

# 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 26, 2021, 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**

Present: Anthony Westbury; Kori Benton; Holly Theuns; George Johansen; Charlie Hayek, Chair

Absent: Michael Broderick; Suzanne Boardman

Staff Present: Jennifer Hofmeister-Drew, Planning Director  
Maria Lewicka, Historic Preservation Planner  
Alicia Rosenthal, Executive Assistant

Attendees: Fran Ross, Board Attorney

**4. APPROVAL OF MINUTES**

- a. Minutes from the June 28, 2021 meeting

Motion was made by Holly Theuns, and seconded by Anthony Westbury to approve the minutes from the June 28, 2021 meeting.

AYE: Anthony Westbury, Kori Benton, Holly Theuns, George Johansen, Chair Charlie Hayek

Passed

**5. PUBLIC HEARINGS**

**a. Certificate of Appropriateness 21-30 - New Fence & Variance - 517 N. 12th Street**

Chairman Hayek introduced the Certificate of Appropriateness for a new fence and Variance for 517 N. 12th Street.

Chairman Hayek asked the Board Attorney, Fran Ross, to explain the Quasi-Judicial Hearing procedures.

Before commencing this Quasi-Judicial Hearing, Fran Ross, Board 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.

Chairman Hayek called the proceeding to order.

The clerk confirmed the City complied with advertisement and notice requirements.

Chairman Hayek inquired with the Board regarding ex-parte communications and asked Clerk to call the roll:

Mr. Benton - no  
Ms. Theuns – no  
Mr. Johansen – no  
Mr. Westbury – no  
Mr. Hayek – no

Chairman Hayek opened the public hearing.

The clerk 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:**

Maria Lewicka, Historic Preservation Planner, explained that this item was presented to the Board at the June 28, 2021 Historic Preservation Board meeting and it was tabled for 60 days or until the contractor could be present. Ms. Lewicka provided an overview of the application. The subject site is located within the Lincoln Park Historic District. The subject fence, with the exception of the gate, has already been installed without the required Certificate of Appropriateness (COA) or Building Permit approval. The applicant is requesting COA approval for the installation of a six (6) foot high white PVC fence along the rear (west) property line, front (east) property line and part of side (north) property line and installation of a 12 foot roll gate. The applicant also requested a variance to deviate from City Code Section 125-322.(c) (2), which allows for a maximum height of the fence located within the required front yard to be four (4) feet. The height of the fence that is located within the required front yard is (6) feet. The applicant is requesting a variance to exceed the maximum height within

the required front yard by two (2) feet. The subject City Code section allows a maximum height of a fence within the required yard to be four (4) feet whereas the height of the proposed (existing) fence located within the required front yard is (6) feet.

Fences are important elements of the design and character of historic structures and districts. The scale and character of a fence must be compatible with the houses and the neighboring structures. The subject proposal seeks to install a six (6) foot high, white PVC fence which does not meet the recommendations based on Secretary of Interior's Standard #9. The height and mass of the fence, the white PVC material does not blend well with the moderately sized and multiple colored neighboring residences. There are no other fences on the street other than a few old four (4) foot high chain link fences. The solid six (6) foot high white fence appears intrusive and not compatible with the material and sizes of the existing surrounding fences. Based upon Secretary of Interior's Standard #9, staff recommends that the Board deny the request for the installation of a PVC fence and gate, or approve it with the conditions that the part of the fence located on the front yard of the property will be a 4 foot high picket fence and the picket fence construction will be similar to or as recommended by the Fort Pierce Historic District Wood Picket Fence Guide. Additionally, staff recommends denial of the variance as it does not meet requirements of City Code Sec. 125- 108 of the City Code - Criteria for granting variances (1) through (5).

Board questions for Staff: Mr. Johansen asked if a 4 foot high fence can be closer to the street. Mr. Benton asked if the northern structure was part of the application. Mr. Benton also asked if vehicles will be parked behind the fence and if a driveway is proposed.

