

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

On March 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

Gina Sabiston called the meeting to order at 4:00 p.m.

Members Present

Gina Sabiston
Lynn Stewart
Mary Jo Walker
Lisa Belcher
Sawyer Smith
Michelle Santucci

Members Absent

John McKenzie
Carly Schwartzel
Kevin Williams

Planning Staff Present

Nicole DeVaughn, Planning Manager
Taryn Thomas, Senior Planner

Other Staff

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

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OATH OF OFFICE: City Clerk, Lily Baker, gave Lynn Stewart the Oath of Office for her first term on the Historic Preservation Commission.

Ms. Santucci entered the meeting at 4:03 p.m.

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

AGENDA ITEM NO. 1: PUBLIC HEARING CERTIFICATE OF REVIEW COR22-0061, 2247-2287 FIRST STREET., DOWNTOWN HISTORIC DISTRICT: REMOVE PORTION OF STOREFRONT WINDOW AND REPLACE WITH SLIDING WINDOW.

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 # 1
CERTIFICATE OF REVIEW# COR22-0061
ADDRESS 2247-2287 First Street**

HISTORIC DISTRICT
Downtown Historic District

HISTORIC NAME
Bradford Hotel/Bradford Block

PROPOSED PROJECT

Replace one recessed storefront window with a sliding window to accommodate a new café.

DATES	CASE HISTORY
02/27/98	The City designated the Downtown area as a Historic District.
02/22/01	Application for a canvas awning with scalloped valances was approved, signage, lighting, and ATM machine approved.
03/27/02	Application to approve a two (2) phase project to remove the sloped canopy on First & Hendry Streets, replacing with an 8' deep canopy, restoration of the pattern of original transom openings with recessed stucco, restoration of the original sidewalk entry structure.
04/30/03	Application to allow four (4) 8 ½' x9' murals on the Bay Street façade approved.

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- 03/23/04 Application to remove inset storefront and replace with fixed aluminum windows flush with the façade was approved.
- 11/21/19 Application to replace front doors was approved
- 4/22/21 Application to remove courtyard windows, expand openings, and install new aluminum door system was approved.
- 11/18/21 Application to install new awnings in the courtyard along Hendry Street approved.

STAFF FINDINGS

Architectural / Historical Elements

1. The property located at 2247-2287 First Street, is a multi-tenant commercial space within a three (3) story contributing structure in the Downtown Historic District constructed in 1905.
2. The application proposes to remove the one of the smaller recessed windows along First Street and install a sliding service window for the new coffee shop.

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 114-72 Review criteria for existing buildings is applicable to this application, specifically:

Sec. 114-72 Review criteria for existing buildings.

For maintaining, improving, and expanding existing buildings, evaluation of applications for certificates of review will consider the design guidelines described below as applied to the alteration and building in question. These design guidelines are found in Chapter II of the *Design Guidelines for Historic Properties*.

- (a) Criteria for maintenance and improvements.

- (3) **Replacement windows and doors.** Replacement windows and doors should respect the original character of historic buildings by retaining the original configuration and details of windows and doors.

DESIGN GUIDELINES FOR HISTORIC PROPERTIES, CHAPTER II. DESIGN GUIDELINES

P. REPLACEMENT WINDOWS AND DOORS

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The placement and relationship of windows and doors are often critical parts of the style of a building. The demands of modern energy efficiency and security standards often lead owners of older building to consider replacement windows. These guidelines are designed to accommodate replacement windows in a manner that respects the original character of historic properties.

1. Replacement windows and doors should retain the same configuration and details as the originals.
2. Replacing panes with stained, leaded, or beveled glass is acceptable as long as the configuration remains the same.
3. Metal replacement doors may be acceptable as long as they are of the same configuration as the original door. These metal doors should be painted or clad to match the trim of the house.
4. All replacement windows should have either true divided lights, or molded exterior muntins, if appropriate. Flat or interior false muntins are not in keeping with the character of older structures. Muntin design should reflect the original window configuration. False muntin bars, if used, should be applied to the exterior of the new windows.
5. Ideally, window and door openings should not be reduced or enlarged in size. Alterations to window and door openings should remain in proper proportion to the overall design of the building.
6. Sensitively designed exceptions to these guidelines will be considered by the Historic Preservation Commission when such proposals are conceived to accommodate the adaptive reuse of older buildings or to conform to the provisions of the Americans With Disabilities Act.
7. Glass block replacement windows should be installed only on side or rear elevations not readily visible from the street.

