



Fort Myers Beach Town Council

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

AMENDED Agenda

Monday, August 7, 2023

9:00 AM

ORDER OF BUSINESS

- I. CALL TO ORDER
- II. INVOCATION
- III. PLEDGE OF ALLEGIANCE
- IV. APPROVAL OF FINAL AGENDA
- V. PUBLIC COMMENT
- VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS
- VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS
- VIII. PRESENTATION

NEW A. Evergreen Solutions
Compensation and Classification Study

IX. APPROVAL OF MINUTES

- A. Town Council June 20, 2023
- B. Management & Planning Session June 22, 2023
- C. Special Town Council June 26, 2023

X. CONSENT AGENDA

- A. Resolutions 23-77 & 23-78: Extending Local State of Emergency
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- B. Resolution 23-79; BankUnited Signatory Authority
A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, LEE COUNTY FLORIDA, AUTHORIZING TOWN OFFICIALS ACCESS AND AUTHORITY ON TOWN CERTIFICATES OF DEPOSIT(S) AND ANY OTHER TOWN ACCOUNTS WITH BANKUNITED; PROVIDING AN EFFECTIVE DATE.
- C. Resolution 23-81; Florida Municipal Investment Trust
A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, LEE COUNTY FLORIDA, AUTHORIZING TOWN OFFICIALS ACCESS AND AUTHORITY ON TOWN ACCOUNTS THROUGH THE FLORIDA MUNICIPAL INVESTMENT TRUST; PROVIDING AN EFFECTIVE DATE.
- D. Resolution 23-83; Broadening Allowable Use of ARPA Funds
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE USE OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS FOR GOVERNMENT SERVICES AND INFRASTRUCTURE; AND PROVIDING FOR AN EFFECTIVE DATE.
- E. Resolution 23-82; Purchase of Ford F-150 Trucks
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A PIGGYBACK CONTRACT BETWEEN THE TOWN AND SAM GALLOWAY FORD IN AN AMOUNT NOT TO EXCEED \$120,000.00, UTILIZING LEE COUNTY CONTRACT 031121, AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT, EXPEND FUNDS, AND TAKE ALL APPROPRIATE ACTIONS TO PURCHASE THREE F150'S FOR NEW HIRES OF BUILDING INSPECTORS; AND PROVIDING FOR AN EFFECTIVE DATE.
- F. ITB 23-10-AD Amended Contract Services
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING A CHANGE ORDER TO THE CE GLEESON CONTRACT FOR ARCHITECTURAL DESIGN OF BAY OAKS REC CENTER; AND PROVIDING FOR AN EFFECTIVE DATE.
- G. Beach Maintenance Lift Truck
Approving the direct purchase of a beach maintenance lift truck in the amount not to exceed \$190,000 as budgeted in the Town and TDC Grant Request for the current fiscal year from TruckMax, waiving the Town's competitive procurement policies and procedures and authorizing the Town Manager to execute any purchasing documents.
- H. Additional funds for Calvin, Giordano & Associates
Requesting approval to allocate additional building enterprise funds towards contractual services in the amount of \$300,000. Contractual services include vendors such as Calvin, Giordano & Associates, who provide plans examining and building code inspection services for the Town of Fort Myers Beach. This allocation of funds is necessary to enable the Town to continue plans examining and inspecting operations for building permits for the remainder of FY2023.

- I. RFQ-20-22-AD; Misc. On-Going Professional Services
Motion to approve STA #9 authorizing the appropriation of additional funds for Axis International to continue to provide planning and zoning professional services.
- J. Use of Town's logo by FMB Community Foundation
Approve use of the Town's circular logo by the FMB Community Foundation for a fundraiser.

XI. PUBLIC HEARINGS

- A. Ordinance 23-09; TPI FMB
Second Reading and Public Hearing on proposed Ordinance 23-09 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPLACING TOWN OF FORT MYERS BEACH ORDINANCE NO. 18-04, AND AMENDING THE CONDITIONS FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 1170, 1180/1192, 1204/1206 ESTERO BLVD., 251 CRESCENT ST., 1150 FIFTH ST. AND UNADDRESSED PARCELS, PARCELS GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00205.0070 (MCP PARCEL #3), 24-46-23-W3-00006.0000 (MCP PARCEL #1), 24-46-23-W3-00206.0060 (MCP PARCEL #1), 24-46-23-W3-00009.0000 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0494.2609 (MCP PARCEL #2), 24-46-23-W3-00205.0070, 19-46-24-W4-U0491.2610 (MCP PARCEL #2), 19-46-24-W4-0140B.0070 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0496.2608 (MCP PARCEL #2), AND 19-46-24-W4-U0498.2607 (MCP PARCELS #2 AND #6) FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.
- B. Resolution 23-80; SEZ 20230052 / 1249 Estero
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20230052 TO AMEND RESOLUTION 13-09 CONDITIONS OF APPROVAL WHICH LIMITED THE AREA OF CONSUMPTION ON PREMISES TO THE BUILDING AND DID NOT ALLOW LIVE MUSIC FOR THE PROPERTY LOCATED AT 1249 ESTERO BLVD.; AND PROVIDING FOR AN EFFECTIVE DATE
- C. Resolution 23-72, VAR20230078- 432/434 Harbor Court
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230078 TO REDUCE REAR YARD SETBACK BY 5 FEET, FROM THE REQUIRED 20 FEET TO 15 FEET FOR THE PROPERTY LOCATED AT 432/434 HARBOR COURT; AND PROVIDING FOR AN EFFECTIVE DATE
- D. Resolution 23-73, VAR20230062- 405 Harbor Court
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT

MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230062 TO REDUCE THE HARBOR COURT STREET SETBACK BY 17 FEET, FOR AN 8 FOOT SETBACK WHERE 25 FEET IS REQUIRED FOR THE PROPERTY LOCATED AT 405 HARBOR COURT; AND PROVIDING FOR AN EFFECTIVE DATE

- E. Resolution 23-76, VAR20230063-810 Third St

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VAR20230063 VARIANCE OF 12 FEET, 8 INCHES FROM THE REQUIRED 25 FOOT STREET SETBACK. FOR THE PROPERTY LOCATED AT 810 THIRD STREET; AND PROVIDING FOR AN EFFECTIVE DATE

- F. Resolution 23-74, VAR20230061- 800 Third Street

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230061 TO REDUCE THIRD STREET SETBACK BY 2.5 FEET, FROM THE REQUIRED 25 FEET; TO REDUCE THE SIDE SETBACK BY 2.5 FEET, FROM THE REQUIRED 7.5 FEET; AND TO REDUCE REAR WATERBODY SETBACK BY 7.5 FEET, FROM THE REQUIRED 25 FEET FOR THE PROPERTY LOCATED AT 800 THIRD STREET; AND PROVIDING FOR AN EFFECTIVE DATE

- G. Resolution 23-82; VAR 20230057 - 4830 Coral Rd.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VAR20230061, FOUR VARIANCES FROM LDC TABLE 34-3 FOR TWO LOTS, TO DECREASE REQUIRED LOT WIDTH BY 28.75 FEET FROM THE REQUIRED 75 FEET AND LOT AREA BY 2,412.5± SQUARE FEET FROM THE REQUIRED 7,500 SQUARE FEET, IN THE RS ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 4830 CORAL RD; AND PROVIDING FOR AN EFFECTIVE DATE

- H. Resolution 23-75, VAR20220027- 4601 Estero Blvd

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20220027 TO ALLOW A SWIMMING POOL CLOSER TO THE ESTERO BOULEVARD STREET RIGHT-OF-WAY LINE THAN THE PRINCIPAL BUILDING FOR THE PROPERTY LOCATED AT 4601 ESTERO BLVD; AND PROVIDING FOR AN EFFECTIVE DATE

XII. ADMINISTRATIVE AGENDA

- A. RFQ-23-16-TC; Legal Services Agreement
Authorize legal services agreement with Vose Law Firm - either Version 1 or Version 2
- B. Floor Area Ratio Discussion
Provide input to the way Floor Area Ratio is calculated

XIII. FINAL PUBLIC COMMENT**XIV. TOWN MANAGER'S ITEMS****XV. TOWN ATTORNEY'S ITEMS****XVI. COUNCILMEMBERS ITEMS AND REPORTS****XVII. ADJOURNMENT**

NOTE: THIS MEETING IS STREAMED LIVE ON 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 accommodation, 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.

1. **Requested Motion:**

Meeting Date: August 7, 2023

Compensation and Classification Study

Why the action is necessary:

What the action accomplishes:

2. **Agenda:**

PRESENTATION

3. **Requirement/Purpose:**

4. **Submitter of Information:**

Talissa Oliveira, HR Manager

5. **Background:**

Attachments:

1. Ft Myers Beach Presentation - Final

Financial Impact:

6. **Alternative Action**

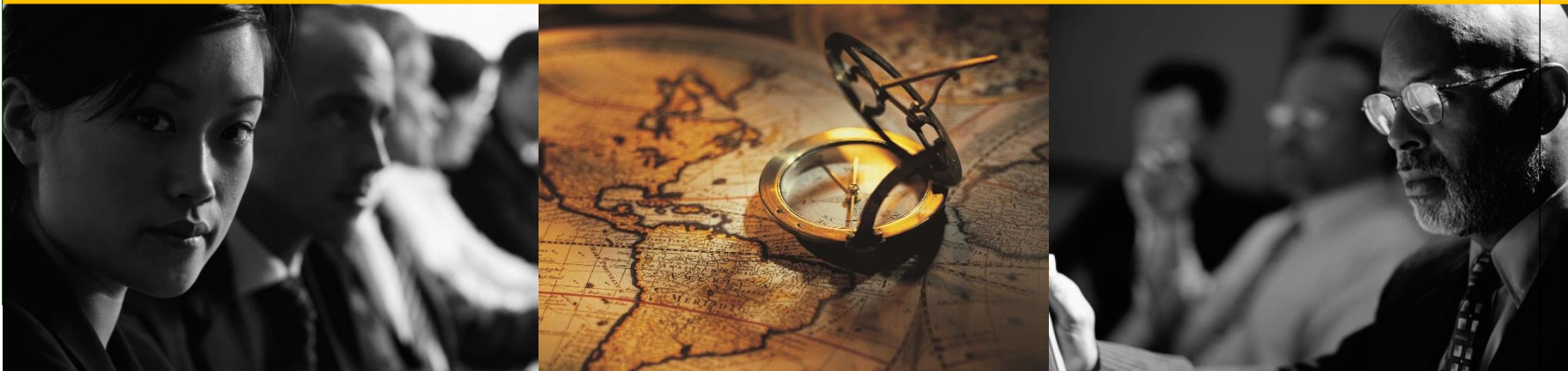
7. **Management Recommendations:**

8. **Recommended Approval:**

Amy Baker, Town Clerk
Talissa Oliveira, HR Manager
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 8/4/2023
Approved - 8/4/2023
Approved - 8/4/2023
Approved - 8/4/2023
Final Approval - 8/4/2023

Town of Ft Myers Beach, FL Compensation and Classification Study Presentation of Results



**Presented by:
Karl Fuchs, JM**



August 7th , 2023

Overview

- Study Goals
- Project Phases
- Employee Meetings
- Current System Findings
- Market Results
- Recommendations

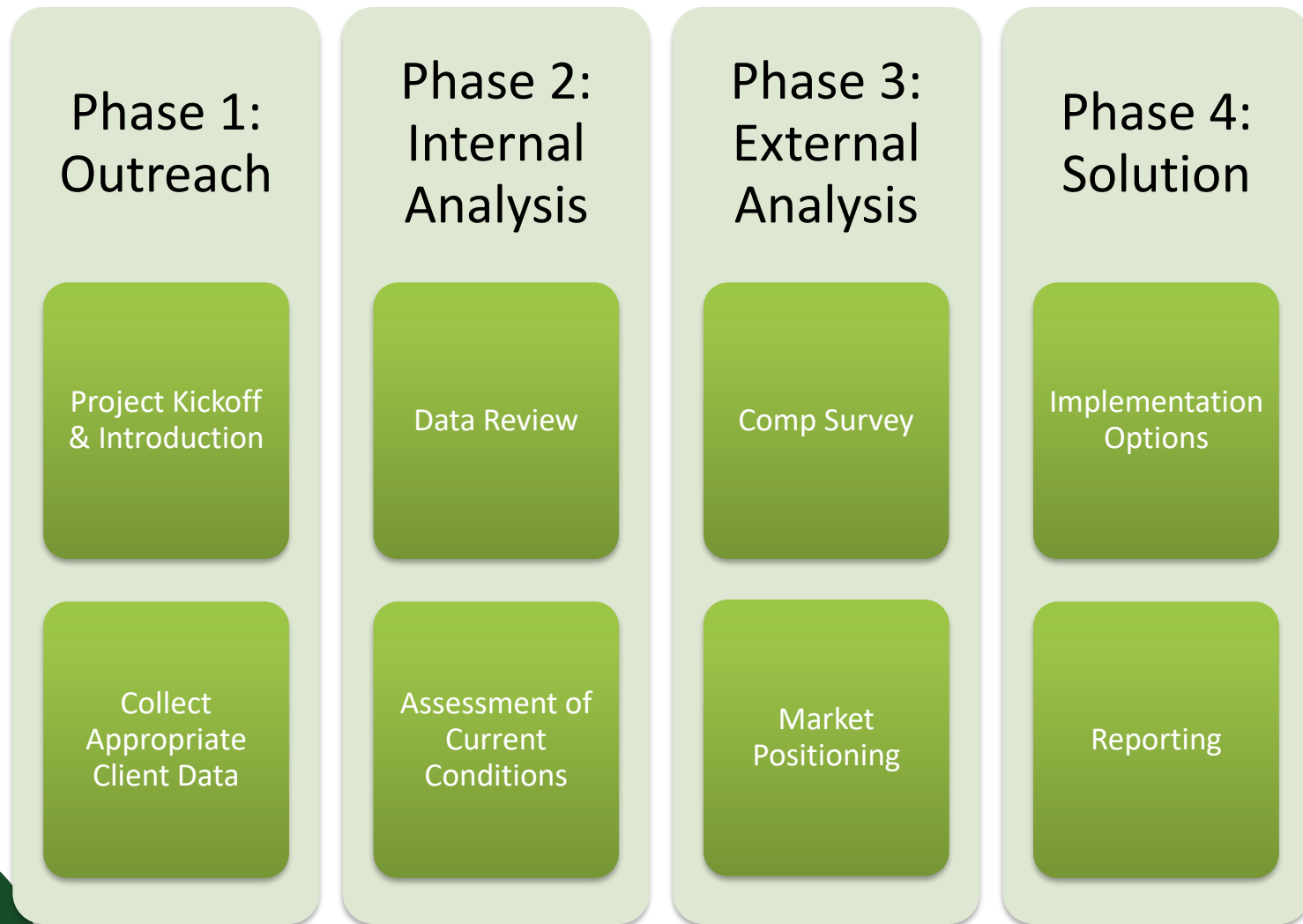


Study Goals

- Review current compensation system to ensure internal equity.
- Survey peer organizations to ensure external equity.
- Produce recommendations to provide the organization with a compensation system that is equitable, both internally and externally.



Project Phases



Employee Meetings Comments - Positive

- **Culture** – Most employees described the quality of people they work with as the number one reason they have stayed with the organization.
- **Environment** – Many employees expressed that working in the Town where they live and grew up is a significant benefit. Nearly all employees feel proud to have a positive effect on the esthetics and services in the Town.
- **Schedule** – Employees expressed their satisfaction with the flexibility in their schedule. Early starts in consideration of heat and seasonal beach traffic was mentioned as a benefit by those that it is applicable.
- **Benefits** – Employees mentioned their benefits package in a positive light.



Employee Meetings

Comments - Concerns

- **Retirement** – Nearly all employees expressed that they would like to see the employer contributions to their retirement increase back to 10% as it once was.
- **Growth** – Employees perceive that there is not room to grow in roles. Rather than become more proficient in their current roles and climb an established career ladder, many shared that they were taking on additional roles outside of their core competencies to cover vacancies.
- **Schedule** – Employees who are on a call back schedule feel that the time to commute during peak season hours should be compensated for a minimum number of hours to account for the commute time. As seen now it is a cost to the employee to report for call backs.
- **Parental Leave** – Many employees mentioned the need for a formal parental leave plan or paid family leave plan. Employees with growing families are exhausting PTO and receiving PTO donations to manage a paid parental leave.



Current System Findings

- **Strength:**
 - Increases were scheduled annually and equally apportioned to employees.
- **Weakness:**
 - Not all classifications are included in the pay plan.
 - Pay plan ranges are exceeded.
 - Range spreads are inconsistent across classifications.
 - Pay plan and steps are applied arbitrarily.



Compression Analysis

- Pay compression can be defined as the lack of variation in salaries between employees with significantly different levels of experience and/or responsibility.
 - *Range Compression* – employees in the same job, but with different levels of experience not possessing sufficient pay variation.
 - *Rank Compression* – employees in a supervisor-supervisee relationship not possessing sufficient pay variation.



Market Targets

- Salary survey resulted in responses from 12 peers including 10 cities and 2 counties.
- All responses are adjusted for cost-of-living differentials.
- 49 classifications were benchmarked and compared directly to the market. Those classifications averaged 6. responses.

Market Peers	Cost of Living Index	COL Factor
Town of Ft. Myers Beach, FL	104.1	
City of Cape Coral	104.1	1.000
City of Fort Myers	104.1	1.000
City of Marco Island	117.7	0.884
City of Naples	117.7	0.884
City of North Port	109.8	0.948
City of Punta Gorda	99.5	1.046
City of Sanibel	104.1	1.000
Collier County	117.7	0.884
Lee County	104.1	1.000
City of St. Pete Beach	112.9	0.922
City of Bonita Springs	104.1	1.000
City of Venice	109.8	0.948



Market Results

Unadjusted Results (no cost-of-living adjustment)			Adjusted Results (cost-of-living adjusted)		
Minimum	Midpoint	Maximum	Minimum	Midpoint	Maximum
-11.5%	-28.1%	-40.1%	-7.1%	-23.9%	-36.0%

- A negative differential indicates the Town is behind at that market position on average. This analysis applies to the Pay Plan and classification ranges **not** actual salaries.
- The results highlight range spreads' importance when comparing to the market. The Town is less behind the market at the range minimum, where a greater differential exists at the range maximum due to the lack of range spread in the current system.
- The response average range spread is 58.7% where the Town average is 17.7%.



Key Recommendations

1. Adopt an adjusted pay plan with market competitive ranges. The newly recommended pay plan has consistent range spreads and progression between the grades.
2. Reassign pay grades to positions based on internal equity and the market results. Some positions will see larger adjustments than others due to the market response.
3. Place employees within their newly recommended pay grades. Select an implementation methodology that aligns with the compensation philosophy and financial means of the Town.
 1. The Town's adoption of a 6 percent benefit allowance significantly mitigated costs associated with recommended implementation options.



Implementation Options and Costs

Implementation Option	Total Salary-Only Cost	Number of Employees Adjusted	Average Adjustment for Impacted Employees	% of Payroll
Bring to Min	\$ 19,801.73	8	\$ 2,475.22	0.5%
Class Parity	\$ 43,064.13	14	\$ 3,076.01	1.0%
Hybrid Parity	\$ 66,463.04	18	\$ 3,692.39	1.5%
Tenure Parity	\$ 114,055.91	22	\$ 5,184.36	2.6%
Standard 5% Increase	\$ 239,434.70	73	\$ 3,279.93	5.5%

- Bring to Minimum – Realigns employees to at least the minimum of their recommended salary ranges and makes no further adjustment.
- Class & Tenure Parity – Realigns employees along their recommended salary range based on their length serving in either their current classification or with the Town in any classification.
- Hybrid Parity – Realigns employees along their recommended salary range based on hybrid of their length serving in both their current classification and with the Town. If an employee is below their hybrid salary, they receive an adjustment.



Thank you

Karl Fuchs, JM, Senior Consultant Evergreen Solutions, LLC

2528 Barrington Circle, Suite 201

Tallahassee, Florida 32308

850.383.0111 ph

850.383.1511 fax

www.ConsultEvergreen.com



Evergreen Solutions, LLC



Fort Myers Beach Town Council

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

Minutes

Tuesday, June 20, 2023

9:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

Members present: Mayor Allers, Vice Mayor Atterholt, Council Member King, Council Member Veach and Council Member Woodson.

II. INVOCATION

Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Items B, E, F, G, H and I were pulled for discussion.

Vice Mayor Atterholt moved to approve the amended agenda; second by Council Member Veach.

Motion carried unanimously.

V. PUBLIC COMMENT

Cathy Turner represented the Estero Island Garden Club and reviewed their history. She noted that the club was interested in holding a plant presentation in the fall regarding which plants to use in various locations. The garden at Bay Oaks mostly survived and she stated the Garden Club would continue to maintain it. The Garden Club offered to serve in an advisory capacity regarding installing native plants. She said planting coconut palms at Bayside Park was dangerous to the public and the palm was an invasive species. Plantings between the curb and sidewalks on Estero Blvd. were done poorly. She will make a presentation at the

next Council meeting.

Mike Miller, resident and owner of The Beached Whale property, requested an update regarding the TPI lot split.

Linda Miller, Farmer's Market contact, indicated that Times Square was a good place for a Farmer's Market but mentioned that the area would be torn up to install wiring for the clock. She submitted plans for alternate locations.

Jennifer Rusk, resident, was against the boardwalk and explained why she chose to live at the beach. She discussed the effects on wildlife and asked that Council rescind their decision.

Becky Weber, spokesperson for Let's Go Fort Myers Beach, requested that an advisor and staff member be assigned to the group to help them interact with the town.

Barbara Hill, resident, agreed wholeheartedly with Leah Gregg's email and respectfully requested that the Town Council rescind its vote and prevent the boardwalk from going forward.

Penny Jarrett, resident, did not support the boardwalk. She referred to a description of the lagoon and stated the judge was wrong because the area was a tidal flushing lagoon and was currently open. The snowy plovers were now nesting, so the judgment was also wrong about the birds not nesting there. Drilling the pilings could also cause damage to the area. She asked Council not to send the letter of indemnification and rescind their vote.

Leah Gregg, resident, submitted an email to be read during public comment to the Town Clerk. *"During the last Council meeting, council voted to sign an indemnification letter for the permit to be approved for a 298 foot bridge to be built on state owned land. The town attorney informed council "Let me be clear, there is no right to build the dunes bridge until the special exception is final and not appealed, it has been appealed, you don't issue a permit until there is an unappealable verdict.*

Signing this letter will put the town at risk for additional litigation. Council members John and Karen immediately voted yes, Jim stated he didn't want to obstruct the majority so he voted yes to. Dan and Bill did not vote for the record. So I appreciate you adding the letter to the agenda as a discussion, but you need to vote on it again so all council members vote is on record. A misleading narrative was created surrounding this bridge and some of it by council members John and Karen. During their campaign they said repeatedly that they would approve this private bridge to save taxpayers from having to continue to pay for this lawsuit. This lawsuit filed by the homeowners is a state suit, not a town suit, the town isn't paying for it, so making that claim misled the public as it simply isn't true. John took it one step further and said the town also had to take out an insurance policy due to this lawsuit and that it was a \$250,000 policy but had to be increased to \$300,000 due to this suit. This is not true as the Town maintains an ANNUAL Property & General Liability policy with the Florida Municipal Insurance Trust, this is a fixed cost regardless of any lawsuit. Taxpayers were not paying for the homeowners state suit, but we are paying for the Audubon suit as the league of cities will not pay for this suit. The town attorney informed you of this risk prior to approving the bridge. John King recently met with the town attorney Re the Audubon suit, twice, and the town attorney billed the town for both meetings, costing the taxpayers. But John has never mentioned or expressed any concern over this real taxpayer expense, Another misleading claim was that the bridge is a property rights issue, and the homeowners own the land and should be able to build their bridge. The homeowners do not own the land where they want to build their bridge, the state owns this land, their own

attorney said this during the meeting when you approved it. Karen has said this bridge will help the environment, if this were really true, why is the Audubon Society suing the town to stop it. I'll close by asking you, is this private bridge really the best spend of taxpayer dollars? This Audubon suit could go on for years, and they have deep pockets. And please revote on the indemnification letter so all votes are accounted for and on record. Thank you."

VI. PRESENTATION

No presentations.

VII. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member King thanked Lee County Commissioner Ray Sandelli and his staff for what they did for the beach and Lee County.

Vice Mayor Atterholt thanked Commissioner Sandelli for his service to the country in the military. He recognized and thanked citizens for picking up debris while walking on the beach, streets and sidewalks.

Council Member Woodson thanked Beach Talk Radio for organizing the Pub Crawl. She noted the turnout for the Let's Go FMB meeting was fantastic and the positivity was high. She saluted all the residents and businesses for getting involved.

Council Member Veach agreed with previous comments. He recognized Turtle Time and noted there was a turtle nest on the berm.

Mayor Allers congratulated Michael Poff, George Scasny and Sallie Seabury for being appointed to the Library Board. He wished the best to Roger Desjarlais on his retirement from Lee County. He thanked Commissioner Sandelli for serving the country, Lee County and the beach.

A. Resolution 23-62, Times Square Clock Donation

Approve Resolution No. 23-62 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA ACCEPTING THE DONATION AND OWNERSHIP OF A REPLACEMENT CLOCK PREVIOUSLY LOCATED IN THE TIMES SQUARE AREA FROM GEORGE AND LINDA MERSCHMAN; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution.

Joe Orlandini, resident, stated that he could not find the old clock, so he put down a deposit for a new clock from the original company. He stated that they needed electricity and that a technician from the company would have to come down from Ohio to complete the installation. He hoped to have it installed by July 2, 2023, and he thanked George and Linda Merschman for their donation.

Council Member Veach questioned the financial impact on the town. Public Works Director Jason Freeman noted one proposal was for approximately \$13,000.00 to restore electricity to the clock. He will work with Mr. Orlandini to expedite the project.

Council Member Veach moved to approve Resolution 23-62; second by Council Member Woodson.

Motion carried unanimously.

- B. Resolution 23-68; 7-Eleven Donation for Ball Field Restoration Work
Approve Resolution No. 23-68 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA ACCEPTING THE DONATION OF \$25,000 FROM 7-ELEVEN FOR BALL FIELD RESTORATION WORK AT BAY OAKS RECREATIONAL CAMPUS; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Allers read the title of the Resolution.

Director of Culture, Parks & Recreation Jeff Hauge stated that 7-Eleven sent a donation for the ball fields, and a ceremonial check would be presented to the town at a later date. He was not sure what the overall restoration cost would be, but the donation would help a great deal in combination with the Scotts and MLB (Major League Baseball) donations.

Council Member King moved to approve Resolution 23-68; second by Council Member Woodson.

Motion carried unanimously.

VIII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

Marine & Environmental Resources Task Force (MERTF) Vice Chair Greg Fossum confirmed that Council received Chair Johnson's report. MERTF proposed four recommendations. The first was prohibiting all up-lighting on the beach per the lighting ordinance. MERTF suggested installing shields at Bayside Park if the lighting cannot be changed after the hurricane. Public Works Director Freeman stated everything had to be rebuilt as it was before for FEMA reimbursement. MERTF suggested installing a single amber rather than dual lighting at Bayside Park. There was a concern that the plastic artificial turf might harm wildlife. Another suggestion was to install non-invasive trees instead of coconut palms.

MERTF voted 7-0 to request that the boardwalk not be allowed and suggested that they not be allowed to start construction until the appeal process was complete. Three remedial projects were submitted, and MERTF wondered when

the landscape and vegetation management ordinance, tree ordinance and irrigation and water shortage model would be put on the agenda. Council Member King discussed the tone of MERTF's last meeting. Council Member Veach recommended moving forward with the ordinances before people start replanting. The water ordinance had to move forward to be in compliance with the water conservation rules. Council Member Veach received support to add the ordinances to the next M&P session.

IX. APPROVAL OF MINUTES

A. Town Council - June 5, 2023

Council Member King moved to approve the minutes; second by Mayor Allers.

Motion carried unanimously.

X. CONSENT AGENDA

Council Member Veach moved to approve items A, C, and D on the Consent Agenda; second by Council Member Woodson.

Motion carried unanimously.

A. Resolutions 23-54 through 23-60; Extending Local State of Emergency

Approve Resolutions No. 23-54 through 23-60, all entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Veach moved to approve Resolutions 23-54 through 23-60; second by Council Member Woodson.

Motion carried unanimously.

B. Resolution 23-66; 1054 Fifth Street

Approve Resolution No. 23-66 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO TRANSFER TITLE OF THE PROPERTY LOCATED AT 1054 FIFTH STREET, FORT MYERS BEACH, FL 33931 (STRAP NO. 24-46-23-W3-00206.0050) TO LEE COUNTY; AND PROVIDING AN EFFECTIVE DATE.

Council Member King stated that bids for the base of the bridge project were expected to be completed by December and there would not be a roundabout. The property in question was the former Ocean Jewels property and where the Chamber of Commerce used to be located. Council Member Veach revealed that Lee County owned a strip of land that could potentially connect Times Square to the beach and perhaps qualify for TDC funds. He questioned whether the town could acquire that strip of land.

Vice Mayor Atterholt moved to approve Resolution 23-66; second by Mayor Allers.

Motion carried unanimously.

C. Resolution 23-53; Stormwater Grant Acceptance

Approve Resolution No. 23-53 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ACCEPTING A \$10 MILLION DOLLAR GRANT FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY'S HURRICANE STORMWATER AND WASTEWATER ASSISTANCE GRANT PROGRAM AND AUTHORIZING THE TOWN MANAGER'S EXECUTION OF ANY ASSOCIATED GRANT DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.

Council Member Veach moved to approve Resolution 23-53; second by Council Member Woodson.

Motion carried unanimously.

D. Special Event - Off Duty Fishing Series

Moss Marine is hosting an off-duty fishing event to benefit FMB Fire Control District.

Council Member Veach moved to approve the fishing event; second by Council Member Woodson.

Motion carried unanimously.

E. RFP-23-03-UT, Earthview First Amendment

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING A FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN AND EARTHVIEW, LLC FOR STORMWATER MAINTENANCE AND REPAIRS TO CONTINUE SERVICES; AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT BY THE TOWN MANAGER; AND PROVIDING AN EFFECTIVE DATE.

Mayor Allers questioned whether \$664,250.00 was the new total or on top of the \$489,000.00. Project Manager Paresh Patel stated it was in addition to the \$489,000.00. He noted the town had about 64,000 linear feet of pipe cleanouts and pipes would have to be restored due to construction. The project would be reimbursed by FEMA. He stated they were more than halfway done cleaning the system and joint outfall streets were being prioritized.

Mayor Allers moved to approve the resolution; second by Council Member Veach.

Motion carried unanimously.

F. Resolution 23-63, Town Road Signs

Approve Resolution No. 23-63 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA,

ACCEPTING AMERICAN INFRASTRUCTURE SERVICES AS THE TOP RANKED RESPONSIBLE AND RESPONSIVE BIDDER TO ITB-23-17-PW "ROAD SIGNS"; APPROVING AN AGREEMENT BETWEEN THE TOWN AND AMERICAN INFRASTRUCTURE SERVICES FOR THE INSTALLATION OF NEW TOWN ROAD SIGNS; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE A FINAL AND BEST OFFER AND EXECUTE THE AGREEMENT, AND EXPEND BUDGETED FUNDS ON BEHALF OF THE TOWN; AND PROVIDING AN EFFECTIVE DATE.

Council Member Veach stated the town received two quotes and he supported the quote with the logo on the signs for an additional \$12,000.00.

Council Member Veach moved to approve Resolution 23-63 with the option to include the logo on the signs; second by Council Member Woodson. Project Manager Patel said he would request a sample for the Council's approval before moving forward. Vice Mayor Atterholt suggested that the sample be put on the town's website so the public could respond. Mayor Allers felt the \$12,000.00 for the logo could be spent elsewhere. Vice Mayor Atterholt and Council Member King agreed. Council Member Veach withdrew his motion.

Mayor Allers moved to approve the street signs without the logo; second by Vice Mayor Atterholt.

Council Member Woodson suggested that they move forward pending a sample. Town Attorney Herin, Jr. stated they could move forward with the current motion and issue a change order for additional work. Town Manager Hyatt indicated a proof would be created and circulated on the town's website.

Motion carried unanimously.

G. RFP-23-14-PW Debris Monitoring

Approve the Selection Advisory Committee's recommendation in response to RFP-23-14-PW entitled Disaster Debris Monitoring, and authorize the Town Manager to negotiate and execute an agreement with Tetra Tech, Inc.

Contracts Manager Frankie Kropocek explained that the person monitoring debris pickup was responsible for all the changing FEMA regulations, field documentation and metrics. Vice Mayor Atterholt welcomed Contracts Manager Kropocek to the town. Contracts Manager Kropocek reviewed his experience in government service. He explained that debris removal was now the responsibility of the homeowners or businesses.

Council Member King moved to approve RFP-23-14-PW; second by Mayor Allers.

Motion carried unanimously.

- H. Authorize the Town Manager to sole source Turtle Time Inc. services for sea turtle nest monitoring and relocation in the emergency berm project area.

Authorize the Town Manager to sole source Turtle Time Inc. services for sea turtle nest monitoring and relocation in the emergency berm project area.

Council Member King requested an explanation of the cost. Contracts Manager Kropocek stated that Turtle Time was a non-profit, volunteer-based organization and the only one deemed qualified by the FWC (Fish & Wildlife Conservation Commission). The fee being charged was part of the permit fee for the berm restoration and had to tie in with Turtle Time for turtle nest relocation and any related fees. Environmental Project Manager Chadd Chustz explained that the permits required that an expert be hired to monitor the berm area. He added that the charge would be covered under FEMA.

Council Member King moved to authorize; second by Council Member Veach.

Motion carried unanimously.

- I. Direct Staff to place sand waterward of the Erosion Control Line for beachfront properties that do not sign the Town's Easement to place sand landward of the Erosion Control Line.

Direct Staff on whether to place sand waterward of the Erosion Control Line for beachfront properties that do not sign the Town's Easement to place sand landward of the Erosion Control Line.

Project Manager Chadd Chustz utilized PowerPoint for his presentation. Slides included: Recover Summary; Berm Updates; Estero Island Shore Protection Project (aka Beach Renourishment) and Estero Island Shore Protection Project Easements. Coastal Engineering Consultant Michael Poff explained how much sand was added to the beach project. Vice Mayor Atterholt stated that this infusion of sand would transform the beach and encouraged people to consider signing the easement. Mr. Poff indicated the crux of the question was whether the Council would place sand on private property without permission. Town Attorney Herin, Jr. replied that more consideration had to be provided by his office as to the possible ramifications of going onto private property without the owner's permission.

Mr. Poff continued the presentation with slides describing options. Mayor Allers questioned whether they should table the issue until August and Mr. Poff agreed that it would give the town more time to appeal to the residents to sign the easement. Mr. Poff explained the benefits of signing the easement and addressed issues from people who did not want to sign the easements. Project Manager Chustz stated that ADA accesses would be restored once the emergency berm was finalized. Go to [FMBgov.com/beach](https://fmbgov.com/beach) to sign the easement online.

Mayor Allers moved to table the topic to the first meeting in August; second by Council Member King.

Motion carried unanimously.

XI. PUBLIC HEARINGS**A. Ordinance 23-09; Amending the conditions for the Commercial Planned Development Zoning**

First Reading and Public Hearing on proposed Ordinance 23-09 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPLACING TOWN OF FORT MYERS BEACH ORDINANCE NO. 18-04, AND AMENDING THE CONDITIONS FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 1170, 1180/1192, 1204/1206 ESTERO BLVD., 251 CRESCENT ST., 1150 FIFTH ST. AND UNADDRESSED PARCELS, PARCELS GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00205.0070 (MCP PARCEL #3), 24-46-23-W3-00006.0000 (MCP PARCEL #1), 24-46-23-W3-00206.0060 (MCP PARCEL #1), 24-46-23-W3-00009.0000 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0494.2609 (MCP PARCEL #2), 24-46-23-W3-00205.0070, 19-46-24-W4-U0491.2610 (MCP PARCEL #2), 19-46-24-W4-0140B.0070 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0496.2608 (MCP PARCEL #2), AND 19-46-24-W4-U0498.2607 (MCP PARCELS #2 AND #6) FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. Open the first public hearing and schedule for second reading and final adoption on August 7, 2023 at 9:00 a.m.

Town Attorney Herin, Jr. swore in those providing testimony for quasi-judicial hearings A, B, E and F. Mayor Allers read the title of the ordinance. Town Attorney Herin, Jr. stated that the proposed ordinance was amending, not replacing, Ordinance 18-04 and the title would be corrected before the second hearing. Mayor Allers will fill out paperwork to abstain from voting due to a potential conflict of interest between now and the second hearing.

Community Development Planner Sarah Propst reviewed the background of the request as stated on the blue sheet in the agenda packet. She noted the LPA (Local Planning Agency) recommended approval at their May 9, 2023 meeting. Details of the parcels are located on packet page 303.

Steve Hartsell from Pavese Law Firm represented TPI/FMB and Tom Torgerson. He explained why Mr. Torgerson wanted to amend Conditions #14 and #20 utilizing a PowerPoint presentation. Slides included: Location Map; LDC Section 34-1(a); LDC Section 34-85(b); Ambiguity in Condition #14; Proposed Changes to Condition #14; Clean Version of Revised Condition #14 and Condition #20 Edit.

Ex parte communications: Council Member Veach - spoke to the applicant and was somewhat familiar with the project; Vice Mayor Atterholt - talked to the applicant earlier in the day and had an email exchange with a former member of the Town Council. No disclosures from other members.

Council Member Veach questioned whether there was an immediate physical

post-land need driving the timing of the request. Attorney Hartsell replied negatively and indicated the covenant had not been recorded and a deadline was coming up.

Council Member Woodson questioned why the term "in perpetuity" was used. Attorney Hartsell noted that he was not part of that discussion, but the term usually meant no changes to the property forever.

Tom Torgerson reviewed the history of the CPD (Commercial Planned Development). He described how Hurricane Ian affected the project and noted that approval would pave the way for their certificate of occupancy. He explained how they restored the old Cigar Hut and the grade-level bathrooms before Hurricane Ian destroyed it. He discovered the restrooms were just outside the velocity zone so that they could rebuild them at grade level with wet floodproofing. The town gave Mr. Torgerson options to dry floodproof the bathrooms or raise them 18 feet in the air. He rebuilt the bathrooms at grade level with dry floodproofing. If the building was five feet seaward from where it was, they could not rebuild at ground level because of the CPD. He reiterated that they were not requesting changes to the project and had none in mind. He addressed the concerns expressed by former Vice Mayor Joanne Shamp. He did not think the term "in perpetuity" was a practical imposition to put on anyone. He stated the transfer of the title to the parking lot was being processed. Mr. Torgerson expected to open the main resort in November, followed by the Beach Club in December or January.

Public comment:

Mike Miller, resident, wanted to make sure the parking lot stayed where it was. He agreed that the covenant was wrong and supported Mr. Torgerson. Terry Persaud, business owner, agreed that the covenant clause should not have been put in the CPD.

(Via email from) JOANNE K. SHAMP, FORMER VICE-MAYOR TOWN OF FORT MYERS BEACH May 25, 2023

RE: TPI-FMB CPD Amendment Request DCI 20230039 Town Council, Town Manager, Town Attorney and Department of Community Development:
"Please read my statement into the record at the public hearings on this subject. I am writing to clearly state on the record that amendment to Conditions 14 and 20 of the TPI-FMB CPD Ordinance 18-04 should NOT be approved. I have become aware of application DCI 20230039 and am writing to voice my shock and extreme disapproval. The CPD ordinance was precisely crafted to balance development rights, parking and traffic concerns, precious view corridor, outdoor recreation space and environmental protection. The increased density granted by the CPD was approved ONLY based upon the exact conditions and the density/intensity adopted is the maximum that should be permitted at the congested town gateway where safe vehicular and pedestrian interaction is critical. Preservation and expansion of the landmark view of the Gulf and open space preservation in perpetuity for recreation were also critical to the density permitted. As Vice- Mayor during the adoption of the TPI/FMB CPD, it is well-documented that I painstakingly studied every detail of the ordinance, assisted in precise wording of each condition and was the critical third vote that allowed adoption at hearing. The Town Attorney provided legal assurance that this ordinance could not be amended by future Town Councils or administrative amendments. The applicant and their attorneys accepted every word of every

condition read publicly at hearing. Town Mayor Gore and Councilmember Boback knew that my decision to approve meant a 3-2 adoption along with Councilmembers Cereceda and Butcher. Gore and Boback's affirmative votes were given to heal the divided community as the ordinance was assured to pass 3-2 by my decision. The precise perpetual conditions within the ordinance earned my vote and reunited the community by assuring limitations to the TPI-FMB development in perpetuity. I WOULD HAVE VOTED NO ON THE ORDINANCE WITHOUT ALL CONDITIONS, ESPECIALLY CONDITIONS 14 AND 20, EXACTLY AS WRITTEN TO LIMIT DENSITY AND INTENSITY OF PARCELS 2 AND 3 IN PERPETUITY. IT COULD NOT HAVE PASSED! No changed conditions or circumstances in the location of this development exist that warrant change to the limitations of the CPD. The base of the bridge was, is now and shall always remain unique as the critical entry to the town. The over-pedestrianized and over-trafficked location requires density control for pedestrian and bicycle safety, traffic management and open space preservation relating to the balance of environmental, commercial, recreation and aesthetic factors essential to the tourist hub of the island community. The view corridor is an essential community character that endures. Amending the ordinance provides benefit only to the applicant while decreasing the safety, and negatively impacting the welfare and quality of life of the community that you serve. Please respect the ordinance as passed and supported by the community and developer. PLEASE VOTE NO! Respectfully, Joanne K. Shamp, Former Vice-Mayor, Town of Fort Myers Beach, Florida 2844 Seabreeze Drive S., Gulfport, FL 33707"

Public comment closed.

Planner Propst stated that it was up to the applicant to execute the restricted covenant with Lee County. Council Member Veach noted that it appeared it should have been filed before the town issued a demolition permit. Planner Propst agreed and added that several other items needed to be addressed before a CO (Certificate of Occupancy) was granted, such as an off-island parking lot. Council Member Veach did not want to override previous Councils and noted the covenant was an important part of their approval. He was unsure whether it was in the town's best interest.

Council Member Woodson questioned whether the town was clear regarding what needed to be done before the CO. Planner Propst replied positively.

Town Attorney Herin, Jr. stated that staff would ensure all issues were addressed before the COs were issued. Council Member Woodson discussed Ian and noted that no one knew the future. She was comfortable with the request.

Vice Mayor Atterholt was comfortable with the practical reasons for the request. He felt that inserting the language was unfortunate and inappropriate in this case. He stated that one could not bind future Councils and thought it was wrong. He supported striking the language. Council Member King agreed and was ready to move forward.

Council Member King moved to schedule it for a second reading on August 7, 2023, at 9:00 a.m.; second by Vice Mayor Atterholt.

Motion carried unanimously by roll call vote, with Mayor Allers abstaining.

B. 645 Old San Carlos CPD Amendment

Second reading and public hearing on proposed Ordinance 23-10 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPLACING TOWN OF FORT MYERS BEACH RESOLUTION NO. 17-39, AND AMENDING THE AREA FOR CONSUMPTION ON PREMISES AND THE MASTER CONCEPT PLAN FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 645 OLD SAN CARLOS BLVD., FORT MYERS BEACH; PROVIDING FOR REVISIONS TO CONDITIONS OF APPROVAL, AND OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the ordinance. Ex parte communications: Council Member Veach - site visit; Council Member Woodson - know the area; Mayor Allers - visited the area several times; Vice Mayor Atterholt - visited several times and Council Member King ate in the establishment. Planner Propst reviewed the request as stated on the blue sheet in the agenda packet. She noted the LPA recommended approval at their May 9, 2023 meeting.

Jim Figuerado, applicant, explained why he wanted to add a covered walkway, additional seating and a tiki hut.

No public comment.

Council Member King moved to approve Ordinance 23-10; second by Council Member Woodson.

Motion carried unanimously by roll call vote.

C. Residential setbacks in the Downtown Zoning District

Second Reading and Public Hearing on proposed Ordinance 23-11 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE III., DIVISION 5, SUBDIVISION II. DOWNTOWN ZONING DISTRICT, SECTION 34-674 BUILDING PLACEMENT; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.

Mayor Allers read the title of the ordinance. Planner Propst reviewed the proposed ordinance and noted the proposed language was in Exhibit A. No public comment.

Council Member Veach moved to approve Ordinance 23-11; second by Council Member King.

Motion carried unanimously by roll call vote.

D. Ordinance 23-12 to amend Table 34-3 Dimensional Regulations in Conventional Zoning Districts

Second Reading and Public Hearing on proposed Ordinance 23-12 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE III., DIVISION 4, TABLE 34-3 DIMENSIONAL REGULATIONS IN CONVENTIONAL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.

Mayor Allers read the title of the ordinance. Planner Propst reviewed the background of the ordinance and provided three optional modifications.

No public comment.

Council Member Veach felt it complicated the setback rules and they were modifying the ordinance to fit the plans of one builder. He did not support the ordinance; however, if the area underneath were left open, it would help lessen the massing effect.

Vice Mayor Atterholt noted that the LPA supported the ordinance unanimously and he was comfortable with their recommendation.

Mayor Allers shared Council Member Veach's concerns, but since the fire district, Director Poposki and the LPA supported the ordinance, he was comfortable voting to approve.

Council member Woodson moved to approve Ordinance 23-12; second by Vice Mayor Atterholt.

Motion carried 4-1 by roll call vote with Council Member Veach dissenting.

E. Resolution 23-64; VAR20230060, 106 Hibiscus Drive

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENY VARIANCE VAR20230060 TO ALLOW HIBISCUS DRIVE FRONTAGE THE FRONT STREET AND ESTERO BOULEVARD THE SIDE STREET; TO SWITCH SIDE AND REAR SETBACKS; TO REDUCE HIBISCUS DR SETBACK FROM 25 FEET TO 15 FEET 10 INCHES; AND TO REDUCE THE SIDE SETBACK FROM 7.5 FEET TO 5.5 FEET.

Mayor Allers read the title of the resolution. He indicated he would file paperwork to abstain due to a conflict of interest. Ex parte communications: Council Member Veach - conversations with the applicant and familiar with the site; Council Member Woodson - familiar with the property; Vice Mayor Atterholt - conversation with the applicant and Council Member King - conversation with the applicant.

Planner Propst reviewed the background of the variance requests as stated on the blue sheet in the agenda packet. The LPA unanimously recommended approval of all three variances at the June 13, 2023, meeting. Samir Malviya and Drew Whiting (via phone) from Homebound explained the need for variances. Mr. Malviya distributed a packet of information and noted

he received letters of support from several neighbors. Mr. Whiting reviewed the packet and pointed out that the updated setbacks for corner lots worked well for the majority of lots on Estero. Maps 1-4 showed how the majority of lots were laid out; Page 3 showed the property highlighted in red, Exhibit A on page 5 showed an orientation on the side street; Exhibit B shows the setbacks and lot size; Exhibit C showed the previous single-family residence and Exhibit D showed the allowed buildable footprint if Hibiscus Dr. was made the front setback and the Estero Blvd. setback be made the street setback. He described the conditions. Exhibit E shows the proposed single-family residence with the revised setbacks and conditions. Parking was maintained on Hibiscus Dr., with two parking spaces enclosed below the house.

Council Member Veach clarified an easement question.
No public comment.

Vice Mayor Atterholt moved to approve the resolution; second by Council Member King.

Council Member Veach suggested that the town address property owners in the same situation administratively. He questioned whether property owners were building the house and setting the setbacks to match the house. Council Member Woodson did not think the property owners were asking for anything unrealistic.

Motion carried unanimously by roll call vote, with Mayor Allers abstaining.

F. Resolution 23-65; VAR20230055, 718 Estero Blvd.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENY VARIANCE VAR20230055 TO ALLOW 2.5 FEET IN EAST SIDE SETBACK FOR THE PROPERTY LOCATED AT 718 ESTERO BLVD; AND PROVIDING FOR AN EFFECTIVE DATE.

Ex parte communications: Mayor Allers drove by the property. No disclosures from other members.

Senior Planner Jason Smalley reviewed the background of the variance request to the southern side yard setback. The LPA unanimously recommended approval. The applicant made changes to the site plan after the LPA's recommendations and only requested a 2.5-side yard setback.

Senior Planner Smalley explained that the staff recommended denial because the applicant could use the recently approved cottage code to build a home with the same square footage that existed before the hurricane. The fire department did not have any issues with a proposed variance.

Architect Robert Holland, Jr. represented applicant Mr. Zeller and introduced his team. The PowerPoint presentation was distributed and the first slide showed the property in 1960 and a proposed new house for 2023. Slides continued with Two Previous and Proposed Floor Plans; Current Survey and Old Overlay on Survey; Revised Site Plan; History of FMB LDC; Current FMB LDC; Some Math; Recent Parallelogram Proposal (Homebound 5-15);

Coverage/FAR; Some Code; Some More Code and Some More Math.

Mr. Holland, Jr. stated that the ground floor would remain open except for an elevator shaft.

Public comment:

Nancy Deramo, resident, read a letter from neighbor Barry Grossman who opposed the variance request because it would block the view from Estero Blvd. He claimed the other neighbors supported the request because they wanted to request a similar variance for their properties.

Vincent Deramo, resident and contractor, noted that the applicant wanted to build a bigger and wider house without following the code or regulations. He indicated he was rebuilding his house without requesting variances. He stated he would lose 15% of his view of the Gulf if the variance was approved.

Public comment closed.

Mr. Holland, Jr. stated he was following code with his design and indicated there was already a cottage in the community with a deck at the easement line.

He added that he was asked for a 2.5-foot variance and received letters of support from surrounding neighbors. Mr. Hollard, Jr. reviewed the post-disaster build-back section of the code.

Senior Planner Smalley reiterated that staff felt the home could be rebuilt at 849 square feet within the code. Mayor Allers pointed out that the required building standards would reduce the livable square footage significantly.

Senior Planner Smalley explained that eliminating the ADA clearances did not bring the square footage down to meet the code.

Council Member Veach questioned whether other municipalities allowed variances and received various responses.

Mayor Allers commended the applicant for keeping the cottage look and open view corridor.

Mayor Allers moved to approve Variance 20230055 for 718 Estero Blvd.; second by Vice Mayor Atterholt.

Motion carried unanimously by roll call vote.

XII. ADMINISTRATIVE AGENDA

A. Resolution 23-67; FY:23/24 Tentative Millage Rate

Approve Resolution No. 23-67 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING THE TENTATIVE OPERATING AD VALOREM MILLAGE RATE OF 1.1200 MILLS FOR FISCAL YEAR 2023-2024 OF THE TOWN OF FORT MYERS BEACH; ESTABLISHING THE DATE, TIME AND PLACE FOR HEARINGS TO ADOPT THE FINAL OPERATING AD VALOREM MILLAGE RATE AND BUDGET FOR THE FISCAL YEAR 2023- 2024; AND PROVIDING AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Finance Director Joe Onzick utilized PowerPoint to explain the tentative millage rate process. The tentative millage rate could only be reduced once it was set. There was a budget gap of \$3.6 million and he summarized major components of the

general fund net expenditure increase. He provided alternative solutions to fund and/or reduce the \$342,000.00 expense variance. He stated that the Council could set the tentative millage rate at 1.1200 mills or set it at the same 0.9900 mills.

Vice Mayor Atterholt suggested that they keep the millage rate the same and use options to fill the gap in the short term.

Council Member Veach agreed to keep the millage rate the same.

Council Member King was very pleased with the alternatives and thanked Director Onzick.

Council Member Woodson agreed and questioned how the increase in fees would affect the town in 2024. Director Onzick explained that the permit revenue was restricted and went into a building fund. He anticipated that the town would receive approximately \$3.5 million from fees this year and next year, but the numbers have not been finalized.

Director Onzick was comfortable leaving the millage rate the same based on available funds.

Council Member King moved to amend the tentative millage rate to the current rate of 0.9900 mills; second by Vice Mayor Atterholt.

Mayor Allers discussed keeping the door open to allow flexibility in case something happened in the next couple of months. Director Onzick agreed and noted it was not hurting anything to set the rate higher. Vice Mayor Atterholt felt that they were prepared if a storm hit in the next few months. Council Member Veach was comfortable with the motion because there was more than one option available for funding. Vice Mayor Atterholt explained how a 13% increase in the millage rate affected property taxes. Council Member King noted the difference would be greater for a property that was not homesteaded.

Motion carried 4-1 with Mayor Allers dissenting.

B. Resolution 23-70; Truist Public Fund Checking

Approve Resolution updating Town representatives, signatories, and users of the Town's Truist Public Fund Checking Account f/k/a SunTrust Bank

Vice Mayor Atterholt moved to approve the resolution; second by Council Member Veach.

Motion carried unanimously.

C. Resolution 23-71; Truist Business Credit Card Account

Approve Resolution updating Town representatives, signatories and users of the Town's Truist Business Credit Card Account f/k/a SunTrust Bank

Vice Mayor Atterholt moved to approve the resolution; second by Council Member Veach.

Motion carried unanimously.

D. Farmers Market Under the Bridge requesting use of property.

Shop Local Productions is requesting a special event permit to hold Saturday Farmer's Markets in Fort Myers Beach.

Linda Miller presented plans to operate under the bridge, shutting down in front of Nervous Nellies, in front of Wahoo Willie's or shutting down Old San Carlos in front of Wahoo Willie's but leaving it open at 2nd St. and 3rd St. Mayor Allers questioned how difficult it would be to allow residents with parking passes to park in different spots if the area under the bridge was used. Town Manager Hyatt responded that they would allow parking in other areas. Vice Mayor Atterholt questioned whether Times Square would work for the next couple of months as far as construction was concerned. Director Freeman replied that it should be fine. Ms. Miller would prefer to use Times Square and indicated it would take four to eight weeks to get vendors committed. Vice Mayor Atterholt questioned whether she would reach out to local businesses and Ms. Miller replied affirmatively. Council Member Veach suggested that she offer a free spot for the MERTF pop-up tent and she agreed.

Mayor Allers moved to approve the Farmer's Market at Times Square as the first option and under the bridge as a second option as the staff works with Ms. Miller to provide the service; second by Council Member King.
Motion carried unanimously.

E. RFQ-20-22-AD, STA #8

Motion to approve STA #8 authorizing the appropriation of additional funds for Axis International to continue to provide planning and zoning professional services.

Town Manager Hyatt reviewed the reason for authorizing the funds to continue with planning services.

Council Member Veach moved to approve STA #8; second by Mayor Allers.
Motion carried unanimously.

XIII. FINAL PUBLIC COMMENT

Leah Gregg, resident, felt that the town should not pay for anything unnecessary. She thanked Council for not sending the letter of indemnification as the Town Attorney recommended. She discussed the narrative created surrounding the walkover bridge and pointed out discrepancies.

Pam Antonucci commended everyone for their endurance and dedication. She stated that she and her husband were pastors at a Fort Myers church and wanted to establish a bible study with an eventual church service on the beach. They were looking to find a place to rent and welcomed suggestions.

Terry Persaud, business owner, stated the settlement agreement with the town was not correct or accurate and Planner Propst distributed the settlement for Council to review. Mr. Persaud discussed the history of the issues.

He requested that the Council read the settlement and tell him whether they supported it or wanted him to submit another settlement agreement.

XIV. TOWN MANAGER'S ITEMS

Town Manager Hyatt reminded the Council of the budget deadline. He felt that strategic planning was important, and he took notes at the Let's Go FMB meeting. Lee County continued to pick up the bulk concrete. He will distribute information to Council regarding the interviews for Town Attorney.

XV. TOWN ATTORNEY'S ITEMS

Town Attorney Herin, Jr. addressed Let's Go FMB's request for a liaison from the Council and a staff member. He commented that the Council would have to formally recognize the group. He discussed potential Sunshine Law violations if a liaison is appointed.

Attorney Sanabria advised Council members not to discuss the settlement agreement presented by Terry Persaud as it was part of active litigation.

XVI. COUNCILMEMBERS ITEMS AND REPORTS

Council Member King noted that approval was given for LeeTran to establish eight bus shelters on Estero Blvd. He will forward a map to Communications Coordinator Jennifer Dexter to post on the website. He responded to public comment.

Council Member Woodson responded to public comment.

Council Member Veach commented on the Let's Go FMB meeting.

Mayor Allers stated that Mr. Kearns from the county offered to set up a place in Town Hall for whoever needed a notice of commencement. He asked that Town Manager Hyatt contact Mr. Kearns. Mayor Allers brought up potentially swapping properties with the fire department. He stated that an appraisal of both properties was comparable, and he questioned whether the Council was interested in swapping. He revealed that regardless of their decision, the fire department would sell the property and move elsewhere. Mayor Allers noted that their lease went through November with the fire district. Council Member Veach remarked that he proposed purchasing the fire department property and a portion of Chapel by the Sea with grant money through Resilient Lee. He indicated the fire department wanted to build a smaller fire station and another facility for training. Mayor Allers commented that they were up against a timeline with funding sources. He indicated they could reconfigure the trailers on the current site while the new Town Hall was constructed if they swapped properties. Council Members King and Woodson agreed to move forward.

Mayor Allers saw a stand-up blower in Naples removing the sand on sidewalks.

A. Indemnification and Hold Harmless Agreement.

(Town Attorney Herin, Jr. had to leave early, so this discussion was moved to Town Attorney's Items.)

Town Attorney Herin, Jr. stated the letter of indemnification to Kroemer and Rood was not sent. He indicated that someone called the clerk of courts regarding the case status and was told the judge had not looked at it and the court was busy.

Vice Mayor Atterholt read the email he sent to the Town Clerk last week asking that the matter be added to today's agenda. He thought the letter of indemnification was a good idea and did not support issuing the permit. Now he realized that the two issues were linked. He thought there was a potential change in approach with the majority of the Council and requested that they reconsider sending the letter of indemnification and signing it. He noted that if they did not send and sign the letter, it would put a hold on issuing the permit.

Council Member Veach clarified that Vice Mayor Atterholt asked not to send the letter and let the matter go through the appeal process.

Vice Mayor Atterholt replied that he was asking to put a hold on sending the letter, which would put a hold on issuing the permit.

Mayor Allers was not in favor of sending the letter at this time. He supported holding the letter of indemnification.

Council Member Veach concurred.

Council Member King clarified that not sending the letter put the permit issue on hold.

Council Member Woodson did not have a problem putting the letter on hold. (Town Attorney Herin, Jr. left the meeting. Attorney Sanabria attended the remainder of the meeting.)

XVII. ADJOURNMENT

Council Member King moved to adjourn; second by Vice Mayor Atterholt. Motion carried unanimously.

The meeting was adjourned at 2:49 p.m.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME ALEXS DAN LEE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Town of Fort Myers Beach	
MAILING ADDRESS 5485 Avenida Pescadora		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Fort Myers Beach	COUNTY LEE	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 4/20/23		NAME OF POLITICAL SUBDIVISION: Council	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Dan Allers, hereby disclose that on June 20th, 20 23 :

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☒ inured to the special gain or loss of my business associate, Tim Ryan ;
- ☐ inured to the special gain or loss of my relative, _____ ;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Ordinance 23-09; Amending conditions for the CPD

My partner and I have a written agreement with TPI-FMB MARGATEVILLE to provide golf CART services.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

4/20/23
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME ALERS DAN LEE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Town of Fort Myers Beach	
MAILING ADDRESS 5485 AVENIDA RESCADERA		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Fort Myers Beach	COUNTY LEE	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 4/20/23		NAME OF POLITICAL SUBDIVISION: Council	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; **and**

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Dan Allers, hereby disclose that on June 20th, 20 23 :

(a) A measure came or will come before my agency which (check one or more)

☐ inured to my special private gain or loss;

☐ inured to the special gain or loss of my business associate, _____ ;

☒ inured to the special gain or loss of my relative, JACKI LISZAK ;

☐ inured to the special gain or loss of _____, by whom I am retained; or

☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Resolution 23-64; VAR20230060 166 Hibiscus Dr.

This property is owned by my aunt by marriage.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

4/60/23

Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



Fort Myers Beach Management & Planning Session

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

Minutes Thursday, June 22, 2023 9:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

Members present: Mayor Allers, Vice Mayor Atterholt, Council Member King, Council Member Veatch and Council Member Woodson.

II. PLEDGE OF ALLEGIANCE

III. ITEMS FOR DISCUSSION

A. Trust for Public Land

Introduction from Trust for Public Land

Charles Hines from the Trust for Public Land (TPL) introduced himself and discussed how they could help the town. He distributed information about the organization's background and projects completed in Florida. He stated they would identify property that could benefit the town by working with FEMA (Federal Emergency Management Agency), FDEM (Florida Department of Emergency Management) and staff. The team would work with the landowner to complete the purchase. He noted they worked based on appraisals and fair market value and the deadline for the list of properties is August 29, 2023.

Council Member King emphasized that the town was not discussing an eminent domain situation. Mr. Hines agreed and indicated they worked with people who wanted to sell their property. He explained how they operated under a 501(c)(3) and stated there was another funding source for acquisition, closing, survey and appraisals. He indicated they would have to work out an agreement with the town. He described the agreement TPL had with the City of Jacksonville, FL. Council Member Veatch questioned whether they acquired easements or just property.

Mr. Hines commented that they usually worked with easements in relation to trails. Council Member Veach described an example of bottlenecks in a proposed bike trail where acquiring easements would help.

Council Member Veach questioned the difficulty of purchasing property under the cost-benefit analysis. Mr. Hines replied it was easier for them because they did third-party appraisals. Mr. Hines stated if property owners were interested, they could call him or notify town staff. Town Manager Hyatt noted that funding was available to reimburse the town for anything they owned, and many moving pieces were involved. Mr. Hines added that funds were often available from several different sources. Mr. Hines stated he would work with staff while the Town Council was on break in July.

B. Estero Island Small Business Association

Estero Island Small Business Association discussion with Town Council

Becki Weber, resident and spokesperson for Let's Go Fort Myers Beach, which was formed to help with rapid recovery, resiliency and rebuilding. Members were residents, property owners and businesses. The first meeting consisted of over 118 attendees and over 150 on the live stream hosted by Beach Talk Radio. Forms were distributed with six issues to vote on and rank. The number one concern was Times Square Downtown, followed by Community Nodes and Amenities, Safety, Parking, Parks & Recreation and the Pier. She noted that Alex King was working with a group to rebuild the pier. Ms. Weber mentioned that the number one issue for most attendees was permitting. She relayed how beach communities in New Jersey relaxed their permitting requirements and rebuilt their boardwalk five months after Sandy destroyed the boardwalk.

Scott Safford, resident, business owner and LPA (Local Planning Agency) member, discussed pink zones. He noted many empty commercial lots were not selling because the LDC (Land Development Code) was written to protect what they had. He explained how the LDC was working counterintuitively because of parking issues, height and density. He discussed pink zones with lean codes, lean government and LDC components. He described the benefits and wondered whether they could create a zone as a test area to see if it would work in other areas. Their next meeting was scheduled for July and would center around pink zones.

Mayor Allers brought up different parking needs for different areas. Mr. Safford stated that parking was just one component and FAR and density were also components. He indicated that small businesses were crucial for the town and described the lack of basic services after dark. He encouraged creating a pink zone test area. Vice Mayor Atterholt questioned whether there were ways to scale down the CPD (Commercial Planned Development) process for small businesses and implement the pink zone concept in certain areas. Town Attorney Herin, Jr. commented that the State created the building code and there was very little municipalities could do to it.

Mr. Safford pointed out that they were talking about the permit process, not changing the building codes. Town Attorney Herin, Jr. stated that the town was constrained by state law concerning the pink zones issue. Creating a pink zone would mean amending the comprehensive plan, which required state approval before adoption and implementation.

Vice Mayor Atterholt questioned whether they could make it easier for Mom & Pop businesses to get variances or for someone who wanted to rebuild a fence that existed before Ian. Town Attorney Herin, Jr. commented that the permitting process could be regulated to give staff the power to process specific applications administratively without going to the LPA or Town Council. He cautioned members that the town previously allowed staff to approve applications administratively, but there were unintended consequences, so the Council took the power back.

Council Member Veach brought up creating pre-approved CPD templates to save time and money; however, rules had to be created first and would take time to go through the process. Council Member Woodson questioned whether changes could be made to the LDC on a short-term basis due to catastrophic conditions to streamline processes. Town Attorney Herin, Jr. stated that land use districts and zoning map districts had to be consistent with each other internally. Zoning district regulations could be modified to make them easier, but one could not go outside those boundaries without modifying the Comprehensive Plan. Council Member Veach suggested completing the Comprehensive Plan review should be a high priority. Mayor Allers stated that by changing one district, they had to consider what was in that district. Town Attorney Herin, Jr. suggested that the Town Manager direct Community Development staff to prepare an analysis to help guide them.

Council Member Veach agreed. Mayor Allers requested that Mr. Ng from the Corradino Group attend the first Council meeting in August.

Mr. Safford noted that the group was interested in a Council liaison and a staff member. Town Attorney Herin, Jr. repeated his warning regarding Sunshine Law issues. Mr. Safford stated that all their meetings would be publicly noticed and appropriate measures would be taken to satisfy Sunshine Laws. Town Attorney Herin, Jr. commented that the Council had to vote on it at their next meeting. Council Member Veach questioned whether it would be better to create a town committee for rebuilding with appointed members. Mayor Allers thought the school Ad Hoc Committee worked well and suggested they go that route. He received support and Town Attorney Herin, Jr. will add it to the next agenda for a vote.

Terry Persaud supported the pink zone in the Downtown District. He suggested that a second committee be formed to concentrate on that area and requested a Town Council liaison. Beverly Milligan stepped in and explained that Times Square was a priority for their group and there was a little communication confusion. She stated they looked forward to working with the Town Council.

C. Public Communications Plan Development

Town Council will be briefed on the process of creating an annual plan to guide the direction of public communications in the coming year and will be asked to provide input for that plan. The plan is to be developed over the next few months and will include a survey of the public after Town Councilors provide input, followed by a draft plan to be presented at the August Management & Planning session. Edits will be made after Town Council discussion at the August M&P. The final plan is scheduled to be presented to Council at the September Management and Planning session.

Town Manager Hyatt stated that communication is the key and wanted to create a plan everyone could follow.

Communications Coordinator Jennifer Dexter utilized PowerPoint for her presentation. She started with Communications Plan Creation Process; Current Communications Objective; Audiences and Several Slides about Tools. She described the meeting with WGPU and discovered there was a Florida network radio connection that did not lose power after Ian. In the future, the town will use the radio to get its message out. She added that Facebook did not go down, but it had to be accessed off-island. She continued her presentation with more Tools; Topics and Your Input.

Council Member King felt their Council meetings needed to be added to social media and contacting the condominium associations would be a good place to solicit feedback. Vice Mayor Atterholt suggested a dashboard so the public can check the progress of their permits. He would like to see short how-to videos about the permitting process or any process that generated a lot of questions. He noted that some forms were complex, and people needed help filling them out. He would like to add the clean-up activities on the island to the website. Vice Mayor Atterholt discussed an adversarial relationship between the residents and the town regarding permitting. He wanted to look for examples where the town helped someone or impacted someone's life. He wanted to get out a post-Ian message that everyone was in it together and working together on recovery. Town Attorney Herin, Jr. displayed the existing dashboard on the website. Vice Mayor Atterholt described creating metrics so the public could see what was happening.

Council Member Veach indicated that the current software made metrics difficult, and the Town Manager was researching software packages. Council Member King questioned whether they could publish the data they have in the interim. Vice Mayor Atterholt supported anything that helped with transparency about the permit process. Mayor Allers stated that he and the Town Clerk would try to update the permit situation monthly so people could quickly determine where they were in the process. The information was on the website, but Mayor Allers wanted to access it with one click.

Council Member Veach suggested that all their activity is immediately available when one logs in to their account. Coordinator Dexter recommended that the town purchase a new system that works easier for reporting. Mayor Allers commented that permit dates were not chronological, making it difficult for the residents to determine where the permit was.

He offered to do tutorials to help people navigate the system and supported looking into a new software system. Coordinator Dexter stated there was only so much the website could do regarding communication. Mayor Allers discussed letting residents know other information, like whether roads or sidewalks had to be repaired. He felt that even items not so positive should be reported so people could understand what was going on instead of relying on rumors.

Council Member Woodson commented that there should be protocols for media interviews. She stated they needed to update the internal code of conduct and communications. Town Manager Hyatt replied that a strategic planning session would be tentatively scheduled for September.

Mayor Allers questioned whether they asked their current permitting software program if they could modify their program to generate the information needed. Director Poposki replied that the current system worked fine, but the reporting system had severe limitations. Some of the expensive programs did not offer reporting either and a specialist would have to be hired to program the software for what they needed. Mayor Allers questioned what was holding up permits and Director Poposki replied that it was not the staff and advised people to watch the videos of the permitting process. He noted that forms needed to be completed correctly and signed. He said the staff was spending time issuing permits as quickly as possible and needed more people to report data and do other projects. Mayor Allers commented that many people were unaware of rejection letters because they were not contacted and questioned whether the town should make sure the homeowner's contact information was provided. Director Poposki replied that it was a problem when the contractor did not forward information to the homeowner. He recommended that homeowners provide their information and stay in close contact with their contractors. He will investigate whether more automation could be built into their current system without slowing it down, but some things will not change. He stated that the existing software was inexpensive for a reason and could not be individually customized.

Vice Mayor Atterholt suggested that Director Poposki provide updates to the Council regularly. Council Member Veach brought up customized news for people who signed up for an account on the town's website. Coordinator Dexter will look into it.

D. Pedestrian Overpasses

A discussion on Pedestrian Overpasses as requested by Town Council

Council Member Veach suggested any development that spans Estero Blvd. be required to install a pedestrian overpass. He noted the Red Coconut property would qualify. Mayor Allers questioned whether it made sense to create a policy for two properties. He wondered whether it would make more sense to use an overpass as a negotiating tool. Town Attorney Herin, Jr. noted they could not negotiate for more than what was allowed, and the overpass might involve a decision by the county or state. Council Member Veach preferred a structured set of rules instead of using it as a negotiation tool.

Vice Mayor Atterholt did not mind negotiating for a pedestrian overpass and wondered whether they could build it into the revised comp plan as a goal. He thought more than two properties would qualify. He described a scenario where a bar might want to extend its liquor license across Estero Blvd. by building a pedestrian overpass to the other side. Council Member Veach did not think an overpass was a public benefit, it was a business decision. Town Attorney Herin, Jr. would check regarding the liquor license transfer. He discussed giving entitlements to developers that were not allowed by right and creating flexibility in the comp plan and LDC.

Vice Mayor Atterholt suggested that Town Attorney Herin, Jr. provide a legal analysis of the topic. Council Member Veach agreed it would be helpful to look at specific language. Council Members Woodson and King supported further discussion.

E. Ordinance 18-06; Boards, Committees and Commissions

A discussion regarding Boards, Committees and Commissions as requested by Town Council

Council Member Woodson brought up prior conversations regarding combining BORCAB (Bay Oaks Recreational Campus Advisory Board), CELCAB (Cultural and Environmental Learning Center Advisory Board) and CRAB (Community Resource Advisory Board). BORCAB and CELCAB were not interested in combining; however, CRAB's responsibilities were divided between the two committees. BORCAB would take over all parks and recreation and CELCAB would focus on history, education and Newton Beach Park. She requested that the Council ratify the decision. Town Attorney Herin, Jr. revealed that an ordinance was drafted to consolidate the advisory boards, but it did not make it to a second public hearing due to changes. He asked that the negotiated settlement be forwarded to him so the language could be reflected in the proposed ordinance.

IV. AGENDA MANAGEMENT

A. June 2023

Add an FGCU professor to make a presentation about how communities succeed and fail. Council Member King will forward details to the Town Clerk.

Add a Garden Club planting presentation to an M&P.

Change TBD on Times Square & DB Zone to the August M&P.

Add the tree and vegetation ordinance and water restriction ordinance to an M&P.

Add Resilient Lee hub info to an M&P.

Town Attorney Herin, Jr. stated that a current employee filed an age discrimination claim against the town and the League of Cities will handle the case.

V. ADJOURNMENT

Council Member King moved to adjourn; second by Council Member Veach.
Motion carried unanimously.

The meeting was adjourned at 12:33 p.m.

DRAFT



Fort Myers Beach Town Council

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

Minutes Monday, June 26, 2023 10:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

Members present: Mayor Allers, Vice Mayor Atterholt, Council Member King and Council Member Woodson.

Excused: Council Member Veach

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF FINAL AGENDA

Council Member King moved to approve the final agenda; second by Council Member Woodson.
Motion carried unanimously.

IV. PUBLIC COMMENT

John McClain, resident, felt the attorneys were problem solvers and would help the town move forward.

V. ADMINISTRATIVE AGENDA

A. RFQ-23-16-AD Legal Services

Per Town Council Policies and Procedures, Resolution 23-30: Town Council shall have a 15-minute question and answer session with each of the proposing firms. Town Councilors are to have an open discussion of the firms. Each Councilmember uses the provided ranking sheet to list their order of selection, with 1 being the top choice.

The Town Clerk will tally the votes and announce each firm's combined ranking score with the lowest score being the firm selected. A contract negotiator from Town Council is selected and the transition period, if necessary, is discussed including assignment of representation for ongoing municipal litigation cases.

Becky Vose of the Vose Law Firm answered questions from Council members.

Council Member King - Why do you want to be the Fort Myers Beach town attorney? Attorney Vose replied that she felt she could do a good job and it was a challenge that kept her practicing law. She added that it was an amazing opportunity.

Vice Mayor Atterholt - Based upon what you heard during the interview, what would you emphasize with your legal services? Attorney Vose stated that the Town Council made the decisions. She noted that the Council would tell her what their goals were, and she would do everything in her power to come up with a legal way to achieve their goals.

Council Member Woodson - How does your process work and do you draft all of it, or does your staff draft and you approve? Attorney Vose responded that she was flexible and preferred to draft things herself. She does things immediately as long as she gets good direction with details.

Mayor Allers - How would your firm assist the town with understanding the changes in laws and implementing new laws? Attorney Vose replied that that was what her firm did. She explained that they represented non-municipalities affected by changes in laws and her entire firm was a local government firm impacted by those laws. She commented that seven lawyers were available to figure out how the laws affected municipalities.

Council Member King - Describe the strengths you would bring to the position. Attorney Vose noted that she had been practicing law locally for 50 years; she was enthusiastic and had support from her firm.

Vice Mayor Atterholt - How will your ongoing experience with the City of Naples benefit the Town of Fort Myers Beach and is your firm prepared and does it have the resources necessary to provide a disproportionate amount of time to Fort Myers Beach? Attorney Vose replied affirmatively and indicated her firm did things on a fixed-fee basis. She was willing to put in the time and effort, as were other firm members. She thought her experience with Naples and other coastal communities would help benefit Fort Myers Beach.

Council Member Woodson - Have past performance reviews identified areas of improvement, and if so, what were they? Attorney Vose replied that she never had a performance review. If clients did not like what the firm was doing, they would help the client find another firm.

Mayor Allers - What aspect did her firm not handle in-house and who covered those areas? Attorney Vose stated that they were not primary bond counsel, but they were local bond counsel. They did not handle insurance defense.

Town Manager Hyatt - Do you see any issues dealing with staff or Council regarding deadlines and making sure agendas are ready and on time?

Attorney Vose replied that as soon as she received the agenda, she would review it and if she had an issue, she would contact the person, make appropriate changes and send it back.

John Herin, Jr. of Fox Rothschild stated that he had been the town's attorney for seven and a half years and the firm desired to continue the relationship. Council Member King - Why do you want to be the Fort Myers Beach town attorney? Town Attorney Herin, Jr. replied that he loves the job and likes what he does. He stated that he was one of 200+ in Florida who were board certified in city, county and local government law. He explained that he enjoyed helping municipalities achieve their goals.

Vice Mayor Atterholt - How will your legislative services differ if you are selected to continue? Town Attorney Herin, Jr. responded that his firm could be more involved and with the appointment of Town Manager Hyatt, they had an opportunity to work together to be more responsive. If he continues to be the town's attorney, he will sit down with Town Manager Hyatt and Town Council to determine and address issues. He would ensure he met the goals and objectives to rebuild Fort Myers Beach.

Council Member Woodson - Can you expand on reviews that identified areas of improvement? Town Attorney Herin, Jr. replied that the reviews were positive overall, but there was always room for improvement. He would have an active and continuing dialogue with town staff and create a long-term vision for the beach.

Mayor Allers - How would your firm change how it assists the town with understanding the changes in laws and implementing new laws? Town Attorney Herin, Jr. noted that historically, that function was fulfilled by the state lobbyist after the legislative session. He proposed providing the Council with more information during the legislative session and a summary at the end of the legislative session regarding items of interest to the town.

Council Member King - What strengths do you bring to the town? Town Attorney Herin, Jr. replied that he provided legal knowledge and knowledge of the town. He listed members of his firm who also assisted the town with legal matters.

Vice Mayor Atterholt - How can you enhance the feeling that the services you provide are local and how would you do that? Does his firm have the capacity to increase the intensity of legal services post-lan? Town Attorney Herin, Jr. responded that he was there regularly and could provide additional time in the office. He noted his firm was looking for opportunities to expand to South Florida.

Council Member Woodson - Would your firm be open to changing the fee structure? Town Attorney Herin, Jr. responded affirmatively and indicated that the firm was at or below budget for all but one year.

Mayor Allers - Could you and your firm commit to providing a schedule of when an assignment is completed? What is the timeline for a typical ordinance? Town Attorney Herin, Jr. replied affirmatively, and stated ordinances were typically drafted before the next meeting. The cycle was usually a month and a half from start to finish for the second hearing. He

indicated they could be more precise with time frames and keep the Council posted on their actions. Town Manager Hyatt - How would he manage to find time to meet with him? Town Attorney Herin, Jr. responded that he would meet with him as long as needed to go through pending issues and prioritize them to move forward. He thought the relationship between the Town Manager and the Town Attorney had to be open and honest to have a productive relationship.

Vice Mayor Atterholt stated that the town needed an attorney with a sense of urgency about getting people back into their homes and businesses. He supported making a change.

Council Member Woodson agreed. She witnessed the Town Attorney's lack of planning and communication.

Council Member King reiterated that he did not see improvements from the Town Attorney and supported a change.

After a recent discussion with him, Mayor Allers did not notice a significant change from the Town Attorney. He was alarmed that the Vose firm was unaware of most of the current litigation, but he was confident they could come up to speed.

Town Manager Hyatt indicated he would work with whoever was selected, but he felt the Vose firm had more energy and would fit in with the town.

After the votes were tabulated, the Vose firm was chosen to represent the town.

Council Member King apologized to the residents for the error that brought them there today and thanked both law firms for taking the time to come back to interview.

Town Manager Hyatt stated that the contract called for a 30-day notice, and he would ask both firms how they wanted to handle the transition.

Mayor Allers thanked Town Attorney Herin, Jr. for his service and professionalism.

Vice Mayor Atterholt agreed.

Town Attorney Herin, Jr. thanked the Mayor, Council and staff. He wished the community the best going forward and recognized the town staff for being great colleagues and friends and would miss working with them. He will tender a copy of his resignation which would start the 30-day clock.

Council Member Woodson questioned who would represent the town at the LPA meeting tomorrow. Town Attorney Herin, Jr. suggested that Voss attend the meeting. Town Manager Hyatt stated that the 30-day notice would require that Town Attorney Herin, Jr. attend the meeting. Council Member King felt it was up to both attorneys. Vice Mayor Atterholt was comfortable with whatever worked best for the town. Council Member Woodson felt it was fine for both to attend the meeting, but especially Voss. Mayor Allers supported having both attorneys at the meeting.

Council Member Woodson offered to participate in negotiations.

VI. ADJOURNMENT

Council Member King moved to adjourn the meeting; second by Council Member Woodson.

Motion carried unanimously.

The meeting was adjourned at 10:59 a.m.

DRAFT

1. **Requested Motion:**

Meeting Date: August 7, 2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

Extending the local state of emergency provides the Town with the needed flexibility to respond to the catastrophic disaster caused by Hurricane Ian and maintains the Town's eligibility for federal and state reimbursement funding for the costs of recovery.

What the action accomplishes:

Extends the Town's Declaration of state of local emergency.

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

5. **Background:**

Hurricane Ian has caused a catastrophic disaster in the Town, causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas. Approving and ratifying these Resolutions will maintain in place the Town Declaration of State of Local Emergency originally adopted via Resolution 22-34.

Attachments:

1. 23-77, Extending Declaration of Local Emergency 8.7.23-8.13.232
2. 23-78, Extending Declaration of Local Emergency 8.14.23-8.20.23

Financial Impact:

6. **Alternative Action**

Not adopt resolutions and the end the Local State of Emergency for Fort Myers Beach

7. **Management Recommendations:**

8. **Recommended Approval:**

Amy Baker, Town Clerk
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 7/20/2023
Approved - 8/1/2023
Approved - 8/1/2023
Final Approval - 8/1/2023

RESOLUTION 23-77

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 252, *Florida Statutes*, authorizes the waiver of procedures and formalities, otherwise required of municipalities, and to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community in the event of a state of emergency; and

WHEREAS, Section 252.38 *Florida Statutes*, specifically authorizes municipalities to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions required by law pertaining to performance of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community such as but not limited to entering into contracts; incurring obligations; employing permanent and temporary workers; utilizing volunteer workers; renting of equipment; acquiring and distributing supplies, materials and facilities with or without compensation, and appropriating and expending public funds; and

WHEREAS, the Town of Fort Myers Beach, Florida (Town), pursuant to its inherent home rule powers under Florida Constitution and otherwise has adopted certain emergency procedures set forth in Chapter 12, Article II – “Emergency and Disaster Planning” of the Code of Ordinances, Town of Fort Myers Beach, Florida (“Code”), and is otherwise authorized to activate the Town’s emergency plan; and

WHEREAS, the State of Florida and Lee County have declared a state of local emergency due to the catastrophic impacts of Hurricane Ian to Lee County; and

WHEREAS, as defined in the Code, Hurricane Ian has caused a catastrophic disaster in the Town causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas; and

WHEREAS, Section 12-21 of the Code provides that where it is not possible to obtain a quorum to convene an emergency meeting to proclaim a state of local emergency, or extend or rescind such a proclamation, the Mayor, Vice-Mayor, or Town Manager are authorized to proclaim, extend, or rescind a local state of emergency.

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

Section 1. The foregoing whereas clauses are true and correct and hereby adopted as the legislative and administrative findings of the Town Council and made a specific part of this Resolution; all exhibits attached hereto are incorporated herein and made a specific part of this Resolution.

Section 2. Hurricane Ian has caused a catastrophic disaster in the Town, damaging, or destroying over ninety percent (90%) of the Town's public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas and continues to pose a serious threat to the health, lives, property, and safety of the business owners and residents of the Town. Accordingly, the state of local emergency is hereby extended for seven (7) additional days *nun pro tunc* from 9:00 AM on the 7th day of August 2023.

Section 3. The amendment and extension of the proclamation of a state of local emergency set forth in Resolution 22-35 is an emergency measure necessary for the protection of the public safety, due to the catastrophic disaster caused by Hurricane Ian.

Section 4. As provided in Section 252.38(3)(a), *Florida Statutes* and Chapter 12, Article II of the Code, the Town hereby waives the procedures and formalities otherwise required by law of a municipality as set forth in said State law and the Code.

Section 5. The Town Manager or designee is hereby designated as the declaring official for purposes of implementing the emergency and disaster regulations of the Town. The Town Manager or designee will exercise all powers necessary to protect the health and safety of the public set forth in any Executive Order that may be issued by the Governor, Chapter 252, Fla. Stat., and Chapter 12, Article II of the Code. This proclamation also authorizes the Town Manager or designee to utilize government employees and volunteers to assist in securing private property to minimize the overall damage to the Town.

Section 6. The state of local emergency shall remain in effect until terminated as provided in Section 12-21 of the Code. However, the mandatory curfew and prohibition regarding the use of fresh water supplied by the County or local water company for any purpose other than cooking, drinking, or bathing set forth in Section 12-24 of the Code are hereby waived at this time.

Section 7. As provided in Section 12-21(a) of the Code, the Mayor, Vice-Mayor, or Town Manager may extend the proclamation of a state of local emergency as the "responsible official" of the Town.

Section 8. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. Any scrivener or typographical errors that do not affect intent of this Resolution may be corrected with notice to and authorization of the Town Attorney and Town Manager without further process.

Section 10. If any clause, section, other part, or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 11. This Resolution shall become effective upon the signature of the Mayor.

This Resolution was ADOPTED this 7th day of August 2023 upon the signature of the Mayor at 9:00 a.m.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

Vose Law Firm, Town Attorneys

This Resolution was filed in the Office of the Town Clerk on this ____ day of August 2023.

RESOLUTION 23-78

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 252, *Florida Statutes*, authorizes the waiver of procedures and formalities, otherwise required of municipalities, and to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community in the event of a state of emergency; and

WHEREAS, Section 252.38 *Florida Statutes*, specifically authorizes municipalities to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions required by law pertaining to performance of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community such as but not limited to entering into contracts; incurring obligations; employing permanent and temporary workers; utilizing volunteer workers; renting of equipment; acquiring and distributing supplies, materials and facilities with or without compensation, and appropriating and expending public funds; and

WHEREAS, the Town of Fort Myers Beach, Florida (Town), pursuant to its inherent home rule powers under Florida Constitution and otherwise has adopted certain emergency procedures set forth in Chapter 12, Article II – “Emergency and Disaster Planning” of the Code of Ordinances, Town of Fort Myers Beach, Florida (“Code”), and is otherwise authorized to activate the Town’s emergency plan; and

WHEREAS, the State of Florida and Lee County have declared a state of local emergency due to the catastrophic impacts of Hurricane Ian to Lee County; and

WHEREAS, as defined in the Code, Hurricane Ian has caused a catastrophic disaster in the Town causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas; and

WHEREAS, Section 12-21 of the Code provides that where it is not possible to obtain a quorum to convene an emergency meeting to proclaim a state of local emergency, or extend or rescind such a proclamation, the Mayor, Vice-Mayor, or Town Manager are authorized to proclaim, extend, or rescind a local state of emergency.

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

Section 1. The foregoing whereas clauses are true and correct and hereby adopted as the legislative and administrative findings of the Town Council and made a specific part of this Resolution; all exhibits attached hereto are incorporated herein and made a specific part of this Resolution.

Section 2. Hurricane Ian has caused a catastrophic disaster in the Town, damaging, or destroying over ninety percent (90%) of the Town's public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings, and areas and continues to pose a serious threat to the health, lives, property, and safety of the business owners and residents of the Town. Accordingly, the state of local emergency is hereby extended for seven (7) additional days *nun pro tunc* from 9:00 AM on the 14th day of August 2023.

Section 3. The amendment and extension of the proclamation of a state of local emergency set forth in Resolution 22-35 is an emergency measure necessary for the protection of the public safety, due to the catastrophic disaster caused by Hurricane Ian.

Section 4. As provided in Section 252.38(3)(a), *Florida Statutes* and Chapter 12, Article II of the Code, the Town hereby waives the procedures and formalities otherwise required by law of a municipality as set forth in said State law and the Code.

Section 5. The Town Manager or designee is hereby designated as the declaring official for purposes of implementing the emergency and disaster regulations of the Town. The Town Manager or designee will exercise all powers necessary to protect the health and safety of the public set forth in any Executive Order that may be issued by the Governor, Chapter 252, Fla. Stat., and Chapter 12, Article II of the Code. This proclamation also authorizes the Town Manager or designee to utilize government employees and volunteers to assist in securing private property to minimize the overall damage to the Town.

Section 6. The state of local emergency shall remain in effect until terminated as provided in Section 12-21 of the Code. However, the mandatory curfew and prohibition regarding the use of fresh water supplied by the County or local water company for any purpose other than cooking, drinking, or bathing set forth in Section 12-24 of the Code are hereby waived at this time.

Section 7. As provided in Section 12-21(a) of the Code, the Mayor, Vice-Mayor, or Town Manager may extend the proclamation of a state of local emergency as the "responsible official" of the Town.

Section 8. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. Any scrivener or typographical errors that do not affect intent of this Resolution may be corrected with notice to and authorization of the Town Attorney and Town Manager without further process.

Section 10. If any clause, section, other part, or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 11. This Resolution shall become effective upon the signature of the Mayor.

This Resolution was ADOPTED this 7th day of August 2023 upon the signature of the Mayor at 9:00 a.m.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

Vose Law Firm, Town Attorneys

This Resolution was filed in the Office of the Town Clerk on this ____ day of August 2023.

1. **Requested Motion:**

Meeting Date: August 7, 2023

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, LEE COUNTY FLORIDA, AUTHORIZING TOWN OFFICIALS ACCESS AND AUTHORITY ON TOWN CERTIFICATES OF DEPOSIT(S) AND ANY OTHER TOWN ACCOUNTS WITH BANKUNITED: PROVIDING AN EFFECTIVE DATE.

Why the action is necessary:

Maintains control of the Town's Certificate of Deposit(s)

What the action accomplishes:

Updates signers to current staff members, and removes staff members no longer employed with the Town.

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

5. **Background:**

BankUnited has advised staff that a resolution is needed to update the current authorized signers/users for Certificates of Deposits on file with the bank.

Recommended authorized signers are the Mayor, Vice Mayor, Town Manager, Town Clerk and Finance Director.

Attachments:

1. 23-79, BankUnited Authority-BV REV

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

Approve the resolution to update accounts

8. **Recommended Approval:**

Amy Baker, Town Clerk
Amy Baker, Town Clerk
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 7/21/2023
Approved - 7/21/2023
Approved - 8/1/2023
Approved - 8/1/2023
Final Approval - 8/1/2023

RESOLUTION NUMBER 23-79

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, LEE COUNTY FLORIDA, AUTHORIZING TOWN OFFICIALS ACCESS AND AUTHORITY ON TOWN CERTIFICATES OF DEPOSIT(S) AND ANY OTHER TOWN ACCOUNTS WITH BANKUNITED: PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town currently has Certificate of Deposit(s) and possibly other accounts through BankUnited; and

WHEREAS, BankUnited requires that any change in authorized account representatives be approved by the Town Council via duly adopted Resolution; and

WHEREAS, several former Council members and Town staff are no longer representatives of the Town necessitating a change in the account(s) referenced above; and

WHEREAS, the Town Council hired Andrew Hyatt as Town Manager to the Town of Fort Myers Beach on May 1, 2023, necessitating a change in the account(s) referenced above.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein.

Section 2. The following Town officials are hereby authorized to perform normal administrative functions, including, but not limited transfer of funds, as to BankUnited Certificates of Deposit(s) and any other Town accounts owned by the Town of Fort Myers Beach, and such listed officials are the only Town officials so authorized:

Andrew Hyatt, Town Manager
Amy Baker, Town Clerk
Joseph Onzick, Finance Director
Daniel Allers, Mayor
James Atterholt, Vice Mayor

Section 3. The Town Manager, Andrew Hyatt, is hereby authorized to assign a new System Administrator for all Town of Fort Myers Beach accounts and Certificate(s) of Deposit:

Section 4. The previously authorized individuals (prior to this Resolution) to take any type of action as to BankUnited accounts or Certificate(s) of Deposit, are specifically removed as authorized agents as to the Town of Fort Myers Beach accounts and Certificates of Deposit.

Section 4. Continuity of Authorization. The person(s) set forth in Section 2 shall continue to have the indicated authority on behalf of the Town until such time as the Town passes a superseding Resolution.

Section 5. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

THE FOREGOING RESOLUTION was adopted by the Town Council upon motion by _____ and seconded by _____ and upon being put to a vote, the result was as follows:

Dan Allers, Mayor
Jim Atterholt, Vice Mayor
John R. King, Council Member
Bill Veach, Council Member
Karen Woodson, Council Member

ADOPTED this 7th day of August 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH SOLELY:

Vose Law Firm, LLP, Town Attorneys

This Resolution was filed in the Office of the Town Clerk on this ____ day of August 2023.

1. **Requested Motion:**

Meeting Date: August 7, 2023

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, LEE COUNTY FLORIDA, AUTHORIZING TOWN OFFICIALS ACCESS AND AUTHORITY ON TOWN ACCOUNTS THROUGH THE FLORIDA MUNICIPAL INVESTMENT TRUST; PROVIDING AN EFFECTIVE DATE.

Why the action is necessary:

Maintains control of the Town's Investment Accounts

What the action accomplishes:

Updates signers to current staff members, and removes staff members no longer employed with the Town.

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

5. **Background:**

The Town has several investments accounts through the Florida Municipal Investment Trust. Due to staff and council turnover, the authorized signers needs to be updated.

Recommended authorized signers are the Mayor, Vice Mayor, Town Manager, Town Clerk and Finance Director.

Attachments:

1. 23-81, Signatory Authority FMIVT accounts

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

Approve the resolution to update accounts

8. **Recommended Approval:**

Amy Baker, Town Clerk
Amy Baker, Town Clerk
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 7/21/2023
Approved - 7/21/2023
Approved - 8/1/2023
Approved - 8/1/2023
Final Approval - 8/1/2023

RESOLUTION NUMBER 23-81

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, LEE COUNTY FLORIDA, AUTHORIZING TOWN OFFICIALS ACCESS AND AUTHORITY ON TOWN ACCOUNTS THROUGH THE FLORIDA MUNICIPAL INVESTMENT TRUST; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolution as may be required for the proper governing of the Town; and

WHEREAS, the Town currently has three accounts through the Florida Municipal Investment Trust; and

WHEREAS, several former Council members and Town staff are no longer representatives of the Town, necessitating a change in the account referenced above.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein.

Section 2. Authorization to add authorized persons to Surplus Funds Account #01-0027-01, Beach Renourishment Account #01-0027-02 and Operating Account #01-0027-03 to perform the normal ministerial functions which accompany such authority:

Andrew Hyatt, Town Manager
Amy Baker, Town Clerk
Joseph Onzick, Finance Director
Daniel Allers, Mayor
James Atterholt, Vice Mayor

Section 3. Authorization to assign a new Authorized Signer to the to the Surplus account #01-0027-01, Beach Renourishment account #01-0027-02, and the Operating account #01-0027-03:
Andrew Hyatt

Section 4. Authorization to remove the following persons from the Surplus account #01-0027-01, Beach Renourishment account #01-0027-02, and the Operating account #01-0027-03:

Roger T. Hernstadt
Raymond Murphy
Rexann Hosafros
Cheryl Manning

Section 4. Continuity of Authorization. The person(s) set forth in Section 2 shall continue to have the indicated authority on behalf of the Town until such time as the Town passes a superseding Resolution.

Section 5. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

THE FOREGOING RESOLUTION was adopted by the Town Council upon motion by _____ and seconded by _____ and upon being put to a vote, the result was as follows:

Dan Allers, Mayor
Jim Atterholt, Vice Mayor
John King, Council Member
Bill Veach, Council Member
Karen Woodson, Council Member

ADOPTED this 7th day of August 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH SOLELY:

Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of August 2023.

1. **Requested Motion:**

Meeting Date: August 7, 2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE USE OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS FOR GOVERNMENT SERVICES AND INFRASTRUCTURE; AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

Although it may have made sense at the time, the fact that the Town has previously restricted the use of ARPA Funds makes funding other government services and infrastructure needs more challenging than it needs to be, and increases the risk that the Town may not be able to obligate the full amount of ARPA Funds before the deadline of December 31, 2024.

What the action accomplishes:

Removing the self-imposed restriction on the use of ARPA Funds will reduce the risk of not fully obligating the ARPA Funds by the deadline of December 31, 2024, and will allow staff to consider the use of ARPA Funds for other government services and infrastructure needs.

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Joe Onzick, Finance Director

5. **Background:**

The Town Council had previously limited the use of ARPA Funds (Resolution 22-03, approved on January 24, 2022) to funding "any loss of general fund revenues because of COVID-19, water and stormwater improvements at Bay Oaks Recreational Campus, Times Square and Bayside Park, and Town wide potable water projects". This new resolution proposes to broaden the allowable use of ARPA Funds by removing this previous limitation. By so doing, the Town will be free to consider using ARPA Funds for any allowable use. According to the "Final Rule" issued by the Department of Treasury, allowable uses of the ARPA Funds in this context include government services and/or infrastructure expenses incurred by the town. In order to ensure that we can fully obligate the ARPA Funds by the December 31, 2024 deadline, as well as ensure that we can maximize the amount of funding available for the Town's government services and infrastructure needs (including the Town's cost share of Hurricane Ian recovery projects), we recommend that this resolution broadening the use of ARPA Funds be approved. The Town Council will continue to have final approval of any use of ARPA Funds.

Attachments:

1. 23-83, Broadening Allowable Use of ARPA Funds

Financial Impact:

Removing the self-imposed restriction on the use of the ARPA Funds frees them up to be considered for funding other government services and infrastructure needs, thereby reducing the pressure on Town resources, maximizing the infrastructure projects that can be accomplished, and minimizing the risk that ARPA Funds may not be fully obligated by the December 31, 2024 deadline.

6. **Alternative Action**

The Town may consider leaving the self-imposed restriction on the use of ARPA Funds in place if there is a compelling reason to do so.

7. **Management Recommendations:**

Staff recommends approval of this resolution.

8. **Recommended Approval:**

Joe Onzick, Finance Director
Joe Onzick, Finance Director
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 7/26/2023
Approved - 7/26/2023
Approved - 8/1/2023
Approved - 8/1/2023
Final Approval - 8/1/2023

RESOLUTION NUMBER 23-83

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE USE OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS FOR GOVERNMENT SERVICES AND INFRASTRUCTURE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach (“Town”) empowers the Town to adopt, amend, or appeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Congress adopted the American Rescue Plan Act in March of 2021 (“ARPA”) which included \$65 billion in recovery funds for cities across the country; and

WHEREAS, the Town received a total of \$3,553,056 in ARPA funding in two tranches; and

WHEREAS, the Final Rule adopted by the Secretary of the Treasury allows ARPA Funds to be obligated to fund government services and infrastructure expenses; and

WHEREAS, the Town approved Resolution 22-03 on January 24, 2022, committing the use of ARPA Funds for “any loss of general fund revenues because of COVID-19, water and stormwater improvements at Bay Oaks Recreational Campus, Times Square and Bayside Park, and Town wide potable water projects”; and

WHEREAS, the Town has not yet obligated the ARPA Funds for the uses itemized by Resolution 22-03; and

WHEREAS, according to the Final Rule all eligible costs to be funded by ARPA Funds must be incurred (i.e., all ARPA funds must be obligated) by December 31, 2024 and all obligated funds must be fully expended by December 31, 2026; and

WHEREAS, in order to ensure all ARPA Funds are fully obligated by the December 31, 2024 deadline, it is in the best interest of the Town to be more flexible with the use of ARPA Funds and allow ARPA Funds to be considered as a funding source for any eligible government services and/or infrastructure expense, rather than restricting the use of ARPA Funds as outlined in Resolution 22-03.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council rescinds the commitment of American Rescue Plan Act (ARPA) Funds to certain uses as specified in Resolution 22-03 and authorizes the American Rescue Plan Act (ARPA) Funds to be considered as a source of funding for any allowable government services and/or infrastructure expense, subject to final approval by Town Council.

Section 3. This resolution is effective immediately upon adoption.

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

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King, Council Member	_____
Bill Veach, Council Member	_____
Karen Woodson, Council Member	_____

ADOPTED this 7th day of August 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Vose Law Firm, Town Attorneys

This Resolution was filed in the Office of the Town Clerk on this _____ day of _____ 2023.

1. **Requested Motion:**

Meeting Date: August 7, 2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A PIGGYBACK CONTRACT BETWEEN THE TOWN AND SAM GALLOWAY FORD IN AN AMOUNT NOT TO EXCEED \$120,000.00, UTILIZING LEE COUNTY CONTRACT 031121, AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT, EXPEND FUNDS, AND TAKE ALL APPROPRIATE ACTIONS TO PURCHASE THREE F150'S FOR NEW HIRES OF BUILDING INSPECTORS; AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

Need to provide trucks for new Town Building Code Inspector positions.

What the action accomplishes:

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Steve Poposki, Community
Development Director

5. **Background:**

The Town is the process of hiring 3 Building Inspectors. Trucks will be needed for the inspectors to access job sites and transport needed ladders and other inspection equipment. We are requesting permission to purchase three (3) F150's for a not to exceed amount of \$120,000.00 from the Building Enterprise Fund. We will be piggybacking off of the Lee County contract with Sam Galloway Ford.

Attachments:

1. 23-82, Purchase of three Ford trucks

Financial Impact:

Money has been set aside in the FY24 budget for these trucks.

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

Patty Prevost, Code Supervisor/STR Coordinator
Steve Poposki, Community Development Director
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 7/26/2023
Approved - 7/26/2023
Approved - 8/1/2023
Approved - 8/1/2023
Final Approval - 8/1/2023

RESOLUTION NUMBER 23-82

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A PIGGYBACK CONTRACT BETWEEN THE TOWN AND SAM GALLOWAY FORD IN AN AMOUNT NOT TO EXCEED \$120,000.00, UTILIZING LEE COUNTY CONTRACT 031121, AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT, EXPEND FUNDS, AND TAKE ALL APPROPRIATE ACTIONS TO PURCHASE THREE F150'S FOR NEW HIRES OF BUILDING INSPECTORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach ("Town") empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town wishes to purchase three (3) F-150 trucks; and

WHEREAS, under the Town Code, the purchase of goods under a contract awarded by another governmental entity is authorized provided the finance department director makes a written determination that time and expense factors make it financially advantageous for the Town to do so; and

WHEREAS, Lee County entered into a competitively procured contract to purchase vehicles and related services, and the Town's Finance Director has determined that piggybacking on this contract is financially advantageous to the Town; and

WHEREAS, the Town believes it is in the best interest of the Town's business owners, residents, and visitors to enter into a piggyback contract with Sam Galloway Ford.

NOW, THEREFORE, BE IT HEREBY RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

Section 1. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. The piggyback contract between the Town and Sam Galloway Ford, attached as Exhibit "A", is approved, the Town Manager is authorized to execute the contract and expend budgeted funds on behalf of the Town, and take all appropriate actions to purchase a three F-150 trucks.

Section 3. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

Section 4. This resolution shall take effect immediately upon its adoption.

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

Dan Allers, Mayor
Jim Atterholt, Vice Mayor
John King, Council Member
Bill Veach, Council Member
Karen Woodson, Council Member

ADOPTED this 7th day of August 2023, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Vose Law Firm., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of August 2023.

1. **Requested Motion:**

Meeting Date: August 7, 2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING A CHANGE ORDER TO THE CE GLEESON CONTRACT FOR ARCHITECTURAL DESIGN OF BAY OAKS REC CENTER; AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

Necessary so as not to delay the project any further.

What the action accomplishes:

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

5. **Background:**

The original contract was for restoration of the Bay Oaks facility. The contractor requested structural architect design, but because of delays with the General Contractor, CE Gleason was able to provide these services and it was added to the original contract, increasing the contract value by \$22,000.00. Bringing the full value of the Contract from \$947,000.00 to \$969,000.00.

Attachments:

1. 23-85, Authorizing Change Order to CE Gleeson Contract
2. Gleeson CHANGE ORDER

Financial Impact:

Increase the value of the contract by \$22,000.00

6. **Alternative Action**

No alternative actions.

7. **Management Recommendations:**

Approve change order

8. **Recommended Approval:**

Danielle Felton,
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 7/31/2023
Approved - 8/2/2023
Approved - 8/2/2023
Final Approval - 8/2/2023

RESOLUTION NUMBER 23-85

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING A CHANGE ORDER TO THE CE GLEESON CONTRACT FOR ARCHITECTURAL DESIGN OF BAY OAKS REC CENTER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of Fort Myers Beach, Florida awarded a contract to C.E. Gleeson (“the Contractor”) on April 3, 2023 in the amount of \$947,000 for EMERGENCY “PREPARATIONS FOR TEMPORARY RELOCATION”; and

WHEREAS, the Contractor requested structural architect design, but the general contractor was unable to provide the structural architect design in a timely manner, and C.E. Gleeson was able to provide these services in a timely manner, a change order was executed to add these services to the original contract with C.E. Gleeson, increasing the contract from \$947,000 to \$969,000, an increase of \$22,000; and

WHEREAS, the increase in expenditure from \$947,000 to \$969,000 requires approval of Town Council.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. The change order to the C.E. Gleeson contract to add structural architect design services for an increase to the original contract amount of \$947,000 to \$969,000 is hereby approved.

Section 3. This resolution is effective immediately upon adoption.

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

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King, Councilmember	_____
Bill Veach, Councilmember	_____
Karen Woodson, Councilmember	_____

ADOPTED this 7th day of August 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Voss Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this _____ day of _____ 2023.



TOWN of FORT MYERS BEACH

BID NO. ITB-23-10-AD

PART E
FMB:011 - CONSTRUCTION CONTRACT
CHANGE ORDER

No.: 001

(A Change Order requires approval by the Finance Director and Town Manager for expenditures under \$25,000, approval by the Town Council for expenditures over \$25,000).

CONTRACT/PROJECT NAME: Emergency Preparation for Temporary Relocation

CONTRACTOR: C.E. Gleeson Constructors, INC. PROJECT NO.: _____

CONTRACT NO.: ITB-23-10-AD BID NO.: ITB-23-10-AD

CHANGE REQUESTED BY: Jeff Hauge, Director of Culture, Parks and Rec. DATE OF REQUEST: 6/2/2023

Upon the completion and execution of this Change Order by both parties to the Contract the Contractor is authorized to and shall proceed to make the following changes in the Contract Documents:
 (If you need space other than what has been provided, please attach additional sheets.)

Description: Architectural Design Fees

Purpose of Change Order: To add the services of Krieger Klatt Architects, Inc.

Attachments: (List documents supporting change) AIA Document B105-2017 (APPENDIX "A")

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIME:
Original Contract Price	Original Contract Time
<u>\$947,000.00</u>	<u>0</u> Calendar Days
Previous Change Order No. _____ to No. _____	Net Change from previous Change Orders
<u>\$ 0</u>	<u>0</u> Calendar Days
Contract Price prior to this Change Order	Contract Time prior to this Change Order
<u>\$ 947,000.00</u>	<u>0</u> Calendar Days
Net Increase (Decrease) of this Change Order	Net Increase (Decrease) of this Change Order
<u>\$ 22,000.00</u>	<u>0</u> Calendar Days
Contract Price with all approved Change Orders	Contract Time with all approved Change Orders
<u>\$ 969,000.00</u>	<u>0</u> Calendar Days

It is understood and agreed that the acceptance of this modification by the CONTRACTOR constitutes an accord and satisfaction, and represents payment in full (both time and money) for all costs arising out of, or incidental to, the above mentioned change.

RECOMMENDED:

By: _____ Date: _____

Consultant (if applicable) Contractor

By: [Signature] Date: 6-16-23

Department Director Date Accepted: 6/27/2023

By: [Signature] Date: 6-23-23

Contracts Management (CORPORATE SEAL)

APPROVED:

By: [Signature] Date: 6/21/23

Town Attorney

TOWN APPROVAL:

By: [Signature]

Finance Director (Under \$25,000)

Date Approved: 6-23-23

By: [Signature]

Town Manager (Under \$25,000)

Date Approved: 6/26/23

By: _____

Mayor, Town Council (Over \$25,000)

Date Approved: _____

1. **Requested Motion:**

Meeting Date: August 7, 2023

Approving the direct purchase of a beach maintenance lift truck in the amount not to exceed \$190,000 as budgeted in the Town and TDC Grant Request for the current fiscal year from TruckMax, waiving the Town's competitive procurement policies and procedures and authorizing the Town Manager to execute any purchasing documents.

Why the action is necessary:

Purchases over \$25,000 must go before Town Council for approval; This truck is readily available and in limited supply

What the action accomplishes:

Authorizes the purchase of a new lift truck for the beach maintenance staff for continued upkeep of the beach accesses and amenities.

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

Chelsea O'Riley, Public Works
Director

5. **Background:**

The Town included a new aerial lift truck for beach maintenance in the current year TDC Grant request which ends at the end of September. Public works staff have been searching for vehicle options for a lift truck and have been finding a very limited supply available. Staff found a Chevrolet Silverado 6500 HD GM515 which falls within the current budget from TruckMax, and the vendor is offering a \$15,082.64 GPC discount to the Town, but must be approved as soon as possible if the Town is interested before the truck is returned to inventory.

Town staff recommends the Town Council waive the otherwise applicable competitive procurement policies and procedures of purchases over \$25,000 in order to purchase this new equipment before the current fiscal year ends.

Attachments:

1. 5NH350584 - TOWN OF FORT MYERS BEACH 2023.7.22
2. MaintenancePacket (3) FY23 FINAL

Financial Impact:

\$190,000 as budgeted in the 2023 Town Budget and TDC Grant Request/Agreement

6. **Alternative Action**

Do not approve and try to find another available truck before October 1, 2023.

7. **Management Recommendations:**

Approve the purchase.

8. **Recommended Approval:**

Jason Freeman, Public Works Director
Jason Freeman, Public Works Director

Created/Initiated - 7/28/2023
Approved - 7/28/2023

Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Approved - 8/1/2023
Approved - 8/1/2023
Final Approval - 8/1/2023



HOMESTEAD • NAPLES • FT. PIERCE • KEY LARGO

Date: 05/10/2023

Salesperson: Tammi Schemmel

Email: tammi@truckmaxfl.com

Purchaser																																																															
Company Name: <u>Town of Fort Myers Beach</u>			Customer: <u>Mark Fave</u>																																																												
Address: <u>2525 Estero Blvd</u>			Cell: <u>(239) 980-0623</u>																																																												
City: <u>Fort Myers Beach</u>	State: <u>Florida</u>	Zip: <u>33912</u>	Work: _____																																																												
E-Mail: <u>tunes@fmbgov.com</u>		County: _____	Phone: _____																																																												
Description of Purchase Vehicle 1 ▼																																																															
Year: <u>2022</u>	Make/Model: <u>Chevrolet Silverado 6500 HD GM515</u>		Trim: <u>Dur-A-Lift DPM2S-47DU Material Handling Bucket</u>																																																												
VIN: <u>1HTKJPVM5NH350584</u>	Stock #: <u>5NH350584</u>	Mileage: <u>10</u>	Color: <u>White</u>	GVWR: <u>22000</u>																																																											
Optional Equipment & Accessories			Selling Price Summary																																																												
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #00AEEF; color: white;"> <th></th> <th>Price</th> </tr> </thead> <tbody> <tr><td>TITLE / UP TO 2 TEMP TAGS</td><td>\$ _____</td></tr> <tr><td>_____</td><td>\$ _____</td></tr> <tr><td>_____</td><td>\$ _____</td></tr> <tr><td>_____</td><td>\$ _____</td></tr> <tr><td>GPC \$15,082.64</td><td>\$ _____</td></tr> <tr><td>_____</td><td>\$ _____</td></tr> <tr><td>_____</td><td>\$ _____</td></tr> <tr><td>_____</td><td>\$ _____</td></tr> <tr><td>_____</td><td>\$ _____</td></tr> <tr><td>_____</td><td>\$ _____</td></tr> </tbody> </table>				Price	TITLE / UP TO 2 TEMP TAGS	\$ _____	_____	\$ _____	_____	\$ _____	_____	\$ _____	GPC \$15,082.64	\$ _____	_____	\$ _____	_____	\$ _____	_____	\$ _____	_____	\$ _____	_____	\$ _____	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td>MSRP</td><td>\$ 203,615.64</td></tr> <tr><td>Discount</td><td>\$ -15,082.64</td></tr> <tr><td>Selling Price</td><td>\$ 188,533.00</td></tr> <tr><td>Optional Accessories</td><td>\$ 0.00</td></tr> <tr><td>Battery Fee</td><td>\$ 699.00</td></tr> <tr><td>Battery Fee</td><td>\$ 3.00</td></tr> <tr><td>Tire Fee</td><td>\$ 6.00</td></tr> <tr><td>Doc Fee</td><td>\$ 559.00</td></tr> <tr><td>Electronic Filling Fee</td><td>\$ _____</td></tr> <tr><td>Trade Allowance</td><td>\$ -0</td></tr> <tr><td>Subtotal</td><td>\$ 189,800.00</td></tr> <tr><td>Payoff</td><td>\$ _____</td></tr> <tr><td>Tax % <u>6.00</u> ☒ Tax Exempt</td><td>Tax \$ 0</td></tr> <tr><td>Tax % _____ County Tax</td><td>\$ 0.00</td></tr> <tr><td>Title/License/Registration Fees</td><td>\$ 200.00</td></tr> <tr><td>Total</td><td>\$ 190,000.00</td></tr> <tr><td>Down Payment</td><td>\$ -0</td></tr> <tr><td>Amount to Pay/Finance</td><td>\$ 190,000.00</td></tr> </tbody> </table>			MSRP	\$ 203,615.64	Discount	\$ -15,082.64	Selling Price	\$ 188,533.00	Optional Accessories	\$ 0.00	Battery Fee	\$ 699.00	Battery Fee	\$ 3.00	Tire Fee	\$ 6.00	Doc Fee	\$ 559.00	Electronic Filling Fee	\$ _____	Trade Allowance	\$ -0	Subtotal	\$ 189,800.00	Payoff	\$ _____	Tax % <u>6.00</u> ☒ Tax Exempt	Tax \$ 0	Tax % _____ County Tax	\$ 0.00	Title/License/Registration Fees	\$ 200.00	Total	\$ 190,000.00	Down Payment	\$ -0	Amount to Pay/Finance	\$ 190,000.00
	Price																																																														
TITLE / UP TO 2 TEMP TAGS	\$ _____																																																														
_____	\$ _____																																																														
_____	\$ _____																																																														
_____	\$ _____																																																														
GPC \$15,082.64	\$ _____																																																														
_____	\$ _____																																																														
_____	\$ _____																																																														
_____	\$ _____																																																														
_____	\$ _____																																																														
_____	\$ _____																																																														
MSRP	\$ 203,615.64																																																														
Discount	\$ -15,082.64																																																														
Selling Price	\$ 188,533.00																																																														
Optional Accessories	\$ 0.00																																																														
Battery Fee	\$ 699.00																																																														
Battery Fee	\$ 3.00																																																														
Tire Fee	\$ 6.00																																																														
Doc Fee	\$ 559.00																																																														
Electronic Filling Fee	\$ _____																																																														
Trade Allowance	\$ -0																																																														
Subtotal	\$ 189,800.00																																																														
Payoff	\$ _____																																																														
Tax % <u>6.00</u> ☒ Tax Exempt	Tax \$ 0																																																														
Tax % _____ County Tax	\$ 0.00																																																														
Title/License/Registration Fees	\$ 200.00																																																														
Total	\$ 190,000.00																																																														
Down Payment	\$ -0																																																														
Amount to Pay/Finance	\$ 190,000.00																																																														
Trade - Subject to appraisal RATING ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 																																																															
Year _____	Make _____																																																														
Model _____	VIN # _____																																																														
Odometer _____	Allowance <u>-0</u>																																																														
Payoff _____	Lender _____																																																														
Acct # _____																																																															
Notes																																																															
The prices shown above may vary from month to month, as will incentives, and are subject to change. Pricing is not guaranteed due to volatility in commodities and factory incentives. To attain most accurate numbers customer should request to be requoted before final delivery on ordered units.																																																															
Loan Information																																																															
APR: _____ %		Term: <u>60</u> ▼		Monthly ▼																																																											
				\$ <u>3,166.67</u>																																																											
		<u>72</u> ▼		\$ <u>2,638.89</u>																																																											
		<u>84</u> ▼		\$ <u>2,261.90</u>																																																											
Lender _____																																																															

Quote valid for: 30 days

Manager Signature _____

Salesperson Signature _____

Buyer Signature _____

Date _____

REPAIR AND MAINTENANCE

Maintenance Materials	\$	70,000.00	
Vehicle Maintenance	\$	8,000.00	
Equipment Maintenance	\$	8,000.00	
			\$ 86,000.00

OPERATING SUPPLIES

Supplies (Institutional, Chemical, Etc.)	\$	5,000.00	
Tools	\$	10,000.00	
Signage	\$	10,000.00	
Janitorial Supplies	\$	5,200.00	
			\$ 30,200.00

FUELS, OILS, & LUBRICANTS

Fuel	\$	20,000.00	
Oil	\$	2,500.00	
Lubricants	\$	1,500.00	
			\$ 24,000.00

MACHINERY & EQUIPMENT

Replacement Utility Vehicles	\$	45,000.00	
Replacement Tractor	\$	85,000.00	
Replacement F350	\$	55,000.00	
New Bucket Truck	\$	190,000.00	
Vehicle Equipment	\$	16,000.00	
Trash / Recycling Bins	\$	10,000.00	
ADA Accessibility Equipment (Mobi-Mats)	\$	10,000.00	
Power tools	\$	4,000.00	
Weedeaters	\$	3,000.00	
			\$ 418,000.00

TOTAL FY21 BUDGET REQUEST	\$	1,149,350.00
----------------------------------	-----------	---------------------

1. **Requested Motion:**

Meeting Date: August 7, 2023

Requesting approval to allocate additional building enterprise funds towards contractual services in the amount of \$300,000. Contractual services include vendors such as Calvin, Giordano & Associates, who provide plans examining and building code inspection services for the Town of Fort Myers Beach. This allocation of funds is necessary to enable the Town to continue plans examining and inspecting operations for building permits for the remainder of FY2023.

Why the action is necessary:

The Town currently relies on third-party providers to perform building permit plans examining and inspecting requirements. Additional funds must be utilized from the building enterprise fund to enable plans examining and inspecting operations to continue for building permits.

What the action accomplishes:

Allows for the Building Department to continue to provide building code plans examining and inspecting services for the residents of the Town of Fort Myers Beach.

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

4. **Submitter of Information:**

5. **Background:**

The budget for FY 2023 did not anticipate the higher permitting volume and need for additional help that has resulted from Hurricane Ian.

Attachments:

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

Patty Prevost, Code Supervisor/STR Coordinator
Steve Poposki, Community Development Director
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 7/20/2023
Approved - 7/20/2023
Approved - 8/1/2023
Approved - 8/1/2023
Final Approval - 8/1/2023

1. **Requested Motion:**

Meeting Date: August 7, 2023

Motion to approve STA #9 authorizing the appropriation of additional funds for Axis International to continue to provide planning and zoning professional services.

Why the action is necessary:

The Town did not budget for the additional costs resulting from Hurricane Ian.

What the action accomplishes:

This allows the Town to continue planning services.

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

4. **Submitter of Information:**

5. **Background:**

Axis International provides planning and zoning consulting services for the Town of Fort Myers Beach. Due to Hurricane Ian, we are utilizing their services more and need to add an additional amount of 25,000 to get us through this fiscal year.

Attachments:

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

Patty Prevost, Code Supervisor/STR Coordinator
Steve Poposki, Community Development Director
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 7/21/2023
Approved - 7/24/2023
Approved - 8/2/2023
Approved - 8/2/2023
Final Approval - 8/2/2023

1. **Requested Motion:**

Meeting Date: August 7, 2023

Approve use of the Town's circular logo by the FMB Community Foundation for a fundraiser.

Why the action is necessary:

The Town Attorney advised that it would be best for Town Council to approve this use of the logo.

What the action accomplishes:

Approving this use of the Town's logo supports a reputable FMB organization in fundraising that allows the organization to give back to FMB residents while also promoting the Town's logo widely.

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

Julie Fite, the Vice President of the FMB Community Foundation, approached the Town with an idea the Foundation has for a fundraiser for the Foundation. It would involve using the Town's logo to print flags that would then be sold. Here is the email we received:

My name is Julie Fite and I am the Vice-President of the Ft Myers Beach Community Foundation. We had come up with an idea for a fundraiser that would involve the logo of Ft. Myers Beach which I presume is the city and city hall. We wanted to print flags (same size as American flags) for people hang in front of their homes and businesses whether it be here or their full time residences. The logo with the dolphins and the palm trees would be perfect! We would sell these flags to assist with our year-end (May, fiscal) money presentations to local non-profits in need. Our mission statement seeks to empower our members and our community by encouraging philanthropy to improve the overall quality of life in Fort Myers Beach. In our 22-23 season, we proudly distributed \$105,750.00! Thank you for your time and I look forward to hearing from you.



Attachments:

Financial Impact:

None - the Foundation will produce and sell.

6. **Alternative Action**

7. **Management Recommendations:**

Please approve this use of the Town's logo for the FMB Community Foundation to produce flags and sell them as a fundraiser for their efforts in the community.

8. **Recommended Approval:**

Jennifer Dexter, Social Media & Communications Coordinator
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 7/28/2023
Approved - 8/1/2023
Approved - 8/1/2023
Final Approval - 8/1/2023

1. **Requested Motion:**

Meeting Date: August 7, 2023

Second Reading and Public Hearing on proposed Ordinance 23-09 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPLACING TOWN OF FORT MYERS BEACH ORDINANCE NO. 18-04, AND AMENDING THE CONDITIONS FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 1170, 1180/1192, 1204/1206 ESTERO BLVD., 251 CRESCENT ST., 1150 FIFTH ST. AND UNADDRESSED PARCELS, PARCELS GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00205.0070 (MCP PARCEL #3), 24-46-23-W3-00006.0000 (MCP PARCEL #1), 24-46-23-W3-00206.0060 (MCP PARCEL #1), 24-46-23-W3-00009.0000 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0494.2609 (MCP PARCEL #2), 24-46-23-W3-00205.0070, 19-46-24-W4-U0491.2610 (MCP PARCEL #2), 19-46-24-W4-0140B.0070 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0496.2608 (MCP PARCEL #2), AND 19-46-24-W4-U0498.2607 (MCP PARCELS #2 AND #6) FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The property owner has submitted an application requesting an amendment to conditions of approval for the Margaritaville / TPI development. The Town Council must hear a CPD amendment at two hearings.

What the action accomplishes:

Approval of the amendment will modify the conditions of approval.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Ordinance

4. **Submitter of Information:**

5. **Background:**

The property owner has submitted a request to amend two conditions of approval in Ordinance 18-04, the Commercial Planned Development which approved the TPI-FMB project, now known as Margaritaville. The applicant has submitted a revised narrative requesting amendments to conditions 14 and 20 to address their concern about a conservation easement and restrictive covenants in addition to the adopted ordinance and conditions of approval.

