

# 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, OCTOBER 23, 2023, 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**

Ms. Anicito entered the meeting at 2:09 PM.

Present: Betty Jo Starke; Anthony Westbury; Holly Theuns; Andrea Anicito; Minnie Spivey;  
Charlie Hayek, Chairman

Absent: KeAndrea Davis

Staff Present: Sara Hedges, City Attorney  
Maria Lewicka, Historic Preservation Planner  
Alicia Rosenthal, Planning and Development Organizer

4. **APPROVAL OF MINUTES**

- a. Minutes from the September 25, 2023 meeting

Motion was made by Betty Jo Starke, and seconded by Anthony Westbury to approve the minutes from the September 25, 2023 meeting.

AYE: Anthony Westbury, Holly Theuns, Andrea Anicito, Minnie Spivey, Betty Jo Starke,  
Chairman Charlie Hayek

Passed

5. **PUBLIC HEARINGS**

a. **Certificate of Appropriateness #23-54 - Fences Installation - 210-212 Avenue D**

The clerk introduced Certificate of Appropriateness 23-54 for installation of two fences located at 210-212 Avenue D.

Chairman Hayek asked the City Attorney to explain the Quasi-Judicial Hearing procedures.

Before commencing this Quasi-Judicial Hearing, the 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.

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 the Clerk to call the roll:

Mr. Westbury - no  
Ms. Theuns - yes  
Ms. Anicito - no  
Ms. Spivey- no  
Ms. Starke - no  
Chairman Hayek - yes

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 the 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.

Staff Presentation:

Maria Lewicka, Historic Preservation Planner, stated the subject site is a vacant, residential parcel located in the Edgartown Historic District. The subject fence has already been installed without the required Certificate of Appropriateness (COA) or Building Permit approval. The applicant is requesting approval of a COA to allow for the installation of a new 6-foot-high board on board wooden fence on the north and west side of the property, installation of a new 4-foot-high wood picket fence on the south and east side of the property, and the first 25 feet of the fence from the front property line on the west and north side will be also 4 feet high. Ms. Lewicka stated fences are important elements of the design and character of historic districts. The scale and character of a fence should be compatible with the neighboring fences. The subject proposal seeks to install four (4) and six (6) foot high, fences already introduced to this location and this area.

Board questions for Staff: Chairman Hayek asked if there are specific fence regulations for Edgartown and if fences have to be white picket in Edgartown. Ms. Theuns asked which street is the front yard and which street is the side yard. Ms. Anicito asked if other fences in

Edgartown are installed on the property line.

Ms. Hedges stated in the Code of Ordinances there are specific setback requirements for fences in Edgartown. Ms. Lewicka said the already installed fence on the front yard does not meet the two-foot setback and the applicant would have to apply for a Variance in order to vote on the Certificate of Appropriateness application.

Applicant Presentation: Curtis Boyd, Applicant Representative, sworn, explained that half of the yards in Edgartown have 6-foot solid fences with raw wood and there are not many white picket fences. He said he put the fence on the lot line because all the other fences in the neighborhood were on the lot line. Mr. Boyd said he should have been more diligent in applying for a building permit. Mr. Boyd stated he will apply for a Variance.

Board questions for Applicant: Ms. Theuns asked the applicant if he is opposed to staining the picket fence white. Chairman Hayek asked how long the fence has been installed.

Public comment: none

Staff final comments: Ms. Lewicka said the Certificate of Appropriateness application will have to move to the November 27, 2023, Historic Preservation Board meeting because a Variance application is also needed.

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

Comments by the Board: The Board members agreed all fences should be stained white because it makes the neighborhood pop, creates charm and provides a clean look.

Motion was made by Anthony Westbury, and seconded by Holly Theuns to table Certificate of Appropriateness 23-54 to the November 27, 2023 Historic Preservation Board meeting.

AYE: Anthony Westbury, Holly Theuns, Andrea Anicito, Minnie Spivey, Betty Jo Starke,  
Chairman Charlie Hayek

Passed

## **6. NEW BUSINESS**

- a. Administratively Approved Certificates of Appropriateness - September 2023

## **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 Betty Jo Starke to defer the approval of Ms. Davis's absence to the next Historic Preservation Board meeting

AYE: Holly Theuns, Andrea Anicito, Minnie Spivey, Betty Jo Starke, Anthony Westbury,  
Chairman Charlie Hayek

Passed

**9. ADJOURNMENT**