

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

MEETING DATE: December 17, 2014

MEETING PLACE: City Commission Chambers

MEMBERS PRESENT: Ronald Brito, Andrea Sherman, Samuel Spear, John Miller, Price Patton, Rhonda Sexton and Angela Budano

MEMBERS ABSENT: None

STAFF PRESENT: Amy Alvarez, Michael Dutko (Asst. City Attorney), Diane Miller

I. CALL TO ORDER

The meeting was called to order by Chair Samuel Spear at 6:00PM. Upon roll call it was determined that a quorum was present. There were no changes to the agenda. Chair Samuel Spear read the Quasi-Judicial Rules for the City of Delray Beach and Ms. Miller swore in all who wished to give testimony on any agenda item.

Ms. Miller read from Form 8B, Voting Conflict for Samuel Spear that he stepped down on item IV.A (20 West Atlantic Avenue) as they are a potential client.

II. ROLL CALL

III. APPROVAL OF AGENDA

Agenda approved 6-0

IV. ACTION ITEMS

A. 218 NE 5th Court, Del-Ida Park Historic District
Certificate of Appropriateness File # (2015-046)

Consideration of a Certificate of Appropriateness for the partial demolition and relocation of a contributing structure westward on the subject property.

Exparte Communication

Price Patton – Drive By

Samuel Spear – Drive By

Rhonda Sexton – Spoken to Joann Peart, Linda Oxford and Claudia Willis by email and drive by.

Amy Alvarez, Historic Preservation Planner, presented the item through a review of the staff report with recommendation of denial.

Applicant Presentation – Mitch Kirscher, representing Marc Julien

A powerpoint presentation was emailed to the Historic Preservation department for presentation tonight.

As nice and helpful as Amy Alvarez has been to us, I have to disagree with the findings. I am an attorney for a few historical boards, and I ask that you keep an open mind of my presentation. In researching there is no violation and the criteria is met. Amy was talking in relation to moving to a new lot. There are no new lots. We took the 2-1/2 lots and cut them in half. The home is in good shape and we want to move the house over 15 feet and create a new one.

Mr. Kirscher goes on to debate the difference between the historical house and the actual lot and how that the structure is the only historical item.

Mr. Kirscher submitted an aerial view of the surrounding houses.

Public Comments

Linda Oxford – 148 Coconut Road

We had the same situation on Swinton where they wanted to move a house over and restore it, they moved it the incorrect way and it completely fell apart. I am fearful that it can happen here.

JoAnn Peart – 107 NW 9th Street

First, we need to change that a lot cannot be divided until it comes first before the Historic Preservation Board. I have to disagree with the attorney; it is not just the structure that matters, but also the ground.

Andrea Harden – 516 N. Swinton

I also disagree with the attorney, that the streetscape is important in the Historic District, it's not just the house, it is how it is with the other homes in the district.

Rebuttal – None

Cross Examination

Michael Kirscher – The Board are the experts because you do this all the time. The concept of what people think should be is not necessarily what you have. What we are proposing here is conforming exactly to all the guidelines. This property is a very large piece and by changing it won't make it non-conforming, but actually make it conforming.

Board Comments

Andrea Sherman – No comments.

Rhonda Sexton – My concern is that they are taking the property that has been there for the last 90 years, which in Delray that is a very old home. It changes the flavor of Del Ida when we start dividing and subdividing lots. All the homes on this street are one story, so he is trying to introduce a two story element into a street that is more of a cottage style. I

disagree with Mr. Kirscher in that 'dirt is not just dirt'. As JoAnn Peart has said, it is the flavor of the community, it's the streetscape. When you start shifting properties around, what is the history of this property. What I would like to see is that this property be rehabilitated and enlarged and the existing home kept in place.

Price Patton – We are bound here to the Secretary of Interior Guidelines and they treat space as an historic element. I disagree with the attorney's assessment that, if you keep the house looking the same, you will not be going against the guidelines. I don't know if we can get into the demolition that was mentioned in the report.

