



DEVELOPMENT SERVICES

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

HISTORIC PRESERVATION BOARD STAFF REPORT

610 N. Ocean Boulevard

Meeting	File No.	Application Type
September 1, 2021	2021-165	Certificate of Appropriateness, Variance, & Waiver

REQUEST

The item before the Board is consideration of a Certificate of Appropriateness (COA), Variance, and Waiver (2021-165) requests for the construction of additions to the structures and detached 2-car garage, and exterior modifications to the existing individually designated residence located at **610 N. Ocean Boulevard, Individually Listed to the Local Register of Historic Places.**

GENERAL DATA

Agent: Roger Cope, Cope Architects, Inc.

Owner: Frank and Nilsa McKinney

Location: 610 N. Ocean Boulevard

PCN: 12-43-46-09-93-000-0010

Property Size: 0.62 Acres

Zoning: R-1-AAA (Single family residential)

Historic District: Individually Listed to the Local Register of Historic Places

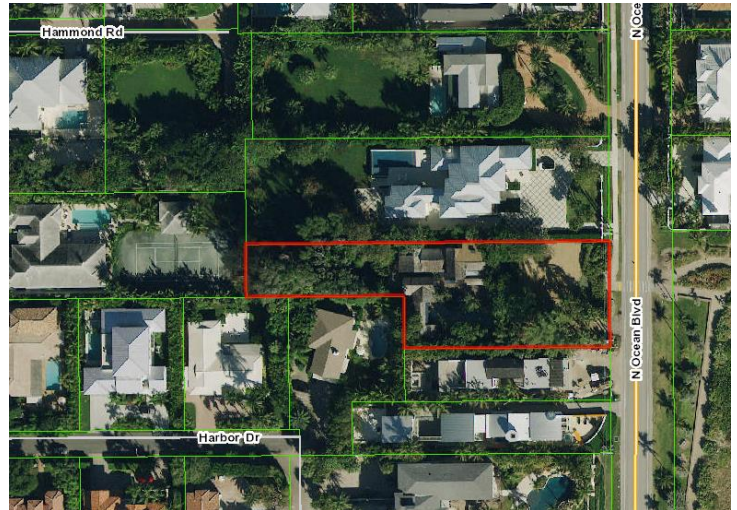
LUM Designation: LD (Low Density)

Adjacent Zoning:

- R-1-AAA (Single family residence) (North)
- R-1-AAA (Single family residence) (West)
- R-1-AAA (Single family residence) (South)
- R-1-AAA (Single family residence) (East)

Existing Land Use: Residence

Proposed Land Use: Residence



BACKGROUND INFORMATION & ITEM DESCRIPTION

The Fontaine Fox historic designation contains approximately 0.633 acres of land and presently consists of Lot 1 of the Ocean Apple Estates Plat III., the property (and the adjacent 3 properties) is an individually listed property in the on the Local Register of Historic Places as established by Ordinance 70-89.

The 0.663 acre subject property is located at 610 N. Ocean Boulevard and is located approximately 900' south of George Bush Boulevard between Andrews Avenue and the Atlantic Ocean. The property is zoned R-1-AAA (Single Family Residential) and contains a 1936 Cape Cod cottage in addition to a guest cottage, a garage, and a free-standing "tree house." The property is individually listed to the Local Register of Historic Places as the **Historic Fontaine Fox House Properties**. The designation includes the following properties:

Project Planner:

Katherina Paliwoda, Planner

PaliwodaK@mydelraybeach.com

Review Dates:

HPB: September 1, 2021

Attachments:

1. Architectural Plans
2. Justification Statements
3. Photos

1. 615 N. Ocean Boulevard, Lot 1, Ocean Apple Estates
2. 605 Andrews Avenue, Lot 3, Ocean Apple Estates, Plat II
3. 1206 Hammond Road, South. 50 feet of Lot 1, Ocean Apple Estates, Plat II
4. South 50 feet of Lot 2, Ocean Apple Estates, Plat II
5. 610 N. Ocean Boulevard, Lot 1, Ocean Apple Estates, Plat III
6. Lot 2, Ocean Apple Estates, Plat III

Listed on the Local Register in 1989, the property is named after the property's first owner, Fontaine Fox, a cartoonist of both national and international acclaim. Fox was best known for his cartoon "Toonerville Trolley". Born in 1884 in Louisville, Kentucky, Fox began his career as a cartoonist in grammar school, continuing throughout high school when he began working at the Louisville Herald as a reporter and cartoonist. After two years of study at the University of Indiana, where he studied and drew cartoons part-time, he returned to Kentucky to work at the Louisville Times until the Chicago Post gave him national recognition and distribution in 1915. Much of the small-town subject matter for his cartoons came from people he knew in then suburban/rural Louisville. The cartoon was syndicated throughout the world, appearing in several languages.

