

MINUTES REPORT
BOCA GRANDE HISTORIC PRESERVATION BOARD
WOMAN'S CLUB ROOM, BOCA GRANDE COMMUNITY CENTER
131 FIRST STREET WEST, BOCA GRANDE, FL 33921
OCTOBER 11, 2023
10:00 A.M.

MEMBERS PRESENT:

Bill Caldwell III	Rebecca Paterson
Paul Eddy	Peggy Stanley
Jerry Edgerton (Vice Chair)	Barbara Wickwire
Dennis Maloomian (Chair)	

STAFF PRESENT:

Peter Blackwell, Planner	Janet Miller, Recording Clerk
Dirk Danley, Senior Planner	

OUTSIDE CONSULTANTS

Susan Sligar (Property Owner)	Charles Wittmaak (Island Design & Building Co.)
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Agenda Item 1 - Call to Order – 10:00 a.m./Review of Affidavit of Publication

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

A roll call was taken and the following members were in attendance: Becky Paterson, Bill Caldwell, Jerry Edgerton, Dennis Maloomian, Paul Eddy, Peggy Stanley, and Barbara Wickwire were present.

Ms. Miller, 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 – July 12, 2023

Mr. Caldwell made a motion to approve the July 12, 2023 meeting minutes, seconded by Mr. Edgerton. The Chair called the motion and it passed 7-0.

Agenda Item 3 – Special Certificate of Appropriateness (SCA) Case:

A. SCA2023-00010, Tower Landings, 384 East Railroad Avenue, Boca Grande, FL 33921

Request for a Special Certificate of Appropriateness to construct a new 3-story mixed residential and commercial building on the subject property to replace the previous building.

Mr. Blackwell reviewed the staff report and recommendations. He made one correction to the staff report and explained that the applicant supplied staff with the heights of nearby buildings. For the Fire Department, the applicant stated that the building was 43 feet in height. However, it is 40 feet high.

Mr. Maloomian asked if there was any parking requirement associated with this.

Mr. Blackwell stated there were no parking requirements in this instance because it is understood that a downtown area does not have sufficient parking. He noted this type of question has surfaced with other projects in the area. It falls under a *“typical urban pattern”*.

Mr. Maloomian opened this item to the applicant and their representative.

Ms. Sligar stated she tried to stay as close to the original design as possible. However, economics have forced her to improve the apartments. Previously, there was no way for a tenant to get fresh air into the apartments by opening the door and the windows were not operable. Because the bakery was downstairs, it prevented a tenant from sitting downstairs. In improving what was previously there, she ended up proposing to put a studio upstairs.

Mr. Maloomian asked if the studio upstairs was residential.

Ms. Sligar stated that was correct. It may turn into an office for her at some point, but it is a residence.

Mr. Maloomian asked if she could identify the retail below.

Ms. Sligar stated she did not have a permanent tenant, but she hoped it would be the type of retail it was previously.

Ms. Stanley noted there were two retail spaces below. One of them has access from the alley and the other has access from the street.

Ms. Sligar stated there was a commercial kitchen in the rear and the retail in the front.

Ms. Stanley asked if the commercial kitchen is where it says, *“Unit B.”*

Ms. Sligar stated that was correct. The commercial kitchen is *“Unit B.”*

Ms. Stanley asked if that area would ever be another separate commercial retail area.

Ms. Sligar stated that although it potentially could be, the proposed design, and what she is looking for in tenants, is to have a commercial kitchen. In talking to two separate potential tenants, they would both require a commercial kitchen. Ms. Sligar noted she had spoken to multiple parties, but no set tenant has been determined.

Ms. Stanley asked if it would be accessed from the alley for a separate commercial portion.

Ms. Sligar stated that if she had a tenant that required a commercial kitchen in the area that accesses the alley, there might be some people accessing it to deliver or pick-up food related items, but it would mainly be for someone to prepare food and deliver it to their catering sites, etc.

Ms. Stanley asked how many of the windows in the proposal would be operable.

Ms. Sligar stated they were mostly operable, but only partially.

Ms. Stanley stated she was mainly referring to the windows at the north and south sides.

Ms. Sligar stated many of those windows are fixed, but some will be operational.

Ms. Stanley asked about the divisions of the windows and noted that some were 3 over 2, while others are 4 over 2, and 2 over 2.

Mr. Wittmaak stated that the final window details will be determined once Ms. Sligar knows who her tenant will be, the exact use of the retail space, and the tenant's needs. The main purpose of the proposed design that was included in the Board's packets is to give the Board a visual of the scope of what the exterior will look like. All of the windows could be functional and all of them could be single hung or double hung windows. The main reason for having the glass windows is that currently there is no light in the existing building. Ms. Sligar would like to have a lot of light coming into the building so that someone does not have to turn on a light switch as there will be natural light.