Michael Dutko, Asst. City Attorney – The is not part of the application, and not part of the LDR that you are to consider in looking at the application.

Rhonda Sexton – What about the relocation?

Michael Dutko – The relocation is what the application is for.

Ronald Brito – Are you, the owner, going to live on the lot or are you just building it to develop it?

Mr. Kirscher – Mr. Julian said he may or may not. He does not know.

Ronald Brito – I think if the owner was going to live on the lot, then it might be a personal thing. As development goes, as a preservation committee we do agree that the ground does take an effect. I don't think the structure would not be the same without the property. I would have to deny the project.

Angela Budano – I agree with Mr. Brito.

John Miller – Because this is a contributing structure I don't feel I can support this project.

Samuel Spear – I drove by this house, and this is a fabulous property with the house, the land, pool, rear structure, but this Board is on notice about movement of relocating of houses. In light of what has happened we are going to be very, very cautious and very strict about relocating structures. At this point I would not be in favor of the project.

Michael Dutko –I have a slightly refined answer for Mr. Patton's question. Your concerns were regarding the demolition to the property itself. I know in Ms. Alvarez's report is a note that there are certain small scale demolitions connected with the project that is part of the application. Is your questions regarding those small demolition?

Price Patton – No, they were regarding the structure itself.

Ron Brito – In regards to the movement of the house, I believe we need to have qualified people to move these houses. In the past this has gotten by us; we didn't see it and we need to have experienced people.

Price Patton – Mr. Little, what is the status of the demolition and revisions?.

Mr. Little – We have been working with the City Attorney's office for over 2 months, refining the language. It is coming before the board on January 20th for discussion.

Motion was made by John Miller and seconded by Price Patton to **approve** the Certificate of Appropriateness (2015-046) for the relocation of the historic structure on the property located on 218 NE 5th Court, Del-Ida Park Historic District, based upon positive findings with respect to the Land Development Regulations, the Delray Beach Historic Preservation Design Guidelines, and the Secretary of the Interior's Standards for Rehabilitation.

MOTION FAILED 0-7

Price Patton – Point of order – Since this item was voted against (moving of the house), does that now make Item 1B and the discussion item of the changes of the moved house mute?

Michael Dutko – I am going to say that it doesn't make it mute and I will tell you why. One of the requirements that Ms. Alvarez had listed for the relocation criteria specifically LDR Section 4.5.1 (6.A.2), is that a building permit has been issued for the Historic Preservation Board through redevelopment. I think there might be an argument.

Price Patton – Yes, but we do have an issue.

Michael Dutko – I understand but we have an application now for redevelopment and that could be a basis for saying that it might meet the provision in the future.

Samuel Spear - May I ask the applicant if he would like to withdraw his request at this point or delay in light of the disapproval.

Michael Dutko - You certainly may ask them at this point.

Mr. Kirscher – It is our intention to appeal the decision that has been made. We do not think it conforms to the documentation that we need to adhere to. Since we are going to appeal the decision we do think it to be appropriate for us to move forward and discuss the house and hope you don't have a prejudicial feeling toward the house and look at it independently, but since we will appeal I think it is appropriate that the Board does determine whether they are prepared to grant an approval for the design.

Rhonda Sexton – Can we table this till a later time?

Michael Dutko – I caution against that because of what I just said. One of the factors of relocating a house is the HPB Redevelopment Plan. I think you would be creating a catch 22 in that situation if you were to not go forward with the development plan and say we were going to deny the relocation because we don't have a redevelopment plan.

Price Patton – There has to be an approved plan in place to move a house.

Michael Dutko – You can create a condition of approval that the relocation can get approved at some point and that is not the case.

B. 222 NE 5th Court, Del-Ida Pre-Historic District
Certificate of Appropriateness File # (2015-022)

Consideration of a Certificate of Appropriateness for new construction of a two-story, single-family residence on a newly created lot.

Exparte Communication

Price Patton – Drive By

Rhonda Sexton – Drive By

Amy Alvarez, Historic Preservation Planner, presented the item through a review of the staff report, with recommendation to continue with direction.

