



Fort Myers Beach Local Planning Agency

Town Hall Council Chambers
2731 Oak Street
Fort Myers Beach, FL 33931

Agenda

Tuesday, March 12, 2024

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

A. Local Planning Agency Regular Meeting - February 13, 2024

B. Local Planning Agency Regular Meeting - February 27, 2024

V. PUBLIC COMMENT

VI. PUBLIC HEARINGS

A. Resolution 24-XX; VAR20240046, 718 Estero Blvd

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20240046, REQUESTING A VARIANCE FROM LDC TABLE 34-3 OF 15-FEET, PROVIDING A 10-FOOT FRONT SETBACK. THE LDC REQUIRES A SINGLE-FAMILY HOME IN RM ZONING DISTRICT TO PROVIDE A MINIMUM 25-FOOT STREET SETBACK, FOR THE PROPERTY LOCATED AT 718 ESTERO BOULEVARD; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

B. Resolution 24-XX; VAR20240027 - 250 Tropical Shores Way

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20240027, REQUESTING A 4-FOOT VARIANCE FROM SEC. 34-638(5)(A)(1) WHICH REQUIRES AN ADDITIONAL 12-FEET OF STREET SETBACKS FOR RESIDENCES WIDER THAN 65-FEET, INSTEAD PROVIDING AN ADDITIONAL 8-FOET OF STREET SETBACK FOR THE PROPERTY LOCATED AT 250 TROPICAL SHORES WAY; PROVIDING FOR CLARIFICATIONS AS

NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

- C. Resolution 24-XX; SEZ20230302 - 450 Harbor Court

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20230302, REQUESTING CONSUMPTION ON PREMISES FOR A RESTAURANT WITH A BAR/ COCKTAIL LOUNGE THAT IS VISIBLE FROM THE EXTERIOR OF THE RESTAURANT PER SEC. 34-1264(B)(2)A.3., FOR THE PROPERTY LOCATED AT 450 HARBOR COURT; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

VII. ADMINISTRATIVE AGENDA

VIII. LPA MEMBERS ITEMS/REPORTS

IX. LPA ATTORNEY ITEMS/REPORTS

- A. Development Agreement with Deviations

X. COMMUNITY DEVELOPMENT ITEMS/REPORTS

XI. ITEMS FOR NEXT MONTHS AGENDA

XII. ADJOURNMENT

NOTE: THIS MEETING IS STREAMED LIVE ON FACEBOOK AND 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.



Fort Myers Beach Local Planning Agency

Bay Oaks Recreation Center
2731 Oak Street
Fort Myers Beach, FL 33931

Minutes

Tuesday, February 13, 2024

9:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

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

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

- A. January 9, 2024 LPA minutes
LPA Member Boan moved to approve the minutes; seconded by LPA Member Sudduth.
The motion carried unanimously.

V. PUBLIC COMMENT

Grace Workman, resident, asked about putting five more stories on top of her house for single families due to inflation and insurance costs. She noted they would be for local residents only. She indicated that developers were asking for more density, and she wanted more too. She invited members to stop by for a drink to discuss options.

VI. PUBLIC HEARINGS

- A. **WITHDRAWN** SEZ20230302, COP for 450 Harbor Court
Staff request for a continuance to a date uncertain, SEZ20230302 for COP Rude Shrimp at 450 Harbor Court

- B. **WITHDRAWN** SEZ20230226, Ink Shell Resort beach and pool amenities in the EC zoning district.

Staff is requesting a continuance to a date uncertain, for SEZ20230226 for The Pink Shell Resort located at 275/322, 200, and the common element of 192 Estero Blvd.

- C. Ordinance 24-03; Flood Ordinance

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING ARTICLE IV OF CHAPTER 6 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF FORT MYERS BEACH TO 1) REQUIRE ALL MANUFACTURED HOMES INSTALLED OR REPLACED IN SPECIAL FLOOD HAZARD AREAS TO BE ELEVATED AT OR ABOVE AT LEAST THE BASE FLOOD ELEVATION PLUS 1 FOOT; 2) ADOPT THE NOVEMBER 17, 2022 FLOOD INSURANCE STUDY FOR LEE COUNTY FLORIDA AND INCORPORATED AREAS; 3) CHANGE TO SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATIONS; AND 4) AMEND THE DEFINITIONS OF MARKET VALUE AND SUBSTANTIAL DAMAGE, IN ORDER TO COMPLY WITH RECENT CHANGES TO THE COMMUNITY RATING SYSTEM NECESSARY TO RETAIN A CLASS 8, WHICH ASSIST THE TOWN IN MAINTAINING ITS CLASS 5 COMMUNITY RATING SYSTEM DESIGNATION; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER ERRORS, CONFLICTS OF LAW AND AN EFFECTIVE DATE.

Chair Cereceda read the title of the ordinance. Flood Plain Manager Kristin Schumacher explained that the ordinance was to maintain the Class 5 community rating designation. She confirmed that the other section would be amended with input from the state after the ordinance was approved.

No public comment.

LPA Member Boan moved to approve the ordinance; seconded by LPA Member Sudduth.

The motion carried unanimously by roll call vote.

- D. Resolution 23-190; VAR20230162, 21391 Widgeon Terrace

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230162, TWO VARIANCES FROM LDC TABLE 34-3 TO DECREASE REQUIRED SIDE YARD SETBACK BY 2.18 FEET FROM THE REQUIRED 10 FEET AND TO DECREASE REQUIRED WATERBODY SETBACK BY 14.39 FEET FROM THE REQUIRED 25 FEET, IN THE RC ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 21391 WIDGEON TERRACE; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

Town Clerk Baker confirmed that the three variances were properly advertised. She swore in those providing testimony. Chair Cereceda read the title of the resolution. Ex parte communications: LPA Member Vanasse - toured the property and met with the neighbor about concerns and LPA Member Sudduth - discussions with the neighbor about concerns. No disclosures from other members.

Community Development Planner Sarah Propst reviewed the background of the request as stated on the yellow sheet. She noted that the staff required an additional condition to add landscaping to buffer the pool from the neighbor. The staff report was amended to include the elevated pool.

Attorney Robert Burrandt represented the applicants and described what they had gone through since 2021. He noted that the neighbor objected to seeing the pool and Attorney Burrandt commented that everyone could see their neighbor's pool now. The property owners were prepared to add the landscape and they tried to reach a resolution with the neighbor but were unsuccessful. He noted there was nowhere else to place the pool on the property and the owners moved the mechanical equipment under the house to mitigate the noise.

LPA Member Vanasse commented that the elevated pool blocked the views and the addition of the outdoor kitchen on the deck was not disclosed earlier. Attorney Burrandt suggested that the view was already obstructed by the house and LPA Member Vanasse disagreed. Slides were displayed and the view was discussed. Kelly Moore described pictures and stated that the outdoor area was there when the house was purchased.

Ms. Moore utilized PowerPoint for her presentation. Slides included an aerial view showing that 12 out of 14 homes have pools and facts about the neighborhood were listed, a timeline and two changes to setbacks, Ms.

Moore described creating an outdoor space, Hurricane Ian's destruction, a New survey, Pool Proposal, Request to add screen cage to the pool and the neighbor and rental agency's sudden concern despite not attending the LPA meeting. She stated they met with the neighbor three times and with staff last Saturday. They walked around the property and onto the neighbor's decks above the garage and commented that the pool would be even with the existing deck. No compromises were reached. She invited LPA Members to visit their home and stated they do not rent their home.

LPA Member Plummer noted that the setback was 7.5 when the property was purchased.

Public comment:

Attorney Sarah Spector from Roetzel & Andress represented the Himmelsteins, who owned the adjacent property. She distributed a presentation and stated the applicants did not meet three of the five criteria required. She said it was detrimental to the neighborhood and asked that the LPA deny the requests. She reviewed the definition of de minimus and included a picture of the property next to a survey and where the pool was proposed. She stated the cage would block the view even more. Alternative options were to put the pool on the south or east side of the home and install an at-ground pool without a pool cage or a shorter pool cage.

She noted their main concern was that the pool would take up the entire property and possibly compromise the drainage on the property and adjacent property. She added that emergency vehicles would not be able to turn around. She requested that the request be denied or that alternative options be considered.

Robert Himmelstein, resident, distributed documents and described the other raised pool in the neighborhood. He noted the property did not meet impervious surface calculations, the pool was too big and there were too many amenities in the area. He said they could add a smaller pool and invited Planner Propst to visit the property.

Jeff Walker managed the adjacent rental property and stated Mr. Himmelstein was in town once a month and would eventually be a full-time resident.

Judy Haataja, resident and business owner, was concerned about the setback and protecting the adjacent neighbor. She discussed elevated pools obstructing the view. She felt the variances should be denied or changed.

Larry Himmelstein, resident, commented about his son.

Dorothy Himmelstein, resident, commented about the town and her son. Public comment closed.

Attorney Burrandt noted the parent's comments were not relevant and he discussed the de minimus concern. He stated the town would not allow an inground pool and the pool was only 10 feet wide, not 20 feet. There were no other options for the pool location and this was as de minimus as it gets. He asked that the requests be approved and they were okay with the landscape requirements. LPA Member Sudduth questioned whether a 10-foot-tall pool cage was an option for the owners. Mr. Plaisted, applicant, referred to pages 25 & 26 regarding the landscaping and pool screen. He stated that his property did meet the impervious surface requirements.

LPA Member Vanasse questioned whether an elevated pool was considered an impervious surface. Planner Propst replied that the owners would be required to meet the impervious surface coverage. She clarified the dates that the setback rules changed. LPA Member Boan verified that the applicant could plant tall landscape without permission from the town. LPA Member Sudduth stated that all requirements would have to be met before a permit was issued. LPA Member Vanasse indicated that the plans for the outdoor kitchen were not included in the application packet and were material for de minimus. He referred to Attorney Spector's presentation and noted there would be a wall towards the water. He asked if the LPA was okay with that and discussed mischaracterizations of what was requested. LPA Member Plummer commented that the applicant had a right to privacy on his property and the cement blocks would be the same level as the deck. She was unsure the view was the issue and felt it was a de minimus request. LPA Member Sudduth lived at the property for five years and stated that the view from the forward deck would not be impeded because there was already a tall hedge where the pool would be. He said that he had a pool planned for the same area while he lived there. Chair Cereceda noted that they were only talking about a tiny portion of the neighbor's property and she supported the variance even though she did not like elevated pools. The pool would not

impact anyone in the neighborhood and the request was reasonable.

Chair Cereceda moved to approve the variances finding it consistent with the regulations of the LDC and Comp Plan with the condition of landscaping; seconded by LPA Member Plummer.

The motion carried 5-2 by roll call vote, with LPA Members Eckmann and Vanasse dissenting.

- E. Resolution 24-09; VAR20230288, 8069 Estero Blvd.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230288, REQUESTING A VARIANCE FROM LDC 34-638(D)(1)G. WHICH REQUIRES NEW AT-GRADE MECHANICAL EQUIPMENT TO NOT ENCROACH INTO A SIDE YARD SETBACK AND TO BE LOCATED ON THE SIDE OF THE PROPERTY WITH THE LARGER SETBACK, WHERE THERE ARE DIFFERING SIDE SETBACK WIDTHS, FOR THE PROPERTY LOCATED AT 8069 ESTERO BOULEVARD; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Chair Cereceda read the title of the resolution. No ex parte communications. Planner Propst reviewed the background of the request as stated on the yellow sheet. LPA Member Plummer noted that placing the equipment under the stairs was a potential fire hazard. Planner Propst explained that the site plan showed the equipment in the correct location, but the installers put it on the wrong side of the house.

Valerie Blair, applicant, stated the pool was installed in 2022 and was not inspected before lan. She was not aware that the pool equipment was installed in the wrong location. The contractor agreed to move it, but the applicants would be charged. She read a letter from her neighbor who did not have a problem with the current location of the equipment.

No public comment.

LPA Member Vanasse moved to approve the variance; seconded by LPA Member Eckmann.

The motion carried unanimously by roll call.

- F. Resolution 24-20; VAR20230284, 65 Flamingo St

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230284, REQUESTING A VARIANCE FROM TABLE 34-3 PRINCIPAL STRUCTURE SETBACKS, TO DECREASE THE FRONT STREET SETBACK BY 10 FEET AND DECREASE THE REAR SETBACK BY 15 FEET AND DECREASE THE REAR STREET SETBACK BY 15 FEET, TO ALLOW A NEW SINGLE FAMILY HOME FOR THE PROPERTY AT 65 FLAMINGO STREET; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Chair Cereceda read the title of the resolution. Ex parte communications: LPA Member Vanasse asked Mr. Ink a question before the hearing. No disclosures from other members.

Planner Propst corrected the staff report and the title of the resolution. She stated that the correct request was to reduce the front setback by five feet and there was an additional encroachment of a five-foot single-story porch on the front of the house. The house was only encroaching five feet. She reviewed the background of the request as stated on the yellow sheet. Two letters of objection were received by neighbors within 500 feet of the property. LPA Member Vanasse clarified that the setback was from 20 feet, not 25.

Jim Ink reviewed his experience and background as a professional engineer. Chair Cereceda moved to accept Mr. Ink's qualification as an expert in his field; seconded by LPA Member Plummer.

The motion carried unanimously.

Mr. Ink distributed copies of his PowerPoint presentation.

Albert Dambrose reviewed his experience and background in residential and commercial architecture.

LPA Member Plummer moved to accept Mr. Dambrose as an expert in his field; seconded by LPA Member Eckmann.

The motion carried unanimously.

Mr. Ink's presentation included the Design Team, Request Statement, 2033 Aerial Pre Ian, 2023 Post Ian, Survey, Base Plot Plans and Variance Criteria. He requested that the graphic with the buildable area be attached to the final ordinance.

Public comment:

John Otteson, resident, commented that the property was on a path and he felt the house would be intrusive. He stated that the property owner claimed a homestead exemption for at least nine years and the owner's property in Michigan was also homesteaded.

Public comment closed.

Mr. Dambrose stated that the total square footage under air was 1,601. Mr. Ink noted that the five-foot path or walkway referred to by Mr. Otteson would remain. LPA Member Plummer questioned whether the walkway was deeded and Mr. Dambrose did not know.

LPA Member Eckmann moved to approve the variance request with conditions in the staff report; seconded by LPA Member Plummer. The motion carried unanimously by roll call vote.

G. Land Development Code (LDC) / Comprehensive Plan (Comp Plan) Updates
Comp Plan Elements

Eddie Ng from The Corradino Group indicated that members were sent a packet for their review. He referred to the three elements in the chart and noted that the district maps changed based on feedback. He advised that the Comprehensive Plan (Comp Plan) be treated as a vision and loosened/tightened where needed. The Future Land Use Element was reviewed. A new resiliency policy was suggested on page 2. LPA Member Sudduth thought 12 months to implement the adjustments was too long, but Planner Propst commented that it was appropriate and should not be rushed. LPA Member Sudduth questioned whether they could change some regulations a little quicker.

Planner Propst replied that they had to look at the entire document. LPA Member Vanasse brought up the new mixed-use category and questioned whether the properties that fell under the previous mixed-residential category would be affected by taking out the commercial component. He asked whether they were losing the opportunity for commercial uses. Mr. Ng replied that they recommended a degree of separation. LPA Member Vanasse noted that they were not allowed to make more restrictive changes per the Senate bill. Planner Propst would double-check, but she thought everything was covered under mixed.

Planner Propst indicated that the area shown as a theater/arts mixed-use district was a Boulevard district and separate from the neighborhood.

LPA Member Plummer questioned why the mobile homes were removed but not the RVs. LPA Member Vanasse explained that mobile homes were permanent structures and RVs were not. Planner Propst questioned whether they wanted to allow new mobile homes. Mr. Ng replied that the state discouraged new mobile homes on barrier islands. LPA Member Vanasse noted that mobile home park exemptions were removed from the flood plain ordinance. He thought the flood plain ordinance said they could have a manufactured home, but it would have to be built to code requirements. He questioned whether it was more restrictive. Planner Propst asked whether they wanted to maintain mobile home parks if they could be removed without creating an issue. LPA Member Plummer mentioned that properties on Pearl St. would become more restrictive and the replacement cost much higher.

LPA Member Boan stated that if the flood plain code prohibited mobile home parks, the language should not be in the Comp Plan.

Mr. Ng explained why the district boundaries of Times Square changed. Regarding FAR, he recommended keeping the structure and changing the number as they saw fit and the result would create predictability for the homeowner.

Chair Cereceda indicated that the section was confusing and Mr. Ng responded that he would work with staff to create a map in addition to the text. Mr. Ng will email maps to Planner Propst. The discussion will be continued at a separate LPA meeting to be scheduled at the end of the month.

No public comment.

VII. ADMINISTRATIVE AGENDA

No items.

VIII. LPA MEMBERS ITEMS/REPORTS

LPA Member Plummer commented on A. and B. being continued again and asked why the Rude Shrimp was able to operate without a COP (Consumption on Premises) license. Planner Propst stated that the Rude Shrimp's application was insufficient. LPA Member Plummer noted that the town appeared to be allowing them to continue without permits. She questioned why the Pink Shell was continued. Planner Propst replied that they proposed moving their easement and there were difficulties with the process. LPA Member Plummer questioned two fixed structures on the property and Planner Propst will look into them.

LPA Member Vanasse requested a recap of where they were and where they were going for the next Comp Plan discussion.

LPA Member Sudduth commented that the stop light at the pedestrian walkover should be avoided.

LPA Member Eckmann suggested including a policy in the Comp Plan to encourage the use of native plants.

Chair Cereceda felt it was a disservice to the residents when continuances were continually requested. She said she did not know how the Rude Shrimp could continue without a permitted use. Residents trying to do something with their homes did not get the same leniency. She noted they were wasting everyone's time by delaying, which should stop.

Planner Propst requested that property owners check their addresses on the Property Appraiser's website because the town was getting a lot of mail returned.

No items from other members.

IX. LPA ATTORNEY ITEMS/REPORTS

No items.

X. COMMUNITY DEVELOPMENT ITEMS/REPORTS

No items.

XI. ITEMS FOR NEXT MONTHS AGENDA

Several cases would be on the agenda.

XII. ADJOURNMENT

LPA Member Sudduth moved to adjourn; seconded by LPA Member Boan.
The motion carried unanimously.

The meeting was adjourned at 12:30 p.m.

DRAFT



Fort Myers Beach Local Planning Agency

**Bay Oaks Recreational Campus
2731 Oak Street
Fort Myers Beach, FL 33931**

Minutes

Tuesday, February 27, 2024

11:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

Members present: Chair Cereceda, LPA Member Boan, LPA Member Eckmann (arrived 15 min. late), LPA Member Plummer, LPA Member Sudduth and LPA Member Vanasse.

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

- A. Local Planning Agency - February 13, 2024
LPA Member Sudduth moved to approve the minutes; seconded by LPA Member Plummer
The motion carried unanimously.

V. PUBLIC COMMENT

John McLean, resident, submitted his application for the open position.
Rick Loughrey, resident, commented on the lack of music on the beach and the bars closing too early. He implored the LPA to allow music to play later.

VI. PUBLIC HEARINGS

Town Attorney Nancy Stuparich described quasi-judicial hearings. Town Clerk Baker stated that all items had been properly noticed. LPA Member Vanasse recused himself from items B. and E. Town Clerk Baker swore in those providing testimony for all cases.

- A. Resolution 24-42; SEZ20230280, 102 Estero Blvd

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING / APPROVING WITH CONDITIONS / DENYING SPECIAL EXCEPTION SEZ20230280 TO

ALLOW RECONSTRUCTION OF A POOL, POOL DECK, FENCES AND WALLS, GRILL AREA, FOOT-RINSE STATION, LIGHTING, AND BEACH ACCESS PATH IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT, WITH CONDITIONS, FOR THE PROPERTY LOCATED AT 102 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Attorney Stuparich read the title of the resolution. No ex parte communications were disclosed.

Community Development Planner Sarah Propst reviewed the background of the request as stated on the yellow sheet.

Cathy Shultz represented the Vacation Villas and noted that the pool required resurfacing and the rest of the items would be repaired to what they had before the hurricane. The grill area would be moved further from the CCCL (Coastal Construction Control Line). LPA Member Eckmann will refrain from voting because he did not attend the hearing.

No public comment.

LPA Member Sudduth moved to approve the resolution with conditions listed in the staff recommendation; seconded by LPA Member Boan.

The motion carried 5-0 by roll call vote, with LPA Member Eckmann refraining.

B. Resolution 24-35; SEZ20230052 6-month review

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION AMENDMENT SEZ20230052, REQUESTING A SIX-MONTH REASSESSMENT OF PREVIOUSLY APPROVED AMENDMENTS TO ALLOW FOR OUTDOOR ALCOHOL SALES AND LIVE MUSIC; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Chair Cereceda read the title of the resolution. Ex parte communications: Chair Cereceda spoke to Tom before the hearing. No disclosures by other members and LPA Member Vanasse recused himself.

Community Development Senior Planner Jason Smalley reviewed the background of the request as stated on the yellow sheet. He revealed that one letter was received in support and another supported continued mitigation. The staff were not aware of any complaints.

Greg VonKrumreig, applicant, distributed three months of decibel readings from the corner of the property and felt they satisfied the parameters laid out in the amendment. He requested that the special exception be extended for three more months. He stated that he dealt with a couple of people who had issues.

Mike Miller, applicant, commented that all documents should be submitted to the town within two weeks. He added that they could not please everyone, but they tried their best.

Public comment:

Melody King, resident and business owner, commented that people should not complain about the Whale because tourists were returning.

Raphael Gnirck, resident, stated that the music was very loud, he could not hear his TV and he could not sleep some evenings. He had a calibrated sound meter and recorded 80 decibels multiple times. He asked that the LPA rescind the special exception.

Bob Cabrini, musician at several beach locations, explained that Mr. Gnirck took readings inside the building while he was playing an acoustic guitar inside the tent. He described the details of frequencies regarding bass and noted Mr. Gnirck could be hearing the bass from Margaritaville but not from his guitar.

Lotus Claire, musician at the Whale, indicated that the owners were vigilant regarding the sound and she was asked to lower her sound last night, but others asked that she be louder. She hoped that they continued to support the Whale.

Karyn Slomski, resident, noted that sometimes the music was very loud. She goes to the Whale but wants the music lower so she can sleep. She felt that music should be kept inside once the building was built.

Tom Lump, resident, liked music but did not like music that interrupted him while he was in his house. He described the loud music and the drumbeat. He stated that he could not relax with the music booming and he could not enjoy his deck. Although his house was insulated and hurricane windows were installed, he could still hear the loud music inside his house. He was opposed to continuing the special exception.

David Fite, resident, supported the applicants because they enjoyed the music. The music did not impact them; however, once, when he was at the bar, he felt the music was too loud. He hoped that everyone could be patient while the building was being constructed.

Dawn Miller, applicant, stated that their music stopped at 7:00 p.m. on the weekdays and at 9:00 p.m. on the weekends. She mentioned that the LPA allowed Margaritaville to have amplified music until 10:00 p.m. She added that the Whale never had drums. She stated that one person complained about the noise level of the trivia person asking questions inside the tent.

Public comment closed.

Mr. VonKrumreig verified that no drum was played. He acknowledged there was one loud band and he pulled the plug before their set was over. He remarked that he would not hire them again. He estimated the building would be completed in June 2025, but nothing would be there after they broke ground in about six weeks.

LPA Member Eckmann suggested allowing the continuation not to exceed four months instead of six.

LPA Member Plummer moved to approve the six-month review of the special exception with the conditions of approval; seconded by LPA Member Sudduth. The motion carried 5-0 by roll call vote, with LPA Member Vanasse recused.

C. Resolution 24-41; SEZ20230202 1028 Fifth St

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20230202, REQUESTING CONSUMPTION ON PREMISES TO ALLOW A BAR/COCKTAIL LOUNGE WITHIN 500 FEET OF A PARK, FOR THE PROPERTY LOCATED AT 1028 FIFTH STREET; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Chair Cereceda read the title of the resolution. No ex parte communications disclosed.

Senior Planner Smalley reviewed the background of the request as stated on the yellow sheet.

Attorney Keith Long of Long Law Firm reviewed his experience and qualifications as an expert.

LPA Member Sudduth moved to accept Mr. Long as an expert witness; seconded by LPA Member Plummer.

The motion carried unanimously.

Attorney Long represented the applicant and explained the state's restaurant component of 51% of revenue from non-alcoholic beverages and food. The applicant requested a special exception to place the license in the location with a bar/cocktail lounge. He stated that the applicant did not have any intention of going full bar without serving food if the receipts dropped below 51%. He indicated the applicant would probably agree to a condition that they would offer food during the hours of operation.

Public comment:

Daniel Clarkson, co-owner, stated they had no intention of transitioning into a nightclub or bar and recently added a breakfast menu. The special exception was a precaution to avoid legal issues surrounding the liquor license. He agreed to the condition that they would offer food during the hours of operation.

Pam Shank, kitchen person at the restaurant, commented that the owners were great people who brought a lot of jobs to the community.

Chris Fremble, bartender, stated that people lined up outside for breakfast and the establishment was family friendly.

Public comment closed.

Attorney Long clarified that Margaritaville currently operated the same license the applicants were requesting.

LPA Member Eckmann moved to accept the staff recommendation to approve the special exception with conditions and that food be available during hours of operation; seconded by Chair Cereceda.
The motion carried unanimously by roll call vote.

D. Resolution 24-40; SEZ20230293 - 923 Third Street

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20230293, REQUESTING A SPECIAL EXCEPTION FROM LDC 34-3238(2)(e)(4)(a). WHICH REQUIRES AN INCREASE TO THE NUMBER OF RESIDENTIAL BEDROOMS WHICH MAY BE DEVELOPED WHILE UTILIZING THE POST DISASTER BUILDBACK ORDINANCE, FOR THE PROPERTY LOCATED AT 923 THIRD STREET; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Chair Cereceda read the title of the resolution. No ex parte communications were disclosed.

Senior Planner Smalley reviewed the background of the request as stated on the yellow sheet. He clarified that the ground floor area would meet all the minimum flood regulations.

Chris Mosteiro, applicant, explained why he requested a third floor with a deck for his duplex. Before the hurricane, the first floor had one bedroom with two beds and the other half was a carport. The Lee County Property Appraiser's Office website listed three bedrooms and two baths, but he indicated that he had more than three bedrooms. He described the transient rental neighborhood. He clarified that he was not asking for more units, just more square footage. He accepted the conditions in the staff report.
No public comment.

LPA Member Sudduth moved to approve with staff recommendations and conditions; seconded by LPA Member Plummer.
The motion carried unanimously by roll call vote.

E. Ordinance 24-xx; DCI Rezoning 20230194, 3051 Estero Blvd

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING FOR THE PROPERTY LOCATED AT 3051 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBERS 29-46-24-W1-0120C.0100 FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Chair Cereceda read the title of the ordinance. No ex parte communications were disclosed and LPA Member Vanasse recused himself.

Planner Propst reviewed the background of the request as stated on the yellow sheet. She did not think the zero lot line on Voorhis would affect any vehicles because it was a standard easement.

Ken Gallander, applicant, utilized PowerPoint for his presentation. Slides included Project Team, Presentation Overview, Background & Request, Discussion & Analysis, Master Concept Plan, Findings & Conclusion, Design Standards, Dumpster Enclosure, Renderings and Conclusion.

No public comment.

LPA Member Eckmann moved to recommend approval with the conditions recommended by staff with a recommendation that they consider an artistic mural on the wall at the back entrance similar to the other 7-11 store near Times Square; seconded by LPA Member Boan.

The motion carried 5-0 by roll call vote, with LPA Member Vanasse recused.

VII. ADMINISTRATIVE AGENDA

No items.

VIII. LPA MEMBERS ITEMS/REPORTS

LPA Member Boan questioned whether there was communication regarding the issues at Pink Shell and Rude Shrimp. Town Attorney Stuparich said she mentioned it to the town manager or the operations and compliance director. Chair Cereceda requested that the town manager attend an LPA meeting to explain the issues. LPA Member Boan brought up discussing the Queen of Weed bus.

LPA Member Plummer noted that the Lovers Key Gala was a very nice event and raised a lot of money.

LPA Member Sudduth stated he would attend the March meetings remotely.

LPA Member Vanasse commented that the Mrs. Roper event was a great time, and the Beach Elementary School PTO had a successful cornhole event.

Chair Cereceda stated that the town prohibited the proliferation of mobile vendors who did not have existing businesses before the hurricane. She felt the mobile vendors would squash redevelopment since lots of money could be made from a truck rather than a brick-and-mortar structure. LPA Member Boan reviewed the ordinance and determined that the bus should not be allowed to conduct business on the island because it is prohibited. Chair Cereceda indicated she may address the town council at their next meeting. LPA Member Vanasse explained Vice Mayor Atterholt's intent regarding adding unanimous decisions by the LPA to the consent agenda to streamline town council meetings.

Chair Cereceda suggested that traffic studies for projects be removed as a requirement.

No items from other members.

LPA Member Vanasse moved to delegate authority to Chair Cereceda or LPA Member Sudduth on behalf of the LPA to talk to council about temporary uses and having a better long-term plan; seconded by LPA Member Boan.

The motion carried unanimously.

IX. LPA ATTORNEY ITEMS/REPORTS

No items.

X. COMMUNITY DEVELOPMENT ITEMS/REPORTS**A. Accessory structure setbacks and accessory dwelling units**

Planner Propst discussed why the current setbacks were not clear. LPA Member Vanasse felt that elevated pools and livable accessory units had to meet the primary home setbacks, with special exceptions. LPA Member Plummer asked whether a garage with an accessory unit above had to be attached to the house. LPA Member Vanasse thought it would have to meet the accessory structure setback.

Regarding elevated pools, Planner Propst commented that anything new would have to meet new setbacks. LPA Member Sudduth felt that accessory structures should generally be applied consistently. Planner Propst stated that the issue was allowing property owners with an accessory unit to create two separate units after the hurricane. LPA Member Vanasse used his house with an in-law suite as an example of two units and he was not sure what the connecting obligation had to do with anything. LPA Member Sudduth noted that setbacks had to be followed in cases where elevating accessory structures would block views.

LPA Member Boan felt that accessory units should comply with the setbacks of the primary structure. LPA Member Sudduth noted that anyone could apply for a variance. LPA Member Plummer brought up splitting duplexes and building two houses on the property. Planner Propst stated that the code allowed that and allowed lots to be split. Chair Cereceda brought up increased density and wondered if they needed to revisit that. Town Attorney Stuparich indicated that SB250 prevented them from making burdensome changes. Planner Propst noted that people who demolished or lost their single units on a combined lot were replatting lot lines so they could build two structures, increasing density. LPA Member Plummer thought that property owners with a combined lot should not be allowed to split it, but they could have what existed before the hurricane. LPA Member Boan brought up replatting in subdivisions and non-conforming lots. Town Attorney Stuparich stated that there were rules regarding subdivisions and platting and lots of record determined density.

LPA Member Vanasse suggested that an accessory dwelling unit be consistent with primary structure setbacks and the LPA agreed. Older subdivisions should be consistent with some of the other zoning districts. Accessory units would not be required to be attached to the primary unit but would be required to meet setbacks. All members agreed.

XI. ITEMS FOR NEXT MONTHS AGENDA

Six or seven items will be on the agenda. Chair Cereceda noted that the LPA needed the packets for large-scale projects well before the meetings. LPA Member Vanasse suggested they urge the council to create a strategic plan. LPA Member Plummer stated that people had to mow their yards and remove the debris.

XII. ADJOURNMENT

LPA Member Sudduth moved to adjourn; seconded by LPA Member Plummer. The motion carried unanimously. Meeting adjourned at 2:23 PM

The meeting was adjourned at 2:23 p.m.

DRAFT

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Vanasse Patrick</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Local Planning Agency</i>	
MAILING ADDRESS <i>5711 Leuder St.</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Fort Myers Beach</i>	COUNTY <i>Lee</i>	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>2/27/24</i>		NAME OF POLITICAL SUBDIVISION: <i>Fort Myers Beach</i>	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTEE	

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, Patrick Venasse, hereby disclose that on Feb. 27, 20 24:

(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, THAN VIKAR;

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

☒ inured to the special gain or loss of The Whale Bar/Restaurant, by whom I am retained; or my firm

☐ 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:

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.

Feb 27, 2024
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 <i>Venesse Petrick</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>LPA</i>	
MAILING ADDRESS <i>5711 Lander St</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Fort Myers Beach</i>	COUNTY <i>Lee</i>	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>2/27/24</i>		NAME OF POLITICAL SUBDIVISION: <i>Fort Myers Beach</i>	
		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 112.3148 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, Patrick Vanasse, hereby disclose that on Feb 27, 20 24:

(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, _____;
- ☒ inured to the special gain or loss of 7-Elcan, by whom I am retained; or my firm
- ☐ 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:

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.

2/27/2024
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.

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

Yellow Sheet Number: **2024-1525**

1. Request:

Meeting Date: March 12, 2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20240046, REQUESTING A VARIANCE FROM LDC TABLE 34-3 OF 15-FEET, PROVIDING A 10-FOOT FRONT SETBACK. THE LDC REQUIRES A SINGLE-FAMILY HOME IN RM ZONING DISTRICT TO PROVIDE A MINIMUM 25-FOOT STREET SETBACK, FOR THE PROPERTY LOCATED AT 718 ESTERO BOULEVARD; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The LPA makes recommendations to the Town Council for variance requests.

What the action accomplishes:

Approval of this variance would allow construction of a new home with reduced front setbacks.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

The applicant for 718 Estero Boulevard, is requesting a variance from the Town's Land Development Code (LDC) Table 34-3 which requires a single-family home in RM zoning district to provide a minimum 25-foot street setback and a 7.5-foot side setback. There is a 5-foot variance that was approved by resolution 23-65. The applicant is proposing to construct a single-family home 10 feet from the street property line and maintain the previously approved 5-foot side setback approved by resolution 23-65. The subject property is one of the beach-facing cottage homes connected through a 7.5-foot-wide access easement from Estero Blvd.

Attachments:

1. Res 24-XX- 718 Estero Blvd
2. Staff report
3. Site Plan
4. Variance Application
5. LPA AND TC postcard 718 ESTERO BLVD

Financial Impact:

unknown

6. Alternative Action

Deny the request

7. Staff Recommendations:

Recommend approval

8. Recommended Approval:

Date: March 04, 2024

Frankie Kropacek, Operations & Compliance Director

nancy stuparich, Town Attorney

Amy Baker, Town Clerk

Date: March 07, 2024

Date: March 08, 2024

RESOLUTION NUMBER 24-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20240046, REQUESTING TWO VARIANCES FROM LDC TABLE 34-3 A VARIANCE OF 15 FEET FROM THE REQUIRED 25-FOOT STREET SETBACK, AND A VARIANCE OF 2.5 FEET FROM THE REQUIRED 7.5 FOOT SIDE SETBACK FOR THE EAST SIDE, FOR THE PROPERTY LOCATED AT 718 ESTERO BOULEVARD; PROVIDING FOR 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, 718 Estero LLC, owners of the property situated at 718 Estero Boulevard, is requesting a variance from LDC Table 34-3. which requires a single-family home in RM zoning district to provide a minimum 25-foot street setback and a 7.5-foot side yard setback; and

WHEREAS, the STRAP number for the subject property is 24-46-23-W3-00400.008A; and

WHEREAS, the Property is located in the "Mixed Residential" and "Recreational" category of the Future Land Use Map of the Comprehensive Plan and the "Residential, Multi Family" 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 March 12, 2024, 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 found that the request is consistent with the comprehensive plan and the requirements of the LDC and voted to recommend approval/ approval with conditions/ denial of the variance; and

WHEREAS, on April 1, 2024, 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, interested parties and public, the Town Council APPROVES/ APPROVES WITH CONDITIONS/ DENIES a request for variance from LDC 34-638(d)(1)g. which requires new at-grade mechanical equipment to not encroach into a side yard setback and to be located on the side of the property with the larger setback, where there are differing side setback widths.

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	_____
Karen Woodson	_____
Scott Safford	_____

ADOPTED this ____ day of April 2024 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, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of March 2024.



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20240046

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

LPA

HEARING DATE: March 12, 2023

STAFF

RECOMMENDATION: Approval

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

I. APPLICATION SUMMARY

Applicant/Owner: Zachary Liebetreu (Applicant)/ 718 ESTERO LLC (Owner)

Request: Variance from LDC Table 34-3 which requires a single-family home in RM zoning district to provide a minimum 25-foot street setback. Resolution 23-65 granted a variance of 2.5 feet for a 5' side setback. Additionally, the applicant is requesting a waiver of the variance fee.

Subject property: See attached site plan

Physical Address: 718 Estero Boulevard

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

FLU: Mixed Residential and Recreational

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

Adjacent zoning and land uses:

North:	MIXED RESIDENTIAL Residential Multifamily (RM)
South:	GULF OF MEXICO
East:	MIXED RESIDENTIAL AND RECREATIONAL Residential Multifamily (RM) and Environmental Conservation (EC)
West:	MIXED RESIDENTIAL AND RECREATIONAL Residential Multifamily (RM) and Environmental Conservation (EC)

II. BACKGROUND AND ANALYSIS

Background:

Zachary Liebetreu, the applicant for 718 Estero Boulevard, is requesting a variance from the Town's Land Development Code (LDC) Table 34-3 which requires a single-family home in RM zoning district to provide a minimum 25-feet street setback and a 7.5-foot side setback. There is a 5-foot variance that was approved by resolution 23-65. The applicant is proposing to construct a single-family home 10 feet from the street property line and maintain the previously approved 5-foot side setback approved by resolution 23-65.

The subject property is one of the beach-facing cottage homes connected through a 7.5-foot-wide access easement from Estero Blvd. The property supported a single-family residence prior to Hurricane Ian.

Analysis:

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

As per LDC table 34-3, a single-family home in the RM zoning district shall provide a minimum street setback equal to 25 feet and a side setback of 7.5 feet. The Applicant is requesting a variance of 15 feet from the street setback to accompany the already approved variance of 2.5 feet for a side setback of 5 feet from the east property line to build a new single-family residence.

The property is located off Estero Boulevard and is accessible via an access easement connecting Estero Blvd and the other properties within this subdivision. The

Applicant is proposing the residence to be 10 feet from property line closest to Estero Blvd. The code language does not provide clarity for how to determine setback orientation when a property is not adjacent to the roadway. A variance from the street setback appears to be most appropriate for the request and was applied in this instance. The Applicant is requesting a variance of 15 feet from the required 25-foot front setback to accommodate a setback of 10 feet. The property owner has obtained a variance for a 5-foot side setback on the east side of the building per resolution 23-65.

The Applicant has a obtained a variance for a reduced side setback per resolution 23-65 and is seeking another variance to reduce the street setback due to a recent survey with the correct location of the 1978 Lee County Line (Coastal Construction Control Line) being 11 feet inland of the buildable site. The document(s) submitted for the previous variance displayed the incorrect location of the 1978 Lee County Line, therefore, the applicant must shift the proposed single-family residence north towards the street property line.

Neighborhood Compatibility:

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

III. FINDINGS AND CONCLUSION

Findings and Conclusions:

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

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

The subject property is a non-conforming lot with access through a 7.5-foot-wide access easement from Estero Boulevard. The Applicant has already acquired a minimum use determination letter to allow a construction of a single-family residence post Ian. Per resolution 23-65, an approved variance for a reduced side setback was granted by Town Council on 6/20/23. The applicant recently had a survey completed that shows the correct location of the 1978 Lee County Line (Coastal Construction Control Line) being 11 feet into the planned building site. The document(s) that was submitted for the previous variance hearing displayed the incorrect location of the 1978 Lee County Line, therefore, the applicant must shift the proposed single-family residence north towards the street property line.

- 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 not the result of the actions of the Applicant. The 1978 Lee County Line is a platted line, the applicant believed that during the original variance hearing the documents they provided displayed an accurate depiction of the 1978 Lee County Line until a recent survey showed a different location.

- 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.*

This is the minimum variance that would resolve the setback encroachment. The applicant is proposing to shift the proposed single-family residence north toward the street side property line to ensure that the building is not seaward of the 1978 Lee County Line.

- 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. It appears that a couple of adjacent neighboring property owners have signed a letter of approval of the encroachment. The previous cottages in this surrounding area were all nonconforming lots with nonconforming setbacks, they will likely require variances to build back due to their 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 RM zoning district to provide a minimum 25-foot street setback and a side setback of 7.5 foot and found that the variance request does meet the requirements set forth in sec. 34-87.

Therefore, staff recommends **APPROVAL** of VAR20240046, a request for a variance of 15 feet for a street setback of 10 feet to accompany the already approved variance of 2.5 feet for a side setback of 5 feet from the east property line to build a new single-family residence. The attached resolution, if approved, will supersede the existing resolution 23-65 which was for the 2.5 foot side setback variance.

The applicant is also requesting a waiver of the variance fee.

V. EXHIBITS

Exhibit A: Site Plan

Exhibit B: Postcards to Adjacent Property Owners

Exhibit C: Complete Application Packet

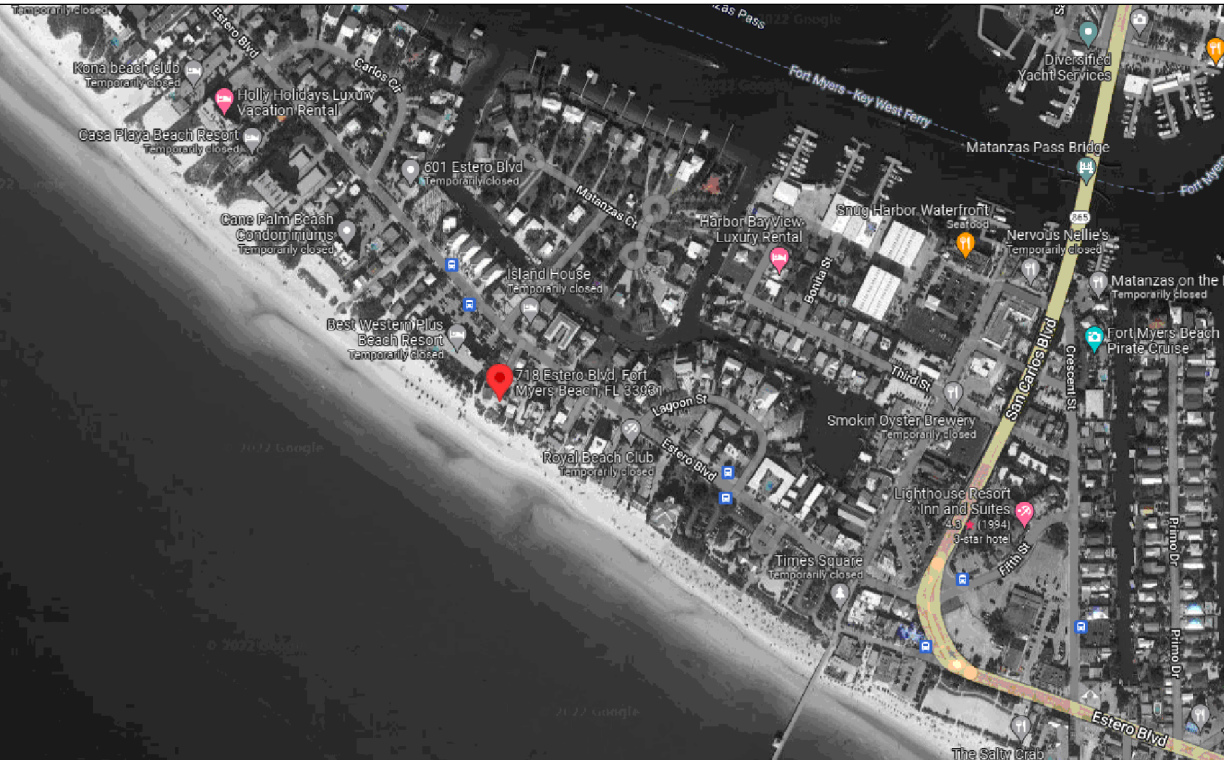
NOTES:

1. THIS SKETCH DOES NOT REFLECT OR DETERMINE OWNERSHIP.
2. DESCRIPTION AS FURNISHED BY CLIENT. NO SEARCH OF THE PUBLIC RECORDS WAS CONDUCTED BY THIS FIRM.
3. BEARINGS ARE BASED ON PLAT OR DEED.
4. ELEVATIONS AS SHOWN ARE BASED ON N.A.V.D. 1988 DATUM UNLESS OTHERWISE STATED.
5. THERE ARE NO VISIBLE ENCROACHMENTS THAN AS SHOWN.
6. THERE MAY BE OTHER EASEMENTS NOT SHOWN HEREON RECORDED IN THE PUBLIC RECORDS OF THE GOVERNING COUNTY.
7. NO DETERMINATION OF HAZARDOUS WASTE MATERIALS HAVE BEEN MADE BY THIS FIRM.
8. LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES NOT SHOWN UNLESS OTHERWISE NOTED.
9. SIGNOR LIMITS LIABILITY ONLY UP TO THE COST OF SURVEY.
10. THIS SURVEY IS PROTECTED BY COPYRIGHT AND ALL RIGHTS ARE RESERVED.
11. SURVEY WAS BASED ON INFORMATION PROVIDED BY CLIENT AND EXISTING MONUMENTATION.
12. 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.
13. THE FEMA FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED BY ANOTHER SOURCE.
14. PARCEL CONTAINS 9,629 SQUARE FEET, PLUS OR MINUS.
15. THIS TIDAL WATER SURVEY COMPLIES WITH CHAPTER 177, PART II, FLORIDA STATUTES.
16. MEAN HIGH WATER LINE WAS ESTABLISHED BY THIS FIRM BY FIELD CREW USING GPS.
17. CONVERSION FOR PROJECT ARE: NAVD88 + 1.181' = NGVD29

LEGEND:

- (A) — ARC LENGTH
- A.C. — AIR CONDITIONER
- ⊖ — CABLE TV
- (C) — CALCULATED
- C.B. — CATCH BASIN
- CB — CHORD BEARING
- CH — CHORD DISTANCE
- F.C.M. — FOUND CONC. MONUMENT
- (D) — DEED
- B.O.B. — BASIS OF BEARINGS
- D.E. — DRAINAGE EASEMENT
- EL — ELEVATION
- E.O.P. — EDGE OF PAVEMENT
- F.H. — FIRE HYDRANT
- FND. — FOUND
- GV — GATE VALVE
- I.R. — IRON ROD
- G.W. — GUY WIRE
- (M) — MEASUREMENT
- N&T — NAIL & TAB
- N.A.V.D. — NORTH AMERICAN VERTICAL DATUM (1988)
- N.T.S. — NOT TO SCALE
- (NR) — NOT RADIAL
- O.R. — OFFICIAL RECORD
- (P) — PLAT
- P.B. — PLAT BOOK
- P.C. — POINT OF CURVATURE
- P.C.C. — POINT OF COMPOUND CURVATURE
- P.C.P. — PERMANENT CONTROL POINT
- P.I. — POINT OF INTERSECT
- PG. — PAGE
- P.O.B. — POINT OF BEGINNING
- P.O.C. — POINT OF COMMENCEMENT
- P.P. — POWER POLE
- P.R.C. — POINT OF REVERSE CURVATURE
- P.R.M. — PERMANENT REFERENCE MONUMENT
- P.T. — POINT OF TANGENCY
- P.U.E. — PUBLIC UTILITY EASEMENT
- R — RADIUS
- (R) — RADIAL
- RNG. — RANGE
- R/W — RIGHT OF WAY
- SEC. — SECTION
- SET I.R. — SET 1/2" IRON ROD LB8427
- SPKD — SET PK NAIL AND DISC LB8427
- S.W. — SIDEWALK
- ⓪ — TELEPHONE BOX
- TWP. — TOWNSHIP
- U.P. — UTILITY PEDESTAL
- W.M. — WATER METER
- Δ — DELTA ANGLE
- ⊕ — FIRE HYDRANT
- ⊕ — TEMPORARY BENCHMARK
- CENTERLINE
- WIRE FENCE
- WOOD FENCE
- OVERHEAD WIRES
- CONCRETE PAD
- EXISTING ELEVATION
- (X) — LOT NUMBER
- MHW — MEAN HIGH WATER
- MLW — MEAN LOW WATER

COMMUNITY PANEL NUMBER: 120673 / 12071C0554F DATE OF MAP: 08/28/2008 FLOOD ZONE: VE ELEVATION: 17.0'(NAVD88)



VICINITY MAP
N.T.S.

CERTIFIED TO:
Jim Zeller

LEGAL DESCRIPTION:

718 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA 33931

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

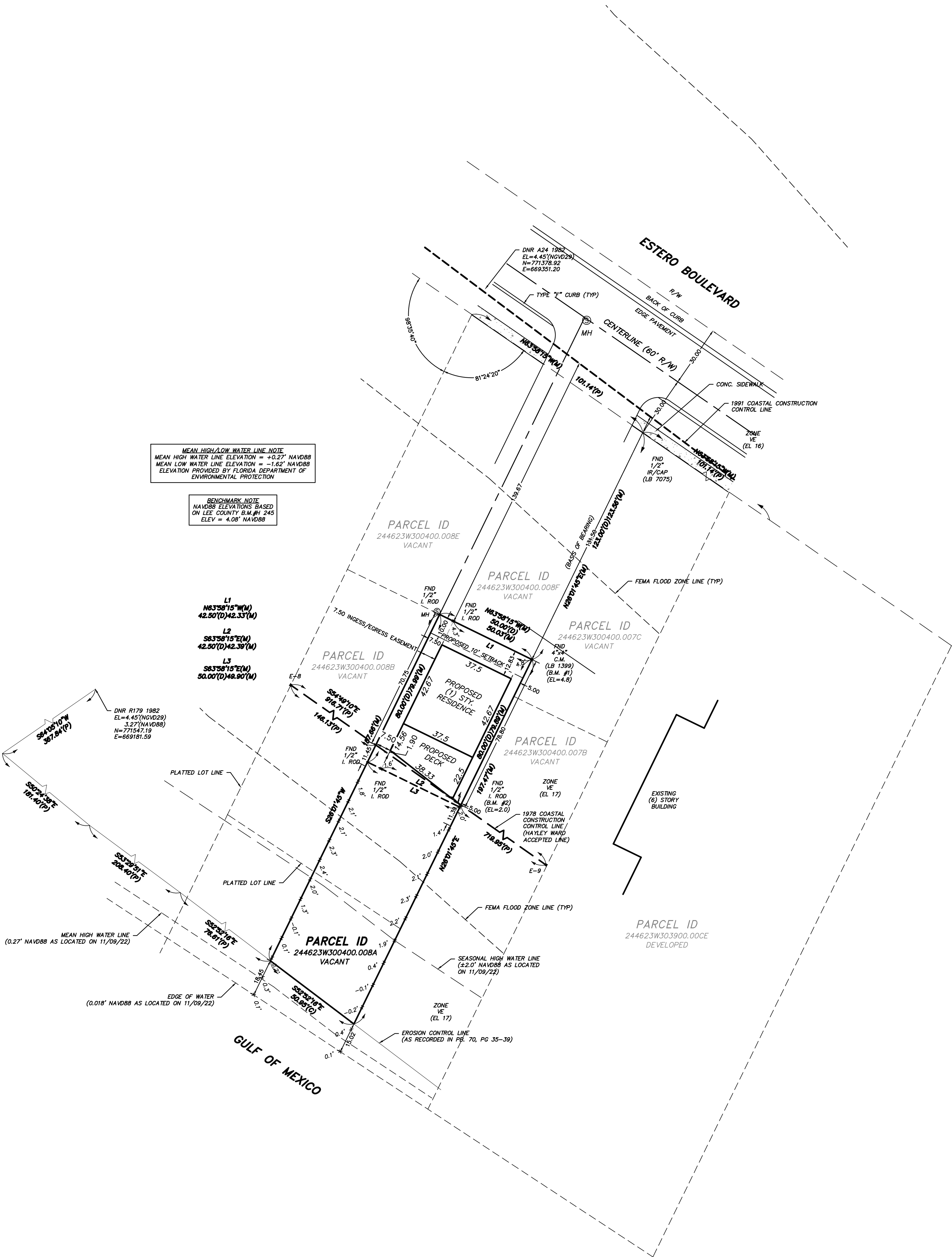
Beginning at a point in the common line of Lots 7 and 8, 123.00 feet Southwesterly of the Southwesterly line of Estero Boulevard which point is at the Southeastly corner of property conveyed by Howard A. Zeller to Robert H. and Edna Smith by deed dated December 24, 1969, and which point is marked by a concrete monument set in the ground, thence running at a right angle to the common line of Lots 7 and 8 in the Northwesterly direction a distance of 42 1/2' to a concrete monument set in the ground and thence continue in the same direction an additional 7 1/2' to an iron pipe set in the ground abutting the concrete collar manhole of a sanitary sewer manhole for a total of 50', thence running in a Southwesterly direction parallel to the common line of Lots 7 and 8 a distance of 80' to an iron rod set in the ground and thence continue in the same direction to the waters of the Gulf of Mexico, thence running Southeastly along said waters a distance of 50'± to the common line of Lots 7 and 8, thence running Northeastly along the common line of Lots 7 and 8 to the place of beginning. Together with any riparian rights thereto pertaining.

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

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

PART OF LOT 8, UNIT 1, ISLAND SHORES

PLAT BOOK 9, PAGE 24
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA





COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Site Address: 718 Estero Blvd
STRAP Number: 24-46-23-W3-00400.008A
Applicant: Zachary Liebetreu, Attorney for 718 Estero LLC Phone: 239-572-5866
Contact Name: Zachary Liebetreu Phone: 239-572-5866
Email: zliebetreu@ralaw.com Fax: 239-337-0970
Current Zoning District: RM
Future Land Use Map (FLUM) Category: Mixed Residential
FLUM Density Range: 6-10 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*: Zachary Liebetreu Phone: 239-572-5866
**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: c/o Roetzel & Andress, 2320 First Street, Fort Myers, FL 33901
Email: zliebetreu@ralaw.com Fax: 239-337-0970
Contact Name: Zachary Liebetreu Phone: 239-572-5866



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 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

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

James Zeller, P.O. Box 270, Oneida, New York 13421

Percentage of Stock

100%

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.

Zachary Liebetreu, Esq.

Signature

Zachary Liebetreu, Esq.

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, Zachary Liebetreu, Esq. (name), as Attorney (title)
of 718 Estero, 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

718 Estero , LLC

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

[Signature]
Signature

Zachary Liebetreu, Esq.

