



Fort Myers Beach Local Planning Agency

**Town Hall Council Chambers
6231 Estero Blvd.
Fort Myers Beach, FL 33931
Tuesday, December 16, 2025**

Agenda

1:00 PM

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 - November 11, 2025

VI. PUBLIC COMMENT

VII. PUBLIC HEARINGS

A. VAR20250287, 138 Hibiscus Drive

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE 20250287, REQUESTING 1) A VARIANCE OF 1.6 FEET TO THE REQUIRED 20-FOOT REAR SETBACK IN LDC SECTION 34-638(D)(1)G. TO ALLOW A 4.6-FOOT ENCROACHMENT FOR ELEVATED MECHANICAL EQUIPMENT; AND 2) A VARIANCE OF 3.3 TO THE REQUIRED 20-FOOT REAR SETBACK FOR PROPERTIES IN THE RS ZONING DISTRICT IN TABLE 34-3 TO ALLOW A STAIRCASE WITH A 16.7 FOOT REAR SETBACK IN ORDER TO ACCESS THE ELEVATED MECHANICAL EQUIPMENT, FOR THE PROPERTY LOCATED AT 138 HIBISCUS DRIVE, GENERALLY REFERRED TO AS STRAP NUMBER: 29-46-24-W2-01431.0000 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.

B. Ordinance 25-20; DCI20250203, 175 Sterling Avenue (FMB Women's Club)

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING/APPROVING WITH CONDITIONS/ DENYING A REZONING TO A COMMERCIAL PLANNED DEVELOPMENT (CPD) FOR THE PROPERTY LOCATED AT 175 STERLING AVENUE, A PARCEL

GENERALLY IDENTIFIED AS STRAP NUMBER 33-46-24-W2-00004.0000
TOWN OF FORT MYERS BEACH; FROM INSTITUTIONAL FOR A
REDEVELOPMENT OF THE FORT MYERS BEACH WOMEN'S CLUB;
PROVIDING FOR CONFLICT OF LAW, SCRIVENER'S ERRORS AND
PROVIDING FOR AN EFFECTIVE DATE.

C. SEZ20250081, 2812 Estero Blvd (Caper Beach Club)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT
MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH
CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250081 TO ALLOW
LIKE-FOR-LIKE REPLACEMENT OF EXISTING TWO 12-FOOT BY 12-
FOOT TIKI HUTS AND 4-FOOT-HIGH POSTS AND ROPE BARRIERS IN
ENVIRONMENTALLY CRITICAL ZONING DISTRICT SEAWARD OF THE
1978 CCCL, FOR THE REAL PROPERTY LOCATED AT 2812 ESTERO
BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS,
SEVERABILITY, AND AN EFFECTIVE DATE.

VIII. ADMINISTRATIVE AGENDA

IX. LPA MEMBERS ITEMS/REPORTS

X. LPA ATTORNEY ITEMS/REPORTS

XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS

XII. ITEMS FOR NEXT MONTHS AGENDA

XIII. ADJOURNMENT

NOTE: THIS MEETING IS STREAMED LIVE ON YOUTUBE.

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

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



In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Board's proceedings should contact the Town Clerk's Office not later than three days prior to the proceedings. 239-765-0202



Fort Myers Beach Local Planning Agency

Town Hall Council Chambers

2731 Oak Street

Fort Myers Beach, FL 33931

Minutes

Wednesday, November 12, 2025

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Members present: Vice Chair Jane Plummer, LPA Members James Boan, James Dunlap, Doug Eckmann, John McLean and Don Sudduth.

Excused: Chair Anita Cereceda

LPA Member Dunlap moved to accept Chair Cereceda's request for an excused absence, seconded by LPA Member Boan.

The motion carried unanimously.

II. INVOCATION

Vice Chair Plummer.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

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

The motion carried unanimously.

V. APPROVAL OF MINUTES

A. October 14, 2025

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

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. LPA Resolution 25-19, VAR20250243 for Beach Access #43

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE 20250243, REQUESTING A VARIANCE OF 20 INCHES OR 1.7 FOOT FROM LDC SECTION 34-652 (D), TO ALLOW A 60-INCH-WIDE OR 5-FOOT-WIDE ON-GRADE PATHWAY WHERE A MAXIMUM 40-INCH-WIDE OR 3.3-FOOT-WIDE ON GRADE PATHWAY IS PERMITTED THROUGH A DUNE IN THE ENVIRONMENTALLY CRITICAL ZONING DISTRICT, FOR THE PUBLIC ACCESS EASEMENT (BEACH ACCESS #43) RECORDED FOR THE REAL PROPERTY LOCATED AT 102 ESTERO BOULEVARD; AND PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

No ex parte communications were disclosed.