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 structure is considered a contributing structure within the Downtown Historic District.
2. The proposed Ready Access 600 single panel slider window will have with clear glass. The new window will have no negative impact on the historic character of the structure or on the character of the district.

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STAFF RECOMMENDATIONS

1. Staff makes a finding that the proposed new sliding window comply with the City of Fort Myers Land Development Code, Chapter 114, Section 114-72 (a)(3), 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 COR22-61.
3. The proposed improvements shall be installed 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 stated that she was concerned about the change to the size of the current window opening as the current window was larger and that the right side of the storefront had less alterations than the left side therefore it would alter the historic storefront of the building. Ms. Sabiston stated that she was not a fan of sliding windows in the historic district and also that sliding windows were not consistent with the Secretary of Interior Standards and also that she did not believe that the application before the board was not consistent with the Secretary of Interior Standards either.

Ms. Belcher stated that she agreed with Ms. Sabiston and asked if there was a way to lower the window opening to be more consistent.

Ms. Sabiston advised that if the window openings stayed at the historic size, then she may have been more in favor of the request but also that traditionally a walk-up window was not too low.

Stephen Bowen, General Contractor representing Goodwill Industries, stated that the proposed window height was to comply with the Americans Disability Act (ADA) regulations as far as counter height as well and also that the intent was to replicate the wainscot panel as close to the original as possible. Mr. Bowen stated that the windows were pre-designed for customer walk up therefore he was unable to customize the size of the windows.

Ms. Stewart asked if it was possible to maintain the level of the wainscot down below and do a trim that would be similar to the white trim on the rest of the windows that way it would make the ADA height for the counter height possible.

Mr. Bowen advised that was possible and also that on the side Ms. Stewart's suggestion was the intent. Mr. Bowen notes that the windows were all wood framed so it would be easy to match the trim and colors.

Ms. Santucci asked for clarification if Mr. Bowen if the reason why the window opening could not be customized was due to there not being enough budget.

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Mr. Bowen advised that was not the case but that the manufacturer of the ready access windows did not customize the size to there were only set widths and heights available for the windows.

Ms. Santucci asked regarding ADA compliance if the lower end of the window must be at the proposed height therefore it would not allow the window to be altered.

Mr. Bowen advised that was correct and that the height had to be at 34 inches.

Ms. Sabiston stated that she agreed with Ms. Stewarts suggestion but was still not in favor of sliding windows.

Ms. Walker suggested adding a pure window underneath the sliding window in place of the wood.

Mr. Bowen stated that the wood infill could instead be a glass panel, however, might be awkward for the employee that would be standing behind it and could also be a privacy issue.

Ms. Sabiston stated that historically in the building that when you would walk through the arcade part of the building, the windows were pushed all the way up and suggested the proposed window being the same type of large push up window rather than a drive through window which would make her more in favor of the request.

Ms. Santucci stated that a push up window would be cumbersome. Ms. Santucci stated that a side sliding window would be the most convenient and suggested finding a manufacturer that would allow for customized windows.

Mr. Sawyer entered the meeting at 4:19 p.m.

Ms. Stewart stated that if the wainscoting was the same size as the balance of the wainscoting with the white trim to match the existing windows and the decal marketing was wider and possibly said something like Blue Café then it would be completely the same as the other side of the storefront.

Mr. Bowen stated that he was in favor of Ms. Stewart's suggestion and that should there ever be a new property owner, the opening could be returned to its original configuration without any difference.

Ms. Sabiston asked for clarification if Mr. Bowen was open to making the changes suggested by the commission and if he would be opened to tabling the agenda item to a later meeting.

Mr. Bowen advised that he had no issue complying to the changes to the request and deferred to the applicant regarding tabling the item.

Ms. Santucci asked Mr. Bowen to restate his response to the suggestion of having a custom window underneath the sliding window in place of the wood width wise.

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Mr. Bowen stated that he would research and look into having a different window in place that would meet all regulations for the ADA.

Ms. Belcher suggested having the window centered more so that there would not have to be additional research done for a whole new window.

Ms. Sabiston advised that if the commission voted on the request and it was denied, then the applicant could not return before the board for a total of six (6) months and that if the applicant would like to take the commissions suggestions into consideration and come back within a month then that would be permitted, and the applicant would need to be open to the request would be tabled.

The property owner indicated from the audience that he had no issue with the request being tabled.

Mr. Sawyer advised for the knowledge of the applicant, that the applicant did have an appellate right on the six-month denial but that he would suggest following the commission's lead.

