

August 03, 2021

City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444

Attn.: Michelle Hoyland – Senior Historic Preservation Planner, Development Services

Re: Proposed 2nd Story Addition to the Existing Garage of Ocean Apple Estate - Certificate of Appropriateness (COA): 610 N. Ocean Blvd. (The Fontaine Fox Residence)

Mrs. Hoyland:

In addition to a request for relief from **LDR Section 4.5.1(E)(7)(m)(6)** as: *"Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building"* and addressing the findings in **LDR Section 2.4.7(B)(5)** and **2.4.7(A)(5&6)** we respectfully request that the Historic Preservation Board consider the following:

Through my many months of research in attempting to locate original John Volk architectural or design drawings for The Fontaine Fox Residence, about six (6) months ago I struck gold in the Palm Beach County Courthouse archives. I found some of the John Volk original drawings for the residence and have sent the same with you.

In those drawings, I came across the original Garage, and the Floor Plans & Elevations of the original home. I will address each as they relate to the relief we seek from **LDR Section 4.5.1(E)(7)(m)(6)** by adding a second story to the existing Garage.

In 1935 the Garage began its life as a one-car, 12'x20' Garage with a barndoor style entry to the East. This is presumed to be due to the fact that few families had more than one car back then. At some point in the late 1970's or early 1980's the Garage was changed to the current 2-car configuration with automatic lift doors and the entry was changed to face North. While no specific date for this change has been determined, the late 70's/early 80's is presumed due to the age and type of concrete used for the foundation/floor and the age and type of wood that was used for the wall framing and for the roof trusses/rafters. It was at this point in history (late 70's/early 80's) when families started to have more than one car.

Now, some forty (40) years later, we are seeking the expansion to a 3-car Garage as the need for additional cars and, more importantly, golf carts for shorter trips to Atlantic Avenue that dramatically lower greenhouse gases are now the new norm and offer a far more environmentally responsible means of transportation.

One of the most exciting discoveries in the Palm Beach County archives was that of John Volk's original Floor Plan & Elevations of the Main Residence, circa 1935. The original footprint of the modest 2-story home contained approximately 1,200 square feet, with roughly 600 square feet downstairs and roughly 600 square feet upstairs.

In addition to the need for an additional garage bay as stated above, it is the McKinney's desire to add two (2) more bedrooms to accommodate their growing family (they have 19 nieces and nephews). In doing so we chose to pay tribute to the original 1935 John Volk main house by allowing the new Garage design to resemble the original 1935 main house. To be clear, the new Garage does not mimic the style or replicate the John Volk design for the 1935 main house. It simply pays a responsible tribute to it.

The footprint for the new Garage closely matches that of the original John Volk home yet doesn't deviate too much from that of the current 2-car Garage. The height of the original John Volk main house, as measured from the average crown of the road, would have been approximately 27'. The height of the

new proposed Garage is 8" below that. The height of the new proposed Garage is +26'-4" and is 3' below that of the proposed height of the main home.

Why pay tribute to the original 1935 John Volk design in the new Garage? It is clear that the original John Volk design has gone through so many modifications, some older than fifty (50) years, some more recent, that it is hardly recognizable. We feel our design for the new Garage is a creative way to pay tribute to the original 1935 home and allow for accommodation of additional car/golf carts and family members for generations to come. It's a win for the McKinney's. It's a win for all future owners. It's a win for the public. It's a win for preservation. It's a win for The City of Delray Beach and it's Historic Preservation Board.

Pursuant to **LDR Section 2.4.7(B)(5) and LDR Section 2.4.7(A)(5)&(6) "Procedures for Obtaining Relief from Compliance with Portions of the Land Development Regulations"**, please accept this letter as justification, as well as a check in the amount of \$2,500 made out to The City of Delray Beach.

"Waivers" are a design instrument granted to well designed historic Projects to gain an Owner an opportunity to stay true to their individual and site specific conditions. We feel the intent of the code, in all matters, will not be compromised in any fashion whatsoever by the granting of our requested "waiver".

In conclusion, if granted, the "waiver" recognizes "That special conditions and circumstances exist which are peculiar to the land, structures, or buildings involved and which are not generally applicable to other land, structures or buildings subject to the same zoning".

"That the literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties, subject to the same zoning".

"That the special conditions and circumstances have not resulted from actions of the applicant".

"That granting of the "waiver" 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 non-conforming use, of neighboring lands, structures or buildings under the same zoning shall be considered grounds for the issuance of a "waiver".