Jordan Varble, with Johnson Engineering, reviewed his qualifications to be considered an engineering expert.

LPA Member Dunlap moved to accept Mr. Varble as an expert, seconded by LPA Member Eckmann.

The motion carried unanimously.

The respondent confirmed receipt of the agenda materials. Town Attorney Stuparich read the title of the resolution.

Community Development Senior Planner Jason Smalley reviewed the background of the request as stated in the yellow sheet. He clarified that part of the easement was part of Pink Shell's property.

Mr. Varble stated that the county proposed installing a beach access path through an existing easement. He agreed with the conditions.

Senior Planner Smalley noted that the town had no issue with the county working during turtle season.

Mr. Varble expected construction to last no longer than 90 days. He explained that the flat path would consist of shells and a mobi mat would be installed over the dune.

Senior Planner Smalley clarified that the elevated path that existed before Ian would be replaced with an at-grade footpath.

Mr. Varble commented that the path would be centered on the easement.

LPA Member Dunlap moved to approve the resolution with three conditions and the findings have been satisfied, seconded by LPA Member Boan.

The motion carried unanimously by roll call vote.

B. LPA Resolution 25-21, VAR20250261 for Beach Access #41

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE 20250261, REQUESTING A VARIANCE FROM LDC SECTION 34-652(F)(2) C., TO ALLOW AN 8-FOOT-WIDE DUNE WALKOVER WHERE A MAXIMUM 6-FOOT-WIDE DUNE WALKOVER IS PERMITTED FOR USES OTHER THAN SINGLE FAMILY RESIDENTIAL IN THE

ENVIRONMENTALLY CRITICAL ZONING DISTRICT, FOR THE PUBLIC ACCESS EASEMENT (BEACH ACCESS #41) RECORDED FOR THE REAL PROPERTY LOCATED AT 252 ESTERO BOULEVARD; AND PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Stuparich read the title of the resolution. No ex parte communications were disclosed.

Senior Planner Smalley reviewed the background of the request as stated on the yellow sheet.

Mr. Varble stated that the county requested the replacement of the structure destroyed by Hurricane Ian. A mobi mat would not be utilized.

LPA Member Eckmann was hesitant to approve a two-foot increase in width. Senior Planner Smalley had not received opposition regarding the increased width request from adjacent neighbors.

No public comment.

LPA Member McLean moved to approve the resolution with four conditions and meets all requirements, seconded by LPA Member Sudduth.

The motion carried 5-1, with LPA Member Eckmann dissenting.

C. LPA Resolution 25-20, SEZ20250241 for Beach Access #41

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250241 TO ALLOW LIKE-FOR-LIKE REPLACEMENT OF A 8 FEET WIDE AND 110 FEET LONG ELEVATED DUNE WALKOVER IN ENVIRONMENTALLY CRITICAL ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PUBLIC ACCESS EASEMENT (BEACH ACCESS #41) RECORDED FOR THE REAL PROPERTY LOCATED AT 252 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Attorney Stuparich read the title of the resolution. No ex parte communications were disclosed.

Senior Planner Smalley reviewed the background of the request as stated in the yellow sheet. He noted that if the town council did not approve the eight-foot-wide walkover, the LPA would be approving a six-foot-wide walkover.

He requested that, if the resolution was approved, the sea turtle condition be removed since the town would be working with the county on monitoring.

Mr. Varble stated that the boardwalk was following the same footstep and would be reimbursed by FEMA (Federal Emergency Management Agency).

No public comment.

LPA Member Dunlap moved to approve the resolution with staff's findings and conditions and to remove the language about turtle season, seconded by LPA Member Sudduth.

The motion carried unanimously by roll call vote.

- D. Proposed Ordinance 25-27, Certified Recovery Residences
PROPOSED ORDINANCE NO. 25-27

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA: 1) ESTABLISHING PROCEDURES FOR THE REVIEW AND APPROVAL OF APPLICATIONS FOR REASONABLE ACCOMMODATIONS NEEDED TO OPERATE CERTIFIED RECOVERY RESIDENCES FROM EXISTING LAND USE REGULATIONS IN NEW SECTION 34-204 IN DIVISION 4 “APPLICATIONS AND PROCEDURES” OF ARTICLE II “ZONING DISTRICTS STANDARDS AND NONCONFORMITIES” OF CHAPTER 34, AS MANDATED BY SECTION 397.487(15)(A), FLORIDA STATUTES; AND 2) 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 APPROVAL OF APPLICATIONS FOR REASONABLE ACCOMMODATIONS TO OPERATE A CERTIFIED RECOVERY RESIDENCE AS PROVIDED IN SECTION 34-204, 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.