MOTION: It was moved by Ms. Walker to table the item until the next meeting, seconded by Ms. Santucci.

Ms. Sabiston asked if there was a date certain tied into the motion. Ms. Walker stated there was not.

Mr. Alley stated that should there be a time certain attached, it would not need to be readvertised and it would still be on track.

Ms. Walker amended her motion to include that the application come back before the board at the next month's Historic Preservation Commission meeting.

Mr. Bowen asked when the next meeting would be.

Ms. DeVaughn advised that the new drawings would need to be in by the 11th of April and that the next meeting would be on April 28th

Ms. Santucci seconded the amended motion to a date and time certain, motion passed unanimously 6-0.

ITEM 2: PUBLIC HEARING: CERTIFICATE OF REVIEW COR22-0054, 2616 MICHIGAN AVE., DEAN PARK HISTORIC DISTRICT: SCREEN ENCLOSURE IN REAR YARD.

EX PARTE COMMUNICATION: None

BEGIN STAFF REPORT

**AGENDA ITEM # 2
CERTIFICATE OF REVIEW# COR21-0054
ADDRESS 2616 Michigan Avenue**

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HISTORIC DISTRICT

Dean Park Historic District

HISTORIC NAME

N/A

PROPOSED PROJECT

Construct a new 26'-4" x 10'-5" screen enclosure attached to the rear porch.

DATES

CASE HISTORY

04/27/97 Dean Park was designated a Historic District within the City of Fort Myers; and 2616 Michigan Avenue was listed as a contributing structure within the District.

05/27/10 An application to Construct a new carriage house on an existing slab, add a new driveway, replace windows, replace lattice on porches with wood picket railings, replace doors, replace shingle porch roof with metal was approved.

STAFF FINDINGS

Architectural / Historical Elements

1. The property located at 2616 Michigan Avenue is within the Dean Park Historic District and is a contributing structure in the District. The one-story craftsman residence was constructed in 1918.
2. The applicant proposes to construct a new 10'-5" x 26'-4" screen enclosure attached to the rear porch.

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 114-72 Review criteria for existing buildings is applicable to this application, specifically:

Sec. 114-72 Review criteria for existing buildings.

For maintaining, improving, and expanding existing buildings, evaluation of applications for certificates of review will consider the design guidelines described below as applied to the alteration and building in question.

(a) **Criteria for maintenance and improvements.**

- (6) *Porches.* Porches should retain their original configuration and materials.

DESIGN GUIDELINES FOR HISTORIC PROPERTIES, CHAPTER II. DESIGN GUIDELINES

K. PORCHES

The retention of the original porch configuration is very important for houses in a Historic District. A porch is one of the main defining features of a house, and it often signifies a building's age and style. Replacement with matching materials is essential. Wood porches and porch steps should not be replaced with brick, ironwork, concrete, or concrete blocks. Insensitive porch alteration compromises the overall appearance of a structure and disturbs its size and scale.

1. Enclosure of Existing Porches

Full enclosure of an existing porch will compromise the historic integrity of a house and therefore is not recommended. Partial enclosure proposals should be reviewed by the Historic Preservation Commission on a case-by-case basis. Front porch enclosures that reorient the entrance away from the street are strongly discouraged. To be successful, a porch enclosure must preserve essential design elements of the house and must be reversible.

2. Adding a New Porch

Generally, the addition of a porch changes the original character of a structure, and therefore a new porch or deck should not be added to the main facade where one never existed. Where photographic or physical evidence of an original removed porch exists, reconstruction in a design which is appropriate to the house's architectural style is encouraged.

3. Removal of an Original Porch

An original porch should not be removed from the main facade or a readily visible side facade.

4. Repair and Replacement

Porch elements which are deteriorated should be repaired or replaced with matching materials, wherever possible. The use of outdoor carpeting or artificial turf that will be readily visible is strongly discouraged. The original porch railings should be retained, wherever possible. If additional railing height is required, simple metal or wooden extensions should be utilized so that the original historic configuration can be maintained.

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:

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1. The existing home is considered a contributing structure within the Dean Park Historic District.
2. The applicant is requesting to construct a new 26'-4" x 10'-5" screen enclosure attached to the rear porch.
3. The alterations to the rear of the house will not have a negative impact on the historic character of the house or to the historic character of the Dean Park Historic District.

