

MINUTES REPORT
BOCA GRANDE HISTORIC PRESERVATION BOARD
AUDITORIUM, BOCA GRANDE COMMUNITY CENTER
131 FIRST STREET WEST, BOCA GRANDE, FL 33921
JUNE 8, 2022
10:00 A.M.

MEMBERS PRESENT:

Bill Caldwell III	Peggy Stanley
Paul Eddy	Barbara Wickwire
Jerry Edgerton (Vice Chair)	

MEMBERS ABSENT:

Dennis Maloomian (Chair)	Rebecca Paterson
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STAFF PRESENT:

Peter Blackwell, Planner	Cheryl Simpson, Recording Clerk
Courtney Gordon, Senior Planner	

OUTSIDE CONSULTANTS

Thomas Hinkle (Hinkle Architecture, Inc.)	Douglas Larson (Larson Architecture Works)
Tim Krebs, Architect (T.A. Krebs LLC)	David White (Mirasol Fafco Solar)
Gloria Sajgo (APLANADAY LLC)	

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

Mr. Edgerton, Vice Chair, called the meeting to order at 10:00 a.m.

A roll call was taken and the following members were in attendance: William Caldwell, Jerry Edgerton, Paul Eddy, Peggy Stanley, and Barbara Wickwire. A quorum was present.

Mr. Edgerton introduced and welcomed our newest Board member, Barbara Wickwire.

Ms. Simpson stated the Lee County Attorney's office reviewed the ad and Affidavit of Publication for today's meeting and determined it 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 if you need assistance.

Agenda Item 2 – Approval of Minutes – May 11, 2022

Mr. Caldwell moved to approve the May 11, 2022 meeting minutes, which motion was seconded by Mr. Eddy. The Vice Chair called the motion and it was passed 5-0.

Agenda Item 3 – Public Hearing for Historic Designation Case

A. HDC2022-00003, 233 Banyan Street, Boca Grande, FL 33921

Change in Status: Contributing to Non-Contributing for 233 Banyan Street.

Mr. Blackwell reviewed the staff report and recommendations.

Mr. Edgerton opened this item to the applicant's representative.

Ms. Sajgo stated that the property was shown as contributing in the 1990 designation. Subsequently, when the applicant wanted to build a house on the property, the record shows that the property was essentially vacant at that time except for a small unit in the back. Because of this, she believed staff assumed the property was non-contributing. As such, all the permitting for the new house and zoning relief, etc. was issued for a non-contributing structure. With this in mind, it did not make sense for this small addition to be reviewed as contributing. The owners and representatives for this case want all the permitting to fall in line with a non-contributing status.

The Board had no questions of the applicant's representative or staff.

Mr. Edgerton opened this item for public comment. No members of the public wished to comment, so the public comment segment was closed.

Mr. Caldwell made a motion to make a finding that the proposed change in status is in compliance with Lee County LDC Section 22-204, Criteria for Designation; and approve this Historic Designation Report pursuant to LDC Section 22-206 to permit the proposed change in status from Contributing to Non-Contributing for property located at 233 Banyan Street, which motion was seconded by Mr. Eddy. The Vice Chair called the motion and it was passed 5-0.

Agenda Item 4 – Special Certificate of Appropriateness

A. SCA2022-00005, Lindahl Residence, 233 Banyan Street, Boca Grande, FL 33921

Proposed enlargement of north-side second floor dormer.

Mr. Blackwell reviewed the staff report and recommendations.

Ms. Stanley asked if the zoning relief that was granted when it was initially built would extend to this dormer as well. She stated that zoning relief had been granted on the north side.

Mr. Blackwell stated it would extend to this dormer as well because the dormer does not intrude or further increase any kind of non-conformity since it is a lateral expansion.

Ms. Stanley stated she thought the zoning relief given was for a specific height of a specific area. Although this proposal will not increase the building height, there is an increase on the height of that facade.

Mr. Blackwell stated that was correct, but since it was not increasing the height overall, it is not an issue. The relief created a "box" and this proposal is not going outside of that "box."

Mr. Edgerton opened this item to the applicant's representative.

