



Fort Myers Beach Local Planning Agency

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

Minutes

Tuesday, August 8, 2023

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

(No recording.)

Members present: Vice Chair Plummer, LPA Member Eckmann, LPA Member Sudduth and LPA Member Vanasse.

Excused: Chair Cereceda, LPA Member Boan and LPA Member Safford.

II. INVOCATION

(No recording.)

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

A. Approval of June 27th draft minutes

(No recording.)

V. PUBLIC COMMENT

(Recording started.)

Town Attorney Vose swore in those providing testimony for all public hearings.

No public comment.

VI. PUBLIC HEARINGS

A. VAR20230088, 125 Strandview Ave, front and rear setback variance.

Approve/Approve with Conditions/Deny VAR20230088, 125 Strandview Ave, A variance of 6 feet for the front setback and a variance of 7.5 feet from the rear setback.

Ex parte communications: Vice Chair Plummer and LPA Member Eckmann drove by the property. No disclosures from other members.

Members of the LPA voted to consider Community Development Planner

Sarah Propst and Community Development Senior Planner Jason Smalley as experts.

Senior Planner Smalley reviewed the background of the requests as stated on the yellow sheet. Vice Chair Plummer requested that addresses be added to the sites in question and Planner Smalley will discuss the issue with the planning staff.

Brian Turnis, the applicant's son-in-law, explained that the architect created the best way to rebuild the house. The 20-foot easement on the east side was adjacent to a condominium, so a reduced setback would not affect the neighbors. Neighbors on the north side did not object to a variance. He noted that the pool remained on the property. He indicated the previous home was 1,082 square feet and the new design added 67 square feet over two stories. He felt the design was aesthetically pleasing and fit in with the neighborhood.

Planner Smalley stated that the rear setback had to be created and was measured some number of feet into their property from the 90-degree angle and an example was in the packet. He indicated that five triangular lots were created along the border of the condominium. LPA Member Vanasse noted that typically triangular lots are measured side, side, and front. Neither Planner Propst nor Senior Planner Smalley had experience with creating rear setbacks in the manner Senior Planner Smalley described.

No public comment.

LPA Member Eckmann moved to recommend approval for both variance requests plus the three conditions and felt it met the findings and conclusions; second by LPA Member Sudduth.

Motion carried unanimously.

B. VAR20230070 - 434 Estero Blvd

Approve/Approve with Conditions/Deny VAR20230070, 434 Estero Blvd, a variance for front and rear setbacks, variance to switch the side and rear setback location, and a variance for mechanical equipment encroachment.

Ex parte communications: LPA Member Vanasse and Vice Chair Plummer visited the site. No disclosures by other members. Vice Chair Plummer noted there was no address on the property. Planner Propst reviewed the background of the variance requests as stated on the yellow sheet. The house did not qualify for an administrative setback variance because the proposed house was two stories over flood rather than one. The proposed house did meet all other requirements. She clarified that the front setback request was 9 feet, not 11 feet.

LPA Member Vanasse stated that all but one criterion was met and felt it was because the applicant asked for a second floor, which was outside the scope of an administrative setback variance. He discussed administrative setback variances with Planner Propst.

Richard Durling from Marvin Homes represented the applicant, Sarah Tarble. He pointed out that the proposed structure was close to the original

footprint at 676 square feet. He felt the applicant's requests were minimal. Ms. Tarble explained that she wanted to rebuild a two-story home to encourage residents to return so developers do not buy all the property. Mr. Durling stated that there were 11 other non-conforming lots of record. He noted that moving the mechanicals to the other side would require a larger variance request.

Public comment:

James Ink, resident, supported the variance requests. He did not support calling the side setback the rear setback because it may set a precedent. He suggested that both be called side setbacks and that the house could be shifted a foot and a half for the AC. They would need a front and a rear setback.

Public comment closed.

Mr. Durling explained why they switched the side and rear setbacks and added they did not mind changing them to whatever the LPA requested. Planner Propst explained why staff made their recommendations. LPA Member Vanasse supported all four requests but wanted to make sure everything was procedurally done correctly. He agreed to leave the mechanicals in the current location.

