

**THE CITY OF FORT MYERS
HISTORIC PRESERVATION COMMISSION
MINUTES OF THE FEBRUARY 24, 2022 MEETING**

On February 24, 2022, at 4:00 p.m., the City of Fort Myers Historic Preservation Commission met in the City Council Chambers, Oscar M. Corbin, Jr. City Hall, 2200 Second Street, in the City of Fort Myers, Florida.

ROLL CALL

Kevin Williams called the meeting to order at 4:10 p.m.

Members Present

Gina Sabiston
Michelle Santucci
John McKenzie
Carly Schwartzel
Lisa Belcher
Kevin Williams

Members Absent

Mary Jo Walker
Sawyer Smith

Planning Staff Present

Nicole DeVaughn, Planning Manager
Monique John, Administrative Assistant
Taryn Thomas, Senior Planner

Other Staff

Grant Alley, City Attorney
Anthony Palermo, Assistant Director
Liston Bochette, Councilman Ward 4
Christian Gempesaw, ITS Department

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Grant Alley, City Attorney, swore in all witness that intended to speak on any of the agenda items.

Ms. Sabiston entered the meeting at 4:12 p.m.

APPROVAL OF MINUTES: NOVEMBER 18, 2021, AND DECEMBER 16, 2021: It was moved by Mr. Williams to approve the minutes of November 18, 2021, and December 16, 2021, seconded by Mr. McKenzie and unanimously approved 6-0.

AGENDA ITEM NO. 1: PUBLIC HEARING: CERTIFICATE OF REVIEW COR22-0059, 1642 LLEWELLYN DR., EDISON PARK HISTORIC DISTRICT: CHANGE DRIVEWAY MATERIAL TO.

EX PARTE COMMUNICATION: None

Nicole DeVaughn, Planning Manager, Planning Division, Community Development Department, stated that staff findings were as follows:

BEGIN STAFF REPORT

**AGENDA ITEM NO. 1
CERTIFICATE OF REVIEW COR22-0059
ADDRESS 1642 Llewellyn Drive**

HISTORIC DISTRICT
Edison Park Historic District

PROPOSED PROJECT
New driveway surface

DATES CASE HISTORY

11/06/95	The City designated Edison Park as a Historic District by Ordinance No. 2768, adopted on November 6, 1995. The property located at 1642 Llewellyn Dr. is vacant.
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STAFF FINDINGS

Architectural / Historical Elements

1. The property located at 1642 Llewellyn Drive is vacant and is a non-contributing structure within the Edison Park Historic District.
2. The applicant is requesting to remove the existing asphalt driveway and replace with crushed shell. The City Engineer has approved the deviation in driveway surface material.
3. The driveway connects to the house located at 2427 McGregor Boulevard, which is not within the Edison Park Historic District.

LAND DEVELOPMENT CODE AND DESIGN GUIDELINES:

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Staff concludes after a site visit and a review of the documents in this application, that Land Development Code, Chapter 114 Historic Preservation, Section 114-71 Table 1 Approval Matrix, enlarging driveways requires approval through the Certificate of Review process. There are no specific review criteria for hardscape improvements.

DESIGN GUIDELINES FOR HISTORIC PROPERTIES, CHAPTER II. DESIGN GUIDELINES

I. NON-CONTRIBUTING BUILDINGS

There are generally two kinds of buildings in an Historic District, contributing buildings and non-contributing buildings. Buildings that contribute to the historic character of the District are those constructed during the historic period that retain most if not all of their original appearance. In contrast, non-contributing buildings do not contribute to the integrity of the District because they were either constructed after the historic period or have been altered inappropriately so that they no longer maintain their original historic appearance.

Non-contributing buildings are also subject to design review, but the level of review is undertaken on a case-by-case basis depending on the age of the building or the degree of previous modifications. The following guidelines can provide some direction for this review.

1. Changes to newer buildings - those constructed after the historic period - are acceptable and need only to be compatible with the house's architectural style and the neighborhood.

SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

STAFF REVIEW

After a site visit and a review of the documents in this application, staff concludes the following:

1. The driveway is on a vacant parcel within the Edison Park Historic District.
2. The proposed changes existing driveway to replace the asphalt with crushed shell will not have a negative impact on the historic character of the district.

