



Legislation Details (With Text)

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**File created:** 9/22/2020      **In control:** City Commission

**On agenda:** 10/20/2020      **Final action:** 12/31/2023

**Title:** RESOLUTION NO. 173-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO HIDEAWAY BY THE SEA, LLC, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 126 SE 7TH AVENUE, AS FURTHER DESCRIBED HEREIN; DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH LAND DEVELOPMENT REGULATION (LDR) SECTION 4.5.1(J), TAX EXEMPTION FOR HISTORIC PROPERTIES; AND PROVIDING AN EFFECTIVE DATE.

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Ad Valorem Tax Exemption Application- 126 SE 7th Ave-2020-08-05, 3. Warranty Deed & Tax Bill- 126 SE 7th Ave-2020-08-05, 4. Certificate of Occupancy- 126 SE 7th Ave-2020-08-05, 5. Site Plan Elevations-126 SE 7th Ave-2020-08-05, 6. Photographs- 126 SE 7th Ave-2020-08-05, 7. City Approval Letter-126 SE 7th Avenue-2020-08-05, 8. HPB Staff Report-126 SE 7th Ave-2020-08-05, 9. Simple Legal Review Approval 173-20.pdf, 10. Resolution 173-20-126 SE 7th Avenue

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** October 20, 2020

RESOLUTION NO. 173-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO HIDEAWAY BY THE SEA, LLC, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 126 SE 7TH AVENUE, AS FURTHER DESCRIBED HEREIN; DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH LAND DEVELOPMENT REGULATION (LDR) SECTION 4.5.1(J), TAX EXEMPTION FOR HISTORIC PROPERTIES; AND PROVIDING AN EFFECTIVE DATE.

**Recommended Action:**

Review and consider Resolution No. 173-20; approving a Historic Property Ad Valorem Tax Exemption request for improvements to the contributing structure and property located at 126 SE 7<sup>th</sup> Avenue.

**Background:**

The subject property is located on the west side of SE 7th Avenue, between SE 1st Street and SE 2nd Street. The 0.16-acre lot measures 50’ wide x 135’ deep and contains an existing 1,660 sq. ft. duplex. The historic Post-World War II, Mid-Century Modern style structure was built in 1949 and is

classified as contributing to the Marina Historic District, zoned RM (Multi-Family Residential).

In 2003, a Certificate of Appropriateness (2003-053) was administratively approved for rebuilding of the flat roof over the existing enclosed porch on the front façade (East Elevation) with modified bitumen.

At its June 13, 2018 meeting the Historic Preservation Board approved a COA (2017-274) request for exterior renovations and additions to the existing duplex including:

1. Construction of two (2) 65 sq. ft. bathroom additions on the south side of the structure, one bathroom for each dwelling unit of the duplex;
2. Construction of two new pools (one on the east side of the property and one on the west side of the property);
3. Installation of dark anodized bronze aluminum impact-resistant windows and doors;
4. Installation of a new bitumen sloped roof to match the existing roof over the enclosed porch on each dwelling unit;
5. Removal of wood-framed washer/dryer exterior enclosure on the North side of the property;
6. Installation of new fencing, landscaping and hardscaping;
7. Exterior color change to Benjamin Moore - "Frostine" (white); and,
8. Reconfiguration of the existing non-conforming parking area.

A Variance (2018-011) was also approved at this meeting to allow two new 65 sq. ft. additions to encroach 7.5' into the required 15' side interior setback on the South side of the property.

At its meeting on November 7, 2018, a COA (2018-218) was approved for the installation of 2 new white aluminum-framed pergolas on the east and west sides of the existing structure.

Based on State of Florida regulations, a Historic Property Ad Valorem Tax Exemption can be approved for a project before, during, or after it has been undertaken. The applicant therefore requests consideration of the Ad Valorem Tax Exemption as the project is complete.

Pursuant to LDR Section 4.5.1(J)(7)(d)(b), upon approval recommendation of the Historic Property Ad Valorem Tax Exemption Application by the Historic Preservation Board, the application shall be placed by resolution on the agenda of the City Commission for approval. At its meeting of August 5, 2020, the Historic Preservation Board (HPB) recommended approval of the Historic Property Ad Valorem Tax Exemption request associated with the approved additions and alterations to the contributing structure. A Certificate of Occupancy (CO) was issued on July 10, 2020.

The item is now before the City Commission for final approval of the exemption request. If approved, the request will be forwarded to the Palm Beach County Property Appraiser's Office and the Palm Beach County Planning and Zoning Department for recordation and final appraisal of the improvements. Additional background and an analysis of the request are provided in the attached HPB Memorandum Staff Report.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source:**

N/A

**Timing of Request:**

Approved Resolution must be forwarded to the Palm Beach County Property Appraiser's Office and the Palm Beach County Planning and Zoning Department for appraisal of the improvements.