Applicant questions for Staff: none

Applicant presentation: Sarah George, Owner and Applicant, sworn, explained she is remodeling her home that was built in 1930 and the fence was installed for safety and protection for herself and the community.

Gary Bell, George and Associates Contractor, sworn, stated he installed the fence.

Board questions for Applicant: Mr. Benton asked the intent of the 12 foot gate.

Public comment: Janelle Howard, sworn, neighbor of Ms. George, spoke in favor of the application.

Portia George, sworn, stated she was speaking on behalf of the neighborhood and is in favor of the application.

Staff final comments: Ms. Hofmeister-Drew noted that the Certificate of Appropriateness application was submitted after the fact and the building permit was not approved. Ms. Lewicka provided the timeline on when the permit and application was submitted.

Chairman Hayek, seeing no one else, closed the public hearing.

Comments by the Board: Mr. Benton stated he would support the height and type of fence material if the fence was shifted back to the northeast corner of the rear addition. Ms. Theuns and Chairman Hayek expressed concerns with creating barriers by not being able to see through the fence. Chairman Hayek noted that by approving the fence and Variance the Board will be setting a precedent that a fence can be put up and a permit can be received afterwards. Board discussion ensued on how to reconfigure the fence.

Motion was made by Kori Benton, and seconded by Holly Theuns to approve the Certificate of Appropriateness and Variance for 517 N. 12th Street conditioned upon:

1. Allowing the panels south of the structure to be within the 25 foot setback, no closer than 19 feet to the property line,
2. Allowing for up to a two panel extension north of the northeast corner of the structure within the 25 foot setback, no further east than the 19 foot setback,
3. Jogging the fence back to the west to two panels, roughly 12 feet, and allowing that plane to continue north connecting into the existing fence at the north property line,

AYE: Kori Benton, Holly Theuns, George Johansen, Anthony Westbury, Chair Charlie Hayek

Passed

**b. Certificate of Appropriateness 21-32 - New Fence - 520 Means Court**

Chairman Hayek introduced the Certificate of Appropriateness for a new fence located at 520 Means Court.

Chairman Hayek asked the Board Attorney, Fran Ross, to explain the Quasi-Judicial Hearing procedures.

Before commencing this Quasi-Judicial Hearing, Fran Ross, Board 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.

Chairman Hayek called the proceeding to order.

The clerk confirmed the City complied with advertisement and notice requirements.

Chairman Hayek inquired with the Board regarding ex-parte communications and asked Clerk to call the roll:

Mr. Johansen – no  
Mr. Westbury – no  
Mr. Benton - no  
Ms. Theuns – no  
Mr. Hayek – no

Chairman Hayek opened the public hearing.

The clerk 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:**

Maria Lewicka, Historic Preservation Planner, explained that this item was presented to the Board at the June 28, 2021 Historic Preservation Board meeting and it was tabled for 60 days or until the contractor could be present. Ms. Lewicka provided an overview of the application. The subject site is located within the Lincoln Park Historic District. The fence, has already been installed without Certificate of Appropriateness (COA) or Building Permit approval. The applicant is requesting COA approval for the installation of a four (4) foot high chain link fence 25 feet from the west front property line and along of the part of north side property line, and installation of a six (6) foot high white PVC fence along the south side property line and around 41 feet from the west front property line and installation of 12 foot double gate. The current proposal to install a four (4)-foot high chain link fence and six (6) foot high, white PVC fence with 12 feet wide gate is usually not recommended by the Historic Preservation Board as appropriate or desirable in historic districts. In addition, on lots determined by the planning director to be in an area targeted for redevelopment, chain link fences are permitted only if located no closer than 25 feet to any public right-of-way, are painted or coated, and screened from the public right-of-way with shrubs and no less than one tree for each 50 linear feet. Since both fences are already installed and located 25 feet or more from the front property line, staff recommends that the Board approve the request for the installed fences and gate to remain on the site with the condition that the existing four (4) foot chain link fence is screened from view by a well-maintain landscape hedge, such that it enhances the streetscape and surrounding area.

