

**Katherina Paliwoda, MHP  
Senior Historic Preservation Planner  
City of Delray Beach  
100 NW 1<sup>st</sup> Avenue  
Delray Beach, FL. 33444**

**To: Florida SHPO/Florida Accessibility Advisory Council  
RE: Request for ADA Exemption Waiver-38 S. Swinton Avenue (The Cathcart House)**

Dear FL. SHPO/Florida Accessibility Advisory Council,

A request has been submitted for an historic exemption to accessibility requirements under the Americans with Disabilities Act (ADA) for The Cathcart House located at 38 S. Swinton Avenue within the 6.7-acre Sundry Village site. The French Colonial, 2-story structure was constructed in 1902. The structure is wood frame construction with a shingle roof, first and second floor wrap around porches with unique decorative railings. It has a regular plan exhibiting a wide hipped roof extending over the 2nd floor veranda (galleries), an identifying feature of the French Colonial style.

It is a contributing resource to the Nationally and Locally Designated Old School Square Historic Districts (OSSHD). The Cathcart House is considered a “crown jewel” along South Swinton Avenue.

The Cathcart name is associated with the early pioneer family who lived in the house from 1902 to 1966. The structure remained as a single-family home until approval of the Sundry Village project, a mixed-use development which spans 4 blocks to the south, east, and west of the Cathcart House. The Sundry Village project includes a mix of commercial uses within historic structures and newly constructed buildings. The Cathcart House received Site Plan and Certificate of Appropriateness approval from the Historic Preservation Board (HPB) for rehabilitation and conversion to commercial use for a restaurant.

At the time of building permit review (BLDC-7616-2025), the City’s Building Division noted that the structure is required to comply with ADA regulations and the relevant building codes. The subject improvements do not account for accessibility to the second floor of the structure.

Strict adherence to all regulations could have a negative impact on the historic integrity of the 1902 structure. This is primarily due to the fact that the structure contains only 1,143 square feet within the first and second floors combined and the interior square footage is further constrained by the character defining wrap around porches. Conversion of interior square footage for use as an elevator would likely diminish the rehabilitation and adaptive reuse potential of this structure by greatly reducing the usable square footage.

Therefore, the applicants are seeking a waiver request for exemption to the ADA requirements 201.1.1 of the Florida Building Code -Vertical Accessibility.

The waiver request specifically relates to vertical accessibility, as the structure only has one set of stairs to access the second floor of the building. As the use for the property is approved for restaurant, a kitchen with walk in cooler will be situated within the first floor, patron seating will be accommodated on the first floor wrap around porch, second floor wrap around porch, and interior of the second floor. There is also concern that the installation of an elevator would require structural changes that could compromise the building's original design.

With regard to other ADA requirements, the subject property had ADA ramps installed for the ground floor which was reviewed by City and State staff before receiving approval from the Historic Preservation Board.

Please feel free to contact me and/or the City's Historic Preservation Team for questions or additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'KCP', written in a cursive style.

Katherina C. Paliwoda, MHP  
Senior Historic Preservation Planner