



# 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

### 110 Marine Way

Meeting	File No.	Application Type
October 6, 2021	2021-239	Certificate of Appropriateness

### REQUEST

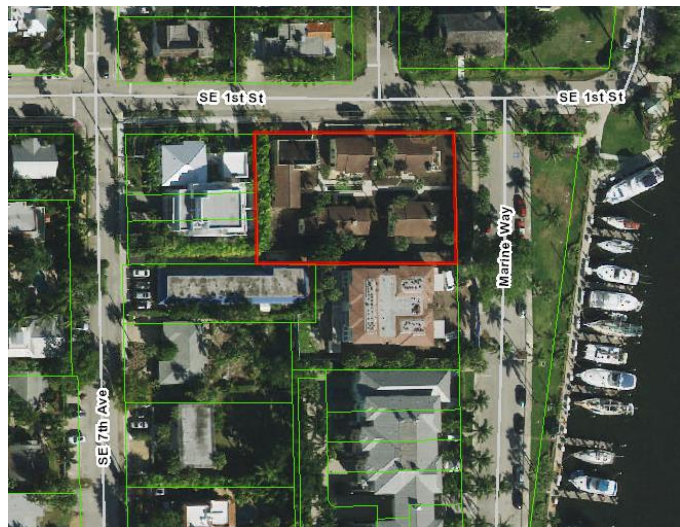
The item before the Board is in consideration of a Certificate of Appropriateness (2021-239) request associated with the alteration of the historic fountain situated at the center of the property located at **110 Marine Way, Marina Historic District**.

### GENERAL DATA

**Agent:** M. Peg Delp  
**Owner:** 1250 Crain Highway, LLC  
**Location:** 110 Marine Way  
**PCN:** 12-43-46-16-01-126-0030  
**Property Size:** 0.43 Acres  
**Zoning:** RM (Multiple-Family Residential)  
**LUM Designation:** MD (Medium Density)  
**Historic District:** Marina Historic District  
**Adjacent Zoning:**

- RM - Multiple-Family Residential (North)
- CF – Community Facility (East)
- RM - Multiple-Family Residential (South)
- RM - Multiple-Family Residential (West)

**Existing Land Use:** Residential  
**Proposed Land Use:** Residential



### BACKGROUND INFORMATION AND PROJECT DESCRIPTION

The subject 0.43-acre property is located on the southwest corner of SE 1<sup>st</sup> Street and Marine Way within the Locally and Nationally Registered Marina Historic District, and consists of Lots 3, 4, 5, and the north 10 feet of Lot 6, Block 126, a Subdivision of Block 126. The property contains five 1-story Mediterranean Revival style residential structures, built in 1937 and designed by Delray Beach's most prolific architect, Sam Ogren, Sr. The structures are classified as contributing to the Marina Historic District and serve as a prime example of Mediterranean Revival architecture within Delray Beach. The original detailing of the structures has been preserved and as such they qualify for individual listing to the National Register of Historic Places.

Of the five structures, four are detached cottages containing 2-bedrooms and 2-bathrooms each. The fifth structure was originally constructed with 3 maid's quarters and 4-car garage. The maid's quarters were later converted into a single residential efficiency unit and laundry facilities. An exterior staircase is integrated into the design of the structure, which leads to the roof of the garage.

Project Planners:	Review Dates:	Attachments:
Michelle Hewett, Assistant Planner, <a href="mailto:HewettM@mydelraybeach.com">HewettM@mydelraybeach.com</a> Katherina Paliwoda, Planner, <a href="mailto:PaliwodaK@mydelraybeach.com">PaliwodaK@mydelraybeach.com</a>	HPB: October 6, 2021	1. Plans 2. Photographs 3. Material selections

At its meeting of November 6, 2019, HPB approved a Class III Site Plan Modification, Certificate of Appropriateness (2019-171), Landscape Plan, Elevations, Variances (2019-172-174 & 243), Waiver (2019-300-306), and Parking Reduction requests associated with the renovation and additions to the multi-family property. The subject request was for renovations and additions to all five contributing structures. The additions to the four detached cottages contained approximately 54-77 sq. ft. of new floor area per cottage. The improvements to the 1,424 sq. ft. 1-story efficiency/garage structure included 1,554 sq. ft. of first and second story additions (totaling 2,978 sq. ft.).