STAFF RECOMMENDATIONS

1. Staff makes a finding that the proposed site improvement complies with the City of Fort Myers Land Development Code, Chapter 114, Section 114-72 (a)(6), 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 COR21-0054.
3. The proposed improvements shall be constructed as indicated in this Certificate of Review application. The height of the new screen enclosure shall not extend over the base of the dormered windows, so it is not visible from the street.
4. Applicant shall obtain a permit prior to commencement of construction.
5. This Certificate of Review will become effective immediately.

END STAFF REPORT

PUBLIC INPUT: Ann Martindale, Providence Street resident, stated that the only issue she had was whether you would be able to see the enclosure from the street. Ms. Martindale stated that looking at the dimensions of the enclosure in the application package, the drawing was disproportionate and questioned where the structure started and how far up was the lowest dimension of the rear dormer. Ms. Martindale stated that she would like the staff report to clarify which dormer it was referencing and how far the rear dormer was off the ground level and confirm what foundation would be used for the structure. Ms. Martindale stated that the new side setbacks were 10 feet but the drawings in the application showed the side setback as seven feet which would not be compliant with the new code.

DISCUSSION: Ms. DeVaughn advised that although the application drawings showed the screen enclosure exceeding the base of the top floor windows, staff had been assured by the applicant that the enclosure would in fact not extend beyond the base of the top floor windows.

Ms. Sabiston advised that the commission had to make a decision based on the drawings that were before the board at the time therefore the board would have to vote on the drawings in front of them at the current time.

Ms. Santucci asked what kind of footers would be installed and there was any intent to enclose the structure.

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Justin Donato, applicant, stated that the structure would primarily serve as aviary for rescue birds and also for his orchard garden and that there was no intent to enclose the structure.

Ms. Sabiston stated regarding that the structure would serve as aviary therefore needed the extended height proposed, that if the structure was not attached to the house, then she would be more in favor of the request whereas having to make a decision on the application as it was presented, she was less in favor.

Ms. Santucci asked the property owner if he had considered not having the structure attached to the home and also that she had concerns on if the porch would be screened in.

Mr. Donato advised that the structure was screened in on all three sides and that the structure was actually freestanding but that it did need to attach to the home when the birds were brought in and out of the home which was why the enclosure itself was closer to the home.

Ms. Sabiston stated that in the Dean Park district the backyards were more visible to neighbors whereas in other neighborhoods that was not the case and also that since the driveways were in the backyards in that district, the structure would be impactful in the backyard since it was so tall.

Ms. Belcher stated concerns for what the structure would actually look like as it was not shown properly in the application.

Mr. Donato advised that his whole backyard was being redone as a natural space and that he made sure to keep his request in the guideline regulations of the Historic Preservation Commission and advised the board that the height drawings looked the way it did because of the angle of the 3D rendering.

Mr. Sawyer advised that the applicant that he would be able to come back before the board with the changes and suggestions made by the Historic Preservation Commission. Mr. Sawyer asked if it would be feasible for the applicant to come back with a better landscape architect drawing to show more in depth what the structure would actually look like.

Ms. Sabiston agreed with Mr. Sawyer and stated that the board needed better drawings in order to vote on exactly what the structure would be.

Mr. Donato asked for clarification if the board was requesting clarification and a better picture of the height of the back of the screen. Ms. Sabiston advised that was correct.

Ms. Walker stated also adding what the height of the three windows on the top of the home were and to also to know that the enclosure would not be extending over those windows.

Ms. Santucci asked the applicant if he had considered not attaching the structure to the building.

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Ms. Stewart suggested adding a corridor to the structure, so it did not have to be attached to the home.

Mr. Donato advised that it wouldn't be feasible for a corridor.

Ms. Sabiston asked if the applicant would be in favor of tabling the item until the next meeting.

Mr. Donato advised that he had no objection to returning with an updated application to the next meeting.

MOTION: It was moved by Ms. Walker to table the item to the next meeting on April 28th at 4:00 p.m., seconded by Mr. Sawyer, and unanimously passed 6-0.

ITEM NO. 3: PUBLIC HEARING: CERTIFICATE OF REVIEW COR22-0058, 1406 HENDRY ST., DOWNTOWN HISTORIC DISTRICT: PLANTER FENCE, COURTYARD, AND NEW BUILDING.

EX PARTE COMMUNICATIONS: None

BEGIN STAFF REPORT

AGENDA ITEM # 3

CERTIFICATE OF REVIEW# COR22-0058

ADDRESS 1408 Hendry Street

HISTORIC DISTRICT

Downtown Historic District

HISTORIC NAME

None

PROPOSED PROJECT

Construct a new brick building and modify lot to extend the adjacent outdoor seating area.

