



Fort Myers Beach Local Planning Agency

Diamondhead Beach Resort

2000 Estero Blvd.

Fort Myers Beach, FL 33931

Agenda

Tuesday, September 9, 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 - August 12, 2025

VI. PUBLIC COMMENT

VII. PUBLIC HEARINGS

A. SEZ20250208, Fishing Pier at County ROW at Old San Carlos Blvd Ext.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250208 TO ALLOW RECONSTRUCTION OF THE PIER WITH ELEVATED WALKWAYS, LIGHTING IN EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT COUNTY R/W AS LEGALLY RECORDED IN PLAT BOOK 9, PAGE 9, EXTENSION OF OLD SAN CARLOS BLVD. IN PUBLIC RECORD OF LEE COUNTY, FLORIDA; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

B. SEZ20250217, 50/58 Estero Boulevard (Bowditch Park)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250217 TO ALLOW LIKE-FOR-LIKE REPLACEMENT OF BOARDWALKS, PAVER DECK, SIDEWALK, DECKING AND BENCHES IN EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT 50/58 ESTERO BOULEVARD COMMONLY REFERED TO AS STRAP NUMBER 24-46-23-w1-0080d.0400; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

- C. SEZ20250116, 6612 Estero Boulevard (Island Winds Condominium Assoc.)
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250116 TO ALLOW LIKE-TO-LIKE REPLACEMENT OF A TIKI HUT IN EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT 6612 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.
- D. VAR20240302, 435 Madison Court
A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/APPROVING WITH CONDITIONS/DENYING VARIANCE 20240302, REQUESTING 1)A VARIANCE FROM LDC SECTION 34 TABLE 34-3 TO ALLOW A 19.5 FOOT SETBACK WHERE A 25 FOOT SETBACK IS REQUIRED; AND 2) A VARIANCE FROM LDC SECTION 34-1174(D)(1)A TO ALLOW AN ACCESSORY STRUCTURE SETBACK OF 3.2-FEET WHERE A 5 FOOT SETBACK IS REQUIRED FOR THE PROPERTY LOCATED AT 435 MADISON COURT GENERALLY REFERED TO AS STRAP NUMBER 24-46-23-W1-0060D.025F IN FORT MYERS BEACH; AND PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.
- E. VAR20250177, 101 Gulf Drive
A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/APPROVING WITH CONDITIONS/DENYING VARIANCE 20250177, REQUESTING A VARIANCE FROM LDC SECTION 34 TABLE 34-3 TO ALLOW A 10 FOOT SETBACK WHERE A 20 FOOT SETBACK IS REQUIRED FOR A NEW SINGLE-FAMILY HOUSE AT THE PROPERTY LOCATED AT 101 GULF DRIVE GENERALLY REFERED TO AS STRAP NUMBER 33-46-24-W3-0040G.008A IN FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.
- F. Development Agreement; 110-130 and 134/138 Connecticut Street (First Baptist Church of Fort Myers)
AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING OR DENYING A HOME RULE DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT 110-130 CONNECTICUT STREET (PARCEL 1) AND 134/138 CONNECTICUT STREET (PARCEL 2) FORT MYERS BEACH, FL, STRAP NOS. 29-46-24-W1-00151.0010 AND 29-46-24-W1-00151.001A AND OWNED BY FIRST BAPTIST CHURCH OF FORT MYERS, AS AUTHORIZED BY SECTION 2-100 OF THE TOWN'S LAND DEVELOPMENT CODE AND IN COMPLIANCE WITH THE PROCEDURES FOR APPLICATION AND APPROVAL OF DEVELOPMENT AGREEMENTS WITH DEVIATIONS SET FORTH IN

RESOLUTION NUMBER 24-73 AS AMENDED IN RESOLUTION 247 FOR THE PURPOSE OF REDEVELOPMENT OF THE PROPERTIES TO ALLOW A CHURCH FACILITY AND 12 SINGLE-FAMILY HOMES; PROVIDING FOR TERMS AND CONDITIONS INCLUDING BUT NOT LIMITED TO THE IDENTIFICATION OF THE PROPOSED USE OF THE PROPERTY, A FINDING OF CONSISTENCY WITH THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN, COMMITMENTS AND DEVELOPMENT OBLIGATIONS, DEVIATIONS NEEDED FOR DEVELOPMENT; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

- G. Rezoning, 110-130 Connecticut Street (First Baptist Church of Fort Myers)
AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING THE REZONING FROM INSTITUTIONAL (IN) TO RESIDENTIAL CONSERVATION (RC) FOR THE PROPERTY LOCATED AT 110-130 CONNECTICUT STREET., ALSO RESPECTIVELY IDENTIFIED AS STRAP NUMBER 29-46-24-W1-00151.0010 IN FORT MYERS BEACH; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

VIII. ADMINISTRATIVE AGENDA

- A. Expedited Special Exception Ordinance
AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING SECTION 34-232 "REQUIRED HEARINGS" OF DIVISION 5 "PUBLIC HEARINGS AND REVIEW" OF ARTICLE II "ZONING PROCEDURES" OF CHAPTER 34 "ZONING DISTRICTS, DESIGN STANDARDS AND NONCONFORMITIES" TO REQUIRE ONLY ONE PUBLIC HEARING BEFORE THE LOCAL PLANNING AGENCY ("LPA") FOR SPECIAL EXCEPTIONS THAT ONLY REPLACE "LIKE FOR LIKE" STRUCTURES THAT WERE EXISTING PRIOR TO A NATURAL DISASTER EVENT, IF THE DECISION BY ELIGIBLE MEMBERS OF THE LPA IS UNANIMOUS AND THE TOWN CLERK DOES NOT RECEIVE A REQUEST FOR AN ADDITIONAL PUBLIC HEARING BEFORE THE TOWN COUNCIL FROM ANYONE, INCLUDING TOWN STAFF, WITHIN 10 DAYS AFTER THE LPA DECISION; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER ERRORS, CONFLICTS OF LAW AND 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
Tuesday, August 12, 2025

Minutes

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 and LPA Member Sudduth (virtually).

Excused: LPA Member Plummer

LPA Member Dunlap moved to allow LPA Member Sudduth to participate virtually, seconded by LPA Member Boan.
The motion carried unanimously.

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

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

The motion carried unanimously.

V. APPROVAL OF MINUTES

A. Local Planning Agency - June 10, 2025

LPA Member Dunlap 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 noticed. She swore in those providing testimony.

A. DCI 20250181, 138/140 Delmar Ave

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING AN APPLICATION TO REZONE PROPERTY LOCATED AT 138/140 DELMAR AVE, GENERALLY IDENTIFIED AS STRAP NUMBER 19-46-24-W3-0100B.0150 FORT MYERS BEACH FROM RESIDENTIAL CONSERVATION TO RESIDENTIAL PLANNED DEVELOPMENT TO ALLOW CONSTRUCTION OF A TWO-STORY DUPLEX ABOVE FLOOD ELEVATION AND A DEVIATION FROM SECTION 34-638(D)(2) OF THE LAND DEVELOPMENT CODE TO ALLOW A PORCH AND STOOP TO ENCROACH 15-FEET INTO THE 25 FOOT STREET SETBACK WHERE A MAXIMUM ENCROACHMENT OF 10 FEET IS PERMITTED FOR ACCESSORY USES; PROVIDING FOR CLARIFICATION AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Chair Cereceda read the title of the ordinance. No ex parte communications were disclosed; however, LPA Member McLean lives on Delmar Ave.

Community Development Principal Planner Judith Frankel reviewed the background of the request as stated on the yellow sheet. Staff recommended approval with conditions. Principal Planner Frankel read the conditions.

The applicant did not have comments.

No public comment.

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

The motion carried unanimously by roll call vote.

B. SEZ20250149, 4750 Estero Blvd

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250149 TO ALLOW LIKE-TO-LIKE REPLACEMENT OF TWO TIKI HUTS, DECKING, FENCE, GRAVEL DRIVEWAY AND LANDSCAPING IN THE EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT 4750 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Community Development Senior Planner Jason Smalley reviewed the background of the request as stated on the yellow sheet. Staff recommended approval with conditions. Planner Smalley noted that condition four was waived after review by Environmental Projects Manager Chadd Chustz.

Serena Cantu represented the owners and indicated they were looking for

local approval to repair the property. She clarified that the fence was pre-existing.

No public comment.

LPA Member McLean moved to approve the resolution with conditions, excluding condition four, seconded by LPA Member Boan.

The motion carried unanimously by roll call vote.

C. VAR20250170, 202 Crescent Street

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/APPROVING WITH CONDITIONS/DENYING VARIANCE 20250170, REQUESTING TWO VARIANCES FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 202 CRESCENT STREET, GENERALLY REFERED TO AS STRAP NUMBER 19-46-24-W4-0150E.0090 IN FORT MYERS BEACH, TO VARY 7.1 FEET FROM REQUIRED 10 FOOT SIDE SETBACK AND TO VARY 15 FEET FROM THE REQUIRED 25 FOOT WATERBODY SETBACK TO ELEVATE THE EXISTING SINGLE-FAMILY RESIDENCE 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.

Chair Cereceda read the title of the resolution. No ex parte communications disclosed; however, Chair Cereceda noted she is familiar with the property. Principal Planner Frankel reviewed the background of the request as stated on the yellow sheet. Staff recommended approval with conditions. Principal Planner Frankel read the conditions.

Kara Stewart represented the applicant. She commented about elevating existing homes with an administrative variance.

No public comment.

LPA Member Eckmann moved to approve the resolution with conditions, seconded by LPA Member Dunlap.

The motion carried unanimously by roll call vote.

D. VAR20250136, 211 Ostego Drive

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF FORT MYERS BEACH FLORIDA RECOMMENDING APPROVING/APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20250136, REQUESTING: 1) VARIANCE FROM LDC SECTION 34-638(D)(6), WHICH REQUIRES ACCESSORY STRUCTURES ON CORNER LOTS TO PROVIDE A MINIMUM OF 15 FEET SIDE STREET SETBACK FOR CORNER LOTS WITH WIDTH FROM 50 FEET TO 75 FEET; AND 2)VARIANCE FROM LDC 34-1174(b) TO ALLOW AN ACCESSORY STRUCTURE INCLUDING POOL, CLOSER TO SIDE STREET RIGHT-OF-WAY LINE THAN THE PRINCIPAL BUILDING IN THE RC ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 211 OSTEGO DRIVE; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR

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

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

Principal Planner Frankel reviewed the background of the request as stated on the yellow sheet. Staff recommended approval with conditions. Principal Planner Frankel read the conditions. She explained the reason for condition two and noted that the variance goes with the primary structure.

Glen Harris, property owner, indicated that other homes on the street were doing what they requested.

No public comment.

LPA Member Boan moved to approve the resolution with conditions, seconded by LPA Member McLean.

The motion carried unanimously by roll call vote.

E. VAR20250089, 21541 Widgeon Terrace

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/APPROVING WITH CONDITIONS/DENYING VARIANCE 20250089, REQUESTING A VARIANCE FROM LDC SECTION 34-638(3)d FOR THE PROPERTY LOCATED AT 21541 WIDGEON TERRACE GENERALLY REFERED TO AS STRAP NUMBER 34-46-24-W1-00001.0010 IN FORT MYERS BEACH, TO VARY UP TO 11.87 FEET FROM REQUIRED 25 FOOT WATER BODY SETBACK TO BUILD A NEW POOL AND SPA 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.

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

Principal Planner Frankel reviewed the background of the request as stated on the yellow sheet. Staff recommended denial based on the design of the pool and spa. Principal Planner Frankel read the conditions.

Mark Harden of Harden Custom Homes explained that the pool was positioned to take advantage of the sun. After a meeting with the town, the seawall was changed to a retaining wall, which affected setbacks and other items. He indicated the neighbor was in favor of the location of the pool and shared a copy of the letter. The majority of the pool was in the back and the variance was for the small portion that turned the corner. The engineer will submit the calculations for coverage. Chad Rubner, owner, explained that they bought the lot because of the sun exposure to the pool.

Principal Planner Frankel explained that they could not have a seawall because it was on a natural water body and they did not have one previously. The rule was different for canals. Kat Leslie, manager, stated that the process started two years ago and the pool was rejected immediately. The difference between a seawall and a retaining wall was

discussed then. Mr. Harden explained that the seawall company mistakenly thought the structure was a seawall rather than a retaining wall and they did not notify his company when the error was discovered. The retaining wall is just being finished now.

No public comment.

LPA Member Dunlap moved to approve the resolution with conditions, seconded by LPA Member Sudduth.

Chair Cereceda asked whether a seawall and a retaining wall served the same purpose. Senior Planner Smalley replied that the difference he noticed was how embedded the panels were and the seawall had tiebacks developed much less deep than an actual seawall panel would be. He did not know what was behind the reason. LPA Member McLean added that on natural bodies, there might be a good reason why they would want rip rap as opposed to seawalls.

The motion carried unanimously by roll call vote.

F. VAR20250075, 5236 Estero Blvd

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/APPROVING WITH CONDITIONS/DENYING VARIANCE APPLICATION 20250075 FOR THE PROPERTY LOCATED AT 5236 ESTERO BLVD., FORT MYERS BEACH (STRAP NUMBER 33-46-24-W1-00206.0280) FOR THE FOLLOWING 3 VARIANCES: 1) A VARIANCE OF 5 FEET TO ALLOW A FRONT SETBACK OF 20 FEET WHERE 25 FEET IS REQUIRED; 2) A VARIANCE OF 15.4% BUILDING COVERAGE TO ALLOW 55.4% BUILDING COVERAGE WHERE 40% ALLOWED; 3) A VARIANCE OF 6.3% IMPERVIOUS SURFACE AREA TO ALLOW 73.3% IMPERVIOUS SURFACE WHERE 67% IS THE MAXIMUM ALLOWED, FOR A SINGLE-FAMILY HOME; 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 disclosed; however, LPA Member McLean was very familiar with the property.

Principal Planner Frankel reviewed the background of the request as stated on the yellow sheet. Staff recommended approval with conditions. Principal Planner Frankel read the conditions.

LPA Member McLean commented on the requirement to dig a ditch to capture rainwater for a beachfront lot. Principal Planner Frankel responded that the owner was planning an engineered system rather than a swale. LPA Member Boan questioned the deviation of 55.4% for the building coverage. Principal Planner Frankel replied that the footprint included the pool because it was raised.

Patrick Vanasse from the Neighborhood Company submitted his presentation, but will forego a formal presentation. He noted that the front setback of 20 feet on the yellow sheet was a front setback of five feet with a

variance of 20 feet. He summarized the request to rebuild and agreed with the staff report. An engineer reviewed the stormwater and was confident that it would meet all requirements, given that half the property was sand.
No public comment.

LPA Member Eckmann moved to approve the resolution with conditions, seconded by LPA Member McLean.
The motion carried unanimously by roll call vote.

G. VAR20250146, 452 Estero Variance

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/APPROVING WITH CONDITIONS/DENYING VARIANCE 20250146, REQUESTING A VARIANCES FROM LDC SECTION 34 TABLE 34-3 FOR THE PROPERTY LOCATED AT 452 ESTERO BOULEVARD GENERALLY REFERED TO AS STRAP NUMBER 24-46-23-W1-0060D.025F IN FORT MYERS BEACH, TO VARY 15 FEET FROM REQUIRED 25 FOOT FRONT STREET SETBACK AND 12 FEET FROM THE REQUIRED REAR SETBACK TO BUILD A NEW SINGLE-FAMILY HOME 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.

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

Principal Planner Frankel reviewed the background of the request as stated on the yellow sheet. Staff recommended approval with conditions. Principal Planner Frankel read the conditions.

Kara Stewart represented the owner and noted that the lot was small.

No public comment.

LPA Member Boan moved to approve the resolution with conditions, seconded by LPA Member Dunlap.

The motion carried unanimously by roll call vote.

VIII. ADMINISTRATIVE AGENDA

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

Chair Cereceda suggested adding the seawall/retaining wall discussion to a future agenda and a discussion regarding the development agreement. Principal Planner

Frankel noted that Jason Green was working on updating the Land Development Code and she suggested that he be invited to speak to the LPA. LPA Member Dunlap questioned whether a consent agenda category, or something similar, could be added to their agenda to deal with some items quickly. Principal Planner Frankel brought up staff restrictions on the build-back policy and asked whether some changes could be made. LPA Member McLean added setbacks and impervious calculations.

XIII. ADJOURNMENT

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

The meeting was adjourned at 10:43 a.m.

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

Yellow Sheet Number: **2025-588**

1. Request:

Meeting Date: September 9, 2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250208 TO ALLOW RECONSTRUCTION OF THE PIER WITH ELEVATED WALKWAYS, LIGHTING IN EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT COUNTY R/W AS LEGALLY RECORDED IN PLAT BOOK 9, PAGE 9, EXTENSION OF OLD SAN CARLOS BLVD. IN PUBLIC RECORD OF LEE COUNTY, FLORIDA; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Why the action is necessary:

LPA reviews the application to make recommendations for Town Council consideration.

What the action accomplishes:

Town Council will consider the recommendations by LPA.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

The applicant, Ehab B. Guirguis, PE, CPM, on behalf of the owner Lee County, is requesting a special exception for the reconstruction of the destroyed pier located at 10 Old San Carlos with elevated walkways with lighting in the Environmentally Critical zoning district seaward of the 1978 Coastal Construction Control Line (CCCL). The new pier will be wider than the original pier, measuring 12 feet in width. The application is part of a complete project that will involve the reconstruction and restoration of the existing pier in the same location; elevated walkways, three shade structures, lighting and fish cleaning stations to allow public access to the pier for fishing and recreation.

Section 34-652(e)(4) of the Town's LDC allows minor structures, like piers, to be located as close to the landward edge of the EC zoning district line as possible and must minimize adverse effects on the beach and dune system, only by special exception. Therefore, the applicant is requesting a special exception to allow the reconstruction of the destroyed pier, adding public access to the deck and lighting as a part of the complete pier reconstruction project.

Attachments:

1. NS Resolution 25-XX_Pier
2. LPA Staff Report 20250208-Pier
3. Exhibit A: Site Plan -Pier
4. Exhibit B: Application packet - Pier

Financial Impact:

Unknown

6. Alternative Action

Approvals/ Denial of SEZ20250208; Special Exception to allow the reconstruction of the pier with elevated walkways, and lighting in the EC zoning district seaward of 1978 CCCL.

7. **Staff Recommendations:**

Staff recommends approval with conditions of SEZ 20250208, to reconstruct the pier with elevated walkways, with lighting in the EC zoning district.

8. **Recommended Approval:**

_____	Date: August 27, 2025
Judith Frankel, Principal Planner	
_____	Date: August 27, 2025
Georgina Cid, Community Development Manager	
_____	Date: August 28, 2025
Frankie Kropacek, Community Development Director	
_____	Date: August 29, 2025
nancy stuparich, Town Attorney	
_____	Date: August 29, 2025
Amy Baker, Town Clerk	

RESOLUTION NUMBER 25-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250208 TO ALLOW RECONSTRUCTION OF THE PIER WITH ELEVATED WALKWAYS, LIGHTING IN EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT COUNTY R/W AS LEGALLY RECORDED IN PLAT BOOK 9, PAGE 9, EXTENSION OF OLD SAN CARLOS BLVD. IN PUBLIC RECORD OF LEE COUNTY, FLORIDA; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, applicant Ehab B. Guirguis on behalf of owner Lee County, is requesting a special exception to allow reconstruction of the pier with elevated walkways and lighting in the Environmentally Critical zoning district (seaward of 1978 CCCL), as part of a complete pier reconstruction project including shade structures and fish cleaning station; and

WHEREAS, the Property is located in the “Recreational” and “Pedestrian Commercial” category of the Future Land Use Map of the Comprehensive Plan; and

WHEREAS, the Property is located in the “Community Facilities (CF) and the “Environmentally Critical” zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on September 9, 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 34-88 of the LDC and voted ___ to ___, , to recommend approval/ approval with conditions/ denial of the special exception request; and

WHEREAS, on October 06, 2025 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by 34-88 of the LDC; and

WHEREAS, the Town Council determined it is/ is not in the best interest of the Town to approve/approve with conditions/deny the request.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

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

Section 2. The Town Council determines the Applicants did/ did not meet their burden of proof that the requested Special Exception does/ does not meet the requirements of the Town Comprehensive Plan and LDC, and approving the Special Exception is/ is not in the best interest of the Town to approve. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicants, Town staff, and interested parties and public, the Town Council **APPROVES/APPROVES WITH CONDITIONS/DENIES** the special exception request to allow reconstruction of the pier with elevated walkways and, lighting in Environmentally Critical zoning district seaward of 1978 , as part of a complete pier reconstruction project including three shade structures and fish cleaning station as provided in the Site Plan attached as Exhibit A and described in the Special Exception Application in Exhibit B.

Section 3. In approving/ approving with conditions/ denying the Special Exception, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-88 of the LDC:

- A. Changed or changing conditions which make approval of the request appropriate.
- B. The request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- C. The request meets all performance and locational standards for the proposed use.
- D. The request will protect, conserve, or preserve environmentally critical areas and natural resources.
- E. The request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- F. The requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code; and

In accordance with the additional regulations and considerations found in Section 6-366 of the LDC:

- A. Any repairs must comply with all relevant local and state floodplain regulations.
- B. Repairs may not damage existing dunes or dune vegetation.
- C. Repairs, other than those limited to emergency repairs to enclose a damaged structure, may not be completed during sea turtle nesting season.
- D. A new special exception must be applied for each time the structure is repaired.

Section 4. If the Town Council approves/denies the requested special exception and the following conditions of approval are imposed on the Applicants and the Property:

- A. Approval of this special exception 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.
- B. The applicant must obtain an approved lighting plan as outlined in LDC Sec. 34-1834.
- C. Each time the structure is repaired, the applicant must request a new special exception approval and permit prior to beginning construction.
- D. Construction may not occur during sea turtle season.
- E. Failure to comply with any of the above-mentioned conditions of approval for the Special Exception will render this approval null and void.

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

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

ADOPTED this ____ day of October, 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of October, 2025.

EXHIBITS

A – Site Plan

B- SEZ Application Packet



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Special Exception

CASE NUMBER: SEZ20250208

CASE NAME: Special Exception to allow the reconstruction of the pier with elevated walkways and lighting in the EC zoning district seaward of 1978 CCCL.

LPA

HEARING DATE: September 9, 2025

STAFF

RECOMMENDATION: Approval with conditions

**PREPARED/
SUBMITTED BY:** Jason Green, AICP

I. APPLICATION SUMMARY

Applicant/Owner: Ehab B. Guirguis, PE, CPM / Lee County

Request: To reconstruct the pier with elevated walkways and lighting in the Environmentally Critical zoning district as part of the complete pier reconstruction. The proposed a complete reconstruction will include shade structures and fish cleaning station.

Subject property: Extension of Old San Carlos Blvd.

Physical Address: "ROW TIMESSQUARE PIER"

STRAP #: County Row as stated in the Plat Recorded in P.B.9, P.G.9

FLU: Recreation / Pedestrian Commercial

Zoning: Environmentally Critical (EC) /Community Facilities (CF)

Adjacent zoning and land uses:

North: Downtown
Pedestrian Commercial

South: Gulf of Mexico

East: CF, EC, Gulf of Mexico
Pedestrian Commercial and Recreational

West: Downtown, EC, Gulf of Mexico
Pedestrian Commercial and Recreational

II. BACKGROUND AND ANALYSIS

Background:

The applicant, Ehab B. Guirguis, PE, CPM, on behalf of the owner, Lee County, is requesting a special exception for the reconstruction of the destroyed pier located at 10 Old San Carlos with elevated walkways with lighting in the Environmentally Critical zoning district seaward of the 1978 Coastal Construction Control Line (CCCL). The new pier will be wider than the original pier measuring 12 feet in width. The application is part of a complete project that will involve the reconstruction and restoration of the existing pier in the same location; elevated walkways, three shade structures, lighting and fish cleaning stations to allow public access to the pier for fishing and recreation.

Section 34-652(e)(4) of the Town's LDC allows minor structures, like piers, to be located as close to the landward edge of the EC zoning district line as possible and must minimize adverse effects on the beach and dune system, only by special exception. Therefore, the applicant is requesting a special exception to allow the reconstruction of the destroyed pier, adding public access to the deck and lighting as a part of the complete pier reconstruction project.

Analysis:

The purpose of the EC zoning district is to designate beaches and significant wetlands whose preservation is deemed critical to the Town of Fort Myers Beach through its comprehensive plan. The site was historically used as a recreational space with piers added in 1991 and beach access available since 1974. The pier was destroyed during Hurricane Ian in 2022. The Applicant is now proposing a new pier which will start from the same location and will have same orientation however it will be slightly wider. The new proposed pier will be 12 feet wide that will allow public access for fishing and recreation in the EC district.

The proposed pier total plan area 16,078 ft. -. The project will include three shade structures with shade structure A elevated to 33 ft; shade structure B elevated to 27.5 ft and shade structure C elevated to 35.146ft. While the shade structures and fish cleaning stations are

in gulf and will not be a part of this special exception the complete project is to rebuild the Pier with more amenities for citizens.

Therefore, the Applicant is applying for a Special Exception to allow the reconstruction of the destroyed pier with elevated walkways and lighting and in the EC zoning district seaward of 1978 CCCL, as a part of a complete pier rebuilt project.

Neighborhood Impact:

The site has traditionally served as a valuable area for recreational activities and beach access since 1974. In 1991, a community pier was built to enhance these activities, but unfortunately, it was lost during Hurricane Ian. The proposed special exception request is to rebuild the pier including shade structure, lighting, and fish cleaning stations, ensuring that the pier will better serve the community's needs while enhancing the overall recreational experience.

Findings and Conclusions:

Special Exception Findings

Section 6-366(b)(3) Regulations and Considerations

LDC Section 6-366 includes additional regulations and considerations for special exception approval of repairs in the EC zoning district:

1. *Any repairs must comply with all relevant local and state floodplain regulations.*
The development will comply with local and state floodplain requirements.
2. *Repairs may not damage existing dunes or dune vegetation.*
The repairs are proposed in conjunctions with Environmental review to ensure that no dunes or native vegetation will be impacted. Any plantings proposed will be required to be Florida friendly, or otherwise acceptable to the Town and Florida DEP.
3. *Repairs, other than those limited to emergency repairs to enclose a damaged structure may not be completed during sea turtle nesting season.*
Sea turtle nesting season begins May 1st and ends on October 31st. Construction will be completed outside of nesting season.
4. *A new special exception must be applied for each time the structure is repaired.*
This is included as one of the conditions for approval.

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

- 1) *Whether there exist changed or changing conditions which make approval of the request appropriate.*

The existing pier was destroyed during Hurricane Ian.

- 2) *Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.*

Policy 5-D-1 states: Development (other than minor structures) shall not be allowed seaward of the 1978 Coastal Construction Control Line. Development seaward of the 1991 Coastal Construction Control Line may be permitted provided it complies with this comprehensive plan and all state and local permitting requirements.

This proposed a complete pier redevelopment project consists of reconstruction of the destroyed pier, lighting, 3 shade structures, and fish cleaning stations, none of which fall under the category of development as defined in the Town's LDC:

- *Development:* (1) A subdivision, as defined in this chapter; or (2) Any improvement to land, as defined in this chapter.
- *Improvement to land:* any change to land or to any structure on the land, and shall include any movement or grading of land, except grading which is incidental to the removal of exotic vegetation and which is not prohibited by ch. 22 of this LDC; clearing of indigenous plant communities; and the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; provided, however, that any change to a building which does not involve a change in the building floor area shall not be deemed an improvement to land.

- 3) *Whether the request meets or exceeds all performance and locational standards for the proposed use.*

The request will comply with local, state, and federal air, noise and water pollution standards. It will not adversely affect water quality, and it will not create a nuisance to adjacent properties. The proposed repairs/ reconstruction will allow the pier to open and create more recreational space for the residents of Fort Myers Beach. The addition of shade structures, fish cleaning station and lighting will generate additional pedestrian traffic to the pier facility.

- 4) *Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.*

The proposed project is to rebuilt of the historic pier. All development will be completed outside of sea turtle nesting season and will be compliant with FDEP requirements. No additional negative impact is anticipated.

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

The pier was added in 1991, and beach access has existed on this site since 1974. The request is for replacement of the existing pier compatible with the existing use and will not cause damage, hazard, nuisance, or other detriment to persons or property.

- 6) *Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.*

The proposed request is for restoration of the destroyed pier with elevated walkways, and lighting in the Environmentally Critical zoning district. The project will all be completed in compliance with the Town's Land Development Code.

III. RECOMMENDATION

Staff find that the special exception to allow *reconstruction of the pier with elevated walkways with lighting in the Environmentally Critical zoning district*, is in compliance with LDC Sec. 34-88(b). Therefore, staff recommends **approval with conditions of 20250208**, to reconstruction the pier with elevated walkways, and lighting as a part of a complete pier rebuilt project that includes three shade structures, and fish cleaning stations.

III. CONDITIONS OF APPROVAL

- 1) Approval of this special exception 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) The applicant must obtain an approved lighting plan as outlined in LDC Sec. 34-1834.
- 3) Each time the structure is repaired, the applicant must request a new special exception approval and permit prior to beginning construction.
- 4) Construction may not occur during sea turtle nesting season.
- 5) Failure to comply with any of the above-mentioned conditions of approval for the Special Exception will render this approval null and void.

Exhibits:

A – Site Plan

B– SEZ Application Packet



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: 10 Old San Carlos Blvd., Fort Myers Beach, FL.

STRAP Number: N/A - County Right-of-Way, City Parcel ID "ROW TIMESSQUARE PIER"

Applicant: Ehab B. Guirguis, PE, CPM Phone: 239-533-8838

Contact Name: Ehab B. Guirguis, PE, CPM Phone: 239-533-8838

Email: eguirguis@leegov.com Fax: _____

Current Zoning District: EC / CF

Future Land Use Map (FLUM) Category: Recreation / Pedestrian Commercial

FLUM Density Range: 1 unit per 20 acres 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*: Ehab B. Guirguis, PE, CPM Phone: 239-533-8838

**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: 1500 Monroe St., 4th Floor Fort Myers, FL 33901

Email: eguirguis@leegov.com Fax: _____

Contact Name: Ehab B. Guirguis, PE, CPM Phone: 239-533-8838



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: Christopher Gamache, PE Phone: 727-742-6168
Address: 380 Park Place Boulevard, Suite 300, Clearwater FL 33759-4928
Email: christopher.gamache@stantec.com Fax: _____

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

Name: Carey Jenkins Phone: 239-533-8375
Address: 1500 Monroe St., 4th Floor Fort Myers, FL 33901
Email: cjenkins@leegov.com 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: Part VI. B - Boundary Survey Description: A waiver request has been submitted for the boundary survey requirement within this application

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV - Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

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

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;

All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that

The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Signature

Printed Name

STATE OF _____ COUNTY OF _____

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

presence OR ____ online notarization, this ____ day of _____, 20____, by

_____, ☐ who is personally known to me OR ☐ who has produced

_____ as identification.

(SEAL)

Notary Public Signature

PART V

Property Ownership (Multiple Owners)

☐ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☐ Complete Disclosure of Interest Form (see below)
- ☐ Attach list of property owners as Exhibit 5-1
- ☐ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V - Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address

Percentage Ownership

Lee County, 2120 Main St, Fort Myers, FL 33901

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

_____	_____
_____	_____
_____	_____
_____	_____

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, Ehab B. Guirguis (name), as Director (title)
of Lee County Facilities & Construction Management (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

Lee County

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

Ehab Gurguis
Signature

Ehab Gurguis
Typed or Printed Name

Director
Title

7/11/2025
Date

STATE OF Florida COUNTY OF Lee

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 11 day of July, 2025, by

Ehab Gurguis ☒ who is personally known to me OR ☐ who has produced



Lydia Montgomery
Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: N/A - County Right-of-Way, City Parcel ID "ROW TIMESSQUARE PIER"

Property Address: 10 Old San Carlos Blvd., Fort Myers Beach, FL.

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: Business Center

Book: 9 Page: 9 Unit: n/a Block: n/a Lot(s): n/a

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) 80 feet
Depth (please provide an average width if irregular in shape) 193 feet
Frontage on street: 80 feet. Frontage on waterbody: 80 feet
Total land area: 15,440 ☐ acres ☒ square feet

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

The Fort Myers Beach pier is located at 10 Old San Carlos Blvd., Fort Myers Beach,
FL near Lynn Hall Memorial Park, adjacent to Times Square on Estero Island.

☒ 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 |

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

Yellow Sheet Number: **2025-593**

1. Request:

Meeting Date: September 9, 2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250217 TO ALLOW LIKE-FOR-LIKE REPLACEMENT OF BOARDWALKS, PAVER DECK, SIDEWALK, DECKING AND BENCHES IN EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT 50/58 ESTERO BOULEVARD COMMONLY REFERED TO AS STRAP NUMBER 24-46-23-w1-0080d.0400; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Why the action is necessary:

LPA reviews the application to make recommendations for Town Council consideration.

What the action accomplishes:

Town Council will consider the recommendations by LPA.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

The applicant is requesting a special exception to allow like-for-like replacement of 179'+/- boardwalk, 1,600'+/- of paver deck, 1,370'+/- sidewalk, 75'+/- boardwalk, decking, and bench repairs.in the Environmentally Critical (EC) zoning district seaward of the 1978 Coastal Construction Control Line (CCCL).

Section 34-652(e) of the Town's LDC allows reconstruction of accessory structures like walkways and benches into the EC district only by special exception. Therefore, the Applicant is requesting a special exception to allow like- for-like replacement of a these public amenities in the EC zoning district.

Attachments:

1. NS Resolution 25-XX , SEZ
2. Exhibit A to Resolution - Site Plan
3. LPA Staff Report
4. Application
5. Structural plans
6. Complete Property Boundary Survey

Financial Impact:

Unknown

6. Alternative Action

Approve with Conditions

7. Staff Recommendations:

Approval with conditions

8. Recommended Approval:

Judith Frankel, Principal Planner

Date: August 26, 2025

Georgina Cid, Community Development Manager

Date: August 27, 2025

Frankie Kropacek, Community Development Director

Date: August 28, 2025

nancy stuparich, Town Attorney

Date: August 29, 2025

Amy Baker, Town Clerk

Date: August 29, 2025

RESOLUTION NUMBER 25-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250217 TO ALLOW LIKE-FOR-LIKE REPLACEMENT OF BOARDWALKS, PAVER DECK, SIDEWALK, DECKING AND BENCHES IN EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT 50/58 ESTERO BOULEVARD COMMONLY REFERED TO AS STRAP NUMBER 24-46-23-w1-0080d.0400; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, applicant Johnson Engineering, LLC on behalf of owner Lee County, is requesting a special exception to allow like-for-like replacement or repair of 179'+/- boardwalk, 1,600'+/- of paver deck, 1,370'+/- sidewalk, 75'+/- boardwalk, decking, and benches.

WHEREAS, the STRAP number for the subject property is 24-46-23-W1-0080D.0400; and

WHEREAS, the Property is located in the “Recreation” category of the Future Land Use Map of the Comprehensive Plan; and

WHEREAS, the Property is located in the “Community Facility” and the “Environmentally Critical” zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on September 09, 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 34-88 of the LDC and voted ___ to ___ to recommend approval/ approval with conditions/ denial of the special exception request; and

WHEREAS, on October 6, 2025 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by 34-88 of the LDC; and

WHEREAS, the Town Council determined it is/ is not in the best interest of the Town to approve/approve with conditions/deny the request.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

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

Section 2. The Town Council determines the Applicants did/ did not meet their burden of proof that the requested Special Exception does/ does not meet the requirements of the Town Comprehensive Plan and LDC, and approving the Special Exception is/ is not in the best interest of the Town to approve. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicants, Town staff, and interested parties and public, the Town Council **APPROVES/APPROVES WITH CONDITIONS/DENIES** the special exception request to allow like-for-like replacement of a tiki hut in Environmentally Critical zoning district seaward of 1978 CCCL as shown in the stie plan attached as Exhibit A.

Section 3. In approving/ approving with conditions/ denying the Special Exception, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-88 of the LDC:

- A. Changed or changing conditions which make approval of the request appropriate.
- B. The request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- C. The request meets all performance and locational standards for the proposed use.
- D. The request will protect, conserve, or preserve environmentally critical areas and natural resources.
- E. The request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- F. The requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code; and

In accordance with the additional regulations and considerations found in Section 6-366 of the LDC:

- A. Any repairs must comply with all relevant local and state floodplain regulations.
- B. Repairs may not damage existing dunes or dune vegetation.
- C. Repairs, other than those limited to emergency repairs to enclose a damaged structure, may not be completed during sea turtle nesting season.
- D. A new special exception must be applied for each time the structure is repaired.

Section 4. If the Town Council approves/denies the requested special exception and the following conditions of approval are imposed on the Applicants and the Property:

- A. Approval of this special exception 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.
- B. Each time the structure is repaired, the applicant must request a new special exception approval and permit prior to beginning construction.
- C. Construction may not occur during sea turtle season.
- D. Failure to comply with any of the above-mentioned conditions of approval for the Special Exception will render this approval null and void.

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

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

ADOPTED this ____ day of October, 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of October, 2025.

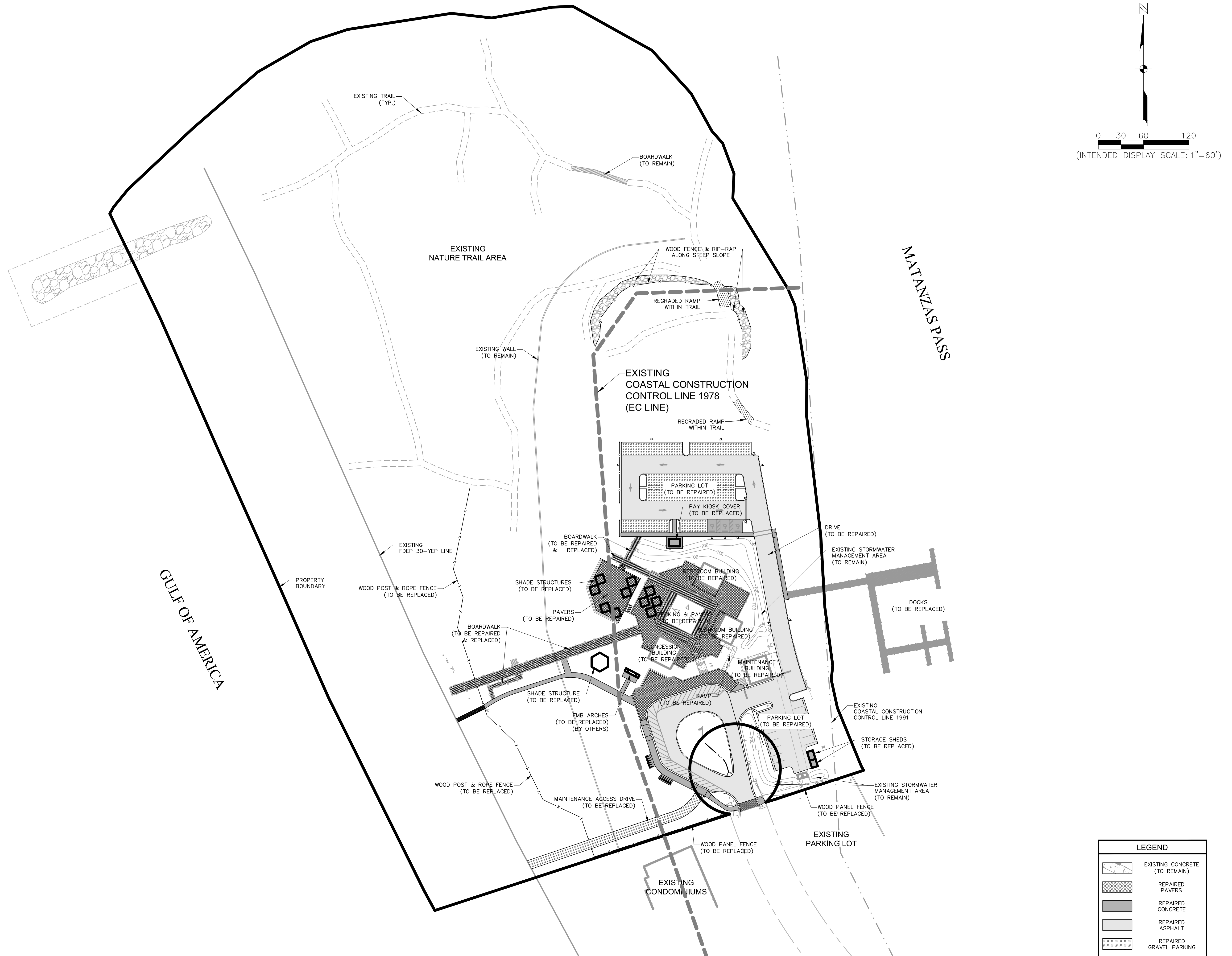
BOWDITCH POINT PARK
TOWN OF FORT MYERS BEACH, FLORIDA

[illegible]

DATE:	JULY 2025
PROJECT NO.	20247020-000
FILE NO.	24-46-23
SCALE:	As Shown

SPECIAL
EXCEPTION
SITE PLAN
EXHIBIT

SHEET NUMBER





Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Special Exception

CASE NUMBER: SEZ20250217

CASE NAME: Special Exception for like-to-like replacement and restoration of Bowditch Point Park structures in the EC zone due to Hurricane Ian Damage

LPA

HEARING DATE: September 09, 2025

STAFF

RECOMMENDATION: Approval with conditions

**PREPARED/
SUBMITTED BY:** Judith Frankel, AICP

I. APPLICATION SUMMARY

Applicant/Owner: Agent -Johnson Engineering, LLC (Debi Pendlebury) on behalf of Lee County

Request: To allow like-for-like replacement of 179'+/- boardwalk, 1,600'+/- of paver deck, 1,370'+/- sidewalk, 75'+/- boardwalk, decking, and bench repairs.

Subject property: See attached site plan

Physical Address: 50/58 Estero Boulevard

STRAP #: 24-46-23-W1-0080D.0400

FLU: Recreation

Zoning: Environmentally Critical

Adjacent zoning and land uses:

North: Tidal Waters

South: Residential Multi-family (RM)
East: Community Facility (CF) and Estero Bay
West: Gulf Waters

II. BACKGROUND AND ANALYSIS

Background:

The applicant is requesting a special exception to allow like-for-like replacement of 179'+/- boardwalk, 1,600'+/- of paver deck, 1,370'+/- sidewalk, 75'+/- boardwalk, decking, and bench repairs in the Environmentally Critical (EC) zoning district seaward of the 1978 Coastal Construction Control Line (CCCL).

Section 34-652(e) of the Town's LDC allows reconstruction of accessory structures like walkways and benches into the EC district only by special exception. Therefore, the Applicant is requesting a special exception to allow like-for-like replacement of these public amenities in the EC zoning district.

Analysis:

The purpose of the EC zoning district is to designate beaches and significant wetlands whose preservation is deemed critical to the Town of Fort Myers Beach through its comprehensive plan. Bowditch Point Park is located at the northern tip of Estero Island consisting of approximately 17+/- acres, 7+/- acres are developed as a park for passive recreational use and the remaining 10+/- acres are restoration/preserve area. The use of the subject property is not changing and remains consistent with LDC Section 34-88. Due to the damage caused by Hurricane Ian on September 28, 2022 a Special Exception is required in conjunction nature of the proposed reconstruction and repairs to restore the park to a full access facility with increased public safety including improved beach access.

Neighborhood Compatibility:

Granting the Special Exception will not adversely impact surrounding properties, as the existing beach park has been in continuous operation for over 30 years and is uniquely positioned between the beach, preserve areas, back bay, and the Gulf of Mexico. Of the 17+/- acre site, approximately seven acres have been developed as a public beach park designed and the Gulf of Mexico. Of the 17+/- acre site, approximately seven acres have been developed as a public beach park designed for passive recreational activities, while the remaining ten acres are maintained as a restoration/preservation area.

The approval of this request will not result in any negative impacts to the public's health, safety, comfort, convenience, or general welfare. Furthermore, the proposed Special Exception is consistent with the intent and provisions of the Land

Development Code and remains in compliance with all applicable regulations of the Comprehensive Plan.

Findings and Conclusions:

Special Exception Findings

Section 6-366(b)(3) Regulations and Considerations

LDC Section 6-366 includes additional regulations and considerations for special exception approval of repairs in the EC zoning district:

1. *Any repairs must comply with all relevant local and state floodplain regulations.*
The development will comply with local and state floodplain requirements.
2. *Repairs may not damage existing dunes or dune vegetation.*
The repairs are proposed in conjunctions with Environmental review to ensure that no dunes or native vegetation will be impacted. Any plantings proposed will be required to be Florida friendly, or otherwise acceptable to the Town and Florida DEP.
3. *Repairs, other than those limited to emergency repairs to enclose a damaged structure may not be completed during sea turtle nesting season.*
Sea turtle nesting season begins May 1st and ends on October 31st. Construction will be completed outside of nesting season.
4. *A new special exception must be applied for each time the structure is repaired.*
This is included as one of the conditions for approval.

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

- 1) *Whether there exist changed or changing conditions which make approval of the request appropriate.*

The existing pathways, decks, pavers and benches were damaged during Hurricane Ian.

- 2) *Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.*

Policy 5-D-1 states: Development (other than minor structures) shall not be allowed seaward of the 1978 Coastal Construction Control Line. Development seaward of the 1991 Coastal Construction Control Line may be permitted provided it complies with this comprehensive plan and all state and local permitting requirements.

The proposed like-for-like replacement of the landscaping elements does not create any new development or change the location from what previously existed on the site. Therefore, staff find that this proposed request does not fall within the definition of development in the Town's code of ordinance:

- The LDC defines *Development* as (1) A subdivision, as defined in this chapter; or (2) Any improvement to land, as defined in this chapter.
- The LDC defines *Improvement* to land as any change to land or to any structure on the land, and shall include any movement or grading of land, except grading which is incidental to the removal of exotic vegetation and which is not prohibited by ch. 22 of this LDC; clearing of indigenous plant communities; and the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; provided, however, that any change to a building which does not involve a change in the building floor area shall not be deemed an improvement to land.

3) *Whether the request meets or exceeds all performance and locational standards for the proposed use.*

The request will comply with local, state, and federal air, noise and water pollution standards. It will not adversely affect water quality, and it will not create a nuisance to adjacent properties.

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

The request will maintain what was previously constructed on this property. It will not have an additional negative impact.

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

There is no anticipated negative impact or injury to surrounding properties.

6) *Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.*

The proposed reconstruction of hut will all be completed in compliance with the Town's Land Development Code.

III. RECOMMENDATION

Staff finds that the special exception to replace boardwalks, sidewalks, decking, pavers and benches in EC zoning district is in compliance with LDC Sec. 34-88(b).

Therefore, staff recommends approval with conditions of SEZ20250217 for like-for-like reconstruction.

If LPA recommends approval for the requests, staff recommends the following conditions of approval.

III. CONDITIONS OF APPROVAL

- 1) Approval of this special exception 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) Each time the structure is repaired, the applicant must request a new special exception approval and permit prior to beginning construction.
- 3) Construction shall not occur during sea turtle season.
- 4) Failure to comply with any of the above-mentioned conditions of approval for the Special Exception will render this approval null and void.



Case# _____

Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-A

Additional Required Information for a Special Exception Application

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

Project Name: Bowditch Point Park
Authorized Applicant: Lee County (Facilities Construction & Management)
LEIPA STRAP Number(s): 24-46-23-W1-0080D.0400

Current Property Status: Existing Beach Park
Current Zoning: EC and CF
Future Land Use Map (FLUM) Category: Recreation
Platted Overlay? ☐ yes ☒ no FLUM Density Range: 1/20 acres

Requested Action:

☒ Use of premises in the EC (Environmentally Critical) zoning district for:
Bowditch Point Park is located at the northern tip of Estero Island consisting of approximately 17+/- acres, 7+/- acres are developed as a park for passive recreational use and the remaining
10+/- acres are restoration/preserve area. The use of the subject property is not changing and remains consistent with LDC Section 34-88. Due to the damage caused by Hurricane Ian on September 28, 2022
a Special Exception is required in conjunction nature of the proposed reconstruction and repairs to restore the park to a full access facility with increased public safety including improved beach access.
☐ Use of premises in the _____ zoning district for:

PART I Narrative Statements

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

Request for the restoration and repair of Bowditch Point Park due to the significant
damage caused by Hurricane Ian on September 28, 2022. The proposed use of
the subject property is not changing and remains consistent with LDC 34-88.
The proposed improvements include replacing: 179'+/- boardwalk, 1,600'+/- of
paver deck, 1,370'+/- sidewalk, 75'+/- boardwalk, decking, and bench repairs.
This is an existing public facility that was reopened with limited access to the
damage caused by Hurricane Ian. The proposed facility site repairs will increase
the public safety and provide improved beach access.

B. Reasons for request: (state how the property qualifies for a special exception and what impact granting the request could have on surrounding properties. Direct these statements toward the guidelines in LDC Section 34-88)

The property qualifies for a Special Exception because:
1. Whether there exist changed or changing conditions which make approval of the request appropriate. The approval of this request is both necessary and appropriate to facilitate the restoration and repair of the site and its facilities
following the extensive damage sustained during Hurricane Ian in September 2022. Ensuring the safety and welfare of the general public remains a primary consideration in moving this project forward. Given that the
property is zoned EC (Environmentally Critical), the proposed improvements cannot proceed without the granting of a Special Exception, making this approval an essential step toward recovery and the continued safe use of the site.
2. The request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comp Plan. The property is designated "Recreation" on the Future Land Use map. Parks and beach access points are permitted uses.
3. The request meets or exceeds all performance and locational standards for the proposed use. Bowditch Point Park is located at the northern tip of the island ensuring the proper beach park is accessible, well-planned to
meet the needs of the community. The appropriate level of service (LOS), open space and preservation will be accommodated in the restoration of the facility to meet the highest of standards for the community.
4. The request will protect, conserve, or preserve environmentally critical areas and natural resources. The restoration will incorporate environmentally sensitive design measures to safeguard native habitats, ensure long-term preservation of beach, pr
5. The request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property. The site has long operated as a passive recreational beach park,
harmoniously coexisting with the surrounding natural preserve, beach and water. The planned restoration will maintain this established character, ensuring the use remains consistent with the environmental sensitivity.
6. Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the LDC. The existing and proposed use of the property fully complies with the applicable
zoning provisions and regulations outlined in Chapter 34 of the LDC. The site is designated EC, a zoning classification that expressly permits passive recreational activities, outdoor educational opportunities, beach access,
scenic viewing areas, boardwalks, benches, and other related amenities. The proposed improvements are consistent with these permitted uses and maintain the intended character and purpose of the EC zoning district.

Granting the requested Special Exception could impact surrounding properties as follows:
Granting the Special Exception will not adversely impact surrounding properties, as the existing beach park
has been in continuous operation for over 30 years and is uniquely positioned between the beach, preserve areas, back bay,
and the Gulf of Mexico. Of the 17+/- acre site, approximately seven acres have been developed as a public beach park designed
for passive recreational activities, while the remaining ten acres are maintained as a restoration/preservation area. This tranquil setting,
located at the end of the island, offers a serene environment that enhances, rather than disrupting the surrounding character of the area.
The approval of this request will not result in any negative impacts to the public's health, safety, comfort, convenience, or general welfare. Furthermore, the proposed Special Exception
is consistent with the intent and provisions of the Land Development Code and remains in compliance with all applicable regulations of the Comprehensive Plan.

PART 2 Submittal Requirements

All applications for a special exception must submit fourteen (14) copies of this application form and all applicable exhibits.

Required Items

- Public Hearing Request Form
- Supplemental form PH-A
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; all proposed structures and uses for the site; and any proposed fencing and screening.
- Fee in the amount of \$3800.00/\$3300.00 for an amendment

For New Communication Towers:

- a. Lee County Application for Communication Tower
- b. Shared-Use Plan Agreement

For Consumption of Alcoholic Beverages (COP) license approval:

- a. Notarized authorization from the Property Owner to apply for permit
- b. A statement indicating the type of establishment, the type of state license to be acquired, and the planned hours of operation. Also indicate if the request includes outdoor seating areas and indicate the seating areas and capacity on the site plan.
- c. A map showing the locations of other properties within 500 feet of the request where consumption-on-premises uses are already in operation.
- d. The site plan must include the public entrances and exits to the building, the floor area and proposed seating capacity, and floor area and seating capacity of any areas within the building subdivided between restaurant and bar/lounge areas. The site plan should also indicate the parking area, including the spacing and the locations of entrances and exits.

For transit terminals:

The site plan must indicate the location of the bus stalls; commuter parking areas, if provided; taxi waiting stalls; circulation pattern for buses including the entrances and exits; and the location of any building(s) housing the terminal and waiting areas.

For use of the EC zoning district:

- a. If the location of the request is in the portion of the EC zoning district between Estero Boulevard and the Gulf of Mexico, provide a survey meeting the requirements of Chapter 62B-33.0081 of the Florida Administrative Code, also including the precise location of the (1978) Coastal Construction Setback Line for Estero Island recorded in Plat Book 33, Page 3, of the Official Records of Lee County, Florida.
- b. The site plan must indicate the precise location of the request on the subject property and any related details of the existing conditions or planned improvements to the subject property. For areas in the EC zoning district between Estero Boulevard and the Gulf of Mexico, the precise location of the request in relation to the (1978) Coastal Construction Setback Line must be shown on the site plan.

Guide to Filing Supplement PH-A for Special Exceptions

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.

Authorized 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.

Requested Action: Indicate the nature of the request and include the current zoning of the property.

Part 1 Narrative Statements:

“Request for...”

Indicate the nature of the request that requires a special exception, and explain why it requires a special exception. Describe the relationship of the requested use to any existing use(s) of the property, if applicable.

“The property qualifies for a special exception because...”

Explain why the request and the subject property qualify for a special exception. Address the standards for decision-making for special exceptions that are provided in the Land Development Code, as follows:

- Whether there exist changed or changing conditions which make approval of the request appropriate.
- Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- Whether the request meets or exceeds all performance and locational standards for the proposed use.
- Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.

- Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.

“Granting the requested special exception could impact surrounding properties as follows...”

Explain how this request, if granted for the subject property, could affect the surrounding properties and the existing or planned uses on those properties.

Submittal Requirements Check List and Filing Guide

☐

A completed Public Hearing Application Form.

☐

A completed Supplemental form PH-A.

Site Plan. The site plan should be to scale and should indicate the location of the request on the property. Existing buildings and other improvements (such as swimming pools, fences, decks, or parking lots) should also be shown on the site plan. The site plan should also indicate the existing uses on adjacent properties. Also include any additional relevant detail related to the specific request.

Guide to Filing Supplement PH-A for Special Exceptions

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.

Authorized 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.

Requested Action: Indicate the nature of the request and include the current zoning of the property.

Part 1 Narrative Statements: "Request for..."

Indicate the nature of the request that requires a special exception, and explain why it requires a special exception. Describe the relationship of the requested use to any existing use(s) of the property, if applicable.

"The property qualifies for a special exception because..."

Explain why the request and the subject property qualify for a special exception. Address the standards for decision-making for special exceptions that are provided in the Land Development Code, as follows:

- Whether there exist changed or changing conditions which make approval of the request appropriate.
- Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- Whether the request meets or exceeds all performance and locational standards for the proposed use.
- Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.
- Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.

"Granting the requested special exception could impact surrounding properties as follows..."

Explain how this request, if granted for the subject property, could affect the surrounding properties and the existing or planned uses on those properties.

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.

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.

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 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 have either of the affidavits in Part V & VI, notarized, signed and submit, as applicable.



50 ESTERO BLVD. FORT MYERS BEACH, FL 33931

Applicant Lee County	PA ID # 071-99071-00	Applicant Representative Ashley Koza	Applicant Representative Title Lee County Engineer
Site Inspection Date May 10, 2023		Site Inspector Name Brian Mallory	
Work Order # 86658		Damage # 1291064	
Facility: ☒ Building ☐ Vehicles ☐ Equipment		Bowditch Point Beach Park- Restrooms	
GPS Latitude 26.46325		GPS Longitude -81.96621	
Physical Location (Address of Damage Site) 50 Estero Blvd. Fort Myers, FL 33931	Date Damaged September 28, 2022	Age of Facility ☒ Exact ☐ Approximate Year Built: 1994	Legal Responsibility ☒ Yes ☐ No
Number of Stories 1	Roof Type ☐ Flat ☒ Gable ☐ Shed ☐ HIP ☐ Mansard	Roof Pitch ☐ 1/12 ☐ 7/12 ☐ 2/12 ☐ 8/12 ☐ 3/12 ☐ 9/12 ☐ 4/12 ☐ 10/12 ☒ 5/12 ☐ 11/12 ☐ 6/12 ☐ 12/12	
Basement ☐ Yes ☒ No			
Facility Description: (Pre-disaster design, function, capacity, dimensions, and footprint) Facility Description Only Buildings: Roof Type/Material/Pitch/Exterior Siding, etc Vehicles /Equipment: Year/Make/Model			
The facilities are Lee County owned Womens and Mens Restrooms in nearly identical separate structures, each with steel sheeted 5/12 pitch roofs and stucco exterior finish cmu block walls located at the Bowditch Point Beach Park used by the general public for recreational beach activities.			

Page 1 of 16

Recipient Authorized Representative Signature (if applicable): _____



201 WEST MARION AVENUE
SUITE 1306
PUNTA GORDA, FLORIDA 33950
EB # 6656
PHONE - 941-505-1700
FAX - 941-505-1702

FEMA DI #4677	
1291062	- PIER AND BOARDWALK
1291063	- GROUNDS
1291064	- RESTROOMS
1303770	- MAINTENANCE BUILDING
1303771	- MINOR STRUCTURES
1303838	- OFFICE

BOWDITCH POINT PARK
RESTORATION FOR
LEE COUNTY, FLORIDA

COVER SHEET

G100

WIND PARAMETERS
Method of Design: ASCE 7-22
Building Risk Category: II
Design Wind Speed: Ultimate $V_{ult}=159$ MPH / Nominal $V_{nd}=123$ MPH
Wind Importance Factor: 1.0 / Wind Exposure: D
Internal Pressure Coefficient: ±0.00 (Open)
Component & Cladding Wind Pressure: per Calcs
FLOOD PARAMETERS
FEMA FIRM Map Number: 12071C0554G
Base Flood Elevation: AE-11
100-year, 1-hour Design Rainfall: 4.5 in (FBC 2023 Fig. 1611.1)
GEOTECHNICAL PARAMETERS
Data Source: *TIERRA PROJECT NO. 6511-23-232*
Vertical Bearing Capacity: 8" PILE: 4 TONS, 10" PILE: 5 TONS
Lateral Bearing Pressure: 1 TON PER PILE

REVISIONS	DESCRIPTION	DATE	NO.

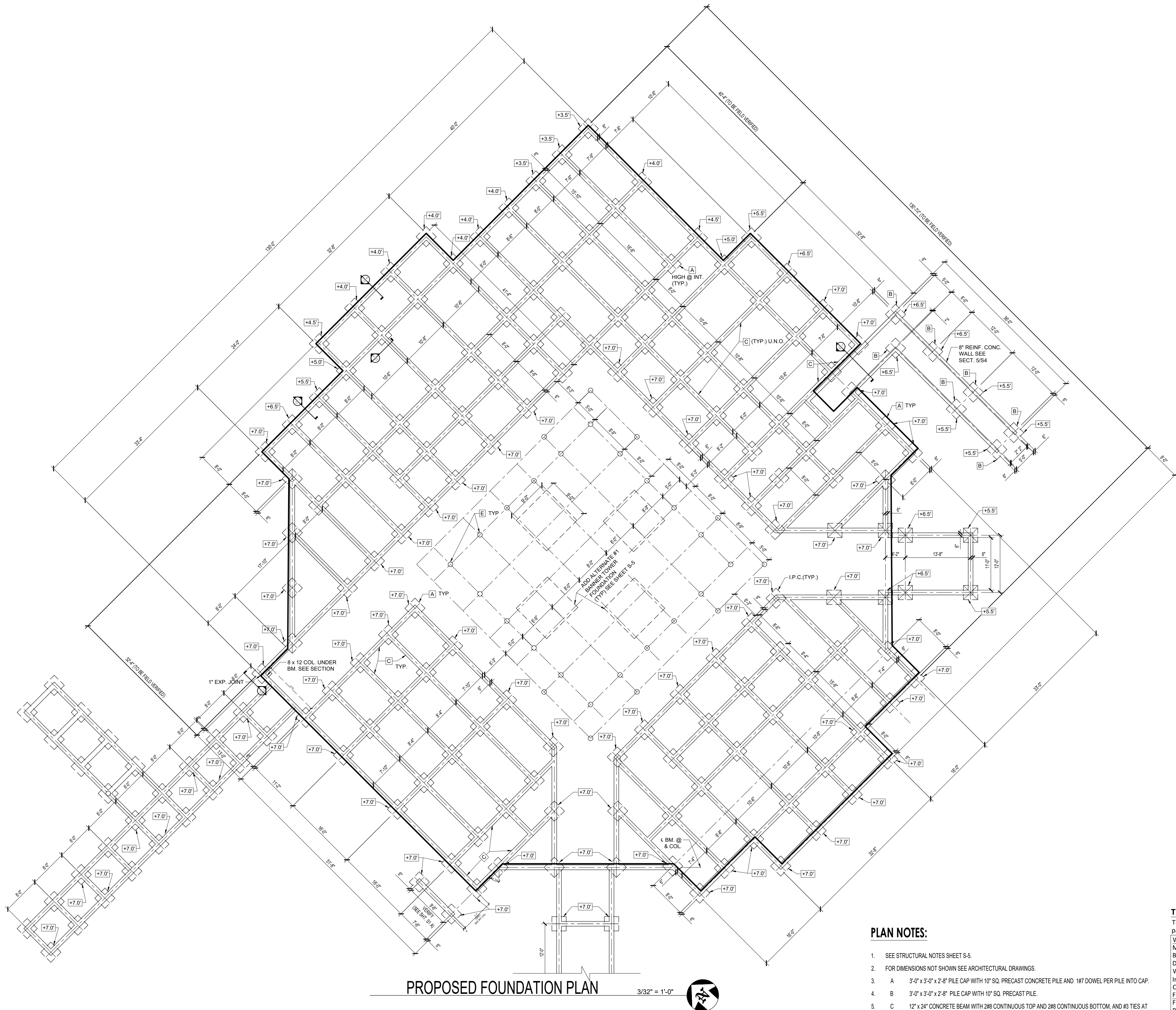
DATE: 07-30-2025
PROJECT NO. 25095.001
FILE NO. ~~~~
SCALE: N/A

PROPOSED
FOUNDATION PLAN

SHEET NUMBER

S100

PROGRESS PRINT - NOT FOR CONSTRUCTION - DO NOT REPRODUCE



PLAN NOTES:

- SEE STRUCTURAL NOTES SHEET S-5.
- FOR DIMENSIONS NOT SHOWN SEE ARCHITECTURAL DRAWINGS.
- A 3'-0" x 3'-0" x 2'-8" PILE CAP WITH 10" SQ. PRECAST CONCRETE PILE AND 1#7 DOWEL PER PILE INTO CAP.
- B 3'-0" x 3'-0" x 2'-8" PILE CAP WITH 10" SQ. PRECAST PILE.
- C 12" x 24" CONCRETE BEAM WITH 2#8 CONTINUOUS TOP AND 2#8 CONTINUOUS BOTTOM, AND #3 TIES AT 8" O.C.
- E 12" DIAMETER WOOD PILE.
- ELEVATION @ TOP OF HIGH PILE CAPS IS BOTTOM OF SLAB, SLAB SLOPES AND ELEVATION VARIES.

THE WEILER ENGINEERING CORPORATION

These plans are in Compliance with Florida Building Code 2023 for wind parameters indicated.

WIND PARAMETERS
Method of Design: ASCE 7-22
Building Risk Category: II
Design Wind Speed: Ultimate V_{ult} = 159 MPH / Nominal V_{asd} = 123 MPH
Wind Importance Factor: 1.0 / Wind Exposure: D
Internal Pressure Coefficient: ±0.00 (Open)
Component & Cladding Wind Pressure: per Calcs
FLOOD PARAMETERS
FEMA FIRM Map Number: 12071C0554G
Base Flood Elevation: AE-11
100-year, 1-hour Design Rainfall: 4.5 in (FBC 2023 Fig. 1611.1)
GEOTECHNICAL PARAMETERS
Data Source: TIERRA PROJECT NO. 6511-23-232
Vertical Bearing Capacity: 8" PILE: 4 TONS, 10" PILE: 5 TONS
Lateral Bearing Pressure: 1 TON PER PILE

[illegible]

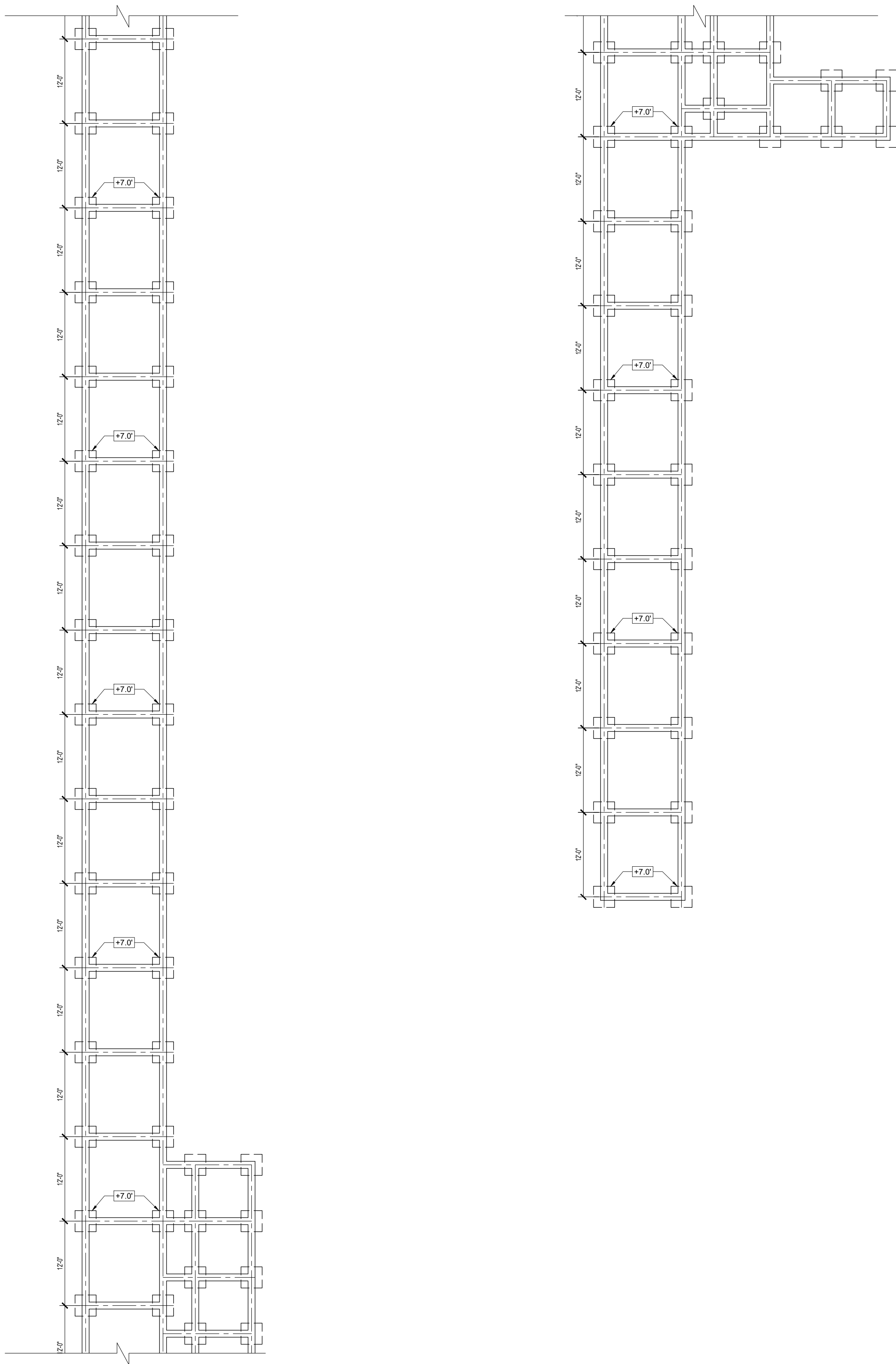
DATE:	07-30-2025
PROJECT NO.	25095.001
FILE NO.	~~~~
SCALE:	N/A

PROPOSED FOUNDATION PLAN

SHEET NUMBER

S100 .1

PROGRESS PRINT - NOT FOR CONSTRUCTION - DO NOT REPRODUCE



PROPOSED FOUNDATION PLAN

$$3/32'' = 1'-0''$$

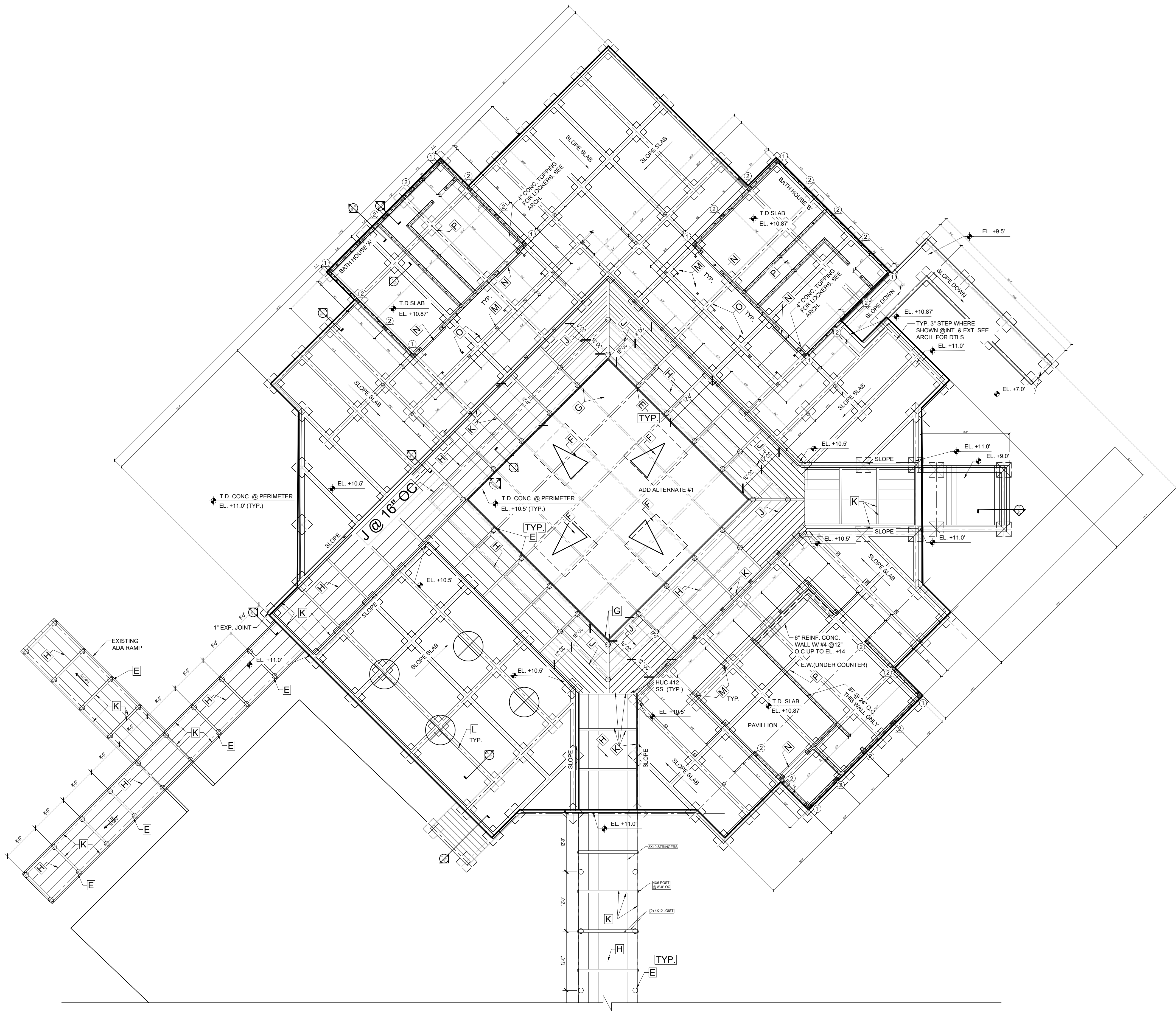

PLAN NOTES:

1. SEE STRUCTURAL NOTES SHEET S-5.
2. FOR DIMENSIONS NOT SHOWN SEE ARCHITECTURAL DRAWINGS.
 3. A 3'-0" x 3'-0" x 2'-8" PILE CAP WITH 10" SQ. PRECAST CONCRETE PILE AND 1#7 DOWEL PER PILE INTO CAP
 4. B 3'-0" x 3'-0" x 2'-8" PILE CAP WITH 10" SQ. PRECAST PILE.
 5. C 12" x 24" CONCRETE BEAM WITH 2#8 CONTINUOUS TOP AND 2#8 CONTINUOUS BOTTOM, AND #3 TIES AT 8" O.C.
 6. E 12" DIAMETERWOOD PILE.
7. ELEVATION @ TOP OF HIGH PILE CAPS IS BOTTOM OF SLAB, SLAB SLOPES AND ELEVATION VARIES.

THE WEILER ENGINEERING CORPORATION

These plans are in Compliance with Florida Building Code 2023 for wind parameters indicated.

WIND PARAMETERS
Method of Design: ASCE 7-22
Design Risk Category: II
Building R/W Speed: Ultimate $V_{ult}=159$ MPH / Nominal $V_{nom}=123$ MPH
Wind Importance Factor: 1.0 / Wind Exposure: D
Internal Pressure Coefficient: ± 0.00 (Open)
Component & Cladding Wind Pressure: per Calcs
FLOOD PARAMETERS
FEMA FIRMS Map Number: 12071C05546
Base Flood Elevation: AE1
100-year, 1-hour Design Rainfall: 4.5 in (FBC 2017 Fig. 1611.1)
GEOTECHNICAL PARAMETERS
Data Source: *TERRA PROJECT NO. 6511-23-232*
Vertical Bearing Capacity: 8" PILE: 4 TONS, 10" PILE: 5 TONS
Lateral Bearing Pressure: 1 TON PER PILE



PLAN NOTES:

1. SEE STRUCTURAL NOTES SHEET S-5.
2. TOP OF SLAB ELEVATIONS ARE TRUE ELEVATIONS ABOVE MEAN SEA LEVEL. VERIFY AND COORDINATE ELEVATIONS WITH CIVIL DRAWINGS.
3. INDICATES "B" MASONRY WALLS. REINFORCE WITH #5 VERTICAL AT 48" O.C. U.N.O. PROVIDE AN ADDITIONAL #5 VERTICAL AT EACH FIRST CELL EACH SIDE OF OPENING, WALL INTER-SECTIONS, AND AT CORNERS. GROUP CELLS SOLID.
4. PROVIDE SPACED 2X6 WOOD DECKING AT ALL WOOD FRAMING. NAIL EACH 2X6 TO EACH SUPPORT WITH TWO 12D FACE NAILS. SEE ARCHITECTURAL DRAWINGS FOR SPACING.
5. SLAB SHALL BE A 6" CONCRETE SLAB W/11#5 BARS @ 12" O.C. EACH WAY AND MID-SLAB. CLASS "C" SPLICE LAP OR STAGGER LAP CLASS "B"
6. FOR DIMENSIONS NOT SHOWN SEE ARCHITECTURAL DRAWINGS.

KEY NOTES:

- E** 12" DIAMETER WD. PILE. (SEE SHT. S-1 FOR LOCATIONS.)
- F** FOUNDATION FOR BANNER TOWER. SEE SHEET S-5
- G** (2) 2X12 WD. BEAM TYP. WHERE SHOWN.
- H** 2X12 WD. JOISTS @ 2'-0" O.C. TYPICAL U.N.O.
- J**
- K** 4X12 WOOD BEAM TYPICAL WHERE SHOWN.
SHALL BE #15R SOUTHERN PINE.
- L** 8" DIAMETER PIPE. SEE ARCHITECTURAL FOR LOCATIONS.
- M** 8X8 WOOD POST WITH SIMPSON COLUMN
BASE CB88 AND (2) 3/4" DIAMETER THRU BOLTS
AT BASE.
- N** REMOVABLE FLOOD PROOF PANEL.
- O** 4X4 POST FOR SCREEN WALL ENCLOSURE.
USE BC4 SS POST BASE W/1 #4 X 2'-0" BAR
LOCATIONS W/ARCH.
- P** #6 X 12'-0" @12" O.C. BOTTL. (1 1/4" CLR.) TO ALT.
W/ #5 @12" O.C. CONT. MID REINF. CENTER
ADDITIONAL BARS IN SPAN AS SHOWN.

THE WEILER ENGINEERING CORPORATION

These plans are in Compliance with Florida Building Code 2023 for wind parameters indicated.

WIND PARAMETERS

Method of Design: ASCE 7-22

Building Risk Category: II
Design: Mixed-Use, Ultimate

Design Wind Speed: Ultimate $V_{ult}=159$ MPH / Nominal $V_{asd}=123$ MPH
Wind Importance Factor: 1.0 / Wind Exposure: D

Internal Pressure Coefficient: ± 0.00 (Open)

Component & Cladding Wind Pressure: per

FLOOD PARAMETERS

FEMA FIRM Map Number: 12071C0554G

Base Flood Elevation: AE-11

100-year, 1-hour Design Rainfall
 GEOTECHNICAL PARAMETERS

GEOTECHNICAL PARAMETERS
Data Source: TIERRA PROJECT NO. 6511-22-222

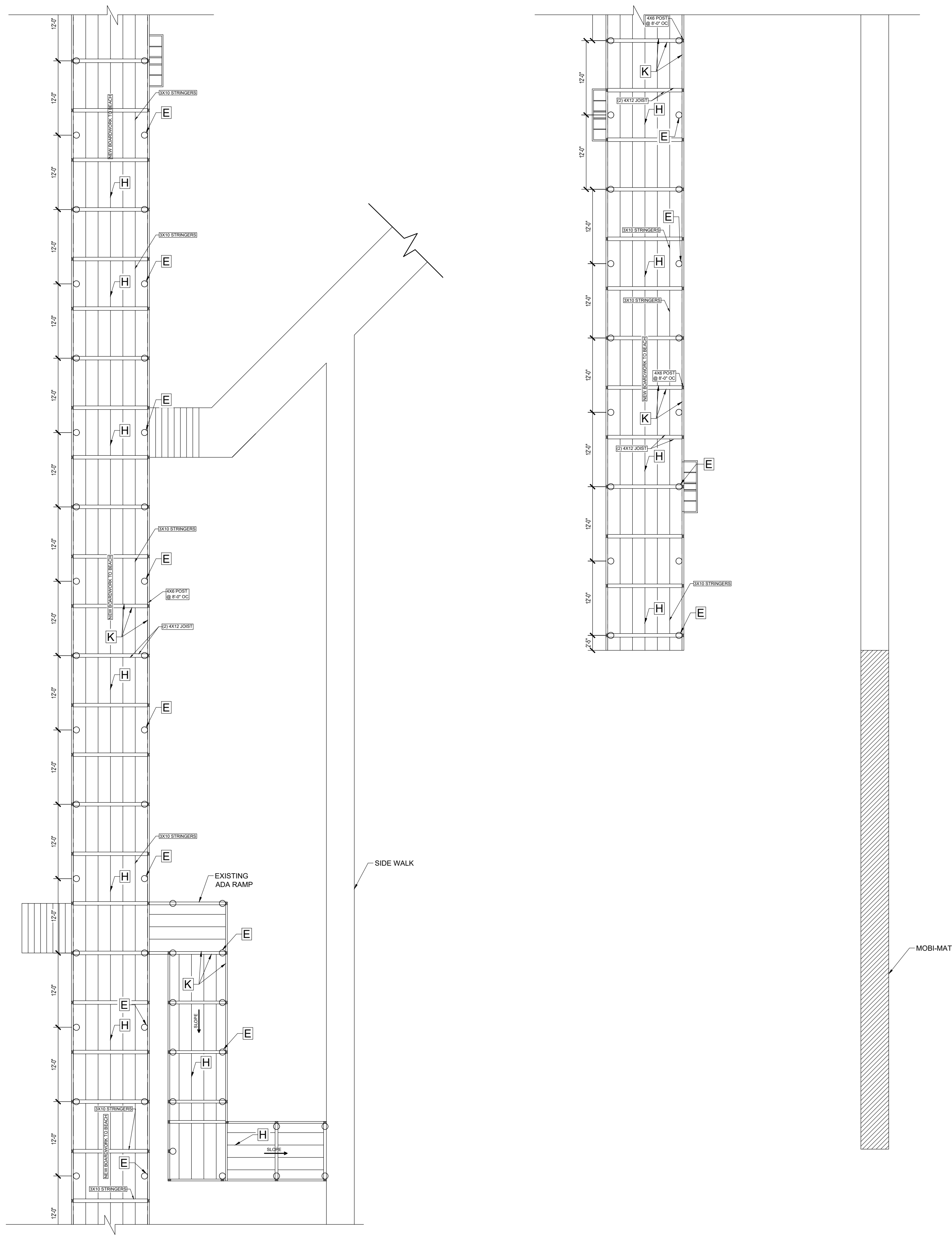
Vertical Bearing Capacity: 8" Pile: 4 TONS, 10" Pile: 5 TONS

Lateral Bearing Pressure: 1 TON PER PILE

Lateral Learning: Teacher = Felt + EN + EE

PROPOSED BOARDWALKS FRAMING PLAN

$$3/32'' = 1'-0''$$

PROPOSED BOARDWALKS FRAMING PLAN

$$3/32'' = 1'-0''$$


PLAN NOTES:

1. SEE STRUCTURAL NOTES SHEET S-5.
2. TOP OF SLAB ELEVATIONS ARE TRUE ELEVATIONS ABOVE MEAN SEA LEVEL. VERIFY AND COORDINATE ELEVATIONS WITH CIVIL DRAWINGS.
3. INDICATES "B" MASONRY WALLS. REINFORCE WITH #5 VERTICAL AT 48" O.C. U.N.O. PROVIDE AN ADDITIONAL #5 VERTICAL AT EACH FIRST CELL EACH SIDE OF OPENING, WALL INTER-SECTIONS, AND AT CORNERS. GROUP CELLS SOLID.
4. PROVIDE SPACED 2X6 WOOD DECKING AT ALL WOOD FRAMING. NAIL EACH 2X6 TO EACH SUPPORT WITH TWO 12D FACE NAILS. SEE ARCHITECTURAL DRAWINGS FOR SPACING.
5. SLAB SHALL BE A 6" CONCRETE SLAB W/11#5 BARS @ 12" O.C. EACH WAY AND MID-SLAB. CLASS "C" SPLICE LAP OR STAGGER LAP CLASS "B"
6. FOR DIMENSIONS NOT SHOWN SEE ARCHITECTURAL DRAWINGS.

