

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

**MEETING DATE:** August 3, 2022

**MEETING PLACE:** City Commission Chambers

**1. CALL TO ORDER**

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

**2. ROLL CALL**

A quorum was present.

**Members present** were Benjamin Baffer, Chairman; Alyse Lemstrom, Vice Chairman; Rhonda Sexton; Jim Chard; Robert Osinoff; and, Kristin Finn

**Absent** Claudia Willis, 2<sup>nd</sup> Vice Chairman

**Staff present** were Kelly Brandon, Assistant City Attorney; Michelle Hoyland, Principal Planner; Katherina Paliwoda, Planner; Michelle Hewett, Planner; and Diane Miller, Board Secretary.

**3. APPROVAL OF AGENDA**

**Motion** to APPROVE the August 3, 2022, agenda by Rhonda Sexton and seconded by Kristin Finn.

**MOTION CARRIED 4-0**

235 N Swinton Avenue (2022-164) was postponed as the applicant is working with City staff, the project will be presented at a later hearing.

**4. MINUTES**

Motion to approve the minute of October 6, 2021, as revised was made by Jim Chard and seconded by Robert Osinoff.

**Motion Carried 6-0**

Motion to approve the minutes of November 3, 2021, was made by Kristin Finn and seconded by Rhonda Sexton.

**Motion Carried 6-0**

Motion to approve the December 1, 2021, as revised was made by Jim Chard and seconded by Rhonda Sexton.

**Motion Carried 6-0**

## **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**

None

## **7. PRESENTATION**

None

## **8. QUASI-JUDICIAL HEARING ITEMS**

**A. Certificate of Appropriateness (2022-154):** Consideration of a Certificate of Appropriateness request for a 465 square-foot rear addition and exterior modifications to an existing contributing, one-story, duplex structure.

**Address:** 219 N. Swinton Avenue, Old School Square Historic District

**Owner:** Joseph and Mary E Larrivee

**Agent:** Simeon Kirilov, Steve Seibert Architecture; simeonk@stevesiebert.com

**Planner:** Michelle Hewett, Planner; hewettm@mydelraybeach.com

Michelle Hewett, Planner entered project file 2022-154 into the record.

### **Exparte**

Benjamin Baffer – None

Alyse Lemstrom- None

Robert Osinoff – None

Kristin Finn – None

Jim Chard – None

Rhonda Sexton – None

### **Applicant Presentation**

Simeon Kirilov, Architect Steve Seibert Architecture 466 N Federal Hwy, Boynton Beach, FL 33435

### **Staff Presentation**

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

### **Rebuttal/Cross**

None

### **Public Comment**

George Long 46 N. Swinton Avenue. Mr. Long supported the project as the addition is not visible from the street and the applicant did not request any waivers or variances.

### **Board Comments**

Rhonda Sexton requested clarification regarding the type of fencing that will be installed along the perimeter of the rear yard. Ms. Sexton supported the proposed project as the addition is within the perimeters of the neighborhood and the existing roof line is not altered

Benjamin Baffer asked the applicant regarding the differentiation of the siding of the proposed addition and the existing structure.

**MOTION** to approve Certificate of Appropriateness (2022-154), for the property located at 219 N. 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 Regulation was made by Jim Chard and seconded by Alyse Lemstrom.

**MOTION CARRIED 6-0**

**Michelle Hoyland, Principal Planner entered project files 2022-060 and 2022-126 into the record for City Center (Doc's) 10 N. Swinton Avenue & 37 W. Atlantic Avenue, the requests were heard together through one presentation by both the applicant and staff with actions taken separately.**

**B. CBD Waiver (2022-060):** Recommendation to the City Commission for a CBD Waiver request associated with a Class V Site Plan and Certificate of Appropriateness to allow the use of the Porch frontage type instead of the required Storefront frontage type for a new 3-story structure on the subject property.

