



**BOCA GRANDE HISTORIC PRESERVATION BOARD  
BOCA GRANDE COMMUNITY CENTER, WOMAN'S CLUB ROOM  
131 FIRST STREET WEST, BOCA GRANDE, FL 33921  
WEDNESDAY, JUNE 8, 2016  
10:00 AM**

**AGENDA**

*For public review, the meeting agenda and backup materials for the cases are available starting June 2, 2016 at the Lee Co. Planning Division at 1500 Monroe St Ft. Myers FL, the Johann Fust Community Library, 1040 West 10<sup>th</sup> St, Boca Grande, FL., and at [www.leegov.com/dcd/events](http://www.leegov.com/dcd/events).*

- 1. Call to Order/Roll Call/Review of Affidavit of Publication**
- 2. Approval of Minutes – April 13, 2016**
- 3. Public Hearing for Historic Designation Case**
  - A. HDC2016-00004 Cowan 920 Palm Ave. Boca Grande FL 33921 (Change in status from contributing to non-contributing).
- 4. Special Certificate of Appropriateness (COA) Cases:**

***Note:** Zoning relief for each of the projects below is being considered pursuant to Land Development Code Section 22-174. A summary of the zoning relief requests is available for informational purposes in the backup materials.*

  - A. COA2016-00029 McLaughlin 354-360 Park Ave. Boca Grande FL 33921 – Request renovation of and addition to the existing commercial building.
  - B. COA2015-00112 Patenaude 210 Banyan St Boca Grande FL 33921- Request rehabilitation and addition to the existing residence.
- 5. Items by the Public; Committee Members; Staff**
- 6. Adjournment – Next Meeting Date: To Be Determined**

A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

Persons with disabilities who need an accommodation to participate in the Boca Grande Historic Preservation Board meeting should contact Janet Miller, 1500 Monroe Street, Fort Myers, FL 33901 (239-533-8583 or [jmiller@leegov.com](mailto:jmiller@leegov.com)). To ensure availability of services, please request accommodation as soon as possible but preferably five or more business days prior to the event. Persons using a TDD may contact Janet Miller through the Florida Relay Service, 711.

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**MINUTES REPORT**  
**BOCA GRANDE HISTORIC PRESERVATION BOARD**  
**WOMAN'S CLUB ROOM, BOCA GRANDE COMMUNITY CENTER**  
**131 FIRST STREET WEST, BOCA GRANDE, FL 33921**  
**APRIL 13, 2016**  
**10:00 A.M.**

**MEMBERS PRESENT:**

Bill Caldwell III, Chair  
Paul Eddy  
Rebecca Paterson  
Dana Robinette  
Guerrino Savio

**STAFF PRESENT:**

Peter Blackwell, Planner, Planning  
Corris McIntosh, Asst. Cty. Atty.  
Janet Miller, Recording Secretary  
Gloria Sajgo, Principal Planner

**MEMBERS ABSENT:**

Tim Seibert, Vice Chair

**Agenda Item 1 - Call to Order – 10:00 a.m./Review of Affidavit of Publication**

Mr. Caldwell, Chair, called the meeting to order and asked for a roll call.

Susan Hanafée, Dana Robinette, Paul Eddy, Bill Caldwell, Rebecca Paterson, and Guerrino Savio were present.

Ms. Miller, Recording Secretary, noted she had gotten a response from the Attorney's office stating the ad for this meeting was legally sufficient.

**NOTE:** For the audio recordings for this meeting, go to:

<http://www.leegov.com/dcd/committees/committeesearch>. Once the page pulls up, click on the blue hyperlink that says "Boca Grande Historic Preservation Board (BGHPB)." There will be an audio recording for each item to help keep the recordings from being too large for the public to open. Contact Janet Miller at 239-533-8583 or [jmiller@leegov.com](mailto:jmiller@leegov.com) if you need assistance.

**Agenda Item 2 – Approval of 03/9/16 Minutes**

**Ms. Hanafée made a motion to approve the 03/9/16 meeting minutes, seconded by Ms. Paterson. The motion was called and passed 6-0.**

**Agenda Item 3 – Public Hearing on Special Certificates of Appropriateness (COA) Cases**

Before beginning the public hearing portion, Mr. Caldwell reviewed the procedural rules set forth in the Administrative Code.

**A. COA2015-00188 Worrell 981 9<sup>th</sup> Street, E, Boca Grande, FL 33921**

Ms. Sajgo reviewed the staff report.

The Board had no questions for staff.

Mr. Caldwell opened this item for public comment.

Mr. Steven Smith from Cooper Johnson Smith Architects in Tampa, stated he had been visiting Boca Grande most of his life and considered it a privilege to design this proposal, especially since it is a historic property. He noted it was a relief to work with a client who had a great piece of property and wanted to put a reasonable size building on it. Because it is a smaller building, there is plenty of room around the house. It is not a huge or overbearing site.

No other members of the public wished to comment, so the public portion of the meeting was closed.

Ms. Robinette liked the architect's design/plans and agreed with his statement that it was not huge or overbearing. She thought the structure was a nice size.

Mr. Eddy stated he appreciated the fact that there was room on the lot so that the structure was not directly abutting the lot lines.

Mr. Savio stated it was a nice property and the proposed building sits comfortably on the property.

**Ms. Robinette made a motion to approve the project as presented by the applicant and make a finding that the historic resource has been designated under Chapter 22 of the Land Development Code and on the basis of staff analysis, the proposed project is in compliance with Chapter 22 and the design guidelines of the Boca Grande Historic District, seconded by Mr. Eddy. The motion was called and passed 6-0.**

**B. COA2016-00027 Rainey, 340 Tarpon Ave., Boca Grande, FL 33921**

Mr. Blackwell reviewed the staff report.

The Board had no questions for staff.

Mr. Caldwell opened this item for public comment.

Mr. Michael Brock, representing the applicant's (Jerry and Carol Rainey), felt the positive news for this particular house was that the builder managed to get the house on the lot. Mr. Brock noted the front yard encroachment is not like any he had seen before. It is one of the lowest lots he has seen. The elevation is 3½ feet above sea level which is the main reason they are trying to raise the house anywhere from 1 foot to 1½ feet or re-do the foundations to provide the owners with more flood protection. He noted the proposed additions are all within current guidelines with the exception of the front porch which they want to make smaller. The addition will also give added protection for the door.

No other members of the public wished to comment, so the public portion of the meeting was closed.

Ms. Paterson stated everything seemed fine and she was in favor of seeing this raised a bit especially since it was only 3 feet.

Ms. Hanafée felt the property would benefit from removing the large front porch and replacing it with a covered entry way. She believed it would give the structure's appearance a little more interest.

Mr. Eddy stated he was familiar with this property through previous owners. He has walked the site many times and has been to the home as a guest. He felt the house has character. In this particular

instance, this structure is the center of the historic district. As a consequence, it is both a good idea and important to retain the style and character of houses like this.

Mr. Savio agreed with everyone's comments and liked the fact that the character of the house would not change. He also felt it was an improvement in the back of the structure. He felt a lot of people would like the final product. He was in favor of the proposal.

**Mr. Eddy made a motion to approve the project as presented by the applicant and make the following finding that the proposed project has been designated under Chapter 22 of the LDC and on the basis of staff analysis and information provided, the proposed project is in compliance with the Secretary of the Interior Standards for Rehabilitation and Chapter 22 of the LDC, seconded by Mr. Savio. The motion was called and passed 6-0.**

**C. COA2016-00034 Cowan 920 Palm Ave., Boca Grande, FL 33921**

Ms. Sajgo reviewed the staff report.

The Board had no questions of staff.

Mr. Caldwell opened this item for public comment.

Tim Krebs, Architect, stated they had deliberated extensively with staff in order to mitigate the additional height. He noted they were applying for a variance to be able to build 1 foot less from the required flood plain. Mitigating the appearance of this structure was difficult because of the house being located near the street. He noted several things have been done internally regarding stairs, the readjustment of the front entrance, the doors, and plantings on the top of the wall. He believed they came up with a solution that is both acceptable to staff and the owner. He hoped the Board was pleased with the results.

Due to a question by Ms. Hanafée, Mr. Krebs reviewed how the roof would be raised and handled.

Ms. Paterson stated she was skeptical about the plantings on top of the wall and asked if there could be leakage or breakage.

Mr. Krebs stated he had 30 years of experience with these types of structures. He reviewed how they would be constructed with the irrigation pipes and plant materials. He mentioned a sprinkler system would need to be in place.

Ms. Paterson stated the sprinkler system was her concern because many owners are not in Boca Grande during the summer. In addition, this area gets torrential rains in the summer. If the irrigation system fails, how would anyone know? Also, water conservation is a concern. With no one in the area for several months, she was concerned that something could go wrong with the irrigation system and it will not be addressed quickly. We could end up with a bunch of weeds over the wall.

Mr. Krebs stated his experience has been that it is a very low maintenance system. It was discussed further with the Board.

Ms. Robinette asked about what appeared to be a door on the west elevation on the far right of the drawing. She noted it was at ground level when all the other doors are raised.



Mr. Krebs and Ms. Sajgo explained that it was the front door and to the left of it is a gate.

The Board had no further questions.

Mrs. Holly Cowan stated the footprint of the house was as close to the original house as possible. She referred to a comment made by Mr. Krebs to Mr. Bob Stewart, Building Official, that this house is the most historic looking “non-historic” house in Boca Grande. Secondly, she noted that in her neighborhood there is an 8 ½ foot stucco masonry fence/wall located on the Sodel property. Their wall is similar to what is being proposed for Mrs. Cowan’s project. Because of that wall, Mrs. Cowan felt there was a precedent for this type of request. Third, she referred to Ms. Paterson’s comment about the plantings on the wall and stated she was concerned with it as well. Mrs. Cowan explained that she had discussed this at length with Woody Fair who is a horticulturalist and landscape architect on the Island. He feels what was described by Mr. Krebs will not be necessary. Mr. Fair felt there would be a way to soften and treat the wall with plants that are growing up from the inside over the top and down. She noted that if they were allowed to, she would plant on the exterior, but she is not permitted to do that. Mrs. Cowan stated she did not want to put anything into the property such as any kind of garden that is going to be paradoxically not considered green because the irrigation failed.

Ms. Paterson referred to the Sodel wall and noted it had been built long before historic. On Palm Avenue where this wall will be erected, other than Silver King and some other 6 foot walls, there are really no walls at all. There are a lot of walls on East Railroad but not on Palm Avenue.

Mrs. Beth Currier, resident on 9<sup>th</sup> Avenue across the street from this proposal, stated she was in favor of the proposal and felt it was a great solution. She asked that the Board approve the proposal.

Mr. Michael Brock asked a question regarding the FEMA variance.

Mr. Krebs stated the FEMA variance to lower the required FEMA floor elevation was a separate process and was not part of today’s proposal.

No other members of the public wished to comment, so the public portion was closed.

Ms. Sajgo stated one thing to consider was that Mrs. Cowan stated she was not committed to the irrigation system. This means it may or may not happen and this is a change that staff was not aware of until today.

Due to concerns expressed by Mr. Eddy, Ms. Sajgo clarified the following:

- The wall does not turn the corner. The corner visibility was taken into account and the Zoning Director and others feel comfortable with the wall as it turns the corner. It will not affect corner visibility.
- Regarding the garage, it is the lowest part of the house and the garage doors do not front the street. Staff thought it was a clever design to avoid the garage doors fronting the street, which is something we try to encourage in the district.
- The wall is 8 feet high but it is recessed. In front of the garage it is 6 feet high. It will drop down in front of the front entrance to 7½ feet. The adjoining property owner is a condominium complex that is 2 to 3 story high buildings with tennis courts, etc. In looking at that portion of the district, the impact of the 8 foot high wall is not the same as a tall wall somewhere else in the district. It makes a difference that the adjoining property owner is a condominium complex. The sense of openness that is present in this part of the district is preserved along 9<sup>th</sup>

Street where they completely meet the 25 foot setbacks and there is no wall proposed. It is completely open, which is in keeping with the houses across the street.

- Another important factor is that even though the height of the house is increased due to the flood elevation, the highest point is 19 ½ feet, which is not that high. There are two-story houses in the district, but even as a single story house, it is not that high and there is not a huge mass of the roof because there are recessions and protrusions and variable roof heights.
- Staff felt there were design elements that mitigated the impact of the property on the street. Even though it is a little closer, the property is a little lower because it is not as high as some of the other houses, even single story houses, in the district.
- Given all of these factors, staff thought this would be compatible as new construction. The proposal was evaluated as new construction and the design is in keeping with the district. Therefore, staff's recommendation is to approve it.

Mr. Savio stated he would be concerned if the wall was a solid wall at the same distance from the setback or the same height, but it will be sectional walls divided by pillars, which creates some movement that will please some people and give some diversity to the front of the house. He felt that if the wall was not there, the impact of this house starting at 6 feet from the ground level and being so close to the street would be too much. He felt the wall helped soften the impact because the first thing everyone will see is this wall which is only 8 feet and then behind the wall, about 7-10 feet away, another structure. In his experience, when you have a two step approach, the result is usually pleasant.

Mr. Krebs stated they had prepared a study by FDOT.

Mr. Caldwell clarified that Mr. Krebs was talking about a traffic visual study showing that the 8 foot wall does not particularly have a problem with the corner. It was included in the Board's packet.

Mr. Caldwell asked for a motion with the stipulation that the applicant can either/or go with the top irrigating landscape on top of the fence or as recommended by staff.

**Ms. Paterson made a motion to approve the project as presented by the applicant on the condition that the status of the subject property is changed from contributing to non-contributing and that the installation of an irrigation system on top of the wall fence is at the applicant's option, and make a finding, based on staff analysis, that the proposed project is in compliance with Chapter 22 of the Land Development Code and the design guidelines of the Boca Grande Historic District for non-contributing structures, seconded by Mr. Savio. The motion was called and passed 6-0.**

#### **Agenda Item 4 – Request to File a Historic Designation amending Boca Grande Historic District HD90-05-01**

##### **A. HDC2016-00004 Cowan 920 Palm Avenue, Boca Grande, FL 33921**

Ms. Sajgo reviewed the Designation Report.

The Board had no questions of staff.

Mr. Caldwell opened this item for public comment.

Mr. McIntosh clarified that the public comments are only to be in regards to the board's decision to initiate the process and go onto the next step in order to change the status of contributing to non-contributing.

No members of the public wished to comment, so the public portion was closed.

**Mr. Paterson made a motion to direct staff to initiate the process to change the status from contributing to non-contributing, seconded by Ms. Robinette. The motion was called and passed 6-0.**

**Agenda Item 5 – Items by the Public; Committee Members; Staff**

**Public** - None

**Committee Members**

Mr. Savio discussed his struggles with the way the Board reviewed proposed renovations of historic properties.

**Staff** - None

**Agenda Item 6 – Adjournment – Next Meeting Date**

The next Boca Grande Historic Preservation Board meeting is scheduled for Wednesday, May 11, 2016, at 10:00 a.m. in the Woman's Club Room.

The meeting adjourned at 11:25 a.m.



# HISTORIC PRESERVATION PROGRAM DESIGNATION REPORT FORM AND/OR APPLICATION

Lee County Planning Division, PO Box 398, Fort Myers, FL 33902  
Phone: (239) 533-8585 / FAX: (239) 485-8344

Date Filed: April 13 2016

Designation No. HDC 2016-00004 Cowan 920 Palm Ave Boca Grande -- Change in status from contributing to non-contributing in the Boca Grande Historic District HD90-05-01

*This form is for use in nominating or requesting determinations of eligibility for individual properties or districts pursuant to Lee County Land Development Code, Chapter 22, Historic Preservation.*

## Name of Property

Name: Cowan

Other Names/Site Number: 920 Palm LLC

## Location

Street & Number: 920 Palm Ave

City, State, Zip: Boca Grande FL 33921

STRAP Number: 14 43 20 01 00060 0010

Folio ID 10000652

## Classification

Ownership of Property	Category of Property	Number of Resources within Property		
		Contributing		Non-Contributing
<input checked="" type="checkbox"/> private	<input checked="" type="checkbox"/> building(s)		building(s)	1
<input type="checkbox"/> public-local	<input type="checkbox"/> district		sites	
<input type="checkbox"/> public-state	<input type="checkbox"/> site		structure	
<input type="checkbox"/> public-federal	<input type="checkbox"/> structure		objects	
	<input type="checkbox"/> objects		TOTAL	1

## Official Actions

Date of Petition for Designation: April 13, 2016

Date Designation Report filed with Historic Preservation Board: April 13, 2016

Date of Historic Preservation Board's written Resolution: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

Date Designation was recorded: \_\_\_\_\_

Initiated by: Boca Grande Historic Preservation Board

## Designation

☐ Individual Historic Resource

☐ Individual Archaeological Site

☒ Historic District **Change in status from contributing to non-contributing**

☐ Archaeological Zone

☐ Archaeological District

**Staff Recommendation:**

Staff has reviewed property and on the basis of this designation report recommends the BGHPB:

- vote to file this designation report and begin the notification process
- at the public hearing vote to approve changing the status of subject property from contributing to non-contributing in the Boca Grande Historic District HD (District) 90-05-01

Statement Attached		ATTACHMENTS
YES	NO	
		<b>Designation Report for Individual Buildings or Sites per Lee County Land Development Code (LDC) Chapter 22 Historic Preservation</b>
X		LDC - Sec. 22-202 (1) a - A physical description of the building, structure or site and its character-defining features, accompanied by photographs.
X		Photographs (3"x5" or larger)
X		LDC - Sec. 22-202 (1) b - A statement of the historical, cultural, architectural, archaeological, or other significance of the building, structure, or site as defined by the criteria for designation established by this chapter (see Sec 22-204 Criteria for Designation). The statement could include discussion of specific topics such as, but not limited to period of significance, significant dates, cultural application, architect/builder, significant person.
X		LDC - Sec. 22-202 (1) c - A description of the existing condition of the building, structure, or site, including any potential threats or other circumstances that may affect the integrity of the building, structure, of site.
X		LDC - Sec. 22-202 (1) d - A statement of rehabilitative or adaptive use proposals.
X		LDC - Sec. 22-202 (1) e - A location map, showing relevant zoning and land use information. <b>Map attached</b>
X		LDC - Sec. 22-202 (1) f - The staff's recommendations concerning the eligibility of the building, structure, or site for designation pursuant to this chapter, and a listing of those features of the building's structure or site which require specific historic preservation treatments.