Any changes to the master concept plan are limited by the Town's Land Development Code and further restricted by conditions of approval within Ordinance 18-04. It appears that the conditions of approval were adopted in a manner that limits even administrative amendments afforded under the Town's LDC. The LPA recommended approval 5-0.

Attachments:

1. 23-09 Ordinance - 2nd hearing
2. Exhibit B MCP - FINAL
3. Affidavit of Publication
4. Revised Narrative - CPD Amendment 4-26-23
5. 14922319-TPI-FMB - CPD Amd App Pkg WITH ORD 18-04

Financial Impact:

unknown

6. **Alternative Action**

Approve, Approve with changes, Deny

7. **Management Recommendations:**

8. **Recommended Approval:**

Sarah Propst, Planning & Zoning

Steve Poposki, Community Development Director

Gretchen R.H. Vose, Town Attorney

Amy Baker, Town Clerk

Andy Hyatt, Town Manager

Created/Initiated - 7/20/2023

Approved - 7/20/2023

Approved - 8/2/2023

Approved - 8/2/2023

Final Approval - 8/2/2023

ORDINANCE 23-09

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING TOWN OF FORT MYERS BEACH ORDINANCE NO. 18-04, AND AMENDING THE CONDITIONS FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 1170, 1180/1192, 1204/1206 ESTERO BLVD., 251 CRESCENT ST., 1150 FIFTH ST. AND UNADDRESSED PARCELS, PARCELS GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00205.0070 (MCP PARCEL #3), 24-46-23-W3-00006.0000 (MCP PARCEL #1), 24-46-23-W3-00206.0060 (MCP PARCEL #1), 24-46-23-W3-00009.0000 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0494.2609 (MCP PARCEL #2), 24-46-23-W3-00205.0070, 19-46-24-W4-U0491.2610 (MCP PARCEL #2), 19-46-24-W4-0140B.0070 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0496.2608 (MCP PARCEL #2), AND 19-46-24-W4-U0498.2607 (MCP PARCELS #2 AND #6) FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend. or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, TPI-FMB LLC and Steve Hartsell with Pavese Law Firm, applicants and agents for the property owners, generally located at 1170, 1180/1192, 1204/1206 Estero Boulevard, 251 Crescent St, 1150 Fifth St. and other unaddressed parcels, parcels generally identified as STRAP numbers 24-46-23-W3-00205.0070 (MCP parcel #3), 24-46-23-W3-00006.0000 (MCP parcel #1), 24-46-23-W3-00206.0060 (MCP parcel #1), 24-46-23-W3-00009.0000 (MCP parcels #2 AND #5), 19-46-24-W4-U0494.2609 (MCP parcel #2), 24-46-23-W3-00205.0070, 19-46-24-W4-U0491.2610 (MCP parcel #2), 19-46-24-W4-0140B.0070 (MCP parcels #2 AND #5), 19-46-24-W4-U0496.2608 (MCP parcel #2), AND 19-46-24-W4-U0498.2607 (MCP parcels #2 AND #6) in the Town of Fort Myers Beach, filed applications to amend Ordinance 18-04 and amend conditions of approval of the commercial planned development zoning; and

WHEREAS, Ordinance 18-04 rezoned the property from the Commercial Planned Development (CPD), Downtown, and Environmentally Critical (EC) zoning districts to CPD with Master Concept Plan (MCP) in order to develop a hotel resort and associated facilities, on 5.1+/- acres more or less property, located at 1170, 1180/1192, 1204/1206 Estero Boulevard in the Town of Fort Myers Beach; and

WHEREAS, the subject property is located in the Pedestrian Commercial and Recreation Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, with the exception of portions of Town or County right-of-way, the applicant has indicated the subject property is under common control and Tom Torgerson serves as the managing member for each ownership listed in the public records of Lee County Property Appraiser; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on May 09, 2023; and

WHEREAS, at the May 09, 2023 public hearing the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, as required by Town Land Development Code (LDC) s. 34-85; and

WHEREAS, at the May 09, 2023 public hearing the LPA recommended approval by a 5-0 vote; and

WHEREAS, on June 20, 2023 the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-85; and

WHEREAS, the Town Council voted to have a second reading of the proposed Ordinance and a public hearing on this matter was legally advertised and held before the Town Council on August 7 2023; at which time the Town Council gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34- 85; and

WHEREAS, the applicant has resolved and is current on any outstanding fees associated with notice, advertisement, and consulting services required by the Town; and

WHEREAS, with the following terms, conditions, and requirements which the Town Council finds to be in the public health, safety, and welfare, all of which are in compliance with the comprehensive plan and the Land Development Code; and

WHEREAS, Exhibit A provides the approved property development regulations, the schedule of uses and conditions of approval for this CPD to be used during the permitting process; and

WHEREAS, Exhibit B is the approved Master Concept Plan, updated per the adopted original Ordinance 18-04; and

WHEREAS, the Town Council finds that this request to amend existing ordinance 18-04 for a CPD, is a unique and individual application which does not set precedent for future development or rezoning applications.

Deviation #1

Deviation from LDC Section 34-1803(a) which establishes equivalency factors for converting allowable dwelling units to hotel rooms. The equivalency remains at three, a total of 254 hotel rooms (224 rooms on Parcel 1 and 30 rooms on Parcel 2) per the revised Master Concept Plan pages dated 5/2018 are authorized due to exceptional circumstances and unique public benefit on record to include view corridor and permanent perpetual transfer of density and development rights from the VE zone to the AE zone.

Deviation #2

Deviation from LDC Section 34-675(b) which limits building heights as follows: 3 stories and 30 feet along Crescent Street and Fifth Street; 3 stories and 40 feet along the south side of Estero Boulevard; to allow the main resort building which fronts on Estero, Crescent and Fifth to be 4 stories and 38 feet, 10 inches feet above average base flood elevation and along the south side of Estero Boulevard of 4 stories, and other buildings to be at the lesser heights as shown on the Master Concept Plan.

Deviation #3

Deviations from LDC Section 34-675(c) which limits floor area ratio (FAR) to 1.4 for properties fronting on Estero Boulevard and to 1.0 for all other properties in the CPD to allow a FAR of 1.55 on Parcel 1 and Parcel 2 and Parcel 3.

Deviation #4

Deviation from the LDC Section 10-416(d)(2) which requires a Type D buffer (15 feet wide with 5 trees and staggered hedges to form a 3-foot visual screen between parking and a right-of-way) - to replace the Type D buffer with the buffer and sidewalk plan for Estero Boulevard, Crescent Street, and Fifth Street as shown on the Master Concept Plan.

Findings for the rezoning:

WHEREAS, the Town Council considered all relevant factors and made the following formal findings before making its final decision on the requested amendment to Commercial Planned Development (see LDC 34-85 and 34-216) ordinance 18-04:

- a. Minor ambiguities were resolved through the deviation process.
- b. Long-standing blighted conditions on the subject property can be ameliorated through approval of this rezoning.
- c. The rezoning would carry out the policies and requirements of the Comprehensive Plan and Land Development Code.
- d. The Town Council carefully considered the testimony of the applicant, the recommendations of staff and of the local planning agency, and testimony from the public.
- e. The rezoning would be consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses in the Comprehensive Plan.
- f. The rezoning would meet or exceed all performance and locational standards set forth for the proposed use.
- g. Urban services are available and adequate to serve the proposed use.

- h. The rezoning would protect, conserve, or preserve environmentally critical areas and natural resources.
- i. The rezoning would be compatible with existing and planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- j. The rezoning would not place an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.
- k. The rezoning, with the mitigating factors volunteered by the applicant and the special conditions imposed by the Town Council, is consistent with the Fort Myers Beach Comprehensive Plan, Land Development Code, and other applicable town ordinances or codes.
- l. The proposed use or mix of uses is appropriate at the subject location.
- m. Sufficient safeguards to the public interest are provided by the recommended special conditions to the master concept plan and by other applicable regulations.
- n. All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- o. The rezoning meets all specific requirements of the Comprehensive Plan that are relevant to the request, including the following:
 - Policy 4-C-4 on building heights taller than the standard height limit
 - Policy 4-C-6 on hotel/motel densities
 - Policy 4-C-8 on density transfers
 - Policy 7-J-2 on traffic impact analyses and potential design improvements that could offset traffic impacts

WHEREAS, the Town Council made the following formal findings before making final decisions on the four requested deviations from "by-right" requirements of the Land Development Code (see LDC 34-216 and 34-1803):

1. Deviations #1, #2, and #3 are being partially approved only due to the exceptional circumstances presented by the coordinated redevelopment of several critical parcels in the downtown zoning district in furtherance of policies in the Comprehensive Plan and design guidance provided by the Old San Carlos Boulevard / Crescent Street Master Plan. Key public benefits offered by the applicant include a perpetual view corridor along 324 feet of the beach side Estero Boulevard across the beach club resulting from a permanent transfer of density and development rights from the VE zone to the AE zone; and a second perpetual view corridor at the foot of the Matanzas Pass Bridge resulting from the permant transfer of density and development rights, no buildings on Parcel 3, and the donation of Parcel 4 to the Town of Fort Myers Beach.
2. All aspects of the proposed development, as limited by the special conditions being imposed by the Town Council, are compatible with the surrounding area,

including building height, traffic flow, and intensity of use.

3. The proposed development, as modified by these deviations, clearly exceeds all standards of the Fort Myers Beach Comprehensive Plan.
4. The proposed development, with the modified deviations being approved, does not exceed any maximum intensities contained in the Fort Myers Beach Comprehensive Plan.
5. Granting these deviations will enhance the achievement of the objectives of the proposed development.
6. The general intent of the LDC to protect the public health, safety, and welfare will be preserved and promoted with these deviations.
7. These deviations operate to the benefit, or at least not to the detriment, of the public interest.
8. These deviations are consistent with the Fort Myers Beach Comprehensive Plan.

WHEREAS, the Town Council finds that this application to amend Ordinance 18-04 and amend conditions of approval of the commercial planned development zoning, **consistent/ not consistent** with the Town of Fort Myers Beach Comprehensive Plan and LDC and voted to **deny/ approve/ approve with conditions** the Application.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicant did meet its burden of proof that the request to amend Town of Fort Myers Beach's Ordinance no. 18-04 and amend the conditions of approval for the commercial planned development zoning, **does/ does not** meet the requirements of the Town Comprehensive Plan and LDC. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties, the Town Council **DENY/ APPROVE/ APPROVE WITH CONDITIONS** the requested application.

Section 3. Town Ordinance 18-04 is amended by this Ordinance and the schedule of uses and conditions of approval for the Property's CPD set forth in Exhibit A, attached hereto and incorporated herein by this reference is approved.

Section 4. Whenever the requirements or provisions of this Ordinance conflict with the requirements or provisions of any other lawfully adopted LDC or Town Code provision, ordinance, or statute, the most restrictive shall apply.

Section 5. Any typographical errors that do not affect the intent of this Ordinance may be corrected with notice to and authorization of the Town Manager without further process.

Section 6. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

Section 7. This Ordinance will take effect immediately upon adoption by the Town Council.

THE FOREGOING ORDINANCE was adopted by the Town Council upon a motion by Council Member _____ and seconded by Council Member _____, and upon being put to a vote, the result was as follows:

DULY PASSED AND ADOPTED on this 7th day of August 2023.

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King	_____
Bill Veach	_____
Karen Woodson	_____

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Gretchen R. H. Vose, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of August 2023.

Exhibit A CONDITIONS OF APPROVAL

This project area includes six (6) parcels as demonstrated in MCP X-103-BNDY.01 Boundary Survey. Parcels 1, 2 and 3 are to be rezoned to Commercial Planned Development (CPD). Parcels 4, 5, and 6 will retain their existing zoning classifications. All parcels are included in the Master Concept Plan and subject to the conditions as outlined below:

- 1** Parcels 1, 2, and 3 are authorized for a maximum of 254 hotel rooms. Parcel 1 is approved for a maximum of 224 hotel rooms. Parcel 2 is approved for a maximum of 30 hotel rooms. Parcel 3 is approved for surface parking only and no other improvements or hotel rooms, other than an accessory surface parking lot, is permitted. The transfer of density and development rights of Parcel 3 is permanent and binding.
- 2** The CPD is authorized to allow building heights as follows, with these heights measured in accordance with 34-631 of the LDC, as depicted on the Master Concept Plan, and as described:
 - a. The main resort building on Parcel 1 may be up to 4 stories and up to 38 feet, 10 inches above base flood elevation, provided that the highest points of the roofline and any architectural features across the property shall not exceed 52 feet from 4.5 feet above mean sea level elevation.
 - b. The larger building on Parcel 2 may be up to 4 stories, provided that the highest points of the roofline and any architectural features shall be a height of 52 feet, 4 inches or less, above existing typical ground level. Approved building heights for all buildings on Parcel 2 are shown in the Master Concept Plan.
 - c. No buildings or vertical structures are permitted on Parcel 3. The transfer of density and developments rights on Parcel 3 is permanent and binding.
- 3** The CPD is authorized to allow floor area ratios as follows, measured in accordance with 34-633 of the LDC. The total land area of Parcel 1, 2, and 3 may be utilized for the floor area ratio calculation of 1.55. The square footage of the proposed buildings may be clustered as depicted on the Master Concept Plan and includes:
 - a. The constructed floor area ratio on Parcel 3 and 5 shall be 0.0. Buildings, or any other improvements other than improvements associated with an at surface grade parking lot on Parcel 3 and a pool security fence on Parcel 5, are prohibited on these parcels.
- 4** The CPD is authorized to replace the Type D buffer required by 10-416(d)(2) of the LDC with the buffer and sidewalk plan for Estero Boulevard, Crescent Street, and Fifth Street as shown on Sheets X-502-RW.00 through X-504-RW .02 of the Master Concept Plan as revised through May 2018, subject to the following requirements:

- a. Prior to obtaining any development orders, the landowner will dedicate to the town/public a perpetual public sidewalk easement to accommodate a sidewalk of seven (7) feet in width on the south side of Fifth Street where the MCP shows portions of the proposed sidewalk on private land.
- b. The landowner will construct the sidewalks, curbs, and tree yards and will plant the lawn and street trees, as shown on the Master Concept Plan, prior to the issuance of any temporary certificates of occupancy including for adjoining buildings. These improvements must meet technical specifications of the Town of Fort Myers Beach along Fifth Street and Crescent Street and of Lee County along Estero Boulevard, except for such deviations as granted by the Town when reviewing and approving the Master Concept Plan. The landowner will maintain the tree yards and street trees in perpetuity.
- c. The street trees shown along Estero Boulevard will be located closer to the curb if, prior to approval of the Development Order, but no later than January 2019 and with appropriate documentation of coordination, FDOT and Lee County approves the new 1.5-foot lateral offset standard alignment of the Florida Department of Transportation.
- d. Prior to Development Order application, the landowner will document their efforts to the Town to seek approval from Lee County to re-route stormwater from the existing drainage inlet on Estero Boulevard into the resort's stormwater system so that roots from street trees on this block cannot interfere with any underground exfiltration trench. The conveyance of the Estero Boulevard drainage into the resort stormwater system will only be constructed if there are no adverse impacts or backflow into the existing system.
- e. No buffer vegetation may be planted in any public right-of-way or any sidewalk easement other than depicted on the Town approved Master Concept Plan.
- f. While the Town approved Master Concept Plan provides conceptual approval of under-building screening of parking areas, as required by LDC 34-992 (d)(1); a compliance and enforcement determination of the materials, technical specifications, and minimum opacity of the latticework around the ground story are subject to approval of the Town Manager or designee, as required by 34-992(c) and 34-992(d)(2) of the LDC. At the concurrence of the land owner, the Town Manager may allow occasional segments of latticework to be replaced by an opaque screen to allow works of art to be displayed in place of climbing vegetation.
- g. If at the end of the one (1) year plant establishment period from the end of the Temporary Certificate of Occupancy, the buffer plantings and climbing vegetation planted on the latticework do not visually

screen activities in the ground story, the Town Manager will require corrective action. Corrective actions may include, but are not limited to, different vegetation, different management techniques, and supplemental screening behind the latticework, among other practices. The property owner will take corrective action within 30-days of written notification from the Town regarding the deficiencies in the buffer. Failure to respond to any 30-day written notice shall constitute an appealable \$500 per incident per day civil violation.

- 5 The approved property development regulations for this CPD are presented in the attached Exhibit A, which will be substituted during the permitting process for the property development regulations that the LDC provides for the DOWNTOWN zoning district.
- 6 The approved schedule of uses for this CPD is limited to the following:

Parcel 1 (Bay Side) LODGING use group: Hotel Uses Accessory to ATM Administrative Offices Consumption on Premises, outdoor service and seating limited to locations on Sheets X-505-COP.01 & X-506-COP.02 Parking Lot, Accessory Subordinate Uses Temporary Uses, if permitted by Ch. 34 MARINE use group No Marina Uses	Parcel 2 (Gulf Side) LODGING use group: Hotel RETAIL use group: Recreation Facilities, Commercial (limited to 325 total people per day who are not staying at the hotel) Restaurant Commercial Accessory Uses: ATM Administrative Offices Consumption on Premises, outdoor service and seating limited to locations on Sheets X-506-COP.01 & X-507-COP.02 Subordinate Commercial Water-oriented Rentals MARINE use group: (if permitted by Chapter 27) Parasailing Operations Office Personal Watercraft Operations Office	Parcel 3 LODGING use group: Uses Accessory to Parking Lot, Accessory (the only use permitted on Parcel 3)
---	--	---

7. The property owner is responsible for accounting and enforcement of the per day limitation of 325 non-resort guests at the aquatic venue or lesser number based upon Fire Department occupancy limitations; and, if requested, for providing records to the Town on demand for verification. Failure to provide records or limit non-hotel guests and/or hotel guests to the approved maximum limits per day shall constitute a \$500 per day per incident civil violation.
8. This CPD approves structures up to the following square-footage maximum on Parcels 1 and 2 which are entirely landward of the 1978 coastal construction control line and within the CPD zoning district boundary:
 - a. **Hotel**
 1. 250,783 SF, of which up to 96,085 SF could be guest units and up to 95,751 SF could be ground-story parking.
 2. 224 guest units to be on bay-side Parcel 1 (above parking) and up to 84,745 square feet could be guest units.
 3. 30 guest units to be on gulf-side Parcel 2 and up to 11,340 square feet.
 - b. **Restaurant on Parcel 2**
 1. 15,870 SF for a restaurant, of which 1,514 SF would be a bar; plus, an additional 1,364 SF for outdoor seating and an additional 2,000 SF for indoor storage
 - c. **Beach Club on Parcel 2**
 1. 3,786 SF for an ancillary restaurant
 2. 2,508 SF in an existing building for ancillary restrooms and lockers
 - d. **Pedestrian Bridges between Parcels 1- 2 if approved by Lee County**
 1. 2,691 SF for the access area required for a publicly accessible pedestrian bridge;
 2. 1,380 SF for the pedestrian bridge that is not included in the FAR.
9. Redevelopment and future uses on the subject property must be consistent with the attached Master Concept Plan as approved by the Town Council as part of this request. All prior Master Concept Plans, CPD zoning approvals, special conditions, and development agreements for the subject property are no longer valid. All development activities and future uses must comply with all the requirements of the Town of Fort Myers Beach Land Development Code at the time of Development Order approval, except as explicitly modified by this CPD approval. Lot lines

shown on existing plats must be vacated or replatted, as appropriate and as administratively determined by the Town Attorney, prior to issuance of Development Orders. If changes to this approval are requested, they will be reviewed as requests to formally modify this CPD. This CPD's new Master Concept Plan consists of these 26 sheets:

- a. X-G01 - Cover Sheet
- b. X-101-FLU - Future Land Use and Project Boundary
- c. X-103-BNDY.00 - Boundary Survey (1 of 2)
- d. X-103-BNDY.01 - Boundary Survey (2 of 2)
- e. X-104-DA - Developable Area Exhibit
- f. X-105-MCP.00- *Floor Area Ratio* First Floor
- g. X-106-MCP.01 - Floor Area Ratio Second Floor
- h. X-107-MCP.02- Floor Area Ratio Third Floor
- i. X-108-MCP.03 - Floor Area Ratio Fourth Floor
- j. X-109-MCP.00 - Master Concept Plan First Floor
- k. X-110-MCP.01 - Master Concept Plan Second Floor
- l. X-111-MCP.02 - Master Concept Plan Third Floor
- m. X-112-MCP.03 - Master Concept Plan Fourth Floor
- n. X-113-MCP.04 - Master Concept Plan Deviations and Notes
- o. X-114-MCP.05 - Master Concept Plan Building Height
- p. X-A201 -Exterior Elevations
- q. X-A202 -Exterior Elevations
- r. X-A203 - Exterior Elevations
- s. X-A301 - Building Sections
- t. X-501 - Parking Locations and Calculations
- u. X-502-RW.00 - Right-of-way and sidewalk/buffer plan
- v. X-503-RW.01 - Right-of-way and sidewalk/buffer plan
- w. X-504-RW.02 - Right-of-way and sidewalk/buffer plan
- x. X-505-COP.01 - Consumption on Premises Diagrams
- y. X-506-COP.02 - Consumption on Premises Diagrams Pedestrian Circulation
- z. X-507-VT-Visibility Triangles

- 10** A pedestrian bridge across Estero Boulevard is shown on the Master Concept Plan. Conceptual approval of this bridge is subject to the following requirements for design, approval, and operation:

- a. The pedestrian bridge must be constructed simultaneously with the buildings it connects.
 - b. The elevated terrace on the second story of the main resort building on Parcel 1 must include a public ADA compliant access for public use.
 - c. Visible publicly accessible stairwells and elevators on both sides of Estero Boulevard must connect the sidewalks to each end of the pedestrian bridge. The stairwell on Parcel 2 must provide access to publicly accessible restrooms in the restaurant building, with clear signage indicating the public's access and rights to use these restrooms and pedestrian bridge, if approved, without a fee or charge.
 - d. In order to guarantee the general public's permanent right to use the bridge and the adjoining stairways, elevators, and restrooms, the landowner must execute an instrument that guarantees this access in a form suitable to the Town Attorney.
 - e. Before constructing the bridge over Estero Boulevard, the landowner must obtain review and approval from Lee County and must enter into a formal agreement with Lee County regarding design, maintenance, liability, operations, future changes, and other relevant details. The bridge design must allow and not interfere with nor prevent all elements necessary for a traffic signal and grade level pedestrian crosswalk at the Estero Boulevard-Crescent Street intersection. If necessary, FDOT review and approval must be obtained.
 - f. All FDOT and Lee County approvals must be received by the applicant prior to approval by the Town. The Town's approval shall be limited to aesthetic and non-structural design.
- 11** Sheet X-109-MCP.00 of the Master Concept Plan identifies certain important features on Parcels 2 and 6 (the beach-side parcels) that will require separate critical actions by the Town and by the landowner at a later date. This sheet is being included in the Master Concept Plan with these understandings:
- a. As shown on Sheet X-105, the landowner intends to request the vacation of a narrow right-of way at the end of Crescent Street, plus the first 185 feet of Canal Street south of Estero Boulevard which is part of Town-maintained Beach Access #36. Understanding that the Town's Comprehensive Plan strictly limits vacations of rights-of-way in order to preserve future access to the water, the landowner has agreed to provide a net increase in public access by donating Parcel 6 to the Town and constructing on it a new public street replacing Canal Street. The new public street will also be providing beach access and public parking spaces on 67 feet wide new rectangular

right-of-way beginning at Estero Boulevard. The Town Manager or designee shall be responsible for design approval of the new street. The new street will be completed on or before twelve (12) months following the issuance of a Development Order.

- b. The landowner has also agreed to construct and dedicate a five-foot wide perpetual public access easement for a new pedestrian beach access at the "north" end of Parcel 2 that meets ADA accessibility requirements and the Town Manager's specifications as to design, surfacing and signage. The easement shall be constructed, completed, and open to the public on or before twenty-four (24) months following the issuance of the associated Development Order. During construction of the project the property owner shall maintain a minimum of one 25' wide ADA accessible beach access from Estero to the end of the property at or near the water.
- c. The landowner will execute instruments to complete donations, the easement(s) for new pedestrian beach access easement and Parcel 6, in a form suitable to the Town Attorney and will provide them to the Town Attorney, who will not record either instrument unless the Town Council formally vacates the two existing rights-of-way shown on Sheet X-105; and:
 - i. The landowner either completes the construction of the new street or allows continued public use of Canal Street or Temporary Beach Access until the new street is completed.
 - ii. The Town will not issue development orders for demolition, site work, or new buildings on Parcels 1 or 2 unless the Town agrees to vacate both rights-of-way and related or associated property transfers are executed.
 - iii. After the new street is constructed by the applicant and turned over to the Town, Parcel 6 will no longer be subject to any requirements of this CPD.

12 The beach club on Parcel 2 must meet these additional requirements:

- a. To allow the reduced building frontage on the south side of Estero Boulevard (see LDC 34-675), development order plans must demonstrate three view corridors from Estero Boulevard to the beach (two totaling 319 feet; one totaling five feet) that total at least 324 feet along Estero Boulevard.
- b. Any perimeter fence on the beach side of Estero Boulevard must be at least 80 percent transparent, must be placed within a landscaped planting area at least five (5) feet wide, and shall be maintained at a height of three (3) feet. If the Florida Building Code requires a taller fence at this location, the Fort Myers Beach Building Official shall adjust the fence height accordingly.

- c. A detailed lighting plan, including any lit signage, must be provided with the development order application for the beach club; this plan must comply with LDC requirements in 10-154(8) and 14-76 for sea turtle conservation.
 - d. A detailed landscaping plan showing the location and type of all plantings, including beach plantings adjacent to the existing retaining wall, must be provided with the development order application for the beach club.
 - e. Directional signage approved by the Town as to design, installation methodology, and location shall be erected along Estero Boulevard that advises the public of both new public beach accesses.
 - f. The beach club and its ancillary uses may operate only from 7am to one hour after sunset, but never later than 9 pm. That is the Beach Clubs hours of operation unless otherwise temporarily altered in the Town's special event use regulations in Section 34-1264 of the LDC.
 - g. To implement the applicant's commitment to limit access to the beach club to 325 people per day who are not staying at the hotel, the resort will be required to submit monthly reports to the Town within 10 days after the end of each month showing the number of non-guest admissions for each day; and shall provide such information on demand and allow Town officials immediate access to this information for the current day at a designated location in the resort.
 - h. The beach club and aquatic venue shall provide no less than one security personnel per 200 guests.
 - i. All necessary dune plantings and walkovers shall be provided in compliance with Town codes and ordinances.
- 13** The following transportation and access features are shown on the Master Concept Plan and are an integral part of this approval:
- a. All existing vehicular access points on Estero Boulevard shall be closed except the access to the one new public street on Parcel 6.
 - b. The one and only access point on Crescent Street will be an entrance-only driveway near the intersection with Fifth Street, which will be the main entrance for resort guests.
 - c. Access points on Fifth Street are limited to the one main exit for resort guests and a separate entrance and exit for service vehicles on Parcel 1, plus two existing driveways to the surface parking lot on Parcel 3.
- ~~**14** Prior to the Town issuing any development orders for demolition, site work, or new buildings on Parcel 2, the landowner must execute and record a restrictive covenant in favor of and enforceable by the Town in perpetuity that acknowledges that this CPD approval has consumed all~~

~~allowable density and intensity on Parcels 1, 2, 3, and 5 and that no **No** additional development may occur beyond that which is approved by this CPD **without prior approval of the Town Council**. Prior to issuance of a temporary or final certificate of completion on Parcel 2 (but not later than 36 months after commencing construction), the landowner must convey to the Town a perpetual conservation easement in a form acceptable to the Town Attorney, which after acceptance will be recorded in the Public Records of Lee County, over those portions of Parcels 2 and 3 on which structures or pavement are not constructed or proposed to be constructed under the Master Concept Plan adopted as part of this CPD. The intent of this condition is to limit in perpetuity the density and intensity of Parcels 2 and 3 to that which is approved by this CPD and to maintain all areas on which buildings and pavement are not constructed and as shown on the Master Concept Plan, only for outdoor recreation area on Parcel 2 and a single-level surface parking lot on Parcel 3, but specifically excluding any additional parking facilities, buildings, and other similar structures or any additional improvements **require that any future changes to this CPD must comply with the Fort Myers Beach Plan and LDC in effect at the time of any future application**.~~

- 15 Development order plans must identify the location of 359 off-street parking spaces within the area now identified for parking on Parcels 1 and 3. The public parking spaces to be constructed on Parcel 6 cannot be counted toward the 359 spaces reserved for resort parking.
 - a. None of the 359 spaces are eligible for joint-use agreements or sharing agreements that would allow any of these spaces to substitute for off-street parking that is required by the LDC for businesses located outside this CPD's Master Concept Plan.
 - b. Prior to the issuance of a Temporary Certificate of Occupancy, the applicant will also construct or provide 75 dedicated parking spaces at an off-site location along the trolley route from the Beach Park & Ride facility to be available for the entire resorts parking needs within 2.8 miles of Parcel 1.
 - c. Three or more years after issuance of the resort's certificate of occupancy, the applicant may request to modify this condition to eliminate some or all of these off-site parking spaces upon a convincing showing that this condition requires more parking spaces than are needed for the entire resorts parking needs.
 - d. Identify to the Town if any shared use parking agreements are currently in existence and will be terminated to meet this CPD condition.
- 16 Development order plans must demonstrate that vehicles can be accommodated by a multi-vehicle parking mechanism per parking spot. Valet parking must be managed so that vehicles are never stacked on Crescent Street or 5th Street waiting to access the valet area. The property owner shall install No Stop/Stand signs on Crescent and 5th

Street.

- 17** Individual signs may be placed on this site during and after development as may be allowed by the LDC regulations that are in effect at that time. Murals are permitted in compliance with LDC regulations.
- 18** Service of alcoholic beverages for on-premises consumption is approved at the locations shown on Sheets X-505-COP.01 and X-506-COP.02 of the Master Concept Plan, subject to these limitations:

 - a. Service to outdoor seating is permitted on the second story outdoor terrace on Parcel 1, in the public restaurant on Parcel 2, and in the beach club on Parcel 2 provided service remains in substantial compliance with the COP diagrams on Sheets X-506-COP.01 and X-507-COP.02. Beverages purchased in approved indoor or outdoor service areas on Parcels 1 or 2 shall not be carried across the pedestrian bridge. The designated service areas shall be identified separately from areas where consumption is permitted, but not part of a service and/or seating area.
 - b. Alcoholic beverages and amplified music in the beach club are limited to 7:00 a.m. to one hour after sunset, but not later than 9:00 p.m. Expansion of COP onto the sandy beach seaward of the seawall is prohibited.
 - c. Amplified music on the outdoor terrace on Parcel 1 is limited 7:00 a.m. to one hour after sunset, but not later than 9:00 p.m.
 - d. Amplified music in unenclosed hotel restaurant and bar on Parcel 2 are limited to 7:00 a.m. to midnight.
 - e. Alcoholic beverages may not be served at locations other than those shown on the Master Concept Plan unless approved by special use permit, special exception or by administrative approval, as provided in 34-1264 of the LDC.
- 19** Prior to applying for a permit for the stormwater management system from the SFWMD, the landowner shall evaluate the receiving of drainage from the intersection of Crescent and Fifth for suitability and consistency with SFWMD requirements. Provided these two components can be combined under those requirements, the landowner will design and construct the project to receive stormwater from the intersection of Crescent Street and Fifth Street into and through the project's stormwater system, including cost of upsizing the project stormwater system. In order to be considered feasible, any routing of stormwater from the intersection of Crescent and Fifth Streets must accommodate the project's design as approved by this CPD and it shall be borne by the property owner. The property owner will provide copies of the SFWMD permit application, and all subsequent responses to requests for additional information, to the Town's stormwater consultant for review and concurrent with filing with the **SFWMD**.

- 20** In order to provide an additional view corridor along the approach to the Town from the Matanzas Pass Bridge, the applicant has offered and the Town has accepted the following changes to the Master Concept Plan:
- a. No buildings will be constructed on Parcel 3 in perpetuity. Parcel 3 shall remain as a 21-space surface parking lot for the resort because all development rights on Parcel 3 are being used on Parcels 1 and 2. ~~Parcel 3 will be included in the covenants and conservation easement described in Condition 14.~~ Landscape buffers shall be done in accordance with MCP X-504-RW.02.
 - b. No buildings will be constructed on Parcel 4 by the applicant and the existing building will be removed. Parcel 4 will be donated by the applicant to the Town for civic, public purposes and will include a reverter in the event the parcel is not used for such civic, public purposes. The demolition and re-grading of the property will be completed no later than September 30th, 2018. The Town shall receive Parcel 4 within 60 calendar days of the issuance of all necessary approvals related to the development order and approvals of the pedestrian bridge. After the existing building is removed by the applicant and the property transfer is completed, Parcel 4 will no longer be subject to any requirements of this CPD. Demolition of Parcel 4 may be completed prior to development order being issued.
- 21** Barring a direct hurricane or other Acts of God and governmental-related delays, Parcel 1 and the Parcel 1 main hotel shall be completed and open for operation within three years of the issuance of a development order approval. All other portions, phases, and uses shall be in operation within five years of issuance of a development order approval. A Development Order application for development of Parcel 1 shall be submitted no later than 270 calendar days from effective date of the rezoning ordinance.
- 22** Additional approvals of special events are allowed. Application for such special event approvals shall be submitted through the Town's adopted Special Event processes and may temporarily alter hours of operation, amplified music limits, and public user capacity, among other items.
- 23** Bicycle racks for public use will be provided as shown on the Master Concept Plan. All bicycles and similar alternative transportation options shall be provided within the approved development footprint. Operations of any bicycle loan business or operation shall require the returning of bicycles to the CPD properties on a daily basis; as well as comply with Town Codes, and provide education materials about Town codes and regulations to bicycle users.
- 24** Construction staging shall be authorized when in compliance with all applicable Town codes, except that concrete delivery/pumping for the building's foundations and terrace may occur no earlier than 4:00 am. No staging shall be permitted on Parcel 4 or Parcel 6 after donation to the

Town. No other approvals are inferred from approval of the CPD. The landowner or developer shall be responsible for submittal of any requests for additional staging or construction management approvals from the Town Council.

- 25** Any violation of the CPD conditions of approval or deviations shall constitute a \$500 per day per incident civil violation.
- 26** The applicant has offered to provide residents of the Fort Myers Beach community a "Discount Plan," which provides a 25 percent discount on food, alcohol and non-alcohol beverages, Family Beach Club Admission, and retail store purchases, to anyone with a valid FL Driver's License with a home address in zip code 33931.
- 27** Per LDC Section 34-216(b)(5), the revised Master Concept Plan must be submitted to the director reflecting all modifications to the deviations and conditions as made herein by the Town Council.

Findings Regarding the Conditions

- 1.** All recommended special conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

DEVELOPED BY:



OWNER
TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
MORRIS-DEFEW ASSOCIATES, INC.
2914 CLEVELAND AVENUE
FORT MYERS, FL 33901
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

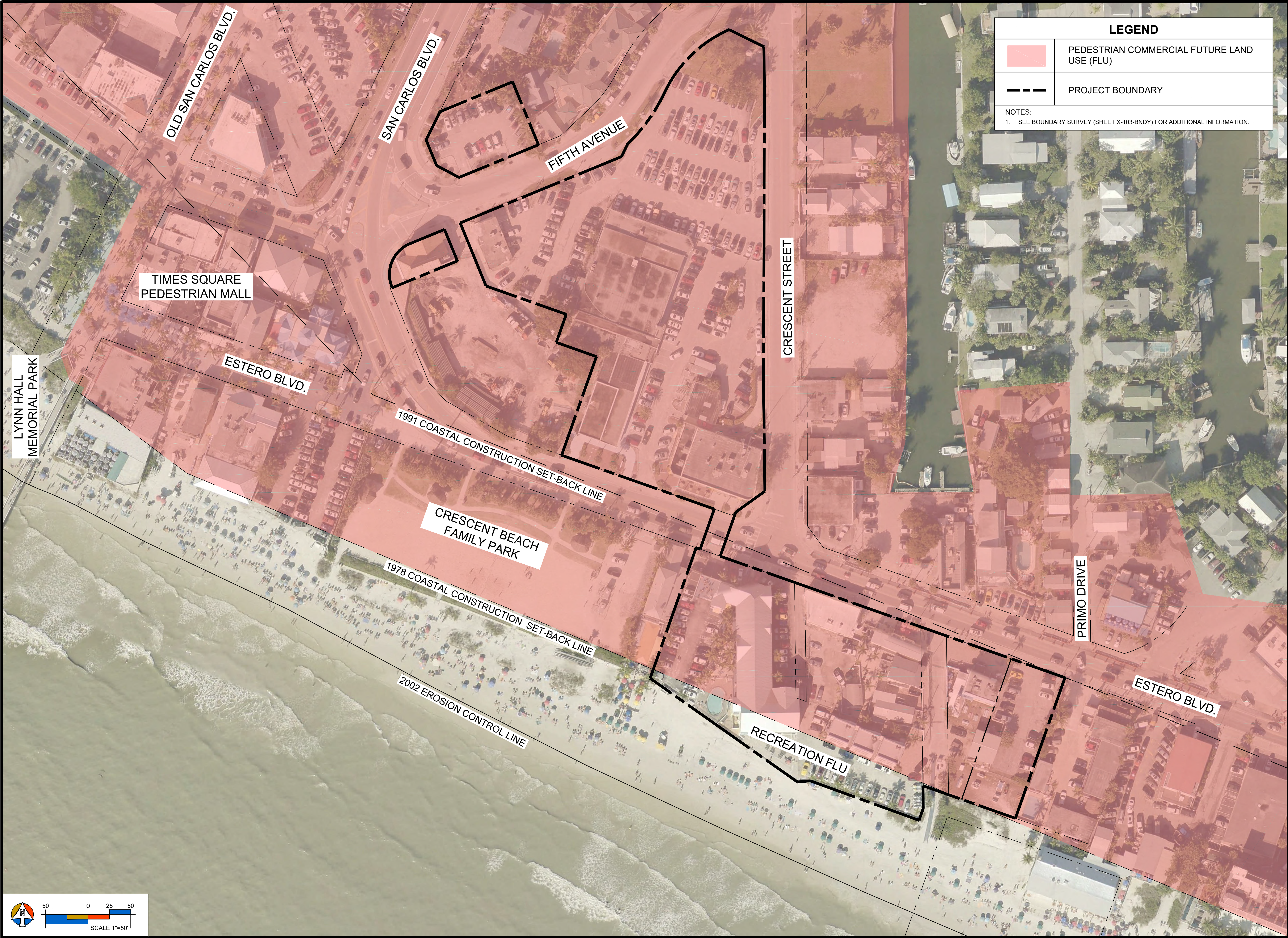
Sheet Index	
Sheet Number	Sheet Name
X-G01	COVER SHEET
X-101-FLU	FUTURE LAND USE AND PROJECT BOUNDARY
X-102-BNDY.00	BOUNDARY SURVEY (1 OF 2)
X-103-BNDY.01	BOUNDARY SURVEY (2 OF 2)
X-104-DA	DEVELOPABLE AREA EXHIBIT
X-105-FAR.00	FLOOR AREA RATIO - FIRST FLOOR (GRADE)
X-106-FAR.01	FLOOR AREA RATIO - 2ND FLOOR
X-107-FAR.02	FLOOR AREA RATIO - 3RD FLOOR
X-108-FAR.03	FLOOR AREA RATIO - 4TH FLOOR & ROOF
X-109-MCP.00	MASTER CONCEPT PLAN FIRST FLOOR
X-110-MCP.01	MASTER CONCEPT PLAN SECOND FLOOR
X-111-MCP.02	MASTER CONCEPT PLAN THIRD FLOOR
X-112-MCP.03	MASTER CONCEPT PLAN FOURTH FLOOR
X-113-MCP.04	MASTER CONCEPT PLAN DEVIATIONS AND NOTES
X-114-MCP.05	MASTER CONCEPT PLAN BUILDING HEIGHT

Sheet Index	
Sheet Number	Sheet Name
X-A201	EXTERIOR ELEVATIONS
X-A202	EXTERIOR ELEVATIONS
X-A203	EXTERIOR ELEVATIONS
X-A301	BUILDING SECTIONS
X-501	PARKING LOCATIONS & CALCULATIONS
X-502-RW.00	RIGHT OF WAY & SIDEWALK/BUFFER PLAN
X-503-RW.01	RIGHT OF WAY & SIDEWALK/BUFFER PLAN
X-504-RW.02	RIGHT OF WAY & SIDEWALK/BUFFER PLAN
X-505-COP.01	CONSUMPTION ON PREMISES DIAGRAM
X-506-COP.02	CONSUMPTION ON PREMISES DIAGRAMS PEDESTRIAN CIRCULATION
X-507-VT	VISIBILITY TRIANGLES

MASTER CONCEPT PLAN & EXHIBITS

ZONING APPLICATION NO. DC117-0001

21 MAY 2018



LEGEND	
	PEDESTRIAN COMMERCIAL FUTURE LAND USE (FLU)
	PROJECT BOUNDARY
NOTES: 1. SEE BOUNDARY SURVEY (SHEET X-103-BNDY) FOR ADDITIONAL INFORMATION.	

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS BEACH
FLORIDA

CLIENT:

TPI

HOSPITALITY

100% Employee Owned

TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

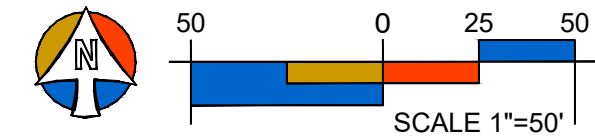
CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
MORRIS-DEFEW ASSOCIATES, INC.
2814 CLEVELAND AVENUE
FORT MYERS, FL 33901
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS	DATE
PROJECT MANAGER:	TME
DRAWING BY:	DAL
JURISDICTION:	TOWN OF FORT MYERS BEACH
DATE:	6/8/2018
SHEET TITLE:	FUTURE LAND USE AND PROJECT BOUNDARY
SHEET NUMBER:	X-101-FLU
JOB/FILE NUMBER:	15069-14



CONSULTANTS:
ARCHITECT
PLUMMER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

**PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE**
MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

LINE TABLE			CURVE DATA	
LINE	BEARING	DISTANCE		
L1	N 42° 54'38" W	28.45'	CURVE "C1"	CURVE "C3"
L2	N 62° 38'59" E	2.18'	RAD. = 219.00'	RAD. = 209.00'
L3	N 26° 11'12" E	16.43'	C.A. = 101° 25'48"	C.A. = 20° 37'05"
L4	N 61° 53'09" W	29.83'	ARC = 52.47°	ARC = 74.05°
L5	N 20° 00'15" E	37.02'	C.B. = N 16° 32'15" W	C.B. = N 35° 34'53" E
L6	S 07° 47'09" E	26.69'	CHD=54.37'	CHD=74.65'
L7	S 16° 35'15" W	15.41'		
L8	N 69° 51'54" E	1.52'	CURVE "C2"	CURVE "C4"
L9	N 88° 24'04" W	1.34'	RAD. = 39.00'	RAD. = 151.00'
L10	N 71° 18'46" W	7.35'	C.A. = 83° 27'39"	C.A. = 41° 00'22"
L11	N 54° 54'52" W	1.35'	ARC = 56.81°	ARC = 108.07°
L12	N 70° 40'41" W	47.63'	C.B. = N 25° 54'29" E	C.B. = N 45° 47'52" E
L13	S 84° 21'17" W	15.65'	CHD=51.92'	CHD=105.78'
L14	N 19° 24'24" E	12.72'		
L15	S 19° 24'29" E	0.34'		

MASTER CONCEPT PLAN -
SQUARE FOOTAGE

SQUARE FOOTAGE PER USE						
NORTH OF ESTERO (BAYSIDE)	USE	1ST / GRADE	2ND FLOOR	3RD FLOOR	4TH FLOOR /	TOTAL
	PARKING	95,751 S.F.	0 S.F.	0 S.F.	0 S.F.	95,751 S.F.
	GUEST UNIT	0 S.F.	14,500 S.F.	33,395 S.F.	36,850 S.F.	84,745 S.F.
	GUEST UNIT ACCESSORY	1,772 S.F.	37,040 S.F.	17,575 S.F.	13,900 S.F.	70,287 S.F.
PEDESTRIAN OVERPASS						
	ACCESS TO PEDESTRIAN BRIDGE	663 S.F.	2,028 S.F.	0 S.F.	0 S.F.	2,691 S.F.
SOUTH OF ESTERO (BEACHSIDE)						
	RESTAURANT	7,200 S.F.	8,670 S.F.	0 S.F.	0 S.F.	15,870 S.F.
	INDOOR STORAGE	2,000 S.F.	0 S.F.	0 S.F.	0 S.F.	2,000 S.F.
	OUTDOOR REC. RESTROOMS	2,508 S.F.	0 S.F.	0 S.F.	0 S.F.	2,508 S.F.
	RESTAURANT - PRIVATE REST.	2,030 S.F.	1,756 S.F.	0 S.F.	0 S.F.	3,786 S.F.
	ADMIN OFFICES	0 S.F.	0 S.F.	1,800 S.F.	0 S.F.	1,800 S.F.
	GUEST UNIT	0 S.F.	0 S.F.	5,340 S.F.	6,000 S.F.	11,340 S.F.
	GUEST UNIT ACCESSORY	320 S.F.	320 S.F.	2,870 S.F.	2,080 S.F.	5,590 S.F.
TOTALS		112,244 S.F.	64,314 S.F.	60,980 S.F.	58,830 S.F.	296,368 S.F.

PROJECT:

A PROPOSED
FMB/TPI
JOINT EFFORT TO
RESTORE AND TO
REINVIGORATE THE
DOWNTOWN BEACH
AREA

LOCATION:

FORT MYERS
BEACH FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS

DATE

PROJECT MANAGER:

JDH

DRAWING BY:

ADO

JURISDICTION: TOWN OF FORT MYERS BEACH

DATE:

-

SHEET TITLE:

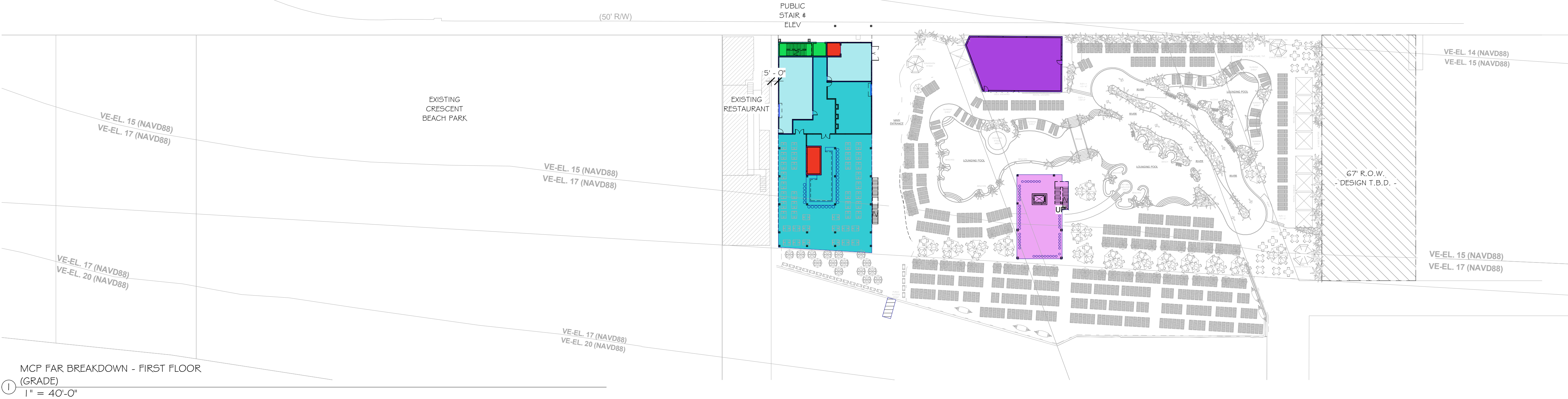
MCP S.F. - 1ST
FLOOR (GRADE)

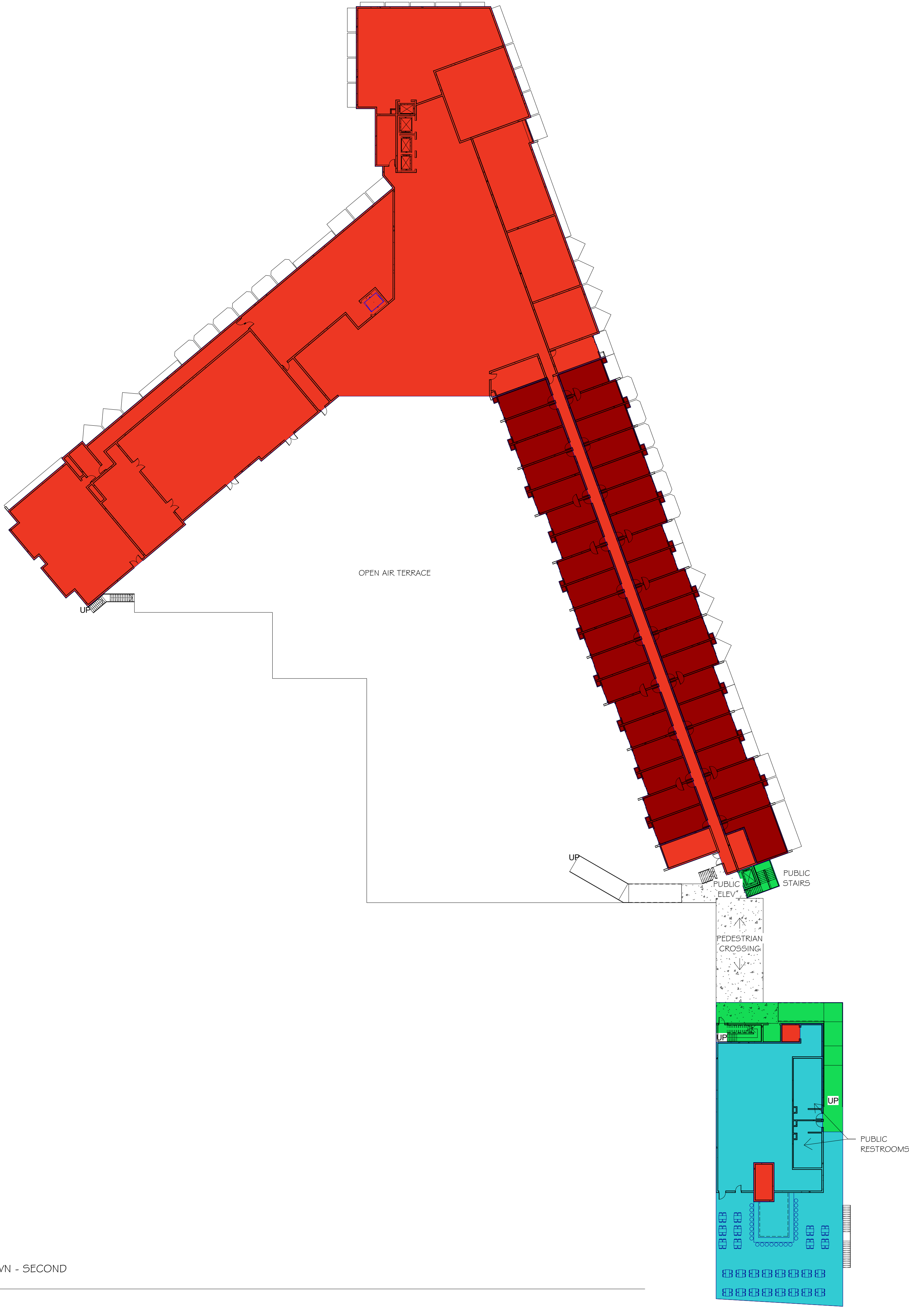
SHEET NUMBER:

X-105-FAR.00

JOB/FILE NUMBER:

30479





MASTER CONCEPT PLAN -
SQUARE FOOTAGE

SQUARE FOOTAGE PER USE						
NORTH OF ESTERO (BAYSIDE)	USE	1ST / GRADE	2ND FLOOR	3RD FLOOR	4TH FLOOR /	TOTAL
	PARKING	95,751 S.F.	0 S.F.	0 S.F.	0 S.F.	95,751 S.F.
	GUEST UNIT	0 S.F.	14,500 S.F.	33,395 S.F.	36,850 S.F.	84,745 S.F.
	GUEST UNIT ACCESSORY	1,772 S.F.	37,040 S.F.	17,575 S.F.	13,900 S.F.	70,287 S.F.
PEDESTRIAN OVERPASS						
	ACCESS TO PEDESTRIAN BRIDGE	663 S.F.	2,028 S.F.	0 S.F.	0 S.F.	2,691 S.F.
SOUTH OF ESTERO (BEACHSIDE)						
	RESTAURANT	7,200 S.F.	8,670 S.F.	0 S.F.	0 S.F.	15,870 S.F.
	INDOOR STORAGE	2,000 S.F.	0 S.F.	0 S.F.	0 S.F.	2,000 S.F.
	OUTDOOR REC. RESTROOMS	2,508 S.F.	0 S.F.	0 S.F.	0 S.F.	2,508 S.F.
	RESTAURANT - PRIVATE REST.	2,030 S.F.	1,756 S.F.	0 S.F.	0 S.F.	3,786 S.F.
	ADMIN OFFICES	0 S.F.	0 S.F.	1,800 S.F.	0 S.F.	1,800 S.F.
	GUEST UNIT	0 S.F.	0 S.F.	5,340 S.F.	6,000 S.F.	11,340 S.F.
	GUEST UNIT ACCESSORY	320 S.F.	320 S.F.	2,870 S.F.	2,080 S.F.	5,590 S.F.
TOTALS		112,244 S.F.	64,314 S.F.	60,980 S.F.	58,830 S.F.	296,368 S.F.

MCP FAR BREAKDOWN - SECOND
FLOOR
1/32" = 1'-0"

PROJECT:

A PROPOSED
FMB/TPI
JOINT EFFORT TO
RESTORE AND TO
REINVIGORATE THE
DOWNTOWN BEACH
AREA

LOCATION:

FORT MYERS
BEACH FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

**PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE**
MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

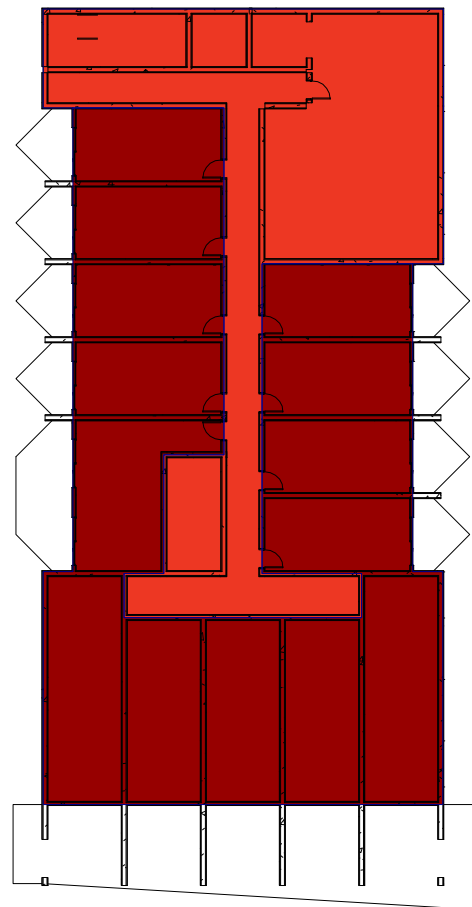
REVISIONS DATE

PROJECT MANAGER: JDH
DRAWING BY: ADO
JURISDICTION: TOWN OF FORT MYERS BEACH
DATE: -

SHEET TITLE:
MCP S.F. - 2ND
FLOOR

SHEET NUMBER: X-106-FAR.01

JOB/FILE NUMBER: 30479



① MCP FAR BREAKDOWN - THIRD FLOOR
1/32" = 1'-0"

A PROPOSED
FMB/TPI
JOINT EFFORT TO
RESTORE AND TO
REINVIGORATE THE
DOWNTOWN BEACH
AREA

FORT MYERS
BEACH FLORIDA



TPI **HOSPITALITY**
100% Employee Owned

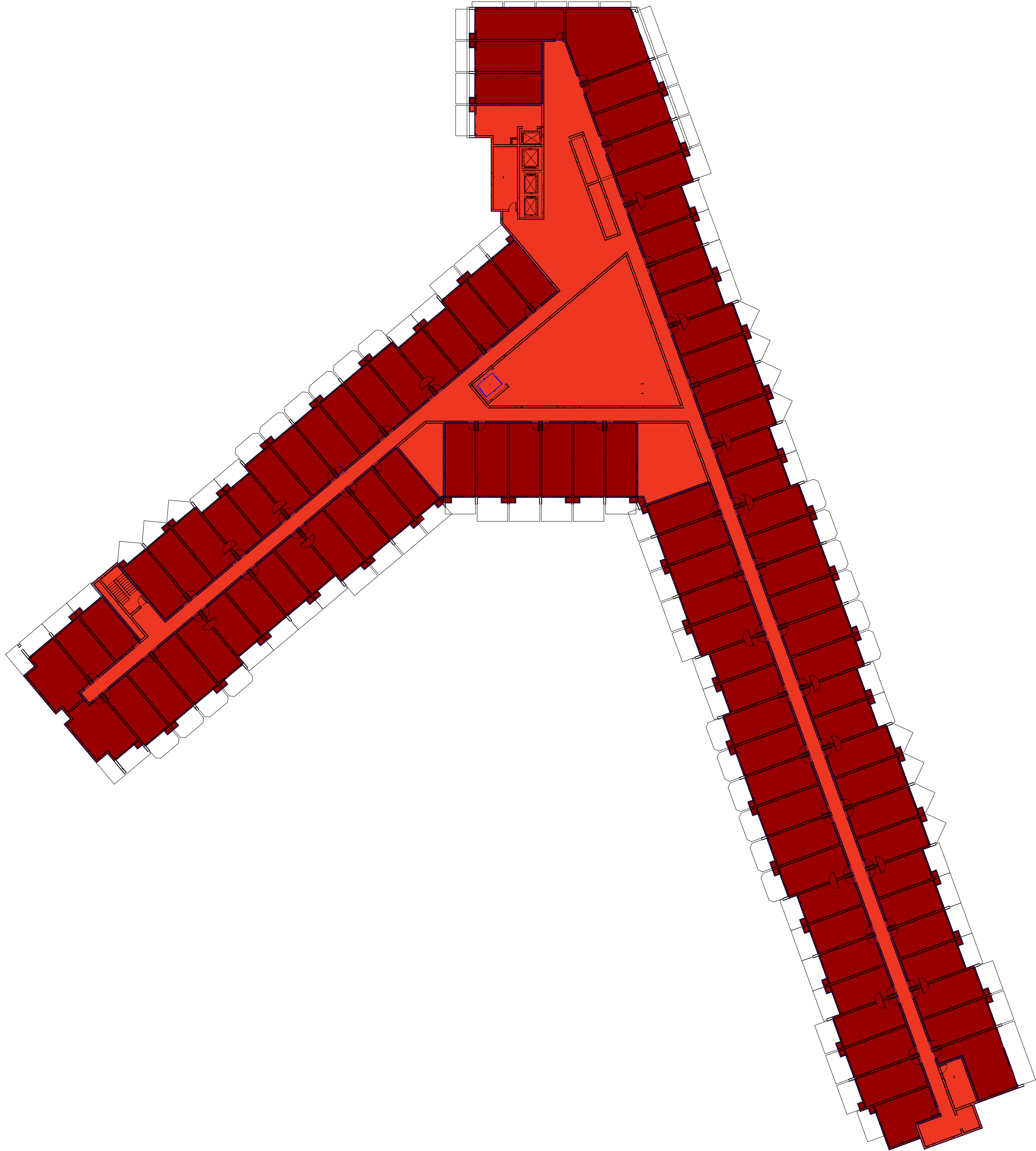
TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

Page 114 of 578



MASTER CONCEPT PLAN -
SQUARE FOOTAGE

SQUARE FOOTAGE PER USE						
NORTH OF ESTERO (BAYSIDE)	USE	1ST / GRADE	2ND FLOOR	3RD FLOOR	4TH FLOOR /	TOTAL
	PARKING	95,751 S.F.	0 S.F.	0 S.F.	0 S.F.	95,751 S.F.
	GUEST UNIT	0 S.F.	14,500 S.F.	33,395 S.F.	36,850 S.F.	84,745 S.F.
	GUEST UNIT ACCESSORY	1,772 S.F.	37,040 S.F.	17,575 S.F.	13,900 S.F.	70,287 S.F.
PEDESTRIAN OVERPASS						
	ACCESS TO PEDESTRIAN BRIDGE	663 S.F.	2,028 S.F.	0 S.F.	0 S.F.	2,691 S.F.
SOUTH OF ESTERO (BEACHSIDE)						
	RESTAURANT	7,200 S.F.	8,670 S.F.	0 S.F.	0 S.F.	15,870 S.F.
	INDOOR STORAGE	2,000 S.F.	0 S.F.	0 S.F.	0 S.F.	2,000 S.F.
	OUTDOOR REC. RESTROOMS	2,508 S.F.	0 S.F.	0 S.F.	0 S.F.	2,508 S.F.
	RESTAURANT - PRIVATE REST.	2,030 S.F.	1,756 S.F.	0 S.F.	0 S.F.	3,786 S.F.
	ADMIN OFFICES	0 S.F.	0 S.F.	1,800 S.F.	0 S.F.	1,800 S.F.
	GUEST UNIT	0 S.F.	0 S.F.	5,340 S.F.	6,000 S.F.	11,340 S.F.
	GUEST UNIT ACCESSORY	320 S.F.	320 S.F.	2,870 S.F.	2,080 S.F.	5,590 S.F.
TOTALS		112,244 S.F.	64,314 S.F.	60,980 S.F.	58,830 S.F.	296,368 S.F.

PROJECT:

A PROPOSED
FMB/TPI
JOINT EFFORT TO
RESTORE AND TO
REINVIGORATE THE
DOWNTOWN BEACH
AREA

LOCATION:

FORT MYERS
BEACH FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

**PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE**
MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS DATE

PROJECT MANAGER: JDH
DRAWING BY: ADO
JURISDICTION: TOWN OF FORT MYERS BEACH
DATE: -

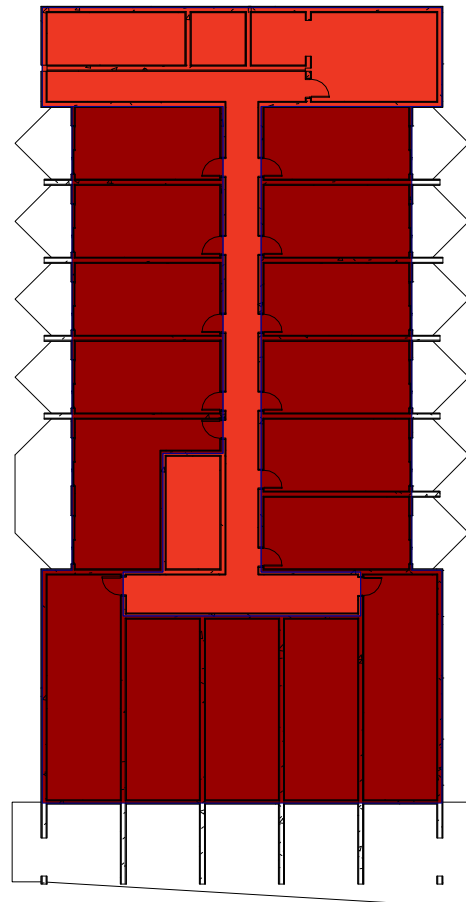
SHEET TITLE:

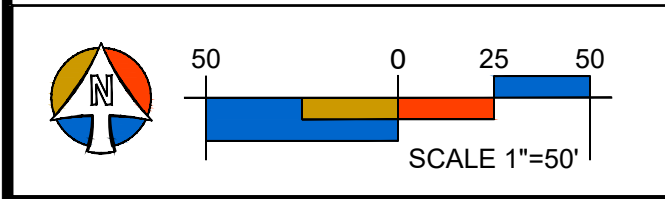
MCP S.F. - 4TH
FLOOR

SHEET NUMBER: X-108-FAR.03

JOB/FILE NUMBER: 30479

MCP FAR BREAKDOWN - FOURTH
FLOOR
1/32" = 1'-0"





NOTES:

1. ALL RESORT PARKING IS VALET (WHICH INCLUDES HORIZONTAL & VERTICAL STACKING). PROJECT PROVIDES 362 TOTAL PARKING SPACES (BOTH PARCELS). SEE PARKING LOCATIONS & CALCULATIONS EXHIBIT (SHEET X-501-PARK) FOR ADDITIONAL INFORMATION.
2. STORMWATER MANAGEMENT BELOW GRADE SUBJECT TO BUILDING DESIGN.
3. NO BUFFERS REQUIRED PER CHAPTER 10 LDC.
4. PUBLIC BEACH ACCESS POINTS AT THE EXISTING BEACH FRONT MAY BE REQUIRED TO PROVIDE A DUNE WALKOVER. SEE PEDESTRIAN CIRCULATION THROUGH SITE EXHIBITS (SHEETS X-514-PC.00 & X-515-PC.01) FOR ADDITIONAL INFORMATION.
5. SEE FLOOR AREA RATIO - FIRST FLOOR (GRADE) EXHIBIT (SHEET X-111-FAR.00) FOR ADDITIONAL INFORMATION.
6. SEE EXTERIOR ELEVATIONS EXHIBIT (SHEETS XA-201 & XA-202) FOR ADDITIONAL DETAIL.
7. SEE CONSUMPTION ON PREMISE (SHEETS X-506-COP.00 - X-511-COP.05) FOR ADDITIONAL INFORMATION.
8. SEE VISIBILITY TRIANGLES EXHIBIT (X-513-VT) FOR ADDITIONAL INFORMATION.
9. FOR STREETScape INFORMATION RIGHT-OF-WAY & SIDEWALK/BUFFER PLANS (SHEETS X-502-RW.00 - X-502-RW.02).

CLIENT:

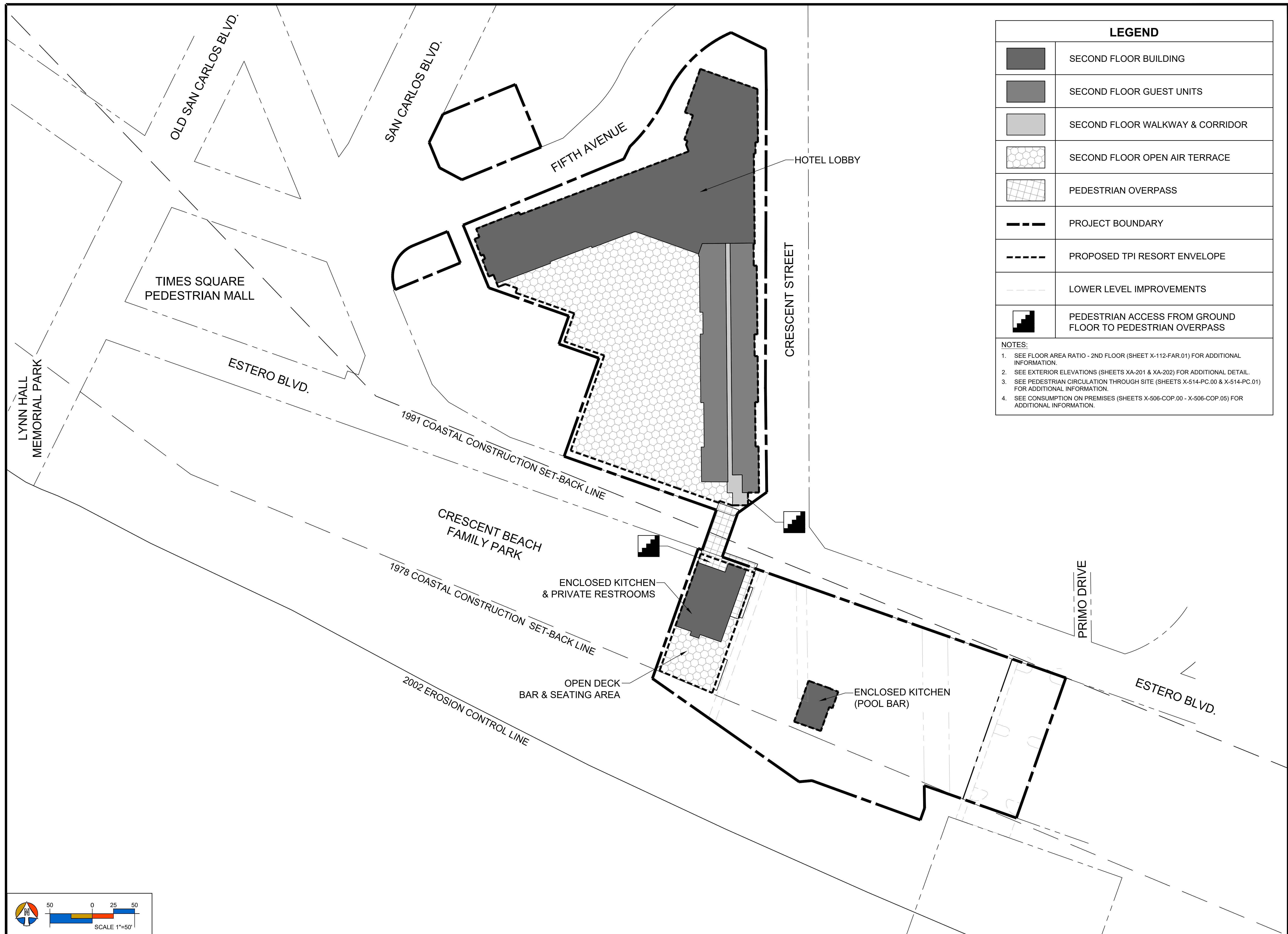


TPI

HOSPITALITY
100% Employee Owned

TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

REVISIONS	DATE
PROJECT MANAGER:	TME
DRAWING BY:	DAL
JURISDICTION: TOWN OF FORT MYERS BEACH	
DATE:	6/8/2018
SHEET TITLE:	
MASTER CONCEPT PLAN FIRST FLOOR	
SHEET NUMBER:	X-109-MCP.00
JOB/FILE NUMBER:	15069-14



PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS BEACH
FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

**PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE**

MORRIS-DEPEW ASSOCIATES, INC.
2914 CLEVELAND AVENUE
FORT MYERS, FL 33901
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION

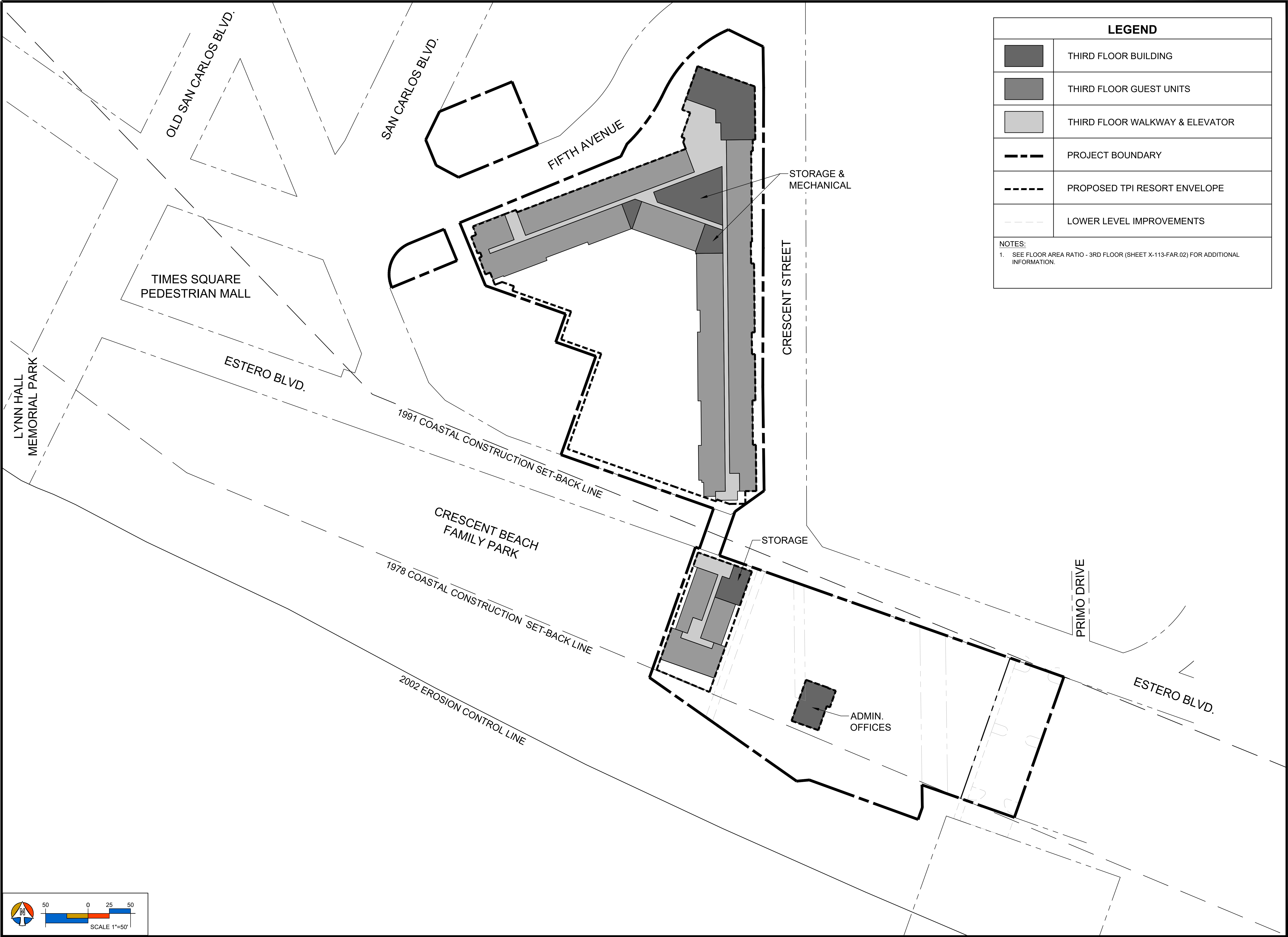
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS	DATE
PROJECT MANAGER:	TME
DRAWING BY:	DAL
JURISDICTION: TOWN OF FORT MYERS BEACH	
DATE:	6/8/2018
SHEET TITLE:	

MASTER CONCEPT PLAN SECOND FLOOR

SHEET NUMBER: X-110-MCP.01

JOB/FILE NUMBER: 15069-14



LEGEND

	THIRD FLOOR BUILDING
	THIRD FLOOR GUEST UNITS
	THIRD FLOOR WALKWAY & ELEVATOR
	PROJECT BOUNDARY
	PROPOSED TPI RESORT ENVELOPE
	LOWER LEVEL IMPROVEMENTS

NOTES:
1. SEE FLOOR AREA RATIO - 3RD FLOOR (SHEET X-113-FAR.02) FOR ADDITIONAL INFORMATION.

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS BEACH
FLORIDA

CLIENT:

TPI HOSPITALITY
100% Employee Owned

TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

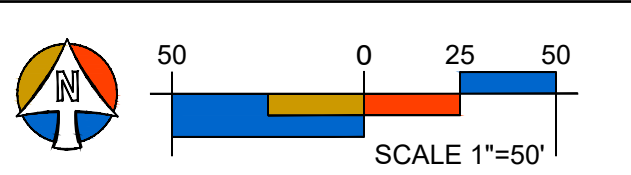
CONSULTANTS:

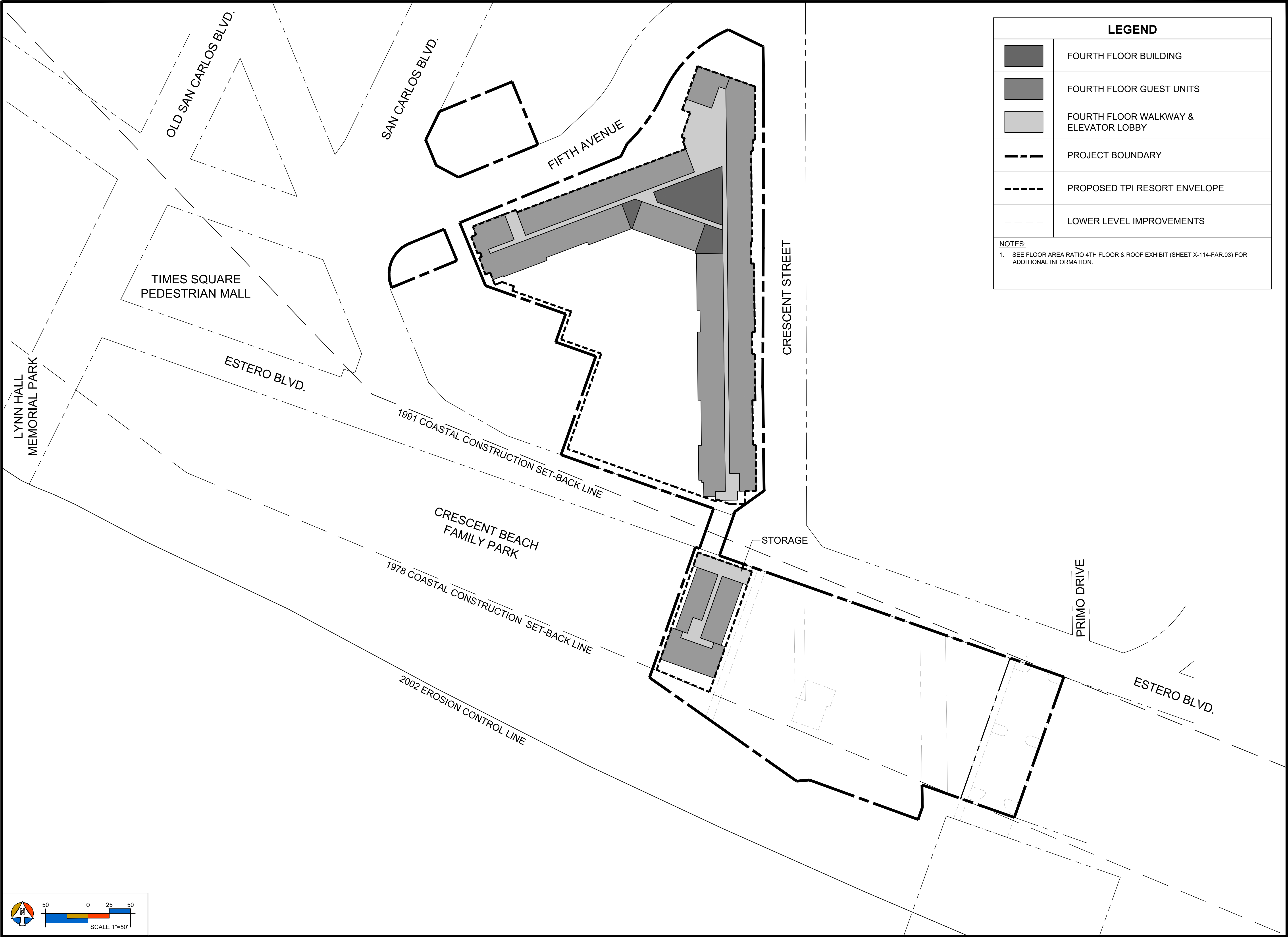
ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
MORRIS-DEPEW ASSOCIATES, INC.
2914 CLEVELAND AVENUE
FORT MYERS, FL 33901
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS	DATE
PROJECT MANAGER:	TME
DRAWING BY:	DAL
JURISDICTION:	TOWN OF FORT MYERS BEACH
DATE:	6/8/2018
SHEET TITLE:	
MASTER CONCEPT PLAN THIRD FLOOR	
SHEET NUMBER:	X-111-MCP.02
JOB/FILE NUMBER:	15069-14





LEGEND

	FOURTH FLOOR BUILDING
	FOURTH FLOOR GUEST UNITS
	FOURTH FLOOR WALKWAY & ELEVATOR LOBBY
	PROJECT BOUNDARY
	PROPOSED TPI RESORT ENVELOPE
	LOWER LEVEL IMPROVEMENTS

NOTES:
1. SEE FLOOR AREA RATIO 4TH FLOOR & ROOF EXHIBIT (SHEET X-114-FAR.03) FOR ADDITIONAL INFORMATION.

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS BEACH
FLORIDA

CLIENT:

TPI HOSPITALITY
100% Employee Owned

TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

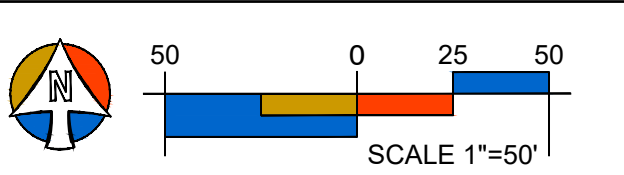
CONSULTANTS:

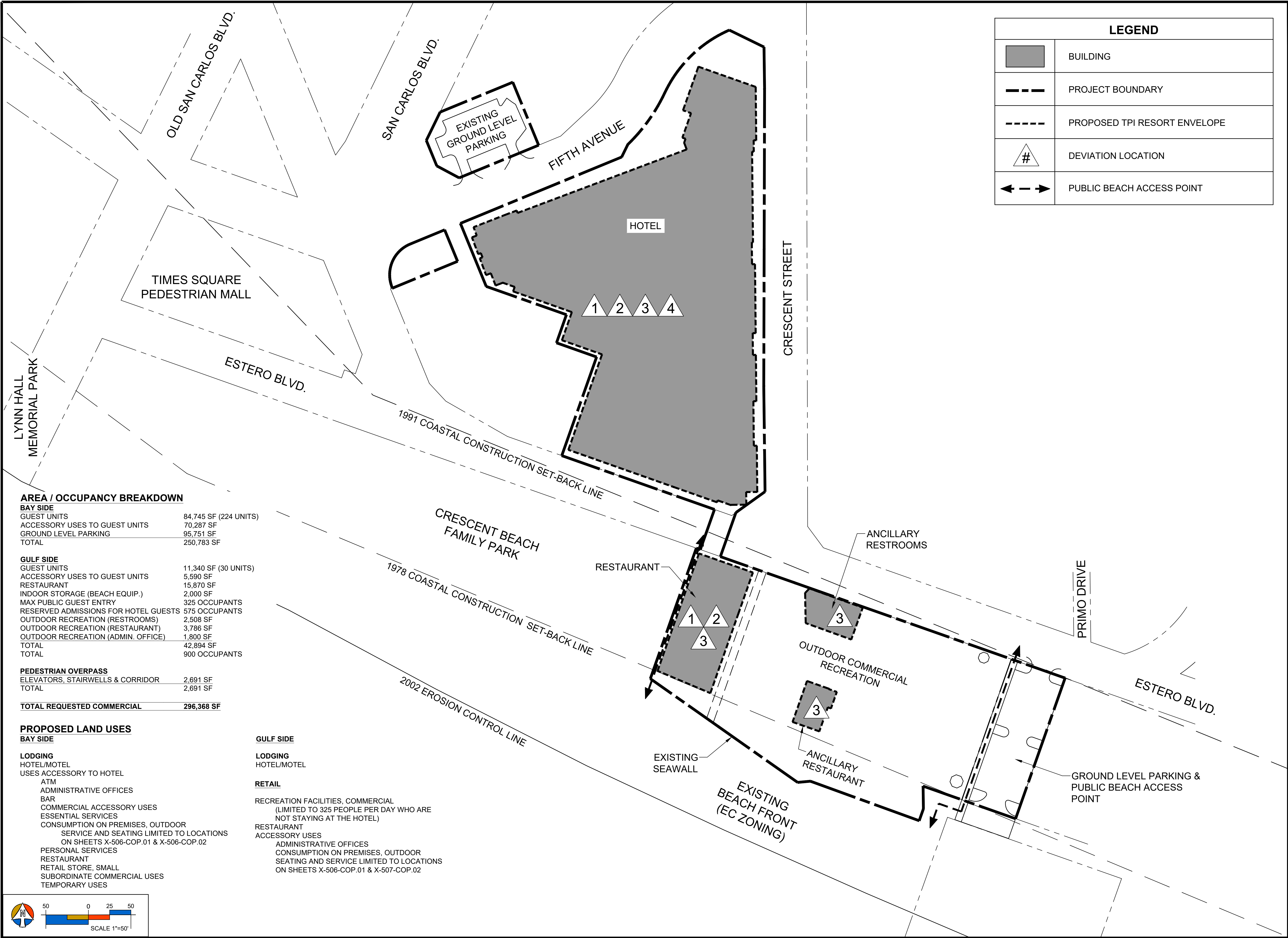
ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
MORRIS-DEPEW ASSOCIATES, INC.
2914 CLEVELAND AVENUE
FORT MYERS, FL 33901
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS	DATE
PROJECT MANAGER:	TME
DRAWING BY:	DAL
JURISDICTION:	TOWN OF FORT MYERS BEACH
DATE:	6/8/2018
SHEET TITLE:	MASTER CONCEPT PLAN FOURTH FLOOR
SHEET NUMBER:	X-112-MCP.03
JOB/FILE NUMBER:	15069-14





AREA / OCCUPANCY BREAKDOWN

BAY SIDE	
GUEST UNITS	84,745 SF (224 UNITS)
ACCESSORY USES TO GUEST UNITS	70,287 SF
GROUND LEVEL PARKING	95,751 SF
TOTAL	250,783 SF

GULF SIDE	
GUEST UNITS	11,340 SF (30 UNITS)
ACCESSORY USES TO GUEST UNITS	5,590 SF
RESTAURANT	15,870 SF
INDOOR STORAGE (BEACH EQUIP.)	2,000 SF
MAX PUBLIC GUEST ENTRY	325 OCCUPANTS
RESERVED ADMISSIONS FOR HOTEL GUESTS	575 OCCUPANTS
OUTDOOR RECREATION (RESTROOMS)	2,508 SF
OUTDOOR RECREATION (RESTAURANT)	3,786 SF
OUTDOOR RECREATION (ADMIN. OFFICE)	1,800 SF
TOTAL	42,894 SF
TOTAL	900 OCCUPANTS

PEDESTRIAN OVERPASS	
ELEVATORS, STAIRWELLS & CORRIDOR	2,691 SF
TOTAL	2,691 SF

TOTAL REQUESTED COMMERCIAL	296,368 SF
----------------------------	------------

PROPOSED LAND USES

BAY SIDE	
LODGING	
HOTEL/MOTEL	
USES ACCESSORY TO HOTEL	
ATM	
ADMINISTRATIVE OFFICES	
BAR	
COMMERCIAL ACCESSORY USES	
ESSENTIAL SERVICES	
CONSUMPTION ON PREMISES, OUTDOOR	
SERVICE AND SEATING LIMITED TO LOCATIONS	
ON SHEETS X-506-COP.01 & X-506-COP.02	
PERSONAL SERVICES	
RESTAURANT	
RETAIL STORE, SMALL	
SUBORDINATE COMMERCIAL USES	
TEMPORARY USES	

GULF SIDE	
LODGING	
HOTEL/MOTEL	
RETAIL	
RECREATION FACILITIES, COMMERCIAL	
(LIMITED TO 325 PEOPLE PER DAY WHO ARE	
NOT STAYING AT THE HOTEL)	
RESTAURANT	
ACCESSORY USES	
ADMINISTRATIVE OFFICES	
CONSUMPTION ON PREMISES, OUTDOOR	
SEATING AND SERVICE LIMITED TO LOCATIONS	
ON SHEETS X-506-COP.01 & X-507-COP.02	

LEGEND	
	BUILDING
	PROJECT BOUNDARY
	PROPOSED TPI RESORT ENVELOPE
	DEVIATION LOCATION
	PUBLIC BEACH ACCESS POINT

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS BEACH
FLORIDA

CLIENT:

TPI HOSPITALITY
100% Employee Owned

TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

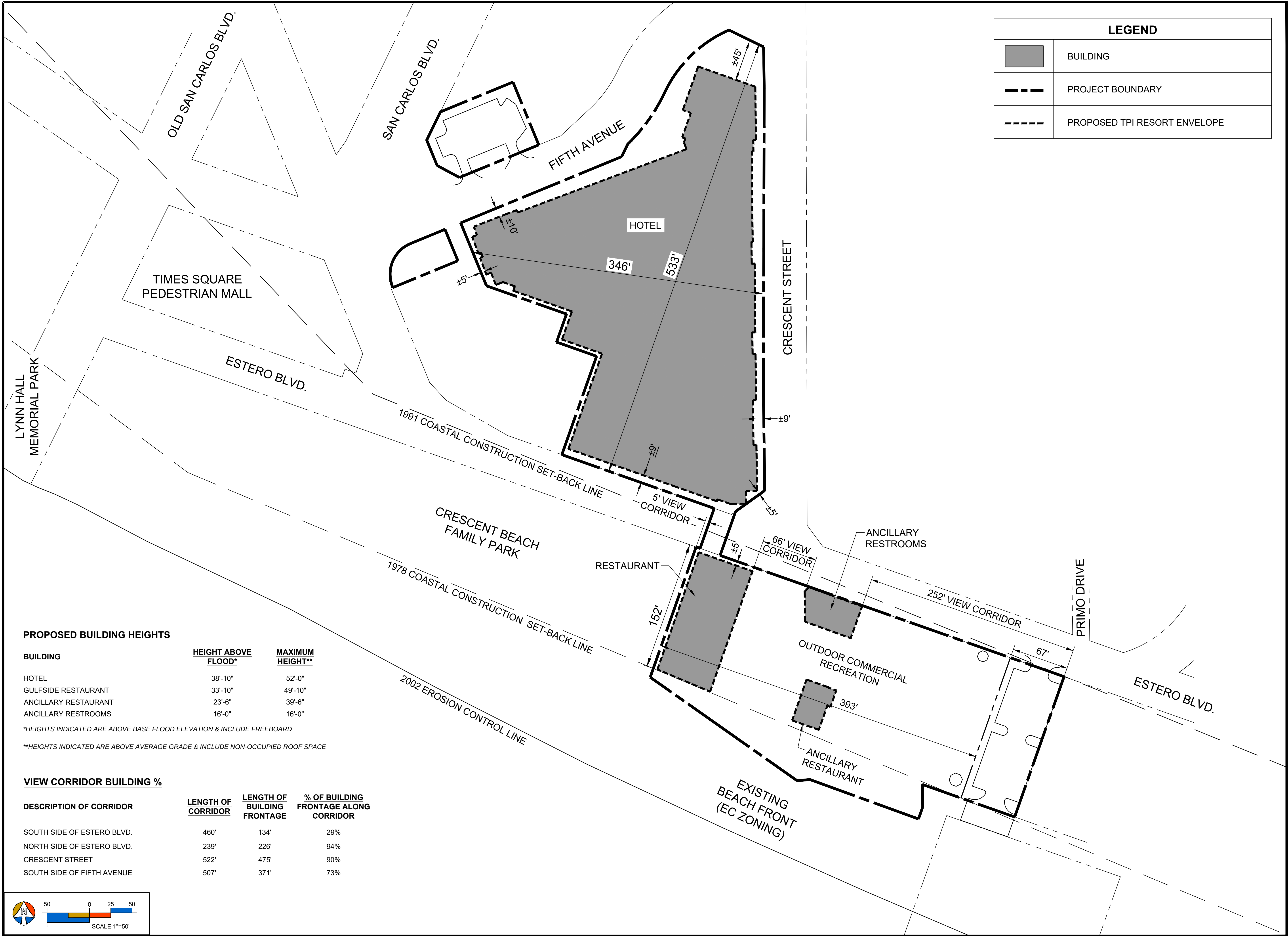
CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
MORRIS-DEPEW ASSOCIATES, INC.
2914 CLEVELAND AVENUE
FORT MYERS, FL 33901
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS	DATE
PROJECT MANAGER:	TME
DRAWING BY:	DAL
JURISDICTION:	TOWN OF FORT MYERS BEACH
DATE:	6/8/2018
SHEET TITLE:	
MASTER CONCEPT PLAN DEVIATIONS AND NOTES	
SHEET NUMBER:	X-113-MCP.04
JOB/FILE NUMBER:	15069-14



PROPOSED BUILDING HEIGHTS

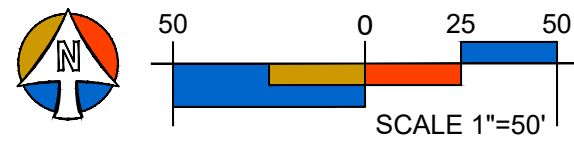
BUILDING	HEIGHT ABOVE FLOOD*	MAXIMUM HEIGHT**
HOTEL	38'-10"	52'-0"
GULFSIDE RESTAURANT	33'-10"	49'-10"
ANCILLARY RESTAURANT	23'-6"	39'-6"
ANCILLARY RESTROOMS	16'-0"	16'-0"

*HEIGHTS INDICATED ARE ABOVE BASE FLOOD ELEVATION & INCLUDE FREEBOARD

**HEIGHTS INDICATED ARE ABOVE AVERAGE GRADE & INCLUDE NON-OCCUPIED ROOF SPACE

VIEW CORRIDOR BUILDING %

DESCRIPTION OF CORRIDOR	LENGTH OF CORRIDOR	LENGTH OF BUILDING FRONTAGE	% OF BUILDING FRONTAGE ALONG CORRIDOR
SOUTH SIDE OF ESTERO BLVD.	460'	134'	29%
NORTH SIDE OF ESTERO BLVD.	239'	226'	94%
CRESCENT STREET	522'	475'	90%
SOUTH SIDE OF FIFTH AVENUE	507'	371'	73%



LEGEND	
	BUILDING
	PROJECT BOUNDARY
	PROPOSED TPI RESORT ENVELOPE

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS BEACH
FLORIDA

CLIENT:

TPI HOSPITALITY
100% Employee Owned

TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

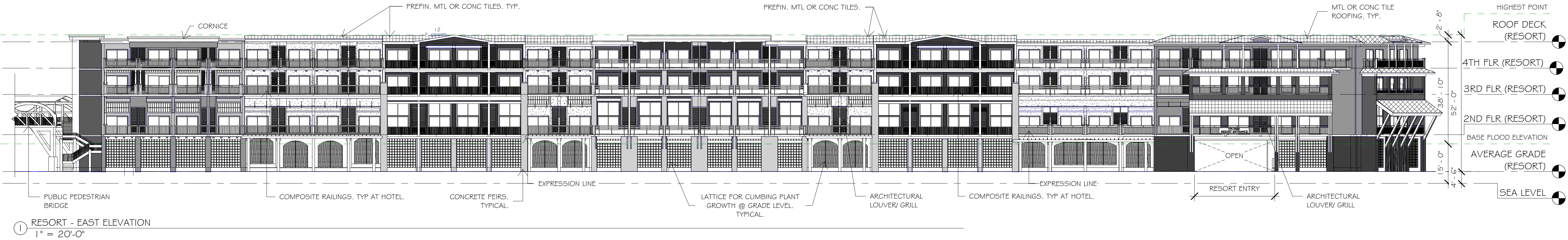
CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

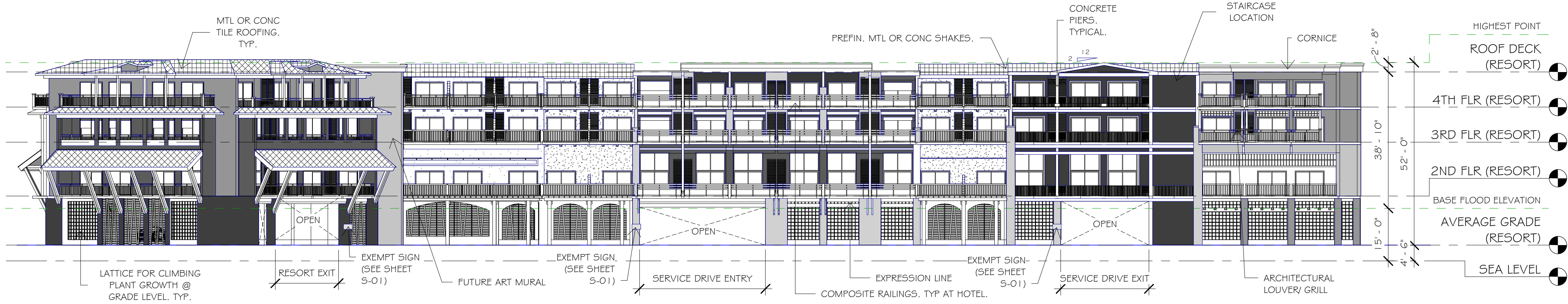
PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
MORRIS-DEPEW ASSOCIATES, INC.
2914 CLEVELAND AVENUE
FORT MYERS, FL 33901
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

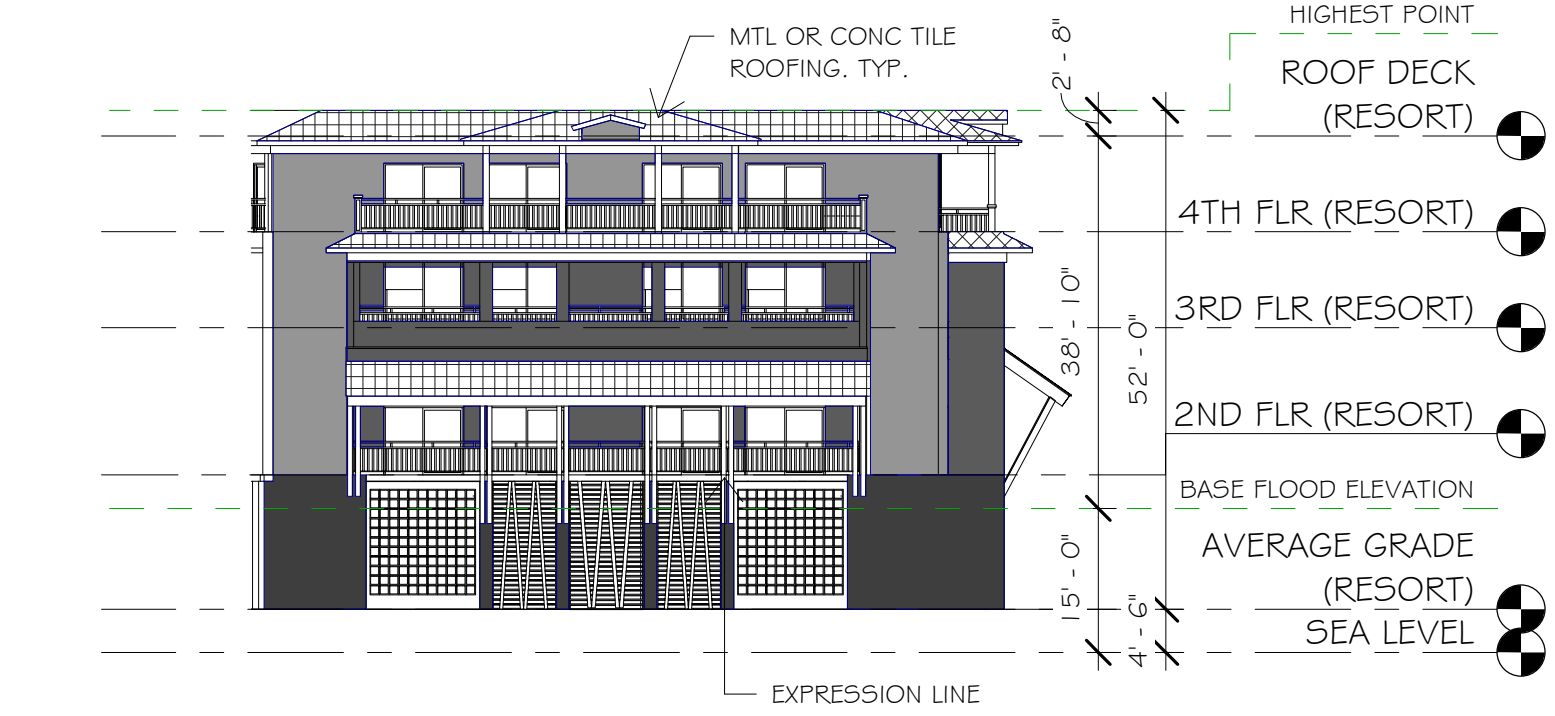
REVISIONS	DATE
PROJECT MANAGER:	TME
DRAWING BY:	DAL
JURISDICTION:	TOWN OF FORT MYERS BEACH
DATE:	6/8/2018
SHEET TITLE:	
MASTER CONCEPT PLAN BUILDING HEIGHT	
SHEET NUMBER:	X-114-MCP.05
JOB/FILE NUMBER:	15069-14



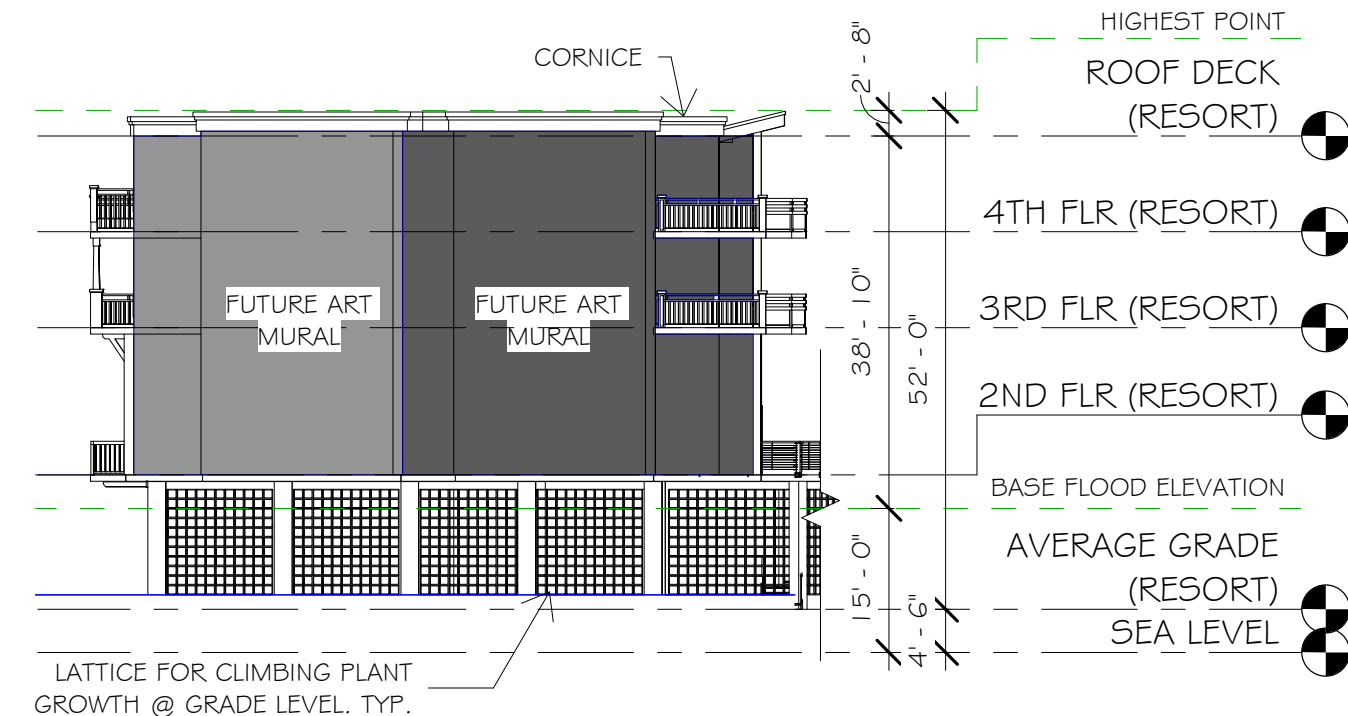
① RESORT - EAST ELEVATION
1" = 20'-0"



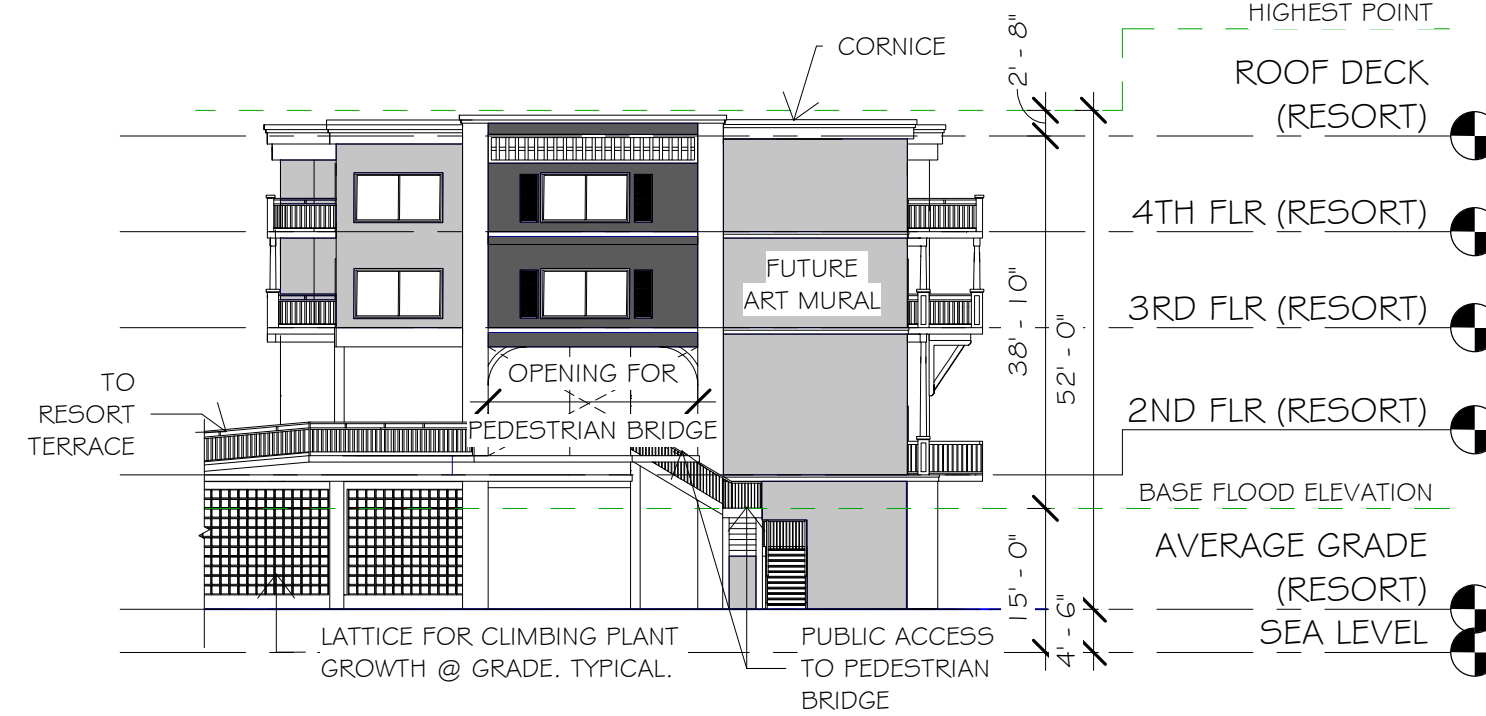
③ RESORT - NORTHWEST ELEVATION
1" = 20'-0"



② RESORT - NORTH END ELEVATION
1" = 20'-0"



④ RESORT - SW END ELEVATION
1" = 20'-0"



⑤ RESORT - SE END ELEVATION
1" = 20'-0"

EXTERIOR MATERIALS LEGEND	
	STUCCO COLOR #1
	STUCCO COLOR #2
	STUCCO COLOR #3
	STUCCO COLOR #4
	STUCCO COLOR #5
	STUCCO COLOR #6
	STUCCO COLOR #7
	STUCCO COLOR #8
	TYP. ROOFING

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS
BEACH FLORIDA

CLIENT:

TPI HOSPITALITY
100% Employee Owned

TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

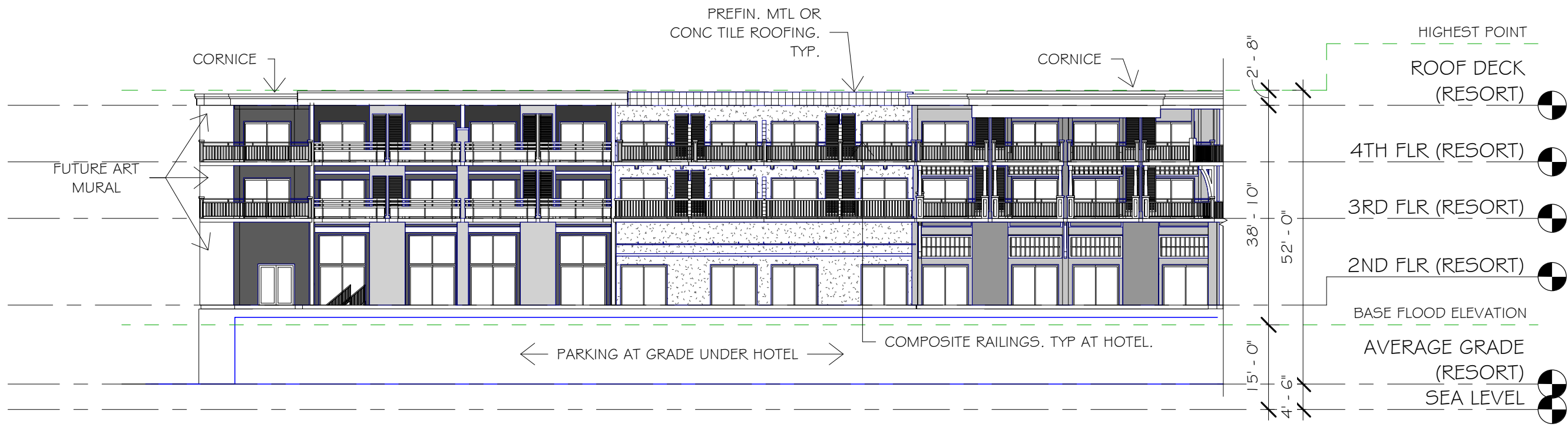
CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

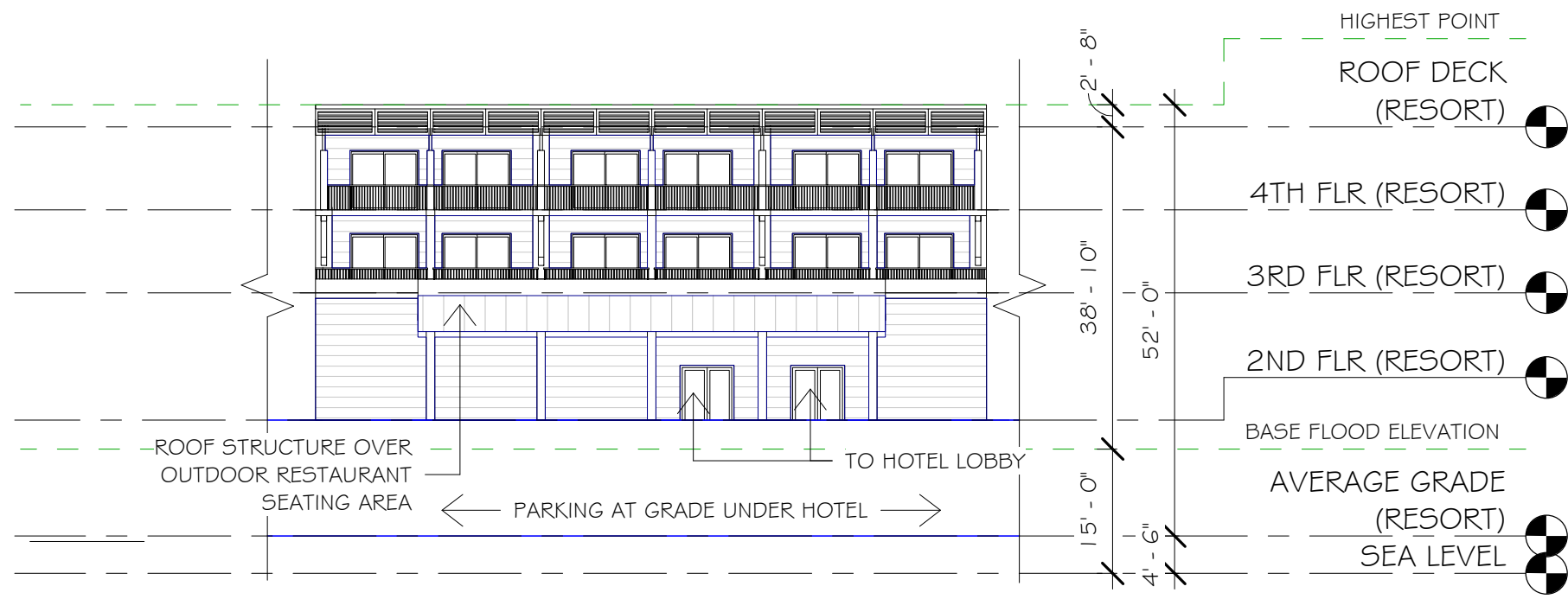
PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

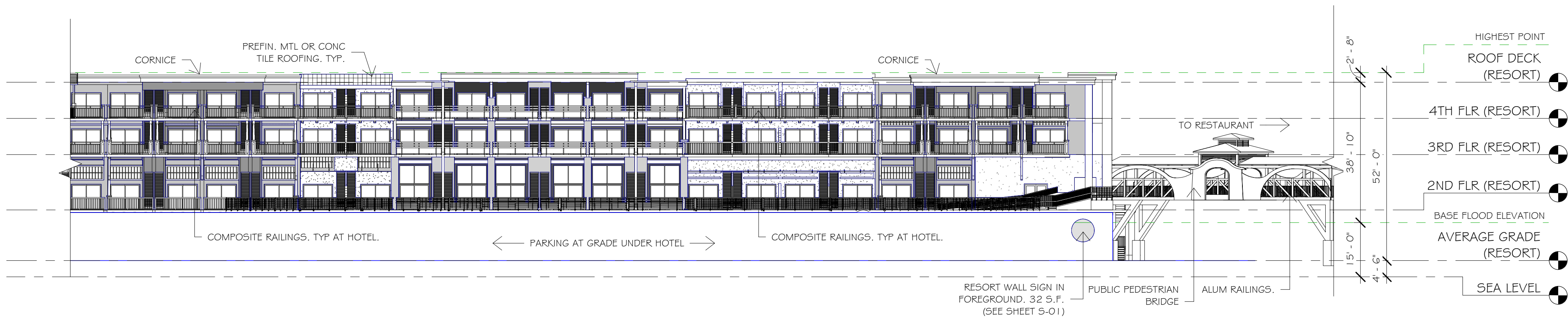
REVISIONS	DATE
PROJECT MANAGER:	JDH
DRAWING BY:	ADO
JURISDICTION:	TOWN OF FORT MYERS BEACH
DATE:	-
SHEET TITLE:	EXTERIOR ELEVATIONS
SHEET NUMBER:	X-A201
JOB/FILE NUMBER:	30479



RESORT - INTERIOR COURTYARD - WEST
ELEVATION
② 1" = 20'-0"



RESORT - INTERIOR COURTYARD -
NORTH ELEVATION
② 1" = 20'-0"



RESORT - INTERIOR COURTYARD - EAST
ELEVATION
② 1" = 20'-0"

EXTERIOR MATERIALS LEGEND	
	STUCCO COLOR #1
	STUCCO COLOR #2
	STUCCO COLOR #3
	STUCCO COLOR #4
	STUCCO COLOR #5
	STUCCO COLOR #6
	STUCCO COLOR #7
	STUCCO COLOR #8
	TYP. ROOFING

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS
BEACH FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

CONSULTANTS:

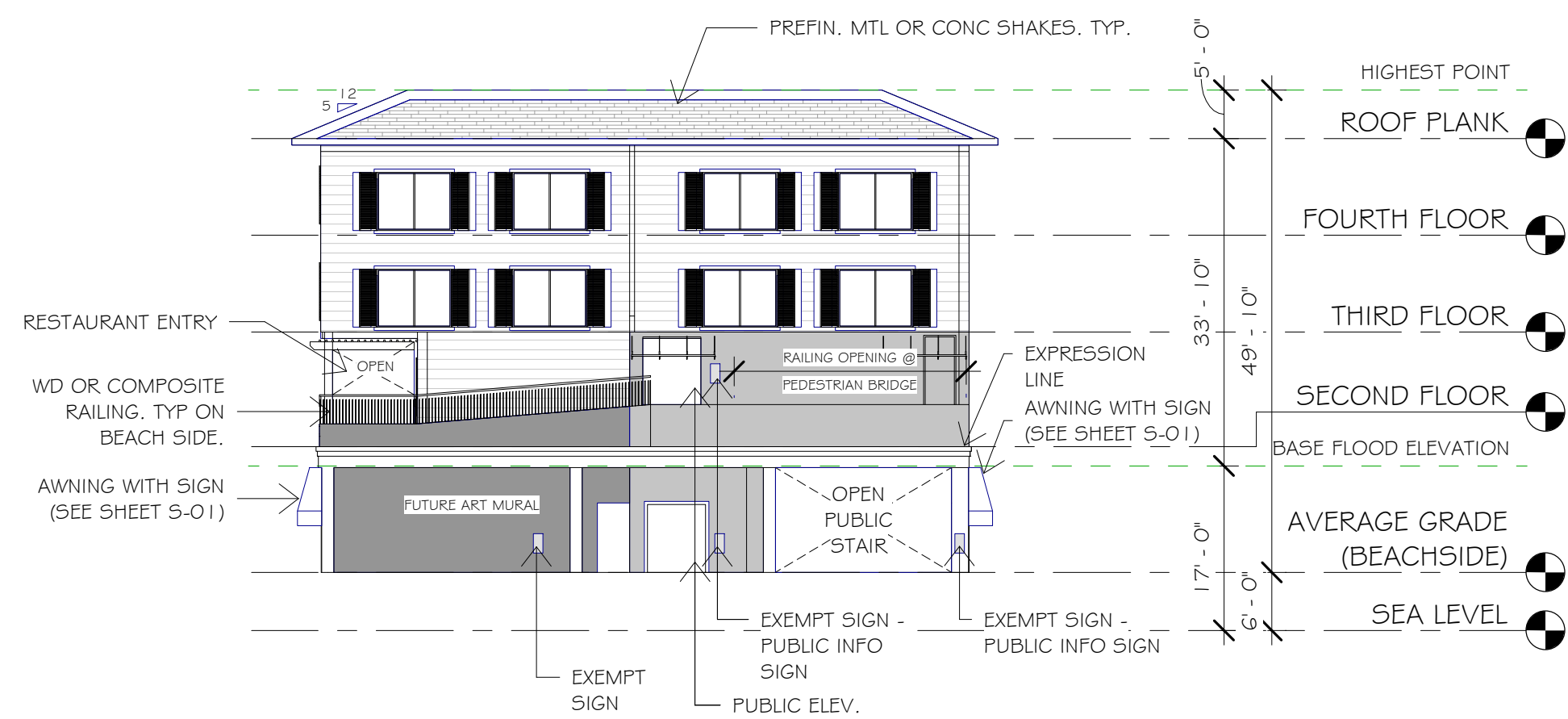
ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

**PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE**
MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

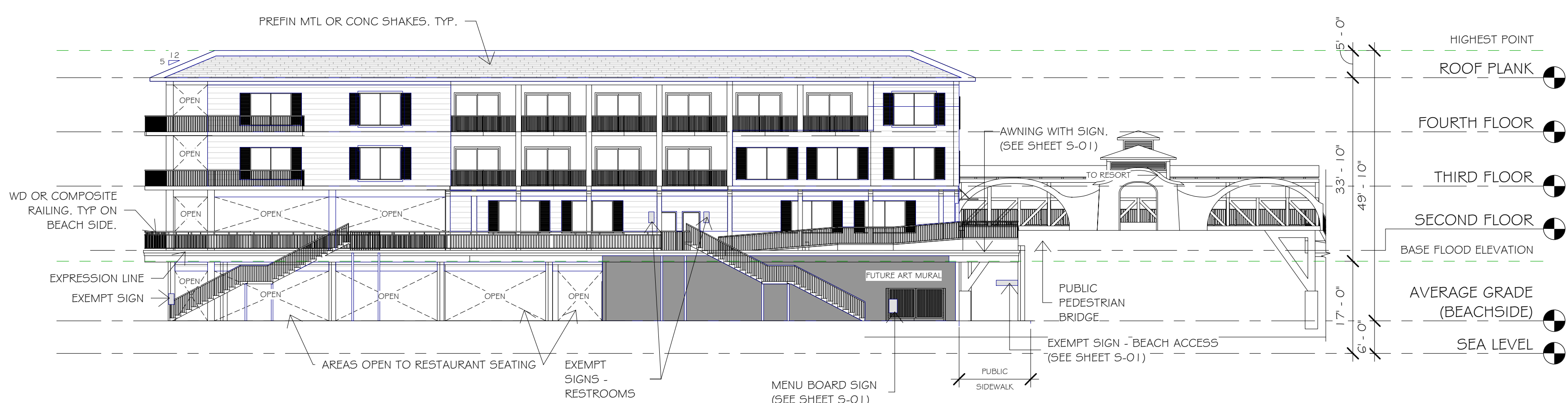
TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS	DATE
PROJECT MANAGER:	JDH
DRAWING BY:	ADO
JURISDICTION:	TOWN OF FORT MYERS BEACH
DATE:	-
SHEET TITLE:	EXTERIOR ELEVATIONS
SHEET NUMBER:	X-A202
JOB/FILE NUMBER:	30479

