



Fort Myers Beach Local Planning Agency

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

Minutes

**Tuesday, August 12, 2025
ORDER OF BUSINESS**

9:00 AM

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/PROVING 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.

Minutes adopted as presented, September 9, 2025. Motion by LPA Member Eckmann and seconded by LPA Member Boan.



Amy Baker (Oct 16, 2025 15:56:35 EDT)

Amy Baker, Town Clerk