Fox moved to Delray in 1931, after having visited there in the 1920's. In coming to Delray, he joined a number of well-known artists and writers who, by making Delray their home, created an artists' and writers' colony. These people included the cartoonist Herb Roth (whose cartoons reflected life in Delray), Wood Cowan, writers Hugh McNair Kahler, Clarence Buddington Kelland, Nina Wilcox Putnam (whose articles published in Good Housekeeping magazine and were illustrated by another Delray resident Anita Brown), and poet Edna St. Vincent Millay.

Fox made his studio on the second floor of the Arcade Tap Room, the hub of winter activity in the Town of Delray. He was an accomplished golfer and the author of several books and articles, including a series which ran in many papers, which was based on his narrow escape in 1939 from war-torn Europe. During the war he was a member of the Division of Pictorial Publicity.

In the late 1930 's, Fontaine Fox, having had a long-term friendship with architect John Volk, commissioned him to design the house at 610 North Ocean Boulevard. Volk was also the architect of Fox's home just north of 610, as well as several others located in the immediate Delray/Gulfstream area including Ocean Boulevard, Seabreeze, and Palm Trail. The subject house is historically significant because of its architectural style and it represents one of a few remaining "beach" cottages reflecting the Cape Cod bungalow style typical of houses built on North Ocean Boulevard from Delray/Gulfstream to Manalapan.

Born in 1901 in Austria, Volk came to the United States when he was nine years old. He was a student at Columbia University School of Architecture as well as the world-renowned Ecole des Beaux Arts in Paris. John Volk arrived in Palm Beach in 1925 while Addison Mizner was building Spanish and Mediterranean style mansions for wealthy families. A prolific architect, Volk designed over 1,000 houses, theatres, and buildings all over the world. Some of the world's most powerful and wealthy people commissioned him to design their homes, including William Paley, George Vanderbilt, Henry Ford II, Herbert Pulitzer, Horace Dodge II, and John Phipps. Volk has often been called the last of the original Palm Beach architects, which included Addison Mizner, Maurice Fatio, and Marion Sims Wyeth. In 1926, he formed a partnership with Gustav Maas which lasted almost ten years.

Volk's homes, which number several hundred scattered along the coast, covered a broad range of designs from Spanish and Italian motifs to Normandy, Bermuda, Regent, Classical Oriental, bungalow,

and what he called British Colonial. Known to have "broken the excesses" of the Mediterranean style after the Depression, Volk began designing British Colonial houses that could be built for forty-five cents a square foot versus two dollars per square foot for the Spanish mansions. He related in an article in Architectural Digest in 1972, "when the market crashed and the Depression followed, there wasn't a client in sight who wanted to build the elaborate Spanish house. Everyone was broke. Those who weren't, didn't want to make a show of their money". It was during this period that the houses along North Ocean Boulevard were designed. Volk continued to design homes until his death in 1984.

In 2001, the applicant constructed a free-standing "tree house" in front of the historic Fontaine Fox house without obtaining HPB approval or a building permit. The elaborate and detailed tree house was free-standing, yet attached to the historic structure via a footbridge. On September 4, 2002, the HPB reviewed the COA for the as-built accessory structure where the request was denied based on a failure to make positive findings with the Land Development Regulations, the Delray Beach Design Guidelines, the City's Comprehensive Plan, and the Secretary of the Interior's Standards. An appeal to the City Commission was filed by the owner, and the City Commission reviewed the item at its November 19, 2002 meeting, where a vote of 2-2 to approve the request was made. The 2-2 vote was interpreted to result in a denial. An appeal was then filed with the Circuit Court which found that the vote resulted in no action, pursuant to the City of Delray Beach Charter. Consequently, the case was remanded back to the City Commission as an appeal, and on November 3, 2008, the City Commission denied the appeal request on a 5 to 0 vote. Then, on December 16, 2008, the City and the Property Owner entered into an agreement which required the following:

- That a COA for the relocation of the treehouse be submitted within 45 days of the date of execution of the agreement.
- Move and obtain a Certificate of Occupancy for the treehouse "to an area wherein the structure will not block or obscure the Fontaine Fox House nor be relocated in any manner that renders the structure greater in height than the main structure, within 90 days of the issuance of a building permit, or within an acceptable timeframe as determined by the HPB or the City Commission, but in no case less than 90 days from the issuance of a building permit.
- In the event...the Owner is not able to obtain a building permit for the treehouse, the Owner agrees to remove the structure from the property within 120 days of such final denial.