Board questions for Staff: Mr. Benton asked the location of the chain link fence and proposed landscape hedge. Ms. Lewicka stated the PVC fence is 40 feet from the property line and is almost invisible when driving down the street and the hedge will be located to the west of the chain link fence. Mr. Benton asked if the applicant plans to combine Lot 13 and Lot 14.

Applicant questions for Staff: None

Applicant presentation: Sarah George, Owner and Applicant, sworn, stated that her son owns the property to the north and she takes care of the property. Ms. George said she only wants to fence in the duplex.

Board questions for Applicant: none

Public comment: none

Staff final comments: none

Chairman Hayek, seeing no one else, closed the public hearing.

Comments by the Board: Ms. Theuns said the shrubbery is a good buffer from the right-of-way.

Motion was made by Holly Theuns, and seconded by Anthony Westbury to approve Certificate of Appropriateness 21-32 for the new fence at 520 Means Court with the following condition:

1. Existing four (4) foot chain link fence is screened from view by a well-maintain landscape hedge such that it enhances the streetscape and surrounding area.

AYE: George Johansen, Anthony Westbury, Kori Benton, Holly Theuns, Chair Charlie Hayek

Passed

c. **Certificate of Appropriateness 21-37 - Additions - 806 Boston Avenue**

Chairman Hayek introduced the Certificate of Appropriateness for renovation and additions at 806 Boston Avenue.

Chairman Hayek asked the Board Attorney, Fran Ross, to explain the Quasi-Judicial Hearing procedures.

Before commencing this Quasi-Judicial Hearing, Fran Ross, Board 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.

Chairman Hayek called the proceeding to order.

The clerk confirmed the City complied with advertisement and notice requirements.

Chairman Hayek inquired with the Board regarding ex-parte communications and asked Clerk to call the roll:

Mr. Johansen – no

Mr. Westbury – no

Mr. Benton - no

Ms. Theuns – no

Mr. Hayek – no

Chairman Hayek opened the public hearing.

The clerk 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:

Maria Lewicka, Historic Preservation Planner, provided an overview of the application. This frame vernacular residential non-contributing structure was built in 1951 with a low-slope side gable roof that was replaced in 2013. The structure is elevated slightly above grade on a stem wall foundation. The exterior wall fabric is wide, horizontally-oriented and consists of asbestos. The applicant is proposing a renovation of the building with additions which include: resizing and replacement of the windows and front door with impact windows and door, replacement of siding with new siding in desert stone color, addition of a front porch and an addition of a screen porch on the back of the residence.

The exterior and interior alternations of the residence are needed to avoid potential hurricane damage and assure its continued use. The proposed renovations and alternations will address the technical and economic efficiency of the building. The addition of the new porch

and sun room will also enrich the architecture and functional efficiency of the residence. Overall, the proposal is consistent with Secretary of the Interior Standards #5 and #9, and staff recommends that the Historic Preservation Board approve the request.

Board questions for Staff: Ms. Theuns asked if the new addition is a sunroom or a screened porch.

Applicant questions for Staff: none

Applicant presentation: Amanda Nickles, Owner and Applicant, sworn, stated the house was a rental and major renovations are needed so she can live in the home.

Board questions for Applicant: Mr. Benton asked what type of material is on the existing roof. Ms. Nickles stated the the roof is metal and it was replaced in 2013.

Public comment: none

Staff final comments: none

Chairman Hayek, seeing no one else, closed the public hearing.

Comments by the Board: none

Motion was made by Kori Benton, and seconded by Holly Theuns to approve Certificate of Appropriateness 21-37 as presented, based on the consistency with the Secretary of Interior Standards and testimony garnered.

