

**HISTORIC PRESERVATION ADVISORY BOARD
MEETING
OCTOBER 19, 2006**

MEMBERS PRESENT: Dawn MacGibbon, Chairman
Teresa Evan, Nancy Miller-Houck,
Julia Moore, Robert Parker, Christel Schmidt

MEMBERS EXCUSED: Larry Sandles

OTHERS PRESENT: Mitchell Austin, Urban Design Planner
Pat Presseller, Jerry Presseller, Julia Presseller

CALL TO ORDER/ANNOUNCEMENTS

- Ms. MacGibbon commented on the recent resignation of Councilmember Dave Phelen due to health reasons, stating the Board's prayers were with him and his family.
- A. Roll Call
- B. Next Scheduled Meeting - November 30, 2006
- C. Last Scheduled Meeting - September 28, 2006

APPROVAL OF MINUTES

- A. Meeting of September 28, 2006
- Ms. Moore MOVED, Ms. Schmidt SECONDED approval of the September 28, 2006 Minutes. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- A. Certificate of Appropriateness - 326 Goldstein Street and 455 West Retta Esplanade
- Mr. Mitchell Austin, Urban Design Planner, noted these Certificates of Appropriateness were presented to the Board for their edification.
- B. V-18-06 - 307 Taylor Street
Request Allow Vinyl Siding in Historic Overlay District
- Mr. Austin stated 307 Taylor Street was issued a Certificate of Appropriateness for their renovation and addition to the subject structure, stating the paperwork submitted indicated the siding would be constructed of board and batten siding; however, he later observed vinyl siding being installed.

- Ms. MacGibbon commented she had assumed board and batten would be used according to the proposed elevation drawings, questioning if the material was described in their submittal.
- Mr. Austin replied the description was indistinct other than indicating "lap siding."
- Ms. MacGibbon clarified "lap siding" was defined as hardy board, which was an allowable material in the District. She confirmed both the drawing and materials list were submitted without a designation of vinyl siding.
- Mr. Austin replied the designer advised him verbally the siding would be board and batten, adding he was further advised the notation on the plans was in error.
- Ms. MacGibbon clarified construction had taken place over two to three weeks. She asked if the contractor was available.
- Ms. Pat Presseller, applicant, explained the contractor was unable to attend as he was ill.
- Ms. MacGibbon asked where the error occurred in using the wrong material.
- Ms. Presseller noted she had fought against vinyl siding up until the very last minute, adding she had been under the assumption the rendering was official. She stated as their insurance money was diminishing, proceeding with vinyl siding seemed to make financial sense.
- Ms. MacGibbon asked if the contractor performed much work in the City.
- Ms. Presseller replied he was the contractor for the Time Management building across the street. She then mentioned questions had arisen approximately one year earlier with regard to whether or not the structure was actually located in the Historic Registry District.
- Ms. MacGibbon agreed the maps were somewhat misleading; however, she confirmed with the State of Florida that the structure was indeed located in the District.
- Ms. Presseller reiterated their decision to proceed with vinyl siding was based solely on cost, adding she believed lap siding was in keeping with the original style of the building.

- Ms. MacGibbon clarified she visited the site occupied by Guardian Reporting and touched the siding, confirming it was indeed hardy board. She then commented on the hardship issues related to the variance request, stating ignorance of City Code requirements was not a valid defense nor did it constitute a hardship as defined in the City Code. She advised members their role was to make a recommendation to City Council.
- Ms. Moore clarified vinyl siding was not allowed in the District unless the original structure had same.
- Ms. MacGibbon concurred, stating she was unsure of the original siding material.
- Mr. Austin announced City Code specifically prohibited aluminum and vinyl siding in the District.
- Ms. MacGibbon reiterated there seemed to have been a breakdown in communication between staff and the contractor, opining a hardship was placed upon the owners as they relied on the contractor to use materials as specified. She questioned if the burden of persuasion was sufficient to grant the variance.
- Mr. Austin replied the City Attorney opined all criteria must be met.
- Ms. MacGibbon read the three criteria into the record as follows: (1) exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of enactment of this ordinance; (2) exceptional topographic conditions or other extraordinary and exceptional situation or condition of such property; (3) the condition situation or development of property immediately adjacent to the subject property. She opined none of the criteria was met.
- Mr. Parker proposed it would have been possible to install siding in a vertical manner.
- Ms. Presseller interjected she was unsure of the origin of the board and batten on the construction drawings.
- Ms. MacGibbon explained the drawings indicated same.
- Ms. Presseller noted the designer was her daughter, adding the original structure did not utilize board and batten.
- Mr. Austin clarified the initial submission indicated lap siding, adding due to the nature of the addition which projected beyond the façade of the building, a

ranch-like, narrow impression was presented. He stated his initial reaction was the addition should have been pushed to the back of the property to avoid intruding on the front façade; however, due to the stage of construction it was determined that a more vertical aspect to the siding with board and batten was preferred instead.

