



Fort Myers Beach Local Planning Agency

Diamondhead Beach Resort
2000 Estero Blvd.
Fort Myers Beach, FL 33931

Agenda

Tuesday, June 13, 2023

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

- A. Approval of May 9, 2023 draft minutes

V. PUBLIC COMMENT

VI. PUBLIC HEARINGS

- A. 106 Hibiscus Drive, variance from LDC Section 34-638(a)(4) Minimum Setbacks, Corner Lot Setbacks and LDC Table 34-3 for front street setback and side setback

Approve/Approve with Conditions/Deny variance request VAR20230060 for the following variances: a) make Hibiscus Drive frontage the front street and Estero Boulevard the side street; b) to switch side and rear setbacks; c) to reduce Hibiscus Dr setback from 25 feet to 15 feet 10 inches; and d) to reduce the side setback from 7.5 feet to 5.5 feet. The property is located at 106 HIBISCUS DRIVE.

- B. 718 Estero Blvd, variance from LDC Table 34-3 for front street setback and side setback requirements..

Approve/Approve with Conditions/Deny variance request VAR20230055 seeking a variance from LDC Table 34-3, which requires a single-family home in RM zoning district to provide a minimum 25-foot street setback and a minimum 7.5-foot side setback. The property is located at 718 Estero Blvd.

- C. SEZ20230052 1249 Estero Blvd- Amend condition of approval to allow for outdoor music.

Approve/ Approve with Conditions/ Deny Special Exception Request

SEZ 20230052 for the property located at 1249 Estero Blvd., The applicant is requesting an amendment to their existing Special Exception "Conditions of Approval" #3 which disallows live music of any kind. The applicant would like this restriction removed.

- D. requesting relief/variance from LDC Table 34-3 which requires that lots in the RS zoning district have minimum dimensions of 75'x100'

Approve/ Approve with Conditions/ Deny Variance Request VAR 20230057 for the property located at 4830 Coral Rd requesting relief/variance from LDC Table 34-3 which requires that lots in the RS zoning district have minimum dimensions of 75'x100'

VII. ADMINISTRATIVE AGENDA

VIII. LPA MEMBERS ITEMS/REPORTS

IX. LPA ATTORNEY ITEMS/REPORTS

X. COMMUNITY DEVELOPMENT ITEMS/REPORTS

XI. ITEMS FOR NEXT MONTHS AGENDA

XII. ADJOURNMENT

NOTE: THIS MEETING IS STREAMED THROUGH YOUTUBE.

IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE COUNCIL IN ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.



**For special accommodations,
please notify the Town Clerk's
Office at least 72 hours in
advance. (239) 765-0202**

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Board's proceedings should contact the Town Clerk's Office not later than three days prior to the proceedings.

**Town of Fort Myers Beach
Agenda Item Summary**

Yellow Sheet Number: **2023-1075**

1. **Requested Motion:**

Approval of May 9, 2023 draft minutes

Meeting Date: June 13, 2023

Why the action is necessary:

What the action accomplishes:

2. **Agenda:**

APPROVAL OF MINUTES

3. **Requirement/Purpose:**

5. **Background:**

Attachments:

1. May 9 draft minutes

Financial Impact:

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

Steve Poposki, Community Development Director

Date: May 19, 2023



Fort Myers Beach Local Planning Agency

**Diamondhead Beach Resort
2000 Estero Blvd.
Fort Myers Beach, FL 33931**

Minutes

Tuesday, May 9, 2023

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Members present: Chair Cereceda; LPA Member Boan, LPA Member Eckmann, LPA Member Plummer, LPA Member Safford, LPA Member Sudduth and LPA Member Vanasse.

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

- A. Approval of the April 11, 2023 draft minutes
(The motion and second were not recorded.)

Motion carried unanimously.

V. PUBLIC COMMENT

No public comment.

- A. Side setback amendment

Community Development Planner Sarah Propst noted that the fire department raised the issue of fire flow and the fire hydrants had to be tested to ensure adequate flow. The building code does not allow overhangs to project closer than 40 inches to the property line and requires an additional fire rating for combustible eaves closer than five feet to the property line. This will require houses with a five-foot side setback to have different overhang regulations and requirements. Planner Propst was unsure whether the fire department conducted fire flow tests or whether the town was responsible for hiring someone.

Community Development Director & Building Official Steve Poposki stated

they were getting into dangerous territory by building houses too close together. He indicated that openings were prohibited, which meant no windows, no bedrooms and, ultimately, no house. A complete sprinkler system might also be required for the house and he described the fire separation distance. He recommended that the setbacks not be changed for public safety.

LPA Member Vanasse noted that many new communities had five-foot setbacks and questioned whether it was problematic. Director Poposki replied that it should be problematic due to the fire danger. LPA Member Vanasse noted that only the eaves would be affected.

Town Attorney Herin, Jr. explained that windows in homes were for egress in case of a fire and required by the current Florida Building Code for public safety. Director Poposki stated that a 7.5-foot setback was the safest and 5 feet was the minimum, but it would place extra burdens on the building staff. LPA Member Sudduth commented that they could require sprinklers with 5-foot setbacks and fire rate the eaves.

LPA Member Plummer questioned 5 feet being a dangerous fire hazard due to all the new communities with 5-foot setbacks.

Planner Propst provided suggestions in her report and one was to decrease the allowable encroachments, which would mean no overhangs over six inches. Another option would be a 6.5-foot side setback, which would allow the same overhang and some decks. She added that the new communities with 5-foot setbacks were usually built by one builder and they had pre-approved designs.

Public comments:

Samir Malviya and Tyler Knafelc from Homebound thanked the LPA. Mr. Malviya commented that a 6.5-foot setback would allow homeowners to build homes and he added their products were fire rated. Mr. Knafelc had experience with fires in CO and noted that a fire destroyed one community with 5-foot setbacks and wood siding. He stated that his company had five home plans designed to fit within 6.5 feet side setbacks.

Steve Hartsell thanked the LPA for discussing the side setbacks. He encouraged them to list all the requirements if they allowed a 5-foot side setback so property owners knew what they were getting into before spending a lot of money. He added that it would also help staff with their reviews and builders with their designs.

Public comment closed.

Chair Cereceda noted that 6.5-foot side setbacks would allow construction and get people back in their homes. Director Poposki supported the 6.5-foot side setbacks and Planner Propst agreed. Planner Propst added that the 6.5-foot side setback would apply to the width of the lot less than 50 feet.

LPA Member Eckmann commented that the lots had to be qualified with the effective width and defined as perpendicular to the side lot. The 6.5-foot side setback would allow for a 32-foot wide building without triggering fire-rated walls.

LPA Member Eckmann moved to approve the presentation in the package, except change option A. to a minimum 6.6-foot side setback on lots with an effective width of fewer than 50 feet; second by LPA Member Boan. Motion carried unanimously.

VI. PUBLIC HEARINGS

A. Discussion regarding setbacks for houses in primarily nonresidential districts
Provide input regarding setbacks on residential uses in nonresidential districts.

Planner Propst reviewed the proposed changes to the downtown zoning district as stated on the yellow sheet.

LPA Member Vanasse was concerned about reducing existing setbacks. Planner Propst indicated they could apply the RS standard setbacks, which were over 80 feet was 10 feet, from 80-50 was 7.5 feet and less than 50 was 6.5 feet. LPA Member Vanasse stated they would take away from people who currently had 5 feet setbacks and he supported adding caveats for fire and building requirements. Chair Cereceda commented that they were talking about the properties in the downtown area. LPA Member Safford thought they were discussing 20-30 homes and he did not have a problem with 5-foot setbacks with caveats because the lots were tiny.

LPA Member Plummer agreed with allowing 5-foot setbacks due to the size of the lots. LPA Member Boan noted that a 5-foot setback was consistent with the philosophy of allowing people to build back what they had. No public comment.

LPA Member Vanasse moved to forward the recommended changes by staff, except the minimum side setback should remain at 5 feet as in the current code and add a caveat to ensure the building code and fire rating performance are included; second by LPA Member Sudduth. Motion carried unanimously.

B. Sec. 26-71 Dock and Boat Ramp amendments to address multifamily docks.
Provide input on proposed Dock and Boat Ramp ordinance section amendments

Planner Propst reviewed the background of the item as stated on the yellow sheet.

LPA Member Vanasse questioned whether there was a need to limit the number of slips to the number of units. Planner Propst asked whether he would be turning a residential property into a commercial property by allowing the use of the dock for the Coast Guard or another commercial entity. LPA Member Sudduth noted that one had to be a condo owner to purchase a slip at Bay Beach.

LPA Member Plummer questioned cul-de-sacs and side setbacks. She indicated some canals had issues with cul-de-sac parking for boats and docks and arranging vehicles to provide decent access. Planner Propst commented that most of those canals did not meet the setbacks and some

property owners drafted agreement letters with each other, which could cause problems down the road. She suggested meeting with property owners and dock builders to determine how to improve the situation. LPA Member Plummer thought it would be nice to include some language in the ordinance concerning an agreement letter between neighbors. LPA Member Sudduth supported talking to dock builders regarding the setbacks. Chair Cereceda noted the AAC (Anchorage Advisory Committee) was filled with boat owners and mentioned giving the information to them for their input. Planner Propst agreed. Chair Cereceda suggested they table the hearing until the AAC reviews the information.

Chair Cereceda moved to table item B. and remanded it to the AAC for their input; second by LPA Member Boan.
Motion carried unanimously.

- C. Ord. 18-04 Commercial Planned Development Amendment to Conditions of Approval for TPI-FMB (Margaritaville)
Approve/Approve with changes/Deny 1170, 1180/1192, 1204/1206 Estero Blvd -DCI 20230039 a request to amend Ordinance to modify conditions of approval

Chair Cereceda read the title. Ex parte communications: LPA Member Safford had a conversation with the applicant; LPA Member Vanasse had a discussion with the applicant and Chair Cereceda had a conversation with the applicant. No disclosures from other members. Town Attorney Herin, Jr. swore in those providing testimony.

Planner Propst stated that the attorney representing the applicants was Steve Hartsell from Pavese Law Firm. She reviewed the background of the request as stated on the yellow sheet.

Attorney Hartsell utilized PowerPoint for his presentation. Slides included: Amendment to Ordinance #18-04; Location Map; LDC Section 34-1(a); LDC Section 34-85(b); Ambiguity in Condition #14; TPI Proposed Changes to Condition #14; Clean Version of Revised Condition #14 and Condition #20 Edit.

Chair Cereceda verified that the first two sentences in a. under Condition #20 will remain in place.

The recording skipped to Tom Torgerson speaking about his grandkids and perpetuity. He commented that Ian had changed everything. He discussed losing the Bubble Room and noted that putting bathrooms 15 feet in the air was not in anyone's best interest. He was working with the town to rebuild at grade level but commented that codes could change. He said his request was about allowing flexibility to consider additions in the future and he did not think any other CPD had the same restrictions.

John Dammerman added that they had no intentions for those parcels and intended to use them as a beach club.

No public comment.

LPA Member Plummer agreed that no other CPD had the same restrictions and she did not think it was inappropriate to open that door.

LPA Member Vanasse felt that respecting due process was essential and supported removing the condition that restricted the applicants in perpetuity. Chair Cereceda stated that approving the CPD was a unique case and no other CPD had the same restrictions. She noted that the applicant would not have been able to build back after Ian with the restriction in place, which was not the intent. She supported the request.

LPA Member Plummer moved to forward the item to the Town Council with a recommendation of approval as submitted by the applicant's specific changes to the ordinance and the changes were consistent with the LDC (Land Development Code) and Comprehensive Code and furthers the intent of the original CPD; second by LPA Member Sudduth.
Motion carried unanimously by roll call vote.

- D. Olde Seaport Place Amendment to the Master Concept Plan (Res 17-39) to add seating and extend the consumption on premises

Approve/Approve with Conditions/Deny 645 Old San Carlos- DCI 20230008, requested amendment to Commercial Planned Development (Olde Seaport Place) to add seating and extend the consumption on premises boundaries.

Chair Cereceda read the title. No ex parte communication from any member. Town Attorney Herin, Jr. swore in those providing testimony.

Planner Propst reviewed the background of the request as stated on the yellow sheet. She noted there were no changes to the existing CPD conditions and no proposed changes to the allowed list of uses.

Jim Figuerado, applicant, explained that the covered walkway was critical to protecting customers when it rained. He wanted to increase the back bay area so people could enjoy the scenery. He noted they have ample parking. No public comment.

Chair Cereceda moved to approve the request with the conditions outlined in the staff report to modify the master concept plan, expand the consumption on premises areas and that the request was in compliance with the original plan development and relay to Town Council for approval; second by LPA Member Boan.

Motion carried unanimously by roll call vote.

VII. ADMINISTRATIVE AGENDA

Planner Propst stated that the Town Council was taking the month of July off and wondered whether the LPA was interested in taking the month off. LPA Member Sudduth was concerned regarding holding up the schedule and LPA Member Vanasse indicated there were items that needed to be resolved. Consensus was reached to meet in July. Chair Cereceda, LPA Member Sudduth and LPA Member Plummer will attend remotely. LPA Member Plummer suggested having a second meeting in June. Town Attorney Herin, Jr. stated that a physical quorum had to be present but rules allowed members to attend remotely if the LPA as a whole agreed. Discussion was held concerning potential meeting dates.

VIII. LPA MEMBERS ITEMS/REPORTS

LPA Member Vanasse encouraged people to attend the school district meeting later that evening. He requested an update on certain items. Planner Propst indicated the FAR issue would need a Town Council decision. LPA Member Vanasse felt that the LPA needed to make recommendations to the Town Council. Planner Propst will do some research and bring FAR back to the LPA. LPA Member Vanasse discussed measuring FAR and thought the confusion stemmed from calculating parking under a building as a story when almost no other community did the same. He felt correcting that would remove the confusion. Planner Propst questioned whether he wanted flexibility and a change or a flat change. Chair Cereceda stated they had to illustrate the ramifications of the change. What would the building look like if the FAR was calculated from the ground versus calculated above parking. Planner Propst remarked that height was measured from base flood elevation and FAR could measure below base flood elevation but did not count towards height. Planner Propst will put something together. The language regarding architectural embellishments was removed by ordinance from the code because the way height was measured changed. She explained the need for the change and noted architectural features were still allowed. LPA Member Vanasse suggested that the language be changed. Chair Cereceda stated that the issue was always about making the area non-habitable.

LPA Member Eckmann questioned whether they discussed encouraging a percentage of native plant landscaping on properties, but he was not interested in a landscape ordinance. LPA Member Vanasse supported residential guidelines and identifying Florida-friendly plants for property owners. Planner Propst will look into that and investigate the tree program.

LPA Member Safford questioned when the comprehensive plan changes would be presented. Planner Propst replied that Eddie Ng was out of the country and planned to return by the end of the month. She provided clarification on items to another consultant working with Mr. Ng. She noted the first public meetings would probably occur sometime in October. LPA Member Vanasse suggested that Planner Propst contact Commissioner Ruane from Resilient Lee regarding available funding for planning and public meetings.

Chair Cereceda felt providing relative background information for CPDs coming for revisions would be beneficial. She cautioned LPA members against making comments on social media concerning projects because they may eventually come before them.

IX. LPA ATTORNEY ITEMS/REPORTS

No items.

X. COMMUNITY DEVELOPMENT ITEMS/REPORTS

Covered elsewhere.

XI. ITEMS FOR NEXT MONTHS AGENDA

Several variances.

A. Confirm upcoming LPA meeting dates

No change.

XII. ADJOURNMENT

LPA Member Sudduth moved to adjourn; second by LPA Member Eckmann.
Motion carried unanimously.

The meeting was adjourned at 11:15 a.m.

**Town of Fort Myers Beach
Agenda Item Summary**

Yellow Sheet Number: **2023-1085**

1. Requested Motion:

Meeting Date: June 13, 2023

Approve/Approve with Conditions/Deny variance request VAR20230060 for the following variances: a) make Hibiscus Drive frontage the front street and Estero Boulevard the side street; b) to switch side and rear setbacks; c) to reduce Hibiscus Dr setback from 25 feet to 15 feet 10 inches; and d) to reduce the side setback from 7.5 feet to 5.5 feet. The property is located at 106 HIBISCUS DRIVE.

Why the action is necessary:

LPA must recommendation to Town Council regarding a variance request

What the action accomplishes:

The recommendation of the LPA will be provided to the Town Council for the variance decision.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

The subject property is a corner lot in RS zoning. The front street setback is along Estero Blvd and the side street setback is along Hibiscus Drive. The previous house was destroyed in Hurricane Ian. The Applicant is now proposing a residence that requires three variances from the LDC:

1. Relief from Section 34-638(a)(4) Minimum Setbacks, Corner Lot Setbacks, which requires corner lots on Estero Blvd to treat the Estero Boulevard frontage as the front street setback. This variance would also, make the rear setback located opposite Hibiscus Dr and the side setback opposite of Estero Blvd.
2. Relief from LDC Table 34-3 which requires that a single-family home in the RS zoning district provide a street setback of 25 feet from the front street property line.
3. Relief from LDC Table 34-3 which requires that a single-family home in the RS zoning district provide a side setback of 7.5 feet.

Attachments:

1. 106 Hiscus Drive- Variance Staff Report LPA
2. Exhibit A- Application
3. Exhibit B Postcard

Financial Impact:

Unknown

6. Alternative Action

Recommend Approval/ Approval with conditions

7. Staff Recommendations:

a) DENY variance to treat Hibiscus Drive frontage as the front street setback instead of the Estero Boulevard frontage;

- b) APPROVE variance to allow side and rear setbacks to be switched;
- c) DENY variance of front street (Hibiscus Dr) setback from 25 feet to 15 feet 10 inches; and
- d) DENY variance of side setback from 7.5 feet to 5.5 feet.

8. **Recommended Approval:**

Steve Poposki, Community Development Director

Date: June 01, 2023

John R Herin Jr, Town Attorney

Date: June 05, 2023

Amy Baker, Town Clerk

Date: June 05, 2023



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20230060

CASE NAME: 106 Hibiscus Dr; requesting relief from LDC Section 34-638(a)(4) Minimum Setbacks, Corner Lot Setbacks, which requires corner lots on Estero Blvd to treat the Estero Boulevard frontage as the front street setback. The Applicant is also requesting relief from LDC Table 34-3 which requires that a single-family home in the RS zoning district provide a street setback of 25 foot and a side setback of 7.5 foot.

LPA

HEARING DATE: June 13, 2023

TOWN COUNCIL

HEARING DATE: June 20, 2023

STAFF

RECOMMENDATION: a) DENY variance to treat Hibiscus Drive frontage as the front street setback instead of the Estero Boulevard frontage;
b) APPROVE variance to allow side and rear setbacks to be switched;
c) DENY variance of front street (Hibiscus Dr) setback from 25 feet to 15 feet 10 inches; and
d) DENY variance of side setback from 7.5 feet to 5.5 feet.

**PREPARED/
SUBMITTED BY:** Sarah Propst AICP, PMP/Sakshi Goel

I. APPLICATION SUMMARY

Applicant/Owner: Samir Malviya from Homebound Technologies Inc.
(Applicant)/ Jackquelyn Liszak- Trustee for Liszak-May Trust (Owner)

Request: Relief from LDC Section 34-638(a)(4) Minimum Setbacks, Corner Lot Setbacks, which requires corner lots on Estero Blvd to treat the Estero Boulevard frontage as the front street setback. The Applicant is also requesting relief from LDC Table 34-3 which requires that a single-family home in the RS zoning district provide a street setback of 25 foot and a side setback of 7.5 foot.

The Applicant is requesting a variance to treat Hibiscus Drive frontage as the primary front street setback instead of the Estero Boulevard frontage. The Applicant is also requesting a variance of 9 feet 2 inches from the required front street setback and a variance of 2 feet from the required side setback, to build a new single-family home.

Subject property: See attached site plan

Physical Address: 106 Hibiscus Drive

STRAP #: 29-46-24-W2-01441.0000

FLU: Low Density Residential

Zoning: Residential Single-Family (RS)

Adjacent zoning and land uses:

North: LOW DENSITY RESIDENTIAL
Residential Single Family (RS)

SOUTH: MIXED RESIDENTIAL
Residential Conservation (RC)

East: LOW DENSITY RESIDENTIAL
Residential Single Family (RS)

West: LOW DENSITY RESIDENTIAL
Residential Single Family (RS)

II. BACKGROUND AND ANALYSIS

Background:

Samir Malviya, the applicant for 106 Hibiscus drive, is requesting the following three variances from the Town's Land Development Code (LDC):

1. LDC Section 34-638(a)(4) Minimum Setbacks, Corner Lot Setbacks, which requires corner lots on Estero Blvd to treat the Estero Boulevard frontage as the front street setback and allows a reduced setback from the side street. This request includes two points:
 - a) application of the 25-foot front street setback to the Hibiscus Dr setback and a reduction in the setback from Estero Blvd to 20 feet, and
 - b) switching the side and rear setbacks so that the rear is opposite of the Hibiscus Dr frontage.
2. LDC Table 34-3 which requires that a single-family home in the RS zoning district provide a street setback of 25 feet.
3. LDC Table 34-3 which requires that a single-family home in the RS zoning district provide a side setback of 7.5 feet.

Analysis:

The purpose of the RS zoning district is to provide stable neighborhoods where single-family detached homes are the predominant land use. The subject property is a corner lot, the front street setback is along Estero Blvd and the side street setback is along Hibiscus Drive. The subject property is a trapezoid 100 feet long lot with the width between Estero Blvd and the opposite property line varying from 50 feet to 76 feet.

The previous existing single-family residence appeared to be consistent with Town's LDC setback requirements, except that the rear setback and side setback were situated as per the proposed layout, with the rear opposite Hibiscus Dr. The previous house was destroyed in Hurricane Ian. The Applicant is now proposing a residence that requires three variances from LDC:

- 1) Relief from Section 34-638(a)(4) Minimum Setbacks, Corner Lot Setbacks, which requires corner lots on Estero Blvd to treat the Estero Boulevard frontage as the front street setback. The applicant proposes that the front street setback of 25 feet be measured from the Hibiscus Dr property line and the side street setback of 20 feet be measured from the Estero Blvd property line. This variance would also, make the rear setback located opposite Hibiscus Dr and the side setback opposite of Estero Blvd.
- 2) Relief from LDC Table 34-3 which requires that a single-family home in the RS zoning district provide a street setback of 25 feet from the front street property line. The applicant proposes a reduction of 9 feet 2 inches, to allow a setback of 15 feet and 10 inches.
- 3) Relief from LDC Table 34-3 which requires that a single-family home in the RS zoning district provide a side setback of 7.5 feet. The applicant is proposing a reduction of 2 feet from the requirement, for a side setback of 5.5 feet.

The Town recently modified the Corner Lot regulations found in Section 34-638(a)(4), to require corner properties on Estero Blvd to treat Estero Boulevard as

the front street setback. This was to ensure adequate and consistent distance from a busy right of way. Staff feels that a variance from this code section hinders the purpose of code modification.

The Applicant argues that if Estero Blvd is treated as the front street setback, a 25 feet wide front setback and 20 feet wide rear setback will leave very little to no room for construction of a single-family residence on this trapezoid lot. The applicant could request switching the side and rear setbacks as an administrative variance, without requiring a full variance, if the proposed home were designed to meet the other LDC required setbacks. The proposed house does not meet the LDC setbacks and therefore the Applicant is requesting a variance to treat Hibiscus Drive frontage as the primary front street setback with 25 feet and Estero Boulevard as the side street with a setback of 20 feet. In order to, accommodate the proposed house, the Applicant must also request a variance to reduce the Hibiscus setback by 9 feet 2 inches and a variance of 2 feet from the required side setback.

Neighborhood Compatibility:

All properties along Estero Blvd are required to have a minimum front street setback of 25 feet. All single-family residences within quarter-mile radius of the subject property, appear to be consistent with the Town's LDC.

Findings and Conclusions:

LDC Sec. 34-87 sets forth the required findings and conclusions for the approval of a variance:

- a. *That there are/**are not** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is/**is not** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.*

There are no exceptional or extraordinary conditions that are inherent to the property. The property is a trapezoid shaped corner lot, with two street frontages- front street frontage along Estero Blvd and side street frontage along Hibiscus Drive. The code for corner lots was recently updated and would allow a reduced side street setback of 20 feet from Hibiscus Dr, by right. The buildable area of the lot, with the approval of the administrative variance to switch the side and rear setback, would be quite large, but not rectangular in shape. Therefore, the request is not for a de minimis variance.

- b. *That the conditions justifying the variance **are**/are not the result of actions of the applicant taken after the adoption of the regulation in question.*

The conditions justifying the variance are the result of the actions of the Applicant. The Applicant is opting to build a residence that is rectangular in shape and not in compliance with the setback regulations.

- c. *That the variance granted is/is **not** the minimum variance that will relieve that applicant of an unreasonable burden caused by the application of the regulation in question to this property.*

The property is a trapezoid corner lot, with two street frontages- front street frontage along Estero Blvd and side street frontage along Hibiscus Drive. Nonetheless, the circumstances leading to this variance are a result of a design choice and are subjective in nature.

- d. *That the granting of the variance will/**will not** be injurious to the neighborhood or otherwise detrimental to the public welfare; and*

The granting of this variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare but will impact the consistent setback distance from Estero Blvd.

- e. *That the conditions or circumstances on the specific piece of property for which the variance is sought are/**are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.*

The conditions or circumstances on this specific property, for which the subject variances are sought are not general in nature and do not warrant a code change.

III. RECOMMENDATION

Town's Staff has reviewed the request for variances from LDC Section 34-638(a)(4) and LDC Table 34-3. *LDC Section 34-638(a)(4) Minimum Setbacks, Corner Lot Setbacks, requires corner lots on Estero Blvd to treat the Estero Boulevard frontage as the front street setback and LDC Table 34-3 requires that a single-family home in the RS zoning district provide a street setback of 25 feet and a side setback of 7.5 feet.* The Town's staff finds that the variances requested do not meet the requirements set forth in LDC sec. 34-87.

Therefore, staff recommends the following for the requests contained in the variance application of VAR20230060: a) DENIAL of the variance to treat Hibiscus Drive frontage as the front street and Estero Boulevard as the side street; b) APPROVAL of the variance to allow side and rear setbacks to be switched; d) DENIAL of the variance to the Hibiscus Dr setback from 25 feet to 15 feet 10 inches; and d) DENIAL of the variance from the side setback from 7.5 feet to 5.5 feet.

Attachments

Exhibit A – Application
Exhibit B- Post Cards



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

This is a first part of a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: 106 Hibiscus Drive
STRAP Number: 29-46-24-W2-01441.0000
Applicant: Homebound Technologies Inc Phone: 719.213.4409
Contact Name: Samir Malviya Phone: 248.894.9610
Email: smalviya@homebound.com Fax: _____
Current Zoning District: Coastal VE
Future Land Use Map (FLUM) Category: Residential
FLUM Density Range: Low-Density Platted Overlay: ☐ YES ☒ NO

ACTION REQUESTED

- ☐ Special Exception
☒ Variance
☐ Conventional Rezoning
☐ Planned Development ☐ Commercial ☐ Residential
☐ Master Concept Plan Extension
☐ Appeal of Administrative Action
☐ Vacation of Platted Right-of-way and Easement
☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A
PH-B
PH-C
PH-D
PH-E
PH-F
PH-G
attach on separate sheet

PART I – General Information

A. Applicant*: Samir Malviya Phone: 248.894.9610
**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.
Please see PART III to complete the appropriate Affidavit form for the type of applicant.*
Applicant Mailing Address: 244 Harbor Court | Fort Myers Beach, FL | 33931
Email: smalviya@homebound.com Fax: _____
Contact Name: Samir Malviya Phone: 248.864.9610



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

- | | | |
|--|---|--|
| ☐ Owner* | ☐ Land Trust* | ☐ Partnership* |
| ☐ Corporation* | ☐ Association* | ☐ Condominium* |
| ☐ Subdivision* | ☐ Timeshare Condo* | ☐ Contract Purchaser* |
| ☒ Authorized Representative* ☐ Other* (please indicate) _____ | | |

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.
Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: Samir Malviya Phone: 248.864.9610
Address: 422 Harbor Court | Fort Myers Beach, FL | 33931
Email: _____ Fax: _____

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: Tyler Knafelc Phone: 719.213.4409
Address: 422 Harbor Court | Fort Myers Beach, FL | 33931
Email: tknafelc@homebound.com Fax: _____

Name: Drew Whiting Phone: 224.723.9198
Address: 422 Harbor Court | Fort Myers Beach, FL | 33931
Email: dwhiting@homebound.com Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☒ Variance from LDC Section 34 - 638
- ☐ Conventional Rezoning from _____ to _____
- ☐ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☐ Amendment. List the project number: _____
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

- ☐ Appeal of Administrative Action
- ☐ Vacation ☐ Right-of-Way ☐ Easement
- ☐ Other. Please Explain: _____
- _____
- _____

PART III – Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, _____ swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;

All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that

The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Signature

Printed Name

STATE OF _____ COUNTY OF _____

The foregoing instrument was certified and subscribed before me by means of ____ physical

presence OR ____ online notarization, this ____ day of _____, 20____, by

_____, ☐ who is personally known to me OR ☐ who has produced

_____ as identification.

(SEAL)

Notary Public Signature

PART V

Property Ownership (Multiple Owners)

☒ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☒ Complete Disclosure of Interest Form (see below)
- ☒ Attach list of property owners as Exhibit 5-1
- ☐ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V - Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address
Jacquelyn Liszak-May

Percentage Ownership
100



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address

Percentage of Ownership

_____	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name	Address
<u>Liszak Family Trust</u>	<u>189 Sabal Drive Fort Myers Beach, FL 33931</u>
_____	_____
_____	_____
_____	_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature

Jacquelyn Liszak-May

Printed Name

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Jackquelyn Liszak-May (name), as Trustee (title)
of Liszak Family Trust (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Liszak Family Trust

Name of Entity (corporation, partnership, LLP, LLC, etc)

Signature

Jacquelyn Liszak-May

Typed or Printed Name

Trustee

Title

Date

STATE OF _____ COUNTY OF _____

The foregoing instrument was certified and subscribed before me by means of ____ physical presence OR ☐ online notarization, this ____ day of _____, 20____, by _____, ☐ who is personally known to me OR ☐ who has produced _____ as identification.

Seal

Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 24-46-24-W2-01441.0000

Property Address: 106 Hibiscus Drive

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? ☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☐ Yes. Property identified in subdivision: _____

Book: 14 Page: 21 Unit: _____ Block: 01441 Lot(s): 0000

B. Boundary Survey:

☒ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 6-2.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 63.06 feet
Depth (please provide an average width if irregular in shape) 97.16 feet
Frontage on street: 100.61 feet. Frontage on waterbody: _____ feet
Total land area: 6087 ☐ acres ☒ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

- ☒ There are no deed restrictions and/or covenants on the subject property.
☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.
☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

- ☒ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.
☐ Attach a map showing the surrounding property owners as Exhibit 6-7.
☐ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

- | | |
|---|--|
| ☒ Low Density | ☐ Marina |
| ☐ Mixed Residential | ☐ Recreation |
| ☐ Boulevard | ☐ Wetlands |
| ☐ Pedestrian Commercial | ☐ Platted Overlay |



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

Please submit required applications, supplemental information, exhibits and documents to zoningpermits@fmbgov.com.

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.

The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant. Decisions regarding requests to waive submittal requirements are at the discretion of the Community Development Director and may not be appealed.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file.

All attachments and exhibits must be legible, suitable for recording, and of a size that will fit or conveniently fold into a letter size (8 ½ by 11) folder.

Explanatory Notes – Part I

- A. Applicant's name: The applicant may be the landowner or an authorized agent.
- B. Relationship of applicant to property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.
- C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
- D. Other agents: Provide contact information for any other agents that may be involved in the request.

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Please request waivers prior to applying. Exhibit 3-1

Explanatory Notes – Part IV

- A. If the property owner is an individual or husband and wife, check the box and provide the information.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Explanatory Notes – Part V

- A. If there are multiple property owners exhibit 5-1, complete the disclosure form and include the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries. Disclosure is not required of any entity whose interests are solely equity interests that are regularly traded on an established securities market in the United States or another country.
- B. If more than one parcel is involved, submit a list of all property owners and their mailing addresses. Provide a map keyed to the list of property owners showing their interests. The applicant is responsible for the accuracy of the list and map Exhibit 5-2
- C. Where the property is a condominium or timeshare condominium, the application must be initiated by both the condominium association and no less than 75% of the total number of unit owners. To verify ownership, the list of property owners must be identified by unit number and/or timeshare period as applicable, along with proof that the owners who did not join in the application were given actual written notice of the application by the applicants, who must verify the list and the notice by sworn affidavit. Attach this affidavit as Exhibit 5-3.
- D. In addition, a letter of opinion from an attorney licensed to practice law in the State of Florida addressing the considerations in LDC Section 34-201(a)(1)b.3. must be attached as Exhibit 5-4.

Explanatory Notes – Part VI

- A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at <http://www.leepa.org>. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line. Exhibit 6-1
- B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

line. Exhibit 6-2

- C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
- D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3
- E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4
- F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5
- G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a “variance report” from the Map Sales Office at the Lee County Property Appraiser’s Office. Contact information for the Property Appraiser can be found at <http://www.leepa.org>.
- H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan’s Future Land Use Map, and whether the property is located in the “platted overlay” on the map.
- I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

Explanatory Notes – Part IV & V

The applicant must sign and submit either of the affidavits in Part V & VI, as applicable.



Case # _____ Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

This is the second part of a two-part application. This part requests specific information for a variance. Include this form with the Request for Public Hearing form.

Case Number:
Project Name: Lyszak Residence 106 Hibiscus Drive
Authorized Applicant: Tyler Knafelc Pre-Construction PM Homebound
LeePA STRAP Number: 29-46-24-W2-01441.0000

Current Property Status: Demolition Complete	
Current Zoning: Coastal VE	
Future Land Use Map (FLUM) Category: Residential	
Comp Plan Density: Low Density	Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
34-638(d)(6) - Minimum Setbacks / Corner Lot Street Setbacks	

Complete the narrative statements below for EACH variance requested.

PART I
Narrative Statements

Request for variance from 34-638 (LDC Section number)

Explain the specific regulation contained in this section from which relief is sought:
Ordinance No. 23-02 amending Minimum Setbacks in Exhibit A - New Corner Lot Regulations has
created a hardship for several lots along Estero Blvd. While the new corner lot regulations allow
homeowners to choose their front street setback and side street setback, lots along Estero Blvd are
required to use Estero Blvd frontage as their front street setback. While the majority of the island is
not affected by this stipulation as their lots are oriented toward Estero Blvd with deeper lot
dimensions perpendicular to Estero Blvd, there are five lots oriented toward the side street with
narrower dimensions perpendicular to Estero Blvd in which the larger front and rear setbacks create
undue hardship and unbuildable footprints within the setbacks. For 106 Hibiscus Dr, the space to
build inside the setbacks would be 69'-6" wide with a depth of 24'-8" on one side tapering down to 6'
at the other. We are requesting a variance to rotate the lot's orientation toward Hibiscus and
create relief from the large side street setback due to the lot's width at 76.12' at the front - quickly
tapering down below 75' and ending at 50' at the rear.

Reasons for request

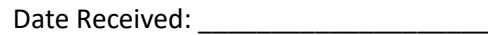
Explain why the variance is needed:
The variance is needed to first rotate the frontage of the corner lot to Hibiscus Drive so the front
street setback is off of Hibiscus Drive, the side street setback is off of Estero Blvd, the side setback
faces the neighboring lot at 112 Hibiscus Drive, and the rear setback is opposite the front street
setback. This rotation creates setbacks that are more proportional with the lot shape and
proportions. Secondly, a variance is then needed to relieve the hardship of the side street setback
being based on a lot with greater than 75' frontage (at 76.12') - triggering a 20' side street setback.
As the lot quickly tapers below 75' and ultimately ends at 50' at the rear property line, a 15' side
street setback would be more in line with the property. However, understanding that the New
Corner Lot Regulations' intent is to maintain a greater setback off of Estero Blvd, we are seeking
relief to the front (Hibiscus) and interior yard setbacks in order to maintain a 20' setback from
Estero Blvd. The resulting ask is a front setback reduction of 8' (17' from 25') and interior side
yard setback reduction of 2' (5.5' from 7.5').

Explain the possible effect the variance, if granted, would have on surrounding properties:

Once the lot oriented toward Hibiscus, the most affected property would be the neighbor at 112
Hbiscus Dr. where we are asking for a 2' reduction in the side setback. This ask has very little
effect on the neighbor as the existing house had a reduced side setback on this side of less than 5',
and an easement protrudes into 112 Hibiscus Dr.'s lot to allow access for 106 Hibiscus Dr.
Secondly, the reduction of the front yard setback by 5' has little effect to the rest of the street due to
the way the lot is perceived differently as a corner lot. Ultimately, an encroachment to the Estero Blvd
setback would have the greatest effect as the majority of the community will pass this site on a
daily basis, and the proposed house is intended to remove any encroachments that are not allowed
into the Estero Blvd. setback.

Explain the hardship (what is unique about the property) that justifies relief from the regulation:

The hardship is the result of two unique characteristics about this property:
1. Being a corner lot on Estero Blvd with an obvious orientation toward Hibiscus
Dr. that is being forced to orient its setbacks toward Estero Blvd, and create a
depth that is impossible to build on, and 2. Having a greater than 75' frontage
(once rotated) that requires a greater side street setback along Estero Blvd. Our
proposed house attempts to relieve this issue by maintaining the intent of the
New Corner Lot Regulations and maximizing the side street setback along
Estero Blvd. by finding relief along the front and interior side setbacks.



The property qualifies for a variance due to the hardship created by the New Corner Lot Regulations to orient the lot toward Estero Blvd and creating an unbuildable depth. Once the orientation is rotated, the New Corner Lot Regulations restrict the buildable width by the artificially large street side setback along Estero Blvd due to the Hibiscus Dr frontage being 76.12' (over 75') and quickly tapering down below 75' to eventually reach a lot width of 50' at the rear property line - effectively spanning the full spectrum of side street setbacks at 10' (50' or less), 15' (greater than 50 up to 75'), and 20' (greater than 75'). Our solution to the hardship of restricted lot width requests relief at the front setback of 8' (17' from 25') and interior side setback of 2' (5.5' from 7.5'); this solution maximizes the houses setback off of Estero Blvd and maintains the larger setback to be more in line with other properties with frontage on Estero Blvd. While there is a small triangle of a wraparound porch that encroaches into the 20' side street setback along Estero Blvd, this encroachment is allowed as a 1 story porch and should help maintain the look of a property facing Estero Blvd.

PART 2

Submittal Requirements

All applications for a variance must be submitted electronically through our Iworq portal - [iworq \(talktomycity.com\)](http://iworq.talktomycity.com)

Required Items

- Public Hearing Request Form
- Supplemental form PH-B
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; and a clear illustration of the proposed variance
- Fee in the amount of \$1800.00 (residential)/Additional Variance \$500.00
- Variance (non-residential) \$2800.00/ Additional Variance \$700.00

Guide to filing PH-B Additional Required Information for a Variance Application

Cover page

Case Number will be inserted by Community Development staff.

