



Fort Myers Beach Local Planning Agency

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

Agenda

Tuesday, March 11, 2025

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

V. APPROVAL OF MINUTES

A. Local Planning Agency - February 11, 2025

VI. PUBLIC COMMENT

VII. PUBLIC HEARINGS

A. VAR20250015, 702 Estero Boulevard

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250015, REQUESTING FOUR VARIANCES FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 702 ESTERO BOULEVARD., GENERALLY REFERED TO AS STRAP NUMBER 24-46-23-W3-00400.008E IN FORT MYERS BEACH, TO VARY FROM REQUIRED STREET SETBACK, REAR SETBACKS, AND SIDE SETBACKS TO BUILD A NEW SINGLE FAMILY STRUCTURE IN THE RM ZONING DISTRICT; AND PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

B. VAR20250018, 154 Virginia Avenue

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250018, REQUESTING A VARIANCE FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 154 VIRGINIA AVENUE., GENERALLY REFERED TO AS STRAP NUMBER 19-46-24-W4-00090C.0040 IN FORT MYERS BEACH, TO VARY 6.8 FEET FROM REQUIRED 20 FOOT REAR SETBACK TO BUILD A NEW SINGLE FAMILY STRUCTURE IN THE RC ZONING DISTRICT; AND PROVIDING FOR OTHER CLARIFICATIONS AS

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

VIII. ADMINISTRATIVE AGENDA

A. Discussion Only - Notices

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING LAND DEVELOPMENT CODE SECTION 34-236, NOTICES TO REQUIRE APPLICANTS FOR REZONINGS, DEVELOPMENT AGREEMENTS AND DEVELOPMENTS OF REGIONAL IMPACT TO PROVIDE MAILED AND POSTED PUBLIC NOTICING PRIOR TO LOCAL PLANNING AGENCY AND TOWN COUNCIL PUBLIC HEARINGS; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS; CONFLICTS OF LAW; AND PROVIDING AN EFFECTIVE DATE.

B. Application Review Fees and Payment

DISCUSSION OF A DRAFT ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING SECTION 34-53 OF CHAPTER 34, ARTICLE II, DIVISION 1 OF THE LAND DEVELOPMENT CODE REGARDING ACCEPTANCE OF PAYMENT OF FEES AND CHARGES FOR REVIEW OF ANY APPLICATION OR ISSUANCE OF A PERMIT, INCLUDING INSPECTIONS, UNTIL ALL FEES AND CHARGES DUE THE TOWN INCLUDING BUT NOT LIMITED TO EXPENDITURES FOR NOTICING, ADVERTISING, ADDITIONAL PROFESSIONAL SERVICES, OUTSTANDING UTILITY BILLS OR CODE ENFORCEMENT FINES OR LIENS HAVE BEEN PAID AND THE PROPERTY IS IN COMPLIANCE WITH ALL APPLICABLE TOWN CODES AND ORDINANCES UNLESS REVIEW OF THE APPLICATION IS NEEDED FOR SAFETY PURPOSES OR FOR COMPLIANCE WITH TOWN CODES AND ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS; CONFLICTS OF LAW; AND PROVIDING AN EFFECTIVE DATE.

IX. LPA MEMBERS ITEMS/REPORTS

X. LPA ATTORNEY ITEMS/REPORTS

XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS

XII. ITEMS FOR NEXT MONTHS AGENDA

XIII. ADJOURNMENT

NOTE: THIS MEETING IS STREAMED LIVE ON YOUTUBE.

IF THE LOCAL PLANNING AGENCY UNANIMOUSLY APPROVES A REQUEST FOR A VARIANCE, EXTENSION OR SATISFACTION OF CONDITIONS, A REQUEST FOR AN ADDITIONAL HEARING BEFORE THE TOWN COUNCIL MAY BE MADE BY ANYONE IF THE REQUEST IS RECEIVED BY THE TOWN CLERK WITHIN 10 BUSINESS DAYS OF THE LOCAL PLANNING AGENCY DECISION PURSUANT TO SEC. 34-232 OF THE LAND DEVELOPMENT CODE.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE LOCAL PLANNING AGENCY WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED IN ACCORDANCE WITH FLORIDA STATUTE 286.0105.



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. 239-765-0202



Fort Myers Beach Local Planning Agency

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

Minutes

**Tuesday, February 11,
2025**

9:00 AM

DRAFT

ORDER OF BUSINESS

I. CALL TO ORDER

Members present: Chair Cereceda, LPA Member Boan, LPA Member Dunlap, LPA Member Eckmann, LPA Member McLean, LPA Member Plummer and LPA Member Sudduth

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

LPA Member Dunlap moved to approve the final agenda, seconded by LPA Member Boan.

The motion carried unanimously.

V. APPROVAL OF MINUTES

A. Local Planning Agency - January 9, 2025

LPA Member Sudduth moved to approve the minutes, seconded by LPA Member McLean.

The motion carried unanimously.

VI. PUBLIC COMMENT

No public comment.

VII. PUBLIC HEARINGS

Town Attorney Stuparich explained the quasi-judicial procedures and the expedited variance process. Town Clerk Baker confirmed that all agenda items were properly advertised and noticed and she swore in members of the public providing testimony.

A. VAR20240304; 7205 Estero Blvd.

**A RESOLUTION OF THE TOWN COUNCIL OF FORT MYERS BEACH,
FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING A**

VARIANCE FOR THE PROPERTY LOCATED AT 7205 ESTERO BLVD., GENERALLY IDENTIFIED AS STRAP NUMBER 03-47-24-W1-00011.0000 IN FORT MYERS BEACH, TO ALLOW A MULTI-UNIT COMPLEX TO DEVELOP INDIVIDUAL UNIT SIGNS THAT ARE A MAXIMUM OF 32-SQUARE FEET AS WELL AS DEVELOPING A 32-SQUARE FOOT GROUND SIGN TO DISPLAY THE COMPLEX NAME AND BRANDING, ALLOWING FOR THE STRUCTURE TO BE DEVELOPED ON THE PROPERTY LINE; 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 resolution. No ex parte communications were disclosed; however, Chair Cereceda disclosed a conflict of interest and submitted Form 8B to the Town Clerk.

Community Development Senior Planner, Jason Smalley, reviewed the background of the request as stated on the yellow sheet. He pointed out that the staff included a condition of approval asking that they discuss maximum square footage in case a current unit was split.

Cara Stewart represented the applicant and noted there were 20 units in the complex rather than 32 and they would like to change the square footage to 800 regarding condition number three. Ms. Stewart clarified that two signs totaling 32 square feet would be allowed if the unit split in two, but this could affect consistency and uniformity.

Public comment:

Carrie Smith, owner of Leani's, supported the aesthetics and conformity of signs.

Public comment closed.

Senior Planner Smalley did not object to changing the units from 750 to 800 square feet.

LPA Member Plummer moved to approve the resolution, finding that it met the findings and conclusions with the third condition modified, seconded by LPA Member Boan.

The motion carried unanimously.

B. DCI20240137.2, Mobile Vending/Food Truck Park CPD Amendment

1. AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING WITH CONDITIONS THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING FOR THE PROPERTY LOCATED AT 2500, 2510 AND 2518 ESTERO BLVD. AND 2543 COTTAGE AVENUE, GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-0120A.0100; 19-46-24-W3-01302.0000; 19-46-24-W3-01301.0000; 19-46-24-W3-0120A.013A IN FORT MYERS BEACH, TO ALLOW A MOBILE VENDOR/FOOD TRUCK PARK WITH SHARED PARKING; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

2. Request from Pelican Watch Condominium Association, Thomas F. and Debra Danford as managers and members of Coastal Cottages LLC, and Edwin T. French III, to have Intervenor Status.

Chair Cereceda read the title of the ordinance. Town Attorney Stuparich explained the Intervenor status and noted that documents were submitted before the agenda was distributed. The LPA would have to vote to allow them into the record. She added that there were expert witnesses who needed to be qualified.

Attorney David Moscota from Becker & Poliakoff represented the intervenors, who lived next to the proposed project. Attorney Noel Davies represented the applicant and objected to them having some sort of special status.

Tom & Deb Danford stated they were represented by Attorney Moscota. Attorney Moscota indicated they were intervenors because they were residents who lived in Pelican Watch and were immediately impacted by the project.

LPA Member Boan asked whether the intervenor had the right to cross-examine the petitioner directly and Town Attorney Stuparich replied that it was up to the LPA. Chair Cereceda did not wish to allow cross-examination because the LPA had to make the decision. LPA Members agreed.

LPA Member Plummer moved to approve intervenor status, seconded by LPA Member Boan.

The motion carried unanimously.

Chair Cereceda limited the intervenor discussion to five minutes.

Max Forgey was previously qualified as an expert witness in planning. Mohsen Salehi reviewed his qualifications and experience in his field.

LPA Member Eckmann moved to accept Mr. Salehi as an expert in his field, seconded by LPA Member Dunlap.

The motion carried unanimously.

Matt Simmons reviewed his experience and qualifications as an appraiser and broker.

LPA Member Dunlap moved to accept Mr. Simmons as an expert in his field, seconded by LPA Member McLean.

The motion carried unanimously.

Attorney Davies objected to any appraisal or valuation report because the LPA was not allowed to consider that since it was not part of the criteria. LPA Member Dunlap explained that they were not required to give the information any weight at all, but he preferred to hear the background information for context. Attorney Davies stated that the information should not sway their vote because they had to look at the substantial competent evidence.

LPA Member Plummer moved to enter the additional items in the agenda materials into the record, seconded by LPA Member McLean.

The motion carried unanimously.

Attorney Moscota described the materials in the box and noted they were copies of documents already entered into the record, except for an updated map and opposition letters.

LPA Member Dunlap moved to accept the map and letters into the record, seconded by LPA Member Boan.

The motion carried unanimously.

Chair Cereceda stated that the four intervenors were allowed five minutes each. Ex parte communications: LPA Member Dunlap disclosed numerous emails for and against, he visited the site organized by the residents and spoke to several of them and spoke to The Neighborhood Company; LPA Member Sudduth received numerous emails for and against, he visited the site organized by the residents and spoke to several of them and spoke to The Neighborhood Company; LPA Member Eckmann met with Ed French and Carolyn McKeown at the property and had a virtual meeting with Ken Gallander from The Neighborhood Company; LPA Member Plummer met with Carolyn McKeown and Mr. French at Pelican Watch, walked the property and spoke to Mr. Gallander over the phone; LPA Member Boan met with the petitioner and Mr. Gallander and received emails for and against the project; LPA Member McLean met with the petitioner, met with the Pelican Watch Association, Carolyn McKeown and Mr. French and walked the property and Chair Cereceda spoke to Patrick Vanasse, Carolyn McKeown and was familiar with the property.

Principal Planner Judith Frankel reviewed the background of the request as stated on the yellow sheet and noted the applicant had made changes to the proposed schedule of uses and master concept plan. The changes will be addressed during the applicant's presentation.

Attorney Davies began the presentation with an Introduction of the Project Team and Request. Mr. Gallander continued with the Subject Property, Location, Site Design & Compatibility, Master Concept Plan Variations, Master Concept Plan 1-28-25, Master Concept Plan with Green Space/Buffers and Aerial Overlay, Concept View - Overall Site, Concept View - South, Concept View - Corner of Estero & Chapel, Concept View - Ground View of Chapel Street, Concept View - Corner of Chapel & Cottage, Concept View - North along Cottage, Concept View - Cottage Ave., Concept View - Southwest from Estero, Concept View - South from Estero Blvd. Pathway, Concept View - Southeast from the parking area, Concept View - West from the parking area, Concept View - Southwest from Estero Pathway, Concept View - Southeast from Estero Pathway, Location, Site Design & Compatibility, Transportation & Parking, Parking - Revised, Proposed Conditions/Commitments and Findings & Conclusion. Mr. Gallander described how he worked with the neighbors at Pelican Watch. LPA Member Plummer requested a condition that the music must be played inside the building.

Dan Myers, applicant, told LPA Member Plummer that the music would be contained in the building. He addressed how they have interacted with their neighbors over the years and had improved their property. They gave up frontage along Estero for the improvements, agreed to reduced setbacks for the Whiteheads and let the Dandfords use a portion of their property to help ease their construction congestion. They also allowed the town to use their

lot for cleanup after Ian. He described the growing trend of food trucks after the hurricane and the vision for their property.

James Hotka, applicant, stated they were asking for a family food truck park and acknowledged this was out of the norm, but he thought it was necessary for the town. He indicated that they would try to mitigate the noise for the residents and would create a landscape buffer to direct people to the beach access. He described the benefits to the community and took every email seriously. Chair Cereceda asked whether they would agree to provide ambient music and no live music. Mr. Myers responded that he could find a way to mitigate the music if that was a major sticking point. He was not opposed to having music on scheduled days.

Mr. Salehi reviewed the history of the comp plan and discussed the impact the proposed development would have on Estero Blvd., Chapel and Mango. He indicated a traffic impact study should be done. LPA Member Sudduth asked whether a traffic study was done with the original CPD, and the staff was unsure.

Mr. Simmons stated they did a value impact study and that, in his opinion, approving the project would negatively influence the surrounding residential properties. He described how the development would negatively influence the value. He expressed concerns regarding how the noise amplification would affect Pelican Watch. He cited the negative results of a 2017 study of food truck parks in Portland, Oregon.

Mr. Forgey indicated the staff report did not address the adequacy or inadequacy of the owner's existing entitlements or analyze the potential impacts of the changed use on the neighbors in the immediate vicinity. He noted there was no ordinance regulating food truck parks in Fort Myers Beach and there should be one so the community can judge the service and location. He discussed the statutory definition of compatibility and noted that if there were 27 conditions on 7/10 of an acre, maybe they were trying to do too much. He summarized negative comments from some of the neighbors. Randy Bryce, president of the HOA at Pelican Watch, described good calls with the owner, but the owners of Pelican Watch were still opposed to public parking, the amount of traffic in the neighborhood and the noise factor. He described hearing the music at a food truck from 150 feet away and asked how they could sit at their pool in peace with the food trucks next door.

Mr. Danford noted he submitted a letter detailing his position on February 4, 2025. He agreed with all the experts. He stated he purchased his place at the location because it was away from the busy commercial areas. He discussed the lack of parking at beach accesses to benefit pedestrians, the potential traffic congestion, negative property values for the neighborhood and the conditions and deviations were inappropriate and inconsistent with the comp plan and future land use. He asked that the application be denied. Ms. Danford thought they should encourage more variety and brick-and-mortar businesses. She discussed the reduction of land values and stated they were 31 feet from the development and that nothing they could do would mitigate the noise from the food trucks and traffic. She supported

development but not when it hurts the neighbors. She asked that they deny the request.

Ed French was concerned about the same issues as everyone else.

Town Attorney Stuparich stated they could recess for two hours while LPA Member Sudduth completed his previously scheduled phone call. All members involved agreed to a recess.

Chair Cereceda called for a recess at 12:21 p.m. and reconvened at 2:00 p.m. Attorney Moscota stated that there were no guarantees that the project would be family friendly because they did not guarantee that there would be no live music, no agreement regarding the maximum number of food trucks and no limitations on the hours of the comfort station to discourage vagrants from using the facilities. He thought the concept was excellent, but not in that neighborhood. He noted the applicant chose not to live in the area with the food court. He asked that they deny the application.

Public comment:

Susan Bonfigli, a resident, lived 100 feet away from the project. She emailed the LPA with her concerns and created a Pinterest board to share photos and videos of the neighborhood. She indicated they could hear the sounds of businesses further away. She pointed out that there was a public parking lot on the corner of Mango and Estero Blvd. and the lot where Moms was set up. Those two businesses have restrictions to lessen the impact on the residential neighborhood and were doing just fine. She described how the project would affect them and how the neighborhood was already affected by traffic from the Mango parking lot and Mom's food truck. She stated her driveway on Cottage was blocked this morning at 7:25 a.m. She did not think alcohol was appropriate abutting a residential neighborhood and she was not happy about the music.

Steven Whitehead was building his home next to the project and expected to retire to a nice, quiet neighborhood. He did not expect that he would have to look over food trucks and experience the smells of everything there. He asked whether the LPA would want to live like that.

Gary Fields lived adjacent to the project and he was a professional musician. He discussed the sound impact of his music and the way sound traveled. He measured the sound level from the pedestrian walkway approximately 20 yards outside La Ola and it was consistently over 75 decibels. He discussed how surrounding properties would be affected and noted the decibel level was unacceptable for the neighborhood.

Jan Krause urged the LPA to vote no on the project.

Derek O'Loughlin, resident, stated that the applicant has never contacted him and he has the most impact because he's the closest to the trash enclosure and everything else. He noted that Ordinance 10-416 required a minimum 15-foot buffer and the applicant requested a 10-foot buffer. He indicated there was no specific planning with the plan, just a rendering. He questioned safety surrounding traffic and the restrooms and asked who would pay to secure the parking lot. He discussed the decreased value of his and surrounding properties.

Jerry Weaver discussed food trucks after Ian. He asked whether the LPA wanted to go in the direction of allowing permanent food trucks instead of brick-and-mortar businesses in residential areas.

Jordan Hester indicated there would be drone aerials and a video in the packet that Becker sent the LPA.

Randy Bryce, resident, played a video of music from 150 feet away at the food truck by Lani Kai. He stated that since the plans were made public, at least one prospective buyer backed out from purchasing a unit at Pelican Watch. He asked that they disallow live music and not exceed 58 decibels for ambient music. He added that ingress and egress off Chapel with proper design could be a forced right-hand turn towards Estero instead of turning either way.

Public comment closed.

Principal Planner Frankel stated they did not require a traffic study because of the small scale; however, the LPA could add it as a condition. She indicated the conditions will become regulations for the site and specific to this property. She reviewed compatibility with the comp plan and explained why the proposal was a reduction in intensity. Chair Cereceda stated that when discussing the comp plan, a huge element was protecting residential neighborhoods from commercial intrusion, which is the objection to the project. She added that even though there was approved commercial expansion there, it was enclosed and the intrusive element of that commercial activity was contained. Principal Planner Frankel replied that it was important to consider all elements. She reviewed the deviations, findings and conclusions and noted that staff recommended approval with conditions. She read the conditions.

Mr. Gallander stated there was an approved traffic study in 2008 and they would do a trip generation study to compare with the traffic study. They were committed to having amplified music within the building and oriented toward Estero Blvd. LPA Member Dunlap asked whether they would agree to no live music as a condition of approval for everything else. Mr. Gallander replied that they wanted amplified music and outdoor entertainment. Mr. Myers was open to considering options.

Attorney Davies disagreed with the experts on the intervenors' side. He addressed the number of conditions and said that was part of the process. He indicated the LPA had to balance what the applicant was entitled to with what the proposal was and look at the specific rezoning criteria. He noted they were not asking for more than they had and they provided public restrooms.

LPA Member McLean thought there was less control over the environment with an open-air facility and the ordinance should address the location next to a residential neighborhood. He did not believe it was compatible with the neighborhood and was intrusive and a nuisance to the neighbors. He did not think a traffic study made an impact, but having the music within a semi-enclosed structure would help mitigate the nuisance. He suggested that amplified music could be managed.

LPA Member Boan noted it was less intensive but more intrusive than the existing CPD would be with an enclosed building because the music would be less intrusive on the neighbors. He felt the food trucks were a great concept, and there was a place for them, but he did not know if this was the right spot. The food truck in Naples was not adjacent to a neighborhood and was less intrusive.

LPA Member Plummer thought it was hard not to be intrusive on Estero Blvd. since it was entirely commercial. She wanted to change the hours in condition 8 to 7:00 a.m. to 9:00 p.m. and stop the music at 8:00 p.m., add required to the grid in condition 11 and discuss the generator issue in condition 16. She did not think a trip generator study would help, she asked that the bathrooms be locked up when the business closed, add a condition that the music must be inside the building with two sides covered and possibly only acoustical music on weekends and ambient music. She was not worried about the open tables and thought a restaurant would be more intrusive because floors would probably be open with music inside like others being built.

LPA Member Eckmann struggled with this, but he felt it might not be as bad as imagined and agreed with LPA Member Plummer about a restaurant. The open bar would be facing Estero Blvd. and would mitigate the noise. He felt they should do a limited traffic analysis because they might want a right turn only on Cottage. He thought it was pedestrian-friendly, was resilient because the trailers could be moved and they were not food trucks in a parking lot with generators and wires all over the place. He felt it would be popular and people would walk to it. As far as the expert witnesses, property value was speculative and did not make sense to talk about because it was unknown. He felt they should be allowed to have music and manage it with the town's noise ordinance. He felt the project added value.

LPA Member Sudduth also struggled, but the applicant had property rights along with the neighborhood. He brought up traffic coming through the property and thought there were ways to address that. He felt for the single residences because they would be affected, but it was a commercial property. He stated that the design was much better this time and that a lot was addressed. He brought up limiting the music to restrict the noise.

LPA Member Dunlap stated what mattered to him was not only what they were doing but who they were doing it with. The applicant was a local person with local at-risk capital who had tried to have conversations that were beneficial and compromised biased against the concerns and issues. There were a lot of criteria that had to be complied with and the LPA needed to put as much responsibility on the owners and operators as possible. He thought there should be a quarterly meeting with code enforcement to provide a list of verifications, validations and modifications to prove that what they agreed to was being followed. He would like to include a requirement that for the first two years of operation, they had to show that it was consistent, complied with and aligned with everything the applicant agreed to do. The applicant had to own the responsibility and prove they were adhering to the conditions.

The hours of operation were discussed and the consensus was 7:00 a.m. to 9:00 p.m., with music stopping at 8:00 p.m. Services were not included in the hours of operation.

Chair Cereceda agreed it was less intense, but it was more intrusive. She loved the project but did not think it fit in that location. She asked about locking up the bathrooms and shutting off the water to the showers. A consensus was reached to limit the music to the three-sided structure and to require quarterly meetings with code enforcement for the first two years.

LPA Member Dunlap moved to approve the ordinance with the changes discussed and approved, seconded by LPA Member Eckmann.

The motion carried 4-3 by roll call vote, with Chair Cereceda, LPA Member Boan and LPA Member McLean dissenting.

VIII. ADMINISTRATIVE AGENDA

A. Public Notice Ordinance

DISCUSSION OF A DRAFT ORDINANCE RE NOTICES

Continued to the next scheduled meeting of March 11, 2025.

B. Application Review Fees and Payment

DISCUSSION OF A DRAFT ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING SECTION 34-53 OF CHAPTER 34, ARTICLE II, DIVISION 1 OF THE LAND DEVELOPMENT CODE REGARDING ACCEPTANCE OF PAYMENT OF FEES AND CHARGES FOR REVIEW OF ANY APPLICATION OR ISSUANCE OF A PERMIT, INCLUDING INSPECTIONS, UNTIL ALL FEES AND CHARGES DUE THE TOWN INCLUDING BUT NOT LIMITED TO EXPENDITURES FOR NOTICING, ADVERTISING, ADDITIONAL PROFESSIONAL SERVICES, OUTSTANDING UTILITY BILLS OR CODE ENFORCEMENT FINES OR LIENS HAVE BEEN PAID AND THE PROPERTY IS IN COMPLIANCE WITH ALL APPLICABLE TOWN CODES AND ORDINANCES UNLESS REVIEW OF THE APPLICATION IS NEEDED FOR SAFETY PURPOSES OR FOR COMPLIANCE WITH TOWN CODES AND ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS; CONFLICTS OF LAW; AND PROVIDING AN EFFECTIVE DATE.

Continued to the next scheduled meeting of March 11, 2025.

IX. LPA MEMBERS ITEMS/REPORTS

No items.

X. LPA ATTORNEY ITEMS/REPORTS

No items.

XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS

No items.

XII. ITEMS FOR NEXT MONTHS AGENDA

No items.

XIII. ADJOURNMENT

LPA Member Dunlap moved to adjourn, seconded by LPA Member Sudduth.
The motion carried unanimously.

Meeting adjourned at 4:03 p.m.

DRAFT

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Cerceda Amato T</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Local Planning Agency</i>
MAILING ADDRESS <i>185 Jefferson St</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY <i>Hamlet Beach</i> COUNTY <i>Lee</i>	NAME OF POLITICAL SUBDIVISION: <i>Town of Hamlet Beach</i>
DATE ON WHICH VOTE OCCURRED <i>2/11/25</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)

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

Yellow Sheet Number: **2025-264**

1. Request:

Meeting Date: March 11, 2025

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250015, REQUESTING FOUR VARIANCES FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 702 ESTERO BOULEVARD., GENERALLY REFERED TO AS STRAP NUMBER 24-46-23-W3-00400.008E IN FORT MYERS BEACH, TO VARY FROM REQUIRED STREET SETBACK, REAR SETBACKS, AND SIDE SETBACKS TO BUILD A NEW SINGLE FAMILY STRUCTURE IN THE RM ZONING DISTRICT; AND PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The LPA will make recommendations to the Town Council regarding the variance requests or approve the variance requests unanimously.

