

MINUTES OF THE HISTORIC PRESERVATION BOARD

PUBLIC HEARING/REGULAR MEETING

CITY OF DELRAY BEACH
DELRAY BEACH, FLORIDA

MEETING DATE: June 5, 2013

LOCATION: CITY COMMISSION CHAMBERS

MEMBERS PRESENT: Annie Adkins Roof, Ana Maria Aponte, Samuel Spear, Ronald Brito, Iris McDonald and Reginald Cox

MEMBERS ABSENT: Annette Smith

STAFF PRESENT: Amy Alvarez, Terrill Pyburn (Asst. City Attorney), Diane Miller

I. **CALL TO ORDER:**

The meeting was called to order by the Chair, Ms. Annie Adkins Roof at 6:00 p.m.

II. **ROLL CALL:**

Upon roll call it was determined that a quorum was present and Ms. Miller read Form 8B, Voting conflict in regards to Ms. Aponte stepping down on Item 5A (The Orchard House) because her husband has been retained as the architect of record for this project.

III **APPROVAL OF AGENDA:**

Motion made by Ronald Brito, seconded by Samuel Spear, and approved 6-0.

IV **MINUTES**

Motion made by Mr. Cox seconded by Mr. Spear and approved 6-0 to move approval of the May 15, 2013 minutes as written.

Chair Ms. Roof 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.

IV. **ACTION ITEMS:**

A. Certificate of Appropriateness and Waiver Request (2013-137)

229 SE 7th Avenue, Marina Historic District

Applicant: Charles Nail

Authorized Agent: Richard Jones Architecture, Inc.

Consideration of a COA and Waiver request for the installation of a 6' gate within the front setback.

Exparte Communication- None

The item before the Board is the consideration of a Certificate of Appropriateness (COA) and Waiver associated with a new gate on a non-contributing property built in 1991. This property is

located at **229 SE 7th Avenue, Marina Historic District**, pursuant to Land Development Regulations (LDR) 2.4.6(H).

The subject request is for the replacement of the existing front gate. The existing gate measures 5' in height at the ends and curves up to 6' in the middle. The proposed gate would measure 6' across the top. The LDRs limit fence heights to 4' within the front setbacks of properties under the purview of the HPB. Therefore, a waiver has also been requested to increase the gate height.

Fences and walls over four feet (4') shall not be allowed in front or side street setbacks. The existing gate measures 5' in height at each end and curves up to 6' in the middle. Therefore, this gate is non-conforming. The proposed gate measures 6' across the entire width of the gate which increases the existing non-conformity. Therefore, a waiver to this requirement has been requested and is analyzed further in this report.

It is noted that the intent of the 4' fence limitation within the front setback area is to remove any impact on the streetscape by maintaining an open view in the area. Decorative landscape features are permitted up to 8' in height; a gate, however, does not fall under this category.

The waiver criteria is as follows:

Pursuant to **LDR Section 2.4.7(B)(5)**, *prior to granting a waiver, the approving body shall make a finding that the granting of the waiver:*

- (a) Shall not adversely affect the neighboring area;*
- (b) Shall not significantly diminish the provision of public facilities;*
- (c) Shall not create an unsafe situation; and,*
- (d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.*

The applicant has provided the following statements to justify the waiver request:

"This project meets or exceeds the requirements of LDR Section 2.4.7(B)(5) for this waiver request. By granting this waiver, a superior product will be achieved. The waiver will not adversely affect the neighboring area, significantly diminish the provision of public facilities, create an unsafe situation and/or result in the grant of a special privilege. At the property there is an existing 6'-0" high entry alum. gate with 6'-0" high pier at either side. We would like to replace the existing gate with a new 6' high gate to match the existing height of the entrance piers. Consequently, a positive finding with respect to LDR Section 2.4.7(B)(5) Waiver Findings, can be made. Therefore, for the reasons enumerated above, we respectfully request that this waiver be approved."

As previously mentioned, the intent of the 4' height maximum for fences within the front setback is to maintain an open streetscape aesthetic. The provided statement above does not justify the need to increase an existing non-conformity which does not meet the intent of the subject height limitation.