DATES

04/27/97

CASE HISTORY

The City designated the Dean Park area as a Historic District.

STAFF FINDINGS

Architectural / Historical Elements

1. The property located at 1408 Hendry is a vacant property (surface parking lot) in the Downtown Historic District.
2. The application proposes to extend the adjacent outdoor patio area onto the surface parking lot and construct a new brick building.

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. 1406 Hendry Street is a vacant property (surface parking lot) in the Downtown Historic District.
2. The surface parking lot will be modified to serve as an extension of the existing outdoor patio area.
 - a. A new wooden fence with incorporated planters will be installed around the perimeter. The fence must comply with the sight distance visibility requirements for the intersection of Hendry and Bay Streets.
 - b. The existing concrete will be covered with SYNlawn synthetic turf.
 - c. The above listed alterations to the existing parking lot will not have a negative impact on the historic character of the Downtown Historic District.
3. The proposed new brick building appears to be architecturally consistent with the historic character of the Downtown Historic District. The application and plans for the new brick commercial building does not

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contain enough detailed information but is conceptually consistent with the historic character of the district.

STAFF RECOMMENDATIONS

1. Staff makes a finding that the expansion of the courtyard 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 COR21-0058.
3. The proposed alterations to the existing parking lot, including fencing, planters, and synthetic turf shall be installed as contained in this application.
4. The proposed new structure is conceptually approved. A Certificate of Review application providing detailed information regarding materials, how the new roof structure will connect to the existing building, etc., must be approved by the Historic Preservation Commission prior to the issuance of any permits for the new structure.
5. All required permits shall be obtained prior to construction.
6. This Certificate of Review will become effective immediately.

END STAFF REPORT

PUBLIC INPUT:

DISCUSSION: Ms. Sabiston stated that she felt that the agenda item should be two separate requests as the fence would be able to be seen from the street. Ms. DeVaughn advised that the fence did not have to come before the board and could be approved administratively even if seen from the road.

Ms. Sabiston asked Mr. Alley if it was correct that the board could not approve a request conceptionally.

Mr. Alley stated that he had encouraged the board not to approve a request conceptionally and that he had spoken to the applicant. Mr. Alley stated that the applicant had advised that their intent was to give as much information as possible and that the applicant was requesting the boards feedback.

Mr. Sawyer asked why the item was on the agenda as a hearing if the applicant only wanted feedback.

Mr. Alley advised that the board was following the Quasi-Judicial process.

Ms. Sabiston asked for clarification that the item before the board was for the fence to be moved.

Mr. Alley advised that was correct.

Mr. Richter stated that he had restored a corner of the building that did not have the original historic brick due to the building be so dilapidated but did restore the yellow bricks. Mr. Richter advised that he had gone as far as possible in the project

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conceptionally so that he did not have to redo any of the work should the board deny his request. Mr. Richter stated that the code called for a high percentage of glazing on the storefronts, however it would not be feasible for him economically and would not be consistent with Bay Street. Mr. Richter stated regarding the fence, that the proposed fence matched the visual of the current fence that had been approved prior and that it was also a removable fence. Mr. Richter advised that it was a slatted wood fence and had a 50% opening by itself but that he was open to remove slats if the board deemed the fence to close to the corner of the road.

Ms. Sabiston stated that she had no issues with the application at hand.

Mr. Sawyer agreed with Ms. Sabiston and stated that the applicant did a very well job of restoring buildings and bringing them back.

Ms. Santucci asked if the owner owned the parking lot or if they were leasing the parking lot.

Mr. Richter stated that one of the owners of the Social House was his landlord and that his company had a long-term lease on the building and the parking lot jointly and had approval from the landlord to do all the improvements needed and also that him as the tenant would be using his own funds to restore the building.

Ms. Santucci stated she was confused by the visuals in the application packet and asked if there would be two access points and if the original entrance would be kept.

Mr. Richter advised that was correct and the entrance on Bay Street and Hendry Street would remain and there would be a gate installed in between.

MOTION: It was moved by Mr. Sawyer to approve the fence and the AstroTurf request, seconded by Ms. Walker, and passed unanimously passed 6-0.

ITEM NO. 4 MISCELLANEOUS BUSINESS: Mr. Sawyer asked why the format for the application packets online was in a different format than other boards [City Council, Community Redevelopment Agency Board Commissioners, and Public Art].

Ms. DeVaughn advised that staff did not any of the same software as the that used for City Council agendas and that the Historic Preservation Commission, the Planning Board, and the Board of Adjustments all had the same formats.