- Mr. Parker commented real estate agents and contractors must be made aware of the restrictions of the historic district. He voiced opposition to the financial burden being placed on the Pressellers as the error was made by the contractor.
- Ms. MacGibbon concurred; however, this was not a valid basis for the granting of a variance. She stated if the problem was related to a miscommunication between the City and the contractor, the City may need to bear some of the responsibility; however, she suggested it may be an issue between the contractor and the property owner.
- Ms. Miller-Houck opined the property owner was bound to know the regulations of the District; however, it was difficult to make sure contractors acted properly. She asserted the Board should be provided the opportunity to speak with the contractor.
- Ms. MacGibbon agreed, stating it was an undue burden on the homeowner.
- Ms. Miller-Houck suggested postponing the discussion until the contractor was available.
Ms. MacGibbon opined it was an issue between the contractor and the City wherein the contractor was licensed and should have known district regulations.
- Ms. Presseller maintained as prices increased, insurance claims would not cover current building costs.
- Mr. Jerry Presseller commented the building was not within the Historic District when it was purchased in 1989.
- Ms. Miller-Houck confirmed the structure was not sided with vinyl when the Pressellers purchased same.
- Mr. Parker commented a contractor working in the Historic District must be cognizant of the regulations of same, suggesting the City make contact with those contractors.

- Ms. MacGibbon added this was a perfect example of the need for a City Preservation Officer.
- Ms. Miller-Houck opined it was difficult enough for contractors to properly construct a building, suggesting it was the homeowners responsibility to make sure regulations were followed; however, she agreed the contractor should address the Board.
- Discussion ensued with regard to responsible parties.
- Ms. Presseller questioned if a Certificate of Occupancy (CO) could be issued in the interim.
- Mr. Austin replied affirmatively, provided the owner submitted a letter stating they would comply with the variance decision.
- Mr. Parker asked if any provisions allowed vinyl siding in the District due to Hurricane Charley.
- Mr. Austin stated Section 3.14(k) allowed for same only if the structure utilized the material prior to January 1, 2005.

Note: The following discussion was heard after Item C.

- Ms. MacGibbon provided a brief review for the benefit of Ms. Julia Presseller.
 - Ms. Julia Presseller stated it was a strong suggestion by staff to utilize a cementitious material in a vertical board and batten.
 - Ms. MacGibbon inquired if staff advised that was the only material that could be used.
 - Ms. Presseller replied she could not recall, adding the contractor was dealing directly with the City subsequent to her design phase.
- C. ZA-14-06-Establishing Trabue Woods Historic District
- Mr. Austin displayed an overhead of the existing National Register Historic District and the proposed Trabue Woods Historic District, as delineated in the agenda material, stating the Board had been provided with a draft ordinance establishing same. He explained there was no real net effect other than additional review authority regarding home demolitions, adding the designation was primarily an interpretive Historic District as not many historic homes remained in the area.

- Ms. MacGibbon clarified the Board had no jurisdiction in this proposed overlap district.
 - Mr. Austin acknowledged same, stating most issues would be handled at the staff level with ceremonial signing by the Board Chairman.
 - Ms. MacGibbon confirmed the Board was not being made to take action on this item.
 - Mr. Parker asked if staff had taken into consideration property the City was proposing to annex.
 - Mr. Austin replied they had not; however, the official Annexation Study focused mainly on the Palm Automotive properties on U.S. 41, U.S. 17 West (Solona) and the property adjacent to Emerald Point which contained a National Register Landmark.
 - Ms. MacGibbon responded certain homes in the Solona area were assuredly historic.
 - Mr. Austin stated City Council had given staff direction to give that area strong consideration to possibly initiate the involuntary annexation process.
- D. Discuss Workshop for Downtown Historic District - November 6, 2006
- Mr. Austin stated the next step would be to designate a Downtown Historic District and advised members of the Urban Design Workshop scheduled for November 6, 2006.
 - Ms. MacGibbon stressed the importance of members' presence at that meeting.
- E. Realtor Letter - Notification of Historic Overlay District
- Ms. MacGibbon drew members' attention to the proposed letter, as delineated in the agenda material, stating the Board had discussed providing same to realtors to disseminate to potential historic district property buyers. She opined staff's compilation of design guidelines, allowed materials and architectural requirements were available to any contractor working in the City.
 - Ms. Miller-Houck countered design guidelines were not automatically provided to contractors upon submission of a permit application.
 - Mr. Austin agreed the intent of a building permit was to advise the City rather than a mechanism for the City to provide information to contractors.