Mr. Krebs did not have any further comments, but was available for questions. He felt the proposal was simple because they are only extending the dormer an additional 12 feet.

The Board had no questions of the applicant's representative or staff.

Mr. Edgerton opened this item for public comment. No members of the public wished to comment, so the public comment segment was closed.

Mr. Caldwell made a motion to make a finding that the proposed alteration is in compliance with the Design Guidelines Manual for the Boca Grande Historic District and Lee County Land Development Code (LDC) Chapter 22; and approve the Special Certificate of Appropriateness for the Lindahl Residence at 233 Banyan Street pursuant to LDC Chapter 22 to allow the proposed alterations as provided in the existing roof project location plan and exterior elevation stamped "RECEIVED" April 6, 2022, which motion was seconded by Ms. Wickwire. The Vice Chair called the motion and it was passed 5-0.

B. SCA2022-00006, 3rd Street Bistro, 310 Railroad Avenue, Boca Grande, FL 33921

Proposed alteration of facades on commercial building.

Mr. Blackwell reviewed the staff report and recommendations.

Mr. Edgerton opened this item to the applicant's representative.

Mr. Douglas Larson, Architect for the applicants, stated that Mr. and Mrs. McLaughlin (property owners), had taken an interest in the culinary landscape of Boca Grande and were trying to open a restaurant. When this existing restaurant was up for sale, they purchased it. He referred the Board to the last two pages of their packet, which he felt demonstrated the need for a renovation. The structure is non-contributing. The proposal includes some interior reorganization as well. They propose to open it to the street with French doors and some brick paving around the perimeter. He explained the reason for the concrete in the corner is to meet the handicapped accessibility code in Florida. If not for that, they would have proposed that brick be placed there as well. He hoped the Board would view these changes as an improvement. He noted there were no current plans to do anything in the garden area, but that would be addressed at some point in the future. When that endeavor takes place, it will be brought before this Board.

Mr. Eddy asked for confirmation that no variances were needed for parking due to the renovations.

Mr. Larson stated no parking variances were needed because this proposal is not changing the footprint or adding any floor area. In addition, there have already been several improvements to the current seating and parking.

Mr. Blackwell stated that if there is increased seating on the sidewalk area, it will have to be addressed, but as of this moment, there is no issue.

Mr. Edgerton opened this item for public comment. No members of the public wished to comment, so the public comment segment was closed.

Mr. Caldwell made a motion to make a finding that the proposed renovations as provided on the plans and drawings stamped "Received" 4/14/22 is in compliance with the Boca Grande Historic District Design Guidelines and Lee County LDC Chapter 22; and approve the Special Certificate of Appropriateness for the subject property pursuant to LDC Chapter 22 to permit the proposed renovations, as provided on the plans and drawings stamped "Received" 4/14/22, which motion was seconded by Mr. Eddy. The Vice Chair called the motion and it was passed 5-0.

C. SCA2022-00008, Mazza Residence, 235 Whiskey Row, Boca Grande, FL 33921

Proposed installation of solar panel arrays on south and east faces of roof and installation of battery backup units inside building.

Mr. Blackwell reviewed the staff report and recommendations.

Mr. Edgerton opened this item to the applicant's representative.

Mr. David White, Mirasol Fafco Solar, stated he had been an energy consultant for 10 years. The energy/power walls will be on the west side of the garage. The furthest interior walls will be high up per the water code, so they will not be visible when the garage doors are open. He gave an overview of the project.

The Board had no questions of the applicant's representative or staff.

Mr. Edgerton opened this item for public comment. No members of the public wished to comment, so the public comment segment was closed.

Ms. Stanley stated she was in favor of renewable energy sources and updating homes, but she felt uncomfortable that there are no standards for evaluating these projects.

Mr. Edgerton noted this had been discussed by Ms. Swindle, Assistant County Attorney, at last month's meeting and that staff will be working on some guidelines for solar panels. Although he understood her concern, he felt the Board could approve this particular case without the guidelines.