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STAFF RECOMMENDATIONS

1. Staff makes a finding that the proposed improvements comply with the City of Fort Myers Land Development Code, Chapter 114, Section 114-71, as well as standard 9 of the Secretary of the Interior's Standards for Rehabilitation.
2. Staff recommends to the Historic Preservation Commission the approval of the Certificate of Review, Application COR22-0059
3. The proposed improvements shall be completed as indicated in this Certificate of Review application.
4. All required permits shall be obtained prior to construction.
5. This Certificate of Review will become effective immediately.

END STAFF REPORT

PUBLIC INPUT: None

DISCUSSION: Ms. Sabiston asked for clarification if it was correct that connecting the driveway for the McGregor Boulevard parcel to McGregor Boulevard was not before the board to make a decision. Ms. DeVaughn advised that it was not before the board as the property is not designated as historic; and the two palm trees being removed on the property would just need to be relocated.

Mr. McKenzie asked under what conditions was crushed shell permitted to be used as a driveway.

City Engineer, Nicole Monahan, advised that her concern was the protection of the pavement in the roads right-of-way and that she did ask for concrete aprons to be used in the right-of-way, however, on the owner's property it was at their discretion, and she did not feel there was an issue with the crushed shell. Mr. McKenzie stated that he liked the idea of crushed shell as a surface, and it could add to the City of Fort Myers if it were elsewhere as well.

Ms. Santucci asked if there were any studies that showed that crushed shell would clog the catch basins. Ms. Monahan stated there were none that she was aware of and that there would be no material dragged into the travel lanes and no degradation of the road either.

Ms. Sabiston stated that she had crushed shell on her property and that it should be considered that crushed shell needed a boarder and could be tracked into the home.

MOTION: It was moved by Mr. Williams to approve COR22-0059 at 1642 Llewellyn Drive for new driveway surface with staff recommendations 1 through 5, seconded by Ms. Santucci and unanimously approved 6-0.

ITEM 2: PUBLIC HEARING: CERTIFICATE OF REVIEW COR22-0062, 1874 MONTE VISTA ST., EDISON PARK HISTORIC DISTRICT: ENLARGE DRIVEWAY.

EX PARTE COMMUNICATION: None

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BEGIN STAFF REPORT

AGENDA ITEM NO. 2
CERTIFICATE OF REVIEW COR22-0062
ADDRESS 1874 Monte Vista Street

HISTORIC DISTRICT
Edison Park Historic District

PROPOSED PROJECT
Extend and enlarge the existing driveway.

DATES	CASE HISTORY
11/06/95	Edison Park was designated as the first Historic District within the City of Fort Myers. 2464 Euclid Avenue is a non-contributing structure within the District.
8/17/00	An application for the construction and enlargement of a new concrete driveway was approved.
9/14/09	An application to install Bahama shutters was approved.
11/17/16	An application to install a six (6) foot wood privacy fence was approved

STAFF FINDINGS

Architectural / Historical Elements

1. The property located at 1874 Monte Vista Street is a concrete block stucco ranch originally constructed in 1953 and is listed as a non-contributing structure within the Edison Park Historic District.
2. The applicant is proposing to extend the existing concrete driveway 40-feet along the north side of the house. The width will be 20-feet for the new extension. The new portion of the driveway will be screened by the existing six (6) foot wood privacy fence.

LAND DEVELOPMENT CODE AND DESIGN GUIDELINES:

Staff concludes after a site visit and a review of the documents in this application, that Land Development Code, Chapter 114 Historic Preservation, Section 114-71 Table 1 Approval Matrix, enlarging driveways requires approval through the Certificate of Review process. There are no specific review criteria for hardscape improvements.

DESIGN GUIDELINES FOR HISTORIC PROPERTIES, CHAPTER II. DESIGN GUIDELINES

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I. NON-CONTRIBUTING BUILDINGS

There are generally two kinds of buildings in an Historic District, contributing buildings and non-contributing buildings. Buildings that contribute to the historic character of the District are those constructed during the historic period that retain most if not all of their original appearance. In contrast, non-contributing buildings do not contribute to the integrity of the District because they were either constructed after the historic period or have been altered inappropriately so that they no longer maintain their original historic appearance.