Typed or Printed Name

Attorney

Title

1/31/2024

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 2ND day of FEBRUARY, 2024, by ZACHARY LIEBETREU ☒ who is personally known to me OR ☐ who has produced _____ as identification



[Signature]
Notary Public Signature

PART VI- Property Information

A. Legal Description:

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

Property Address: 718 Estero Blvd., Fort Myers Beach, FL 33921

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

☒ Yes. Property identified in subdivision: Island Shores

Book: 9 Page: 24 Unit: 1 Block: _____ Lot(s): Portion of Lot 8

B. Boundary Survey:

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

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

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

North of Downtown; 1600' from Matanzas Pass Bridge

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

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

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

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

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

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

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

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

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

Explanatory Notes – Part I

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

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

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

Explanatory Notes – Part IV

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Explanatory Notes – Part V

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

Explanatory Notes – Part VI

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

- line. Exhibit 6-2
- C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
 - D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3
 - E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4
 - F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5
 - G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a "variance report" from the Map Sales Office at the Lee County Property Appraiser's Office. Contact information for the Property Appraiser can be found at <http://www.leepa.org>.
 - H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan's Future Land Use Map, and whether the property is located in the "platted overlay" on the map.
 - I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

Explanatory Notes – Part IV & V

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

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

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

Case Number:
Project Name: 718 Estero Zeller Family Cottage
Authorized Applicant: Zachary Liebetreu
LeePA STRAP Number: 24-46-23-W3-00400.008A

Current Property Status: Site cleared following destruction of cottage from Hurricane Ian	
Current Zoning: RM	
Future Land Use Map (FLUM) Category: Mixed Residential	
Comp Plan Density: 6	Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
34-638 and Table 34-3	Minimum Setbacks

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:
See Narrative Attachments

Reasons for request

Explain why the variance is needed:
See Narrative Attachments



See Narrative Attachments

See Narrative Attachments



See Narrative Attachments

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.

Part I
Narrative Statements

Request Variance From 34-638 and Table 34-2

Explain the specific regulation from which relief is sought:

Pursuant to Table 34-3 of the Town of Fort Myers Beach Land Development Code (the “LDC”), a 25-foot street setback is required for RM zoning district. 718 Estero, LLC (the “Property”) is zoned RM.

Reasons for Request: Explain why this variance is needed:

This variance is needed because the previous cottage was demolished by Hurricane Ian and reduced setbacks are needed in order to rebuild the cottage up to modern standards. Initially, a variance was granted for the side setback, which would have provided the necessary space. However, later, it was discovered that the Coastal Construction Control Line (CCCL) data, which was provided by the Lee County Property Appraiser, was incorrect, thus pushing the buildable site inland by slightly more than 11 feet. Therefore, this present variance request is needed to build the cottage as previously designed when factoring in the actual location of the CCCL. As previously presented to Town of Fort Myers Beach, the new cottage design is more resilient and accessible. The original cottage was about 850 square feet. Due to the footprint of an elevator, ADA accessibility clearances, adequate circulation, greater wall thickness, a more robust structure, and additional stairs due to the required height above Base Flood Elevation (BFE), this variance is required to achieve a reasonable floor plan. Please see the attached floor plan. The impact of the items listed above totals about 686 sf, nearly the entire square footage of the original, destroyed, cottage.

Explain the affect the variance would have on surrounding properties:

Granting this variance would be beneficial to the immediate neighbors and beyond. This will help this unique neighborhood find its way forward to rebuild up to modern standards. Being a little larger will not only make the individual structures more stable, it will also help make this neighborhood safer as the adjacent high rises create a funneling effect. This variance will make the available floor plans on Fort Myers Beach more desirable, which benefits the wider community.

Explain the hardship:

This property faces a unique hardship.

1. It is one of the original 1960 cottages lots. These are smaller lots designed to accommodate cottages.
2. Codes have changed to now require taller and more robust structures fitting in to more restrictive setbacks. The requirements consume available square footage.

3. The variances are the minimum required in order to allow for replacement of the pre-existing cottage destroyed by Hurricane Ian. It would be an unreasonable burden to require the Applicant to conform to the existing setbacks, as the designed cottage is the minimum size that can accommodate modern safety standards, storm surge resiliency, and ADA compliance.
4. This property and its neighbors suffer from being sandwiched in between high rises which creates a funneling effect and consequently their structures will need to be correspondingly more robust than may otherwise be necessary or prudent.

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

- 1. 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 circumstances inherent to the property in question. First, it predates incorporation of FMB and was permitted under the governing Lee County Ordinances. Secondly, it has remained in the same family since it was built. Third, it is one of the few (~42) original old southwest cottages that afforded FMB its old SW Florida charm. Fourth, the codes have changed, the structure must be higher and more robust, and the increased height all result in a consumption of available square footage that are extremely challenging to create a reasonable floor plan. The Owners would like to rebuild it, with future generations in mind, thus calling for handicapped accessibility and a resilient structure.

There are extraordinary conditions inherent to the property. Having been built under previous codes some time ago, the aging structure was unable to withstand rising sea levels and increased storm ferocity. Furthermore, adjacent high rise development after its original construction serves to worsen the storm surge at these small cottages.

In addition to the foregoing, this can also be classified as a *de minimis* variance, which is defined in Section 34-2 of the LDC as follows:

- Variance, *de minimis* means a variance that differs so little from an adopted regulation that the variance's effects on the public health, safety and welfare would be inconsequential.

While the request is for a variance to 10', the variance is in fact *de minimis*. Its effects on the public health, safety and welfare would be inconsequential because approval of the variance will allow for the replacement of a cottage that pre-dated Hurricane Ian with a cottage of a similar design, built to modern standards. The reconstruction of the improved cottage on the property would create a more resilient and accessible structure, in a safe, attractive, and secure manner which is in the interest of public health safety and welfare.

- 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;**

Both the exceptional and extraordinary conditions surrounding and having influence on this property are not the result of actions taken by this applicant taken after the adoption of the regulations in question. The Applicant has taken no action that has necessitated these variance requests. Rather, the previously existing cottage was destroyed by a natural disaster through no fault of the Applicant.

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 question to his property;**

This is the minimum variance required to relieve the applicant of the unreasonable burden created by the regulation and the appropriate thing to do is grant this variance request. Please refer to the attached floor plan and the tabulation of additional square footage required and why it is required.

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

Granting this variance will not, in any way, be injurious to the immediate neighborhood and beyond. Please see the attached letters of support. Furthermore, granting this variance will actually be beneficial to the larger community because it will foster greater use and utilization of these properties.

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 Property is non-conforming lot which yields some land for a shared access easement and the CCCL. A new cottage could not adequately be built in a similar manner to the old cottage layout. Further, the requests are being made so that the cottage that was in place for many years prior to Hurricane Ian can be replaced by the modern equivalent. These conditions, taken together, are not of so general or recurrent a nature as to make it more reasonable and practical to amend the applicable provisions of the LDC.



February 2, 2024

Zoning Department,
Town of Fort Myers Beach
2525 Estero Blvd.,
Fort Myers Beach,
FL 33931
zoningpermits@fmbgov.com

Re: 718 Estero Boulevard Variance

Dear Zoning Department,

This firm represents 718 Estero, LLC, in its pursuit of a setback variance. Enclosed, please find the:

- Application for Public Hearing;
- Boundary Survey, also containing Area Location Map;
- List of Surrounding Property Owners & Mailing Labels;
- Map of Surrounding Property Owners;
- Variance Supplement PH-B;
- Narrative Statement, Floor Plan, and Letters of Support; and
- Site Plan

Pursuant to a conversation with Sarah Propst, this application is to proceed without regard to the application fees and instead will only be billed as to the mailing costs. Please do not hesitate to reach out with any questions you may have. I may be reached at 239-572-5866 and zliebetreu@ralaw.com .

Very truly yours,

Zachary A. Liebetreu

Table of Contents

Variance Application	
Application for Public Hearing	3
Boundary Survey and Area Location Map (Exhibits 6-2 and 6-3)	3
List of Property Owners and Mailing Labels (Exhibit 6-6)	16
Map Showing Surrounding Property Owners (Exhibit 6-7)	39
Variance Supplement PH-B	40
Narrative Statement	46
Floor Plan	49
Letters of Support	51
Site Plan	53

Some More Math

- Zeller's original coverage was $28.2 \times 30.1 = 848.82$ Call it 849
- Items recognized by the Post Disaster Buildback Section as being allowable additional sf include:
- Elevator $6'4 \times 6'4 = 39.69\text{sf}$
- Hallway $22' \times 6' = 132\text{sf}$
- Bathrooms $2 \times 30\text{sf} = 60\text{sf}$
- ADA clearances @ 15% $\times 1600\text{sf} = 240\text{sf}$
- More robust walls $8'' \times \text{perimeter} = 107.9\text{sf}$
- More robust structural columns $1.3' \times 1.3 \times 16 = 27 \text{ sf}$
- Additional stairs and code required landing = 60sf
- AC balcony at rear = 18sf
- 5% grossing factor to accommodate construction tolerances = 76.68sf
- This totals 1610.27sf
- Our ask is for reduced setbacks to allow for a 1600sf dwelling.

Town Council & Local
Planning Agency,
Town of Fort Myers Beach,
2525 Estero Blvd.,
Fort Myers Beach,
FL 33931

Re: 718 Estero Variance Request

Dear Town Council and Local Planning Agency,

I am the owner of a nearby parcel to 718 Estero Boulevard. I have spoken with my neighbor, the owner of the 718 Estero Boulevard, and reviewed their requested variance and building plans. I understand this variance request to result in a ten-foot setback on the Estero Boulevard side of 718 Estero Boulevard. I am in support of their variance request and the building plans, as the proposed variance will fit in with our community. I respectfully ask that the variance request be approved.

Thank you,
/s/ Jim Mace
Name: Jim Mace
Date: 1 31 24
Owner of the Property Located at:
716 Estero

Town Council & Local
Planning Agency,
Town of Fort Myers Beach,
2525 Estero Blvd.,
Fort Myers Beach,
FL 33931

Re: 718 Estero Variance Request

Dear Town Council and Local Planning Agency,

I am the owner of a nearby parcel to 718 Estero Boulevard. I have spoken with my neighbor, the owner of the 718 Estero Boulevard, and reviewed their requested variance and building plans. I understand this variance request to result in a ten-foot setback on the Estero Boulevard side of 718 Estero Boulevard. I am in support of their variance request and the building plans, as the proposed variance will fit in with our community. I respectfully ask that the variance request be approved.

Thank you,

/s/ Dale Bonnomia

Name: DALE BONNOMIA

Date: 01/30/2024

Owner of the Property Located at:

704 ESTERO BLVD
FMB

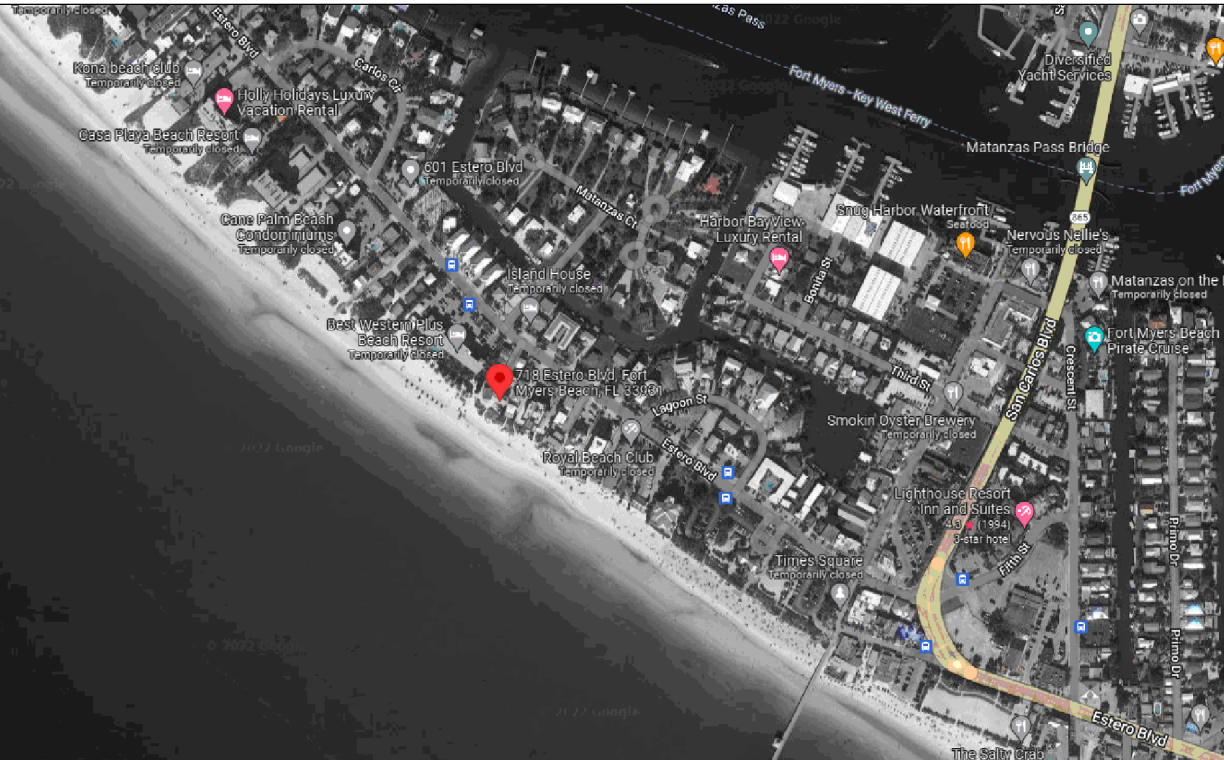
NOTES:

1. THIS SKETCH DOES NOT REFLECT OR DETERMINE OWNERSHIP.
2. DESCRIPTION AS FURNISHED BY CLIENT. NO SEARCH OF THE PUBLIC RECORDS WAS CONDUCTED BY THIS FIRM.
3. BEARINGS ARE BASED ON PLAT OR DEED.
4. ELEVATIONS AS SHOWN ARE BASED ON N.A.V.D. 1988 DATUM UNLESS OTHERWISE STATED.
5. THERE ARE NO VISIBLE ENCROACHMENTS THAN AS SHOWN.
6. THERE MAY BE OTHER EASEMENTS NOT SHOWN HEREON RECORDED IN THE PUBLIC RECORDS OF THE GOVERNING COUNTY.
7. NO DETERMINATION OF HAZARDOUS WASTE MATERIALS HAVE BEEN MADE BY THIS FIRM.
8. LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES NOT SHOWN UNLESS OTHERWISE NOTED.
9. SIGNOR LIMITS LIABILITY ONLY UP TO THE COST OF SURVEY.
10. THIS SURVEY IS PROTECTED BY COPYRIGHT AND ALL RIGHTS ARE RESERVED.
11. SURVEY WAS BASED ON INFORMATION PROVIDED BY CLIENT AND EXISTING MONUMENTATION.
12. 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.
13. THE FEMA FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED BY ANOTHER SOURCE.
14. PARCEL CONTAINS 9,629 SQUARE FEET, PLUS OR MINUS.
15. THIS TIDAL WATER SURVEY COMPLIES WITH CHAPTER 177, PART II, FLORIDA STATUTES.
16. MEAN HIGH WATER LINE WAS ESTABLISHED BY THIS FIRM BY FIELD CREW USING GPS.
17. CONVERSION FOR PROJECT ARE: NAVD88 + 1.181' = NGVD29

LEGEND:

- (A) — ARC LENGTH
- A.C. — AIR CONDITIONER
- C — CABLE TV
- (C) — CALCULATED
- C.B. — CATCH BASIN
- CB — CHORD BEARING
- CH — CHORD DISTANCE
- F.C.M. — FOUND CONC. MONUMENT
- (D) — DEED
- B.O.B. — BASIS OF BEARINGS
- D.E. — DRAINAGE EASEMENT
- EL — ELEVATION
- E.O.P. — EDGE OF PAVEMENT
- F.H. — FIRE HYDRANT
- FND. — FOUND
- GV — GATE VALVE
- I.R. — IRON ROD
- G.W. — GUY WIRE
- (M) — MEASURED
- N&T — NAIL & TAB
- N.A.V.D. — NORTH AMERICAN VERTICAL DATUM (1988)
- N.T.S. — NOT TO SCALE
- (NR) — NOT RADIAL
- O.R. — OFFICIAL RECORD
- (P) — PLAT
- P.B. — PLAT BOOK
- P.C. — POINT OF CURVATURE
- P.C.C. — POINT OF COMPOUND CURVATURE
- P.C.P. — PERMANENT CONTROL POINT
- P.I. — POINT OF INTERSECT
- PG. — PAGE
- P.O.B. — POINT OF BEGINNING
- P.O.C. — POINT OF COMMENCEMENT
- P.P. — POWER POLE
- P.R.C. — POINT OF REVERSE CURVATURE
- P.R.M. — PERMANENT REFERENCE MONUMENT
- P.T. — POINT OF TANGENCY
- P.U.E. — PUBLIC UTILITY EASEMENT
- R — RADIUS
- (R) — RADIAL
- RNG. — RANGE
- R/W — RIGHT OF WAY
- SEC. — SECTION
- SET I.R. — SET 1/2" IRON ROD LB8427
- SPKD — SET PK NAIL AND DISC LB8427
- S.W. — SIDEWALK
- TELEPHONE BOX
- TWP. — TOWNSHIP
- U.P. — UTILITY PEDESTAL
- WATER METER
- DELTA ANGLE
- FIRE HYDRANT
- TEMPORARY BENCHMARK
- CENTERLINE
- WIRE FENCE
- WOOD FENCE
- OVERHEAD WIRES
- CONCRETE PAD
- EXISTING ELEVATION
- (X) — LOT NUMBER
- MHW — MEAN HIGH WATER
- MLW — MEAN LOW WATER

COMMUNITY PANEL NUMBER: 120673 / 12071C0554F DATE OF MAP: 08/28/2008 FLOOD ZONE: VE ELEVATION: 17.0'(NAVD88)



VICINITY MAP
N.T.S.

CERTIFIED TO:
Jim Zeller

LEGAL DESCRIPTION:

718 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA 33931

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

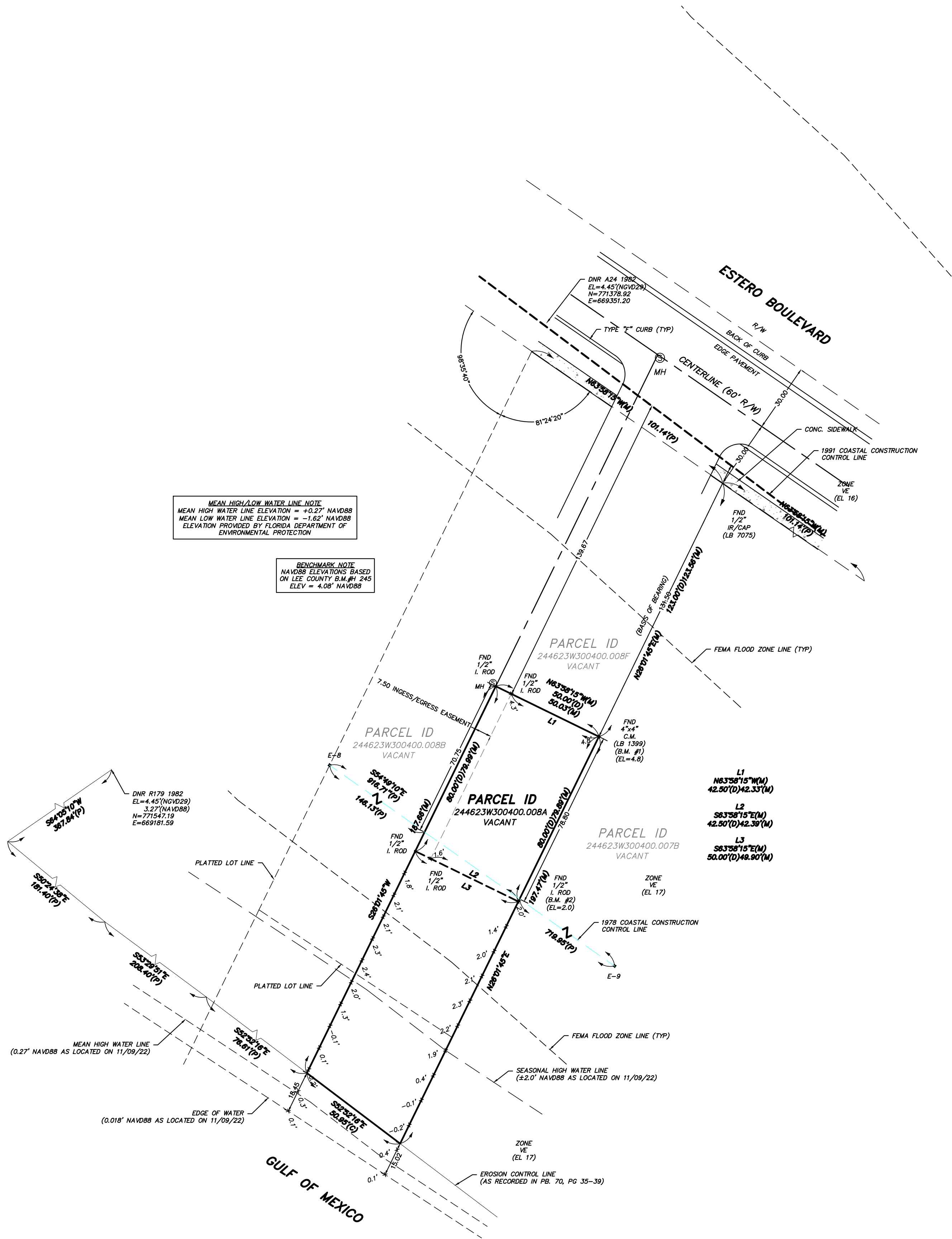
Beginning at a point in the common line of Lots 7 and 8, 123.00 feet Southwesterly of the Southwesterly line of Estero Boulevard which point is at the Southeastly corner of property conveyed by Howard A. Zeller to Robert H. and Edna Smith by deed dated December 24, 1969, and which point is marked by a concrete monument set in the ground, thence running at a right angle to the common line of Lots 7 and 8 in the Northwesterly direction a distance of 42 1/2' to a concrete monument set in the ground and thence continue in the same direction an additional 7 1/2' to an iron pipe set in the ground abutting the concrete collar manhole of a sanitary sewer manhole for a total of 50', thence running in a Southwesterly direction parallel to the common line of Lots 7 and 8 a distance of 80' to an iron rod set in the ground and thence continue in the same direction to the waters of the Gulf of Mexico, thence running Southeastly along said waters a distance of 50'± to the common line of Lots 7 and 8, thence running Northeastly along the common line of Lots 7 and 8 to the place of beginning. Together with any riparian rights thereto pertaining.

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

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

PART OF LOT 8, UNIT 1, ISLAND SHORES

PLAT BOOK 9, PAGE 24
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA



MEAN HIGH WATER SURVEY
REVISED: 12/22/2023_ADDED 1978 C.C.L.

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

Reviewed and Approved By:

(SIGNED) John Robert Avery III, P.S.M.
Professional Surveyor & Mapper
State of Florida License No. 5298
Not a valid signature of John Robert Avery III, P.S.M.
Adobe Electronic Signature of John Robert Avery III, P.S.M.



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 Local Planning Agency/ Town Council of the Town of Fort Myers Beach will be conducting a public hearing at the Town Hall Council Chambers located at 2731 Oak St, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: LPA March 12, 2024, and Town Council April 1, 2024

CASE: VAR20240046

ADDRESS: 718 Estero Blvd

APPLICANT: Zachary Liebetreu

REQUEST: The applicant is requesting relief from LDC Table 34-3 which requires a single-family home in RM zoning district to provide a minimum 25-foot street setback.

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

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing, the **Local Planning Agency/ Town Council** will review the application materials and hear testimony to make a **recommendation/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 Local Planning Agency/ Town Council of the Town of Fort Myers Beach will be conducting a public hearing at the Town Hall Council Chambers located at 2731 Oak St, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: LPA March 12, 2024, and Town Council April 1, 2024

CASE: VAR20240046

ADDRESS: 718 Estero Blvd

APPLICANT: Zachary Liebetreu

REQUEST: The applicant is requesting relief from LDC Table 34-3 which requires a single-family home in RM zoning district to provide a minimum 25-foot street setback.

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

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing, the **Local Planning Agency/ Town Council** will review the application materials and hear testimony to make a **recommendation/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 Local Planning Agency/ Town Council of the Town of Fort Myers Beach will be conducting a public hearing at the Town Hall Council Chambers located at 2731 Oak St, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: LPA March 12, 2024, and Town Council April 1, 2024

CASE: VAR20240046

ADDRESS: 718 Estero Blvd

APPLICANT: Zachary Liebetreu

REQUEST: The applicant is requesting relief from LDC Table 34-3 which requires a single-family home in RM zoning district to provide a minimum 25-foot street setback.

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

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing, the **Local Planning Agency/ Town Council** will review the application materials and hear testimony to make a **recommendation/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 Local Planning Agency/ Town Council of the Town of Fort Myers Beach will be conducting a public hearing at the Town Hall Council Chambers located at 2731 Oak St, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: LPA March 12, 2024, and Town Council April 1, 2024

CASE: VAR20240046

ADDRESS: 718 Estero Blvd

APPLICANT: Zachary Liebetreu

REQUEST: The applicant is requesting relief from LDC Table 34-3 which requires a single-family home in RM zoning district to provide a minimum 25-foot street setback.

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

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing, the **Local Planning Agency/ Town Council** will review the application materials and hear testimony to make a **recommendation/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»

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

Yellow Sheet Number: **2024-1526**

1. Request:

Meeting Date: March 12, 2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20240027, REQUESTING A 4-FOOT VARIANCE FROM SEC. 34-638(5)(A)(1) WHICH REQUIRES AN ADDITIONAL 12- FEET OF STREET SETBACKS FOR RESIDENCES WIDER THAN 65- FEET, INSTEAD PROVIDING AN ADDITIONAL 8- FEET OF STREET SETBACK FOR THE PROPERTY LOCATED AT 250 TROPICAL SHORES WAY; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The applicant would need to reduce the proposed area of the home to meet additional setbacks required for structures that are wider than 65-feet.

What the action accomplishes:

The house would be able to be constructed, as designed with the proposed pool in the rear of the house, without the reduction to setbacks the house would either need to reduce the pool size or the footprint of the primary structure to meet the additional setbacks.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

The applicant(s) for 250 Tropical Shores Wy., are requesting a variance from sec. 34-638(d)(5)(a)(1) which requires that residences which are greater than 65-feet in width provide additional setbacks of 12-feet for that area which is greater than the 65-foot maximum width. The applicant has proposed to provide 8-feet of additional setback which would require a variance of 4-feet from that code section.

Attachments:

1. Resolution 24-XX_250 Tropical Shores Way
2. LPA Staff Report
3. Exhibit A - Plans
4. Exhibit B - Complete Application
5. Exhibit C - LPA AND TC postcard

Financial Impact:

N/A

6. Alternative Action

Approve with conditions

7. Staff Recommendations:

Deny the request

8. Recommended Approval:

Date: March 07, 2024

nancy stuparich, Town Attorney

Date: March 08, 2024

Amy Baker, Town Clerk

RESOLUTION 24-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VAR20240027, A VARIANCE FROM LDC SECTION 34-638(D)(5)(A)(1) REQUESTING A 4-FOOT REDUCTION OF THE REQUIRED ADDITIONAL 12-FOOT STREET SETBACKS FOR PORTIONS OF STRUCTURES WIDER THAN 65-FEET, IN THE RC ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 250 TROPICAL SHORES WAY; 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 Bradley A. and Katrina M. Voyles Trust is requesting a variance from LDC 34-638(d)(5)(a)(1) which requires all single-family structures wider than 65-feet to provide an additional 12-feet of street setback.

WHEREAS, the STRAP number for the subject property is 19-46-24-W3-00451.0370 and is known as Lot 31, northern 50-feet of Lot 15 and southern 60-feet of Lot 16, in the T.P. Hill's Subdivision; 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" (RC) 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 March 12, 2024, 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 X-X to recommend APPROVAL/ APPROVAL WITH CONDITIONS/ DENIAL of the variance; and

WHEREAS, on April XX, 2024 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 Variances 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 variances from sec. 34-638(d)(5)(a)(1) to reduce the additional 12-foot street setback for single-family structures wider than 65-feet, providing 8-feet of additional setback a difference of 4-feet.

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. Should the home be demolished and the site redeveloped, the approved variances will become null and void and the new structure will be expected to be build to meet the codes at the time of review.

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

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King	_____
Scott Safford	_____
Karen Woodson	_____

ADOPTED this XX day of April 2024 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, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of April 2024.



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20240027

CASE NAME: 250 Tropical Shores Way; an RC zoned property requesting a 4-foot variance from LDC Section 34-638(d)(5)(a)(1) that requires an additional 12-foot setback for portions of a residence wider than 65-feet.

COUNCIL HEARING DATE: March 12, 2024, at 9 AM

STAFF RECOMMENDATION: DENIAL

**PREPARED/
SUBMITTED BY:** Jason Smalley- Senior Planner

I. APPLICATION SUMMARY

Applicant/Owner: Ken Gallander/ Bradley A. and Katrina M. Voyles Trust

Request: The applicant is requesting a 4-foot reduction of the required additional 12-feet of setback for residences which are greater than 65-feet wide; the plan proposes a 33-foot setback where a front setback of 37-feet is required.

Subject property: See attached site plan

Physical Address: 250 Tropical Shores Way

STRAP #: 19-46-24-W3-00451.0370

FLU: Mixed Residential

Zoning: Residential Conservation (RC)

Adjacent zoning and land uses:

North:	RESIDENTIAL CONSERVATION (RC) Single-Family Residential
South:	RESIDENTIAL CONSERVATION (RC) Single-Family Residential
East:	Community Facility Open Space
West:	RESIDENTIAL CONSERVATION (RC) Single-Family Residential

II. BACKGROUND AND ANALYSIS

Background:

The applicant(s) for 250 Tropical Shores Way., are requesting a variance from sec. 34-638(d)(5)(a)(1) which requires that residences which are greater than 65-feet in width provide additional setbacks of 12-feet for that area which is greater than the 65-foot maximum width. The applicant has proposed to provide 8-feet of additional setback which would require a variance of 4-feet from that code section.

The applicant asserts that requiring them to re-design the home to meet a 65-foot width would constitute a hardship based on additional engineering and site-planning time. The design that the applicant proposes, according to the narrative statement, was developed prior to recent changes to sec. 34-638(d)(5)(a)(1) [ord. 23-02; 2/21/23]. However, this ordinance was adopted in February of 2022 through ordinance 22-01.

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 applicant's lot is one of the three largest lots by area on Tropical Shores. The subject property is a water lot that is rectangular and is within a single-family neighborhood. The lot has a depth of approximately 110-feet and a width of approximately 112-feet, requiring a street setback of 25-feet, side setbacks of 10-feet, and rear setbacks of 25-feet. Prior to Hurricane Ian, the property had a single-family home on it, this was demolished in 2023.

The applicant is requesting to reduce the additional 12-feet of street setback required in sec. 34-638(d)(5)(a)(1) and provide 8-feet, a difference of 4-feet. The applicant's narrative states that the homeowner has contemplated moving the structure further back into the property to accommodate the additional setbacks, but that change would cause undue hardship including reduction of the pool/ deck area in the rear, or large structural redesigns if the front entryway were shortened. Aside from the

requested variances to setbacks. The applicant's site plan meets side and rear setbacks as called-for in the Land Development Code.

Neighborhood Compatibility:

The lot sits within an RC zoned neighborhood, close to the bay-side, the wider neighborhood development pattern is entirely single-family homes, with many of the lots having pools, the general proposed design of the applicant's structure isn't out of line with the wider neighborhood, but the proposed structure will be visually larger than a vast majority of the home which still exist, or could conceivably be redeveloped on Tropical Shores Way.

The proposed development maximizes the building coverage of 40-percent (39.9% proposed). The applicant has not provided staff a proposed impervious calculation in their design, but they would be required to provide the minimum amount of open space, 33% of the lot as required by the LDC.

Findings and Conclusions:

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

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

The proposed footprint is a choice by the applicant to develop a home which will maximize the buildable footprint of the lot, this is not an extraordinary circumstance, simply a design choice. While the home could be redesigned to accommodate the requirements of additional setbacks, staff cannot make a determination as to whether requesting less of a setback variance is feasible without bringing the structure into complete compliance with the LDC.

- 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.*

Sec. 34-638(d)(5)(a)(1) has been in the code since February 2022 (ord. 22-01), the additional setbacks were in-effect prior to the storm, and ostensibly were recognized during the design phase of the homeowner's structure.

- 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 variance request largely stems from the development of a structure length greater than 65-feet, is a design choice and is the sole reason that the applicant requires a variance.

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

The proposed structure will have to provide maximum side setbacks of 10-feet, but staff cannot accurately determine whether a structure of this size, with less than the additional 12-feet of required setbacks would be injurious to the wider neighborhood. All other aspects of the redevelopment will be required to meet minimum LDC code requirements.

- 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.*

Staff recognizes changes to this code language could provide additional flexibility and still accomplish the desired architectural standards to minimize impacts of massive structures in residential neighborhoods.

III. RECOMMENDATION

Staff has reviewed the request for a variance *from LDC Section 34-638(d)(5)(a)(1) to reduce required setbacks for residences wider than 65-feet*, and found that the variances requested do not meet the requirements set forth in sec. 34-87.

Therefore, staff recommends **DENIAL** of VAR20240027, a request for a variance of 4-feet from the additional setbacks required for structures wider than 65-feet.

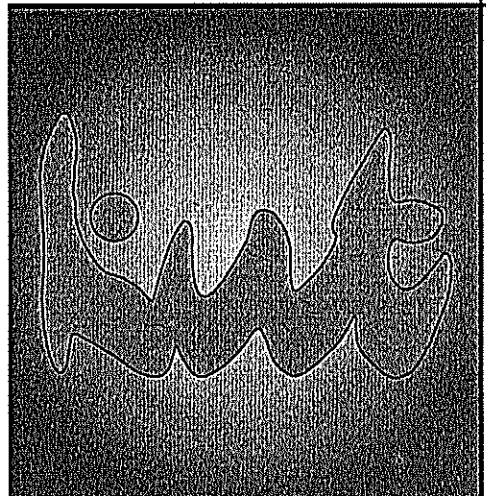
IV. CONDITIONS FOR APPROVAL

If the Town's LPA recommends approval for the variance, town's staff recommends the following conditions of approval.

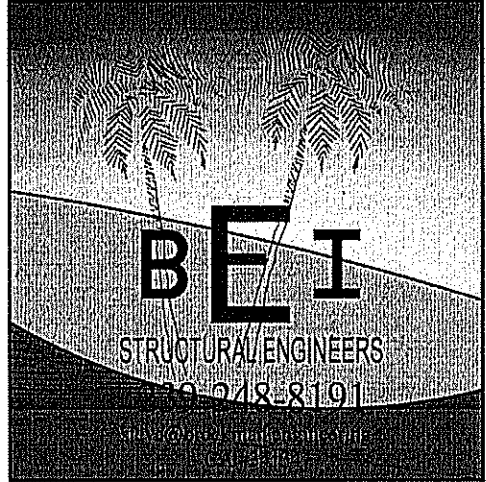
- 1) Should the home be demolished and the site redeveloped, the approved variances will become null and void and the new structure will be expected to be build to meet the codes at the time of review.
- 2) Approval of this variance does not give the Applicant an undeniable right to permit approval. 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. Site Plans
- B. Complete application
- C. Adjacent Neighbor Postcards

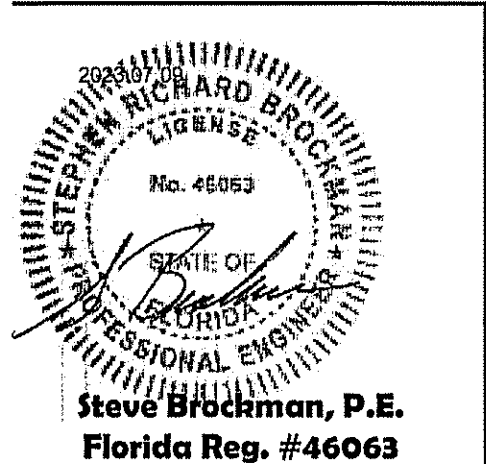


E-Mail bfrhea@gmail.com
Cell 321-356-0980
In coordination with:



Permit 2023-05-31

**Katrina &
Brad Voyles**
250 Tropical Shores
Fort Myers Beach, FL.



Ao.2

TROPICAL SHORES WAY

50' RW

N 00° 05' 42" E 110.00'

Point of Beginning

N 89° 54' 18" W 112.21'

N 89° 54' 18" W 75.83'(C)
78.02'(D)

POINT OF BEGINNING

APPROXIMATE VEGETATION LINE

APPROXIMATE EDGE OF WATER

S 00° 05' 42" W 110.00'

INSTRUMENT NO. 2018000201402
Waters of a dedicated canal

0.19(C) acres +/-
8582(D)
8310.27(C)
square feet +/-

S 89° 54' 18" E 75.26'(C)
78.02'(D)

S 89° 54' 18" E 112.78'

S 00° 23' 36" W 110.00'

Pool by others

Lanai

Storage

Garage

Drive by others

Storage

Lobby

Stair

Elev.

33' SETBACK LINE

37' SETBACK LINE

Drive by others

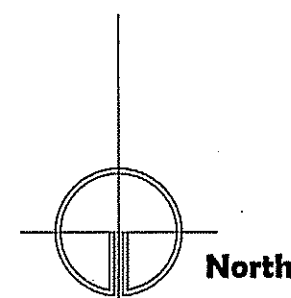
Storage

Garage

25' SETBACK LINE



----- INDICATES 37' SETBACK LINE



1
Ao.2
Site Plan

Building Coverage Areas:

Lot Area 12,376 s.f.
Building Area 4,941 s.f.
4941 / 12376 = .3993 - 39.9%

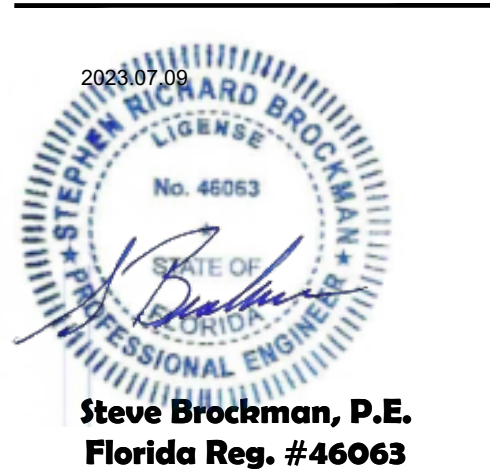
Scale: 1/8" = 1' - 0"



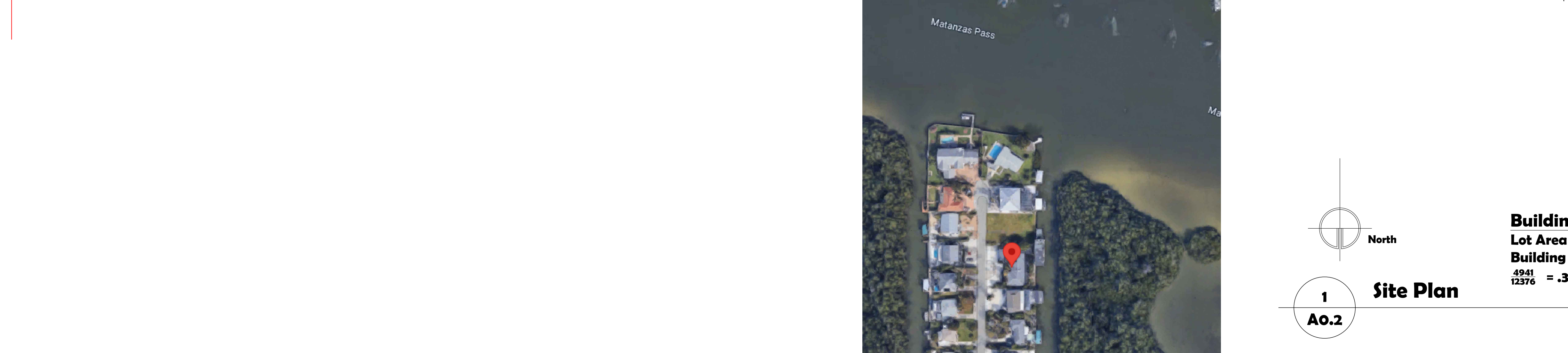
Permit 2023-05-31

[illegible]

**Katrina &
Brad Voyles**
250 Tropical Shores
Fort Myers Beach, Fl.



Ao.2



Building Coverage Areas:

Lot Area	12,376 s.f.
Building Area	4,941 s.f.

$\frac{4941}{12376} = .3993 - 39.9\%$

Scale: 1/8" = 1' - 0'

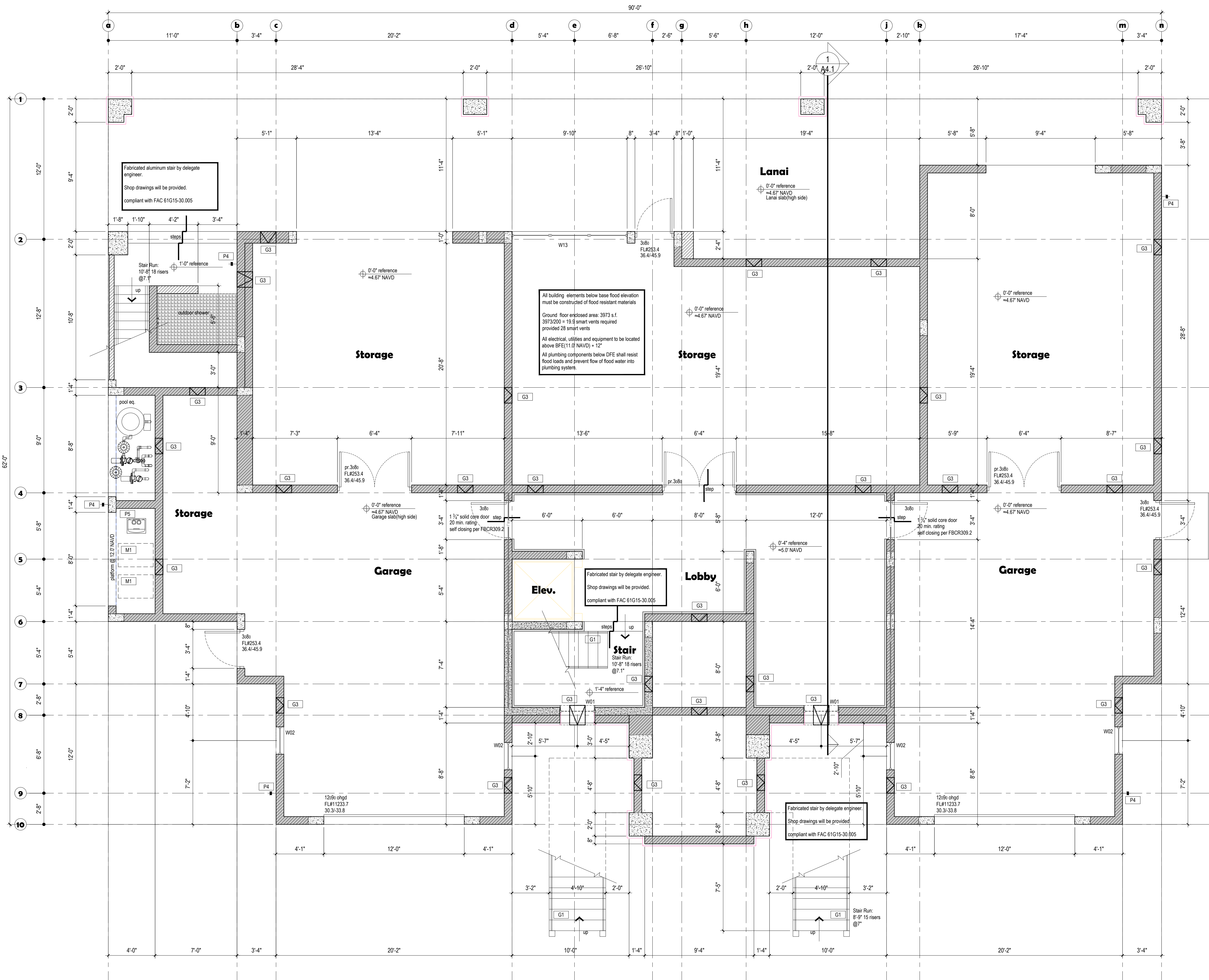
Site Plan

North



1
Ao.2

An aerial photograph of a residential development situated on a narrow, elongated strip of land. The property is divided into several lots, each with a house and a swimming pool. A red pin is placed on one of the houses, indicating the subject property. The surrounding area is water, and the label 'Matanzas Pass' is visible in the upper left corner.



Floor Plan General Notes:

- Verify floor elevations w/ flood requirements.
- All exterior windows are dimensioned to center line and the required opening is determined by the window manufacturer, U.O.N.
- All handrails and guard rails to be 36" a.f.f. u.n.o. designed and installed to not allow the passage of a 4" sphere, provide toe railing as required, max 2" a.f.f. coord. inate final material, design, and finish with owner. handrails and guards must comply with all the requirements of the current Florida Building Code.
- Provide metal thresholds at doors leading to the garage, and all exterior doors, U.O.N.
- Coordinate attic access locations w/ final truss layout.
- See structural drawings for all load bearing wall, column and filled cell locations.
- Extend poured slab edge @ exterior doors 1 1/2" beyond stem wall, U.O.N.
- Verify electric and alc chase locations w/ electrical and mechanical contractor.
- For walls that abut non-conditioned space use "Densarmor"
- For walls that are in direct contact with wet areas: use "Densarmor plus"
- For walls and ceiling at a tub/shower use cement board sheathing w/ tile finish selected by the owner.
- All appliances, fixtures, cabinetry, hardware, and accessories are selected by the owner.
- Provide a minimum 4" jamb return on the strike side of all interior doors

Legend:

- Typical masonry wall:
- 8" nominal - Continuous 8x16 concrete tie beam W/ (2) - #5's Top and (2) #5's bottom. Use #3 Strups @ 6" O.C. over all openings.(UON)
- infill wall - non-structural.
- 8" nominal CIP wall
- Typical interior partition 2x framing 16" O.C. 2x6 Minimum wall framing(wet wall)

- Separation required. FBC R302.6 see fire rating notes.
- water closet
- lavatory and vanity as selected by the owner

Floor Plan Keynotes :

- A: APPLIANCES**
- A1 Washer
- A2 Dryer - vent to exterior.
- A3 Refrigerator/Freezer
- A4 Cook-top - final size TBD - With hood and exhaust fan OPENING Through wall, verify final opening height and diameter with hood and exhaust fan specs. provide 2" min. clearance to all combustibles.
- A5 Dishwasher.
- A6 Under counter refrigerator.
- A7 Grill.
- A8 Oven(s)
- A9 Ice machine
- B: BATH/ SHOWER**
- B1 Shower seat
- B2 Typical cement board sheathing all tub/shower and wet areas w/ tile finish @ walls and ceiling.
- B3 Temp. glass door and/or enclosure typical @ shower.
- B4 Tub/shower.
- B5 Jacuzzi/seating tub
- E: ELECTRICAL**
- E1 Allow for electrical chase to kitchen island.
- G: GENERAL**
- G1 Hand railing system - 36" AFF - handrail and installed so as to not allow the passage of a 4" sphere, toe railing as req'd, max 2" a.f.f. coord. final material, design, and finish with owner.
- G2 Hydrostatic vent "SMARTVENT"
- M: MECHANICAL**
- M1 Condensing unit location - above BFE as noted.
- M2 AHU.
- P: PLUMBING**
- P1 Sink with disposal.
- P2 Bar sink
- P3 Laundry tub
- P4 Hose Bib
- P5 Gas water heater

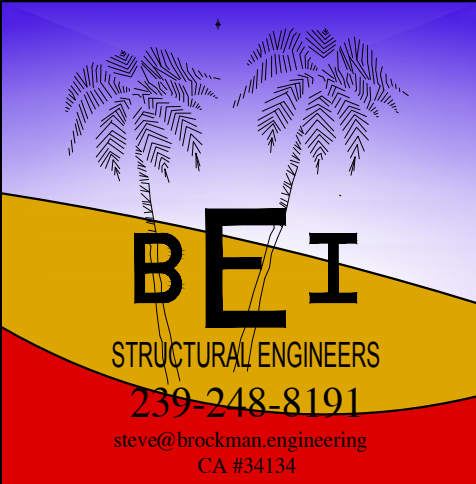
Window schedule

ID	Type	Opening WxH	Design pressure +/-	Product approval #
W01	fixed	18" radius	40.7/-54.5	FLR243.5
W02	fixed	5'-4" x 2'-4"	38.8/-50.8	FLR243.5
W03	fixed Witransom	7'-6" x 2'-4"	38.8/-50.8	FLR243.5
W04	fixed	2'-4" x 2'-8"	40.7/-54.5	FLR243.5
W05	fixed	8'-0" x 2'-8"	38.8/-50.8	FLR243.5
W06	fixed	4'-4" x 2'-0"	40.7/-54.5	FLR243.5
W07	single hung Witransom	3'-0" x 7'-6"	36.4/-45.9	FLR239.4
W08	fixed	2'-4" x 3'-8"	40.7/-54.5	FLR243.5
W09	fixed	2'-4" x 1'-10"	40.7/-54.5	FLR243.5
W10	fixed	2'-4" x 4'-4"	40.7/-54.5	FLR243.5
W11	fixed	5'-4" x 2'-4"	38.8/-50.8	FLR243.5
W12	fixed(2-panel)	4'-4" x 3'-0"	38.8/-50.8	FLR243.5
W13	fixed(3-panel)	9'-10" x 7'-10"	34.6/-42.3	FLR243.5

1. See elevations for layout and configurations.
2. Installation details per manufacturer. See waterproofing requirements. Install per manufacturers written specifications. manufacturer is to provide a schedule and report any size discrepancies.
3. Windows are subject change in exact size per manufacturer recommendations.
4. Required openings will be determined by the window manufacturer.

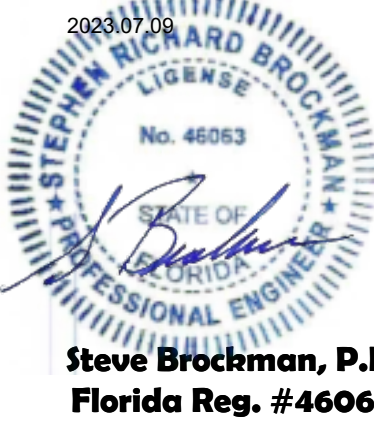


E-Mail kfrhea@gmail.com
Cell 321-356-0980
In coordination with:



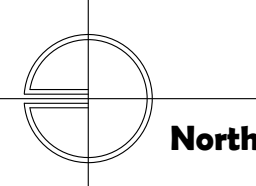
Permit 2023-05-31

Katrina & Brad Voyles
250 Tropical Shores
Fort Myers Beach, FL.