KEY NOTES:

- | | |
|---|---|
| E | 12" DIAMETER WD. PILE. (SEE SHT. S-1 FOR LOCATIONS.) |
| F | FOUNDATION FOR BANNER TOWER, SEE SHEET S-5 |
| G | (2) 2X12 WD. BEAM TYP. WHERE SHOWN. |
| H | 2X12 WD. JOISTS @ 2'-0" O.C. TYPICAL U.N.O. |
| J | |
| K | 4X12 WOOD BEAM TYPICAL WHERE SHOWN.
SHALL BE #15R SOUTHERN PINE. |
| L | 8" DIAMETER PIPE. SEE ARCHITECTURAL FOR LOCATIONS. |
| M | 8X8 WOOD POST WITH SIMPSON COLUMN
BASE CB88 AND (2) 3/4" DIAMETER THRU BOLTS
AT BASE. |
| N | REMOVABLE FLOOD PROOF PANEL. |
| O | 4X4 POST FOR SCREEN WALL ENCLOSURE.
USE BC4 SS POST BASE W/1/4 X 2'-0" BAR
LOCATIONS W/ARCH. |
| P | #6 X 12'-0" @12" O.C. BOTT. (1 1/2" CLR.) TO ALT.
W/ #5 @12" O.C. CONT. MID REINF. CENTER
ADDITIONAL BARS IN SPAN AS SHOWN. |

THE WEILER ENGINEERING CORPORATION

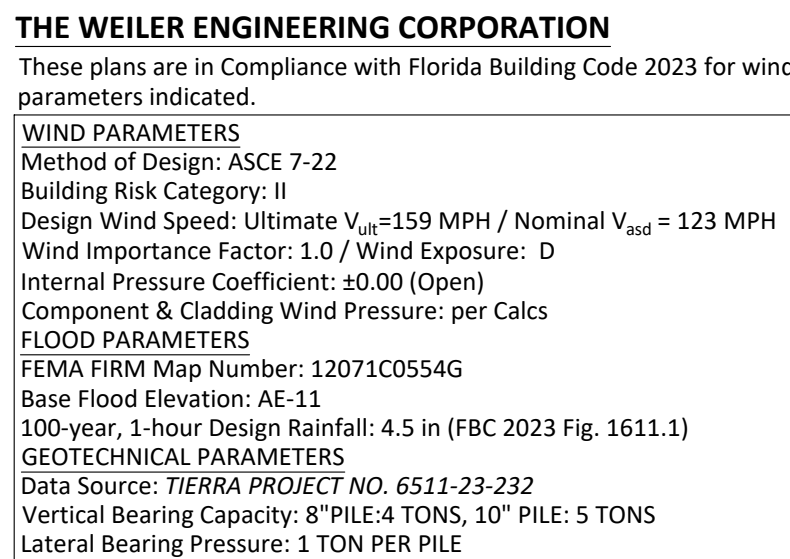
These plans are in Compliance with Florida Building Code 2023 for wind parameters indicated.

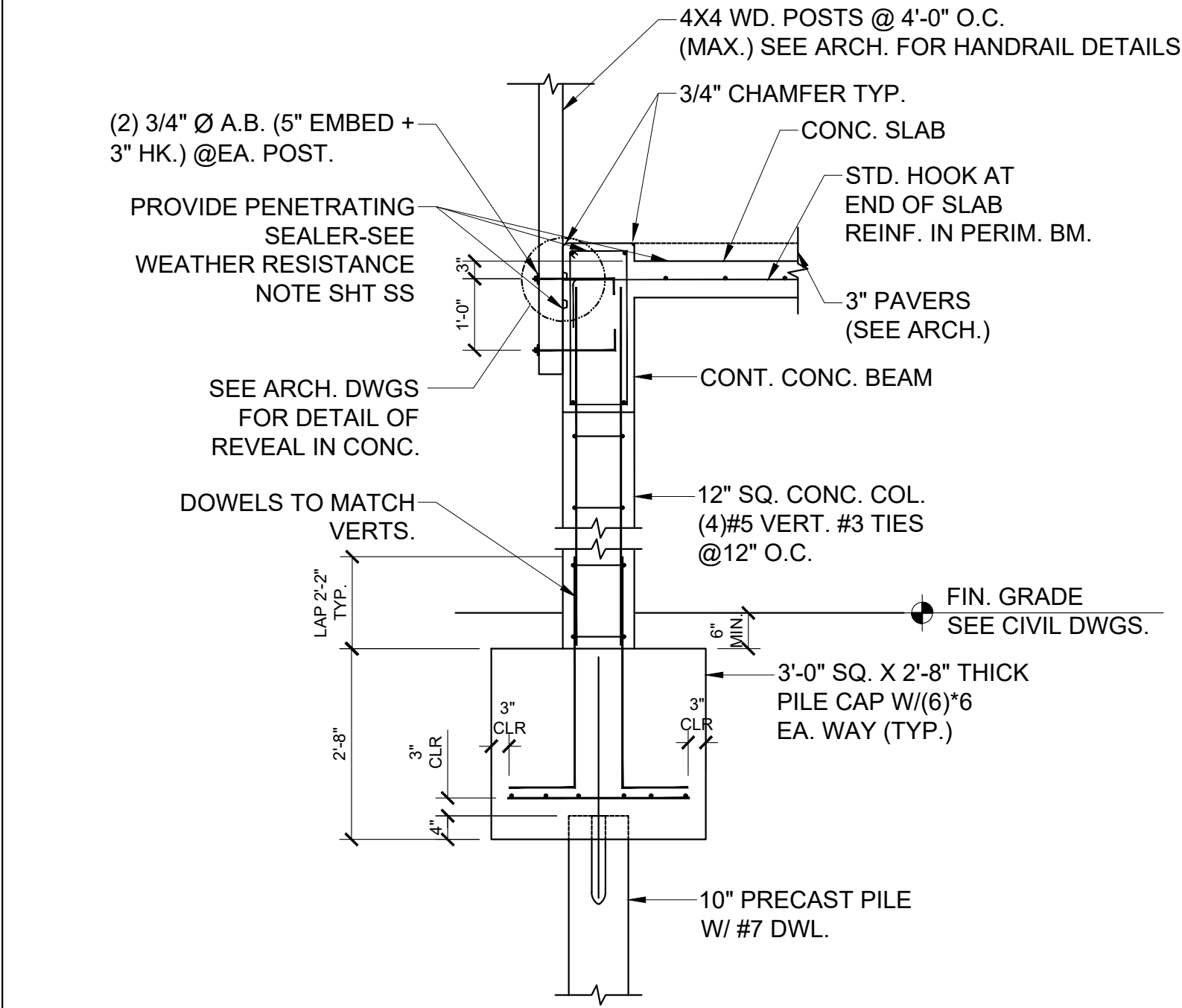
WIND PARAMETERS

Method of Design: ASCE 7-22
Building Risk Category: II
Design Wind Speed: Ultimate $V_{ult}=159$ MPH / Nominal $V_{nom}=123$ MPH
Design Wind Pressure: $1.0 / 1.0$ Wind Exposure: D
Internal Pressure Coefficient: ± 0.00 (Open)
Component & Cladding Wind Pressure: per Calcs
FLOOD PARAMETERS
FEMA FIRM Map Number: 12071C054G
Base Flood Elevation: AE-11
100-year, 1-hour Design Rainfall: 4.5 in (FBC 2023 Fig. 1611.1)
GEO TECHNICAL PARAMETERS
Data Source: TIERRA PROJECT #15-23-232
Vertical Bearing Capacity: 8"PILE @ TONS, 10" PILE: 5 TONS
Lateral Bearing Pressure: 1 TON PER PILE

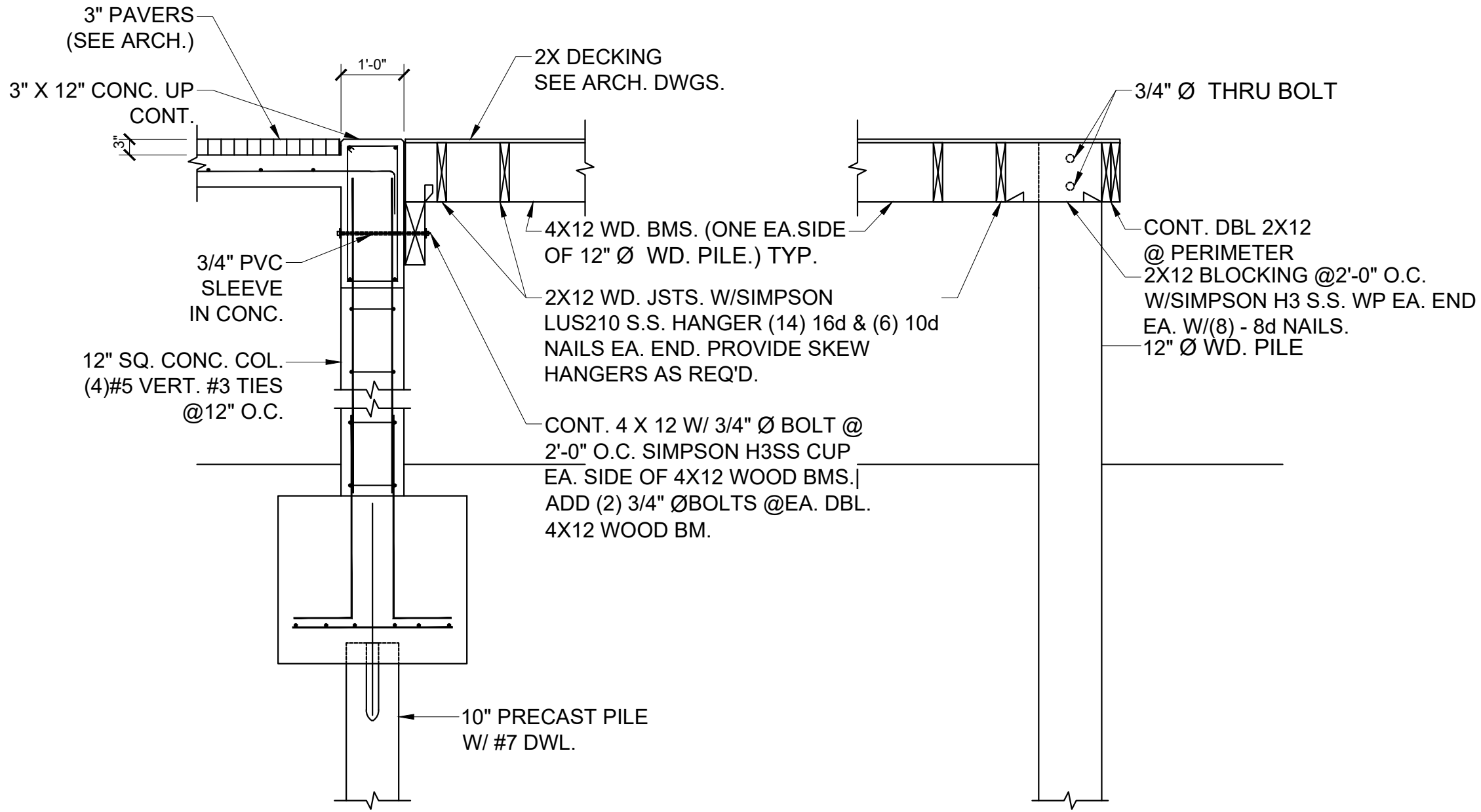
FLOOD PARAMETER:

FEMA FIRM Map Number: 12071C0554G
Base Flood Elevation: AE-11
100-year, 1-hour Design Rainfall: 4.5 in (FBC 2023 Fig. 1611.1)
GEOTECHNICAL PARAMETERS
Data Source: *TIERRA PROJECT NO. 6511-23-232*
Vertical Bearing Capacity: 8" PILE: 4 TONS, 10" PILE: 5 TONS
Lateral Bearing Pressure: 1 TON PER PILE

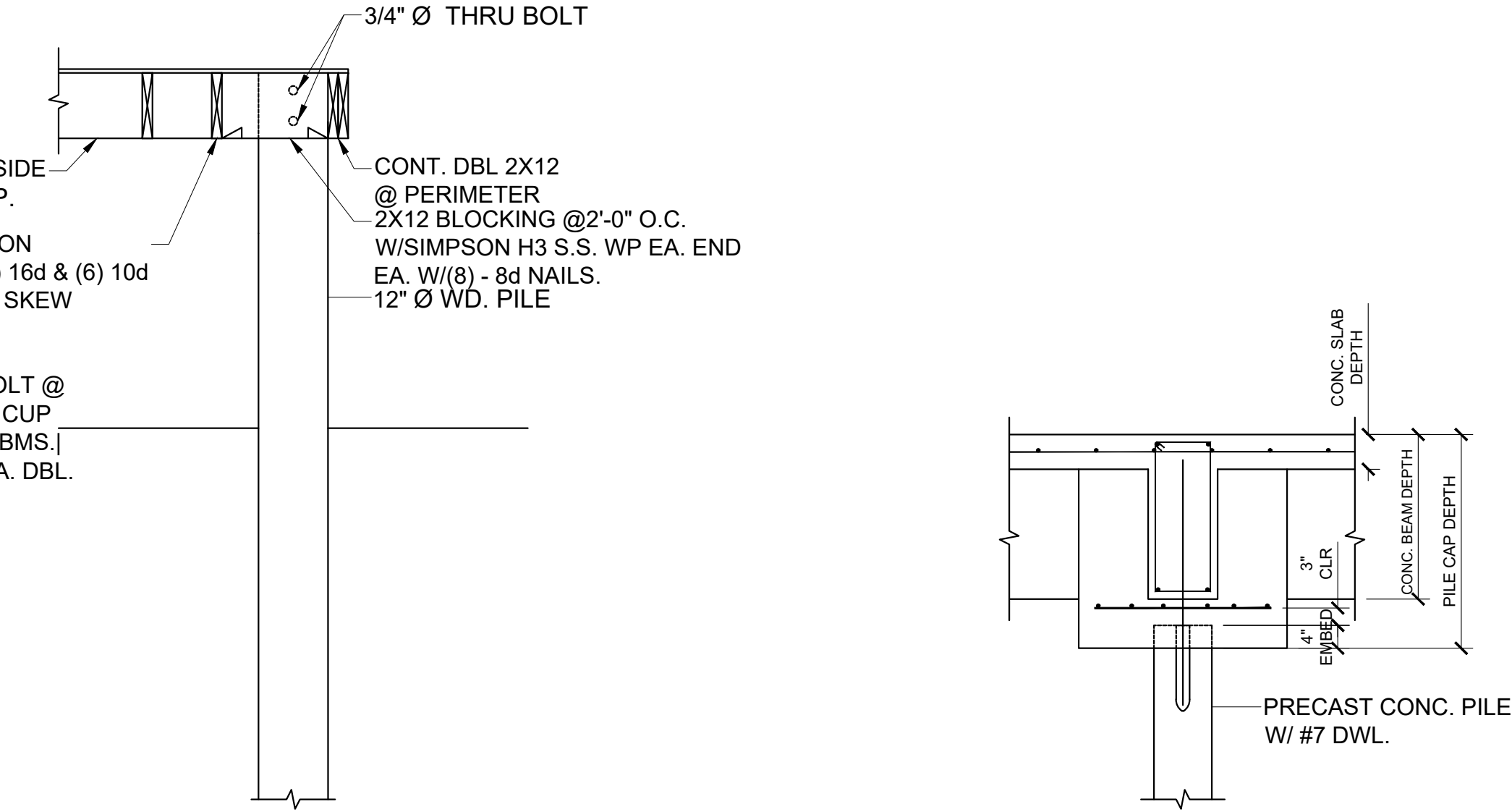




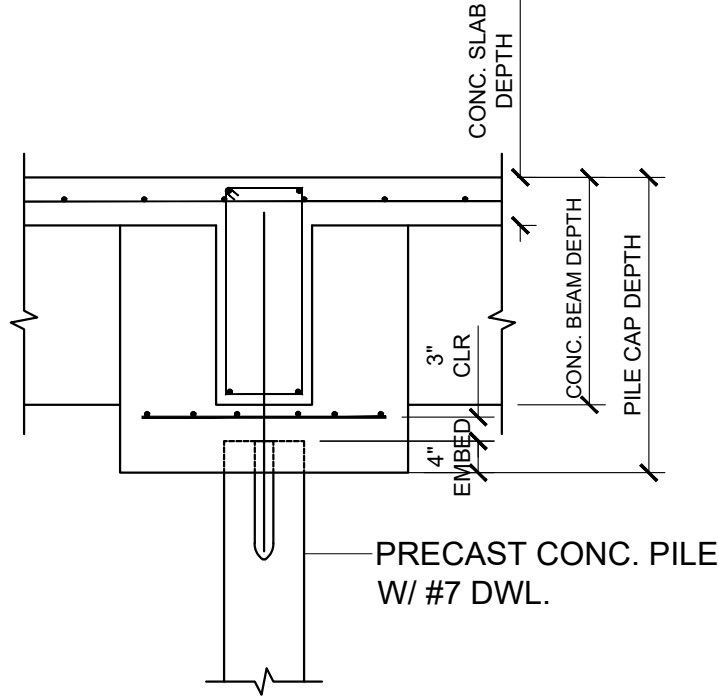
SECTION 1
1/2" = 1'-0"



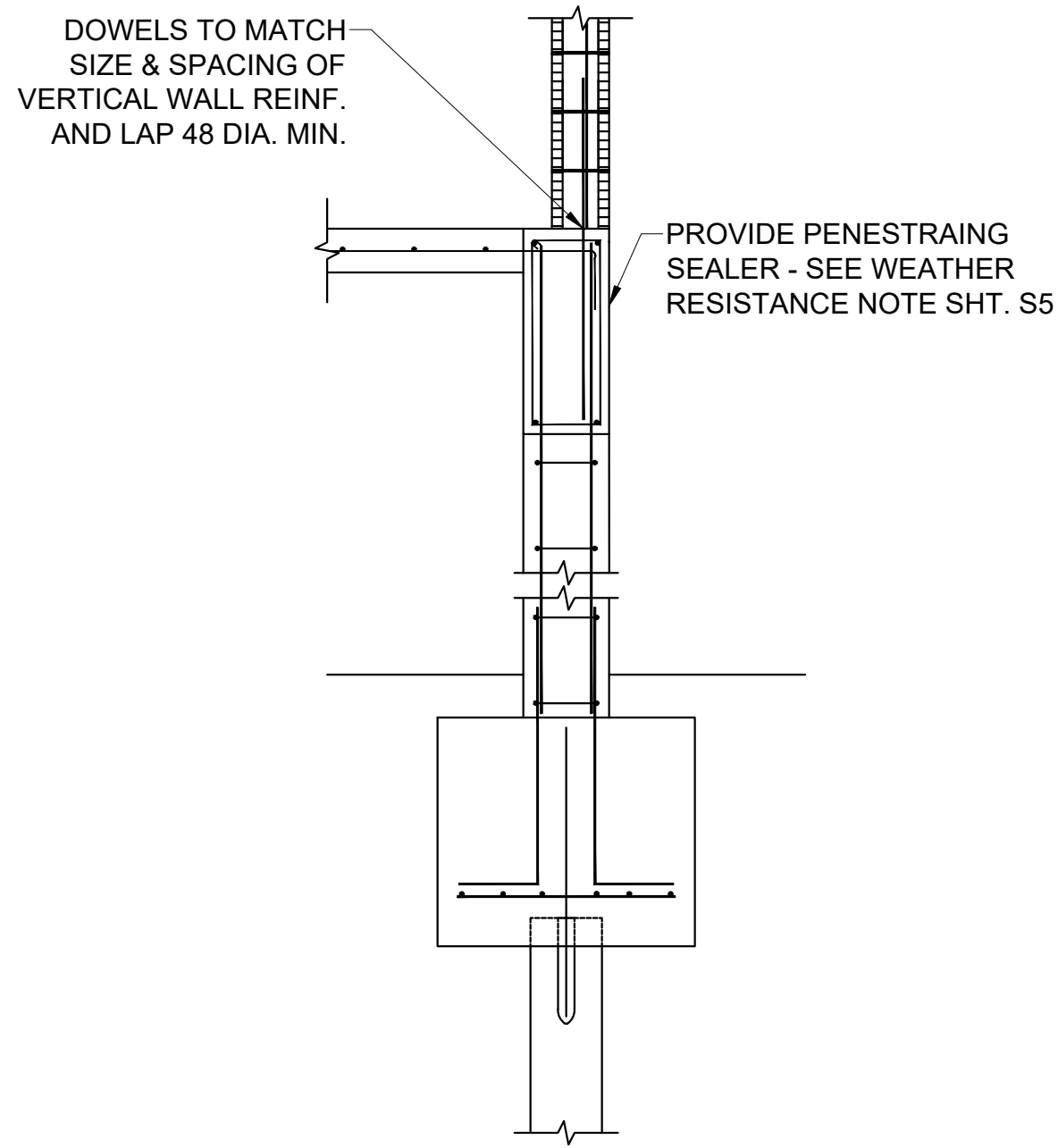
SECTION 2
1/2" = 1'-0"



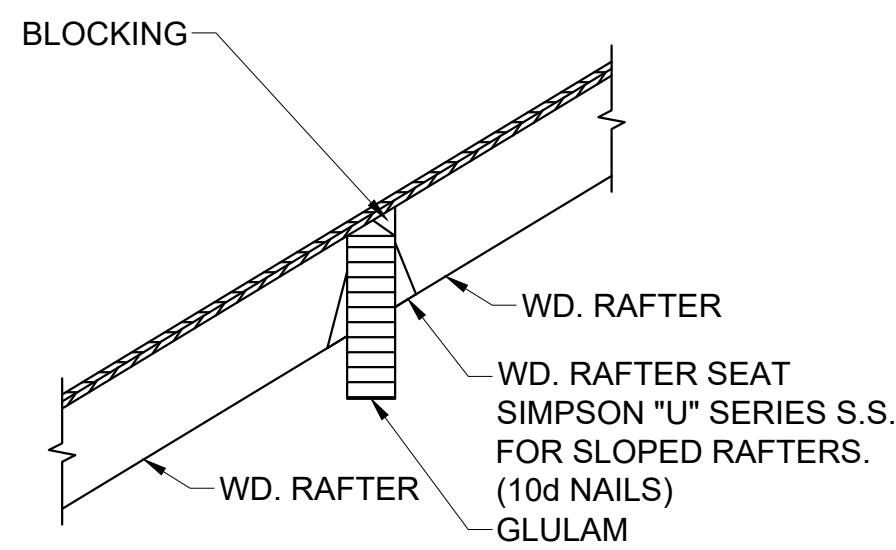
SECTION 3
1/2" = 1'-0"



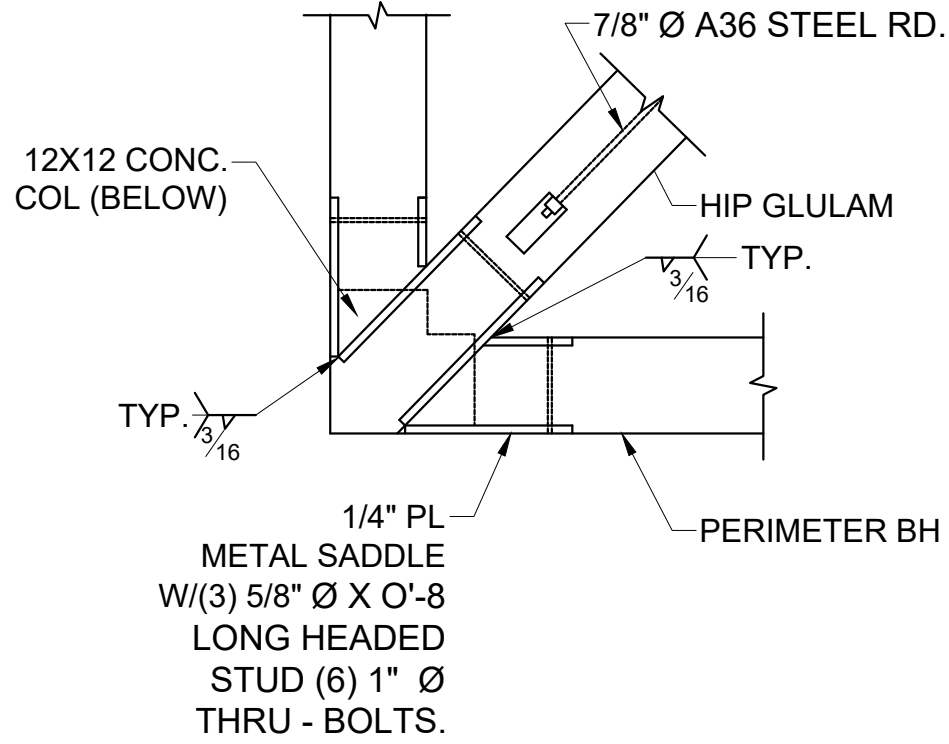
SECTION 4
1/2" = 1'-0"



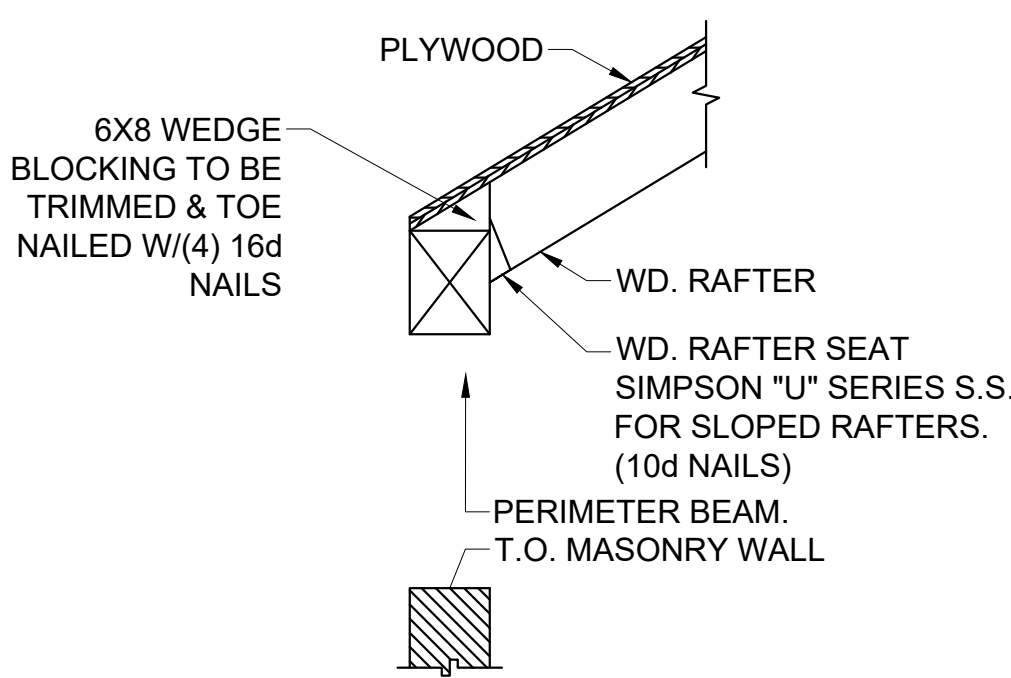
SECTION 5
1/2" = 1'-0"



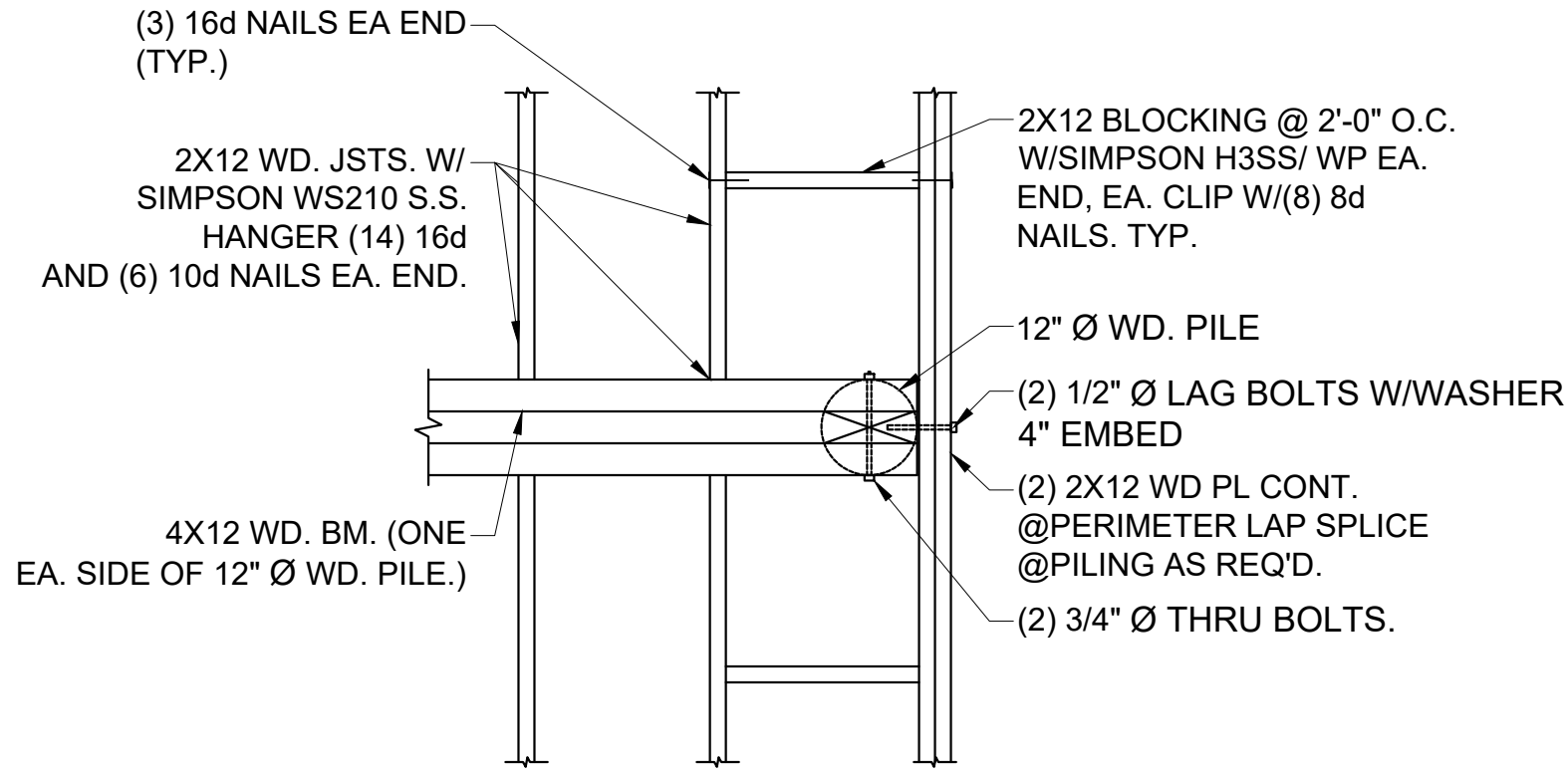
SECTION 6
1/2" = 1'-0"



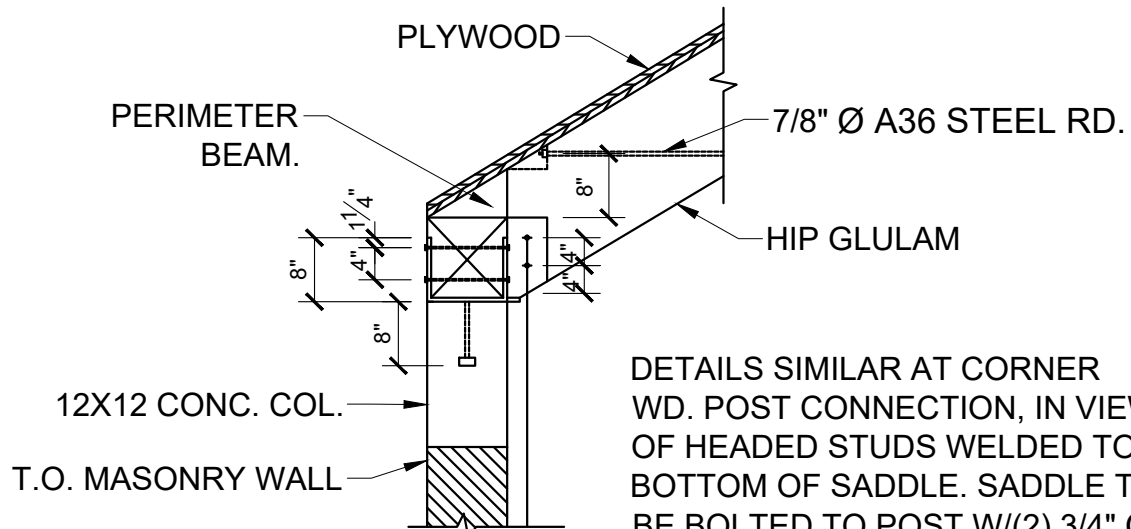
SECTION 7
1/2" = 1'-0"



SECTION 8
1/2" = 1'-0"



SECTION 9
1/2" = 1'-0"



SECTION 10
1/2" = 1'-0"

REVISIONS	DATE
DESCRIPTION	
NO.	
DATE:	07-30-2025
PROJECT NO.	25095.001
FILE NO.	~
SCALE:	N/A

THE WEILER ENGINEERING CORPORATION

These plans are in Compliance with Florida Building Code 2023 for wind parameters indicated.

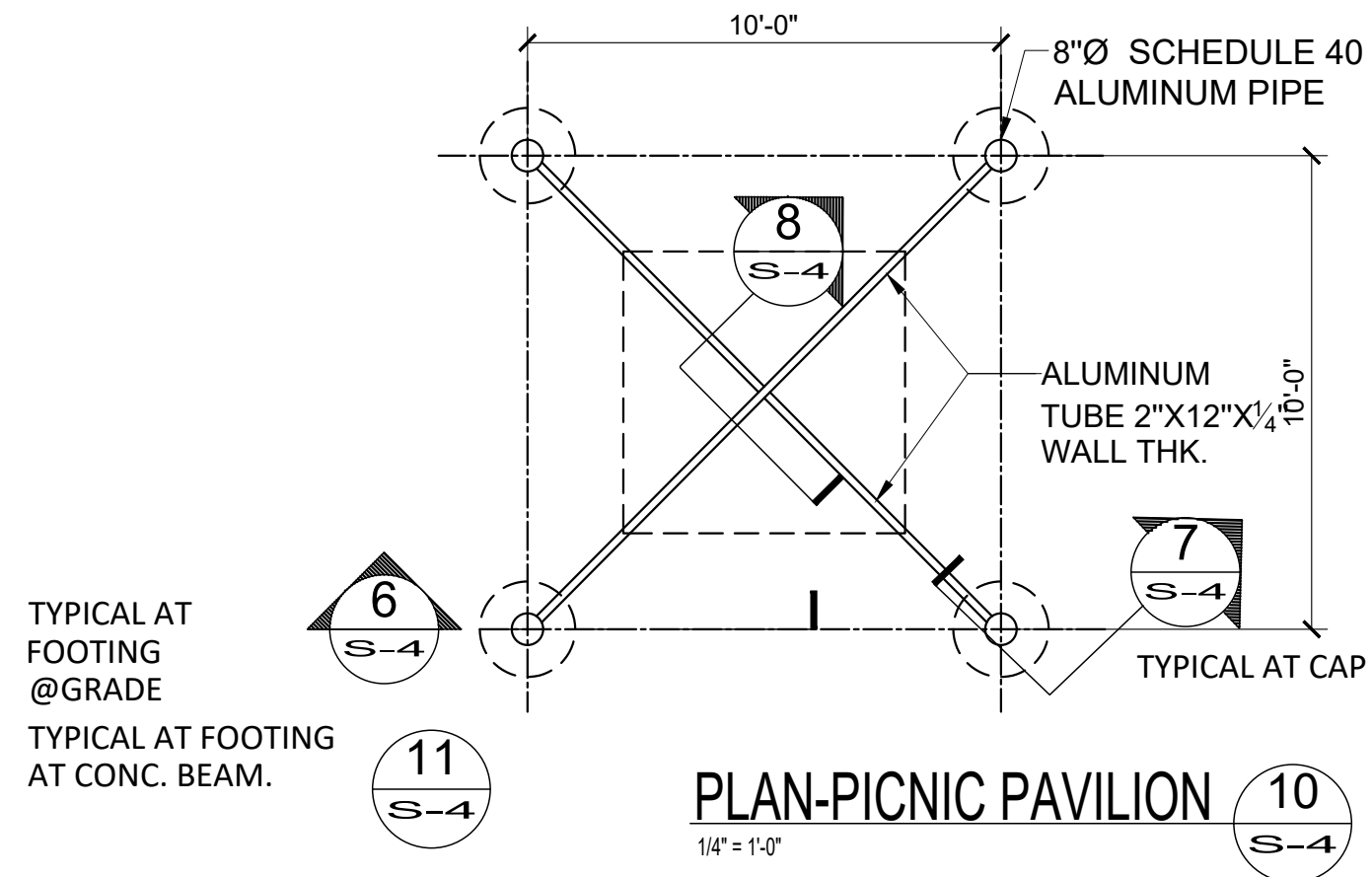
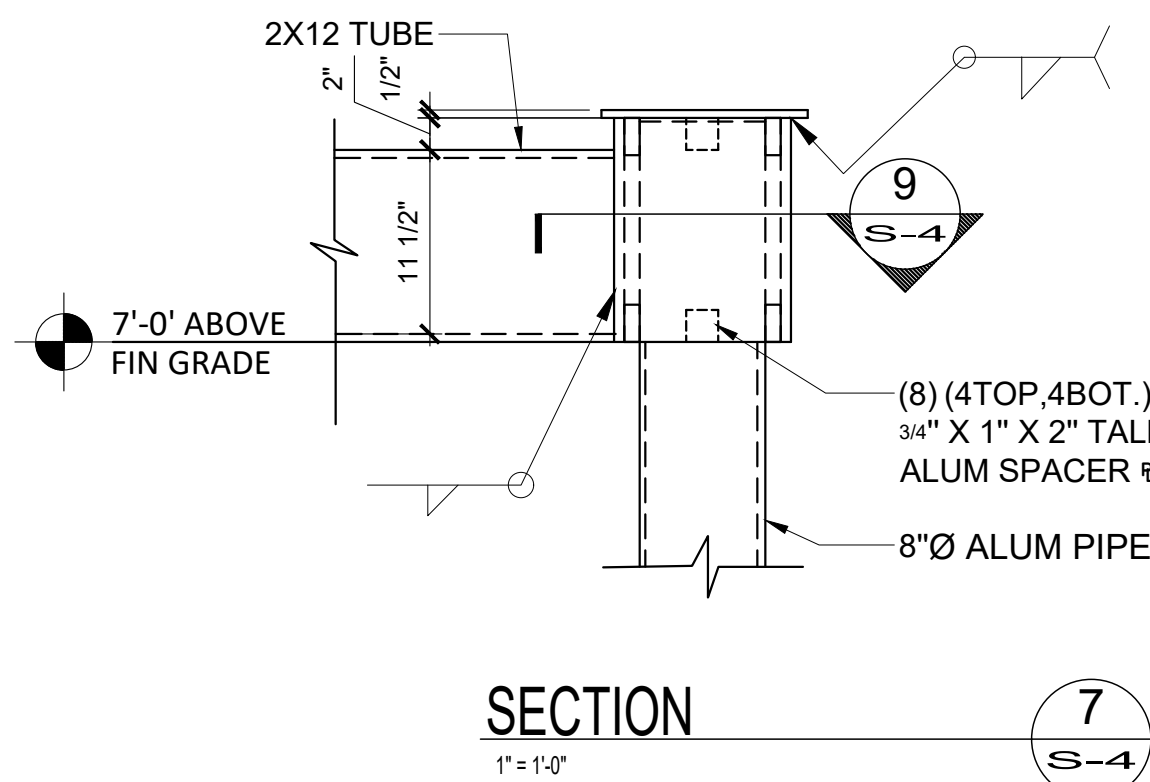
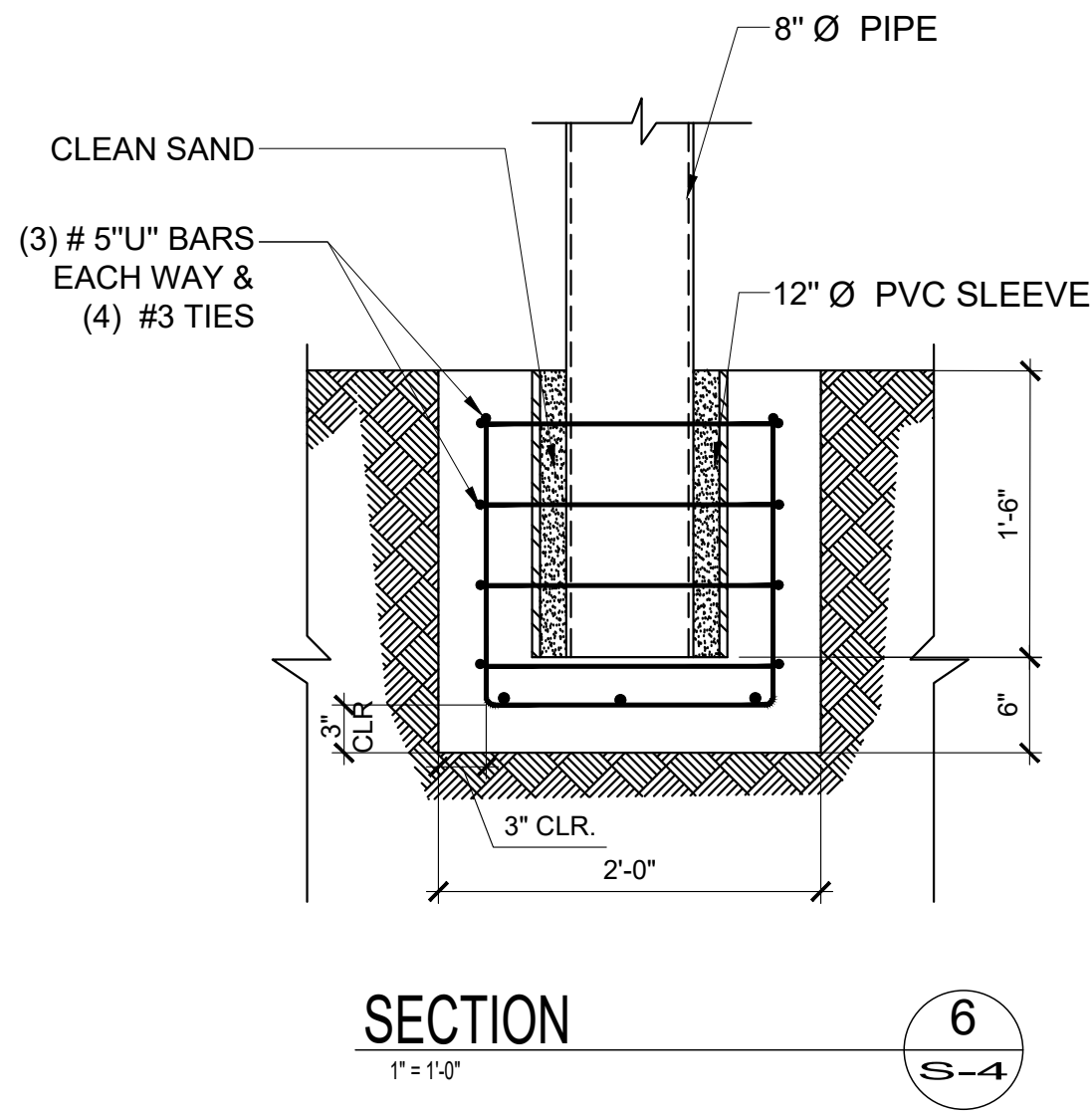
WIND PARAMETERS
Method of Design: ASCE 7-22
Building Risk Category: II
Design Wind Speed: Ultimate V_{ult} = 159 MPH / Nominal V_{asd} = 123 MPH
Wind Importance Factor: 1.0 / Wind Exposure: D
Internal Pressure Coefficient: +0.00 (Open)
Component & Cladding Wind Pressure: per Calcs
FLOOD PARAMETERS
FEMA FIRM Map Number: 12071C0554G
Base Flood Elevation: AE-11
100-year, 1-hour Design Rainfall: 4.5 in (FBC 2023 Fig. 1611.1)
GEOTECHNICAL PARAMETERS
Data Source: TIERRA PROJECT NO. 6511-23-232
Vertical Bearing Capacity: 8"PILE:4 TONS, 10" PILE: 5 TONS
Lateral Bearing Pressure: 1 TON PER PILE

REVISIONS	DESCRIPTION	DATE	NO.

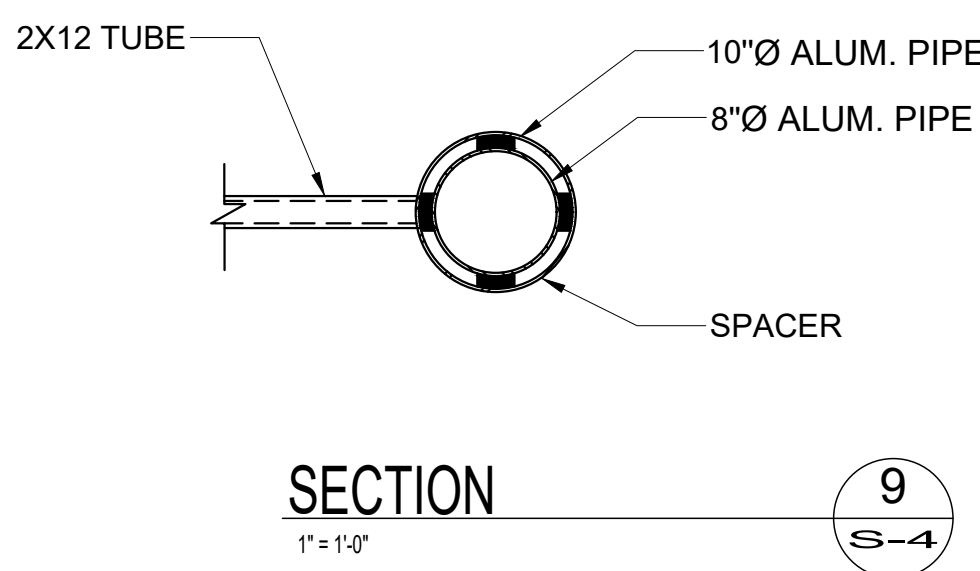
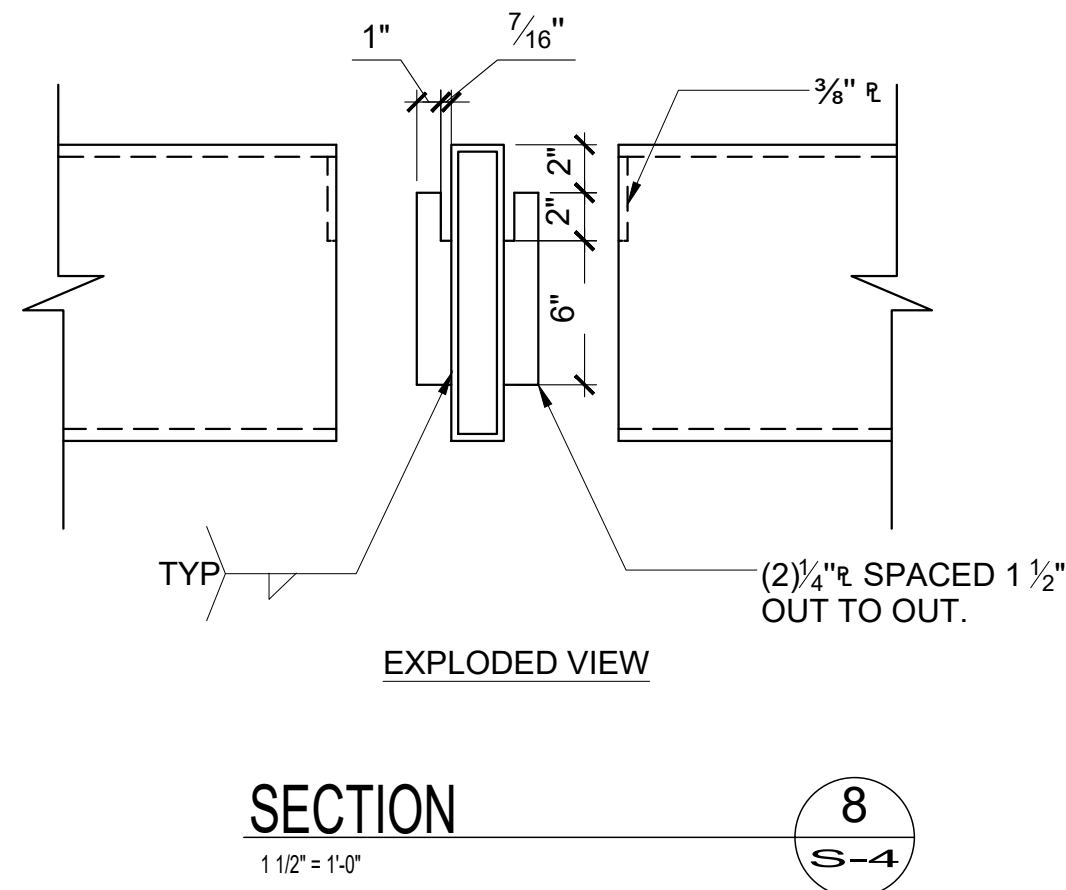
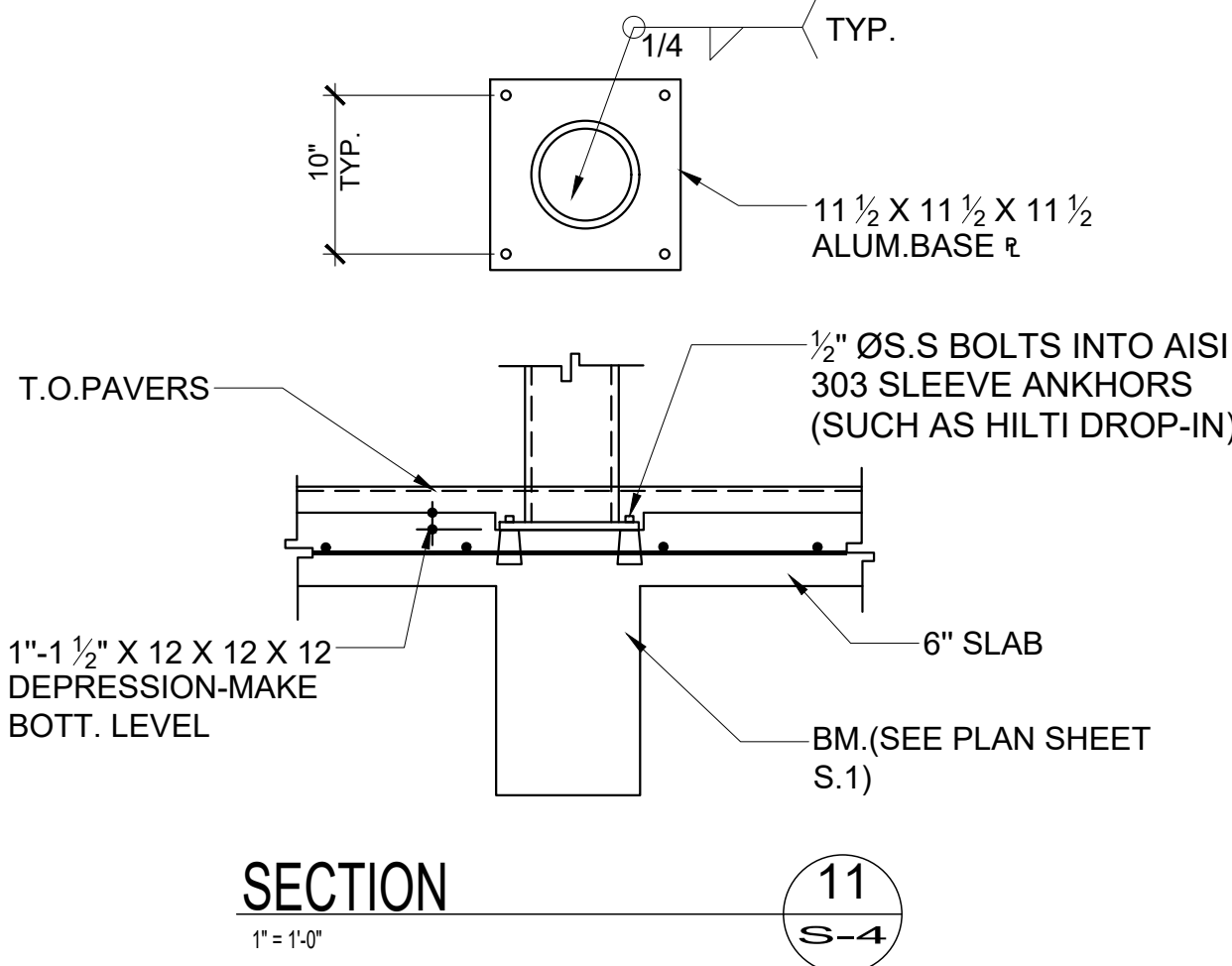
DATE:	07-30-2025
PROJECT NO.	25095.001
FILE NO.	~~~~
SCALE:	N/A

PLAN-PICNIC
PAVILION
& DETAILS

SHEET NUMBER
S601



- PLAN NOTES
- ALL ALUMINUM IS ALLOY 6061.
 - NOTE THAT REQUIRED POLE LENGTH VARY SLIGHTLY BECAUSE OF MOUNTING CONCRETE DECK SLOPE PROVIDE MIN. 7" CLEARANCE UNDERSIDE OF 2X 12 TO DECK.
 - POLES SHALL BE PLUMB AND ALUMINUM 2X12 CROSS TUBES SHALL BE LEVEL
 - MAINTENANCE BLDG.: CLEARANCE TOP & BOTTOM REINF. 1 1/2"
- THE WEILER ENGINEERING CORPORATION**
- These plans are in Compliance with Florida Building Code 2023 for wind parameters indicated.
- WIND PARAMETERS**
Method of Design: ASCE 7-22
Building Risk Category: II
Design Wind Speed: Ultimate V_{ult} = 159 MPH / Nominal V_{asd} = 123 MPH
Wind Importance Factor: 1.0 / Wind Exposure: D
Internal Pressure Coefficient: ±0.00 (Open)
Component & Cladding Wind Pressure: per Calcs
- FLOOD PARAMETERS**
FEMA FIRM Map Number: 12071C0554G
Base Flood Elevation: AE-11
100-year, 1-hour Design Rainfall: 4.5 in (FBC 2023 Fig. 1611.1)
- GEOTECHNICAL PARAMETERS**
Data Source: TIERRA PROJECT NO. 6511-23-232
Vertical Bearing Capacity: 8" PILE: 4 TONS, 10" PILE: 5 TONS
Lateral Bearing Pressure: 1 TON PER PILE



BOUNDARY, TOPOGRAPHIC AND
MEAN HIGH WATER SURVEY
FOR
BOWDITCH POINT PARK
(STRAP No.: 24-46-23-W1-0080D.0400)
AS RECORDED IN OFFICIAL RECORDS BOOK 1961, PAGE 2851,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA
SECTIONS 13, 14, 23 & 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST,
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA

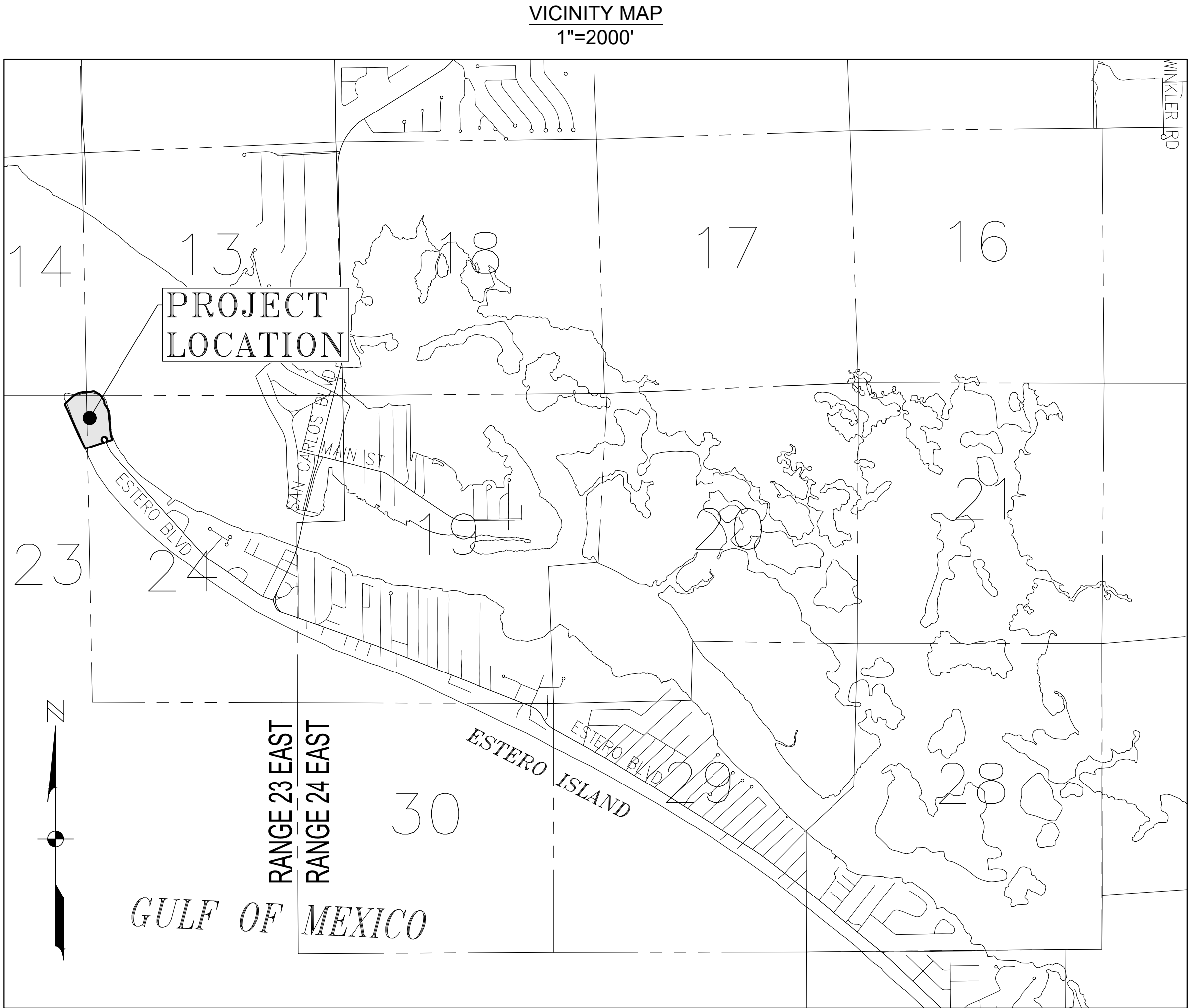
NOTES:

- DATE OF LAST FIELDWORK: APRIL 25, 2025
- SURVEYED PARCEL PHYSICAL ADDRESS: 50/58 ESTERO BLVD, FORT MYERS BEACH, FL., 33931.
- COORDINATES AND HORIZONTAL DATA SHOWN HEREON ARE IN FEET AND ARE PROJECTED ONTO THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT.
- BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF LOT 45, ISLAND SHORES CLUB SECTION, WHEREIN SAID SOUTH LINE BEARS S.71°53'52"W.
- COORDINATES SHOWN HEREON ARE IN UNITS OF U.S. SURVEY FEET AND ARE REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM (NAD83/2011) FOR THE WEST ZONE OF FLORIDA AND WERE ESTABLISHED UTILIZING TRIMBLE RTK GPS REDUNDANT OBSERVATION PROCEDURES FROM TWO FIXED BASE STATIONS OF KNOWN GEODETIC POSITION. THE BASE STATIONS USED IS PART OF THE TRIMBLE VRS NOW NETWORK (VRS). THE BASE STATION AND SURVEY MONUMENT HAVE THE RECORD POSITION LISTED BELOW:

STATION	LATITUDE	LONGITUDE	STATE PLANE COORDINATES (FT)
FLS1(FPRN CORS)	N26°28'29.11618"	W82°09'31.66948"	N: 778,280.484 E: 604,221.121
FLM(FPRN CORS)	N26°35'27.50618"	W81°51'50.98491"	N: 820,515.684 E: 700,556.957
- VERTICAL DATA (ELEVATIONS) SHOWN HEREON ARE IN FEET AND ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88) AND ARE BASED ON A CLOSED LEVEL LOOP ORIGINATING FROM NATIONAL GEODETIC SURVEY (N.G.S.) BENCHMARK 872 5366 TIDAL 2, (PID AD1372), WITH A PUBLISHED ELEVATION OF +02.27 FEET(NAV88). SEE BENCHMARKS ON SHEETS 5 & 6 OF 7.
- THE LOCATION OF THE MEAN HIGH WATER MEANDER LINE WAS DETERMINED BY EXTENDING THE MEAN HIGH WATER ELEVATION OF +0.26 FEET (NAV88), BASED ON APPROVAL LETTER FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, DATED 12/09/25. THE MEAN HIGH WATER MEANDER LINE, THE +0.0 FOOT CONTOUR AND THE APPROXIMATE SEASONAL HIGH WATER WERE LOCATED IN THE FIELD ON APRIL 25, 2025.
- THIS MEAN HIGH WATER SURVEY COMPLIES WITH CHAPTER 177, PART II, FLORIDA STATUTES.
- THE SURVEYED PARCEL LIES IN F.E.M.A. FLOOD HAZARD ZONE VE ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM'S DIGITAL FLOOD INSURANCE RATE MAPS (D.F.I.R.M.), 12071C0554G, WITH AN EFFECTIVE DATE OF NOVEMBER 17, 2022. THE FLOOD HAZARD ZONES ALONG WITH THEIR CORRESPONDING BASE FLOOD ELEVATIONS ARE DEPICTED HEREON. THE PARCEL ALSO LIES WITH A COASTAL BARRIER RESOURCE SYSTEM (CBRS) AREA.
- THIS SURVEY MEETS THE ACCURACY STANDARDS OF AN URBAN SURVEY (1:10,000)
- THE LOCATION OF THE 1991 COASTAL CONSTRUCTION CONTROL LINE WAS BASED ON FOUND ORIGINAL MONUMENTS "A-25-2" AND "A-25-A" PER THE PLAT RECORDED IN PLAT BOOK 48, PAGES 15 THROUGH 34, OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA. SEE DETAIL SHEET 2 OF 7.
- THE LOCATION OF THE 1978 COASTAL CONSTRUCTION SETBACK LINE WAS BASED ON FOUND ORIGINAL MONUMENTS PER THE PLAT RECORDED IN PLAT BOOK 31, PAGES 1 THROUGH 21, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
- THIS SURVEY COMPLIES WITH THE REQUIREMENTS FOR SURVEYS PER CHAPTER 62B--33.0081, FLORIDA ADMINISTRATIVE CODE.
- UNDERGROUND IMPROVEMENTS AND/OR ENCROACHMENTS WERE NOT LOCATED AS A PART OF THIS SURVEY.
- THIS SURVEY DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
- NO ENVIRONMENTAL ASSESSMENT OR AUDIT WAS PERFORMED ON THE SURVEYED PARCEL BY THIS FIRM. THIS SURVEY WAS PERFORMED FOR THE PURPOSE SHOWN HEREON AND DOES NOT MAKE ANY REPRESENTATION AS TO THE DELINEATION OF ANY JURISDICTIONAL LINES EXCEPT AS SHOWN OR NOTED. THIS SURVEY DOES NOT PURPORT TO DELINEATE THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE OR LOCAL AGENCY.
- THIS SURVEY DOES NOT DETERMINE PROPERTY OWNERSHIP OR PROPERTY RIGHTS. THIS SURVEY LOCATED THE BOUNDARY IN ACCORDANCE WITH AND IN RELATION TO THE LEGAL DESCRIPTION.
- ADDITIONS OR DELETIONS TO THIS SURVEY MAP OR REPORT BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY.
- OFFSITE EASEMENTS BENEFITING THE SUBJECT PROPERTY ARE SHOWN ONLY WHERE THEY CONNECT TO THE SUBJECT PROPERTY.
- SURVEYED PARCEL CONTAINS 17.89 ACRES, MORE OR LESS.
- SURVEY MADE WITH THE REVIEW OF "IN HOUSE TITLE SEARCH" PREPARED BY LEE COUNTY DEPARTMENT OF COUNTY LANDS, STRAP: 24-46-23-W1-0080D.0400, FOLIO: 1012700B, EFFECTIVE DATE: FEBRUARY 5, 2025, AT 5:00 PM.

(THE FOLLOWING ARE ITEMS AS LISTED IN THE ABOVE REFERENCED TITLE SEARCH)

- PLAT OF ISLAND SHORES CLUB SECTION, RECORDED MARCH 29, 1952 IN PLAT BOOK 9, PAGE 41, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (AFFECTS SURVEYED PARCEL, SUBJECT PARCEL LIES WITHIN SAID PLAT, SHOWN ON SURVEY)
- DEED OF RESTRICTIONS, BY JOHN WALTMAN, JOINED BY HIS WIFE, DORIS WALTMAN TO ALL FUTURE OWNERS OF ALL LOTS ISLAND SHORES CLUB SECTION, RECORDED APRIL 7, 1952 IN DEED BOOK 217, PAGE 87; DEED OF RESTRICTIONS RECORDED FEBRUARY 9, 1954 IN DEED BOOK 232, PAGE 359, BOTH RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (AFFECTS SURVEYED PARCEL, BLANKET IN NATURE)
- RIGHT OF WAY EASEMENT, BY TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA TO UNITED STATES OF AMERICA TRACT NO. 104E GULF COAST SHRIMP BOAT HARBOR, FORT MYERS, FLA., RECORDED OCTOBER 11, 1962 IN OFFICIAL RECORDS BOOK 155, PAGE 444, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (DOES NOT AFFECT SURVEYED PARCEL, CHANNEL RIGHT-OF-WAY EASEMENT LIES WITHIN THE WATERS ADJACENT TO SURVEYED PARCEL, SHOWN ON SURVEY)
- LEE COUNTY ORDINANCES RELATING TO GARBAGE AND SOLID WASTE COLLECTION, RECORDED NOVEMBER 30, 1990 IN OFFICIAL RECORD BOOK 2189, PAGES 3281 AND 3334, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (AFFECTS SURVEYED PARCEL, BLANKET IN NATURE, NON-PLOTTABLE)
- EASEMENT, BETWEEN LEE COUNTY PARKS & REC AND FLORIDA POWER & LIGHT, RECORDED FEBRUARY 10, 1994 IN OFFICIAL RECORDS BOOK 2470 PAGE 2567, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (AFFECTS SURVEYED PARCEL, EASEMENT SHOWN ON SURVEY)
- SOVEREIGN SUBMERGED LANDS EASEMENT, BY THE BOARD OF TRUSTEES OF THE INTERNATIONAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, RECORDED APRIL 24, 2002 IN OFFICIAL RECORDS BOOK 3631, PAGE 7, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (AFFECTS SURVEYED PARCEL, SUBMERGED LAND EASEMENT FOR CONSTRUCTED JETTY LIES ADJACENT TO THE NORTHWESTERLY PORTION OF THE SURVEYED PARCEL, SHOWN ON SURVEY)



0 1000 2000 4000

(INTENDED DISPLAY SCALE: 1"=2000')

DESCRIPTION

(PER DEPARTMENT OF COUNTY LANDS IN HOUSE TITLE SEARCH)

ALL THAT PART OF ISLAND SHORES CLUB SECTION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGE 41, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TOGETHER WITH ALL LANDS ACCRETED THERETO, LYING NORTHWESTERLY OF A LINE DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE LINE COMMON TO LOTS 39 AND 40 OF BLOCK D OF SAID SUBDIVISION WITH THE WATERS OF MATANZAS PASS, RUN SOUTHWESTERLY ALONG SAID COMMON LINE TO ITS INTERSECTION WITH THE NORTHEASTERLY LINE OF BLOCK F OF SAID SUBDIVISION; THENCE CONTINUE IN A STRAIGHT LINE ACROSS SAID BLOCK F TO THE INTERSECTION OF THE SOUTHWESTERLY LINE OF SAID BLOCK F WITH THE LINE COMMON TO LOTS 44 AND 45 OF THE UNNUMBERED BLOCK IN SAID SUBDIVISION; THENCE SOUTHWESTERLY ALONG SAID LINE COMMON TO SAID LOTS 44 AND 45 TO THE WATERS OF THE GULF OF MEXICO AND THE END OF SAID LINE, CONTAINING APPROXIMATELY 14.5 ACRES MORE OR LESS AT THIS TIME.

EXCEPTING THE TURNAROUND PREVIOUSLY DEED TO LEE COUNTY, FLORIDA DESCRIBED AS 60' RADIUS WHOSE CENTER LIES BETWEEN LOTS 40 AND 50. [SURVEYOR'S NOTE: THE TURNAROUND AREA IS DESCRIBED IN ORB 1151, PG 1945]

THIS SURVEY IS ONLY FOR THE BENEFIT OF:

- TOWN OF FORT MYERS BEACH
- LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA

NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY. I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472, FLORIDA STATUTES.

THIS SURVEY HAS BEEN DIGITALLY SIGNED BY:
MARK D. HAINES (FOR THE FIRM L.B. 642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5312
ON THE DATE ADJACENT TO THE SEAL.

THIS CERTIFICATION IS TO THE DATE OF LAST FIELD WORK AS SHOWN IN NOTE 1 AND NOT THE SIGNATURE DATE. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED, AND THE DIGITAL SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

REVISIONS	
DATE	DESCRIPTION
07/16/25	REVISE & UPDATE COORDINATES FOR BOUNDARY & CCL

DATE:	04/25/25
PROJECT NO.	20247020-000
FILE NO.	24-46-23
SCALE:	AS SHOWN

COVER
SHEET

SHEET NUMBER

1 OF 7

BOUNDARY, TOPOGRAPHIC AND MEAN HIGH WATER SURVEY

BOWDITCH POINT PARK
(STRAP NO. 24-46-23-W1-0080D 0400)
AS RECORDED IN OFFICIAL RECORDS BOOK 1961, PAGE 2851,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA
SECTIONS 13, 14, 23, 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST,
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA

REVISIONS

REVISIONS	
DATE	DESCRIPTION
07/16/25	REVISE & UPDATE COORDINATES FOR BIRCH

DATE: 04/25/25

PROJECT NO. 20247020-000

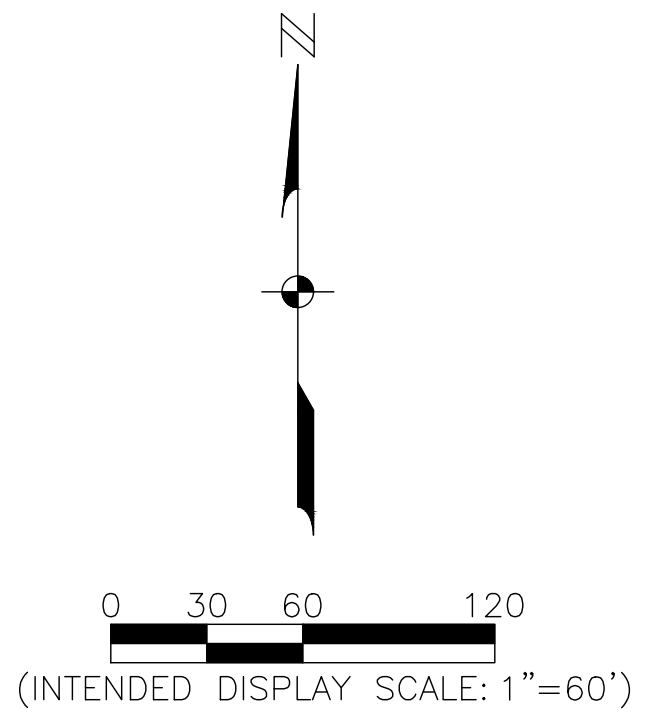
FILE NO. 24-46-23

SCALE: 1"=60'

BOUNDARY DETAIL

SHEET NUMBER

2 OF 7



LEGEND

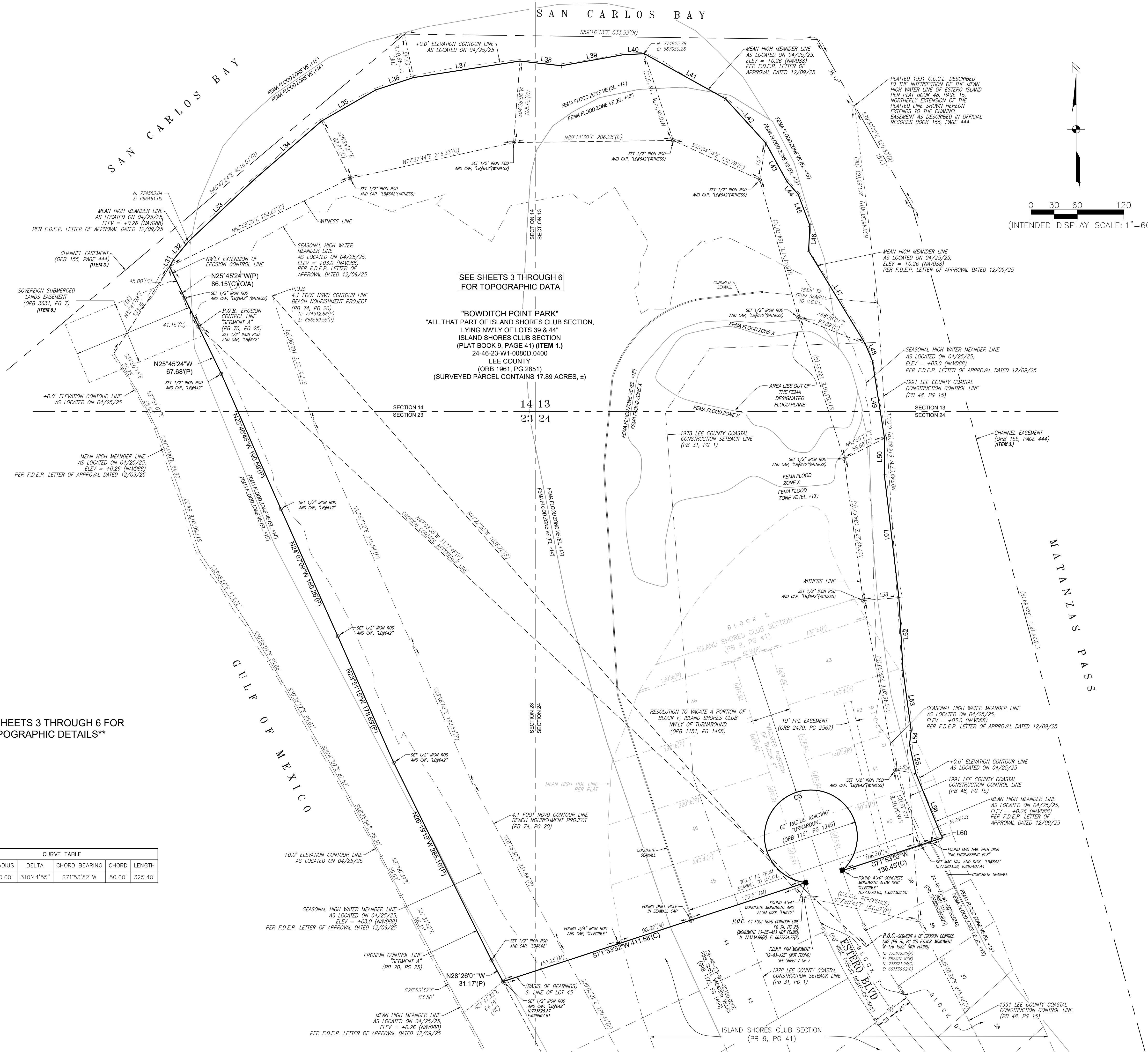
C() = CALCULATED
C.C.O.L. = COASTAL CONSTRUCTION CONTROL LINE
C = CONCRETE
E = EASTING
EOP = EDGE OF PAVEMENT
BOC = BACK OF CURB
D.E.P. = DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY
ELEV./EL = ELEVATION
FB = FIELD BOOK
F.D.N.R. = FLORIDA DEPARTMENT OF NATURAL RESOURCES
F.F.E. = FINISHED FLOOR ELEVATION
FPL = FLORIDA POWER AND LIGHT COMPANY
INV = INVERT ELEVATION
LB = LICENSED BUSINESS
(W) = MEASURED
N = NOTHING
NAVD88 = NORTH AMERICAN VERTICAL DATUM OF 1988
NGVD29 = NATIONAL GEODETIC VERTICAL DATUM OF 1929
O/A = OVERALL
ORB = OFFICIAL RECORDS BOOK
ORI = OFFICIAL RECORDS INSTRUMENT
RCP = REINFORCED CONCRETE PIPE
(P) = PLAT
PG = PAGE
P.O.B. = POINT OF BEGINNING
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-R/W- = RIGHT-OF-WAY
-D- = STORM SEWER DRAINAGE PIPE
-TOB- = TOP OF BANK/DITCH
-TOE- = TOE OF SLOPE

 = SANITARY SEWER MANHOLE
 = CLEANOUT
 = MITERED END SECTION
 = STORM SEWER MANHOLE
 = STORM SEWER CATCH BASIN
 = CONCRETE POWER POLE
 = POWER METER
 = LANDSCAPE LIGHT
 = GUY ANCHOR
 = ELECTRIC SERVICE BOX
 = LIGHT POST
 = FIRE HYDRANT
 = IRRIGATION CONTROL VALVE
 = BACK FLOW VALVE
 = WATER METER
 = WATER VALVE
 = BOLLARD
 = GATE POST
 = SIGN
 = WOODEN POST

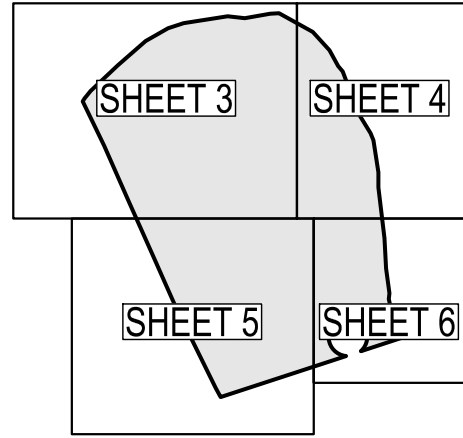
LINE TABLE		
LINE	BEARING	DISTANCE
L31	N29°52'18"	10.38'
L32	N39°23'26"E	30.17'
L33	N46°42'28"E	117.50'
L34	N49°03'04"E	114.74'
L35	N60°08'30"E	80.58'
L36	N71°52'45"E	51.51'
L37	N81°10'18"E	139.17'
L38	S83°05'59"E	53.91'
L39	N79°05'41"E	80.77'
L40	N87°50'48"E	27.60'
L41	S60°55'28"E	120.22'
L42	S42°16'08"E	77.27'
L43	S28°54'15"E	56.98'
L44	S41°22'58"E	21.65'
L45	S20°33'05"E	42.96'
L46	S02°49'57"W	32.96'
L47	S13°23'17"E	140.50'
L48	S22°48'24"E	23.76'
L49	S08°54'20"E	101.43'
L50	S00°12'21"W	47.03'
L51	S06°45'07"E	159.96'
L52	S03°24'12"E	94.20'
L53	S07°44'52"E	78.21'
L54	S06°24'34"W	18.53'
L55	S12°18'29"E	38.36'
L56	S22°16'56"E	83.50'
L57	N02°97'08"E	47.90'
L58	S85°15'49"E	46.28'
L59	S79°31'44"E	26.87'
L60	S29°10'32"E	6.40'

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C5	60.00'	310°44'55"	S71°53'52"W	50.00'	325.40'

****SEE SHEETS 3 THROUGH 6 FOR
TOPOGRAPHIC DETAILS****



(C) = CALCULATED
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BOUNDARY, TOPOGRAPHIC AND MEAN HIGH WATER SURVEY

BOWDITCH POINT PARK
(STRAP NO.: 24-46-23-W1-0080D.0400)
AS RECORDED IN OFFICIAL RECORDS BOOK 1961, PAGE 2851,
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SECTIONS 13.14, 23.24, TOWNSHIP 46 SOUTH, RANGE 23 EAST,
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA

REVISIONS	
DATE	DESCRIPTION
07/16/25	REVISE & UPDATE COORDINATES FOR BOUNDARY & CCCL

DATE:	04/25/25
PROJECT NO.	20247020-000
FILE NO.	24-46-23
SCALE:	1"=30'

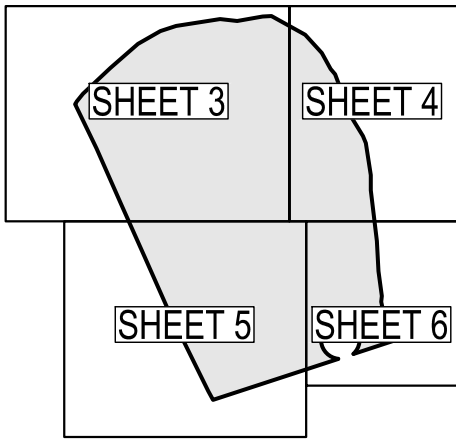
SHEET NUMBER

3 OF 7

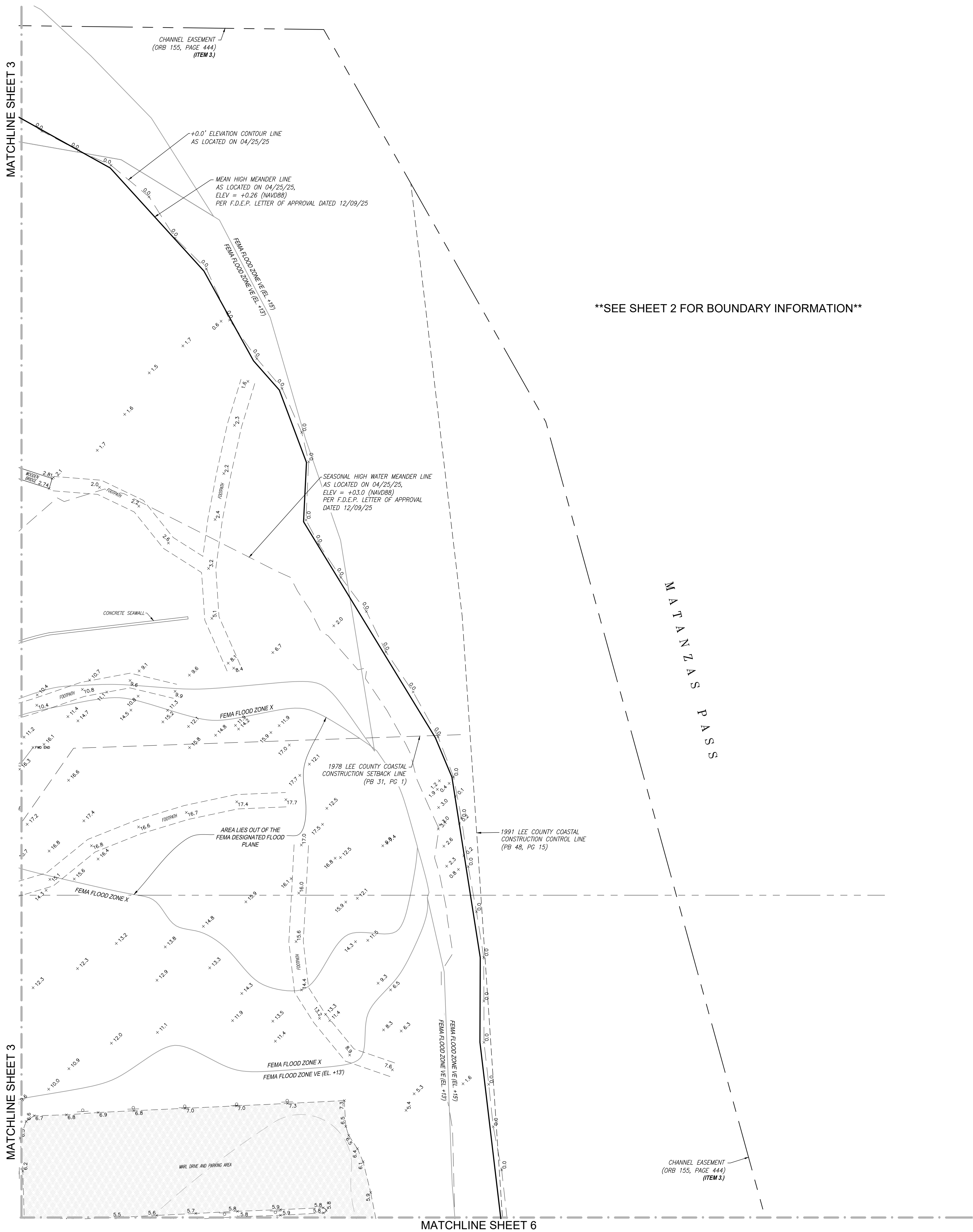
DATE:	04/25/25
PROJECT NO.	20247020-000
FILE NO.	24-46-23
SCALE:	1"=30'

SHEET NUMBER

Page 66 of 294



(C) = CALCULATED
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⊞ = STORM SEWER CATCH BASIN
◇ = CONCRETE POWER POLE
PMW = POWER METER
⚡ = LANDSCAPE LIGHT
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☼ = FIRE HYDRANT
⚙ = IRRIGATION CONTROL VALVE
⚡ = BACK FLOW VALVE
WMW = WATER METER
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□ = WOODEN POST



BOUNDARY, TOPOGRAPHIC AND MEAN HIGH WATER SURVEY

BOWDITCH POINT PARK
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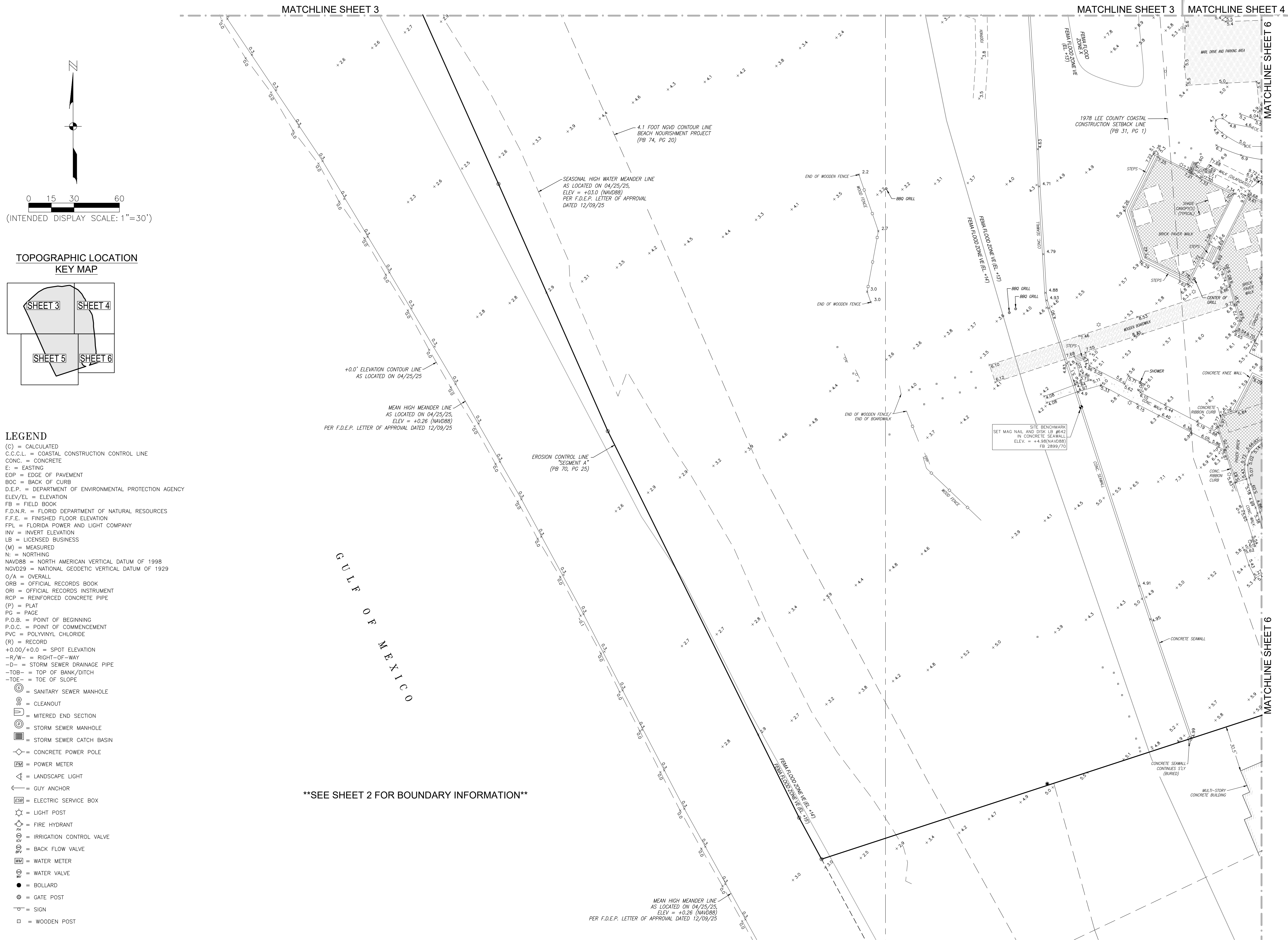
REVISIONS	
DATE	DESCRIPTION
07/16/25	REVISE & UPDATE COORDINATES FOR BOUNDARY & COLLOC.