The proposal also included new landscaping, walkways, swimming pool & associated decking, golf cart parking areas, patios, and perimeter fencing. Variances were approved for the reduction of the north and west side setbacks of Villa #1 to accommodate construction of a new second floor addition and to reduce the finished floor elevations for the new additions to all five structures. Waivers were approved, which included relief to the minimum building separation requirements between all five structures; visual compatibility for relief of secondary and subordinate additions; and, to allow parking within the front setback. Finally, a parking reduction was also approved with the request.

On May 28, 2021, the City of Delray Beach issued a Code Enforcement Violation (case number: IR-21-00004734) to the property owner, for significant alterations to the fountain in the courtyard that were executed prior to obtaining an approval from HPB through a Certificate of Appropriateness request. Specifically, the existing, original tiles on the fountain had been removed and destroyed. On June 16, 2021, the subject code violation went before the Special Magistrate to address the irreparable irreversible alterations to the fountain including removal of the original fountain tiles. The Special Magistrate ruled that the applicant was required to submit an after-the-fact Certificate of Appropriateness request to alter the tile on the historic accessory fountain.

The property owner has filed a Certificate of Appropriateness (COA) for the alteration of the existing accessory fountain and the request is now before the board.

## REVIEW AND ANALYSIS

Pursuant to Land Development Regulation (LDR) Section 2.4.6(H)(5), prior to approval, a finding must be made that any Certificate of Appropriateness which is to be approved is consistent with Historic Preservation purposes pursuant to Objective 1.4 of the Historic Preservation Element of the Comprehensive Plan and specifically with provisions of Section 4.5.1, the Delray Beach Historic Preservation Design Guidelines, and the Secretary of the Interior's Standards for Rehabilitation.

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.

## ZONING AND USE REVIEW

Pursuant to LDR Section 4.4.3(F)(1) – Multi-Residential (RM) Development Standards.

### LDR SECTION 4.5.1

### HISTORIC PRESERVATION: DESIGNATED DISTRICTS, SITES, AND BUILDINGS

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 subject request is the for the replacement of original historic ornamental tiles on the historic. It does not appear that the design of the original tilework was considered in the alteration of the fountain.

**Pursuant to LDR Section 4.5.1(E)(5) - Standards and Guidelines: a historic site, building, structure, improvement, or appurtenance within a historic district shall only be altered, restored, preserved, repaired, relocated, demolished, or otherwise changed in accordance with the Secretary of the Interior's Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines, as amended from time to time.**

#### **Standard 1**

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

#### **Standard 2**

**The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.**

#### **Standard 3**

**Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.**

#### **Standard 4**

**Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.**

#### **Standard 5**

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

#### **Standard 6**

**Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.**

#### **Standard 7**

**Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.**

#### **Standard 8**

**Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.**

#### **Standard 9**

**New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and**



shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

**Standard 10**

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Standards 2, 3, 5, 6, and 9 are applicable. The COA request is for an after-the-fact alteration of the existing historic fountain as a result of the decision on the code enforcement violation by the Special Magistrate. The historic fountain contained original 1930's Addison Mizner style tilework, which have been removed and replaced with solid color orange and blue tiles. The tilework is important to the character of the historic property given it is/was original to the site and is utilized throughout the property. For example, the 1930's Addison Mizner style decorative tiles exist surrounding openings on each of the five structures. Below depict images of the fountain in its original state, after the original tiles had been removed, and existing with the new tiles.