**Address:** 10 N. Swinton Avenue & 37 W. Atlantic Avenue, Old School Square Historic District

**Owner/Applicant:** MDG Banyan Delray Partners, LLC; smichael@banyangroupe.com

**Agent:** Neil Schiller & John Szerdi; nschiller@govlawgroup1.com & john@ldgfla.com

**Planner:** Michelle Hoyland, Principal Planner; hoylandm@mydelraybeach.com

### **Exparte**

Benjamin Baffer – None

Alyse Lemstrom- None

Robert Osinoff- None

Kristin Finn- Spoke to the applicant

Jim Chard- Spoke to the applicant

Rhonda Sexton- Drive by

### **Applicant Presentation**

Neil Schiller, Attorney Government Law Group 1 E Broward Blvd #1800, Fort Lauderdale, FL 33301

John Szerdi, Architect LDG Florida Architects Inc 1005 Lake Avenue Lake Worth Beach, Florida 33460

### **Staff Presentation**

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

### **Rebuttal/Cross**

Michelle Hoyland clarified that the staff reports provide an analysis of the project in accordance with the applicable Land Development Regulations and that staff does not support nor oppose any proposed project.

Neil Shiller thanked the staff for their hard work.

### **Public Comment**

George Long 46 N. Swinton Avenue. Mr. Long was supportive of the project and indicated that the porch frontage is appropriate to address the subtle grade change along Atlantic Avenue.

### **Board Comments**

Benjamin Baffer requested clarification regarding the architectural differences between a porch and an arcade frontage.

Rhonda Sexton favored the porch frontage in lieu of the arcade frontage as it aids in the flow of pedestrian traffic.

Robert Osinoff favored the porch idea as it creates the illusion of an open space.

Jim Chard indicated that if outdoor seating is utilized the porch would differentiate between the seating area and pedestrian traffic section.

Alyse Lemstrom noted that the Downtown Development Authority had concerns regarding the proposed railings, to address the DDA's concerns the applicant provided an amended elevation allowing additional access to the porch area from Atlantic Avenue.

**MOTION** to recommend approval to the City Commission of the Waiver request to use a Porch frontage type instead of a Storefront or Arcade frontage type, *provided the Porch encroaches no more than 8-feet into the minimum setback areas and the minimum curb zone and pedestrian clear zones are provided for the property known as City Center, 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 was made by Alyse Lemstrom and seconded by Rhonda Sexton.

**MOTION CARRIED 5-1**

**Dissenting** Kristin Finn

**C. In Lieu of Parking (2022-060):** Consideration of an In-Lieu of parking request associated with a Class V Site Plan Modification and Certificate of Appropriateness to allow 25 In-Lieu of Parking Spaces for the proposed commercial project.

**Address:** 10 N. Swinton Avenue & 37 W. Atlantic Avenue, Old School Square Historic District

**Owner/Applicant:** MDG Banyan Delray Partners, LLC; smichael@banyangroupe.com

**Agent:** Neil Schiller & John Szerdi; nschiller@govlawgroup1.com & john@ldgfla.com

**Planner:** Michelle Hoyland, Principal Planner; hoylandm@mydelraybeach

**Exparte**

Benjamin Baffer – None

Alyse Lemstrom- None

Robert Osinoff- None

Kristin Finn- Spoke to the applicant

Jim Chard- Spoke to the applicant

Rhonda Sexton- Drive by

**Applicant Presentation**

Neil Schiller, Attorney Government Law Group 1 E Broward Blvd #1800, Fort Lauderdale, FL 33301

John Szerdi, Architect LDG Florida Architects Inc 1005 Lake Avenue Lake Worth Beach, Florida 33460

**Staff Presentation**

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

**Rebuttal/Cross**

Michelle Hoyland clarified that the staff reports provide an analysis of the project in accordance with the applicable Land Development Regulations and that staff does not support or oppose any proposed project.

Neil Shiller thanked the staff for their hard work.

**Public Comment**

George Long 46 N. Swinton Avenue. Mr. Long was supportive of the project and indicated that the porch frontage is appropriate to address the subtle grade change along Atlantic Avenue.

**Board Comments**

Benjamin Baffer requested clarification from City staff how parking in-lieu funds are utilized by the City.

Robert Osinoff asked the applicant if structured onsite parking was considered, the applicant indicated that the proportions of the parking area precluded the construction of

a multi deck parking structure. Mr. Osinoff asked why the applicant did not consider the library parking garage when calculating the 750-foot limit imposed by the Land Development Regulations.

Rhonda Sexton inquired about the number of in lieu parking requests in the downtown area.

Jim Chard recommended that surface parking should not be located at a predominate intersection and inquired why the in-lieu parking requirement states that a public parking garage needs to be within 750 feet within the proposed project. Mr. Chard indicated that there are numerous public parking lots in the area that should be considered.

**MOTION** to recommend approval to the City Commission for In-Lieu Parking (2022-060) request, for the property located at City Center, 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 was made by Rhonda Sexton and seconded by Robert Osinoff.