Project Name must be the same as the name used on the Request for Public Hearing form.

Applicant must be the same as on the Request for Public Hearing form.

STRAP numbers must be the same as on the Request for Public Hearing form.

Current status of property must be the same as on the Request for Public Hearing form.

"Variance is requested from..." Provide the section number and title of each section of the Fort Myers Beach Land Development Code from which a variance is being sought.

Narrative statements

If the application is for multiple variances, complete all of the narrative statements for each variance that is requested.

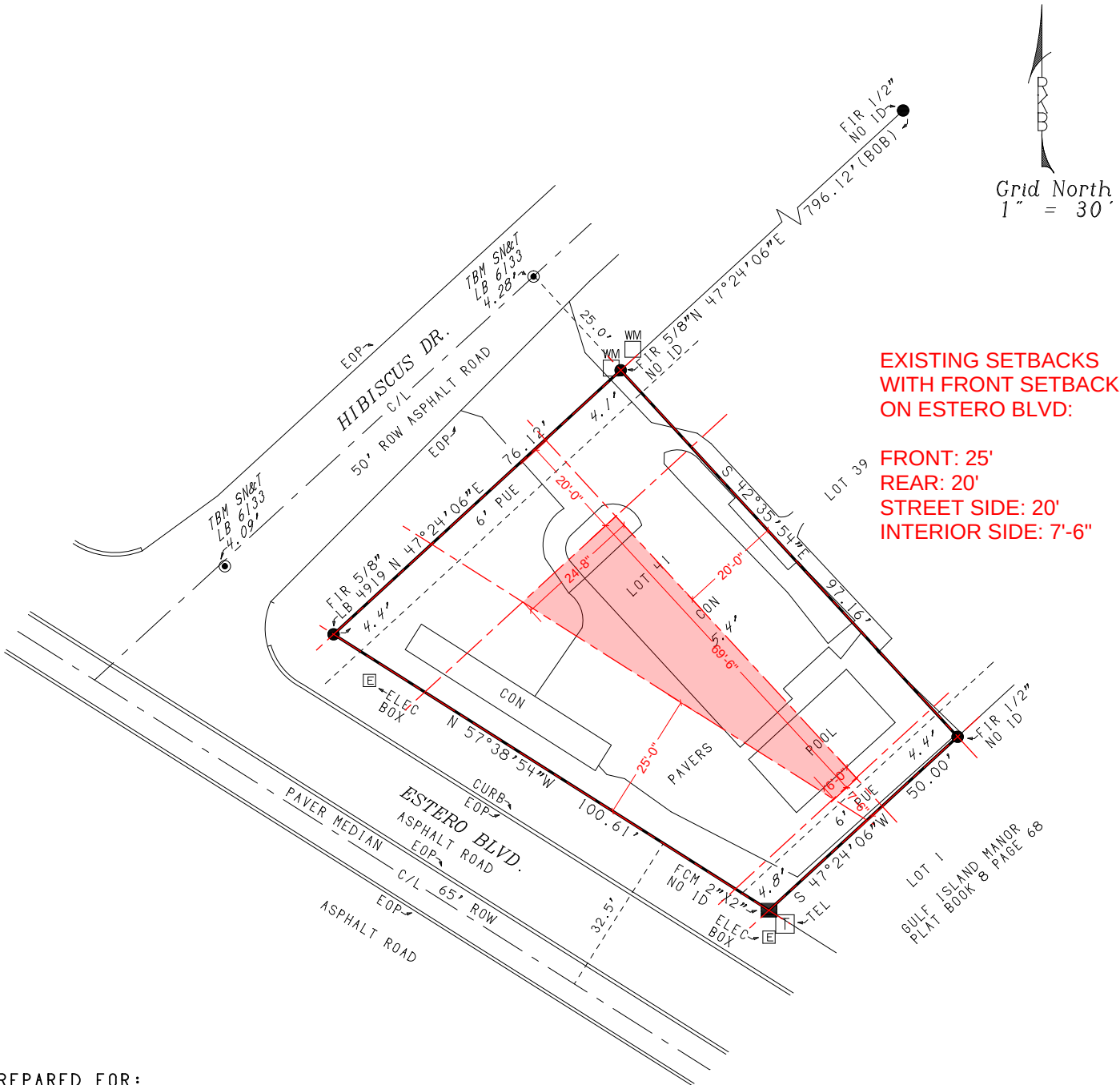
Site plan

The site plan must show all existing structures on the site; all existing structures within 100 feet of the perimeter boundary of the site; and a clear illustration of the proposed variance.

LDC Section 34-87

The guidelines for decision-making regarding a request for a variance are as follows:

1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a *de minimis* variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;
2. Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question;
3. Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;
4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare;
5. Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.



EXISTING SETBACKS
WITH FRONT SETBACK
ON ESTERO BLVD:

FRONT: 25'
REAR: 20'
STREET SIDE: 20'
INTERIOR SIDE: 7'-6"

PREPARED FOR:
HOMEBOUND TECHNOLOGIES, INC

PARCEL DESCRIPTION:
LOT 41, LEILANI SUBDIVISION, ACCORDING TO THE MAP
OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE
21, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

THIS MAP OF SURVEY IS ONLY FOR THE LAND DESCRIBED.
IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENT,
FREEDOM OF ENCUMBRANCE, OWNERSHIP OR RIGHTS-OF-WAY.

ADDITIONS OR DELETIONS TO THE SURVEY MAP BY OTHERS
THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED
WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

THIS SURVEY WAS PREPARED TO MEET THE REQUIREMENTS OF THE
PERSONS LISTED AND SHOULD NOT BE RELIED ON TO
MEET THE REQUIREMENTS OF ANY OTHER PERSONS OR PURPOSES.

DRAWN BY:WNH

LEGEND:

(C) = CALCULATED
(F) = FIELD MEASURED
(NR) = NON-RADIAL
(R) = RECORD
(RAD) = RADIAL
BOB = BASIS OF BEARINGS
(GRID-NAD 83-FL WEST ZONE)

C/L = CENTERLINE
CATV = CABLE TV BOX
CCED = CAPE CORAL ENGINEERING DEPT.
CCP = COVERED CONCRETE PAD
CLF = CHAIN LINK FENCE
CON = CONCRETE
CP = CONCRETE PAD
DE = DRAINAGE EASEMENT
DUE = DRAINAGE & UTILITY EASEMENT
EOP = EDGE OF PAVEMENT
FC = FENCE CORNER
FCM = FOUND CONCRETE MONUMENT
FF = FINISHED FLOOR ELEVATION
FIR = FOUND IRON ROD
FN = FOUND NAIL
FN&T = FOUND NAIL & TAB
GF = GARAGE FLOOR ELEVATION
GW = GUY WIRE
HYD = FIRE HYDRANT
LB = LICENSED BUSINESS
LS = LICENSED SURVEYOR
MH = MANHOLE
NAD = NORTH AMERICAN DATUM

NAVD = NORTH AMERICAN
VERTICAL DATUM
O/S = OFFSET
OHP = OVERHEAD POWER LINE
OL = OUTDOOR LIGHT
PC = POINT OF CURVE
PCP = PERMANENT CONTROL POINT
PP = POWER POLE
PS&M = PROFESSIONAL SURVEYOR
& MAPPER

PT = POINT OF TANGENCY
PUE = PUBLIC UTILITY EASEMENT
ROW = RIGHT OF WAY
SD = STORM DRAIN
SEP = APPROXIMATE LOCATION OF
SEPTIC TANK

SIR = SET 5/8" X 18" IRON
ROD AND CAP STAMPED
RKB LB 6133"

SN&T = SET NAIL & TAB
SP = SCREENED PORCH
SW = SEAWALL
TB = TOP BANK
TBM = TEMPORARY BENCHMARK
TEL = TELEPHONE BOX
TYP = TYPICAL
UE = UTILITY EASEMENT
USC&G = UNITED STATES COAST &
GEODETIC SURVEY

WM = WATER METER
WV = WATER VALVE
WW = WALKWAY

NOTES:

1) DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2) UNDERGROUND UTILITIES, FOUNDATIONS, AND
STRUCTURES WERE NOT FIELD LOCATED OR SHOWN.
3) ONLY INTERIOR IMPROVEMENTS SHOWN WERE LOCATED.
4) PARCEL WAS SURVEYED FROM INFORMATION FURNISHED
BY THE CLIENT.
5) PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS,
RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
6) NO WETLANDS OR JURISDICTION LINES WERE LOCATED.
7) ABSTRACT NOT REVIEWED.
8) PARCEL LIES IN FLOOD ZONE VE 14.0'
(FIRM 12071C 05586 11/17/2022).
9) ELEVATIONS (SHOWN LIKE SO 4.83')
ARE NAVD 1988 BASED ON BM 5351 E.
10) PARCEL LIES BETWEEN THE 1978 & 1991 COASTAL
CONSTRUCTION CONTROL LINES

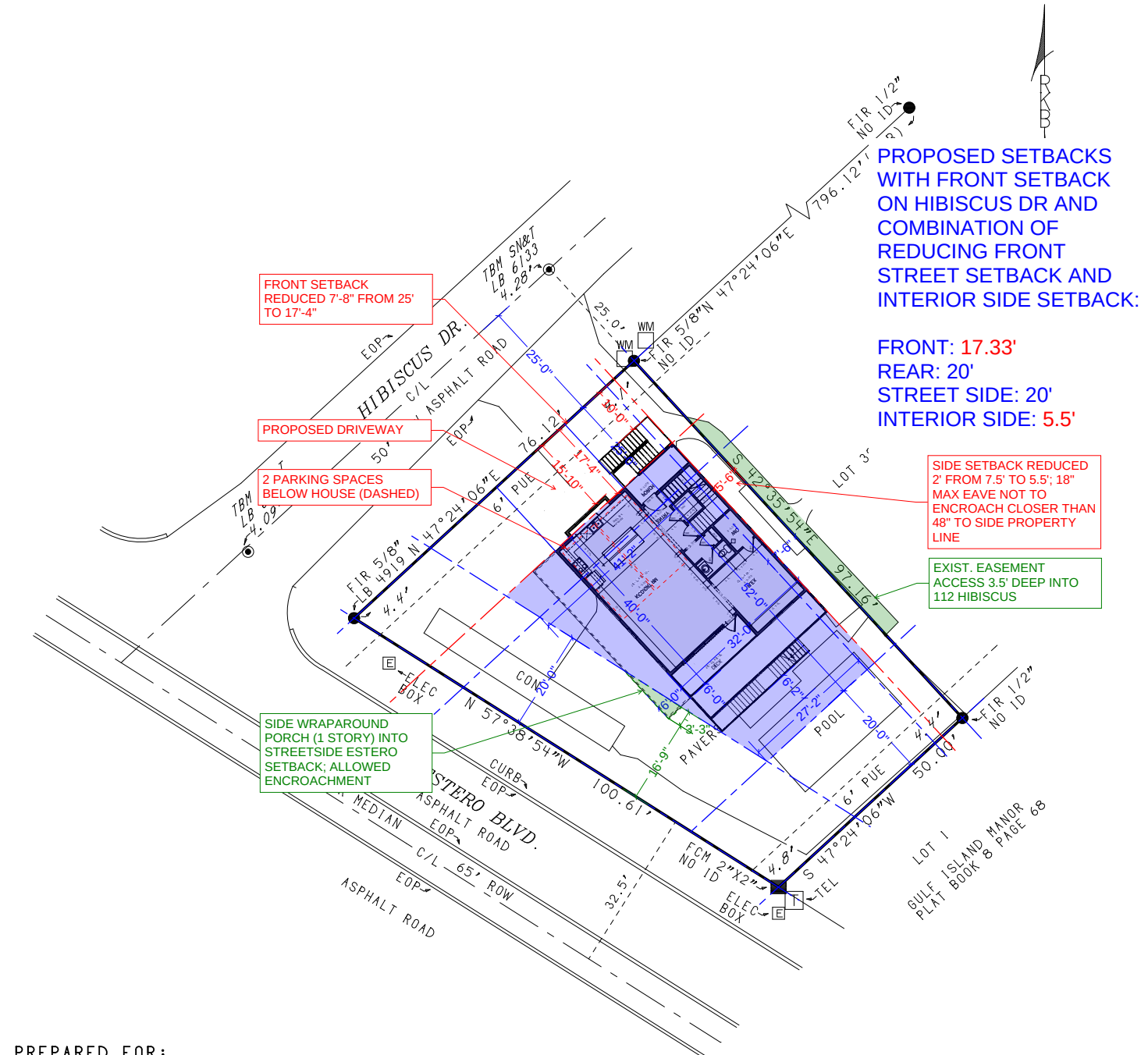
R.K.BURNS SURVEYING, INC. LB 6133

3507 LEE BLVD. # 230
LEHIGH ACRES, FL. 33971
239-303-0764
239-303-0832 (FAX)
INFO@BURNSSURVEYING.COM

MAP OF BOUNDARY SURVEY

FIELD WORK COMPLETED:03/21/2023

By: *John Stephen Burns*



PREPARED FOR:
HOMEBOUND TECHNOLOGIES, INC

PARCEL DESCRIPTION:
LOT 41, LEILANI SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 21, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

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DRAWN BY:WNN

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(GRID-NAD 83-FL WEST ZONE)

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ROD AND CAP STAMPED
"RKB LB 6133"

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10) PARCEL LIES BETWEEN THE 1978 & 1991 COASTAL CONSTRUCTION CONTROL LINES

R.K.BURNS SURVEYING, INC. LB 6133

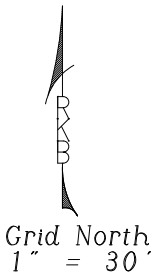
3507 LEE BLVD. # 230
LEHIGH ACRES, FL. 33971
239-303-0764
239-303-0832 (FAX)
INFO@BURNSSURVEYING.COM

MAP OF BOUNDARY SURVEY

FIELD WORK COMPLETED:03/21/2023

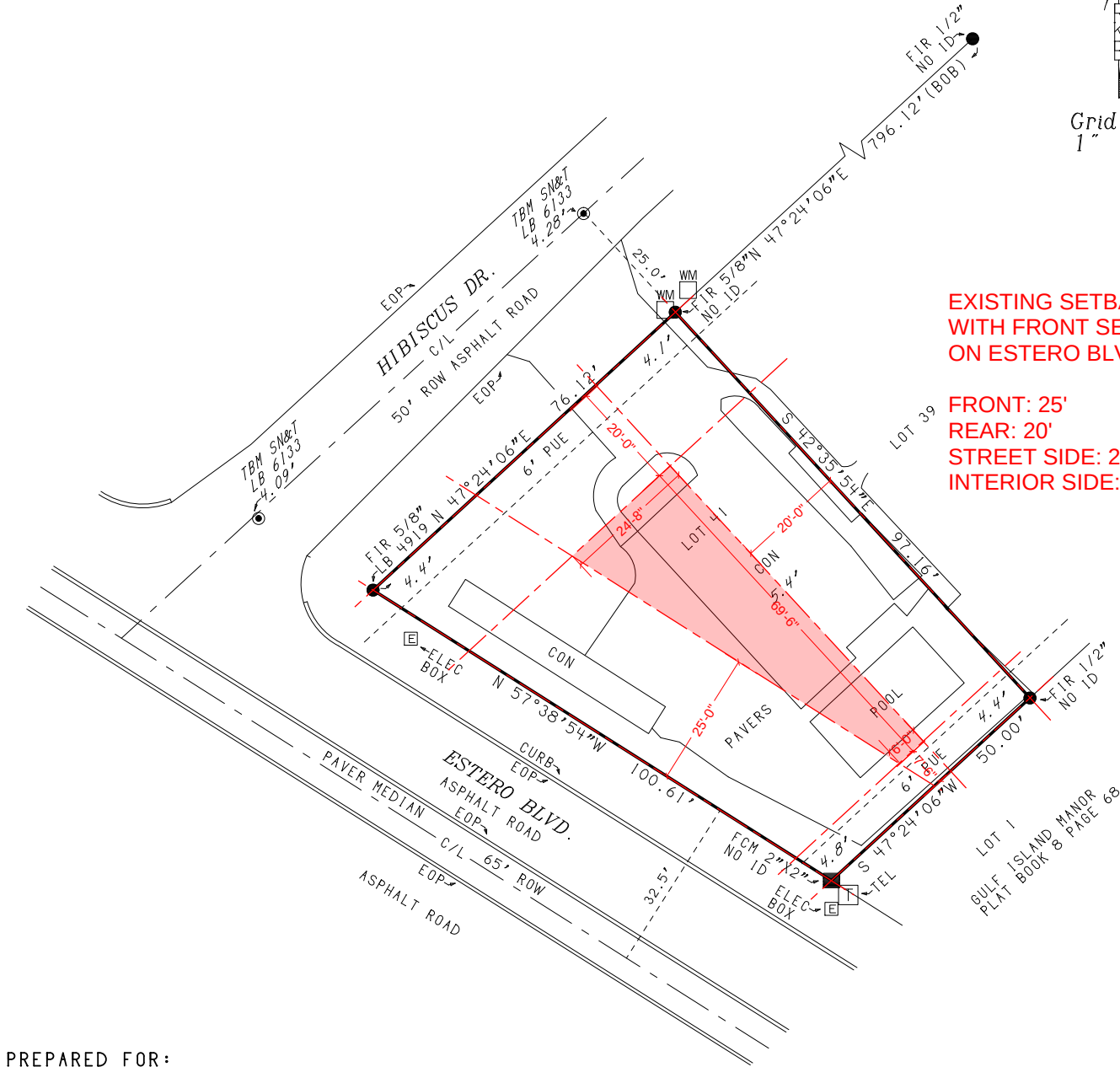
By: *John Stephen Burns*

SUPERCEDED



EXISTING SETBACKS
WITH FRONT SETBACK
ON ESTERO BLVD:

FRONT: 25'
REAR: 20'
STREET SIDE: 20'
INTERIOR SIDE: 7'-6"



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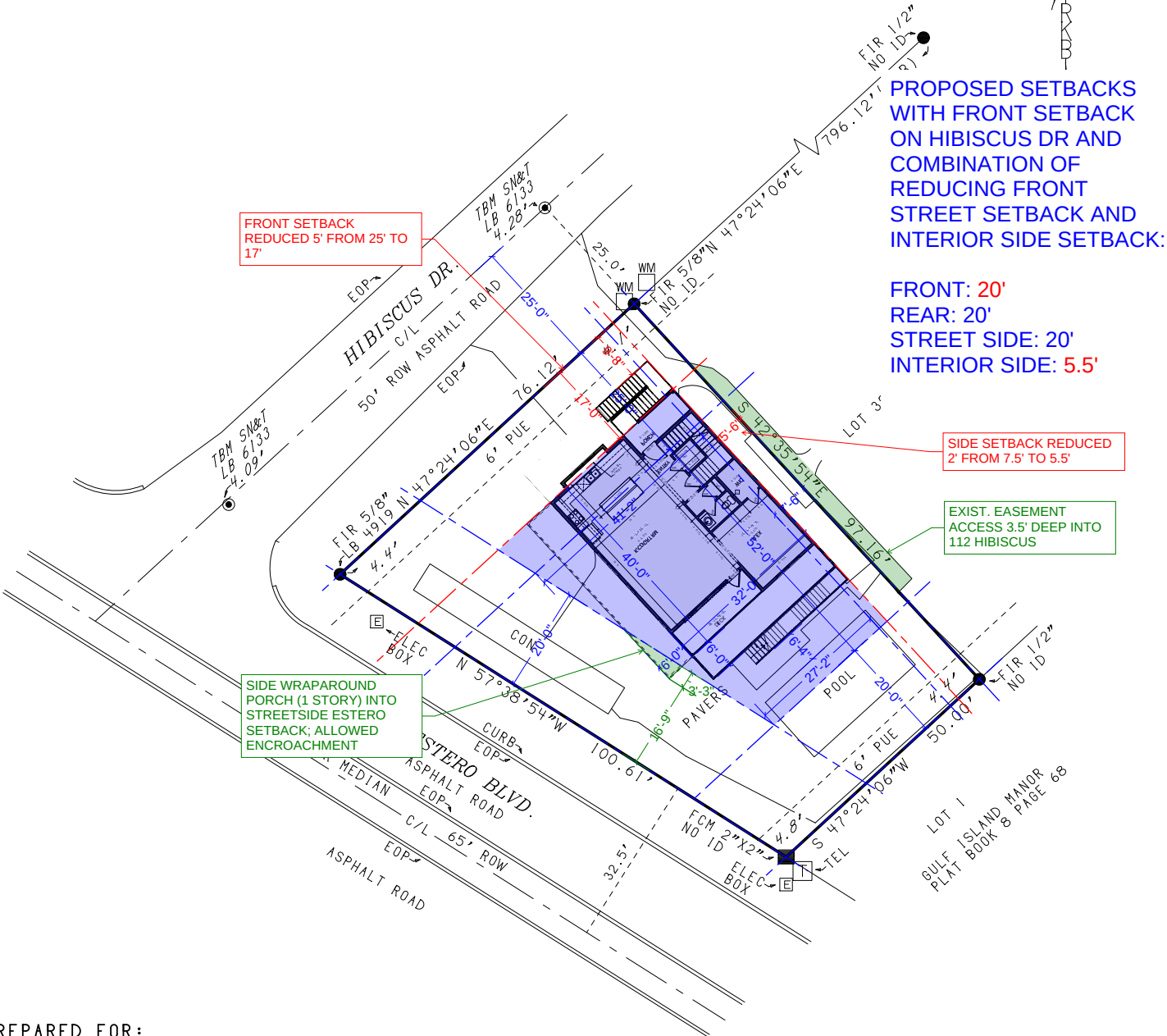
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R.K.BURNS SURVEYING, INC. LB 6133 3507 LEE BLVD. # 230 LEHIGH ACRES, FL. 33971 239-303-0764 239-303-0832 (FAX) INFO@BURNSSURVEYING.COM		MAP OF BOUNDARY SURVEY FIELD WORK COMPLETED:03/21/2023		By: <i>John Stephen Burns</i> JOHN STEPHEN BURNS LICENSE NUMBER LS-5583 STATE OF FLORIDA PROFESSIONAL SURVEYOR & MAPPER	

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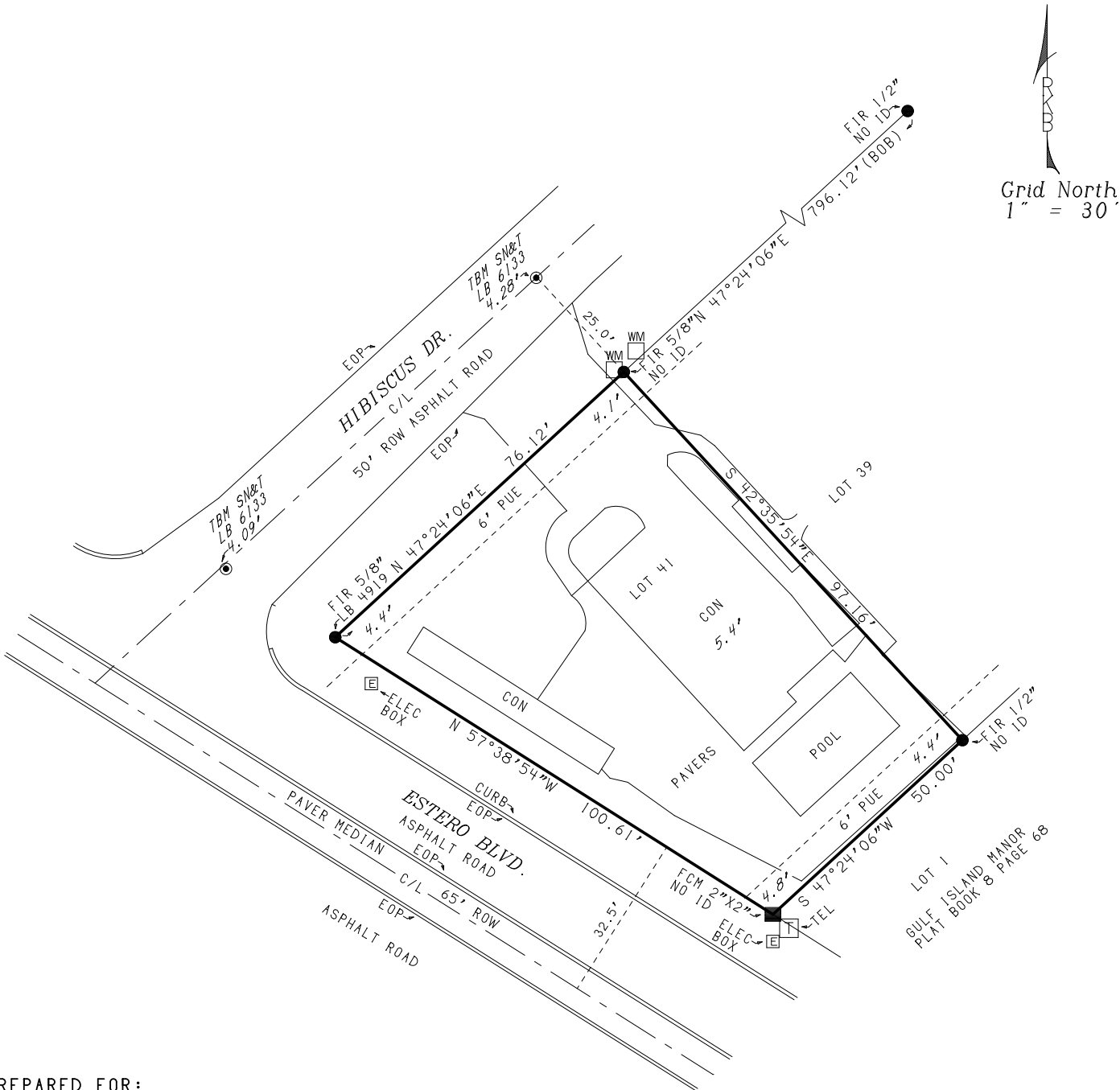
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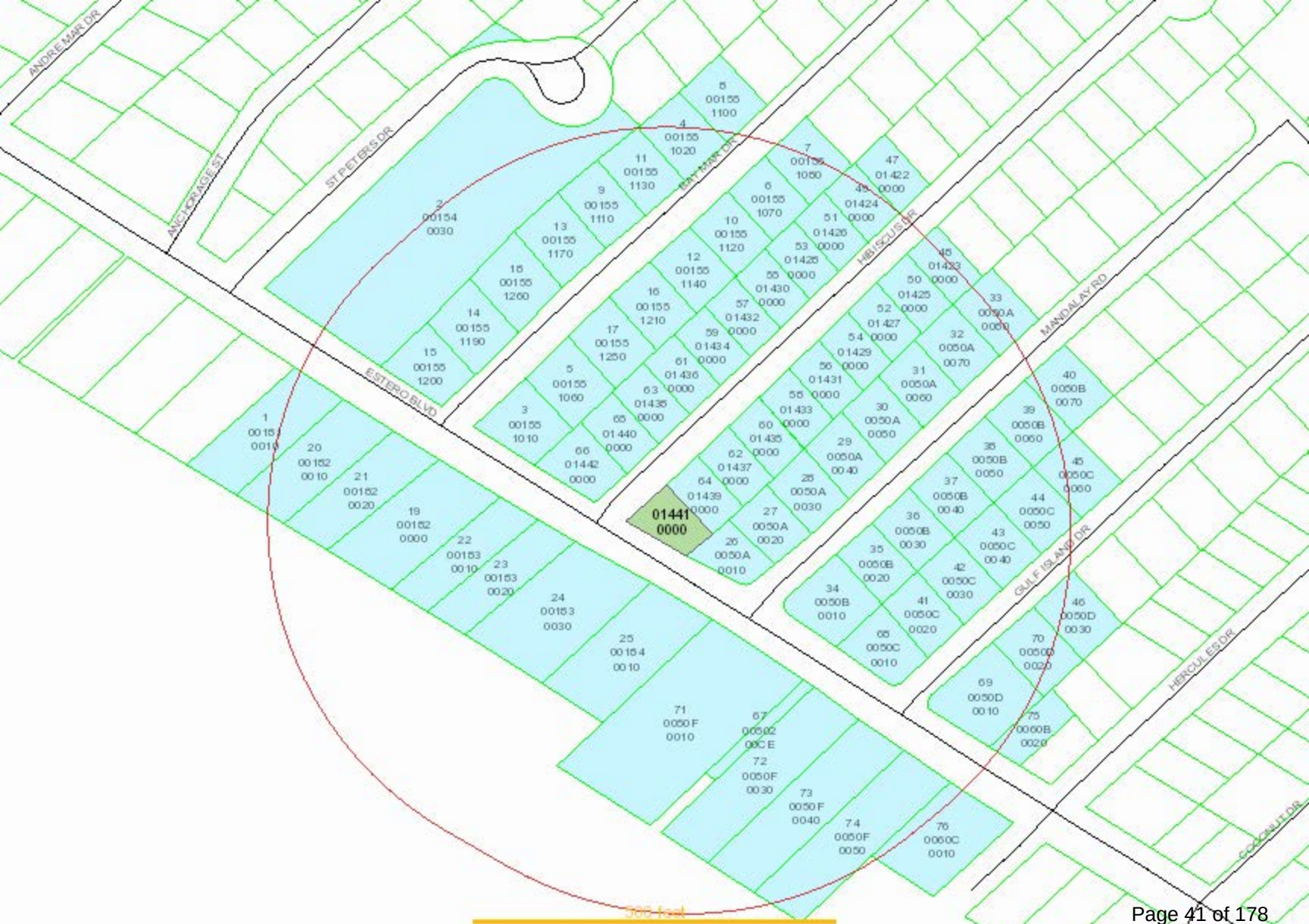
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MAP OF BOUNDARY SURVEY

FIELD WORK COMPLETED:03/21/2023

By: *John Stephen Burns*



Subjects: 1 Affected: 76 Buffer: 500 Date: 5/2/2023 12:00:00 AM List Size: 77																
Index	Subject	Foliod	STRAP	OwnerName	OwnerName2	MailAddress	MailAddress2	MailCity	MailState	MailZip	MailCountry	SiteNumber	SiteStreet	SiteUnit	SiteCity	SiteZip
0	TRUE	10229832	29-46-24-W2-01441.0000	LISZAK-MAY JACQUELYN TR		106 HIBISCUS DR		FORT MYERS BEACH	FL	33931		106	HIBISCUS DR		FORT MYERS BEACH	33931
1	FALSE	10229269	29-46-24-W1-00181.0010	DAVIS MATHEW L & KRISTI A		415 MACKENZIE CT		SAINT PETER	MN	56082		3780	ESTERO BLVD		FORT MYERS BEACH	33931
2	FALSE	10229652	29-46-24-W2-00154.0030	ST PETER EVANGELICAL LUTHERAN		3751 ESTERO BLVD		FORT MYERS BEACH	FL	33931		3751	ESTERO BLVD		FORT MYERS BEACH	33931
3	FALSE	10229654	29-46-24-W2-00155.1010	DEFOE WILLIAM G TR	SWAYZE	165 NE SAGAMORE TER		PORT SAINT LUCIE	FL	34983		100/102	BAY MAR DR		FORT MYERS BEACH	33931
4	FALSE	10229655	29-46-24-W2-00155.1020	HENTZ WENDY LYNN		2943 ST CLAIR GARDENS		SOMBRA	ON	N0P 2H0	CANADA	127	BAY MAR DR		FORT MYERS BEACH	33931
5	FALSE	10229659	29-46-24-W2-00155.1060	CHERRY BETH A & TIM I		108 BAY MAR DR		FORT MYERS BEACH	FL	33931		104	BAY MAR DR		FORT MYERS BEACH	33931
6	FALSE	10229660	29-46-24-W2-00155.1070	KELLETT KATHLEEN D		9 MOHAWK TRL		RINGWOOD	NJ	7456		124	BAY MAR DR		FORT MYERS BEACH	33931
7	FALSE	10229661	29-46-24-W2-00155.1080	TABOR MARK F &		909 BELGRADE LN		PLATTSMOUTH	NE	68048		128	BAY MAR DR		FORT MYERS BEACH	33931
8	FALSE	10229663	29-46-24-W2-00155.1100	MICHELINI DAVID		131 BAY MAR DR		FORT MYERS BEACH	FL	33931		131	BAY MAR DR		FORT MYERS BEACH	33931
9	FALSE	10229664	29-46-24-W2-00155.1110	KRAMER MARDIS KELLEY		3895 OAKVIEW DR		BEAVERCREEK	OH	45430		117/119	BAY MAR DR		FORT MYERS BEACH	33931
10	FALSE	10229665	29-46-24-W2-00155.1120	STONE MEGHAN E		PO BOX 1313		LIVINGSTON MANOR	NY	12758		120	BAY MAR DR		FORT MYERS BEACH	33931
11	FALSE	10229666	29-46-24-W2-00155.1130	DRUMM DAVID		123 BAY MAR DR		FORT MYERS BEACH	FL	33931		123	BAY MAR DR		FORT MYERS BEACH	33931
12	FALSE	10229667	29-46-24-W2-00155.1140	STEWART RICHARD L &		116 BAY MAR DR		FORT MYERS BEACH	FL	33931		116	BAY MAR DR		FORT MYERS BEACH	33931
13	FALSE	10229670	29-46-24-W2-00155.1170	WHITMER EDWARD R &		614 SE 46TH LN		CAPE CORAL	FL	33904		115	BAY MAR DR		FORT MYERS BEACH	33931
14	FALSE	10229672	29-46-24-W2-00155.1190	SHADLE TIMOTHY J		147 SANDHILL TER		STROUDSBURG	PA	18360		103-107	BAY MAR DR		FORT MYERS BEACH	33931
15	FALSE	10229673	29-46-24-W2-00155.1200	GOTHAM ROBERT M & DONNA S TR		101 BAY MAR DR		FORT MYERS BEACH	FL	33931		101	BAY MAR DR		FORT MYERS BEACH	33931
16	FALSE	10229674	29-46-24-W2-00155.1210	REED JAMES S JR & REBECCA L		112 BAY MAR DR		FORT MYERS BEACH	FL	33931		112	BAY MAR DR		FORT MYERS BEACH	33931
17	FALSE	10229678	29-46-24-W2-00155.1250	CHERRY TIM I & BETH A		108 BAY MAR DR		FORT MYERS BEACH	FL	33931		108	BAY MAR DR		FORT MYERS BEACH	33931
18	FALSE	10229679	29-46-24-W2-00155.1260	111 BAY MAR LLC		11985 BAY OAK DR		FORT MYERS	FL	33913		111	BAY MAR DR		FORT MYERS BEACH	33931
19	FALSE	10229682	29-46-24-W2-00182.0000	ESTERO BEACH REAL ESTATE LLC		11455 FAIRPORT CIRCLE		INDIANAPOLIS	IN	46236		3830	ESTERO BLVD		FORT MYERS BEACH	33931
20	FALSE	10229683	29-46-24-W2-00182.0010	SMITH RONALD	BRENDA J SMITH	3440 S BAY DR		JONESBORO	GA	30236		3800	ESTERO BLVD		FORT MYERS BEACH	33931
21	FALSE	10229684	29-46-24-W2-00182.0020	PAUGH JOHN N		4020 WEST 73RD ST		ANDERSON	IN	46011		3810	ESTERO BLVD		FORT MYERS BEACH	33931
22	FALSE	10229685	29-46-24-W2-00183.0010	SCHAEFER JOSEPH +		3850 ESTERO BLVD		FORT MYERS BEACH	FL	33931		3850	ESTERO BLVD		FORT MYERS BEACH	33931
23	FALSE	10229686	29-46-24-W2-00183.0020	VANDERBIE THOMAS J		399 COVE DR SE		CALEDONIA	MI	49316		3860	ESTERO BLVD		FORT MYERS BEACH	33931
24	FALSE	10229687	29-46-24-W2-00183.0030	PERSAUD PROPERTIES FL INVESTME		361 SEMNOLE WAY		FORT MYERS BEACH	FL	33931		3870	ESTERO BLVD		FORT MYERS BEACH	33931
25	FALSE	10229688	29-46-24-W2-00184.0010	REITZ LAWRENCE A & CAROL		3880 ESTERO BLVD		FORT MYERS BEACH	FL	33931		3880	ESTERO BLVD		FORT MYERS BEACH	33931
26	FALSE	10229690	29-46-24-W2-0050A.0010	DUNBAR MARY ANN		1701 A CROWN POINT RD		WEST DEPTFORD	NJ	8086		3891	ESTERO BLVD		FORT MYERS BEACH	33931
27	FALSE	10229691	29-46-24-W2-0050A.0020	ROBERT JOSEPH SAVIDGE TRUST +		105 MANDALAY RD		FORT MYERS BEACH	FL	33931		105	MANDALAY RD		FORT MYERS BEACH	33931
28	FALSE	10229692	29-46-24-W2-0050A.0030	SWAN JANE F TR		4024 DOGLEG TRL		MEDINA	OH	44256		115	MANDALAY RD		FORT MYERS BEACH	33931
29	FALSE	10229693	29-46-24-W2-0050A.0040	GROUP SIX INC		110 MOUNT TABOR RD		LEXINGTON	KY	40517		119	MANDALAY RD		FORT MYERS BEACH	33931
30	FALSE	10229694	29-46-24-W2-0050A.0050	RUBRIGHT-GALLO TAMMY T		101 GAIL CIR		WYOMISSING	PA	19610		125	MANDALAY RD		FORT MYERS BEACH	33931
31	FALSE	10229695	29-46-24-W2-0050A.0060	KUHN MADELYN		133 MANDALAY RD		FORT MYERS BEACH	FL	33931		133	MANDALAY RD		FORT MYERS BEACH	33931
32	FALSE	10229696	29-46-24-W2-0050A.0070	RICHEY MATTHEW +		205 S 7TH AVE		BOZEMAN	MT	59715		139	MANDALAY RD		FORT MYERS BEACH	33931
33	FALSE	10229697	29-46-24-W2-0050A.0080	OT 145 MANDALAY ROAD LLC +		4294 DALBERG DR		GOLDEN VALLEY	MN	55422		145	MANDALAY RD		FORT MYERS BEACH	33931
34	FALSE	10229703	29-46-24-W2-0050B.0010	ANDREW JEFFREY B & MELANIE		PO BOX 237		BATH	OH	44210		3909	ESTERO BLVD		FORT MYERS BEACH	33931
35	FALSE	10229704	29-46-24-W2-0050B.0020	OTKE THOMAS G TR		106 MANDALAY RD		FORT MYERS BEACH	FL	33931		106	MANDALAY RD		FORT MYERS BEACH	33931
36	FALSE	10229705	29-46-24-W2-0050B.0030	BASSETT AGNES JANE		118 MANDALAY ROAD		FORT MYERS BEACH	FL	33931		118	MANDALAY RD		FORT MYERS BEACH	33931
37	FALSE	10229706	29-46-24-W2-0050B.0040	SABULA NICHOLAS		4022 SAND TER		KATY	TX	77450		126	MANDALAY RD		FORT MYERS BEACH	33931
38	FALSE	10229707	29-46-24-W2-0050B.0050	COX DAVID W & BRENDA P		3124 ROXBURG DR		LEXINGTON	KY	40503		132	MANDALAY RD		FORT MYERS BEACH	33931
39	FALSE	10229708	29-46-24-W2-0050B.0060	ASHFORD THOMAS B		138 MANDALAY RD		FORT MYERS BEACH	FL	33931		138	MANDALAY RD		FORT MYERS BEACH	33931
40	FALSE	10229709	29-46-24-W2-0050B.0070	TURNER ANITA D TR		146 MANDALAY RD		FORT MYERS BEACH	FL	33931		146	MANDALAY RD		FORT MYERS BEACH	33931
41	FALSE	10229715	29-46-24-W2-0050C.0020	BURTON PAULA J TR		3398 MATERPAW LANE		DANVILLE	IN	46122		107	GULF ISLAND DR		FORT MYERS BEACH	33931
42	FALSE	10229716	29-46-24-W2-0050C.0030	MC FARLAND MARLENE V		115 GULF ISLAND DR		FORT MYERS BEACH	FL	33931		115	GULF ISLAND DR		FORT MYERS BEACH	33931
43	FALSE	10229717	29-46-24-W2-0050C.0040	BLAHA JOHN W		121 GULF ISLAND DR		FORT MYERS BEACH	FL	33931		121	GULF ISLAND DR		FORT MYERS BEACH	33931
44	FALSE	10229718	29-46-24-W2-0050C.0050	FM BEACH DELIGHT LLC		2434 COTTAGE AVE		FORT MYERS BEACH	FL	33931		131	GULF ISLAND DR		FORT MYERS BEACH	33931
45	FALSE	10229719	29-46-24-W2-0050C.0060	PIERATT BRUCE E &		815 CINDY BLAIR WAY		LEXINGTON	KY	40503		133	GULF ISLAND DR		FORT MYERS BEACH	33931
46	FALSE	10229726	29-46-24-W2-0050D.0030	JGCY PROPERTIES LLC	JANET GARRITY	107 CAMELOT LN		NEWTOWN SQUARE	PA	19073		120	GULF ISLAND DR		FORT MYERS BEACH	33931
47	FALSE	10229813	29-46-24-W2-01422.0000	TRAITEL ANA &		3685 NORTHCREST RD		ATLANTA	GA	30340		167	HIBISCUS DR		FORT MYERS BEACH	33931
48	FALSE	10229814	29-46-24-W2-01423.0000	WHITE JACK P		162 HIBISCUS DR		FORT MYERS BEACH	FL	33931		162	HIBISCUS DR		FORT MYERS BEACH	33931
49	FALSE	10229815	29-46-24-W2-01424.0000	RILEY SANDRA ANN &		161 HIBISCUS DR		FORT MYERS BEACH	FL	33931		161	HIBISCUS DR		FORT MYERS BEACH	33931
50	FALSE	10229816	29-46-24-W2-01425.0000	EKONOMIUK RADOSLAW &		229 HILLDALE DR		BLOOMINGDALE	IL	60108		156	HIBISCUS DR		FORT MYERS BEACH	33931
51	FALSE	10229817	29-46-24-W2-01426.0000	GONZALEZ CECILIA C		13224 SW 9TH TER		MIAMI	FL	33184		155	HIBISCUS DR		FORT MYERS BEACH	33931
52	FALSE	10229818	29-46-24-W2-01427.0000	JARRELL ROBERT L III &		1217 CAPE CORAL PKWY E #92		CAPE CORAL	FL	33904		150	HIBISCUS DR		FORT MYERS BEACH	33931
53	FALSE	10229819	29-46-24-W2-01428.0000	DRUMM DAVID R		123 BAY MAR DR		FORT MYERS BEACH	FL	33931		149	HIBISCUS DR		FORT MYERS BEACH	33931
54	FALSE	10229820	29-46-24-W2-01429.0000	LIOTT FRANK J & JUDYANN M		2605 TROPICANA PARKWAY W		CAPE CORAL	FL	33993		144	HIBISCUS DR		FORT MYERS BEACH	33931
55	FALSE	10229821	29-46-24-W2-01430.0000	REALGO CORP +		4645 SE 11TH PL STE 102		CAPE CORAL	FL	33904		143	HIBISCUS DR		FORT MYERS BEACH	33931
56	FALSE	10229822	29-46-24-W2-01431.0000	SHOLA CHRISTAL		52 W SHORE DR		EXETER	RI	2822		138	HIBISCUS DR		FORT MYERS BEACH	33931
57	FALSE	10229823	29-46-24-W2-01432.0000	BAILEY MARY VICTORIA		130 OCTOBER LN		MARYVILLE	TN	37804		137	HIBISCUS DR		FORT MYERS BEACH	33931
58	FALSE	10229824	29-46-24-W2-01433.0000	BOSCAINO JEFFREY		1020 MOCKING BIRD CT		ALLEN TOWN	PA	18103		128	HIBISCUS DR		FORT MYERS BEACH	33931
59	FALSE	10229825	29-46-24-W2-01434.0000	GARCIA MARK +		131 HIBISCUS DR		FORT MYERS BEACH	FL	33931		131	HIBISCUS DR		FORT MYERS BEACH	33931
60	FALSE	10229826	29-46-24-W2-01435.0000	SZEKELY TIMOTHY A & DEBRA A		127 MANCHESTER DRIVE		IRWIN	PA	15642		122	HIBISCUS DR		FORT MYERS BEACH	33931
61	FALSE	10229827	29-46-24-W2-01436.0000	BEDNARZ ANTHONY P &		121 HIBISCUS DR		FORT MYERS BEACH	FL	33931		121	HIBISCUS DR		FORT MYERS BEACH	33931
62	FALSE	10229828	29-46-24-W2-01437.0000	NELSON JOHN R &		103 KIMBALL RD		AMESBURY	MA	1913		116	HIBISCUS DR		FORT MYERS BEACH	33931
63	FALSE	10229829	29-46-24-W2-01438.0000	MSV-HOLDING TRUST CORP		206 HIBISCUS DR		FORT MYERS BEACH	FL	33931		117	HIBISCUS DR		FORT MYERS BEACH	33931
64	FALSE	10229830	29-46-24-W2-01439.0000	MAY SHAWN WILLIAM		106 HIBISCUS DR		FORT MYERS BEACH	FL	33931		112	HIBISCUS DR		FORT MYERS BEACH	33931
65	FALSE	10229831	29-46-24-W2-01440.0000	TROENDLY RICHARD ANTHONY +		2337 WEST PARK AVE		NAPA	CA	94558		111	HIBISCUS DR		FORT MYERS BEACH	33931
66	FALSE	10229833	29-46-24-W2-01442.0000	TROPICAL BEACH PROPERTIES LLC		110870 CANDLEWOOD CT		MARSHFIELD	WI	54449		101	HIBISCUS DR		FORT MYERS BEACH	33931
67	FALSE	10590510	29-46-24-W3-00502.00CE	GULF ISLAND MANOR HOA		PO BOX 2868		FORT MYERS BEACH	FL	33932		3910	ESTERO BLVD		FORT MYERS BEACH	33931
68	FALSE	10229862	29-46-24-W3-0050C.0010	CALIENES RICHARD J &		7525 SW 60TH ST		MIAMI	FL	33143		103	GULF ISLAND DR		FORT MYERS BEACH	33931
69	FALSE	10229863	29-46-24-W3-0050D.0010	JEFFREY D RUPP TRUST +		24547 COUNTY ROAD E		ARCHBOLD	OH	43502		4009	ESTERO BLVD		FORT MYERS BEACH	33931
70	FALSE	10229864	29-46-24-W3-0050D.0020	GROLL DEBORAH A		110 GULF ISLAND DR		FORT MYERS BEACH	FL	33931		110	GULF ISLAND DR		FORT MYERS BEACH	33931
71	FALSE	10229865	29-46-24-W3-0050F.0010	HERBERT THOMAS MICHAEL		3898 ESTERO BLVD		FORT MYERS BEACH	FL	33931		3898/3900	ESTERO BLVD		FORT MYERS BEACH	33931
72	FALSE	10229866	29-46-24-W3-0050F.0030	3950 ESTERO BOULEVARD LLC		416 GEORGETOWN DR		MORGANVILLE	NJ	7751		3950	ESTERO BLVD		FORT MYERS BEACH	33931
73	FALSE	10229867	29-46-24-W3-0050F.0040	MCLAUGHLIN SAMUEL R &		4700 EDEN PARK DR		ZANESVILLE	OH	43701		3970	ESTERO BLVD		FORT MYERS BEACH	33931
74	FALSE	10229868	29-46-24-W3-0050F.0050	BADIA ANAIS AURORA		12750 TERRABELLA WAY		FORT MYERS	FL	33912		4000	ESTERO BLVD		FORT MYERS BEACH</	

