRA indicated that it needed to be demolished in order to reuse the land for the construction of a community parking lot. However, a site plan for the overall redevelopment project had not come before the Historic Preservation Board and the fact that the timetable for the project was uncertain, the matter of the demolition was tabled.

In September 2001, an application request (COA-478) by the CRA for the demolition of the garage was approved by the HPB. The garage, which was built sometime between 1926 and 1949, was deemed to be structurally unsound and could potentially “collapse at any time.” The garage was likely built in 1944 when the building was “remodeled” and rear additions to the principal structure were completed. The ’44 remodel is noted on the original Delray Beach building cards.

At its meeting of September 15, 2010, the Board approved a COA 2010-210 associated with the reconstruction of a significant portion of the historic residence. The COA included additional square footage, and other improvements to the residence, storage building, and site.

At its meeting of November 20, 2013, the Historic Preservation Board approved Certificate of Appropriateness 2014-018 request associated with the addition of a shed as a secondary accessory structure to be used for the owner’s personal art studio. The location of the shed is proposed to the rear of the property at the southwest corner 20’ from the rear property line and 7’6” from the side interior property line. The structure measured 12’x14’ (288 square feet) and approximately 12’ in height to the ridgeline. The exterior finish consisted of vinyl siding, asphalt shingle roof, 1/1 aluminum single-hung windows, and single-light French doors. All colors were to match the scheme of the residence.

The subject request is for a one-story 518 sq. ft. addition and accessory garage to the rear (west) side of the main structure and the construction of a wood deck, covered porch, and new swimming pool to the south side of the property. 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 R-1-A zoning district shall be developed according to the requirements noted in the chart below.

DEVELOPMENT STANDARDS	REQUIRED	EXISTING	PROPOSED
SETBACKS (MINIMUM) FRONT (EAST)	25'	13.06'	no change
SIDE INTERIOR (NORTH)	7.5'	23.55'	8.17' (addition)
SIDE INTERIOR (SOUTH)	7.5'	23.69'	28' (addition)
REAR (WEST)	10'	65.83'	12' (addition)
HEIGHT	35'(MAXIMUM)	16'	16'

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

A swimming pool is proposed on the (southwest) side of the property and will meet the requirements of this code section.

#### 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)(b)(2) – Major Development.

The subject application is considered "Major 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)(3) – Buildings, Structures, Appurtenances and Parking: Buildings, structures, appurtenances, and parking shall only be moved, reconstructed, altered, or maintained, in accordance with this chapter, in a manner that will preserve the historical and architectural character of the building, structure, site, or district:

Appurtenances: Appurtenances include, but are not limited to, stone walls, fences, light fixtures, steps, paving, sidewalks, signs, and accessory structures.

Fences and Walls: The provisions of Section 4.6.5 shall apply, except as modified below:

- Chain-link fences are discouraged. When permitted, chain-link fences shall be clad in a green or black vinyl and only used in rear yards where they are not visible from a public right of way, even when screened by a hedge or other landscaping.
- Swimming pool fences shall be designed in a manner that integrates the layout with the lot and structures without exhibiting a utilitarian or stand-alone appearance.
- Fences and walls over four feet (4') shall not be allowed in front or side street setbacks.
- Non-historic and/or synthetic materials are discouraged, particularly when visible from a public right of way.
- Decorative landscape features, including but not limited to, arbors, pergolas, and trellises shall not exceed a height of eight feet (8') within the front or side street setbacks.

The proposal includes the construction of a swimming pool in the rear southwest side of the property. There is an existing 6' wood fence that currently exists on the sides and rear of the property line.

**Garages and Carports:**

- a. Garages and carports are encouraged to be oriented so that they may be accessed from the side or rear and out of view from a public right of way.
- b. The orientation of garages and carports shall be consistent with the historic development pattern of structures of a similar architectural style within the district.
- c. The enclosure of carports is discouraged. When permitted, the enclosure of the carport should maintain the original details, associated with the carport, such as decorative posts, columns, roof planes, and other features.
- d. Garage doors shall be designed to be compatible with the architectural style of the principal structure and should include individual openings for vehicles rather than two car expanses of doors. Metal two car garage doors are discouraged; however, if options are limited and metal is proposed, the doors must include additional architectural detailing appropriate to the building.

The subject proposal meets with the intent of the requirements of this subject regulation as the proposed accessory two-car garage is located to the rear of the existing structure. Entry into the garage is from the alley to the rear (west) side of the property. The accessory structure will be constructed of concrete block, will match the height of the original structure, and is designed to be of the same style and color as the principal structure.