Non-contributing buildings are also subject to design review, but the level of review is undertaken on a case-by-case basis depending on the age of the building or the degree of previous modifications. The following guidelines can provide some direction for this review.

1. Changes to newer buildings - those constructed after the historic period - are acceptable and need only to be compatible with the house's architectural style and the neighborhood.

SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

STAFF REVIEW

After a site visit and a review of the documents in this application, staff concludes the following:

1. The building is considered a non-contributing structure within the Edison Park Historic District.
2. The proposed site changes to enlarge the existing driveway will not have a negative impact on the historic character of the district.

STAFF RECOMMENDATIONS

1. Staff makes a finding that the proposed improvements comply with the City of Fort Myers Land Development Code, Chapter 114, Section 114-71, as well as standard 9 of the Secretary of the Interior's Standards for Rehabilitation.
2. Staff recommends to the Historic Preservation Commission the approval of the Certificate of Review, Application COR22-0062.
3. The proposed improvements shall be completed as indicated in this Certificate of Review application.
4. All required permits shall be obtained prior to construction.

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5. This Certificate of Review will become effective immediately.

END STAFF REPORT

DISCUSSION: Ms. Belcher stated that the applicant had a fence up and the driveway would not be able to be seen.

PUBLIC INPUT: None

MOTION: It was moved by Mr. Williams to approve COR22-0062 at 1874 Monte Vista Street to enlarge the driveway with staff recommendations 1 through 5, seconded by Ms. Belcher and unanimously approved 6-0.

ITEM NO. 3: PUBLIC HEARING: CERTIFICATE OF REVIEW COR21-0053, 2754 PROVIDENCE ST., DEAN PARK HISTORIC DISTRICT: NEW SINGLE-FAMILY HOME

EX PARTE COMMUNICATIONS: Ms. Sabiston stated that she had received an email and asked that the sender copy the board members and to provide copies as well to the board members in which they did.

BEGIN STAFF REPORT

**AGENDA ITEM # 3
CERTIFICATE OF REVIEW# COR21-0053
ADDRESS 2754 Providence Street**

HISTORIC DISTRICT
Dean Park Historic District

HISTORIC NAME
None

PROPOSED PROJECT

New single-family home.

DATES CASE HISTORY

04/27/97 The City designated the Dean Park area as a Historic District.

STAFF FINDINGS

Architectural / Historical Elements

1. The property located at 2754 Providence Street is a vacant property in the Dean Park Historic District.
2. The application proposes to construct a new single-family house.

LAND DEVELOPMENT CODE:

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Staff concludes after a site visit and a review of the documents in this application, that Land Development Code, Chapter 114 Historic Preservation, Section 114-75

Sec. 114-75. Review criteria for new construction.

For new construction in historic districts and on landmark sites, evaluation of applications for certificates of review will consider the guidelines found [in] Chapter III, section C, Design Guidelines for Historic Properties. These guidelines address major aspects of new construction so that new buildings and other improvements will complement and enhance historic areas rather than compromise their integrity:

- (a) *Height.* The height of new buildings should be reasonably similar to historic buildings on the same of block or historic district.
- (b) *Proportion.* New buildings should be similar to nearby buildings in proportion of width to height.
- (c) *Rhythm.* The building's façade should maintain the rhythm of the historic streetscape. Entrances should be oriented to the street, and blank walls or garage doors should never dominate a prominent (street facing) façade.
- (d) *Setbacks.* The distance from the building to the front property line should be similar to adjacent and nearby buildings, even if that distance is greater than required by current city codes.
- (e) *Materials and texture.* New buildings should be compatible with adjacent and nearby buildings on the block as to materials and texture. Building materials and textures should be those used historically for all major surfaces.
- (f) *Roof shapes.* Roofs for new buildings should be similar to nearby buildings or in the historic district.
- (g) *Architectural details and decorative features.* The design of new buildings should take their cues from the basic forms and decorative elements of block or historic district.
- (h) *Styles.* Contemporary styles should be harmonious in form, material, and scale with the character of the block or historic district.
- (i) *Windows.* Window size and proportions should be similar to those used historically. To create larger surfaces of glass, consider combining several standard windows in a row. Mullions (muttons or grills) should be applied to the exterior of the window, sandwiching mullions between glass panes is highly discouraged.
- (j) *Infrastructure.* Infrastructure upgrades should enhance rather than detract from the character of historic district. Changes can dramatically affect the character of streets, alleys, sidewalks, street trees, on-street parking, lighting, etc.