**Applicable Criteria (check all that apply)**

Section 22-204(a) ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5  
 Section 22-204(b) ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5  
 Section 22-204(c) ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5  
 Section 22-204(d) ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5  
 Section 22-204(e) ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

**The subject property does not meet the criteria and staff recommends it be classified as non-contributing.**

**Lee County Land Development Code (LDC)**  
**Chapter 22 - Sec. 22-204. Criteria for Designation.**

(a) Significance generally. The historic preservation board shall have the authority to designate historic resources based upon their significance in the county's history, architecture, archaeology or culture, or for their integrity of location, design, setting, materials, workmanship, or associations, and because they:

- (1) Are associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric, or architectural history that have contributed to the pattern of history in the community, the county, southwestern Florida, the state, or the nation;
- (2) Are associated with the lives of persons significant in our past;
- (3) Embody the distinctive characteristics of a type, period, style, or method of construction or are the work of a master; or possess high artistic value or represent a distinguishable entity whose components may lack individual distinction;
- (4) Have yielded or are likely to yield information on history or prehistory; or
- (5) Are listed or have been determined eligible for listing in the National Register of Historic Places.

(b) Historical or cultural significance. A historic resource shall be deemed to have historical or cultural significance if it is:

- (1) Associated with the life or activities of a person of importance in local, state, or national history;
- (2) The site of a historic event with a significant effect upon the town, county, state, or nation;
- (3) Associated in a significant way with a major historic event;
- (4) Exemplary of the historical, political, cultural, economic, or social trends of the community in history; or
- (5) Associated in a significant way with a past or continuing institution which has contributed substantially to the life of the community.

(c) Architectural or aesthetic significance. A historic resource shall be deemed to have architectural or aesthetic significance if it fulfills one or more of the following criteria:

- (1) Portrays the environment in an era of history characterized by one or more distinctive architectural styles;
- (2) Embodies the characteristics of an architectural style, period, or method of construction;
- (3) Is a historic or outstanding work of a prominent architect, designer, or landscape; or
- (4) Contains elements of design, detail, material, or craftsmanship which are of outstanding quality or which represented, in its time, a significant innovation, adaptation or response to the south Florida environment.

(d) Archaeological significance. A historic resource shall be deemed to have archaeological

significance if it meets one or more of the following criteria:

- (1) There is an important historical event or person associated with the site;
- (2) The quality of the site or the data recoverable from the site is significant enough that it would provide unique or representative information on prehistoric or historical events;
- (3) The site was the locus of discrete types of activities such as habitation, religious, burial, fortification, etc.;
- (4) The site was the location of historic or prehistoric activities during a particular period of time; or
- (5) The site maintains a sufficient degree of environmental integrity to provide useful archaeological data. Such integrity shall be defined as follows:
  - a. The site is intact and has had little or no subsurface disturbance; or
  - b. The site is slightly to moderately disturbed, but the remains have considerable potential for providing useful information.

(e) Properties Not generally eligible. Properties not generally considered eligible for designation include cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, buildings or sites primarily commemorative in nature, reconstructed historic buildings, and properties that have achieved significance less than 50 years prior to the date the property is proposed for designation. However, such properties will qualify if they are integral parts of districts that do meet the criteria described in this section or if they fall within one or more of the following categories:

- (1) A religious property deriving primary significance from architectural or artistic distinction of historical importance.
- (2) A building or structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with a historic event or person.
- (3) A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his productive life.
- (4) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events.
- (5) A property primarily commemorative in nature if design, age, tradition, or symbolic value have invested it with its own historical significance.
- (6) A building, structure, site, or district achieving significance less than 50 years from the date it is proposed for designation if it is of exceptional historical importance.

**LDC - Sec. 22-202 (1) a - A physical description of the building, structure or site and its character-defining features, accompanied by photographs.** The subject property is listed as a contributing property in the Boca Grande Historic District HD 90-05-01 which was designated by a resolution of the Lee County Historic Preservation Board on June 18, 1990, and was recorded in the Public Records OR2164 PG1167.

The contributing residence on this site had approximately 87-ft frontage on Palm Ave. The main house was a single story house featuring stucco walls and barrel clay tile gable roofs and flat roofs. At the rear of the elevation there was a small octagonal roof over the dining room area. The windows were 1/1 with multiple lights. The living room at the rear had two sliding glass doors. The height of the house was relatively low with the prevailing height approximately less than 14-ft from grade to roof peak. Generally the house appeared to be additive in form as the house appeared to have expanded north over the years to accommodate space needs of various owners. The front elevation featured a series of recessed and protruding areas with single doors providing access to the study, kitchen and the master bedroom. The rear elevation was oriented to the backyard pool. The north bedroom had a screened lanai at the rear which connected to a narrow open deck along the rear elevation by the family room and wraps around the octagonal roofed dining room. The house was located close to the property line which resulted in narrow front setbacks. The house was buffered from Palm Ave. by an approximately 6-ft high basket weave fence.

This designation report recommends changing its status from contributing to non-contributing as the historic resource on the property that is described above has been demolished and new foundations, walls and roofs for a new house have been partially built.

**LDC - Sec. 22-202 (1) b - A statement of the historical, cultural, architectural, archaeological, or other significance of the building, structure, or site as defined by the criteria for designation established by this chapter (see Sec 22-204 Criteria for Designation). The statement could include discussion of specific topics such as, but not limited to period of significance, significant dates, cultural application, architect/builder, significant person.** Due to complete demolition of the original structure, currently there are no historic resources on the subject parcel. Section of 22-204 of the Land Development Code sets forth the criteria for designation. The designation report for HD90-05-01 Boca Grande Historic District identified the Boca Grande Historic District as significant under the following criteria listed below. Due to the complete demolition of the historic resource, the property does not qualify as historic under the criteria that was set forth in designation report HD90-05-01.

(a) Significance generally. The historic preservation board shall have the authority to designate historic resources based upon their significance in the county's history, architecture, archaeology or culture, or for their integrity of location, design, setting, materials, workmanship, or associations, and because they:

- (1) Are associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric, or architectural history that have contributed to the pattern of history in the community, the county, southwestern Florida, the state, or the nation;
- (2) Are associated with the lives of persons significant in our past;
- (3) Embody the distinctive characteristics of a type, period, style, or method of construction or are the work of a master; or possess high artistic value or represent a distinguishable entity whose components may lack individual distinction;
- (5) Are listed or have been determined eligible for listing in the National Register of Historic Places.



(b) Historical or cultural significance. A historic resource shall be deemed to have historical or cultural significance if it is:

- (1) Associated with the life or activities of a person of importance in local, state, or national history;
- (2) The site of a historic event with a significant effect upon the town, county, state, or nation;
- (3) Associated in a significant way with a major historic event;
- (4) Exemplary of the historical, political, cultural, economic, or social trends of the community in history; or
- (5) Associated in a significant way with a past or continuing institution which has contributed substantially to the life of the community.

(c) Architectural or aesthetic significance. A historic resource shall be deemed to have architectural or aesthetic significance if it fulfills one or more of the following criteria:

- (1) Portrays the environment in an era of history characterized by one or more distinctive architectural styles;
- (2) Embodies the characteristics of an architectural style, period, or method of construction;
- (3) Is a historic or outstanding work of a prominent architect, designer, or landscape; or
- (4) Contains elements of design, detail, material, or craftsmanship which are of outstanding quality or which represented, in its time, a significant innovation, adaptation or response to the south Florida environment.

**LDC - Sec. 22-202 (1) c - A description of the existing condition of the building, structure, or site including any potential threats or other circumstances that may affect the integrity of the building, structure, or site.** Currently all buildings on the property have been demolished. New foundations, walls and roofs for a new house have been partially built.

**LDC - Sec. 22-202 (1) d - A statement of rehabilitative or adaptive use proposals.** The historic house has been demolished. The owner wishes to finish construction of a new house on the site. The appropriateness of the new house is being considered in case COA2016-00034.

**LDC - Sec. 22-202 (1) f - The staff's recommendations concerning the eligibility of the building, structure, or site for designation pursuant to this chapter, and a listing of those features of the building's structure or site which require specific historic preservation treatments.** Staff has reviewed the property and on the basis of this designation report and attached documentation recommends that the BGHPB:

- On April 13, 2016 vote to file this designation and begin the notification process as set forth in Sec 22-201 of the Land Development Code; and
- At the subsequent public hearing vote to approve changing the status of subject property from contributing to non-contributing in the Boca Grande Historic District HD (District) 90-05-01

## Attachment 1

### Administrative background/history for Certificates of Appropriateness applied for the current owner

On January 16, 2016 the Boca Grande Historic Preservation Board (Board) voted to deny the request under COA2015-00183 (see attached) for amendment of COA2014-00156 to allow construction activities that were outside the previously approved project scope and directed staff to initiate the process to change the status of the property from contributing to non-contributing. With regards to COA2015-00183 the Board's decision was as follows:

- Deny the request under COA2015-00183 for amendment of COA2014-00156 to allow the plan changes the applicant is proposing under RES2015-00402 for the renovation and addition to the main house.
- Take no action on the on the request under COA2015-00183 for an amendment of COA2014-00156 to allow the changes the applicant is proposing under RES2015-00674 for the interior/exterior remodel of detached guest house.
- Make a finding that the subject property has been designated under Chapter 22 of the LDC and on the basis of staff analysis the project proposed under COA2015-00183 is not in compliance with the Secretary of the Interior Standards for Rehabilitation and with Chapter 22 of the LDC.
- **On the basis of staff analysis direct staff to initiate the process to change the status of the property from contributing to non-contributing.**
- On the basis of staff analysis make a determination that the historic building no longer exists and the property will not continue to be historic after the work described under COA2015-00183 is completed and as a result the project should be considered a substantial improvement and not an exception from substantial improvement under Florida Building Code Chapter 12 Historic Buildings Section 1201 General 1201.3 Flood Hazard Areas.
- Recommend that the Zoning Director rescind administratively approved (HD) ADD2014-00227

On February 23, 2016 the Office of the Hearing Examiner, Lee County Florida accepted the Administrative Appeal regarding 920 Palm Avenue, Boca Grande Cowan Residence (ADM2016-00002) filed by 920 Palm LLC, Rory & Charlotte Cowan. On March 8, 2016 Donna Marie Collins, Chief Hearing Examiner issued a memo remanding the case back to the Board for further action. To date the Board has taken no action on the direction by the Chief Hearing Examiner.

The applicant has filed a new case COA 2016-00034, which requests the Board consider the new construction of a residence at 920 Palm Ave., Boca Grande.

LEE COUNTY  
SPECIAL CERTIFICATE OF APPROPRIATENESS NO. COA2015-00183

**COWAN RESIDENCE**  
**920 PALM AVE BOCA GRANDE 33921**

**FMSF #:**

☒ Contributing                      Non-Contributing                      Individual Designation                      Not Historical

YOU ARE HEREBY NOTIFIED that the Boca Grande Historic Preservation Board voted to:

\_\_\_\_\_ Approve  
\_\_\_\_\_ Approve with Conditions  
☒ Deny **(SEE ATTACHED STAFF REPORT)**  
\_\_\_\_\_ Continued

Date of Decision: 01/06/2016

- Deny the request under COA2015-00183 for amendment of COA2014-00156 to allow the plan changes the applicant is proposing under RES2015-00402 for the renovation and addition to the main house.
- Take no action on the request under COA2015-00183 for an amendment of COA2014-00156 to allow the changes the applicant is proposing under RES2015-00674 for the interior/exterior remodel of detached guest house.
- Make a finding that the subject property has been designated under Chapter 22 of the LDC and on the basis of staff analysis the project proposed under COA2015-00183 is not in compliance with the Secretary of the Interior's Standards for Rehabilitation and with Chapter 22 of the LDC.
- On the basis of staff analysis, direct staff to initiate the process to change the status of the property from contributing to non-contributing.
- On the basis of staff analysis, make a determination that the historic building no longer exists and the property will not continue to be historic after the work described under COA2015-00183 is completed and as a result the project should be considered a substantial improvement and not an exception from substantial improvement under Florida Building Code Chapter 12 Historic Buildings Section 1201 General 1201.3 Flood Hazard Areas.
- Recommend that the Zoning Director rescind administratively approved (HD) ADD2014-00227.

A copy of this notice, the Special Certificate of Appropriateness (and other documents if appropriate as noted below) have been furnished to the following persons:

920 Palm LLC (Property Owner)  
Rory and Charlotte Cowan c/o Steven Hartsell (Applicant)  
Pam Houck (Zoning Director)  
Steven Hartsell, Pavese Law Firm (Owner Representative)  
Bob Stewart (Building Official)

Date: 01/13/2016

LEE COUNTY  
SPECIAL CERTIFICATE OF APPROPRIATENESS NO. COA2015-00183

FMSF #:

☒ Contributing      Non-Contributing      Individual Designation      Not Historical

Designation No.: HD90-05-01  
Name of Project: COWAN RESIDENCE  
Location: 920 PALM AVE BOCA GRANDE 33921  
STRAP No.: 14-43-20-01-00060.0010  
Name/Address of Applicant: RORY AND CHARLOTTE COWAN  
C/O STEVEN HARTSELL PAVESE LAW FIRM  
1833 HENDRY STREET  
FORT MYERS, FL 33901

**YOUR APPLICATION FOR A SPECIAL CERTIFICATE OF APPROPRIATENESS HAS BEEN**

☐ **APPROVED**      Certified by: Gloria Sajgo  
Date Certified by Staff: 1/13/16  
☐ **APPROVED WITH CONDITIONS**      For the reason outlined below  
☒ **DENIED**      For the reason outlined below  
☐ **CONTINUED**

**COMMENTS:**

**SEE ATTACHED STAFF REPORT.**

**NOTICE OF APPEAL RIGHTS**

Pursuant to LDC § 22-42, any owner of a building, structure or site affected by the operation of this chapter may appeal a decision of the Historic Preservation Board by filing a written notice of appeal within 15 days of the date of this decision. The notice of appeal must state the decision being appealed, the grounds for the appeal, and a summary of the relief sought. The notice must be filed with the Lee County Hearing Examiner and a copy provided to Historic Preservation Board staff, and must otherwise comply with LDC § 34-145(a), pertaining to appeals from administrative matters, and any county administrative codes adopted to implement the provisions of LDC Chapter 34. Notwithstanding the foregoing, except as may be required by F.S. § 163.3215, and then only pursuant to that statute, a third party does not have standing to appeal a decision rendered under the provisions of LDC Chapter 22.

## BOCA GRANDE HISTORIC PRESERVATION BOARD STAFF REPORT

**TYPE OF CASE:** Special Certificate of Appropriateness

**CASE NUMBER:** COA 2015-00183

**PROJECT NAME:** Cowan

**ADDRESS:** 920 Palm Ave, Boca Grande Fl 33921

**HEARING DATE:** January 6, 2016

### **SUMMARY**

COA2015-00183 seeks to amend COA2014-00156 (Cowan 920 Palm Ave., Boca Grande) to allow construction activities that are outside of the project scope approved under COA2014-00156. The subject property is listed as a contributing property in the Boca Grande Historic District HD 90-05-01. Staff analyzed the subject proposal for compliance with the Secretary of the Interior's Standards for Rehabilitation and for compliance with Chapter 22 (Historic Preservation) of the Land Development Code (LDC).

### **BACKGROUND**

#### **COA2014-00156 Cowan 920 Palm Ave Boca Grande**

On December 10, 2014 the Boca Grande Historic Preservation Board (Board) approved COA2014-00156 for the rehabilitation and addition to a contributing property in the Boca Grande Historic District. (Attachment 1A, COA2014-00156 approved plans; Attachment 1B COA2014-00156 staff report)

The Board approved COA2014-00156 for rehabilitation activities which included some demolition of non-significant elements and preservation of the oldest historic portion of the house. Below is an excerpt from the staff report for COA2014-00156 evaluating the project's compliance with the Secretary of the Interior's Standards for Rehabilitation:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

The proposal will allow the property to be continued to be used as a residence.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

As noted above the character of the property is being retained and preserved. The proposal avoids the removal of historic materials or major alterations of oldest wing of the property. The style, mass and scale of the house will be preserved.