Steve Brockman, P.E.
Florida Reg. #46063

A1.1

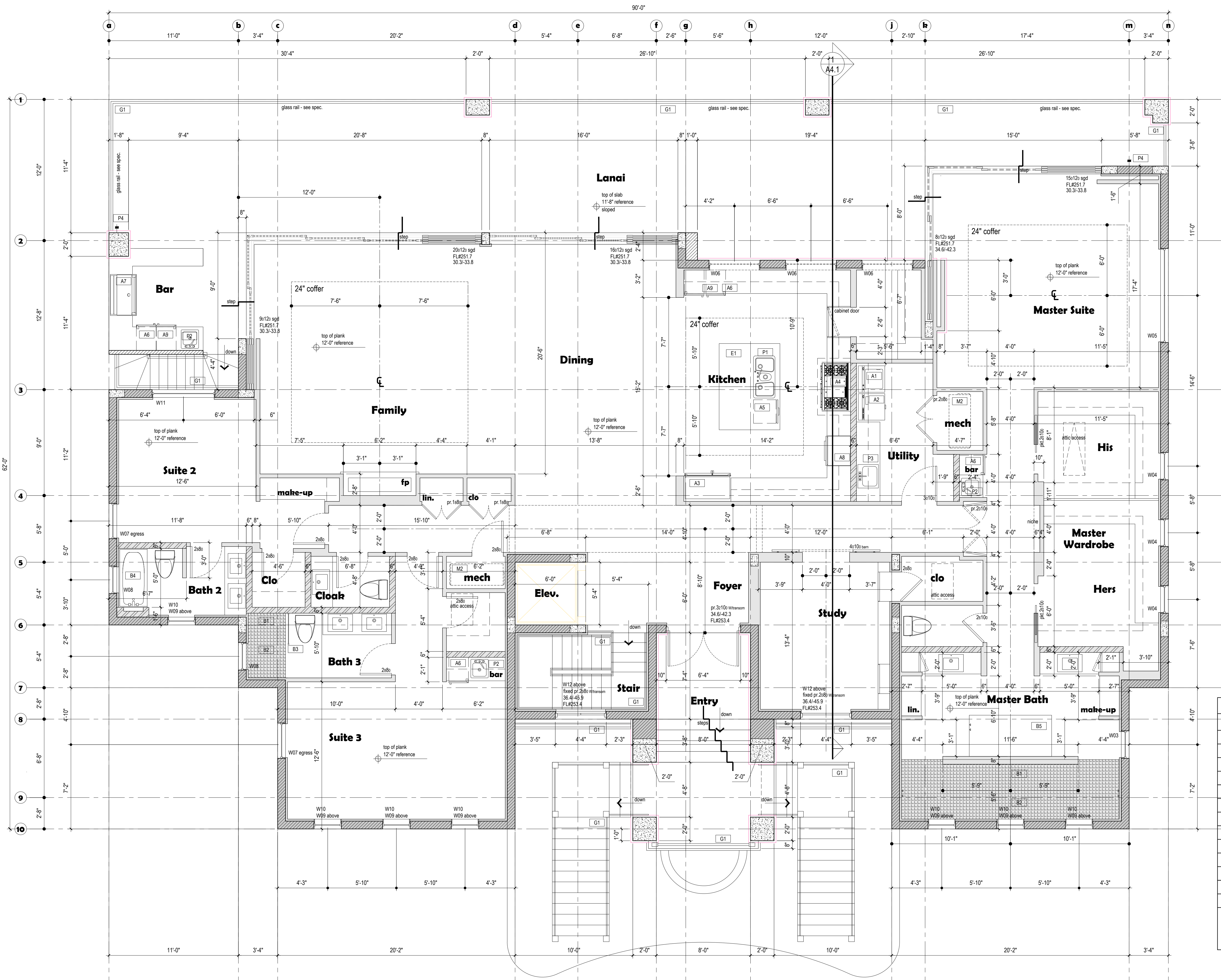


1

A1.1

Grade Level Plan

Scale: 1/4" = 1' - 0"



Floor Plan General Notes:

- Verify floor elevations w/ flood requirements.
- All exterior windows are dimensioned to center line and the required opening is determined by the window manufacturer, U.N.O.
- All handrails and guard rails to be 36" a.f.f. u.n.o. designed and installed to not allow the passage of a 4" sphere, provide toe railing as required, max 2" a.f.f. coordinate final material, design, and finish with owner. handrails and guards must comply with all the requirements of the current Florida Building Code.
- Provide metal thresholds at doors leading to the garage, and all exterior doors, U.O.N.
- Coordinate attic access locations w/ final truss layout.
- See structural drawings for all load bearing wall, column and filled cell locations.
- Extend poured slab edge @ exterior doors 1 1/2" beyond stem wall, U.O.N.
- Verify electric and a/c chase locations w/ electrical and mechanical contractor.
- For walls that abut non-conditioned space use "Densarmor"
- For walls that are in direct contact with wet areas: use "Densarmor plus"
- For walls and ceiling at a tub/shower use cement board sheathing w/ tile finish selected by the owner.
- All appliances, fixtures, cabinetry, hardware, and accessories are selected by the owner.
- Provide a minimum 4" jamb return on the strike side of all interior doors

Legend:

- Typical masonry wall:
- 8" nominal - Continuous 8x16 concrete tie beam W (2) - #5's Top and (2) #5's bottom. Use #3 Strips @ 6" O.C. over all openings.(UON)
- infill wall - non-structural.
- 8" nominal CIP wall
- Typical interior partition 2x framing 16" O.C. 2x6 Minimum wall framing(wet wall)
- Separation required. FBC R302.6 see fire rating notes.
- water closet
- lavatory and vanity as selected by the owner

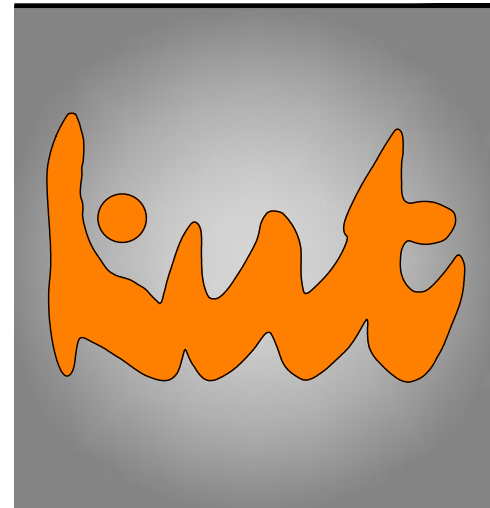
Floor Plan Keynotes :

- A: APPLIANCES**
- A1 Washer
- A2 Dryer - vent to exterior.
- A3 Refrigerator/Freezer
- A4 Cook-top - final size TBD - With hood and exhaust fan OPENING Through wall, verify final opening height and diameter with hood and exhaust fan specs. provide 2" min. clearance to all combustibles.
- A5 Dishwasher.
- A6 Under counter refrigerator.
- A7 Grill.
- A8 Oven(s)
- A9 Ice machine
- B: BATH/ SHOWER**
- B1 Shower seat
- B2 Typical cement board sheathing all tub/shower and wet areas w/ tile finish @ walls and ceiling.
- B3 Temp. glass door and/or enclosure typical @ shower.
- B4 Tub/shower.
- B5 Jacuzzi/seating tub
- E: ELECTRICAL**
- E1 Allow for electrical chase to kitchen island.
- G: GENERAL**
- G1 Hand railing system - 36" AFF - handrail and installed so as to not allow the passage of a 4" sphere, toe railing as req'd, max 2" a.f.f. coord. final material, design, and finish with owner.
- G2 Hydrostatic vent "SMARTVENT"
- M: MECHANICAL**
- M1 Condensing unit location - above BFE as noted.
- M2 AHU.
- P: PLUMBING**
- P1 Sink with disposal.
- P2 Bar sink
- P3 Laundry tub
- P4 Hose Bib
- P5 Gas water heater

Window schedule

ID	Type	Opening WxH	Design pressure +/-	Product approval #
W01	fixed	18" radius	40.7/-54.5	FLR243.5
W02	fixed	5'-4" x 2'-4"	38.8/-50.8	FLR243.5
W03	fixed W/Transom	7'-6" x 2'-4"	38.8/-50.8	FLR243.5
W04	fixed	2'-4" x 2'-8"	40.7/-54.5	FLR243.5
W05	fixed	8'-0" x 2'-8"	38.8/-50.8	FLR243.5
W06	fixed	4'-4" x 2'-0"	40.7/-54.5	FLR243.5
W07	single hung W/Transom	3'-0" x 7'-6"	36.4/-45.9	FLR239.4
W08	fixed	2'-4" x 3'-8"	40.7/-54.5	FLR243.5
W09	fixed	2'-4" x 1'-10"	40.7/-54.5	FLR243.5
W10	fixed	2'-4" x 4'-4"	40.7/-54.5	FLR243.5
W11	fixed	5'-4" x 2'-4"	38.8/-50.8	FLR243.5
W12	fixed(2-panel)	4'-4" x 3'-0"	38.8/-50.8	FLR243.5
W13	fixed(3-panel)	9'-10" x 7'-10"	34.6/-42.3	FLR243.5

1. See elevations for layout and configurations.
2. Installation details per manufacturer. See waterproofing requirements. Install per manufacturers written specifications. manufacturer is to provide a schedule and report any size discrepancies.
3. Windows are subject change in exact size per manufacturer recommendations.
4. Required openings will be determined by the window manufacturer.

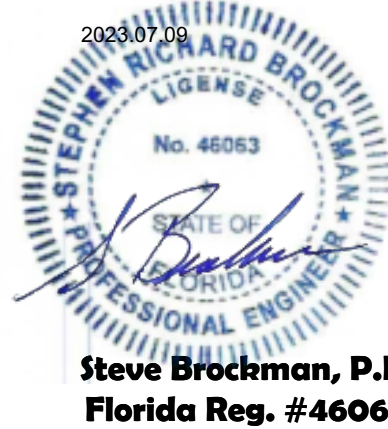


E-Mail kfrhea@gmail.com
Cell 321-356-0980
In coordination with:



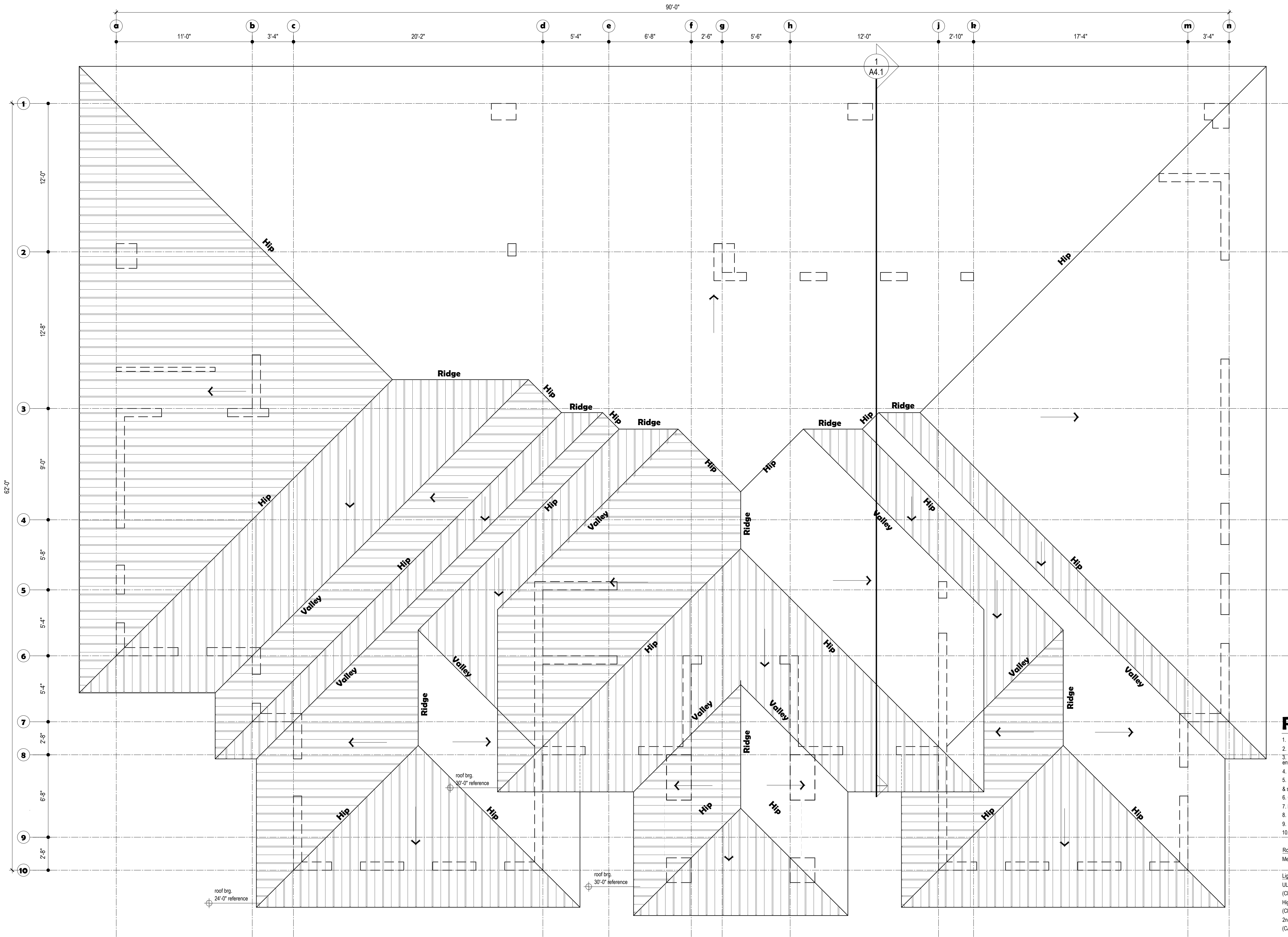
Permit 2023-05-31

Katrina & Brad Voyles
250 Tropical Shores
Fort Myers Beach, FL.



A1.2

Q:_2023\2023 Chordinal_250 Tropical Shore\Voyles_CD.dwg, A2.1, 5/31/2023 1:11:33 PM



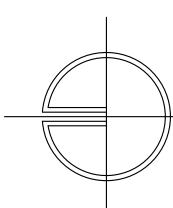
Roof Plan Notes:

1. All overhangs are 3'-0" unless noted otherwise.
2. Roof pitches are 5:12 slope or as noted on the elevations.
3. Condensate lines and roof downsouts to discharge min. 1'-0" away from exterior of the building envelop.
4. SLOPE ALL Horizontal Surfaces (Roofs/Floors) AS SHOWN MIN. 1/4" FT.
5. Roof flashing SHALL meet the requirements of Section 1503.2.1 of the FBC(building) & section 903.2.1 of the FBC(residential) 2020 7th edition.
6. Gutters :optional . Verify with owner
7. Roof ventilation (NA)
8. INSTALL "POLYSTICK TU" peel & stick membrane per manufacturer's specifications.
9. Install aluminum flashing's, counter flashing's, valleys and off ridge vents
10. Strip all flanges with membrane and plastic roof cement.

Roof Cover Material:
Metal(Standing Seam) installed per manufacturers written instructions, color as selected by owner

Lightning Protection:
UL LISTED, Master label lightning protection system -
(CLASS 1 - COPPER)
High voltage surge errestor @ METER -
(CLASS 3 UNIT).
2nd stage high voltage surge errestors @ sub-panels in garage and m/e rooms -
(CATEGORY 'B').

Flashing Specification:
Galvanized metal:
26 GA. Valleys & counter flashing
24 GA. Copings
Aluminum:
26 GA. aluminum continuous eave drip, factory painted, color as selected by owner.
Stainless steel:
28 GA all flashing components



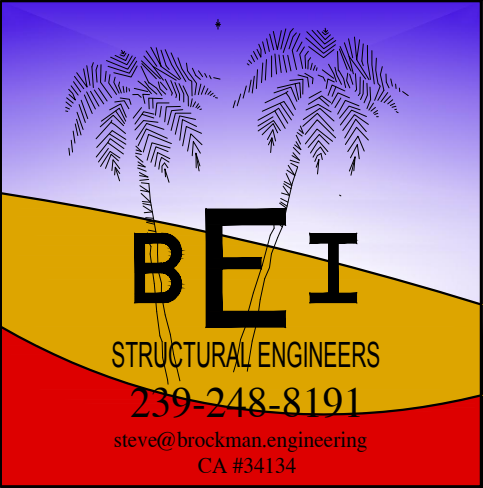
1
A2.1

Roof Plan

Scale: 1/4" = 1' - 0"

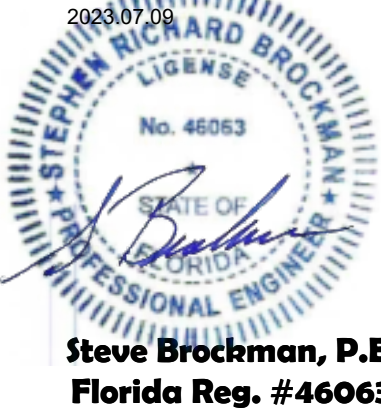


E-Mail kfrhea@gmail.com
Cell 321-356-0980
In coordination with:



Permit 2023-05-31

**Katrina &
Brad Voyles**
250 Tropical Shores
Fort Myers Beach, FL.

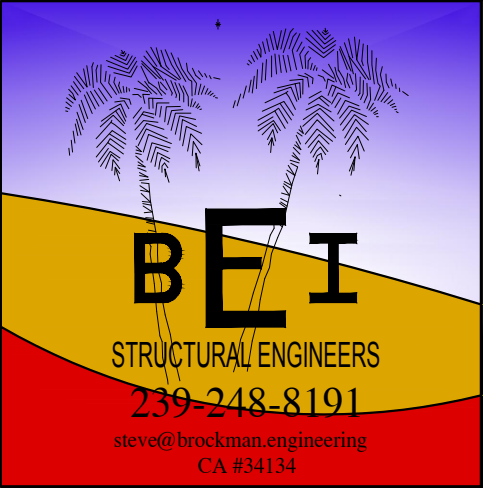


Steve Brockman, P.E.
Florida Reg. #46063

A2.1

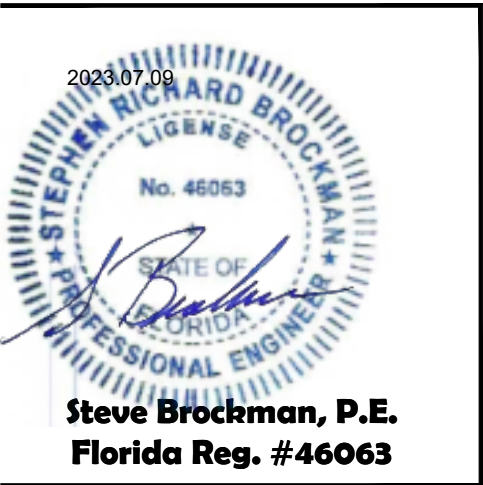


E-Mail kfrhea@gmail.com
Cell 321-356-0980
In coordination with:



Permit 2023-05-31

Katrina &
Brad Voyles
250 Tropical Shores
Fort Myers Beach, Fl.



A3.1



1
A3.1

Front (West) Elevation

Elevation Keynotes:

- a** Metal roof cover
- b** not used
- c** Lap siding finish(stucco)
- d** Stucco finish(smooth)
- e** Stone/tile finish
- f** Decorative bracket
- g** Decorative awning
- h** Fabricated canopy

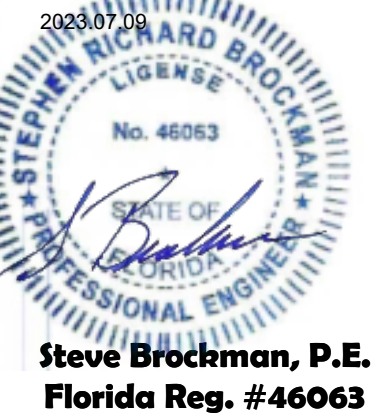
Scale: 1/4" = 1' - 0"



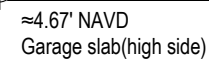
Permit 2023-05-31

[illegible]

**Katrina &
Brad Voyles**
250 Tropical Shores
Fort Myers Beach, Fl.



A3.2



2

A3.2

Right (South) Elevation

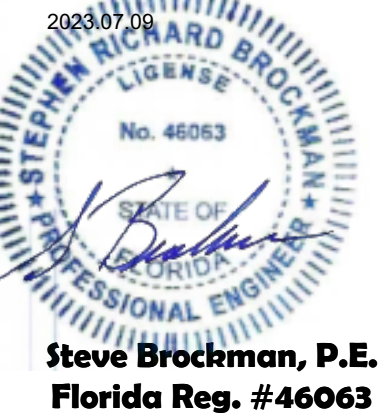
Scale: 1/4" = 1' - 0"



Permit 2023-05-31

Katrina & Brad Voyles

250 Tropical Shores Fort Myers Beach, Fl.



A3.3





4
A3.4

Rear (East) Elevation

Scale: 1/4" = 1' - 0"

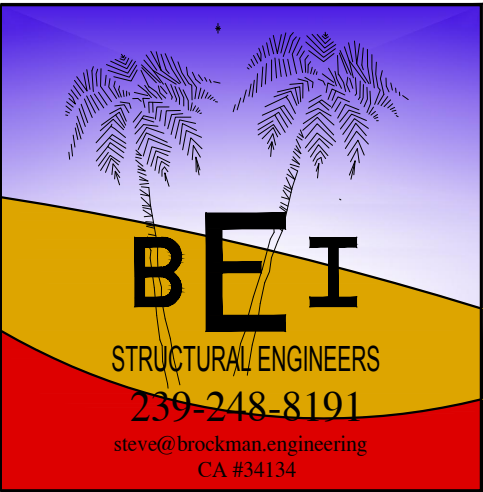
Glass Railing Specification

R308.4.4 GLAZING IN GUARDS AND RAILINGS
Glazing in guards and railings, including structural baluster panels and non-structural infill panels regardless of area or height above a walking surface shall be considered a hazardous location.

- R308.6.2 PERMITTED MATERIALS
The following types of glazing may be used:
1. Laminated Glass with a minimum 0.015-inch (0.38 mm) polyvinyl interlayer for glass panes 16 square feet (1.5m²) or less in areas located such that the highest point of glass is not more than 12 feet (3656 mm) above a walking surface or other accessible area; for higher or larger sizes the minimum interlayer thickness shall be 0.030 inch or (0.76mm).
 2. Fully tempered glass.
 3. Heat-strengthened glass.
 4. Wired glass.
 5. Approved rigid plastics.

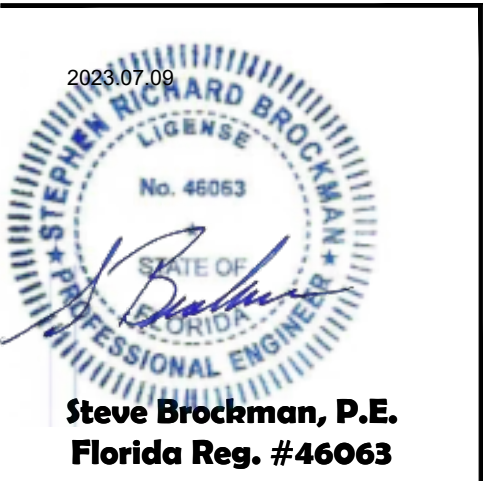


E-Mail kfrhea@gmail.com
Cell 321-356-0980
In coordination with:

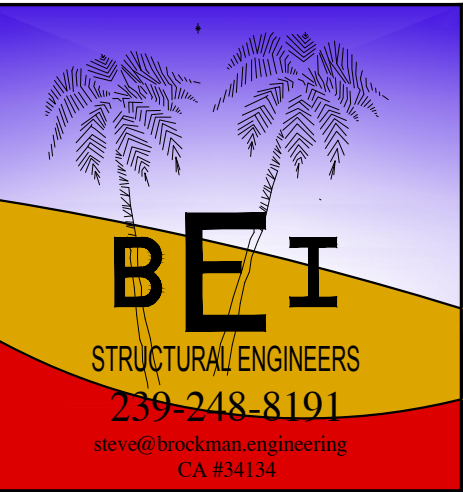


Permit 2023-05-31

Katrina &
Brad Voyles
250 Tropical Shores
Fort Myers Beach, FL.

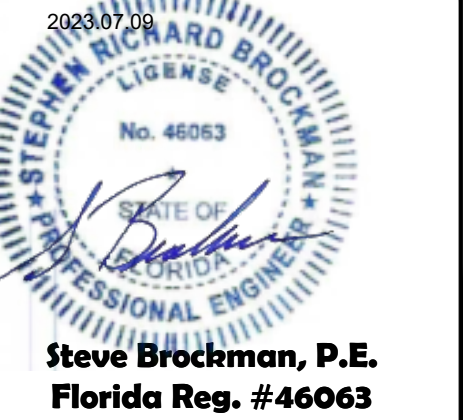


A3.4



Permit 2023-05-31

**Katrina &
Brad Voyles**
250 Tropical Shores
Fort Myers Beach, Fl.



A4.1



Water proofing spec.

Window & Door installation:

- Coordinate compatibility of all products with other products used within the assembly, including, but not limited to, all sealants and interior and exterior finishes that come in contact with these products.

- Protect all products against atmospheric and uv exposure per manufacturer's written instructions.

1. Unprotected exterior wall assembly:
- Masonry construction
 - Frame assembly - install tytar weather resistant barrier membrane per manufacturer's written instructions (contractor to submit alternative to architect for review) at sides and bottom of openings hold tytar back 2" from edge of opening to allow prosoco r-guard "fast flash" to be applied directly to the sheathing for the first 2".

- 1a. Prepare rough opening - see prosoco r-guard system for manufacturer's written instructions.

2. PT Buck:
- See structural for attachment.

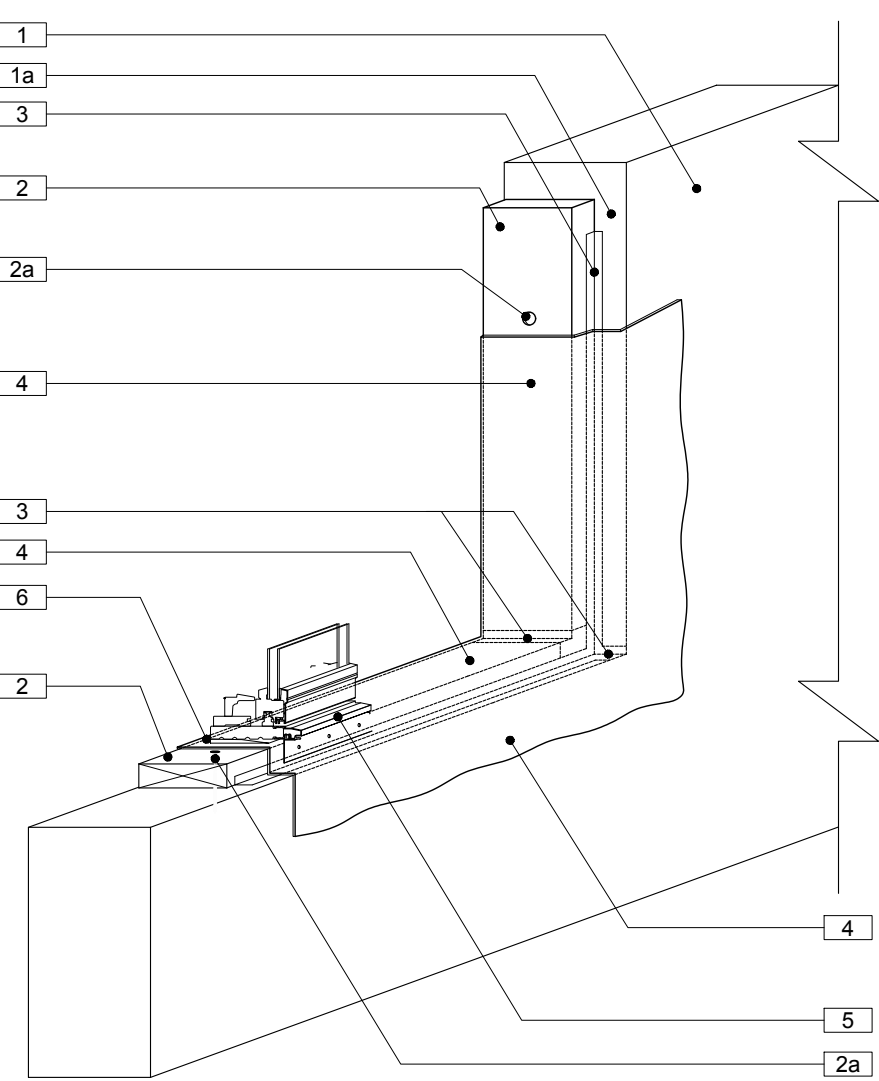
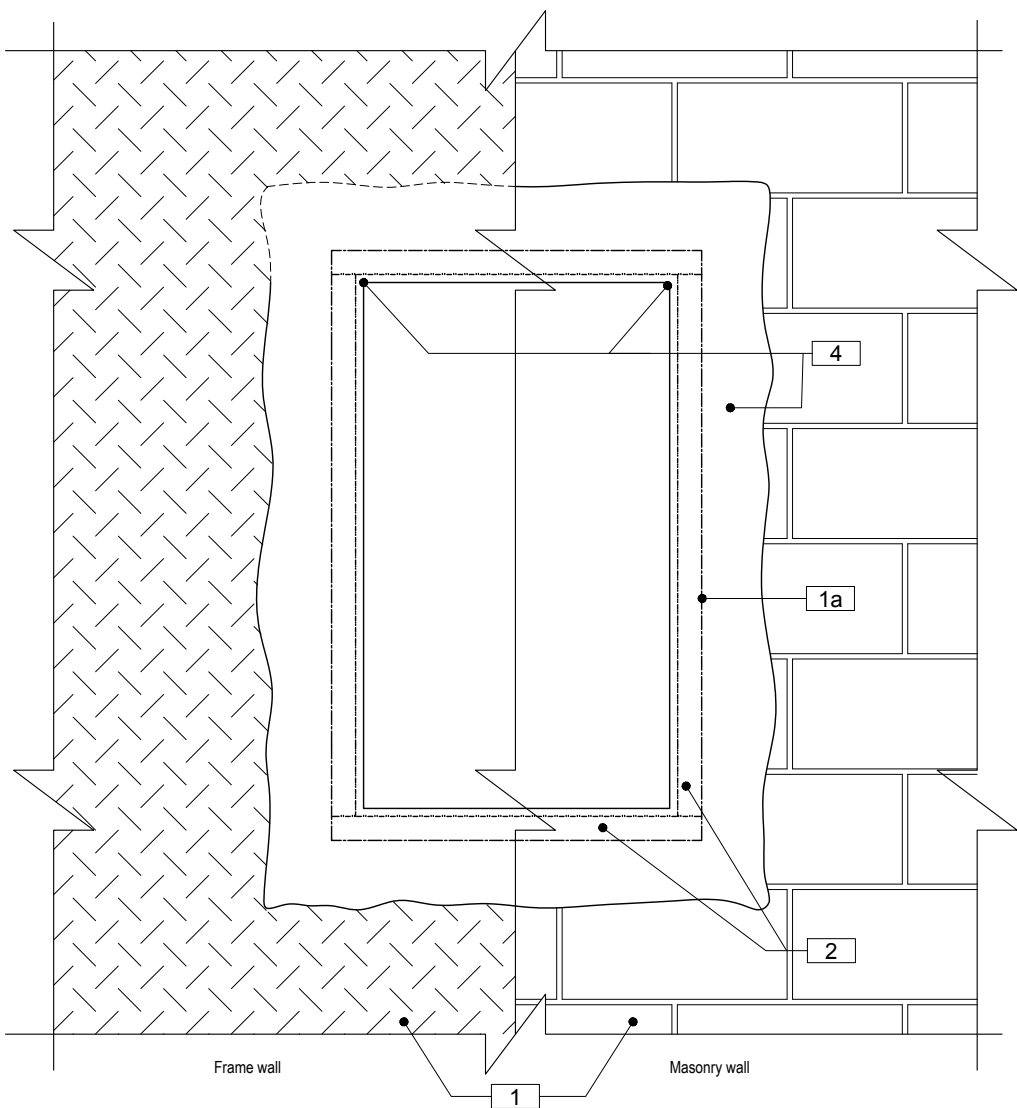
- 2a. Recess "Tapcons" and/or nails and seal with "Prosoco" R-guard "joint and seam filler".

3. After installing pt buck - Apply "Prosoco" R-Guard "joint and seam filler", per manufacturer's written instructions.

4. Apply "Prosoco" R-Guard "FAST FLASH" per manufacturer's written instructions.
- On frame assemblies: Apply "Prosoco" R-guard "FAST FLASH" over VB on sides and bottom of assembly, and under VB directly to sheathing at top of assembly. Verify with manufacturer's written instructions.

5. Install window assembly per window manufacturer's written instructions.
- note: when installing windows with fins, encapsulate the fin with "Prosoco" R-Guard "joint and seam filler". Leave outer coat open at bottom fin for weeping.

6. Install backer rod and sealant at interior side of the unit along the bottom of the unit and up 12" on each side, see manufacturer's written instructions.



General window notes:

See elevations for specific fixed/ operable configuration. O.N.O. before ordering all windows VIF with the owner.

Coordinate specific sill and trim conditions w/ elevations.

Match window head height w/ interior door head height. Verify w/ finish floor materials

All glazing in hazardous locations as identified by FBC R308.4 TO BE TEMPERED in accordance with the required of FBC R308.3.1.

All glazing to be clear - insulated high performance low 'e' units W/ a max. SHGC 0.30 for fenestration and skylights or a max U-FACTOR of .65 FOR fenestration (.75 for impact rated fenestration) and .75 for skylights.

All fenestration to comply with FBC ENERGY CONSERVATION CODE SECTION 402.4.4. AIR LEAKAGE.

All first floor windows with a clear path to a pool and second floor window with access to a deck that leads to a pool shall comply with exit alarm per FBC R4501.17.1.9.

The contractor is responsible for coordinating with the product mfr. for compliance of code requirements including but not limited to: egress, wind design data, installation and anchoring, wind born debris regions, air infiltration, and waterproofing etc...

The contractor is to notify the architect of record of any discrepancy before ordering products.

FLORIDA PRODUCT APPROVAL:

1. Florida product approvals ARE REQUIRED for all exterior: door assemblies, window assemblies, impact resistant coverings, garage door assemblies, and unit skylight assemblies.

- 2.The contractor shall attain florida product approval documentation, including installation and anchoring details and requirements. contractor to:
- 2.1. submit documentation to the building department or AHJ.
- 2.2. Retain a copy onsite.

EGRESS WINDOW NOTES:

Egress windows are to comply with FBC R310.

PER FBC R301.1.1

- AT ground floor an EGRESS WINDOW must have a MIN. net clear opening of - 5 SQ. FT.

- AT floors above an EGRESS WINDOW must have e MIN. net clear opening OF 5.7 SQ. FT.

General door notes :

All interior doors to be 4 panel-solid core doors.
verify all species, finish (paint-stain), & height with id/owner prior to fabrication.

See owner specifications for door hardware type & finish.

Exterior doors to be clad insulated doors.

Garage door to be steel paneled insulated with finished interior panel, color as selected by owner

All glass units in doors to be tempered

Match window head height w/ interior door head height (UON).

verify w/ finish floor materials. Final interior & exterior door head height to be VIF W/owner.

All glazing to be clear - insulated high performance low 'E' units W/ A MAX. SHGC 0.30 for fenestration and skylights or a max U-Factor of .65 FOR Fenestration (.75 for impact rated fenestration) and .75 for skylights.

All door units to comply with FBC ENERGY CONSERVATION CODE SECTION 402.4. AIR LEAKAGE.

The contractor is responsible for coordinating with the product mfr. for compliance of code requirements including but not limited to: egress, wind design data, installation and anchoring, wind born debris regions, air infiltration, etc...

The contractor is to notify the engineer of record of any discrepancy before ordering products.

PER FBC R4501.17.1.9 All doors leading to a pool shall be equipped with an exit alarm and a self-closing, self-latching device with positive mechanical latching/locking installed at a minimum of 54" above the threshold for additional requirements see FBC R4101.17.1.9

FLORIDA PRODUCT APPROVAL:

1. Florida product approvals are required for all exterior: door assemblies, window assemblies, impact resistant coverings, garage door assemblies, and unit skylight assemblies.

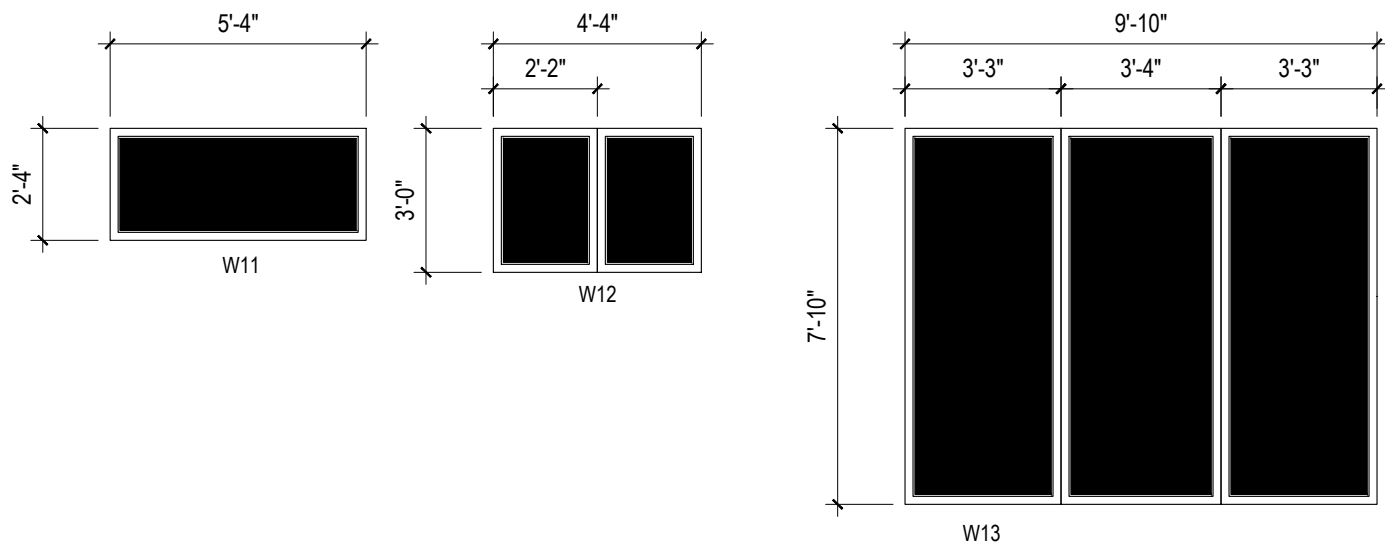
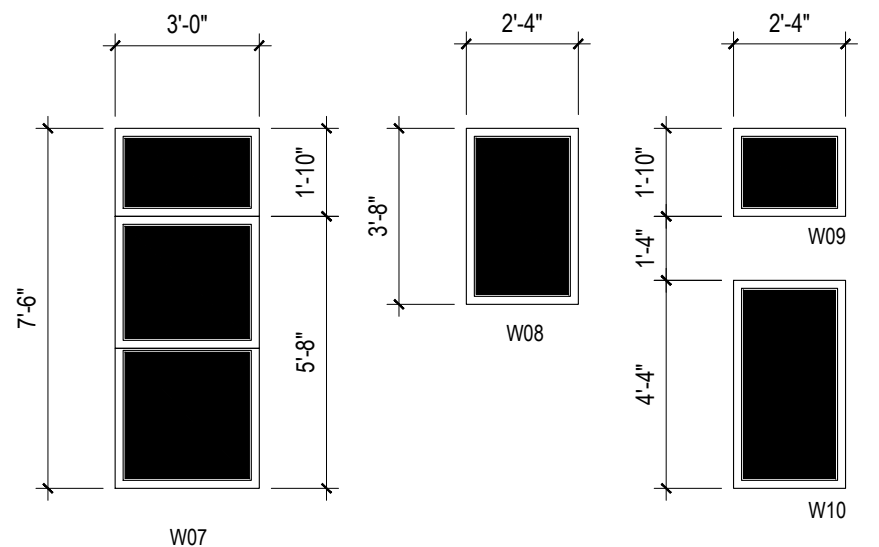
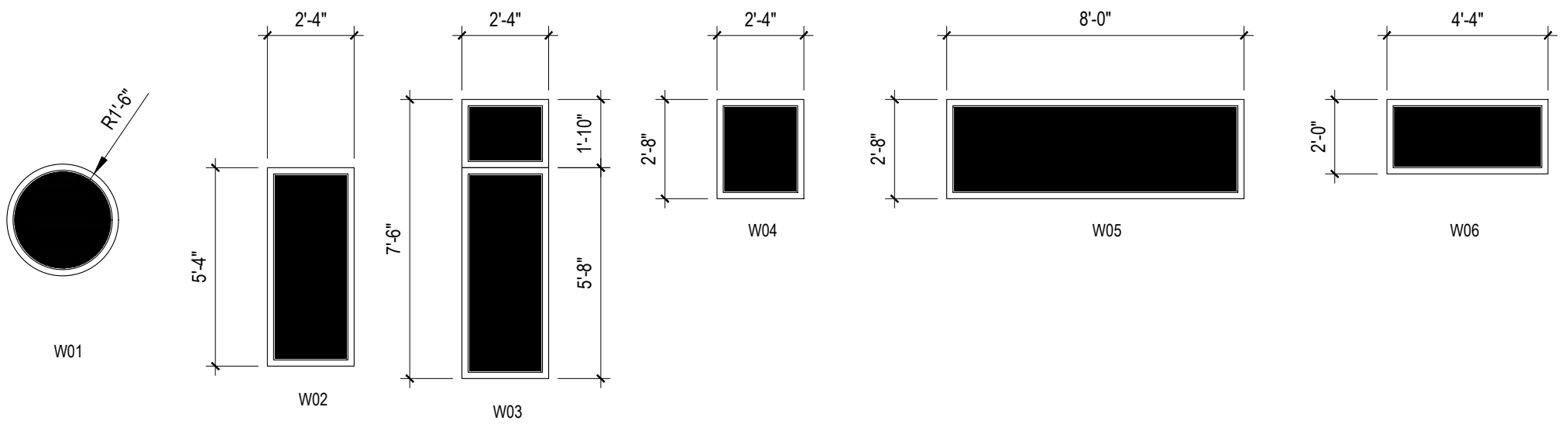
- 2.The contractor shall attain Florida product approval documentation, including installation and anchoring details and requirements. Contractor to:
- 2.1. Submit documentation to the building department or AHJ.
- 2.2. Retain a copy onsite.

3. See structural drawings for design criteria.

Window schedule

ID	Type	Opening WxH	Design pressure +/-	Product approval #
W01	fixed	18" radius	40.7/-54.5	FL#243.5
W02	fixed	5'-4" x 2'-4"	38.8/-50.8	FL#243.5
W03	fixed W/transom	7'-6" x 2'-4"	38.8/-50.8	FL#243.5
W04	fixed	2'-4" x 2'-8"	40.7/-54.5	FL#243.5
W05	fixed	8'-0" x 2'-8"	38.8/-50.8	FL#243.5
W06	fixed	4'-4" x 2'-0"	40.7/-54.5	FL#243.5
W07	single hung W/transom	3'-0" x 7'-6"	36.4/-45.9	FL#239.4
W08	fixed	2'-4" x 3'-8"	40.7/-54.5	FL#243.5
W09	fixed	2'-4" x 1'-10"	40.7/-54.5	FL#243.5
W10	fixed	2'-4" x 4'-4"	40.7/-54.5	FL#243.5
W11	fixed	5'-4" x 2'-4"	38.8/-50.8	FL#243.5
W12	fixed(2-panel)	4'-4" x 3'-0"	38.8/-50.8	FL#243.5
W13	fixed(3-panel)	9'-10" x 7'-10"	34.6/-42.3	FL#243.5

1. See elevations for layout and configurations.
2. Installation details per manufacturer. See waterproofing requirements. Install per manufacturers written specifications. manufacturer is to provide a schedule and report any size discrepancies.
3. Windows are subject change in exact size per manufacturer recommendations.
4. Required openings will be determined by the window manufacturer.

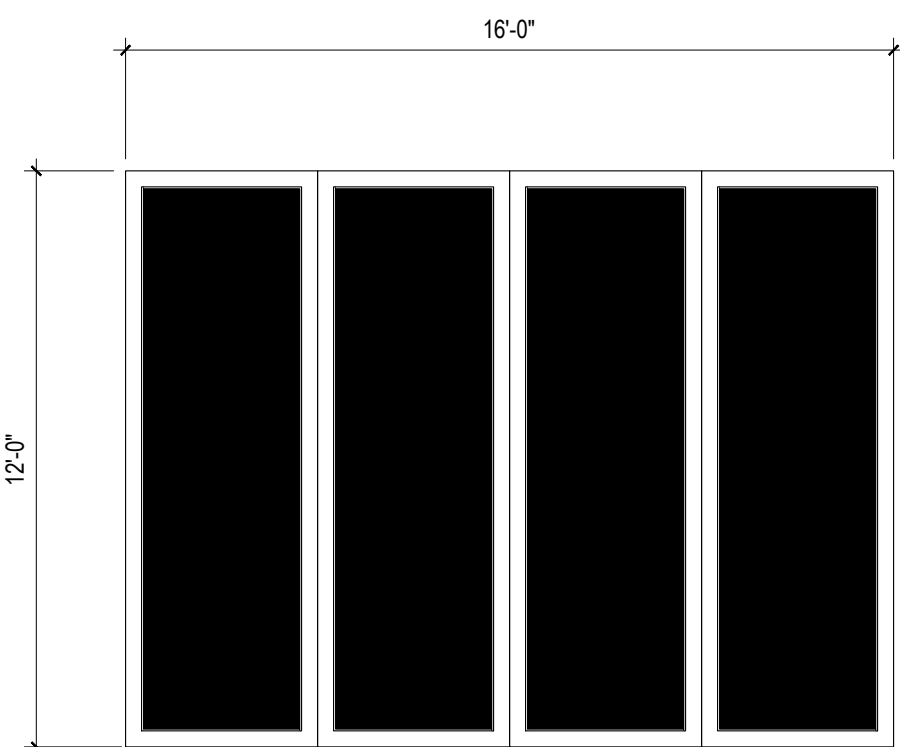


1

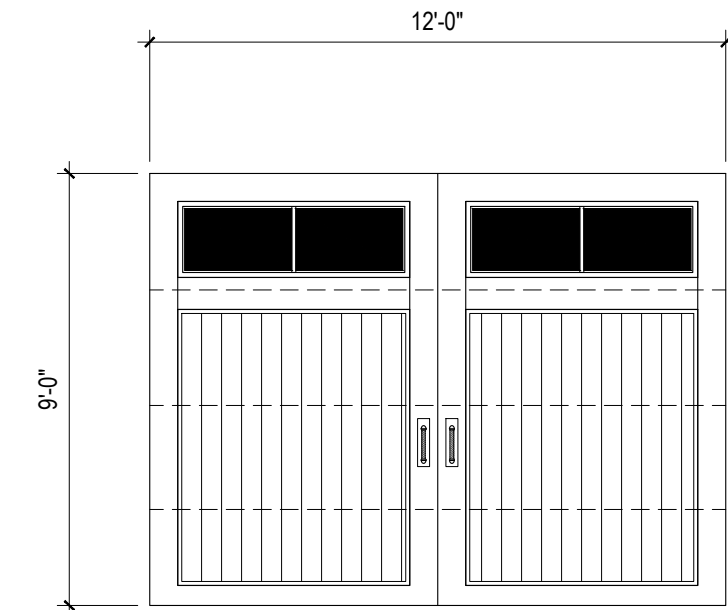
A6.1

Window Elevations

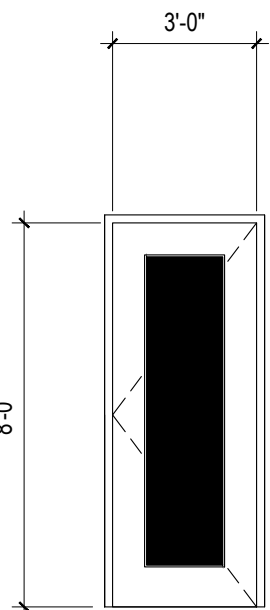
Scale: 1/4" = 1' - 0"



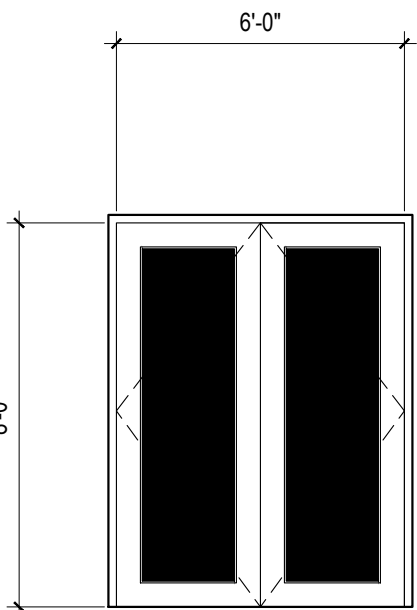
16x12o sgfd
FL#251.7
30.3/-33.8



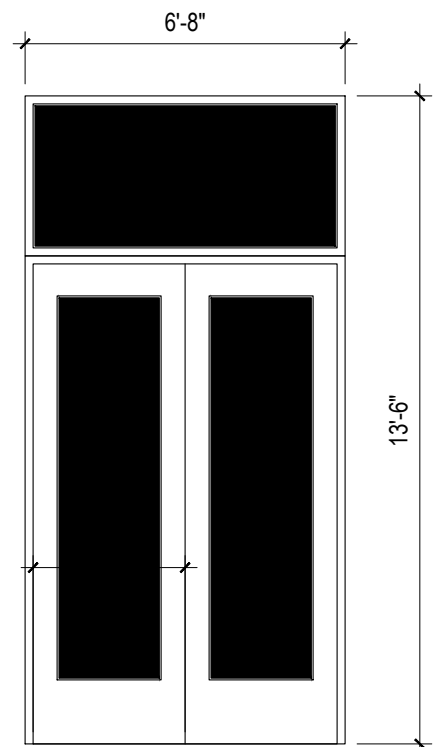
12x9o ohgd
FL#11233.7
30.3/-33.8



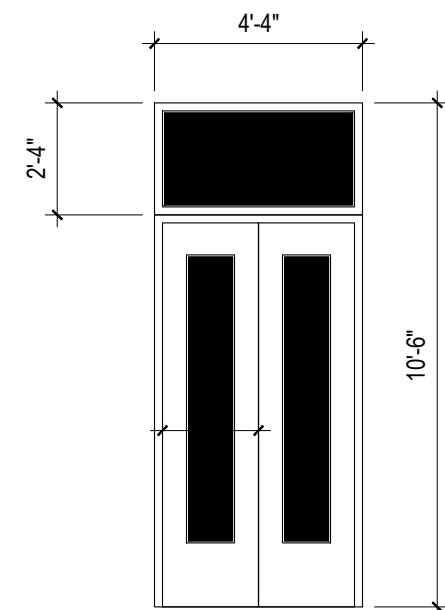
3x8o
FL#253.4
36.4/-45.9



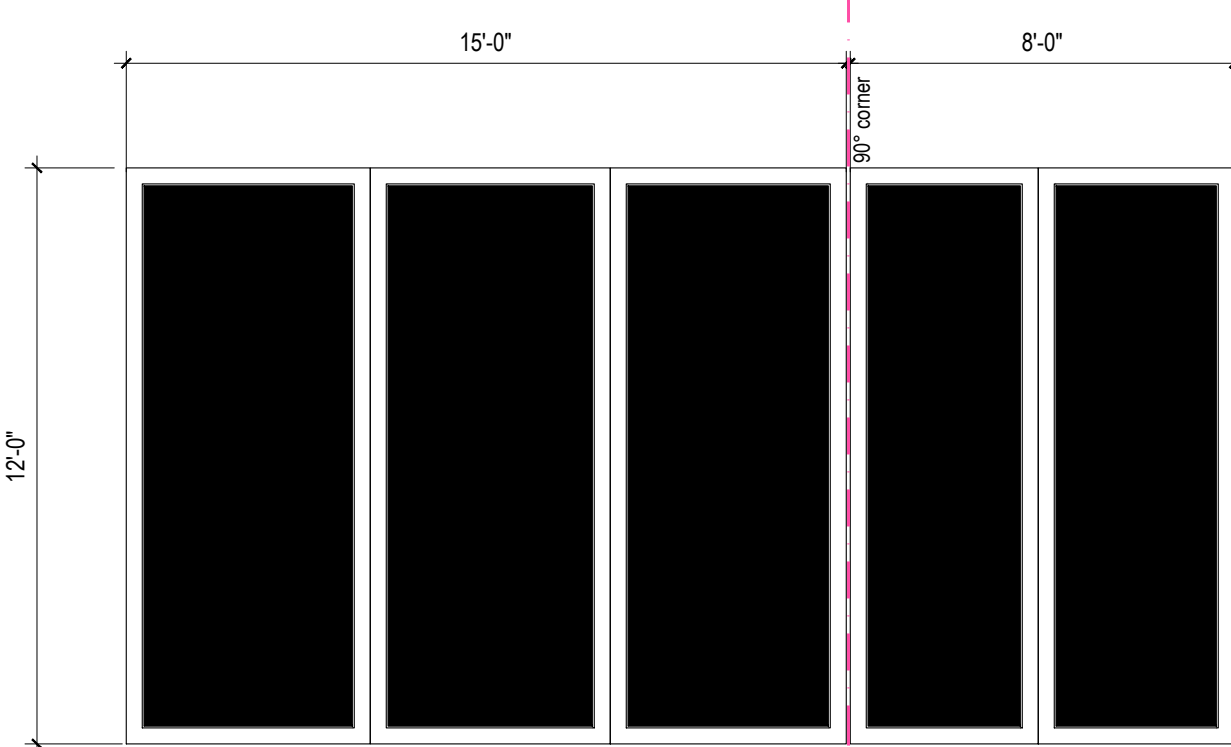
pr 3x8o
36.4/-45.9
FL#253.4



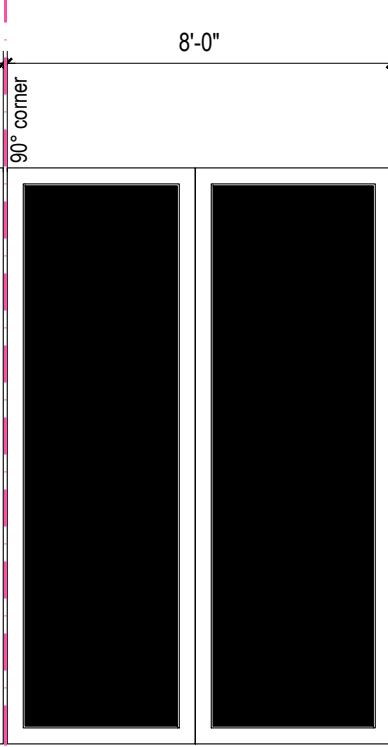
pr 3x10o W/transom
34.6/-42.3
FL#253.4



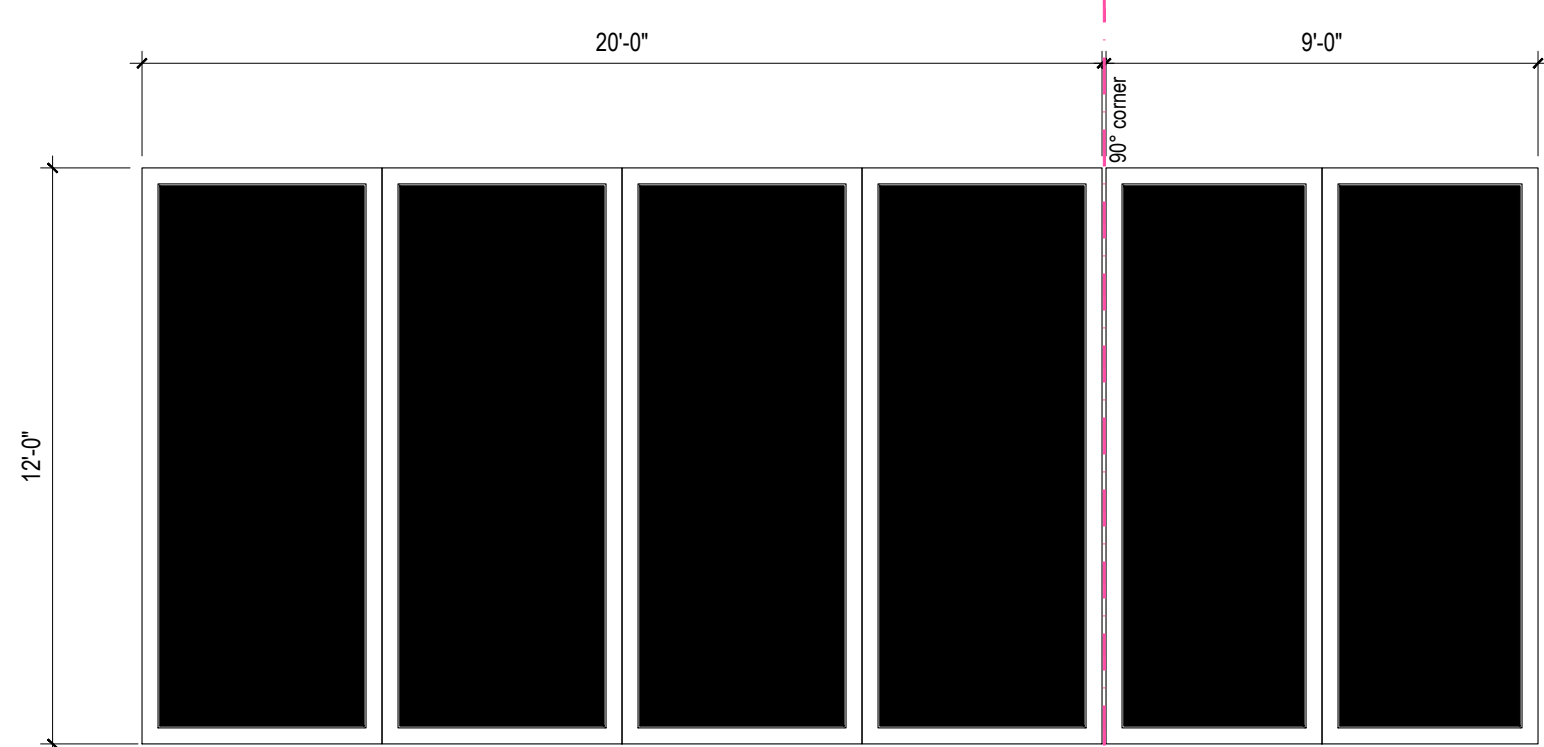
fixed pr 2x8o W/transom
36.4/-45.9
FL#253.4



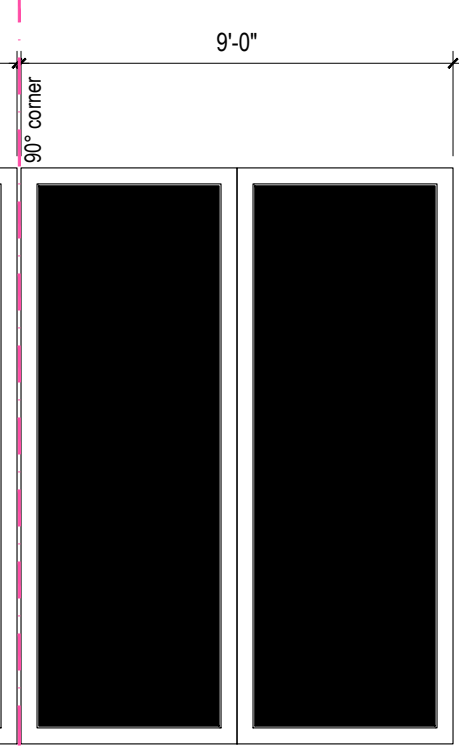
15x12o sgfd
FL#251.7
30.3/-33.8



8x12o sgfd
FL#251.7
34.6/-42.3



20x12o sgfd
FL#251.7
30.3/-33.8



9x12o sgfd
FL#251.7
30.3/-33.8

1

A6.2

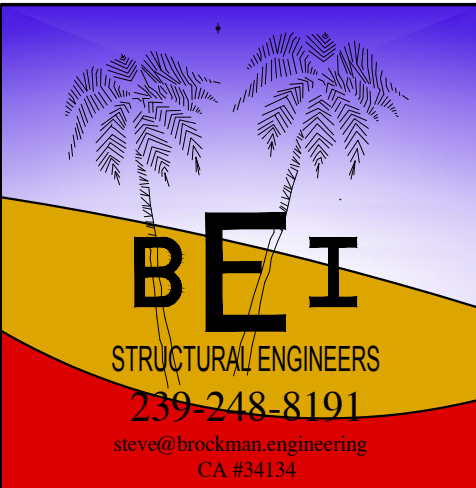
Exterior Door Elevations

Scale: 1/4" = 1' - 0"



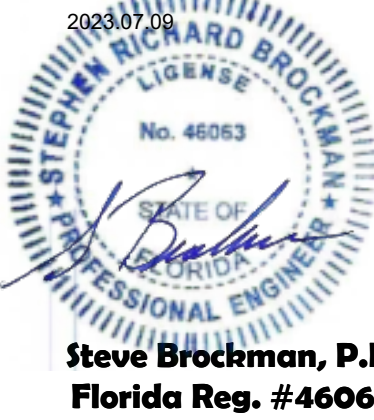
E-Mail kfrhea@gmail.com
Cell 321-356-0980

In coordination with:



Permit 2023-05-31

Katrina &
Brad Voyles
250 Tropical Shores
Fort Myers Beach, FL.