"That the reasons set forth in the "waiver" petition" justify the granting of the "waiver", and that the "waiver" is the minimum "waiver" that will make possible the reasonable use of the land, building or structure(s)".

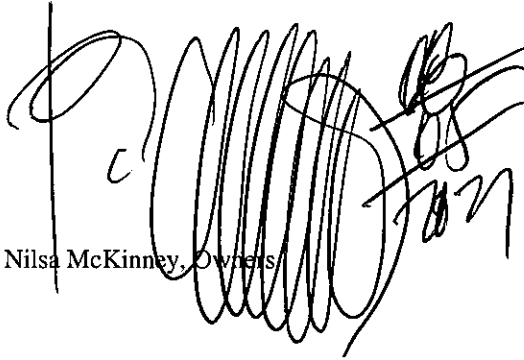
And finally, "That the granting of the "waiver" will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare".

Please do not hesitate to call should you require anything else. I look forward to the support, the approval process and the Historic Preservation Board hearing in September.

Sincerely:

Roger Cope
Principal
RWC/jad

Cc Frank & Nilsa McKinney, Owners

A large, stylized handwritten signature in black ink, likely belonging to Roger Cope, is written over the signature block and extends into the left margin.

April 25, 2021

City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444

Attn.: Michelle Hoyland – Senior Historic Preservation Planner, Development Services

Re: Certificate Of Appropriateness (COA): Ocean Apple Estate – 610 N. Ocean Blvd. (The Fontaine Fox Residence)

Mrs. Hoyland:

After nine (9) months of sensitive, responsible and diligent planning/design, I, as Architect Of Record, and Frank/Nilsa McKinney, are pleased to present the above referenced Project. We respectfully request that you accept this letter of Justification associated with the COA for The Fontaine Fox Residence, a Project that will beautifully carry the home well into its second century of existence.

I am hereby submitting a Certificate Of Appropriateness application associated with the Project, the Variance seeks a reduction in the North Side Yard Building Setback Line for the positioning of a minor second story expansion within the site. As you'll read below, the requested Variance was, in essence, contemplated and accounted for in Ordinance 04-13.

On February 19, 2013 Ordinance 04-13 (& resulting COA) was granted and approved that created a 23' South Side Building Setback Line, and within that 23' South Side Building Setback Line, a 13' South Side Landscape Easement for landscape materials only – for "Lot 2", the lot immediately North of The Fontaine Fox Residence. Said lot is part of the "Historic Fontaine Fox House Properties" designation as identified in Ordinance 04-13.

The purpose of Ordinance 04-13, according to Staff at the time (Amy Alvarez), was to create "symmetry from the street" when looking at the new home to be built on Lot 2 as that symmetry related to The Fontaine Fox Residence. In essence, the Side Setbacks are 12' for each structure (1' to the property line between The Fontaine Fox Residence and Lot 2 +23' that Lot 2 is setback from that property line.

Therefore, we are not seeking anything in this application that was not already contemplated, accounted for and approved in Ordinance 04-13, which is an 11' reduction from the Side Setback requirement of 12'.

The minor expansion is cleverly integrated into the existing historic structure and is within the "23' +1' Side Yard Building Setback" already in place. I feel the proposed width is the minimum required to make reasonable use of its interior spaces.

Pursuant to **LDR Section 2.4.7(A)(5)&(6) "Procedures for Obtaining Relief from Compliance with Portions of the Land Development Regulations"**, please accept the attached fully executed application and sets of Architectural Documents, appropriate mailing envelopes, mailing lists, a 500' radius map, \$1,500 check, etc.

LDR Section 4.3.4, (H), (1): Setbacks address building setback guidelines. The "Side Yard Building Setback Line" requirement for our site is 12', as we are within an R-1-AAA zoning district. In addition to the explanation above that was covered in the 02.19.03 Ordinance (04-13), the rationale behind our request is to keep the proposed minor expansion harmonious with the existing structure. We have accomplished this from a massing perspective and have certainly made the expansion subordinate to the existing structure. Most importantly, the expansion has been tastefully designed so that it enhances the inherent beauty of The Fontaine Fox Residence without any negative impact on Lot 2. As Staff has encouraged responsible and tasteful growth, we are certainly doing so with the application and request(s) before you.

