

# DRAFT



CITY OF FORT PIERCE  
**HISTORIC PRESERVATION  
BOARD**

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## Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE HISTORIC PRESERVATION BOARD HELD ON MONDAY, JULY 27, 2020, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL

Mr. Benton entered the meeting after roll call was taken.

Present: **Charlie Hayek; Holly Theuns; Kori Benton; Michael Broderick; Anthony Westbury; George Johansen; Suzanne Boardman, Chair**

Staff Present: **Jennifer Hofmeister, Planning Director  
Tanya Earley, Assistant City Attorney  
Alicia Rosenthal, Executive Assistant**

4. APPROVAL OF MINUTES

- a. Minutes from the January 27, 2020 meeting

**Motion was made by Michael Broderick, and seconded by Charlie Hayek, to approve the minutes from the January 27, 2020 meeting.**

**AYE: Holly Theuns, Kori Benton, Michael Broderick, Anthony Westbury, George Johansen, Charlie Hayek, Chair Suzanne Boardman**

Passed

- b. Minutes from the February 11, 2020 Special meeting

**Motion was made by Holly Theuns, and seconded by Michael Broderick, to approve the minutes from the February 11, 2020 Special meeting.**

**AYE: Kori Benton, Michael Broderick, Anthony Westbury, George Johansen, Charlie Hayek, Holly Theuns, Chair Suzanne Boardman**

Passed

- c. Minutes from the February 24, 2020 meeting

**Motion was made by Charlie Hayek, and seconded by Michael Broderick, to approve the minutes from the February 24, 2020 meeting.**

**AYE: Michael Broderick, Anthony Westbury, George Johansen, Charlie Hayek, Holly Theuns, Kori Benton, Chair Suzanne Boardman**

Passed

## **5. PUBLIC HEARINGS**

- a. **Certificate of Appropriateness 20-12 - Construction of Two Duplexes - 513 N. 9th Street**

Madame Chair Boardman introduced Certificate of Appropriateness 20-12 for the construction of two duplexes located at 513 N. 9th Street, Fort Pierce, Florida.

Madam Chair Boardman asked Assistant City Attorney, Tanya Earley, to explain the Quasi-Judicial Hearing procedures as they apply to all subsequent Quasi-Judicial Hearings.

Before commencing this Quasi-Judicial Hearing, Tanya Earley, Assistant City Attorney, reminded the Board that they serve in both a legislative and quasi-judicial role. When acting as a legislative body, the Board engages in law-making activity by passing laws and establishing policies. When acting as a quasi-judicial body, the Board applies those laws and policies and is held to stricter procedural requirements. Quasi-judicial proceedings are less formal than proceedings before a circuit court but are more formal than the normal Board meeting. Quasi-judicial proceedings must follow basic standards of notice and due process; and, decisions must be made based on competent substantial evidence. Therefore, Board members have a duty to conduct the quasi-judicial proceedings more like judges than legislators. That is why the Commission has established the uniform procedures for quasi-judicial hearings that will be followed today.

Madam Chair Boardman called the proceeding to order.

Clerk, Alicia Rosenthal, confirmed the City complied with advertisement and notice requirements.

Madam Chair Boardman inquired with the Board regarding ex-parte communications and asked Clerk to call the roll:

Mr. Hayek - no

Ms. Theuns - no

Mr. Broderick - no

Mr. Westbury – no

Mr. Johansen – no

Madam Chair Boardman – no

Madam Chair Boardman opened the public hearing.

Clerk, Alicia Rosenthal, was asked to swear in those wanting to speak during this Quasi-Judicial hearing. Individuals in the audience intending to speak on this item were asked to stand, raise

their right hand, and administered an oath to tell the truth, the whole truth, and nothing but the truth. Those that were sworn in were asked to clearly state their name for the record and confirm they were sworn in at such time as they were asked to come forward to testify.

#### Staff Presentation

Jennifer Hofmeister, Planning Director, provided an overview of the application.

The subject duplexes are proposed on a prominent site in the Lincoln Park Historic District. Design of the new buildings meets the technical aspects of the Secretary of the Interior regarding size, scale, materials and massing. However, the architectural elements do not provide a continuity of character of the surrounding historic neighborhood. While the overall proposal is consistent with Secretary of the Interior standards, staff recommends that the Historic Preservation Board approve the request with a recommendation that additional architectural details and perhaps color palette enhancements be incorporated into the final design to better comport with the continuity and character of the Historic district

#### Board questions for Staff:

Ms. Hofmeister answered questions from the Board on recommended architectural elements, color palette and roofing material on homes in the neighborhood. Ms. Hofmeister suggested to the applicant that the front facade improvements look more residential and that lighter colors are used. The Board suggested adding front porches and a pedestrian walkway.