A6.1

GENERAL NOTES
ALL DETAILS AND SECTIONS SHOWN ON THE DRAWINGS ARE INTENDED TO BE IDENTICAL AND SHALL BE CONSTRUCTED TO APPLY TO ANY SIMILAR SITUATION ELSEWHERE IN THE WORK EXCEPT WHERE A DIFFERENT DETAIL IS SHOWN.

THE CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE PRIOR TO COMMENCING WORK. THE CONTRACTOR SHALL REPORT ALL DISCREPANCIES BETWEEN THE DRAWING AND EXISTING CONDITIONS TO THE DESIGNER PRIOR TO BIDDING AND AGAIN PRIOR TO COMMENCING WORK.

ALL BOLTS, NUTS, WASHERS, STRAPS, AND FASTENERS INCLUDING NAILS, SHALL BE HOT DIP GALVANIZED. CONTINUOUS ANCHORAGE SHALL BE PROVIDED BETWEEN ALL TRUSSES, WALL SECTIONS, BEAMS, POSTS, AND FOOTINGS WITH THE USE OF STRAPS AND CONNECTORS AS SPECIFIED HEREIN, EXCEPT FOR INTERIOR FRAMING UNLESS NOTED OTHERWISE.

IF ALUMINUM IS TO BE USED IN ANY AREAS ALL FASTENERS IN CONTACT SHALL BE ALUMINUM ALSO, OR A BARRIER SHALL BE PROVIDED TO PREVENT GALVANIC ACTION BETWEEN DISSIMILAR METALS.

ALL OPENINGS AND OPENING LOCATIONS ARE BASED IN NOMINAL MODULAR SIZES. DIMENSIONS MAY VARY DUE TO FURRING, BLOCKING, TRUSS ALIGNMENT, LOADING OR OTHER CONDITIONS NECESSARY TO COMPLETE CONSTRUCTION. DIMENSIONS MAY NOT BE IDENTICAL TO THE ACTUAL REQUIREMENT DUE TO THE MANUFACTURE AND/OR SERIES THAT WAS SELECTED.

PROVIDE CAULKING AND SEALING AT ALL EXTERIOR DOORS AND WINDOWS. PROVIDE THRESHOLDS AND WEATHER STRIPPING AT ALL EXTERIOR DOORS. ALL OTHER WATERPROOFING IS BY THE GENERAL CONTRACTOR OR THE ARCHITECT IF ONE IS ON THE JOB.

STRUCTURAL DRAWINGS SHALL BE USED IN CONJUNCTION WITH JOB SPECIFICATIONS AND ARCHITECTURAL, MECHANICAL, ELECTRICAL, PLUMBING, AND SITE DRAWINGS. CONSULT THESE DRAWINGS FOR SLEEVES, DEPRESSIONS, AND OTHER DETAILS NOT SHOWN ON STRUCTURAL DRAWINGS.

CONTRACTOR SHALL LOCATE ALL BURIED UTILITIES PRIOR TO EXCAVATION FOR BUILDING FOUNDATIONS. THE STRUCTURAL ENGINEER SHALL BE NOTIFIED OF POTENTIAL CONFLICTS BETWEEN FOUNDATIONS AND BURIED UTILITIES.

CODE REQUIREMENTS: THE BUILDING STRUCTURE IS DESIGNED IN ACCORDANCE WITH THE 2020 7th EDITION OF THE FLORIDA BUILDING CODE. FOLLOW ALL APPLICABLE PROVISIONS FOR ALL PHASES OF CONSTRUCTION.

TEMPORARY CONDITIONS: THE STRUCTURAL INTEGRITY OF THE COMPLETED STRUCTURE DEPENDS ON INTERACTION OF VARIOUS CONNECTED COMPONENTS. PROVIDE ADEQUATE BRACING, SHORING, AND OTHER TEMPORARY SUPPORTS AS REQUIRED TO SAFELY COMPLETE THE WORK. THE STRUCTURE SHOWN ON THE DRAWINGS HAS BEEN DESIGNED FOR STABILITY UNDER FINAL CONFIGURATION ONLY.

THE STRUCTURE IS DESIGNED TO BE SELF-SUPPORTING AND STABLE AFTER THE BUILDING IS COMPLETE. IT IS THE CONTRACTORS SOLE RESPONSIBILITY TO DETERMINE ERECTION PROCEDURES AND SEQUENCE TO ENSURE SAFETY OF THE BUILDING AND ITS COMPONENTS DURING ERECTION. THIS INCLUDES THE ADDITION OF NECESSARY SHORING, SHEETING, TEMPORARY BRACING, GUYS OR TIE DOWNS.

PROVIDE 8x16 NOMINAL CAST IN PLACE TIE BEAM CONTINUOUS AROUND ENTIRE PERIMETER OF THE HOUSE. UNLESS NOTED OTHERWISE, SEE BEAM PLAN FOR APPROPRIATE REINFORCEMENT. PROVIDE A STANDARD UNILIT BY CAST CRETE 8x16-18x11 REINFORCED TO MEET LOADING CONDITIONS OF OPENINGS. UNLESS SPECIFIED OTHERWISE BELOW THE TIE BEAM.

FOUNDATIONS:
FOUNDATIONS ARE DESIGNED FOR AN ALLOWABLE SOIL BEARING PRESSURE OF 2,000 PSF ON COMPACTED FILL. BEFORE CONSTRUCTION COMMENCES, SOIL BEARING CAPACITY SHALL BE VERIFIED BY A SUBSURFACE INVESTIGATION, AS WELL AS FIELD AND LABORATORY TESTS PERFORMED BY A CERTIFIED TESTING LABORATORY, WHO'S REPORT, SHALL INCLUDE ANALYSIS AND RECOMMENDATIONS FOR SITE PREPARATION IN ORDER TO BEAR THE FOUNDATION LOADS. ABOVE REPORT SHALL BE SUBMITTED TO THE STRUCTURAL ENGINEER FOR REVIEW BEFORE FOUNDATION CONSTRUCTION BEGINS.

CENTER ALL FOOTINGS AND PIERS UNDER COLUMNS ABOVE UNLESS SPECIFICALLY DIMENSIONED OTHERWISE.

PROVIDE TERMITTE PROTECTION OVER GRANULAR FILL WELL COMPACTED FILL TO 95% MODIFIED PROCTOR. U.O.N. PROVIDE STEGO 10-MIL VAPOR RETARDER.

ALL FOOTINGS TO EXTEND BELOW GRADE MINIMUM 12" AT BEARING WALLS. INTERIOR BEARING FOOTINGS 6" INTO CONSTRUCTION FILL UNLESS NOTED OTHERWISE.

U.O.N. ALL CONCRETE SLABS ON GRADE SHALL BE MIN. 4" THICK REINFORCED WITH 6x6" #10x10 W.W.F. OR FIBER-MESH 2.5#CUBIC YARD.

U.O.N. ALL STRUCTURAL SLABS SHALL BE MIN. 5" THICK, 4000 PSI W/ #4's @ 8" O.C. E.W. PLACED MID SLAB. SAW CUT CONTROL JOINTS BY CONTRACTOR.

FILL UNDER CONCRETE SLABS SHALL BE CLEAN SAND OR ROCK AND FREE OF DEBRIS AND OTHER DELETERIOUS MATERIAL. FILL SHALL BE COMPACTED TO A DENSITY OF AT LEAST 95% OF STANDARD PROCTOR MAXIMUM DRY DENSITY (ASTM D1557)

WELDED WIRE MESH SHALL CONFORM TO ASTM-A-185, FREE FROM OIL, SCALE, AND RUST AND PLACED IN ACCORDANCE WITH THE TYPICAL PLACE DETAILS OF ACI STANDARDS AND SPECIFICATIONS. MINIMUM LAP SHALL BE ONE SPACE PLUS TWO (2) INCHES.

SHOP DRAWING SUBMITTALS:
SHOP DRAWINGS SHALL BE SUBMITTED TO THE ARCHITECT OR DIRECTLY TO THE ENGINEER PRIOR TO FABRICATION AND CONSTRUCTION REGARDING ALL STRUCTURAL ITEMS INCLUDING THE FOLLOWING:
CONCRETE MIX DESIGNS,
CONCRETE AND MASONRY REINFORCING,
PRE-ENGINEERED TRUSS DRAWINGS,
PRECAST FLANK DRAWINGS,
PRECAST STAIRS,
CURTAIN WALLS,
STEEL FABRICATION DRAWINGS,
STEEL DETAIL DRAWINGS,
STRUCTURAL STEEL CORROSION PROTECTION SPECIFICATION,
OPEN WEB STEEL JOISTS,
ITEMS CONSIDERED AS PART OF AN ASSEMBLY, I.E. WINDOWS, ETC.
ANY OTHER PRECAST ITEMS.
WHERE STRUCTURAL STEEL IS USED IN THE PROJECT, STEEL TO STEEL CONNECTIONS SHALL BE THE RESPONSIBILITY OF A DELEGATE ENGINEER. THE DELEGATE ENGINEER SHALL SUBMIT THE SHOP DRAWINGS TO THE ENGINEER OF RECORD FOR REVIEW. THE ENGINEER OF RECORD SHALL REVIEW THE CAPACITIES OF THE SHOP DRAWINGS DESIGN AGAINST THE STRUCTURAL LOADS AND MAKE CORRECTIONS AS REQUIRED IF THE ENGINEER OF RECORD DOES SUPPLY THE STEEL TO STEEL CONNECTION DETAIL, THE DELEGATE ENGINEER SHALL STILL PRODUCE A SHOP DRAWINGS FOR REVIEW.
IF THE SHOP DRAWINGS DIFFER FROM OR ADD TO THE DESIGN OF THE STRUCTURAL DRAWINGS, THEY SHALL BEAR THE SEAL AND SIGNATURE OF A STRUCTURAL ENGINEER REGISTERED IN THE STATE OF FLORIDA. ANY CHANGES TO THE STRUCTURAL DRAWINGS SHALL BE SUBMITTED TO THE ARCHITECT AND ARE SUBJECT TO THE REVIEW AND ACCEPTANCE OF THE ENGINEER.
SHOP DRAWINGS WILL BE REVIEWED FOR GENERAL COMPLIANCE WITH THE DESIGN INTENT OF THE CONTRACT DOCUMENTS ONLY. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY COMPLIANCE WITH THE CONTRACT DOCUMENTS AS TO QUANTITY, LENGTH, ELEVATIONS, DIMENSIONS,
ETC. CONTRACTOR SHALL NOT BE REMOVED FROM RESPONSIBILITY FOR ERRORS OR OMISSIONS IN SHOP DRAWINGS OR MIX DESIGNS BY THE ENGINEER'S REVIEW.

CONCRETE:
REINFORCED CONCRETE CONSTRUCTION SHALL CONFORM TO THE FBC AND ACI 318 BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE. CONCRETE STRENGTHS SHALL BE VERIFIED BY STANDARD 28-DAY CYLINDER TESTS PER ASTM C39, AND SHALL BE AS FOLLOWS:
FOUNDATIONS: $f_c = 3,000 \text{ PSI}$
BEAMS, COLUMNS, ALL OTHER ITEMS UNLESS OTHERWISE SPECIFIED: $f_c = 4,000 \text{ PSI}$
CEMENT SHALL CONFORM TO ASTM C150, TYPE 1, FLY ASH CONFORMING TO ASTM C618, TYPE FOR TYPE C,
MAY BE USED TO REPLACE UP TO 20% OF THE CEMENT CONTENT, PROVIDED THAT THE MIX STRENGTH IS SUBSTANTIATED BY TEST DATA.
COARSE AGGREGATE SHALL CONFORM TO ASTM C33
WITH A MAXIMUM SIZE OF 3/4". FINE AGGREGATE SHALL BE CLEAN, DURABLE, NATURAL SAND CONFORMING TO ASTM C33.

A WATER-REDUCING ADMIXTURE CONFORMING TO ASTM C494, USED IN STRICT ACCORDANCE WITH THE CONCRETE MIX SPECIFICATION AND SHALL BE INCORPORATED IN CONCRETE DESIGN MIXES SPECIFIED BY CONCRETE MIX SUPPLIER AN MEETS ENGINEERS COMPRESSIVE STRENGTH REQUIREMENTS.

SLEEVES, OPENINGS, CONDUIT, AND OTHER EMBEDDED ITEMS NOT SHOWN ON THE STRUCTURAL DRAWINGS SHALL BE APPROVED BY THE STRUCTURAL ENGINEER BEFORE POURING. NO SLEEVE, OPENING, OR INSERT MAY BE PLACED IN BEAMS, JOISTS, OR COLUMNS UNLESS APPROVED BY THE ENGINEER. CONDUITS EMBEDDED IN SLABS SHALL NOT BE LARGER IN OUTSIDE DIMENSION THAN ONE THIRD OF THE THICKNESS OF THE SLAB AND SHALL NOT BE SPACED CLOSER THAN THREE DIAMETERS ON CENTER.

PROVIDE 3/4" CHAMFERS ON ALL EXPOSED CONCRETE EDGES. UNLESS NOTED OTHERWISE, WHERE INDICATED OR REQUIRED, SLOPE CONCRETE SLABS TO DRAINS SHOWN ON PLUMBING AND/OR ARCHITECTURAL DRAWINGS.

ALL CONCRETE SHALL BE CURED IMMEDIATELY AFTER FINISHING OPERATIONS.

WEATHER RESISTANCE:
CONCRETE BALCONIES OR OTHER CONCRETE FLAT SURFACES EXPOSED TO THE WEATHER THROUGHOUT THE LIFE OF THE BUILDING, SHALL BE TREATED WITH A CLEAR NONFLAMMABLE PENETRATING SEALER OF THE ALKYL-ALKOXY SILANE CLASSIFICATION, SUCH AS SONNEBORN PENETRATING SEALER 20, HYDROZO ENVIROSEAL 20, OR OTHER APPROVED WEATHER RESISTANT SYSTEM. APPLICATION AND SURFACE PREPARATION SHALL BE IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS.

SHORING AND RESHORING:
SHORING AND RESHORING SHALL CONFORM TO ACI 347R-88. SHORING AND SUPPORTING FORMWORK SHALL NOT BE REMOVED FROM HORIZONTAL MEMBERS BEFORE CONCRETE STRENGTH IS AT LEAST 70 PERCENT OF DESIGN STRENGTH, AS DETERMINED BY FIELD CURE CYLINDERS. IN ADDITION, SHORING SHALL NOT BE REMOVED SOONER THAN RECOMMENDED BY ACI 347R-88, SECTION 3.7.2.3. FORMWORK SHALL NOT BE REMOVED IN LESS THAN TEN (10) DAYS. ALL SHORING SHALL BE DESIGNED BY A DELEGATE ENGINEER AND REMOVAL OF SHORING SHALL BE CONDUCTED UNDER THEIR SUPERVISION.

REINFORCING STEEL:
REINFORCING STEEL SHALL CONFORM TO ASTM A615, GRADE 60, FOR DEFORMED BAR AND ASTM A185 FOR SMOOTH WELDED WIRE FABRIC (WWF). UNLESS OTHERWISE NOTED, REINFORCING STEEL TO BE WELDED SHALL CONFORM TO ASTM A706. REINFORCING STEEL SHALL BE SECURELY TIED IN PLACE WITH #16 ANNEALED IRON WIRE.
ALL DETAILING AND ACCESSORIES SHALL CONFORM TO ACI DETAILING MANUAL, SP. 66. PROVIDE CHAIRS, SPACERS, BOLSTERS, AND ITEMS IN CONTACT WITH FORMS WITH HOT-DIP GALVANIZED LEGS OR PLASTIC LEGS. ACCURATELY POSITION, SUPPORT, AND SECURE REINFORCEMENT AGAINST DISPLACEMENT BY FORMWORK CONSTRUCTION OR CONCRETE PLACEMENT OPERATIONS. "WET-STICKING" OF REINFORCING IS PROHIBITED.
REQUIRED CONCRETE COVER FOR REINFORCING STEEL (UNLESS NOTED OTHERWISE):

FOOTINGS	3" BOTTOM AND SIDES, 2" TOP FROM EDGE.
SLAB ON GRADE	2"
ELEVATED SLABS	2"
WALLS/BEAMS/COLUMNS	2"

LAP SPlice CONTINUOUS VERTICAL OR HORIZONTAL BARS IN CONCRETE MEMBERS IN ACCORDANCE WITH ACI 318-14 LATEST EDITION, FOR CLASS "B" TENSION LAP SPLICES. DO NOT SPLICE CONTINUOUS TOP BARS IN BEAMS AT ENDS OF CLEAR SPANS. DO NOT SPLICE CONTINUOUS BOTTOM BARS IN BEAMS IN CLEAR SPANS BETWEEN SUPPORTS. SHOW ALL LAP SPICES ON SHOP DRAWINGS. SPLICE LOCATIONS AND METHODS SUBJECT TO APPROVAL OF STRUCTURAL ENGINEER.
AT SLAB AND WALL OPENINGS PROVIDE A MINIMUM OF (2) 16 BARS ALL FOUR SIDES AND DIAGONALLY; EXTEND THESE BARS A LAP DISTANCE OR A MINIMUM OF 24" PAST THE OPENING OR HOOK BARS IF DISCONTINUOUS.

DOWEL ALL WALLS AND COLUMNS TO FOOTINGS WITH BAR SIZE AND SPACING TO MATCH VERTICAL REINFORCING UNLESS OTHERWISE

SHOWN.

ADHESIVE ANCHORS:
ADHESIVE ANCHORS (EPOXY STYLE) SHALL HAVE THE ICC ES OR IAPMO UES EVALUATION REPORT INDICATING CONFORMANCE WITH CURRENT APPLICABLE ICC ES ACCEPTANCE CRITERIA. ADHESIVE ANCHORS SHALL BE INSTALLED IN CONCRETE HAVING A MINIMUM AGE OF 21 DAYS (ACI 318-11 D.2.2). ADHESIVES SHALL HAVE MAX. IN-SERVICE SHORT-TERM TEMPERATURE OF 150°F, AND MAX. IN-SERVICE LONG-TERM TEMPERATURE OF 110°F (ACI 318-11 D.9.2.1). PRIOR TO INSTALLATION OF ADHESIVE ANCHORS IN HORIZONTAL OR UPWARDLY INCLINED ORIENTATIONS RESISTING SUSTAINED TENSION LOADS, INSTALLERS ARE REQUIRED TO BE CERTIFIED IN ACCORDANCE WITH THE ACI/CRS' ADHESIVE ANCHOR INSTALLER CERTIFICATION PROGRAM (ACI 318-14 D.9.2.2) AND MUST BE CONTINUOUSLY INSPECTED (ACI 318-14 D.9.2.4).

ACCEPTABLE ADHESIVE IN FOUNDATIONS, SLAB ON GRADE, COLUMNS AND WALLS ARE HILTI HY-200, POWERS AC100+ GOLD OR SIMPSON AT-XP. IN BEAMS AND ELEVATED SLABS ARE HILTI RE500-SD, POWERS PE1000+ OR SIMPSON SET-XP.

THREADED STUDS SHALL CONFORM TO ASTM F1554. UNLESS NOTED OTHERWISE, PERMANENTLY EXPOSED STUDS SHALL BE STAINLESS STEEL. NUTS AND WASHERS SHALL CONFORM TO SAME SPECIFICATION AS THE SUPPLIED ANCHOR RODS.

INSTALLATION SHALL BE IN CONFORMANCE WITH MANUFACTURER'S PRINTED LITERATURE. INSTALLATION SHALL ALSO INCLUDE BRUSHING AND CLEANING OF DRILLED HOLES WITH COMPRESSED AIR AS INSTRUCTED. INSTALLERS SHALL BE TRAINED BY THE MANUFACTURER'S REPRESENTATIVE. EMBEDMENT SHALL BE AS INDICATED ON THE STRUCTURAL DRAWINGS.

IDENTIFY POSITION OF REINFORCING STEEL AND OTHER EMBEDDED ITEMS PRIOR TO DRILLING HOLES FOR ANCHORS. EXERCISE CARE IN CORING OR DRILLING TO AVOID DAMAGING EXISTING REINFORCING OR EMBEDDED ITEMS. NOTIFY THE ENGINEER IF REINFORCING STEEL OR OTHER EMBEDDED ITEMS ARE ENCOUNTERED DURING DRILLING.

SEPARATE PERMITS:
THE FOLLOWING ITEMS ARE SEPARATE PERMITS AND SHALL BE PERMITTED SEPARATELY FROM THIS SET.
EXHAUST & GREASE HOODS
GENERATORS
ELEVATORS
POOL S & POOL ENCLOSURES
FENCES
FIRE ALARMS
FIRE SPRINKLERS

BELOW FLOOD PLAIN CONSTRUCTION:
ALL FINISHES BELOW FLOOD SHALL BE CONSTRUCTED OF FLOOD RESISTANT MATERIAL.
ALL LOCATIONS BELOW FLOOD SHALL BE PROVIDED WITH SMART VENT FLOOD VENTS CAPABLE OF COVERINGS 200 SQUARE FEET OF FLOOR AREA PER VENT AND A MINIMUM OF ONE PER WALL IS REQUIRED.

ALL MATERIALS BELOW FLOOD SHALL BE CONSISTENT WITH FEMA TECHNICAL BULLETIN #2 AND BE OF FLOOD RESISTANT MATERIAL.

DRAFT STOPPING:
IN COMBUSTIBLE CONSTRUCTION WHERE THERE IS A USABLE SPACE BOTH ABOVE AND BELOW THE CONCEALED SPACE OF A FLOOR/CEILING ASSEMBLY, DRAFT STOPS SHALL BE PROVIDED AS TO DIVIDE THE SPACE INTO EQUALLY DIVIDED AREAS NOT EXCEEDING 1,000sf.

WHERE THE ASSEMBLY IS ENCLOSED BY A FLOOR MEMBRANE ABOVE AND CEILING MEMBRANE BELOW, DRAFT STOPPING SHALL BE PROVIDED UNDER THE FOLLOWING CIRCUMSTANCES.

CEILING IS SUSPENDED UNDER THE FLOOR FRAMING.

FLOOR FRAMING IS CONSTRUCTED OF OPEN WEB STYLE TRUSS MEMBERS.

MASONRY NOTES:
CONCRETE MASONRY UNITS SHALL BE ASTM C90-75, HOLLOW LOAD BEARING CONCRETE MASONRY UNITS, TYPE I, GRADE N-1, NORMAL WEIGHT.

MORTAR SHALL CONFORM TO ASTM C270 AND BE TYPE M OR S. SLUMP SHALL BE 8" TO 11".

PROVIDE DURO-O-WIRE @ 18" O.C. VERTICAL, 9 GAUGE STEEL.

PROVIDE A FULL MORTAR BED ADJACENT TO GROUTED CELLS.

WHERE INDICATED ON THE DETAILS AND SECTION, PROVIDE GRADE 80 REBAR IN FILLED CELLS. MAXIMUM CELL SPACING SHALL NOT EXCEED 48" AT ANY TIME. SPACING SHOWN ON THE PLAN VIEW IS FOR ILLUSTRATION PURPOSES ONLY UNLESS SHOWN AT ADJACENT TO WALL OPENINGS.

GROUT SHALL BE 2000 PSI MINIMUM COMPRESSIVE STRENGTH AND MEET ASTM 476.

IN CELLS CONTAINING VERTICAL BARS, BOND BEAMS, AND ALL CELLS BELOW GRADE SHALL BE FILLED WITH GROUT. MAXIMUM HEIGHT OF GROUT POUR SHALL BE 48" UNLESS WITNESS HOLE. OPENINGS ARE PROVIDED AT BOTTOM OF CELLS TO BE FILLED.

ALL WALLS SHALL BE 8" CMU PARTIALLY REINFORCED MASONRY WALL WITH RUNNING BOND CONSTRUCTION WITH #5 AT 48 INCH O.C. MAX. IN GROUT FILLED CELLS. WITH (1) #5 REINFORCING BAR EACH SIDE OF OPENINGS. FOR OPENINGS EXCEEDING 8'-0" PROVIDE (1) #5 IN (2) CELLS ADJACENT EACH SIDE OF OPENING AND PER MASONRY CELL SPACING TABLE U.O.N..

PROVIDE REINFORCING BARS AT CORNERS, INTERSECTIONS, AND EACH SIDE OF OPENINGS. PROVIDE HOOKED DOWELS INTO FOOTINGS AND STRUCTURE ABOVE AND/OR BELOW TO PROVIDE CONTINUITY.

DO NOT PLACE CONDUITS, PIPES, ETC., IN CELLS WITH VERTICAL REINFORCING. DO NOT RUN CONDUITS, PIPES, ETC., HORIZONTALLY IN CMU WALLS PARALLEL TO LENGTH OF WALL, WHERE MASONRY WALLS ABOUT CONCRETE OPENINGS TO BE PLACED PRIOR TO ERECTION OF MASONRY WALLS, PROVIDE DOVETAIL SLOTS BETWEEN COLUMN AND WALL AND GROUT THE CMU CELL CONTAINING THE DOVETAIL ANCHORS. OTHERWISE, EXTEND CMU HORIZONTAL JOINT REINFORCING THROUGH CONCRETE COLUMN.

CONTROL JOINTS SHALL BE PROVIDED IN ALL CONCRETE MASONRY CONSTRUCTION AT LOCATIONS INDICATED ON THE ARCHITECTURAL DRAWINGS. HORIZONTAL WALL REINFORCING SHALL BE STOPPED EACH SIDE OF CONTROL JOINTS. SEE ARCHITECTURAL DRAWINGS FOR SEALANT REQUIREMENTS AT CONTROL JOINTS.

USE METAL LATH OR WIRE SCREEN FOR CAVITY CAPS. SHEET METAL, FELT, BUILDING PAPER, OR LIKE MATERIALS ARE PROHIBITED.

PRECAST CONCRETE LINTELS:
UNLESS INDICATED OTHERWISE, ALL LINTELS TO BE "U" TYPE PRECAST CONCRETE UNITS EQUAL TO UNITS MANUFACTURED BY CAST- CRETE CORP. AND PRE-STRESSED (AND ADDITIONALLY REINFORCED AS REQUIRED) IN ACCORDANCE WITH CAST- CRETE CORP. "DESIGN MANUAL", LATEST EDITION, FOR THE SPAN AND LOADING CONDITION RELATIVE TO LINTEL LOCATION.
LINTEL SIZE IF NOT SHOWN ON THE PLANS SHALL BE 8x16-18 FOR OPENINGS LESS THAN 8 FEET AND 8x24-18x11 FOR OPENINGS 8 FEET TO 12 FEET. PROVIDE 8" MINIMUM BEARING FOR LINTELS UNLESS NOTED OTHERWISE.

WOOD FRAMING NOTES:
ALL FRAMING SHALL BE SOUTHERN PINE #2 WITH THE ALLOWABLE FIBER STRESSES PER THE AWC NATIONAL DESIGN SPECIFICATION.
ALL LUMBER IN CONTACT WITH THE CONCRETE OR MASONRY SHALL BE PROTECTED OR PRESSURE TREATED IN ACCORDANCE WITH AITC- 109. ALL FRAMING NAILS SHALL BE COMMON NAILS AND SHALL BE OF THE SIZE AND NUMBER INDICATED ON THE DRAWINGS. NAILING NOT SHOWN SHALL BE AS INDICATED IN TABLE 2304.9.1 OF THE FBC. BOLTS AND LAG SCREWS SHALL CONFORM TO ANSIA/SME STANDARD B 18.1. ALL BOLTS AND LAG SCREWS SHALL BE INSTALLED WITH STANDARD CUT WASHERS.

ALL WOOD FRAMING SHALL BE FABRICATED AND INSTALLED PER AITC, TP1-1-2014, AND NATIONAL DESIGN SPECIFICATIONS FOR WOOD CONSTRUCTION. ALL STRUCTURAL WOOD MEMBERS SHALL BE SOUTHERN YELLOW PINE NO.2, UNLESS NOTED OTHERWISE. POSTS AND COLUMNS SHALL BE S-P-F No.1.

ALL WOOD MEMBERS EXPOSED TO WEATHER OR IN CONTACT WITH MASONRY, CONCRETE, OR SOIL SHALL BE PRESSURE TREATED.

ALL METAL CONNECTIONS AND FABRICATIONS SHALL COMPLY WITH AISC & NDS 2015 SPECIFICATIONS.

SOLID BLOCK ALL JOISTS AND RAFTERS AT INTERIOR POINT OF SUPPORT.

WHERE WOOD FRAME WALLS BEAR ON WOOD BEAMS, PROVIDE A MINIMUM OF M24x24 EACH STUD UNLESS NOTED OTHERWISE IN THE SECTIONS OR DETAILS.

ALL WALLS SHALL BE 2x6 WITH SP6 STUD TO TOP PLATE, PROVIDE BLOCKING EVERY 4'-0" O.C. WHERE WALLS BEAR ON CONCRETE FOOTINGS. PROVIDE SP6 AT EACH STUD TO PT BASE PLATE AND SP8 X 8" WEDGE ANCHOR 320x10.

WHERE WALLS BEAR ON CONCRETE BEAM, PROVIDE SIMPSON M24x24 EACH STUD INSTEAD OF THE WEDGE ANCHOR AND SP6. PT BASE PLATE STILL REQUIRED.

BRACE TRUSSES DURING ERECTION AND AFTER PERMANENT INSTALLATION TO COMPLY WITH TP1-1-2014 BWT-76.

DOUBLE TOP PLATES SHALL BE OVERLAPPED AT CORNERS AND SECURED WITH (2) 16d NAILS. MID-WALL SPLICES SHALL BE 48" MINIMUM W/2 ROWS OF 16d NAILS AT 6" O.C., STAGGERED.

FASTEN MULTIPLE PLY BEAMS, COLUMNS AND LVL'S TOGETHER PER DETAIL PROVIDED OR SEE MANUFACTURERS REQUIREMENTS.

PREFABRICATED WOOD TRUSSES:
DESIGN AND MANUFACTURE IN ACCORDANCE WITH TP1-1-2014 "DESIGN SPECIFICATIONS FOR METAL PLATE CONNECTED WOOD TRUSSES", LATEST EDITION.
TRUSS DIAGRAMS, IF SHOWN, ARE DIAGRAMMATIC ONLY. TRUSS DESIGNER TO DETERMINE AND ESTABLISH EXACT HEIGHT, LENGTH, LOCATION, SPACING, AND WEB MEMBER FOR EACH TRUSS. COORDINATE WITH ARCHITECTURAL AND MECHANICAL DRAWINGS FOR ADDITIONAL ITEMS INCLUDING AIR HANDLER LOCATIONS, MECHANICAL ROOMS AND DUCT SPACE AND ROUTING.
TRUSS LOADING SHALL BE AS FOLLOWS, IN ADDITION TO LOADS SHOWN ON THE DRAWINGS.
ROOF TRUSS LOADING:
PER ASCE7-16 LOAD TABLE PROVIDED

BOTTOM CHORD LIVE LOAD WIND UPLIFT WHERE EXPOSED (I.E. LANAIS, ENTRIES, PORCHES, BALCONIES, ETC.)

THE TRUSS SUBMITTAL PACKAGE SHALL INCLUDE TRUSS DESIGN DRAWINGS, TRUSS PLACEMENT DIAGRAM, AND TRUSS MEMBER PERMANENT BRACING. TRUSS DESIGN SHALL INCLUDE: SLOPE OR DEPTH, SPAN, SPACING, REQUIRED BEARING WIDTH, REACTIONS, AND REQUIRED PERMANENT BRACING.

TRUSS MEMBERS AND COMPONENTS SHALL NOT BE CUT, NOTCHED, DRILLED, SPLICED OR ALTERED WITHOUT SIGNED AND SEALED WRITTEN APPROVAL FROM TRUSS MANUFACTURER. ALL TRUSS AND PLY TO PLY CONNECTIONS TO BE DESIGNED BY TRUSS MANUFACTURER. TRUSS BOTTOM CHORD IS NOT BRACED BY CEILING. DESIGN BOTTOM CHORD TO BE UNBRACED OR PROVIDE BRACING.

PLYWOOD:
PLYWOOD PANELS SHALL CONFORM TO THE REQUIREMENTS OF "U.S. PRODUCT STANDARD PS-1 FOR CONSTRUCTION AND INDUSTRIAL PLYWOOD OR APA PRP-108 PERFORMANCE STANDARDS UNLESS OTHERWISE NOTED. PANELS SHALL BE APA RATED SHEATHING, EXPOSURE 1, OF THE THICKNESS AND SPAN RATING SHOWN ON THE DRAWINGS. IF NO SPECIFICATION IS GIVEN ON THE WALL SECTIONS PROVIDE 5/8" APA 4020.

PLYWOOD INSTALLATION SHALL BE IN CONFORMANCE WITH APA RECOMMENDATIONS. ALLOW 1/8" SPACING AT PANEL EDGES, UNLESS OTHERWISE RECOMMENDED BY THE PANEL MANUFACTURER.

ALL ROOF, AND SHEAR WALL SHEATHING SHALL BE INSTALLED WITH FACE GRAIN PERPENDICULAR TO SUPPORTS, EXCEPT AS INDICATED ON THE DRAWINGS. STAGGER ENDS OF ADJACENT PANELS 4'-0".

ROOF SHEATHING SHALL BE BLOCKED, TONGUE-AND-GROOVE, OR HAVE EDGES SUPPORTED BY PLY CLIPS. ATTACH PLYWOOD PANELS TO SUPPORTING MEMBERS WITH 8d RING SHANK NAILS SPACED 4" ON CENTER ALONG THE PANEL EDGES AND AT 6" ON CENTER ALONG INTERMEDIATE SUPPORTS, UNLESS NOTED OTHERWISE.

SHEAR WALL SHEATHING SHALL BE BLOCKED WITH 2x FRAMING AT ALL PANEL EDGES. ATTACH PLYWOOD PANELS TO SUPPORTING MEMBERS WITH 8d NAILS SPACED 4" ON CENTER ALONG INTERMEDIATE SUPPORTS, UNLESS NOTED OTHERWISE ON DRAWINGS.

ATTACH PLYWOOD PANELS TO SUPPORTING MEMBERS WITH 8d NAILS SPACED 4" ON CENTER ALONG THE PANEL EDGES AND AT 6" ON CENTER ALONG INTERMEDIATE SUPPORTS.

WOOD FRAMING CONNECTORS:
FRAMING ACCESSORIES AND STRUCTURAL FASTENERS SHALL BE MANUFACTURED BY SIMPSON COMPANY (OR APPROVED EQUAL) AND OF THE SIZE AND TYPE SHOWN ON THE DRAWINGS. HANGERS NOT SHOWN SHALL BE SIMPSON HUS OF SIZE RECOMMENDED FOR MEMBER. ALL CONNECTORS SHALL BE GALVANIZED. UNLESS SHOWN OTHERWISE, INSTALL MAXIMUM SIZE AND NUMBER OF FASTENERS SHOWN IN LATEST SIMPSON CATALOG.

EXPANSION AND SCREW ANCHORS:
EXPANSION AND SCREW ANCHORS SHALL HAVE THE ICC ES OR IAPMO UES EVALUATION REPORT INDICATING CONFORMANCE WITH CURRENT APPLICABLE ICC ES ACCEPTANCE CRITERIA.

ACCEPTABLE EXPANSION ANCHORS ARE HILTI KWIK-BOLT TZ, POWERS SD2 OR SIMPSON STRONG-BOLT 2.

ACCEPTABLE SCREW ANCHORS ARE ITW TAPCON+ OR SIMPSON TITAN HD.

ALL WEDGE ANCHORS "REDHEADS", SIMPSON TITAN "TAPCON" OR SIMPSON TITAN HD BOLTS SHALL BE INSTALLED PER THE MANUFACTURERS GUIDELINES, AND SPACING, EDGE DISTANCE & EMBEDMENT, AS WELL AS INSTALLATION AND PREPARATION INSTRUCTIONS.
"TAPCONS" WHERE SPECIFIED SHALL BE 1/4" DIAMETER, WITH 1-1/2" EMBEDMENT, EDGE SPACING OF 1-1/2" MINIMUM, AND A SPACING OF 3".

"SIMPSON TITAN HD" WHERE SPECIFIED SHALL BE AS FOLLOWS:

WHERE SPECIFIED AS 1/2" DIAMETER SHALL HAVE:
4" EMBEDMENT INTO CONCRETE, EDGE DISTANCE OF 4-1/2" SPACING OF 6" MINIMUM, CONCRETE THICKNESS OF 6-1/4".

WHERE SPECIFIED AS 5/8" DIAMETER SHALL HAVE:
5-1/2" EMBEDMENT INTO CONCRETE, EDGE DISTANCE OF 5-1/2", SPACING OF 6", CONCRETE THICKNESS OF 8-1/2"

WHERE SPECIFIED AS 3/4" DIAMETER SHALL HAVE:
6-1/4" EMBEDMENT INTO CONCRETE, EDGE DISTANCE OF 7-5/8", SPACING OF 6", CONCRETE THICKNESS OF 10"

"REDHEADS" WHERE SPECIFIED SHALL BE AS FOLLOWS:
WHERE SPECIFIED AS 1/2" DIAMETER SHALL HAVE:
5-3/8" EMBEDMENT INTO CONCRETE, 5" CRITICAL EDGE DISTANCE, 6" CRITICAL SPACING, CONCRETE THICKNESS 1-1/2 TIMES EMBEDMENT.

WHERE SPECIFIED AS 5/8" DIAMETER SHALL HAVE:
4-1/2" EMBEDMENT INTO CONCRETE, 6-1/4" CRITICAL EDGE SPACING, 6-1/4" CRITICAL SPACING, CONCRETE THICKNESS 1-1/2 TIMES EMBEDMENT.

WHERE SPECIFIED AS 3/4" DIAMETER SHALL HAVE:
5" EMBEDMENT INTO CONCRETE, 7-1/2" CRITICAL EDGE DISTANCE, 7" CRITICAL SPACING, CONCRETE THICKNESS 1-1/2 TIMES CONCRETE THICKNESS.

STRUCTURAL STEEL SPECIFICATION:
ALL STRUCTURAL STEEL SHALL CONFORM TO THE FOLLOWING SPECIFICATION AS WELL AS AISC MANUAL CURRENT EDITION:

FOR "W" SECTIONS ASTM A992
FOR "M", "S", "C", "MC", "L" SECTIONS SHALL BE ASTM A36
FOR HSS RECTANGULAR TUBE SECTIONS SHALL BE ASTM A500 GRADE B Fy = 48ksi Fu = 58ksi
FOR HSS SQUARE ROUND SECTIONS SHALL BE ASTM A500 GRADE B Fy = 42ksi Fu = 58ksi
FOR PLATES OF ALL SIZES SECTIONS SHALL CONFORM TO ASTM A36.

ANTI-CORROSION METHOD USED SHALL BE HOT DIP GALVANIZED, ALTERNATIVE METHODS SHALL BE SUBMITTED TO THE ENGINEER AS A SHOP REVIEW.

ALL WELDS SHALL BE DETAILED BY A DELEGATE ENGINEER UNLESS SPECIFIED OTHERWISE IN THE PLAN.

WELD SIZE AND ORIENTATION ON THE DRAWINGS SHALL STILL BE REVIEWED BY A DELEGATE ENGINEER AND ONLY REPRESENT A SUGGESTED WELD. SHOP DETAIL DRAWINGS WILL SUPERCEDE AND SHALL BE SIGNED AND SEALED BY A DELEGATE ENGINEER AND REVIEWED BY THE ENGINEER OF RECORD.

NUMBER OF BOLTS, BOLT PATTERN, SIZE OF BOLTS AND ORIENTATION ON THE DRAWINGS SHALL STILL BE REVIEWED BY A DELEGATE ENGINEER AND ONLY REPRESENT A SUGGESTED APPLICATION. SHOP DETAIL DRAWINGS WILL SUPERCEDE AND SHALL BE SIGNED AND SEALED BY A DELEGATE ENGINEER AND REVIEWED BY THE ENGINEER OF RECORD.

UNLESS SPECIFICALLY SPECIFIED OTHERWISE ON THE DETAIL DRAWINGS ALL:

BOLTS AND SHEAR STUDS FROM 1" TO 1-5/8" SHALL CONFORM TO ASTM A325 TYPE 3 FOR CORROSION PROTECTION.

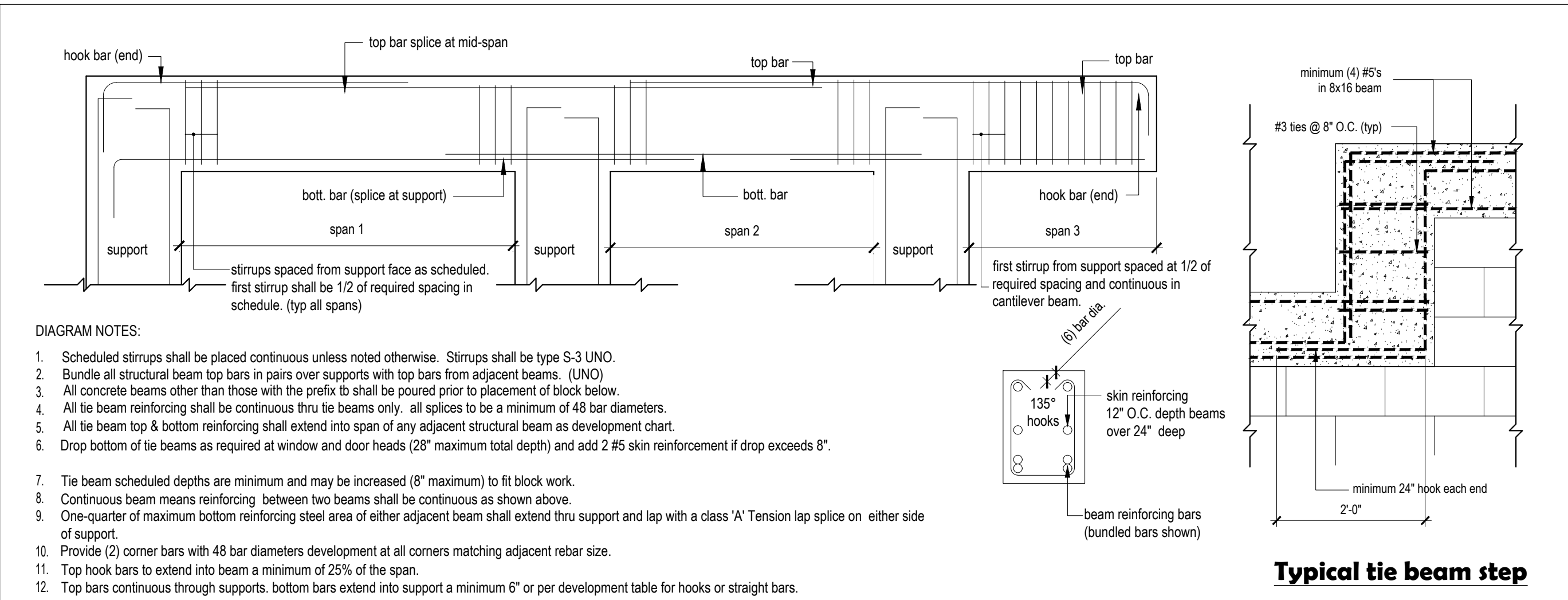
SHEAR STUDS FROM .375" TO .75" SHALL CONFORM TO ASTM A108

HOOKED BARS, J-BARS, HEADED RODS AND THREADED RODS SHALL CONFORM TO ASTM F1554 Gr. 36

MISSID FILLED CELL NOTE:
IN THE EVENT A CONTRACTOR MISSES A FILLED CELL DOWEL, THE CONTRACTOR SHALL DOWEL & EPOXY THE MISSED REBAR A MINIMUM OF 12 BAR DIAMETERS INTO THE EXISTING FOOTING AND INSTALL PER THE EPOXY SPECIFICATION PROVIDED HEREIN. THE DOWEL SHALL BE LONG ENOUGH TO PROVIDE THE REQUIRED EMBEDMENT AND THE REQUIRED LAP OF 48 BAR DIAMETERS, THEN BE SPLICED TO ANOTHER REBAR THAT IS CONTINUOUS TO THE TIE-BEAM ABOVE.

Ultimate Wind Speed	160 mph	Exposure D	Fully Enclosed	ASD Wind Pressures									
	Walls			Roofs									
	Positive	Negative		Positive	Negative								
	All zones	Zone 4	Zone 5	All zones	Zone 1	Zone 1'	Zone 2	Zone 2e	Zone 2n	Zone 2r	Zone 3	Zone 3e	Zone 3r
10	40.63	-44.08	-54.41	9.60	-16.00	-16.00	-16.00	-16.00	-16.00	-16.00	-16.00	-16.00	-16.00
20	38.80	-42.24	-50.74	9.60	-16.00	-16.00	-16.00	-16.00	-16.00	-16.00	-16.00	-16.00	-16.00
50	36.38	-39.82	-45.90	9.60	-16.00	-16.00	-16.00	-16.00	-16.00	-16.00	-16.00	-16.00	-16.00
100	34.55	-37.99	-42.24	9.60	-16.00	-16.00	-16.00	-16.00	-16.00	-16.00	-16.00	-16.00	-16.00
500	30.30	-33.74	-33.74	9.60	-16.00	-16.00	-16.00	-16.00	-16.00	-16.00	-16.00	-16.00	-16.00

Design Parameters:



1
\$0.2

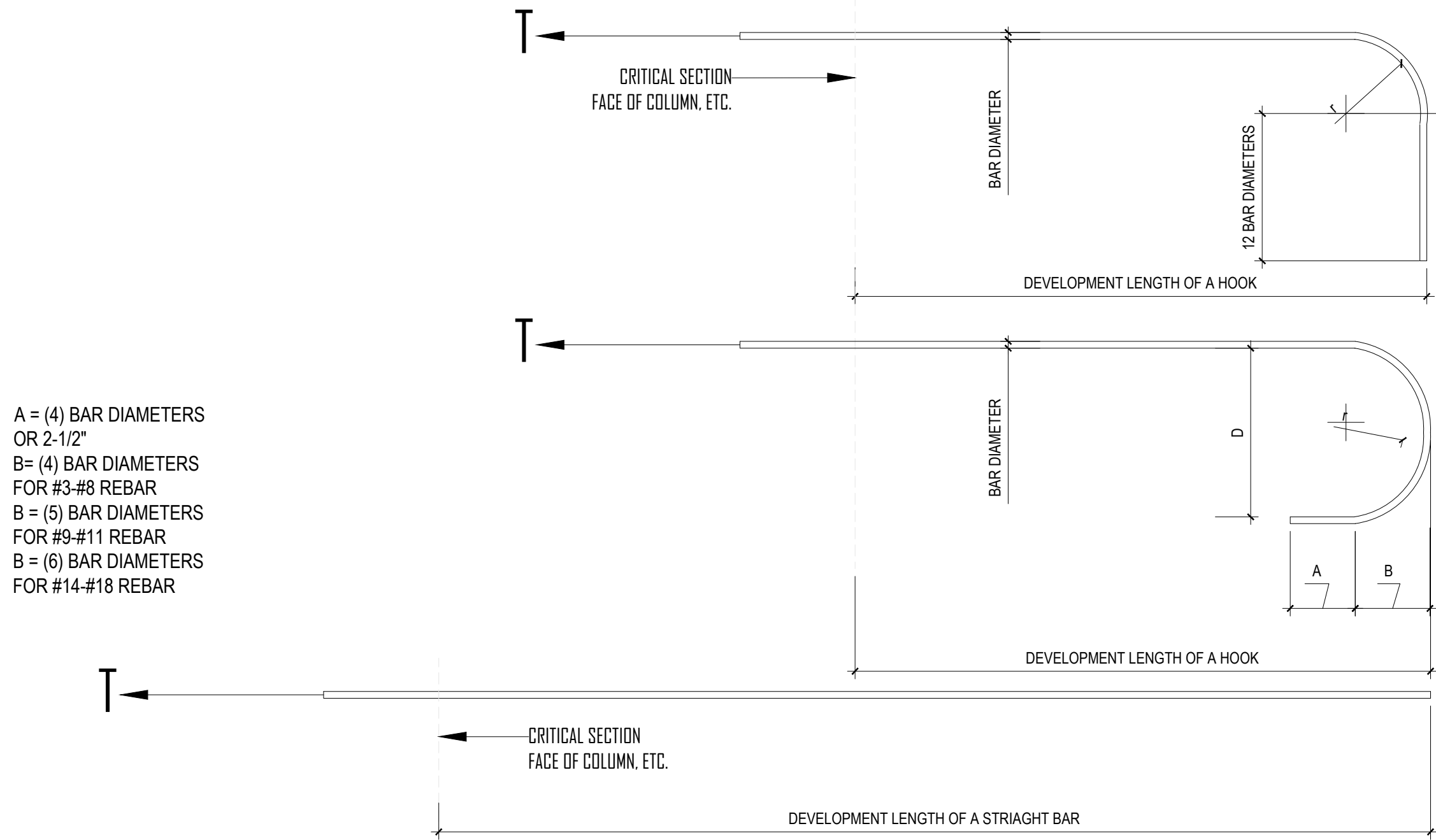
Detail

TYPICAL CONTINUOUS BEAM DIAGRAM - NOT KEYED ON PLANS

not to scale

CAST-IN-PLACE CONCRETE REINFORCING BAR LAP SPLICE SCHEDULE					REBAR DEVELOPMENT NON-EPOXY COATED TOP & BOTTOM BARS				
BAR SIZE Fy=60 ksi	TENSION BARS			COMPRESSION BARS	BAR SIZE Fy=60 ksi	TENSION BARS			COMPRESSION BARS
	3000 PSI	4000 PSI	5000 PSI	ALL STRENGTHS		3000 PSI	4000 PSI	5000 PSI	ALL STRENGTHS
#4	29"	25"	22"	15"	#4	23"	20"	18"	9"
#5	36"	31"	28"	19"	#5	29"	25"	22"	11"
#6	43"	37"	33"	23"	#6	35"	30"	27"	13"
#7	63"	54"	49"	27"	#7	63"	54"	49"	15"
#8	72"	62"	55"	30"	#8	72"	62"	55"	17"
#9	81"	70"	63"	34"	#9	81"	71"	63"	19"
#10	91"	79"	70"	39"	#10	89"	79"	70"	21"
#11	101"	87"	78"	43"	#11	98"	85"	76"	23"

NOTE: FOR BUNDLED BAR DEVELOPMENT LENGTH, MULTIPLY FACTORS ABOVE BY 1.2 FOR (2) & (3) BAR BUNDLES AND 1.33 FOR (4) BAR BUNDLES.



