



## Legislation Details (With Text)

**File #:** 20-541      **Version:** 1      **Name:**  
**Type:** Request      **Status:** Agenda Ready  
**File created:** 7/22/2020      **In control:** City Commission  
**On agenda:** 8/11/2020      **Final action:**  
**Title:** APPEAL OF THE HISTORIC PRESERVATION BOARD (HPB) DENIAL OF CERTIFICATE OF APPROPRIATENESS 2020-098, FOR THE INSTALLATION OF A PVC FENCE ASSOCIATED WITH THE EXISTING CONTRIBUTING SINGLE-FAMILY RESIDENCE LOCATED AT 232 SE 7TH AVENUE IN THE MARINA HISTORIC DISTRICT. (QUASI-JUDICIAL HEARING)  
**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Owner Request for Appeal-232 SE 7th Avenue-2020-08-11, 3. HPB Staff Report-232 SE 7th Ave-2020-06-17, 4. Plans-232 SE 7th Ave-2020-08-11, 5. Photographs Front Yard-232 SE 7th Avenue-2020-08-11, 6. Photographs Rear Yard-232 SE 7th Avenue-2020-08-11

Date	Ver.	Action By	Action	Result
8/11/2020	1	City Commission	denied	Pass

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** August 11, 2020

APPEAL OF THE HISTORIC PRESERVATION BOARD (HPB) DENIAL OF CERTIFICATE OF APPROPRIATENESS 2020-098, FOR THE INSTALLATION OF A PVC FENCE ASSOCIATED WITH THE EXISTING CONTRIBUTING SINGLE-FAMILY RESIDENCE LOCATED AT 232 SE 7<sup>TH</sup> AVENUE IN THE MARINA HISTORIC DISTRICT. (QUASI-JUDICIAL HEARING)

**Recommended Action:**

Review and consider Certificate of Appropriateness 2020-098 for the installation of a PVC fence associated with the existing contributing single-family residence located at 232 SE 7<sup>th</sup> Avenue in the Marina Historic District. Specifically, the request includes installation of new PVC (vinyl) fencing in the front, rear, and side of the subject property.

**Background:**

The subject property consists of the North 40 Feet of Lot 16 and the South 20 Feet of Lot 17, Gracey-Byrd Subdivision. The zoning for the property is R-1-AA (Single Family Residential). The original, single-family residence is classified as contributing to the historic building stock of the Marina Historic District.

City Property Cards indicate that the original structure located on the property was built in 1935. The wood frame structure was originally owned by Fontaine Fox, author of the "Toonerville Trolley" cartoon strips. City records indicate that Fontaine Fox also owned and developed the lot to the south (238 SE 7<sup>th</sup> Avenue) as well as the two lots located to the north (222 & 228 SE 7<sup>th</sup> Avenue). The

builder/developer of those properties is noted to be S.G. Owens, who developed many properties along SE 7<sup>th</sup> Avenue. It is important to note that an additional structure within Delray Beach was associated with Fontaine Fox. That structure is located at 610 North Ocean Boulevard, is listed on the Local Register of Historic Places, and is named the "Fontaine Fox House".

At its meeting of November 16, 2016, the Historic Preservation Board (HPB) approved a Certificate of Appropriateness (COA) for removal of two existing wood decks and the existing chimney and minor alternations to the front elevation. The two decks were replaced by additions to provide additional interior living space. A variance was approved to reduce the side-interior setback from the required 10' to 5'2" on the south side of the property to accommodate a new addition in place of an existing deck.

On January 17, 2018, the HPB approved a COA for elevation changes to the historic structure. The proposal included the relocation and configuration of the aluminum-framed, entry door and sidelite on the east elevation (front façade), centering the opening on a portion of the elevation. The proposal also included a new roof profile to the rear of the structure in order to accommodate a shower/bath within the master bathroom. This roof profile was partially visible from the front façade and matched the profile of the roof of the new addition on the south side of the structure. The improvements have been completed.

On September 11, 2019 the property was subject to a code enforcement violation for the installation of a fence in the rear of the property without a permit. Following the violation, the owner submitted a permit for the work, but the permit was not approved as the use of synthetic materials, such as PVC, is not permitted when visible from an adjacent right-of-way within a historic district without approval from the HPB. The owner contacted the city Historic Preservation Division and submitted a COA request for the PVC fence.

The request (2020-098) was for the replacement of existing wood fencing in the rear of the property (west side) with an 8' PVC (vinyl) fence of the property and replacement of an existing 3' wood, picket fence in the front (east side) of the property with a 3' PVC (vinyl), picket fence.

Pursuant to LDR Section 4.5.1(E)(3)(a)(1.)(d) - Fences and Walls, *Non-historic and/or synthetic materials are discouraged, particularly when visible from a public right-of-way.* The proposed 8' tall white synthetic PVC fence is visible from the adjacent north/south alley right-of-way, but not from the adjacent SE 7<sup>th</sup> Avenue right-of-way.

The Delray Beach Historic Preservation Design Guidelines note the following with respect to Fences and Walls: *"Fencing, and garden and retaining walls add distinction to individual buildings and historic districts. They serve a practical purpose of forming property line boundaries, and to distinguish lines between the yard, sidewalk and street. Whenever possible, the original walls and/or fences should be preserved. New materials, some of them synthetic, may be approved on a case-by-case basis."*

At its meeting of June 17, 2020, the Historic Preservation Board (HPB) reviewed and denied the request (5 to 2, Turner and Baffer dissenting).

Pursuant to LDR Section 2.4.7(E), Appeals, the applicant has appealed HPB action to the City Commission.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source:**

N/A

**Timing of Request:**

Pursuant to LDR Section 2.4.7, the appeal hearing must be held no more than 60 days from the date at which the decision to appeal was made, unless both the appellant and the City Commission mutually agree to postpone the hearing.