Applicant Presentation – Benjamin Schreier, Affiniti Architects

We have the staff report, and we know that it requires some revisions, particularly the comment making sure the primary façade to the garage is 9ft back. We are only at 8ft. from the primary façade, but we are going to make sure there is a covered porch along the front of the house. Now looking at this house in this district I would say that this house stood by itself at one time. Delray has evolved and the intent is not to hurt the quality of the esthetic characteristics of the neighborhood. What Marc Julien wants to do is to embellish the area and improve it. What you have before you is a house that needs to be revised per the staff report. We intend to make it better. It will have a covered porch along the whole façade, second story that is very simple. We might bring it more in the mission style.

Public Comments

Linda Oxford – 148 Coconut Road

What I would love to see the developer do is take the existing house, add on something like he did on NE 2nd Avenue and have one structure. This would be conforming to the area. I think by what he wants to do is setting a very bad precedent. I hope you take all of this into consideration.

Rebuttal

Benjamin Schreier – To the comment about NE 2nd Avenue, there was no addition done to it. That residence is a brand new house from the ground up.

Board Discussion

Andrea Sherman – Still with the changes that are proposed, I still do not see mission architecture, and I agree that it will be over powering.

Rhonda Sexton – I agree, it looks pretty generic and the scale of the building is overwhelming to the community.

Price Patton – Looking at the street scape, it really does dominate the scope of the neighborhood.

John Miller – What I find most object able is the garage as far as going with the street scape. The size and scale is overwhelming, but it could be made to fit.

Ronald Brito – I like the house, but the roof is what bothers me. Maybe a flat roof and a two story might be appropriate.

Angela Budano – The scale of the house is not fitting with the neighborhood and the garage is an issue too.

Samuel Spear – I agree with all the previous comments. I also have a problem with changes, and coming in with documents during the meeting. We need not do that, as I don't like changes and making changes on the fly without having them in front of me. In the future if people have changes, they take a continuance to get it right or not put them in.

Ronald Brito – I do not have any problem with the size of the house

Benjamin Schreier – We will take of all your comments, but this is the right move for the district.

Motion was made by Ronald Brito and seconded by Price Patton to table based on the discussion

MOTION 7-0 TO TABLE

Benjamin Schreier – To clarify, would that be a continuance with date uncertain or what exactly do we have.

Samuel Spear – It is a date uncertain.

Benjamin Schreier – The suggestions that you had were helpful and good, but we would rather walk away with some positive direction.

Ronald Brito – It would be nice to see what parts of our discussion you took and what you will bring back.

Benjamin Schreier – If we can continue this I will ask what is the best Roberts Rules of Order. But I think we have good direction and if we can get the Board happy with the home, it may show you how it would go with what is there now. This might be good if we can come back to you another time.

Samuel Spear – Yes, that is the plan and you have our comments and we were very clear as to what we would appreciate you consider.

Benjamin Schreier – So this is a continuous for us to come back.

Samuel Spear – Yes, you have not been denied, so within those rules you can come back.

Michael Dutko – There is still a pending application.

C. 233 Venetian Drive, Nassau Park Historic District
Certificate of Appropriateness File # (2015-040)

Consideration of a Certificate of Appropriateness for additions and alternations to a contributing structure, and a variance to reduce the front (west/Venetian Drive) setback from the required 25' to 17'-3".

Experte Communication – None

Amy Alvarez, Historic Preservation Planner, presented the item through a review of the staff report with a recommendation of approval with direction.

John Miller – Was there ever a garage in this house?

Amy Alvarez – No, not that I have seen. Gary has shown me an original plan and there was nothing there.

John Miller – Is this house contributing?

Amy Alvarez – Yes this is contributing and it was reclassified and re-surveyed back in 2009.

Applicant Presentation

Gary Eliopoulos, GE Architecture
Michael Donoghue, GE Architecture
Dan Carter, Landscape Architect
Client of the project

Gary Eliopoulos started his presentation out by showing all the cottage style homes that are in the area of this home at 233 Venetian Drive.