2
\$0.2

Detail

TYPICAL CONTINUOUS BEAM DIAGRAM - NOT KEYED ON PLANS

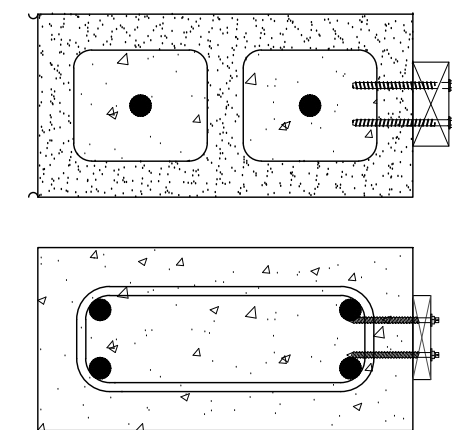
not to scale

SIMPSON STRONG-TIE WEDGE-ALL SPECIFICATION						
ANCHOR DIAMETER (IN)	MINIMUM EMBEDMENT (IN)	CRITICAL EDGE DISTANCE (IN)	CRITICAL SPACING (IN)	ALLOWABLE TENSION (LBS)	ALLOWABLE SHEAR (LBS)	INSTALL TORQUE (FT-LBS)
1/4	1-1/8"	2-1/2	2-1/2"	205	230	8
	2-1/4	2-1/2	3-1/8	530	230	
	1-3/4	3-3/4	2-3/8	555	570	
3/8	2-5/8	3-3/4	3-5/8	1,100	1,055	30
	3-3/8	3-3/4	4-3/4	1,140	1,055	
	2-1/4	5	3-1/8	1,070	1,485	
1/2	3-3/8	5	4-3/4	1,985	1,850	60
	4-1/2	5	6-1/4	2,350	1,850	
	2-3/4	6-1/4	3-7/8	1,640	1,900	
5/8	4-1/2	6-1/4	6-1/4	2,990	2,740	90
	5-1/2	6-1/4	7-3/4	2,990	2,740	
	3-3/8	7-1/2	4-3/4	2,090	2,840	
3/4	5	7-1/2	7	3,225	4,610	150
	6-3/4	7-1/2	9-1/2	3,380	4,610	
	4-1/2	10	6-1/4	3,885	5,730	
1	9	10	12-5/8	6,335	6,345	300

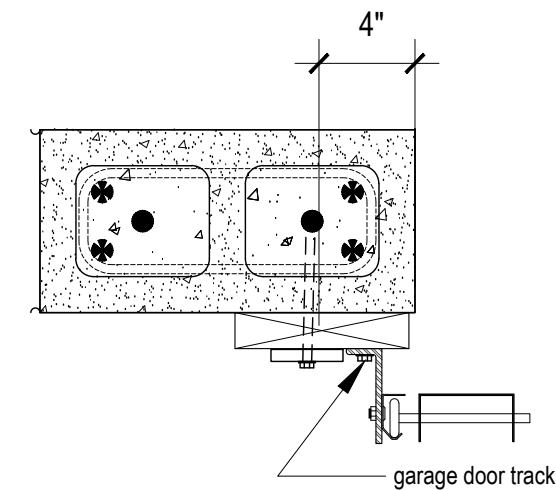
- Notes:
- Allowable loads listed are based on a safety factor of 4.
 - Allowable loads are based on $f_c = 3000$ psi.
 - Minimum concrete thickness is 1.5 times embedment depth.
 - Refer to Simpson Strong-Tie Wedge-All specification for further information.
 - All fasteners are to be Carbon Steel.
 - Provide Zinc Plated fasteners for interior applications.
 - Provide Hot-Dipped Galvanized for exterior applications.
 - Florida Product Approval # FL11506.8 for all Simpson Strong-Tie Wedge-All Products listed above.

Concrete Anchor Specifications						
Fastener	Min. Embedment	Allowable Shear Load	Allowable Tension Load Load	Material	Substrate Material	Fla. Product Approval
3/16" Ø TITEN Screw	1-1/4"	220#	160#	Carbon Steel	Hollow or Grout Filled CMU	2355.1
3/16" Ø TITEN Screw	1-1/4"	255#	305#	Carbon Steel	Concrete	2355.1
3/16" Ø TITEN Screw	1-1/4"	78#	78#	Stainless Steel	Hollow or Grout Filled CMU	2355.1
1/4" Ø TITEN Screw	1-1/4"	300#	165#	Carbon Steel	Hollow or Grout Filled CMU	2355.1
1/4" Ø TITEN Screw	1-1/4"	400#	365#	Carbon Steel	Concrete	2355.1
1/4" Ø TITEN Screw	1-1/4"	124#	137#	Stainless Steel	Hollow or Grout Filled CMU	2355.1
3/8" Ø TITEN HDScrew	2-3/4"	870#	480#	Carbon Steel	Grouted CMU	11506.7
1/2" Ø TITEN HDScrew	3-1/2"	1,385#	690#	Carbon Steel	Grouted CMU	11506.7
5/8" Ø TITEN HDScrew	4-1/2"	2,085#	1,060#	Carbon Steel	Grouted CMU	11506.7
3/4" Ø TITEN HDScrew	5-1/2"	3,000#	1,600#	Carbon Steel	Grouted CMU	11506.7

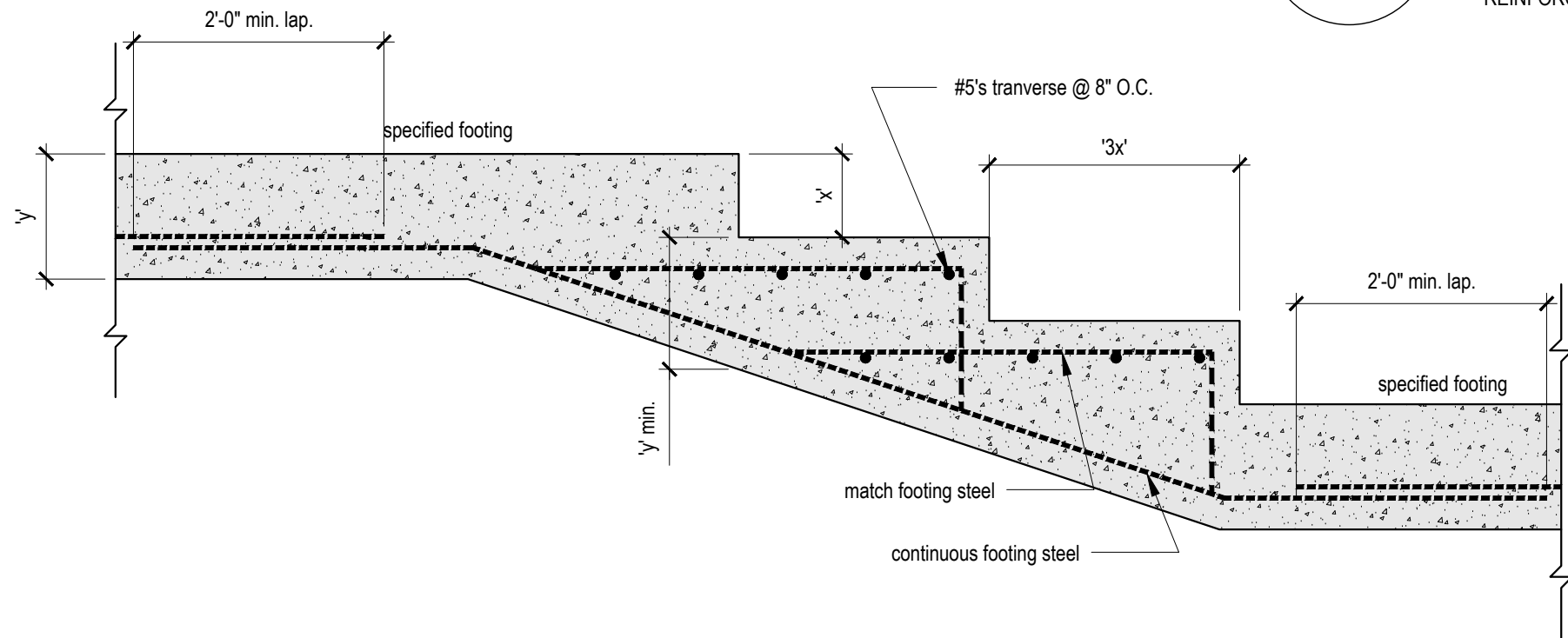
- Notes:
- Stainless steel fasteners may only be used when specifically stated on the detail drawings.
 - Design values in masonry substrate refer to face shell embedment only.
 - Simpson fasteners may not be installed within 1-1/4" of mortar joint, when installed into masonry.
 - All fasteners design values into concrete substrate are based on 3,000 psi concrete strength..



Continuous @ perimeter of opening :
2x P.T. wood buck w/ 1/2" x 4" Titen HD @ 8" O.C. - Staggered.
(1 3/4" embed MIN. concrete or reinforced masonry).
OR
Continuous 1x P.T. wood buck w/ 1/4" x 3 1/2" Tapcons @ 8" O.C. - staggered. (2 1/4" embed MIN. concrete or masonry)



Both sides O.H. garage door opening :
2x6 P.T. wood buck w/ 1/2" J' bolt to rebar 6" long @ 12" O.C. maintain MIN. A 4" edge space and install W/ Simpson' PL5-3x3.5

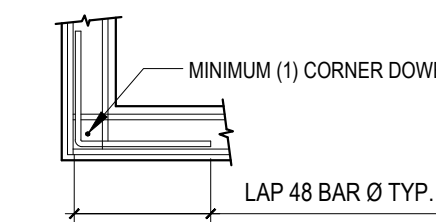


4
\$0.2

Typical Stepped Footing

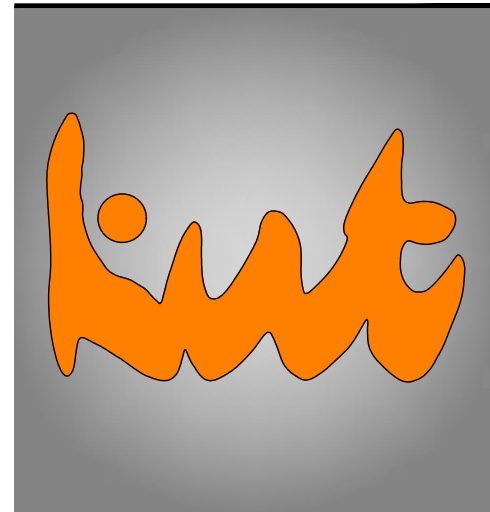
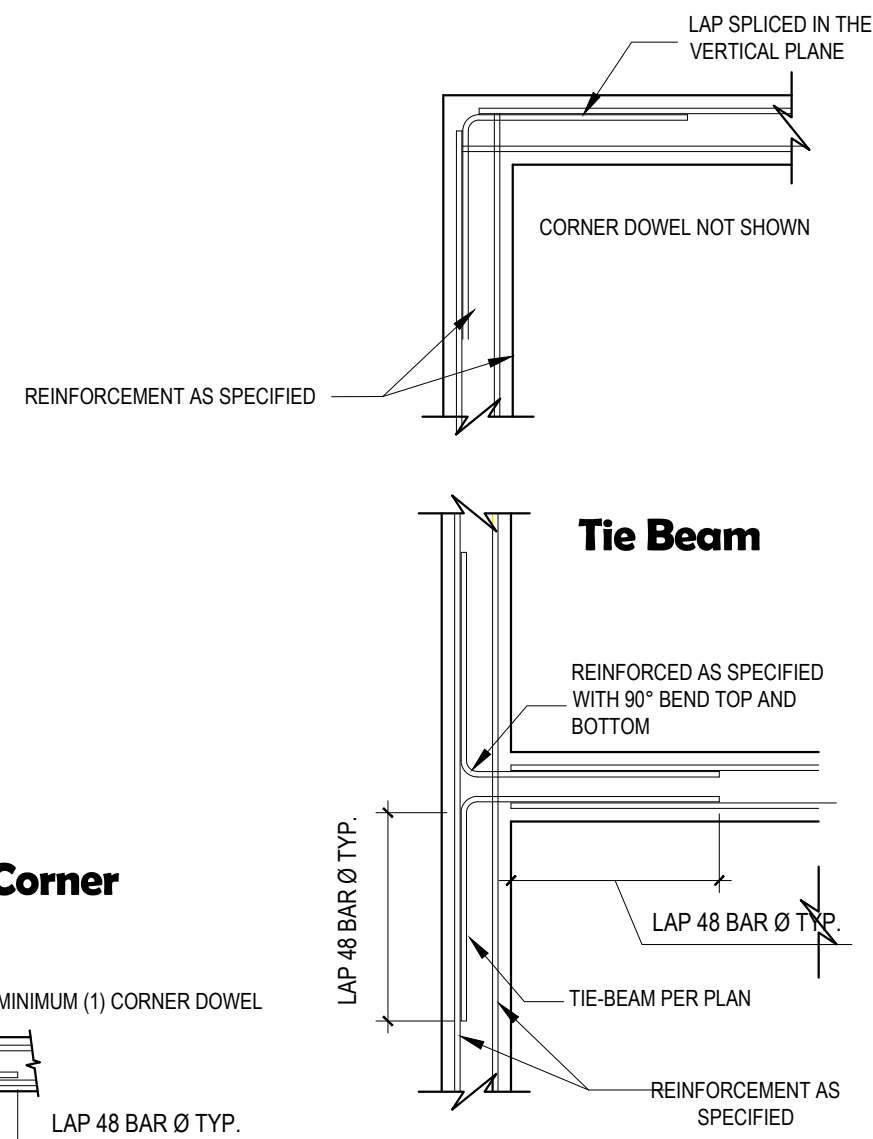
NOT TO SCALE

Footing Corner

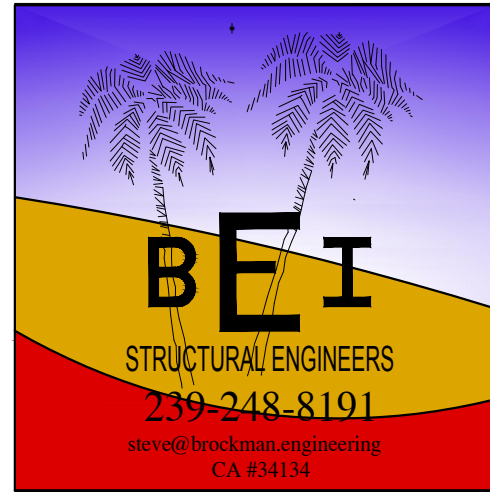


Reinforcing Laps

not to scale

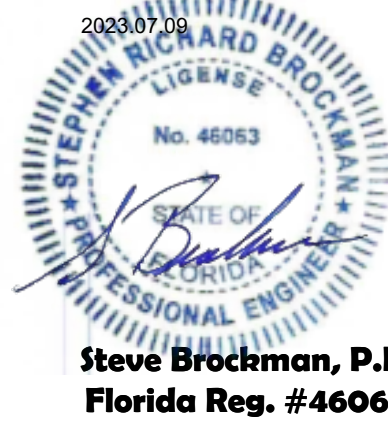


E-Mail kfrhea@gmail.com
Cell 321-356-0980
In coordination with:

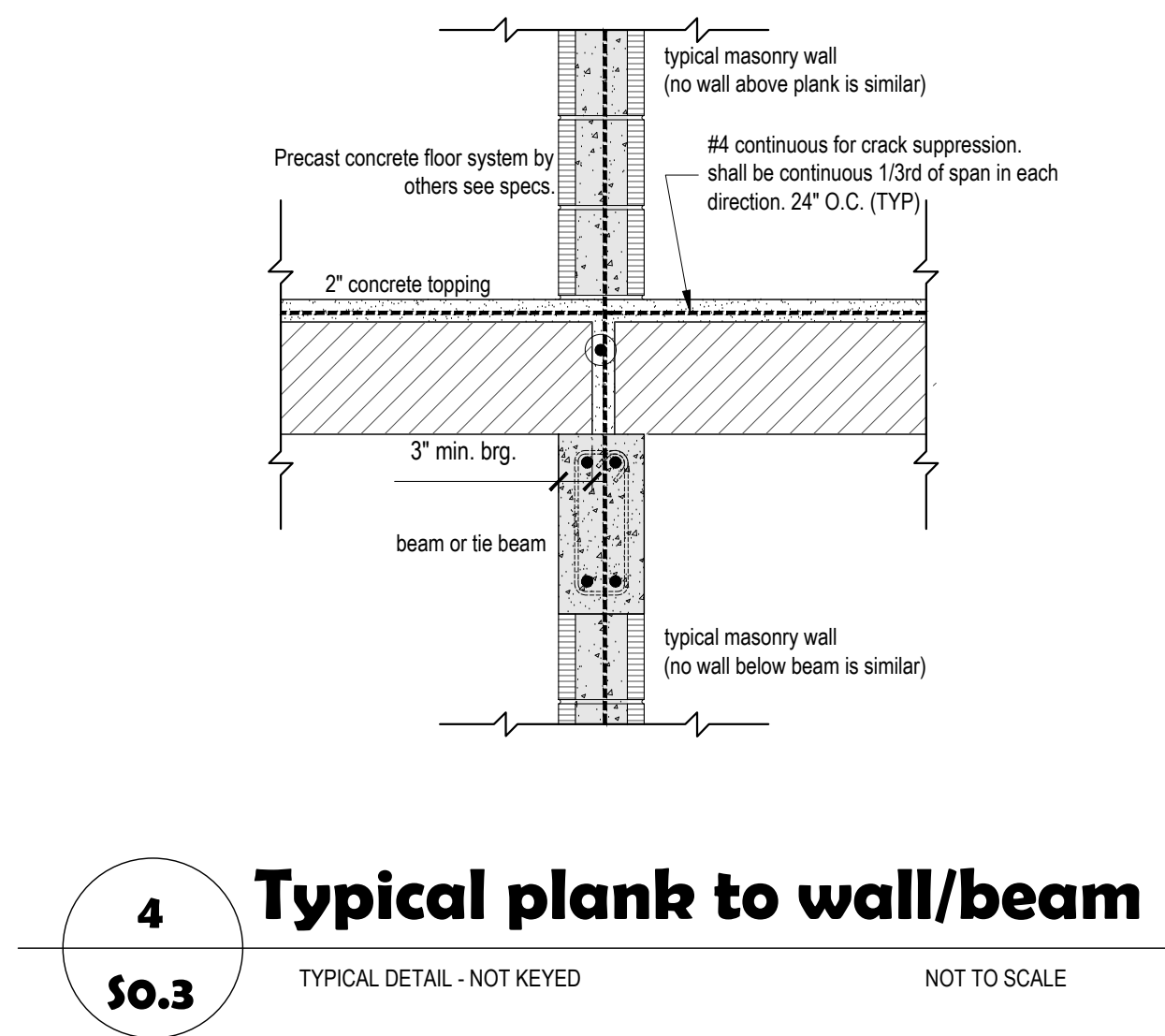


Permit 2023-05-31

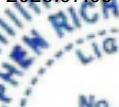
Katrina & Brad Voyles
250 Tropical Shores
Fort Myers Beach, FL.



\$0.2

[illegible]

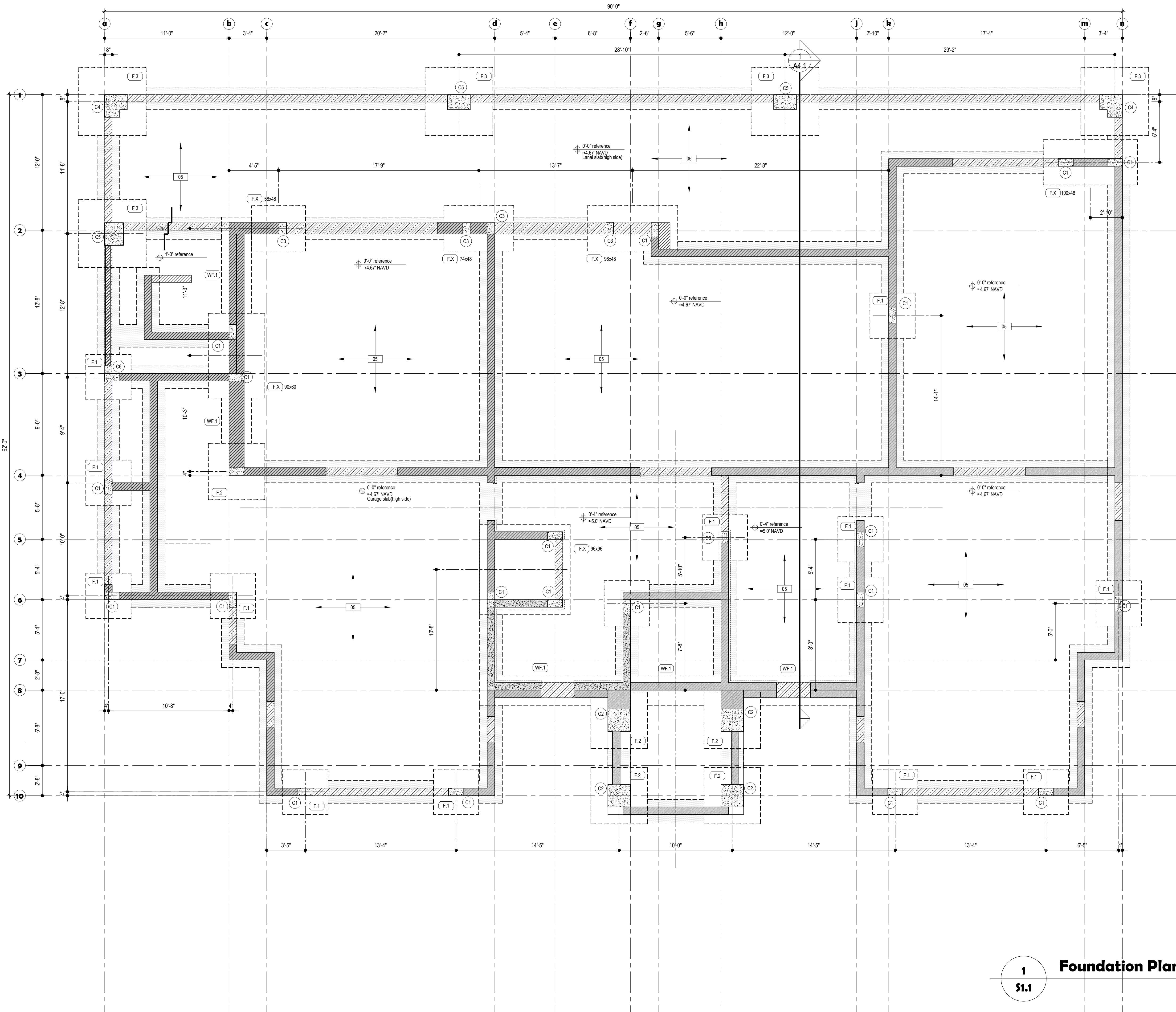
2023.07.09



Professional Engineer Seal for Stephen Richard Brockman, No. 46063, State of Florida. The seal is circular with the text "STEPHEN RICHARD BROCKMAN" around the top and "PROFESSIONAL ENGINEER" around the bottom. In the center, it says "LICENSE" and "No. 46063". Below the license number is the signature of Stephen Brockman and the text "STATE OF FLORIDA".

Steve Brockman, P.E.
Florida Reg. #46063

So.3



Legend

Typical masonry wall:
8" nominal - Continuous 8x16 Concrete tie beam W/ (2)#5's top and (2)#5's bottom.
Provide #5 Vertical REINFORCING IN FILLED CELLS:
As required in "MASONRY CELL SPACING TABLE".
(3) @ all corners
(1) minimum adjacent to all openings
(2) consecutive adjacent to openings > 8'-0".
Provide (2) under all girder locations.
Unless a cast in place column is specified, there may be sections that specify different cell spacing, located on the plan, denoted by:

@ All masonry wall openings U.O.N. denoted by:

For tie beams over masonry openings (8x16 nominal W/ (4) #5's (2) top & (2) bottom) ADD #3 stirrups @ 8" O.C.. Where required to drop beam to top of opening head below in lieu of precast lintels - add an additional row of bottom steel for every 8" of drop required for dimensions between (UP TO 6") lower bottom row of steel 50% of drop - minimum 11/2" coverage. See architectural DWG's for height and location or Use precast lintel. (8F81B-1T U.O.N.)

Typical Footing - see schedule

Specified Beam

Specified column

8" nominal CMU non-load bearing wall - no vertical reinforcing - Use un-reinforced lintels over all openings U.O.N.

CIP Wall.

Typical CIP wall:
8" nominal(U.O.N) W/ #5's @ 16" O.C.E.W.

Keynotes

01. Typical roof trusses: Pre-engineered manufactured trusses at 24" O.C. W/ 1/2" APA rated exterior exposure decking attached per specification. provide shop drawings & layouts w/ all uplift loads and support loads for approval prior to fabrication and placement. See specification sheet for additional information. Use HETAZ20 at connection to masonry walls and HTSS20 at connection to wood frame walls or beams. Typical U.O.N. a. 2-ply min. Girder see truss drawings and engineering. Use HGT at connection to Masonry Walls. Typical U.O.N.

02. Ledger: (2)x12's P.T. W/ (2) rows 1/2" Redheads staggered @ 12" O.C. Typical as shown by: U.O.N. Where ledger is connected to hollow masonry Use (2) rows 1/2" Tapcons - Embed 2 1/2" Min. @ 8" O.C.

03. 8" plank with 2" topping - shop drawings to be provided, reviewed and approved.

04. 8" thick CIP slab W/ (2) layers #5's @ 8" O.C.E.W. hook bars into all adjacent beams (cantilevered in some locations). Slope to drain.

05. 4" thick slab per spec.

Column Schedule

Designation	Description
C1	8x16 nominal Reinforced concrete W/ (6) #5's vertical reinforcing and #3 ties @ 8" O.C.V.
C2	24x24 nominal Reinforced concrete W/ (12) #6's vertical reinforcing and #3 ties @ 8" O.C.V.
C3	8x12 nominal Reinforced concrete W/ (6) #5's vertical reinforcing and #3 ties @ 8" O.C.V.
C4	24x24 x 16w nominal 'L' shaped Reinforced concrete W/ (14) #6's vertical reinforcing and #3 ties @ 8" O.C.V.
C5	16x24 nominal Reinforced concrete W/ (10) #6's vertical reinforcing and #3 ties @ 8" O.C.V.
C6	16x16 x 8w nominal 'L' shaped Reinforced concrete W/ (10) #6's vertical reinforcing and #3 ties @ 8" O.C.V.

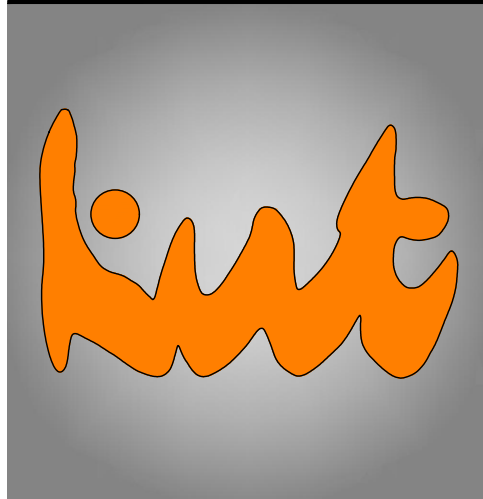
NOTES:
1. Minimum 2" coverage all steel

Footing Schedule

Designation	Description
F.X	AS SHOWN ON PLAN x16'd Pad footing W/ #5's @ 8" O.C.E.W. Centered in footing and equally spaced.
F.1	48" SQ. x16'd Pad footing W/ #5's @ 8" O.C.E.W. Centered in footing and equally spaced.
F.2	60" SQ. x16'd Pad footing W/ #5's @ 8" O.C.E.W. Centered in footing and equally spaced.
F.3	72" SQ. x16'd Pad footing W/ #5's @ 8" O.C.E.W. Centered in footing and equally spaced.
WF	24" w x 12" Continuous Wall footing W/ (3)#5's Centered in footing and equally spaced "TYPICAL WALL FOOTING - SHADED ON PLAN, NOT KEYED."
WF.1	32" w x 12" Continuous Wall footing W/ (4)#5's Centered in footing and equally spaced.

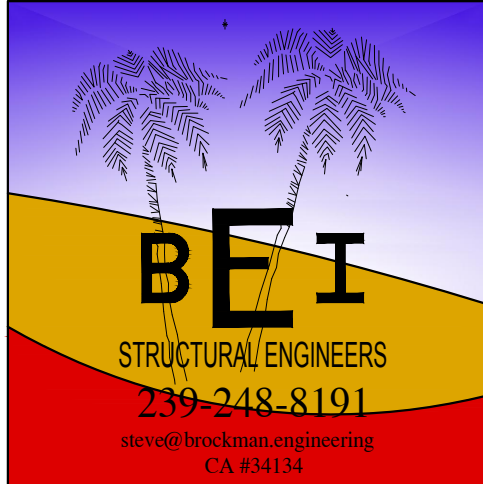
Notes:
1. top of all wf footings min. 12" below grade.
2. 3" minimum cover all foundation steel.
3. all continuous footings over 24" in width shall have #5's @ 12" O.C. transverse.

★★ Integral W/ slab



E-Mail kfrhea@gmail.com
Cell 321-356-0980

In coordination with:

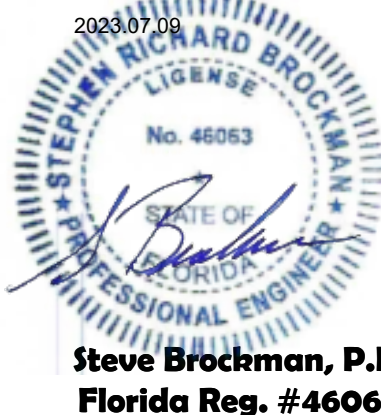


239-248-8191
steve@brockman-engineering.com
CA #31134

Permit 2023-05-31

Blank lines for permit information.

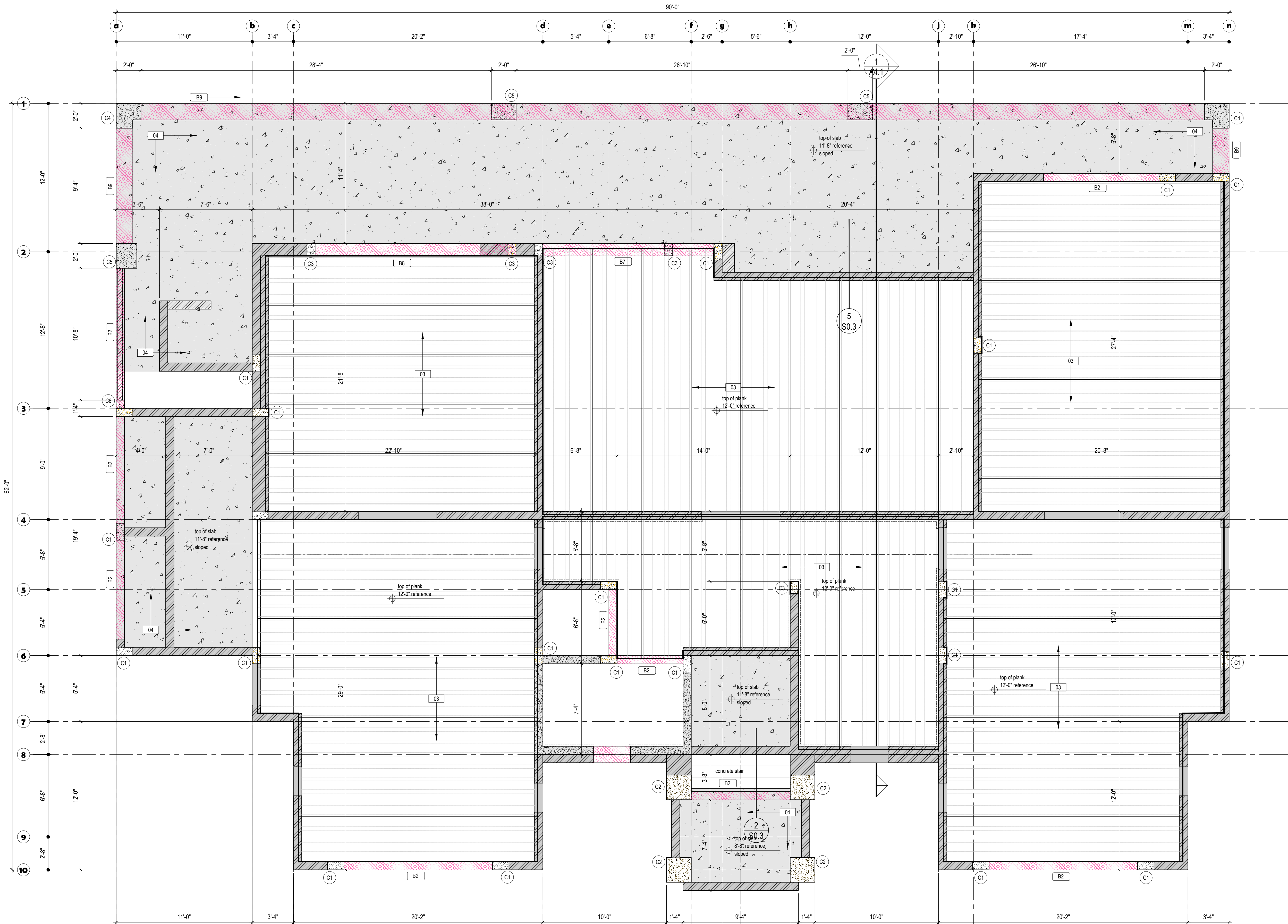
Katrina & Brad Voyles
250 Tropical Shores
Fort Myers Beach, FL.



S1.1

1
S1.1
Foundation Plan

Scale: 1/4" = 1' - 0"



Legend

Typical masonry wall:
8" nominal - Continuous 8x16 Concrete tie beam W/ (2)#5's top and (2)#5's bottom.
Provide #5 Vertical REINFORCING IN FILLED CELLS:
As required in "MASONRY CELL SPACING TABLE",
(3) @ all corners
(1) minimum adjacent to all openings
(2) consecutive adjacent to openings > 8'-0".
Provide (2) under all girder locations.
Unless a cast in place column is specified, there may be sections that specify different cell spacing, located on the plan, denoted by:

@ All masonry wall openings U.O.N. denoted by:

For tie beams over masonry openings (8x16 nominal W/ (4) #5's (2) top & (2) bottom) ADD #3 stirrups @ 8" O.C. Where required to drop beam to top of opening head below in lieu of precast lintels - add an additional row of bottom steel for every 8" of drop required for dimensions between (UP TO 6') lower bottom row of steel 50% of drop - minimum 11/2" coverage. See architectural DWG's for height and location or Use precast lintel. (8F81B-1T U.O.N.)

Typical Footing - see schedule

Specified Beam

Specified column

8" nominal CMU non-load bearing wall - no vertical reinforcing - Use un-reinforced lintels over all openings U.O.N.

CIP Wall.

Typical CIP wall:
8" nominal(UO.N) W/ #5's @ 16" O.C.E.W.

Keynotes

01. Typical roof trusses: Pre-engineered manufactured trusses at 24" O.C. W/ 1/2" APA rated exterior exposure decking attached per specification. provide shop drawings & layouts w/ all uplift loads and support loads for approval prior to fabrication and placement. See specification sheet for additional information. Use HETA20 at connection to masonry walls and HTS20 at connection to wood frame walls or beams. typical U.O.N. a. 2-ply min. Girder see truss drawings and engineering. Use HGT at connection to Masonry Walls. Typical U.O.N.

02. Ledger: (2)x12's P.T. W/ (2) rows 1/2" Redheads staggered @ 12" O.C. Typical as shown by: U.O.N. Where ledger is connected to hollow masonry Use (2) rows 1/2" Tapcons - Embed 2 1/2" Min. @ 8" O.C.

03. 8" plank with 2" topping - shop drawings to be provided, reviewed and approved.

04. 8" thick CIP slab W/ (2) layers #5's @ 8" O.C.E.W. hook bars into all adjacent beams (cantilevered in some locations). Slope to drain.

05. 4" thick slab per spec.

Column Schedule

Designation	Description
C1	8x16 nominal Reinforced concrete W/ (6) #5's vertical reinforcing and #3 ties @ 8" O.C.V.
C2	24x24 nominal Reinforced concrete W/ (12) #6's vertical reinforcing and #3 ties @ 8" O.C.V.
C3	8x12 nominal Reinforced concrete W/ (6) #5's vertical reinforcing and #3 ties @ 8" O.C.V.
C4	24x24 x 16w nominal 'L' shaped Reinforced concrete W/ (14) #6's vertical reinforcing and #3 ties @ 8" O.C.V.
C5	16x24 nominal Reinforced concrete W/ (10) #6's vertical reinforcing and #3 ties @ 8" O.C.V.
C6	16x16 x 8w nominal 'L' shaped Reinforced concrete W/ (10) #6's vertical reinforcing and #3 ties @ 8" O.C.V.

NOTES:
1. Minimum 2" coverage all steel

Indicates column above

Beam Schedule

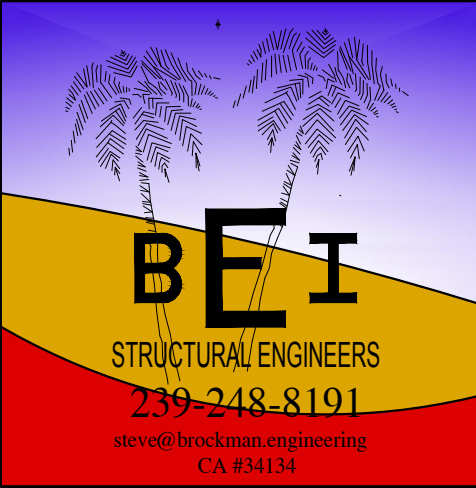
Designation	Description
B1	8 x 20 Nominal concrete beam W/ (2) #5's Top & (2) #6's Bottom and #3 Stirrups @ 4" O.C.
B2	8 x 16 Nominal concrete beam W/ (2) #6's Top, (2) #5's Mid. & (2) #6's Bottom and #3 Stirrups @ 4" O.C.
B3	8 x 24 Nominal concrete beam W/ (2) #7's Top, (2) #5's Mid. & (2) #6's Bottom and #3 Stirrups @ 4" O.C.
B4	12 x 24 Nominal concrete beam W/ (3) #7's Top, (2) #5's Mid. & (6) #6's Bottom(bundled) and #3 Stirrups @ 4" O.C.
SB5	W16x89
B6	12 x 16 Nominal concrete beam W/ (3) #7's Top, (2) #5's Mid. & (4) #6's Bottom(bundled) and #3 Stirrups @ 4" O.C.
B7	12 x 32 Nominal concrete beam W/ (3) #7's Top, (2) #5's Mid. & (3) #6's Bottom and #3 Stirrups @ 4" O.C.
B8	12 x 16 Nominal concrete beam W/ (3) #7's Top & (3) #6's Bottom and #3 Stirrups @ 4" O.C.
B9	16 x 18 Nominal concrete beam W/ (4) #7's Top & (6) #6's Bottom and #3 Stirrups @ 4" O.C.

NOTES:
1. Minimum 2" coverage all steel



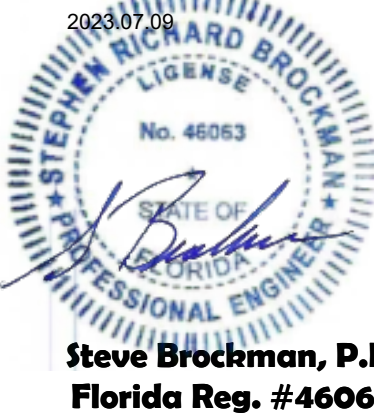
E-Mail kbrhea@gmail.com
Cell 321-356-0980

In coordination with:



Permit 2023-05-31

**Katrina &
Brad Voyles**
250 Tropical Shores
Fort Myers Beach, FL.

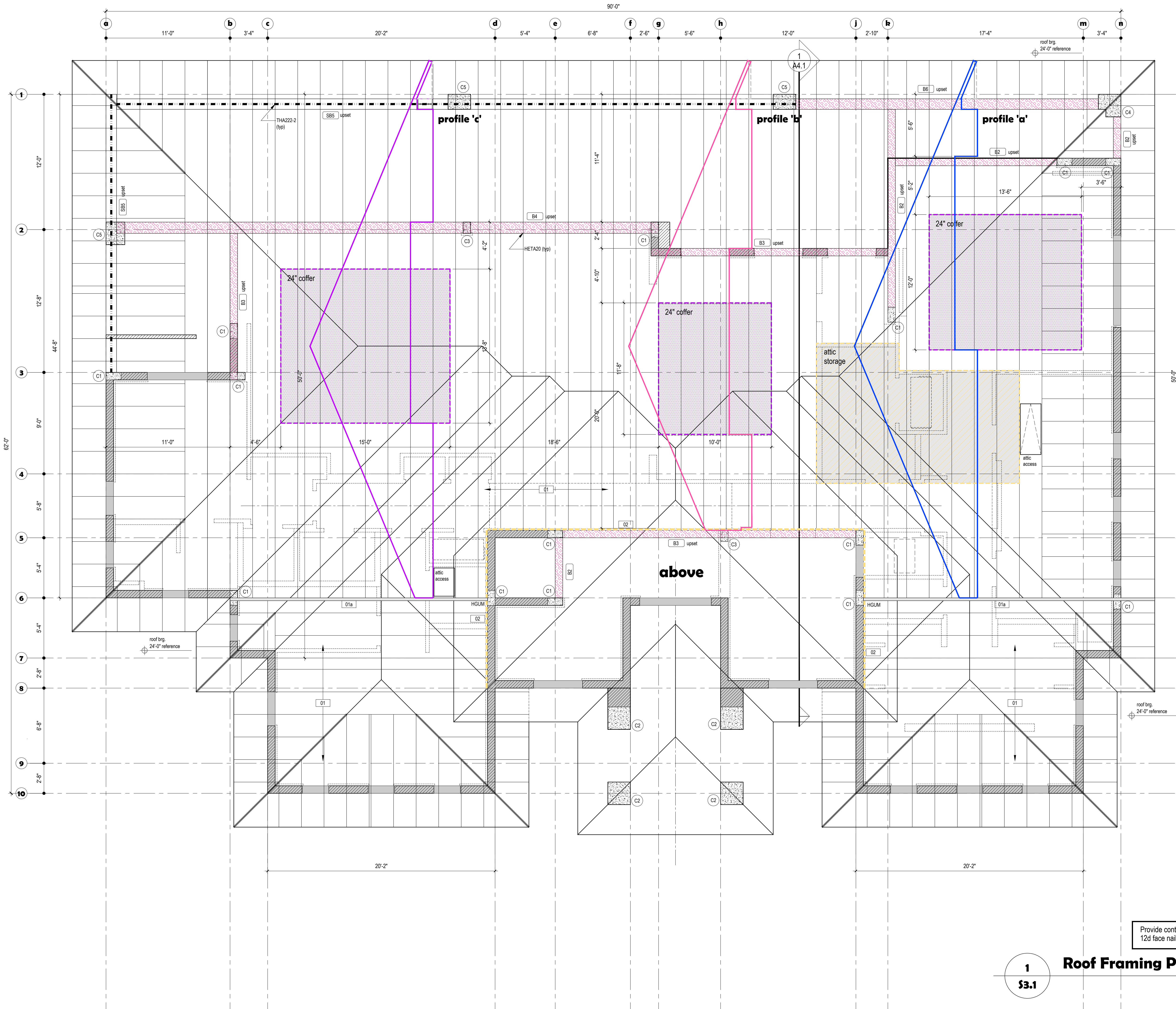


Steve Brockman, P.E.
Florida Reg. #46063

S2.1

1
S2.1
Plank Plan

Scale: 1/4" = 1' - 0"



Legend

Typical masonry wall:
8" nominal - Continuous 8x16 Concrete tie beam W/ (2)#5's top and (2)#5's bottom.
Provide #5 Vertical REINFORCING IN FILLED CELLS:
As required in "MASONRY CELL SPACING TABLE".
(3) @ all corners
(1) minimum adjacent to all openings
(2) consecutive adjacent to openings > 8'-0".
Provide (2) under all girder locations.
Unless a cast in place column is specified, there may be sections that specify different cell spacing, located on the plan, denoted by:

@ All masonry wall openings U.O.N. denoted by:
For tie beams over masonry openings (8x16 nominal W/ (4) #5's (2) top & (2) bottom) ADD #3 stirrups @ 8" O.C. Where required to drop beam to top of opening head below in lieu of precast lintels - add an additional row of bottom steel for every 8" of drop required for dimensions between (UP TO 6') lower bottom row of steel 50% of drop - minimum 11/2" coverage. See architectural DWG's for height and location or Use precast lintel. (8F81B-1T U.O.N.)

Typical Roofing - see schedule
Specified Beam
Specified column
8" nominal CMU non-load bearing wall - no vertical reinforcing - Use un-reinforced lintels over all openings U.O.N.
CIP Wall.
Typical CIP wall:
8" nominal(UO.N) W/ #5's @ 16" O.C.E.W.

Keynotes

- Typical roof trusses: Pre-engineered manufactured trusses at 24" O.C. W/ 5/8" APA rated exterior exposure decking attached per specification. provide shop drawings & layouts w/ all uplift loads and support loads for approval prior to fabrication and placement. See specification sheet for additional information. Use HETA20 at connection to masonry walls and HTS20 at connection to wood frame walls or beams. Typical U.O.N. a. 2-ply min. Girder see truss drawings and engineering. Use HGT at connection to Masonry Walls. Typical U.O.N.
- Ledger: (2)x12's P.T. W/ (2) rows 5/8" Redheads staggered @ 12" O.C. Typical as shown by U.O.N. Where ledger is connected to hollow masonry Use (2) rows 1/2" Tapcons - Embed 2 1/2" Min. @ 8" O.C.
- 8" plank with 2" topping - shop drawings to be provided, reviewed and approved.
- 8" thick CIP slab W/ (2) layers #5's @ 8" O.C.E.W. hook bars into all adjacent beams (cantilevered in some locations). Slope to drain.
- 4" thick slab per spec.

Column Schedule

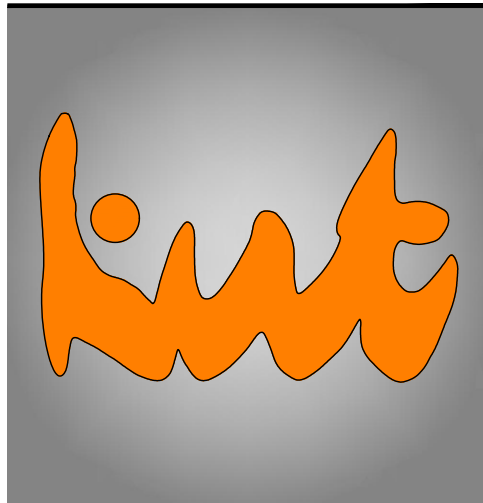
Designation	Description
C1	8x16 nominal Reinforced concrete W/ (6) #6's vertical reinforcing and #3 ties @ 8" O.C.V.
C2	24x24 nominal Reinforced concrete W/ (12) #6's vertical reinforcing and #3 ties @ 8" O.C.V.
C3	8x12 nominal Reinforced concrete W/ (6) #6's vertical reinforcing and #3 ties @ 8" O.C.V.
C4	24x24 x 16w nominal 'L' shaped Reinforced concrete W/ (14) #6's vertical reinforcing and #3 ties @ 8" O.C.V.
C5	16x24 nominal Reinforced concrete W/ (10) #6's vertical reinforcing and #3 ties @ 8" O.C.V.
C6	16x16 x 8w nominal 'L' shaped Reinforced concrete W/ (10) #6's vertical reinforcing and #3 ties @ 8" O.C.V.

NOTES:
1. Minimum 2" coverage all steel

Beam Schedule

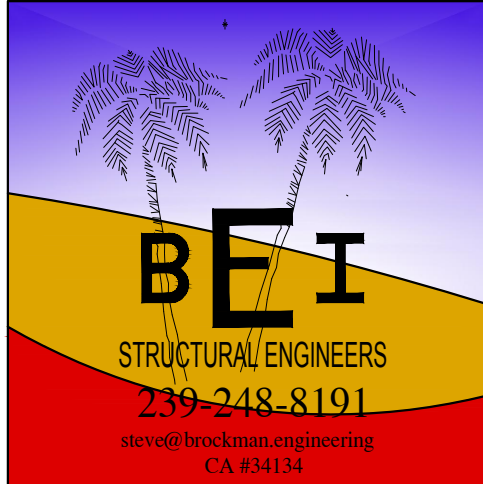
Designation	Description
B1	8 x 20 Nominal concrete beam W/ (2) #5's Top & (2) #6's Bottom and #3 Stirrups @ 4" O.C.
B2	8 x 16 Nominal concrete beam W/ (2) #6's Top, (2) #5's Mid. & (2) #6's Bottom and #3 Stirrups @ 4" O.C.
B3	8 x 24 Nominal concrete beam W/ (2) #7's Top, (2) #5's Mid. & (2) #6's Bottom and #3 Stirrups @ 4" O.C.
B4	12 x 24 Nominal concrete beam W/ (3) #7's Top, (2) #5's Mid. & (6) #6's Bottom(bundled) and #3 Stirrups @ 4" O.C.
SBS	W16x89
B6	12 x 16 Nominal concrete beam W/ (3) #7's Top, (2) #5's Mid. & (4) #6's Bottom(bundled) and #3 Stirrups @ 4" O.C.
B7	12 x 32 Nominal concrete beam W/ (3) #7's Top, (2) #5's Mid. & (3) #6's Bottom and #3 Stirrups @ 4" O.C.
B8	12 x 16 Nominal concrete beam W/ (3) #7's Top & (3) #6's Bottom and #3 Stirrups @ 4" O.C.
B9	16 x 18 Nominal concrete beam W/ (4) #7's Top & (6) #6's Bottom and #3 Stirrups @ 4" O.C.

NOTES:
1. Minimum 2" coverage all steel



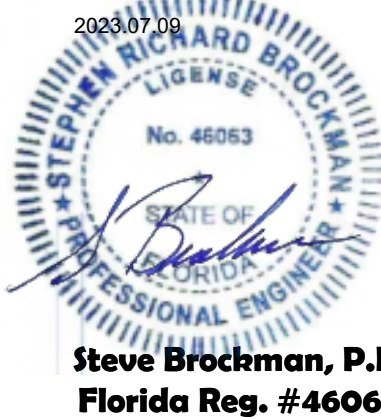
E-Mail kfrhea@gmail.com
Cell 321-356-0980

In coordination with:



Permit 2023-05-31

Katrina & Brad Voyles
250 Tropical Shores
Fort Myers Beach, FL.

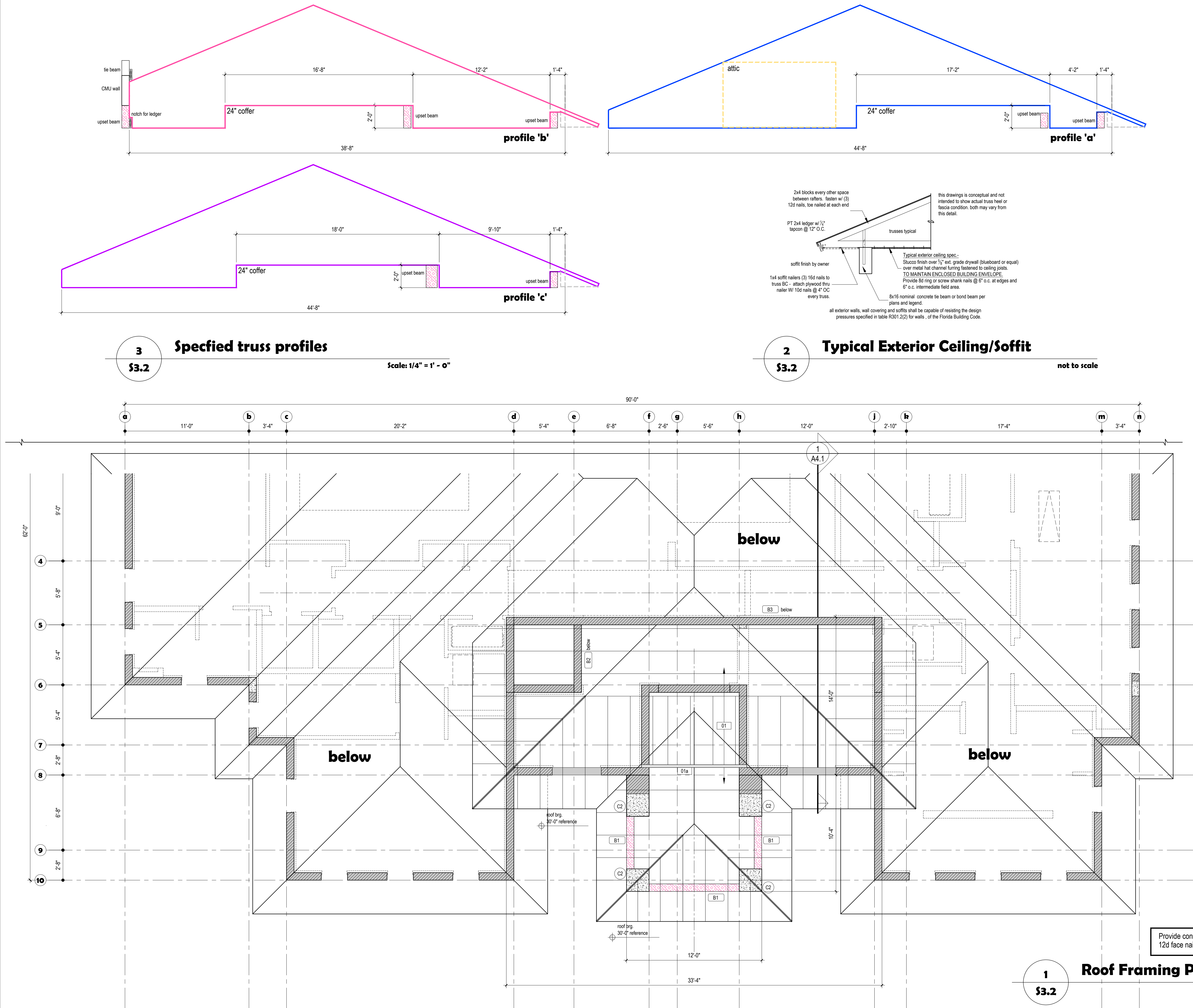


\$3.1

1
\$3.1

Roof Framing Plan

Scale: 1/4" = 1' - 0"



Legend

Typical masonry wall.
8" nominal - Continuous 8x16 Concrete tie beam W/ (2)#5's top and (2)#5's bottom.
Provide #5 Vertical REINFORCING IN FILLED CELLS:
As required in "MASONRY CELL SPACING TABLE",
(3) @ all corners
(1) minimum adjacent to all openings
(2) consecutive adjacent to openings > 8'-0".
Provide (2) under all girder locations.
Unless a cast in place column is specified, there may be sections that specify different cell spacing, located on the plan, denoted by:

@ All masonry wall openings U.O.N. denoted by:

For tie beams over masonry openings (8x16 nominal W/ (4) #5's (2) top & (2) bottom) ADD #3 stirrups @ 8" O.C. Where required to drop beam to top of opening head below in lieu of precast lintels - add an additional row of bottom steel for every 8" of drop required for dimensions between (UP TO 6") lower bottom row of steel 50% of drop - minimum 11/2" coverage. See architectural DWG's for height and location or Use precast lintel. (8F81B-1T U.O.N.)

