

## SECTION VIII. REQUESTS FOR DEMOLITION, RELOCATION OF BUILDINGS, PROVISION FOR ECONOMIC HARDSHIP AND APPEALS

### CERTIFICATES OF APPROPRIATENESS FOR DEMOLITION

*The act of demolition is an irreversible act that requires the utmost consideration and search for alternatives. As a result, the conditions under which the Historic Preservation Board would allow the demolition of a historic structure are strictly regulated.*

The guidelines to evaluate requests for demolition of a historic property include:

- a. Is the structure of such interest or quality that it would reasonably fulfill criteria for designation for listing in the *National Register of Historic Places*?
- b. Is the structure of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or economically unviable expense?
- c. Is the structure one of the last remaining examples of its kind in the neighborhood, city or designated historic district?
- d. Would retaining the structure promote the general welfare of the city of Delray Beach by providing an opportunity to study local history, architecture and design, or by developing an understanding of the importance and value of a particular culture or heritage?
- e. Are there definite plans for immediate reuse of the property if the proposed demolition is carried out, and what effect will those plans have on the character of the surrounding area?

Following a public hearing at which the demolition request is made, the Historic Preservation Board may:

1. Grant a Certificate of Appropriateness for demolition of an individually designated site, or a contributing building within a historic district, with a delayed effective date of up to six (6) months from the date of the Board's action (Ordinance 13-87 Sec. 31-18 (5)).
2. Grant a Certificate of Appropriateness for the demolition of a non-contributing building within a historic district with a delayed effective date of up to three (3) months from the date of the Board's action (Ordinance 13-87 Sec. 31-18 (5)).
3. If the Board refuses to issue a COA, the applicant has the option to appeal to the City Commission within ten (10) days following the Board's action.

The purpose of the demolition delay period is to allow the Board to take actions that may result in the preservation of the structure. Those actions may include: consultation with community groups, public agencies and interested citizens; making a recommendation that the property be acquired by either public or private entities; and exploring the possibility of moving the structure to another location.

### Undue Economic Hardship

No decision of the Board can result in undue economic hardship for the property owner. To claim an economic hardship, certain documentation and financial disclosures must be made. Contact the Historic Preservation Planner for further information.

### Unsound Structures

A property owner who feels a historic property is unsound must provide evidence supported by a structural engineer's report to the Board. The Board then may grant a Certificate of Appropriateness. If a historic property is condemned by the city, it may be demolished without the approval of the Board, as it is then considered a hazard.

### Mitigation Efforts

In order that there be an historical record of the building to be demolished, the Board may request that the Delray Beach Historical Society, or the owner at the owner's expense, document and record the property for the archival record. That documentation may include measured drawings and large-scale photography.

### Relocation of Buildings

In order for a property to convey its historic significance, it must possess integrity of location, feeling, design, setting, materials, workmanship and association. These qualities together define *integrity*, and it is all of these qualities that historic designation seeks to protect.

Location is an important element in satisfying the integrity requirement. The location, (the place where the property was constructed or the place where the historic event occurred), is important in determining its character, why it was created, and its relationship to the history of the area.

***Relocation of buildings is recommended only as a last resort, when there are no other preservation alternatives and the destruction of the historic property at its present location is imminent.***

If a property is moved, it may lose its historic significance unless it can be demonstrated that:

- The property was moved prior to its Period of Significance;

- The new location is sufficient in size and character to recall the basic qualities of the original historic environment and setting;
- The property is oriented appropriately in relationship to its historic natural and/or manmade surroundings; and
- The relationships between such historic features as landscaping and foundations are maintained.

Artificial groupings of buildings that have been moved in proximity to each other will not qualify for Local Historic Designation, as they may create a false sense of historic development.

Before a locally designated historic building is moved, a Certificate of Appropriateness must be obtained. Likewise, if a non-designated building is moved into a historic district, a Certificate of Appropriateness must be obtained.

When buildings are moved out of a local historic district, the Historic Preservation Board must determine at a minimum:

- Whether or not a significant number of historic buildings have been removed, so that the district fails to convey the sense and character for which it was originally nominated to the Local Register. If the Board determines a significant loss of the physical fabric, the historic district will no longer retain its character.

When buildings are moved into a local historic district, the Historic Preservation Board must determine:

- Whether or not the character of the relocated buildings are similar in scale, massing, height and setting with the majority of the contributing structures that make up the historic district;
- Whether or not the proportion of the buildings moved into the historic district is significantly higher than the number that originally comprised the historic district; and
- Whether or not the relocated buildings maintains their original integrity in form and materials as well as their original context with regard to their relationship to other buildings, orientation, setback and important

landscape features. For instance, a building *in situ* overlooking the beach would not be appropriately relocated along a major commercial or transportation corridor, such as Atlantic Avenue.

### **APPEALS OF HISTORIC PRESERVATION BOARD DECISIONS**

If the Historic Preservation Board fails to recommend a property for local historic designation, a written appeal must be filed within 10 working days following the date of the Board's action. Only the actual property owner will have the right to appeal a denial by the Board.

Decisions of the Board regarding applications for Certificates of Appropriateness may be appealed by applying to the City Commission on or before 30 calendar days following the date of the Board's action. The City Commission will then consider the Board's decision and its written explanation of the Board's action and hold a hearing within a reasonable time following the filing of an appeal. At this hearing, the applicant may address the application and any supporting material presented to the Board; however, no new material or evidence shall be presented or considered. The City Commission will vote upon the appeal and any approval or disapproval of the appeal must be approved by a majority vote of the City Commission.



*1913 photograph of Delray Elementary School*



*1980s photograph of Delray Elementary School taken prior to its conversion to a museum*



*Current Photograph of Delray Museum (formerly Delray Elementary School), part of the Old School Square Historic District*



*1989 photograph of Crest Theater, formerly Delray High School, now part of the Old School Square Historic District*