At its meeting of May 6, 2009, the HPB approved the COA for the aforementioned treehouse, which was in compliance with the agreement conditions above. As a result, the matter was resolved, and a CO was issued.

At its meeting of January 16, 2013, a COA and variance were approved by the Historic Preservation Board for the removal of a non-original side addition and its relocation to the rear of the principal structure, resulting in its connection with an existing detached accessory structure/guest cottage. Existing materials and windows were to be reused in the addition and the roof type and pitch were designed to mimic that of the existing with a gable end facing west. The north wall plane where the addition was to be removed require the infill of an existing opening with siding, and the installation of a window within another existing opening. The variance was requested in association with the improvements and was only necessary due to the subdivision of the subject property. The aforementioned addition was located on top of the proposed property line. The remaining wall plane was to be located within the required 12' side interior setback, at 1' from the new side property line.

In 2013, the City Commission approved Ordinance No. 04-13 which modified the existing legal description and restrictions regarding new development within the designated boundary of the properties. The modification to the legal description was necessitated by a new plat request to

subdivide the property at 610 North Ocean Boulevard into two parcels, each facing the right of way. Existing development restrictions applied to all properties within the designated boundary remained except for the number of single-family homes. The ordinance limited the number of single-family homes to a total of four (4) within the designated boundary. Additional development limitations were placed on properties within the boundaries of the historically designated site including the following:

1. Lot 2 of Ocean Apple Estates, Plat III shall include the following development restrictions:
2. A seventy foot (70') front building setback line,
3. A twenty-three foot (23' south side building setback line,
4. a thirteen foot 13' south side landscape easement for landscape materials only
5. a twelve foot (12' l north side landscape easement for landscape materials only,
6. installation of fences, walls, ox_ other_ hardscape materials within the landscape easement is prohibited
7. a maximum building height of 25' from grade to the roof line,
8. a maximum of 4,200 total square feet, under air for a primary residence, and total 700 square feet for a guest house.

In addition to the aforementioned revisions to Ordinance 43-11, the name of the historic site as it is listed on the Local Register of Historic Places in LDR Section 4.5.1(l), was revised from "Fontaine Fox House" to "Historic Fontaine Fox House Properties". The name change was to indicate the multiple properties associated with the historic site.

The request now before the board is for construction of a 2nd story addition to the front of the existing main structure with the modification to the porch on the 1st story of the front façade. A variance is also requested to allow for the 2nd story addition to encroach into the north side interior setback from the required 12' to 1'. It is noted that there is an existing Variance approval for the 1st floor of the north side of the main residence to encroach into the side setback 1' into the property line. As the request introduces a 2nd floor to that encroachment, an additional variance request is required. In addition, the request also includes a hyphen to be added to the rear of the main structure to connect the existing structures in the back of the property. An addition is proposed to the existing guest wing located in the rear of the property. Also, a 2nd story addition is proposed directly on top of the existing 2-car garage located to the front of the property that is forward of the main structure on site. A waiver is requested pertaining to LDR Section 4.5.1(E)(7)(m) to allow secondary and subordinate relief of the 2nd story addition. Also included in the request, the existing treehouse is to be removed from the front of the main structure and relocated directly west of the existing garage. The Treehouse will be ground level to be utilized as the proposed changing room for the pool house. Additional exterior alterations throughout the property, as well as a new 4' wide covered walkway connecting the garage to the main residence, is also proposed for the site. 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 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.

Pursuant to Land Development Regulation (LDR) Section 2.4.5(l)(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-AAA zoning district shall be developed according to the requirements noted in the chart below.