Legal
LEILANI<CR>PB 14 PG 21<CR>LOT 41
CASES SUBD<CR>PB 1 PG 58<CR>LOT PT 81
CASES SUBD PB 1/58<CR>LT PT OF 54 AND PARL<CR>DESC 1045-121
CASES SUBD<CR>PT LOT 55 PB 1 PG 58<CR>BEG SELY COR OF LOT 55 RUN
CASES SUBD<CR>> PB 1 PG 58<CR>PT LOT 55 FR SELY COR OF
CASES SUBD<CR>PT LOT 55 PB 1 PG 58<CR>FR SE COR LOT 55 RUN NWLY
CASES SUBD<CR>PT LOT 55 PB 1 PG 58<CR>BEG 100.6 FT NWLY + 498.31
CASES SUBD<CR>PT LOT 55 PB 1 PG 58<CR>BEG 100.6 FT NWLY + 578.31
CASES SUBD<CR>PT LOT 55 PB 1 PG 58<CR>FR C/C MON IN SELY COR LOT
CASES SUBD<CR>> PB 1 PG 58<CR>PT LOT 55 FR SE COR OF LOT
CASES SUBD<CR>> PB 1 PG 58<CR>PT LOT 55 FR SE COR OF LOT
CASES SUBD PB 1 PG 58<CR>PT LOT 55 AKA LT 6 BLK A MARSH UNREC
CASES SUBD<CR>PB 1 PG 58 PT LOT 55<CR>DESC IN OR 1311 PG 1420
CASES SUBD<CR>PG 1 PG 58<CR>FR SLY COR LOT 55 RUN NWLY
CASE SUB PB 1 PG 58FR SLY COR LOT 55 RUN NWLY 152.40FT THENCE DEFLECT 1050 TO THE R AND RUN NELY ALONG NWLY LINE
FR SELY COR OF LOT 55<CR>CASES SUBD RUN NWLY ALG<CR>R/L LI OF ESTERO BLVD
FR SLY COR OF LOT 55 CASE<CR>SUBD DB 131 PG 300 + TH<CR>NELY R/W LI OF ESTERO BLVD
FR TH SLY COR OF LOT 55<CR>CASE SUBD + NELY R/W LI OF<CR>ESTERO BLVD RUN NWLY ALG
CASES SUBD<CR> PB 1 PG 58<CR>PT LOT 55 BEG SELY COR LOT
CASES SUBD<CR> PB 1 PG 58<CR>LOT 82 LESS TH WLY 150 FT
CASES SUBD<CR>PB 1 PG 58<CR>PT OF LOT 82 TH WLY 75 FT
CASES SUBD<CR>PB 1 PG 58<CR>LOT 82 PART OF BEG NW COR
CASES SUBD.<CR>> PB 1 PG 58<CR>LOT PT 83 AKA WLY 1/4
CASES SUBD<CR>PB 1 PG 58<CR>LOT PT 83
CASES SUBD<CR>PB 1 PG 58<CR>LOT PT 83
CASES SUBD<CR>PB 1 PG 58<CR>LOT PT 84
GULF ISLAND MANOR<CR>BLK A PB 8 PG 68<CR>LOT 1
GULF ISLAND MANOR<CR>BLK A PB 8 PG 68<CR>LOT 2
GULF ISLAND MANOR<CR>BLK A PB 8 PG 68<CR>LOT 3.
GULF ISLAND MANOR<CR>BLK A PB 8 PG 68<CR>LOT 4
GULF ISLAND MANOR<CR>BLK A PB 8 PG 68<CR>LOT 5
GULF ISLAND MANOR<CR>BLK A PB 8 PG 68<CR>LOT 6
GULF ISLAND MANOR<CR>BLK A PB 8 PG 68<CR>LOT 7
GULF ISLAND MANOR<CR>BLK A PB 8 PG 71<CR>LOT 8
GULF ISLAND MANOR<CR>BLK B PB 8 PG 68<CR>LOT 1
GULF ISLAND MANOR<CR>BLK B PB 8 PG 68<CR>LOT 2
GULF ISLAND MANOR<CR>BLK B PB 8 PG 68<CR>LOT 3.
GULF ISLAND MANOR<CR>BLK B PB 8 PG 68<CR>LOT 4
GULF ISLAND MANOR<CR>BLK B PB 8 PG 68<CR>LOT 5
GULF ISLAND MANOR<CR>BLK B REC IN PB 8 PG 68<CR>LOT 6
GULF ISLAND MANOR<CR>BLK B REC IN PB 8 PG 68<CR>LOT 7
GULF ISLAND MANOR<CR>BLK C PB 8 PG 68<CR>LOT 2
PARL IN GULF ISLAND MANOR<CR>BLK C LOT 3 REC IN PB 8 PG 68<CR>DESC IN OR 477 PG 750
GULF ISLAND MANOR<CR>BLK C PB 8 PG 68<CR>LOT 4
GULF ISLAND MANOR<CR>BLK C PB 8 PG 68<CR>LOT 5.
GULF ISLAND MANOR<CR>BLK C PB 8 PG 68<CR>LOT 6
GULF ISLAND MANOR<CR>BLK D PB 8 PG 68<CR>LOT 3.
LEILANI<CR>PB 14 PG 21<CR>LOT 22
LEILANI<CR>PB 14 PG 21<CR>LOT 23
LEILANI<CR>> PB 14 PG 21<CR>LOT 24
LEILANI<CR>PB 14 PG 21<CR>LOT 25
LEILANI<CR>PB 14 PG 21<CR>LOT 26
LEILANI<CR>> PB 14 PG 21<CR>LOT 27
LEILANI<CR>> PB 14 PG 21<CR>LOT 28
LEILANI<CR>> PB 14 PG 21<CR>LOT 29
LEILANI<CR>> PB 14 PG 21<CR>LOT 30
LEILANI<CR>PB 14 PG 21<CR>LOT 31
LEILANI<CR>PB 14 PG 21<CR>LOT 32
LEILANI<CR>> PB 14 PG 21<CR>LOT 33
LEILANI<CR>> PB 14 PG 21<CR>LOT 34
LEILANI<CR>PB 14 PG 21<CR>LOT 35
LEILANI<CR>> PB 14 PG 21<CR>LOT 36
LEILANI<CR>PB 14 PG 21<CR>LOT 37
LEILANI<CR>PB 14 PG 21<CR>LOT 38
LEILANI<CR>PB 14 PG 21<CR>LOT 39
LEILANI<CR>PB 14 PG 21<CR>LOT 40
LEILANI<CR>> PB 14 PG 21<CR>LOT 42
TRACT OF LAND IN GULF ISLAND PARK PB 8 PG 68<CR>DESC AS TRACT 2 IN OR 252 PG 868
GULF ISLAND MANOR<CR>BLK C PB 8 PG 68<CR>LOT 1
GULF ISLAND MANOR<CR>BLK D PB 8 PG 68<CR>LOT 1
GULF ISLAND MANOR<CR>BLK D PB 8 PG 68<CR>LOT 2.
GULF ISLAND MANOR<CR>BLK F PB 8 PG 68<CR>LOTS 1 + 2
GULF ISLAND MANOR<CR>BLK F PB 8 PG 68<CR>LOT 3
PARL IN GULF ISLAND MANOR<CR>BLK F REC IN PB 8 PG 68<CR>LOT 4
GULF ISLAND MANOR<CR>BLK F PB 8 PG 68<CR>LOT 5
HERCULES PARK<CR>BLK B PB 5 PG 22<CR>LOT 2 + PT 3
HERCULES PARK<CR>BLK C PB 5 PG 22<CR>LOTS 1 THRU 3

Judith Farrell
174 Hibiscus Drive
Ft. Myers Beach, FL 33931

Dear Kendra,

I hope you are well. My neighbor, Jacki Lizak at 106 Hibiscus Drive has informed me that she has submitted her variance application to seek relief with regards the setbacks and orientation of her home; this variance will allow her to rebuild. I have reviewed the application and understand how it will impact the streetscape and my property. I have no concerns about her application and support the Town of Ft. Myers Beach granting her variance. Please do not hesitate to reach out to me at 708-218-7116 if you have any further questions.

Regards,

Judith Farrell

Judith

05 / 09 / 2023

Signature Certificate

Reference number: U7SHC-4LUVH-4YU6Y-MRTGS

Signer	Timestamp	Signature
Judith Farrell Email: smalviya@homebound.com Sent: Signed:	09 May 2023 14:24:28 UTC 09 May 2023 14:24:28 UTC	 IP address: 166.199.100.36 Location: Orlando, United States

Document completed by all parties on:
09 May 2023 14:24:28 UTC

Page 1 of 1



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Deby Szekely
122 Hibiscus Drive
Ft. Myers Beach, FL 33931

Dear Kendra,

I hope you are well. My neighbor, Jacki Lizak at 106 Hibiscus Drive has informed me that she has submitted her variance application to seek relief with regards the setbacks and orientation of her home; this variance will allow her to rebuild. I have reviewed the application and understand how it will impact the streetscape and my property. I have no concerns about her application and support the Town of Ft. Myers Beach granting her variance. Please do not hesitate to reach out to me at 724-396-5488 if you have any further questions.

Regards,

Deby Szekely

Deby Szekely

05 / 10 / 2023

Signature Certificate

Reference number: S9H4A-RVXV3-NQP6I-YPMVD

Signer

Timestamp

Signature

Deby Szelaky

Email: sixszekely@verizon.net

Signed in person

Sent:

10 May 2023 20:34:25 UTC

Signed:

10 May 2023 20:34:54 UTC

Deby Szelaky

IP address: 165.225.8.180

Location: Reston, United States

Document completed by all parties on:

10 May 2023 20:34:54 UTC

Page 1 of 1



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Shawn William May
112 Hibiscus Drive
Ft. Myers Beach, FL 33931

Dear Kendra,

I hope you are well. My neighbor, Jacki Lizak at 106 Hibiscus Drive has informed me that she has submitted her variance application to seek relief with regards the setbacks and orientation of her home; this variance will allow her to rebuild. I have reviewed the application and understand how it will impact the streetscape and my property. I have no concerns about her application and support the Town of Ft. Myers Beach granting her variance. Please do not hesitate to reach out to me at 954-461-0234 if you have any further questions.

Regards,

Shawn William May

Shawn William May

05 / 10 / 2023

Signature Certificate

Reference number: J4VDJ-QZR5G-WEMYU-DBTYR

Signer	Timestamp	Signature
Shawn May Email: shawnwilliammay@gmail.com Shared via link Sent: Viewed: Signed:	 09 May 2023 12:58:39 UTC 10 May 2023 14:44:17 UTC 10 May 2023 14:44:38 UTC	 IP address: 96.71.20.165 Location: Hollywood, United States

Document completed by all parties on:
10 May 2023 14:44:38 UTC

Page 1 of 1



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Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33966

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Local Planning agency of the Town of Fort Myers Beach will hold a public hearing which will take place at DiamondHead Beach Resort, 2000 Estero Boulevard, Fort Myers Beach, Florida, 33931.

TIME: 9 AM
DATE: June 13, 2023
CASE: VAR20230055
ADDRESS: 718 Estero Blvd
APPLICANT: Robert Holland
REQUEST: The applicant is requesting relief from LDC Table 34-3 which requires a residence in RM zoning district to provide a minimum 25 feet street setback and a minimum 7.5 feet side setback.

TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing the **Local Planning Agency** will review the application materials and hear testimony to make a **recommendation**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing 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 need reasonable accommodation, contact Town Hall at 239-765-0202.



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Community Development Services - Planning Division
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Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»

**Town of Fort Myers Beach
Agenda Item Summary**

Yellow Sheet Number: **2023-1087**

1. Requested Motion:

Meeting Date: June 13, 2023

Approve/Approve with Conditions/Deny variance request VAR20230055 seeking a variance from LDC Table 34-3, which requires a single-family home in RM zoning district to provide a minimum 25-foot street setback and a minimum 7.5-foot side setback. The property is located at 718 Estero Blvd.

Why the action is necessary:

LPA must make a recommendation to the Town Council regarding a variance request

What the action accomplishes:

The recommendation of the LPA will be provided to the Town Council for the variance decision.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

The subject property is zoned RM and is one of the beach-facing cottage homes connected by a 7.5 foot wide access (7.5 feet on each side, for a total of 15 feet) easement from Estero Blvd. The lot is 50 feet wide and 187.66 feet long and is a non-conforming lot. The property supported a single-family residence, prior to Hurricane Ian. The applicant is requesting a variance of 6.35 feet for the street setback and a variance of 2.5 feet on the east side setback to build a new single-family home.

Attachments:

1. 718 estero blvd variance- staff report
2. Exhibit A- Application
3. Exhibit B Postcard

Financial Impact:

Unknown

6. Alternative Action

Recommend Approval/ Approval with conditions

7. Staff Recommendations:

Denial

8. Recommended Approval:

Steve Poposki, Community Development Director

Date: June 01, 2023

John R Herin Jr, Town Attorney

Date: June 05, 2023

Amy Baker, Town Clerk

Date: June 05, 2023



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20230055

CASE NAME: 718 Estero Boulevard; requesting relief from LDC Table 34-3 which requires a single-family home in RM zoning district to provide a minimum 25-foot street setback and a minimum 7.5-foot side setback.

LPA

HEARING DATE: June 13, 2023

STAFF

RECOMMENDATION: DENIAL

**PREPARED/
SUBMITTED BY:** Sarah Propst / Jason Green AICP

I. APPLICATION SUMMARY

Applicant/Owner: Robert Holland (Applicant)/ Vincent H. Zeller (Owner)

Request: Relief from LDC Table 34-3 which requires a single-family home in RM zoning district to provide a minimum 25-foot street setback and a minimum 7.5-foot side setback.

The lot is one of the beach-facing cottage homes connected through a 7.5-foot-wide access easement from Estero Blvd. The property supported a single-family residence, prior to Hurricane Ian. The Applicant is requesting a variance of 6.35 feet for the street setback and a variance of 2.5 feet in east side setback, to build a new single family.

Subject property: See attached site plan

Physical Address: 718 Estero Boulevard

STRAP #: 24-46-23-W3-00400.008A

FLU: Mixed Residential and Recreational

Zoning: Residential Multifamily (RM) and Environmental Conservation (EC)

Adjacent zoning and land uses:

North: MIXED RESIDENTIAL
Residential Multifamily (RM)

South: GULF OF MEXICO

East: MIXED RESIDENTIAL AND RECREATIONAL
Residential Multifamily (RM) and Environmental Conservation (EC)

West: MIXED RESIDENTIAL AND RECREATIONAL
Residential Multifamily (RM) and Environmental Conservation (EC)

II. BACKGROUND AND ANALYSIS

Background:

Robert Holland, the applicant for 718 Estero Boulevard, is requesting two variances from the Town's Land Development Code (LDC) Table 34-3 which requires a single-family home in RM zoning district to provide a minimum 25-foot street setback and a minimum 7.5-foot side setback.

The subject property is one of the beach-facing cottage homes connected through a 7.5-foot-wide access (7.5 feet on each side, for a total of 15 feet) easement from Estero Blvd. The property supported a single-family residence, prior to Hurricane Ian. The Applicant is requesting a variance of 6.35 feet for the street setback and a variance of 2.5 feet in east side setback to build a new single-family home.

Analysis:

The purpose of the RM zoning district is to designate suitable locations for a wide variety of multifamily residences. The lot is 50 feet wide and 187.66 feet long and is a non-conforming lot. The existing single-family residence was destroyed in Hurricane Ian and the Applicant is proposing to rebuild a residence of higher square footage. The Applicant acquired a minimum use determination on January 24, 2023.

Based on LDC Section 34-3273 (7) *A nonconforming lot, which previously had or currently has a residence constructed on it and receives an affirmative minimum use determination per Sec. 34-3274 may request an administrative setback variance in accordance with sec. 34-268.* LDC Section 34-268 (a) (1) b. grants the director

authority to modify the setbacks through an administrative variance if the proposed structure is no larger in square footage than the previously constructed home. The Applicant is, however, proposing a house of greater square footage with reduced setbacks and thus, does not qualify for administrative variance.

As per LDC table 34-3, a single-family home in the RM zoning district shall provide a minimum street setback equal to 25 foot and a minimum side setback of 7.5 foot. The Applicant is requesting a variance of 6.35 feet for the street setback and a variance of 2.5 feet from the east side setback, to build a new single family.

The property is located off Estero Boulevard and is accessible via an access easement connecting Estero Blvd and the other properties within this subdivision. The Applicant is proposing the residence 18.65 feet from property line closest to Estero Blvd. The code language does not provide clarity for how to determine setback orientation when a property is not adjacent to the roadway. A variance from the street setback appears to be most appropriate for the request and was applied in this instance. The Applicant is requesting a variance of 6.35 feet from the required 25-foot front setback to accommodate a setback of 18.65 feet.

The Applicant has the choice to construct a residence of same square footage as the residence that existed prior to Hurricane Ian, which would be consistent with the Town's LDC and could be approved through the process of administrative variance. Staff notes that the proposed residence is a single story over open pilings, with only an elevator shaft enclosed.

Neighborhood Compatibility:

The subject property is part of the cottages situated in southwest quadrant formed by the intersection of Estero Blvd and Matanzas Street. All these properties are non-conforming lots. The proposed cottage is similar in style and nature to the previously existing cottages in this neighborhood.

III. FINDINGS AND CONCLUSION

Findings and Conclusions:

LDC Sec. 34-87 sets forth the required findings and conclusions for the approval of a variance:

- a. That there **are**/are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is/**is not** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.*

The subject property is a non-conforming lot with access through a 7.5-foot wide access easement from Estero Boulevard. The Applicant has already acquired a minimum use determination letter to allow a construction of a single-family resident post Ian. The town's LDC allows the Applicant to build a

single-family residence of same footprint as before Ian through an administrative variance. The Applicant is, however, proposing a house of greater footprint and thus, requires street and side setback variances.

- b. That the conditions justifying the variance **are**/are not the result of actions of the applicant taken after the adoption of the regulation in question.*

The conditions justifying the variance are the result of the actions of the Applicant. As mentioned earlier, the town's LDC allows the Applicant to build a single-family residence of the same size footprint as before Ian through an administrative variance. However, the Applicant is opting to build a residence of higher square footage leading to the necessity for a full variance from the setback regulations set forth by table 34-3 of the LDC.

- c. That the variance granted is/is **not** the minimum variance that will relieve that applicant of an unreasonable burden caused by the application of the regulation in question to his property.*

The circumstances leading to this variance are a result of a design choice and are subjective in nature.

- d. That the granting of the variance **will**/will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and*

The granting of this variance might be injurious to the neighborhood or otherwise detrimental to the public welfare. The site is accessible from Estero Blvd via a 7.5-foot easement (a total width of the combined easements is 15 feet) . Staff has been coordinating with the Fire Department regarding access concerns to all of the cottage sites. Staff has no additional concerns regarding detriment to the neighborhood.

- e. That the conditions or circumstances on the specific piece of property for which the variance is sought are/**are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.*

The conditions or circumstances on this specific property for which a variance is sought are not general in nature and do not warrant a code change.

IV. RECOMMENDATION

Staff has reviewed the request for a variance from LDC Table 34-3 which requires a single-family home in RM zoning district to provide a minimum 25-foot street setback and a minimum 7.5-foot side setback and found that the variance request does not meet the requirements set-forth in sec. 34-87.

Therefore, staff recommends **DENIAL** of VAR20230055, a request for a variance of 6.35 feet for a street setback of 18.65 feet and a variance of 2.5 feet on the east side for a setback of 5 feet, to build a new single-family home.

V. EXHIBITS

Exhibit A: Complete Application Packet

Exhibit B: Postcards to Adjacent Property Owners



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

This is a first part of a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: 718 Estero Blvd
STRAP Number: 244623W300400008A
Applicant: James Zeller Manager/Sole Owner of 718 Estero LLC Phone: 480-335-6152
Contact Name: Robert J Holland Jr Phone: 614-306-7920
Email: rhollandjr@aol.com Fax: _____
Current Zoning District: RM (contend NCL with an MUD in RM to be treated as RC)
Future Land Use Map (FLUM) Category: _____
FLUM Density Range: _____ Platted Overlay: ☐ YES ☐ NO

ACTION REQUESTED

- ☐ Special Exception
☒ Variance
☐ Conventional Rezoning
☐ Planned Development ☐ Commercial ☐ Residential
☐ Master Concept Plan Extension
☐ Appeal of Administrative Action
☐ Vacation of Platted Right-of-way and Easement
☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A
PH-B
PH-C
PH-D
PH-E
PH-F
PH-G
attach on separate sheet

PART I – General Information

A. Applicant*: James Zeller Phone: 480-335-6152
**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*
Applicant Mailing Address: PO BOX 270 ONEIDA, NY 13421
Email: brujito143@yahoo.comv Fax: _____
Contact Name: Robert J Holland Jr Phone: 614-306-7920



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

- | | | |
|---|---|--|
| ☒ Owner* | ☐ Land Trust* | ☐ Partnership* |
| ☐ Corporation* | ☐ Association* | ☐ Condominium* |
| ☐ Subdivision* | ☐ Timeshare Condo* | ☐ Contract Purchaser* |
| ☐ Authorized Representative* | ☐ Other* (please indicate) _____ | |

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.
Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: Vincent H. Zeller Phone: 315-436-9054

Address: PO BOX 270 ONEIDA, NY 13421

Email: vzeller@rocketmail.com Fax: _____

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: Robert J Holland Jr AIA, CDT, LEED AP, PMP Phone: 614-306-7920

Address: 2358 Brixton Road Columbus Ohio 43221

Email: rhollandjr@aol.com Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☒ Variance from LDC Section 34 - 638 & deleted T34-3
- ☐ Conventional Rezoning from _____ to _____
- ☐ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☐ Amendment. List the project number: _____
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

☐ Appeal of Administrative Action

☐ Vacation

☐ Right-of-Way

☐ Easement

☐ Other. Please Explain: _____

PART III - Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV - Property Ownership (Single Owner)

☒ Single Owner (individual or husband and wife)

Name: James Zeller Phone: 480-335-6152

Mailing Address: PO Box 270 Oneida, New York 13421

Email: brujito143@yahoo.com Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, VINCENT H. ZELLER swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;

All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that

The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Vincent H. Zeller
Signature

VINCENT H. ZELLER
Printed Name

STATE OF New York COUNTY OF Madison **SEE ATTACHED ENDURING POA**

The foregoing instrument was certified and subscribed before me by means of X physical

presence OR _____ online notarization, this 10th day of April, 2023, by

Vincent H. Zeller ☒ who is personally known to me OR ☐ who has produced

_____ as identification.

(SEAL)

Tammy S. Smolenski
Notary Public Signature

Tammy S Smolenski
Notary Public, State of New York
No. 01SM8278573
Qualified in Oneida County
My Commission Expires
March 25, 2026

PART V

Property Ownership (Multiple Owners)

☐ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☐ Complete Disclosure of Interest Form (see below)
- ☐ Attach list of property owners as Exhibit 5-1
- ☐ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V - Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address and Office	Percentage of Stock

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address and Office	Percentage of Stock



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

_____	_____
Signature	Printed Name

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, _____ (name), as _____ (title) of _____ (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

718 ESTERO LLC

Name of Entity (corporation, partnership, LLP, LLC, etc)

Signature

VINCENT H. ZELLER

Typed or Printed Name

Title

Date

SEE ATTACHED ENDURING POA

STATE OF New York COUNTY OF Madison

The foregoing instrument was certified and subscribed before me by means of X physical presence OR ☐ online notarization, this 10th day of April, 2023, by Vincent H. Zeller, ☒ who is personally known to me OR ☐ who has produced _____ as identification.

Seal

Tammy S. Smolenski
Notary Public Signature

Tammy S Smolenski
Notary Public, State of New York
No. 01SM8278573
Qualified In Oneida County
My Commission Expires
March 25, 2025

PART VI- Property Information

A. Legal Description:

STRAP: 244623W300400008A

Property Address: 718 Estero Blvd Fort Myers Beach Florida

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee

County? ☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☒ Yes. Property identified in subdivision: ISLAND SHORES

Book: 9 Page: 24 Unit: 1 Block: _____ Lot(s): PART OF 8

B. Boundary Survey:

☒ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 6-2.



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 50' feet
Depth (please provide an average width if irregular in shape) 80' feet
Frontage on street: access easement 80' feet. Frontage on waterbody: 50' feet
Total land area: 4000 SQ FT ☐ acres ☐ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

North of Downtown, 1600' from Matanzas Pass Bridge

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

- ☐ There are no deed restrictions and/or covenants on the subject property.
☒ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.
☒ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

- ☒ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.
☒ Attach a map showing the surrounding property owners as Exhibit 6-7.
☒ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

- | | |
|---|--|
| ☐ Low Density | ☐ Marina |
| ☒ Mixed Residential | ☐ Recreation |
| ☐ Boulevard | ☐ Wetlands |
| ☐ Pedestrian Commercial | ☐ Platted Overlay |



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

Please submit required applications, supplemental information, exhibits and documents to zoningpermits@fmbgov.com.

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.

The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant. Decisions regarding requests to waive submittal requirements are at the discretion of the Community Development Director and may not be appealed.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file.

All attachments and exhibits must be legible, suitable for recording, and of a size that will fit or conveniently fold into a letter size (8 ½ by 11) folder.

Explanatory Notes – Part I

- A. Applicant's name: The applicant may be the landowner or an authorized agent.
- B. Relationship of applicant to property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.
- C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
- D. Other agents: Provide contact information for any other agents that may be involved in the request.

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Please request waivers prior to applying. Exhibit 3-1

Explanatory Notes – Part IV

- A. If the property owner is an individual or husband and wife, check the box and provide the information.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Explanatory Notes – Part V

- A. If there are multiple property owners exhibit 5-1, complete the disclosure form and include the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries. Disclosure is not required of any entity whose interests are solely equity interests that are regularly traded on an established securities market in the United States or another country.
- B. If more than one parcel is involved, submit a list of all property owners and their mailing addresses. Provide a map keyed to the list of property owners showing their interests. The applicant is responsible for the accuracy of the list and map Exhibit 5-2
- C. Where the property is a condominium or timeshare condominium, the application must be initiated by both the condominium association and no less than 75% of the total number of unit owners. To verify ownership, the list of property owners must be identified by unit number and/or timeshare period as applicable, along with proof that the owners who did not join in the application were given actual written notice of the application by the applicants, who must verify the list and the notice by sworn affidavit. Attach this affidavit as Exhibit 5-3.
- D. In addition, a letter of opinion from an attorney licensed to practice law in the State of Florida addressing the considerations in LDC Section 34-201(a)(1)b.3. must be attached as Exhibit 5-4.

Explanatory Notes – Part VI

- A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at <http://www.leepa.org>. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line. Exhibit 6-1
- B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

line. Exhibit 6-2

- C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
- D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3
- E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4
- F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5
- G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a "variance report" from the Map Sales Office at the Lee County Property Appraiser's Office. Contact information for the Property Appraiser can be found at <http://www.leepa.org>.
- H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan's Future Land Use Map, and whether the property is located in the "platted overlay" on the map.
- I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

Explanatory Notes – Part IV & V

The applicant must sign and submit either of the affidavits in Part V & VI, as applicable.

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

This is the second part of a two-part application. This part requests specific information for a variance. Include this form with the Request for Public Hearing form.

Case Number:
Project Name: 718 Estero Zeller Family Cottage
Authorized Applicant: James Zeller
LeePA STRAP Number: 244623W300400008A

Current Property Status: Cottage destroyed by Ian, site cleared and surveyed	
Current Zoning: NCL with an MUD in and RM to be treated as RC	
Future Land Use Map (FLUM) Category:	
Comp Plan Density:	Platted Overlay? ☐ Yes ☐ No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
34-638 Minimum Setbacks.	
34-3273 General requirements for residential uses on nonconforming lots.	
Deleted Table 34-3.	
Previously deleted NCL setback language (5', 7'...) see attachment of code history.	
Previously deleted language regarding treating NCLs in an RM zone as an RC which would allow 40% coverage.	

Complete the narrative statements below for EACH variance requested.

PART I
Narrative Statements

Request for variance from 34-638, -3273, T34-3 **(LDC Section number)**

Explain the specific regulation contained in this section from which relief is sought:
Explaining the specific regulation from which relief is sought is difficult as it there
are several regulations and it involves the history of the FMB Land Development
Code. Apparently prior to incorporation the Lee County Development
Code was in effect. Please see the cover letter and more importantly the
attached FMB Code History 2023.02-13. The blue arrows and red boxes indicate
relevant text for NCL set back criteria. For a considerable amount of time:
side setbacks were 10% of lot width or 5', whichever is greater; rear setbacks were
1/4 of lot depth but not greater than 20'; and street or waterbody set backs were
per that zoning district. Furthermore there was once a provision that NCL "side,
rear, and waterbody setbacks shall be as set forth for lots in the RC zoning
district (see Table 34-3)" which allowed 40% coverage. Not all these criteria
are coordinated and in some cases its difficult to determine which prevails.

Reasons for request

Explain why the variance is needed:
We need this Variance to be able rebuild for this family. We have pursued an
Administrative Variance and learned this is the way forward. We have a MUD and
are seeking a Variance from council to rebuild one of the 'cottage' lots. Due to the
footprint of an elevator, ADA accessibility clearances or nearly so, adequate
circulation, greater wall thickness, a more robust structure, and additional stairs
due to the required height above BFE; we need this variance
to achieve a reasonable floor plan, please see the attached floor plan.
The calculations justify the 1600 square foot or 40% lot coverage as allowed
by several previous versions of the LDC, please see the attached code history.
The original cottage was about 850 sf and the impact of the items listed above
totals about 686 sf which yields 1536 sf. A ten foot deck with a six foot
expansion by permit is to be rebuilt in the front G/M setback on this 80' deep lot.

