

# 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, DECEMBER 18, 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. Davis entered the meeting at 2:11 PM.

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

Absent: Anthony Westbury

Staff Present: Kev Freeman, Planning Director  
Maria Lewicka, Historic Preservation Planner  
Alicia Rosenthal, Planning and Development Organizer

4. **APPROVAL OF MINUTES**

a. Minutes from the October 23, 2023 meeting

Motion was made by Andrea Anicito, and seconded by Holly Theuns to approve the minutes from the October 23, 2023 meeting.

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

Passed

5. **PUBLIC HEARINGS**

a. **Certificate of Appropriateness #23-60 - Demolition - 432 Douglas Court**

The clerk introduced Certificate of Appropriateness 23-60 for the demolition located at 432 Douglas Court.

The clerk explained the Quasi-Judicial Hearing procedures.

Before commencing this Quasi-Judicial Hearing, the clerk 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 a 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 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 the advertisement requirements.

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

Ms. Theuns - no  
Ms. Anicito - no  
Ms. Spivey- no  
Ms. Starke - no  
Chairman 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 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, said the 1938 structure is a one-story frame building with a fiberglass shingle gable roof. The applicant is requesting approval for the demolition of the fire-damaged, deteriorated structure that is in very poor condition that was left to deteriorate for an extended period of time. While reconstruction of the building is possible, it would be at considerable expense. Given the application meets the A, B, C, D, and E criteria for demolition of a structure within a designated historic district, staff recommends the Historic Preservation Board approve the demolition request with the recommendation that a new residence should be constructed as soon as possible and in a style and manner compatible with the surrounding Historic District.

Board questions for staff: Chairman Hayek asked if the applicant has to submit plans for a new house.

Applicant Presentation: Terence Small, Applicant Representative, sworn, introduced himself.

Board questions for Applicant: Ms. Theuns asked Mr. Small if he had plans for a new house.

Mr. Small stated he was waiting for the demolition approval before spending the money to draw up plans for a new house.

Public comment: none

Staff final comments: none

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

Comments by the Board: Chairman Hayek said the current house is a life safety issue.

Motion was made by Andrea Anicito, and seconded by Minnie Spivey to approve Certificate of Appropriateness 23-60 for the demolition of the fire damaged, deteriorated structure located at 432 Douglas Court.

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

Passed

b. **Certificate of Appropriateness #23-54 and Variance - Fences - 210-212 Avenue D**

The clerk introduced Certificate of Appropriateness 23-54 for fence installations and a Variance located at 210-212 Avenue D.

Chairman Hayek called the proceeding to order.

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

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

Ms. Theuns - yes

Ms. Anicito - yes

Ms. Spivey- no

Ms. Starke - no

Ms. Davis - 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, explained the application was tabled at the October 23, 2023, Historic Preservation Board meeting because a variance was needed due to the fence being constructed on the property line. Ms. Lewicka said since the October meeting, the picket fence has been painted white. Ms. Lewicka reviewed the background and request. She stated the subject site is a vacant, residential parcel located in the Edgar Town Historic District where the subject fence has already been installed without the required Certificate of Appropriateness (COA) or building permit. The applicant is requesting approval for the installation of a new 6-foot-high board-on-board wooden fence on the north and west sides of the property, and the installation of a new 4 foot-high white wooden picket fence on

the south and east sides of the property. The first 25 feet of the fence from the front property line on the west and north are also 4 feet high. The requested fence requires a variance to deviate from City Code Section 125-197. (f)(5), which requires a minimum of two foot front yard fence setback whereas the proposed fence is located on the property line. The subject proposal seeks to install fences that have already been introduced to the location and area. Ms. Lewicka highlighted the fence matches other fences in the neighborhood that are also installed on the property line.

Board questions for Staff: Chairman Hayek asked if there is anything in the code that states the picket fence has to be painted white. Ms. Lewicka said the fence guide approved by the Historic Preservation Board recommends the fence be painted white. It is a preference, not a requirement.

Applicant Presentation: Curtis Boyd, Applicant Representative, sworn, introduced himself.

Board questions for Applicant: Ms. Theuns asked Mr. Boyd if he had any plans to install a white picket fence around the house. Mr. Boyd stated that ultimately it is on the list.

Public comment: none

Staff final comments: none

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

Comments by the Board: After the vote, Ms. Anicito asked if it is possible to change the code to allow fences on the property line in Edgar Town. Mr. Freeman said the code could be changed for administrative approval. He said staff will look into the code and bring something back to the Board for review and approval.

