



Fort Myers Beach Local Planning Agency

**Council Chambers
2525 Estero Blvd.
Fort Myers Beach, FL 33931**

Minutes

Tuesday, January 11, 2022

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Members present: Chair Megan Heil, Anita Cereceda, Forrest Critser, Jane Plummer, Scott Safford and Karen Woodson.
Absent: Patrick Vanasse.

II. INVOCATION

Chair Heil.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

- A. November 11, 2021 minutes
LPA Member Plummer moved to approve the minutes; second by LPA Member Critser.
Motion approved 6-0 with LPA Member Vanasse absent.

V. PUBLIC HEARINGS

- A. VAR20210112, 50 Aberdeen Ave. to allow principal structure and elevated pool to encroach 10 feet into 25 feet street setback
Approve/Approve with Conditions/Deny VAR20210112, a variance to allow the principal structure and elevated pool to encroach 10 feet into the 25 feet street setback at 50 Aberdeen Avenue.
Town Attorney Herin, Jr. swore in those providing testimony. Ex parte communications: LPA Member Cereceda - familiar with the property, spoke to Nathan from The Observer; received an email from Hank Zuba and spoke with Town Council Member Rexann Hosafros. All other LPA Members drove by the property.

Fred Drovdlc, a planner from RVi, represented owners Ken and Candice Kochenour. He displayed slides of the Location Map, Property Overview, Survey, Variance Request, Site Plan, Property Overview, LDC Overview, Justification, Variance Criteria and Conclusions. Mr. Drovdlc stated that the owners intended to replace the two cottages with a single-family house. He described the elevated pool and noted it met FEMA (Federal Emergency Management Agency) guidelines. A discussion was held concerning the variance criteria, especially the view corridor.

Assistant Community Development Director Carl Bengé reviewed the Variance Request, Existing Conditions, Proposed Site Plan and Staff Findings and Recommendations.

LPA Member Plummer thought that replacing two houses with one house was positive. Assistant Director Bengé agreed but stated they had to follow new construction requirements. LPA Member Woodson noticed that the Commercial Resort category was checked off on the application. Assistant Director Bengé indicated it was an error.

No public comment.

Chair Heil stated that the request was for new construction, and they could design a house to fit the property without a variance. LPA Member Cereceda agreed. LPA Member Safford agreed, but the lower density was a trade-off. LPA Member Cereceda brought up intensity issues. Town Attorney Herin, Jr. stated that once the two houses were demolished, only one could be built back on the property, so it was not a trade-off. LPA Member Woodson agreed they could design a nice house without the variance. LPA Members Critser and Plummer supported the variance request. LPA Member Critser felt that removing the house closest to Estero Blvd. was a plus. Town Attorney Herin, Jr. stated that they should approve the request if they believed the applicant met the variance criteria. If not, they should deny the request.

LPA Member Cereceda moved to deny the request based upon the staff report that the applicant has not met the criteria set forth in LDC Sec. 34-87; second by Chair Heil.

Motion approved 4-2 with LPA Member Vanasse absent.

- B. VAR20210102, to allow a pool forward of the principal structure and within the street setbacks

Approve/Approve with Conditions/Deny VAR20210102, 5503 Estero Boulevard to allow an accessory structure - pool - to be forward of the principal structure along Estero Boulevard right-of-way.

Daniel Clarkston, co-owner of the property, stated that he recently discovered that only one variance was needed for the pool. Chair Heil apologized for interrupting his presentation for ex parte communication disclosures: Chair Heil drove by and looked the property up on Zillow and LEEPA; all other LPA Members drove by the property.

Mr. Clarkston described his site plan and the location of the pool. He described the house's condition when they purchased it a year ago. He intended to remodel the house, install a pool, and sell it. He revealed that it was a four-plex with three parking spaces. He felt there was enough space to add another parking space, but he would check with the engineer. Community Development Director Jason Green stated that LPA Members received the revised plan from the applicant's consultant, but it did not reflect the conversation that occurred after that. He described conversations with the consultant and noted they agreed to fit the pool within the box to be compliant. Director Green confirmed that the Dakota setback was not needed. He pointed out that they did not ask for an Estero Blvd. setback variance.

LPA Member Cereceda was concerned regarding the lack of parking. She suggested tabling the request to allow the applicant to return with a parking plan. Director Green commented that there was no way to meet the parking requirements under today's standards. Town Attorney Herin, Jr. recommended that the matter be continued. All LPA Members agreed. No public comment.

LPA Member Cereceda moved to continue the public hearing of Variance 20210102 to the February 8, 2022, LPA meeting at 9:00 a.m.; second by LPA Member Woodson.

Motion approved 6-0 with LPA Member Vanasse absent.

VI. ADMINISTRATIVE AGENDA

A. Historical signs

Modifying historical signs with updated Town logo

Director Green provided samples of the logo. LPA Member Safford suggested adding a QR code. LPA Member Cereceda preferred option 3 with an upper and lower case. Chair Heil questioned whether there was a monochrome version. She noted there was a lot of color in the logo. LPA Members Woodson and Safford supported option 4. LPA Member Cereceda would like option 4 more if it was upper and lower case. Chair Heil preferred option 4. Director Green will pass along their opinions.

VII. LPA MEMBERS ITEMS/REPORTS

LPA Member Cereceda questioned whether the LPA would discuss workforce housing. Director Green replied they probably would at some point.

LPA Member Plummer questioned what they could do to reduce the number of motorized vehicles on the sidewalks. She felt that education was needed. She also mentioned that bicycles did not have lights on at night. Town Attorney Herin, Jr. replied that they were working on the light issue. He encouraged LPA Members to contact their legislative members. He stated that it was up to Lee County to enforce rules on Estero Blvd. LPA Member Plummer stated that one hotel had spotlights coming off the hotel onto the beach. Director Green will

inform Environmental Project Manager Chadd Chustz.
Chair Heil expressed frustration with the lack of enforcement of regulations they worked so hard to help put in place.
No items from other members.

VIII. LPA ATTORNEY ITEMS/REPORTS

No items.

IX. COMMUNITY DEVELOPMENT ITEMS/REPORTS

No items.

X. ITEMS FOR NEXT MONTHS AGENDA

- A. Future LPA Meeting Dates
No discussion.

XI. PUBLIC COMMENT

No public comment.

XII. ADJOURNMENT

LPA Member Cereceda moved to adjourn the meeting; second by LPA Member Safford.
Motion approved 6-0 with LPA Member Vanasse absent.

The meeting was adjourned at 11:02 a.m.

Minutes adopted as presented, February 8, 2022; Motion by LPA Member Cereceda and seconded by LPA Member Plummer; Motion passed 7-0



Amy Baker, Town Clerk