What the action accomplishes:

The LPA recommendation will be forwarded on to the Town Council or serve as final agency action if the requests are approved unanimously.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

Wright Heidi E Tr For Heidrun E Wright Trust, the owner of 702 Estero Blvd, is requesting four variances from the Town's Land Development Code (LDC). The first (1) is a variance from LDC Table 34-3 which requires a single-family home in the RM zoning district to provide a minimum street setback of 25 feet from the front property line. This request is for a variance of 16 feet from the street setback for a street setback of 9 feet for the construction of a single-family home.

The second (2) is a variance from the Town's LDC Table 34-3 which requires a 20-foot rear (west) setback for single-family homes in the RM zoning district. Sec. 34-2 defines lot line, rear means that lot line which is parallel to or concentric with and most distant from the front lot line of the lot. A 12-foot 6-inch variance is requested from the required 20-foot rear setback, to result in a rear setback of 7 feet 6 inches from the west property line for the construction of single-family residence.

The third (3) is a variance from the Town's LDC 34-3 which requires a 7.5-foot side (south) setback for single-family homes in the RM zoning district due to the lot width being between 50 to 75 feet. A variance of 2 feet 6 inches is requested from the required 7.5-foot side setback, to result in a side setback of 5 feet from the south property line for the construction of a single-family home.

The fourth (4) is a variance from the Town's LDC Table 34-3 which requires a 7.5-foot side (north) setback for single-family homes in the RM zoning district due to the lot width being between 50 to 75 feet. A variance of 1 inch is requested from the required 7.5-foot side setback, to result in a side setback of 7.43 feet from the north property

line for the construction of a single-family home.

The previously existing single-family structure was destroyed by Hurricane Ian. A survey that dates to 3/10/1999 depicted that the restored structure was not in compliance with the Town’s LDC and was permitted with Lee County.

Attachments:

1. 702 Estero Blvd- LPA staff report
2. Exhibit A: 702 Estero Blvd_Site Plan
3. Exhibit B: 702 Estero Blvd_ Survey
4. Exhibit D: 702 Estero Blvd- Application and supplement PH-B
5. Exhibit C LPA AND TC VAR postcard 702 Estero Blvd
6. NS edits LPA Resolution 25-02__702 Estero

Financial Impact:

Unknown

6. Alternative Action

Deny requests.

7. Staff Recommendations:

Approve with conditions

8. Recommended Approval:

Judith Frankel, Principal Planner

Date: February 25, 2025

Frankie Kropacek, Operations & Compliance Director

Date: February 26, 2025

nancy stuparich, Town Attorney

Date: February 28, 2025

Amy Baker, Town Clerk

Date: March 03, 2025



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20250015

CASE NAME: 702 Estero Blvd; requesting four variances from Table 34-3 Dimensional Regulations in Conventional Zoning Districts for the street, side, and rear setback for the encroachment of a Single-Family Residence in the RM zoning district.

LPA

HEARING DATE: March 11, 2025, at 9 AM

STAFF

RECOMMENDATION: APPROVAL WITH CONDITIONS

**PREPARED/
SUBMITTED BY:** Eli Lee, Planner

I. APPLICATION SUMMARY

Applicant/Owner: Kara Stewart/Wright, Heidi E. Trustee For Heidrun E Wright Trust

Request(s): 1) A variance of 16 feet from the required street setback resulting in a street setback of 9 feet; 2) A variance of 12 feet 6 inches from the required rear setback resulting in a rear setback of 7 feet 6 inches; 3) A variance of 2 feet 6 inches from the south side required setback resulting in a side setback of 5 feet; and 4) A variance of 1 inch from the north side required setback resulting in a side setback of 7.43 feet to construct a new single-family home.

Subject property: See attached site plan

Physical Address: 702 Estero Blvd

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

FLU: Mixed Residential
Zoning: Residential Multifamily (RM)

Adjacent zoning and land uses:

North: RESIDENTIAL MULTIFAMILY (RM)
Single-Family Residence/Two-Family Residence

South: RESIDENTIAL MULTIFAMILY (RM)
Single-Family Residence/Two-Family Residence

East: RESIDENTIAL MULTIFAMILY (RM)
Single-Family Residence/Two-Family Residence

West: COMMERCIAL RESORT (CR)
Hotel (Best Western)

II. BACKGROUND AND ANALYSIS

Background:

Wright Heidi E Tr For Heidrun E Wright Trust, the owner of 702 Estero Blvd, is requesting four variances from the Town's Land Development Code (LDC). The first (1) is a variance from LDC Table 34-3 which requires a single-family home in the RM zoning district to provide a minimum street setback of 25 feet from the front property line. This request is for a variance of 16 feet from the street setback for a street setback of 9 feet for the construction of a single-family home.

The second (2) is a variance from the Town's LDC Table 34-3 which requires a 20-foot rear (west) setback for single-family homes in the RM zoning district. Sec. 34-2 defines lot line, rear means that lot line which is parallel to or concentric with and most distant from the front lot line of the lot. A 12-foot 6-inch variance is requested from the required 20-foot rear setback, to result in a rear setback of 7 feet 6 inches from the west property line for the construction of single-family residence.

The third (3) is a variance from the Town's LDC 34-3 which requires a 7.5-foot side (south) setback for single-family homes in the RM zoning district due to the lot width being between 50 to 75 feet. A variance of 2 feet 6 inches is requested from the required 7.5-foot side setback, to result in a side setback of 5 feet from the south property line for the construction of a single-family home.

The fourth (4) is a variance from the Town's LDC Table 34-3 which requires a 7.5-foot side (north) setback for single-family homes in the RM zoning district due to the lot width being between 50 to 75 feet. A variance of 1 inch is requested from the required 7.5-foot side setback, to result in a side setback of 7.43 feet from the north property line for the construction of a single-family home.

The previously existing single-family structure was destroyed by hurricane Ian. A survey that dates to 3/10/1999 depicted that the structure was not in compliance with the Town's LDC and was permitted with Lee County.

Analysis:

The first variance request is for the new single-family home to be constructed 9 feet from the front property line. The reduced setback would allow the home to gain more square footage thus increasing the massing of the structure and the front stairs would allow for ingress and egress into the structure on the first living level. However, the proposed house will comply with the 40% maximum building lot coverage.

The second variance request is for the new single-family home to encroach the west rear setback by 12 feet 6 inches into the required 20-foot rear setback. The reduced setback would allow the home to gain more living square footage and to allow space on the east portion of the structure to incorporate the stairs.

The third variance request is for the new single-family home to encroach the south side setback by 2 feet 6 inches into the required 7.5-foot side setback. The reduced setback would allow for an outdoor deck for access and lounging.

The fourth variance request is for the new single-family home to encroach the north side setback by 1 inch into the required 7.5-foot side setback. The reduced setback would allow for the home to gain more living square footage.

Neighborhood Compatibility:

The subject property is part of an existing residential neighborhood. It appears that the previous structure was a single-family home that did not meet the current required setbacks prior to Hurricane Ian.

The site is situated between 700 and 704 Estero Blvd, which are currently vacant lots. The properties of 700 and 704 Estero Blvd have not applied for a residential permit to rebuild a single-family home at this time.

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 the construction of a

single-family residence post Hurricane Ian. The lot width varies between approximately 55 to 68 feet and the lot depth varies from approximately 50 feet to 52 feet. The applicant is proposing to construct a single-family structure that would be larger than previously existed, but with minimal encroachment of the SFR to the front property line, the west rear property line and the north and south side property line to accommodate a modular manufactured home. The requests are de minimis.

- 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 variances are not the result of the applicant. Development of a structure on this site would require the property owner to obtain variance(s) due to the irregular shape of the lot. The applicant is proposing to obtain variances for the pre-manufactured home that would be installed on the site, the structure would encroach due to its proximity to the property lines. The applicant is also proposing to meet the maximum building coverage allowed, parking requirements, and maximum impervious allowed for single family residences.

- 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 need for the variances is for the minimal encroachment of the single-family home to the front property line, rear property line, and side property line, is the minimum variances that would provide the applicant with relief for the pre-manufactured home. The implementation of the requirements would potentially result in a reduced structure size. The LPA should determine whether the current regulation is “unreasonable.”

- 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 the variance for the 16 feet encroachment into the street setback for a street setback of 9 feet will not be injurious or otherwise detrimental to the public welfare. The encroachment is due to the irregular shape of the lot. 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. The proposed single-family home with the front stairs will be outside of the 7.5- foot ingress and egress easement.

*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 the variance for 12 feet 6-inch encroachment into the west rear setback for a rear setback of 7.5 feet will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The encroachment of the west portion of the structure is to create room for the stairs on the east side of the proposed building. Shifting the proposed structure to the east to adhere to the required 20- foot rear setback would be unlikely due to insufficient lot depth. The applicant would still need relief to construct a home on the irregular shaped lot.

*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 the variance for the 2 feet 6-inch encroachment into the south side setback for a side setback of 5 feet will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The encroachment of the south portion of the structure is to create room for the deck that would allow access to the proposed building. Shifting the proposed structure to the north to adhere to the required 7.5- foot side setback would cause the structure to further encroach into the north side setback. The applicant would still need relief to construct a home on the irregular shaped lot.

*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 the variance for the 1-inch encroachment into the north side setback for a side setback of 7.43 feet will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The encroachment of the north portion of the structure abuts the property line that is angled which is causing the minimum encroachment since the mechanical equipment that is on the same side is adhering to the 7.5-foot north side setback.

- e. That the conditions or circumstances on the specific piece of property for which the variance is sought are/**are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.*

The conditions or circumstances on this specific property for which a variance is sought are not general in nature and do not warrant a code change.

III. RECOMMENDATION

Staff has reviewed the request for variances from LDC Table 34-3 which requires that a lot in the RM zoning district have minimum 1) 25-foot street setback, 2) 20- foot rear setback, 3) 7.5-foot side setback for lot width between 50 feet to 75 feet for the south portion of the structure, and 4) 7.5-foot side setback for lot width between 50 feet to 75 feet for the north portion of the structure and found that the variance request does meet the requirements set forth in sec. 34-87.

Therefore, staff recommends **APPROVAL WITH CONDITIONS** of VAR20250015, a (1) variance of 16 feet from the street setback for a street setback of 9 feet; 2) a variance of 12 feet 6 inches from the rear setback for a rear setback of 7 feet 6 inches; 3) a variance of 2 feet 6 inches from the south side setback for a side setback of 5 feet; and 4) a variance of 1 inch from the north side setback for a side setback of 7.43 feet to construct a new single-family home.

IV. CONDITIONS FOR APPROVAL

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

- 1) Approval of these variances does not give the Applicant an undeniable right to permit approval. Development 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) Property owner must ensure that they adhere to the Neighborhood flooding ordinance (LDC Sec. 6-14) for drainage and 67% maximum impervious requirements.
- 3) The variances shall only apply to the single-family home as shown on the provided site plan. Demolition or substantial damage to the residential structure shall render the variances to be null and void.
- 4) Property owner must ensure that no vehicles are parked in the 7.5-foot ingress and egress easement.
- 5) Property owner must apply and obtain a demolition permit prior to applying for a building permit.

V. EXHIBITS

- A. Proposed site plan
- B. Survey
- C. Postcards
- D. Complete application

PROJECT ADDRESS

702 ESTERO BLVD
FORT MYERS BEACH, FL

SQUARE FOOTAGE

1st A/C LIVING:	1,080 sqft
GROUND FLOOR BUILDING ACCESS:	250 sqft
GROUND FLOOR STORAGE:	90 sqft
GARAGE:	442 sqft
COVERED LANAI GROUND FLOOR:	568 sqft
COVERED LANAI 1st FLOOR:	270 sqft
TOTAL A/C:	1,080 sqft
TOTAL NON A/C:	1,620 sqft
TOTAL SQFT:	2,700 sqft

LOT COVERAGE

SITE AREA:	3,089 sqft
HORIZONTAL AREA:	1,080 sqft
TOTAL LOT COVERAGE:	1,080 / 3,089 .35

COMPLIANCE NOTE

THESE PLANS ARE DESIGNED TO BE IN COMPLIANCE W/ SECTION 1609.00 OF THE FLORIDA BUILDING CODE 8th EDITION (2023) 161 MPH LOADS & FOR DEAD & LIVE LOADS PER THE FLORIDA BUILDING CODE, RESIDENTIAL, 8th EDITION; AND WITH ASCE 24-12 FLOOR RESISTANT DESIGN AND CONSTRUCTION.

STRUCTURE(S) WILL BE PROPERLY ANCHORED TO PREVENT FLOTATION, COLLAPSE OR LATERAL MOVEMENT FROM DESIGNED FLOOD LOADS PER ASCE 24 AND FLORIDA BUILDING CODE 8th EDITION (2023).

ELECTRICAL, PLUMBING, MECHANICAL, HVAC, AND OTHER SYSTEMS THAT SERVE BUILDINGS AND STRUCTURES ARE TO BE LOCATED OR ELEVATEDF ABOVE THE DESIGN FLOOD ELEVATION PER ASCE 24 AND FLORIDA BUILDING CODE 8th EDITION (2023).

UPON PLACEMENT OF THE LOWEST FLOOR, INCLUDING BASEMENT, AND PRIOR TO FURTHER VERTICAL CONSTRUCTION, THE "UNDER CONSTRUCTION" ELEVATION CERTIFICATION SHALL BE SUBMITTED TO THE AUTHORITY HAVING JURISDICTION

OCCUPANCY CLASSIFICATION	GROUP R3 (RESIDENTIAL)
CONSTRUCTION CLASSIFICATION	TYPE VB
ALLOWABLE STORIES	3
ALLOWABLE SQUARE FOOTAGE	UNLIMITED
MAXIMUM ALLOWABLE HEIGHT	+35'-0"
MEAN ROOF HEIGHT	+17'-7 3/8" FROM BFE

PROJECT TEAM

BUILDER/ CONTRACTOR

IDYLL CONSTRUCTION
854 RIVER POINT DR
NAPLES, FL 34102
Tel: (239) 947-7030

DESIGNER

IDYLL CONSTRUCTION
854 RIVER POINT DR
NAPLES, FL 34102
Tel: (239) 947-7030

STRUCTURAL ENGINEER

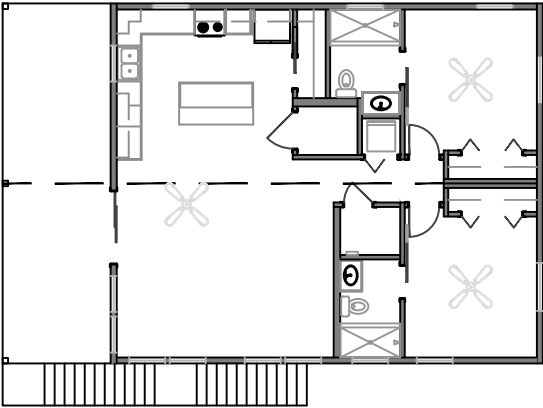
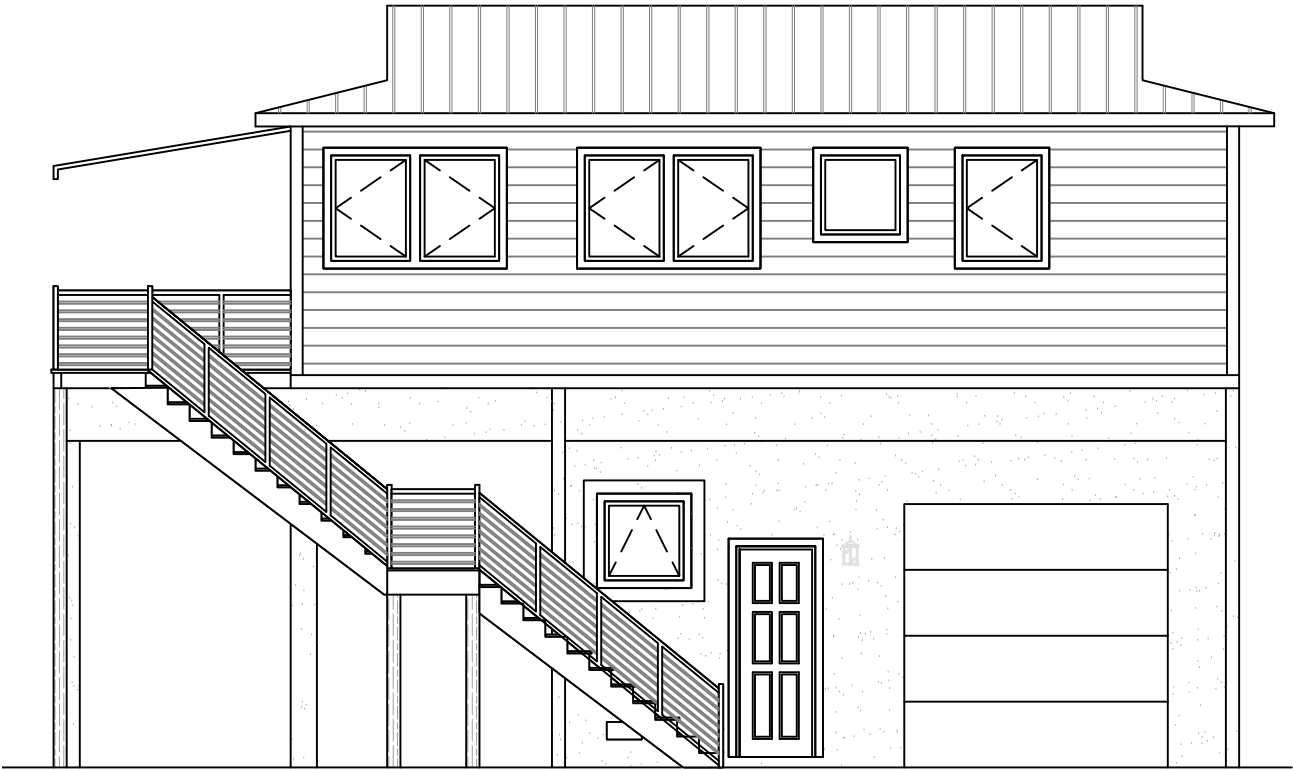
SOUTHERN ENGINEERING OF SW FLORIDA
14091 OAK HAMMOCK LANE
FORT MYERS, FL 33905
Tel: (239) 288-5292

SHEET INDEX

- A-1 COVER PAGE
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- A-3 GROUND FLOOR PLAN
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- A-5 FRONT & REAR ELEVATIONS - ON SITE WORK
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- A-7 FRONT & REAR ELEVATIONS - COMPOSITE
- A-8 LEFT & RIGHT ELEVATIONS - COMPOSITE
- S-1 TYPICAL WALL DETAILS
- S-2 STAIR DETAILS
- E-1 GROUND FLOOR ELECTRICAL PLAN
- E-2 FIRST FLOOR LIGHTING PLAN

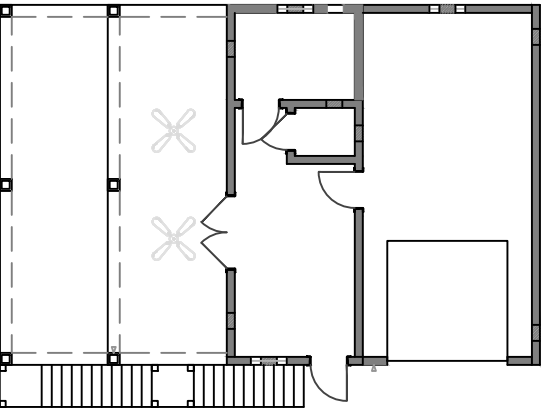
WRIGHT RESIDENCE

NEW MODULAR HOME



1st FLOOR PLAN

SCALE: 1/16"=1'-0"



GROUND FLOOR PLAN

SCALE: 1/16"=1'-0"



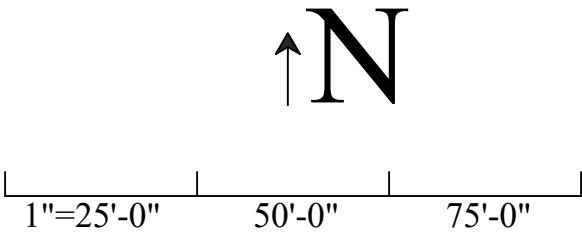
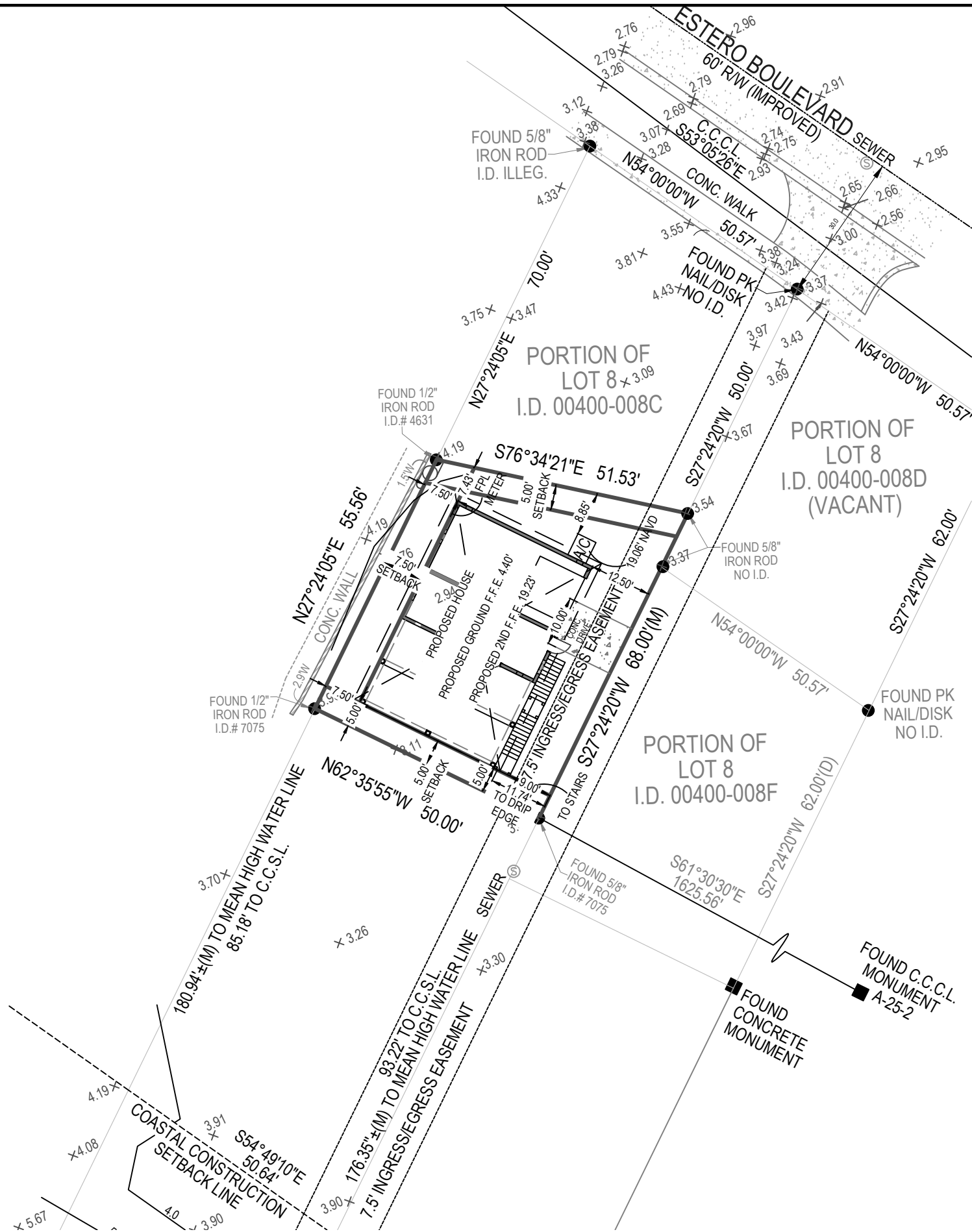
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No.	Date	Issue	No.	Date	Revision	Date
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4			4			
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PROJECT NAME AND ADDRESS
WRIGHT RESIDENCE
702 ESTERO BLVD
FORT MYERS BEACH, FL