Typical Roofing - see schedule
Specified Beam

Specified column

8" nominal CMU non-load bearing wall - no vertical reinforcing - Use un-reinforced lintels over all openings UON.

CIP Wall.
Typical CIP wall.
8" nominal(UON) W/ #5's @ 16" O.C.E.W.

Keynotes

- Typical roof trusses: Pre-engineered manufactured trusses at 24" O.C. W/ 5/8" APA rated exterior exposure decking attached per specification. provide shop drawings & layouts w/ all uplift loads and support loads for approval prior to fabrication and placement. See specification sheet for additional information. Use HETAT20 at connection to masonry walls and HTS20 at connection to wood frame walls or beams. typical U.O.N. a. 2-ply min. Girder see truss drawings and engineering. Use HGT at connection to Masonry Walls. Typical U.O.N.
- Ledger: (2)x12's P.T. W/ (2) rows 5/8" Redheads staggered @ 12" O.C. Typical as shown by: U.O.N. Where ledger is connected to hollow masonry Use (2) rows 1/2" Tapcons - Embed 2 1/2" Min. @ 8" O.C.
- 8" plank with 2" topping - shop drawings to be provided, reviewed and approved.
- 8" thick CIP slab W/ (2) layers #5's @ 8" O.C.E.W. hook bars into all adjacent beams (cantilevered in some locations). Slope to drain.
- 4" thick slab per spec.

Column Schedule

Designation	Description
C1	8x16 nominal Reinforced concrete W/ (6) #5's vertical reinforcing and #3 ties @ 8" O.C.V.
C2	24x24 nominal Reinforced concrete W/ (12) #6's vertical reinforcing and #3 ties @ 8" O.C.V.
C3	8x12 nominal Reinforced concrete W/ (6) #5's vertical reinforcing and #3 ties @ 8" O.C.V.
C4	24x24 x 16w nominal 'L' shaped Reinforced concrete W/ (14) #6's vertical reinforcing and #3 ties @ 8" O.C.V.
C5	16x24 nominal Reinforced concrete W/ (10) #6's vertical reinforcing and #3 ties @ 8" O.C.V.
C6	16x16 x 8w nominal 'L' shaped Reinforced concrete W/ (10) #6's vertical reinforcing and #3 ties @ 8" O.C.V.

NOTES:
1. Minimum 2" coverage all steel

indicates column above

Beam Schedule

Designation	Description
B1	8 x 20 Nominal concrete beam W/ (2) #5's Top & (2) #5's Bottom and #3 Stirrups @ 4" O.C.
B2	8 x 16 Nominal concrete beam W/ (2) #6's Top, (2) #5's Mid. & (2) #6's Bottom and #3 Stirrups @ 4" O.C.
B3	8 x 24 Nominal concrete beam W/ (2) #7's Top, (2) #5's Mid. & (2) #6's Bottom and #3 Stirrups @ 4" O.C.
B4	12 x 24 Nominal concrete beam W/ (3) #7's Top, (2) #5's Mid. & (6) #6's Bottom(bundled) and #3 Stirrups @ 4" O.C.
SB5	W16x89
B6	12 x 16 Nominal concrete beam W/ (3) #7's Top, (2) #5's Mid. & (4) #6's Bottom(bundled) and #3 Stirrups @ 4" O.C.
B7	12 x 32 Nominal concrete beam W/ (3) #7's Top, (2) #5's Mid. & (3) #6's Bottom and #3 Stirrups @ 4" O.C.
B8	12 x 16 Nominal concrete beam W/ (3) #7's Top & (3) #6's Bottom and #3 Stirrups @ 4" O.C.
B9	16 x 18 Nominal concrete beam W/ (4) #7's Top & (6) #6's Bottom and #3 Stirrups @ 4" O.C.

NOTES:
1. Minimum 2" coverage all steel

Provide continuous Structural fascia: 1 3/4" x 7 1/4" LVL W/ (2) 12d face nails per TRUSS.

Roof Framing Plan(Upper Elevation)

1

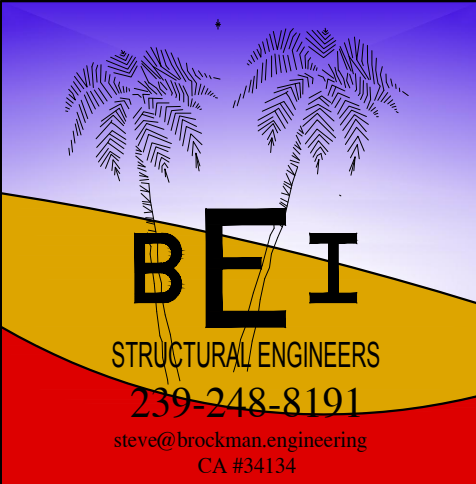
S3.2

Scale: 1/4" = 1' - 0"



E-Mail kbrhea@gmail.com
Cell 321-356-0980

In coordination with:

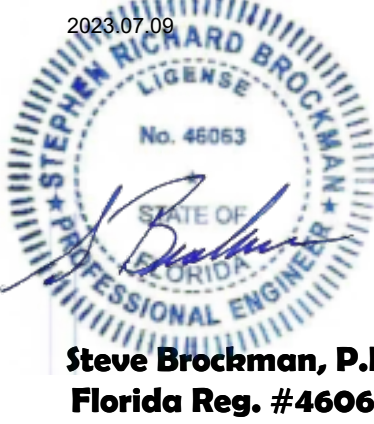


Steve Brockman, P.E.
CA #34134

Permit 2023-05-31

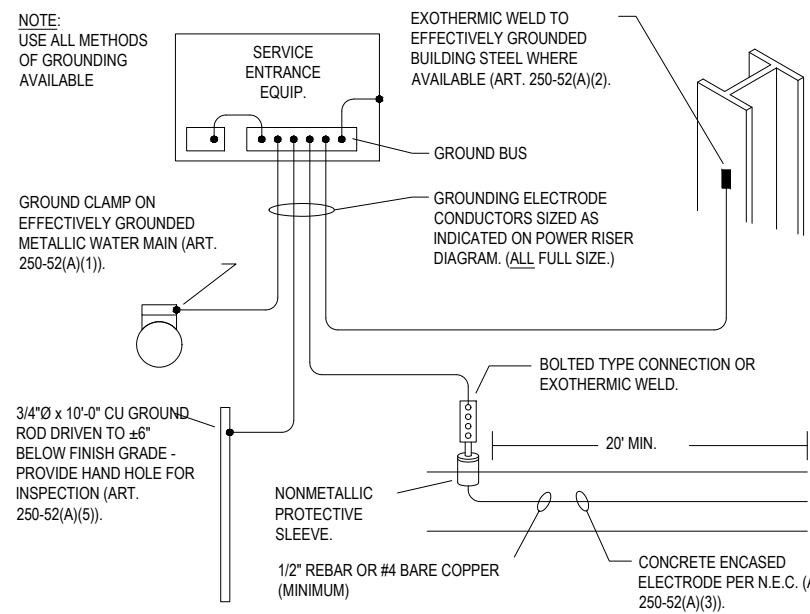
Blank lines for permit information.

Katrina & Brad Voyles
250 Tropical Shores
Fort Myers Beach, FL.



Steve Brockman, P.E.
Florida Reg. #46063

S3.2

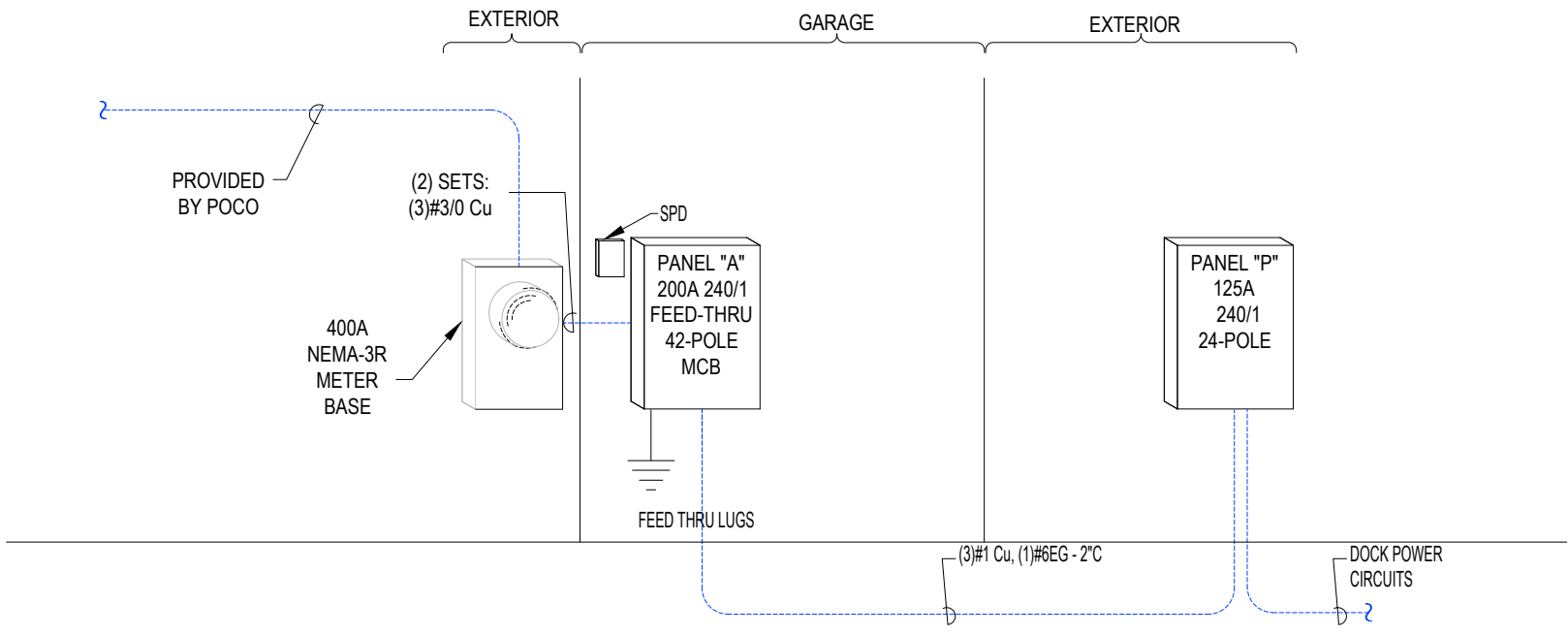


Service Ground Detail

1

El.0

NOT TO SCALE



Power Riser Diagram

2

El.0

NOT TO SCALE

Electrical specifications:

DIVISION 16000 - ELECTRICAL

16000 - GENERAL:

- ALL ELECTRICAL WORK FOR THE ENTIRE PROJECT SHALL BE PERFORMED IN A NEAT AND CRAFTSMANLIKE MANNER BY PERSONS SKILLED IN THE TRADE, AND SHALL BE DONE UNDER THE SUPERVISION OF A MASTER ELECTRICIAN LICENSED TO DO WORK IN THE AREA WHERE THE PROJECT IS TO BE CONSTRUCTED. ALL WORK SHALL BE IN STRICT ACCORDANCE WITH THE LATEST COPY OF THE NATIONAL ELECTRIC CODE PRESENTLY ENFORCED.

16100 - SCOPE:

- THE PROJECT INCLUDES ALL LABOR, MATERIALS AND EQUIPMENT NECESSARY TO PROVIDE A COMPLETE ELECTRICAL INSTALLATION INCLUDING, BUT NOT LIMITED TO, POWER SERVICES (TEMPORARY, NORMAL, AND STAND-BY OR EMERGENCY), SWITCHBOARDS, AUTOMATIC TRANSFER SWITCHES, SERVICE ENTRANCE(S), DISCONNECTS, DISTRIBUTION PANELS, CONDUIT, WIRING, JUNCTION AND OUTLET BOXES, WIRING DEVICES AND COVER PLATES, LIGHTING FIXTURES, CONNECTION CHORDS, SPECIAL CONNECTIONS AND OUTLETS, ALL AS ILLUSTRATED ON THE PLANS, THE ELECTRICAL CONTRACTOR SHALL COORDINATE ALL WORK WITH OTHER TRADES, UTILITY COMPANIES, AND GOVERNING AUTHORITIES.

- THE ELECTRICAL CONTRACTOR TO FURNISH A MINIMUM 100 AMP SINGLE PHASE TEMPORARY SERVICE, POWER COMPANY FEES AND MONTHLY ELECTRIC BILL TO BE PAID BY THIS CONTRACTOR.

16110 - CODES:

- ALL WORK PERFORMED SHALL BE IN ACCORDANCE WITH ANSI, NFPA70, STATE OF FLORIDA LAWS, AND ALL LOCAL RULES AND REGULATIONS, INCLUDING THE NATIONAL ELECTRIC CODE AND THE FLORIDA ENERGY CODE PRESENTLY IN EFFECT.

16120 - PERMITS:

- ELECTRICAL CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS AND PAYING ALL FEES ASSOCIATED THEREWITH. ELECTRICAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING INSPECTIONS, INCLUDING ALL FEES ASSOCIATED WITH REINSPECTIONS.

16130 - DRAWINGS:

- THE DRAWINGS ARE DIAGRAMMATIC, AND DO NOT SHOW ALL CHANGES IN HEIGHT, STRUCTURAL MEMBERS, DUCTWORK, PIPING, BRACKETS AND ANY OTHER NUMBER OF ITEMS WHICH MIGHT CAUSE A CONFLICT. THIS CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH OTHER TRADES AS TO THE LOCATION OF HIS DEVICES AND NECESSARY AREAS FOR PANELS AND CONDUIT/WIRING RUNS. VERIFY AND COORDINATE ALL ELECTRICAL WORK WITH ALL TRADES TO PROVIDE A TIMELY INSTALLATION. ADDITIONAL CHARGES DUE TO LACK OF COORDINATION WILL NOT BE APPROVED.

16200 - MATERIAL:

- ALL MATERIALS SHALL BE NEW, FREE FROM DEFECTS, AND SHALL BE LISTED BY AND BEAR THE U.L. LABEL WHERE SUBJECT TO APPROVAL. MATERIALS SHALL BE OF THE SAME MANUFACTURER OR BRAND FOR EACH TYPE OF MATERIAL, UNLESS DESIGNATED OTHERWISE.

16210 - FIXTURES:

- ALL FIXTURES SHALL BE AS LISTED IN THE LIGHTING FIXTURE SCHEDULES/ RECOMMENDATIONS.
- LIGHTING FIXTURES ARE TO BE FURNISHED, INSTALLED, AND LAMPED UNDER THIS CONTRACT.

16220 - PANELS:

- ALL PANELS TO BE FURNISHED AS PER PANEL SCHEDULE. SQUARE D, OUTLER HAMMER AND ITE ARE ACCEPTABLE MANUFACTURERS.
- ALL SWITCHBOARD AND OVERCURRENT DEVICES SHALL BE SERIES-RATED TO WITHSTAND THE AVAILABLE FAULT CURRENT; VERIFY WITH LOCAL UTILITY COMPANY. SEE PANEL SCHEDULE.

16230 - DEVICES:

- EXTERIOR DISCONNECT SWITCHES SHALL BE NEMA 3R ENCLOSURES AND ELECTRICALLY PROTECTED AS PER MANUFACTURER'S SPECIFICATIONS. (SEE MECHANICAL).
- INTERIOR DISCONNECT SWITCHES SHALL BE NEMA 1 ENCLOSURES AND ELECTRICALLY PROTECTED AS PER MANUFACTURER'S SPECIFICATIONS. (SEE MECHANICAL).
- SWITCHES SHALL BE 20 AMP, SPECIFICATION GRADE TOGGLE SWITCHES, SIDE WIRED WITH GROUNDING TERMINAL, COLOR SHALL BE WHITE (UNLESS NOTED OTHERWISE) WITH MATCHING COVERPLATE; MOUNTING HEIGHT SHALL BE 48" AFF TO BOTTOM.
EXCEPTION: SWITCHES WITHIN DWELLING UNITS MAY BE 15 AMP, RESIDENTIAL GRADE, DECORA ROCKERS, SIDE WIRED WITH GROUNDING TERMINAL, COLOR SHALL BE WHITE (UNLESS NOTED OTHERWISE) WITH MATCHING COVERPLATE. MOUNTING HEIGHT SHALL BE 48" AFF TO BOTTOM.
- RECEPTACLES SHALL BE 15 AMP (MINIMUM), SPECIFICATION GRADE, SIDE WIRED WITH GROUNDING TERMINAL, COLOR SHALL BE WHITE (UNLESS NOTED OTHERWISE) WITH MATCHING COVERPLATE; MOUNTING HEIGHT NOTED IN SYMBOL LEGEND OR ON DRAWINGS.
EXCEPTION: RECEPTACLES WITHIN DWELLING UNITS MAY BE 15 AMP, RESIDENTIAL GRADE, SIDE WIRED WITH GROUNDING TERMINAL, COLOR SHALL BE WHITE (UNLESS NOTED OTHERWISE) WITH MATCHING COVERPLATE. MOUNTING HEIGHT NOTED IN SYMBOL LEGEND OR ON DRAWINGS.
- ALL RECEPTACLES INSTALLED IN KITCHENS, OR WITHIN 6 FEET (6') OF A WATER SUPPLY (i.e. SINK), SHALL BE GROUND FAULT CIRCUIT INTERRUPTER (G.F.C.I.) DEVICES WITH DOWNSSTREAM DEVICES IDENTIFIED.
- ALL 120-VOLT, SINGLE PHASE, 15- AND 20-AMPERE BRANCH CIRCUITS SUPPLYING OUTLETS INSTALLED IN BATHROOMS AND OUTLETS INSTALLED IN BATHROOMS SHALL HAVE GROUND-FAULT CIRCUIT-INTERRUPTER PROTECTION FOR PERSONNEL.
- ALL 120-VOLT, SINGLE PHASE, 15- AND 20-AMPERE BRANCH CIRCUITS SUPPLYING OUTLETS INSTALLED IN DWELLING UNIT FAMILY ROOMS, DINING ROOMS, LIVING ROOMS, PARLORS, LIBRARIES, DENS, BEDROOMS, SUNROOMS, RECREATION ROOMS, CLOSETS, HALLWAYS, OR SIMILAR ROOMS OR AREAS, SHALL BE PROTECTED BY A LISTED ARC-FAULT CIRCUIT INTERRUPTER, COMINATION-TYPE, INSTALLED TO PROVIDE PROTECTION OF THE BRANCH CIRCUIT. [N.E.C 2011 210.12 (B)]
- ALL 120-VOLT, SINGLE PHASE, 15- AND 20-AMPERE RECEPTACLES INSTALLED IN DWELLING UNITS, ACCORDING TO N.E.C 2011, SECTION 210.52, INCLUDING, BUT NOT LIMITED TO BALCONIES, BATHROOMS, BEDROOMS, BREAKFAST ROOMS, COUNTERTOPS, DECKS, DENS, DINING ROOMS, FAMILY ROOMS, GARAGES, HALLWAYS, KITCHENS, LAUNDRY AREAS, LIBRARIES, LIVING ROOMS, OUTDOORS, PANTRIES, PARLORS, PORCHES, RECREATION ROOMS, SUNROOMS, OR SIMILAR ROOMS OR AREAS, SHALL BE LISTED TAMPER-RESISTANT RECEPTACLES. [N.E.C 2011 406.11]

16240 - BRANCH CIRCUIT WIRING:

- ALL CONDUCTORS SHALL BE COPPER UNLESS OTHERWISE SPECIFIED ON PLANS.
- MINIMUM BRANCH CIRCUIT WIRING SHALL BE #12 AWG THWN COPPER.
EXCEPTION NO. 1: BRANCH CIRCUIT WIRING FOR DEDICATED LOADS, SUCH AS A PERMANENTLY INSTALLED APPLIANCE OR OTHER EQUIPMENT, SHALL BE SIZED ACCORDING TO THE MANUFACTURER'S SPECIFICATIONS FOR THAT APPLIANCE OR EQUIPMENT, OR BY THE N.E.C. PRESENTLY IN EFFECT, WHICHEVER IS GREATER. REFER TO PANEL SCHEDULES.
EXCEPTION NO. 2: MINIMUM BRANCH CIRCUIT WIRING WITHIN DWELLING UNITS SHALL BE #14 THWN COPPER.

16300 - INSTALLATION:

16310 - GENERAL:

- ROUGH-IN LOCATIONS SHALL BE COORDINATED WITH ARCHITECTURAL DRAWINGS FOR EXACT LOCATIONS, AS WELL AS EQUIPMENT SIZE, TO AVOID CONFLICT WITH OTHER TRADES.
- PRIOR TO ROUGH-IN, THE ELECTRICAL CONTRACTOR SHALL RELOCATE, AS DIRECTED BY THE OWNER/ARCHITECT, ANY PIECE OF EQUIPMENT IN THE VERTICAL AND/OR HORIZONTAL DIRECTION UP TO 15'-0" FROM THE LOCATION SHOWN ON THE DRAWINGS AT NO ADDITIONAL COSTS TO THE OWNER.

16320 - WIRING METHODS:

- BELOW GRADE: SINGLE- OR MULTI-CONDUCTOR COPPER WIRE WITH GROUND, MEETING N.E.C. AND NEMA REQUIREMENTS, IN APPROVED NONMETALLIC CONDUIT, CONDUIT MAY BE RUN IN OR BELOW CONCRETE, AND CONCEALED IN WALLS TO FIRST BOXES. ALL PVC COMPONENTS (PIPING, FITTINGS, CEMENT, ETC.) SHALL BE FROM THE SAME MANUFACTURER.
- EXTERIOR ABOVE GRADE: SINGLE- OR MULTI-CONDUCTOR COPPER WIRE WITH GROUND, MEETING N.E.C. AND NEMA REQUIREMENTS, IN APPROVED METALLIC OR NONMETALLIC CONDUIT. ALL COMPONENTS (PIPING, FITTINGS, ETC.) SHALL BE FROM THE SAME MANUFACTURER.

NOTE: MAXIMUM LENGTH OF FLEXIBLE CONDUIT SHALL BE SIX FEET (6').

- EXTERIOR EQUIPMENT: SINGLE- OR MULTI-CONDUCTOR COPPER WIRE WITH GROUND, MEETING N.E.C. AND NEMA REQUIREMENTS, IN APPROVED LIQUID-TIGHT FLEXIBLE METALLIC OR NONMETALLIC CONDUIT (MINIMUM 3/4"). ALL COMPONENTS (PIPING, FITTINGS, ETC.) SHALL BE FROM THE SAME MANUFACTURER.

NOTE: MAXIMUM LENGTH OF FLEXIBLE CONDUIT BETWEEN MEANS OF DISCONNECT (OR JUNCTION BOX) AND EQUIPMENT SHALL BE THREE FEET (3').

- INTERIOR: SINGLE- OR MULTI-CONDUCTOR COPPER WIRE WITH GROUND, MEETING N.E.C. AND NEMA REQUIREMENTS, IN APPROVED METALLIC (EMT) CONDUIT. ALL COMPONENTS (PIPING, FITTINGS, ETC.) SHALL BE FROM THE SAME MANUFACTURER. CONDUITS SHALL BE CONCEALED IN OR BEHIND CEILINGS, WALLS, OR FLOORS, EXCEPT WHERE EXPOSED RACEWAYS ARE SPECIFICALLY PERMITTED.

NOTE: EMT SHALL NOT BE INSTALLED IN LOCATIONS (1) SUBJECT TO SEVERER DAMAGE, (2) IN CONTACT WITH EARTH, (3) IN CONCRETE SLABS ON GRADE, (4) OTHER LOCATIONS AS LISTED IN N.E.C 2011, ARTICLE 358.12.

EXCEPTION: NON-METALLIC SHEATHED CABLE (NM, NMC, NMS) MAY BE USED WITHIN DWELLING UNITS, IN COMPLIANCE WITH N.E.C 2011, ARTICLE 334.

- ELECTRICAL SYSTEM EXPANSION: ANY PANELBOARD MOUNTED SO THAT ITS FRONT FACE IS FLUSH WITH THE FINISHED WALL SHALL HAVE ONE (1) 3/4" EMT CONDUIT INSTALLED FROM PANELBOARD TO ACCESSIBLE CEILING SPACE FOR EVERY FOUR (4) OR MAJOR FRACTION THEREOF. POLES INDICATED AS "SPACE" OR "SPARE" IN THE PANELBOARD SCHEDULE PER THESE DOCUMENTS.

EXCEPTION NO. 1: PANELBOARDS INSTALLED ON A WALL SURFACE, WHERE AT LEAST THREE (3) SIDES, NOT INCLUDING THE FRONT, REMAIN ACCESSIBLE AFTER CERTIFICATE OF OCCUPANCY SHALL NOT BE REQUIRED TO MEET #16320.5.

EXCEPTION NO. 2: DWELLING UNITS SHALL NOT BE REQUIRED TO MEET #16320.5.

- ELECTRICAL BOXES: ALL OUTLET, DEVICE, AND JUNCTION BOXES SHALL BE STANDARD 4" SQUARE GALVANIZED STEEL OR APPROVED PLASTIC, 1-1/2" DEEP, WITH DEVICE RINGS OF THE SAME MATERIAL, UNLESS OTHERWISE NOTED. GALVANIZED BOXES SHALL BE MANUFACTURED BY APPLETON NATIONAL, STEEL CITY, RACO OR APPROVED EQUAL. PLASTIC BOXES SHALL BE ALLIED, NELCO, CARLON, OR EQUAL. ALL ELECTRICAL BOXES MUST BE ACCESSIBLE AFTER CERTIFICATE OF OCCUPANCY.

- THRU-FEEDS: MAINTAIN THRU-FEEDS ON ALL ELECTRICAL DEVICES AT C.O.

16330 - EQUIPMENT:

- WIRE TO, AND MAKE CONNECTIONS TO, ALL PIECES OF EQUIPMENT FURNISHED BY OTHERS FOR COMPLETE AND SATISFACTORY OPERATION BY OTHERS.
- THIS CONTRACT TO INCLUDE CONNECTION OF LINE VOLTAGE ONLY. CONTROL WIRING TO BE BY THE HVAC CONTRACTOR.

16340 - GROUNDING:

- THE ENTIRE ELECTRICAL GROUNDING SYSTEM SHALL BE IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF SECTION 250.66 AND 250.122 OF THE NATIONAL ELECTRIC CODE, INCLUDING BUT NOT LIMITED TO, THE ELECTRICAL SERVICE, ITS EQUIPMENT AND ENCLOSURE, CONDUITS AND OTHER CONDUCTIVE ENCLOSURES, NEUTRAL OR IDENTIFIED CONDUCTOR OF INTERIOR WIRING SYSTEM, MAIN PANELBOARD, POWER AND LIGHTING PANELBOARDS, NON-CURRENT-CARRYING METAL PARTS OF FIXED EQUIPMENT SUCH AS MOTORS, STARTER AND CONTROLLER CABINETS, INSTRUMENT CASES AND LIGHTING FIXTURES.
- PROVIDE A SERVICE GROUND ACCORDING TO N.E.C. ARTICLE 250. THE MINIMUM INSTALLATION TO INCLUDE: BUILDING FOOTER FOUNDATION REINFORCING STEEL TURNED UP OR OTHERWISE EXPOSED AT THE SERVICE LOCATION WITH APPROVED CONNECTOR TO BOND A GROUNDING CONDUCTOR SIZED PER TABLE 250.12 TO THE STEEL AND A DRIVEN ROD GROUND (MINIMUM 5/8" BY 8" DEEP) WITH #6 COPPER GROUNDING CONDUCTOR. IF AVAILABLE ON THE PREMISES, ALSO BOND METAL COLD WATER PIPING, METAL BUILDING FRAME AND GROUND RING WITH JUMPERS SIZED FROM 250.94.
- ALL TELEPHONE, DATA, TELEVISION, AND OTHER TERMINAL EQUIPMENT SHALL BE BONDED TO THE GROUNDING ELECTRODE WITH MINIMUM #6 AWG-CU.

16350 - WARRANTY- NOTE:

- ELECTRICAL CONTRACTOR TO PROVIDE FULL WARRANTY (PARTS AND LABOR) ON ALL EQUIPMENT AND MATERIALS FURNISHED UNDER THE SCOPE OF WORK FOR A PERIOD OF ONE YEAR FROM THE CERTIFICATE OF OCCUPANCY.
- E.C. SHALL PROVIDE OWNER AND ENGINEER WITH REPRODUCIBLE "AS-BUILT" DRAWINGS SHOWING ALL REQUIRED MODIFICATIONS THAT HAVE OCCURRED IN THE FIELD.

SUBMITTALS & SUBSTITUTIONS

UPON RECEIPT OF A CONTRACT, THE ELECTRICAL CONTRACTOR SHALL PROVIDE SIX (6) BOUND SUBMITTAL PACKAGES OF ALL EQUIPMENT, DEVICES, FIXTURES, ETC., TO THE ARCHITECT AND ENGINEER (FROM HERE ON, REFERRED TO AS "A/E") FOR REVIEW.

ALL SUBMITTALS AND/OR SUBSTITUTIONS SHALL BE DELIVERED TO THE A/E A MINIMUM OF FIFTEEN (15) BUSINESS DAYS AFTER CONTRACT. A/E SHALL REVIEW, COMMENT, AND RETURN THE SUBMITTAL AND/OR SUBSTITUTIONS REQUESTS TO THE CONTRACTOR A MINIMUM OF FIVE (5) DAYS THEREAFTER. ANY AND ALL APPROVALS WILL BE ONLY AT THE DISCRETION OF THE A/E. SUBMITTAL PACKAGES SHALL BE RETURNED TO THE CONTRACTOR WITH COMMENTS BY THE A/E, IF NECESSARY, FOR A RESUBMITTAL TO THE A/E.

PRIOR TO ORDERING ANY ITEMS SPECIFIED FOR THIS PROJECT, THE CONTRACTOR SHALL HAVE WRITTEN APPROVAL FROM THE A/E. SUBSTITUTIONS WILL NOT BE ACCEPTED WITHOUT WRITTEN APPROVAL BY A/E.

Typical notes :

- SWITCHED RECEPTACLES: SWITCH TOP HALF OF RECEPTACLE; BOTTOM SHALL REMAIN HOT!
- EQUIPMENT FURNISHED AND PHYSICALLY INSTALLED BY "OTHERS": ALL ELECTRICAL CONNECTIONS EXTERNAL TO THE EQUIPMENT SHALL BE MADE BY THE ELECTRICAL CONTRACTOR. WIRE, CONDUIT, LUGS, RECEPTACLES, PIGTAILS, DISCONNECTS, ETC. AS MAY BE REQUIRED SHALL BE FURNISHED BY THE ELECTRICAL CONTRACTOR.
NOTE: INCLUDE WORSE CONDITION IN PRICING. VERIFY ROUGH-IN LOCATIONS, TYPE OF CONNECTION AND AMPACITY REQUIRED FROM APPLICABLE EQUIPMENT DRAWINGS PRIOR TO INSTALLING ANY CONDUIT, CONDUCTORS OR BOXES.
- PROVIDE INCANDESCENT WALL DIMMER WITH TUNGSTEN SURGE AND RFI PROTECTION. SLIDE ACTION WITH "OFF" POSITION AT BOTTOM.
- WALL TELEPHONE/DATA OUTLET: INSTALL 2-GANG BOX WITH MODULAR TELEPHONE DEVICE IN COVER PLATE. INSTALL (2) 3/4" EMT CONDUITS TO ACCESSIBLE CEILING SPACE OR HOMERUN TO TELEPHONE/COMPUTER TERMINAL EQUIPMENT. HEIGHT, UNLESS NOTED, IS 18" ABOVE FINISH FLOOR.
- RESIDENTIAL TYPE: 120 VOLT AC/DC, SINGLE STATION SMOKE DETECTOR, PHOTOCELL TYPE. LOCATE PER N.F.P.A. #74. MULTIPLE DETECTORS IN SAME UNIT TO HAVE SIGNAL DEVICES INTERCONNECTED.
- ANY BUILDING WITH A FOSSIL-FUEL BURNING HEATER OR APPLIANCE, FIREPLACE, OR ATTACHED GARAGE, SHALL HAVE A CARBON MONOXIDE (CO) ALARM WITHIN 10 FEET OF EACH SLEEPING ROOM.
- PROVIDE LIGHT FIXTURE AND RECEPTACLE AT LOCATIONS INDICATED FOR HVAC MAINTENANCE LIGHTING. USE COMBINATION SWITCH AND RECEPTACLE FOR LIGHT CONTROL. FIELD DETERMINE EXACT LOCATION AND HEIGHT.
- RECEPTACLES FOR DISHWASHER AND DISPOSAL, SHALL BE 20 AMP DUPLEX, SPLIT-WIRED AS POWER SOURCE FOR BOTH. BRANCH CIRCUIT BREAKER MUST BE 2-POLE COMMON TRIP. FIELD LOCATE OUTLET FOR ACCESSIBILITY.
- SWITCHED JUNCTION BOX IN CEILING FOR CEILING FAN OR LIGHT. NOTE: BOX MUST BE IDENTIFIED FOR FAN SUPPORT (USE). ANCHOR TO STRUCTURE TO SUPPORT 75 LBS. ELECTRICAL CONTRACTOR TO PROVIDE AND INSTALL FAN AND/OR LIGHT, AND ALL WIRING, INCLUDING SWITCH AND POWER LEGS. VERIFY AND COORDINATE FAN TYPE WITH OWNER.

Electrical notes:

THE ELECTRICAL CONTRACTOR SHALL VERIFY AND COORDINATE ALL ELECTRICAL SERVICE ROUGH-IN AND INSTALLATION DETAILS, FEES, WITH THE LOCAL POWER COMPANY/UTILITY FIELD ENGINEER PRIOR TO AND INCLUDE IN BID!

THE ELECTRICAL INSTALLATION SHALL BE IN ACCORDANCE WITH ALL STATE/LOCAL BUILDING CODES/ORDINANCES/REGULATIONS PRESENTLY IN EFFECT. IN ADDITION, COMPLIANCE WITH THE NATIONAL ELECTRICAL CODE (N.E.C.) PRESENTLY IN EFFECT.

THE ELECTRICAL CONTRACTOR SHALL VISIT THE SITE IN ORDER TO FAMILIARIZE HIMSELF WITH EXISTING CONDITIONS, FAILURE TO DO SO WILL NOT WARRANT ANY ADDITIONAL CHARGES TO THE OWNER.

THE ELECTRICAL CONTRACTOR SHALL INCLUDE IN HIS BID, ANY CUTTING OR PATCHING OF CONCRETE/ASPHALT PAVEMENTS, ETC. TO RUN ELECTRICAL.

ALL EQUIPMENT, FIXTURES, ETC. SHALL BE STARTED, TESTED, ADJUSTED AND PLACED IN SATISFACTORY OPERATING CONDITION. THIS CONTRACTOR SHALL GUARANTEE ALL WORKMANSHIP, MATERIALS AND EQUIPMENT TO BE FREE OF DEFECTS FOR A PERIOD OF ONE (1) YEAR FROM DATE OF CERTIFICATE OF OCCUPANCY (C.O.), AND SHALL REPAIR ANY SUCH DEFECTS WITHOUT COST TO THE OWNER. ALL EQUIPMENT SHALL BE COVERED FOR THE DURATION OF THE MANUFACTURER'S GUARANTEE OR WARRANTY. THIS CONTRACTOR SHALL FURNISH THE OWNER WITH ALL MANUFACTURER'S GUARANTEE AND WARRANTIES.

"WAFER" OR "PIGGYBACK" BREAKERS SHALL NOT BE PERMITTED.

THE ELECTRICAL CONTRACTOR IS TO INSTALL MODULAR METERING SERVICE EQUIPMENT EITHER PROVIDED BY THE GOVERNING UTILITY COMPANY OR OF A TYPE APPROVED BY THE UTILITY COMPANY AND U.L. LISTED. IMMEDIATELY AFTER SUB-CONTRACT AWARD, CONTACT WITH THE UTILITY COMPANY SHALL BE MADE FOR COORDINATION OF SERVICE AND METERING DETAILS.

HVAC AIR HANDLER AND CONDENSING UNIT CIRCUIT BREAKERS MUST BE U.L. LISTED AS "HACR" RATED IN ORDER TO USE NON-AUTO DISCONNECTS AT HVAC EQUIPMENT. IF NOT LISTED, THEN A FUSED DISCONNECT IN ACCORDANCE WITH THE EQUIPMENT MANUFACTURER'S NAMEPLATE REQUIREMENTS MUST BE INSTALLED AT THE EQUIPMENT.

THE ELECTRICAL, GENERAL, HVAC, AND PLUMBING CONTRACTOR(S) SHALL STRICTLY ADHERE TO THE FOLLOWING ITEMS WHEN DEALING WITH ELECTRICAL EQUIPMENT CLEARANCES:

- NO PIPING OR DUCTWORK OF ANY KIND SHALL BE INSTALLED ABOVE ANY SWITCHBOARD OR PANELBOARD. THIS AREA TO REMAIN CLEAN FROM THE EQUIPMENT TO 2' ABOVE OR TO THE BOTTOM OF THE STRUCTURAL SLAB.
- A CLEARANCE OF 36" MINIMUM SHALL BE MAINTAINED IN FRONT OF ELECTRICAL EQUIPMENT FOR THE ENTIRE WIDTH OF THE EQUIPMENT, PLUS A MINIMUM OF 30" TOTAL LEFT/RIGHT CLEARANCE.

ALL "WEATHERPROOF" ("WP") DEVICES ARE TO BE INSTALLED WITH A WEATHER-SHIELDING COVER.

ALL ELECTRICAL CONDUITS NOT CONTAINING SPECIFIED CONDUCTORS SHALL HAVE A PULL WIRE INSTALLED.

DO NOT SCALE THE ELECTRICAL DRAWINGS; REFER TO THE ARCHITECTURAL PLANS FOR EQUIPMENT LOCATIONS, CABINETRY, CEILING GRIDS, DOOR SWINGS, ETC.

THE INTENT OF THESE DRAWINGS IS TO PROVIDE A COMPLETE AND FULLY OPERATIONAL ELECTRICAL INSTALLATION.

IT IS NOT THE INTENT OF THESE PLANS TO SHOW ALL DETAILS OF CONSTRUCTION. THE ELECTRICAL CONTRACTOR IS EXPECTED TO FURNISH AND INSTALL ALL ITEMS SUCH AS HARDWARE, J-BOXES, CONDUIT FITTINGS, ETC. AS NECESSARY FOR A COMPLETE ELECTRICAL SYSTEM INSTALLATION.

TECHNICIANS SKILLED IN THEIR TRADE SHALL PERFORM ALL ELECTRICAL INSTALLATIONS IN A PROFESSIONAL MANNER.

WIRE TO, AND MAKE CONNECTIONS AS NECESSARY, TO ALL PIECES OF EQUIPMENT (FURNISHED BY OTHERS), FOR COMPLETE AND SATISFACTORY OPERATION BY THE OWNER.

PROVIDE CIRCUIT BREAKERS, AS NECESSARY, TO ACCOMMODATE ALL NEW CIRCUITS INSTALLED.

ALL SERVICE AND FEEDER CONDUITS SHALL HAVE EXPANSION FITTINGS WHEN PENETRATING SLABS, ETC. TO ALLOW FOR STRUCTURAL SETTLEMENT.

PROVIDE "PVC" CONDUITS STUBBED OUT, BELOW GRADE FOR ADDITIONAL SERVICES, IN ORDER TO PROVIDE CONCEALED TELEPHONE AND/OR DATA SERVICE ENTRANCE.

PROVIDE TIME CLOCKS WITH BATTERY BACK-UP TO CONTROL ALL SIGNAGE AND EXTERIOR LIGHTING CIRCUITS; SEE POWER RISER DIAGRAM FOR ADDITIONAL DETAILS.

ALL CONDUCTORS SHALL BE TYPE THHN/THWN, COPPER (CU) UNLESS OTHERWISE CALLED FOR ON THESE DOCUMENTS. SEE PANEL SCHEDULE.

ALL LIGHTING FIXTURES (INCLUDING THOSE PROVIDED BY OTHERS) ARE TO BE INSTALLED UNDER THIS CONTRACT. SEE SCHEDULE FOR FIXTURE RECOMMENDATIONS, LAMPS, ETC.

NOTICE TO CONTRACTOR: REVISIONS TO THESE DRAWINGS AND CERTIFICATION THEREOF WHICH MAY BE REQUIRED BECAUSE OF CONTRACTOR OPTED REVISIONS, SHALL BE COMPENSATED TO THE ENGINEER(S) BY THE REQUESTING CONTRACTOR. PAYMENT SHALL BE REQUIRED AT THE TIME OF CERTIFICATION DELIVERY.

GENERAL NOTES:

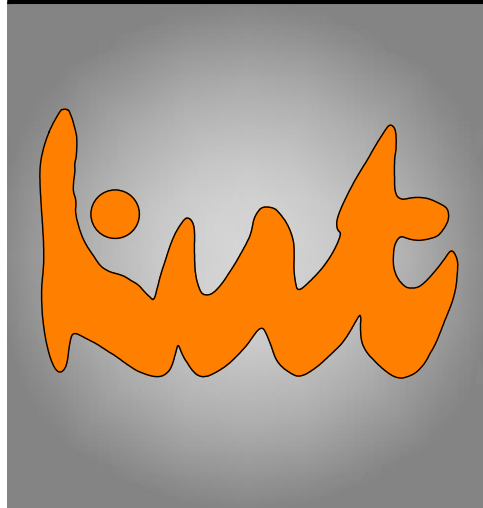
CONTRACTOR SHALL REVIEW ALL CUT SHEETS FOR EQUIPMENT INSTALLED IN THIS PROJECT TO VERIFY ALL LOADING, OVER-CURRENT PROTECTION/MAX FUSE SIZE FOR ALL EQUIPMENT. THIS INCLUDES BUT IS NOT LIMITED TO ALL PUMPS, HVAC EQUIPMENT, LIGHTING, FOOD PREP EQUIPMENT, APPLIANCES ETC. THIS SHALL BE DONE PRIOR TO FINAL EQUIPMENT CONNECTION.

CONTRACTOR SHALL VERIFY VOLTAGE SUPPLIED TO STRUCTURE TO BE THE SAME VOLTAGE AS STATED ON THE RISER DIAGRAM, PANEL SCHEDULES, OR ANY OTHER PLACE ON THESE DRAWINGS. CONTRACTOR SHALL VERIFY VOLTAGE BETWEEN ALL PHASES IS EQUAL TO ENSURE THE STRUCTURE IS NOT SUPPLIED WITH A OPEN DELTA SERVICE. THIS SHALL BE DONE PRIOR TO ANY ELECTRICAL CONNECTION OF ANY ELECTRICAL DEVICES.

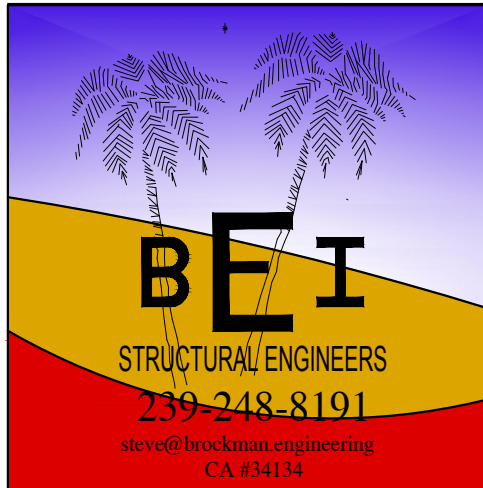
CONTRACTOR'S NOTES:

LIMITED ENGINEERING FIELD INVESTIGATIONS HAVE BEEN CONDUCTED (AS AND AID TO THE CONTRACTOR), TO ILLUSTRATE EXISTING CONDITIONS. THIS DOES NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY TO CONDUCT HIS OWN PERSONAL FIELD INVESTIGATION, WHICH MAY UNCOVER ADDITIONAL CONDITIONS, THUS IMPACTING THIS INSTALLATION.

EQUIPMENT ELECTRICAL ROUGH INs HAVE BEEN COORDINATED AND ARE LISTED IN PANEL SCHEDULES. THE CONTRACTOR IS CAUTIONED TO VERIFY THE ELECTRICAL REQUIREMENTS OF EACH PIECE OF EQUIPMENT PRIOR TO ROUGH-IN, WHICH MAY RESULT IN REVISING CERTAIN EQUIPMENT CIRCUITS. THE A/E SHALL BE ADVISED OF ANY AND ALL REVISIONS REQUIRED TO THESE CONSTRUCTION DOCUMENTS.



E-Mail kfrhea@gmail.com
Cell 321-356-0980
In coordination with:



Permit 2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

2023-05-31

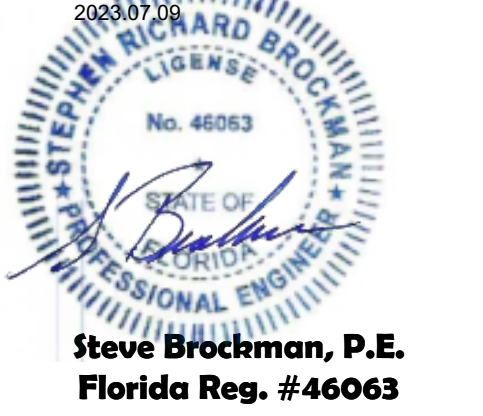
2023-05-31

2023-05-31

2023-05-31

2023-05-31

ANY and ALL lighting facing or shining in the direction of the coast/beach/water SHALL be Turtle compliant

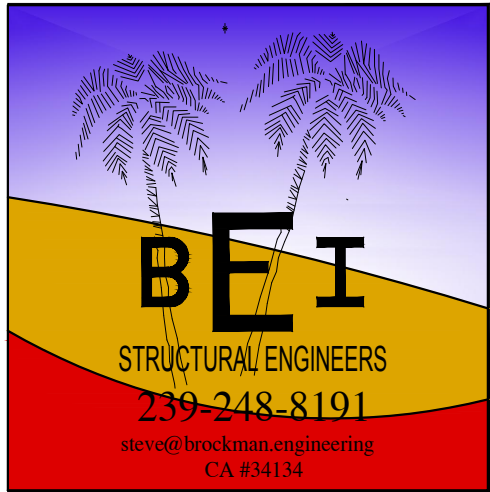


EO.1

[illegible]

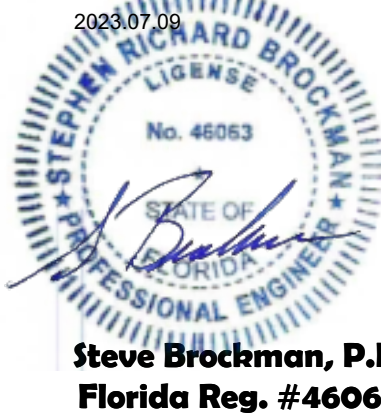


E-Mail kfrhea@gmail.com
Cell 321-356-0980
In coordination with:



Permit 2023-05-31

Katrina &
Brad Voyles
250 Tropical Shores
Fort Myers Beach, FL.



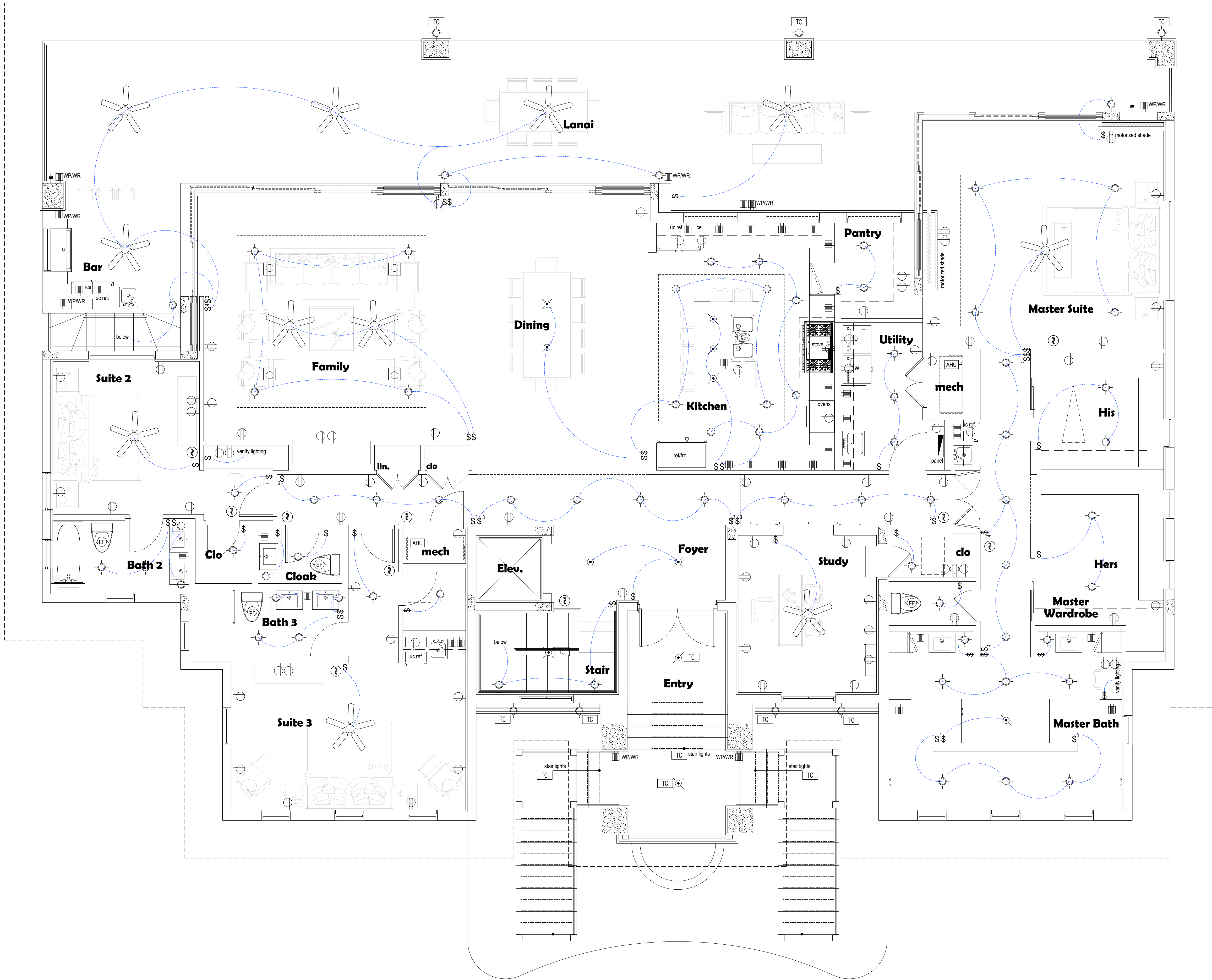
E1.2

Electrical Legend

- S switch: single pole
S³ switch: three way
S⁴ switch: four way
D wall mounted dimmer
F wall mounted ceiling fan/light switch
OS wall mounted occupancy sensor - infra-red
OS occupancy sensor
H momentary contact switch
LC lighting contactor
TC time clock
PC photo cell
2x4 fluorescent light fixture
2x2 fluorescent light fixture
1x4 fluorescent light fixture
— strip light fixture
○ recessed light fixture
○ wall mounted light fixture
○ recessed wall washer light fixture
○ chandelier or pendant
EXIT SIGN
emergency battery unit
○ simplex receptacle
○ duplex receptacle
○ 220V receptacle
○ double duplex receptacle
○ double duplex receptacle mounted above counter
○ duplex gfi receptacle
○ special purpose outlet
○ floor mounted outlet
○ floor mounted comb. outlet and communication outlet
○ floor mounted comb. double outlet and comm. outlet
○ ceiling mounted duplex receptacle
○ telephone outlet
○ W wall mounted telephone outlet
○ telephone/data outlet
○ W wall mounted telephone/data outlet
○ floor mounted telephone outlet
○ television outlet
○ motor disconnect switch
○ ceiling mounted junction box
○ junction box (sized as required per nec)
○ electric motor
○ ceiling fan
○ electric meter
panel
ground rod
MMSS S manual motor starter switch
SPD surge suppression device
flashing strobe light, 24 volt d.c. operation.
P fire alarm manual pull station
fire alarm signal horn with flashing strobe light
smoke detector and carbon monoxide combo at ceiling, photo-electronic type, do not install closer than 3'-0" from a/c supply diffuser.
heat detector
duct smoke detector with sampling tubes

Abbreviations:

- wiring: line voltage - conduits or cable
AF arc fault protected circuit
DCIG dedicated circuit isolated ground
GFCI ground fault circuit interrupter
NL night lighting/24-hour operation
PC controlled by photocell
TC controlled by time clock
LO provide "lock-on" device (paint on)
WPWR weather proof / weather resistant
EF exhaust fan
VR vapor resistant



1
E1.2

1st Level Electrical Plan

Scale: 1/4" = 1' - 0"



January 25, 2024

Town of Fort Myers Beach
Community Development Department
2525 Estero Blvd.
Ft Myers Beach, FL 33931

Subject: 250 Tropical Shores Variance – *Submittal #1*

Intake Team:

The Neighborhood Company is pleased to submit on behalf of our client, Orlandini Development, LLC, a Variance Application for the subject property located at 250 Tropical Shores Way, Ft Myers Beach, FL 33931. The proposed request is to seek the following:

Relief from LDC Sec. 34-638(d)(5)a, which requires single-family residences exceeding 65' in width to provide an articulated front façade where portions of the building exceeding 65' are set back an additional 12' from the right-of-way line (minimum of 37' from the right-of-way). The applicant is requesting a 3' variance from the requirement in order to provide a 9' additional setback.

Please find attached the following items consistent with application submittal checklist:

1. Application Filing Fee (\$1,800)
2. Application for Public Hearing
 - a. Disclosure of Ownership & Affidavit of Authorization
 - b. Letter of Authorization
 - c. Legal Description
 - d. Boundary Survey (Exhibit 6-2)
 - e. Area Location Map; (Exhibit 6-3)
 - f. Surrounding Property Owners List (Exhibit 6-6)
 - g. Surrounding Property Owners Map (Exhibit (6-7)
 - h. Surrounding Property Owners Mailing Labels
3. Supplement PH-B for a Variance
 - a. Request Narrative



- b. Site Plan
- c. Permit Plans

We look forward to your review and are available to answer questions related to this application.

