

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

MEETING DATE: September 1, 2021

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

The meeting was called to order by Benjamin Baffer, Chairman at 6:00 P.M.

Michelle Hoyland introduced to the board the newly appointed City Manager, Mr. Terrence R. Moore. Mr. Moore introduced himself and spoke about his background.

2. ROLL CALL

A quorum was present.

Members present were Benjamin Baffer, Chairman, Alyse Lemstrom, Vice Chairman, Claudia Willis, 2nd Vice Chairman, Robert Osinoff, Jim Chard, and Kristin Finn.

Absent Rhonda Sexton

Staff present were Lynn Gelin, City Attorney; William Bennett, Asst. City Attorney, Michelle Hoyland, Principal Planner, Anthea Gianniotis, Development Services Director, Steve Tobias, Chief Building Official, Katherina Paliwoda, Planner, Michelle Hewett, Planner Specialist, and, Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Motion to APPROVE the September 1, 2021, agenda by Alyse Lemstrom and seconded by Kristin Finn.

MOTION CARRIED 6-0

4. MINUTES

None

5. SWEARING IN OF THE PUBLIC

Benjamin Baffer, 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

Clare Feldman - President of the CODA Homeowners Association. Asked that the board approve the demolition of the homes on the Sundy Village site.

7. PRESENTATION

A. The item before the Board is a report from the Chief Building Official regarding the determination of Unsafe Building of the Sundy Village site per LDR Section 4.5.1(G) and

Anthea Gianniotis and Steve Tobias presented through a PowerPoint presentation.

Applicants Presentation

Neil Shiller, Government Law Group. 200 South Andrews Avenue, Ft. Lauderdale, Florida
- representing the owners of Sundry Village and PEBB Capital.

Andrew Sullivan-Project engineer

Anthea Gianniotis as to clarify that even though the buildings are approved to be demolished the LDRs require a building permit to be issued. The plat is needed in advance in order for a building permit to be issued. Also, the LDRs required that while the building permit is being sought, the buildings be maintained to keep them from deteriorating. To move forward today we need review and comments from the board.

Mr. Baffer asked in 4.5.1(G) where it mentioned that the Chief Building Official looks to recommend repairs so that the buildings do not get to the condition today.

Mr. Tobias explained how the buildings got to this state and that they need to be repaired.

Mr. Baffer expressed that he was unclear that if the City was responsible to oversee the conditions of these buildings since approximately 2017, why did the repair not happen and how did we get to this point. As the property owner inherited this property, why did they not take care of it.

Ms. Gianniotis clarified that until the trees were cleared, the buildings were not visible from the street.

Ms. Gelin, City Attorney - To clarify, property owners in the historic district have an affirmative maintenance responsibility.

Ms. Willis said she has great concern with the buildings falling into disrepair and asked if there are any code violations. Ms. Gelin said yes that code violations have been issued to the owner.

Mr. Shiller advised the board that the property is continuing being walked and monitored. Termite treatment is scheduled for September 16, 2021.

Mr. Baffer commented that there is a tragedy of the loss and deterioration of the buildings.

8. QUASI-JUDICIAL HEARING ITEMS

A. Certificate of Appropriateness (2021-255): Recommendation to the City Commission for a Historic Property Ad Valorem Tax Exemption request associated with additions and alterations to a contributing structure.

Address: 228 Dixie Boulevard, Del-Ida Park Historic District

Owner/Applicant: Kenneth and Paola Fabel; kenfabel@outlook.com

Agent: Shane Ames; sames@amesint.com

Michelle Hoyland, Principal Planner entered project file 2021-255 into the record.

Exparte

Benjamin Baffer - No
Kristin Finn - No
Alyse Lemstrom - No
Claudia Willis - Drive by
Allison Turner - No
Robert Osinoff - No

Applicant Presentation

Shane Ames - Architect

Staff Presentation

Katherina Paliwoda, Planner presented the project from a Microsoft PowerPoint presentation.

