

RESOLUTION OF THE HISTORIC PRESERVATION BOARD OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER HPB 2009-04
THE COTTAGE: NEWTON PARK PROPERTY

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 directors decision regarding an application for a regular certificate or appropriateness; and

WHEREAS, the Town of Fort Myers Beach ("applicant") is the owner of the structure called the Cottage 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 Cottage was designated as a historic resource in 2004 by the HPB under LDC Chapter 22, Article II, Division 3; and

WHEREAS, the Town Department of Community Development received an application in November, 2008, from the owner's representative for a special certificate of appropriateness (SCA) for either (i) demolition of the Cottage or (ii) relocation of the Cottage; and

WHEREAS, the HPB also has jurisdiction under Section 22-205 of the LDC to consider whether to initiate the designation process to notice and to hold a scheduled hearing to consider withdrawal of the historic designation of the structure known as the Cottage; and

WHEREAS, at a duly noticed meeting on February 10, 2009, the HPB reviewed the application for a special certificate of appropriateness as well as the staff report pursuant to the requirements of Chapter 22 of the LDC.

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

1. The HPB directs the Town Department of Community Development to schedule a hearing on the owner's application for a special certificate of appropriateness (SCA) for either (i) demolition of the Cottage or (ii) relocation of the Cottage.

The foregoing Resolution was adopted upon a motion by HPB Member Van Duzer and seconded by HPB Member Yerkes. Upon being put to a vote, the result was as follows:

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

DULY PASSED AND ADOPTED THIS 10th day of February, 2009.

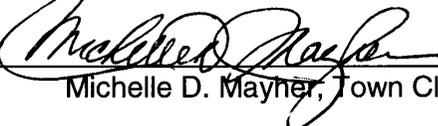
HPB of the Town of Fort Myers Beach

By: 
Evie Barnes, Acting HPB Chair

Approved as to legal sufficiency:

By: 
Anne Dalton, Esquire
LPA/HPB Attorney

ATTEST:

By: 
Michelle D. Mayner, Town Clerk