DEVELOPMENT STANDARDS	REQUIRED	EXISTING	PROPOSED
SETBACKS (MINIMUM)			
FRONT (EAST)	35'	112'-7" (main house) 58'-5" (garage)	101'-7" (main house) 41'-3" (garage)
SIDE INTERIOR (NORTH)	12'	6'-2" – 1'-0"	6'-2" – 1'*
SIDE INTERIOR (SOUTH)	12'	3'-11" – 12'-1"	no change
REAR (WEST)	12'	12'	no change
HEIGHT	35'(MAXIMUM)	22'-7 ½ "	22'-7 ½ "

* Variance Requested

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 more 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.

- c. Fences and walls over four feet (4') shall not be allowed in front or side street setbacks.
- d. Non-historic and/or synthetic materials are discouraged, particularly when visible from a public right of way.
- e. 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.

There is an existing swimming pool located on southeast side of the property. There is a combination of an existing wood fence and concrete block walls that exist on the sides and rear of the property. There is no proposed fencing with the subject request.

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 includes renovation of the existing detached two-car garage that is located on the front southeast corner of the historic site. A proposed addition to the garage includes the expansion of the 1st floor to accommodate 3 cars and the addition of a 2nd story for use as a guest house. The garage faces the north side of the site and therefore meets the requirement for allowing access from the side, which is out of view from the public right of way.

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 an existing driveway that complies with residential parking. As previously noted, the site also contains an existing 2 car garage. The single point of access for the existing car garage is from the north side of the subject property.

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 total of 485 sq. ft. additions to the main structure, a 273 sq. ft. to the guest wing in the rear, an addition of 1,137 sq. ft. proposed to the detached 1-story garage. Also, included with the request is a variance request. It is noted that the existing structure is situated within the north property line with a setback of 1'. The proposed addition on the second story of the main residence, will also encroach into the setback.

New white aluminum framed windows with clear, non-reflective glass are proposed to replace existing windows through the entire structure. A new cedar shake roof, wood siding, and wood outlookers are proposed on the additions to match the existing structure. The existing structures have unfinished wood siding and are proposed to be painted white in Gildden Linen Ruffle ppg1075-1 with dark blue trim in Gildden Blue Tang ppg 1160-7.

According to the Delray Beach Historic Preservation Guidelines the recommended approach regarding the painting of historic structures is as follows:

Recommended:

- The combination of colors selected for wall mass, trim and decorative elements should be complimentary and should avoid disharmony or color clashes.
- Paint should never be used to cover natural elements, such as stone, wood or brick, unless previously documented.

If the exterior wood on an existing historic structure has never been previously painted, then as an appropriate practice of historic preservation, the existing wood should remain unpainted. It is noted that the applicant has included photographs showing the that the main structure was previously painted white.

Standard 9, states **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.** There is concern with the two-story addition that is proposed to be constructed directly on top of the existing 1-story detached garage and the two-story expansion of the main residence as the modifications proposed affect the front façade. The proposal does not reflect additions that are compatible with the massing, size, nor scale of the existing structure. In addition, the Guidelines also state that the **recommended approach**

to new exterior additions is to **ensure that the addition is subordinate and secondary to the historic building, and it is not recommended that the construction of a new addition that is as large as or larger than the historic building, which visually overwhelms it (i.e., results in the diminution or loss of its historic character).** The existing 1-story 600 square foot detached garage is proposed to include an additional 300 square feet to be added on the 1st floor with a new 803 square foot 2nd floor added directly on top of the structure. With the inclusion of 34 square foot balcony on the second floor, the total size of the proposed garage will be 1,737 square feet. The construction of a two-story addition that overwhelms an existing one-story contributing structure is not a recommended practice of historic preservation.

It is noted that the applicant has sought a waiver for relief to the Visual Compatibility standard to allow the proposed 2nd story addition over the 1-story detached garage to exceed the Visual Compatibility requirements for the massing of additions, which is analyzed in the Waiver Analysis section later in this report. In order for the request to be determined to be compliant with the Secretary of the Interior Standards for Rehabilitation, the Waiver request would also need to be approved. Should the board approve the waiver request, there is concern that the proposal would not be in compliance with the Secretary of the Interior's Standards for Rehabilitation, which could affect the historic integrity of the property. Further, if the proposal were approved and not be in compliance with the Secretary of the Interior's Standards, the property will likely not qualify for a future Ad Valorem Tax Exemption.

