

RESOLUTION OF THE HISTORIC PRESERVATION BOARD OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER HPB 2009-08  
*“SEVEN SEAS”: NEWTON PARK PROPERTY  
SCA FOR RENOVATIONS AND ALTERATIONS*

A RESOLUTION OF THE HISTORIC PRESERVATION BOARD OF FORT MYERS BEACH, FLORIDA:

WHEREAS, the Local Planning Agency of the Town of Fort Myers Beach, Florida, serves as the historic preservation board for the Town of Fort Myers Beach ("HPB") pursuant to Chapter 22, Article II, Division 2, Section 22-71 and Chapter 30, Section 30-56(b) of the Land Development Code ("LDC") of the Town of Fort Myers Beach; and

WHEREAS, the HPB is vested with the power, authority and jurisdiction to designate, regulate and administer historical, cultural, archaeological, and architectural resources in the Town, pursuant to LDC Section 22-71; and

WHEREAS, the HPB has the power and duty to designate eligible historic resources; evaluate the significance and eligibility of historic resources for designation pursuant to Chapter 22 of the LDC; approve, deny or approve with conditions applications for special certificates of appropriateness applicable to historic resources designated pursuant to Chapter 22; and to record and maintain records of the actions and decisions of the HPB, pursuant to Section 22-74 of the LDC; and

WHEREAS, Section 22-103(a)(1) of the LDC requires the HPB to issue a special certificate of appropriateness prior to initiation of any work involving alteration, demolition, relocation, reconstruction, excavation or new construction which will result in a change to the original appearance of a designated historic resource; and

WHEREAS, Section 22-103(a)(3) of the LDC states that a special certificate of appropriateness may also be issued to reverse or modify the director's decision regarding an application for a regular certificate of appropriateness; and

WHEREAS, the Town of Fort Myers Beach ("applicant") is the owner of the structure called the "Seven Seas" on the Newton Park Property, with a physical address of 4650 Estero Boulevard, Fort Myers Beach, Lee County, Florida 33931 and a STRAP Number of 29-46-24-W3-0080H.0010 and with a legal description as set forth on **Exhibit "A"**, which is hereby incorporated by reference (the "subject property"); and

WHEREAS, the Town HPB designated the "Seven Seas" as an historic resource on March 10, 2009 via HPB Resolution 2009- 07, pursuant to LDC Chapter 22, Article II, Division 3; and

WHEREAS, the Town Department of Community Development has received an application from the owner's representative for a special certificate of appropriateness (SCA) for restoration of the 1953/54 portion of structure, and renovation and repair of the 1960 portion to accommodate restroom and bathhouse facilities; and

WHEREAS, a public hearing on the application for a SCA was legally advertised and held before the HPB on March 24, 2009, with the affidavit of notice being attached hereto as Exhibit "B" and hereby incorporated by reference; and

WHEREAS, at such hearing, the HPB gave full and complete consideration to the application for a special certificate of appropriateness, recommendations of staff, the documents in the file, and the testimony of all interested persons.

NOW, THEREFORE BE IT RESOLVED BY THE HISTORIC PRESERVATION BOARD OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

The HPB **APPROVES** the issuance of a special certificate of appropriateness for the "Seven Seas" structure renovations and alterations in accordance with the following findings of fact and conclusions of law inclusive of the criteria for issuance of a special certificate of appropriateness as provided in LDC Section 22-101(b), including the Secretary of the Interior's *Standards for Rehabilitation*, 36 CFR § 67.7, and the specific guidelines provided in the resolution that designated the "Seven Seas" property an historic resource:

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The property **WILL** 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 use of the property will be changed from a vacant home to a community meeting building. The former uses of the rooms in the building are shown on the floor plan attached as Exhibit "C." The proposed new uses of the rooms in the building following the renovation project are shown on the floor plan attached as Exhibit "D." The exterior appearance of the Seven Seas House will be altered minimally, primarily with the addition of a disability access ramp to the 1960 addition for compliance with the Americans with Disabilities Act.*

*The interior of the original home requires minor modifications to the bathroom and kitchen to make the building functional as a meeting space. The defining characteristics of the original home's interior, such as the yellow pine wood flooring, wood trim, exposed rafters, and wood cabinetry, are to remain intact. The lanai will remain structurally unchanged, although its use will be changed to a picnic pavilion.*