DESIGN GUIDELINES

H. NEW CONSTRUCTION

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New construction in Historic Districts can achieve a number of important City of Fort Myers goals. New construction can reverse blighted conditions - a new building can replace a burned-out structure, or new construction can occur on a debris-strewn or overgrown lot. New construction can increase housing opportunities for the City, bringing new people into the neighborhood that will enjoy the established urban setting and become involved in neighborhood activities.

New construction in historic areas, often called infill construction, has occurred throughout the country. When successful, the new structures have complemented an historic area and enhanced its overall character. In contrast, insensitive new construction can compromise the integrity of an historic area and possibly result in lowered property values.

The purpose of the Design Guidelines for New Construction is to ensure that the architectural character of Fort Myers' Historic Districts is maintained and enhanced. The Historic Preservation Commission does not specify a particular architectural style or design for new construction projects. The scale, mass, and size of a building are often far more important than the decorative details applied. New or infill construction should not seek to mimic or match exactly existing buildings in the District, as historic reproductions tend to confuse observers, now and especially in future years.

SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

STAFF REVIEW

1. 2754 Providence Street is a vacant property in the Dean Park Historic District.
2. The proposed new single-family home will be as follows:
 - a. The proposed home will meet or exceed all required setbacks: 20-foot front, 10-foot sides, 10-foot rear (accessory structures) and three (3) foot for the garage accessed from the alley.
 - b. The architectural style of the home will be as follows:
 1. Stucco finish
 2. PGT aluminum windows with black frames.
 3. A raised seam Galv-Aluminum (black) hip roof.
 4. The entry will have a vaulted gable roof; the front door will be a fiberglass Therma-Tru door with glass inserts. The mullions will be on the exterior of the door, not sandwiched between the glass.
 4. Columns along the front will have a stone veneer

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5. The home will be elevated to comply with FEMA flood regulations, but it will not be as tall as the adjacent two-story building.
 6. A 16-inch masonry wall with aluminum picket rails will run along the front property line.
 7. The detached garage will have a stucco finish with roof to match the home. The door will be Flush Steel with embossed grain.
 8. A new pool will be constructed in the rear yard without a screen enclosure. A certificate of review would be required for any future screen enclosure.
3. Staff finds that the proposed new home is in character with the style and proportions of the neighborhood and will not have a negative impact on the historic character of the Dean Park Historic District.

STAFF RECOMMENDATIONS

1. Staff makes a finding that the new construction is in character with the City of Fort Myers Code of Ordinances, Chapter 114, Section 114-75, and the Secretary of the Interior's Standards for Rehabilitation standard 9.
2. Staff recommends to the Historic Preservation Commission the approval of the Certificate of Review, Application COR21-0053.
3. The proposed new construction shall be done in accordance with the plans as indicated in this Certificate of Review, and as show on the plans and elevations prepared by Latitude 26, as contained herein.
4. All required permits shall be obtained prior to construction.
5. This Certificate of Review will become effective immediately.

END STAFF REPORT

PUBLIC INPUT: Ann Martindale, Providence Street resident, stated that the residents in the Dean Park District felt very strong about the proposed house because of its scale and the fact that it was 55 feet wide while most of the homes in the district had a smaller scale than the proposed home and that the residents felt that the proposed home was not compatible with the neighborhood and would have a jarring effect on the streetscape of the district. Ms. Martindale stated that the residents were concerned about the stem wall system and whatever fill would be brought to the site. Ms. Martindale stated that the residents believed that the drawn plans did not convey how the streetscape would actually look and that better developed plans that showed what the actual height and streetscape of the house would be appreciated. Ms. Martindale stated that the residents felt that Dean Park was not the place for the proposed designed house. Ms. Martindale stated that the residents believed it would be disproportionate due to the width of the home and that it did not maintain the rhythm of the historic landscape. Ms. Martindale stated that she was aware that the setbacks had expired but that all the other homes in the district abided by the expired setback and that the new house built should abide by the same setbacks. Ms. Martindale stated concern for the proposed fence on the property and that the building was not consistent with the other homes in the district as far as the black aluminum roof and also that the entry to the house was too big and harmful to the district's architecture.

