

RESOLUTION OF THE HISTORIC PRESERVATION BOARD OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER HPB 2009-07
DESIGNATION OF SEVEN SEAS STRUCTURE: NEWTON PARK

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, 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 22-201(1) of the LDC requires the HPB to consider an owner's written petition for such designation when it is accompanied by sufficient information to warrant further investigation of the property and to aid in the preparation of a designation report, and

WHEREAS, the Town of Fort Myers Beach ("applicant") is the owner of the structure called Seven Seas (also referred to as the Newton home), 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 of Fort Myers Beach has filed a written petition for designation of the subject property as an individual historic resource by the HPB pursuant to Section 22-201 of the LDC; and

WHEREAS, a public hearing on the petition for designation of the Seven Seas structure was legally advertised and held before the Historic Preservation Board of the Town of Fort Myers Beach, Florida on March 10, 2009, with the affidavit of publication attached hereto as Exhibit "B" and hereby incorporated by reference; and

WHEREAS, at such hearing, the HPB gave full and complete consideration to the petition for designation of the Seven Seas structure, 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 designation of the Seven Seas structure located on the subject property as an historic resource pursuant to LDC Chapter 22 and specifically LDC Section 22-204(a) et seq., subject to the condition set forth below:

1. The following list of features of the "Seven Seas" structure that require specific historic preservation treatments are hereby incorporated in this designation resolution:

- a) Interior cabinetry: Preserve natural wood or replace with similar natural wood.
- b) Exposed structural and nonstructural interior wood finishes: Preserve natural wood or replace with similar natural wood where exposed.
- c) Exterior wood: Preserve natural wood or replace with similar natural wood.
- d) Ventilation features: Maintain appearance of visible openings following rehabilitation.
- e) Interior flooring: Preserve natural wood or replace with similar natural wood.

FINDINGS AND CONCLUSIONS

Based upon the presentations by Applicant, staff, and other interested parties at the hearing, and review of the application (inclusive of the report provided by Renker Eich Parks, Architects, which is attached to the application) and the standards for designation of a structure as an historic resource, the HPB makes the following findings and reaches the following conclusions:

1. The Seven Seas property **DOES QUALIFY** for designation as an historic resource pursuant to LDC Section 22-204(a), based upon:
 - a. its significance in the Town's history, architecture, and culture, and for its integrity of location, design, materials, workmanship, or associations, and
 - b. because it is associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric, or architectural history that has contributed to the pattern of history in the community, the county, southwestern Florida, the state, or the nation, pursuant to LDC Section 22-204(a)(1); and
 - c. because it is associated with the lives of persons significant in the Town's past, pursuant to LDC Section 22-204(a)(2); and
 - d. because it embodies the distinctive characteristics of a type, period, style or method of construction or is the work of a master, or possesses high artistic value or represents a distinguishable entity whose components may lack individual distinction pursuant to LDC Section 22-204(a)(3); and
 - e. because it yields or is likely to yield information on history or prehistory, pursuant to LDC Section 22-204(a)(4); and
 - f. because it is listed or has been determined eligible for listing in the National Register of Historic Places, pursuant to LDC Section 22-204(a)(5).

notable people documented or claimed to have visited the Newtons, including leaders of business, sports, government, religion, and the arts, is included in the staff report and/or the application.

- c. The Newtons' involvement with people of national stature, along with Mr. Newton's role in the postwar development of Estero Island, make the Newtons people of local cultural significance, even though some of the people referenced in this subparagraph did not actually visit the "Seven Seas" structure.

4. The Seven Seas property **DOES NOT HAVE ARCHAEOLOGICAL SIGNIFICANCE** pursuant to the requirements of LDC Section 22-204(d).

The foregoing Resolution was adopted upon a motion by HPB Member Weimer and seconded by HPB Member Mandel. 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>aye</u>	
Bill Van Duzer <u>aye</u>	Dennis Weimer <u>aye</u>	Joe Yerkes <u>aye</u>

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

HPB of the Town of Fort Myers Beach

By: Joanne Shamp
Joanne Shamp, HPB Chair

Approved as to legal sufficiency:

By: Anne Dalton
Anne Dalton, Esquire
LPA/HPB Attorney

ATTEST:

By: Michelle D. Mayner
Michelle D. Mayner, Town Clerk

HPB2009-07
Exhibit "A"

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

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 10, 2009** in the court was published in said newspaper in the issues of **February 19, 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 year next preceding the first publication of the attached copy of 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.