*The 1960 addition will require some renovations to serve the new public nature of the building, but will not impact the defining characteristics of the building. A foyer will be added, serving as a waiting area for the renovations to include new bathrooms and bathhouse.*

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

*The exterior of the home will retain its present character, with the exception of the addition of the disability access ramp to the 1960 addition for ADA compliance. The interior modifications will preserve distinctive features rather than altering or removing them.*

3. The subject property **WILL** 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, **WILL NOT** be undertaken.

*The Seven Seas House will remain as a physical record of its time, place, and use. It will remain beachside, and will retain the materials and craftsmanship that make it distinctive. Removal of historic finishes and elements is not proposed. No conjectural features or elements borrowed from other buildings are proposed to be added.*

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

*The only major change made to this structure during its history was the addition of the 1960 guest quarters/real estate office. The exterior of this addition will be retained in its present condition, except for the addition of the disability access ramp. The interior modifications will not remove changed features that have gained historic significance in their own right.*

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

*The restoration work proposed will not destroy features, finishes, and construction techniques or craftsmanship that are distinctive to this historic property. Distinctive finishes and features are to be preserved rather than removed.*

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

*No missing historic features are planned to be replaced. Cabinetry in the kitchen is to be preserved even as the use of the kitchen is altered. Proposed altered restroom fixtures are not distinctive.*

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials, **WILL NOT** be used. The surface cleaning of structures, if appropriate, **WILL** be undertaken using the gentlest means possible.

*Chemical or physical treatments such as sandblasting, which could damage historic materials, are not proposed to be used.*

8. Significant archaeological resources affected by a project **WILL** be protected and preserved. If such resources must be disturbed, mitigation measures **WILL** be undertaken.

*There are no known archaeological resources on this site and the site is not within a sensitive area identified in LDC Section 22-106 and figure 22-1. Excavation is not proposed.*

9. New additions, exterior alterations, or related new construction **WILL NOT** destroy historic materials that characterize the property. The new work **WILL** be differentiated from the old and compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

*The only new exterior construction will be the addition of the disability access ramp to the 1960 addition. The disability access ramp is to be compatible with the massing, size, scale, and architectural features of the property, and will be clearly differentiated from the existing structure to protect the integrity of the property.*

10. New additions and adjacent or related new construction **WILL** 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 new construction to be undertaken will not be done in such a manner as to impair the form and integrity of the historic property and its environment in the event the disability access ramp is removed. The form of the "Seven Seas" structure will remain essentially the same after the addition, and would remain essentially the same if the addition were later removed.*

11. Town Historic Preservation Board Resolution 2009-07 designating the "Seven Seas" an historical resource contains specific guidelines for historic preservation treatments of five (5) features. The proposed alteration, demolition, relocation, reconstruction, excavation, or new construction **WILL** meet the specific guidelines of the designating resolution, specifically:

- a. Interior cabinetry: Preserve natural wood or replace with similar natural wood.

*Removal of cabinetry is not proposed.*

- b. Exposed structural and nonstructural interior wood finishes: Preserve natural wood or replace with similar natural wood where exposed.

*Removal or alteration of interior exposed natural wood is not proposed.*

- c. Exterior wood: Preserve natural wood or replace with similar natural wood.

*Removal or alteration of exterior natural wood is not proposed.  
Refinishing of exterior wood will restore the historic appearance of the natural wood.*

- d. Ventilation features: Maintain appearance of visible openings following rehabilitation.

*Removal or covering existing ventilation features is not proposed.*

- e. Interior flooring: Preserve natural wood or replace with similar natural wood

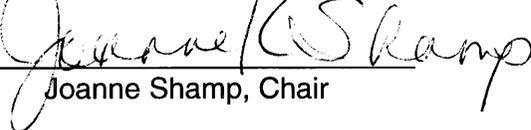
*Replacement or removal of existing wood flooring is not proposed.*

The foregoing Resolution was adopted by the HPB upon a motion by HPB Member Dennis Weimer and seconded by HPB Member Alan Mandel and upon being put to a vote, the result was as follows:

Joanne Shamp, Chair	<u>aye</u>	Dennis Weimer, Vice Chair	<u>aye</u>
Evie Barnes	<u>absent</u>	Rochelle Kay	<u>aye</u>
Alan Mandel	<u>aye</u>	Bill Van Duzer	<u>aye</u>
Joe Yerkes	<u>aye</u>		

DULY PASSED AND ADOPTED THIS 24<sup>th</sup> day of March, 2009.