DATE:	04/25/25
PROJECT NO.	20247020-000
FILE NO.	24-46-23
SCALE:	1"=30'

TOPOGRAPHIC DETAIL

SHEET NUMBER

5 OF 7



BOUNDARY, TOPOGRAPHIC AND MEAN HIGH WATER SURVEY

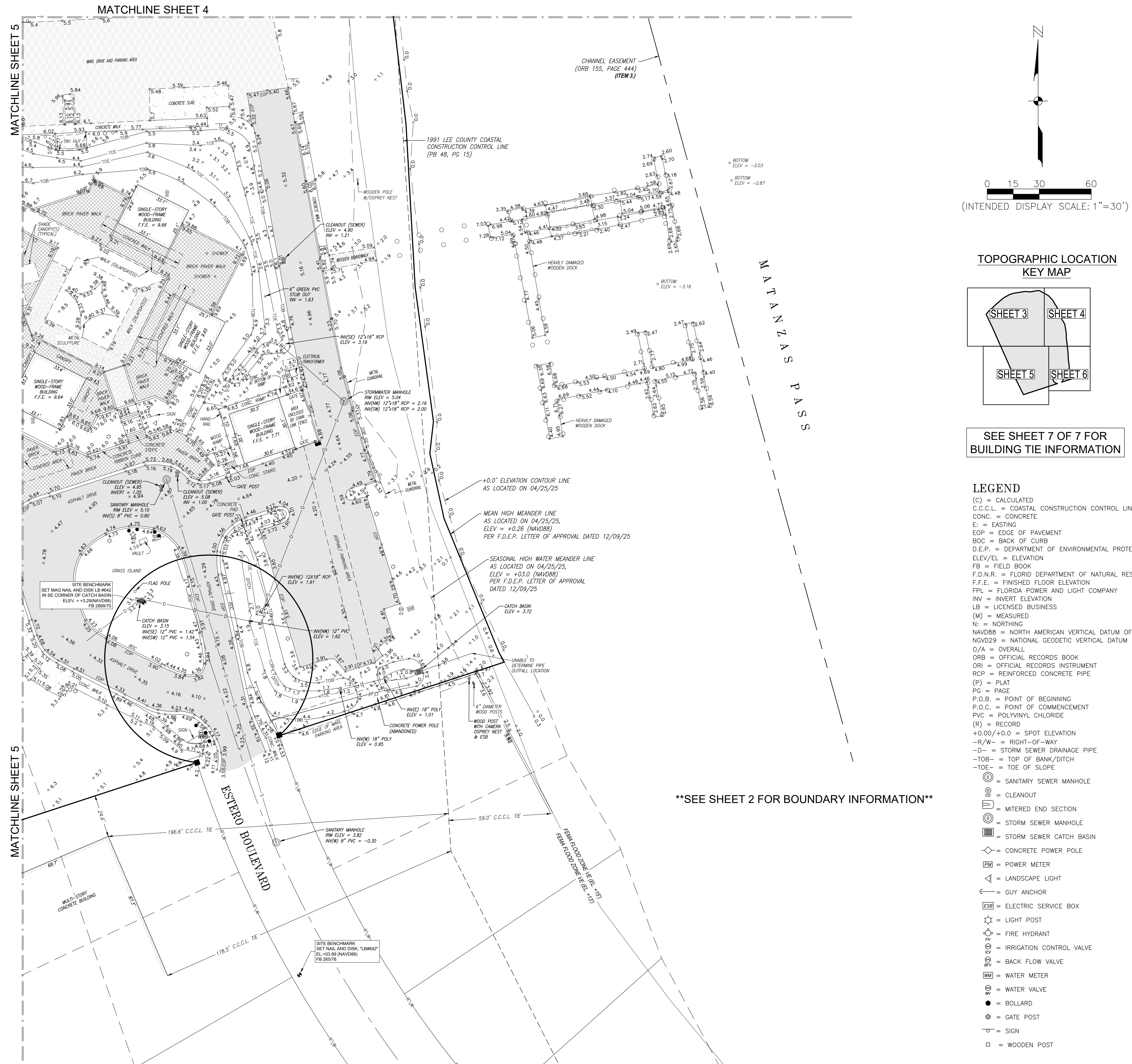
BOWDITCH POINT PARK
(STRAP NO. : 24-46-23-W1-0080D.0400)
AS RECORDED IN OFFICIAL RECORDS BOOK 1961, PAGE 2851,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA
SECTIONS 13,14,23,24, TOWNSHIP 46 SOUTH, RANGE 23 EAST,
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA

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TOPOGRAPHIC DETAIL

SHEET NUMBER

6 OF 7

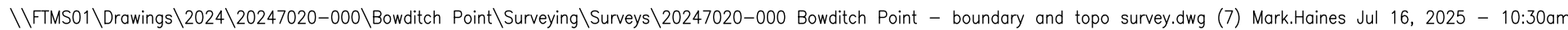


BOWDITCH POINT PARK
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 TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA

DATE:	04/25/25
PROJECT NO.	20247020-000
FILE NO.	24-46-23
SCALE:	AS SHOWN

SHEET NUMBER

Page 69 of 294



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

Yellow Sheet Number: **2025-507**

1. Request:

Meeting Date: September 9, 2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250116 TO ALLOW LIKE-TO-LIKE REPLACEMENT OF A TIKI HUT IN EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT 6612 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Why the action is necessary:

The LPA reviews the Special exception request and makes recommendations to the Town Council.

What the action accomplishes:

The recommendations of the LPA will be forwarded to the Town Council.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

The applicant is requesting a special exception to allow like-for-like replacement of a tiki hut in the Environmentally Critical (EC) zoning district seaward of the 1978 Coastal Construction Control Line (CCCL).

Section 34-652(e) of the Town's LDC allows reconstruction of accessory structures like tiki hut into the EC district only by special exception. Therefore, the Applicant is requesting a special exception to allow like- for-like replacement of a tiki hut in the EC zoning district.

Attachments:

1. Resolution 25-XX , SEZ 20250116 for 6612 Estero- Island winds condo
2. LPA Staff report
3. Exhibit A- aerial image
4. Exhibit B- site plan
5. Exhibit C-Application packet
6. Exhibit D- Photos of pre-storm tiki hut

Financial Impact:

Unknown

6. Alternative Action

Denial/ Approval of SEZ20250116, a request to allow like-for-like replacement of 1 tiki hut in the Environmentally Critical zoning district

7. Staff Recommendations:

Approval with conditions for SEZ20250116, a request to allow like-for-like replacement of 1 tiki hut in the Environmentally Critical zoning district.

8. Recommended Approval:

Judith Frankel, Principal Planner

Date: August 26, 2025

Georgina Cid, Community Development Manager

Date: August 27, 2025

Frankie Kropacek, Community Development Director

Date: August 28, 2025

nancy stuparich, Town Attorney

Date: August 29, 2025

Amy Baker, Town Clerk

Date: August 29, 2025

RESOLUTION NUMBER 25-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250116 TO ALLOW LIKE-TO-LIKE REPLACEMENT OF A TIKI HUT IN EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT 6612 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, applicant David Nusbaum on behalf of owner Island Winds Condominium Association, is requesting a special exception to allow like-for-like replacement of a tiki hut in Environmentally Critical zoning district seaward of 1978 CCCL; and

WHEREAS, the STRAP number for the subject property is 34-46-24-W4-02100.00CE; and

WHEREAS, the Property is located in the “Medium Residential” and “Recreation” category of the Future Land Use Map of the Comprehensive Plan; and

WHEREAS, the Property is located in the “multi-family residential” and the “Environmentally Critical” zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on September 09, 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 34-88 of the LDC and voted ___ to ___ to recommend approval/ approval with conditions/ denial of the special exception request; and

WHEREAS, on October 6, 2025 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by 34-88 of the LDC; and

WHEREAS, the Town Council determined it is/ is not in the best interest of the Town to approve/approve with conditions/deny the request.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

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

Section 2. The Town Council determines the Applicants did/ did not meet their burden of proof that the requested Special Exception does/ does not meet the requirements of the Town Comprehensive Plan and LDC, and approving the Special Exception is/ is not in the best interest of the Town to approve. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicants, Town staff, and interested parties and public, the Town Council **APPROVES/APPROVES WITH CONDITIONS/DENIES** the special exception request to allow like-for-like replacement of a tiki hut in Environmentally Critical zoning district seaward of 1978 CCCL.

Section 3. In approving/ approving with conditions/ denying the Special Exception, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-88 of the LDC:

- A. Changed or changing conditions which make approval of the request appropriate.
- B. The request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- C. The request meets all performance and locational standards for the proposed use.
- D. The request will protect, conserve, or preserve environmentally critical areas and natural resources.
- E. The request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- F. The requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code; and

In accordance with the additional regulations and considerations found in Section 6-366 of the LDC:

- A. Any repairs must comply with all relevant local and state floodplain regulations.
- B. Repairs may not damage existing dunes or dune vegetation.
- C. Repairs, other than those limited to emergency repairs to enclose a damaged structure, may not be completed during sea turtle nesting season.
- D. A new special exception must be applied for each time the structure is repaired.

Section 4. If the Town Council approves/denies the requested special exception and the following conditions of approval are imposed on the Applicants and the Property:

- A. Approval of this special exception 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.
- B. Each time the structure is repaired, the applicant must request a new special exception approval and permit prior to beginning construction.
- C. Construction may not occur during sea turtle season.
- D. Failure to comply with any of the above-mentioned conditions of approval for the Special Exception will render this approval null and void.

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

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

ADOPTED this ____ day of October, 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of October, 2025.



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Special Exception

CASE NUMBER: SEZ20250116

CASE NAME: Special Exception for like-to-like replacement of 1 tiki hut in EC zoning district, for the property located at 6612 Estero Blvd.

LPA

HEARING DATE: September 09, 2025

STAFF

RECOMMENDATION: Approval with conditions

**PREPARED/
SUBMITTED BY:** Sakshi, LEED AP ND/ Jason Green, AICP, PMP

I. APPLICATION SUMMARY

Applicant/Owner: David Nusbaum/ Island Winds Condominium Association

Request: To allow like-for-like replacement of 1 tiki hut in the Environmentally Critical zoning district.

Subject property: See attached site plan

Physical Address: 6612 Estero Boulevard

STRAP #: 34-46-24-W4-02100.00CE

FLU: Medium Residential and Recreational

Zoning: Residential, Multifamily and Environmentally Critical

Adjacent zoning and land uses:

North: LOW DENSITY RESIDENTIAL
Single family residential

South:	GULF OF MIEXICO
East:	MEDIUM RESIDENTIAL AND RECREATIONAL Commercial resort and Environmentally Critical
West:	MEDIUM RESIDENTIAL AND RECREATIONAL Multifamily Residential and Environmentally Critical

II. BACKGROUND AND ANALYSIS

Background:

The applicant is requesting a special exception to allow like-for-like replacement of a tiki hut in the Environmentally Critical (EC) zoning district seaward of the 1978 Coastal Construction Control Line (CCCL).

Section 34-652(e) of the Town's LDC allows reconstruction of accessory structures like tiki hut into the EC district only by special exception. Therefore, the Applicant is requesting a special exception to allow like- for-like replacement of a tiki hut in the EC zoning district.

Analysis:

The purpose of the EC zoning district is to designate beaches and significant wetlands whose preservation is deemed critical to the Town of Fort Myers Beach through its comprehensive plan. The site's current multi-family residential use has been in place since 1974, before the establishment of the 1978 CCCL. The property has supported this tiki hut since 2012 and was destroyed during hurricane Ian in 2022. The Applicant is proposing the reconstruction of the tiki hut which lies in the EC district and beyond the 1978 CCCL.

Neighborhood Compatibility:

The Island Winds Condo Association has been at this location with this layout since 1974. The proposed replacement of the tiki hut is similar to pre-Ian conditions. Granting a special exception for the proposed replacement of the tiki hut would not impact the character of the neighborhood.

Findings and Conclusions:

Special Exception Findings

Section 6-366(b)(3) Regulations and Considerations

LDC Section 6-366 includes additional regulations and considerations for special exception approval of repairs in the EC zoning district:

1. *Any repairs must comply with all relevant local and state floodplain regulations.*
The development will comply with local and state floodplain requirements.

2. *Repairs may not damage existing dunes or dune vegetation.*
The repairs are proposed in conjunctions with Environmental review to ensure that no dunes or native vegetation will be impacted. Any plantings proposed will be required to be Florida friendly, or otherwise acceptable to the Town and Florida DEP.
3. *Repairs, other than those limited to emergency repairs to enclose a damaged structure may not be completed during sea turtle nesting season.*
Sea turtle nesting season begins May 1st and ends on October 31st. Construction will be completed outside of nesting season.
4. *A new special exception must be applied for each time the structure is repaired.*
This is included as one of the conditions for approval.

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

- 1) *Whether there exist changed or changing conditions which make approval of the request appropriate.*

The existing tiki hut was damaged during Hurricane Ian.

- 2) *Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.*

Policy 5-D-1 states: Development (other than minor structures) shall not be allowed seaward of the 1978 Coastal Construction Control Line. Development seaward of the 1991 Coastal Construction Control Line may be permitted provided it complies with this comprehensive plan and all state and local permitting requirements.

The proposed like-for-like replacement of the tiki hut does not create any new development or change the location from what previously existed on the site. Therefore, staff believes that this proposed request does not fall within the definition of development in the Town's code of ordinance:

- The LDC defines *Development* as (1) A subdivision, as defined in this chapter; or (2) Any improvement to land, as defined in this chapter.
- The LDC defines *Improvement* to land as any change to land or to any structure on the land, and shall include any movement or grading of land, except grading which is incidental to the removal of exotic vegetation and which is not prohibited by ch. 22 of this LDC; clearing of indigenous plant communities; and the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; provided, however, that any change to a building which does

not involve a change in the building floor area shall not be deemed an improvement to land.

- 3) *Whether the request meets or exceeds all performance and locational standards for the proposed use.*

The request will comply with local, state, and federal air, noise and water pollution standards. It will not adversely affect water quality, and it will not create a nuisance to adjacent properties.

- 4) *Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.*

The request will maintain what was previously constructed on this property. It will not have an additional negative impact.

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

There is no anticipated negative impact or injury to surrounding properties.

- 6) *Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.*

The proposed reconstruction of a tiki hut will all be completed in compliance with the Town's Land Development Code.

III. RECOMMENDATION

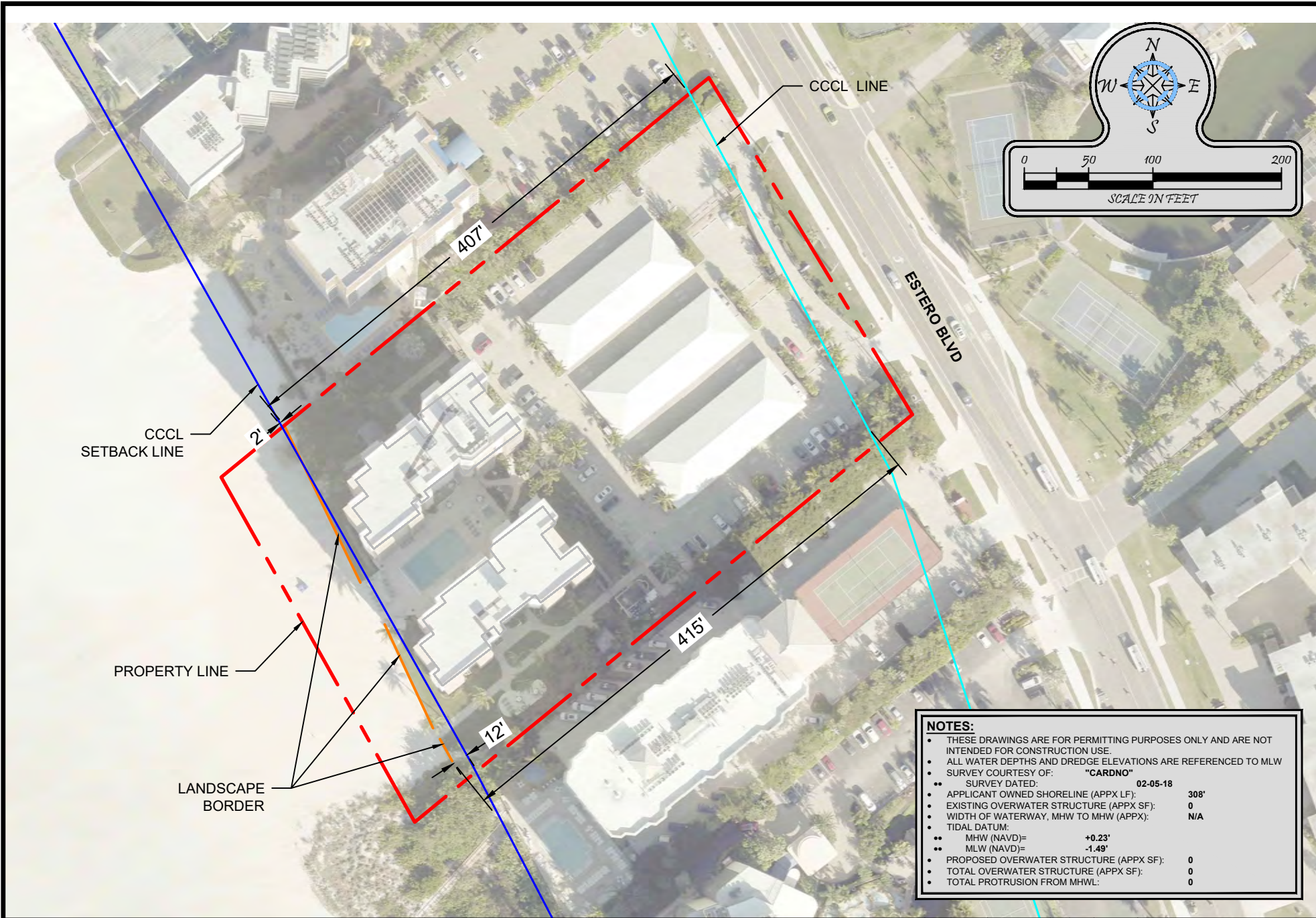
Staff finds that the special exception to replace a tiki hut in EC zoning district is in compliance with LDC Sec. 34-88(b). Therefore, staff **recommends approval with conditions** of SEZ20250116 for the like-to-like reconstruction of the existing tiki huts.

If LPA recommends approval for the requests, staff recommends the following conditions of approval.

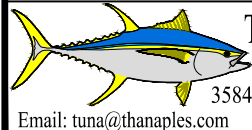
III. CONDITIONS OF APPROVAL

- 1) Approval of this special exception 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) Each time the structure is repaired, the applicant must request a new special exception approval and permit prior to beginning construction.

- 3) Construction shall not occur during sea turtle season.
- 4) Failure to comply with any of the above-mentioned conditions of approval for the Special Exception will render this approval null and void.



- NOTES:**
- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
 - ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
 - SURVEY COURTESY OF: "CARDNO"
 - SURVEY DATED: 02-05-18
 - APPLICANT OWNED SHORELINE (APPX LF): 308'
 - EXISTING OVERWATER STRUCTURE (APPX SF): 0
 - WIDTH OF WATERWAY, MHW TO MHW (APPX): N/A
 - TIDAL DATUM:
 - MHW (NAVD)= +0.23'
 - MLW (NAVD)= -1.49'
 - PROPOSED OVERWATER STRUCTURE (APPX SF): 0
 - TOTAL OVERWATER STRUCTURE (APPX SF): 0
 - TOTAL PROTRUSION FROM MHWL: 0



Turrell, Hall & Associates, Inc.
 Marine & Environmental Consulting
 3584 Exchange Ave. Naples, FL 34104-3732
 Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

6610 ESTERO BLVD **CCCL PLAN**

RY NO. 5875 THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	JJ	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	02-15-23	2.	-	-	-	-
JOB NO.:	23005	3.	-	-	-	-
SHEET NO.:	04 OF 04	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 34 TOWNSHIP- 46 S RANGE- 24 E

16'x20' Authentic Tiki Hut
 Located 20' from the north
 property line and 321' from
 the south property line.
 2' seaward of the 1978 CCL
 Same location as the pre-lan
 Tiki Hut.

CCL Setback Line

SEAWATCH-ON-THE-
 CONDOMINIUM PLAT BOOK 7, PAGE 7

490'(D)
 BASIS OF BEARING
 NORTH LINE OF PARCEL "B"
 295.62'

FOUND 3" X 3" CONCRETE MONUMENT
 (NO IDENTIFICATION)
 S 50°53'05" W
 490'(D)

PARCEL "B"
 S 38°56'01" W 25.67'
 S 51°03'59" W 30.38'
 S 39°06'55" E 85.57'

SEE
 SITE DETAIL

PARENT PARCEL
 ISLAND WIND CONDO
 TAX PARCEL NO. 34-48-24-W4-02100.00
 OFFICIAL RECORD BOOK 2888, PAGE 488

13 STORY BUILDING

PARCEL "A"

GULLING BEACH RESORT
 A COMMERCIAL RESORT CONDOMINIUM
 CONDOMINIUM PLAT BOOK 27, PAGE 45

FLOOD ZONE: VE
 BASE FLOOD ELEVATION = 14' NAVD'88

APPROXIMATE LOCATION OF LINE
 SEPARATING FLOOD ZONE

APPROXIMATE LOCATION OF LINE
 SEPARATING FLOOD ZONE

FLOOD ZONE: VE
 BASE FLOOD ELEVATION = 13' NAVD'88

APPROXIMATE LOCATION OF LINE
 SEPARATING FLOOD ZONE

500'(D)
 LIMITS OF PLAT

POINT OF BEGINNING
 PARCEL "A"

COVERED PARKING AREA

COVERED PARKING AREA
 SOUTH LINE OF PARCEL "B"
 NORTH LINE OF PARCEL "A"

COVERED PARKING AREA

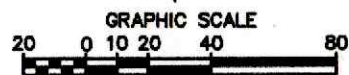
POINT OF TERMINUS: 20' WIDE
 CENTERLINE OF AT&T 20' WIDE
 INGRESS AND EGRESS EASEMENT
 ASPHALT
 151.65'(D)
 306.99' W
 151.65'(D)

FOUND 1 1/2" IRON
 (NO IDENTIFICATION)

N

GULF OF MEXICO

321'
 BASE FLOOD ELEVATION = 16' NAVD'88



GRAPHIC SCALE

(IN FEET)

SCALE FOR 24" X 36" SHEET: 1" = 40'

SCALE FOR 11" X 17" SHEET: 1" = 80'



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: 6610 Estero Blvd. Fort Myers Beach, FL 33931

STRAP Number: 34-46-24-W4-02100.00CE

Applicant: Island Winds Condominium Assoc Phone: 239-414-8804

Contact Name: Dave Nusbaum-President Phone: 239-442-8907

Email: manager@islandwindsflorida.com Fax: NA

Current Zoning District: Multifamily Residential

Future Land Use Map (FLUM) Category: Mixed Residential/Recreational

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*: Island Winds Condominium Phone: 239-414-8804

**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: 6610 Estero Blvd., Fort Myers Beach, FL 33931

Email: manager@islandwindsflorida.com Fax: NA

Contact Name: Dave Nusbaum-President Phone: 260-442-8907



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: Tim Ryan-Property Manager Phone: 239-414-8804
Address: 6610 Estero Blvd., Fort Myers Beach, FL 33931
Email: manager@islandwindsflorida.com Fax: NA

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

Name: Dave Nusbaum-President Phone: 262-442-8907
Address: 6610 Estero Blvd. Unit 523, Fort Myers Beach, FL 33931
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.

Signature

Printed Name

STATE OF _____ COUNTY OF _____

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

presence OR ____ online notarization, this ____ day of _____, 20____, by

_____, ☐ who is personally known to me OR ☐ who has produced

_____ as identification.

(SEAL)

Notary Public Signature

PART V

Property Ownership (Multiple Owners)

☒ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☒ Complete Disclosure of Interest Form (see below)
- ☒ Attach list of property owners as Exhibit 5-1
- ☒ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☒ For condominiums and timeshares see Explanatory Notes Part V - Exhibit 5-3
- ☒ Letter of Opinion - Exhibit 5-4

DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Name, Address and Office

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, David Nusbaum Exhibit 5-1 (name), as President (title)
of Island Winds Cond Assoc. (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

Island Winds Condo Assoc.

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

Signature

David Nusbaum

Typed or Printed Name

President

Title

4/21/25

Date

STATE OF FL COUNTY OF LEE

The foregoing instrument was certified and subscribed before me by means of ___ physical presence OR ☐ online notarization, this ____ 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: 34-46-24-W24-02100.00CE

Property Address: 6610/6612 Estero Blvd Common area uses above Strap #

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: MCPHIE PARK

Book: 8 Page: 59 Unit: 2 Block: 1 Lot(s): 4

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) 300 feet
Depth (please provide an average width if irregular in shape) 500 feet
Frontage on street: 300 feet. Frontage on waterbody: 306 feet
Total land area: 150,000 ☐ acres ☒ square feet

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

Approximately 1.3 miles north of Big Carlos Pass bridge located at
6610 Estero Blvd. immediately north of Gull Wing Resort

☒ 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 |



Case# _____

Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-A

Additional Required Information for a Special Exception Application

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

Project Name: Island Winds Tiki Hut Replacment
Authorized Applicant: David Nusbaum
LEOPA STRAP Number(s): 34-46-24-W4-02100.00CE
Island Winds Condominium Assoc. 6610/6612 Ester Blvd.

Current Property Status: Condominium
Current Zoning: Multi Family Residential
Future Land Use Map (FLUM) Category: Mixed Residential
Platted Overlay? ☐ yes ☒ no FLUM Density Range:

Requested Action:

☒	Use of premises in the EC (Environmentally Critical) zoning district for:
	Build a like for like Tiki Hut that was destroyed by Hurricane Ian
☒	Use of premises in the <u>Multi Family Residential</u> zoning district for:
	Recreational use by condominium owners



Case# _____

Date Received: _____

PART I
Narrative Statements

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

See Exhibit N-1

B. **Reasons for request:** (state how the property qualifies for a special exception and what impact granting the request could have on surrounding properties. Direct these statements toward the guidelines in LDC Section 34-88)

The property qualifies for a Special Exception because:
See Exhibit N-2
See Exhibit N-3 & N-3a
See Exhibit N-4

Granting the requested Special Exception could impact surrounding properties as follows:
Tiki Hut will not impact the surrounding properties.
As noted in the attached letter from Timothy Hall, Senior Ecologist, Turrell Hall and Associates, the reconstruction of the Island Winds' tiki hut will not result
in any adverse impacts to sea turtles or their nesting (Exhibit 6-5a)
As noted in the attached letter from Michael Antinelli, PE, Brizaga, the section of
the beach located between FDEP monuments R-200 and R-203 immediately
adjacent to Island Winds, has been documented to be neither stable or slightly
erosional, but accretional. (Exhibit 6-5b)

PART 2 Submittal Requirements

All applications for a special exception must submit fourteen (14) copies of this application form and all applicable exhibits.

Required Items

- Public Hearing Request Form
- Supplemental form PH-A
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; all proposed structures and uses for the site; and any proposed fencing and screening.
- Fee in the amount of \$3800.00/\$3300.00 for an amendment

For New Communication Towers:

- a. Lee County Application for Communication Tower
- b. Shared-Use Plan Agreement

Michelle H. Kaiser, Esq., LL.M., M.B.A.
Senior Attorney
Phone: 239.552.3205 Fax: 239.263.1633
MKaiser@beckerlawyers.com



Becker & Poliakoff
Six Mile Corporate Park
12140 Carissa Commerce Court, Suite 200
Fort Myers, Florida 33966

Northern Trust Building
4001 Tamiami Trail North, Suite 270
Naples, Florida 34103

April 9, 2025

Town of Fort Myers Beach
2525 Estero Boulevard
Fort Myers, Florida 33931

**Re: Island Winds Condominium Bath and Racquet Club Association, Inc.
Town of Fort Myers Beach Special Exception Application - Tiki Hut**

To Whom It May Concern:

Please be advised this Firm represents Island Winds Condominium Bath and Racquet Club Association, Inc. (the "Association"). In that capacity we have been directed to provide this letter of opinion to the Town of Fort Myers Beach concerning the Association's Special Exception application to reconstruct its tiki hut that was destroyed in Hurricane Ian.

Specifically, Section 34-201(a)(1)b.3. of the Town of Fort Myers Beach Municipal Code of Ordinances provides as follows:

(a) *Initiation of application.* An application for a rezoning, development of regional impact, special exception, appeal from administrative action, or variance may be initiated by:

(1) A landowner, or his authorized representative, for his own property; provided, however, that:

...

b. Where the property is a condominium or a timeshare condominium, as defined and regulated in F.S. chs. 718 and 721, respectively, an application or petition may be initiated by both the condominium association and no less than 75 percent of the total number of condominium unit owners, or by both the owners' association and no less than 75 percent of timeshare condominium unit owners.

...

3. So as to protect the legal rights of nonparticipating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents or timeshare documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions therein, or any federal or state law regulating condominiums or timeshare plans, or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no such rights.

This opinion letter is intended to comply with Section 34-201(a)(1)b.3., cited above, confirming that following our examination of the Declaration of Condominium, the Articles of Incorporation, and Bylaws for the Association, there is no prohibition in such documents concerning the Association's authority to submit the subject Special Exception application.

The subject Special Exception application does not violate any rights of a Unit Owner contained in the foregoing documents and there is no federal or state law regulating condominiums which would prohibit the Association with filing the subject Special Exception Application.

We express no opinion in this letter as to any consent, approval, authorization, or other action or filing necessary for future assertions by the Association. We express no opinion as to the laws of any jurisdiction other than the laws of the State of Florida and the laws of the United States of America.

The opinions expressed above concern only the effect of the laws (excluding the principles of conflict of laws) of the State of Florida and the United States of America as currently in effect. We assume no obligation to supplement this opinion if any applicable laws change after the date of this opinion, or if we become aware of any facts that might change the opinions expressed above after the date of this opinion.

This opinion is given solely for the use and benefit only of the Association as it pertains to its Special Exception application and is limited in its use to reliance by the Town of Fort Myers Beach and may not be relied upon by any other parties, furnished to any other party, quoted, or otherwise used without the prior express written consent of the undersigned Firm.

The Town of Fort Myers Beach

April 9, 2025

Page 3

This opinion is as of the date hereof and we disclaim any obligation to advise you of any change which hereafter may be brought to our attention.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michelle H. Kaiser".

Michelle H. Kaiser, Esq., LL.M., M.B.A.
For the Firm

MHK/JEA/KOB/oms

cc: Island Winds Condominium Bath and Racquet Club Association, Inc.
Joseph E. Adams, Esquire
Katie O. Berkey, Esquire, AICP

April 18, 2025

TO: ALL UNIT OWNERS

Re: Island Winds Condominium Bath and Racquet Club Association, Inc.
Hurricane Ian / Tiki Hut Reconstruction
Town of Fort Myers Beach Special Exception Application

**FOLLOW UP NOTICE
INITIATION OF SPECIAL EXCEPTION APPLICATION WITH THE
TOWN OF FORT MYERS BEACH TO RECONSTRUCT THE TIKI HUT**

Dear Unit Owners of Island Winds Condominium Bath and Racquet Club Association, Inc.:

As you are aware, Hurricane Ian destroyed our Tiki Hut on the beach. In order to reconstruct the Tiki Hut as it previously existed, the Town of Fort Myers Beach requires Island Winds Condominium Bath and Racquet Club Association, Inc. (the "Association") to file a Special Exception application (the "Application"). To initiate the Application, the Fort Myers Beach Municipal Code of Ordinances Section 34-201(a)(1)b requires the Association to give all Unit Owners actual written notice of the Application and the Application may be initiated with the agreement of no less than seventy-five percent (75%) of the total number of condominium Unit Owner.

On April 11, 2025, the Association provided written notice of the Application to all Unit Owners requesting their acknowledgement and consent to initiate the Application. Notice is hereby given that on April 18, 2025, at least seventy-five percent (75%) of the Unit Owners consented to the initiation of the Application. The result of the consents were as follows:

UNITS THAT CONSENTED TO INITIATE THE APPLICATION:	= 85
UNITS THAT DID NOT CONSENT	= 15
TOTAL VOTING INTERESTS	= 100
75% OF VOTING INTERESTS	= 75

Having received the requisite consent to initiate the Application, the Association will now apply to the Town of Fort Myers Beach for a Special Exception to reconstruct the Tiki Hut.

Sincerely,



Tim Ryan, Property Manager

Island Winds Condominium Bath and Racquet Club Association, Inc.

Special Exception Application Head Count			
Names and Unit Number	Yes/No	Names and Unit Number	Yes/No
Anne E Ehrnfelt Rev Trust - 101	Yes	Dr. Kwang Ho & Dong You Cho - 801	Yes
David & Gail Holman - 102	Yes	Patricia Huff - 802	Yes
John Otteson - 103	Yes	Michael & Stacy Steidel - 803	Yes
Gerhard Stadler - 123	NR	Perry Kathleen Skaurud Famil Trust - 804	Yes
Bryan Real Estate LLC - 201	Yes	Tim & Sue McCord - 821	Yes
Paul & Mary Balash - 202	NR	Steven Ulrich - 822	Yes
JG Carr LLC - 203	Yes	James & Anne Freiburger - 823	Yes
Joseph & Janet Scheiner - 204	Yes	Robert J Edwards Revocable Liv Trust - 824	Yes
Nancy & Mary Bateman - 221	Yes	Nathaniel J Goetz - 901	Yes
Manager's Unit	Void	Edwin & Carey Feildhouse - 902	Yes
Dan & Joellyn Brough - 223	Yes	James & Trinny Smith - 903	Yes
John Lemmons - 224	Yes	Nancy & Mary Bateman - 904	Yes
Betty Bentle - 301	Yes	Warren & Ellen Schoen - 921	Yes
Larry & Jean Wiedeman - 302	Yes	Texcana Holding Company - 922	No
Richard & Felicia Warner - 303	Yes	Charles & Carolyn Angell - 923	Yes
Gale & Dolores Hill - 304	NR	Zeno Chicarilli - 924	Yes
Daniel & Monica Hoeft - 321	NR	Michael & Stacy Steidel - 1001	Yes
Bill & Beva Huser - 322	Yes	Gary Pugliano - 1002	NR
Alexey Pavlinchuk - 323	NR	American High Lift Richard Palmer - 1003	Yes
Robert Martin - 324	Yes	Phillip & Patricia Thornberry - 1004	Yes
Jeanne Lombardo - 401	Yes	Kathleen Skaurud Perry - 1021	Yes
James David Myers - 402	Yes	Island Winds LLC Jennifer Lee - 1022	Yes
Pierre & Arlene Adams - 403	Yes	Brad & Jill McEldowney - 1023	Yes
Gary & Julia Perelli - 404	Yes	Richard & Mary Sabina - 1024	Yes
Lloyd & Mary Karmeier - 421	Yes	Craig & Donna Marvin - 1101	Yes
John & Patricia Rittinger - 422	Yes	John & Valerie Vranicer - 1102	Yes
Joanne Culter - 423	Yes	Jim & Janet Orbik - 1103	Yes
Joanne Culter 424	Yes	Preston Farmer - 1104	Yes
David & Marisa DeLuke - 501	Yes	Rob & Michelle Diplotti - 1121	Yes
Mark-Justin & Heather DeGrandis - 502	NR	Tim & Sue McCord - 1122	Yes
John Newell - 503	Yes	Susan Shaw - 1123	Yes

John & Mary Keener - 504	Yes	John & kimberly Miller - 1124	Yes
Thomas & Julie Miller - 521	Yes	Janet Michell - 1201	No
Gary Miller - 522	Yes	Bobbi Connor - 1202	Yes
Dave & Julie Nusbaum - 523	Yes	Richard & Beatrice Muzyka - 1203	Yes
JG Carr LLC - 524	Yes	Denise Bettenhausen - 1204	Yes
Dale & Delores Hill - 601	NR	Bill & Mary Ellen Borman - 1221	Yes
Elaine Kuracina - 602	Yes	Frank & Beatrice Troiano - 1222	Yes
James & Alvera Morgan Estate - 603	Yes	Ken & patricia Lawson - 1223	NR
Joseph & Patricia Burtka - 604	Yes	Craig & Donna Marvin - 1224	Yes
Tom & Carole Kelley - 621	Yes	Gregory & Kristy Mills - PH 1	Yes
Kathy Dixon - 622	Yes	Joseph Rinaldi - PH 2	NR
Dr. Rogelio & Lynette Allanique - 623	NR	Antoinette Cancelliere - PH 3	Yes
Linda Miller - 624	Yes	Thomas & Joanne Etter - PH 4	Yes
Roger Jacobsen - 701	Yes	Russ & Amy Grosjean - PH 21	Yes
Theodore & Karen Bots - 702	Yes	Charles & Nancy Creech - PH 22	Yes
David & Kandi Sudduth - 703	Yes	Odino Soligo - PH 23	No
David & Beth Bishop - 704	NR	Brian & Sarah Richmond - PH 24	Yes
Jet Container Company Mark Schmitt - 721	Yes		
Vern A Hunter Trust - 722	Yes		
Vern A Hunter Trust - 723	Yes		
Mike & Candy House - 724	Yes		





Island Winds Condominium Association, Inc. 6610 Estero Blvd. Fort Myers Beach, FL 33931

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

Yellow Sheet Number: **2025-594**

1. Request:

Meeting Date: September 9, 2025

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/APPROVING WITH CONDITIONS/DENYING VARIANCE 20240302, REQUESTING 1)A VARIANCE FROM LDC SECTION 34 TABLE 34-3 TO ALLOW A 19.5 FOOT SETBACK WHERE A 25 FOOT SETBACK IS REQUIRED; AND 2) A VARIANCE FROM LDC SECTION 34-1174(D)(1)A TO ALLOW AN ACCESSORY STRUCTURE SETBACK OF 3.2-FEET WHERE A 5 FOOT SETBACK IS REQUIRED FOR THE PROPERTY LOCATED AT 435 MADISON COURT GENERALLY REFERED TO AS STRAP NUMBER 24-46-23-W1-0060D.025F IN FORT MYERS BEACH; 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:

LPA reviews the application to make recommendations for Town Council consideration.

What the action accomplishes:

Town Council will consider the recommendations by LPA.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

The variances requested are needed to permit the existing constructed residential structure and pool to remain on the property and memorialize the approved setbacks from Building Permit #212060 and Pool Permit #22012. The pool is located 9.1 feet from the seawall and 3.2 feet from the rear lot line. A 5-foot setback from the rear lot line is required. The home is located 19.5-feet from the rear lot line and about 25 feet from the seawall. A 25-foot setback from the rear property line is required. This discrepancy was discovered through the final zoning review to close the building permit. The area between the property boundary and the seawall cannot be included in the measurement of the setback. Variances are necessary to memorialize the location of the constructed residence and address the setback discrepancy.

Attachments:

1. NS LPA Resolution 25-XX 435 Madison
2. Exhibit A - Site Plan/Survey 2023
3. LPA Staff report
4. Application
5. Variance Request Narrative
6. Building Permit 212060 with survey
7. Letters of No Objection

Financial Impact:

Unknown

6. Alternative Action

Approve with conditions

7. Staff Recommendations:

Approval with Conditions

8. **Recommended Approval:**

Judith Frankel, Principal Planner

Date: August 26, 2025

Georgina Cid, Community Development Manager

Date: August 28, 2025

Frankie Kropacek, Community Development Director

Date: August 28, 2025

nancy stuparich, Town Attorney

Date: August 29, 2025

Amy Baker, Town Clerk

Date: August 29, 2025

LPA RESOLUTION 2025-XX

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/APPROVING WITH CONDITIONS/DENYING VARIANCE 20240302, REQUESTING 1)A VARIANCE FROM LDC SECTION 34 TABLE 34-3 TO ALLOW A 19.5 FOOT SETBACK WHERE A 25 FOOT SETBACK IS REQUIRED; AND 2) A VARIANCE FROM LDC SECTION 34-1174(D)(1)A TO ALLOW AN ACCESSORY STRUCTURE SETBACK OF 3.2-FEET WHERE A 5 FOOT SETBACK IS REQUIRED FOR THE PROPERTY LOCATED AT 435 MADISON COURT GENERALLY REFERED TO AS STRAP NUMBER 24-46-23-W1-0060D.025F IN FORT MYERS BEACH; 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, Joseph L. and Bobbi J. Intile ("Owner") of the property located at 435 Madison Court (Property), are requesting a variance from LDC Section 34 Table 34-3 for setback requirements in the RS zoning district resulting in a 19.5-foot setback from the rear property line where a 25-foot setback is required and a 3.2-foot setback to the rear property line for a swimming pool accessory structure where a 5-foot setback is required.

WHEREAS, the STRAP number for the subject property is 29-46-24-W1-0110D.0150; and

WHEREAS, the Property is located in the "Low Density" Future Land Use Map of the Comprehensive Plan and the "Residential Single-family" zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on September 9th, 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___ to approve the variances as shown on the site plan attached as Exhibit B and based on the findings in Exhibit A, 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 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 variance shall only apply to the structure as shown on the provided site plan. Demolition or substantial damage to the structure shall render the variance 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. VAR20240302, with the conditions contained herein, received did/did not receive unanimous approval from eligible voting members of the LPA on September 9th, 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 September, 2025.

Local Planning Agency of the Town of
Fort Myers Beach

By: _____
Anita Cereceda, LPA Chair

Approved as to legal sufficiency:

ATTEST:

By: _____

By: _____

EXHIBITS

- A. Findings Review for each variance
- B. Site Plan

Findings Review

Variance 1) LDC Section 34 Table 34-3 to allow a 19.5-foot rear setback where a 25-foot setback is required

- 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.
 - a. Exceptional conditions are present at the site due to the location of the rear lot line and location of the seawall. It is typical for the lot line and the seawall to be at the same point on a property. The variance is the de minimus to correct the noncompliance. Rigid compliance in this case 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.
 - a. The error made by the contractor were not the result of actions taken by the applicant/homeowners.
- 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.
 - a. The requested variance is the minimum variance necessary to allow the existing home to remain.
- D. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 - a. The granting of this variance is unlikely to be injurious to the neighborhood as the property will appear in reality to comply with the required setbacks.
- 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.
 - a. 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.

Variance 2) LDC section 34-1174(d)(1)a to allow an accessory structure setback of 3.2-feet where 5-foot is required

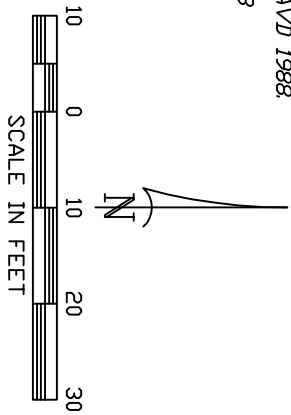
- A. There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
 - a. Exceptional conditions are present at the site due to the location of the rear lot line and location of the seawall. It is typical for the lot line and the seawall to be at the same point on a property. The variance is the de minimus to correct the noncompliance. Rigid compliance in this case 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.
 - a. The error made by the contractor were not the result of actions taken by the applicant/homeowners.
- 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.
 - a. The requested variance is the minimum variance necessary to allow the existing pool to remain.
- D. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 - a. The granting of this variance is unlikely to be injurious to the neighborhood as the property will appear in reality to comply with the required setbacks.
- 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.
 - a. 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.

AS-BUILT SURVEY OF
**LOT 15, BLOCK D,
SHELL MOUND PARK,**
(PLAT BOOK 11, PAGE 4)
SECTION 29, TOWNSHIP 46 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

- LEGEND:
- | | | | |
|--------|--------------------------------|---------|-----------------------|
| ● | SET 1/2" IRON ROD (CAP LB6921) | R.W.B. | RECLAIM WATER BOX |
| ○ | FOUND IRON ROD (I.R.) | W.M. | WATER METER |
| □ | CONCRETE MONUMENT (C.M.) | D/H | OVERHEAD POWER |
| P.R.M. | PERMANENT REFERENCE MONUMENT | P.P. | POWER POLE |
| P.U.E. | PUBLIC UTILITY EASEMENT | G.A.&W. | GUY ANCHOR & WIRE |
| D.E. | DRAINAGE EASEMENT | T.S.B. | TELEPHONE SERVICE BOX |
| P.C. | POINT OF CURVATURE | N/D | NAIL & DISK |
| D.R. | OFFICIAL RECORDS BOOK | N/T.T. | NAIL & TINTAB |
| (S) | AS PER SURVEY | ELEV. | ELEVATION |
| (P) | AS PER PLAT | B.M. | BENCHMARK |
| (C) | COMPUTED | 0' | TYPICAL ELEVATION |
| (1) | CURVE NUMBER | A/C | AIR CONDITIONER |
| L1 | LINE NUMBER | W.S. | WATER SYSTEM |
| R/W | RIGHT-OF-WAY | P.E. | POOL EQUIPMENT |
| 9 | CENTERLINE | C.M.P. | CORRUGATED METAL PIPE |
| E.B. | ELECTRIC BOX | | CONCRETE |
| E.M.P. | ELECTRIC METER POST | | DRAINAGE ARROW |

SURVEY NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MADISON COURT, "ASSUMED" AS BEING S.47°25'37"W.
 2. FIELD NOTES IN SHELL MOUND PARK.
 3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
 5. THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
 6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
 7. THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006, FS 668.501, FS 472.025, 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
 8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
 9. ISSUANCE OF THIS DRAWING, FROM THIS FIRM SHALL NOT RELIEVE THE BUILDER AND/OR CONTRACTORS OF THE RESPONSIBILITY TO REVIEW AND VERIFY ALL NOTES, DIMENSIONS, ELEVATIONS, AND ADHERENCE TO APPLICABLE BUILDING CODES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION. BUILDER MAY NEED TO ADJUST ELEVATION AND/OR SETBACKS PRIOR TO CONSTRUCTION IF OTHER RESTRICTIONS EXIST OR APPLY.
 10. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 11X17, 20 SCALE DRAWING.
 11. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988).
 12. BENCHMARK DERIVED FROM NATIONAL GEODETIC SURVEY (NGS) BENCHMARK DESIGNATION No. 5366F, ELEVATION 22.75 NAVD 1988.
- FLOOD ZONE: "AE" ELEVATION: 11' NAVD 1988
COMMUNITY No.: 120673 PANEL No.: 0558
SUFFIX --- G, REVISION DATE: 11/17/2022
MAP NUMBER: 12071C0558G
- THIS SURVEY IS CERTIFIED TO:
JOSEPH INTILE



REVISED:	DESCRIPTION:	BY:	Phillip M Mould, LS6515, State of Florida
5/7/25	FINAL SURVEY	JPB	Date: 2025.05.27 11:15:46 -0400'
DATE OF LAST FIELD WORK: 5/7/25			
DRAWN:	CHECK:	SCALE	PRD. #
RBH	PMW	1"=20'	SMP-D-15
SURVEY DATE	FILE NO.	SHT.- 1	
5/4/23	46-24-29	DF - 1	
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921			

HARRIS-JORGENSEN, LLC, 3048 DEL PRADO BLVD. S., SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20240302

CASE NAME: 435 Madison Court Variance

LPA

HEARING DATE: September 9th, 2025

STAFF
RECOMMENDATION: Approval with conditions

PREPARED/
SUBMITTED BY: Judith Frankel, Principal Planner

I. APPLICATION SUMMARY

Applicant/Owner: Donovan Dungan, agent, on behalf of Joseph L and Bobbi J Intile owners

Request(s): Applicant requests relief from 1) LDC Section 34 Table 34-3 to allow a 19.5-foot rear setback where a 25-foot setback is required; and 2) LDC section 34-1174(d)(1)a to allow an accessory structure setback of 3.2-feet where 5-foot is required.

Subject property: See attached site plan

Physical Address: 435 Madison Court

STRAP #: 29-46-24-W1-0110D.0150

FLU: Low Density

Zoning: Residential Single-family (RS)

Adjacent zoning and land uses:

North:	Residential Single-family (RS) Low Density
South:	Residential Single-family (RS) Low Density
East:	Residential Single-family (RS) Low Density
West:	Residential Single-family (RS) Low Density

II. BACKGROUND AND ANALYSIS

The variances requested are needed to permit the existing constructed residential structure and pool to remain on the property and memorialize the approved setbacks from Building Permit #212060 and Pool Permit #22012. The pool is located 9.1 feet from the seawall and 3.2 feet from the rear lot line. A 5-foot setback from the rear lot line is required. The home is located 19.5-feet from the rear lot line and about 25 feet from the seawall. A 25-foot setback from the rear property line is required. This discrepancy was discovered through the final zoning review to close the building permit. The area between the property boundary and the seawall cannot be included in the measurement of the setback. Variances are necessary to memorialize the location of the constructed residence and address the setback discrepancy.

This issue arose due to problems with the original contractor for the home and an incorrect property boundary survey, the home and pool were constructed with setbacks measured to the seawall and not the rear property line as required. The applicant has reported that the current surveyor, Harris-Jorgenson revealed that the land between the platted rear boundary and the seawall was not included in the description utilized for the property's warranty deed and therefore cannot be included in the lot boundary as depicted on the Foundation and Final Surveys. The effect of this nuance is that the existing seawall is located beyond the platted boundary by 5.5 feet; therefore, the setback for the principal structure and pool is less than the approved permits and as required by the Land Development Code.

Analysis

Physically, the required setback for the principal structure and pool exists from the seawall but cannot be considered in the setbacks dimensioned on the Foundation and Final Surveys as it does not reflect the recorded Warranty Deed. The 440 square feet of area between the rear platted lot boundary and the existing seawall is not of adequate size to support any additional improvements. Access to the property will remain via the constructed "U" shaped driveway off of Madison Court and leading to a 2-car garage and golf cart garage with no access to the rear of the property, without traversing through the single-family home. The side setbacks are utilized for swales to provide stormwater management consistent with the Town's stormwater management requirements. A vinyl fence has been installed along the sides of the property further restricting access to the rear of the lot from Madison Court. Additionally, the Intile's contracted with Stokes Marine to permit and construct the boat dock and slips and these improvements are existing at the property adjacent to the seawall.

The principal structure will continue to be located 25 feet from the existing seawall and visually will be consistent with the Town's regulations. Letters of No Objection have been secured from the adjacent neighbors on Madison Court and across the canal on Donora Boulevard.

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.*

Exceptional conditions are present at the site due to the location of the rear lot line and location of the seawall. It is typical for the lot line and the seawall to be at the same point on a property. The variance is the de minimus to correct the noncompliance. Rigid compliance in this case is not essential to protect public policy.

- 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 error made by the contractor were not the result of actions taken by the applicant/homeowners.

- 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 requested variance is the minimum variance necessary to allow the existing home and pool to remain.

- 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 is unlikely to be injurious to the neighborhood as the property will appear in reality to comply with the required setbacks.

- 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 application VAR20240302 for relief from 1) LDC Section 34 Table 34-3 to allow a 19.5-foot rear setback where a 25-foot setback is required; and 2) LDC section 34-1174(d)(1)a to allow an accessory structure setback of 3.2-feet where 5-foot is required and found that the request complies with LDC Sec. 34-87

Therefore, staff recommend **APPROVAL WITH CONDITIONS** of VAR20240302, to maintain a constructed single-family home and swimming pool.

IV. CONDITIONS FOR APPROVAL

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

- 1) Approval of this variance 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) The variance shall only apply to the structure as shown on the provided site plan. Demolition or substantial damage to the structure shall render the variance to be null and void.

V. EXHIBITS

- A. Survey
- B. Proposed site plan
- C. Applicant's Narrative
- D. Complete application



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: VAR2024-0302
Project Name: 435 Madison Court
Authorized Applicant:
LeePA STRAP Number: 29-46-24-W1-0110D.0150

Current Property Status: Under Construction	
Current Zoning: RS	
Future Land Use Map (FLUM) Category: Low Density	
Comp Plan Density: 6 du/ac	Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
Table 34-3	Dimensional Regulations in Conventional Zoning Districts
34-1174(d)(1)	Location and Setbacks Generally

Complete the narrative statements below for EACH variance requested.

PART I
Narrative Statements

Request for variance from Table 34-3 & 34-1174(d)(1) **(LDC Section number)**

Explain the specific regulation contained in this section from which relief is sought:
Please see the attached Justification Narrative.

Reasons for request

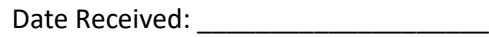
Explain why the variance is needed:
Please see the attached Justification Narrative.

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

Please see the attached Justification Narrative.

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

Please see the attached Justification Narrative.



Please see the attached Justification Narrative.

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.

**Intile Residence
Setback Variance
June 4, 2025**

The Intile Residence is located at 435 Madison Court; which is Lot 15 of Block D in the Shell Mound Park Plat, recorded in Plat Book 11 Page 4 on February 5th 1958 (See **Attachment #1**). The lot was purchased by the Intile's in 2022, with the Warranty Deed (See **Attachment #2**) referencing Lot 15 of Block D Shell Mound Park.

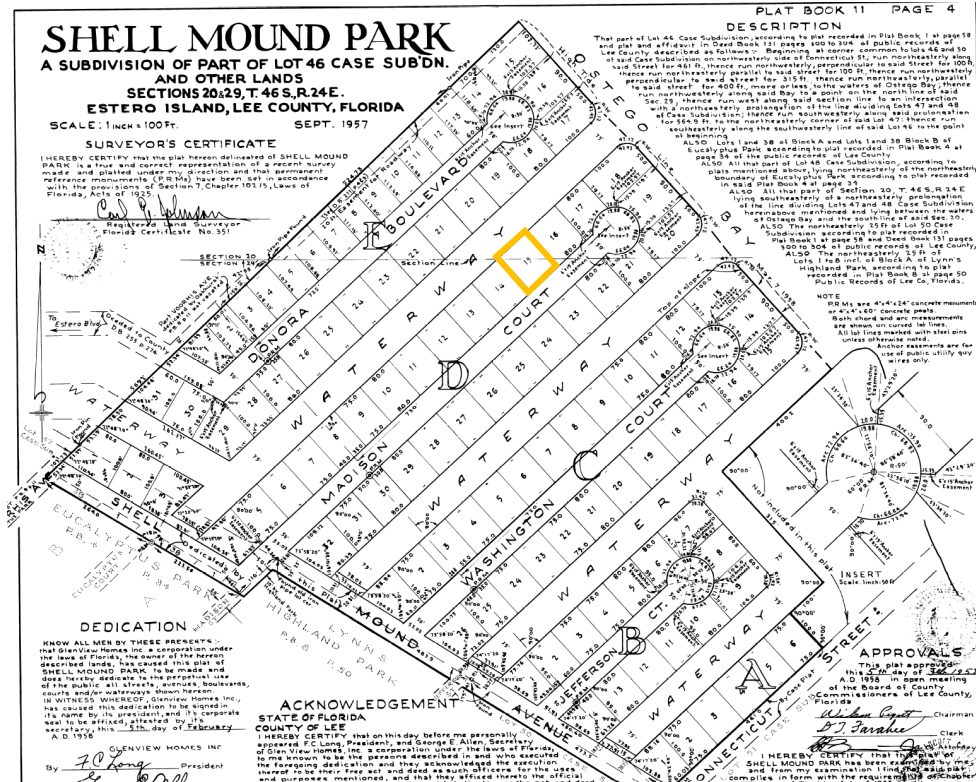


Figure 1. Shell Mound Park & 435 Madison

The recorded plat from 1958 indicates that the lot is 80 feet wide and 100 feet deep for a total square footage of 8,000 square feet. The lot exceeds the minimum property development standards of the RS zoning district by 5 feet in width and 500 square feet in lot area. Further as a lot platted in 1958, it meets the minimum size, area, and ownership requirements for construction of a single family home as outlined in the Single Family Residence Provision of the Town's Procedures and Monitoring Element of the Comprehensive Plan.

I. Background

At the time of purchase, the property was vacant with an existing seawall constructed adjacent to the man-made canal. The Intile's hired Beattie Development Corporation to design and construct the single family residence (Building Permit #212060, See **Attachment #3**), Artesian

Pools to construct an elevated pool (Pool Permit #22012, See **Attachment #4**), and Stokes Marine to construct a dock with 2 boat slips (Dock Permit #210071). The Town of Fort Myers Beach approved the permits for the single family home on August 4, 2022, the pool on September 26, 2022, and the dock with slips on January 25, 2021. Due to Hurricane Ian making landfall on September 28, 2022 construction commencement of the residence and pool were delayed; however, activities did finally commence and continues almost 3 years after the initial permits were issued. Although, final inspections to obtain a certificate of occupancy are anticipated to be requested within the next few months.

In the Spring and Summer of 2024, Beattie Development Corporation came under investigation for incomplete construction and unpaid sub-contractors all over Southwest Florida. The Intile home being one of the properties where construction commenced yet was not completed. As a result of the investigation and complaints filed with the Department of Business and Professional Regulations, Paul Beattie, owner of Beattie Development Corporation, relinquished his professional licenses in November, 2024 and is no longer permitted to operate as a General Contractor. The Intile's have since retained Poseidon Homes as the General Contractor to complete the construction of their home. A Change of Contractor form (See **Attachment #5**) was submitted to the Town in October 2024 and construction of the principle structure has since resumed. A final survey has been prepared to support a request for a Certificate of Occupancy and is attached to this request.

II. Setbacks Required vs Permit Approved

The Town of Fort Myers Beach regulations regarding residential setbacks have been amended several times since the property was purchased in 2020. At the time the pool permit was issued in August of 2022, LDC Section 34-1174 required setbacks for residential accessory structures from a rear lot line that does not have access to an alley was 5 feet. In August of 2022, Ordinance 20-19 was in effect and established a required setback of 25 feet for a lot on a waterbody.

The building and pool permits utilize a survey (See **Attachment #6**) prepared by Affordable Surveys for Albright Holdings, the former owner of 435 Madison. The survey correctly describes the property as Lot 15 of Block D in Shell Mound Park. Additionally, the sketch of the lot incorporates a witness line and additional land between the rear lot line and the seawall. Effectively, the survey provided functions as an As Built Survey ("Affordable Survey") of the vacant property; showing the on-site improvements as it relates to the survey markers on-site. This survey was not attached to the warranty deed transferring ownership of the lot to the Intile's.

The building and pool designs utilized the Affordable Survey; however the designer measured the rear setback for the residence from the existing seawall, demonstrating the required 25 foot setback for the principle structure was provided. This measurement seems consistent with the definitions within Section 34-2 of the Town's land development code:

- Rear setback is required to be “measured from the rear lot line.”
- Rear lot line “is parallel or concentric with an most distant from the front line of the lot.”

However, the description included in the Warranty Deed does not include the area (440 SF) between the platted rear boundary and the seawall. Therefore, it has been determined that this area cannot be included in the measurement of the setback and a variance is necessary to memorialize the location of the constructed residence and address the setback discrepancy.

Similarly, the approved pool permit also measured the rear setback for the pool and deck from the existing seawall demonstrating the pool is setback 8'10^{3/4}" and 9' 8^{1/2}" from the existing seawall, in excess of the 5 feet required. The pool was constructed and certified complete by the Building Official on May 17, 2024 (See **Attachment #7**). Therefore, as with the principle structure, it was determined that a variance is necessary to memorialize the location of the constructed and completed pool as well as addressing the setback discrepancy from the platted lot boundary.

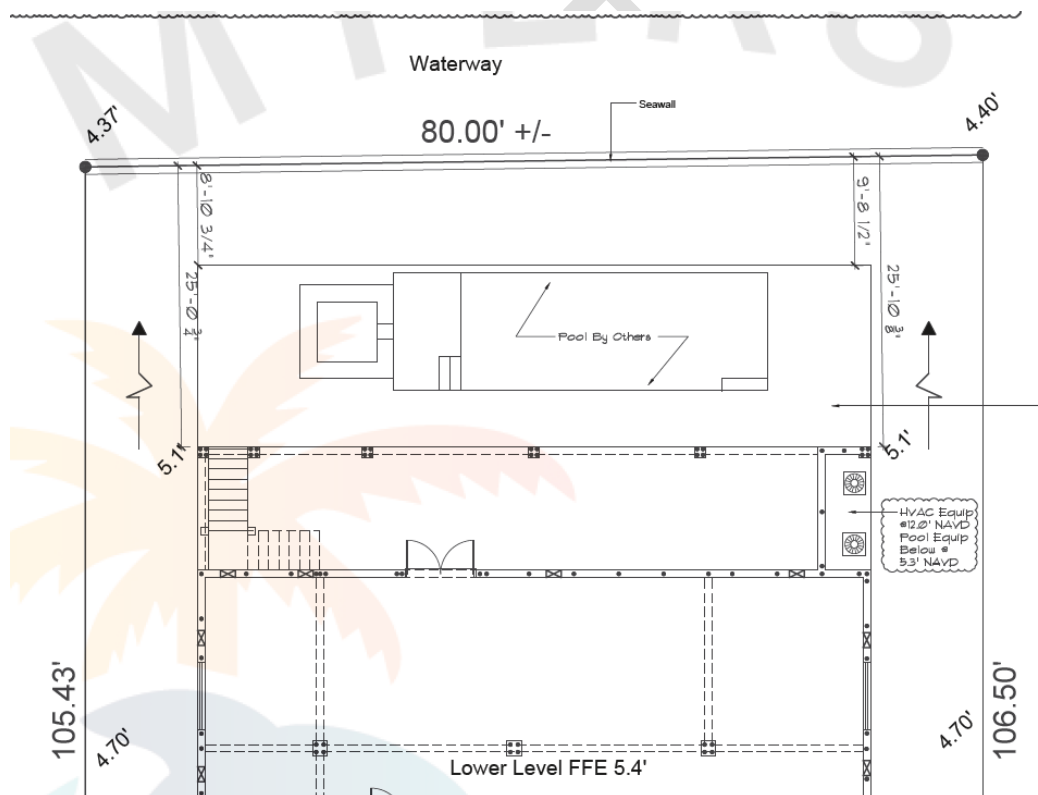


Figure 2. Site plan for approved building and pool permits

III. Foundation Completion

According to Town records, the foundation and stem wall associated with the pool were inspected and passed in March of 2023. A certificate of completion request for the pool was filed

with the Town on January 16, 2024 and the certificate was issued May 17, 2024. Similarly, Town records demonstrate that the inspections for the grade beam, floor slab, tie beam, and Sheathing/Engineering/Bucs all passed and construction on the single family residence continued.

Consistent with inspection procedures, a Foundation Survey was prepared and provided to the Town of Fort Myers Beach (See **Attachment #8**). The Foundation Survey was signed and sealed on May 9th, 2023 after the floor slab inspection. A Final Survey was prepared May 7, 2025 and is attached to this application as **Attachment #9**. The Foundation and Final Surveys are also considered As Built Surveys; however they provide more clarity regarding the platted boundaries of the property and the relationship to the existing and recently constructed improvements that occur within and adjacent to the platted boundary.

Discussions with the current surveyor, Harris-Jorgenson revealed that the land between the platted rear boundary and the seawall are not included in the description utilized for the property's warranty deed and therefore cannot be included in the lot boundary as depicted on the Foundation and Final Surveys. The effect of this nuance is that the existing seawall is located beyond the platted boundary of Lot 15 by 5.5 feet; therefore, the setback for the principal structure and pool is less than the approved permits and as required by the Land Development Code. Physically, the required setback for the principle structure and pool exists from the seawall but cannot be considered in the setbacks dimensioned on the Foundation and Final Surveys as it does not reflect the recorded Warranty Deed.

IV. Requested Variance

To address the setback discrepancies associated with the approved building and pool permits and the Foundation and Final Surveys, an after the fact variance is requested to reduce the setbacks of the constructed principle structure and the completed, certified pool to reflect the rear setback distance to the platted rear lot line. Variances to the Town's land development code requirements are permitted when the following criteria are met.

- a. The section number and the particular regulation of this code from which relief (variance) is requested.*

Two variances are requested to address the constructed rear setback of the principle structure and the certified complete rear setback of the elevated pool.

- 1. A variance from Table 34-3 which requires a 25-foot rear waterbody setback for a principle structure to allow 19.5 feet.**
- 2. A variance from LDC Section 34-1174(d)(1)a which requires residential accessory structures to be setback from a rear lot line without access to an alley a minimum of 5 feet to allow 3.2 feet.**

b. The reason why the variance is needed.

The variances are needed to permit the existing constructed residential structure and pool to remain on the property and memorialize the approved setbacks from Building Permit #212060 and Pool Permit #22012.

Utilizing the platted rear lot line rather than the seawall has reduced the depth of the property by 5.5 feet. In turn, the existing setbacks of the principle structure and pool has been reduced by 5.5 feet; which is less than the required distance provided in the land development code. However, the conditions of the property “on the ground” will not be altered. The 440 square feet of area between the rear platted lot boundary and the existing seawall is not of adequate size to support any additional improvements. Access to the property will remain via the constructed “U” shaped driveway off of Madison Court and leading to a 2 car garage and golf cart garage with no access to the rear of the property, without traversing through the single family home. The side setbacks are utilized for swales to provide stormwater management consistent with the Town’s stormwater management requirements. A vinyl fence has been installed along the sides of the property further restricting access to the rear of the lot from Madison Court. Additionally, the Intile’s contracted with Stokes Marine to permit and construct the boat dock and slips and these improvements are existing at the property adjacent to the seawall.

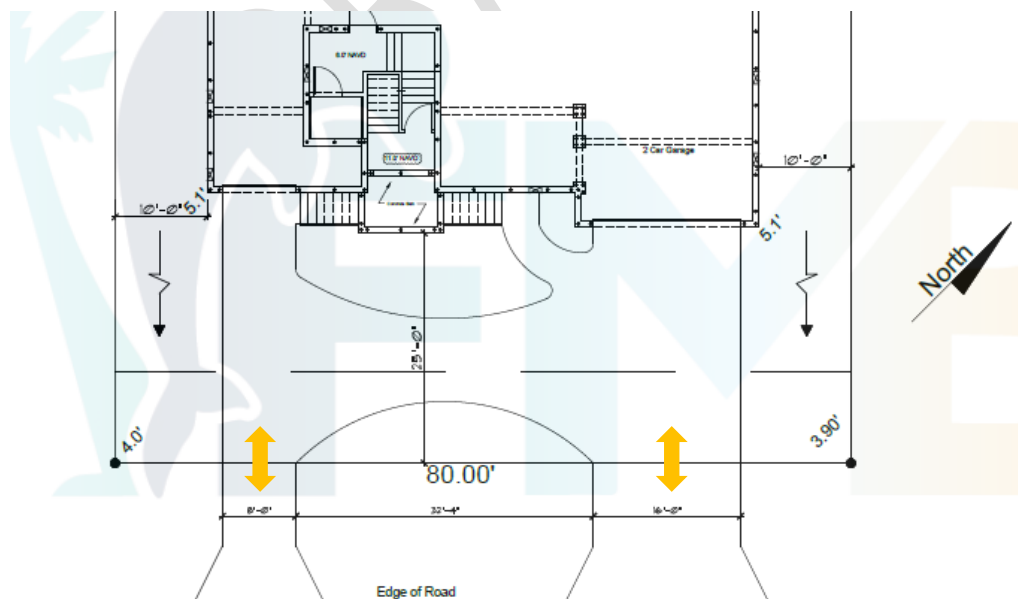


Figure 3. 435 Madison Frontage

The principle structure will continue to be located 25 feet from the existing seawall and visually will be consistent with the Town’s regulations. Letters of No Objection have been

secured from the adjacent neighbors on Madison Court and across the canal on Donora Boulevard (See **Attachment #10**).

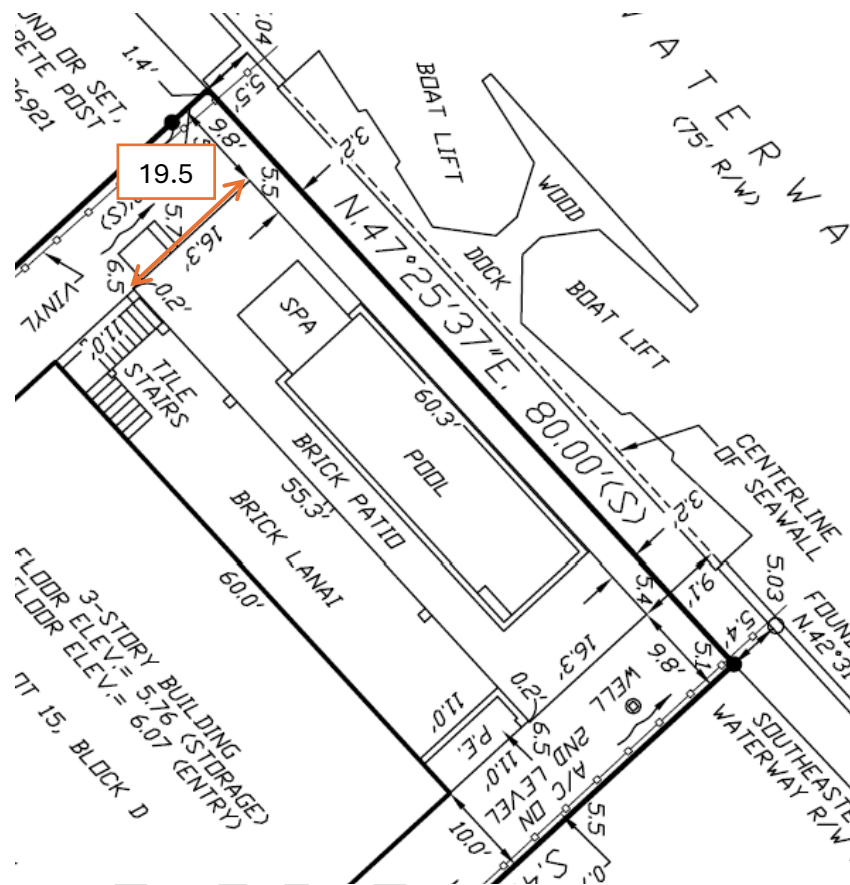


Figure 4. Final Survey

Further the pool will continue to be 8.7 feet from the existing seawall, consistent with the approved setback from the pool permit. The requested variance will memorialize the setbacks as demonstrated in the approved permits while addressing the discrepancy between the As Built Survey attached to the permits, recorded Warranty Deed, and Foundation/Final Surveys.

c. What effect if any, granting the variance would have on adjacent properties.

The reduced setback will not negatively impact the adjacent property owners. The property will continue to have the 440 square foot area between the platted rear lot boundary and the existing seawall. This area will continue to visually be part of the lot and the principle structure will appear to be setback from the waterbody consistent with the Land Development Code requirements. Similarly, the visual perception of the pool will appear generally consistent from the seawall with the required setbacks.

The adjacent properties will not be negatively impacted by the requested variances.

West – 425 Madison Court is immediately adjacent to the western lot boundary. The previous residential structure was demolished and no single family home building permit was found in the Town's on-line records. A letter of no objection was received from the property owner.

East – 445 Madison Court is immediately adjacent to the eastern lot boundary. The previous residential structure was demolished and the pool was retained. According to Building Permit 236786 the existing pool is setback 6.7 feet from the existing seawall. A letter of no objection was received from the property owner.

North – 440 Donora Boulevard is an existing residence that was remodeled after Hurricane Ian. Aerial Imagery available from the Lee County Property Appraiser shows the rear of the property is improved with an at grade paver patio. The canal between this lot and 435 Madison Court is approximately 60 feet. At this distance, the reduced setback from the seawall or the rear property boundary to the pool will not be perceived. A letter of no object was received from the property owner.

d. The nature of the hardship which is used to justify the request for relief; and

The hardship of the request is the property owner's need to memorialize permits approved by the Town of Fort Myers Beach as well as the lack of recourse for a General Contractor who defrauded clients, was required to relinquish their business licenses, and cannot complete or remedy past mistakes. Construction of the single family home, pool and boat lift appropriately proceeded in reliance of the approved permits. While the designer located the setback from the seawall creating this discrepancy, it does reflect the as built conditions of the lot. The single family home will be setback appropriately from the seawall. The pool design and reduced setbacks from the seawall was reviewed by the Town for the permit approval and a certificate of completion for the construction of the pool was awarded.

e. A statement as to how the property qualifies for the variance, directed at a minimum, to the guidelines for decision-making embodied in 34-87 of this chapter.

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

There are exceptional circumstances inherent to the property in question. The construction of the single family residence and construction/certification of the pool relied upon the permits approved by the Town of Fort Myers Beach. The building pool designs incorrectly establish the rear setback from the existing seawall rather than the platted rear boundary. The pool has been completed and certified in its current

location. The principle structure continues to be under construction 3 years after permit issuance due to the first General Contractor defrauding the Intile's (and many other property owners in Southwest Florida) and had relinquish their professional licenses as a result; therefore they cannot remedy these past discrepancies. The requested variances are the minimum necessary to memorialize the approved setbacks from Building Permit #212060 and Pool Permit #22012 and the constructed condition of the residence and pool.

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

The conditions that have occurred necessitating the variance are not the result of the actions of the property owner. The Intile's utilized licensed and insured contractors for the preparation and submittal of the permits associated with their single family residence and pool. Unfortunately, the design plans did not correctly read the Affordable Survey and measured the setbacks from the existing seawall and this discrepancy was not caught during permit review. Further, the pool plans approved by the Town do not provide the required setback and the pool has been constructed and certified complete consistent with the approved plans and nonconforming setback. The review and approval of the building and pool permits was not the result of the applicant's actions.

While the area between the seawall and the platted rear lot line exists "on the ground" it is not included in the Warranty Deed and therefore cannot be utilized to measure the rear setback. This determination by Town Staff after the construction of the pool and principle structure is not the result of the applicant's actions.

- c. That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property;*

The requested variances are the minimum necessary to relieve the applicant of the unreasonable burden of meeting the required setbacks for the principle structure and pool which have already been constructed consistent with the approved permits. Additionally, the pool has been certified complete.

The Intile's utilized licensed and insured contractors for the preparation and submittal of the permits associated with their single family residence and pool. Unfortunately, the design plans did not correctly read the Affordable Survey and measured the setbacks from the existing seawall and this discrepancy was not caught during permit review. Further, the pool plans approved by the Town do not

provide the required setback and the pool has been constructed and certified complete consistent with the approved plans and nonconforming setback. The approval of the variances requested are the minimum necessary to relieve the burden cause by the application of the regulation.

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

The granting of the variance is not injurious to the neighborhood or detrimental to the public welfare.

The variances will not be injurious to the neighborhood, the Shell Mound neighborhood includes a mix of residential homes that have been constructed shortly after the recording of the plat in 1958 and 1959 or have been constructed since Hurricane Ian made landfall in 2022. As a result, the rear setbacks of the principle structures and pools vary throughout the neighborhood.

The variances will not be injurious to the properties immediately adjacent to 435 Madison.

West – 425 Madison Court is immediately adjacent to the western lot boundary. The previous residential structure was demolished and no single family home building permit was found in the Town's on-line records. A letter of no objection was received from the property owner.