Kathy Allebach

Sworn to and subscribed before me this

19th day of February 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

Janet E. Cobb

Print Name



My commission Expires

TOWN OF FORT MYERS BEACH

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Notice of Public Hearing
Notice is hereby given that the Historic Preservation Board of the Town of Fort Myers Beach will hold public hearings at 10:30 AM on March 10, 2009 regarding the cases listed below. These hearings will take place in the council chambers at Fort Myers Beach Town Hall, 2523 Estero Boulevard, Fort Myers Beach, Florida, 33931. At these hearings the Historic Preservation Board will decide to approve, deny, or approve with conditions the proposed designation. If any person should choose to appeal a decision made at these public hearings, 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 and designation 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 the Clerk's office at 239-765-0202. Case Number: FMBHDD2008-0007 (individual structure) Case Name: Historic Designation of "Seven Seas" Structure Applicant: Town of Fort Myers Beach Request: Designate as a historic resource the structure known as "Seven Seas" at the Newton Park property (Lots 1, 2, and 6, Block H Hyde Park Subdivision, as recorded in Plat Book 7, Page 20, Public Records of Lee County, Florida) Location: 4658 Estero Boulevard (South from the Sky Bridge on Estero Boulevard, past the Baptist church and St. Peter's 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. Case Number: FMBCOA2009-0002 Case Name: "The Cottage" special certificate of appropriateness Applicant: Town of Fort Myers Beach Request: Special certificate of appropriateness under LDC Chapter 22, Article II, Division 3 to allow either (1) demolition of the structure known as "The Cottage", or (2) relocation of the structure known as

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COMMUNITY DEVELOPMENT

EXHIBIT (B-2)

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
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• Sender: Please print your name, address, and ZIP+4 in this box •

Frank Shockey, Director D&D
2523 Estero Boulevard
Fort Myers Beach FL 33931 TOWN OF
FORT MYERS BEACH

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For delivery information visit our website at www.usps.com		<i>Justin</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
OFFICIAL USE		Printed Name) <i>Justin</i>	C. Date of Delivery _____
Postage \$.42	Is address different from item 1? <input type="checkbox"/> Yes Is delivery address below: <input type="checkbox"/> No	
Certified Fee	2.70	_____	
Return Receipt Fee (Endorsement Required)	2.20	_____	
Restricted Delivery Fee (Endorsement Required)	_____	_____	
Total Postage & Fees	\$ 5.32	_____	
Sent To <i>Scott Janke, Town Manager</i>		<input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.	
Street, Apt. No., or PO Box No. <i>2523 Ester Boulevard</i>		Priority? (Extra Fee) <input type="checkbox"/> Yes	
City, State, ZIP+4 <i>Fort Myers Beach FL 33931</i>		_____	
PS Form 3800, June 2002		See Reverse for Instructions	

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For delivery information visit our website at www.usps.com		<i>Justin</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
OFFICIAL USE		Printed Name) <i>Justin</i>	C. Date of Delivery _____
Postage \$.42	Is address different from item 1? <input type="checkbox"/> Yes Is delivery address below: <input type="checkbox"/> No	
Certified Fee	2.70	_____	
Return Receipt Fee (Endorsement Required)	2.20	_____	
Restricted Delivery Fee (Endorsement Required)	_____	_____	
Total Postage & Fees	\$ 5.32	_____	
Sent To <i>Scott Janke, Town Manager</i>		<input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.	
Street, Apt. No., or PO Box No. <i>2523 Ester Boulevard</i>		Priority? (Extra Fee) <input type="checkbox"/> Yes	
City, State, ZIP+4 <i>Fort Myers Beach FL 33931</i>		_____	
PS Form 3800, June 2002		See Reverse for Instructions	

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