Sincerely,
The Neighborhood Company

Kenrick Gallander, AICP
Vice President, Partner

Attachments: Application Submittal Requirements (listed above)

cc: Orlandini Development Inc.
File #230042.01.01



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: 250 Tropical Shores Way, Fort Myers Beach, FL 33931

STRAP Number: 19-46-24-W3-00451.0370

Applicant: The Neighborhood Company Phone: 850-803-5621

Contact Name: Kenrick Gallander, AICP Phone: _____

Email: KG@theneighborhood.company Fax: _____

Current Zoning District: Residential Conservation (RC)

Future Land Use Map (FLUM) Category: Mixed Residential

FLUM Density Range: 6 du/ac 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*: The Neighborhood Company Phone: 850-803-5621

**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: 5618 Whispering Willow Way, Fort Myers, FL 33908

Email: KG@theneighborhood.company Fax: _____

Contact Name: Kenrick Gallander, AICP Phone: 850-803-5621



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: Joe Orlandini, Orlandini Development Inc. Phone: 239-537-1333

Address: 17080 Safety St., Suite 101, Fort Myers, FL 33908

Email: joe@joe22.com Fax: _____

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 34 - 638(d)(5)a
- ☐ 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.

Bradley A. Voyles
Signature

Bradley A. Voyles
Printed Name

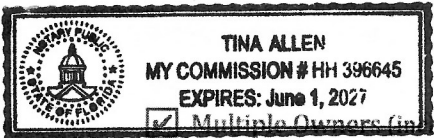
STATE OF FL COUNTY OF LEE

The foregoing instrument was certified and subscribed before me by means of X physical presence OR online notarization, this 17 day of Jan, 2024, by

Bradley Voyles ☐ who is personally known to me OR ☒ who has produced

Unalien DL 8948-49-7643 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	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
Bradley A Voyles & Katrina M. Voyles Joint Revocable Trust	100

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
N/A	

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
N/A	



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

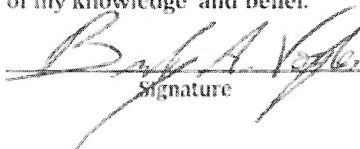
Date of Contract: _____

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

Name	Address
N/A	
_____	_____
_____	_____
_____	_____

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

Bradley A. Voyles
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, Bradley A. Voyles (name), as co-Trustee (title)
of Bradley A. and Katrina M. Voyles Joint 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**

Bradley A. and Katrina M. Voyles Joint Revocable Trust

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

Bradley A. Voyles
Signature

co-Trustee
Title

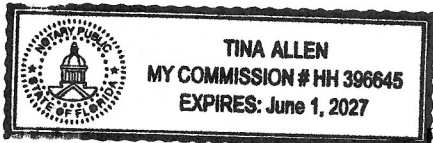
Bradley A. Voyles
Typed or Printed Name

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 17 day of Jun, 2024, by Bradley Voyles ☐ who is personally known to me OR ☒ who has produced Inalcin 8945-49-7043 as identification.

[Signature]
Notary Public Signature



PART VI- Property Information

A. Legal Description:

STRAP: 19-46-24-W3-00451.0370

Property Address: 250 Tropical Shores Way, 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: T. P. Hill's Subdivision

Book: 3 Page: 84 Unit: _____ Block: _____ Lot(s): 31 N 50', LT 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) 110 feet
Depth (please provide an average width if irregular in shape) 112 feet
Frontage on street: 110 feet. Frontage on waterbody: 110 feet
Total land area: 0.28 ☒ acres ☐ square feet

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

Head south from the Sky Bridge on San Carlos Blvd. which turns slightly left and
becomes Estero Blvd., approximately 1 mile turn left onto Tropical Shore Way.

The property is approximately 0.3 mile and will be on the right.

☐ 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 |



THE NEIGHBORHOOD
COMPANY

I Bradley A. Voyles, as co-Trustee of the Bradley A. and Katrina M. Voyles Joint Revocable Trust, owner of property located at 250 Tropical Shores Way, Fort Myers Beach, FL, identified by STRAP Number 19-46-24-W3-00451.0370, hereby authorizes The Neighborhood Company regarding the above-referenced property to serve as agent for the Town of Ft Myers Beach Planned Development Variance Application.

Bradley A. and Katrina M. Voyles Joint
Revocable Trust

By: Bradley A. Voyles
Print Name: Bradley A. Voyles
Title: co-Trustee

STATE OF FL
CITY OF LEE

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this 18 day of June, 2024 by Bradley A. Voyles, as co-Trustee of Bradley A. and Katrina M. Voyles Joint Revocable Trust, on behalf of the company(s), who ☐ is personally known to me OR ☒ has produced a(n) driver's license as identification.

(NOTARY STAMP)

Tina Allen
Notary Public, State of Florida
Print Name: TINA ALLEN
My Commission Expires June 1, 2027





250 TROPICAL SHORES WAY VARIANCE

EXHIBIT 6-1: STRAP & LEGAL DESCRIPTION

- **STRAP NUMBER:** 19-46-24-W3-00451.0370
- **LEGAL DESCRIPTION**

BEGINNING AT THE SOUTHEAST CORNER OF LOT 33 OF T.P. HILLS SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF LEE COUNTY, FLORIDA, IN PLAT BOOK 3, PAGE 84; THENCE NORTH ALONG THE EAST SIDE OF LOT 33, 500 FEET; THENCE NORTHWESTERLY PARALLEL TO ESTERO BOULEVARD (STATE ROAD NUMBER 8650) 201.81 FEET TO A POINT WHICH IS ON THE EASTERLY RIGHT OF WAY 1000 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE NORTH ON SAID COURSE 110 FEET; THENCE EAST 110 FEET MORE OR LESS TO THE OUTER EDGE OF A SEAWALL AND WATERS OF A DEDICATED CANAL; THENCE SOUTH ALONG SAID WATER EDGE 110 FEET; THENCE WEST 110 FEET MORE OR LESS TO THE POINT OF BEGINNING. (BEING ALSO KNOWN AS THE NORTH 50 FEET OF LOT 15 AND THE SOUTH 60 FEET OF LOT 16 OF TROPICAL SHORES, ACCORDING TO AN UNRECORDED PLAT), OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

CANAL PARCEL:

A PARCEL OF LAND, LYING WEST OF AND ADJACENT TO THE EAST LINE OF THE LANDS DESCRIBED IN INSTRUMENT #2018000201402, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LANDS DESCRIBED IN INSTRUMENT #2018000201402; THENCE N00°05'42"E, ALONG THE EAST LINE OF SAID LANDS, A DISTANCE OF 1073.26 FEET TO THE POINT OF BEGINNING; THENCE N89°54'18"W, PERPENDICULAR TO SAID EAST LINE, A DISTANCE OF 78.02 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THE LANDS DESCRIBED IN INSTRUMENT #2018000096634; THENCE N00°05'42"E, ALONG THE EAST LINE OF SAID LANDS DESCRIBED IN INSTRUMENT #2018000096634 AND ALONG THE WEST LINE OF SAID LANDS DESCRIBED IN INSTRUMENT #2018000201402, A DISTANCE OF 110.00 FEET TO THE NORTHEAST CORNER OF SAID LANDS DESCRIBED IN INSTRUMENT #2018000096634; THENCE S89°54'18"E, PERPENDICULAR TO SAID EAST AND WEST LINES, A DISTANCE OF 78.02 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF SAID LANDS DESCRIBED IN INSTRUMENT #2018000201402 THENCE S00°05'42"W, ALONG SAID EAST LINE, A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 8,582 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION FROM SURVEY WHICH WAS PROVIDED BY CLIENT.

Page 108 of 187

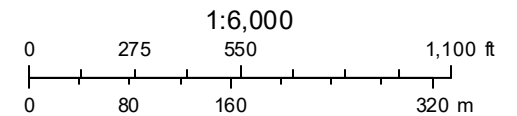
250 Tropical Shores Way Project Location



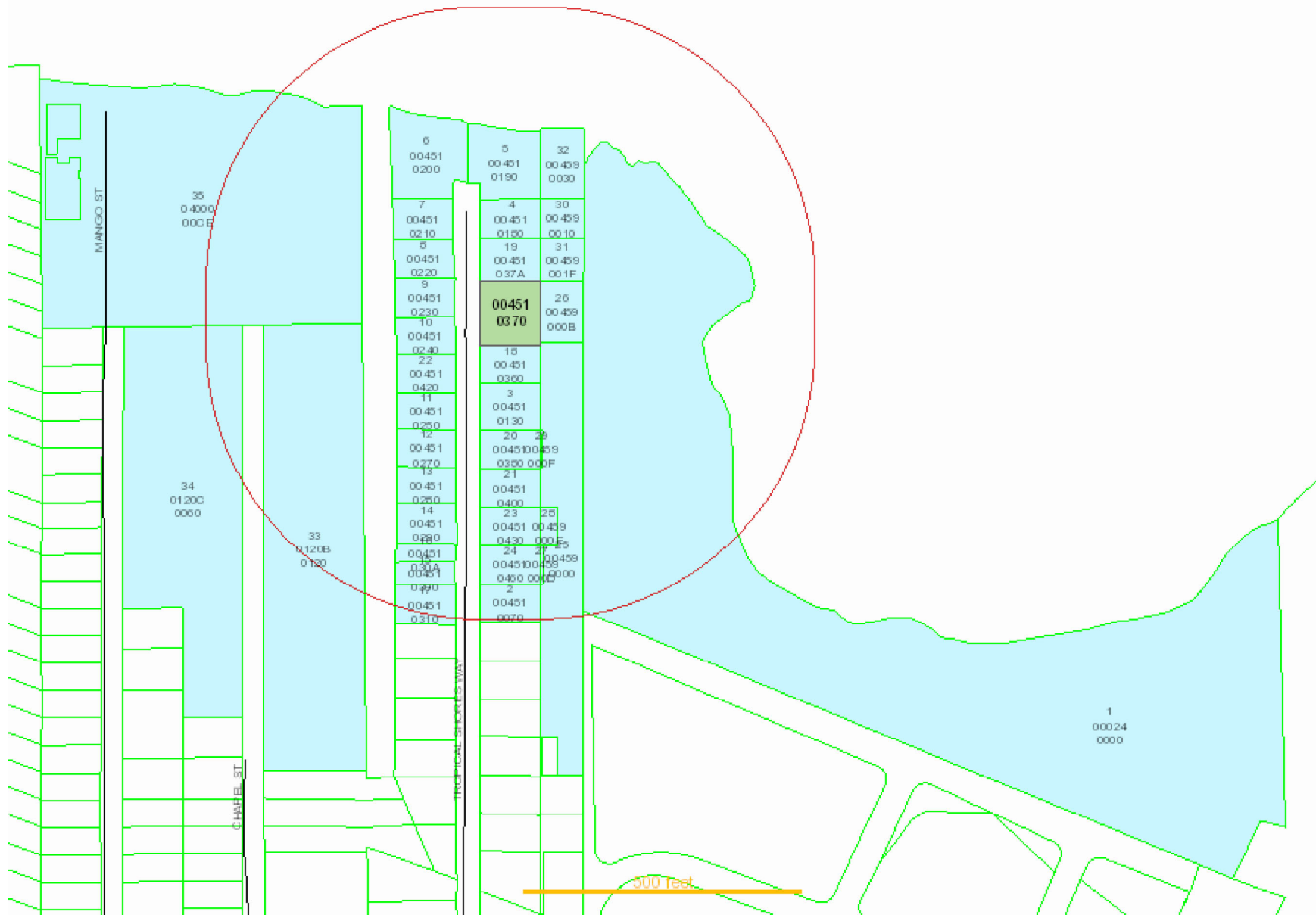
January 15, 2024

Air Photos: 2023 Hi-Res (3 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 | |



Subjects: 1	Affected: 35	Buffer: 500	Date: 1/19/2024 12:00:00 AM					
Folioid	OwnerName	OwnerName2	MailAddress	MailCity	MailState	MailZip	MailCountry	
10227598	VOYLES BRADLEY A TR		1020 NANTUCKET DR	CICERO	IN	46034		
10227530	LEE COUNTY		PO BOX 398	FORT MYERS	FL	33902		
10227575	GILLAN JOSEPH A TR		150 TROPICAL SHORES WAY	FORT MYERS BEACH	FL	33931		
10227576	JENSEN DAVID J & KRISTIE		PO BOX 91	BUCKHORN	ON	K0L 1J0	CANADA	
10227577	KEISER WILLIAM B JR TR		PO BOX 370	RIDGELY	TN	38080		
10227578	WHITE SANDS LLC		PO BOX 22538	INDIANAPOLIS	IN	46222		
10227579	QUINTON TIMOTHY M TR		289 TROPICAL SHORES WAY	FORT MYERS BEACH	FL	33931		
10227580	WEIT MARTIN & DAWN F		275 TROPICAL SHORES WAY	FORT MYERS BEACH	FL	33931		
10227581	BUCHHOLZ LYNN		265 TROPICAL SHORES WAY	FORT MYERS BEACH	FL	33931		
10227582	SCHWARTZ DEREK & KRISTEN		3329 ROSA AVE	NEW SMYRNA BEACH	FL	32168		
10227583	ZACCANELLI TODD TR		235 TROPICAL SHORES WAY	FORT MYERS BEACH	FL	33931		
10227584	DEER ANN E TR		636 NANAK CT	NAPERVILLE	IL	60565		
10227585	PRARAZ BUILDERS LLC		4110 CENTER POINTE DR #210	FORT MYERS	FL	33916		
10227586	WOODARD CLAY E & DEBRA A TR		6199 N LARSON RD	FOUNTAIN	MI	49410		
10227587	KORMOS GEORGE N & JEAN M		412 JEFFERSON CT	FORT MYERS BEACH	FL	33931		
10227588	BEAULIEU BETSY A		155 TROPICAL SHORES WAY	FORT MYERS BEACH	FL	33931		
10227589	HOUSTON CAROLYN R		1104 KIMBERLY RD #112	BETTENDORF	IA	52722		
10227590	HANYO DONALD F & LORETTA		715 BUMBY ST E	LEHIGH ACRES	FL	33974		
10227597	QUINTON TIMOTHY M TR		2226 SR 2153	MORGANFIELD	KY	42437		
10227599	CES MANAGEMENT LLC		4077 KRAFT PKWY	FORT WAYNE	IN	46808		
10227600	KIDD ANTON M & KIMBERLY A		1629 VICTORIA POINTE LN	WESTON	FL	33327		
10227602	RODWELL DOROTHY L		12770 WATERFORD CIR APT 138	FORT MYERS	FL	33919		
10227604	EMMERICH MELANIE D TR		6601 BRIGHT RD	NORTH FORT MYERS	FL	33917		
10227605	UNIQUE DREAMS UNLIMITED LLC		5550 PROGRESS RD	INDIANAPOLIS	IN	46241		
10227608	GILLAN ALLAN F		156 TROPICAL SHORES WAY	FORT MYERS BEACH	FL	33931		
10603948	PAPPAS GEORGE TR		28461 US 19 N	CLEARWATER	FL	33761		
10600189	VOYLES BRADLEY A TR		8835 FOXLAND RUN	ZIONSVILLE	IN	46077		
10603022	PAPPAS GEORGE TR		28461 US 19 N	CLEARWATER	FL	33761		
10600847	UNIQUE DREAMS UNLIMITED LLC		5550 PROGRESS RD	INDIANAPOLIS	IN	46241		
10603483	PAPPAS GEORGE TR		28461 US 19 N	CLEARWATER	FL	33761		
10613482	PAPPAS GEORGE TR		28461 US 19 N	CLEARWATER	FL	33761		
10613483	SHIVELY TRENT & LISA		227 WAVE ROCK RUN W	FORT WAYNE	IN	46845		
10602715	WHITE SANDS LLC		PO BOX 22538	INDIANAPOLIS	IN	46222		
10227712	JAMIESON JAMES J		13299 OAK HILL LOOP	FORT MYERS	FL	33912		
10227716	JAMIESON JAMES J		13299 OAK HILL LOOP	FORT MYERS	FL	33912		
10227942	SEA GRAPE BAY CONDO ASSOC	ALLIANT PROPERTY MANAGEMENT	13831 VECTOR AVE	FORT MYERS	FL	33907		



LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

GILLAN JOSEPH A TR
150 TROPICAL SHORES WAY
FORT MYERS BEACH FL 33931

JENSEN DAVID J & KRISTI E
PO BOX 91
BUCKHORN ON K0L 1J0
CANADA

KEISER WILLIAM B JR TR
PO BOX 370
RIDGELY TN 38080

WHITE SANDS LLC
PO BOX 22538
INDIANAPOLIS IN 46222

QUINTON TIMOTHY M TR
289 TROPICAL SHORES WAY
FORT MYERS BEACH FL 33931

WEIT MARTIN & DAWN F
275 TROPICAL SHORES WAY
FORT MYERS BEACH FL 33931

BUCHHOLZ LYNN
265 TROPICAL SHORES WAY
FORT MYERS BEACH FL 33931

SCHWARTZ DEREK & KRISTEN
3329 ROSA AVE
NEW SMYRNA BEACH FL 32168

ZACCANELLI TODD TR
235 TROPICAL SHORES WAY
FORT MYERS BEACH FL 33931

DEER ANN E TR
636 NANAK CT
NAPERVILLE IL 60565

PRARAZ BUILDERS LLC
4110 CENTER POINTE DR #210
FORT MYERS FL 33916

WOODARD CLAY E & DEBRA A TR
6199 N LARSON RD
FOUNTAIN MI 49410

KORMOS GEORGE N & JEAN M
412 JEFFERSON CT
FORT MYERS BEACH FL 33931

BEAULIEU BETSY A
155 TROPICAL SHORES WAY
FORT MYERS BEACH FL 33931

HOUSTON CAROLYN R
1104 KIMBERLY RD #112
BETTENDORF IA 52722

HANYO DONALD F & LORETTA
715 BUMBY ST E
LEHIGH ACRES FL 33974

QUINTON TIMOTHY M TR
2226 SR 2153
MORGANFIELD KY 42437

CES MANAGEMENT LLC
4077 KRAFT PKWY
FORT WAYNE IN 46808

KIDD ANTON M & KIMBERLY A
1629 VICTORIA POINTE LN
WESTON FL 33327

RODWELL DOROTHY L
12770 WATERFORD CIR APT 138
FORT MYERS FL 33919

EMMERICH MELANIE D TR
6601 BRIGHT RD
NORTH FORT MYERS FL 33917

UNIQUE DREAMS UNLIMITED LLC
5550 PROGRESS RD
INDIANAPOLIS IN 46241

GILLAN ALLAN F
156 TROPICAL SHORES WAY
FORT MYERS BEACH FL 33931

PAPPAS GEORGE TR
28461 US 19 N
CLEARWATER FL 33761

VOYLES BRADLEY A TR
8835 FOXLAND RUN
ZIONSVILLE IN 46077

PAPPAS GEORGE TR
28461 US 19 N
CLEARWATER FL 33761

UNIQUE DREAMS UNLIMITED LLC
5550 PROGRESS RD
INDIANAPOLIS IN 46241

PAPPAS GEORGE TR
28461 US 19 N
CLEARWATER FL 33761

PAPPAS GEORGE TR
28461 US 19 N
CLEARWATER FL 33761

SHIVELY TRENT & LISA
227 WAVE ROCK RUN W
FORT WAYNE IN 46845

WHITE SANDS LLC
PO BOX 22538
INDIANAPOLIS IN 46222

JAMIESON JAMES J
13299 OAK HILL LOOP
FORT MYERS FL 33912

JAMIESON JAMES J
13299 OAK HILL LOOP
FORT MYERS FL 33912

SEA GRAPE BAY CONDO ASSOC
ALLIANT PROPERTY MANAGEMENT
13831 VECTOR AVE
FORT MYERS FL 33907



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: 250 Tropical Shores Variance
Authorized Applicant: Kenrick Gallander, AICP
LeePA STRAP Number: 19-46-24-W3-00451.0370

Current Property Status: Vacant	
Current Zoning: Residential Conservation (RC)	
Future Land Use Map (FLUM) Category: Mixed Residential	
Comp Plan Density: 6 du/ac	Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
LDC Sec. 34-638(d)(5)a	Minimum Setbacks

Complete the narrative statements below for EACH variance requested.



Case # _____ Date Received: _____

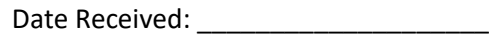
PART I
Narrative Statements

Request for variance from LDC Sec. 34-638(d)(5)a (LDC Section number)

Explain the specific regulation contained in this section from which relief is sought:
See attached Narrative Request

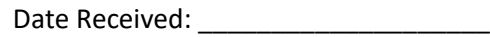
Reasons for request

Explain why the variance is needed:
See attached Narrative Request



See attached Narrative Request

See attached Narrative Request



See attached Narrative Request



**250 Tropical Shores Way
Variance Request**

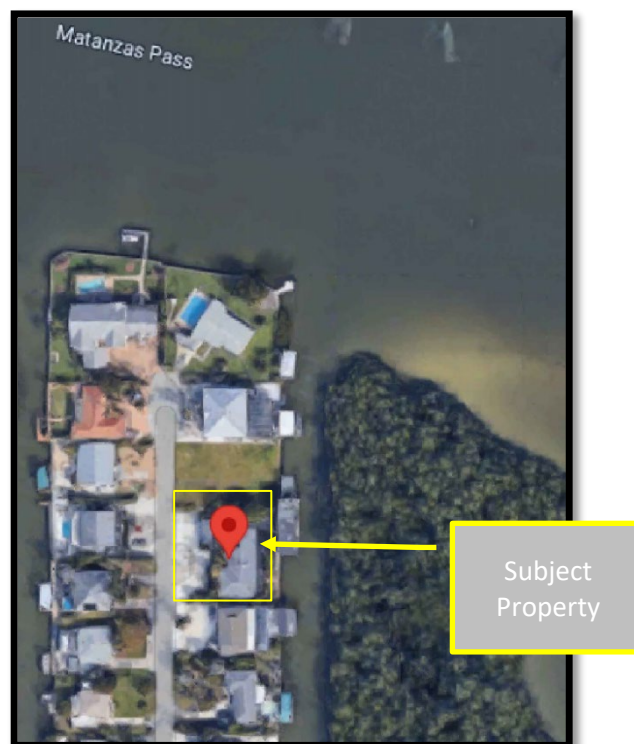
REQUEST NARRATIVE

REQUEST & BACKGROUND

The Neighborhood Company, on behalf of Orlandini Development Inc., requests a right-of-way setback variance for the proposed single-family residence at 250 Tropical Shores Way.

This petition seeks relief from LDC Sec. 34-638(d)(5)a, which requires single-family residences exceeding 65' in width to provide an articulated front façade where portions of the building exceeding 65' are set back and additional 12' from the right-of-way line (minimum of 37' from the right-of-way). The Applicant is requesting a four-foot variance from the requirement in order to provide an 8-foot additional setback.

The subject property encompasses 0.28 +/- acres, is located at 250 Tropical Shores Way and is identified as STRAP #19-46-24-W3-00451.0370. The property has a Future Land Use Designation of Mixed Residential and is within the Residential Conservation (RC) zoning designation. The property was previously developed with a single-family residence which was significantly damaged by Hurricane Ian.



PROPERTY LOCATION



PROPOSED REDEVELOPMENT

The applicant proposes to redevelop the subject property with a new single-family residence and accessory pool. The property is approximately 110' wide and 112' deep with the proposed residence measuring 90' x 62'. The rebuilt residence will consist of a one-story single-family residence over parking and storage.

NARRATIVE STATEMENTS

The following information is provided to address the narrative statement requests contained within the Supplement Form PH-B, Additional Required Information for a Variance Application. The directions contained within the application are presented in bold and underlined, with our responses below.

Request for variance form LDC Section 34-638(d)(5)(a). Explain the specific regulation contained in this section from which relief is sought.

The specific regulation contained in Land Development Code Section 34-638 from which relief is being requested is LDC Sec. 34-638(d)(5)(a) which states, *"no more than 65 feet of the structure may be constructed between the street setback line (25 feet from right-of-way/property line) and 37 feet from the right-of-way/property line. Any portion of the structure exceeding 65 feet in width shall be set back an additional 12 feet (37 feet from the right-of-way/property line)"*. The requested variance is to reduce the additional setback by 3 feet which would result in an additional setback of 8' rather than 12'. As depicted on the attached site plan, the new residential structure will provide an articulated building in which less than 65' of the front façade will be located at the 25-foot setback line. As can be seen from the site plan, the two garage entrances that protrude forward measure approximately 40 feet (20' each) and are located at the 25-foot setback line. The remainder of the building is recessed. The recessed areas on each end of the residence meet the additional 12' requirement; however, the central portion between the garage entrances provides an eight-foot additional setback bringing that portion of the building 33' from the right-of-way line rather than 37' as required by code.

This section of the code was recently amended following Hurricane Ian. This regulation was changed as part of broader changes to setback requirements meant to provide relief for individuals rebuilding on non-conforming or smaller lots.

Reasons for request. Explain why the variance is needed:

Hurricane Ian caused catastrophic damage to the subject property. Permit # 231309 was issued on February 6, 2023, for the demolition of the hurricane-damaged residence and pool. The most recent version of LDC Sec. 34-638 was subsequently approved by Fort Myers Beach Town Council in February 2023,



after the property owners had already designed their new home. LDC Sec. 34-633(d)(5)(a) creates a hardship for the property owners as the residence was designed with varying front yard setbacks (articulated façade) but one small portion of the home's façade, the central entrance and stairwell area, does not meet the 12' additional setback.

In order for the residence to comply with this ordinance, it would require a complete redesign of the architectural and structural plans and new permit applications. This redesign and permitting would cause the homeowners a significant hardship due to the additional cost, permitting time and construction delays. The applicant has evaluated the option of pushing back the entire home an additional four feet, but that would cause undesirable impacts to an already tight pool and deck configuration and a limited rear yard. The applicant also looked at modifying the house plan to push back the central entrance area of the home an additional four feet, but that causes numerous structural and design repercussions that warrant a major rework of the plans.

We believe that the requested variance is a de minimus departure from the strict letter of the code while respecting and remaining consistent with the intent of LDC Sec. 34-638(d)(5)(a). The intent of this section in the land development code is to minimize the massing created by long straight walls with no architectural relief. Requiring protrusion and recessed areas (articulation) for front facades creates visual interest, varied rooflines and a richer architectural fabric. We believe the proposed design for the single-family residence achieves the intent of this code section and that an eight-foot additional setback at the center of the property is as effective in creating design variations and visual interest as the 12' requirement. The 12' dimension is somewhat arbitrary in that the "articulation" is what matters and that breaking up a long uniform wall can be effectively achieved by an eight-foot additional setback. Moreover, this recessed area is where the home's front door is located and where there is significant architectural detail resulting from the double-sided stairway, covered porch, balconies, louvers, and varied roof lines that create a richly textured entrance and front façade.

Moreover, the proposed design will be constructed to meet all applicable Florida Building Codes and FEMA requirements, and that will be an asset to the Tropical Shores Way neighborhood.

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

The homes on Tropical Shores Way have been constructed by a variety of builders at different times. As such, the homes are of varying ages, sizes and styles. Granting this variance will not impact surrounding properties and the variance will not result in a structure or design feature that stands out or is out of character for the neighborhood. Additionally, the proposed residence will be an attractive, quality-built home that will adhere to modern requirements and will create a more resilient property that will be an asset to the neighborhood.



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

The property owner have, like so many others on the island, experienced the devastation caused by Hurricane Ian and are in the process of rebuilding their lives. Through the process of designing their home and applying for permits, it was discovered that the current design will not meet the new LDC section. The additional 12-foot setback was established by the Town in order to provide architectural interest. As described above, the hardship that justifies relief from this regulation is the destruction of their previous home, the timing associated with the drafting of the architectural plans, the changing LDC requirements and the significant cost and time that would be associated with redesigning this home. Lastly, the construction delays associated with a redesign would compound the property owner's loss.

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in 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;**

Yes, there are extraordinary circumstances resulting from the destruction caused by Ian, Additionally, the request is for a de minimis variance of approximately four feet from the additional 12-foot setback requirement for a portion of the front façade as described above. The granting of this variance will not cause harm to the surrounding properties and rigid compliance is not necessary to protect public policy as many residences were built on the island prior to the implementation of this code section and in that the proposed unquestionably meets the intent of this code section.

- (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;**

The extraordinary conditions which justify the variance result from the storm and from confusion associated with changing regulations. As mentioned above, detailed architectural, structural, and site civil plans were developed and submitted to the Town for approval. But for a small portion of the front facade that does not meet the strict requirement for an additional 12-foot setback, the building permit could be approved, and reconstruction could commence. It should also be noted that alternate design solutions have been evaluated and cannot be achieved without an elaborate redesign. Both of these conditions are beyond the control of the homeowners and are not a result of their actions.



(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;

The requested variance is the minimum variance that will allow the homeowners to proceed with their current home design and site configuration. The reduction in the additional setback by approximately four feet will not be noticeable since the design already contains significant architectural detail and includes other recessed areas that meet the requirement. As described above, establishing an additional setback to promote “articulation” and visual interest is somewhat arbitrary in that there are no commonly accepted standards to achieve the desired outcome. Establishing an additional setback is more art than science. As can be seen from the attached set of plans, and more specifically sheet A3.1, the desired outcome is achieved, and the variance is indeed the minimum variance needed to make the proposed design feasible.

(4) Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare; and

The granting of the variance would not be injurious to the neighborhood or otherwise detrimental to the public welfare. Through the granting of this variance the proposed residence will be consistent with other existing residences along Tropical Shores Way and throughout Fort Myers Beach as the existing residences were constructed at various times and have varying setbacks.

(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.

The conditions and circumstances surrounding this property for which the variance is sought are specific to this site and situation. It would not be reasonable or practical to amend the regulation in question as there are many properties throughout the island which benefit from this regulation.



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 Local Planning Agency/ Town Council of the Town of Fort Myers Beach will be conducting a public hearing at the Town Hall Council Chambers located at 2731 Oak St, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: LPA March 12, 2024, and Town Council April 1, 2024

CASE: VAR20240027

ADDRESS: 250 Tropical Shores Way

APPLICANT: The Neighborhood Company

REQUEST: The applicant is requesting a 4-foot variance from LDC Section 34-638(d)(5)(a)(1) in the RC zoning district to reduce required setbacks for residences wider than 65-feet.

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

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing, the **Local Planning Agency/ Town Council** will review the application materials and hear testimony to make a **recommendation/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 Local Planning Agency/ Town Council of the Town of Fort Myers Beach will be conducting a public hearing at the Town Hall Council Chambers located at 2731 Oak St, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: LPA March 12, 2024, and Town Council April 1, 2024

CASE: VAR20240027

ADDRESS: 250 Tropical Shores Way

APPLICANT: The Neighborhood Company

REQUEST: The applicant is requesting a 4-foot variance from LDC Section 34-638(d)(5)(a)(1) in the RC zoning district to reduce required setbacks for residences wider than 65-feet.

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

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing, the **Local Planning Agency/ Town Council** will review the application materials and hear testimony to make a **recommendation/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 Local Planning Agency/ Town Council of the Town of Fort Myers Beach will be conducting a public hearing at the Town Hall Council Chambers located at 2731 Oak St, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: LPA March 12, 2024, and Town Council April 1, 2024

CASE: VAR20240027

ADDRESS: 250 Tropical Shores Way

APPLICANT: The Neighborhood Company

REQUEST: The applicant is requesting a 4-foot variance from LDC Section 34-638(d)(5)(a)(1) in the RC zoning district to reduce required setbacks for residences wider than 65-feet.

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

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing, the **Local Planning Agency/ Town Council** will review the application materials and hear testimony to make a **recommendation/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 Local Planning Agency/ Town Council of the Town of Fort Myers Beach will be conducting a public hearing at the Town Hall Council Chambers located at 2731 Oak St, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: LPA March 12, 2024, and Town Council April 1, 2024

CASE: VAR20240027

ADDRESS: 250 Tropical Shores Way

APPLICANT: The Neighborhood Company

REQUEST: The applicant is requesting a 4-foot variance from LDC Section 34-638(d)(5)(a)(1) in the RC zoning district to reduce required setbacks for residences wider than 65-feet.

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

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing, the **Local Planning Agency/ Town Council** will review the application materials and hear testimony to make a **recommendation/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»

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

Yellow Sheet Number: **2024-1529**

1. Request:

Meeting Date: March 12, 2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20230302, REQUESTING CONSUMPTION ON PREMISES FOR A RESTAURANT WITH A BAR/ COCKTAIL LOUNGE THAT IS VISIBLE FROM THE EXTERIOR OF THE RESTAURANT PER SEC. 34-1264(B)(2)A.3., FOR THE PROPERTY LOCATED AT 450 HARBOR COURT; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The LPA hears special exceptions and makes recommendations to the Town Council.

What the action accomplishes:

Approval of the special exception will allow consumption on premises for a bar that is visible from the exterior of a restaurant.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

The applicant for Rude Shrimp at 450 Harbor Court is requesting a Special Exception to allow on-premise consumption of alcohol at a restaurant with a bar that is visible from the exterior of the restaurant. Restaurants are allowed to serve alcohol without a special exception unless they fail to meet several requirements. One of those requirements is Section 34-1264(b)(2)a.3. which states that there must be no bar visible from the exterior of the restaurant. The Rude Shrimp has a bar in a trailer, which is visible from the exterior of the restaurant.

Attachments:

1. 24-XX SEZ20230302 450 Harbor Ct
2. LPA Staff Report
3. Exhibit A - Aerial Layout
4. Exhibit B - Complete Application
5. Exhibit C - LPA AND TC postcard
6. Exhibit D - letters from neighbors

Financial Impact:

unknown

6. Alternative Action

Approve with conditions

7. Staff Recommendations:

Denial

8. Recommended Approval:

Date: March 04, 2024

Frankie Kropacek, Operations & Compliance Director

Date: March 07, 2024

nancy stuparich, Town Attorney

Date: March 08, 2024

Amy Baker, Town Clerk

RESOLUTION NUMBER 24-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20230302, REQUESTING CONSUMPTION ON PREMISES FOR A RESTAURANT WITH A BAR/ COCKTAIL LOUNGE THAT IS VISIBLE FROM THE EXTERIOR OF THE RESTAURANT PER SEC. 34-1264(B)(2)A.3., FOR THE PROPERTY LOCATED AT 450 HARBOR COURT; PROVIDING FOR 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, Freeland FL Holdings LLC, owners of the property situated at 450 Harbor Court, is requesting a special exception which requires Requesting a Special Exception for Consumption on Premises for a restaurant with a bar/ cocktail lounge that is visible from the exterior of the restaurant per Sec. 34-1264(b)(2)a.3. and for live and amplified music; and

WHEREAS, the STRAP number for the subject property is 24-46-23-W3-00027.0000; and

WHEREAS, the Property is located in the "Marina" category of the Future Land Use Map of the Comprehensive Plan and the "Commercial Marina" 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 March 12, 2024, 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 found that the request is/ is not consistent with the comprehensive plan and the requirements of the LDC and voted to recommend approval/ approval with conditions/ denial of the variance; and

WHEREAS, on April 1, 2024, 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, interested parties and public, the Town Council APPROVES/ APPROVES WITH CONDITIONS/ DENIES a request for variance from LDC 34-638(d)(1)g. which requires new at-grade mechanical equipment to not encroach into a side yard setback and to be located on the side of the property with the larger setback, where there are differing side setback widths.

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. Lighting must be downward directed, shielded and may not created glare off of property.
- C. The special exception to allow an outdoor bar 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.
- D. Live music is allowed on 450 Harbor Court but drums are not allowed as part of the entertainment.
- E. Amplified music is allowed on 450 Harbor Court until 6:30pm Sunday through Thursday, after which amplified music may not be louder than 65-decibels as long as the other conditions of approval are upheld.
- F. Amplified music is allowed on 450 Harbor Court on Friday and Saturday and will be controlled by the Town’s noise ordinance (LDC sec. 14-23; Table-1), as long as the other conditions of approval are upheld.
- G. 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, Council Member	_____
Scott Safford, Council Member	_____
Karen Woodson, Council Member	_____

ADOPTED this ___ day of April 2024 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, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of March 2024.



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Special Exception

CASE NUMBER: SEZ—Special Exception, 20230302

CASE NAME: 450 Harbor Court, Consumption on Premises for a restaurant with a bar/ cocktail lounge that is visible from the exterior of the restaurant per Sec. 34-1264(b)(2)a.3.

LPA

HEARING DATE: March 12, 2024 at 9:00 AM

STAFF

RECOMMENDATION: Denial

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

I. APPLICATION SUMMARY

Applicant/Owner: Lisa Lahners/Freeland FL Holdings LLC

Request: Requesting a Special Exception for Consumption on Premises for a restaurant with a bar/ cocktail lounge that is visible from the exterior of the restaurant per Sec. 34-1264(b)(2)a.3. and for live and amplified music.

Subject property: See attached drawing

Physical Address: 450 Harbor Court

STRAP #: 24-46-23-W3-00027.0000

FLU: Marina

Zoning: Commercial Marina (CM)

Adjacent zoning and land uses:

North:	Water/Matanzas Pass
South:	Residential Conservation (RC) Mixed Residential
East:	Downtown (D) Pedestrian Commercial
West:	Canal then Residential Single-Family Low Density

II. BACKGROUND AND ANALYSIS

Background:

Lisa Lahners, applicant for Rude Shrimp at 450 Harbor Court is requesting a Special Exception to allow on-premise consumption of alcohol at a restaurant with a bar that is visible from the exterior of the restaurant. Restaurants are allowed to serve alcohol without a special exception unless they fail to meet several requirements, one of those requirements is Section 34-1264(b)(2)a.3. which states that there must be no bar visible from the exterior of the restaurant. The Rude Shrimp has a bar in a trailer, which is visible from the exterior of the restaurant.

The CM zoning district allows “marina accessory uses” as an accessory use to a marina. The code defines ***Marina accessory uses*** as *uses normally ancillary and subordinate to a marina, including but not limited to: boat dealers; sale of marine fuel and lubricants, marine supplies, boat motors, and boat parts; restaurant or refreshment facility, boat rental, minor boat rigging, boat repair and service, and motor repair. However, no dredge, barge, or other work dockage or service is permitted and no boat construction or reconstruction is permitted.*

The drawing provided by the applicant (Exhibit A) shows the proposed site layout for The Rude Shrimp trailers. From right to left of the drawing (east to west) a smaller, square shipping container (used for merchandise), the black rectangle is the bar shipping container, the red rectangle is the indoor seating shipping container, the next square is the dry storage shipping container, the next square is the current mobile food truck, and the last square will be a new, 2nd food truck. Of important note, this is not the current location of the trailer units. The Coast Guard is currently in that location on the property.

Analysis:

After Hurricane Ian, The Rude Shrimp moved from a Downtown zoned property to the Commercial Marina zoned property known as Moss Marina. The application for a temporary restaurant with storage and merchandising. The temporary permit was approved June 8, 2023 and is valid until September of 2025.

On June 26th, 2023 the Town was notified of a complaint from a neighbor regarding loud music and bright lights from the site. This was a code issue, which planning staff did not get involved with. In November it was brought to planning staff's attention that there was an exterior bar on this site. At this point planning staff notified management of the need for a special exception to allow this use to continue.

Neighborhood Compatibility:

The abutting neighborhood, on Third Street, Bonita Street and Harbor Court is zoned Residential Conservation. This neighborhood has several homes that are duplexes and the homes may be rented weekly. Many homes were damaged in that neighborhood, staff cannot speak to whether most of the remaining homes are habitable.

The neighborhood across the canal from 450 Harbor Court is zoned Residential Single-Family. This neighborhood has primarily single-family residences and is allowed monthly rentals.

Staff has received complaints regarding noise and music, however, could find no code compliance cases associated with this establishment.

Findings and Conclusions:

LDC Sec. 34-88 sets forth the required findings and conclusions for the approval of a special exception:

a. Whether there exist changed or changing condition which make approval of the request appropriate

Much of the island experienced a high level of damage from Hurricane Ian. This destroyed both homes and businesses. The Rude Shrimp, in response to the loss, has moved and expanded to the site of Moss Marina. Many nearby residential sites are undergoing complete reconstruction or remediation and are intended to remain as residential neighborhoods.

b. Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.

Due to the nature of the zoning on this site and the adjacent neighborhoods' zoning, approval of a special exception for a bar with live music may not be appropriate without safeguards to ensure that nuisances associated with these uses do not impact the nearby residents.

The use is consistent with some of the comp plan goals, objectives, and policies and less in compliance with others. The Comprehensive Plan describes this neighborhood as "The BOWDITCH/NORTH END retains its residential and resort identity. Its motel rooms, older cottages, and highrises all benefit from

their proximity to Bowditch Point and the downtown core area yet are comfortably removed from seasonal traffic congestion and outdoor entertainment activities that many residents find intrusive.”

POLICY 4-C-3 COMMERCIAL LOCATIONS: When evaluating proposals for new or expanded commercial uses in categories where they are permitted, the following principles shall apply: vi. The neighborhood context of proposed commercial uses is of paramount importance. The sensitivity of a proposed commercial activity to nearby residential areas can be affected by:

- a. the type of commercial activities (such as traffic to be generated, hours of operation, and noise);
- b. its physical scale (such as the height, and bulk of proposed buildings); and
- c. the orientation of buildings and parking). Commercial activities that will intrude into residential neighborhoods because of their type, scale, or orientation shall not be approved.

POLICY 4-B-7 “MARINA”: designed for prime sites that can provide access to the valuable waters around Fort Myers Beach. This category provides services for recreational boating, including related accessory uses provided that don’t displace recreational marina services. Cruise ships and similar uses that draw large amounts of vehicular traffic are not permitted in this category. Specific regulations will be placed in the Land Development Code.

POLICY 4-B-4 “MIXED RESIDENTIAL”: designed for older subdivisions with mixed housing types on smaller lots, newer high-rise buildings, and mobile home and RV parks. This category will ensure that Fort Myers Beach retains a variety of neighborhoods and housing types. For new development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map’s “platted overlay” indicates a maximum density of 10 units per acre for legally existing dwelling units). Commercial activities are limited to lower-impact uses such as offices, motels, churches, and public uses, and must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process. Non-residential uses (including motels and churches) now comprise 7.9% of the land in this category, and this percentage shall not exceed 12%.

POLICY 4-B-3 “LOW DENSITY”: designed for existing subdivisions with an established low-density character (primarily single-family homes). For new development, the maximum density is 4 dwelling units per acre, and commercial activities are limited to home occupations as described in the Land Development Code (limited to incidental uses by the dwelling unit’s occupant that do not attract customers or generate additional traffic).

c. Whether the request meets or exceeds all performance and locational standards for the proposed use

The request will be required to comply with local, state, and federal air, noise and water pollution standards. It will not adversely affect water quality. Because complaints have been received for this use at this location, staff cannot ensure that it will not create a nuisance to adjacent properties.

d. Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.

The request will have no impact on protection, conservation, or preservation of environmentally critical areas and natural resources

e. Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.

The use is unlikely to cause damage or hazard to adjacent persons or property. It is unknown whether it will cause nuisance or detriment to adjacent persons or property.

f. Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Town's Land Development Code.

The request may not be in compliance with the setbacks, based on the location provided to staff in the application packet. However, no setbacks are shown on the document. The setback distance should be equal to the width of the units.

III. RECOMMENDATION

Staff finds that the request for a bar/ cocktail lounge Special Exception does not meet the criteria set forth in Section 34-88 of the LDC.

Therefore, staff recommends that the LPA recommend **DENIAL** of SEZ-20230202. If the LPA chooses to recommend approval to allow consumption on premises for a restaurant with a bar/ cocktail lounge that is visible from the exterior of the restaurant per Sec. 34-1264(b)(2)a.3. the following conditions are recommended.

IV. CONDITIONS OF APPROVAL

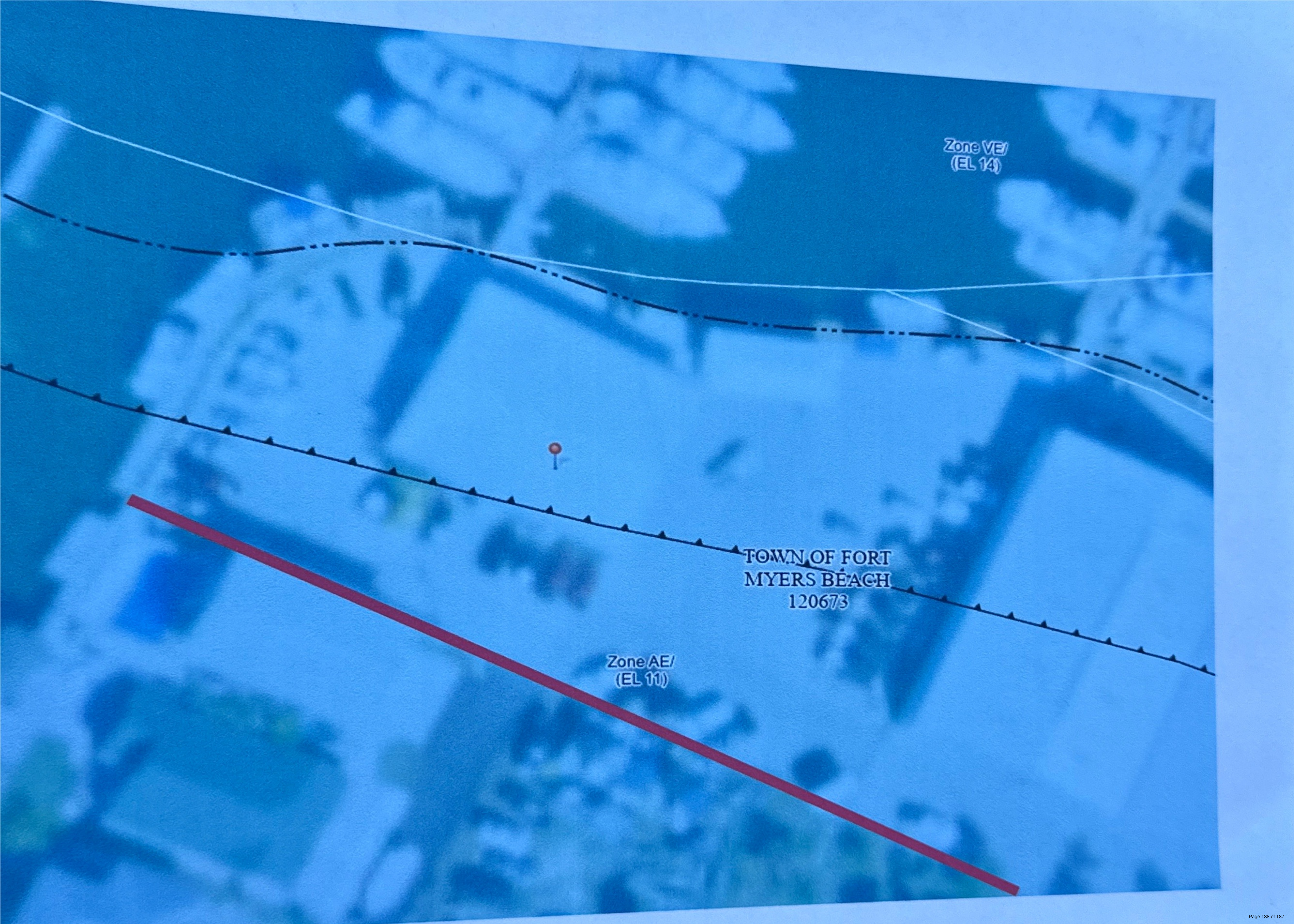
- 1) Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach

Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

- 2) Lighting must be downward directed, shielded and may not create glare off of property.
- 3) The special exception to allow an outdoor bar 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.
- 4) Live music is allowed on 450 Harbor Court but drums are not allowed as part of the entertainment.
- 5) Amplified music is allowed on 450 Harbor Court until 6:30pm Sunday through Thursday, after which amplified music may not be louder than 65-decibels as long as the other conditions of approval are upheld.
- 6) Amplified music is allowed on 450 Harbor Court on Friday and Saturday and will be controlled by the Town's noise ordinance (LDC sec. 14-23; Table-1), as long as the other conditions of approval are upheld.
- 7) The variance shall only apply to the lot as shown on the provided site plan.

Staff Report Exhibits:

- A – Aerial with trailer locations
- B – Complete application
- C – Postcards to adjacent properties
- D – Letters from adjacent property owners



Zone VE/
(EL 14)

TOWN OF FORT
MYERS BEACH
120673

Zone AE/
(EL 11)



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: 450 HARBOR CT, FORT MYERS BEACH, FL 33931
STRAP Number: 244623W3000260000
Applicant: LISA LAHNERS Phone: 239-396-0246
Contact Name: LISA LAHNERS Phone: _____
Email: therudeshrimpco@gmail.com Fax: _____
Current Zoning District: Commercial Marina
Future Land Use Map (FLUM) Category: Marina
FLUM Density Range: _____ Platted Overlay: ☐ YES ☒ NO

ACTION REQUESTED

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

SUPPLEMENTAL FORM REQUIRED

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

PART I – General Information

A. Applicant*: LISA LAHNERS Phone: 239-396-0246
**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: _____
Email: therudeshrimpco@gmail.com Fax: _____
Contact Name: LISA LAHNERS Phone: 239-396-0246



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: _____
- ☐ 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: Ben Freeland Phone: 615-696-4100

Mailing Address: P.O. Box 656 Antioch, TN, 37011

Email: thomas.freeland@freelandmanagement.com Fax: _____

AFFIDAVIT APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Ben Freeland 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

Ben Freeland

Printed Name

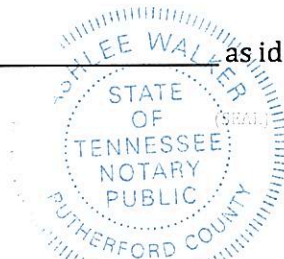
STATE OF TN COUNTY OF Davidson

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

presence OR _____ online notarization, this 5 day of January, 2024, 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

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: 244623W3000260000

Property Address: 450 HARBOR CT FORT MYERS BEACH, 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) _____ feet

Depth (please provide an average width if irregular in shape) _____ feet

Frontage on street: _____ feet. Frontage on waterbody: _____ feet

Total land area: _____ ☐ 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

☐ Mixed Residential

☐ Boulevard

☐ Pedestrian Commercial

☒ Marina

☐ Recreation

☐ Wetlands

☐ 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-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: RUDE SHRIMP
Authorized Applicant: LISA LAHNERS
LEOPA STRAP Number(s): 244623W3000260000

Current Property Status:
Current Zoning: CM
Future Land Use Map (FLUM) Category: COMMERCIAL MARINA
Platted Overlay? ☐ yes ☐ no FLUM Density Range:

Requested Action:

☐	Use of premises in the EC (Environmentally Critical) zoning district for:
☒	Use of premises in the COMMERCIAL MARINA zoning district for:



Case# _____

Date Received: _____

PART I
Narrative Statements

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

Special exception for COP.

We are requesting a special exception approval to have live music at our business. Music will be daily during season, with a mixture of acoustic and amplified music, played by single and duo musicians. Live music ends by 8PM and we will continue to adhere to the rules and code regarding decibels and times allowed. If we host any events where music will be played later than 8PM, and/or book a larger music group, we will apply for a special event permit.

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

The property qualifies for a Special Exception because:

Sec. 34-1264. - Sale or service for on-premises consumption.

Restaurants, provided the standards set forth in subsections (b)(2)a. and (b)(3) of this section are met

(2) Exceptions to location standards. Exceptions to location standards are as follows:

a. Restaurants, provided:

3. Only a service bar is used and the sale or service of alcoholic beverages is only to patrons ordering meals, or, if the restaurant contains a cocktail lounge for patrons waiting to be seated at dining tables,

the lounge shall be located so that there is no indication from the outside of the structure

that the cocktail lounge is within the building;

Granting the requested Special Exception could impact surrounding properties as follows:

Granting the special exception will not impact surrounding properties. Moss Marina (450 Harbor CT) is properly zoned per code (see section 34-2) to allow a restaurant and bar to operate on the property. We are providing an establishment for both locals and tourists to enjoy, as well as providing employment to 15-20 individuals.

PART 2

Submittal Requirements

All applications for a special exception must submit fourteen (14) copies of this application form and all applicable exhibits.

Required Items

- Public Hearing Request Form
- Supplemental form PH-A
- 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; all proposed structures and uses for the site; and any proposed fencing and screening.
- Fee in the amount of \$3800.00/\$3300.00 for an amendment

For New Communication Towers:

- a. Lee County Application for Communication Tower
- b. Shared-Use Plan Agreement



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 Local Planning Agency/ Town Council of the Town of Fort Myers Beach will be conducting a public hearing at the Town Hall Council Chambers located at 2731 Oak St, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: LPA March 12, 2024, and Town Council April 1, 2024

CASE: SEZ20230302

ADDRESS: 450 Harbor Ct

APPLICANT: Lisa Lahners

REQUEST: The applicant is requesting a Special Exception for Consumption on Premises for a restaurant with a bar/ cocktail lounge that is visible from the exterior of the restaurant per Sec. 34-1264(b)(2) a.3. and for live and amplified music

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

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing, the **Local Planning Agency/ Town Council** will review the application materials and hear testimony to make a **recommendation/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 Local Planning Agency/ Town Council of the Town of Fort Myers Beach will be conducting a public hearing at the Town Hall Council Chambers located at 2731 Oak St, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: LPA March 12, 2024, and Town Council April 1, 2024

CASE: SEZ20230302

ADDRESS: 450 Harbor Ct

APPLICANT: Lisa Lahners

REQUEST: The applicant is requesting a Special Exception for Consumption on Premises for a restaurant with a bar/ cocktail lounge that is visible from the exterior of the restaurant per Sec. 34-1264(b)(2) a.3. and for live and amplified music

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

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing, the **Local Planning Agency/ Town Council** will review the application materials and hear testimony to make a **recommendation/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 Local Planning Agency/ Town Council of the Town of Fort Myers Beach will be conducting a public hearing at the Town Hall Council Chambers located at 2731 Oak St, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: LPA March 12, 2024, and Town Council April 1, 2024

CASE: SEZ20230302

ADDRESS: 450 Harbor Ct

APPLICANT: Lisa Lahners

REQUEST: The applicant is requesting a Special Exception for Consumption on Premises for a restaurant with a bar/ cocktail lounge that is visible from the exterior of the restaurant per Sec. 34-1264(b)(2) a.3. and for live and amplified music

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

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing, the **Local Planning Agency/ Town Council** will review the application materials and hear testimony to make a **recommendation/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 Local Planning Agency/ Town Council of the Town of Fort Myers Beach will be conducting a public hearing at the Town Hall Council Chambers located at 2731 Oak St, Fort Myers Beach, Florida, 33931.