Applicant questions for Staff: None

#### Applicant presentation:

Terry Coley, Applicant, sworn, explained that each building has a front porch and the buildings will have a colored metal roof. The driveway will have pavers that closely match the color of the buildings.

Monikea Neal, Applicant's partner, sworn.

#### Board questions for Applicant:

The Board suggested using a natural finish on the metal roof to save money, expand the porch between the buildings and use Hardi siding on the front elevation with wainscoting to make the duplexes look more residential.

#### Public comment:

Marshall Copley, sworn, stated the green metal roof on 209 N. 9th Street looks nice and could be used as an example of how the colored roof may look on the duplexes.

Madam Chair Boardman, seeing no one else, closed the public hearing.

#### Comments by the Board:

Board discussion ensued on adding residential architectural features to the buildings.

Motion was made by Charlie Hayek and seconded by Michael Broderick to to approve Certificate of Appropriateness 20-12 for the construction of two (2) residential duplexes as shown on the plans.

Mr. Benton encouraged an amendment to the motion to delegate authority to the Historic Preservation Planner to work with the applicant to incorporate two additional architectural features whether it be an enhancement or modification to the front porches and some type of exterior siding improvement to the front facade.

**Motion was made by Charlie Hayek, and seconded by Michael Broderick, to approve Certificate of Appropriateness 20-12 for the construction of two (2) residential duplexes with two additional architectural features whether it be an enhancement or modification to the front porches and some type of exterior siding improvement to the front facade, to be approved by the Historic Preservation Planner.**

**AYE: Kori Benton, Michael Broderick, Anthony Westbury, George Johansen, Charlie Hayek, Holly Theuns, Chair Suzanne Boardman**

Passed

**b. Certificate of Appropriateness 20-27 - Restoration, Demolition, Addition and Variance - 209 Avenue D**

Madame Chair Boardman introduced Certificate of Appropriateness 20-27 for the restoration, demolition, addition and variance located at 209 Avenue D, Fort Pierce, Florida.

Madam Chair Boardman called the proceeding to order.

Clerk, Alicia Rosenthal, confirmed the City complied with advertisement and notice requirements.

Madam Chair Boardman inquired with the Board regarding ex-parte communications and asked Clerk to call the roll:

Mr. Broderick - yes  
Mr. Westbury – no  
Mr. Johansen – no  
Mr. Hayek - yes  
Ms. Theuns - yes  
Mr. Benton - yes  
Madam Chair Boardman – yes

Madam Chair Boardman opened the public hearing.

Clerk, Alicia Rosenthal, was asked to swear in those wanting to speak during this Quasi-Judicial hearing. Individuals in the audience intending to speak on this item were asked to stand, raise their right hand, and administered an oath to tell the truth, the whole truth, and nothing but the truth. Those that were sworn in were asked to clearly state their name for the record and confirm they were sworn in at such time as they were asked to come forward to testify.

Staff Presentation:

Jennifer Hofmeister, Planning Director, provided an overview of the application.

The restoration of the original building, complimented by the design and decorative scheme of the proposed new construction will improve the functional efficiency of the residence and enhance the property's contribution to the historic character of the Edgartown Historic District. The requested variance for encroachment of the new/replaced attached structure into the required 40-foot rear setback is in harmony with the existing development pattern of the Edgartown Historic District. Staff recommends approval of the Certificate of Appropriateness application as it meets the Secretary of the Interior's Standards 5 and 9 and granting of variance to rear setback requirement as it meets City Code Sec. 22-108, Criteria for granting variances (1) through (5).

Board questions for Staff:

Ms. Homeister clarified the style of the windows and all windows are being replaced.

Applicant questions for Staff: None

Applicant presentation:

James Durrett, Owner/Applicant, sworn, explained he demolished the interior of the home and the intent is to build a modern home with keeping the historical character intact.

Board questions for Applicant:

The Board complimented the applicant on the project.

Public comment: None.

Madam Chair Boardman, seeing no one else, closed the public hearing.

Comments by the Board: None.