- Ms. MacGibbon confirmed licensed contractors assumed the professional responsibility and obligation to adhere to the regulations in work they performed within the City.
- Consensus of the Board was to consider a method of advising homeowners in the National Register District.

OLD BUSINESS

- A. Florida Department of State Letter - 312 Durrance Street
 - Mr. Austin drew members' attention a letter from the Florida Department of State Division of Historical Resources, as delineated in the agenda material, indicating the need for in-kind repair of the structure's historic windows.
 - Ms. MacGibbon pointed out the letter was addressed to the attention of Mr. Clinton P. Hines of the City of Punta Gorda, however, no one by that name worked for the City. She suggested Mr. Hines may be the homeowner and requested further clarification at the next meeting.

OTHER BUSINESS

- A. Punta Gorda Historical Society, Inc.
 - Mr. Parker reported on the ice cream social and tour of the History Park, both of which had been very successful. He announced a Halloween Party was scheduled for October 28, 2006, and spoke of the success of the new Town Hall event to be held on the first Tuesday of every month, from October until March. He announced dances would be held the second Saturday of every month, noting admission was \$10 per couple. He announced the Society had made a tour of the Freeman House and spoke of the progress being made, announcing completion was expected by December 15, 2006. He noted grants were being requested for the museum aided by the assistance of a grant writer from Team Punta Gorda.
- B. Punta Gorda Community Redevelopment Agency (CRA) Status Report
 - Mr. Austin drew members' attention to the CRA Status Report, as delineated in the agenda material, stating staff had provided same for informational purposes. He mentioned Herald Court East and Herald Court West projects had been substantially completed with the exception of xeriscape landscaping on Herald Court East.

- Ms. Moore inquired about the particular area in question.
- Mr. Austin replied Herald Court East surrounded the Smith Arcade Building in the Bank of America block.
- Ms. MacGibbon then commented on the City Strategic Plan, requesting members give consideration to projects as part of the Plan for discussion at the next regularly scheduled meeting.

Note: Mr. Parker left the meeting at 10:00 a.m.

BOARD MEMBER COMMENTS

- Ms. Miller-Houck announced the County was requesting information on the historical marker program previously initiated by the City as they were trying to determine what markers were currently located within Punta Gorda.
- Ms. MacGibbon recalled a list was provided to the County approximately seven years prior, suggesting Urban Design may have the list. She opined the City was waiting for completion of the County's program to proceed with placing the markers.
- Mr. Austin suggested completing a current inventory of the markers presently located within the City.
- Ms. Miller-Houck inquired of the trees damaged by Hurricane Charley to be replaced by the Federal Emergency Management Agency (FEMA).
- Mr. Austin opined it had gone out to bid and trees would be replaced in November.
- Ms. Miller-Houck questioned if removal of mature trees was allowed in the City.
- Mr. Austin stated a permit was required for removal of mature species, announcing replacement was required when trees were removed without a permit. He encouraged anyone noticing the removal of large trees to call Code Compliance.
- Ms. Schmidt commented favorably on the new medical building near Charlotte Regional Medical Center.
- Ms. MacGibbon questioned the architectural element of the building being constructed at Sullivan Street and Marion Avenue.
- Mr. Austin replied the building was permitted and reviewed by the Development Review Committee (DRC) prior to adoption of the new Land Development

Regulations (LDRs); thus, the requirements for same were somewhat less stringent.

ADJOURNMENT

- Meeting Adjourned: 10:13 a.m.

Dawn MacGibbon, Chairman

Mary Kelly, Recording Secretary