Mr. Caldwell stated that Ms. Swindle suggested this Board make a motion to direct staff to begin the process of adding some verbiage to their design standards regarding solar panels, which will be reviewed by this Board at a future date. He noted it was reflected in the meeting minutes.

Ms. Stanley suggested this case be tabled until those standards are completed because, otherwise, the Board is making arbitrary decisions. She felt this Board needed to make consistent and fair judgments for each case. It is difficult to evaluate these cases with no guidelines.

Mr. Blackwell noted that this Board had made a motion previously on this topic, so staff is moving forward with creating new guidelines for solar panels. However, this case is being brought forward with the current guidelines and should be evaluated under the current situation. The reason for this Board is they can provide their experience, especially since they live in Boca Grande, which is the basis for approval. This was the justification for the previous approval and it still applies now. For cases after this, they will be subject to the new standards.

Ms. Stanley stated she was uncomfortable with building on precedent without standards. Although she was in favor of solar panels, she felt uncomfortable voting to approve without at least having some guidelines. She also noted that she did not see anywhere in the application where it showed the utility requirements for the house and how much the panels were proposed to generate. She felt this was important information for the Board to have.

Mr. Blackwell stated that was outside of this Board's scope. This Board is here to evaluate the impact (appearance wise) on the district. Mechanical requirements and engineer specifications are handled through permitting afterwards. The application will be reviewed for electrical, hurricane, etc. to make sure it meets code.

Ms. Stanley believed it was part of the recommendation last month that the Board be provided with that information. Key West requires it for their area and this was discussed last month.

Mr. Caldwell asked staff for an estimate on how much time it would take for these guidelines to be developed, reviewed, and approved.

Mr. Blackwell stated it would take a lengthy time period.

Mr. Caldwell stated that was his concern in delaying today's case.

Mr. David White, Mirasol Fafco Solar, stated there is a home in the district located next to the Mazza residence that already received approval for their solar panels. The roofs and layout of the two homes are very similar and they are the same contractor that was used on the other home. None of the historic aesthetics are being changed. Creating and approving new standards for solar panels should be done outside of the approval for this specific home. He felt a precedent had already been set and this is a very similar project with the same contractor. He was not in favor of the Board holding up this project until the guidelines are completed. He also noted that his company has been a contractor since 1977 and would be happy to assist the County with the new guidelines. Mr. White noted that his firm had helped various Home Owner Associations write their by-laws regarding solar panels.

Ms. Stanley reiterated that she was uncomfortable with building on precedent when there are no standards.

Ms. Mazza, property owner, asked what type of standards this Board thought they should be reviewing to alter their idea of how solar panels should be placed on a historic home.

Ms. Stanley stated she had no idea at this point. This Board is asked to review solar panel cases with no criteria to review, which makes it difficult to assess except in an arbitrary fashion.

Ms. Mazza asked if that is what happened with the property at 231 Gilchrist. It was a unanimous vote and is located opposite the street from her property.

Ms. Stanley explained she was merely saying she is personally uncomfortable with not having any criteria in place.

Ms. Mazza stated she had taken detailed measures to ensure that the portion of the roof that the panels are on will not be seen by anyone. They are hidden, which is seen by the drawings. She noted that at the time she submitted an application, the information she received was that precedent had already been set and that solar panels had previously been approved for other property. She was hoping a decision would be made today and that her project would not be delayed until such time that guidelines are created and approved.

Ms. Wickwire stated she would have serious concerns about not approving solar panels in this moment in time. With her own home, she has had solar panels since 1999 for her pool. Those solar panels by the pool have been replaced since that time. When considering energy across the board, approving solar panels is important.

Mr. Caldwell did not believe there would be any problems with precedent because once we have the guidelines they will have an effective date. At a certain date, future applications will need to abide by the new guidelines. It will be handled similar to the flood plain changes., which also have effective dates. One moment the requirement is 10 feet and the next time it is updated, the requirement is 14 feet.