CHECK BY:	
DRAWN BY:	MCS
DATE:	1/10/2025
PROJECT NO:	942
SHEET NAME:	COVER PAGE
SHEET NO.	A-1



SITE & DRIVEWAY PLAN
SCALE: 1"=25'-0"



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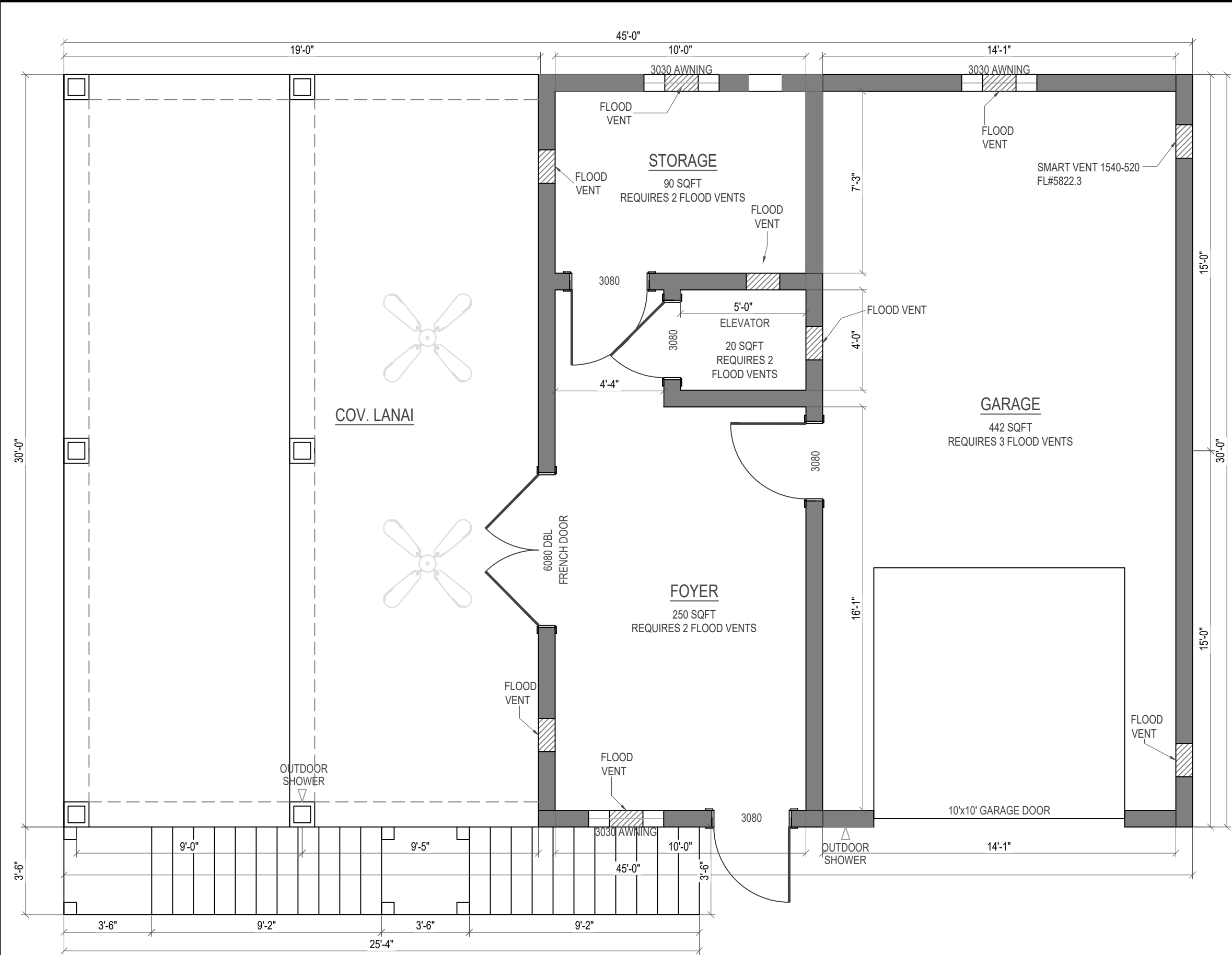
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PROJECT NAME AND ADDRESS

WRIGHT RESIDENCE

702 ESTERO BLVD
FORT MYERS BEACH, FL

CHECK BY:	
DRAWN BY:	MCS
DATE:	1/10/2025
PROJECT NO:	942
SHEET NAME:	SITE & DRIVEWAY PLAN
SHEET NO:	A-2



- DOOR SCHEDULE:**
- 3080 THERMA-TRU FIBERGLASS SINGLE DOOR FL#20468.1
 - 6080 THERMA-TRU FIBERGLASS DOUBLE DOOR FL#20470.3
 - 10' GARAGE CLOPAY COACHMAN 10'x8' STEEL & COMPOSITE DOOR FL#5684-R9
- WINDOW SCHEDULE:**
- 3056 SCHWINCO SERIES 9500 CASEMENT WINDOW FL#15757.1-R10

GENERAL NOTES:

STRUCTURAL AND NON-STRUCTURAL COMPONENTS BELOW THE DESIGN FLOOD ELEVATION (BFE +1) ARE TO BE CONSTRUCTED OF MATERIALS THAT ARE DURABLE, RESISTANT TO FLOOD FORCES, AND RESISTANT TO DETERIORATION CAUSED BY REPEATED INUNDATION BY FLOOD WATERS.

Note: Any wood contacting block or concrete shall be pressure treated

ANY GROUND LEVEL PLUMBING, IF SHOWN ON DRAWINGS OR INCLUDED IN CONTRACTORS SPECS, (BEACH SHOWER AND HOSE BIBS (FIELD LOCATED)) MUST BE DESIGNED TO PREVENT WATER FROM ENTERING OR ACCUMULATION WITHIN THE COMPONENTS DURING CONDITIONS OF FLOODING AND DESIGNED AND INSTALLED TO RESIST FLOOD LOADS AND PREVENT WATER FROM ENTERING.

GROUND FLOOR PLAN
SCALE: 1/4"=1'-0"

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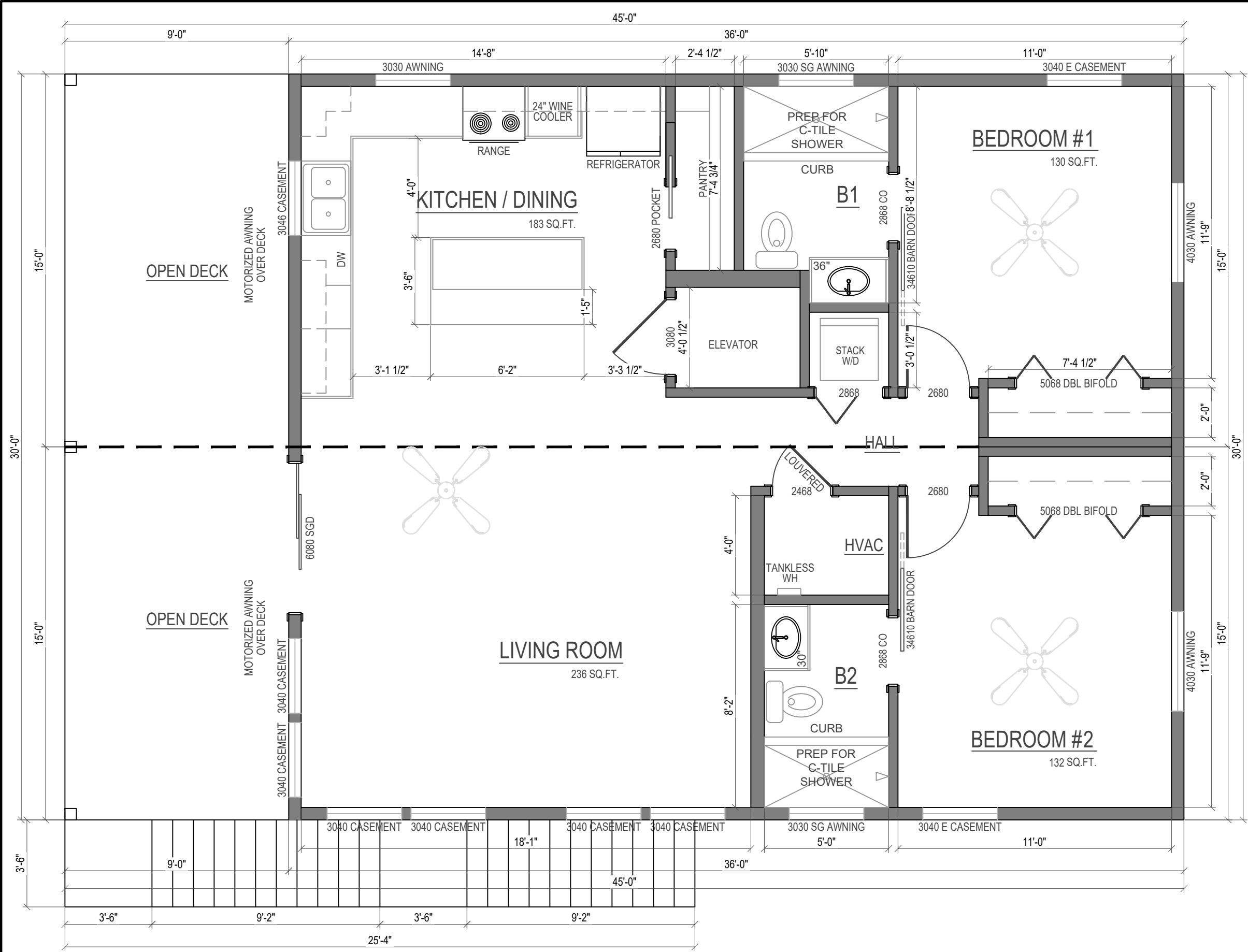
PROJECT NAME AND ADDRESS

WRIGHT RESIDENCE

702 ESTERO BLVD

FORT MYERS BEACH, FL

CHECK BY:	
DRAWN BY:	MCS
DATE:	1/10/2025
PROJECT NO:	942
SHEET NAME:	GROUND FLOOR PLAN
SHEET NO.	A-3



FIRST FLOOR PLAN
SCALE: 1/4"=1'-0"

PROJECT NAME AND ADDRESS

WRIGHT RESIDENCE

702 ESTERO BLVD
FORT MYERS BEACH, FL

CHECK BY:

DRAWN BY: MCS

DATE: 1/10/2025

PROJECT NO: 942

SHEET NAME: FIRST FLOOR PLAN

SHEET NO: A-4

5

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No.

Date

Issue

No.

Date

Revision

Date

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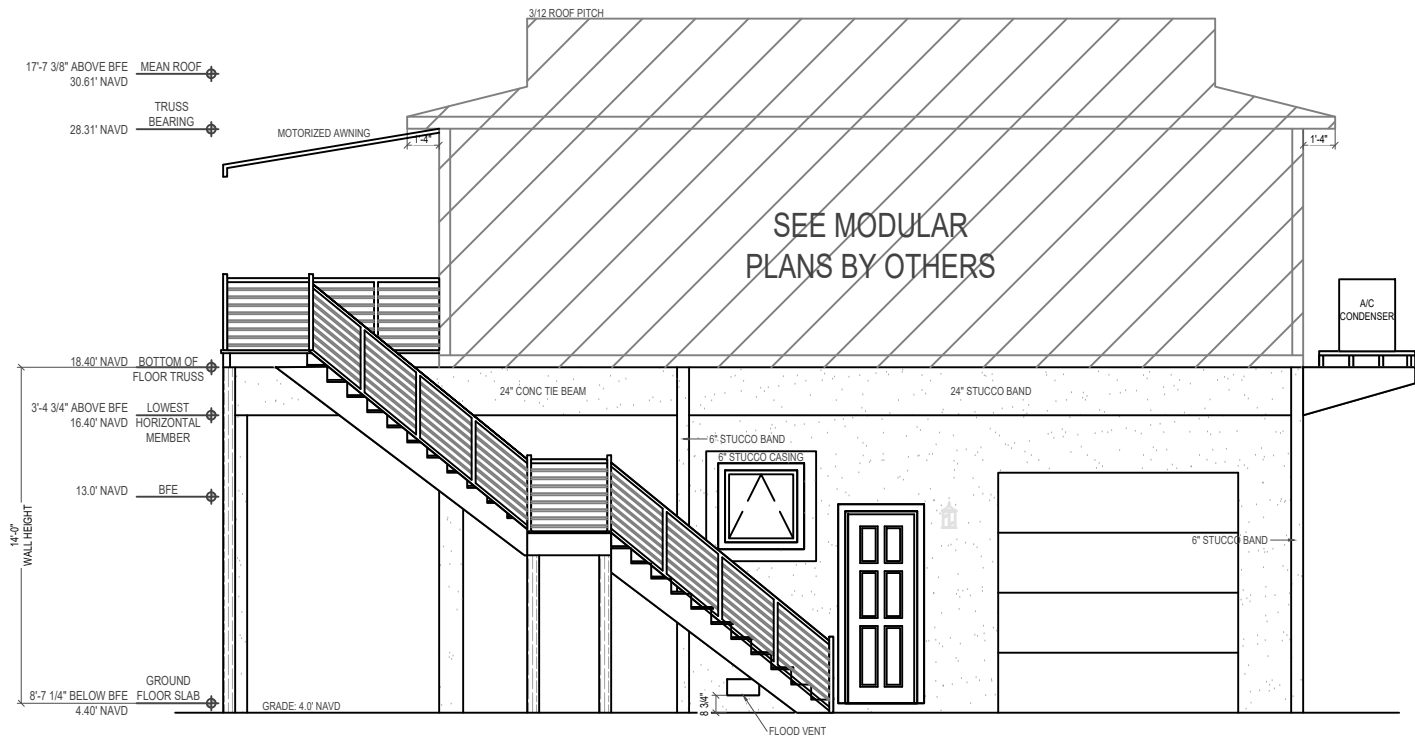
IDYLL CONSTRUCTION

239-947-7040

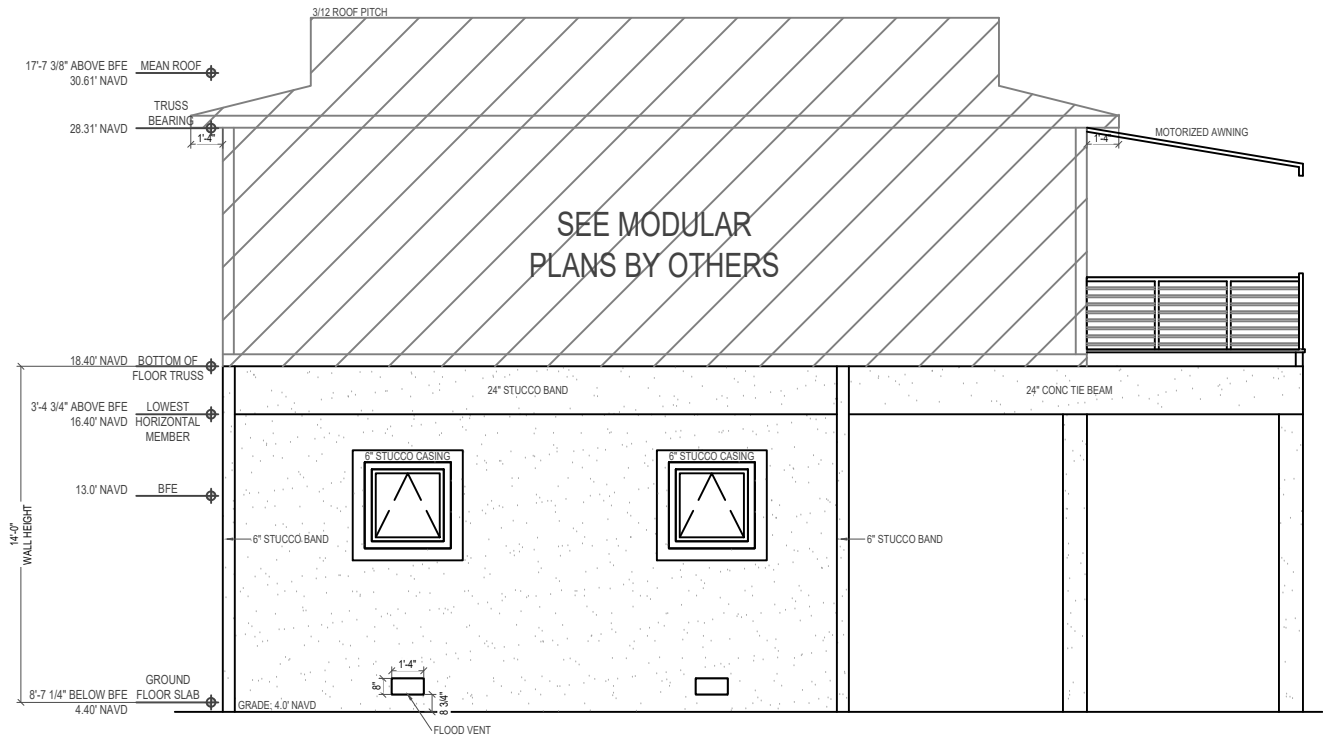
CUSTOM HOMES AND CUSTOM MODULAR HOMES

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FRONT



REAR

FRONT & REAR ELEVATIONS
ON SITE WORK
SCALE: 1/8"=1'-0"

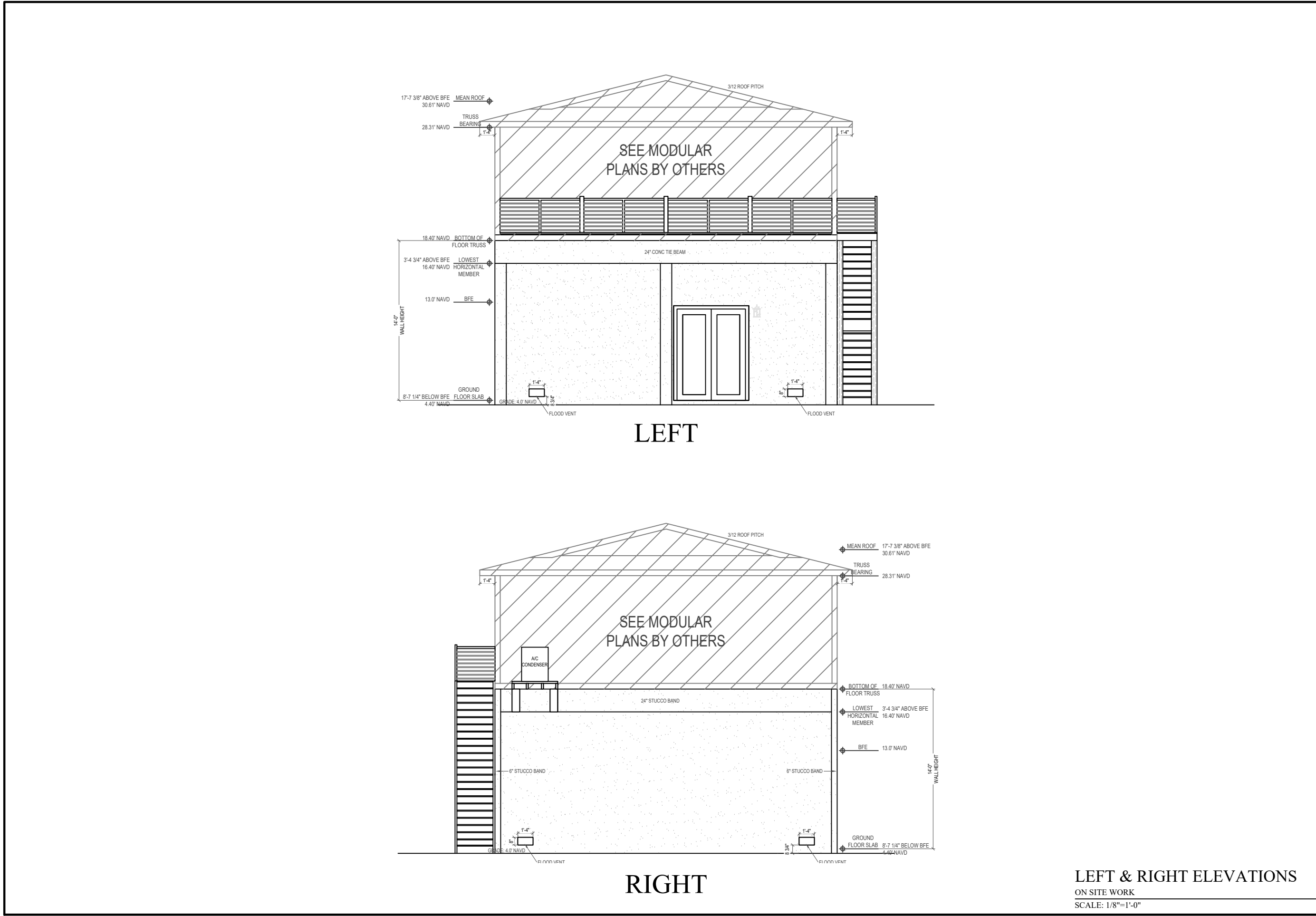


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PROJECT NAME AND ADDRESS
**WRIGHT
RESIDENCE**
702 ESTERO BLVD
FORT MYERS BEACH, FL

CHECK BY:	
DRAWN BY:	MCS
DATE:	1/10/2025
PROJECT NO:	942
SHEET NAME:	FRONT & REAR ELEVATIONS - ON SITE WORK
SHEET NO:	A-5



LEFT & RIGHT ELEVATIONS
ON SITE WORK
SCALE: 1/8"=1'-0"



CUSTOM HOMES AND CUSTOM MODULAR HOMES
239-947-7030
IDYLLCONSTRUCTION.COM

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PROJECT NAME AND ADDRESS

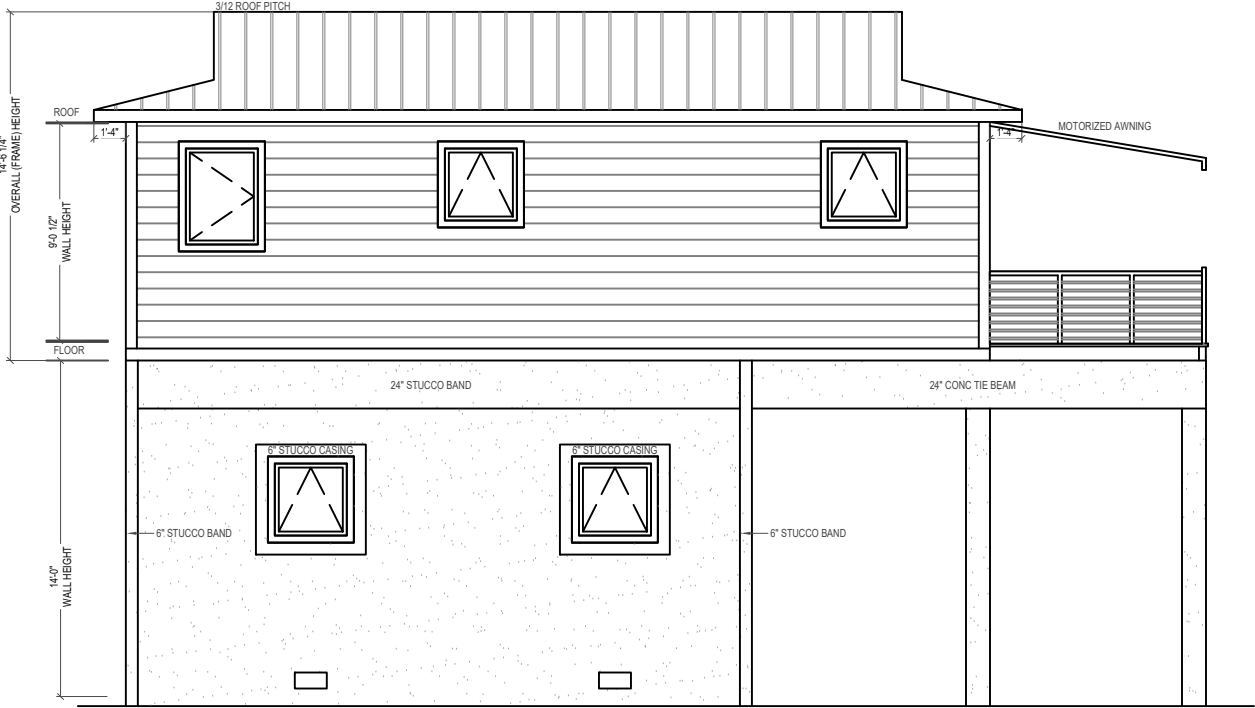
**WRIGHT
RESIDENCE**

702 ESTERO BLVD
FORT MYERS BEACH, FL

CHECK BY:	
DRAWN BY:	MCS
DATE:	1/10/2025
PROJECT NO.	942
SHEET NAME:	LEFT & RIGHT ELEVATIONS - ON SITE WORK
SHEET NO.	A-6