In consideration of the waiver criteria above, the request may not be supported in that it is increasing an existing non-conformity which does not meet the intent of the subject regulation, thereby adversely affecting the neighboring area. Additionally, the granting of the request would result in a special privilege in that other fence requests have been limited to the 4' height, while the increased height to 8' is permitted only for features such as arbors and trellises. Therefore, the subject waiver request cannot be supported as positive findings cannot be made. In

granting the request it would result in special privilege as other similar request have been limited to 4 feet. We do though support the replacement of the fence and it is replaced at 4 feet.

With the Certificate of Appropriateness, we are recommending approval with subject to the following conditions:

1. That the gate height not exceed 4' in height; and
2. That the gate not contains spikes.

APPLICANTS PRESENTATION

Richard Jones – Architect – Representing the Applicant

The new owners of the house own Puttin Around Delray. They are going to renovate the inside and outside of the house. The owners want to replace the arched gate as there are no other arches incorporated into the house. They want to maintain the height, but to replace the gate with a 4 foot gate which makes it out of proportion.

PUBLIC COMMENTS – None

BOARD DISCUSSION

Ms. Roof asked Mr. Jones if there was a proposed design at this time and Mr. Jones said he did not but could get one to submit to the board.

Mr. Cox asked Ms. Alvarez for clarification on this waiver, Item D, Special privilege. He wanted to know if this particular waiver request in this district, has this ever happened before.

Ms. Alvarez said that since 2008 when this regulation has been adopted, fences have been reduced to 4 feet, and anything above that has gone through a wavier process.

Ms. McDonald agrees that the fence at 4 feet with the 6 feet post, it would look out of place.

Ms. Aponte says that I would be concern with allowing the applicant to go beyond the 4 feet. I feel that if they decide to replace the gate, they should comply with the code.

Mr. Brito said that the gate has been grandfathered in, already permitted once and passed. Now, are you changing the fence at all?

Richard Jones said that it is only the gate, and the 4 foot fence would stay.

Mr. Spear wishes that a picture could have been brought to the meeting. I just don't think that a gate straight across is going to look good.

Mr. Brito asked the applicant if he would be willing to lower the column to 5'6".

Richard Jones replied that to lower the column would not help as it is solid concrete, and the electrical for the light is in the column.

Ms. McDonald commented that if you did lower the gate but keeping it straight would keep it more in the historic setting.

Ms. Aponte asked if there are any requirements on landscaping in front of the fence.

Ms. Alvarez said that if they are 75% or more opaque, they need to be landscaped.

Richard Jones said that the landscape will come at a later date. Their son is a landscaper and did the Putting Around Delray, so he will be handling the landscaping.

FINDINGS – Terrill Pyburn, Asst. City Attorney
Waiver

Pursuant to **LDR Section 2.4.7(B)(5)**, prior to granting a waiver, the approving body shall make a finding that the granting of the waiver:

- (a) Shall not adversely affect the neighboring area; -**BOARD ANSWERED - NO**
- (b) Shall not significantly diminish the provision of public facilities;- **BOARD ANSWERED - NO**
- (c) Shall not create an unsafe situation; - **BOARD ANSWERED – NO** and,
- (d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

BOARD ANSWERED – YES (Mr. Brito, Mr. Cox) NO (Mr. Spear, Ms. Aponte, Ms. Roof, Ms. McDonald)

Waiver is being supported by the majority.

Mr. Spear said for verification and said I voted NO, because would this be granted to someone else.

Ms. Aponte said that her perspective is that we are asking everyone to comply with the 4 feet high. They have something that is non-conforming and they are asking to change it. Why are we allowing him to replace it and not conform to the code, yet we will not allow others.

Mr. Spear said that in the case of a gate we would not require 4 feet.

Ms. Alvarez said that when we recently put in the new regulation where landscape features can go up to 8 feet, we specified arbors and a couple of other things that were similar but landscape features are part of the fence.

Ms. Aponte asked if they created a whole new fence and top, would this be allowed.

Ms. Alvarez said that if they put an arbor on it, it can go up to 8 feet.

MOTION

Waiver: LDR Section(E)(3)(a)1.c., Fences and Walls

Motion to approve the waiver to permit a gate to measure 5' 6" or up to height of the middle of the band to replace an existing gate which measures 6' in height.

Motion by Ms. McDonald, seconded by Mr. Spear. Said motion passed with a 5-1 vote. Dissenting vote Mr. Cox.