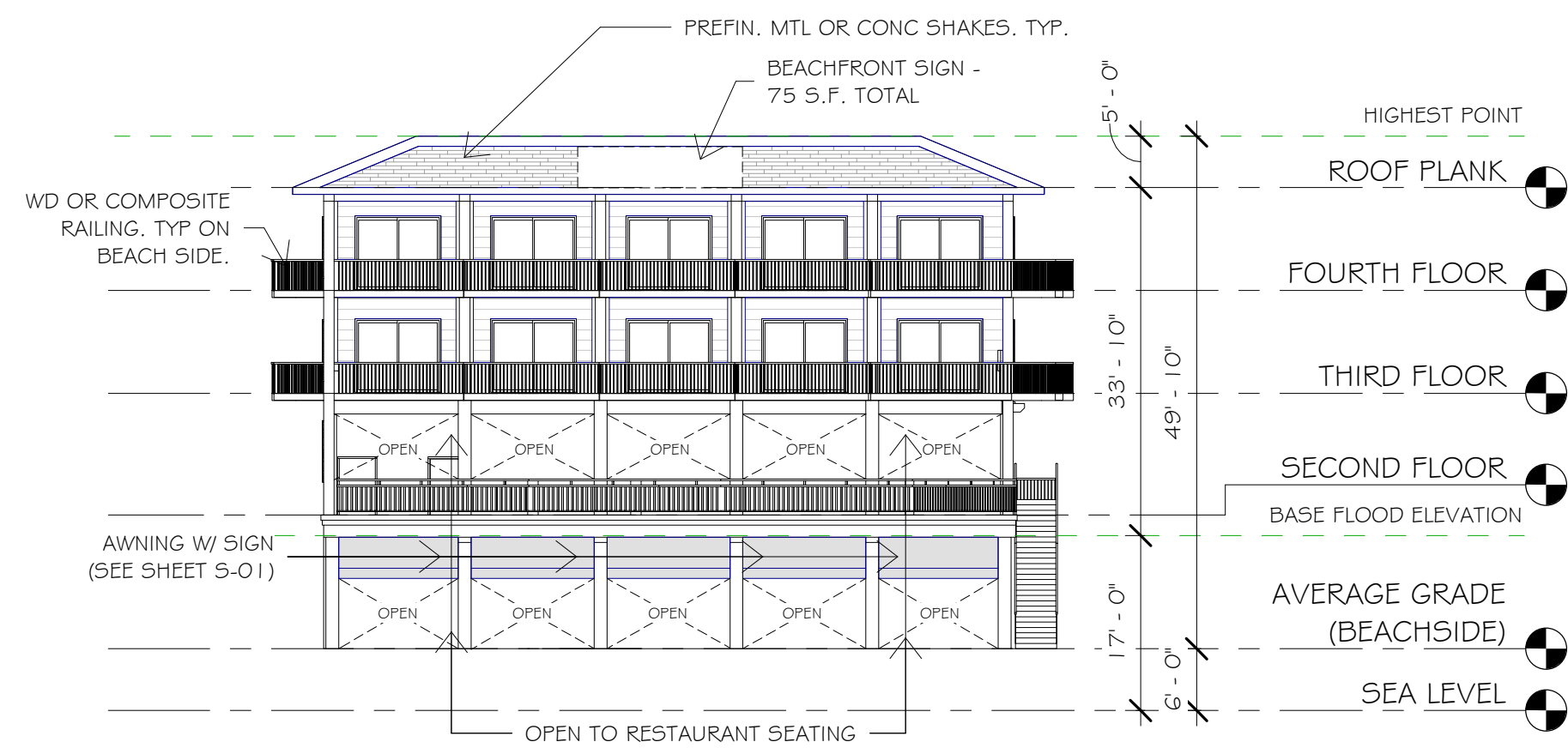
RESTAURANT



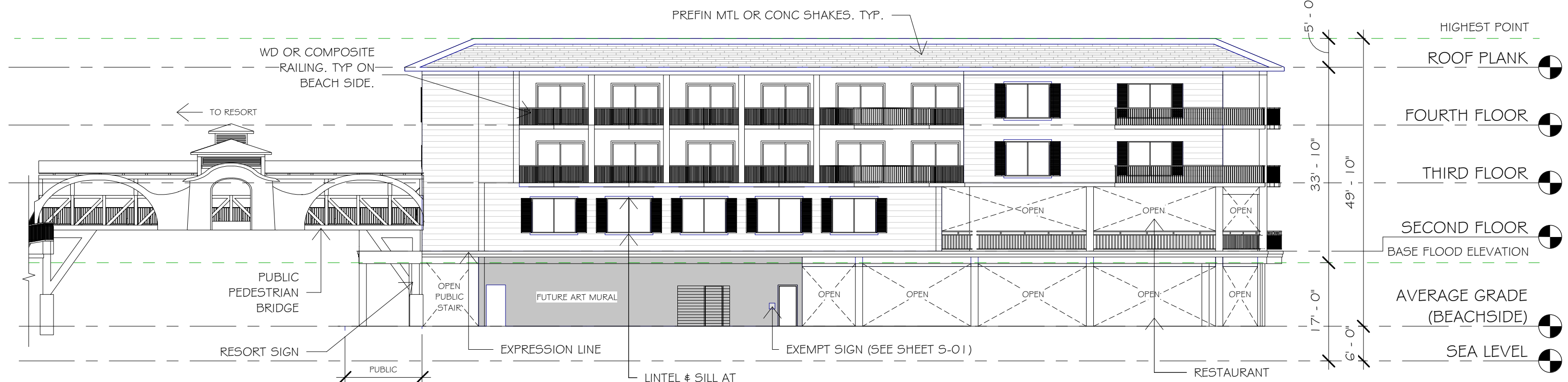
BEACHSIDE RESTAURANT - NORTH
ELEVATION
1/16" = 1'-0"



BEACHSIDE RESTAURANT - EAST
ELEVATION
1/16" = 1'-0"

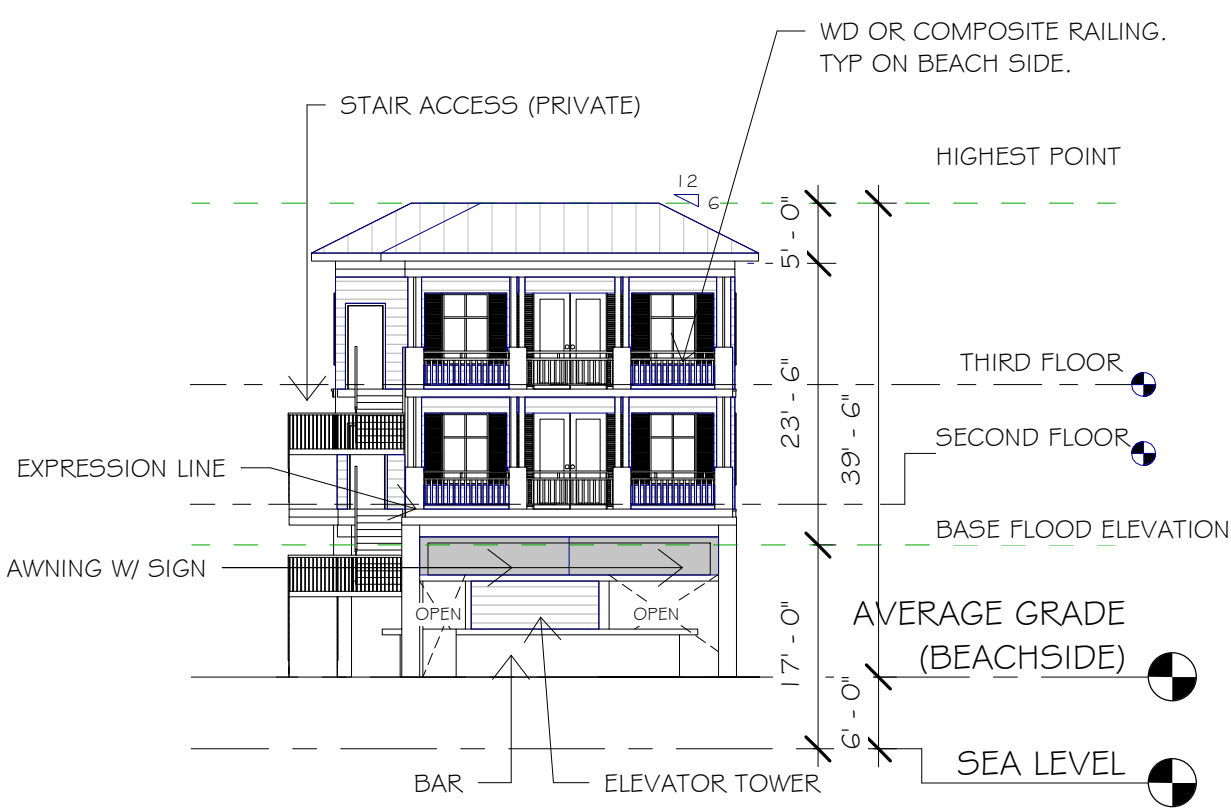


BEACHSIDE RESTAURANT - SOUTH
ELEVATION
1/16" = 1'-0"

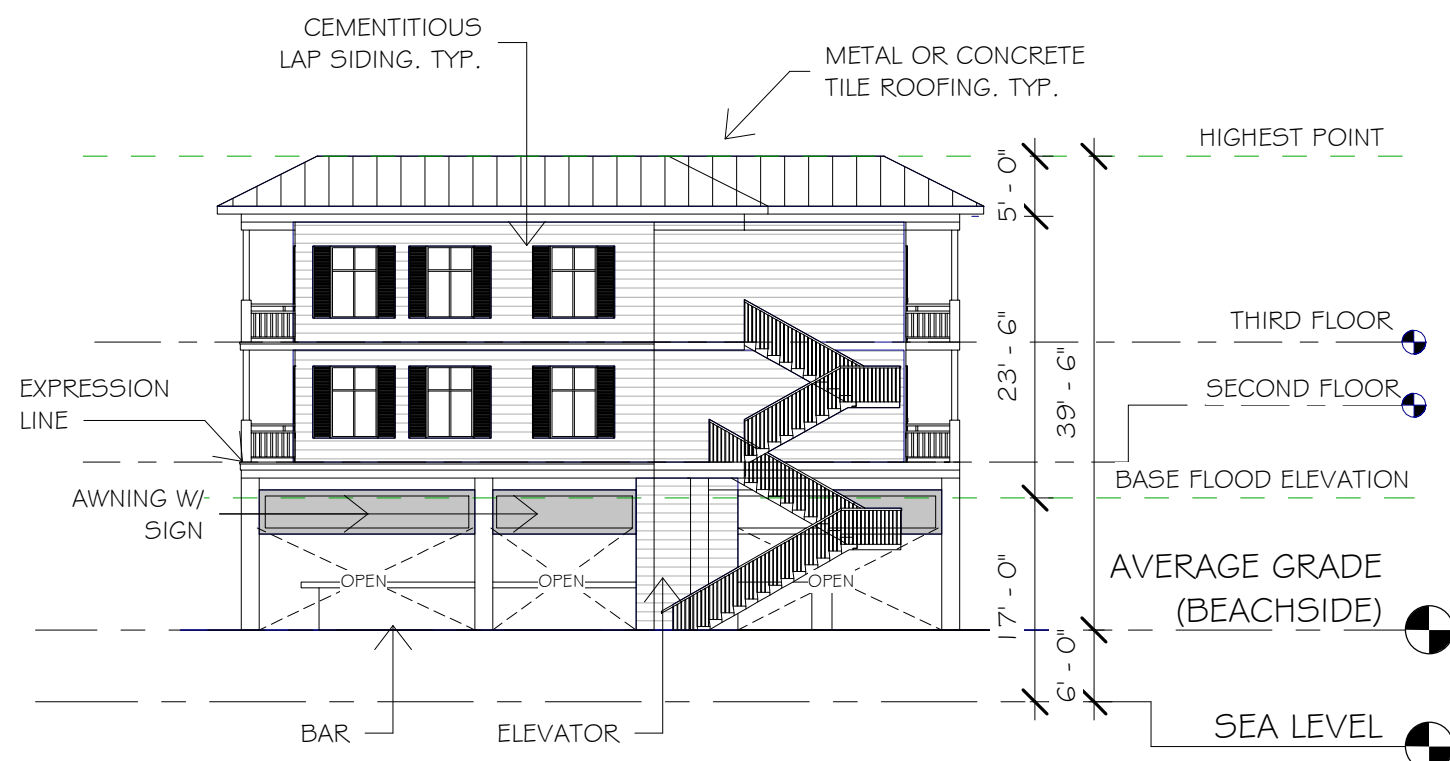


BEACHSIDE RESTAURANT - WEST
ELEVATION
1/16" = 1'-0"

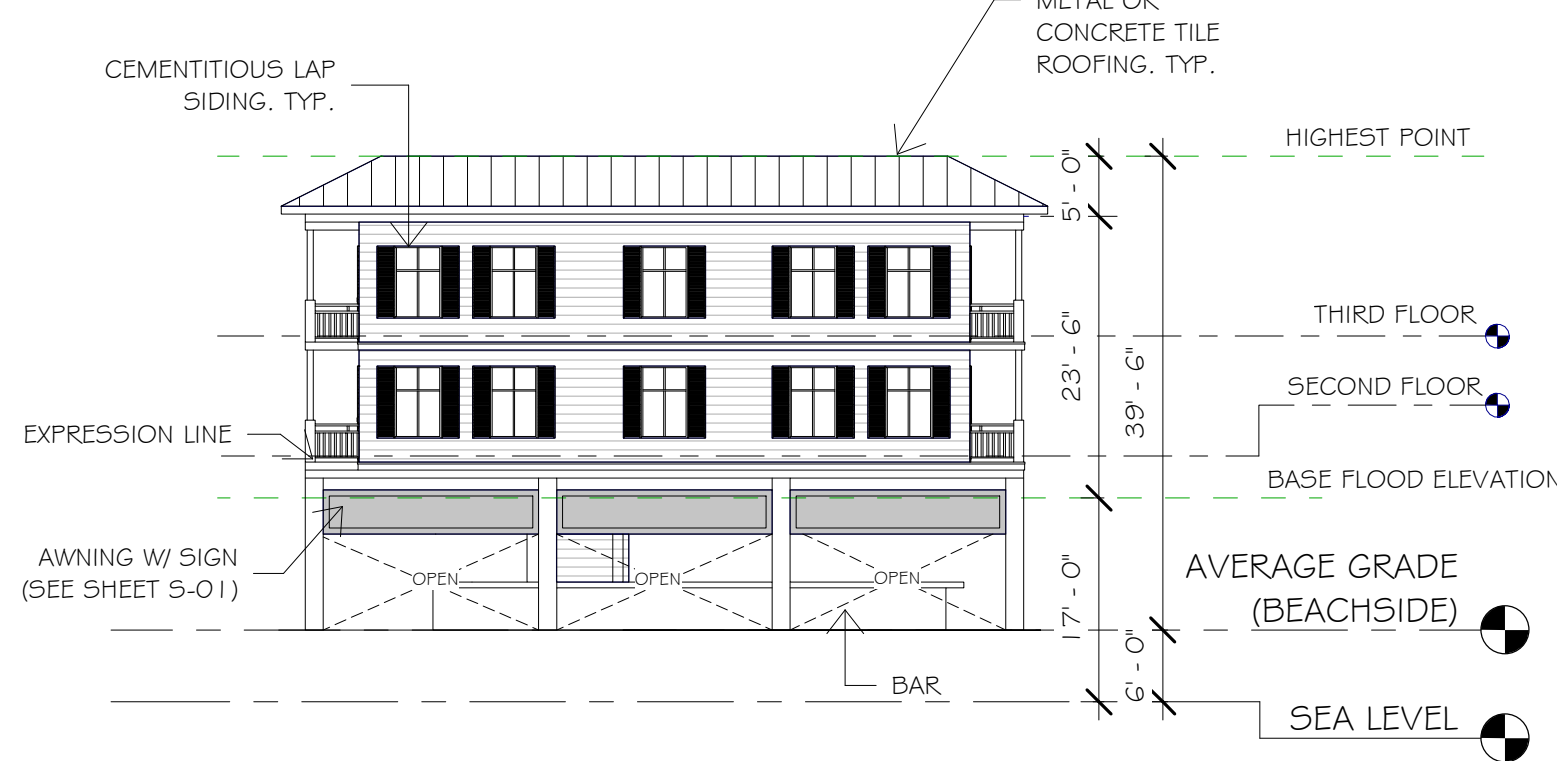
POOL VENUE



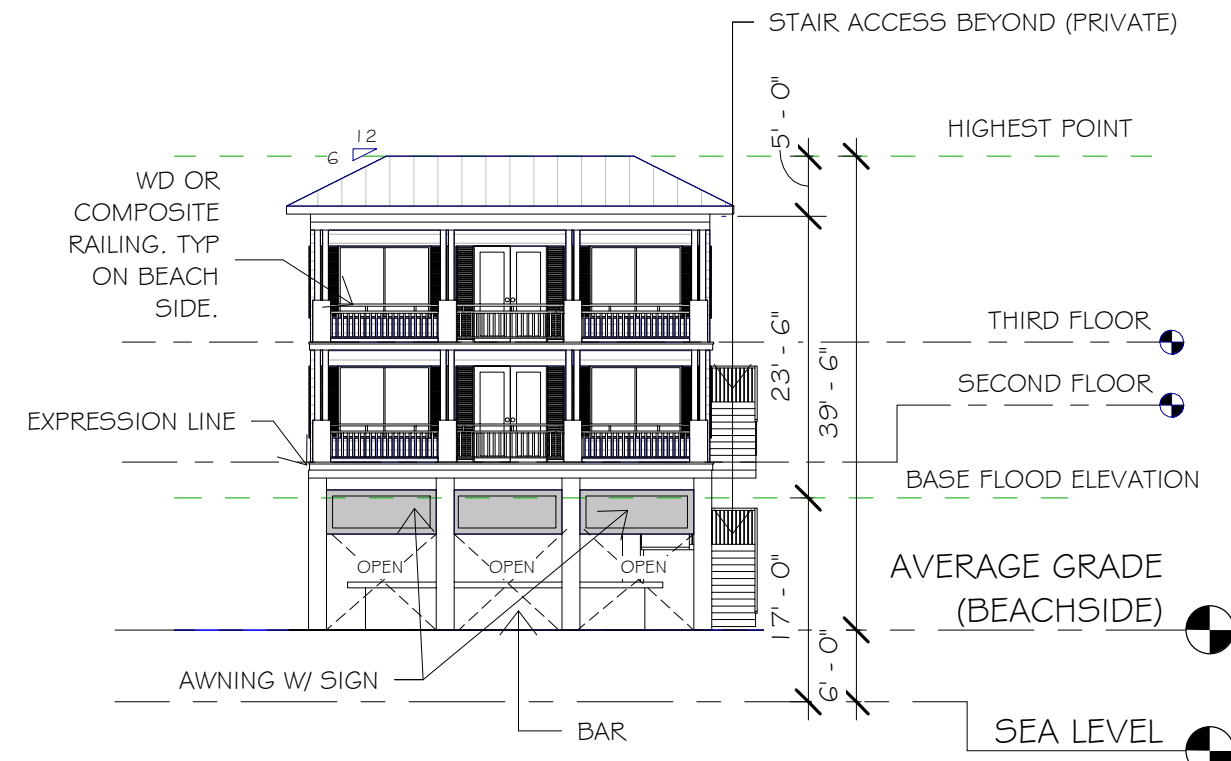
POOL BAR - NORTH ELEVATION
1/16" = 1'-0"
139 / 571 S.F. = 24% WINDOWS @ UPPER FLOORS



POOL BAR - WEST ELEVATION
1/16" = 1'-0"
208 / 1018 S.F. = 20% WINDOWS @ UPPER FLOORS



POOL BAR - EAST ELEVATION
1/16" = 1'-0"
225 / 690 S.F. = 32% WINDOWS @ UPPER FLOORS



POOL BAR - SOUTH ELEVATION
1/16" = 1'-0"
125 / 1018 S.F. = 12% WINDOWS @ UPPER FLOORS

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS
BEACH FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

**PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE**
MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS DATE

PROJECT MANAGER: Checker

DRAWING BY: Author

JURISDICTION: TOWN OF FORT MYERS BEACH

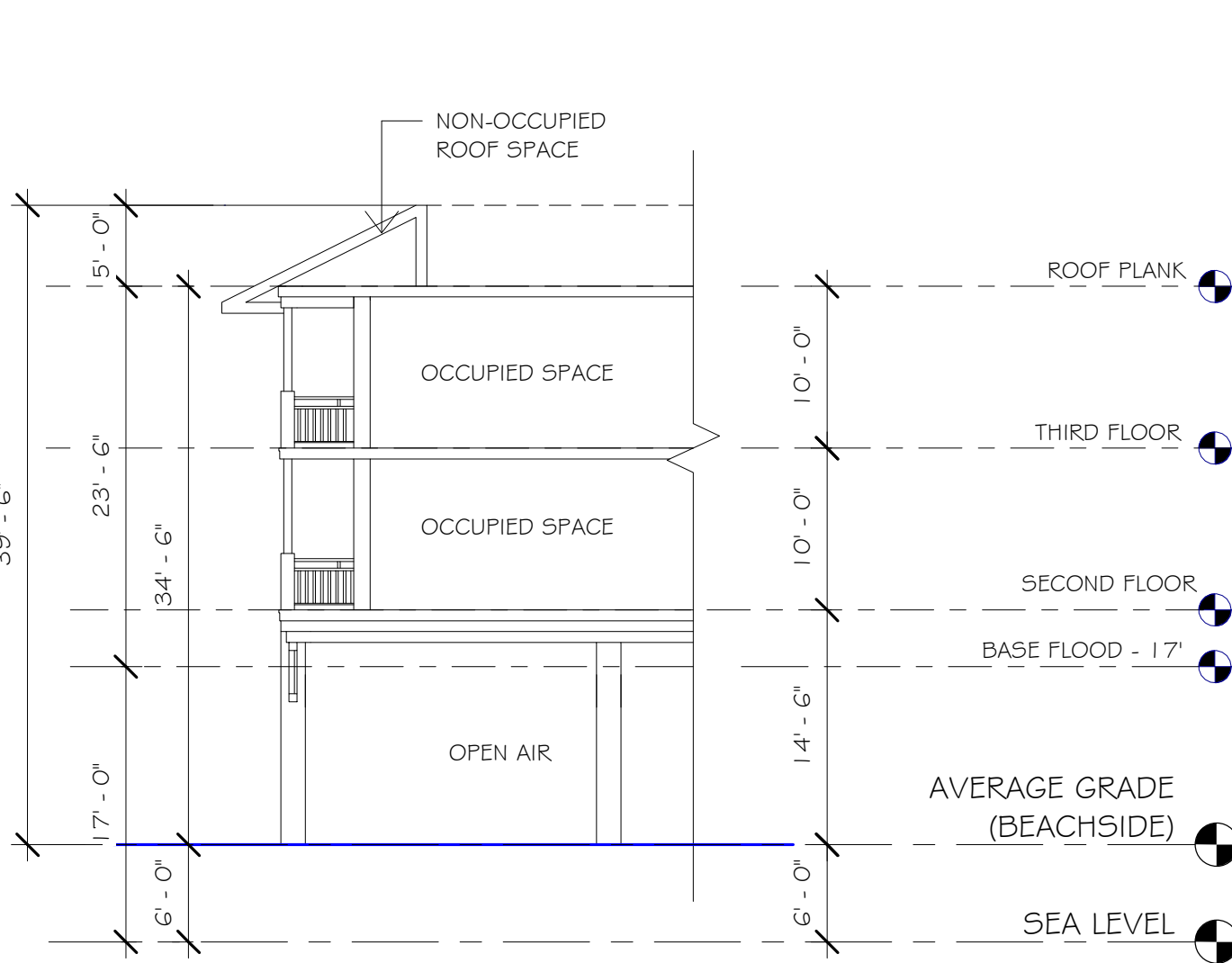
DATE: -

SHEET TITLE:

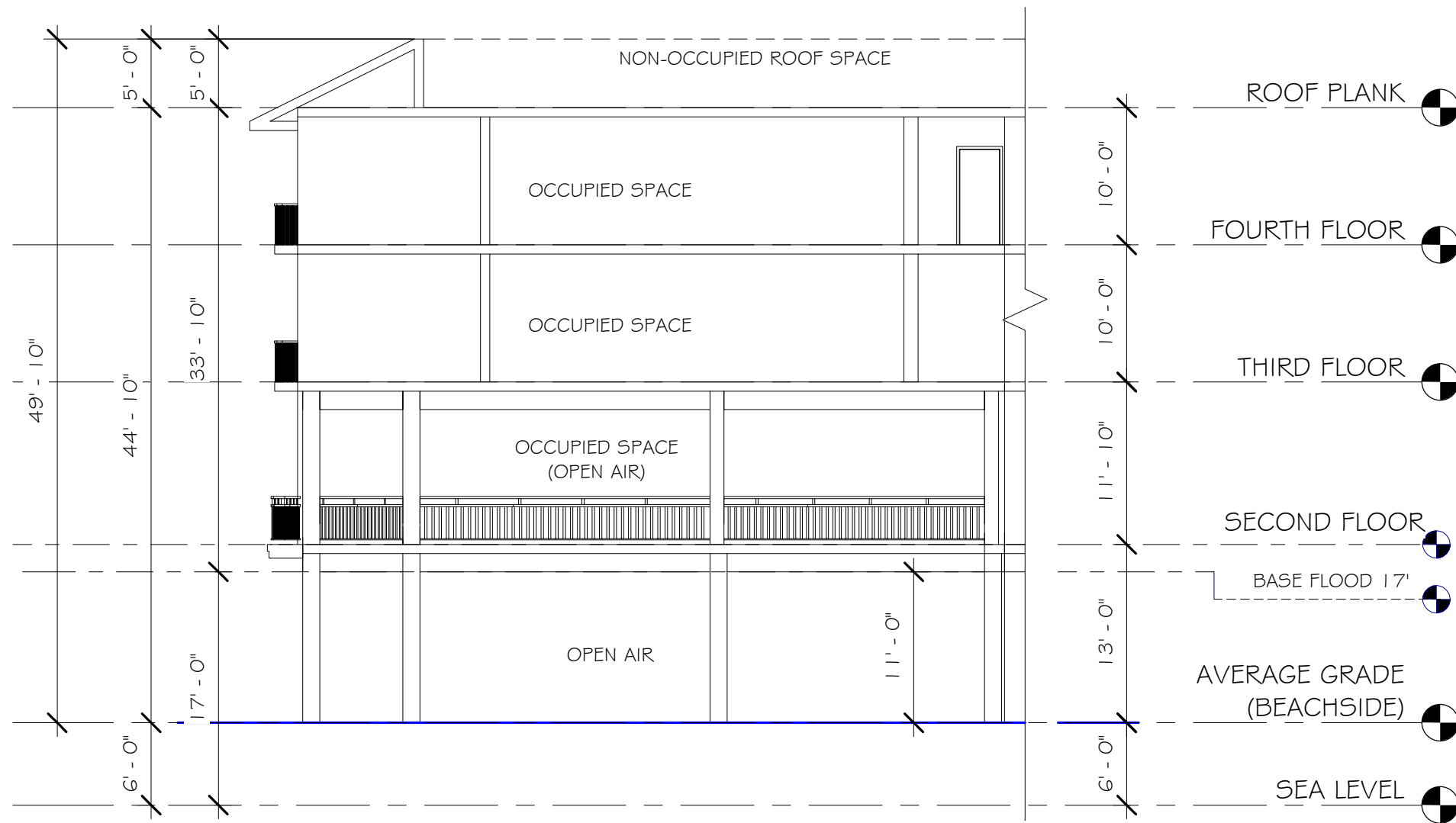
EXTERIOR
ELEVATIONS

SHEET NUMBER: X-A203

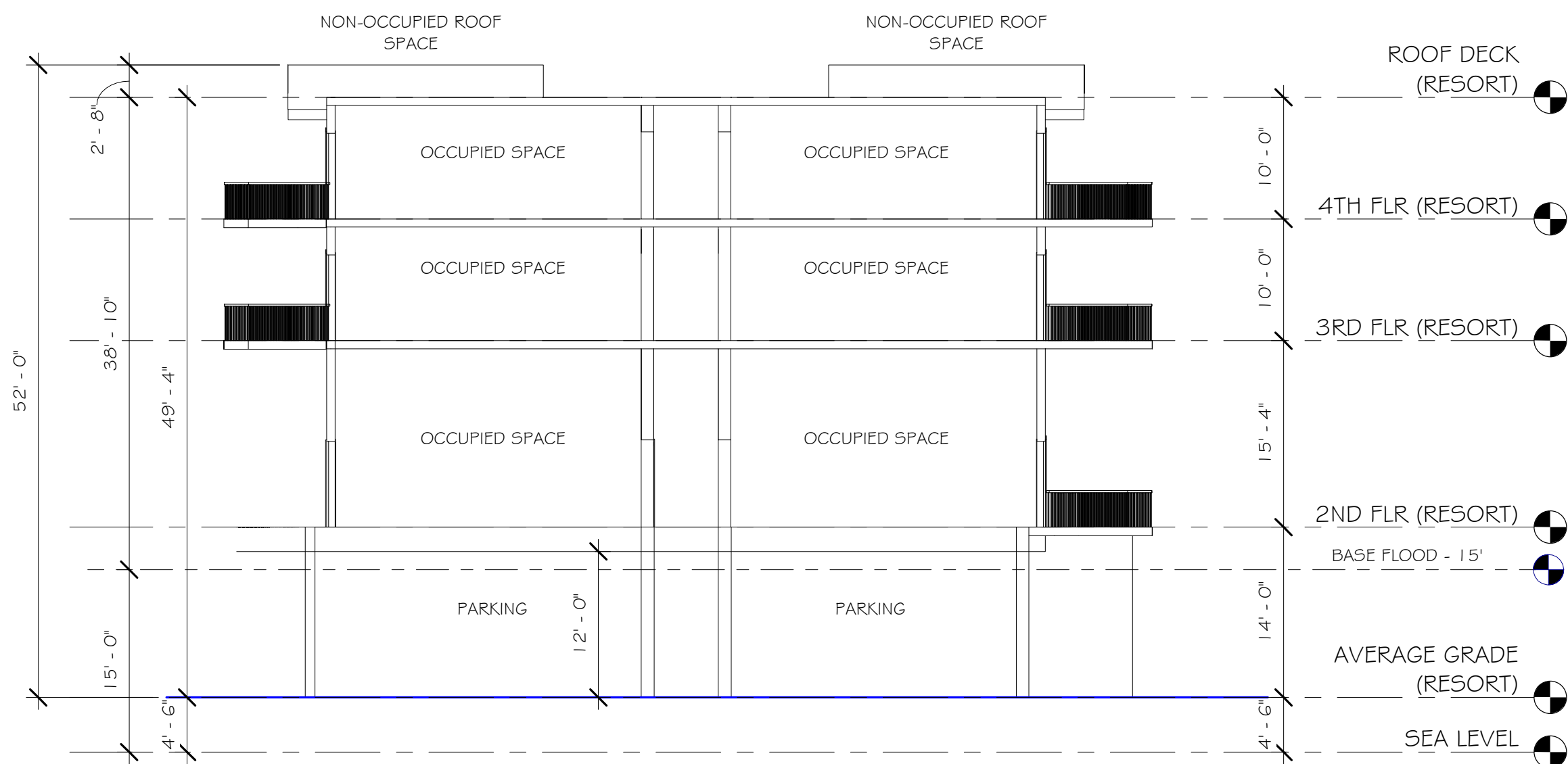
JOB/FILE NUMBER: 30479



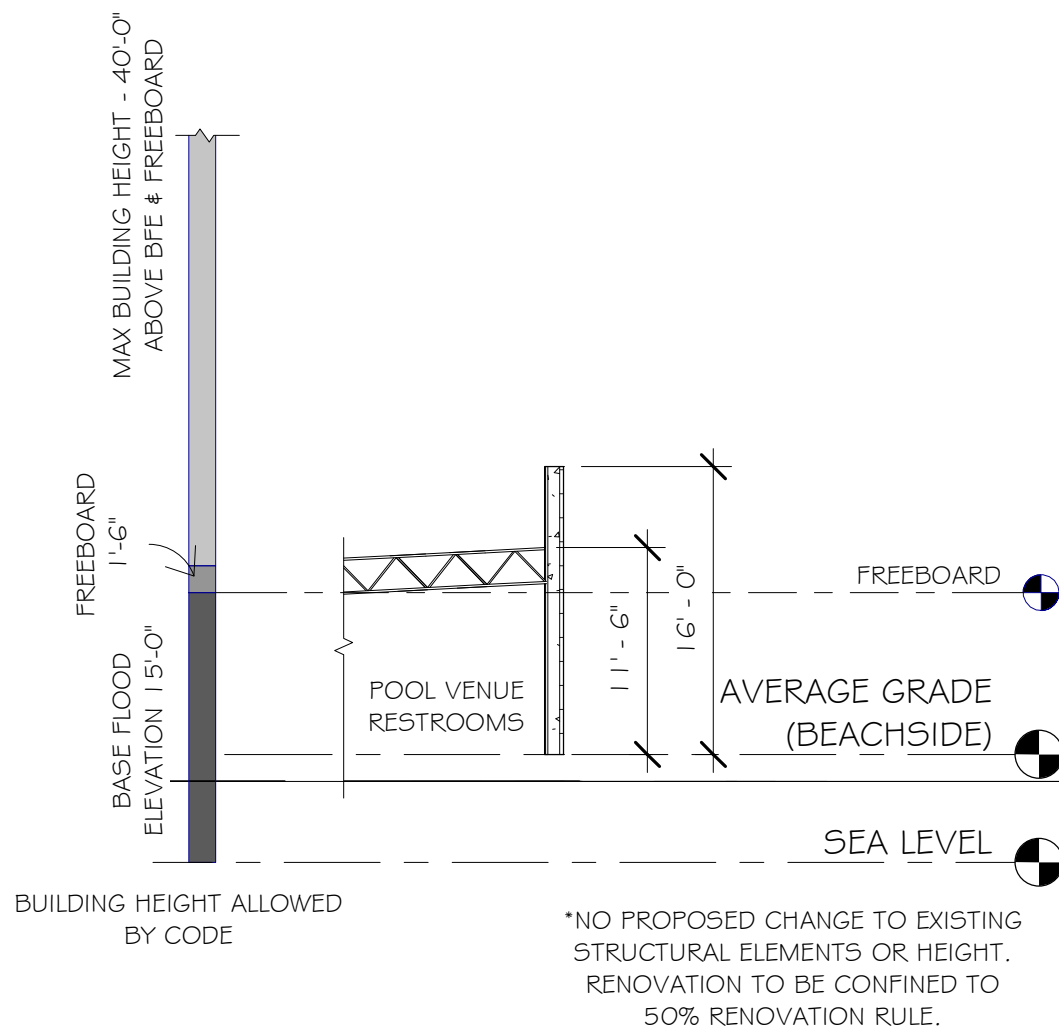
① SCHEMATIC BUILDING SECTION - BAR
BUILDING INSIDE AQUATICS VENUE
3/32" = 1'-0"



② SCHEMATIC BUILDING SECTION -
BEACHSIDE RESTAURANT
3/32" = 1'-0"



③ SCHEMATIC BUILDING SECTION - HOTEL
BUILDING
3/32" = 1'-0"



④ SCHEMATIC BUILDING SECTION @ POOL
VENUE RESTROOMS
3/32" = 1'-0"
(EXISTING BUILDING)

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS
BEACH FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

**PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE**
MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS DATE

PROJECT MANAGER: JDH

DRAWING BY: ADO

JURISDICTION: TOWN OF FORT MYERS BEACH

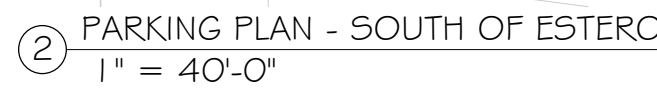
DATE: -

SHEET TITLE:

BUILDING
SECTIONS

SHEET NUMBER: X-A301

JOB/FILE NUMBER: 30479



Friday, April 20, 2018

TOTAL REQUIRED WITH 67% DOWNTOWN REDUCTION FACTOR APPLIED	357
--	------------

PARKING PLAN NOTES:

**MINOR MODIFICATIONS MAY BE NECESSARY AS WE FULLY DEVELOP THE STRUCTURAL DESIGN AND LOCATE COLUMNS MORE PRECISELY. **

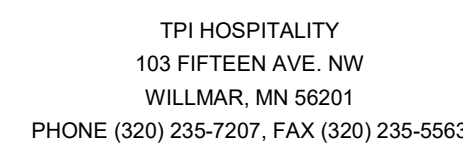
PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS
BEACH FLORIDA

CLIENT:



CONSULTANTS:

ARCHITECT

RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

**PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE**

LANDSCAPE ARCHITECTS
MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION

DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS	DATE
-----------	------

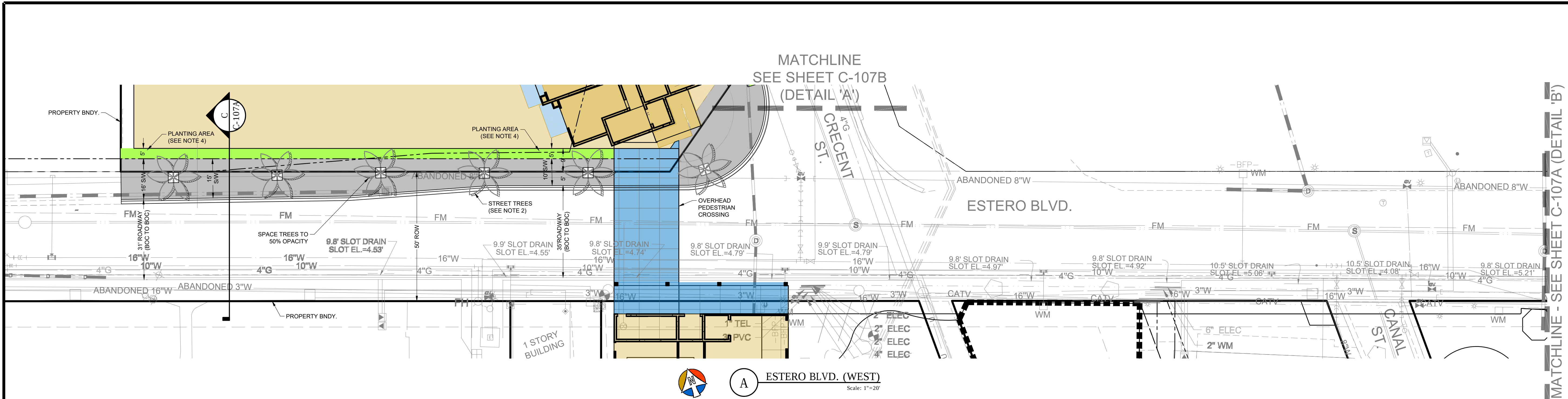
PROJECT MANAGER:	JDH
DRAWING BY:	ADO
JURISDICTION:	TOWN OF FORT MYERS BEACH
DATE:	

SHEET TITLE

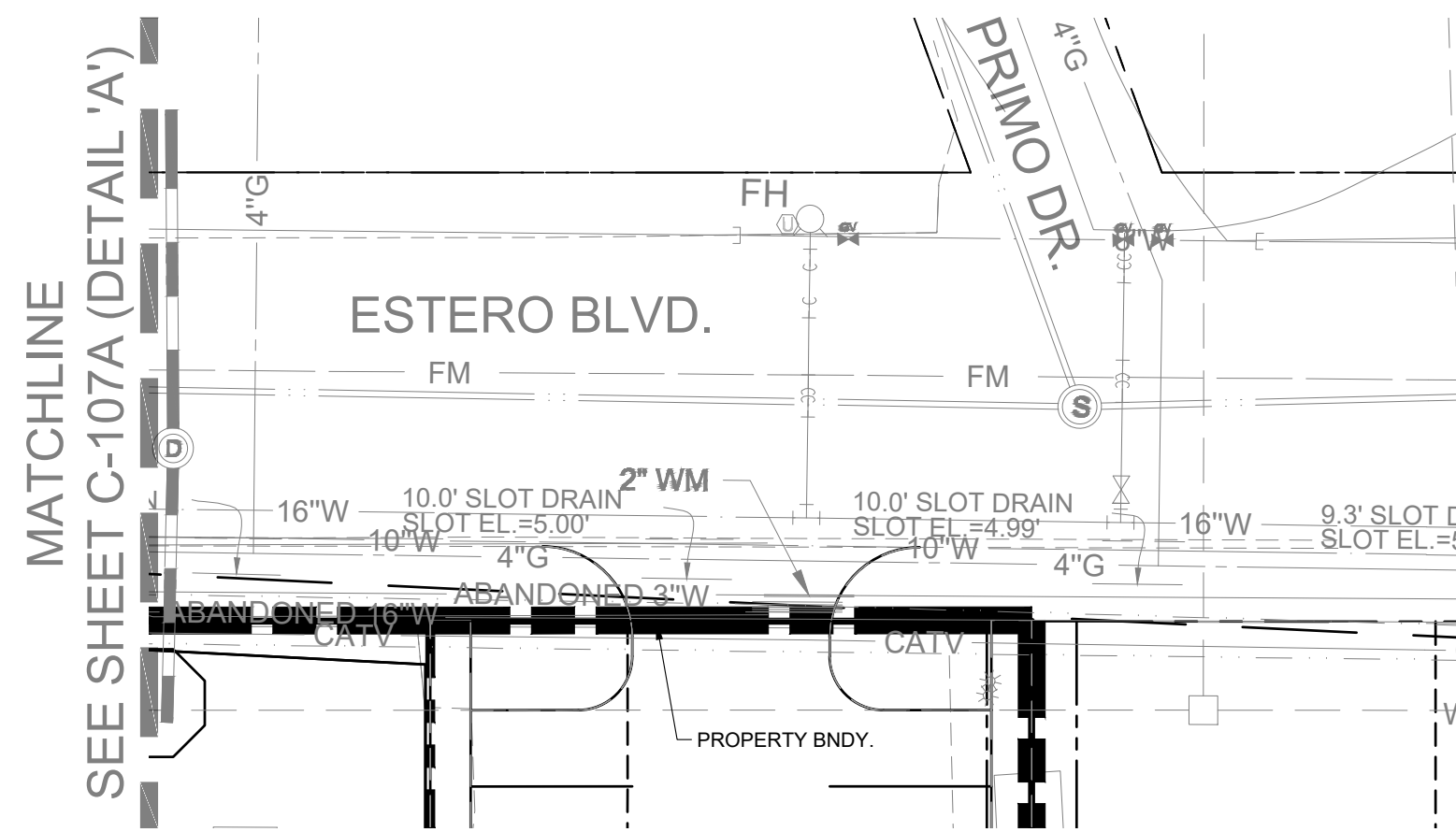
PARKING LOCATIONS & CALCULATIONS

SHEET NUMBER: X-501

JOB/FILE NUMBER: 30479



A ESTERO BLVD. (WEST)
Scale: 1"=20'



B ESTERO BLVD. (EAST)
Scale: 1"=20'

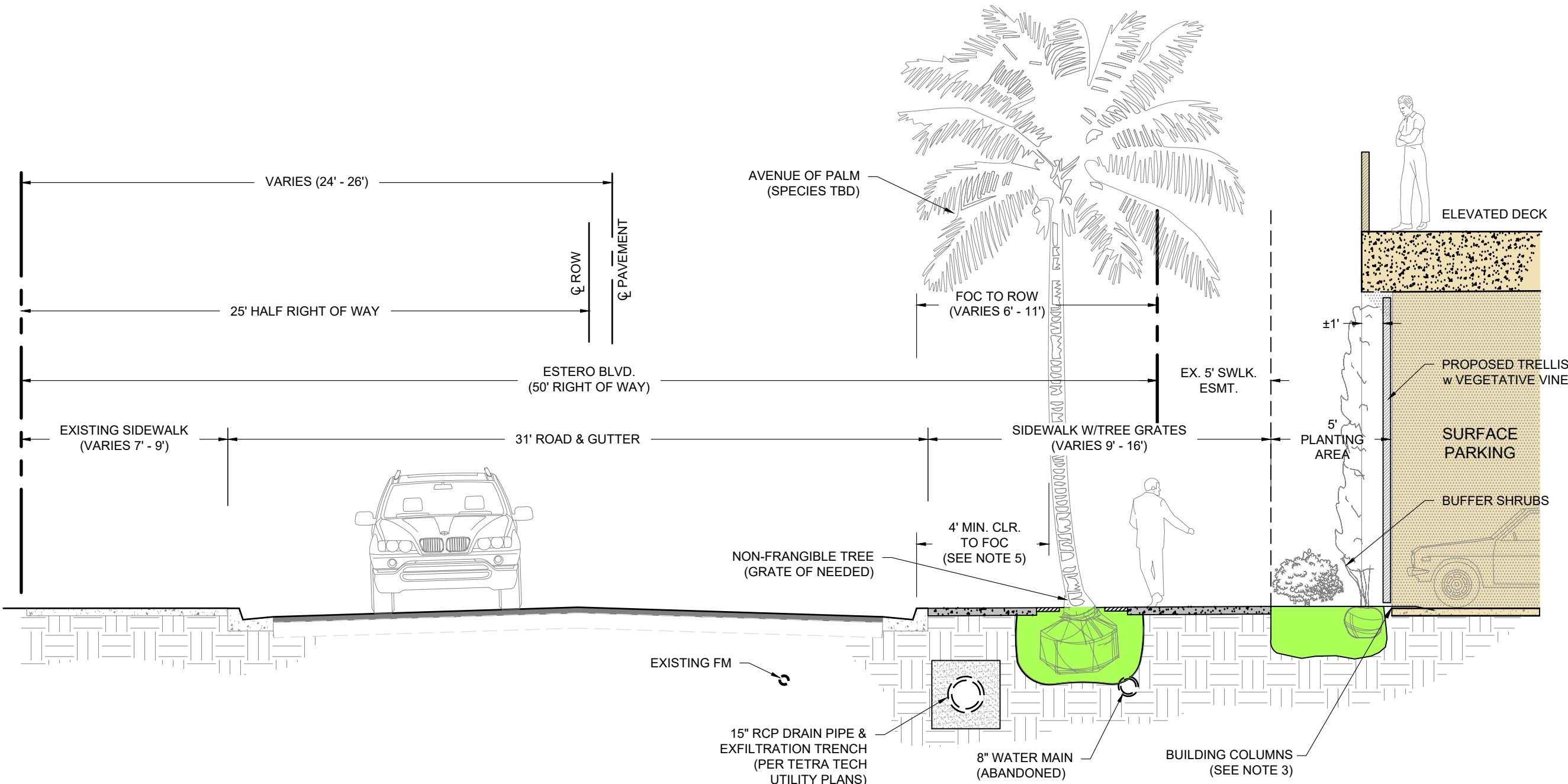
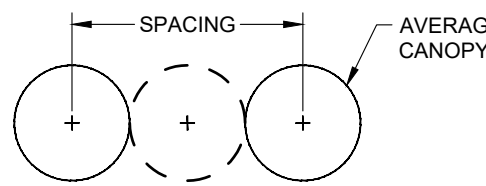
LEGEND

	PROPOSED BUILDING
	PROPOSED BUILDING OVERHANG
	PROPOSED SIDEWALK
	PROPOSED LANDSCAPE AREA

NOTES:

1. FINAL STREET TREE SPACING BASED ON SPECIES SELECTED.
2. STREET TREE SPACING IS SPECIES DEPENDANT. TREES/PALMS SHALL BE SPACED SO AS TO PROVIDE A CONTINUOUS CANOPY BASED ON AVERAGE CANOPY SIZE FOR THE SPECIES, BUT WITH EVERY OTHER TREE/PALM REMOVED. NOTE: FOR COCONUT PALMS THE AVERAGE CANOPY IS ±20' WIDE RESULTING IN A 40' AVERAGE SPACING & 12' FOR SABAL PALMS RESULTING IN A 24' AVERAGE SPACING. FINAL LOCATION AND SPACING BASED ON EXISTING CONDITIONS (I.E. UTILITIES) AND TO ENHANCE ARCHITECTURAL DETAILS OF THE PROPOSED BUILDING.
3. BUILDING COLUMNS MAY ENCROACH A MAX. OF 2' INTO THE 5' WIDE PLANTING AREA.
4. THE 5' PLANTING AREA IS MEASURED TO THE REAR (I.E. GARAGE SIDE) OF THE VEGETATED GREENSCREEN.
5. THE HORIZONTAL OFFSET FOR THE PROPOSED STREET TREES ALONG ESTERO BLVD. WILL BE BASED ON THE CURRENT FDOT/COUNTY MINIMUM STANDARDS IN PLACE AT THE TIME OF THE DEVELOPMENT ORDER APPLICATION SUBMITTAL.

TREE SPACING DIAGRAM



C ESTERO BLVD. STREETSCAPE CROSS-SECTION
Scale: 1"=5'

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS BEACH
FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
MORRIS-DEPEW ASSOCIATES, INC.
2914 CLEVELAND AVENUE
FORT MYERS, FL 33901
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS DATE

PROJECT MANAGER: TME

DRAWING BY: DAL

JURISDICTION: TOWN OF FORT MYERS BEACH

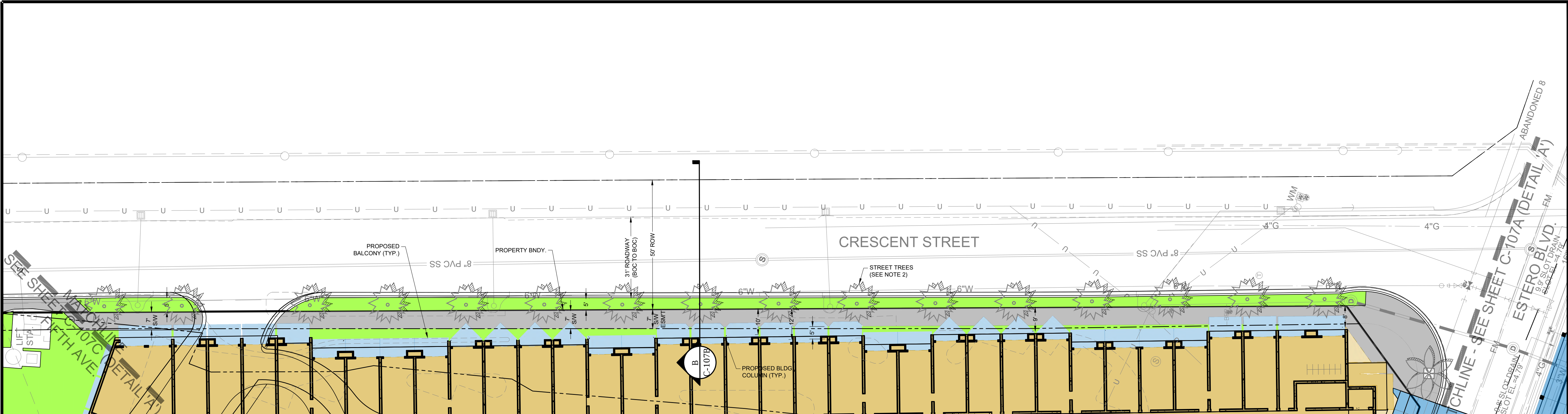
DATE: 4/27/2018

SHEET TITLE:

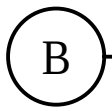
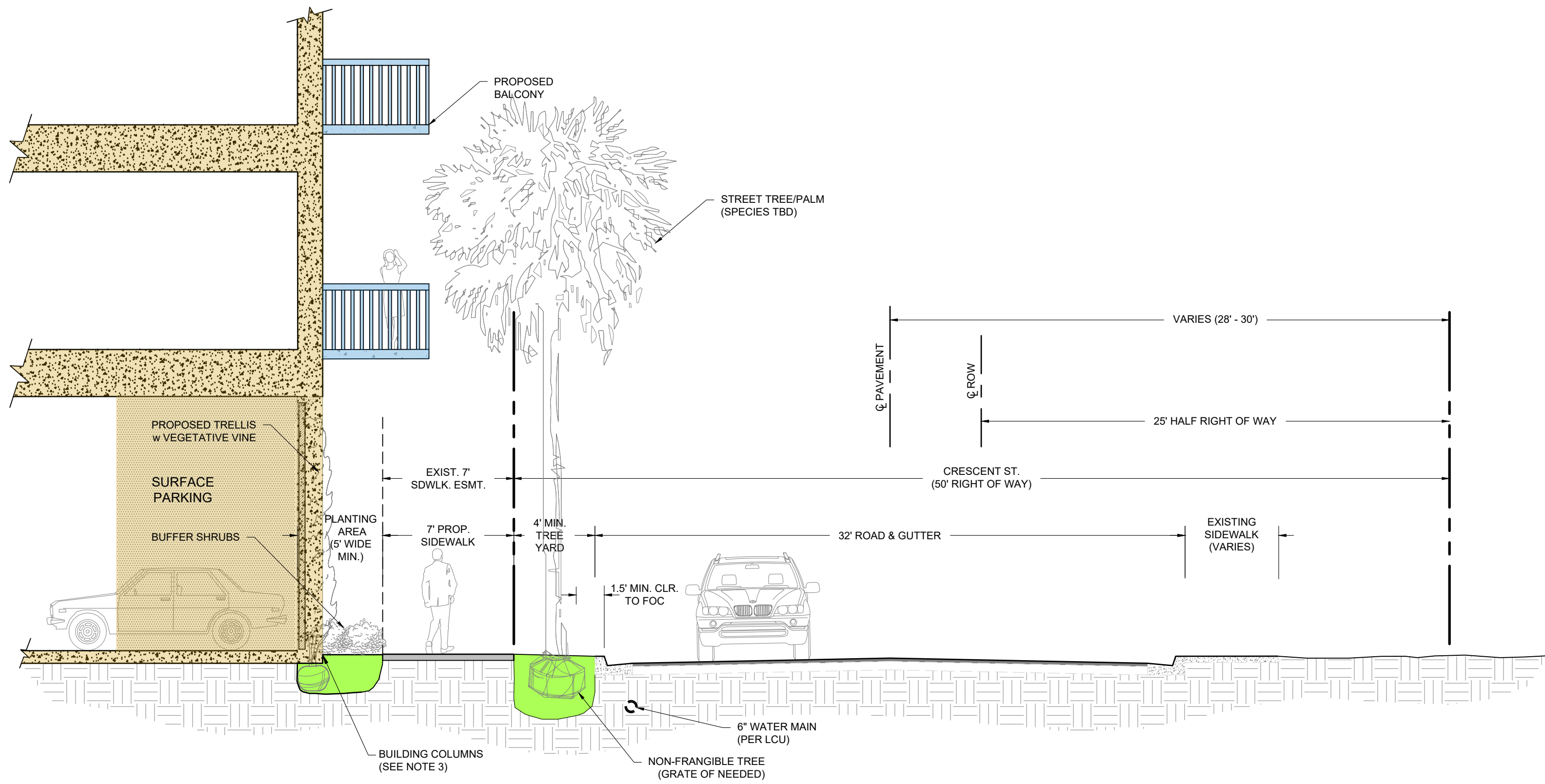
RIGHT OF WAY & SIDEWALK/BUFFER PLAN

SHEET NUMBER: X-502-RW.00

JOB/FILE NUMBER: 15069-13



CRESCENT STREET
Scale: 1"=20'



CRESCENT ST. STREETSCAPE CROSS-SECTION

Scale: 1"=5'

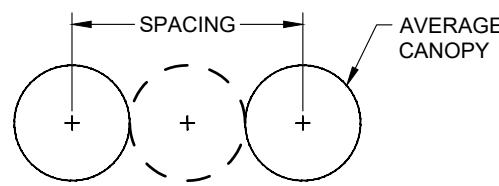
LEGEND

	PROPOSED BUILDING
	PROPOSED BUILDING OVERHANG
	PROPOSED SIDEWALK
	PROPOSED LANDSCAPE AREA

NOTES:

1. FINAL STREET TREE SPACING BASED ON SPECIES SELECTED.
2. STREET TREE SPACING IS SPECIES DEPENDANT. TREES/PALMS SHALL BE SPACED SO AS TO PROVIDE A CONTINUOUS CANOPY BASED ON AVERAGE CANOPY SIZE FOR THE SPECIES, BUT WITH EVERY OTHER TREE/PALM REMOVED. NOTE: FOR COCONUT PALMS THE AVERAGE CANOPY IS ±20' WIDE RESULTING IN A 40' AVERAGE SPACING & 12' FOR SABAL PALMS RESULTING IN A 24' AVERAGE SPACING. FINAL LOCATION AND SPACING BASED ON EXISTING CONDITIONS (I.E. UTILITIES) AND TO ENHANCE ARCHITECTURAL DETAILS OF THE PROPOSED BUILDING.
3. BUILDING COLUMNS MAY ENCROACH A MAX. OF 2' INTO THE 5' WIDE PLANTING AREA.
4. THE 5' PLANTING AREA IS MEASURED TO THE REAR (I.E. GARAGE SIDE) OF THE VEGETATED GREENSCREEN.
5. THE HORIZONTAL OFFSET FOR THE PROPOSED STREET TREES ALONG ESTERO BLVD WILL BE BASED ON THE CURRENT FDOT/COUNTY MINIMUM STANDARDS IN PLACE AT THE TIME OF THE DEVELOPMENT ORDER APPLICATION SUBMITTAL.

TREE SPACING DIAGRAM



PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS BEACH
FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

CONSULTANTS:

ARCHITECT

RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE

MORRIS-DEPEW ASSOCIATES, INC.
2914 CLEVELAND AVENUE
FORT MYERS, FL 33901
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION

DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS DATE

PROJECT MANAGER: TME

DRAWING BY: DAL

JURISDICTION: TOWN OF FORT MYERS BEACH

DATE: 4/27/2018

SHEET TITLE:

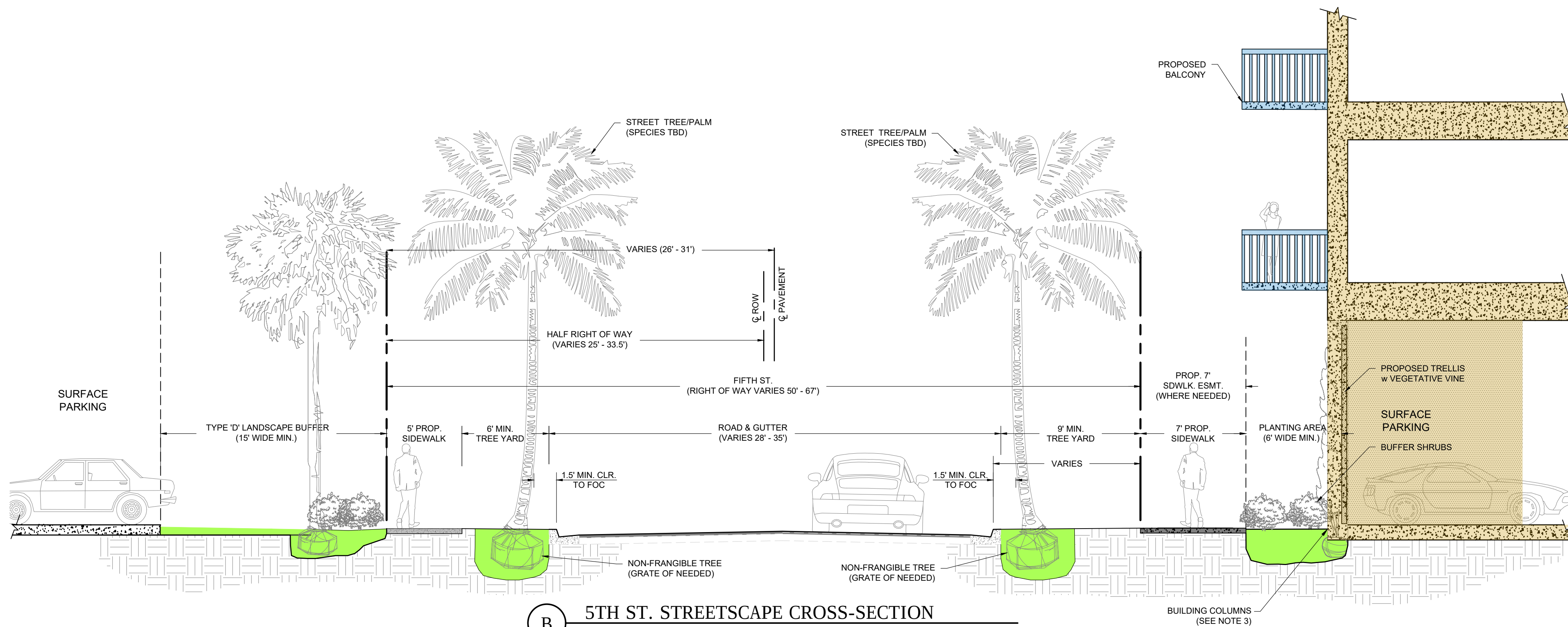
RIGHT OF WAY &
SIDEWALK/BUFFER
PLAN

SHEET NUMBER: X-503-RW.01

JOB/FILE NUMBER: 15069-13



A FIFTH AVENUE
Scale: 1"=20'



B 5TH ST. STREETSCAPE CROSS-SECTION
Scale: 1"=5'

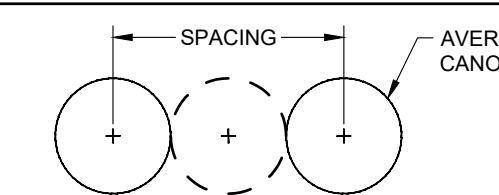
LEGEND

	PROPOSED BUILDING
	PROPOSED BUILDING OVERHANG
	PROPOSED SIDEWALK
	PROPOSED LANDSCAPE AREA

NOTES:

1. FINAL STREET TREE SPACING BASED ON SPECIES SELECTED.
2. STREET TREE SPACING IS SPECIES DEPENDANT. TREES/PALMS SHALL BE SPACED SO AS TO PROVIDE A CONTINUOUS CANOPY BASED ON AVERAGE CANOPY SIZE FOR THE SPECIES, BUT WITH EVERY OTHER TREE/PALM REMOVED. NOTE: FOR COCONUT PALMS THE AVERAGE CANOPY IS 420' WIDE RESULTING IN A 40' AVERAGE SPACING & 12' FOR SABAL PALMS RESULTING IN A 24' AVERAGE SPACING. FINAL LOCATION AND SPACING BASED ON EXISTING CONDITIONS (I.E. UTILITIES) AND TO ENHANCE ARCHITECTURAL DETAILS OF THE PROPOSED BUILDING.
3. BUILDING COLUMNS MAY ENCROACH A MAX. OF 2' INTO THE 5' WIDE PLANTING AREA.
4. THE 5' PLANTING AREA IS MEASURED TO THE REAR (I.E. GARAGE SIDE) OF THE VEGETATED GREENSCREEN.
5. THE HORIZONTAL OFFSET FOR THE PROPOSED STREET TREES ALONG ESTERO BLVD WILL BE BASED ON THE CURRENT FDOT/COUNTY MINIMUM STANDARDS IN PLACE AT THE TIME OF THE DEVELOPMENT ORDER APPLICATION SUBMITTAL.

TREE SPACING DIAGRAM



PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS BEACH
FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
MORRIS-DEPEW ASSOCIATES, INC.
2814 CLEVELAND AVENUE
FORT MYERS, FL 33901
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS DATE

PROJECT MANAGER: TME

DRAWING BY: DAL

JURISDICTION: TOWN OF FORT MYERS BEACH

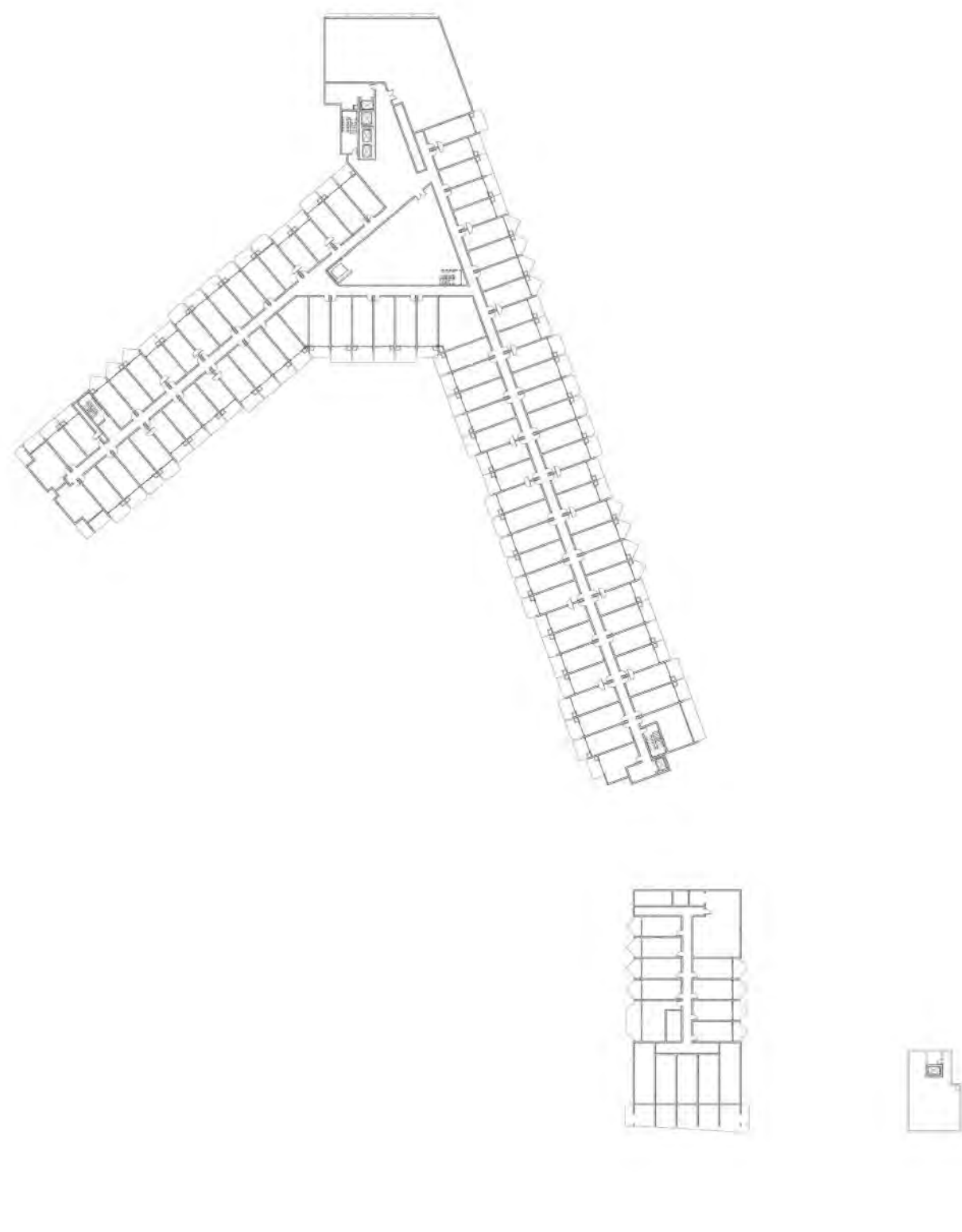
DATE: 4/27/2018

SHEET TITLE:

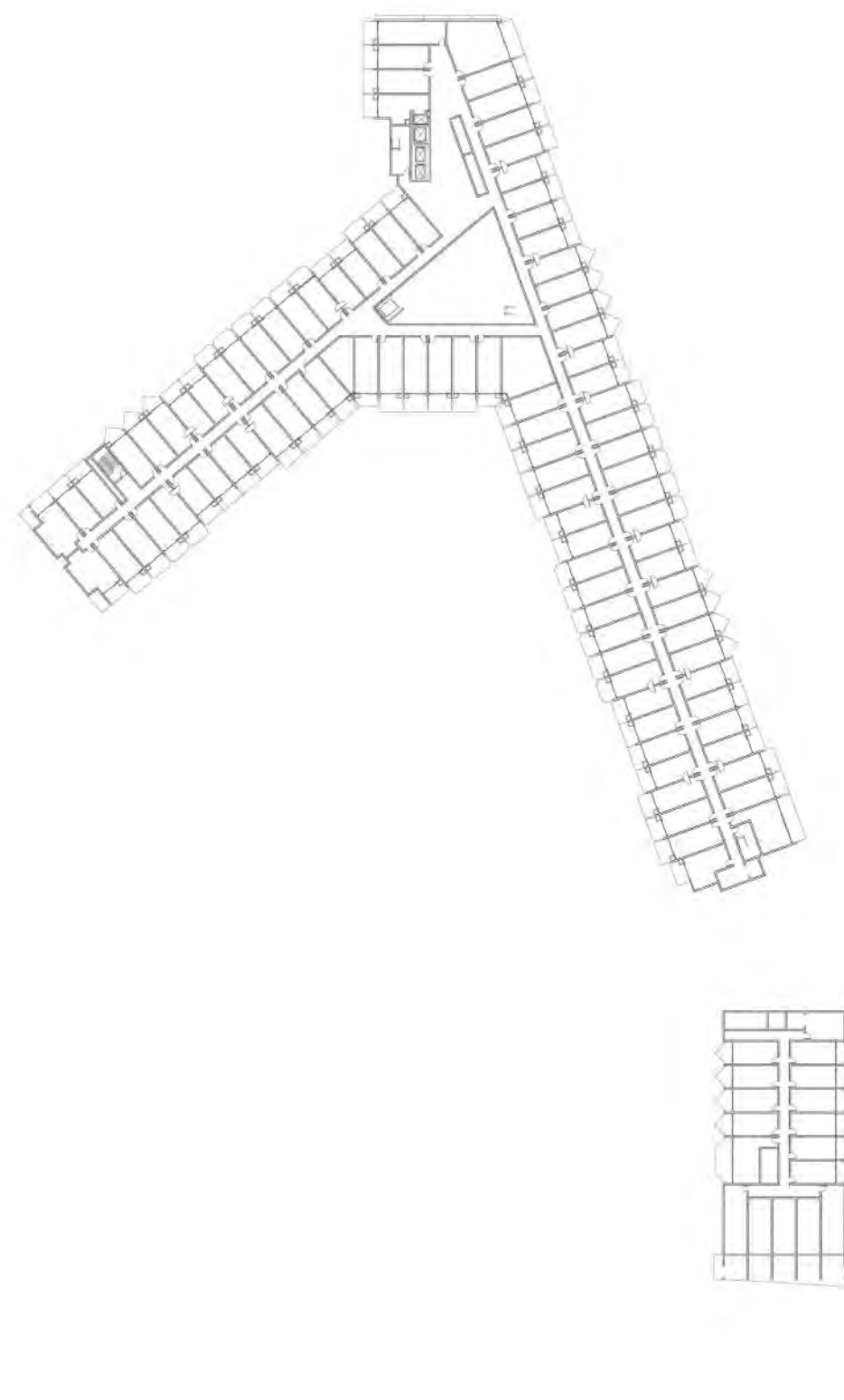
RIGHT OF WAY &
SIDEWALK/BUFFER
PLAN

SHEET NUMBER: X-504-RW.02

JOB/FILE NUMBER: 15069-13



THIRD FLOOR



FOURTH FLOOR

CONSUMPTION ON PREMISES DIAGRAM

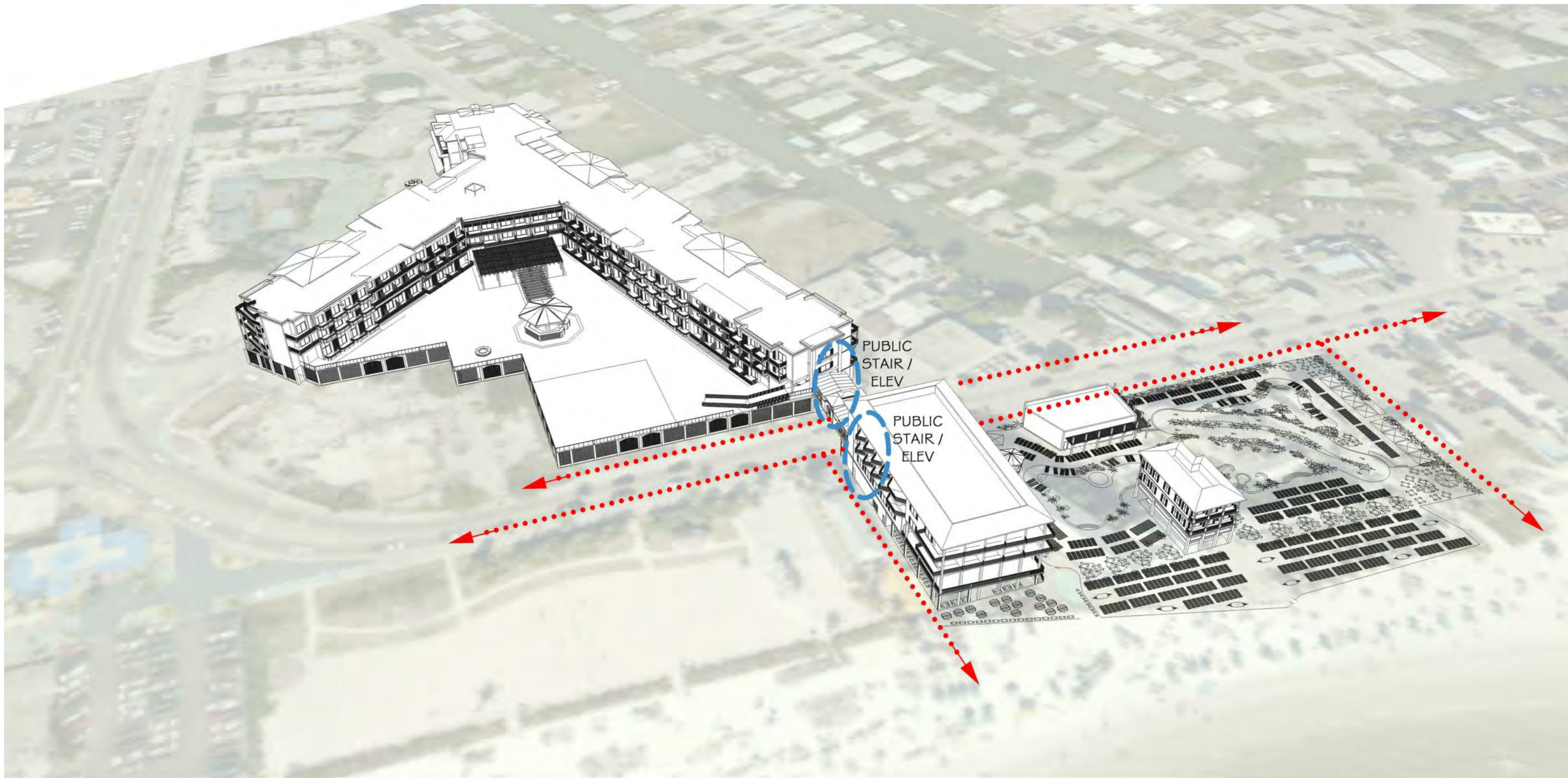
POINT OF SALE - 
COP SEATING - 

POOL AREA - 
MULTI-PURPOSE - 

CONSUMPTION ON PREMISES DIAGRAM

POINT OF SALE - 
COP SEATING - 

POOL AREA - 
MULTI-PURPOSE - 



PEDESTRIAN CIRCULATION THROUGH SITE

PEDESTRIAN CIRCULATION 
PUBLIC STAIRS / ELEVATOR 

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS
BEACH FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

**PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE**
MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS DATE

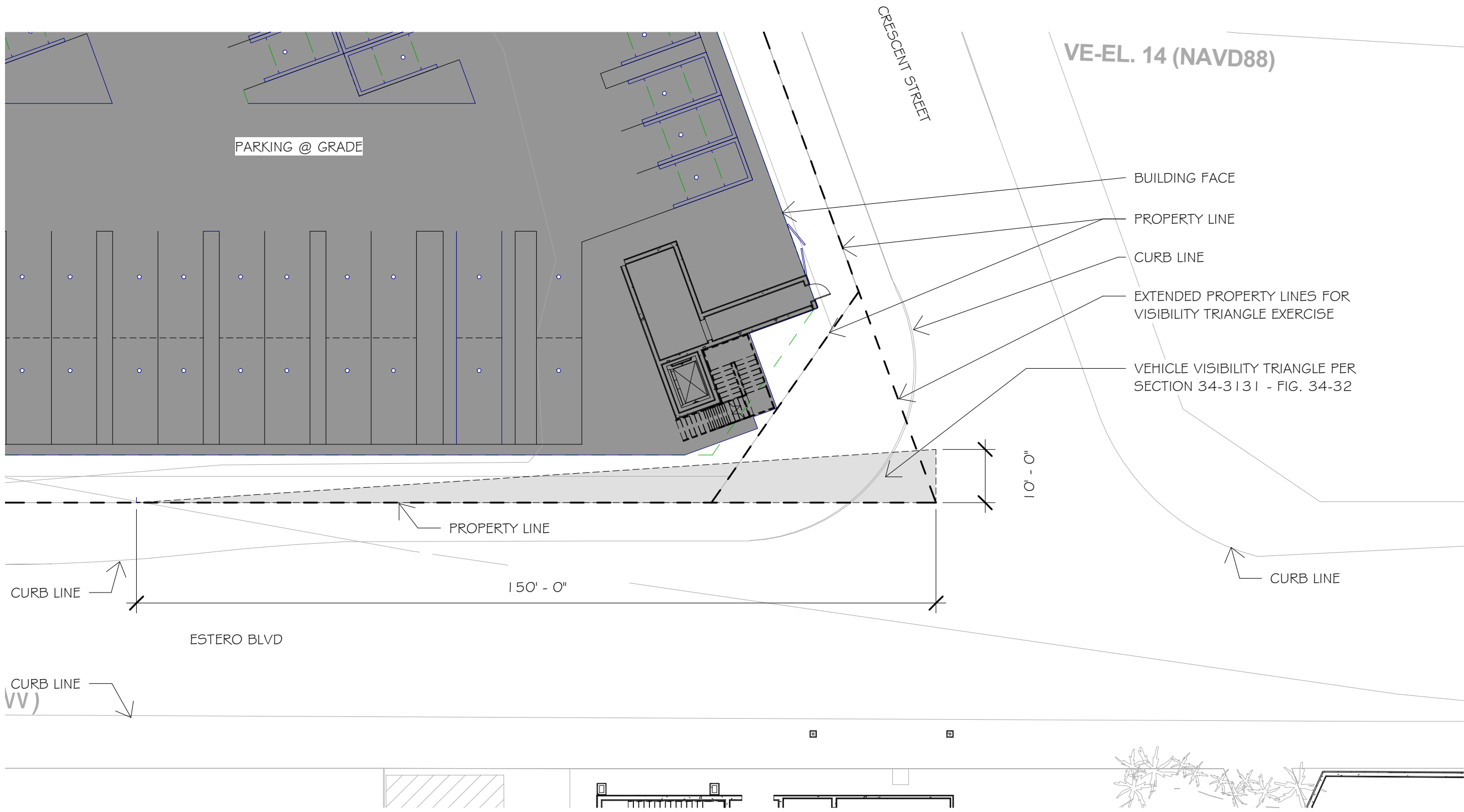
PROJECT MANAGER: JDH
DRAWING BY: ADO
JURISDICTION: TOWN OF FORT MYERS BEACH
DATE: -

SHEET TITLE:

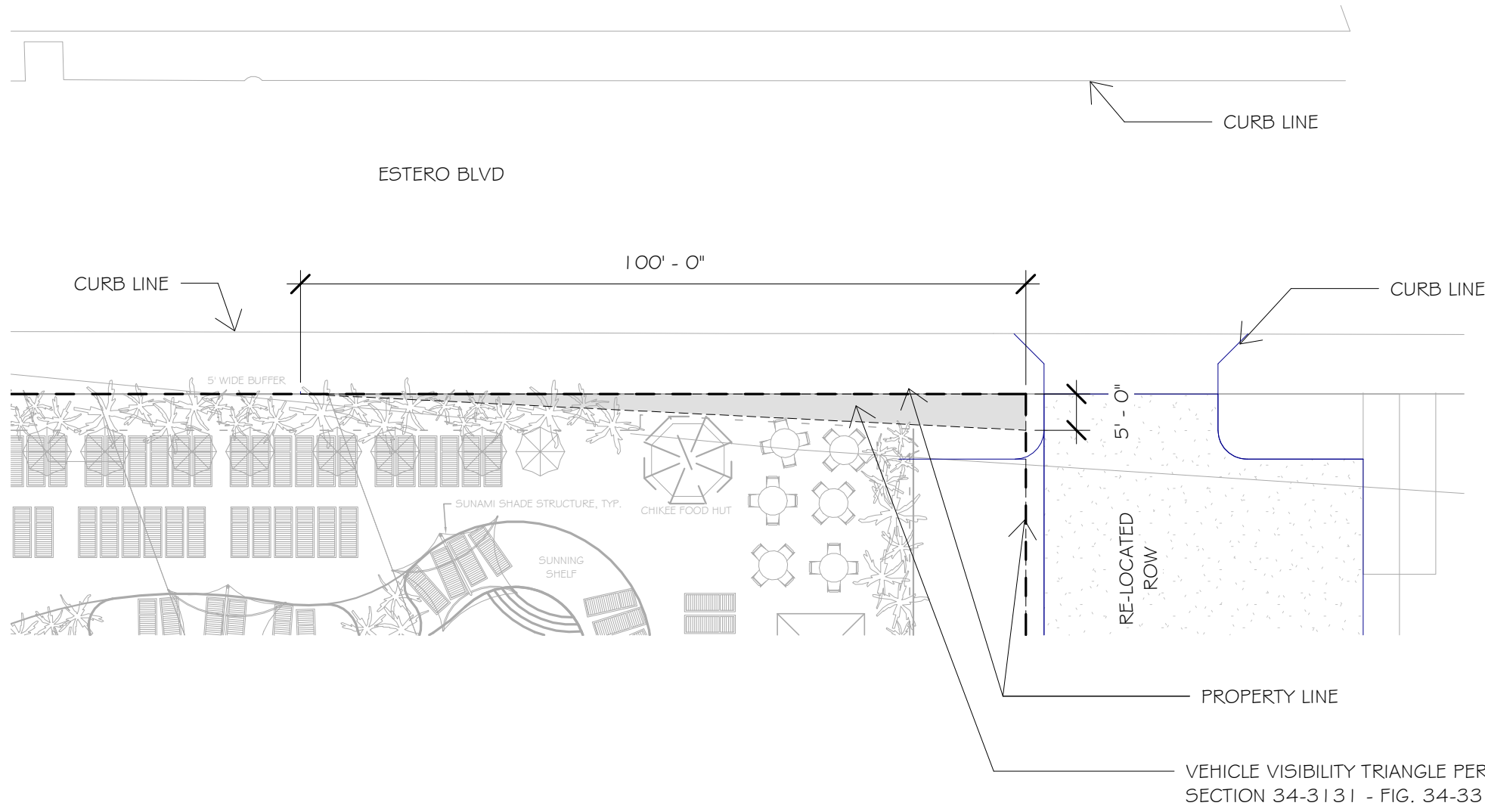
CONSUMPTION ON
PREMISES
DIAGRAMS &
PEDESTRIAN
CIRCULATION

SHEET NUMBER: X-506-COP.02

JOB/FILE NUMBER: 30479



① VISIBILITY TRIANGLE - INTERSECTION OF
CRESCENT ST. / ESTERO BLVD.
1" = 20'-0"



② VISIBILITY TRIANGLE - INTERSECTION OF
RE-LOCATED CANAL / ESTERO BLVD
1" = 20'-0"

PROJECT:

TPI-FMB CPD

LOCATION:

FORT MYERS
BEACH FLORIDA

CLIENT:



TPI HOSPITALITY
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7207, FAX (320) 235-5563

CONSULTANTS:

ARCHITECT
RAMAKER & ASSOCIATES, INC.
103 FIFTEEN AVE. NW
WILLMAR, MN 56201
PHONE (320) 235-7775, FAX (320) 235-8673

**PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE**
MORRIS DEPEW
2891 CENTER POINTE DRIVE, UNIT 100
FORT MYERS, FL 33916
PHONE (239) 337-3993, FAX (239) 337-3994

TRANSPORTATION
DAVID PLUMMER & ASSOCIATES
2149 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 332-2617, FAX (239) 332-2645

REVISIONS DATE

PROJECT MANAGER: JDH

DRAWING BY: ADO

JURISDICTION: TOWN OF FORT MYERS BEACH

DATE: -

SHEET TITLE:

VISIBILITY
TRIANGLES

SHEET NUMBER: X-507-VT

JOB/FILE NUMBER: 30479

Final Publication Date
6/12/2023

ZIP Code
33931-3354

Ad Number
GCI1071809

Your Name
Jennifer Peterson

Publication
Fort Myers News Press

Email Address
jpeterson@localiq.com

Special Requests
Include tear sheet

Market
Fort Myers

Delivery Method
Both

Number of Affidavits Needed
1

Customer Email
Amy@fmbgov.com

Customer Name
Town of Fort Myers Beach-Legals

Name
Amy Baker

Street
2523 ESTERO BLVD

City
FORT MYERS BEACH

State
FL

The News-Press media group

news-press.com A GANNETT COMPANY

TOWN OF FORT MYERS BEACH LEGALS
2523 ESTERO BLVD
FORT MYERS BEACH, FL 33931
ATTN AMY BAKER

STATE OF WISCONSIN COUNTY OF BROWN:

Before the undersigned authority personally appeared said legal clerk,
who on oath says that he or she is a Legal Assistant of the News-
Press, a daily newspaper published at Fort Myers in Lee County,
Florida; that the attached copy of advertisement, being a Legal Ad in
the matter of

PUBLIC NOTICE

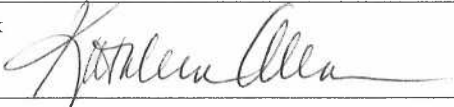
In the Twentieth Judicial Circuit Court was published in said
newspaper in the issues of:

6/12/2023

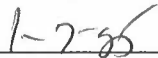
Affiant further says that the said News-Press is a paper of general
circulation daily in Lee, Charlotte, Collier, Glades and Hendry
Counties and published at Fort Myers, in said Lee County, Florida,
and that the said newspaper has heretofore been continuously
published in said Lee County, Florida each day and has been entered
as periodicals matter at the post office in Fort Myers, in said Lee
County, Florida, for a period of one year next preceding the first
publication of the attached copy of advertisement; and affiant further
says that he or she has never paid nor promised any person, firm or
corporation any discount, rebate, commission or refund for the
purpose of securing this advertisement for publication in the said
newspaper.

Sworn to and Subscribed before me this 12th of June, 2023

Legal Clerk

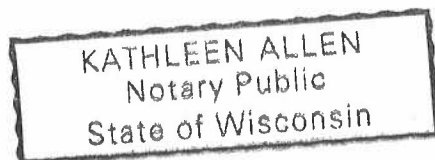


Notary Public State of Wisconsin County of Brown



My commission expires

Publication Cost: \$524.00
Ad No: GCI1071809
Customer No: 883600
PO#: PUBLIC NOTICE
THIS IS NOT AN INVOICE



NOTICE OF ZONING CHANGE AND PUBLIC HEARING

Notice is hereby given that the Town Council of the Town of Fort Myers Beach will hold two public hearings at two separate meetings beginning at 9:00 AM on Tuesday, June 20, 2023 and Monday, August 7, 2023 regarding the ordinance listed below. This meeting and public hearing will take place at Diamondhead Beach Resort, 2000 Estero Boulevard, Fort Myers Beach, FL 33931.

ORDINANCE 23-09

AAN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPLACING TOWN OF FORT MYERS BEACH ORDINANCE NO. 18-04, AND AMENDING THE CONDITIONS FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 1170, 1180/1192, 1204/1206 ESTERO BLVD., 251 CRESCENT ST., 1150 FIFTH ST. AND UNADDRESSED PARCELS, PARCELS GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00205.0070 (MCP PARCEL #3), 24-46-23-W3-00006.0000 (MCP PARCEL #1), 24-46-23-W3-00206.0060 (MCP PARCEL #1), 24-46-23-W3-00009.0000 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0494.2609 (MCP PARCEL #2), 24-46-23-W3-00205.0070, 19-46-24-W4-U0491.2610 (MCP PARCEL #2), 19-46-24-W4-0140B.0070 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0496.2608 (MCP PARCEL #2), AND 19-46-24-W4-U0498.2607 (MCP PARCELS #2 AND #6) FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

If any person should choose to appeal a decision made at this public hearing, such person would need a record of the proceedings, and for that purpose may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Copies of the full ordinance text are available at Fort Myers Beach temporary Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you are in need of reasonable accommodation, contact Town Hall at 239-765-0202. Amy Baker, Town Clerk

NP-CCI1071809-01

Continued from previous page

in Florida to 7131 Alico Road, about two miles west of I-75.

"The time has finally come to have Ziebart in Florida, and we are very excited for this new location," said Jason Theisen, vice president of franchise operations. "Every car down here, everyone needs window tints. (We) definitely have the potential for growth, not only this area but all of the rest of Florida. We'd love to see multiple stores down here."

Family-owned franchisee The Mattiaccio Group announced its acquisition of the local site this past week to add to its nine in upstate New York as part of southern expansion goals.

"While we continue building off the success we've found in New York, we're excited to take all we've learned to grow the brand's presence here," CEO and Founder Tony Mattiaccio said, noting what helped drive the firm south. "That unforgiving Florida sun."

Yeah, tell me about it.

4. What fastest growing automaker in the world found its way to Alico?

That's not the only auto-related enterprise wandering onto Alico.

Tesla is at the beginning of a 10-year lease signed in late 2022 for its 44,800-square-foot regional service center in the GulfCoast Industrial Campus at 16180 Lee Road, off Alico and the interstate, and about a half-mile north of the Amazon compound that debuted in 2021. It's 4.5 times bigger than its original Colonial Boulevard setup.

On Florida's west coast, Tesla also has service centers in Tampa and Sarasota. "It's a big need," Cushman and Wakefield's Gary Tasman told my colleague, Laura Layden, after helping negotiate the lease. "You can just drive around. There are a lot of Teslas."

How many? In 2021, there were 107,000 plug-in electric vehicles registered in the state, 54% of which were Teslas. In Florida, 0.5% of all vehicles were electric that year, up from 0.1% in 2016, according to the U.S. Department of Energy. The New York Times and Fortune reported Tesla was the fastest-growing major carmaker.

5. Speaking of vehicles, when does the 8-food-truck park debut off Alico?

About 1,000 feet north of Twin Peaks at the Ben Hill Griffin Parkway intersection, Backyard Social envisions eight food trucks, some of which are also among the nine at Celebration Park in Naples including on its list, Gigi Gourmet, Say Cheese and Gyros2Go.

But this is no ordinary 2-acre complex that its owners said Wednesday was slated to open by early fall and can serve up to 1,000 folks at a time in flashy pink, light blue and green surroundings at 16371 Corporate Commerce Way.

They boast of a "robust cocktail menu" at their bars, live entertainment stage, seating for several hundred, five fire pits and outdoor and indoor gaming,

such as four lanes of Duckpin bowling, three lanes of steel tip darts, cornhole, shuffleboard and foosball.

This latest eating and drinking option comes on top of changes occurring on the other side of Alico at the Gulf Coast Town Center, which, for example, has brought in the likes of Hooked Island Grill that had its Matlacha restaurant destroyed by Ian.

6. What's 500,000 square feet off Alico and slated by the end of 2023?

By Cushman's standards, that's the fifth largest industrial building in Southwest Florida on its list of projects under consideration, construction or already completed.

Look for the 481,933-square-foot speculative structure from HSA Commercial at 16500 Oriole Road near the Alico exit of I-75 by the end of the year.

Chicago-based HSA officially entered the Southeast region of the country this year with the ongoing assembly of the so-called Highland Commerce Center of Fort Myers.

"With industrial vacancy in Southwest Florida at a record low, we were eager to bring our experience and expertise to the region to meet the strong demand for modern warehouse space," HSA CEO Robert Smietana said. "This new facility meets the critical need for all types of industrial use, from storing and distributing construction materials to support rebuilding after Hurricane Ian to servicing the accelerating demands of the region's e-commerce activity."

Features include 36-foot clear heights, 96 dock doors, four drive-in doors, 181 parking spaces, 138 trailer spaces and a building depth of 500 feet.

"Industrial facilities of this size are rare along the Gulf Coast and are needed to service the region's large population centers and growing number of national retailers," said Tim Thompson, an HSA executive vice president. "In addition to commencing work on Highland Commerce Center of Fort Myers, we are actively seeking new sites for industrial development throughout Southwest Florida."

7. When will Alico connector project tying to Lehigh come together?

County roadwork plans show extending Alico northeast about nine miles to State Road 82 near Sunshine Boulevard, which would provide Lehigh Acres commuters access to I-75 further south than they do now and certainly opens up a whole bunch of land to fresh development.

The connector project schedule calls for starting that work in the first quarter of 2026, with completion three years later.

If finished by 2029, that means it would have taken 20 years for it to come together from when the county did its 2009 alignment study. The plan includes various wildlife crossings.

Based at the Naples Daily News, Columnist Phil Fernandez (pfernandez@gannett.com), who grew up in Southwest Florida, writes in the Know as part of the USA TODAY NETWORK.

NOTICE OF ZONING CHANGE AND PUBLIC HEARING

Notice is hereby given that the Town Council of the Town of Fort Myers Beach will hold two public hearings at two separate meetings beginning at 9:00 AM on Tuesday, June 20, 2023 and Monday, August 7, 2023 regarding the ordinance listed below. This meeting and public hearing will take place at Diamondhead Beach Resort, 2000 Estero Boulevard, Fort Myers Beach, FL 33931.

ORDINANCE 23-09

AAN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPLACING TOWN OF FORT MYERS BEACH ORDINANCE NO. 18-04, AND AMENDING THE CONDITIONS FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 1170, 1180/1192, 1204/1206 ESTERO BLVD., 251 CRESCENT ST., 1150 FIFTH ST. AND UNADDRESSED PARCELS, PARCELS GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00205.0070 (MCP PARCEL #3), 24-46-23-W3-00006.0000 (MCP PARCEL #1), 24-46-23-W3-00206.0060 (MCP PARCEL #1), 24-46-23-W3-00009.0000 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0494.2609 (MCP PARCEL #2), 24-46-23-W3-00205.0070, 19-46-24-W4-U0491.2610 (MCP PARCEL #2), 19-46-24-W4-U0408.0070 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0496.2608 (MCP PARCEL #2), AND 19-46-24-W4-U0498.2607 (MCP PARCELS #2 AND #6) FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

If any person should choose to appeal a decision made at this public hearing, such person would need a record of the proceedings, and for that purpose may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Copies of the full ordinance text are available at Fort Myers Beach temporary Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you are in need of reasonable accommodation, contact Town Hall at 239-765-0202. Amy Baker, Town Clerk

BY CITY CLERK

Here to help you finance your future.

We're your local lending experts in Fort Myers.

Your unique lifestyle calls for unique financial solutions. At Regions, we have a wide variety of lending solutions to meet your needs in today's fast-paced, ever-changing marketplace. Let us help you find what works for you.

regions.com/lending

 **REGIONS**

© 2023 Regions Bank. Regions and the Regions logo are registered trademarks of Regions Bank. The "MyRegions" logo is a trademark of Regions Bank.

Narrative

According to LDC Section 34-1(a) the purpose and intent of the Land Development Code is:

... to encourage and promote, in accordance with present and future needs, the safety, health, order, convenience, prosperity, and general welfare of the citizens of the Town of Fort Myers Beach, to recognize and promote real property rights, and to provide:

- (1) For efficiency and economy in the process of development;
- (2) For the appropriate and best use of land; ...

(Emphasis supplied).

According to LDC Section 34-85(b), when considering rezonings, the Town Council shall consider (among others):

Whether there exists an error or ambiguity which must be corrected;
and

Whether there exist changed or changing conditions which make approval of the request appropriate.

TPI submits that there are changed circumstances arising from Hurricane Ian and its impacts on the local economy and due to the devastation to the local community which require that these changed/changing circumstance be taken into account to assess what changes to the Margaritaville CPD might be appropriate. This is especially true in light of how this development may serve to anchor and inspire future redevelopment of this part of Fort Myers Beach. These are changed circumstances and ambiguities in the language of Condition #14 which it is appropriate to address. TPI submits that the impact of the proposed change to Condition 14 will promote the intent of LDC Chapter 34 and give the Town greater flexibility to allow future development and redevelopment to be consistent with future changes to the community that are reflected in future changes to the Land Development Code and the Town of Fort Myers Beach Comprehensive Plan.

Condition 14 calls for a restrictive covenant that states that the CPD:

“...has consumed all allowable density and intensity on parcels 1, 2, 3, and 5, and that no additional development may occur beyond that which is approved by this CPD.”

Due to the changed circumstances and the redevelopment planning required to address the future needs of the Town, the foregoing requirement does not further the purpose and intent in the LDC calling for efficiency and economy of development and for the appropriate and best use of the land. Instead, it unnecessarily restricts the Town Council with regard to redevelopment at a time when the Council may need flexibility and creativity to address the needs of the future. Moreover, the restrictive covenant is not necessary. No additional development may occur beyond that approved by the CPD unless the Town Council receives an application and reviews it under the regulations in effect at that time. No development can occur beyond the CPD unless the Town Council reviews and approves it. A restrictive covenant that prohibits development simply ties the hands of future Councils without consideration for future circumstances.

TPI submits that under this very new post-Hurricane Ian environment, it no longer makes any sense to completely eliminate all flexibility or future opportunities for modifications in perpetuity. That is counterproductive to the Town's desire to be certain that all development must be compatible with, and cohesively mesh with, the future framework of Town redevelopment. There must be opportunities available to future Town Councils to accommodate changing circumstances (like from Hurricane Ian).

Condition 9 specifically anticipates redevelopment and future uses on the subject property and requires that they be consistent with the Master Concept Plan approved by Town Council. The prohibition in Condition 14 against even considering any future changes on Parcels 2 and 3 is inconsistent with Condition 9. Condition 14 appears intended to bind future Town Councils from even considering any redevelopment or changes that might increase density or intensity, regardless of whether those future changes would be consistent and compatible with future development and regulations in the Town.

Condition 14 also has an inherent ambiguity because it says that the intent is to:

“...limit in perpetuity the density and intensity of Parcels 2 and 3 to that which is approved by the CPD and maintain all areas on which buildings and pavement are not constructed..., only for outdoor

recreation area on Parcel 2 and a single-level surface parking lot on Parcel 3,

(Emphasis supplied.)

Maintaining the open area (“on which buildings and pavement are not constructed”) on parcel 3 “only for... a single-level surface parking lot...” is internally inconsistent and ought to be clarified. At the same time that clarification takes place, TPI proposes these changes to Condition 14:

~~Prior to the Town issuing any development orders for demolition, site work, or new buildings on Parcel 2 the landowner must execute and record a restrictive covenant in favor of and enforceable by the Town in perpetuity that acknowledges that this CPD approval has consumed all allowable density and intensity on Parcels 1, 2, 3, and 5 and that no **No** additional development may occur beyond that which is approved by this CPD **without prior approval of the Town Council**. Prior to issuance of a temporary or final certificate of completion on Parcel 2 (but not later than 36 months after commencing construction), the landowner must convey to the Town a perpetual conservation easement in a form acceptable to the Town Attorney, which after acceptance will be recorded in the Public Records of Lee County, over those portions of Parcels 2 and 3 on which structures or pavement are not constructed or proposed to be constructed under the Master Concept Plan adopted as part of this CPD. **The intent of this condition is to limit in perpetuity the density and intensity of Parcels 2 and 3 to that which is approved by this CPD and to maintain all areas on which buildings and pavement are not constructed and as shown on the Master Concept Plan, only for outdoor recreation area on Parcel 2 and a single-level surface parking lot on Parcel 3, but specifically excluding any additional parking facilities, buildings, and other similar structures or any additional improvements require that any future changes to this CPD must comply with the Fort Myers Beach Plan and LDC in effect at the time of any future application.**~~

[Clean Version – Clarified Condition 14]:

14. No additional development may occur beyond that which is approved by this CPD without prior approval of the Town Council. The intent of this condition is to require that any future changes to this CPD must comply with the Fort Myers Beach Plan and LDC in effect at the time of any future application.

For consistency, Condition #20 mentions the reference to the conservation easement in #14 and should be amended as well (~~Strike-through deletion~~):

20. In order to provide an additional view corridor along the approach to the Town from the Matanzas Pass Bridge, the applicant has offered, and the Town has accepted the following changes to the Master Concept Plan:
- a. No buildings will be constructed on Parcel 3 in perpetuity. Parcel 3 shall remain as a 21-space surface parking lot for the resort because all development rights on Parcel 3 are being used on Parcels 1 and 2. ~~Parcel 3 will be included in the covenants and conservation easement described in Condition 14.~~ Landscape buffers shall be done in accordance with MCP X-504-RW.02.
 - b. No buildings will be constructed on Parcel 4 by the applicant and the existing building will be removed. Parcel 4 will be donated by the applicant to the Town for civic, public purposes and will include a reverter in the event the parcel is not used for such civic, public purposes. The demolition and re-grading of the property will be completed no later than September 30th, 2018. The Town shall receive Parcel 4 within 60 calendar days of the issuance of all necessary approvals related to the development order and approvals of the pedestrian bridge. After the existing building is removed by the applicant and the property transfer is completed, Parcel 4 will no longer be subject to any requirements of this CPD. Demolition of Parcel 4 may be completed prior to the development order being issued.

[Clean Version #20:

20. In order to provide an additional view corridor along the approach to the Town from the Matanzas Pass Bridge, the applicant has offered, and the Town has accepted the following changes to the Master Concept Plan:
- a. No buildings will be constructed on Parcel 3 in perpetuity. Parcel 3 shall remain as a 21-space surface parking lot for the resort because all development rights on Parcel 3 are being used on Parcels 1 and 2. Landscape buffers shall be done in accordance with MCP X-504-RW.02.
 - b. No buildings will be constructed on Parcel 4 by the applicant and the existing building will be removed. Parcel 4 will be donated by the applicant to the Town for civic, public purposes and will include a reverter in the event the parcel is not used for such civic, public purposes. The demolition and re-grading of the property will be completed no later than September 30th,

2018. The Town shall receive Parcel 4 within 60 calendar days of the issuance of all necessary approvals related to the development order and approvals of the pedestrian bridge. After the existing building is removed by the applicant and the property transfer is completed, Parcel 4 will no longer be subject to any requirements of this CPD. Demolition of Parcel 4 may be completed prior to the development order being issued.



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: 1170, 1180/1192, 1204/1206 Estero Blvd., portions of Estero Blvd. right-of-way and portions of the 5th Street right-of-way, more or less (See attached location map.)

STRAP Number: Parcel 2 (collectively): 24-46-23-W3-00009.0000, 19-46-24-W4-0140B.0070, 19-46-24-W4-U0491.2610, 19-46-24-W4-U0494.2609, 19-46-24-W4-U0496.2608, 19-46-24-W4-U0498.2607; AND Parcel 3: 24-46-23-W3-00205.0070

Applicant: TPI-FMB, LLC - Steven C. Hartsell, Authorized Applicant Phone: 239-336-6244

Contact Name: c/o Steven C. Hartsell, Esquire Phone: 239-336-6244

Email: stevehartsell@paveselaw.com Fax: 239-332-2243

Current Zoning District: Commercial Planned Development (CPD)

Future Land Use Map (FLUM) Category: Pedestrian Commercial FLU

FLUM Density Range: See Ordinance #18-04 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*: TPI-FMB, LLC - Steven C. Hartsell, Authorized Applicant Phone: 239-336-6244

**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: Post Office Drawer 1507, Fort Myers, FL 33902-1507

Email: stevehartsell@paveselaw.com Fax: 239-332-2243

Contact Name: Steven C. Hartsell, Esquire Phone: 239-336-6244



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: Steven C. Hartsell, Esquire Phone: 239-336-6244
Address: Pavese Law Firm, Post Office Drawer 1507, Fort Myers, FL 33902-1507
Email: stevehartsell@paveselaw.com Fax: 239-332-2243

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

Name: N/A 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: DCI17-001
- ☐ 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.

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
TPI-FMB, LLC, a Florida limited liability corporation, Owned by: Torgerson Properties, Inc., a Minnesota for profit corporation Thomas R. Torgerson, Manager	80.9%
103 15th Ave. NW #200, Willmar, MN 56201	
John Damermann, 100% owner of Torgerson Properties, Inc.	
TPI-FMB, LLC, a Florida limited liability corporation, Owned by: TPI-FMB Investment, LLC, a Florida limited liability corporation Thomas R. Torgerson, Manager	19.1%
103 15th Ave. NW #200, Willmar, MN 56201	
Thomas R. Torgerson, 100% owner of TPI-FMB Investment, LLC	

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**

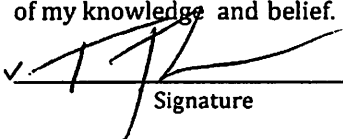
Date of Contract: _____

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

TPI-FMB, LLC, a Florida limited liability company
Thomas R. Torgerson, Manager

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, Thomas R. Torgerson (name), as Manager (title)
of TPI-FMB, LLC, a Florida Limited Liability Corp. (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.

4/30/2021

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

Page 6 of 11



COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

TPI-FMB, LLC, a Florida limited liability corporation

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

[Signature]
Signature

Manager

Title

Thomas R. Torgerson

Typed or Printed Name

3-24-23

Date

STATE OF Minnesota COUNTY OF Hendry

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 24th day of March, 2023, by Thomas R. Torgerson, ☒ who is personally known to me OR ☐ who has produced _____ as identification.



[Signature]
Notary Public Signature

PART VI- Property Information

A. Legal Description:

Parcel 2 (collectively): 24-46-23-W3-00009.0000, 19-46-24-W4-0140B.0070, 19-46-24-W4-U0491.2610, STRAP: 19-46-24-W4-U0494.2609, 19-46-24-W4-U0496.2608, 19-46-24-W4-U0498.2607; AND Parcel 3: 24-46-23-W3-00205.0070

Property Address: 1170, 1180/1192, 1204/1206 Estero Blvd., portions of Estero Blvd. right-of-way and portions of the 5th Street right-of-way, more or less (See attached location map.)

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) _____ Parcel 2: +/- 457.94
Parcel 3: +/- 78.31 feet

Depth (please provide an average width if irregular in shape) Parcel 2: +/-161.03 avg.; Parcel 3: +/-124.06 feet

Frontage on street: Parcel 2: +/-459.95
Parcel 3: +/-199.15 feet. Frontage on waterbody: _____ 0.00 feet

Total land area: Parcel 2: +/-1.47 Acres; Parcel 3: +/-0.21 Acres ☒ acres ☐ square feet

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

West on San Carlos Blvd. across the Sky Bridge. Parcel 3 is on the left side of San Carlos Blvd. just before you
get to the Fifth Street on-ramp. Continue on San Carlos Blvd. until it curves left, transitioning into Estero Blvd.

Parcel 2 is on the right-hand side of Estero Blvd. just beyond the pedestrian overpass for the Margaritaville
resort currently under construction.

☒ 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

☐ Mixed Residential

☐ Boulevard

☒ Pedestrian Commercial

☐ Marina

☐ Recreation

☐ Wetlands

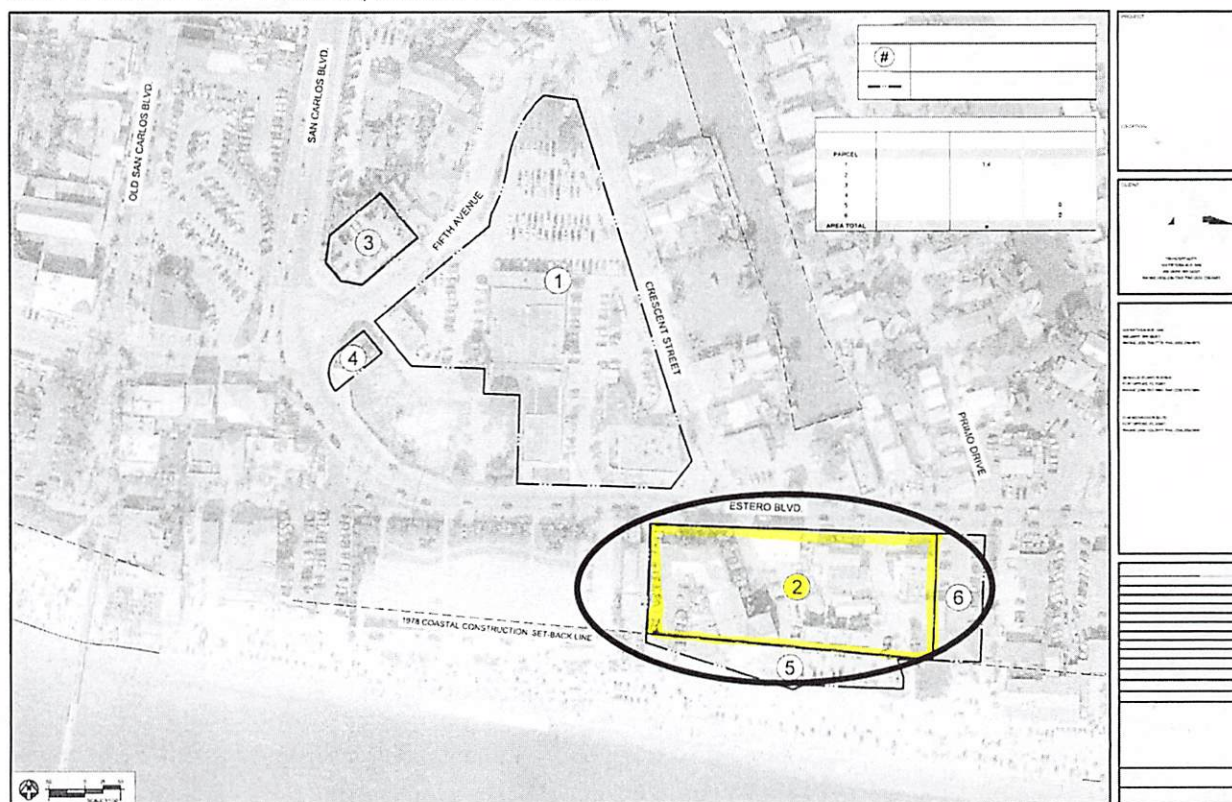
☐ Platted Overlay

DESCRIPTION - PARCEL NO. 2

PARCEL OF LAND LYING IN PARTIALLY IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, AND PARTIALLY IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, SAID PARCEL ENCOMPASSING UNPLATTED LANDS, PORTIONS OF "CRESCENT PARK", INCLUDING A PORTION OF CANAL STREET AND THE 12-FOOT-WIDE STRIP OF LAND SHOWN ALONG THE WEST SIDE OF LOTS 2, 3, 6, AND 7, BLOCK B, ON SAID PLAT OF "CRESCENT PARK", AS RECORDED IN PLAT BOOK 4, PAGE 39, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF BLOCK "E", CRESCENT PARK ADDITION, AS RECORDED IN PLAT BOOK 4, PAGE 46, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID CORNER LYING AT THE INTERSECTION OF THE SECTION LINE COMMON TO SAID SECTIONS 19 AND 24 AND THE NORTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD AS SHOWN ON THE SAID PLAT OF "BUSINESS CENTER"; THENCE S.0°41'08"E. ALONG THE SAID SECTION LINE, A DISTANCE OF 53.15 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID ESTERO BOULEVARD AND THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE S.70°35'51"E. A DISTANCE OF 270.05 FEET TO A POINT ON THE NORTH LINE OF LOT 4, BLOCK "A" OF SAID "CRESCENT PARK"; THENCE S.19°24'09"W. A DISTANCE OF 174.90 FEET TO A POINT ALONG THE COASTAL CONSTRUCTION SET-BACK LINE AS DESCRIBED IN PLAT BOOK 31, PAGE 1 THROUGH 21, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.67°11'13"W ALONG SAID SET-BACK LINE, FOR A DISTANCE OF 393.39 FEET; THENCE N.19°24'24"E. FOR A DISTANCE OF 151.50 FEET TO AN INTERSECTION WITH THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD; THENCE S.70°35'51"E. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 122.63 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION.

CONTAINING 1.47 ACRES, MORE OR LESS.

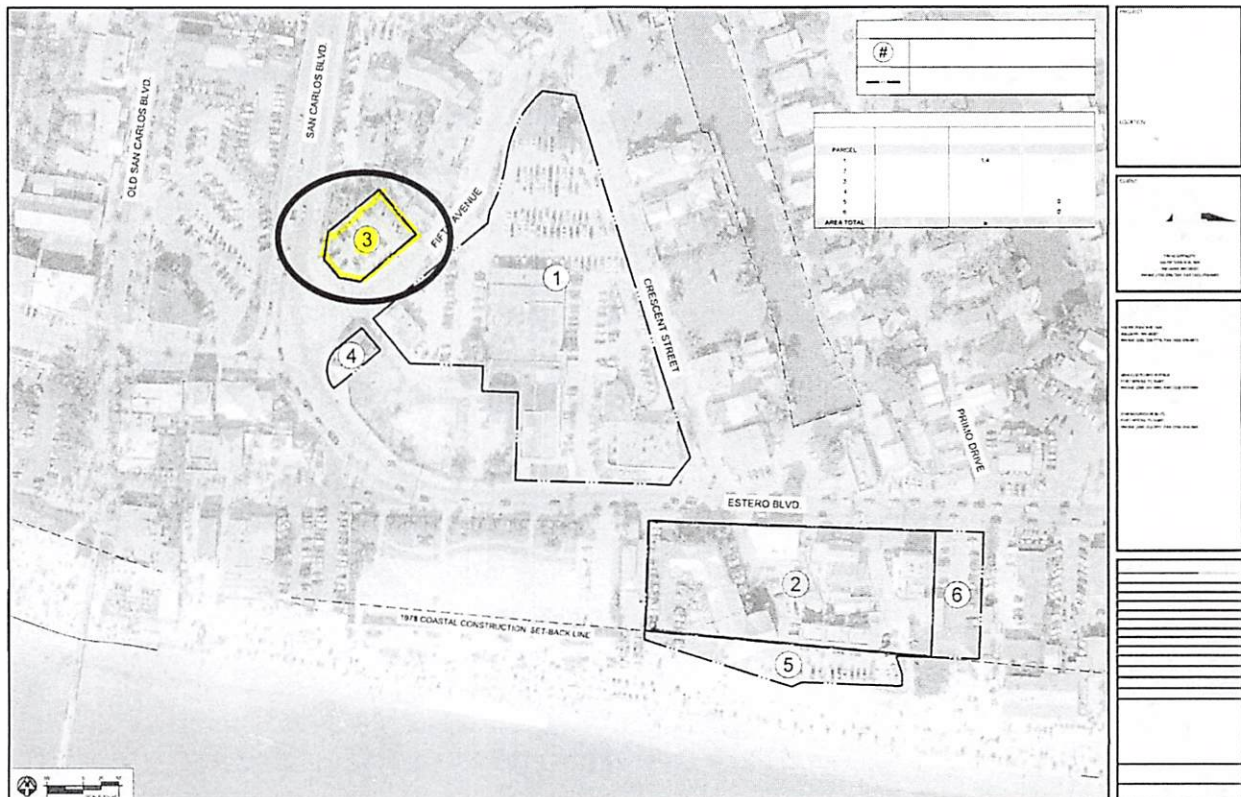


DESCRIPTION - PARCEL NO. 3

LOTS 7, 8, AND 9, BLOCK 5, BUSINESS CENTER SUBDIVISION, AS RECORDED IN PLAT BOOK 9, PAGE 9, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (SAID LOT 7 IS LESS ROAD RIGHT-OF-WAY TAKEN BY FLORIDA DEPARTMENT OF TRANSPORTATION FOR S.R. 865, RECORDED IN OFFICIAL RECORDS BOOK 1164, PAGE 129, PUBLIC RECORDS OF LEE COUNTY, FLORIDA), SAID PARCEL 3 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 9, BLOCK 5; THENCE S.67°39'08"W. ALONG THE SOUTH LINES OF SAID LOTS 7, 8, AND 9, BLOCK 5, A DISTANCE OF 101.00 FEET TO THE SOUTHEAST CORNER OF SAID RIGHT-OF-WAY ACQUISITION PARCEL RECORDED IN OFFICIAL RECORDS BOOK 1164, PAGE 129; THENCE N.61°53'00"W. ALONG THE BOUNDARY OF SAID ACQUISITION PARCEL, A DISTANCE OF 29.83 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF SAID LOT 7, BLOCK 5; THENCE N.22°19'38"W. ALONG THE SAID WESTERLY LINE OF LOT 7, A DISTANCE OF 32.39 FEET TO THE MOST SOUTHERLY CORNER OF THE MOST NORTHERLY PORTION OF SAID RIGHT-OF-WAY ACQUISITION PARCEL RECORDED IN OFFICIAL RECORDS BOOK 1164, PAGE 129; THENCE N.26°00'15"E. ALONG THE BOUNDARY OF SAID ACQUISITION PARCEL, A DISTANCE OF 37.02 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF SAID LOT 7, BLOCK 5; THENCE N.67°39'08"E. ALONG THE NORTH LINE OF SAID LOTS 7, 8, AND 9, A DISTANCE OF 92.35 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 9; THENCE S.22°19'38"E. ALONG THE EASTERLY LINE OF SAID LOT 9, A DISTANCE OF 80.00 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION.

CONTAINING 0.21 ACRE, MORE OR LESS.



DESCRIPTION
PARCEL NO. 1

PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, TOWN OF FORT MYERS BEACH, ESTERO ISLAND, LEE COUNTY, FLORIDA, SAID PARCEL ENCOMPASSING UNPLATTED PARCELS, PORTIONS OF "BUSINESS CENTER" INCLUDING PART OF CENTER STREET, ESTERO BOULEVARD, AS SHOWN ON PLAT OF SAID "BUSINESS CENTER," RECORDED IN PLAT BOOK 8, PAGES 9 AND 10, AND THE RIGHT-OF-WAY TACKING, RECORDED IN OFFICIAL RECORDS BOOK 1164, PAGE 129, PARCEL NO. 1 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF BLOCK "C," CRESCENT PARK ADDITION, AS RECORDED IN PLAT BOOK 4, PAGE 46, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID CORNER LYING AT THE INTERSECTION OF THE SECTION LINE COMMON TO SAID SECTIONS 19 AND 24 AND THE NORTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD AS SHOWN ON THE SAID PLAT OF "BUSINESS CENTER," THENCE N 70°35'51"W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD, A DISTANCE OF 77.73 FEET TO THE POINT-OF-BEGINNING OF THIS DESCRIPTION OF PARCEL NO. 1, THENCE CONTINUE N 70°35'51"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 211.46 FEET, THENCE S 8°19'31"W, A DISTANCE OF 122.83 FEET, THENCE N 47°33'27"W, A DISTANCE OF 58.56 FEET, THENCE N 18°23'58"E, A DISTANCE OF 35.05 FEET TO THE MOST SOUTHERLY CORNER OF LOT 7, BLOCK 8, OF SAID "BUSINESS CENTER," THENCE S 7°12'42"W, ALONG THE REAR LOT LINE OF LOT 8 AND 7, OF SAID BLOCK 8, A DISTANCE OF 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 6, THENCE N 27°18'14"W, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 6, BEING ALSO THE NORTHEASTERLY LINE OF LOT 4, SAID BLOCK 8, A DISTANCE OF 82.54 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE, AS SHOWN ON SAID PLAT OF "BUSINESS CENTER," THENCE S 47°17'33"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 204.87 FEET, THENCE S 26°11'29"E, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 14.4 FEET TO THE MOST SOUTHERLY CORNER OF TRACT 9, AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 1164, PAGE 129, OF SAID LEE COUNTY PUBLIC RECORDS, THENCE ALONG THE EASTERLY BOUNDARY OF SAID RIGHT-OF-WAY TAKING FOR THE NEXT TWO COURSES NORTHEASTERLY ALONG AN ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 709.50 FEET, A CENTRAL ANGLE OF 20°24'29", AND WHOSE CHORD BEARS N 35°34'51"E, FOR A DISTANCE OF 74.45 FEET, HAVING AN ARC LENGTH OF 75.05 FEET TO A POINT-OF-REVERSE CURVATURE OF A CURVE TO THE RIGHT, THENCE ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 751.00 FEET, A CENTRAL ANGLE OF 41°00'22" AND WHOSE CHORD BEARS N 45°47'52"E, FOR A DISTANCE OF 105.74 FEET, HAVING AN ARC LENGTH OF 108.87 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF FOURTH STREET, AS SHOWN ON SAID PLAT OF "BUSINESS CENTER," THENCE S 49°17'52"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 47.46 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF SAID RIGHT-OF-WAY TACKING, TRACT 9, AS DESCRIBED IN OFFICIAL RECORDS BOOK 1235, PAGE 170, OF THE SAID LEE COUNTY PUBLIC RECORDS, THENCE SOUTHERLY ALONG THE SAID WESTERLY BOUNDARY OF TRACT 9 FOR THE NEXT FIVE (5) COURSES, S 87°46'40"E, A DISTANCE OF 48.80 FEET, THENCE S 70°59'21"W, A DISTANCE OF 104.77 FEET, THENCE S 20°20'24"W, A DISTANCE OF 141.23 FEET, THENCE S 2°40'35"E, A DISTANCE OF 123.79 FEET, THENCE S 54°22'00"N, A DISTANCE OF 48.19 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION, CONTAINING 2.71 ACRES, MORE OR LESS.

DESCRIPTION
PARCEL NO. 2

PARCEL OF LAND LYING IN PARTIALLY IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, AND PARTIALLY IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, SAID PARCEL ENCOMPASSING UNPLATTED LANDS, PORTIONS OF "CRESCENT PARK" INCLUDING A PORTION OF CANAL STREET AND THE 12 FOOT WIDE STRIP OF LAND SHOWN ALONG THE WEST SIDE OF LOTS 2, 3, 6 AND 7, BLOCK 8, ON SAID PLAT OF "CRESCENT PARK," AS RECORDED IN PLAT BOOK 4, PAGE 38, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF BLOCK "C," CRESCENT PARK ADDITION, AS RECORDED IN PLAT BOOK 4, PAGE 46, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID CORNER LYING AT THE INTERSECTION OF THE SECTION LINE COMMON TO SAID SECTIONS 19 AND 24 AND THE NORTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD AS SHOWN ON THE SAID PLAT OF "BUSINESS CENTER," THENCE S 0°41'08"E, ALONG THE SAID SECTION LINE, A DISTANCE OF 53.15 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID ESTERO BOULEVARD AND THE POINT-OF-BEGINNING OF THIS DESCRIPTION, THENCE S 72°35'51"E, A DISTANCE OF 370.05 FEET TO A POINT ON THE NORTH LINE OF LOT 4, BLOCK "A" OF SAID "CRESCENT PARK," THENCE S 1°24'20"N, A DISTANCE OF 174.80 FEET TO A POINT ALONG THE COASTAL CONSTRUCTION SET-BACK LINE AS DESCRIBED IN PLAT BOOK 25, PAGE 1 THROUGH 21, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE N 67°11'17"W, ALONG SAID SET-BACK LINE, FOR A DISTANCE OF 393.38 FEET, THENCE N 18°24'28"E, FOR A DISTANCE OF 151.30 FEET TO AN INTERSECTION WITH THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD, THENCE S 72°35'51"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 122.83 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION, CONTAINING 1.47 ACRES, MORE OR LESS.