FRONT



REAR

FRONT & REAR ELEVATIONS
COMPOSITE
SCALE: 1/8"=1'-0"

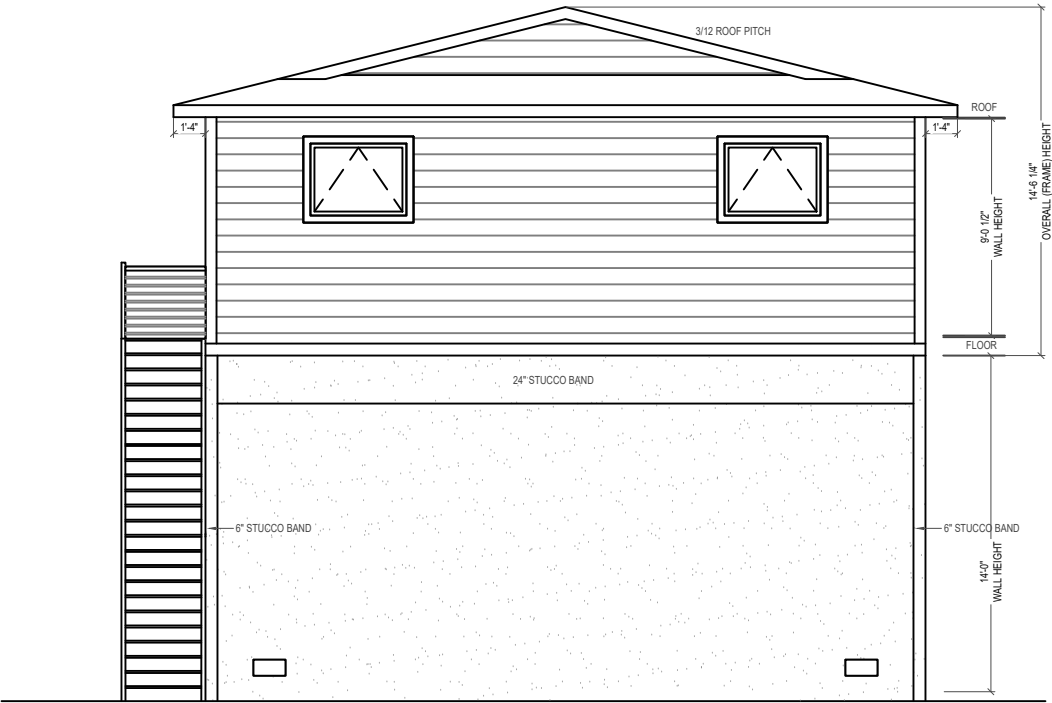


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PROJECT NAME AND ADDRESS		No.	Date	Issue	Date	No.	Revision	Date
WRIGHT RESIDENCE 702 ESTERO BLVD FORT MYERS BEACH, FL		5				5		
		4				4		
		3				3		
		2				2		
		1				1		
CHECK BY:								
DRAWN BY:		MCS						
DATE:		1/10/2025						
PROJECT NO:		942						
SHEET NAME:		FRONT & REAR ELEVATIONS - COMPOSITE						
SHEET NO:		A-7						



LEFT



RIGHT

LEFT & RIGHT ELEVATIONS
COMPOSITE
SCALE: 1/8"=1'-0"

PROJECT NAME AND ADDRESS

WRIGHT
RESIDENCE
702 ESTERO BLVD
FORT MYERS BEACH, FL

CHECK BY:

DRAWN BY:

DATE:

PROJECT NO:

SHEET NAME:

SHEET NO:

5

4

3

2

1

No.

Issue

Date

5

4

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2

1

No.

Revision

Date

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Idyll Construction

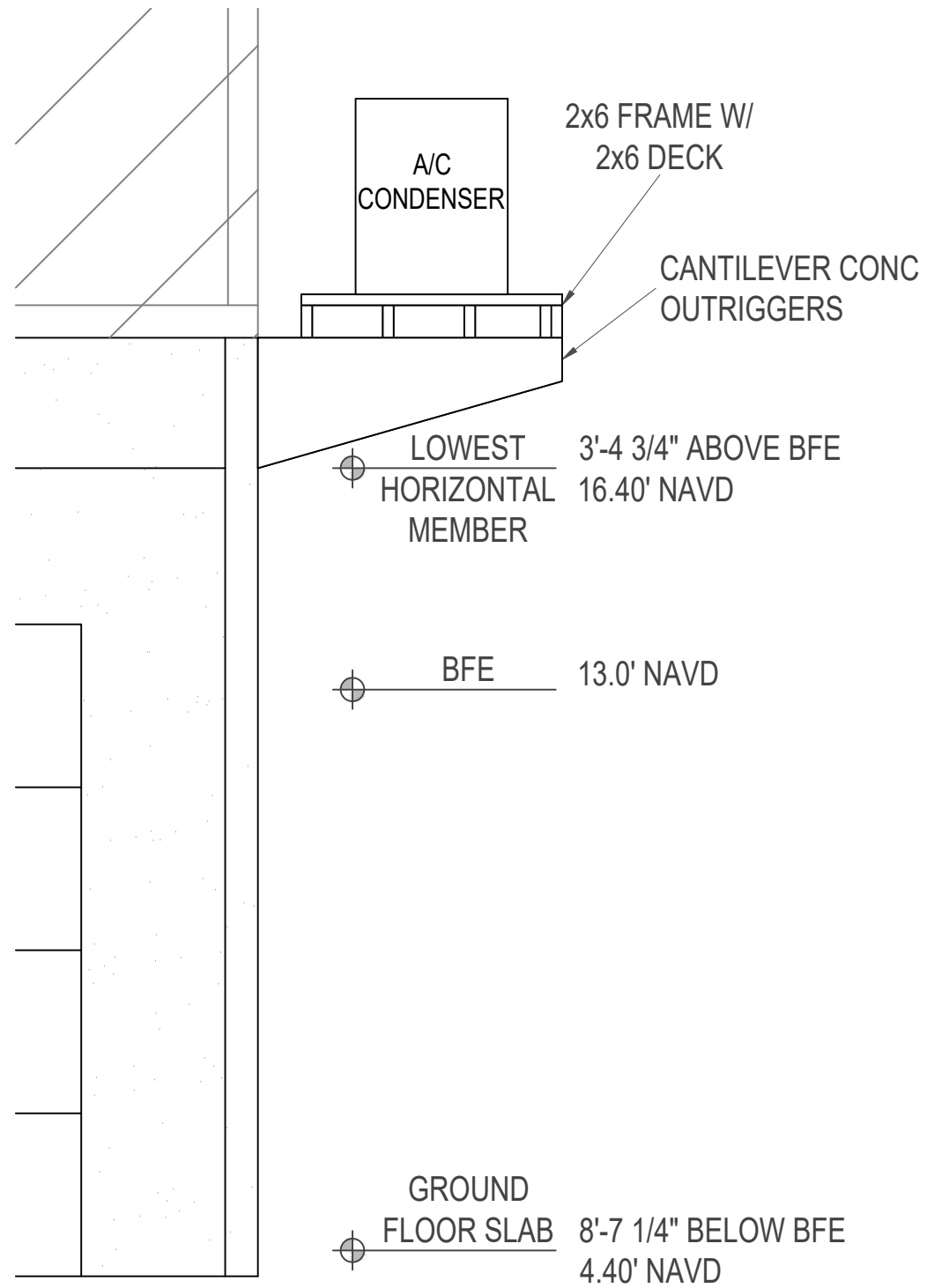
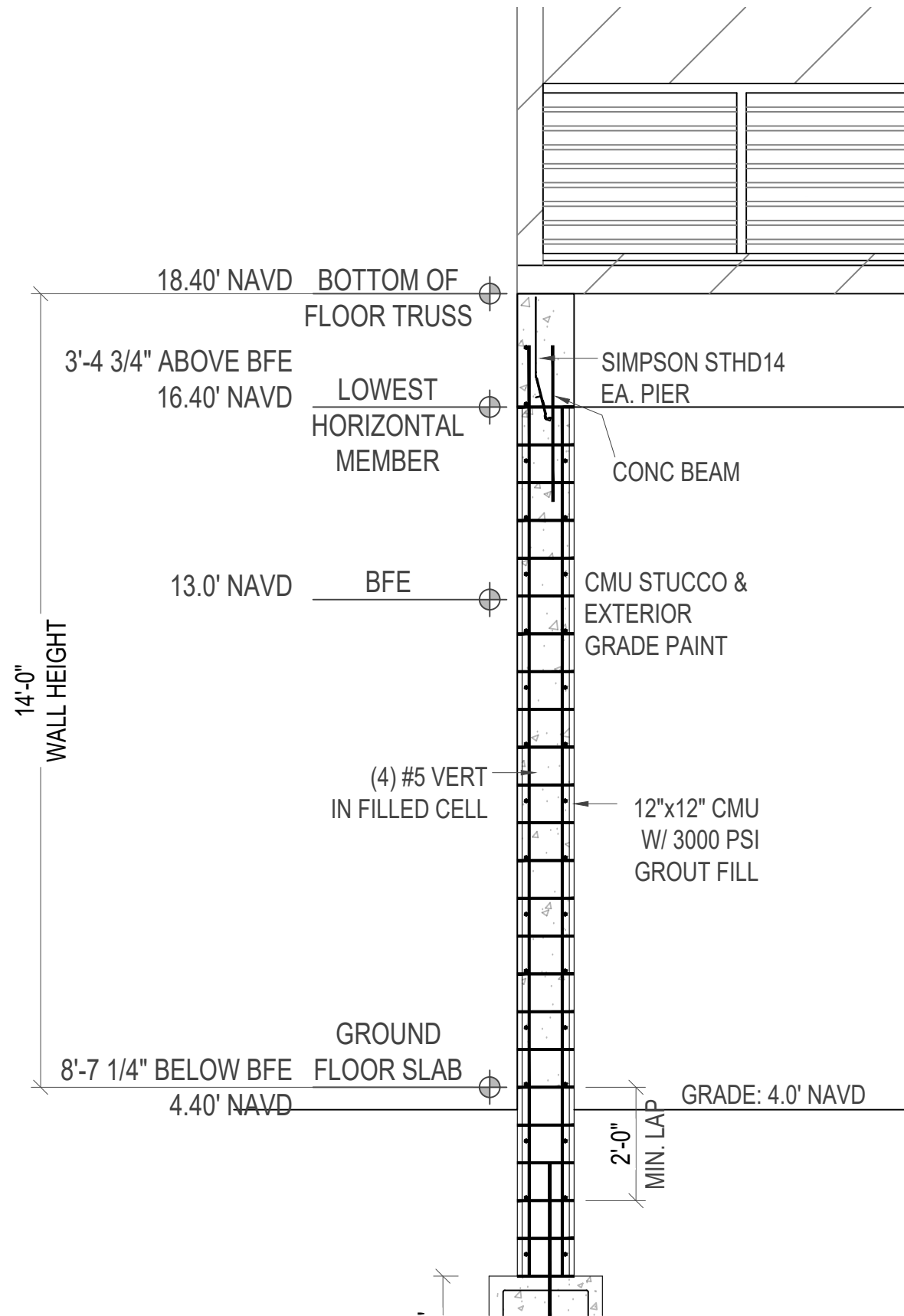
239-947-7030

idyllconstruction.com

CUSTOM HOMES AND CUSTOM MODULAR HOMES

License no. CBC056253

Page 30 of 111



TYPICAL WALL DETAILS
NTS



License no. CBC056253

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No.	Issue	Date	No.	Revision	Date
5			5		
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3			3		
2			2		
1			1		

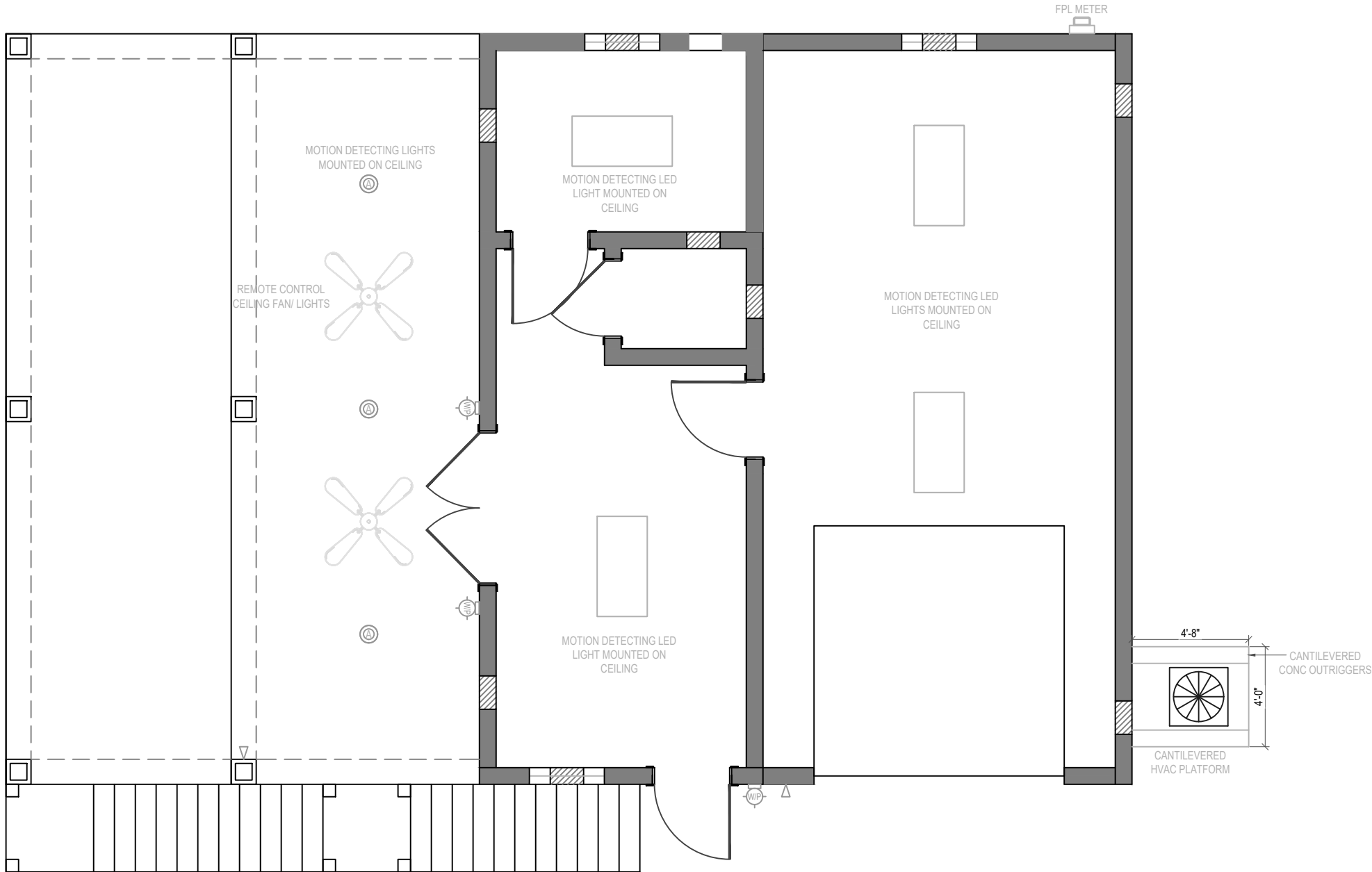
PROJECT NAME AND ADDRESS
WRIGHT RESIDENCE
702 ESTERO BLVD
FORT MYERS BEACH, FL

CHECK BY:	
DRAWN BY:	MCS
DATE:	1/10/2025
PROJECT NO:	942
SHEET NAME:	TYPICAL WALL DETAILS
SHEET NO:	S-1

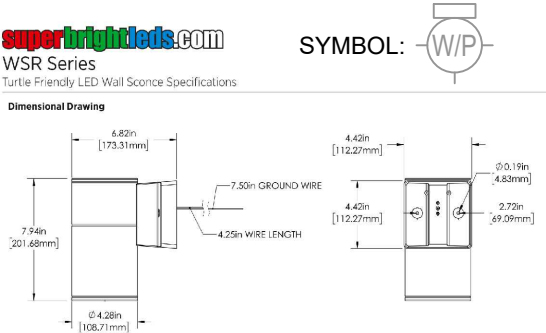
FLOOD VENT NOTE:

THE DESIGN OF THE OPENINGS WILL PROVIDE FOR EQUALIZATION OF HYDROSTATIC FLOOD FORCES ON EXTERIOR WALLS BY ALLOWING FOR THE AUTOMATIC ENTRY AND EXIT OF FLOODWATERS AS SPECIFIED IN SECTION 2.7.2.2 OF ASCE 24

FLOOD VENTS TO BE PLACED NO MORE THAN 12" ABOVE GRADE



EXTERIOR LIGHTS:



Model	WSR-15K20-DBK-A	WSR-15K20-DWH-A
Finish	Black	White
Operating Voltage	120-277 VAC	
Power Consumption	20 W	
Current	120 VAC	185 mA
Draw	277 VAC	75 mA
Efficacy	28 lm/W	
Lumens	550 lm	
Color Temperature	1500K	
LED Color	Amber (590 nm)	
Beam Angle	102°	
Dimming	N/A	
Environmental Rating	Suitable for wet locations	
Surge Protection	2 kV	
Rated Life (L70)	50,000 hours (@40°C)	
Ambient Operating Temperature	-40°~104° F (-40°~40° C)	

Specifications are subject to change without notice.
T 866.811.5550
F 314.972.6202
email: commercial-sales@superbrightleds.com
www.superbrightleds.com/california/solar-lighting/



New Construction Air-Tight IC & Non-IC with E26 socket

P87-AT
Ceiling opening: 6-7/8" dia.
Plaster frame: 7-7/8" x 10-3/4"
Recessed depth: 7-1/4"
Pryouts: 1/2" & 3/4"

- P87-AT HOUSING FEATURES**
- UL & CUL listed for damp locations and through wiring.
 - Meets Washington State Energy Code requirements.
 - Can be installed in ceilings from 1/2" to 2-1/2" thick.
 - Tool-less can adjustment for varying ceiling thickness.
 - Slotted, interlocking bar hangers securely span 24" T-bar spacing.
 - Integral Romex clamp.
 - Full reflector design eliminates light leaks.
 - Rated for 8 #12 90° conductors (4 in/4 out).
 - US Patent #5758959, 5857766, 6004011.

ALL EXTERIOR LIGHTS TO BE AMBER-LIT

GROUND FLOOR ELECTRICAL PLAN

SCALE: 3/16"=1'-0"



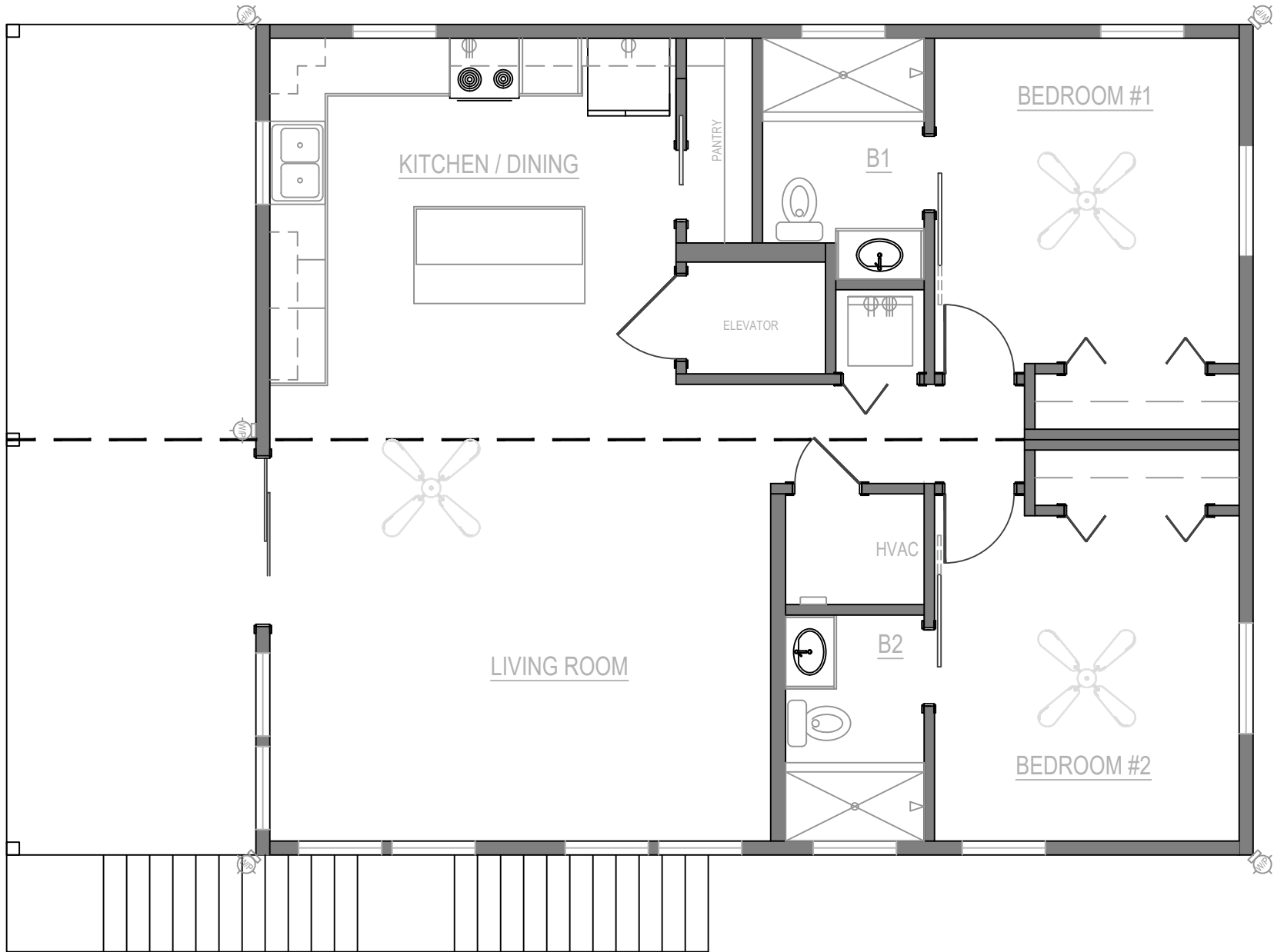
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No.	Issue	Date	No.	Revision	Date
5			5		
4			4		
3			3		
2			2		
1			1		

PROJECT NAME AND ADDRESS
WRIGHT RESIDENCE
702 ESTERO BLVD
FORT MYERS BEACH, FL

CHECK BY:	
DRAWN BY:	MCS
DATE:	1/10/2025
PROJECT NO:	942
SHEET NAME:	GROUND FLOOR ELECTRICAL PLAN
SHEET NO:	E-1

License no. CBC056253

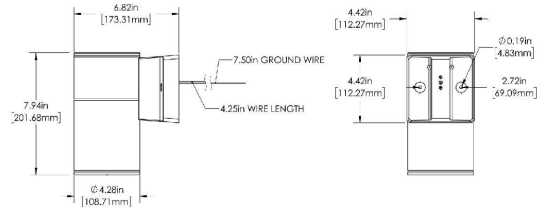


EXTERIOR LIGHTS:

superbrightleds.com
WSR Series
Turtle Friendly LED Wall Sconce Specifications

SYMBOL:

Dimensional Drawing



Specifications

Model	WSR-15K20-DBK-A	WSR-15K20-DWH-A
Finish	Black	White
Operating Voltage	120-277 VAC	
Power Consumption	20 W	
Current	120 VAC	185 mA
Draw	277 VAC	75 mA
Efficacy	28 lm/W	
Lumens	550 lm	
Color Temperature	1500K	
LED Color	Amber (590 nm)	
Beam Angle	102°	
Dimming	N/A	
Environmental Rating	Suitable for wet locations	
Surge Protection	2 kV	
Rated Life (L70)	50,000 hours (@40°C)	
Ambient Operating Temperature	-40°~104° F (-40°~40° C)	

Specifications are subject to change without notice.

