



Fort Myers Beach Local Planning Agency

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

Minutes

Tuesday, October 10, 2023

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

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

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

- A. Approval of September 12, 2023 draft minutes
LPA Member Sudduth moved to approve the minutes; second by LPA Member Plummer.
Motion carried unanimously.

V. PUBLIC COMMENT

No public comment.

VI. PUBLIC HEARINGS

- A. Resolution 23-125, Variance 20230175- 5137 Estero Blvd
**APPROVE/ APPROVE WITH CONDITIONS/ DENY VARIANCE
VAR20230175 TO ALLOW A GARAGE CLOSER TO THE ESTERO
BOULEVARD STREET RIGHT-OF-WAY LINE THAN THE PRINCIPAL
BUILDING FOR THE PROPERTY LOCATED AT 5137 ESTERO BLVD**
Town Attorney Vose reviewed the quasi-judicial process. Ex parte communications: LPA Member Vanasse - spoke to the applicants, went to the house, looked at the site and talked to the consultant; LPA Member Plummer

- has been to the site and knows the property well; and LPA Member Safford
- knows the property well. No disclosures from other members. Town Attorney Vose swore in those providing testimony.

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

Kara Stewart represented the applicants. She stated that the structure would be 15 feet from the side property line and the home would be located behind the existing accessory structure.

No public comment.

LPA Member Plummer moved to approve the variance, including the condition for approval, and noted it met the findings and conclusions; second by LPA Member Sudduth.

Motion carried unanimously by roll call vote.

- B. CPA-20220084, Small Scale Map Amendment for part of 21471 Widgeon Terrace and adjacent common element of Flamingo Harbor Condominium
ORDINANCE 23-16, AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING TOWN OF FORT MYERS BEACH ADOPTED FUTURE LAND USE MAP DATED JANUARY 1, 1999, FOR A PORTION OF THE PROPERTY LOCATED AT 21471 WIDGEON TERRACE AND PART OF THE ADJACENT COMMON ELEMENT PROPERTY OF FLAMINGO HARBOR CONDOMINIUM, FORT MYERS BEACH; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Vose read the title of the ordinance. Community Development Planner Jason Green reviewed the background of the small scale map amendment and why it was requested, as noted on the yellow sheet. The staff recommended approval based on the DEP (Department of Environmental Protection) study. Planner Green described the process of changing the wetland line.

Sarah Spector, attorney from Roetzel & Andress, represented the applicant. She stated that the DEP provided a letter stating no wetlands were on the site. She requested that the map be designated as mixed residential.

No public comment.

LPA Member Sudduth moved to recommend approval; second by LPA Member Vanasse.

Motion carried unanimously.

VII. ADMINISTRATIVE AGENDA

A.

Approval of rezoning Town property for Fire District land swap

Planner Propst stated the item was pulled from the agenda for lack of notice.

VIII. LPA MEMBERS ITEMS/REPORTS

LPA Member Vanasse brought up fees associated with variances. He recommended that a permit for a house on a non-conforming lot that creates the need for three variances be considered as one application. For example, a fence setback that creates two variances should be considered as one application because one fence on one property is the same review process. Chair Cereceda stated that the fence references were about her fence. She noted that the variances cost \$2,800.00 and her fence was \$6,000.00. On top of those fees, she has to apply for a permit, which will add to the total cost. She indicated it was a very cumbersome and expensive process. She also felt that the fee for a fence variance should not be the same as a height variance. Chair Cereceda suggested that if the fee schedule is changed, it should be retroactive to Hurricane Ian. No items from other members.

IX. LPA ATTORNEY ITEMS/REPORTS

LPA Member Plummer nominated Anita Cereceda as chair; second by LPA Member Eckmann.

Motion carried unanimously by roll call vote.

LPA Member Boan nominated Jane Plummer as Vice Chair; second by LPA Member Eckmann.

Motion carried unanimously by roll call vote.

No items from Town Attorney Vose.

X. COMMUNITY DEVELOPMENT ITEMS/REPORTS

Planner Propst noted that the Historic Preservation Board (HPB) had not met in a long time and questioned how the LPA wanted to handle the situation. Planner Green responded that the LPA was the HPB per the LDC (Land Development Code) and the LPA chose to create the Historic Preservation Advisory Board (HPAB) to advise the LPA on specific topics. Since Ian, the question was whether any historical homes were left to be saved. He questioned whether the LPA was interested in getting the HPAB started again or whether the LPA preferred to deal with items directly. LPA Member Vanasse indicated that before the hurricane, it was difficult to get a quorum with the HPAB and the LPA discussed whether the number of seats could be reduced. He mentioned keeping the HPAB intact as an option, but if they could not meet a quorum, the items would go straight to the HPB. Chair Cereceda suggested adding the HPAB to an agenda to discuss where to go.

XI. ITEMS FOR NEXT MONTHS AGENDA

Planner Propst indicated the special exception for the fire district may be on the agenda next month. LPA Member Sudduth stated he would not be in town for the next meeting, but he will participate remotely.

XII. ADJOURNMENT

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

The meeting was adjourned at 9:44 a.m.

Minutes adopted as presented, November 14, 2023. Motion by LPA Member Plummer and seconded by LPA Member Boan. Passed 7-0.



Amy Baker, Town Clerk