LPA Member Vanasse moved to approve the variance requests with the understanding that staff and the applicant will adjust the variance request and clearly identify the front and rear side setbacks and adjust the amount of variance requested accordingly and that they meet the criteria of the full variance process and include the three conditions in the staff report; second by LPA Member Sudduth.

Motion carried unanimously.

C. SEZ20230126, 163 Old San Carlos

SEZ20230126 a request to amend SEZ20210050 to temporarily move the 2COP from 185 Old San Carlos Blvd to 163 Old San Carlos Blvd and to amend conditions of approval.

Planner Propst reviewed the background of the request as stated on the yellow sheet. LPA Member Vanasse noted that staff recommended approval. Susie Bahan, resident and business owner, described her situation post-Ian and noted a lack of income had severely impacted her. She requested a waiver of fees because she had already paid \$3,800.00 for two COP licenses and could not use them. Town Attorney Vose stated that the LPA did not have the authority to waive the fees, but they could recommend a waiver. Ms. Bahan indicated that tables and chairs would be inside a four-foot fence with a gate. She would move the 2COP back to 185 Old San Carlos once she could afford to repair the building. LPA Member Sudduth suggested setting a timeline with periodic reviews. Ms. Bahan stated she was close to opening when Ian hit. Discussion was held regarding determining a timeline. Ms. Bahan suggested two years and the LPA agreed with a review in one year.

Public comment:

Richard Fowler, resident of Sanibel, supported Ms. Bahan's request. He felt it was in Ms. Bahan's and the town's best interest and would help bring people to the area.

Claire Maggio, ex-resident, supported Ms. Bahan's request because it would bring business back to the island and help Ms. Bahan and her family.

Tara Boyd, resident, supported Ms. Bahan's request. She described the area before Ian and felt her request would help revitalize the community and help provide a sense of normalcy.

Steven Andrews, resident, agreed with the request and stated people needed a place to go in the area and her business would help bring Old San Carlos back.

Public comment closed.

LPA Member Sudduth moved to approve the request for a special exception with the five conditions met and add condition six to set up a review in 12 months; it met the findings and conclusions and the review in 12 months will not involve additional fees; second by LPA Member Eckmann.

Motion carried unanimously.

VII. ADMINISTRATIVE AGENDA

The comprehensive plan and two other items will be on September's agenda.

VIII. LPA MEMBERS ITEMS/REPORTS

LPA Member Vanasse stated that variances were being granted because they were going through exceptional circumstances. He discussed the reason for the LDC (Land Development Code) and provided examples of why it was not working for the town now. He noted that the intent was to create non-conforming lots to make it difficult for people to build back, but that no longer worked post-Ian. He described the need to adjust setbacks for certain zoning districts and suggested revisiting all zones. He commented that it was up to the LPA to find relief for residents to get back into their homes. He addressed why Homebound builders requested variances for some lots and noted that other builders would likely follow. He described his recent visit to Manasota Beach and noted the biggest difference was the amount of vegetation and an extensive dune system. He suggested looking at planting requirements on the residential side and promoting green ground cover. LPA Member Eckmann commented that native plants took much less care to survive successfully. Vice Chair Plummer discussed all the lost cottages and noted the LPA was allowing residents to build back with the variance process. LPA Member Eckmann agreed they had to allow variances for people to rebuild. He felt the LPA was very thoughtful regarding discussing variances. LPA Member Sudduth did not like all the work and time required with variances and regretted that they could not move faster. He applauded Homebound and other builders for helping people and felt that almost every variance the LPA granted improved the lot.

Vice Chair Plummer stated that a tornado hit her sister's neighborhood, but her house was not damaged.

IX. LPA ATTORNEY ITEMS/REPORTS

No items.

X. COMMUNITY DEVELOPMENT ITEMS/REPORTS

No items.

XI. ITEMS FOR NEXT MONTHS AGENDA

Addressed in VII.

XII. ADJOURNMENT

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

The meeting was adjourned at 10:37 a.m.

Minutes adopted as presented, September 12, 2023. Motion by LPA Member Plummer and seconded by LPA Member Boan. Passed 7-0.

A handwritten signature in blue ink, appearing to read "Amy Baker".

Amy Baker, Town Clerk