DESCRIPTION
PARCEL NO. 3

LOTS 7, 8 AND 9, BLOCK 5, BUSINESS CENTER SUBDIVISION, AS RECORDED IN PLAT BOOK 8, PAGE 9, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, (AND LOT 18 LIES ROAD RIGHT-OF-WAY TAKEN BY FLORIDA DEPARTMENT OF TRANSPORTATION FOR S.R. 865, RECORDED IN OFFICIAL RECORDS BOOK 1164, PAGE 129, PUBLIC RECORDS OF LEE COUNTY, FLORIDA), SAID PARCEL 1 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 9, BLOCK 5, THENCE S 87°30'30"W, ALONG THE SOUTH LINES OF SAID LOTS 7, 8, AND 9, BLOCK 5, A DISTANCE OF 101.91 FEET TO THE SOUTHWEST CORNER OF SAID RIGHT-OF-WAY ACQUISITION PARCEL, RECORDED IN OFFICIAL RECORDS BOOK 1164, PAGE 129, THENCE N 41°33'20"W, ALONG THE BOUNDARY OF SAID ACQUISITION PARCEL, A DISTANCE OF 29.83 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF SAID LOT 7, BLOCK 5, THENCE S 22°19'59"W, ALONG THE SAID WESTERLY LINE OF LOT 7, A DISTANCE OF 22.39 FEET TO THE MOST SOUTHERLY CORNER OF THE MOST NORTHERLY PORTION OF SAID RIGHT-OF-WAY ACQUISITION PARCEL, RECORDED IN OFFICIAL RECORDS BOOK 1164, PAGE 129, THENCE N 26°10'15"E, ALONG THE BOUNDARY OF SAID ACQUISITION PARCEL, A DISTANCE OF 37.25 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF SAID LOT 7, BLOCK 5, THENCE N 67°08'18"E, ALONG THE NORTH LINE OF SAID LOT 7, 8 AND 9, A DISTANCE OF 82.35 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 7, THENCE S 27°23'05"E, ALONG THE EASTERLY LINE OF SAID LOT 8, A DISTANCE OF 40.20 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION, CONTAINING 0.21 ACRE, MORE OR LESS.

DESCRIPTION
PARCEL NO. 4

LOT 5, BLOCK 6, BUSINESS CENTER SUBDIVISION, AS RECORDED IN PLAT BOOK 8, PAGE 9, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LESS SAID RIGHT-OF-WAY TAKEN BY FLORIDA DEPARTMENT OF TRANSPORTATION, RECORDED IN OFFICIAL RECORDS BOOK 1164, PAGE 129 AND BOOK 1164, PAGE 129, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, CONTAINING 0.07 ACRES, MORE OR LESS.

DESCRIPTION
PARCEL NO. 5

PARCEL OF LAND LYING IN PARTIALLY IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, AND PARTIALLY IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, SAID PARCEL ENCOMPASSING UNPLATTED LANDS, PORTIONS OF "CRESCENT PARK" INCLUDING A PORTION OF CANAL STREET AND THE 12 FOOT WIDE STRIP OF LAND SHOWN ALONG THE WEST SIDE OF LOTS 2, 3, 6 AND 7, BLOCK 8, ON SAID PLAT OF "CRESCENT PARK," AS RECORDED IN PLAT BOOK 4, PAGE 38, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF BLOCK "C," CRESCENT PARK ADDITION, AS RECORDED IN PLAT BOOK 4, PAGE 46, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID CORNER LYING AT THE INTERSECTION OF THE SECTION LINE COMMON TO SAID SECTIONS 19 AND 24 AND THE NORTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD AS SHOWN ON THE SAID PLAT OF "BUSINESS CENTER," THENCE S 0°41'08"E, ALONG THE SAID SECTION LINE, A DISTANCE OF 53.15 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID ESTERO BOULEVARD, THENCE S 72°35'51"E, A DISTANCE OF 137.10 FEET TO THE NORTHEAST CORNER OF LOT 3, BLOCK "A" OF SAID "CRESCENT PARK," THENCE S 8°24'00"W, ALONG THE EASTERLY LINES OF SAID LOT 3 AND LOT 7, OF SAID BLOCK "A," A DISTANCE OF 175.23 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 7, THENCE N 70°35'51"W, ALONG THE SOUTH LINE OF SAID LOT 7 AND LOT 6, A DISTANCE OF 87.00 FEET TO THE POINT-OF-BEGINNING OF THIS DESCRIPTION, THENCE CONTINUING N 72°35'51"W, ALONG THE SOUTH LINE OF SAID LOT 8 AND ITS NORTHEASTERLY EXTENSION, ACROSS THE RIGHT-OF-WAY OF SAID CANAL STREET FOR A DISTANCE OF 40.24 FEET TO THE NORTHEAST CORNER OF LOT 4, BLOCK "B" OF SAID "CRESCENT PARK," THENCE SOUTHERLY ALONG THE SOUTHERLY LINE OF SAID LOT 9 FOR THE NEXT TWO COURSES, S 0°41'08"E, A DISTANCE OF 36.89 FEET, THENCE S 8°19'31"W, A DISTANCE OF 16.41 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY EXTENSION OF THE SEAWALL FACE OF AN EXISTING CONCRETE RETAINING WALL, THENCE ALONG THE SAID SEAWALL FACE AND ITS NORTHEASTERLY EXTENSION FOR THE NEXT EIGHT (8) COURSES, N 89°51'54"W, A DISTANCE OF 1.82 FEET, THENCE N 89°51'54"W, FOR A DISTANCE OF 1.34 FEET, THENCE N 71°18'40"W, A DISTANCE OF 7.35 FEET, THENCE N 54°54'20"W, A DISTANCE OF 1.35 FEET, THENCE S 72°42'41"W, A DISTANCE OF 47.63 FEET, THENCE N 68°59'57"W, A DISTANCE OF 74.43 FEET, THENCE S 44°21'17"W, A DISTANCE OF 15.85 FEET, THENCE N 64°51'19"W, A DISTANCE OF 211.47 FEET, THENCE N 18°24'28"E, LEAVING SAID SEAWALL FACE OF THE CONCRETE SEAWALL, A DISTANCE OF 12.72 FEET TO AN INTERSECTION WITH THE COASTAL CONSTRUCTION SET-BACK LINE AS DESCRIBED IN PLAT BOOK 25, PAGE 1 THROUGH 21, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE S 87°11'15"E, ALONG SAID COASTAL CONSTRUCTION CONTROL LINE, A DISTANCE OF 393.38 FEET, THENCE LEAVING SAID SET-BACK LINE, N 18°24'28"E, FOR A DISTANCE OF 5.34 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION, CONTAINING 0.33 ACRES, MORE OR LESS.

DESCRIPTION
PARCEL NO. 6

PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, SAID PARCEL ENCOMPASSING ALL OF LOTS 4 AND 7 AND PORTIONS OF LOTS 4 AND 8, BLOCK "A," CRESCENT PARK, AS RECORDED IN PLAT BOOK 4, PAGE 38, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF BLOCK "C," CRESCENT PARK ADDITION, AS RECORDED IN PLAT BOOK 4, PAGE 46, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID CORNER LYING AT THE INTERSECTION OF THE SECTION LINE COMMON TO SAID SECTIONS 19 AND 24 AND THE NORTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD AS SHOWN ON THE SAID PLAT OF "BUSINESS CENTER," THENCE S 0°41'08"E, ALONG THE SAID SECTION LINE, A DISTANCE OF 53.15 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID ESTERO BOULEVARD, THENCE ALONG SAID RIGHT-OF-WAY, S 72°35'51"E, A DISTANCE OF 370.05 FEET TO A POINT ON THE NORTH LINE OF LOT 4, BLOCK "A" OF SAID "CRESCENT PARK," AND THE POINT-OF-BEGINNING OF THIS DESCRIPTION, THENCE CONTINUING S 72°35'51"E, FOR A DISTANCE OF 87.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 3, THENCE S 8°19'31"W, A DISTANCE OF 175.23 FEET TO SOUTHEAST CORNER OF SAID LOT 7, THENCE N 72°35'51"W, ALONG THE SOUTH LINE OF LOT 7 AND LOT 6, FOR A DISTANCE OF 87.00 FEET, THENCE N 18°24'28"E, FOR A DISTANCE OF 113.23 FEET TO AN INTERSECTION WITH THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD AND THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION, CONTAINING 0.27 ACRES, MORE OR LESS.

SURVEYORS NOTES:

THE DESCRIPTIONS SHOWN HEREON ARE NEW.

SURVEYS BASED ON DESCRIPTIONS PROVIDED BY THE CLIENT AND THE RECORDED PLAT OF "BUSINESS CENTER," AS RECORDED IN PLAT BOOK 4, PAGES 38 AND 39, CRESCENT PARK SUBDIVISION, AS RECORDED IN PLAT BOOK 4, PAGE 38, ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A CURRENT TITLE SEARCH, ALL EASEMENTS AND RIGHT-OF-WAY TACKINGS, AND OTHER ENCUMBRANCES SHOWN HEREON ARE BASED ON PREVIOUS SURVEYS AND TITLE DOCUMENTS.

THIS MAP IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS OR FREEDOM OF ENCUMBRANCES.

PARCELS ARE SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

ORIENTATION BASED ON THE EASTERLY LINE OF SECTION 24, T. 46 S. R. 23 E. AS BEARING N 00°41'08" W.

COORDINATES SHOWN HEREON ARE BASED ON FLORIDA GRID, ME 87 ZONE, NAD 83 95.

THE EXISTENCE OF UNRECORDED OR NON-VISIBLE IMPROVEMENTS WAS NOT INVESTIGATED, UNLESS OTHERWISE SHOWN.

ACCORDING TO FIRM MAP NO. 1027602004F, EFFECTIVE DATE OF AUGUST 28, 2008, THESE PARCELS OF LAND ARE LOCATED IN FLOOD ZONE VE, WITH BASE FLOOD ELEVATIONS THAT VARY FROM ELE. 11 TO ELE. 17, NAVD83. SEE DRAWING FOR BASE FLOOD BOUNDARIES.

CERTIFICATE OF AUTHORIZATION LICENSE BUSINESS NO. 6891.

DATE OF LAST FIELD WORK: 10-11-2017 IN FIELD BOOK 97, PAGE 33.

UNLESS IT BEARS THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, AND ALL SHEETS ARE INCLUDED, THIS MAP IS NOT VALID.

PREPARED BY:

MARK A. HATHFIELD P.S.M.
FLORIDA CERT. NO. 4155

DATE

PROJECT

A PROPOSED FMB/TPI
JOINT EFFORT TO
RESTORE AND TO
REINVIGORATE THE
DOWNTOWN BEACH
AREA

LOCATION

FORT MYERS BEACH
FLORIDA

CLIENT

TPI HOSPITALITY
100% Employee Owned

TPI HOSPITALITY
102 FIFTEEN AVE. NW
WILMINGTON, NC 28401
PHONE (252) 236-7207 FAX (252) 236-6845

CONSULTANTS

ARCHITECT
WIMBER TERRY
BARNES & ASSOCIATES, INC.
1601 PETER AVE. NW
WILMINGTON, NC 28401
PHONE (252) 236-1775 FAX (252) 236-9675

PLANNING, CIVIL, SURVEY &
LANDSCAPE ARCHITECTURE

2861 CENTER POINT DRIVE, UNIT 100
FORT MYERS, FL 33901
PHONE (239) 351-3065 FAX (239) 351-3066

TRANSPORTATION

DAVID RUMMER & ASSOCIATES
2144 MCGREGOR BLVD.
FORT MYERS, FL 33901
PHONE (239) 353-2617 FAX (239) 353-2646

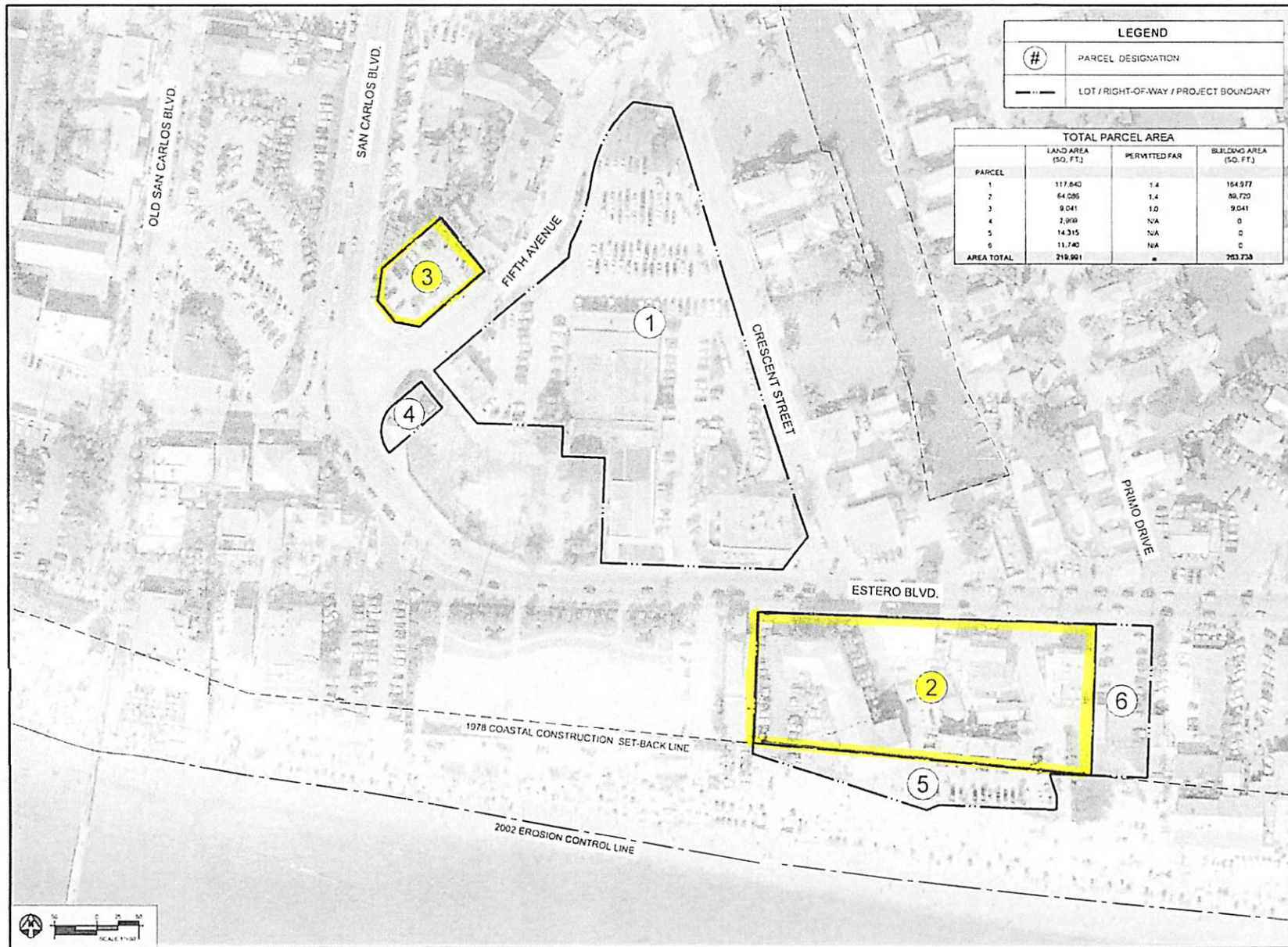


REVISION

PROJECT	BOUNDARY SURVEY
DRAWING BY	BMH
JAN/REVISION	TOWN OF FORT MYERS BEACH
DATE	04-30-2018
SHEET TITLE	

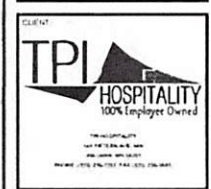
BOUNDARY SURVEY

SHEET NUMBER: X-102-BNDY.00
JOB/FILE NUMBER: 15069-14



PROJECT
TPI-FMB CPD

LOCATION
FORT MYERS BEACH
FLORIDA



CONSULTANTS
ARCHITECT
HARRIS & HARRIS INC.
1000 TOWN AVE. SUITE 100
FORT MYERS, FL 33901
PHONE: (813) 733-1111 FAX: (813) 733-1111

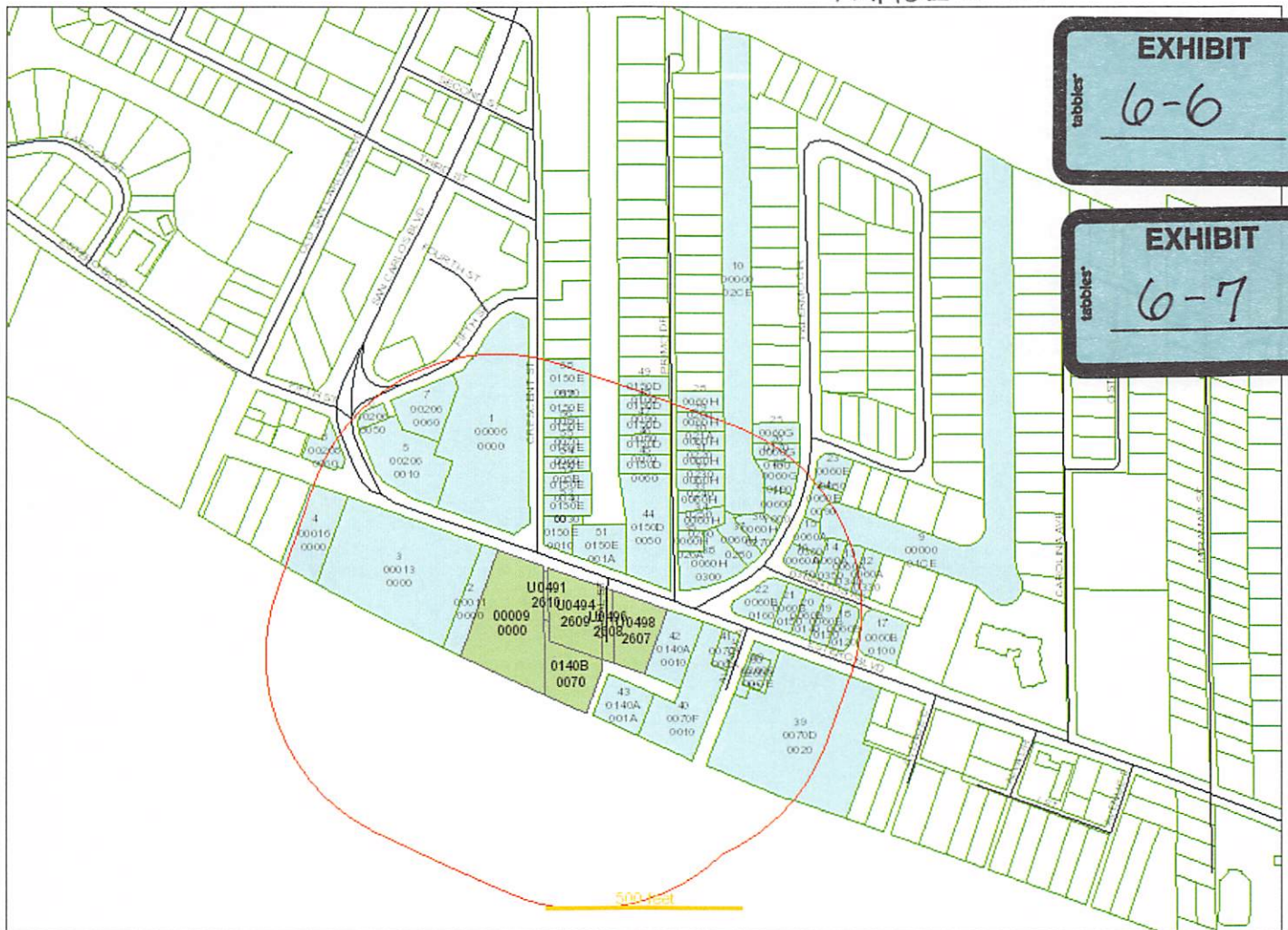
PLANNING, CIVIL, SURVEY & LANDSCAPE ARCHITECTURE
HARRIS & HARRIS INC.
1000 TOWN AVE. SUITE 100
FORT MYERS, FL 33901
PHONE: (813) 733-1111 FAX: (813) 733-1111

TRANSPORTATION
HARRIS & HARRIS INC.
1000 TOWN AVE. SUITE 100
FORT MYERS, FL 33901
PHONE: (813) 733-1111 FAX: (813) 733-1111

REVISIONS	DATE



PARCEL 2



EXHIBIT

tablets*

6-6

EXHIBIT

tables.

6-7

Date of Report: March 21, 2023

Buffer Distance: 500 feet

Parcels Affected: 69

Subject Parcels: 19-46-24-W4-0140B.0070, 19-46-24-W4-U0491.2610, 19-46-24-W4-U0494.2609, 19-46-24-W4-U0496.2608, 19-46-24-W4-U0498.2607, 24-46-23-W3-00009.0000

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

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

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
TPI-FMB LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00006.0000 251 CRESCENT ST FORT MYERS BEACH FL 33931	BUSINESS CTR PHILLIPS PB 9 PG 9 LOTS 10 THRU 15 + OR 587/198 LESS R/W 2353/3036	1
CLOWNFISH RESTAURANT HOLDINGS 11201 COORPORATE CIRCLE N SAINT PETERSBURG FL 33716	24-46-23-W3-00011.0000 1154 ESTERO BLVD FORT MYERS BEACH FL 33931	BEG SW COR BLK E CRESCENT PARK ADD ON E LI SEC 24 S ALG E LI SEC 53.24 FT TO S	2
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00013.0000 1100 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SE 1/4 SEC 24 TWN 46 R 23 S OF ESTERO BLVD AS DESC IN INST #'S 201000023675 + 201000023676	3
PRESAUD PROPERTIES FL 361 SEMINOLE WAY FORT MYERS BEACH FL 33931	24-46-23-W3-00016.0000 1046 ESTERO BLVD FORT MYERS BEACH FL 33931	FROM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 RUN S ALG SD LI TO S LI CO RD	4

LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00206.0010 1113 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB9 PG9 LTS 1-4 LESS R/W + DESC OR 1904/4451	5
TOWN OF FORT MYERS BEACH 2525 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00206.0050 1054 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOT 5 R/W OR 1154 PG 1510	6
TPI-FMB LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00206.0060 1150 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOTS 6 THRU 9	7
KLC SURF LLC CHRISTOPHER PRIMEAU 4625 W EUCLID AVE TAMPA FL 33629	24-46-23-W3-00208.0060 1035 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.8 PB 9 PG 9 LT 7 + LOT 6 LESS WLY 6 FT LESS ROW OR3539 PG3351	8
VENETIAN GARDENS CANAL PALERMO CIR FORT MYERS BEACH FL 33931	19-46-24-W4-00000.01CE SUBMERGED FORT MYERS BEACH FL 33931	VENETIAN GARDENS PB 6 PG 70 RIO DEL LIDO CANAL	9
VENETIAN GARDENS CANAL PALERMO CIR FORT MYERS BEACH FL 33931	19-46-24-W4-00000.02CE SUBMERGED FORT MYERS BEACH FL 33931	VENETIAN GARDENS PB 6 PG 70 CANAL GRANDE CANAL	10
VAN BURGESS ROBERT PO BOX 2717 FORT MYERS BEACH FL 33932	19-46-24-W4-00600.Y000 125/127 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK Y PB 6 PG 70 ALL BLK Y EXC NLY 11 FT	11
AULLS TRICIA M 7241 BERGAMO WAY UNIT 101 FORT MYERS FL 33966	19-46-24-W4-0060A.0330 1351 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 33	12
WILCOX LANCE 1339 SANTOS RD FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0340 1339 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.A PB 6 PG 70 LOT 34	13
PARILLA DAVID R TR 1335 SANTOS RD FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0350 1335 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 35	14
CONNER CHARLES R & GAIL D 53 POMPAÑO ST FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0360 126 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK A PB 6 PG 70 LOT 36 + S 1/2 OF BLK X LESS THE N 20 FT	15
PARILLA DAVID R TR 1335 SANTOS RD FORT MYERS BEACH FL 33931	19-46-24-W4-0060A.0370 1321 SANTOS RD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.A PB 6 PG 70 LOT 37	16
KLC SURF LLC CHRISTOPHER PRIMEAU 4625 W EUCLID AVE TAMPA FL 33629	19-46-24-W4-0060B.0100 1397 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 W 1/2 LOT 9 LOTS 10 + 11	17
KLC SURF LLC CHRISTOPHER PRIMEAU 4625 W EUCLID AVE TAMPA FL 33629	19-46-24-W4-0060B.0120 1365/1375 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOT 12	18
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0060B.0130 1345 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOT 13	19
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0060B.0140 1331 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOT 14	20
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0060B.0150 1325 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK B PB 6 PG 70 LOTS 15	21

7-ELEVEN INC CORP INCOME TAX DEPT 3200 HYACKBERRY RD IRVING TX 75063	19-46-24-W4-0060B.0160 1301 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETAIN GARDENS BLK B PB 6 PG 70 LOTS 16 + 17	22
GNIRCK RAPHAEL + AM MUEHLBERG 39A BAD HOMBURG VD HOEHE 61348 GERMANY	19-46-24-W4-0060E.0080 581 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.E PB 6 PG 70 LOT 8 + LOT PT 9	23
STRICK RICHARD A & 5804 PARK RIDGE CT FORT COLLINS CO 80528	19-46-24-W4-0060E.0090 130 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS PB 6/70 BLK E S 1/2 OF LOT 9 + ALL OF BLK X LESS S 20 FT	24
DAY BILLY WAYNE 3708 SHANNON RUN TRL LOUISVILLE KY 40299	19-46-24-W4-0060G.0170 155 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK G PB 6 PG 70 LOT 17	25
LUMP THOMAS F & ANN C 145 PALERMO CIR FORT MYERS BEACH FL 33931	19-46-24-W4-0060G.0180 145 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.G PB 6 PG 70 LOT 18	26
SLOMSKI STEVEN A & PO BOX 2428 PMB 25382 PENSACOLA FL 32513	19-46-24-W4-0060G.0190 139 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK G PB 6 PG 70 LOT 19 NLY 11 FT BLK Y	27
BAILEY JAMES P & LANA C 162 PRIMO DR FORT MYERS BEACH FL 33931	19-46-24-W4-0060H.0200 162 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LT 20	28
SANDY BEACH L L C 1892 SANDY BEACH RD CLARION IA 50525	19-46-24-W4-0060H.021A 150 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 21	29
NEUMANN SHEILA 146 PRIMO DR FORT MYERS BEACH FL 33931	19-46-24-W4-0060H.0220 146 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 22	30
140 PRIMO LLC SHEILA NEUMANN 146 PRIMO DR FORT MYERS BEACH FL 33931	19-46-24-W4-0060H.0230 140 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 23	31
SEABIRD RESIDENTIAL LLC 1709 SW 47TH TER CAPE CORAL FL 33914	19-46-24-W4-0060H.0240 136 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 24	32
HIGHLEY JAY E & MARY B 124 PRIMO DR FORT MYERS BEACH FL 33931	19-46-24-W4-0060H.0250 124 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 25	33
HIGHLEY MARY BETH TR 6620 ESTERO BLVD #1006 FORT MYERS BEACH FL 33931	19-46-24-W4-0060H.0260 122 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 PT LOT 26	34
KWSH RE LLC 2601 MULBERRY AVE MUSCATINE IA 52761	19-46-24-W4-0060H.026A 120 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 PT LOTS 26 31 32	35
ARLINGTON GREEN HOMES LLC 44 ALGONQUIN CT MARCO ISLAND FL 34145	19-46-24-W4-0060H.0270 121 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.H PB 6 PG 70 LOT 27	36
KALIDINDI RAMA USHA + 44354 APACHE CIR ASHBURN VA 20147	19-46-24-W4-0060H.0280 117 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 28 + PT LOTS 26 + 29	37
1249 ESTERO ADVENTURES LLC 290 BAHIA VIA FORT MYERS BEACH FL 33931	19-46-24-W4-0060H.0300 1249 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOTS 30 31+32 + PT LT 29 OR2414/2433	38
LANI KAI LP ROBERT G CONIDARIS 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0070D.0020 1400 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH PB 4 PG 45 BLKS D + E + VAC R/W DESC OR 1293 PG 1208	39

COLORADO EAST LLC DANA GOSFORD 6529 BRANDON PARK WAY FRANKLIN TN 37064	19-46-24-W4-0070F.0010 1250 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK LTS 1 + 2 + ESTRY 2.5 FT LT 3 + CRESCENT BEACH LTS 1-5 BLK F LESS ESTRLY 45FT OF NRTHLY 2.7 LT 3	40
OUR BEACH SAND LLC 12483 SUMMERWOOD DR FORT MYERS FL 33908	19-46-24-W4-0070F.001A 1270 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT BEACH BLK F PB 4 PG 45 PT LOTS 1 2 & 3 DESC IN OR 1319 PG 1459	41
GANIM PROPERTIES LLC 4666 MAIN ST BRIDGEPORT CT 06606	19-46-24-W4-0140A.0010 1240 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK PB 4 PG 39 BLK A LOTS 1 + 2 + 8 + 9	42
GANIM PROPERTIES LLC 4666 MAIN ST BRIDGEPORT CT 06606	19-46-24-W4-0140A.001A 200 CANAL ST FORT MYERS BEACH FL	CRESCENT PARK PB 4 PG 39 BLK C LOT 3 LESS E 2.5 FT	43
TPI-FMB SUITES LLC 1207 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0150D.0050 1207 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LOTS 1 THRU 5	44
BISCHOFF JEAN B TR JEFF MAAAS 20468 ARDORE LN ESTERO FL 33928	19-46-24-W4-0150D.0060 141 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 6 + VAC R/W + LAND ADJ CANAL	45
GRIFFIS LLC 9051 E CHICAGO RD JEROME MI 49249	19-46-24-W4-0150D.0070 143 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 7 + VAC R/W + LAND ADJ CANAL	46
PATTON THOMAS D & 153 PRIMO DR FORT MYERS BEACH FL 33931	19-46-24-W4-0150D.0080 153 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 8 + VAC R/W + LAND ADJ CANAL	47
ALMEIDA ROBERT M + 163 PRIMO DR FORT MYERS BEACH FL 33931	19-46-24-W4-0150D.0090 163 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 9 + VAC R/W + LAND ADJ CANAL	48
BRIODY SUSAN S 167 PRIMO DR FORT MYERS BEACH FL 33931	19-46-24-W4-0150D.0100 167 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 10 + VAC R/W + LAND ADJ CANAL	49
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.0010 1161/1165 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 PT LTS 1 + 2 OR0545/43LESR/W 2353/3036	50
DEEP DISH DOUGH LLC 328 BUCKLIN ST LA SALLE IL 61301	19-46-24-W4-0150E.001A 1167 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 BEG ON NLY SI CO RD 80 FT	51
MILLER CONRAD RE LLC PO BOX 80490 FORT WAYNE IN 46898	19-46-24-W4-0150E.0030 108/116 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LT 3	52
INVESTMENTS OF FMB LLC MARK DEIFT 560 NW 118 AVE PLANTATION FL 33325	19-46-24-W4-0150E.0040 118/122 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LT 4 + S10 FT LOT 5 LES R/W2353/3036	53
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.005B 140 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 N 40 FT OF LOT 5 + 32.67 FT ADJ + VAC + ADJ CANAL LESS R/W OR2353/3036	54
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.0060 150 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT 6 + 32.67 FT ADJ + VAC + ADJ CANAL LESS R/W OR2353/3036	55
RICHARD JOHN W + 152 CRESCENT ST FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.0070 152 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT 7 +	56

		VAC R/W + LAND ADJ LESR/WOR2353/3036	
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.0080 170 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT 8 + VAC R/W + LAND ADJ LESR/WOR2353/3036	57
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.0090 202 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOTS 9 10 + VAC + LAND ADJ LESR/W2353/3036	58
CRESCENT SHORE CONDO ASSOC PO BOX 2990 FORT MYERS BEACH FL 33932	19-46-24-W4-02600.00CE CRESCENT SHORE C/E FORT MYERS BEACH FL 33931	A CONDO LOCATED IN SEC 19 TWP 46 RGE 24 AS DESC IN OR 1464 PG 445 COMMON ELEMENTS	59
1300 ESTERO BLVD LLC 32 BAYVIEW BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-02600.1010 1300 ESTERO BLVD #101 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNITS 101 102 + 103	60
BEYER TAMMY E TR 9656 HALYARDS CT # 24 FORT MYERS FL 33919	19-46-24-W4-02600.1040 1300 ESTERO BLVD #104 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 104	60
ANDRESEN EDWIN TR 7960 PRESERVATION DR INDIANAPOLIS IN 46278	19-46-24-W4-02600.1050 1300 ESTERO BLVD #105 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 105	60
BOCELLA SALVATORE 4 POINT VIEW CT SICKLERVILLE NJ 08081	19-46-24-W4-02600.1060 1300 ESTERO BLVD #106 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 106	60
JOHNSON NANCY ANN L/E 9 NANCY LN FORT MYERS BEACH FL 33931	19-46-24-W4-02600.2010 1300 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 201	60
HECK LLC 15561 CATALPA COVE DR FORT MYERS FL 33908	19-46-24-W4-02600.2020 1300 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 202	60
CONANT DONNA TR 8122 S FOREST HILL CIR FRANKLIN WI 53132	19-46-24-W4-02600.2030 1300 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 203	60
DENNIS R + CYNTHIA L LOKEN TRU 106 ICHABOD LN MANKATO MN 56001	19-46-24-W4-02600.2040 1300 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 204	60
LANDOLFI STEVEN J 22 VETO ST PROVIDENCE RI 02908	19-46-24-W4-02600.2050 1300 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 205	60
NIEMEIER RYAN & SUMMER 106 S WALNUT ST LA CRESCENT MN 55947	19-46-24-W4-02600.2060 1300 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	CRESCENT SHORE CONDO OR 1464 PG 445 UNIT 206	60

TPI-FMB LLC
103 15TH AVE NW STE 200
WILLMAR MN 56201

CLOWNFISH RESTAURANT HOLDINGS
11201 COORPORATE CIRCLE N
SAINT PETERSBURG FL 33716

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

PRESAUD PROPERTIES FL
361 SEMINOLE WAY
FORT MYERS BEACH FL 33931

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

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

TPI-FMB LLC
103 15TH AVE NW STE 200
WILLMAR MN 56201

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

VENETIAN GARDENS CANAL
PALERMO CIR
FORT MYERS BEACH FL 33931

VENETIAN GARDENS CANAL
PALERMO CIR
FORT MYERS BEACH FL 33931

VAN BURGESS ROBERT
PO BOX 2717
FORT MYERS BEACH FL 33932

AULLS TRICIA M
7241 BERGAMO WAY UNIT 101
FORT MYERS FL 33966

WILCOX LANCE
1339 SANTOS RD
FORT MYERS BEACH FL 33931

PARILLA DAVID R TR
1335 SANTOS RD
FORT MYERS BEACH FL 33931

CONNER CHARLES R & GAIL D
53 POMPAÑO ST
FORT MYERS BEACH FL 33931

PARILLA DAVID R TR
1335 SANTOS RD
FORT MYERS BEACH FL 33931

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

7-ELEVEN INC
CORP INCOME TAX DEPT
3200 HYACKBERRY RD
IRVING TX 75063

GNIRCK RAPHAEL +
AM MUEHLBERG 39A
BAD HOMBURG VD HOEHE 61348
GERMANY

STRICK RICHARD A &
5804 PARK RIDGE CT
FORT COLLINS CO 80528

DAY BILLY WAYNE
3708 SHANNON RUN TRL
LOUISVILLE KY 40299

LUMP THOMAS F & ANN C
145 PALERMO CIR
FORT MYERS BEACH FL 33931

SLOMSKI STEVEN A &
PO BOX 2428 PMB 25382
PENSACOLA FL 32513

BAILEY JAMES P & LANA C
162 PRIMO DR
FORT MYERS BEACH FL 33931

SANDY BEACH L L C
1892 SANDY BEACH RD
CLARION IA 50525

NEUMANN SHEILA
146 PRIMO DR
FORT MYERS BEACH FL 33931

140 PRIMO LLC
SHEILA NEUMANN
146 PRIMO DR
FORT MYERS BEACH FL 33931

SEABIRD RESIDENTIAL LLC
1709 SW 47TH TER
CAPE CORAL FL 33914

HIGHLEY JAY E & MARY B
124 PRIMO DR
FORT MYERS BEACH FL 33931

HIGHLEY MARY BETH TR
6620 ESTERO BLVD #1006
FORT MYERS BEACH FL 33931

KWSH RE LLC
2601 MULBERRY AVE
MUSCATINE IA 52761

ARLINGTON GREEN HOMES LLC
44 ALGONQUIN CT
MARCO ISLAND FL 34145

KALIDINDI RAMA USHA +
44354 APACHE CIR
ASHBURN VA 20147

1249 ESTERO ADVENTURES LLC
290 BAHIA VIA
FORT MYERS BEACH FL 33931

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

COLORADO EAST LLC
DANA GOSFORD
6529 BRANDON PARK WAY
FRANKLIN TN 37064

OUR BEACH SAND LLC
12483 SUMMERWOOD DR
FORT MYERS FL 33908

GANIM PROPERTIES LLC
4666 MAIN ST
BRIDGEPORT CT 06606

GANIM PROPERTIES LLC
4666 MAIN ST
BRIDGEPORT CT 06606

TPI-FMB SUITES LLC
1207 ESTERO BLVD
FORT MYERS BEACH FL 33931

BISCHOFF JEAN B TR
JEFF MAAAS
20468 ARDORE LN
ESTERO FL 33928

GRIFFIS LLC
9051 E CHICAGO RD
JEROME MI 49249

PATTON THOMAS D &
153 PRIMO DR
FORT MYERS BEACH FL 33931

ALMEIDA ROBERT M +
163 PRIMO DR
FORT MYERS BEACH FL 33931

BRIODY SUSAN S
167 PRIMO DR
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

DEEP DISH DOUGH LLC
328 BUCKLIN ST
LA SALLE IL 61301

MILLER CONRAD RE LLC
PO BOX 80490
FORT WAYNE IN 46898

INVESTMENTS OF FMB LLC
MARK DEIFT
560 NW 118 AVE
PLANTATION FL 33325

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W +
152 CRESCENT ST
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

CRESCENT SHORE CONDO ASSOC
PO BOX 2990
FORT MYERS BEACH FL 33932

1300 ESTERO BLVD LLC
32 BAYVIEW BLVD
FORT MYERS BEACH FL 33931

BEYER TAMMY E TR
9656 HALYARDS CT # 24
FORT MYERS FL 33919

ANDRESEN EDWIN TR
7960 PRESERVATION DR
INDIANAPOLIS IN 46278

BOCCELLA SALVATORE
4 POINT VIEW CT
SICKLERVILLE NJ 08081

JOHNSON NANCY ANN L/E
9 NANCY LN
FORT MYERS BEACH FL 33931

HECK LLC
15561 CATALPA COVE DR
FORT MYERS FL 33908

CONANT DONNA TR
8122 S FOREST HILL CIR
FRANKLIN WI 53132

DENNIS R + CYNTHIA L LOKEN TRU
106 ICHABOD LN
MANKATO MN 56001

LANDOLFI STEVEN J
22 VETO ST
PROVIDENCE RI 02908

NIEMEIER RYAN & SUMMER
106 S WALNUT ST
LA CRESCENT MN 55947

NIEMEIER RYAN & SUMMER
106 S WALNUT ST
LA CRESCENT MN 55947

LANDOLFI STEVEN J
22 VETO ST
PROVIDENCE RI 02908

DENNIS R + CYNTHIA L LOKEN TRU
106 ICHABOD LN
MANKATO MN 56001

CONANT DONNA TR
8122 S FOREST HILL CIR
FRANKLIN WI 53132

HECK LLC
15561 CATALPA COVE DR
FORT MYERS FL 33908

JOHNSON NANCY ANN L/E
9 NANCY LN
FORT MYERS BEACH FL 33931

BOCCELLA SALVATORE
4 POINT VIEW CT
SICKLERVILLE NJ 08081

ANDRESEN EDWIN TR
7960 PRESERVATION DR
INDIANAPOLIS IN 46278

BEYER TAMMY E TR
9656 HALYARDS CT # 24
FORT MYERS FL 33919

TPI-FMB LLC
103 15TH AVE NW STE 200
WILLMAR MN 56201

CLOWNFISH RESTAURANT HOLDINGS
11201 CORPORATE CIRCLE N
SAINT PETERSBURG FL 33716

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

PRESAUD PROPERTIES FL
361 SEMINOLE WAY
FORT MYERS BEACH FL 33931

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

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

TPI-FMB LLC
103 15TH AVE NW STE 200
WILLMAR MN 56201

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

VENETIAN GARDENS CANAL
PALERMO CIR
FORT MYERS BEACH FL 33931

VENETIAN GARDENS CANAL
PALERMO CIR
FORT MYERS BEACH FL 33931

VAN BURGESS ROBERT
PO BOX 2717
FORT MYERS BEACH FL 33932

AULLS TRICIA M
7241 BERGAMO WAY UNIT 101
FORT MYERS FL 33966

WILCOX LANCE
1339 SANTOS RD
FORT MYERS BEACH FL 33931

PARILLA DAVID R TR
1335 SANTOS RD
FORT MYERS BEACH FL 33931

CONNER CHARLES R & GAIL D
53 POMPANO ST
FORT MYERS BEACH FL 33931

PARILLA DAVID R TR
1335 SANTOS RD
FORT MYERS BEACH FL 33931

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

7-ELEVEN INC
CORP INCOME TAX DEPT
3200 HYACKBERRY RD
IRVING TX 75063

GNIRCK RAPHAEL +
AM MUEHLBERG 39A
BAD HOMBURG VD HOEHE 61348
GERMANY

STRICK RICHARD A &
5804 PARK RIDGE CT
FORT COLLINS CO 80528

DAY BILLY WAYNE
3708 SHANNON RUN TRL
LOUISVILLE KY 40299

LUMP THOMAS F & ANN C
145 PALERMO CIR
FORT MYERS BEACH FL 33931

SLOMSKI STEVEN A &
PO BOX 2428 PMB 25382
PENSACOLA FL 32513

BAILEY JAMES P & LANA C
162 PRIMO DR
FORT MYERS BEACH FL 33931

SANDY BEACH L L C
1892 SANDY BEACH RD
CLARION IA 50525

NEUMANN SHEILA
146 PRIMO DR
FORT MYERS BEACH FL 33931

140 PRIMO LLC
SHEILA NEUMANN
146 PRIMO DR
FORT MYERS BEACH FL 33931

SEABIRD RESIDENTIAL LLC
1709 SW 47TH TER
CAPE CORAL FL 33914

HIGHLEY JAY E & MARY B
124 PRIMO DR
FORT MYERS BEACH FL 33931

HIGHLEY MARY BETH TR
6620 ESTERO BLVD #1006
FORT MYERS BEACH FL 33931

KWSH RE LLC
2601 MULBERRY AVE
MUSCATINE IA 52761

ARLINGTON GREEN HOMES LLC
44 ALGONQUIN CT
MARCO ISLAND FL 34145

KALIDINDI RAMA USHA +
44354 APACHE CIR
ASHBURN VA 20147

1249 ESTERO ADVENTURES LLC
290 BAHIA VIA
FORT MYERS BEACH FL 33931

LANI KAI LP
ROBERT G CONIDARIS
1400 ESTERO BLVD
FORT MYERS BEACH FL 33931

COLORADO EAST LLC
DANA GOSFORD
6529 BRANDON PARK WAY
FRANKLIN TN 37064

OUR BEACH SAND LLC
12483 SUMMERWOOD DR
FORT MYERS FL 33908

GANIM PROPERTIES LLC
4666 MAIN ST
BRIDGEPORT CT 06606

GANIM PROPERTIES LLC
4666 MAIN ST
BRIDGEPORT CT 06606

TPI-FMB SUITES LLC
1207 ESTERO BLVD
FORT MYERS BEACH FL 33931

BISCHOFF JEAN B TR
JEFF MAAAS
20468 ARDORE LN
ESTERO FL 33928

GRIFFIS LLC
9051 E CHICAGO RD
JEROME MI 49249

PATTON THOMAS D &
153 PRIMO DR
FORT MYERS BEACH FL 33931

ALMEIDA ROBERT M +
163 PRIMO DR
FORT MYERS BEACH FL 33931

BRIODY SUSAN S
167 PRIMO DR
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

DEEP DISH DOUGH LLC
328 BUCKLIN ST
LA SALLE IL 61301

MILLER CONRAD RE LLC
PO BOX 80490
FORT WAYNE IN 46898

INVESTMENTS OF FMB LLC
MARK DEIFT
560 NW 118 AVE
PLANTATION FL 33325

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W +
152 CRESCENT ST
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

CRESCENT SHORE CONDO ASSOC
PO BOX 2990
FORT MYERS BEACH FL 33932

1300 ESTERO BLVD LLC
32 BAYVIEW BLVD
FORT MYERS BEACH FL 33931

PARCEL 3



Date of Report: March 21, 2023

Buffer Distance: 500 feet

Parcels Affected: 60

Subject Parcel: 24-46-23-W3-00205.0070

[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
TPI-FMB LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00006.0000 251 CRESCENT ST FORT MYERS BEACH FL 33931	BUSINESS CTR PHILLIPS PB 9 PG 9 LOTS 10 THRU 15 + OR 587/198 LESS R/W 2353/3036	1
1005 ESTERO LLC 1005 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00007.0000 1005 ESTERO BLVD FORT MYERS BEACH FL 33931	FRM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 46 23 RUN NWLY AT INC	2
KALYMNIOUS PARTNERSHIP LLP 1001 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00008.0000 1001 ESTERO BLVD FORT MYERS BEACH FL 33931	FRM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 RUN NW 69 DEG 54 MIN WITH SEC	3
CLOWNFISH RESTAURANT HOLDINGS 11201 COORPORATE CIRCLE N SAINT PETERSBURG FL 33716	24-46-23-W3-00011.0000 1154 ESTERO BLVD FORT MYERS BEACH FL 33931	BEG SW COR BLK E CRESCENT PARK ADD ON E LI SEC 24 S ALG E LI SEC 53.24 FT TO S	4
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00013.0000 1100 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SE 1/4 SEC 24 TWN 46 R 23 S OF ESTERO BLVD AS DESC IN INST #'S 201000023675 + 201000023676	5

PRESAUD PROPERTIES FL 361 SEMINOLE WAY FORT MYERS BEACH FL 33931	24-46-23-W3-00016.0000 1046 ESTERO BLVD FORT MYERS BEACH FL 33931	FROM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 RUN S ALG SD LI TO S LI CO RD	6
PERSAUD PROPERTIES FL INVESTME 361 SEMINOLE WAY FORT MYERS BEACH FL 33931	24-46-23-W3-00017.0000 1028 ESTERO BLVD FORT MYERS BEACH FL 33931	FROM SW COR BLK E CRES PK ADD ON E LI SEC 24 RUN S ALG SD LI TO S LI CO RD TH	7
BENCIN ENTERPRISES INC 927 PRESCOTT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00018.0000 1010 ESTERO BLVD FORT MYERS BEACH FL 33931	A PAR AS DESC IN OR 1234 PG 1371	8
WHITAKER WILLIAM D & 15820 SAN ANTONIO CT FORT MYERS FL 33908	24-46-23-W3-00021.0000 1000 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SE1/4 SEC 24 S OF ESTERO BLVD+E OFSAN CARLOS DR DESC OR 1547 PG 1077	9
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00022.0000 10 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BEG NW COR BLK 8 BUSINESS CTR SUBD RUN NWLY ALG EXTENED N LINE PIER ONLY	10
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00023.0000 950 ESTERO BLVD FORT MYERS BEACH FL 33931	BEG NW COR BLK 8 BUSINESS CTR SUB RUN NWLY ALG EXTEN NLI PIER ON 22.0000	11
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00024.0000 201 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	FROM NWLY COR BLK 8 BUSINESS CENTER SUBD RUN NWLY ALG PROLONGATION OF	12
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0020 430 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOTS 2 THRU 5	13
MERSCHMAN I LLC 1421 E LAKE SHORE DR SPRINGFIELD IL 62712	24-46-23-W3-00202.0060 1011 THIRD ST #1-4 FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOT 6	14
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0090 1037/1039 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOTS 9 + 10	15
ALN BEACHVIEW LLC 615 CAPE CORAL PKWY W # 104 CAPE CORAL FL 33914	24-46-23-W3-00202.0110 1041 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOT 11	16
ALN BEACHVIEW LLC 151 MATANZAS ST UPSTAIRS FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0120 1051 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOT 12 LESS OR2325/0292	17
SOB INC 340 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0010 340 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.3 PB 9 PG 9 LOT 1	18
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0020 318/320 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOTS 2 THRU 6 + LTS 22 +23 + POR OF VAC ST	19
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0150 1060 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.3 PB 9 PG 9 LOT 15 LES R/W OR2353/3036	20
STINGRAYS RAW BAR INC 250 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00204.0010 250 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CTR LTS 1 + 2 BLK 4 LOTS 1 THRU 5 BLK 5 W OF ST RD 865 R/W + POR OF VAC ST	21
DIANNE HOLLAND TRUST + 570 KULAIWI DR WAILUKU HI 96793	24-46-23-W3-00204.0030 200 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 4 PB 9 PG 9 LTS 3 THRU 7 PT 8 + 9 + PT VAC ALLY	22
LIGHTHOUSE ISLAND RESORT INC 1051 FIFTH ST FORT MYERS BEACH FL 33931	24-46-23-W3-00205.0060 1051 FIFTH ST FORT MYERS BEACH FL 33931	PORTION OF BUSINESS CENTER BLK 3 & 5 PB 9 PG 9 AND A PORTION OF VACATED FOURTH ST AND PORTION OF	23

		VACATED 5TH AVE IN SEC 24 TWP 46 RNG 23	
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00206.0010 1113 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB9 PG9 LTS 1-4 LESS R/W + DESC OR 1904/4451	24
TOWN OF FORT MYERS BEACH 2525 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00206.0050 1054 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOT 5 R/W OR 1154 PG 1510	25
TPI-FMB LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00206.0060 1150 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOTS 6 THRU 9	26
150 SAN CARLOS BLVD CORP OMG INC 408 BROADWAY NEW YORK NY 10013	24-46-23-W3-00207.0000 150 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 7 PB 9 PG 9 ALL BLK 7	27
TOWN OF FORT MYERS BEACH FINANCE DEPT 2525 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00207.1000 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER R/W OF CENTER STREET LYING BETWEEN BLK 7 BLK 7 PB 9 PG 9	28
CHAVEZ CARLOS L TR 991 AQUA LN FORT MYERS FL 33919	24-46-23-W3-00208.0010 80 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.8 PB 9 PG 9 LOTS 1 + 2 LESS THE W 44	29
CHAVEZ CARLOS L TR 991 AQUA LN FORT MYERS FL 33919	24-46-23-W3-00208.002A 50 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOT PT 2	30
BENSON BRADFORD J TR 927 PRESCOTT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00208.0040 1021 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.8 PB 9 PG 9 PT LOT 4 + ALL LOT 5	31
TOWN OF FORT MYERS BEACH FINANCE DEPT 2525 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00208.004A EASEMENT FORT MYERS BEACH FL 33931	PT LOT 4 AREA 2 SE 1/4 BUSINESS CENTER PB 9 PG 9 IN OR 297 P 427	32
KLC SURF LLC CHRISTOPHER PRIMEAU 4625 W EUCLID AVE TAMPA FL 33629	24-46-23-W3-00208.0060 1035 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.8 PB 9 PG 9 LT 7 + LOT 6 LESS WLY 6 FT LESS ROW OR3539 PG3351	33
BC III MASTERPIECE LLC 151 MATANZAS ST FORT MYERS BEACH FL 33931	24-46-23-W3-00208.0080 1028 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOTS 8 + 9	34
RFN CORP 2401 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00208.0100 1018 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOT 10	35
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0080 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOTS 1 THRU 12 + VAC LAGOON R/W OR2858/1391 + OR2660/2863 +2736/3702 + BLK B PB 9 PG 40 LOT 1	36
BAHAN SUZANNE E + 169 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0130 185 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOT 13 + PT LOT 14	37
ZOZO INVESTMENTS LLC 173 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0140 163 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 PT LOT 14 + LOT 15	38
JENKINS CARROLL ANNE 3063 NORFOLK CR 23 RR6 TILLSONBURG ON N4G 4G9 CANADA	24-46-23-W3-0050A.016A 159/161 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS 16 + PT OF LT 17	39

151 OLD SAN CARLOS LLC 17840 SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.018A 151 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS PT 18 + 19	40
BENSON BRADFORD J II TR 938 DEEP LAGOON LN FORT MYERS FL 33919	24-46-23-W3-0050A.018B 959/963 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PT LOTS 17 18 + 19	41
HOLIDAY COURT MOTEL LLC PO BOX 1118 LABELLE FL 33975	24-46-23-W3-0050A.0200 925 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOTS 20 THRU 26	42
BRIODY SUSAN S 167 PRIMO DR FORT MYERS BEACH FL 33931	19-46-24-W4-0150D.0100 167 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 10 + VAC R/W + LAND ADJ CANAL	43
TOWNLEY ARTHUR JAMES III PO BOX 2452 FORT MYERS BEACH FL 33932	19-46-24-W4-0150D.0110 171 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 11 + VAC R/W + LAND ADJ CANAL	44
TOWNLEY ARTHUR J III PO BOX 2452 FORT MYERS BEACH FL 33932	19-46-24-W4-0150D.0120 191 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LOTS 12 + VAC R/W + LAND ADJ CANAL	45
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.0010 1161/1165 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 PT LTS 1 + 2 OR0545/43LESR/W 2353/3036	46
MILLER CONRAD RE LLC PO BOX 80490 FORT WAYNE IN 46898	19-46-24-W4-0150E.0030 108/116 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LT 3	47
INVESTMENTS OF FMB LLC MARK DEIFT 560 NW 118 AVE PLANTATION FL 33325	19-46-24-W4-0150E.0040 118/122 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LT 4 + S10 FT LOT 5 LES R/W2353/3036	48
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.005B 140 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 N 40 FT OF LOT 5 + 32.67 FT ADJ + VAC + ADJ CANAL LESS R/W OR2353/3036	49
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.0060 150 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT 6 + 32.67 FT ADJ + VAC + ADJ CANAL LESS R/W OR2353/3036	50
RICHARD JOHN W + 152 CRESCENT ST FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.0070 152 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT 7 + VAC R/W + LAND ADJ LESR/WOR2353/3036	51
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.0080 170 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT 8 + VAC R/W + LAND ADJ LESR/WOR2353/3036	52
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.0090 202 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOTS 9 10 + VAC + LAND ADJ LESR/W2353/3036	53
250 FMB LLC 4517 BRYWOOD DR NAPLES FL 34119	19-46-24-W4-0150E.0110 250 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4/46 LT 11 + VAC R/W + LAND ADJ CANAL LESS R/W	54
TORGERSON ASHLEE MICHELLE PO BOX 5088 FORT MYERS BEACH FL 33932	19-46-24-W4-0150E.0120 270 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4/46 LT 12 VAC R/W + LAND ADJ CANAL LESS R/W DESC IN OR 2319/4512	55
GRANT JOSEPH H & DORIS M 320 CRESCENT ST	19-46-24-W4-0150E.0130 300 CRESCENT ST	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT13+E40 FT LT	56

FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931	14+VAC LES R/W OR2366/2077	
GRANT JOE H 320 CRESCENT ST FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.014B 320 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 W 60 FT LT 14 + LT 15 + VAC R/W + ADJ LESS R/W DESC IN OR 2363/1290	57
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH FL 33931	19-46-24-W4-0150E.016A 332 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT16+VAC R/W +LAND ADJ CANAL	58
REICH EUGENE E TR 6115 POND VIEW DR EXCELSIOR MN 55331	19-46-24-W4-0150E.0170 340 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PK ADD BLK E PB 4/46 LT 17 + S 20 FT OF LT 18 + VAC R/W LESS ROAD OR 2328/3484	59
CHIPPEWA LAND LLC 11577 HIBNER HARTLAND MI 48353	19-46-24-W4-0150E.0190 402/406 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 N 30 FT LOTS 18 + 19 + S 30 FT LOT 20 LESS R/W 2353/3036 LESS R/W OR 2370/0201	60

TPI-FMB LLC
 103 15TH AVE NW STE 200
 WILLMAR MN 56201

1005 ESTERO LLC
 1005 ESTERO BLVD
 FORT MYERS BEACH FL 33931

KALYMNOUS PARTNERSHIP LLP
 1001 ESTERO BLVD
 FORT MYERS BEACH FL 33931

CLOWNFISH RESTAURANT HOLDINGS
 11201 COORPORATE CIRCLE N
 SAINT PETERSBURG FL 33716

LEE COUNTY
 PO BOX 398
 FORT MYERS FL 33902

PRESAUD PROPERTIES FL
 361 SEMINOLE WAY
 FORT MYERS BEACH FL 33931

PERSAUD PROPERTIES FL INVESTME
 361 SEMINOLE WAY
 FORT MYERS BEACH FL 33931

BENCIN ENTERPRISES INC
 927 PRESCOTT ST
 FORT MYERS BEACH FL 33931

WHITAKER WILLIAM D &
 15820 SAN ANTONIO CT
 FORT MYERS FL 33908

LEE COUNTY
 PO BOX 398
 FORT MYERS FL 33902

LEE COUNTY
 PO BOX 398
 FORT MYERS FL 33902

RICHARD JOHN W TR
 237 OLD SAN CARLOS BLVD
 FORT MYERS BEACH FL 33931

HOUSEBOAT LLC
 237 OLD SAN CARLOS BLVD
 FORT MYERS BEACH FL 33931

MERSCHMAN I LLC
 1421 E LAKE SHORE DR
 SPRINGFIELD IL 62712

HOUSEBOAT LLC
 237 OLD SAN CARLOS BLVD
 FORT MYERS BEACH FL 33931

ALN BEACHVIEW LLC
 615 CAPE CORAL PKWY W # 104
 CAPE CORAL FL 33914

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

SOB INC
 340 OLD SAN CARLOS BLVD
 FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
 237 OLD SAN CARLOS BLVD
 FORT MYERS BEACH FL 33931

LIGHTHOUSE ISLAND RESORT INC
 1051 5TH ST
 FORT MYERS BEACH FL 33931

STINGRAYS RAW BAR INC
250 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

DIANNE HOLLAND TRUST +
570 KULAIWI DR
WAILUKU HI 96793

LIGHTHOUSE ISLAND RESORT INC
1051 FIFTH ST
FORT MYERS BEACH FL 33931

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

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

TPI-FMB LLC
103 15TH AVE NW STE 200
WILLMAR MN 56201

150 SAN CARLOS BLVD CORP
OMG INC
408 BROADWAY
NEW YORK NY 10013

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

CHAVEZ CARLOS L TR
991 AQUA LN
FORT MYERS FL 33919

CHAVEZ CARLOS L TR
991 AQUA LN
FORT MYERS FL 33919

BENSON BRADFORD J TR
927 PRESCOTT ST
FORT MYERS BEACH FL 33931

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

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

BC III MASTERPIECE LLC
151 MATANZAS ST
FORT MYERS BEACH FL 33931

RFN CORP
2401 ESTERO BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

BAHAN SUZANNE E +
169 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

ZOZO INVESTMENTS LLC
173 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

JENKINS CARROLL ANNE
3063 NORFOLK CR 23 RR6
TILLSONBURG ON N4G 4G9
CANADA

151 OLD SAN CARLOS LLC
17840 SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

BENSON BRADFORD J II TR
938 DEEP LAGOON LN
FORT MYERS FL 33919

HOLIDAY COURT MOTEL LLC
PO BOX 1118
LABELLE FL 33975

BRIODY SUSAN S
167 PRIMO DR
FORT MYERS BEACH FL 33931

TOWNLEY ARTHUR JAMES III
PO BOX 2452
FORT MYERS BEACH FL 33932

TOWNLEY ARTHUR J III
PO BOX 2452
FORT MYERS BEACH FL 33932

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

MILLER CONRAD RE LLC
PO BOX 80490
FORT WAYNE IN 46898

INVESTMENTS OF FMB LLC
MARK DEIFT
560 NW 118 AVE
PLANTATION FL 33325

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W +
152 CRESCENT ST
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

250 FMB LLC
4517 BRYWOOD DR
NAPLES FL 34119

TORGERSON ASHLEE MICHELLE
PO BOX 5088
FORT MYERS BEACH FL 33932

GRANT JOSEPH H & DORIS M
320 CRESCENT ST
FORT MYERS BEACH FL 33931

GRANT JOE H
320 CRESCENT ST
FORT MYERS BEACH FL 33931

LIGHTHOUSE ISLAND RESORT INC
1051 5TH ST
FORT MYERS BEACH FL 33931

REICH EUGENE E TR
6115 POND VIEW DR
EXCELSIOR MN 55331

CHIPPEWA LAND LLC
11577 HIBNER
HARTLAND MI 48353

TPI-FMB LLC
 103 15TH AVE NW STE 200
 WILLMAR MN 56201

1005 ESTERO LLC
 1005 ESTERO BLVD
 FORT MYERS BEACH FL 33931

KALYMNIOUS PARTNERSHIP LLP
 1001 ESTERO BLVD
 FORT MYERS BEACH FL 33931

CLOWNFISH RESTAURANT HOLDINGS
 11201 COORPORATE CIRCLE N
 SAINT PETERSBURG FL 33716

LEE COUNTY
 PO BOX 398
 FORT MYERS FL 33902

PRESAUD PROPERTIES FL
 361 SEMINOLE WAY
 FORT MYERS BEACH FL 33931

PERSAUD PROPERTIES FL INVESTME
 361 SEMINOLE WAY
 FORT MYERS BEACH FL 33931

BENCIN ENTERPRISES INC
 927 PRESCOTT ST
 FORT MYERS BEACH FL 33931

WHITAKER WILLIAM D &
 15820 SAN ANTONIO CT
 FORT MYERS FL 33908

LEE COUNTY
 PO BOX 398
 FORT MYERS FL 33902

LEE COUNTY
 PO BOX 398
 FORT MYERS FL 33902

RICHARD JOHN W TR
 237 OLD SAN CARLOS BLVD
 FORT MYERS BEACH FL 33931

HOUSEBOAT LLC
 237 OLD SAN CARLOS BLVD
 FORT MYERS BEACH FL 33931

MERSCHMAN I LLC
 1421 E LAKE SHORE DR
 SPRINGFIELD IL 62712

HOUSEBOAT LLC
 237 OLD SAN CARLOS BLVD
 FORT MYERS BEACH FL 33931

ALN BEACHVIEW LLC
 615 CAPE CORAL PKWY W # 104
 CAPE CORAL FL 33914

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

SOB INC
 340 OLD SAN CARLOS BLVD
 FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
 237 OLD SAN CARLOS BLVD
 FORT MYERS BEACH FL 33931

LIGHTHOUSE ISLAND RESORT INC
 1051 5TH ST
 FORT MYERS BEACH FL 33931

STINGRAYS RAW BAR INC
250 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

DIANNE HOLLAND TRUST +
570 KULAIWI DR
WAILUKU HI 96793

LIGHTHOUSE ISLAND RESORT INC
1051 FIFTH ST
FORT MYERS BEACH FL 33931

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

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

TPI-FMB LLC
103 15TH AVE NW STE 200
WILLMAR MN 56201

150 SAN CARLOS BLVD CORP
OMG INC
408 BROADWAY
NEW YORK NY 10013

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

CHAVEZ CARLOS L TR
991 AQUA LN
FORT MYERS FL 33919

CHAVEZ CARLOS L TR
991 AQUA LN
FORT MYERS FL 33919

BENSON BRADFORD J TR
927 PRESCOTT ST
FORT MYERS BEACH FL 33931

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

KLC SURF LLC
CHRISTOPHER PRIMEAU
4625 W EUCLID AVE
TAMPA FL 33629

BC III MASTERPIECE LLC
151 MATANZAS ST
FORT MYERS BEACH FL 33931

RFN CORP
2401 ESTERO BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

BAHAN SUZANNE E +
169 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

ZOZO INVESTMENTS LLC
173 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

JENKINS CARROLL ANNE
3063 NORFOLK CR 23 RR6
TILLSONBURG ON N4G 4G9
CANADA

151 OLD SAN CARLOS LLC
17840 SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

BENSON BRADFORD J II TR
938 DEEP LAGOON LN
FORT MYERS FL 33919

HOLIDAY COURT MOTEL LLC
PO BOX 1118
LABELLE FL 33975

BRIODY SUSAN S
167 PRIMO DR
FORT MYERS BEACH FL 33931

TOWNLEY ARTHUR JAMES III
PO BOX 2452
FORT MYERS BEACH FL 33932

TOWNLEY ARTHUR J III
PO BOX 2452
FORT MYERS BEACH FL 33932

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

MILLER CONRAD RE LLC
PO BOX 80490
FORT WAYNE IN 46898

INVESTMENTS OF FMB LLC
MARK DEIFT
560 NW 118 AVE
PLANTATION FL 33325

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W +
152 CRESCENT ST
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

250 FMB LLC
4517 BRYWOOD DR
NAPLES FL 34119

TORGERSON ASHLEE MICHELLE
PO BOX 5088
FORT MYERS BEACH FL 33932

GRANT JOSEPH H & DORIS M
320 CRESCENT ST
FORT MYERS BEACH FL 33931

GRANT JOE H
320 CRESCENT ST
FORT MYERS BEACH FL 33931

LIGHTHOUSE ISLAND RESORT INC
1051 5TH ST
FORT MYERS BEACH FL 33931

REICH EUGENE E TR
6115 POND VIEW DR
EXCELSIOR MN 55331

CHIPPEWA LAND LLC
11577 HIBNER
HARTLAND MI 48353



Case # _____ Date Received: _____

Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
Supplement PH-D

**Additional Required Information for a Planned Development
Application**

This is the second part of a two-part application. This part requests specific information for a planned development rezoning or an amendment to an approved planned development. Include this form with the Request for Public Hearing form.

Fee in the amount of \$8000.00 up to 1 acre +1000.00 per additional acre
\$2000.00 PD Amendment minor (< acre total property area)
\$4000.00 PD Reinstatement or \$6500.00 PD Amendment

Project Name: TPI-FMB CPD Amendment
Authorized Applicant: Steven C. Hartsell, Esquire
STRAP Number(s): Parcel 2 (collectively): 24-46-23-W3-00009.0000, 19-46-24-W4-0140B.0070, 19-46-24-W4-U0491.2610, 19-46-24-W4-U0494.2609, 19-46-24-W4-U0496.2608, 19-46-24-W4-U0498.2607; AND Parcel 3: 24-46-23-W3-00205.0070

Current Property Status: Under construction			
Current Zoning: Commercial Planned Development (CPD)			
Future Land Use Map (FLUM) Category: Pedestrian Commercial FLU			
Platted Overlay?	☐ yes,	☒ no	FLUM Density Range: See Ordinance #18-04

Requested Action:

☐	DRI (with rezoning)
☒	Planned Development (also check below)
☐	Rezoning from: _____ to: _____
☒	Amendment to Master Concept Plan/attendant documentation



Case # _____ Date Received: _____

PART I
Narrative Statements

A. Comprehensive Plan Amendments (check one)

☒	There are NO Comprehensive Plan Amendments pending that could affect the future use of this property.
☐	The following Comprehensive Plan Amendments ARE pending and could affect the future use of this property (list the amendment and give a brief explanation of its possible effect)

B. Phasing of Construction

☐	The development is to be constructed in a single phase.
☐	The development is to be constructed in phases as follows: (describe proposed phasing below)
<i>No change proposed. See Ordinance #18-04</i>	



Case # _____ Date Received: _____

C. Comprehensive Plan Compliance.

Explain how the proposed development complies with applicable Goals, Objectives, and Policies of the Fort Myers Beach Comprehensive Plan.

<i>No change proposed. See Ordinance #18-04</i>

D. Design Standards Compliance

For projects required to meet Commercial Design Standards, explain how the proposed development complies with the design standards set forth in LDC Sections 34-991 through 34-997.

<i>No change proposed. See Ordinance #18-04</i>



Explain how the proposed development complies with the guidelines for decision-making embodied in LDC Section 34-85.

[illegible]

Provide a list of the requested deviations keyed to the Master Concept Plan and provide a written justification for each deviation. The location of each deviation should be indicated on the Master Concept Plan.

[illegible]

TPI-FMB CPD AMENDMENT

Narrative

According to LDC Section 34-1(a) the purpose and intent of the Land Development Code is:

... to encourage and promote, in accordance with present and future needs, the safety, health, order, convenience, prosperity, and general welfare of the citizens of the Town of Fort Myers Beach, to recognize and promote real property rights, and to provide:

- (1) For efficiency and economy in the process of development;
- (2) For the appropriate and best use of land; ...

(Emphasis supplied).

According to LDC Section 34-85(b), when considering rezonings, the Town Council shall consider (among others):

Whether there exists an error or ambiguity which must be corrected;
and

Whether there exist changed or changing conditions which make approval of the request appropriate.

TPI submits that there are changed circumstances arising from Hurricane Ian and its impacts on the local economy and due to the devastation to the local community which require that these changed/changing circumstance be taken into account to assess what changes to the Margaritaville CPD might be appropriate. This is especially true in light of how this development may serve to anchor and inspire future redevelopment of this part of Fort Myers Beach. These are changed circumstances and ambiguities in the language of Condition #14 which it is appropriate to address. TPI submits that the impact of the proposed change to Condition 14 will promote the intent of LDC Chapter 34 and give the Town greater flexibility to allow future development and redevelopment to be consistent with future changes to the community that are reflected in future changes to the Land Development Code and the Town of Fort Myers Beach Comprehensive Plan.

Condition 14 calls for a restrictive covenant that states that the CPD:

"...has consumed all allowable density and intensity on parcels 1, 2, 3, and 5, and that no additional development may occur beyond that which is approved by this CPD."

Due to the changed circumstances and the redevelopment planning required to address the future needs of the Town, the foregoing requirement does not further the purpose and intent in the LDC calling for efficiency and economy of development and for the appropriate and best use of the land. Instead, it unnecessarily restricts the Town Council with regard to redevelopment at a time when the Council may need flexibility and creativity to address the needs of the future. Moreover, the restrictive covenant is not necessary. No additional development may occur beyond that approved by the CPD unless the Town Council receives an application and reviews it under the regulations in effect at that time. No development can occur beyond the CPD unless the Town Council reviews and approves it. A restrictive covenant that prohibits development simply ties the hands of future Councils without consideration for future circumstances.

TPI submits that under this very new post-Hurricane Ian environment, it no longer makes any sense to completely eliminate all flexibility or future opportunities for modifications in perpetuity. That is counterproductive to the Town's desire to be certain that all development must be compatible with, and cohesively mesh with, the future framework of Town redevelopment. There must be opportunities available to future Town Councils to accommodate changing circumstances (like from Hurricane Ian).

Condition 9 specifically anticipates redevelopment and future uses on the subject property and requires that they be consistent with the Master Concept Plan approved by Town Council. The prohibition in Condition 14 against even considering any future changes on Parcels 2 and 3 is inconsistent with Condition 9. Condition 14 appears intended to bind future Town Councils from even considering any redevelopment or changes that might increase density or intensity, regardless of whether those future changes would be consistent and compatible with future development and regulations in the Town.

Condition 14 also has an inherent ambiguity because it says that the intent is to:

"...limit in perpetuity the density and intensity of Parcels 2 and 3 to that which is approved by the CPD and maintain all areas on which buildings and pavement are not constructed..., only for outdoor

recreation area on Parcel 2 and a single-level surface parking lot on Parcel 3,

(Emphasis supplied.)

Maintaining the open area ("on which buildings and pavement are not constructed") on parcel 3 "only for... a single-level surface parking lot..." is internally inconsistent and ought to be clarified. At the same time that clarification takes place, TPI proposes these changes to Condition 14:

~~*Prior to the Town issuing any development orders for demolition, site work, or new buildings on Parcel 2 the landowner must execute and record a restrictive covenant in favor of and enforceable by the Town in perpetuity that acknowledges that this CPD approval has consumed all allowable density and intensity on Parcels 1, 2, 3, and 5 and that no **No** additional development may occur beyond that which is approved by this CPD without prior approval of the Town Council. Prior to issuance of a temporary or final certificate of completion on Parcel 2 (but not later than 36 months after commencing construction), the landowner must convey to the Town a perpetual conservation easement in a form acceptable to the Town Attorney, which after acceptance will be recorded in the Public Records of Lee County, over those portions of Parcels 2 and 3 on which structures or pavement are not constructed or proposed to be constructed under the Master Concept Plan adopted as part of this CPD. The intent of this condition is to limit in perpetuity the density and intensity of Parcels 2 and 3 to that which is approved by this CPD and to maintain all areas on which buildings and pavement are not constructed and as shown on the Master Concept Plan, only for outdoor recreation area on Parcel 2 and a single-level surface parking lot on Parcel 3, but specifically excluding any additional parking facilities, buildings, and other similar structures or any additional improvements require that any future changes to this CPD must comply with the Fort Myers Beach Plan and LDC in effect at the time of any future application.*~~

[Clean Version – Clarified Condition 14]:

14. No additional development may occur beyond that which is approved by this CPD without prior approval of the Town Council. The intent of this condition is to require that any future changes to this CPD must comply with the Fort Myers Beach Plan and LDC in effect at the time of any future application.



Case # _____ Date Received: _____

G. Administrative amendments to approved Master Concept Plan

For amendments to an approved Master Concept Plan, indicate the specific amendments that could not be approved administratively as set forth in LDC Section 34-219.

<i>NOT APPLICABLE</i>

PART 2
Submittal Requirements

All applications for a planned development must submit fourteen (14) copies of this application form and all applicable exhibits.

Required Items

Public Hearing Request Form

Supplement Form PH-D

Master Concept Plan.....*No Change Proposed; See Ordinance #18-04*

Traffic Impact Statement*No Change Proposed; See Ordinance #18-04*

Architectural Elevations.....*No Change Proposed; See Ordinance #18-04*

Schedule of Uses.....*No Change Proposed; See Ordinance #18-04*

Fee in the amount of \$8000.00 up to 1 acre +1000.00 per additional acre

\$2000.00 PD Amendment minor (< acre total property area)

\$4000.00 PD Reinstatement or \$6500.00 PD Amendment

For DRI: A Binding letter of interpretation from DCA or a complete and sufficient ADA.

ORDINANCE 18-04

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING A COMMERCIAL PLANNED DEVELOPMENT TO THE CURRENT ZONING MAP FOR A PROPERTY LOCATED AT 1160 ESTERO BOULEVARD FORT MYERS BEACH AND OTHER ADDRESSES FROM COMMERCIAL PLANNED DEVELOPMENT (CPD), DOWNTOWN, AND ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICTS TO COMMERCIAL PLANNED DEVELOPMENT (CPD) (4.4+/- ACRES) AND ENVIRONMENTALLY CRITICAL (EC) (0.33+/- ACRES) WITH A MASTER CONCEPT PLAN (5.1+/- ACRES) FOR A 254 UNIT HOTEL, AQUATIC VENUE AND BEACH CLUB, RESTAURANTS, TIKI BAR, RETAIL, ACCESSORY HOTEL USES, CONSUMPTION ON PREMISE, AND DEVIATIONS TO THE LDC LIMITS ON HEIGHT, NUMBER OF STORIES, HOTEL EQUIVALENCY FACTOR, AND FLOOR AREA RATIO (FAR); CONTAINING 5.1+/- ACRES GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00006.000, 24-46-23-W3-00206.0060, 24-46-23-W3-00206.0050, 24-46-23-W3-00009.0000, 19-46-24-W4-0140B.0070, 19-46-24-W4-014B.0020, 19-46-24-W4-0140B.0010, 19-46-24-W4-0140B.0040, 19-46-24-W4-0140B.0050, 19-46-24-W4-0140A.0030, 24-46-23-W3-00205.0070, PORTIONS OF 5TH STREET RIGHT-OF-WAY, PORTIONS OF ESTERO BOULEVARD RIGHT-OF-WAY, MORE OR LESS; PETITION DCI17-0001; PROVIDING FOR SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Tom Torgerson and Tina Ekblad of Morris-Depew Associates, Inc., applicants and agents for the property owners, filed applications to rezone the property from the Commercial Planned Development (CPD), Downtown, and Environmentally Critical (EC) zoning districts to CPD with Master Concept Plan (MCP) in order to develop a hotel resort and associated facilities, on 5.1+/- acres more or less property, located at 1160 Estero Boulevard and other addresses in the Town of Fort Myers Beach; and

WHEREAS, the subject property is located in the Pedestrian Commercial and Recreation Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, with the exception of portions of Town or County right-of-way, the applicant has indicated the subject property is under common control and Tom Torgerson serves as the managing member for each ownership listed in the public records of Lee County Property Appraiser; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on February 13, 2018; and

WHEREAS, at the February 13, 2018 public hearing the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the

record, and the testimony of all interested persons, as required by Town Land Development Code (LDC) s. 34-85; and

WHEREAS, at the February 13, 2018 public hearing the LPA recommended approval by a 5-2 vote, subject to certain conditions; and

WHEREAS, on April 9th, 2018 the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-85; and

WHEREAS, the Town Council voted to have a second reading of the proposed Ordinance and a public hearing on this matter was legally advertised and held before the Town Council on May 21 2018; at which time the Town Council gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-85; and

WHEREAS, the applicant has resolved and is current on any outstanding fees associated with notice, advertisement, and consulting services required by the Town; and

WHEREAS, with the following terms, conditions and requirements which the Town Council finds to be in the public health, safety, and welfare, all of which are in compliance with the comprehensive plan and the Land Development Code; and

WHEREAS, Exhibit A provides the approved property development regulations for this CPD to be used during the permitting process; while Exhibit B provides the approved conditions of approval; and

WHEREAS, the Town Council finds that this rezoning is a unique and individual application which does not set precedent for future development or rezoning applications.

Deviation #1

Deviation from LDC Section 34-1803(a) which establishes equivalency factors for converting allowable dwelling units to hotel rooms. The equivalency remains at three, a total of 254 hotel rooms (224 rooms on Parcel 1 and 30 rooms on Parcel 2) per the revised Master Concept Plan pages dated 5/2018 are authorized due to exceptional circumstances and unique public benefit on record to include view corridor and permanent perpetual transfer of density and development rights from the VE zone to the AE zone.

Deviation #2

Deviation from LDC Section 34-675(b) which limits building heights as follows: 3 stories and 30 feet along Crescent Street and Fifth Street; 3 stories and 40 feet along the south side of Estero Boulevard; to allow the main resort building which fronts on Estero, Crescent and Fifth to be 4 stories and 38 feet, 10 inches feet above average base flood elevation and along the south side of Estero Boulevard of 4 stories, and other buildings to be at the lesser heights as shown on the Master Concept Plan.

Deviation #3

Deviations from LDC Section 34-675(c) which limits floor area ratio (FAR) to 1.4 for properties fronting on Estero Boulevard and to 1.0 for all other properties in the CPD to allow a FAR of 1.55 on Parcel 1 and Parcel 2 and Parcel 3.

Deviation #4

Deviation from the LDC Section 10-416(d)(2) which requires a Type D buffer (15 feet wide with 5 trees and staggered hedges to form a 3-foot visual screen between parking and a right-of-way) – to replace the Type D buffer with the buffer and sidewalk plan for Estero Boulevard, Crescent Street, and Fifth Street as shown on the Master Concept Plan.

Findings for the rezoning:

WHEREAS, the Town Council considered all relevant factors and made the following formal findings before making its final decision on the requested rezoning to Commercial Planned Development (see LDC 34-85 and 34-216):

- a. Minor ambiguities were resolved through the deviation process.
- b. Long-standing blighted conditions on the subject property can be ameliorated through approval of this rezoning.
- c. The rezoning would carry out the policies and requirements of the Comprehensive Plan and Land Development Code.
- d. The Town Council carefully considered the testimony of the applicant, the recommendations of staff and of the local planning agency, and testimony from the public.
- e. The rezoning would be consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses in the Comprehensive Plan.
- f. The rezoning would meet or exceed all performance and locational standards set forth for the proposed use.
- g. Urban services are available and adequate to serve the proposed use.
- h. The rezoning would protect, conserve, or preserve environmentally critical areas and natural resources.

- i. The rezoning would be compatible with existing and planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- j. The rezoning would not place an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.
- k. The rezoning, with the mitigating factors volunteered by the applicant and the special conditions imposed by the Town Council, is consistent with the Fort Myers Beach Comprehensive Plan, Land Development Code, and other applicable town ordinances or codes.
- l. The proposed use or mix of uses is appropriate at the subject location.
- m. Sufficient safeguards to the public interest are provided by the recommended special conditions to the master concept plan and by other applicable regulations.
- n. All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- o. The rezoning meets all specific requirements of the Comprehensive Plan that are relevant to the request, including the following:
 - Policy 4-C-4 on building heights taller than the standard height limit
 - Policy 4-C-6 on hotel/motel densities
 - Policy 4-C-8 on density transfers
 - Policy 7-J-2 on traffic impact analyses and potential design improvements that could offset traffic impacts

WHEREAS, the Town Council made the following formal findings before making final decisions on the four requested deviations from "by-right" requirements of the Land Development Code (see LDC 34-216 and 34-1803):

- 1. Deviations #1, #2, and #3 are being partially approved only due to the exceptional circumstances presented by the coordinated redevelopment of several critical parcels in the downtown zoning district in furtherance of policies in the Comprehensive Plan and design guidance provided by the Old San Carlos Boulevard / Crescent Street Master Plan. Key public benefits offered by the applicant include a perpetual view corridor along 324 feet of the beach side Estero Boulevard across the beach club resulting from a permanent transfer of density and development rights from the VE zone to the AE zone; and a second perpetual view corridor at the foot of the Matanzas Pass Bridge resulting from the permanent transfer of density and development rights, no buildings on Parcel 3, and the donation of Parcel 4 to the Town of Fort Myers Beach.
- 2. All aspects of the proposed development, as limited by the special conditions being imposed by the Town Council, are compatible with the surrounding area, including building height, traffic flow, and intensity of use.
- 3. The proposed development, as modified by these deviations, clearly exceeds all standards of the Fort Myers Beach Comprehensive Plan.

4. The proposed development, with the modified deviations being approved, does not exceed any maximum intensities contained in the Fort Myers Beach Comprehensive Plan.
5. Granting these deviations will enhance the achievement of the objectives of the proposed development.
6. The general intent of the LDC to protect the public health, safety, and welfare will be preserved and promoted with these deviations.
7. These deviations operate to the benefit, or at least not to the detriment, of the public interest.
8. These deviations are consistent with the Fort Myers Beach Comprehensive Plan; and

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

The Town Council votes to **APPROVE** the request to rezone a portion of the subject property to CPD with the remainder to remain Downtown and EC per MCP X-103-BDNY.01 Boundary Survey and MCP X-102-BDNY.00 Boundary Survey with a Master Concept Plan, subject to the deviations and conditions set forth with specificity. The special conditions imposed for approval are found in Exhibit B. The first four special conditions provide the decisions on each deviation.

CODIFICATION AND SCRIVENER'S ERRORS.

Upon second reading approval, the Town Council intends that this ordinance will not be made part of the Fort Myers Beach Code of Ordinances. Typographical errors that do not affect the intent can be corrected with the authorization of the Town Manager or designee, without the need for a public hearing. Only the specific deviations granted by the Town Council and associated plan sheets reflecting those approvals with or without conditions are so incorporated.

EFFECTIVE DATE.

This ordinance becomes effective immediately upon its adoption.

THE FOREGOING ORDINANCE was enacted by the Town Council upon a motion by Vice Mayor Joanne Shamp and seconded by Council Member Anita Cereceda and, upon being put to a roll call vote, the result was as follows:

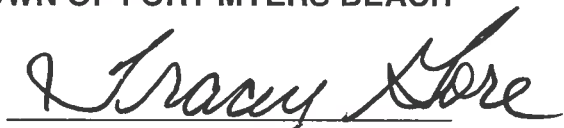
Tracey Gore, Mayor	aye	Bruce Butcher, Council Member	aye
Anita Cereceda, Council Member	aye	Joanne Shamp, Vice Mayor	aye
Dennis Boback, Council Member	aye		

DULY PASSED AND ENACTED this 21ST day of May, 2018.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Michelle D. Mayher, Town Clerk

By: 
Tracey Gore, Mayor

Approved as to form by:

By: 
Peterson Law Group, Town Attorney

Exhibit B CONDITIONS OF APPROVAL

This project area includes six (6) parcels as demonstrated in MCP X-103-BNDY.01 Boundary Survey. Parcels 1, 2 and 3 are to be rezoned to Commercial Planned Development (CPD). Parcels 4, 5, and 6 will retain their existing zoning classifications. All parcels are included in the Master Concept Plan and subject to the conditions as outlined below:

- 1** Parcels 1, 2, and 3 are authorized for a maximum of 254 hotel rooms. Parcel 1 is approved for a maximum of 224 hotel rooms. Parcel 2 is approved for a maximum of 30 hotel rooms. Parcel 3 is approved for surface parking only and no other improvements or hotel rooms, other than an accessory surface parking lot, is permitted. The transfer of density and development rights of Parcel 3 is permanent and binding.
- 2** The CPD is authorized to allow building heights as follows, with these heights measured in accordance with 34-631 of the LDC, as depicted on the Master Concept Plan, and as described:
 - a. The main resort building on Parcel 1 may be up to 4 stories and up to 38 feet, 10 inches above base flood elevation, provided that the highest points of the roofline and any architectural features across the property shall not exceed 52 feet from 4.5 feet above mean sea level elevation.
 - b. The larger building on Parcel 2 may be up to 4 stories, provided that the highest points of the roofline and any architectural features shall be a height of 52 feet, 4 inches or less, above existing typical ground level. Approved building heights for all buildings on Parcel 2 are shown in the Master Concept Plan.
 - c. No buildings or vertical structures are permitted on Parcel 3. The transfer of density and developments rights on Parcel 3 is permanent and binding.
- 3** The CPD is authorized to allow floor area ratios as follows, measured in accordance with 34-633 of the LDC. The total land area of Parcel 1, 2, and 3 may be utilized for the floor area ratio calculation of 1.55. The square footage of the proposed buildings may be clustered as depicted on the Master Concept Plan and includes:
 - a. The constructed floor area ratio on Parcel 3 and 5 shall be 0.0. Buildings, or any other improvements other than improvements associated with an at surface grade parking lot on Parcel 3 and a pool security fence on Parcel 5, are prohibited on these parcels.
- 4** The CPD is authorized to replace the Type D buffer required by 10-416(d)(2) of the LDC with the buffer and sidewalk plan for Estero Boulevard, Crescent Street, and Fifth Street as shown on Sheets X-502-RW.00 through X-504-RW.02 of the Master Concept Plan as revised through May 2018, subject to the following requirements:

- a. Prior to obtaining any development orders, the landowner will dedicate to the town/public a perpetual public sidewalk easement to accommodate a sidewalk of seven (7) feet in width on the south side of Fifth Street where the MCP shows portions of the proposed sidewalk on private land.
- b. The landowner will construct the sidewalks, curbs, and tree yards and will plant the lawn and street trees, as shown on the Master Concept Plan, prior to the issuance of any temporary certificates of occupancy including for adjoining buildings. These improvements must meet technical specifications of the Town of Fort Myers Beach along Fifth Street and Crescent Street and of Lee County along Estero Boulevard, except for such deviations as granted by the Town when reviewing and approving the Master Concept Plan. The landowner will maintain the tree yards and street trees in perpetuity.
- c. The street trees shown along Estero Boulevard will be located closer to the curb if, prior to approval of the Development Order, but no later than January 2019 and with appropriate documentation of coordination, FDOT and Lee County approves the new 1.5-foot lateral offset standard alignment of the Florida Department of Transportation.
- d. Prior to Development Order application, the landowner will document their efforts to the Town to seek approval from Lee County to re-route stormwater from the existing drainage inlet on Estero Boulevard into the resort's stormwater system so that roots from street trees on this block cannot interfere with any underground exfiltration trench. The conveyance of the Estero Boulevard drainage into the resort stormwater system will only be constructed if there are no adverse impacts or backflow into the existing system.
- e. No buffer vegetation may be planted in any public right-of-way or any sidewalk easement other than depicted on the Town approved Master Concept Plan.
- f. While the Town approved Master Concept Plan provides conceptual approval of under-building screening of parking areas, as required by LDC 34-992 (d)(1); a compliance and enforcement determination of the materials, technical specifications, and minimum opacity of the latticework around the ground story are subject to approval of the Town Manager or designee, as required by 34-992(c) and 34-992(d)(2) of the LDC. At the concurrence of the land owner, the Town Manager may allow occasional segments of latticework to be replaced by an opaque screen to allow works of art to be displayed in place of climbing vegetation.
- g. If at the end of the one (1) year plant establishment period from the end of the Temporary Certificate of Occupancy, the buffer plantings and climbing vegetation planted on the latticework do not visually

screen activities in the ground story, the Town Manager will require corrective action. Corrective actions may include, but are not limited to, different vegetation, different management techniques, and supplemental screening behind the latticework, among other practices. The property owner will take corrective action within 30-days of written notification from the Town regarding the deficiencies in the buffer. Failure to respond to any 30-day written notice shall constitute an appealable \$500 per incident per day civil violation.

- 5 The approved property development regulations for this CPD are presented in the attached Exhibit A, which will be substituted during the permitting process for the property development regulations that the LDC provides for the DOWNTOWN zoning district.
- 6 The approved schedule of uses for this CPD is limited to the following:

Parcel 1 (Bay Side)	Parcel 2 (Gulf Side)	Parcel 3
LODGING use group: Hotel Uses Accessory to ATM Administrative Offices Consumption on Premises, outdoor service and seating limited to locations on Sheets X-505- COP.01 & X-506- COP.02 Parking Lot, Accessory Subordinate Uses Temporary Uses, if permitted by Ch. 34 MARINE use group No Marina Uses	LODGING use group: Hotel RETAIL use group: Recreation Facilities, Commercial (limited to 325 total people per day who are not staying at the hotel) Restaurant Commercial Accessory Uses: ATM Administrative Offices Consumption on Premises, outdoor service and seating limited to locations on Sheets X-506-COP.01 & X- 507-COP.02 Subordinate Commercial Water-oriented Rentals MARINE use group: (if permitted by Chapter 27) Parasailing Operations Office Personal Watercraft Operations Office	LODGING use group: Uses Accessory to Parking Lot, Accessory (the only use per- mitted on Parcel 3)

7. The property owner is responsible for accounting and enforcement of the per day limitation of 325 non-resort guests at the aquatic venue or lesser number based upon Fire Department occupancy limitations; and, if requested, for providing records to the Town on demand for verification. Failure to provide records or limit non-hotel guests and/or hotel guests to the approved maximum limits per day shall constitute a \$500 per day per incident civil violation.
- 8 This CPD approves structures up to the following square-footage maximum on Parcels 1 and 2 which are entirely landward of the 1978 coastal construction control line and within the CPD zoning district boundary:
 - a. **Hotel**
 1. 250,783 SF, of which up to 96,085 SF could be guest units and up to 95,751 SF could be ground-story parking.
 2. 224 guest units to be on bay-side Parcel 1 (above parking) and up to 84,745 square feet could be guest units.
 3. 30 guest units to be on gulf-side Parcel 2 and up to 11,340 square feet.
 - b. **Restaurant on Parcel 2**
 1. 15,870 SF for a restaurant, of which 1,514 SF would be a bar; plus, an additional 1,364 SF for outdoor seating and an additional 2,000 SF for indoor storage
 - c. **Beach Club on Parcel 2**
 1. 3,786 SF for an ancillary restaurant
 2. 2,508 SF in an existing building for ancillary restrooms and lockers
 - d. **Pedestrian Bridges between Parcels 1– 2 if approved by Lee County**
 1. 2,691 SF for the access area required for a publicly accessible pedestrian bridge;
 2. 1,380 SF for the pedestrian bridge that is not included in the FAR.
- 9 Redevelopment and future uses on the subject property must be consistent with the attached Master Concept Plan as approved by the Town Council as part of this request. All prior Master Concept Plans, CPD zoning approvals, special conditions, and development agreements for the subject property are no longer valid. All development activities and future uses must comply with all the requirements of the Town of Fort Myers Beach Land Development Code at the time of Development Order approval, except as explicitly modified by this CPD approval. Lot lines

shown on existing plats must be vacated or replatted, as appropriate and as administratively determined by the Town Attorney, prior to issuance of Development Orders. If changes to this approval are requested, they will be reviewed as requests to formally modify this CPD. This CPD's new Master Concept Plan consists of these 26 sheets:

- a. X-G01 — Cover Sheet
- b. X-101-FLU — Future Land Use and Project Boundary
- c. X-103-BNDY.00 — Boundary Survey (1 of 2)
- d. X-103-BNDY.01 — Boundary Survey (2 of 2)
- e. X-104-DA — Developable Area Exhibit
- f. X-105-MCP.00 — *Floor Area Ratio* First Floor
- g. X-106-MCP.01 — Floor Area Ratio Second Floor
- h. X-107-MCP.02 — Floor Area Ratio Third Floor
- i. X-108-MCP.03 — Floor Area Ratio Fourth Floor
- j. X-109-MCP.00 — Master Concept Plan First Floor
- k. X-110-MCP.01 — Master Concept Plan Second Floor
- l. X-111-MCP.02 — Master Concept Plan Third Floor
- m. X-112-MCP.03 — Master Concept Plan Fourth Floor
- n. X-113-MCP.04 — Master Concept Plan Deviations and Notes
- o. X-114-MCP.05 — Master Concept Plan Building Height
- p. X-A201 — Exterior Elevations
- q. X-A202 — Exterior Elevations
- r. X-A203 — Exterior Elevations
- s. X-A301 — Building Sections
- t. X-501 — Parking Locations and Calculations
- u. X-502-RW.00 — Right-of-way and sidewalk/buffer plan
- v. X-503-RW.01 — Right-of-way and sidewalk/buffer plan
- w. X-504-RW.02 — Right-of-way and sidewalk/buffer plan
- x. X-505-COP.01 — Consumption on Premises Diagrams
- y. X-506-COP.02 — Consumption on Premises Diagrams Pedestrian Circulation
- z. X-507-VT — Visibility Triangles

- 10** A pedestrian bridge across Estero Boulevard is shown on the Master Concept Plan. Conceptual approval of this bridge is subject to the following requirements for design, approval, and operation:

- a. The pedestrian bridge must be constructed simultaneously with the buildings it connects.
- b. The elevated terrace on the second story of the main resort building on Parcel 1 must include a public ADA compliant access for public use.
- c. Visible publicly accessible stairwells and elevators on both sides of Estero Boulevard must connect the sidewalks to each end of the pedestrian bridge. The stairwell on Parcel 2 must provide access to publicly accessible restrooms in the restaurant building, with clear signage indicating the public's access and rights to use these restrooms and pedestrian bridge, if approved, without a fee or charge.
- d. In order to guarantee the general public's permanent right to use the bridge and the adjoining stairways, elevators, and restrooms, the landowner must execute an instrument that guarantees this access in a form suitable to the Town Attorney.
- e. Before constructing the bridge over Estero Boulevard, the landowner must obtain review and approval from Lee County and must enter into a formal agreement with Lee County regarding design, maintenance, liability, operations, future changes, and other relevant details. The bridge design must allow and not interfere with nor prevent all elements necessary for a traffic signal and grade level pedestrian crosswalk at the Estero Boulevard-Crescent Street intersection. If necessary, FDOT review and approval must be obtained.
- f. All FDOT and Lee County approvals must be received by the applicant prior to approval by the Town. The Town's approval shall be limited to aesthetic and non-structural design.

11 Sheet X-109-MCP.00 of the Master Concept Plan identifies certain important features on Parcels 2 and 6 (the beach-side parcels) that will require separate critical actions by the Town and by the landowner at a later date. This sheet is being included in the Master Concept Plan with these understandings:

- a. As shown on Sheet X-105, the landowner intends to request the vacation of a narrow right-of way at the end of Crescent Street, plus the first 185 feet of Canal Street south of Estero Boulevard which is part of Town-maintained Beach Access #36. Understanding that the Town's Comprehensive Plan strictly limits vacations of rights-of-way in order to preserve future access to the water, the landowner has agreed to provide a net increase in public access by donating Parcel 6 to the Town and constructing on it a new public street replacing Canal Street. The new public street will also be providing beach access and public parking spaces on 67 feet wide new rectangular

right-of-way beginning at Estero Boulevard. The Town Manager or designee shall be responsible for design approval of the new street. The new street will be completed on or before twelve (12) months following the issuance of a Development Order.

- b. The landowner has also agreed to construct and dedicate a five-foot wide perpetual public access easement for a new pedestrian beach access at the "north" end of Parcel 2 that meets ADA accessibility requirements and the Town Manager's specifications as to design, surfacing and signage. The easement shall be constructed, completed, and open to the public on or before twenty-four (24) months following the issuance of the associated Development Order. During construction of the project the property owner shall maintain a minimum of one 25' wide ADA accessible beach access from Estero to the end of the property at or near the water.
- c. The landowner will execute instruments to complete donations, the easement(s) for new pedestrian beach access easement and Parcel 6, in a form suitable to the Town Attorney and will provide them to the Town Attorney, who will not record either instrument unless the Town Council formally vacates the two existing rights-of-way shown on Sheet X-105; and:
 - i. The landowner either completes the construction of the new street or allows continued public use of Canal Street or Temporary Beach Access until the new street is completed.
 - ii. The Town will not issue development orders for demolition, site work, or new buildings on Parcels 1 or 2 unless the Town agrees to vacate both rights-of-way and related or associated property transfers are executed.
 - iii. After the new street is constructed by the applicant and turned over to the Town, Parcel 6 will no longer be subject to any requirements of this CPD.

12 The beach club on Parcel 2 must meet these additional requirements:

- a. To allow the reduced building frontage on the south side of Estero Boulevard (see LDC 34-675), development order plans must demonstrate three view corridors from Estero Boulevard to the beach (two totaling 319 feet; one totaling five feet) that total at least 324 feet along Estero Boulevard.
- b. Any perimeter fence on the beach side of Estero Boulevard must be at least 80 percent transparent, must be placed within a landscaped planting area at least five (5) feet wide, and shall be maintained at a height of three (3) feet. If the Florida Building Code requires a taller fence at this location, the Fort Myers Beach Building Official shall adjust the fence height accordingly.

- c. A detailed lighting plan, including any lit signage, must be provided with the development order application for the beach club; this plan must comply with LDC requirements in 10-154(8) and 14-76 for sea turtle conservation.
 - d. A detailed landscaping plan showing the location and type of all plantings, including beach plantings adjacent to the existing retaining wall, must be provided with the development order application for the beach club.
 - e. Directional signage approved by the Town as to design, installation methodology, and location shall be erected along Estero Boulevard that advises the public of both new public beach accesses.
 - f. The beach club and its ancillary uses may operate only from 7am to one hour after sunset, but never later than 9 pm. That is the Beach Clubs hours of operation unless otherwise temporarily altered in the Town's special event use regulations in Section 34-1264 of the LDC.
 - g. To implement the applicant's commitment to limit access to the beach club to 325 people per day who are not staying at the hotel, the resort will be required to submit monthly reports to the Town within 10 days after the end of each month showing the number of non-guest admissions for each day; and shall provide such information on demand and allow Town officials immediate access to this information for the current day at a designated location in the resort.
 - h. The beach club and aquatic venue shall provide no less than one security personnel per 200 guests.
 - i. All necessary dune plantings and walkovers shall be provided in compliance with Town codes and ordinances.
- 13** The following transportation and access features are shown on the Master Concept Plan and are an integral part of this approval:
- a. All existing vehicular access points on Estero Boulevard shall be closed except the access to the one new public street on Parcel 6.
 - b. The one and only access point on Crescent Street will be an entrance-only driveway near the intersection with Fifth Street, which will be the main entrance for resort guests.
 - c. Access points on Fifth Street are limited to the one main exit for resort guests and a separate entrance and exit for service vehicles on Parcel 1, plus two existing driveways to the surface parking lot on Parcel 3.
- 14** Prior to the Town issuing any development orders for demolition, site work, or new buildings on Parcel 2, the landowner must execute and record a restrictive covenant in favor of and enforceable by the Town in perpetuity that acknowledges that this CPD approval has consumed all

allowable density and intensity on Parcels 1, 2, 3, and 5 and that no additional development may occur beyond that which is approved by this CPD. Prior to issuance of a temporary or final certificate of completion on Parcel 2 (but not later than 36 months after commencing construction), the landowner must convey to the Town a perpetual conservation easement in a form acceptable to the Town Attorney, which after acceptance will be recorded in the Public Records of Lee County, over those portions of Parcels 2 and 3 on which structures or pavement are not constructed or proposed to be constructed under the Master Concept Plan adopted as part of this CPD. The intent of this condition is to limit in perpetuity the density and intensity of Parcels 2 and 3 to that which is approved by this CPD and to maintain all areas on which buildings and pavement are not constructed and as shown on the Master Concept Plan, only for outdoor recreation area on Parcel 2 and a single-level surface parking lot on Parcel 3, but specifically excluding any additional parking facilities, buildings, and other similar structures or any additional improvements.

- 15 Development order plans must identify the location of 359 off-street parking spaces within the area now identified for parking on Parcels 1 and 3. The public parking spaces to be constructed on Parcel 6 cannot be counted toward the 359 spaces reserved for resort parking.
 - a. None of the 359 spaces are eligible for joint-use agreements or sharing agreements that would allow any of these spaces to substitute for off-street parking that is required by the LDC for businesses located outside this CPD's Master Concept Plan.
 - b. Prior to the issuance of a Temporary Certificate of Occupancy, the applicant will also construct or provide 75 dedicated parking spaces at an off-site location along the trolley route from the Beach Park & Ride facility to be available for the entire resorts parking needs within 2.8 miles of Parcel 1.
 - c. Three or more years after issuance of the resort's certificate of occupancy, the applicant may request to modify this condition to eliminate some or all of these off-site parking spaces upon a convincing showing that this condition requires more parking spaces than are needed for the entire resorts parking needs.
 - d. Identify to the Town if any shared use parking agreements are currently in existence and will be terminated to meet to meet this CPD condition.
- 16 Development order plans must demonstrate that vehicles can be accommodated by a multi-vehicle parking mechanism per parking spot. Valet parking must be managed so that vehicles are never stacked on Crescent Street or 5th Street waiting to access the valet area. The property owner shall install No Stop/Stand signs on Crescent and 5th Street.

- 17 Individual signs may be placed on this site during and after development as may be allowed by the LDC regulations that are in effect at that time. Murals are permitted in compliance with LDC regulations.
- 18 Service of alcoholic beverages for on-premises consumption is approved at the locations shown on Sheets X-505-COP.01 and X-506-COP.02 of the Master Concept Plan, subject to these limitations:
 - a. Service to outdoor seating is permitted on the second story outdoor terrace on Parcel 1, in the public restaurant on Parcel 2, and in the beach club on Parcel 2 provided service remains in substantial compliance with the COP diagrams on Sheets X-506-COP.01 and X-507-COP.02. Beverages purchased in approved indoor or outdoor service areas on Parcels 1 or 2 shall not be carried across the pedestrian bridge. The designated service areas shall be identified separately from areas where consumption is permitted, but not part of a service and/or seating area.
 - b. Alcoholic beverages and amplified music in the beach club are limited to 7:00 a.m. to one hour after sunset, but not later than 9:00 p.m. Expansion of COP onto the sandy beach seaward of the seawall is prohibited.
 - c. Amplified music on the outdoor terrace on Parcel 1 is limited 7:00 a.m. to one hour after sunset, but not later than 9:00 p.m.
 - d. Amplified music in unenclosed hotel restaurant and bar on Parcel 2 are limited to 7:00 a.m. to midnight.
 - e. Alcoholic beverages may not be served at locations other than those shown on the Master Concept Plan unless approved by special use permit, special exception or by administrative approval, as provided in 34-1264 of the LDC.
- 19 Prior to applying for a permit for the stormwater management system from the SFWMD, the landowner shall evaluate the receiving of drainage from the intersection of Crescent and Fifth for suitability and consistency with SFWMD requirements. Provided these two components can be combined under those requirements, the landowner will design and construct the project to receive stormwater from the intersection of Crescent Street and Fifth Street into and through the project's stormwater system, including cost of upsizing the project stormwater system. In order to be considered feasible, any routing of stormwater from the intersection of Crescent and Fifth Streets must accommodate the project's design as approved by this CPD and it shall be borne by the property owner. The property owner will provide copies of the SFWMD permit application, and all subsequent responses to requests for additional information, to the Town's stormwater consultant for review and concurrent with filing with the SFWMD.

- 20** In order to provide an additional view corridor along the approach to the Town from the Matanzas Pass Bridge, the applicant has offered and the Town has accepted the following changes to the Master Concept Plan:
- a. No buildings will be constructed on Parcel 3 in perpetuity. Parcel 3 shall remain as a 21-space surface parking lot for the resort because all development rights on Parcel 3 are being used on Parcels 1 and 2. Parcel 3 will be included in the covenants and conservation easement described in Condition 14. Landscape buffers shall be done in accordance with MCP X-504-RW.02.
 - b. No buildings will be constructed on Parcel 4 by the applicant and the existing building will be removed. Parcel 4 will be donated by the applicant to the Town for civic, public purposes and will include a reverter in the event the parcel is not used for such civic, public purposes. The demolition and re-grading of the property will be completed no later than September 30th, 2018. The Town shall receive Parcel 4 within 60 calendar days of the issuance of all necessary approvals related to the development order and approvals of the pedestrian bridge. After the existing building is removed by the applicant and the property transfer is completed, Parcel 4 will no longer be subject to any requirements of this CPD. Demolition of Parcel 4 may be completed prior to development order being issued.
- 21** Barring a direct hurricane or other Acts of God and governmental-related delays, Parcel 1 and the Parcel 1 main hotel shall be completed and open for operation within three years of the issuance of a development order approval. All other portions, phases, and uses shall be in operation within five years of issuance of a development order approval. A Development Order application for development of Parcel 1 shall be submitted no later than 270 calendar days from effective date of the rezoning ordinance.
- 22** Additional approvals of special events are allowed. Application for such special event approvals shall be submitted through the Town's adopted Special Event processes and may temporarily alter hours of operation, amplified music limits, and public user capacity, among other items.
- 23** Bicycle racks for public use will be provided as shown on the Master Concept Plan. All bicycles and similar alternative transportation options shall be provided within the approved development footprint. Operations of any bicycle loan business or operation shall require the returning of bicycles to the CPD properties on a daily basis; as well as comply with Town Codes, and provide education materials about Town codes and regulations to bicycle users.
- 24** Construction staging shall be authorized when in compliance with all applicable Town codes, except that concrete delivery/pumping for the building's foundations and terrace may occur no earlier than 4:00 am. No staging shall be permitted on Parcel 4 or Parcel 6 after donation to the

Town. No other approvals are inferred from approval of the CPD. The landowner or developer shall be responsible for submittal of any requests for additional staging or construction management approvals from the Town Council.

- 25** Any violation of the CPD conditions of approval or deviations shall constitute a \$500 per day per incident civil violation.
- 26** The applicant has offered to provide residents of the Fort Myers Beach community a "Discount Plan," which provides a 25 percent discount on food, alcohol and non-alcohol beverages, Family Beach Club Admission, and retail store purchases, to anyone with a valid FL Driver's License with a home address in zip code 33931.
- 27** Per LDC Section 34-216(b)(5), the revised Master Concept Plan must be submitted to the director reflecting all modifications to the deviations and conditions as made herein by the Town Council.

Findings Regarding the Conditions

- 1.** All recommended special conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

1. **Requested Motion:**

Meeting Date: August 7, 2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20230052 TO AMEND RESOLUTION 13-09 CONDITIONS OF APPROVAL WHICH LIMITED THE AREA OF CONSUMPTION ON PREMISES TO THE BUILDING AND DID NOT ALLOW LIVE MUSIC FOR THE PROPERTY LOCATED AT 1249 ESTERO BLVD.; AND PROVIDING FOR AN EFFECTIVE DATE

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

4. **Submitter of Information:**

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. Resolution 23-80
2. Staff Report
3. A - Lee County Special Permit 12 23 1993
4. B - Resolution 13-09
5. C - Adjacent Property Owner Objection
6. C - Adjacent Property Owner Objection 2
7. Application for Special Exception Amendment

Financial Impact:

N/A

6. **Alternative Action**

7. Management Recommendations:

Deny/ Approve/ Approve with conditions, SEZ20230052 to allow outdoor consumption on premises and outdoor live music.

8. Recommended Approval:

Kendra Rosa, Zoning Coordinator/Planner 1
Steve Poposki, Community Development Director
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 7/21/2023
Approved - 7/21/2023
Approved - 8/1/2023
Approved - 8/1/2023
Final Approval - 8/1/2023

RESOLUTION NUMBER 23-80

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20230052 TO AMEND RESOLUTION 13-09 CONDITIONS OF APPROVAL WHICH LIMITED THE AREA OF CONSUMPTION ON PREMISES TO THE BUILDING AND DID NOT ALLOW LIVE MUSIC FOR THE PROPERTY LOCATED AT 1249 ESTERO BLVD.; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, applicant Greg von Krumreig, on behalf of owner Mike Miller, is requesting amendment of the Conditions of Approval for Res. 13-09, removing #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.* and #3 *No live music is permitted. Outdoor televisions shall be limited to from 11:00 AM to 11:00 PM daily.*; and

WHEREAS, the STRAP number for the subject property is 19-46-24-W4-0060H.0300; and

WHEREAS, the Property is located in the “Pedestrian Commercial” category of the Future Land Use Map of the Comprehensive Plan and the “Downtown” zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on June 13, 2023, and at said 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 Section 34-88 of the LDC. The LPA voted 6-1 to recommend approval of the amendment with conditions; and

WHEREAS, on August 07, 2023 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by 34-88 of the LDC; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve/ approve with conditions/ deny the request.

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

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicant did/ did not meet its burden of proof that the requested amendment do/ do not meet the requirements of the Town Comprehensive Plan and LDC, and approving/ approving with conditions/ denying the amendment is in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council APPROVES/ APPROVES WITH CONDITIONS/ DENIES the amendment of Res. 13-09.

Section 3. In approving/ approving with conditions/ denying the Variance, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-88 of the LDC:

- A. Whether there exist changed or changing conditions which make approval of the request appropriate.
- B. The testimony of any applicant.
- C. The recommendation of staff and of the local planning agency.
- D. The testimony of the public.
- E. Whether the request is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan.
- F. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.
- G. Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.
- H. Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- I. 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.

Section 4. If the Town Council approves the requested amendment, the following conditions of approval are imposed on the Applicant and the Property:

- A. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

B. The amendment of Conditions of Approval for Res. 13-09 shall be temporary for a period of 6 months from the date of this resolution or until construction of a new building has begun, whichever happens first.

C. Live music is allowed on 1249 Estero Blvd. but drums are not allowed as part of the entertainment.

D. Amplified music is allowed on 1249 Estero Blvd. until 6:30pm Sunday through Thursday, after which only acoustic music is allowed as long as the other conditions of approval are upheld.

E. Amplified music is allowed on 1249 Estero Blvd. until 9:00pm Friday and Saturday, after which only acoustic music is allowed as long as the other conditions of approval are upheld.

F. The variance shall only apply to the lot as shown on the provided site plan.

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

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King	_____
Bill Veach	_____
Karen Woodson	_____

ADOPTED this 7th day of August 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Gretchen R. H. Vose, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of August 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 the existing Special Exception Resolution 13-09 to remove Conditions of Approval 1 & 3. Removal of these conditions will allow consumption on premises outside of the building and will allow live music.

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 a newly constructed front deck.

As part of the Special Exception approval nine (9) conditions were applied. Conditions #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)

C – Letter of Objection from Adjacent Property Owner

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/drinklers 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 liter 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.

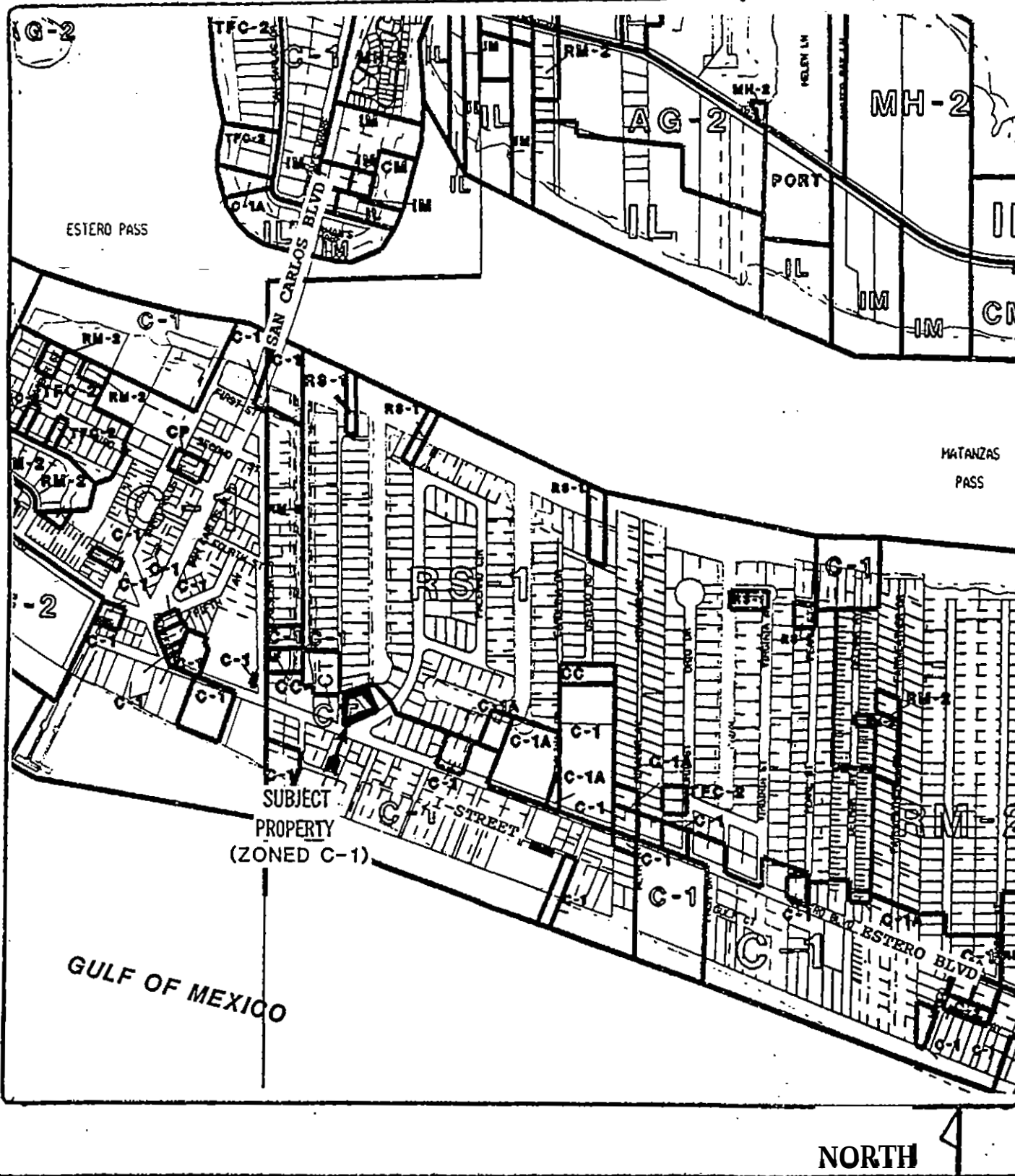
B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

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:

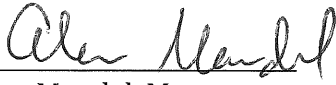
Alan Mandel, Mayor
Jo List
Dan Andre

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

From: [Jay Highley](#)
To: [Sarah Propst](#)
Cc: [Mary Highley](#)
Subject: Objection to Amendment Case #SEZ20230052
Date: Thursday, July 20, 2023 11:50:12 AM

Sarah,

We are the owners of both 122 Primo Drive and 124 Primo Drive and we are adamantly opposed to the request to allow live music to be played outdoors at The Whale. 124 Primo Drive is our primary residence and 122 Primo Drive is a rental unit.

We unfortunately cannot attend this hearing as we will be out of town, however, we did attend the last hearing where The Whale was requesting the same. We publicly stated our objection to this amendment at that time. The owners of The Whale repeatedly stated that they had no intentions of ever wanting to play live music outside of their establishment once they were able to complete the build out of their new building, however, this request looks to conflict with that position so that leads me to questions what the owners of The Whale are really communicating to the LPA and the local community and whether or not they are being honest and straightforward.

We would also like to add that even though they were instructed to not play live music outside in their parking lot at the last LPA hearing, they ignored that demand and continued to play live music on weekends anyway. I have video recordings of that occurring. Given that defiant behavior, again I question the true intentions and the integrity of the owners when they will blatantly ignore the direction of the LPA and just do what they want to do anyway.

The fact of the matter is that The Whale is directly adjacent to a residential community and it has been for decades. The owners knew that when they purchased the property. The Whale has never been allowed to play live music outside and just because new owners come along with a different vision, that does not change the fact that this will be very disruptive and impactful to the long time residents like us and our neighbors in that residential community. In addition, both Primo and Palermo have a number of rental properties within hundreds of feet to The Whale and loud music outdoors will be disruptive and a negative experience for guests staying in those properties.

We love The Whale and have supported it for over ten years since we move to Primo Drive, however, we do not want to see our quiet neighborhood turned into noisy “club” which will destroy the quiet and peaceful environment people come to Fort Myers Beach to enjoy and make memories with their friends and families.

Thanks

Jay Highley

Mobile: 317-414-5000

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

RAPHAEL GNIRCK
581 Palermo Cir
Fort Myers Beach, FL 33931

(239) 738 0922
rafi@axess.de

July 27, 2023

The Honorable Dan Allers
Mayor, Town of Fort Myers Beach
2525 Estero Blvd
Fort Myers Beach, FL 33931

CASE SEZ20230052 / Amplified outdoor music at 1249 Estero Blvd ("The Whale")

Dear Mayor, Dear Council Members,

My name is Raphael Gnirck, I am the owner of 581 Palermo Cir in the direct vicinity of 1249 Estero Blvd ("The Whale").

First and foremost: The new owners of The Whale are great people and we really wish for them to succeed in their enterprise.

I have followed the LPA meeting on June 13, 2023 and it is my understanding that the LPA recommends to partly grant the amendment of the special exception for the property and allow amplified live-music outdoors during certain hours and with some restrictions concerning the musical instruments used. The LPA has not made a recommendation or imposed a condition concerning decibel noise levels.

I would like to state that me and my spouse and co-owner, Anja Karl, are strictly against granting this amendment of the special exception concerning the "amplified music" part. (We do not have any issue with the amendmend concerning serving alcohol or playing non-amplified music on the property.)

The owners of The Whale knew about the restrictions on the property when they bought it. Yes, there was a hurricane in the meantime and they lost the building. At the same time, we all have to endure hardships due to Ian and for the residents there already is significantly more noise to endure due to construction going on virtually everywhere. Allowing amplified live outdoor music at The Whale will severely add to that noise.

I understand that drum-sets are to be prohibited but what about amplified Karaoke, single drums, keyboards or electric guitars? These may cause a severe level of noise (and thus nuisance) as well.

From the documents of the June 13 LPA meeting, I read that in order to approve the Special Exception Request, the Town Council is asked to consider (among others):

(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.

In my opinion, this point would clearly be violated by the amendmend. The amplified live music from the property will negatively impact the entire neighbourhood in form of a severe nuisance and thus detriment. Restricting amplified music only at night means that the neighbourhood will still have to endure the noise during the daytime until late afternoon and until early nights on weekends.

I therefore kindly ask you to deny the Special Exception Amendment SEZ20230052 on the part of amplified music.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Gnirck', with a stylized, cursive script.

Raphael Gnirck



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

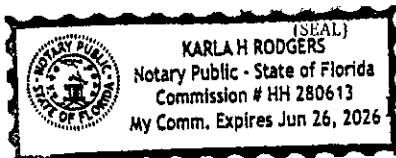
STATE OF Florida COUNTY OF Lee

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:

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..."

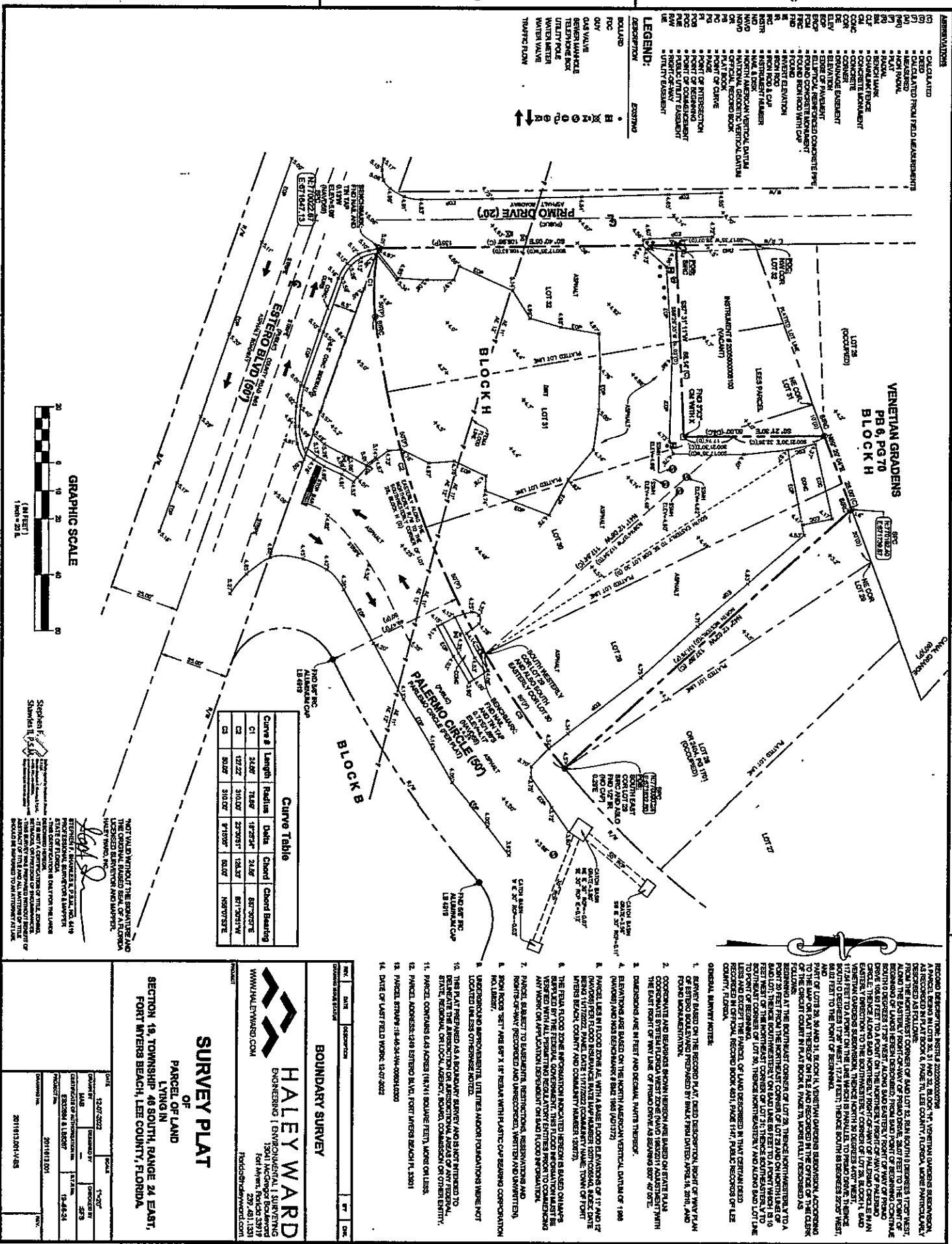
Explain how this request, if granted for the subject property, could affect the surrounding properties and the existing or planned uses on those properties.