Pursuant to LDR Section 4.5.1I(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 4.5.1I(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 4.5.1I(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 additions to the main residence and a new 2nd story to be added to the existing 1-story garage. The existing front porch on the front (northeast) side of the main structure is being enclosed to be included with the existing entry foyer. The portion of the deck in front of the newly enclosed space will be screened with steps to be relocated so that they are centered on the porch. The 2nd story expansion to the main structure includes the enclosure of the existing terrace to accommodate more interior space with the construction of a new terrace forward of the new space. As previously noted, a variance is requested for this part of the expansion. The existing breezeway located on front (east) side of the rear guest wing is being enclosed to include a 273 square foot addition to the rear of the property. A majority of the proposal includes reconfiguration of interior spaces and does not involve the demolition for these areas.

A new 2-story addition is proposed to the existing 1-story detached garage located to the front of the property. The 2nd story addition is proposed directly on top of the existing garage and a waiver to the Visual Compatibility Requirements for **Additions to individually designated properties** is being sought for the proposed design. Also included in the alteration of the garage is demolition of the existing 80 square foot storage space located on the west side the building.

Finally, the existing 2-story treehouse located forward of the front façade of the main residence will be removed and relocated behind the existing detached garage to be used as the changing room for the existing pool.

Pursuant to “The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, & Reconstructing Historic Buildings” (Guidelines):

The Guidelines do “not recommend cutting new entrances on a primary facade” (pg. 110).

ENTRANCES AND PORCHES

RECOMMENDED

Identifying, retaining, and preserving entrances and porches and their functional and decorative features that are important in defining the overall historic character of the building. The materials themselves (including masonry, wood, and metal) are significant, as are their features, such as doors, transoms, pilasters, columns, balustrades, stairs, roofs, and projecting canopies.

NOT RECOMMENDED

Removing or substantially changing entrances and porches which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Cutting new entrances on a primary façade.

Altering utilitarian or service entrances so they compete visually with the historic primary entrance; increasing their size so that they appear significantly more important; or adding decorative details that cannot be documented to the building or are incompatible with the building’s historic character.

Regarding the visual compatibility requirement of **Front Facade Proportion**: which requires that **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**. The existing offset wood steps on the main residence are being relocated and centered on the front façade. There is concern regarding the relocation of the front steps as the right side of the front elevation is being significantly altered.

Modification of the proposed porch alters the historic integrity of the structure and can be considered adding a conjectural feature that was not original to the structure designed by John Volk. In addition, the new windows and 2nd floor expansion also alter the integrity of the existing front façade.

Pursuant to “The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, & Reconstructing Historic Buildings” (Guidelines):

WINDOWS	
RECOMMENDED	NOT RECOMMENDED
<i>Identifying, retaining, and preserving</i> windows and their functional and decorative features that are important to the overall character of the building. The window material and how the window operates (e.g., double hung, casement, awning, or hopper) are significant, as are its components (including sash, muntins, ogee lugs, glazing, pane configuration, sills, mullions, casings, or brick molds) and related features, such as shutters.	<p>Removing or substantially changing windows or window features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.</p> <p>Changing the appearance of windows that contribute to the historic character of the building by replacing materials, finishes, or colors which noticeably change the sash, depth of the reveal, and muntin configurations; the reflectivity and color of the glazing; or the appearance of the frame.</p> <p>Obscuring historic wood window trim with metal or other material.</p> <p>Replacing windows solely because of peeling paint, broken glass, stuck sash, or high air infiltration. These conditions, in themselves, do not indicate that windows are beyond repair.</p>

The Guidelines do “not recommend removing or substantially changing windows or window features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.” The Guidelines also do “not recommend changing the appearance of windows that contribute to the historic character of the building by replacing materials, finishes, or colors which noticeable change the sash, depth of the reveal, and muntin configurations; the reflectivity and color of the glazing; or the appearance of the frame.” (pg. 102).

The Delray Beach Historic Preservation Design Guidelines note the following with respect to the Windows:

“Windows are a preeminent character-defining feature of a building. Their placement, design and materials serve to articulate and give definition to the design-specific styles and periods of time. For example, in Bungalows, there are usually multiple panes in the upper window sash and in Mediterranean Revival designs, windows are frequently arched (page 43).”

The Secretary of the Interior’s Standard for the Treatment of Historic Properties (pg. 157) recommends basing the alignment, rhythm, and size of the window and door openings of the new addition on those of the historic building.