Explain the possible effect the variance, if granted, would have on surrounding properties:

Granting this variance would be of benefit to the immediate neighbors and beyond. For those next door it would bring hope for their rebuilding efforts and belief in a path forward. It will help afford clearer direction to Owner's, Design Professional, as well as potential buyers or sellers. It will allow for a more reasonable floor plan and help Owners contend with the additional height required and the collateral impact such as additional stairs, perhaps an elevator, a more robust structure, accessibility, etc. This will help this unique neighborhood find its way forward to recreate albeit much higher. Being a little larger will not only make the individual structures more stable, it will also help make this neighborhood suffer as much from the adjacent high rises which creates a funneling effect. This variance makes this cottage more desirable and rentable which drives up occupancy and in turn generates additional revenue which benefits a wider community. And if it begets greater clarity for NCL setbacks by setting precedent such as: 5' side setbacks; variable to an extent, front & rear setbacks; driven by 40% coverage; it will free up council and staff time.

Explain the hardship (what is unique about the property) that justifies relief from the regulation:

This property is unique for four reasons. 1. It is one of the 1960 Nice Cottages on a little Lane. The original cottage was of 1960's vintage and has remained in the same family. The family has grown but the cottage has not. People are larger now and the old cottage was tight. There is not the only family in this situation. With what appears to be 42 NCLs north on Matanzas Pass Bridge they may not be in this regard. 2. Codes have changed now require taller and more robust structures. This consumes available square footage and in a smaller area it is a higher percentage of allowable area. 3. This property is one of the relatively few NCLs left and should be rebuilt for a whole other set of reasons. 4. This property and its neighbors suffer from being sandwiched in between high rises which creates a funneling effect and consequently their structures will need to be correspondingly more robust than may otherwise be necessary or prudent.

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.

1. There are exceptional circumstances inherent to the property in question: first, it predates incorporation of FMB and was permitted under the governing Lee County Ordinances; secondly, it has remained in the same family since it was built and then repaired after Charlie; and third it is one of the few (42+/-) original old southwest cottages that afforded FMB its old SW Florida charm. And fourth, the codes have changed, the structure must be higher and more robust, and the increased height all result in a consumption of available square footage that are extremely challenging to create a reasonable floor plan. The Owners would like to rebuild it as best they can for future generations which includes handicapped accessibility or nearly so.

There are extraordinary conditions inherent to the property. Having been built under previous codes some time ago the aging structure was unable to with stand rising sea levels and increased storm ferocity. Furthermore, adjacent high rise, greater density, development after its original construction serves to final the storm surge at these small cottages on Non-Conforming Lots (NCLs), which we prefer to call Nice Cottages on a Lane to the beach.

Given the evolution of the LDC with respect to the NCLs over the years we believe allowing the previous side setbacks, in conjunction with 40% coverage previously allowed for under RC criteria being applicable in an RM zone and allowing the front and rear setbacks to vary with in reason; justifies not forcing rigid compliance with the current code and is not necessary to protect public policy. We believe it is consistent with public policy seeking to rebuild FMB as it was or nearly so to allow this de minimis variance.

2. Both the exceptional and extraordinary conditions surrounding and having influence on this property are not the result of actions taken by this applicant taken after the adoption of the regulation(s) in question. Additionally, the applicant, and their neighbors are questioning why regulations directly affecting this constituency were never notified of several iterations of the LDC directly affecting their property and their ability to rebuild when it becomes necessary.
3. We believe; and believe we have demonstrated vis a vis the attached floor plan, that this is the minimum variance required to relieve the applicant of the unreasonable burden created by the regulation and the appropriate thing to do is to grant this variance request. Please refer to the attached floor plan and the tabulation of additional square footage required and why it is required.
4. Granting this variance will not in any way be injurious to the immediate neighborhood and beyond. We believe it will actually be beneficial to the immediate neighbors as well as all the other NCLs in FMB, 42 of which are north of Matanzas Pass Bridge because it establishes precedent and therefore greater clarity and guidance for their reconstruction. Furthermore, granting this variance will actually be beneficial to the larger community because it will foster greater utilization of these properties resulting in additional income stream to the community' benefit.
5. We whole heartedly believe the conditions, the circumstances, and the intended use of this property, for which this variance is requested are of such a recurrent nature that it is probably more reasonable and practical to amend the regulation in question. This will benefit the numerous NCLs by providing more reasonable criteria and greater clarity for their reconstruction efforts. Furthermore, this will benefit staff and council by relieving the burden of numerous virtually identical variance requests.

PART 2

Submittal Requirements

All applications for a variance must be submitted electronically through our Iworq portal - [iworq \(talktomycity.com\)](http://iworq.talktomycity.com)

Required Items

- Public Hearing Request Form
- Supplemental form PH-B
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; and a clear illustration of the proposed variance
- Fee in the amount of \$1800.00 (residential)/Additional Variance \$500.00
- Variance (non-residential) \$2800.00/ Additional Variance \$700.00

Guide to filing PH-B Additional Required Information for a Variance Application

Cover page

Case Number will be inserted by Community Development staff.

Project Name must be the same as the name used on the Request for Public Hearing form.

Applicant must be the same as on the Request for Public Hearing form.

STRAP numbers must be the same as on the Request for Public Hearing form.

Current status of property must be the same as on the Request for Public Hearing form.

“Variance is requested from...” Provide the section number and title of each section of the Fort Myers Beach Land Development Code from which a variance is being sought.

Narrative statements

If the application is for multiple variances, complete all of the narrative statements for each variance that is requested.

Site plan

The site plan must show all existing structures on the site; all existing structures within 100 feet of the perimeter boundary of the site; and a clear illustration of the proposed variance.

LDC Section 34-87

The guidelines for decision-making regarding a request for a variance are as follows:

1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a *de minimis* variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;
2. Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question;
3. Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;
4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare;
5. Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

- NOTES:
1. THIS SKETCH DOES NOT REFLECT OR DETERMINE OWNERSHIP.
2. DESCRIPTION AS FURNISHED BY CLIENT. NO SKETCH OF THE PUBLIC RECORDS WAS CONDUCTED BY THIS FIRM.
3. BENCHMARKS ARE BASED ON PLAT OF DEED.
4. ELEVATIONS AS SHOWN ARE BASED ON N.A.S.D. 1988
5. THERE ARE NO VISIBLE ENCROACHMENTS THAN AS SHOWN.
6. THERE ARE NO RECORDS OF ANY ENCROACHMENTS.
7. RECORDED IN THE PUBLIC RECORDS OF THE GOVERNING COUNTY.
8. NO DETERMINATION OF HAZARDOUS WASTE MATERIALS HAVE BEEN MADE BY THIS FIRM.
9. LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES NOT SHOWN UNLESS OTHERWISE NOTED.
10. SLOPE LIMITS LIABILITY LIES UP TO THE COST OF SURVEY.
11. THIS SURVEY IS PROTECTED BY COPYRIGHT AND ALL RIGHTS ARE RESERVED.
12. DATA ON INFORMATION PROVIDED BY CLIENT AND EXISTING DOCUMENTATION.
13. ADJUSTMENTS OR RELATIONS TO SURVEY MARKS OR REPORTS BY OTHER THAN THE SURVEY PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SURVEY FIRM.
14. THE FIRM FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS FURNISHED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION IS NOT GUARANTEED.
15. PARCEL CONTAINS 9.829 SQUARE FEET PLUS OR MINUS.
16. PART II, FLOOD ZONE STATISTICS.
17. MEAN HIGH WATER LINE WAS ESTABLISHED BY THIS FIRM BY FIELD CREW USING GPS.
18. INFORMATION FOR PROJECT ME: MND08 + 11841 = MND0203

- [illegible]

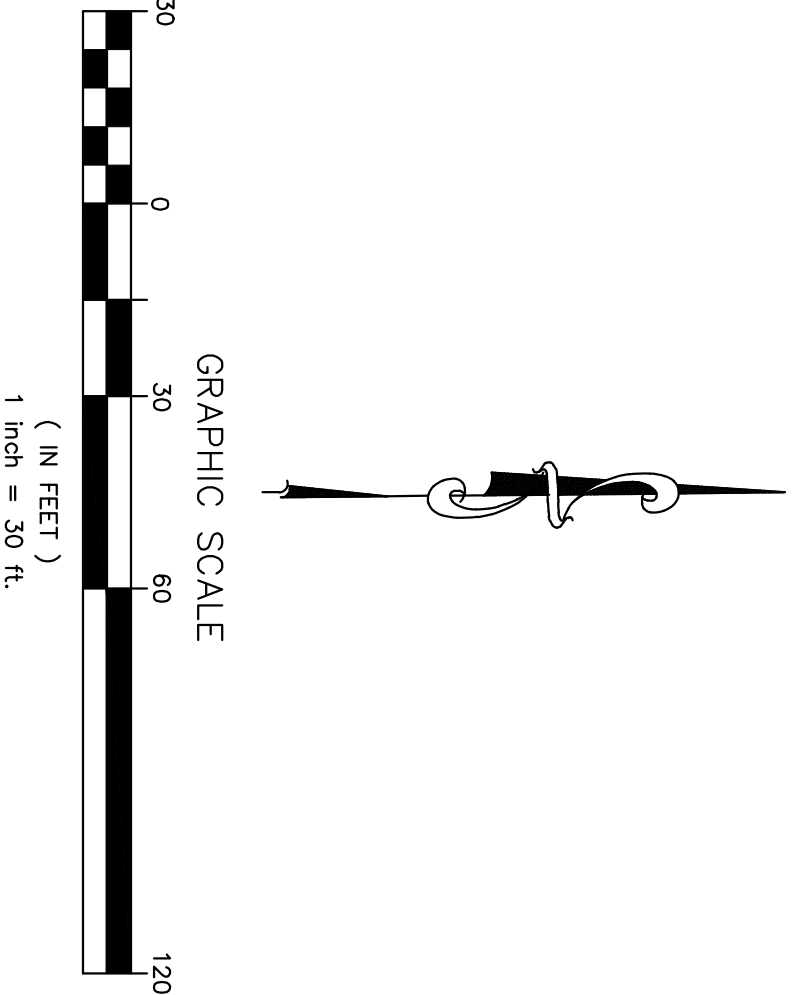
ELEVATION: 17.0'(NAVD88)

FLOOD ZONE: VE

08/28/2008

DATE OF MAP:

COMMUNITY PANEL NUMBER: 120673 / 12071C0554F



CERTIFIED TO:
Jim Zeller

LEGAL DESCRIPTION:

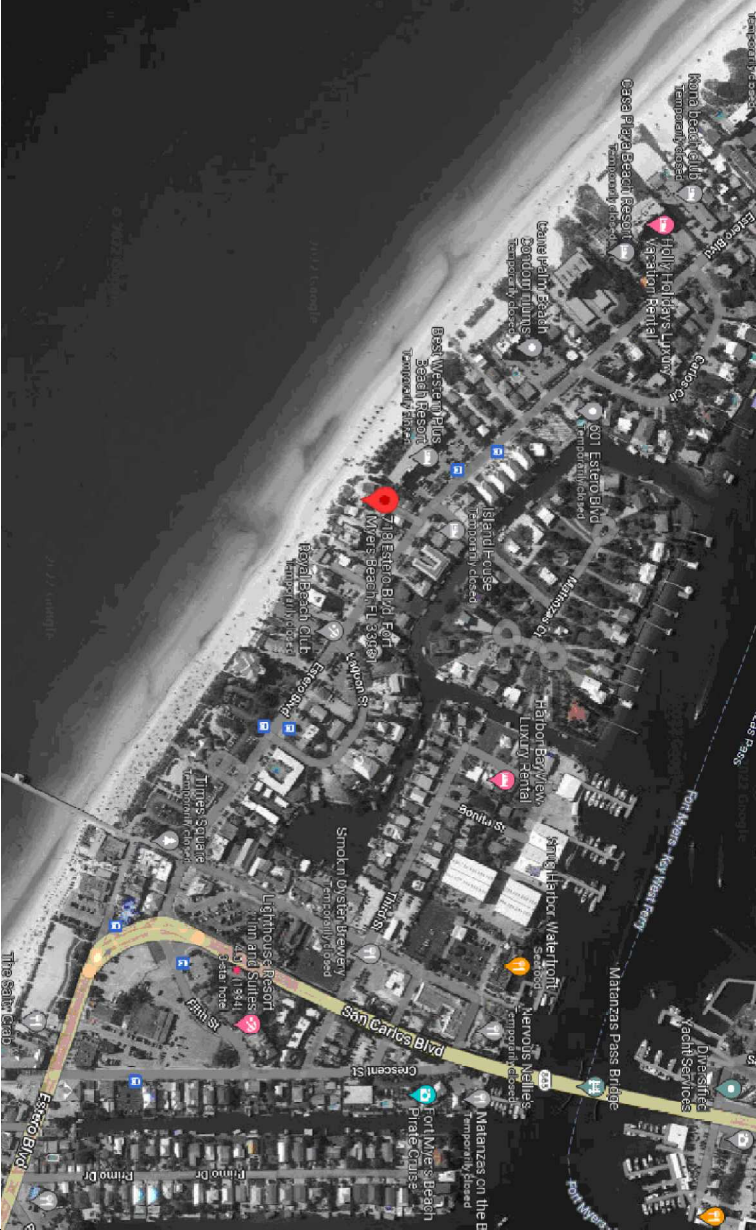
718 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA 33931

Part of Lot 8, Unit 1, Island Shores, a Subdivision, according to the plat thereof recorded in the public records of Lee County, in Plat Book 9, at Page 24, to wit:

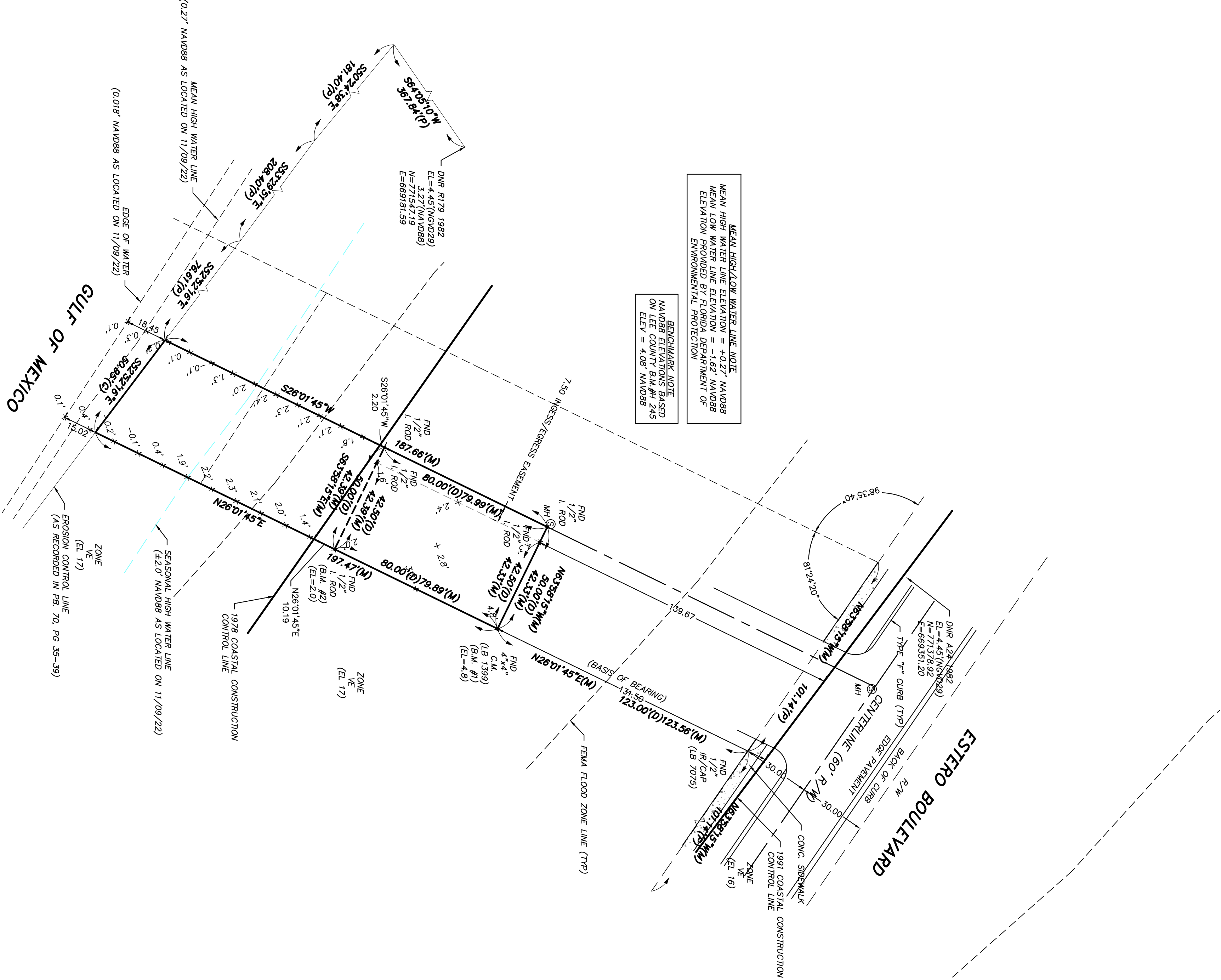
Beginning at a point in the common line of Lots 7 and 8, 1233.00 feet Southwesterly of the Southwesterly line of Estero Boulevard, which point is at the Southwesterly corner of property conveyed by Howard A. Zeller to Robert H. and Edna Smith by deed dated December 24, 1969, and which point is marked by a concrete monument set in the ground, thence running at a right angle to the common line of Lots 7 and 8 in the Northwesterly direction a distance of 42 1/2' to a concrete monument set in the ground and thence continue in the same direction an additional 7 1/2' to an iron pipe set in the ground abutting the concrete corner manhole in a sanitary sewer main for a total of 50', thence running in a Southwesterly direction parallel to the common line of Lots 7 and 8 a distance of 80' to an iron rod set in the ground and thence continue in the same direction to the waters of the Gulf of Mexico, thence running Southwesterly along said waters a distance of 50 1/4' to the common line of Lots 7 and 8, and thence running Northwesterly along the common line of Lots 7 and 8 to the place of beginning. Together with any riparian rights thereto pertaining.

Subject to an easement for Ingress and Egress over and across a strip of land 7 1/2 wide on each side of the center line of Lot 8 for the common use of the owners of each side of Lot 8, and subject to restrictions of record and also subject to public easements.

The property hereby conveyed being part of the land conveyed by June Leonard, a widow, to Howard A. Zeller by deed dated January 16, 1967, and recorded in Book 392 at Page 268.



VICINITY MAP
N.T.S.



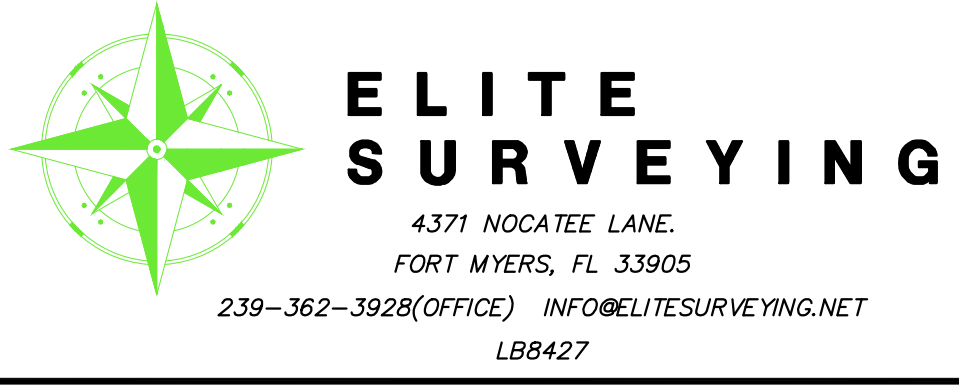
I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY DIRECTION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATION CODE, NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY. NO ABSTRACT WAS REVIEWED. NO TITLE OPINION EXPRESSED.

[illegible]

Reviewed and Approved By:

John Robert Avery III P.S.M. Professional Surveyor and Mapper (SIGNED) FL License No. 5298	Digitally signed by John Robert Avery III P.S.M. Professional Surveyor and Mapper FL License No. 5298 Date: 2023.05.09 08:32:52 -0400
---	---

*John Robert Avery III, P.S.M.
Professional Surveyor & Mapper
State of Florida License No. 5298
Not Valid without Signature and Original Raised Seal or
Adobe Electronic Signature of John Robert Avery III, P.S.M.*



FIELD SURVEY	11/09/2022	
CREW CHIEF	O. DELGADO	
DRAWN BY	J. KNORR	
SCALE	1" = 30'	
ELITE JOB NO	220925	
SHEET: 1 OF 1	DATE:	11/22/2022

126350

TUDLANX REGISTERED U S PAT OFFICE
 Tuttle Law Price Publishers, Rutland, Vt.
 FLEET STREET LONDON E.C. 4
 R.C.S.
 LEAFLET NO. 1000
 FLORIDA
 MED

This Indenture

9 JAN 24 11 21 AM '67

Whenever used herein, the term "party" shall include the heirs, personal representatives, successors and/or assigns of the respective parties herein. The use of the singular shall include the plural and the plural the singular. The use of "my" includes "our" and "us" and if used, the term "we" shall include the individuals herein listed and any other persons.

SEE
CLERK CL. J. COURT
BY J. F. [Signature] P. C.

Made this 16th day of January
Between JUNE LEONARD, a widow

of the County of Jasper in the State of Missouri
party of the first part, and HOWARD A. ZELLER, South Main Street
Munnsville

of the County of Madison in the State of New York
party of the second part,

Witnesseth that the said party of the first part, for and in consideration of the sum of Ten Dollars and other valuable considerations Dollars, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part his heirs and assigns forever, the following described land, situate lying and being in the County of Lee, State of

Florida, to wit: Begin at the common corner of Lots 7 & 8, Island Shores, Unit #1, a subdivision according to the map or plat thereof on file and recorded in the public records of Lee County, Florida in Plat Book 9 pg. 24, at the southerly edge of Estero Blvd.; thence westerly along the south-erly line of said Blvd. 50.57 feet; thence south and parallel with easterly line of said lot 8 to the waters of the Gulf of Mexico; southeasterly along the waters of the Gulf of Mexico to an intersection with the common line of Lots 7 & 8; Northeasterly along said common line to the point of beginning; together with all reparation rights thereunto pertaining. Subject to an easement for ingress and egress over and across a strip of land 7½ feet wide on each side of the center line of said Lot 8, extending from Estero Blvd. to the Waters of the Gulf of Mexico. Such easement to be for the common use of the owners of each side of Lot 8, their heirs and assigns. And further subject to restrictions of record and taxes for the calendar year, 1967. Together with furniture, furnishings, fixtures and equipment now located in, on or about the above described premises.

This property is the same parcel deeded to the Grantor by Deed recorded in D. B. 257 Page 398, Lee County, Florida, public records.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

William H. King
Mary Carter Waites

June Leonard

State of ~~Idaho~~ MISSOURI

County of JASPER

I Herceby Certify That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments,

JUNE LEONARD

to me well-known and known to me to be the individual described in and who executed the foregoing deed, and she acknowledged before me that

I, James H. [illegible], County of Jasper, State of Missouri, do hereby certify that she executed the same freely and voluntarily for the purposes therein expressed in my hand and official seal at Joplin, Missouri, this 16th day of January, A. D. 1967.

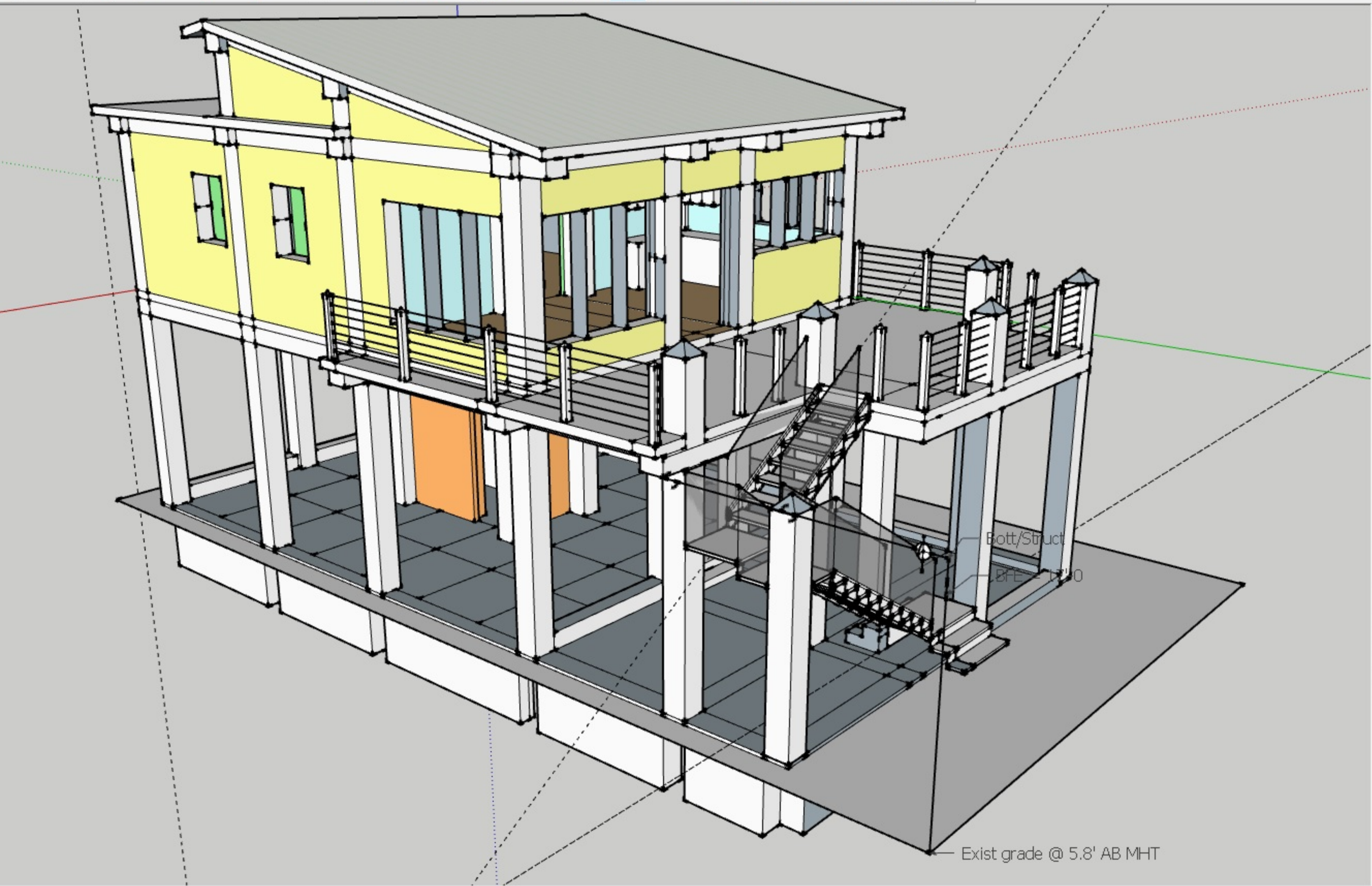
My Commission Expires Sept. 19, 1967

Notary Public

In James C. ...
Court ...
C. ...



Before



Default
▼ Ent
No Se

▼ Ma

Select
← →

► Co
► Sty
► Tag
► Sha
► Sce
▼ Ins



EXHIBIT 6-3 718 ESTERO AREA MAP 1600 FT

718 Estero Blvd

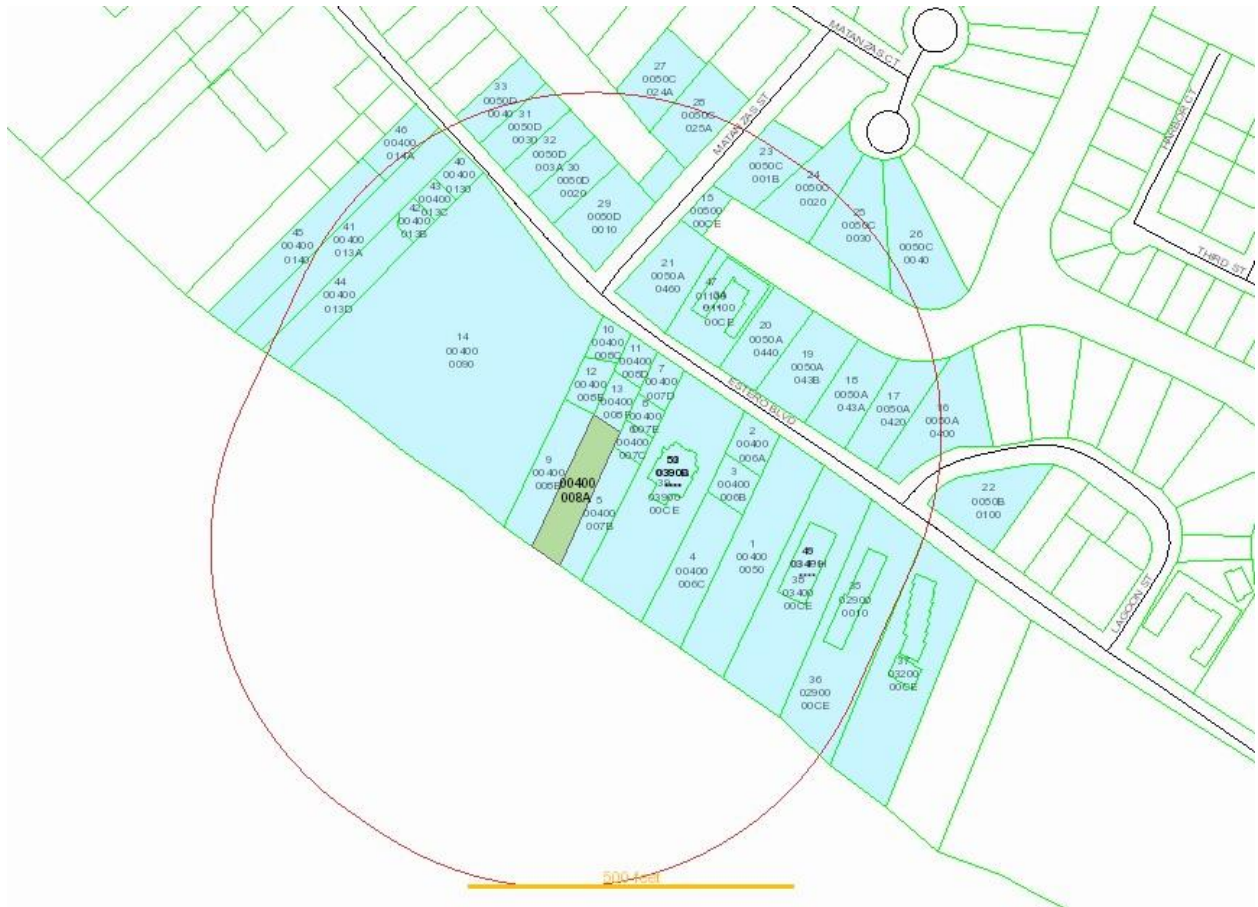
Variance Application Exhibit 6-4

There is one deed restriction / covenant affecting this property. It is a 7.5' easement along the northern edge of the property. Please refer to the attached surveys and the County Recorder's office page from Book 392 Page 268 demonstrating this easement has been duly recorded.

Variance Application Exhibit 6-5

This easement is harmful to this property in that it makes what would be a 5' side setback effectively a 7.5' setback rendering 200 square feet unbuildable.

This easement is beneficial to this property in that it, in conjunction with a similar easement on the neighbors, affords direct access to Estero Boulevard and serves to satisfy one of the listed criteria for a Minimum Use Determination which we have acquired.



DULLARD ROBERT TR
PO BOX 2695
FORT MYERS BEACH FL 33931

ETCHISON CAROLYN +
200 GREEN RD
ALPHARETTA GA 30004

CAMMICK PETER & VIVIAN
1270 PLAYMOOR DR
PALM HARBOR FL 34683

KRAAI RONALD E TR
758 ESTERO BLVD VILLA B
FORT MYERS BEACH FL 33931

SEA SHELL REAL ESTATE II LLC
7211 WINNETKA AVE N
BROOKLYN PARK MN 55428

PARISER KENNETH R TR
3524 MCGREGOR BLVD
FORT MYERS FL 33901

PAYNE DONNA L
501 WILLIN WAY
MOUNT STERLING KY 40353

GRAYBILL PATRICIA TR
6420 CONGRESS AVE #1900
BOCA RATON FL 33487

MAGNUM FMB 3 LLC
4210 MORREN
WAYLAND MI 49348

DERAMO NANCY A +
1920 BRIAR CREEK PL
SARASOTA FL 34235

GROSSMAN BARRY G
631 KENILWORTH ST
PHILADELPHIA PA 19147

UNKNOWN HEIRS OF
107 SAINT ANDRE ST
WORTHINGTON OH 43085

716 ESTERO LLC
1999 92ND ST SE
CALEDONIA MI 49316

FMB ASSOCIATES LP
684 ESTERO BLVD
FORT MYERS BEACH FL 33931

ISLAND SHORES UNIT 2
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

TOWN OF FORT MYERS BEACH
FINANCE DEPT
2525 ESTERO BLVD
FORT MYERS BEACH FL 33931

EDGEWATER INN LLC
1440 BRICKELL BAY DR STE PH3
MIAMI FL 33131

PAYNE DONNA L
501 WILLIN WAY
MOUNT STERLING KY 40353

SAVINO STEPHEN JR & LORI
58 HIGH VALLEY DR
CANTON CT 06019

SMITH STEPHEN E & CYNTHIA
13140 BIRD RD
FORT MYERS FL 33905

COOKS ISLAND HOUSE
PO BOX 792
GRAND HAVEN MI 49417

PAINE FREDERICK L &
12 BELKNAP SHORES
SUPERIOR WI 54880

KEITH HIATT TRUST
8374 W CAPOVILLA AVE
LAS VEGAS NV 89113

JOHANNESON KEITH A &
710 MATANZAS CT
FORT MYERS BEACH FL 33931

MORIONDO LARRY E TR
15482 LAWRENCE 2130
MOUNT VERNON MO 65712

VANFOSSEN TERRI D
724 MATANZAS CT
FORT MYERS BEACH FL 33931

ALN II BEACHVIEW LLC
151 MATANZAS ST
FORT MYERS BEACH FL 33931

PYTLIK PETER J & KIM M
173 WEST ST
NAPLES FL 34108

BEACH HOUSE 41734 LLC
1729A E FOREST CIR
BALSAM LAKE WI 54810

SCRJ INVESTMENTS LLC
11279 BIRCH ISLAND RD
EAST GULL LAKE MN 56401

SOLOMON RESULTS LLC
5553 N OCEAN BLVD
OCEAN RIDGE FL 33435

671 ESTERO LLC
1421 E LAKE SHORE DR
SPRINGFIELD IL 62712

COLUMBIA CITY HOLDINGS LLC
140 N WESTCHESTER DR
COLUMBIA CITY IN 46725

RIPTIDE CONDO ASSOC INC
711 ESTERO BLVD
FORT MYERS BEACH FL 33931

ROYAL BEACH CLUB CONDO ASSN
PO BOX 3427
NORTH FORT MYERS FL 33918

ROYAL BEACH CLUB CONDO
800 ESTERO BLVD
FORT MYERS BEACH FL 33931

ROYAL BEACH CLUB CONDO PH II
800 ESTERO BLVD
FORT MYERS BEACH FL 33931

BEL-AIR BEACH CLUB CONDO
780 ESTERO BLVD
FORT MYERS BEACH FL 33931

BAY TO BEACH ASSN
740 ESTERO BLVD
FORT MYERS BEACH FL 33931

MOOSE CREEK LLC
PO BOX 772
CODY WY 82414

EVANS DOTTIE DARLENE TR
23716 OAKHURST DR
NEWHALL CA 91321

RICE FREDERICK C &
422 PINE HILL RD
KITANNING PA 16201

PAPAS RETREAT LLC
PO BOX 150256
CAPE CORAL FL 33915

EVANS DOTTIE DARLENE TR
23716 OAKHURST DR
NEWHALL CA 91321

FARRELL JOSEPH J & LINDA M L/E
628 ESTERO BLVD
FORT MYERS BEACH FL 33931

FARRELL JOSEPH J & LINDA M L/E
628 ESTERO BLVD
FORT MYERS BEACH FL 33931

XL REAL PROPERTY SERVICES LLC
5 SHELDON DR
SPENCERPORT NY 14559

SCHULTZ HARRY J & KAREN JO
2324 SUNRISE CIR
WARSAW IN 46580

ANDERSON WILLIAM L
711 ESTERO BLVD
FORT MYERS BEACH FL 33931

LONG JEFF LEE & JONI KAY
5869 OXBOW CT
ELKHART IN 46516

STUART ROBERT W JR &
8371 BRANDYWINE RD
NORTHFIELD OH 44067

MARRONE THOMAS G
PO BOX 60801
FORT MYERS FL 33906

SANTILLI DOROTHY A TR
41 BREAKNECK HILL RD UNIT 19
LINCOLN RI 02865

K + S RIPTIDE LLC
6249 147TH AVE
HOLLAND MI 49423

GEIGER PHILLIP J
5 SHELDON DR
SPENCERPORT NY 14559

ASHER DAVID D & VICKI
11610 NE 116TH ST
LIBERTY MO 64068

ALBOHER HEATH M & RAEANN
2601 ATLANTIC AVE
FERNANDINA BEACH FL 32034

STANITZEK JOHN M & ANNE M
2035 MEADOW VALLEY CT
GRAND RAPIDS MI 49504

CORRIGAN ROBERT E &
287 BEECHNUT DR
NORTH CONWAY NH 03860

BEL-AIR BEACH CLUB ASSOC
RAL RESORT PROPERTY MGMT
17810 SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

SAWYER WILLIAM R & SONYA L
PO BOX 69
MILTON VT 05468

WILLE BRIAN +
19752 REGAN RD
NEW LENOX IL 60451

CANNY COLLEEN M TR
4536 GRAND AVE
WESTERN SPRINGS IL 60558

DEALEY LARRY & JUDY
PO BOX 259
CONVOY OH 45832

WATTS SHEILA A TR
17274 SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RUPERT DONALD F JR &
329 BONNIEMERE RD
SHELBYVILLE KY 40065

RYFINSKI WENDY K TR
780 ESTERO BLVD #PH4
FORT MYERS BEACH FL 33931

ENDRES BRENDA J
5798 EMERALD GROVE LANE
WAUNAKEE WI 53597

BAUMGARTNER VACATION PROPERTIE
PO BOX 109
GENEVA IL 60134

MESSER MICHAEL J TR
2033 MARINETTE AVE
MARINETTE WI 54143

CEDARQUEST LLC
3368 104TH AVE
ZEELAND MI 49464

KRAMER HEIDI & MICHAEL
1800 W SUNNYDALE LN
THIENSVILLE WI 53092

WISCONSIN LAND EXCHANGE LLC
PO BOX 68
LAKE DELTON WI 53940

DURNELL MIKE & KIM
426 COUNTY RD 57 W
BELLEFONTAINE OH 43311

BAY TO BEACH OF FORT MYERS LLC
240 E 8TH ST
HOLLAND MI 49423

SOLANS ENRIC P &
1821 BOULDER DR
MT PROSPECT IL 60056

O BRIEN DANIEL GEORGE
740 ESTERO BLVD #C2
FORT MYERS BEACH FL 33931

MACKENZIE DAVID L & JENNY H
4105 LIMERICK DR
LAKE WALES FL 33859

OBRIEN DANIEL GEORGE
740 ESTERO BLVD UNIT C2
FORT MYERS BEACH FL 33931

DUFFY DONALD A +
106 EULA ST
WILMINGTON IL 60481

OSTERGAARD PER & ZITA
GASLINGESTIEN 1
VEDBACK DK-2950
DENMARK

From: rhollandjr@aol.com,
To: jsmalley@fmbgov.com,
Cc: vzeller@rocketmail.com, brujito143@yahoo.com, tsmolenski@thezellergroup.com,
Subject: Re: 718 Estero Variance Request of Council for 718 Estero Blvd Strap # 244623W300400008A
Date: Fri, May 12, 2023 5:22 pm
Attachments: 718 Estero New Site Plan 12 May 23.pdf (669K), 220925(Signed & Sealed) (Rev10MAY23 (1978CCCL)).pdf (632K),

Good evening Jason;
Attached are two files incorporating the 1978 CCCL.
One is the 718 Estero New Site Plan and the other is the updated S&S survey.
You were right it was closer, at the north end it is 2.2' away and the south end it is 10.19' away.
This means our proposed cottage is just under 6' away on the north and just over 12' on the south from the 1978 CCCL.
I'll call late Monday to make sure you saw this updated information.
Thanks and have a great weekend, Bob.