**Motion was made by Michael Broderick, and seconded by Charlie Hayek, to approve Certificate of Appropriateness 20-27 for the Restoration, Demolition, Addition and Variance for 209 Avenue D.**

**AYE: Michael Broderick, Anthony Westbury, George Johansen, Charlie Hayek, Holly Theuns, Kori Benton, Chair Suzanne Boardman**

Passed

**c. Certificate of Appropriateness 20-37 - Fence - 525 N. 11th Street**

Madam Chair Boardman introduced Certificate of Appropriateness 20-37 for a fence located at 525 N. 11th Street, Fort Pierce, Florida.

Madam Chair Boardman called the proceeding to order.

Clerk, Alicia Rosenthal, confirmed the City complied with advertisement and notice requirements.

Madam Chair Boardman inquired with the Board regarding ex-parte communications and asked Clerk to call the roll:

Mr. Westbury – no

Mr. Johansen – no

Mr. Hayek - no

Ms. Theuns - no

Mr. Benton - no

Mr. Broderick - no

Madam Chair Boardman – no

Madam Chair Boardman opened the public hearing.

Clerk, Alicia Rosenthal, was asked to swear in those wanting to speak during this Quasi-Judicial hearing. Individuals in the audience intending to speak on this item were asked to stand, raise their right hand, and administered an oath to tell the truth, the whole truth, and nothing but the truth. Those that were sworn in were asked to clearly state their name for the record and confirm they were sworn in at such time as they were asked to come forward to testify.

Staff Presentation:

Jennifer Hofmeister, Planning Director, provided an overview of the application.

The current proposal to install a four (4) foot high and six (6) foot high, chain link fence and two (2) additional chain link industrial gates is usually not recommended by the Historic Preservation Board as appropriate or desirable in historic districts. However, the existing four (4) foot chain link fence is screened from view by a well-maintained landscape hedge such that it does not interfere but rather enhances the streetscape and surrounding area. Based upon Secretary of Interior's Standard #9, staff recommends that the Board approve the request for installation of chain link fences and gates with the following conditions: 1. Additional 4 foot high chain link fencing be obscured from view in similar (landscape) fashion as existing fencing. 2. Proposed industrial chain link gates be changed to a more 'ornamental' style. 3. Hard surfaced areas of existing parking to be striped

Board questions for Staff:

Ms. Hofmeister answered questions from the Board on the location and height of the fence, gate material, buffer between the houses and landscaping. The Board suggested setting the standard by starting with a black aluminum fence or something comparable and replacing the current chain link fence as needed.

Applicant questions for Staff: None

Applicant presentation:

Judy Davis, Applicant, sworn, stated she does not know about the back part of the property or when the property was taken over by the church. She asked the Board if a black or green vinyl gate could be used in place of a chain link gate.

Board questions for Applicant: The Board suggested an attractive aluminum gate be used. The applicant clarified the size of the roll gates.

Public comment: None

Madam Chair Boardman, seeing no one else, closed the public hearing.

Comments by the Board:

From a historical perspective this Board has tried to avoid institutional installations in prominent residential areas. Preference is an aluminum fence with a more residential style gate and to upgrade the chain link fence to aluminum as necessary.

**Motion was made by Michael Broderick, and seconded by Holly Theuns, to continue this item to the next regularly scheduled Historic Preservation Board meeting to give staff and the applicant time to come up with more conducive fence elements to present to the Board.**

**AYE: Anthony Westbury, George Johansen, Charlie Hayek, Holly Theuns, Kori Benton, Michael Broderick, Chair Suzanne Boardman**

Passed

d. **Certificate of Appropriateness 20-38 - Demolition - 1311 Avenue E**

Madam Chair Boardman introduced Certificate of Appropriateness 20-38 to demolish the structure located at 1311 Avenue E, Fort Pierce, Florida.

Madam Chair Boardman called the proceeding to order.

Clerk, Alicia Rosenthal, confirmed the City complied with advertisement and notice requirements.

Madam Chair Boardman inquired with the Board regarding ex-parte communications and asked Clerk to call the roll:

Mr. Johansen – no  
Mr. Hayek - yes  
Ms. Theuns - no  
Mr. Benton - yes  
Mr. Broderick - no  
Mr. Westbury – no  
Madam Chair Boardman – yes

Madam Chair Boardman opened the public hearing.