There is concern with respect to **Proportion of Openings (Windows and Doors)** and **Rhythm of Solids to Voids** as the proposal consists of removal and relocation of windows on the principal structure. On the front façade of the main structure, three new windows are being added with the 2nd floor expansion. A window on the 1st floor is proposed to be shifted with an additional window added

to the front façade. Three windows located on the north side of the structure are being removed and/or relocated, with one new opening being added. Windows to the side of the main structure to the south are being shifted on the elevation to accommodate the proposed hyphen addition with an additional two windows to be relocated by the exterior stairs. Also, on the 2nd story of the south elevation, two new windows will be added with the proposed expansion. Windows are also being reconfigured/alterd to the rear (west) elevation as the window on 2nd floor of the northwest side of the façade is being modified from a single hung to a nautical design. The existing door and four windows on the 1st floor of the west elevation are also being removed to include 3 larger double fixed windows. Finally, all of the windows and doors on the existing guest wing in the rear of the property, are being reconfigured. As stated in the Secretary of the Interior Standards and Guidelines, the reconfiguration of interior spaces should not reflect on exterior elevation changes such as window profiles.

Regarding the visual compatibility requirement of **Relationship of Materials, Texture, and Color:** which requires **the relationship of materials, texture, and color of the facade of a building and/or hardscaping to be visually compatible with the predominant materials used in the historic buildings and structures within the subject historic district** – The subject proposal uses a combination of single hung, double hung, and fixed aluminum impact windows with a white framed finish. The existing brick chimney is to remain on the main residence. A new porch on the main structure will include new wood steps, columns, and railings with a custom screen to replace and match existing materials. The existing wood lattice at the foundation of the structure will be removed and replaced with the same wood material. The 2nd floor expansion on the main structure and 2nd story addition to the detached garage will use wood siding and cedar shake roof to match the existing structure. The subject structures will be painted white in Glidden Linen Ruffle ppg1075-1 with dark blue trim and wood shutters in Glidden Blue Tang ppg 1160-7. The existing blue awnings on the front façade of the main residence and 1-story detached garage to be removed. There is concern with the proposed painting of the structure as it currently exists without paint.

The proposed additions are designed in the Cape Cod style architecture to be visually compatible with the existing structures on the property. The proposal also includes a hyphen to connect the rear south side of the main residence to the existing detached guest cottage in the rear of the property. The proposed connection appears like a glass vestibule with impact resistant aluminum framed glass with a matching aluminum and glass flat roof. It is noted that although glass hyphens can be considered acceptable connections for historic structures, it is important that the style be harmonious and not distract from the existing historic structure. See below for additional guidance provided by the National Park Service:

Pursuant to the Secretary of the Interiors Preservation Brief #14 – New Exterior Additions to Historic Buildings: Preservation Concerns:

Use building materials in the same color range or value as those of the historic building. The materials need not be the same as those on the historic building, but they should be harmonious; they should not be so different that they stand out or distract from the historic building. (Even clear glass can be as prominent as a less transparent material. Generally, glass may be most appropriate for small-scale additions, such as an entrance on a secondary elevation or a connector between an addition and the historic building.)

Right: The house prior to rehabilitation.

Below right: Drawing of proposed rear addition and hyphen, showing how the new construction was subordinate in size to the historic house.

Below left: New addition and connecting hyphen. The new materials and fenestration complement, yet are distinct from, the historic house.



Chad Randl, Technical Preservation Services, National Park Service

These bulletins are issued to explain preservation project decisions made by the U.S. Department of the Interior. The resulting determinations, based on the [Secretary of the Interior's Standards for Rehabilitation](#), are not necessarily applicable beyond the unique facts and circumstances of each particular case.

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The images above depict hyphens that are of a similar design to the subject proposal. The sample hyphens are visible from the public right-of-way and are considered visually compatible to the original historic structure as it uses similar materials, design, and roof shape. It is noted the proposed hyphen is located to the rear of the property, and therefore not visible from the public right-of-way. The concern with the design of the proposed connection or hyphen, is that the roof shape and proportion of openings (windows) reflects are not visually compatible with the main structure. A solution to achieve visual compatibility is if the roof of the connection/hyphen were solid and that the fenestration pattern of the glass were more visually compatible with the main residence. This is added as condition of approval.