Robert J. Holland Jr. AIA, CDT, LEED AP, PMP
2358 Brixton Road
Columbus, Ohio, 43221
home 614-487-0419
cell 614-306-7920

-----Original Message-----
From: rhollandjr@aol.com
To: jsmalley@fmbgov.com <jsmalley@fmbgov.com>
Cc: vzeller@rocketmail.com <vzeller@rocketmail.com>; brujito143@yahoo.com <brujito143@yahoo.com>; tsmolenski@thezellergroup.com <tsmolenski@thezellergroup.com>
Sent: Wed, Apr 26, 2023 11:10 am
Subject: Re: 718 Estero Variance Request of Council for 718 Estero Blvd Strap # 244623W300400008A

Thanks Jason;
I've spoken with the surveyor's office.
They showed the 1991 CCCL but not the 1978 CCCL.
Jeff is in the field now but will update the survey upon his return so its definitive.
Thanks again, Bob.

Robert J. Holland Jr. AIA, CDT, LEED AP, PMP
2358 Brixton Road
Columbus, Ohio, 43221
home 614-487-0419
cell 614-306-7920

-----Original Message-----
From: Jason Smalley <jsmalley@fmbgov.com>
To: rhollandjr@aol.com <rhollandjr@aol.com>
Cc: vzeller@rocketmail.com <vzeller@rocketmail.com>; brujito143@yahoo.com <brujito143@yahoo.com>; tsmolenski@thezellergroup.com <tsmolenski@thezellergroup.com>
Sent: Wed, Apr 26, 2023 9:15 am
Subject: RE: 718 Estero Variance Request of Council for 718 Estero Blvd Strap # 244623W300400008A

Bob,

While not determinative, I am working off the lot dimensions from LEEPA showing the depth from the front property line to the CCCL is approx. 85', so I assumed it was the line adjacent to the proposed deck, the dotted light blue line is definitely high-water, but the CCCL is measurably more landward than that line, in my opinion.

Measure Map



Measure a distance.

LENGTH: 85.75 Feet



Jason Smalley
Senior Planner
Town of Fort Myers Beach
2525 Estero Boulevard
Fort Myers Beach, FL, 33931
Phone: (239) 765-0202 ext.1315
FMBgov.com

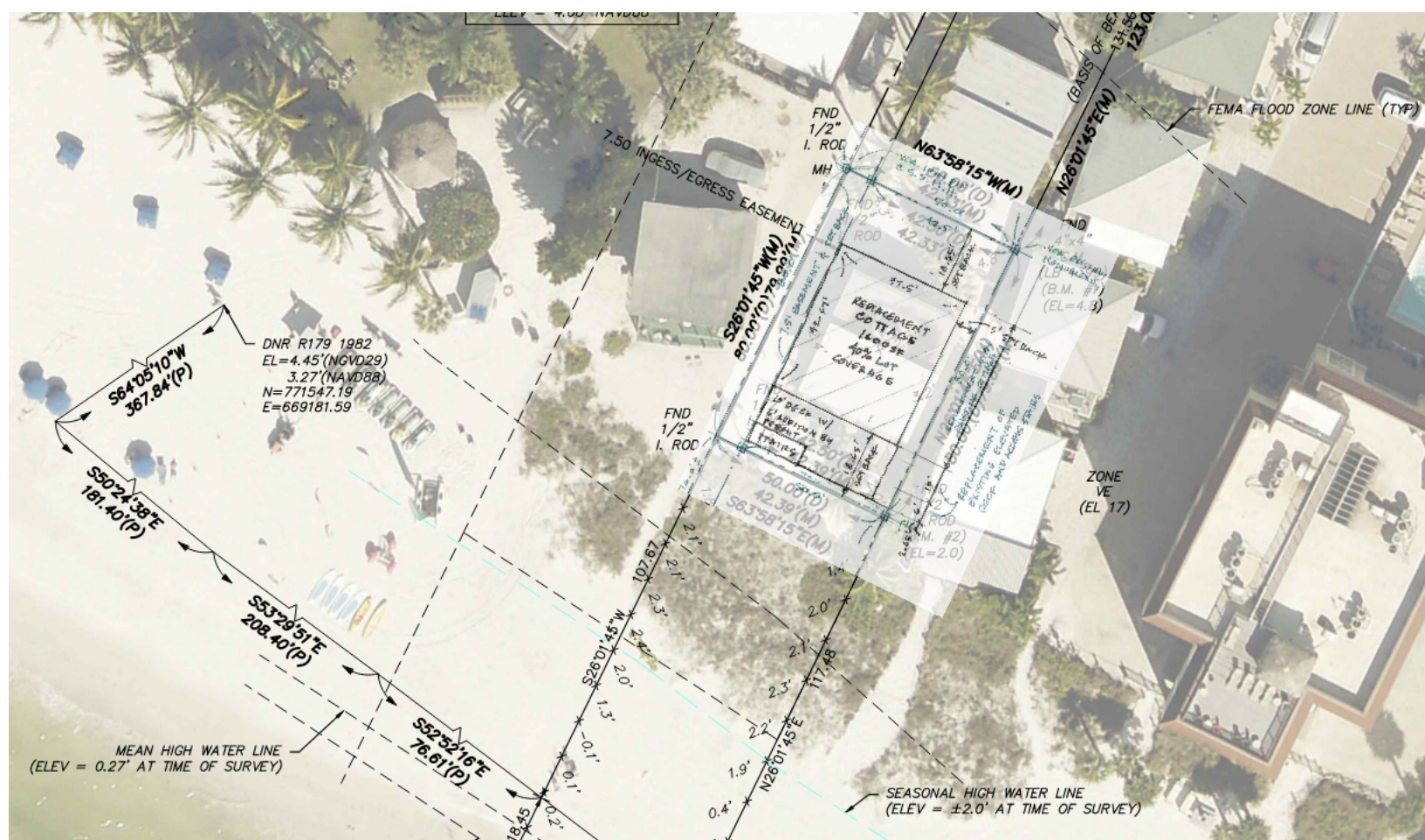


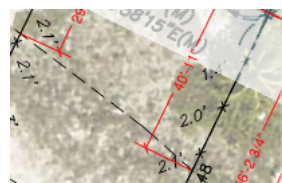
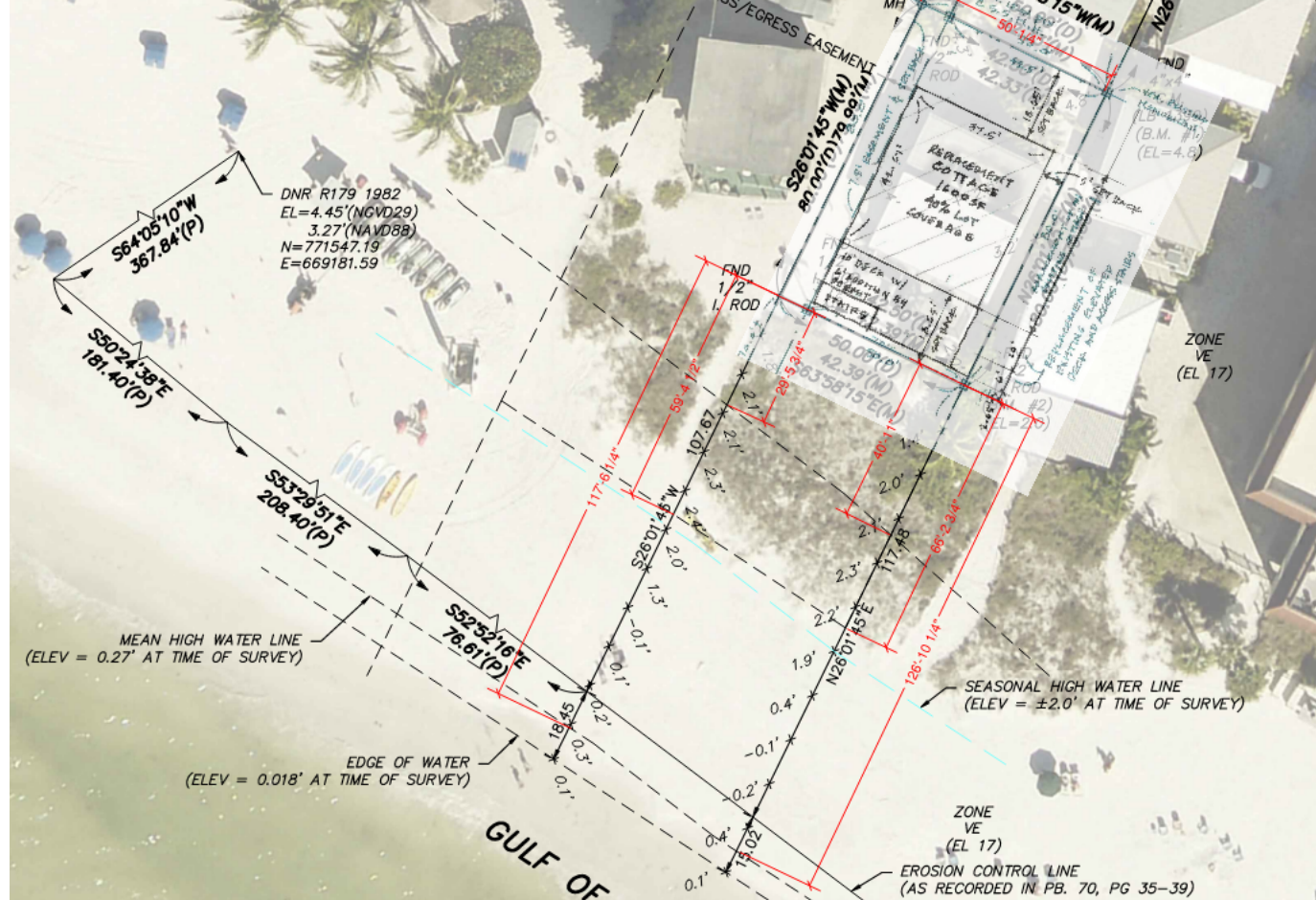
Please Note: Florida has very broad public records laws. Most written communications to and from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications may be subject to public disclosure.

From: rhollandjr@aol.com <rhollandjr@aol.com>
Sent: Tuesday, April 25, 2023 7:24 PM
To: Jason Smalley <jsmalley@fmbgov.com>
Cc: vzeller@rocketmail.com; brujito143@yahoo.com; tsmolenski@thezellergroup.com
Subject: Re: 718 Estero Variance Request of Council for 718 Estero Blvd Strap # 244623W300400008A

Jason;
I overlaid the proposed site plan on the signed and sealed survey at 50% and 70% opacity.
The screenshots below are what it looks like.
I believe the 1978 CCCL is the dashed line that points at HIGH in the note seasonal high water...
The last shots are of measurements which show its 29-40' away, and it has a slight bend in it.
Attached are pdfs reflecting these updates.
Please let me know if these are satisfactory.

Thanks, Bob.





Robert J. Holland Jr. AIA, CDT, LEED AP, PMP
 2358 Brixton Road
 Columbus, Ohio, 43221
 home 614-487-0419
 cell 614-306-7920

-----Original Message-----

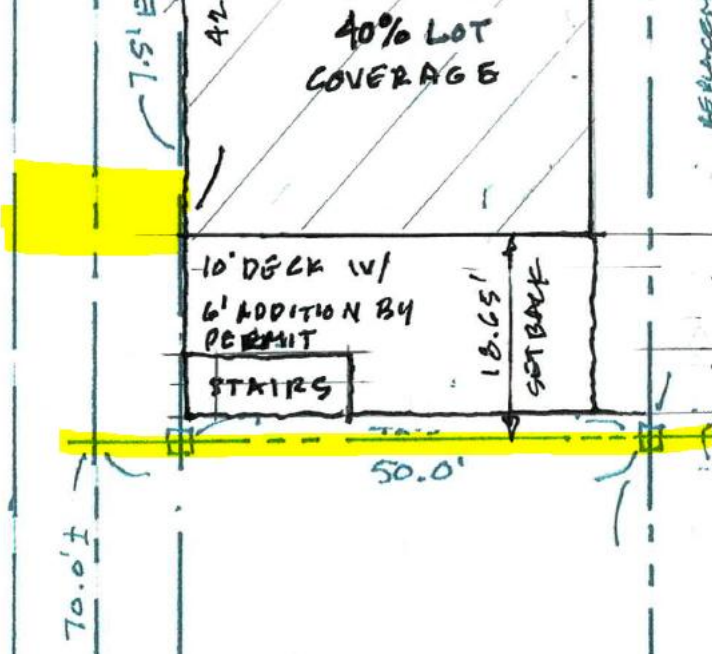
From: Jason Smalley <jsmalley@fmbgov.com>
 To: rhollandjr@aol.com <rhollandjr@aol.com>
 Cc: vzeller@rocketmail.com <vzeller@rocketmail.com>; brujito143@yahoo.com <brujito143@yahoo.com>; t-smolenski@thezellergroup.com <t-smolenski@thezellergroup.com>
 Sent: Tue, Apr 25, 2023 4:05 pm
 Subject: RE: 718 Estero Variance Request of Council for 718 Estero Blvd Strap # 244623W300400008A

Bob,

I spoke with our consulting planner and we're both of the mind that you've correctly expressed your proposed site-plan, but we would like to see two adjustments made to a survey before we feel that the package is ready for staff review:

- Both 7.5' (15' collectively) easements should be shown on a survey with the correct notation for each, I believe you've got this information based on the notes we see on the proposed site plan, but those should be on there to ensure that the Fire Department's review isn't stalled since the easement width will be one of their main concerns.
- The 1978 CCCL line should be shown and noted on a survey, I believe that the rear line directly adjacent to the proposed deck is the CCCL, but we should extend that across the entire survey and note it as such.

These are our biggest concerns and we are available for questions you may have about what is being requested. Thanks



Jason Smalley

Senior Planner
Town of Fort Myers Beach
2525 Estero Boulevard
Fort Myers Beach, FL. 33931
Phone: (239) 765-0202 ext.1315

FMBgov.com



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From: rhollandjr@aol.com <rhollandjr@aol.com>
Sent: Wednesday, April 12, 2023 4:37 PM
To: Jason Smalley <jsmalley@fmbgov.com>
Cc: vzeller@rocketmail.com; brujito143@yahoo.com; tsmolenski@thezellergruop.com
Subject: 718 Estero Variance Request of Council for 718 Estero Blvd Strap # 244623W300400008A

Jason;
First, thanks for all help and guidance. We were able to find the easement was recorded and that is in our request.

Second, attached are a number of files pertaining to our request. Please let me know if we need to provide hardcopies of everything.

Third, I think I've filled out the forms and provided sufficient information for a review and determination by Council. If I have not please let me know.

Fourth, as we discussed with Sarah we can transfer the fee from the Administrative Variance Request to this request. Please let us know the difference and the proper mechanism to pay the fee. As I recall FMB generated an invoice and we paid it online.

Lastly, please let me know what the next step is in the process. James is in Costa Rica until September and has given his son, Vince, an enduring POA so he can take care of things.

Thanks again, Bob

Robert J. Holland Jr. AIA, CDT, LEED AP, PMP
2358 Brixton Road
Columbus, Ohio, 43221
home 614-487-0419
cell 614-306-7920

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Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33966

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Local Planning agency of the Town of Fort Myers Beach will hold a public hearing which will take place at DiamondHead Beach Resort, 2000 Estero Boulevard, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: June 13, 2023

CASE: VAR20230055

ADDRESS: 718 Estero Blvd

APPLICANT: Robert Holland

REQUEST: The applicant is requesting relief from LDC Table 34-3 which requires a residence in RM zoning district to provide a minimum 25 feet street setback and a minimum 7.5 feet side setback.

TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing the **Local Planning Agency** will review the application materials and hear testimony to make a **recommendation**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing 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 need reasonable accommodation, contact Town Hall at 239-765-0202.



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Town of Fort Myers Beach
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Fort Myers Beach, FL 33931

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Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

Town of Fort Myers Beach
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Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»

**Town of Fort Myers Beach
Agenda Item Summary**

Yellow Sheet Number: **2023-1091**

1. Requested Motion:

Meeting Date: June 13, 2023

Approve/ Approve with Conditions/ Deny Special Exception Request SEZ 20230052 for the property located at 1249 Estero Blvd., The applicant is requesting an amendment to their existing Special Exception "Conditions of Approval" #3 which disallows live music of any kind. The applicant would like this restriction removed.

Why the action is necessary:

The applicant's building was destroyed during Hurricane Ian, and the applicant is working under the Town's Temporary Use plan, but the existing limitation on playing outdoor music stops the applicant from having any live music for their customers, and an existing limitation disallows consumption on premises anywhere but the building and its decks.

What the action accomplishes:

Allows the applicant to provide live music for their customers and consumption anywhere on premises, rather than being explicitly limited to the previously existing building.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

In 2013, Resolution 13-09 was approved which allowed for outdoor consumption of alcohol on premises on the applicant's newly constructed front deck.

As part of the Special Exception approval there were nine (9) conditions that were imposed.

The condition in-question - #3 - states, *"No live music is permitted. Outdoor televisions shall be limited to [sic] from 11:00 AM to 11:00 PM daily."*

Preceding Resolution 13-09 . Lee County approved a Special Permit (Case# 93-12-23-SP-01) in 1993 which approved outdoor seating on the upper deck of the restaurant with seven (7) "Conditions" including #4 which states, *"There shall be no entertainment on the deck; however, recorded background music (excluding rap, hard rock and heavy metal music) will be allowed;"*

Attachments:

1. SEZ20230052_1249 Estero_Whale_Staff report
2. Beached Whale Special Permit 12 23 1993 (2)
3. 13-09, The Beached Whale special exception_201311150948250814
4. Application for Special Exception Amendment

Financial Impact:

N/A

6. Alternative Action

7. Staff Recommendations:

N/A

8. Recommended Approval:

Steve Poposki, Community Development Director

Date: June 05, 2023

John R Herin Jr, Town Attorney

Date: June 07, 2023

Amy Baker, Town Clerk

Date: June 08, 2023



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TYPE OF CASE: Special Exception Amendment

CASE NUMBER: SEZ—Amendment, 20230052

CASE NAME: 1249 Estero Blvd, amend conditions of approval to allow for outdoor music and remove limitations on where consumption on premises is allowed.

LPA

HEARING DATE: June 13, 2023 at 9.00 AM

STAFF

RECOMMENDATION: N/A

**PREPARED/
SUBMITTED BY:** Jason Smalley/ Sarah Propst, AICP, PMP

I. APPLICATION SUMMARY

Applicant/Owner: Greg von Krumreig

Request: The applicant is requesting an amendment to their existing Special Exception “Conditions of Approval” #1 & 3 which disallows consumption on premises outside of their building and lower deck, as well as disallowing live music of any kind. The applicant would like these restrictions removed.

Subject property: See attached site plan

Physical Address: 1249 Estero Blvd.

STRAP #: 19-46-24-W4-0060H.0300

FLU: Pedestrian Commercial

Zoning: Downtown

Adjacent zoning and land uses:

North:	Downtown Residential Structure
South:	Downtown Demolished Commercial Lot
East:	Downtown Demolished Commercial Lot
West:	Downtown Demolished Commercial Lot

II. BACKGROUND AND ANALYSIS

Background:

In 2013 Resolution 13-09 was approved which allowed for outdoor consumption of alcohol on premises on their newly constructed front deck.

As part of the Special Exception approval there were nine (9) conditions that were applied, the conditions in-question, #1 states, Consumption on premises is limited to the building located on the subject property at 1249 Estero Boulevard and proposed new lower outdoor deck..., and #3 states, "No live music is permitted. Outdoor televisions shall be limited to [sic] from 11:00 AM to 11:00 PM daily."

While no longer in effect, the record does include a document which preceded approval of Resolution 13-09. The previous document was a Special Permit approved by Lee County (Case# 93-12-23-SP-01) in 1993 which approved outdoor seating on the upper deck of the restaurant with seven (7) "Conditions" including #2 which stated, "The special permit shall be limited to the 48-foot by 40-foot deck located on the roof of the existing restaurant...", and #4 which stated, "There shall be no entertainment on the deck; however, recorded background music (excluding rap, hard rock and heavy metal music) will be allowed;"

Considerations

In reaching its decision, the town council shall consider the following, whenever applicable:

- (1) Whether there exist changed or changing conditions which make approval of the request appropriate.
- (2) The testimony of any applicant.
- (3) The recommendation of staff and of the local planning agency.
- (4) The testimony of the public.
- (5) Whether the request is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan.
- (6) Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.
- (7) Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.
- (8) Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- (9) Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

Neighborhood Compatibility:

In review of the aerial photography of the surrounding area, staff noted that the property is situated among single-family housing to the North, with largely empty commercial lots to the East, South and West. Based on Lee Property Appraiser's (LEEPA) online GIS tools, the Whale's lot sits directly adjacent to the residential lot to the North and is approximately 20-feet, 60-feet and 60-feet to the West, South and East commercial lots, respectively.

The lot has been cited 13-times for possible violations from 2009 through 2021, all of which have been abated or closed, there have been no other compliance actions since.

III. CONDITIONS OF APPROVAL

1. The applicant shall make efforts to avoid affecting neighbors with outdoor music, particularly the residential structures to the North-Northeast by limiting the direction of amplified speakers or creating additional buffers to reduce noise that may travel towards residential properties.

Staff Report Exhibits:

A – Case# 93-12-23-SP-01 (1993; Lee County)

B – Res. 13-09 (2009)

OFFICE OF THE HEARING EXAMINER. LEE COUNTY. FLORIDA

HEARING EXAMINER DECISION

SPECIAL PERMIT: CASE 93-12-23-SP-01
APPLICANT: RAYMOND J. MERTENS, SR., in reference to OAKBROOK INC., dba
BEACHED WHALE
HEARING DATE: December 23, 1993

I. APPLICATION:

Filed by RAYMOND J. MERTENS, SR., 18308 Cutlass Drive, Fort Myers Beach, FL 33931 (Applicant/Owner).

Request is for a special permit in the C-1 (Commercial) district for outdoor seating (Zoning Ord. Section 202.03). The Applicant wants to have outdoor service of alcoholic beverages at an existing restaurant.

The subject property is located at 1249 Estero Blvd., (San Carlos Blvd. to Estero Blvd., left to Palermo Circle intersection), Fort Myers Beach, in Section 19, T46S, R24E, Lee County, Florida. (District #3)

The Strap # as furnished by the Applicant is: 19-46-24-06-0000H.0300

II. STAFF RECOMMENDATION: APPROVE WITH CONDITIONS

The Department of Community Development Staff Report was prepared by Pam Houck. The staff report is incorporated herein by this reference.

III. HEARING EXAMINER DECISION:

The undersigned Lee County Hearing Examiner APPROVES the Applicant's request and GRANTS a Special Permit in the C-1 (Commercial) district for outdoor seating (Zoning Ordinance Section 202.03) for the real estate described in Section VIII. Legal Description WITH THE FOLLOWING CONDITIONS:

1. Use of the outdoor seating shall be in conjunction with a Group III restaurant;
2. The special permit shall be limited to the 48-foot by 40-foot deck located on the roof of the existing restaurant as reflected on the Applicant's site plan attached to the Staff Report as Exhibit C;
3. A bar or cocktail lounge on the deck shall be prohibited;
4. There shall be no entertainment on the deck; however, recorded background music (excluding rap, hard rock and heavy metal music) will be allowed;
5. Lighting on the deck shall be shuttered and shielded from surrounding properties;
6. The deck shall be used only between 11:00 A.M. and 11:00 P.M. daily; and
7. The restaurant and deck shall be limited to a total of 164 seats (114 indoor and 50 outdoor).

IV. HEARING EXAMINER DISCUSSION:

Applicant is the owner of the subject property which is developed with a 150-seat, Group III restaurant on Fort Myers Beach, having purchased the property in July 1993. The property is zoned C-1, was developed with the restaurant building in 1945, and has been used as either a restaurant or bar since that date.

Applicant desires to expand the restaurant use to the existing deck on the roof of the building, and needs a Special Permit in order to serve alcoholic beverages there. He stated that he will serve alcoholic

beverages only in conjunction with the meal service, and does not want to have a cocktail bar or lounge on the deck, because of the adjacent residential neighborhoods.

Staff recommended approval of the Special Permit, with seven conditions intended to limit its use and hours of operation to ensure its compatibility with the surrounding mixed uses. Staff found that the request, as conditioned, met the criteria for approval set out in Section 900.02 of the Zoning Ordinance, and that the use, as conditioned, would not be incompatible with, nor a nuisance to, the adjacent property owners.

The undersigned Hearing Examiner concurs with Staff's analysis, findings and recommendation of approval with conditions. The Hearing Examiner also finds that the request, as conditioned, is consistent with the provisions and intent of the Lee Plan and the Zoning Ordinance. It is the Hearing Examiner's opinion that the conditions recommended by Staff are sufficient to protect the health, safety and welfare of the surrounding property owners and residents, and eliminate the nuisance potential of the use.

V. FINDINGS AND CONCLUSIONS:

Based upon the Staff Report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

A. That the Special Permit, as conditioned, will not have a negative impact on the intent of the Zoning Ordinance.

B. That the Special Permit, as conditioned, is consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities, and general uses set forth in the Lee Plan.

C. That the Special Permit, as conditioned, meets or exceeds all performance and locational standards set forth for the proposed use.

D. That the site is already developed and there are no environmentally critical areas or natural resources to be adversely affected by the granting of the Special Permit.

E. That the Special Permit, as conditioned, will be compatible with existing or planned uses, and will not cause damage, nuisance, hazard or other detriment to persons or property.

F. That the location of the requested Special Permit does not place undue burden upon existing transportation or other services and facilities, and does not increase the traffic utilizing the surrounding roadway network.

G. That the requested use, as conditioned, complies with all applicable general zoning provisions and supplemental regulations pertaining to the use, as set forth in the Lee County Zoning Ordinance.

H. That granting the requested Special Permit, as conditioned, is not contrary to the public interest, public health, public safety, public convenience or public welfare of the citizens of Lee County.

VI. PRESENTATION SUMMARY:

Pam Houck, Division of Zoning, presented the Staff Report in this request for a special permit in the C-1 (Commercial) district for outdoor seating, which would be located on a deck on the top of a building located at 1249 Estero Blvd. The subject property is presently being operated with a Group III restaurant known as the Beached Whale. County records indicate that the building was built around 1945 and, since that time, has been continuously used as either a bar or restaurant. The Applicant wishes to have consumption of alcoholic beverages on this deck in conjunction with meals. Hours of operation proposed by the Applicant were from between 11:00 a.m. and 11:00 p.m. on weekdays, and from 11:00 a.m. to 1:00 a.m. on weekends.

The surrounding area contains a mixture of commercial and residential zoning and uses. Immediately adjacent to the rear (north and east) of the property are single-family residences. Because of the mixed uses and the location of the deck on top of the building, Staff feels that, with the conditions recommended, this special permit will be consistent with the Zoning Ordinance and the criteria set out for the approval of a special permit.

Staff recommended seven conditions on this special permit. Conditions 1 and 2 would limit the use of the outdoor seating in conjunction with the Group III restaurant and to the existing deck. The site plan (Exhibit C to the Staff Report) depicts the deck on top of the building. Condition 3 would prohibit a bar or cocktail lounge on the deck. Condition 4 would allow recorded background music on the deck, but no entertainment would be permitted. Condition 5 requires that the lighting on the deck be shuttered and shielded from surrounding properties. She noted that this was already a requirement of the Zoning Ordinance, but Staff wanted to emphasize this. Condition 6 limits the hours of operation for the deck from 11:00 a.m. to 11:00 p.m., daily. The number of seats would be limited by Condition 7; a total of 164 seats (114 indoor and 50 outdoor) would be allowed. Fifty seats on the upper deck will not over-crowd the deck and will still provide a reasonable use of the area.

The Hearing Examiner noted that Condition 3 prohibited a bar or cocktail lounge and asked if this was with regard to the deck itself. Mrs. Houck confirmed this. The Applicant could have a bar downstairs in conjunction with the restaurant. She noted that a restaurant and a bar triggers additional parking. Currently, the property was operating as a Group III restaurant. She believed that they were going to have a "bar" on the deck where people could sit on stools; however, it was just like the tables. She compared it to a lunch counter with a "bar." Food and beverage could be served there. The condition was not to prohibit this; it was to prohibit just the service of alcoholic beverages on the deck.

With regard to Condition 4 and the "recorded background music," the Hearing Examiner asked exactly what this referred to. Mrs. Houck responded that the condition was not limiting the Applicant to a "type" of music. The Hearing Examiner noted that one of the letters received objected to the type of music played and the nuisance it would create. Mrs. Houck did not believe that the Applicant wanted heavy metal or rap music; however, the Hearing Examiner could clarify the condition if she wished.

Ray Mertens stated that he had no problem with the seven conditions recommended by Staff. The recorded music would be of the type typically heard in a restaurant for background music. They have installed the volume controls for the speakers on the deck in the office, under lock and key. Once it is set, it shouldn't be tampered with. They also have another safeguard. The bartenders must sign a statement that, if they ever adjust the volume, they will be terminated. If the manager forgets to lock the office, the bartender knows his job is on the line if he tampers with the volume.

Mr. Mertens stated that they had played music for approximately eight nights to make sure it was not exceeding their border or disturbing anyone. They had been fine on this, because they fully recognize what the neighborhood went through with the previous situation. They really want to utilize the deck to the restaurant's advantage and run a good, reputable restaurant. They wanted to be a "positive" influence for the neighborhood, which would also have a positive effect on their business. He stated that it was important to note that the County had not received "5,000" letters against this request. He felt that the neighborhood had given them a "shot" to see what they would do and they were going to respect this.

The Hearing Examiner asked the Applicant if he had any objection to the 11:00 p.m. deadline. Mr. Mertens responded no. He added that, in fact, they were going to come up with something to expedite this by enticing the patrons downstairs a little earlier than 11:00 p.m. They'd like the

leeway, but recognize the problem and want to make sure that the patrons are done and gone from the deck. The Hearing Examiner noted that partiers/drinkers tended to forget how loud they were getting.

Tom Lump stated that he was one of the neighbors, directly behind the Beached Whale. He had gone through the past "situation" with the previous owners. He stated that he probably had 150 complaints lodged at the Sheriff's Department (written, etc.). He believed that Mr. Mertens would do an excellent job and he was welcomed to the neighborhood. He was glad to see the recommended conditions. He did question whether, if this building was sold, what would happen in a "grandfather" situation with the conditions. Would there be another public hearing if the use of the top deck was changed? How would the neighbors' concerns be addressed?

Patrick White, Assistant County Attorney, stated that he did not believe that a consumption on premises license automatically transferred or could be sold. He believed a new owner would have to reapply before that the special permit carried over. Mrs. Houck stated that the special permit would run with the land, unless specifically conditioned.

Mr. Lump pointed out that, when the previous business ended, the neighbors counted the six month and a day time limit (for grandfathering). They had understood a public hearing would have to be held before the establishment could reopen. The Hearing Examiner noted that it did not work in this manner. This would only be the case if the property were not properly zoned for the use. Mrs. Houck stated that the property was zoned C-1. The Hearing Examiner pointed out that, if the property were zoned for a restaurant use, then a new user would only have to obtain the Certificate of Occupancy to begin a new restaurant. The permits for COPS might be held individually; however, the right to have them (the special permit) would run with the land. There was no grandfathering issue in this case; the restaurant was permitted by right.

Mr. Lump asked what recourse the neighbors had with regard to entertainment on the top deck. The Hearing Examiner stated that any new owner/user would still be bound by the conditions of the special permit. If they wanted the conditions changed, they would have to apply for a new special permit. This would require another public hearing.

Mrs. Houck pointed out that, if the owner/user wanted to change the use to only a bar/cocktail lounge, they would also have to request another special permit. Again, this would require another public hearing.

Mr. Mertens responded that this was also his understanding; however, if it wasn't, he would agree to an eighth condition that if he sold the business, the future owner would have to come back for a special permit. He pointed out that he also lived in the neighborhood and didn't want it to turn into a rock band place. The Hearing Examiner noted that the local laws would provide protection in this event.

The Hearing Examiner stated that she would conduct a site visit to familiarize herself with the subject property and the adjacent neighborhood. The conditions recommended by Staff appeared to be adequate; if not, she would add additional conditions, after visiting the site.

VII. PUBLIC PARTICIPATION: The following persons appeared at the hearing or became "parties of record" in this case by submitting written materials:

ADDITIONAL COUNTY STAFF:

1. Patrick WHITE, Assistant County Attorney, Lee County, P.O. Box 398, Ft. Myers, FL 33902-0398

FOR:

1. Leslie T. AHRENHOLZ, P.O. Box 2656, Fort Myers Beach, FL 33931
Letter 12/10/93: My residence is located immediately adjacent to the Applicant's property and would probably be more directly impacted than any other in the neighborhood. I have absolutely no financial interest

in the outcome of the hearing. Neither have I been in the restaurant operating on the first floor since it recently reopened.

I am, however, completely familiar with the building including the second floor which is to provide outdoor seating. I have taken the opportunity to discuss at length with Mr. Mertens his intended use and method of operation on the premises. After due consideration, it is my opinion that the requested special permit should be granted as being well within a purview of Section 202.03 of the Zoning Ordinance.

I am aware that there are others who reside or are in business in the vicinity who do not share *my* opinion. I was solicited to join a group of these people in objecting to the application which I declined to do. With the exception of a 6-month period during which one of the prior owners operated the facility in an admittedly raucous manner, I have resided in my home without annoyance. I believe the special permit should be granted.

AGAINST:

1. Albert J. DACRE, 60 Collins Drive, Lafayette, IN 47904
Letter 12/16/93: As an adjacent property owner, and as I will not be able to attend the hearing on this matter, I wish to enter these comments into the record for consideration and review. My concerns are:

1. Trash - what is the probability of trash being tossed from the upper deck and being allowed to accumulate on or around the property? A small concern.

2. Vandalism and crime - there are significant police (sheriff) calls to the 7-Eleven store which is directly across the street from the subject property. Property damage and fights occurred numerous times in the 1992-1993 season. I believe there was a two car response to that location the evening of December 9th or 10th (two nights ago). Outdoor crowds without proper security seem to encourage a considerable amount of rowdy behavior now and in the past. Will this encourage more of the same? Will it increase in the future because of more gatherings to see the "new" outdoor spot? Who will see to the overall safety and security of the neighbors and businesses in the immediate area?

3. And most important, noise levels - usually prior to the problems brought up in (2), cars with very loud stereo systems park at either the 7-Eleven or in the Beached Whale lot. These cruise the immediate streets seemingly without interference. If they are asked to move, they return shortly. Are these people ticketed for their violation? Will this be allowed to continue? Will it become worse or better? Until recently Chili Caliente had live, very loud music out back. It has stopped for now. Will the Beached Whale create such a nuisance? I hope not.

I like outside bars, but I would like them to be encouraged to operate within the law. Let's also let the law help local businesses to successfully operate.

2. Jim BISCHOFF, 21570 Madera Road, Fort Myers Beach, FL 33931
Letter 12/15/93: I would like it to be noted that I'm against the outdoor seating for the Beached Whale. I have been a property owner in the adjacent area of some 20 years. If outdoor seating is permitted, I feel there would be no control over the litter and noise created from patrons and management music.

GENERAL:

1. Mr. & Mrs. Bill DAY, 155 Palermo Cir., Fort Myers Beach, FL 33931
Letter 12/21/93: The only objection we have is if they have loud music on the upper deck. The music that was there before kept us awake a lot.

2. Tom LUMP, 145 Palermo Cir., Fort Myers Beach, FL 33931
Testimony: See Section VI. Presentation Summary.

VIII. LEGAL DESCRIPTION:

A parcel being in Lots 30, 31 and 32, Block "H", VENETIAN GARDENS SUBDIVISION, as recorded in Plat Book 6, Page 70, Lee County, Florida, more particularly described as follows:

From the Northwest corner of said Lot 32. run $S00^{\circ}17'35''W$ along the Easterly right-of-way of Primo Drive, 28.07 feet to the POINT OF BEGINNING of lands herein described; from said POINT OF BEGINNING continue $S00^{\circ}17'35''W$ along said Easterly right-of-way of Primo Drive 106.93 feet to a point on the Northerly right-of-way of Palermo Circle; THENCE along said Northerly right-of-way of Palermo Circle in an Easterly direction to the Southwesterly corner of Lot 29, Block H, said VENETIAN GARDENS SUBDIVISION;
THENCE $N39^{\circ}44'07''W$, 117.54 feet to a point on the line which is parallel to Primo Drive;
THENCE $S00^{\circ}17'35''W$, 17.74 feet;
THENCE $S88^{\circ}29'35''W$, 68.02 feet to the POINT OF BEGINNING.

AND

Part of Lots 29, 30 and 31, Block H, VENETIAN GARDENS SUBDIVISION, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court in Plat Book 6, Page 70, more fully described as follows:

BEGINNING at the Southeast corner of Lot 29;
THENCE Northwesterly to a point 20 feet from the Northeast corner of Lot 29 and on North line of said lot;
THENCE Southwesterly on said line 50 feet to a point which is 10 feet West of the Northeast corner of Lot 31;
THENCE Southeasterly to the Southeast corner of Lot 30;
THENCE Northeasterly and along said lot line to the POINT OF BEGINNING.

IX. APPEALS:

This Decision becomes final on the date rendered. A Hearing Examiner Decision may be appealed to the Circuit Court in Lee County. Appeals must be filed within thirty (30) days of the date the Hearing Examiner Decision is rendered.