**Parking:** Parking areas shall strive to contribute to the historic nature of the properties/districts in which they are located by use of creative design and landscape elements to buffer parking areas from adjacent historic structures. At a minimum, the following criteria shall be considered:

- a. Locate parking adjacent to the building or in the rear.
- b. Screen parking that can be viewed from a public right-of-way with fencing, landscaping, or a combination of the two.
- c. Utilize existing alleys to provide vehicular access to sites.
- d. Construct new curb cuts and street side driveways only in areas where they are appropriate or existed historically.
- e. Use appropriate materials for driveways.
- f. Driveway type and design should convey the historic character of the district and the property.

The subject proposal complies with the requirements of this subject regulation, as there is existing concrete ribbon strip driveway on the north side of the property that complies with the residential parking requirements. As previously mentioned, the proposal also includes the construction of a new two-car garage. The two-car garage doors are a metal finish and face the alley to the rear (west) side of the property. A driveway is also proposed to the rear of the garage addition to allow for access into the garage from the alley. It is important to note the existing driveway to the front of the property does not access the proposed garage and will remain accessible from the NW 4<sup>th</sup> Avenue.

**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 a 518 sq. ft. one-story addition to the west of the existing structure and is considered secondary & subordinate to the main residence. The addition will be wood framed with wood siding to match the existing structure. The proposed accessory garage will be constructed of concrete block with hardiboard siding. The proposed exterior of the addition and accessory garage will be a light pastel green to match the existing. The new addition will include single-hung aluminum windows with wood shutters. The proposed roof is an asphalt shingle to match the roof style and height of the existing principal structure. In addition, a covered porch is proposed on the south side of the addition and a new wood deck is proposed to the south side of the existing structure. The deck and covered porch both use authentic wood materials and match the style as the existing deck to the rear of the main structure. The proposal also includes the restoration of the fabric awning to the existing front porch. As the fabric awning and original striped

white and burgundy color was approved by HPB in 2010, the request was not required to be included in this application. In addition, there are no major alterations proposed to the existing structure, and if the proposed additions and wooden deck were to be removed in the future, the historic integrity of the property would remain.

The improvements can represent an appropriate modification to the historic structure and are expected to contribute to the historic integrity of the West Settlers 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 proposal includes a 518 sq. ft. one-story addition to the west of the structure and is secondary & subordinate to the main residence. The proposed addition will be wood framed with wood siding to match the existing structure. The proposed accessory garage will be constructed of concrete block with hardiboard siding. Colors of the siding for both the proposed addition and accessory garage will be a light pastel green to match the existing principal structure.

The new addition includes single-hung aluminum windows with wood shutters and an asphalt shingle to match the roof style and height of the existing principal structure. A new covered porch and wood deck are proposed on the south side of the addition. The deck and covered porch both use authentic wood materials and match the style as the existing deck to the rear of the main structure. The proposal also includes the installation of a fabric awning to the existing front porch on the east side of the existing residence. The fabric awning and original striped white and burgundy color was approved by HPB in 2010. There are no major alterations proposed to the existing structure, and if the proposed additions and wooden deck were to be removed in the future, the historic integrity of the property would remain.

A new 14' x 40' swimming pool on the west side (rear) of the property. A driveway is also proposed to the rear of the garage addition to allow for access into the garage from the alley to rear of the property.

The proposal has been reviewed for compliance with the visual compatibility standards and can represent an appropriate modification to the historic structure. The proposal is expected to contribute to the historic integrity of the Banker's Row area and the West Settlers Historic District.

### **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 construction of a one-story addition and accessory garage to the rear of an existing one-story, contributing residence on the subject property. A swimming pool is proposed to the southwest side of the property. 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 single-family, multi-family residential, and church uses. The proposal can be found to be consistent with the requirements of the Comprehensive Plan. Finally, 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".

**ALTERNATIVE ACTIONS**

- A. Move to continue with direction
- B. Approve Certificate of Appropriateness (2020-164), for the property located at **120 NW 4th Avenue, West Settlers 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 (2020-164), for the property located at **120 NW 4th Avenue, West Settlers 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:

Site Plan Technical Items:

- 1. That the site data table on Sheet SP.1 reflect the setbacks for existing and proposed structures shown on site plan;
- D. Deny Certificate of Appropriateness (2020-164), for the property located at **120 NW 4th Avenue, West Settlers 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

☒ Public Notices are not required for this request.

☒ Agenda was posted on (1/13/2021), 5 working days prior to meeting.