The proposed 2nd story additions to the main residence and detached garage cannot be considered secondary & subordinate to the massing of the main structures. As the proposed 2nd floor expansions to the garage and main structure will be constructed both forward and directly on top of existing, they will significantly diminish the historic character of the historic site. Further, when looking at the improvements to the site in a cumulative manner, the historic integrity of the structures design will be further compromised.

VARIANCE ANALYSIS

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

Pursuant to Section 4.4.3(K), required side setbacks within the R-1-AAA District are 12'.

A variance to reduce the side interior setback from the required 12' to 1' on the west side of the property for the expansion of the 2nd story addition.

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:

- (e) 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 request is not anticipated to be contrary to the public interest, safety, or welfare. It is noted that there is an existing relief approved for the north side setback of the main structure to allow the residence to be built 11' into the setback. As the existing request seeks to retain the same encroachment and additional request for the 2nd story is required. The variance is anticipated to accommodate the placement of the addition so as not to further affect the structure's location on the property. Also, a result of the previous replatting of the lots an easement was provided for on the property to the north in order to compensate for the close proximity of the historic structure to the property line.

- (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 existing structure's historic setting on the site, special conditions and circumstances exist that are not applicable to other historic lands or structures. The existing siting of the residence being built so close to the existing north property line, making it difficult to allow for the construction of an addition without the encroachment of the setback on the north side of the property.

- (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

The variance request to reduce the required setback for the 2nd story addition is supportable given the nature of the existing site and its existing variance approval for the 1st floor. As the relief request has already been approved for this setback on the ground floor, the subject request seeks to continue the already approved encroachment to the addition on the 2nd floor.

- (d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.

Staff Analysis

There is concern regarding the requested variance as the proposed expansion on the 2nd story of the main residence will be constructed forward of the front façade. The concern is in relation to the historic integrity of the site and visual compatibility requirements.

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

Staff Analysis

The requested variance will allow for the modernization of the site allowing for continued use of the structures as residential uses.

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.

WAIVER

Pursuant to LDR Section 4.5.1(E) – Development Standards. Relief from Subsections (1) through (9) may be granted by seeking a waiver approvable by the Historic Preservation Board, unless otherwise stated.

A waiver request has been submitted to the Visual Compatibility requirements as follows:

Pursuant to LDR Section 4.5.1(E)(7)(m)(6), Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.

The subject waiver request is to permit the construction of 2nd floor addition to the existing historic 1-story detached garage located in the front of the property.

The property owner has submitted justification statements for the waiver request (attached).

Pursuant to LDR Section 2.4.7(B)(5) – Findings: The following findings must be made prior to approval of a waiver:

(a) Shall not adversely affect the neighboring area:

Construction of a 2nd floor addition to the existing historic 1-story detached garage structure does not meet the requirements for Visual Compatibility as it relates to the requirement that "Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building. Further, the Secretary of the Interior's Standards for Rehabilitation states that it is not recommended to ***Construct a new addition that is as large or larger than the historic building, which visually overwhelms it (i.e., results in the diminution or loss of its historic character).***

There have been several modifications to the detached garage over the years. The subject structure was originally a 1-car garage. However, at the time the site was designated in 1989 the subject structure had been developed into a 2-car garage. There are no specific records showing when the progression of alterations were made to the structure. However, as the garage has historically been a 1-story structure, the addition of a second story would not be considered a secondary and subordinate modification. The alteration could have a negative effect on the historic integrity of the existing structure (Secretary of the Interior's Standards for Rehabilitation Standard 10). While the property is an individually designated historic site, with no other historic structures in the surrounding vicinity, there are development limitations that exist on the properties to the north and south. These limitations were put in place to protect the historic integrity of the Fontaine Fox House.

(b) Shall not significantly diminish the provision of public facilities;

The proposal is required to meet the standards for drainage, which will be reviewed at the time of building permit. The request is for a private residence and is not anticipated to significantly diminish the provision of public facilities.

(c) Shall not create an unsafe situation; and,

The request is not anticipated to create an unsafe situation.

(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.