3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

The changes proposed do not create a sense of false historical development.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

The house has had several additions over time and generally the materials, style, mass and scale of the additions has been retained.

5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

The simplicity of design and the original materials, mass and scale of the building will be preserved.



6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence. N/A
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. N/A
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken. N/A
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.

The garage addition is clearly differentiated from the rest of the house as it is under a separate gable roof wing. The garage is compatible with the massing, size, scale and architectural features of the property and its environment. The garage doors are located on the north side as to minimize the impact on the front elevation.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

If the garage addition is removed in the future, the form and integrity of the historic property and its environment will be unimpaired.

**Zoning Relief Granted:** After the Board approved COA2014-00156, and pursuant to Section 22-174 of the LDC, the Zoning Director administratively approved (HD) ADD2014-00227 providing administrative relief from zoning requirements including street setback requirements for both the main house including the proposed addition and the guest house and fencing height requirement (Attachment 2, (HD) ADD2014-00227).

**Exemption from FEMA flood requirement:** The main house, as a contributing structure with an approved Certificate of Appropriateness (COA2014-00156), was exempted from meeting the FEMA flood elevation requirements that are triggered by a substantial improvement to a building. See below for the language granting exception to historic buildings:

***Exception:*** *If the program that designated the building as historic determines that it will continue to be an historic building after the proposed work is completed, then the proposed work is not considered to be substantial improvement. (Florida Building Code Chapter 12 Historic Buildings Section 1201 General 1201.3 Flood Hazard Areas)*

### **VIO2015-12115**

On September 18, 2015 Lee County Issued a Notice of Code Violation, which stopped all work on the site. The specific violation is: Building out of the scope of the approved plans under permit #RES2015-00402. (Attachment 3, VIO2015-12115 violation notice and violation photographs)

By the time the code violation was issued, both the main house and the guest house had been demolished. New foundations for the main house had been set and walls and roofs for the new construction of the main house were being built, as shown in the photographs from the violation file.

### **COA 2015-00183 (current case) Cowan 920 Palm Ave Boca Grande**

In an attempt to cure VIO2015-12115, the applicant submitted building permit plan changes for building permits RES2015-00402 (plans for the original renovation and addition to main house) and RES2015-00674 (interior/exterior remodel of detached guest house). On November 17, 2015, the revisions to both permits were rejected by the Lee County Building Department. The reason given was that "Work done was outside of the scope of the original historic approval under COA2014-00156." (Attachment 4: Notice of Rejection 11/17/2015 RES2015 00674 00402)

As a result of the rejection, the applicants have filed the current COA2015-00183 requesting that the original COA2014-00156 be amended to allow the plan changes the applicant is proposing in RES2015-00402 and RES2015-00674 to resolve VIO2015-12115.

### **Staff Analysis of COA2015-00183**

Through COA2015-00183 the applicant is asking for an amendment to COA2014-00156 to expand the rehabilitation activities approved to include the demolition of the main house -- including the historic portion -- and the guest house and to replace these buildings with new construction of these buildings.

#### **Guest House:**

The guest house was an ancillary non-historic resource on the subject property. In the current application COA2015-00183 the applicant includes a letter dated October 20, 2015 from George F. Weld II which confirms that the guest house was contemporary and not an historic structure. The letter states the following:

*"920 Palm Ave. was bought by my mother, Mrs. Edward D. King, I think in 1962, She subsequently bought a second piece which joined the back side of her property from Wyman and Patricia Miller in 1967. This deed is recorded in the Lee County records. It contained no buildings.*

*My mother built a open sided car-port on this property. I think in 1969 or thereabouts she converted the covered car-port into a one room (with full bath and a closet) guest house. The guest house contained a galley kitchen at one end. In later years she added a cement floored screened porch on the pool side. This guest house was used by me and my wife often as well as my children. It was also used by my brother and sister's family members. Once it was converted to a guest house it remained as such and in frequent use by family members until the house was to the Cowan's." (George F. Weld II October 20, 2015 letter to Steven C. Hartsell)*

As a non-historic resource the guest house was a non-conforming use of building on the site which under Chapter 34-3242 is not entitled to replacement. Staff recommends the Board take no action with regard to the guest house since it is outside their authority.

- (1) Enlargement or replacement: No such nonconforming use of a building or building and land in combination, shall be extended or enlarged, or replaced by another building or use not specifically permitted in the use regulations for the zoning district in which the building is located. (Sec 34-3242 Nonconforming uses of buildings).

#### **The Main House:**

COA2014-00156 was approved to rehabilitate a contributing property in the Boca Grande Historic District. The contributing property was not in compliance with current zoning regulations and flood elevations. The main concrete block building encroached on the currently required building setbacks and was constructed below current FEMA flood elevation requirements. The rehabilitation of the historic house in compliance with these current regulations would have been difficult to implement and, in absence of relief from these requirements.

After the Board approved COA2014-00156 zoning relief was granted to allow encroachment into the setbacks and exception from the FEMA requirement to help facilitate the rehabilitation of a historic property with minimal changes to the defining characteristics of the building, its site and environment.

The subject proposal COA2015-00183 calls for an amendment to COA2014-00156 which would grant retroactive approval of the demolition and allow new construction. As the applicant notes, the new construction will look just like the rehabilitation project approved under COA2014-00156 including its setbacks and flood elevation. The new construction will not meet the current zoning and FEMA requirements but instead benefit from the zoning relief and FEMA flood elevation exception that were approved after Board approval of COA2014-00156.

Currently the main house has been completely demolished. When the county issued the violation triggering the stop work order, new construction for the new house was well underway; the new foundations were set and some new roofs and walls were already in place.

The applicant argues that the demolition was done in a systematic fashion to address structural issues and that the new construction on the site will result in a structure that will be similar to the one permitted under COA2014-00156.

Staff believes that the request under COA2015-00183 for the Board to retroactively approve demolition and new construction as an amendment to the rehabilitation approved under COA2014-00156 is not in compliance with Chapter 22 of the LDC because:

- The applicant failed to submit for a certificate of appropriateness for demolition.
  - The construction activities proposed under COA2015-00183 are not in compliance with the Secretary of the Interior's Standards for Rehabilitation.
  - The subject property is no longer a contributing property in the Boca Grande Historic District HD 90 -05 -01.
- **Failure to submit for a certificate of appropriateness for demolition:**

Chapter 22 (Historic Preservation) of the LDC sets forth procedures to preserve and protect historic resources. Sec 22-104 Demolition sets forth a procedure for the Board to consider demolitions of designated historic resources:

*Demolition means the complete removal of a building or structure, or portions thereof from a site. (Sec 22-3)*

*Demolition of a designated historic resource or a contributing property within a designated historic district may only occur pursuant to an order of a governmental body or board or an order of a court of competent jurisdiction and pursuant to an approval of an application by the owner for a special certificate of appropriateness for demolition. (Sec 22-104 (a))*

The intent of this Chapter is to grant the Board authority over the demolition process. Under this Chapter the Board may approve, deny or approve with conditions request for demolition. Additionally, the Board may grant approval for a demolition with a delayed effective date of six months to allow the Board to seek possible alternatives.

*The historic preservation board shall approve, deny or approve with conditions the application for a special certificate of appropriateness for demolition. ....The historic preservation board may grant a special certificate of appropriateness for demolition which may provide for a delayed effective date of six months to allow the historic preservation board to seek possible alternatives to demolition. (Sec 22-104 (c)).*



By demolishing the subject structure without following the process set forth in Chapter 22 of the LDC, the applicant by-passed the Board and the historic preservation process. While the applicant argues that it was necessary to demolish the house, the applicant did not submit a Certificate of Appropriateness for demolition to the Board. The applicant notes that the demolition was done in a systematic fashion over the course of time. The building did not collapse at once due to unexpected structural failure. The building was methodically demolished as the applicant determined that the structural condition necessitated the demolition. During each step this systematic demolition, the applicant decided to demolish a portion of the building without filing for an application requesting Board evaluation and approval of the proposed demolition. Once the building was completely demolished the applicant chose to start new construction without Board approval.

Because the applicant chose not to file a Certificate of Appropriateness for demolition, the Board did not have an opportunity to review the evidence for demolition, make an independent ruling on the demolition and exercise its duties as set forth in Chapter 22-71.

*The historic preservation board is hereby vested with the power, authority and jurisdiction to designate, regulate and administer historical, cultural, archaeological and architectural resources in the county as prescribed in this chapter... (Sec 22-71 Establishment; general authority).*

- **The construction activities proposed under COA2015-00183 are not in compliance with the Secretary of the Interior's Standards for Rehabilitation.**

Staff finds that the requests under COA2015-00183 are not in compliance with the Secretary of the Interior's Standards for Rehabilitation (codified in 36 CFR 67) referenced in Chapter 22 of the LDC. Secretary of the Interior's Standards for Rehabilitation define "Rehabilitation" as "the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values." The Standards assume some repair or alteration to a historic building; they do not assume complete demolition and then new construction as is the case under COA2015-00183.

*The Secretary of the Interior's Standards for Rehabilitation*

*In evaluating the Secretary of the Interior's Standards also refer to the discussion above.*

*1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*

Staff finds that the request for COA2015-00183 is not in compliance with this standard. This historic property no longer exists and as a result will not be used for its historic purpose or any other purpose. The demolition caused radical changes to the defining characteristics of the building and its site and environment by completely destroying the historic fabric.

*2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*

Staff finds that the request for COA2015-00183 is not in compliance with this standard. The historic property was completely demolished. The historic character of the property is not retained or preserved; it has been eliminated. The removal of historic materials or alterations of features and spaces that characterize the property was not avoided. Instead the historic building has been completely removed. New construction without the use of historic materials has started utilizing the zoning relief and FEMA exemption that was granted to preserve the historic building.

3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

Staff finds that the request for COA2015-00183 is not in compliance with this standard. The complete demolition destroyed the property as a physical record of its time, place and use. The new construction cannot replace this record.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

Staff finds that the request for COA2015-00183 is not in compliance with this standard. The complete demolition of the buildings did not retain or preserve any parts of the property of historic significance. All historic significance of the property has been destroyed.

5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

Staff finds that the request for COA2015-00183 is not in compliance with this standard. The complete demolition of the buildings on the site did not retain or preserve distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

Staff finds that the request for COA2015-00183 is not in compliance with this standard. This standard calls for careful identification of distinctive features that are deteriorated. As the historic house has been demolished there are no historic features being considered for preservation.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. N/A

8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken. N/A

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 finds that the request for COA2015-00183 is not in compliance with this standard. The project completely demolished all buildings on the site. The historic materials that characterize the property have been destroyed. The new work cannot be differentiated from the old because the old no longer exists. The entire project is new construction.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Staff finds that the request for COA2015-00183 is not in compliance with this standard. There are no new additions or related new construction to the historic structure because the historic structure has been demolished. The entire project is new construction.

- **The subject property is no longer a contributing property in the Boca Grande Historic District HD 90 -05 -01**

Chapter 22 of the LDC defines contributing property:

*Contributing property means any building, structure or site which contributes to the overall historic significance of a designated historic district and was present during the period of historic significance and possesses historic integrity reflecting the character of that time or is capable of yielding important information about the historically significant period or independently meets the criteria for designation as a historic resource. (Sec. 22-3)*

Staff has determined that the subject property is no longer a contributing property to the Boca Grande Historic District HD 90 -05 -01 because the historic building has been demolished. There are no historic structures on the site. Staff recommends that the Board direct the beginning of the process to change the status of the subject property from contributing to non-contributing.

### **Analysis of COA2015-00183 for compliance with the Florida Building Code Chapter 12 Historic Buildings**

Staff believes that the request under COA2015-00183 for the Board to retroactively approve demolition and new construction as an amendment to the rehabilitation approved under COA2014-00156 is not in compliance with the exemption from FEMA flood requirement as quoted below:

**Exception:** *If the program that designated the building as historic determines that it will continue to be an historic building after the proposed work is completed, then the proposed work is not considered to be substantial improvement. (Florida Building Code Chapter 12 Historic Buildings Section 1201 General 1201.3 Flood Hazard Areas)*

- **The proposed building will not continue to be historic after the proposed work under COA2015-00183 is completed.**

The main house, as a contributing structure with an approved Certificate of Appropriateness (COA2014-00156), was exempted from meeting the FEMA flood requirements that are triggered by a substantial improvement to a building. The proposed building will not be an historic building after the work proposed under COA2015-00183 is completed. The historic building has been demolished and as a result the property will no longer retain its status as a contributing property in the district.

Staff notes that Florida Building Code Chapter 12 Historic Buildings Section 1202 Definitions provides the following definition for rehabilitation: "REHABILITATION, HISTORIC BUILDING The act or process of making possible a compatible use of a property through repair, alterations and additions while preserving those portions or features which convey its historical, cultural or architectural values." Florida Building Code assumes some repair or alteration to a historic structure. It does not assume complete demolition and new construction as is the case under COA2015-00183.

Staff recommends that the Board make a determination that the completely new building contemplated under COA2015-00183 will not be historic and the proposed work should be considered a substantial improvement and not an exception from substantial improvement under the Florida Building Code Chapter 12 Historic Buildings Section 1201 General 1201.3 Flood Hazard Areas.

### **STAFF RECOMMENDATION**

Staff recommends that the Historic Preservation Board:

- Deny the request under COA2015-00183 for amendment of COA2014-00156 to allow the plan changes the applicant is proposing under RES2015-00402 for the renovation and addition to the main house.
- Take no action on the on the request under COA2015-00183 for an amendment of COA2014-00156 to allow the changes the applicant is proposing under RES2015-00674 for the interior/exterior remodel of detached guest house.
- Make a finding that the subject property has been designated under Chapter 22 of the LDC and on the basis of staff analysis the project proposed under COA2015-00183 is not in compliance with the Secretary of the Interior Standards for Rehabilitation and with Chapter 22 of the LDC.
- On the basis of staff analysis direct staff to initiate the process to change the status of the property from contributing to non-contributing.
- On the basis of staff analysis make a determination that the historic building no longer exists and the property will not continue to be historic after the work described under COA2015-00183 is completed and as a result the project should be considered a substantial improvement and not an exception from substantial improvement under Florida Building Code Chapter 12 Historic Buildings Section 1201 General 1201.3 Flood Hazard Areas.
- Recommend that the Zoning Director rescind administratively approved (HD) ADD2014-00227.



# HDC2016-00004, Cowan, 920 Palm Ave. Boca Grande





This aerial map displays a residential neighborhood in San Antonio, Texas, with the 'Subject Property' at 920 Palm Ave highlighted in red. The map shows a grid of streets including 11th, 10th, 9th, and 8th running east-west, and East Railroad, Gasparilla, and IL running north-south. Numerous lots are identified with numbers, and various zoning codes (RM-2, AG-2, RS-2, IL) are labeled throughout the area. A scale bar at the bottom left indicates distances from 0 to 300 feet, and a north arrow is located at the bottom right.





West elevation (new construction)



West elevation (new construction)





West elevation (new construction)

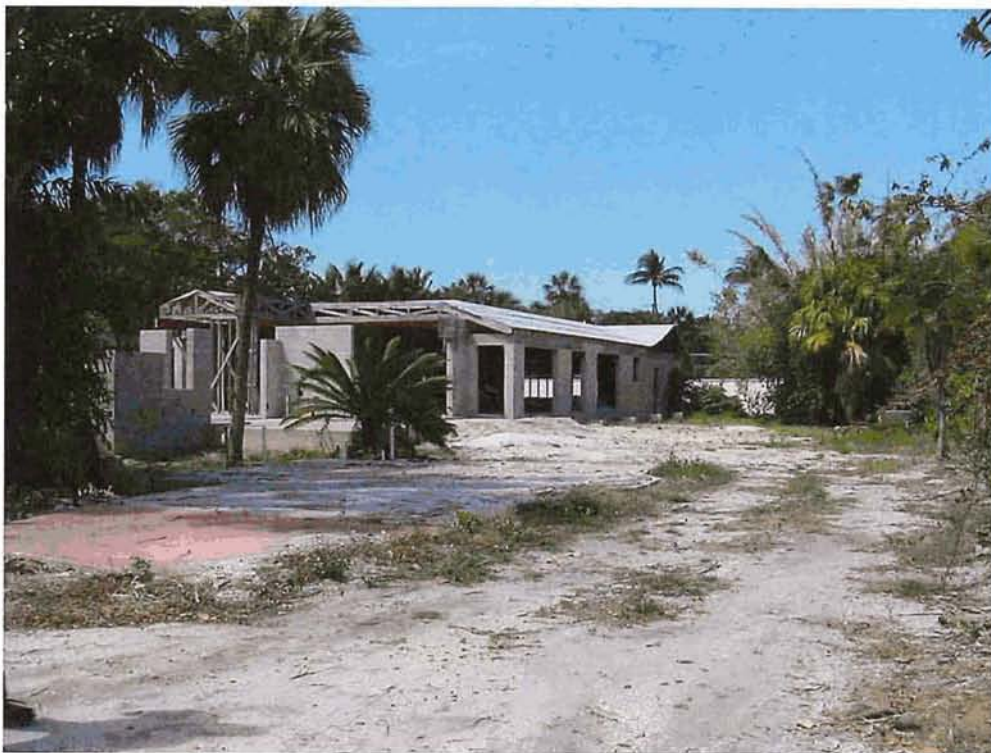


West elevation seen from NW (new construction)





South elevation viewed from 9<sup>th</sup> St  
(previously existing fence, new construction in back)



South elevation looking NW from 9<sup>th</sup> St  
(new construction)





West elevation (new construction) with adjoining Silver King Condo to the north



Silver King Condominium abutting subject property on the north





West side of Palm Ave across from property



NW corner of Palm Ave and 9<sup>th</sup> St. E  
Across Palm Ave from the subject property





SW corner of Palm Ave and 9<sup>th</sup> St E  
Diagonally across from subject property



Across 9<sup>th</sup> St E from the subject property,  
SE corner of 9<sup>th</sup> St E and Palm Ave





# HISTORIC PRESERVATION PROGRAM SPECIAL CERTIFICATE OF APPROPRIATENESS

Lee County Planning Division, PO Box 398, Fort Myers, FL 33902  
Phone: (239) 533-8585 / FAX: (239) 485-8344

COA No. <u>COA 2016-00029</u>	Designation No. _____	Date Filed: <u>11 March 2016</u>
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<input type="checkbox"/> Contributing	<input type="checkbox"/> Non-Contributing	<input type="checkbox"/> Individual Designation	<input type="checkbox"/> Not Historical
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Name of Project: McLaughlin 354-360 Park Ave.

