

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

**MEETING DATE:** October 1, 2014

**MEETING PLACE:** City Commission Chambers

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

**MEMBERS ABSENT:** None (One seat is vacant)

**STAFF PRESENT:** Amy Alvarez, Janice Rustin (Asst. City Attorney), Dana Little, Diane Miller

**I. CALL TO ORDER**

The meeting was called to order by 2<sup>nd</sup> Vice Chair Samuel Spear at 6:00PM. Upon roll call it was determined that a quorum was present. There were no changes to the agenda. 2<sup>nd</sup> Vice 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.

**II. ROLL CALL**

**III. ELECTIONS**

The election is for officers of the Board for a period of 1 year. The floor is open for nominations for Chairman of the HPB Board.

Price Patton nominated John Miller

**Janice Rustin** – We have a motion on the table, do we have a second? Let me take a moment to go through the process of voting.

One person will make the nomination

One person will second the nomination

The roll will be called

If the motion passes that person is elected to that position. If it does not pass they will take a nomination for a second person

So right now we have a motion on the table for Mr. John Miller for Chairman, is there a second?

**Motion fails for lack of a second.**

John Miller nominates Samuel Spear for Chairman of the HPB, seconded by Ronald Brito

**Motion carried 6-0**

The floor is open for nominations for Vice Chairman of the HPB.

Samuel Spear nominates John Miller for Vice Chairman of the HPB, seconded by Price Patton.

**Motion carried 6-0**

The floor is open for nominations for 2<sup>nd</sup> Vice Chairman of the HPB.

Andrea Sherman nominates Ronald Brito for Vice Chairman of the HPB, seconded by John Miller.

**Motion carried 6-0**

#### **IV. APPROVAL OF AGENDA**

**Dana Little** – I would like to request a modification of the Agenda. Item VII.A, Discussion Item for LDR Section 4.5.1(6), relative to relocation. There was not a formal board action to have that as a discussion item. Some of the sensitivities of that issue and the fact that we would like to do further research to that topic, I would like to request that we have this topic as a formal agenda item at the next meeting which is October 15, 2014.

Motion to move Item VII.A to the October 15, 2014 meeting, seconded by Price Patton with *discussion*.

**John Miller** – When would the next meeting be?

**Amy Alvarez** – October 15, 2014

**Price Patton** – Are you going to propose specific items for discussion or are we just going to start the whole discussion. Are we going to have something to actually look at?

**Amy Alvarez** – Yes, we are going to have similar information that you had in your package tonight which is the regulations in the LDR. You would be making a formal motion as a group to have that item placed on the agenda for discussion.

**Price Patton** – Can we also have the item about demolition added to the agenda or do you want to split them up?

**Amy Alvarez** – I believe that is up to the Board and I am not sure if you want to do that now or during Board discussion so I can have clear direction as to what you would like.

**Janice Rustin** – We can take that motion separately at Board comments.

**Price Patton** – We are organized under article 4.5.1 and I would appreciate it if you can look at article 1, general section 31.1 which is the original ordinance that created the HPB in 1987.

**Dana Little** – We will have that as part of your package in the discussion at the next meeting.

**Motion carried 6-0**

## **V. APPROVAL OF MINUTES**

Motion to approve the minutes of September 3, 2014 by Samuel Spear, seconded by Ronald Brito

**Motion carried**

## **VI. ACTION ITEMS**

### **A. 202 North Swinton Avenue, Old School Square Historic District**

*Class V Site Plan and COA File # 2014-224*

Consideration of a Class V Site Plan and Certificate of Appropriateness for a change of use from single-family residential to professional office, associated site improvements, and three waiver requests.

**Exparte Communication** - None

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

**Applicant Presentation** – Jose Aguila – CSA Architects, Inc.

The property owner, Charlotte Danciu has her business at this address and she would like to pretty up the site, as it is in need of new landscaping, better parking, and so on. She was prepared to do this project a couple of years ago but financial issues and the economy have put it off and the approval has expired. She is now ready to move forward. The only thing that has changed is the landscape code which has been modified so we have wider islands, a few other items which have been implemented, and we have met all of the conditions. I feel it clear that the staff is very supportive of the project, and in support of the 3 waivers, and positive of the project.