East – 445 Madison Couty is immediately adjacent to the eastern lot boundary. The previous residential structure was demolished and the pool was retained. According, the Building Permit 236786 the existing pool is setback 6.7 feet from the existing seawall. A letter of no object was received from the property owner. The setback of this existing pool from the seawall is less than the approved setback for the Intile pool. The reduced setback from the seawall or the rear property boundary to the pool or principle structure will not be perceived by the future residents of 445 Madison.

North – 440 Donora Boulevard is an existing residence that was remodeled after Hurricane Ian. Aerial Imagery available from the Lee County Property Appraiser show the rear of the property is improved with an at grade paver patio. The canal between this lot and 435 Madison Court is approximately 60 feet as measured from an aerial on the Lee County Property Appraiser website. The canal was originally platted at 75 feet. At either of these distances, the reduced setback from the seawall or the rear property boundary to the pool or principle structure will not be perceived

by the residents of 440 Donora Boulevard. A letter of no objection was received from the property owner.

The public welfare will not be negatively impacted by the requested variances. Access to the property will remain through the constructed “U”shaped driveway off of Madison Court and leading to a 2 car and golf cart garages with no access to the rear of the property. Additionally, a vinyl fence has been constructed restricting access along the side setbacks to the rear of the property. The reduced setbacks requested will not be visible from the general public traveling along Madison Court.

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

There are exceptional circumstances that are unique to 435 Madison Court and are not general or recurrent in nature.

- Design Plans – demonstrates the setback from the existing seawall. However, the Warranty Deed does not include the area between the rear platted lot line and existing seawall. As a result, it has since been determined this area cannot be included in the dimensioned setbacks.
- Permit Review – did not identify the incorrect setback and the building and pool permits were approved. Zoning staff member responsible for review of these permits is no longer with the Town to provide clarity/guidance.
- Construction Commencement – Occurred in reliance of the approved permits.
- Floor Slab Inspection – For principle structure passed May 2, 2023.
- Pool Certified Complete – The pool was deemed to be complete and certified by the Building Official on May 17, 2024. The pool was constructed and certified at 8.8 feet from the seawall and 3.2 feet from the rear platted lot line. These setbacks are not in compliance with the required dimensions outlined in the land development code.
- Change of Contractor – Beattie Development is no longer permitted to operate as a General Contractor. Poseidon Homes submits a Change of Contractor Form October 17, 2024.
- Variance Application – Initially Submitted December 16, 2024 and comments were not provided until April 17, 2024

These conditions are specific to Building Permit 212060 and Pool Permit 22012 and the loss of license by Beattie Development. A review of the available electronic records from Town indicates that 435 Madison Court was the only new single family

residence permit submitted by Beattie Development since 2021. All other permits were related to remodeling and therefore are unlikely to be repeated.

V. Conclusions

The requested variances are the minimum necessary to memorialize the setbacks as approved by Building Permit #212060 and Pool Permit #22012 and address the setback discrepancy of the approved plans.

The building and pool permits utilize a survey that correctly identifies the property as Lot 15 of Block D in Shell Mound Park and incorporates a witness line and additional land between the rear lot line and the seawall effectively functioning as an As Built Survey. The plans associated with these permits measure the rear setback for the principle structure and pool from the existing seawall. When measured in this manner the principle structure is 25 feet from the seawall. However, the land between the rear platted boundary of Lot 15 of Block D in Shell Mound Park and the existing seawall are not included in the description attached to the property's warranty deeds. Therefore, the setback for the principle structure and the pool cannot include this area.

The effect of this nuance, reduces the approved setbacks for the principle structure and the pool by 5.5 feet. However, the conditions "on the ground" or as built will not be altered. The pool was constructed and certified complete on May 17, 2024. The single family residence is constructed and will be requesting a certificate of occupancy in the coming months. The 440 SF of area between the platted lot line and seawall will continue to be part of the lot and the principle structure and pool will visually appear to be consistent with the required waterbody setbacks. Additionally, this area is not of an adequate size to support additional improvements. Access to the property will remain from Madison Court and the side property boundaries have been enclosed by a vinyl fence further restricting access to the rear of the lot.

The effect of the requested variances will memorialize the approved and constructed setbacks of the single family residence and pools and address the setback discrepancies that have occurred between the design plans and Warranty Deed.



Town of Fort Myers Beach Building Department

2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: (239) 765-0202 Fax: (239) 765-0909

Approval Letter

Date: 8/4/22

Permit #: 212060

Address: 435 MADISON CT

Applicant: Beattie Development Corp

Scope of Work: NEW SFR

Review Type	Reviewer	Review Status
Zoning Review	Eli Lee	Reviewed for Compliance
Flood Review	Kristin Schumacher	Reviewed for Compliance
Plan Review	Steve Streder	Reviewed for Compliance
Stormwater Review	Eli Lee	Reviewed w/ Conditions
Environmental Review	Chadd Chustz	Reviewed w/ Conditions
Public Works Review		Not Required
Beach Water Review		Not Required

Permit Conditions:

Environmental Review:

PERMIT CONDITION:

REMOVAL OF PROTECTED TREES NOT AUTHORIZED PER LDC SECTION 14-411.

PROTECT TREES DURING CONSTRUCTION PER LDC SECTION 14-383.

During the construction stage of development, the owner or developer shall not cause or permit the cleaning of equipment or material within the outside perimeter of the crown (dripline) or on the nearby ground of any protected tree or group of trees which is to be preserved. Within the outside perimeter of the crown (dripline) of any protected tree or on nearby ground, the owner or developer shall not cause or permit storage of building material and/or equipment, or disposal of waste material such as paints, oil, solvents, asphalt, concrete, mortar, or any other material harmful to the life of the tree.

Prior to the director issuing a certificate of occupancy or compliance for any development, building or structure, all protected trees designated to be preserved that were destroyed during construction shall be replaced by trees of equivalent diameter at breast height tree caliper and of the same species as specified by the director, before occupancy or use, unless approval for their removal has been granted under permit.

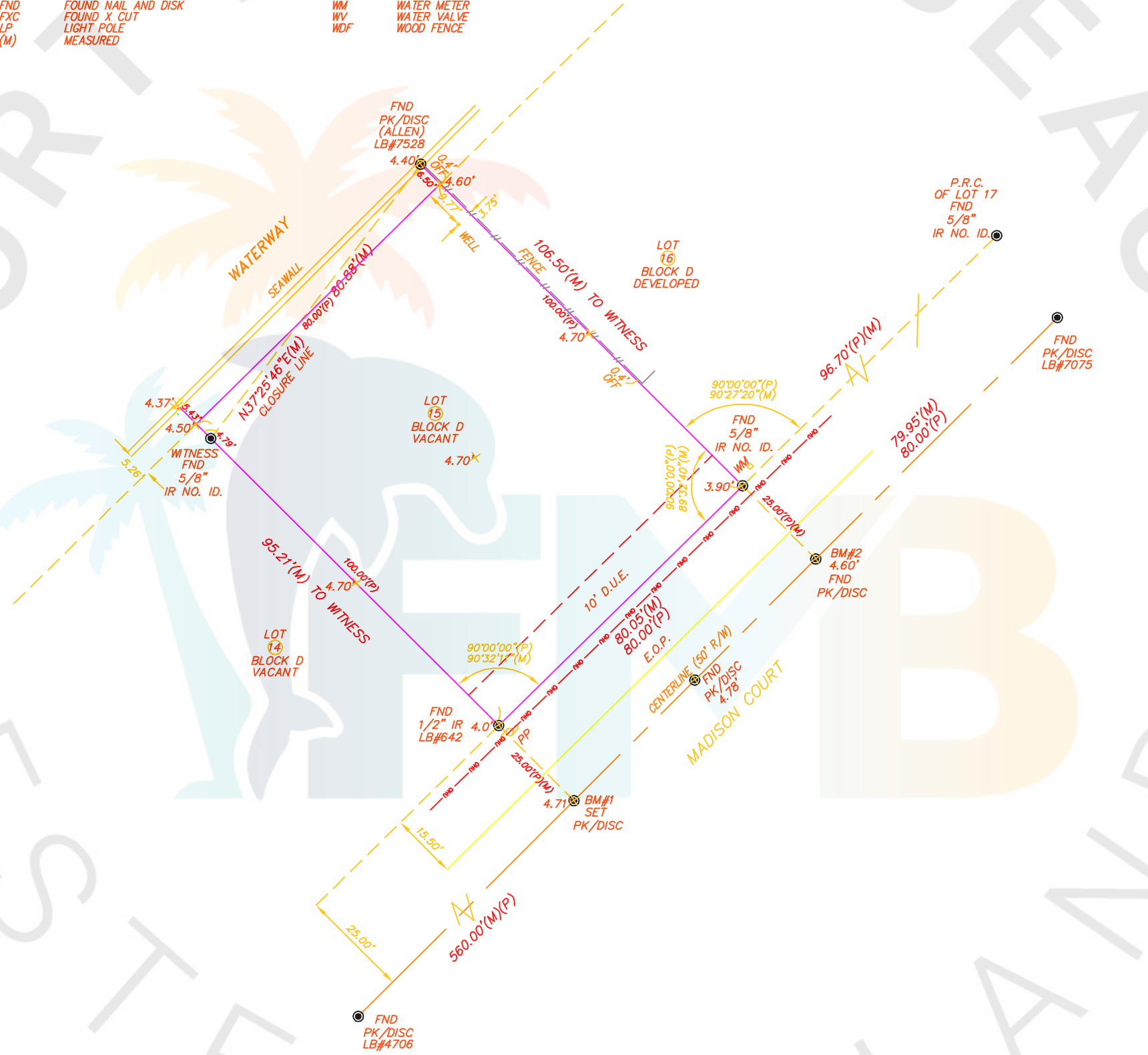
SURVEY OF
435 MADISON COURT
FT. MYERS, FLORIDA, 33931



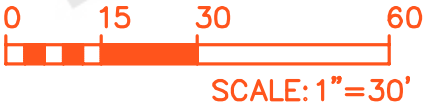
LEGAL DESCRIPTION:

Lot 15, Block D, SHELL MOUND PARK, according to the map or plat thereof, recorded in Plat Book 11, Pages 4, Inclusive of the Public Records of Lee County, Florida.

A/C	AIR CONDITIONER	MH	MANHOLE
B.M.	BENCHMARK	NCF	NO CORNER FOUND
(C)	CALCULATED	OHW	OVERHEAD WIRES
CB	CABLE BOX	O/A	OVER-ALL
CLF	CHAIN LINK FENCE	P.C.P.	PERMANENT CONTROL POINT
CONC	CONCRETE	(P)	PLAT
CSW	CONCRETE SIDEWALK	PE	POOL EQUIPMENT
(D)	DEED	PP	POWER POLE
DE	DRAINAGE EASEMENT	POB	POINT OF BEGINNING
DPUE	DRAINAGE/PUBLIC UTILITY EASEMENT	POC	POINT OF COMMENCEMENT
EB	ELECTRIC BOX	R/W	RIGHT OF WAY
EOW	EDGE OF WATER	SIR	SET 1/2" IRON ROD WITH CAP- LB 6912
EP	EDGE OF PAVEMENT		
FCIR	FIR CAPPED	SND	SET NAIL AND DISK LB 6912
FCM	FOUND CONC MONUMENT	TOB	TOP OF BANK
FIP	FOUND IRON PIPE	TOS	TOE OF SLOPE
FIR	FOUND IRON ROD	TP	TELEPHONE PEDESTAL
FN	FOUND NAIL	UE	UTILITY EASEMENT
FND	FOUND NAIL AND DISK	WM	WATER METER
FXC	FOUND X CUT	WV	WATER VALVE
LP	LIGHT POLE	WDF	WOOD FENCE
(M)	MEASURED		



FEMA MAP 12071C0558F
FLOOD ZONE AE
DATE: 08-28-08
BASE ELEV. 10'



(C) 2020 BASIS OF BEARINGS IS R/W LINE (USING PLAT BEARING OR ASSUMED) UNLESS NOTED OTHERWISE

FLORIDA ADMINISTRATIVE CODE STATES IF LOCATION OF EASEMENTS OR RIGHTS OF WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR - IF FENCES ARE SHOWN, DISTANCES INDICATE APPROXIMATE DISTANCE ON OR OFF PROPERTY - OVERHANGS AND UNDERGROUND FOUNDATIONS OR UTILITIES HAVE NOT BEEN LOCATED AS PART OF THIS SURVEY.

(1) UNLESS STATED OTHERWISE THIS SURVEY IS AN AS-BUILT SURVEY SHOWING VISIBLE IMPROVEMENTS IN RELATION TO SURVEY MARKERS FOUND
ELEVATIONS SHOWN ARE BASED ON USC&GS BM# G-245

**AFFORDABLE
SURVEYS**
727-415-8305

OWNED BY KNOW IT NOW, INC.
2011 HEIDELBERG AVENUE
DUNEDIN, FL 34698 USA

CERTIFIED EXCLUSIVELY TO:
ALBRIGHT HOLDINGS LTD

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



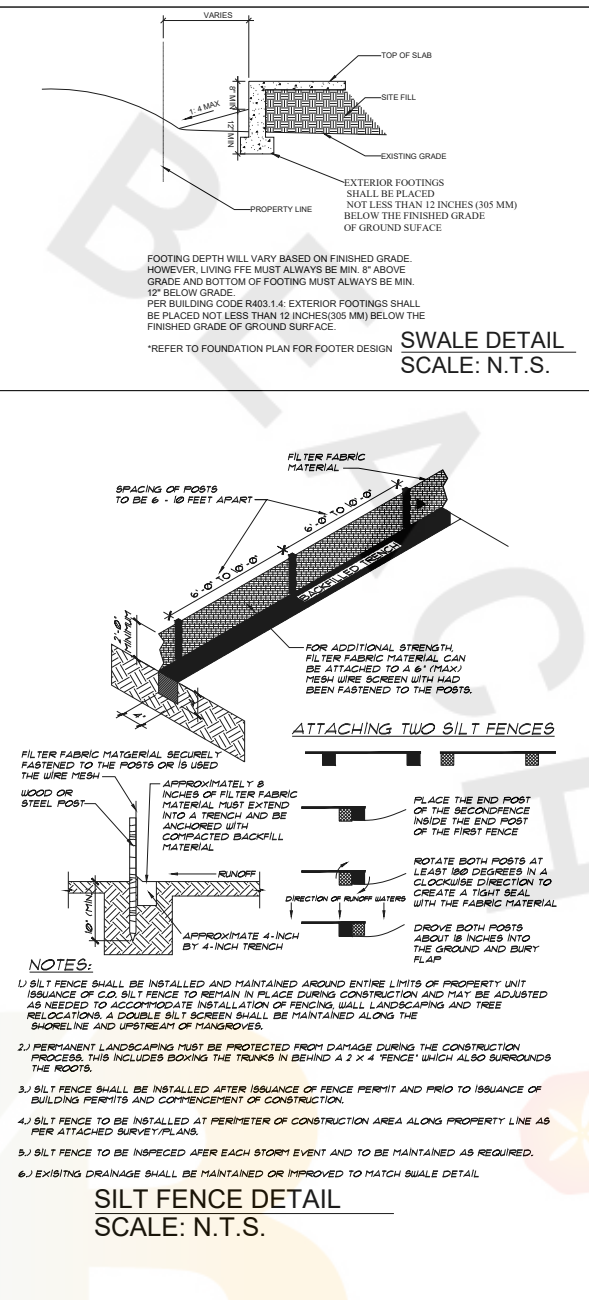
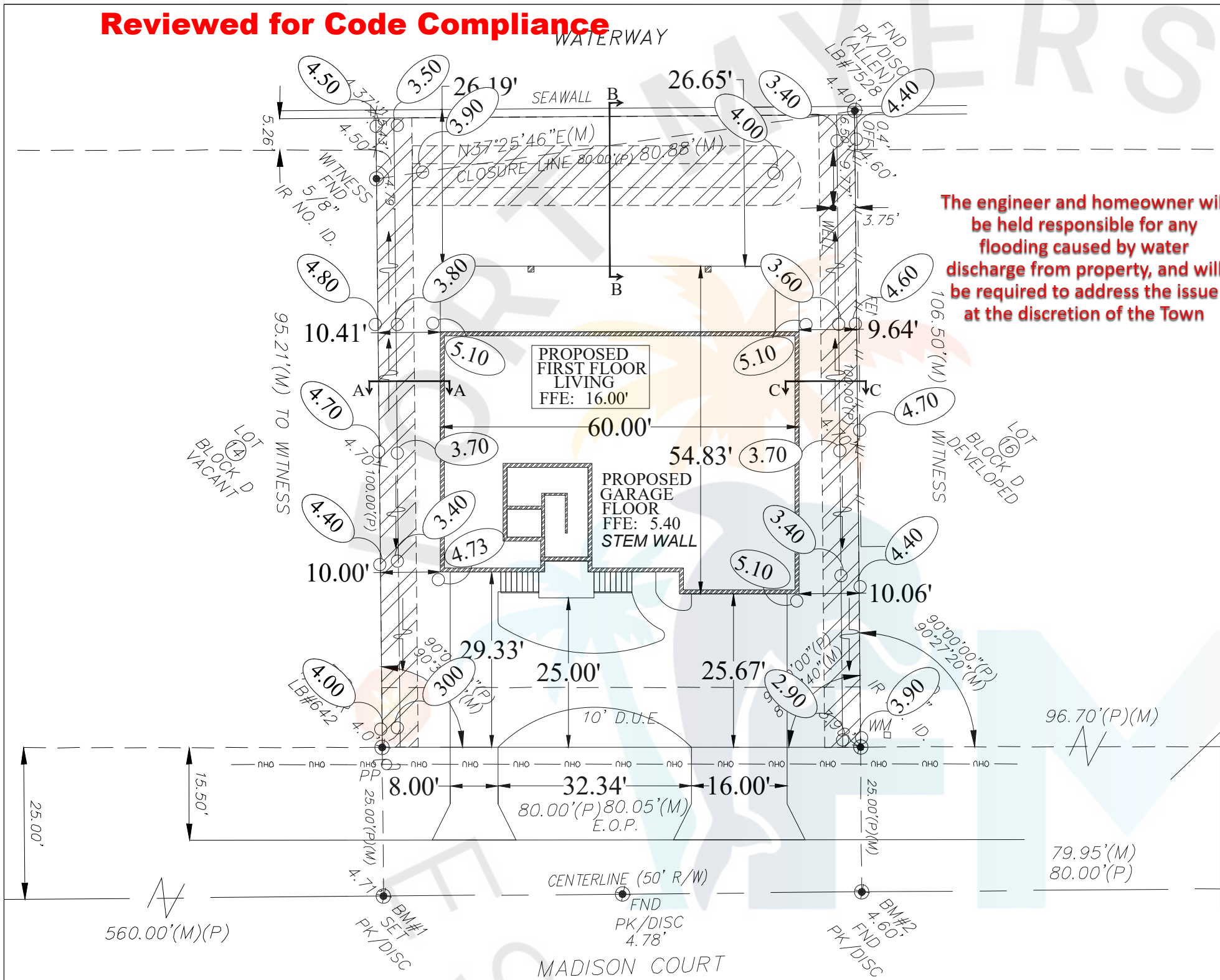
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DATE OF FIELD SURVEY
12-20-2020

BILL HYATT
Surveyor & Mapper Number 4636
LB 6912

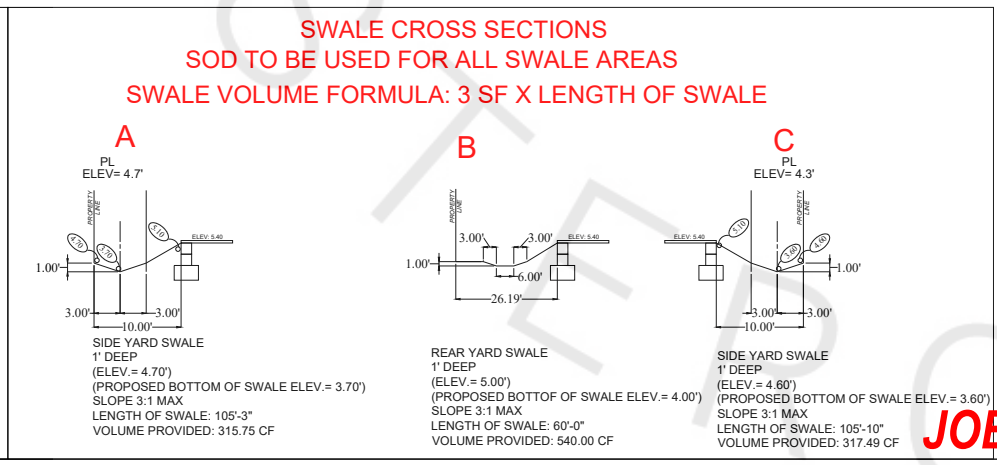
FLORIDASURVEYOR@AOL.COM
727-415-8305

Reviewed for Code Compliance



- Permit # 212060**
- SITE PLAN NOTES**
- 1.) CONTRACTOR TO VERIFY HOUSE PLANS WITH SITE PLAN. CONTRACTOR TO VERIFY EXISTING CONDITIONS, DIMENSIONS, SETBACKS, AND ELEVATIONS PRIOR TO PERMITTING & CONSTRUCTION AND NOTIFY FL ENGINEERING IF ANY DISCREPANCIES ARE FOUND.
 - 2.) CONTRACTOR TO INSTALL REQUIRED EROSION CONTROL BARRIERS, TREE PROTECTION, ETC. PRIOR TO CONSTRUCTION PER CODE OF THE APPLICABLE JURISDICTION.
 - 3.) SLOPE REQUIREMENTS: 40:1 MINIMUM OVER ENTIRE PROPERTY, 4:1 FROM STRUCTURE TO PROPERTY LINE UNLESS OTHERWISE NOTED. LOTS SHALL BE GRADED TO DIRECT SURFACE WATER AWAY FROM FOUNDATION, MINIMUM 6" OF FALL WITHIN THE FIRST 10 FEET.
 - 4.) FOUNDATION TYPE SHOWN REQUIRED PER SITE PLAN. REFER TO HOUSE FOUNDATION PLAN FOR FOUNDATION DETAILS.
 - 5.) FBC R403.1.4 EXTERIOR FOOTINGS SHALL BE PLACED NOT LESS THAN 12 INCHES BELOW THE FINISHED GRADE OF GROUND SURFACE
 - 6.) DRAINAGE EASEMENTS SHALL NOT CONTAIN PERMANENT IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO SIDEWALKS, DRIVEWAYS, IMPERVIOUS SURFACES, PATIOS, DECKS, POOLS, AIR CONDITIONERS, STRUCTURES, UTILITY SHEDS, POLES, FENCES, SPRINKLER SYSTEMS, TREES, SHRUBS, HEDGES, AND LANDSCAPING PLANTS OTHER THAN GRASS, EXCEPT FOR THE LANDSCAPING OF STORMWATER DETENTION AND RETENTION PONDS AS REQUIRED BY THE CODE.
 - 7.) GUTTERS SHALL BE REQUIRED WHEN THE SIDE LOT LINE DRAINAGE EASEMENT WIDTH IS LESS THAN FIVE (5) FEET. WHEN A STRUCTURE IS LESS THAN TEN FEET TO A LOT LINE, THE EAVE WILL BE REQUIRED TO INCLUDE A GUTTER AND DOWNSPOUT. DOWNSPOUT TO DIRECT FLOW WITH THE DRAINAGE PLAN AND NOT TOWARD ADJACENT LOT(S).
 - 8.) FLOOD ZONE AND BASE FLOOD ELEVATION PROVIDED BY OTHERS.
 - 9.) FINISHED FLOOR ELEVATION DOES NOT ACCOUNT FOR RECESSED SHOWERS.
 - 10.) UPON SUBMITTAL OF DRAWINGS &/OR LETTER TO LOCAL GOVERNMENT AGENCY, THE OWNER &/OR CONTRACTOR AGREES THEY HAVE REVIEWED THE WORK PREPARED BY FLORIDA ENGINEERING, LLC. AND ARE IN AGREEMENT WITH THE WORK. ANY CHANGES AFTER SUBMITTAL OF PLANS, REGARDLESS OF REASON, MAY RESULT IN ADDITIONAL CHARGES WHICH WILL BE DETERMINED BY FLORIDA ENGINEERING, LLC

IMPERVIOUS CALCULATIONS	
PROPOSED HOME	2310 SQ FT
PROPOSED DRIVEWAY	1517 SQ FT
TOTAL	3827 SQ FT
LOT	8447 SQ FT
3827 SQ FT/8447 SQ FT=	.45% OF TOTAL AREA
1.6" RAINFALL CALCULATIONS	
LOT COVERAGE FORMULA: .1333 X 8447 SF(LOT SIZE)=	1126.27 CF MAX REQUIRED
PROVIDED SWALE VOLUME CAPACITY: 315.75 CU FT + 540.00 CU + 317.49 CU FT =	1229.21 CF
1173.24 CF PROVIDED > 1126.27 CF REQUIRED	



NOTE: GARAGE FFE SHOWN IS AT THE HIGHEST SLAB ELEVATION. SLAB TO BE SLOPED AS PER CODE.

NOTE: GARAGE TO REQUIRE FLOOD VENTS PER CODE. SEE FOUNDATION PLAN FOR DETAILS.

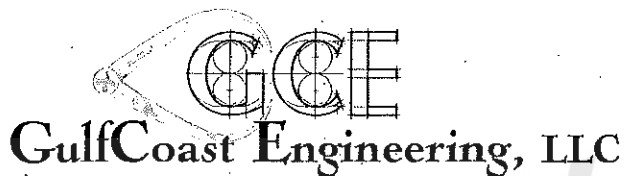
JOB SITE COPY

Digitally signed by
Craig E Gunderson
Date: **2022.07.28 08:06:34 -04'00'**

Craig E. Gunderson, P.E. #60102
DATE: 07/27/2022

REVISION 1: DATE REVISED: 07/27/2022
REVISED BY: XAD
REASON FOR REVISION: DOH REVISION

IMPERVIOUS AREA CALCS.	SYMBOL LEGEND
HOUSE SQ FT: 2310 SQ FT DRIVEWAY: 1517 SQ FT WALKWAY: 0 SQ FT POOL AREA: 0 SQ FT PADS: 0 SQ FT TOTAL: 3827 SQ FT LOT SQ FT: 8447 SQ FT IMPERV. AREA: 45%	D.U.E. - DRAINAGE & UTILITY EASEMENT ### - ELEVATION PROPOSED X### - DENOTES EXISTING ELEVATION - - - FLOW DIRECTION
LOT(S): 15 BLOCK: D SUBDIVISION: SHELL MOUND PARK PROPERTY ID / STRAP #: 29-46-24-W1-0110D.0150 FLOOD ZONE: AE 10'	CONTRACTOR: BEATTIE DEVELOPMENT PROJECT ADDRESS: INTILE JOSEPH L & BOBBI J 435 MADISON CT FORT MYERS BEACH FL 33931 DRAWN BY: XAD DESIGN DATE: 04/26/2022
FLORIDA ENGINEERING LLC 4161 TAMiami TRAIL, SUITE 101 PORT CHARLOTTE, FLORIDA 33980 (941) 391-5980 www.flengineeringllc.com	



3002 Del Prado Blvd. S. • Ste. B

Cape Coral, FL 33904

Toll Free: 877-740-3366

Phone: 239-458-6633 • Fax: 239-458-6733

Florida, Certificate of Authorization #9910

Florida, QB66649

CBC059991

CERTIFICATION INFORMATION

Contractor: **BEATTIE**

Model:

Job Number: **JOE & BOBBI INTILE**

Address: **435 MADISON COURT**

Subdivision: **FORT MYERS BEACH**

Lots:

Block:

Unit:

County: **LEE**

Engineering Sheets:

Plans/Drafting Sheets: **SEE PLAN**

*Smoke Detectors must be labeled in accordance with UL217.

R703.1.1 SOFFIT COMPLIANCE- ALL SOFFITS SHALL BE CAPABLE
OF RESISTING THE DESIGN PRESSURES SPECIFIED IN TABLE
R301.2(2) FOR WALLS -29.4 + 31.0 PSF SOFFIT

single-ply gypsum board nail with 6d nails @ 8" O.C. shall be applied
to all garage framing members spaces @ 16" O.C. 2: Garage ceilings
to have 5/8" single-ply gypsum board, nail w 6d nails @ 7" O.C.
perpendicular to ceiling framing.

R302.1 SEPARATION RESTRICTIONS

INCLUDING EXTERIOR WALLS/OVERHANGS SEPARATED BY LESS
THAN 5' SHALL HAVE NOT LESS THAN 1 HOUR FIRE RESISTIVE
RATING WITH EXPOSURE ON BOTH SIDES.

MANUFACTURERS: Provided by Contractor

Doors:

Windows:

Overhead Doors:

Mitered Glass:

Sliding Glass Doors:

Roof Coverings: **SEE PLAN**

GENERAL BUILDING INFORMATION:

Proposed Floor Area: **SEE PLAN**

Proposed Roof Ht: **32 ft**

Proposed # Stories: **3**

Living: **SEE PLAN**

Garage: **SEE PLAN**

Lanai: **SEE PLAN**

Entry: **SEE PLAN**

Storage: **N/A**

Other: **N/A**

Total: **SEE PLAN**

**WINDOW & DOOR DESIGN PRESSURE
IF WORST CASE**

Mean Roof Height:	32	ft
Design Wind Velocity:	160	mph
Windows:	-49.6 + 34.7	psf
Doors:	-49.6 + 34.7	psf
Sliding Glass Doors:	-49.6 + 34.7	psf
Garage Doors:	-29.0 + 25.3	psf

Construction Type V-B
Enclosed Structure

The building/structure has been designed in accordance with the 2020 7th Edition Florida Building Codes
and section 1609 for design pressures generated by a design wind velocity of 160 mph.

Brian Loy Chandler P.E. # 72152
Certificate of Authorization # 9910

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verified on any electronic copies. Attached pages in this
electronic file are NOT considered Signed and Sealed Except
as noted on the page per 61G15-23.004(3)(e), F.A.C.

Brian Loy Chandler, PE
2022.06.03 08:42:10 -04'00'

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Engineer of Record. Plans have been prepared in compliance
with the 2020 7th Edition Florida Building Code.
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239-458-6633

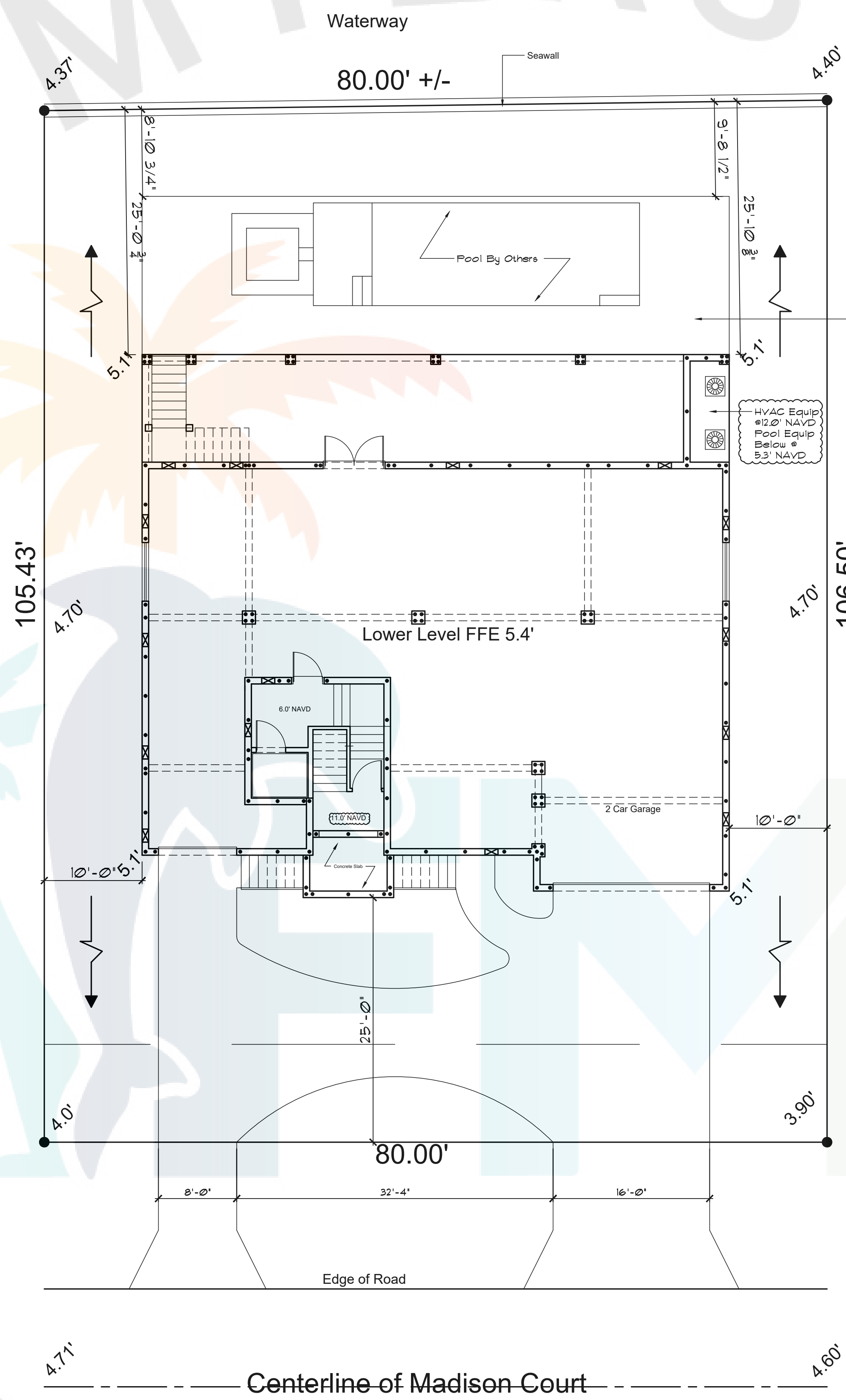
JOB SITE COPY

Reviewed for Code Compliance

Base Flood Elevation: 10.0' NAVD + 1.0' Freeboard=11.0' NAVD Minimum
Bottom of Floor Truss @ 14.67' NAVD
Proposed Finished Floor = 16.0' NAVD

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Materials Per Florida Building Code 2020 7th Edition R322.1.8 Meeting
the Requirements of FEMA Technical Bulletin 2.

No Mechanical, Electrical or Plumbing is Permitted Below
11.0' NAVD Per Florida Building Code 2020 7th Edition R322.1.6



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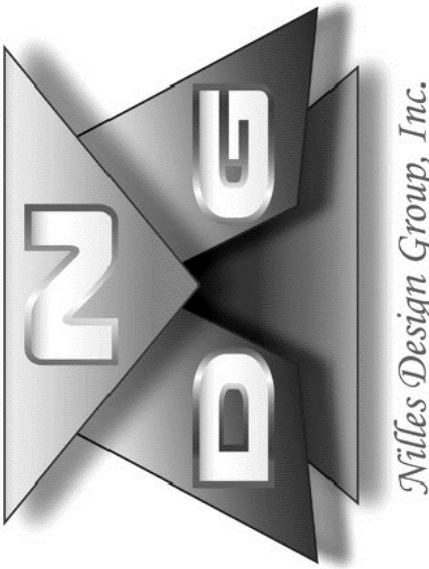
Site Plan

1/8" = 1'-0"

Permit # 212000

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A New Residence for:
Joe & Bobbi Intile
435 Madison Ct.
Fort Myers Beach, FL



Date	06/08/21	Drawn By	AMN	Checked By	000
Revisions					
1	06/09/21	Misc.	4	09/03/21	Add Main Door
2	08/17/21	Misc.	5	10/30/21	Remove Main Door
3	09/23/21	Misc.	6	11/22/21	Eng Markups & NOAs
7	02/28/22	Revision Item	9	05/25/22	Clarified Pool Equip. Location
8	05/11/22	Revision Item			Errors or Omissions must be brought to the attention of Nilles Design Group, Inc. Ten (10) Days Prior to Commencement of Construction.

A-1

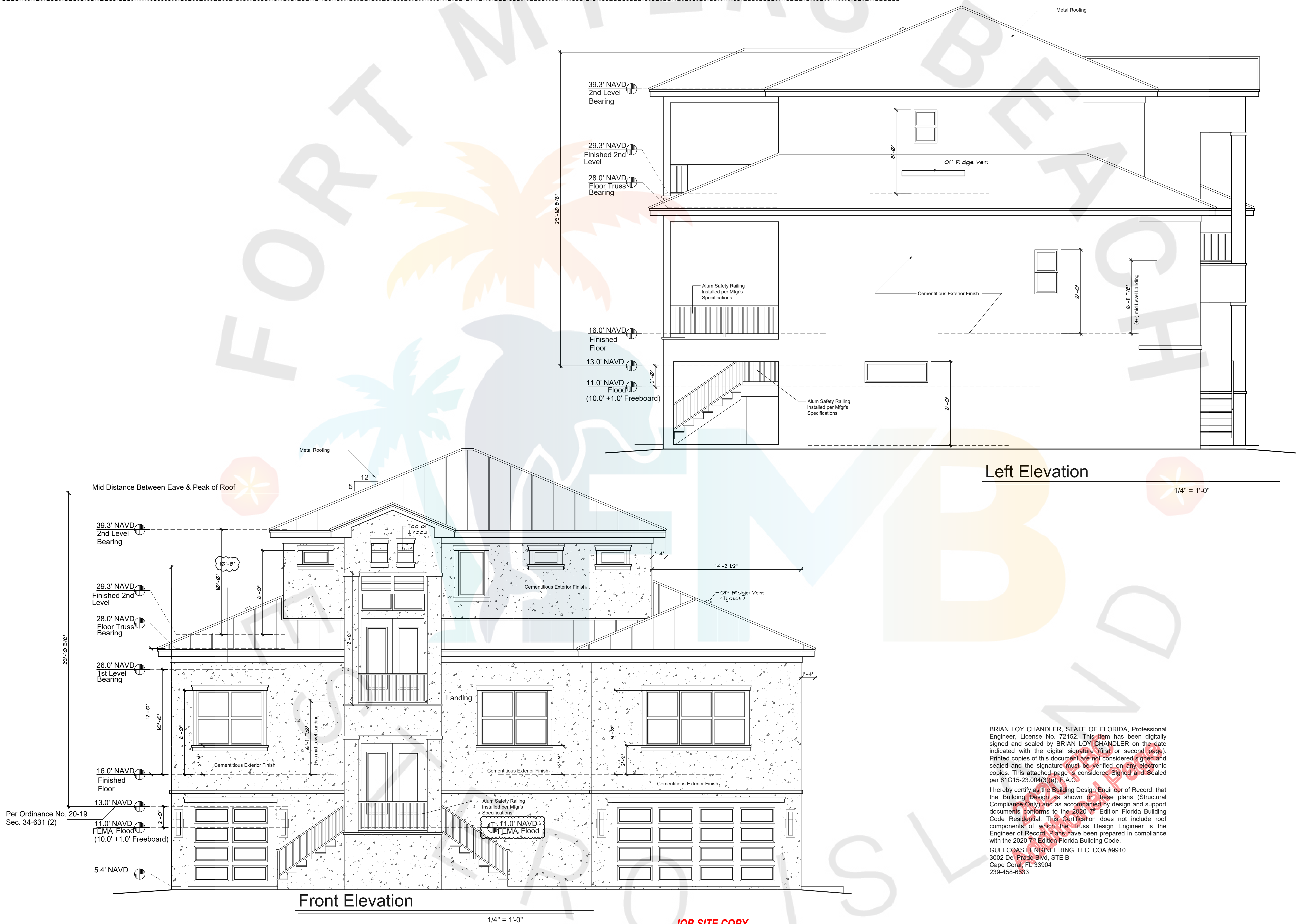


Joe & Bobbi Intile
435 Madison Ct.
Fort Myers Beach, FL



Revisions			
1	06/09/21	Misc.	4 09/03/21
2	08/17/21	Misc.	5 10/30/21
3	08/23/21	Misc.	6 11/22/21
7	02/28/22	Rejection Item	9 05/25/22
8	05/11/22	Rejection Item	

A-2

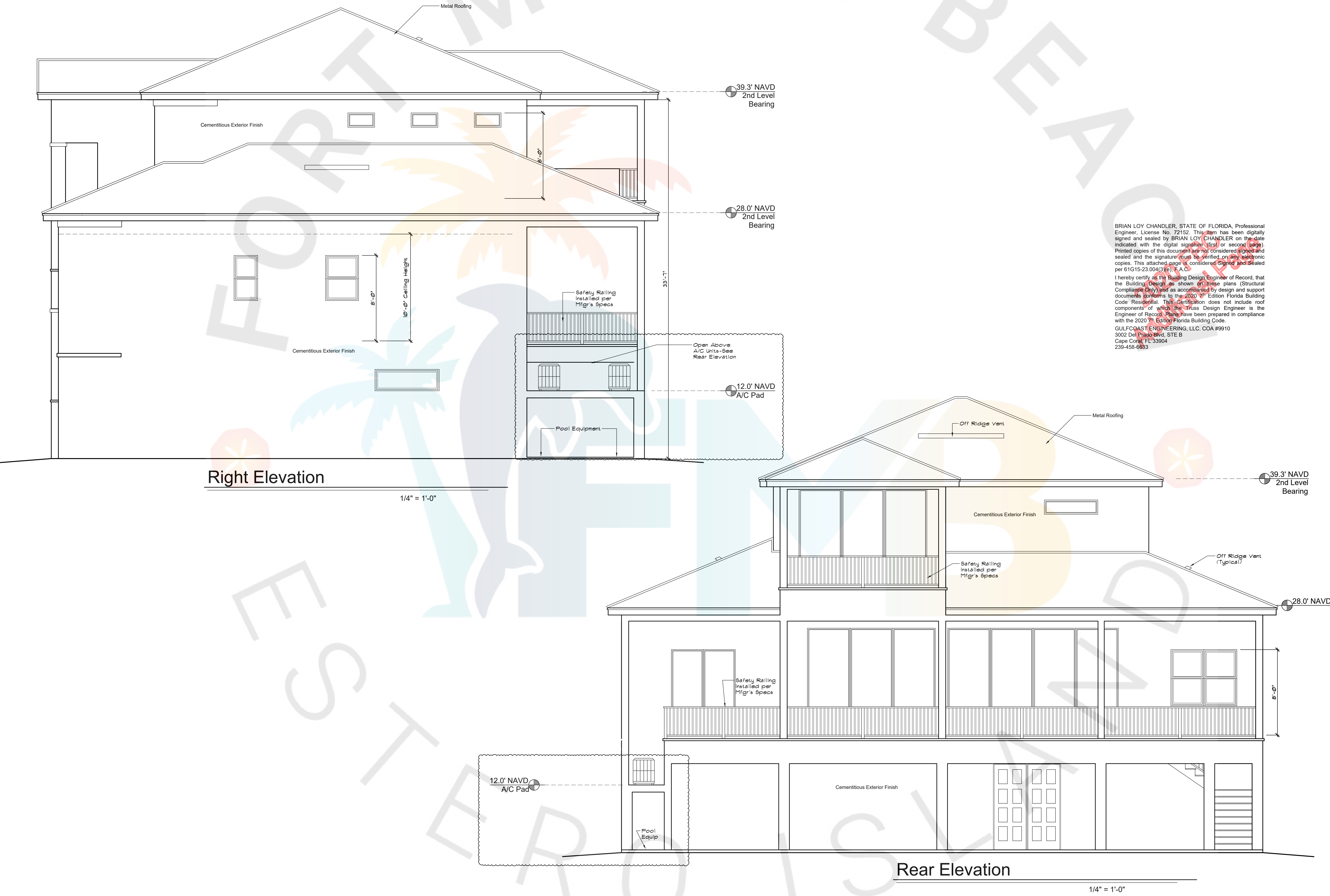


Reviewed for Code Compliance

Base Flood Elevation: 10.0' NAVD + 1.0' Freeboard=11.0' NAVD Minimum
Bottom of Floor Truss @ 14.67' NAVD
Proposed Finished Floor = 16.0' NAVD

All Materials Installed Below 11.0' NAVD Must Be Flood Resistant Materials Per Florida Building Code 2020 7th Edition R322.1.8 Meeting the Requirements of FEMA Technical Bulletin 2.

No Mechanical, Electrical or Plumbing is Permitted Below 11.0' NAVD Per Florida Building Code 2020 7th Edition R322.1.6



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Permit # 212060

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2060

Nilles Design Group, Inc.

A New Residence for:
Joe & Bobbi Intile
435 Madison Ct.
Fort Myers Beach, FL

BEATTIE
DEVELOPMENT

Date: 06/08/21	Drawn By: AMN	Checked By: 000
Revisions		
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2	08/17/21	Misc.
3	09/23/21	Misc.
4	09/03/21	Add Main Door
5	10/30/21	Remove Main Door
6	11/22/21	Eng. Markups & NOAs
7	02/28/22	Relocation Item
8	05/11/22	Relocation Item
9	05/25/22	Clarified Pool Equip. Location

Errors or Omissions must be brought to the attention of Nilles Design Group, Inc. Ten (10) Days Prior to Commencement of Construction.

A-3

Page 136 of 234

Base Flood Elevation: 10.0' NAVD + 1.0' Freeboard=11.0' NAVD Minimum
Bottom of Floor Truss @ 14.67' NAVD
Proposed Finished Floor = 16.0' NAVD

All Materials Installed Below 11.0' NAVD Must Be Flood Resistant
Materials Per Florida Building Code 2020 7th Edition R322.1.8 Meeting
the Requirements of FEMA Technical Bulletin 2.

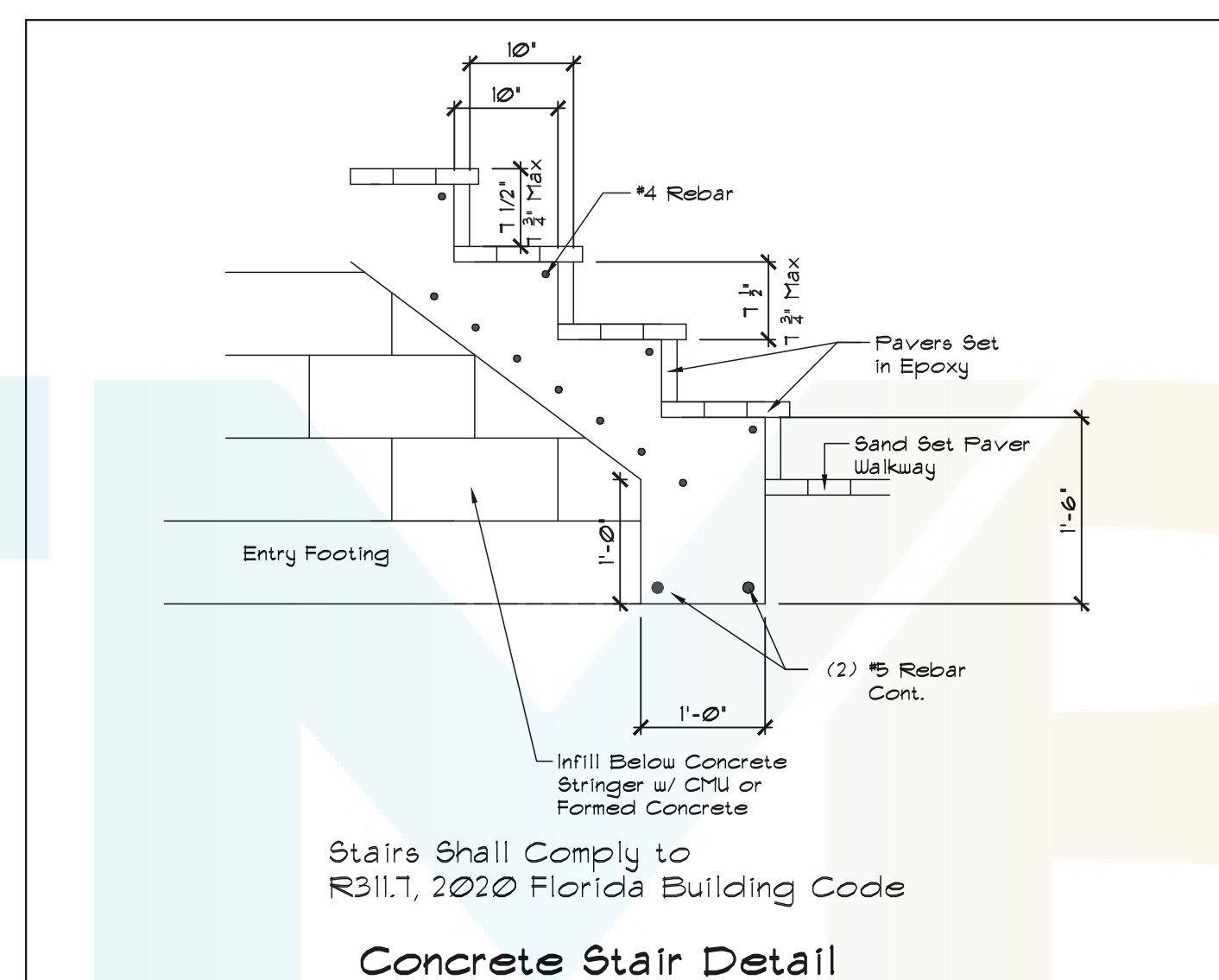
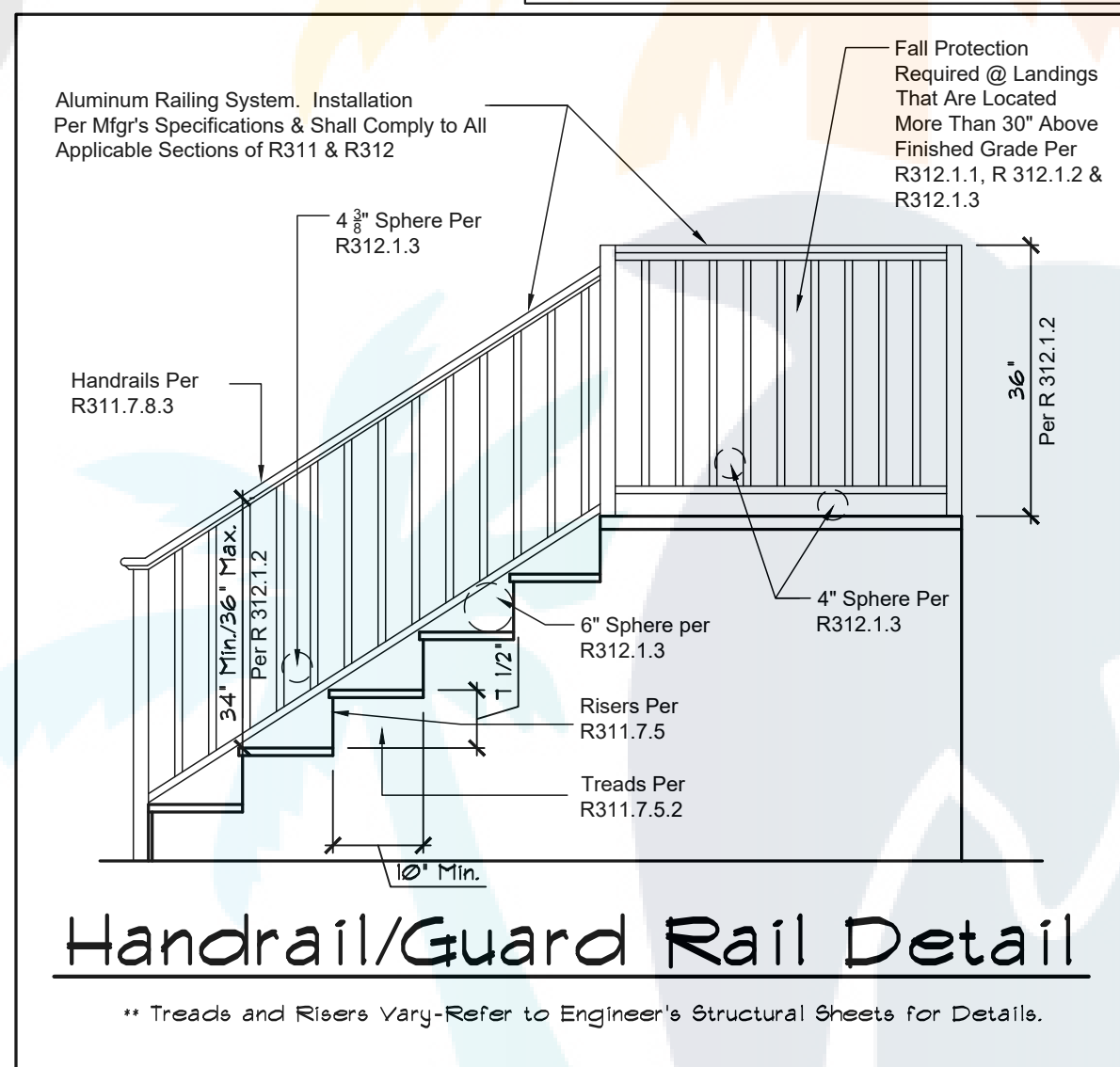
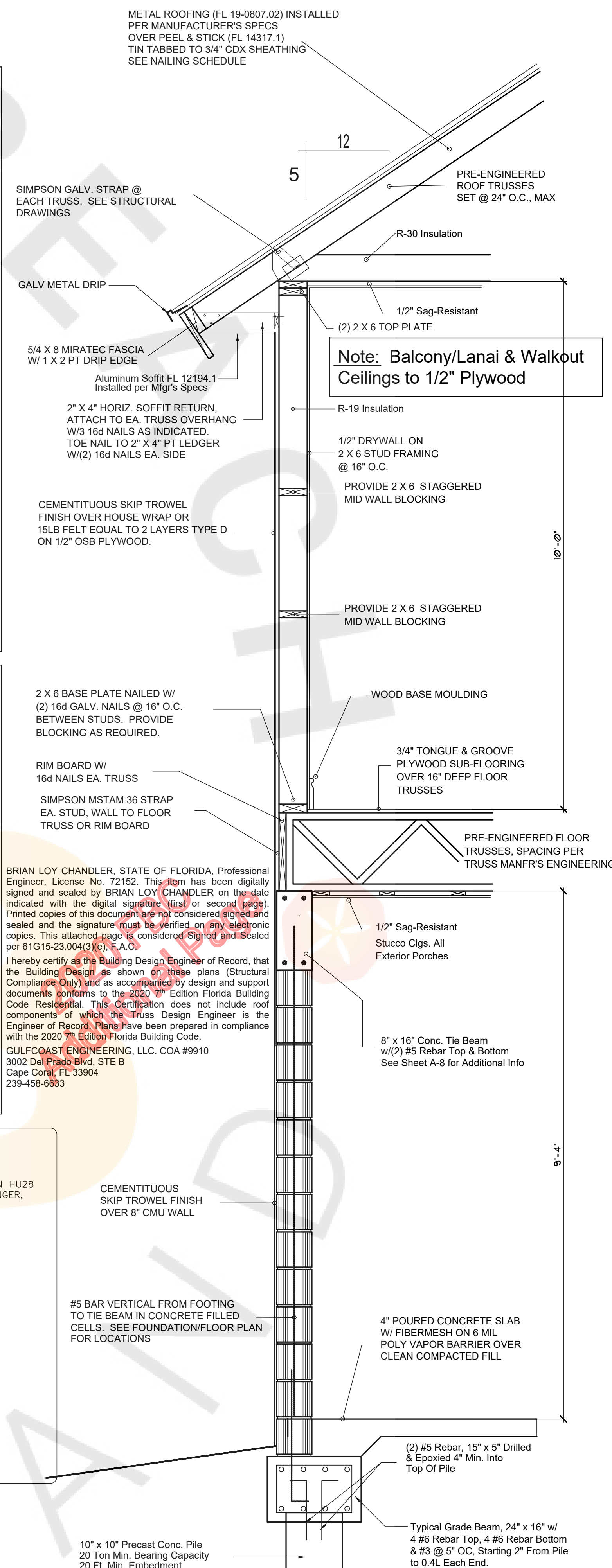
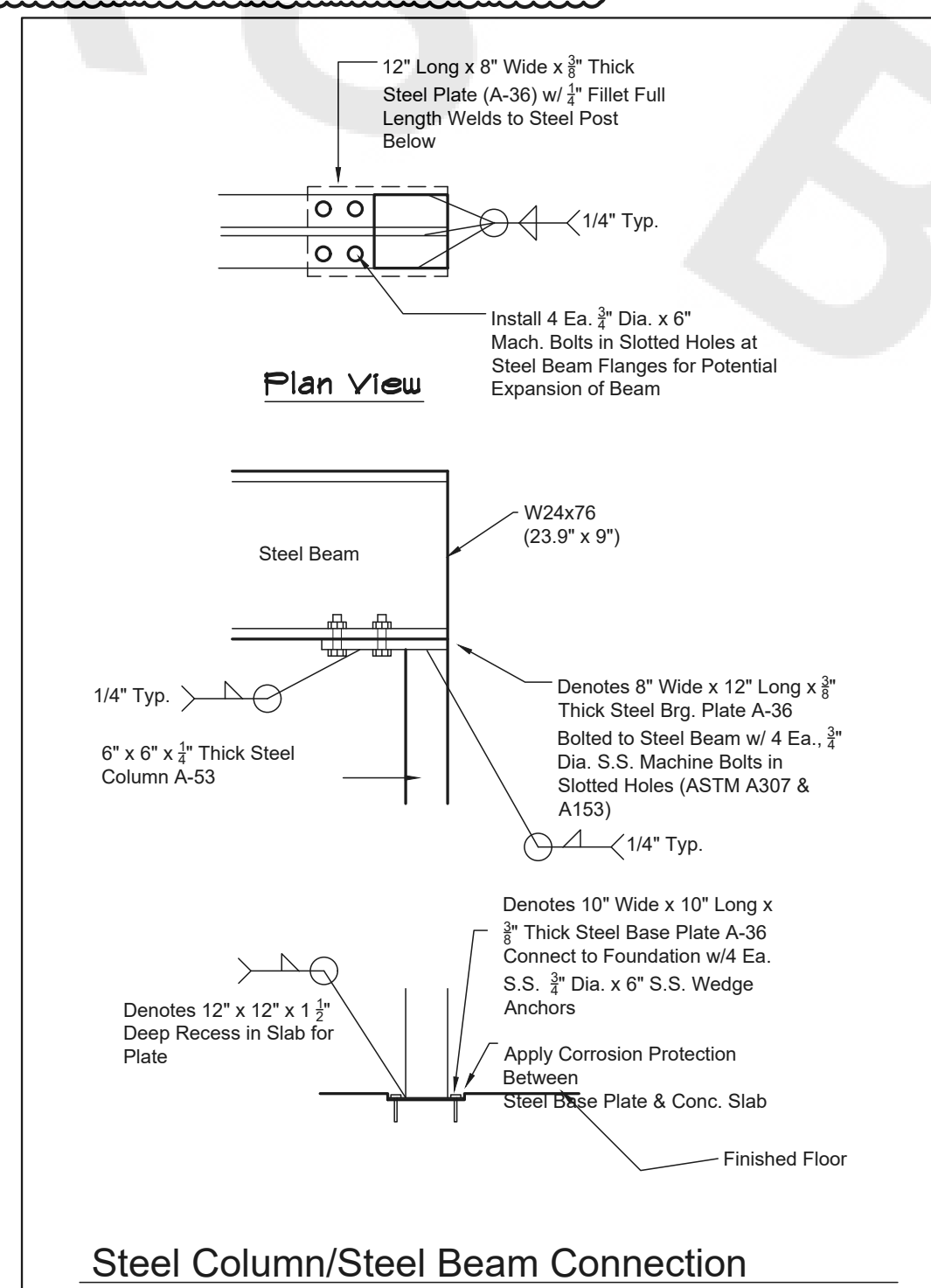
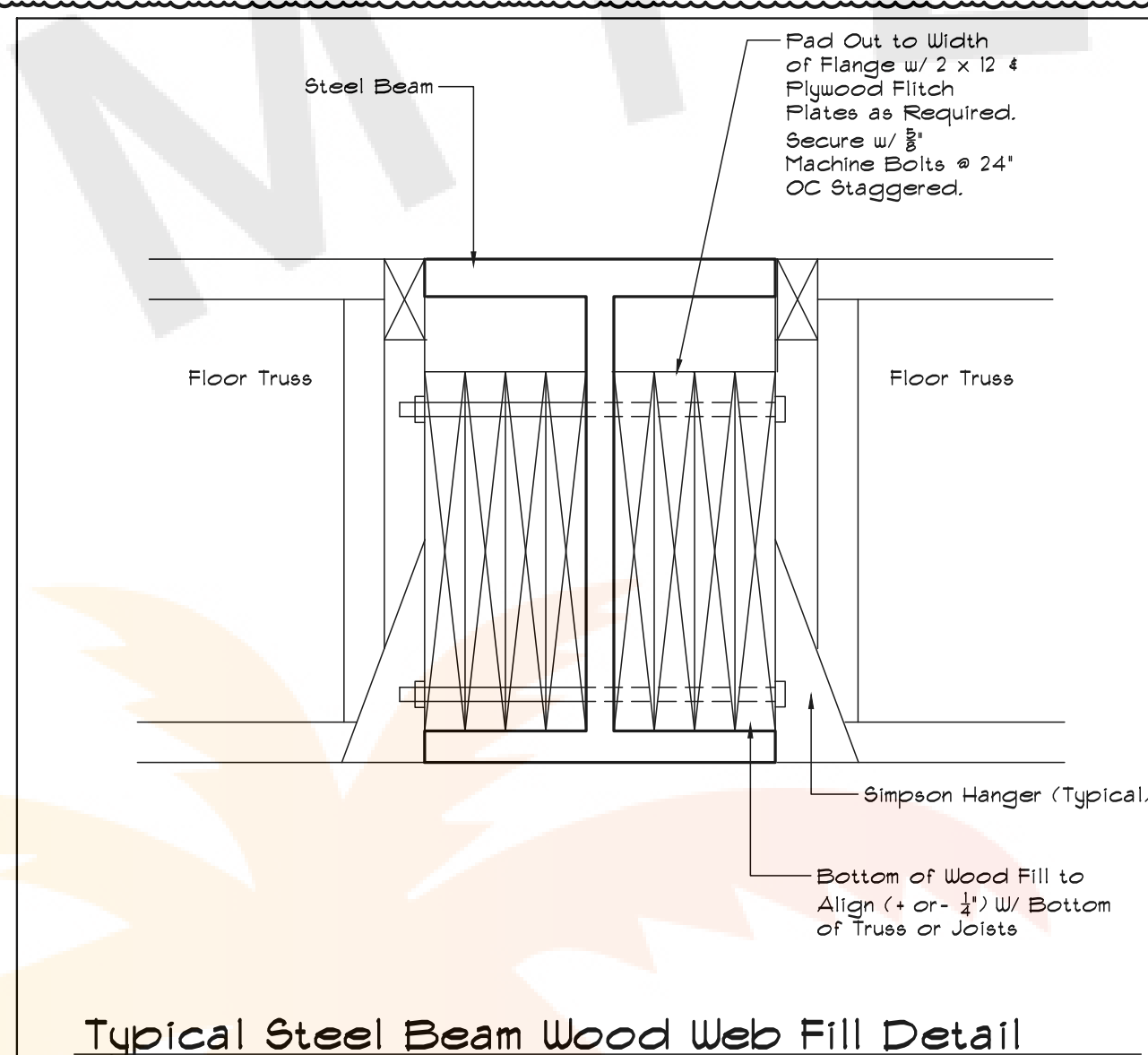
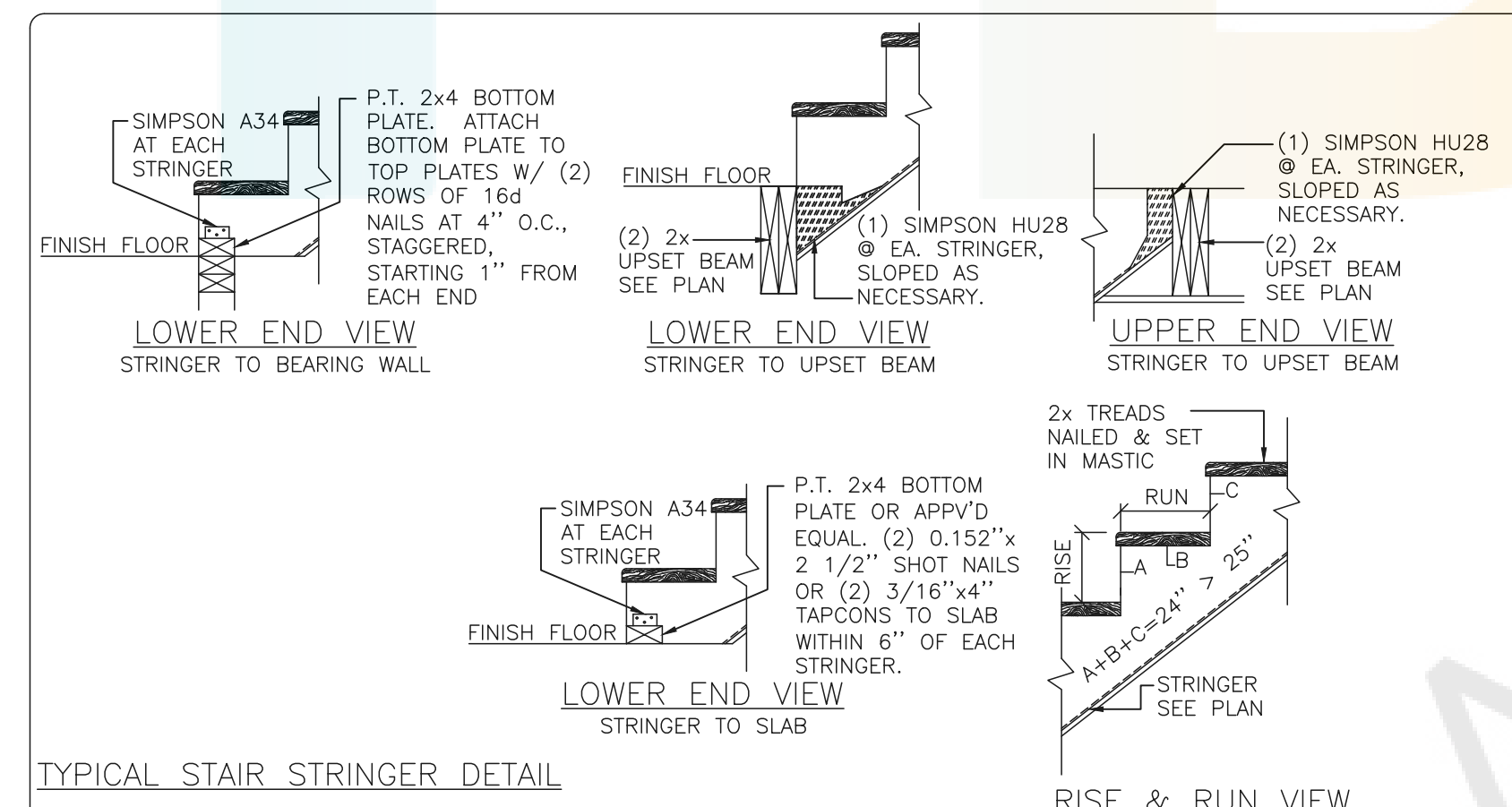
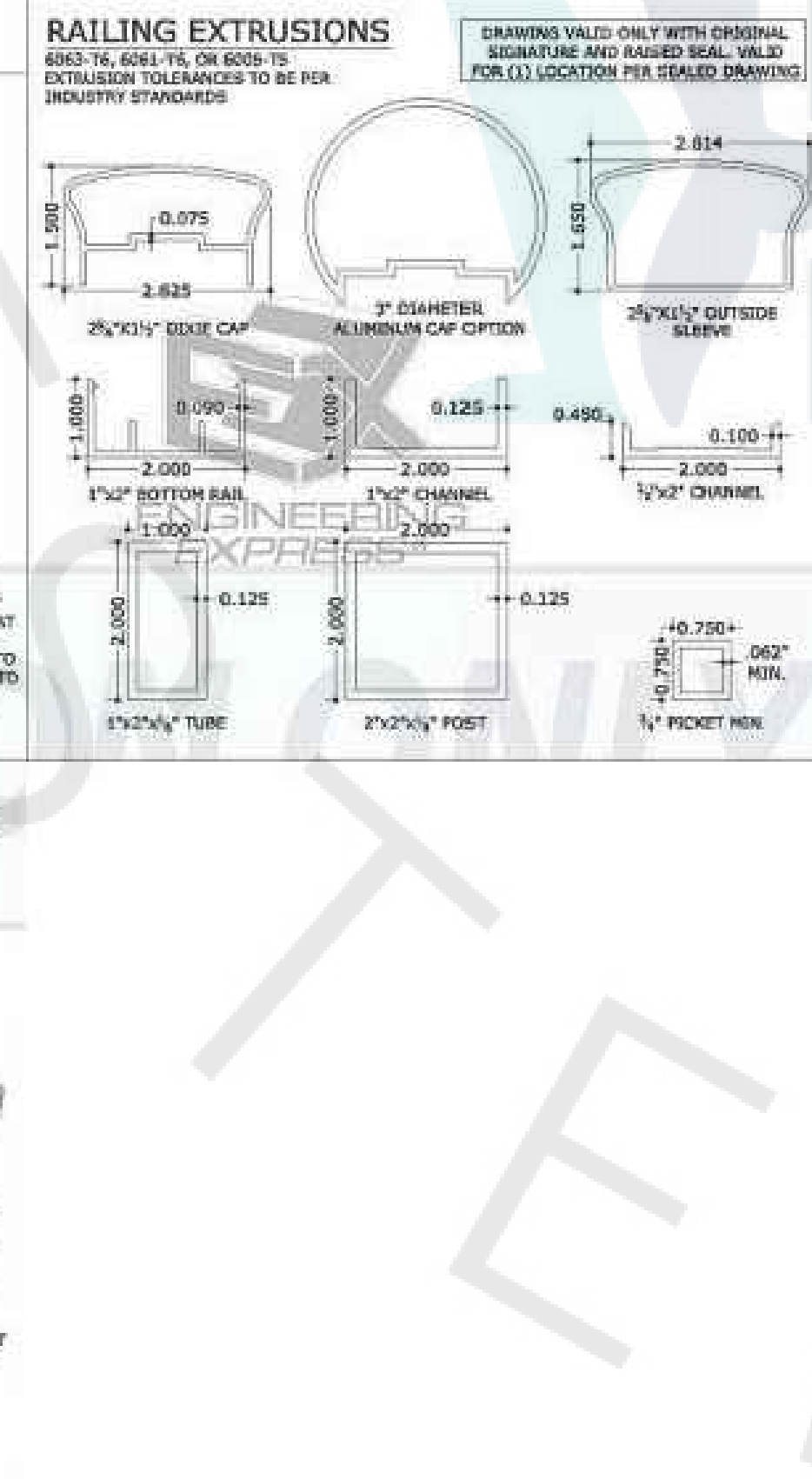
No Mechanical, Electrical or Plumbing is Permitted Below
11.0' NAVD Per Florida Building Code 2020 7th Edition R322.1.6

Mark	Type	Opening	NOA/FI. Approval
W1	72" x 24" Fixed Gl.s.	73" x 24"	FL243.6
W2	72" x 24" Fixed Gl.s.	73" x 24"	FL243.6
W3	2-25 SH	75" x 63"	FL239.4/Mull 261.1
W4	2-25 SH	75" x 63"	FL239.4/Mull 261.1
W5	3-25 SH	112 1/2" x 63"	FL239.4/Mull 261.1
W6	1/2 34 SH	27 3/4" x 50 5/8"	FL239.4
W7	24 SH	37 3/4" x 50 5/8"	FL239.4
W8	2-25 SH	75" x 63"	FL239.4/Mull 261.1
W9	1/2 34 SH	27 3/4" x 50 5/8"	FL239.4
W10	30" x 16" Fixed Gl.s.	31" x 16"	FL243.6
W11	30" x 52" Casement	31" x 52"	FL245.2
W12	30" x 16" Fixed Gl.s.	31" x 16"	FL243.6
W13	30" x 16" Fixed Gl.s.	31" x 16"	FL243.6
W14	30" x 16" Fixed Gl.s.	31" x 16"	FL243.6
W15	30" x 16" Fixed Gl.s.	31" x 16"	FL243.6
W16	30" x 16" Fixed Gl.s.	31" x 16"	FL243.6
W17	60" x 16" Fixed Gl.s.	61" x 16"	FL243.6
W18	1/2 33 SH	27 3/4" x 38 3/8"	FL239.4
W19	2-36" x 67" Fixed Gl.s.	37" x 67"	FL243.6/Mull 261.1

*Refer to Engineer's Design Pressures

Mark	Size/Type	Opening	NOA/FI. Approval
A	8'0" x 8'0" OH Gar. Dr.	96" x 96"	FL9174.1
B	16'0" x 8'0" OH Gar. Dr.	192" x 96"	FL9174.4
C	Not Used		
D	12'0" x 8'0" Sl. Gl.s. Dr.		FL251.4
E	2-3'0" x 8'0" Entry Doors	75" x 98"	FL15210.9
F	5'0" x 8'0" Sl. Gl.s. Dr.		FL251.4
G	12'0" x 10'0" Sl. Gl.s. Pkt. Dr.		FL251.4
H	16'0" x 10'0" Sl. Gl.s. Pkt. Dr.		FL251.4
J	2-3'0" x 8'0" Entry Doors	75" x 98"	FL15210.9
K	12'0" x 9'0" Sl. Gl.s. Dr.		FL251.4

*Refer to Engineer's Design Pressures

[illegible]

R311.7.1 Width
Stairwells shall not be less than 36" in clear width at all points above the permitted handrail height and below the required headroom height. The clear width of the stairway at and below the handrail height, including treads and landings, shall not be less than 31 1/2" where a handrail is installed on one side and 27" where handrails are provided on both sides.

R311.7.5.1 Risers
The riser height shall not be more than 7 3/4". The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/4". Risers shall be vertical or sloped from the underside of the nosing of tread above at an angle not more than 30 degrees from the vertical. Open risers are permitted provided that the openings located more than 30", as measured vertically, to the floor or grade below do not permit the passage of a 4" diameter sphere.

R311.7.5.2 Treads
The tread depth shall not be less than 10". The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the treads leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8"

Railing System. Installation Per Mfg's Specifications & Shall Comply to All Applicable Sections of R311 & R312

Fall Protection Required @ Landings That Are Located More Than 30" Above Finished Grade Per R312.1.1, R 312.1.2 & R312.1.3

Typical 3 Story Wall Section

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A New Residence for:

Joe & Bobbi Intile

435 Madison Ct.
Fort Myers Beach, FL



BEATTIE
DEVELOPMENT

Date: 06/08/21		Drawn By: AMN	Checked By: 000
Revisions			
1	06/09/21	Misc.	4 09/03/21 Add Man Door
2	08/17/21	Misc.	5 10/30/21 Remove Man Door
3	08/23/21	Misc.	6 11/22/21 Eng Markups & NOAs
			7 02/28/22 Rejection Item

7 05/11/22 Rejection Item
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Days Prior to Commencement of Construction.

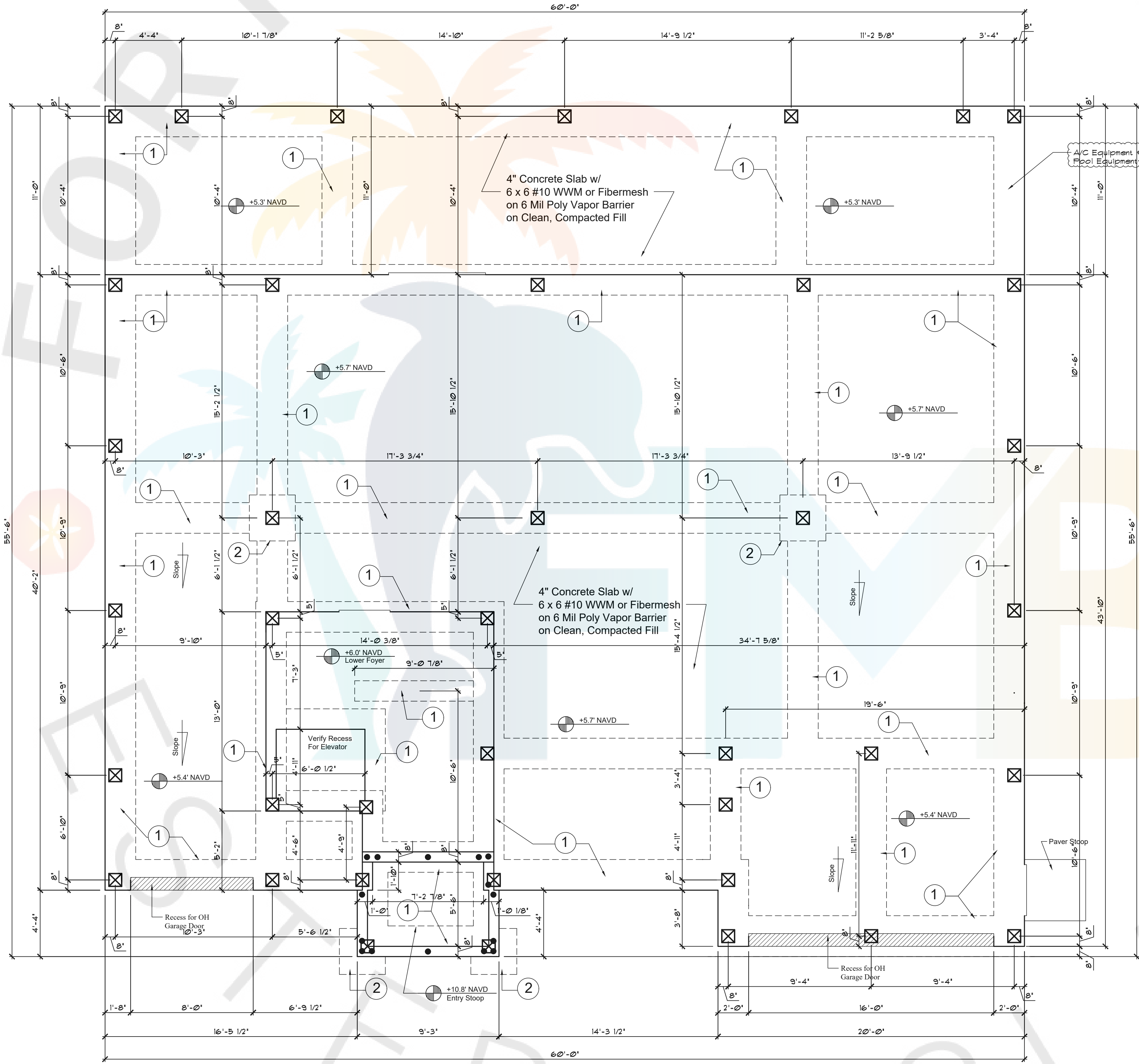
A-4

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3002 Del Prado Blvd., STE B
Cape Coral, FL 33904
239-458-6653

Indicates 10" x 10" Driven Piling w/17 Ton Minimum Bearing Capacity

Footing Schedule	
1	Typical Grade Beam, 24" x 16" w/4 #6 Rebar Top, 4 #6 Rebar Bottom & #3 @ 5" OC, Starting 2" From Pile to 0.4L Each End.
2	36" x 36" x 16" Concrete Pad Footing w/ #5 Rebar @ 6" O.C. Each Way
3	16" x 16" Concrete Monolithic Grade Beam w/(2) #5 Rebar Continuous.