X. COPIES OF TESTIMONY AND TRANSCRIPTS:

A. A complete verbatim transcript of the testimony presented at the hearing can be purchased from the Official Court Reporter, 20th Judicial Circuit, Lee County Justice Center. Fort Myers, Florida. The original documents and original file in connection with this matter are located at the Lee County Department of Community Development, 1831 Hendry Street, Fort Myers, Florida.

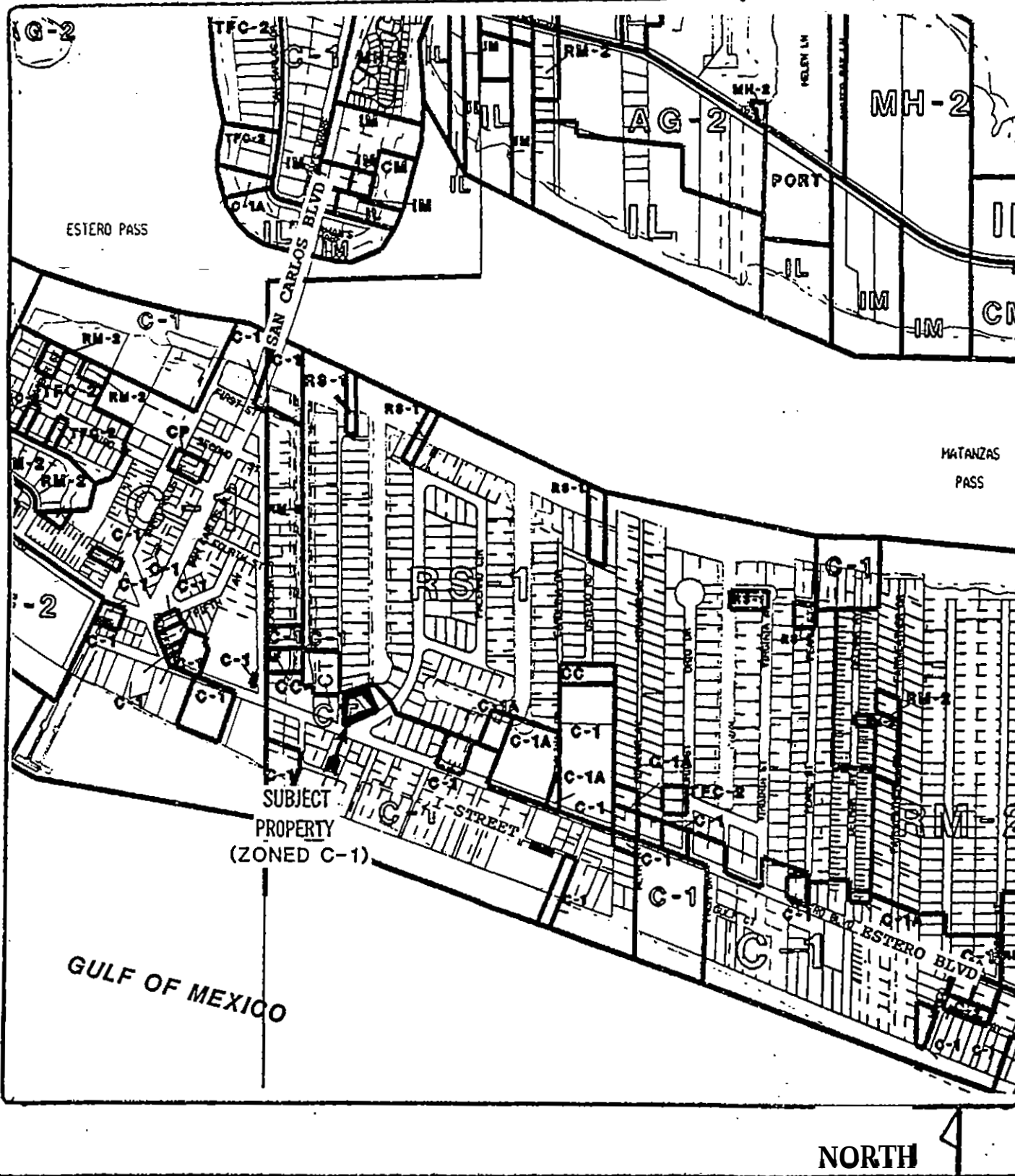
B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

This decision is rendered this 7th day of January, 1994. Copies of this decision will be delivered to the offices of the Lee County Board of County Commissioners.



DIANA M. PARKER
LEE COUNTY HEARING EXAMINER
2269 Bay Street
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: 813/338-3190

Adjacent.
Zoning



FT MYERS BEACH



93-12-23-SP-01

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 13- 09
SEZ2013-0001 - The Beached Whale

WHEREAS, applicant Marty Harrity has requested approval of a Special Exception in the DOWNTOWN zoning district to permit outdoor consumption on premises to include 626 ± square feet of a proposed new deck at the front of the existing building on the subject property; and

WHEREAS, the subject property is located at 1249 Estero Boulevard, Fort Myers Beach, FL 33931; and

WHEREAS, the applicant has indicated that the STRAP for the subject property is 19-46-24-W4-0060H.0300 and the legal description of the subject property is VENETIAN GARDENS BLK H PB 6 PG 70 LOTS 30 31+32+ PT LT 29; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on April 9, 2013; and

WHEREAS, at the hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-88.

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on June 3, 2013, at which time the Town Council gave full and complete consideration to the request of the Applicant, LPA Resolution 2013-003, the recommendations of Staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 30-88.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application and the standards for granting variances, the Town Council makes the following findings of fact and reaches the following conclusions:

The Town Council **APPROVES** the applicant's request for a Special Exception in the DOWNTOWN zoning district to permit outdoor consumption on premises to include 626 square feet or less of a proposed new deck at the front of the existing building on the subject property subject to the following conditions:

CONDITIONS OF APPROVAL:

1. *Consumption on premises is limited to the building located on the subject property at 1249 Estero Boulevard and proposed new lower outdoor deck depicted on the attached Exhibit F.*

2. *Hours of operation for consumption on premises shall be limited to the hours of 7:00 AM to 2:00 AM, daily for inside the building and 11:00 AM to 11:00 PM daily for the lower outdoor deck area.*
3. *No live music is permitted. Outdoor televisions shall be limited to from 11:00 AM to 11:00 PM daily.*
4. *Any proposed roof overhangs and/or projections must meet the Commercial Design Standards set forth in LDC Section 34-991 and specifically Section 34-995(e).*
5. *All work proposed to be done will require Limited Review Development Order and any other permits determined to be necessary at the time of permitting.*
6. *No required parking spaces, including required ADA spaces, may extend into the Town or Lee County right-of-way.*
7. *The applicant shall provide an impervious retention area under the proposed outdoor deck to assist with stormwater retention.*
8. *The outdoor seating on the proposed outdoor deck will at all times comply with current building, fire and life safety codes for tables and chairs.*
9. *All doors providing access from the existing restaurant to the proposed outdoor deck must remained closed, aside from regular ingress and egress functions, when indoor music is being played.*

FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-88 regarding consideration of eligibility for a special exception, the LPA recommends that the Town Council make the following findings and reach the following conclusions:

1. Changed or changing conditions **do not** exist that make the requested approval, as conditioned, appropriate;
2. The requested special exception, as conditioned, **is** consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan;
3. The requested special exception, as conditioned, **meets or exceeds** all performance and locational standards set forth for the proposed use;
4. The requested special exception, as conditioned, **will** protect, conserve, or preserve environmentally critical areas and natural resources;
5. The requested special exception, as conditioned, **will** be compatible with existing or planned uses and **will not** cause damage, hazard, nuisance or other detriment to persons or property;
6. The requested special exception, as conditioned, **will** be in compliance with the applicable general zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34.

The foregoing Resolution was adopted by the Town Council upon a motion by Councilmember List and seconded by Councilmember Raymond, and upon being put to a vote, the result was as follows:

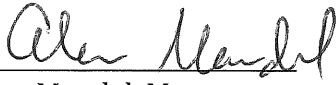
Alan Mandel, Mayor
Jo List
Dan Andre

AYE
AYE
AYE

Joe Kosinski, Vice Mayor
Bob Raymond

ABSTAIN
AYE

DULY PASSED AND ADOPTED THIS 3rd day of **JUNE, 2013.**

By: 
Alan Mandel, Mayor

Approved as to legal sufficiency:

By: 
Fowler, White, Boggs
Town Attorney

ATTEST:

By: 
Michelle Mayher
Town Clerk



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

This is a first part of a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: 1249 Estero Blvd
STRAP Number: 19-46-24-W4-0060H.0300
Applicant: The Whale Phone: 239-851-2274
Contact Name: Greg von Krumreig Phone: 239-851-2274
Email: Gregvonkrumreig@gmail.com Fax: _____
Current Zoning District: Downtown
Future Land Use Map (FLUM) Category: Pedestrian Commercial
FLUM Density Range: 6 Dwelling Units per Acre Platted Overlay: ☐ YES ☒ NO

ACTION REQUESTED

- ☒ Special Exception
☐ Variance
☐ Conventional Rezoning
☐ Planned Development ☐ Commercial ☐ Residential
☐ Master Concept Plan Extension
☐ Appeal of Administrative Action
☐ Vacation of Platted Right-of-way and Easement
☐ Other - cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A
PH-B
PH-C
PH-D
PH-E
PH-F
PH-G
attach on separate sheet

PART I - General Information

A. Applicant*: Greg von Krumreig Phone: 239-851-2274
**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.
Please see PART III to complete the appropriate Affidavit form for the type of applicant.*
Applicant Mailing Address: 131 Andre mar Dr. Fort Myers Beach FL 33931
Email: Gregvonkrumreig@gmail.com Fax: _____
Contact Name: Greg von Krumreig Phone: 239-851-2274



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

- | | | |
|--|---|--|
| ☐ Owner* | ☐ Land Trust* | ☐ Partnership* |
| ☐ Corporation* | ☐ Association* | ☐ Condominium* |
| ☐ Subdivision* | ☐ Timeshare Condo* | ☐ Contract Purchaser* |
| ☒ Authorized Representative* ☐ Other* (please indicate) _____ | | |

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.
Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: _____ Phone: _____
Address: _____
Email: _____ Fax: _____

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: _____ Phone: _____
Address: _____
Email: _____ Fax: _____

Name: _____ Phone: _____
Address: _____
Email: _____ Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☐ Variance from LDC Section _____ - _____
- ☐ Conventional Rezoning from _____ to _____
- ☐ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☒ Amendment. List the project number: Exception 13-09 SEZ2013-0001
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

☐ Appeal of Administrative Action

☐ Vacation

☐ Right-of-Way

☐ Easement

☐ Other. Please Explain: _____

PART III - Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV - Property Ownership (Single Owner)

☒ Single Owner (individual or husband and wife)

Name: Mike Miller Phone: 614-361-1982

Mailing Address: 290 Bahia Via, Fort Myers Beach FL 33931

Email: Mike@ideal-investments.com Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Gregory von Krumreig swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;

All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that

The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

[Signature]
Signature

Greg von Krumreig
Printed Name

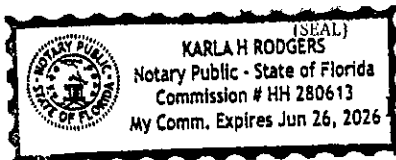
STATE OF Florida COUNTY OF Lee

The foregoing instrument was certified and subscribed before me by means of X physical

presence OR online notarization, this 17th day of April, 2023, by

Greg von Krumreig ☐ who is personally known to me OR ☒ who has produced

Driver license as identification.



[Signature]
Notary Public Signature

PART V

Property Ownership (Multiple Owners)

☐ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☐ Complete Disclosure of Interest Form (see below)
- ☐ Attach list of property owners as Exhibit 5-1
- ☐ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V - Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address

Mike Miller, 290 Bahia Via Fort Myers Beach FL 33931

Percentage Ownership

100%



COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address and Office

Percentage of Stock

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address

Percentage of Interest

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address

Percentage of Ownership

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address and Office

Percentage of Stock



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

_____	_____
Signature	Printed Name

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Gregory Von Krumreig (name), as Authorized Representative (title) of The Beached Whale INC (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

The Beached Whale INC

Name of Entity (corporation, partnership, LLP, LLC, etc)

Signature

Gregory von Krumreig

Typed or Printed Name

Authorized Representative

Title

Date

04/17/2023

STATE OF Florida COUNTY OF Lee

The foregoing instrument was certified and subscribed before me by means of A physical presence OR ☐ online notarization, this 17th day of April, 2023, by

Gregory von Krumreig ☐ who is personally known to me OR ☒ who has produced Driver license as identification.



Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 19-46-24-W4-0060H.0300

Property Address: 1249 Estero Blvd, Fort Myers Beach FL 33931

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee

County? ☒ No. Attach a legible copy of the legal description as Exhibit 6-1.

☐ Yes. Property identified in subdivision: _____

Book: _____ Page: _____ Unit: _____ Block: _____ Lot(s): _____

B. Boundary Survey:

☒ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 6-2.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 145 feet
Depth (please provide an average width if irregular in shape) 110 feet
Frontage on street: 150 feet. Frontage on waterbody: 0 feet
Total land area: 17,544 ☐ acres ☒ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

Approximately 0.40 Miles South from the base of Mantanzas pass bridge.

☐ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

- ☒ There are no deed restrictions and/or covenants on the subject property.
☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.
☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

- ☒ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.
☒ Attach a map showing the surrounding property owners as Exhibit 6-7.
☒ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

- | | |
|---|--|
| ☐ Low Density | ☐ Marina |
| ☐ Mixed Residential | ☐ Recreation |
| ☐ Boulevard | ☐ Wetlands |
| ☒ Pedestrian Commercial | ☐ Platted Overlay |



Case# _____

Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-A

Additional Required Information for a Special Exception Application

This is the second part of a two-part application. This part requests specific information for a special exception. Include this form with the Request for Public Hearing form.

Project Name: Amendment of The Whale Special Exception 13-09 SEZ2013-0001
Authorized Applicant: Greg von Krumreig
LEIPA STRAP Number(s): 19-46-24-W4-0060H.0300

Current Property Status: Vacant
Current Zoning: Downtown
Future Land Use Map (FLUM) Category: Pedestrian Commercial
Platted Overlay? ☐ yes ☒ no FLUM Density Range: 6 Units Per Acre

Requested Action:

☐ Use of premises in the EC (Environmentally Critical) zoning district for:
☐ Use of premises in the _____ zoning district for:



Case# _____

Date Received: _____

PART I
Narrative Statements

A. Request for: (indicate the proposed use that requires a special exception)

Amend Items 1, 2, 3, and 9 to the Special exception 13-09 SEZ 2013-0001.

B. Reasons for request: (state how the property qualifies for a special exception and what impact granting the request could have on surrounding properties. Direct these statements toward the guidelines in LDC Section 34-88)

The property qualifies for a Special Exception because:
This Special Exception was put into place with the previous structure that no longer exists.
We would like to be able to play amplified, live music that follow the guidelines of Ordinance No. 15-01. Including noise no high than Decibel levels of 72 before 10PM or 65 After 10PM, Measured at the property line. We would also like the consumption on premises clauses to be amended to be more in line with any other bar/restaurant throughout our zoning district.



The surrounding properties will likely be able to hear music throughout our hours of intended operations. This music will not be cumbersome, disruptive, or distressing in any way that would cause issue to any surrounding properties.

Page 121 of 178

For Consumption of Alcoholic Beverages (COP) license approval:

- a. Notarized authorization from the Property Owner to apply for permit
- b. A statement indicating the type of establishment, the type of state license to be acquired, and the planned hours of operation. Also indicate if the request includes outdoor seating areas and indicate the seating areas and capacity on the site plan.
- c. A map showing the locations of other properties within 500 feet of the request where consumption-on-premises uses are already in operation.
- d. The site plan must include the public entrances and exits to the building, the floor area and proposed seating capacity, and floor area and seating capacity of any areas within the building subdivided between restaurant and bar/lounge areas. The site plan should also indicate the parking area, including the spacing and the locations of entrances and exits.

For transit terminals:

The site plan must indicate the location of the bus stalls; commuter parking areas, if provided; taxi waiting stalls; circulation pattern for buses including the entrances and exits; and the location of any building(s) housing the terminal and waiting areas.

For use of the EC zoning district:

- a. If the location of the request is in the portion of the EC zoning district between Estero Boulevard and the Gulf of Mexico, provide a survey meeting the requirements of Chapter 62B-33.0081 of the Florida Administrative Code, also including the precise location of the (1978) Coastal Construction Setback Line for Estero Island recorded in Plat Book 33, Page 3, of the Official Records of Lee County, Florida.
- b. The site plan must indicate the precise location of the request on the subject property and any related details of the existing conditions or planned improvements to the subject property. For areas in the EC zoning district between Estero Boulevard and the Gulf of Mexico, the precise location of the request in relation to the (1978) Coastal Construction Setback Line must be shown on the site plan.



Case# _____

Date Received: _____

Guide to Filing Supplement PH-A for Special Exceptions

Case Number will be inserted by Community Development staff.

Project Name must be the same as the name used on the Request for Public Hearing form.

Authorized Applicant must be the same as on the Request for Public Hearing form.

STRAP numbers must be the same as on the Request for Public Hearing form.

Current status of property must be the same as on the Request for Public Hearing form.

Requested Action: Indicate the nature of the request and include the current zoning of the property.

Part 1 Narrative Statements:

"Request for..."

Indicate the nature of the request that requires a special exception, and explain why it requires a special exception. Describe the relationship of the requested use to any existing use(s) of the property, if applicable.

"The property qualifies for a special exception because..."

Explain why the request and the subject property qualify for a special exception. Address the standards for decision-making for special exceptions that are provided in the Land Development Code, as follows:

- Whether there exist changed or changing conditions which make approval of the request appropriate.
- Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- Whether the request meets or exceeds all performance and locational standards for the proposed use.
- Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.

- Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.

“Granting the requested special exception could impact surrounding properties as follows...”

Explain how this request, if granted for the subject property, could affect the surrounding properties and the existing or planned uses on those properties.

Submittal Requirements Check List and Filing Guide



A completed Public Hearing Application Form.



A completed Supplemental form PH-A.

Site Plan. The site plan should be to scale and should indicate the location of the request on the property. Existing buildings and other improvements (such as swimming pools, fences, decks, or parking lots) should also be shown on the site plan. The site plan should also indicate the existing uses on adjacent properties. Also include any additional relevant detail related to the specific request.

Guide to Filing Supplement PH-A for Special Exceptions

Case Number will be inserted by Community Development staff.

Project Name must be the same as the name used on the Request for Public Hearing form.

Authorized Applicant must be the same as on the Request for Public Hearing form.

STRAP numbers must be the same as on the Request for Public Hearing form.

Current status of property must be the same as on the Request for Public Hearing form.

Requested Action: Indicate the nature of the request and include the current zoning of the property.

Part 1 Narrative Statements: "Request for..."

Indicate the nature of the request that requires a special exception, and explain why it requires a special exception. Describe the relationship of the requested use to any existing use(s) of the property, if applicable.

"The property qualifies for a special exception because..."

Explain why the request and the subject property qualify for a special exception. Address the standards for decision-making for special exceptions that are provided in the Land Development Code, as follows:

- Whether there exist changed or changing conditions which make approval of the request appropriate.
- Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- Whether the request meets or exceeds all performance and locational standards for the proposed use.
- Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.
- Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.

"Granting the requested special exception could impact surrounding properties as follows..."

Explain how this request, if granted for the subject property, could affect the surrounding properties and the existing or planned uses on those properties.

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

Please submit required applications, supplemental information, exhibits and documents to zoningpermits@fmbgov.com.

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.



**Town of Fort Myers Beach
Agenda Item Summary**

Yellow Sheet Number: **2023-1096**

1. Requested Motion:

Meeting Date: June 13, 2023

Approve/ Approve with Conditions/ Deny Variance Request VAR 20230057 for the property located at 4830 Coral Rd requesting relief/variance from LDC Table 34-3 which requires that lots in the RS zoning district have minimum dimensions of 75'x100'

Why the action is necessary:

A lot may be split by either returning the lots to their originally platted dimensions, or by creating two new, conforming lots. Due to 13.5-feet being previously dedicated to an adjacent lot by a previous owner, the applicant cannot create two lots with dimensions that conform to today's standards (75' x 100').

What the action accomplishes:

The variance request would allow the lots to be created with non-compliant widths, but conforming depth.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

Lonne Letteri, the applicant for 4830 Coral Road, is requesting a variance from the Town's Land Development Code (LDC) Table 34-3 which requires that a lot in the RS zoning district have minimum dimensions of 75-feet wide, and 100-feet deep. When the lots in-question (lots 8 & 9) were originally platted they had dimensions of 53-feet wide by 110-feet deep and were later combined into a single lot, with a 13.5-foot portion of lot 8 dedicated to the neighbor on lot 7 (4838 Coral Rd). The modifications to the lot boundaries were completed prior to the applicant purchasing the property in 2002.

Attachments:

1. Application and Architectural Package
2. 4830 Coral Rd_VAR LPA staff report 2

Financial Impact:

N/A

6. Alternative Action

7. Staff Recommendations:

N/A

8. Recommended Approval:

Steve Poposki, Community Development Director

Date: June 05, 2023

John R Herin Jr, Town Attorney

Date: June 07, 2023

Amy Baker, Town Clerk

Date: June 07, 2023



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

This is a first part of a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: 4830 Coral Rd. Ft Myers Beach, FL 33931
STRAP Number: 28-46-24-W4-0010A.0080
Applicant: Lonne Letteri Phone: 239-229-9873
Contact Name: Lonne Letteri Phone: 239-229-9873
Email: Lonnesigns@embargo.com Fax: 239-415-0042
Current Zoning District: RS
Future Land Use Map (FLUM) Category: low Density
FLUM Density Range: 4 Platted Overlay: ☐ YES ☒ NO

ACTION REQUESTED

- ☐ Special Exception
☒ Variance
☐ Conventional Rezoning
☐ Planned Development ☐ Commercial ☐ Residential
☐ Master Concept Plan Extension
☐ Appeal of Administrative Action
☐ Vacation of Platted Right-of-way and Easement
☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A
PH-B
PH-C
PH-D
PH-E
PH-F
PH-G
attach on separate sheet

PART I – General Information

A. Applicant*: Lonne Letteri Phone: 239-229-9873

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.
Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

Applicant Mailing Address: 4830 Coral Rd. Ft Myers Beach, FL 33931

Email: Lonnesigns@embargo.com Fax: 239-415-0042

Contact Name: Lonne Letteri Phone: 239-229-9873



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

- | | | |
|---|---|--|
| ☒ Owner* | ☐ Land Trust* | ☐ Partnership* |
| ☐ Corporation* | ☐ Association* | ☐ Condominium* |
| ☐ Subdivision* | ☐ Timeshare Condo* | ☐ Contract Purchaser* |
| ☐ Authorized Representative* | ☐ Other* (please indicate) _____ | |

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.
Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II - Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☒ Variance from LDC Section _____ - TABLE 34-3
- ☐ Conventional Rezoning from _____ to _____
- ☐ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☐ Amendment. List the project number: _____
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

☐ Appeal of Administrative Action

☐ Vacation

☐ Right-of-Way

☐ Easement

☐ Other. Please Explain: _____

PART III - Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV - Property Ownership (Single Owner)

☒ Single Owner (individual or husband and wife)

Name: Lonne Letteri Phone: 239-229-9873

Mailing Address: 4830 Coral Rd. Ft. Myers Beach, FL 33931

Email: LonneSigns@comcast.net Fax: 239-415-0042

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Lonne Letteri swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;

All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;



COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that

The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Signature

Printed Name

Lonne Letteri

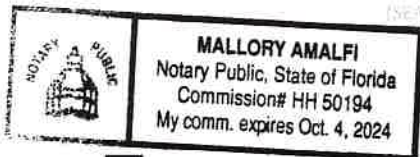
STATE OF FL COUNTY OF Lee

The foregoing instrument was certified and subscribed before me by means of ☒ physical

presence OR ☐ online notarization, this 19 day of April, 2023, by

Lonne Letteri ☐ who is personally known to me OR ☐ who has produced

FLD as identification.

Notary Public Signature

PART V

Property Ownership (Multiple Owners)

☐ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☐ Complete Disclosure of Interest Form (see below)
- ☐ Attach list of property owners as Exhibit 5-1
- ☐ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V - Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address

Percentage of Interest

_____ <i>Angela Brown</i>	_____ <i>50 %</i>
_____ <i>ISABELLA LETTERI</i>	_____ <i>50 %</i>
_____	_____
_____	_____

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address

Percentage of Ownership

_____	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name

Address

_____	_____
_____	_____
_____	_____
_____	_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature

Printed Name

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Lonne Letteri (name), as Trustee (title)
of Lonne M Letteri Revocable Trust (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Lonne M. Letteri Revocable Trust
Name of Entity (corporation, partnership, LLP, LLC, etc)

[Signature]
Signature

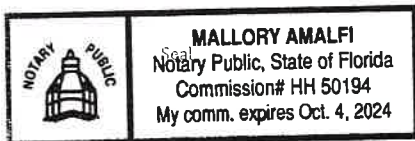
President
Title

Lonne Letteri
Typed or Printed Name

4/19/23
Date

STATE OF FL COUNTY OF Lee

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 19 day of April, 2023, by Lonne Letteri ☐ who is personally known to me OR ☒ who has produced FIDL as identification.



[Signature]
Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 28-46-24-W4-0010A. 0080

Property Address: 4830 Coral Rd. Ft Myers Beach, FL 33931

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? ☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☒ Yes. Property identified in subdivision: Holiday Shores

Book: 9 Page: 33 Unit: N/A Block: A Lot(s): 849

B. Boundary Survey:

☒ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 6-2.



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 92.52 feet
Depth (please provide an average width if irregular in shape) 110' feet
Frontage on street: 92.52 feet. Frontage on waterbody: N/A feet
Total land area: 10,177.20 ☐ acres ☒ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

From The Sky Bridge Head South Down Estero Blvd
1 Street South of Publix Make A LEFT Turn on
Bayland Rd. Make Another LEFT Turn on Local Rd.
It is the 2nd to The last Property on The LEFT Side.
Near The Dead End of Publix Fence line

☐ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

- ☐ There are no deed restrictions and/or covenants on the subject property.
☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.
☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

- ☒ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.
☒ Attach a map showing the surrounding property owners as Exhibit 6-7.
☒ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

- | | |
|---|--|
| ☒ Low Density | ☐ Marina |
| ☐ Mixed Residential | ☐ Recreation |
| ☐ Boulevard | ☐ Wetlands |
| ☐ Pedestrian Commercial | ☐ Platted Overlay |



Case # _____

Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

This is the second part of a two-part application. This part requests specific information for a variance. Include this form with the Request for Public Hearing form.

Case Number:
Project Name: <i>Lonne Letteri</i>
Authorized Applicant:
LeePA STRAP Number: <i>28-46-24-44-0010A. 0080</i>

Current Property Status: <i>2 lots Combined TO1 with 2 Separate Houses</i>
Current Zoning: <i>R/S</i>
Future Land Use Map (FLUM) Category:
Comp Plan Density: _____ Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number

Title of Section or Subsection

<i>TABLE 34.3</i>

Complete the narrative statements below for EACH variance requested.

PART I
Narrative Statements

Request for variance from _____ (LDC Section number)

Explain the specific regulation contained in this section from which relief is sought:

Asking For A VARIANCE For Minimum lot width in Single Family RS Zone

Reasons for request

Explain why the variance is needed:

This property was Originally Platted AS 2 Seperate lots in a Single Family Home Subdivision. These lots were Combined To Make 1 large lot. I would like To make Them 2 Seperate Single Family Home lots Again.

Explain the possible effect the variance, if granted, would have on surrounding properties:

IF GRANTED THIS VARIANCE IT WOULD BE A LARGE IMPROVEMENT TO THE NEIGHBORHOOD. CURRENTLY ON THIS PROPERTY THERE ARE 2 HOUSES ENCRDACHING ON THE PROPERTY LINE SETBACKS. BEFORE I PURCHASED IT THIS PROPERTY WAS USED FOR SHORT TERM & MULTI FAMILY RENTALS. I WANT TO BUILD SINGLE FAMILY HOMES ON THEIR OWN SEPERATE LOTS THE WAY THEY WERE ORIGINALLY ATTENDED TO MATCH THE REST OF THE NEIGHBORHOOD

Explain the hardship (what is unique about the property) that justifies relief from the regulation:

CURRENTLY THE HOUSES ON THIS PROPERTY ARE BUILT CLOSE TO THE PROPERTY LINES & NEIGHBORING HOUSES ENCRDACHING ON THE CURRENT SETBACK REQUIREMENTS. IT HAS A 3 CAR WIDE DRIVEWAY, LARGE CONCRETE POOL DECK & A SWIMMING POOL BUILT IN FRONT OF 1 OF HOUSES. THIS PROPERTY EXCEEDS THE PVIOUS CRITERIA. IT DOES NOT MATCH THE ZONING OF THE REST OF THE NEIGHBORHOOD

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.

This Property was originally Platted as 2 Separate lots, was Combined Back when The Existing Structures were Built. These Houses Have 2 Separate FPL Services + Meters + 2 Separate Water Meters. Being A Multi-structure property it Does Not Fit With The Rest of The Subdivision. I would like To split The lots Back into 2 Separate Single Family Residential lots To Build 2 New Elevated House TO Current Building Codes To Match the Rest of The Subdivision

PART 2

Submittal Requirements

All applications for a variance must be submitted electronically through our Iworq portal - [iworq \(talktomycity.com\)](http://iworq.talktomycity.com)

Required Items

- Public Hearing Request Form
- Supplemental form PH-B
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; and a clear illustration of the proposed variance
- Fee in the amount of \$1800.00 (residential)/Additional Variance \$500.00
- Variance (non-residential) \$2800.00/ Additional Variance \$700.00

Guide to filing PH-B Additional Required Information for a Variance Application

Cover page

Case Number will be inserted by Community Development staff.

Project Name must be the same as the name used on the Request for Public Hearing form.

Applicant must be the same as on the Request for Public Hearing form.

STRAP numbers must be the same as on the Request for Public Hearing form.

Current status of property must be the same as on the Request for Public Hearing form.

“Variance is requested from...” Provide the section number and title of each section of the Fort Myers Beach Land Development Code from which a variance is being sought.

Narrative statements

If the application is for multiple variances, complete all of the narrative statements for each variance that is requested.

Site plan

The site plan must show all existing structures on the site; all existing structures within 100 feet of the perimeter boundary of the site; and a clear illustration of the proposed variance.

LDC Section 34-87

The guidelines for decision-making regarding a request for a variance are as follows:

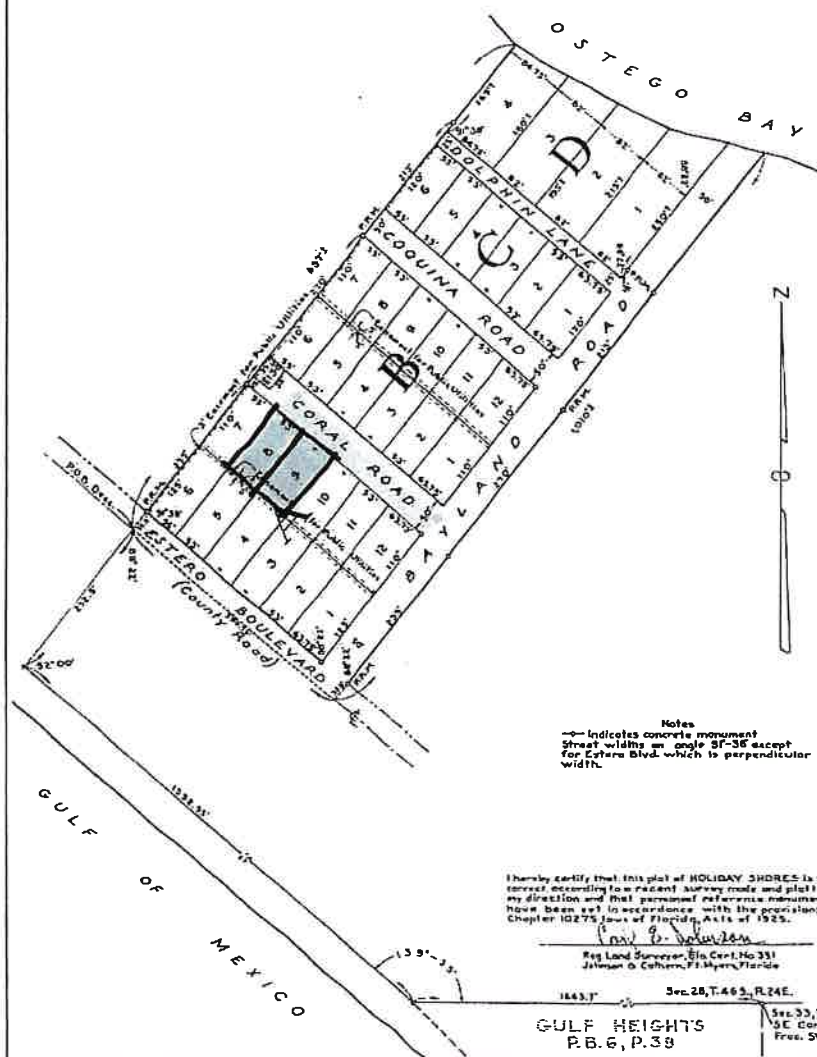
1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a *de minimis* variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;
2. Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question;
3. Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;
4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare;
5. Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Exhibit 6-1

HOLIDAY SHORES

A SUBDIVISION IN
U. S. LOT 2, SECTION 28, T.46 S., R.24 E.
ESTERO ISLAND, LEE COUNTY, FLORIDA
Scale: 1"=100'

July 1951



DESCRIPTION

A parcel of land in U.S. Lot 2, Section 28, T.46 S., R.24 E. on Estero Island described as follows:
From the southeast corner of the fractional southwest quarter of said Section 28 run west along the south boundary of said section 1643.7 feet; thence run northwesterly, at measured angle of 159° 35' (35° 35' in deed) east to north-west with said section line, for 1315.58 feet; thence run northwesterly at angle of 31° 00' southeasterly to northerly with the last mentioned course, for 138.3 feet; in the center line of the County Road or Estero Boulevard and the point at beginning of the lands herein described, from said point of beginning deflect 91° 35' northeast to southeast from the last mentioned course and run southeasterly along the center line of Estero Boulevard for 380.75 feet; thence run northwesterly for 1010 feet more or less to the waters of Ostego Bay; thence run northwesterly along said waters to an intersection with a line extending northwesterly, at an angle of 90° 35' southeast to northeast with Estero Boulevard, from the point of beginning; thence run southeasterly along said line for 837 feet more or less to the point of beginning.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that Mildred F. Miller and her husband Guy R. Miller the owners of the herein described lands have caused this plat of HOLIDAY SHORES to be made and do hereby dedicate to the perpetual use of the public all roads, streets, boulevard and/or lanes shown hereon.

IN WITNESS WHEREOF the owners have hereunto set their hands and seals upon this 10th day of July A.D. 1951.

WITNESS: Carl B. Johnson Mildred F. Miller SEAL
WITNESS: Seamus J. Allen Guy R. Miller SEAL

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF LEE
I HEREBY CERTIFY that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared Mildred F. Miller and her husband Guy R. Miller, known to me to be the persons described in, and who executed the foregoing dedication and they acknowledged before me that they executed the same for the purposes and uses therein mentioned.
WITNESS my hand and official seal at Fort Myers, said County and State this 10th day of July A.D. 1951.

Seamus J. Allen
Notary Public, State of Florida at large
My Commission expires MAR. 31, 1954.

APPROVALS

This plat accepted this 10th day of July 1951 in open meeting of the Board of County Commissioners of Lee County, Florida.

Approved: [Signature] Chairman
[Signature] Clerk

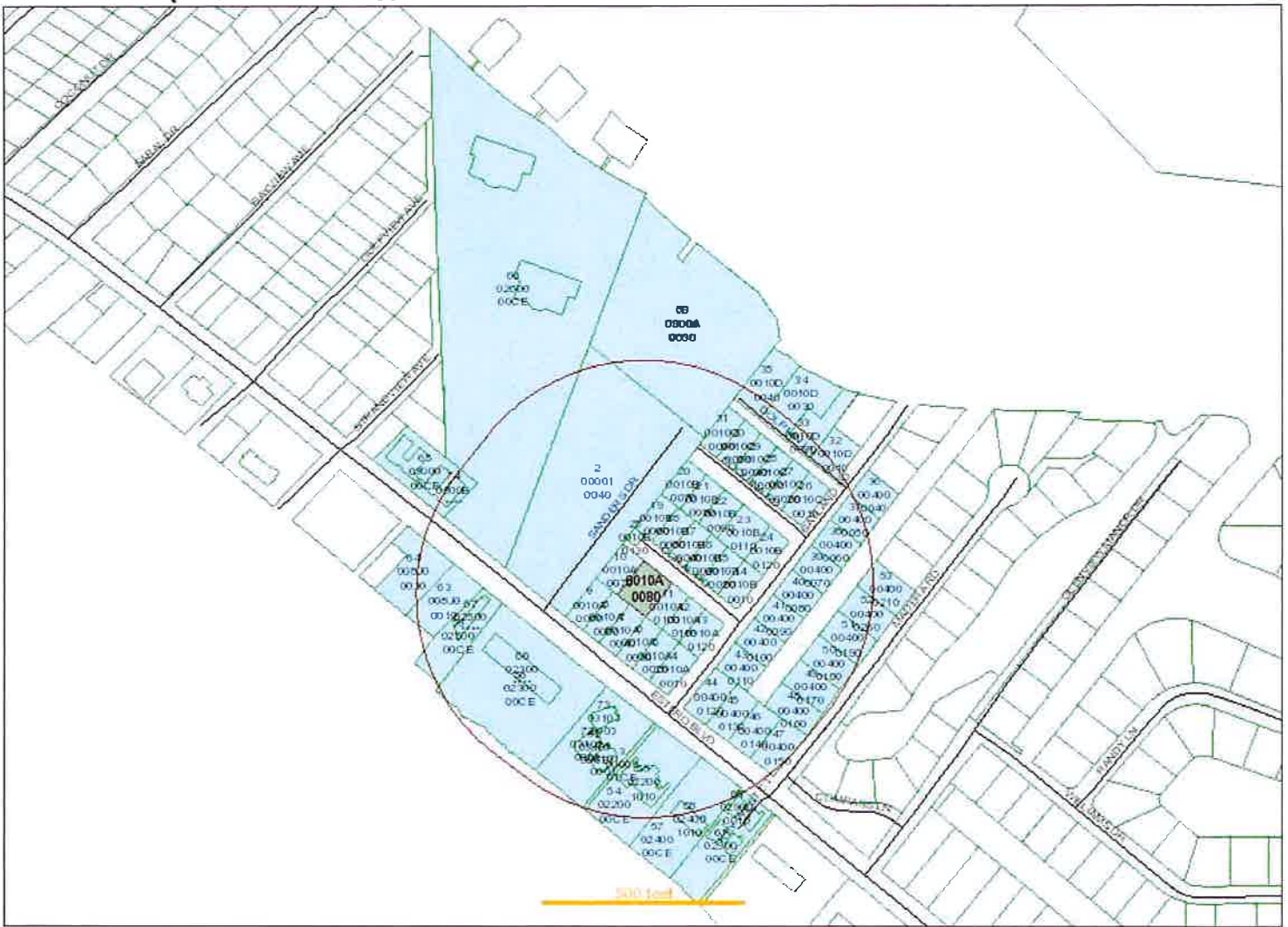
I HEREBY CERTIFY that this plat of HOLIDAY SHORES has been examined by me and from my examination I find that said plat complies in form with the requirements of Chapter 10275, laws of Florida, Acts of 1925.
I FURTHER CERTIFY that said plat was filed for record at 12:45 PM this 20th day of July 1951 and duly recorded in Plat Book No. 9, at Page 33 of the public records of Lee County, Florida.
[Signature]
Clerk of the Circuit Court in and for Lee County

I hereby certify that this plat of HOLIDAY SHORES is true and correct according to a recent survey made and plotted under my direction and that permanent reference monuments (P.R.M.'s) have been set in accordance with the provisions of Sec. 7, Chapter 10275, laws of Florida, Acts of 1925.