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.





1. **Requested Motion:**

Meeting Date: August 7, 2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230078 TO REDUCE REAR YARD SETBACK BY 5 FEET, FROM THE REQUIRED 20 FEET TO 15 FEET FOR THE PROPERTY LOCATED AT 432/434 HARBOR COURT; AND PROVIDING FOR AN EFFECTIVE DATE

Why the action is necessary:

The Town Council is the decision making body for variance requests.

What the action accomplishes:

Approval of this variance will allow the applicant to build a single family residence with a rear setback of 15 feet.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Sarah Propst, Planning &
Zoning

5. **Background:**

The subject property is a 50 feet wide and 75 feet deep nonconforming lot in the RC zoning district. Prior to Hurricane Ian, the property contained a 1952 duplex which had a street setback of 22 feet and a rear setback of 6.4 feet. No previous variances were found in the town's record. The Applicant is now proposing construction of a two-story single-family residence and requesting a variance of 5 feet from the rear setback to allow a rear setback of 15 feet.

At the June 27 LPA meeting, the LPA unanimously recommended approval of this request.

Attachments:

1. Resolution 23-72, 432-434 Harbor Ct
2. 432/434 Harbor Court variance TC Staff Report
3. Exhibit A-Application
4. Exhibit B TC postcard 432-434 Harbor Ct
5. Adjacent Property Owner Objection

Financial Impact:

Unknown

6. **Alternative Action**

Recommend Approval/ Approval with conditions

7. **Management Recommendations:**

Recommends denial

8. **Recommended Approval:**

Kendra Rosa, Zoning Coordinator/Planner 1
Steve Poposki, Community Development Director
Gretchen R.H. Vose, Town Attorney

Created/Initiated - 7/20/2023
Approved - 7/20/2023
Approved - 8/1/2023

Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Approved - 8/1/2023
Final Approval - 8/1/2023

RESOLUTION NUMBER 23-72

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230078 TO REDUCE REAR YARD SETBACK BY 5 FEET, FROM THE REQUIRED 20 FEET TO 15 FEET FOR THE PROPERTY LOCATED AT 432/434 HARBOR COURT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, applicant Samir Malviya, on behalf of owner Ashland Properties, LLC, is requesting a variance from Table 34-3 Dimensional Regulations in Conventional Zoning Districts for a rear setback reduction; and

WHEREAS, the STRAP number for the subject property is 24-46-23-W3-0030C.0080; and

WHEREAS, the Property is located in the “Mixed Residential with Platted Overlay” category of the Future Land Use Map of the Comprehensive Plan and the “Residential Conservation” zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on June 27, 2023, and at said 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 Section 34-87 of the LDC. The LPA voted 7-0 to recommend approval of the variance; and

WHEREAS, on August 07, 2023 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by 34-87 of the LDC; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve/ approve with conditions/ deny the request.

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

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicant did/ did not meet its burden of proof that the requested Variance does/ does not meet the requirements of the Town Comprehensive Plan and LDC, and approving/ approving with conditions/ denying the Variance is in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council APPROVES/ APPROVES WITH CONDITIONS/ DENIES the variance from Table 34-3 Dimensional Regulations in Conventional Zoning Districts.

Section 3. In approving/ approving with conditions/ denying the Variance, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-87 of the LDC:

- A. There are/ are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is/not for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- B. The conditions justifying approval of the variance are/ are not the result of actions of the Applicant taken after the adoption of the regulation in question.
- C. The variance is/ is not the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation to the Property.
- D. The granting of the variance will/ will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. The conditions or circumstances on the Property are/ are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Section 4. If the Town Council approves the requested variance, the following conditions of approval are imposed on the Applicant and the Property:

- A. The variance shall only apply to the single-family home as shown on the provided site plan. Alterations or substantial damage to the structure shall render their respective variance to be null and void.

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

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King	_____

Bill Veach
Karen Woodson

ADOPTED this 7th day of August 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Gretchen R. H. Vose., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of August 2023.



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20230078

CASE NAME: 432/434 Harbor Court; requesting a variance from LDC Table 34-3 minimum rear setback.

LPA

HEARING DATE: June 27, 2023

TOWN COUNCIL

HEARING DATE: August 07, 2023

STAFF

RECOMMENDATION: DENIAL

LPA RECOMMENDATION: APPROVAL (unanimous vote)

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

I. APPLICATION SUMMARY

Applicant/Owner: Samir Malviya from Homebound Technologies Inc. (Applicant)/ Ashland Properties, LLC (Owner)

Request: Variance of 5 feet from the LDC Table 34-3 where a minimum 20-foot rear setback is required.

Subject property: See attached site plan

Physical Address: 432/434 Harbor Court

STRAP #: 24-46-23-W3-0030C.0080

FLU: Mixed Residential with Platted Overlay

Zoning: Residential Conservation (RC)

Adjacent zoning and land uses:

North:	MIXED RESIDENTIAL WITH PLATTED OVERLAY Residential Conservation (RC)
South:	MIXED RESIDENTIAL WITH PLATTED OVERLAY Residential Conservation (RC)
East:	MIXED RESIDENTIAL WITH PLATTED OVERLAY Residential Conservation (RC)
West:	MIXED RESIDENTIAL WITH PLATTED OVERLAY Residential Conservation (RC)

II. BACKGROUND AND ANALYSIS

Background:

Samir Malviya, the applicant for 432/434 Harbor Court, is requesting a variance from the Town's Land Development Code (LDC) Table 34-3 which requires a single-family home in the RC zoning district to provide a minimum 20-foot rear setback. The nonconforming lot is 50 feet wide and 75 feet deep. The Applicant is requesting a variance of 5 feet from the rear setback to build a new single-family residence with a rear setback of 15 feet.

Prior to Hurricane Ian, the property contained a 1952 duplex which had a street setback of 22 feet and a rear setback of 6.4 feet. No previous variances were found in the Town's record.

Analysis:

The purpose of the RC zoning district is to recognize certain older neighborhoods that had been zoned for duplex, multifamily, or mobile home purposes prior to incorporation of the town. A conforming lot in RC zoning is at least 45 feet wide and 80 feet deep. The subject property is 50 feet wide and 75 feet deep and is non-conforming for depth.

Prior to Hurricane Ian, the property contained a 1952 duplex which had a street setback of 22 feet and a rear setback of 6.4 feet. No previous variances were found in the Town's record. The Applicant is proposing construction of a two-story single-family residence. The Applicant is , requesting a variance of 5 feet from the rear setback to allow a rear setback of 15 feet.

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 when the modifications will be the minimum required to allow a home with a footprint of the same square footage as was previously legally constructed on that property and one story in height, above flood elevation, with no enclosure below base flood elevation.. The Applicant is proposing two-stories over flood elevation and therefore does not qualify for an administrative variance.

As per LDC table 34-3, a single-family home in the RC zoning district shall provide a minimum rear setback equal to 20 feet. The Applicant is requesting a variance of 5 feet from the rear setback to allow a rear setback of 15 feet.

Neighborhood Compatibility:

The subject property is part of an older residential neighborhood with several non-conforming lots. Prior to hurricane Ian, these properties appeared to have similar reduced rear setbacks. However, as per the Town's LDC Section 34-3238, Post Disaster build-back, if a residence has experienced more than 50 percent damage and requires substantial improvements, the building must comply with current building, life safety, and accessibility codes. The proposed house is similar in style and nature to the existing residences in this 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 no exceptional or extraordinary conditions that are inherent to the property. The subject property is a non-conforming lot with access via Harbor Court. The town's LDC allows the Applicant to build a single-family residence or a duplex with the same square footage that existed before Ian through an administrative variance. The Applicant is, proposing a two-story residence with more square footage and thus, requires a rear setback 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 town's LDC allows the Applicant to build a residence through administrative variance or a home that meets the Town's setbacks. The applicant is opting to build a residence that does not meet the administrative

variance requirements and is not compliant with the rear setback regulations set forth by table 34-3 of the Town's 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 need for this variance is a result of a design choice and is 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. The subject property previously supported a duplex with a rear setback of 6.4 feet and street setback of 22 feet. The property is part of an older residential neighborhood where several homes appear to have reduced rear setbacks. Therefore, the Applicant's request for a variance of 5 feet to allow a rear setback of 15 feet, will be consistent with neighboring properties and make the development more consistent with the Town's LDC than the previous duplex. Additionally, the creation of a single family residence where a duplex was previously located, will decrease the density nonconformity.

- 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 RC zoning district to provide a minimum 20-foot rear setback and finds that the variance request does not meet the requirements set-forth in sec. 34-87.

Therefore, staff recommends **DENIAL** of VAR20230078, a request for a variance of 5 feet from the rear setback to build a new single-family residence with a rear setback of 15 feet.

At June 27 LPA meeting, **LPA unanimously recommended APPROVAL** of VAR20230078, a request for a variance of 5 feet from the rear setback to build a new single family home with a rear setback of 15 feet.

Staff has included one condition, for Town Council consideration, that was not in the LPA staff report. This condition limits the variance to this specific proposed structure and expires upon demolition or destruction of the proposed home.

V. CONDITIONS FOR APPROVAL

Town staff's recommended conditions of approval are as follows:

- 1) The variance shall only apply to the single-family home as shown on the provided site plan. Alterations or substantial damage to the structure shall render their respective variance to be null and void.

VI. 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: 432-434 Harbor Court
STRAP Number: 24-46-23-W3-0030C.0080
Applicant: Homebound Florida LLC Phone: _____
Contact Name: Samir Malviya Phone: 248.894.9610
Email: smalviya@homebound.com Fax: _____
Current Zoning District: RC-FMB
Future Land Use Map (FLUM) Category: Residential
FLUM Density Range: Mixed 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*: Homebound Florida, LLC 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: 422 Harbor Court | Fort Myers Beach, FL | 33931

Email: smalviya@homebound.com Fax: _____

Contact Name: Samir Malviya Phone: 248.894.9610



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: 248.894.9610
Address: 422 Harbor Ct | Fort Myers Beach, FL 33931
Email: smalviya@homebound.com Fax: _____

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

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

Name: Tyler Knafelc Phone: 719.213.4409
Address: 422 Harbor Ct | Fort Myers Beach, FL 33931
Email: tknafelc@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

Thomas M. Schlender | Ashland Properties, LLC

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.

_____	Thomas M. Schlender
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, Thomas M. Schlender (name), as Managing Parter (title)
of Ashland Properties, LLC (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

Ashland Properties, LLC

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

Signature

Thomas M. Schlender

Typed or Printed Name

Managing Partner

Title

05/17/2023

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: 24-46-23-W3-0030C.0080

Property Address: 432-34 Harbor Court

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: Matanzas View

Book: 09 Page: 40 Unit: _____ Block: C Lot(s): 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) 75 feet
Frontage on street: 50 feet. Frontage on waterbody: N/A feet
Total land area: 3,750 ☐ 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.



Document must be filed electronically.
Paper documents are not accepted.
Fees & forms are subject to change.
For more information or to print copies
of filed documents, visit www.sos.state.co.us.

Colorado Secretary of State
Date and Time: 11/24/2014 02:37 PM
ID Number: 20141710156
Document number: 20141710156
Amount Paid: \$50.00

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Organization

filed pursuant to § 7-80-203 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

Ashland Properties

(The name of a limited liability company must contain the term or abbreviation "limited liability company", "ltd. liability company", "limited liability co.", "ltd. liability co.", "limited", "l.l.c.", "llc", or "ltd.". See §7-90-601, C.R.S.)

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the limited liability company's initial principal office is

Street address

10940 S. Parker Rd. #512

(Street number and name)

Parker

(City)

CO

(State)

80134

(ZIP/Postal Code)

United States

(Country)

(Province – if applicable)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City)

(State)

(ZIP/Postal Code)

(Province – if applicable)

(Country)

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name

(if an individual)

Schlender

(Last)

Thomas

(First)

M

(Middle)

(Suffix)

or

(if an entity)

(Caution: Do not provide both an individual and an entity name.)

Street address

10940 S. Parker Rd #512

(Street number and name)

Parker

(City)

CO

(State)

80134

(ZIP Code)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City) CO (State) _____
(ZIP Code)

(The following statement is adopted by marking the box.)

☒ The person appointed as registered agent has consented to being so appointed.

4. The true name and mailing address of the person forming the limited liability company are

Name
(if an individual) Schlender Thomas M
(Last) (First) (Middle) (Suffix)
or

(if an entity)
(Caution: Do not provide both an individual and an entity name.)

Mailing address 10940 S. Parker Rd. #512
(Street number and name or Post Office Box information)
Parker CO 80134
(City) (State) (ZIP/Postal Code)
United States
(Province – if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ The limited liability company has one or more additional persons forming the limited liability company and the name and mailing address of each such person are stated in an attachment.

5. The management of the limited liability company is vested in

(Mark the applicable box.)

☐ one or more managers.

or

☒ the members.

6. (The following statement is adopted by marking the box.)

☒ There is at least one member of the limited liability company.

7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ This document contains additional information as provided by law.

8. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are _____
(mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

9. The true name and mailing address of the individual causing the document to be delivered for filing are

<u>Schlender</u>	<u>Thoams</u>	<u>M</u>	
(Last)	(First)	(Middle)	(Suffix)
<u>10940 S. Parker Rd #512</u>			
(Street number and name or Post Office Box information)			
<u>Parker</u>	<u>CO</u>	<u>80134</u>	
(City)	(State)	(ZIP/Postal Code)	
<u></u>	<u>United States</u>	<u></u>	
(Province – if applicable)	(Country)		

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

- ☐ This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Ashland Properties

is a **Limited Liability Company** formed or registered on 11/24/2014 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20141710156.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 09/14/2015 that have been posted, and by documents delivered to this office electronically through 09/15/2015 @ 15:42:18.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 09/15/2015 @ 15:42:18 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 9306323.



A blue ink signature of Wayne W. Williams, written in a cursive style.

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Certificate Confirmation Page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click Business Center and select "Frequently Asked Questions."

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: Schlender Residence 432-34 Harbor Court
Authorized Applicant: Samir Malviya
LeePA STRAP Number: 24-46-23-W3-0030C.0080

Current Property Status: Demolished	
Current Zoning: Residential	
Future Land Use Map (FLUM) Category: Residential	
Comp Plan Density: Mixed	Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
34-638 Minimum 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:
Seeking a reduction to the rear setback requirement of 20' down to 15' due to the lot's atypically
short 75' depth.

Reasons for request

Explain why the variance is needed:
There are ten lots in Matanzas View subdivision that have an atypically short 75' depth - five on the
east side of Harbor Court and five on the west side of Bonita Street (both sets of five back up to
each other). Eight of the ten lots have a standard width of 50' for lot dimensions of 50' x 75'; two of
the lots are corner lots with a 70' lot width for lot dimensions of 70' x 75'. The former 50' x 75' lots
(including 432-434 Harbor Court) have a buildable footprint of 35' wide by 30' deep which is very
difficult to rebuild on after Hurricane Ian. We are asking for relief to the rear setback in order to
minimize any change to the front and sides that would affect the streetscape, and still allow a more
buildable footprint.

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

Given that the proposal only asks for relief on the rear setback and not the front or sides, the aim is to minimize any change to the front and sides that would affect the streetscape and the larger neighborhood. The reduced rear setback of 15' - 5' reduced from 20' - will bring this house closer to it's rear neighbors by 5'. As mentioned previously, there are 10 properties on Harbor Court and Bonita that share rear property lines and this 75' depth; if this same relief was applied to other properties on these streets, the effective 40' clear distance between properties (two 20' rear setbacks) would be reduced to 30'. Looking at the existing survey, the previous house on the subject property was 6.4' from the rear property line, and the separation distance between house on the subject property and the house on the property to it's rear (measured on Google map) is approximately 15'. Even with the requested reduction to an effective separation of 30' between houses, the proposed condition would be significantly improved from what was there previously. Lastly, the proposed plan has no rear deck and a larger front porch than the other plans we offer; this focuses outdoor living to the front of the property where the typical 25' required setback is held.

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

The reduced depth of this property at 75' is significantly smaller than typical lots on Fort Myers Beach. While there is a vast range of depths across the island, the majority of lots range from 85'-130'+. Several streets have a reduced depth of 80' which limits buildable depth to 35' with a standard 25' front setback and 20' rear setback; we would consider 35' the minimum depth required to build a single family residence on a 50' wide lot (35' buildable width). With that said, this project is proposing an additional 5' of depth to the 30' buildable depth allowed as of right to allow a buildable depth of 35'.



This property qualifies for a variance in that the 75' depth is an extraordinary condition that is inherent to this property in question and the request is a de minimis variance. The conditions provided justifying the variance are no result of the applicant. The requested variance is the minimum that will relieve the applicant of the burden created by the 75' depth; the reduction of the rear setback by 5' will allow a 35' deep floor plan which aligns with what is being proposed. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; even if the proposal was applied to the other nine lots on Harbor Court and Bonita Street, the same lots that would be potentially negatively impacted by being closer to their rear neighbors would be also benefiting from the increased buildable depth. As mentioned, the limited depth of this lot is applicable to at least seven other lots on Harbor Court and Bonita Street (the other two have increased buildable widths that would not necessarily need relief in depth). While there may be additional lots across the island that would have similar hardship, the relief should be considered on a project-by-project basis as the proportions of the specific lots make a large difference in the conversation.

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.

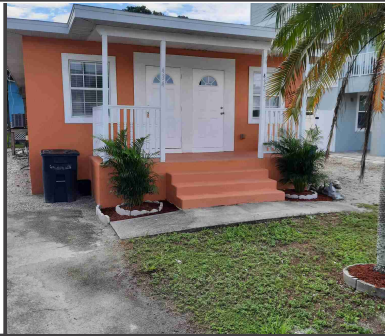
LDC Section 34-87

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.



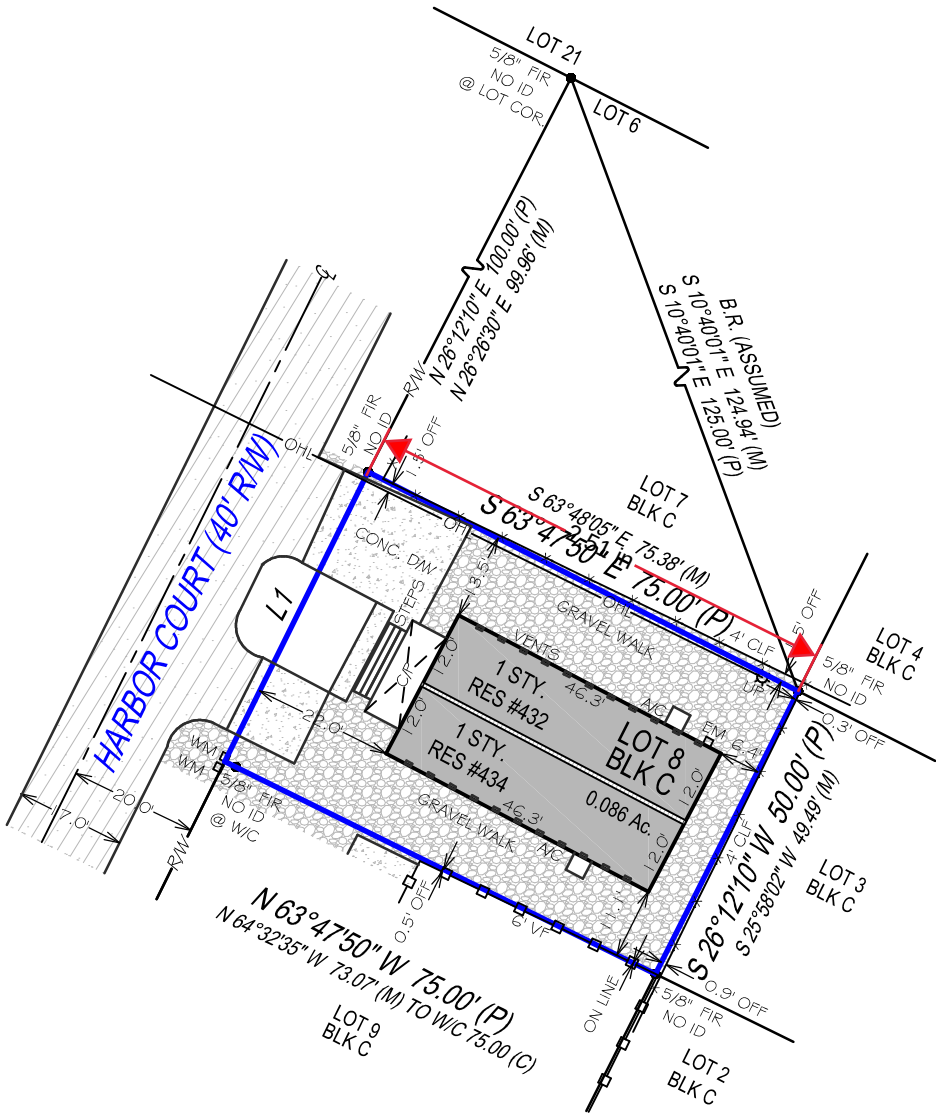
www.exactaland.com | office: 866.735.1916 | fax: 866.744.2882



PROPERTY ADDRESS: 432/434 HARBOR COURT, FORT MYERS BEACH, FLORIDA 33931

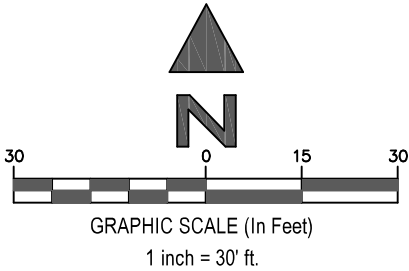
SURVEY NUMBER: 2109.3782

2109.3782
BOUNDARY SURVEY
LEE COUNTY



LINE TABLE:
L1 N 26°12'10" E 50.00' (P)
N 25°31'46" E 50.46' (M)

SURVEYOR'S NOTES:
FENCE OWNERSHIP NOT DETERMINED.



SURVEYORS CERTIFICATION:

I hereby certify that this Survey of the lands described hereon was made under my direct supervision, and to the best of my knowledge and belief is a true and accurate representation of said lands and meets the Standards of Practice set forth in Chapter 5J-15.050 through 5J-15.053, Florida Administrative Code, pursuant to section 472.027, Florida Statutes. This survey is not valid without the signature and original raised seal of a Florida licensed surveyor and mapper, except when the electronic signature and seal of a Florida licensed surveyor and mapper is affixed hereto.

POINTS OF INTEREST:
NONE VISIBLE



Exacta Land Surveyors, LLC
LB# 8291
o: 866.735.1916 | f: 866.744.2882
3846 Blanding Boulevard, Jacksonville, FL 32210



AFFILIATE
MEMBERS

DATE SIGNED: 09/21/21
FIELD WORK DATE: 9/17/2021
REVISION DATE(S): (REV.1 9/22/2021) (REV.1 9/21/2021)

SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES

PROPERTY ADDRESS: 432/434 HARBOR COURT, FORT MYERS BEACH, FLORIDA 33931

SURVEY NUMBER: 2109.3782

JOB SPECIFIC SURVEYOR NOTES:

THE ASSUMED BEARING REFERENCE OF SOUTH 10 DEGREES 40 MINUTES 01 SECONDS EAST IS BASED ON THE DIAGONAL PROPERTY LINE OF LOT 7 AND 6, BLOCK C, LOCATED WITHIN MATANZAS VIEW ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 40 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LEGAL DESCRIPTION:

LOT 8, BLOCK C, MATANZAS VIEW, A SUBDIVISION IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGE 40, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

GENERAL SURVEYOR NOTES:

1. The Legal Description used to perform this survey was supplied by others. This survey does not determine nor imply ownership of the lands or any fences shown hereon. Unless otherwise noted, an examination of the abstract of title was NOT performed by the signing surveyor to determine which instruments, if any, are affecting this property.

2. The purpose of this survey is to establish the boundary of the lands described by the legal description provided and to depict the visible improvements thereon for a pending financial transaction. Underground footings, utilities, or other service lines, including roof eave overhangs were not located as part of this survey. Unless specifically stated otherwise the purpose and intent of this survey is not for any construction activities or future planning.

3. If there is a septic tank or drain field shown on this survey, the location depicted hereon was either shown to the surveyor by a third party or it was estimated by visual above ground inspection. No excavation was performed to determine its location.

4. This survey is exclusively for a pending financial transaction and only to be used by the parties to whom it is certified.
5. Alterations to this survey map and report by other than the signing surveyor are prohibited.

6. Dimensions are in feet and decimals thereof.

7. Any FEMA flood zone data contained on this survey is for informational purposes only. Research to obtain said data was performed at www.fema.gov and may not reflect the most recent information.

8. Unless otherwise noted "SIRC" indicates a Set Iron Rebar with a Cap stamped LB#8291, a minimum half inch in diameter and eighteen inches long.

9. If you are reading this survey in an electronic format, the information contained on this document is only valid if this document is electronically signed as specified in Chapter 5J17.062 (3) of the Florida Administrative Code and Florida Statute 472.025. The Electronic Signature File related to this document is prominently displayed on the invoice for this survey which is sent under separate cover. Manually signed and sealed logs of all survey signature files are kept in the office of the performing surveyor.

10. The symbols reflected in the legend and on this survey may have been enlarged or reduced for clarity. The symbols have been plotted at the approximate center of
- the field location and may not represent the actual shape or size of the feature.

11. Points of Interest (POI's) are select above-ground improvements, which may appear in conflict with boundary, building setback or easement lines, as defined by the parameters of this survey. These POI's may not represent all items of interest to the viewer. There may be additional POI's which are not shown or called-out as POI's, or which are otherwise unknown to the surveyor.

12. Utilities shown on the subject property may or may not indicate the existence of recorded or unrecorded utility easements.

13. The information contained on this survey has been performed exclusively by and is the sole responsibility of Exacta Land Surveyors, LLC. Additional logos or references to third party firms are for informational purposes only.

14. Pursuant to F.S. 558.0035, an individual employee or agent may not be held individually liable for negligence.

15. Due to varying construction standards, house dimensions are approximate and are not intended to be used for new construction or planning.

SURVEYOR'S LEGEND

LINETYPES	
	Boundary Line
	Center Line
	Chain Link or Wire Fence
	Easement
	Edge of Water
	Iron Fence
	Overhead Lines
	Structure
	Survey Tie Line
	Vinyl Fence
	Wall or Party Wall
	Wood Fence
SURFACETYPES	
	Asphalt
	Brick or Tile
	Concrete
	Covered Area
	Water
	Wood
SYMBOLS	
	Benchmark
	Center Line
	Central Angle or Delta
	Common Ownership
	Control Point
	Catch Basin

	Elevation
	Fire Hydrant
	Find or Set Monument
	Guywire or Anchor
	Manhole
	Tree
	Utility or Light Pole
	Well

ABBREVIATIONS

(C) - Calculated
(D) - Deed
(F) - Field
(M) - Measured
(P) - Plat
(S) - Survey
A/C - Air Conditioning
AE - Access Easement
ANE - Anchor Easement
ASBL - Accessory Setback Line
B/W - Bay/Box Window
BC - Block Corner
BFP - Backflow Preventer
BLDG - Building
BLK - Block
BM - Benchmark
BR - Bearing Reference
BRL - Building Restriction Line
BSMT - Basement
C - Curve
C/L - Center Line
C/P - Covered Porch
C/S - Concrete Slab
CATV - Cable TV Riser
CB - Concrete Block
CH - Chord Bearing
CHIM - Chimney
CLF - Chain Link Fence
CME - Canal Maintenance Easement
CO - Clean Out
CONC - Concrete
COR - Corner
CS/W - Concrete Sidewalk
CUE - Control Utility Easement
CVG - Concrete Valley Gutter
D/W - Driveway
DE - Drainage Easement
DF - Drain Field
DH - Drill Hole
DUE - Drainage & Utility Easement
ELEV - Elevation
EM - Electric Meter
ENCL - Enclosure
ENT - Entrance
EOP - Edge of Pavement
EOW - Edge of Water
ESMT - Easement
EUB - Electric Utility Box
F/DH - Found Drill Hole
FCM - Found Concrete Monument
FF - Finished Floor
FIP - Found Iron Pipe
FIPC - Found Iron Pipe & Cap

FIR - Found Iron Rod
FIRC - Found Iron Rod & Cap
FN - Found Nail
FN&D - Found Nail & Disc
FRRSPPK - Found Rail Road Spike
GAR - Garage
GM - Gas Meter
ID - Identification
IE/EE - Ingress/Egress Easement
ILL - Illegible
INST - Instrument
INT - Intersection
IRRE - Irrigation Easement
L - Length
LAE - Limited Access Easement
LB# - License No. (Business)
LBE - Limited Buffer Easement
LE - Landscape Easement
LME - Lake/Landscape Maintenance Easement
LS# - License No. (Surveyor)
MB - Map Book
ME - Maintenance Easement
MES - Mitered End Section
MF - Metal Fence
MH - Manhole
NR - Non-Radial
NTS - Not to Scale
NAVD88 - North American Vertical Datum 1988
NGVD29 - National Geodetic Vertical Datum 1929
OG - On Ground

ORB - Official Records Book
ORV - Official Record Volume
O/A - Overall
O/S - Offset
OFF - Outside Subject Property
OH - Overhang
OHL - Overhead Utility Lines
ON - Inside Subject Property
P/E - Pool Equipment
PB - Plat Book
PC - Point of Curvature
PCC - Point of Compound Curvature
PCP - Permanent Control Point
PI - Point of Intersection
PLS - Professional Land Surveyor
PLT - Planter
POB - Point of Beginning
POC - Point of Commencement
PRC - Point of Reverse Curvature
PRM - Permanent Reference Monument
PSM - Professional Surveyor & Mapper
PT - Point of Tangency
PUE - Public Utility Easement
R - Radius or Radial
R/W - Right of Way
RES - Residential
RGE - Range
ROE - Roof Overhang Easement
RP - Radius Point

S/W - Sidewalk
SBL - Setback Line
SCL - Survey Closure Line
SCR - Screen
SEC - Section
SEP - Septic Tank
SEW - Sewer
SIRC - Set Iron Rod & Cap
SMWE - Storm Water Management Easement
SN&D - Set Nail and Disc
SQFT - Square Feet
STL - Survey Tie Line
STY - Story
SV - Sewer Valve
SWE - Sidewalk Easement
TBM - Temporary Bench Mark
TEL - Telephone Facilities
TOB - Top of Bank
TUE - Technological Utility Easement
TWP - Township
TX - Transformer
TYP - Typical
UE - Utility Easement
UG - Underground
UP - Utility Pole
UR - Utility Riser
VF - Vinyl Fence
W/C - Witness Corner
W/F - Water Filter
WF - Wood Fence
WM - Water Meter/Valve Box
WV - Water valve

CERTIFIED TO:

ASHLAND PROPERTIES

DATE SIGNED: 09/21/21

BUYER: Ashland Properties

LENDER:

TITLE COMPANY:

TITLE COMMITMENT:

CLIENT FILE NO:

SEE PAGE 1 OF 2 FOR MAP OF PROPERTY
PAGE 2 OF 2 - NOT VALID WITHOUT ALL PAGES

FLOOD ZONE INFORMATION:

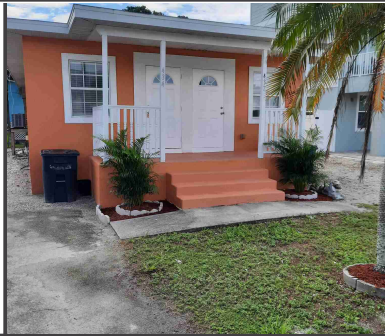
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE AE (WITH A BASE FLOOD ELEVATION OF 13). THIS PROPERTY WAS FOUND IN TOWN OF FORT MYERS BEACH, COMMUNITY NUMBER 120673, PANEL NUMBER 0554 DATED 08/28/2008.



Exacta Land Surveyors, LLC
LB# 8291
o: 866.735.1916 | f: 866.744.2882
3846 Blanding Boulevard, Jacksonville, FL 32210



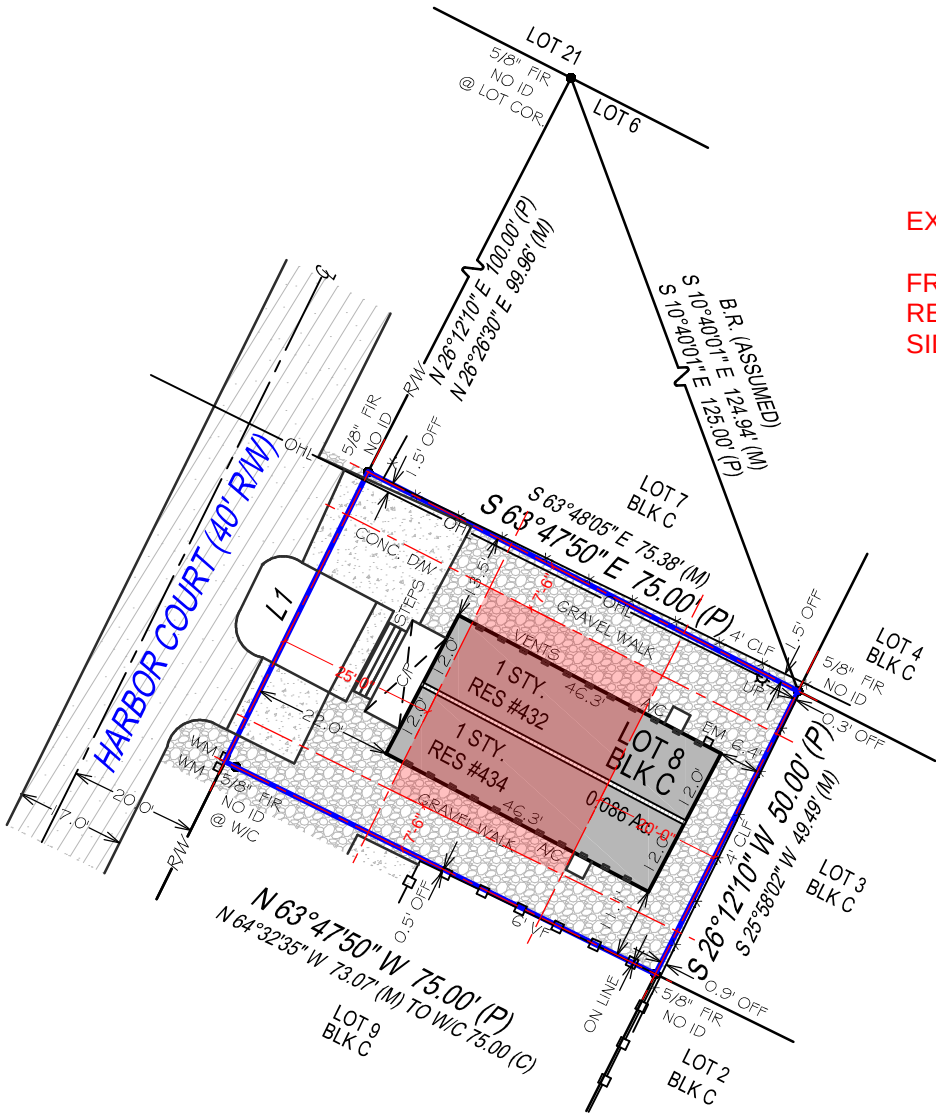
www.exactaland.com | office: 866.735.1916 | fax: 866.744.2882



PROPERTY ADDRESS: 432/434 HARBOR COURT, FORT MYERS BEACH, FLORIDA 33931

SURVEY NUMBER: 2109.3782

2109.3782
BOUNDARY SURVEY
LEE COUNTY

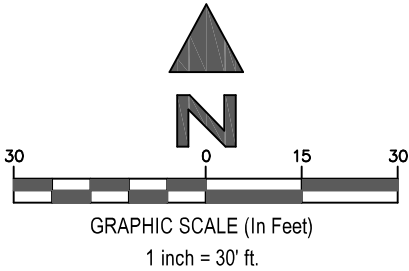


EXISTING SETBACKS:

FRONT: 25'
REAR: 20'
SIDE: 7.5'

LINE TABLE:
L1 N 26°12'10" E 50.00' (P)
N 25°31'46" E 50.46' (M)

SURVEYOR'S NOTES:
FENCE OWNERSHIP NOT DETERMINED.



SURVEYORS CERTIFICATION:

I hereby certify that this Survey of the lands described hereon was made under my direct supervision, and to the best of my knowledge and belief is a true and accurate representation of said lands and meets the Standards of Practice set forth in Chapter 5J-15.050 through 5J-15.053, Florida Administrative Code, pursuant to section 472.027, Florida Statutes. This survey is not valid without the signature and original raised seal of a Florida licensed surveyor and mapper, except when the electronic signature and seal of a Florida licensed surveyor and mapper is affixed hereto.

POINTS OF INTEREST:
NONE VISIBLE



Exacta Land Surveyors, LLC
LB# 8291
o: 866.735.1916 | f: 866.744.2882
3846 Blanding Boulevard, Jacksonville, FL 32210



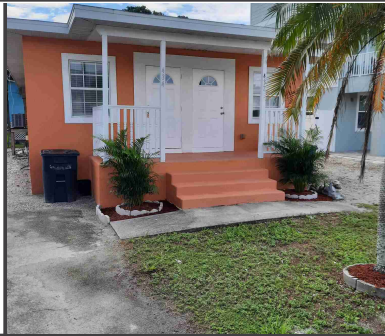
AFFILIATE
MEMBERS

DATE SIGNED: 09/21/21
FIELD WORK DATE: 9/17/2021
REVISION DATE(S): (REV.1 9/22/2021) (REV.1 9/21/2021)

SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES



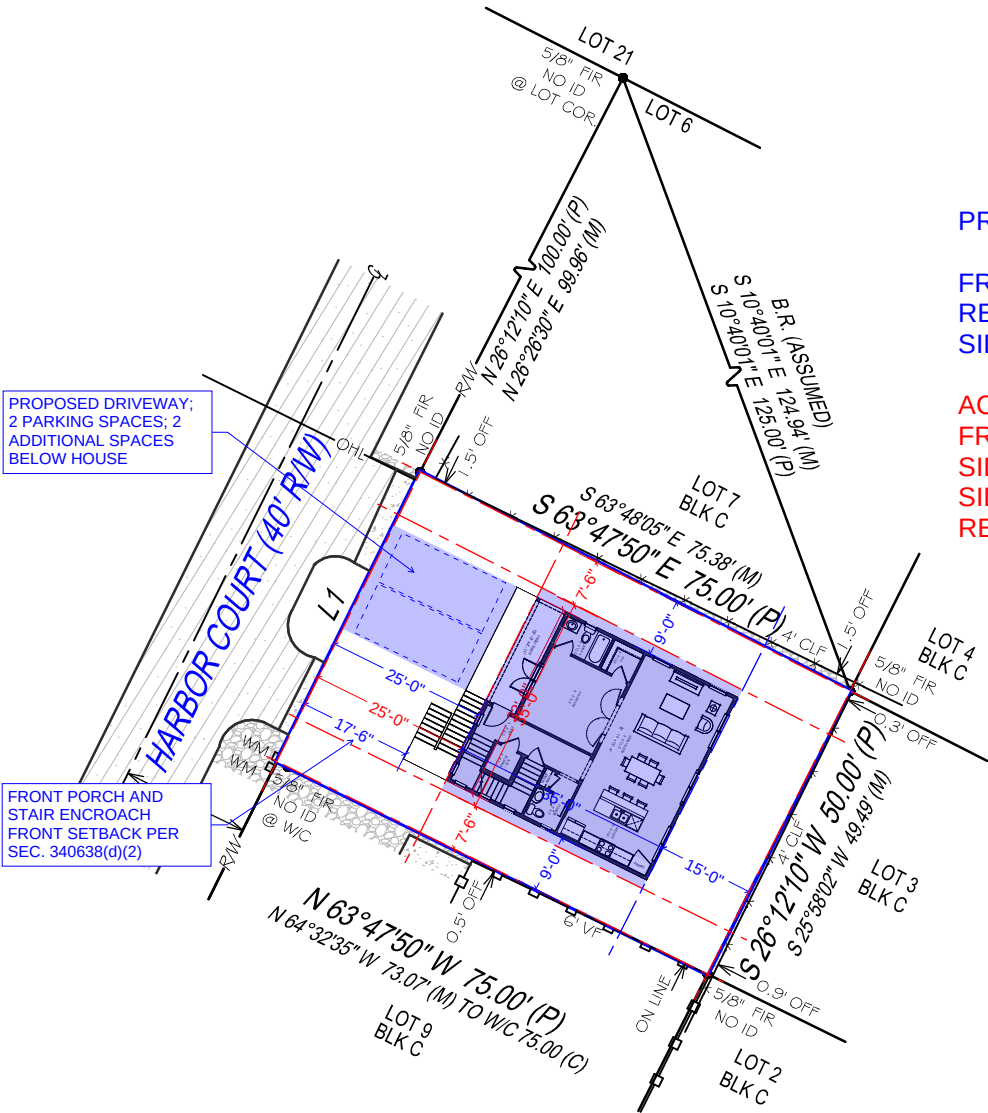
www.exactaland.com | office: 866.735.1916 | fax: 866.744.2882



PROPERTY ADDRESS: 432/434 HARBOR COURT, FORT MYERS BEACH, FLORIDA 33931

SURVEY NUMBER: 2109.3782

2109.3782
BOUNDARY SURVEY
LEE COUNTY

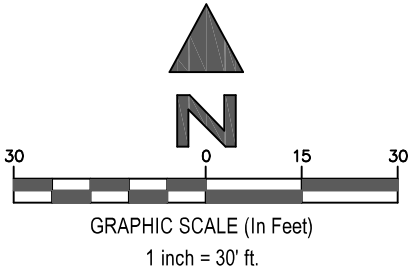


PROPOSED SETBACKS:

FRONT: 25'
REAR: 15'
SIDE: 7.5'

ACTUAL:
FRONT: 25'
SIDE 1: 7.5'
SIDE 2: 10.33'
REAR: 30'

SURVEYOR'S NOTES:
FENCE OWNERSHIP NOT DETERMINED.



SURVEYORS CERTIFICATION:

I hereby certify that this Survey of the lands described hereon was made under my direct supervision, and to the best of my knowledge and belief is a true and accurate representation of said lands and meets the Standards of Practice set forth in Chapter 5J-15.050 through 5J-15.053, Florida Administrative Code, pursuant to section 472.027, Florida Statutes. This survey is not valid without the signature and original raised seal of a Florida licensed surveyor and mapper, except when the electronic signature and seal of a Florida licensed surveyor and mapper is affixed hereto.

POINTS OF INTEREST:
NONE VISIBLE



Exacta Land Surveyors, LLC
LB# 8291
o: 866.735.1916 | f: 866.744.2882
3846 Blanding Boulevard, Jacksonville, FL 32210



AFFILIATE
MEMBERS

DATE SIGNED: 09/21/21
FIELD WORK DATE: 9/17/2021
REVISION DATE(S): (REV.1 9/22/2021) (REV.1 9/21/2021)

SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES

variancelist

Subjects: 1 Affected: 63 Buffer: 500 Date: 5/16/2023 12:00:00 AM List Size: 64																
Index	Subject	Foliod	STRAP	OwnerName	OwnerName2	MailAddress	MailAddress2	MailCity	MailState	MailZip	MailCountry	SiteNumber	SiteStreet	SiteUnit	SiteCity	SiteZip
0	TRUE	10127345	24-46-23-W3-0030C.0080	ASHLAND PROPERTIES		10940 S PARKER RD #512		PARKER	CO	80134		432/434	HARBOR CT		FORT MYERS BEACH	33931
1	FALSE	10127237	24-46-23-W2-0050C.0090	MAGNUM FMB 1 LLC		725 MATANZAS CT		FORT MYERS BEACH	FL	33931		725	MATANZAS CT		FORT MYERS BEACH	33931
2	FALSE	10127238	24-46-23-W2-0050C.0100	SAMUELSON JOHN A TR		721 MATANZAS CT		FORT MYERS BEACH	FL	33931		721	MATANZAS CT		FORT MYERS BEACH	33931
3	FALSE	10127239	24-46-23-W2-0050C.0110	REBER DAVID A TR		527 SUGARPINE DR		INCLINE VILLAGE	NV	89451		715	MATANZAS CT		FORT MYERS BEACH	33931
4	FALSE	10127240	24-46-23-W2-0050C.0120	WEIDELING DALE A & DEBRA L		711 MATANZAS CT		FORT MYERS BEACH	FL	33931		711	MATANZAS CT		FORT MYERS BEACH	33931
5	FALSE	10127268	24-46-23-W3-00026.0000	OLD SEAPORT PLACE INC	JIM FIGUERA DO	5628 SHADDELEE LN W		FORT MYERS	FL	33919		645	OLD SAN CARLOS BLVD		FORT MYERS BEACH	33931
6	FALSE	10127269	24-46-23-W3-00026.0020	FREELAND FL HOLDINGS LLC		5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		450	HARBOR CT		FORT MYERS BEACH	33931
7	FALSE	10127270	24-46-23-W3-00026.0030	OLD SEAPORT PLACE INC	JIM FIGUERA DO	5628 SHADDELEE LN W		FORT MYERS	FL	33919	441/445	OLD SAN CARLOS BLVD			FORT MYERS BEACH	33931
8	FALSE	10127271	24-46-23-W3-00027.0000	FREELAND FL HOLDINGS LLC	BERNARD G FREELAND	5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		450	HARBOR CT		FORT MYERS BEACH	33931
9	FALSE	10127311	24-46-23-W3-0030A.0020	FREEMAN WILLIAM T &		15341 KILBIRNIE DR		FORT MYERS	FL	33912		939	THIRD ST		FORT MYERS BEACH	33931
10	FALSE	10127312	24-46-23-W3-0030A.0030	FREEMAN WILLIAM T &		15341 KILBIRNIE DR		FORT MYERS	FL	33912		935	THIRD ST		FORT MYERS BEACH	33931
11	FALSE	10127313	24-46-23-W3-0030A.0040	ANDERSON BRENT KORY &		13302 COACHFORD AVE		ROSEMOUNT	MN	55068		929	THIRD ST		FORT MYERS BEACH	33931
12	FALSE	10127314	24-46-23-W3-0030A.0050	MOSTEIRO CHRISTOPHER C +		923 THIRD ST		FORT MYERS BEACH	FL	33931		923	THIRD ST		FORT MYERS BEACH	33931
13	FALSE	10127315	24-46-23-W3-0030A.0060	HOULIHAN MARY N TR		917 THIRD ST		FORT MYERS BEACH	FL	33931		917	THIRD ST		FORT MYERS BEACH	33931
14	FALSE	10127316	24-46-23-W3-0030A.0070	DUDDY KATHLEEN & BRIAN TR		14 STETSON PL		DUXBURY	MA	2332		911	THIRD ST		FORT MYERS BEACH	33931
15	FALSE	10127317	24-46-23-W3-0030A.0080	CASEY KATHLEEN M +		32917 PEACH TREE LN		LEWES	DE	19958		901	THIRD ST		FORT MYERS BEACH	33931
16	FALSE	10127318	24-46-23-W3-0030A.0090	GREGG LEAH		253 PALERMO CIR		FORT MYERS BEACH	FL	33931		430	BONITA ST		FORT MYERS BEACH	33931
17	FALSE	10127319	24-46-23-W3-0030A.0100	URIAN JULIE A TR		432 BONITA ST		FORT MYERS BEACH	FL	33931		432	BONITA ST		FORT MYERS BEACH	33931
18	FALSE	10127320	24-46-23-W3-0030A.0110	FREELAND FL HOLDINGS LLC	BERNARD G FREELAND	5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		438	BONITA ST		FORT MYERS BEACH	33931
19	FALSE	10127322	24-46-23-W3-0030B.0020	TOMAIQLO FRANKLIN L &		934 THIRD ST		FORT MYERS BEACH	FL	33931		934	THIRD ST		FORT MYERS BEACH	33931
20	FALSE	10127323	24-46-23-W3-0030B.0030	932 THIRD STREET LLC		932 THIRD ST		FORT MYERS BEACH	FL	33931		932	THIRD ST		FORT MYERS BEACH	33931
21	FALSE	10127325	24-46-23-W3-0030B.0050	DUDDY BRIAN PATRICK TR		14 STETSON PL		DUXBURY	MA	2332		920	THIRD ST		FORT MYERS BEACH	33931
22	FALSE	10127326	24-46-23-W3-0030B.0060	FOSTER STEPHEN ALLEN		9537 ALBERO CT		FORT MYERS	FL	33908		914	THIRD ST		FORT MYERS BEACH	33931
23	FALSE	10127327	24-46-23-W3-0030B.0070	VANSOLKEMA TIMOTHY		7360 ROYAL RIDGE DR SE		CALEDONIA	MI	49316		910	THIRD ST		FORT MYERS BEACH	33931
24	FALSE	10127328	24-46-23-W3-0030B.0080	KOSTER RODNEY A & THERESA A		880 THIRD ST		FORT MYERS BEACH	FL	33931		880	THIRD ST		FORT MYERS BEACH	33931
25	FALSE	10127329	24-46-23-W3-0030B.0090	KOSTER RODNEY A & THERESA A		880 THIRD ST		FORT MYERS BEACH	FL	33931		870	THIRD ST		FORT MYERS BEACH	33931
26	FALSE	10127330	24-46-23-W3-0030B.0100	TAMIA SA		949 STRATFORD DR		ENCINITAS	CA	92024		850	THIRD ST		FORT MYERS BEACH	33931
27	FALSE	10127331	24-46-23-W3-0030B.0110	WOODSON MARK T + KAREN K		820 THIRD ST		FORT MYERS BEACH	FL	33931		820	THIRD ST		FORT MYERS BEACH	33931
28	FALSE	10127332	24-46-23-W3-0030B.0120	KADO KELLY +		2560 ESTERO BLVD #6A		FORT MYERS BEACH	FL	33931		810	THIRD ST		FORT MYERS BEACH	33931
29	FALSE	10127333	24-46-23-W3-0030B.0130	SCHMELING ROBERT W +		1621 SE 84TH CT		VANCOUVER	WA	98664		800	THIRD ST		FORT MYERS BEACH	33931
30	FALSE	10127334	24-46-23-W3-0030B.0140	SWING THOMAS J TR		2560 TURF PARADISE DR		STOW	OH	44224		401	HARBOR CT		FORT MYERS BEACH	33931
31	FALSE	10127335	24-46-23-W3-0030B.0150	SCHROEDER KURT & GERALDINE		405 HARBOR CT		FORT MYERS BEACH	FL	33931		405	HARBOR CT		FORT MYERS BEACH	33931
32	FALSE	10127336	24-46-23-W3-0030B.0160	SERVADIO NORMA LEARD TR		10 SAGAMORE DR		SIMSBURY	CT	6070		409	HARBOR CT		FORT MYERS BEACH	33931
33	FALSE	10127337	24-46-23-W3-0030B.0170	SERVADIO NORMA L TR		10 SAGAMORE DR		SIMSBURY	CT	6070		425	HARBOR CT		FORT MYERS BEACH	33931
34	FALSE	10127338	24-46-23-W3-0030B.0180	TEAL PHILLIP L		3699 PEARL DR UNIT 8		MONROE	MI	48162	429/431	HARBOR CT			FORT MYERS BEACH	33931
35	FALSE	10127339	24-46-23-W3-0030B.0190	FREELAND FL HOLDINGS LLC		5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		441	HARBOR CT		FORT MYERS BEACH	33931
36	FALSE	10127340	24-46-23-W3-0030B.0200	FREELAND FL HOLDINGS LLC		5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		445	HARBOR CT		FORT MYERS BEACH	33931
37	FALSE	10127341	24-46-23-W3-0030C.0010	KOSTER RODNEY A & THERESA A		880 THIRD ST		FORT MYERS BEACH	FL	33931	851/861	THIRD ST			FORT MYERS BEACH	33931
38	FALSE	10588574	24-46-23-W3-0030C.0020	PHELPS MICHAEL +		329 MEADOW RD		FARMINGTON	CT	6032		429	BONITA ST		FORT MYERS BEACH	33931
39	FALSE	10588575	24-46-23-W3-0030C.0030	PHELPS MICHAEL +		329 MEADOW RD		FARMINGTON	CT	6032		431	BONITA ST		FORT MYERS BEACH	33931
40	FALSE	10127343	24-46-23-W3-0030C.0040	FREELAND FL HOLDINGS LLC		5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		435	BONITA ST		FORT MYERS BEACH	33931
41	FALSE	10127344	24-46-23-W3-0030C.0060	FREELAND FL HOLDINGS LLC	BERNARD G FREELAND	5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		436	HARBOR CT		FORT MYERS BEACH	33931
42	FALSE	10127346	24-46-23-W3-0030C.0090	KIMYABAYKI SOROUSH +		91 PRINCESS DIANA DR		MARKHAM	ON	L6C 0H2	CANADA	422	HARBOR CT		FORT MYERS BEACH	33931
43	FALSE	10127347	24-46-23-W3-0030C.0100	GRIFFIS LLC		9051 E CHICAGO RD		JEROME	MI	49249		412	HARBOR CT		FORT MYERS BEACH	33931
44	FALSE	10588379	24-46-23-W3-0050A.0080	RICHARD JOHN W TR		237 OLD SAN CARLOS BLVD		FORT MYERS BEACH	FL	33931		237	OLD SAN CARLOS BLVD		FORT MYERS BEACH	33931
45	FALSE	10127379	24-46-23-W3-0050A.0330	PURTELL JAMES F TR		60 STONEY BEACH RD		OSHKOSH	WI	54902		855	LAGOON ST		FORT MYERS BEACH	33931
46	FALSE	10127380	24-46-23-W3-0050A.0340	BOYD TODD & JULIE		SOMERS WHARF	16 WATER ST UNIT L	ST GEORGES	GE 04	BERMUDA	849/851	LAGOON ST			FORT MYERS BEACH	33931
47	FALSE	10127381	24-46-23-W3-0050A.0350	DULLARD ROBERT TR +		PO BOX 2695		FT MYERS BCH	FL	33932		843	LAGOON ST		FORT MYERS BEACH	33931
48	FALSE	10127382	24-46-23-W3-0050A.0360	BLODDAHL LEASING LLC		3538 TIMBER RIDGE TRL		CEDAR RAPIDS	IA	52411	839/841	LAGOON ST			FORT MYERS BEACH	33931
49	FALSE	10127383	24-46-23-W3-0050A.0370	ISLAND GEM LLC		8044 ESTERO BLVD		FORT MYERS BEACH	FL	33931		831	LAGOON ST		FORT MYERS BEACH	33931
50	FALSE	10127384	24-46-23-W3-0050A.0380	PAINE FREDERICK L &		12 BELKNAP SHORES		SUPERIOR	WI	54880		823	LAGOON ST		FORT MYERS BEACH	33931
51	FALSE	10127385	24-46-23-W3-0050A.0390	PAINE FREDERICK L & NANCY K		819 LAGOON ST		FORT MYERS BEACH	FL	33931		819	LAGOON ST		FORT MYERS BEACH	33931
52	FALSE	10127386	24-46-23-W3-0050A.0400	TOWN OF FORT MYERS BEACH	FINANCE DEPT	2525 ESTERO BLVD		FORT MYERS BEACH	FL	33931		815	LAGOON ST		FORT MYERS BEACH	33931
53	FALSE	10127399	24-46-23-W3-0050C.001A	HIATT KEITH II TR		8374 W CAPOVILLA AVE		LAS VEGAS	NV	89113		190	MATANZAS ST		FORT MYERS BEACH	33931
54	FALSE	10127402	24-46-23-W3-0050C.0030	MORIONDO LARRY E TR		15482 LAWRENCE 2130		MOUNT VERNON	MO	65712		720	MATANZAS CT		FORT MYERS BEACH	33931
55	FALSE	10127403	24-46-23-W3-0050C.0040	VANFOSSEN TERRI D		724 MATANZAS CT		FORT MYERS BEACH	FL	33931		724	MATANZAS CT		FORT MYERS BEACH	33931
56	FALSE	10127404	24-46-23-W3-0050C.0050	CROW FMB FAMILY TRUST		2705 ODAWA TRL		MUSKEGON	MI	49444		730	MATANZAS CT		FORT MYERS BEACH	33931
57	FALSE	10127405	24-46-23-W3-0050C.0060	EHRLICH HARRYET TR		740 MATANZAS CT		FORT MYERS BEACH	FL	33931		740	MATANZAS CT		FORT MYERS BEACH	33931
58	FALSE	10127406	24-46-23-W3-0050C.006A	WILLIAM J MILLER TRUST +		25392 SHELTERED LANE		WINONA	MN	55987		738	MATANZAS CT		FORT MYERS BEACH	33931
59	FALSE	10127407	24-46-23-W3-0050C.0070	CALLUSA LLC		22774 CITATION RD		FRANKFORT	IL	60423		750	MATANZAS CT		FORT MYERS BEACH	33931
60	FALSE	10127408	24-46-23-W3-0050C.008A	PAYNE DONNA		501 WILLIN WAY		MOUNT STERLING	KY	40353		745	MATANZAS CT		FORT MYERS BEACH	33931
61	FALSE	10127409	24-46-23-W3-0050C.008B	OAKES DONALD L L/E		735 MATANZAS CT		FORT MYERS BEACH	FL	33931		735	MATANZAS CT		FORT MYERS BEACH	33931
62	FALSE	10127410	24-46-23-W3-0050C.012A	HYINK STEVEN & RENEE		2601 MULBERRY AVE		MUSCATINE	IA	52761		701	MATANZAS CT		FORT MYERS BEACH	33931
63	FALSE	10127444	24-46-23-W3-02800.00CE	MARINA VILLAGE AT SNUG HARBOR		PO BOX 2430		FORT MYERS BEACH	FL	33932			OLD SAN CARLOS BLVD		FORT MYERS BEACH	33931

Legal
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOT 8
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 9 + PT LOT 10 E OF
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>PART LOTS 10 + 11
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>PART LOT 11
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>N 205 FT LOT 12 + BEG SW
PAR LYING E OF SAN CARLOS<CR>BLVD DESC OR 1534/1849<CR>LESS CONDO/C/E PARCEL
PARL IN SE 1/4<CR>SEC 24 TWP 46 RGE 23<CR>DESC OR 1447 PG 1434
BEG AT A CONC MONUMENT 3<CR>FT SE OF SELY COR<CR>MATANZAS VIEW RUN N 65 DEG
PARL IN SE1/4 DESC OR1656<CR>2886+MATANZAS VIEW BLK B<CR>PB9/40 PT LT 21 + SUB LAND
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 2
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 3
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 4
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 5
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 6
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 7
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 8
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 9
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 10
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOTS 11 + 12
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 2
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOTS 3 + 4
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 5
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 6
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 7
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 8
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 9
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 10
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 11
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 12
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 13
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 14
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 15
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 16
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 17
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 18
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 19
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 20
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOT 1
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>BLK C LOT 2
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>BLK C LOT 3
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOTS 4 + 5
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOTS 6 + 7
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOT 9
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOT 10
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOTS 1 THRU 12 + VAC LAGOON R/W OR2858/1391 + <CR>OR2660/2863 +2736/3702 +<CR>BLK B PB 9 PG 40 LOT 1
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 33
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 34
ISLAND SHORES UT 2<CR>BLK A PB 9 PG 25<CR>LOT 35
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 36
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 37
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 38
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 39
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>PT LOTS 40 + 41
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>ALL LOT 1 LYING NELY OF
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 3
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 4
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 5
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT PT 6
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT PT 6
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 7
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>S 1/2 LOT 8
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>NLY 1/2 LOT 8
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>S 79 FT LOT 12
MARINA VILLAGE AT SNUG<CR>HARBOR CONDO<CR>COMMON ELEMENT PARCELS<CR>OR BK 1637 PG 1386

MAGNUM FMB 1 LLC
725 MATANZAS CT
FORT MYERS BEACH FL 33931

SAMUELSON JOHN A TR
721 MATANZAS CT
FORT MYERS BEACH FL 33931

REBER DAVID A TR
527 SUGARPINE DR
INCLINE VILLAGE NV 89451

WEIDELING DALE A & DEBRA L
711 MATANZAS CT
FORT MYERS BEACH FL 33931

OLD SEAPORT PLACE INC
JIM FIGUERADO
5628 SHADDELEE LN W
FORT MYERS FL 33919

FREELAND FL HOLDINGS LLC
5333 HICKORY HOLLOW PKWY
ANTIOCH TN 37013

OLD SEAPORT PLACE INC
JIM FIGUERADO
5628 SHADDELEE LN W
FORT MYERS FL 33919

FREELAND FL HOLDINGS LLC
BERNARD G FREELAND
5333 HICKORY HOLLOW PKWY
ANTIOCH TN 37013

FREEMAN WILLIAM T &
15341 KILBIRNIE DR
FORT MYERS FL 33912

FREEMAN WILLIAM T &
15341 KILBIRNIE DR
FORT MYERS FL 33912

ANDERSON BRENT KORY &
13302 COACHFORD AVE
ROSEMOUNT MN 55068

MOSTEIRO CHRISTOPHER C +
923 THIRD ST
FORT MYERS BEACH FL 33931

HOULIHAN MARY N TR
917 THIRD ST
FORT MYERS BEACH FL 33931

DUDDY KATHLEEN & BRIAN TR
14 STETSON PL
DUXBURY MA 02332

CASEY KATHLEEN M +
32917 PEACH TREE LN
LEWES DE 19958

GREGG LEAH
253 PALERMO CIR
FORT MYERS BEACH FL 33931

URIAN JULIE A TR
432 BONITA ST
FORT MYERS BEACH FL 33931

FREELAND FL HOLDINGS LLC
BERNARD G FREELAND
5333 HICKORY HOLLOW PKWY
ANTIOCH TN 37013

TOMAILO FRANKLIN L &
934 THIRD ST
FORT MYERS BEACH FL 33931

932 THIRD STREET LLC
932 THIRD ST
FORT MYERS BEACH FL 33931

DUDDY BRIAN PATRICK TR
14 STETSON PL
DUXBURY MA 02332

FOSTER STEPHEN ALLEN
9537 ALBERO CT
FORT MYERS FL 33908

VANSOLKEMA TIMOTHY
7360 ROYAL RIDGE DR SE
CALEDONIA MI 49316

KOSTER RODNEY A & THERESA A
880 THIRD ST
FORT MYERS BEACH FL 33931

KOSTER RODNEY A & THERESE A
880 THIRD ST
FORT MYERS BEACH FL 33931

TAMIA SA
949 STRATFORD DR
ENCINITAS CA 92024

WOODSON MARK T + KAREN K
820 THIRD ST
FORT MYERS BEACH FL 33931

KADO KELLY +
2560 ESTERO BLVD #6A
FORT MYERS BEACH FL 33931

SCHMELING ROBERT W +
1621 SE 84TH CT
VANCOUVER WA 98664

SWING THOMAS J TR
2560 TURF PARADISE DR
STOW OH 44224

SCHROEDER KURT & GERALDINE
405 HARBOR CT
FORT MYERS BEACH FL 33931

SERVADIO NORMA LEARD TR
10 SAGAMORE DR
SIMSBURY CT 06070

SERVADIO NORMA L TR
10 SAGAMORE DR
SIMSBURY CT 06070

TEAL PHILLIP L
3699 PEARL DR UNIT 8
MONROE MI 48162

FREELAND FL HOLDINGS LLC
5333 HICKORY HOLLOW PKWY
ANTIOCH TN 37013

FREELAND FL HOLDINGS LLC
5333 HICKORY HOLLOW PKWY
ANTIOCH TN 37013

KOSTER RODNEY A & THERESE A
880 THIRD ST
FORT MYERS BEACH FL 33931

PHELPS MICHAEL +
329 MEADOW RD
FARMINGTON CT 06032

PHELPS MICHAEL +
329 MEADOW RD
FARMINGTON CT 06032

FREELAND FL HOLDINGS LLC
5333 HICKORY HOLLOW PKWY
ANTIOCH TN 37013

FREELAND FL HOLDINGS LLC
BERNARD G FREELAND
5333 HICKORY HOLLOW PKWY
ANTIOCH TN 37013

KIMYABAYKI SOROUSH +
91 PRINCESS DIANA DR
MARKHAM ON L6C 0H2
CANADA

GRIFFIS LLC
9051 E CHICAGO RD
JEROME MI 49249

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

PURTELL JAMES F TR
60 STONEY BEACH RD
OSHKOSH WI 54902

BOYD TODD & JULIE
SOMERS WHARF
16 WATER ST UNIT L
ST GEORGES GE 04
BERMUDA

DULLARD ROBERT TR +
PO BOX 2695
FT MYERS BCH FL 33932

BLOCD AHL LEASING LLC
3538 TIMBER RIDGE TRL
CEDAR RAPIDS IA 52411

ISLAND GEM LLC
8044 ESTERO BLVD
FORT MYERS BEACH FL 33931

PAINE FREDERICK L &
12 BELKNAP SHORES
SUPERIOR WI 54880

PAINE FREDERICK L & NANCY K
819 LAGOON ST
FORT MYERS BEACH FL 33931

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

HIATT KEITH II TR
8374 W CAPOVILLA AVE
LAS VEGAS NV 89113

MORIONDO LARRY E TR
15482 LAWRENCE 2130
MOUNT VERNON MO 65712

VANFOSSEN TERRI D
724 MATANZAS CT
FORT MYERS BEACH FL 33931

CROW FMB FAMILY TRUST
2705 ODAWA TRL
MUSKEGON MI 49444

EHRlich HARRYET TR
740 MATANZAS CT
FORT MYERS BEACH FL 33931

WILLIAM J MILLER TRUST +
25392 SHELTERED LANE
WINONA MN 55987

CALUSA LLC
22774 CITATION RD
FRANKFORT IL 60423

PAYNE DONNA
501 WILLIN WAY
MOUNT STERLING KY 40353

OAKES DONALD L L/E
735 MATANZAS CT
FORT MYERS BEACH FL 33931

HYINK STEVEN & RENEE
2601 MULBERRY AVE
MUSCATINE IA 52761

MARINA VILLAGE AT SNUG HARBOR
PO BOX 2430
FORT MYERS BEACH FL 33932

MAGNUM FMB 1 LLC
725 MATANZAS CT
FORT MYERS BEACH FL 33931

SAMUELSON JOHN A TR
721 MATANZAS CT
FORT MYERS BEACH FL 33931

REBER DAVID A TR
527 SUGARPINE DR
INCLINE VILLAGE NV 89451

WEIDELING DALE A & DEBRA L
711 MATANZAS CT
FORT MYERS BEACH FL 33931

OLD SEAPORT PLACE INC
JIM FIGUERADO
5628 SHADDELEE LN W
FORT MYERS FL 33919

FREELAND FL HOLDINGS LLC
5333 HICKORY HOLLOW PKWY
ANTIOCH TN 37013

OLD SEAPORT PLACE INC
JIM FIGUERADO
5628 SHADDELEE LN W
FORT MYERS FL 33919

FREELAND FL HOLDINGS LLC
BERNARD G FREELAND
5333 HICKORY HOLLOW PKWY
ANTIOCH TN 37013

FREEMAN WILLIAM T &
15341 KILBIRNIE DR
FORT MYERS FL 33912

FREEMAN WILLIAM T &
15341 KILBIRNIE DR
FORT MYERS FL 33912

ANDERSON BRENT KORY &
13302 COACHFORD AVE
ROSEMOUNT MN 55068

MOSTEIRO CHRISTOPHER C +
923 THIRD ST
FORT MYERS BEACH FL 33931

HOULIHAN MARY N TR
917 THIRD ST
FORT MYERS BEACH FL 33931

DUDDY KATHLEEN & BRIAN TR
14 STETSON PL
DUXBURY MA 02332

CASEY KATHLEEN M +
32917 PEACH TREE LN
LEWES DE 19958

GREGG LEAH
253 PALERMO CIR
FORT MYERS BEACH FL 33931

URIAN JULIE A TR
432 BONITA ST
FORT MYERS BEACH FL 33931

FREELAND FL HOLDINGS LLC
BERNARD G FREELAND
5333 HICKORY HOLLOW PKWY
ANTIOCH TN 37013

TOMAILO FRANKLIN L &
934 THIRD ST
FORT MYERS BEACH FL 33931

932 THIRD STREET LLC
932 THIRD ST
FORT MYERS BEACH FL 33931

DUDDY BRIAN PATRICK TR
14 STETSON PL
DUXBURY MA 02332

FOSTER STEPHEN ALLEN
9537 ALBERO CT
FORT MYERS FL 33908

VANSOLKEMA TIMOTHY
7360 ROYAL RIDGE DR SE
CALEDONIA MI 49316

KOSTER RODNEY A & THERESA A
880 THIRD ST
FORT MYERS BEACH FL 33931

KOSTER RODNEY A & THERESE A
880 THIRD ST
FORT MYERS BEACH FL 33931

TAMIA SA
949 STRATFORD DR
ENCINITAS CA 92024

WOODSON MARK T + KAREN K
820 THIRD ST
FORT MYERS BEACH FL 33931

KADO KELLY +
2560 ESTERO BLVD #6A
FORT MYERS BEACH FL 33931

SCHMELING ROBERT W +
1621 SE 84TH CT
VANCOUVER WA 98664

SWING THOMAS J TR
2560 TURF PARADISE DR
STOW OH 44224

SCHROEDER KURT & GERALDINE
405 HARBOR CT
FORT MYERS BEACH FL 33931

SERVADIO NORMA LEARD TR
10 SAGAMORE DR
SIMSBURY CT 06070

SERVADIO NORMA L TR
10 SAGAMORE DR
SIMSBURY CT 06070

TEAL PHILLIP L
3699 PEARL DR UNIT 8
MONROE MI 48162

FREELAND FL HOLDINGS LLC
5333 HICKORY HOLLOW PKWY
ANTIOCH TN 37013

FREELAND FL HOLDINGS LLC
5333 HICKORY HOLLOW PKWY
ANTIOCH TN 37013

KOSTER RODNEY A & THERESE A
880 THIRD ST
FORT MYERS BEACH FL 33931

PHELPS MICHAEL +
329 MEADOW RD
FARMINGTON CT 06032

PHELPS MICHAEL +
329 MEADOW RD
FARMINGTON CT 06032

FREELAND FL HOLDINGS LLC
5333 HICKORY HOLLOW PKWY
ANTIOCH TN 37013

FREELAND FL HOLDINGS LLC
BERNARD G FREELAND
5333 HICKORY HOLLOW PKWY
ANTIOCH TN 37013

KIMYABAYKI SOROUSH +
91 PRINCESS DIANA DR
MARKHAM ON L6C 0H2
CANADA

GRIFFIS LLC
9051 E CHICAGO RD
JEROME MI 49249

RICHARD JOHN W TR
237 OLD SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

PURTELL JAMES F TR
60 STONEY BEACH RD
OSHKOSH WI 54902

BOYD TODD & JULIE
SOMERS WHARF
16 WATER ST UNIT L
ST GEORGES GE 04
BERMUDA

DULLARD ROBERT TR +
PO BOX 2695
FT MYERS BCH FL 33932

BLOCD AHL LEASING LLC
3538 TIMBER RIDGE TRL
CEDAR RAPIDS IA 52411

ISLAND GEM LLC
8044 ESTERO BLVD
FORT MYERS BEACH FL 33931

PAINE FREDERICK L &
12 BELKNAP SHORES
SUPERIOR WI 54880

PAINE FREDERICK L & NANCY K
819 LAGOON ST
FORT MYERS BEACH FL 33931

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

HIATT KEITH II TR
8374 W CAPOVILLA AVE
LAS VEGAS NV 89113

MORIONDO LARRY E TR
15482 LAWRENCE 2130
MOUNT VERNON MO 65712

VANFOSSSEN TERRI D
724 MATANZAS CT
FORT MYERS BEACH FL 33931

CROW FMB FAMILY TRUST
2705 ODAWA TRL
MUSKEGON MI 49444

EHRlich HARRYET TR
740 MATANZAS CT
FORT MYERS BEACH FL 33931

WILLIAM J MILLER TRUST +
25392 SHELTERED LANE
WINONA MN 55987

CALUSA LLC
22774 CITATION RD
FRANKFORT IL 60423

PAYNE DONNA
501 WILLIN WAY
MOUNT STERLING KY 40353

OAKES DONALD L L/E
735 MATANZAS CT
FORT MYERS BEACH FL 33931

HYINK STEVEN & RENEE
2601 MULBERRY AVE
MUSCATINE IA 52761

MARINA VILLAGE AT SNUG HARBOR
PO BOX 2430
FORT MYERS BEACH FL 33932



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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Town Council 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: August 7, 2023
CASE: VAR20230078
ADDRESS: 432/434 Harbor Ct
APPLICANT: Samir Malviya from Homebound Technologies Inc
REQUEST: The applicant is requesting a variance of 5 feet from the rear setback for a single-family home. LDC Table 34-3

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.



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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Town Council 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: August 7, 2023
CASE: VAR20230078
ADDRESS: 432/434 Harbor Ct
APPLICANT: Samir Malviya from Homebound Technologies Inc
REQUEST: The applicant is requesting a variance of 5 feet from the rear setback for a single-family home. LDC Table 34-3

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.



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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Town Council 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: August 7, 2023
CASE: VAR20230078
ADDRESS: 432/434 Harbor Ct
APPLICANT: Samir Malviya from Homebound Technologies Inc
REQUEST: The applicant is requesting a variance of 5 feet from the rear setback for a single-family home. LDC Table 34-3

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.



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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Town Council 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: August 7, 2023
CASE: VAR20230078
ADDRESS: 432/434 Harbor Ct
APPLICANT: Samir Malviya from Homebound Technologies Inc
REQUEST: The applicant is requesting a variance of 5 feet from the rear setback for a single-family home. LDC Table 34-3

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.

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»

From: [Randy Crow](#)
To: [Sarah Propst](#); [Randy Crow](#)
Subject: Property Owner Notice Case VAR20230062 VAR20230078 VAR20230061
Date: Wednesday, July 19, 2023 7:49:56 AM
Attachments: [07192023.pdf](#)

Sarah

My name is Randy Crow and I own 730 Matanzas Ct, Ft Myers Beach FL 33931.

I continue to receive multiple property notices from the town with your contact name on them for what appears to be some developer named Samir Malviya from Homebound Technologies. With multiple request for variances for each of the named property.

This latest mailing is referencing Property Owner Notice Case VAR20230062 VAR20230078 VAR20230061. (Notices attached)

I would like this email to serve as my property owner right within 500 feet for the public hearing on August 7, 2023, in full "OBJECTION" do not support this variance request on each of these properties. This is the 6th or 7th set of these notices from this same applicant. Each one is asking for setback changes, lot line adjustments and everything else this person can think of.

As a property owner we lost our home, detached garage and boat house and everything we owned. I have been waiting since March 17, 2023 to get a "PERMIT" to rebuild as the property owner not a developer. I own a 1/3 of acre lot and the Town has put me thru the hoops with regard to setbacks. I have followed the setbacks they put in place and continue to wait for my plan approvals.

I'm NOT in support of some developer who appears to be trying to get control of multiple properties and adjust every setback

requirement for the named properties. I simple wanted to rebuild what I lost, I now have my house 25ft off the water lot line, 10 ft side setbacks and other requirements I have to follow to get approval from zoning. Why would this even be a consideration with a developer looking to manipulate ever piece of property they can modify for rebuild.

I'm against this and my recommendation to the board is to deny all of these request related to Property Owner Notice Case VAR20230062 VAR20230078 VAR20230061.

Please let me know if this email will serve as I can't afford to fly down there for this meeting. If the zoning is going to stand firm for actual property owners they sure should follow the requirements with someone who now has requested over 7 properties be changed to meet their request. This entire process is wrong and I'm against it.

Please verify receipt and if this will serve as my objection to this request.

Randy & Abby Crow
730 Matanzas Ct
Ft Myers Beach FL 33931
231-670-5755

Randy A. Crow
CEO

231-670-5755 Cell
231-755-7855 Direct
231-759-3160 Corporate

rcproductions.com

RC Productions, Inc. Family of Companies



Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

1. **Requested Motion:**

Meeting Date: August 7, 2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230062 TO REDUCE THE HARBOR COURT STREET SETBACK BY 17 FEET, FOR AN 8 FOOT SETBACK WHERE 25 FEET IS REQUIRED FOR THE PROPERTY LOCATED AT 405 HARBOR COURT; AND PROVIDING FOR AN EFFECTIVE DATE

Why the action is necessary:

The Town Council is required to vote on all variance requests.

What the action accomplishes:

Approval of this variance will allow the applicant to build a single family residence with a front setback of 8 feet.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

5. **Background:**

The lot is a cul-de-sac lot in the RC zoning. The lot is 50 feet wide, and the depth varies from 100 feet to 83 feet. The Applicant is requesting a variance of 17 feet from the street setback for a front setback of 8 feet.

At the June 27 LPA meeting, the applicant requested to withdraw a variance request of 4 inches from the waterbody setback and is only requesting a variance of 17 feet from the street setback for a front setback of 8 feet. The LPA recommended approval with conditions (5-2 vote).

Attachments:

1. Resolution 23-73 405 Harbor Court
2. Staff Report 405 Harbour Court variance
3. Exhibit A- Application
4. Exhibit B TC postcard 405 Harbor Ct
5. Adjacent Property Owner Objection

Financial Impact:

Unknown

6. **Alternative Action**

Recommend Approval/ Approval with conditions

7. **Management Recommendations:**

Recommends denial

8. **Recommended Approval:**

Kendra Rosa, Zoning Coordinator/Planner 1
Steve Poposki, Community Development Director
Gretchen R.H. Vose, Town Attorney

Created/Initiated - 7/20/2023
Approved - 7/20/2023
Approved - 8/1/2023

Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Approved - 8/1/2023
Final Approval - 8/1/2023

RESOLUTION NUMBER 23-73

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230062 TO REDUCE THE HARBOR COURT STREET SETBACK BY 17 FEET, FOR AN 8 FOOT SETBACK WHERE 25 FEET IS REQUIRED FOR THE PROPERTY LOCATED AT 405 HARBOR COURT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, applicant Samir Malviya, on behalf of owners Kurt and Geraldine Schroeder, is requesting a variance from Table 34-3 Dimensional Regulations in Conventional Zoning Districts for the street setback; and

WHEREAS, the STRAP number for the subject property is 24-46-23-W3-0030B.0150; and

WHEREAS, the Property is located in the “Mixed Residential with Platted Overlay” category of the Future Land Use Map of the Comprehensive Plan and the “Residential Conservation” zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on June 27, 2023, and at said 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 Section 34-87 of the LDC. The LPA voted 5-2 to recommend approval of the variance; and

WHEREAS, on August 07, 2023 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by 34-87 of the LDC; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve/ approve with conditions/ deny the request.

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

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicant did/ did not meet its burden of proof that the requested Variance does/ does not meet the requirements of the Town Comprehensive Plan and LDC and approving/ approving with conditions/ denying the Variance is in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council APPROVES/ APPROVES WITH CONDITIONS/ DENIES the variance from Table 34-3 Dimensional Regulations in Conventional Zoning Districts.

Section 3. In approving/ approving with conditions/ denying the Variance, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-87 of the LDC:

- A. There are/ are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is/is not for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- B. The conditions justifying approval of the variance are/ are not the result of actions of the Applicant taken after the adoption of the regulation in question.
- C. The variance is/ is not the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation to the Property.
- D. The granting of the variance will/ will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. The conditions or circumstances on the Property are/ are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Section 4. If the Town Council approves the requested variance, the following conditions of approval are imposed on the Applicant and the Property:

- A. The first floor shall not be enclosed. It should be available as a private car park for the residents and their guests.
- B. Any relocation of the driveway will require a separate review and may require a shared driveway with the property to the south.
- C. Any additional encroachment of the street setback is limited to the front staircase as approved in the site plan and no further encroachment of the street setbacks shall be permitted at any time.

D. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

E. The variance shall only apply to the single-family home as shown on the provided site plan. Alterations or substantial damage to the structure shall render their respective variance to be null and void.

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

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King	_____
Bill Veach	_____
Karen Woodson	_____

ADOPTED this 7th day of August 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Gretchen R. H. Vose., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of August 2023.



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20230062

CASE NAME: 405 Harbor Court; requesting a variance from LDC Table 34-3 for the street setback in the RC zoning district.

LPA

HEARING DATE: June 27, 2023

TOWN COUNCIL

HEARING DATE: August 07, 2023

STAFF

RECOMMENDATION: DENIAL

TOWN COUNCIL

RECOMMENDATION: APPROVAL with conditions (with 5-2 vote)

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

I. APPLICATION SUMMARY

Applicant/Owner: Samir Malviya from Homebound Technologies Inc.
(Applicant)/ Kurt and Geraldine Schroeder (Owner)

Request: The Applicant is requesting a variance of 17 feet from the 25-foot, LDC required street setback for a front setback of 8 feet to build a new single family residence.

Subject property: See attached site plan

Physical Address: 405 Harbor Court

STRAP #: 24-46-23-W3-0030B.0150

FLU: Mixed Residential with Platted Overlay

Zoning: Residential Conservation (RC)

Adjacent zoning and land uses:

North: MIXED RESIDENTIAL WITH PLATTED OVERLAY
Residential Conservation (RC)

South: MIXED RESIDENTIAL WITH PLATTED OVERLAY
Residential Conservation (RC)

East: MIXED RESIDENTIAL WITH PLATTED OVERLAY
Residential Conservation (RC)

West: WATER BODY CONNECTING TO GULF OF MEXICO

II. BACKGROUND AND ANALYSIS

Background:

Samir Malviya, the applicant for 405 Harbor Court, is requesting a variance from the Town's Land Development Code (LDC) Table 34-3 which requires a single-family home in RC zoning district to provide a minimum 25-foot street setback. The Applicant is requesting a variance of 17 feet from the street setback for a front setback of 8 feet to build a new single family residence.

Analysis:

The purpose of the RC zoning district is to recognize certain older neighborhoods that had been zoned for duplex, multifamily, or mobile home purposes prior to incorporation of the town. The width of the lot and the minimum setbacks in the LDC guide the development of a home. The subject property is at the cul-de-Sac on the intersection of Harbor Court and Third Street. The lot is 50 feet wide, and the length varies from 100 feet to 83 feet. The property supported a single-family residence, prior to Hurricane Ian which appears to have been consistent with Town's LDC.

The Applicant is requesting a variance of 17 feet for the street setback to allow a street setback of 8 feet.

Town's LDC permits an encroachment of the street setback for the front porch, stoop, balcony or stairs, of 10 feet or half of the setback distance, whichever is less. The Applicant is proposing a residence with an 8-foot front setback, which would allow a staircase to be 4 feet from the street property line, if the variance is approved.

Neighborhood Compatibility:

This scenario is not unique in nature. There are three other properties abutting the cul-de-sac on the intersection of Harbor Court and Third Street, which supported single family residences consistent with the Town's LDC prior to hurricane Ian.

In order to accommodate the proposed residence, the Applicant may need to move the driveway to the south, which could interfere with the driveways of the adjacent properties. The reduced front yard, will likely result in guest parking extending to the public ROW. Staff has provided a potential condition for keeping the first floor open for personal and guest parking, to discourage parking within the Town's right of way, if the variance request is granted. Staff additionally notes that the driveway will need to be approved through the Town's review process.

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 cul-de-sac on the intersection of Harbor Court and Third Street. The lot is 50 feet wide, and the length varies from 100 feet to 83 feet along the cul-de-sac. The Applicant is proposing a house that does not meet the LDC setbacks. 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 not in compliance with the street 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 presence of a cul-de-sac at the intersection of Harbor Court and Third Street, creates an unusual lot. However, the need for this variance is a result of a design choice and is 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 Applicant is proposing to move the driveway to the south, which may interfere with the driveways of the adjacent properties. The driveway design will need to be coordinated. The reduced front yard might result in guest parking extending to the public ROW. Therefore, if approved, Town's staff recommends a condition to keep the first floor open for all personal and guest parking. It does not appear that the request will be injurious to neighbors, as long as the driveway concerns are addressed.

- 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 the RC zoning district to provide a minimum 25-foot street setback and finds that the variance request does not meet the requirements set-forth in sec. 34-87.

Therefore, staff recommend **DENIAL** of VAR20230062, a request for a variance of 17 feet from the required street setback. Staff has included one additional condition that was not in the LPA staff report. This condition limits the variance to this specific proposed structure and expires upon demolition or destruction of the proposed home.

At June 27 LPA meeting, the **LPA recommended APPROVAL WITH CONDITIONS (5-2 VOTE)** of a variance of 17 feet from the street setback for a front setback of 8 feet.

V. CONDITIONS FOR APPROVAL

Town's LPA and staff recommended conditions of approval are as follows:

- 1) The first floor shall not be enclosed. It should be available as a private car park for the residents and their guests.
- 2) Any relocation of the driveway will require a separate review and may require a shared driveway with the property to the south.
- 3) Any additional encroachment of the street setback is limited to the front staircase as approved in the site plan and no further encroachment of the street setbacks shall be permitted at any time.

- 4) Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
- 5) The variance shall only apply to the single-family home as shown on the provided site plan. Alterations or substantial damage to the structure shall render their respective variance to be null and void.

VI. 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: 405 Harbor Court

STRAP Number: 24-46-23-W3-0030B.0150

Applicant: Homebound Technologies Inc Phone: 719.213.4409

Contact Name: Samir Malviya Phone: 248.894.9610

Email: smalviya@homebound.com Fax: _____

Current Zoning District: AE

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: KURT & GERALDINE SCHROEDER Phone: 763-360-4454
- Mailing Address: 405 HARBOR COURT | FORT MYERS BEACH, FL | 33931
- Email: kurtschroeder63@gmail.com Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, KURT SCHROEDER 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

Kurt Schroeder
Printed Name

STATE OF FL COUNTY OF LEE

The foregoing instrument was certified and subscribed before me by means of ☒ physical
presence OR ☐ online notarization, this 2nd day of May, 2023, by
☒ who is personally known to me OR ☐ who has produced

_____ as identification.



Elysa A. Carter
Notary Public
State of Florida
Comm# HH099380
Expires 3/2/2025

[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

Percentage Ownership

4/30/2021

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

Page 4 of 11



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

Kurt Schroeder

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 _____, 20²³, 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

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

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

Signature

Title

Typed or Printed Name

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: 24-46-23-W3-0030B.0150

Property Address: 405 Harbor Court

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: Matanzas View

Book: 09 Page: 40 Unit: _____ Block: B Lot(s): 15

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) 52.26 feet
Depth (please provide an average width if irregular in shape) 92.55 feet
Frontage on street: 54.51 feet. Frontage on waterbody: _____ feet
Total land area: 4397.8 ☐ 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: Schroeder Residence 405 Harbor Court
Authorized Applicant: Samir Malviya
LeePA STRAP Number: 24-46-23-W3-0030B.0150

Current Property Status: Demolished	
Current Zoning: AE	
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 Minimum 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:
The front property lines of 401 Harbor Ct, 405 Harbor Ct, 800 Third St, and 810 Third St.
implies a cul-de-sac condition at the intersection of Harbor Ct and Third St. The as-built or paved
condition of the street where the two streets meet is a perfect right angle of two streets intersecting
as if to imply that the front property line of these four properties followed the straight edge of their
respective streets rather than the recessed condition implied by their front property lines as
recorded on the Matanzas View subdivision plat and their respective surveys. The recessed
front property line in turn creates a recessed front setback line which greatly restricts the buildable
depth allowed on these properties. In the case of 405 Harbor Ct, the 50' x 100' property would
otherwise be able to fit a 35' x 50' house, but due to the recessed property line can only fit a
35' x 33' house.

Reasons for request

Explain why the variance is needed:
The variance is needed to 1. Maintain the front setback along the rest of Harbor Ct and a consistent
streetscape. 2. Increase the depth of the buildable footprint to allow the proposed 32' x 47' house
to fit on the lot. And 3. Push the proposed house forward in the lot to maximize the rear setback
for boats to maximize visibility at the intersection of canals.

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

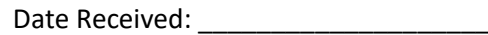
If granted, Harbor Ct would have a more consistent front setback along its street going north, and 401 Harbor Ct to its south would have a potential lack of street frontage or access to its property.

In order to maintain access to 800 Third St and 401 Harbor Ct, we are proposing the space in front of the drawn property line be maintained as a right of way - causing no change or hardship to the inner cul-de-sac lots as far as access goes. Although not recognized on the subdivision plat, the existing condition is essentially treated in this regard already as 800 Third St and 401 Harbor Ct share a single driveway curb cut that splits into two driveways to their respective lots.

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

The recessed front setback line based on the drawn property line restricts the buildable depth of a house to 33' from 50' on a standard 50' x 100' property.

Given the as built condition does not reflect the drawn recessed property line, we see no reason to constrain the built house to a front setback relative to the recessed property line.



We are proposing two different options to relieve the hardship incurred by the recessed front property line. Option 1 proposes pushing the house forward to the 25' front setback to allow the front porch stair to encroach into the front setback without going beyond the property line at the recessed front property line. The rear stair coming down from the back deck encroaches 4" into the rear setback, and there is limited depth available to the driveway; however, proposed parking would be available below the house. Option 2 removes the stair to grade from the rear deck in order to push the house back to the rear property line. With the extra space at the front setback, the house is mirrored to locate the driveway on the deeper portion of the front yard - this allows one parking space in front of the house fully on the property (not encroaching into the right-of-way) and two additional spaces below the house itself.

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

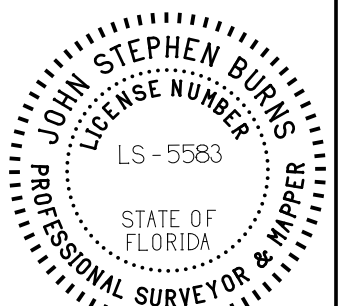
The site plan must show all existing structures on the site; all existing structures within 100 feet of the perimeter boundary of the site; and a clear illustration of the proposed variance.

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.

Grid North
1" = 30'





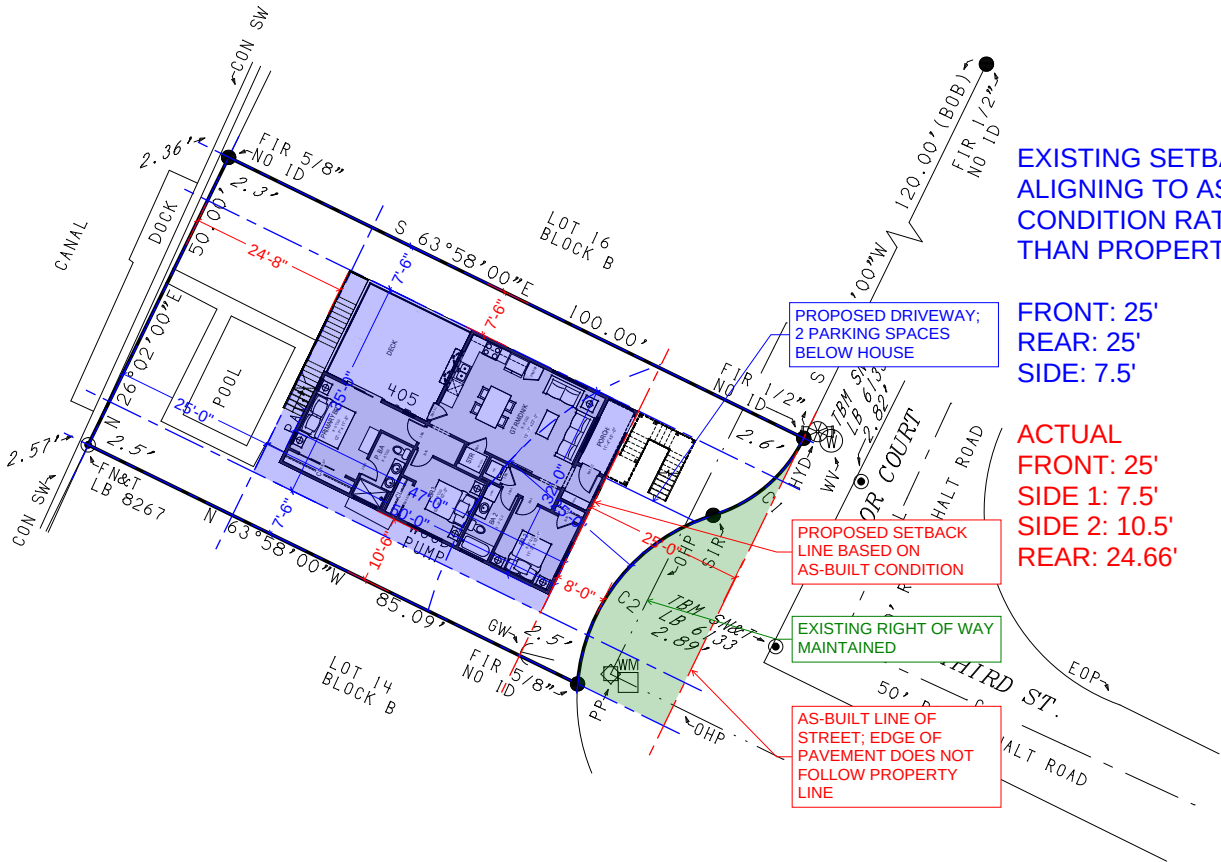
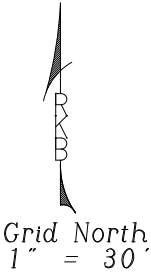
AS-BUILT LINE OF STREET; EDGE OF PAVEMENT DOES NOT FOLLOW PROPERTY LINE

PLATTED PROPERTY LINE

THIRD ST

HARBOR ST

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	47°05'21"	23.24'	19.10'	10.13'	18.57'	S 49°34'40"W
C 2	68°36'44"	30.00'	35.93'	20.47'	33.82'	S 38°48'58"W



EXISTING SETBACKS
ALIGNING TO AS-BUILT
CONDITION RATHER
THAN PROPERTY LINE:

FRONT: 25'
REAR: 25'
SIDE: 7.5'

ACTUAL
FRONT: 25'
SIDE 1: 7.5'
SIDE 2: 10.5'
REAR: 24.66'

PREPARED FOR:
KURT & GERALDINE SCHROEDER
HOMEBOUND

PROPOSED OPTION 1 -
STAIR FROM REAR
DECK ENCROACHES 25'
REAR SETBACK BY 4"

PARCEL DESCRIPTION:
LOT 15, BLOCK B, MATANZAS VIEW, ACCORDING TO THE
MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 9,
PAGE 40, 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.

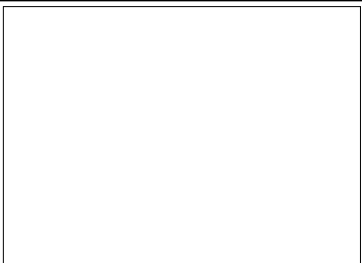
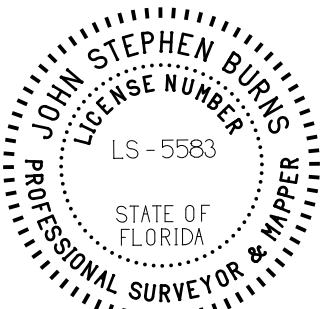
THIS SURVEY WAS PREPARED TO MEET THE REQUIREMENTS OF THE
PERSONS LISTED AND SHOULD NOT BE RELIED ON TO
MEET THE REQUIREMENTS OF ANY OTHER PERSONS OR PURPOSES.

DRAWN BY:WNN

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 AE 11.0'
(FIRM 12071C 05546 11/17/2022).
9) ELEVATIONS (SHOWN LIKE SO 4.83')
ARE NAVD 1988 BASED ON 872 5366 F (AD7852).



By:

John Stephen Burns

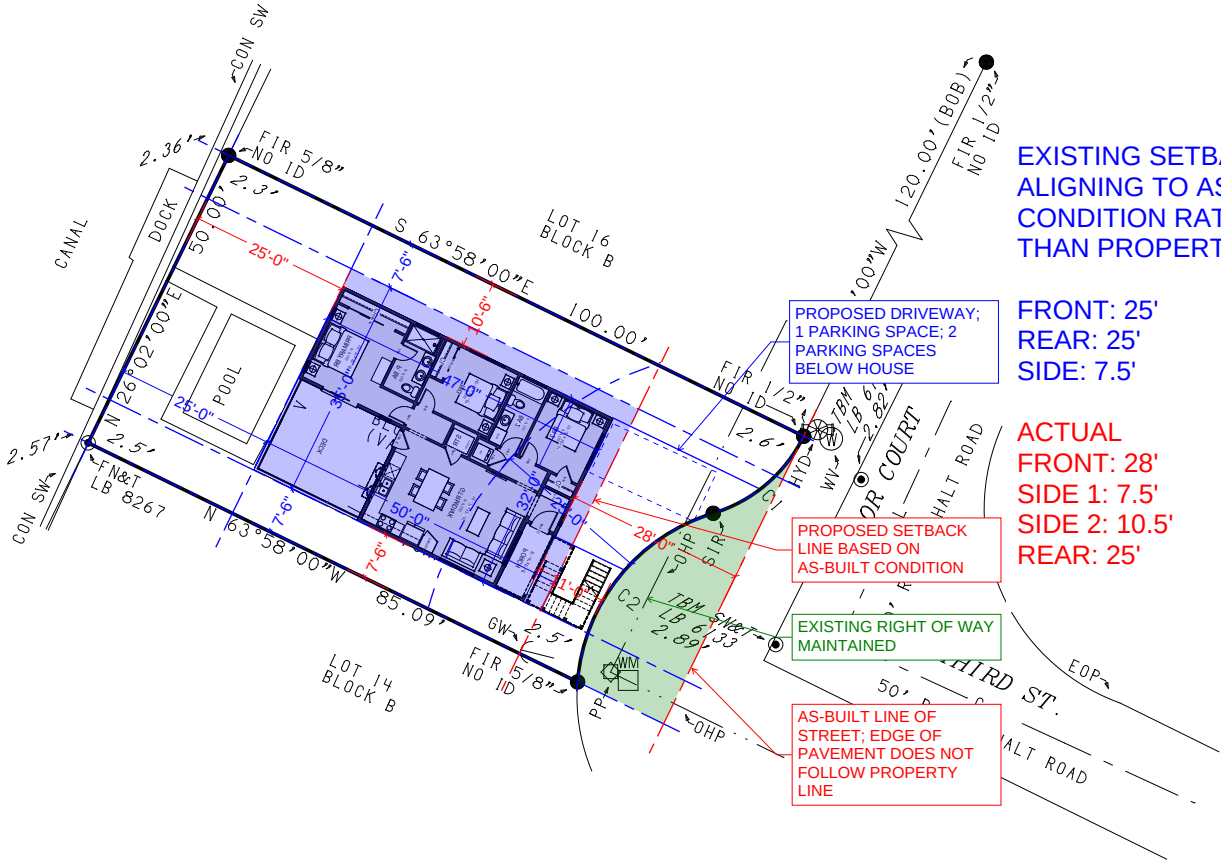
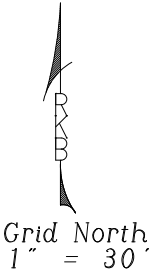
R.K.BURNS SURVEYING, INC. LB 6133

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:03/20/2023

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	47°05'21"	23.24'	19.10'	10.13'	18.57'	S 49°34'40"W
C 2	68°36'44"	30.00'	35.93'	20.47'	33.82'	S 38°48'58"W



EXISTING SETBACKS
ALIGNING TO AS-BUILT
CONDITION RATHER
THAN PROPERTY LINE:

FRONT: 25'
REAR: 25'
SIDE: 7.5'

ACTUAL
FRONT: 28'
SIDE 1: 7.5'
SIDE 2: 10.5'
REAR: 25'

PREPARED FOR:
KURT & GERALDINE SCHROEDER
HOMEBOUND

PARCEL DESCRIPTION:
LOT 15, BLOCK B, MATANZAS VIEW, ACCORDING TO THE
MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 9,
PAGE 40, OF THE PUBLIC RECORDS OF LEE COUNTY,
FLORIDA

PROPOSED OPTION 2 -
NO STAIR FROM REAR
DECK; HOUSE
MIRRORED AND PUSHED
TO REAR SETBACK

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:WNN

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 AE 11.0'
(FIRM 12071C 05546 11/17/2022).
9) ELEVATIONS (SHOWN LIKE SO 4.83')
ARE NAVD 1988 BASED ON 872 5366 F (AD7852).

R.K.BURNS SURVEYING, INC. LB 6133

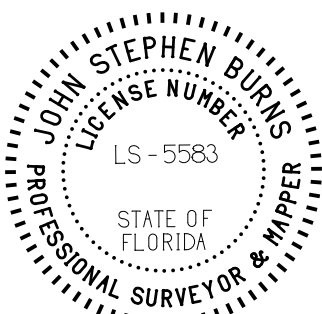
3507 LEE BLVD. # 230
LEHIGH ACRES, FL. 33971
239-303-0764
239-303-0832 (FAX)
INFO@BURNSSURVEYING.COM

MAP OF BOUNDARY SURVEY

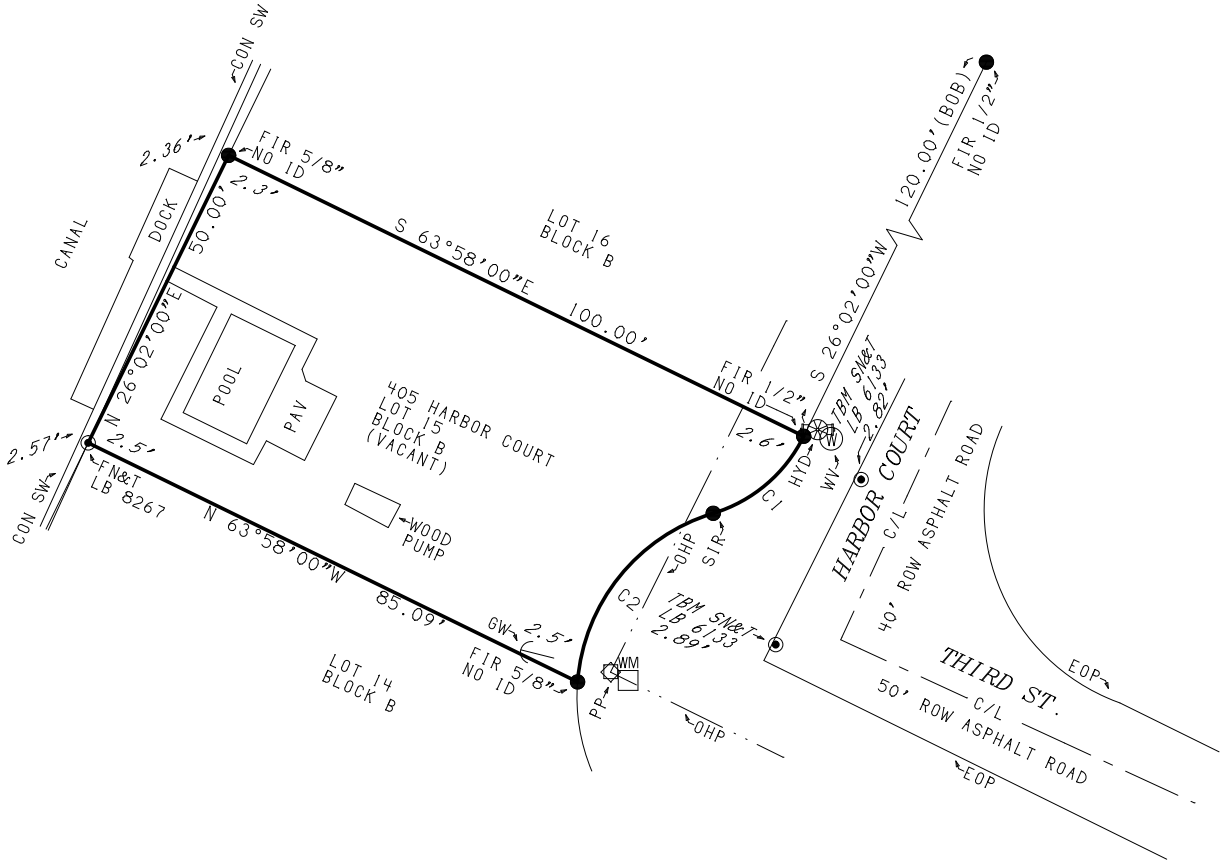
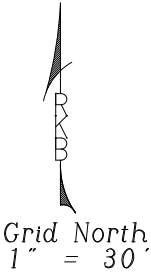
FIELD WORK COMPLETED:03/20/2023

By:

John Stephen Burns



CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	47°05'21"	23.24'	19.10'	10.13'	18.57'	S 49°34'40"W
C 2	68°36'44"	30.00'	35.93'	20.47'	33.82'	S 38°48'58"W



PREPARED FOR:
KURT & GERALDINE SCHROEDER
HOMEBOUND

PARCEL DESCRIPTION:
LOT 15, BLOCK B, MATANZAS VIEW, ACCORDING TO THE
MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 9,
PAGE 40, 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.

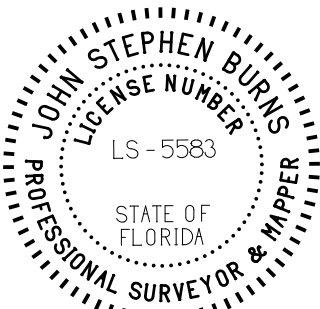
THIS SURVEY WAS PREPARED TO MEET THE REQUIREMENTS OF THE
PERSONS LISTED AND SHOULD NOT BE RELIED ON TO
MEET THE REQUIREMENTS OF ANY OTHER PERSONS OR PURPOSES.

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 AE 11.0'
(FIRM 12071C 05546 11/17/2022).
9) ELEVATIONS (SHOWN LIKE SO 4.83')
ARE NAVD 1988 BASED ON 872 5366 F (AD7852).



R.K.BURNS SURVEYING, INC. LB 6133

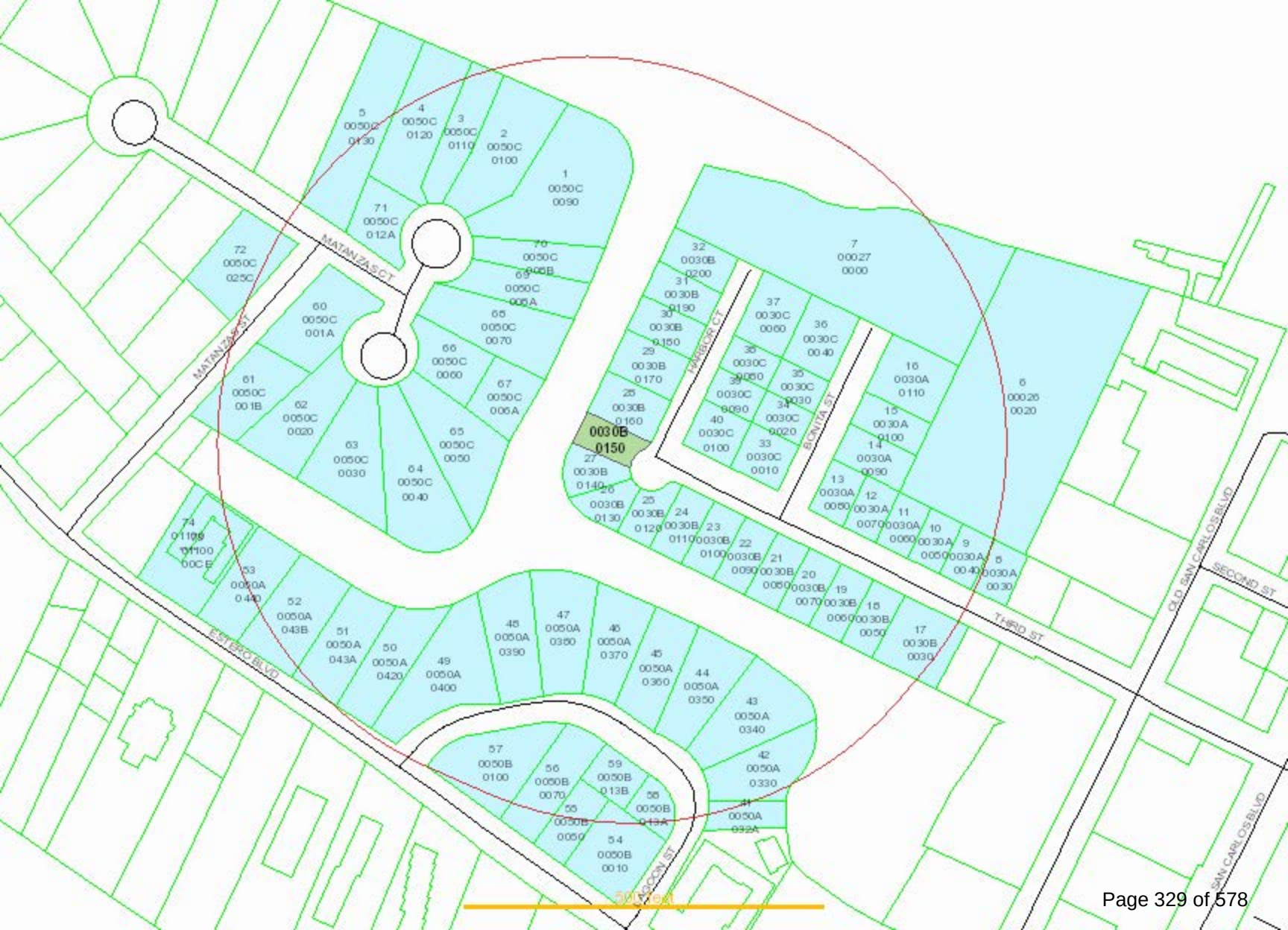
3507 LEE BLVD. # 230
LEHIGH ACRES, FL. 33971
239-303-0764
239-303-0832 (FAX)
INFO@BURNSSURVEYING.COM

MAP OF BOUNDARY SURVEY

FIELD WORK COMPLETED:03/20/2023

By:

John Stephen Burns



variancelist

Subjects: 1 Affected: 86 Buffer: 500 Date: 5/2/2023 12:00:00 AM List Size: 87																
Index	Subject	Foliod	STRAP	OwnerName	OwnerName2	MailAddress	MailAddress2	MailCity	MailState	MailZip	MailCountry	SiteNumber	SiteStreet	SiteUnit	SiteCity	SiteZip
0	TRUE	10127335	24-46-23-W3-0030B.0150	SCHROEDER KURT & GERALDINE		405 HARBOR CT		FORT MYERS BEACH	FL	33931		405	HARBOR CT		FORT MYERS BEACH	33931
1	FALSE	10127237	24-46-23-W2-0050C.0090	MAGNUM FMB 1 LLC		725 MATANZAS CT		FORT MYERS BEACH	FL	33931		725	MATANZAS CT		FORT MYERS BEACH	33931
2	FALSE	10127238	24-46-23-W2-0050C.0100	SAMUELSON JOHN A TR		721 MATANZAS CT		FORT MYERS BEACH	FL	33931		721	MATANZAS CT		FORT MYERS BEACH	33931
3	FALSE	10127239	24-46-23-W2-0050C.0110	CAMERON NORMA J		3511 SCHIRTZINGER RD		HILLIARD	OH	43026		715	MATANZAS CT		FORT MYERS BEACH	33931
4	FALSE	10127240	24-46-23-W2-0050C.0120	WEIDELING DALE A & DEBRA L		711 MATANZAS CT		FORT MYERS BEACH	FL	33931		711	MATANZAS CT		FORT MYERS BEACH	33931
5	FALSE	10127241	24-46-23-W2-0050C.0130	BANEZ PAMELA & CONRADO T		685 MATANZAS CT		FORT MYERS BEACH	FL	33931		685	MATANZAS CT		FORT MYERS BEACH	33931
6	FALSE	10127269	24-46-23-W3-00026.0020	FREELAND FL HOLDINGS LLC		5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		450	HARBOR CT		FORT MYERS BEACH	33931
7	FALSE	10127271	24-46-23-W3-00027.0000	FREELAND FL HOLDINGS LLC	BERNARD G FREELAND	5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		450	HARBOR CT		FORT MYERS BEACH	33931
8	FALSE	10127312	24-46-23-W3-0030A.0030	FREEMAN WILLIAM T &		15341 KILBIRNIE DR		FORT MYERS	FL	33912		935	THIRD ST		FORT MYERS BEACH	33931
9	FALSE	10127313	24-46-23-W3-0030A.0040	ANDERSON BRENT KORY &		13302 COACHFORD AVE		ROSEMOUNT	MN	55068		929	THIRD ST		FORT MYERS BEACH	33931
10	FALSE	10127314	24-46-23-W3-0030A.0050	MOSTEIRO CHRISTOPHER C +		923 THIRD ST		FORT MYERS BEACH	FL	33931		923	THIRD ST		FORT MYERS BEACH	33931
11	FALSE	10127315	24-46-23-W3-0030A.0060	HOULIHAN MARY N TR		917 THIRD ST		FORT MYERS BEACH	FL	33931		917	THIRD ST		FORT MYERS BEACH	33931
12	FALSE	10127316	24-46-23-W3-0030A.0070	DUDDY KATHLEEN & BRIAN TR		14 STETSON PL		DUXBURY	MA	2332		911	THIRD ST		FORT MYERS BEACH	33931
13	FALSE	10127317	24-46-23-W3-0030A.0080	CASEY KATHLEEN M +		32917 PEACH TREE LN		LEWES	DE	19958		901	THIRD ST		FORT MYERS BEACH	33931
14	FALSE	10127318	24-46-23-W3-0030A.0090	GREGG LIEAH		253 PALERMO CIR		FORT MYERS BEACH	FL	33931		430	BONITA ST		FORT MYERS BEACH	33931
15	FALSE	10127319	24-46-23-W3-0030A.0100	URIAN JULIE A TR		432 BONITA ST		FORT MYERS BEACH	FL	33931		432	BONITA ST		FORT MYERS BEACH	33931
16	FALSE	10127320	24-46-23-W3-0030A.0110	FREELAND FL HOLDINGS LLC	BERNARD G FREELAND	5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		438	BONITA ST		FORT MYERS BEACH	33931
17	FALSE	10127323	24-46-23-W3-0030B.0030	932 THIRD STREET LLC		932 THIRD ST		FORT MYERS BEACH	FL	33931		932	THIRD ST		FORT MYERS BEACH	33931
18	FALSE	10127325	24-46-23-W3-0030B.0050	DUDDY BRIAN PATRICK TR		14 STETSON PL		DUXBURY	MA	2332		920	THIRD ST		FORT MYERS BEACH	33931
19	FALSE	10127326	24-46-23-W3-0030B.0060	FOSTER STEPHEN ALLEN		2244 WINKLER AVE UNIT 205		FORT MYERS	FL	33901		914	THIRD ST		FORT MYERS BEACH	33931
20	FALSE	10127327	24-46-23-W3-0030B.0070	TYRELL PETER		134 136 PICCOTTIS END		HEMEL HEMPSTEAD	HP1 3AU	UNITED KINGDOM		910	THIRD ST		FORT MYERS BEACH	33931
21	FALSE	10127328	24-46-23-W3-0030B.0080	KOSTER RODNEY A & THERESA A		880 THIRD ST		FORT MYERS BEACH	FL	33931		880	THIRD ST		FORT MYERS BEACH	33931
22	FALSE	10127329	24-46-23-W3-0030B.0090	KOSTER RODNEY A & THERESA A		880 THIRD ST		FORT MYERS BEACH	FL	33931		870	THIRD ST		FORT MYERS BEACH	33931
23	FALSE	10127330	24-46-23-W3-0030B.0100	TAMIA SA		949 STRATFORD DR		ENCINITAS	CA	92024		850	THIRD ST		FORT MYERS BEACH	33931
24	FALSE	10127331	24-46-23-W3-0030B.0110	WOODSON MARK T + KAREN K		820 THIRD ST		FORT MYERS BEACH	FL	33931		820	THIRD ST		FORT MYERS BEACH	33931
25	FALSE	10127332	24-46-23-W3-0030B.0120	KADO KELLY +		2560 ESTERO BLVD #6A		FORT MYERS BEACH	FL	33931		810	THIRD ST		FORT MYERS BEACH	33931
26	FALSE	10127333	24-46-23-W3-0030B.0130	SCHMELING ROBERT W +		1621 SE 84TH CT		VANCOUVER	WA	98664		800	THIRD ST		FORT MYERS BEACH	33931
27	FALSE	10127334	24-46-23-W3-0030B.0140	SWING THOMAS J TR		2560 TURF PARADISE DR		STOW	OH	44224		401	HARBOR CT		FORT MYERS BEACH	33931
28	FALSE	10127336	24-46-23-W3-0030B.0160	SERVADIO NORMA LEARD TR		10 SAGAMORE DR		SIMSBURY	CT	6070		409	HARBOR CT		FORT MYERS BEACH	33931
29	FALSE	10127337	24-46-23-W3-0030B.0170	SERVADIO NORMA L TR		10 SAGAMORE DR		SIMSBURY	CT	6070		425	HARBOR CT		FORT MYERS BEACH	33931
30	FALSE	10127338	24-46-23-W3-0030B.0180	TEAL PHILLIP L		3699 PEARL DR UNIT 8		MONROE	MI	48162		429/431	HARBOR CT		FORT MYERS BEACH	33931
31	FALSE	10127339	24-46-23-W3-0030B.0190	FREELAND FL HOLDINGS LLC		5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		441	HARBOR CT		FORT MYERS BEACH	33931
32	FALSE	10127340	24-46-23-W3-0030B.0200	FREELAND FL HOLDINGS LLC		5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		445	HARBOR CT		FORT MYERS BEACH	33931
33	FALSE	10127341	24-46-23-W3-0030C.0010	KOSTER RODNEY A & THERESA A		880 THIRD ST		FORT MYERS BEACH	FL	33931		851/861	THIRD ST		FORT MYERS BEACH	33931
34	FALSE	10588574	24-46-23-W3-0030C.0020	PHELPS MICHAEL +		329 MEADOW RD		FARMINGTON	CT	6032		429	BONITA ST		FORT MYERS BEACH	33931
35	FALSE	10588575	24-46-23-W3-0030C.0030	PHELPS MICHAEL +		329 MEADOW RD		FARMINGTON	CT	6032		431	BONITA ST		FORT MYERS BEACH	33931
36	FALSE	10127343	24-46-23-W3-0030C.0040	FREELAND FL HOLDINGS LLC		5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		435	BONITA ST		FORT MYERS BEACH	33931
37	FALSE	10127344	24-46-23-W3-0030C.0060	FREELAND FL HOLDINGS LLC	BERNARD G FREELAND	5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		436	HARBOR CT		FORT MYERS BEACH	33931
38	FALSE	10127345	24-46-23-W3-0030C.0080	ASHLAND PROPERTIES		10940 S PARKER RD #512		PARKER	CO	80134		432/434	HARBOR CT		FORT MYERS BEACH	33931
39	FALSE	10127346	24-46-23-W3-0030C.0090	KIMYABAYKI SOROUSH +		91 PRINCESS DIANA DR		MARKHAM	ON	L6C 0H2	CANADA	422	HARBOR CT		FORT MYERS BEACH	33931
40	FALSE	10127347	24-46-23-W3-0030C.0100	GRIFFIS LLC		9051 E CHICAGO RD		JEROME	MI	49249		412	HARBOR CT		FORT MYERS BEACH	33931
41	FALSE	10127378	24-46-23-W3-0050A.032A	HOLBROOK LESLIE E		3658 COUNTY RD 31		GALION	OH	44833		859	LAGOON ST		FORT MYERS BEACH	33931
42	FALSE	10127379	24-46-23-W3-0050A.0330	PURTELL JAMES F TR		60 STONEY BEACH RD		OSHKOSH	WI	54902		855	LAGOON ST		FORT MYERS BEACH	33931
43	FALSE	10127380	24-46-23-W3-0050A.0340	BOYD TODD & JULIE		SOMERS WHARF	16 WATER ST UNIT L	ST GEORGES	GE 04	BERMUDA		849/851	LAGOON ST		FORT MYERS BEACH	33931
44	FALSE	10127381	24-46-23-W3-0050A.0350	DULLARD ROBERT TR +		PO BOX 2695		FT MYERS BCH	FL	33932		843	LAGOON ST		FORT MYERS BEACH	33931
45	FALSE	10127382	24-46-23-W3-0050A.0360	BLOCDHL LEASING LLC		3538 TIMBER RIDGE TRL		CEDAR RAPIDS	IA	52411		839/841	LAGOON ST		FORT MYERS BEACH	33931
46	FALSE	10127383	24-46-23-W3-0050A.0370	ISLAND GEM LLC		8044 ESTERO BLVD		FORT MYERS BEACH	FL	33931		831	LAGOON ST		FORT MYERS BEACH	33931
47	FALSE	10127384	24-46-23-W3-0050A.0380	PAINE FREDERICK L &		12 BELKNAP SHORES		SUPERIOR	WI	54880		823	LAGOON ST		FORT MYERS BEACH	33931
48	FALSE	10127385	24-46-23-W3-0050A.0390	PAINE FREDERICK L & NANCY K		819 LAGOON ST		FORT MYERS BEACH	FL	33931		819	LAGOON ST		FORT MYERS BEACH	33931
49	FALSE	10127386	24-46-23-W3-0050A.0400	TOWN OF FORT MYERS BEACH	FINANCE DEPT	2525 ESTERO BLVD		FORT MYERS BEACH	FL	33931		815	LAGOON ST		FORT MYERS BEACH	33931
50	FALSE	10127387	24-46-23-W3-0050A.0420	EDGEWATER INN LLC		1440 BRICKELL BAY DR	STE PH3	MIAMI	FL	33131		781	ESTERO BLVD		FORT MYERS BEACH	33931
51	FALSE	10127388	24-46-23-W3-0050A.043A	PAYNE DONNA L		501 WILLIN WAY		MOUNT STERLING	KY	40353		775	ESTERO BLVD		FORT MYERS BEACH	33931
52	FALSE	10127389	24-46-23-W3-0050A.043B	SAVINO STEPHEN JR & LORI		58 HIGH VALLEY DR		CANTON	CT	6019		749	ESTERO BLVD		FORT MYERS BEACH	33931
53	FALSE	10127390	24-46-23-W3-0050A.0440	SMITH STEPHEN E & CYNTHIA		13140 BIRD RD		FORT MYERS	FL	33905		739	ESTERO BLVD		FORT MYERS BEACH	33931
54	FALSE	10127392	24-46-23-W3-0050B.0010	SOUTHLAND CORPORATION	CORPORATE TAX DEPT	2711 N HASKELL AVE		DALLAS	TX	75204		841	ESTERO BLVD		FORT MYERS BEACH	33931
55	FALSE	10127394	24-46-23-W3-0050B.0050	COURTNEY S MARK & DEBORAH S TR		83 CRANBERRY RD		GROVE CITY	PA	16127		831	ESTERO BLVD		FORT MYERS BEACH	33931
56	FALSE	10127395	24-46-23-W3-0050B.0070	PAINE FRED		823 LAGOON ST		FORT MYERS BEACH	FL	33931		821/825	ESTERO BLVD		FORT MYERS BEACH	33931
57	FALSE	10127396	24-46-23-W3-0050B.0100	PAINE FREDERICK L &		12 BELKNAP SHORES		SUPERIOR	WI	54880		815	ESTERO BLVD		FORT MYERS BEACH	33931
58	FALSE	10127397	24-46-23-W3-0050B.013A	ARTTRIP BARBARA K TR		3225 E RIVERSIDE DR UNIT 57E		FORT MYERS	FL	33916		850	LAGOON ST		FORT MYERS BEACH	33931
59	FALSE	10127398	24-46-23-W3-0050B.013B	SCHWARTZ DEREK & KRISTEN		3329 ROSA AVE		NEW SMYRNA BEACH	FL	32168		846/848	LAGOON ST		FORT MYERS BEACH	33931
60	FALSE	10127399	24-46-23-W3-0050C.001A	HIATT KEITH II TR		8374 W CAPOVILLA AVE		LAS VEGAS	NV	89113		190	MATANZAS ST		FORT MYERS BEACH	33931
61	FALSE	10127400	24-46-23-W3-0050C.001B	KEITH HIATT TRUST		8374 W CAPOVILLA AVE		LAS VEGAS	NV	89113		150	MATANZAS ST		FORT MYERS BEACH	33931
62	FALSE	10127401	24-46-23-W3-0050C.0020	REBER DAVID A TR		527 SUGARPINE DR		INCLINE VILLAGE	NV	89451		710	MATANZAS CT		FORT MYERS BEACH	33931
63	FALSE	10127402	24-46-23-W3-0050C.0030	MORIONDO LARRY E TR		15482 LAWRENCE 2130		MOUNT VERNON	MO	65712		720	MATANZAS CT		FORT MYERS BEACH	33931
64	FALSE	10127403	24-46-23-W3-0050C.0040	VANFOSSSEN TERRI D		724 MATANZAS CT		FORT MYERS BEACH	FL	33931		724	MATANZAS CT		FORT MYERS BEACH	33931
65	FALSE	10127404	24-46-23-W3-0050C.0050	CROW FMB FAMILY TRUST		2705 ODAWA TRL		MUSKEGON	MI	49444		730	MATANZAS CT		FORT MYERS BEACH	33931
66	FALSE	10127405	24-46-23-W3-0050C.0060	EHRlich HARRYET TR		740 MATANZAS CT		FORT MYERS BEACH	FL	33931		740	MATANZAS CT		FORT MYERS BEACH	33931
67	FALSE	10127406	24-46-23-W3-0050C.006A	WILLIAM J MILLER TRUST +		25392 SHELTERED LANE		WINONA	MN	55987		738	MATANZAS CT		FORT MYERS BEACH	33931
68	FALSE	10127407	24-46-23-W3-0050C.0070	CALUSA LLC		22774 CITATION RD		FRANKFORT	IL	60423		750	MATANZAS CT		FORT MYERS BEACH	33931
69	FALSE	10127408	24-46-23-W3-0050C.008A	PAYNE DONNA		501 WILLIN WAY		MOUNT STERLING	KY	40353		745	MATANZAS CT		FORT MYERS BEACH	33931
70	FALSE	10127409	24-46-23-W3-0050C.008B	OAKES DONALD L L/E		735 MATANZAS CT		FORT MYERS BEACH	FL	33931		735	MATANZAS CT		FORT MYERS BEACH	33931
71	FALSE	10127410	24-46-23-W3-0050C.012A	HYNICK STEVEN & RENEE		2601 MULBERRY AVE		MUSCATINE	IA	52761		701	MATANZAS CT		FORT MYERS BEACH	33931
72	FALSE	10127415	24-46-23-W3-0050C.025C	HAYES LARRY R & PAULA D		40W504 ATCHISON DR		HAMPSHIRE	IL	60140		189	MATANZAS ST		FORT MYERS BEACH	33931
73	FALSE	10127432	24-46-23-W3-01100.000CE	RIPTIDE CONDO ASSOC INC		711 ESTERO BLVD		FORT MYERS BEACH	FL	33931			RIPTIDE CONDO C/E		FORT MYERS BEACH	33931
74	FALSE	10127423	24-46-23-W3-01100.0010	XL REAL PROPERTY SERVICES LLC		5 SHELDON DR		SPENCERPORT	NY	14559		711	ESTERO BLVD	1	FORT MYERS BEACH	33931

Legal
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 15
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 9 + PT LOT 10 E OF
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>PART LOTS 10 + 11
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>PART LOT 11
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>N 205 FT LOT 12 + BEG SW
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 13
PARL IN SE 1/4<CR>SEC 24 TWP 46 RGE 23<CR>DESC OR 1447 PG 1434
PARL IN SE 1/4 DESC OR 1656<CR>2886+MATANZAS VIEW BLK B<CR>PB9/40 PT LT 21 + SUB LAND
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 3
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 4
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 5
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 6
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 7
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 8
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 9
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 10
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOTS 11 + 12
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOTS 3 + 4
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 5
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 6
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 7
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 8
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 9
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 10
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 11
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 12
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 13
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 14
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 16
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 17
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 18
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 19
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 20
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOT 1
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>BLK C LOT 2
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>BLK C LOT 3
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOTS 4 + 5
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOTS 6 + 7
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOT 8
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOT 9
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOT 10
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>NWLY 40 FT LOT 32
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 33
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 34
ISLAND SHORES UT 2<CR>BLK A PB 9 PG 25<CR>LOT 35
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 36
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 37
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 38
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 39
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>PT LOTS 40 + 41
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>PT LOTS 40 + 41 + LOT 42
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>ELY 67.42 FT LOT 43
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>WLY 33.72 FT LOT 43<CR>+ ELY 33.72 FT LOT 44
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>WLY 67.42 FT LOT 44
ISLAND SHORES UNIT 2<CR>BLK B PB 9 PG 25<CR>LOTS 1 THRU 4
ISLAND SHORES UNIT 2<CR>BLK B PB 9 PG 25<CR>LOTS 5 + 6
ISLAND SHORES UNIT 2<CR>BLK B PB 9 PG 25<CR>LOTS 7 8 + PT LOTS 9 13 14
ISLAND SHORES UNIT 2<CR>BLK B PB 9 PG 25 LTS 10<CR>THRU 12 + PT LTS 9 13 + 14
ISLAND SHORES UNIT 2<CR>BLK B PB 9 PG 25<CR>PT LOTS 13 + 14
ISLAND SHORES UNIT 2<CR>BLK B PB 9 PG 25<CR>LOTS PT 13 + 14 FROM SE
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>ALL LOT 1 LYING NELY OF
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>ALL LOT 1 LYING SWLY OF
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 2
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 3
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 4
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 5
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT PT 6
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT PT 6
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 7
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>S 1/2 LOT 8
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>NLY 1/2 LOT 8
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>S 79 FT LOT 12
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>PT LOT 25
RIPTIDE CONDO<CR>DESC OR 1980 PG 839<CR>COMMON ELEMENTS
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 1 + CARPORT #1
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 2
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 3 + CARPORT #3
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 4
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 5
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 6 + GARAGE #6
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 7 + GARAGE #7
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 8 + GARAGE #8
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 9 + GARAGE #9
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 10 + GARAGE #10
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 11 + GARAGE #11
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 12 + GARAGE #12
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 13 + GARAGE #13



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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Town Council 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: August 7, 2023
CASE: VAR20230062
ADDRESS: 405 Harbor Ct
APPLICANT: Samir Malviya from Homebound Technologies Inc
REQUEST: The applicant is requesting a variance of 17 feet for the street setback, and a variance of 4 inches from the water body setbacks. LDC Table 34-3

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.