One of the important things about this structure is keeping in the scale and the massing of it and we were very concerned with that as we approached it. This is a 50's-60's style

ranch, and it really doesn't have a name that goes with it. On our drawings we copied the original drawings to reference what the elevations looked like. One of the things that you are going to see that we were proposing as we were adding on to this house was covered porches. We thought that covered porches would let you see the facade that was beyond the original structure in 1960. Also somewhere along between the 60's the house was renovated and converted to a single family house, but outside has remained the same. We are proposing to add a garage per the site plan. One thing that I want to highlight, because the Chairman did mention it, is when people bring design changes that you haven't had time to review. We are bringing to the table some proposed changes, and it was not to misguide the Board, but would prefer the Board to approve it the way it was. But the client has looked at the plan and made some changes. One thing we are eliminating is the porch in the back of the house; the concrete columns will be decorative aluminum, and adding a couple of corner windows. Mr. Eliopoulos continued his presentation from his powerpoint presentation.

Rebuttal – None

Public Comments

Jack Kneafsey - 252 Venetian Drive

I live right across the street from the garage and I am here representing the homeowners association. My main concern is with the garage setback and I feel that there is some incorrect information in the staff report. I have gone around the neighborhood and personally measured every driveway where there is a garage. The minimum setback is 25', but most of the driveways are 30'-40' and some in excess. I don't understand why this is typical of Venetian Drive.

Staff Rebuttal

Amy Alvarez – Regarding this element, it is typical of Venetian Drive, I meant the garage component. All of the garages that are on the street, particularly in new developments, they are complying with their setbacks, plus they need to provide guest spaces behind the garages.

Applicant Rebuttal

Gary Eliopoulos – A general comment is that if you find the zoning which is R1-A, you are going to find in this community the side set back would be 15' and you would have garages.

Board Discussion

Ron Brito – Is the front elevation going to change?

Gary Eliopoulos – Yes, if approved we will be coming in with revised elevation changes.

John Miller – I think you can drive by this property and never notice, it is a non-descript structure. Unfortunately the way it is placed on that lot, the southeast side, we would like additions to go on the rear of the structure.

Price Patton – This is a nice design. I am most concerned with the north elevation and there really is not much left of the original facade. I think it is more massive, much longer, and the recent changes helped with the scaling.

Rhonda Sexton – Would like to see the revised elevation on the north side.

Angela Budano – I would like to get some clarification on the aluminum columns.

Gary Eliopoulos – We are doing decorative aluminum columns, and be able to see through them.

Rhonda Sexton – So after the documents were given to us they got rid of the porch.

Price Patton – They got rid of the porch, and it looks like they got rid of the windows in the garage and extended the great room.

Michael Dutko – Amy, do any of the revisions that were made here tonight affect your recommendations?

Amy Alvarez – They intend to address the concerns, and I would need to sit and review it further.

Samuel Spear – Now, we have 1800 sq. ft., under the old building, how much is under the new one?

Gary Eliopoulos – I did not calculate that.

Samuel Spear – I like the design and with the changes that is important.

Rhonda Sexton – Should we see this come back to us, not approving or denying it?

John Miller – The recommendation is to continue and I think Amy needs more time to look at the changes.

Samuel Spear – What changes does the Board feel need to be done that we can still move on?

John Miller – We saw something that was proposed on the screen. I still think there needs to be some direction.

Motion was made by John Miller and seconded by Price Patton to continue this item to a date to be determined by staff and the applicant addressing the issues that were in the staff report.

MOTION 7-0 TO TABLE

Motion was made by John Miller and seconded by Rhonda Sexton to approve the variance to LDR Section 4.3.4(K), to reduce the front (west) setback associated with the

garage addition along Venetian Drive to 17'-11½", whereas 25' is required, based upon positive findings to LDR Section 2.4.7(A)(6).