While the property is an individually designated historic site, with no other historic structures in the surrounding vicinity, there are development limitations that exist on the properties to the north and south. These limitations were put in place to protect the historic integrity of the Fontaine Fox House. With recent development pressures in Delray Beach, many property owners want to expand their buildings to allow for “modernization” improvements such as bigger kitchens, closets, bathrooms, etc. Such additions are common, but depending upon the site, an appropriate addition should not overwhelm a one-story structure. This is why there are massing controls built into the Visual Compatibility Standards as well as recommended approaches via the Secretary of the Interior’s Standards and Guidelines for Rehabilitation. The proposal includes an 803 sq. ft. 2nd story addition for guest cottage/living area above the existing 1-story detached historic garage. The subject property is generally considered a large site in that it contains 0.633 acres and the existing structure is situated farther back on the site; thus, there is ample room on the property to accommodate an appropriate addition that could meet the requirements of the Additions to Contributing Structures Visual Compatibility requirements as they relate to massing. Such an addition would need to be designed to be secondary and subordinate and meet the regulations of the LDRs.

This request could result in the granting of a special privilege in that the same waiver to allow for an addition to not be secondary nor subordinate to the main massing of the existing structure may not be approved for another applicant/owner.

Finally, should the request be approved and there is concern that the historic site will not be in compliance with the Secretary of the Interior’s Standards, affecting the ability for the property owner to comply with the requirements for a future Ad Valorem Tax Exemption. Those requirements are listed below for informational purposes:

Pursuant to LDR Section 4.5.1(J)(5) – Historic Ad Valorem Tax Exemptions, Qualifying improvements. Improvements to a qualifying property for an exemption, the improvement must:

- (a) be consistent with the United States Secretary of the Interior’s Standards for Rehabilitation, as amended; and**
- (b) be a constructed and/or installed improvement as approved by the Historic Preservation Board and as established in rules adopted by the Department of State, Division of Historical Resources, FAC 1A-38, as amended which defines real property improvements as changes in the condition of real property brought about by the expenditure of labor and money for the restoration, renovation, or rehabilitation of such property. Improvements shall include, but are not limited to: modifications, repairs, or additions to the principal contributing building and its associated accessory structures (i.e. a garage, cabana, guest cottage, storage/utility structures, swimming pools), whether existing or new. The exemption does not apply to improvements made to non-**

- contributing principal buildings, existing non-contributing accessory structures, or undesignated structures and/or properties; and,
- (c) be consistent with Section 4.5.1(E), "Development Standards", of the City's Land Development Regulations; and
 - (d) include, as part of the overall project, visible improvements to the exterior of the structure.

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:

Historic Preservation Element 1.4 Property shall be developed or redeveloped, in a manner so that the future use, intensity and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.

The development proposal involves the construction of additions and modification of the existing individually designated structures. 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 residential use. The proposal can be considered consistent with the subject Objective.

Historic Preservation Element 1.4.1 Prior to approval or recommending approval of any land use or development application for property located within a historic district or designated as a historic site, the Historic Preservation Board must make a finding that the requested action is consistent with the provisions of Section 4.5.1 of the Land Development Regulations relating to historic sites and districts and the "Delray Beach Design Guidelines".

The proposal represents the additions and renovations to a locally designated structure specifically the a series of additions and modification to the main structure, connection of the guest wing in the rear, and additions to the existing detached garage. This property is historically significant as it is Individually Listed to the Local Register of Historic Places. There is concern with the proposal and its ability to be found 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 (2021-165) & Variance, for the property located at **610 N. Ocean Boulevard, Individually Listed to the Local Register of Historic Places**, 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 (2021-165) & Variance, for the property located at **610 N. Ocean Boulevard, Individually Listed to the Local Register of Historic Places** 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:

1. That the proposed hyphen is revised to match the roof design and fenestration pattern as the existing connecting structures to meet the LDRs, the Secretary of the Interiors Standards for Rehabilitation, and the Delray Beach Design Guidelines.

Site Plan Technical Item

1. Include the square footage of the 1st floor entry way to be enclosed on proposed floor plan sheet A3.1.
 2. Include existing square footage of open-air balcony on floor plan sheet A5.0.
 3. Include proposed square footage of the hyphen on floor plan sheet A5.1.
 4. Include entire west elevation of existing guest wing on plan sheet A11.0.
- D. Deny Certificate of Appropriateness (2021-165) & Variance, for the property located at **610 N. Ocean Boulevard, Individually Listed to the Local Register of Historic Places**, 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 were not required for this property.

☒ Public notice mailers were sent to all properties within a 500' radius of the subject property on (8/19/21)

☒ Agenda was posted on (8/25/21), 5 working days prior to meeting.