Carl B. Johnson
Reg. Land Surveyor, Eln. Cert. No. 331
Juleson O. Culbert, Ft. Myers, Florida

1643.7' Sec. 28, T.46 S., R.24 E.
GULF HEIGHTS P.B. 6, P. 39
Sec. 33, T.46 S., R.24 E.
SE Cor. Free. SW 1/4 Sec. 28 134598

Page 144 of 178



Date of Report: April 26, 2023

Buffer Distance: 500 feet

Parcels Affected: 156

Subject Parcel: 28-46-24-W4-0010A.0080

[Click here to download the map image, mailing labels \(Avery 5161\) and CSV formatted information.](#)

To change, add or remove subject parcels please change the parcel selection in [GeoView](#)

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
ST SNOOK BIGHT LLC 17330 PRESTON RD STE 220A DALLAS TX 75252	28-46-24-W4-00001.0030 4761/4765 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SW 1/4 DESC OR 3280 PG 2023	1
PUBLIX SUPER MARKETS INC EXPENSE PAYABLES LEASE TEAM PO BOX 32018 LAKELAND FL 33802	28-46-24-W4-00001.0040 4791 ESTERO BLVD FORT MYERS BEACH FL 33931	PAR IN SW 1/4 DESC OR 3181 PG 2220	2
ALL FUTURE OWNERS OF LANDS ESTERO BLVD FORT MYERS BEACH FL 33931	28-46-24-W4-00009.01CE ALL FUTURE OWNERS OF LAND C/E FORT MYERS BEACH FL 33931	PUBLIC WALKWAYS DESC DB 219 PG 82 C/E	3
WHITMORE ROY C TR 55 MADISON AVE ATHENS OH 45701	28-46-24-W4-0010A.0010 4851 ESTERO BLVD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK A PB 9 PG 33 LOT 1	4
MARCHESE FRANK + PO BOX 901 BUFFALO NY 14215	28-46-24-W4-0010A.0020 4845/4847 ESTERO BLVD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK A PB 9 PG 33 LOT 2	5
FONSECA JOSE R & IRMA E	28-46-24-W4-0010A.0030	HOLIDAY SHORES	6

19220 AQUA SHORES DR. FORT MYERS FL 33913	4841 ESTERO BLVD FORT MYERS BEACH FL 33931	BLK A PB 9 PG 33 LOT 3	
PAINE JOSEPH C & KAREN M 4839 ESTERO BLVD FORT MYERS BEACH FL 33931	28-46-24-W4-0010A.0040 4839 ESTERO BLVD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK A PB 9 PG 33 LOT 4	7
MDR BEACH PROPERTIES LLC 5917 US 36 E GREENVILLE OH 45331	28-46-24-W4-0010A.0050 4805 ESTERO BLVD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK A PB 9 PG 33 LOT 5	8
MAHER MARGARITA 913 NORTH ST FORT MYERS BEACH FL 33931	28-46-24-W4-0010A.0060 4801 ESTERO BLVD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK A PB 9 PG 33 LOT 6	9
MESIROW BUNNIE R TR 4838 CORAL RD FORT MYERS BEACH FL 33931	28-46-24-W4-0010A.0070 4838 CORAL RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK A PB 9 PG 33 LOT 7 + NWLRY 13.5 FT OF LOT 8	10
SCHLOTTMAN DAVID & CHERI 4850 CORAL RD FORT MYERS BEACH FL 33931	28-46-24-W4-0010A.0100 4850 CORAL RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK A PB 9 PG 33 LOT 10	11
LETTERI NANCY J TR 4870 CORAL RD FORT MYERS BEACH FL 33931	28-46-24-W4-0010A.0110 4870 CORAL RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK A PB 9 PG 33 LOT 11 + NWLY 11.4FT LOT 12	12
BOLING ED + 2225 WILDWOOD WAY TOOL TX 75143	28-46-24-W4-0010A.0120 311 BAYLAND RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK A PB 9 PG 33 LOT 12 LESS NWLY 11.4FT	13
HENNEBERGER NANCY S TR 7560 OMNI LN APT 108 FORT MYERS FL 33905	28-46-24-W4-0010B.0010 313 BAYLAND RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOT 1	14
DANKS CYNTHIA M & KENNETH J 5557 ESTERO BLVD FORT MYERS BEACH FL 33931	28-46-24-W4-0010B.0020 4871 CORAL RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOT 2	15
CELANO MATTHEW & MARY LEIGH 409 ENGLISH LAKE DR WINTER GARDEN FL 34787	28-46-24-W4-0010B.0030 4841 CORAL RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOT 3	16
COOK DONALD W & 4831 CORAL RD UNIT 33 FORT MYERS BEACH FL 33931	28-46-24-W4-0010B.0040 4831 CORAL RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOT 4	17
FLICK SONDR A C 4821 CORAL RD FORT MYERS BEACH FL 33931	28-46-24-W4-0010B.0050 4821 CORAL RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOT 5	18
GLEASON ANGELA 4811 CORAL RD FORT MYERS BEACH FL 33931	28-46-24-W4-0010B.0060 4811 CORAL RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOT 6	19
RAYMOND DONNA M TR 18020 SAN CARLOS BLVD #62 FORT MYERS BEACH FL 33931	28-46-24-W4-0010B.0070 4810 COQUINA RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOT 7 + PT LOT 8	20
LOOKHART DANIEL ANDREW 5450 44TH AVE GREELEY CO 80634	28-46-24-W4-0010B.0080 4830 COQUINA RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOTS PT 8 + 9	21
EGAN TERENCE & DEBORAH 4850 COQUINA RD FORT MYERS BEACH FL 33931	28-46-24-W4-0010B.0090 4850 COQUINA RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOTS PT 9 + 10	22
GARZELLONI JOHN JR 1413 SWINNEY PARK PL FORT WAYNE IN 46802	28-46-24-W4-0010B.0110 4870 COQUINA RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOT 11 + SELY 34 FT LOT 10	23
FYLE THOMAS R TR 4880 COQUINA RD FORT MYERS BEACH FL 33931	28-46-24-W4-0010B.0120 4880 COQUINA RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOT 12	24
GLEASON ANGELA J 4811 CORAL RD FORT MYERS BEACH FL 33931	28-46-24-W4-0010B.0130 4809 CORAL RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK B PB 9 PG 33 LOT 13	25

SIMMONS CARLEEN J 315 BAYLAND RD FORT MYERS BEACH FL 33931	28-46-24-W4-0010C.0010 315 BAYLAND RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK C PB 9 PG 33 LOT 1	26
PARMER ANITA G 4870 DOLPHIN LN FORT MYERS BEACH FL 33931	28-46-24-W4-0010C.0020 4870 DOLPHIN LN FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK C PB 9 PG 33 LOT 2	27
MILLS MICHAEL RYAN + 4861 COQUINA RD FORT MYERS BEACH FL 33931	28-46-24-W4-0010C.0030 4861 COQUINA RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK C PB 9 PG 33 LOT 3	28
SEYMOUR JANET G 4841 COQUINA RD FORT MYERS BEACH FL 33931	28-46-24-W4-0010C.0040 4841 COQUINA RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK C PB 9 PG 33 LOT 4	29
BOHN EDWARD & KYLIE PO BOX 1216 ESTERO FL 33929	28-46-24-W4-0010C.0050 4831 COQUINA RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK C PB 9 PG 33 LOT 5	30
DE LEON LORENZO M 18481 NW 21ST ST PEMBROKE PINES FL 33029	28-46-24-W4-0010C.0060 4811 COQUINA RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK C PB 9 PG 33 LOT 6	31
FREEMAN NADINE M 395 BAYLAND RD FORT MYERS BEACH FL 33931	28-46-24-W4-0010D.0010 375 BAYLAND RD FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK D PB 9 PG 33 LOT 1 LESS PARL .001A	32
ROBERTSON CHRISTOPHER & 4855 DOLPHIN LN FORT MYERS BEACH FL 33931	28-46-24-W4-0010D.0020 4855 DOLPHIN LN FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK D PB 9 PG 33 LOT 2 LESS PAR 2-A	33
CHANACK PROPERTIES LLC 766 LAPLAND RD WATERVILLE VT 05492	28-46-24-W4-0010D.0030 4851 DOLPHIN LN FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK D PB 9 PG 33 POR OF LOT 2 FR SELY COR + LOT 3	34
AMOS ROY A 4841 DOLPHIN LN FORT MYERS BEACH FL 33931	28-46-24-W4-0010D.0040 4841 DOLPHIN LN FORT MYERS BEACH FL 33931	HOLIDAY SHORES BLK D PB 9 PG 33 LOT 4	35
OLSON KEITH TR 370 BAYLAND RD FORT MYERS BEACH FL 33931	28-46-24-W4-00400.0040 370 BAYLAND RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 4	36
MAREK PHILIP CHARLES TR 4370 MARIN WOODS UNIT C PORT CLINTON OH 43452	28-46-24-W4-00400.0050 360 BAYLAND RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 5	37
DANIEL DONALD M & BARBARA A TR 350 BAYLAND RD FORT MYERS BEACH FL 33931	28-46-24-W4-00400.0060 350 BAYLAND RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 6	38
OHLEMACHER LOIS A TR 310 VASSAR AVE ELYRIA OH 44035	28-46-24-W4-00400.0070 340 BAYLAND RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 7	39
MCKNIGHT KATHERINE S & 330 BAYLAND RD FORT MYERS BEACH FL 33931	28-46-24-W4-00400.0080 330 BAYLAND RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 8	40
NEDDO THOMAS A JR TR 320 BAYLAND RD FORT MYERS BEACH FL 33931	28-46-24-W4-00400.0090 320 BAYLAND RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 9	41
TAGUE ARLYCE J TR 310 BAYLAND RD FORT MYERS BEACH FL 33931	28-46-24-W4-00400.0100 310 BAYLAND RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 10	42
ROBERTSON DONNA M TR 2825 SILVER LN NE SAINT ANTHONY MN 55421	28-46-24-W4-00400.0110 300 BAYLAND RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 11	43
SCOGNO DOUGLAS J & 15 JULIANA DR ABSECON NJ 08201	28-46-24-W4-00400.0120 4901 ESTERO BLVD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 12	44

PARZYCH JEFFREY G & 4903 ESTERO BLVD FORT MYERS BEACH FL 33931	28-46-24-W4-00400.0130 4903 ESTERO BLVD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 13	45
YZAGUIRRE CYNTHIA O L/E 808 E MAIN ST IMMOKALEE FL 34142	28-46-24-W4-00400.0140 4963 ESTERO BLVD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 14	46
BARBA ARMANDO J & 16541 SW 153RD PL MIAMI FL 33187	28-46-24-W4-00400.0150 4969 ESTERO BLVD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 15	47
DEROMA JAMES F & DIANNE K 45800 POINT OF VIEW RD CABLE WI 54821	28-46-24-W4-00400.0160 21750 MADERA RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 16	48
CHAN DAVID P & SUSAN M + 24 BAYVIEW BLVD FORT MYERS BEACH FL 33931	28-46-24-W4-00400.0170 21730 MADERA RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 17	49
GARVEY DANIEL C 3420 GEORGE CT WEST BEND WI 53095	28-46-24-W4-00400.0180 21710 MADERA RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 18	50
KLEIN RAYMOND J JR & DONNA 21690 MADERA RD FORT MYERS BEACH FL 33931	28-46-24-W4-00400.0190 21690 MADERA RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 19	51
BAKER RICHARD S TR 4135 BEXLEY DR BROOKFIELD WI 53045	28-46-24-W4-00400.0200 21670 MADERA RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 20	52
MI FORMULA FIVE LLC 5365 WALNUT HILLS DR BRIGHTON MI 48116	28-46-24-W4-00400.0210 21650 MADERA RD FORT MYERS BEACH FL 33931	BAYLAND HEIGHTS PB 11 PG 48 LOT 21	53
ISLAND TOWERS CONDO 4900 ESTERO BLVD FORT MYERS BEACH FL 33931	28-46-24-W4-02200.00CE 4902 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND TOWERS CONDO COMMON AREA DESC OR 1291 PG 0265 + CPB 5 PG 189	54
ISLAND TOWERS CONDO ASSOC INC RAL PROPERTY MGMT ATTN: JOHN SHAW 17810 SAN CARLOS BLVD FORT MYERS BEACH FL 33931	28-46-24-W4-02200.1010 4900 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND TOWERS CONDO A TIME-SHARE OR 1291 PG 0265 UNIT 101 THRU 607 (39 UNITS)	55
SEASIDE CONDO ASSOCIATION 4770 ESTERO BLVD FORT MYERS BEACH FL 33931	28-46-24-W4-02300.00CE SEASIDE CONDO C/E FORT MYERS BEACH FL 33931	SEASIDE CONDO COMMON AREA AS DESC IN OR 1370 PG 413	56
KAHLUA BEACH CLUB CONDO 4950 ESTERO BLVD FORT MYERS BEACH FL 33931	28-46-24-W4-02400.00CE 4952 ESTERO BLVD FORT MYERS BEACH FL 33931	KAHLUA BEACH CLUB CONDO COMMON AREA OR 1270 PG 330 + CPB 5 PG 144- 146	57
KAHLUA BEACH CLUB CONDO 4950 ESTERO BLVD FORT MYERS BEACH FL 33931	28-46-24-W4-02400.1010 4950 ESTERO BLVD FORT MYERS BEACH FL 33931	KAHLUA BEACH CLUB CONDO A TIME-SHARE OR 1270 PG 0330 UNIT 101 THRU 506 (27 UNITS)	58
SHORES OF FT MYERS BEACH CONDO ASSOCIATION 221 HILLBROOK DR SHEPHERDSVILLE KY 40165	28-46-24-W4-02500.00CE SHORES OF FT MYERS BEACH CONDO C/E FORT MYERS BEACH FL 33931	SHORES OF FT MYERS BEACH CONDO COMMON AREA DESC IN OR 1584 PG 2287	59
OCEAN HARBOR CONDO OF FIRST SERVICE RESIDENTIAL 10600 CHEVROLET WAY STE 202 ESTERO FL 33928	28-46-24-W4-02600.00CE 4741 ESTERO BLVD FORT MYERS BEACH FL 33931	OCEAN HARBOR CONDO PH I + II DESC OR 2265 PG 0538 C/E POOL-TENNIS	60
KEY WEST COURTYARDS 7300 S 13TH ST STE 101 OAK CREEK WI 53154	28-46-24-W4-02900.00CE 248 KEY WEST CT FORT MYERS BEACH FL 33931	PARCEL IN SW 1/4 OF SECT LYING SWLY OF ESTERO BLVD	61

		AS DESC IN OR 4762 PG 2387 COMMON ELEMENTS	
BENT PALMS OF FORT MYERS BEACH 4852 ESTERO BLVD FORT MYERS BEACH FL 33931	28-46-24-W4-03100.00CE ESTERO BLVD FORT MYERS BEACH FL 33931	BENT PALMS OF FORT MYERS BEACH AS DESC IN INST# 2014000037107 COMMON ELEMENTS	62
SYSTEMS MANAGEMENT LLC PO BOX 526 LAVONIA GA 30553	29-46-24-W3-008J0.0010 4730 ESTERO BLVD FORT MYERS BEACH FL 33931	HYDE PARK BLKJ PB7 PG20 PT LTS 1+2+3+6+PAR IN SEC 28 DESC OR 1268 PG 1181	63
METCALFE NICK & CLAUDIA SAARBURGSTR 2 GRAEFELFING 82166 GERMANY	29-46-24-W3-008J0.0030 4690/4700 ESTERO BLVD FORT MYERS BEACH FL 33931	HYDE PARK BLK J PB 7 PG 20 LOTS 3 4 + 6	64
WHITE CAP CONDOMINIUM ASSN INC 12230 CHATEAU CT FISHERS IN 46037	29-46-24-W3-03000.00CE WHITE CAP CONDOMINIUM C/E FORT MYERS BEACH FL 33931	WHITE CAP CONDOMINIUM DESC IN INST#2007-216342 COMMON ELEMENT	65
CONNECT PROPERTIES LLC 406 POLK ST IOWA FALLS IA 50126	28-46-24-W4-02300.1010 4770 ESTERO BLVD #101 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 101	66
ERLANDER JAMES C TR 4770 ESTERO BLVD UNIT 102 FORT MYERS BEACH FL 33931	28-46-24-W4-02300.1020 4770 ESTERO BLVD #102 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 102	66
SEASIDE VACATIONS FT MYERS LLC 1005 NORTH WATER ST BAY CITY MI 48708	28-46-24-W4-02300.1030 4770 ESTERO BLVD #103 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 103	66
ANDERSON BETTY J TR BRIAN ANDERSON 7945 PERRY LAKE RD CLARKSTON MI 48348	28-46-24-W4-02300.1040 4770 ESTERO BLVD #104 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 104	66
PROVENZALE DONALD J & 8S051 CREEK DR NAPERVILLE IL 60540	28-46-24-W4-02300.1050 4770 ESTERO BLVD #105 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 105	66
TEUSINK PHILIP R 47 S KENSINGTON PL SPRINGFIELD OH 45504	28-46-24-W4-02300.1060 4770 ESTERO BLVD #106 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 106	66
FMB SEASIDE LLC 604 HUNTINGTON DR S SARTELL MN 56377	28-46-24-W4-02300.1070 4770 ESTERO BLVD #107 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 107	66
PARADISE POINT PROPERTIES LLC DOUG DANIEL 406 POLK ST IOWA FALLS IA 50126	28-46-24-W4-02300.1080 4770 ESTERO BLVD #108 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 108	66
MCKEON JOHN J 175 BERLIN AVE #73 SOUTHINGTON CT 06489	28-46-24-W4-02300.1090 4770 ESTERO BLVD #109 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 109	66
FLIS TERENCE B + 1133 FORESTVALE DR BURLINGTON ON L7P 3G6 CANADA	28-46-24-W4-02300.1100 4770 ESTERO BLVD #110 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 110	66
BAKKE ROBERT 4735 FREMONT AVE S MINNEAPOLIS MN 55419	28-46-24-W4-02300.2010 4770 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 201	66
BAKKE ELIZABETH LEE & 4735 FREMONT AVE S MINNEAPOLIS MN 55419	28-46-24-W4-02300.2020 4770 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 202	66
GRILLO STEVEN G 16 SMALLBROOK CIR RANDOLPH NJ 07869	28-46-24-W4-02300.2030 4770 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 203	66

LLB INVESTMENT GROUP LLC 940 NW 201ST TER PEMBROKE PINES FL 33029	28-46-24-W4-02300.2040 4770 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 204	66
HUSEBY LINDA + 913 S 12TH ST MONTEVIDEO MN 56265	28-46-24-W4-02300.2050 4770 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 205	66
ALVERO CAESAR & ALICIA M 21346 33RD AVE BAYSIDE NY 11361	28-46-24-W4-02300.2060 4770 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 206	66
LIOTTA SALVATORE & CONCETTA 6 OAK BROOK CLUB DR APT J101 OAK BROOK IL 60523	28-46-24-W4-02300.2070 4770 ESTERO BLVD #207 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 207	66
ZUFFELATO EUGENE S & EMMA 260 MIDLAND DR ORANGE CT 06477	28-46-24-W4-02300.2080 4770 ESTERO BLVD #208 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 208	66
KLECZKA FRANK M 4805 SUNNYSIDE DR MILWAUKEE WI 53208	28-46-24-W4-02300.2090 4770 ESTERO BLVD #209 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 209	66
BAKKE ROBERT 4735 FREMONT AVE S MINNEAPOLIS MN 55419	28-46-24-W4-02300.2100 4770 ESTERO BLVD #210 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 210	66
1765 MCCRAITH PROPERTIES LLC 20 BURRSTONE RD NEW YORK MILLS NY 13417	28-46-24-W4-02300.3010 4770 ESTERO BLVD #301 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 301	66
LLB INVESTMENT GROUP LLC 8432 NW 93RD ST MEDLEY FL 33166	28-46-24-W4-02300.3020 4770 ESTERO BLVD #302 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 302	66
MATHESON ROBERT R & JORJA L 2935 W COMMERCE RD MILFORD MI 48380	28-46-24-W4-02300.3030 4770 ESTERO BLVD #303 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 303	66
ANTHONY J ROSS LLC + 2123 MONTAGO DR SPRINGFIELD OH 45503	28-46-24-W4-02300.3040 4770 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 304	66
SEBASTIAN ROBERT A & JOAN M + 1912 WOODLAND AVE PARK RIDGE IL 60068	28-46-24-W4-02300.3050 4770 ESTERO BLVD #305 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 305	66
ALVERO CAESAR & ALICIA M 213-46 33RD AVE BAYSIDE NY 11361	28-46-24-W4-02300.3060 4770 ESTERO BLVD #306 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 306	66
TEGENKVIST ANDERS & HELENE FLYGARVAGEN 48 JARFALLA 175 69 SWEDEN	28-46-24-W4-02300.3070 4770 ESTERO BLVD #307 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 307	66
LESON JOHN P & KATHLEEN L 4141 BAY BEACH LANE #4P6 FORT MYERS BEACH FL 33931	28-46-24-W4-02300.3080 4770 ESTERO BLVD #308 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 308	66
GLORIA NOWACZYK TRUST + 606 S CHARLETON ST WILLOW SPRINGS IL 60480	28-46-24-W4-02300.3090 4770 ESTERO BLVD #309 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 309	66
BELL WILLIAM K 28190 ALFRED CT BONITA SPRINGS FL 34135	28-46-24-W4-02300.3100 4770 ESTERO BLVD #310 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 310	66
LITTLE LAKE PROPERTY MANAGEMEN 637 HENRY ST FOLSOM CA 95630	28-46-24-W4-02300.4010 4770 ESTERO BLVD #401 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 401	66
L JOHNSON PROPERTIES LLC 550 25TH AVE N SAINT CLOUD MN 56303	28-46-24-W4-02300.4020 4770 ESTERO BLVD #402 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 402	66

ROBERTSON MICHAEL R TR 7 GLENVIEW MANOR DR FORT MYERS BEACH FL 33931	28-46-24-W4-02300.4030 4770 ESTERO BLVD #403 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 403	66
TRUDEL DAVID R & JUDITH B TR 1807 SETTLERS RESERVE WAY WESTLAKE OH 44145	28-46-24-W4-02300.4040 4770 ESTERO BLVD #404 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 404	66
SWFLO BEACH PROPERTIES LLC 8763 S LAKE CIR FORT MYERS FL 33908	28-46-24-W4-02300.4050 4770 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 405	66
SIMONKA MEREDITH V 104 WARWICK RD WEST WINDSOR NJ 08550	28-46-24-W4-02300.4060 4770 ESTERO BLVD #406 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 406	66
BEACH EQUITY GROUP LLC 13591 FOX LAKE TRL FARIBAULT MN 55021	28-46-24-W4-02300.4070 4770 ESTERO BLVD #407 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 407	66
LLB INVESTMENT GROUP LLC 940 NW 201ST TER PEMBROKE PINES FL 33029	28-46-24-W4-02300.4080 4770 ESTERO BLVD #408 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 408	66
FRANCIS DARRELL A TR 410 HAWTHORNE AVE SOUTH MILWAUKEE WI 53172	28-46-24-W4-02300.4090 4770 ESTERO BLVD #409 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 409	66
PHYLLIS JANE EDWARDS TRUST 1102 N TOPPER RD MOUNT PULASKI IL 62548	28-46-24-W4-02300.4100 4770 ESTERO BLVD #410 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 410	66
COFFMAN JOHN STEPHEN & 1926 ANGEL VIEW DR GREENWOOD IN 46143	28-46-24-W4-02300.5010 4770 ESTERO BLVD #501 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 501	66
MARACH DEBORAH A TR 322 BRANCHWOOD CT SCHAUMBURG IL 60193	28-46-24-W4-02300.5020 4770 ESTERO BLVD #502 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 502	66
OSTENDORF DONALD T & 27530 RICHVIEW CT BONITA SPRINGS FL 34135	28-46-24-W4-02300.5030 4770 ESTERO BLVD #503 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 503	66
ISH JANE M L/E 605 RIDGE STREET #168 SAULT SAINTE MARIE MI 49783	28-46-24-W4-02300.5040 4770 ESTERO BLVD #504 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 504	66
DARRELL A FRANCIS TRUST 410 HAWTHORNE AVE SOUTH MILWAUKEE WI 53172	28-46-24-W4-02300.5050 4770 ESTERO BLVD #505 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 505	66
SWANSON RICK L & LISA M L/E 4558 SILVERTHORN DR JACKSONVILLE FL 32258	28-46-24-W4-02300.5060 4770 ESTERO BLVD #506 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 506	66
DIDION KENNETH W & SHARON J TR 29910 SEQUOIA TRAIL WESTLAKE OH 44145	28-46-24-W4-02300.5070 4770 ESTERO BLVD #507 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 507	66
SIMONKA GEORGE H & ANDREA 5 OAKEN LANE MERCERVILLE NJ 08619	28-46-24-W4-02300.5080 4770 ESTERO BLVD #508 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 508	66
LOSTRITTO DONALD L/E 61 MERWIN CIR CHESHIRE CT 06410	28-46-24-W4-02300.5090 4770 ESTERO BLVD #509 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 509	66
TUEL LARRY L 1768 NW 122ND ST CLIVE IA 50325	28-46-24-W4-02300.5100 4770 ESTERO BLVD #510 FORT MYERS BEACH FL 33931	SEASIDE CONDO OR 1370 PG 413 APT 510	66
BML INVESTMENT GROUP LLC 5820 SW 93RD PL MIAMI FL 33173	28-46-24-W4-02500.1010 4750 ESTERO BLVD #101 FORT MYERS BEACH FL 33931	SHORES OF FT MYERS BEACH CONDO OR 1584 PG 2287 UNIT 101	67
CAMPBELL BRIAN & NANCY 221 HILLBROOK DR	28-46-24-W4-02500.1020 4750 ESTERO BLVD #102	SHORES OF FT MYERS BEACH CONDOOR 1584 PG 2287	67

SHEPHERDSVILLE KY 40165	FORT MYERS BEACH FL 33931	UNIT 102	
D & H GERMAN LAUNDRY SERVICE L KOEHLER INTERNATIONAL INC 949 TAMiami TRL STE 208 PORT CHARLOTTE FL 33953	28-46-24-W4-02500.1030 4750 ESTERO BLVD #103 FORT MYERS BEACH FL 33931	SHORES OF FT MYERS BEACH CONDO OR 1584 PG 2287 UNIT 103	67
BALDRIDGE KAREN ANN 2337 BUTTERFLY PALM DR NAPLES FL 34119	28-46-24-W4-02500.1040 4750 ESTERO BLVD #104 FORT MYERS BEACH FL 33931	SHORES OF FT MYERS BEACH CONDO OR 1584 PG 2287 UNIT 104	67
SOYKA JOANN M TR 6358 SAINT ANDREWS CIRCLE S FORT MYERS FL 33919	28-46-24-W4-02500.2010 4750 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	SHORES OF FT MYERS BEACH CONDO OR 1584 PG 2287 UNIT 201	67
SHELLEY MARY J 1211 S DUCHESNE DR SAINT CHARLES MO 63301	28-46-24-W4-02500.2020 4750 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	SHORES OF FT MYERS BEACH CONDO OR 1584 PG 2287 UNIT 202	67
CLUGH THOMAS ENTERPRISES LLC 1623 EAST 430 SOUTH LAFAYETTE IN 47909	28-46-24-W4-02500.2030 4750 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	SHORES OF FT MYERS BEACH CONDO OR 1584 PF 2287 UNIT 203	67
OSTENDORF DONALD T & 27530 RICHVIEW CT BONITA SPRINGS FL 34135	28-46-24-W4-02500.2040 4750 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	SHORES OF FT MYERS BEACH CONDO OR 1584 PG 2287 UNIT 204	67
BLESSED BY THE BEACH LLC 14704 COLDWATER RD FORT WAYNE IN 46845	28-46-24-W4-02900.0010 261 KEY WEST CT FORT MYERS BEACH FL 33931	KEY WEST COURTYARDS OR 4762 PG 2387 UNIT 1	68
Q T HOLDINGS LLC 6909 WINNETKA AVE N BROOKLYN PARK MN 55428	28-46-24-W4-03000.0105 4765 ESTERO BLVD #105 FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 5 UNIT 105	69
BOAT MASTERS MARINE INC 5290 MANCHESTER RD AKRON OH 44319	28-46-24-W4-03000.0106 4765 ESTERO BLVD #106 FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 6 UNIT 106	69
MARTINELLI LAWRENCE A JR 6221 COMPART ISLE DR NAPLES FL 34113	28-46-24-W4-03000.0107 4765 ESTERO BLVD #107 FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 7 UNIT 107	69
ST SNOOK BIGHT LLC 17330 PRESTON RD STE 220A DALLAS TX 75252	28-46-24-W4-03000.0108 4765 ESTERO BLVD #108 FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 8 UNIT 108	69
COYLE MARIANNE TR 4765 ESTERO BLVD # 1504A FORT MYERS BEACH FL 33931	28-46-24-W4-03000.0109 4765 ESTERO BLVD #109 FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 9 UNIT 109	69
JCPI HOLDINGS LLC 153 SEVILLA AVE CORAL GABLES FL 33134	28-46-24-W4-03000.0110 4765 ESTERO BLVD #110 FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 10 UNIT 110	69
PRESLEY STEVEN W TR 16 OXMOOR COURT BRENTWOOD TN 37027	28-46-24-W4-03000.0111 4765 ESTERO BLVD #111 FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 11 UNIT 111	69
JCPI HOLDINGS LLC PO BOX 140668 CORAL GABLES FL 33114	28-46-24-W4-03000.0112 4765 ESTERO BLVD #112 FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 12 UNIT 112	69
KANTER GARY J + KIMBERLY J 3061 LYNDALE CT EDGEWOOD KY 41017	28-46-24-W4-03000.0113 4765 ESTERO BLVD #113 FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO	69

		AS DESC IN INST# 2014000030511 AIRSPACE PH 13 UNIT 113	
MICHAEL P HOGAN TRUST + 506 QUAM CIR AMES IA 50010	28-46-24-W4-03000.0205 4765 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 21 UNIT 205	69
SUSKO DAVID ANTHONY 38000 VILLA MAR HARRISON TOWNSHIP MI 48045	28-46-24-W4-03000.0206 4765 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 22 UNIT 206	69
RAYMOND DONNA M 18020 SAN CARLOS BLVD #62 FORT MYERS BEACH FL 33931	28-46-24-W4-03000.0304 4765 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 36 UNIT 304	69
TUYLS JOSHUA J & BETH ANN 21750 ARENGA LN ESTERO FL 33928	28-46-24-W4-03000.0305 4765 ESTERO BLVD #305 FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 37 UNIT 305	69
MOHR RICHARD & SHERRY 12328 LITCHFIELD LN FORT MYERS FL 33913	28-46-24-W4-03000.0307 4765 ESTERO BLVD #307 FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 39 UNIT 307	69
CHRONISTER TOM & MARYLOU 1400 GULF SHORE BLVD N #305 NAPLES FL 34102	28-46-24-W4-03000.0308 4765 ESTERO BLVD #308 FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 40 UNIT 308	69
MILLER PHILIP G & SANDRA A 833 CHERRYWOOD JACKSON MI 49203	28-46-24-W4-03000.0310 4765 ESTERO BLVD #310 FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 42 UNIT 310	69
LEON ROBERTO GARRIGA 310 16TH AVE NW NAPLES FL 34120	28-46-24-W4-03000.0405 4765 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 61 UNIT 405	69
WOITYNEK NATASCHA & 3541 QUILL LEAF CT BONITA SPRINGS FL 34134	28-46-24-W4-03000.0407 4765 ESTERO BLVD #407 FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 63 UNIT 407	69
ST SNOOK BIGHT LLC 17330 PRESTON RD STE 220A DALLAS TX 75252	28-46-24-W4-03000.0411 4765 ESTERO BLVD #411 FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST#2008000316726 AIRSPACE PH 67 UNIT 411	69
THEISEN EILEEN M 2127 FOREST DR SAINT CLOUD MN 56303	28-46-24-W4-03000.0504 4765 ESTERO BLVD #504 FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 84 UNIT 504	69
STOTTS LYNN & KEITH + 4192 BAY BEACH LN UNIT PH 1 FORT MYERS BEACH FL 33931	28-46-24-W4-03000.0506 4765 ESTERO BLVD #506 FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 AIRSPACE PH 86 UNIT 506	69
ST SNOOK BIGHT LLC 17330 PRESTON RD STE 220A DALLAS TX 75252	28-46-24-W4-03000.0722 4765 ESTERO BLVD #722 FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 200900009146 AIRSPACE PH 134 UNIT 722	69
ST SNOOK BIGHT LLC 17330 PRESTON RD STE 220A DALLAS TX 75252	28-46-24-W4-0300A.0000 DRY RACK CONDO FORT MYERS BEACH FL 33931	SNOOK BIGHT MARINA DRY RACK CONDO AS DESC IN INST# 2008000219575 RESERVE FOR FUTURE AIRSPACE UNITS	70
PASTENA JAMES R & DIANE R	28-46-24-W4-03101.0001	BENT PALMS OF FORT MYERS	71

PO BOX 286 SUCCASUNNA NJ 07876	4854 ESTERO BLVD FORT MYERS BEACH FL 33931	BEACH AS DESC IN INST# 2014000037107 BLDG 1 UNIT 1	
JOHNSON GARY R 4852 ESTERO BLVD FORT MYERS BEACH FL 33931	28-46-24-W4-03102.0002 4852 ESTERO BLVD FORT MYERS BEACH FL 33931	BENT PALMS OF FORT MYERS BEACH AS DESC IN INST# 2014000037107 BLDG 2 UNIT 2	72
LUKEENDA TIMOTHY L & 8464 W MILLIGAN RD BRIMLEY MI 49715	28-46-24-W4-03103.0003 4850 ESTERO BLVD FORT MYERS BEACH FL 33931	BENT PALMS OF FORT MYERS BEACH AS DESC IN INST# 2014000037107 BLDG 3 UNIT 3	73
ZINK DAVID C TR 14 MELROSE CT JACKSONVILLE IL 62650	29-46-24-W3-0300B.0201 4633 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	WHITE CAP CONDOMINIUM DESC IN INST#2007-216342 BLDG B UNIT 201	74
PRASSE MARJORIE J TR 4633 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	29-46-24-W3-0300B.0202 4633 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	WHITE CAP CONDOMINIUM DESC IN INST#2007-216342 BLDG B UNIT 202	74
EROSHEVICH RICHARD & TAWNIA 3191 SHELL MOUND BLVD FORT MYERS BEACH FL 33931	29-46-24-W3-0300B.0203 4633 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	WHITE CAP CONDOMINIUM DESC IN INST#2007-216342 BLDG B UNIT 203	74
LST & KEES LLC 812 CREEKSIDE TRAIL ALPHARETTA GA 30004	29-46-24-W3-0300B.0204 4633 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	WHITE CAP CONDOMINIUM DESC IN INST#2007-216342 BLDG B UNIT 204	74
HENDERSON JAMES & KERRIE 8888 FITNESS LN FISHERS IN 46037	29-46-24-W3-0300B.0305 4633 ESTERO BLVD #305 FORT MYERS BEACH FL 33931	WHITE CAP CONDOMINIUM DESC IN INST#2007-216342 BLDG B UNIT 305	74
ZINK DAVID C TR 14 MELROSE COURT JACKSONVILLE IL 62650	29-46-24-W3-0300B.0306 4633 ESTERO BLVD #306 FORT MYERS BEACH FL 33931	WHITE CAP CONDOMINIUM DESC IN INST#2007-216342 BLDG B UNIT 306	74

ST SNOOK BIGHT LLC
17330 PRESTON RD STE 220A
DALLAS TX 75252

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EXPENSE PAYABLES LEASE TEAM
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ALL FUTURE OWNERS OF LANDS
ESTERO BLVD
FORT MYERS BEACH FL 33931

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ATHENS OH 45701

MARCHESE FRANK +
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BUFFALO NY 14215