Location: 354-360 Park Ave Boca Grande

STRAP No.: 14-43-20=01=00015.0060 & 14=43=20-01-00015.0070

Name of Applicant or Agent\*: Raymond F Fenton

(\*All correspondence with regards to the Certificate of Appropriateness will be sent to the party identified above)

Address: 13922 Bently Circle

City, State, Zip: Fort Myers FL 33912

Phone Number: 239 851 7260

Fax Number: \_\_\_\_\_

Email Address: RFFenton@fentonassociates.com

Name of Historic District (if applicable): Boca Grande

Check all that apply: ☒ Building ☐ Archaeological Site ☐ Object ☒ Landscape Feature

Project Description (describe all work proposed):

☐ Alteration ☐ Demolition ☒ New Construction ☐ Reconstruction ☒ Rehabilitation ☐ Relocation  
Renovations and addition (799 sq. ft.) to existing two story retail building at 360 Park Ave including  
Narrative: 354 Park Ave. Create ten on site parking spaces.

Change in Use: ☒ Yes ☐ No

If yes, explain. \_\_\_\_\_

Does this use require a variance, special permit, or special exception under the Zoning Ordinance? ☒ No ☐ Yes

If yes, explain. Requires zoning Relief, deviations. See attached application for zoning relief

Has a development order or exemption been applied for prior to or concurrent with this application? ☒ No ☐ Yes

If yes, explain. See copy of application for development order with all attachments

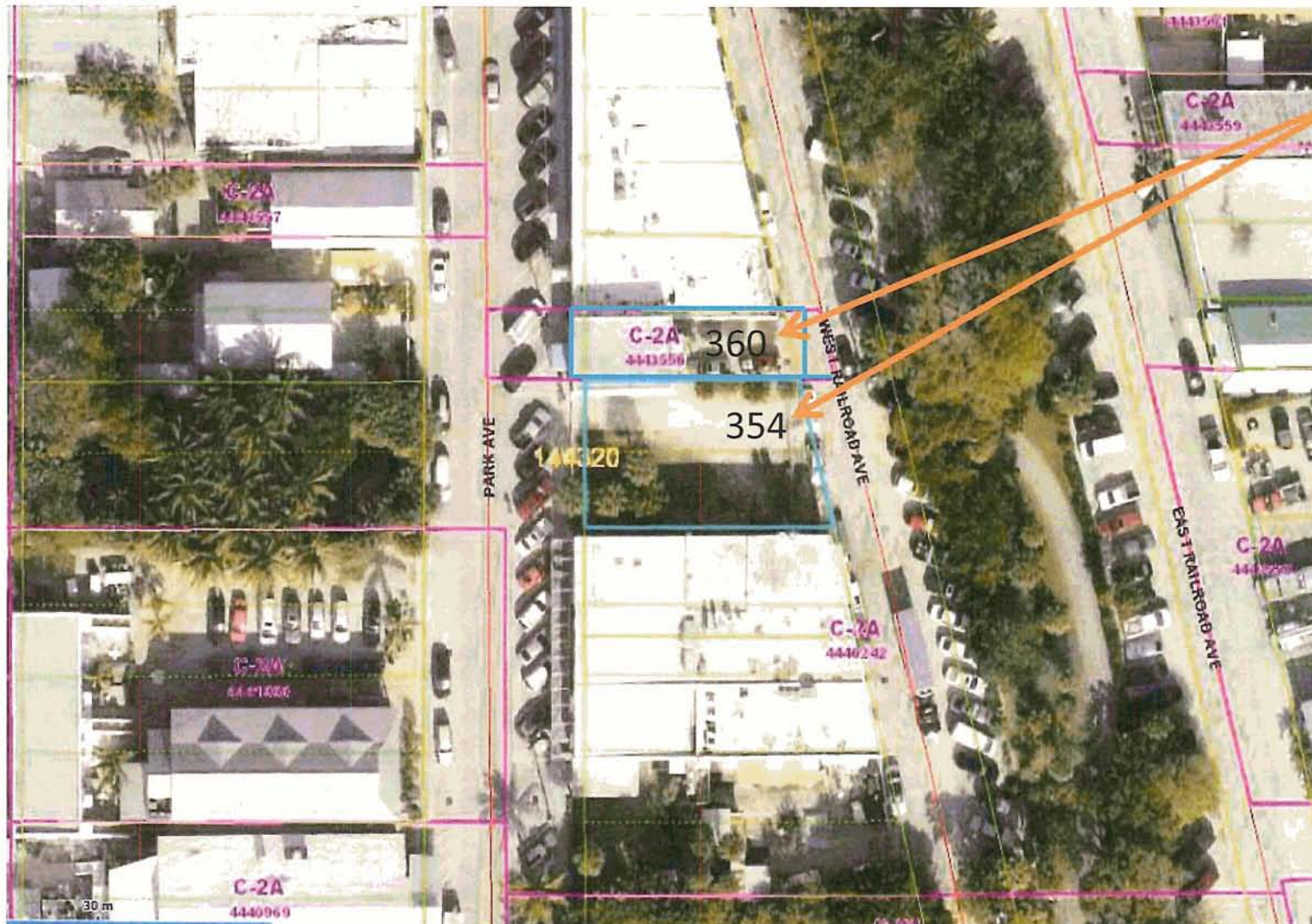
***** FOR STAFF USE ONLY *****			
Date Issued: _____	_____	<input type="checkbox"/> APPROVED	<input type="checkbox"/> DENIED*
Certified by: _____			
*Explanation attached			

**COA2016-00029 McLaughlin, 354-360 Park Ave. Boca Grande, FL 33921**





**COA2016-00029 McLaughlin, 354-360 Park Ave. Boca Grande, FL 33921**



Subject Property  
354-360 Park Ave



## **BOCA GRANDE HISTORIC PRESERVATION BOARD STAFF REPORT**

**TYPE OF CASE:** Special Certificate of Appropriateness

**CASE NUMBER:** COA 2016 – 00029

**PROJECT NAME:** McLaughlin

**PROJECT ADDRESS:** 354-360 Park Ave., Boca Grande, FL 33921

**HEARING DATE:** June 8, 2016

### **SUMMARY**

The applicant is requesting to rehabilitate and build an addition to a contributing property in the Boca Grande Historic District HD 90-05-01. The STRAP numbers are: 14-43-20-01-00015.0060 and 14-43-20-01-00015.0070 and the addresses are respectively 360 and 354 Park Ave., Boca Grande. Staff analyzed the project for compliance with the Secretary of the Interior's Standards for Rehabilitation as the basis for the recommendation to approve the Special Certificate of Appropriateness.

### **STAFF ANALYSIS**

#### **Existing Conditions**

The subject properties are adjoining properties located in the Boca Grande central business district fronting on Park Ave. and with rear access to West Railroad Ave. The parcel at 360 Park Ave. has a two story vernacular commercial building and the parcel south of it, at 354 Park Ave. is a vacant parcel.

As with many commercial buildings along Park Ave, the building at 360 Park Ave. has zero front and side (north) setbacks. It is a two story (22-ft 8-in +/- from grade to roof top), rectangular shaped building (36-ft by 24-ft 8-in) featuring a flat roof and walls with smooth stucco finish. The front entrance is centered on the front elevation and consists of a single glass door with sidelights and a transom. On either side of the front door are large (6-ft by 7-ft +/-) rectangular glass storefront display windows. On the second floor are two single 2/2 windows covered by louvered awnings.

#### **The Request**

##### **Rehabilitation**

The proposal calls for the rehabilitation of the existing building including replacing the existing storefront windows with new aluminum windows and the front door with a new wood door and sidelights. The window and door sizes and locations will remain the same. The proposal calls for a new corrugated steel awning across the front elevation supported with steel tie rods. It will feature an all galvalume finish.

On the rear (east) elevation the existing doors on the first and second floor and the window on the second floor will remain. The existing wood stairs leading to the second floor and the second floor partial balcony with picket railing will be removed. The existing wood balcony and stairs were installed approximately 20 years ago after one of the storms destroyed the previous balcony and stairs. There is no documentation about the appearance of the original stairs and railing. The proposed new stairs consist of a powder-coated aluminum staircase with a cross aluminum railing detail including strands of safety cable railing. The second floor partial balcony will be removed and replaced with a full length balcony with a railing identical



to the proposed stair railing. The proposed balcony and stairs have a contemporary appearance that can be differentiated from the building's historic elements.

On the south elevation the existing building will have an approximately 12-ft wide opening which will be in line with the approximately 12-ft wide opening on the north elevation of the proposed building. These openings will serve to connect the existing retail area with the retail area in the proposed building.

### New Construction

The proposal calls for the construction of a new building adjoining the existing building to the north and incorporating many of its features. As the existing building, the new building will have zero front and side (north) setbacks. The proposal calls for the construction of a single story (15-ft 6-in +/- from grade to roof top), rectangular shaped building with a footprint approximately the same size as the adjoining building to the north (36-ft by 25-ft 8-in +/-).

The new building will feature a flat roof and walls with smooth stucco finish. The front entrance is centered on the front elevation and consists of a recessed, single glass door with sidelights and a transom. On either side of the front door are large (6-ft by 7-ft +/-) rectangular, glass storefront, display windows. The project calls for extending the proposed awning for the existing building across the proposed new building. The awning will be corrugated steel across the front elevation supported with steel tie rods with a galvalume finish.

On the rear elevation of the second floor balcony proposed for the existing building will extend across the new, proposed building and feature identical railing.

Next to the proposed new building and setback approximately 6-ft 8-in from the front property line will be a garden terrace covered with new pergola (with a height of approximately 9-ft 6-in) featuring aluminum coated roof members supported by concrete piers. The proposed pergola will have approximately 15-ft frontage along Park Ave and a depth of 24-ft +/- . The pergola will be accessed from the south side of the new building by a pair of French doors with sidelights.

At the rear of the existing and proposed buildings will be a crushed shell parking lot with 8 car parking spaces – including an ADA compliant handicap parking space – and 5 golf cart spaces. An approximately 8-ft wide path along the south side will provide access from the rear parking lot to the front elevation along Park Ave.

### **The Secretary of the Interior's Standards for Rehabilitation**

In evaluating the Secretary of the Interior's Standards also refer to the discussion above.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment. The proposed rehabilitation would allow the property to be continued to be used as a retail establishment. In general the proposal will require minimal changes to the existing building. The proposed changes focus on the rear elevation with the construction of a new staircase and balcony with railing to match the stairs.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.  
The signature features of the original historic building will be preserved. The only features being removed and replaced, the balcony and stairs are not original.
3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.  
There are no changes that create a false sense of historical development. New features will have an appearance that can be differentiated from the building's historic elements.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.  
There are no changes that have acquired historic significance that should be retained or preserved.
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.  
The form, mass, and design of the historic building will be preserved. There are no changes proposed that characterize the historic property.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.  
The stucco finish on the exterior walls will be repaired as needed.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. N/A
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken. N/A
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.  
The height of the new single story addition on the south side of the building is clearly differentiates it from the adjoining two story historic building.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.  
The essential form and integrity of the historic property and its environment will be unimpaired if both the proposed south addition were removed in the future. The proposed

new balcony and the stairs at the rear are new and can easily be differentiated from building's historic elements.

**STAFF RECOMMENDATION**

Staff recommends that the Historic Preservation Board:

- Approve the project as presented by the applicant.
- Direct staff to certify the rendering of the Board's decision.

## **Decision by Boca Grande Historic Preservation Board**

Chapter 22-103 of the Lee County Land Development Code authorizes historic preservation board to review certificate of appropriateness applications and Chapter 22-101 of the Land Development Code directs that for contributing buildings the review will be based on the Secretary of the Interior's Standards for Rehabilitation.

On June 8, 2016 the Boca Grande Historic Preservation Board held a public hearing to consider COA 2016 – 00029 for the rehabilitation and addition to an existing commercial building. The subject property is listed as a contributing building in the resolution designating the Boca Grande Historic District HD 90-05-01.

### **Findings**

Having reviewed the materials presented by the applicant and staff, the Boca Grande Historic Preservation Board finds, concludes and determines on the basis of staff analysis and materials presented that the proposed project is in compliance with the following Secretary of the Interior's Standards for Rehabilitation:

#### **Standard 1:**

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

#### **Standard 2:**

The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

#### **Standard 3:**

Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

#### **Standard 4:**

Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

#### **Standard 5:**

Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

#### **Standard 6:**

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

**Standard 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.

**Standard 10:**

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Decision:

The Boca Grande Historic Preservation Board approves the plans presented by the applicant for COA 2016 – 00029 (received and date stamped by Community Development on May 10, 2016) by a motion made by  
and seconded by  
and upon being put to a vote the result was as follows:

Bill Caldwell	
Paul C. Eddy	
Susan Hanafee	
Dana Robinette	
Guerrino Savio	
Rebecca Seale Paterson	
Edward Seibert	

Duly passed and adopted on June 8, 2016.

Certified on

By Gloria Sajgo, Principal Planner and staff to the Boca Grande Historic Preservation Board.

## REQUEST

ADD2016-00044 – 354 Park Ave.

The request for Zoning Relief in the C-2A (Commercial) zoning district from the Lee County Land Development Code from:

- a) Relief from LDC Section 34-2192(a) and LDC Section 34-845 which requires a 25-foot street setback from the east property line (West Railroad Avenue), to permit a setback of 10 feet for Lot 6 from West Railroad Avenue to allow for a stairway replacement.
- b) Relief from LDC Section 34-845 which requires a 15-foot side setback from the north property line for Lot 6, to permit a setback of 0 feet for Lot 6 to allow for a deck and stairway replacement.
- c) Relief from LDC Section 34-845 which requires a minimum side setback of 15 feet, to permit a setback of 0 feet from the north property lines for Lot 6 and Lot 7 and a setback of 0 feet from the south property line for Lot 6 to bring the existing building into compliance on Lot 6 and to allow construction of an addition to it on Lot 7 and Lot 8.
- d) Relief from LDC Section 34-845 which requires a minimum street setback of 25 feet, to permit a setback of 0 feet from the western property line for Lot 6, Lot 7 and Lot 8 to bring the existing building into compliance and allow the addition on Lot 7 and Lot 8 to align with the existing building on Lot 6.
- e) Relief from LDC Section 34-845 which requires a minimum lot width of 75 feet, to permit a width of 25± feet on Lots 6, 7 and 8 to bring the lots into compliance with current C-2A lot dimensions.
- f) Relief from LDC Section 34-845 which requires a minimum lot depth of 100 feet, to permit 75± feet depth on Lots 6, 7 and 8 to bring the lots into compliance with current C-2A lot dimensions.
- g) Relief from LDC Section 34-845 which requires a minimum lot area of 10,000 square feet for a non-residential use, to permit a minimum lot area of 6,300 square feet for the combined uses on Lots 6, 7 and 8 to bring the parcel into compliance with current C-2A lot area requirements.
- h) Relief from LDC Section 10-415 which requires a minimum of 20% open space (having a minimum average width of 10 feet and a minimum area of 180 square feet) for small commercial developments, to permit 2.8% open space.
- i) Relief from LDC Section 10-416(b) which requires all new development in commercial zoning districts must provide building perimeter plantings equal to 10% of the proposed building gross ground level floor area, must be located abutting three sides of the building with emphasis on the sides most visible to the public, and must consist of landscape areas, raised planters or planter boxes that are a minimum of five feet wide, to permit building perimeter plantings as shown in the LANDSCAPE PLAN approved with the Development Order for the J. McLaughlin Store, Park Avenue, Boca Grande.

**COA2016-00029 McLaughlin, 354-360 Park Ave. BG, FL 33921**

West elevation on Park Ave.



