



# HPC

## Monroe County Historic Preservation Commission MINUTES

Monday January 9, 2017 2:00 pm

Tavernier Fire House, 151 Marine Ave., Tavernier

### Call to Order.

### Roll Call.

Present and answering to roll call were Chair-Commissioner Alice Allen, Commissioner Donna Bosold, and Commissioner Anne-Marie Victor-Howe

Absent - Commissioner Bert Bender and Commissioner Kate DeLoach

Staff present: Barbara Bauman, County Planner  
Peter Morris, Assistant County Attorney  
Diane Silvia, Preservationist

**Adoption of Minutes from the December 5, 2016 meeting.** Donna Bosold motioned to approve the minutes of the November 7, 2016 meeting. Anne-Marie Victor-Howe seconded the motion. The motion carried unanimously

### Changes to the Agenda.

There were no changes to the agenda.

### Applications for Special Certificate of Appropriateness:

**1. MANGROVE REVOCABLE TRUST** is proposing to install a new 10K Neptune elevator boat lift at 180 Sunrise Drive, within the Tavernier Historic District, Key Largo, Monroe County, Florida having real estate number: 00506150-000000 and legally described as:

#### Parcel 1:

Lots 27 through 31, inclusive, of Tavernier Cove, a subdivision, according to the plat thereof, recorded in Plat Book 1, Page 103, of the Public Records of Monroe County, Florida, together with the riparian and littoral rights appurtenant thereto, if any;

#### ALSO

That certain strip of land 10 x 25 feet marked "Reserved" at the South end of Tarpon Street, as shown on the plat of Tavernier Cove, a subdivision, according to the plat thereof, recorded in Plat Book 1, Page 103, of the Public Records of Monroe County, Florida;

#### ALSO

All that part of Promenade lying East of the Easterly line of Lots 27 and 28 of Tavernier Cove and South of the Northerly line of said Lot 27, extending Easterly to the waters of the Atlantic Ocean, as shown on plat recorded in Plat Book 1, Page 103, of the Public Records of Monroe County, Florida, together with the riparian and littoral rights appurtenant thereto, if any;

#### ALSO

A parcel of submerged land in the Straits of Florida, in Section 34, Township 62 South, Range 38 East, Monroe County, Florida, fronting Lots 27 and 28 and a portion of former Promenade,

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Tavernier Cove, on Key Largo, Monroe County, Florida, more particularly described as follows: From the intersection of the Northwest corner of Lot 31 and the Southerly side of Sunrise Drive as shown on the plat of Tavernier Cove, recorded in Plat Book 1, Page 103, of the Public Records of Monroe County, Florida, run Easterly along the said Southerly side of Sunrise Drive, a distance of 318 feet to the Easterly side of former Promenade, as shown on said plat, and the mean high tide line on the shore of the Straits of Florida and the Point of Beginning of the parcel hereinafter described; thence continue Easterly on prolongation of last described course, a distance of 200 feet; thence Southerly, at right angles to last described course, a distance of 100 feet; thence Westerly and parallel with the Southerly side of Sunrise Drive and its prolongation, a distance of 200 feet to the said mean high tide line at the Southeast corner of said former Promenade; thence Northerly along said mean high tide line and Easterly side of former Promenade, a distance of 100 feet, more or less, to the Point of Beginning.

**Parcel 2:**

That strip of land approximately 10 feet x 50 feet marked "Driveway", lying between Lots 27 and 29, as shown on plat recorded in Plat Book 1, Page 103, of the Public Records of Monroe County, Florida;

**ALSO**

All that part of Tarpon Street lying South of the Southerly line of Sunrise Drive, as shown on plat recorded in Plat Book 1, Page 103, of the Public Records of Monroe County, Florida.

**Staff presentation and recommendation**

Diane Silvia read the staff report noting the applicable standards and guidelines.

**Applicant presentation**

Lisa and Edwin B. Young arrived after the meeting was underway.

**Public testimony**

There was no public testimony.

**Board discussion**

Anne-Marie Victor-Howe presented a report she wrote that describes how the proposed boat lift would obscure the view of the water from the public boat ramp and suggests the project should be denied.

Donna Bosold suggested continuing this item so that the applicants can be present.