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Ms. Martindale stated that due to the excessive building coverage that it was more coverage than any of the other homes in the district and did not follow the Land Development Code that a building shall cover less than a third of the lot. Ms. Martindale stated that the letter she wrote with all the residents' concerns had been signed by 42 residents in the district.

Mr. McKenzie asked if the applicant or owner was present. Ms. Sabiston stated that neither was present at the meeting.

Donna Ellswick, Providence Street resident, stated regarding the square footage of the existing homes on the street of the proposed property, that many of the homes had carriage houses that were included in the square footage and that was what John Dean wanted. Ms. Ellswick stated that she lived across from a home that had been reconstructed and that the guidelines for the reconstruction had not been adhered to which caused the public to notice and make remarks of why a property was not aesthetically appealing or consistent with the rest of the district. Ms. Ellswick stated that she did not want another situation such as that one and also stated concerns for the proposed fence.

Caitie Eck, Cranford resident, stated that she was concerned for the flooding in the neighborhood and how the proposed house was going to be constructed and could possibly causing flooding to the neighbors. Ms. Eck stated that she felt that the house would defer the district from its historic characteristic. Ms. Eck stated that the proposed home would not be consistent with the Historic Preservation Commission guidelines as far as setback requirements.

Tim Dennis, Providence Street Resident, stated that he had substantial concerns with the new proposed construction for the following reasons:

1. The structure height would not be consistent with the other nearby properties
2. The proposed structure is outside of the allowed property coverage area.
3. The aesthetics are not the same as the other homes in the district
4. The fence placement was problematic
5. The streetscape was not the same as the other homes in the district and the entrance of the home was overwhelming and inappropriate
6. The two-car paved parking area was inconsistent with the contributing houses on the street and the additional three parking spots in the rear was unnecessary
7. The setbacks were not consistent with the other homes in the district
8. The footprint of the proposed structure was more than twice the average of the other structures in the neighborhood.
9. The texture and weight of the structure should be submitted for review
10. The architectural details and design structure was not consistent with the design aesthetic of the other homes in the district.
11. The project violated every aspect of the applicable historic review criteria for new construction.

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Sheila Pastor, Providence Street resident, stated that she agreed with the previous neighbors that had already spoken and that for the past two years there had been a Dean Park Walking Tour which showed the characteristics of the neighborhood and that the proposed home would not be consistent with the Dean Park characteristics.

Sara Goldstein, Providence Street resident, agreed with the previous neighboring residents that spoke about the streetscape and characteristics of the proposed home. Ms. Goldstein stated that the design of the home was very different than the other homes in the district and also that the proposed home could cause draining and flooding onto the streets that already flooded periodically and into the alleyway that was supposed to carry water away from the houses. Ms. Goldstein stated she would like to better understand the seasonal water course when the structure was going to be built and whether it would interfere with drainage away from her own property.

Gary Eck, Providence Street resident, stated that he was impressed at the enormity of the construction that was fit onto the tiny lot.

Michelle Nugent, Providence Street resident, stated that one of her main concerns was the changing of the grade on the home and that flooding was a big concern with the proposed project which would cause other homeowners in the district to have a very high insurance rate increase.

William Burke, Palm Ave resident, stated that he would like to echo all the previous residents' comments and also that himself and his wife were very concerned about the waterflow during water storms and the drainage that would be disrupted by the new proposed structure. Mr. Burke stated that he was concerned about the concrete wall and the fencing which would restrict drainage from the property itself before it would even get to the alleyway and could also lead to an increase in mosquitos and potential hazards. Ms. Santucci asked if he had noticed any standing water on the property. Mr. Burke advised he had observed a small amount of standing water on the property so far.