Town Attorney Stuparich read the title of the ordinance. She reviewed the background of the request as stated in the yellow sheet. She noted that these facilities did not currently exist; however, per FL statutes, a procedure had to be in place in case it was needed.

LPA Member Eckmann moved to recommend approval of the proposed ordinance to the town council, seconded by LPA Member Boan.

The motion carried unanimously by roll call vote.

VIII. ADMINISTRATIVE AGENDA

No items.

IX. LPA MEMBERS ITEMS/REPORTS

Vice Chair Plummer congratulated Dawn and Mike Miller on the opening of The Whale.

No items from other members.

X. LPA ATTORNEY ITEMS/REPORTS

No items.

XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS

No items.

XII. ITEMS FOR NEXT MONTHS AGENDA

No large projects scheduled.

XIII. ADJOURNMENT

LPA Member Dunlap moved to adjourn, seconded by LPA Member Boan.
The meeting was adjourned.

DRAFT

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

Yellow Sheet Number: **2026-164**

1. Request:

Meeting Date: December 16, 2025

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE 20250287, REQUESTING 1) A VARIANCE OF 1.6 FEET TO THE REQUIRED 20-FOOT REAR SETBACK IN LDC SECTION 34-638(D)(1)G. TO ALLOW A 4.6-FOOT ENCROACHMENT FOR ELEVATED MECHANICAL EQUIPMENT; AND 2) A VARIANCE OF 3.3 TO THE REQUIRED 20-FOOT REAR SETBACK FOR PROPERTIES IN THE RS ZONING DISTRICT IN TABLE 34-3 TO ALLOW A STAIRCASE WITH A 16.7 FOOT REAR SETBACK IN ORDER TO ACCESS THE ELEVATED MECHANICAL EQUIPMENT, FOR THE PROPERTY LOCATED AT 138 HIBISCUS DRIVE, GENERALLY REFERRED TO AS STRAP NUMBER: 29-46-24-W2-01431.0000 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:

The LPA makes recommendations to the Town Council regarding the variance request, or may approve the variance request unanimously.

What the action accomplishes:

The LPA recommendations will be forwarded to the Town Council, or will serve as final agency action if the request is approved unanimously.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

Christal Shola, the owner of 138 Hibiscus Drive, is requesting a variance of 1.6 feet from LDC Section 34-638(d)(1)g., which allows mechanical equipment to encroach a maximum of 3 feet into the required 20-foot rear setback, in order to allow a 4.6-foot encroachment. She is also requesting a variance of 3.3 feet from the rear setback requirement in LDC Table 34-3, which requires a minimum 20-foot rear setback for properties in the RS zoning district, to allow a staircase with a rear setback of 16.7 feet to access the elevated mechanical equipment.

The applicant originally planned a smaller elevated platform for mechanical equipment, including an air-conditioning condenser and the FPL electrical meter, which complied with the Town's code and was approved during the building-permit process. After the construction of the house, the applicant was informed that FPL now requires a larger platform and access staircase for its elevated equipment. To accommodate the larger platform and staircase required by FPL, the applicant now needs to encroach into the required rear setback.

LDC Section 34-638(d)(1)g. allows mechanical equipment to encroach 3 feet into the rear setback by right. The proposed elevated mechanical equipment will encroach 4.6 feet into the required rear setback and will be accessible via a staircase encroaching 3.3 feet into the setback. The applicant is therefore requesting a 1.6-foot variance from LDC Section 34-638(d)(1)g. to allow the 4.6-foot encroachment of the elevated equipment into the 20-foot rear setback, as well as a 3.3-foot variance from LDC Table 34-3 to allow the staircase to have a rear setback of 16.7 feet.

Attachments:

1. Final NS LPA Resolution 2025-XX, 138 Hibiscus Drive (1) (1)
2. Exhibit A to Resolution-Legal Description and Site Plan as shown on Survey
3. Staff report
4. Exhibit A to Staff Report-Site Plan (1)
5. Exhibit B to Staff Report - Legal Description on Survey
6. Application

Financial Impact:

Unknown

6. Alternative Action

DENY

7. Staff Recommendations:

Staff recommends **approval with conditions** of VAR20250287 to allow the construction of elevated mechanical equipment encroaching 4.6 feet, and an access staircase encroaching 3.3 feet, into the required 20-foot rear setback.