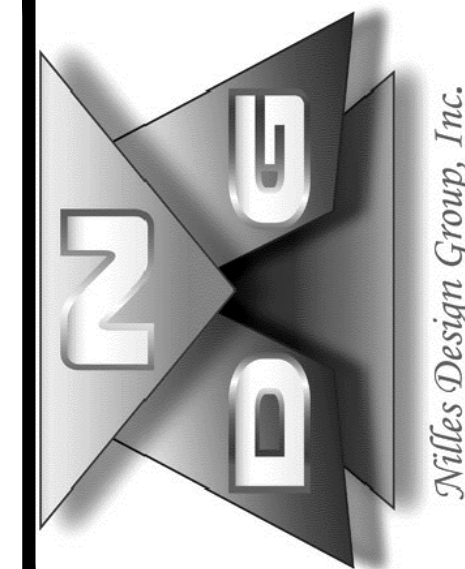
Foundation/Piling Plan

1/4" = 1'-0"

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Revisions					
Date: 06/08/21	Drawn By: AMN	Checked By: 000			
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7	02/28/22	Revision Item	9	05/25/22	Clarified Pool Equip.
8	05/11/22	Revision Item			

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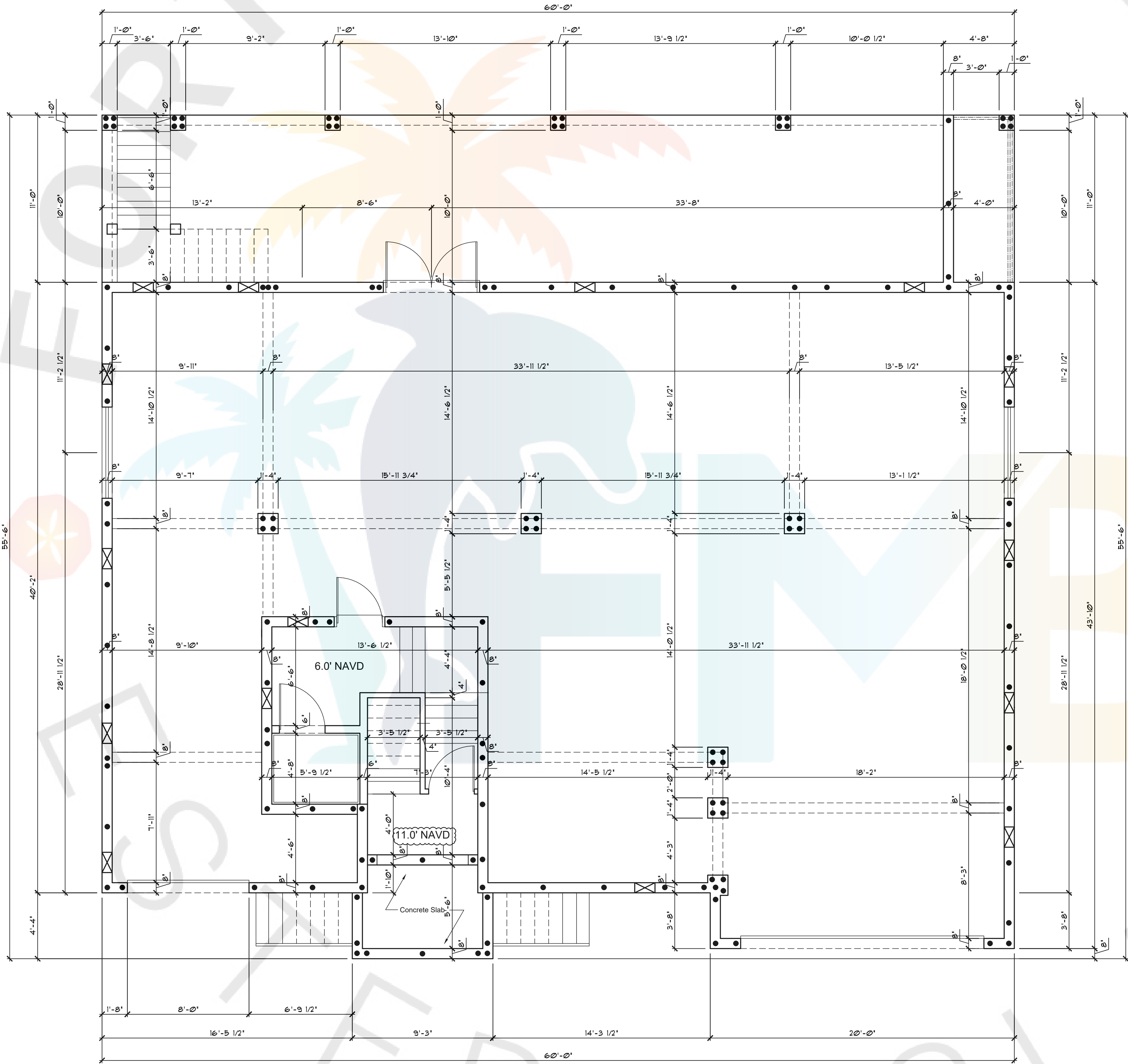
A-5

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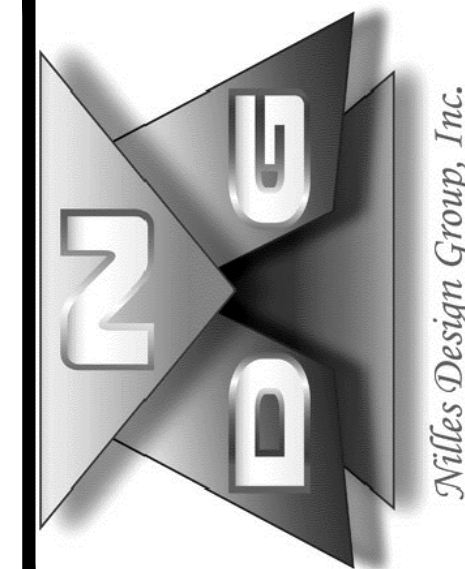
Ground Level Floor Plan w/Dimensions

1/4" = 1'-0"

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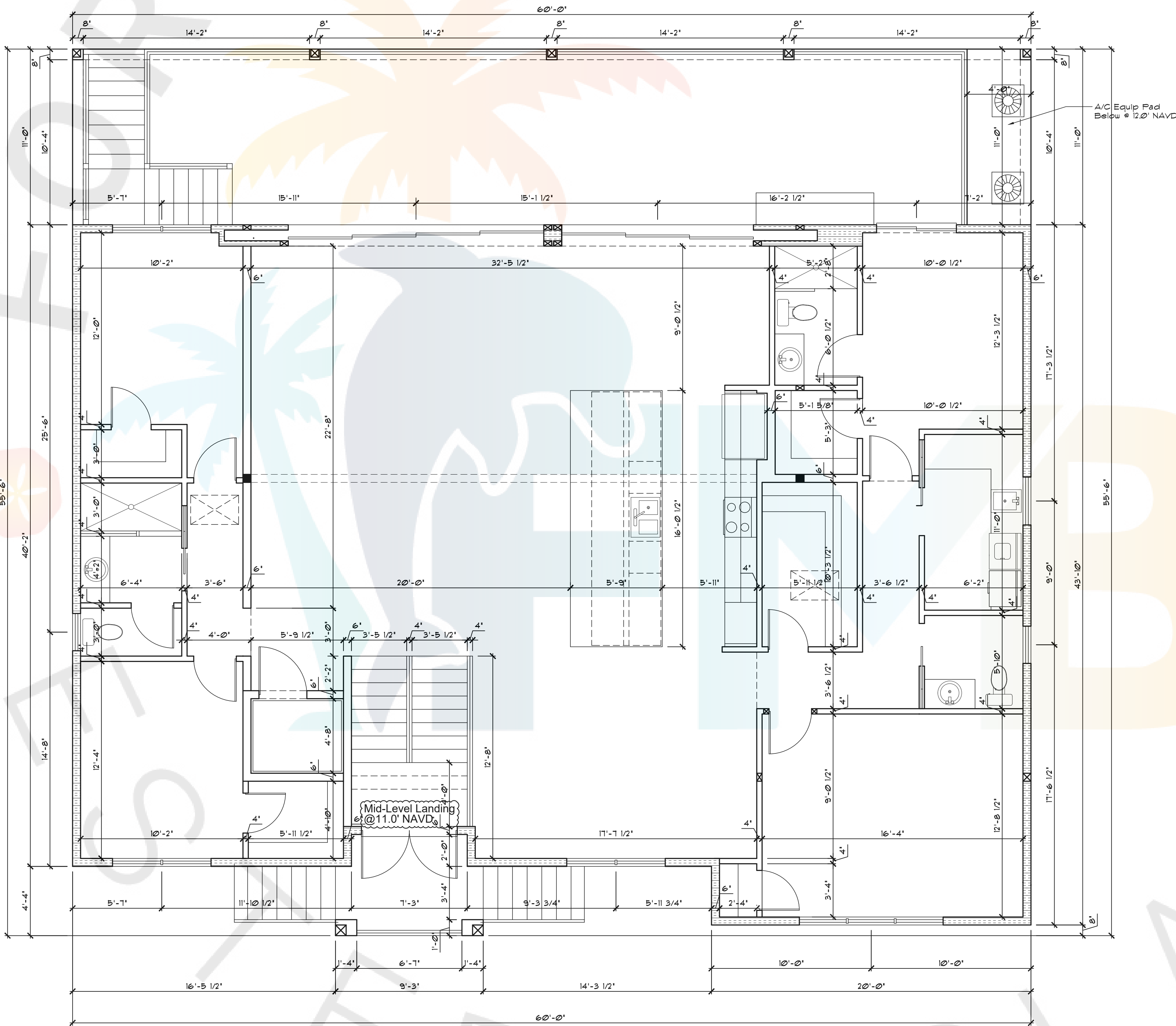
A-6

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Cape Coral, FL 33904
239-458-6833

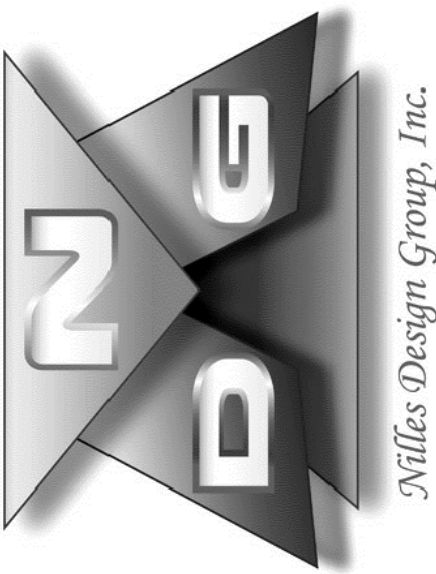
1st Level Floor Plan w/Dimensions

1/4" = 1'-0"

Permit # 212060

1003 Del Prado Blvd. S.
Suite 201
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A New Residence for:
Joe & Bobbi Intile
435 Madison Ct.
Fort Myers Beach, FL



Date	06/08/21	Drawn By	AMN	Checked By	000
Revisions					
1	06/09/21	Misc.	4	09/03/21	Add Main Door
2	08/17/21	Misc.	5	10/30/21	Remove Main Door
3	09/23/21	Misc.	6	11/22/21	Eng Markups & NOAs
7	02/28/22	Revision Item	9	05/25/22	Clarified Pool Equip. Location
8	05/11/22	Revision Item			Errors or Omissions must be brought to the attention of Niles Design Group, Inc. Ten (10) Days Prior to Commencement of Construction.

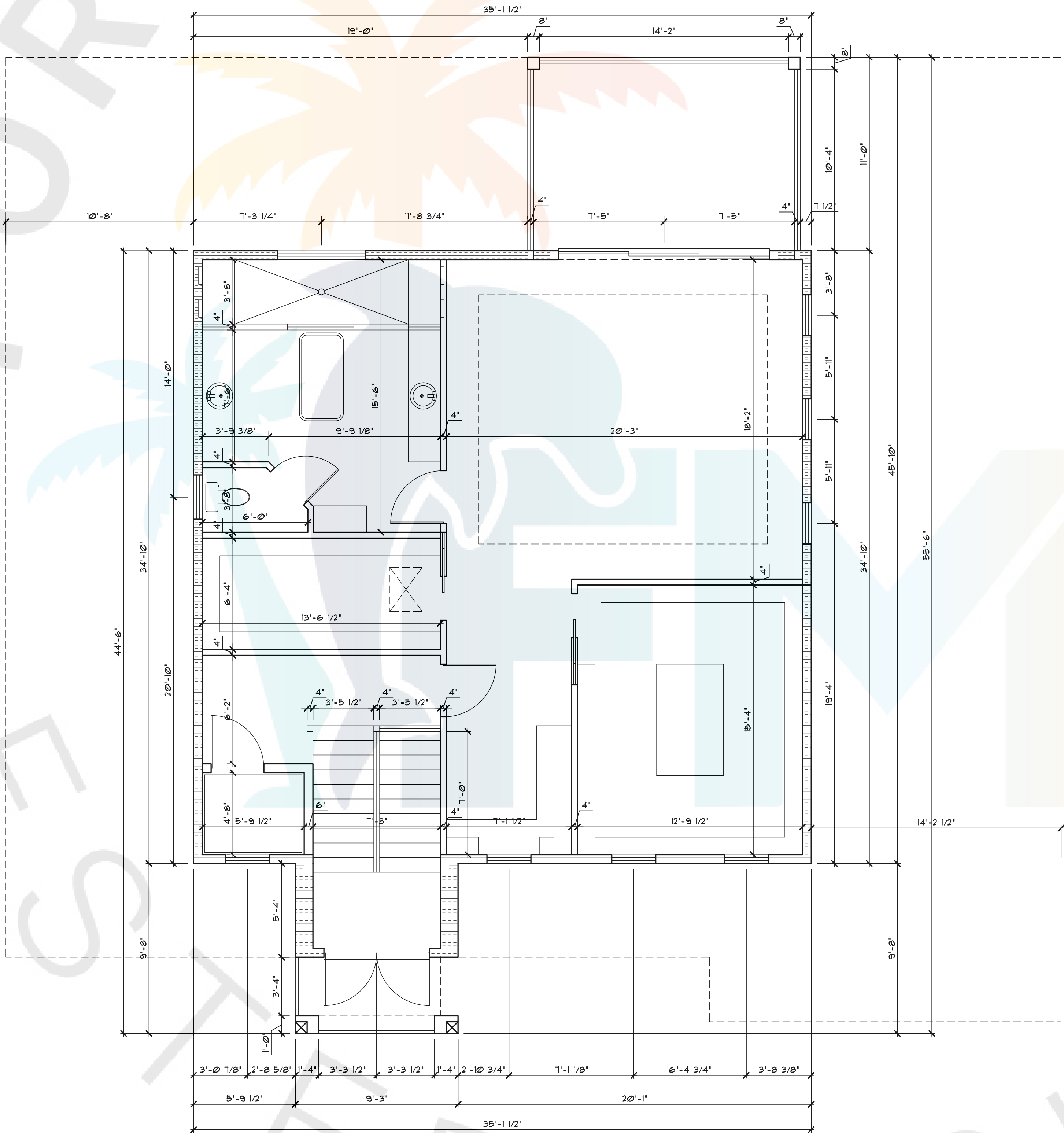
A-7

Reviewed for Code Compliance

Base Flood Elevation: 10.0' NAVD + 1.0' Freeboard=11.0' NAVD Minimum
Bottom of Floor Truss @ 14.67' NAVD
Proposed Finished Floor = 16.0' NAVD

All Materials Installed Below 11.0' NAVD Must Be Flood Resistant
Materials Per Florida Building Code 2020 7th Edition R322.1.8 Meeting
the Requirements of FEMA Technical Bulletin 2.

No Mechanical, Electrical or Plumbing is Permitted Below
11.0' NAVD Per Florida Building Code 2020 7th Edition R322.1.6



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Cape Coral, FL 33904
239-458-0833

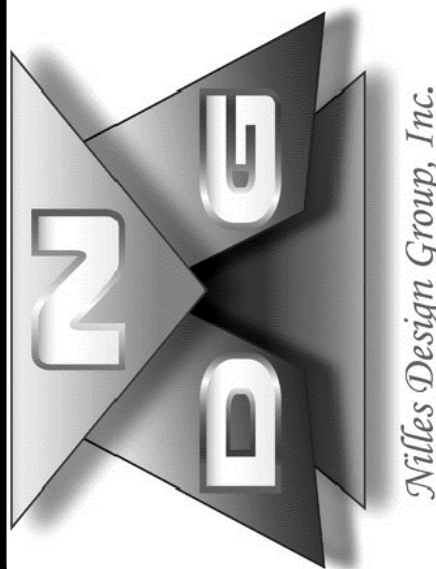
2nd Level Floor Plan w/Dimensions

1/4" = 1'-0"

Permit # 212060

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A New Residence for:
Joe & Bobbi Intile
435 Madison Ct.
Fort Myers Beach, FL



Date	06/08/21	Drawn By	AMN	Checked By	000
Revisions					
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3	09/23/21	Misc.	6	11/22/21	Eng. Markups & NOAs
7	02/28/22	Rejection Item	7	05/11/22	Rejection Item

Errors or Omissions must be brought to the attention of Niles Design Group, Inc. Ten (10) Days Prior to Commencement of Construction.

A-8

Reviewed for Code Compliance

Base Flood Elevation: 10.0' NAVD + 1.0' Freeboard=11.0' NAVD Minimum
Bottom of Floor Truss @ 14.67' NAVD
Proposed Finished Floor = 16.0' NAVD

All Materials Installed Below 11.0' NAVD Must Be Flood Resistant
Materials Per Florida Building Code 2020 7th Edition R322.1.8 Meeting
the Requirements of FEMA Technical Bulletin 2.

No Mechanical, Electrical or Plumbing is Permitted Below
11.0' NAVD Per Florida Building Code 2020 7th Edition R322.1.6

R302.12 Draftstopping.

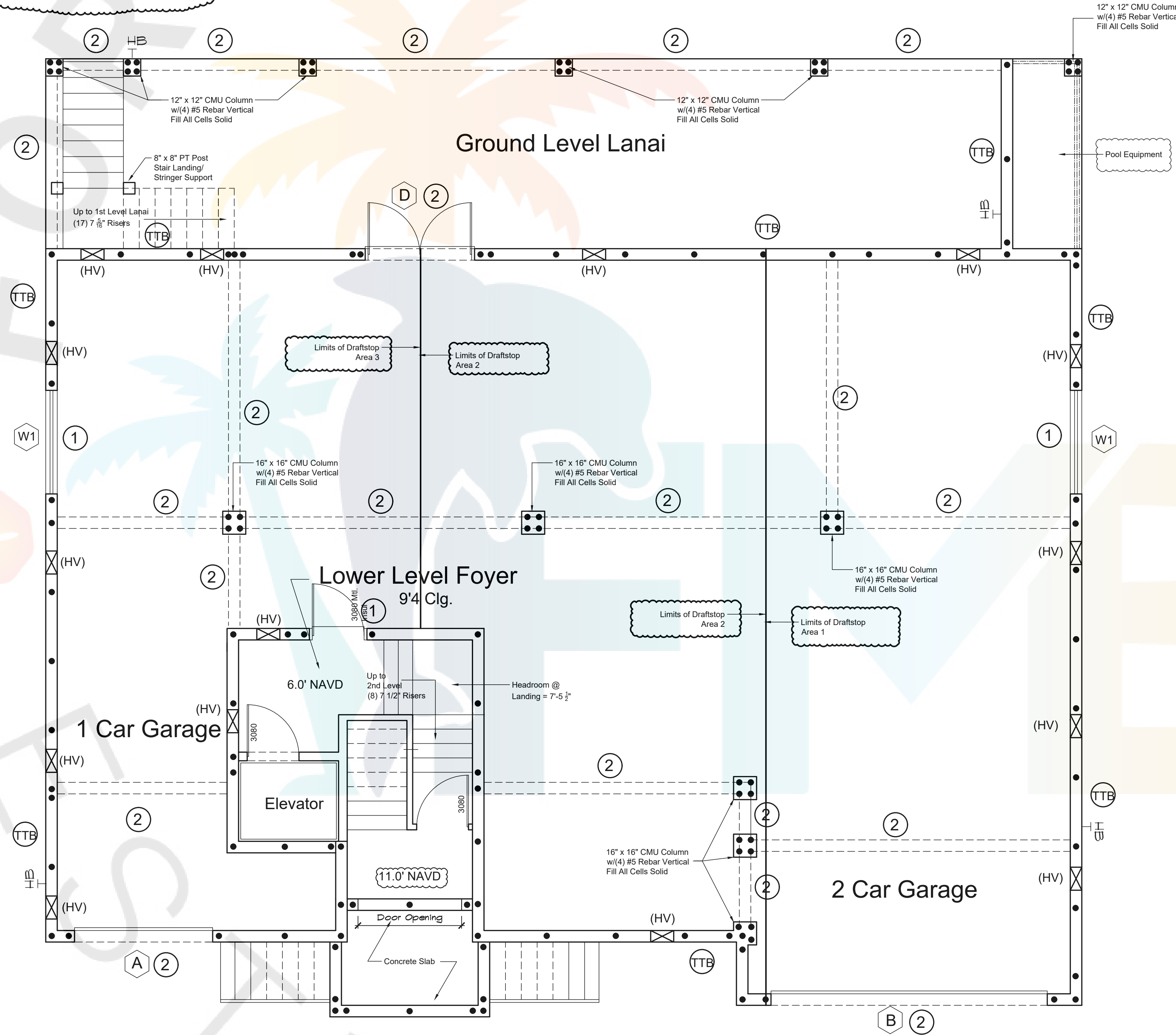
In combustible construction where there is usable space both above and below the concealed space of a floor-ceiling assembly, draftstops shall be installed so that the area of the concealed space does not exceed 1,000 square feet (92.9 m2). Draftstopping shall divide the concealed space into approximately equal areas. Where the assembly is enclosed by a floor membrane above and a ceiling membrane below, draftstopping shall be provided in floor-ceiling assemblies under the following circumstances:

- Ceiling is suspended under the floor framing.
- Floor framing is constructed of truss-type open-web or perforated members.

R302.12.1 Materials.

Draftstopping materials shall be not less than 1/2-inch (12.7 mm) gypsum board, 3/8-inch (9.5 mm) wood structural panels or other approved materials adequately supported. Draftstopping shall be installed parallel to the floor framing members unless otherwise approved by the building official. The integrity of the draftstops shall be maintained.

2310 Sq. Ft to be Draftstopped
Draftstop Area 1 782 Sq. Ft.
Draftstop Area 2 762 Sq. Ft.
Draftstop Area 3 766 Sq. Ft.



Stair Note:

The Stairs are located and constructed to minimize flood damage and are anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

BLOCK APPLICATIONS

- Apply Vulkem 350 Liquid Polyurethane Sealant to Window Opening and 6\"/>

FRAME APPLICATIONS

Same as above, plus apply peel and stick to entire wall, including nail fin. Peel and stick to be applied with \"Shingle Style\" overlap.

DOOR APPLICATIONS

Similar with Vulkem 350 providing Pen effect at door sill.

Water-proofing Detail

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3002 Del Prado Blvd., STE B
Cape Coral, FL 33904
239-458-6883

Tie Beam Schedule

TTB	Typical Tie Beam 8" x 16" Concrete Tie Beam w/(2) #5 Rebar Top & Bottom Over Continuous CMU Walls.
1	8" x 16" Concrete Tie Beam w/(2) #5 Rebar Top & (4) #5 Rebar Bottom. Use #3 Stirrups @ 6" O.C. Entire Beam.
2	8" x 16" Concrete Tie Beam w/(2) #7 Rebar Top & (5) #5 Rebar Bottom. Use #3 Stirrups @ 6" O.C. Entire Beam.

Hydrostatic Venting FL 5822.1 (HV)

Hydrostatic Venting Required = 2523 Sq. Inches
Provide (13) Smart Vents w/200 Sq. Inch Venting Capacity Per Smart Vent.

2600 Sq. Inches Hydrostatic Venting Provided.

Lower Level Foyer Hydrostatic Venting FL 5822.1 (HV)

Hydrostatic Venting Required = 213 Sq. Inches
Provide (2) Smart Vents w/200 Sq. Inch Venting Capacity Per Smart Vent.

400 Sq. Inches Hydrostatic Venting Provided.

Elevator Compliance Statement

Construction, Installation and Maintenance for the Elevator Shall Conform with ASME A17.1/CSAB44, ASME A17.3, ASME A18.1, ASME A90.1, ASME B20.1, ALI ALCTV, ASCE 24-05, Florida Building Code Section 3001

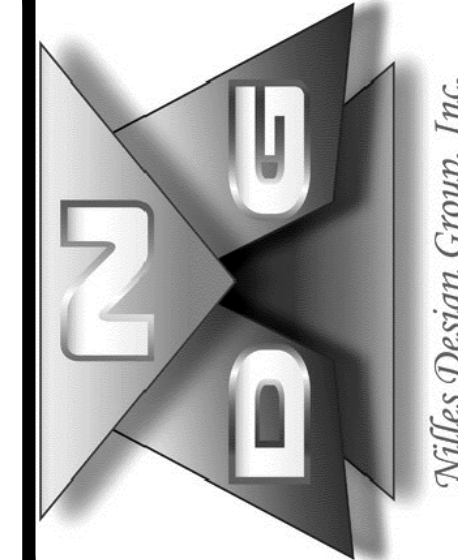
Ground Level Floor Plan w/Callouts

1/4" = 1'-0"

Permit # 212000

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A New Residence for:

Joe & Bobbi Intile

435 Madison Ct.

Fort Myers Beach, FL



Date: 06/08/21 Drawn By: AMN Checked By: 000

Revisions

1 06/09/21 Misc. 4 09/03/21 Add Main Door

2 08/17/21 Misc. 5 10/30/21 Remove Main Door

3 09/23/21 Misc. 6 11/22/21 Eng. Markups & NOAs

7 02/28/22 Revision Item 9 05/25/22 Clarified Pool Equip. Location

8 05/11/22 Revision Item Errors or Omissions must be brought to the attention of Nilles Design Group, Inc. Ten (10) Days Prior to Commencement of Construction.

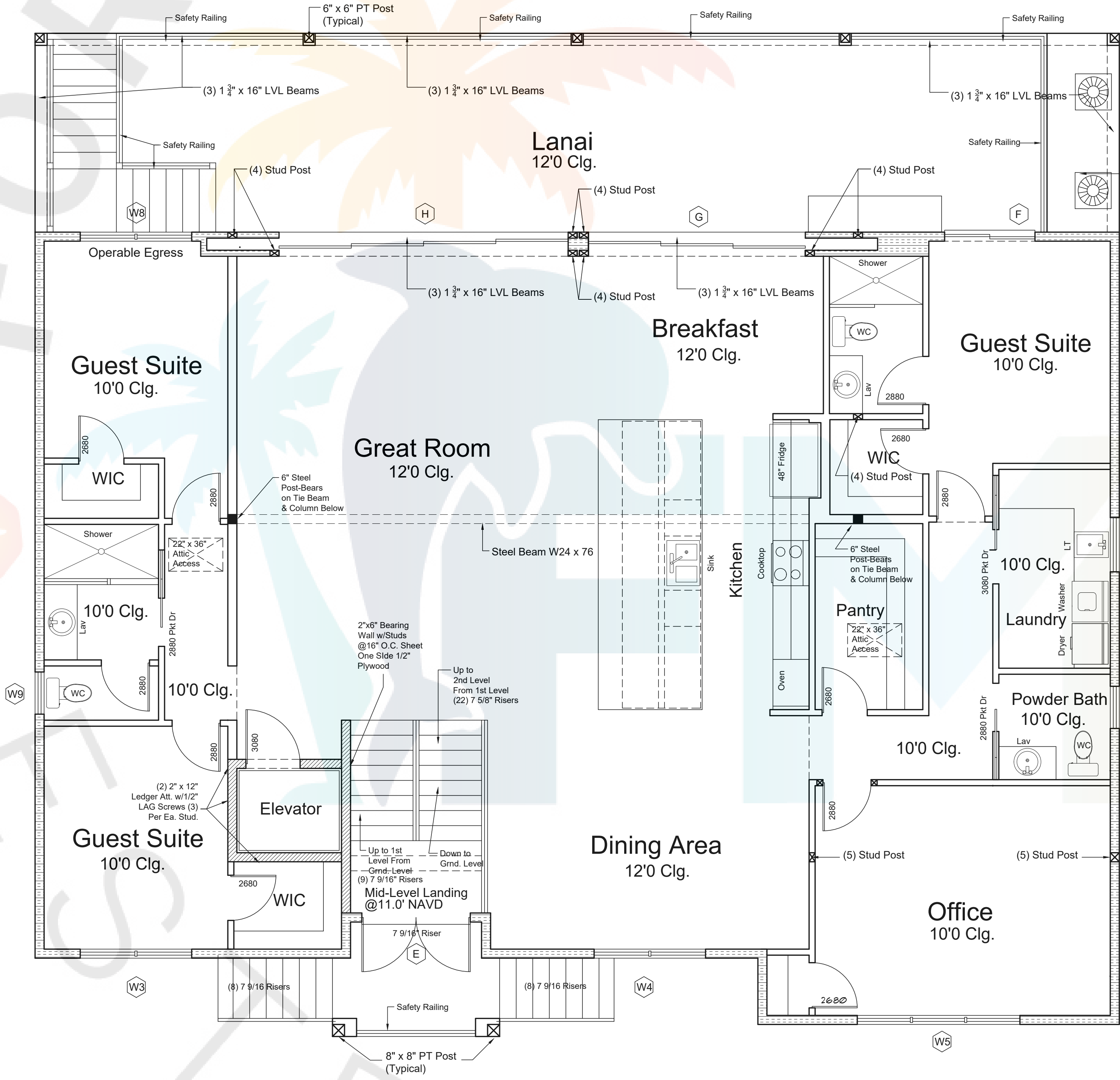
A-9

Reviewed for Code Compliance

Base Flood Elevation: 10.0' NAVD + 1.0' Freeboard=11.0' NAVD Minimum
Bottom of Floor Truss @ 14.67' NAVD
Proposed Finished Floor = 16.0' NAVD

All Materials Installed Below 11.0' NAVD Must Be Flood Resistant
Materials Per Florida Building Code 2020 7th Edition R322.1.8 Meeting
the Requirements of FEMA Technical Bulletin 2.

No Mechanical, Electrical or Plumbing is Permitted Below
11.0' NAVD Per Florida Building Code 2020 7th Edition R322.1.6



BLOCK APPLICATIONS

1. Apply Vulkem 350 Liquid Polyurethane Sealer to Window Opening and 6" Beyond on Exterior.
2. Set Window in Vulkem 116 Polyurethane Sealant.
3. Caulk Edge of Window Flange to Opening With 116 Polyurethane.

FRAME APPLICATIONS

Same as above, plus apply peel and stick to entire wall, including nail fin. Peel and stick to be applied with "Shingle Style" overlap.

DOOR APPLICATIONS

Similar with Vulkem 350 providing Pan effect at door sill.

Water-proofing Detail

Elevator Compliance Statement

Construction, Installation and Maintenance for the Elevator Shall Conform with ASME A17.1/CSAB44, ASME A17.3, ASME A18.1, ASME A90.1, ASME B20.1, ALI ALCTV, ASCE 24-05, Florida Building Code Section 3001

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3002 Del Prado Blvd., STE B
Cape Coral, FL 33904
239-458-6833

Area Tabulation	
Ground Level Foyer	213
2nd Level Living	2345
3rd Level Living	1127
Total Living	3685
Ground Level Enclosed	2310
Ground Level Lanai	607
2nd Level Entry	55
2nd Level Lanai	595
3rd Level Rear Balcony	171
Grand Total Sq. Footage	7423

Stair Note:

The Stairs are located and constructed to minimize flood damage and are anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Unless Noted Otherwise All Header Over Openings
In Load Bearing Walls Are (3) 2" x 12" SYP

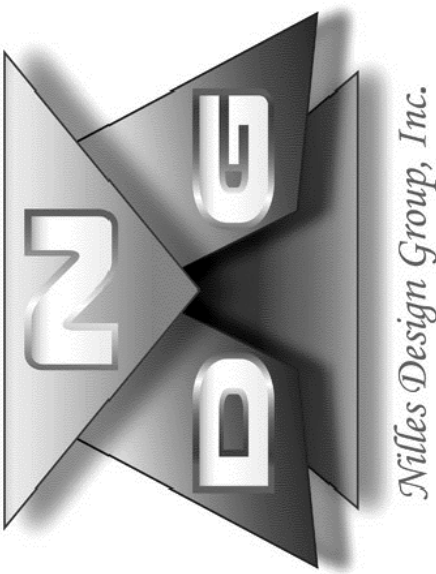
1st Level Floor Plan w/Dimensions

1/4" = 1'-0"

Permit # 212000

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A New Residence for:
Joe & Bobbi Intile
435 Madison Ct.
Fort Myers Beach, FL



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Revisions					
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2	09/17/21	Misc.	5	10/30/21	Remove Main Door
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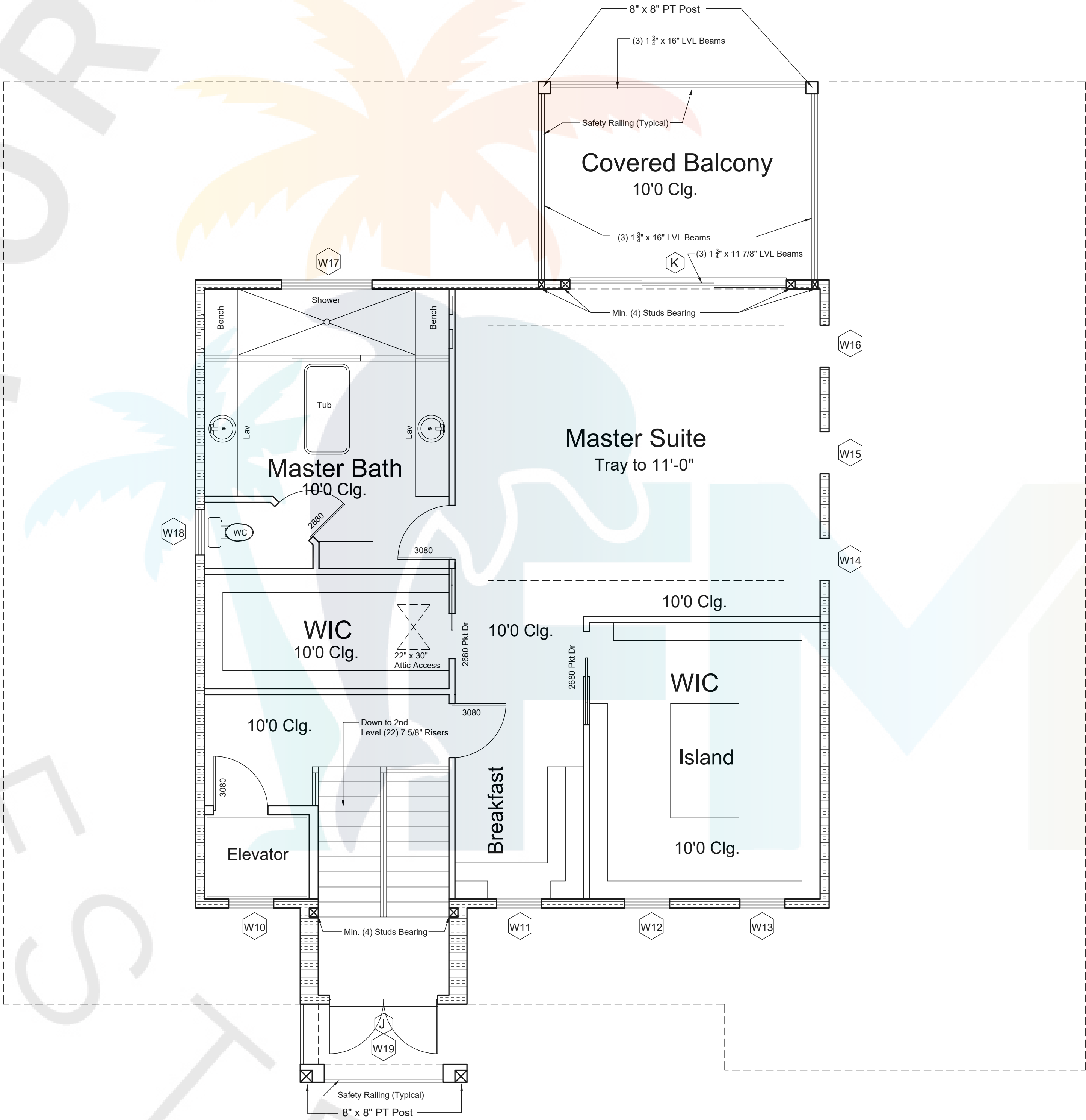
A-10

Reviewed for Code Compliance

Base Flood Elevation: 10.0' NAVD + 1.0' Freeboard=11.0' NAVD Minimum
Bottom of Floor Truss @ 14.67' NAVD
Proposed Finished Floor = 16.0' NAVD

All Materials Installed Below 11.0' NAVD Must Be Flood Resistant
Materials Per Florida Building Code 2020 7th Edition R322.1.8 Meeting
the Requirements of FEMA Technical Bulletin 2.

No Mechanical, Electrical or Plumbing is Permitted Below
11.0' NAVD Per Florida Building Code 2020 7th Edition R322.1.6



BLOCK APPLICATIONS

1. Apply Vulkem 350 Liquid Polyurethane Sealer to Window Opening and 6" Beyond on Exterior.
2. Set Window in Vulkem 116 Polyurethane Sealant.
3. Caulk Edge of Window Flange to Opening With 116 Polyurethane.

FRAME APPLICATIONS

Same as above, plus apply peel and stick to entire wall, including nail fin. Peel and stick to be applied with 'Shingle Style' overlap.

DOOR APPLICATIONS

Similar with Vulkem 350 providing Pan effect at door sill.

Water-proofing Detail

Elevator Compliance Statement

Construction, Installation and Maintenance for the Elevator Shall Conform with ASME A17.1/CSAB44, ASME A17.3, ASME A18.1, ASME A90.1, ASME B20.1, ALI ALCTV, ASCE 24-05, Florida Building Code Section 3001

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Stair Note:

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Unless Noted Otherwise All Header Over Openings
In Load Bearing Walls Are (3) 2" x 12" SYP

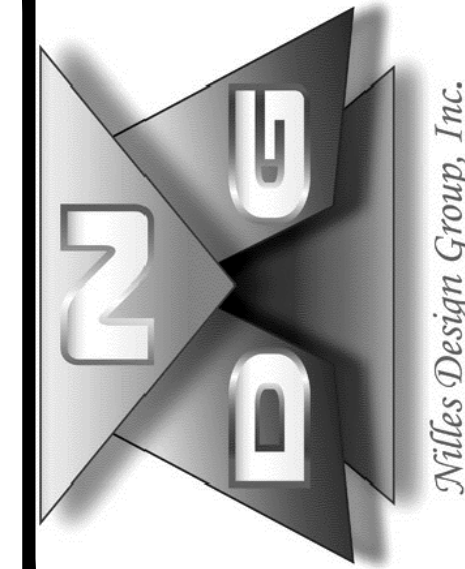
2nd Level Floor Plan w/Callouts

1/4" = 1'-0"

Permit # 212060

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A New Residence for:

Joe & Bobbi Intile
435 Madison Ct.
Fort Myers Beach, FL



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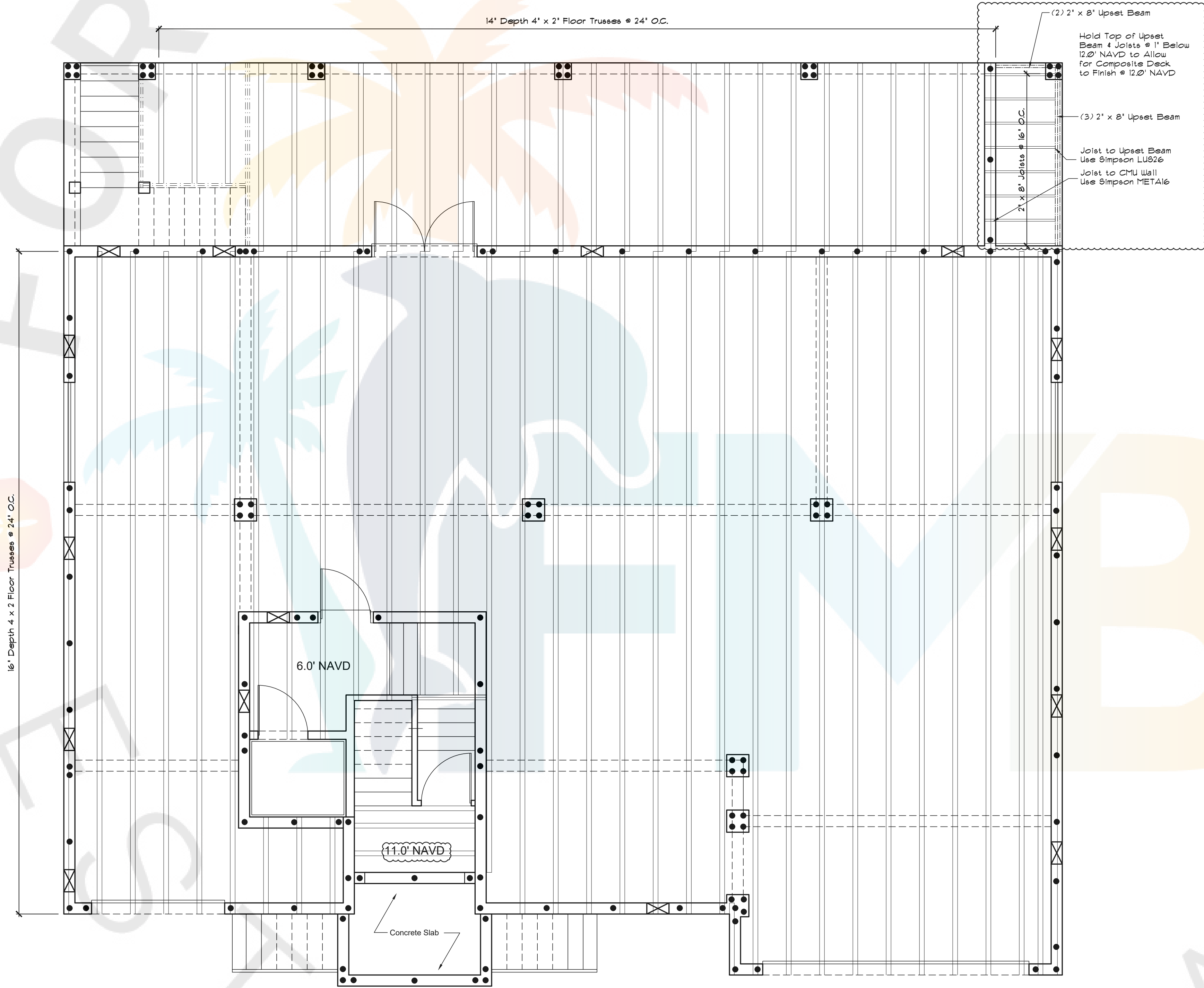
A-11

Reviewed for Code Compliance

Base Flood Elevation: 10.0' NAVD + 1.0' Freeboard=11.0' NAVD Minimum
Bottom of Floor Truss @ 14.67' NAVD
Proposed Finished Floor = 16.0' NAVD

All Materials Installed Below 11.0' NAVD Must Be Flood Resistant
Materials Per Florida Building Code 2020 7th Edition R322.1.8 Meeting
the Requirements of FEMA Technical Bulletin 2.

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11.0' NAVD Per Florida Building Code 2020 7th Edition R322.1.6



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GULFCOAST ENGINEERING, LLC, COA #9910
3002 Del Prado Blvd., STE B
Cape Coral, FL 33904
239-458-6833

Provide Mid Span Mechanical Chase-All Spans

1st Level Floor Framing Plan

1/4" = 1'-0"

Permit # 212000

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Fort Myers Beach, FL



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A-12

Base Flood Elevation: 10.0' NAVD + 1.0' Freeboard=11.0' NAVD Minimum
Bottom of Floor Truss @ 14.67' NAVD
Proposed Finished Floor = 16.0' NAVD

All Materials Installed Below 11.0' NAVD Must Be Flood Resistant Materials Per Florida Building Code 2020 7th Edition R322.1.8 Meeting the Requirements of FEMA Technical Bulletin 2.

No Mechanical, Electrical or Plumbing is Permitted Below
11.0' NAVD Per Florida Building Code 2020 7th Edition R322.1.6

Attic Ventilation Calculations Section 1

Attic to be Vented per FBC 2020 7th Edition Per R806.2
878 Sq. Ft. of Roof Area
 $878/300 = 2.93$ Sq. Ft.

2.93 Sq. Ft. X 144 = 421.92 Sq. In. Intake & Exhaust Ventilation Required
Provide 51 Min. Linear Feet Soffit Venting @ 4.18 Sq. In. Venting Capacity
Per Linear Foot = 213.18 Square Inches Provided
Provide (1) 4' x 6' Off Ridge Vents @ 210 Sq. In. Venting Capacity
Per Linear Foot = 210 Square Inches. (49.7%)

Total Venting Provided 423.18 Sq. Inches

Off-Ridge Venting Shall Be Located Not More Than 3 Feet Below the Ridge or Highest Point of the Space, Measured Vertically, with the Balance of the Required Ventilation Provided by Soffit Vents. Where the Location of Wall or Roof Framing Members Conflicts with the Installation of Upper Ventilators, Installation More Than 2 Feet Below the Ridge or Highest Point of the Space Shall be Permitted.

Attic Ventilation Calculations Section 2

Attic to be Vented per FBC 2020 7th Edition Per R806.2
914 Sq. Ft. of Roof Area
 $914/300 = 3.05$ Sq. Ft.

3,05 Sq. Ft. X 144 = 439.2 Sq. In. Intake & Exhaust Ventilation Required
Provide 55 Min. Linear Feet Soffit Venting @ 4.18 Sq. In. Venting Capacity
Per Linear Foot = 229.9 Square Inches Provided
Provide (1) 4' x 6' Off Ridge Vents @ 210 Sq. In. Venting Capacity
Per Linear Foot = 210 Square Inches. (47.8%)

Total Venting Provided 439.9 Sq. Inches

Off-Ridge Venting Shall Be Located Not More Than 3 Feet Below the Ridge or Highest Point of the Space, Measured Vertically, with the Balance of the Required Ventilation Provided by Soffit Vents. Where the Location of Wall or Roof Framing Members Conflicts with the Installation of Upper Ventilators, Installation More Than 2 Feet Below the Ridge or Highest Point of the Space Shall be Permitted.

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3002 Del Prado Blvd, STE B
Cape Coral, FL 33904
239-458-6633

Provide Mid Span Mechanical Chase-All Spans

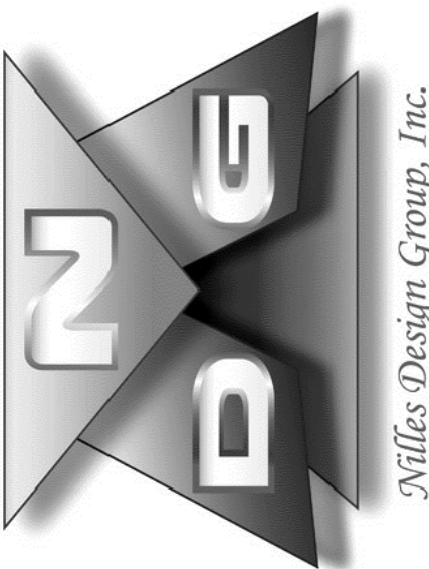
Off Ridge Vent (Typical)

1st Level Ridge Line & 2nd Level Floor Framing Plan

1/4" = 1'-0"

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(239)574-7100
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A New Residence for:

Joe & Bobbi Intile

435 Madison Ct.
Fort Myers Beach, FL

BEATTIE DEVELOPMENT



Date: 06/08/21	Drawn By: AMN	Checked By: 000
Revisions		
1	06/09/21 Misc.	4
2	08/17/21 Misc.	5
3	08/23/21 Misc.	6
		7
		7
Errors or Omissions must be brought to the attention of Nilles Design Group, Inc. Ten (10) Days Prior to Commencement of Construction.		

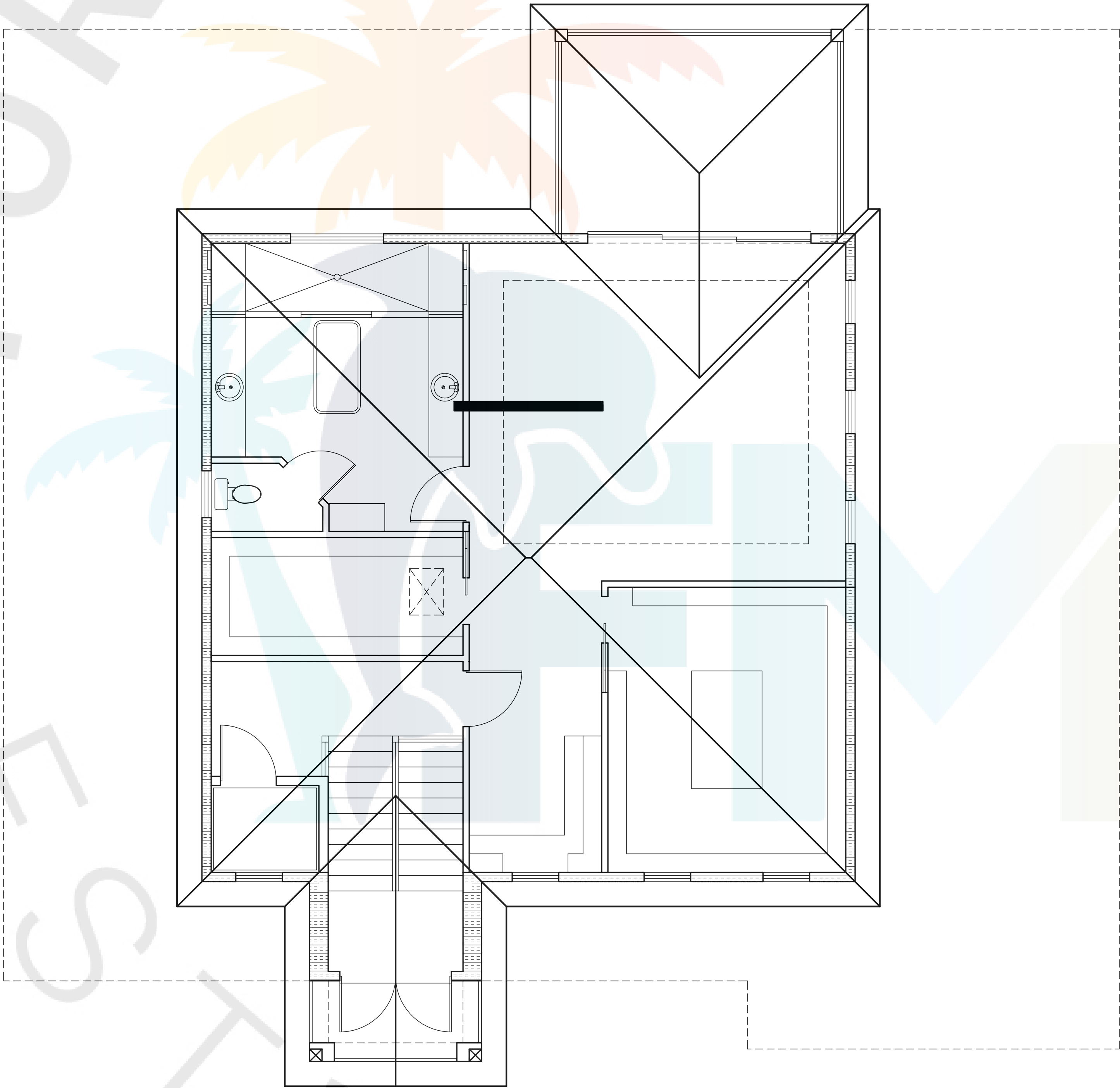
A-13

Reviewed for Code Compliance

Base Flood Elevation: 10.0' NAVD + 1.0' Freeboard=11.0' NAVD Minimum
Bottom of Floor Truss @ 14.67' NAVD
Proposed Finished Floor = 16.0' NAVD

All Materials Installed Below 11.0' NAVD Must Be Flood Resistant
Materials Per Florida Building Code 2020 7th Edition R322.1.8 Meeting
the Requirements of FEMA Technical Bulletin 2.

No Mechanical, Electrical or Plumbing is Permitted Below
11.0' NAVD Per Florida Building Code 2020 7th Edition R322.1.6



Attic Ventilation Calculations
Attic to be Vented per FBC 2020 7th Edition Per R806.2
1443 Sq. Ft. of Roof Area
1443/300 = 4.81 Sq. Ft.
4.81 Sq. Ft. X 144 = 692.64 Sq. In. Intake & Exhaust Ventilation Required
Provide 99 Min. Linear Feet Soffit Venting @ 4.18 Sq. In. Venting Capacity
Per Linear Foot = 413.82 Square Inches Provided
Provide (1) 4' x 8' Off Ridge Vents @ 282 Sq. In. Venting Capacity
Per Linear Foot = 282 Square Inches. (40.1%)

Total Venting Provided 695.82 Sq. Inches

Off-Ridge Venting Shall Be Located Not More Than 3 Feet Below the
Ridge or Highest Point of the Space, Measured Vertically, with the Balance
of the Required Ventilation Provided by Soffit Vents. Where the Location
of Wall or Roof Framing Members Conflicts with the Installation of Upper
Ventilators, Installation More Than 2 Feet Below the Ridge or Highest
Point of the Space Shall be Permitted.

BRIAN LOY CHANDLER, STATE OF FLORIDA, Professional
Engineer, License No. 72152. This plan has been digitally
signed and sealed by BRIAN LOY CHANDLER on the date
indicated with the digital signature (first or second page).
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I hereby certify as the Building Design Engineer of Record, that
the Building Design as shown on these plans (Structural
Compliance Only) and as accompanied by design and support
documents conforms to the 2020 7th Edition Florida Building
Code Residential. This Certification does not include roof
components of which the Truss Design Engineer is the
Engineer of Record. Plans have been prepared in compliance
with the 2020 7th Edition Florida Building Code.

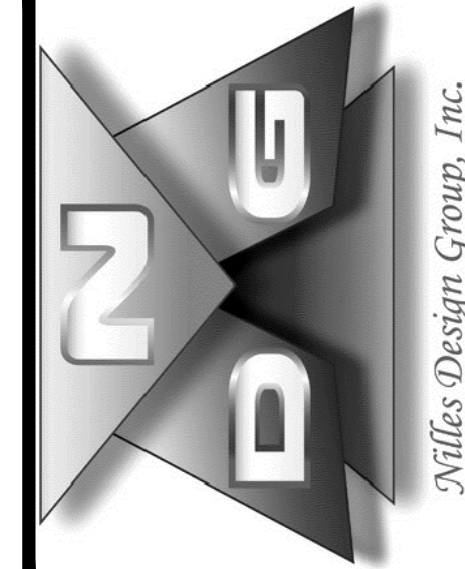
GULFCOAST ENGINEERING, LLC, COA #9910
3002 Del Prado Blvd, STE B
Cape Coral, FL 33904
239-458-6833

5/12 Pitch 16" Overhang
Off Ridge Vent (Typical)
2nd Level Ridge Line Plan
1/4" = 1'-0"

Permit # 212006

1003 Del Prado Blvd. S.
Suite 201
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express written consent of Niles Design Group, Inc.



A New Residence for:
Joe & Bobbi Intile
435 Madison Ct.
Fort Myers Beach, FL

BEATTIE
DEVELOPMENT

Date	06/08/21	Drawn By	AMN	Checked By	000
Revisions					
1	06/09/21	Misc.	4	09/03/21	Add Main Door
2	08/17/21	Misc.	5	10/30/21	Remove Main Door
3	09/23/21	Misc.	6	11/22/21	Eng. Markups & NOAs
7	02/28/22	Rejection Item	7	05/11/22	Rejection Item

Errors or Omissions must be brought to the
attention of Niles Design Group, Inc. Ten (10)
Days Prior to Commencement of Construction.

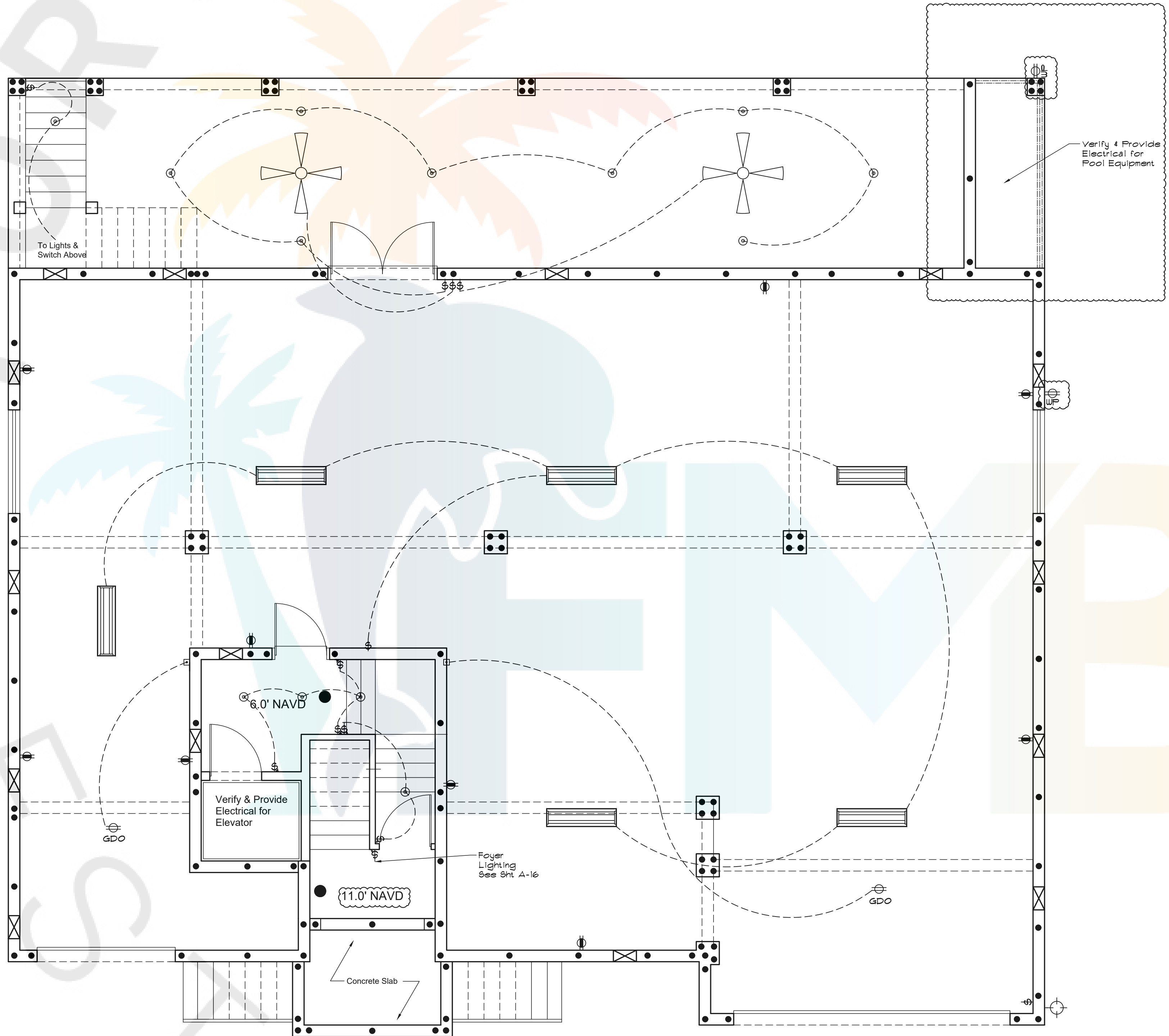
A-14

Reviewed for Code Compliance

Base Flood Elevation: 10.0' NAVD + 1.0' Freeboard=11.0' NAVD Minimum
Bottom of Floor Truss @ 14.67' NAVD
Proposed Finished Floor = 16.0' NAVD

All Materials Installed Below 11.0' NAVD Must Be Flood Resistant
Materials Per Florida Building Code 2020 7th Edition R322.1.8 Meeting
the Requirements of FEMA Technical Bulletin 2.

No Mechanical, Electrical or Plumbing is Permitted Below
11.0' NAVD Per Florida Building Code 2020 7th Edition R322.1.6



Electrical Legend	
\$	Single Pole Switch
\$	2-Way Switch
\$	3-Way Switch
⊕	110 Volt Recepticle
⊕	110 Volt Floor Recepticle
⊕	110 Volt Splt Wire Recepticle
⊕	220 Volt Recepticle
⊕	110 Volt Ground Fault Interrupter
⊕	110 Volt Weatherproof Recepticle
⊕	Ceiling Mount Light Fixture
⊕	Wall Mount Light Fixture
⊕	Recess Can Light
⊕	Vapor Proof Light Fixture
⊕	Mini-Recess Can Light
⊕	Exhaust Fan
⊕	Exhaust Fan w/ Light
⊕	Eyeball Light
⊕	Television Cable Outlet
⊕	Telephone Outlet
⊕	Smoke Detector/Carbon Monoxide Detector
⊕	Flourescent Light Fixture
⊕	Hollywood Lights
⊕	Ceiling Fan
⊕	Ceiling Fan w/ Light
⊕	Push Button For Garage Dr Opener
⊕	Electric Meter
⊕	Electric Panel Box
Other Symbols As Noted	

Note: All Electrical This Level to Be At or Above 11.0' NAVD

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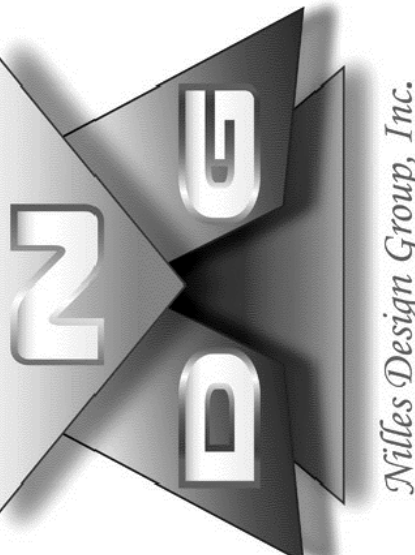
Ground Level Floor Plan w/Electrical

1/4" = 1'-0"

Permit # 212060

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A New Residence for:
Joe & Bobbi Intile
435 Madison Ct.
Fort Myers Beach, FL



Date	06/08/21	Drawn By	AMN	Checked By	000
Revisions					
1	06/09/21	Misc.	4	09/03/21	Add Main Door
2	08/17/21	Misc.	5	10/30/21	Remove Main Door
3	09/23/21	Misc.	6	11/22/21	Eng Markups & NOAs
7	02/28/22	Rejection Item	9	05/25/22	Clarified Pool Equip. Location
8	05/11/22	Rejection Item			Errors or Omissions must be brought to the attention of Nilles Design Group, Inc. Ten (10) Days Prior to Commencement of Construction.

A-15

Reviewed for Code Compliance

Base Flood Elevation: 10.0' NAVD + 1.0' Freeboard=11.0' NAVD Minimum
Bottom of Floor Truss @ 14.67' NAVD
Proposed Finished Floor = 16.0' NAVD

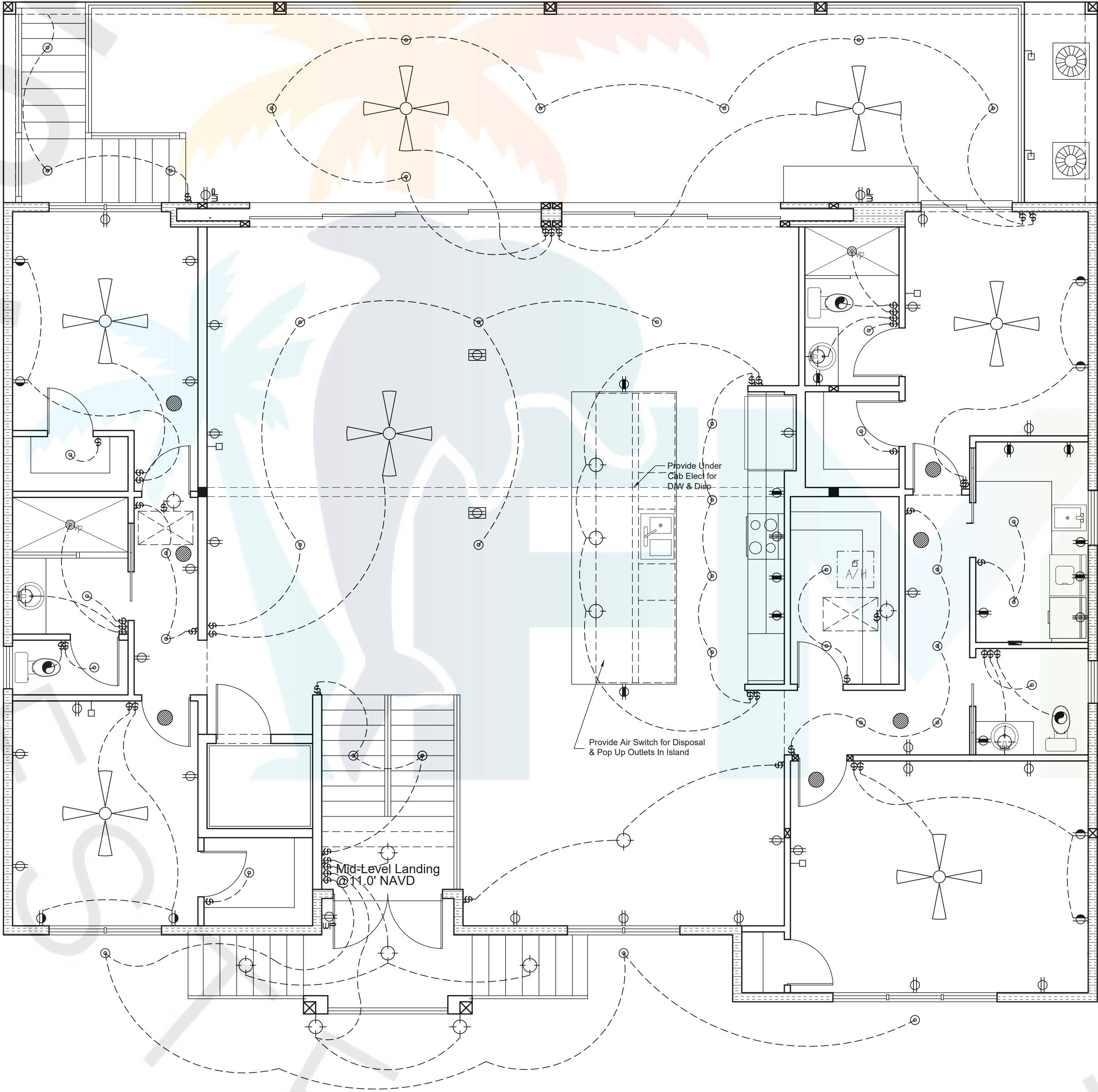
All Materials Installed Below 11.0' NAVD Must Be Flood Resistant
Materials Per Florida Building Code 2020 7th Edition R322.1.8 Meeting
the Requirements of FEMA Technical Bulletin 2.

No Mechanical, Electrical or Plumbing is Permitted Below
11.0' NAVD Per Florida Building Code 2020 7th Edition R322.1.6

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GULFOAST ENGINEERING, LLC, COA #9910
3002 Del Prado Blvd, STE B
Cape Coral, FL 33904
239-458-6803



Electrical Legend	
⚡	Single Pole Switch
⚡	2-Way Switch
⚡	3-Way Switch
⚡	110 Volt Receptacle
⚡	110 Volt Floor Receptacle
⚡	110 Volt Splt Wire Receptacle
⚡	220 Volt Receptacle
⚡	110 Volt Ground Fault Interrupter
⚡	110 Volt Weatherproof Receptacle
⚡	Ceiling Mount Light Fixture
⚡	Wall Mount Light Fixture
⚡	Recess Can Light
⚡	Vapor Proof Light Fixture
⚡	Mini-Recess Can Light
⚡	Exhaust Fan
⚡	Exhaust Fan w/ Light
⚡	Eyeball Light
⚡	Television Cable Outlet
⚡	Telephone Outlet
⚡	Smoke Detector/Carbon Monoxide Detector
⚡	Flourescent Light Fixture
⚡	Hollywood Lights
⚡	Ceiling Fan
⚡	Ceiling Fan w/ Light
⚡	Push Button For Garage Dr Opener
⚡	Electric Meter
⚡	Electric Panel Box
Other Symbols As Noted	

Provide Carbon Monoxide Protection Per
Rule 9B-3.0472 Florida Administrative Code

Arc Fault Circuits Shall Be Located
in All Living Areas

Smoke Detectors to be Hardwired
with Battery Back-up.

TOP OF STANDARD SWITCHES = 48"
TOP OF GARAGE SWITCHES AND RECEPTACLES = 48"
TOP OF HOUSE RECEPTACLES = 12"
VANITY LIGHTS - USE ROUND BOX CENTERED ON 85"

1st level Floor Plan w/Electrcal

1/4" = 1'-0"

Permit # 212000

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A New Residence for:
Joe & Bobbi Intile
435 Madison Ct.
Fort Myers Beach, FL

BEATTIE
DEVELOPMENT

Date	Drawn By	AMN	Checked By	000
06/09/21	1	06/09/21	Misc.	4
08/17/21	2	08/17/21	Misc.	5
09/23/21	3	09/23/21	Misc.	6
02/28/22	7	02/28/22	Rejection Item	7
05/11/22	7	05/11/22	Rejection Item	7

Errors or Omissions must be brought to the attention of Nilles Design Group, Inc. Ten (10) Days Prior to Commencement of Construction.

A-16

Reviewed for Code Compliance

Base Flood Elevation: 10.0' NAVD + 1.0' Freeboard=11.0' NAVD Minimum
Bottom of Floor Truss @ 14.67' NAVD
Proposed Finished Floor = 16.0' NAVD

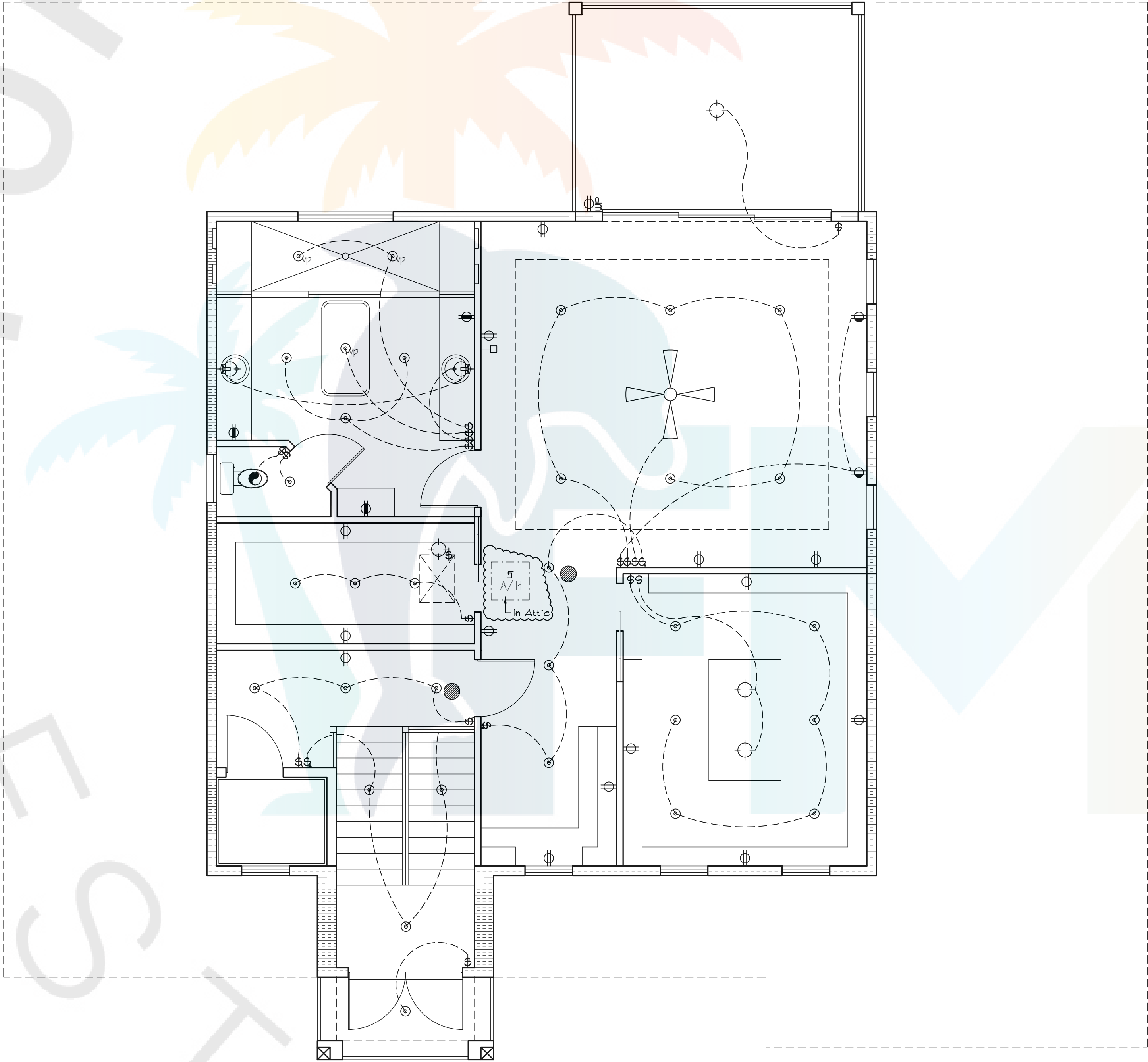
All Materials Installed Below 11.0' NAVD Must Be Flood Resistant
Materials Per Florida Building Code 2020 7th Edition R322.1.8 Meeting
the Requirements of FEMA Technical Bulletin 2.

No Mechanical, Electrical or Plumbing is Permitted Below
11.0' NAVD Per Florida Building Code 2020 7th Edition R322.1.6

BRIAN LOY CHANDLER, STATE OF FLORIDA, Professional Engineer, License No. 72152. This item has been digitally signed and sealed by BRIAN LOY CHANDLER on the date indicated with the digital signature (first or second page). Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies. This attached page is considered Signed and Sealed per 61G15-23.004(3)(c), F.A.C.

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239-458-6833



Electrical Legend	
⌚	Single Pole Switch
⌚	2-Way Switch
⌚	3-Way Switch
⌚	110 Volt Receptacle
⌚	110 Volt Floor Receptacle
⌚	110 Volt Splt Wire Receptacle
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⌚	110 Volt Weatherproof Receptacle
⌚	Ceiling Mount Light Fixture
⌚	Wall Mount Light Fixture
⌚	Recess Can Light
⌚	Vapor Proof Light Fixture
⌚	Mini-Recess Can Light
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⌚	Exhaust Fan w/ Light
⌚	Eyeball Light
⌚	Television Cable Outlet
⌚	Telephone Outlet
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⌚	Flourescent Light Fixture
⌚	Hollywood Lights
⌚	Ceiling Fan
⌚	Ceiling Fan w/ Light
⌚	Push Button For Garage Dr Opener
⌚	Electric Meter
⌚	Electric Panel Box
Other Symbols As Noted	

Provide Carbon Monoxide Protection Per
Rule 9B-3.0472 Florida Administrative Code

Arc Fault Circuits Shall Be Located
in All Living Areas

Smoke Detectors to be Hardwired
with Battery Back-up.

TOP OF STANDARD SWITCHES = 48"
TOP OF GARAGE SWITCHES AND RECEPTACLES = 48"
TOP OF HOUSE RECEPTACLES = 12"
VANITY LIGHTS - USE ROUND BOX CENTERED ON 85"

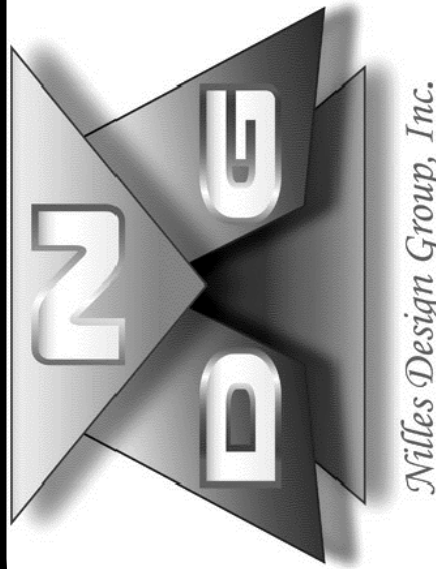
2nd Level Floor Plan w/Electrical

1/4" = 1'-0"

Permit # 212060

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Fort Myers Beach, FL



Date	Drawn By	AMN	Checked By	000
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08/17/21	Misc.	5	10/30/21	Remove Main Door
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02/28/22	Rejection Item	7	05/11/22	Rejection Item

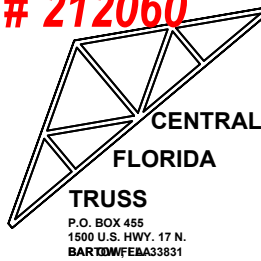
Errors or Omissions must be brought to the attention of Niles Design Group, Inc. Ten (10) Days Prior to Commencement of Construction.

A-17

This attached page is NOT considered Signed and Sealed per 61G15-23.004(3)(e), F.A.C. by the Building Design Engineer of Record **BRIAN LOY CHANDLER**. Inclusion of this page indicates review for substantial compliance only.

The Truss Manufacturer's Layout appears to be in substantial compliance with the permitting plans. The Contractor must verify all dimensions, pitch, heel heights, overhangs, Etc. 2020 7th Edition Florida Building Code Residential.

GULFCOAST ENGINEERING, LLC. COA #9910
3002 Del Prado Blvd, STE B
Cape Coral, FL 33904
239-458-6633



BARTOW
PHONE: 1-863-533-0821
FAX: 1-863-533-9517

SARASOTA
PHONE: 1-941-371-5239
FAX: 1-941-377-7788

DESIGN CRITERIA	
WIND CODE	ASCE 7-16
WIND SPEED	160 MPH
EXPOSURE	C
BUILDING CATEGORY	II
IMPORTANCE FACTOR	1.0
ENCLOSURE	ENCLOSED (u.n.o.)
INT. PRES. COEF.	.18

ROOF DATA	FLOOR DATA
T.C. PITCH : 5/12	TYPE :
T.C. SIZE : 2x4	O.A.H. :
OVERHANG : 16"	O.C. : N/A
OH CUT : PL	
O.C. SPACING : 24"	

LOADING		LOADING	
CHORD	LOADING	CHORD	LOADING
TOP	20 40 60	TOP	40 20 60
BOTM	10 10 10	BOTM	0 5 5
TOTAL	30 50 70	TOTAL	40 25 65
DURATION FACTOR	1.25	DURATION FACTOR	1.00

10.00 PSF NON-CONCURRENT B.C.L.L.

NOTES :

*ONLY TRUSSES WITH REACTIONS OVER 5000# AND UPLIFTS OVER 1000# ARE NOTED ON LAYOUT.

*ALL LANAI'S, PORCHES AND ENTRIES ARE EXPOSED TO WIND.

*TRUSS TO TRUSS CONNECTIONS BY CFT. SIMPSON STRONG-TIE USED.