Ms. Sabiston stated that she no longer saw the videos of the Historic Preservation Commission either on the city website.

Ms. DeVaughn advised that only the Community Redevelopment Agency and City Council uploaded board meetings to the city website.

Mr. Sawyer noted that the agendas and the information connected to the meetings were not always uploaded on time and also advised that he would like to have the formatting issue addressed.

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Mr. Bochette stated that Mr. Sawyer's concerns were becoming a systemic issue and that the city was growing and was short on staff and suggested sitting down with the city manager to discuss his concerns.

Ms. Walker stated that she would like the board meeting recordings to be added back to the city website as well not only for the public to review but also the board members themselves.

Ms. Sabiston advised that the ice machine maker in the Patio area downtown still had not been removed and was causing issues.

Ms. Belcher stated that there had been a squatter for some time in the Edison Park district.

Mr. Bochette advised that code enforcement was aware of the squatter as well.

Mr. Alley reminded the Historic Preservation Commission that it had certain duties, however, addressing the squatter was not under the Historic Preservation Commission purview.

Ms. Belcher stated there was a house on the corner of Marlyn Road and Cortez Boulevard that had removed a fence and attempted to install a new one with horizontal slats but received a stop work order from code enforcement and since then the property has acquired a substantial amount of trash.

Ms. DeVaughn advised that city staff had met with the property owner to discuss the issue and that the fence might be in the right of way and that city staff was in the process of working on the issue.

ITEM NO. 5: PUBLIC COMMENT ON NON-AGENDA ITEMS: Sharon Voto, city resident, stated that she would like to understand the process of the Historic Preservation Commission for Certificates of Review as she had been highly impacted after bringing a request before the board and being denied for a reason that was insufficient thus raising the costs for her home improvements and the cost for her request significantly since it took so long to be approved. Ms. Voto stated that since the approval for her property within the last month, she had been trying to contact someone regarding the next steps to move her project forward and expressed that she felt the process for a homeowner to make any improvements or changes to their own property in a historic district was made to be very difficult.

Ms. Sabiston suggested having the appropriate parties get together to discuss a better way to address the citizens' concerns.

Mr. Bochette suggested adding an agenda item to the next Historic Preservation Commission.

Ms. Sabiston clarified that Ms. Voto felt that she had already provided the appropriate application at the last Historic Preservation Commission meeting when her driveway request had been approved and was under the assumption that the board was going to consider Ms. Voto's fence request as well.

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Ms. DeVaughn advised that Ms. Voto's fence request did not need Historic Preservation Commission approval and advised that the only fence requests to come before the board were vinyl and chain-link fences that were in the front yard. Ms. DeVaughn advised that Ms. Voto's fence request was an administrative approval and permitting process.

Ms. Sabiston stated that the Historic Preservation Commission had heard a fence request at the current meeting that they did not have to approve and felt that Ms. Voto's fence request should have brought to the board in the last month's meeting, and it would have been easier.

Ms. DeVaughn advised that all solid fences on property lines must have either 70 percent visibility if they were above 42 inches or must be setback 20 feet from the property line. Ms. DeVaughn advised that the fence Ms. Sabiston was referring to only came before the board due to an AstroTurf and the surface materials. Ms. DeVaughn advised that if the fence was below 42 inches it must be 50 percent visibility between the pickets.

Ms. Walker asked if the Board of Adjustments could have approved a variance for Ms. Voto's fence and also referenced a fence on a property on McGregor Boulevard.

Ms. DeVaughn advised that variances were not available for every situation as a variance had certain qualifications.

Ms. Walker stated that she felt Ms. Voto's fence request would not hinder anyone.

Mr. Sawyer asked for clarification on if the fence request was going to come before the board.

Ms. DeVaughn advised that fence would not come before the Commission.

Mr. Sawyer advised Ms. Voto that he would help her with her issues.

ITEM NO. 6: COUNCILPERSON UPDATE: Mr. Bochette gave an update on the following subjects:

- City Council Emergency plan proposal in case of double-digit inflation
- McGregor Boulevard improvements
- City budgets
- The historic Yacht Basin FRP responses and interviews
- City Council item regarding the ratio between the citizens in a community and the number of recommended state or federal green space

OTHER BUSINESS: Tom Hall asked if there was any progress made on the Ottocast amendments and approvals. Ms. Sabiston advised there was not.

There being no further business, the meeting adjourned at 5:38 o'clock p.m.