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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Town Council 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: August 7, 2023
CASE: VAR20230062
ADDRESS: 405 Harbor Ct
APPLICANT: Samir Malviya from Homebound Technologies Inc
REQUEST: The applicant is requesting a variance of 17 feet for the street setback, and a variance of 4 inches from the water body setbacks. LDC Table 34-3

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.



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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Town Council 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: August 7, 2023
CASE: VAR20230062
ADDRESS: 405 Harbor Ct
APPLICANT: Samir Malviya from Homebound Technologies Inc
REQUEST: The applicant is requesting a variance of 17 feet for the street setback, and a variance of 4 inches from the water body setbacks. LDC Table 34-3

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.



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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Town Council 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: August 7, 2023
CASE: VAR20230062
ADDRESS: 405 Harbor Ct
APPLICANT: Samir Malviya from Homebound Technologies Inc
REQUEST: The applicant is requesting a variance of 17 feet for the street setback, and a variance of 4 inches from the water body setbacks. LDC Table 34-3

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.

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»

From: [Randy Crow](#)
To: [Sarah Propst](#); [Randy Crow](#)
Subject: Property Owner Notice Case VAR20230062 VAR20230078 VAR20230061
Date: Wednesday, July 19, 2023 7:49:56 AM
Attachments: [07192023.pdf](#)

Sarah

My name is Randy Crow and I own 730 Matanzas Ct, Ft Myers Beach FL 33931.

I continue to receive multiple property notices from the town with your contact name on them for what appears to be some developer named Samir Malviya from Homebound Technologies. With multiple request for variances for each of the named property.

This latest mailing is referencing Property Owner Notice Case VAR20230062 VAR20230078 VAR20230061. (Notices attached)

I would like this email to serve as my property owner right within 500 feet for the public hearing on August 7, 2023, in full "OBJECTION" do not support this variance request on each of these properties. This is the 6th or 7th set of these notices from this same applicant. Each one is asking for setback changes, lot line adjustments and everything else this person can think of.

As a property owner we lost our home, detached garage and boat house and everything we owned. I have been waiting since March 17, 2023 to get a "PERMIT" to rebuild as the property owner not a developer. I own a 1/3 of acre lot and the Town has put me thru the hoops with regard to setbacks. I have followed the setbacks they put in place and continue to wait for my plan approvals.

I'm NOT in support of some developer who appears to be trying to get control of multiple properties and adjust every setback

requirement for the named properties. I simple wanted to rebuild what I lost, I now have my house 25ft off the water lot line, 10 ft side setbacks and other requirements I have to follow to get approval from zoning. Why would this even be a consideration with a developer looking to manipulate ever piece of property they can modify for rebuild.

I'm against this and my recommendation to the board is to deny all of these request related to Property Owner Notice Case VAR20230062 VAR20230078 VAR20230061.

Please let me know if this email will serve as I can't afford to fly down there for this meeting. If the zoning is going to stand firm for actual property owners they sure should follow the requirements with someone who now has requested over 7 properties be changed to meet their request. This entire process is wrong and I'm against it.

Please verify receipt and if this will serve as my objection to this request.

Randy & Abby Crow
730 Matanzas Ct
Ft Myers Beach FL 33931
231-670-5755

Randy A. Crow
CEO

231-670-5755 Cell
231-755-7855 Direct
231-759-3160 Corporate

rcproductions.com

RC Productions, Inc. Family of Companies



Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

1. **Requested Motion:**

Meeting Date: August 7, 2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VAR20230063 VARIANCE OF 12 FEET, 8 INCHES FROM THE REQUIRED 25 FOOT STREET SETBACK. FOR THE PROPERTY LOCATED AT 810 THIRD STREET; AND PROVIDING FOR AN EFFECTIVE DATE

Why the action is necessary:

The Town Council decides all variance requests.

What the action accomplishes:

Approval of this variance will allow the applicant to build a single family residence with a front setback of 12 feet, 4 inches.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

5. **Background:**

The applicant for 810 Third Street, is requesting a variance from the Town's Land Development Code (LDC) Table 34-3 RC zoning district minimum street setback. The applicant is requesting a variance of 12 feet, 8 inches from the required 25 foot setback for a front setback of 12 feet, 4 inches to build a new single-family home.

The Local Planning Agency (LPA) held a meeting on June 27th, 2023, and recommended approval of a street setback variance request of 14 feet, 11 inches with conditions on a 5-2 vote. Prior to the Town Council meeting held on August 7th, 2023, the applicant changed their request to vary 12 feet, 8 inches from the required front setback, for a front setback of 12 feet, 4 inch to build a new single-family home.

Attachments:

1. Resolution 23-76 810 Third St
2. Staff Report TC
3. 810 Third St - Variance Diagrams (1)
4. Exhibit A Variance Application
5. Exhibit A continued Variance Application Signature Page
6. Exhibit B TC Postcard

Financial Impact:

unknown

6. **Alternative Action**

Approve with conditions

7. **Management Recommendations:**

Denial

8. **Recommended Approval:**

Kendra Rosa, Zoning Coordinator/Planner 1
Steve Poposki, Community Development Director
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 7/20/2023
Approved - 7/20/2023
Approved - 8/1/2023
Approved - 8/1/2023
Final Approval - 8/1/2023

RESOLUTION NUMBER 23-76

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VAR20230063 VARIANCE OF 12 FEET, 8 INCHES FROM THE REQUIRED 25 FOOT STREET SETBACK. FOR THE PROPERTY LOCATED AT 810 THIRD STREET; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, applicant Samir Malviya, on behalf of owners Kelly and Teressa Kado, is requesting a variance from Table 34-3 Dimensional Regulations in Conventional Zoning Districts for the street setback; and

WHEREAS, the STRAP number for the subject property is 24-46-23-W3-0030B.0120; and

WHEREAS, the Property is located in the “Mixed Residential” category of the Future Land Use Map of the Comprehensive Plan and the “Residential Conservation” zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on June 27, 2023, and at said 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 Section 34-87 of the LDC. The LPA voted 5-2 to recommend approval of the variance; and

WHEREAS, on August 07, 2023 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by 34-87 of the LDC; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve/ approve with conditions/ deny the request.

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

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicant did/ did not meet its burden of proof that the requested Variance do/ do not meet the requirements of the Town Comprehensive Plan and LDC, and approving/ approving with conditions/ denying the Variance is in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council APPROVES/ APPROVES WITH CONDITIONS/ DENIES the variance from Table 34-3 Dimensional Regulations in Conventional Zoning Districts.

Section 3. In approving/ approving with conditions/ denying the Variance, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-87 of the LDC:

- A. There are/ are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is/is not for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- B. The conditions justifying approval of the variance are/ are not the result of actions of the Applicant taken after the adoption of the regulation in question.
- C. The variance is/ is not the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation to the Property.
- D. The granting of the variance will/ will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. The conditions or circumstances on the Property are/ are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Section 4. If the Town Council approves the requested variance, the following conditions of approval are imposed on the Applicant and the Property:

- A. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
- B. The first floor shall not be enclosed. It should be made available as a private car park for the residents and their guests. All vehicles must be placed on the site and not on the Town's Right of Way (ROW).
- C. The variance shall only apply to the single-family home as shown on the provided site plan. Alterations or substantial damage to the structure shall render their respective variance to be null and void.

D. Any relocation of the driveway will require a separate review and may require a shared driveway with the property to the east or west. The driveway(s) must also adhere to The Town of Fort Myers Beach Residential Swale Driveway specifications.

E. The encroachment of the street setback is limited to proposed SFR as approved on the site plan and no further encroachment of the street setbacks shall be permitted at any time.

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

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King	_____
Bill Veach	_____
Karen Woodson	_____

ADOPTED this 7th day of August 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Gretchen R. H. Vose., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of August 2023.



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20230063

CASE NAME: 810 Third St; requesting a variance from LDC Section 34-638 Table 34-3 Dimensional Regulations in Conventional Zoning Districts for the street setback in the RC zoning district.

TOWN COUNCIL HEARING DATE: August 7th, 2023, at 9 AM

STAFF RECOMMENDATION: DENIAL

**PREPARED/
SUBMITTED BY:** Jason Smalley- Senior Planner

I. APPLICATION SUMMARY

Applicant/Owner: Samir Malviya/KADO KELLY + KADO TERESA

Request: Original Request: The applicant is requesting a variance of 14 feet, 11 inches from the street setback for a front setback of 10 feet, 1 inch to build a new single family.
Updated Request: The applicant is requesting a variance of 12 feet, 8 inches for a front setback of 12 feet, 4 inches to build a new single-family home.

Subject property: See attached site plan

Physical Address: 810 Third Street

STRAP #: 24-46-23-W3-0030B.0120

FLU: Mixed Residential

Zoning: Residential Conservation (RC)

Adjacent zoning and land uses:

North:	RESIDENTIAL CONSERVATION (RC) Single-Family Residence/Two-Family
South:	RESIDENTIAL CONSERVATION (RC) Canal/Waterbody
East:	RESIDENTIAL CONSERVATION (RC) Single-Family Residence/Two-Family
West:	RESIDENTIAL CONSERVATION (RC) Single-Family Residence/Two-Family

II. BACKGROUND AND ANALYSIS

Background:

Samir Malviya, the applicant for 810 Third Street, is requesting a variance from the Town's Land Development Code (LDC) Table 34-3 which requires a single-family home in the RC zoning district to provide a minimum street setback of 25 feet from the front property line. The applicant is requesting a variance of 12 feet, 8 inches for a front setback of 12 feet, 4 inches to build a new single-family home.

The Local Planning Agency (LPA) held a meeting on June 27th, 2023, where the variance request was heard and approved with conditions recommended by staff with a 5-2 vote with LPA Member Boan and Chair Cereceda dissenting. The variance for 14 feet, 11 inches from the required street setback was approved, for a front setback of 10 feet, 1 inch to build a new single family residence. However, prior to the Town Council meeting held on August 7th, 2023, the applicant changed their request to vary 12 feet, 8 inches from the required front setback, for a front setback of 12 feet, 4 inch to build a new single-family home.

Analysis:

The purpose of the RC zoning district is to provide stable neighborhoods where single-family/two-family homes are the predominant land use. The subject property is a waterbody lot on a cul-de-sac on the intersection of Third Street and Harbor Court. The lot is 50 feet wide, with a lot depth that varies from approximately 81 feet to 100 feet. The property previously had a single-family home, which was destroyed by Hurricane Ian.

The Applicant is requesting a variance of 12 feet, 8 inches for the street setback to allow a street setback of 12 feet, 4 inch where the front property line curves in at the cul-de-sac. The setback along the non-cul-de-sac street frontage will be 25 feet.

Neighborhood Compatibility:

This scenario is not unique in nature. There are three other properties abutting the cul-de-sac on the intersection of Harbor Court and Third Street, which supported single family residences consistent with the Town's LDC prior to Hurricane Ian.

In order to accommodate the proposed residence, the Applicant may need to move the driveway to the east, which could interfere with the driveways of the adjacent properties. The reduced front yard will likely result in guest parking extending to the public ROW. Staff has provided a potential condition for keeping first floor open for all personal and guest parking to discourage parking within the Town's right of way, if the variance request is granted. Staff additionally notes that the driveway will need to be approved through the Town's review process.

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 on a cul-de-sac at the intersection of Harbor Court and Third Street. The lot is 50 feet wide, with the lot depth that varies from approximately 81 feet to 100 feet. The Applicant is proposing a house that does not meet the LDC setbacks. 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 and not in compliance with the street setback 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 this property.*

The presence of a cul-de-sac at the intersection of Harbor Court and Third Street, creates an unusual lot. However, the need for this variance is a result of a design choice and is 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 Applicant is proposing to move the driveway to the east, which may interfere with the driveways of the adjacent properties. The driveway design will need to be coordinated. The reduced front yard might result in guest parking extending to the public ROW. Therefore, if approved, Town's staff recommends a condition to keep the first floor open for all personal and guest parking. It does not appear that the request will be injurious to neighbors, as long as the driveway concerns are addressed.

- 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.

III. RECOMMENDATION

Staff has reviewed the request for a variance *from LDC Table 34-3 which requires that a lot in the RC zoning district have minimum 25-foot street setback* and found that the variance request does not meet the requirements set forth in sec. 34-87.

Therefore, staff recommends **DENIAL** of VAR20230063, a request for variance of 12 feet, 8 inches for the street setback.

The Local Planning Agency (LPA) held a meeting on June 27th, 2023, where the variance request was heard and approved with conditions recommended by staff with a 5-2 vote with LPA Member Boan and Chair Cereceda dissenting. The variance for 14 feet, 11 inches from the required street setback was approved, for a front setback of 10 feet, 1 inch to build a new single family residence.

Prior to the Town Council meeting on August 7th, 2023, the applicant changed their request to decrease the requested variance. They are requesting a variance of 12 feet, 8 inches from the required front setback, for a front setback of 12 feet, 4 inch to build a new single-family home.

Staff has included one condition, for Town Council consideration, that was not in the LPA staff report. This condition limits the variance to this specific proposed structure and expires upon demolition or destruction of the proposed home.

IV. CONDITIONS FOR APPROVAL

If the Town Council approves the variance request, staff recommends the following conditions of approval.

- 1) Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply

with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

- 2) The first floor shall not be enclosed. It should be made available as a private car park for the residents and their guests. All vehicles must be placed on the site and not on the Town's Right of Way (ROW).
- 3) The variance shall only apply to the single-family home as shown on the provided site plan. Alterations or substantial damage to the structure shall render their respective variance to be null and void.
- 4) Any relocation of the driveway will require a separate review and may require a shared driveway with the property to the east or west. The driveway(s) must also adhere to The Town of Fort Myers Beach Residential Swale Driveway specifications.
- 5) The encroachment of the street setback is limited to proposed SFR as approved on the site plan and no further encroachment of the street setbacks shall be permitted at any time.

V. EXHIBITS

- A. Updated Site Plan
- B. Completed Application
- C. Postcards



MAP 1 - INTERSECTION OF HARBOR COURT AND THIRD ST

THE FRONT PROPERTY LINES OF 401 HARBOR COURT, 405 HARBOR COURT, 800 THIRD STREET, AND 810 THIRD STREET IMPLY A CUL-DE-SAC CONDITION AT THE INTERSECTION OF HARBOR COURT AND THIRD STREET PER THE MATANZAS VIEW NEIGHBORHOOD PLAT OVERLAID ON SATELLITE IMAGERY ABOVE. THE AS-BUILT CONDITION OF THE STREET WHERE THE TWO STREETS MEET IS A PERFECT RIGHT ANGLE OF TWO STREETS AT A RIGHT ANGLE AS IF TO IMPLY THAT THE FRONT PROPERTY LINE OF THESE FOUR PROPERTIES FOLLOW A STRAIGHT EDGE OF THEIR RESPECTIVE STREETS RATHER THAN THE RECESSED CONDITION IMPLIED BY THEIR FRONT PROPERTY LINES. THE RECESSED FRONT PROPERTY LINE GREATLY CONSTRAINS THE BUILDABLE DEPTH ALLOWED ON THESE PROPERTIES.

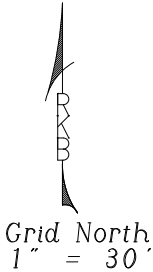
IN THE CASE OF 810 THIRD STREET, THE 50' X 100' PROPERTY WOULD OTHERWISE BE ABLE TO FIT A 35' X 50' HOUSE, BUT DUE TO THE RECESSED PROPERTY LINE CAN ONLY FIT A 35' X 31.5' HOUSE. WHILE THE VARIANCE REQUEST IS TECHNICALLY ASKING FOR A 14'-11" REDUCTION IN THE FRONT SETBACK, THE HOUSE WILL MAINTAIN A GREATER THAN 25' SETBACK FROM THE IMPLIED PROPERTY LINE OF THE STREET AND MAINTAIN A MORE NORMAL STREETScape CONSISTENT WITH THE REST OF THE NEIGHBORS ON THIRD ST.



W0#:23-0253

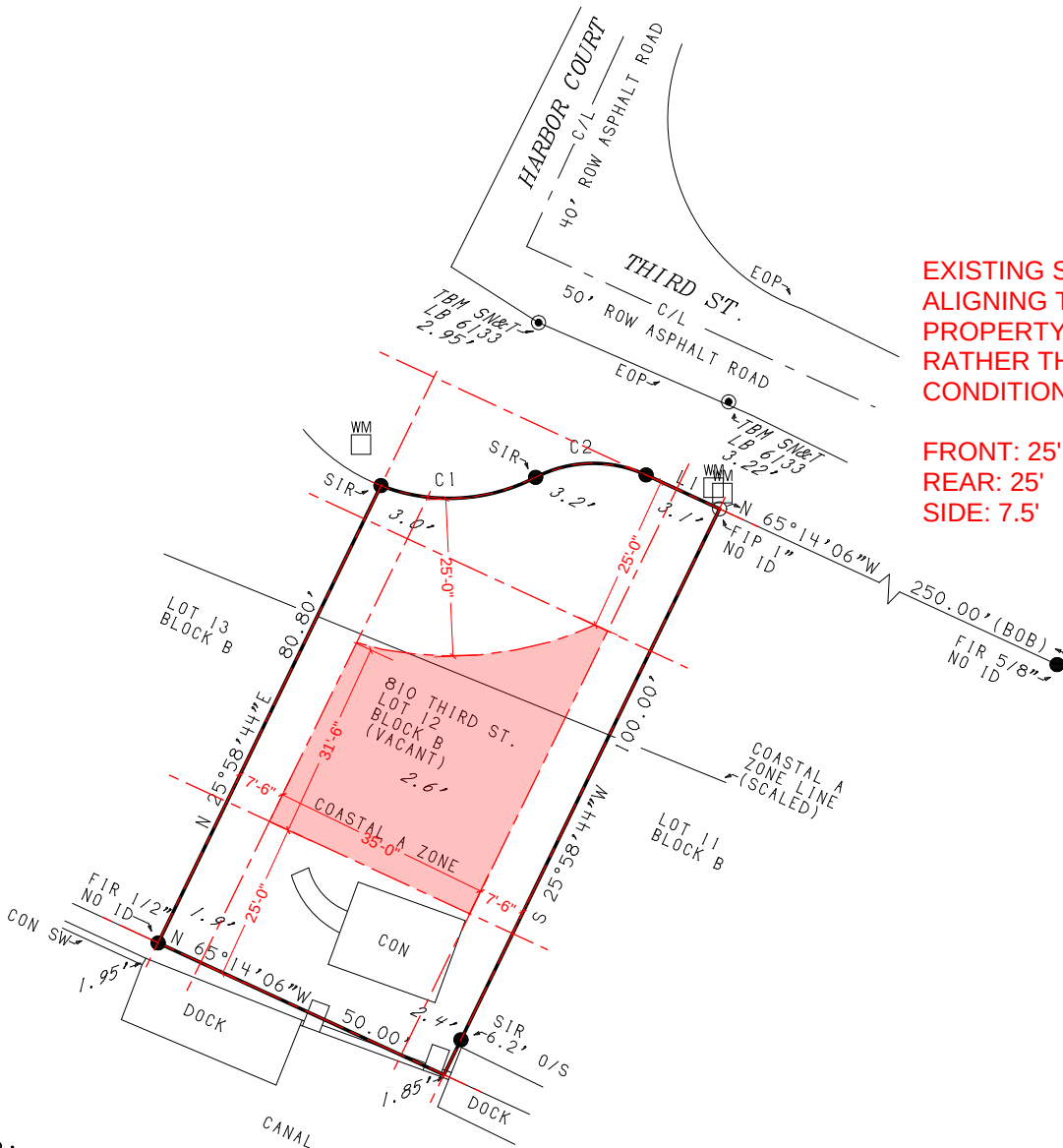
SHEET 1 OF 1

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	48°27'11"	30.00'	25.37'	13.50'	24.62'	N 86°56'28"E
C 2	52°03'01"	20.00'	18.17'	9.77'	17.55'	N 88°44'23"E
LINE	BEARING	DATA	DATA	DATA	DATA	DATA
L 1	S 65°14'06"E	12.86'				



EXISTING SETBACKS
ALIGNING TO
PROPERTY LINE
RATHER THAN AS-BUILT
CONDITION:

FRONT: 25'
REAR: 25'
SIDE: 7.5'



PREPARED FOR:
KELLY & TERESA KADO
HOMEBOUND

PARCEL DESCRIPTION:
LOT 12, BLOCK B, MATANZAS VIEW, ACCORDING TO THE
MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 9,
PAGE 40, 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

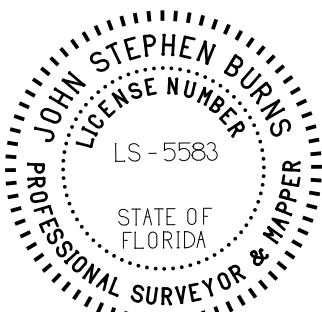
LEGEND:
(C) = CALCULATED
(F) = FIELD MEASURED
(NR) = NON-RADIAL
(R) = RECORD
(RAD) = RADIAL
BOB = BASIS OF BEARINGS
(GRID-NAD 83-FL WEST ZONE)
C/L = CENTERLINE
CATV = CABLE TV BOX
CCED = CAPE CORAL ENGINEERING DEPT.
CCP = COVERED CONCRETE PAD
CLF = CHAIN LINK FENCE
CON = CONCRETE
CP = CONCRETE PAD
DE = 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 AE 11.0'
(FIRM 12071C 05546 11/17/2022).
PARCEL PARTIALLY LIES IN A COASTAL A ZONE.
9) ELEVATIONS (SHOWN LIKE SO 4.83')
ARE NAVD 1988 BASED ON 872 5366 F (AD7852).

John S. Burns Sr.
Surveyor & Mapper
LS 5583
State of Florida

Digitally
signed by
John Burns
Date:
2023.04.12
13:49:19
-04'00'



R.K.BURNS SURVEYING, INC. LB 6133

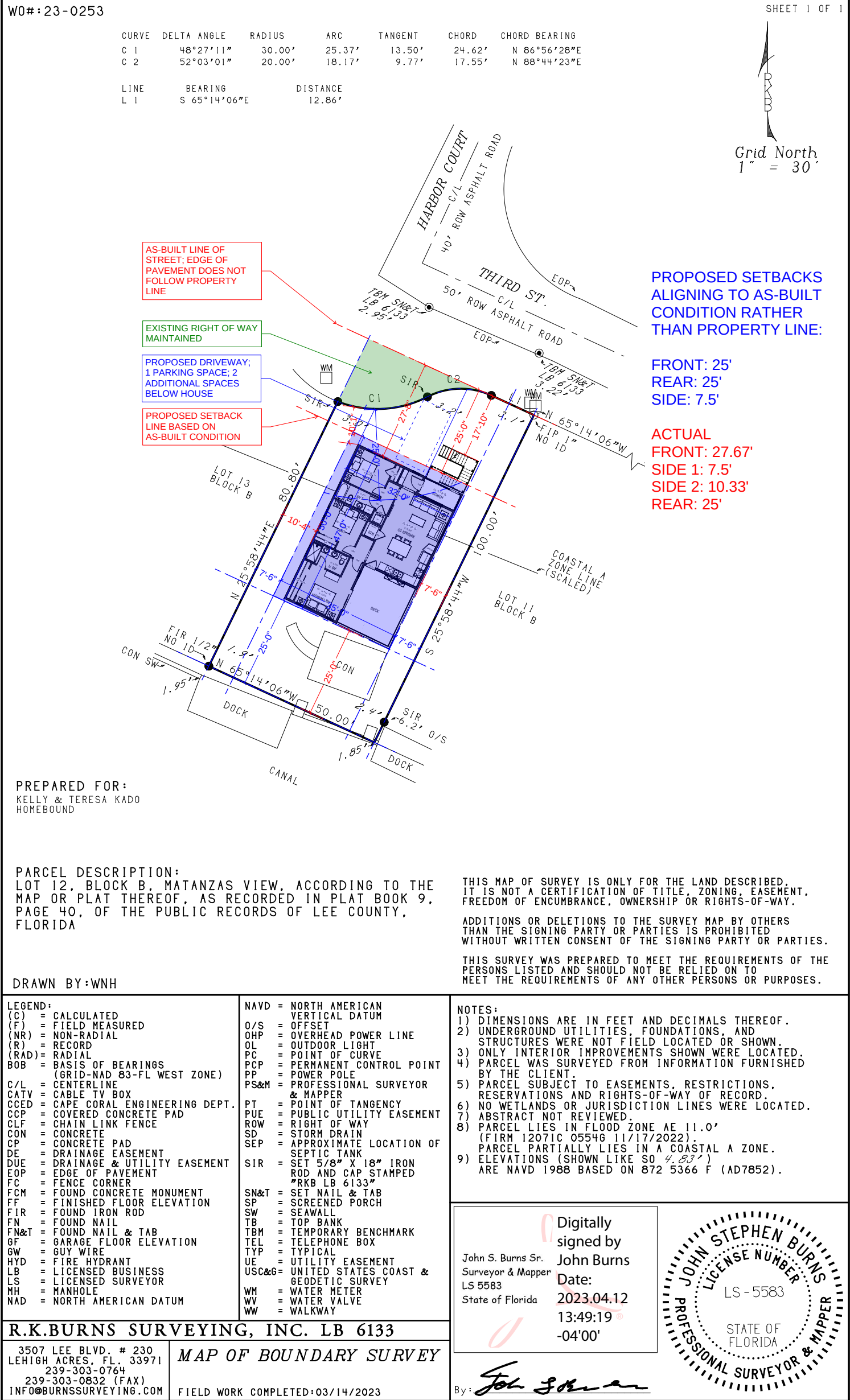
3507 LEE BLVD. # 230
LEHIGH ACRES, FL. 33971
239-303-0764
239-303-0832 (FAX)
INFO@BURNSSURVEYING.COM

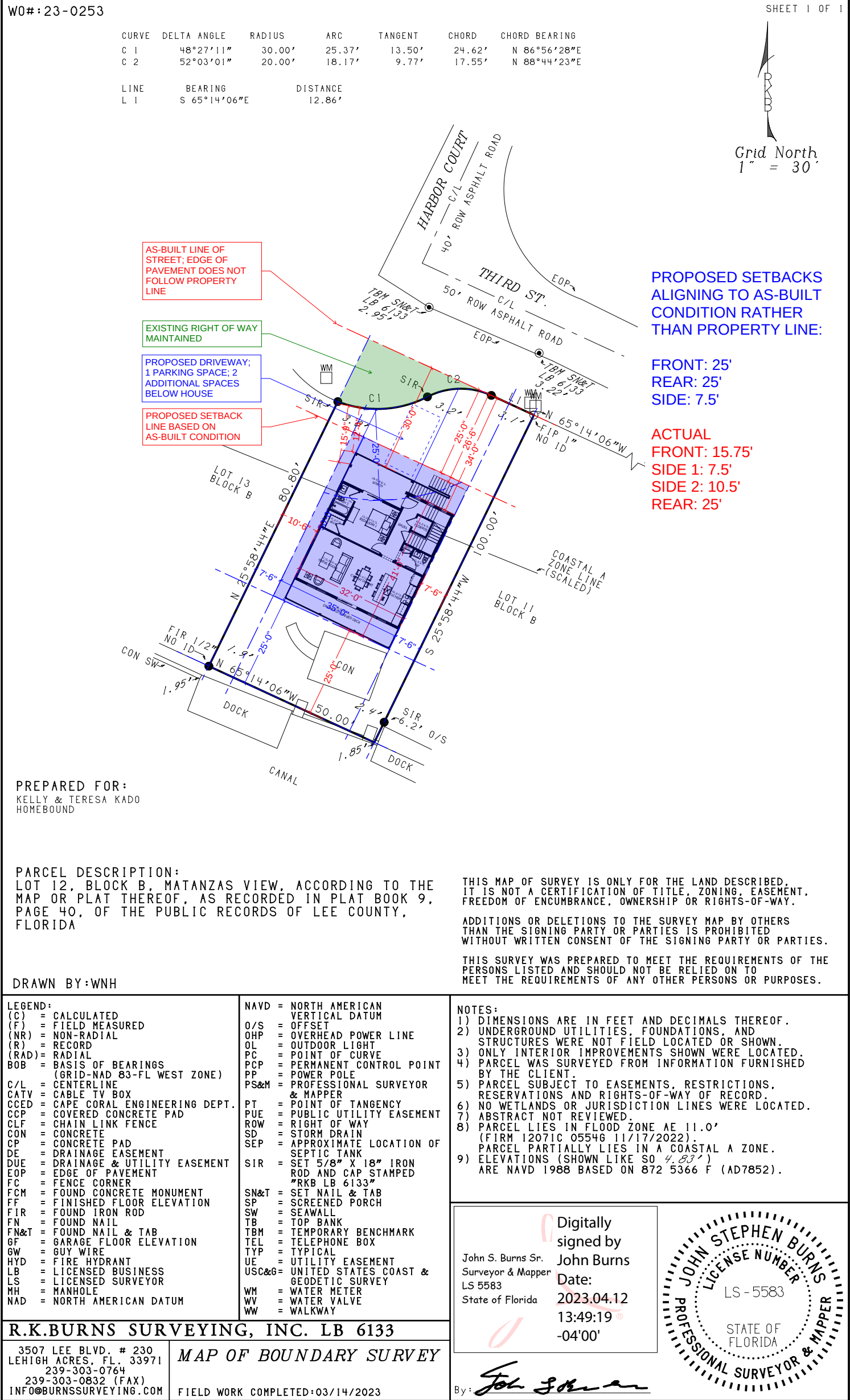
MAP OF BOUNDARY SURVEY

FIELD WORK COMPLETED:03/14/2023

By:

John S. Burns Sr.







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: 810 Third Street
STRAP Number: 24-46-23-W3-0030B.0120
Applicant: Homebound Technologies Inc Phone: 719.213.4409
Contact Name: Samir Malviya Phone: 248.894.9610
Email: smalviya@homebound.com Fax: _____
Current Zoning District: AE
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: Kelly & Teresa Kado Phone: 715-308-2125

Mailing Address: 2560 ESTERO BLVD #6A | FORT MYERS BEACH, FL | 33931

Email: kkado@kadoinsurance.com Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Kelly Kado 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

Kelly Kado

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

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

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

Signature

Title

Typed or Printed Name

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: 24-46-23-W3-0030B.0120

Property Address: 810 Third Street

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: Matanzas View

Book: 09 Page: 40 Unit: _____ Block: B Lot(s): 12

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) 53.38 feet
Depth (please provide an average width if irregular in shape) 90.40 feet
Frontage on street: 56.76 feet. Frontage on waterbody: 50.00 feet
Total land area: 4665.44 ☐ 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: Kado Residence 810 Third Street
Authorized Applicant: Samir Malviya
LeePA STRAP Number: 24-46-23-W3-0030B.0120

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

Variance is requested from:

LDC Section Number

Title of Section or Subsection

34-638 Minimum 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:
The front property lines of 401 Harbor Ct, 405 Harbor Ct, 800 Third St, and 810 Third St.
implies a cul-de-sac condition at the intersection of Harbor Ct and Third St. The as-built or paved
condition of the street where the two streets meet is a perfect right angle of two streets intersecting
as if to imply that the front property line of these four properties followed the straight edge of their
respective streets rather than the recessed condition implied by their front property lines as
recorded on the Matanzas View subdivision plat and their respective surveys. The recessed
front property line in turn creates a recessed front setback line which greatly restricts the buildable
depth allowed on these properties. In the case of 810 Third St, the 50' x 100' property would
otherwise be able to fit a 35' x 50' house, but due to the recessed property line can only fit a
35' x 31.5' house.

Reasons for request

Explain why the variance is needed:
The variance is needed to 1. Maintain the front setback along the rest of Third St and a consistent
streetscape. 2. Increase the depth of the buildable footprint to allow the proposed 32' x 41' house
to fit on the lot. And 3. Push the proposed house forward in the lot to maximize the rear setback
for boats to maximize visibility at the intersection of canals.

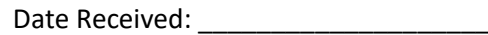
Explain the possible effect the variance, if granted, would have on surrounding properties:

If granted, Third St would have a more consistent front setback along its street going east, and 800 Third St to its west would have a potential lack of street frontage or access to its property.

In order to maintain access to 800 Third St and 401 Harbor Ct, we are proposing the space in front of the drawn property line be maintained as a right of way - causing no change or hardship to the inner cul-de-sac lots as far as access goes. Although not recognized on the subdivision plat, the existing condition is essentially treated in this regard already as 800 Third St and 401 Harbor Ct share a single driveway curb cut that splits into two driveways to their respective lots.

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

The recessed front setback line based on the drawn property line restricts the buildable depth of a house to 31.5' from 50' on a standard 50' x 100' property. Given the as built condition does not reflect the drawn recessed property line, we see no reason to constrain the built house to a front setback relative to the recessed property line.



We are proposing two different options to relieve the hardship incurred by the recessed front property line. Option 1 proposes pushing the house forward to the 25' front setback to both maintain the street's front setback and maximize the potential at the rear yard. Option 2 proposes pushing the house forward enough that it fits within the rear yard setback, minimizing the amount of relief requested at the front setback. In both cases, the house is oriented so the driveway and parking spaces are fully on the property and do not encroach into the right-of-way.

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.

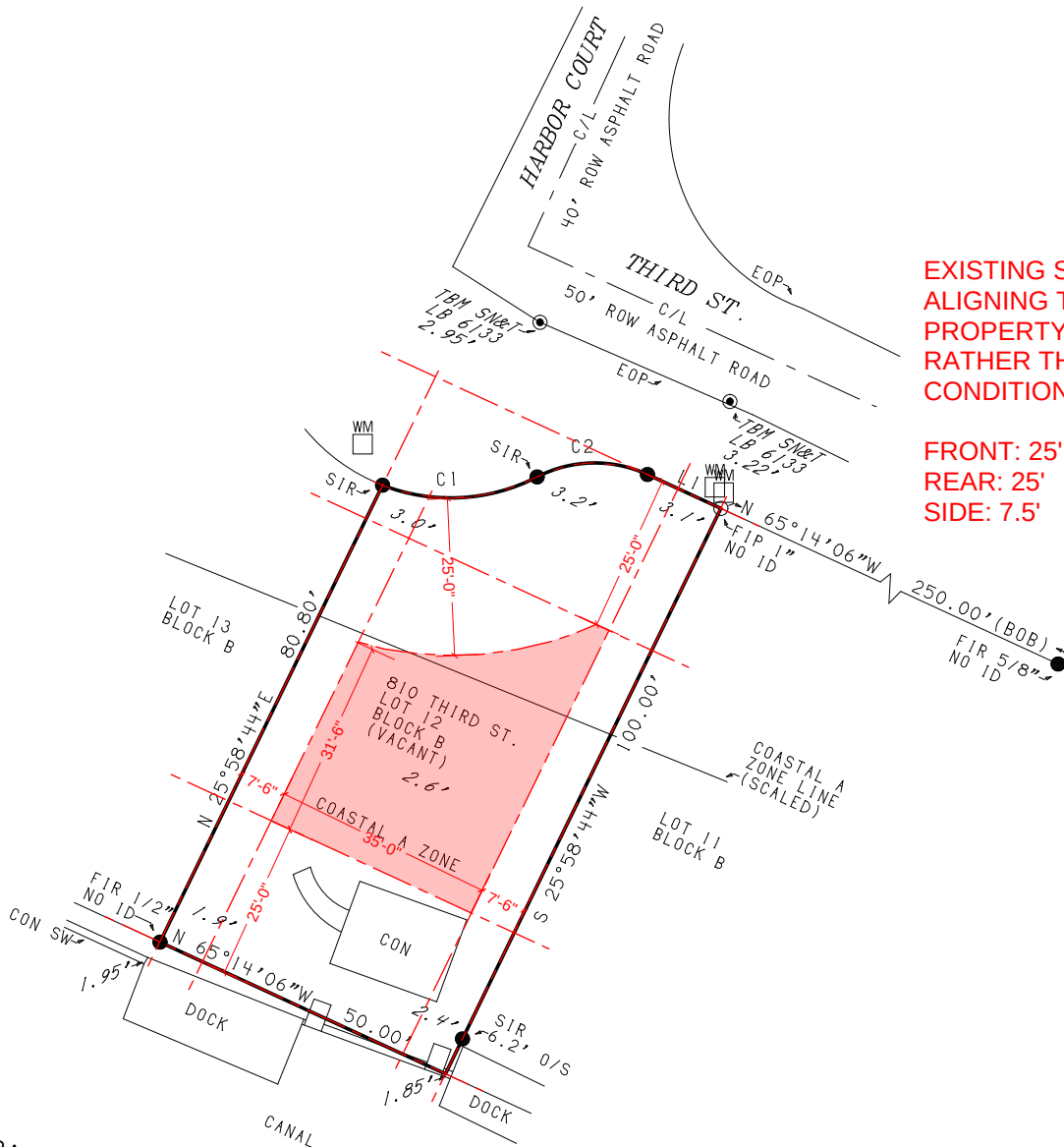
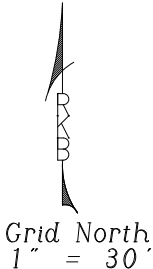
LDC Section 34-87

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.

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	48°27'11"	30.00'	25.37'	13.50'	24.62'	N 86°56'28"E
C 2	52°03'01"	20.00'	18.17'	9.77'	17.55'	N 88°44'23"E

LINE	BEARING	DISTANCE
L 1	S 65°14'06"E	12.86'



EXISTING SETBACKS
ALIGNING TO
PROPERTY LINE
RATHER THAN AS-BUILT
CONDITION:

FRONT: 25'
REAR: 25'
SIDE: 7.5'

PREPARED FOR:
KELLY & TERESA KADO
HOMEBOUND

PARCEL DESCRIPTION:
LOT 12, BLOCK B, MATANZAS VIEW, ACCORDING TO THE
MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 9,
PAGE 40, 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.

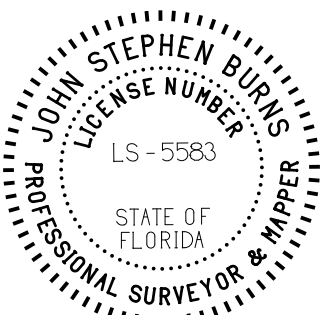
ADDITIONS OR DELETIONS TO THE SURVEY MAP BY OTHERS
THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED
WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

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 AE 11.0' (FIRM 12071C 05546 11/17/2022). PARCEL PARTIALLY LIES IN A COASTAL A ZONE.
 - 9) ELEVATIONS (SHOWN LIKE SO 4.83') ARE NAVD 1988 BASED ON 872 5366 F (AD7852).



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:03/14/2023

By: *John Stephen Burns*



0030B
0170

0030C
0090

0030B
0160

HARBOR CT

0030C
0100

0030B
0150

AS-BUILT LINE OF
STREET; EDGE OF
PAVEMENT DOES NOT
FOLLOW PROPERTY
LINE

PLATTED PROPERTY
LINE

0030B
0140

THIRD ST

0030B
0130

0030B
0120

0030B
0110

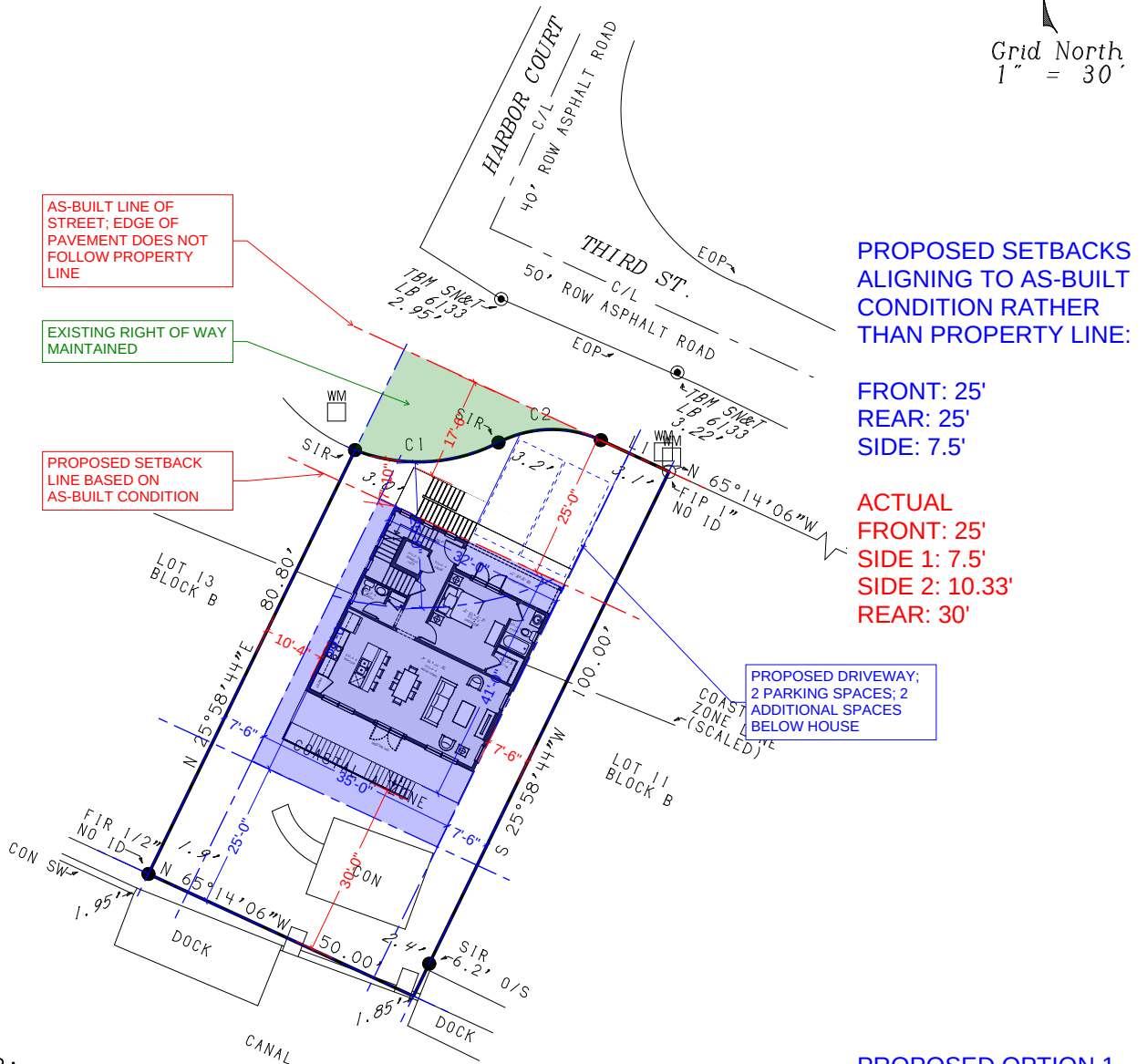
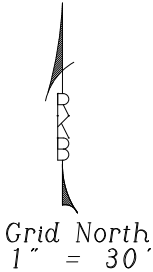
0030B
0100

0050A
0390

0050A
0380

0050A
0370

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	48°27'11"	30.00'	25.37'	13.50'	24.62'	N 86°56'28"E
C 2	52°03'01"	20.00'	18.17'	9.77'	17.55'	N 88°44'23"E
LINE	BEARING	DISTANCE				
L 1	S 65°14'06"W	12.86'				



PREPARED FOR:
KELLY & TERESA KADO
HOMEBOUND

PARCEL DESCRIPTION:
LOT 12, BLOCK B, MATANZAS VIEW, ACCORDING TO THE
MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 9,
PAGE 40, 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.

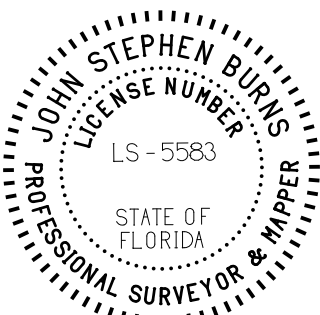
THIS SURVEY WAS PREPARED TO MEET THE REQUIREMENTS OF THE
PERSONS LISTED AND SHOULD NOT BE RELIED ON TO
MEET THE REQUIREMENTS OF ANY OTHER PERSONS OR PURPOSES.

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 AE 11.0'
(FIRM 12071C 05546 11/17/2022).
PARCEL PARTIALLY LIES IN A COASTAL A ZONE.
9) ELEVATIONS (SHOWN LIKE SO 4.83')
ARE NAVD 1988 BASED ON 872 5366 F (AD7852).



R.K.BURNS SURVEYING, INC. LB 6133

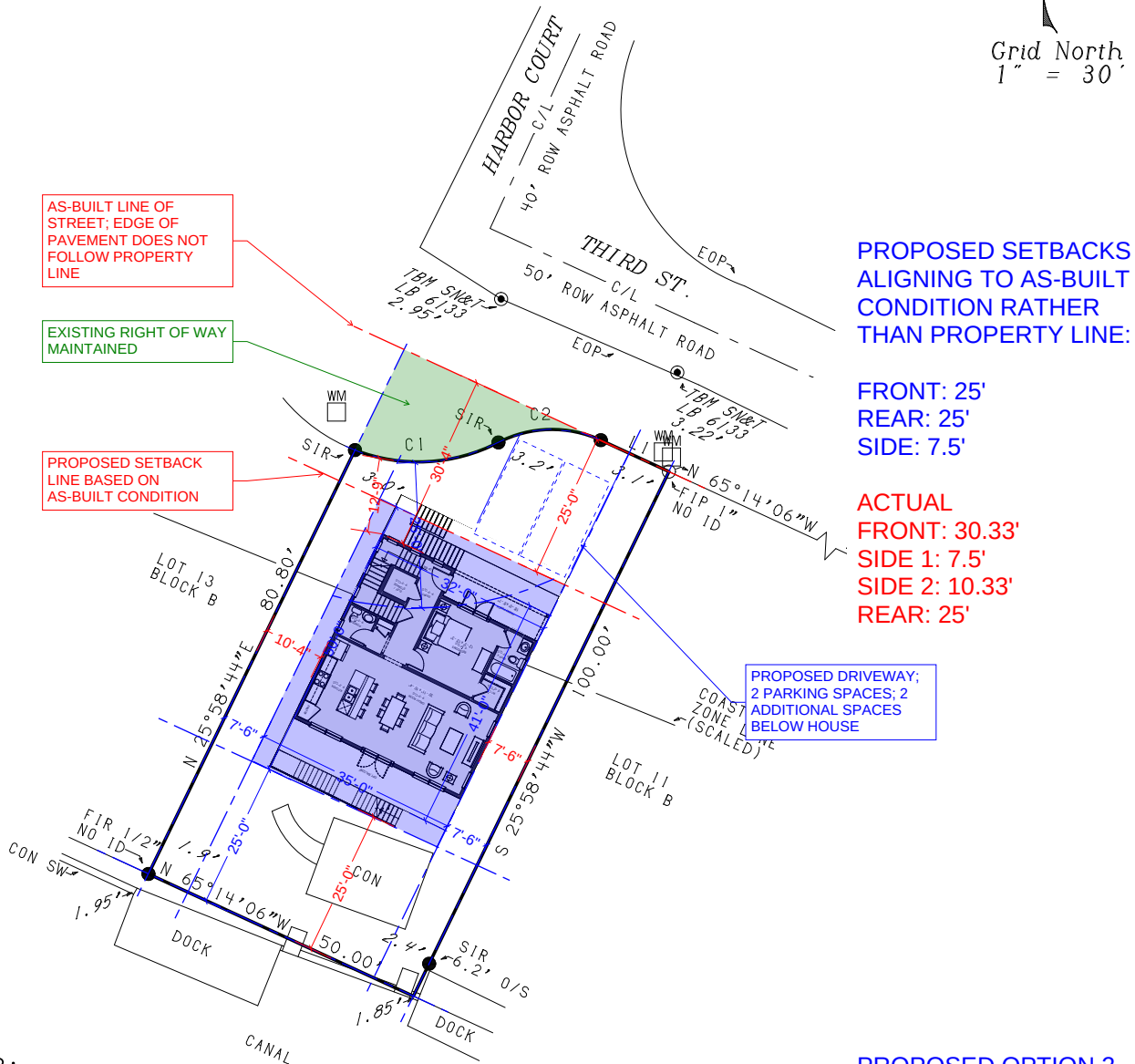
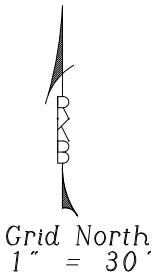
3507 LEE BLVD. # 230
LEHIGH ACRES, FL. 33971
239-303-0764
239-303-0832 (FAX)
INFO@BURNSSURVEYING.COM

MAP OF BOUNDARY SURVEY

FIELD WORK COMPLETED:03/14/2023

By: *John Stephen Burns*

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	48°27'11"	30.00'	25.37'	13.50'	24.62'	N 86°56'28"E
C 2	52°03'01"	20.00'	18.17'	9.77'	17.55'	N 88°44'23"E
LINE	BEARING	DISTANCE				
L 1	S 65°14'06"W	12.86'				



PREPARED FOR:
KELLY & TERESA KADO
HOMEBOUND

PARCEL DESCRIPTION:
LOT 12, BLOCK B, MATANZAS VIEW, ACCORDING TO THE
MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 9,
PAGE 40, OF THE PUBLIC RECORDS OF LEE COUNTY,
FLORIDA

PROPOSED SETBACKS
ALIGNING TO AS-BUILT
CONDITION RATHER THAN
PROPERTY LINE:

FRONT: 25'
REAR: 25'
SIDE: 7.5'

ACTUAL
FRONT: 30.33'
SIDE 1: 7.5'
SIDE 2: 10.33'
REAR: 25'

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.

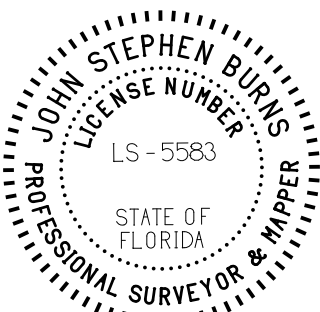
THIS SURVEY WAS PREPARED TO MEET THE REQUIREMENTS OF THE
PERSONS LISTED AND SHOULD NOT BE RELIED ON TO
MEET THE REQUIREMENTS OF ANY OTHER PERSONS OR PURPOSES.

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 AE 11.0'
(FIRM 12071C 05546 11/17/2022).
PARCEL PARTIALLY LIES IN A COASTAL A ZONE.
9) ELEVATIONS (SHOWN LIKE SO 4.83')
ARE NAVD 1988 BASED ON 872 5366 F (AD7852).



R.K.BURNS SURVEYING, INC. LB 6133

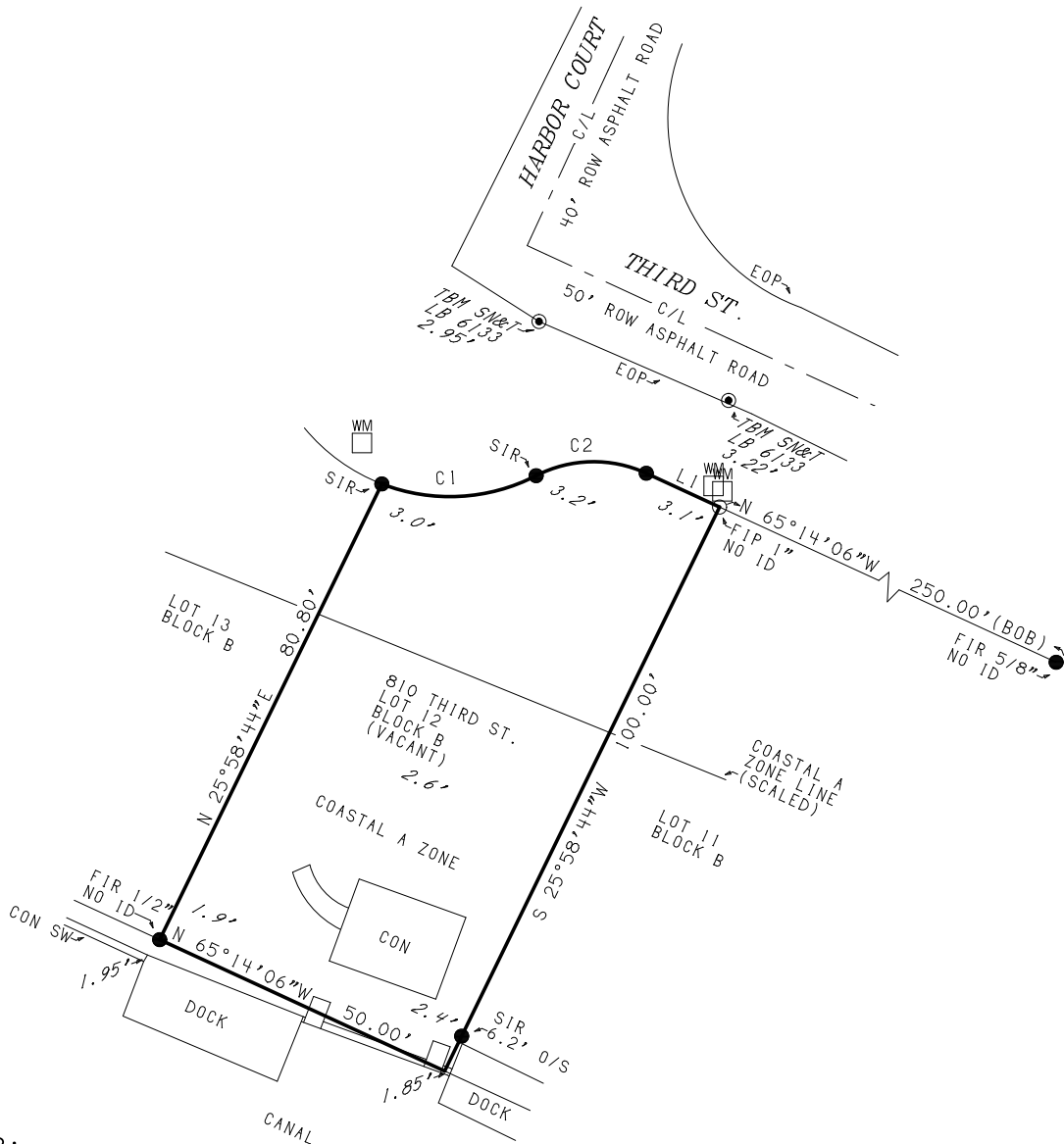
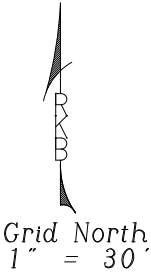
3507 LEE BLVD. # 230
LEHIGH ACRES, FL. 33971
239-303-0764
239-303-0832 (FAX)
INFO@BURNSSURVEYING.COM

MAP OF BOUNDARY SURVEY

FIELD WORK COMPLETED:03/14/2023

By: *John Stephen Burns*

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	48°27'11"	30.00'	25.37'	13.50'	24.62'	N 86°56'28"E
C 2	52°03'01"	20.00'	18.17'	9.77'	17.55'	N 88°44'23"E
LINE	BEARING	DISTANCE				
L 1	S 65°14'06"E	12.86'				



PREPARED FOR:
KELLY & TERESA KADO
HOMEBOUND

PARCEL DESCRIPTION:
LOT 12, BLOCK B, MATANZAS VIEW, ACCORDING TO THE
MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 9,
PAGE 40, 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.

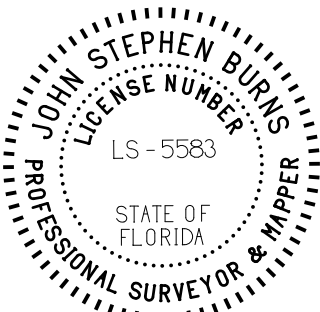
THIS SURVEY WAS PREPARED TO MEET THE REQUIREMENTS OF THE
PERSONS LISTED AND SHOULD NOT BE RELIED ON TO
MEET THE REQUIREMENTS OF ANY OTHER PERSONS OR PURPOSES.

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 AE 11.0'
(FIRM 12071C 05546 11/17/2022).
PARCEL PARTIALLY LIES IN A COASTAL A ZONE.
9) ELEVATIONS (SHOWN LIKE SO 4.83')
ARE NAVD 1988 BASED ON 872 5366 F (AD7852).



By: *John Stephen Burns*

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:03/14/2023



variancellist

Subjects: 1 Affected: 81 Buffer: 500 Date: 5/2/2023 12:00:00 AM List Size: 82																
Index	Subject	Foliod	STRAP	OwnerName	OwnerName2	MailAddress	MailAddress2	MailCity	MailState	MailZip	MailCountry	SiteNumber	SiteStreet	SiteUnit	SiteCity	SiteZip
0	TRUE	10127332	24-46-23-W3-0030B.0120	KADO KELLY +		2560 ESTERO BLVD #6A		FORT MYERS BEACH	FL	33931		810	THIRD ST		FORT MYERS BEACH	33931
1	FALSE	10127237	24-46-23-W2-0050C.0090	MAGNUM FMB 1 LLC		725 MATANZAS CT		FORT MYERS BEACH	FL	33931		725	MATANZAS CT		FORT MYERS BEACH	33931
2	FALSE	10127238	24-46-23-W2-0050C.0100	SAMUELSON JOHN A TR		721 MATANZAS CT		FORT MYERS BEACH	FL	33931		721	MATANZAS CT		FORT MYERS BEACH	33931
3	FALSE	10127239	24-46-23-W2-0050C.0110	CAMERON NORMA J		3511 SCHIRTZINGER RD		HILLIARD	OH	43026		715	MATANZAS CT		FORT MYERS BEACH	33931
4	FALSE	10127240	24-46-23-W2-0050C.0120	WEIDELING DALE A & DEBRA L		711 MATANZAS CT		FORT MYERS BEACH	FL	33931		711	MATANZAS CT		FORT MYERS BEACH	33931
5	FALSE	10127269	24-46-23-W3-00026.0020	FREELAND FL HOLDINGS LLC		5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		450	HARBOR CT		FORT MYERS BEACH	33931
6	FALSE	10127270	24-46-23-W3-00026.0030	OLD SEAPORT PLACE INC	JIM FIGUEROA	5628 SHADELEE LN W		FORT MYERS	FL	33919	441/445		OLD SAN CARLOS BLVD		FORT MYERS BEACH	33931
7	FALSE	10127271	24-46-23-W3-00027.0000	FREELAND FL HOLDINGS LLC	BERNARD G FREELAND	5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		450	HARBOR CT		FORT MYERS BEACH	33931
8	FALSE	10127311	24-46-23-W3-0030A.0020	FREEMAN WILLIAM T &		15341 KILBIRNIE DR		FORT MYERS	FL	33912		939	THIRD ST		FORT MYERS BEACH	33931
9	FALSE	10127312	24-46-23-W3-0030A.0030	FREEMAN WILLIAM T &		15341 KILBIRNIE DR		FORT MYERS	FL	33912		935	THIRD ST		FORT MYERS BEACH	33931
10	FALSE	10127313	24-46-23-W3-0030A.0040	ANDERSON BRENT KORY &		13302 COACHFORD AVE		ROSEMOUNT	MN	55068		929	THIRD ST		FORT MYERS BEACH	33931
11	FALSE	10127314	24-46-23-W3-0030A.0050	MOSTEIRO CHRISTOPHER C +		923 THIRD ST		FORT MYERS BEACH	FL	33931		923	THIRD ST		FORT MYERS BEACH	33931
12	FALSE	10127315	24-46-23-W3-0030A.0060	HOULIHAN MARY N TR		917 THIRD ST		FORT MYERS BEACH	FL	33931		917	THIRD ST		FORT MYERS BEACH	33931
13	FALSE	10127316	24-46-23-W3-0030A.0070	DUDDY KATHLEEN & BRIAN TR		14 STETSON PL		DUXBURY	MA	2332		911	THIRD ST		FORT MYERS BEACH	33931
14	FALSE	10127317	24-46-23-W3-0030A.0080	CASEY KATHLEEN M +		32917 PEACH TREE LN		LEWES	DE	19958		901	THIRD ST		FORT MYERS BEACH	33931
15	FALSE	10127318	24-46-23-W3-0030A.0090	GREGG LEAH		253 PALERMO CIR		FORT MYERS BEACH	FL	33931		430	BONITA ST		FORT MYERS BEACH	33931
16	FALSE	10127319	24-46-23-W3-0030A.0100	URIAN JULIE A TR		432 BONITA ST		FORT MYERS BEACH	FL	33931		432	BONITA ST		FORT MYERS BEACH	33931
17	FALSE	10127320	24-46-23-W3-0030A.0110	FREELAND FL HOLDINGS LLC	BERNARD G FREELAND	5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		438	BONITA ST		FORT MYERS BEACH	33931
18	FALSE	10127322	24-46-23-W3-0030B.0020	TOMALOLO FRANKLIN L &		934 THIRD ST		FORT MYERS BEACH	FL	33931		934	THIRD ST		FORT MYERS BEACH	33931
19	FALSE	10127323	24-46-23-W3-0030B.0030	932 THIRD STREET LLC		932 THIRD ST		FORT MYERS BEACH	FL	33931		932	THIRD ST		FORT MYERS BEACH	33931
20	FALSE	10127325	24-46-23-W3-0030B.0050	DUDDY BRIAN PATRICK TR		14 STETSON PL		DUXBURY	MA	2332		920	THIRD ST		FORT MYERS BEACH	33931
21	FALSE	10127326	24-46-23-W3-0030B.0060	FOSTER STEPHEN ALLEN		2244 WINKLER AVE UNIT 205		FORT MYERS	FL	33901		914	THIRD ST		FORT MYERS BEACH	33931
22	FALSE	10127327	24-46-23-W3-0030B.0070	TYRELL PETER		134 136 PICCOTTIS END		HEMEL HEMPSTEAD	HPI 3AU	UNITED KINGDOM		910	THIRD ST		FORT MYERS BEACH	33931
23	FALSE	10127328	24-46-23-W3-0030B.0080	KOSTER RODNEY A & THERESA A		880 THIRD ST		FORT MYERS BEACH	FL	33931		880	THIRD ST		FORT MYERS BEACH	33931
24	FALSE	10127329	24-46-23-W3-0030B.0090	KOSTER RODNEY A & THERESE A		880 THIRD ST		FORT MYERS BEACH	FL	33931		870	THIRD ST		FORT MYERS BEACH	33931
25	FALSE	10127330	24-46-23-W3-0030B.0100	TAMIA SA		949 STRATFORD DR		ENCINITAS	CA	92024		850	THIRD ST		FORT MYERS BEACH	33931
26	FALSE	10127331	24-46-23-W3-0030B.0110	WOODSON MARK T + KAREN K		820 THIRD ST		FORT MYERS BEACH	FL	33931		820	THIRD ST		FORT MYERS BEACH	33931
27	FALSE	10127333	24-46-23-W3-0030B.0130	SCHMELING ROBERT W +		1621 SE 84TH CT		VANCOUVER	WA	98664		800	THIRD ST		FORT MYERS BEACH	33931
28	FALSE	10127334	24-46-23-W3-0030B.0140	SWING THOMAS J TR		2560 TURF PARADISE DR		STOW	OH	44224		401	HARBOR CT		FORT MYERS BEACH	33931
29	FALSE	10127335	24-46-23-W3-0030B.0150	SCHROEDER KURT & GERALDINE		405 HARBOR CT		FORT MYERS BEACH	FL	33931		405	HARBOR CT		FORT MYERS BEACH	33931
30	FALSE	10127336	24-46-23-W3-0030B.0160	SERVADIO NORMA LEARD TR		10 SAGAMORE DR		SIMSBURY	CT	6070		409	HARBOR CT		FORT MYERS BEACH	33931
31	FALSE	10127337	24-46-23-W3-0030B.0170	SERVADIO NORMA L TR		10 SAGAMORE DR		SIMSBURY	CT	6070		425	HARBOR CT		FORT MYERS BEACH	33931
32	FALSE	10127338	24-46-23-W3-0030B.0180	TEAL PHILLIP L		3699 PEARL DR UNIT 8		MONROE	MI	48162	429/431		HARBOR CT		FORT MYERS BEACH	33931
33	FALSE	10127339	24-46-23-W3-0030B.0190	FREELAND FL HOLDINGS LLC		5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		441	HARBOR CT		FORT MYERS BEACH	33931
34	FALSE	10127340	24-46-23-W3-0030B.0200	FREELAND FL HOLDINGS LLC		5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		445	HARBOR CT		FORT MYERS BEACH	33931
35	FALSE	10127341	24-46-23-W3-0030C.0010	KOSTER RODNEY A & THERESE A		880 THIRD ST		FORT MYERS BEACH	FL	33931		851/861	THIRD ST		FORT MYERS BEACH	33931
36	FALSE	10588574	24-46-23-W3-0030C.0020	PHELPS MICHAEL +		329 MEADOW RD		FARMINGTON	CT	6032		429	BONITA ST		FORT MYERS BEACH	33931
37	FALSE	10588575	24-46-23-W3-0030C.0030	PHELPS MICHAEL +		329 MEADOW RD		FARMINGTON	CT	6032		431	BONITA ST		FORT MYERS BEACH	33931
38	FALSE	10127343	24-46-23-W3-0030C.0040	FREELAND FL HOLDINGS LLC		5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		435	BONITA ST		FORT MYERS BEACH	33931
39	FALSE	10127344	24-46-23-W3-0030C.0060	FREELAND FL HOLDINGS LLC	BERNARD G FREELAND	5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		436	HARBOR CT		FORT MYERS BEACH	33931
40	FALSE	10127345	24-46-23-W3-0030C.0080	ASHLAND PROPERTIES		10940 S PARKER RD #512		PARKER	CO	80134	432/434		HARBOR CT		FORT MYERS BEACH	33931
41	FALSE	10127346	24-46-23-W3-0030C.0090	KIMYABAYKI SOROUGH +		91 PRINCENSE DIANA DR		MARKHAM	ON	L6C 0H2	CANADA	422	HARBOR CT		FORT MYERS BEACH	33931
42	FALSE	10127347	24-46-23-W3-0030C.0100	GRIFFIS LLC		9051 E CHICAGO RD		JEROME	MI	49249		412	HARBOR CT		FORT MYERS BEACH	33931
43	FALSE	10127349	24-46-23-W3-00400.0010	FIRST CENTRAL INVESTMENT CORP	LAWRENCE A YAX	830 ESTERO BLVD		FORT MYERS BEACH	FL	33931		830	ESTERO BLVD		FORT MYERS BEACH	33931
44	FALSE	10588379	24-46-23-W3-0050A.0080	RICHARD JOHN W TR		237 OLD SAN CARLOS BLVD		FORT MYERS BEACH	FL	33931		237	OLD SAN CARLOS BLVD		FORT MYERS BEACH	33931
45	FALSE	10127376	24-46-23-W3-0050A.0200	HOLIDAY COURT MOTEL LLC		PO BOX 1118		LABELLE	FL	33975		925	ESTERO BLVD		FORT MYERS BEACH	33931
46	FALSE	10127378	24-46-23-W3-0050A.032A	HOLBROOK LESLIE E		3658 COUNTRY RD 31		GALION	OH	44833		859	LAGOON ST		FORT MYERS BEACH	33931
47	FALSE	10127379	24-46-23-W3-0050A.0330	PURTELL JAMES F TR		60 STONEY BEACH RD		OSHKOSH	WI	54902		855	LAGOON ST		FORT MYERS BEACH	33931
48	FALSE	10127380	24-46-23-W3-0050A.0340	BOYD TODD & JULIE		SOMERS WHARF	16 WATER ST UNIT L	ST GEORGES	GE 04		BERMUDA	849/851	LAGOON ST		FORT MYERS BEACH	33931
49	FALSE	10127381	24-46-23-W3-0050A.0350	DULLARD ROBERT TR +		PO BOX 2995		FT MYERS BCH	FL	33932		843	LAGOON ST		FORT MYERS BEACH	33931
50	FALSE	10127382	24-46-23-W3-0050A.0360	BLOCCDAHL LEASING LLC		3538 TIMBER RIDGE TRL		CEDAR RAPIDS	IA	52411		839/841	LAGOON ST		FORT MYERS BEACH	33931
51	FALSE	10127383	24-46-23-W3-0050A.0370	ISLAND GEM LLC		8044 ESTERO BLVD		FORT MYERS BEACH	FL	33931		831	LAGOON ST		FORT MYERS BEACH	33931
52	FALSE	10127384	24-46-23-W3-0050A.0380	PAINE FREDERICK L &		12 BELKNAP SHORES		SUPERIOR	WI	54880		823	LAGOON ST		FORT MYERS BEACH	33931
53	FALSE	10127385	24-46-23-W3-0050A.0390	PAINE FREDERICK L & NANCY K		819 LAGOON ST		FORT MYERS BEACH	FL	33931		819	LAGOON ST		FORT MYERS BEACH	33931
54	FALSE	10127386	24-46-23-W3-0050A.0400	TOWN OF FORT MYERS BEACH	FINANCE DEPT	2525 ESTERO BLVD		FORT MYERS BEACH	FL	33931		815	LAGOON ST		FORT MYERS BEACH	33931
55	FALSE	10127387	24-46-23-W3-0050A.0420	EDGEWATER INN LLC		1440 BRICKELL BAY DR	STE PH3	MIAMI	FL	33131		781	ESTERO BLVD		FORT MYERS BEACH	33931
56	FALSE	10127388	24-46-23-W3-0050A.043A	PAYNE DONNA L		501 WILLIN WAY		MOUNT STERLING	KY	40353		775	ESTERO BLVD		FORT MYERS BEACH	33931
57	FALSE	10127389	24-46-23-W3-0050A.043B	SAVINO STEPHEN JR & LORI		58 HIGH VALLEY DR		CANTON	CT	6019		749	ESTERO BLVD		FORT MYERS BEACH	33931
58	FALSE	10127390	24-46-23-W3-0050A.0440	SMITH STEPHEN E & CYNTHIA		FORT MYERS		FORT MYERS	TX	33905		739	ESTERO BLVD		FORT MYERS BEACH	33931
59	FALSE	10127392	24-46-23-W3-0050B.0010	SOUTHLAND CORPORATION	CORPORATE TAX DEPT	2711 N HASKELL AVE		DALLAS	TX	75204		841	ESTERO BLVD		FORT MYERS BEACH	33931
60	FALSE	10127394	24-46-23-W3-0050B.0050	COURTNEY S MARK & DEBORAH S TR		83 CRANBERRY RD		GROVE CITY	PA	16127		831	ESTERO BLVD		FORT MYERS BEACH	33931
61	FALSE	10127395	24-46-23-W3-0050B.0070	PAINE FRED		823 LAGOON ST		FORT MYERS BEACH	FL	33931		821/825	ESTERO BLVD		FORT MYERS BEACH	33931
62	FALSE	10127396	24-46-23-W3-0050B.0100	PAINE FREDERICK L &		12 BELKNAP SHORES		SUPERIOR	WI	54880		815	ESTERO BLVD		FORT MYERS BEACH	33931
63	FALSE	10127397	24-46-23-W3-0050B.013A	ARTTRIP BARBARA K TR		3225 E RIVERSIDE DR UNIT 57E		FORT MYERS	FL	33916		850	LAGOON ST		FORT MYERS BEACH	33931
64	FALSE	10127398	24-46-23-W3-0050B.013B	SCHWARTZ DEREK & KRISTEN		3329 ROSA AVE		NEW SMYRNA BEACH	FL	32168		846/848	LAGOON ST		FORT MYERS BEACH	33931
65	FALSE	10127399	24-46-23-W3-0050C.001A	HIATT KEITH II TR		8374 W CAPOVILLA AVE		LAS VEGAS	NV	89113		190	MATANZAS ST		FORT MYERS BEACH	33931
66	FALSE	10127400	24-46-23-W3-0050C.001B	KEITH HIATT TRUST		8374 W CAPOVILLA AVE		LAS VEGAS	NV	89113		150	MATANZAS ST		FORT MYERS BEACH	33931
67	FALSE	10127401	24-46-23-W3-0050C.0020	REBER DAVID A TR		527 SUGARPINE DR		INCLINE VILLAGE	NV	89451		710	MATANZAS CT		FORT MYERS BEACH	33931
68	FALSE	10127402	24-46-23-W3-0050C.0030	MORIONDO LARRY E TR		15482 LAWRENCE 2130		MOUNT VERNON	MO	65712		720	MATANZAS CT		FORT MYERS BEACH	33931
69	FALSE	10127403	24-46-23-W3-0050C.0040	VANFOSSSEN TERRI D		724 MATANZAS CT		FORT MYERS BEACH	FL	33931		724	MATANZAS CT		FORT MYERS BEACH	33931
70	FALSE	10127404	24-46-23-W3-0050C.0050	CROW FMB FAMILY TRUST		2705 ODAWA TRL		MUSKEGON	MI	49444		730	MATANZAS CT		FORT MYERS BEACH	33931
71	FALSE	10127405	24-46-23-W3-0050C.0060	EHRLICH HARRYET TR		740 MATANZAS CT		FORT MYERS BEACH	FL	33931		740	MATANZAS CT		FORT MYERS BEACH	33931
72	FALSE	10127406	24-46-23-W3-0050C.006A	WILLIAM J MILLER TRUST +		25392 SHELTERED LANE		WINONA	MN	55987		738	MATANZAS CT		FORT MYERS BEACH	33931
73	FALSE	10127407	24-46-23-W3-0050C.0070	CALUSA LLC		22774 CITATION RD		FRANKFORT	IL	60423		750	MATANZAS CT		FORT MYERS BEACH	33931
74	FALSE	10127408	24-46-23-W3-0050C.008A	PAYNE DONNA		501 WILLIN WAY		MOUNT STERLING	KY	40353		745	MATANZAS CT		FORT MY	

Legal
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 12
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 9 + PT LOT 10 E OF
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>PART LOTS 10 + 11
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>PART LOT 11
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>N 205 FT LOT 12 + BEG SW
PARL IN SE 1/4<CR>SEC 24 TWP 46 RGE 23<CR>DESC OR 1447 PG 1434
BEG AT A CONC MONUMENT 3<CR>FT SE OF SELY COR<CR>MATANZAS VIEW RUN N 65 DEG
PARL IN SE1/4 DESC OR1656/<CR>2886+MATANZAS VIEW BLK B<CR>PB9/40 PT LT 21 + SUB LAND
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 2
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 3
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 4
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 5
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 6
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 7
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 8
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 9
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 10
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOTS 11 + 12
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 2
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOTS 3 + 4
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 5
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 6
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 7
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 8
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 9
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 10
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 11
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 13
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 14
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 15
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 16
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 17
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 18
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 19
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 20
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOT 1
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>BLK C LOT 2
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>BLK C LOT 3
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOTS 4 + 5
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOTS 6 + 7
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOT 8
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOT 9
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOT 10
ISLAND SHORES UNIT 1<CR> PB 9 PG 24<CR>LOT 1
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOTS 1 THRU 12 + VAC LAGOON R/W OR2858/1391 + <CR>OR2660/2863 +2736/3702 +<CR>BLK B PB 9 PG 40 LOT 1
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOTS 20 THRU 26
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>NWLY 40 FT LOT 32
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 33
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 34
ISLAND SHORES UT 2<CR>BLK A PB 9 PG 25<CR>LOT 35
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 36
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 37
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 38
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 39
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>PT LOTS 40 + 41
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>PT LOTS 40 + 41 + LOT 42
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>ELY 67.42 FT LOT 43
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>WLY 33.72 FT LOT 43<CR>+ ELY 33.72 FT LOT 44
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>WLY 67.42 FT LOT 44
ISLAND SHORES UNIT 2<CR>BLK B PB 9 PG 25<CR>LOTS 1 THRU 4
ISLAND SHORES UNIT 2<CR>BLK B PB 9 PG 25<CR>LOTS 5 + 6
ISLAND SHORES UNIT 2<CR>BLK B PB 9 PG 25<CR>LOTS 7 8 + PT LOTS 9 13 14
ISLAND SHORES UNIT 2<CR>BLK B PB 9 PG 25 LTS 10<CR>THRU 12 + PT LTS 9 13 + 14
ISLAND SHORES UNIT 2<CR>BLK B PB 9 PG 25<CR>PT LOTS 13 + 14
ISLAND SHORES UNIT 2<CR>BLK B PB 9 PG 25<CR>LOTS PT 13 + 14 FROM SE
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>ALL LOT 1 LYING NELY OF
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>ALL LOT 1 LYING SWLY OF
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 2
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 3
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 4
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 5
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT PT 6
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT PT 6
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 7
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>S 1/2 LOT 8
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>NLY 1/2 LOT 8
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>S 79 FT LOT 12
SAND CASTLE BEACH CLUB<CR>A TIME-SHARE <CR>COMMON AREA<CR>DESC OR 1463<CR>PG 2328 + CPB 6 PG 230
SAND CASTLE BEACH CLUB<CR>A TIME-SHARE OR1463-2328<CR>UNITS 101-215 / 29 UNITS
ROYAL BEACH CLUB CONDO<CR>A TIME-SHARE <CR>COMMON AREA<CR>DESC OR 1530<CR>PG 1352 + CPB 7 PG 133
ROYAL BEACH CLUB CONDO PH II<CR>COMMON AREA<CR>DESC OR 1530 PG 1352<CR>+ OR 1716 PG 4172<CR>+ CPB 7 PG 133<CR>+ CPB 8 PG 56
BEL AIR BEACH CLUB CONDO<CR>COMMON AREA<CR>DESC IN OR 1765 PG 1585



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

Kelly Kado
Printed Name

STATE OF FL COUNTY OF LEE

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 3rd day of May, 2023, by [Signature] ☒ who is personally known to me OR ☐ who has produced

[Signature] as identification.



Elysa A. Carter (SEAL)
Notary Public
State of Florida
Comm# HH099380
Expires 3/2/2025

[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

Percentage Ownership

4/30/2021

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

Page 4 of 11



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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Town Council 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: August 7, 2023
CASE: VAR20230063
ADDRESS: 810 Third St
APPLICANT: Samir Malviya from Homebound Technologies Inc
REQUEST: The applicant is requesting a variance from LDC Section 34-638 Table 34-3 Dimensional Regulations in Conventional Zoning Districts for the street setback in the RC zoning district.

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.



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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Town Council 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: August 7, 2023
CASE: VAR20230063
ADDRESS: 810 Third St
APPLICANT: Samir Malviya from Homebound Technologies Inc
REQUEST: The applicant is requesting a variance from LDC Section 34-638 Table 34-3 Dimensional Regulations in Conventional Zoning Districts for the street setback in the RC zoning district.

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.



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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Town Council 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: August 7, 2023
CASE: VAR20230063
ADDRESS: 810 Third St
APPLICANT: Samir Malviya from Homebound Technologies Inc
REQUEST: The applicant is requesting a variance from LDC Section 34-638 Table 34-3 Dimensional Regulations in Conventional Zoning Districts for the street setback in the RC zoning district.

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.



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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Town Council 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: August 7, 2023
CASE: VAR20230063
ADDRESS: 810 Third St
APPLICANT: Samir Malviya from Homebound Technologies Inc
REQUEST: The applicant is requesting a variance from LDC Section 34-638 Table 34-3 Dimensional Regulations in Conventional Zoning Districts for the street setback in the RC zoning district.

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.

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

932 THIRD STREET LLC
932 THIRD ST
FORT MYERS BEACH, FL, 33931

ANDERSON BRENT KORY &
13302 COACHFORD AVE
ROSEMOUNT, MN, 55068

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

ARTRIP BARBARA K TR
3225 E RIVERSIDE DR UNIT 57E
FORT MYERS, FL, 33916

ASHLAND PROPERTIES
10940 S PARKER RD #512
PARKER, CO, 80134

1. **Requested Motion:**

Meeting Date: August 7, 2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230061 TO REDUCE THIRD STREET SETBACK BY 2.5 FEET, FROM THE REQUIRED 25 FEET; TO REDUCE THE SIDE SETBACK BY 2.5 FEET, FROM THE REQUIRED 7.5 FEET; AND TO REDUCE REAR WATERBODY SETBACK BY 7.5 FEET, FROM THE REQUIRED 25 FEET FOR THE PROPERTY LOCATED AT 800 THIRD STREET; AND PROVIDING FOR AN EFFECTIVE DATE

Why the action is necessary:

The Town Council is required to vote on all variance requests.

What the action accomplishes:

Approval of this variance would allow the applicant to build a single family residence with a 22.5 foot street setback, 5 foot side setback and 17.5 foot rear setback.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Jason Smalley, Senior Planner

5. **Background:**

The applicant for 800 Third Street, is requesting 3 variances from the Town's Land Development Code (LDC) Table 34-3 setbacks in the RC zoning district for the construction of a new single family home. The variance requests include a reduction of 2.5 feet from the minimum 25-foot street setback, a reduction of 2.5 feet from the 7.5 foot side setback, and reduction of 7.5 feet from the 25 foot waterbody setback.

At the June 27 LPA meeting, LPA recommended APPROVAL WITH CONDITIONS (4-3 vote) for this request.

Attachments:

1. 23-74, VAR20230061 800 Third St
2. 800 Third St_TC Staff Report (003)
3. Variance Diagrams
4. Exhibit A Variance Application
5. Exhibit A continued Application Signature Page
6. Exhibit B TC postcards
7. Adjacent Property Owner Objection

Financial Impact:

unknown

6. **Alternative Action**

Recommend Approval/ Approval with conditions

7. **Management Recommendations:**

Denial

8. **Recommended Approval:**

Kendra Rosa, Zoning Coordinator/Planner 1
Steve Poposki, Community Development Director
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 7/20/2023
Approved - 7/20/2023
Approved - 8/1/2023
Approved - 8/1/2023
Final Approval - 8/1/2023

RESOLUTION NUMBER 23-74

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING VARIANCE VAR20230061 TO REDUCE THIRD STREET SETBACK BY 2.5 FEET, FROM THE REQUIRED 25 FEET; TO REDUCE THE SIDE SETBACK BY 2.5 FEET, FROM THE REQUIRED 7.5 FEET; AND TO REDUCE REAR WATERBODY SETBACK BY 7.5 FEET, FROM THE REQUIRED 25 FEET FOR THE PROPERTY LOCATED AT 800 THIRD STREET; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, applicant Samir Malviya, on behalf of owners Schmeling Robert W and Jollie Cheri, is requesting a variance from Table 34-3 Dimensional Regulations in Conventional Zoning Districts for the street, side and rear setback; and

WHEREAS, the STRAP number for the subject property is 24-46-23-W3-0030B.0130; and

WHEREAS, the Property is located in the "Mixed Residential" category of the Future Land Use Map of the Comprehensive Plan and the "Residential Conservation" zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on June 27, 2023, and at said 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 Section 34-87 of the LDC. The LPA voted 4-3 to recommend approval of the variance; and

WHEREAS, on August 07, 2023 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by 34-87 of the LDC; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve/ approve with conditions/ deny the request.

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

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicant did/ did not meet its burden of proof that the requested Variance does/ does not meet the requirements of the Town Comprehensive Plan and LDC and approving/ approving with conditions/ denying the Variance is in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council APPROVES/ APPROVES WITH CONDITIONS/ DENIES the variance from Table 34-3 Dimensional Regulations in Conventional Zoning Districts.

Section 3. In approving/ approving with conditions/ denying the Variance, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-87 of the LDC:

- A. There are/ are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is/ is not for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- B. The conditions justifying approval of the variance are/ are not the result of actions of the Applicant taken after the adoption of the regulation in question.
- C. The variance is/ is not the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation to the Property.
- D. The granting of the variance will/ will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. The conditions or circumstances on the Property are/ are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Section 4. If the Town Council approves the requested variance, the following conditions of approval are imposed on the Applicant and the Property:

- A. The first floor shall not be enclosed. It should be made available as a private car park for the residents and their guests. All vehicles must be placed on the site and not on the Town's Right of Way (ROW).
- B. Any relocation of the driveway will require a separate review and may require a shared driveway with the property to the east or west. The driveway(s) must also adhere to The Town of Fort Myers Beach Residential Swale Driveway specifications.
- C. Any additional encroachment of the street setback is limited to the front staircase as approved in the site plan and no further encroachment of the street setbacks shall be permitted at any time.

D. Roof overhang is limited, to be no closer than 40 inches to the side property line.

E. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

F. The variance shall only apply to the single-family home as shown on the provided site plan. Alterations or substantial damage to the structure shall render their respective variance to be null and void.

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

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King	_____
Bill Veach	_____
Karen Woodson	_____

ADOPTED this 7th day of August 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of August 2023.



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20230061

CASE NAME: 800 Third St; requesting a variance from LDC Table 34-3 minimum street, side and rear setbacks in the RC zoning district.

LPA
HEARING DATE: June 27, 2023

TOWN COUNCIL
HEARING DATE: August 07, 2023

STAFF
RECOMMENDATION: DENIAL

LPA
RECOMMENDATION: APPROVAL WITH CONDITIONS (4-3 vote)

**PREPARED/
SUBMITTED BY:** Jason Smalley- Senior Planner

I. APPLICATION SUMMARY

Applicant/Owner: Samir Malviya/SCHMELING ROBERT W + JOLLIE CHERI

Request: Variance of 2.5 feet from the LDC Table 34-3 25 feet front setback,
Variance of 2.5 feet from the LDC Table 34-3 7.5 feet side setback, and
Variance of 7.5 feet from the LDC Table 34-3 25 feet waterbody setback.

Subject property: See attached site plan

Physical Address: 800 Third Street

STRAP #: 24-46-23-W3-0030B.0130
FLU: Mixed Residential
Zoning: Residential Conservation (RC)

Adjacent zoning and land uses:

North: RESIDENTIAL CONSERVATION (RC)
Single-Family Residence/Two-Family

South: RESIDENTIAL CONSERVATION (RC)
Canal/Waterbody

East: RESIDENTIAL CONSERVATION (RC)
Single-Family Residence/Two-Family

West: RESIDENTIAL CONSERVATION (RC)
Single-Family Residence/Two-Family

II. BACKGROUND AND ANALYSIS

Background:

Samir Malviya, the applicant for 800 Third Street, is requesting a variance from the Town's Land Development Code (LDC) Table 34-3 which requires a single-family home in the RC zoning district to provide a minimum street setback of 25 feet from the front property line, 7.5 feet from the side property line, and 25 feet from the rear property line. The applicant is requesting a variance of 2.5 feet from the street setback for a front setback of 22.5 feet, another variance of 2.5 feet from the side setback for a side setback of 5 feet and an additional variance for 7.5 feet from the rear setback for a rear setback of 17.5 feet to build a new single family residence.

Analysis:

The purpose of the RC zoning district is to provide stable neighborhoods where single-family/two-family homes are the predominant land use. The subject property is a waterbody lot that is pie shaped and on a cul-de-sac at the intersection of Third Street and Harbor Court. The lot varies in width from approximately 30 feet to 115 feet. The lot depth varies from approximately 81 feet to 95 feet. The property previously had a single-family home, which was destroyed by Hurricane Ian.

The Applicant is requesting three variances for the construction of a single-family home. The requests include a variance of 2.5 feet from the street setback for a front setback of 22.5 feet, another variance of 2.5 feet from the side setback for a side setback of 5 feet and an additional variance for 7.5 feet from the rear setback for a rear setback of 17.5 feet.

Neighborhood Compatibility:

This scenario is not unique in nature. There are three other properties abutting the cul-de-sac on the intersection of Harbor Court and Third Street, which supported single family residences consistent with the Town's LDC prior to Hurricane Ian.

In order to accommodate the proposed residence, the Applicant may need to move the driveway to the east or west, which could interfere with the driveways of the adjacent properties. The reduced front yard will likely result in guest parking extending to the public ROW. Staff has provided a potential condition for keeping the first floor open for all personal and guest parking to discourage parking within the Town's right of way, if the variance request is granted. Staff additionally notes that the driveway will need to be approved through the Town's review process.

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 on a cul-de-sac on the intersection of Harbor Court and Third Street. The lot is 30 feet to 115 feet wide, with the lot depth that varies from approximately 81 feet to 95 feet. The lot contains a buildable area, albeit, not a rectangular buildable area. 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 not in compliance with the street, side and rear setbacks 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 this property.*

The presence of a cul-de-sac at the intersection of Harbor Court and Third Street, creates an unusual lot. However, the need for this variance is a result of a design choice and is 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 Applicant could move the driveway to the east or west, which may interfere with the driveways of the adjacent properties. The driveway design will need to be coordinated. The reduced front yard might result in guest parking extending to the public ROW. Therefore, if approved, Town's staff recommends a condition to keep the first floor open for all personal and guest parking. It does not appear that the request will be injurious to neighbors, as long as the driveway concerns are addressed and eaves do not get closer than 40 inches to the property line.

- 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.

III. RECOMMENDATION

Staff has reviewed the request for a variance from LDC Table 34-3 which requires that a lot in the RC zoning district have minimum 25-foot street setback, 7.5-foot side setback and 25-foot rear (waterbody) setback and found that the variance request does not meet the requirements set forth in sec. 34-87.

Therefore, staff recommends **DENIAL** of VAR20230061, a request for variances of 2 feet, 6 inches from the street setback, 2 feet, 6 inches from the side setback and 7 feet, 6 inches from the rear setback.

At the June 27 LPA meeting, **LPA recommended APPROVAL WITH CONDITIONS (4-3 VOTE)** for variances of 2.5 feet from the street setback, 2.5 feet from the side setback and 7.5 feet from the rear waterbody setback.

Staff has included one condition, for Town Council consideration, that was not in the LPA staff report. This condition limits the variance to this specific proposed structure and expires upon demolition or destruction of the proposed home.

IV. CONDITIONS FOR APPROVAL

Town's LPA and staff recommended conditions of approval are as follows:

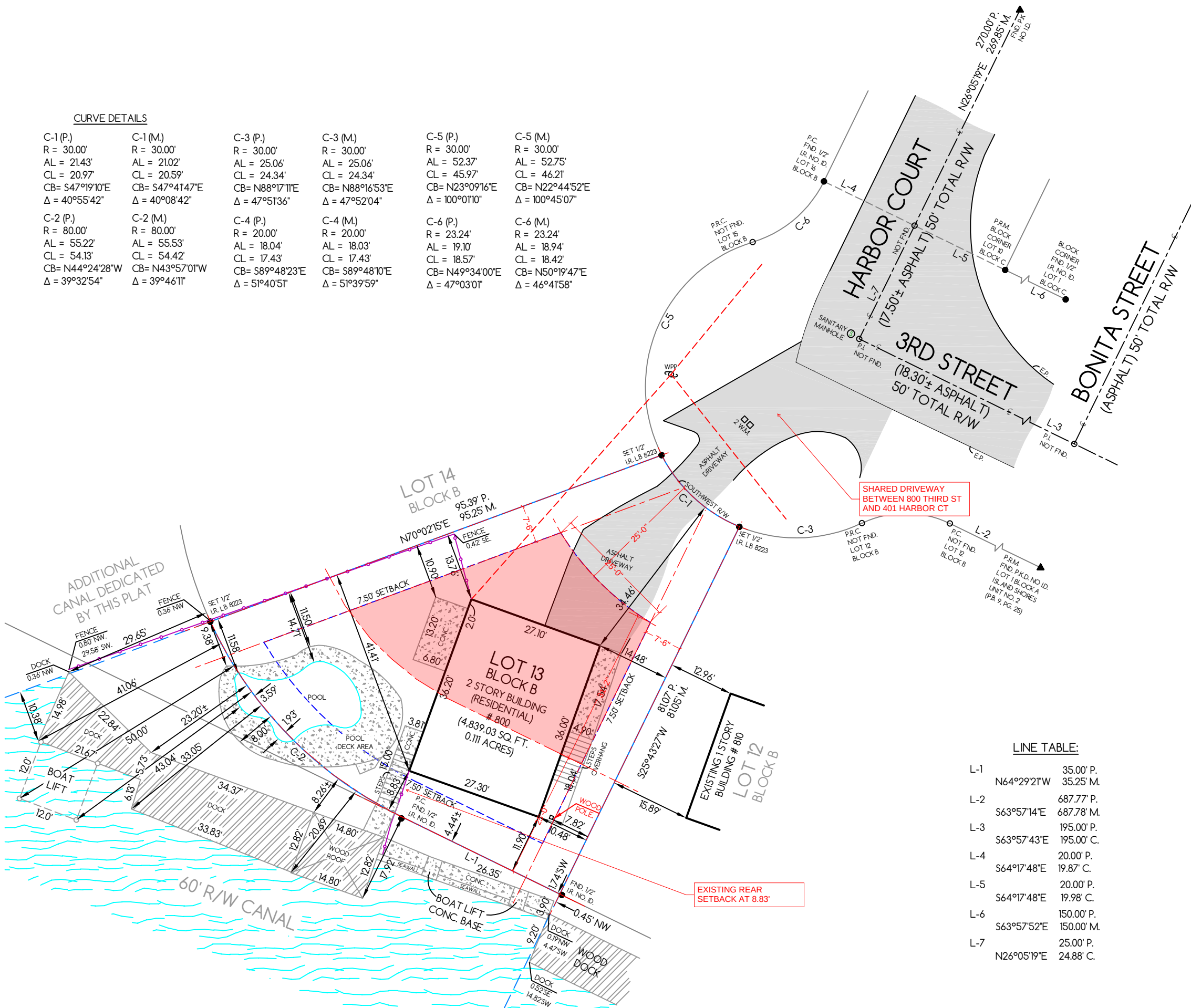
- 1) The first floor shall not be enclosed. It should be made available as a private car park for the residents and their guests. All vehicles must be placed on the site and not on the Town's Right of Way (ROW).
- 2) Any relocation of the driveway will require a separate review and may require a shared driveway with the property to the east or west. The driveway(s) must also adhere to The Town of Fort Myers Beach Residential Swale Driveway specifications.

- 3) Any additional encroachment of the street setback is limited to the front staircase as approved in the site plan and no further encroachment of the street setbacks shall be permitted at any time.
- 4) Roof overhang is limited, to be no closer than 40 inches to the side property line.
- 5) Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
- 6) The variance shall only apply to the single-family home as shown on the provided site plan. Alterations or substantial damage to the structure shall render their respective variance to be null and void.

V. EXHIBITS

- A. Complete application
- B. Postcards

SKETCH OF BOUNDARY SURVEY



LINE TABLE:

L-1	N64°29'21"W	35.00' P. 35.25' M.
L-2	S63°57'14"E	687.77' P. 687.78' M.
L-3	S63°57'43"E	195.00' P. 195.00' C.
L-4	S64°17'48"E	20.00' P. 19.87' C.
L-5	S64°17'48"E	20.00' P. 19.98' C.
L-6	S63°57'52"E	150.00' P. 150.00' M.
L-7	N26°05'19"E	25.00' P. 24.88' C.

CURVE DETAILS

C-1 (P.)	C-1 (M.)	C-3 (P.)	C-3 (M.)	C-5 (P.)	C-5 (M.)
R = 30.00'	R = 30.00'	R = 30.00'	R = 30.00'	R = 30.00'	R = 30.00'
AL = 21.43'	AL = 21.02'	AL = 25.06'	AL = 25.06'	AL = 52.37'	AL = 52.75'
CL = 20.97'	CL = 20.59'	CL = 24.34'	CL = 24.34'	CL = 45.97'	CL = 46.21'
CB= S47°19'10"E	CB= S47°41'47"E	CB= N88°17'11"E	CB= N88°16'53"E	CB= N23°09'16"E	CB= N22°44'52"E
Δ = 40°55'42"	Δ = 40°08'42"	Δ = 47°51'36"	Δ = 47°52'04"	Δ = 100°01'10"	Δ = 100°45'07"
C-2 (P.)	C-2 (M.)	C-4 (P.)	C-4 (M.)	C-6 (P.)	C-6 (M.)
R = 80.00'	R = 80.00'	R = 20.00'	R = 20.00'	R = 23.24'	R = 23.24'
AL = 55.22'	AL = 55.53'	AL = 18.04'	AL = 18.03'	AL = 19.10'	AL = 18.94'
CL = 54.13'	CL = 54.42'	CL = 17.43'	CL = 17.43'	CL = 18.57'	CL = 18.42'
CB= N44°24'28"W	CB= N43°57'01"W	CB= S89°48'23"E	CB= S89°48'10"E	CB= N49°34'00"E	CB= N50°19'47"E
Δ = 39°32'54"	Δ = 39°46'11"	Δ = 51°40'51"	Δ = 51°39'59"	Δ = 47°03'01"	Δ = 46°41'58"

SHARED DRIVEWAY
BETWEEN 800 THIRD ST
AND 401 HARBOR CT

EXISTING REAR
SETBACK AT 8.83'



0030B
0170

HARBOR CT

0030B
0160

0030B
0150

AS-BUILT LINE OF
STREET; EDGE OF
PAVEMENT DOES NOT
FOLLOW PROPERTY
LINE

SHARED DRIVEWAY
BETWEEN 800 THIRD ST
AND 401 HARBOR CT

PLATTED PROPERTY
LINE

0030B
0140

THIRD ST

0030B
0130

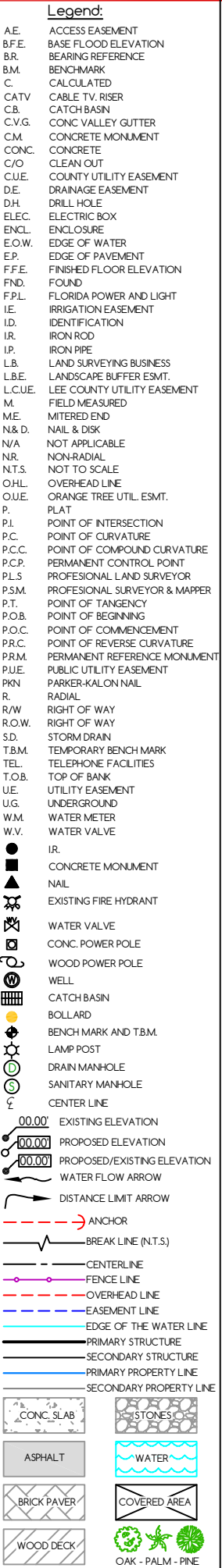
0030B
0120

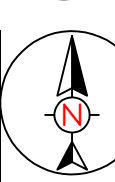
0030B
0110

0050A
0390

0050A
0380

0050A
0370



		Gallodo Group Inc. 5237 SUMMERLIN COMMONS BLVD SUITE 411 FORT MYERS, FL 33907 Tel: 833-425-5364 Fax: 833-425-5363 contact@gallodo.com www.gallodo.com	
I hereby certify that A Survey of the hereon described property was made under my direction and meets the Standards of Practice as per Golder SLPJ261 & .052 F.A.C. pursuant to section 47.0027, Florida Statutes.		Professional Surveyor and Mapper PSM No. 6453 State of Florida	
A. Guillermo Guerrero		GUILLELMO A. GUERRERO	
 0 10' 20' 1" inch = 20' ft. GRAPHIC SCALE		PROPERTY AND OWNER INFORMATION Property Address: 800 THIRD STREET FORT MYERS BEACH, FL 33931 Certified to:	
SCHMELING ROBERT W & JOLLE CHERIE J/T, it's successors s/o/r or assigns and the Department of Housing and Urban Development as their interests may appear.		DATE OF SURVEY 03 / 12 / 2021 DRAWN BY A.V.	
Flood Zone Information: Community Name: Fort Myers Beach Community No: 120673 Poreit: 0554 Suffix: F Effective Date: 08/28/2008 B.F.E.: 14.0		COMPLETION DATE: 04 / 08 / 2021 CHECKED BY G.G.	
Parcel ID: 24-46-23-W3- 0030B.0130 County/State: Lee/Florida		Legal Description As Furnished: LOT 13 BLOCK "B", MATANZAS VIEW, according to the plat thereof as recorded in Plat Book ?, Page(s) 40, of the Public Records of LEE COUNTY, Florida.	
Surveyor's Notes: 1. LEGAL DESCRIPTION PROVIDED BY OTHERS. NO EXAMINATION OF TITLE MADE BY SURVEYOR FOR LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT. 2. THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED. IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM FROM ENCUMBRANCES OWNERSHIP OR RIGHTS-OF-WAY. 3. UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED. WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES. 4. NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ONLY VISIBLE ENCKROACHMENTS LOCATED. 5. THIS SURVEY IS INTENDED FOR CONSTRUCTION PURPOSES ONLY, EXCLUSIVELY FOR THIS USE BY THOSE TO WHOM IT IS CERTIFIED. THIS SURVEY IS TO BE USED FOR CONSTRUCTION, PERMITTING OR DESIGN. ANY OTHER USE IS NOT VALD WITHOUT WRITTEN CONSENT. 6. NO EFFORT WAS MADE TO PROVE PLAT BOUNDARIES. 7. ONLY IMPROVEMENTS SHOWN WERE LOCATED. 8. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF. 9. PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHT-OF-WAYS OF RECORD. 10. EASEMENTS SHOWN ON THIS DRAWING ARE FROM THE RECORDED PLAT. ANY OTHER EASEMENT PERTAINING TO THE HEREON DESCRIBED LAND MUST BE FURNISHED TO THE SURVEYOR BY THE CLIENT OR THE CLIENT'S AGENT PER FLORIDA STATUTE "CHAPTER 51.47 OF THE FLORIDA ADMINISTRATIVE CODE." 11. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES. 12. PARCEL WAS SURVEYED FROM INFORMATION SUPPLIED BY THE CLIENT. 13. FENCE OWNERSHIP NOT DETERMINED. 14. THE ACCURACY OF CONTROL SURVEY DATA SHALL BE VERIFIED BY REDUNDANT MEASUREMENTS OR TRAVERSE CLOSURES. ALL CONTROL MEASUREMENTS SHALL ACHIEVE THE FOLLOWING CLOSURES: COMMERCIAL/HIGH RISK LINEAR: 1 FOOT IN 10,000 FEET; SUBURBAN LINEAR: 1 FOOT IN 7,500 FEET; RURAL: 1 FOOT IN 5,000 FEET; 15. BEARINGS SHOWN HEREON ARE BASED UPON 500°27'36"E ALONG THE CENTERLINE OF BEN STREET AS PLATTED. 16. ELEVATIONS SHOWN HEREON ARE BASED UPON NAVD88 DATUM. BENCHMARK USED (XXXX) WITH ELEVATION OF XXXX.			



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: 800 Third Street
STRAP Number: 24-46-23-W3-0030B.0130
Applicant: Homebound Technologies Inc Phone: 719.213.4409
Contact Name: Samir Malviya Phone: 248.894.9610
Email: smalviya@homebound.com Fax: _____
Current Zoning District: AE
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: Robert Schmeling & Cheri Jollie Phone: (360) 903-8856

Mailing Address: 1621 SE 84TH CT | VANCOUVER, WA | 98664

Email: schmeling1@aol.com Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Robert Schmeling 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

Robert Schmeling

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

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

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

Signature

Title

Typed or Printed Name

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: 24-46-23-W3-0030B.0130

Property Address: 800 Third Street

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: Matanzas View

Book: 09 Page: 40 Unit: _____ Block: B Lot(s): 13

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) 56.31 feet
Depth (please provide an average width if irregular in shape) 87.76 feet
Frontage on street: 21.79 feet. Frontage on waterbody: _____ feet
Total land area: 4862.39 ☐ 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: Schmeling Residence 800 Third Street
Authorized Applicant: Samir Malviya
LeePA STRAP Number: 24-46-23-W3-0030B.0130

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

Variance is requested from:

LDC Section Number

Title of Section or Subsection

34-638 Minimum 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:
The front property lines of 401 Harbor Ct, 405 Harbor Ct, 800 Third St, and 810 Third St.
implies a cul-de-sac condition at the intersection of Harbor Ct and Third St. The as-built or paved
condition of the street where the two streets meet is a perfect right angle of two streets intersecting
as if to imply that the front property line of these four properties followed the straight edge of their
respective streets rather than the recessed condition implied by their front property lines as
recorded on the Matanzas View subdivision plat and their respective surveys. The recessed
front property line in turn creates a recessed front setback line which greatly restricts the buildable
depth allowed on these properties. Furthermore, 800 Third St's side property lines taper to the
front of the lot, constricting the buildable width on the property. The resulting footprint bottlenecks
to a width of 25' at the front of the lot and a depth of 31'-2".

Reasons for request

Explain why the variance is needed:
The variance is needed to 1. Reduce side setbacks to allow the house to be pushed forward in
the lot and reduce the need for rear setback reductions. 2. Increase the rear yard setback
the previous house had from 8.83' to increase visibility at the intersection of the canals. and
3. Increase the depth of the buildable footprint to allow the proposed house to fit on the lot.

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

If granted, there would be minimum effect on the surrounding properties. The proposed house requests 2.5' reduction of side setbacks from 7.5' to 5' in order to allow more buildable width at the front of the lot. While this does allow the house to be closer to the neighbor at 810 Third St, we have a parallel application submitted for 810 Third St which sets the house to a 10'-4" side setback facing this property - leaving a 15'-4" effective separation between the two houses and consistent with regular zoning. The opposite neighbor at 401 Harbor Ct. remains virtually unaffected as the proposed house only encroaches to a 5' side setback at the front of the house and quickly grows in width as the property width grows. While one proposed solution does request a reduction to the front setback, this has minimum effect on the streetscape as the corner lots at 800 Third St and 401 Harbor Ct are so far recessed. Lastly, the requested relief at the rear setbacks, while reduced from 25' are a substantial improvement from the previous structure that was located 8.83' from the rear property line;

The increased visibility along the canal will be a major improvement to neighbors.

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

The recessed cul-de-sac in combination with the canal at the rear reduces the depth of the lot to a difficult footprint to build on. In combination with this, the width of the lot tapers from the rear at its widest to the front at its narrowest. With the narrowest portion of the lot being 25' and the buildable depth being 31'-2", the footprint is both irregularly shaped and difficult to build on. Seeing the surveyed previous house's footprint being pushed back to an 8.83' rear setback and the shared driveway with 401 Harbor Ct. confirms this hardship.



We are proposing two different options to relieve the hardship incurred by the irregular lot shape. Both options request a reduced side yard setback to 5' from 7.5' (a reduction of 2.5'). As discussed earlier, the proposal for 810 Third St. has a proposed side setback of 10'-4" along the shared property line with the subject property line that would maintain a 15' building separation between them. The opposite side facing 401 Harbor Ct. would only encroach the 2.5' near the front of the lot, and the setback would quickly grow beyond 7.5' as the lot widens toward the rear of the lot - minimizing any effect to 401 Harbor Ct. Option 1 keeps a narrower width and deeper depth for a footprint of 32' wide by 41' deep; the narrower width allows the property to push further up in the lot which is why the front setback reduction of 2.5' is requested (22'-6" from 25'). However, the deeper footprint does also request a reduction to the rear yard setback to of 7.5' (17'-6" from 25'); although this is an increased rear setback from the previous house's footprint, it is still an encroachment. Option 2 proposes a wider width and shallower depth that perhaps better fits the lot's shape with a footprint of 38' wide by 35' deep. In this option, the front setback of 25' is maintained and the requested reduction to the rear setback is only 4.5' (20'-6" from 25'). In both cases, access and parking is maintained to the lot.

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.

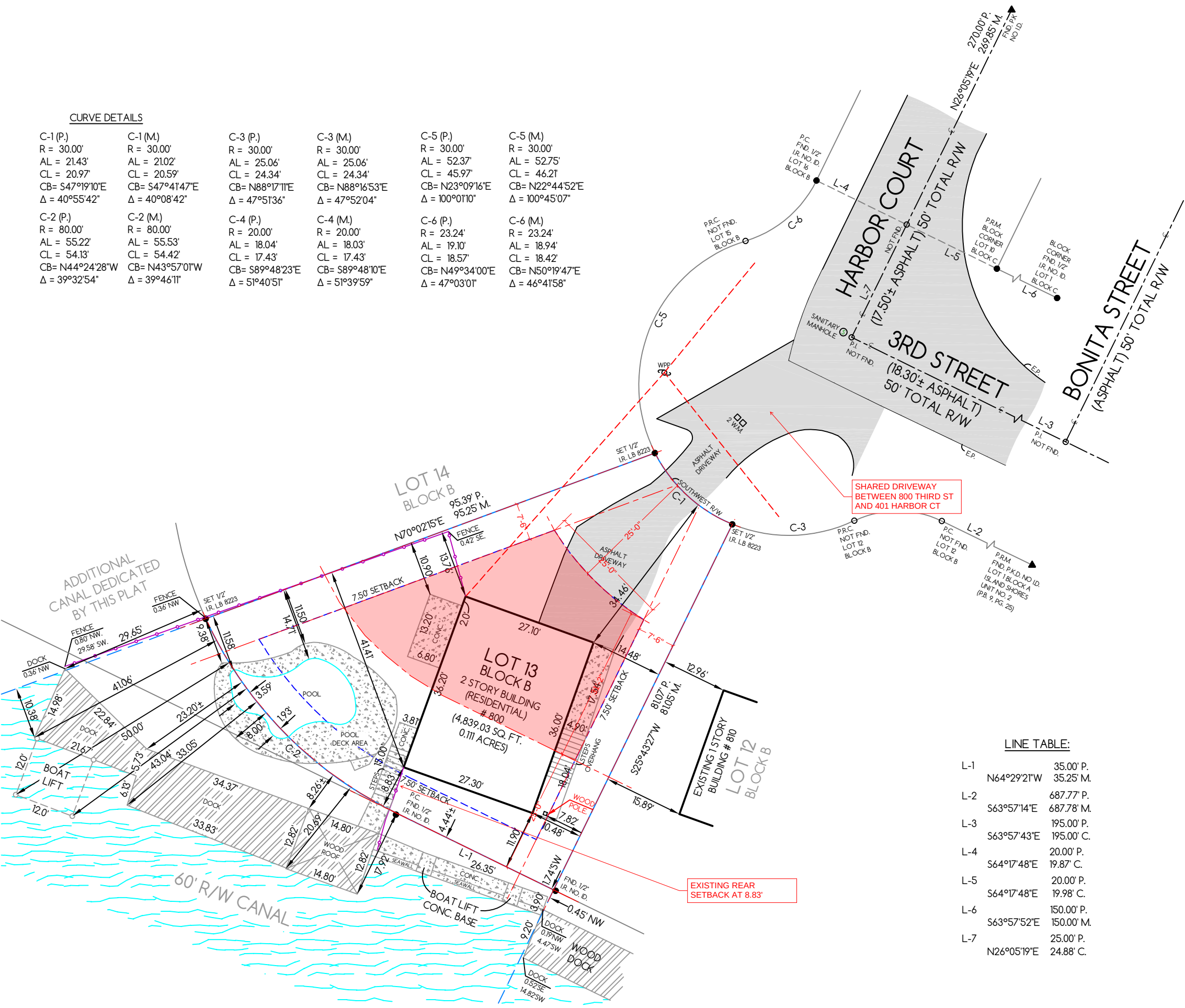
LDC Section 34-87

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.

SKETCH OF BOUNDARY SURVEY

SURVEY: GG210302



Legend:

- A.E. ACCESS EASEMENT
- B.F.E. BASE FLOOD ELEVATION
- B.R. BEARING REFERENCE
- B.M. BENCHMARK
- C. CALCULATED
- CATV CABLE TV RISER
- C.B. CATCH BASIN
- C.V.G. CONC VALLEY GUTTER
- C.M. CONCRETE MONUMENT
- CONC. CONCRETE
- C/O CLEAN OUT
- C.U.E. COUNTY UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- D.H. DRILL HOLE
- ELEC. ELECTRIC BOX
- ENCL. ENCLOSURE
- E.O.W. EDGE OF WATER
- E.P. EDGE OF PAVEMENT
- F.F.E. FINISHED FLOOR ELEVATION
- FND. FOUND
- F.P.L. FLORIDA POWER AND LIGHT
- I.E. IRRIGATION EASEMENT
- I.D. IDENTIFICATION
- I.R. IRON ROD
- I.P. IRON PIPE
- L.B. LAND SURVEYING BUSINESS
- L.B.E. LANDSCAPE BUFFER ESMT.
- L.C.U.E. LEE COUNTY UTILITY EASEMENT
- M. FIELD MEASURED
- M.E. MITERED END
- N & D. NAIL & DISK
- N/A. NOT APPLICABLE
- N.R. NON-RADIAL
- N.T.S. NOT TO SCALE
- O.H.L. OVERHEAD LINE
- O.U.E. ORANGE TREE UTIL. ESMT.
- P. PLAT
- P.I. POINT OF INTERSECTION
- P.C. POINT OF CURVATURE
- P.C.C. POINT OF COMPOUND CURVATURE
- P.C.P. PERMANENT CONTROL POINT
- P.L.S. PROFESSIONAL LAND SURVEYOR
- P.S.M. PROFESSIONAL SURVEYOR & MAPPER
- P.T. POINT OF TANGENCY
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- P.R.C. POINT OF REVERSE CURVATURE
- P.R.M. PERMANENT REFERENCE MONUMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- P.K.N. PARKER-KALON NAIL
- R. RADIAL
- R/W. RIGHT OF WAY
- R.O.W. RIGHT OF WAY
- S.D. STORM DRAIN
- T.B.M. TEMPORARY BENCH MARK
- TEL. TELEPHONE FACILITIES
- T.O.B. TOP OF BANK
- U.E. UTILITY EASEMENT
- U.G. UNDERGROUND
- W.M. WATER METER
- W.V. WATER VALVE
- I.R. CONCRETE MONUMENT
- NAIL. EXISTING FIRE HYDRANT
- WATER VALVE
- CONC. POWER POLE
- WOOD POWER POLE
- WELL
- CATCH BASIN
- BOLLARD
- BENCH MARK AND T.B.M.
- LAMP POST
- DRAIN MANHOLE
- SANITARY MANHOLE
- CENTER LINE
- EXISTING ELEVATION
- PROPOSED ELEVATION
- PROPOSED/EXISTING ELEVATION
- WATER FLOW ARROW
- DISTANCE LIMIT ARROW
- ANCHOR
- BREAK LINE (N.T.S.)
- CENTERLINE
- FENCE LINE
- OVERHEAD LINE
- EASEMENT LINE
- EDGE OF THE WATER LINE
- PRIMARY STRUCTURE
- SECONDARY STRUCTURE
- PRIMARY PROPERTY LINE
- SECONDARY PROPERTY LINE
- CONC. SLAB
- ASPHALT
- BRICK PAVEMENT
- WOOD DECK
- WATER
- COVERED AREA
- OAK - PALM - PINE

Surveyor's Notes:

- LEGAL DESCRIPTION PROVIDED BY OTHERS. NO EXAMINATION OF TITLE MADE BY SURVEYOR. THE RECORDING OF THIS PLAT, ANY OTHER EASEMENT (S) LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR THE PURPOSE OF THIS SURVEY. THE SURVEYOR HAS NO KNOWLEDGE OF ANY OTHER EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED IN THIS PLAT. IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS, OR FREEDOM FROM ENCUMBRANCES OWNERSHIP, OR RIGHTS-OF-WAY.
- FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED AND NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ONLY A VISIBLE ENCUMBRANCE LOCATED.
- THIS SURVEY IS INTENDED FOR CONSTRUCTION PURPOSES ONLY. EXCLUSIVELY FOR THIS USE BY THOSE TO WHOM IT IS CERTIFIED. THIS SURVEY IS TO BE USED FOR CONSTRUCTION, PERMITTING OR DESIGN. ANY OTHER USE IS NOT VALID WITHOUT WRITTEN CONSENT.
- NO EFFORT WAS MADE TO PROVE PLAT BOUNDARIES.
- ONLY IMPROVEMENTS SHOWN WERE LOCATED.
- DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- PARCEL, SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY OF RECORD.
15. BEARINGS SHOWN HEREON ARE BASED UPON NAD83 DATUM. BENCHMARK USED (XXXX) WITH ELEVATION OF XXXX.