Mr. Caldwell made a motion to approve the Special Certificate of Appropriateness to permit the installation of rooftop solar panels and indoor battery backups as depicted on the roof plan and engineering specifications stamped "Received" May 11, 2022; and make a finding that the proposed project is in compliance with the Secretary of the Interior's Standards for Rehabilitation and Chapter 22 of the Land Development Code, which motion was seconded by Ms. Wickwire. The Vice Chair called the motion and it was passed 4-1. Ms. Stanley was opposed.

Mr. Eddy encouraged that staff have some guidelines for the Board to review by their August meeting. Staff might have some time available since this Board's July meeting is cancelled.

Mr. Caldwell suggested staff take advantage of Mr. White's offer to assist in developing the guidelines.

D. SCA2022-00004, Pirate Shore LLC, 1911 Shore Lane, Boca Grande, FL 33921

Proposed 33-square foot addition to the south wing of residence; remodel existing garage storage area; replace window on the south side; and relocate and install sliding glass door.

Ms. Gordon reviewed the staff report and recommendations.

Mr. Caldwell asked where the northern boundary was for the historic district.

Ms. Gordon stated this property was just north of 19th Street West. It is one of the northern most properties within the district itself.

Mr. Edgerton opened this item to the applicant's representative.

Mr. Hinkle, Hinkle Architecture, Inc. did not have anything further to add, but was available for questions. He did not feel this was a complicated project. He noted they were unable to expand the footprint because then the Department of Environmental Protection would be involved. They are merely adding a sliver of a roof and enclosing a portion of their views.

Mr. Caldwell asked where the Coastal Construction Control Line was.

Mr. Hinkle stated they were over the 78 line. He noted there were several other homes on Shore Lane that were over the 78 line as well.

Mr. Edgerton opened this item for public comment. No members of the public wished to comment, so the public comment segment was closed.

Mr. Caldwell made a motion to approve the Special Certificate of Appropriateness to allow a 33-square-foot building addition to the south wing of the main residence and to remodel and reconfigure an existing storage area attached to the existing garage located toward the front of the subject property as depicted on the site plan and architectural plans stamped "Received" April 27, 2022; and make a finding that the proposed project is in compliance with the Design Guidelines for the Boca Grande Historic District and Chapter 22 of the Land Development Code, which motion was seconded by Ms. Stanley. The Vice Chair called the motion and it was passed 5-0.

Agenda Item 5 – Items by the Public; Board Members - None

Agenda item 6 – Items by Staff

A. Letter from Division of Historical Resources Regarding Certified Local Government Status

Ms. Gordon stated staff had received some comments regarding the County's Certified Local Government status. She noted that, overall, the County received a good review. However, there were two items of deficiency. The first item was with regard to board member ethics. It has been recommended that the Board receive training that would be provided by the State. It must be done within six months from the date of the evaluation, which would be November. Ms. Gordon stated she had reached out to our contact for the Division of Historical Resources to request ethics training. Ms. Gordon stated she planned on attending the same training with the Board. She will update the Board further regarding this training once she hears back from her contact. Ms. Gordon stated that she had requested a list of dates so that there would be options. It will help in figuring out what works best for everyone. The second deficient item is that the composition of the Boca Grande Historic Preservation Board does not meet the requirements of the County's local Administrative Code. Since it is the County's Administrative Code, staff's solution is to amend the Code so that the County will be compliant.

Mr. Caldwell asked if there was any ability for members to opt out of the training. For instance, could someone be “grandfathered” in who served on the Board for 20 years and has already received training over the years.

Ms. Gordon stated she believed the training had to be for all members, otherwise, the County will no longer have their Certified Local Government status. However, she stated she would ask this question of her contact.

Mr. Caldwell also asked if there would be any zoom capability for this training.

Ms. Gordon stated she would make that inquiry and let the Board know at a later date.

Mr. Eddy asked how many board members must participate in this training.

Ms. Gordon stated it was her understanding that it was required for all board members, but that she would get confirmation on that to see if there are any instances where someone could be excused from the training, such as length of their service and prior training.

Agenda Item 6 – Adjournment – Next Meeting Date

The next Boca Grande Historic Preservation Board meeting is scheduled for Wednesday, August 10, 2022, at 10:00 a.m. The meeting adjourned at 10:50 a.m.