Clerk, Alicia Rosenthal, was asked to swear in those wanting to speak during this Quasi-Judicial hearing. Individuals in the audience intending to speak on this item were asked to stand, raise their right hand, and administered an oath to tell the truth, the whole truth, and nothing but the truth. Those that were sworn in were asked to clearly state their name for the record and confirm they were sworn in at such time as they were asked to come forward to testify.

Staff Presentation:

Jennifer Hofmeister, Planning Director, provided an overview of the application.

The subject property is a 1,782 square foot residential, 4 unit building which was constructed in 1951. The building is in very poor condition. On November 13, 2019, the Building Department inspector completed a Property Maintenance Inspection Report. A Notice of Unsafe Building Affidavit was sent to the owner on January 9, 2020. The main findings of the inspection include but are not limited too:

- Structure is dangerous to the life, health and safety of the public and occupants.
- It is damaged, dilapidated and structurally unsafe.
- Partial or complete collapse is possible.
- Equipment and electrical wiring are unsafe.
- Structure is unfit for human occupancy.
- It lacks ventilation, sanitary facilities, heat and electricity.
- Structure is unsanitary, vermin or rat infested.

Given the application meets criteria A, B, C, D, and E for demolition and the existing condition of the site adversely impacts the health, safety, and welfare of the community, the staff recommendation is to approve the demolition request. The removal of the building may present options for new construction that will contribute to the enhancement and revitalization of the Lincoln Park Historic District.

Board questions for Staff:

Ms. Arraiz, Code Compliance Manager, sworn, answered questions from the Board on the general procedure for demolitions and acquiring a funding source for rehabilitation. She explained the next step would be City Commission approval and the funding comes from the CSI fee, which is the Clean and Safe Community Initiative. Ms. Arraiz said discussions are in place for the foreclosure process. Ms. Arraiz explained the different liens to the Board and the possibility of CRA funding the redevelopment of the property.

Applicant questions for Staff: None

Applicant presentation: None

Board questions for Applicant: None

Public comment:

Marshall Copley, sworn, would like to undertake the project as is and he asked the Board if a 30 day continuance could be given for him to do his due diligence to see if he can buy the property and rehabilitate it or get the owner to rehabilitate it.

Ms. Earley explained to the Board that there is a provision in the code that allows the Board to approve a demolition but set off the effective date of the approval at sometime between now and 18 months from now. If at that point in time no solution has come to fruition, as far as what happens with the building, staff will come back to the Board and ask permission to demolish the structure and it will have to be granted.

Staff: Ms. Arraiz said the demolition has been in the works for two years or more so another 30 days will not make much of a difference. Ms. Arraiz noted if a title transfer occurs the demolition time frame starts over and is shortened.

Mike Simone, sworn, would like to look at the electrical and structural damage so he can get a cost analysis to bring the structure up to the current Florida building code.

Madam Chair Boardman, seeing no one else, closed the public hearing.

Comments by the Board: A few Board members prefer to defer the application for 30 days so it is less cumbersome.

Mr. Hayek made a motion to approve Certificate of Appropriateness 20-38 for the demolition of the property at 1311 Avenue E and grant an additional 30 days until August 28, 2020 for a prospective buyer to buy the property and come back to the city with a permit application. Failure to do that, the demolition order will stand.

Mr. Benton suggested a 45 day deferment to allow any potential buyers time to meet with the planning and building department..

Mr. Hayek withdrew his motion.

**Motion was made by Kori Benton, and seconded by Charlie Hayek, to approve Certificate of Appropriateness 20-38, deferring the demolition period for 45 days from today's hearing, with the effective date of September 10 , 2020, encouraging any prospective buyers to evaluate the potential sale as well as zoning compliance and Florida Building Code for renovation of the property.**

**AYE: George Johansen, Charlie Hayek, Holly Theuns, Kori Benton, Michael Broderick, Chair Suzanne Boardman**

**NAY: Anthony Westbury**

Passed

e. **Certificate of Appropriateness 20-39 - Demolition - 712 Avenue E**

Madam Chair Boardman introduced Certificate of Appropriateness 20-39 to demolish the structure located at 712 Avenue E, Fort Pierce, Florida.

Madam Chair Boardman called the proceeding to order.

Clerk, Alicia Rosenthal, confirmed the City complied with advertisement and notice requirements.