Public Comment

None

Board Comments

Jim Chard asked about the exemption process and would it have to go through the tax office and Ms. Hoyland explained the process.

MOTION to recommend approval to the City Commission of the Historic Property Ad Valorem Tax Exemption Application (2021-225) for improvements to the property at 228 Dixie Boulevard, Del-Ida Park 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 Kristin Finn.

MOTION CARRIED 6-0

B. Certificate of Appropriateness (2021-164): Recommendation to the City Commission for a request to individually list "Doc's" located at 10 N. Swinton Avenue, Old School Square Historic District, to the Local Register of Historic Places.

Address: 10 N. Swinton Avenue, Old School Square Historic District

Owner/Applicant: Banyan Delray Partners, LLC; nschiller@govlawgroup.com & John@ldgfla.com

Michelle Hoyland, Principal Planner entered project file 2021-164 into the record.

Exparte

Benjamin Baffer - No
Kristin Finn - No
Alyse Lemstrom - No
Jim Chard - No
Robert Osinoff - No
Claudia Willis - Spoke with staff.

Applicant Presentation

Neil Shiller, Government Law Group. 200 South Andrews Avenue, Ft. Lauderdale, Florida
Dana Gress, GAI Consultants

Staff Presentation

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

Public Comment

None

Board Comments

Benjamin Baffer asked about the application for rezoning submitted by the applicant about a year ago. And if the Doc's property was to be unified with the Dunkin Donuts property to enable a larger project.

Ms. Hoyland said that this board did see a Rezoning and Future Land Use map amendment. It went to the City Commission with the recommendation that the property be designated to the Local Register of Historic Places. Conditions on a rezoning is not allowed as it is considered *Contract Zoning*. The rezoning was denied by the City Commission.

Robert Osinoff asked what effects this designation has on the owner of the property? Ms. Hoyland commented that this property is located within the Old School Square Historic District all properties need to follow LDR 4.5.1.

Claudia Willis asked regarding the designation, are the additional parking spaces in the designation? Ms. Hoyland responded that the applicant is only designating the lot that the Doc's building is on.

MOTION to recommend an approval to the City Commission that "Doc's" located at 10 N Swinton Avenue, Old School Square Historic District be listed in the Local Register of Historic Places by amending Land Development Regulations (LDR) Section 4.5.1(I), by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations made by Claudia Willis and seconded by Alyse Lemstrom.

MOTION CARRIED 5-1, Dissenting - Benjamin Baffer

The board took a five-minute break.

C. Certificate of Appropriateness (2021-275): Consideration of a Certificate of Appropriateness request associated with the construction of a 1-story addition and exterior alterations to an existing contributing residence.

Address: 123 SE 7th Avenue, Marina Historic District

Owner/Applicant: Karen and John Oerth; karen_oerth@yahoo.com

Agent: Gareth Dunn; archtelier15@gmail.com

Michelle Hoyland, Principal Planner entered project file 2021-275 into the record.

Exparte

Benjamin Baffer - No

Kristin Finn - No
Alyse Lemstrom - No
Jim Chard - No
Robert Osinoff – No
Claudia Willis - Spoke with staff, Drive by, spoke to Price Patton.

Applicant Presentation

John and Karen Oerth - Owners
Gareth Dunn - Architect

Staff Presentation

Katherina Paliwoda, Planner presented the project from a Microsoft PowerPoint presentation.

Public Comment

None

Board Comments

Benjamin Baffer stated that he is concerned that the second story addition is larger than original structure. Also, has this been through the permit process? Ms. Paliwoda said that the permit process does not happen until after the HPB approved the Certificate of Appropriateness.

Claudia Willis expressed her concerned about the subordinate size and no relief on the south side of the house.

Robert Osinoff spoke about flooding problems and FEMA regulations.

Kristin Finn said that a lot of work on been done on the changes for the house and realize there is a give and take when dealing with different agencies.