Peter Morris explained that the courts do not recognize the right of visual access. This is a matter of property rights. If the HPC wants to pursue this it would require an ordinance change. It would have to be advertised and noticed. As this would be a legislative action it would have to go to the BOCC and then be incorporated into new Land Development Regulations. It would be a very lengthy process.

Ms. Bosold said we make decisions based on the Secretary of the Interior's Standards and this is

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a similar case. It would be in the applicant's best interest to be present.

Mr. Morris explained there is no legal basis to deny this. The Village of Islamorada lost a case in the court based on enforcing a general police power.

Ms. Bosold said there is case law that deals with visual access.

Mr. Morris pointed out that from the appellant point of view, he cautions against continuing or denying this project based on visual access. This would be precarious.

Edwin and Lisa Young, property owners, acknowledged they were present and requested to have their attorney present.

Donna Bosold motioned to move this to item 2 to allow the homeowners to pick up their attorney. Anne-Marie Victor-Howe seconded the motion. The motion carried unanimously

(moved on to scheduled agenda item 2 then took a break to allow the attorney to arrive)

Dennis Brewer, attorney for the applicant, reviewed the document provided by Anne-Marie Victor-Howe, noting he was seeing this for the first time.

Mr. Morris said it was just presented at this meeting.

Mr. Brewer said this is the most ridiculous argument and a travesty. He is happy to have a Federal Government that has oversight over boards like this. These owners have greatly improved the area . You cannot deny this application based on this argument.

Mr. Morris again cautioned against denial.

Edwin Young said they love Tavernier. The house was in poor condition when they purchased it. The existing boat lift was in poor condition and a hazard. They were told it was never permitted and had it removed. He and his wife clean up the boat ramp area even though it is not their property.

Anne-Marie Victor-Howe said she is not an adversary, but she is for historic preservation.

Mr. Young said he is also for preservation. He noted that the report inquired about the size of the boat for the lift. He stated it is a 17' Hell's Bay flats boat.

Dr. Victor-Howe noted she is not so troubled now because the boat is going to be small.

Lisa Young said there are boats of all sizes in the area.

Mr. Young asked how many boat lifts are in Monroe County.

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Dr. Victor-Howe said the boat ramp and the park are the only two places people have a view of the ocean.

Mr. Brewer said Mr. Morris articulated the point better than he could.

Dr. Victor-Howe said she wrote this report to bring this subject up for discussion.

Ms. Bosold pointed out that from the Property Appraiser's record it does appear that the old boat lift was permitted. So you are replacing what was an existing boat lift.

Barbara Bauman, Senior Planner, noted that this current application is still under review.

### **Motion**

Donna Bosold motioned to approve the proposed boat lift. Anne-Marie Victor-Howe seconded the motion. The motion carried unanimously

**2. PETER AND SHARON ZANETTI** are proposing to add 4 Bahama shutters, add a white wood trellis, install wood stockade fencing at the rear of the property, add an aluminum gate to complete enclosure beneath, and add a white wood picket fence at 169 Sunrise Drive within the Tavernier Historic District, Key Largo, Monroe County, Florida having real estate number: 00506040-000000 and legally described as:

Lot 17, TAVERNIER COVE, according to the Plat thereof as recorded in Plat Book 1, Page 103 of the Public Records of Monroe County, Florida.

### **Staff presentation and recommendation**

Diane Silvia read the staff report noting the applicable standards and guidelines.

### **Applicant presentation**

Peter and Sharon Zanetti had nothing further to add.

### **Public testimony**

There was no public testimony.

### **Board discussion**

Donna Bosold and Anne-Marie Victor-Howe agreed these elements will improve the home's appearance.

### **Motion**

Donna Bosold motioned to approve the project as proposed. Anne-Marie Victor-Howe seconded the motion. The motion carried unanimously.

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**Other Business:**

**Discussion of recommendations from the Monroe County Survey Update Report**

Diane Silvia explained she has followed up on one of the consultant's recommendations. She has given the property descriptions for the two vacant upland hammock properties that contain important archaeological sites to Mayte Santamaria for the County to consider purchasing as conservation land.

The Commissioners agreed to discuss the recommendations further when more members are present.

**Adjournment**

Donna Bosold motioned to adjourn. Anne-Marie Victor-Howe seconded the motion. The motion carried unanimously.

*ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".*