

**MINUTES  
HISTORIC PRESERVATION BOARD  
CITY OF DELRAY BEACH**

**MEETING DATE:** November 4, 2020

**MEETING PLACE:** Commission Chambers, City Hall

**1. CALL TO ORDER**

The meeting was called to order by Tracy Caruso, Chairman at 6:05 P.M.

**2. ROLL CALL**

A quorum was present.

**Members present** were Tracy Caruso, Chairman, Benjamin Baffer, Vice Chairman, Maureen Smith, Robert Osinoff, Alyse Lemstrom, 2<sup>nd</sup> Vice Chairman, Reeve Bright and Allison Turner.

**Absent** none

**Staff present** were Kelly Brandon, Assistant City Attorney; Anthea Gianniotis, Development Services Director, Steve Tobias, Chief Building Official, Michelle Hoyland, Principal Planner; Katherina Paliwoda, Planner, Debora Slaski, Senior Planner and Diane Miller, Board Secretary.

**3. APPROVAL OF AGENDA**

Motion to APPROVE the November 4, 2020 agenda by Reeve Bright and seconded by Alyse Lemstrom.

**MOTION CARRIED 7-0**

**4. MINUTES**

Motion to approve minutes of January 15, 2020; February 5, 2020; and, March 4, 2020 was made by Allison Turner and seconded by Alyse Lemstrom.

**MOTION CARRIED 7-0**

**5. SWEARING IN OF THE PUBLIC**

Tracy Caruso, Chairman read the Quasi-Judicial Rules for the City of Delray Beach and Ms. Miller swore in all who wished to give testimony.

**6. COMMENTS FROM THE PUBLIC**

None

**7. PRESENTATIONS**

None

**8. QUASI-JUDICIAL HEARING ITEMS**

**A. Historic Property Ad Valorem Tax Exemption (2021-022):** Recommendation to the City Commission for a Historic Property Ad Valorem Tax Exemption

**Address:** 246 N. Swinton Avenue, Old School Square Historic District

**Owner/Applicant:** James H. Grabow; jim22224@aol.com

Michelle Hoyland, Principal Planner entered project file 2021-022 into the record.

**Exparte**

None

**Applicant Presentation**

David Smith - 1350 Laurelwood Lane

**Staff Presentation**

Michelle Hoyland presented the project from a Microsoft Power Point presentation.

**Public Comment**

None

**Board Comments**

None

**MOTION** to recommend approval to the City Commission of the Historic Property Ad Valorem Tax Exemption Application for improvements to the property at 246 North Swinton Avenue, Old School Square 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 made by Alyse Lemstrom and seconded by Allison Turner.

**MOTION CARRIED 7-0**

- B. Historic Property Ad Valorem Tax Exemption (2021-018):** Recommendation to the City Commission for a Historic Property Ad Valorem Tax Exemption.  
**Address: 1420 N. Swinton Avenue, Individually Listed to the Local Register of Historic Places**  
**Owner/Applicant: Blaine Minton;** mintonmanor4422@gmail.com  
**Maureen Smith stepped down on item 2021-018**

Michelle Hoyland, Principal Planner entered project file 2021-018 into the record.

**Exparte**

None

**Applicant Presentation**

Blaine Minton - Owner

Samantha Minton - Owner

**Staff Presentation**

Michelle Hoyland, Principal Planner presented the project from a Microsoft Power Point presentation.

**Public Comment**

None

**Board Comments**

Reeve Bright - Glad the property was not subdivided.

Tracy Caruso - Project very nice.

**Motion** to recommend approval to the City Commission of the Historic Property Ad Valorem Tax Exemption Application for improvements to the property at 1420 North Swinton Avenue, Individually Designated, 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 made by Reeve Bright and seconded by Alyse Lemstrom.

**MOTION CARRIED 6-0**

**Maureen Smith re-joined the meeting.**

**9. LEGISLATIVE ITEMS – CITY INITIATED**

- A. Signs (File No. 2020-145):** Provide a recommendation to the City Commission regarding Ordinance No. 53-20, a City-initiated request to amend and update the Land Development Regulations to allow certain signs within the right-of-way.

**Planner: Debora Slaski, Senior Planner;** slaskid@mydelraybeach.com

Michelle Hoyland, Principal Planner entered project file 2020-145 into the record.

**Exparte**

None

**Applicant Presentation**

None

**Staff Presentation**

Debora Slaski, Senior Planner presented the project from a Microsoft Power Point presentation.

**Public Comment**

None

**Board Comments**

Maureen Smith-Would like to know about the sign at Deck 84. Are there restrictions on how many signs they can have.

- Debora Slaski - There are inconsistencies in different areas; therefore, we are bringing this text amendment to the board. What is being modified is sign height and location.
- Anthea Gianniotis - Building Code regulates this. Now it is a 10ft. setback.
- Michelle Hoyland – Talked about the location and character of historic signs within the downtown. That historically they would have been permitted to be located or project into the right-of-way; thus, many are not in compliance now. Presented information from the Secretary of the Interior's Preservation Briefs.