LAYOUT APPROVED BY :
APPROVAL DATE :
REQUESTED DELIVERY DATE :

Customer : BEATTIE DEVELOPMENT
Project : INTILE RESIDENCE
Lot # :
Address : 435 MADISON COURT
City : FORT MYERS BEACH
County : LEE

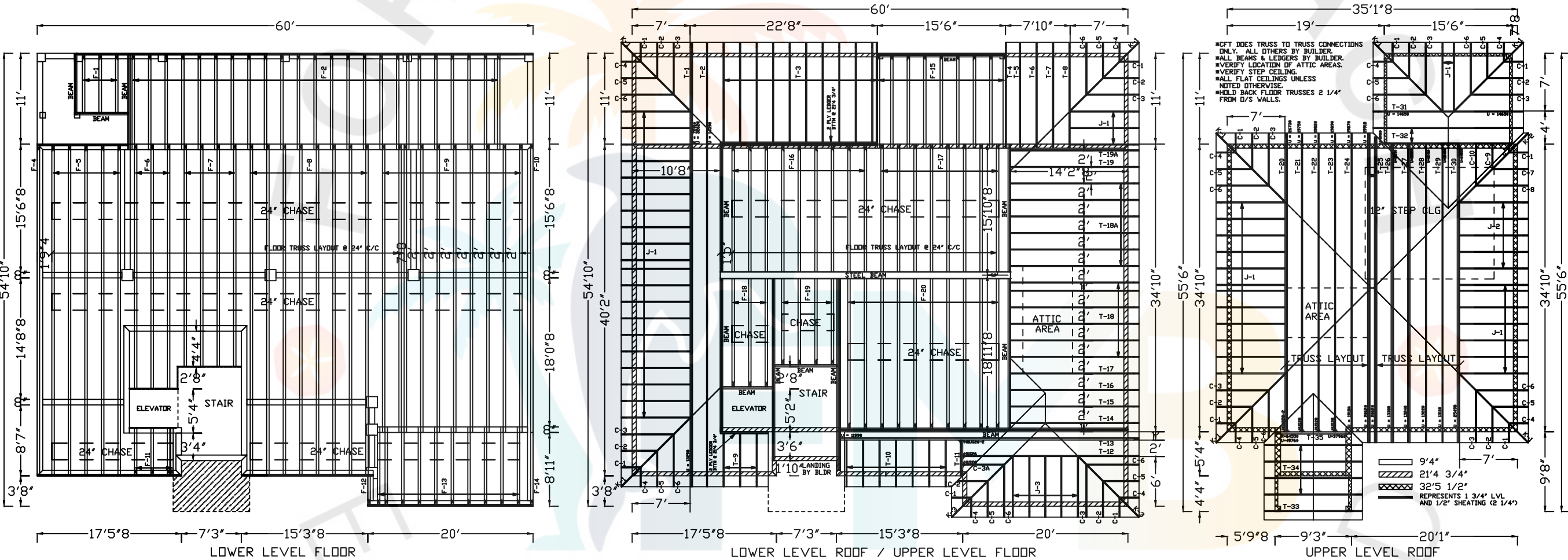
SCALE: N.T.S.
LAYOUT BY : JWS

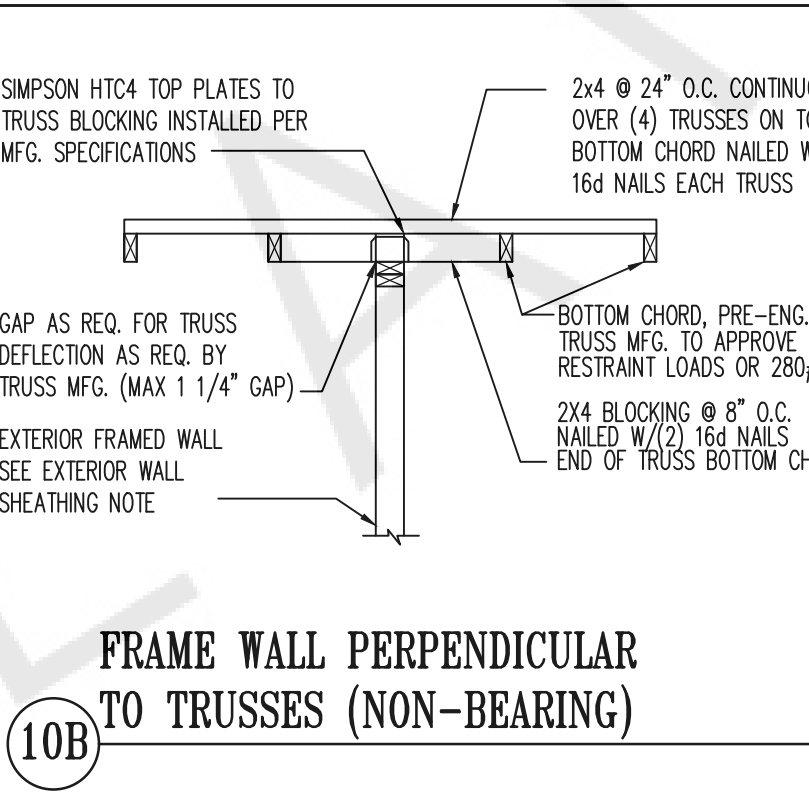
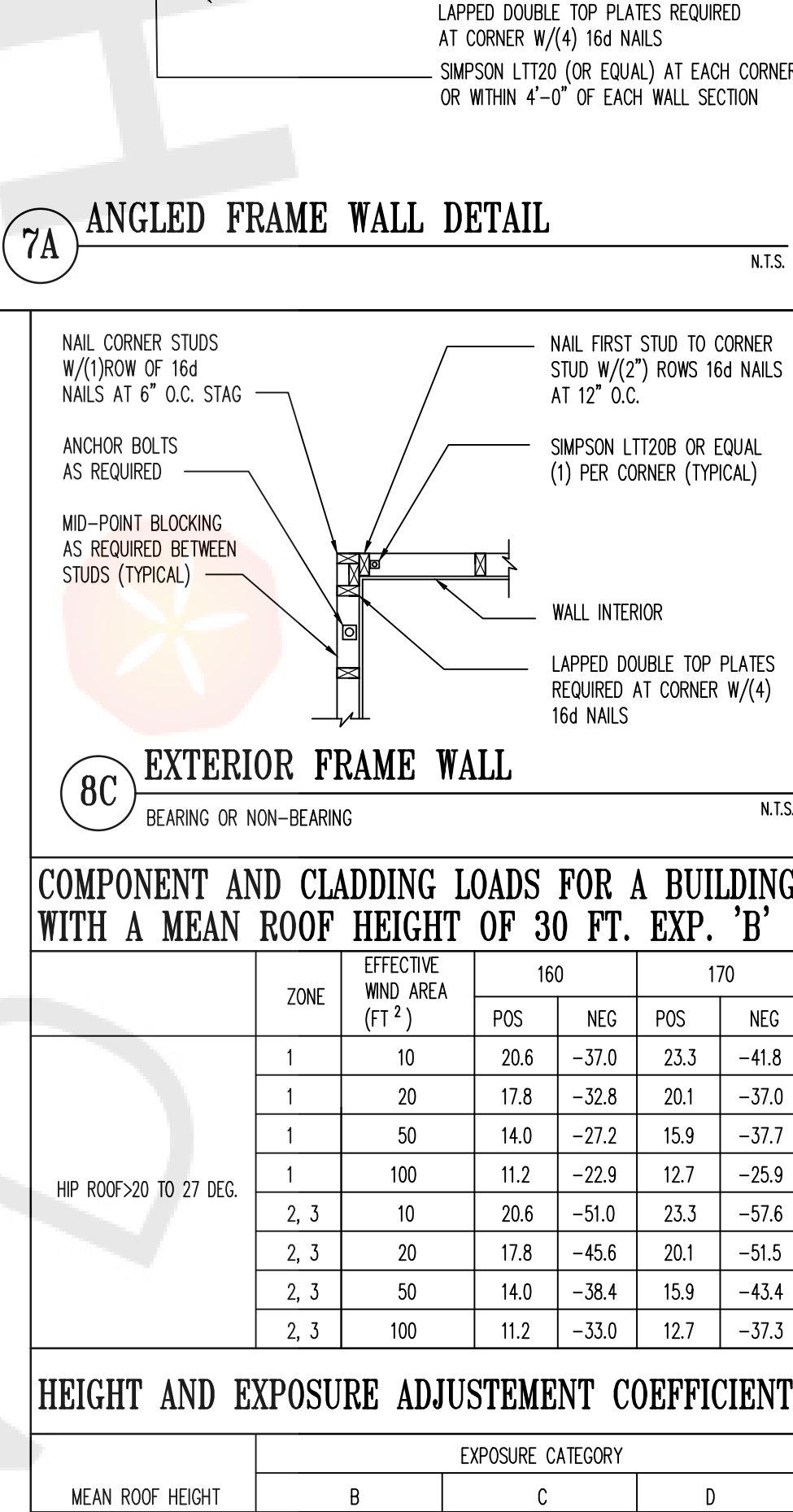
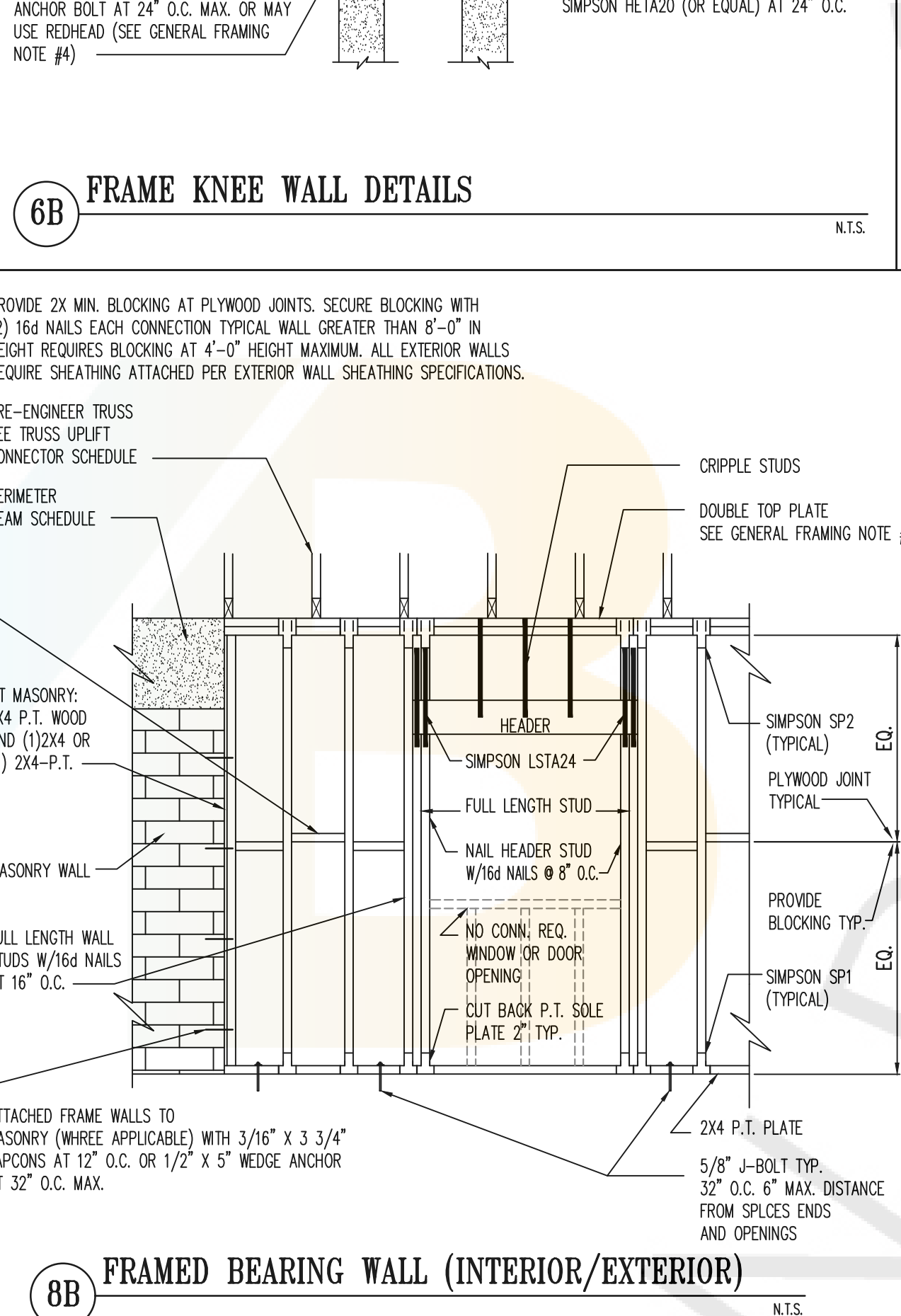
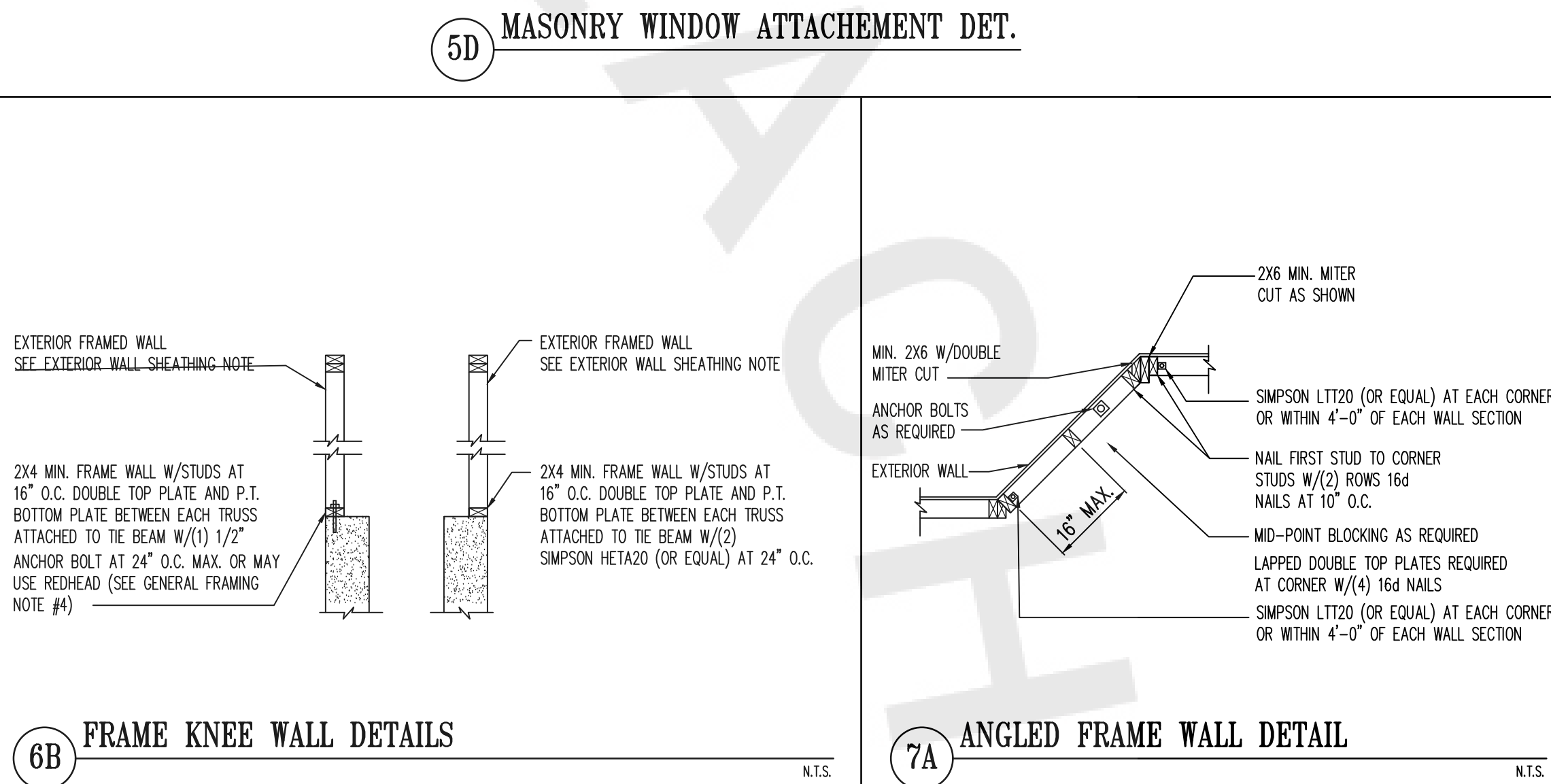
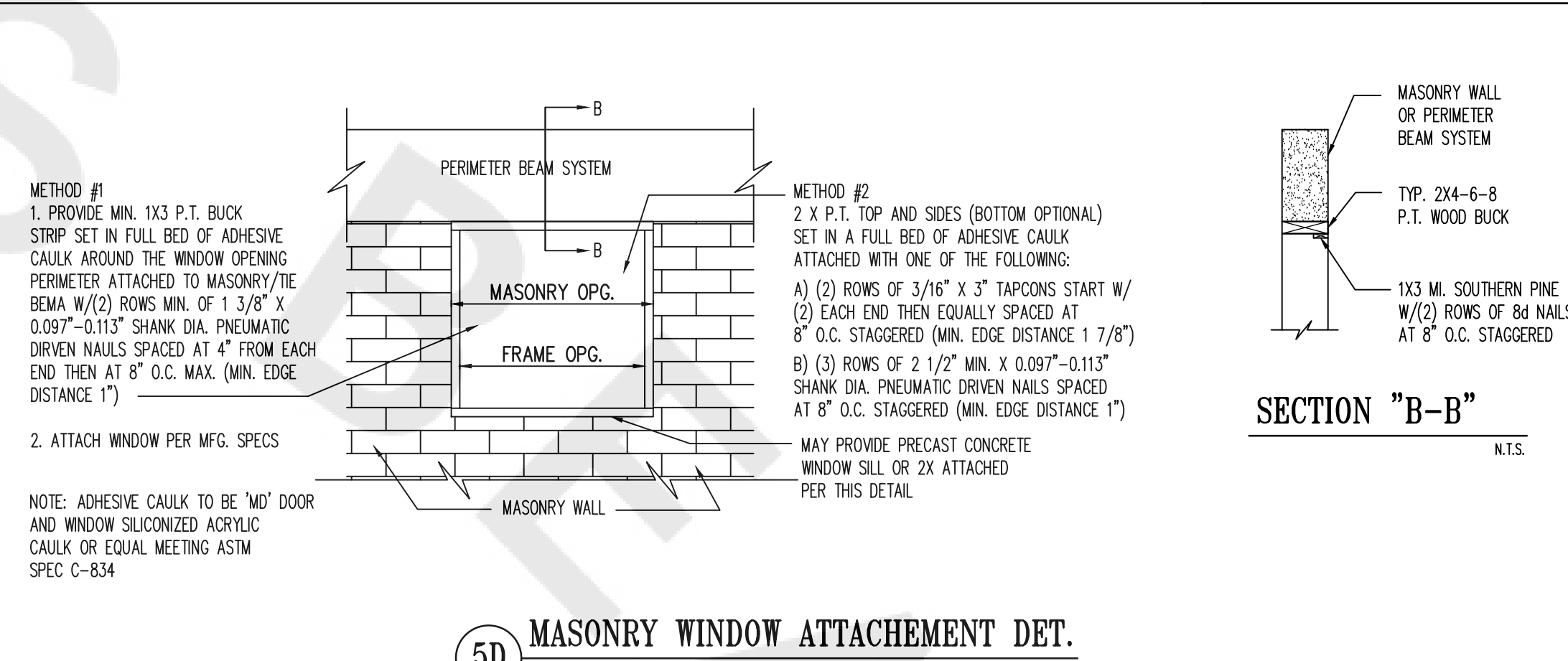
DATE
09 / 02 / 21

C.F.T. SARASOTA LAYOUT #

7729

PAGE 1 of 1





ELECTRONIC SEAL

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3002 Del Prado Blvd, STE B
Cape Coral, FL 33904
239-458-6883

GulfCoast Engineering, LLC
 CERTIFICATE OF AUTHORIZATION #9010
 3002 DEL PRADO BLVD. S. SUITE "B"
 CAPE CORAL, FL 33904
 PH: 239 458 6633 FAX: 239 458 6733
 TOLL FREE: 1-877-740 3366 WWW.GCEFL.COM

**TYPICAL
STRUCTURAL
DETAILS**

S-2

Contact Information for Purchaser:

Beattie Development Corporation
Sharon Dennard
857 SE 47th St.
Cape Coral, FL 33904
USA

Contact Phone: (239)257-3295
Contact Fax:
Contact Email: sharon@beattiedev.com

Project Information:

Intile residence
435 Madison Ct
Ft. Myers Bch, Florida 33931
United States
Q-126000
Quote Date: 12/1/2021

Residential Elevators, LLC (RE) is pleased to provide you with a proposed Contract for the installation of a home elevator. When this Contract is executed, it becomes binding on both parties.

- This Contract **includes** the following:
- Code compliant Elevator (ASME A-17.1) and installation as detailed in "Elevator Scope" listed below
- All Sales/Use Tax, Insurance (per our standard coverage)
- One year Standard Limited Warranty (*commences on day of Home Owner Walkthrough)
- One mobilization for installation
- Inspections performed by our personnel with the jurisdiction having authority
- \$450.00 Shipping

This Contract **does not include** the following:

- Permits (if applicable), expeditor fees, special or engineered drawings, municipal inspections, if required by the jurisdiction having authority, and/or multiple mobilizations due to the job site not being ready and accessible
- Finished Flooring In Elevator Cab
- Removal of trash and debris except to GC/Owner provided on-site dumpster or other trash receptacle

This Contract is **subject to** the job site readiness requirements as detailed in "**Work Done By Others**".

Substantial Completion is defined as completion of all elevator work possible given the jobsite conditions specified in the "Work Done by Others".

Elevator Scope

Model: LLT-953 Traction Elevator **No. of Openings:** 3 Front Rear Side **Landings:** 3 **Capacity:** 950lbs **Cab Height:** 8'

LLT-953 Traction Elevator	Car Station: SS #4 Hall Station: -SS #4 Threshold: 3/4" Silver	
Classic Series Wall	Material: Classic White Laminate Finish: Prefinished Handrail: 1/4" x 2" Satin SS #4 Flat Bar Upgrades:	
Classic Series Ceiling	Material: Classic White Laminate Finish: Prefinished Lighting: Single LED - Standard Finish	
Automatic Car On/Off Light Option		
Audible Arrival Notification		
Over Sized Cab (Up to 15 sq ft)		
Alternate Arrival		
Century Scissor 8'	Gate Finish: Silver Upgrades:	

Comments:

Terms of Payment: 50% Down, 50% @ *Substantial Completion

Down Payment Based on Terms: \$11,750.00
Delivery: 6 - 8 Weeks from receipt of all required documents, job site measurements, and deposit.
This Quote may be withdrawn if not accepted in 90 days.

Base Elevator Price (Ea.): \$23,050.00

Number of Units: 1

Shipping: \$450.00

Contract Amount For Each Unit: \$23,500.00

Total Contract Amount: \$23,500.00

Authorized Signature: _____

Residential Elevators Representative: _____ Date: _____

Printed Name: _____ Date: _____

Keith Hager

Price good for one year from date of contract execution. I am in agreement with the scope, price, warranty, and all terms of this Contract.

Purchaser's Initials: _____



Terms and Conditions

PURCHASER'S ACKNOWLEDGMENT OF CANCELLATION POLICY: Purchaser acknowledges that the product being purchased is a custom consumer product that requires significant consultation, parts and labor, and that this contract is subject to Cancellation Fees. The Cancellation Policy provides a cancellation premium schedule showing amounts due to RE if the Purchaser cancels this Contract at certain points in the production and installation process. Purchaser agrees that Purchaser is bound by the Cancellation Policy to pay the cancellation premiums shown therein if the Purchaser cancels this Contract.

NOTICE TO OWNER: Any contractor, subcontractor, or materialman who provides home improvement goods or services pursuant to this home improvement contract and who is not paid may have a valid legal claim against the property known as a mechanic's lien. Any mechanic's lien filed against the property may be discharged. Payment of the agreed-upon price under this Contract prior to filing of a mechanic's lien may invalidate such lien. The property owner may contact an attorney to determine his/her rights to discharge a mechanic's lien.

RISK OF LOSS FOR FLOOD DAMAGE ON PURCHASER: The Purchaser bears all risk of flood damage to the elevator equipment ordered by the Purchaser under this Contract from the moment that RE delivers or causes to be delivered the elevator equipment to the job site designated by the Purchaser. If the elevator equipment is damaged by flooding after such delivery, RE is under no obligation to repair or replace the damaged equipment. RE is under no obligation to procure insurance to cover flood damage to the elevator equipment that occurs after delivery.

INDEMNIFICATION, GENERAL: Purchaser expressly agrees to indemnify, defend, hold harmless, discharge, release and forever acquit RE, its officers, agents and employees from and against any and all claims, demands, suits and proceedings brought against RE or its employees, including but not limited to loss, damage, injury or death that are alleged to have arisen from the negligence of Purchaser or any others in connection with the presence, use, misuse, maintenance, removal, operation or condition of the equipment covered by this agreement, or the associated areas surrounding such equipment, including but not limited to the hoistway, doors, and threshold. Purchaser's duty to indemnify does not apply to claims or losses determined to be caused by or resulting from the negligence of RE or its employees. Purchaser's obligation to RE under this clause includes payment of all attorneys' fees, court costs, judgments, settlements, interest and any other expenses of litigation arising out of such claims or lawsuits.

INDEMNIFICATION, WORK DONE BY OTHERS: Purchaser expressly acknowledges that the GC or HO, as defined in the section of this Contract entitled "Work Done By Others," shall indemnify, defend, and hold RE harmless for all claims arising out of the "Work Done By Others" described in this Contract. This provision is in addition to the general indemnification provision set forth herein.

***WARRANTY:** Purchaser will receive a written Warranty from RE for the elevator equipment ordered by Purchaser under this Contract. The written Warranty is the only warranty offered by RE covering the elevator equipment and installation labor. Unless otherwise stated in writing, the Warranty begins at the date of Home Owner Walkthrough (HOWT) if performed within one (1) year of Substantial Completion otherwise warranty starts from date of Substantial Completion.

GOVERNING LAW AND WAIVER OF JURY TRIAL: The laws of the State of Florida shall govern the interpretation and enforceability of this Contract without regard to provisions governing choice of law. Exclusive jurisdiction and venue for any litigation arising under this Contract shall be the federal and state courts located in Leon County, Florida. Both parties hereby consent to such jurisdiction and venue. No supplement, modification, or amendment of this Contract shall be binding unless executed in writing by a duly authorized representative of each party. Each provision of this Contract is severable from the entire Contract, and in the event that any provision is declared invalid or unenforceable, that provision shall be amended if possible to be enforceable, but in any event, the remaining provisions hereof shall remain in effect.

PURCHASER HEREBY KNOWINGLY, VOLUNTARILY, AND INTENTIONALLY WAIVES THE RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT TO ANY LAWSUIT OR LITIGATION RELATING TO, BASED ON, OR ARISING OUT OF THIS AGREEMENT.

NO WAIVER: No waiver by either party of any default shall operate as a waiver of any other default or of a similar default on a future occasion. No waiver of any term or condition shall be effective unless in writing and signed by the party against whom enforcement of the waiver is sought. A mere delay by RE in exercising its rights under this Contract does not constitute a waiver of such rights.

ASSIGNMENT OF CONTRACT: RE may elect, at its sole discretion, to assign this Contract to an affiliated entity.

ENTIRE AGREEMENT: This Contract, along with all subsequently executed change orders, constitutes the complete and entire agreement of the parties and supersedes all previous communications, oral or written, and all other communications between them relating to the subject matter hereof. No representations or statements of any kind made by either party, which are not expressly stated herein, shall be binding on such party.

AFTER-IMPOSED TARIFFS, DUTIES, AND TAXES: RE has the right to increase the price to the Purchaser under this Contract due to after-imposed federal tariffs or federal or state taxes. An "after-imposed" federal tariff or federal or state tax means any new or increased tariff, tax, or duty, or a tariff, tax, or duty that was exempted or excluded on the Contract date but whose exemption was later revoked or reduced during the Contract period, on the materials or services covered by this Contract that RE is required to pay or bear as the result of legislative, judicial, or administrative action taking effect after the Contract date.

Purchaser's Initials: _____

Requirements for Work Done by Others

Prior to job site arrival for installation of elevator, RE requires the following Work by Others to be completed by General Contractor (GC) or Homeowner if acting as own general contractor (HO).

ELEVATOR HOISTWAY AND LAYOUT: Provide an enclosed finished LEGAL hoistway with INSIDE CLEAN, DRY, CLEAR, SQUARE AND PLUMB (including level pit floor) dimensions recommended to be a minimum of 52 inches wide by 57 inches deep (52" X 57") including blocking, which will provide an interior cab dimension of approximately 12 square feet (as detailed in Plan View-HP1 on our website). Additional Hoistway Plans, including a maximum cab size of 15 square feet, are available at ResidentialElevators.com or by contacting your local Sales Representative. RE will build to your specifications if smaller than the above, but only to the smallest dimension inside the finished hoistway (plywood walls preferred). **If the elevator is intended to accommodate a wheelchair, please review the necessary hoistway dimensions with the RE sales representative.**

WOODFRAME BLOCKING REQUIREMENTS: Four (2 sets of 2 ea.) – 2" x 12" yellow pine studs running vertically the entire length of the hoistway 12" on center on each side of rail wall centerline (centerline of rail wall must be minimum of 28" off inside front wall), 2" x 12" to be face nailed, glued and edged with 2" x 4" for structural integrity. The yellow pine boards shall all be fastened to the wall supports with 3/8" by 2- 1/2" lag bolts to support elevator rail system. To insure adequate support in the wall for guide rail fastening, the blocking should not exceed 12 vertical feet without intermediate horizontal support and shall meet all pertinent building codes. See blocking detail on pg. 4.

CONCRETE BLOCK HOISTWAY REQUIREMENTS: All dimensions shall remain the same for LEGAL, INSIDE CLEAN, DRY, CLEAR, SQUARE AND PLUMB hoistway. RAIL SIDEWALL BLOCKS SHALL BE FILLED SOLID WITH CONCRETE THE ENTIRE HEIGHT OF HOISTWAY. All patching, fire caulking, painting and grouting required after installation is the responsibility of the GC or HO. **A MINIMUM PIT OF 8" INCHES IS REQUIRED: The pit must be built to withstand 5,100 lb impact load, must be level, and must be clean when RE arrives for installation. Minimum 102" overhead clearance is required for 6'-8" cabs (114" for 8'-0" cabs).**

SOLID CORE HOISTWAY DOORS WITH HINGES LOCATED ON RAIL SIDE, properly installed to comply with ASME A-17.1- 2013 and any other requirements of the local jurisdiction. Doors shall NOT be centered but be installed in accordance with RE specifications in order to allow proper rail side return measurement. Rail side return measurement of at least 12 inches is required. Hoistway side of landing door frames shall NOT have casing or door trim that exceeds 3/4" thickness.

THRESHOLD: Provide a threshold from each floor to within 1/2" minimum to 1-1/4" maximum of the elevator platform AFTER the elevator has been installed.

FLOORING: Finished flooring in elevator cab shall be provided by others after elevator installation is complete. RE provides a 50lb flooring allowance and a 3/4" threshold to accommodate finished flooring. Thicker and heavier flooring must be coordinated prior to production as it will result in modifications to cab/elevator and added cost.

SAFETY REQUIREMENTS:

1. ANCHORING SUPPORT REQUIREMENT: Header must support 5,000 lbs. of vertical force (see header detail on pg. 5).

2. All BARRICADES and all other legal methods required by any jurisdiction to prevent access into the shaft MUST BE PROPERLY INSTALLED OUTSIDE OF EACH FLOOR LANDING FOR THE PROTECTION OF THE WORKMEN AND ALL OTHER SUBCONTRACTORS AND/OR OCCUPANTS UNTIL THE INSTALLATION OF THE ELEVATOR IS COMPLETE. FAILURE TO PROPERLY BARRICADE THE SHAFT MAY LEAD TO SERIOUS INJURY OR DEATH.

DELIVERY AREA AND WORKSPACE: Provide an easily accessible, secure, protected space at ground level no less than 10'x15' for delivery of elevator. Photos will be taken by RE delivery crew on delivery. If any damage is done to the elevator after delivery, or parts are missing when the installation crew arrives, GC/HO will be billed for the same. GC/HO is responsible for providing a clear, unobstructed path between the delivered elevator and the elevator hoistway in addition to a minimum 20'x20' workspace (including the delivered elevator) for the elevator installation crew.

3/4"x 4" Rule (Clearance between Doors or Gates and Landing Sills and Car Doors or Gates): Regardless of wall construction type, EACH HOISTWAY DOOR MUST BE RECESSED TO MEET THRESHOLD REQUIREMENTS as mandated by ASME A.17.1 2016 edition The distance between the backside of hoistway/landing door(s), in the closed position, and the elevator gate(s) in the closed position, shall reject a four inch sphere at all points. The distance between the backside of hoistway/landing door, in the closed position, and landing sill shall not exceed 3/4 inches. **ELEVATOR CANNOT BE OPERATIONAL UNLESS LANDING DOORS ARE IN COMPLIANCE** (See Page 4 of this Contract for further information). Further, in order to accommodate these requirements and the Elevator Interlock Safety Device, a 2.5" x 8" cutout must be made in the upper edge of the door on the doorknob side (RE Rep will mark the cutout to be made) and a flush mount door knob must be used on the interior (elevator) side of the hoistway door (Door hardware to be sourced and provided by GC/HO).

EQUIPMENT ACCESS DOOR: The Luxury Lift Traction Elevator does not require a conventional Machine Room. However, CODE COMPLIANT ACCESS to the equipment space in the elevator hoistway overhead must be provided. Access to equipment must be through an access door (18" H x 24" W minimum and 24" H x 24" W maximum) located on the top floor or from the attic (see drawing on page 4). If access door is located in attic, accessibility for service and installation must be provided including catwalk, decking adjacent to access door, scuttle hole and attic ladder and controller/disconnect location.

ELECTRICAL: One 240 Volt 30 Amp dedicated service 10-3 wire with ground in 4x4 Electrical Box and one dedicated 120 Volt, 20 Amp service in 4x4 electrical box, ACTIVE telephone line, GFI receptacle, one electrically dedicated light fixture with bulb guard and switch, shall all be located in elevator hoistway overhead or in attic depending on location of access door (see drawing on page 4). **POWER ON THE 240V LINE MUST BE A 10-3 WIRE WITH A GROUND AND A DEDICATED NEUTRAL TO THE UNIT.** The 240V feed should have a black, red, white and ground wire coming to the machine space. All electrical contractors will have full knowledge of this requirement. The GC or HO must make the electrical contractor aware of the requirement. Black and red are powered with 120V each totaling 240V. White is neutral. Ground to ground standard. (See RE electrical requirements sheet on website.) **NOTE: If powered swing door option is purchased, a separate 120v outlet will be required at each floor landing receiving this feature – specific location to be determined by Sales Representative.**

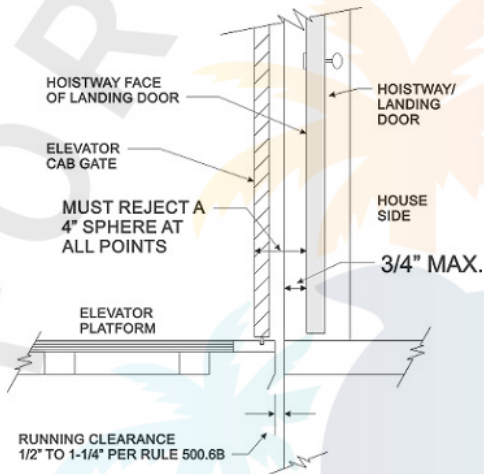
NOTE: INFORMATION SUBJECT TO CHANGE WITHOUT NOTICE. CHANGE MAY BE REQUIRED BY NEW CODES OR RULES.

Purchaser's Initials: _____

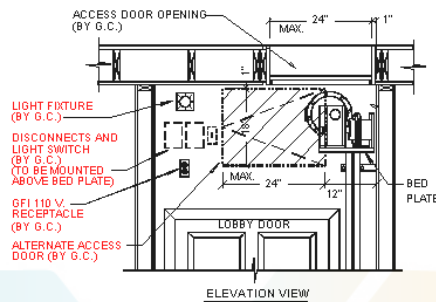
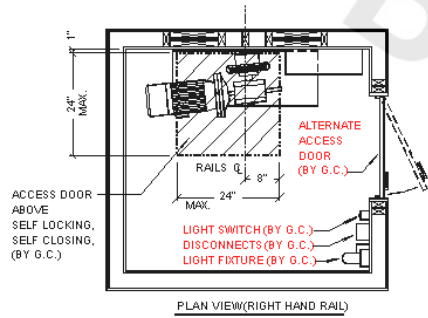
Requirements for Work Done by Others

Residential Elevators, LLC (RE) installs a fully code compliant elevator per the ASME ANSI A17.1 Safety Code for Elevators and Escalators - **Part V Residence Elevators.**

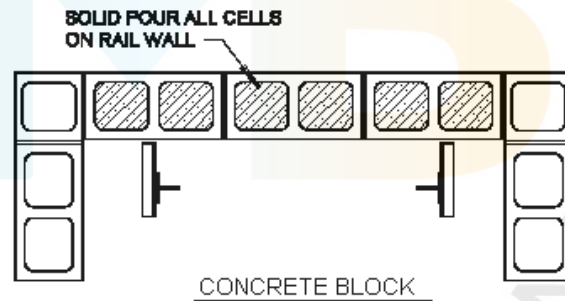
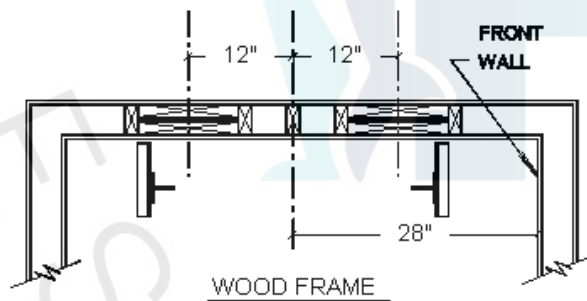
"3/4" x 4" Code (FBC R321.1): Clearance Between Hoistway Doors or Gates and Landing Sills and Car Doors or Gates. The clearance between the hoistway doors or gates and the hoistway edge of the landing sill shall not exceed 3/4". The distance between the hoistway face of the landing door or gate and the car door or gate must reject a 4" sphere at all points. Note: Concrete block / masonry shafts and some commercial metal door frames can often create 3/4" x 4" Code violations.



(*) Luxury Lift Traction Access Panel Requirement



* Contact your local RE Sales Representative for assistance with access door location.



Rail Wall Support - Whether it is wood frame, concrete block, or solid concrete all home elevators need structural support for equipment as indicated above.

Requirements for Work Done by Others

Anchoring Support Requirements

REQUIREMENTS: Header must be provided so that installation team can properly use OSHA certified personal fall protection equipment. Header must be able to support 5,000 lbs of vertical force. Header must be constructed of wood or solid concrete. If any questions, consult your construction engineer.

Option A:

Header located above the top level doorway

Minimum of 3.5" thick x 6" height

Must extend past the door opening and be supported by both sides of the door jamb

For concrete construction: Blocks must be solid at header location

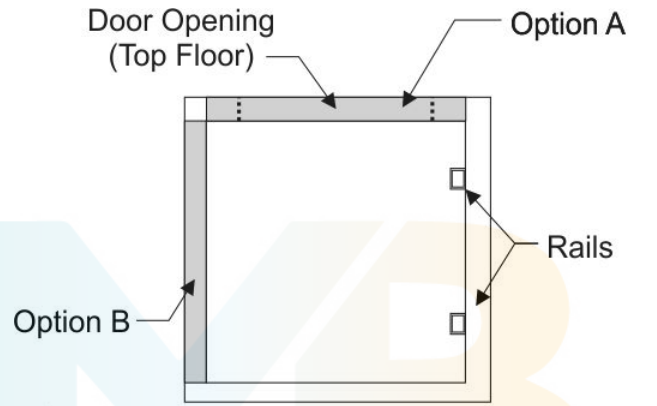
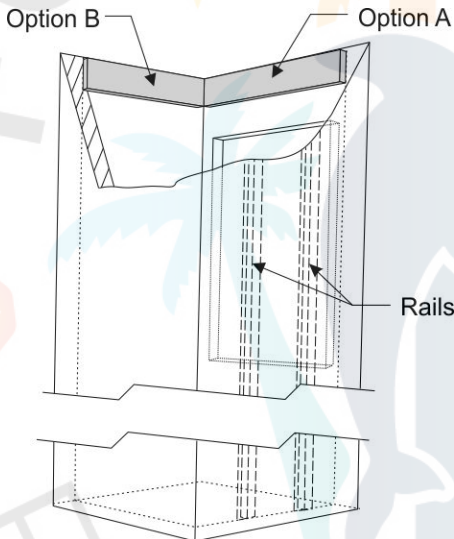
Option B:

Header located on the wall opposite of the rail location at the top of the elevator shaft

Minimum of 3.5" thick x 6" height

Must extend full width of shaft

For concrete construction: Blocks must be solid at header location





Letter of Response for Rejection: 7/15/2022

212060

435 Madison Court

Ft Myers Beach 33931

To whom it may concern,

Please find this letter as our written response for the rejection on permit # **212060** on 7/15/2022 for Mr. & Mrs. Intile.

2 nd Stormwater Review – 06/10/2022 – Eli Lee – eli.lee@fmbgov.com

Please refer to TFMB Ordinance:

Sec. 6-14.- Neighborhood flooding.

The submitted drainage plan does not show cross-sections for the front, rear and side of the property. Max slope should show for each cross-section. **Bottom middle of site plan**

Drainage plan does not show calculations of the property maintaining 1.6 inch (waterfront lot) rainfall on-site. **Impervious calcs bottom left**

Drainage plan does not show swale depths, width and etc. **top right of site plan**

Drainage plan does not state if the swales would be sodded or not. **top right of site plan**

Any further questions or comments, please contact Sarahi Santos at (239) 257-3295.
Thank you,

Paul S. Beattie

Paul S. Beattie, President

Reviewed for Code Compliance Permit # 212060

Notice of CommencementPermit # _____ Tax Folio # 10504102 State of FL County of LEE

THE UNDERSIGNED hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

- Description of property: (legal description of the property, and street address if available)
SHELL MOUND PARK BLK D PB 11 PG 4 LOT 15 435 MADISON CT FORT MYERS BEACH FL 33931
- General description of improvement:
NEW SFR pool, deck, screen cage, and all related construction
- Owner's information or Lessee information if the lessee contracted for the improvement:
Name: INTILE JOSEPH L & BOBBI J Phone 2392573295 Fax _____
Address: 435 MADISON CT FORT MYERS BEACH FL 33931 Email _____
Interest in property: _____
Name and address of fee simple titleholder (if different from Owner listed above) _____
- Contractor's information:
Name: Beattie Development Phone 2392573295 Fax _____
Address: 857 SE 47th ST, Cape Coral FL 33904 Email office@beattiedev.com
- Surety information:
Name: _____ Phone _____ Fax _____
Address: _____ Amount of Bond _____
- Lender information:
Name: _____ Phone _____ Fax _____
Address: _____
- Persons within the State of Florida designated by Owner upon whom notices or other documents may be served as provided by Section 713.13(1)(a)7., Florida Statutes:
Name: _____ Phone _____ Fax _____
Address: _____
- In addition to himself or herself, Owner designates the following person(s) to receive a copy of the Lienor's Notice as provided by Section 713.13(1)(b), Florida Statutes:
Name: _____ Phone _____ Fax _____
Address: _____
- Expiration date of Notice of Commencement (the expiration date is one year from the date of recording unless a different date is specified). Date: _____

WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

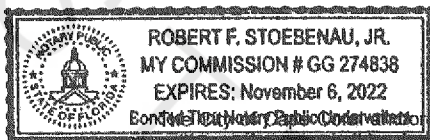
Joseph Intile
Owner's Name _____ Signature Joseph Intile

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 20th day of DEC, 2021 by Joseph Intile
who is personally known or produced _____ as Identification.

Exp. Date: 11-6-2022 Commission Number: GG274838

Signature of Notary Public: _____

Printed name of Notary Public: Robert F. Stobenau Jr

Notary Public for Lee County, Florida, and its agents, employees, officers, or other persons under its advisement and/or control neither makes nor shall be deemed to have made any warranty or representation, express or implied, concerning the accuracy of the information contained in the Notice of Commencement or for any other matter relating thereto. Further, the City of Cape Coral and/or its agents, employees, officers, or other persons under its advisement and/or control shall not be liable to any individual or entity with respect to the information contained therein or for any other matter relating thereto.

JOB SITE COPY

**RESIDENTIAL APPLICATION****Job Information:**

Owner Name: INTILE JOSEPH L & BOBBI J Phone # 2392573295
Owner Email: intilej@verizon.net
Owner Mailing Address (if different): 17860 GREY HERON CT FORT MYERS BEACH FL 33931
STRAP #: 29-46-24-W1-0110D.0150 Folio ID: 10504102
Job Address: 435 MADISON CT Fort Myers Beach, FL 33931 Lee County

Contractor's Information:

Contractor Business Name: Beattie Development Corp License #: CGC1514291
Qualifiers Name: Paul S. Beattie Email: Office@beattiedev.com
Phone# 239-257-3295 Address: 857 SE 47th ST, Cape Coral FL 33904
Scope of work: new SFR
Estimated Sq.Ft: 7423 Estimated cost value: 1,321,098.27 *if over \$2500 is required

Are you using Private Provider services for Plan Review? YES ☐ NO ☒ Inspections? YES ☐ NO ☒
Construction Details Mastered? NO ☒ YES ☐ MASTER #: _____

SELECT CONSTRUCTION TYPE

NEW SINGLE FAMILY/DUPLEX ☒ ADDITION ☐ ACCESSORY STRUCTURE ☐

Type of Lot: Vacant ☒ Existing Home demolished ☐ Demo Permit# _____

Building Data:

Footprint under roof	Ft.	A/C Sq. Ft	Ft.	Bldg. Width	Ft.
			3685		35' - 1 1/2"
Total Sq. Ft under roof	Ft.	Bldg. Depth	Ft.	Bldg. Height	Ft.
7423			44' - 6"		46' - 2"
Number of Bedrooms: <u>4</u> Number of Bathrooms: <u>3.5</u> Number of Floors: <u>3</u>					

Sub Information:

Elect. Amps: <u>200</u>	Plumbing: NO ☐ YES ☒
A/C Duct Only: NO ☒ YES ☐	A/C: Seer: <u>16</u> KW: <u>10</u> Tons: <u>10</u>
Roof Type: <u>metal</u> Roof Squares: _____	F. Sprinklers / F. Alarm / Monitor: YES ☒ NO ☐
Original Sq. Ft under roof: <u>8165.3</u>	
LPG / Natural Gas: YES ☒ NO ☐	Shutters: YES ☐ NO ☒ Impact windows: YES ☒ NO ☐



This page is required for ALL Building Permit Applications

ACKNOWLEDGEMENT OF TOWN OF FORT MYERS BEACH REGULATIONS BY THE QUALIFIER

NOTICE OF ADDITIONAL RESTRICTIONS: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that maybe found in the public records of this County, and there may be additional permits required from other governmental entities such as the Water Management District, State agencies, or Federal agencies.

WARNING OF WORK IN THE COUNTY RIGHT-OF-WAYS: This permit does not authorize construction or installation of any structure or utility, above or below ground, within any right of way or easement reserved for access, drainage or utility purposes. This restriction specifically prohibits fencing, sprinkler systems, landscaping other than sod, signs, water, sewer, cable and drainage work therein. If such improvements are necessary, a separate permit for that purpose must be obtained from the Building Department.

INSPECTIONS: This permit is void if the first inspection is not made within six (6) months from the date issued or if no inspection has been made for a period of six (6) months from the most recently passed inspection. The permit is void if the zoning classification is violated. Applicant agrees to comply with the sanitary regulations and understands that the proposed structure may not be used or occupied until an approved certificate of occupancy is issued. Applicant further understands that failure to obtain permit or misrepresentation of the improvements is a misdemeanor and upon conviction, applicant can be punished as provided by the law. Failure to comply with the mechanics lien law can result in the property owner paying twice for improvements

NOTICE OF CLEARING RESTRICTIONS: Issuance of a Demolition Permit for a structure does not authorize removal of vegetation beyond the footprint of the structure. A Demo Permit is not a clearing permit.

WORK IN THE SPECIAL FLOOD HAZARD AREA: Be advised that Substantial Damage/Substantial Improvement requirements will apply to structures located in the Special Flood Hazard Area with Finished Floor Elevations below the Base Flood Elevation.

CERTIFICATION: Application is hereby made to obtain a permit to do the work and installations as indicated. I, THE QUALIFIER, certify that I have not performed any work or installation prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. The permit or application fee may have additional fees imposed for failing to obtain permits prior to commencement of construction. The permit application or approved permit expires if work is not commenced within 180 days from the date of issuance. I, THE QUALIFIER understand that the structure cannot be used or occupied until a certificate of occupancy is issued. By signing this permit application, I, THE QUALIFIER, agree that I have been retained by the property owner to provide contracting services for the trade for which I am listed. Furthermore, it is my responsibility to notify the Building Plan Review and Inspection Division should I no longer be THE QUALIFIER responsible for providing said contracting services. I, THE QUALIFIER, agree that I understand the review and issuing of this permit does not exempt me from complying with all County Codes and Ordinances.

NOTICE OF COMMENCEMENT INFORMATION Per Florida Statutes 713.135 a Notice of Commencement (NOC) is required for construction of improvements totaling more than \$2,500, with certain exceptions. For A/C Repairs or Replacements a notice of commencement is required for improvements more than or equal to \$7,500. The applicant shall file with the issuing authority prior to the first inspection either a certified copy of the recorded NOC or a notarized statement that the NOC has been filed for recording, along with a copy thereof. In order to comply with the state requirement, permits will be placed in inspection hold until proof of the NOC is filed with the building permitting and inspection department. The issuing authority shall not perform or approve subsequent inspections until the applicant files by mail, facsimile, hand delivery, email or any other means such as certified copy with the issuing authority.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

Job Street Address: 435 Madison CT

I, Paul S. Beattie (Qualifier), hereby certify that all answers to the questions in this registration and any supplementary information attached to and made part of this registration is honest and true.

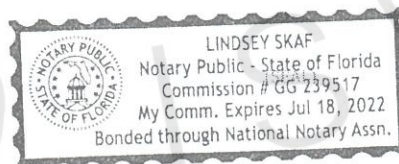
Paul S. Beattie
Typed or printed name of Qualifier

[Signature]
Signature of Qualifier

STATE OF FL COUNTY OF Lee

The foregoing instrument was certified and subscribed before me by means of X physical presence
OR online notarization, this 14th day of Dec, 2021, by
Paul S. Beattie, X who is personally known to me OR N/A who has produced
N/A as identification.

[Signature]
Notary Public Signature





This page is required for ALL Building Permit Applications

ACKNOWLEDGEMENT OF TOWN OF FORT MYERS BEACH REGULATIONS BY OWNER OR AUTHORIZED AGENT OF OWNER

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Job Street Address:

Signature of Property Owner

Typed or printed name of Property Owner

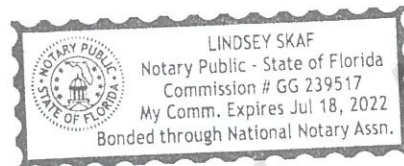
STATE OF _____ COUNTY OF _____

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

OR online notarization, this 14th day of Dec, 2021, by Joseph Intele

who is personally known to me OR _____ who has produced N/A as identification.

Notary Public Signature



If An Owner Agent is Being Named, Please complete below

I, _____ (Property Owner), hereby certify that _____ is my authorized AUTHORIZED AGENT/representative of the property described herein. All answers to the questions in this registration and any supplementary information attached to and made part of this registration is honest and true.

November 20, 2024

Poseidon Homes Development, LLC (Owner's Representative)

C/o Mr. Joseph Intile (Owner and Petitioner)

324 Nicholas Parkway, W D

Cape Coral, Florida 33991

Re: Pool Setback Variance

Property Address: 435 Madison Court

Fort Myers Beach, Florida 33931

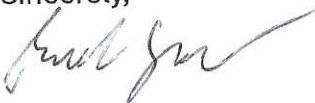
To whom it may concern,

I am the owner of the home adjacent to the property referenced above. This letter serves as my statement of support towards the pool variance requested by Mr. Intile. I was informed that there is a minor encroachment of the pool structure within the rear setback, and I do not foresee any negative impact to the surrounding properties.

I do not object to this variance petition, and I look forward to the conclusion of my neighbor's home construction in our neighborhood.

Thank you for considering my input on this matter and should you want to further discuss this with me, please do not hesitate to contact me. My information is listed below.

Sincerely,



Ronald Yanke

425 MADISON CT

FORT MYERS BEACH FL 33931

813-228-4663

October 3, 2024

Poseidon Homes Development, LLC (Owner's Representative)

C/o Mr. Joseph Intile (Owner and Petitioner)

324 Nicholas Parkway, W D

Cape Coral, Florida 33991

Re: Pool Setback Variance

Property Address: 435 Madison Court

Fort Myers Beach, Florida 33931

To whom it may concern,

I am the owner and long time resident of the home adjacent to the property referenced above. This letter serves as my statement of support towards the pool variance requested by Mr. Intile. I am aware of the minor encroachment of the pool structure within the rear setback and I do not foresee any negative impact to the surrounding properties.

I do not object to this variance petition, and I look forward to the conclusion of my neighbor's home construction in our neighborhood.

Thank you for considering my input on this matter and should you want to further discuss this with me, please do not hesitate to contact me.

Sincerely,

Carlos V. Gonzalez (Homeowner)

445 Madison Court

Fort Myers Beach, Florida 33931

Email: carlos@bgarchitecture.com

Cell: 954-557-2591

October 3, 2024

Poseidon Homes Development, LLC (Owner's Representative)

C/o Mr. Joseph Intile (Owner and Petitioner)

324 Nicholas Parkway, W D

Cape Coral, Florida 33991

Re: Pool Setback Variance

Property Address: 435 Madison Court

Fort Myers Beach, Florida 33931

To whom it may concern,

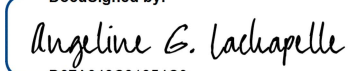
I am the owner and long time resident of the home adjacent to the property referenced above across the canal. This letter serves as my statement of support towards the pool variance requested by Mr. Intile. I am aware of the minor encroachment of the pool structure within the rear setback and I do not foresee any negative impact to the surrounding properties.

I do not object to this variance petition, and I look forward to the conclusion of my neighbor's home construction in our neighborhood.

Thank you for considering my input on this matter and should you want to further discuss this with me, please do not hesitate to contact me.

Sincerely,

DocuSigned by:


Angeline Lachapelle

440 DONORA BLVD

FORT MYERS BEACH FL 33931

Ph: 207-934-2566

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

Yellow Sheet Number: **2025-596**

1. Request:

Meeting Date: September 9, 2025

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/APPROVING WITH CONDITIONS/DENYING VARIANCE 20250177, REQUESTING A VARIANCE FROM LDC SECTION 34 TABLE 34-3 TO ALLOW A 10 FOOT SETBACK WHERE A 20 FOOT SETBACK IS REQUIRED FOR A NEW SINGLE-FAMILY HOUSE AT THE PROPERTY LOCATED AT 101 GULF DRIVE GENERALLY REFERED TO AS STRAP NUMBER 33-46-24-W3-0040G.008A IN FORT MYERS BEACH; 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:

LPA reviews the application, takes action and under certain circumstances makes recommendations for Town Council consideration

What the action accomplishes:

Town Council will consider the recommendations by LPA.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

In 2021 the property was granted a Variance through Ordinance 21-39 to permit a swimming pool structure forward of the primary structure. The pool was never constructed as the home was destroyed by Hurricane Ian shortly after the variance was granted. The homeowners, Richard G. and Rebecca H, Dobbs, are requesting a variance to allow a 10 foot rear setback where a 20-foot setback is required in order to rebuild the previous house footprint.

Attachments:

1. NS Final LPA Resolution 25-XX 101 Gulf Drive (1)
2. Exhibit A - Site Plan, Survey and Application
3. LPA Staff report
4. Application Form
5. Resolution 21-39, VAR 20210033 - 101 Gulf Drive

Financial Impact:

Unknown

6. Alternative Action

Approve with conditions

7. Staff Recommendations:

Approve with Conditions

8. Recommended Approval:

Date: August 26, 2025

Judith Frankel, Principal Planner

Date: August 28, 2025

Georgina Cid, Community Development Manager

Date: August 28, 2025

Frankie Kropacek, Community Development Director

Date: August 29, 2025

nancy stuparich, Town Attorney

Date: September 02, 2025

Amy Baker, Town Clerk

LPA RESOLUTION 2025-XX

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/APPROVING WITH CONDITIONS/DENYING VARIANCE 20250177, REQUESTING A VARIANCE FROM THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE SECTION 34 TABLE 34-3 TO ALLOW A 10 FOOT SETBACK WHERE A 20 FOOT SETBACK IS REQUIRED FOR A NEW SINGLE-FAMILY HOUSE AT THE PROPERTY LOCATED AT 101 GULF DRIVE GENERALLY REFERED TO AS STRAP NUMBER 33-46-24-W3-0040G.008A IN FORT MYERS BEACH; 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, Richard G. and Rebecca H. Dobbs are the legal owners (hereinafter "Owner") of the property located at 101 Gulf Drive ("Property"), are requesting a variance from LDC Section 34 Table 34-3 for setback requirements in the RC zoning district resulting in a 10-foot setback from the rear property line where a 20-foot setback is required; and

WHEREAS, the STRAP number for the subject property is 33-46-24-W3-0040G.008A; and

WHEREAS, the Property is located in the "Mixed Residential" Future Land Use Map of the Comprehensive Plan and the "Residential Conservation" zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency ("LPA") on September 9th, 2025, and at said hearing the LPA gave full and complete consideration to the Owner's request, the recommendations from 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 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 variance shall only apply to the structure as shown on the provided site plan. Demolition or substantial damage to the structure shall render the variance 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. VAR20250177, with the conditions contained herein and as shown on the Site Plan attached to this Resolution, as Exhibit A, received did/did not receive unanimous approval from eligible voting members of the LPA on September 9, 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 September, 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

Attachment:
EXHIBIT A: Site Plan



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: 101 Gulf Drive Fort Myers Beach, FL 33931

STRAP Number: 33-46-24 W3 004G.008A

Applicant: Richard G. and Rebecca H. Dobbs Phone: 913 221-7943

Contact Name: Rick Dobbs Phone: 913 777 8114

Email: dobbsbr@sbcglobal.net Fax: _____

Current Zoning District: (RC) Residential Conservation

Future Land Use Map (FLUM) Category: Mixed Residential

FLUM Density Range: 10du/ac. Platted Overlay: ☐ YES ☐ NO

ACTION REQUESTED

☐ Special Exception

☐ Variance

☐ Conventional Rezoning

☐ Planned Development ☐ Commercial ☐ Residential

☐ Master Concept Plan Extension

☐ Appeal of Administrative Action

☐ Vacation of Platted Right-of-way and Easement

☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A

PH-B

PH-C

PH-D

PH-E

PH-F

PH-G

attach on separate sheet

PART I – General Information

A. Applicant*: Richard & Rebecca Dobbs (owners) Phone: 913 777 8114

**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: 13002 Benson Overland Park, KS 66213

Email: dobbsbr@sbcglobal.net Fax: _____

Contact Name: Becky Dobbs Phone: 913 221-7943



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

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

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

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

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

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

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☐ Variance from LDC Section 34 - 3238
- ☐ 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: Richard G. & Rebecca H. Dobbs Phone: 913 777 8114

Mailing Address: 13002 Benson Overland Park, KS 66213

Email: dobbsbr@sbcglobal.net Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Richard Dobbs 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

Richard G. Dobbs

Printed Name

STATE OF Kansas **COUNTY OF** Johnson

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

presence OR ____ online notarization, this ____ day of _____, 20____, by

_____, ☐ who is personally known to me OR ☐ who has produced

_____ as identification.

(SEAL)

Notary Public Signature

PART V

Property Ownership (Multiple Owners)

☐ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☐ Complete Disclosure of Interest Form (see below)
- ☐ Attach list of property owners as Exhibit 5-1
- ☐ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V - Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Name, Address and Office

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: 33-46-24 W3 004G.008A

Property Address: 101 Gulf Drive Fort Myers Beach, FL 33931

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

☐ Yes. Property identified in subdivision: _____

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) 75 feet
Depth (please provide an average width if irregular in shape) 85 feet
Frontage on street: 150 feet. Frontage on waterbody: 0 feet
Total land area: _____ ☐ acres ☐ square feet

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

Gulf Drive is mid island across the street from Ascension Catholic Church at Public Access #12.

☐ 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.

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: TBD
Project Name: 101 Gulf Drive Ian Rebuild
Authorized Applicant: Richard G. and Rebecca H. Dobbs
LeePA STRAP Number: 33-46-24 W3 004G.008A

Current Property Status: Destroyed house 100% Hurricane Ian (Empty lot)	
Current Zoning: (RC) Residential Conservation	
Future Land Use Map (FLUM) Category: Mixed Residential	
Comp Plan Density: 10du/ac.	Platted Overlay? ☐ Yes ☐ No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
34-3468	Post Disaster Buildback
34-638	Minimum Setbacks
Table 34-3	Exhibit B - New Setback Regulations

Complete the narrative statements below for EACH variance requested.

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:
Minimum Setbacks
Exhibit A (6) a. Front Street Setback
Any corner lot on Estero must treat Estero as the front setback....
the rear setback shall be opposite from the front setback.
(6) b. Side Setback
2. Properties that measure 50 to 75 feet shall have a 15 foot side street set back.
(i) Layout must indicate how parked cars will be maintained out of right of way.

Reasons for request

Explain why the variance is needed:
The variance for 101 Gulf Drive (Ian Rebuild) is needed to provide a new structure
on the before Ian footprint of that structure. Owners have a unique lot and have
already have a pool variance based on the previous footpring of the structure.
Because of the unique corner lot with Estero Blvd. and Gulf Drive with high
traffic on Estero and very low traffic on Gulf Drive, we want to maintain the same
footprint for the new house. Howeve the new post disaster build back standards
are new setbacks that will shrink the available property that can be built on.
We want to build back on virtually the same footprint of our previous house,
deck and driveway to accomodate the existing pool variance we had before
the disaster of Hurricane Ian.

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

Because of the unique property location, there is minimal impact to adjacent property expected. To the east is Estero Blvd with the Ascension Catholic Church property across the street. To the north is a single family house (currently a lot) and the driveway is long so that 101 Gulf Drive will not have a house next to it after the re-build. To the south is Gulf Drive on the perpendicular intersection with Gulf Road. There is a lot at 6001 Gulf Road and a house at 6000 Gulf Road and 3 public parking spots for Public Access #12. To the west, there is single family house (currently a lot) and the access to the beach. By building back on virtually the same footprint as the previous structure and deck before the new regulations, no surrounding properties would be adversely effected.

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

The property at 101 Gulf Drive is at the intersection of Estero Blvd and Gulf Drive. It is also perpendicular to the Gulf Road and Gulf Drive intersection. Because of the curvature of Estero Boulevard the lot is a unique size and shape. Because of the Estero Setback of 25 feet and the Side Street Setback of 15 feet, and the rear setback of 20 feet and the other side setback has also changed, we are requesting a variance to allow for a rebuild on basically the same footprint the house and decks had before the disaster of Hurricane Ian in September 2022.



Page 186 of 294

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.

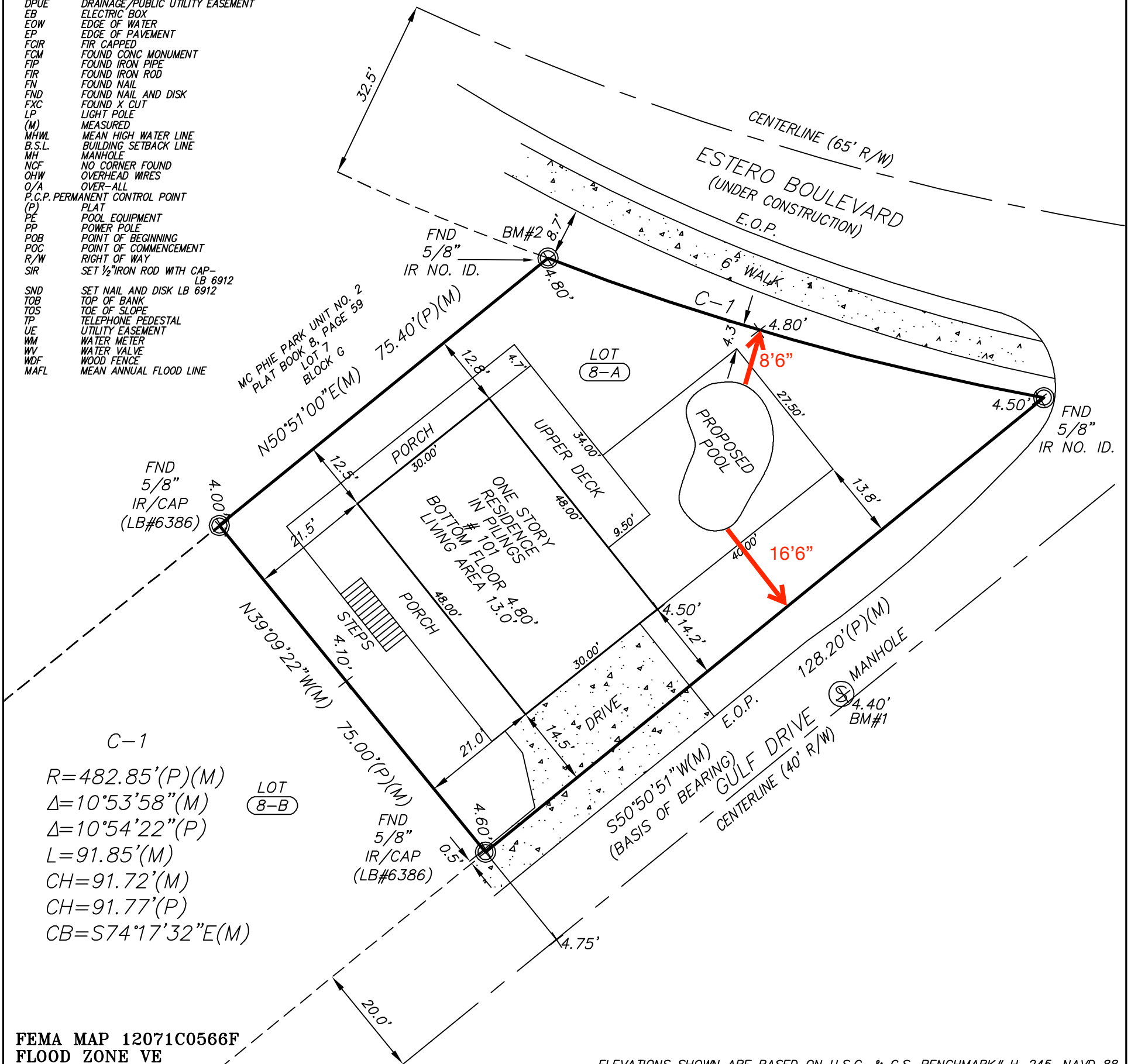
SURVEY OF
101 GULF DRIVE
FORT MYERS BEACH, FLORIDA, 33931



LEGAL DESCRIPTION:

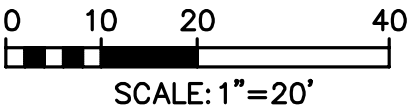
LOT 8-A, BLOCK G, UNIT 2, MCPHIE PARK SUBDIVISION, ACCORDING TO THE SURVEY PLAT RECORDED IN OFFICIAL RECORDS BOOK 897, PAGES 630 THROUGH 632, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID SURVEY PLAT BEING A SUBDIVISION OF THE ORIGINAL LOT 8, BLOCK G, UNIT 2, MCPHIE PARK SUBDIVISION AS RECORDED IN PLAT BOOK 8 PAGE 59, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

A/C AIR CONDITIONER
B.M. BENCHMARK
(C) CALCULATED
CB CABLE BOX
CLF CHAIN LINK FENCE
CONC CONCRETE
CSW CONCRETE SIDEWALK
(D) DEED
DE DRAINAGE EASEMENT
DPUE DRAINAGE/PUBLIC UTILITY EASEMENT
EB ELECTRIC BOX
EOW EDGE OF WATER
EP EDGE OF PAVEMENT
FCIR FIR CAPPED
FCM FOUND CONC MONUMENT
FIP FOUND IRON PIPE
FIR FOUND IRON ROD
FN FOUND NAIL
FND FOUND NAIL AND DISK
FXC FOUND X CUT
LP LIGHT POLE
(M) MEASURED
MHWL MEAN HIGH WATER LINE
B.S.L. BUILDING SETBACK LINE
MH MANHOLE
NCF NO CORNER FOUND
OHW OVERHEAD WIRES
O/A OVER-ALL
P.C.P. PERMANENT CONTROL POINT
(P) PLAT
PE POOL EQUIPMENT
PP POWER POLE
POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
R/W RIGHT OF WAY
SIR SET 1/2" IRON ROD WITH CAP-
LB 6912
SND SET NAIL AND DISK LB 6912
TOB TOP OF BANK
TOS TOE OF SLOPE
TP TELEPHONE PEDESTAL
UE UTILITY EASEMENT
WM WATER METER
WV WATER VALVE
WDF WOOD FENCE
MAFL MEAN ANNUAL FLOOD LINE



ELEVATIONS SHOWN ARE BASED ON U.S.C. & G.S. BENCHMARK# H-245, NAVD 88

FEMA MAP 12071C0566F
FLOOD ZONE VE
DATE: 08-28-08
BASE ELEV. 13' & 14'



(C) 2020 BASIS OF BEARINGS IS R/W LINE (USING PLAT BEARING OR ASSUMED) UNLESS NOTED OTHERWISE

FLORIDA ADMINISTRATIVE CODE STATES IF LOCATION OF EASEMENTS OR RIGHTS OF WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR - IF FENCES ARE SHOWN, DISTANCES INDICATE APPROXIMATE DISTANCE ON OR OFF PROPERTY - OVERHANGS AND UNDERGROUND FOUNDATIONS OR UTILITIES HAVE NOT BEEN LOCATED AS PART OF THIS SURVEY.

(1) UNLESS STATED OTHERWISE THIS SURVEY IS AN AS-BUILT SURVEY SHOWING VISIBLE IMPROVEMENTS IN RELATION TO SURVEY MARKERS FOUND

**AFFORDABLE
SURVEYS**
239-283-1518

3366 STRINGFELLOW ROAD
SAINT JAMES CITY, FL 33956

CERTIFIED EXCLUSIVELY TO:
Richard G. & Rebecca Horn Dobbs

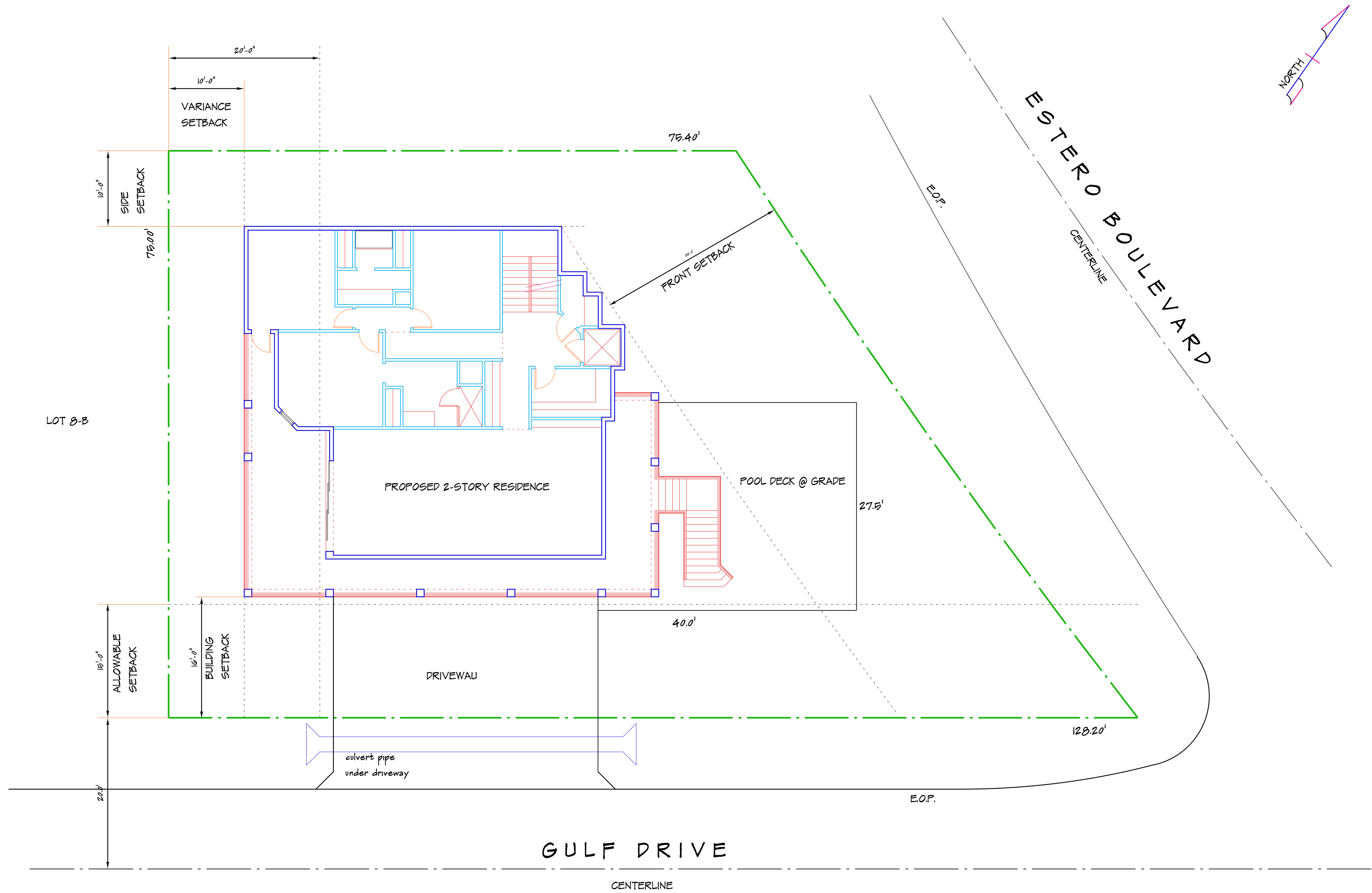
I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND CORRECT
USING FIELD SURVEY PREPARED UNDER MY DIRECTION AND IS
NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE
AND SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

DATE OF FIELD SURVEY
03-22-2021

BILL HYATT
Surveyor & Mapper Number 4636
LB 6912

AFFORDABLE SURVEY IS OWNED BY KNOW IT NOW, INC., 2011 HEIDELBERG AVENUE, DUNEDIN, FL 34698

FLORIDASURVEYOR@AOL.COM
727-415-8305



LOT AREA (+/-) 7,875.3 SQ. FT.
.....X .40 % = 3,300.1 SQ. FT. ALLOWABLE

USED HOME UNDER ROOF.....2,507.4 SQ. FT.

SITE DESIGN PLAN FLOOD ZONE - AE-II (+) 12" FREEBOARD NON-COASTAL

GENERAL CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS
THIS IS NOT AN ENGINEERED SURVEY OR CIVIL ENGINEERING PLAN.
REFER TO ELITE SURVEYING PLAN FOR DETAIL.
FOR SITE DEVELOPMENT DESIGN ONLY.
CONTRACTOR TO PROVIDE SURVEY AND ENGINEERED SITE DRAINAGE PLAN.

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

Revisions	

Job Number
Date
Drawn By J.C.
Checked By
Drawing Scale AS NOTED

STUDIO

one

DESIGN

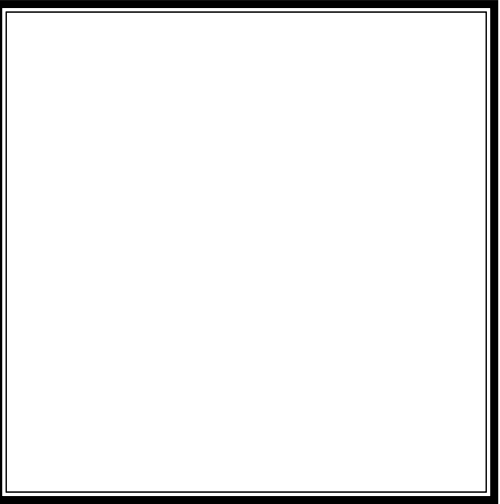
CAPE CORAL
FLORIDA
(239) 707-9365

PROJECT:

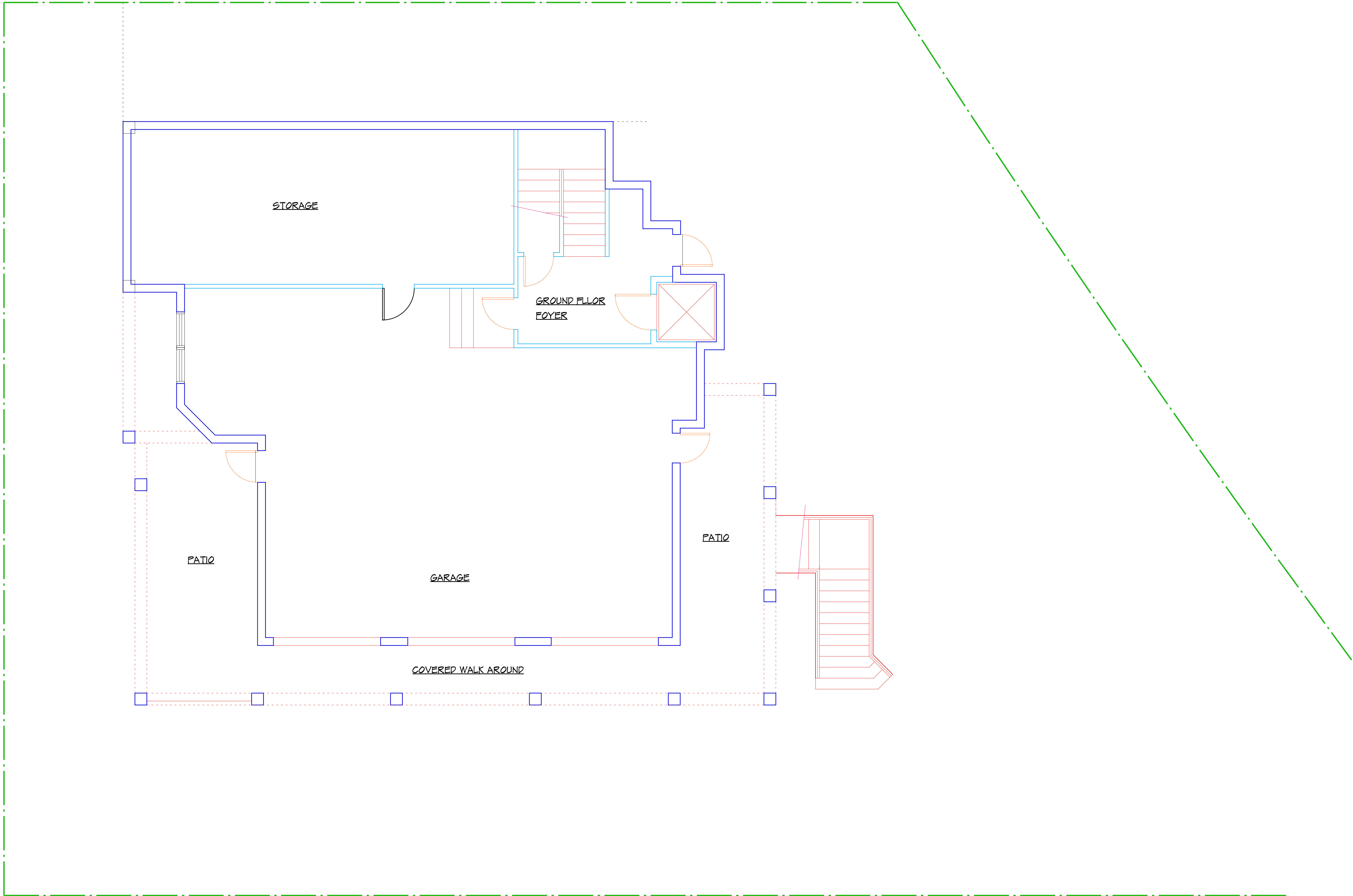
THE DOBBS RESIDENCE

101 GULF DRIVE

FT. MYERS BEACH, FLORIDA



SHEET
SP - 1



GROUND FLOOR PLAN

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

Revisions	

Job Number
Date
Drawn By J.C.
Checked By
Drawing Scale AS NOTED

STUDIO

one

DESIGN

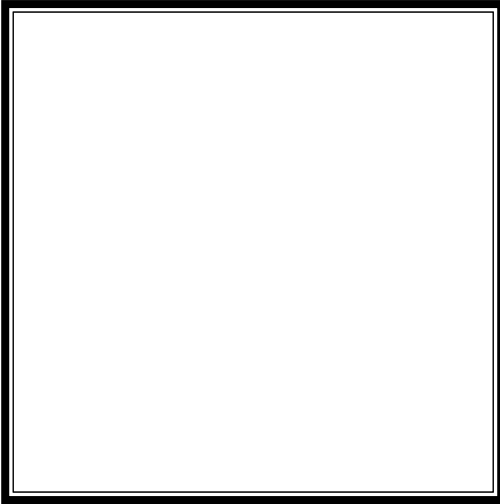
CAPE CORAL
FLORIDA
(239) 707-9365

PROJECT:

THE DOBBS RESIDENCE

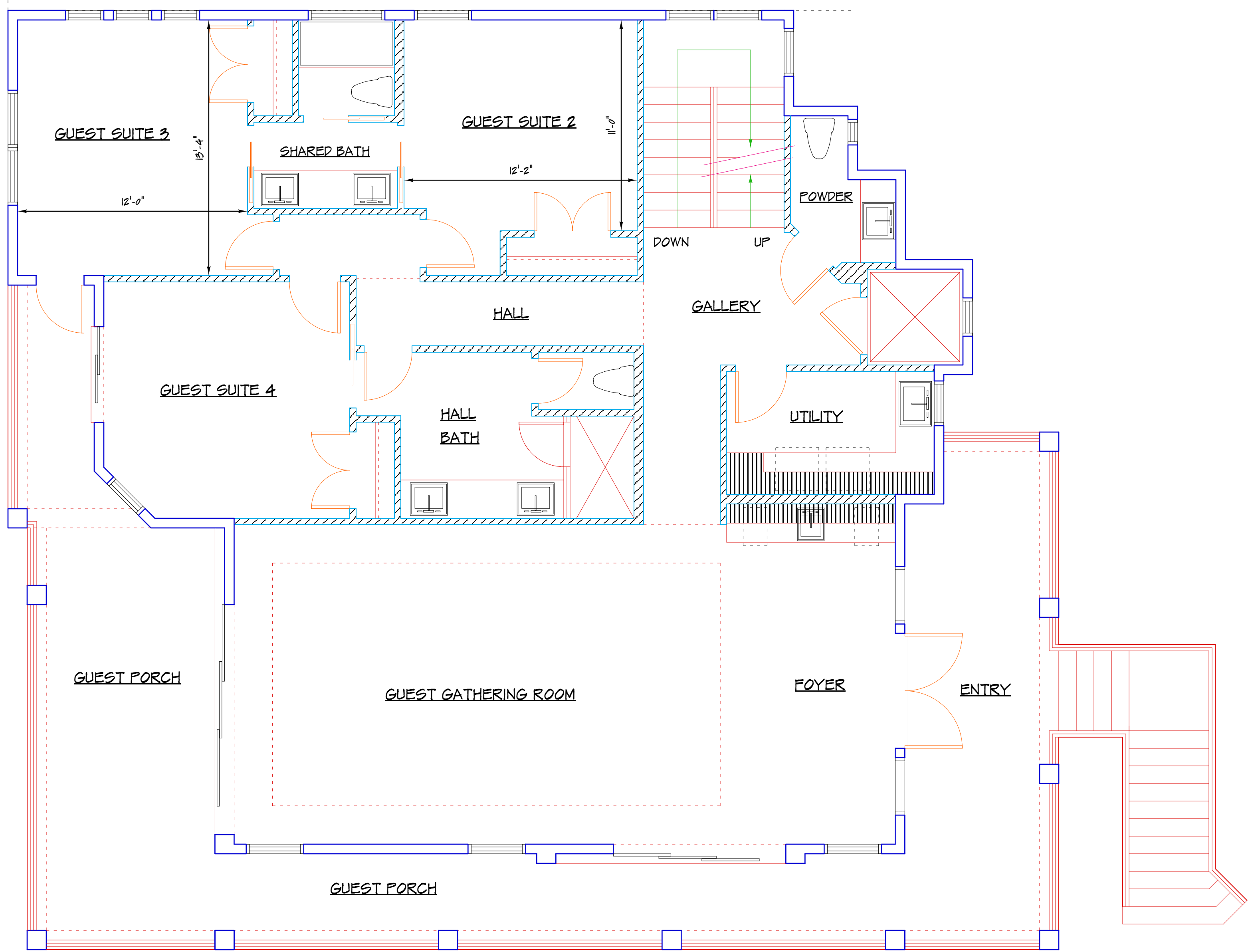
101 GULF DRIVE

FT. MYERS BEACH, FLORIDA



SHEET

A - 4



FIRST FLOOR PLAN

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

Revisions	

Job Number
Date
Drawn By J.C.
Checked By
Drawing Scale AS NOTED

STUDIO

one

DESIGN

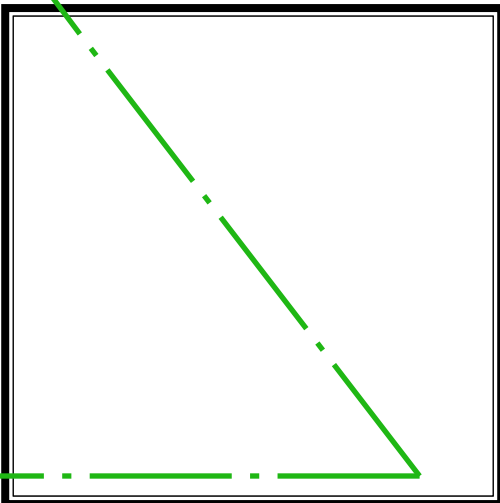
CAPE CORAL
FLORIDA
(239) 707-9365

PROJECT:

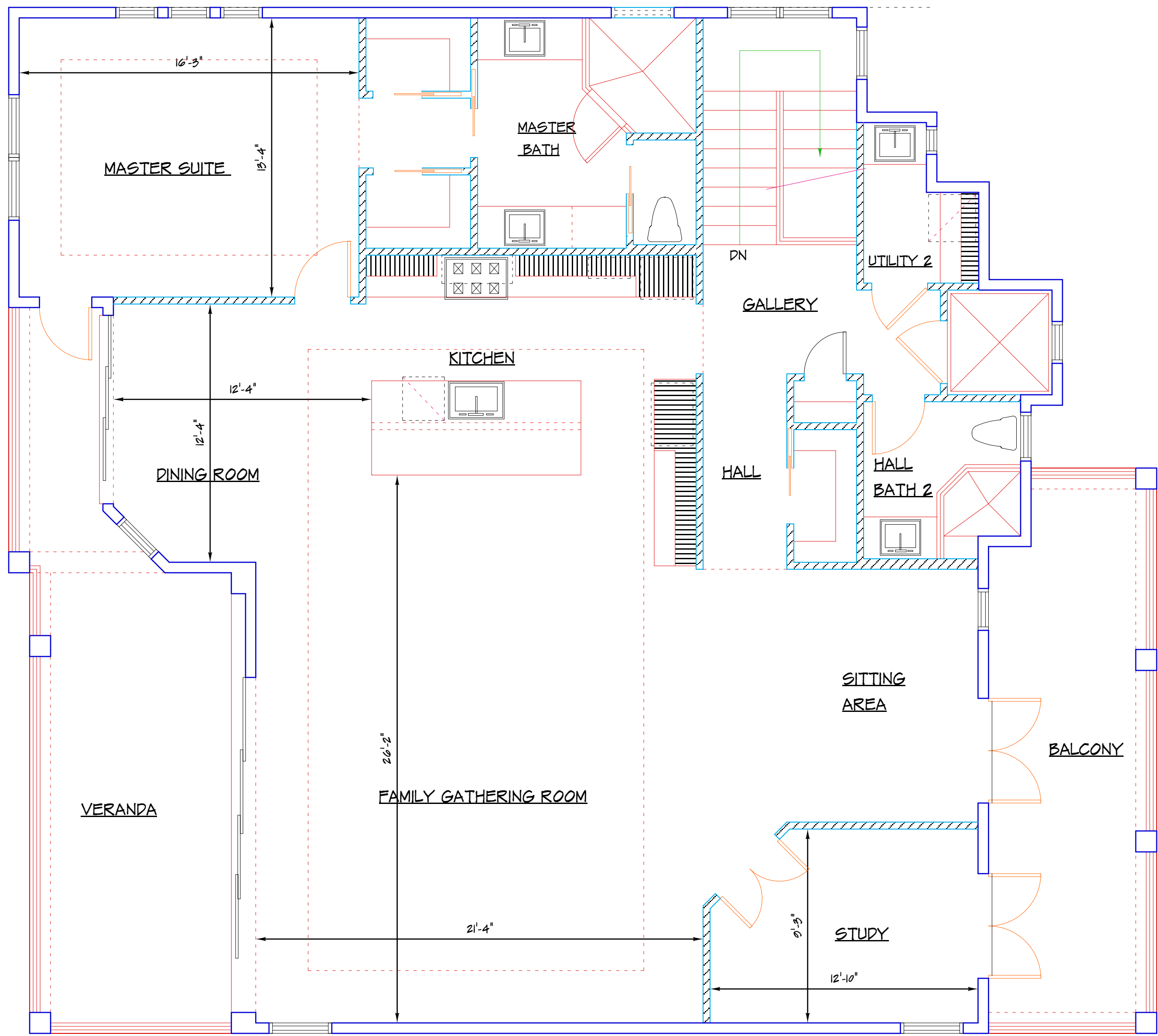
THE DOBBS RESIDENCE

101 GULF DRIVE

FT. MYERS BEACH, FLORIDA



SHEET
A - 4



SECOND FLOOR PLAN

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

Revisions	

Job Number
Date
Drawn By J.C.
Checked By
Drawing Scale AS NOTED

STUDIO

one

DESIGN

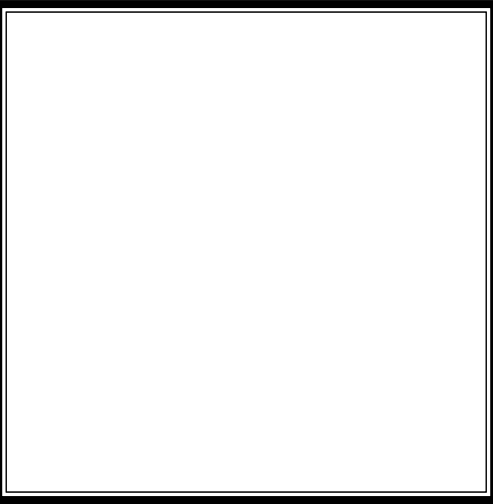
CAPE CORAL
FLORIDA
(239) 707-9365

PROJECT:

THE DOBBS RESIDENCE

101 GULF DRIVE

FT. MYERS BEACH, FLORIDA



SHEET

A - 4



DOBBS RESIDENCE

ESTERO ELEVATION VIEW



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20250177

CASE NAME: 101 Gulf Drive Variance

LPA

HEARING DATE: September 9th, 2025

STAFF
RECOMMENDATION: DENIAL

PREPARED/
SUBMITTED BY: Judith Frankel, AICP

I. APPLICATION SUMMARY

Applicant/Owner: Richard G. and Rebecca H, Dobbs, owners

Request(s): Applicant requests relief from LDC Section 34 Table 34-3 to allow a 10-foot rear setback where a 20-foot setback is required

Subject property: See attached site plan

Physical Address: 101 Gulf Drive

STRAP #: 33-46-24-W3-0040G.008A

FLU: Mixed Residential

Zoning: Residential Conservation (RC)

Adjacent zoning and land uses:

North: Institutional (IN)
Mixed Residential

South: Residential Conservation (RC)

	Mixed Residential
East:	Residential Conservation (RC)
	Mixed Residential
West:	Residential Conservation (RC)
	Low Density

II. BACKGROUND AND ANALYSIS

Property owners, Richard G. and Rebecca H, Dobbs, are requesting a variance to allow a 10 foot rear setback where a 20-foot setback is required in order to build a new home in a similar footprint to the previous house. In 2021, the property was granted a Variance through Resolution 21-39 to permit a swimming pool structure forward of the primary structure along Estero Blvd. The pool was never constructed as the home was destroyed by Hurricane Ian shortly after the variance was granted. The owners plan to utilize that variance to build a pool with the new home.