T 866.911.5550
F 314.972.6202
email: commercial-sales@superbrightleds.com
www.superbrightleds.com/cat/industrial-led-lighting/

ALL EXTERIOR LIGHTS TO BE AMBER-LIT

FIRST FLOOR LIGHTING PLAN

SCALE: 3/16"=1'-0"



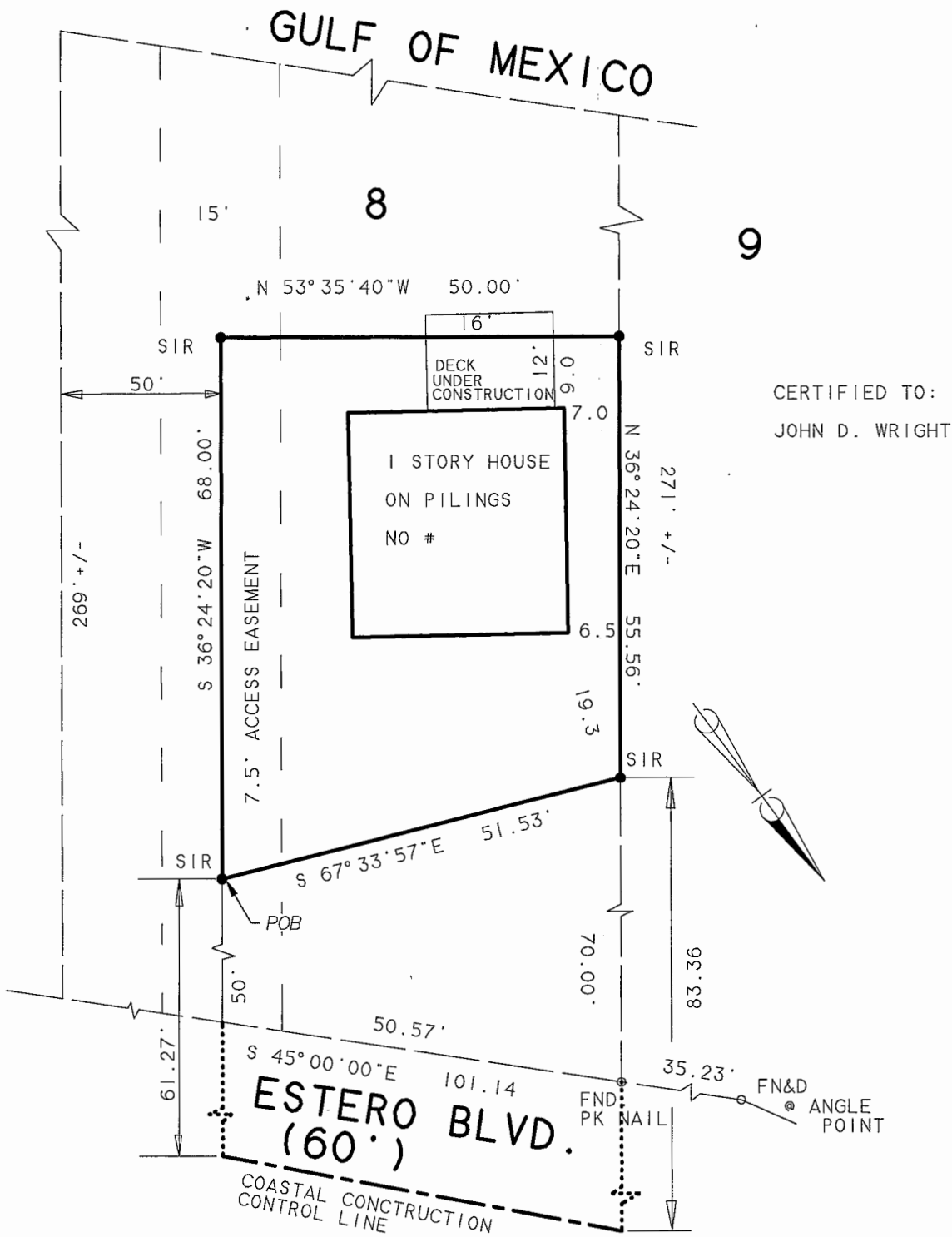
License no. CBC056253

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No.	Date	Issue	No.	Date	Revision	Date
5						
4						
3						
2						
1						

PROJECT NAME AND ADDRESS
WRIGHT RESIDENCE
702 ESTERO BLVD
FORT MYERS BEACH, FL

CHECK BY:	
DRAWN BY:	MCS
DATE:	1/10/2025
PROJECT NO:	942
SHEET NAME:	FIRST FLOOR LIGHTING PLAN
SHEET NO:	E-2



BOUNDARY SURVEY

STARTING AT THE NORTHWEST CORNER OF LOT #8, ISLAND SHORES, UNIT #1, AS RECORDED IN PLAT BOOK 9, PAGE 24, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SOUTH 45°00'00" EAST ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF ESTERO BOULEVARD (60 FT. WIDE) A DISTANCE OF 50.57 FEET; THENCE SOUTH 36°24'20" WEST A DISTANCE OF 50.00 FEET TO A POINT AND THE PRINCIPAL PLACE OF BEGINNING; THENCE CONTINUE SOUTH 36°24'20" WEST A DISTANCE OF 68 FEET; THENCE NORTH 53°35'40" WEST A DISTANCE OF 50 FEET; THENCE NORTH 36°24'20" EAST A DISTANCE OF 55.56 FEET; THENCE SOUTH 67°34'06" EAST A DISTANCE OF 51.53 FEET TO THE PLACE OF BEGINNING.

SUBJECT TO AND TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS A STRIP OF LAND 7.5 FEET WIDE ON EACH SIDE OF THE CENTERLINE OF SAID LOT 8, ISLAND SHORES, UNIT NO. 1, PLAT BOOK 9, PAGE 24, EXTENDED FROM ESTERO BOULEVARD TO THE WATERS OF THE GULF OF MEXICO; SUCH EASEMENT TO BE FOR THE COMMON USE OF THE OWNERS OF EACH SIDE OF LOT 8, THEIR HEIRS AND ASSIGNS. SAID EASEMENT PREVIOUSLY DESCRIBED IN WARRANTY DEED RECORDED IN DEED BOOK 258, PAGES 143 AND 144, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

BASIS FOR BEARINGS: ESTERO BLVD - DEED CALL		SCALE: 0 20	DATE: 3/10/99
COMMUNITY NUMBER	PANEL NUMBER	SUFFIX	DATE OF FIRM INDEX
LEGEND		FIRM ZONE	
FIR: FOUND IRON ROD		BASE FLOOD ELEVATION	
FIP: FOUND IRON PIPE		THIS SURVEY IS HEREBY CERTIFIED AS MEETING THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A CERTIFIED TITLE REPORT AND IS NOT A CERTIFICATION OF TITLE, ZONING, OR FREEDOM FROM ENCUMBRANCES.	
FDH: FOUND DRILL HOLE		NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER	
FCM: FOUND CONCRETE MONUMENT		STATE OF FLORIDA	
SIR: SET IRON ROD 1/2" W/ CAP # 4839		NOTED: NO UNDERGROUND STRUCTURES HAVE BEEN LOCATED BY THIS SURVEY. ANY REFERENCE TO UNDERGROUND STRUCTURES IS ONLY AN APPROXIMATE.	
SDH: SET DRILL HOLE		C.E. DAVIS, CERTIFICATE NO. 4839	
SCM: SET CONCRETE MONUMENT		JOB NUMBER: 99-0652	
PUE: PUBLIC UTILITY EASEMENT			
PU & DE: PUBLIC UTILITY AND DRAINAGE EASEMENT			
SN&D: SET NAIL & DISK # 4839			
PRM: PERMANENT REFERENCE MONUMENT			
FN&D: FOUND NAIL & DISK			



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: 702 Estero Blvd
STRAP Number: 24-46-23-W3-00400.008E
Applicant: Idyll Construction Phone: 239-253-1068
Contact Name: Mark Raudenbush Phone: _____
Email: Markr@idyllconstruction.com Fax: _____
Current Zoning District: RM
Future Land Use Map (FLUM) Category: Mixed Residential
FLUM Density Range: 6 du/acre Platted Overlay: ☐ YES ☒ NO

ACTION REQUESTED

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

SUPPLEMENTAL FORM REQUIRED

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

PART I – General Information

A. Applicant*: Idyll Construction- Mark Raudenbush Phone: 239-947-7030
**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: 28290 Old 41 Rd # 4 Bonita Springs, FL 34135
Email: markr@idyllconstruction.com Fax: _____
Contact Name: Mark Raudenbush Phone: 239-947-7030



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: Kara Stewart Phone: 239-770-4198
Address: _____
Email: stewart.karalyn@gmail.com Fax: _____

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: _____ Phone: _____
Address: _____
Email: _____ Fax: _____

Name: _____ Phone: _____
Address: _____
Email: _____ Fax: _____

PART II - Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☒ Variance from LDC Section 34 - 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, Mark Raudenbush 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

Mark Raudenbush

Printed Name

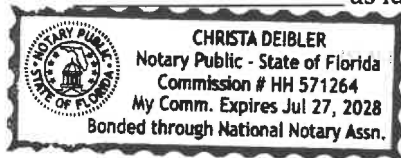
STATE OF Florida COUNTY OF Lee

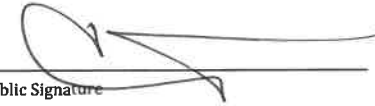
The foregoing instrument was certified and subscribed before me by means of ☒ physical

presence OR ☐ online notarization, this 10th day of January, 2025, by

Mark Raudenbush ☒ 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

Heidi E. Wright trustee for Heidi E. Wright Trust

Percentage Ownership

100



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address

Percentage of Interest

Heidi E. Wright

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

_____	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

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

Name	Address
_____	_____
_____	_____
_____	_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

_____	_____
Signature	Printed Name

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, _____ (name), as _____ (title)
of _____ (company), swear or affirm under oath, that I am the
owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Signature

Title

Typed or Printed Name

Date

STATE OF _____ COUNTY OF _____

The foregoing instrument was certified and subscribed before me by means of ____ physical presence OR ☐ online notarization, this ____ day of _____, 20____, by _____, ☐ who is personally known to me OR ☐ who has produced _____ as identification.

Seal

Notary Public Signature

PART VI- Property Information

A. Legal Description:

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

Property Address: 702 Estero Blvd

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): 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) 61 feet
Depth (please provide an average width if irregular in shape) 50 feet
Frontage on street: 68 feet. Frontage on waterbody: 0 feet
Total land area: 5735 ☐ acres ☒ square feet

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

Over bridge go 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 |



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

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

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

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

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

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

Explanatory Notes – Part I

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

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

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

Explanatory Notes – Part IV

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Explanatory Notes – Part V

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

Explanatory Notes – Part VI

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Explanatory Notes – Part IV & V

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



Case # _____ Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

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

Case Number:
Project Name: 702 Estero Blvd Replacement SFR
Authorized Applicant:
LeePA STRAP Number: 24-46-23-W3-00400.008E

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

Variance is requested from:

LDC Section Number	Title of Section or Subsection
34-638	Setbacks

Complete the narrative statements below for EACH variance requested.



Case # _____ Date Received: _____

PART I
Narrative Statements

Request for variance from 34-638 **(LDC Section number)**

Explain the specific regulation contained in this section from which relief is sought:
Required front setback is 25'; proposed premanufactured structure with staircase will be setback 9'. The exterior house wall is located further away from the street we are requesting a 16' street setback encroachment
Required rear setback is 20' ; proposed structure will be setback 7'6" thus requiring a 12' 6" reduction in setback
Side setbacks for this lot is 7'6" South side yard is setback to 5' requiring a 2'6" reduction in setback.
North side yard is setback to 7'5" thus requiring a 1 " setback reduction See Exhibit "C" Proposed Site plan

Reasons for request

Explain why the variance is needed:
Hurricane Ian destroyed the home. The lot is an irregular small lot; part angled with access via easement The dimensions of the lot are irregular, street side is only 68, with opposite rear being 50', with an angled property line of 51.53 and 50.
The applicant is looking to have 1 story above flood and approx 780 sf of enclosed area for storage, an elevator, and enclosed garage at grade and therefore does not meet requirements for an administrative variance.
The owner is looking to use a pre manufactured building and has somewhat limitation in design.
See Exhibit "c" Bldg Drawings



Case # _____

Date Received: _____

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

The surrounding properties are also small irregular lots. The configuration of the prefabricated replacement single family (30' X 45' including deck) is similar in size as to what was previously in place.

The home is adjacent to a condo on one side and surrounded by similiar smaller sized lots. The property to the North at 714 Estero recently obtained a similiar variance.

We have increased the north side setback from 0 to 5'.

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

The irregularity of the small lot makes it difficult to meet setbacks. The irregular property is approx 50 X 68 with an angle.

The property is seaward of the CCCL which is requiring a greater elevation and thus homeowner is looking to install an elevator for access. Having an elevator along with a staircase eliminates much square footage from this small unit. The home is modest in size as the interior living space is only 36' X 30'.

Due to the small size of the lot, the property has received a Minimum Use Determination.



Case # _____

Date Received: _____

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

EXTRAORDINARY CONDITIONS EXIST : the size of the lot makes it unreasonable to replace a usable single family residence without any relief to current setback requirements

THE RESULT OF THE VARIANCE IS NOT FROM ANY ACTION TAKEN BY :

APPLICANT: Hurricane Ian removed the structure; the size of the lot is existing and has obtained a favorable MUD; The setbacks in LDC do not work with this lot configuration to allow a usable single family

MINIMUM VARIANCE REQUIRED: This is the minimum variance needed in order to construct a comfortable comparable living space as pre Ian. Setbacks just cannot be met without assistance.

GRANTING THE VARIANCE WILL NOT BE INJURIOUS TO THE NEIGHBOR:

The replacement of this single family will not be injurious to the neighbors as it is being replaced in a similar fashion, leaving the access easement available for others to get to their home; there is adequate parking available below the structure. Surrounding neighbors share some of the same challenges.

THE REQUEST IS SO BROAD TO CHANGE THE CODE: This request is not so broad to change the code but is unique to the few smaller cottage lots on the island and is thus unique in nature.



Case # _____

Date Received: _____

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.



Town of Fort Myers Beach
Community Development Services - Planning Division
2731 Oak St,
Fort Myers Beach, FL 33931

**NOTICE TO PROPERTY OWNERS WITHIN 500 FEET
(Variances, Extensions, Satisfaction of Conditions)**

VAR20250015 – Requesting four variances from Table 34-3 Dimensional Regulations in Conventional Zoning Districts for the street, side, and rear setback for the encroachment of a Single-Family Residence in the RM zoning district.

ADDRESS: 702 ESTERO BLVD

APPLICANT: MARK RAUDENBUSH

LOCAL PLANNING AGENCY PUBLIC HEARING

TIME: 9 AM

DATE: MARCH 11, 2025

LOCATION: 2731 Oak St, FMB, Florida 33931

TOWN COUNCIL PUBLIC HEARING*

TIME: 9 AM

DATE: APRIL 7, 2025

LOCATION: 2731 Oak St., FMB, Florida 33931

TOWN CONTACT: JUDITH FRANKEL JFRANKEL@FMBGOV.COM

***NOTE: THE TOWN COUNCIL PUBLIC HEARING MAY BE CANCELLED IF THE LOCAL PLANNING AGENCY UNANIMOUSLY APPROVES THE REQUEST AND NO REQUEST FOR A HEARING IS RECEIVED BY THE TOWN CLERK WITHIN 10 BUSINESS DAYS OF THE LOCAL PLANNING AGENCY DECISION. CHECK www.fortmyersbeachfl.gov/209/Meetings-Agendas FOR UPDATED SCHEDULING.**

You may appear in person, through counsel, or through an authorized agent, and provide testimony, legal argument, or other evidence. At the public hearing(s), the request and related materials will be reviewed and a recommendation made. If a person decides to appeal any decision made, he or she will need a record of the proceedings, and may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. 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.



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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,
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«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»

LPA RESOLUTION 2025-02

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250015, REQUESTING FOUR VARIANCES FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 702 ESTERO BOULEVARD., GENERALLY REFERED TO AS STRAP NUMBER 24-46-23-W3-00400.008E IN FORT MYERS BEACH, TO VARY FROM REQUIRED STREET SETBACK, REAR SETBACKS, AND SIDE SETBACKS TO BUILD A NEW SINGLE FAMILY STRUCTURE IN THE RM ZONING DISTRICT; AND PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, 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, Kara Stewart ("Applicant") and Heidi E. Trustee For Heidrun E Wright Trust ("Owners") of the property located at 702 Estero Boulevard (Property), are requesting 4 variances from LDC Table 34-3: 1) a variance of 16 feet from the required street setback resulting in a street setback of 9 feet; 2) a variance of 12 feet 6 inches from the required rear setback resulting in a rear setback of 7 feet 6 inches; 3) a variance of 2 feet 6 inches from the south side required setback resulting in a side setback of 5 feet; and 4) a variance of 1 inch from the north side required setback resulting in a side setback of 7.43 feet to construct a new single-family structure in the RM zoning district; and

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

WHEREAS, the Property is located in the "Mixed Residential" Future Land Use Map of the Comprehensive Plan and the "Residential" and "Multifamily" zoning districts 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 11th, 2025, 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; and

WHEREAS, in accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the LPA makes the following findings and conclusions:

A. There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

B. The conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.

C. The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

D. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. 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.

WHEREAS, eligible members of the LPA voted unanimously by roll call vote to approve the requested variances with the following conditions:

- 1) Approval of these variances does not give the Applicant an undeniable right to permit approval. Development 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) Property owner must ensure that they adhere to the Neighborhood flooding ordinance (LDC Sec. 6-14) for drainage and 67% maximum impervious requirements.
- 3) The variances shall only apply to the single-family home as shown on the provided site plan. Demolition or substantial damage to the residential structure shall render the variances to be null and void.
- 4) Property owner must ensure that no vehicles are parked in the 7.5-foot ingress and egress easement.
- 5) Property owner must apply and obtain a demolition permit prior to applying for a building permit.; and

WHEREAS, Ordinance 24-06 amended Section 34-232(d) of the LDC to provide that:

(d) Owner-initiated requests for variances, or required reviews to extend or to provide evidence of satisfaction of conditions contained in prior land use approvals, that are:

- 1) approved by a unanimous vote of the local planning agency members who are eligible to vote, and

2) not subject to a request for an additional public hearing before the town council made by anyone that is received by the town clerk within 10 business days after the date of the local planning agency decision, excluding holidays, only require one public hearing before the local planning agency, and the local planning agency decision is final agency action.

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

- 1. The foregoing “WHEREAS” clauses are adopted herein by reference and constitute the findings and conclusions of the LPA.
- 2. VAR20250015, with the conditions contained herein, received unanimous approval from eligible voting members of the LPA on March 11th, 2025.
- 3. This Resolution shall constitute the equivalent of a development order and final agency action, subject to any request for an additional review by the Town Council filed with the Town Clerk within 10 business days of the LPA decision as authorized in Section 34-232(d) of the LDC.

The foregoing Resolution was adopted upon a motion by LPA Member James Boan and seconded by LPA Member John McLean and upon being put to a vote, the result was as follows:

Chair Anita Cereceda	—
Vice-Chair Jane Plummer	—
Member James Boan	—
Member Douglas Eckmann	—
Member Don Sudduth	—
Member John McLean	—
Member James Dunlap	—

DULY PASSED AND ADOPTED THIS 11th day of March, 2025.

Local Planning Agency of the Town of
Fort Myers Beach

By: _____
Anita Cereceda, LPA Chair

Approved as to legal sufficiency:

ATTEST:

By: _____
Vose Law Firm, Town Attorney

By: _____
Amy Baker, Town Clerk

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

Yellow Sheet Number: **2025-268**

1. Request:

Meeting Date: March 11, 2025

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250018, REQUESTING A VARIANCE FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 154 VIRGINIA AVENUE., GENERALLY REFERED TO AS STRAP NUMBER 19-46-24-W4-00090C.0040 IN FORT MYERS BEACH, TO VARY 6.8 FEET FROM REQUIRED 20 FOOT REAR SETBACK TO BUILD A NEW SINGLE FAMILY STRUCTURE IN THE RC ZONING DISTRICT; AND PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

Variances must be considered by the LPA and a recommendation made to Town Council. Alternatively, if approved unanimously, the LPA may approve variances without a Town Council decision.

What the action accomplishes:

Approval of the variance would allow a single-family residence to be built with a rear setback of 13.2 feet.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

resolution

5. Background:

Mark Raudenbush, on behalf of the owners of 154 Virginia Avenue, is requesting a variance from the Town's Land Development Code (LDC) setback table 34-3, which requires a 20-foot rear setback on non-waterfront parcels in the RC zoning district. The applicant is requesting a variance of 6.8 feet from the required 20-foot rear setback for a rear setback of 13.2 feet to build a new home. Prior to Hurricane Ian the property contained a single-story 1950's home that appears to have been noncompliant for setbacks. The applicant has indicated that the previous rear setback was 13.5 feet and the front setback was also nonconforming by one foot. The proposed home is similar in square footage to the home previously on the parcel and is a single story over flood elevation.

Attachments:

1. LPA Resolution 25-XX 154 Virginia
2. Staff report
3. Exhibit A Site Plan
4. Exhibit B House Plans
5. Exhibit C Application
6. Exhibit D Postcard

Financial Impact:

unknown

6. Alternative Action

Approve with conditions

7. **Staff Recommendations:**

deny

8. **Recommended Approval:**

Judith Frankel, Principal Planner

Date: February 27, 2025

Frankie Kropacek, Operations & Compliance Director

Date: February 27, 2025

nancy stuparich, Town Attorney

Date: February 28, 2025

Amy Baker, Town Clerk

Date: March 03, 2025

LPA RESOLUTION 2025-XX

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250018, REQUESTING A VARIANCE FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 154 VIRGINIA AVENUE., GENERALLY REFERED TO AS STRAP NUMBER 19-46-24-W4-00090C.0040 IN FORT MYERS BEACH, TO VARY 6.8 FEET FROM REQUIRED 20 FOOT REAR SETBACK TO BUILD A NEW SINGLE FAMILY STRUCTURE IN THE RC ZONING DISTRICT; AND PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, 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, Mark Raudenbush with Idyll Construction (“Applicant”) and Stephen and Deborah Horgash (“Owners”) of the property located at 154 Virginia Avenue (Property), and is requesting variances from LDC Table 34-3 of 6.8 feet from the required 20-foot rear setback for a rear setback of 13.2 feet to construct a new single-family structure in the RC zoning district; and

WHEREAS, the STRAP number for the subject property is 19-46-24-W4-00090C.0040; and

WHEREAS, the Property is located in the “Mixed Residential” Future Land Use Map of the Comprehensive Plan and the “Residential Conservation” zoning districts 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 11th, 2025, 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; and

WHEREAS, in accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the LPA makes the following findings and conclusions:

A. There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

B. The conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.

C. The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

D. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. 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.

WHEREAS, eligible members of the LPA voted ___ to ___ by roll call vote to approve / approve with conditions / deny the requested variances with the following conditions:

1. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
2. The variance shall only apply to the single-family home as shown on the provided site plan. Demolition or substantial damage to the residential structure shall render the variances to be null and void.

WHEREAS, Ordinance 24-06 amended Section 34-232(d) of the LDC to provide that:

(d) Owner-initiated requests for variances, or required reviews to extend or to provide evidence of satisfaction of conditions contained in prior land use approvals, that are:

- 1) approved by a unanimous vote of the local planning agency members who are eligible to vote, and
- 2) not subject to a request for an additional public hearing before the town council made by anyone that is received by the town clerk within 10 business days after the date of the local planning agency decision, excluding holidays, only require one public hearing before the local planning agency, and the local planning agency decision is final agency action.

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

1. The foregoing “WHEREAS” clauses are adopted herein by reference and constitute the findings and conclusions of the LPA.

2. VAR20250018, with the conditions contained herein, received / did not receive unanimous approval from eligible voting members of the LPA on March 11th, 2025.

3. This Resolution shall constitute the equivalent of a development order and final agency action, subject to any request for an additional review by the Town Council filed with the Town Clerk within 10 business days of the LPA decision as authorized in Section 34-232(d) of the LDC.

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

Chair Anita Cereceda	_____
Vice-Chair Jane Plummer	_____
Member James Boan	_____
Member Douglas Eckmann	_____
Member Don Sudduth	_____
Member John McLean	_____
Member James Dunlap	_____

DULY PASSED AND ADOPTED THIS _____ day of March, 2025.

Local Planning Agency of the Town of
Fort Myers Beach

By: _____
Anita Cereceda, LPA Chair

Approved as to legal sufficiency:

ATTEST:

By: _____
Vose Law Firm, Town Attorney

By: _____
Amy Baker, Town Clerk

EXHIBIT A: Site Plan



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20250018

CASE NAME: 154 Virginia Avenue; a variance from Table 34-3 to decrease the required rear setback for an RC zoned non-waterbody lot.