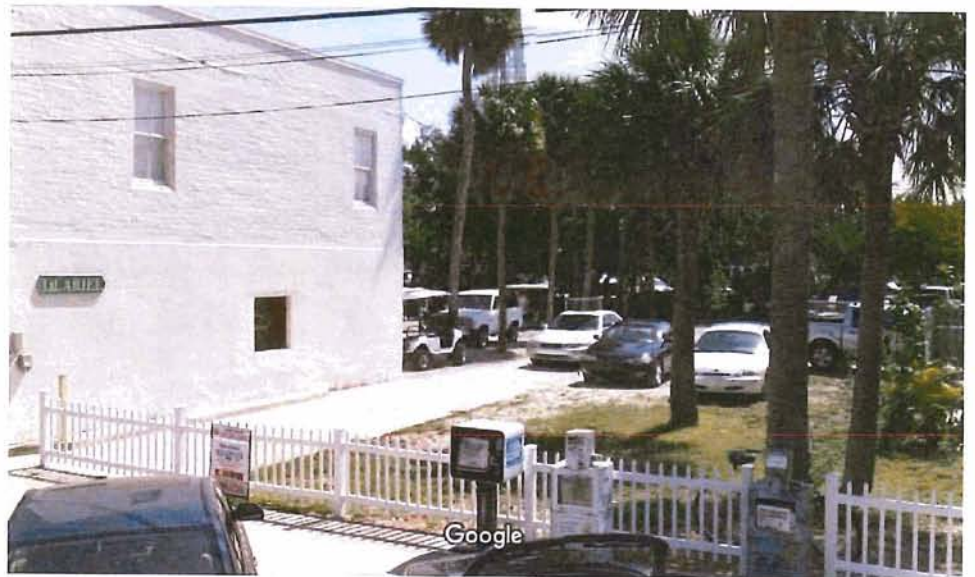


COA2016-00029 McLaughlin, 354-360 Park Ave. BG, FL 33921



Vacant lot Park Ave.

West view on vacant lot



View of back of the bldg



COA2016-00029 McLaughlin, 354-360 Park Ave. BG, FL 33921



South aerial view

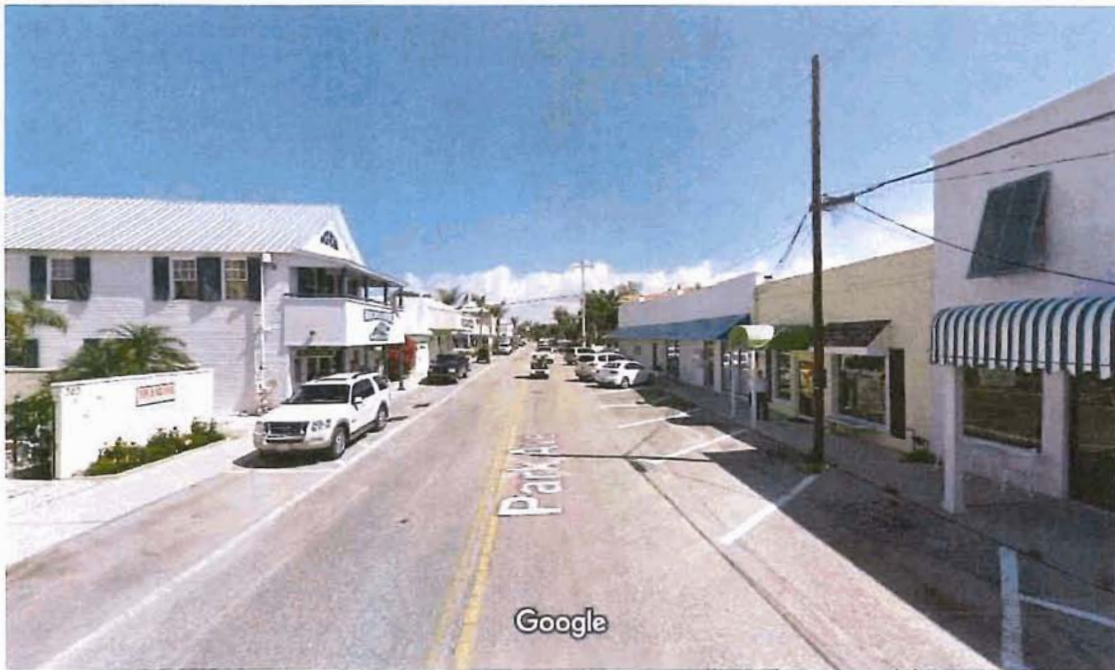


East aerial view



North aerial view

**COA2016-00029 McLaughlin, 354-360 Park Ave. BG, FL 33921**



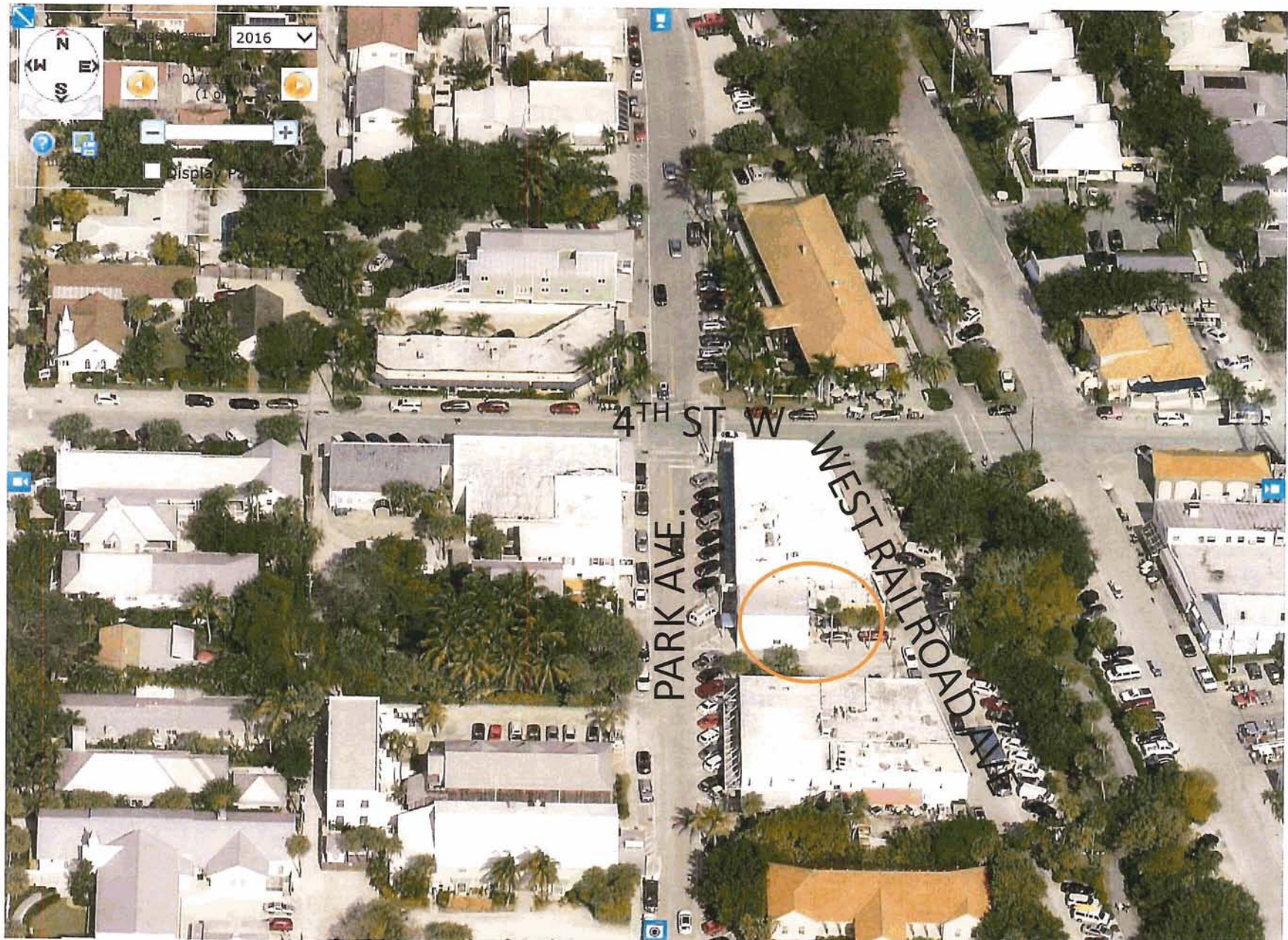
Street view of subject property facing North



Street view of subject property facing South



**COA2016-00029 McLaughlin, 354-360 Park Ave. Boca Grande, FL 33921**



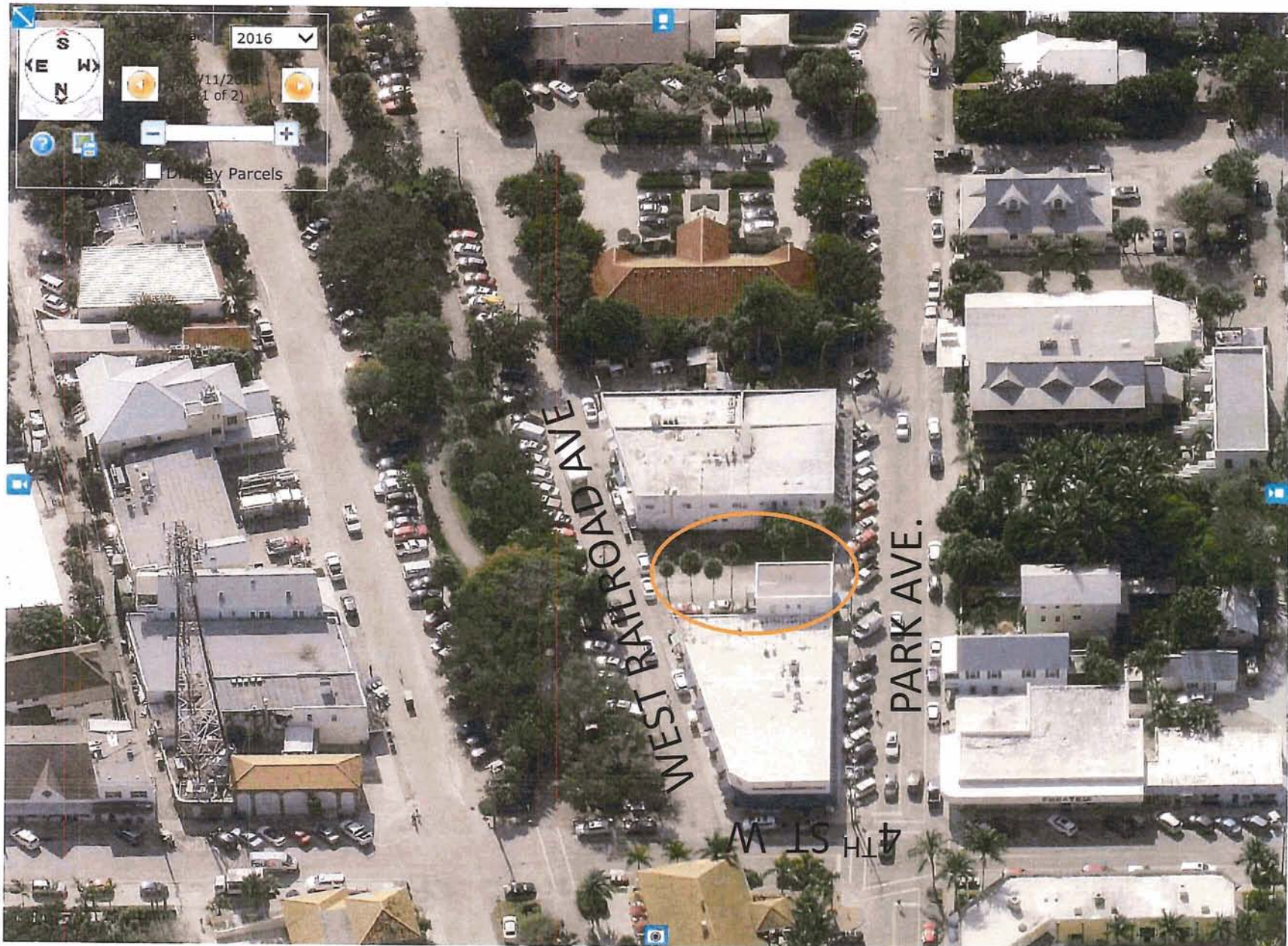


**COA2016-00029 McLaughlin, 354-360 Park Ave. Boca Grande, FL 33921**





**COA2016-00029 McLaughlin, 354-360 Park Ave. Boca Grande, FL 33921**

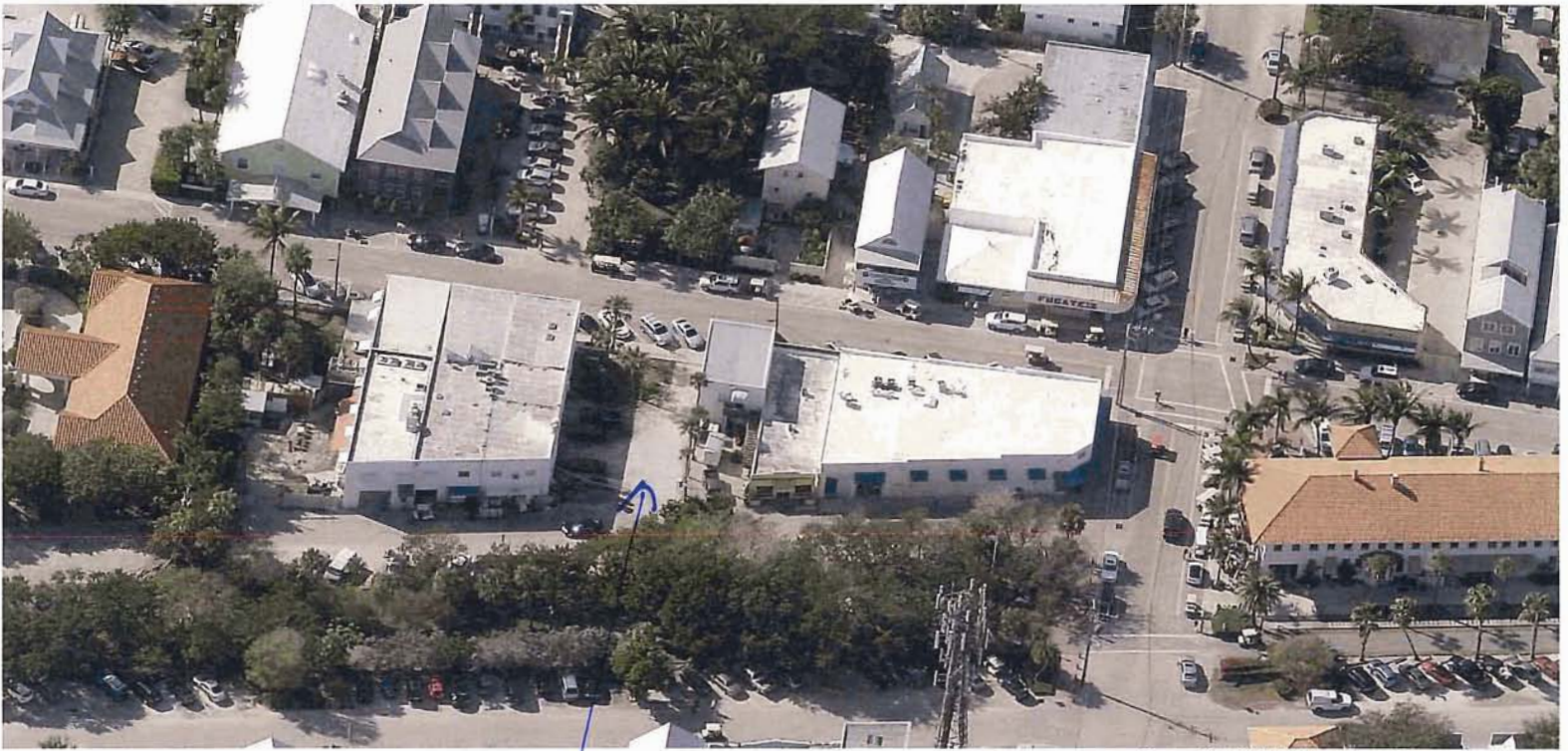






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SOUTH VIEW



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EAST VIEW





North View



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WEST VIEW



LEE COUNTY HISTORIC PRESERVATION PROGRAM  
SPECIAL CERTIFICATE OF APPROPRIATENESS (SCA) APPLICATION

COA 2015-00112

Lee County Division of Planning P.O. Box 398 Fort Myers, FL 33902  
TELEPHONE: (239) 479-8585 / FAX: (239) 479-8319

COA NO.: \_\_\_\_\_  
DESIGNATION NO.: \_\_\_\_\_  
DATE FILED: \_\_\_\_\_  
DATE ISSUED: \_\_\_\_\_  
APPROVED: \_\_\_\_\_  
DENIED: \_\_\_\_\_

<input type="checkbox"/> Contributing	<input type="checkbox"/> Non-Contributing	<input type="checkbox"/> Individual Designation	<input type="checkbox"/> Not Historical
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Designation Number: \_\_\_\_\_

Name of Project: PATENAUE RESIDENCE

Location: 210 BANYAN ST, BOCA GRANDE, FL 33921

Strap No.: 14-43-20-01-00002.0170

Name of Applicant or Agent: PETE SANGER, SUNTECH BUILDERS, LLC

Address: P O BOX 1

City / State: BOCA GRANDE Zip Code: 33921 Phone: (941) 964-1234

Fax: \_\_\_\_\_ E-mail: pmsanger@suntechbuilders.com

Name of Historic District, if applicable, BOCA GRANDE

Check all that apply: ☒ Building  
☐ Archaeological Site  
☐ Object  
☐ Landscape Feature

Project Description: (describe all work proposed)

Type of Work: ☒ Alteration ☐ Demolition ☐ New Construction  
☐ Reconstruction ☒ Rehabilitation ☐ Relocation

Narrative: RESTORATION/REHABILITATION OF THE FORMER H. F. duPONT RESIDENCE  
THE STREET SCAPE WILL BE "RESTORED" CLOSER TO THE ORIGINAL 1928  
DESIGN W/ OPEN PORCHES AND REMOVE THE FENCING

Change in Use: ☐ yes ☒ no

If yes, explain: \_\_\_\_\_

Does this use require a variance, special permit, or special exception under the Zoning Ordinance? ☒ yes ☐ no

If yes, explain: TO MAINTAIN EXISTING FRONT SET BACK(S) BANYAN & GILCHRIST

Has a development order or exemption been applied for prior to or concurrent with this application? ☐ yes ☒ no

If yes, explain: \_\_\_\_\_

**COA2015-00112 Patenaude 210 Banyan St. Boca Grande, FL 33921**

Subject Property  
210 Banyan St.