Ms. Sligar stated that it was originally designed with larger pane windows. After looking at other buildings in the downtown area, the observation is that many of the buildings had upper windows that are divided. As a result of this, Island Design changed some of the windows on the proposed plans.

Mr. Maloomian asked if the code required residential windows to be functional.

Mr. Wittmaak stated residential windows must be functional for egress, which is why the residential windows on the plans are functional. However, some of the windows for a commercial business are not required to be functional. He noted that a large part of the commercial section is storefront. He referred the Board to the lower areas that have some larger windows, which are the same proportion as what is there now on the front so that it will be in character with other Boca Grande styles in the area.

Ms. Stanley stated she was referring to the windows on the second and third floors. The windows shown on the elevations are inoperable. She asked for specifics on what is operable, which ones are not, if they are single hung, double hung, etc.

Mr. Wittmaak stated that Ms. Sligar originally had some of the windows as casement windows. However, after he reviewed what was in the neighborhood, he tried to give the building more of a historic character by having some traditional windows. In normal circumstances where someone is constructing a new residence, they already have picked out specific window and door packages and they have selected tile and most likely have an interior designer. Although the questions about the windows are good questions, this situation is a bit different because the owner does not know who their tenants will be and what type of retail they will have. Because of this, the specifics of the windows is not determined yet.

Mr. Edgerton asked if they were asking the Board to approve this proposal as a final plan.

Ms. Sligar and Mr. Wittmaak stated that was correct.

Mr. Edgerton asked for confirmation that there would be no changes as their tenants change.

Ms. Sligar stated she was concerned about window changes.

Ms. Paterson stated that the Board must approve exactly what is presented.

Mr. Maloomian concurred with Ms. Paterson and noted that if they approve today's proposal, Ms. Sligar would be restricted to using casement windows.

Mr. Blackwell stated that the Board could make a conditional approval stating that the functionality of the windows can be determined at the permitting stage. The appearance of the windows would remain locked in, but whether they were single hung, double hung, or casement, would be determined by permitting staff.

Mr. Maloomian stated that one of the issues is that a double hung window has a different profile.

Mr. Caldwell stated that at this point it is a preliminary plan, not a final architectural plan. After today's meeting, the application has to proceed to County staff for their review process. Windows are now a significant review item especially in an area such as Boca Grande, which is now in a 170 mile per hour zone. In the past, someone could use double hung windows, but he was uncertain as to whether or not they have double hung windows that can withstand that kind of wind. Regarding the egress type window, he noted there was a special formula where the window must be x number of inches off the floor and must have x number of inches of glass that you can break to actually get in there. He felt the Board should look at this proposal in terms of a general appearance. He felt the owner had been sensitive to the community by designing their proposal to be consistent with the downtown area. He hoped this Board would not hold up the applicant at a preliminary stage.

Ms. Paterson asked for confirmation that once this proposal goes to the Building Department, they have the right to make the applicant change something.

Mr. Caldwell stated that was correct and he gave an example of where that took place for another resident of Boca Grande. If the building inspector has an issue, they can contact historic staff and ask them to administratively approve a change, for instance, if a window must be raised four inches instead of two inches.

Mr. Blackwell referred to Ms. Paterson's question and stated there were times that he has been asked to review the plans with a building department staff member. There are times that they will notify him that the person's plans show one thing, but they are putting in something else. If it is minor, such as square sconces instead of round ones, he approves it administratively and does not make the applicant come back before this Board.

Ms. Wickwire made a motion to approve the plans with the possibility of a change in the windows if need be, seconded by Mr. Caldwell. The Chair called the motion and it was passed 7-0.

Mr. Blackwell stated he needed a motion for the remainder of the staff recommendation.

Ms. Stanley made a motion to approve the Special Certificate of Appropriateness to construct a new 3-story commercial/residential building on the subject property, as depicted on the site plan, elevations, and floor plans stamped "Received" August 22, 2023; 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, seconded by Ms. Wickwire. The Chair called the motion and it was passed 7-0.

Ms. Stanley recommended that Ms. Sligar evaluate the divisions of the windows.

Ms. Sligar stated she would and that she was already considering it as a result of today's meeting.

Mr. Caldwell thanked Ms. Sligar for pursuing the demolition of her building because, had that not been done, they would not have a cell tower for an additional 90 days. He realized she took a large risk and appreciated the fact that she did that.