Visual Compatibility Standards

Walls of Continuity: Walls, fences, evergreen landscape masses, or building facades, shall form cohesive walls of enclosure along a street to ensure visual compatibility with historic buildings or structures within the subject historic district and the structure to which it is visually related. Are the requirements of walls of continuity met? **BOARD ANSWERED YES**

Certificate of Appropriateness

Move approval of the Certificate of Appropriateness (2013-137) for 229 SE 7th Avenue, Marina Historic District by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof meets the criteria set forth in the Land Development Regulations, the Delray Beach Historic Preservation Design Guidelines, and the Secretary of the Interior's Standards for Rehabilitation, subject to the following conditions:

1. That the gate height not exceed 5'6" in height; and
2. That the gate does not contain spikes.

Motion by Ms. McDonald, seconded by Mr. Brito. Said motion passed with a 5-1 vote. Dissenting vote Mr. Cox.

V.B.Certificate of Appropriateness (2013-131)

215 NE 5th Street, Del Ida Park Historic District

Applicant: Richard Jones Architecture, Inc.

Authorized Agent: MJZ Properties, LLC

Consideration of a COA for the demolition of a non-contributing duplex and construction of a single-family residence.

V.B.Certificate of Appropriateness (2013-132)

219 NE 5th Street, Del Ida Park Historic District

Applicant: Richard Jones Architecture, Inc.

Authorized Agent: MJZ Properties, LLC

Consideration of a COA for the demolition of a non-contributing duplex and construction of a single-family residence.

Exparte Communication

Mr. Spear – Walk by

Mr. Brito – Drive by

Amy Alvarez asked the board if both items, V.B & V.C could be presented at the same time. They are properties that are right next to each other.

Motion to approve that we present both items, V.B & V.C at the same time by Mr. Brito, seconded by Ms. McDonald. Said motion passed with a 6-0 vote.

The item before the Board is the consideration of a Certificate of Appropriateness (COA) for the demolition of a non-contributing duplex and the construction of a single-family, two-story dwelling located at **215 NE 5th Street, Del-Ida Historic District and, 219 NE 5th Street, Del-Ida Historic District** pursuant to LDR Section 2.4.6(H).

The subject property consists of Lot 6, Block 8, Del-Ida Park, and is located on the north side of NE 5th Street, between NE 2nd Avenue and NE 3rd Avenue, within the Del-Ida Park Historic District and Lot 7, Block 8, Del-Ida Park The 6,000 square foot (50' x 120') property is zoned RL (Low Density Residential District), and contains a duplex which was relocated to the site in 1979. The structure is classified as non-contributing in the historic district.

The subject request is for the demolition of the existing structure and construction of a two story, single family residence consisting of the following details:

Square Feet: 2,515 square feet (under air), 2,755 square feet (total interior), and 3,365 (total under-roof)

First Floor: 1,626 (under-air), 1,866 (total interior)

Second Floor: 889 (under-air)

Materials:

Exterior - First Floor: Smooth Stucco; Second Floor: Stucco Siding

Roof: 5V Crimp Metal Roof

Windows: Aluminum, Impact Resistant

Shutters: Aluminum

Outriggers: Fiberglass Coated Foam

Colors:

Smooth Stucco (First Story): Extra White

Stucco Siding (Second Story): Aqueduct

Shutters, Railings and Wall: Rose Colored

Entry Door and Garage Door: Wood Finish

Windows and French Doors: White

Amy Alvarez went through all the criteria of the two properties with an added condition about the demolition of existing building. We also request that the door for #215 be flush panel, and for you to strongly consider a change in the exterior material finishes and material. We are recommending approval with some slight changes.

APPLICANT PRESENTATION

Richard Jones - Architect

With all the talk about height and density that is going on it is refreshing to have two single family homes near the downtown area. These two structures are a style of Colonial West Indies and it is intentional that they share some of the same design features.

Mr. Jones went through his power point presentation and explains some highlights of the houses.

PUBLIC COMMENTS – None

BOARD DISCUSSION

Mr. Spear asked what is the roof material and Mr. Jones said it was Roof: 5V Crimp Metal Roof. Also, Mr. Spear asked Amy Alvarez what were the revisions that was stated in the report.

Ms. Alvarez explained that they were the siding on the house, and some roof suggestions.

Ms. McDonald said that some of the suggestions for the houses would be to address the railing and add to overall look of the house and maybe a different style of roof.