**COA2015-00112 Patenaude 210 Banyan St. Boca Grande, FL 33921**

Subject Property  
210 Banyan St.





**BOCA GRANDE HISTORIC PRESERVATION BOARD****STAFF REPORT**

**TYPE OF CASE:** Special Certificate of Appropriateness

**CASE NUMBER:** COA 2015 – 00112

**PROJECT NAME:** Patenaude

**PROJECT ADDRESS:** 210 Banyan St, Boca Grande, FL 33921

**HEARING DATE:** June 8, 2016

**SUMMARY**

The applicant is requesting to rehabilitate a contributing property in the Boca Grande Historic District HD 90-05-01. The STRAP number is 14-43-20-01-00002.0170 and the address is 210 Banyan St., Boca Grande. Staff analyzed the project for compliance with the Secretary of the Interior's Standards for Rehabilitation as the basis for the recommendation to approve the Special Certificate of Appropriateness.

**STAFF ANALYSIS****Existing Conditions**

The subject property is a 100-ft by 150-ft rectangular parcel at the corner of Banyan St and Gilchrist Ave. On the north the parcel has 150 feet along Banyan St. and on the east the parcel has 100-feet along Gilchrist Ave. The property abuts residential parcels to the south and west.

The subject structure is a two-story, wood frame residence vernacular style house that is additive in form. According to the applicant, Mr. Henry Francis du Pont (H. F. du Pont) originally built the house by joining together several fishing cottages on the island. The house was built as a single story house in the 1920s with a second floor added later (date unknown).

The house features horizontal wood siding, metal roofs and a variety of multi-light windows -- none of the windows appear to be original. According to the Property Appraiser's web site 1924 was the first year the house was on the tax roll. The total area of the house is approximately 6,433 sq ft +/- . The first floor footprint is 5,221 sq ft +/- (3,751 sq ft +/- conditioned space, 488 sq ft +/- garage and 982 sq ft +/- patio/decking); the second floor footprint is 1,212 sq ft +/- (including 1,059 sq ft +/- of conditioned space and 153 sq ft +/- of patio/decking).

Along Banyan St. the front (north) elevation has an expansive, first floor frontage of approximately 100-ft and features a prominent (16-ft +/-), central entrance. This entrance consists of a pair of 10-ft high doors with side lights and is accessed by front steps. On the first floor, narrow, low (12-ft +/- from grade to roof peak) secondary partial hip roofs extend for 42-ft +/- east and west of the central entrance. Behind these roofs are the first floor's main side gable roofs (18-ft +/- from grade to roof peak). These side gable roofs abut the central second floor wing and extend 14-ft east and 33-ft west.

While the first floor appears symmetric the second floor's design is slightly irregular. The second floor wing consists of a central front facing gable roof (approximately 28-ft high from grade to roof peak) with a 33-ft long side gable roofed wing east of it. The front facing gable

features a large bay window opening to a second floor porch. The bay window, the porch and the first floor entrance are all aligned with the east wall supporting the second floor's front facing gable peak – instead of centered under the gable peak (which would result in a more conventional and symmetrical design.)

On the east elevation along Gilchrist Ave. are two low (14-ft +/- from grade to roof peak) staggered hip roofed wings that are joined to the garage by a covered walkway.

The rear (south) elevation includes historically significant large enclosed porches (sun rooms) on the first and second floors.

The applicant has done extensive research on this property. Copies of the original blue print floor plans, as well as historic photographs, are included in the applicant's submittal. The original floor plan design is labeled "Historic L1 and L2 Floor Plan" (page A-9).

The original plans show a slightly smaller house than what exists and shows incised screen porches under the partial hip roofs on the front elevation. The existing house has been altered from the original historic structure as follows: the east incised porch has been removed to make room for an expanded kitchen/dining area; a portion of the west screen porch was replaced with a bathroom and the balance was transformed into two enclosed porches along west elevation. In evaluating these changes, it is important to emphasize the first floor entrance, living room and sunroom and the second floor sitting rooms are essentially unaltered. Also while the windows on the front elevation are not original, the mass, scale and design of the original house has been preserved.

### **The Request** **Rehabilitation**

In general, the proposal will result in a rehabilitation project that restores some of the original character of the house and still accommodates a modern lifestyle. Most of the changes are within the existing building footprint.

**First Floor** -- In general the following changes are proposed on the first floor:

- The existing number of bedrooms will be increased from 2 to 4.
- On the front elevation two screened porches will be added on either side of the front entrance.
- On the west elevation the enclosed porches will be removed and replaced with one small screened porch and an expansion of the existing bedroom's bathroom.
- The existing west bedroom will be enlarged and the existing fireplace removed. This fireplace is not original to the building. The chimney will be preserved.
- The study will be enlarged and a bathroom added. The bay window will be removed and the west screened porch installed on the front elevation.
- The existing rear pergola and deck will be removed and replaced by a covered lanai.
- The entrance, the entry hall, living room and sunroom will be preserved and restored. These rooms are documented in the original blue prints and historic photographs.
- The bay window on the front elevation, a portion of the kitchen, the existing rear deck and pergola will be removed. The east screened porch reminiscent of the historic screen porch will be installed on the front elevation approximately where the current bay window is located. The proposed screen porch will access a new dining area which will open to a rear dining patio.

- A new smaller kitchen with a window on the front elevation will replace the existing large kitchen.
- The eastern portion of the existing floor plan includes the areas labeled bedroom, bathroom, office and storage. These are the current uses accommodated within the original historic footprint of that portion of the house. The proposal calls for these to be reconfigured as follows:
  - The storage area will become a bedroom. Unlike the rest of the house, this room has brick walls with a stucco finish. In later years horizontal siding was applied to the stucco. The applicant proposes to restore the original stucco finish. The applicant notes that historically this room had brick walls covered with stucco as the room was used as a boiler room.
  - The office will be removed and the space used to provide a new bathroom to the new bedroom and to enlarge the existing bathroom for the existing bedroom.
- The open porch at the rear connecting the house to the garage and the large laundry room behind it will be reconfigured. The porch will be reduced in size and a “sand room” will be added. The large laundry room with its storage facility will become a new bedroom with bathroom. A smaller laundry area will be built.

Second Floor: According to the historic blueprints, the second floor consisted of a large rear porch, two front sitting rooms, and a large bay window on the front elevation opening to the front porch. The current floor plan has kept the bay window and front porch. The west sitting room became the master bedroom and the east sitting room accommodated the closets. The large rear porch was split in two with a portion accommodating the master bathroom and the other a day room.

The proposal includes minimal changes to the existing second floor. The west sitting room will continue to accommodate the master bedroom and the east sitting room will accommodate the master dressing room. At the rear the master bath and day room will stay. A new second floor open patio is proposed on the day room’s west elevation.

The foundation: The first floor elevation will be raised by 2-ft. +/- from approximately 9.2-ft to 11-ft NGVD. The building will be raised in place, the existing “pier” foundation (consisting mostly of dry stacked bricks), wood girders and wood joists will be removed and replaced with a stem wall foundation consisting of concrete footers, re-enforced concrete block with plaster finish, solid fill and topped with a re-enforced concrete slab.

Structural: The original exterior framing will be anchored to the new foundation and prior damage from insects and water will be repaired. All sound existing wood will remain. Usable timber removed from the existing floor system will be used for wall and roof repairs. Any material ‘leftover’ will be milled for use in cabinetry and flooring.

Roofs: In order to wind rate the building, most roof joist will have to be reinforced with new larger timbers. Existing timber will be left in place whenever possible. Lower slope sections of the previous porch roof were undersized and some of the original members removed. This roofed area will have to be re-sized but the overall appearance from the exterior will remain unchanged.

The existing 5-v crimp metal roof will be replaced in-kind.

Modern addition west of the Gilchrist Ave porch: A large added area behind the existing kitchen and west of the Gilchrist Ave. entry porch has very little structural integrity and low ceiling height. It appears to have been built on a previous patio. The area does not appear in the historic drawings and by the milling and markings on the lumber is a modern addition. The applicant proposes to change the roof line by adding a raised ridge. This will allow for more structurally sound roof, increase headroom and create space for ductwork, HVAC equipment and storage.

Removal of the circular brick entry: The applicant proposes to remove the circular brick entry. The proposal calls for installing a landscaped entry.

Siding: The applicant proposes to replace the existing wood siding with custom milled wood siding to match the existing profile.

General: Large areas of the existing west enclosed porch will be returned to a screened porch as in the original DuPont design. This will include removing the bay windows which are not original to the building.

Chimneys: The chimneys will be preserved or replicated.

Windows: The last renovation removed all of the original exterior windows and doors, replacing them with stock sized Andersen windows and aluminum sliding glass doors. The proposal calls for removing all of the current units and replacing them with custom sized Andersen windows and doors.

### **The Secretary of the Interior's Standards for Rehabilitation**

In evaluating the Secretary of the Interior's Standards also refer to the discussion above.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.  
The proposed rehabilitation would allow the property to be continued to be used as a residence.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

The signature features of the original historic house will be preserved including the front entrance, entryway, living room and the rear porch. On the second floor the east and west sitting rooms will be preserved as the master bedroom and master dressing rooms. The rear porch will be preserved as a master bathroom and day room. The original roof forms will be preserved. The existing windows and bay windows will be removed and replaced with more historically accurate windows.

The siding will be replaced in-kind with horizontal novelty or German siding. The existing metal roof will be replaced with a metal roof.



3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.  
There are no changes that create a false sense of historical development.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.  
There are no changes that have acquired historic significance that should be retained or preserved.
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.  
The form, mass, and design of the historic house will be preserved. The first floor front entrance, entryway, living and rear porch with its traditional finishes will be preserved. On the second floor the former east and west sitting rooms, the front bay window with balcony and the rear porch will be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.  
The existing wood siding will be repaired or replaced with new wood siding. The applicant has researched the property and with original blue prints was able to identify areas in the house that had not changed over the years and proposes to continue preserving them. These include the front entrance, living room, rear porch and the second floor sitting rooms and rear porch.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. **N/A**
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken. **N/A**
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.  
Most of the additions to the property are in the form of open patios and lanais. The majority of the proposed work would be done under the existing building foot print with the goal of increasing the number of bedrooms and bathrooms, modernizing the kitchen, and adding space to the study.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The essential form and integrity of the historic property and its environment will be unimpaired if both the proposed south and north additions are removed in the future.

**STAFF RECOMMENDATION**

Staff recommends that the Historic Preservation Board:

- Approve the project as presented by the applicant.
- Direct staff to certify the rendering of the Board's decision.

## **Decision by Boca Grande Historic Preservation Board**

Chapter 22-103 of the Lee County Land Development Code authorizes historic preservation board to review certificate of appropriateness applications and Chapter 22-101 of the Land Development Code directs that for contributing buildings the review will be based on the Secretary of the Interior's Standards for Rehabilitation.

On June 8, 2016 the Boca Grande Historic Preservation Board held a public hearing to consider COA 2015 – 00112 for the rehabilitation and addition to an existing residence. The subject property is listed as a contributing building in the resolution designating the Boca Grande Historic District HD 90-05-01.

### **Findings**

Having reviewed the materials presented by the applicant and staff, the Boca Grande Historic Preservation Board finds, concludes and determines on the basis of staff analysis and materials presented that the proposed project is in compliance with the following Secretary of the Interior's Standards for Rehabilitation:

#### **Standard 1:**

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

#### **Standard 2:**

The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

#### **Standard 3:**

Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

#### **Standard 4:**

Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

#### **Standard 5:**

Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

#### **Standard 6:**

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

**Standard 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.

**Standard 10:**

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**Decision:**

The Boca Grande Historic Preservation Board approves the plans presented by the applicant for COA 2015 – 00112 (received and date stamped by Community Development on May 31, 2016) by a motion made by  
and seconded by  
and upon being put to a vote the result was as follows:

Bill Caldwell	
Paul C. Eddy	
Susan Hanafee	
Dana Robinette	
Guerrino Savio	
Rebecca Seale Paterson	
Edward Seibert	

Duly passed and adopted on June 8, 2016

Certified on

By Gloria Sajgo, Principal Planner and staff to the Boca Grande Historic Preservation Board.



## REQUEST

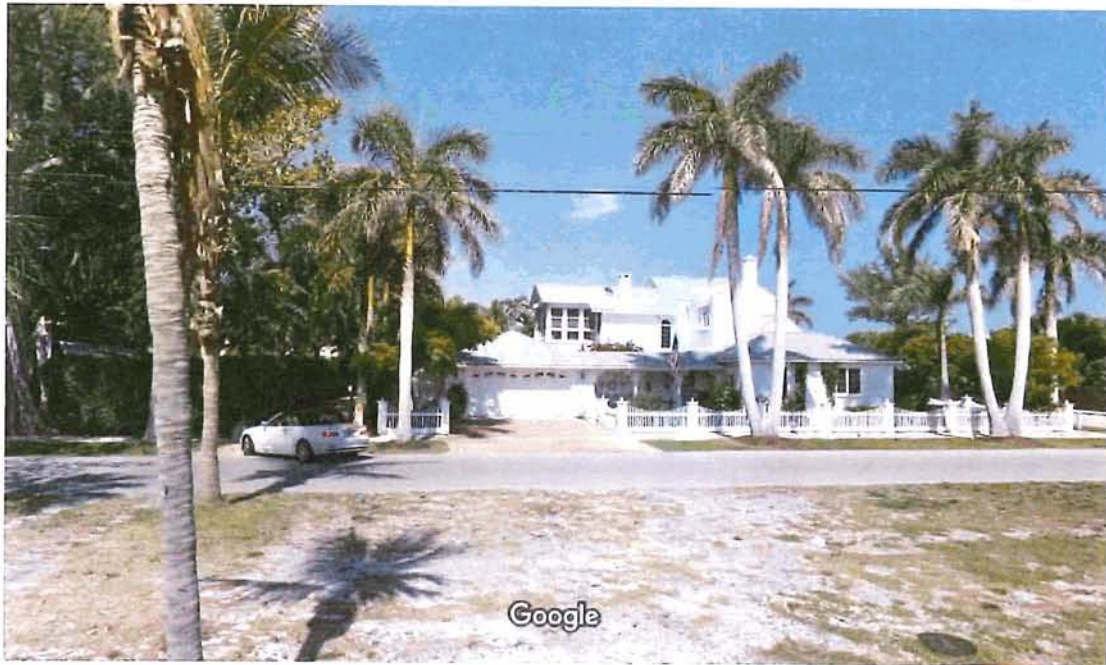
ADD2016-00081 – Patenaude

The request for Zoning Relief in the RS-1 (Residential Single-family) zoning district from the Lee County Land Development Code:

- a) Sections 34-695 and 34-2192 which require a street setback of 25 feet from Banyan Street to legitimize the 13± foot setback for the existing single family residence, the 7± setback for the existing stairs, and allow a 10± foot setback for the new stairs.
- b) Sections 34-695 and 34-2192 which require a street setback of 25 feet from Gilchrist Avenue Street to legitimize the 4± foot setback for the existing single family residence, and the 11± foot setback for the existing garage.

**COA2015-00112 Patenaude 210 Banyan St. Boca Grande, FL 33921**

East elevation on Gilchrist Ave.





**COA2015-00112 Patenaude 210 Banyan St. Boca Grande, FL 33921**

North elevation on Banyan St.





**COA2015-00112 Patenaude 210 Banyan St. Boca Grande, FL 33921**

North elevation on Banyan St.