Motion was made by KeAndrea Davis, and seconded by Holly Theuns to approve Certificate of Appropriateness 23-54 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 white wooden picket fence on the south and east side of the property; first 25 feet of the fence from the front property line on the west and north side will also be 4 feet high; and to approve a Variance for the front yard fence to be installed on the property line at 210-212 Avenue D.

AYE: Holly Theuns, Andrea Anicito, Minnie Spivey, Betty Jo Starke, KeAndrea Davis,  
Chairman Charlie Hayek

Passed

**c. Certificate of Appropriateness #23-62 and Variance - Fence - 1009 Delaware Avenue**

The clerk introduced Certificate of Appropriateness 23-62 for a fence located at 1009 Delaware Avenue.

Chairman Hayek called the proceeding to order.

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

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

Ms. Anicito - yes

Ms. Spivey- no

Ms. Starke - no  
Ms. Davis - no  
Ms. Theuns - 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 St. Lucie County Property Appraiser's Record Card indicates the subject structure was built as a private residence in 1921, while the Florida Master Site File shows the structure being built in 1924. In 2005, the City of Fort Pierce designated the home as a historic property and a locally significant site.

Although the siding and roof are not the original, the subject structure has retained much of its original architectural integrity. The two-story wood frame embodies the characteristics of a Frame Vernacular styling, expressed by a cross gable roof, exposed rafter ends, a symmetrical facade, offset entrance, and a veranda. The veranda has a hip roof supported by wooden posts and is partially enclosed with double-hung sash windows.

The applicant is requesting approval of a Certificate of Appropriateness (COA) for the installation of a new 6-foot white PVC fence 21 feet from the north property line within the front yard, installation of a new 6-foot white PVC fence three (3) feet from the west property line within the side street yard, installation of a new 6-foot white PVC fence on the east and south property lines, installation of a 5-foot wide entry gate on the north side and two (2) 10 feet wide vehicle entry gates on the west and east side of the property. The applicant also requested a variance to deviate from City Code Section 125-322.(c)(1), which allows for the maximum height of the fence located within the required front yard to be four (4) feet. The height of the proposed fences that are located within the required front yard are six (6) feet.

The individually designated subject property is located just outside the Oakland Park historic district, across the street from the historic Creative Arts Academy of St. Lucie (CAST) school, and along Delaware Avenue, known for the historical structures that front the scenic roadway. Ms. Lewicka said the two (2) lots will be combined in the future and the proposed fences are screened by several trees. The scale and character of the fence should be compatible with the neighboring fences. The subject proposal seeks to install a 6-foot-high, white PVC fence not found in the front yards within neighboring areas. The height and mass of the fence and the white PVC material does not blend well with the street scape and moderately sized and multiple-colored neighboring residences that almost don't have front yard fences at all. Ms. Lewicka noted the fence on the north property line is not visible on Delaware Avenue because of the landscaping.

Board questions for Staff: Ms. Theuns asked where a 6-foot fence is allowed on the property. Ms. Lewicka stated on the back and side of the property with the proper setbacks. Chairman Hayek asked if the 6-foot fence at the corner presents any problems as far as the sight line for people making a turn at 11th Street. Ms. Lewicka stated 21 feet from the property line is sufficient.

Applicant Presentation: Gifford Gumbinner, Applicant Representative, sworn, introduced himself.

Board questions for Applicant: Ms. Theuns asked why a solid 6-foot fence is needed.

Chairman Hayek asked the applicant if he would be opposed to a 4-foot picket fence on the front yard property line. Ms. Anicito asked if a 4-foot tall fence would help and how much teaching space would be lost if a 6-foot fence was put up front.

Public comment: Joseph Dieusener, resident, stated a 6-foot fence is necessary for what is being done at the building.

Applicant final comments: Mr. Gumbinner said he understands the historical value of the property, but he said kids can jump over and see through a 4-foot fence. The fence is for the kids' safety, to keep kids that are not in the program from coming on to the property. It is a necessity over the appearance of the fence. He said the 4-foot fence would deter kids from walking on the property, but the real issue is visually seeing the kids in the program.

Staff final comments: none

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

Comments by the Board: Lengthy board discussion ensued on making an exception for the height based on the use of the property. The Board discussed the safety of the kids in the program and how a 6-foot solid fence would be a deterrent to keep other kids from coming onto the property and minimizing visual distraction to the kids in the program. Ms. Theuns said the fence will not solve the problem.