*Image of the fountain with the original tiles.*



*Image of the fountain after the original tiles were removed.*



*Original Tile*



*Image of the fountain after the new tiles were applied.*

There is concern regarding the proposal's ability to meet the required Secretary of the Interior's Standards. First, **the historic character of a property shall be retained and preserved and removal of historic materials or alteration of features and spaces that characterize a property shall be avoided (Standard 2).** The requested alteration removed the original historic tilework that help to characterize the property and replaces the tile with modern style solid color orange and blue tiles.

**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 3).** The requested alteration creates a false sense of historic development as the original historic tiles were removed and replaced with new solid color tiles rather than preserved. The tiles were **distinctive** and were an **example of the craftsmanship that characterized this historic property (Standard 5).**

**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 6).** The existing fountain is considered a contributing accessory structure to the historic site as it was designed and constructed at the same time (1937) as the residential structures on the property. The alteration of the fountain represents an **exterior alteration of historic materials** (original tilework) **that were characteristic to the property (Standard 9).**

The historic structures were designed in the Mediterranean Revival architectural style, which is a prominent style within the Marina Historic District. Characteristics of Mediterranean Revival style include masonry building materials, the use of stucco as an exterior surface treatment, as well as areas with ornamentation concentrated around the windows and doorways. The images below depict the decorative tiles that exist on openings of each of the existing contributing structures on site. It is important to note the historic significance of the tile as they are original to the 1937 construction of the property and believe to have been designed by Addison Mizner. With regards to the subject request, the fountain was constructed with the same original tiles and is an accessory structure that has continued to contribute to the overall historic integrity of the site.





## Delray Beach Historic Preservation Design Guidelines Regarding Exterior Surface Materials and Accessory Structures:

### Pursuant to the Secretary of the Interior Standards of Rehabilitation regarding Building Site:

#### ACCESSORY STRUCTURES

An accessory structure is defined as a structure that is located on the same lot as the principal building, but that is generally smaller and that is non-habitable. The most common example of an accessory structure is a detached garage that is associated with a residence. Other examples include, but are not limited to, tool sheds and pool equipment enclosures.

The accessory building may or may not be original to the principal building, and generally will not possess the same level of detail as the main building. However, they are still an important character-defining element and their preservation is encouraged. In evaluating the appropriate kind of rehabilitation treatment for an accessory structure/outbuilding, the age and quality of the structure should be assessed on a case-by-case basis.

#### EXTERIOR SURFACES AND MATERIALS

To convey the authenticity and the patina acquired by age, nothing can replace the value of the original materials, finishes and ornament that were originally used in the construction of historic properties.

#### Recommended:

- Rehabilitate contributing accessory structures, where possible.
- Retain architectural features that convey the structure's original use.
- If the original use of the accessory structure is no longer required, the retention and adaptive use of the structure is encouraged.
- New accessory structures should compliment the principal building, and should be located to either the rear or the side of the principal building. Accessory structures should not block any portion of the front façade of the principle building.
- By their very nature, the role of accessory structures is subordinate to the principal building. Therefore, the accessory structure should not be modified, either structurally or with ornamental detail, to the degree that it assumes greater importance than the main building.

### BUILDING SITE

#### RECOMMENDED

Protecting (e.g., preserving in place) important site features, archeological resources, other cultural or religious features, or burial grounds.

Protecting buildings and landscape features when working on the site.

#### NOT RECOMMENDED

Leaving known site features or archeological material unprotected so that it is damaged during rehabilitation work.

Failing to protect building and landscape features during work on the site or failing to repair damaged or deteriorated site features.

### BUILDING SITE

#### RECOMMENDED

**Replacing** in kind an entire feature of the site that is too deteriorated to repair (if the overall form and detailing are still evident) using the physical evidence as a model to reproduce the feature. Examples could include a walkway or a fountain, a land form, or plant material. If using the same kind of material is not feasible, then a compatible substitute material may be considered.