Main entrance

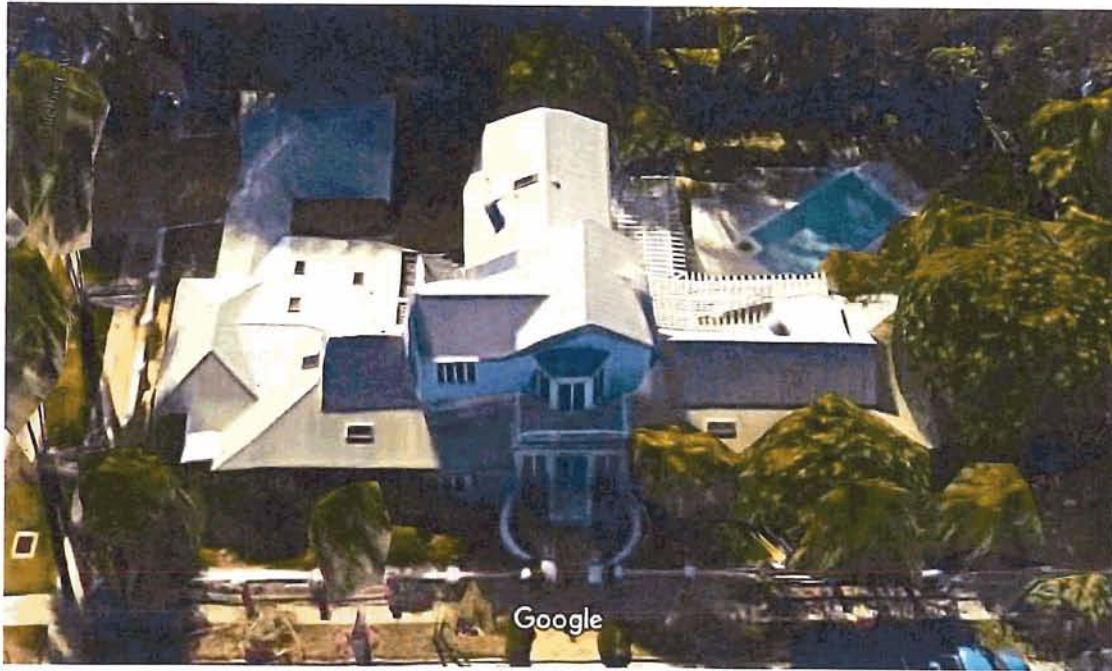
Enclosed porch and  
yard view



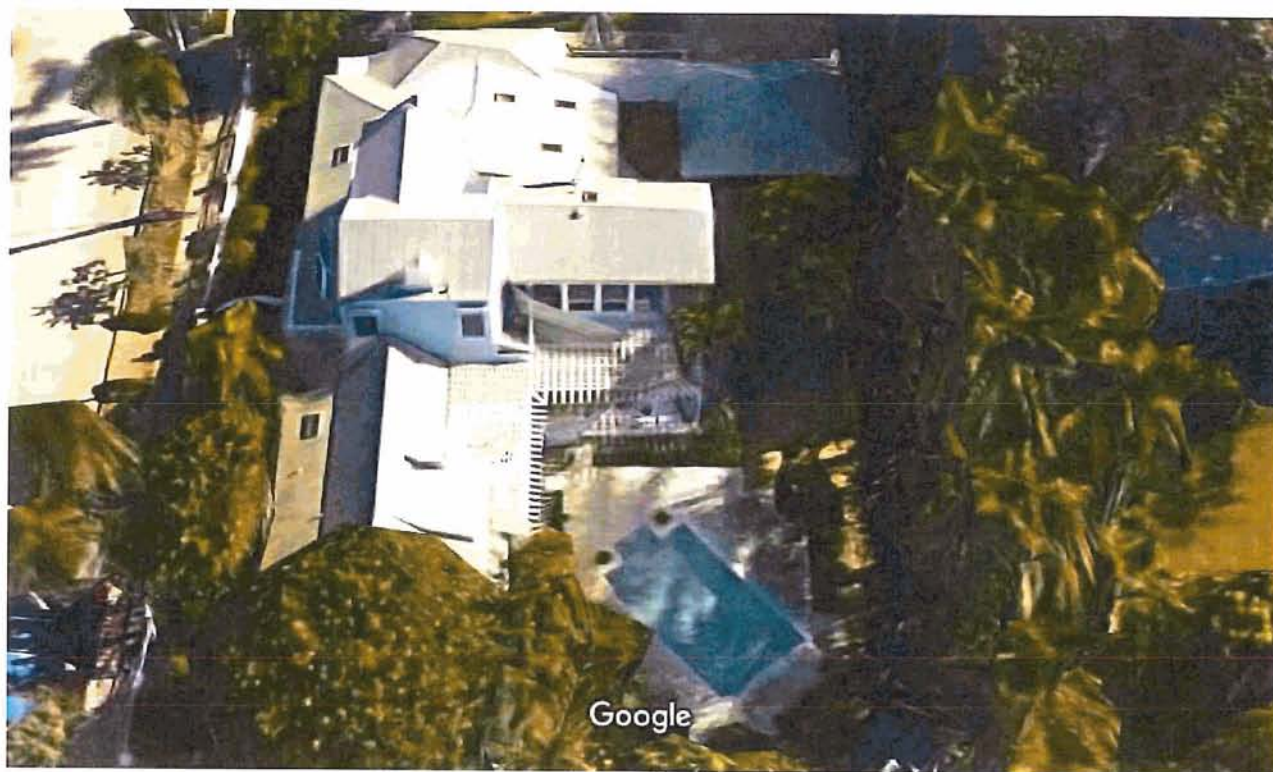
West yard view



North aerial view

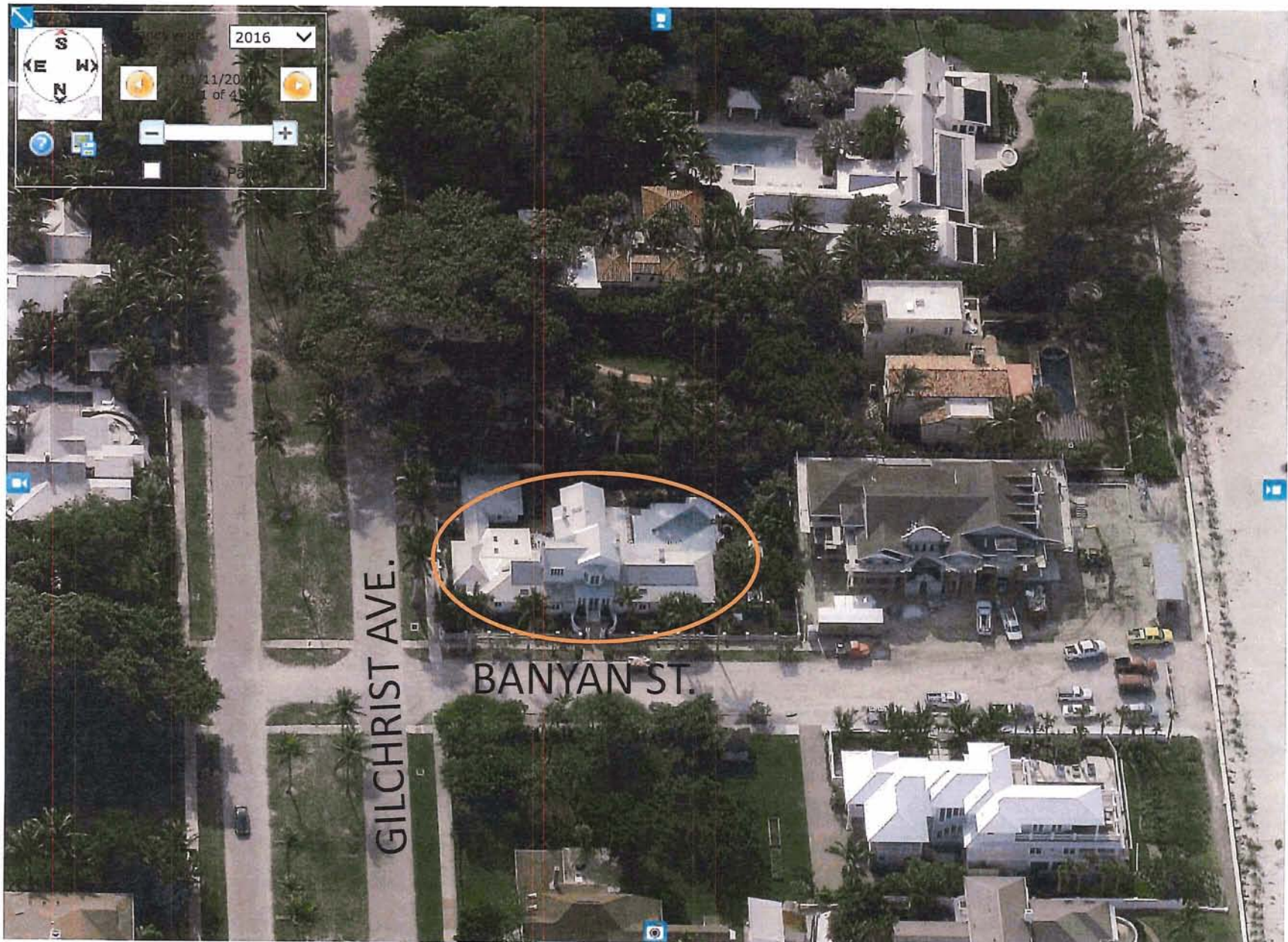


West aerial view



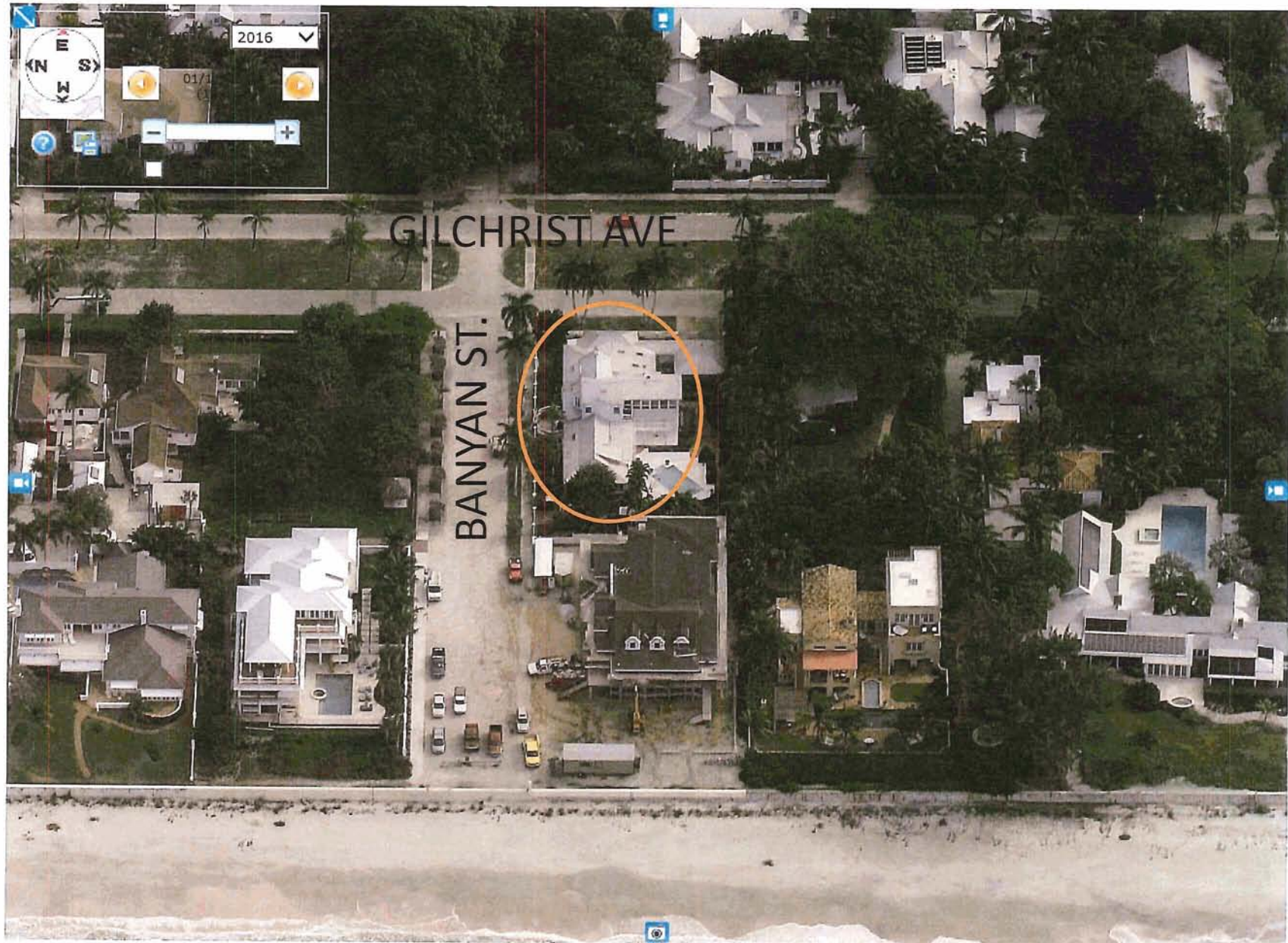


**COA2015-00112 Patenaude 210 Banyan St. Boca Grande, FL 33921**





**COA2015-00112 Patenaude 210 Banyan St. Boca Grande, FL 33921**







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*WEST ELEVATION*





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*NORTH ELEVATION*





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*EAST ELEVATION*

COA2015-00112 Patenaude 210 Banyan St. BG, FL 33921

Applicant's  
Submittal

## RESTORATION & MODIFICATIONS TO: 210 BANYAN STREET, BOCA GRANDE FL

### Historic Preservation Program Special Certificate of Appropriateness Application Narrative

The Applicants wish to restore the former H F DuPont Residence at 210 Banyan St and in the process, return the exterior elevations to be more in keeping with the original appearance of the property (1929) while enhancing the structural integrity and interior comforts to the levels that we and our code officials require.

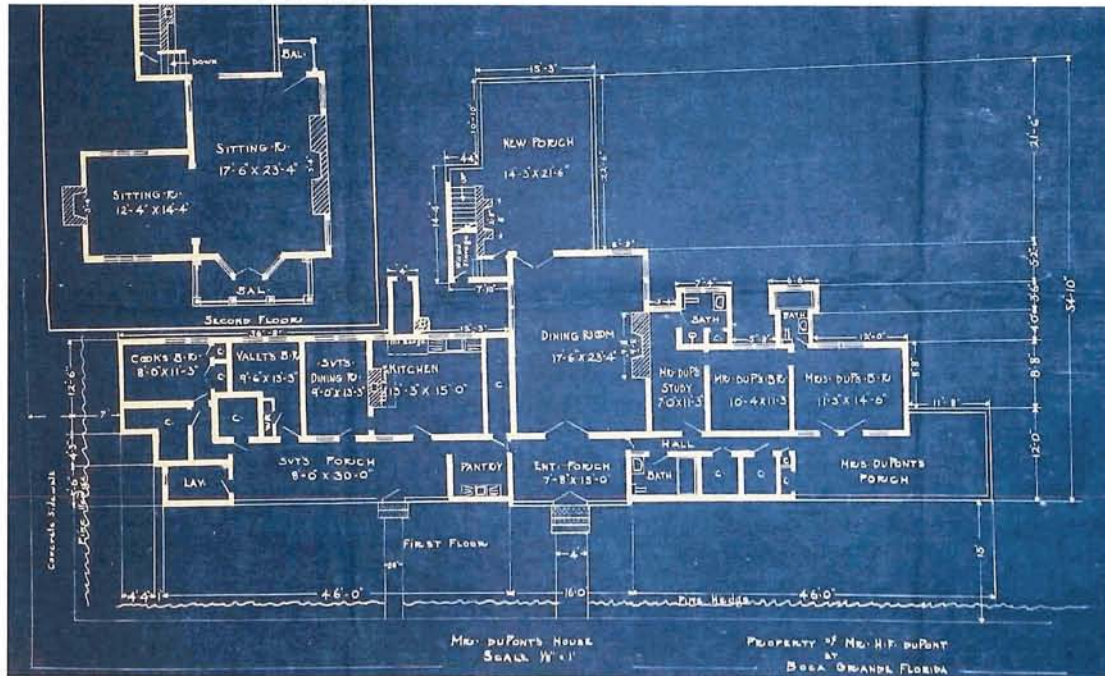


To do this, we propose to do the following:

1. Level and raise the structure to current FEMA flood elevation for a dwelling in A10 zone. (11.0' NGVD) The building will be raised in place, the existing "pier" foundation, (consisting of mostly dry stacked bricks), wood girders and wood joist removed and replaced with a stem wall foundation consisting of concrete footers, re-enforced CMU's with plaster finish, solid fill, and topped with a re-enforced concrete slab.
2. The original exterior framing will be anchored to the new foundation and all necessary repairs made to same from prior insect & water damage. All sound existing wood will remain. As well as all usable timber removed from the existing floor system will be used for wall and roof repairs. Any material "leftover" will be milled for use in cabinetry & flooring.



3. In order to "wind rate" the building, most roof joist will have to be sister'd with new larger timbers. Existing timber will be left in place whenever possible. Lower slope sections of the previous porch roof were dramatically undersized, (2x4) as well as most of the original members removed. This roofed area will have to be re-sized, the overall appearance from the exterior will remain unchanged.
4. Large areas of the existing enclosed porch will be returned to screened porch use as in the original DuPont design.



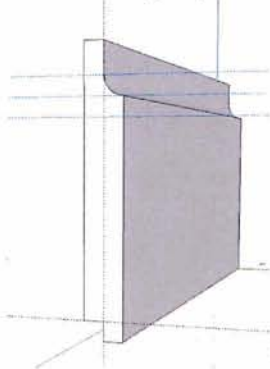
This will include removing the bay windows added during the previous "restoration" some 25 years ago.