Ms. Davis made a motion that the fence around the home would stay 6 feet high and the fence in the front yard would be 4 feet high on the property line. Ms. Davis rescinded her motion after Ms. Lewicka explained what the applicant was requesting.

Motion was made by KeAndrea Davis, and seconded by Betty Jo Starke to approve Certificate of Appropriateness 23-62 at 1009 Delaware Avenue for the installation of a new 6-foot-high white PVC fence, 21 feet from the north property line within the front yard; installation of a new 6-foot-high white PVC fence three (3) feet from the west property line within the side street yard; installation of a new 6-foot-high white PVC fence on the east and south property lines; installation of a five (5) foot wide entry gate on the north side and two(2) 10 feet wide vehicle entry gates on the west and east side of the property and approval of a variance to allow for a maximum height of the fence located within the required front yard to be six (6) feet.

AYE: Andrea Anicito, Minnie Spivey, Betty Jo Starke, KeAndrea Davis, Chairman Charlie Hayek

NAY: Holly Theuns

Passed

d. **Certificate of Appropriateness #23-53 - Fence and Variance - 520 S. 10th Street**

The clerk introduced Certificate of Appropriateness 23-62 for a fence and Variance located at 520 S. 10th Street.

Chairman Hayek called the proceeding to order.

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

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

Ms. Spivey- no  
Ms. Starke - no  
Ms. Davis - no  
Ms. Theuns - yes  
Ms. Anicito - 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 non-contributing property located within the Oakland Park Historic District. There is an existing 4-foot high chain link fence to the north, east and south of the property. The north and east fences are located on the property lines. The south side fence is located outside the property line, on the city right-of-way. In addition, the recently installed (with no permits) brick pavers also encroach on the south property line and are partly located within the city right-of-way.

The applicant is requesting approval of a Certificate of Appropriateness (COA) to allow for the installation of a new 6-foot white PVC fence on the north, south and east sides of the property lines, installation of a 3-foot wide entry gate on the west side and a 20-foot wide vehicle entry gate on the south side of the property. The applicant also requested a variance to deviate from City Code Section 125-322. (c)(1), which allows for the maximum height of the fence located within the required front yard to be four (4) feet. The height of the proposed fence that is located on the property line (within the required front yard) is six (6) feet.

The scale and character of a fence should be compatible with the neighboring fences. The subject proposal seeks to install a six (6) foot high, white PVC fence not found on the front yards in the neighboring area. The solid six (6) foot high white fence appears intrusive and not compatible with the surroundings. The height and mass of the fence and the white PVC material does not blend well with the street scape and moderately sized and multiple-colored neighboring residences that almost don't have front yard fences at all.

Board questions for Staff: Ms. Starke asked how the brick pavers issue would be resolved and what is supposed to be in place of the brick pavers. Ms. Lewicka stated there should be grass and the brick pavers issue will be resolved when the city street is improved or sidewalks are installed.

Applicant Presentation: Joseph Dieusener, Applicant Representative, sworn, stated he has been living in the home for three (3) years, and he installed the pavers where the original fence was installed. He said he was told by staff if the fence was still there, it would have been grandfathered in. Mr. Dieusener said he will remove the pavers to where the new fence will be installed. He stated he wants to put the fence on the property line in his backyard because his house was broken into by someone jumping the chain link fence in his backyard. He noted any child can jump over a 4-foot fence. He mentioned five (5) other instances of houses being broken into in his neighborhood and there are a few houses in the neighborhood that have 6-foot high PVC fences. Mr. Dieusener provided the Board with the reporting officer's narrative of the burglary at his home.

Board questions for Applicant: Chairman Hayek asked the applicant his thoughts on not being able to see through a fence and not knowing what is going on behind closed doors. Ms Davis

asked about the height of the gates. Ms. Theuns asked if there would be an existing chain link fence on the front and sides of the house.

Public comment: none

Staff final comments: Mr. Freeman stated staff met with the applicant and the existing chain link fence is in the right-of-way (ROW), and it will be moved out of the ROW and the new fence will be on the property line. Mr. Freeman noted no action will be taken on the brick pavers until the ROW is improved in the future. The applicant will remove the pavers or the city will remove the pavers at the time of street reconstruction.