Gallo Group Inc.

5337 SUMMERLIN COMMONS BLVD
SUITE 411 FORT MYERS, FL 33907
Tel: 833-425-5364 Fax: 833-425-5363
contact@galldo.com www.galldo.com

PROPERTY AND OWNER INFORMATION

Property Address:	Parcel ID:	County/State:
800 THIRD STREET FORT MYERS BEACH, FL 33931	24-46-23-W3- 00308.0130	Lee/Florida

DATE OF SURVEY 03 / 12 / 2021
COMPLETION DATE: 04 / 08 / 2021
DRAWN BY A.V.
CHECKED BY G.G.

Flood Zone Information:
Community Name: Fort Myers Beach
Community No: 206/3
Panel: 054 Suffix: F
Effective Date: 08/28/2008
Flood Zone: AE B.F.E.: 14.0

Professional Surveyor and Mapper
GUILLEMO A. GUERRERO
PSM No. 6453 State of Florida



0030B
0170

HARBOR CT

0030B
0160

0030B
0150

AS-BUILT LINE OF
STREET; EDGE OF
PAVEMENT DOES NOT
FOLLOW PROPERTY
LINE

SHARED DRIVEWAY
BETWEEN 800 THIRD ST
AND 401 HARBOR CT

PLATTED PROPERTY
LINE

0030B
0140

THIRD ST

0030B
0130

0030B
0120

0030B
0110

0050A
0390

0050A
0380

0050A
0370

Gallo Group Inc.
 5237 SUMMERLIN COMMONS BLVD
 SUITE 411 FORT MYERS, FL 33907
 Tel: 833-425-5364 Fax: 833-425-5363
 contact@galldo.com www.galldo.com
 Chapter 53-17051 & .052 F.A.C. pursuant to section 472.007, Florida
 Statutes.
 I hereby certify that A Survey of the hereon described property was
 made under my direction and meets the Standards of Practice as per

0
T II
GRAY
PROPP



Property Address
800 THIRD ST
FORT MYERS BEACH
Certificac

SCHWELING ROBERT W & JO
successors and/or assigns
of Housing and Urban Develop
interests may appear.

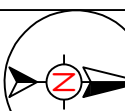
Flood Zone Information
Community Name: Fort Myers
Community No: 120673
Panel: 0554 Suffix: F
Effective Date: 08/28/2008
Flood Zone: AE BF.E: 14.0

0
10'

1" inch = 20'

GRAPHIC SCALE

PROPERTY AND



Property Address: 800 THIRD STREET
FORT MYERS BEACH, FL 339

Certified to:

SCHMELING ROBERT W & JOLLIE CHERI
successors and/or assigns and the De
of Housing and Urban Development as
interests may appear.

Flow Zone Information:

Community Name: Fort Myers Beach
Community No: 020673
Parcel: 0554 Suffix: F
Effective Date: 08/28/2008
Flow Zone: AE BF.E = 14.0

20	DATE OF SURVEY 03 / 12 / 2021	COMPLETION DATE: 04 / 08 / 2021	OWNER INFORMATION
	DRAWN BY A.V.	CHECKED BY G.G.	

1 LEGAL DESCRIPTION PROVIDED BY OTHERS. NO EXAMINATION OF TITLE MADE BY SURVEYOR. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER ENCUMBRANCES. 2. THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED. IT IS NOT A CERTIFICATION OF TITLE. 3. ENCUMBRANCES, EASEMENTS OR FREEDOM FROM UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED. WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES. 4. NOT VALID WITHOUT THE SIGNATURE & ORIGINAL MAPPER SEAL OF A FLORIDA LICENSED SURVEYOR AND THIS SURVEY IS INTENDED FOR CONSTRUCTION PURPOSES ONLY. EXCLUSIONS FOR THIS USE BY THOSE TO WHOM IT IS CERTIFIED. THIS SURVEY IS TO BE USED FOR CONSTRUCTION, PERMITTING OR DESIGN. ANY OTHER USE IS NOT VALID WITHOUT WRITTEN CONSENT. 5. NO EFFORT WAS MADE TO PROVE PLAT BOUNDARIES. 7. ONLY IMPROVEMENTS SHOWN WERE LOCATED. 8. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF. 9. PARCELS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHT-OF-WAYS OF RECORD.

10 EASEMENTS SHOWN ON THIS DRAWING ARE FROM THE RECORDED PLAT. ANY OTHER EASEMENT (S) PERTAINING TO THE HEREON DESCRIBED LAND (S) SHALL BE FURNISHED TO THE SURVEYOR BY THE CLIENT OR THE CLIENTS AGENT PER FLORIDA STATUTE "CHAPTER 35-7" OF THE FLORIDA ADMINISTRATIVE CODE. 11 ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES. 12 PARCELS WAS SURVEYED FROM INFORMATION SUPPLIED BY THE CLIENT. 13. FENCE OWNERSHIP NOT DETERMINED. 14. THE ACCURACY OF CONTROL SURVEY DATA SHALL BE VERIFIED BY REDUNDANT MEASUREMENTS OR TRAVERSE CLOSURES. ALL CONTROL MEASUREMENTS SHALL ACHIEVE THE FOLLOWING CLOSURES:
COMMERCIAL/HIGH RISE LINEAR, 1 FOOT IN 10,000 FEET;
SUBURBAN LINEAR, 1 FOOT IN 5,000 FEET;
RURAL, LINEAR, 1 FOOT IN 5,000 FEET;
5. BEARINGS SHOWN HEREON ARE BASED UPON 500°27'36" ALONG THE CENTRALINE OF BEN STREET AS PLATTED.

AS ELEVATIONS SHOWN HEREON ARE BASED UPON NAVD83 DATUM, BENCHMARK USED (XXXX) WITH ELEVATION OF XXXX.

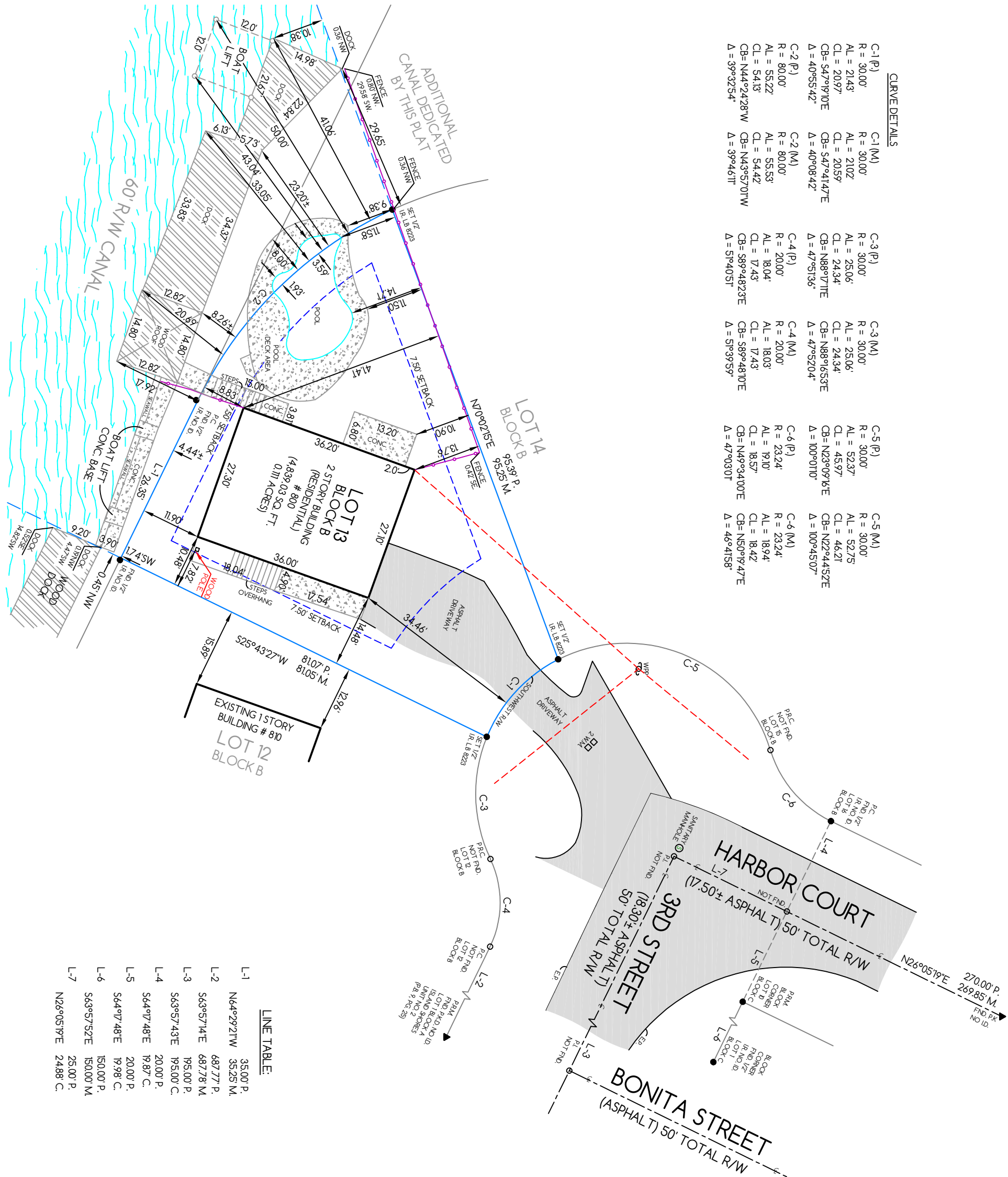
Surveyors' Notes

SURVEYOR'S NOTES:

[illegible]

CURVE DETAILS

C-1 (P)	C-1 (M)	C-3 (P)	C-3 (M)	C-5 (P)	C-5 (M)
R = 30.00°	R = 30.00°	R = 30.00°	R = 30.00°	R = 30.00°	R = 30.00°
AL = 21.43°	AL = 21.02°	AL = 25.06°	AL = 25.06°	AL = 52.37°	AL = 52.75°
CL = 20.97°	CL = 20.59°	CL = 24.34°	CL = 24.34°	CL = 45.97°	CL = 46.21°
CB = 547°9'10"E	CB = 547°41'47"E	CB = N88°17'11"E	CB = N88°16'53"E	CB = N23°09'16"E	CB = N22°44'52"E
Δ = 40°55'42"	Δ = 40°08'42"	Δ = 47°51'36"	Δ = 47°52'04"	Δ = 100°01'10"	Δ = 100°45'07"
C-2 (P)	C-2 (M)	C-4 (P)	C-4 (M)	C-6 (P)	C-6 (M)
R = 80.00°	R = 80.00°	R = 20.00°	R = 23.24°	R = 23.24°	R = 23.24°
AL = 55.22°	AL = 55.53°	AL = 18.04°	AL = 18.03°	AL = 19.10°	AL = 18.94°
CL = 54.13°	CL = 54.42°	CL = 17.43°	CL = 17.43°	CL = 18.57°	CL = 18.42°
CB = N44°0'42.8"W	CB = N43°57'01"W	CB = S89°48'23"E	CB = S89°47'10"E	CB = N49°34'00"E	CB = N50°19'47"E
Δ = 39°32'54"	Δ = 39°46'11"	Δ = 57°40'51"	Δ = 57°39'59"	Δ = 47°03'07"	Δ = 46°01'58"





variancelist

Subjects: 1 Affected: 93 Buffer: 500 Date: 5/2/2023 12:00:00 AM List Size: 94																
Index	Subject	Foliod	STRAP	OwnerName	OwnerName2	MailAddress	MailAddress2	MailCity	MailState	MailZip	MailCountry	SiteNumber	SiteStreet	SiteUnit	SiteCity	SiteZip
0	TRUE	10127333	24-46-23-W3-0030B.0130	SCHMELING ROBERT W +		1621 SE 84TH CT		VANCOUVER	WA	98664		800	THIRD ST		FORT MYERS BEACH	33931
1	FALSE	10127237	24-46-23-W2-0050C.0090	MAGNUM FMB 1 LLC		725 MATANZAS CT		FORT MYERS BEACH	FL	33931		725	MATANZAS CT		FORT MYERS BEACH	33931
2	FALSE	10127238	24-46-23-W2-0050C.0100	SAMUELSON JOHN A TR		721 MATANZAS CT		FORT MYERS BEACH	FL	33931		721	MATANZAS CT		FORT MYERS BEACH	33931
3	FALSE	10127239	24-46-23-W2-0050C.0110	CAMERON NORMA J		3511 SCHIRTZINGER RD		HILLIARD	OH	43026		715	MATANZAS CT		FORT MYERS BEACH	33931
4	FALSE	10127240	24-46-23-W2-0050C.0120	WEIDELING DALE A & DEBRA L		711 MATANZAS CT		FORT MYERS BEACH	FL	33931		711	MATANZAS CT		FORT MYERS BEACH	33931
5	FALSE	10127241	24-46-23-W2-0050C.0130	BANEZ PAMELA & CONRADO T		685 MATANZAS CT		FORT MYERS BEACH	FL	33931		685	MATANZAS CT		FORT MYERS BEACH	33931
6	FALSE	10127269	24-46-23-W3-00026.0020	FREELAND FL HOLDINGS LLC		5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		450	HARBOR CT		FORT MYERS BEACH	33931
7	FALSE	10127271	24-46-23-W3-00027.0000	FREELAND FL HOLDINGS LLC	BERNARD G FREELAND	5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		450	HARBOR CT		FORT MYERS BEACH	33931
8	FALSE	10127312	24-46-23-W3-0030A.0030	FREEMAN WILLIAM T &		15341 KILBIRNIE DR		FORT MYERS	FL	33912		935	THIRD ST		FORT MYERS BEACH	33931
9	FALSE	10127313	24-46-23-W3-0030A.0040	ANDERSON BRENT KORY &		13302 COACHFORD AVE		ROSEMOUNT	MN	55068		929	THIRD ST		FORT MYERS BEACH	33931
10	FALSE	10127314	24-46-23-W3-0030A.0050	MOSTEIRO CHRISTOPHER C +		923 THIRD ST		FORT MYERS BEACH	FL	33931		923	THIRD ST		FORT MYERS BEACH	33931
11	FALSE	10127315	24-46-23-W3-0030A.0060	HOULIHAN MARY N TR		917 THIRD ST		FORT MYERS BEACH	FL	33931		917	THIRD ST		FORT MYERS BEACH	33931
12	FALSE	10127316	24-46-23-W3-0030A.0070	DUDDY KATHLEEN & BRIAN TR		14 STETSON PL		DUXBURY	MA	2332		911	THIRD ST		FORT MYERS BEACH	33931
13	FALSE	10127317	24-46-23-W3-0030A.0080	CASEY KATHLEEN M +		32917 PEACH TREE LN		LEWES	DE	19958		901	THIRD ST		FORT MYERS BEACH	33931
14	FALSE	10127318	24-46-23-W3-0030A.0090	GREGG LIEAH		253 PALERMO CIR		FORT MYERS BEACH	FL	33931		430	BONITA ST		FORT MYERS BEACH	33931
15	FALSE	10127319	24-46-23-W3-0030A.0100	URIAN JULIE A TR		432 BONITA ST		FORT MYERS BEACH	FL	33931		432	BONITA ST		FORT MYERS BEACH	33931
16	FALSE	10127320	24-46-23-W3-0030A.0110	FREELAND FL HOLDINGS LLC	BERNARD G FREELAND	5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		438	BONITA ST		FORT MYERS BEACH	33931
17	FALSE	10127322	24-46-23-W3-0030B.0020	TOMALOLO FRANKLIN L &		934 THIRD ST		FORT MYERS BEACH	FL	33931		934	THIRD ST		FORT MYERS BEACH	33931
18	FALSE	10127323	24-46-23-W3-0030B.0030	932 THIRD STREET LLC		932 THIRD ST		FORT MYERS BEACH	FL	33931		932	THIRD ST		FORT MYERS BEACH	33931
19	FALSE	10127325	24-46-23-W3-0030B.0050	DUDDY BRIAN PATRICK TR		14 STETSON PL		DUXBURY	MA	2332		920	THIRD ST		FORT MYERS BEACH	33931
20	FALSE	10127326	24-46-23-W3-0030B.0060	FOSTER STEPHEN ALLEN		2244 WINKLER AVE UNIT 205		FORT MYERS	FL	33901		914	THIRD ST		FORT MYERS BEACH	33931
21	FALSE	10127327	24-46-23-W3-0030B.0070	TYRELL PETER		134 136 PICCOTTIS END		HEMEL HEMPSTEAD	HP1 3AU	UNITED KINGDOM		910	THIRD ST		FORT MYERS BEACH	33931
22	FALSE	10127328	24-46-23-W3-0030B.0080	KOSTER RODNEY A & THERESA A		880 THIRD ST		FORT MYERS BEACH	FL	33931		880	THIRD ST		FORT MYERS BEACH	33931
23	FALSE	10127329	24-46-23-W3-0030B.0090	KOSTER RODNEY A & THERESE A		880 THIRD ST		FORT MYERS BEACH	FL	33931		870	THIRD ST		FORT MYERS BEACH	33931
24	FALSE	10127330	24-46-23-W3-0030B.0100	TAMIA SA		949 STRATFORD DR		ENGINITAS	CA	92024		850	THIRD ST		FORT MYERS BEACH	33931
25	FALSE	10127331	24-46-23-W3-0030B.0110	WOODSON MARK T + KAREN K		820 THIRD ST		FORT MYERS BEACH	FL	33931		820	THIRD ST		FORT MYERS BEACH	33931
26	FALSE	10127332	24-46-23-W3-0030B.0120	KADO KELLY +		2560 ESTERO BLVD #6A		FORT MYERS BEACH	FL	33931		810	THIRD ST		FORT MYERS BEACH	33931
27	FALSE	10127334	24-46-23-W3-0030B.0140	SWING THOMAS J TR		2560 TURF PARADISE DR		STOW	OH	44224		401	HARBOR CT		FORT MYERS BEACH	33931
28	FALSE	10127335	24-46-23-W3-0030B.0150	SCHROEDER KURT & GERALDINE		405 HARBOR CT		FORT MYERS BEACH	FL	33931		405	HARBOR CT		FORT MYERS BEACH	33931
29	FALSE	10127336	24-46-23-W3-0030B.0160	SERVADIO NORMA LEARD TR		10 SAGAMORE DR		SIMSBURY	CT	6070		409	HARBOR CT		FORT MYERS BEACH	33931
30	FALSE	10127337	24-46-23-W3-0030B.0170	SERVADIO NORMA L TR		10 SAGAMORE DR		SIMSBURY	CT	6070		425	HARBOR CT		FORT MYERS BEACH	33931
31	FALSE	10127338	24-46-23-W3-0030B.0180	TEAL PHILLIP L		3699 PEARL DR UNIT 8		MONROE	MI	48162	429/431	HARBOR CT		FORT MYERS BEACH	33931	
32	FALSE	10127339	24-46-23-W3-0030B.0190	FREELAND FL HOLDINGS LLC		5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		441	HARBOR CT		FORT MYERS BEACH	33931
33	FALSE	10127340	24-46-23-W3-0030B.0200	FREELAND FL HOLDINGS LLC		5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		445	HARBOR CT		FORT MYERS BEACH	33931
34	FALSE	10127341	24-46-23-W3-0030C.0010	KOSTER RODNEY A & THERESE A		880 THIRD ST		FORT MYERS BEACH	FL	33931		851/861	THIRD ST		FORT MYERS BEACH	33931
35	FALSE	10588574	24-46-23-W3-0030C.0020	PHELPS MICHAEL +		329 MEADOW RD		FARMINGTON	CT	6032		429	BONITA ST		FORT MYERS BEACH	33931
36	FALSE	10588575	24-46-23-W3-0030C.0030	PHELPS MICHAEL +		329 MEADOW RD		FARMINGTON	CT	6032		431	BONITA ST		FORT MYERS BEACH	33931
37	FALSE	10127343	24-46-23-W3-0030C.0040	FREELAND FL HOLDINGS LLC		5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		435	BONITA ST		FORT MYERS BEACH	33931
38	FALSE	10127344	24-46-23-W3-0030C.0060	FREELAND FL HOLDINGS LLC	BERNARD G FREELAND	5333 HICKORY HOLLOW PKWY		ANTIOCH	TN	37013		436	HARBOR CT		FORT MYERS BEACH	33931
39	FALSE	10127345	24-46-23-W3-0030C.0080	ASHLAND PROPERTIES		10940 S PARKER RD #512		PARKER	CO	80134	432/434	HARBOR CT		FORT MYERS BEACH	33931	
40	FALSE	10127346	24-46-23-W3-0030C.0090	KIMYABAYKI SOROUSAH +		91 PRINCESS DIANA DR		MARKHAM	ON	L6C 0H2	CANADA	422	HARBOR CT		FORT MYERS BEACH	33931
41	FALSE	10127347	24-46-23-W3-0030C.0100	GRIFFIS LLC		9051 E CHICAGO RD		JEROME	MI	49249		412	HARBOR CT		FORT MYERS BEACH	33931
42	FALSE	10127349	24-46-23-W3-00400.0010	FIRST CENTRAL INVESTMENT CORP	LAWRENCE A YAX	830 ESTERO BLVD		FORT MYERS BEACH	FL	33931		830	ESTERO BLVD		FORT MYERS BEACH	33931
43	FALSE	10127350	24-46-23-W3-00400.0050	DULLARD ROBERT TR		PO BOX 2695		FORT MYERS BEACH	FL	33931		764-768	ESTERO BLVD		FORT MYERS BEACH	33931
44	FALSE	10127378	24-46-23-W3-0050A.032A	HOLBROOK LESLIE E		3658 COUNTRY RD 31		GALION	OH	44833		859	LAGOON ST		FORT MYERS BEACH	33931
45	FALSE	10127379	24-46-23-W3-0050A.0330	PURTELL JAMES F TR		60 STONEY BEACH RD		OSHKOSH	WI	54902		855	LAGOON ST		FORT MYERS BEACH	33931
46	FALSE	10127380	24-46-23-W3-0050A.0340	BOYD TODD & JULIE		SOMERS WHARF	16 WATER ST UNIT L	ST GEORGES	GE 04	BERMUDA	849/851	LAGOON ST		FORT MYERS BEACH	33931	
47	FALSE	10127381	24-46-23-W3-0050A.0350	DULLARD ROBERT TR +		PO BOX 2695		FT MYERS BCH	FL	33932		843	LAGOON ST		FORT MYERS BEACH	33931
48	FALSE	10127382	24-46-23-W3-0050A.0360	BLOCKDAHL LEASING LLC		3368 TIMBER RIDGE TRL		CEDAR RAPIDS	IA	52411	839/841	LAGOON ST		FORT MYERS BEACH	33931	
49	FALSE	10127383	24-46-23-W3-0050A.0370	ISLAND GEM LLC		8044 ESTERO BLVD		FORT MYERS BEACH	FL	33931		831	LAGOON ST		FORT MYERS BEACH	33931
50	FALSE	10127384	24-46-23-W3-0050A.0380	PAINE FREDERICK L &		12 BELKNAP SHORES		SUPERIOR	WI	54880		823	LAGOON ST		FORT MYERS BEACH	33931
51	FALSE	10127385	24-46-23-W3-0050A.0390	PAINE FREDERICK L & NANCY K		819 LAGOON ST		FORT MYERS BEACH	FL	33931		819	LAGOON ST		FORT MYERS BEACH	33931
52	FALSE	10127386	24-46-23-W3-0050A.0400	TOWN OF FORT MYERS BEACH	FINANCE DEPT	2525 ESTERO BLVD		FORT MYERS BEACH	FL	33931		815	LAGOON ST		FORT MYERS BEACH	33931
53	FALSE	10127387	24-46-23-W3-0050A.0420	EDGEWATER INN LLC		1440 BRICKELL BAY DR	STE PH3	MIAMI	FL	33131		781	ESTERO BLVD		FORT MYERS BEACH	33931
54	FALSE	10127388	24-46-23-W3-0050A.043A	PAYNE DONNA L		501 WILLIN WAY		MOUNT STERLING	KY	40353		775	ESTERO BLVD		FORT MYERS BEACH	33931
55	FALSE	10127389	24-46-23-W3-0050A.043B	SAVINO STEPHEN JR & LORI		58 HIGH VALLEY DR		CANTON	CT	6019		749	ESTERO BLVD		FORT MYERS BEACH	33931
56	FALSE	10127390	24-46-23-W3-0050A.0440	SMITH STEPHEN E & CYNTHIA		13140 BIRD DR		FORT MYERS	FL	33905		739	ESTERO BLVD		FORT MYERS BEACH	33931
57	FALSE	10127392	24-46-23-W3-0050B.0010	SOUTHLAND CORPORATION	CORPORATE TAX DEPT	2711 N HASKELL AVE		DALLAS	TX	75204		841	ESTERO BLVD		FORT MYERS BEACH	33931
58	FALSE	10127394	24-46-23-W3-0050B.0050	COURTNEY S MARK & DEBORAH S TR		83 CRANBERRY RD		GROVE CITY	PA	16127		831	ESTERO BLVD		FORT MYERS BEACH	33931
59	FALSE	10127395	24-46-23-W3-0050B.0070	PAINE FRED		823 LAGOON ST		FORT MYERS BEACH	FL	33931		821/825	ESTERO BLVD		FORT MYERS BEACH	33931
60	FALSE	10127396	24-46-23-W3-0050B.0100	PAINE FREDERICK L &		12 BELKNAP SHORES		SUPERIOR	WI	54880		815	ESTERO BLVD		FORT MYERS BEACH	33931
61	FALSE	10127397	24-46-23-W3-0050B.013A	ARTIRI BARBARA K TR		3225 E RIVERSIDE DR UNIT 57E		FORT MYERS	FL	33916		850	LAGOON ST		FORT MYERS BEACH	33931
62	FALSE	10127398	24-46-23-W3-0050B.013B	SCHWARTZ DEREK & KRISTEN		3329 ROSA AVE		NEW SMYRNA BEACH	FL	32168	846/848	LAGOON ST		FORT MYERS BEACH	33931	
63	FALSE	10127399	24-46-23-W3-0050C.001A	HIATT KEITH II TR		8374 W CAPOVILLA AVE		LAS VEGAS	NV	89113		190	MATANZAS ST		FORT MYERS BEACH	33931
64	FALSE	10127400	24-46-23-W3-0050C.001B	KEITH HIATT TRUST		8374 W CAPOVILLA AVE		LAS VEGAS	NV	89113		150	MATANZAS ST		FORT MYERS BEACH	33931
65	FALSE	10127401	24-46-23-W3-0050C.0020	REBER DAVID A TR		527 SUGARPINE DR		INCLINE VILLAGE	NV	89451		710	MATANZAS CT		FORT MYERS BEACH	33931
66	FALSE	10127402	24-46-23-W3-0050C.0030	MORICONDO LARRY E TR		15482 LAWRENCE 2130		MOUNT VERNON	MO	65712		720	MATANZAS CT		FORT MYERS BEACH	33931
67	FALSE	10127403	24-46-23-W3-0050C.0040	VANFOSSSEN TERRI D		724 MATANZAS CT		FORT MYERS BEACH	FL	33931		724	MATANZAS CT		FORT MYERS BEACH	33931
68	FALSE	10127404	24-46-23-W3-0050C.0050	CROW FMB FAMILY TRUST		2705 ODAWA TRL		MUSKEGON	MI	49444		730	MATANZAS CT		FORT MYERS BEACH	33931
69	FALSE	10127405	24-46-23-W3-0050C.0060	EHRLICH HARRYET TR		740 MATANZAS CT		FORT MYERS BEACH	FL	33931		740	MATANZAS CT		FORT MYERS BEACH	33931
70	FALSE	10127406	24-46-23-W3-0050C.006A	WILLIAM J MILLER TRUST +		25392 SHELTERED LANE		WINONA	MN	55987		738	MATANZAS CT		FORT MYERS BEACH	33931
71	FALSE	10127407	24-46-23-W3-0050C.0070	CALUSA LLC		22774 CITATION RD		FRANKFORT	IL	60423		750	MATANZAS CT		FORT MYERS BEACH	33931
72	FALSE	10127408	24-46-23-W3-0050C.008A	PAYNE DONNA		501 WILLIN WAY		MOUNT STERLING	KY	40353		745	MATANZAS CT		FORT MYERS BEACH	33931
73	FALSE	10127409	24-46-23-W3-0050C.008B	OAKES DONALD L L/E		735 MATANZAS CT		FORT MYERS BEACH	FL	33931		735	MATANZAS CT		FORT MYERS BEACH	33931
74	FALSE	10127410	24-46-23-W3-0050C.012A	HYINK STEVEN & RENEE		2601 MULBERRY AVE		MUSCATINE	IA	52761		701	MATANZAS CT		FORT MYERS BE	

Legal
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 13
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 9 + PT LOT 10 E OF
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>PART LOTS 10 + 11
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>PART LOT 11
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>N 205 FT LOT 12 + BEG SW
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 13
PARL IN SE 1/4<CR>SEC 24 TWP 46 RGE 23<CR>DESC OR 1447 PG 1434
PARL IN SE1/4 DESC OR1656/<CR>2886+MATANZAS VIEW BLK B<CR>PB9/40 PT LT 21 + SUB LAND
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 3
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 4
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 5
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 6
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 7
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 8
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 9
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOT 10
MATANZAS VIEW<CR>BLK A PB 9 PG 40<CR>LOTS 11 + 12
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 2
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOTS 3 + 4
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 5
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 6
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 7
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 8
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 9
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 10
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 11
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 12
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 14
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 15
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 16
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 17
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 18
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 19
MATANZAS VIEW<CR>BLK B PB 9 PG 40<CR>LOT 20
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOT 1
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>BLK C LOT 2
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>BLK C LOT 3
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOTS 4 + 5
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOTS 6 + 7
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOT 8
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOT 9
MATANZAS VIEW<CR>BLK C PB 9 PG 40<CR>LOT 10
ISLAND SHORES UNIT 1<CR> PB 9 PG 24<CR>LOT 1
ISLAND SHORES UNIT 1<CR>PB 9 PG 24<CR>ELY 67.42 FT LOT 5
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>NWLY 40 FT LOT 32
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 33
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 34
ISLAND SHORES UT 2<CR>BLK A PB 9 PG 25<CR>LOT 35
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 36
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 37
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 38
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>LOT 39
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>PT LOTS 40 + 41
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>PT LOTS 40 + 41 + LOT 42
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>ELY 67.42 FT LOT 43
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>WLY 33.72 FT LOT 43<CR>+ ELY 33.72 FT LOT 44
ISLAND SHORES UNIT 2<CR>BLK A PB 9 PG 25<CR>WLY 67.42 FT LOT 44
ISLAND SHORES UNIT 2<CR>BLK B PB 9 PG 25<CR>LOTS 1 THRU 4
ISLAND SHORES UNIT 2<CR>BLK B PB 9 PG 25<CR>LOTS 5 + 6
ISLAND SHORES UNIT 2<CR>BLK B PB 9 PG 25<CR>LOTS 7 8 + PT LOTS 9 13 14
ISLAND SHORES UNIT 2<CR>BLK B PB 9 PG 25 LTS 10<CR>THRU 12 + PT LTS 9 13 + 14
ISLAND SHORES UNIT 2<CR>BLK B PB 9 PG 25<CR>PT LOTS 13 + 14
ISLAND SHORES UNIT 2<CR>BLK B PB 9 PG 25<CR>LOTS PT 13 + 14 FROM SE
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>ALL LOT 1 LYING NELY OF
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>ALL LOT 1 LYING SWLY OF
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 2
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 3
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 4
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 5
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT PT 6
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT PT 6
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>LOT 7
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>S 1/2 LOT 8
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>NLY 1/2 LOT 8
ISLAND SHORES UNIT 2<CR>BLK C PB 9 PG 25<CR>S 79 FT LOT 12
RIPTIDE CONDO<CR>DESC OR 1980 PG 839<CR>COMMON ELEMENTS
SAND CASTLE BEACH CLUB<CR>A TIME-SHARE <CR>COMMON AREA<CR>DESC OR 1463<CR>PG 22
SAND CASTLE BEACH CLUB<CR>A TIME-SHARE OR1463-2328<CR>UNITS 101-215 / 29 UNITS
ROYAL BEACH CLUB CONDO<CR>A TIME-SHARE <CR>COMMON AREA<CR>DESC OR 1530<CR>PG 1
ROYAL BEACH CLUB CONDO PH II<CR>COMMON AREA<CR>DESC OR 1530 PG 1352<CR>+ OR 1716 I
BEL AIR BEACH CLUB CONDO<CR>COMMON AREA<CR>DESC IN OR 1765 PG 1585
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 1 + CARPORT #1
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 2
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 3 + CARPORT #3
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 4
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 5
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 6 + GARAGE #6
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 7 + GARAGE #7
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 8 + GARAGE #8
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 9 + GARAGE #9
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 10 + GARAGE #10
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 11 + GARAGE #11
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 12 + GARAGE #12
RIPTIDE CONDO<CR>OR 1980 PG 0839<CR>UNIT 13 + GARAGE #13



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

Robert Schmeling

Printed Name

STATE OF FL COUNTY OF LBB

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

presence OR ☐ online notarization, this 2nd day of May, 2023, by

☒ who is personally known to me OR ☐ who has produced

_____ as identification.



Elysa A. Carter
Notary Public
State of Florida
Comm# HH099380
Expires 3/2/2025

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

4/30/2021

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

Page 4 of 11



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 Town Council 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: August 7, 2023
CASE: VAR20230061
ADDRESS: 800 Third St
APPLICANT: Samir Malviya from Homebound Technologies Inc
REQUEST: The applicant is requesting a variance from LDC Section 34-638 Table 34-3 Dimensional Regulations in Conventional Zoning Districts for the street, side and rear setbacks in the RC zoning district.

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.



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 Town Council 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: August 7, 2023
CASE: VAR20230061
ADDRESS: 800 Third St
APPLICANT: Samir Malviya from Homebound Technologies Inc
REQUEST: The applicant is requesting a variance from LDC Section 34-638 Table 34-3 Dimensional Regulations in Conventional Zoning Districts for the street, side and rear setbacks in the RC zoning district.

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.



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 Town Council 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: August 7, 2023
CASE: VAR20230061
ADDRESS: 800 Third St
APPLICANT: Samir Malviya from Homebound Technologies Inc
REQUEST: The applicant is requesting a variance from LDC Section 34-638 Table 34-3 Dimensional Regulations in Conventional Zoning Districts for the street, side and rear setbacks in the RC zoning district.

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.



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 Town Council 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: August 7, 2023
CASE: VAR20230061
ADDRESS: 800 Third St
APPLICANT: Samir Malviya from Homebound Technologies Inc
REQUEST: The applicant is requesting a variance from LDC Section 34-638 Table 34-3 Dimensional Regulations in Conventional Zoning Districts for the street, side and rear setbacks in the RC zoning district.

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.

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»

From: [Randy Crow](#)
To: [Sarah Propst](#); [Randy Crow](#)
Subject: Property Owner Notice Case VAR20230062 VAR20230078 VAR20230061
Date: Wednesday, July 19, 2023 7:49:56 AM
Attachments: [07192023.pdf](#)

Sarah

My name is Randy Crow and I own 730 Matanzas Ct, Ft Myers Beach FL 33931.

I continue to receive multiple property notices from the town with your contact name on them for what appears to be some developer named Samir Malviya from Homebound Technologies. With multiple request for variances for each of the named property.

This latest mailing is referencing Property Owner Notice Case VAR20230062 VAR20230078 VAR20230061. (Notices attached)

I would like this email to serve as my property owner right within 500 feet for the public hearing on August 7, 2023, in full "OBJECTION" do not support this variance request on each of these properties. This is the 6th or 7th set of these notices from this same applicant. Each one is asking for setback changes, lot line adjustments and everything else this person can think of.

As a property owner we lost our home, detached garage and boat house and everything we owned. I have been waiting since March 17, 2023 to get a "PERMIT" to rebuild as the property owner not a developer. I own a 1/3 of acre lot and the Town has put me thru the hoops with regard to setbacks. I have followed the setbacks they put in place and continue to wait for my plan approvals.

I'm NOT in support of some developer who appears to be trying to get control of multiple properties and adjust every setback

requirement for the named properties. I simple wanted to rebuild what I lost, I now have my house 25ft off the water lot line, 10 ft side setbacks and other requirements I have to follow to get approval from zoning. Why would this even be a consideration with a developer looking to manipulate ever piece of property they can modify for rebuild.

I'm against this and my recommendation to the board is to deny all of these request related to Property Owner Notice Case VAR20230062 VAR20230078 VAR20230061.

Please let me know if this email will serve as I can't afford to fly down there for this meeting. If the zoning is going to stand firm for actual property owners they sure should follow the requirements with someone who now has requested over 7 properties be changed to meet their request. This entire process is wrong and I'm against it.

Please verify receipt and if this will serve as my objection to this request.

Randy & Abby Crow
730 Matanzas Ct
Ft Myers Beach FL 33931
231-670-5755

Randy A. Crow
CEO

231-670-5755 Cell
231-755-7855 Direct
231-759-3160 Corporate

rcproductions.com

RC Productions, Inc. Family of Companies



Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

1. **Requested Motion:**

Meeting Date: August 7, 2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VAR20230061, FOUR VARIANCES FROM LDC TABLE 34-3 FOR TWO LOTS, TO DECREASE REQUIRED LOT WIDTH BY 28.75 FEET FROM THE REQUIRED 75 FEET AND LOT AREA BY 2,412.5± SQUARE FEET FROM THE REQUIRED 7,500 SQUARE FEET, IN THE RS ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 4830 CORAL RD; AND PROVIDING FOR AN EFFECTIVE DATE

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' and 7,500 square feet).

What the action accomplishes:

The variance request would allow the lots to be created with non-compliant widths and area.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

5. **Background:**

The applicant is requesting a variance for two lots, from the Town's LDC Table 34-3 which requires that a lot in the RS zoning district have minimum width of 75-feet and a minimum area of 7,500 square feet. When lots 8 and 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. The property contains two dwelling units; the applicant is requesting the variances to create two lots with a single dwelling unit on each parcel.

Attachments:

1. Resolution 23-82, 4830 Coral
2. Staff report
3. Exhibit A - Updated Application
4. Exhibit B - Original Application and Architectural Package
5. Exhibit C - TC postcard

Financial Impact:

N/A

6. **Alternative Action**

Deny the request

7. **Management Recommendations:**

Recommend approval with conditions.

8. **Recommended Approval:**

Kendra Rosa, Zoning Coordinator/Planner 1
Steve Poposki, Community Development Director
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 7/26/2023
Approved - 7/26/2023
Approved - 8/1/2023
Approved - 8/1/2023
Final Approval - 8/1/2023

RESOLUTION 23-82

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VAR20230057, FOUR VARIANCES FROM LDC TABLE 34-3 FOR TWO LOTS, TO DECREASE REQUIRED LOT WIDTH BY 28.75 FEET FROM THE REQUIRED 75 FEET AND LOT AREA BY 2,412.5± SQUARE FEET FROM THE REQUIRED 7,500 SQUARE FEET, IN THE RS ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 4830 CORAL RD; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, applicant Lonne Letteri, on behalf of the Lonne M Letteri Trust, is requesting a variance from LDC Table 34-3 which requires all lots in the RS zoning district to be a minimum of 75 feet wide and have a minimum of 7,500 square feet of lot area.

WHEREAS, the STRAP number for the subject property is 28-46-24-W4-0010A.0080 and is known as Lot 9 and the Southwesterly 39.5 feet of Lot 8 in the Holiday Shores Subdivision; and

WHEREAS, the Property is located in the “Low Density” category of the Future Land Use Map of the Comprehensive Plan and the “Residential Single Family” (RS) zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on June 27, 2023, and at said 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 Section 34-87 of the LDC. The LPA voted 4-3 to recommend approval of the variance; and

WHEREAS, on August 07, 2023 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by 34-87 of the LDC; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve/ approve with conditions/ deny the request.

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

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicant did/ did not meet its burden of proof that the requested Variance does/ does not meet the requirements of the Town Comprehensive Plan and LDC and approving/ approving with conditions/ denying the Variance is in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council APPROVES/ APPROVES WITH CONDITIONS/ DENIES the variance from LDC 34-3 which requires all lots in the RS zoning district to be a minimum of 75 feet wide and a minimum of 7,500 square feet in area.

Section 3. In approving/ approving with conditions/ denying the Variance, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-87 of the LDC:

- A. There are/ are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is/ is not for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- B. The conditions justifying approval of the variance are/ are not the result of actions of the Applicant taken after the adoption of the regulation in question.
- C. The variance is/ is not the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation to the Property.
- D. The granting of the variance will/ will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. The conditions or circumstances on the Property are/ are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Section 4. If the Town Council approves the requested variance, the following conditions of approval are imposed on the Applicant and the Property:

- A. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

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

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King	_____
Bill Veach	_____
Karen Woodson	_____

ADOPTED this 7th day of August 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Gretchen R. H. Vose., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of August 2023.



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20230057

CASE NAME: 4830 Coral Road; requesting four variances from LDC Table 34-3, two variances for minimum lot width and two variances for minimum lot area for the RS zoning district.

TOWN COUNCIL HEARING DATE: August 7, 2023 at 9 AM

LPA HEARING DATE: June 13, 2023 at 9 AM
& June 27, 2023 at 9 AM

STAFF RECOMMENDATION: APPROVE variances for minimum lot width and minimum lot area for two lots in the RS district.

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

I. APPLICATION SUMMARY

Applicant/Owner: Lonnie Letteri on behalf of Lonnie M Letteri Trust

Request: Four variances from LDC Table 34-3 for two lots, to decrease required lot width by 28.75 feet and lot area by 2,412.5± square feet, in the RS zoning district. To allow two lots that will be 46.25 feet wide and have an area of 5,087.5 square feet.

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 total of four variances from the Town's Land Development Code (LDC) Table 34-3 which requires that lots in the RS zoning district have minimum dimensions of 75-feet by 100-feet and a minimum lot area of 7,500 square feet. The request is necessary to allow the division of what is currently combined Lot 9 and the southwesterly 39.5 feet of Lot 8, into two separate parcels.

When Holiday Shores subdivision was platted, Lots 8 & 9 were originally 53-feet wide by 110-feet deep and were later (in 1988) combined into a single lot, with a 13.5-foot wide strip of Lot 8 dedicated to the adjacent lot 7 (4838 Coral Rd). The modifications to the lot boundaries were completed prior to the applicant purchasing the property in 2002.

The property has been maintained with two separate dwelling units since prior to 2002, when the current owner purchased the property. The property record card indicates a date of 1957 for the structures. This property appears to be the only property within the subdivision that includes two dwelling units.

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 with a garage constructed between them. The existing houses do 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.

The two units on the property exceed the allowed Low Density Future Land Use District density of four units per acre. The post-disaster buildback regulations (Sec. 34-3238) allow the replacement of legally constructed buildings that exceed allowable density. This regulation permits the reconstruction of the two homes. The Residential Single-Family zoning district's purpose is to provide stable neighborhoods where single-family detached homes are the predominant land use. Two family homes are not an allowed use in the RS district. The RS zoning district requires lots to be a minimum of 75 feet wide and have an area of 7,500 square feet. Only four lots in the subdivision meet the minimum RS width and square footage.

The minimum use determination (Sec. 34-3274) allows legally platted recorded lots, to be counted as legally buildable lots. However, because of the previous dedication of 13.5-feet to lot 7 (4838 Coral Rd), the applicant cannot recreate lot 8 and lot 9 to the original width of 53 feet and total area of 5,830 square feet. The applicant is requesting variances to lot width and area to allow the current, single 92.5-foot wide lot be split into two lots, each with widths of 46.25-feet and areas of 5,087.5 square feet. These lots will be 6.75 feet narrower than the original platted lots.

Neighborhood Compatibility:

The Holiday Shores Subdivision appears to consist of only single-family dwellings. The subject property consisted of two single family homes on a single parcel. Allowing the parcel to be split into two equal size parcels will create two lots that are 6.75 feet narrower than the original internal lots within the subdivision. The applicant's request to develop two, slightly narrower lots with single-family homes will be more consistent and compatible with the surrounding neighborhood than the previous layout.

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 reduced in width by 13.5 feet prior to the current ownership and has been developed with two homes since approximately 1957. The post-disaster buildback policy allows the reconstruction of the two homes but the RS zoning district does not allow two-family dwellings.

- 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 property dimensions were reduced by 13.5 feet prior to the current owner. Additionally, the property has been developed as a duplex far prior to current ownership. The applicant has not taken any action that resulted in the current situation.

- 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 of equal width and square footage is the minimum variance that will allow the construction of two homes with the least impact to the neighborhood.

- 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 two units. Allowing the construction of two homes on separate parcels will be more compatible with the form of the rest of the neighborhood and zoning district.

- 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.*

This is an uncommon situation, it would not be reasonable to amend the regulations for this instance.

III. RECOMMENDATION

Staff has reviewed the request for four variances from LDC Table 34-3 for a decrease in lot width and lot area, to allow for two lots in the RS zoning district that will be 46.25 feet wide and have an area of 5,087.5± square feet. Staff finds that the variance request meets the requirements set forth in sec. 34-87.

Therefore, staff recommends **APPROVAL** of four variances from LDC Table 34-3 for two lots, to decrease required lot width by 28.75 feet and lot area by 2,412.5± square feet, in the RS zoning district.

At the LPA hearing on June 27th the LPA approved the request with conditions on a four to three vote. The LPA was concerned with the application at that time. They did not feel that the request was complete. Since that time, staff has met with the applicant and received an updated application, requesting a total of 4 variances.

IV. CONDITIONS FOR APPROVAL

Town's LPA and staff recommended conditions of approval are as follows:

- 1) Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

V. EXHIBITS

- A – Updated Application
- B – Original Application
- C – Postcards to Adjacent Neighbors



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 From lot width + lot Area For Both lots
- ☐ 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

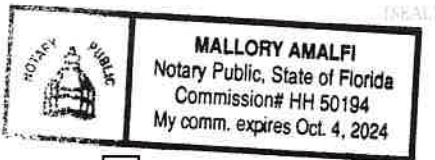
Lonne Letteri

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 FIDC 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): 819

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 |

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:
Authorized Applicant:
LeePA STRAP Number: <i>28-46-24-W4-0010A.0080</i>

Current Property Status: <i>2 lots Combined to 1 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>
<i>2 Variances For lot Width + 2 Variances For lot Area</i>

Complete the narrative statements below for EACH variance requested.

PART I
Narrative Statements

Request for variance from 34-3 (LDC Section number)

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

Asking For Variances For Minimum lot width
& Minimum lot Area in a Single Family
RS Zone For 2 lots

Reasons for request

Explain why the variance is needed:

This Property was Originally Platted as 2
Seperate lots in a RS 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 Encroaching 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 separate lots the way they were originally intended to match the rest of the Neighborhood

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

Currently the 2 Houses on this property are Built Close To the property lines & Neighboring Houses Encroaching on the Current Set Back 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 Previous 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 2 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.



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@embarqmail.com 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

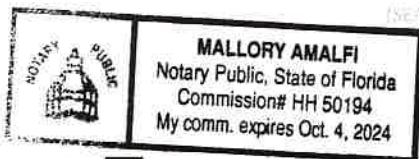
STATE OF FL COUNTY OF Lee

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

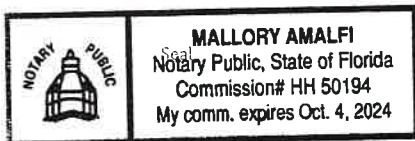
President
Title

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 |

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 ENCRoACHING 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 ENCRoACHING 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 THE 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.

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

A general view of the U.S.O.P. Section 28, T46S, R24E on Estero Island described as follows:

From the beach corner of the fractional subdivision of Section 28 run northwesterly along the south boundary of said section for 1643.7 feet; thence run northwesterly, at measured angle of 159.25 (159° 15' 00") indicated said line to the north of said line, at measured angle of 21° 00' (21° 00' 00") indicated said line to the south of said line, southeasterly to the southeasterly with the last mentioned corner of said Section 28, at measured angle of 100° 00' (100° 00' 00") indicated said line to the south of said line, southeasterly along the center line of Estero Boulevard E 3607.5 feet; thence run northwesterly, at measured angle of 159.25 (159° 15' 00") indicated said line to the north of said line, to the water of Gilaño Bay; thence run northwesterly along said waters to the water of Estero Bay; thence run northwesterly, at an angle of 95.35 (95° 21' 00") indicated said line to the north of said line, southeasterly to the south of said line, southeasterly to the water of Estero Bay; thence run southwesterly along said line for 437 feet on less to the water of Estero Bay.

KNOW ALL MEN BY THESE PRESENTS that Mildred F. Miller and her husband Guy F. 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 herein.

IN WITNESS WHEREOF the owners have hereunto set their hands and seals upon this 14th day of July A.D. 1931.

WITNESS: Carl B. Johnson James H. Miller SEAL
WITNESS: James H. Miller James H. Miller SEAL

STATE OF FLORIDA
COUNTY OF LEE
I HEREBY CERTIFY that on this day, before me, an officer duly authorized to make acknowledgments, personally appeared Mildred F. Miller and her husband G. D. Miller (sic) known to be the persons described in the foregoing instrument, acknowledged to me that they executed the foregoing instrument for the purposes and uses therein mentioned.
Witness my hand and the seal of said County and State this 10th day of July, A.D. 1951.

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

Approved: [Signature] Chairman
D. J. Zarabek
 Clerk

I HEREBY CERTIFY that this plot of HOLIDAY SHORES has been examined by me and from my examination I find that said plot complies in form with the requirements of Chapter 10275, laws of Florida, Acts of 1935.

I FURTHER CERTIFY that said plot was filed for record at 10:36 AM this 21st day of July 1951 and duly recorded in Plat Book No. 5, at Page 33 of the public records of the County of Florida.

Sec 4 of the Circuit Court in 1861 for Law Courts

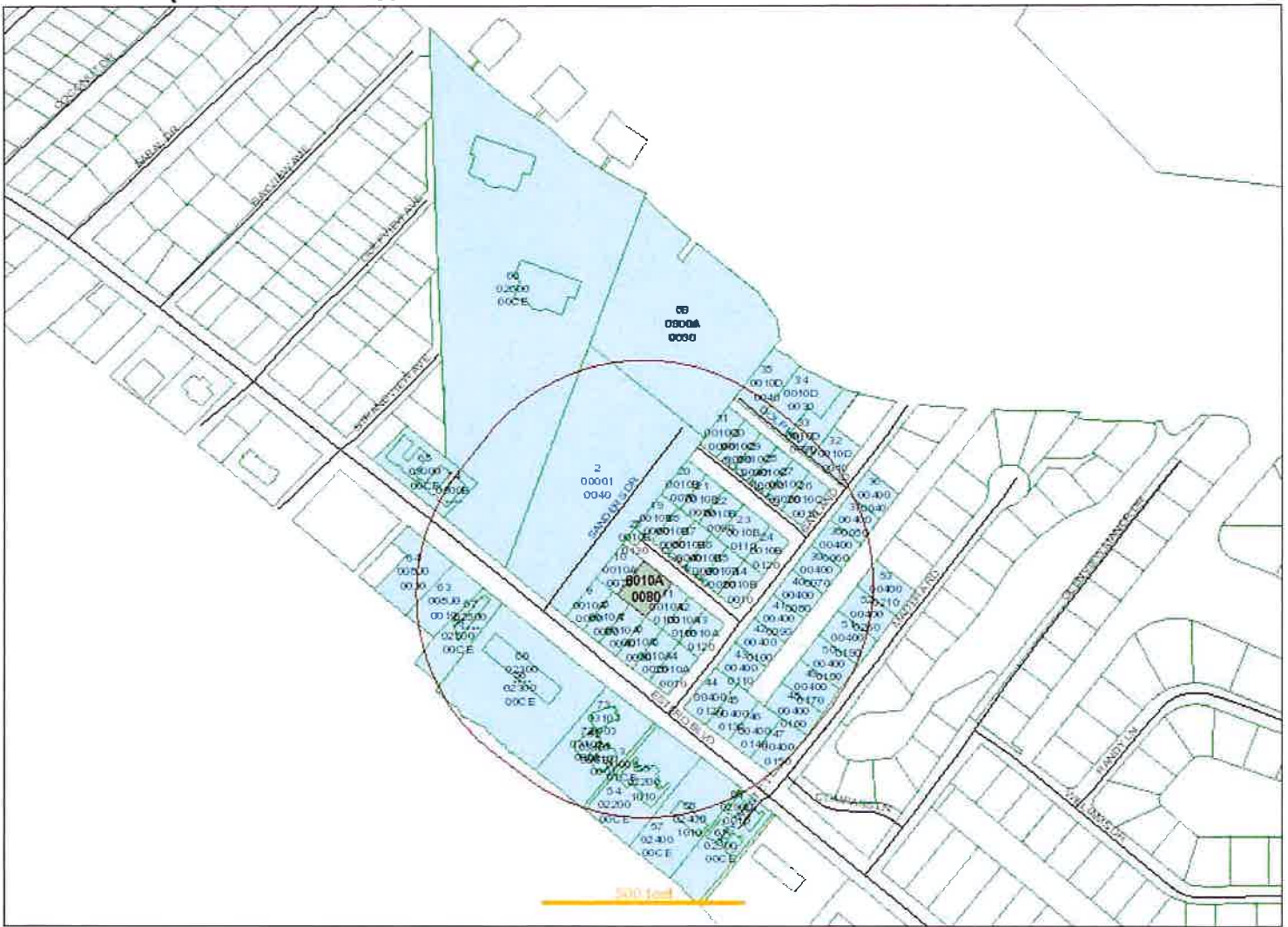
Notes
 — Indicates concrete monument
 Street widths an angle 31-36 except
 for Extra Blvd. which is perpendicular
 width.

I hereby certify that this plot 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.

Ray G. Sullivan
Reg. Land Surveyor, Fla. Cert. No. 391
Jackson & Colburn, Ft. Myers, Florida

1443.7 Sec. 28, T. 46 S., R. 24 E.
GULF HEIGHTS
P.B.G. P. 39
Sec. 33, T. 46 S., R. 24 E.
SE Cor.
Frsg. SW 1/4 Sec. 28

Page 464 of 578



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 SONDRRA 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

PUBLIX SUPER MARKETS INC
EXPENSE PAYABLES LEASE TEAM
PO BOX 32018
LAKELAND FL 33802

ALL FUTURE OWNERS OF LANDS
ESTERO BLVD
FORT MYERS BEACH FL 33931

WHITMORE ROY C TR
55 MADISON AVE
ATHENS OH 45701

MARCHESE FRANK +
PO BOX 901
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 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

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 +
913 S 12TH ST
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

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

PUBLIX SUPER MARKETS INC
EXPENSE PAYABLES LEASE TEAM
PO BOX 32018
LAKELAND FL 33802

ALL FUTURE OWNERS OF LANDS
ESTERO BLVD
FORT MYERS BEACH FL 33931

WHITMORE ROY C TR
55 MADISON AVE
ATHENS OH 45701

MARCHESE FRANK +
PO BOX 901
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 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

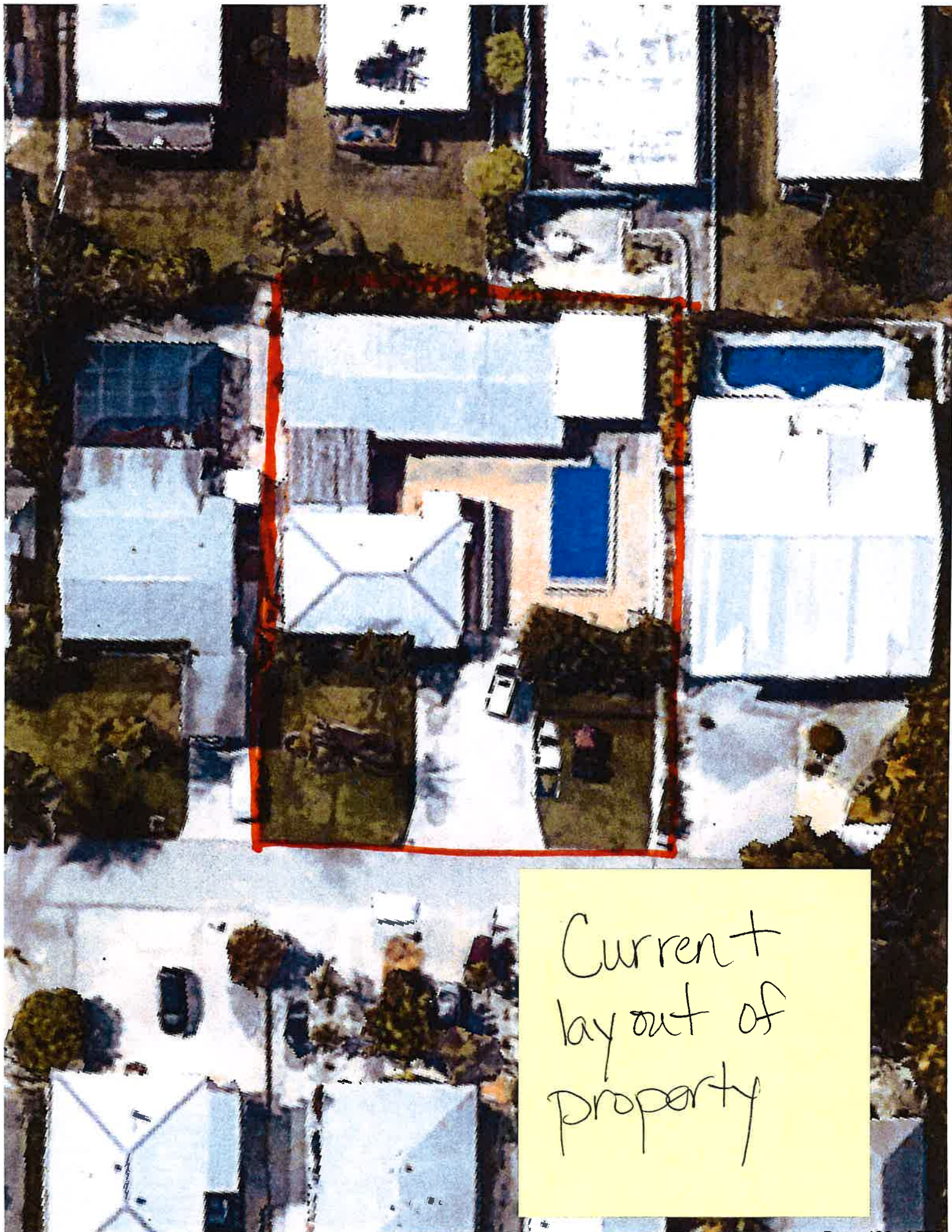
EROSHEVICH RICHARD & TAWNIA
3191 SHELL MOUND BLVD
FORT MYERS BEACH FL 33931

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

[illegible]

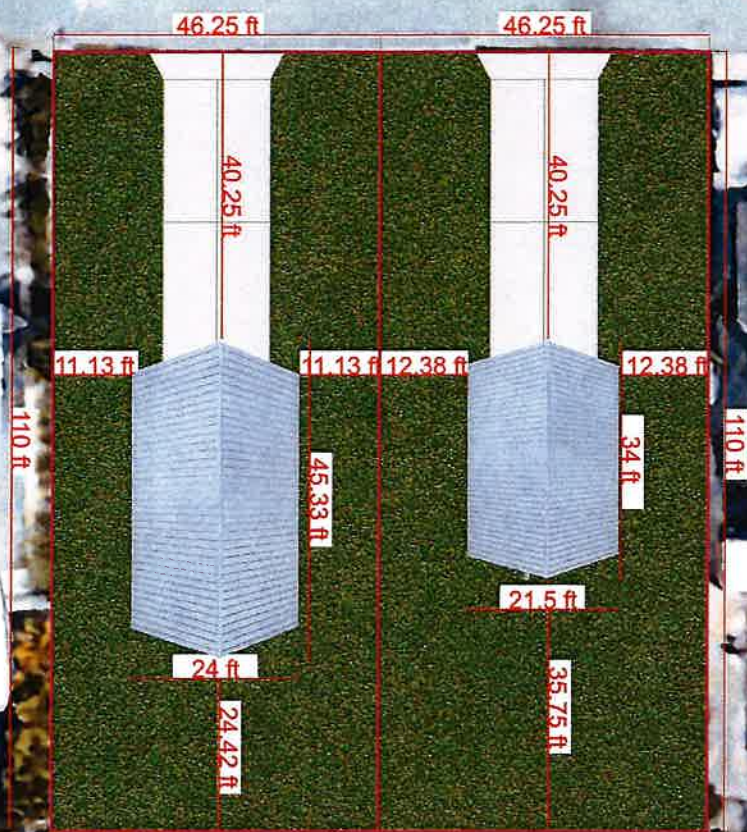


Current
lay out of
property



Proposed property
layout if
variance is
granted

Proposed property
layout if
variance is
granted





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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Town Council 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: August 7, 2023
CASE: VAR 20230057
ADDRESS: 4830 Coral Rd
APPLICANT: Lonne Letteri
REQUEST: The applicant is requesting four variances from LDC Table 34-3 for two lots in the RS zoning district. Two variances from the minimum lot width and two variances for the minimum lot area.

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.



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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Town Council 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: August 7, 2023
CASE: VAR 20230057
ADDRESS: 4830 Coral Rd
APPLICANT: Lonne Letteri
REQUEST: The applicant is requesting four variances from LDC Table 34-3 for two lots in the RS zoning district. Two variances from the minimum lot width and two variances for the minimum lot area.

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.



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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Town Council 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: August 7, 2023
CASE: VAR 20230057
ADDRESS: 4830 Coral Rd
APPLICANT: Lonne Letteri
REQUEST: The applicant is requesting four variances from LDC Table 34-3 for two lots in the RS zoning district. Two variances from the minimum lot width and two variances for the minimum lot area.

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.



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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Town Council 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: August 7, 2023
CASE: VAR 20230057
ADDRESS: 4830 Coral Rd
APPLICANT: Lonne Letteri
REQUEST: The applicant is requesting four variances from LDC Table 34-3 for two lots in the RS zoning district. Two variances from the minimum lot width and two variances for the minimum lot area.

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.

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»

1. **Requested Motion:**

Meeting Date: August 7, 2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20220027 TO ALLOW A SWIMMING POOL CLOSER TO THE ESTERO BOULEVARD STREET RIGHT-OF-WAY LINE THAN THE PRINCIPAL BUILDING FOR THE PROPERTY LOCATED AT 4601 ESTERO BLVD; AND PROVIDING FOR AN EFFECTIVE DATE

Why the action is necessary:

The Town Council decides all variance requests.

What the action accomplishes:

Approval of this variance will allow the applicant to construct a swimming pool in the front yard along Estero Blvd.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

5. **Background:**

The lot is 50 feet wide and 120 feet long. The property is a corner lot at the intersection of Estero Blvd and Strandview Ave. In June 2015, an administrative variance was granted to allow reduction of street setback from 25 feet to 15 feet along Strandview Ave. This allowed the previous property owner to build the present single-family residence.

The Applicant is requesting a variance from LDC 34-1174(b) to construct a swimming pool in the front yard along Estero Blvd.

At the June 27 LPA meeting, LPA unanimously recommended APPROVAL WITH CONDITIONS for this request.

Attachments:

1. Resolution 23-75 4601 Estero Blvd
2. Staff report TC
3. Exhibit A- Variance Application
4. Exhibit B TC postcard
5. Exhibit C - ADM2015-0001

Financial Impact:

unknown

6. **Alternative Action**

Recommend Approval/ Approval with conditions

7. **Management Recommendations:**

Denial

8. **Recommended Approval:**

Kendra Rosa, Zoning Coordinator/Planner 1
Steve Poposki, Community Development Director
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 7/20/2023
Approved - 7/20/2023
Approved - 8/1/2023
Approved - 8/1/2023
Final Approval - 8/1/2023

RESOLUTION NUMBER 23-75

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20220027 TO ALLOW A SWIMMING POOL CLOSER TO THE ESTERO BOULEVARD STREET RIGHT-OF-WAY LINE THAN THE PRINCIPAL BUILDING FOR THE PROPERTY LOCATED AT 4601 ESTERO BLVD; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, applicant Shellie Johnson, on behalf of owners Anthony and Tracey Vuksinic, is requesting a variance from LDC 3434-1174(b) which prohibits location of accessory structures, including pools, closer to the street right-of-way line than the principal building; and

WHEREAS, the STRAP number for the subject property is 29-46-24-W3-0080G.0050; and

WHEREAS, the Property is located in the "Mixed Residential" category of the Future Land Use Map of the Comprehensive Plan and the "Residential Conservation" zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on June 27, 2023, and at said 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 Section 34-87 of the LDC. The LPA voted 7-0 to recommend approval of the variance; and

WHEREAS, on August 07, 2023 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by 34-87 of the LDC; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve/ approve with conditions/ deny the request.

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

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicant did/ did not meet its burden of proof that the requested Variance does/ does not meet the requirements of the Town Comprehensive Plan and LDC and approving/ approving with conditions/ denying the Variance is in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council APPROVES/ APPROVES WITH CONDITIONS/ DENIES the variance from LDC 3434-1174(b) which prohibits location of accessory structures, including pools, closer to the street right-of-way line than the principal building in RC zoning district.

Section 3. In approving/ approving with conditions/ denying the Variance, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-87 of the LDC:

- A. There are/ are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is/ is not for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- B. The conditions justifying approval of the variance are/ are not the result of actions of the Applicant taken after the adoption of the regulation in question.
- C. The variance is/ is not the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation to the Property.
- D. The granting of the variance will/ will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. The conditions or circumstances on the Property are/ are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Section 4. If the Town Council approves the requested variance, the following conditions of approval are imposed on the Applicant and the Property:

- A. The proposed pool setbacks shall be consistent with the street setbacks outlined in the administrative approval ADM2015-0001 or with the LDC regulations applicable at the time of building permit. The final site plan shall be compliant with all other requirements of the LDC.
- B. No structures, including screen enclosures may encroach into the required setbacks.
- C. No fence over 48 inches may be permitted within the required street setback.
- D. A 6-foot-high Type B buffer shall be required between the pool and Estero Blvd.

E. The variance shall only apply to the single-family home as shown on the provided site plan. Alterations or substantial damage to the residential structure and the pool, shall render their respective variances to be null and void.

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

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King	_____
Bill Veach	_____
Karen Woodson	_____

ADOPTED this 7th day of August 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Gretchen R. H. Vose., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of August 2023.



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20220027

CASE NAME: 4601 Estero Boulevard; requesting a variance from LDC 34-1174(b) which prohibits location of accessory structures, including pools, closer to the street right-of-way line than the principal building.

LPA

HEARING DATE: June 27, 2023

TOWN COUNCIL

HEARING DATE: August 07, 2023

STAFF

RECOMMENDATION: DENIAL

LPA RECOMMENDATION: APPROVAL WITH CONDITIONS (unanimous vote)

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

I. APPLICATION SUMMARY

Applicant/Owner: Shellie Johnson, AICP (Applicant)/ Anthony & Tracey Vuksinic (Owner)

Request: Variance from LDC 34-1174(b) which prohibits accessory structures, including pools, closer to the street right-of-way line than the principal building.

Subject property: See attached site plan

Physical Address: 4601 Estero Boulevard

STRAP #: 29-46-24-W3-0080G.0050

FLU: Mixed Residential

Zoning: Residential Conservation (RC)

Adjacent zoning and land uses:

North:	LOW DENSITY Single-Family Residence (RS)
South:	RECREATION Residential Conservation (RC)
East:	MIXED RESIDENTIAL Residential Planned Development (RPD)
West:	MIXED RESIDENTIAL Residential Multifamily (RM)

II. BACKGROUND AND ANALYSIS

Background:

Shellie Johnson, AICP, the applicant for 4601 Estero Boulevard, is requesting a variance from the Town's Land Development Code (LDC) Section 34-1174(b) which prohibits location of accessory structures, including swimming pools, closer to street the right-of-way line than the principal building in RC zoning district.

In June 2015, an administrative variance was granted to allow reduction of the street setback from 25 feet to 15 feet, along Strandview Ave, for the primary structure.

Analysis:

The lot is 50 feet wide and 120 feet long. The property is in the East quadrant of the street intersection formed by Estero Blvd and Strandview Ave. In June 2015, an administrative variance was granted to allow reduction of street setback from 25 feet to 15 feet along Strandview Ave. This allowed the previous property owner to build the existing single-family residence.

The Applicant is requesting a variance from LDC 34-1174(b) to add an accessory structure, a swimming pool, in the front yard along Estero Blvd.

LDC 34-1174 (b) states that accessory structures, including swimming pools, on a single-family lot, shall not be located closer to a street right-of-way line or street easement than the principal building.

The Applicant is proposing a pool of a size and shape that will not fit in the rear yard of the property. The proposed footprint is only possible in the front yard with the

approval of this variance request. The Applicant is proposing a 10-foot-wide vegetated buffer between the pool and Estero Blvd.

Neighborhood Compatibility:

All properties within a 1-mile radius of the subject property appear to comply with LDC 34-1174. In the past years, the town has approved some variances to this code section to allow swimming pools in the front yard. These approvals were mostly for properties with no substantial rear yard or where the principal structure was abutting the coastal construction control line.

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 inherent to the property. The subject property is a corner lot. A smaller pool could be constructed on the East side of the property, which would be consistent with the requirements of Town's LDC. The applicant proposed pool size and shape will only fit within the front yard with approval of this variance request.

- 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. A smaller pool would fit within the LDC allowed rear yard.

- 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.*

Application of LDC Section 34-1174 is consistent for all single-family residences along the right side of Estero Blvd in RC zoning district. No unreasonable burden is caused by the application of this regulation to the subject property.

- 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.

- 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.

III. RECOMMENDATION

Staff has reviewed the request for a variance *from LDC 3434-1174(b) which prohibits location of accessory structures, including pools, closer to street right-of-way line than the principal building in RC zoning district* and found that the variance request does not meet the requirements set-forth in sec. 34-87.

Therefore, staff recommends **DENIAL** of VAR20220027, to permit construction of a pool in the front yard of the single-family residence along Estero Blvd.

At the June 27 LPA meeting, the **LPA unanimously recommended APPROVAL WITH STAFF RECOMMENDED CONDITIONS**, with an amendment to condition 4 where the Type B buffer shall be six feet tall between the pool and the Estero Blvd.; for VAR20220027, to permit construction of a pool in the front yard of the single-family residence along Estero Blvd.

Staff has included one new condition, for Town Council consideration, that was not in the LPA staff report. This condition limits the variance to this specific proposed structure and expires upon demolition or destruction of the proposed home and pool.

IV. CONDITIONS FOR APPROVAL

Town's LPA recommended conditions of approval are as follows:

- 1) The proposed pool setbacks shall be consistent with the street setbacks outlined in the administrative approval ADM2015-0001 or with the LDC regulations applicable at the time of building permit. The final site plan shall be compliant with all other requirements of the LDC.
- 2) No structures, including screen enclosures may encroach into the required setbacks.
- 3) No fence over 48 inches may be permitted within the required street setback.
- 4) A 6-foot-high Type B buffer shall be required between the pool and Estero Blvd.
- 5) The variance shall only apply to the single-family home as shown on the provided site plan. Alterations or substantial damage to the residential structure and the pool, shall render their respective variances to be null and void.

II. EXHIBITS

Exhibit A: Complete Application Packet

Exhibit B: Postcards to Adjacent Property Owners

Exhibit C: Approved ADM 2015-0001

VARIANCE APPLICATION

For:
4601 Estero Blvd, LLC
Vuksinic Residence

4601 Estero Boulevard
Fort Myers Beach, FL
29-46-24-W3-0080G.0050

Variance Request From:
LDC 1174(b)

RESUBMITTAL

Submitted By:
Shellie Johnson, AICP
917 Parkview Drive
Tallahassee, FL 32311

March 2023

1.

APPLICATION & AUTHORIZATION



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: 4601 Estero Boulevard

STRAP Number: 29-46-24-W3-0080G.0050

Applicant: 4601 Estero Blvd LLC / Anthony & Tracey Vuksinic Phone: 630-881-7273

Contact Name: Shellie Johnson, AICP Phone: 239-898-0125

Email: sjohnsonplanner@gmail.com Fax: _____

Current Zoning District: Residential Conservation

Future Land Use Map (FLUM) Category: Mixed Residential

FLUM Density Range: 10 du/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*: Anthony & Tracey Vuksinic Phone: 630-881-6273

**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: 3864 Silver Creek Court, Naperville, IL 60564

Email: tracey.vuksinic@gmail.com / Fax: _____
anthony.vuksinic@gmail.com

Contact Name: _____ Phone: _____



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: Shellie Johnson, AICP Phone: 239-898-0125
Address: 917 Parkview Blvd., Tallahassee, FL 32311
Email: sjohnsonplanner@gmail.com 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 34 - 1174(b)
- ☐ 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

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

Signature

Title

Typed or Printed Name

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: 29-46-24-W3-0080G.0050

Property Address: 4601 Estero Boulevard

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: 7 Page: 20 Unit: _____ Block: G Lot(s): 5

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) 100 feet
Frontage on street: 50 feet. Frontage on waterbody: 0 feet
Total land area: 0.11+/- ☒ acres ☐ square feet

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

From the San Carlos Pass and Estero Boulevard intersection, east approximately 2.3 miles. Northeast corner
property at the intersection of Estero Boulevard and Strandview Avenue.

☒ 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 |

AFFIDAVIT

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

I, Anthony L. Vukosavlje (name), as Manager (title) of 4601 Estero Blvd LLC (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.

4601 Estero Blvd LLC

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

[Signature]

Signature

Anthony L. Vukosavlje

Typed or Printed Name

Manager

Title

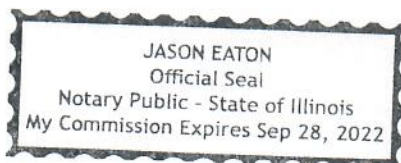
3/22/2022

Date

STATE OF IL COUNTY OF DuPage

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 22 day of March, 2022, by Anthony L. Vukosavlje who is personally known to me or who has produced Drivers License as identification.

Seal



[Signature]
Notary Public Signature

2.

LOCATION MAP

GeoView Map



March 7, 2022

Air Photos: 2021 Hi-Res (4 inch)



Hospital Locations

School Locations



County Boundary



US 41



Parcels Near



Library Locations



School Locations

Major Roads Medium



Other Highways

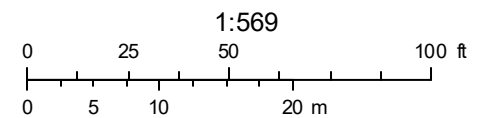


CCC_Parks



I - 75

Other Roads



3.

SURVEY

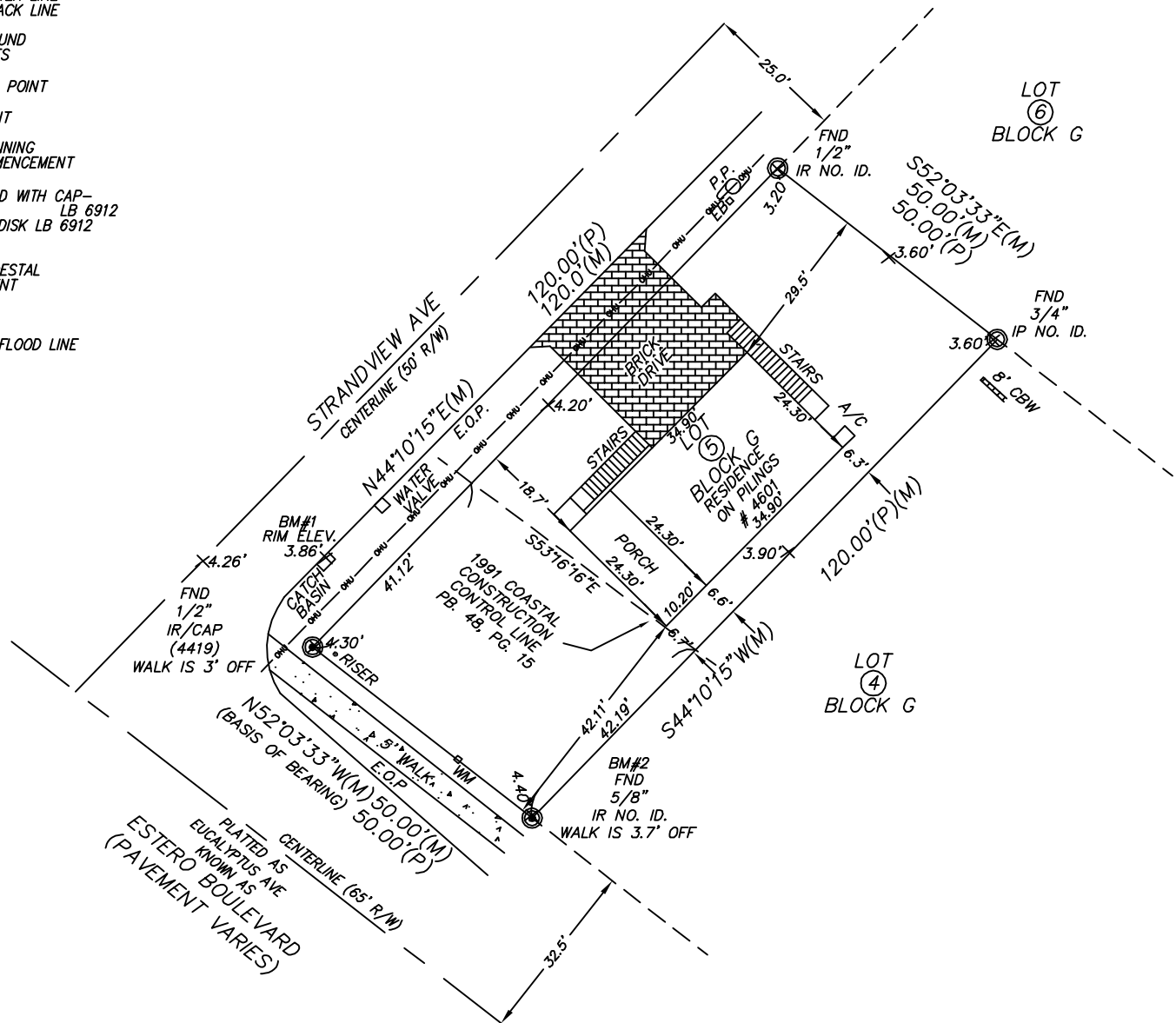
SURVEY OF
4601 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA, 33931



LEGAL DESCRIPTION:

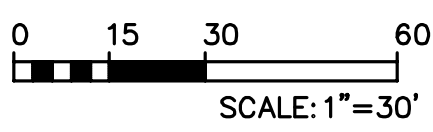
Lot 5, Block G, HYDE PARK, according to the map or plat thereof, recorded in
Plat Book 7, Pages 20, Inclusive of the Public Records of Lee County, Florida.

A/C	AIR CONDITIONER
B.M.	BENCHMARK
(C)	CALCULATED
CB	CABLE BOX
CLF	CHAIN LINK FENCE
CONC	CONCRETE
CSW	CONCRETE SIDEWALK
(D)	DEED
DE	DRAINAGE EASEMENT
DPUE	DRAINAGE/PUBLIC UTILITY EASEMENT
EB	ELECTRIC BOX
EOW	EDGE OF WATER
EP	EDGE OF PAVEMENT
FCIR	FIR CAPPED
FCM	FOUND CONC MONUMENT
FIP	FOUND IRON PIPE
FIR	FOUND IRON ROD
FN	FOUND NAIL
FND	FOUND NAIL AND DISK
FXC	FOUND X CUT
LP	LIGHT POLE
(M)	MEASURED
MHWL	MEAN HIGH WATER LINE
B.S.L.	BUILDING SETBACK LINE
MH	MANHOLE
NCF	NO CORNER FOUND
OHW	OVERHEAD WIRES
O/A	OVER-ALL
P.C.P.	PERMANENT CONTROL POINT
(P)	PLAT
PE	POOL EQUIPMENT
PP	POWER POLE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
R/W	RIGHT OF WAY
SIR	SET 1/2" IRON ROD WITH CAP- LB 6912
SND	SET NAIL AND DISK LB 6912
TOB	TOP OF BANK
TOS	TOE OF SLOPE
TP	TELEPHONE PEDESTAL
UE	UTILITY EASEMENT
WM	WATER METER
WV	WATER VALVE
WDF	WOOD FENCE
MAFL	MEAN ANNUAL FLOOD LINE
EB	ELECTRIC BOX



FEMA MAP 12071C0566F
FLOOD ZONE VE
DATE: 08-28-08
BASE ELEV. 13'

ELEVATIONS SHOWN ARE BASED ON LEE COUNTY BENCHMARK# J-245, NAVD 88 4.0' x = SPOT ELEVATIONS



(C) 2020 BASIS OF BEARINGS IS R/W LINE (USING PLAT BEARING OR ASSUMED) UNLESS NOTED OTHERWISE

FLORIDA ADMINISTRATIVE CODE STATES IF LOCATION OF EASEMENTS OR RIGHTS OF WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR - IF FENCES ARE SHOWN, DISTANCES INDICATE APPROXIMATE DISTANCE ON OR OFF PROPERTY - OVERHANGS AND UNDERGROUND FOUNDATIONS OR UTILITIES HAVE NOT BEEN LOCATED AS PART OF THIS SURVEY.

(1)UNLESS STATED OTHERWISE THIS SURVEY IS AN AS-BUILT SURVEY SHOWING VISIBLE IMPROVEMENTS IN RELATION TO SURVEY MARKERS FOUND

AFFORDABLE
SURVEYS
239-283-1518

3366 STRINGFELLOW ROAD
SAINT JAMES CITY, FL 33956

CERTIFIED EXCLUSIVELY TO:
4601 ESTERO BLVD LLC

I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND CORRECT USING FIELD SURVEY PREPARED UNDER MY DIRECTION AND IS NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

BILL H HYATT
2021.05.19
13:37:33
-04'00'

DATE OF FIELD SURVEY
05-17-2021
BILL HYATT
Surveyor & Mapper Number 4636
LB 6912

FLORIDASURVEYOR@AOL.COM
727-415-8305

AFFORDABLE SURVEY IS OWNED BY KNOW IT NOW, INC., 2011 HEIDELBERG AVENUE, DUNEDIN, FL 34698

Page 517 of 578

4.

SUPPLEMENT PH-B

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: Vuksinic Pool Variance
Authorized Applicant: Shellie Johnson, AICP
LeePA STRAP Number: 29-46-24-W3-0080G.0050

Current Property Status: Single Family Resident
Current Zoning: Residential Conservation
Future Land Use Map (FLUM) Category: Mixed Residential
Comp Plan Density: 10 du/acre Platted Overlay? ☒ Yes ☐ No

Variance is requested from:

LDC Section Number

Title of Section or Subsection

34-1174(b)	Location and Setbacks Generally (Accessory Uses)

Complete the narrative statements below for EACH variance requested.



Case # _____

Date Received: _____

PART I
Narrative Statements

Request for variance from _____ (LDC Section number)

Explain the specific regulation contained in this section from which relief is sought:
See attached narrative.

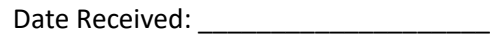
Reasons for request

Explain why the variance is needed:
See attached narrative.

Explain the possible effect the variance, if granted, would have on surrounding properties:
See attached narrative.

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

See attached narrative.



See attached narrative.

5.

PROJECT NARRATIVE

4601 ESTERO BLVD LLC / VUKSINIC POOL VARIANCE REQUEST

REVISED March 2023

The applicant is requesting approval of a variance to allow for construction of a private swimming pool and spa.

The subject property is located at the northeast intersection of Estero Boulevard and Strandview Avenue and is developed with a two-unit residential structure. The property is in the Residential Conservation (RC) zoning district and falls within the Mixed Residential Future Land Use category. It is approximately 0.11 acres in size, or 4,790 square feet. Surrounding properties and uses are shown in Table 1, below.

Table 1

	Future Land Use	Zoning	Land Use
North	Low Density	Residential Single Family (RS)	Single Family
South	Mixed Residential	Residential Conservation (RC)	Estero Blvd., then Publicly-owned, Developed
East	Mixed Residential	Residential Planned Development (RPD)	Multi-family
West	Mixed Residential	Residential Multi-Family (RM)	Strandview Ave., then Undeveloped

The applicant is proposing to construct a private swimming pool forward of the existing residence on the property. The placement of the pool will require a variance from LDC Section 34-1174(b) to allow for placement of the pool in front of the principal structure.

The original application requested additional variances to both street setbacks. However, with the recent Code amendments to these setbacks, the applicant has revised the pool layout to meet the street setbacks, hence the need for only the one variance now being requested.

The existing residence on the property was rebuilt in 2018/2019 and like many residences on the Beach, building placement has resulted in minimal rear and side yards. In this case, the house has been placed 6 feet from the east side property line and approximately 29 feet from the rear (north) property line. The front yard to the west abuts Strandview Avenue and is largely developed with the existing driveway that services the property. The resulting property configuration renders both the side and rear yards undevelopable for a pool with spa and associated deck.

The applicant's initial attempt was to place the pool in the rear yard. However, respecting the rear yard setback of 5 feet, combined with the shortness in depth of the yard does not support the placement in this location. As shown in the attached Rear Yard Analysis diagram, the rear yard pool layout would result in placement of the pool footers underneath the existing stairway that is connected to the house. This layout reflects a pool width of 10'-6". Moving the placement of the footers closer to the rear property line and would result in a pool that is either too narrow to be functional (approximately 5 feet wide) or the need for a reduced rear yard

setback of less than 2 feet. The single family residence on the adjacent property, which abuts the rear yard of the subject property is located in alignment with the only location possible for placement of the pool in the rear yard, potentially adversely impacting the adjoining property through typical activity that is associated with pool use.

The subject property has approximately 2,000 square feet of area located forward of the house and placement in the front yard can meet the applicable yard setbacks (see attached Layout Plan). This location would allow for a larger pool that can better accommodate the inhabitants of two units and provide adequate room for screening/buffering from the two street frontages. Additionally, the needed additional parking could then be placed toward the rear of the house rather than along the more visible area of the front of the house. In this respect, the placement of the pool forward of the house will result in a more aesthetically pleasing improvement to the lot, where the activity of the pool area will be screened and the additional parked cars will be less visually intrusive. Placement forward of the principal structure eliminates the need for any additional variances.

Analysis of Variance Criteria

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

LDC Section 1174(b) prohibits placement of accessory structures closer to a street right-of-way line than the principal building on the property. The subject property is a corner lot with two street frontages and the existing residence on the subject property is located in such a way that placement of the proposed pool in either the rear or side yard cannot be accomplished.

2. Explain why the variance is needed.

As previously mentioned, the placement of the existing residence results in the inability to place the pool in the rear or side yard of the property. The property only has one side yard, as it is a corner lot. The result is the need to place the pool closer to the street(s) than the primary residence.

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

The placement of the pool will not adversely affect surrounding properties. The property to the north of the subject property is separated and buffered by the existing residence. The property to the east contains a substantial vegetative buffer (approximately 15 feet wide) that separates and buffers the adjacent structures from the subject property. The pool will be placed 8 feet from the property line. The pool will be enclosed with a minimum 4-foot high fence.

The remaining two sides abut public rights-of-way and are proposed to be screened with a 10-foot wide buffer area. There are no impacts to adjacent public or private properties.

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

The placement of the existing residence on the subject property results in the side and rear yards being inadequate in size to accommodate a swimming pool due to the need for placement of footers for construction. Moving the pool further north to accommodate the footers would result in a minimal rear yard and the need for an additional variance for this purpose. Because of the proximity of the subject property rear yard to the residence on the

adjacent lot, this option is not ideal as it could adversely impact the adjoining property visually as well as noise commonly associated with pool activity. The property is a corner lot having two street frontages leaving the only location for pool placement forward of the existing residence.

5. Explain how the property qualifies for a variance using the guidelines for decision-making in LDC Section 34-87.

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

There are exceptional and extraordinary circumstances that are inherent to the property. The property development predates today's development standards resulting in a rear yard that is not adequately sized to accommodate a pool without encroachment. Because of the lack of space in the rear and side yards, the only option is to place the pool closer to the street right-of-way than the principal structure on the property. The pool configuration eliminates the need to additional variances and the requested variance is the minimal needed to accommodate a swimming pool on the subject property.

- (2) That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question;

The conditions, as discussed are not the result of any actions taken by the applicant after adoption of the regulations in question.

- (3) That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in questions to his property;

The request is the minimum variance needed to relieve the applicant of burden caused by the regulations in question. The applicant has diligently tried to accommodate the pool within the confines of the regulation but is unable to develop the desired pool without the requested variance.

- (4) That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

The granting of the variance requests will not be injurious to surrounding properties or create any public health, safety or welfare issues. The pool will be enclosed per regulation and buffered from view from the public rights-of-way.

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

The circumstances specific to the subject property are not general in nature and are unique and exceptional to the subject property.

Conclusion

The need for the requested variance is not the result of any action taken by the applicant, as the hardship created is due to the extraordinary conditions of the existing lot configuration, structure placement and exceptional street frontage, all of which substantially reduce flexibility in placement of the swimming pool and the ability to uphold the development standards that apply to the lot today. The applicant has diligently attempted to accommodate the pool in the rear yard of the subject property but due to required construction techniques, is unable to fit a pool in the rear yard. The requested variance is the minimum necessary to construct a pool for the enjoyment of the property owner and guests. Its placement will not adversely affect surrounding properties or public health and safety.

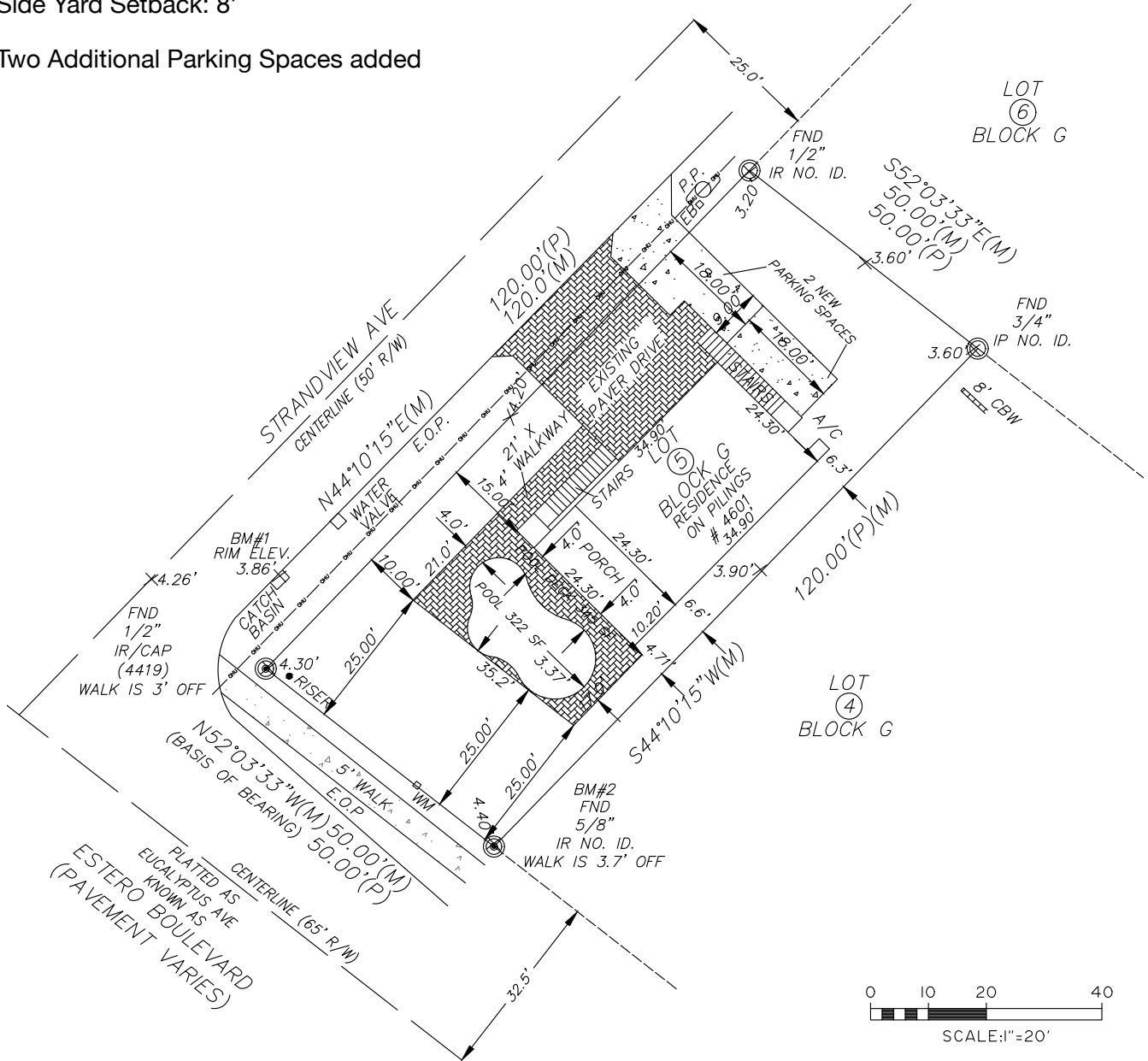
6.

PROPOSED POOL LAYOUT & REAR YARD ANALYSIS

POOL LAYOUT PLAN FOR 4601 ESTERO BLVD. **Revised March 2023**

Estero Blvd. Setback: 25'
 Strandview Ave. Setback: 14'
 Side Yard Setback: 8'

Two Additional Parking Spaces added

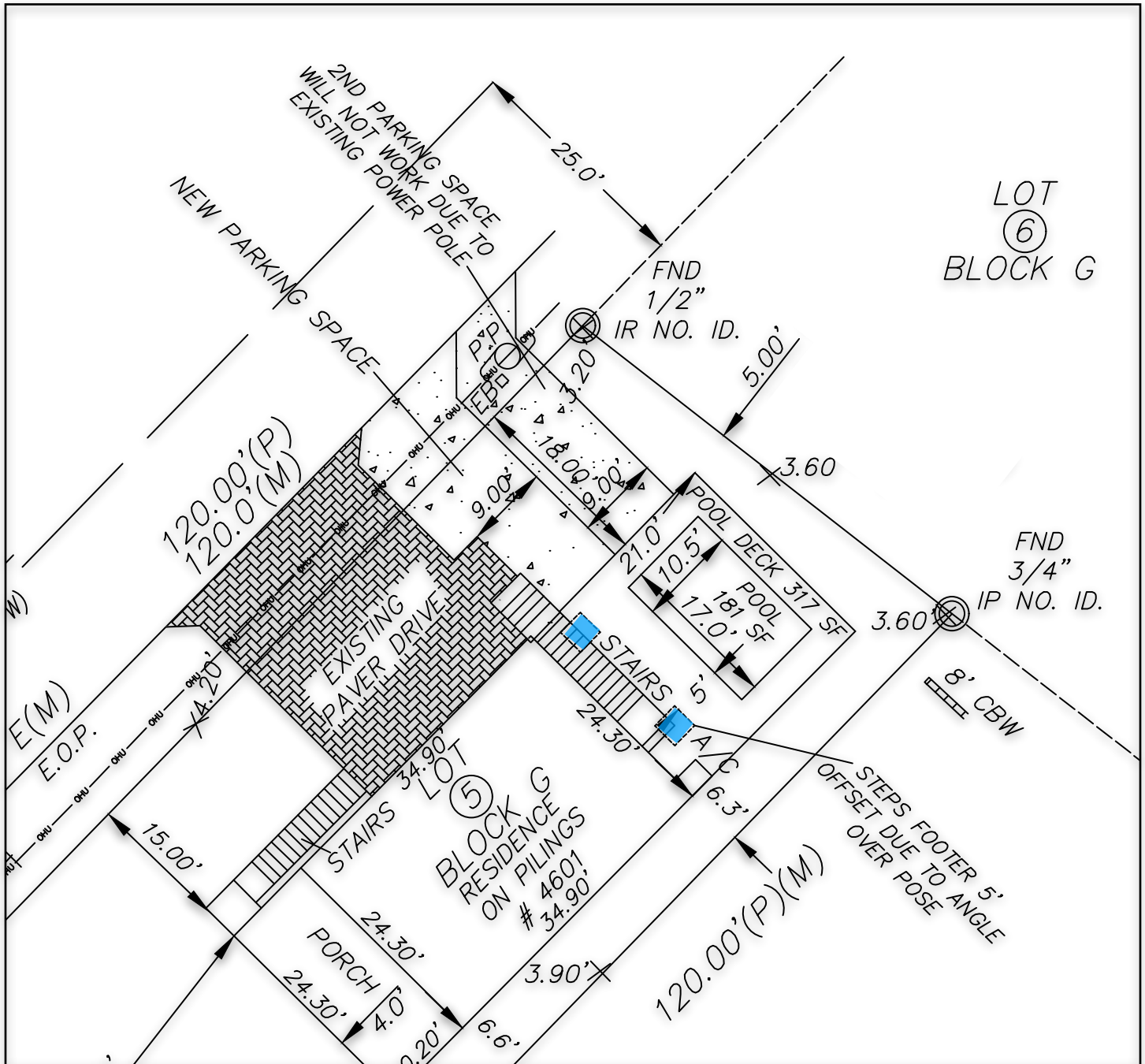


DRAINAGE CALCULATIONS

Total Lot Area: 5,965 SF
 Total Impervious Area
 House Footprint + Pool/Deck + Conc/Driveway + New Parking Area:
 2,523 SF

1,018 s.f./5,965 = 17% Impervious Area Added
 Lot Coverage Formula: 67% for Impervious Area = (0.67) 5,965 SF =
 3,997 SF



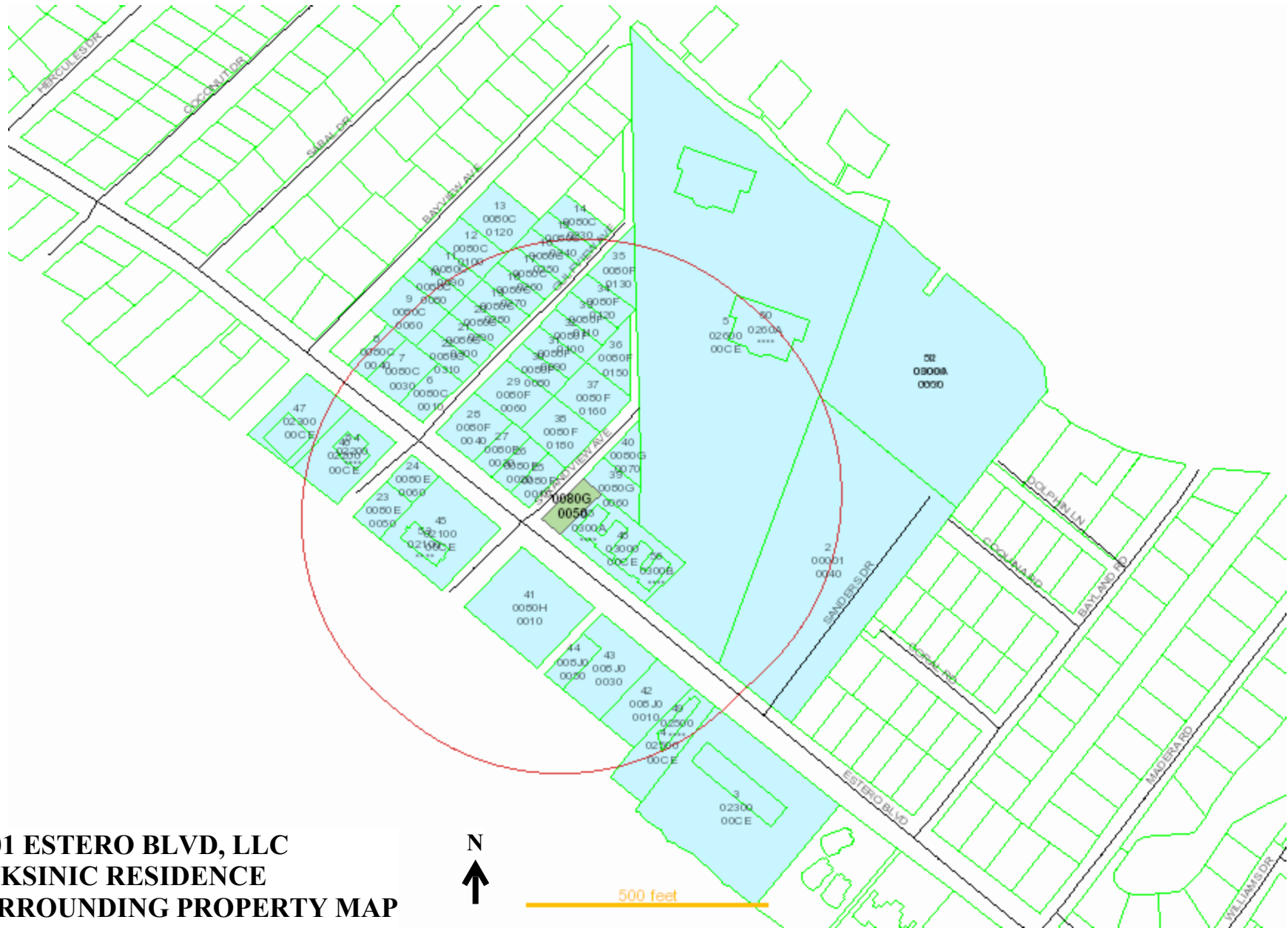


POOL PLACEMENT IN REAR YARD ANALYSIS

4601 Estero Blvd.

7.

SURROUNDING PROPERTIES MAP, LISTS & MAILING LABELS



**4601 ESTERO BLVD, LLC
VUKSINIC RESIDENCE
SURROUNDING PROPERTY MAP**

4601 ESTERO BLVD. SURROUNDING PROPERTY LIST

variancellist																		
Subjects:	Affected: 199	Buffer: 500	Date: 3/23/2022 12:00:00 AM	List Size: 200														
Index	Subject	Folio#	STRAP	OwnerName	OwnerName2	MailAddress	MailAddress2	MailCity	MailState	MailZip	MailCountry	SiteNumber	SiteStreet	SiteUnit	SiteCity	SiteZip	Legal	
0	TRUE	10229960	29-46-24-W3-0080.0050	4601 ESTERO BLVD LLC		3684 SILVER CREEK CT		NAPERVILLE	IL	60564		4601	ESTERO BLVD		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK G PB 7 PG 20-CR-LOT 5	
1	FALSE	10229840	28-46-24-W4-0001.0030	ST SNOOK BIGHT LLC		17350 PRISTON RD STE 220A		DALLAS	TX	75252		4761/4765	ESTERO BLVD		FORT MYERS BEACH	33901	PARLIN SW 1/4 DESC OR 3280 PG 2023	
2	FALSE	10454310	28-46-24-W4-0001.0040	PUBLIC SUPER MARKETS INC	EXPENSE PAYABLES LEASE TEAM	PO BOX 30018		LANDALE	FL	33602		4781	ESTERO BLVD		FORT MYERS BEACH	33901	PAR IN SW 1/4 DESC -<CR-OR 3181 PG 2220	
3	FALSE	10462850	28-46-24-W4-0230.00CE	SEASIDE CONDO	ASSOCIATION	4770 ESTERO BLVD		FORT MYERS BEACH	FL	33901			SEASIDE CONDO C/E		FORT MYERS BEACH	33901	SEASIDE CONDO-CR-COMMON AREA-CR-AS DESC IN OR 1370 PG 413	
4	FALSE	10462854	28-46-24-W4-0250.00CE	SHORES OF FT MYERS BEACH CONDO	ASSOCIATION	221 HILLBROOK DR		SHEPHERDSVILLE	KY	40165			SHORES OF FT MYERS BEACH CONDO C/E		FORT MYERS BEACH	33901	SHORES OF FT MYERS BEACH CONDO-CR-COMMON AREA-CR-DESC IN OR 1584 PG 2287	
5	FALSE	10229021	28-46-24-W4-0260.00CE	OCEAN HARBOR CONDO OF	CONTINENTAL GROUP	6300 PARK OF COMMERCE BLVD		BOCA RATON	FL	33487		4741	ESTERO BLVD		FORT MYERS BEACH	33901	OCEAN HARBOR CONDO PH 1 <-CR-N DESC OR 2285 PG 0538-CR-C/E POOL TENNIS	
6	FALSE	10229920	29-46-24-W3-0080C.0010	ALBERTA PROPERTIES LLC		6130 WELF ST NE		N CANTON	OH	44721		4451	ESTERO BLVD		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK C PB 7 PG 20-CR-LOT 1 - PT 2	
7	FALSE	10229921	29-46-24-W3-0080C.0030	4431 ESTERO LK ESTATE		17513 E PONDOLLY DR		PARKER	CO	80134		4431	ESTERO BLVD		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK C PB 7 PG 20-CR-LOT 3 + WLY 35 FT LOT 2	
8	FALSE	10229922	29-46-24-W3-0080C.0040	ORTTEL STEVEN D		PO BOX 2417		FORT MYERS BEACH	FL	33902		4421	ESTERO BLVD		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK C PB 7 PG 20-CR-LOT 4	
9	FALSE	10229924	29-46-24-W3-0080C.0060	MARY E LLIOTT TRUST +		110 BAYVIEW AVE		FORT MYERS BEACH	FL	33901		110	BAYVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK C PB 7 PG 20-CR-LOTS 6 + 7	
10	FALSE	10229925	29-46-24-W3-0080C.0080	BERNEG JEROME H TR		1424 FOREST DR		PORTAGE	MI	49002		120	BAYVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK C PB 7 PG 20-CR-LOT 8	
11	FALSE	10229926	29-46-24-W3-0080C.0090	OWEN JULIE H TR		1610 FOUR MILE RD		RACINE	WI	53402		128	BAYVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK C PB 7 PG 20-CR-LOT 9	
12	FALSE	10229927	29-46-24-W3-0080C.0100	BERRY JAMIE G		134 BAYVIEW AVE		FORT MYERS BEACH	FL	33901		134	BAYVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK BLK C-CR-PB 7 PG 20 LOT 10 <-CR-SWLY 1/2 OF LOT 11	
13	FALSE	10229928	29-46-24-W3-0080C.0120	TRPMANN RENTALS LLC		9607 SCHWARTZ RD		FORT WAYNE	IN	46835		170	BAYVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK BLK C-CR-PB 7 PG 20 LOT 12 + THE N-CR-E 1/2 OF 11 + SW 1/2 LT 13	
14	FALSE	10229936	29-46-24-W3-0080C.0230	FEICK JAMES A & TERESA A		PO BOX 2488		MUNCIE	IN	47307		123	GULFVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK C PB 7 PG 20-CR-LOT 23	
15	FALSE	10229937	29-46-24-W3-0080C.0240	ANTONACCI STEVEN + JERILYN		121 GULFVIEW AVE		FORT MYERS BEACH	FL	33901		121	GULFVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK C PB 7 PG 20-CR-LOT 24	
16	FALSE	10229938	29-46-24-W3-0080C.0250	MOORE PAMELA A		12082 MOON SHELL DR		MATLACHA ISLE	FL	33961		119	GULFVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK C PB 7 PG 20-CR-LOT 25	
17	FALSE	10229939	29-46-24-W3-0080C.0260	OODNOLD A J +		301 N MAIN ST		SOUTH HADLEY	MA	10175		117	GULFVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK C PB 7 PG 20-CR-LOT 26	
18	FALSE	10229940	29-46-24-W3-0080C.0270	WIDONER MEGAN A +		115 GULFVIEW AVE		FORT MYERS BEACH	FL	33901		115	GULFVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK C PB 7 PG 20-CR-LOT 27	
19	FALSE	10229941	29-46-24-W3-0080C.0280	CASADERA LIA		16030 NW 83RD AVE		MIAMI LAKES	FL	33016		113	GULFVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK C PB 7 PG 20-CR-LOT 28	
20	FALSE	10229942	29-46-24-W3-0080C.0290	DELGADO BROOK A		1237 DARTMOUTH DR		WALNAKEE	WI	53597		111	GULFVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK C PB 7 PG 20-CR-LOT 29	
21	FALSE	10511934	29-46-24-W3-0080C.0300	KNOWL LILL		PO BOX 21861		OKLAHOMA CITY	OK	73156		109	GULFVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK C PB 7 PG 20-CR-LOT 30	
22	FALSE	10474247	29-46-24-W3-0080C.0310	NEWELL WARREN L &		134 PULASKI RD		CALUMET CITY	IL	60409		107	GULFVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK <-CR-BLK C PB 7 PG 20 <-CR-LOT 31	
23	FALSE	10229943	29-46-24-W3-0080C.0050	BOOKER JEFFREY G &		16952 W STATE ROUTE 72		SHANNON	IL	61078		100	GULFVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK BLK E-CR-PB 7 PG 20 LT 5 LES N 20FT-CR-+ W1/2 LT 4 LES N 20 FT	
24	FALSE	10229944	29-46-24-W3-0080C.0060	DOBSON PROPERTIES 4502 LLC		15941 NELSONS CT		FORT MYERS	FL	33908		4502	ESTERO BLVD		FORT MYERS BEACH	33901	N 20 FT OF LT 5 + W 72 FT LT 6 <-CR-N 20 FT OF W 1/2 LT 4	
25	FALSE	10229945	29-46-24-W3-0080C.0010	FUNK MICHAEL T +		1214 SUMMIT AVENUE		LOUISVILLE	KY	40204		4545	ESTERO BLVD		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK F PB 7 PG 20-CR-LOT 1 LESS BEG SE	
26	FALSE	10559733	29-46-24-W3-0080C.0020	COOPER & COMPANY LLC		PO BOX 301		HOWELL	MI	48844		4543	ESTERO BLVD		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK F PB 7 PG 20-CR-LOT 2 LESS BEG SE	
27	FALSE	10559734	29-46-24-W3-0080C.0030	HUTSON GEORGE ALLEN + ALLISON		726 E LEHIGH DR		NAPLES	TN	37821		4541	ESTERO BLVD		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK F PB 7 PG 20-CR-LOT 3 LESS BEG SE	
28	FALSE	10229946	29-46-24-W3-0080C.0040	OCEANIC BLUE RETIRATS LLC		3431 PINE RIDGE RD SITE 101		NAPLES	FL	34109		4501	ESTERO BLVD		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK F PB 7 PG 20-CR-LOTS 4 + 5	
29	FALSE	10229947	29-46-24-W3-0080C.0060	J P ADWANT INVESTMENTS LLC		5760 SPINNAH CANS LN		NAPLES	FL	34119		114	GULFVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK F PB 7 PG 20-CR-LOTS 6 + 7	
30	FALSE	10229948	29-46-24-W3-0080C.0080	LOUGHERMACK JAMES D + ROSEMARIE		15788 SILVERADO CT		FORT MYERS	FL	33908		116	GULFVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK F PB 7 PG 20-CR-LOT 8	
31	FALSE	10229949	29-46-24-W3-0080C.0090	BOURASSA OLGA K TR		247 MIRAMAR ST		FORT MYERS BEACH	FL	33901		118	GULFVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK F PB 7 PG 20-CR-LOT 9	
32	FALSE	10229950	29-46-24-W3-0080C.0100	KISLER RYAN A		6301 BALLETINE PKWE		SPRINGFIELD	OH	45502		120	GULFVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK F PB 7 PG 20-CR-LOT 10	
33	FALSE	10229951	29-46-24-W3-0080C.0110	SCHERFLER WILLIAM + JOANN		122 GULFVIEW AVE		FORT MYERS BEACH	FL	33901		122	GULFVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK F PB 7 PG 20-CR-LOT 11	
34	FALSE	10229952	29-46-24-W3-0080C.0120	GARY CURT BIEDMAKPP TRUST +		695 SHORE RD		SEVERNA PARK	MD	21146		126	GULFVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK F PB 7 PG 20-CR-LOT 12	
35	FALSE	10229953	29-46-24-W3-0080C.0130	SEGER ANTHONY S & JUDY L TR		128 GULFVIEW AVE		FORT MYERS BEACH	FL	33901		128	GULFVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK F PB 7 PG 20-CR-LOTS 13 + 14	
36	FALSE	10229954	29-46-24-W3-0080C.0150	MENDOZA JORGE I & ARLINA I		15133 SW 62ND ST		MIAMI	FL	33193		125	STRANDVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK F PB 7 PG 20-CR-LOT 15	
37	FALSE	10229955	29-46-24-W3-0080C.0160	ANDERSON CAROL A +		4202 PRANDEWIST DR		CARMAGN	IL	61822		121	STRANDVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK F PB 7 PG 20-CR-LOTS 16 + 17	
38	FALSE	10229956	29-46-24-W3-0080C.0180	FUNK MICHAEL T +		1214 SUMMIT AVE		LOUISVILLE	KY	40204		115	STRANDVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK F PB 7 PG 20-CR-LOTS 18 + 19 + BEG SE COR	
39	FALSE	10229961	29-46-24-W3-0080C.0080	DIGENS HELEN L		3908 ZARING MILL CT		LOUISVILLE	KY	40241		112	STRANDVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK G PB 7 PG 20 LOT 6-CR-+ SWLY 5 FT OF LOT 7	
40	FALSE	10229962	29-46-24-W3-0080C.0070	LONG STEVEN + MARCIA		6171 S VICKERYVILLE RD		SHERIDAN	MI	48884		128	STRANDVIEW AVE		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK G PB 7 PG 20-CR-LOT 7 LESS SWLY 5 FT	
41	FALSE	10229963	29-46-24-W3-0080A.0010	TOWN OF FORT MYERS BEACH	FINANCE DEPT	2525 ESTERO BLVD		FORT MYERS BEACH	FL	33901		4650	ESTERO BLVD		FORT MYERS BEACH	33901	HYDE PARK-CR-BLK H PB 7 PG 20-CR-LOTS 1 THRU 6	
42	FALSE	10229966	29-46-24-W3-0080B.0010	SYSTEMS MANAGEMENT LLC		PO BOX 526		LAVONIA	GA	30553		4730	ESTERO BLVD		FORT MYERS BEACH	33901	HYDE PARK BLK J PB7 PG20-CR-PT LTS 1-2-3-4-6-PAR IN SEC-CR-28 DESC OR 1288 PG 1181	
43	FALSE	10229967	29-46-24-W3-0080B.0030	METCALFE NICK & CLAUDIA		4700 ESTERO BLVD		FORT MYERS BEACH	FL	33901		4600/4700	ESTERO BLVD		FORT MYERS BEACH	33901	HYDE PARK BLK J-CR-PB 7 PG 20-CR-LOTS 3 + 4 + 6	
44	FALSE	10229968	29-46-24-W3-0080B.0050	PUGLIESE JOSEPH A		4660 ESTERO BLVD		FORT MYERS BEACH	FL	33901		4660	ESTERO BLVD		FORT MYERS BEACH	33901	HYDE PARK BLK J-CR-PB 7 PG 20-CR-LOT 5	
45	FALSE	10462857	29-46-24-W3-0210.00CE	STRANDVIEW TOWER CONDO	SENTRY MGMT INC	2180 W STATE ROAD 434 SITE 5000		LONGWOOD	FL	32779		4562	ESTERO BLVD		FORT MYERS BEACH	33901	STRANDVIEW TOWER CONDO-CR-COMMON AREA-CR-RECORDED OR 1171 PG 211	
46	FALSE	10462858	29-46-24-W3-02200.00CE	VILLA DEL MAR CONDO	BOBACK COMMERCIAL GROUP	STE 203		FORT MYERS	FL	33966		4452	ESTERO BLVD		FORT MYERS BEACH	33901	VILLA DEL MAR CONDO-CR-COMMON AREA-CR-OR1237/1279 OR2922/2420	
47	FALSE	10230023	29-46-24-W3-02300.00CE	CASCADES CONDO ASSN		4400 ESTERO BLVD		FORT MYERS BEACH	FL	33901		4402	ESTERO BLVD		FORT MYERS BEACH	33901	CASCADES CONDO-CR-DESC OR BK 1485 PG 228-CR-CE-POOL	
48	FALSE	10546586	29-46-24-W3-03000.00CE	WHITE CAP CONDOMINIUM ASSN INC		12230 CHATEAU CT		FIAMERS	IN	46037			WHITE CAP CONDOMINIUM C/E		FORT MYERS BEACH	33901	WHITE CAP CONDOMINIUM-CR-DESC IN INST#2007-216342-CR-COMMON ELEMENT	
49	FALSE	10229012	28-46-24-W4-02500.1010	BML INVESTMENT GROUP LLC		5820 SW 89RD PL		FISHERS	IL	31713		4750	ESTERO BLVD		101	FORT MYERS BEACH	33901	SHORES OF FT MYERS BEACH-CR-CONDO OR 1584 PG 2287-CR-UNIT 101
50	FALSE	10229013	28-46-24-W4-02500.1020	CAMPBELL BRIAN + NANCY		221 HILLBROOK DR		SHEPHERDSVILLE	KY	40165		4750	ESTERO BLVD		102	FORT MYERS BEACH	33901	SHORES OF FT MYERS BEACH-CR-CONDO OR 1584 PG 2287-CR-UNIT 102
51	FALSE	10229014	28-46-24-W4-02500.1030	D I H GERMAN LAUNDRY SERVICE L	KOEHNER INTERNATIONAL INC	949 TAMMAM TRL STE 208		FORT CHARLOTTE	FL	33953		4750	ESTERO BLVD		103	FORT MYERS BEACH	33901	SHORES OF FT MYERS BEACH-CR-CONDO OR 1584 PG 2287-CR-UNIT 103
52	FALSE	10229015	28-46-24-W4-02500.1040	BALDRIDGE KAREN ANN		2337 BUTTERFLY PALM DR		NAPLES	FL	34119		4750	ESTERO BLVD		104	FORT MYERS BEACH	33901	SHORES OF FT MYERS BEACH-CR-CONDO OR 1584 PG 2287-CR-UNIT 104
53	FALSE	10229016	28-46-24-W4-02500.2010	SOYKA JOANN M TR		6358 SAINT ANDREWS CIRCLE S		FORT MYERS	FL	33919		4750	ESTERO BLVD		201	FORT MYERS BEACH	33901	SHORES OF FT MYERS BEACH-CR-CONDO OR 1584 PG 2287-CR-UNIT 201
54	FALSE	10229017	28-46-24-W4-02500.2020	SHELLEY MARY J		1211 S DUCHESNE DR		SAINT CHARLES	MO	63301		4750	ESTERO BLVD		202	FORT MYERS BEACH	33901	SHORES OF FT MYERS BEACH-CR-CONDO OR 1584 PG 2287-CR-UNIT 202
55	FALSE	10229018	28-46-24-W4-02500.2030	CLUGH THOMAS ENTERPRISES LLC		1623 EAST 430 SOUTH		LAFAYETTE	LA	71909		4750	ESTERO BLVD		203	FORT MYERS BEACH	33901	SHORES OF FT MYERS BEACH-CR-CONDO OR 1584 PG 2287-CR-UNIT 203
56	FALSE	10229019	28-46-24-W4-02500.2040	OSTENDORF DONALD T &		27530 RICHVIEW CT		BONITA SPRINGS	FL	34135		4750	ESTERO BLVD		204	FORT MYERS BEACH	33901	SHORES OF FT MYERS BEACH-CR-CONDO OR 1584 PG 2287-CR-UNIT 204
57	FALSE	10229022	28-46-24-W4-0260A.0101	RUSS GERADETTE TR		1151 S RANCON DR		LOCKPORT	IL	60441		4745	ESTERO BLVD		101	FORT MYERS BEACH	33901	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 101
58	FALSE	10229023	28-46-24-W4-0260A.0102	SPENCER THOMAS R &		28241 ISLETT TRAIL		BONITA SPRINGS	FL	34135		4745	ESTERO BLVD		102	FORT MYERS BEACH	33901	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 102
59	FALSE	10229024	28-46-24-W4-0260A.0103	LEATHERMAN JERRY M TR		21863 E HERITAGE PKWY		AURORA	CO	80016		4745	ESTERO BLVD		103	FORT MYERS BEACH	33901	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 103</