Ms. Aponte said that she thinks that this all beyond the siding and the stucco because we have seen this over and over. We see a little bit of design different, but really the volume is really the same house. So the question is how we can change the volume especially when they are right next to each other.

Mr. Brito agrees that the style of the house looks very boxy, and if they could work on the arches and the railing. The one with the decorative railing is more appealing.

Mr. Spear asked if the big tree between the two houses was going to stay. It is right on the property line and hope it will be given consideration.

Mr. Jones said that on the site plan it shows that it is right on the property line.

Ms. Alvarez said it might be something where we can condition it to a review by our landscape planner and he could make a determination.

FINDINGS

Visual Compatibility Standards

215 NE 5th Street, Del-Ida Historic District

Height: *The height of proposed buildings or modifications shall be visually compatible in comparison or relation to the height of existing structures and buildings in a historic district for all major and minor development. For major development, visual compatibility shall also be determined through application of the Building Height Plane (BHP).*

ARE THESE REQUIREMENT MET? **BOARD ANSWERED YES**

Front Facade Proportion: *The front facade of each building or structure shall be visually compatible with and be in direct relationship to the width of the building and to the height of the front elevation of other existing structures and buildings within the subject historic district.*

ARE THESE REQUIREMENTS MET? **BOARD ANSWERED YES**

Proportion of Openings (Windows and Doors): *The openings of any building within a historic district shall be visually compatible with the openings exemplified by prevailing historic architectural styles of similar buildings within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings shall be visually compatible within the subject historic district.*

ARE THESE REQUIREMENTS MET? **BOARD ANSWERED YES.**

Rhythm of Solids to Voids: *The relationship of solids to voids of a building or structure shall be visually compatible with existing historic buildings or structures within the subject historic district for all development, with particular attention paid to the front facades.*

ARE THESE REQUIREMENTS MET: **BOARD ANSWERED YES.**

Rhythm of Buildings on Streets: *The relationship of buildings to open space between them and adjoining buildings shall be visually compatible with the relationship between existing historic buildings or structures within the subject historic district.*

ARE THESE REQUIREMENTS MET? **BOARD ANSWERED YES.**

Rhythm of Entrance and/or Porch Projections: *The relationship of entrances and porch projections to the sidewalks of a building shall be visually compatible with existing architectural styles of entrances and porch projections on existing historic buildings and structures within the subject historic district for all development.*

ARE THESE REQUIREMENTS MET? **BOARD ANSWERED YES.**

Relationship of Materials, Texture, and Color: *The relationship of materials, texture, and color of the facade of a building and/or hardscaping shall be visually compatible with the predominant materials used in the historic buildings and structures within the subject historic district.*

ARE THESE REQUIREMENTS MET? **BOARD ANSWERED YES.**

Roof Shapes: *The roof shape, including type and slope, of a building or structure shall be visually compatible with the roof shape of existing historic buildings or structures within the subject historic district. The roof shape shall be consistent with the architectural style of the building.*

ARE THESE REQUIREMENTS MET? **BOARD ANSWERED YES.**

Scale of a Building: *The size of a building and the building mass in relation to open spaces, windows, door openings, balconies, porches, and lot size shall be visually compatible with the building size and mass of historic buildings and structures within a historic district for all development. Lots 65' or less in width are exempt from the additional setback requirements along the front façade, and the proposed addition does not exceed 50% of the lot depth and therefore, the additional 5' setback along the side elevation is not required.*

ARE THESE REQUIREMENTS MET? **BOARD ANSWERED YES.**

Directional Expression of Front Elevation: *A building shall be visually compatible with the buildings, structures, and sites within a historic district for all development with regard to its directional character, whether vertical or horizontal.*

ARE THESE REQUIREMENTS MET? **BOARD ANSWERED YES.**

Architectural Style: *All major development shall consist of only one (1) architectural style per structure or property and not introduce elements definitive of another style.*

ARE THESE REQUIREMENTS MET? **BOARD ANSWERED YES.**

MOTION

Move approval of the Certificate of Appropriateness (2013-132) for **219 NE 5th Street, Del-Ida Park Historic District**, based on 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 subject to the following conditions:

1. That the Board consider revision of the exterior wall and roof materials; and,
2. That the demolition not occur until the building permit has also been issued for the new construction; and,
3. That the cover sheet properly identify the proposed structure in the rendering.

Motion by Mr. Spear, seconded by Mr. Brito. Said motion passed with a 6-0 vote.