**Charlotte Danciu** – I feel Jose explained my project very well and I want to thank you for your consideration.

**Public Comments** – None

**Board Comments**

**John Miller** – Is there going to be any other modifications to the building like painting, signage, trim work?

**Jose Aguila** – Nothing else has been proposed as of now. The building has already been painted within the last several years. Maybe at some point Charlotte might want to come back to upgrade some windows, some trim, but not in the plans right now.

**Price Patton** – The 4 extra parking spaces, are they needed as they have been parallel parking in the alley before?

**Jose Aguila** – Yes, if you saw some of the pictures before, there is a gravel area in the back and people have parked there. If people need to park, we would rather them park in a place that is properly designed with drainage.

**Price Patton** – The property west of the alley, is that single family residential?

**Jose Aguila** – No, I think that is business.

**John Miller** – What type of business is this that Ms. Danciu has?

**Jose Aguila** – She is an attorney.

**Samuel Spear** – This parking is going to paved and lines drawn?

**Jose Aguila** – Yes, all City standards will be met.

**Price Patton** – The trees that you are taking out, a couple sea grapes, would you consider donating them to a not for profit organization?

**Jose Aguila** - Yes, as long as they come and get them and the burden is not on the homeowner.

**Ronald Brito** – Are you painting lines on the pavers?

**Jose Aguila** – Per City staff, we have to put paint lines for each space.

**Angela Budano** – There is a mention of a bike rack, but I do not see it in the site plan.

**Jose Aguila** – Jose showed where it was on the plan.

**Sara Lynn Buzen – Former owner of 214 N. Swinton** – We put up a chain link fence years ago, provided it did not go across the front of the property since it was in the Historic District, but there has been some concern that it was not put in correctly, per the property lines. We did have a survey and the City issued a permit, so I was wondering if Mr. Aguila would get a new survey.

### **Rebuttal**

**Jose Aguila** – There is a little bit of accuracy to all that was just said. First of all they no longer own that property. We did confirm that the chain link fence was installed legally with permit. It is in fact on part of Charlotte Danciu property, and whatever the new owners do with the property now, they will honor the property line.

### **BOARD DISCUSSION**

**Ronald Brito** – Where the 39' 6" is coming into play, is there any reason why you can't pull the parking spaces up further?

**Jose Aguila** – Jose showed on his presentation a picture why that could not happen.

**Ronald Brito** – What kind of pavement is this?

**Jose Aguila** – It is asphalt in the alley and poured concrete in the parking.

**Ronald Brito** – I understand that 2-1/2' of less concrete is not going to do a whole lot to anybody, but if we are using other people's mistakes to counter ours.

**Jose Aguila** – Maybe this might help....Go down any parking lot and you have 60'. Here we are going to 60'-68' and normally it is 60'. So another 2-1/2' is not doing a thing for you.

**Ronald Brito** - I wasn't talking about the width I was talking about the depth.

**Jose Aguila** – I'am talking about depth as well.

**Ronald Brito** – Depth is 2.5'. What do you have 4 spaces?

**Jose Aguila** - What we have is 100 sq.ft of green and we are not cheating the system by our request.

**Ronald Brito** – You are not following me. We are asking for a waiver for the 2.5'.

**Jose Aguila** – This has to be a Board decision. If I didn't have the 9' across the way I think you might have something there, but I have the extra 9' on top of everything. Its not tight at all.

**Ronald Brito** – I'am not saying that it is; it's not tight simply because the neighbor's property is set back in further.

**Jose Aguila** - It's up to the board. We will make 2.5' of green and make 2.5' of concrete if you choose to vote that way.

**Ronald Brito** – I would like to have a Board discussion on this.

**Price Patton** – I am buying the green argument.

**Angela Budano** – It is maneuverable.

**Andrea Sherman** – I would like to go back to the parking in front; it actually looks overwhelming to the lot. It looks like it will be overly commercial.

**Jose Aguila** – Jose answered through his presentation on the screen.

**Ronald Brito** – I like the pavers on the drive and wish the back parking lot was the same.

**John Miller** – I have always admired this house, really like the symmetry of it and think there should be certain accommodations to keep it in its pristine form historically. So I think it is appropriate and the landscaping is going to be improved, so I am in favor of this project.

**Ronald Brito** – Would you have any objections to making the back parking lot pavers?

**Jose Aguila** – If we can meet city requirements and it does not cost any more money, we will consider it long as you don't make it a condition of approval.