TIME: 9 AM

DATE: LPA March 12, 2024, and Town Council April 1, 2024

CASE: SEZ20230302

ADDRESS: 450 Harbor Ct

APPLICANT: Lisa Lahners

REQUEST: The applicant is requesting a Special Exception for Consumption on Premises for a restaurant with a bar/ cocktail lounge that is visible from the exterior of the restaurant per Sec. 34-1264(b)(2) a.3. and for live and amplified music

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

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing, the **Local Planning Agency/ Town Council** will review the application materials and hear testimony to make a **recommendation/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»

February 9, 2024

Town of Fort Myers Beach

Dan Allers, Mayor AllersD@fmbgov.com
Jim Atterholt, Vice Mayor AtterholtJ@fmbgov.com
John R. King, Council Member JohnKing@fmbgov.com
Karen Woodson, Council Member KarenWoodson@fmbgov.com

Anita Cereceda, Chairperson, LPA localcolorfmb@aol.com
Jane Plummer, Vice Chair, LPA jbprealor@aol.com
James Boan, LPA Member jbam3@comcast.net
Douglas Eckmann, LPA Member doug.eckmann@gmail.com
Scott M. Safford, LPA Member info@theseagypsyinn.com
Don Sudduth, LPA Member Don.Sudduth@corix.com
Patrick Vanasse, AICP, LPA Member pv@theneighborhood.company

Andy Hyatt, Town Manager andyhyatt@fmbgov.com
Frankie Kropacek, Operations and Compliance Director fkropacek@fmbgov.com
Sarah Propst, AICP, PMP, Planning Manager sarah.propst@fmbgov.com
Jason Smalley, Senior Planner jsmalley@fmbgov.com
Gretchen R.H. "Becky" Vose, Vose Law Firm LLP, Town Attorney bvose@voselaw.com

Re: Rude Shrimp at Moss Marina Special Exception for Consumption On Premises (Case Nos. SEZ20230302 and COP20230287)

Greetings:

We own a home at 685 Matanzas Court that is approximately 430 feet west of and across the Island Shores Canal from 450 Harbor Court, the property subject to the above referenced pending Special Exception (SEZ)/Consumption on Premises (COP) application (the "Subject Property" or "Moss Marina"). Our property is within the 500-foot radius of the Subject Property's perimeter for public notice. Accordingly, we have standing to challenge these applications to protect our private property interests and quality of life.

We believe that these pending requests, if approved, are not in the neighborhood's best interest due to the harm and disproportionate impacts threatened by same. Therefore, we write to request that these applications be recommended for denial by Town staff and the LPA, and ultimately be DENIED by Town Council.

1. The Rude Shrimp and Moss Marina were less than forthright when they made the initial application to the Town to relocate in 2023 by way of a Temporary Use application (Permit Nos. 234225 and 236215). They described their plan as a "food truck" when they intended to have a bar and applied for a full liquor license right away. The structure that

houses the Rude Shrimp is a shipping container (not with wheels or on a trailer). The application to locate at Moss Marina also states: "Food Service Kitchens are permitted on their brick-and-mortar commercial site that is zoned for that type of activity." This is clearly not the case as the Rude Shrimp does not have a brick-and-mortar building on the site, nor do they intend to build one.

2. The Fort Myers Beach Town Council and LPA, in the joint meeting on October 10, 2023, expressed support for the Comprehensive Plan and Land Development Code as written, and specifically the Marine District. The Moss Marina property is zoned "Commercial Marina." The Code of Ordinances for the Town of Fort Myers Beach clearly indicates in Sec. 34-2, specifically Table 34-1 and 34-2, that "bars" are prohibited as an accessory use in a Commercial Marina district. There is NO valid reason to grant a SEZ/COP in this location.
3. The requests, if approved, are incompatible with the surrounding neighborhood which is largely zoned Residential Conservation (RC) to the south (i.e., established residential neighborhoods that had been zoned for duplex, multifamily, or mobile homes prior to the incorporation of the Town) and Residential Single-Family (RS) to the west.
4. The Moss Marina site is nothing like Margaritaville, and the two should not be compared. The Margaritaville property was already established retail, with hotels on the gulf, a McDonald's with drive-through, the Mermaid bar, a liquor store, etc. Moss Marina is located in a residential area and has plans to swallow several single-family properties. Margaritaville was placed on the three busiest streets on the island!
5. There are over FIFTY residential properties within 500-feet of the Moss Marina property. Many of the homes have been destroyed due to Hurricane Ian, but they will be rebuilt and occupied in the future. Rude Shrimp has already been in operation for over seven months, without proper land use approvals, and has been a nuisance to the neighbors. We have been suffering from loud, amplified concert music since June 2023. The Rude Shrimp and Moss Marina have already demonstrated that they are horrible neighbors.
6. Matanzas Court is the ONLY street north of the Red Coconut that is restricted to MONTHLY Short-Term rentals. Our quiet neighborhood must not be subjected to a bar with music!
7. Allowing Moss Marina to change the use beyond what the Code of Ordinances and Zoning allows is a direct assault on our property values!
8. One of the primary considerations for determining a Special Exception is how it will affect neighboring property owners.

"FMB Code of Ordinances - Sec. 34-88(b). - Special exceptions.

(b) Considerations. In reaching its decision, the town council shall consider the following, whenever applicable:

...

(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.

...

(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." (Emphasis added).

The requests, if approved, will be injurious to the surrounding residential neighborhood and constitute a nuisance. The proposed use, already operating without land use approvals, has already shown it is a nuisance and incompatible with the surrounding neighborhood.

9. *If staff and/or the LPA were inclined to recommend approval and the Town Council were included to ultimately approve, despite our request for the applications to be DENIED, such approval should be conditioned on there being NO music or entertainment consistent with the Town's prior actions on similar cases.*

Our research of the past 10 years of Special Exception - Consumption On Premises, revealed that:

- The subject properties were located in zoning districts that allowed "bars."
- The Special Exception approval conditions took great care to protect the residential neighbors.
 - Charley's Boathouse, March 21, 2022, Resolution 22-12 "No amplified music or entertainment outside of the enclosed restaurant. No amplified music or entertainment inside the existing restaurant after 10 PM."
 - 185 Old San Carlos, October 4, 2021, Resolution 21-46 "No amplified music or entertainment unless within an entirely enclosed building."
 - Fish Tale Marina, September 21, 2017, Resolution 17-30 "Live entertainment is prohibited."
 - Olde Seaport - Wahoo Willies, November 20, 2017, Resolution 17-39, "Live entertainment permitted only inside the buildings, limited to non-amplified, acoustical music."
 - Nervous Nellie's, January 4, 2016, Resolution 16-01 "The location of "Amplified Music" on the outdoor deck is limited to the locations depicted on attached Exhibit B. All outdoor entertainment, including, but not limited to, vocals, musical instruments, and other equipment generating sound, must comply with the Town's Noise Control ordinance and must have its sound regulated and emitted through a fixed internal speaker system managed and controlled by the property owner. All speakers must be oriented towards the water (away from adjacent residential property owners)."

- Pierside Grill, March 7, 2016, Resolution 16-04, "No outdoor entertainment is approved."
- Sunset Beach Tropical Grill, February 16, 2016, Resolution 16-05, "No outdoor entertainment is approved."
- Fish House, February 16, 2016, Resolution 16-06, "No outdoor entertainment is approved."
- Olde Seaport - Snug Harbor, February 17, 2015, Resolution 15-01, "Live entertainment permitted only inside the building and on the dock, limited to non-amplified, acoustical music."
- Beached Whale, June 3, 2013, Resolution 13-09 "No live music is permitted."
- Yucatan Beach Stand, October 21, 2013, Resolution 13-22. "Outdoor music or similar entertainment is prohibited."

Thank you for your time and attention to this matter of material concern to the neighborhood.

Sincerely,



Conrado Banez
685 Matanzas Court



Pamela Banez

March 6, 2024

VIA EMAIL ONLY: sarah.propst@fmbgov.com

Sarah Propst, AICP, PMP

Community Development, Planning Manager

Town of Fort Myers Beach

Re: Rude Shrimp at Moss Marina Special Exception for Consumption On Premises (Case Nos. SEZ20230302 and COP20230287)

Dear Ms. Propst:

We own a home at 725 Matanzas Court that is approximately 72-feet west of and across the Island Shores Canal from 450 Harbor Court, the property subject to the above referenced pending Special Exception (SEZ)/Consumption on Premises (COP) application (the “Subject Property” or “Moss Marina”). Our property is within the 500-foot radius of the Subject Property’s perimeter for public notice. Accordingly, we have standing to challenge these applications to protect our private property interests and quality of life.

We believe that these pending requests, if approved, are not in the neighborhood’s best interest due to the harm and disproportionate impacts threatened by same. Therefore, we write to request that these applications be recommended for denial by Town staff and the LPA, and ultimately be DENIED by Town Council. Please accept this letter to supplement our earlier verbal objections to these requests on the record before the Local Planning Agency (LPA) at its last hearings on January 9 and February 13, 2024.

1. As of February 29, 2024, Town staff is still not in receipt of a complete application from the applicant. Among other things:
 - Property ownership as purported on the application form does not match the ownership records of the Lee County Property Appraiser. Freeland FL Holdings LLC is the identified record owner per the Property Appraiser.
 - The affidavit on Page 3 of the application form was completed by Ben Freeland as an individual and not on behalf of the corporate record owner.
 - The Disclosure of Ownership Interest on Pages 4-6 of the application is completely blank, as is the affidavit that the application is signed by a corporate entity on Pages 6-7/
 - The STRAP No. listed on Page 7 of the application does not match the property address or the record owner per the Property Appraiser.
 - Property Dimensions, General Location of the subject property, and the surrounding property owners are not listed as part of the application and an area location map is not included.

The applicant still also has not provided the required site plan. The required site plan for SEZ and COP applications (Secs. 34-203(d)(2)-(3)) is still outstanding making these

applications not ripe for staff-level review, much less LPA review that is to be informed with staff comments. The forthcoming site plan must detail the proposed use, including the location and current use of all existing structures on the subject property and those on adjacent properties within 100-feet of the perimeter boundaries of the site (which would include our property), all proposed structures and uses to be development on the Subject Property, proposed fencing and screening, a detailed parking plan, and a written statement describing the type of state liquor license to be acquired, the anticipated hours of operation, and any other reasonable information which may be required by the Town's Community Development Director.

These failures to timely provide the required and material information and a complete application, with enough lead time for meaningful staff review to inform consideration by the LPA and Town Council and for independent review by interested members of the public, is a violation of our due process rights.

2. The Rude Shrimp and Moss Marina were less than forthright when they made the initial application to relocate in 2023 by way of a Temporary Use application (Permit Nos. 234225 and 236215). They described their plan as a "food truck" when they intended to have a bar and applied for a full liquor license right away. The structure that houses the Rude Shrimp is a shipping container (not with wheels or on a trailer). The application to locate at Moss Marina also states: "Food Service Kitchens are permitted on their brick-and-mortar commercial site that is zoned for that type of activity." This is clearly not the case as the Rude Shrimp does not have a brick-and-mortar building on the site, nor do they intend to build one.
3. The Fort Myers Beach Town Council and LPA, in the joint meeting on October 10, 2023, expressed support for the Comprehensive Plan and Land Development Code as written, and specifically the Marine District. The Moss Marina property is zoned "Commercial Marina." The Code of Ordinances for the Town of Fort Myers Beach clearly indicates in Sec. 34-2, specifically Table 34-1 and 34-2, that "bars" are prohibited as an accessory use in a Commercial Marina district. There is NO valid reason to grant a SEZ/COP in this location, especially when premised on an incomplete application.
4. The requests, if approved, are incompatible with the surrounding neighborhood which is largely zoned Residential Conservation (RC) to the south (i.e., established residential neighborhoods that had been zoned for duplex, multifamily, or mobile homes prior to the incorporation of the Town) and Residential Single-Family (RS) to the west. The Moss Marina site is nothing like Margaritaville. The Margaritaville property was already established retail, with hotels on the gulf, a McDonald's with drive-through, a bar, a liquor store, etc. There are over FIFTY residential properties within 500-feet of the Moss Marina property. Many of the homes have been destroyed due to Hurricane Ian, but they will be rebuilt and occupied in the future. Rude Shrimp has already been in operation for over eight months, without proper land use approvals, and has been a nuisance to the neighbors. We have been suffering from loud, amplified concert music since June 2023. The Rude Shrimp and Moss Marina have already demonstrated that they are horrible neighbors. Matanzas Court is the ONLY street north of the Red Coconut

that is restricted to MONTHLY Short-Term rentals. Our quiet neighborhood must not be subjected to a bar with music!

5. Allowing Moss Marina to change the use beyond what the Code of Ordinances and Zoning allows is a direct assault on our property values!
6. One of the primary considerations for determining a Special Exception is how it will affect neighboring property owners.

“FMB Code of Ordinances - Sec. 34-88(b). - Special exceptions.

(b) Considerations. In reaching its decision, the town council shall consider the following, whenever applicable:

...

(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.**

...

(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.**” (Emphasis added).

The requests, if approved, will be injurious to the surrounding residential neighborhood and constitute a nuisance. The proposed use, already operating without land use approvals, has already shown it is a nuisance and incompatible with the surrounding neighborhood.

Further, how can staff or the LPA assess whether the request is consistent with each of the applicable goals, objectives, policies, and intent of the Comprehensive Plan and meets or exceeds all performance and locational, and each make a meaningful recommendation to Town Council, without a complete application?

7. *If staff and/or the LPA were inclined to recommend approval and the Town Council were included to ultimately approve, despite our request for the applications to be DENIED, such approval should be conditioned on there being NO music or entertainment consistent with the Town’s prior actions on similar cases.*

Our research of the past 10 years of Special Exception - Consumption On Premises, revealed that:

- The subject properties were located in zoning districts that allowed "bars."
- The Special Exception approval conditions took great care to protect the residential neighbors.

- Charley's Boathouse, March 21, 2022, Resolution 22-12 *"No amplified music or entertainment outside of the enclosed restaurant. No amplified music or entertainment inside the existing restaurant after 10 PM."*
- 185 Old San Carlos, October 4, 2021, Resolution 21-46 *"No amplified music or entertainment unless within an entirely enclosed building."*
- Fish Tale Marina, September 21, 2017, Resolution 17-30 *"Live entertainment is prohibited."*
- Olde Seaport - Wahoo Willies, November 20, 2017, Resolution 17-39, *"Live entertainment permitted only inside the buildings, limited to non-amplified, acoustical music."*
- Nervous Nellie's, January 4, 2016, Resolution 16-01 *"The location of "Amplified Music" on the outdoor deck is limited to the locations depicted on attached Exhibit B. All outdoor entertainment, including, but not limited to, vocals, musical instruments, and other equipment generating sound, must comply with the Town's Noise Control ordinance and must have its sound regulated and emitted through a fixed internal speaker system managed and controlled by the property owner. All speakers must be oriented towards the water (away from adjacent residential property owners)."*
- Pierside Grill, March 7, 2016, Resolution 16-04, *"No outdoor entertainment is approved."*
- Sunset Beach Tropical Grill, February 16, 2016, Resolution 16-05, *"No outdoor entertainment is approved."*
- Fish House, February 16, 2016, Resolution 16-06, *"No outdoor entertainment is approved."*
- Olde Seaport - Snug Harbor, February 17, 2015, Resolution 15-01, *"Live entertainment permitted only inside the building and on the dock, limited to non-amplified, acoustical music."*
- Beached Whale, June 3, 2013, Resolution 13-09 *"No live music is permitted."*
- Yucatan Beach Stand, October 21, 2013, Resolution 13-22. *"Outdoor music or similar entertainment is prohibited."*

Thank you for your time and attention to a matter of material concern to the neighborhood.

Sincerely,

Dale & Jay Bonnema
Magnum FMB 1 LLC
725 Matanzas Court

CC:

Dan Allers, Mayor AllersD@fmbgov.com
Jim Atterholt, Vice Mayor AtterholtJ@fmbgov.com
John R. King, Council Member JohnKing@fmbgov.com
Scott M. Safford, LPA Member scottsafford@fmbgov.com
Karen Woodson, Council Member KarenWoodson@fmbgov.com

Anita Cereceda, Chairperson, LPA localcolorfmb@aol.com
Jane Plummer, Vice Chair, LPA jbprealor@aol.com
James Boan, LPA Member jbam3@comcast.net
Douglas Eckmann, LPA Member doug.eckmann@gmail.com
John McLean, LPA Member
Don Sudduth, LPA Member Don.Sudduth@corix.com
Patrick Vanasse, AICP, LPA Member pv@theneighborhood.company

Amy Baker, Town Clerk Amy@fmbgov.com
Jason Smalley, Senior Planner jsmalley@fmbgov.com
Gretchen R.H. “Becky” Vose, Vose Law Firm LLP, Town Attorney bvose@voselaw.com

February 9, 2024

Town of Fort Myers Beach

Dan Allers, Mayor AllersD@fmbgov.com
Jim Atterholt, Vice Mayor AtterholtJ@fmbgov.com
John R. King, Council Member JohnKing@fmbgov.com
Karen Woodson, Council Member KarenWoodson@fmbgov.com

Anita Cereceda, Chairperson, LPA localcolorfmb@aol.com
Jane Plummer, Vice Chair, LPA jbprealor@aol.com
James Boan, LPA Member jbam3@comcast.net
Douglas Eckmann, LPA Member doug.eckmann@gmail.com
Scott M. Safford, LPA Member info@theseagypsyinn.com
Don Sudduth, LPA Member Don.Sudduth@corix.com
Patrick Vanasse, AICP, LPA Member pv@theneighborhood.company

Andy Hyatt, Town Manager andyhyatt@fmbgov.com
Frankie Kropacek, Operations and Compliance Director fkropacek@fmbgov.com
Sarah Propst, AICP, PMP, Planning Manager sarah.propst@fmbgov.com
Jason Smalley, Senior Planner jsmalley@fmbgov.com
Gretchen R.H. "Becky" Vose, Vose Law Firm LLP, Town Attorney bvose@voselaw.com

Re: Rude Shrimp at Moss Marina Special Exception for Consumption On Premises (Case Nos. SEZ20230302 and COP20230287)

Greetings:

We own a home at 701 Matanzas Court that is approximately 400 feet west of and across the Island Shores Canal from 450 Harbor Court, the property subject to the above referenced pending Special Exception (SEZ)/Consumption on Premises (COP) application (the "Subject Property" or "Moss Marina"). Our property is within the 500-foot radius of the Subject Property's perimeter for public notice. Accordingly, we have standing to challenge these applications to protect our private property interests and quality of life.

We believe that these pending requests, if approved, are not in the neighborhood's best interest due to the harm and disproportionate impacts threatened by same. Therefore, we write to request that these applications be recommended for denial by Town staff and the LPA, and ultimately be DENIED by Town Council.

1. The Rude Shrimp and Moss Marina were less than forthright when they made the initial application to the Town to relocate in 2023 by way of a Temporary Use application (Permit Nos. 234225 and 236215). They described their plan as a "food truck" when they intended to have a bar and applied for a full liquor license right away. The structure that

houses the Rude Shrimp is a shipping container (not with wheels or on a trailer). The application to locate at Moss Marina also states: "Food Service Kitchens are permitted on their brick-and-mortar commercial site that is zoned for that type of activity." This is clearly not the case as the Rude Shrimp does not have a brick-and-mortar building on the site, nor do they intend to build one.

2. The Fort Myers Beach Town Council and LPA, in the joint meeting on October 10, 2023, expressed support for the Comprehensive Plan and Land Development Code as written, and specifically the Marine District. The Moss Marina property is zoned "Commercial Marina." The Code of Ordinances for the Town of Fort Myers Beach clearly indicates in Sec. 34-2, specifically Table 34-1 and 34-2, that "bars" are prohibited as an accessory use in a Commercial Marina district. There is NO valid reason to grant a SEZ/COP in this location.
3. The requests, if approved, are incompatible with the surrounding neighborhood which is largely zoned Residential Conservation (RC) to the south (i.e., established residential neighborhoods that had been zoned for duplex, multifamily, or mobile homes prior to the incorporation of the Town) and Residential Single-Family (RS) to the west.
4. The Moss Marina site is nothing like Margaritaville, and the two should not be compared. The Margaritaville property was already established retail, with hotels on the gulf, a McDonald's with drive-through, the Mermaid bar, a liquor store, etc. Moss Marina is located in a residential area and has plans to swallow several single-family properties. Margaritaville was placed on the three busiest streets on the island!
5. There are over FIFTY residential properties within 500-feet of the Moss Marina property. Many of the homes have been destroyed due to Hurricane Ian, but they will be rebuilt and occupied in the future. Rude Shrimp has already been in operation for over seven months, without proper land use approvals, and has been a nuisance to the neighbors. We have been suffering from loud, amplified concert music since June 2023. The Rude Shrimp and Moss Marina have already demonstrated that they are horrible neighbors.
6. Matanzas Court is the ONLY street north of the Red Coconut that is restricted to MONTHLY Short-Term rentals. Our quiet neighborhood must not be subjected to a bar with music!
7. Allowing Moss Marina to change the use beyond what the Code of Ordinances and Zoning allows is a direct assault on our property values!
8. One of the primary considerations for determining a Special Exception is how it will affect neighboring property owners.

"FMB Code of Ordinances - Sec. 34-88(b). - Special exceptions.

(b) Considerations. In reaching its decision, the town council shall consider the following, whenever applicable:

...
 (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.

...
 (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." (Emphasis added).

The requests, if approved, will be injurious to the surrounding residential neighborhood and constitute a nuisance. The proposed use, already operating without land use approvals, has already shown it is a nuisance and incompatible with the surrounding neighborhood.

9. *If staff and/or the LPA were inclined to recommend approval and the Town Council were included to ultimately approve, despite our request for the applications to be DENIED, such approval should be conditioned on there being NO music or entertainment consistent with the Town's prior actions on similar cases.*

Our research of the past 10 years of Special Exception - Consumption On Premises, revealed that:

- The subject properties were located in zoning districts that allowed "bars."
- The Special Exception approval conditions took great care to protect the residential neighbors.
 - Charley's Boathouse, March 21, 2022, Resolution 22-12 "No amplified music or entertainment outside of the enclosed restaurant. No amplified music or entertainment inside the existing restaurant after 10 PM."
 - 185 Old San Carlos, October 4, 2021, Resolution 21-46 "No amplified music or entertainment unless within an entirely enclosed building."
 - Fish Tale Marina, September 21, 2017, Resolution 17-30 "Live entertainment is prohibited."
 - Olde Seaport - Wahoo Willies, November 20, 2017, Resolution 17-39, "Live entertainment permitted only inside the buildings, limited to non-amplified, acoustical music."
 - Nervous Nellie's, January 4, 2016, Resolution 16-01 "The location of "Amplified Music" on the outdoor deck is limited to the locations depicted on attached Exhibit B. All outdoor entertainment, including, but not limited to, vocals, musical instruments, and other equipment generating sound, must comply with the Town's Noise Control ordinance and must have its sound regulated and emitted through a fixed internal speaker system managed and controlled by the property owner. All speakers must be oriented towards the water (away from adjacent residential property owners)."

- Pierside Grill, March 7, 2016, Resolution 16-04, "No outdoor entertainment is approved."
- Sunset Beach Tropical Grill, February 16, 2016, Resolution 16-05, "No outdoor entertainment is approved."
- Fish House, February 16, 2016, Resolution 16-06, "No outdoor entertainment is approved."
- Olde Seaport - Snug Harbor, February 17, 2015, Resolution 15-01, "Live entertainment permitted only inside the building and on the dock, limited to non-amplified, acoustical music."
- Beached Whale, June 3, 2013, Resolution 13-09 "No live music is permitted."
- Yucatan Beach Stand, October 21, 2013, Resolution 13-22. "Outdoor music or similar entertainment is prohibited."

Thank you for your time and attention to this matter of material concern to the neighborhood.

Sincerely,



Steven Hyink
701 Matanzas Court



Renee Hyink

February 9, 2024

Town of Fort Myers Beach

Dan Allers, Mayor AllersD@fmbgov.com
Jim Atterholt, Vice Mayor AtterholtJ@fmbgov.com
John R. King, Council Member JohnKing@fmbgov.com
Karen Woodson, Council Member KarenWoodson@fmbgov.com

Anita Cereceda, Chairperson, LPA localcolorfmb@aol.com
Jane Plummer, Vice Chair, LPA jbpreator@aol.com
James Boan, LPA Member jbam3@comcast.net
Douglas Eckmann, LPA Member doug.eckmann@gmail.com
Scott M. Safford, LPA Member info@theseagypsyinn.com
Don Sudduth, LPA Member Don.Sudduth@corix.com
Patrick Vanasse, AICP, LPA Member pv@theneighborhood.company

Andy Hyatt, Town Manager andyhyatt@fmbgov.com
Frankie Kropacek, Operations and Compliance Director fkropacek@fmbgov.com
Sarah Propst, AICP, PMP, Planning Manager sarah.propst@fmbgov.com
Jason Smalley, Senior Planner jsmalley@fmbgov.com
Gretchen R.H. "Becky" Vose, Vose Law Firm LLP, Town Attorney bvose@voselaw.com

Re: Rude Shrimp at Moss Marina Special Exception for Consumption On Premises (Case Nos. SEZ20230302 and COP20230287)

Greetings:

We own a home at 735 Matanzas Court that is approximately 95 feet west of and across the Island Shores Canal from 450 Harbor Court, the property subject to the above referenced pending Special Exception (SEZ)/Consumption on Premises (COP) application (the "Subject Property" or "Moss Marina"). Our property is within the 500-foot radius of the Subject Property's perimeter for public notice. Accordingly, we have standing to challenge these applications to protect our private property interests and quality of life.

We believe that these pending requests, if approved, are not in the neighborhood's best interest due to the harm and disproportionate impacts threatened by same. Therefore, we write to request that these applications be recommended for denial by Town staff and the LPA, and ultimately be DENIED by Town Council.

1. The Rude Shrimp and Moss Marina were less than forthright when they made the initial application to the Town to relocate in 2023 by way of a Temporary Use application (Permit Nos. 234225 and 236215). They described their plan as a "food truck" when they intended to have a bar and applied for a full liquor license right away. The structure that

houses the Rude Shrimp is a shipping container (not with wheels or on a trailer). The application to locate at Moss Marina also states: "Food Service Kitchens are permitted on their brick-and-mortar commercial site that is zoned for that type of activity." This is clearly not the case as the Rude Shrimp does not have a brick-and-mortar building on the site, nor do they intend to build one.

2. The Fort Myers Beach Town Council and LPA, in the joint meeting on October 10, 2023, expressed support for the Comprehensive Plan and Land Development Code as written, and specifically the Marine District. The Moss Marina property is zoned "Commercial Marina." The Code of Ordinances for the Town of Fort Myers Beach clearly indicates in Sec. 34-2, specifically Table 34-1 and 34-2, that "bars" are prohibited as an accessory use in a Commercial Marina district. There is NO valid reason to grant a SEZ/COP in this location.
3. The requests, if approved, are incompatible with the surrounding neighborhood which is largely zoned Residential Conservation (RC) to the south (i.e., established residential neighborhoods that had been zoned for duplex, multifamily, or mobile homes prior to the incorporation of the Town) and Residential Single-Family (RS) to the west.
4. The Moss Marina site is nothing like Margaritaville, and the two should not be compared. The Margaritaville property was already established retail, with hotels on the gulf, a McDonald's with drive-through, the Mermaid bar, a liquor store, etc. Moss Marina is located in a residential area and has plans to swallow several single-family properties. Margaritaville was placed on the three busiest streets on the island!
5. There are over FIFTY residential properties within 500-feet of the Moss Marina property. Many of the homes have been destroyed due to Hurricane Ian, but they will be rebuilt and occupied in the future. Rude Shrimp has already been in operation for over seven months, without proper land use approvals, and has been a nuisance to the neighbors. We have been suffering from loud, amplified concert music since June 2023. The Rude Shrimp and Moss Marina have already demonstrated that they are horrible neighbors.
6. Matanzas Court is the ONLY street north of the Red Coconut that is restricted to MONTHLY Short-Term rentals. Our quiet neighborhood must not be subjected to a bar with music!
7. Allowing Moss Marina to change the use beyond what the Code of Ordinances and Zoning allows is a direct assault on our property values!
8. One of the primary considerations for determining a Special Exception is how it will affect neighboring property owners.

"FMB Code of Ordinances - Sec. 34-88(b). - Special exceptions.

(b) Considerations. In reaching its decision, the town council shall consider the following, whenever applicable:

...
(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.

...
(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." (Emphasis added).

The requests, if approved, will be injurious to the surrounding residential neighborhood and constitute a nuisance. The proposed use, already operating without land use approvals, has already shown it is a nuisance and incompatible with the surrounding neighborhood.

9. *If staff and/or the LPA were inclined to recommend approval and the Town Council were included to ultimately approve, despite our request for the applications to be DENIED, such approval should be conditioned on there being NO music or entertainment consistent with the Town's prior actions on similar cases.*

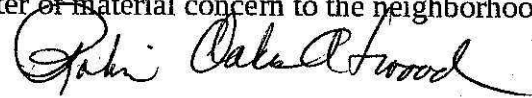
Our research of the past 10 years of Special Exception - Consumption On Premises, revealed that:

- The subject properties were located in zoning districts that allowed "bars."
- The Special Exception approval conditions took great care to protect the residential neighbors.
 - Charley's Boathouse, March 21, 2022, Resolution 22-12 "No amplified music or entertainment outside of the enclosed restaurant. No amplified music or entertainment inside the existing restaurant after 10 PM."
 - 185 Old San Carlos, October 4, 2021, Resolution 21-46 "No amplified music or entertainment unless within an entirely enclosed building."
 - Fish Tale Marina, September 21, 2017, Resolution 17-30 "Live entertainment is prohibited."
 - Olde Seaport - Wahoo Willies, November 20, 2017, Resolution 17-39, "Live entertainment permitted only inside the buildings, limited to non-amplified, acoustical music."
 - Nervous Nellie's, January 4, 2016, Resolution 16-01 "The location of "Amplified Music" on the outdoor deck is limited to the locations depicted on attached Exhibit B. All outdoor entertainment, including, but not limited to, vocals, musical instruments, and other equipment generating sound, must comply with the Town's Noise Control ordinance and must have its sound regulated and emitted through a fixed internal speaker system managed and controlled by the property owner. All speakers must be oriented towards the water (away from adjacent residential property owners)."

- Pierside Grill, March 7, 2016, Resolution 16-04, "No outdoor entertainment is approved."
- Sunset Beach Tropical Grill, February 16, 2016, Resolution 16-05, "No outdoor entertainment is approved."
- Fish House, February 16, 2016, Resolution 16-06, "No outdoor entertainment is approved."
- Olde Seaport - Snug Harbor, February 17, 2015, Resolution 15-01, "Live entertainment permitted only inside the building and on the dock, limited to non-amplified, acoustical music."
- Beached Whale, June 3, 2013, Resolution 13-09 "No live music is permitted."
- Yucatan Beach Stand, October 21, 2013, Resolution 13-22. "Outdoor music or similar entertainment is prohibited."

Thank you for your time and attention to this matter of material concern to the neighborhood.

Sincerely,

Donald Oakes
735 Matanzas Court

Robin Oakes Atwood

February 9, 2024

Town of Fort Myers Beach

Dan Allers, Mayor AllersD@fmbgov.com
Jim Atterholt, Vice Mayor AtterholtJ@fmbgov.com
John R. King, Council Member JohnKing@fmbgov.com
Karen Woodson, Council Member KarenWoodson@fmbgov.com

Anita Cereceda, Chairperson, LPA localcolorfmb@aol.com
Jane Plummer, Vice Chair, LPA jbpreator@aol.com
James Boan, LPA Member jbam3@comcast.net
Douglas Eckmann, LPA Member doug.eckmann@gmail.com
Scott M. Safford, LPA Member info@theseagypsyinn.com
Don Sudduth, LPA Member Don.Sudduth@corix.com
Patrick Vanasse, AICP, LPA Member pv@theneighborhood.company

Andy Hyatt, Town Manager andyhyatt@fmbgov.com
Frankie Kropacek, Operations and Compliance Director fkropacek@fmbgov.com
Sarah Propst, AICP, PMP, Planning Manager sarah.propst@fmbgov.com
Jason Smalley, Senior Planner jsmalley@fmbgov.com
Gretchen R.H. "Becky" Vose, Vose Law Firm LLP, Town Attorney bvose@voselaw.com

Re: Rude Shrimp at Moss Marina Special Exception for Consumption On Premises (Case Nos. SEZ20230302 and COP20230287)

Greetings:

We own a home at 721 Matanzas Court that is approximately 215 feet west of and across the Island Shores Canal from 450 Harbor Court, the property subject to the above referenced pending Special Exception (SEZ)/Consumption on Premises (COP) application (the "Subject Property" or "Moss Marina"). Our property is within the 500-foot radius of the Subject Property's perimeter for public notice. Accordingly, we have standing to challenge these applications to protect our private property interests and quality of life.

We believe that these pending requests, if approved, are not in the neighborhood's best interest due to the harm and disproportionate impacts threatened by same. Therefore, we write to request that these applications be recommended for denial by Town staff and the LPA, and ultimately be DENIED by Town Council.

1. The Rude Shrimp and Moss Marina were less than forthright when they made the initial application to the Town to relocate in 2023 by way of a Temporary Use application (Permit Nos. 234225 and 236215). They described their plan as a "food truck" when they intended to have a bar and applied for a full liquor license right away. The structure that

houses the Rude Shrimp is a shipping container (not with wheels or on a trailer). The application to locate at Moss Marina also states: "Food Service Kitchens are permitted on their brick-and-mortar commercial site that is zoned for that type of activity." This is clearly not the case as the Rude Shrimp does not have a brick-and-mortar building on the site, nor do they intend to build one.

2. The Fort Myers Beach Town Council and LPA, in the joint meeting on October 10, 2023, expressed support for the Comprehensive Plan and Land Development Code as written, and specifically the Marine District. The Moss Marina property is zoned "Commercial Marina." The Code of Ordinances for the Town of Fort Myers Beach clearly indicates in Sec. 34-2, specifically Table 34-1 and 34-2, that "bars" are prohibited as an accessory use in a Commercial Marina district. There is NO valid reason to grant a SEZ/COP in this location.
3. The requests, if approved, are incompatible with the surrounding neighborhood which is largely zoned Residential Conservation (RC) to the south (i.e., established residential neighborhoods that had been zoned for duplex, multifamily, or mobile homes prior to the incorporation of the Town) and Residential Single-Family (RS) to the west.
4. The Moss Marina site is nothing like Margaritaville, and the two should not be compared. The Margaritaville property was already established retail, with hotels on the gulf, a McDonald's with drive-through, the Mermaid bar, a liquor store, etc. Moss Marina is located in a residential area and has plans to swallow several single-family properties. Margaritaville was placed on the three busiest streets on the island!
5. There are over FIFTY residential properties within 500-feet of the Moss Marina property. Many of the homes have been destroyed due to Hurricane Ian, but they will be rebuilt and occupied in the future. Rude Shrimp has already been in operation for over seven months, without proper land use approvals, and has been a nuisance to the neighbors. We have been suffering from loud, amplified concert music since June 2023. The Rude Shrimp and Moss Marina have already demonstrated that they are horrible neighbors.
6. Matanzas Court is the ONLY street north of the Red Coconut that is restricted to MONTHLY Short-Term rentals. Our quiet neighborhood must not be subjected to a bar with music!
7. Allowing Moss Marina to change the use beyond what the Code of Ordinances and Zoning allows is a direct assault on our property values!
8. One of the primary considerations for determining a Special Exception is how it will affect neighboring property owners.

"FMB Code of Ordinances - Sec. 34-88(b). - Special exceptions.

(b) Considerations. In reaching its decision, the town council shall consider the following, whenever applicable:

...

(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.

...

(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." (Emphasis added).

The requests, if approved, will be injurious to the surrounding residential neighborhood and constitute a nuisance. The proposed use, already operating without land use approvals, has already shown it is a nuisance and incompatible with the surrounding neighborhood.

9. *If staff and/or the LPA were inclined to recommend approval and the Town Council were included to ultimately approve, despite our request for the applications to be DENIED, such approval should be conditioned on there being NO music or entertainment consistent with the Town's prior actions on similar cases.*

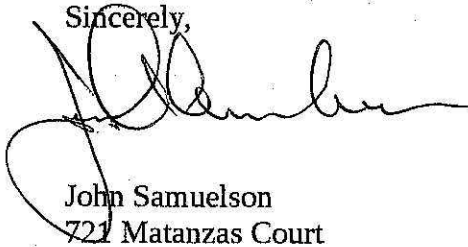
Our research of the past 10 years of Special Exception - Consumption On Premises, revealed that:

- The subject properties were located in zoning districts that allowed "bars."
- The Special Exception approval conditions took great care to protect the residential neighbors.
 - Charley's Boathouse, March 21, 2022, Resolution 22-12 "No amplified music or entertainment outside of the enclosed restaurant. No amplified music or entertainment inside the existing restaurant after 10 PM."
 - 185 Old San Carlos, October 4, 2021, Resolution 21-46 "No amplified music or entertainment unless within an entirely enclosed building."
 - Fish Tale Marina, September 21, 2017, Resolution 17-30 "Live entertainment is prohibited."
 - Olde Seaport - Wahoo Willies, November 20, 2017, Resolution 17-39, "Live entertainment permitted only inside the buildings, limited to non-amplified, acoustical music."
 - Nervous Nellie's, January 4, 2016, Resolution 16-01 "The location of "Amplified Music" on the outdoor deck is limited to the locations depicted on attached Exhibit B. All outdoor entertainment, including, but not limited to, vocals, musical instruments, and other equipment generating sound, must comply with the Town's Noise Control ordinance and must have its sound regulated and emitted through a fixed internal speaker system managed and controlled by the property owner. All speakers must be oriented towards the water (away from adjacent residential property owners)."

- Pierside Grill, March 7, 2016, Resolution 16-04, "No outdoor entertainment is approved."
- Sunset Beach Tropical Grill, February 16, 2016, Resolution 16-05, "No outdoor entertainment is approved."
- Fish House, February 16, 2016, Resolution 16-06, "No outdoor entertainment is approved."
- Olde Seaport - Snug Harbor, February 17, 2015, Resolution 15-01, "Live entertainment permitted only inside the building and on the dock, limited to non-amplified, acoustical music."
- Beached Whale, June 3, 2013, Resolution 13-09 "No live music is permitted."
- Yucatan Beach Stand, October 21, 2013, Resolution 13-22. "Outdoor music or similar entertainment is prohibited."

Thank you for your time and attention to this matter of material concern to the neighborhood.

Sincerely,



John Samuelson
721 Matanzas Court



Emily Samuelson

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

Yellow Sheet Number: **2024-1518**

1. Request:

Meeting Date: March 12, 2024

Development Agreement with Deviations

Why the action is necessary:

The Town Council has shown an interest in looking at alternative methods of approval of developments to streamline land development processes, particularly in light of the rebuilding/redevelopment needed after Hurricane Ian. This Resolution is necessary to adopt an administrative code establishing procedures for the adoption of development agreements with deviations.

What the action accomplishes:

This action would set forth an administrative code of procedures (as required under Sec. 2-96 of the Town's Land Development Code) for the application for and approval of a Development Agreement with Deviations. This would facilitate land development approvals in a holistic manner so that an entire development can be planned and approved in a streamlined process while preserving the rights of the Town and its residents to have input in the process.

2. Agenda:

LPA ATTORNEY
ITEMS/REPORTS

3. Requirement/Purpose:

Approve an administrative code of procedures (as required under Sec. 2-96 of the Town's Land Development Code) for the application for and approval of a Development Agreement with Deviations.

5. Background:

The town already has an ordinance that provides for development agreements with deviations, and the existing code provision requires the adoption of an administrative code of procedures setting forth the processes to be used to apply for and approve a Development Agreement with Deviations.

Attachments:

1. Resolution - Development Agreement with Deviations - Procedures
2. Development Agreement Procedures - 2-27-23

Financial Impact:

none

6. Alternative Action

Propose changes

7. Staff Recommendations:

Approve

8. Recommended Approval:

Amy Baker, Town Clerk

Date: March 05, 2024

nancy stuparich, Town Attorney

Date: March 08, 2024

Amy Baker, Town Clerk

Date: March 08, 2024

RESOLUTION NUMBER 24-__

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA; MAKING FINDINGS; APPROVING AN ADMINISTRATIVE CODE SETTING FORTH PROCEDURES FOR THE APPLICATION AND APPROVAL OF DEVELOPMENT AGREEMENTS WITH DEVIATIONS; AND 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, Sec. 2-96, “Applications for Development Agreements”, of the Town’s Land Development Code provides in pertinent part that:

No person shall have the right to apply for or receive development agreement approval, unless such right is so provided in an appropriate administrative code which establishes procedures for such applications. Should such an administrative code be adopted, then the town shall establish a schedule of fees and charges which shall be imposed for the filing and processing of each such application.

WHEREAS, after discussion during public meetings before the members of the Fort Myers Beach Land Planning Agency and the Fort Myers Beach Town Counsel, and after allowing input from the public, an administrative code providing for the procedures to be followed for the application for, and the approval of, development agreements with deviations has been decided upon; and

WHEREAS, the Town Council has determined it is in the best interest of the Town of Fort Myers Beach and its residents and business owners to adopt this Resolution.

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 hereby adopts the attached Exhibit “A” as the Town of Fort Myers Beach Administrative Code Providing Procedures for Development Agreements with Deviations.

Section 3. This Resolution shall be effective immediately after the adoption by Resolution of the schedule of fees and charges which shall be imposed for the filing and processing of each application for a Development Agreement with Deviations.

The foregoing Resolution was adopted by the Town Council upon a 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	_____
Scott Safford	_____
Karen Woodson	_____

ADOPTED this ____ day of _____, 2024, 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 _____, 2024.

**TOWN OF FORT MYERS BEACH
ADMINISTRATIVE CODE PROVIDING
PROCEDURES FOR DEVELOPMENT AGREEMENTS WITH DEVIATIONS**

Pursuant to Section 2-100 and 2-96 of the Town's Land Development Code, the Town may enter into a Development Agreement with Deviations with a property owner. A Development Agreement with Deviations is a non-statutory development agreement that may allow for approval of amendments, modifications, variances or exceptions ("deviations") from the Town's Land Development Code, and, if appropriate under the provisions of the Town's Comprehensive Plan, relief from the building height limitations in the Comprehensive Plan. Approval of a Development Agreement and the deviations provided for in such Development Agreement shall be considered tantamount to and commensurate to a planned development for purposes of determining consistency with the Comprehensive Plan. Approval of a Development Agreement with Deviations shall be subject to the procedures set forth herein.

1. Development Agreement with Deviations Application Procedures.

The following information/exhibits shall be required with the application for a Development Agreement with Deviations (hereinafter "Development Agreement"):

1.1. Legal description and address of the parcel of land which will be the subject of the Development Agreement (hereinafter "Land").

1.2. The name, address and telephone number of the applicant and any attorney or agent who is or will be representing the applicant.

1.3. A title opinion from a Florida attorney (which opinion is in a form acceptable to and in favor of the town), which shall identify and provide the names, addresses and telephone numbers of all legal and equitable owners having interest in the Land, as well as all mortgage or lien holders, holders of easement interests, and other encumbrances, upon the Land. As of the date of recordation of any Development Agreement, the applicant shall be required by the town to update the foregoing information in this subparagraph to the date of recording of the Development Agreement.

1.4. An application signed by, or on behalf of, the owner and any lien holder(s) as to the Land subject to the Development Agreement, and if not signed by the owner a notarized consent signed by the owner authorizing the person to sign the application.

1.5. Payment of any required application fee as set by resolution of the town council.

1.6. A survey of the Land showing the approximate location of all environmentally sensitive lands, or lands subject to the jurisdiction of the U.S. Army Corps of

Engineers, Florida Department of Environmental Regulation, the Southwest Florida Water Management District or Lee County, Florida.

1.7. A statement and finding demonstrating that the proposed Development Agreement will be consistent with the comprehensive plan of the town.

1.8. The desired duration of the Development Agreement shall not be less than the expected completion of the development on the Land.

1.9. Development uses and regulations currently legally permitted on the Land, including densities, intensities, heights of structures, and setbacks; and, if different, any of the same that are currently on the Land, or that were on the Land at any time in the last 24 months.

1.10. Development uses and regulations, including densities, intensities, heights of structures, and setbacks being requested on the Land.

1.11. A description of the public facilities which will provide services to support the development, the approximate date that new public facilities, if needed, will be constructed, and a schedule to assure that the public facilities and services will be available concurrent with the impacts of development.

1.12. A description of any current or proposed reservation or dedication of land for public purposes.

1.13. Any deed restrictions existing or being imposed upon the Land, and a description of any current or proposed reservation or dedication of land for public purposes.

1.14. The application must explicitly identify each instance of conflict with existing ordinances and expressly provide for the Development Agreement to control, or else all of the provisions of such conflicting ordinances shall control to the extent that the Development Agreement fails to expressly provide otherwise. Any ambiguity with respect to whether a Development Agreement or an ordinance is to control shall be interpreted to favor the ordinance. A statement listing all contemplated zoning districts or land use modifications or requests for more flexibility that will be required if the proposed Development Agreement were to be approved.

1.15. A sketch of site plan showing where buildings (with heights), structures, parking, and other features/amenities of the proposed development shall be located. If the Land is located on the water, any view corridors or public access location(s), if any, will be located.

1.16. A statement that a copy of the Development Agreement with Deviations Application has been furnished by First Class U.S. Mail to all property owners

within 100 feet of the boundaries of the Land at the addresses of such property owners found on the Lee County Property Appraiser website, and a list of such property owners and addresses.

1.17. A concise and complete recital of the proposed contents of the Development Agreement using the Form of Development Agreement with Deviations attached as Ex. "A".

2. Development Agreement Minimum Content Requirements.

The following information shall be required within a Development Agreement.

2.1. A legal description of the land subject to the agreement and the identification of all persons having legal or equitable ownership therein.

2.2. The duration of the development agreement, which duration shall not be less than the anticipated time period needed to fully build out the development.

2.3. The development rights to be permitted on the land, and setting forth densities, intensities, building height(s), and setbacks. Uses of the land shall be those allowed in the underlying zoning district unless otherwise specifically provided, such as when a special exception is a part of the development agreement.

2.4. A description of the public facilities and services, including on-site improvements that will serve the proposed project, including designation of the entity or agency that shall be providing such facilities. Additionally, if new facilities are needed to serve the project, the date by which such facilities will be constructed and a schedule to assure that public facilities and services shall be available concurrent with the impact of the development project.

2.5. A description of any reservation or dedication of land for public purposes. The Development Agreement shall provide specifically how the land dedication obligation for the project, if any, is to be met. In the event that land or any interest herein is to be conveyed to the town or other entity in discharge of the foregoing, the Development Agreement shall provide that such conveyance or dedication will be by warranty deed or easement, or other instrument in form and substance acceptable to the town attorney, together with evidence of title in form acceptable to the town attorney prepared by an attorney who is a member of the Florida Bar, or a title company licensed in Florida, all depicting who is the owner in fee simple of the land subject to the conveyance or dedication, and the holders of any other interest or liens affecting said land.

2.6. A description of all local permits approved or needed to be approved for the development of the Land, specifically to include at least the following:

Any required submission to the Southwest Florida Regional Planning Council and any required permission of the State of Florida, Department of Environmental Regulation, the U.S. Corps of Army Engineers, the Southwest Florida Water Management District, the U.S. Environmental Protection Agency or any other required governmental permission. The Development Agreement shall specifically provide that said development permission will be obtained at the sole cost of the owner of the Land, and that any approvals previously given, including the Development Agreement, shall not in any manner obligate the town or any other governmental agency to grant other permit approvals. Under these conditions, action in reliance on the Development Agreement or expenditures in pursuance of its terms or any rights accruing to the project owner thereunder shall not vest any development rights in the owner of the Land or the project to a continuation of the Development Agreement.

2.7. A specific finding in the Development Agreement that the proposed project permitted or proposed is consistent with the town's Comprehensive Plan and Land Development Code, or that, if deviations are necessary for the zoning district or land use plan designations on the subject Land, such Development Agreement specifically lists such deviations in detail.

2.8. Statement in the Development Agreement showing how sidewalk and pedestrian travel is being addressed in a conceptual plan showing the proposed layout of streets, lots, green areas, conservation areas, bike ways, parks, public facilities and such other amenities.

2.9. A statement in the Development Agreement describing how environmentally sensitive land, if any, will be preserved and managed.

2.10. A statement in the Development Agreement describing how threatened or endangered species are being protected.

2.11. A statement in the Development Agreement explicitly identifying each instance of conflict with existing ordinances and expressly providing for the Development Agreement to control, or else all of the provisions of such conflicting ordinances shall control to the extent that the Development Agreement fails to expressly provide otherwise. Any ambiguity with respect to whether a Development Agreement or an ordinance is to control shall be interpreted to favor the ordinance. A statement indicating that failure of the Development Agreement to address a particular permit condition, term or restriction shall not relieve the owner or developer of the necessity of complying with the laws governing said permitting requirements, conditions, terms or restriction.

2.12. A provision that any matter or action required under existing ordinances of the town shall not be otherwise amended, modified or waived, unless such modification, amendment or waiver is expressly provided for in the Development Agreement with specific reference to the Code provision so

waived, modified or amended (“deviations”).

2.13. A statement whereby if the applicant, upon approval of the Development Agreement, fails to comply with the terms of the agreement, the town may bring an action in a court of law with competent jurisdiction to protect its rights and interests. All associated reasonable costs and attorney's fees shall be reimbursed to the town if an action at law is necessary regardless of whether the Town is the prevailing party

2.14 Post-Development Agreement requirements. An acknowledgement that prior to the issuance of any building permits being issued for the development that:

2.14.1 All existing and proposed utilities and the manner in which existing utilities will be extended to the site and/or expanded for the use of the development including water, sewer, gas, electricity, cable television, and other utilities shall have been approved by the Town;

2.14.2 The proposed drainage plan for the proposed project shall have been approved by the Town;

2.14.3 The proposed grading plan and elevation requirements of the town, including, but not limited to those related to the National Flood Insurance Program as applicable to the town shall have been approved by the town;

2.14.3. The traffic impact and parking plans as applicable to the town shall have been approved by the town; and

2.14.4 All other town requirements are met that are necessary for the initial building permits to build the project on the Land.

2.15. An acknowledgement that the town shall not have any liability whatsoever for any expenses or other damages that may be incurred as a result of denial of the Development Agreement or for denial of building permits due to the failure to meet the town's requirements as to any Post-Development Agreement requirements.

2.16. A description of any special benefit to the Town as a result of the development such as, the promotion of economic development, affordable housing, hurricane recovery, provision of needed public facilities, provision of public land or recreation, and/or elimination of blight.

2.17. A finding that the proposed Development Agreement is reasonable and not arbitrary and in the best interest of the town.

3. Development Agreement with Deviations Review Procedures.

The following regulations shall be followed during the review of a Development Agreement with Deviations.

3.1. Staff negotiation. The town manager or the town manager's designee (typically the town planner) shall review the proposed project and shall meet and hold preliminary nonbinding negotiations with the applicant regarding the appropriate terms and conditions on which said Land should be developed. At such time as a tentative agreement is reached as to the recommended terms and conditions of the development agreement, or the town manager or town manager's designee deems that no further negotiations would be useful because of the unlikely possibility of reaching a concurrence on the terms and conditions of a Development Agreement, the proposal shall be reduced to a nonbinding and unexecuted writing. Such tentative agreement, whether oral or written, shall not give rise to any development rights or equitably or legally vest any development rights in the owner of the Land or other substantially affected person.

3.2. Reduction of proposal to writing

3.2.1. In the event that the town manager or the town manager's designee and the applicant have negotiated the terms of a mutually acceptable, nonbinding and tentative Development Agreement, the terms of that Development Agreement shall be reduced to writing in a contractual form for review and for further discussion, consideration and approval or disapproval as provided herein. The Development Agreement may include a provision that authorizes administrative amendments to the site plan provided that height, density and intensity are not increased and the plan remains consistent with the Town's Comprehensive Plan.

3.2.2. In the event that the town manager or town manager's designee and the applicant have been unable to negotiate a mutually satisfactory Development Agreement, within thirty (30) days of said determination by the town manager or the town manager's designee, the applicant may prepare a proposed Development Agreement consistent with all requirements hereof for review by the town's Local Planning Agency ("LPA").

3.2.3 It shall not be required for the town manager, or designee to make a recommendation as to whether the town council should approve or not approve a Development Agreement.

3.3. Public hearings

3.3.1. At such time as the Development Agreement has been reduced to written nonbinding contractual form, or the applicant has prepared a Development Agreement as set forth above in subsection 3.2, the town manager or town manager's designee shall transmit such Development

Agreement to the LPA.

3.3.2. A public hearing shall be held by the LPA concerning said application, and the LPA shall issue a recommendation for approval or denial of the Development Agreement to the town council. Thereafter a public hearing shall be held by the town council as to the Development Agreement.

3.3.3. Notice of each of the public hearings shall be noticed on the town's website, and said notice shall be mailed to all property owners within a five hundred (500) foot radius of the boundaries of the Land at the addresses of such property owners found on the Lee County Property Appraiser website prior to the first public hearing. Said advertisement and notice of each of the two public hearings may be combined in one notice, but must include:

3.3.3.1. Location of the Land subject to the Development Agreement.

3.3.3.2. Proposed development's project land use, building intensities, estimated population and building heights.

3.3.3.3. Location where a copy of the proposed Development Agreement may be reviewed.

3.3.3.4. Date, time and place of the public hearing(s).,

3.3.3.5. At the public hearings and in compliance with any and all procedures established by law for the conduct of said hearings, the LPA and the Town Council shall accept any public comment on the terms of the Development Agreement. Following the town council public hearing, the town clerk shall immediately dispatch, postage prepaid by regular, first class, U.S. mail and in writing, a copy of the determination of the town council to the applicant, or anyone who has requested a copy advising them of the town council's decision. The determination shall state that the decision of the town council is final agency action.

4. Development Agreement Execution Procedures and Recording.

Development Agreements shall be executed as established below:

4.1. All Development Agreements shall be executed on behalf of the applicant by all persons having legal or equitable title in the Land subject to the Development Agreement, including the fee simple owner and any mortgagees or other lien holders or owners of other equitable interests in the Land, unless the

town attorney approves the execution of the development agreement without the necessity of such joinder or subordination in that the substantial interests of the town will not be adversely affected thereby.

4.2 Development Agreements shall not be executed on behalf of the town and shall not be recorded unless and until all Post-Development Agreement requirements have been met as set forth in Sec. 2-14 above. The applicant shall bear the expense of recording the Development Agreement, which shall be recorded by the town clerk.

5. Amendment to Development Agreement.

5.1 Except for Administrative Amendments, if allowed in the Development Agreement, an amendment to a Development Agreement shall not occur unless and until there have been hearings thereon before the LPA and before the town council. Noticing of the LPA and town council hearings shall be in the same manner as for the original hearings for Development Agreements.