**MOTION CARRIED 6-0**

**D. Conditional Use (2022-126):** Recommendation to the Planning and Zoning Board for a Conditional Use request to allow outdoor dining which operates at night, and which is the principal use or purpose of the restaurant associated with the proposed commercial project.

**Address:** 10 N. Swinton Avenue & 37 W. Atlantic Avenue, Old School Square Historic District

**Owner/Applicant:** MDG Banyan Delray Partners, LLC smichael@banyangroupe.com

**Agent:** Neil Schiller & John Szerdi: nschiller@govlawgroup1.com & john@ldgfla.com

**Planner:** Michelle Hoyland, Principal Planner & Katherina Paliwoda, Planner; hoylandm@mydelraybeach.com & paliwodak@mydelraybeach.com

**Exparte**

Benjamin Baffer – None

Alyse Lemstrom- None

Robert Osinoff- None

Kristin Finn- Spoke to the applicant

Jim Chard- Spoke to the applicant

Rhonda Sexton- Drive by

**Applicant Presentation**

Neil Schiller, Attorney Government Law Group 1 E Broward Blvd #1800, Fort Lauderdale, FL 33301

John Szerdi, Architect LDG Florida Architects Inc 1005 Lake Avenue Lake Worth Beach, Florida 33460



### **Staff Presentation**

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

### **Rebuttal/Cross**

Michelle Hoyland clarified that the staff reports provide an analysis of the project in accordance with the applicable Land Development Regulations and that staff does not support or oppose any proposed project.

Neil Shiller thanked the staff for their hard work.

### **Public Comment**

George Long 46 N. Swinton Avenue. Mr. Long was supportive of the project and indicated that the porch frontage is appropriate to address the subtle grade change along Atlantic Avenue.

### **Board Comments**

Benjamin Baffer stated that the Board is deliberating whether granting the conditional use, the in-lieu parking request, and the CBD waiver for the porch were in accordance with the City's the Land Development Regulations

Mr. Baffer is in support of granting the conditional use as the business known as "Docs" had been operating at that location for many years, the conditional use request was more of a formality.

Rhonda Sexton suggested that a condition be enacted that the business not open until 10AM as required by Palm Beach County traffic regulations.

Jim Chard and Robert Osinoff inquired if a condition should be placed in regard to outdoor music, the applicant indicated that ambient background music will be played.

Kristin Finn asked City staff if the business known as Doc's can be open till 2AM. City staff indicated that the business is not within 300 feet of a residentially zoned property and can operate until 2AM.

**MOTION** to recommend approval to the Planning and Zoning Board of the Conditional Use (2022-126) request to allow outdoor dining at night for the restaurant associated with the project known as City Center (Doc's), 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 was made by Alyse Lemstrom and seconded by Jim Chard, subject to the following condition:

1. That the restaurant not open prior to 10 a.m. unless the condition is removed from the Traffic Performance Standards approval by the Palm Beach County Traffic Division.

**MOTION CARRIED 6-0**

## **9. LEGISLATIVE ITEMS- CITY INITIATED**

None

## **10. REPORTS AND COMMENTS**

### **A. Staff Comments**

- The next Historic Preservation Board meeting will be held on September 7, 2022.
- Mr. Baffer will no longer be on the Board as his term has expired. A training manual will be provided to the new Board members and any other member that requests one. Michelle Hoyland thanked Mr. Baffer for his service to the city of Delray Beach and historic preservation within the city.
- The City Commission directed staff to proceed with the creation of a new historic district along Atlantic Avenue and also directed staff to proceed with the study of an area along E. Atlantic Avenue, east of the Intracoastal Waterway for the possibility of creation of an additional new historic district.
- Historic Preservation GIS map, which was funded by the state of Florida is now accessible on the city website.

### **B. Board Comments**

None

### **C. Attorney Comments**

None

## **11. ADJOURN.**

There being no further business to come before the Board, the meeting was adjourned at 8:04 pm.

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 **August 3, 2022**, which were formally adopted and **APPROVED** by the Board on **September 7, 2022**.



ATTEST:

  
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CHAIR

  
\_\_\_\_\_  
BOARD SECRETARY

NOTE TO READER: If the Minutes you have received are not completed as indicated above, then this means that these are not the official Minutes of the Historic Preservation Board. They will become official minutes only after review and approval, which may involve some amendments, additions, or deletions.