FINDINGS

Visual Compatibility Standards

219 NE 5th Street, Del-Ida Historic District

Height: *The height of proposed buildings or modifications shall be visually compatible in comparison or relation to the height of existing structures and buildings in a historic district for all major and minor development. For major development, visual compatibility shall also be determined through application of the Building Height Plane (BHP).*

ARE THESE REQUIREMENT MET? **BOARD ANSWERED YES**

Front Facade Proportion: *The front facade of each building or structure shall be visually compatible with and be in direct relationship to the width of the building and to the height of the front elevation of other existing structures and buildings within the subject historic district.*

ARE THESE REQUIREMENTS MET? **BOARD ANSWERED YES**

Proportion of Openings (Windows and Doors): *The openings of any building within a historic district shall be visually compatible with the openings exemplified by prevailing historic architectural styles of similar buildings within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings shall be visually compatible within the subject historic district.*

ARE THESE REQUIREMENTS MET? **BOARD ANSWERED YES.**

Rhythm of Solids to Voids: *The relationship of solids to voids of a building or structure shall be visually compatible with existing historic buildings or structures within the subject historic district for all development, with particular attention paid to the front facades.*

ARE THESE REQUIREMENTS MET: **BOARD ANSWERED YES.**

Rhythm of Buildings on Streets: *The relationship of buildings to open space between them and adjoining buildings shall be visually compatible with the relationship between existing historic buildings or structures within the subject historic district.*

ARE THESE REQUIREMENTS MET? **BOARD ANSWERED YES.**

Rhythm of Entrance and/or Porch Projections: *The relationship of entrances and porch projections to the sidewalks of a building shall be visually compatible with existing architectural styles of entrances and porch projections on existing historic buildings and structures within the subject historic district for all development.*

ARE THESE REQUIREMENTS MET? **BOARD ANSWERED YES.**

Relationship of Materials, Texture, and Color: *The relationship of materials, texture, and color of the facade of a building and/or hardscaping shall be visually compatible with the predominant materials used in the historic buildings and structures within the subject historic district.*

ARE THESE REQUIREMENTS MET? **BOARD ANSWERED YES.**

Roof Shapes: *The roof shape, including type and slope, of a building or structure shall be visually compatible with the roof shape of existing historic buildings or structures within the subject historic district. The roof shape shall be consistent with the architectural style of the building.*

ARE THESE REQUIREMENTS MET? **BOARD ANSWERED YES.**

Scale of a Building: *The size of a building and the building mass in relation to open spaces, windows, door openings, balconies, porches, and lot size shall be visually compatible with the building size and mass of historic buildings and structures within a historic district for all development. Lots 65' or less in width are exempt from the additional setback requirements along the front façade, and the proposed addition does not exceed 50% of the lot depth and therefore, the additional 5' setback along the side elevation is not required.*

ARE THESE REQUIREMENTS MET? **BOARD ANSWERED YES.**

Directional Expression of Front Elevation: *A building shall be visually compatible with the buildings, structures, and sites within a historic district for all development with regard to its directional character, whether vertical or horizontal.*

ARE THESE REQUIREMENTS MET? **BOARD ANSWERED YES.**

Architectural Style: *All major development shall consist of only one (1) architectural style per structure or property and not introduce elements definitive of another style.*

ARE THESE REQUIREMENTS MET? **BOARD ANSWERED YES.**

MOTION

Move approval of the Certificate of Appropriateness (2013-132) for **219 NE 5th Street, Del-Ida Park Historic District**, based on 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 subject to the following conditions:

1. That the Board consider revision of the exterior siding material to 7" and,
2. That the demolition not occur until the building permit has also been issued for the new construction; and,
3. That the cover sheet properly identify the proposed structure in the rendering.
4. That the applicant work with the City's architect to determine if the tree can be saved from the property on the front set back.

Motion by Mr. Brito, seconded by Mr. Cox. Said motion passed with a 6-0 vote.

VI. REPORTS AND COMMENTS

Public Comments – None

Board Members Comments – None

Staff Comments – Meeting on July 3, 2013

VII. ADJOURN

The meeting adjourned at 7:45pm

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 **May 15, 2013** which were formally adopted and approved by the Board on **August 7, 2013**.

Diane Miller

Diane Miller, Executive Assistant

If the Minutes that 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.