



## Legislation Details (With Text)

**File #:** 20-911      **Version:** 1      **Name:**  
**Type:** Resolution      **Status:** Agenda Ready  
**File created:** 10/22/2020      **In control:** City Commission  
**On agenda:** 11/17/2020      **Final action:**  
**Title:** RESOLUTION NO. 189-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO JAMES H. GRABOW, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 246 NORTH SWINTON 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. Resolution 189-20-246 N. Swinton Avenue-Tax Exemption, 3. Simple Legal Review Approval Resolution 189-20, 4. 1-Application Tax Exemption-246 N Swinton Avenue, 5. 2-Warranty Deed-246 N Swinton Avenue, 6. 3-Property Tax Information-246 N Swinton Avenue, 7. 4-Certificate of Occupancy-246 N Swinton Avenue, 8. 5-Letter from State - OSSHD National, 9. 6-2017 HPB Staff Report-246 N Swinton Avenue, 10. 7-Architectural Drawings-246 N Swinton Avenue, 11. 8-Survey-246 N Swinton Avenue, 12. 9-Before and After Photos-246 N Swinton 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:** November 17, 2020

RESOLUTION NO. 189-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO JAMES H. GRABOW, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 246 NORTH SWINTON 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. 189-20; approving a Historic Property Ad Valorem Tax Exemption request for improvements to the contributing structure and property located at 246 North Swinton Avenue.

### **Background:**

The subject property is located at the southwest corner of North Swinton Avenue and NW 3rd Street. The 0.17 acre property contains a 1,106-SF principal residence and a 594-SF garage. According to City property cards, the Minimal Traditional residence and associated garage were constructed in

1941 and improvements were made to the garage in 1954, expanding its size to the west and south. The structure is classified as contributing to the Old School Square Historic District and is zoned OSSHAD (Old School Square Historic Arts District).

On April 10, 2004, Certificate of Appropriateness (COA) 2004-199 was administratively approved to allow the structure to be painted pale pink for the body of the building and with hunter green woodwork and trim. A door with fanlight was also approved for installation. At its meeting of October 4, 2006, the Historic Preservation Board (HPB) approved COA 2006-437 for the installation of as-built accordion shutters and an exterior color change. Then on April 18, 2007, COA 2007-117 was approved for a new retractable awning. Finally, on January 07, 2014, COA 2014-075 was approved for a color change to allow the structure to be repainted; although, the color change was not completed.

At its November 1, 2017 meeting the HPB approved a COA (2017-221) request for:

1. Conversion of the existing garage to a one-bedroom residential unit;
2. Alterations to the existing single family residence and accessory structure to include new paint, new concrete flat roof tile, decorative louvered shutters, new aluminum framed impact windows and doors, and awnings;
3. Construction of new covered carport/breezeway to connect the main residence to the new residential unit; and,
4. Construction of a new pool, BBQ area, driveway, and a four-foot high wall.

COA 2018-063 was administratively approved on February 13, 2019 to modify the proposed 4' masonry wall to allow for a new 4' tall aluminum fence.

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 November 4, 2020, the Historic Preservation Board (HPB) recommended approval (by a vote of 7-0) 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 June 5, 2019. The applicant submitted the Exemption application request in October 2020, which will result in a gap year for property taxes.

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.