Allison Turner-What about signs that are in a row. (example: Colony Hotel)

- Michelle Hoyland - There are some sign codes that give staff some administrative authority. But again as many signs were within the right-of-way and are no long

permitted neither staff nor the boards or city commission have the authority to approve.

Alyse Lemstrom - Glad we are going back to a historic vibe and not so corporate.

Benjamin Baffer - Concerned that to restore the signs it might cause more signs. We should be looking at ways to make it more restrictive in the right-of-way. Also, he was not clear on the Text Amendment and I don't want it to become open season on signs.

Reeve Bright - Agree with Benjamin Baffer's comments.

Benjamin Baffer - I feel that when the LDR's were written it was a good idea to prohibit commercial signs in the right-of-way. At this point I have not heard a compelling argument to change the code.

Tracy Caruso - I agree with Benjamin Baffer's comments. Why is the City allowing people to have signs in a way that is not by code.

- Michelle Hoyland - boards have made decisions in the past to allow waivers, but the way the code is written, technically such waivers are not permissible.
- Anthea Gianniotis, Development Services Director - I have inherited these problems, and looking at the code, I am not sure how they got their signs.

**Motion** to recommend approval to the City Commission of Ordinance No. 53-20, as amended that if any sign is to be protruding into the right of way, we would request that it come before the appropriate board on a City-initiated request to amend Land Development Regulations Section 4.6.7 "Sign", Subsection (E) "Sign Design Standards", Subsection (J), Prohibited Signs, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations made by Alyse Lemstrom and seconded by Allison Turner.

**MOTION CARRIED 4-3 (Benjamin Baffer, Reeve Bright and Tracy Caruso dissented)**

- B. Signs Rooftop and Appurtenances (File No. 2020-144):** Provide a recommendation to the City Commission on Ordinance No. 54-20 regarding an amendment to Land Development Regulation proposal associated with appurtenances and rooftop uses.

**Planner: Debora Slaski, Senior Planner;** [slaskid@mydelraybeach.com](mailto:slaskid@mydelraybeach.com)

Anthea Gianniotis, Development Services Director entered project file 2020-144 into the record.

**Exparte**

None

**Applicant Presentation**

None

**Staff Presentation**

Anthea Gianniotis, Development Services Director presented the project from a Microsoft Power Point presentation.

**Public Comment**

None

**Board Comments**

Maureen Smith-Townhomes must have 3 floors. Is there a happy medium to this.

Anthea Gianniotis - Zoning is a growing pain. We do have districts that the character is still single family largely, but they are in a MD (Multi Family Zoning District).

Benjamin Baffer-In the commercial use how is this purposed language coordinated with the building codes.

- Steve Tobias-We look at all the Life Safety aspect, we look at egress, we look at it for maintaining fire and building. As long as the structure meets the Florida Building Code we don't look at appurtenances other than structural.

Benjamin Baffer- What if a building is built with roof space but it is not used.

- Steve Tobias-We would have to look at access. Anything coming into the Building department would need a permit.
- Anthea Gianniotis-We are now looking at new construction. You cannot put a lot of landscaping on top of a roof that was not engineered for it.

Maureen Smith-Need to look at what is put on a rooftop that it doesn't blow away.

- Michelle Hoyland-Wanted to give you some examples of a few properties and their height:

Del Ida Park  
236 Palm Court

Allison Turner-I watched the last Commission meeting and saw some of the buildings they were concerned about. I appreciated you giving us better guidelines.

Robert Osinoff-How do you deal with handicap access?

- Anthea Gianniotis-Where we are having different types of staircases constructed, that is why we are having these elevators going to the top floor and open to a lobby.

**Motion** to recommend approval to the City Commission of Ordinance No. 54-20, on a City-initiated request to amend Land Development Regulations Section 4.3.3 "Special Requirements for Specific Uses", to introduce Subsection (RR) "Rooftop Use", to amend Section 4.3.4(J)(3) "Exceptions to district height limitations" and to amend Appendix A "Definitions", by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations made by Alyse Lemstrom and seconded by Robert Osinoff.

**MOTION CARRIED 7-0**

## 10. REPORTS AND COMMENTS

### A. Staff Comments

1. Distributed 2021 meeting calendar.
2. Changed the January meeting to the 20<sup>th</sup> because of conflicts with the holidays.

### B. Board Comments

1. Reeve Bright-Do we have information on Doc's?
  - Michelle Hoyland-It went to Commission meeting (1<sup>st</sup> reading)
2. Benjamin Baffer-Go look at the house at 1120 Nassau Street. The owner picked up the house to put down a new foundation.
  - Michelle Hoyland-There were some insurance bonding problems.

## 11. ADJOURN.

There being no further business to come before the Board, the meeting was adjourned at 9:30pm.

The undersigned is the Secretary of the Historic Preservation Board and the information provided herein is the Minutes of the meeting of said body for **November 4, 2020** which were formally adopted and **APPROVED** by the Board on **March 3, 2021**.

***Diane Miller***

Diane Miller

If the Minutes you have received are not completed as indicated above, then this means that these are not the official Minutes. They will become so after review and approval, which may involve some changes.

*(These Minutes are a recording of the proceedings of this Board. The full audio and video recording of these proceedings are available.*