LPA

HEARING DATE: March 11, 2025

STAFF

RECOMMENDATION: DENIAL

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

I. APPLICATION SUMMARY

Applicant/Owner: Mark Raudenbush, Idyll Construction (Applicant)/ Stephen & Deborah Horgash (Owners)

Request: A variance from Table 34-3 of 6.8 feet from the required 20-foot rear setback for an RC zoned non-waterbody lot. For a rear setback of 13.2 feet.

Subject property: See attached site plan

Physical Address: 154 Virginia Avenue

STRAP #: 34-46-24-W4-02500.00CE

FLU: Mixed Residential

Zoning: Residential Conservation (RC)

Adjacent zoning and land uses:

North: MIXED RESIDENTIAL

RC
South: MIXED RESIDENTIAL
RC
East: MIXED RESIDENTIAL
RC
West: MIXED RESIDENTIAL
RC

II. BACKGROUND AND ANALYSIS

Background:

Mark Raudenbush, on behalf of the owners of 154 Virginia Avenue, is requesting a variance from the Town's Land Development Code (LDC) setback table 34-3, which requires a 20-foot rear setback on non-waterfront parcels in the RC zoning district. The applicant is requesting a variance of 6.8 feet from the required 20-foot rear setback for a rear setback of 13.2 feet. Prior to Hurricane Ian the property contained a single-story 1950's home that appears to have been noncompliant for setbacks. The applicant has indicated that the previous rear setback was 13.5 feet and the front setback was also nonconforming by one foot.

Analysis:

The lot is a 6,045 square foot lot that is 93 feet deep by 65 feet wide and is compliant with the RC zoning district. The proposed home is not substantially larger than the home that existed on the property prior to Hurricane Ian but will be built to meet the flood and building code requirements. The parcel is located in the AE 11 flood zone.

The LDC requires that structures meet setbacks, which are measured from the defined property line to the nearest part of the structure. Table 34-3 requires a rear setback of 20 feet for RC zoned properties. The applicant is requesting a variance of 6.8 feet from the 20-foot required setback to allow the construction of a new, pre-manufactured home with a rear setback distance of 13.2 feet.

The proposed home will provide an 11.2-foot side setback to the north, exceeding the zoning district requirement of 7.5 feet. The front setback and the south side setback will meet the zoning district requirements. The applicant is not requesting any additional variances. The proposed structure is a single story over flood elevation.

Neighborhood Compatibility:

A review of the neighborhood using the Lee County Property Appraiser GIS aerial imagery indicates that some of the houses in the neighborhood appear to provide less than the required rear setbacks.

Findings and Conclusions:

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

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

There are not any exceptional conditions inherent to the property. The lot is regularly shaped, conforming RC zoned parcel. However, the request may be considered de minimis for construction of the pre-manufactured home which is not overly large in size.

- b. *That the conditions justifying the variance **are/are not** the result of actions of the applicant taken after the adoption of the regulation in question.*

The conditions justifying the variance are the result of actions of the applicant because the selected home is deeper than 48 feet, which is the maximum depth that would meet this lot size.

- c. *That the variance granted **is/is not** the minimum variance that will relieve that applicant of an unreasonable burden caused by the application of the regulation in question to his property.*

The request is the minimum request that would allow construction of this home on this lot.

- 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 the previous home provided a similar setback.

- e. *That the conditions or circumstances on the specific piece of property for which the variance is sought are/**are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.*

The conditions or circumstances on this specific property for which a variance is sought are not general in nature and do not warrant a code change.

III. RECOMMENDATION

Staff has reviewed the request for a variance of 6.8 feet from Table 34-3 which requires that primary structures in the RC zoning district provide a 20-foot rear setback and find that the variance request does not meet the requirements set-forth in sec. 34-87.

Therefore, staff recommends **DENIAL** of VAR20250018, a variance from Table 34-3 of 6.8 feet from the required 20-foot rear setback for an RC zoned non-waterbody lot. For a rear setback of 13.2 feet.

IV. CONDITIONS

If approval of the request is granted, the following conditions should be considered for incorporation into the resolution of approval.

1. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
2. The variance shall only apply to the single-family home as shown on the provided site plan. Demolition or substantial damage to the residential structure shall render the variances to be null and void.

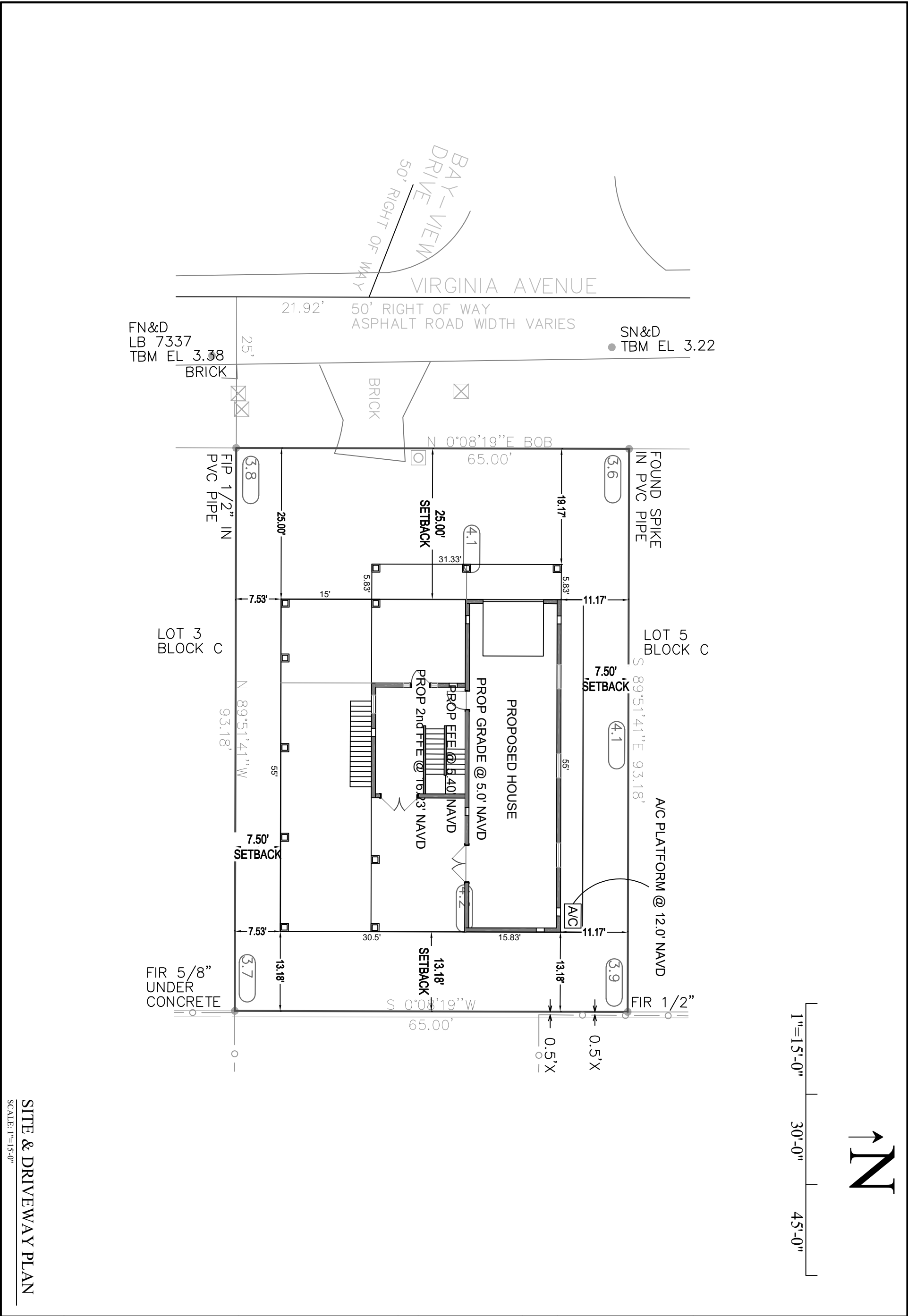
V. EXHIBITS

Exhibit A: Site Plan

Exhibit B: House Plan

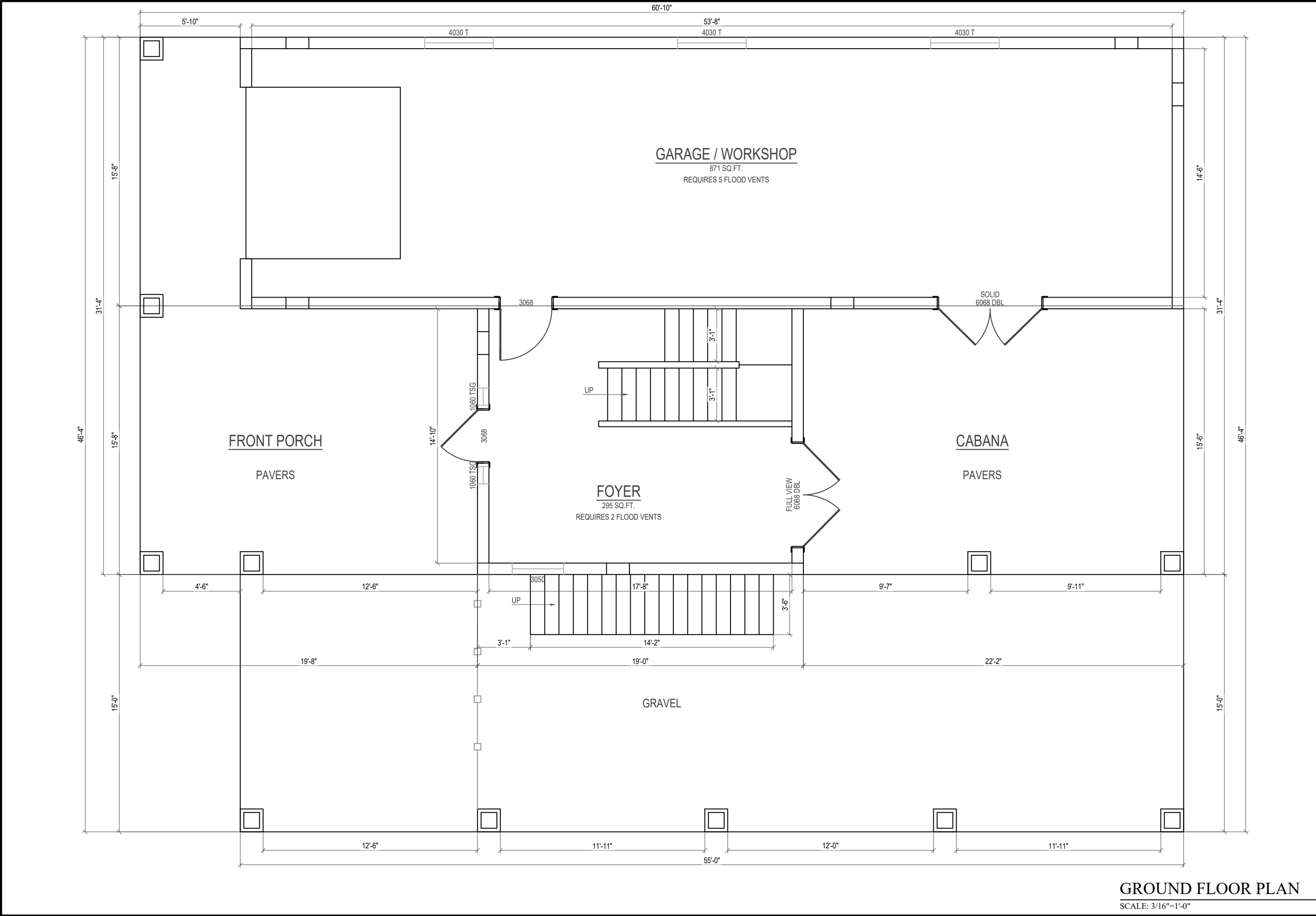
Exhibit C: Complete Application Packet

Exhibit D: Postcards to Adjacent Property Owners



PROJECT NAME AND ADDRESS						Idyll Construction, Inc. Hereby reserved its common law copyright and other property right in these plans, ideas, and designs. These ideas, designs and plans are not to be reproduced, chagned or copied in any form or manner whatsoever, nor are they to be assigned to any third party without written permission from Idyll Construction, Inc. Written dimensions on these drawings shall have precedence over scale dimensions. Contractor shall verify ad be responsible for all dimesnions and conditions of the job and Idyll Construction, Inc. shall be notified in writing of any variations from the dimesnions, conditions and specifications shown by these drawings. All construction shall be in accordance with all state and local codes.  CUSTOM HOMES AND CUSTOM MODULAR HOMES 239-947-7030 IDYLLCONSTRUCTION.COM License no. CBC058253
HORGASH RESIDENCE						
154 VIRGINIA AVE						
FORT MYERS BEACH, FL						
CHECK BY: MS						
DATE: 11/2024						
PROJECT NO: 995						
SHEET NAME: SITE & DRIVEWAY PLAN						
SHEET NO: A-2						

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No.	Issue	Date	No.	Revision	Date





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PROJECT NAME AND ADDRESS

HORGASH RESIDENCE

154 VIRGINIA AVE
FORT MYERS BEACH, FL

CHECK BY:

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DATE:

PROJECT NO.

SHEET NAME:

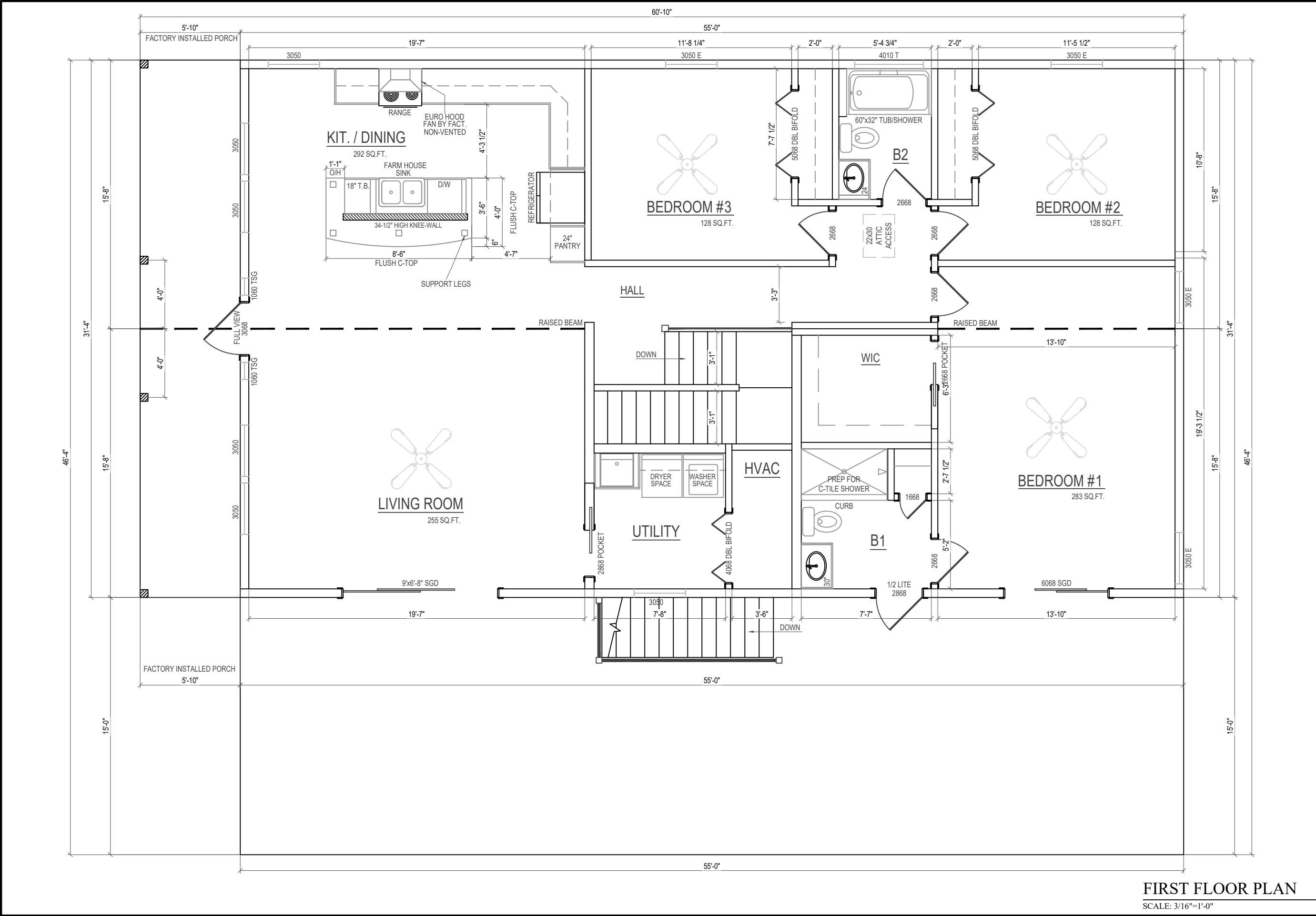
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MCS

12/2/2024

GROUND FLOOR PLAN

A-3



FIRST FLOOR PLAN
SCALE: 3/16"=1'-0"

PROJECT NAME AND ADDRESS

HORGASH RESIDENCE

154 VIRGINIA AVE
FORT MYERS BEACH, FL

CHECK BY: _____

DRAWN BY: MCS

DATE: 12/2/2024

PROJECT NO: _____

SHEET NAME: FIRST FLOOR PLAN

SHEET NO: A-4

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239-947-7030

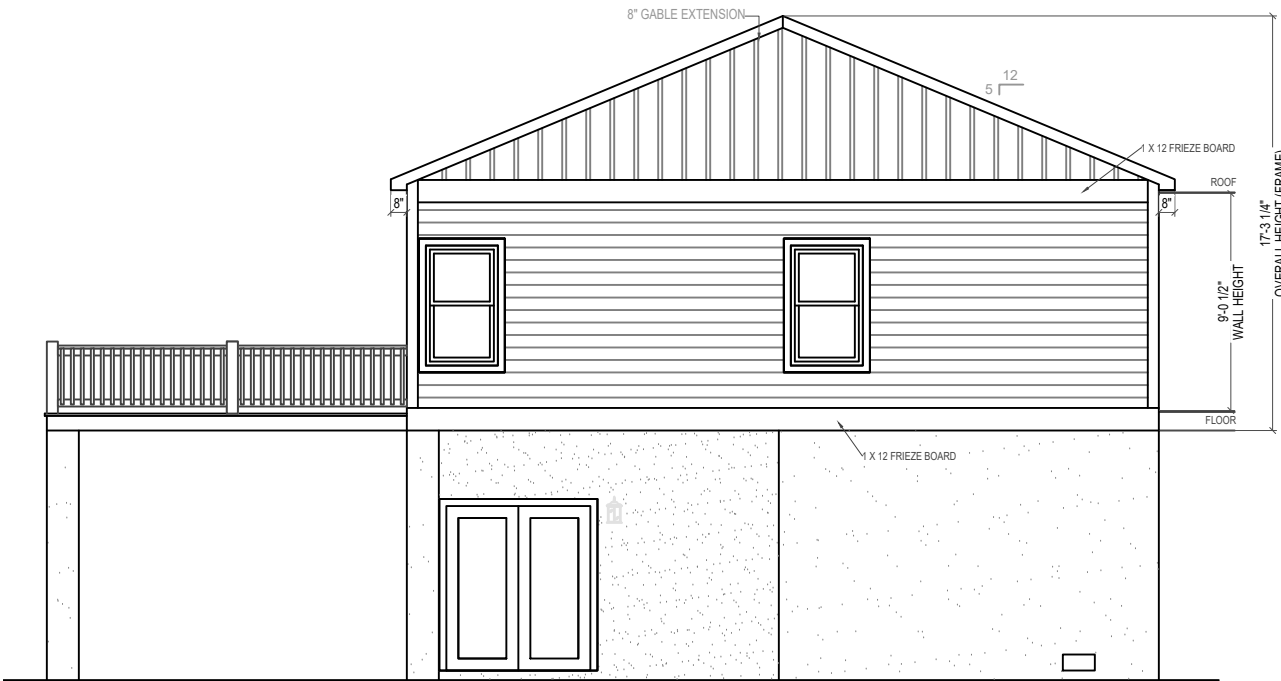
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FRONT



REAR

FRONT & REAR ELEVATIONS
COMPOSITE
SCALE: 1/8"=1'-0"

PROJECT NAME AND ADDRESS
**HORGASH
RESIDENCE**
154 VIRGINIA AVE
FORT MYERS BEACH, FL

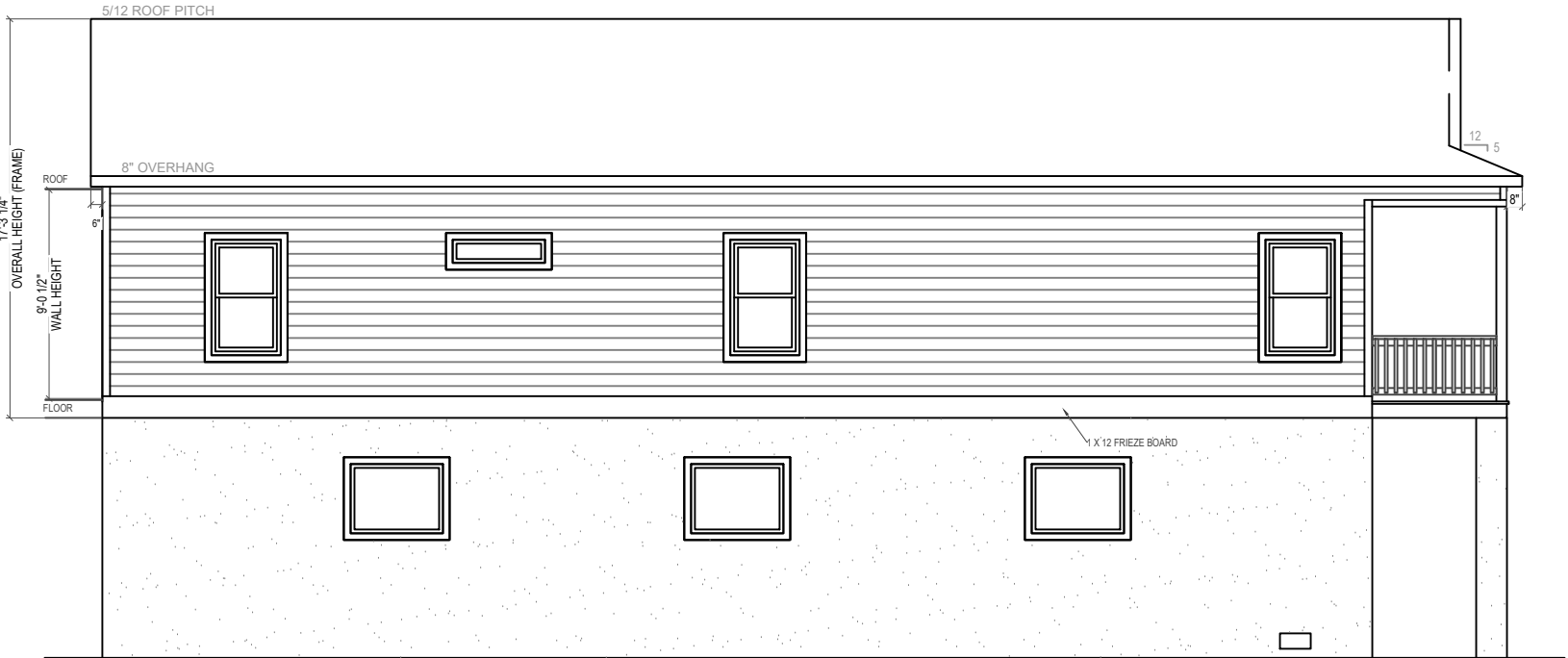
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DATE:	12/2/2024
PROJECT NO:	
SHEET NAME:	FRONT & REAR ELEVATIONS - COMPOSITE
SHEET NO:	A-7