50	FALSE	10229042	28-46-24-W4-0260A.0501	SLOMER PAUL JR & NICOLE J		7034 FORREST TRAIL		BUTLER	PA	16002		4745	ESTERO BLVD	501	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 501
50	FALSE	10229043	28-46-24-W4-0260A.0502	BONITO RAYMOND J & BETTY J		4745 ESTERO BLVD #502		FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	502	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 502/CCPT #41
50	FALSE	10229044	28-46-24-W4-0260A.0503	BOERMAN EDWIN J + JANIS L TR		613 BERNSHIRE CT		DOWNERS GROVE	IL	60516		4745	ESTERO BLVD	503	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 503/CCPT #45
50	FALSE	10229045	28-46-24-W4-0260A.0504	FOGELSON BEVERLY KAY TR		4745 CHATERO BLVD #504		FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	504	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 504
50	FALSE	10229046	28-46-24-W4-0260A.0505	DEUSIE JEFFREY T &		1615 CHATHAM AVE		ARDEN HILLS	MN	55112		4745	ESTERO BLVD	505	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 505
50	FALSE	10229047	28-46-24-W4-0260A.0601	SPECTRUM JANITORIAL		PO BOX 336		INDIANAPOLIS	IN	46206		4745	ESTERO BLVD	601	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 601
50	FALSE	10229048	28-46-24-W4-0260A.0602	BANDY LYNN L & ANNE MARIE		4745 ESTERO BLVD # 602		FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	602	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 602
50	FALSE	10229049	28-46-24-W4-0260A.0603	ABBS SCOTT E & KATHY L		731 E NORTHSORE DR		SYRACUSE	IN	46567		4745	ESTERO BLVD	603	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 603
50	FALSE	10229050	28-46-24-W4-0260A.0604	RAHM DONALD C TR		4745 ESTERO BLVD #604		FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	604	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 604/CCPT #40
50	FALSE	10229051	28-46-24-W4-0260A.0605	HEENEY PATRICK R & LYNN A		448 MATSON RD		LIGNIER	PA	15658		4745	ESTERO BLVD	605	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 605
50	FALSE	10229052	28-46-24-W4-0260A.0701	WELLS THOMAS C + JANICE B		4745 ESTERO BLVD #701		FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	701	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 701 + GAR
50	FALSE	10229053	28-46-24-W4-0260A.0702	MANZKE MICHAEL S & WENDY L TR		N29 W02611 PETERSON DR		PEWaukee	WI	53072		4745	ESTERO BLVD	702	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 702/CCPT #43
50	FALSE	10229054	28-46-24-W4-0260A.0703	BROWN JOSEPH SCOTT + LELA M		12524 RIVENDELL DR		KNOXVILLE	TN	37922		4745	ESTERO BLVD	703	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 703/CCPT #29
50	FALSE	10229055	28-46-24-W4-0260A.0704	JACKSON JAY R + PATRICIA S		2827 WOODHOLLOW TRL		FORT WAYNE	IN	46825		4745	ESTERO BLVD	704	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 704
50	FALSE	10229056	28-46-24-W4-0260A.0705	STILLWAGON DENNIS &		4745 ESTERO BLVD # 705		FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	705	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 705
50	FALSE	10229057	28-46-24-W4-0260A.0801	MESSNEO JAMES JOSEPH TR		1812 ALTA DR		VOLO	IL	60020		4745	ESTERO BLVD	801	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 801
50	FALSE	10229058	28-46-24-W4-0260A.0802	BEACH GERALD & REBECCA		2229 NORCROST AVENUE NORTH		STILLWATER	MN	55082		4745	ESTERO BLVD	802	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 802
50	FALSE	10229059	28-46-24-W4-0260A.0803	NORCA GERARDO & JOSEPHINE		4745 ESTERO BLVD #803		FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	803	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 803
50	FALSE	10229060	28-46-24-W4-0260A.0804	RYND DANNY JAMES &		3446 E SHORE DR		PORTAGE	MI	48927		4745	ESTERO BLVD	804	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 804/CCPT #44
50	FALSE	10229061	28-46-24-W4-0260A.0805	ROLLEY NANCY V		9365 BALTUSOL CT		SANBELL	FL	33967		4745	ESTERO BLVD	905	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 905
50	FALSE	10229062	28-46-24-W4-0260A.0901	HALLBERG JOSEPH W &		9 WHITE PINE RD		NORTH OAKS	MN	55137		4745	ESTERO BLVD	901	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 901
50	FALSE	10229063	28-46-24-W4-0260A.0902	CIOCCA CHRISTOPHER &		7801 YOUNG RD		FORT WAYNE	IN	46805		4745	ESTERO BLVD	902	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 902
50	FALSE	10229064	28-46-24-W4-0260A.0903	FLORA DAVID TR		4745 ESTERO BLVD # 903		FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	903	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 903
50	FALSE	10229065	28-46-24-W4-0260A.0904	HUEY SUSAN R TR +		4745 ESTERO BLVD #904		FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	904	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 904
50	FALSE	10229066	28-46-24-W4-0260A.0905	KRONENBERGER DALE L + DENISE M		4745 ESTERO BLVD #905		FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	905	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 905
50	FALSE	10229067	28-46-24-W4-0260A.1001	CRIEL DAVID F & DANIE C L/E		478 N MCCARPONS BLVD		ROSEVILLE	MN	55113		4745	ESTERO BLVD	1001	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1001/CCPT #84
50	FALSE	10229068	28-46-24-W4-0260A.1002	BYRAY LAURENCE J TR		4745 ESTERO BLVD #1002		FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	1002	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1002
50	FALSE	10229069	28-46-24-W4-0260A.1003	HAMILTON ALETA F TR		1504 STONY CREEK DR		ROCHESTER	MI	48307		4745	ESTERO BLVD	1003	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1003
50	FALSE	10229070	28-46-24-W4-0260A.1004	SORICE MICHAEL T & SYLVIA E		38 SEACATOGUE LN E		WEST SLIP	NY	11795		4745	ESTERO BLVD	1004	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1004
50	FALSE	10229071	28-46-24-W4-0260A.1005	APRUZZESE MARIO D + PETRINA M		2248 SOUTH SHORE CT		ROCHESTER HILLS	MI	48307		4745	ESTERO BLVD	1005	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1005
50	FALSE	10229072	28-46-24-W4-0260A.1101	FUHR MICHAEL A		1525 14TH AVE NW		Saint PAUL	MN	55112		4745	ESTERO BLVD	1101	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1101
50	FALSE	10229073	28-46-24-W4-0260A.1102	HARDER CYNTHIA A TR		4745 ESTERO B LVD # 1102		FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	1102	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1102
50	FALSE	10229074	28-46-24-W4-0260A.1103	CAPUA RONALD TR		4745 ESTERO BLVD #1103		FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	1103	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1103
50	FALSE	10229075	28-46-24-W4-0260A.1104	ARNTSEN SHARON M & GENE R TR		4745 ESTERO BLVD #1104		FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	1104	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1104
50	FALSE	10229076	28-46-24-W4-0260A.1105	ALLSHOUSE BRUCE A + BONNIE Y		4745 ESTERO BLVD # 1105		FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	1105	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1105/CCPT #78
50	FALSE	10229077	28-46-24-W4-0260A.1201	LEWIS DAVID C +		4745 ESTERO BLVD #1201		FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	1201	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1201
50	FALSE	10229078	28-46-24-W4-0260A.1202	DAVIS MARK E + MARY A		PO BOX 558		Saint PETER	MN	56082		4745	ESTERO BLVD	1202	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1202 + CCPT#42
50	FALSE	10229079	28-46-24-W4-0260A.1203	ROMANSKI ROGER TR		512 BRENTWOOD		WISCONSIN RAPIDS	WI	54484		4745	ESTERO BLVD	1203	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1203
50	FALSE	10229080	28-46-24-W4-0260A.1204	PARKER ROBERT M TR		1102 DAVISON WALK		SPRING HILL	TN	37174		4745	ESTERO BLVD	1204	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538 BLDG A UNIT 1204/CCPT #38
50	FALSE	10229081	28-46-24-W4-0260A.1205	PROPERTIES OF FLORIDA INC		56199 SUMMIT DR		SHELBY TOWNSHIP	MI	48316		4745	ESTERO BLVD	1205	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1205
50	FALSE	10229082	28-46-24-W4-0260A.1401	ROSTICKE MARILYN J TR		4745 ESTERO BLVD APT 1401	#1505	FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	1401	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1401/CCPT #74
50	FALSE	10229083	28-46-24-W4-0260A.1402	HALL BRINLEY M + ANN E		4745 ESTERO BLVD #1402		FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	1402	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1402
50	FALSE	10229084	28-46-24-W4-0260A.1403	VAN ERT WAYNE TR		4745 ESTERO BLVD #1403		FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	1403	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1403
50	FALSE	10229085	28-46-24-W4-0260A.1404	MORGAN RONALD A + MARY TR		4753 ESTERO BLVD # 903		FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	1404	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1404
50	FALSE	10229086	28-46-24-W4-0260A.1405	WILLIAMS CHARLES A &		3015 WOOD DUCK LN SE		ADA	MI	49301		4745	ESTERO BLVD	1405	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1405
50	FALSE	10229087	28-46-24-W4-0260A.1501	LOOMIS CLIFFORD R + LINDA A TR		1840 CANDLEWOOD LN		RICHFIELD	WI	53076		4745	ESTERO BLVD	1501	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1501
50	FALSE	10229088	28-46-24-W4-0260A.1502	LOOMIS CLIFFORD R + LINDA A TR		1840 CANDLEWOOD LN		RICHFIELD	WI	53076		4745	ESTERO BLVD	1502	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1502
50	FALSE	10229089	28-46-24-W4-0260A.1503	HUMIRA MICHAEL F + DONNA M TR		4745 ESTERO BLVD #1503		FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	1503	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1503
50	FALSE	10229090	28-46-24-W4-0260A.1504	COYLE MARIANNE TR		4745 ESTERO BLVD # 1504A		FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	1504	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1504
50	FALSE	10229091	28-46-24-W4-0260A.1505	CARLING-KELLY TERRY		4745 ESTERO BLVD		FORT MYERS BEACH	FL	33931		4745	ESTERO BLVD	1505	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1505
50	FALSE	10229092	28-46-24-W4-0260A.1601	HUCK JOSEPH A + DONNA F		10860 FLORIDA RD		FORTVILLE	IN	46040		4745	ESTERO BLVD	1601	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1601 GAR #99
50	FALSE	10229093	28-46-24-W4-0260A.1602	BULEMAN GEORGE DONALD JR		1485 S MAIN ST		MEDINA	NY	11103		4745	ESTERO BLVD	1602	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1602
50	FALSE	10229094	28-46-24-W4-0260A.1603	PKT TOPPMANN PROPERTIES LLC		9009 GOLDWATER RD		FORT WAYNE	IN	46825		4745	ESTERO BLVD	1603	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1603 GAR #102
50	FALSE	10229095	28-46-24-W4-0260A.1604	ATHANASIOU DEMETRIOS E &		17990 MISSION POINTE		NORTHVILLE	MI	48168		4745	ESTERO BLVD	1604	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1604
50	FALSE	10229096	28-46-24-W4-0260A.1605	STEIN NANCY G +		7550 WHISPERS FARM TRAIL		CLEVELAND	OH	44002		4745	ESTERO BLVD	1605	FORT MYERS BEACH	33991	OCEAN HARBOR-CR-OR 2285 PG 0538-CR-BLDG A UNIT 1605/GAR #112
50	FALSE	10229097	28-46-24-W4-0260A.1606	Q T HOLDINGS LLC		6609 WINNETKA AVE N		BROOKLYN PARK	MN	55428		4745	ESTERO BLVD	1606	FORT MYERS BEACH	33991	SNOOK BIGHT MARINA DRY RACK CONDO-CR-AS DESC IN INST# 2008000219575-CR-AIRSPR
50	FALSE	10229098	28-46-24-W4-0260A.0106	BOAT MASTERS MARINE INC		5290 MANCHESTER RD		AKRON	OH	44319		4745	ESTERO BLVD	106	FORT MYERS BEACH	33991	SNOOK BIGHT MARINA DRY RACK CONDO-CR-AS DESC IN INST# 2008000219575-CR-AIRSPR
50	FALSE	10229099	28-46-24-W4-0260A.0107	MARTINELLI LAWRENCE A JR		8021 COMPART SLE DR		NAPLES	FL	34113		4745	ESTERO BLVD	107	FORT MYERS BEACH	33991	SNOOK BIGHT MARINA DRY RACK CONDO-CR-AS DESC IN INST# 2008000219575-CR-AIRSPR
50	FALSE	10229100	28-46-24-W4-0260A.0108	ST SNOOK BIGHT LLC		17330 PRESTON RD STE 220A		DALLAS	TX	75252		4745	ESTERO BLVD	108	FORT MYERS BEACH	33991	SNOOK BIGHT MARINA DRY RACK CONDO-CR-AS DESC IN INST# 2008000219575-CR-AIRSPR
50	FALSE	10229101	28-46-24-W4-0260A.0109														

53	FALSE	10229987	29-46-24-W3-02100.2030	ESPINOLA DAVID M + LUCIA M		15 RINZEE RD		DRACUT	MA	1806		4560	ESTERO BLVD	203	FORT MYERS BEACH	33991	STRANDVIEW TOWER CONDO-CR-OR 1171 PG 211-CR-UNIT 203
53	FALSE	10229988	29-46-24-W3-02100.2040	VIRGINIA A SCHOCK TRUST +		806 BANNOCK DR		DUNDEE	IL	60118		4560	ESTERO BLVD	204	FORT MYERS BEACH	33991	STRANDVIEW TOWER CONDO-CR-OR 1171 PG 211-CR-UNIT 204
53	FALSE	10229989	29-46-24-W3-02100.3010	MARLOW JULIE MARIE TR		4560 ESTERO BLVD #301		FORT MYERS BEACH	FL	33991		4560	ESTERO BLVD	301	FORT MYERS BEACH	33991	STRANDVIEW TOWER CONDO-CR-OR 1171 PG 211-CR-UNIT 301
53	FALSE	10229990	29-46-24-W3-02100.3020	KEITH STEVEN R + KIMBRA A		4749 FONTANA RD		WEST BEND	WI	53095		4560	ESTERO BLVD	302	FORT MYERS BEACH	33991	STRANDVIEW TOWER CONDO-CR-OR 1171 PG 211-CR-UNIT 302
53	FALSE	10229991	29-46-24-W3-02100.3030	DAVIS DENNIS		4560 ESTERO BLVD #303		FORT MYERS BEACH	FL	33991		4560	ESTERO BLVD	303	FORT MYERS BEACH	33991	STRANDVIEW TOWER CONDO-CR-OR 1171 PG 211-CR-UNIT 303
53	FALSE	10229992	29-46-24-W3-02100.3040	WILSON SUSAN		1655 PLACE DES RAVINS		ORLEANS	ON	K1C 6H4 CANADA		4560	ESTERO BLVD	304	FORT MYERS BEACH	33991	STRANDVIEW TOWER CONDO-CR-OR 1171 PG 211-CR-UNIT 304
53	FALSE	10229993	29-46-24-W3-02100.4010	PREFERRED ASSETS INC		121 MOHR DRIVE		MANKATO	MN	56001		4560	ESTERO BLVD	401	FORT MYERS BEACH	33991	STRANDVIEW TOWER CONDO-CR-OR 1171 PG 211-CR-UNIT 401
53	FALSE	10229994	29-46-24-W3-02100.4020	STEVENS JAMES B + BARBARA P		4560 ESTERO BLVD #402		FORT MYERS BEACH	FL	33991		4560	ESTERO BLVD	402	FORT MYERS BEACH	33991	STRANDVIEW TOWER CONDO-CR-OR 1171 PG 211-CR-UNIT 402
53	FALSE	10229995	29-46-24-W3-02100.4030	BYERLE BRUCE A + ANNE E		4560 ESTERO BLVD #403		FORT MYERS BEACH	FL	33991		4560	ESTERO BLVD	403	FORT MYERS BEACH	33991	STRANDVIEW TOWER CONDO-CR-OR 1171 PG 211-CR-UNIT 403
53	FALSE	10229996	29-46-24-W3-02100.4040	MINERS MARGARET A TR		PO BOX 130		LABELLE	FL	33975		4560	ESTERO BLVD	404	FORT MYERS BEACH	33991	STRANDVIEW TOWER CONDO-CR-OR 1171 PG 211-CR-UNIT 404
53	FALSE	10229997	29-46-24-W3-02100.5010	CHAMBRE DIANE D TR		4560 ESTERO BLVD #501		FORT MYERS BEACH	FL	33991		4560	ESTERO BLVD	501	FORT MYERS BEACH	33991	STRANDVIEW TOWER CONDO-CR-OR 1171 PG 211-CR-UNIT 501
53	FALSE	10229998	29-46-24-W3-02100.5020	TIEZZI DANIEL TR		608 FOOT HILLS RD		HIGGANUM	CT	6441		4560	ESTERO BLVD	502	FORT MYERS BEACH	33991	STRANDVIEW TOWER CONDO-CR-OR 1171 PG 211-CR-UNIT 502
53	FALSE	10230000	29-46-24-W3-02100.5040	BURWINKEL WILLIAM J + BETH A		710 MT HOPE AVE #4		CINCINNATI	OH	45204		4560	ESTERO BLVD	504	FORT MYERS BEACH	33991	STRANDVIEW TOWER CONDO-CR-OR 1171 PG 211-CR-UNIT 504
53	FALSE	10230001	29-46-24-W3-02100.6010	DANGELO DANIEL L + JUNE E		677 ERIE AVE		N TONAWANDA	NY	14120		4560	ESTERO BLVD	601	FORT MYERS BEACH	33991	STRANDVIEW TOWER CONDO-CR-OR 1171 PG 211-CR-UNIT 601
53	FALSE	10230002	29-46-24-W3-02100.6020	BONFIGLIO FRANK L + CADARINA TR		4560 ESTERO BLVD #602		FORT MYERS BEACH	FL	33991		4560	ESTERO BLVD	602	FORT MYERS BEACH	33991	STRANDVIEW TOWER CONDO-CR-OR 1171 PG 211-CR-UNIT 602
53	FALSE	10230003	29-46-24-W3-02100.6030	KOMENDAREK EDWIN + MARILYN		30 NEWTON AVE		NORWICH	NY	13815		4560	ESTERO BLVD	603	FORT MYERS BEACH	33991	STRANDVIEW TOWER CONDO-CR-OR 1171 PG 211-CR-UNIT 603
53	FALSE	10230004	29-46-24-W3-02100.6040	MARSHALL + LISLEY TRUST CO TR		PO BOX 2980		MILWAUKEE	WI	53201		4560	ESTERO BLVD	604	FORT MYERS BEACH	33991	STRANDVIEW TOWER CONDO-CR-OR 1171 PG 211-CR-UNIT 604
53	FALSE	10230005	29-46-24-W3-02100.7010	MAKOC VENTURES LLC		4560 ESTERO BLVD	UNIT 701	FORT MYERS BEACH	FL	33991		4560	ESTERO BLVD	701	FORT MYERS BEACH	33991	STRANDVIEW TOWER CONDO-CR-OR 1171 PG 211-CR-UNIT 701
53	FALSE	10230006	29-46-24-W3-02100.7020	BERECZ VICTOR G +		4560 ESTERO BLVD #702		FORT MYERS BEACH	FL	33991		4560	ESTERO BLVD	702	FORT MYERS BEACH	33991	STRANDVIEW TOWER CONDO-CR-OR 1171 PG 211-CR-UNIT 702
53	FALSE	10230007	29-46-24-W3-02100.7030	BURWINKEL WILLIAM + BETH A		710 MOUNT HOPE AVE APT 4		CINCINNATI	OH	45204		4560	ESTERO BLVD	703	FORT MYERS BEACH	33991	STRANDVIEW TOWER CONDO-CR-OR 1171 PG 211-CR-UNIT 703
53	FALSE	10230008	29-46-24-W3-02100.7040	BERGMANN MARY B TR		8315 GOLFVIEW DR		BLOOMFIELD HILLS	MI	48301		4560	ESTERO BLVD	704	FORT MYERS BEACH	33991	STRANDVIEW TOWER CONDO-CR-OR 1171 PG 211-CR-UNIT 704
54	FALSE	10230010	29-46-24-W3-02200.2010	HARRISON TIMOTHY E + GINGER A		8118 MEDSMORE		SHELBY TOWNSHIP	MI	48317		4450	ESTERO BLVD	201	FORT MYERS BEACH	33991	VILLA DEL MAR CONDO-CR-OR 1237 PG 1279-CR-UNIT 201
54	FALSE	10230011	29-46-24-W3-02200.2020	MARIN MICHAEL M +		13814 HOUK RD		MONROEVILLE	IN	46773		4450	ESTERO BLVD	202	FORT MYERS BEACH	33991	VILLA DEL MAR CONDO-CR-OR 1237 PG 1279-CR-UNIT 202
54	FALSE	10230012	29-46-24-W3-02200.2030	SUSAN A HUGHES TRUST +		365 GLENGROVE AVE W		TORONTO	ON	M5N 1W CANADA		4450	ESTERO BLVD	203	FORT MYERS BEACH	33991	VILLA DEL MAR CONDO-CR-OR 1237 PG 1279-CR-UNIT 203
54	FALSE	10230013	29-46-24-W3-02200.3010	KLARA BOGUSLAW +		1088 DIAMOND CT		MISSISSAUGA	ON	L5V 1J5 CANADA		4450	ESTERO BLVD	301	FORT MYERS BEACH	33991	VILLA DEL MAR CONDO-CR-OR 1237 PG 1279-CR-UNIT 301
54	FALSE	10230014	29-46-24-W3-02200.3020	FERNANDEZ MARTIN FAMILY		10705 SW BETH AVE		MIAMI	FL	33176		4450	ESTERO BLVD	302	FORT MYERS BEACH	33991	VILLA DEL MAR CONDO-CR-OR 1237 PG 1279-CR-UNIT 302
54	FALSE	10230015	29-46-24-W3-02200.3030	MERITZ WOLFRAM E + ANDREA		WILDSTASSE 17		HEIDENHELM		85522 GERMANY		4450	ESTERO BLVD	303	FORT MYERS BEACH	33991	VILLA DEL MAR CONDO-CR-OR 1237 PG 1279-CR-UNIT 303
54	FALSE	10230016	29-46-24-W3-02200.4010	HOGAN FRANCIS X + MARY C		1331 BRISTOL AVE		DAVE	FL	33325		4450	ESTERO BLVD	401	FORT MYERS BEACH	33991	VILLA DEL MAR CONDO-CR-OR 1237 PG 1279-CR-UNIT 401
54	FALSE	10230017	29-46-24-W3-02200.4020	KASCAR LLC		4229 N CLAREMONT AVE		CHICAGO	IL	60618		4450	ESTERO BLVD	402	FORT MYERS BEACH	33991	VILLA DEL MAR CONDO-CR-OR 1237 PG 1279-CR-UNIT 402
54	FALSE	10230018	29-46-24-W3-02200.4030	REID MARIA J TR		5600 QUEENS KEW		BONITA SPRINGS	FL	34134		4450	ESTERO BLVD	403	FORT MYERS BEACH	33991	VILLA DEL MAR CONDO-CR-OR 1237 PG 1279-CR-UNIT 403
54	FALSE	10230019	29-46-24-W3-02200.5010	GRILLO VINCENZA TR		53717 CHERRYWOOD DR		SHELBY TWP	MI	48315		4450	ESTERO BLVD	501	FORT MYERS BEACH	33991	VILLA DEL MAR CONDO-CR-OR 1237 PG 1279-CR-UNIT 501
54	FALSE	10230020	29-46-24-W3-02200.5020	OAK LOT FUTURE LLC		4450 ESTERO BLVD #502		FORT MYERS BEACH	FL	33991		4450	ESTERO BLVD	502	FORT MYERS BEACH	33991	VILLA DEL MAR CONDO-CR-OR 1237 PG 1279-CR-UNIT 502
54	FALSE	10230021	29-46-24-W3-02200.5030	DUMETT DANIEL W + KIMBERLY		2357 FENWICK CT		MARIETTA	GA	30064		4450	ESTERO BLVD	503	FORT MYERS BEACH	33991	VILLA DEL MAR CONDO-CR-OR 1237 PG 1279-CR-UNIT 503
55	FALSE	10547202	29-46-24-W3-0300A.0201	AYRES OLIVER MADISON &		21565 SHOREVISTA LN		NOBLESVILLE	IN	46062		4631	ESTERO BLVD	201	FORT MYERS BEACH	33991	WHITE CAP CONDOMINIUM-CR-DESC IN INST#2007-216342-CR-BLDG A UNIT 201
55	FALSE	10547203	29-46-24-W3-0300A.0202	WARNER H JACK TR		12344 N LEDGES DR		ROSCOE	IL	61073		4631	ESTERO BLVD	202	FORT MYERS BEACH	33991	WHITE CAP CONDOMINIUM-CR-DESC IN INST#2007-216342-CR-BLDG A UNIT 202
55	FALSE	10547204	29-46-24-W3-0300A.0303	KETRING ENTERPRISES LLC		10473 S 50W		PENOLETON	IN	46064		4631	ESTERO BLVD	303	FORT MYERS BEACH	33991	WHITE CAP CONDOMINIUM-CR-DESC IN INST#2007-216342-CR-BLDG A UNIT 303
55	FALSE	10547205	29-46-24-W3-0300A.0304	RAY HAROLD L & APRIL L		2620 S 1000 W		LAPEL	IN	46051		4631	ESTERO BLVD	304	FORT MYERS BEACH	33991	WHITE CAP CONDOMINIUM-CR-DESC IN INST#2007-216342-CR-BLDG A UNIT 304
56	FALSE	10547206	29-46-24-W3-0300B.0201	ZINK DAVID C TR		14 MELROSE CT		JACKSONVILLE	IL	62650		4633	ESTERO BLVD	201	FORT MYERS BEACH	33991	WHITE CAP CONDOMINIUM-CR-DESC IN INST#2007-216342-CR-BLDG B UNIT 201
56	FALSE	10547207	29-46-24-W3-0300B.0202	PRASSE MARJORIE J TR		4633 ESTERO BLVD #202		FORT MYERS BEACH	FL	33991		4633	ESTERO BLVD	202	FORT MYERS BEACH	33991	WHITE CAP CONDOMINIUM-CR-DESC IN INST#2007-216342-CR-BLDG B UNIT 202
56	FALSE	10547208	29-46-24-W3-0300B.0203	EROSHCHICH RICHARD & TAWNIA		3191 SHELL MOUND BLVD		FORT MYERS BEACH	FL	33991		4633	ESTERO BLVD	203	FORT MYERS BEACH	33991	WHITE CAP CONDOMINIUM-CR-DESC IN INST#2007-216342-CR-BLDG B UNIT 203
56	FALSE	10547209	29-46-24-W3-0300B.0204	LST & KEES LLC		812 CREEKSIDE TRAIL		ALPHARETTA	GA	30004		4633	ESTERO BLVD	204	FORT MYERS BEACH	33991	WHITE CAP CONDOMINIUM-CR-DESC IN INST#2007-216342-CR-BLDG B UNIT 204
56	FALSE	10547210	29-46-24-W3-0300B.0305	HENDERSON JAMES + KERRIE		10738 S 575 W		PENOLETON	IN	46064		4633	ESTERO BLVD	305	FORT MYERS BEACH	33991	WHITE CAP CONDOMINIUM-CR-DESC IN INST#2007-216342-CR-BLDG B UNIT 305
56	FALSE	10547211	29-46-24-W3-0300B.0306	ZINK DAVID C TR		14 MELROSE COURT		JACKSONVILLE	IL	62650		4633	ESTERO BLVD	306	FORT MYERS BEACH	33991	WHITE CAP CONDOMINIUM-CR-DESC IN INST#2007-216342-CR-BLDG B UNIT 306

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

PUBLIX SUPER MARKETS INC
EXPENSE PAYABLES LEASE TEAM
PO BOX 32018
LAKELAND FL 33802

SEASIDE CONDO
ASSOCIATION
4770 ESTERO BLVD
FORT MYERS BEACH FL 33931

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

OCEAN HARBOR CONDO OF
CONTINENTAL GROUP
6300 PARK OF COMMERCE BLVD
BOCA RATON FL 33487

ALBERTA PROPERTIES LLC
6130 WELIF ST NE
N CANTON OH 44721

4431 ESTERO LLC ESTATE
17513 E PONDILLY DR
PARKER CO 80134

ORTTEL STEVEN D
PO BOX 2417
FORT MYERS BEACH FL 33932

MARY D ELLIOTT TRUST +
110 BAYVIEW AVE
FORT MYERS BEACH FL 33931

BERNER JEROME H TR
1424 FOREST DR
PORTAGE MI 49002

OWEN JULIE H TR
1610 FOUR MILE RD
RACINE WI 53402

BERRY JANIE G
134 BAYVIEW AVE
FORT MYERS BEACH FL 33931

TIPPMANN RENTALS LLC
9937 SCHWARTZ RD
FORT WAYNE IN 46835

FEICK JAMES A & TERESA A
PO BOX 2488
MUNCIE IN 47307

ANTONACCI STEVEN + JERILYN
121 GULFVIEW AVE
FORT MYERS BEACH FL 33931

MOORE PAMELA A
12082 MOON SHELL DR
MATLACHA ISLE FL 33991

ODONALD A J +
301 N MAIN ST
SOUTH HADLEY MA 01075

WIDNER MEAGAN A +
115 GULFVIEW AVE
FORT MYERS BEACH FL 33931

CASADISERA LLC
16030 NW 83RD AVE
MIAMI LAKES FL 33016

DELGADO BROOK A
1237 DARTMOUTH DR
WAUNAKEE WI 53597

NKIWFL LLC
PO BOX 21861
OKLAHOMA CITY OK 73156

NEWELL WARREN L &
134 PULASKI RD
CALUMET CITY IL 60409

BOCKER JEFFREY G &
16952 W STATE ROUTE 72
SHANNON IL 61078

DOCBONE PROPERTIES 4502 LLC
15941 NELSONS CT
FORT MYERS FL 33908

FUNK MICHAEL T &
1214 SUMMIT AVENUE
LOUISVILLE KY 40204

COOPER & COMPANY LLC
PO BOX 501
HOWELL MI 48844

HUTSON GEORGE ALLEN + ALLISON
726 E LEHIGH DR
NEWPORT TN 37821

OCEANIC BLUE RETREATS LLC
3431 PINE RIDGE RD STE 101
NAPLES FL 34109

JP ADVANTA INVESTMENTS LLC
5780 SPANISH OAKS LN
NAPLES FL 34119

LOUDERMILK JAMES D + ROSEMARIE
15788 SILVERADO CT
FORT MYERS FL 33908

BOURASSA OLGA K TR
247 MIRAMAR ST
FORT MYERS BEACH FL 33931

KIBLER RYAN A
6301 BALLENTINE PIKE
SPRINGFIELD OH 45502

SCHEFFLER WILLIAM + JOANN
122 GULFVIEW AVE
FORT MYERS BEACH FL 33931

GARY CURT BIEDEMKAPP TRUST +
695 SHORE RD
SEVERNA PARK MD 21146

SEEGER ANTHONY & JUDY L TR
128 GULFVIEW AVE
FORT MYERS BEACH FL 33931

MENDOZA JORGE L & ARLINA I
15133 SW 62ND ST
MIAMI FL 33193

ANDERSON CAROL A +
4202 PRAIRIEWEST DR
CHAMPAIGN IL 61822

FUNK MICHAEL T +
1214 SUMMIT AVE
LOUISVILLE KY 40204

DIGENIS HELEN L
3908 ZARING MILL CT
LOUISVILLE KY 40241

LONG STEVEN + MARCIA
6171 S VICKERYVILLE RD
SHERIDAN MI 48884

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

SYSTEMS MANAGEMENT LLC
PO BOX 526
LAVONIA GA 30553

METCALFE NICK & CLAUDIA
4700 ESTERO BLVD
FORT MYERS BEACH FL 33931

PUGLIESE JOSEPH A
4660 ESTERO BLVD
FORT MYERS BEACH FL 33931

STRANDVIEW TOWER CONDO
SENTRY MGMT INC
2180 W STATE ROAD 434 STE 5000
LONGWOOD FL 32779

VILLA DEL MAR CONDO
BOBACK COMMERCIAL GROUP
STE 203
10491 SIX MILE CYPRESS PKWY
FORT MYERS FL 33966

CASCADES CONDO ASSN
4400 ESTERO BLVD
FORT MYERS BEACH FL 33931

WHITE CAP CONDOMINIUM ASSN INC
12230 CHATEAU CT
FISHERS IN 46037

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

RUSS GERADETTE TR
16151 S RANKIN DR
LOCKPORT IL 60441

SPENCER THOMAS R &
28241 ISLET TRAIL
BONITA SPRINGS FL 34135

LEATHERMAN JERRY M TR
21863 E HERITAGE PKWY
AURORA CO 80016

COPPOLA RON & KARIN
4350 WATERFORD LANDING DR
LUTZ FL 33558

LEITCH FRANK M & ANN M L/E
3172 WOODLAND CT N
N TONAWANDA NY 14120

SILVER KENNETH +
4745 ESTERO BLVD #201
FORT MYERS BEACH FL 33931

MAHONEY TIMOTHY J + KIMBERLY W
600 ROOKERY LN
JOLIET IL 60431

MACAU CAROLINE M
PO BOX 787
GRANGER IN 46530

LAPINSKY ANDREA JO &
4745 ESTERO BLVD #204
FORT MYERS BEACH FL 33931

ISLAND VIEW FLORIDA LLC
N93W25255 BITTERSWEET DR
SUSSEX WI 53089

HENNIG WILLIAM R JR + DEBORAH
4745 ESTERO BLVD # 301
FORT MYERS BEACH FL 33931

PERETTO MICHAEL & BRENDA
4745 ESTERO BLVD #302
FORT MYERS BEACH FL 33931

SADLER ROBERT M + DOROTHY J
4745 ESTERO BLVD # 303
FORT MYERS BEACH FL 33931

CHRISTIE KENNETH A &
5609 E SOUTHEASTERN AVE
INDIANAPOLIS IN 46203

MILLER MYRA L/E
4745 ESTERO BLVD #305
FORT MYERS BEACH FL 33931

TRELEASE DAVID JUSTIN &
4745 ESTERO BLVD #401
FORT MYERS BEACH FL 33931

DIGENIS GEORGE A & HELEN A
3908 ZARING MILL CT
LOUISVILLE KY 40241

NELSON LEONARD W JR &
124 W 5TH ST
OSWEGO NY 13126

MEEHAN GREGORY JOHN &
4745 ESTERO BLVD UNIT 404
FORT MYERS BEACH FL 33931

FUHR MARK & JANE
4745 ESTERO BLVD #405
FORT MYERS BEACH FL 33931

SLOMER PAUL JR & NICOLE J
7034 FORREST TRAIL
BUTLER PA 16002

BONITO RAYMOND J & BETTY J
4745 ESTERO BLVD #502
FORT MYERS BEACH FL 33931

BOERMAN EDWIN J + JANIS L TR
613 BERKSHIRE CT
DOWNERS GROVE IL 60516

FOGELSON BEVERLY KAY TR
4745 ESTERO BLVD #504
FORT MYERS BEACH FL 33931

DELISLE JEFFREY T &
1615 CHATHAM AVE
ARDEN HILLS MN 55112

SPECTRUM JANITORIAL
PO BOX 336
INDIANAPOLIS IN 46206

BANDY LYNN L & ANNE MARIE
4745 ESTERO BLVD # 602
FORT MYERS BEACH FL 33931

ABBS SCOTT E & KATHY L
731 E NORTSHORE DR
SYRACUSE IN 46567

RAHM DONALD C TR
4745 ESTERO BLVD #604
FORT MYERS BEACH FL 33931

HEENEY PATRICK R & LYNN A
448 MATSON RD
LIGONIER PA 15658

WELLS THOMAS C + JANICE B
4745 ESTERO BLVD #701
FORT MYERS BEACH FL 33931

MANZKE MICHAEL S & WENDY L TR
N29 W26611 PETERSON DR
PEWAUKEE WI 53072

BROWN JOSEPH SCOTT + LELA M
12524 RIVENDELL RD
KNOXVILLE TN 37922

JACKSON JAY R + PATRICIA S
2827 WOODHOLLOW TRL
FORT WAYNE IN 46825

STILLWAGON DENNIS & 4745
ESTERO BLVD #705 FORT
MYERS BEACH FL 33931

MESSINEO JAMES JOSEPH TR
1812 ALTA DR
VOLO IL 60020

BAACK GERALD & REBECCA
3229 NORCREST AVENUE NORTH
STILLWATER MN 55082

NORCIA GERARDO & JOSEPHINE
4745 ESTERO BLVD #803
FORT MYERS BEACH FL 33931

RYND DANNY JAMES &
9446 E SHORE DR
PORTAGE MI 49002

ROLLEY NANCY V
5765 BALTUSROL CT
SANIBEL FL 33957

HALLBERG JOSEPH W &
9 WHITE PINE RD
NORTH OAKS MN 55127

CIOCCA CHRISTOPHER &
7801 YOUNG RD
FORT WAYNE IN 46835

FLOR A DAVID TR
4745 ESTERO BLVD # 903
FORT MYERS BEACH FL 33931

HUEY SUSAN R TR +
4745 ESTERO BLVD #904
FORT MYERS BEACH FL 33931

KRONENBERGER DALE L + DENISE M
4745 ESTERO BLVD #905
FORT MYERS BEACH FL 33931

CMIEL DAVID F & DIANE C L/E
478 N MCCARRONS BLVD
ROSEVILLE MN 55113

BRYAR LAURENCE J TR
4745 ESTERO BLVD #1002
FORT MYERS BEACH FL 33931

HAMILTON ALETA F TR
1504 STONY CREEK DR
ROCHESTER MI 48307

SORICE MICHAEL T & SYLVIA E
38 SECATOGUE LN E
WEST ISLIP NY 11795

APRUZZESE MARIO D + PETRINA M
2248 SOUTH SHORE CT
ROCHESTER HILLS MI 48307

FUHR MICHAEL A
1525 14TH AVE NW
SAINT PAUL MN 55112

HARDER CYNTHIA A TR
4745 ESTGERO B LVDE #1102
FORT MYERS BEACH FL 33931

CAPUA RONALD TR
4745 ESTERO BLVD #1103
FORT MYERS BEACH FL 33931

ARNTSEN SHARON M & GENE R TR
4745 ESTERO BLVD #1104
FORT MYERS BEACH FL 33931

ALLSHOUSE BRUCE A + BONNIE Y
4745 ESTERO BLVD # 1105
FORT MYERS BEACH FL 33931

LEWIS DAVID C +
4745 ESTERO BLVD #1201
FORT MYERS BEACH FL 33931

DAVIS MARK E + MARY A
PO BOX 558
SAINT PETER MN 56082

ROMANSKI ROGER TR
512 BRENTWOOD
WISCONSIN RAPIDS WI 54494

PARKER ROBERT M TR
1102 DAVIDSON WALK
SPRING HILL TN 37174

PROPERTIES OF FLORIDA INC
56199 SUMMIT DR
SHELBY TOWNSHIP MI 48316

ROSITZKE MARILYN J TR
4745 ESTERO BLVD APT 1401
FORT MYERS BEACH FL 33931

HALL BRINLEY M + ANN E
4745 ESTERO BLVD #1402
FORT MYERS BEACH FL 33931

VAN ERT WAYNE R TR
4745 ESTERO BLVD #1403
FORT MYERS BEACH FL 33931

MORGAN RONALD A + MARY TR
4753 ESTERO BLVD # 903
FORT MYERS BEACH FL 33931

WILLIAMS CHARLES A &
3015 WOOD DUCK LN SE
ADA MI 49301

LOOMIS CLIFFORD R + LINDA A TR
1840 CANDLEWOOD LN
RICHFIELD WI 53076

LOOMIS CLIFFORD R + LINDA TR
1840 CANDLEWOOD LN
RICHFIELD WI 53076

HMURA MICHAEL F + DONNA M TR
4745 ESTERO BLVD #1503
FORT MYERS BEACH FL 33931

COYLE MARIANNE TR
4745 ESTERO BLVD # 1504A
FORT MYERS BEACH FL 33931

CARLING-KELLY TERRY
4745 ESTERO BLVD #1505
FORT MYERS BEACH FL 33931

HUCK JOSEPH A + DONNA F
10890 FLORIDA RD
FORTVILLE IN 46040

NELSON PAUL & KAREN
2822 RUSTIC CROOKED CIR
VALPARAISO IN 46385

PAT TIPPMANN PROPERTIES LLC
9009 COLDWATER RD
FORT WAYNE IN 46825

ATHANASIOU DEMITRIOS E &
17993 MISSION POINTE
NORTHVILLE MI 48168

STEIN NANCY G +
7550 WHISPERING FARM TRAIL
CLEVES OH 45002

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

OMDOLL PAUL A
2921 LEONARDO AVE
NAPLES FL 34119

KANTER GARY J + KIMBERLY J
3061 LYNDAL CT
EDGEWOOD KY 41017

MICHAEL P HOGAN TR
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
251 DUNDEE RD
FORT MYERS BEACH FL 33931

MOHR RICHARD &
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

WE OWN A BOAT DOCK INC
1256 SW 5TH ST
BOCA RATON FL 33486

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

RUTH ANN BLANCO TRUST +
958 RYAN CT
CROWN POINT IN 46307

DAVIS THOMAS F
4560 ESTERO BLVD #202
FORT MYERS BEACH FL 33931

ESPINOLA DAVID M + LUCIA M
15 RINZEE RD
DRACUT MA 01826

VIRGINIA A SCHOCK TRUST +
806 BANNOCK DR
DUNDEE IL 60118

MARLOW JULIE MARIE TR
4560 ESTERO BLVD #301
FORT MYERS BEACH FL 33931

KEITH STEVEN R + KIMBRA A
4749 FONTANA RD
WEST BEND WI 53095

DAVIS DENNIS
4560 ESTERO BLVD #303
FORT MYERS BEACH FL 33931

WILSON SUSAN
1655 PLACE DES RAVINS
ORLEANS ON K1C 6H3
CANADA

PREFERRED ASSETS INC
121 MOHR DRIVE
MANKATO MN 56001

STEVENS JAMES B + BARBARA P
4560 ESTERO BLVD #402
FORT MYERS BEACH FL 33931

BYERLE BRUCE A + ANNE E
4560 ESTERO BLVD #403
FORT MYERS BEACH FL 33931

MINERS MARGARET A TR
PO BOX 130
LABELLE FL 33975

CHAMBRE DIANE D TR
4560 ESTERO BLVD #501
FORT MYERS BEACH FL 33931

TIEZZI DANIEL TR
608 FOOT HILLS RD
HIGGANUM CT 06441

BURWINKEL WILLIAM J + BETH A
710 MT HOPE AVE #4
CINCINNATI OH 45204

DANGELO DANIEL A + JUNE E
677 ERIE AVE
N TONAWANDA NY 14120

BONFIGLIO FRANK L +CATARINA TR
4560 ESTERO BLVD #602
FORT MYERS BEACH FL 33931

KOMENDAREK EDWIN + MARILYN
30 NEWTON AVE
NORWICH NY 13815

MARSHALL + ILSLEY TRUST CO TR
PO BOX 2980
MILWAUKEE WI 53201

MAMCK VENTURES LLC
4560 ESTERO BLVD UNIT 701
FORT MYERS BEACH FL 33931

BERECZ VICTOR G +
4560 ESTERO BLVD #702
FORT MYERS BEACH FL 33931

BURWINKEL WILLIAM + BETH A
710 MOUNT HOPE AVE APT 4
CINCINNATI OH 45204

BERGMANN MARY B TR
6315 GOLFVIEW DR
BLOOMFIELD HILLS MI 48301

HARRISON TIMOTHY E + GINGER A
8118 MESSMORE
SHELBY TOWNSHIP MI 48317

MARINI MICHAEL M +
13814 HOUK RD
MONROEVILLE IN 46773

SUSAN A HUGHES TRUST +
365 GLENGROVE AVE W
TORONTO ON M5N 1W4
CANADA

KLARA BOGUSLAW +
1088 DIAMOND CT
MISSISSAUGA ON L5V 1J5
CANADA

FERNANDEZ MAITIN FAMILY
10705 SW 88TH AVE
MIAMI FL 33176

MEIRITZ WOLFRAM E + ANDREA
WILDSTRASSE 17
HEIDENHELM 89522
GERMANY

HOGAN FRANCIS X + MARY C
1331 BRISTOL AVE
DAVIE FL 33325

KASCAR LLC
4229 N CLAREMONT AVE
CHICAGO IL 60618

REID MARIA J TR
5600 QUEENS KEW
BONITA SPRINGS FL 34134

GRILLO VINCENZIA TR
53717 CHERRYWOOD DR
SHELBY TWP MI 48315

OAK LOT FUTURE LLC
4450 ESTERO BLVD #502
FORT MYERS BEACH FL 33931

DUMETT DANIEL W & KIMBERLY
2357 FENWICK CT
MARIETTA GA 30064

AYRES OLIVER MADISON &
21565 SHOREVISTA LN
NOBLESVILLE IN 46062

WARNER H JACK TR
12344 N LEDGES DR
ROSCOE IL 61073

KETRING ENTERPRISES LLC
10473 S 50W
PENDLETON IN 46064

RAY HAROLD L & APRIL L
2620 S 1000 W
LAPEL IN 46051

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
10738 S 575 W
PENDLETON IN 46064

ZINK DAVID C TR
14 MELROSE COURT
JACKSONVILLE IL 62650

BIDLEMAN G DONALD JR
1405 S MAIN ST
MEDINA NY 14103



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 Town Council 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: August 7, 2023
CASE: VAR20220027
ADDRESS: 4601 Estero Blvd
APPLICANT: Anthony & Tracey Vuksinic (owner)
REQUEST: The applicant is requesting a variance from LDC 34-1174 (b), to allow construction of a pool in the front yard of the single-family residence in the RC zoning district.

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.



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 Town Council 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: August 7, 2023
CASE: VAR20220027
ADDRESS: 4601 Estero Blvd
APPLICANT: Anthony & Tracey Vuksinic (owner)
REQUEST: The applicant is requesting a variance from LDC 34-1174 (b), to allow construction of a pool in the front yard of the single-family residence in the RC zoning district.

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.



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 Town Council 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: August 7, 2023
CASE: VAR20220027
ADDRESS: 4601 Estero Blvd
APPLICANT: Anthony & Tracey Vuksinic (owner)
REQUEST: The applicant is requesting a variance from LDC 34-1174 (b), to allow construction of a pool in the front yard of the single-family residence in the RC zoning district.

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.



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 Town Council 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: August 7, 2023
CASE: VAR20220027
ADDRESS: 4601 Estero Blvd
APPLICANT: Anthony & Tracey Vuksinic (owner)
REQUEST: The applicant is requesting a variance from LDC 34-1174 (b), to allow construction of a pool in the front yard of the single-family residence in the RC zoning district.

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 **Town Council** will review the application materials and hear testimony to make a **decision**. 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.

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»

**ADMINISTRATIVE APPROVAL
TOWN OF FORT MYERS BEACH FLORIDA
ADM2015-0001**

WHEREAS, Nada Powers, owner of 4601 Estero Blvd. #3, has requested an administrative setback variance to allow for the future construction of a single-family dwelling on the property 15 feet from the Strandview Avenue property line where a street setback of 25 feet is otherwise required; and

WHEREAS, the application lists STRAP Number 29-46-24-W3-0080G.0050, which is legally described as follows:

Lot 5, Block G, Hyde Park, a 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 7, Page 20, Public Records of Lee County, Florida; and

WHEREAS, the subject property is located in the Residential Conservation (RC) zoning district and is in the Mixed Residential Future Land Use Map (FLUM) category; and

WHEREAS, the RC zoning district requires a minimum lot width of 45 feet and a minimum lot depth of 80 feet, with a total lot area of at least 4,000 square feet; and

WHEREAS, the subject property measures 50 feet by 120 feet, with a total area of 6,000 square feet; and

WHEREAS, as a lot that conforms to the minimum dimensional requirements of the RC zoning district, the property is subject to the standard setbacks of Table 34-3 of the Land Development Code; and

WHEREAS, the minimum required street setback in the RC district is 25 feet; and

WHEREAS, the property is a corner lot with frontage on Estero Blvd. and Strandview Ave.; and

WHEREAS, the property is currently developed with a duplex oriented to Estero Blvd.; and

WHEREAS, the current duplex has an approximate eight (8) foot setback from Strandview Avenue and an approximate 13 foot setback from Estero Blvd. to the front wall of the duplex and approximately six (6) feet to the porch; and

WHEREAS, neither the Estero Blvd. or Strandview Ave. setbacks of the current duplex meet the 25 foot street setback requirement for the RC zoning district found in Table 34-3 of the Land Development Code; and

WHEREAS, the property owner proposes to replace the current duplex with a single-family dwelling in the future; and

WHEREAS, the applicant has provided a sketch of a proposed site plan for the siting of a new single-family dwelling on the property that depicts a 15 foot setback from Strandview Ave. and a 42 ½ foot setback from Estero Blvd., attached as "Exhibit A;" and

WHEREAS, the applicant also provided a land survey depicting the location of the 1991 Coastal Construction Line, which is attached as "Exhibit B;" and

WHEREAS, the applicant proposes a 15 foot setback from Strandview Avenue, an increase of seven (7) feet over the setback of the existing duplex, and 42.5 foot setback from Estero Blvd., an increase of 29.5 feet from the setback of the front wall and 36.5 from setback of the porch of the existing duplex on the property; and

WHEREAS, LDC Sec. 34-268(a)(5) provides for administrative setback variance for "a residential lot with an unusual shape or orientation . . .;" and

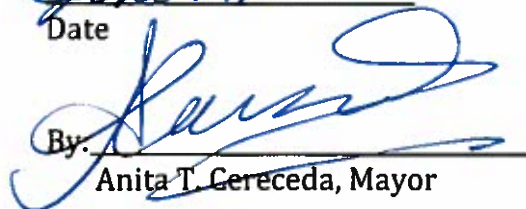
WHEREAS, the Town Council makes the following findings of fact:

1. There are no apparent deleterious effects upon the adjoining property owners;
2. The modifications will not have an adverse impact on the public health, safety and welfare; and
3. The modifications will be the minimum required.

NOW, THEREFORE, IT IS HEREBY DETERMINED that:

1. The application for Administrative Approval for relief in the RC zoning district from the Town of Fort Myers Beach Land Development Code Table 34-3 requirement for street setbacks to allow a 15 foot setback from Strandview Ave. for the construction of a new single-family dwelling on the property where 25 feet is otherwise required is approved.

June 29, 2015
Date

By: 
Anita T. Cereceda, Mayor

ATTEST:

By: 
Michelle D. Mayher, Town Clerk

PROPOSED SITEPLAN FOR NADA TOWER

SEE SURVEY FOR
LOT DIMENSIONS



STRANDVIEW AVE

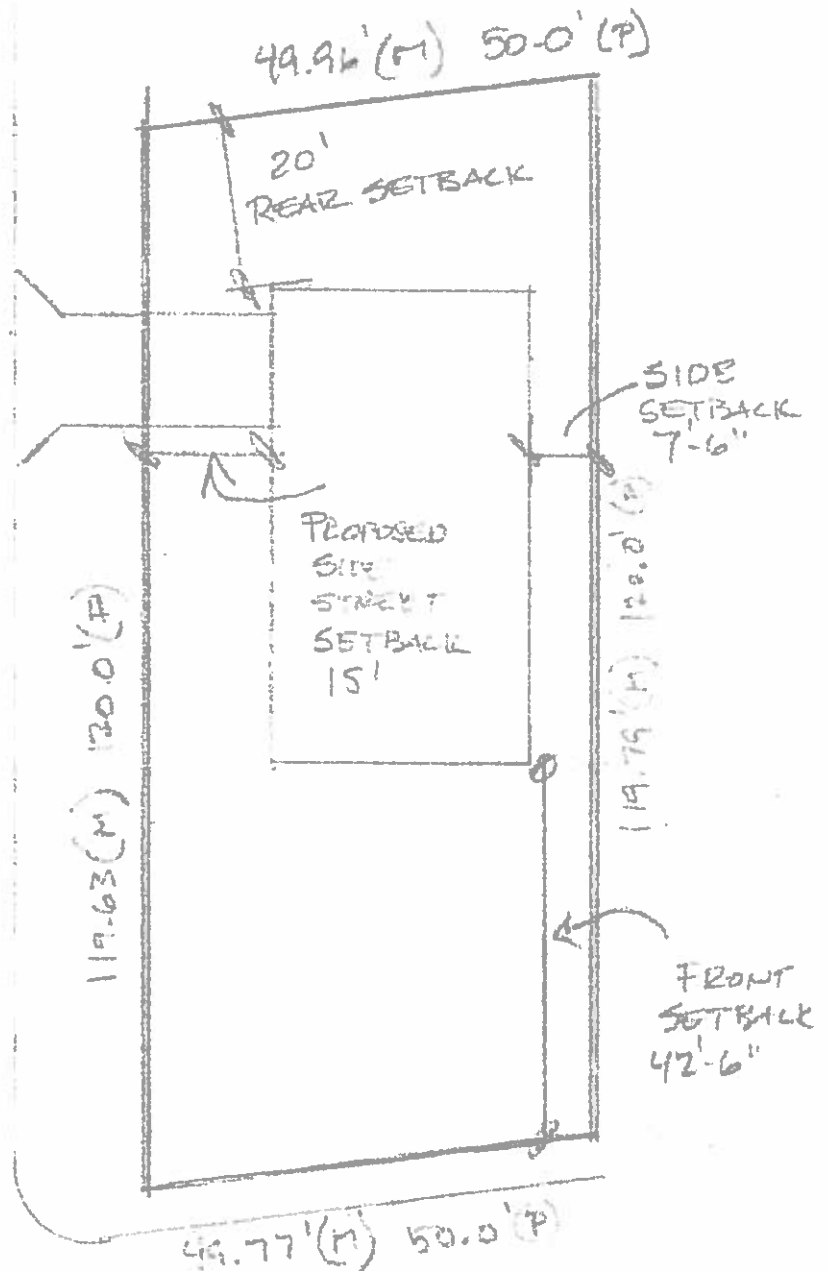
50' E/W

4601 ESTERO BLVD
LOT 5, BLOCK G
HYDE PARK
PB 7 PG 20

29-42-24-W3-00804-0050

ESTERO BLVD

65' R/W



1"=20'

1. **Requested Motion:**

Meeting Date: August 7, 2023

Authorize legal services agreement with Vose Law Firm - either Version 1 or Version 2

Why the action is necessary:

Fills the Town Attorney requirement of the Town's Charter

What the action accomplishes:

Appoints a Town Attorney

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

Gretchen R.H. Vose, Town
Attorney

5. **Background:**

At their June 23, 2023 meeting, Town Council members convened as the Selection Advisory Committee and interviewed candidates from the two firms which submitted responses to RFQ-23-16-TC. After discussion, the Town Council, by consensus, instructed the Town Manager to initiate negotiations with Vose Law Firm ("Vose") to serve as the Town Attorney and provide the Town for legal services. An agreement for interim legal services was promptly signed and Vose attorneys have been representing the Town since June 24, 2023.

The RFQ did not request a financial proposal. After representing the Town for one month, and after receiving information as to the historical fees of the former Town Attorney, ("Fox Rothschild"), Vose has requested a fixed fee agreement with monthly fees of \$25,000 per month, to include all general legal services, including litigation not covered by insurance. This is the same scope of services for which Fox Rothschild charged:

FY 22/23 – 8 months (Oct., 2022 through May 2023) = $\$251,442.75 \div 8 =$
\$31,430.34/month (Note: this reflects post-Ian fees)

FY 21/22 – 12 months (Oct. 2021 through Sept. 2022) = $\$283,931.38 \div 12 =$
\$23,660.95/month (Note: this reflects pre-Ian fees)

FY 20/21 – 12 months (Oct. 2020 through Sept. 2021) = $\$314,381.05 \div 12 =$
\$26,198.42/month (Note: this reflects pre-Ian fees)

Attached are 2 alternative versions of the Agreement for Town Attorney Services. Version 1 provides for fees of \$20,000 per month with prohibition of request for increase in legal fees for 2 years. Version 2 provides for fees of \$25,000 per month with prohibition of increase in legal fees for 2 years. Otherwise, the versions are identical. Vose respectfully requests that Version 2 be approved.

Attachments:

1. Vers 1-Legal Representation Agreement
2. Vers 2-Legal Representation Agreement

Financial Impact:

As to Version 1 (\$20,000/mo.):

If only FY 20/21 and FY21/22 were considered, (pre-Ian), Version 1 would be on average **\$4,929.68/month less** than charged by Fox Rothschild. If only FY 22/23 were considered,

(post-Ian), Version 1 would be **\$11,430.34/month less** than charged by Fox Rothschild.

As to Version 2(\$25,000/mo.):

If only FY 20/21 and FY21/22 were considered, (pre-Ian), Version 2 would be on average **\$70.32/month more** than charged by Fox Rothschild. If only FY 22/23 were considered, (post-Ian), Version 2 would be **\$6,430.34/month less** than charged by Fox Rothschild.

6. **Alternative Action**

Do not approve either agreement and re-issue the solicitation

7. **Management Recommendations:**

8. **Recommended Approval:**

Amy Baker, Town Clerk

Created/Initiated - 7/31/2023

Amy Baker, Town Clerk

Approved - 7/31/2023

Gretchen R.H. Vose, Town Attorney

Approved - 8/1/2023

Amy Baker, Town Clerk

Approved - 8/1/2023

Andy Hyatt, Town Manager

Final Approval - 8/1/2023

AGREEMENT FOR TOWN ATTORNEY SERVICES

This Agreement for Town Attorney Services (the "Agreement") is entered into by and between the Town of Fort Myers Beach, Florida, a municipal corporation, with its principal place of business at 2525 Estero Boulevard Fort Myers Beach, FL 33931 (the "Town") and the Vose Law Firm, LLP, with offices located at 872 7th Avenue South, Naples, Florida 34102, and 324 W. Morse Blvd., Winter Park, Florida 32789, (the "Firm"). For and in consideration of the mutual covenants contained in this Agreement, and other good and valuable consideration, the sufficiency of which is acknowledged by all parties, the parties do hereby agree as follows:

WHEREAS the Town sought Requests for Proposals by RFQ 23-16-TC from qualified firms and individuals to provide services to the Town as the Town Attorney and the Firm was selected to provide those services based upon the Firm's substantive knowledge of governmental law; and

WHEREAS the Town agrees to employ the services of the Firm as Town Attorney and the Firm agrees to provide such services as Town Attorney all as further specified herein; and

WHEREAS the Town and Firm desire to engage in a stable and flexible contractual relationship whereby the Town can obtain skilled and effective legal services while achieving pricing efficiencies for its legal representation and the Firm is available and able to provide skilled and effective legal services as Town Attorney as required by the Town Charter, as well as additional authorized legal representation as needed or directed by the Town.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Recitals.** The forgoing recitals are true and correct and incorporated into this Agreement herein as if set forth in full.

2. **Selection of Firm.** The Firm will provide legal representation as the Town Attorney to the Town as required by the Town Charter of Fort Myers Beach (the "Town Charter") as well as additional authorized legal representation as needed or directed by the Town. For purposes of this Agreement, the primary attorney to serve on behalf of the Firm as Town Attorney shall be Gretchen R. H. "Becky" Vose, with Nancy Stuparich and Wade Vose providing such other services as needed (the "Designated Attorneys"). Other members of the firm shall be available to provide services on an as needed basis. The Designated Attorneys from the Firm shall provide services on behalf of the Firm to the Town as Town Attorney pursuant to and in accordance with

the Town Charter, the Code of Ordinances, as well as additional authorized legal representation as needed or directed by the Town.

3. **Professional Legal Representation.** The Firm shall provide such services customarily associated with the Town Attorney including, but not limited to those services contained on Exhibit “A” to this Agreement. Additionally, the Firm shall provide such other services as are needed in the interests of the Town or such other services as may be directed or requested by the Town Council or Town Manager. Excluded from such services shall be matters relating to municipal financing, including services as bond or disclosure counsel and matters for which legal services to the Town are provided pursuant to liability and/or insurance policies of the Town. The “proposal for General Legal Representation for Town of Fort Myers Beach, Florida by Vose Law Firm, LLP” submitted by the Firm in response to RFQ 23-16-TC shall be incorporated by reference as part of this Agreement.

4. **Duration and Termination.** This Agreement is effective as of August 7, 2023. The Firm, through the Designated Attorneys, shall provide Town Attorney Legal Representation as required by this Agreement, and such services may not be assigned or substituted without the written consent of the Town. This Agreement shall continue until such time as either the Town or the Town Attorney chooses to terminate such contractual relationship. The Town Attorney shall give no less than sixty (60) days’ notice of resignation.

5. **Compensation, Terms, and Conditions.** For legal services provided hereinafter, the Town shall pay the Firm the amount of \$20,000 per month as set forth below.

- (a) The parties acknowledge that a separate Interim Agreement for Legal Services was entered into for the provision of legal services by the Firm during the period of June 27, 2023, through August 7, 2023.
- (b) Following the end of the Interim Agreement for Legal Services on August 7, 2023, this Agreement shall become effective. For the period of August 7, 2023, through August 31, 2023, the Town shall pay the Firm the amount of \$15,480.00 which represents the pro rata amount of the monthly compensation (77.4% of \$20,000.00) for the period that this Agreement is in effect during the month of August 2023.
- (c) Beginning September 1, 2023, the Town shall pay the Firm the amount of \$20,000 per month.
- (d) The \$20,000 per month payment shall constitute the total of all fees for legal services and costs due under this Agreement. There will be no additional billing for any ancillary legal services, research expenses (such as Westlaw/Lexis fees),

copying charges, travel or miscellaneous expenses, (phone, fax, courier, etc.) and no other costs or expenses, (other than pre-approved out of pocket costs, such as court filing fees and court reporter fees, would be billed to the Town at cost, with no mark-up or multiplier). There will also be no other expenses or fees charged, regardless of the time needed or complexity involved in any legal matter.

- (e) All monthly payments shall be paid to the Firm within thirty (30) days of the beginning of the month period for which the payment is due. For example, the payment to the Firm for services provided by the Firm for the month of September 2023 shall be paid at or prior to September 30, 2023.
- (f) The Firm shall not seek an increase in the amount of compensation under this Agreement for a period of two (2) years after the effective date of this Agreement.

6. **Administration.** For ease and convenience of administration and to the extent not in conflict with the Town Council or Town Charter, the Town hereby designates the Town Manager to provide policy direction and instructions to the Designated Attorneys in the administration of the duties and professional legal service set forth herein, and to manage and administer the terms and provision of this Agreement on behalf of the Town; provided, however, the Town Council shall have ultimate authority over the Firm and the Designated Attorneys as to the representation of the Town.

7. **Insurance.** The Firm shall maintain in full force and effect professional liability insurance in an amount not less than \$1,000,000 per claim and shall, upon the request of the Town, provide evidence of such coverage.

8. **Notices.** All notices under this Agreement shall be in writing and shall be provided as follows:

Town of Fort Myers Beach
2525 Estero Boulevard
Fort Myers Beach, FL 33931
Attention: Town Manager

Vose Law Firm, LLP
872 7th Avenue South,
Naples, Florida 34102,
Attention: Becky Vose

With copy to:

Vose Law Firm, LLP
324 W. Morse Blvd.
Winter Park, Florida 32789
Attention: Becky Vose

9. **Adherence to Laws.** The Firm shall adhere to all federal, state, and local laws, rules, and regulations, including rules regulating the Florida Bar, and applicable Town ordinances and policies in the performance of services pursuant to this Agreement.

10. **Appointment.** Pursuant to the Town Charter, the Town hereby appoints the Firm, utilizing the Designated Attorneys, as Town Attorney for the Town of Fort Myers Beach, Florida. The Town Manager is directed and authorized to use and consult with the Firm for Town Attorney Legal Representation and Special Legal Services when and if authorized as more specifically set forth in Exhibit A.

11. **Conflict of Interest.** By executing this Agreement, the Firm covenants it has no public or private interest, direct or indirect, in conflict with the Town, and shall not acquire directly or indirectly any such interest which shall conflict in any manner with the performance of Firm's services as to any obligations under this Agreement.

12. **Public Records.** The Parties acknowledge and agree that the statement and provisions below are required by Florida Statute to be included in this contract for services. The inclusion of this statement and provisions below shall not be construed to imply that the Firm has been delegated any governmental decision-making authority, governmental responsibility or governmental function, or that Firm is acting on behalf of the Town as provided under Section 119.011(2), Florida Statutes, or that the statement or provisions are otherwise applicable to Firm.

IF FIRM HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT TOWN OF FORT MYERS BEACH AT: TOWN CLERK, TOWN OF FORT MYERS BEACH, 2525 ESTERO BOULEVARD, FORT MYERS BEACH, FL. 33931, (239) 765-0202, EXT. 1400.

The Firm will comply with public records law, and agrees to:

- (a) Keep and maintain public records required by the Town to perform the services.

- (b) Upon request from the Town's custodian of public records, provide the Town with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119 Florida Statutes or as otherwise provided by law.
- (c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of this Agreement if Firm does not transfer the records to the Town.
- (d) Upon completion of the Agreement, transfer at no cost to the Town, all public records in possession of Firm or keep and maintain public records required by the Town to perform the service. If Firm transfers all public records to the Town upon completion of the Agreement, Firm shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Firm keeps and maintains public records upon completion of the Agreement, Firm shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the Town, upon request from the Town's custodian of public records, in a format that is compatible with the information technology systems of the Town.

Failure of the Firm to comply with Chapter 119, Florida Statutes, and/or the provisions set forth above, where applicable, shall be grounds for immediate unilateral termination of this Agreement by the Town.

13. **Powers Conferred on Attorney.** The Firm, through Designated Attorneys, has the authority to file any papers necessary and proper in any action which it is authorized pursuant to the terms of this Agreement to prosecute or defend on behalf of the Town and the right and authority to do any and all things necessary and proper to protect the interests of the Town. Any attorney employed by the Firm may provide legal support services or representation under this Agreement.

14. **Town Attorney Client.** Only the Town of Fort Myers Beach, Florida, acting by and through its Town Council, as a collegial body, shall be considered the Firm's client under this Agreement.

15. **General Terms and Conditions.**

- (a) This agreement is the sole agreement covering the Firm's representation of Town and supersedes any prior agreements or understandings, whether written or oral. Any modification of this agreement must be in writing, signed by both parties. If

any part of this Agreement shall for any reason be found unenforceable, the parties agree that all other portions shall nevertheless remain valid and enforceable. It is understood that Firm does not guarantee the accomplishment of any result but agrees to use its best efforts to achieve a favorable result on the Town's behalf. The Town understands that all expressions about the outcome of any matter are only opinions.

- (b) The laws of the State of Florida will govern the interpretation of this Agreement, including all rules or codes of ethics which may apply to the provision of services by the Firm. Further, by executing this Agreement, the parties agree that the County or Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida shall have jurisdiction over the parties to this Agreement and shall be the only venue for any dispute concerning this Agreement or the services rendered herein to the exclusion of all other venues including Federal Court.
- (c) The waiver by either party of a breach of any provision of this Agreement by the other shall not operate or be construed as a waiver of any subsequent breach by that party.
- (d) This Agreement contains the entire Agreement of the parties. It may not be changed verbally, but only by an agreement in writing signed by the parties.
- (e) If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.
- (g) The parties acknowledge that each has shared equally in the drafting and preparation of this Agreement and, accordingly, no court construing this Agreement shall construe it more strictly against one party than the other and every covenant, term and provision of this Agreement shall be construed simply according to its fair meaning.
- (h) This Agreement may be executed in duplicate or counterparts, each of which shall be deemed an original and all of which together shall be deemed the same instrument. No term, condition or covenant of this Agreement shall be binding on either party until both parties have signed it.

WAIVER OF JURY TRIAL: TOWN AND FIRM HEREBY KNOWINGLY, VOLUNTARILY AND INTENTIONALLY WAIVE ANY RIGHT EITHER OF THEM MAY HAVE TO A TRIAL BY JURY IN RESPECT TO ANY LITIGATION

ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS AGREEMENT, OR ANY COURSE OF CONDUCT, COURSE OF DEALING, STATEMENTS (WHETHER VERBAL OR WRITTEN) OR ACTIONS OF ANY PARTY WITH RESPECT HERETO. THIS PROVISION IS A MATERIAL INDUCEMENT FOR THE PARTIES TO ENTER INTO THIS AGREEMENT.

IN WITNESS WHEREOF, the parties have caused this Agreement for Town Attorney Services to be executed this ___ day of August, 2023.

ATTEST:

TOWN OF FORT MYERS BEACH

Amy Baker, Town Clerk

Dan Allers, Mayor

Vose Law Firm, LLP

By: _____

Its: _____

**EXHIBIT “A” –
TOWN ATTORNEY LEGAL
REPRESENTATION AGREEMENT TERMS**

1. The Firm will provide legal services as Town Attorney consistent with the Town Charter.
2. The Town Attorney services described herein are to be provided in concert with the Town Council, designated officials, and staff of the Town, including the Town Manager, Department and Division Directors. Such legal services shall include but not be limited to the following:
 - (a) Attend and participate in agenda review staff meetings, prepare for, and attend Town Council meetings, workshops, and attorney-client sessions, when deemed necessary, or any other special meetings convened by the Town Council.
 - (b) Attend and participate in Local Planning Agency meetings and Special Magistrate Hearings.
 - (c) Prepare, review and approve as to form and legal sufficiency all ordinances, resolutions and contracts presented to the Town Council.
 - (d) Participate in standing weekly conference calls at a time mutually agreed to by Town Manager, Town Attorney and, if applicable, Town staff to identify and discuss outstanding legal issues, share information associated with services to be provided by the Firm, and address the means to serve the Town's legal needs.
 - (e) Provide legal advice to the Town Council members and participate in individual meetings and conference calls to provide advice regarding Town Council agenda items or ethics inquiries.
 - (f) Maintain on-site office hours of no less than 8 hours per week.
 - (g) Provide legal advice to the Town Manager and Town staff and participate in meetings and conference calls with the Town Manager and Town staff, when necessary to identify and discuss outstanding legal issues.
 - (h) Represent the Town in any administrative and/or court proceedings, including appellate matters, as directed by the Town Council.
 - (i) Monitor and report on the progress of legal services overseen or represented by outside legal counsel.
 - (j) Provide training to staff, Town Council, and boards and committees on the Sunshine Law and Public Records Law as well as ethics, discrimination and harassment issues.
 - (k) Such other legal services as directed to the Firm by the Town Council or Town Manager.

AGREEMENT FOR TOWN ATTORNEY SERVICES

This Agreement for Town Attorney Services (the "Agreement") is entered into by and between the Town of Fort Myers Beach, Florida, a municipal corporation, with its principal place of business at 2525 Estero Boulevard Fort Myers Beach, FL 33931 (the "Town") and the Vose Law Firm, LLP, with offices located at 872 7th Avenue South, Naples, Florida 34102, and 324 W. Morse Blvd., Winter Park, Florida 32789, (the "Firm"). For and in consideration of the mutual covenants contained in this Agreement, and other good and valuable consideration, the sufficiency of which is acknowledged by all parties, the parties do hereby agree as follows:

WHEREAS the Town sought Requests for Proposals by RFQ 23-16-TC from qualified firms and individuals to provide services to the Town as the Town Attorney and the Firm was selected to provide those services based upon the Firm's substantive knowledge of governmental law; and

WHEREAS the Town agrees to employ the services of the Firm as Town Attorney and the Firm agrees to provide such services as Town Attorney all as further specified herein; and

WHEREAS the Town and Firm desire to engage in a stable and flexible contractual relationship whereby the Town can obtain skilled and effective legal services while achieving pricing efficiencies for its legal representation and the Firm is available and able to provide skilled and effective legal services as Town Attorney as required by the Town Charter, as well as additional authorized legal representation as needed or directed by the Town.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Recitals.** The forgoing recitals are true and correct and incorporated into this Agreement herein as if set forth in full.

2. **Selection of Firm.** The Firm will provide legal representation as the Town Attorney to the Town as required by the Town Charter of Fort Myers Beach (the "Town Charter") as well as additional authorized legal representation as needed or directed by the Town. For purposes of this Agreement, the primary attorney to serve on behalf of the Firm as Town Attorney shall be Gretchen R. H. "Becky" Vose, with Nancy Stuparich and Wade Vose providing such other services as needed (the "Designated Attorneys"). Other members of the firm shall be available to provide services on an as needed basis. The Designated Attorneys from the Firm shall provide services on behalf of the Firm to the Town as Town Attorney pursuant to and in accordance with

the Town Charter, the Code of Ordinances, as well as additional authorized legal representation as needed or directed by the Town.

3. **Professional Legal Representation.** The Firm shall provide such services customarily associated with the Town Attorney including, but not limited to those services contained on Exhibit “A” to this Agreement. Additionally, the Firm shall provide such other services as are needed in the interests of the Town or such other services as may be directed or requested by the Town Council or Town Manager. Excluded from such services shall be matters relating to municipal financing, including services as bond or disclosure counsel and matters for which legal services to the Town are provided pursuant to liability and/or insurance policies of the Town. The “proposal for General Legal Representation for Town of Fort Myers Beach, Florida by Vose Law Firm, LLP” submitted by the Firm in response to RFQ 23-16-TC shall be incorporated by reference as part of this Agreement.

4. **Duration and Termination.** This Agreement is effective as of August 7, 2023. The Firm, through the Designated Attorneys, shall provide Town Attorney Legal Representation as required by this Agreement, and such services may not be assigned or substituted without the written consent of the Town. This Agreement shall continue until such time as either the Town or the Town Attorney chooses to terminate such contractual relationship. The Town Attorney shall give no less than sixty (60) days’ notice of resignation.

5. **Compensation, Terms, and Conditions.** For legal services provided hereinafter, the Town shall pay the Firm the amount of \$25,000 per month as set forth below.

- (a) The parties acknowledge that a separate Interim Agreement for Legal Services was entered into for the provision of legal services by the Firm during the period of June 27, 2023, through August 7, 2023.
- (b) Following the end of the Interim Agreement for Legal Services on August 7, 2023, this Agreement shall become effective. For the period of August 7, 2023, through August 31, 2023, the Town shall pay the Firm the amount of \$19,350.00 which represents the pro rata amount of the monthly compensation (77.4% of \$25,000.00) for the period that this Agreement is in effect during the month of August 2023.
- (c) Beginning September 1, 2023, the Town shall pay the Firm the amount of \$25,000 per month.
- (d) The \$25,000 per month payment shall constitute the total of all fees for legal services and costs due under this Agreement. There will be no additional billing for any ancillary legal services, research expenses (such as Westlaw/Lexis fees),

copying charges, travel or miscellaneous expenses, (phone, fax, courier, etc.) and no other costs or expenses, (other than pre-approved out of pocket costs, such as court filing fees and court reporter fees, would be billed to the Town at cost, with no mark-up or multiplier). There will also be no other expenses or fees charged, regardless of the time needed or complexity involved in any legal matter.

- (e) All monthly payments shall be paid to the Firm within thirty (30) days of the beginning of the month period for which the payment is due. For example, the payment to the Firm for services provided by the Firm for the month of September 2023 shall be paid at or prior to September 30, 2023.
- (f) The Firm shall not seek an increase in the amount of compensation under this Agreement for a period of two (2) years after the effective date of this Agreement.

6. **Administration.** For ease and convenience of administration and to the extent not in conflict with the Town Council or Town Charter, the Town hereby designates the Town Manager to provide policy direction and instructions to the Designated Attorneys in the administration of the duties and professional legal service set forth herein, and to manage and administer the terms and provision of this Agreement on behalf of the Town; provided, however, the Town Council shall have ultimate authority over the Firm and the Designated Attorneys as to the representation of the Town.

7. **Insurance.** The Firm shall maintain in full force and effect professional liability insurance in an amount not less than \$1,000,000 per claim and shall, upon the request of the Town, provide evidence of such coverage.

8. **Notices.** All notices under this Agreement shall be in writing and shall be provided as follows:

Town of Fort Myers Beach
2525 Estero Boulevard
Fort Myers Beach, FL 33931
Attention: Town Manager

Vose Law Firm, LLP
872 7th Avenue South,
Naples, Florida 34102,
Attention: Becky Vose

With copy to:

Vose Law Firm, LLP
324 W. Morse Blvd.
Winter Park, Florida 32789
Attention: Becky Vose

9. **Adherence to Laws.** The Firm shall adhere to all federal, state, and local laws, rules, and regulations, including rules regulating the Florida Bar, and applicable Town ordinances and policies in the performance of services pursuant to this Agreement.

10. **Appointment.** Pursuant to the Town Charter, the Town hereby appoints the Firm, utilizing the Designated Attorneys, as Town Attorney for the Town of Fort Myers Beach, Florida. The Town Manager is directed and authorized to use and consult with the Firm for Town Attorney Legal Representation and Special Legal Services when and if authorized as more specifically set forth in Exhibit A.

11. **Conflict of Interest.** By executing this Agreement, the Firm covenants it has no public or private interest, direct or indirect, in conflict with the Town, and shall not acquire directly or indirectly any such interest which shall conflict in any manner with the performance of Firm's services as to any obligations under this Agreement.

12. **Public Records.** The Parties acknowledge and agree that the statement and provisions below are required by Florida Statute to be included in this contract for services. The inclusion of this statement and provisions below shall not be construed to imply that the Firm has been delegated any governmental decision-making authority, governmental responsibility or governmental function, or that Firm is acting on behalf of the Town as provided under Section 119.011(2), Florida Statutes, or that the statement or provisions are otherwise applicable to Firm.

IF FIRM HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT TOWN OF FORT MYERS BEACH AT: TOWN CLERK, TOWN OF FORT MYERS BEACH, 2525 ESTERO BOULEVARD, FORT MYERS BEACH, FL. 33931, (239) 765-0202, EXT. 1400.

The Firm will comply with public records law, and agrees to:

- (a) Keep and maintain public records required by the Town to perform the services.

- (b) Upon request from the Town's custodian of public records, provide the Town with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119 Florida Statutes or as otherwise provided by law.
- (c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of this Agreement if Firm does not transfer the records to the Town.
- (d) Upon completion of the Agreement, transfer at no cost to the Town, all public records in possession of Firm or keep and maintain public records required by the Town to perform the service. If Firm transfers all public records to the Town upon completion of the Agreement, Firm shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Firm keeps and maintains public records upon completion of the Agreement, Firm shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the Town, upon request from the Town's custodian of public records, in a format that is compatible with the information technology systems of the Town.

Failure of the Firm to comply with Chapter 119, Florida Statutes, and/or the provisions set forth above, where applicable, shall be grounds for immediate unilateral termination of this Agreement by the Town.

13. **Powers Conferred on Attorney.** The Firm, through Designated Attorneys, has the authority to file any papers necessary and proper in any action which it is authorized pursuant to the terms of this Agreement to prosecute or defend on behalf of the Town and the right and authority to do any and all things necessary and proper to protect the interests of the Town. Any attorney employed by the Firm may provide legal support services or representation under this Agreement.

14. **Town Attorney Client.** Only the Town of Fort Myers Beach, Florida, acting by and through its Town Council, as a collegial body, shall be considered the Firm's client under this Agreement.

15. **General Terms and Conditions.**

- (a) This agreement is the sole agreement covering the Firm's representation of Town and supersedes any prior agreements or understandings, whether written or oral. Any modification of this agreement must be in writing, signed by both parties. If

any part of this Agreement shall for any reason be found unenforceable, the parties agree that all other portions shall nevertheless remain valid and enforceable. It is understood that Firm does not guarantee the accomplishment of any result but agrees to use its best efforts to achieve a favorable result on the Town's behalf. The Town understands that all expressions about the outcome of any matter are only opinions.

- (b) The laws of the State of Florida will govern the interpretation of this Agreement, including all rules or codes of ethics which may apply to the provision of services by the Firm. Further, by executing this Agreement, the parties agree that the County or Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida shall have jurisdiction over the parties to this Agreement and shall be the only venue for any dispute concerning this Agreement or the services rendered herein to the exclusion of all other venues including Federal Court.
- (c) The waiver by either party of a breach of any provision of this Agreement by the other shall not operate or be construed as a waiver of any subsequent breach by that party.
- (d) This Agreement contains the entire Agreement of the parties. It may not be changed verbally, but only by an agreement in writing signed by the parties.
- (e) If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.
- (g) The parties acknowledge that each has shared equally in the drafting and preparation of this Agreement and, accordingly, no court construing this Agreement shall construe it more strictly against one party than the other and every covenant, term and provision of this Agreement shall be construed simply according to its fair meaning.
- (h) This Agreement may be executed in duplicate or counterparts, each of which shall be deemed an original and all of which together shall be deemed the same instrument. No term, condition or covenant of this Agreement shall be binding on either party until both parties have signed it.

WAIVER OF JURY TRIAL: TOWN AND FIRM HEREBY KNOWINGLY, VOLUNTARILY AND INTENTIONALLY WAIVE ANY RIGHT EITHER OF THEM MAY HAVE TO A TRIAL BY JURY IN RESPECT TO ANY LITIGATION

ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS AGREEMENT, OR ANY COURSE OF CONDUCT, COURSE OF DEALING, STATEMENTS (WHETHER VERBAL OR WRITTEN) OR ACTIONS OF ANY PARTY WITH RESPECT HERETO. THIS PROVISION IS A MATERIAL INDUCEMENT FOR THE PARTIES TO ENTER INTO THIS AGREEMENT.

IN WITNESS WHEREOF, the parties have caused this Agreement for Town Attorney Services to be executed this ___ day of August, 2023.

ATTEST:

TOWN OF FORT MYERS BEACH

Amy Baker, Town Clerk

Dan Allers, Mayor

Vose Law Firm, LLP

By: _____

Its: _____

**EXHIBIT “A” –
TOWN ATTORNEY LEGAL
REPRESENTATION AGREEMENT TERMS**

1. The Firm will provide legal services as Town Attorney consistent with the Town Charter.
2. The Town Attorney services described herein are to be provided in concert with the Town Council, designated officials, and staff of the Town, including the Town Manager, Department and Division Directors. Such legal services shall include but not be limited to the following:
 - (a) Attend and participate in agenda review staff meetings, prepare for, and attend Town Council meetings, workshops, and attorney-client sessions, when deemed necessary, or any other special meetings convened by the Town Council.
 - (b) Attend and participate in Local Planning Agency meetings and Special Magistrate Hearings.
 - (c) Prepare, review and approve as to form and legal sufficiency all ordinances, resolutions and contracts presented to the Town Council.
 - (d) Participate in standing weekly conference calls at a time mutually agreed to by Town Manager, Town Attorney and, if applicable, Town staff to identify and discuss outstanding legal issues, share information associated with services to be provided by the Firm, and address the means to serve the Town's legal needs.
 - (e) Provide legal advice to the Town Council members and participate in individual meetings and conference calls to provide advice regarding Town Council agenda items or ethics inquiries.
 - (f) Maintain on-site office hours of no less than 8 hours per week.
 - (g) Provide legal advice to the Town Manager and Town staff and participate in meetings and conference calls with the Town Manager and Town staff, when necessary to identify and discuss outstanding legal issues.
 - (h) Represent the Town in any administrative and/or court proceedings, including appellate matters, as directed by the Town Council.
 - (i) Monitor and report on the progress of legal services overseen or represented by outside legal counsel.
 - (j) Provide training to staff, Town Council, and boards and committees on the Sunshine Law and Public Records Law as well as ethics, discrimination and harassment issues.
 - (k) Such other legal services as directed to the Firm by the Town Council or Town Manager.

1. **Requested Motion:**

Meeting Date: August 7, 2023

Provide input to the way Floor Area Ratio is calculated

Why the action is necessary:

The LPA requested this discussion item. Staff wants to ensure that the same information is shared with the Town Council.

What the action accomplishes:

Input will inform staff in the development of future planning documents.

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Ordinance, if changes are desired.

4. **Submitter of Information:**

Sarah Propst, Planning & Zoning

5. **Background:**

The Town has had several discussions regarding application of the Floor Area Ratio (FAR) measurement. The LPA asked for a discussion about how FAR is measured and staff would like to have the same discussion in order to get feedback in preparation for the Comprehensive Plan update and future Land Development Code updates.

Attachments:

1. FAR Examples
2. FAR Memo TC

Financial Impact:

unknown

6. **Alternative Action**

Provide input regarding preferred method of FAR calculation.

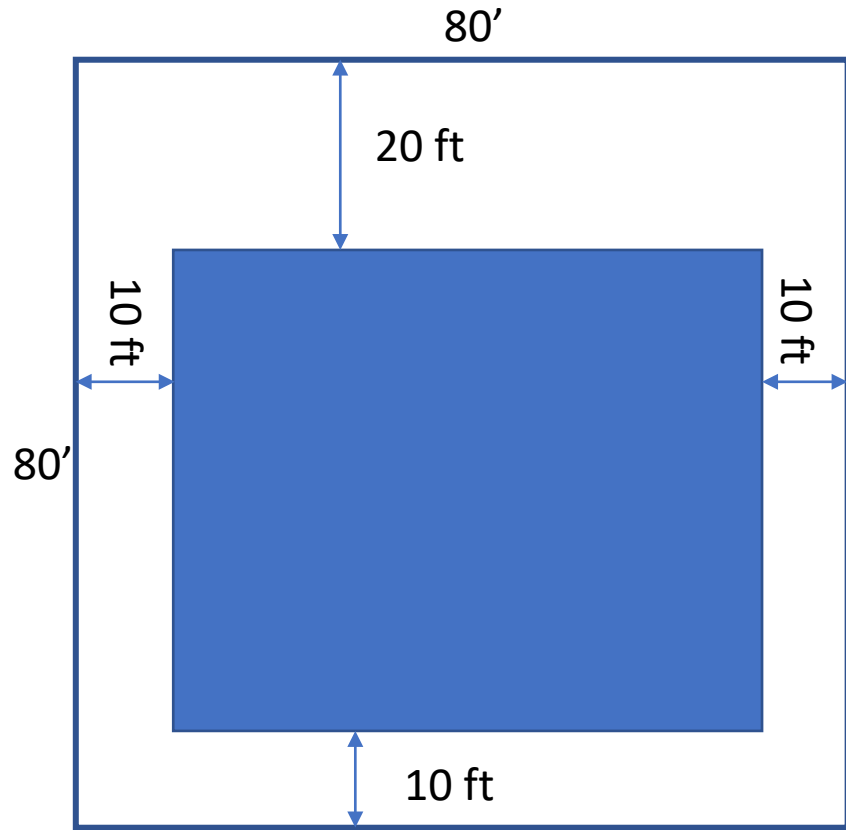
7. **Management Recommendations:**

Provide input to staff regarding presentation.

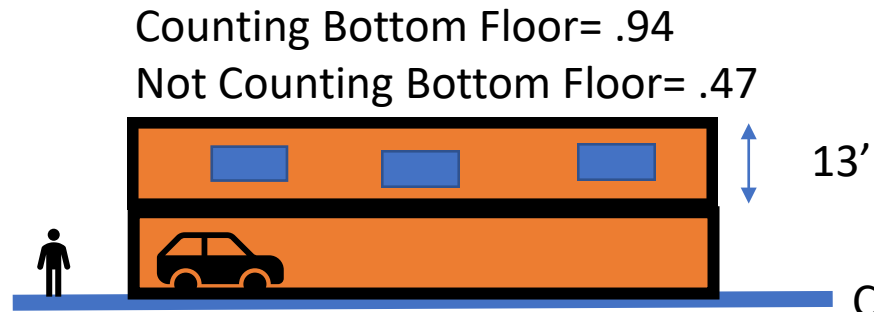
8. **Recommended Approval:**

Sarah Propst, Planning & Zoning
Steve Poposki, Community Development Director
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

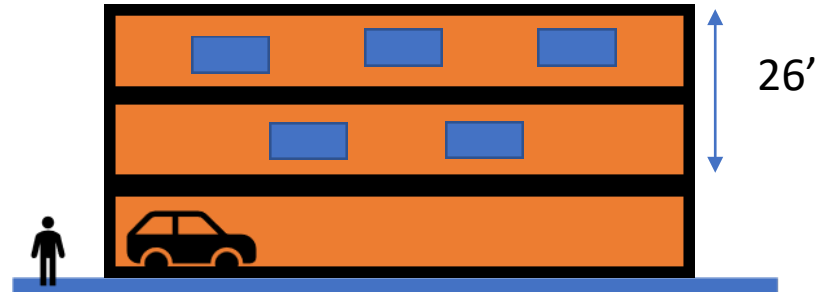
Created/Initiated - 7/25/2023
Approved - 7/26/2023
Approved - 8/1/2023
Approved - 8/1/2023
Final Approval - 8/1/2023



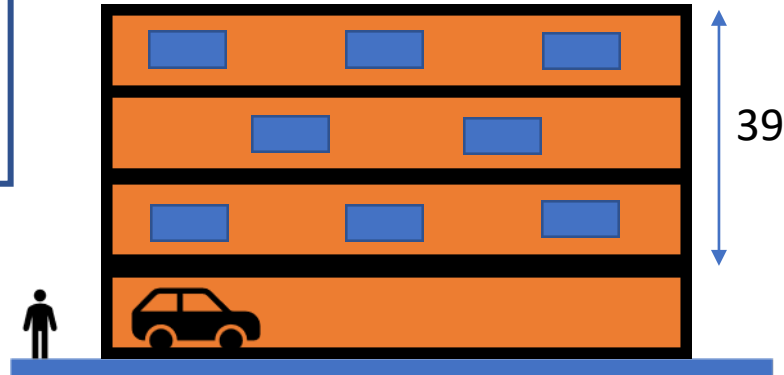
Commercial Office Zoning Example
 Max FAR 1.2
 Max Stories 3
 Max Height 30'



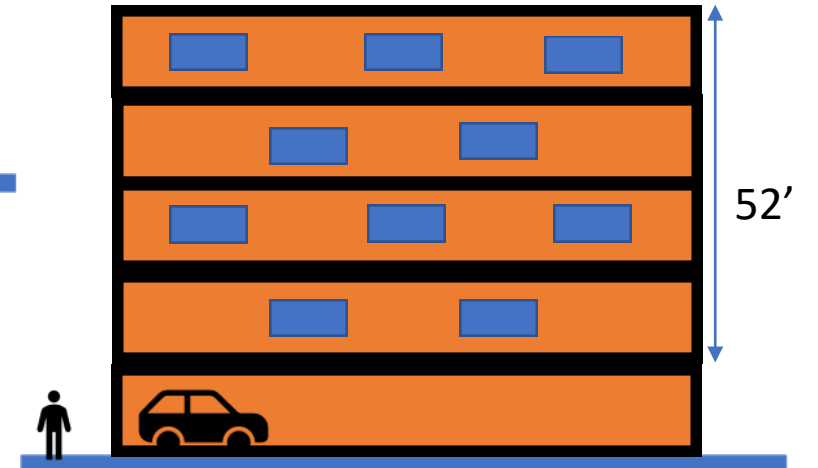
Counting Bottom Floor= 1.4
 Not Counting Bottom Floor= .94

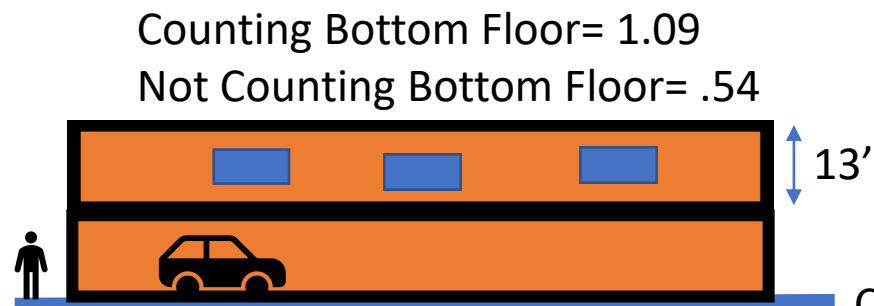
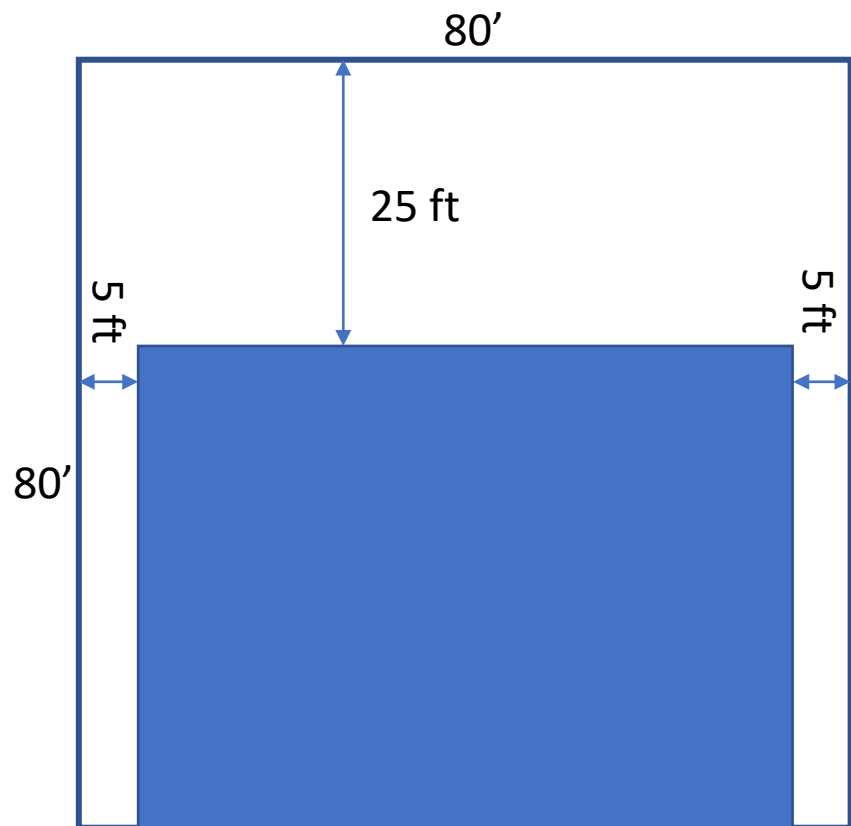


Counting Bottom Floor= 1.87
 Not Counting Bottom Floor= 1.4

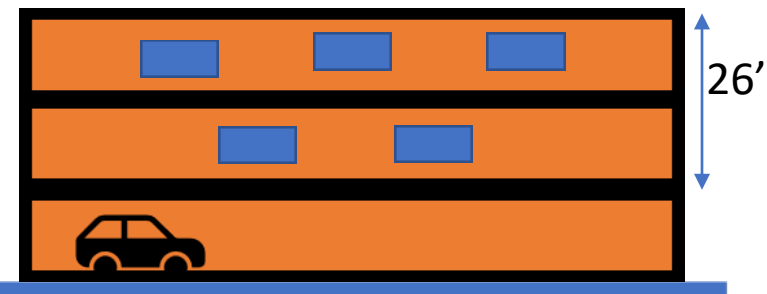


Counting Bottom Floor= 2.34
 Not Counting Bottom Floor= 1.87

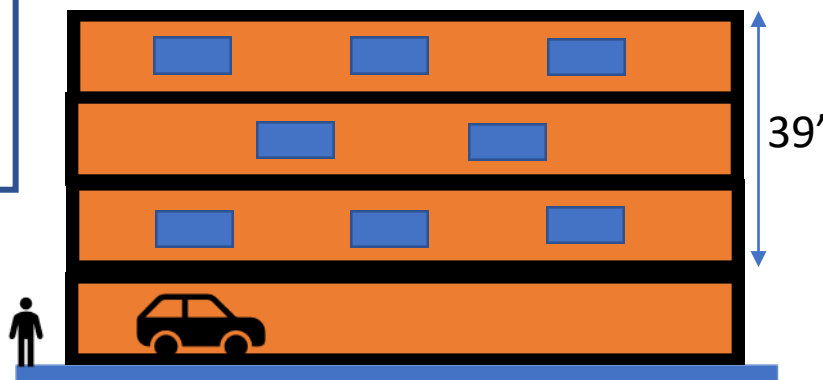




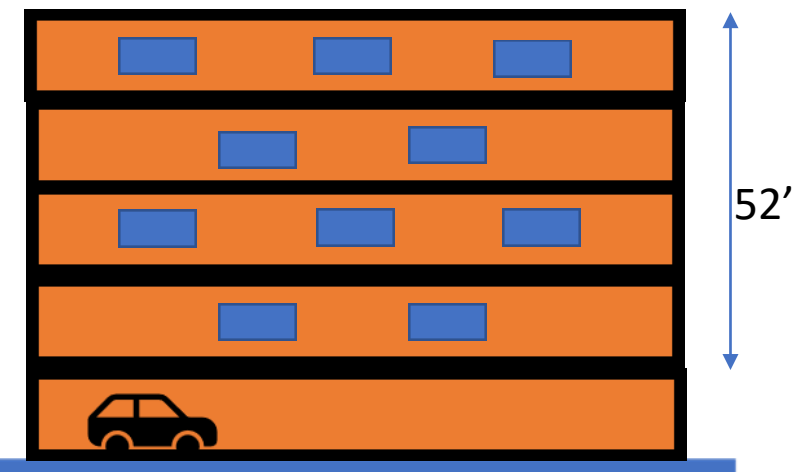
Counting Bottom Floor= 1.64
Not Counting Bottom Floor= 1.09



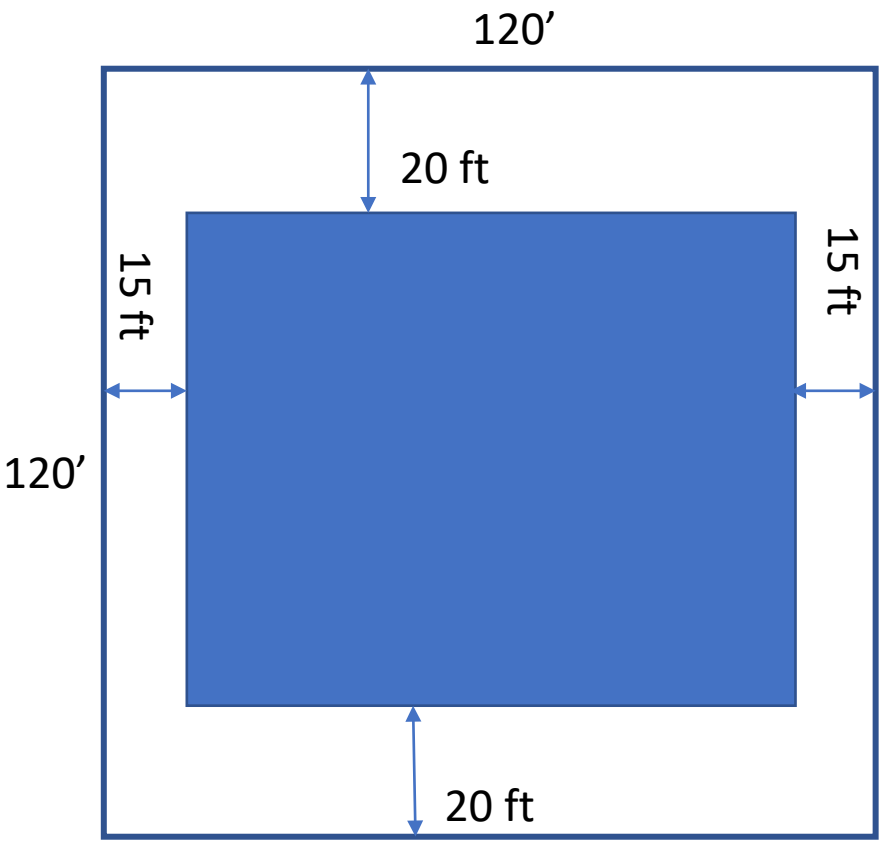
Counting Bottom Floor= 2.19
Not Counting Bottom Floor= 1.64



Counting Bottom Floor= 2.73
Not Counting Bottom Floor= 2.19



Downtown Zoning Example
Max FAR 1–1.8
Max Stories 2-3
Max Height 30'-40'

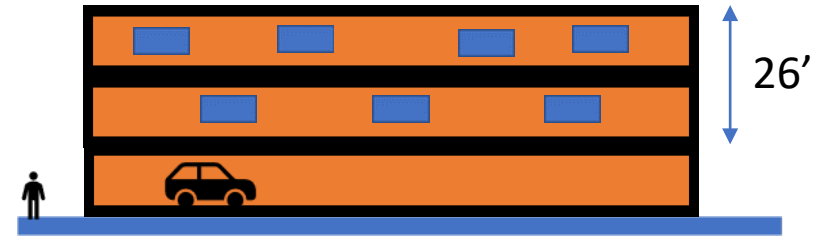


CPD Example in Pedestrian Commercial
Max FAR 2.5

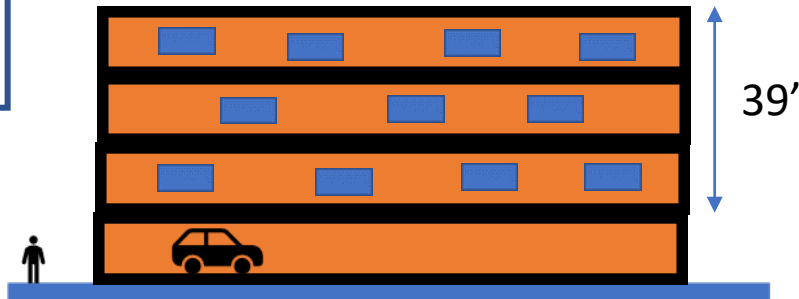
Counting Bottom Floor= 1.11
Not Counting Bottom Floor= .55



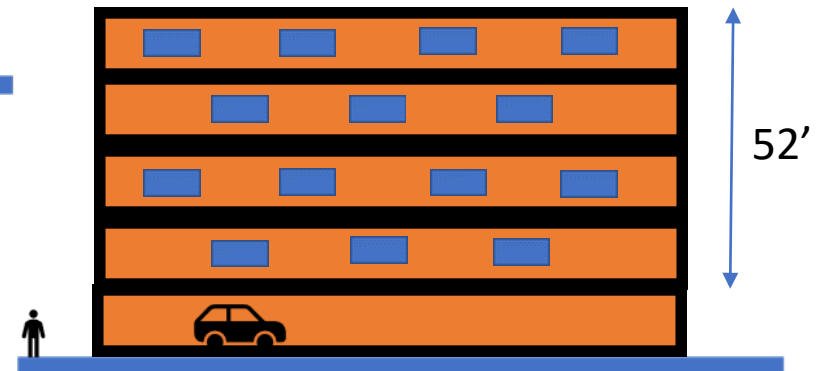
Counting Bottom Floor= 1.65
Not Counting Bottom Floor= 1.11

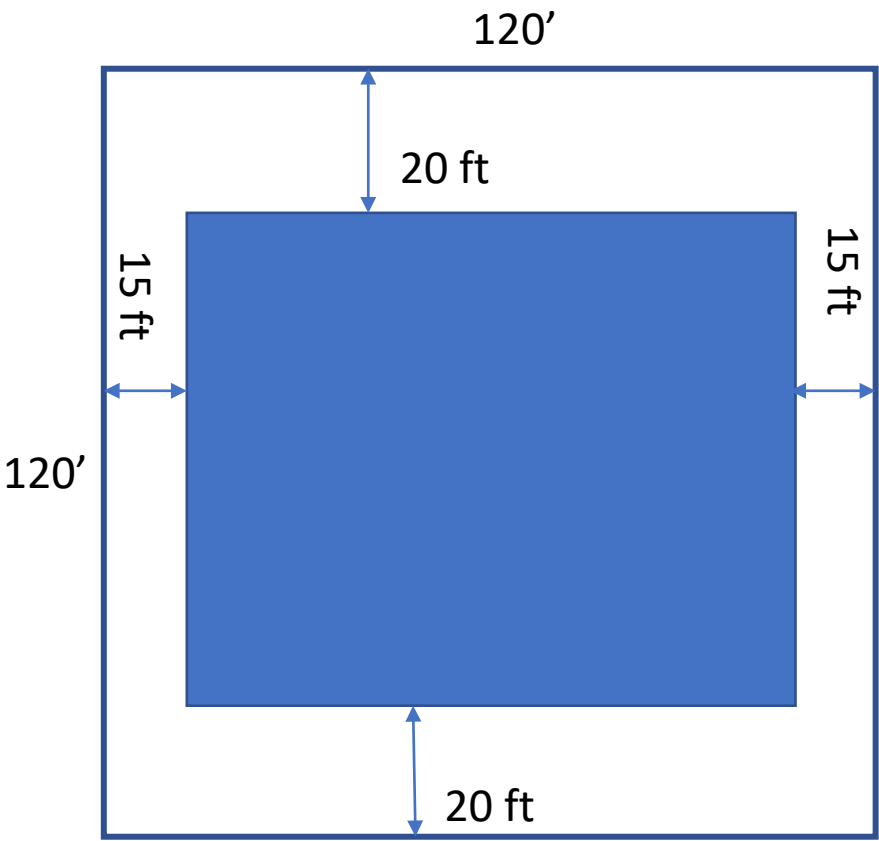


Counting Bottom Floor= 2.21
Not Counting Bottom Floor= 1.65



Counting Bottom Floor= 2.76
Not Counting Bottom Floor= 2.21



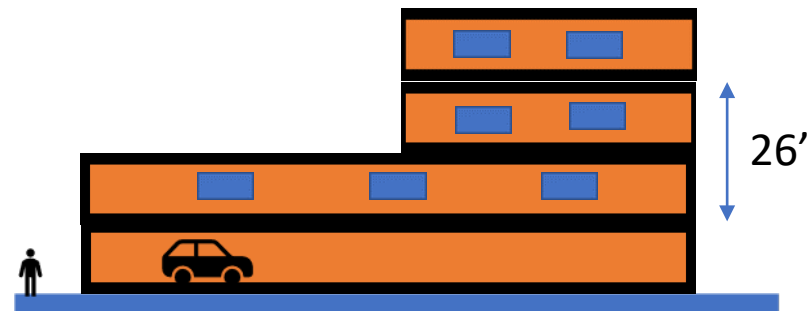


CPD Example in Pedestrian Commercial
Max FAR 2.5

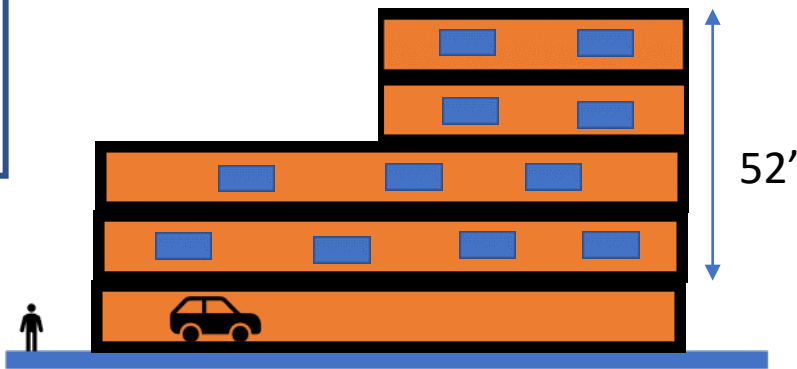
Counting Bottom Floor= 1.11
Not Counting Bottom Floor= .55



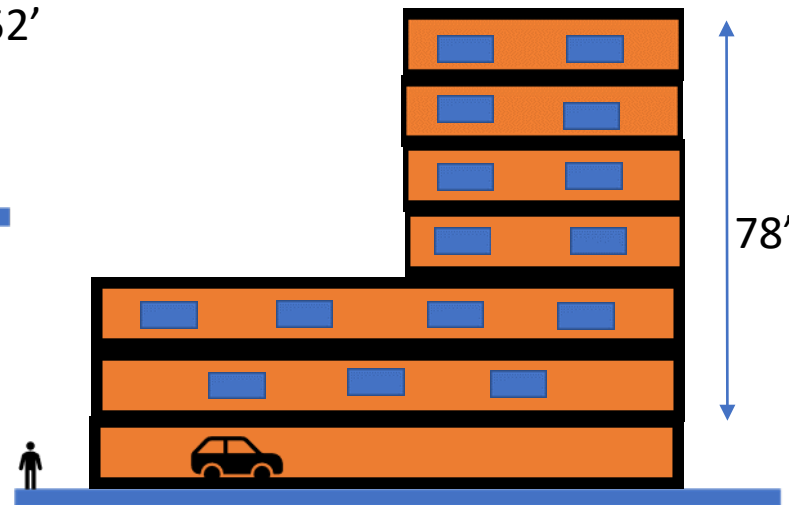
Counting Bottom Floor= 1.65
Not Counting Bottom Floor= 1.11

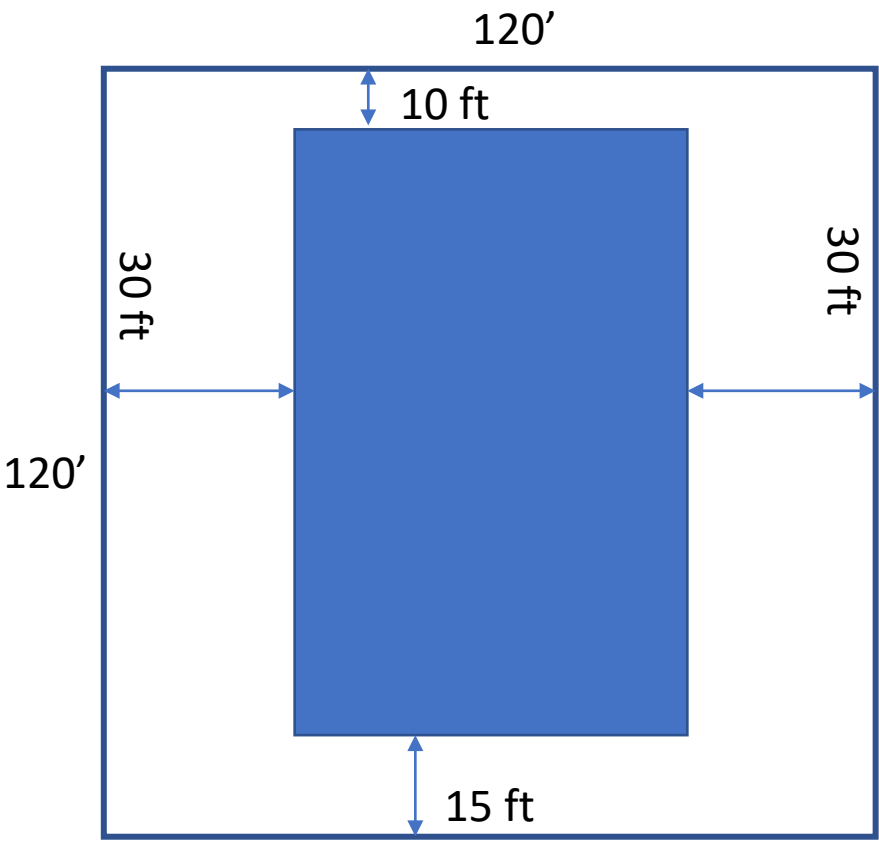


Counting Bottom Floor= 2.21
Not Counting Bottom Floor= 1.65

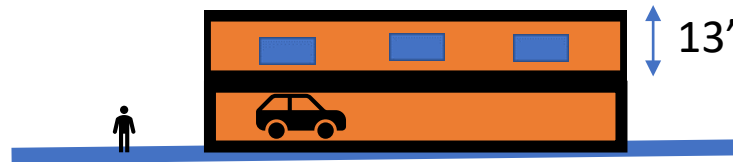


Counting Bottom Floor= 2.76
Not Counting Bottom Floor= 2.21





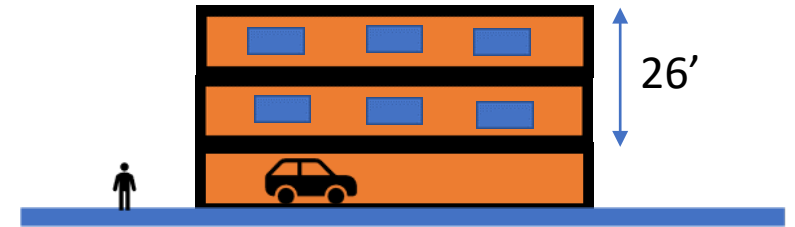
CPD Example in Pedestrian Commercial
Max FAR 2.5



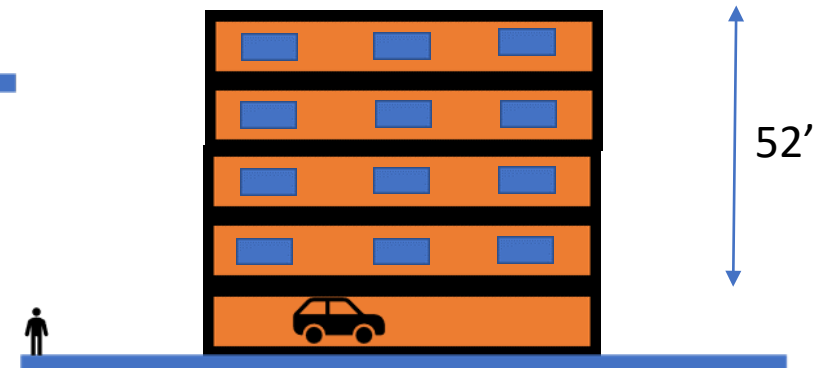
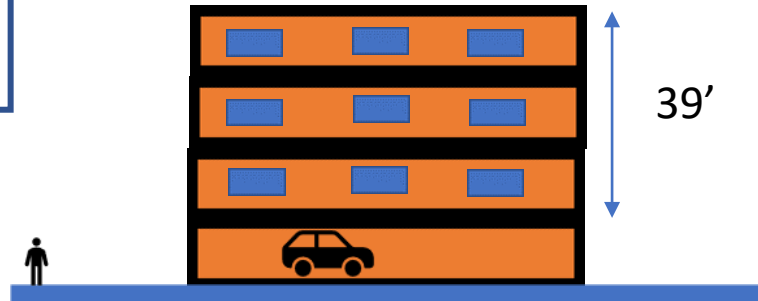
Counting Bottom Floor= .79
Not Counting Bottom Floor= .39

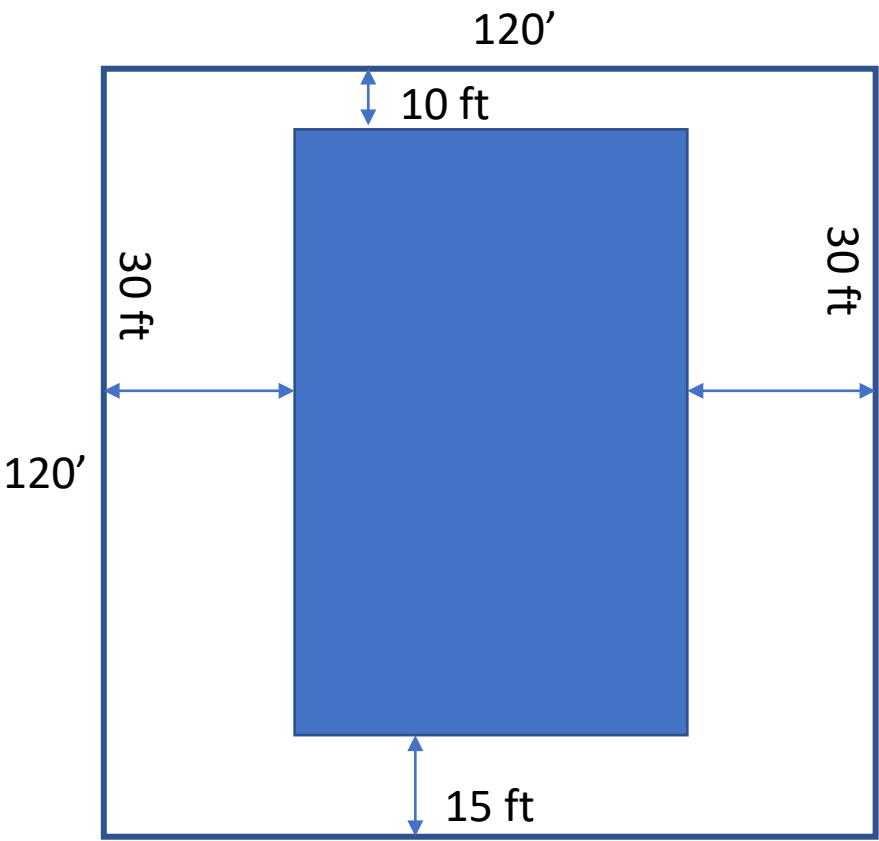
Counting Bottom Floor= 1.58
Not Counting Bottom Floor= 1.19

Counting Bottom Floor= 1.19
Not Counting Bottom Floor= .79

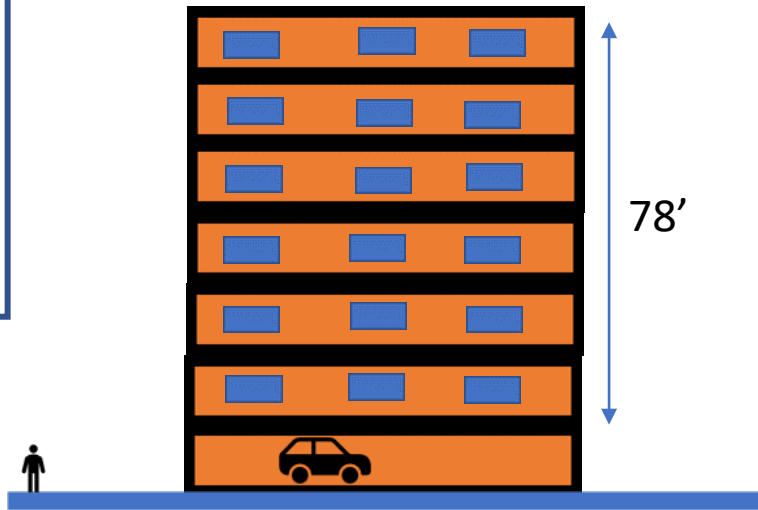


Counting Bottom Floor= 1.97
Not Counting Bottom Floor= 1.58



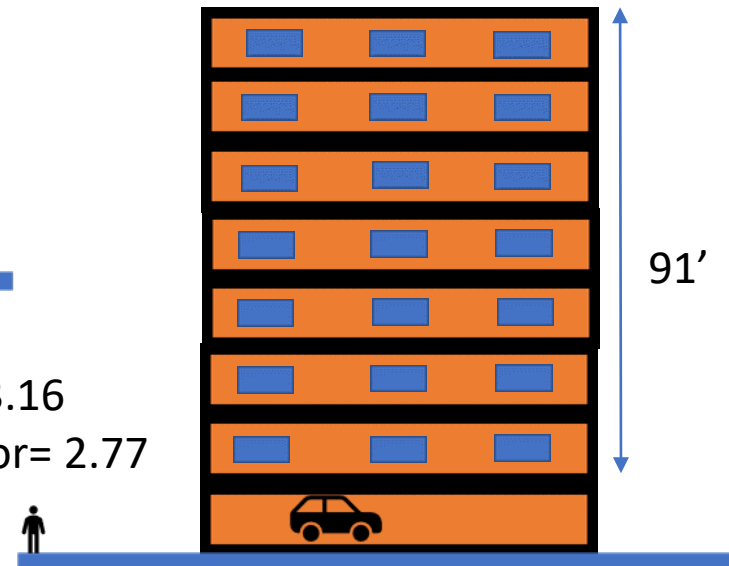
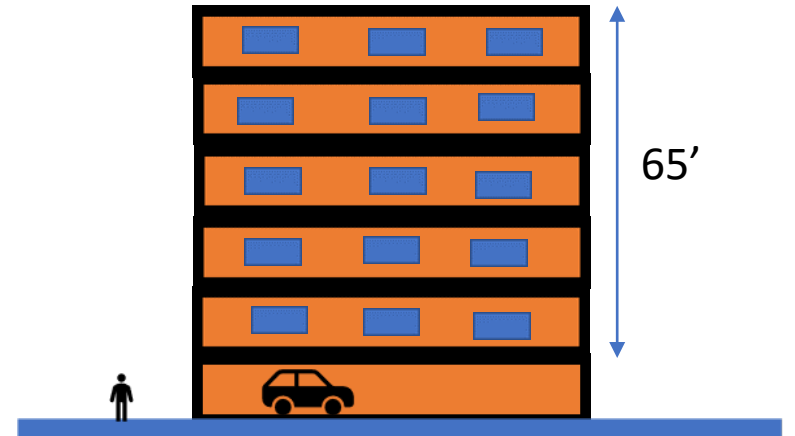


Counting Bottom Floor= 2.77
 Not Counting Bottom Floor= 2.37



Counting Bottom Floor= 3.16
 Not Counting Bottom Floor= 2.77

Counting Bottom Floor= 2.37
 Not Counting Bottom Floor= 1.97



CPD Example in Pedestrian Commercial
 Max FAR 2.5



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT

To: Town Council
From: Sarah Propst, AICP PMP, Community Development
Date: August 8, 2023
Re: FAR Discussion

BACKGROUND

The Town has had several discussions regarding application of the Floor Area Ratio (FAR) regulations and how FAR is measured. It has been made clear to staff that Council is not interested in increasing the FAR that is included in the Comprehensive Plan. The LPA previously asked for a discussion about how FAR is measured. This presentation is intended to inform Town Council of the same information and to request feedback regarding the options which are indicated at the end of this staff report.

The code currently says ***gross floor area includes the total floor area of all stories of a building within the surrounding exterior walls (whether the walls are solid or screened), plus all area below an elevated building that is six feet or more in height, plus all stories of covered parking, but not including any area whose roof is screened rather than solid (such as swimming pool enclosures). (Section 34-633(1))*** *Emphasis added by staff.*

Many structures include parking on the ground level, below the flood elevation. There has been discussion among the LPA and Town Council regarding whether this should be counted toward FAR. Collier County does not include parking areas in the FAR calculation. The City of Ft Myers does not include parking in the calculation. Lee County does not calculate FAR.

OPTIONS

Staff provides the following options as a starting point for suggestions.

- 1) The Town can continue to count ground floor parking. This will result in no changes.
- 2) The Town can exclude parking area below a building from the FAR calculation. This will require only a change to the definition of how gross floor area is calculated.

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | **F.** 239-765-0909 | 2525 Estero Boulevard, Fort Myers Beach, FL 33931



- 3) Staff has heard a preference for encouraging resilient redevelopment of the Town. An option that would incorporate flood resiliency would be to exclude parking areas under buildings, from the FAR calculation, if the first floor above flood elevation is three feet above the minimum allowed. This will encourage more flood safe development.

The LPA supported the third option.

SUMMARY

This discussion is to inform the Comprehensive Plan discussion and to assist staff in providing code updates that will accomplish the Town Council's vision. No vote is required, this is purely intended to be informational for all parties. The Town has the option to leave the calculation of FAR the same or to change it to encourage more resilient development or to provide property owners other options for how this is calculated.