Agenda Item 4 – Item by Staff

A. HDC2023-00001 "Octopus Tree," 181 Gilchrist Avenue Boca Grande, FL 33921

Mr. Blackwell noted this item was originally heard during the June 14, 2023 Boca Grande Historic Preservation Board meeting where staff presented the case that the tree did not meet the criteria for designation under LDC Section 22-202. The Board asked staff to conduct more research and bring it back before this Board. Mr. Blackwell stated that staff had subsequently done more research, including consulting with other historic preservation planners around the state. The information staff has received and discovered on their own is

all about the Crowninshield family. Although Mrs. Crowninshield was a key member of the community and the island's history, which is relevant and important, nothing in any of the additional material discovered or supplied concerned the tree or changed staff's opinion on this issue or staff's findings. The tree still does not meet the designating criteria. The fact that it was once owned by Mrs. Crowninshield is not a sufficient reason to create a historic designation as a resource on this tree.

Mr. Edgerton stated that the Board had previously asked staff to look into the commitment that was made by the applicant to protect that tree. It was noted in the meeting minutes. He asked if that commitment was enforceable.

Mr. Blackwell stated that Mr. Edgerton would need to consult with the County Attorney's office in terms of the legality of the commitment. However, the applicant's representatives did state on the record that they were interested in maintaining the tree.

Mr. Edgerton asked if a demolition permit would be required to remove the tree.

Mr. Blackwell stated they would need a vegetation removal permit. If it is a designated historic property, they will also need to obtain a letter from an arborist stating that the tree is a hazard or a danger to the property. Once they receive those items, the owner would be able to remove the tree regardless of its designation.

Ms. Paterson asked if staff had the email from Mr. Frederic Rich.

Mr. Blackwell stated he did have that e-mail, which addressed the Whispering Bench and gardens, but not the tree.

Ms. Paterson asked if the tree was not considered part of the garden.

Mr. Blackwell stated that, even if it was, it still did not qualify for a historic designation under the historic guidelines.

Ms. Sligar provided another e-mail from Frederic Rich that is slightly different where he responds to the staff report.

Mr. Blackwell stated he had seen this e-mail as well, but it still does not meet the criteria.

Ms. Paterson stated that she had done substantial research of other districts in Florida that have designated trees, but in each instance they had the cooperation of the property owner.

Mr. Caldwell stated that the Tampa area has many Oak trees. A friend of his was unable to trim his Oak Tree because of the strict rules in his area. During Hurricane Irma, the tree fell directly on his friend's home. As a result of this, Tampa and other jurisdictions have become less restrictive on trees.

Ms. Paterson asked if there was an avenue to designate a tree if everyone is in favor of it, such as making it a Heritage tree.

Mr. Blackwell stated that in speaking to other historic planners in other jurisdictions, he was told that normally specific regulations have to be created that address trees because the criteria is for manmade artifacts and properties. He stated that one option might be to have a conservation easement, but he was not an expert on this.

Ms. Paterson asked who determines that.

Mr. Blackwell stated someone could simply record the legally described easement at the county's Land Records office, but the landowner would need to be consulted. He recommended Ms. Paterson might want to consult with an attorney since it would be a legally described easement.

The Board had no further questions, so Mr. Blackwell stated that the Board's action today is to either make a finding to agree with staff or make a finding that a certain criteria has been met in the Board's opinion and direct staff to continue the case. Otherwise, the case will be discontinued.

Mr. Edgerton made a motion that staff has done a nice job in researching this item further and should proceed elsewhere, seconded by Mr. Caldwell. The Chair called the motion and it passed 7-0.

Mr. Maloomian felt the record should reflect that this Board at least tried to protect the tree.

B. Pending Historic Cases (where they are in the process)

Mr. Blackwell reviewed with the Board two pending cases and where they are in the process. One of the future cases is the "O'Dowd Residence" at 851 Palm Avenue. It has been found sufficient and is slated for the November 8, 2023 meeting. The other case is the Boca Grande Health Clinic. He recently sent them an insufficiency letter and is waiting for their resubmittal. Since it is still in review and additional information is needed, he did not feel it would be on the November 8, 2023 agenda.

Mr. Blackwell also mentioned that the Boca Grande Community Center had contacted staff and subsequently met with them to discuss proposed expansions to their property and Center. He noted that representatives from the Boca Grande Community Center wanted to be scheduled for the November 8, 2023 Boca Grande Historic Preservation Board meeting to provide an informational meeting where they will show and present their proposals for this property. He briefly reviewed some of the proposed expansions with the Board.

Agenda Item 5 – Items by the Public; Board Members

Public – None

Board- None

Item 6 – Adjournment – Next Meeting Date

The next Boca Grande Historic Preservation Board meeting is scheduled for Wednesday, November 8, 2023, at 10:00 a.m. in the Woman's Club Room.

The meeting adjourned at 10:39 a.m.