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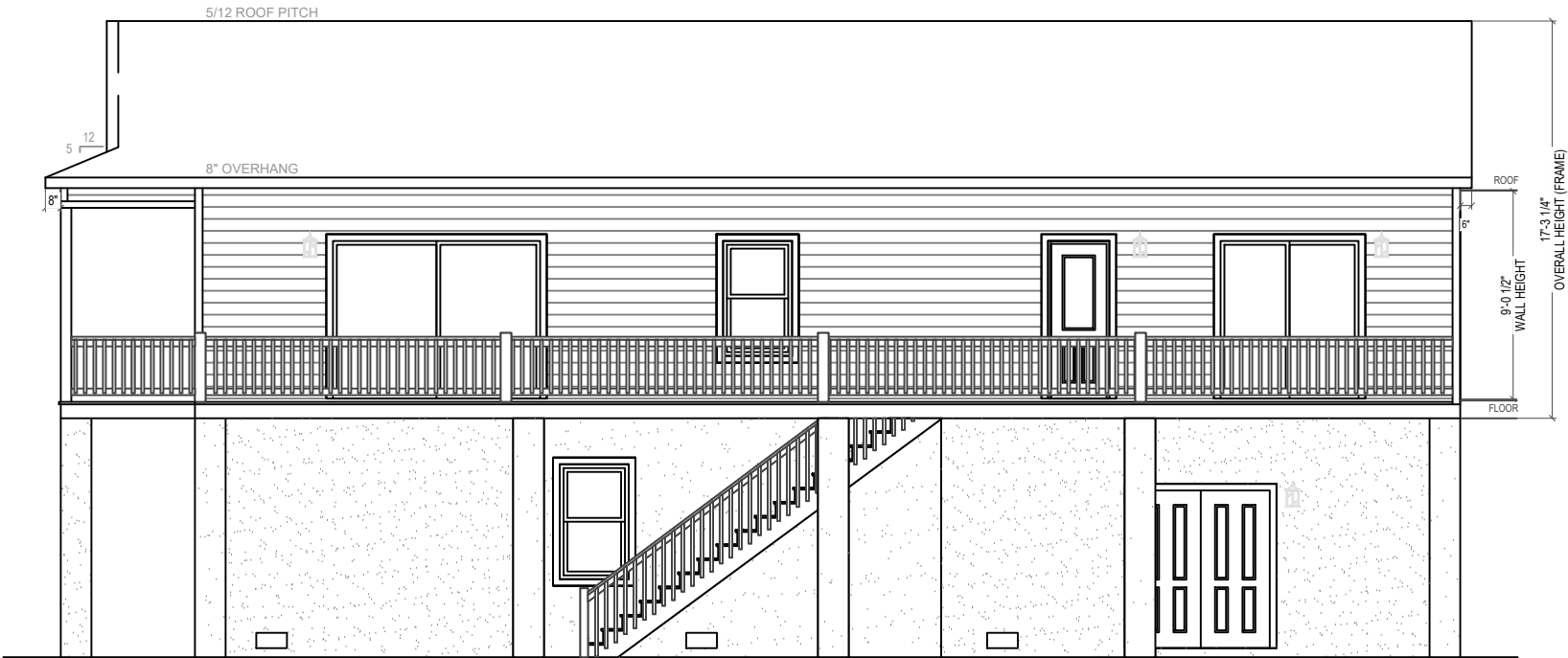
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LEFT



RIGHT

LEFT & RIGHT ELEVATIONS
COMPOSITE
SCALE: 1/8"=1'-0"

PROJECT NAME AND ADDRESS
**HORGASH
RESIDENCE**
154 VIRGINIA AVE
FORT MYERS BEACH, FL

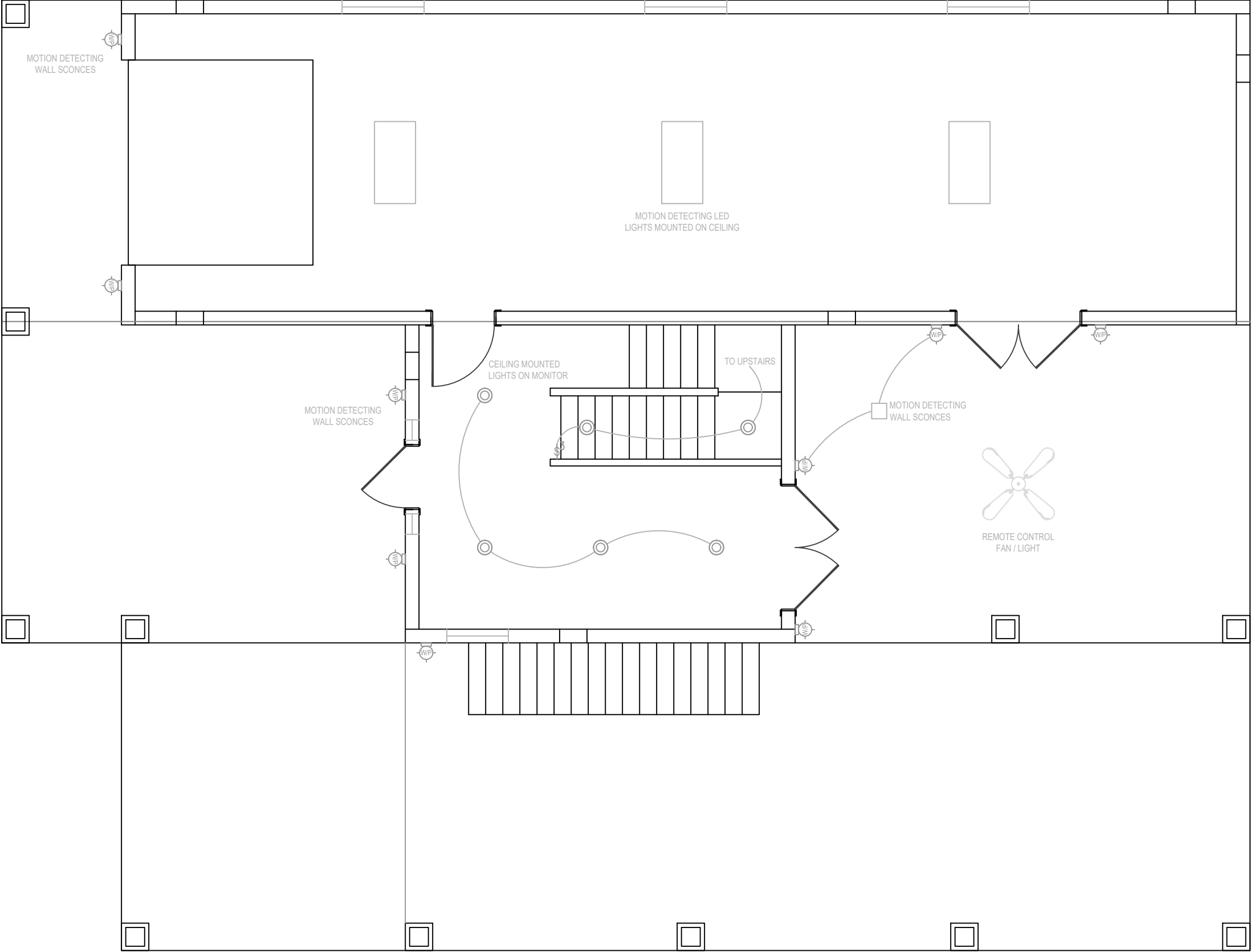
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PROJECT NO.	
SHEET NAME:	LEFT & RIGHT ELEVATIONS - COMPOSITE
SHEET NO.	A-8

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GROUND FLOOR ELECTRICAL PLAN
SCALE: 1/4"=1'-0"

PROJECT NAME AND ADDRESS
**HORGASH
RESIDENCE**
154 VIRGINIA AVE
FORT MYERS BEACH, FL

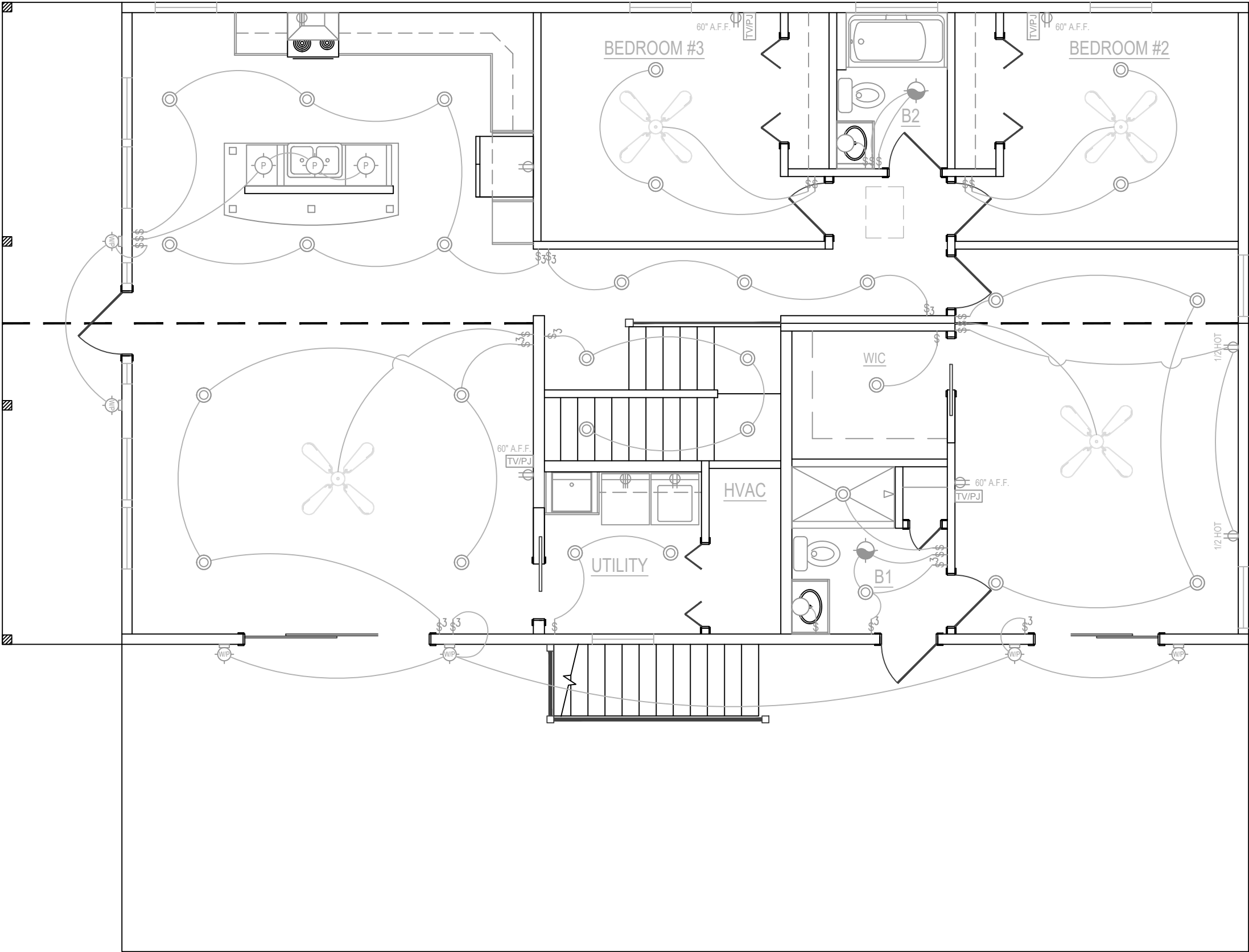
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DRAWN BY:	MCS
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PROJECT NO.	
SHEET NAME:	GROUND FLOOR ELECTRICAL PLAN
SHEET NO.	E-1

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FIRST FLOOR ELECTRICAL PLAN
SCALE: 3/16"=1'-0"

PROJECT NAME AND ADDRESS
**HORGASH
RESIDENCE**
154 VIRGINIA AVE
FORT MYERS BEACH, FL

CHECK BY:	
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DATE:	12/2/2024
PROJECT NO:	
SHEET NAME:	FIRST FLOOR ELECTRICAL PLAN
SHEET NO:	E-2

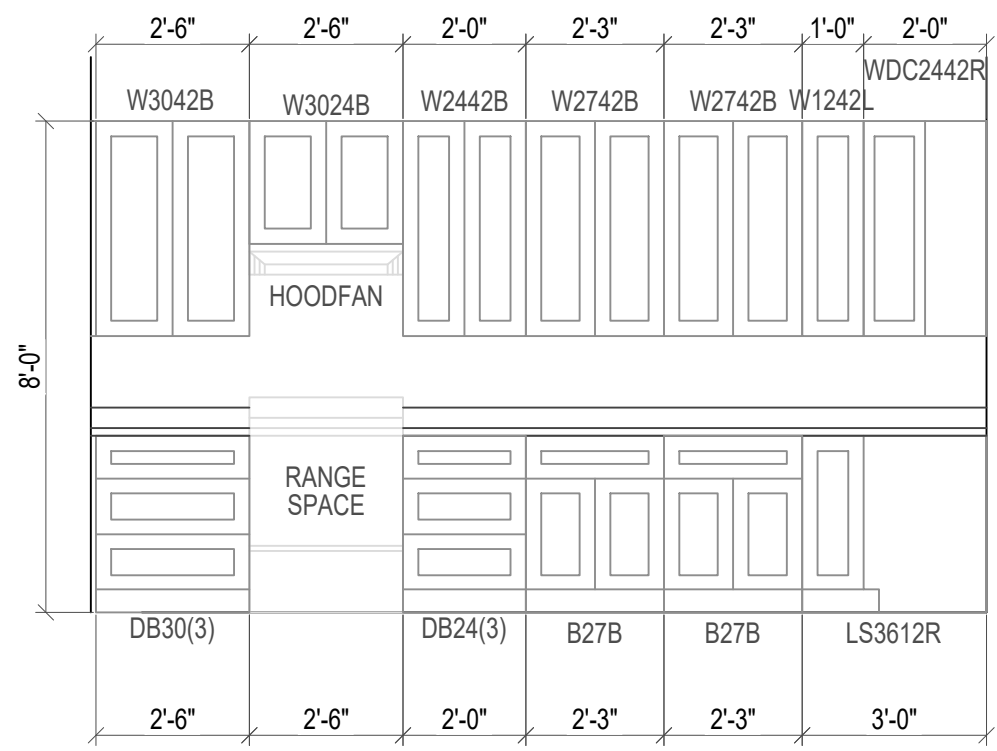
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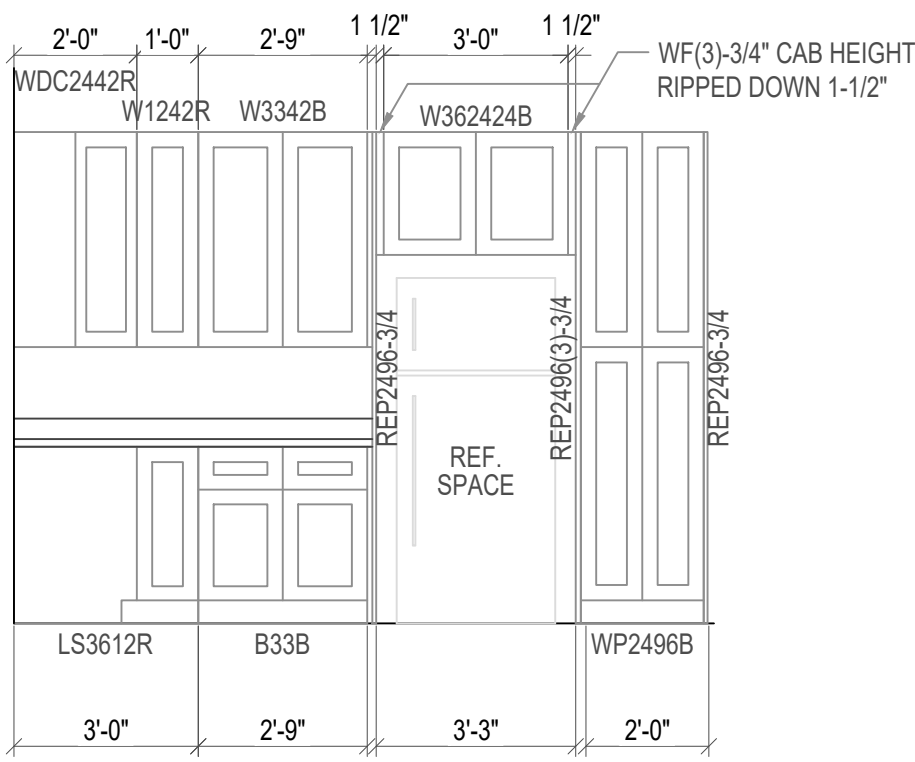


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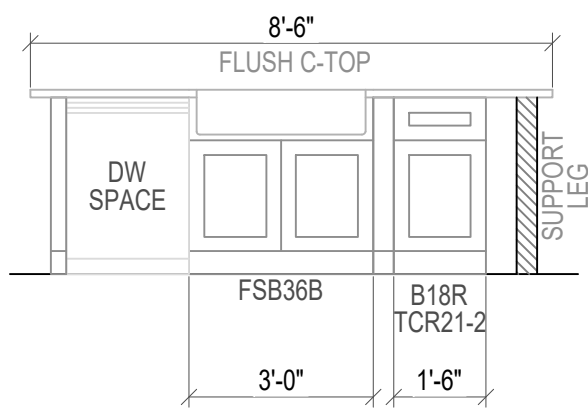
MATRIX CABINETS



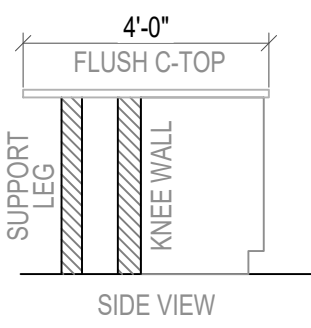
KITCHEN



KITCHEN



KITCHEN



SIDE VIEW

CABINET PLAN
NTS



License no. CBC056253

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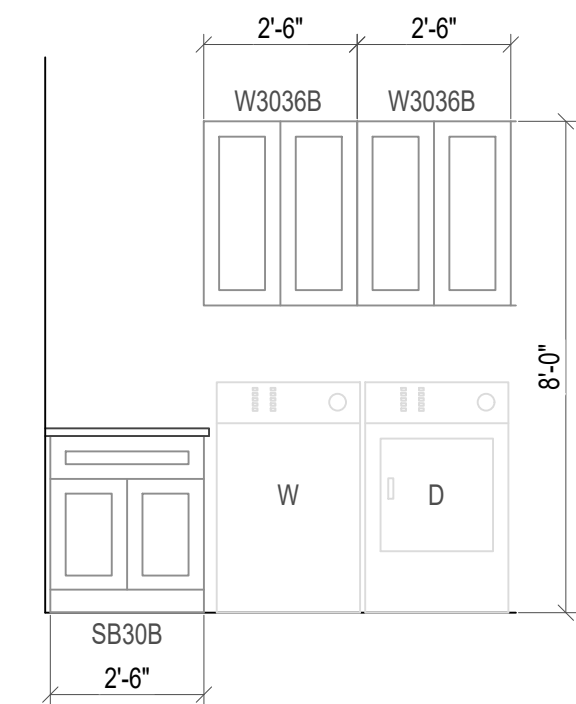
PROJECT NAME AND ADDRESS

HORGASH RESIDENCE

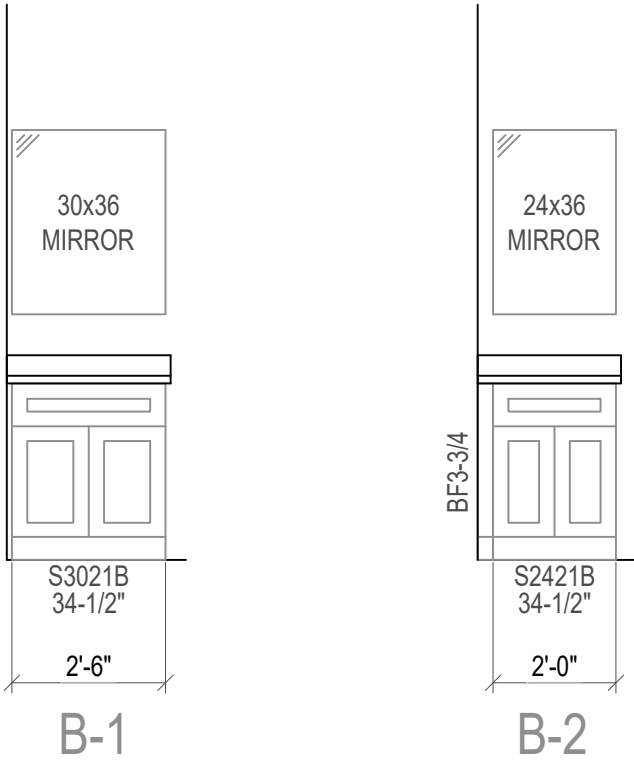
154 VIRGINIA AVE
FORT MYERS BEACH, FL

CHECK BY:	MCS
DRAWN BY:	MCS
DATE:	12/2/2024
PROJECT NO.	
SHEET NAME:	CABINET PLAN
SHEET NO.	C-1

MATRIX CABINETS



UTILITY



CABINET PLAN
NTS



License no. CBC056253

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PROJECT NAME AND ADDRESS
**HORGASH
RESIDENCE**
154 VIRGINIA AVE
FORT MYERS BEACH, FL

CHECK BY:	
DRAWN BY:	MCS
DATE:	12/2/2024
PROJECT NO.	
SHEET NAME:	CABINET PLAN
SHEET NO.	C-2



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: _____

STRAP Number: _____

Applicant: _____ Phone: _____

Contact Name: _____ Phone: _____

Email: _____ Fax: _____

Current Zoning District: _____

Future Land Use Map (FLUM) Category: _____

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*: _____ Phone: _____

**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: _____ Fax: _____

Contact Name: _____ Phone: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

- | | | |
|---|---|--|
| ☐ Owner* | ☐ Land Trust* | ☐ Partnership* |
| ☐ Corporation* | ☐ Association* | ☐ Condominium* |
| ☐ Subdivision* | ☐ Timeshare Condo* | ☐ Contract Purchaser* |
| ☐ Authorized Representative* | ☐ Other* (please indicate) _____ | |

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.
Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: _____ 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: _____ 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.

Mark Raudenbush
Signature

Mark Raudenbush

Printed Name

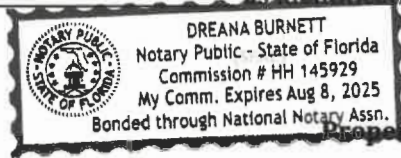
STATE OF Florida COUNTY OF Lee

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

presence OR ☐ online notarization, this 17th day of January, 2025, by

Mark Raudenbush ☒ who is personally known to me OR ☐ who has produced

as identification.



Dreana Burnett
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: _____

Property Address: _____

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

☐ Marina

☐ Mixed Residential

☐ Recreation

☐ Boulevard

☐ Wetlands

☐ Pedestrian Commercial

☐ Platted Overlay



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

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

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

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

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

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

Explanatory Notes – Part I

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

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

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

Explanatory Notes – Part IV

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Explanatory Notes – Part V

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

Explanatory Notes – Part VI

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

line. Exhibit 6-2

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

Explanatory Notes – Part IV & V

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



Case # _____

Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

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

Case Number:
Project Name:
Authorized Applicant:
LeePA STRAP Number:

Current Property Status:
Current Zoning:
Future Land Use Map (FLUM) Category:
Comp Plan Density: Platted Overlay? ☐ Yes ☐ No

Variance is requested from:

LDC Section Number

Title of Section or Subsection

Complete the narrative statements below for EACH variance requested.



Case # _____

Date Received: _____

PART I
Narrative Statements

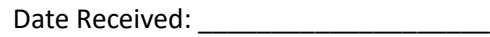
Request for variance from _____ (LDC Section number)

Explain the specific regulation contained in this section from which relief is sought:

Reasons for request

Explain why the variance is needed:

[illegible][illegible]

[illegible]

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.