David Burgos, Providence Street resident, stated that he was concerned for the integrity and tradition of the district and also that the homeowner was a real estate agent and that he was concerned for her real motives.

DISCUSSION: Ms. DeVaughn stated that the deed restrictions were expired, and that the applicant did not have to abide by the 35-foot setback stated in the deed.

Ms. Sabiston asked if the house would be raised on a stem wall. Ms. DeVaughn confirmed that was correct.

Mr. McKenzie asked if the building coverage of the property still could not exceed 40% of the property. Ms. DeVaughn advised that was correct. Mr. McKenzie stated that according to a letter sent in from a neighboring resident the building was over 40% of the property. Ms. DeVaughn explained that the 40% rule pertained to area under roof coverage area. Ms. DeVaughn stated that final calculations of the home would be provided at the permit stage of the property.

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Ms. DeVaughn showed the board members a Google Street View walkthrough of the street that the proposed home would be on and advised that all homes to the northern side of Providence Street were contributing structures and also the homes to the West of the subject property.

Ms. Santucci noted that the total living area of 2747 Providence Street was 2,678 square feet and that it was a four-bedroom, three-bathroom home. Ms. Santucci stated that 1569 Cranford Avenue was 2,857 square feet and 2770 and 2780 Providence Street was at 2,472 square feet.

Ms. Schwartzel stated that she did not understand why the size of the home was an issue.

Ms. Sabiston stated the board was discussing the size of the home in comparison to the other homes and how it would affect the characteristics of the neighborhood.

Ms. Schwartzel stated that she did not think that the size of the home was an issue but that there were other issues with the proposed home that should be discussed versus square footage.

Ms. Santucci stated that she was reviewing the square footage due to information that some of the public had submitted and that one of their concerns was that the square footage of the property was inconsistent and therefore may throw off the appeal of the neighborhood.

Mr. McKenzie stated that the living square footage and the overall roof square footage were two different things and that the neighbors were indicating that the overall roof square footage exceeded the 40% which would be a reason for the building department not to approve the home but that there were also issues with the design of the home.

Ms. Sabiston asked if the proposed property would be as tall as the neighboring house including the stem wall. Ms. DeVaughn stated it would be shorter according to the renderings provided.

Ms. Sabiston stated that when she opened the applicant's packet and saw the home, she immediately thought that it was not appropriate for the Dean Park historic district and did not meet the design standards nor was it the same character or style of the other homes in the district. Ms. Sabiston stated that she agreed that the design standards were in place to preserve the historic district and that the home did not meet the standards and codes in place.

Mr. Williams stated regarding the elevation on the building that the applicant did well by moderating the requirements of the Federal Emergency Management Agency (FEMA) and the historic district. Mr. Williams stated that regarding the proposed wall around the home that he felt that it was proposed to be there to actually prevent flooding of neighbors and that even though above the wall was a proposed fence, that there was no ordinance nor code that said the applicant could not have a fence therefore it was compatible with the district and the fence was also proposed to be 70% open so he did not have any issues with the wall or fence. Regarding the setbacks, Mr. Williams stated that looking at the site plan provided, the home was

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31.2 feet from the property line to the edge of the porch and to the vertical edge of the wall it was 33.8 feet and that he did not have any issues with the setbacks either. Mr. Williams stated that he did have concerns with the building itself as he did not feel there was much attempt to blend the building with the other homes and characteristics of the district. Mr. Williams stated that the pitch of the roof was too high, and he felt there was no attempt to mitigate that features of the home to the characteristics of the district and that there was no breaking down of the scale of the building and also that the windows were not consistent of that within the district.

Ms. Santucci asked Mr. Williams if he would be more supportive of the request if the windows were consistent with the neighboring homes and the roof was scaled back in size.

Mr. Williams stated that he preferred to see more articulation to building massing to meet that of the craftsman style and that he felt that the design made no attempt to be compatible with the historic pattern.

Ms. Santucci asked if Mr. Williams preferred the width of the building to be scaled back in size as well.