FONSECA JOSE R & IRMA E
19220 AQUA SHORES DR.
FORT MYERS FL 33913

PAINE JOSEPH C & KAREN M
4839 ESTERO BLVD
FORT MYERS BEACH FL 33931

MDR BEACH PROPERTIES LLC
5917 US 36 E
GREENVILLE OH 45331

MAHER MARGARITA
913 NORTH ST
FORT MYERS BEACH FL 33931

MESIROW BUNNIE R TR
4838 CORAL RD
FORT MYERS BEACH FL 33931

SCHLOTTMAN DAVID & CHERI
4850 CORAL RD
FORT MYERS BEACH FL 33931

LETTERI NANCY J TR
4870 CORAL RD
FORT MYERS BEACH FL 33931

BOLING ED +
2225 WILDWOOD WAY
TOOL TX 75143

HENNEBERGER NANCY S TR
7560 OMNI LN APT 108
FORT MYERS FL 33905

DANKS CYNTHIA M & KENNETH J
5557 ESTERO BLVD
FORT MYERS BEACH FL 33931

CELANO MATTHEW & MARY LEIGH
409 ENGLISH LAKE DR
WINTER GARDEN FL 34787

COOK DONALD W &
4831 CORAL RD UNIT 33
FORT MYERS BEACH FL 33931

FLICK SONDR A C
4821 CORAL RD
FORT MYERS BEACH FL 33931

GLEASON ANGELA
4811 CORAL RD
FORT MYERS BEACH FL 33931

RAYMOND DONNA M TR
18020 SAN CARLOS BLVD #62
FORT MYERS BEACH FL 33931

LOOKHART DANIEL ANDREW
5450 44TH AVE
GREELEY CO 80634

EGAN TERENCE & DEBORAH
4850 COQUINA RD
FORT MYERS BEACH FL 33931

GARZELLONI JOHN JR
1413 SWINNEY PARK PL
FORT WAYNE IN 46802

FYLE THOMAS R TR
4880 COQUINA RD
FORT MYERS BEACH FL 33931

GLEASON ANGELA J
4811 CORAL RD
FORT MYERS BEACH FL 33931

SIMMONS CARLEEN J
315 BAYLAND RD
FORT MYERS BEACH FL 33931

PARMER ANITA G
4870 DOLPHIN LN
FORT MYERS BEACH FL 33931

MILLS MICHAEL RYAN +
4861 COQUINA RD
FORT MYERS BEACH FL 33931

SEYMOUR JANET G
4841 COQUINA RD
FORT MYERS BEACH FL 33931

BOHN EDWARD & KYLIE
PO BOX 1216
ESTERO FL 33929

DE LEON LORENZO M
18481 NW 21ST ST
PEMBROKE PINES FL 33029

FREEMAN NADINE M
395 BAYLAND RD
FORT MYERS BEACH FL 33931

ROBERTSON CHRISTOPHER &
4855 DOLPHIN LN
FORT MYERS BEACH FL 33931

CHANACK PROPERTIES LLC
766 LAPLAND RD
WATERVILLE VT 05492

AMOS ROY A
4841 DOLPHIN LN
FORT MYERS BEACH FL 33931

OLSON KEITH TR
370 BAYLAND RD
FORT MYERS BEACH FL 33931

MAREK PHILIP CHARLES TR
4370 MARIN WOODS UNIT C
PORT CLINTON OH 43452

DANIEL DONALD M & BARBARA A TR
350 BAYLAND RD
FORT MYERS BEACH FL 33931

OHLEMACHER LOIS A TR
310 VASSAR AVE
ELYRIA OH 44035

MCKNIGHT KATHERINE S &
330 BAYLAND RD
FORT MYERS BEACH FL 33931

NEDDO THOMAS A JR TR
320 BAYLAND RD
FORT MYERS BEACH FL 33931

TAGUE ARLYCE J TR
310 BAYLAND RD
FORT MYERS BEACH FL 33931

ROBERTSON DONNA M TR
2825 SILVER LN NE
SAINT ANTHONY MN 55421

SCOGNO DOUGLAS J &
15 JULIANA DR
ABSECON NJ 08201

PARZYCH JEFFREY G &
4903 ESTERO BLVD
FORT MYERS BEACH FL 33931

YZAGUIRRE CYNTHIA O L/E
808 E MAIN ST
IMMOKALEE FL 34142

BARBA ARMANDO J &
16541 SW 153RD PL
MIAMI FL 33187

DEROMA JAMES F & DIANNE K
45800 POINT OF VIEW RD
CABLE WI 54821

CHAN DAVID P & SUSAN M +
24 BAYVIEW BLVD
FORT MYERS BEACH FL 33931

GARVEY DANIEL C
3420 GEORGE CT
WEST BEND WI 53095

KLEIN RAYMOND J JR & DONNA
21690 MADERA RD
FORT MYERS BEACH FL 33931

BAKER RICHARD S TR
4135 BEXLEY DR
BROOKFIELD WI 53045

MI FORMULA FIVE LLC
5365 WALNUT HILLS DR
BRIGHTON MI 48116

ISLAND TOWERS CONDO
4900 ESTERO BLVD
FORT MYERS BEACH FL 33931

ISLAND TOWERS CONDO ASSOC INC
RAL PROPERTY MGMT
ATTN: JOHN SHAW
17810 SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

SEASIDE CONDO
ASSOCIATION
4770 ESTERO BLVD
FORT MYERS BEACH FL 33931

KAHLUA BEACH CLUB CONDO
4950 ESTERO BLVD
FORT MYERS BEACH FL 33931

KAHLUA BEACH CLUB CONDO
4950 ESTERO BLVD
FORT MYERS BEACH FL 33931

SHORES OF FT MYERS BEACH CONDO
ASSOCIATION
221 HILLBROOK DR
SHEPHERDSVILLE KY 40165

OCEAN HARBOR CONDO OF
FIRST SERVICE RESIDENTIAL
10600 CHEVROLET WAY STE 202
ESTERO FL 33928

KEY WEST COURTYARDS
7300 S 13TH ST STE 101
OAK CREEK WI 53154

SYSTEMS MANAGEMENT LLC
PO BOX 526
LAVONIA GA 30553

WHITE CAP CONDOMINIUM ASSN INC
12230 CHATEAU CT
FISHERS IN 46037

ERLANDER JAMES C TR
4770 ESTERO BLVD UNIT 102
FORT MYERS BEACH FL 33931

ANDERSON BETTY J TR
BRIAN ANDERSON
7945 PERRY LAKE RD
CLARKSTON MI 48348

TEUSINK PHILIP R
47 S KENSINGTON PL
SPRINGFIELD OH 45504

PARADISE POINT PROPERTIES LLC
DOUG DANIEL
406 POLK ST
IOWA FALLS IA 50126

FLIS TERENCE B +
1133 FORESTVALE DR
BURLINGTON ON L7P 3G6
CANADA

BAKKE ELIZABETH LEE &
4735 FREMONT AVE S
MINNEAPOLIS MN 55419

LLB INVESTMENT GROUP LLC
940 NW 201ST TER
PEMBROKE PINES FL 33029

BENT PALMS OF FORT MYERS BEACH
4852 ESTERO BLVD
FORT MYERS BEACH FL 33931

METCALFE NICK & CLAUDIA
SAARBURGSTR 2
GRAEFELFING 82166
GERMANY

CONNECT PROPERTIES LLC
406 POLK ST
IOWA FALLS IA 50126

SEASIDE VACATIONS FT MYERS LLC
1005 NORTH WATER ST
BAY CITY MI 48708

PROVENZALE DONALD J &
8S051 CREEK DR
NAPERVILLE IL 60540

FMB SEASIDE LLC
604 HUNTINGTON DR S
SARTELL MN 56377

MCKEON JOHN J
175 BERLIN AVE #73
SOUTHINGTON CT 06489

BAKKE ROBERT
4735 FREMONT AVE S
MINNEAPOLIS MN 55419

GRILLO STEVEN G
16 SMALLBROOK CIR
RANDOLPH NJ 07869

HUSEBY LINDA +
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MONTEVIDEO MN 56265

ALVERO CAESAR & ALICIA M
21346 33RD AVE
BAYSIDE NY 11361

ZUFFELATO EUGENE S & EMMA
260 MIDLAND DR
ORANGE CT 06477

BAKKE ROBERT
4735 FREMONT AVE S
MINNEAPOLIS MN 55419

LLB INVESTMENT GROUP LLC
8432 NW 93RD ST
MEDLEY FL 33166

ANTHONY J ROSS LLC +
2123 MONTAGO DR
SPRINGFIELD OH 45503

ALVERO CAESAR & ALICIA M
213-46 33RD AVE
BAYSIDE NY 11361

LESON JOHN P & KATHLEEN L
4141 BAY BEACH LANE #4P6
FORT MYERS BEACH FL 33931

BELL WILLIAM K
28190 ALFRED CT
BONITA SPRINGS FL 34135

L JOHNSON PROPERTIES LLC
550 25TH AVE N
SAINT CLOUD MN 56303

TRUDEL DAVID R & JUDITH B TR
1807 SETTLERS RESERVE WAY
WESTLAKE OH 44145

LIOTTA SALVATORE & CONCETTA
6 OAK BROOK CLUB DR APT J101
OAK BROOK IL 60523

KLECZKA FRANK M
4805 SUNNYSIDE DR
MILWAUKEE WI 53208

1765 MCCRAITH PROPERTIES LLC
20 BURRSTONE RD
NEW YORK MILLS NY 13417

MATHESON ROBERT R & JORJA L
2935 W COMMERCE RD
MILFORD MI 48380

SEBASTIAN ROBERT A & JOAN M +
1912 WOODLAND AVE
PARK RIDGE IL 60068

TEGENKVIST ANDERS & HELENE
FLYGARVAGEN 48
JARFALLA 175 69
SWEDEN

GLORIA NOWACZYK TRUST +
606 S CHARLETON ST
WILLOW SPRINGS IL 60480

LITTLE LAKE PROPERTY MANAGEMEN
637 HENRY ST
FOLSOM CA 95630

ROBERTSON MICHAEL R TR
7 GLENVIEW MANOR DR
FORT MYERS BEACH FL 33931

SWFLO BEACH PROPERTIES LLC
8763 S LAKE CIR
FORT MYERS FL 33908

SIMONKA MEREDITH V
104 WARWICK RD
WEST WINDSOR NJ 08550

BEACH EQUITY GROUP LLC
13591 FOX LAKE TRL
FARIBAULT MN 55021

LLB INVESTMENT GROUP LLC
940 NW 201ST TER
PEMBROKE PINES FL 33029

FRANCIS DARRELL A TR
410 HAWTHORNE AVE
SOUTH MILWAUKEE WI 53172

PHYLLIS JANE EDWARDS TRUST
1102 N TOPPER RD
MOUNT PULASKI IL 62548

COFFMAN JOHN STEPHEN &
1926 ANGEL VIEW DR
GREENWOOD IN 46143

MARACH DEBORAH A TR
322 BRANCHWOOD CT
SCHAUMBURG IL 60193

OSTENDORF DONALD T &
27530 RICHVIEW CT
BONITA SPRINGS FL 34135

ISH JANE M L/E
605 RIDGE STREET #168
SAULT SAINTE MARIE MI 49783

DARRELL A FRANCIS TRUST
410 HAWTHORNE AVE
SOUTH MILWAUKEE WI 53172

SWANSON RICK L & LISA M L/E
4558 SILVERTHORN DR
JACKSONVILLE FL 32258

DIDION KENNETH W & SHARON J TR
29910 SEQUOIA TRAIL
WESTLAKE OH 44145

SIMONKA GEORGE H & ANDREA
5 OAKEN LANE
MERCERVILLE NJ 08619

LOSTRITTO DONALD L/E
61 MERWIN CIR
CHESHIRE CT 06410

TUEL LARRY L
1768 NW 122ND ST
CLIVE IA 50325

BML INVESTMENT GROUP LLC
5820 SW 93RD PL
MIAMI FL 33173

CAMPBELL BRIAN & NANCY
221 HILLBROOK DR
SHEPHERDSVILLE KY 40165

D & H GERMAN LAUNDRY SERVICE L
KOEHLER INTERNATIONAL INC
949 TAMiami TRL STE 208
PORT CHARLOTTE FL 33953

BALDRIDGE KAREN ANN
2337 BUTTERFLY PALM DR
NAPLES FL 34119

SOYKA JOANN M TR
6358 SAINT ANDREWS CIRCLE S
FORT MYERS FL 33919

SHELLEY MARY J
1211 S DUCHESNE DR
SAINT CHARLES MO 63301

OSTENDORF DONALD T &
27530 RICHVIEW CT
BONITA SPRINGS FL 34135

Q T HOLDINGS LLC
6909 WINNETKA AVE N
BROOKLYN PARK MN 55428

MARTINELLI LAWRENCE A JR
6221 COMPART ISLE DR
NAPLES FL 34113

COYLE MARIANNE TR
4765 ESTERO BLVD # 1504A
FORT MYERS BEACH FL 33931

PRESLEY STEVEN W TR
16 OXMOOR COURT
BRENTWOOD TN 37027

KANTER GARY J + KIMBERLY J
3061 LYNDAL CT
EDGEWOOD KY 41017

SUSKO DAVID ANTHONY
38000 VILLA MAR
HARRISON TOWNSHIP MI 48045

TUYLS JOSHUA J & BETH ANN
21750 ARENGA LN
ESTERO FL 33928

CHRONISTER TOM & MARYLOU
1400 GULF SHORE BLVD N #305
NAPLES FL 34102

CLUGH THOMAS ENTERPRISES LLC
1623 EAST 430 SOUTH
LAFAYETTE IN 47909

BLESSED BY THE BEACH LLC
14704 COLDWATER RD
FORT WAYNE IN 46845

BOAT MASTERS MARINE INC
5290 MANCHESTER RD
AKRON OH 44319

ST SNOOK BIGHT LLC
17330 PRESTON RD STE 220A
DALLAS TX 75252

JCPI HOLDINGS LLC
153 SEVILLA AVE
CORAL GABLES FL 33134

JCPI HOLDINGS LLC
PO BOX 140668
CORAL GABLES FL 33114

MICHAEL P HOGAN TRUST +
506 QUAM CIR
AMES IA 50010

RAYMOND DONNA M
18020 SAN CARLOS BLVD #62
FORT MYERS BEACH FL 33931

MOHR RICHARD & SHERRY
12328 LITCHFIELD LN
FORT MYERS FL 33913

MILLER PHILIP G & SANDRA A
833 CHERRYWOOD
JACKSON MI 49203

LEON ROBERTO GARRIGA
310 16TH AVE NW
NAPLES FL 34120

WOITYNEK NATASCHA &
3541 QUILL LEAF CT
BONITA SPRINGS FL 34134

ST SNOOK BIGHT LLC
17330 PRESTON RD STE 220A
DALLAS TX 75252

THEISEN EILEEN M
2127 FOREST DR
SAINT CLOUD MN 56303

STOTTS LYNN & KEITH +
4192 BAY BEACH LN UNIT PH 1
FORT MYERS BEACH FL 33931

ST SNOOK BIGHT LLC
17330 PRESTON RD STE 220A
DALLAS TX 75252

ST SNOOK BIGHT LLC
17330 PRESTON RD STE 220A
DALLAS TX 75252

PASTENA JAMES R & DIANE R
PO BOX 286
SUCCASUNNA NJ 07876

JOHNSON GARY R
4852 ESTERO BLVD
FORT MYERS BEACH FL 33931

LUKEENDA TIMOTHY L &
8464 W MILLIGAN RD
BRIMLEY MI 49715

ZINK DAVID C TR
14 MELROSE CT
JACKSONVILLE IL 62650

PRASSE MARJORIE J TR
4633 ESTERO BLVD #202
FORT MYERS BEACH FL 33931

EROSHEVICH RICHARD & TAWNIA
3191 SHELL MOUND BLVD
FORT MYERS BEACH FL 33931

LST & KEES LLC
812 CREEKSIDE TRAIL
ALPHARETTA GA 30004

HENDERSON JAMES & KERRIE
8888 FITNESS LN
FISHERS IN 46037

ZINK DAVID C TR
14 MELROSE COURT
JACKSONVILLE IL 62650

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DALLAS TX 75252

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LAKELAND FL 33802

ALL FUTURE OWNERS OF LANDS
ESTERO BLVD
FORT MYERS BEACH FL 33931

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MARCHESE FRANK +
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PAINE JOSEPH C & KAREN M
4839 ESTERO BLVD
FORT MYERS BEACH FL 33931

MDR BEACH PROPERTIES LLC
5917 US 36 E
GREENVILLE OH 45331

MAHER MARGARITA
913 NORTH ST
FORT MYERS BEACH FL 33931

MESIROW BUNNIE R TR
4838 CORAL RD
FORT MYERS BEACH FL 33931

SCHLOTTMAN DAVID & CHERI
4850 CORAL RD
FORT MYERS BEACH FL 33931

LETTERI NANCY J TR
4870 CORAL RD
FORT MYERS BEACH FL 33931

BOLING ED +
2225 WILDWOOD WAY
TOOL TX 75143

HENNEBERGER NANCY S TR
7560 OMNI LN APT 108
FORT MYERS FL 33905

DANKS CYNTHIA M & KENNETH J
5557 ESTERO BLVD
FORT MYERS BEACH FL 33931

CELANO MATTHEW & MARY LEIGH
409 ENGLISH LAKE DR
WINTER GARDEN FL 34787

COOK DONALD W &
4831 CORAL RD UNIT 33
FORT MYERS BEACH FL 33931

FLICK SONDRRA C
4821 CORAL RD
FORT MYERS BEACH FL 33931

GLEASON ANGELA
4811 CORAL RD
FORT MYERS BEACH FL 33931

RAYMOND DONNA M TR
18020 SAN CARLOS BLVD #62
FORT MYERS BEACH FL 33931

LOOKHART DANIEL ANDREW
5450 44TH AVE
GREELEY CO 80634

EGAN TERENCE & DEBORAH
4850 COQUINA RD
FORT MYERS BEACH FL 33931

GARZELLONI JOHN JR
1413 SWINNEY PARK PL
FORT WAYNE IN 46802

FYLE THOMAS R TR
4880 COQUINA RD
FORT MYERS BEACH FL 33931

GLEASON ANGELA J
4811 CORAL RD
FORT MYERS BEACH FL 33931

SIMMONS CARLEEN J
315 BAYLAND RD
FORT MYERS BEACH FL 33931

PARMER ANITA G
4870 DOLPHIN LN
FORT MYERS BEACH FL 33931

MILLS MICHAEL RYAN +
4861 COQUINA RD
FORT MYERS BEACH FL 33931

SEYMOUR JANET G
4841 COQUINA RD
FORT MYERS BEACH FL 33931

BOHN EDWARD & KYLIE
PO BOX 1216
ESTERO FL 33929

DE LEON LORENZO M
18481 NW 21ST ST
PEMBROKE PINES FL 33029

FREEMAN NADINE M
395 BAYLAND RD
FORT MYERS BEACH FL 33931

ROBERTSON CHRISTOPHER &
4855 DOLPHIN LN
FORT MYERS BEACH FL 33931

CHANACK PROPERTIES LLC
766 LAPLAND RD
WATERVILLE VT 05492

AMOS ROY A
4841 DOLPHIN LN
FORT MYERS BEACH FL 33931

OLSON KEITH TR
370 BAYLAND RD
FORT MYERS BEACH FL 33931

MAREK PHILIP CHARLES TR
4370 MARIN WOODS UNIT C
PORT CLINTON OH 43452

DANIEL DONALD M & BARBARA A TR
350 BAYLAND RD
FORT MYERS BEACH FL 33931

OHLEMACHER LOIS A TR
310 VASSAR AVE
ELYRIA OH 44035

MCKNIGHT KATHERINE S &
330 BAYLAND RD
FORT MYERS BEACH FL 33931

NEDDO THOMAS A JR TR
320 BAYLAND RD
FORT MYERS BEACH FL 33931

TAGUE ARLYCE J TR
310 BAYLAND RD
FORT MYERS BEACH FL 33931

ROBERTSON DONNA M TR
2825 SILVER LN NE
SAINT ANTHONY MN 55421

SCOGNO DOUGLAS J &
15 JULIANA DR
ABSECON NJ 08201

PARZYCH JEFFREY G &
4903 ESTERO BLVD
FORT MYERS BEACH FL 33931

YZAGUIRRE CYNTHIA O L/E
808 E MAIN ST
IMMOKALEE FL 34142

BARBA ARMANDO J &
16541 SW 153RD PL
MIAMI FL 33187

DEROMA JAMES F & DIANNE K
45800 POINT OF VIEW RD
CABLE WI 54821

CHAN DAVID P & SUSAN M +
24 BAYVIEW BLVD
FORT MYERS BEACH FL 33931

GARVEY DANIEL C
3420 GEORGE CT
WEST BEND WI 53095

KLEIN RAYMOND J JR & DONNA
21690 MADERA RD
FORT MYERS BEACH FL 33931

BAKER RICHARD S TR
4135 BEXLEY DR
BROOKFIELD WI 53045

MI FORMULA FIVE LLC
5365 WALNUT HILLS DR
BRIGHTON MI 48116

ISLAND TOWERS CONDO
4900 ESTERO BLVD
FORT MYERS BEACH FL 33931

ISLAND TOWERS CONDO ASSOC INC
RAL PROPERTY MGMT
ATTN: JOHN SHAW
17810 SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

SEASIDE CONDO
ASSOCIATION
4770 ESTERO BLVD
FORT MYERS BEACH FL 33931

KAHLUA BEACH CLUB CONDO
4950 ESTERO BLVD
FORT MYERS BEACH FL 33931

KAHLUA BEACH CLUB CONDO
4950 ESTERO BLVD
FORT MYERS BEACH FL 33931

SHORES OF FT MYERS BEACH CONDO
ASSOCIATION
221 HILLBROOK DR
SHEPHERDSVILLE KY 40165

OCEAN HARBOR CONDO OF
FIRST SERVICE RESIDENTIAL
10600 CHEVROLET WAY STE 202
ESTERO FL 33928

KEY WEST COURTYARDS
7300 S 13TH ST STE 101
OAK CREEK WI 53154

BENT PALMS OF FORT MYERS BEACH
4852 ESTERO BLVD
FORT MYERS BEACH FL 33931

SYSTEMS MANAGEMENT LLC
PO BOX 526
LAVONIA GA 30553

METCALFE NICK & CLAUDIA
SAARBURGSTR 2
GRAEFELFING 82166
GERMANY

WHITE CAP CONDOMINIUM ASSN INC
12230 CHATEAU CT
FISHERS IN 46037

CONNECT PROPERTIES LLC
406 POLK ST
IOWA FALLS IA 50126

ERLANDER JAMES C TR
4770 ESTERO BLVD UNIT 102
FORT MYERS BEACH FL 33931

SEASIDE VACATIONS FT MYERS LLC
1005 NORTH WATER ST
BAY CITY MI 48708

ANDERSON BETTY J TR
BRIAN ANDERSON
7945 PERRY LAKE RD
CLARKSTON MI 48348

PROVENZALE DONALD J &
8S051 CREEK DR
NAPERVILLE IL 60540

TEUSINK PHILIP R
47 S KENSINGTON PL
SPRINGFIELD OH 45504

FMB SEASIDE LLC
604 HUNTINGTON DR S
SARTELL MN 56377

PARADISE POINT PROPERTIES LLC
DOUG DANIEL
406 POLK ST
IOWA FALLS IA 50126

MCKEON JOHN J
175 BERLIN AVE #73
SOUTHINGTON CT 06489

FLIS TERENCE B +
1133 FORESTVALE DR
BURLINGTON ON L7P 3G6
CANADA

BAKKE ROBERT
4735 FREMONT AVE S
MINNEAPOLIS MN 55419

BAKKE ELIZABETH LEE &
4735 FREMONT AVE S
MINNEAPOLIS MN 55419

GRILLO STEVEN G
16 SMALLBROOK CIR
RANDOLPH NJ 07869

LLB INVESTMENT GROUP LLC
940 NW 201ST TER
PEMBROKE PINES FL 33029

HUSEBY LINDA +
913 S 12TH ST
MONTEVIDEO MN 56265

ALVERO CAESAR & ALICIA M
21346 33RD AVE
BAYSIDE NY 11361

LIOTTA SALVATORE & CONCETTA
6 OAK BROOK CLUB DR APT J101
OAK BROOK IL 60523

ZUFFELATO EUGENE S & EMMA
260 MIDLAND DR
ORANGE CT 06477

KLECZKA FRANK M
4805 SUNNYSIDE DR
MILWAUKEE WI 53208

BAKKE ROBERT
4735 FREMONT AVE S
MINNEAPOLIS MN 55419

1765 MCCRAITH PROPERTIES LLC
20 BURRSTONE RD
NEW YORK MILLS NY 13417

LLB INVESTMENT GROUP LLC
8432 NW 93RD ST
MEDLEY FL 33166

MATHESON ROBERT R & JORJA L
2935 W COMMERCE RD
MILFORD MI 48380

ANTHONY J ROSS LLC +
2123 MONTAGO DR
SPRINGFIELD OH 45503

SEBASTIAN ROBERT A & JOAN M +
1912 WOODLAND AVE
PARK RIDGE IL 60068

ALVERO CAESAR & ALICIA M
213-46 33RD AVE
BAYSIDE NY 11361

TEGENKVIST ANDERS & HELENE
FLYGARVAGEN 48
JARFALLA 175 69
SWEDEN

LESON JOHN P & KATHLEEN L
4141 BAY BEACH LANE #4P6
FORT MYERS BEACH FL 33931

GLORIA NOWACZYK TRUST +
606 S CHARLETON ST
WILLOW SPRINGS IL 60480

BELL WILLIAM K
28190 ALFRED CT
BONITA SPRINGS FL 34135

LITTLE LAKE PROPERTY MANAGEMEN
637 HENRY ST
FOLSOM CA 95630

L JOHNSON PROPERTIES LLC
550 25TH AVE N
SAINT CLOUD MN 56303

ROBERTSON MICHAEL R TR
7 GLENVIEW MANOR DR
FORT MYERS BEACH FL 33931

TRUDEL DAVID R & JUDITH B TR
1807 SETTLERS RESERVE WAY
WESTLAKE OH 44145

SWFLO BEACH PROPERTIES LLC
8763 S LAKE CIR
FORT MYERS FL 33908

SIMONKA MEREDITH V
104 WARWICK RD
WEST WINDSOR NJ 08550

BEACH EQUITY GROUP LLC
13591 FOX LAKE TRL
FARIBAULT MN 55021

LLB INVESTMENT GROUP LLC
940 NW 201ST TER
PEMBROKE PINES FL 33029

FRANCIS DARRELL A TR
410 HAWTHORNE AVE
SOUTH MILWAUKEE WI 53172

PHYLLIS JANE EDWARDS TRUST
1102 N TOPPER RD
MOUNT PULASKI IL 62548

COFFMAN JOHN STEPHEN &
1926 ANGEL VIEW DR
GREENWOOD IN 46143

MARACH DEBORAH A TR
322 BRANCHWOOD CT
SCHAUMBURG IL 60193

OSTENDORF DONALD T &
27530 RICHVIEW CT
BONITA SPRINGS FL 34135

ISH JANE M L/E
605 RIDGE STREET #168
SAULT SAINTE MARIE MI 49783

DARRELL A FRANCIS TRUST
410 HAWTHORNE AVE
SOUTH MILWAUKEE WI 53172

SWANSON RICK L & LISA M L/E
4558 SILVERTHORN DR
JACKSONVILLE FL 32258

DIDION KENNETH W & SHARON J TR
29910 SEQUOIA TRAIL
WESTLAKE OH 44145

SIMONKA GEORGE H & ANDREA
5 OAKEN LANE
MERCERVILLE NJ 08619

LOSTRITTO DONALD L/E
61 MERWIN CIR
CHESHIRE CT 06410

TUEL LARRY L
1768 NW 122ND ST
CLIVE IA 50325

BML INVESTMENT GROUP LLC
5820 SW 93RD PL
MIAMI FL 33173

CAMPBELL BRIAN & NANCY
221 HILLBROOK DR
SHEPHERDSVILLE KY 40165

D & H GERMAN LAUNDRY SERVICE L
KOEHLER INTERNATIONAL INC
949 TAMiami TRL STE 208
PORT CHARLOTTE FL 33953

BALDRIDGE KAREN ANN
2337 BUTTERFLY PALM DR
NAPLES FL 34119

SOYKA JOANN M TR
6358 SAINT ANDREWS CIRCLE S
FORT MYERS FL 33919

SHELLEY MARY J
1211 S DUCHESNE DR
SAINT CHARLES MO 63301

CLUGH THOMAS ENTERPRISES LLC
1623 EAST 430 SOUTH
LAFAYETTE IN 47909

OSTENDORF DONALD T &
27530 RICHVIEW CT
BONITA SPRINGS FL 34135

BLESSED BY THE BEACH LLC
14704 COLDWATER RD
FORT WAYNE IN 46845

Q T HOLDINGS LLC
6909 WINNETKA AVE N
BROOKLYN PARK MN 55428

BOAT MASTERS MARINE INC
5290 MANCHESTER RD
AKRON OH 44319

MARTINELLI LAWRENCE A JR
6221 COMPART ISLE DR
NAPLES FL 34113

ST SNOOK BIGHT LLC
17330 PRESTON RD STE 220A
DALLAS TX 75252

COYLE MARIANNE TR
4765 ESTERO BLVD # 1504A
FORT MYERS BEACH FL 33931

JCPI HOLDINGS LLC
153 SEVILLA AVE
CORAL GABLES FL 33134

PRESLEY STEVEN W TR
16 OXMOOR COURT
BRENTWOOD TN 37027

JCPI HOLDINGS LLC
PO BOX 140668
CORAL GABLES FL 33114

KANTER GARY J + KIMBERLY J
3061 LYNDAL CT
EDGEWOOD KY 41017

MICHAEL P HOGAN TRUST +
506 QUAM CIR
AMES IA 50010

SUSKO DAVID ANTHONY
38000 VILLA MAR
HARRISON TOWNSHIP MI 48045

RAYMOND DONNA M
18020 SAN CARLOS BLVD #62
FORT MYERS BEACH FL 33931

TUYLS JOSHUA J & BETH ANN
21750 ARENGA LN
ESTERO FL 33928

MOHR RICHARD & SHERRY
12328 LITCHFIELD LN
FORT MYERS FL 33913

CHRONISTER TOM & MARYLOU
1400 GULF SHORE BLVD N #305
NAPLES FL 34102

MILLER PHILIP G & SANDRA A
833 CHERRYWOOD
JACKSON MI 49203

LEON ROBERTO GARRIGA
310 16TH AVE NW
NAPLES FL 34120

WOITYNEK NATASCHA &
3541 QUILL LEAF CT
BONITA SPRINGS FL 34134

ST SNOOK BIGHT LLC
17330 PRESTON RD STE 220A
DALLAS TX 75252

THEISEN EILEEN M
2127 FOREST DR
SAINT CLOUD MN 56303

STOTTS LYNN & KEITH +
4192 BAY BEACH LN UNIT PH 1
FORT MYERS BEACH FL 33931

ST SNOOK BIGHT LLC
17330 PRESTON RD STE 220A
DALLAS TX 75252

ST SNOOK BIGHT LLC
17330 PRESTON RD STE 220A
DALLAS TX 75252

PASTENA JAMES R & DIANE R
PO BOX 286
SUCCASUNNA NJ 07876

JOHNSON GARY R
4852 ESTERO BLVD
FORT MYERS BEACH FL 33931

LUKEENDA TIMOTHY L &
8464 W MILLIGAN RD
BRIMLEY MI 49715

ZINK DAVID C TR
14 MELROSE CT
JACKSONVILLE IL 62650

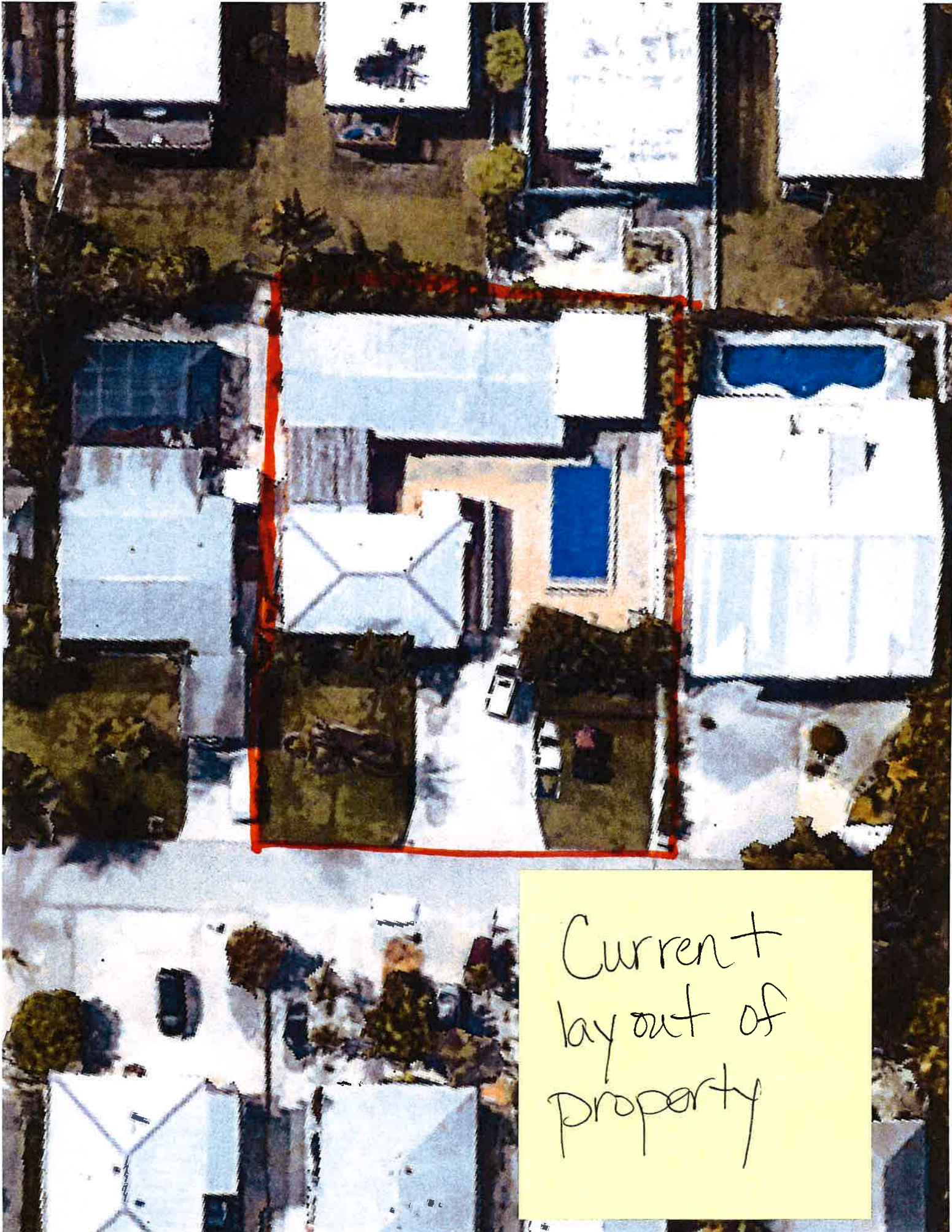
PRASSE MARJORIE J TR
4633 ESTERO BLVD #202
FORT MYERS BEACH FL 33931

EROSHEVICH RICHARD & TAWNIA
3191 SHELL MOUND BLVD
FORT MYERS BEACH FL 33931

LST & KEES LLC
812 CREEKSIDE TRAIL
ALPHARETTA GA 30004

HENDERSON JAMES & KERRIE
8888 FITNESS LN
FISHERS IN 46037

ZINK DAVID C TR
14 MELROSE COURT
JACKSONVILLE IL 62650



Current
lay out of
property



Proposed property
layout if
variance is
granted

Proposed property
layout if
variance is
granted





Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20230061

CASE NAME: 4830 Coral Road; requesting variance from LDC Table 34-3 which requires that lots in the RS zoning district have minimum dimensions of 75' x 100'

LPA

HEARING DATE: June 13, 2023 at 9 AM

STAFF

RECOMMENDATION: APPROVE variance of minimum lot dimensions of Residential Single-Family zone.

**PREPARED/
SUBMITTED BY:** Jason Smalley/ Sarah Propst, AICP, PMP

I. APPLICATION SUMMARY

Applicant/Owner: Lonnie Letteri

Request: Variance from LDC Table 34-3 which requires that a lot in the RS zoning district shall be a minimum of 75' x 100'

The Applicant is requesting a variance to create two lots 46.25' x 110'

Subject property: See attached site plan

Physical Address: 4830 Coral Road

STRAP #: 28-46-24-W4-0010A.0080

FLU: Low Density

Zoning: Residential Single-Family (RS)

Adjacent zoning and land uses:

North:	RESIDENTIAL SINGLE FAMILY (RS) Single-Family Residence
South:	RESIDENTIAL SINGLE FAMILY (RS) Single-Family Residence
East:	RESIDENTIAL SINGLE FAMILY (RS) Single-Family Residence
West:	RESIDENTIAL SINGLE FAMILY (RS) Single-Family Residence

II. BACKGROUND AND ANALYSIS

Background:

Lonne Letteri, the applicant for 4830 Coral Road, is requesting a variance from the Town's Land Development Code (LDC) Table 34-3 which requires that a lot in the RS zoning district have minimum dimensions of 75-feet wide, and 100-feet deep. When the lots in-question (lots 8 & 9) were originally platted they had dimensions of 53-feet wide by 110-feet deep and were later combined into a single lot, with a 13.5-foot portion of lot 8 dedicated to the neighbor on lot 7 (4838 Coral Rd). The modifications to the lot boundaries were completed prior to the applicant purchasing the property in 2002.

Analysis:

The purpose of the RS zoning district is to provide stable neighborhoods where single-family detached homes are the predominant land use. The subject property is an interior lot with two residential structures which are connected by a panel roof. The existing house does not meet the code required rear and side setbacks, the site also appears to have reached the maximum 40% building coverage and exceeded the maximum 67% impervious coverage allowed under existing codes.

Staff's interpretation of the Land Development Code sec. 10-217 "*Lot recombinations*" is that a property owner may split non-conforming lots into their original, non-compliant plat dimensions, or create new conforming lots. Because of the previous dedication of 13.5-feet to another property, the applicant cannot create two conforming lots as of today, which is why the applicant is requesting the lots be allowed to be split with a width of 46.25-feet, a difference on both proposed lots of 6.75-feet.

Neighborhood Compatibility:

Based on the code description of the RS zoning district, the intent is to encourage the development of single-family homes which differentiates Coral Road from zones which allow for multi-family and weekly short-term rentals. The applicant wishes to split the lots and allow for the development of a single-family home on each lot, which

will meet the current setbacks, lot coverage and flood heights. Based on the comparison of the existing streetscape and the applicant's speculative design, the proposed views from the street with two single-family homes appears to more accurately meet the Comprehensive Plan's vision for the general development of the neighborhood.

Findings and Conclusions:

LDC Sec. 34-87 sets forth the required findings and conclusions for the approval of a variance:

- a. *That there **are**/are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request **is**/is not for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.*

There are exceptional or extraordinary conditions that are inherent to the property. The lot was formerly reduced in square footage by 13.5 feet and the applicant indicated that the lot had been developed as a duplex, which is not an allowed use in the RS zoning district.

- b. *That the conditions justifying the variance are/**are not** the result of actions of the applicant taken after the adoption of the regulation in question.*

The non-compliant property dimensions were changed prior to the current owner and were not created by a decision that the applicant has made. Additionally, the development of the property as a duplex (as indicated by the owner) appears to have occurred prior to the current property owner.

- c. *That the variance granted **is**/is not the minimum variance that will relieve that applicant of an unreasonable burden caused by the application of the regulation in question to this property.*

Recreating two developable lots would require that at least one of the proposed lots would be non-compliant, spreading the non-compliance across both lots gives the best opportunity for both properties to accommodate proper setbacks and coverage maximums.

- d. *That the granting of the variance will/**will not** be injurious to the neighborhood or otherwise detrimental to the public welfare; and*

The granting of this variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Creation of an additional lot will not create any additional units, as the current single parcel was developed as a duplex, per information provided by the owner.

- e. *That the conditions or circumstances on the specific piece of property for which the variance is sought are **are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.*

The subject property is non-conforming largely due to the loss of a portion of the lot prior to the applicant's ownership, and changing the lot dimensions for the RS district would affect the character of those zones negatively.

III. RECOMMENDATION

Staff has reviewed the request for a variance from LDC Table 34-3 which requires that a lot in the RS zoning district have minimum dimensions of 75' x 100' and found that the variance request does meet the requirements set-forth in sec. 34-87. Allowing for the construction of two single family lots is more in-line with the established neighborhood development pattern.

Therefore, staff recommends **APPROVAL** of VAR20230057, a request for variance of minimum lot dimensions.