HISTORIC PRESERVATION BOARD OF THE TOWN OF FORT MYERS BEACH

By:   
Joanne Shamp, Chair

ATTEST:

By:   
Michelle Mayher, Town Clerk

Approved as to Legal Sufficiency:

  
Anne Dalton, Esquire  
HPB Attorney

Exhibit A  
"Seven Seas" Structure

Lots 1, 2, and 6, Block H, HYDE PARK SUBDIVISION, as recorded in Plat Book 7,  
Page 20, Public Records of Lee County, Florida.

EXHIBIT ( B-1 )

**NEWS-PRESS**

*Published every morning - Daily and Sunday*

*Fort Myers, Florida*

**Affidavit of Publication**

TOWN OF FORT MYERS BEACH

MAR 23 2009

RECEIVED BY

STATE OF FLORIDA  
COUNTY OF LEE

Before the undersigned authority, personally appeared **Kathy Allebach** who on oath says that he/she is the **Legal Assistant** of the News-Press, a daily newspaper, published at Fort Myers, in Lee County, Florida; that the attached copy of advertisement, being a **Notice of Public Hearing**

In the matter of **Hearing on March 24, 2009** in the court was published in said newspaper in the issues of **March 18, 2009**

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this

18<sup>th</sup> day of March 2009 by

**Kathy Allebach**  
personally known to me or who has produced

as identification, and who did or did not take an oath.

Notary Public

Print Name

My commission Expires



Notice of Public Hearings  
Notice is hereby given that the Local Planning Agency of the Town of Fort Myers Beach will hold a public hearing at 10:30 AM on March 24, 2009 regarding the cases listed below. This hearing will take place in the council chambers at Fort Myers Beach Town Hall, 2523 Estero Boulevard, Fort Myers Beach, Florida, 33931.  
You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence to become a participant in the hearing.  
At this hearing the Local Planning Agency of Fort Myers Beach will review the cases and make a recommendation to the Town Council. If any person should choose to appeal a decision made at this public hearing, such person would need a record of the proceedings, and for that purpose may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.  
Copies of the staff report are available at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM.  
Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you are in need of reasonable accommodation, contact Frank Shockey at 239-765-0202.  
Case Number: FMBDC12006-0001 and FMBDC12006-0002  
Case Name: White Sands, Captiva Villas and Bayside CPD Amendments  
Applicant: JABC, LLC (Beverly Grady, Esq., authorized agent) with authorization from at least 75% of the unit owners of White Sands Villas Condominium and at least 75% of the unit owners of Captiva Villas Condominium  
Request: Amend White Sands, Captiva Villas, and Bayside CPD zoning districts to approve a revised, unified, and updated Master Concept Plan (MCP), schedule of uses, conditions, and deviations, reflecting the terminology and regulations of the current LDC, as required by LDC Section 34-214, for the Pink Shell Resort on approximately 9.6 acres (including adjacent beaches not rezoned), and to make certain changes including the addition of uses to the schedule of uses and MCP, clearly indicating all relevant deviations previously approved, altering prior limiting conditions, and to have a current and complete resolution for the Pink Shell CPD that does not require references to a

News-Press.com Online Public Notice: Detail

2009-03-18 Notice of Public Hearing

Notice of Public Hearings

Notice is hereby given that the Local Planning Agency of the Town of Fort Myers Beach will hold a public hearing at 10:30 AM on March 24, 2009 regarding the cases listed below. This hearing will take place in the council chambers at Fort Myers Beach Town Hall, 2523 Estero Boulevard, Fort Myers Beach, Florida, 33931. You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence to become a participant in the hearing.

At this hearing the Local Planning Agency of Fort Myers Beach will review the cases and make a recommendation to the Town Council. If any person should choose to appeal a decision made at this public hearing, such person would need a record of the proceedings, and for that purpose may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Copies of the staff report are available at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM.

Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you are in need of reasonable accommodation, contact Frank Shockey at 239-765-0202.

Case Number: FMBDCI2006-0001 and FMBDCI2006-0002

Case Name: White Sands, Captiva Villas, and Bayside CPD Amendments

Applicant: JABO, LLC (Beverly Grady, Esq., authorized agent) with authorization from at least 75% of the unit owners of White Sands Villas Condominium and at least 75% of the unit owners of Captiva Villas Condominium

Request: Amend White Sands, Captiva Villas, and Bayside CPD zoning districts to approve a revised, unified, and updated Master Concept Plan (MCP), schedule of uses, conditions, and deviations, reflecting the terminology and regulations of the current LDC, as required by LDC Section 34-214, for the Pink Shell Resort on approximately 9.6 acres (including adjacent beaches not rezoned), and to make certain changes including the addition of uses to the schedule of uses and MCP, clearly indicating all relevant deviations previously approved, altering prior limiting conditions, and to have a current and complete resolution for the Pink Shell CPD that does not require references to a previous resolution on the same property, in accordance with LDC Section 34-214. If approved as proposed, the development will deviate from requirements of the Fort Myers Beach Land Development Code.

Location: Both sides of North Estero Boulevard including 190 and 200 Estero Boulevard. Turn right (north) at the base of the Sky Bridge and head north on Estero Boulevard for about 0.7 miles

Staff Report: Inquire at Fort Myers Beach Town Hall, 239-765-0202, 2523 Estero Boulevard, Fort Myers Beach, FL 33931.

Notice is hereby given that the Historic Preservation Board of the Town of Fort Myers Beach will hold a public hearing at 10:30 AM on March 24, 2009 regarding the case listed below. This hearing will take place in the council chambers at Fort Myers Beach Town Hall, 2523 Estero Boulevard, Fort Myers Beach, Florida, 33931.

At this hearing the Historic Preservation Board will decide to approve, deny, or approve with conditions the requested special certificate of appropriateness. If any person should choose to appeal a decision made at this public hearing, such person would need a record of the proceedings, and for that purpose may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Copies of the staff report are available at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM.

Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you are in need of reasonable accommodation, contact Frank Shockey at 239-765-0202.

Case Number: FMBCOA2009-0001

Case Name: "Seven Seas" special certificate of appropriateness

Applicant: Town of Fort Myers Beach

Request: Special certificate of appropriateness under LDC Chapter 22, Article II to allow rehabilitation work on the "Seven Seas" structure, including remodeling of the original home interior to transform it from its previous residential use to a community meeting facility; reconfiguring the original bathroom and upgrading the kitchen; restoring the original lanai for use as a covered picnic pavilion; adaptive reuse of the 1960 guest room/real estate office for use as a restroom; and the addition of an external disabled access ramp attached to the 1960 addition.

Location: 4650 Estero Boulevard (South from the Sky Bridge on Estero Boulevard, past the Baptist church and St. Peters Lutheran Church. Newton Park is on the left (Gulf of Mexico) side of the road across the street from

the Ocean Harbor Condominium.

Staff Report: Inquire at Fort Myers Beach Town Hall, 239-765-0202, 2523 Estero Boulevard, Fort Myers Beach, FL 33931.

Mar 18 No. 1341273

[print this notice](#) [close window](#)  
For MAC users try cmd+P

**EXHIBIT ( B-3 )**

EXHIBIT ( B-4 )

FT MYERS FL 33907

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Scott Janke, Town Manager  
 Town of Fort Myers Beach  
 2523 Estero Boulevard  
 Fort Myers Beach FL 33931

2. Article Number  
(Transfer from service label)

7007 2680 0001 1108 0058

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

x R. Sebastian

- Agent
- Addressee

B. Received by (Printed Name)

R. Sebastian

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

RM 3-17-09

3. Service Type

- Certified Mail
- Express Mail
- Registered
- Return Receipt for Merchandise
- Insured Mail
- C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

7007 2680 0001 1108 0058

U.S. Postal Service™

**CERTIFIED MAIL™ RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 48
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 5.32</b>