The subject parcel is of atypical dimension. The property has an irregular shape and is uniquely located at the convergence of 3 streets. The front setback is along Estero Boulevard. The prior house was built in 1973 before the current setback requirements. The new house will occupy a similar footprint to the prior home with changes due to stairway access. The home itself will be three levels where the previous home was two levels.

Analysis

Due to the location of the parcel along Estero Boulevard the homeowners desire to utilize the previously granted variance that allows the placement of a pool in the front setback of the property. The previous home had an approximately 10-foot rear setback, which meant the only place on the site for a pool would be in front of the principal structure.

The new proposed home has a similar footprint to the previous home, although it is much larger. The new home has two living levels and 4 bedrooms, where the prior home had one living level and 3 bedrooms. The new home appears much larger than the previous although exact numbers were not provided.

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.*

Exceptional conditions and circumstances are present at the site due to the irregular shape of the lot and the destruction of the prior home due to Hurricane Ian.

- 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 destruction of the previous home, the atypical lot shape and the location of the property along Estero Boulevard were not created by the applicant. However, as the home is being completely rebuilt at a significantly larger size the new design could have accommodated the required rear setback.

- 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 requested variance is not the minimum variance necessary to allow for a new single-family home. The home could be reduced in size to accommodate the required setbacks or a smaller variance.

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

The granting of this variance is unlikely to be injurious to the neighborhood as the reduced setback will abut a side setback of the neighbor to the south.

- 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 application VAR20250177 for relief from LDC Section 34 Table 34-3 to allow a 10-foot rear setback where a 20-foot setback is required and found that the request does not fully comply with LDC Sec. 34-87 as the request is a design choice by the applicant and is not de minimus. However, if the variance is granted the variance is unlikely to be injurious to the surrounding properties.

Therefore, staff recommend **DENIAL** of VAR20250177, to reduce the rear setback of a new single-family home.

IV. CONDITIONS FOR APPROVAL

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

1. Approval of this variance 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 owners must ensure that they adhere to the neighborhood flooding ordinance (LDC Sec. 6-14) for drainage and 67% maximum impervious requirements.
3. The variance shall only apply to the structure as shown on the provided site plan. Demolition or substantial damage to the structure shall render the variance to be null and void.

V. EXHIBITS

- A. Complete Application with Survey and Site Plan
- B. Variance Resolution 21-39

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: TBD
Project Name: 101 Gulf Drive Ian Rebuild
Authorized Applicant: Richard G. and Rebecca H. Dobbs
LeePA STRAP Number: 33-46-24 W3 004G.008A

Current Property Status: Destroyed house 100% Hurricane Ian (Empty lot)	
Current Zoning: (RC) Residential Conservation	
Future Land Use Map (FLUM) Category:	
Comp Plan Density: 10du/ac.	Platted Overlay? ☐ Yes ☐ No

Variance is requested from:

LDC Section Number

Title of Section or Subsection

Article III, Division 4, Table 34-3
Dimensional Regulations in Conventional Zoning Districts
Table 34-3 Exhibit B - New Setback Regulations

Complete the narrative statements below for EACH variance requested.

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:
Minimum Setbacks
Exhibit A Rear Setback
The current FMB Rear Setback requirement is 20 feet.
We are requesting a variance to provide a rear setback of 10 feet.
Article III, Division 4, Table 34-3
Diminsional Regulations in Conventional Zoning Districts

Reasons for request

Explain why the variance is needed:
The variance for 101 Gulf Drive (Ian Rebuild) is needed to provide a new structure
on the before Ian footprint of that structure. Owners have a unique lot and have
already have a pool variance based on the previous footprint of the structure.
Because of the unique corner lot with Estero Blvd. and Gulf Drive with high
traffic on Estero and very low traffic on Gulf Drive, we want to maintain the same
footprint for the new house. However the new post disaster build back standards
are new setbacks that will shrink the available property that can be built on.
We want to build back on virtually the same footprint of our previous house,
deck and driveway to accomodate the existing pool variance we had before
the disaster of Hurricane Ian.

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

Because of the unique property location, there is minimal impact to adjacent property expected. To the east is Estero Blvd with the Ascension Catholic Church property across the street. To the north is a single family house (currently a lot) and the driveway is long so that 101 Gulf Drive will not have a house next to it after the re-build. To the south is Gulf Drive on the perpendicular intersection with Gulf Road. There is a lot at 6001 Gulf Road and a house at 6000 Gulf Road and 3 public parking spots for Public Access #12. To the west, there is single family house (currently a lot) and the access to the beach. By building back on virtually the same footprint as the previous structure and deck before the new regulations, no surrounding properties would be adversely effected. The Rear Setback Variance would only impact the neighbor to the west, however, the previous house had a deck was 10 feet from property line, and new plan would have a small part of the house to the 10 foot variance with the majority of the rear of the house being deck (veranda)

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

The property at 101 Gulf Drive is at the intersection of Estero Blvd and Gulf Drive. It is also perpendicular to the Gulf Road and Gulf Drive intersection. Because of the curvature of Estero Boulevard the lot is a unique size and shape. Because of the Estero Setback of 25 feet and the Side Street Setback of 15 feet, and the rear setback of 20 feet and the other side setback has also changed, we are requesting a variance to allow for a rebuild on basically the same footprint the house and decks had before the disaster of Hurricane Ian in September 2022. The only variance needed is the rear setback from 20 feet to 10 feet.



5. This requested variance is not so general, so that the regulations should be amended.

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.

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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.

RESOLUTION NUMBER 21-39

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING VARIANCE 20210033 TO ALLOW THE CONSTRUCTION OF AN ACCESSORY STRUCTURES - A POOL - IN FRONT OF THE PRINCIPAL STRUCTURE AND ALLOW A 5 FEET HIGH FENCE IN FRONT YARD FOR THE PROPERTY LOCATED AT 101 GULF DRIVE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, applicants Richard & Rebecca Dobbs, are requesting a variance from Sec. 34-1174(b) of the Town of Fort Myers Beach Land Development Code which does not allow accessory structures to be located closer to the street right-of-way than the principal building; Table 34-3 which does not allow any structures within the street setbacks, and 34-1744(b)(1) to allow a 5 feet high fence in the front yard of the corner lot; and

WHEREAS, the STRAP number for the subject property is 33-46-24-W3-004G.008A

WHEREAS, the Property is located in the “Mixed Residential” category of the Future Land Use Map of the Comprehensive Plan and the “Residential Conservation” zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on August 10, 2021, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-87 of the LDC. The LPA voted 5-0 to recommend approval with conditions.

WHEREAS, on August 16, 2021 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by Section 34-87 of the LDC; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve/deny the request.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

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

Section 2. The Town Council determines the Applicant did meet its burden of proof that the requested Variance do meet the requirements of the Town Comprehensive Plan and LDC, and approving the Variance is in the best interest of the Town to approve. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council APPROVES the Variance from Section 34-1174(b) of the LDC to allow the construction of a pool in front of the principal structure; from Table 34-3 to allow the pool within the street setbacks, and 34-1744(b)(1) to allow a 5 feet high fence in the front yard of the corner lot.

Section 3. In approving the Variance, the Town Council makes the following findings and conclusions in accordance with the requirements of Sections 34-84 and 34-87 of the LDC:

- 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 approval of the variance are the result of actions of the Applicant taken after the adoption of the regulation in question.
- C. The variance is the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation to the Property.
- D. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. The conditions or circumstances on the Property are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Section 4. If the Town Council approves the requested variance, the following conditions of approval are imposed on the Applicant and the Property:

- A. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
- B. A minimum three feet wide and four feet tall hedge shall be maintained between Estero Boulevard and any constructed pool.
- C. A fence with a maximum height of five feet from existing grade shall be permitted along the frontage of Estero Boulevard and Gulf Drive. The fence location shall be consistent with visibility triangle requirements regardless of the approved variance measurements. The fence shall be maintained throughout the life of the pool.

D. The pool shall be constructed as an in-ground pool at existing grades. The approved location and variance to setbacks does not apply to any elevated pool or structures.

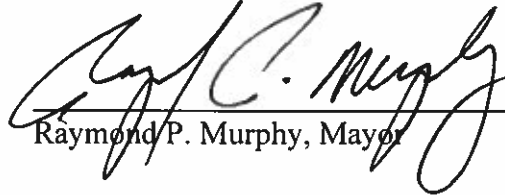
C. The variances shall only apply to the pool and fence as shown on the provided site plan. Alterations or substantial damage to either structure shall render their respective variance to be null and void.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Veach and seconded by Vice Mayor Hosafros, and upon being put to a vote, the result was as follows:

Raymond P. Murphy, Mayor	aye
Rexann Hosafros, Vice Mayor	aye
Dan Allers	aye
Bill Veach	aye
Jim Atterholt	aye

ADOPTED this 16th day of August, 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL



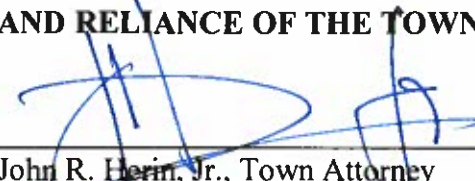
Raymond P. Murphy, Mayor

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:**



John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 14 day of August 2021.

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

Yellow Sheet Number: **2025-597**

1. Request:

Meeting Date: September 9, 2025

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING OR DENYING A HOME RULE DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT 110-130 CONNECTICUT STREET (PARCEL 1) AND 134/138 CONNECTICUT STREET (PARCEL 2) FORT MYERS BEACH, FL, STRAP NOS. 29-46-24-W1-00151.0010 AND 29-46-24-W1-00151.001A AND OWNED BY FIRST BAPTIST CHURCH OF FORT MYERS, AS AUTHORIZED BY SECTION 2-100 OF THE TOWN'S LAND DEVELOPMENT CODE AND IN COMPLIANCE WITH THE PROCEDURES FOR APPLICATION AND APPROVAL OF DEVELOPMENT AGREEMENTS WITH DEVIATIONS SET FORTH IN RESOLUTION NUMBER 24-73 AS AMENDED IN RESOLUTION 247 FOR THE PURPOSE OF REDEVELOPMENT OF THE PROPERTIES TO ALLOW A CHURCH FACILITY AND 12 SINGLE-FAMILY HOMES; PROVIDING FOR TERMS AND CONDITIONS INCLUDING BUT NOT LIMITED TO THE IDENTIFICATION OF THE PROPOSED USE OF THE PROPERTY, A FINDING OF CONSISTENCY WITH THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN, COMMITMENTS AND DEVELOPMENT OBLIGATIONS, DEVIATIONS NEEDED FOR DEVELOPMENT; 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:

LPA reviews the application to make recommendations for Town Council consideration.

What the action accomplishes:

Town Council will consider the recommendations by LPA.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Ordinance

5. Background:

The First Baptist Church of Fort Myers, locally known as Beach Baptist Church, is proposing a development agreement (DA) for two parcels that were previously developed as 4,343 SF religious facility for the church. The applicant has split the lot into two parcels with the intent to sell 2.1 acres of land fronting Estero Blvd. (Parcel 1: 110-130 Connecticut Street) in order to finance the reconstruction of the Church on the remaining 1.1 acre of land (Parcel 2: 134-138 Connecticut Street). Under a separate application, the applicant is requesting to rezone parcel 1 from Institutional to Residential Conservation.

The applicant is aware of concerns about the reconstruction of the place of worship. These concerns regarding reconstruction of the church cannot be addressed in the context of the conventional zoning for the single-family residences. Prior issues included use of the site by recreational vehicles for overnight stays and social services provided on-site that had a negative impact on the neighborhood. To address the concerns about the place of worship, the applicant has agreed to enter into a development agreement.

Attachments:

1. Ord 25xx Development Agreement
2. FMB FBC Dev. Agreement 08-11-25 FINAL
3. SITE PLAN
4. Parcel 1 Sketch and Description
5. Parcel 2 Sketch and Description

6. LPA Staff Report
7. Ft Myers Beach Response Letter no. 2
8. DA Narrative - First Baptist Church of Ft. Myers Beach
9. Title Certification -combined
10. Affidavit of Authorization
11. Business Impact Estimate - Baptist Church Development Agreement

Financial Impact:

Unknown

6. **Alternative Action**

7. **Staff Recommendations:**

Contingent upon all code violations being addressed

8. **Recommended Approval:**

_____ Judith Frankel, Principal Planner	Date: August 26, 2025
_____ Georgina Cid, Community Development Manager	Date: August 28, 2025
_____ Frankie Kropacek, Community Development Director	Date: August 28, 2025
_____ nancy stuparich, Town Attorney	Date: August 29, 2025
_____ Amy Baker, Town Clerk	Date: September 02, 2025

ORDINANCE NO. 25-XX

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING OR DENYING A HOME RULE DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT 110-130 CONNECTICUT STREET (PARCEL 1) AND 134/138 CONNECTICUT STREET (PARCEL 2) FORT MYERS BEACH, FL, STRAP NOS. 29-46-24-W1-00151.0010 AND 29-46-24-W1-00151.001A AND OWNED BY FIRST BAPTIST CHURCH OF FORT MYERS, AS AUTHORIZED BY SECTION 2-100 OF THE TOWN'S LAND DEVELOPMENT CODE AND IN COMPLIANCE WITH THE PROCEDURES FOR APPLICATION AND APPROVAL OF DEVELOPMENT AGREEMENTS WITH DEVIATIONS SET FORTH IN RESOLUTION NUMBER 24-247 FOR THE PURPOSE OF REDEVELOPMENT OF THE PROPERTIES TO ALLOW A CHURCH FACILITY AND 12 SINGLE-FAMILY HOMES; PROVIDING FOR TERMS AND CONDITIONS INCLUDING BUT NOT LIMITED TO THE IDENTIFICATION OF THE PROPOSED USE OF THE PROPERTY, A FINDING OF CONSISTENCY WITH THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN, COMMITMENTS AND DEVELOPMENT OBLIGATIONS, DEVIATIONS NEEDED FOR DEVELOPMENT; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 2-100 of the Town's Land Development Code ("LDC"), authorizes it to enter into a home rule development agreement pursuant to Article VIII, § 1(f), of the Constitution of the State of Florida and F.S. chs. 163, 166 and 380, and specifically recognized by the State Legislature in F.S. § 163.3220(5); and

WHEREAS, the Developer has requested approval of this Development Agreement pursuant to Section 2-96 of the LDC and Resolution 24-73; and

WHEREAS, Fort Myers BBC Residential, LLC, a Delaware limited liability company (hereinafter "BBC Residential") is the contract purchaser of approximately 2.05 +/- acres of land located within the Town and owned by First Baptist Church of Fort Myers Beach, Inc. (hereinafter referred to as "First Baptist Church of Fort Myers Beach") of which the entire area is located landward of the 1978 Coastal Construction Control Line (hereinafter "CCCL"), being legally described in Exhibit "A" attached hereto (hereinafter, "Parcel 1"); and

WHEREAS, the First Baptist Church of Fort Myers Beach is also the owner of a parcel consisting of approximately 1.10 +/- acres of land located within the Town directly adjacent to Parcel 1, of which the entire area is located landward of the 1978 Coastal Construction Control Line (hereinafter "CCCL"), being legally described in Exhibit "B" attached hereto (hereinafter, "Parcel 2", with Parcel 1 and Parcel 2 being collectively referred to as the "Property"); and

WHEREAS, the Developer seeks to rezone Parcel 1 of the Property to the Residential Conservation (RC) zoning category which will permit the construction of 12 single-family dwelling units; and

WHEREAS, the First Baptist Church of Fort Myers Beach seeks to redevelop the Place of Worship (church) on Parcel 2 of the Property to serve existing and future church adherents; and

WHEREAS, the First Baptist Church of Fort Myers Beach has made Developer its agent for purposes of securing the Development Agreement with the Town; and

WHEREAS, First Baptist Church of Fort Myers Beach and the Developer have entered into that certain Development Agreement, dated May 28, 2024, as amended by that certain First Amendment to Development Agreement, dated June 11, 2024 (the “S.J. Collins Development Agreement”) that sets forth the rights and obligations of the First Baptist Church of Fort Myers Beach and the Developer with respect to redevelopment of the Place of Worship (church) on Parcel 2 of the Property, the relevant provisions of which are attached hereto as Exhibit C; and

WHEREAS, Parcel 2 is the prior location of the Place of Worship, and said Place of Worship was damaged during Hurricane Ian; and

WHEREAS, Parcel 2 is zoned IN and has been zoned in a manner which permits a Place of Worship as defined in Section 34-2, LDC since incorporation; and

WHEREAS, the Town and the Developer desire to enter into this Agreement to provide for the approval and a comprehensive understanding of the development parameters for Parcel 2 of the Property consistent with the Town’s Land Development Code and Comprehensive Plan as set forth herein; and

WHEREAS, a public hearing was held before the Town of Fort Myers Beach Local Planning Agency(“LPA”) on the ____ day of _____, 2025, and the LPA reviewed the proposed Agreement and by a vote of ____ recommended _____ to the Town Council; and

WHEREAS, the Town Council held its first reading and public hearing of Ordinance 25-XX containing the Development Agreement at its _____, 2025 Town Council meeting, during which the Town Council determined that the Development Agreement and the accompanying application **satisfied/did not satisfy** the guidelines and criteria set forth in Sections 2-100 and 2-96 of the Town’s Code of Ordinances and the procedures for approval of development agreement in Exhibit A to Resolution Number 24-247; and

WHEREAS, the Town Council voted to schedule the second reading and adoption public hearing on Ordinance 25-XX on _____, 2025; and

WHEREAS, thereafter the Town Council held the second and final reading and public hearing to adopt of Ordinance 25-XX, containing the Development Agreement on _____, 2025 by a vote of ____ to ____; and

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

WHEREAS, the LPA public hearing and the Town Council public hearings were advertised on the ____ day of _____, 2025 in the _____; and

WHEREAS, the Town Council determined that adoption of the ordinance, as provided herein is in the best interests of the health, safety, welfare, and morals of the Town’s residents.

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

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

Section 2. The Town Council hereby formally approves the Development Agreement attached hereto as Exhibit “A” to Ordinance 25-xx and authorizes the Developer to proceed with the development as further outlined therein.

Section 3. The Town Clerk is directed to record an executed copy of the Development Agreement in the Official Records of Lee County, Florida.

Section 4. This Ordinance shall become effective upon adoption by the Town Council

THE FOREGOING ORDINANCE was adopted by the Town Council upon a motion by Vice Mayor Atterholt and seconded by Council Member Woodson, and upon being put to a vote, the result was as follows:

DULY PASSED AND ADOPTED on this ____ day of ____ 2025.

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.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this ____ day of _____ 2025.

Exhibits:

Exhibit A: Development Agreement

Exhibit B: Site Plan

HOME RULE DEVELOPMENT AGREEMENT

(As Approved _____ (date))

THIS DEVELOPMENT AGREEMENT (hereinafter, "Agreement" or "Development Agreement") is entered into this ____ day of _____, 2025, by and between **THE TOWN OF FORT MYERS BEACH, FLORIDA**, a municipality of the State of Florida (hereinafter "Town"), having its principal office at 2731 Oak Street, Fort Myers Beach, FL, and **S.J. Collins Enterprises, LLC**, a Georgia limited liability company, registered to do business in Florida, (hereinafter "Developer"), whose address is 5 SW Broad Street, Suite B, Fairburn, GA, 30213. Developer is under common control with the owner of the subject real property "BBC Residential" (as hereinafter defined). Developer and the Town may hereinafter be individually referred to as "Party" and collectively referred to as the "Parties".

WHEREAS, Section 2-100 of the Town's Land Development Code ("LDC"), authorizes it to enter into a home rule development agreement pursuant to Article VIII, § 1(f), of the Constitution of the State of Florida and F.S. chs. 163, 166 and 380, and specifically recognized by the State Legislature in F.S. § 163.3220(5); and

WHEREAS, the Developer has requested approval of this Development Agreement pursuant to Section 2-96 of the LDC and Resolution 24-73; and

WHEREAS, Fort Myers BBC Residential, LLC, a Delaware limited liability company (hereinafter "BBC Residential") is the contract purchaser of approximately 2.10 +/- acres of land located within the Town and owned by First Baptist Church of Fort Myers Beach, Inc. (hereinafter referred to as "First Baptist Church of Fort Myers Beach") of which the entire area is located landward of the 1978 Coastal Construction Control Line (hereinafter "CCCL"), being legally described in Exhibit "A" attached hereto (hereinafter, "Parcel 1"); and

WHEREAS, the First Baptist Church of Fort Myers Beach is also the owner of a parcel consisting of approximately 1.10 +/- acres of land located within the Town directly adjacent to Parcel 1, of which the entire area is located landward of the 1978 Coastal Construction Control Line (hereinafter "CCCL"), being legally described in Exhibit "B" attached hereto (hereinafter, "Parcel 2", with Parcel 1 and Parcel 2 being collectively referred to as the "Property"); and

WHEREAS, the Developer seeks to rezone Parcel 1 of the Property to the Residential Conservation (RC) zoning category which will permit the construction of 12 single-family dwelling units; and

WHEREAS, the First Baptist Church of Fort Myers Beach seeks to redevelop the Place of Worship (church) on Parcel 2 of the Property to serve existing and future church adherents; and

WHEREAS, the First Baptist Church of Fort Myers Beach has made Developer its agent for purposes of securing the Development Agreement with the Town; and

WHEREAS, First Baptist Church of Fort Myers Beach and the Developer have entered into that certain Development Agreement, dated May 28, 2024, as amended by that certain First Amendment to Development Agreement, dated June 11, 2024 (the “S.J. Collins Development Agreement”) that sets forth the rights and obligations of the First Baptist Church of Fort Myers Beach and the Developer with respect to redevelopment of the Place of Worship (church) on Parcel 2 of the Property, the relevant provisions of which are attached hereto as Exhibit C; and

WHEREAS, Parcel 2 is the prior location of the Place of Worship, and said Place of Worship was damaged during Hurricane Ian; and

WHEREAS, Parcel 2 is zoned IN and has been zoned in a manner which permits a Place of Worship as defined in Section 34-2, LDC since incorporation; and

WHEREAS, the Town and the Developer desire to enter into this Agreement to provide for the approval and a comprehensive understanding of the development parameters for Parcel 2 of the Property consistent with the Town’s Land Development Code and Comprehensive Plan as set forth herein; and

WHEREAS, a public hearing was held before the Town of Fort Myers Beach Local Planning Agency(“LPA”) on the ____ day of _____, 2025, and the LPA reviewed the proposed Agreement and by a vote of ____ recommended _____ to the Town Council; and

WHEREAS, this Development Agreement was considered by the Town at a duly advertised and noticed public hearing on the ____ day of _____, 2025; and

WHEREAS, the Town Council has determined after consideration of the recommendation of the LPA, Town staff, and the information and testimony provided at the aforementioned public hearing, which provided an opportunity for comment, testimony, and evidence from the Developer, Town staff, and the public, the Town Council has determined that the Development Agreement is reasonable and not arbitrary and in the best interest of the Town and the residents of the Town Fort Myers Beach.

NOW, THEREFORE, in consideration of the covenants and conditions contained herein, for the purposes set forth in Section 2-100 and 2-96 of the Town’s Land Development Code, the benefits to accrue to each party on its own behalf, and in the case of the Developer, also on behalf of the First Baptist Church of Fort Myers Beach and BBC Residential (under separate contract with Developer), and for other good and valuable consideration, the receipt of which the parties hereby acknowledge, the Town and the Developer agree as follows:

1. Recitals. The foregoing recitations are true and correct and are incorporated herein by reference. All exhibits to this Agreement are deemed a part hereof.

2. Property Subject to this Agreement. The Property is subject to the terms and conditions of this Agreement.

3. Ownership. Developer represents that the First Baptist Church of Fort Myers

Beach is the legal and equitable owner, having an interest in the Property pursuant to Instrument No.: 456803 recorded in Book 445, Page 536 on January 25, 1968, and Instrument No. 500060 recorded in Book 519, Pages 363-65 on March 11, 1969, both in the Official Records of Lee County, Florida. Developer hereby represents and warrants to the Town that it is lawfully authorized to enter into this Agreement on behalf of the First Baptist Church of Fort Myers Beach pursuant to the S.J. Collins Development Agreement, relevant provisions of which are attached hereto as Exhibit C.

4. Proposed Development and Use of the Property. The proposed uses and development of Parcel 2 as set forth in the recitations hereof (hereinafter the “Proposed Development”) will be consistent with the following:

A. Parcel 1 – Residential Development

(1) Primary Use.

The primary use of Parcel 1 will be to construct 12 single family homes.

(2) Other Permitted Uses.

Other permitted uses of Parcel 1 will be limited to the uses permitted in the Residential Conservation (RC) zoning district, and normal accessory uses, unless otherwise explicitly approved at a public hearing.

(3) Building Setbacks.

- (a) For lots that are adjacent to Estero Blvd, building setbacks shall be a minimum of 25 feet from the public street right of way.
- (b) For lots that are adjacent to Connecticut Street, building setbacks shall be a minimum of 15 feet from the public street right of way.
- (c) Building setbacks from Alleys shall be a minimum of 10 feet from the alley easement/right-of-way line.
- (d) Building setbacks from rear lot lines shall be a minimum of 10 feet from the rear lot line.
- (e) Building setbacks from side lot lines shall be a minimum of 5.0 feet from the side lot line.

(4) Alleys.

- (a) Alleys shall have a minimum pavement width of 20 feet with 2’ gutters on each side.
- (b) Alleys up to 250 feet shall not be required to have a cul-de-sac or hammerhead turn around if serve 10 or fewer lots.
- (c) Minimum alley separation from Parcel 2 driveway shall be 25 feet.

(5) Drainage.

- (a) Parcel 1 and 2 may have a shared stormwater management system.

B. Parcel 2 – Place of Worship

- (1) Definition.
The term of “place of worship” shall be defined as in Section 34-2 of the LDC.
 - (2) Primary Use.
The primary use of Parcel 2 will be a place of worship facility. The primary function of this facility is for religious worship and fellowship and traditional church activities, including but not limited to worship services, Sunday school, youth meetings, and other related religious gatherings.
 - (3) Other Permitted Uses.
Other permitted uses of Parcel 2 will be limited to the uses permitted in the Institutional (IN) zoning district, and normal accessory uses, unless otherwise explicitly approved at a public hearing. No housing, social services, or rehabilitation programs will be conducted on-site.
 - (4) Prohibited Uses:.
No temporary or permanent living quarters or dwelling unit(s) will be provided on-site.
Overnight parking of Recreational Vehicles.
 - (5) Building Setbacks.
 - (f) For buildings that are adjacent to a public street right of way, building setbacks shall be a minimum of 20 feet from the public street right of way.
 - (g) Building setbacks from side lot lines shall be a minimum of 7 feet from side lot lines,
 - (h) Building setbacks from rear lot lines shall be a minimum of 20 feet from the rear lot line.
 - (6) Parking: Parking will be provided per the requirements in Section 34-2052 of the LDC, as it may be amended.
 - (7) Maximum Sanctuary square footage.
 - (b) Gross Floor Area: The Gross Floor Area is 7,000 square feet.
 - (c) Height: The structure will be limited to a maximum height of 35 feet as measured pursuant to Section 34-631, LDC. The structure is limited to 3 habitable floors.
 - (d) Elevation: The building will meet the one foot above base floor or other applicable FEMA and Standard Building Code elevations.
- C. Environmentally Sensitive Land. There are no environmentally sensitive lands on-site.
- D. Threatened and Endangered Species. There are no threatened or endangered species on-site.

- E. Conflicts. Any conflict between the matters set forth in this paragraph and other paragraphs in this Agreement will be resolved in favor of the terms and conditions in this Paragraph. Moreover, this Agreement identifies known instances in which the proposed redevelopment conflicts with the Town's existing Land Development Code. Any ambiguity with respect to whether this Development Agreement or an ordinance is to control will be interpreted to favor the ordinance. Failure of this Development Agreement to address a particular permit condition, term or restriction will not relieve the owner or developer of the necessity of complying with the laws governing said permitting requirements, conditions, terms or restriction. Any matter or action required under existing ordinances of the town will not be otherwise amended, modified or waived, unless such modification, amendment or waiver is expressly provided for in the Development Agreement with specific reference to the Code provision so waived, modified or amended.

5. Public Facilities. The following public facilities will serve the Proposed Development on the Property:

- A. Potable Water: Potable water will be supplied by the Town of Fort Myers Beach. The Town presently has adequate capacity to serve the Proposed Development. Notwithstanding the foregoing, nothing in this Agreement will be interpreted nor is it the intent of the parties to create a reservation of capacity. Capacity for the project will be based on its availability at the time of submission of a development order application. The Developer is responsible for improvements to the utility system required to service the proposed development.
- B. Sanitary Sewer: Wastewater services will be provided by Lee County Utilities (LCU). LCU presently has adequate capacity to serve the Proposed Development. Notwithstanding the foregoing, nothing in this Agreement will be interpreted nor is it the intent of the parties to create a reservation of capacity. Capacity for the project will be based on availability at the time of submission of a development order. The Developer is responsible for improvements to the utility system required to service the Proposed Development.
- C. Solid Waste: Developer will coordinate solid waste services with Lee County, the Town, or a third-party service provider, adequate to serve the Proposed

Development, prior to issuance of the development order. Notwithstanding the foregoing, this does not create a reservation of capacity. Capacity for the project will be based on availability at the time of submission of a building permit.

D. Drainage:

Drainage will be in accordance with the applicable environmental resource permit ("ERP") to be issued by the South Florida Water Management District ("SFWMD") for the Property. Prior to issuance of the development order, if applicable, Developer will provide plans related to storm water run-off into the Town's system to the Town. The Developer is responsible for improvements to the drainage system required to service the proposed development.

E. Fire and Rescue

Fire control and rescue services will be provided by the Fort Myers Beach Fire Control District, and Emergency Medical Services will be provided by Lee County Emergency Medical Services. The applicant for a building permit will be required to pay Fire and EMS impact fees.

F. Public Schools.

Parcel 2 does not include any residential development and will have no impact on the School District. The Developer of Parcel 2 will not be required to provide a letter of capacity from Lee County School District.

In the event new or additional facilities are needed to serve the project, the Developer will bear the burden of the cost of such facilities to be constructed consistent with the dual rational nexus test, and provide a schedule to the Town to assure that the public facilities and services will be available concurrent with the impact of the development project for those facilities subject to concurrency consistent with Section 163.3180, F.S..

6. Impact Fees. Impact fees, when adopted by Town Ordinance for all new development and change in use, will be calculated at time of issuance of a building permit and payment will be required consistent with Section 163.31801, F.S. Site-related improvements will be evaluated by the Town during the review of the development order application.

7. Development Permits Needed for Proposed Development. A list of all known governmental permits needed for the Proposed Development is set forth below:

Town of Fort Myers Beach Development
Order Town of Fort Myers Beach Building
Permit
South Florida Water Management District Environmental Resource
Permit South Florida Water Management District Water Use Permit
(dewatering) South Florida Water Management District Water Use
Permit (irrigation) FDEP Wastewater Permit
LCDOH Potable Water Permit
Lee County Limited Review Development Order pursuant to Section 10-297,
LDC
Lee County Right-of-Way Permit

The failure of this Agreement to address a particular permit, condition, term or restriction will not relieve the Developer of the necessity of complying with the law governing said permitting requirements, conditions, terms, or restrictions. The Developer will be responsible at its sole cost for obtaining any required approval and will not in any manner obligate the Town or any other governmental agency to grant other required permit approvals. Any reliance on this Agreement or expenditures in pursuance of its terms or any rights accruing to the Developer will not vest any development right in the Developer or the project to a continuation of this Agreement.

8. Developer Commitments and Obligations. For and in consideration of the benefits received pursuant to this Agreement, the Developer agrees to the following commitments, obligations, and associated public benefits; which are deemed to be in the public interest:

- a. Vehicular access to and from Parcel 2 from Connecticut Street will be limited to a single access for the north side;
- b. On-site traffic management will be provided by the First Baptist Church of Fort Myers Beach during peak hours of use;
- c. Maintenance of the sidewalks along Connecticut Street on Parcel 2;
- d. Redevelop the Connecticut Street frontages on Parcel 2 consistent with landscape requirements set forth for the IN zoning district as set forth in the LDC;
- e. Provide a buffer zone in accordance with the standards set forth in Section 10-416, LDC between the place of worship and the existing adjacent single-family residences to the northwest and southwest of Parcel 2.

9. Deviations. The Deviations set forth in Exhibit D to this Agreement are incorporated by reference as if fully set forth herein, and are granted pursuant to this Agreement.

10. Consistency with the Comprehensive Plan. The Proposed Development outlined in this Agreement is consistent with the Town of Fort Myers Beach Comprehensive Plan and Land Development Code.

11. Development Requirements. Prior to the issuance of any building permits being issued for the development the following must occur:

- a. Utilities, which include water, sewer, gas, electricity, cable television, and other utilities will be reviewed during the development order review process; and
- b. Drainage plans will be reviewed in accordance with Section 10-321, LDC; and
- c. Grading plans and elevation requirements of the Town, including, but not limited to those related to the National Flood Insurance Program, will be reviewed during the Development Order review; and
- d. The developer will provide a traffic impact statement as required by Section 10-286, LDC; and
- e. Parking will be provided as required by Section 34-2020; and
- f. All other Town requirements necessary for the initial building permits to build the proposed project on the Property shall have been satisfied.

12. Amendment and Termination.

- A. This Agreement may be amended or terminated with the Parties' mutual consent, in writing signed by both Parties.
- B. This Agreement may be amended administratively by Town staff and the Developer without the need for approval by Town Council to provide for changes to the site plan and/or the Conceptual Plans provided such changes do not include increased building intensity, density, increased height, reduction in open space, reduction in public benefits. Substantial Deviations from the approved Conceptual Plans will require approval by Town Council.
- C. At Developer's option, Developer may terminate this Agreement at any time prior to the issuance by the Town of a building permit for any portion of the Proposed Development of the Property. Notwithstanding the foregoing, in the event of termination, Developer will not leave any improvements in an unsafe condition.

13. Notices. All notices required or permitted under this Agreement will be in writing and will be personally delivered or mailed by certified mail, return receipt requested to the following addresses, or to such other person or address as any Party may designate from

time to time in writing:

If to the Developer: Stephen J. Collins
S.J. Collins Enterprises,
LLC
P.O. Box 214
Fairburn, Georgia 30213

with a copy to: Jeffrey F. Montgomery, Esq.
Cushing, Morris, Armbruster & Montgomery, LLLP
191 Peachtree Street, NE
Suite 4500
Atlanta, Georgia 30303

If to the Town: Town Manager

with a copy to: Town Attorney

14. Remedies. Any material breach of this Agreement may be enforced by either party as against the other by appropriate action in law or equity filed in a court of competent jurisdiction; provided, however, no such action may be brought until the defaulting party has been given notice and ninety (90) days in which to cure the default. If the default cannot reasonably be cured within the ninety (90) day period, such period will be extended if the cure is commenced within such ninety (90) days and the defaulting party is proceeding with due diligence for such period reasonably required to complete such cure.

15. Governing Law. This Agreement will be construed and interpreted according to the laws of the State of Florida, and venue with respect to any litigation between the Parties related to this Agreement will be exclusively in Lee County, Florida.

16. Enforcement. In the event the Developer, upon approval of the Development Agreement, fails to comply with the terms of this Agreement, the Town may bring an action in a court of law with competent jurisdiction to protect its rights and interests as provided herein. All associated reasonable costs and attorney's fees will be reimbursed to the Town if an action at law is necessary regardless of whether the Town is the prevailing party thereunder. In no event will the Town be liable for payment of the Developer's attorney fees.

17. Post Development Agreement Liability. The parties acknowledge that the Town will not have any liability for any expenses or other damages that may be incurred as a result of denial of building permits due to the failure of the proposed development to meet the Town's requirements as to any Post-Development Agreement requirements.

18. Severability. If any part, term, or provision of this Agreement is held to be illegal, void, or unenforceable, the remaining portions or provisions of this Agreement will not be affected or impaired, each remaining provision will remain in full force and effect, and the rights and obligations of the Parties will be construed and enforced as if the Agreement did

not contain the particular part, term, or provision held to be invalid.

19. Entire Agreement; Termination of Prior Agreements. This Agreement embodies the whole agreement of the Parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement will supersede all previous communications, representations, or agreements, either verbal or written, regarding the Proposed Development of the Property between the Parties.

20. Covenants Running with the Land and Successors and Assigns. The obligations imposed and entitlements created pursuant to this Agreement will run with the Property and bind Developer's successors and assigns to the covenants as set forth in this Agreement and will be enforceable by and against the Parties hereto, their personal representatives, heirs, successors, grantees, and assigns. The obligations of the Developer may be assigned to one or more successor developers or property owners associations, and the Developer will thereafter be relieved of all obligations hereunder.

21. Third Party Beneficiaries. The Parties acknowledge that the First Baptist Church of Fort Myers Beach, BBC Residential and their respective successors and assigns are intended third party beneficiaries hereof and are entitled to the enforcement of applicable provisions and rights hereunder.

22. Effective Date and Duration. This Agreement will become effective upon full execution by both Parties and recording of the Agreement in the Public Records of Lee County pursuant to paragraph 23 below. The Developer must apply for a development order for at least a portion of the development contemplated herein within five (5) years of the effective date. In the event no building permits are applied for by the Developer within five (5) years of the effective date, the Agreement will terminate. If requested by the Developer, the term of the Agreement may be extended at the sole discretion of the Town Council and a finding that the Developer is unable to fulfill its obligations due to circumstances beyond its control. The development of the project may proceed in phases in any sequence. Notwithstanding the provisions of this paragraph, unless terminated as provided herein, or pursuant to paragraph 13 above, the obligations imposed and entitlements created pursuant to this Agreement will run with the Property will be enforceable by and against the Parties hereto, the First Baptist Church of Fort Myers Beach, the BBC Residential and each of their respective personal representatives, heirs, successors, grantees, and assigns.

23. Recording of Agreement. This Agreement will be recorded by the Town in the Public Records of Lee County within fourteen (14) days of approval by the Town. The costs of recording this Agreement will be paid by the Developer.

24. Representation and Warranties. The parties make the following representations to each other as stated herein:

A. The execution, delivery and performance of this Agreement by the Developer and a third party will not violate any law, or the terms of any agreement by which they are bound.

B. The Town and Developer have the power and authority to enter into this

Agreement, and to perform the development as set forth herein, and all the documents have been duly authorized, executed, and delivered and the transactions contemplated herein have been duly authorized.

- C. This Agreement constitutes a valid and legally binding obligation of the Developer and the Town after independent investigation by both of the information contained herein and is enforceable in accordance with its terms.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year written below.

WITNESSES:

S.J. Collins Enterprises, LLC, a
Georgia limited liability company,
authorized to do business in Florida

Print Name:

By: _____

Name: _____

Title: _____

Print Name

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2025, by Stephen J. Collins, as the manager of S.J. Collins Enterprises, LLC, a Georgia limited liability company, who _____ is personally known to me or who produced _____ as identification.

Notary Public Signature

My Commission Expires:

Type/Print Notary Public Name

Commission No.: _____

**TOWN OF FORT
MYERS
BEACH**

Dan Allers, Town 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

Exhibits:

- A. Legal Description of Parcel 1
- B. Legal Description of Parcel 2
- C. Excerpt of Agreement between Developer and the First Baptist Church of Fort Myers Beach

Exhibit A

**SECTION 29, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA**

LEGAL DESCRIPTION

PARCEL 1:

A LOT OR PARCEL OF LAND LYING IN LOT 51 OF THAT CERTAIN SUBDIVISION KNOWN AS CASE SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF LEE COUNTY, FLORIDA, IN PLAT BOOK 1 AT PAGE 58 WHICH IS DESCRIBED AS FOLLOWS:

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CONTAINING 2.10 ACRES MORE OR LESS.



Exhibit B

**SECTION 29, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA**

LEGAL DESCRIPTION

PARCEL 2:

THAT PART OF LOT 51 IN THAT CERTAIN SUBDIVISION KNOWN AS CASE SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF IN PLAT BOOK 1, PAGE 58, PUBLIC RECORDS OF LEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF ESTERO BOULEVARD AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF CONNECTICUT STREET, AS SHOWN ON SAID PLAT, RUN N 47°28'26" E, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF CONNECTICUT STREET, A DISTANCE OF 408.59 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF CONNECTICUT STREET, N 47°28'26" E, A DISTANCE OF 163.41 FEET; THENCE DEPARTING SAID SOUTHEASTERLY RIGHT OF WAY LINE OF CONNECTICUT STREET, RUN S 57°44'01" E, A DISTANCE OF 253.00 FEET TO A THE EASTERLY LINE OF SAID LOT 51; THENCE RUN S 47°29'14" W, ALONG SAID EASTERLY LINE OF LOT 51, A DISTANCE OF 229.78 FEET; THENCE DEPARTING SAID EASTERLY LINE OF LOT 51, RUN N 42°31'34" W, A DISTANCE OF 244.09 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.10 ACRES MORE OR LESS.



Exhibit C

S.J. Collins Development Agreement Excerpt

Developer will subsequently seek to obtain: (a) the proper zoning and plan approval for the Project, (b) all required platting and subdivision of the Church Property from the remainder of the Property, (c) all final and unappealable permits, licenses, approvals, rezonings or variances by all public authorities and/or applicable third parties, upon terms and conditions acceptable to Owner in its sole discretion, as may be necessary for the construction and use of the Project as a church and supporting activities. Developer will also provide pre-, during- and post-construction consulting, administration and management services to further the design and develop the Property according to the Development Requirements and shall oversee the performance of services by the architect, general contractor, engineers and contractors under the Major Contracts and assist in the negotiation of same, which services are further detailed in the Scope of Work attached hereto as **Exhibit C**. The foregoing Developer duties set forth in this Section 2.2 are herein referred to as the “**Services**.” Notwithstanding any provision herein to the contrary, Developer’s discretion or obligations with respect to material development activities shall be subject to Owner’s reasonable approval.

Exhibit D

Deviation Request:

1. Relief from Sec 34-638 Minimum Setbacks which requires a Street Setback of 25 ft to allow for lots that are adjacent to Connecticut Street, building setbacks shall be a minimum of 15 feet from the public street right of way.
2. Relief from Sec 34-638 Minimum Setbacks which requires a Street Setback of 25 ft to allow for Building setbacks from Easement ROW line shall be a minimum of 10 feet from the alley easement/right-of-way line.
3. Relief from Sec 34-638 Minimum Setbacks which requires a Rear Setback of 20 ft to allow building setbacks from rear lot lines shall be a minimum of 10 feet from the rear lot line.
4. Relief from Sec 34-638 Minimum Setbacks which requires a Side-Non Waterfront Setback of minimum 6.5 ft for lots less than 50 ft wide, 7.5 ft for lots 50 ft up to 75 ft and 10 ft for lots wider than 75 ft to allow for Building setbacks from side lot lines shall be a minimum of 5.0 feet from the side lot line.
5. Relief from Sec 34-285 which requires a minimum setback for Local Street of 125 ft to allow a Minimum alley separation from Parcel 2 driveway shall be 25 feet.

LOCATED IN SECTION 29, TOWNSHIP 46-S, RANGE 24-E, LEE COUNTY, FLORIDA

[illegible]

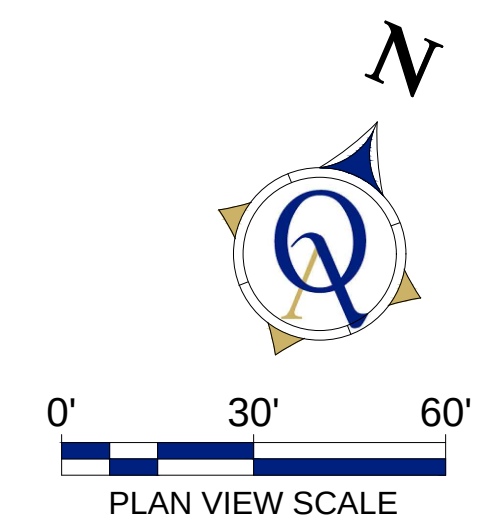
PROJECT SUMMARY:

IN- Institutional

PROJECT ACREAGE
LOT 1= 2.10 ACRES
LOT 2= 1.10 ACRES

LOT 2
PROVIDED: 63 SPACES (INCLUDING 3 H.C. SPACES)
PER PARKING CAN ACCOMMODATE 189 SEATS

LDC REQUIRED = 0.8
PROVIDED = $(15,520 / 47,916) = 0.32$



 **Quattrone & Associates, Inc.**
Engineers, Planners & Development Consultants

P:\2024 Projects\240603 FIRST BAPTIST CHURCH FMB\01-CADD FILES\00-QAI CADD - CONCEPTS\2025 MASTER CONCEPT PLAN\240603-DEVELOPMENT AGREEMENT PLAN

SKETCH AND DESCRIPTION
EXHIBIT "A"

SECTION 29, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

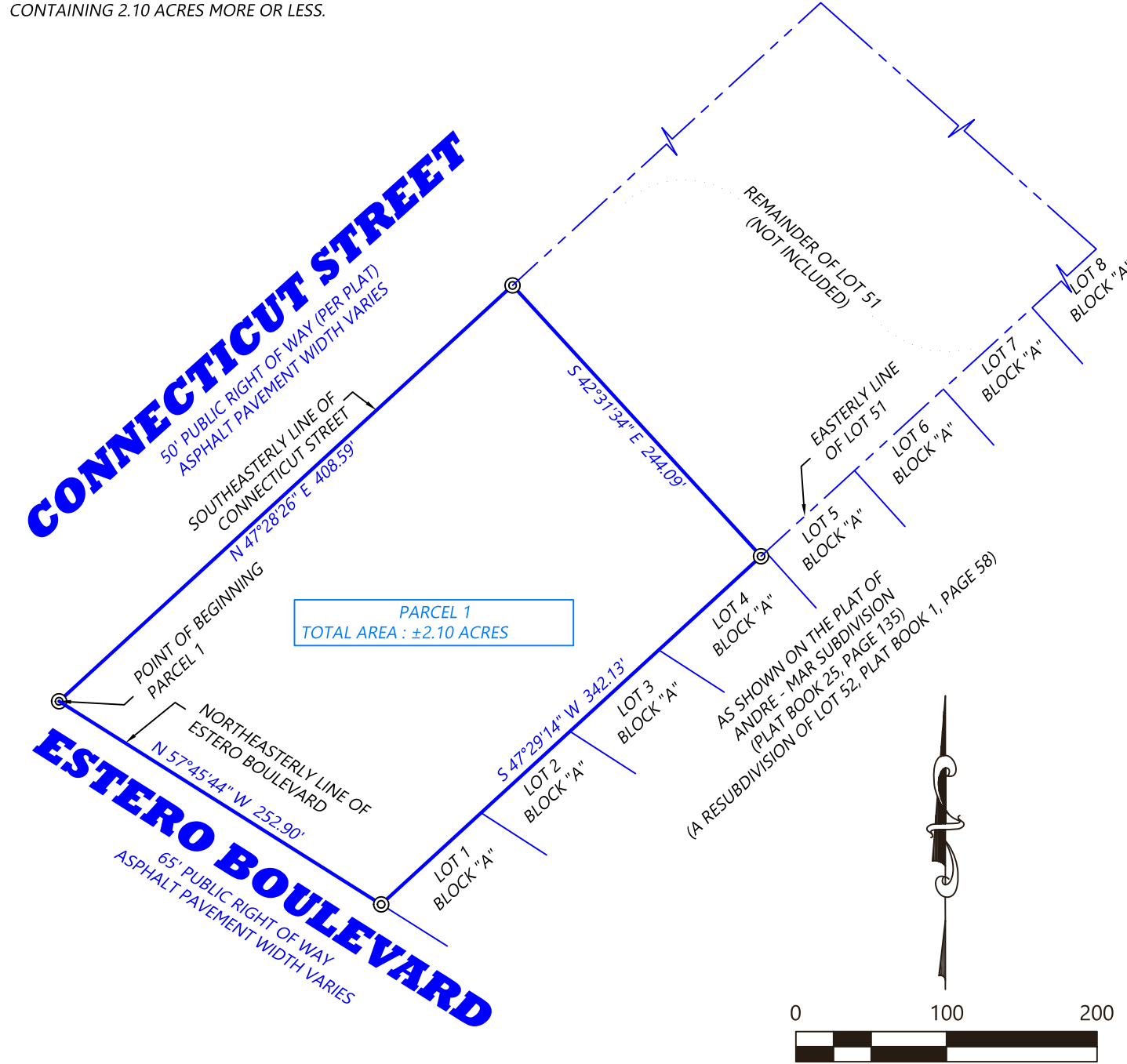
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CONTAINING 2.10 ACRES MORE OR LESS.



SURVEYORS NOTES:

1. NO UNDERGROUND FOUNDATIONS, STRUCTURES, INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN HEREON.
2. THIS SKETCH & DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, NO INSTRUMENTS OF RECORD REFLECTING OWNERSHIP, EASEMENTS OR RIGHTS OF WAY WERE FURNISHED TO THE UNDERSIGNED, UNLESS OTHERWISE SHOWN HEREON.
3. SEE LEGEND FOR SYMBOLS AND/OR ABBREVIATIONS USED HEREON.
4. BEARINGS SHOWN HEREON ASSUMED (W. LINE SUBJECT LOT BEING N 47°28'26" E).
5. THIS SKETCH & DESCRIPTION IS NOT VALID, UNLESS ACCOMPANIED BY AN AUTHENTICATED ELECTRONIC DIGITAL SIGNATURE WITH DATE AND DIGITAL SEAL OR ORIGINAL SIGNATURE AND ORIGINAL RAISED SEAL THIS DOCUMENT HAS NOT BEEN AUTHORIZED AND IS FOR INFORMATIONAL PURPOSES ONLY.
6. PURPOSE OF SURVEY: SKETCH & DESCRIPTION FOR PARCEL 1.
7. THIS SKETCH & DESCRIPTION DOES NOT REFLECT NOR DETERMINE OWNERSHIP.
8. NO WETLAND JURISDICTIONAL AREAS OR OTHER TOPOGRAPHIC FEATURES HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN HEREON.
9. THIS SKETCH & DESCRIPTION WAS PREPARED EXPRESSLY FOR THE NAMED ENTITIES. NO OTHER PERSON OR ENTITY IS ENTITLED TO RELY UPON THIS SURVEY FOR ANY PURPOSE WITHOUT THE EXPRESS WRITTEN CONSENT FROM MICHAEL D. CROW & ASSOCIATES, INC. OR THE CERTIFYING LAND SURVEYOR.

LEGEND:

- L.B. LICENSED BUSINESS
- P.S.M. PROFESSIONAL SURVEYOR AND MAPPER
- LAND / PLAT LINE

SHEET NO.: 1 OF 1

DATE PREPARED: 10/03/2024

SCALE: 1" = 100'

DRAWN BY: JB

REVISIONS:

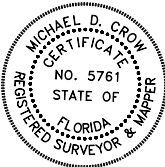
DWG:

240313-P1-SD



Michael D. CROW & ASSOCIATES INC.
CERTIFICATE OF AUTHORIZATION # 7936
509-B W. ALEXANDER STREET, PLANT CITY, FL 33563
PHONE: (813) 754-0505 * EMAIL: CROWSURVEYING@GMAIL.COM

SKETCH & DESCRIPTION
FOR
PARCEL 1



MICHAEL D
CROW
2024.10.15
15:47:39
-04'00'

MICHAEL D. CROW, P.S.M., L.S. 5761
FLORIDA PROFESSIONAL SURVEYOR & MAPPER

SKETCH AND DESCRIPTION
EXHIBIT "A"

SECTION 29, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

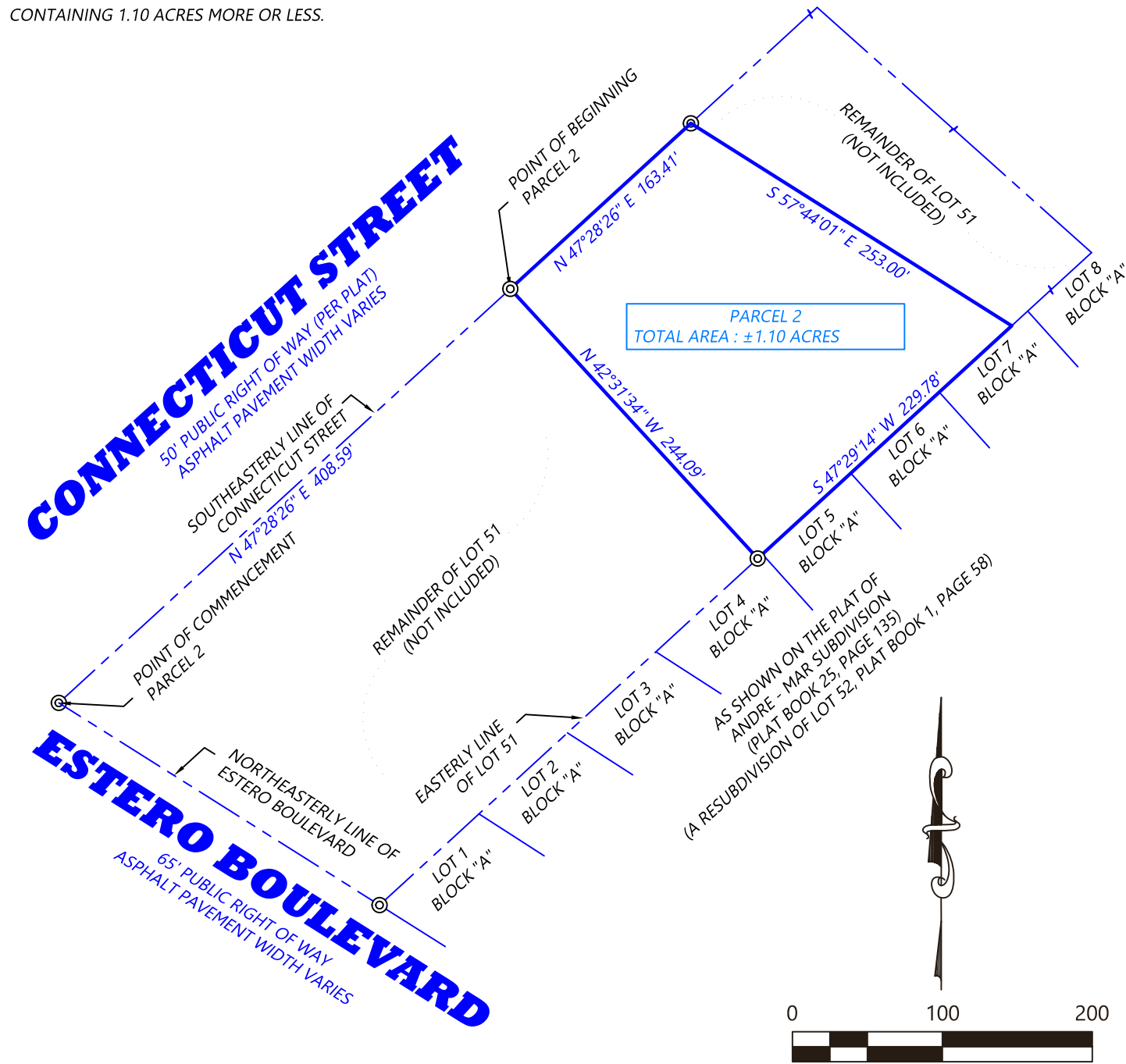
LEGAL DESCRIPTION

PARCEL 2:

THAT PART OF LOT 51 IN THAT CERTAIN SUBDIVISION KNOWN AS CASE SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF IN PLAT BOOK 1, PAGE 58, PUBLIC RECORDS OF LEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

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CONTAINING 1.10 ACRES MORE OR LESS.



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6. PURPOSE OF SURVEY: SKETCH & DESCRIPTION FOR PARCEL 2.
7. THIS SKETCH & DESCRIPTION DOES NOT REFLECT NOR DETERMINE OWNERSHIP.
8. NO WETLAND JURISDICTIONAL AREAS OR OTHER TOPOGRAPHIC FEATURES HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN HEREON.
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LEGEND:

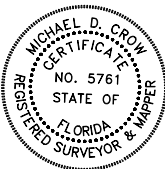
- L.B. LICENSED BUSINESS
P.S.M. PROFESSIONAL SURVEYOR AND MAPPER
--- LAND / PLAT LINE

SHEET NO.: 1 OF 1 | DATE PREPARED: 10/03/2024 | SCALE: 1" = 100' | DRAWN BY: JB | REVISIONS:

DWG:
240313-P2-SD

Michael D. CROW & ASSOCIATES INC.
CERTIFICATE OF AUTHORIZATION # 7936
509-B W. ALEXANDER STREET, PLANT CITY, FL 33563
PHONE: (813) 754-0505 * EMAIL: CROWSURVEYING@GMAIL.COM

SKETCH & DESCRIPTION
FOR
PARCEL 2



MICHAEL D
CROW
2024.10.15
15:48:14
-04'00'

MICHAEL D. CROW, P.S.M., L.S. 5761
FLORIDA PROFESSIONAL SURVEYOR & MAPPER



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

TYPE OF CASE: Rezoning

CASE NUMBER: REZ20240264

CASE NAME: First Baptist Church of Fort Myers partial rezoning

LPA

HEARING DATE: September 9th, 2025, 9am

STAFF

RECOMMENDATION: Approval with conditions

**PREPARED/
SUBMITTED BY:** Judith Frankel, AICP

I. APPLICATION SUMMARY

Applicant/Owner: Al Quattrone of Quattrone and Associates (Applicant)/First Baptist Church of Fort Myers (Owner)

Request: The applicant is requesting to rezone 2.1 acres from Institutional (IN) zoning to Residential Conservation (RC) to allow residential uses by-right.

Subject property: First Baptist Church – See Site Plan in Exhibit A

Physical Address: 110-130 Connecticut Street

STRAP #: 29-46-24-W1-00151.0010

FLU: Mixed Residential

Zoning: INSTITUTIONAL (IN)

Adjacent zoning and land uses:

North:	RESIDENTIAL CONSERVATION (RC) & INSTITUTIONAL Mixed Residential
South:	RESIDENTIAL CONSERVATION Mixed Residential
East:	RESIDENTIAL CONSERVATION & RESIDENTIAL SINGLE-FAMILY (RS) Mixed Residential & Low Density residential
West:	RESIDENTIAL CONSERVATION (RC) Mixed Residential

II. BACKGROUND AND ANALYSIS

Background:

The First Baptist Church of Fort Myers is requesting to rezone a 2.1 acre parcel at the northeast corner of Estero Blvd. and Connecticut Street. This parcel is a portion of the former 3.2 acre property occupied by the church prior to Hurricane Ian. The applicant has obtained an LDO from the Town to divide their parcel into two lots. The church will retain the northern 1.2 acre lot with the intent of reconstructing the church building. Currently both portions are zoned as Institutional. The objective of this application is to rezone only the 2.1 acres adjacent to Estero Blvd. to allow for residential use by right. The owner/applicant will then seek to sell the rezoned portion of their land with the proceeds allocated towards the rebuilding of the Baptist Church. The site was a fully developed site prior to the 2022 Hurricane Ian event; it featured 4,343 sf of religious facilities owned and operated by the Baptist Church. The church was destroyed by Hurricane Ian in 2022.

Analysis:

The requested RC zoning district allows a maximum of 6 dwelling units per acre (per Comp. Plan Polic) and4) and will permit the following uses by right:

- Single and two-family homes
- Residential Accessory uses
- Community residential home
- Accessory Apartment
- Weekly rental
- Bed and Breakfast
- Home Care Facility

The subject parcel is located 1.7 miles southeast of Times Square along Estero Blvd. The Town of Fort Myers Beach Comprehensive Plan future land use map classification for the site is Mixed Residential. The site is within the designated “Quiet Center” portion of Fort Myers Beach. The Comprehensive Plan envisions this area as a “quiet residential area”.

The subject parcel features 250-ft +/- LF of frontage along Estero Blvd.; the parent parcel includes the subject property and has 575-ft +/- of frontage along Connecticut Street. Connecticut Street is the primary access for the FMB Mound House. The property adjoins and is adjacent to 7,000 sf to 8,000 sf RC zoned parcels. These sites support single-family and two-family homes. The subject property is located within the Case Subdivision (PB 1 PG 58). See the Project Narrative in Exhibit B for greater location detail. The parent property and subject site was developed for the Baptist Church. It has no natural site features. Since 2023, the Baptist Church has been using temporary structures as this property.

Neighborhood Compatibility:

The neighborhoods surrounding the subject site are all low-density residential. The site, if rezoned, would allow for up to 12 new dwelling units (DUs), as the maximum permitted density is 6 DUs per acre. Any new houses would need to meet all current regulations for the RC zoning to develop by-right. This includes but is not limited to setbacks, necessary access, pervious area and height regulations unless addressed by the accompanying development Agreement. 12 additional homes are unlikely to have a negative impact on the existing residential properties.

The applicant should note that direct access to private homes from Estero Blvd. is discouraged by the LDC as it can conflict with traffic flow. Access from Connecticut Street will be more compatible with the area. This restriction is addressed in the Development Agreement.

The proposed situation of the church, as surrounded by residences, has the potential to bring commercial-like nuisances into the neighborhood. Previously the church fronted Estero Blvd and could orient their activities, signage, and traffic to impact only a small area of Connecticut Street. The proposed site plan will bring church guests past single-family homes before reaching the church. The accompanying Development Agreement application aims to reduce the potential for conflict through the reduction in allowed use, the location of the church building, traffic flow maintenance during events and maintaining the sidewalks. These elements are intended to create a more compatible facility for the neighborhood.

IV. FINDINGS AND CONCLUSIONS

Rezoning procedures are governed by LDC sec. 34-85 which requires that the Town Council hear and decide all applications for changes in zoning district boundaries. The following items must be considered in reaching a decision. Accompanying each item is the applicant response following by Staff determination.

- (1) Whether there exists an error or ambiguity which must be corrected.
 - a. Applicant response: There is no error or ambiguity in the record that must be corrected.
 - b. Staff determination: Staff agree with the applicant.
- (2) Whether there exist changed or changing conditions which make approval of the request appropriate.
 - a. Applicant response: The site was a fully developed site prior to the 2022 Hurricane Ian event; it featured 4343 sf of religious facilities owned and

operated by the Baptist Church. The entire religious facility was destroyed during the 2022 hurricane event. The 2.1 acre rezoning is to support the reconstruction of the Baptist church by selling off the Estero Blvd. portion of the land to provide funding for church reconstruction on the remaining portion. The pending reconstruction of the site's church makes the request appropriate.

- b. Staff determination: In 2022 Hurricane Ian impacted all of Fort Myers Beach. The site could continue to be appropriately utilized as a Church or other institutional uses. As the surrounding neighborhood has remained the same or similar composition as prior to the hurricane Ian the conditions that would impact zoning rules are unchanged.

(3) The impact of a proposed change on the intent of this chapter.

- a. Applicant response: Based on compliance with the Mixed Residential Future Land Use designation and the adjoining and adjacent RC zoned and developed properties, there is no impact on the intent of LDC Chapter 34.
- b. Staff determination: There is no impact on the intent of LDC Chapter 34.

(4) The testimony of any applicant.

(5) The recommendation of staff and of the local planning agency.

(6) The testimony of the public.

(7) Whether the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set forth in the Fort Myers Beach Comprehensive Plan.

- a. Applicant response:

The RC zoning request is consistent with Town of Fort Myers Beach Comprehensive Land Use Plan's objectives, policies, intensities and uses. The increase in single-family houses within an existing neighborhood, as well as the reduction in land utilized for a commercial-like facility comply with the Comprehensive Plan. The consistency assessment is as follows:

Land Use Element

Policy FLU-1-A-1 *Maintaining the town's current "human scale" is a fundamental redevelopment principle. Fort Myers Beach is best enjoyed from new buildings should be designed to encourage use or admiration by people on foot or bicycle, rather than separating them with gates, walls, deep setbacks, or unnecessary building heights. The Land*

Development Regulations shall ensure that improvements which potentially impact the appearance of Estero Boulevard, as well as major activity centers such as Times Square and Villa Santini, the mixed-use districts, the town's shoreline, scenic views of the waterfront and tidal waters, public parks and other public grounds and institutions are managed and enhanced through application of the site plan review process. Community character is reflected in Floor to Area Ratios (FAR), lot sizes, house sizes, site placement, height, architectural features and existing vegetation. The Town shall strive to stabilize and preserve neighborhoods and establish urban design standards which protect and promote quality of life, in order to prevent tear downs, encourage re-use, infill and new development.

Response: The RC zoning is consistent with FLU1-A-1 in seeking to develop approximately eight 4,000 sf homesites at a maximum floor area ratio of 40%. The small homes contextually fit into the surrounding Connecticut Street and Andre Mar Drive community character and neighborhood.

Policy FLU-1-A-4. *Easy walking access to the beach is a key element of the town's human scale. Development trends that inhibit this access are undesirable. The Town shall not vacate, diminish, or otherwise impair publicly owned pathways, sidewalks, roads, ends of roads, parking areas, docks or boat launching facilities, and other access points currently used, or susceptible to use, by the public to access the shorelines, consistent with Comprehensive Plan unless there is documented evidence that physical public access is destabilizing unaltered shorelines.*

Response: The RC zoned parcel will require sidewalk construction and Type D 15-ft wide landscaping along Estero Blvd and Connecticut Street frontage. New sidewalk construction will facilitate public beach access. The zoning is consistent with FLU 1-A-4.

Policy FLU-1-B-4 MIXED RESIDENTIAL *Designed for subdivisions with mixed housing types on smaller lots, newer high-rise buildings, and RV parks. This category will ensure that Fort Myers Beach retains a variety of neighborhoods and housing types. For new development, the maximum density is 6 dwelling units per acre except those developments previously vested with 10 units under the "platted overlay" may continue.*

Response: The zoning is consistent with FLU 1-B-4 Medium Density Residential (formally Mixed Residential) and its density maximum limit of 6 units per acre. The resulting small homes on small lots maintain the town's neighborhood and housing type variety. There is a cap of 12% of land to be utilized for non-residential activities within the Mixed

Residential future land use category. The land area being utilized for the church is being reduced and not increased, which does comply with the goals of the Comp. Plan.

Policy FLU1-C-4 BUILDING HEIGHTS *The Land Development Code shall limit the height of new buildings under most conditions to three stories or 30 feet above flood elevation except where otherwise noted in this Comprehensive Plan Land Use categories and to provide for workforce housing units protected by a minimum 30- year covenant.*

Response: The RC request and building height complies with the 30-ft above flood elevation/3 story maximum height Town of Fort Myers Beach rules. The rezoning is consistent with FLU 1-C-4.

Housing Element

Goal HOU-1 *Ensure adequate levels of attainable housing within FMB for residents of all ages.*

Objective HOU-1-A *Maintain an adequate supply of land to meet forecasted housing needs; and maintain current levels of on-island housing suitable for employees working in town.*
Policy HOU-1-A-2 *The plans Future Land Use Map shall continually designate sufficient residential and mixed-use land for varying housing densities and housing types to accommodate forecasted housing needs through build-out.*

Response: The rezoning from Institutional to RC advances the objective of maintaining an adequate supply of land to meet housing needs. The minimum 405- ft lot width and minimum 80-ft lot depth supports the development of smaller, more affordable new homes. The rezoning is consistent with Objective HOU 1-A and Policy HOU 1-A-2.

- b. Staff determination: The application for rezoning complies with the following section of the Town of Fort Myers Beach Comprehensive Plan:
 - Policy FLU-1-A-4
 - Policy FLU-1-B-4 MEDIUM RESIDENTIAL
 - Policy FLU1-C-4 BUILDING HEIGHTS
 - Goal HOU-1 and Objective HOU-1-A and Policy HOU-1-A-

- (8) Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.

- a. Applicant response: The RC zoning requests proposed uses and intensities are identical to the surrounding neighborhood. The request will meet all performance and locational standards identified within the LDC and without the need for code variances. The subject parcel is of the size and configuration that allows for a small 12 unit subdivision that conforms to RC zoning performance standard identified within page one of this Request Statement.
 - b. Staff determination: Staff concurs
- (9) Whether urban services are, or will be, available and adequate to serve a proposed land use change.
- a. Applicant response: All required urban services are available to adequately serve the new fire station and future phase mixed uses.
 - b. Staff determination: Staff concurs
- (10) Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.
- a. Applicant response: The site was comprehensively developed to support a Religious Facility. The site is currently characterized by almost 100% impervious with no onsite natural systems. The request does not include any impact to the environmentally critical areas.
 - b. Staff determination: Staff concurs
- (11) Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- a. Applicant response: The RC zoning requests proposed uses and intensities are identical to the surrounding neighborhood. The new RC 12 unit subdivision will be compatible with the adjacent and adjoining RC Connecticut Street and Andre Mar Dr neighborhoods. The requested 12 unit subdivision will meet all FBC and FEMA regulations. The RC subdivision will not cause any damage, hazards or nuisances to surrounding land uses since it will contain the identical land use.
 - b. Staff determination: Staff concurs
- (12) Whether the location of the request places an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.
- a. Applicant response: A summary Estero Blvd LOS analysis is as follows. The former Church generated a weekend AM Peak 2.12 trips (Church - Code 560 ITE 11th Ed.; AM Peak Hour Sunday 0.49 per 1000 GFA for 4343 sf; general

urban/suburban). The proposed 12-unit subdivision will generate a weekday PM Peak 7.52 trips (SF Detached - Code 210 ITE 11th Ed.; PM Peak Hr 0.94 Per Unit urban/suburban). The difference between the former church use and the new SF use is 5.39 peak hour trips. Based upon the 2023 Lee County Concurrency Report, the subject Estero Boulevard road segment, between Pescadora Avenue and Voorhis Street, has a regulatory capacity of 726 peak hour trips. The report projects 637 future 2027 peak hour trips with a projected LOS C. The RC zoning's 7.52 trips will not have an impact on the current level of service of Estero Boulevard existing or future Level of Service. Finally, the project will have direct access onto Connecticut Street, which will reduce potential service speeds and volume along Estero Blvd.

- b. Staff determination: Staff concurs that addition of 12 homes should not have an impact on the Level of Service (LOS) for Estero Boulevard.

(13) For planned development rezonings, see § 34-216 for additional considerations.

- a. Not Applicable

Findings. Before granting any rezoning, the town council shall find that the requested zoning district complies with:

- (1) The Fort Myers Beach Comprehensive Plan.
- (2) This chapter.
- (3) Any other applicable town ordinances or codes.
- (4) For planned development rezonings, see § 34-216 of this chapter for additional findings.

Recommendations

Staff find that the proposed rezoning of 2.05 acres of land from Institutional to Residential Conservation is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set forth in the Fort Myers Beach Comprehensive Plan. The LPA should determine if the accompanying Development Agreement has appropriately addressed the potential for commercial-like nuisances caused by ensconcing the church within a residential community. If the LPA finds that the Development Agreement is sufficient, staff recommend approval of Rezoning application 20240264.

V. EXHIBITS

- A. Applicant Narrative
- B. Application
- C. Survey
- D. Legal Sketch and Description



August 21, 2025

Town of Fort Myers Beach
2525 Estero Boulevard
Fort Myers Beach, Florida 33931

RE: **First Baptist Church of Fort Myers
130 Connecticut St
Fort Myers Beach, FL 33931**

Please find attached revisions for the above-mentioned project per your comments dated August 7, 2025. Below are written responses to the comments.

1. Building intensity/ FAR calculations: Provide detailed FAR calculations. The site plan indicates a footprint of 6000 square feet for the place of worship where the FAR calculations indicate 15,520 square feet of gross floor area. Revise the calculations for consistency.

Note: As per LDC Section 34-633, Gross floor area includes the total floor area of all stories of a building within the surrounding exterior walls (whether the walls are solid or screened), plus all area below an elevated building that is six feet or more in height, plus all stories of covered parking, but not including any area whose roof is screened rather than solid.

Response: Please see the attached revised Site Plan

2. Development Agreement: Please revise the agreement to reference and incorporate the deviations as Attachment D within the body of the agreement.

Response: Please see revised Development Agreement attached.

3. Title of opinion: Provide a title of opinion prepared by a Florida attorney. The title of opinion shall identify and provide the names, addresses and telephone numbers of all legal and equitable owners having interest in the Land, as well as all mortgage or lien holders, holders of easement interests, and other encumbrances, upon the Land. Please note that as of the date of recordation of any Development Agreement, the applicant shall be required by the town to update the foregoing information in this subparagraph to the date of recording of the Development Agreement.

Response: Please see the Title Opinion

If you have any questions regarding the above responses or any of the attachments, please contact our office at (239) 936-5222.

Sincerely,
Quattrone & Associates, Inc.

Sharon Hrabak
Permitting Manager
Email: Sharon@qainc.net
Attachments: Site Plan, Development Agreement, Title of Opinion

NARRATIVE – APPLICATION FOR PUBLIC HEARING FIRST BAPTIST CHURCH OF FT. MYERS BEACH

The subject property has Institutional (IN) zoning. The property was developed with a place of worship. The structures on the site were damaged during Hurricane Ian. Pursuant to Objective 4.D. the structures on the site could be replaced with the same uses, intensity, and size. The applicant plans to purchase a portion of the property and has filed an application to rezone a portion of the property to Residential Single Family (RS) to permit 12 single-family homes. While the IN district permits two family dwelling units and live/work units, the applicant submits that the 12 single-family homes are a better form of development for the area.

The applicant is aware of concerns about the reconstruction of the place of worship. Since the applicant is not acquiring all of the property including the place of worship, concerns about reconstruction of the church cannot be addressed in the context of the conventional zoning for the single-family residences. To address the concerns about the place of worship, the applicant has agreed to enter into a development agreement and to coordinate with the place of worship to ensure a place of worship that is a benefit to the community. The property is currently vacant. Prior to Hurricane Ian, the site did not have modern water management and did not meet SFWMD current water quality, attenuation, or other district standards. Under the development agreement, the applicant will coordinate with the sellers and provide a unified water management system for the place of worship and the dwelling units that will be required to meet state water quality standards. A modern and unified water management system will eliminate the direct run off from the site into the main thoroughfare.

The area in question has numerous vacant lots. There are three vacant lots immediately abutting the property to the south. There are another four vacant lots on the other side of Andre Mar Drive. There are three vacant parcels north of the property on Connecticut and three empty parcels to the west of the property across Estero Boulevard. Twelve of the vacant parcels in the area are owned by corporations, predominantly Limited Liability Corporations. Most of the parcels have been acquired since Hurricane Ian. However, the Town has held several acrimonious zoning hearings as new owners seek a more dense or intense form of development to defray the cost of meeting current elevation and construction standards. The establishment of this area for single-family residences will provide a benefit in re-establishing the residential community and a desired form of development for the vacant parcels.

The town has experienced a loss of the FEMA discount. The FEMA discount is important for the redevelopment of the island. The rise in insurance rates in the State of

Florida has been a problem and definitely the cost of flood insurance is an issue for prospective home buyers and developers. The development on the subject property will meet FEMA elevations and resiliency requirements. Development that has occurred since the November 2022 adoption of the FEMA maps in accordance with the new elevations did not experience the destructive impacts of storm surge from Helene and Milton. The proposed development on the property pursuant to the development agreement in conformance with current FEMA elevations and resiliency requirements should contribute to the longevity of the proposed uses and stability of the neighborhood and tax base.

A review of the property appraiser's website indicates that there has been a loss of taxable value for many of the properties in the area. The redevelopment of the site will assist the neighborhood by helping to solidify property values, and it will provide a benefit to the Town by helping to restore ad valorem revenues.

The place of worship has a right to redevelop. There are concerns about permitting the place of worship to redevelop due to previous operational issues, including use of the site by recreational vehicles for overnight stays and social services provided on-site that had a negative impact on the neighborhood. The applicant will further coordinate with the place of worship as set forth in the development agreement to ensure the operation of the place of worship provides a benefit to the neighborhood and not a detriment. The sale and development of the residential parcel is an essential component of the proper redevelopment of the place of worship. The applicant will communicate with Ben Abes, Director of the Lee County Department of Public Safety, to determine if the county needs to use a portion of the place of worship parking lot post natural disaster.

TITLE CERTIFICATION

FIRST BAPTIST CHURCH OF FT MYERS BEACH, INC.
130 Connecticut Street
Fort Myers Beach, FL 33931
(239) 463-6452

Pavese Law Firm (as Agent/Title Company)

Plat Number: TBD

Development Order Number: TBD

Effective Date of Title Certification: August 11, 2025

Certified To: Town of Fort Myers Beach and Lee County Board of County Commissioners

I have searched the Public Records of Lee County, Florida and have examined the title to the real property more particularly described in the metes and bounds description attached hereto as Exhibit "A." I have made a careful examination of the Public Records of Lee County, Florida, with respect to the real property described in attached Exhibit "A." Based on the foregoing, we hereby certify Record Title to the above described real property, as of the Effective Date of the Title Certification set forth above, is vested in:

Title to the property is vested in:

First Baptist Church of Ft. Myers Beach, Inc., a Florida corporation not-for-profit, the successor by merger to First Baptist Church of Fort Myers Beach Inc. by virtue of that certain Deed recorded in Official Records Book 445, Page 536 and Warranty Deed recorded in Official Records Book 519, Page 363, all of the Public Records of Lee County, Florida.

The following persons or entities hold a mortgage secured by the property:

Mortgage in favor of S.J. Collins Enterprises, LLC, a Georgia limited liability company recorded in Official Records Instrument No. 2023000248528, Public Records of Lee County, Florida.

Property Taxes due and owing have been paid in full as of the effective date of this certification.

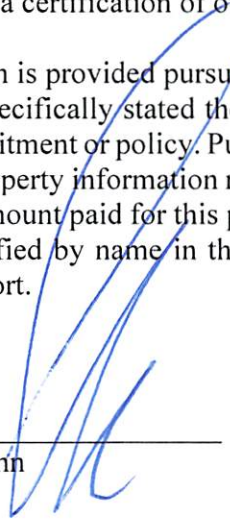
The following are all easements and rights of way affecting the property to be platted, whether recorded or unrecorded:

1. Matters contained on the Plat of Case Subdivision recorded in Plat Book 1, Page 58, as affected by instrument recorded in Deed Book 131, Pages 300 through 304, Public Records of Lee County, Florida.
2. Grant of Easement to South Florida Cable Television recorded in Official Records Book 1679, Page 613, Public Records of Lee County, Florida (note: this easement is blanket in nature and is not plottable).

