

RESOLUTION OF THE HISTORIC PRESERVATION BOARD OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER HPB 2009-09
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 4610 Estero Boulevard, Fort Myers Beach, Lee County, Florida 33931 and a STRAP Number of 29-46-24-W3-0080H.0030 and with a legal description as set forth on Exhibit A, which is hereby incorporated by reference (the "subject property"); and

WHEREAS, the Town Historic Preservation Board designated the Cottage as an historic resource in 2004 in HPB Resolution FMBHD 2004-02, pursuant to 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, a public hearing on the SCA was legally advertised and held before the Historic Preservation Board of the Town of Fort Myers Beach, Florida on March 10, 2009, and

WHEREAS, at such hearing, the HPB denied the Applicant's application for demolition and suspended action on Applicant's application for a Special Certificate of Appropriateness for relocation of the subject property for a period not to exceed 35 days, pursuant to LDC Section 22-103(d), in order to seek technical advice from outside sources or to meet further with the applicant to revise or modify the application as set forth with more specificity in HPB Resolution 2009-06; and

WHEREAS, the applicant was specifically requested to provide further information to address the relocation criteria set forth in LDC Section 22-105(1) through (6); and

WHEREAS, the Applicant has requested a continuance of the hearing for the SCA for relocation of the Cottage, which request was heard at a duly noticed meeting of the HPB on April 14, 2009.

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

The HPB **DOES GRANT** the Applicant's request for a continuance of the hearing on this matter to June 23, 2009, at 10:30 am, for the following reason: to allow interested parties to have time to respond to the request for proposals issued by the applicant for relocation of the Cottage which is the subject of this hearing.

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

Evie Barnes	<u>absent</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>absent</u>

DULY PASSED AND ADOPTED THIS 14th day of April, 2009.

HPB of the Town of Fort Myers Beach

By: Joanne K Shamp
Joanne Shamp, HPB Chair

Approved as to legal sufficiency:

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

ATTEST:

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