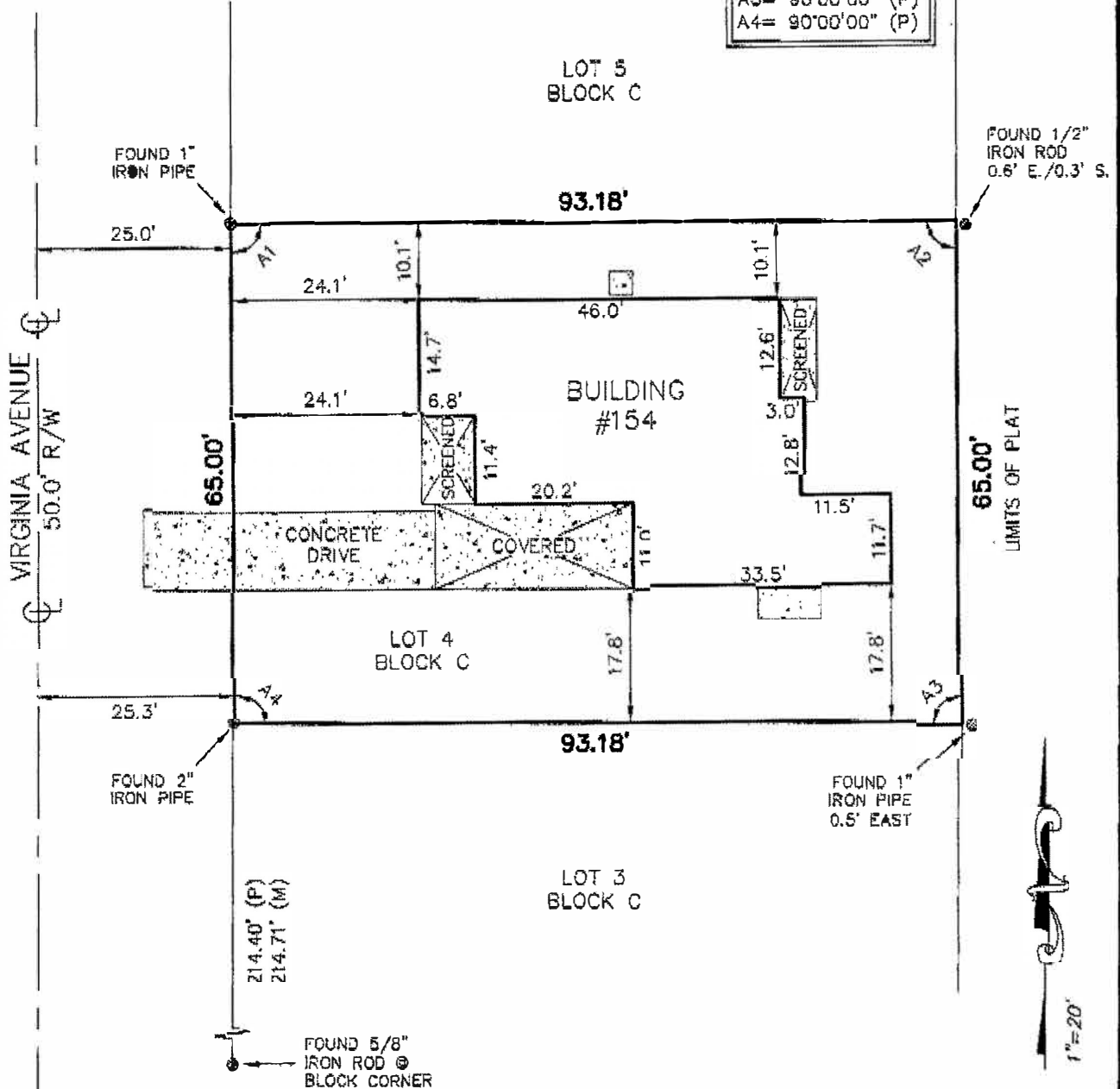
EXHIBIT 6-2

SURVEY NOTES

CONCRETE DRIVE CROSSING PROPERTY
BOUNDARY ON WESTERLY SIDE OF LOT

PROPERTY SUPPLIED BY CITY WATER AND SEWER

A1= 90°00'00" (P)
A2= 90°00'00" (P)
A3= 90°00'00" (P)
A4= 90°00'00" (P)



PAGE 2 OF 2 PAGES

BOUNDARY SURVEY

LB #6135

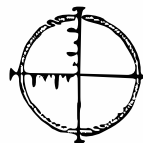


SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY
IS A TRUE AND CORRECT REPRESENTATION OF A
SURVEY PREPARED UNDER MY DIRECTION,
NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC
SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL,
OR A RAISED EMBOSSED SEAL AND SIGNATURE.

Clyde
McNeal

Digitally signed by Clyde McNeal
DN: cn = Clyde McNeal, c = US
Date: 2000.09.30 11:49:25
9496



TARGET
SURVEYING, INC.

SERVING ALL FLORIDA COUNTIES

5601 CORPORATE WAY SUITE 210
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
FACSIMILE (561) 640-0676
STATEWIDE PHONE (800) 228-4807
STATEWIDE FACSIMILE (800) 741-0576

(SIGNED)

CLYDE O. McNEAL, PROFESSIONAL SURVEYOR AND MAPPER #2883

Lot 4, Block C, GULF-BAY VIEW according to the Plat thereof, as recorded in Plat Book 8, Page 69, of the Public Records of LEE County, Florida.

Community Number: 120673 Panel: 0554 Suffix: F F.I.R.M. Date: 8/28/2008 Flood Zone: AE Field Work: 3/23/2009

Certified To:

STEPHEN M. & DEBORAH G. HORGASH; RELS TITLE; FIRST AMERICAN TITLE INSURANCE COMPANY; WCI MORTGAGE LLC DBA FLORIDA HOME FINANCE GROUP, its successors and/or assigns, as their interests may appear.

Property Address:

154 VIRGINIA AVENUE
FORT MYERS, FL 33931

Survey Number: 148170

LEGEND:

A/C AIR CONDITIONER
B.R. BEARING REFERENCE
B.M. BENCH MARK
C CENTERLINE
(C) CALCULATED
CATV CABLE RISER
C.B. CATCH BASIN
D.H. DRILL HOLE
D.E. DRAINAGE EASEMENT
D.W. DRIVEWAY
Δ CENTRAL ANGLE/DELTA
C.M. CONCRETE MONUMENT
D.B. DEED BOOK
D. DESCRIPTION OR DEED
ESMT EASEMENT
E.O.W. EDGE OF WATER

~~XXX~~ EXISTING ELEVATION
F.F. FINISHED FLOOR
F.I.P. FOUND IRON PIPE
FO. FOUND
⊙ WELL
W.C. WITNESS CORNER
F.P.K. FOUND PARKER-KALON NAIL
F.C.M. FOUND CONCRETE MONUMENT
F.I.R. FOUND IRON ROD
L LENGTH
L.A.E. LIMITED ACCESS EASEMENT
M.E. MAINTENANCE EASEMENT
M.H. MANHOLE
F.N. FOUND NAIL
N&D NAIL & DISC
N.R. NON RADIAL
N.T.S. NOT TO SCALE

L.M.E. LAKE MAINTENANCE EASEMENT
O.R. OFFICIAL RECORDS
O.R.B. OFFICIAL RECORDS BOOK
U.E. UTILITY EASEMENT
P.C.P. PERMANENT CONTROL POINT
P.R.M. PERMANENT REFERENCE MONUMENT
T.B.M. TEMPORARY BENCH MARK
TEL. TELEPHONE FACILITIES
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
P.O.C. POINT OF COMPOUND CURVATURE
P.C. POINT OF CURVATURE
P.R.C. POINT OF REVERSE CURVATURE
P.T. POINT OF TANGENCY
● PROPERTY CORNER
R.O.E. ROOF OVERHANG EASEMENT
R. RADIUS (RADIAL)

R.W. RIGHT OF WAY
S.I.R. SET IRON ROD & CAP
P.P. POWER POLE
T.O.B. TOP OF BANK
W.M. WATER METER
PG. PAGE
(P) PLAT
P.B. PLAT BOOK
U.P. UTILITY POLE
(M) FIELD MEASURED
A.E. ANCHOR EASEMENT
O.U.L. OVERHEAD UTILITY LINES
P.L. PROPERTY LINE
CH CHORD
COVERED AREA
CONCRETE
WOOD FENCE
METAL FENCE

PAGE 1 OF 2 PAGES

GENERAL NOTES:

- 1) LEGAL DESCRIPTION PROVIDED BY OTHERS
- 2) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- 3) UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- 4) WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- 5) ONLY VISIBLE ENCROACHMENTS LOCATED.
- 6) DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- 7) FENCE OWNERSHIP NOT DETERMINED.
- 8) ELEVATIONS INDICATED HEREON ARE IN FEET AND DECIMALS REFERENCED TO M.G.V.D. 1989
- 9) IN SOME INSTANCES, GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES, DIMENSIONS SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.

LEGAL DESCRIPTION AND CERTIFICATION



LB #6135

TARGET
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SERVING MOST FLORIDA COUNTIES

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PHONE (561) 640-4800
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STATEWIDE PHONE (800) 228-4807
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Town of Fort Myers Beach
Community Development Services - Planning Division
2731 Oak St,
Fort Myers Beach, FL 33931

**NOTICE TO PROPERTY OWNERS WITHIN 500 FEET
(Variances, Extensions, Satisfaction of Conditions)**

VAR20250018 – Requesting to decrease the rear yard setback from 20 feet to 13.2 feet for a new single-family home.

ADDRESS: 154 VIRGINIA AVENUE

APPLICANT: MARK RAUDENBUSH

**LOCAL PLANNING AGENCY PUBLIC HEARING
TIME: 9 AM
DATE: MARCH 11, 2025
LOCATION: 2731 Oak St, FMB, Florida 33931**

**TOWN COUNCIL PUBLIC HEARING*
TIME: 9 AM
DATE: APRIL 7, 2025
LOCATION: 2731 Oak St., FMB, Florida 33931**

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

***NOTE: THE TOWN COUNCIL PUBLIC HEARING MAY BE CANCELLED IF THE LOCAL PLANNING AGENCY UNANIMOUSLY APPROVES THE REQUEST AND NO REQUEST FOR A HEARING IS RECEIVED BY THE TOWN CLERK WITHIN 10 BUSINESS DAYS OF THE LOCAL PLANNING AGENCY DECISION. CHECK www.fortmyersbeachfl.gov/209/Meetings-Agendas FOR UPDATED SCHEDULING.**

You may appear in person, through counsel, or through an authorized agent, and provide testimony, legal argument, or other evidence. At the public hearing(s), the request and related materials will be reviewed and a recommendation made. If a person decides to appeal any decision made, he or she will need a record of the proceedings, and may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. 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
2731 Oak St,
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TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM

***NOTE: THE TOWN COUNCIL PUBLIC HEARING MAY BE CANCELLED IF THE LOCAL PLANNING AGENCY UNANIMOUSLY APPROVES THE REQUEST AND NO REQUEST FOR A HEARING IS RECEIVED BY THE TOWN CLERK WITHIN 10 BUSINESS DAYS OF THE LOCAL PLANNING AGENCY DECISION. CHECK www.fortmyersbeachfl.gov/209/Meetings-Agendas FOR UPDATED SCHEDULING.**

You may appear in person, through counsel, or through an authorized agent, and provide testimony, legal argument, or other evidence. At the public hearing(s), the request and related materials will be reviewed and a recommendation made. If a person decides to appeal any decision made, he or she will need a record of the proceedings, and may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. 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: **2025-270**

1. Request:

Meeting Date: March 11, 2025

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING LAND DEVELOPMENT CODE SECTION 34-236, NOTICES TO REQUIRE APPLICANTS FOR REZONINGS, DEVELOPMENT AGREEMENTS AND DEVELOPMENTS OF REGIONAL IMPACT TO PROVIDE MAILED AND POSTED PUBLIC NOTICING PRIOR TO LOCAL PLANNING AGENCY AND TOWN COUNCIL PUBLIC HEARINGS; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS; CONFLICTS OF LAW; AND PROVIDING AN EFFECTIVE DATE.

Why the action is necessary:

The LDC at present does not require posted signs on site or dictate a timeframe for mailed notices. The code language has also been edited to include development agreements.

What the action accomplishes:

This action would provide clear rules for noticing that will benefit the public and provide clarity to applicants.

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

Ordinance

5. Background:

At the January 2025 LPA meeting, the LPA directed staff to bring forward a draft ordinance to amend the Land Development Code (LDC) section regarding noticing requirements. This item is presented for discussion purposes only at this time. Additional changes or suggested changes may be forthcoming from Town staff prior to the meeting. LPA members should also consider their views on the matter.

The intent is to create a noticing timeframe, a posted notice requirement and to require applicants to do the work of providing noticing to the public. At present Town staff mails postcards to property owners within a 500ft radius and bills the applicant for that cost. The LDC does not provide a timeframe at present and there is no requirement for posting notice at the site. The draft ordinance sets the timeframe at 7 days ahead of public hearing, but the LPA may want to consider increasing the time period to 10 days prior to public hearings. Variances, Appeals and Special Exception applications are not included in this LDC section and the LPA should consider whether noticing requirements should include other applications as well.

Attachments:

1. LPA March Public Notice Ordinance

Financial Impact:

At present, Town staff sends out postcards and bills the applicant, requiring the applicant to send out the notices should be cost neutral. The cost of posted 18"x24" signs should be minimal to the applicant.

6. Alternative Action

Discussion

7. Staff Recommendations:

Approval

8. **Recommended Approval:**

Judith Frankel, Principal Planner

Date: February 25, 2025

Frankie Kropacek, Operations & Compliance Director

Date: February 26, 2025

nancy stuparich, Town Attorney

Date: February 28, 2025

Amy Baker, Town Clerk

Date: March 03, 2025

DRAFT – FOR DISCUSSION ONLY

ORDINANCE NO. 25-xx

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING LAND DEVELOPMENT CODE SECTION 34-236, NOTICES TO REQUIRE APPLICANTS FOR REZONINGS, DEVELOPMENT AGREEMENTS AND DEVELOPMENTS OF REGIONAL IMPACT TO PROVIDE MAILED AND POSTED PUBLIC NOTICING PRIOR TO LOCAL PLANNING AGENCY AND TOWN COUNCIL PUBLIC HEARINGS; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS; CONFLICTS OF LAW; 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, the Town recognizes that redevelopment of the Town, following Hurricane Ian requires evaluation and updates to the Land Development Code; and

WHEREAS, the Town Council desires updates to the Fort Myers Beach Land Development Code to clarify, improve and create consistency among sections; and

WHEREAS, the proposed changes to the Land Development Code are not more restrictive or burdensome to development; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on the ____ day of _____, at time which the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, and the LPA voted __ to __, to recommend approval of this Ordinance; and

WHEREAS, on _____, 2025, the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons to adopt Ordinance 25-xx as provided herein and approved scheduling an adoption public hearing; and

WHEREAS, a Business Impact Estimate was prepared and posted on the City's website on the ____ day of _____, 2024, as required by Section 166.041(4), Florida Statutes; and

WHEREAS, an advertisement of the public hearing for adoption of the Ordinance was published in the News-Press on the ____ day of _____, 2025, which is no less than 10 days prior to the second reading of the proposed Ordinance as required by Section 166.041; and

WHEREAS, on the ____ day of _____, 2024, the Town Council held a second reading of the Ordinance; at which time the Town Council gave full and complete consideration to the recommendations of staff and the LPA, and the testimony of all interested persons; and

WHEREAS, the Town finds that it is in the best interests of the health, safety, and welfare of the Town's business owners, residents, and visitors to adopt the proposed change.

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

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

Section 2. LDC Sec. 34-236 is hereby amended to read as provided in Exhibit A.

Section 3. The Town Council intends that the provisions of this ordinance be made a part of the Fort Myers Beach Code of Ordinances, and that sections herein may be renumbered or re-lettered and the words or phrases herein may be changed to accomplish codification; regardless, typographical errors that do not affect intent may be corrected with notice to and authorization of the Town Manager without further process.

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

Section 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the ordinance, or any part thereof, other than the part so declared.

Section 6. This ordinance shall become effective upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by Councilmember King and seconded by Mayor Allers and upon being put to a roll call 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 _____ 2025, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, Town Attorney

The foregoing Ordinance was filed in the Office of the Town Clerk on the ____ day of _____, 2025.

Attached Exhibits

Exhibit A – Proposed Noticing Requirements

Exhibit A

Sec. 34-236. Notices.

(a) Minimum required information. A notice of public hearing under this chapter shall contain the following minimum required information:

(1) Action proposed.

a. Rezoning, development agreements and developments of regional impact. All required notices shall indicate the existing zoning of the property, the proposed zoning, and the general location of the property by reference to common street names and addresses, with sufficient clarity so as to advise the public, but need not describe the proposed plans or details thereof, or the specific legal description of the property.

b. Special exceptions and variances. All required notices shall indicate the existing zoning of the property; the proposed use by special exception, or the requirement from which the variance is being requested and the actual degree of variance being requested; and the location of the property by reference to common street names and addresses, with sufficient clarity so as to advise the public, but need not describe the proposed plans or details thereof or the specific legal description of the property.

c. Appeals. The notice shall summarize the decision or action upon which the appeal is based with sufficient clarity so as to advise the public of the subject matter.

(2) Time and place of hearing. The notice shall specify the date, time and place that the public hearing will be held by the local planning agency or the town council.

(3) Public availability of information. The notice shall indicate ~~where that copies of the proposed amendment application may be obtained or reviewed, or where the application for public hearing may be reviewed.~~ by contacting Town Hall staff

(4) Location of record of notice. A copy of such notice shall be kept available for public inspection during the regular business hours at Town Hall ~~and at the director's office.~~

(b) Method of providing notice. Notices of hearings before the local planning agency and the town council shall be provided by the applicant or their agent in accordance with applicable statutes and subsection (a) of this section. All noticed requests shall utilize layman's language, i.e., "apartment building" rather than "multi-family dwelling," "restaurant" rather than "business zoning."

(c) Mailed notices. The property owners list and map of surrounding property owners required by §§ 34-202(a)(6) and (a)(7) of this chapter is for the purpose of mailing notice to property owners within 500 feet of the property described. ~~The notice is a courtesy only and is not jurisdictional.~~ The applicant or their agent must provide proof of mailed notices 7 calendar days prior to the scheduled public hearing date. Proof must be provide via map of 500 ft radius, list of mailing addresses and photographs of mailed notices with paid postage stamp. Accordingly, the failure to mail or to timely mail such notice, or failure of any affected property owners to receive mailed notice, will not constitute a defect in notice or bar and deny the public hearing from being heard as scheduled.

(d) Posted notices. The applicant or their agent is responsible for posting a notice of a public hearing on site at least 7 calendar days prior to a scheduled meeting. A professionally lettered sign must be posted at each property boundary that fronts a public right-of-way. Photographic proof must be received by the Town Clerk 7 days in advance of the scheduled hearing with the LPA or Town Council. Failure to post the notice or staff receipt of proof of posted notice will constitute a defect in notice and require rescheduling of the hearing.

(1)The posted notice, 18 inches by 24 inches, must be placed in a prominent place on the property by the applicant/agent at their own expense denoting the following: application request, date and time of hearing, hearing body (i.e. LPA or Town Council), location of hearing and phone number of Town Hall directing interested parties to contact for information.

(e) The noticing required in this section shall not replace noticing requirements for specific actions noted elsewhere in the Land Development Code (LDC).

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

Yellow Sheet Number: **2025-271**

1. Request:

Meeting Date: March 11, 2025

DISCUSSION OF A DRAFT ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING SECTION 34-53 OF CHAPTER 34, ARTICLE II, DIVISION 1 OF THE LAND DEVELOPMENT CODE REGARDING ACCEPTANCE OF PAYMENT OF FEES AND CHARGES FOR REVIEW OF ANY APPLICATION OR ISSUANCE OF A PERMIT, INCLUDING INSPECTIONS, UNTIL ALL FEES AND CHARGES DUE THE TOWN INCLUDING BUT NOT LIMITED TO EXPENDITURES FOR NOTICING, ADVERTISING, ADDITIONAL PROFESSIONAL SERVICES, OUTSTANDING UTILITY BILLS OR CODE ENFORCEMENT FINES OR LIENS HAVE BEEN PAID AND THE PROPERTY IS IN COMPLIANCE WITH ALL APPLICABLE TOWN CODES AND ORDINANCES UNLESS REVIEW OF THE APPLICATION IS NEEDED FOR SAFETY PURPOSES OR FOR COMPLIANCE WITH TOWN CODES AND ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS; CONFLICTS OF LAW; AND PROVIDING AN EFFECTIVE DATE.

Why the action is necessary:

It is necessary for the LPA to consider regulations related to and contained within the Land Development Code.

What the action accomplishes:

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

5. Background:

The LPA has previously discussed the issue of staff's ability to process applications when there are unpaid fees or charges owed to the Town related to the subject property. This ordinance is in draft form and is intended for discussion purposes with the LPA and Town Staff.

Attachments:

1. LPA March Application Fee and Payment Ordinance

Financial Impact:

6. Alternative Action

Discussion

7. Staff Recommendations:

8. Recommended Approval:

Judith Frankel, Principal Planner

Date: February 25, 2025

Frankie Kropacek, Operations & Compliance Director

Date: February 26, 2025

nancy stuparich, Town Attorney

Date: February 28, 2025

Amy Baker, Town Clerk

Date: March 03, 2025

DRAFT FOR DISCUSSION ONLY

ORDINANCE NO. 25-xx

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING SECTION 34-53 OF CHAPTER 34, ARTICLE II, DIVISION 1 OF THE LAND DEVELOPMENT CODE REQUIRING PAYMENT OF ANY MONEY OWED TO THE TOWN FOR UTILITY SERVICE, OUTSTANDING DEVELOPMENT AND BUILDING PERMIT FEES, CODE ENFORCEMENT FINES AND LIENS, ON ANY PROPERTY OWNED BY THE APPLICANT; REQUIRING ALL PROPERTIES OWNED BY THE APPLICANT TO BE IN COMPLIANCE WITH THE TOWN'S CODE OF ORDINANCES AND LAND DEVELOPMENT CODE, EXCEPT WHEN THE APPLICATION IS RELATED TO ATTAINING COMPLIANCE; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS; CONFLICTS OF LAW; 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, the Town recognizes that redevelopment of the Town, following Hurricane Ian requires evaluation and updates to the Land Development Code; and

WHEREAS, the Town Council desires updates to the Fort Myers Beach Land Development Code to clarify, improve and create consistency among sections; and

WHEREAS, the proposed changes to the Land Development Code are not more restrictive or burdensome to development and instead facilitate review and create government efficiency; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on February 11th, 2025, at which the LPA gave full and complete consideration of the requests, recommendations by staff, the documents in the record, and the testimony of all interested persons, and the LPA voted _____, to recommend _____ of this Ordinance; and

WHEREAS, on _____, 2025, the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons to adopt Ordinance 25-xx as provided herein and approved the scheduling of an adoption public hearing; and

WHEREAS, a Business Impact Estimate was prepared and posted on the City’s website on the ____ day of _____, 2024, as required by Section 166.041(4), Florida Statutes; and

WHEREAS, an advertisement of the public hearing for adoption of the Ordinance was published in the News-Press on the ____ day of _____, 2025, which is no less than 10 days prior to the second reading of the proposed Ordinance as required by Section 166.041; and

WHEREAS, on the ____ day of _____, 2024, the Town Council held a second reading of the Ordinance; at which time the Town Council gave full and complete consideration to the recommendations of staff and the LPA, and the testimony of all interested persons; and

WHEREAS, the Town finds that it is in the best interests of the health, safety, and welfare of the Town’s business owners, residents, and visitors to adopt the proposed changes.

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

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

Section 2. Section 34-53 of Chapter 34, Article II, Division 1 of the Land Development Code is hereby amended to read as follows:

Sec. 34-53. - Fees and charges.

(a) The schedule of fees and charges for matters pertaining to this chapter shall be posted in the office where permit applications are filed. The charges listed may be changed by resolution of the town council. In the absence of a resolution by the town council, the director shall charge fees that are comparable to the fees charged by the board of county commissioners for similar applications.

(b) No review of any application or issuance of a permit including inspections shall be permitted until:

1) all fees and charges due the Town including but not limited to noticing, advertising, additional professional services, outstanding utility bills or code enforcement fines or liens relating to either the property subject to the permit and/or the owner of such property issued and no inspection, public notice, or other action relative to a zoning matter shall be instituted until after such fees and charges have been paid; and

2) the subject property is currently in compliance with the Town’s Codes and Ordinances except when payment for the application is needed for safety purposes or to attain compliance with the Town’s Codes and Ordinances.

3) Town staff shall notify the applicant within 14 if payment has been accepted. If payment is made by a cashier's check, the check must clear before processing of the application can continue.

Section 3. The Town Council intends that the provisions of this ordinance be made a part of the Fort Myers Beach Code of Ordinances, inclusive of the Land Development Code, and that sections herein may be renumbered or re-lettered and the words or phrases herein may be changed to accomplish codification; regardless, typographical errors that do not affect intent may be corrected with notice to and authorization of the Town Manager without further process.

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

Section 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the ordinance, or any part thereof, other than the part so declared.

Section 6. This ordinance shall become effective upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by Councilmember King and seconded by Mayor Allers and upon being put to a roll call 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 _____ 2025, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, Town Attorney

The foregoing Ordinance was filed in the Office of the Town Clerk on the ____ day of
_____, 2025.