Jim Chard had concerns with the additional hardscape.

Alyse Lemstrom asked if the applicant would confirm that they would agree to go with a white cement tile roof. Mr. Dunn, Architect spoke for the applicant and confirmed that a white tile will be used in lieu of the charcoal gray.

MOTION to approve Certificate of Appropriateness (2020-275) requests for the property located at 123 SE 7th Avenue, 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 conditions:

3. That the roof tile be white. Made by Robert Osinoff and seconded for discussion by Jim Chard.

Amended by Alyse Lemstrom

Robert Osinoff adopted the amendment as presented and the motion was seconded by Jim Chard.

MOTION CARRIED 5-1, Dissenting - Claudia Willis

D. Certificate of Appropriateness (2021-165): Consideration of Certificate of Appropriateness, Variance, and Waiver request for the construction of additions and exterior modification to the existing individually designated property.

Address: 610 N. Ocean Boulevard, Individually Listed to the Local Register of Historic

Places

Owner/Applicant: Frank and Nilsa McKinney; frank@frank-mckinney.com

Agent: Roger Cope; copearchitectsinc@gmail.com

Public Comment

None

MOTION to postpone to the November 3, 2021, meeting made by Alyse Lemstrom and seconded by Kristin Finn.

MOTION CARRIED 6-0

E. Certificate of Appropriateness (2021-166): Consideration of a Certificate of Appropriateness and Demolition request associated with the reconstruction and renovation of the property located at 80 Depot Avenue, which is listed to the Local Register of Historic Places as the "Historic Depot Square" and is listed to the National Register of Historic Places as the "Seaboard Air Line Railway Station".

Owner/Applicant: City of Delray Beach; BarlettoM@mydelraybeach.com

Agent: Richard Heisenbottle, FAIA; richard@rjha.net

Michelle Hoyland, Principal Planner entered project file 2021-166 into the record.

Exparte

Benjamin Baffer - No

Kristin Finn - No

Alyse Lemstrom - No

Jim Chard - No

Robert Osinoff - No

Claudia Willis - No

Applicant Presentation

Richard Heisenbottle - 2199 Ponce DeLeon Boulevard, Suite 400, Coral Gables, Florida 33134

Staff Presentation

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

Public Comment

None

Board Comments

Alyse Lemstrom - We need to look at what fence is going to last the longest, but the cost is a factor.

MOTION to approve the Class II Site Plan Modification, Landscape Plan, and Certificate

of Appropriateness (2021- 166) for property located at 80 Depot Avenue, individually listed to the Local & National Registers of Historic Places, by adopting the findings of fact and law contained in the staff report and finding the request and approval thereof meets the criteria set forth in Land Development Regulations subject to the following conditions:

1. That the proposed fence type be consistent with the requirements of LDR Section 4.5.1.
2. Applicant to work with staff on a mixture of fencing that best fits the property with preference of the aluminum vertical fence made by Claudia Willis and seconded by Alyse Lemstrom.

MOTION CARRIED 6-0

9. LEGISLATIVE ITEMS – CITY INITIATED

10. REPORTS AND COMMENTS

A. Staff Comments

Next meeting October 6th, 2021.

Some of the board members have completed the recent training that staff sent out.

B. Attorney Comments

None

C. Board Comments

Claudia Willis - If a historic home fell in disrepair before a site plan was submitted would it be a code issue? Ms. Hoyland answered that yes it would be a code issue and if the home was not repaired and the building fell down we would proceed with Demolition by Neglect section of the code.

Jim Card - On item 8E concerned about landscaping, and we seem to be looking at the exterior and not the interior. Also, maybe look at the soil around the building and that there might be some chemicals in the ground as this was used as a fire training.

11. ADJOURN.

There being no further business to come before the Board, the meeting was adjourned at 11:00pm.

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 **September 1, 2021**, which were formally adopted and **APPROVED** by the Board on **April 6, 2022**.

ATTEST:



Chairman



Board Secretary

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