Madam Chair Boardman inquired with the Board regarding ex-parte communications and asked Clerk to call the roll:

Mr. Hayek - yes

Ms. Theuns – no

Mr. Benton - no

Mr. Broderick - no

Mr. Westbury – no

Mr. Johansen – no

Madam Chair Boardman – no

Madam Chair Boardman opened the public hearing.

Clerk, Alicia Rosenthal, was asked to swear in those wanting to speak during this Quasi-Judicial hearing. Individuals in the audience intending to speak on this item were asked to stand, raise their right hand, and administered an oath to tell the truth, the whole truth, and nothing but the truth. Those that were sworn in were asked to clearly state their name for the record and confirm they were sworn in at such time as they were asked to come forward to testify.

Staff Presentation:

Jennifer Hofmeister, Planning Director, provided an overview of the application.

The subject property is a 1,210 square foot residence which was constructed in 1935. The building is in very poor condition. On January 7, 2020, the Building Department inspector completed a Property Maintenance Inspection Report. A Notice of Unsafe Building Affidavit was sent to the owner Cecelia Smith on March 5, 2020, recommending demolition of the structure. The second Notice of Violation and an Unsafe Building Affidavit was sent April 13, 2020. The main findings of the inspection include but are not limited too:

- Structure is damaged, dilapidated, dangerous and unsafe for occupancy.
- All or part of building is likely to collapse (structural members have evidence of deterioration and cannot safely support nominal loads and load effects).
- Structure is unfit for human occupancy. It lacks ventilation, sanitary facilities, heat and electricity.

Given the application meets A, B, C, D and E criteria for demolition of a structure within a designated historic district and the building's current state of disrepair, and that in the immediate vicinity there are current redevelopment projects, staff recommends approval of the demolition request. The removal of the building may present options for new construction to support Lincoln Park Historic District.

Board questions for Staff:

The Board asked staff is they are aware of adverse possession of the property. Ms. Arraiz stated she has no information from the title search regarding this.

Applicant questions for Staff: None

Applicant presentation: None

Board questions for Applicant: None

Public comment:

Michael Simone, sworn, is interested in getting in touch with the owner and rehabilitating the building.

Staff comment: Ms. Hofmeister stated she would be happy to assist in the process of rehabilitating the building. Ms. Arraiz stated she is agreeable and she explained every attempt was made to notify the owner and the demolitions was generated by complaints and concerns from the neighbors.

Madam Chair Boardman, seeing no one else, closed the public hearing.

Comments by the Board: None

**Motion was made by Kori Benton, and seconded by Michael Broderick, to continue Certificate of Appropriateness 20-39 to the next Historic Preservation Board meeting allowing interested parties to evaluate the legal dynamics of trying to pursue ownership of the property, based upon it being a contributing structure, having a higher recognized market value, and the prior owner being deceased.**

**AYE: Charlie Hayek, Holly Theuns, Kori Benton, Michael Broderick, Anthony Westbury, George Johansen, Chair Suzanne Boardman**

Passed

## **6. NEW BUSINESS**

### **a. Administratively Approved Certificates of Appropriateness - February 2020**

No comment.

### **b. Administratively Approved Certificates of Appropriateness - April 2020**

No comment.

### **c. Administratively Approved Certificates of Appropriateness - May 2020**

No comment.

### **d. Administratively Approved Certificates of Appropriateness - June 2020**

No comment.

### **e. Meeting Time Discussion**

Ms. Hofmeister proposed a new starting time of 2:00 PM for the Historic Preservation Board meetings. She explained that City Commission has authorized a possible third meeting of the month that would conflict with the current 6:00 PM meeting time. Ms. Hofmeister stated if the meeting is permanently moved to 2:00 PM a change would need to be made to the rules regarding the notification time.

Discussion ensued on daytime work schedules limiting potential board members and applicants. The Board suggested to change the time of the Historic Preservation Board meeting to 2:00 PM on a trial basis through the end of the year since it is only one meeting a month and the public can submit their comments in writing to be read at the meeting.

**7. COMMENTS FROM THE PUBLIC**

There were no comments from the public.

**8. CONSIDERATION OF ABSENCES**

**Motion was made by Michael Broderick, and seconded by Holly Theuns, to approve the absence of Mr. Johansen from the February 24, 2020 meeting.**

**AYE: Holly Theuns, Kori Benton, Michael Broderick, Anthony Westbury, George Johansen, Charlie Hayek, Chair Suzanne Boardman**

Passed

**9. ADJOURNMENT**