All Recording references are to the public records of Lee County, Florida.

Note, this is not a certification of ownership of any oil, gas, and mineral rights or interests.

This certification is provided pursuant to the requirements of § 177.041, Florida Statute, for the uses and purposes specifically stated therein and is not to be used as the basis for the issuance of a title insurance commitment or policy. Pursuant to s. 627.7843, Florida Statutes, the maximum liability of the issuer of this property information report for errors or omissions in this property information report is limited to the amount paid for this property information report, and is further limited to the person(s) expressly identified by name in the property information report as the recipient(s) of the property information report.

By: 
Charles Mann
Partner

SKETCH AND DESCRIPTION
EXHIBIT "A"
SECTION 29, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

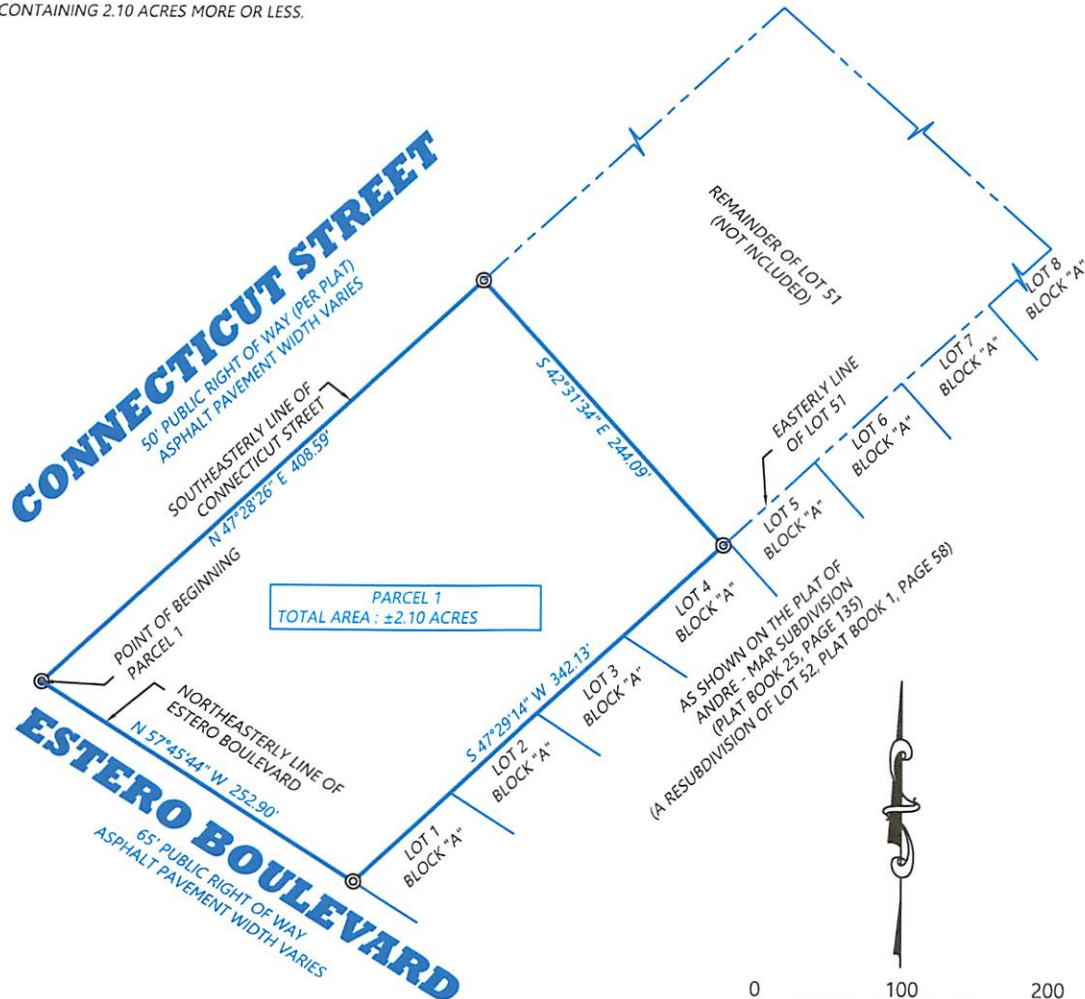
LEGAL DESCRIPTION

PARCEL 1:

A LOT OR PARCEL OF LAND LYING IN LOT 51 OF THAT CERTAIN SUBDIVISION KNOWN AS CASE SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF LEE COUNTY, FLORIDA, IN PLAT BOOK 1 AT PAGE 58 WHICH IS DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF ESTERO BOULEVARD AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF CONNECTICUT STREET, AS SHOWN ON SAID PLAT, RUN N 47°28'26" E, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF CONNECTICUT STREET, A DISTANCE OF 408.59 FEET; THENCE DEPARTING SAID SOUTHEASTERLY RIGHT OF WAY LINE OF CONNECTICUT STREET RUN S 42°31'34" E, A DISTANCE OF 244.09 FEET TO THE EASTERLY LINE OF SAID LOT 51; THENCE RUN S 47°29'14" W, ALONG SAID EASTERLY LINE OF LOT 51, A DISTANCE OF 342.13 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF ESTERO BOULEVARD; THENCE RUN N 57°45'44" W, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE OF ESTERO BOULEVARD, A DISTANCE OF 252.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.10 ACRES MORE OR LESS.



SURVEYORS NOTES:

1. NO UNDERGROUND FOUNDATIONS, STRUCTURES, INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN HEREON.
2. THIS SKETCH & DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, NO INSTRUMENTS OF RECORD REFLECTING OWNERSHIP, EASEMENTS OR RIGHTS OF WAY WERE FURNISHED TO THE UNDERSIGNED, UNLESS OTHERWISE SHOWN HEREON.
3. SEE LEGEND FOR SYMBOLS AND/OR ABBREVIATIONS USED HEREON.
4. BEARINGS SHOWN HEREON ASSUMED (W. LINE SUBJECT LOT BEING N 47°28'26" E).
5. THIS SKETCH & DESCRIPTION IS NOT VALID, UNLESS ACCOMPANIED BY AN AUTHENTICATED ELECTRONIC DIGITAL SIGNATURE WITH DATE AND DIGITAL SEAL OR ORIGINAL SIGNATURE AND ORIGINAL RAISED SEAL THIS DOCUMENT HAS NOT BEEN AUTHORIZED AND IS FOR INFORMATIONAL PURPOSES ONLY.
6. PURPOSE OF SURVEY: SKETCH & DESCRIPTION FOR PARCEL 1.
7. THIS SKETCH & DESCRIPTION DOES NOT REFLECT NOR DETERMINE OWNERSHIP.
8. NO WETLAND JURISDICTIONAL AREAS OR OTHER TOPOGRAPHIC FEATURES HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN HEREON.
9. THIS SKETCH & DESCRIPTION WAS PREPARED EXPRESSLY FOR THE NAMED ENTITIES. NO OTHER PERSON OR ENTITY IS ENTITLED TO RELY UPON THIS SURVEY FOR ANY PURPOSE WITHOUT THE EXPRESS WRITTEN CONSENT FROM MICHAEL D. CROW & ASSOCIATES, INC. OR THE CERTIFYING LAND SURVEYOR.

LEGEND:

L.B. LICENSED BUSINESS
P.S.M. PROFESSIONAL SURVEYOR
AND MAPPER
--- LAND / PLAT LINE

SHEET NO.: 1 OF 1

DATE PREPARED: 10/03/2024

SCALE: 1" = 100'

DRAWN BY: JB

REVISIONS:

DWG:
240313-P1-SD



Michael D. CROW & ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION # 7936
509-B W. ALEXANDER STREET, PLANT CITY, FL 33563
PHONE: (813) 754-0505 * EMAIL: CROWSURVEYING@GMAIL.COM

SKETCH & DESCRIPTION
FOR
PARCEL 1



MICHAEL D
CROW
2024.10.15
15:47:39
-04'00'

MICHAEL D. CROW, P.S.M., L.S. 5781
FLORIDA PROFESSIONAL SURVEYOR & MAPPER

SKETCH AND DESCRIPTION

EXHIBIT "A"

SECTION 29, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

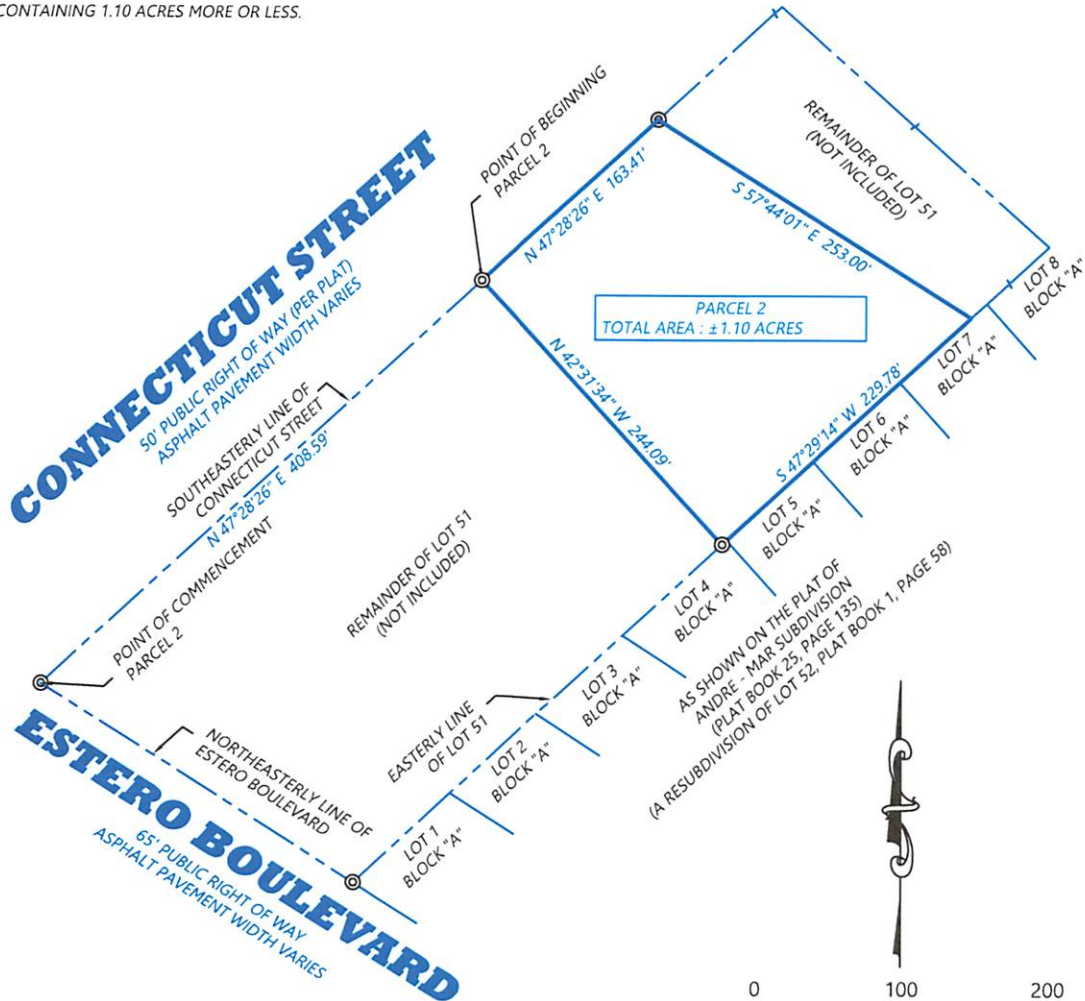
LEGAL DESCRIPTION

PARCEL 2:

THAT PART OF LOT 51 IN THAT CERTAIN SUBDIVISION KNOWN AS CASE SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF IN PLAT BOOK 1, PAGE 58, PUBLIC RECORDS OF LEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF ESTERO BOULEVARD AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF CONNECTICUT STREET, AS SHOWN ON SAID PLAT, RUN N 47°28'26" E, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF CONNECTICUT STREET, A DISTANCE OF 408.59 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF CONNECTICUT STREET, N 47°28'26" E, A DISTANCE OF 163.41 FEET; THENCE DEPARTING SAID SOUTHEASTERLY RIGHT OF WAY LINE OF CONNECTICUT STREET, RUN S 57°44'01" E, A DISTANCE OF 253.00 FEET TO THE EASTERLY LINE OF SAID LOT 51; THENCE RUN S 47°29'14" W, ALONG SAID EASTERLY LINE OF LOT 51, A DISTANCE OF 229.78 FEET; THENCE DEPARTING SAID EASTERLY LINE OF LOT 51, RUN N 42°31'34" W, A DISTANCE OF 244.09 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.10 ACRES MORE OR LESS.



SURVEYORS NOTES:

1. NO UNDERGROUND FOUNDATIONS, STRUCTURES, INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN HEREON.
2. THIS SKETCH & DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, NO INSTRUMENTS OF RECORD REFLECTING OWNERSHIP, EASEMENTS OR RIGHTS OF WAY WERE FURNISHED TO THE UNDERSIGNED, UNLESS OTHERWISE SHOWN HEREON.
3. SEE LEGEND FOR SYMBOLS AND/OR ABBREVIATIONS USED HEREON.
4. BEARINGS SHOWN HEREON ASSUMED (W. LINE SUBJECT LOT BEING N 47°28'26" E).
5. THIS SKETCH & DESCRIPTION IS NOT VALID, UNLESS ACCOMPANIED BY AN AUTHENTICATED ELECTRONIC DIGITAL SIGNATURE WITH DATE AND DIGITAL SEAL OR ORIGINAL SIGNATURE AND ORIGINAL RAISED SEAL THIS DOCUMENT HAS NOT BEEN AUTHORIZED AND IS FOR INFORMATIONAL PURPOSES ONLY.
6. PURPOSE OF SURVEY: SKETCH & DESCRIPTION FOR PARCEL 2.
7. THIS SKETCH & DESCRIPTION DOES NOT REFLECT NOR DETERMINE OWNERSHIP.
8. NO WETLAND JURISDICTIONAL AREAS OR OTHER TOPOGRAPHIC FEATURES HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN HEREON.
9. THIS SKETCH & DESCRIPTION WAS PREPARED EXPRESSLY FOR THE NAMED ENTITIES. NO OTHER PERSON OR ENTITY IS ENTITLED TO RELY UPON THIS SURVEY FOR ANY PURPOSE WITHOUT THE EXPRESS WRITTEN CONSENT FROM MICHAEL D. CROW & ASSOCIATES, INC. OR THE CERTIFYING LAND SURVEYOR.

LEGEND:

L.B. LICENSED BUSINESS
P.S.M. PROFESSIONAL SURVEYOR
AND MAPPER
— LAND / PLAT LINE

SHEET NO.: 1 OF 1

DATE PREPARED: 10/03/2024

SCALE: 1" = 100'

DRAWN BY: JB

REVISIONS:

DWG:
240313-P2-SD



MICHAEL D. CROW & ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION # 7936
509-B W. ALEXANDER STREET, PLANT CITY, FL 33563
PHONE: (813) 754-0505 * EMAIL: CROWSURVEYING@GMAIL.COM

SKETCH & DESCRIPTION
FOR
PARCEL 2



MICHAEL D. CROW
2024.10.15
15:48:14
-04'00'

MICHAEL D. CROW, P.S.M., L.S. 5761
FLORIDA PROFESSIONAL SURVEYOR & MAPPER

AFFIDAVIT OF AUTHORIZATION

We/I, First Baptist Church of Ft. Myers Beach being first duly sworn, depose and say that we/I am/are the property owners of the property described herein and which is the subject matter of the proposed hearing; that all the answers in this application, including the disclosure of interest information, all sketches, data, and other supplementary matter attached to and made part of this application, are honest and true to the best of our knowledge and belief. We/I understand that the information requested on this application is complete and accurate.

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. I have authorized the staff of Town of Fort Myers Beach to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that;
3. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

***Notes:**

- If the applicant is a corporation, then it is usually executed by the corp. pres. Or v. pres.
- If the applicant is a Limited Liability Company (L.L.C) or Limited Company (L.C), then the documents should typically be signed by the company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust partnership, estate, etc, and then use the appropriate format for that ownership.

As property owner, we/I further authorize Neale Montgomery, Pavese Law Firm to act as our/my representative in any matters regarding this application.

FIRST BAPTIST CHURCH OF
FT. MYERS BEACH

By: K. Shawn Critser
Print Name: K. Shawn Critser
Its: Director

The foregoing instrument was certified and subscribed before me by means of _____ physical presence OR online notarization, this 17 day of July, 2025, by K. Shawn Critser as Director of First Baptist Church of Ft. Myers Beach, who _____ is personally known to me OR ✓ who has produced DRIVERS LICENSE (type of identification) as identification and that he is authorized to execute this Affidavit on behalf of the said corporation.

(SEAL)



[Signature]
Notary Public Signature

FORT MYERS BEACH ESTERO ISLAND



Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the Fort Myers Beach website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: **AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING OR DENYING A HOME RULE DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT 110-130 CONNECTICUT STREET (PARCEL 1) AND 134/138 CONNECTICUT STREET (PARCEL 2) FORT MYERS BEACH, FL, STRAP NOS. 29-46-24-W1-00151.0010 AND 29-46-24-W1-00151.001A AND OWNED BY FIRST BAPTIST CHURCH OF FORT MYERS, AS AUTHORIZED BY SECTION 2-100 OF THE TOWN'S LAND DEVELOPMENT CODE AND IN COMPLIANCE WITH THE PROCEDURES FOR APPLICATION AND APPROVAL OF DEVELOPMENT AGREEMENTS WITH DEVIATIONS SET FORTH IN RESOLUTION NUMBER 24-247 FOR THE PURPOSE OF REDEVELOPMENT OF THE PROPERTIES TO ALLOW A CHURCH FACILITY AND 12 SINGLE-FAMILY HOMES; PROVIDING FOR TERMS AND CONDITIONS INCLUDING BUT NOT LIMITED TO THE IDENTIFICATION OF THE PROPOSED USE OF THE PROPERTY, A FINDING OF CONSISTENCY WITH THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN, COMMITMENTS AND DEVELOPMENT OBLIGATIONS, DEVIATIONS NEEDED FOR DEVELOPMENT; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the Fort Myers Beach is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the Fort Myers Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;

¹ See Section 166.041(4)(c), Florida Statutes.

- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Fort Myers Beach hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The proposed ordinance amends the zoning district map for the Town of Fort Myers Beach. This serves the public health, safety and orderly development of the Town. The First Baptist Church of Fort Myers, locally known as Beach Baptist Church, is proposing a development agreement (DA) for two parcels that were previously developed as 4,343 SF religious facility for the church. The applicant has split the lot into two parcels with the intent to sell 2.1 acres of land fronting Estero Blvd. (Parcel 1: 110-130 Connecticut Street) in order to finance the reconstruction of the Church on the remaining 1.1 acre of land (Parcel 2: 134-138 Connecticut Street). Under a separate application, the applicant is requesting to rezone parcel 1 from Institutional to Residential Conservation.

The applicant is aware of concerns about the reconstruction of the place of worship. These concerns regarding reconstruction of the church cannot be addressed in the context of the conventional zoning for the single-family residences. Prior issues included use of the site by recreational vehicles for overnight stays and social services provided on-site that had a negative impact on the neighborhood. To address the concerns about the place of worship, the applicant has agreed to enter into a development agreement

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Fort Myers Beach, including the following, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the Fort Myers Beach regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

There are unlikely to be direct compliance costs associated with Ordinance 25-xx.

Ordinance 25-2xx does not impose any new charge or fee on businesses.

There are no new charges or fees that will be imposed on businesses by the ordinance.

The Town will not likely incur additional costs.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

This Development Agreement does not increase restrictions on existing businesses.

4. Additional information the governing body deems useful (if any):*[You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: Fort Myers Beach staff solicited comments from businesses in the Fort Myers Beach as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on Fort Myers Beach website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses].*

Not applicable.

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

Yellow Sheet Number: **2025-598**

1. Request:

Meeting Date: September 9, 2025

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING THE REZONING FROM INSTITUTIONAL (IN) TO RESIDENTIAL CONSERVATION (RC) FOR THE PROPERTY LOCATED AT 110-130 CONNECTICUT STREET., ALSO RESPECTIVELY IDENTIFIED AS STRAP NUMBER 29-46-24-W1-00151.0010 IN FORT MYERS BEACH; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

LPA reviews the application to make recommendations for Town Council consideration.

What the action accomplishes:

Town Council will consider the recommendations by LPA.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Ordinance

5. Background:

The First Baptist Church of Fort Myers is requesting to rezone a 2.1 acre parcel at the northeast corner of Estero Blvd. and Connecticut Street. This parcel is a portion of the former 3.2 acre property occupied by the church prior to Hurricane Ian. The applicant has obtained an LDO from the Town to divide their parcel into two lots. The church will retain the northern 1.2 acre lot with the intent of reconstructing the church building. Currently both portions are zoned as Institutional. The objective of this application is to rezone only the 2.1 acres adjacent to Estero Blvd. to allow for residential use by right. The owner/applicant will then seek to sell the rezoned portion of their land with the proceeds allocated towards the rebuilding of the Baptist Church. The site was a fully developed site prior to the 2022 Hurricane Ian event; it featured 4,343 sf of religious facilities owned and operated by the Baptist Church. The church was destroyed by Hurricane Ian in 2022.

Attachments:

1. ns Rezoning Ordinance 25-xx 8.25.25
2. Parcel 1 Sketch and description
3. LPA Staff Report
4. Application
5. Applicant's Narrative
6. Survey
7. 25-xx, Business Impact Estimate - Baptist Church rezoning

Financial Impact:

Unknown

6. Alternative Action

Approve/Deny

7. Staff Recommendations:

Contingent upon all code violations being addressed...

Staff find that the proposed rezoning of 2.1 acres of land from Institutional to Residential Conservation is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set forth in the Fort Myers Beach Comprehensive Plan. The LPA should determine if the accompanying Development Agreement has appropriately addressed the potential for commercial-like nuisances caused by ensconcing the church within a residential community. If the LPA finds that the Development Agreement is sufficient, staff recommend approval of Rezoning application 20240264.

8. **Recommended Approval:**

	Date: August 26, 2025
Judith Frankel, Principal Planner	
	Date: August 28, 2025
Georgina Cid, Community Development Manager	
	Date: August 28, 2025
Frankie Kropacek, Community Development Director	
	Date: August 29, 2025
nancy stuparich, Town Attorney	
	Date: September 02, 2025
Amy Baker, Town Clerk	

ORDINANCE 25-xx

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/PROVING WITH CONDITIONS/DENYING THE REZONING FROM INSTITUTIONAL (IN) TO RESIDENTIAL CONSERVATION (RC) FOR THE PROPERTY LOCATED AT 110-130 CONNECTICUT STREET., ALSO RESPECTIVELY IDENTIFIED AS STRAP NUMBER 29-46-24-W1-00151.0010 IN FORT MYERS BEACH; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend. or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Quattrone and Associates ("Applicant"), on behalf of the First Baptist Church of Fort Myers, owners of the property generally located at 110-130 Connecticut Avenue also respectively identified as strap number 29-46-24-W1-00151.0010 Fort Myers Beach ("Property"), filed an application to rezone the property from Institutional to Residential Conservation to build 12 single-family homes; and

WHEREAS, the subject property is located in the Mixed residential Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach and is under common control of the owner as listed in the public records of Lee County Property Appraiser; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on September 9th, 2025, at 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 to the rezoning request and found it consistent with the Comprehensive Plan, and

WHEREAS, on ____, 2025 the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Section 34-85 of the LDC; and

WHEREAS, the Town Council voted to have a second reading of the proposed Ordinance and a public hearing on this matter was noticed in the Fort Myers News-Press more than 10 days prior to the Town Council on ____, 2025; and

WHEREAS, at the ____, 2025 public hearing, the Town Council gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Fort Myers

Beach Land Development Code (LDC) Section 34- 85; and

WHEREAS, the applicant has resolved and is current on any outstanding fees associated with notice, advertisement, and consulting services required by the Town; and

WHEREAS, a Business Impact Estimate has been prepared and published on the Town's website; and

WHEREAS, with the following terms, conditions, and requirements which the LPA finds to be in the public health, safety, and welfare, all of which are in compliance with the Comprehensive Plan and the Land Development Code; and

WHEREAS, the Town Council considered all relevant factors and made the following formal findings before making its final decision on the requested rezone to a Commercial Planned Development (see LDC 34-85 and 34-216) based on competent and substantial evidence in the record:

- a. The rezoning would carry out the policies and requirements of the Comprehensive Plan and Land Development Code.
- b. The Town Council carefully considered the testimony of the applicant, the recommendations of staff and of the local planning agency, and testimony from the public.
- c. The rezoning would be consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses in the Comprehensive Plan.
- d. The rezoning would meet or exceed all performance and locational standards set forth for the proposed use.
- e. Urban services are available and adequate to serve the proposed use.
- f. The rezoning would protect, conserve, or preserve environmentally critical areas and natural resources.
- g. The rezoning would be compatible with existing and planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- h. The rezoning would not place an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.
- i. The rezoning, with the mitigating factors volunteered by the applicant and the special conditions imposed by the Town Council, is consistent with the Fort Myers Beach Comprehensive Plan, Land Development Code, and other applicable town ordinances or codes.
- l. The proposed use or mix of uses is appropriate at the subject location.
- m. Sufficient safeguards to the public interest are provided by the recommended special conditions to the master concept plan and by other applicable regulations.
- n. All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

WHEREAS, the Town Council finds that this application to approve Ordinance 25-xx which is, **consistent/inconsistent** with the Town of Fort Myers Beach Comprehensive Plan and LDC and voted to **approve/approve with conditions/deny** the Application.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

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

Section 2. The Town Council determines the Applicant **did/did not** meet its burden of proof that the requested rezoning request **does/does not** meet the requirements of the Town Comprehensive Plan and LDC. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties the Town Council **APPROVE/APPROVE WITH CONDITIONS/DENY** the requested application.

Section 3. Whenever the requirements or provisions of this Ordinance conflict with the requirements or provisions of any other lawfully adopted LDC or Town Code provision, ordinance, or statute, the most restrictive shall apply.

Section 4. Any typographical errors that do not affect the intent of this Ordinance may be corrected with notice to and authorization of the Town Manager without further process.

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 as a whole, or any part thereof, other than the part so declared.

Section 6. This Ordinance will take effect immediately upon adoption by the Town Council.

THE FOREGOING ORDINANCE was adopted by the Town Council upon a motion by Council Member _____ and seconded by Council Member _____, and upon being put to a vote, the result was as follows:

DULY PASSED AND ADOPTED on this ____ day of _____ 2025.

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

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of _____ 2025.

SKETCH AND DESCRIPTION
EXHIBIT "A"

SECTION 29, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

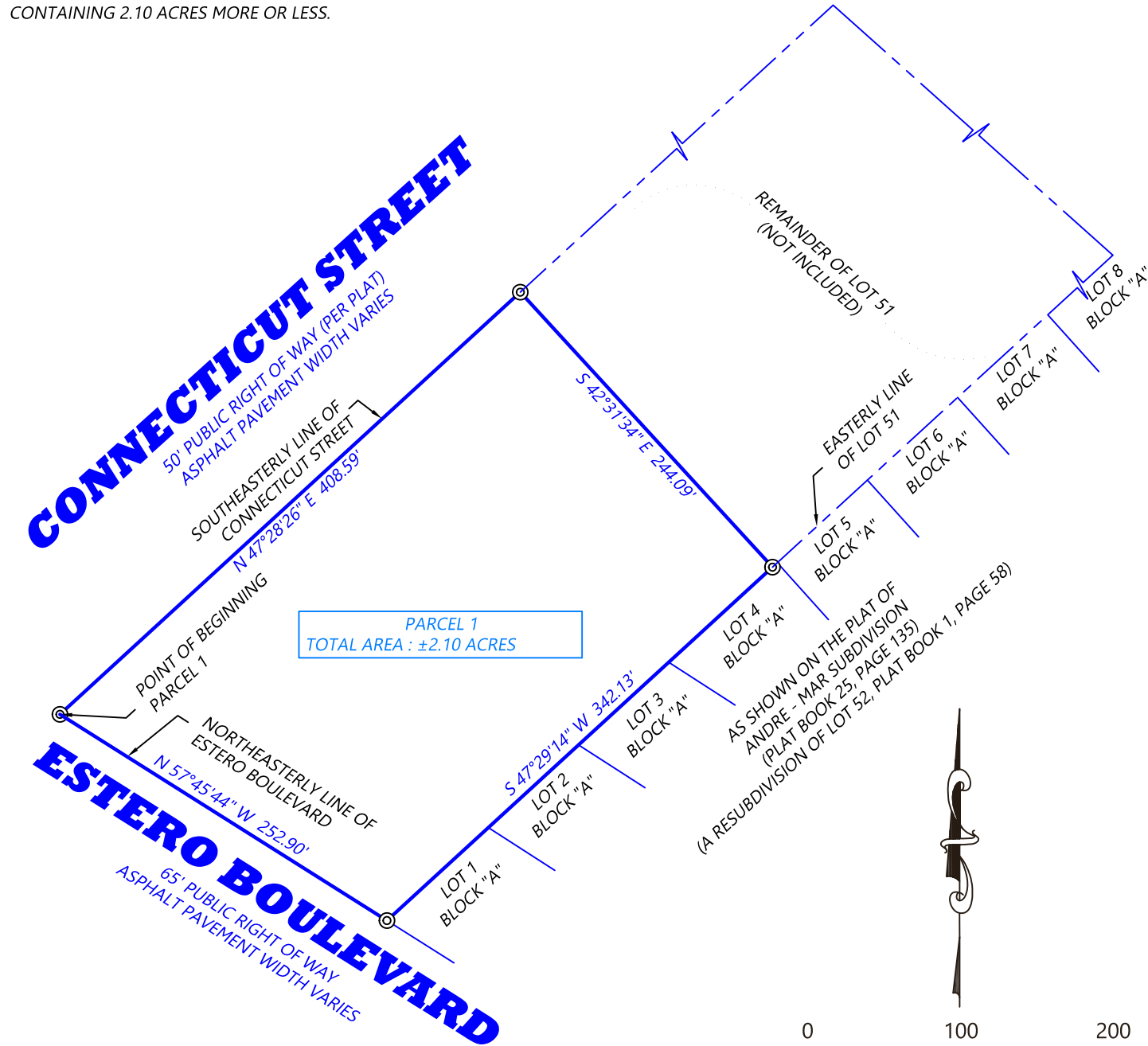
LEGAL DESCRIPTION

PARCEL 1:

A LOT OR PARCEL OF LAND LYING IN LOT 51 OF THAT CERTAIN SUBDIVISION KNOWN AS CASE SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF LEE COUNTY, FLORIDA, IN PLAT BOOK 1 AT PAGE 58 WHICH IS DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF ESTERO BOULEVARD AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF CONNECTICUT STREET, AS SHOWN ON SAID PLAT, RUN N 47°28'26" E, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF CONNECTICUT STREET, A DISTANCE OF 408.59 FEET; THENCE DEPARTING SAID SOUTHEASTERLY RIGHT OF WAY LINE OF CONNECTICUT STREET RUN S 42°31'34" E, A DISTANCE OF 244.09 FEET TO THE EASTERLY LINE OF SAID LOT 51; THENCE RUN S 47°29'14" W, ALONG SAID EASTERLY LINE OF LOT 51, A DISTANCE OF 342.13 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF ESTERO BOULEVARD; THENCE RUN N 57°45'44" W, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE OF ESTERO BOULEVARD, A DISTANCE OF 252.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.10 ACRES MORE OR LESS.



SURVEYORS NOTES:

1. NO UNDERGROUND FOUNDATIONS, STRUCTURES, INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN HEREON.
2. THIS SKETCH & DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, NO INSTRUMENTS OF RECORD REFLECTING OWNERSHIP, EASEMENTS OR RIGHTS OF WAY WERE FURNISHED TO THE UNDERSIGNED, UNLESS OTHERWISE SHOWN HEREON.
3. SEE LEGEND FOR SYMBOLS AND/OR ABBREVIATIONS USED HEREON.
4. BEARINGS SHOWN HEREON ASSUMED (W. LINE SUBJECT LOT BEING N 47°28'26" E).
5. THIS SKETCH & DESCRIPTION IS NOT VALID, UNLESS ACCOMPANIED BY AN AUTHENTICATED ELECTRONIC DIGITAL SIGNATURE WITH DATE AND DIGITAL SEAL OR ORIGINAL SIGNATURE AND ORIGINAL RAISED SEAL THIS DOCUMENT HAS NOT BEEN AUTHORIZED AND IS FOR INFORMATIONAL PURPOSES ONLY.
6. PURPOSE OF SURVEY: SKETCH & DESCRIPTION FOR PARCEL 1.
7. THIS SKETCH & DESCRIPTION DOES NOT REFLECT NOR DETERMINE OWNERSHIP.
8. NO WETLAND JURISDICTIONAL AREAS OR OTHER TOPOGRAPHIC FEATURES HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN HEREON.
9. THIS SKETCH & DESCRIPTION WAS PREPARED EXPRESSLY FOR THE NAMED ENTITIES. NO OTHER PERSON OR ENTITY IS ENTITLED TO RELY UPON THIS SURVEY FOR ANY PURPOSE WITHOUT THE EXPRESS WRITTEN CONSENT FROM MICHAEL D. CROW & ASSOCIATES, INC. OR THE CERTIFYING LAND SURVEYOR.

LEGEND:

- L.B. LICENSED BUSINESS
P.S.M. PROFESSIONAL SURVEYOR AND MAPPER
--- LAND / PLAT LINE

SHEET NO.: 1 OF 1

DATE PREPARED: 10/03/2024

SCALE: 1" = 100'

DRAWN BY: JB

REVISIONS:

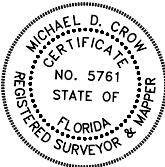
DWG:

240313-P1-SD



Michael D. CROW & ASSOCIATES INC.
CERTIFICATE OF AUTHORIZATION # 7936
509-B W. ALEXANDER STREET, PLANT CITY, FL 33563
PHONE: (813) 754-0505 * EMAIL: CROWSURVEYING@GMAIL.COM

SKETCH & DESCRIPTION
FOR
PARCEL 1



MICHAEL D
CROW
2024.10.15
15:47:39
-04'00'

MICHAEL D. CROW, P.S.M., L.S. 5761
FLORIDA PROFESSIONAL SURVEYOR & MAPPER



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

TYPE OF CASE: Rezoning

CASE NUMBER: REZ20240264

CASE NAME: First Baptist Church of Fort Myers partial rezoning

LPA

HEARING DATE: September 9th, 2025, 9am

STAFF

RECOMMENDATION: Approval with conditions

**PREPARED/
SUBMITTED BY:** Judith Frankel, AICP

I. APPLICATION SUMMARY

Applicant/Owner: Al Quattrone of Quattrone and Associates (Applicant)/First Baptist Church of Fort Myers (Owner)

Request: The applicant is requesting to rezone 2.1 acres from Institutional (IN) zoning to Residential Conservation (RC) to allow residential uses by-right.

Subject property: First Baptist Church – See Site Plan in Exhibit A

Physical Address: 110-130 Connecticut Street

STRAP #: 29-46-24-W1-00151.0010

FLU: Mixed Residential

Zoning: INSTITUTIONAL (IN)

Adjacent zoning and land uses:

North:	RESIDENTIAL CONSERVATION (RC) & INSTITUTIONAL Mixed Residential
South:	RESIDENTIAL CONSERVATION Mixed Residential
East:	RESIDENTIAL CONSERVATION & RESIDENTIAL SINGLE-FAMILY (RS) Mixed Residential & Low Density residential
West:	RESIDENTIAL CONSERVATION (RC) Mixed Residential

II. BACKGROUND AND ANALYSIS

Background:

The First Baptist Church of Fort Myers is requesting to rezone a 2.1 acre parcel at the northeast corner of Estero Blvd. and Connecticut Street. This parcel is a portion of the former 3.2 acre property occupied by the church prior to Hurricane Ian. The applicant has obtained an LDO from the Town to divide their parcel into two lots. The church will retain the northern 1.2 acre lot with the intent of reconstructing the church building. Currently both portions are zoned as Institutional. The objective of this application is to rezone only the 2.1 acres adjacent to Estero Blvd. to allow for residential use by right. The owner/applicant will then seek to sell the rezoned portion of their land with the proceeds allocated towards the rebuilding of the Baptist Church. The site was a fully developed site prior to the 2022 Hurricane Ian event; it featured 4,343 sf of religious facilities owned and operated by the Baptist Church. The church was destroyed by Hurricane Ian in 2022.

Analysis:

The requested RC zoning district allows a maximum of 6 dwelling units per acre (per Comp. Plan Polic) and4) and will permit the following uses by right:

- Single and two-family homes
- Residential Accessory uses
- Community residential home
- Accessory Apartment
- Weekly rental
- Bed and Breakfast
- Home Care Facility

The subject parcel is located 1.7 miles southeast of Times Square along Estero Blvd. The Town of Fort Myers Beach Comprehensive Plan future land use map classification for the site is Mixed Residential. The site is within the designated “Quiet Center” portion of Fort Myers Beach. The Comprehensive Plan envisions this area as a “quiet residential area”.

The subject parcel features 250-ft +/- LF of frontage along Estero Blvd.; the parent parcel includes the subject property and has 575-ft +/- of frontage along Connecticut Street. Connecticut Street is the primary access for the FMB Mound House. The property adjoins and is adjacent to 7,000 sf to 8,000 sf RC zoned parcels. These sites support single-family and two-family homes. The subject property is located within the Case Subdivision (PB 1 PG 58). See the Project Narrative in Exhibit B for greater location detail. The parent property and subject site was developed for the Baptist Church. It has no natural site features. Since 2023, the Baptist Church has been using temporary structures as this property.

Neighborhood Compatibility:

The neighborhoods surrounding the subject site are all low-density residential. The site, if rezoned, would allow for up to 12 new dwelling units (DUs), as the maximum permitted density is 6 DUs per acre. Any new houses would need to meet all current regulations for the RC zoning to develop by-right. This includes but is not limited to setbacks, necessary access, pervious area and height regulations unless addressed by the accompanying development Agreement. 12 additional homes are unlikely to have a negative impact on the existing residential properties.

The applicant should note that direct access to private homes from Estero Blvd. is discouraged by the LDC as it can conflict with traffic flow. Access from Connecticut Street will be more compatible with the area. This restriction is addressed in the Development Agreement.

The proposed situation of the church, as surrounded by residences, has the potential to bring commercial-like nuisances into the neighborhood. Previously the church fronted Estero Blvd and could orient their activities, signage, and traffic to impact only a small area of Connecticut Street. The proposed site plan will bring church guests past single-family homes before reaching the church. The accompanying Development Agreement application aims to reduce the potential for conflict through the reduction in allowed use, the location of the church building, traffic flow maintenance during events and maintaining the sidewalks. These elements are intended to create a more compatible facility for the neighborhood.

IV. FINDINGS AND CONCLUSIONS

Rezoning procedures are governed by LDC sec. 34-85 which requires that the Town Council hear and decide all applications for changes in zoning district boundaries. The following items must be considered in reaching a decision. Accompanying each item is the applicant response following by Staff determination.

- (1) Whether there exists an error or ambiguity which must be corrected.
 - a. Applicant response: There is no error or ambiguity in the record that must be corrected.
 - b. Staff determination: Staff agree with the applicant.
- (2) Whether there exist changed or changing conditions which make approval of the request appropriate.
 - a. Applicant response: The site was a fully developed site prior to the 2022 Hurricane Ian event; it featured 4343 sf of religious facilities owned and

operated by the Baptist Church. The entire religious facility was destroyed during the 2022 hurricane event. The 2.1 acre rezoning is to support the reconstruction of the Baptist church by selling off the Estero Blvd. portion of the land to provide funding for church reconstruction on the remaining portion. The pending reconstruction of the site's church makes the request appropriate.

- b. Staff determination: In 2022 Hurricane Ian impacted all of Fort Myers Beach. The site could continue to be appropriately utilized as a Church or other institutional uses. As the surrounding neighborhood has remained the same or similar composition as prior to the hurricane Ian the conditions that would impact zoning rules are unchanged.

(3) The impact of a proposed change on the intent of this chapter.

- a. Applicant response: Based on compliance with the Mixed Residential Future Land Use designation and the adjoining and adjacent RC zoned and developed properties, there is no impact on the intent of LDC Chapter 34.
- b. Staff determination: There is no impact on the intent of LDC Chapter 34.

(4) The testimony of any applicant.

(5) The recommendation of staff and of the local planning agency.

(6) The testimony of the public.

(7) Whether the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set forth in the Fort Myers Beach Comprehensive Plan.

- a. Applicant response:

The RC zoning request is consistent with Town of Fort Myers Beach Comprehensive Land Use Plan's objectives, policies, intensities and uses. The increase in single-family houses within an existing neighborhood, as well as the reduction in land utilized for a commercial-like facility comply with the Comprehensive Plan. The consistency assessment is as follows:

Land Use Element

Policy FLU-1-A-1 *Maintaining the town's current "human scale" is a fundamental redevelopment principle. Fort Myers Beach is best enjoyed from new buildings should be designed to encourage use or admiration by people on foot or bicycle, rather than separating them with gates, walls, deep setbacks, or unnecessary building heights. The Land*

Development Regulations shall ensure that improvements which potentially impact the appearance of Estero Boulevard, as well as major activity centers such as Times Square and Villa Santini, the mixed-use districts, the town's shoreline, scenic views of the waterfront and tidal waters, public parks and other public grounds and institutions are managed and enhanced through application of the site plan review process. Community character is reflected in Floor to Area Ratios (FAR), lot sizes, house sizes, site placement, height, architectural features and existing vegetation. The Town shall strive to stabilize and preserve neighborhoods and establish urban design standards which protect and promote quality of life, in order to prevent tear downs, encourage re-use, infill and new development.

Response: The RC zoning is consistent with FLU1-A-1 in seeking to develop approximately eight 4,000 sf homesites at a maximum floor area ratio of 40%. The small homes contextually fit into the surrounding Connecticut Street and Andre Mar Drive community character and neighborhood.

Policy FLU-1-A-4. *Easy walking access to the beach is a key element of the town's human scale. Development trends that inhibit this access are undesirable. The Town shall not vacate, diminish, or otherwise impair publicly owned pathways, sidewalks, roads, ends of roads, parking areas, docks or boat launching facilities, and other access points currently used, or susceptible to use, by the public to access the shorelines, consistent with Comprehensive Plan unless there is documented evidence that physical public access is destabilizing unaltered shorelines.*

Response: The RC zoned parcel will require sidewalk construction and Type D 15-ft wide landscaping along Estero Blvd and Connecticut Street frontage. New sidewalk construction will facilitate public beach access. The zoning is consistent with FLU 1-A-4.

Policy FLU-1-B-4 MIXED RESIDENTIAL *Designed for subdivisions with mixed housing types on smaller lots, newer high-rise buildings, and RV parks. This category will ensure that Fort Myers Beach retains a variety of neighborhoods and housing types. For new development, the maximum density is 6 dwelling units per acre except those developments previously vested with 10 units under the "platted overlay" may continue.*

Response: The zoning is consistent with FLU 1-B-4 Medium Density Residential (formally Mixed Residential) and its density maximum limit of 6 units per acre. The resulting small homes on small lots maintain the town's neighborhood and housing type variety. There is a cap of 12% of land to be utilized for non-residential activities within the Mixed

Residential future land use category. The land area being utilized for the church is being reduced and not increased, which does comply with the goals of the Comp. Plan.

Policy FLU1-C-4 BUILDING HEIGHTS *The Land Development Code shall limit the height of new buildings under most conditions to three stories or 30 feet above flood elevation except where otherwise noted in this Comprehensive Plan Land Use categories and to provide for workforce housing units protected by a minimum 30- year covenant.*

Response: The RC request and building height complies with the 30-ft above flood elevation/3 story maximum height Town of Fort Myers Beach rules. The rezoning is consistent with FLU 1-C-4.

Housing Element

Goal HOU-1 *Ensure adequate levels of attainable housing within FMB for residents of all ages.*

Objective HOU-1-A *Maintain an adequate supply of land to meet forecasted housing needs; and maintain current levels of on-island housing suitable for employees working in town.*
Policy HOU-1-A-2 *The plans Future Land Use Map shall continually designate sufficient residential and mixed-use land for varying housing densities and housing types to accommodate forecasted housing needs through build-out.*

Response: The rezoning from Institutional to RC advances the objective of maintaining an adequate supply of land to meet housing needs. The minimum 405- ft lot width and minimum 80-ft lot depth supports the development of smaller, more affordable new homes. The rezoning is consistent with Objective HOU 1-A and Policy HOU 1-A-2.

- b. Staff determination: The application for rezoning complies with the following section of the Town of Fort Myers Beach Comprehensive Plan:
 - Policy FLU-1-A-4
 - Policy FLU-1-B-4 MEDIUM RESIDENTIAL
 - Policy FLU1-C-4 BUILDING HEIGHTS
 - Goal HOU-1 and Objective HOU-1-A and Policy HOU-1-A-

- (8) Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.

- a. Applicant response: The RC zoning requests proposed uses and intensities are identical to the surrounding neighborhood. The request will meet all performance and locational standards identified within the LDC and without the need for code variances. The subject parcel is of the size and configuration that allows for a small 12 unit subdivision that conforms to RC zoning performance standard identified within page one of this Request Statement.
 - b. Staff determination: Staff concurs
- (9) Whether urban services are, or will be, available and adequate to serve a proposed land use change.
- a. Applicant response: All required urban services are available to adequately serve the new fire station and future phase mixed uses.
 - b. Staff determination: Staff concurs
- (10) Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.
- a. Applicant response: The site was comprehensively developed to support a Religious Facility. The site is currently characterized by almost 100% impervious with no onsite natural systems. The request does not include any impact to the environmentally critical areas.
 - b. Staff determination: Staff concurs
- (11) Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- a. Applicant response: The RC zoning requests proposed uses and intensities are identical to the surrounding neighborhood. The new RC 12 unit subdivision will be compatible with the adjacent and adjoining RC Connecticut Street and Andre Mar Dr neighborhoods. The requested 12 unit subdivision will meet all FBC and FEMA regulations. The RC subdivision will not cause any damage, hazards or nuisances to surrounding land uses since it will contain the identical land use.
 - b. Staff determination: Staff concurs
- (12) Whether the location of the request places an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.
- a. Applicant response: A summary Estero Blvd LOS analysis is as follows. The former Church generated a weekend AM Peak 2.12 trips (Church - Code 560 ITE 11th Ed.; AM Peak Hour Sunday 0.49 per 1000 GFA for 4343 sf; general

urban/suburban). The proposed 12-unit subdivision will generate a weekday PM Peak 7.52 trips (SF Detached - Code 210 ITE 11th Ed.; PM Peak Hr 0.94 Per Unit urban/suburban). The difference between the former church use and the new SF use is 5.39 peak hour trips. Based upon the 2023 Lee County Concurrency Report, the subject Estero Boulevard road segment, between Pescadora Avenue and Voorhis Street, has a regulatory capacity of 726 peak hour trips. The report projects 637 future 2027 peak hour trips with a projected LOS C. The RC zoning's 7.52 trips will not have an impact on the current level of service of Estero Boulevard existing or future Level of Service. Finally, the project will have direct access onto Connecticut Street, which will reduce potential service speeds and volume along Estero Blvd.

- b. Staff determination: Staff concurs that addition of 12 homes should not have an impact on the Level of Service (LOS) for Estero Boulevard.

(13) For planned development rezonings, see § 34-216 for additional considerations.

- a. Not Applicable

Findings. Before granting any rezoning, the town council shall find that the requested zoning district complies with:

- (1) The Fort Myers Beach Comprehensive Plan.
- (2) This chapter.
- (3) Any other applicable town ordinances or codes.
- (4) For planned development rezonings, see § 34-216 of this chapter for additional findings.

Recommendations

Staff find that the proposed rezoning of 2.1 acres of land from Institutional to Residential Conservation is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set forth in the Fort Myers Beach Comprehensive Plan. The LPA should determine if the accompanying Development Agreement has appropriately addressed the potential for commercial-like nuisances caused by ensconcing the church within a residential community. If the LPA finds that the Development Agreement is sufficient, staff recommend approval of Rezoning application 20240264.

V. EXHIBITS

- A. Applicant Narrative
- B. Application
- C. Survey
- D. Legal Sketch and Description



Case # _____ Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement Form

Additional Required Information for a Conventional Rezoning Application

Case Number:
Project Name: <u>The FMB Baptist Church RC Rezoning</u>
Authorized Applicant:
STRAP Number: <u>29-46-24-w1-00151.0010</u>

Current Property Status:
Current Zoning: <u>IN</u>
Future Land Use Map (FLUM) Category: <u>Medium Res</u>
Comp Plan Density: _____ Platted Overlay? _____ Yes _____ <u>No</u>

Conventional Rezoning:

From IN to RC

Any additional simultaneous zoning actions can be requested using the same Application for Public Hearing form but must include all parts of the required supplemental forms and documentation, and include the fees for each request.

Fee in the amount of \$5800.00/+ \$250.00 an acre over 1 acre

3/30/2021

Town of Fort Myers Beach 2525 Estero Blvd. Fort Myers Beach, FL 33931
Phone 239 765-0202 Zoningpermits@fmbgov.com Fax 239 765-0909

Page **2** of **3**

Guidelines for 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.

LDC Section 34.05

The guidelines for decision making regarding a request for rezoning are as follows:

1. Whether there exists an error or ambiguity that must be corrected;
2. Whether there exist changed or changing conditions that make approval of the request appropriate;
3. The impact of the proposed change on the intent of LDC Chapter 34;
4. Whether the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses set forth in the Fort Myers Beach Comprehensive Plan;
5. Whether the request meets all performance and locational standards for the proposed use;
6. Whether urban services are, or will be, available and adequate to serve a proposed land use change;
7. Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources;
8. Whether the request will be compatible with existing or planned uses and will cause damage, hazard, nuisance, or other detriment to persons or property;
9. Whether the location of the request places an undue burden on existing transportation or other services and facilities, and will be served by streets with the capacity to carry traffic generated by the development.



October 15, 2024

To: The Town of Fort Myers Beach, Community Development Department

From: Greg Stuart, MAURP

Project: The Baptist Church RC Re-zoning

Request: A 2.1-acre Rezone +/- From Institution to Residential Conservation

Strap #: 29-46-24-w1-00151.0010 _ 110 - 138 Connecticut St

On behalf of the owner/applicant, the First Baptist Church Of Fort. Myers and consistent with LDC Sec. 34-85 the following documentation is provided as factual evidence in support of the IN to RC conventional rezoning request.

LAND USE & DEVELOPMENT STANDARD SUMMARY TABLE

Future Land Use	Medium Res. (former Mixed Res.)
Existing Zoning	IN
Requested Zoning	RC
Parcel Number - 110 - 138 Connecticut St	294624W1001510010
Project Site Area	2.1 ac. +/-
Site Development Regulations _	
Min. Lot Area	4,000 sf
Min Lot Width	45-ft
Min Lot Depth	80-ft
Building Height	Sec. 34-631; 30-ft 3 Story
Building Street Setback	25-ft
Building Side Yard Setback	15% Lot Width
Building Rear Yard Setback	20-ft
Coverage	40%
Flood Zone	AE11

PROJECT REQUEST AND USES

The application requests to rezone the subject 2.1-acre parcel from Institution to Residential Conservation. The subject parcel is a pending lot split from the existing parent 3.2 acre property owned by Fort Myers Beach Baptist Church. The project objective is to rezone the front 2.1 acres of the parent Baptist Church site so as to permit residential uses by right. The owner/applicant will then be able to sell that portion of their land asset from which the proceeds will be allocated towards the rebuilding of the Baptist Church. The church was destroyed and demolished by Hurricane Ian in 2022.

The requested RC district will permit by right the following uses:

- Community residential home
- Dwelling unit, single-family & 2-family
- Accessory apartment
- Residential accessory uses
- Home care facility
- Residential accessory uses

SITE LOCATION & DESCRIPTION

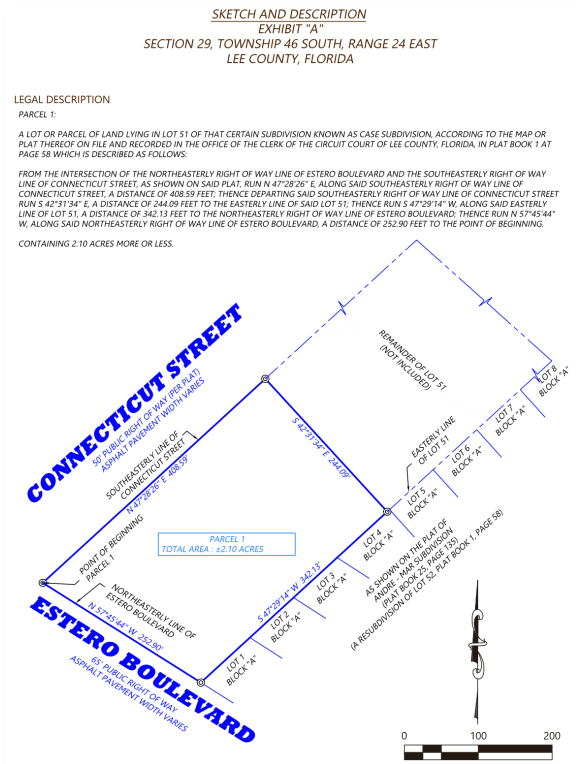
The subject parcel is located 1.7 miles south of Time Square and along Estero Blvd. The future land use map classification is Mixed Residential and is within the designated Quiet Center portion of Fort Myers Beach. The subject parcel features 250-ft +/- LF of frontage along Estero Blvd.; the parent parcel including the subject property features 575-ft +/- frontage along Connecticut Street. It is noted that Connecticut Street is the primary access for the FMB Mound House recreational complex. The property adjoins and is adjacent to scores of 7,000 sf to 8,000 sf + RC zoned homesites. These homesites support -family and two-family homes. Most of the surrounding homes are located within the Mid Island Unrecorded plat (OR 292 PG 645). The subject property is located within the Case Subdivision (PB 1 PG 58). The parent property and subject site was cleared and developed for the Baptist Church. It has no natural site features. The church was destroyed by Hurricane Ian in 09/22. The Baptist Church has been using its property through a setup of temporary mobile homes since 2023.



SITE LOCATION MAP



ZONING PARCEL NEIGHBORHOOD LOCATION MAP

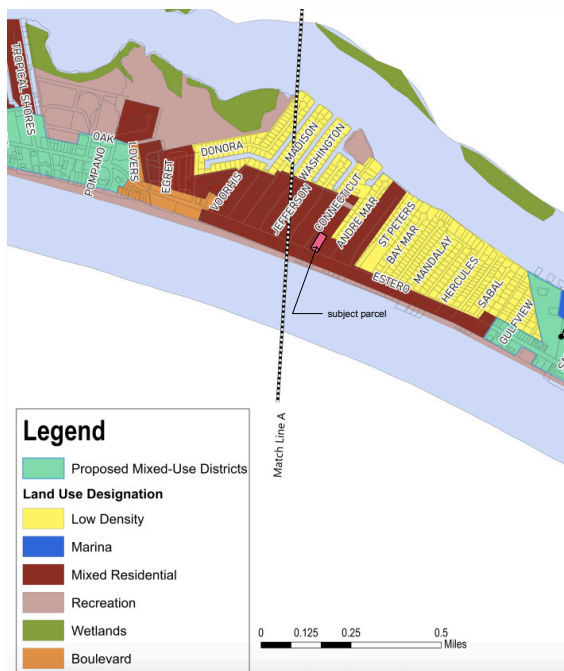


THE SUBJECT 2.1-AC PARCEL LOT SPLIT

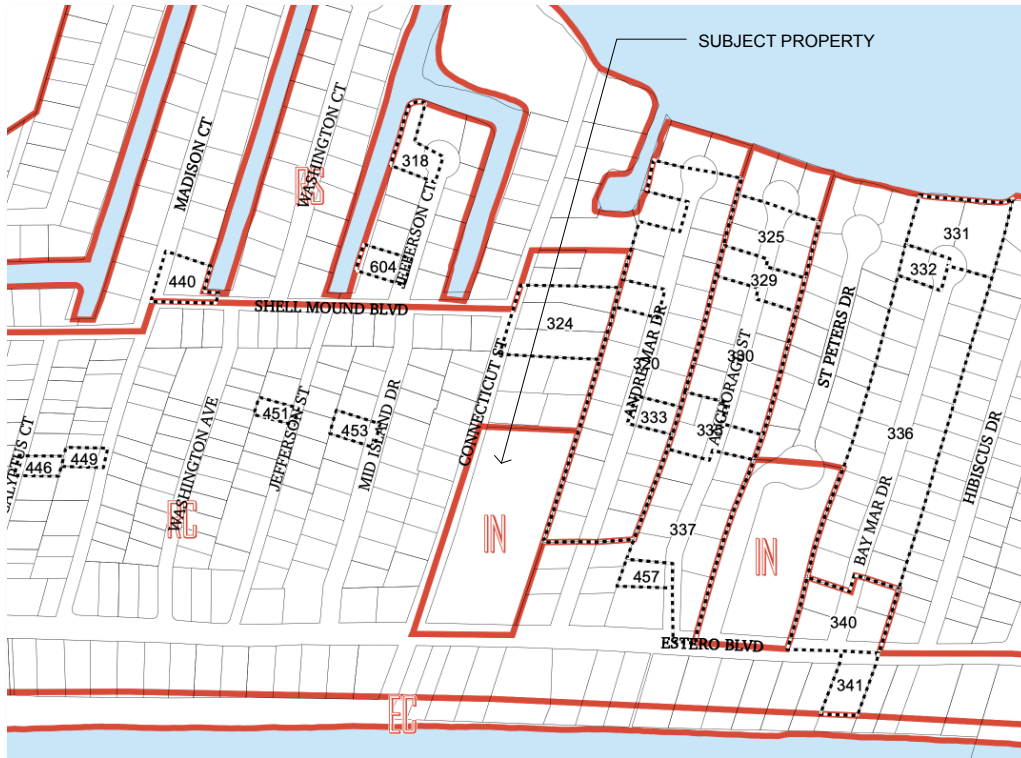
LDC 34-85 Rezoning Criteria

The Town of Fort Myers Beach regulatory criteria for rezoning is found in 34-85 and is cited below:

1. Whether there exists an error or ambiguity that must be corrected;
2. Whether there exist changed or changing conditions that make approval of the request appropriate;
3. The impact of the proposed change on the intent of LDC Chapter 34;
4. Whether the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses set forth in the Fort Myers Beach Comprehensive Plan;
5. Whether the request meets all performance and locational standards for the proposed use;
6. Whether urban services are, or will be, available and adequate to serve a proposed land use change;
7. Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources;
8. Whether the request will be compatible with existing or planned uses and will cause damage, hazard, nuisance, or other detriment to persons or property; and
9. Whether the location of the request places an undue burden on existing transportation or other services and facilities, and will be served by streets with the capacity to carry traffic generated by the development.



FUTURE LAND USE MAP



EXISTING ZONING MAP

A discussion of the nine afore referenced criteria that, in turn, provides for the foundation of IN to RC zoning approval, is identified as follows.

1. WHETHER THERE EXISTS AND ERROR OR AMBIGUITY THAT MUST BE CORRECTED

Response _ There is no error or ambiguity in the record that must be corrected.

2. WHETHER THERE EXIST CHANGED OR CHANGING CONDITIONS THAT MAKE APPROVAL OF THE REQUEST APPROPRIATE

Response _ The site was a fully developed site prior to the 2022 Hurricane Ian event; it featured 4343 sf of religious facilities owned and operated by the Baptist Church. The entire religious facility was destroyed during the 2022 hurricane event. The 2.1 acre rezoning is to support the reconstruction of the Baptist church by selling off the Estero Blvd. portion of the land to provide funding for church reconstruction on the remaining portion. The pending reconstruction of the site's church makes the request appropriate.

3. THE IMPACT OF THE PROPOSED CHANGE ON THE INTENT OF LDC CHAPTER 34

Response _ Based on compliance with the Mixed Residential Future Land Use designation and the adjoining and adjacent RC zoned and developed properties, there is no impact on the intent of LDC Chapter 34.

4. WHETHER THE REQUEST IS CONSISTENT WITH THE GOALS, OBJECTIVES, POLICIES, AND INTENT, AND WITH THE DENSITIES, INTENSITIES, AND GENERAL USES SET FORTH IN THE FORT MYERS BEACH COMPREHENSIVE PLAN

Response _ The RC zoning request is consistent with Town of Fort Myers Beach Comprehensive Land Use Plan's objectives, policies, intensities and uses. The consistency assessment is as follows:

Land Use Element

Policy FLU-1-A-1 Maintaining the town's current "human scale" is a fundamental redevelopment principle. Fort Myers Beach is best enjoyed from new buildings should be designed to encourage use or admiration by people on foot or bicycle, rather than separating them with gates, walls, deep setbacks, or unnecessary building heights. The Land Development Regulations shall ensure that improvements which potentially impact the appearance of Estero Boulevard, as well as major activity centers such as Times Square and Villa Santini, the mixed-use districts, the town's shoreline, scenic views of the waterfront and tidal waters, public parks and other public grounds and institutions are managed and enhanced through application of the site plan review process. Community character is reflected in Floor to Area Ratios (FAR), lot sizes, house sizes, site placement, height, architectural features and existing vegetation. The Town shall strive to stabilize and preserve neighborhoods and establish urban design standards which protect and promote quality of life, in order to prevent tear downs, encourage re-use, infill and new development.

- Response: The RC zoning is consistent with FLU1-A-1 in seeking to develop approximately eight 4,000 sf homesites at a maximum floor area ratio of 40%. The small homes contextually fit into the surrounding Connecticut Street and Andre Mar Drive community character and neighborhood.

Policy FLU-1-A-4. Easy walking access to the beach is a key element of the town's human scale. Development trends that inhibit this access are undesirable. The Town shall not vacate, diminish, or otherwise impair publicly owned pathways, sidewalks, roads, ends of roads, parking areas, docks or boat launching facilities, and other access points currently used, or susceptible to use, by the public to access the shorelines, consistent with Comprehensive Plan unless there is documented evidence that physical public access is destabilizing unaltered shorelines.

- Response: The RC zoned parcel will require sidewalk construction and Type D 15-ft wide landscaping along its Estero Blvd and Connecticut Street frontage. New sidewalk construction will facilitate public beach access. The zoning is consistent with FLU 1-A-4.

Policy FLU-1-B-4 MEDIUM_RESIDENTIAL *Designed for subdivisions with mixed housing types on smaller lots, newer high-rise buildings, and-RV parks. This category will ensure that Fort Myers Beach retains a variety of neighborhoods and housing types. For new development, the maximum density is 6 dwelling units per acre except those developments previously vested with 10 units under the "platted overlay" may continue.*

- Response: The zoning is consistent with FLU 1-B-4 Medium Density Residential (formally Mixed Residential) and its density maximum limit of 6 units per acre. The resulting small homes on small lots maintain the town's neighborhood and housing type variety.

Policy FLU1-C-4 BUILDING HEIGHTS *The Land Development Code shall limit the height of new buildings under most conditions to three stories or 30 feet above flood elevation except where otherwise noted in this Comprehensive Plan Land Use categories and to provide for workforce housing units protected by a minimum 30-year covenant.*

- Response: The RC request and building height complies with the 30-ft above flood elevation/3 story maximum height Town of Fort Myers Beach rules. The rezoning is consistent with FLU 1-C-4.

Policy FLU 1-C-9 DENSITY TRANSFERS *The Town Council may, at its discretion, permit the transfer of residential and transient (including hotel/motel) development rights from one parcel to another.*

- Response _ No density transfers are proposed.

Policy 4-E-1 _ PRE-DISASTER BUILD BACK:

- Response _ The pre-disaster build back policy is not being utilized for this development.

Housing Element

Goal HOU-1 *Ensure adequate levels of attainable housing within FMB for residents of all ages.*

Objective HOU-1-A *Maintain an adequate supply of land to meet forecasted housing needs; and maintain current levels of on-island housing suitable for employees working in town.*

Policy HOU-1-A-2 *The plans Future Land Use Map shall continually designate sufficient residential and mixed-use land for varying housing densities and housing types to accommodate forecasted housing needs through build-out.*

- Response: The rezoning from Institutional to RC advances the objective of maintaining an adequate supply of land to meet housing needs. The minimum 405-ft lot width and minimum 80-ft lot depth supports the development of smaller, more affordable new homes. The rezoning is consistent with Objective HOU 1-A and Policy HOU 1-A-2.

5. WHETHER THE REQUEST MEETS ALL PERFORMANCE AND LOCATIONAL STANDARDS FOR THE PROPOSED USE.

Response _ The RC zoning requests proposed uses and intensities are identical to the surrounding neighborhood. The request will meet all performance and locational standards identified within the LDC and without the need for code variances. The subject parcel is of the size and configuration that allows for a small 8 unit subdivision that conforms to RC zoning performance standard identified within page one of this Request Statement.

6. WHETHER URBAN SERVICES ARE, OR WILL BE, AVAILABLE TO SERVE A PROPOSED LAND USE CHANGE.

Response _ All required urban services are available to adequately serve the new fire station and future phase mixed uses.

7. WHETHER THE REQUEST WILL PROTECT, CONSERVE OR PRESERVE ENVIRONMENTALLY CRITICAL AREAS AND NATURAL RESOURCES

Response _ The site was comprehensively developed to support a Religious Facility. The site is currently characterized by almost 100% impervious with no onsite natural systems. The request does not include any impacts to the environmentally critical areas.

8. WHETHER THE REQUEST WILL BE COMPATIBLE WITH EXISTING OR PLANNED USES AND NOT CAUSE DAMAGE, HAZARD, NUISANCE OR OTHER DETRIMENT TO PERSONS OR PROPERTY.

Response _ The RC zoning requests proposed uses and intensities are identical to the surrounding neighborhood. The new RC 8 unit subdivision will be compatible with the adjacent and adjoining RC Connecticut Street and Andre Mar Dr neighborhoods. The

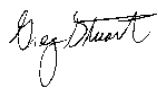
requested 8 unit subdivision will meet all new building and FEMA rules. The RC subdivision will not cause any damage, hazards or nuisances to surrounding land uses since it will contain the identical land use..

9. WHETHER THE LOCATION OF THE REQUEST PLACES AN UNDUE BURDEN UPON EXISTING TRANSPORTATION OR OTHER SERVICES AND FACILITIES AND WILL BE SERVED BY STREETS WITH THE CAPACITY TO CARRY TRAFFIC GENERATED BY THE DEVELOPMENT.

Response _ A summary Estero Blvd LOS analysis is as follows. The former Church generated a weekend AM Peak 2.12 trips (Church - Code 560 ITE 11th Ed.; AM Peak Hr Sunday 0.49 per 1000 GFA for 4343 sf; general urban/suburban). The proposed 8 unit subdivision will generate a weekday PM Peak 7.52 trips (SF Detached - Code 210 ITE 11th Ed.; PM Peak Hr 0.94 Per Unit urban/suburban). The difference between the former church use and the new SF use is 5.39 peak hour trips. Based upon the 2023 Lee County Concurrency Report, the subject Estero Blvd road segment, between Pescadora Ave and Voorhis Street, has a regulatory capacity of 726 peak hour trips. The report projects 637 future 2027 peak hour trips with a projected LOS C. The RC zoning's 7.52 trips will not have an impact on the current level of service of Estero Boulevard existing or future Level of Service. Finally, the project will have direct access onto Connecticut Street, which will reduce potential service speeds and volume along Estero Blvd.

FINDINGS AND CONCLUSIONS

The planning and zoning land use findings presented herein demonstrate entitlement to the requested Baptist Church RC zoning request. The Request Statement confirms adherence to the Town of Fort Myers Beach Comprehensive Plan and the Land Development Code. It is consistent with the intensity set forth in the Town Plan and LDC, is compatible with existing and planned uses, has adequate services and infrastructure required to service the project.



Greg Stuart, MAURP

GS/240068/applicationdevelop/oct24stuart_requeststatement.pgs

Greg Stuart, MAURP

Qualifications and Experience

ACADEMIC CREDENTIALS

Post-graduate Fellow _ Danish Academy of Fine Arts, College of Architecture & Urban Design

Masters of Arts in Urban & Regional Planning _ University of Florida, HUD Scholarship

Bachelor of Arts in Urban Studies _ University of Florida,, Magna Cum Laude

- Awarded HUD Planning Fellowship for Graduate Studies, University of Florida
- Awarded Denmark International Studies Fellowship, University of Copenhagen
- Awarded Graduate Design Fellowship, Danish Academy of Arts

QUALIFICATIONS AND EXPERTISE

Urban and Regional Land Use Planning

Planning, Zoning and Growth Management

Real Estate Development, Project Management and Finance

Urban Design and Site Planning

Local, State and Federal Land Entitlements

Governmental Relations

PROFILE

With over three and a half decades of Florida and Washington professional practice, Mr. Stuart is highly experienced in planning, zoning and real estate development. Mr. Stuart is acknowledged as a leading expert in planning, zoning, condemnation, permitting and development and project management, with over 130 Judicial & Quasi-judicial cases throughout Florida and Washington, including cases in Lee County Circuit, King County (Seattle) Circuit and Tacoma Federal Court, and over 20 Florida governmental jurisdictions.



Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the Fort Myers Beach website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: **AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING THE REZONING FROM INSTITUTIONAL (IN) TO RESIDENTIAL CONSERVATION (RC) FOR THE PROPERTY LOCATED AT 110-130 CONNECTICUT STREET., ALSO RESPECTIVELY IDENTIFIED AS STRAP NUMBER 29-46-24-W1-00151.0010 IN FORT MYERS BEACH; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the Fort Myers Beach is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the Fort Myers Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or

¹ See Section 166.041(4)(c), Florida Statutes.

- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Fort Myers Beach hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The proposed ordinance amends the zoning district map for the Town of Fort Myers Beach. This serves the public health, safety and orderly development of the Town.

The First Baptist Church of Fort Myers, the owner 110-130 Connecticut Street, is requesting to rezone the subject parcel from Institutional (IN)to Residential Conservation (RC) to construct 12 single-family homes. The First Baptist Church of Fort Myers is requesting to rezone a 2.1 acre parcel at the northeast corner of Estero Blvd. and Connecticut Street. This parcel is a portion of the former 3.2 acre property occupied by the church prior to Hurricane Ian. The applicant has obtained an LDO from the Town to divide their parcel into two lots. The church will retain the northern 1.2 acre lot with the intent of reconstructing the church building. Currently both portions are zoned as Institutional. The objective of this application is to rezone only the 2.1 acres adjacent to Estero Blvd. to allow for residential use by right. The owner/applicant will then seek to sell the rezoned portion of their land with the proceeds allocated towards the rebuilding of the Baptist Church.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Fort Myers Beach, including the following, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the Fort Myers Beach regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

There are unlikely to be direct compliance costs associated with Ordinance 25-xx.

Ordinance 25-2xx does not impose any new charge or fee on businesses.

There are no new charges or fees that will be imposed on businesses by the ordinance.

The Town will not likely incur additional costs.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

This rezoning does not increase restrictions on existing businesses.

4. Additional information the governing body deems useful (if any):*[You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: Fort Myers Beach staff solicited comments from businesses in the Fort Myers Beach as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on Fort Myers Beach website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses].*

Not applicable.

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

Yellow Sheet Number: **2025-599**

1. Request:

Meeting Date: September 9, 2025

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING SECTION 34-232 "REQUIRED HEARINGS" OF DIVISION 5 "PUBLIC HEARINGS AND REVIEW" OF ARTICLE II "ZONING PROCEDURES" OF CHAPTER 34 "ZONING DISTRICTS, DESIGN STANDARDS AND NONCONFORMITIES" TO REQUIRE ONLY ONE PUBLIC HEARING BEFORE THE LOCAL PLANNING AGENCY ("LPA") FOR SPECIAL EXCEPTIONS THAT ONLY REPLACE "LIKE FOR LIKE" STRUCTURES THAT WERE EXISTING PRIOR TO A NATURAL DISASTER EVENT, IF THE DECISION BY ELIGIBLE MEMBERS OF THE LPA IS UNANIMOUS AND THE TOWN CLERK DOES NOT RECEIVE A REQUEST FOR AN ADDITIONAL PUBLIC HEARING BEFORE THE TOWN COUNCIL FROM ANYONE, INCLUDING TOWN STAFF, WITHIN 10 DAYS AFTER THE LPA DECISION; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER ERRORS, CONFLICTS OF LAW AND AN EFFECTIVE DATE.

Why the action is necessary:

The LPA reviews and makes recommendations on LDC changes.

What the action accomplishes:

The Town Council will consider the LPA recommendation when reviewing this LDC change.

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

Ordinance

5. Background:

At the February 18, 2025 Town Council meeting, the Council discussed allowing the LPA to be the final decision-making body for Special Exceptions that were for "like-for-like" replacements of structures or accessory structures destroyed during natural disasters in the EC zone. Following Hurricane Ian, a number of special exceptions for the replacement of structures in the Environmentally Critical (EC) zoning district that are part of an upland property that is continuing the same use to pre-Hurricane Ian use, have been unanimously approved by the LPA for consistency with the Town of Fort Myers Beach Comprehensive Plan and Land Development Code with no opposition from the public or adjacent property owners. Many of the condominiums that have applied for Special Exceptions over the last four years were built before the Town's creation, so no previous Special Exception was issued. Many structures were built prior to the establishment of the 1978 CCCL which demarcates the EC zone. The time and expense of requiring a second public hearing before the Town Council unless such a hearing is needed is in conflict with the Town's efforts to rebuild the community. The intent of this ordinance is to reduce the approval time for previously existing structures that, when rebuilt, are unlikely to cause a nuisance. Special Exceptions for new structures in the EC zone will continue to require the oversight of Town Council.

Attachments:

1. Expedited Special Exception Ordinance (1)
2. 25-xx, Business Impact Estimate - Expedited Special Exception

Financial Impact:

Unknown

6. **Alternative Action**

Deny

7. **Staff Recommendations:**

Approval

8. **Recommended Approval:**

Judith Frankel, Principal Planner

Date: August 26, 2025

Georgina Cid, Community Development Manager

Date: August 28, 2025

Frankie Kropacek, Community Development Director

Date: August 28, 2025

nancy stuparich, Town Attorney

Date: August 29, 2025

Amy Baker, Town Clerk

Date: August 29, 2025

ORDINANCE NO. 25-_____

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING SECTION 34-232 “REQUIRED HEARINGS” OF DIVISION 5 “PUBLIC HEARINGS AND REVIEW” OF ARTICLE II “ZONING PROCEDURES” OF CHAPTER 34 “ZONING DISTRICTS, DESIGN STANDARDS AND NONCONFORMITIES” TO REQUIRE ONLY ONE PUBLIC HEARING BEFORE THE LOCAL PLANNING AGENCY (“LPA”) FOR SPECIAL EXCEPTIONS THAT ONLY REPLACE “LIKE FOR LIKE” STRUCTURES THAT WERE EXISTING PRIOR TO A NATURAL DISASTER EVENT, IF THE DECISION BY ELIGIBLE MEMBERS OF THE LPA IS UNANIMOUS AND THE TOWN CLERK DOES NOT RECEIVE A REQUEST FOR AN ADDITIONAL PUBLIC HEARING BEFORE THE TOWN COUNCIL FROM ANYONE, INCLUDING TOWN STAFF, WITHIN 10 DAYS AFTER THE LPA DECISION; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER ERRORS, CONFLICTS OF LAW AND 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, Section 34-232 of the Town’s Land Development Code currently requires 2 public hearings for special exception applications, one before the local planning agency (“LPA”) and one before the town council; and

WHEREAS, in the recent past a number of special exceptions for the replacement of structures in the Environmentally Critical (EC) zoning district that are part of an upland property that is continuing the same use to pre-Hurricane Ian use, have been unanimously approved by the LPA for consistency with the Town of Fort Myers Beach Comprehensive Plan and Land Development Code with no opposition from the public or adjacent property owners; and

WHEREAS, the time and expense of requiring a second public hearing before the Town Council unless such a hearing is needed is in conflict with the Town’s efforts to rebuild the community; and

WHEREAS, notwithstanding the need to expedite the rebuilding of the Town, there may be situations where issues arise during the LPA meeting, which may require further evaluation by the Town Council; and

WHEREAS, a public hearing of this Ordinance was held before the LPA on the ____ day of _____, 2025, at which time 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 made a finding of consistency with the Fort Myers Beach Comprehensive Plan and Land Development Code and thereafter voted __ to __, to recommend approval of this Ordinance amending the referenced section of the Land Development Code to the town council; and

WHEREAS, on the ____ day of _____, 2025, the Town Council held a first reading of the Ordinance and gave full and complete consideration to the request of the proposed ordinance to amend Section 34-232 of the Land Development Code, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons; and

WHEREAS, a Business Impact Estimate was prepared and posted on the City’s website on the ____ day of _____, 2025, 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 _____ on the ____ day of _____, which is no less than 10 days prior to the second reading of the proposed Ordinance as required by Section 166.041, Florida Statutes; and

WHEREAS, on the ____ day of _____, 2025, the Town Council held a second reading of the Ordinance; and

WHEREAS, the Town Council determined by a vote of __ to __ that adoption of the Ordinance as provided herein is in the best interest of the health, safety and welfare of the public.

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

Section 1. That 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. That Section 34-232 “Required Hearings” of Division 5 “Public Hearings and Review” of Article II “Zoning Procedures” of Chapter 34 “Zoning Districts, Design Standards and Nonconformities is hereby amended as follows:

Section 34-232 – Required hearings.

(a) Amendment or adoption of land use ordinances.

(1) Any proposed amendment to this chapter or to any land use ordinance, or adoption of any new land use ordinance, shall be enacted pursuant to the requirements set forth in F.S. § 166.041.

(2) Prior to a final required hearing by the town council, the local planning agency shall review the amendment at a public hearing.

(b) *Owner-initiated requests.* Owner-initiated requests for rezonings, certain special exceptions and developments of regional impact require one public hearing before the local planning agency and one public hearing before the town council. Owner-initiated requests for variances and special exceptions to replace a lawful and permitted structure(s) in the Environmentally Critical (EC) zoning district that was in effect prior to a natural disaster, which is ~~that are~~ unanimously approved by the local planning agency and there is no request for an additional public hearing before the town council made by anyone that is received by the town clerk within 10 calendar days after the date of the local planning agency decision, excluding holidays, only requires one public hearing before the local planning agency, and the local planning agency decision is final agency action. ~~Other owner-initiated requests for variances require public hearings first by the local planning agency and then by the town council.~~

(c) *Town-initiated requests.* Town-initiated requests for rezonings, variances, special exceptions, and developments of regional impact require one public hearing before the local planning agency and:

(1) Applications covering less than ten abutting acres of land will require a single public hearing before the town council.

(2) Applications covering more than ten abutting acres of land will require two public hearings before the town council in accordance with F.S. § 166.041.

Section 3. That the Town Council intends that the provisions of this ordinance be made a part of the Fort Myers Beach 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 as a whole, or any part thereof, other than the part so declared.

Section 6. This Ordinance shall become effective upon adoption by the town council.

The forgoing Ordinance was adopted by the town council upon a motion by _____ and seconded by _____, and upon being put on a roll call vote, the results was as follows:

Dan Allers, Mayor _____
Jim Atterholt, Vice Mayor _____

John R. King, Council Member ____
Karen Woodson, Council Member ____
Scott Stafford, 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

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



Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the Fort Myers Beach website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING SECTION 34-232 "REQUIRED HEARINGS" OF DIVISION 5 "PUBLIC HEARINGS AND REVIEW" OF ARTICLE II "ZONING PROCEDURES" OF CHAPTER 34 "ZONING DISTRICTS, DESIGN STANDARDS AND NONCONFORMITIES" TO REQUIRE ONLY ONE PUBLIC HEARING BEFORE THE LOCAL PLANNING AGENCY ("LPA") FOR SPECIAL EXCEPTIONS THAT ONLY REPLACE "LIKE FOR LIKE" STRUCTURES THAT WERE EXISTING PRIOR TO A NATURAL DISASTER EVENT, IF THE DECISION BY ELIGIBLE MEMBERS OF THE LPA IS UNANIMOUS AND THE TOWN CLERK DOES NOT RECEIVE A REQUEST FOR AN ADDITIONAL PUBLIC HEARING BEFORE THE TOWN COUNCIL FROM ANYONE, INCLUDING TOWN STAFF, WITHIN 10 DAYS AFTER THE LPA DECISION; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER ERRORS, CONFLICTS OF LAW AND AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the Fort Myers Beach is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the Fort Myers Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:

¹ See Section 166.041(4)(c), Florida Statutes.

- a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
- b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Fort Myers Beach hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

Following Hurricane Ian, a number of special exceptions for the replacement of structures in the Environmentally Critical (EC) zoning district that are part of an upland property that is continuing the same use to pre-Hurricane Ian use, have been unanimously approved by the LPA for consistency with the Town of Fort Myers Beach Comprehensive Plan and Land Development Code with no opposition from the public or adjacent property owners. Many of the condominiums that have applied for Special Exceptions over the last four years were built before the Town's creation, so no previous Special Exception was issued. Many structures were built prior to the establishment of the 1978 CCCL which demarcates the EC zone. The time and expense of requiring a second public hearing before the Town Council unless such a hearing is needed is in conflict with the Town's efforts to rebuild the community. The intent of this ordinance is to reduce the approval time for previously existing structures that, when rebuilt, are unlikely to cause a nuisance. Special Exceptions for new structures in the EC zone will continue to require the oversight of Town Council.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Fort Myers Beach, including the following, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the Fort Myers Beach regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

There are unlikely to be direct compliance costs associated with Ordinance 25-xx. Costs may be reduced for certain applications due to the potential for reduced hearings.

Ordinance 25-2xx does not impose any new charge or fee on businesses.

There are no new charges or fees that will be imposed on businesses by the ordinance.

The Town will not likely incur additional costs.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

This rezoning does not increase restrictions on existing businesses.

4. Additional information the governing body deems useful (if any):*[You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: Fort Myers Beach staff solicited comments from businesses in the Fort Myers Beach as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on Fort Myers Beach website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses].*

Not applicable.