#### NOT RECOMMENDED

Removing a character-defining feature of the site that is unrepairable and not replacing it, or replacing it with a new feature that does not match.

Using a substitute material for the replacement that does not convey the same appearance of the surviving site feature or that is physically or ecologically incompatible.

Adding conjectural landscape features to the site (such as period reproduction light fixtures, fences, fountains, or vegetation) that are historically inappropriate, thereby creating an inaccurate appearance of the site.

## BUILDING SITE

### RECOMMENDED

### NOT RECOMMENDED

Evaluating the overall condition of materials and features to determine whether more than protection and maintenance, such as repairs to site features, will be necessary.	Failing to undertake adequate measures to ensure the protection of the site.
<b>Repairing</b> historic site features which have been damaged, are deteriorated, or have missing components order reestablish the whole feature and to ensure retention of the integrity of the historic materials. Repairs may include limited replacement in kind or with a compatible substitute material of those extensively deteriorated or missing parts of site features when there are surviving prototypes, such as paving, railings, or individual plants within a group (e.g., a hedge). Repairs should be physically and visually compatible.	Removing materials and features that could be repaired or using improper repair techniques.  Replacing an entire feature of the site (such as a fence, walkway, or drive) when repair of materials and limited replacement of deteriorated or missing components are feasible.

The Delray Beach Historic Preservation Design Guidelines and Secretary of the Interior's Guidelines recommends the rehabilitation of contributing accessory structures. Identifying, retaining, and preserving building and landscape features are important in defining the overall historic character of a setting. As the subject request pertains to the replacement of the original fountain tiles, the fountain being a contributing accessory resource to the historic site, should not be altered or modified in such a way that its original features are destroyed. There is concern with the request as this is an after-the-fact request, where all of the original tile work was removed from the fountain. The most appropriate approach for the subject tiles should have been to repair existing materials, unless damaged completely beyond repair or deteriorated. In such case, the damaged tiles would have been documented, then replacement would have been appropriate after seeking approval from the board.

**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.

Regarding the visual compatibility requirement for **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.** – The subject alteration is for removal and replacement of the historic ornamental tiles on an accessory fountain, which has already been completed. As previously noted, this is an after-the-fact request as at the time this code enforcement case appeared before the Special Magistrate, the tiles had been completely removed from the accessory structure. When the subject application was submitted, the applicants included photographs showing new tiles that were replaced onto the fountain. The Special Magistrate directed the property owner to work with the Historic Preservation Board to determine the appropriate materials to be used in the after-the-fact alteration. However, the owners continued with the alteration and installed new solid color orange tiles and blue tiles. The application included supplemental documents describing the color, material, and origin of the replacement tiles. Although the new tile changes the decorative pattern and design of the new fountain tiles and cannot be considered an appropriate practice of historic preservation as it no longer reflects the original design of the fountain.

### **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 replacement of the original historic tiles on a contributing fountain located at the center of a multi-family residence. The Historic Preservation Board is required to make findings that the proposal is consistent with the requirements noted above.

### **OPTIONAL BOARD MOTIONS FOR ACTION ITEMS**

- A. Move to continue with direction
- B. Approve Certificate of Appropriateness (2021-239), requests for the property located at **110 Marine Way, Marina Historic District** by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.
- C. Approve Certificate of Appropriateness (2021-239), requests for the property located at **110 Marine Way, Marina Historic District** by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations subject to the following s:

- 1.

**Site Plan Technical Items:**

D. Deny Certificate of Appropriateness (2021-239), requests for the property located at **110 Marine Way, Marina Historic District**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations.

PUBLIC AND COURTESY NOTICES	
<input checked="" type="checkbox"/> Courtesy Notices were provided to the following, at least 5 working days prior to the meeting: Marina Historic District Homeowners Association	<input checked="" type="checkbox"/> Public notice mailers are not applicable to this application. <input checked="" type="checkbox"/> Agenda was posted on (9/28/21), 5 working days prior to meeting.