**Motion** was made by John Miller and seconded by Ronald Brito to approve the request for the Certificate of Appropriateness and Class V Site Plan (2014-224) for the property located at 202 North Swinton Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets 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 a 2'6" alley dedication be approved by the City Commission prior to Site Plan Certification;
2. That the location of existing sewer service including cleanouts be indicated on Civil Plans.
3. That a note be provided to indicate the paving of the area to be dedicated along the alley;
4. That the plans indicate that handicap spaces are to be provided in accordance with LDR Section 4.6.9 (D)(8)(d); City of Delray Beach Construction Standard Detail RT 4.2; and the Florida Building Code, Chapter 11, Accessibility Code for Building Construction.; and,
5. That drainage calculations be provided that address site retention for water quantity. At a minimum, design for the difference between pre-development and post-development runoff for the 10yr./24 hr. storm event.

**MOTION CARRIED 6-0**

Motion was made by John Miller and seconded by Ronald Brito to recommend approval to the City Commission of a waiver to LDR Section 4.6.9(D)(2)(b), to reduce the minimum required combined depth of alley and parking spaces from 42' to 39'6", based upon positive findings with respect to the LDR Section 2.4.7(B)(5).

**MOTION CARRIED 6-0**

Motion was made by John Miller and seconded by Angela Budano to recommend approval to the City Commission of a waiver to LDR Section 4.6.9(D)(2)(b), to reduce the required parking space width from 10' to 9', based upon positive findings with respect to the LDR Section 2.4.7(B)(5).

**MOTION CARRIED 6-0**

**Motion** was made by John Miller and seconded by Angela Budano to recommend approval to the City Commission of a waiver to LDR Section 4.6.9(D)(3)(a-b), to reduce the required driveway width from 20' to 18' at the point of access from North Swinton Avenue, based upon positive findings with respect to the LDR Section 2.4.7(B)(5).

**MOTION CARRIED 6-0**

## **VIII. REPORTS AND COMMENTS**

### **Public Comments**

**Sara Lynn Buzen** – 214 N. Swinton – I would like to encourage the Board, as I don't know most of you, I grew up here, that was my childhood home. It was a bitter pill to lose it. We need to set precedents for future historical properties. What is done is done, is history, but I want to charge you people and review the ordinance that might not to have conceived of something of this nature happening. Worked with Pineapple Grove originally as a charter member, and remember Delray as a destination and so do a lot of others. They have reached their prime and are going downhill.

### **Staff Comments**

**Amy Alvarez** – Our next meeting is October 15, 2014.

**Janice Rustin** – We had training for Board members two days ago and I saw a lot of you there. Just a clarification on the agenda for the new Board members, when you want to change something on the agenda for Board discussion, we should do it at the beginning so that all Board members can vote appropriately.

### **Board Members**

Introduction of members:

**Angela Budano** – Background in land planning. I was referred by Annette Smith a past board member and I have had a lot of past experience on boards from Boynton Beach.

**John Miller** – The agenda item that we postponed, are you looking for suggestions from us on how to modify this LDR?

**Amy Alvarez** – I think it would be at the Board's direction. A Board member contacted me and requested that we have that as a discussion item. You do have the information in your packet.

**John Miller** – It is just discussion

**Amy Alvarez** – If there is anything besides what was provided to you or what was requested earlier, or any questions please let me know.

**John Miller** – I would be curious to know, if the information even exists, the number of relocations of historic structures that happened in the last 10 years. Would like to know how many have been moved out or stayed in the historic district.

**Amy Alvarez** – I can get that information.

**Price Patton** – I am the Board member that made the request for this information.

**Ronald Brito** – So we would like to look at what the districts can and can't do in regards to demolition.

**John Miller** – I think that is what the board is here to do. If someone comes into the historic district I think there is an extra layer of protection for the structure itself to protect the property.

**Samuel Spear** – I think when someone moves into the district they do take on an extra responsibility. That is part of what goes with moving to this area.

**Amy Alvarez** – To clarify what you want:

\*\*You will have the information that you have in your package.

\*\*The original ordinance.

\*\*Relocation information that John Miller requested.

\*\*Requirements for demolition.

## **ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned at **7:00p.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 **October 1, 2014** which were formally adopted and approved by the Board on **November 5, 2014**.

*Diane Miller*

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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)*