AYE: George Johansen, Anthony Westbury, Kori Benton, Holly Theuns, Chair Charlie Hayek  
Passed

d. **Certificate of Appropriateness 21-35 - Demolition - 427 N. 14th Street**

Chairman Hayek introduced the Certificate of Appropriateness for a Demolition of building #3 at 427 N. 14th Street.

Chairman Hayek asked the Board Attorney, Fran Ross, to explain the Quasi-Judicial Hearing procedures.

Before commencing this Quasi-Judicial Hearing, Fran Ross, Board 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.

Chairman Hayek called the proceeding to order.

The clerk confirmed the City complied with advertisement and notice requirements.

Chairman Hayek inquired with the Board regarding ex-parte communications and asked Clerk to call the roll:

Mr. Westbury – no  
Mr. Benton - yes  
Ms. Theuns – no  
Mr. Johansen – no  
Mr. Hayek – no

Chairman Hayek opened the public hearing.

The clerk 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:

Maria Lewicka, Historic Preservation Planner provided an overview of the application. The subject site is located within the Lincoln Park Historic District. The property consists of five (5) residential cottages built from years 1947 to 1952. The applicant is requesting Certificate of Appropriateness approval for the demolition of one (1) of four structures located on the same property. The subject structure #3, proposed for demolition, is a duplex located on the back of the property.

The building proposed for demolition is in very poor condition. It was not maintained for an extended period of time and is visibly damaged, deteriorated and unsafe. 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, staff recommends approval of the demolition request. Once the subject building is demolished the property should be re-sodded and potentially used as a common open space for the development. Addressing criterion F, the applicant stated that he would like to reserve the right to submit plans for future building at the demolition location. However, the removal of the building will not allow the option for a new construction as this property is located within Medium Density Residential Zone (R-4) which permits a maximum gross density not to exceed 10 units per acre for conventional developments and 12 units per acre for innovative developments. Currently there are nine (9) units located on the 0.48 acre property. The density, therefore, would exceed the maximum number of units allowed by the current code.

Board questions for Staff: Mr. Benton asked what city approval would be needed to park vehicles in the demolished cottage area. Mr. Benton also asked if any re-use of the property would be presented to the Historic Preservation Board. Ms. Hofmeister-Drew noted that parking would need to be reviewed by Engineering for drainage and impervious area. Mr. Westbury asked about the condition of the other four units on the property.

Applicant questions for Staff: None

Applicant presentation: Chris Patterson and Meredith Patterson, Owners and Applicant, sworn. Ms. Patterson stated the units are beautiful inside and out and there are no more demolitions planned. Mr. Patterson said there are seven units on the property, consisting of three duplexes and one single family home, and they would like to rebuild or replace the structure that is being demolished.

Board questions for Applicant: Mr. Westbury asked the intentions for the rest of the cottages and what shape they are in.

Public comment: none

Staff final comments: none

Chairman Hayek, seeing no one else, closed the public hearing.

Comments by the Board: Mr. Benton asked if new construction would come before the Board if the unit proposed is restored. Mr. Benton expressed concerns with makeshift parking as opposed to parking that is organized and properly permitted and screened with landscaping. Mr. Westbury made the applicant aware that they may not be able to rebuild.

Motion was made by Anthony Westbury, and seconded by George Johansen to approve Certificate of Appropriateness 21-35 to demolish building #3 located at 427 N.14th Street.

AYE: Anthony Westbury, Kori Benton, Holly Theuns, George Johansen, Chair Charlie Hayek

Passed

## **6. NEW BUSINESS**

- a. Administratively Approved Certificates of Appropriateness - June 2021

## **7. COMMENTS FROM THE PUBLIC**

There were no comments from the public.

## **8. CONSIDERATION OF ABSENCES**

Motion was made by Holly Theuns, and seconded by Kori Benton to approve the absences of Ms. Boardman and Mr. Broderick.

AYE: Kori Benton, Holly Theuns, George Johansen, Anthony Westbury, Chair Charlie Hayek

Passed

## **9. ADJOURNMENT**