MOTION TO APPROVE 6-1 (Dissenting Ronald Brito)

Motion was made by John Miller and seconded by Rhonda Sexton to approve of the waiver LDR Section 4.5.1(E)(9)(a), Visual Compatibility Incentives, Open Air Spaces Approve the waiver to LDR Section 4.5.1(E)(9)(a), to permit the garage to encroach into the Building Height Plane, based upon positive findings to LDR Section 2.4.5(B)(5).

MOTION TO APPROVE, 6-1 (Dissenting Ron Brito)

V. DISCUSSION ITEMS

Concept Plan Review

a. 218 NE 5th Court, Del-Ida Park Historic District

This is a concept Plan Review between who requested the review and the board to get direction on a project that will potentially be coming before you at a later date. There is no motion, and a non-binding review.

There was no one present for the review of 218 NE 5th Court.

b. 219 SE 7th Avenue, Marina Historic District

Gary Eliopoulos, GE Architects

Michael Donoghue, GE Architecture

We brought this project to the board for discussion back in April. There are some new board members so some of the information will be repetitive. We came before the board in April, and there were not a lot comments. Our goal was to take this house and relocate it to north Swinton. In November we submitted a redevelopment plan for this property. The relocated site sold 4 weeks ago, so we talked to Amy saying that we are now looking at everything.

Mr. Eliopoulos proceeded with a powerpoint presentation of the history of the property and see what all the alternatives for the house.

This house is different from the one we heard about before. These are people who have bought the house, clearly this is their home, and after finding out about the problems, need to fix them. The only way is to lift the house up and move it to save it.

David Schmidt – Attorney

We have had discussions with the staff and City Attorney and they have responded to us with different answers. I want to say that if I need to demonstrate an economic hardship in order to move the house we are prepared to do that.

Samuel Spear – At this point there is nothing on the table to move the house. Your plan is to rotate the house and move it out of the way.

Gary Eliopoulos – Some of the things we want to do is first we want to move the house as it has been there too long. We move the house first and then build a new foundation. Also, the cottage on the property will get moved at the same time as that is where they will be living during construction.

Michael Dutko – I believe a letter was submitted to the City Attorney's office this week from the applicants attorney asking for an interpretation whether the relocation provisions in the Cities LDR apply to this situation when the house is remaining on the same lot and just being moved or re-positioned.

Price Patton – Has the property been replatted yet?

Gary Eliopoulos – No it has not.

Price Patton – And it is in a national district.

Amy Alvarez – The state Historic Preservation office is our representative for the federal level. I have a letter from them and will forward it to the board members.

John Miller – I like the house and the way it will be. Everything that was presented serves the purpose of saving the historic house on its original site.

Sam Spear – As mentioned before when moving a house we are going to pay real close attention to how this will be done. Any engineers, experts that you have that you can bring forth at that time will only be appreciated.

VI. REPORTS AND COMMENTS

- **Public Comments** – None
- **Staff** – Next meeting is scheduled for January 7, 2015 but there is not COA as of yet, so I am planning on not having a meeting. January 21st meeting we are bringing back relocation and demolition language. Amy updated information on HPB code enforcement issues.

Samuel Spear – There is a house on 5th and Swinton that we approved front porch. What happened with that?

Amy Alvarez – The owner did not do the project and the approval has expired.

John Miller – On S. Swinton and 1st area, there are a lot of homes in there that are in bad shape. What is happening?

Amy Alvarez updated the Board.
- **Board Comments**
- **Price Patton** – How many houses are on Marc's critical list?
- **Amy Alvarez** – About 7-8 homes.

ADJOURNED

There being no further business to come before the Board, the meeting was adjourned at **8:45p.m.**

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 **December 17, 2014** which were formally adopted and approved by the Board on **January 21, 2015.**

Diane Miller

Diane Miller

If the Minutes you have received are not completed as indicated above, then this means that these are not the official Minutes. They will become so after review and approval, which may involve some changes.

(These notes are abbreviated version of this meeting. The full dialog is available in audio at City Hall for anyone that would like the full information)