Mr. Williams stated that he did not necessarily have an issue with the width of the building as there were other homes on the street that exceeded 50 feet but just had different articulation.

Ms. Schwartzel stated that she felt that keeping the nature and characteristics of the Dean Park historic district was important and that there was no effort to make the building match those standards but that she felt that it was becoming a trend in neighborhoods to have homes built that were not structurally the same as the other homes in the district, such as on McGregor Boulevard. Ms. Schwartzel suggested that the board come up with some changes to give to the applicant that can be made to make the building more consistent with the historic district and also for the homeowners benefit as well.

Mr. Williams stated that he would feel more comfortable with the home being closer to the road.

Mr. McKenzie stated that he agreed and felt that there was no attempt to make the home compatible with the district's standards. Mr. McKenzie stated that he did not like the proposed black aluminum roof nor the proposed front windows but that he did feel that the wall around the home would help with drainage and water runoff. Mr. McKenzie stated that he felt that the grand entry was overstated and agreed with Mr. Williams that the design could be changed to lower the pitch of the roof and also step the roof so that the massing would be changed. Mr. McKenzie stated that he was questionable about the lot coverage and that the stone veneer was not consistent with a historic district and that the six-foot fence height was excessive, being that it was going to be over a six-inch stem wall. Mr. McKenzie stated that the applicant needed to start fresh and find a designer that would be sensitive to the neighborhood and its characteristics.

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Ms. Belcher stated that she agreed with the board members.

Ms. Santucci stated that she felt that the main historic feature of the building was that the garage was going to be in the back off the alleyway and that it was a nice home however, if she lived in a historic district she would be opposed as well to a home that was not consistent or compatible with the district for all of the reasons that had previously been stated.

Ms. Belcher asked if homeowners realized the restrictions when purchasing a lot in the historic districts. Ms. Sabiston and Mr. Williams stated that it should be on the deed to the home.

Ms. Schwartzel asked how long ago the home had been purchased. Ms. Santucci stated it had been a short while.

Ms. DeVaughn recommended tabling the item to the next meeting since the applicant and architect was not present at the meeting, so that they would be able to have a chance to review and listen to all the boards' comments and requested changes to the home and come back before the board.

Ms. Santucci asked if the applicant was aware of the meeting and if they had an opportunity to come.

Ms. DeVaughn advised that the applicant was aware of the meeting but that if the board denied the agenda item instead of tabling it then the applicant could not reapply for six months.

Ms. Santucci stated that the applicant should have been present if they did not want to have to reapply.

Ms. Sabiston asked Mr. Alley if the vote were to go against the application as presented and the applicant came back with a completely different plan, could the board vote on the new plans presented earlier than six months.

Mr. Alley stated that Ms. DeVaughn had been correct and that if the board denied the request, then it could not come back before the board again for six months or the applicant could appeal to the City Council. Mr. Alley cautioned the board about substantial and competent evidence and that the board could not use the public that were against the home to make a decision, and that substantial and competent evidence was application of the code and the requirements of the code and the Secretary of Interior Standards. Mr. Alley stated that the applicant had brought it before the board even though not present and that if the board wanted the request to come back before them then they were permitted to do so but that it was normally with the consent of the applicant however, it was not an option available to the board as the applicant was not present. Mr. Alley recommended not voting and affording the applicant to review the boards comments or if the board voted no then the applicant would not be able to come back for six months or could appeal to City Council.

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Mr. Williams stated that he did not remember the board ever deferring an item without the consent of the applicant and asked if it was permissible to table the item without the applicant's consent.

Mr. Alley advised that it was a difficult situation as the applicant should be afforded the opportunity to give consent to table the item but that the applicant was not present. Mr. Alley advised that the board could table the item with the applicant's consent otherwise if the board needed more information, then the board did not need applicant consent.

Ms. Sabiston stated the only lacking information was the structure's compatibility with the other homes on the street.

Mr. Williams stated that the requirements for submission do require graphic depiction of features.

Mr. McKenzie asked if the applicant made any effort to contact staff advising that they would not be present at the meeting. Ms. DeVaughn advised they did not.