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

Comments by the Board: none

Motion was made by Betty Jo Starke, and seconded by KeAndrea Davis to approve Certificate of Appropriateness 23-53 at 520 S. 10th Street for the installation of a new 6-foot white PVC fence on the north, south and east side property lines; installation of a three (3) foot wide entry gate on the west side; a 20 foot wide vehicle entry gate on the south side of the property; and a variance to allow for a maximum height of a six (6) foot fence located within the required front yard on the property line.

AYE: Minnie Spivey, Betty Jo Starke, KeAndrea Davis, Holly Theuns, Andrea Anicito,  
Chairman Charlie Hayek

Passed

## **6. NEW BUSINESS**

- a. Administratively Approved Certificates of Appropriateness - October 2023
- b. Administratively Approved Certificates of Appropriateness - November 2023

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

There were no comments from the public.

Chairman Hayek updated the Board on the decision made by the City Commission at the December 11, 2023, Conference Agenda regarding moving forward with the Historic Designation for Little Jim Bait and Tackle. Chairman Hayek noted that part of the property was given to the city by the state for public use only and if the city sells the property, the city would be responsible for the difference between the cost of the property at the time it was given and the value of the property at the time it is being sold.

Mr. Freeman stated he has tasked staff with moving forward with the application, and it will be moving to the Historic Preservation Board in the near future.

## **8. CONSIDERATION OF ABSENCES**

Motion was made by Holly Theuns, and seconded by KeAndrea Davis to table the absence of Mr. Westbury until the next meeting he attends.

AYE: Betty Jo Starke, KeAndrea Davis, Holly Theuns, Andrea Anicito, Minnie Spivey,  
Chairman Charlie Hayek

Passed

- a. Absences from the October 23, 2023, meeting

Motion was made by Holly Theuns, and seconded by Andrea Anicito to approve the absence of Ms. Davis from the October 23, 2023 meeting.

AYE: KeAndrea Davis, Holly Theuns, Andrea Anicito, Minnie Spivey, Betty Jo Starke,  
Chairman Charlie Hayek

Passed

## **9. ADJOURNMENT**

**REPORTING OFFICER NARRATIVE**

*Fort Pierce Police Department*

		OCA 23-04-00789
Victim <b>HARDING, LEROY</b>	Offense <b>THEFT OF BICYCLE</b>	Date / Time Reported <b>Mon 04/24/2023 09:39</b>

On 04/24/2023 at approximately 0939 hours, I was dispatched to 520 S 10th St in reference to theft of a bicycle. While in route, dispatched advised that there was a Deputy Sheriff unit out with the suspect in the area of Kentucky Ave/ Texas Court.

Upon arrival, I made contact with Deputy Sheriff Joseph, Dieusener. He advised that he was working at Dan McCarty Middle school when his father in law called him and advised that someone just took his bicycle from the back porch of his house. He stated that he left work and started looking for the suspect. The suspect was located in the area of Texas Ct and Kentucky Ave. He said that he detained him and called Fort Pierce police. Dieusener advised that he wanted to press charges for the bike.

I made contact with the suspect who was identified as Alfred, Lee Clark. I ran Alfred's information through records, FCIC/NCIC indicated that Alfred had no outstanding warrant. I read Alfred his Miranda Rights and he agreed to speak to me. He admitted that he went in the back yard took the bicycle from the back porch of an occupied dwelling and fled the scene. He stated that he was trying to go to a Doctor's appointment with the bicycle.

I proceeded to 520 S 10th St to speak with the Father in law, Leroy Harding. He advised that he was in his room at 520 S. 10th St. when he heard sounds in the back porch. He advised that he saw a black male enter the porch, take a bicycle and exit the through the northside of the fence. He advised that he started following the suspect and lost eye contact with him. He then told his wife to call his son in law who is a Deputy Sheriff, and the son in law eventually caught up with the suspect in the area of Texas Ct/ Kentucky Ave. Leroy was able to write a sworn written statement.

I observed the backyard was fenced all around, and the back porch had a door with roof and was conected to the main house. The bicycle was a blue Huffy Rock creek, Serial Number SNHTM20G10993. I took pictures of the bicycle and the back porch. The pictures will be submitted to evidence.com. The bicycle was returned to the owner.

Based on the aforementioned, Alfred violated Florida State Statute 810.02(3A) by committing burglary in an occupied dwelling. Therefore, Alfred was taken to the St Lucie County Jail with no further incident.

BWC footage is available.