Postmark  
Here

Sent To

Scott Janke, Town Manager

Street, Apt. No.,  
or PO Box No. 2523 Estero Boulevard

City, State, ZIP+4 Fort Myers Beach FL 33931

PS Form 3800, August 2006

See Reverse for Instructions

EXHIBIT ( B-5 )

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

TOWN OF  
FORT MYERS BEACH

MAR 18 2009

RECEIVED BY

Frank Shockey  
Director Community Development  
Town of Fort Myers Beach  
2500 Estero Boulevard  
Fort Myers Beach FL 33931

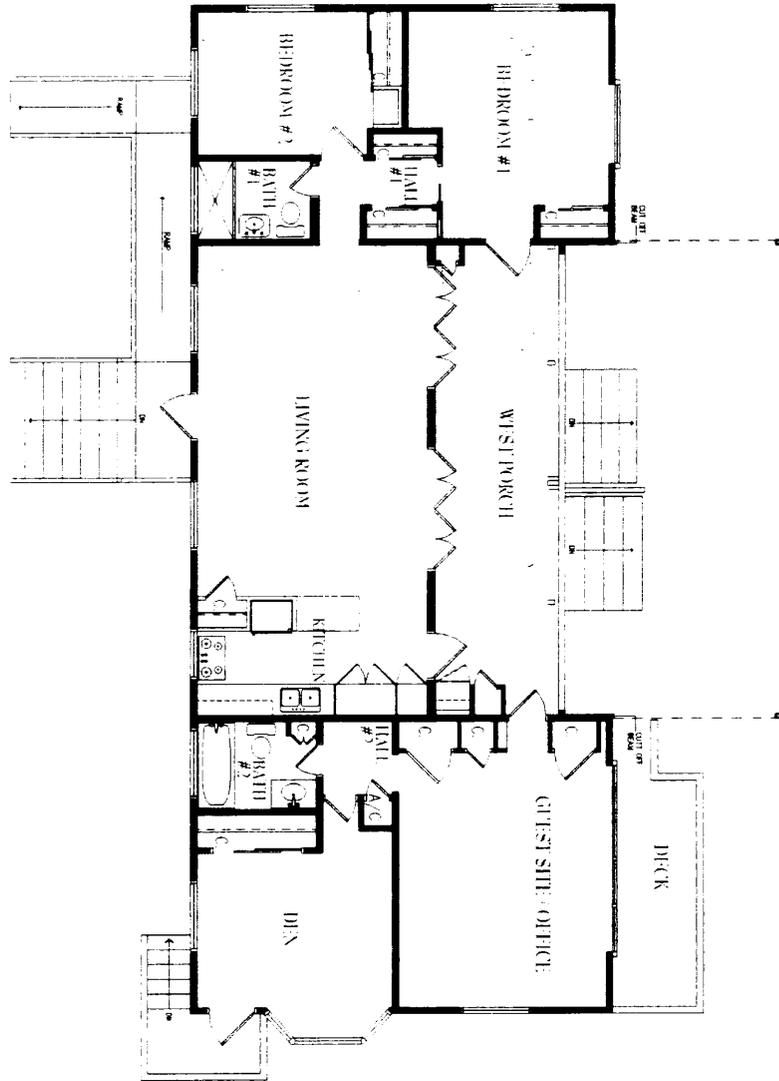




HPB2009-08  
Exhibit C



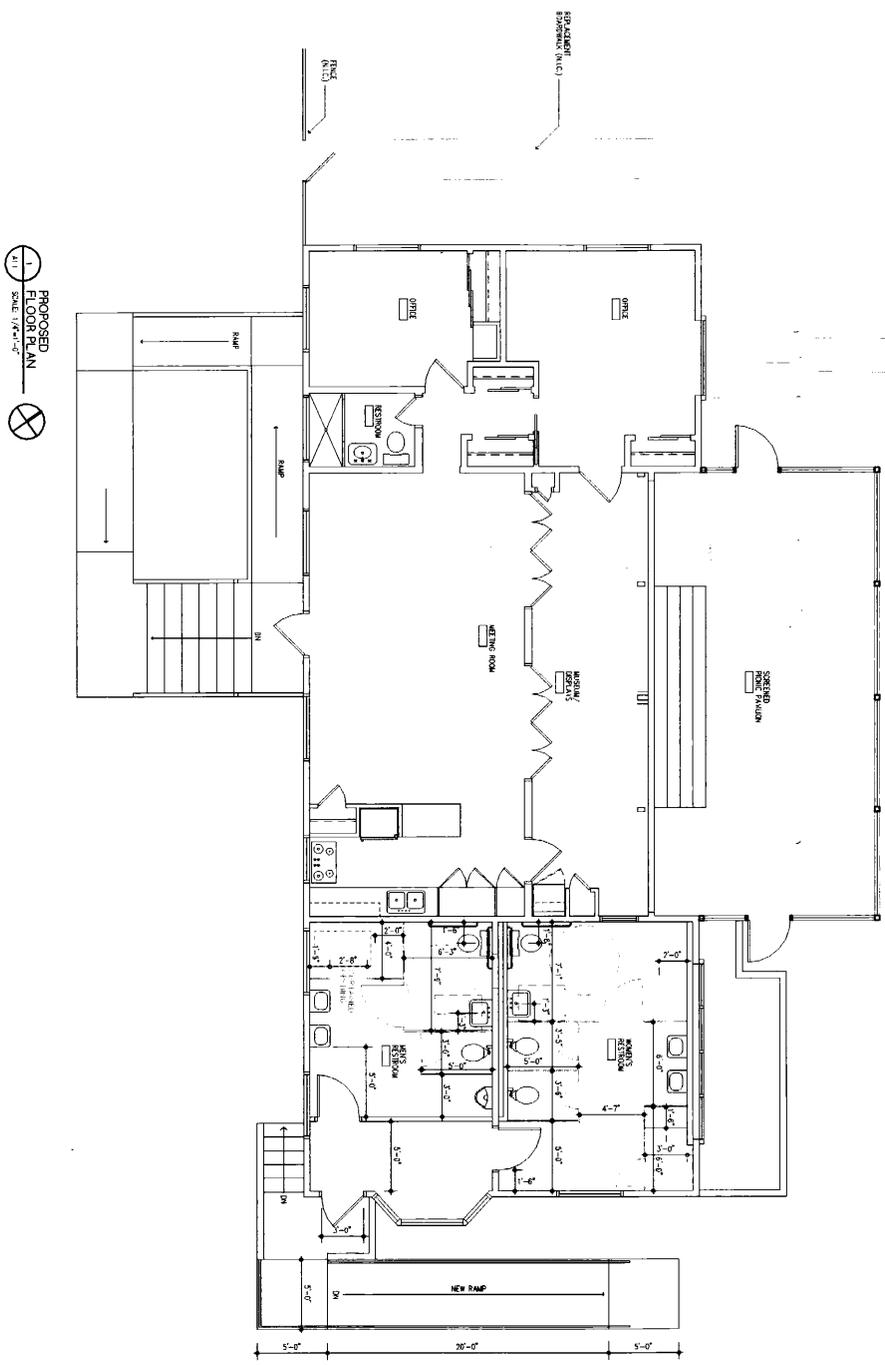
EXISTING CONDITION  
SCALE: 1/8" = 1'-0"



3.3	DATE: MARCH 2007	SEVEN SEAS NEWTON BEACH PARK 4650 ESTERO BOULEVARD TOWN OF FT. MEYERS BEACH	RENKER EICH PARKS ARCHITECTS 1800 9th St. N., St. Petersburg, Florida, 33704 (727) 821-2966
	SCALE: SCALE: 1/8" = 1'-0"		



HPS 2009-08  
Exhibit D



PROPOSED  
FLOOR PLAN  
SCALE: 1/4"=1'-0"

PROJECT NO.: 060 DATE: 10-08-2008 DRAWN BY: M.T. SPS REVISIONS:	SEVEN SEAS 4650 ESTERO BOULEVARD NEWTON BEACH PARK TOWN OF FORT MEYERS BEACH	
	SHEET NO.: <b>ALL</b>	SHEET TITLE: FLOOR PLAN



RENKER EICH PARKS ARCHITECTS

1111 E. Main Street, Suite 201, Fort Myers, FL 33901-4201, (941) 877-2280