Ms. Sabiston stated that the board could make a motion and either deny the agenda item and the applicant could come back in six months or appeal to City Council or the board could table the item for more information as the applicant was not present.

Ms. Schwartzel asked if a motion could be made to get more information of the design intent so that the applicant had time to review the board's comments.

Mr. Alley stated that intent was not the Historic Preservation Commission criteria and that they had to judge the guidelines by the law on the books and by the Secretary of Interior Standards and also numerosity or speculation of intent was not evidence that the board should consider and that the board should consider the facts before them.

Mr. McKenzie asked if the applicant came back with a completely new design would they still need to wait six months.

Mr. Alley stated that he would like to review the new application before he could commit an opinion on a situation that could end up in litigation.

Ms. Schwartzel asked her fellow board members if there was legally anything wrong with the application besides the fact that the board agreed that the proposed building did not fit the standards of the historic district and did the applicant legally meet the criteria to build the home on the property.

Ms. Santucci stated there were many other objective failings with the build of the house as well.

Mr. McKenzie stated that if the board could not table the item without the applicant there to give consent, then he felt that the board should vote on the item request.

Ms. Sabiston stated that the board would like to give the applicant the opportunity to address the board's concerns but that it was not under the Historic Preservation Commission's purview based on the criteria that was presented to the board for the chapter 114 of the Secretary of Interior Standards and the Design Guidelines. Ms.

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Sabiston stated that there were no questions with the application as presented and did not know that that the owner could provide additional information that could address the concerns of the board based on the design as submitted.

Mr. Williams agreed that additional information would not change the board members' opinion of the compatibility with the other homes in the district.

MOTION: It was moved by Mr. McKenzie to deny COR21-0053, seconded by Ms. Santucci. The motion passed unanimously 6-0.

Liston Bochette, Councilman Ward 4, advised the Historic Preservation Commission that they had the ability to reach out to community development and have guidelines installed regarding the conformity to historic districts. Mr. Bochette suggested adding an ordinance that designed and set the guidelines for conformity for new construction in historic districts.

ITEM NO. 4 MISCELLANEOUS BUSINESS: Natalie A. De La Torre Salas, Florida Public Archeology network, gave a brief update regarding the apartment complex being built next to Fort Myers oldest historic burial ground, located near the intersections of Fowler Street and First and Second Streets.

Ms. Schwartzel left the meeting at 6:07 p.m.

ITEM NO. 5: PUBLIC COMMENT ON NON-AGENDA ITEMS: Judy Grippo stated that the dumpsters in the Patio de Leon were still excessive and had nothing covering them and that it had become a substantial issue to the surrounding businesses.

Tom Hall, public art consultant, asked the board for any recommendations they had come back with for what to include on the lists of historic sites for the Ottocast application. Mr. Hall asked if the board was permitted to email him with their recommendations.

Mr. Alley advised against Mr. Hall emailing the board and instead suggested giving the recommendations during a meeting.

Ms. Sabiston asked staff to put Mr. Hall's recommendations request and speech revisions request as an agenda item at the next meeting.

ITEM NO. 6: COUNCILPERSON UPDATE: Councilman Bochette spoke on the following points during the councilperson update:

1. Dean Park soliciting donations for planting palm trees.
2. Cemetery burial ground's location
3. Hendry Street pedestrian mall and its proposed location
4. Combining the midtown and downtown zoning
5. Mobility downtown transportation
6. Fencing ordinances and the characteristics of a neighborhood
7. Traffic control on McGregor Boulevard

Mr. McKenzie suggested that the Historic Preservation Commission add a restriction to their guidelines to not permit murals any longer.

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Ms. Santucci agreed with Mr. McKenzie and stated that murals were not historically accurate.

Ms. Sabiston asked if the ordinance prohibited murals. Ms. DeVaughn stated that she was unaware of any such ordinances.

Mr. Williams stated that in a historic district he felt it would be appropriate for mural requests to come before the board and be reviewed on a case-by-case basis based on its merit.

Ms. Sabiston stated she was against murals in a historic district.

Ms. DeVaughn advised she would look into creating a criteria guideline for murals.

OTHER BUSINESS: There being no further business, the meeting adjourned at 6:47 o'clock p.m.

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