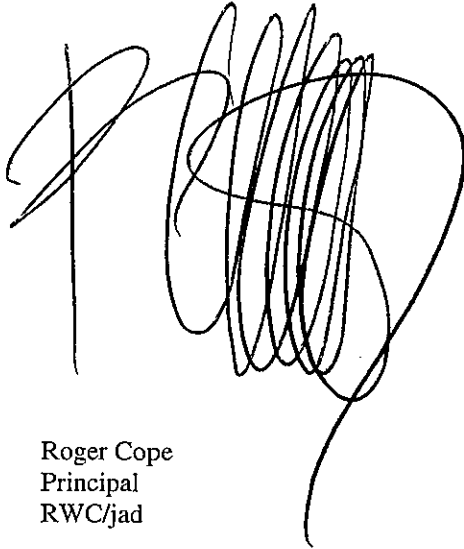
I have designed many tasteful Projects within the city limits of Delray Beach, one (65 Palm Square) receiving as many as seven (7) Variances that made the Project so much more appealing. Variances are a design instrument granted to well designed historic Projects to gain an Owner an opportunity to stay true to their individual and site specific conditions. We feel the intent of the code, in all matters, will not be compromised in any fashion whatsoever by the granting of our requested Variance.

In conclusion, if granted, the "Variance" would in no way "be contrary to the public interest and where owing to the conditions peculiar to the property and not the result of the actions of the landowner, a literal enforcement of the regulations would result in unnecessary and undue hardship".

Furthermore, we feel "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 finally "that the granting of the "Variance" will be in (complete) harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare".

Please do not hesitate to call should you require anything else. I look forward to the support, the approval process and the Historic Preservation Board hearing in September.

Sincerely:

A handwritten signature in black ink, appearing to be "Roger Cope", with a large, stylized flourish extending from the end of the name.

Roger Cope
Principal
RWC/jad

Cc Frank & Nilsa McKinney, Owners

any adverse impacts associated with a required finding. Violations of such conditions or safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of existing ordinances and punishable under Section 1.4.4. [Amd. Ord. 01-12 8/21/12]

(5) **Findings.** The following findings must be made prior to approval of a variance: [Amd. Ord. 01-12 8/21/12]

- (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);
- (b) That 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;
- (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;
- (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,
- (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.

(6) **Alternative findings of the Historic Preservation Board.** The Board may be guided by the following to make findings as an alternative to the criteria above: [New Section added by Ord. 01-12 8/21/12]

- (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.

- (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.
- (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.
- (d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.
- (e) That the requested variance is necessary to accommodate an appropriate adaptive reuse of a historic building, structure, or site:

(B) **Waivers.** A waiver involves the granting of partial or total relief from a specific development regulation.

(1) **Rule.**

- (a) **General.** A waiver may be granted to the procedural and substantive provisions of these regulations. A waiver may be granted only for those substantive items within these regulations for which such provision is made. A waiver to substantive provisions may be granted only by the Board or body which has the authority to approve or deny the related development application.
- (b) **Special power to the City Commission.** Notwithstanding, the City Commission may grant a waiver to any provision of these regulations when there is no other avenue for relief available in these regulations. However, waivers shall not be considered with respect to:
 - (i) Matters which pertain to the use of land or structures;
 - (ii) A requirement for a public hearing or providing notice that an item will be considered by a development board;
 - (iii) A regulation for which it is stated that there shall be no waiver and/or variance provided.

July 29, 2021

City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444

Attn.: Michelle Hoyland – Senior Historic Preservation Planner, Development Services

Re: Ocean Apple Estate – 610 N. Ocean Blvd. (The Fontaine Fox Residence)

Mrs. Hoyland:

I hope all is well. As the Architect Of Record (& Agent) for Frank and Nilsa McKinney please accept this letter and three (3) associated photos as competent and substantial evidence to seek City approval allowing us to paint the existing structures back to their base white color.

Regarding Visual Compatibility Standards comment (LDR Section 4.5.1 (E)(8)) found on page 2 of 8 of the "7.2.21 TAC letter" for 610 N. Ocean Blvd. (Fontaine Fox Residence):

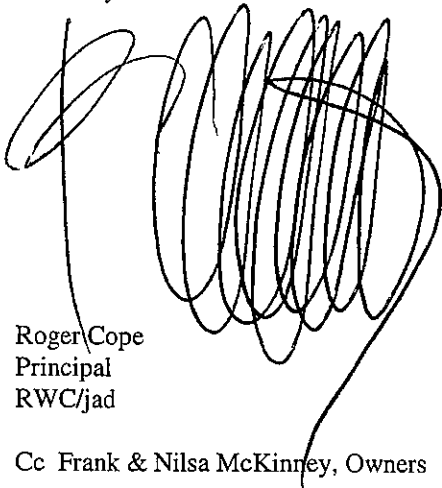
Attached please find three (3) photos that clearly show the home was, in the not too distant past, painted white. These areas are located under the eave and above the awning in a tight space located on the East elevation of the home. As you can see from where the paint was and the stain is, this tight space would have made it impossible for the sandblaster, scraper, or other paint removal application to reach to remove the original white paint in order to apply the stain that is currently found on the remaining portion of the exterior façade. It is our desire to return the home to its original white color as depicted in the renderings and paint samples provided. This comment and attached photos shall serve to answer Staff's question below:

"Provide documentation for the original house color as white, as stated under the justification for proposed color for the site as the building exists the building it shows wood-stained exterior with green frames. In addition, the rendering shows white framed windows, but the request states the use of bronze being proposed."

Furthermore, at Staff's recommendation, we are amending our application to show white framed windows (as depicted on the renderings) rather than bronze.

Please do not hesitate to call should you require anything else. I look forward to the support, the approval process and the Historic Preservation Board hearing in the very near future.

Sincerely:



Roger Cope
Principal
RWC/jad

Cc Frank & Nilsa McKinney, Owners







August 17, 2021

City of Delray Beach
100 NW 1st Avenue
Delray Beach, FL 33444

Attn.: Michelle Hoyland – Senior Historic Preservation Planner, Planning & Zoning

Re: Letter of Relevance for “The Hyphen”: Ocean Apple Estate (The Fontaine Fox Residence)

Project: Ocean Apple Estate, 610 N. Ocean Blvd., – Individually Designated Historic Property

Mrs. Hoyland:

Please accept this letter as elective “Justification” for our design philosophy for a minor Architectural feature that will connect the main house to the guest house, thus making them one structure. This is now referred to as “The Hyphen” for the above referenced Project. This letter and accompanying photos shall serve to address **LDR Section 4.5.1(E)(8) “Visual Compatibility Standards”**.

No doubt, the use of an all glass (glass walls and a glass roof), totally transparent feature is bold – but what better way to interpret the Secretary of The Interior Standards in which, “If required, can the new feature be removed easily without disturbing the Architectural integrity of the elements to either side of it and leave little or no ill effects”.

In the case of “The Hyphen”, the answer is YES. If it were ever required to be removed, it can be with ease as it is as light, and as transparent a feature as imaginable. Is it modern, not necessarily? We would rather it be categorized as a NEUTRAL Architectural feature.

After all it is “The Hyphen”. A “Hyphen” is, by definition, used to join words to indicate that they have a combined meaning or that they are linked in the grammar of a sentence”. In our case, words and grammar are actually the Architecture and our two (2) separate wings are our sentences. We are linking our two (2) wings with a “hyphen” and we chose our “hyphen” to be a neutral, transparent piece of Architecture that makes as little “noise” as possible yet, if removed, leaves no footprint behind.

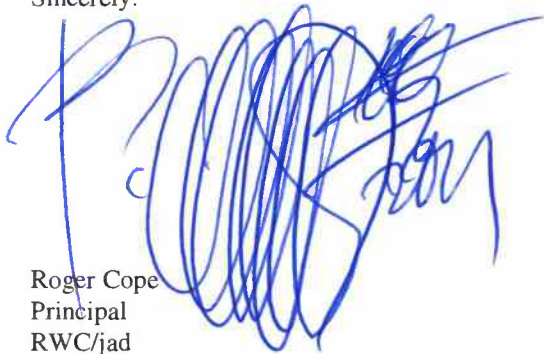
It is in no way visible from any public domain or right-of-way – unless you are a bird overhead. It is playful. It is there, but it is really not there. It is shelter. It is connectivity interpreted as minimally as possible. It will be cherished by the Owners of Ocean Apple Estate. It is a very private statement. It is tiny. It is a gem or a crystal. It is subjective. It is transcending.

Please see numerous photos that depict similar glass “hyphens” used to connect very old structures. It is far more common than one would think and reflects proper application of Architectural styling.

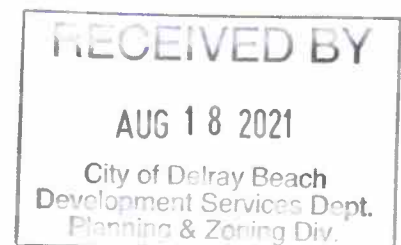
This concludes our “Justification” letter. Please schedule our proposal before the September 01 HPB hearing. Thank you in advance.

Sincerely:

Roger Cope
Principal
RWC/jad



Cc Frank & Nilsa McKinney, Clients





The Parchment Works house extension built inside ruined stone walls