5. All chimneys will be preserved or replicated. Two are in precarious condition and need to be replaced. I encourage any staff and/or board members to contact me to set up a tour.
6. A large added area behind the existing kitchen and west of the Gilchrist entry porch has very little structural integrity and less ceiling height. It appears to have been built on a

previous patio. The area does not appear in the historic drawings and by the milling and markings on the lumber is a modern addition. The Lee County E Connect site has no records of the previous work. We request (as shown on the elevation drawings attached) to change the roof line by adding a raised ridge. This will allow us to structure the roof, add needed headroom & an area for ductwork, HVAC equipment & storage.

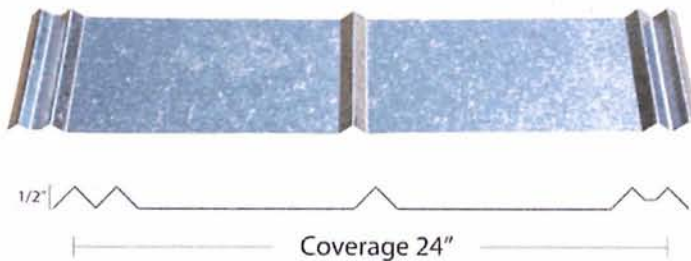
7. We propose to remove the circular brick entry structure including the gate posts and all wooden fencing on the two street elevations. The property was originally surrounded on the street sides by an Australian Pine hedge, similar to the existing hedge on the property 2 doors to the north. We propose to replace it using a similar but less invasive planting. (podocarpus?)
8. All siding replaced will be custom milled to match the existing "German" Siding.



9. The original wood shake roofing was removed in prior renovations and replaced with 5v Galvalume roofing, we request to remove and replace the existing 5v in kind.

### 5-V Crimp Metal Roof Dimensions

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10. All aluminum "K" style gutters will be removed, any gutters added will be  $\frac{1}{2}$  round to be in keeping with the house and expose the crown or rafter tails now covered by the existing gutters.
11. The last renovation removed all of the original exterior windows & doors, replacing them with stock sized Andersen windows and aluminum sliding glass doors. We propose to remove all of the current units and replace them with a combination custom sized Andersen windows & doors. Sash sticking will be limited to larger formatted panes as per the original era of the home and not as currently done with stock "grills" leaving

us with very small and inappropriately sized panes. Please see attached drawings labeled A1 through A4.

12. Mr. duPont was said to have assembled the home by moving and connecting three earlier fishing cottages. Included in that collection is a brick section that was originally plastered on the exterior. As shown on the submitted elevations we propose to remove the later added wood siding and restore the plaster (stucco).

We see no negative effect from the proposed restoration to the adjacent buildings and streetscape. With respect to previous alterations, our proposed restorations will have a positive effect on both the immediate neighbors (see below) & anyone passing by the highly visible property.

1. North, 14-43-20-01-00001.0100, 231 Gilchrist Ave, Clute Karen L., 1926
2. Northwest, 14-43-20-01-00001.0010, 211 Banyan St, 2015
3. West, 14-43-20-01-00002.0080, Rodriguez, Carlos & Eileen, Under Construction
4. South, 161 Gilchrist Ave, Gary & Sue Sligar, No direct visual connection or line of sight.
5. South East, 14-43-20-10-00003.0110, 220 Banyan St, Croghan Rosemary
6. Northeast, 14-43-20-10-00004.001B, Downey, Sara B 221 Banyan St







Front Elevation (Banyan St) Pre 2<sup>nd</sup> Floor Addition



Front Elevation (Banyan St) Pre 2<sup>nd</sup> Floor Addition

RECEIVED  
MAY 09 2016

COMMUNITY DEVELOPMENT

2<sup>nd</sup> Floor (Now Master) Looking NE



Living Room (Looking



South)

RECEIVED  
MAY 09 2016

COMMUNITY DEVELOPMENT





RECEIVED  
MAY 09 2016

COMMUNITY DEVELOPMENT



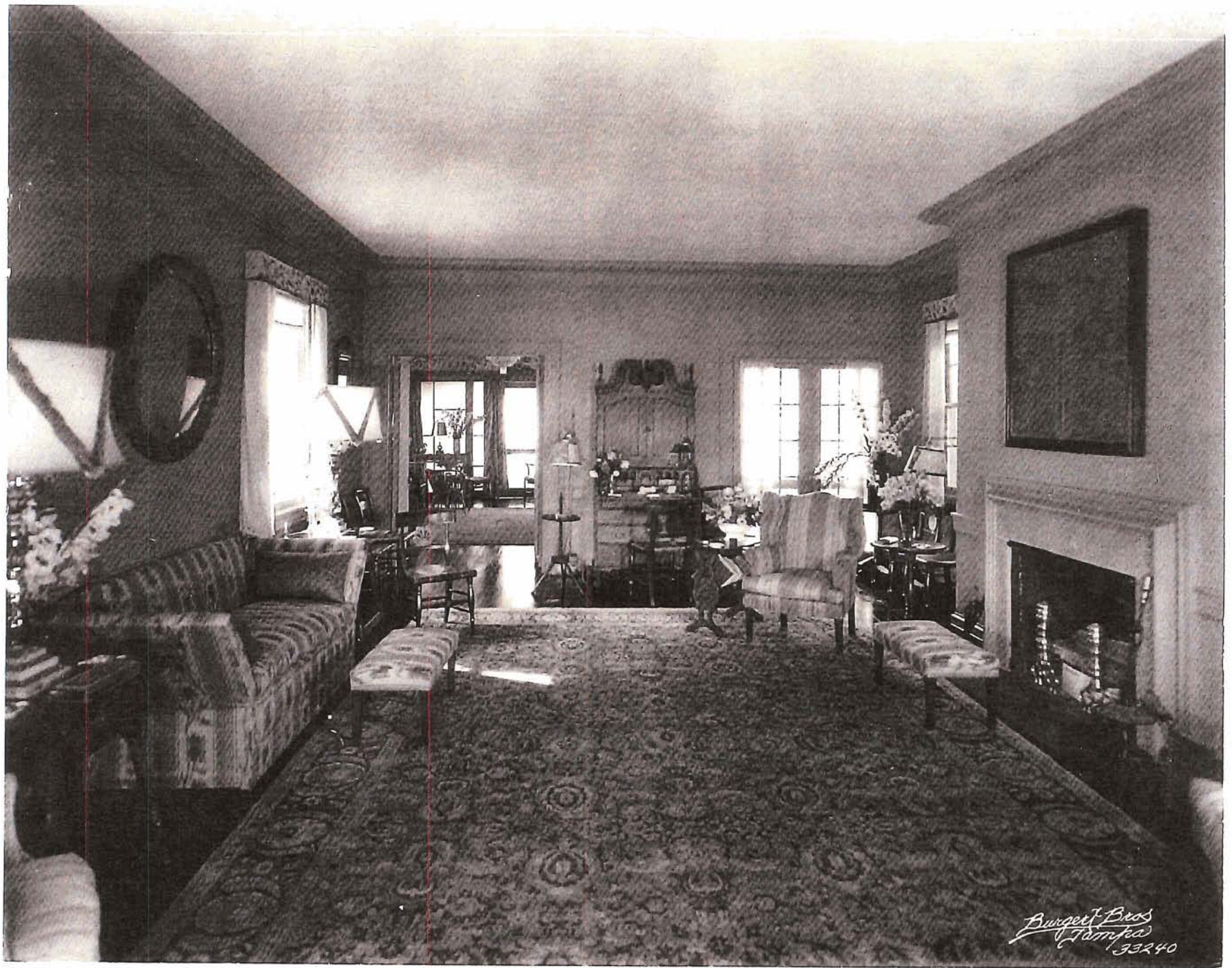
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COMMUNITY DEVELOPMENT





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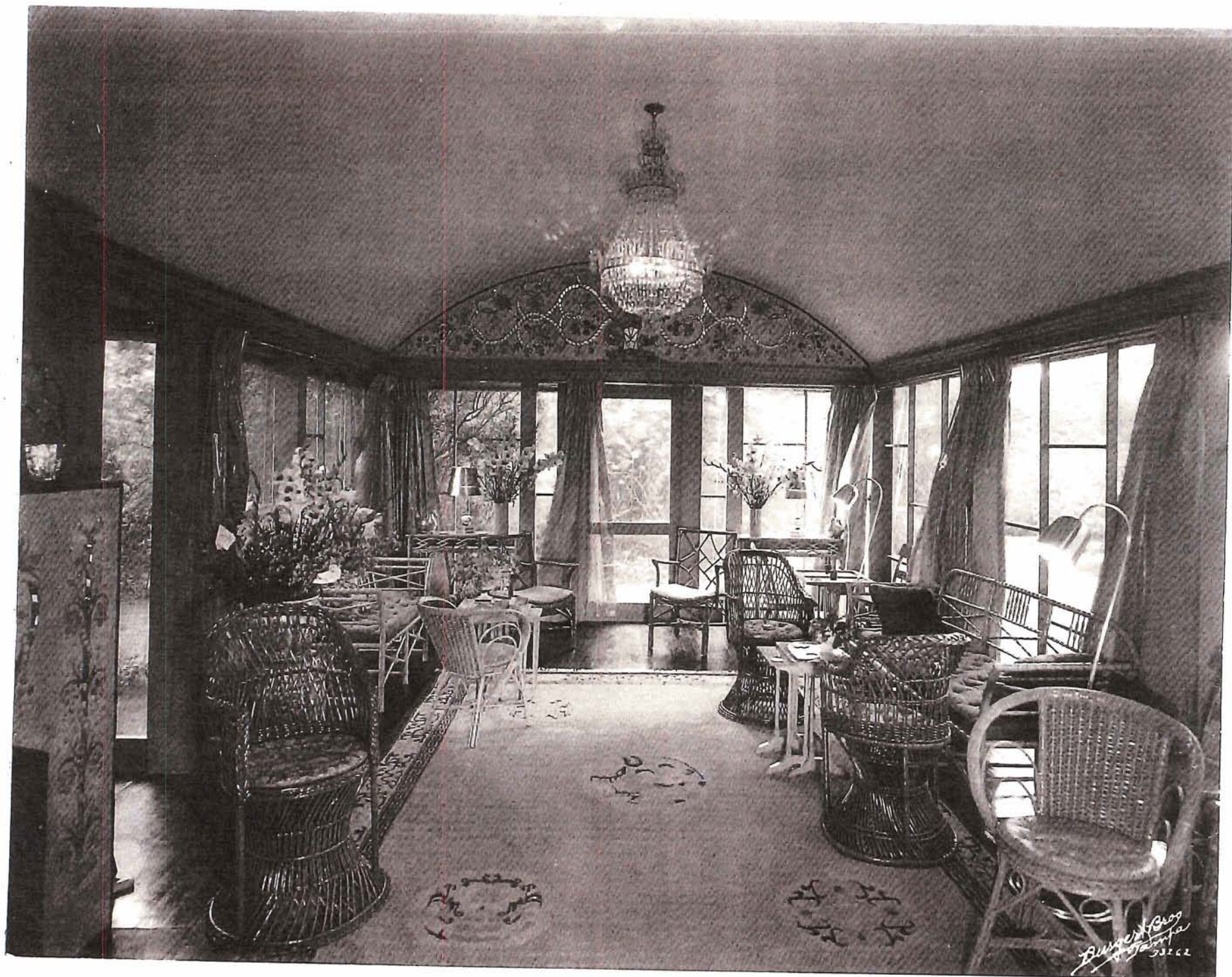


Budget Bros  
Tampa  
33240

FIRST FLOOR



2



FIRST FLOOR TORCH

Bussell Bros  
Tampa  
33262



3



FIRST FLOOR PORCH



4



SECOND FLOOR



5



SECOND FLOOR

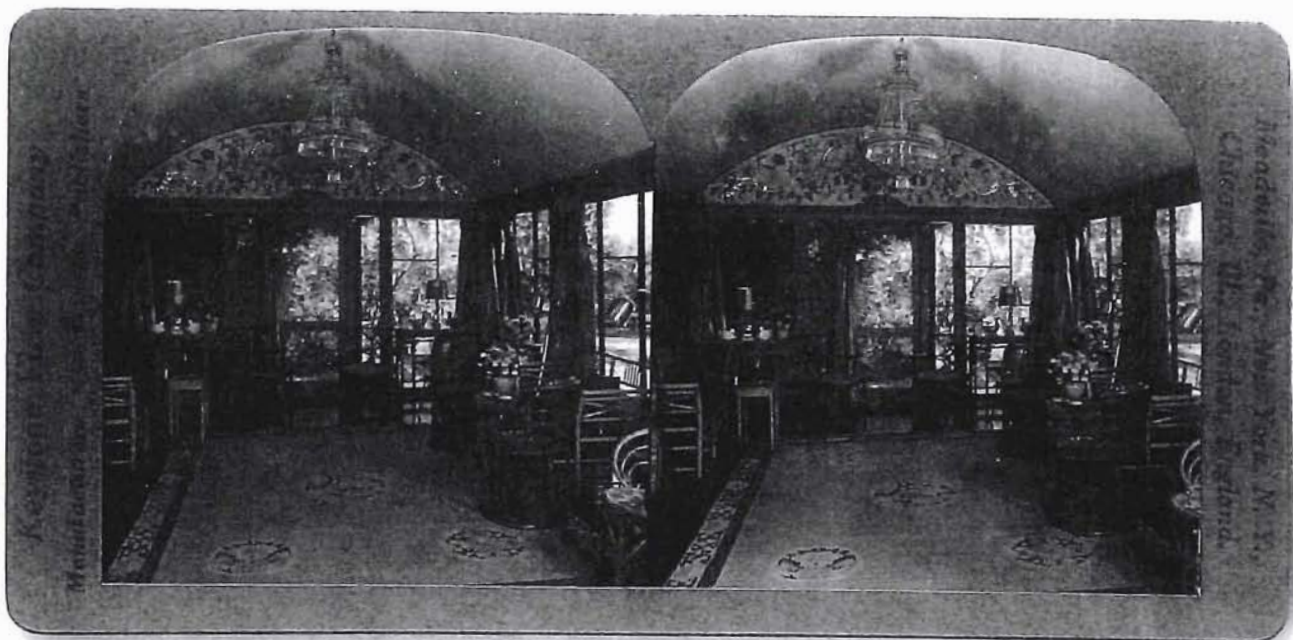


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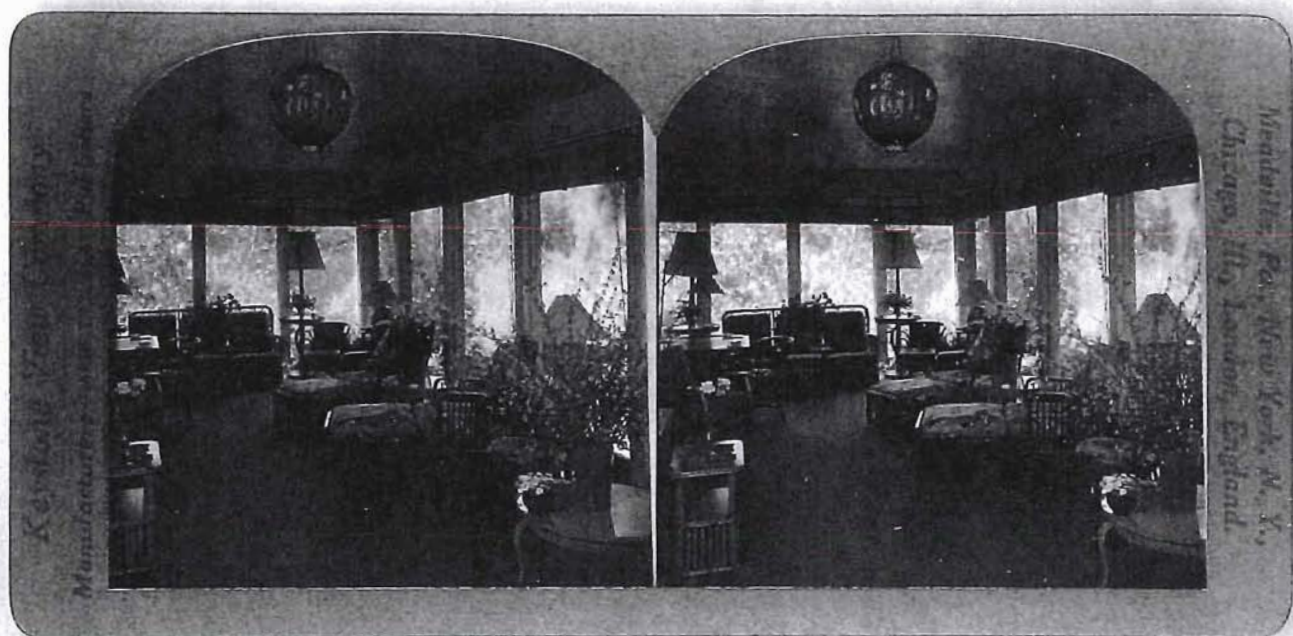


### SECOND FLOOR PORCH





FIRST FLOOR PORCH



SECOND FLOOR PORCH