8. Recommended Approval:

_____	Date: December 03, 2025
Georgina Cid, Community Development Manager	
_____	Date: December 03, 2025
Frankie Kropacek, Community Development Director	
_____	Date: December 09, 2025
nancy stuparich, Town Attorney	
_____	Date: December 10, 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 20250287, REQUESTING 1) A VARIANCE OF 1.6 FEET TO THE REQUIRED 20-FOOT REAR SETBACK IN LDC SECTION 34-638(D)(1)G. TO ALLOW A 4.6-FOOT ENCROACHMENT FOR ELEVATED MECHANICAL EQUIPMENT; AND 2) A VARIANCE OF 3.3 TO THE REQUIRED 20-FOOT REAR SETBACK FOR PROPERTIES IN THE RS ZONING DISTRICT IN TABLE 34-3 TO ALLOW A STAIRCASE WITH A 16.7 FOOT REAR SETBACK IN ORDER TO ACCESS THE ELEVATED MECHANICAL EQUIPMENT, FOR THE PROPERTY LOCATED AT 138 HIBISCUS DRIVE, GENERALLY REFERRED TO AS STRAP NUMBER: 29-46-24-W2-01431.0000 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, Christal Shola (hereinafter "Applicant"), is the owner of real property located at 138 Hibiscus Drive, Fort Myers Beach, Florida (hereinafter "Property"); and

WHEREAS, the STRAP for the Property is 29-46-24-W2-01431.0000, and the legal description for the Property is attached, see Exhibit "A"; and

WHEREAS, the Property is within the Low-Density Residential Future Land Use Map category according to the Town of Fort Myers Beach Comprehensive Plan; and

WHEREAS, the Property is located in the Residential Single-family (RS) zoning district; and

WHEREAS, the RS zoning district requires a minimum lot width of 75 feet and a minimum lot depth of 100 feet, with a total lot area of 7,500 square feet; and

WHEREAS, the Property is a 60 x 97 non-conforming lot in the RS zoning district; and

WHEREAS, Table 34-3 in the Land Development Code ("LDC") requires a minimum 20-foot rear setback for properties in a RS zoning district; and

WHEREAS, LDC Section 34-638(d)(1)g allows mechanical equipment to encroach a maximum of 3 feet into the required 20-foot rear setback; and

WHEREAS, the Applicant requests a variance of 1.6 foot from LDC Section 34-638(d)(1)g to allow a 4.6 feet encroachment for the elevated mechanical equipment and a variance of 3.3 feet from Table 34-3 to allow a staircase with a rear setback of 16.7 feet to access the elevated mechanical equipment; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (“LPA”) on December 16, 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, which sets forth the requirements for approval of a variance, the LPA makes the following findings and conclusions:

A. There **are/ are not** 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/ are not** the result of actions of the applicant taken after the adoption of the regulation in question.

C. The variance granted **is/ is not** 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/ 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/ are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

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

1. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

2. The variance shall only apply to the mechanical equipment and staircase for the single-family home as shown on the survey (site plan) attached as Exhibit A. Demolition or substantial damage to the residential structure shall render the variances to be null and void.
3. This variance applies to the elevated mechanical equipment and attached staircase within the rear setback of the existing single-family structure on the Property at the time of the approval of these variances only. Any additional modification of the single-family dwelling or additional construction on the subject property must comply with all applicable regulations or seek a new variance.
4. The variance applies to the modified rear setback along the west property boundary as shown in Exhibit A only. No other portion of the single-family dwelling or accessory structure(s) may be extended into a required setback.

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. VAR20250287, with the conditions contained herein, **received/ did not receive** unanimous approval from eligible voting members of the LPA on December 16, 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 _____, 2025.

Local Planning Agency of the Town of
Fort Myers Beach

By: _____
Anita Cereceda, LPA Chair

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:**

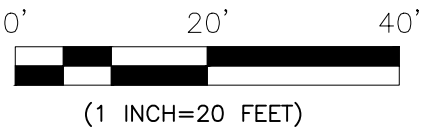
Vose Law Firm, Town Attorney

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

EXHIBITS

Exhibit A: Legal Description and Site Plan as
Shown on Survey

FINAL AS-BUILT SURVEY LYING IN
SECTION 29, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



LEGAL DESCRIPTION
LOT 31 OF THAT CERTAIN SUBDIVISION
KNOWN AS "LEILANI", 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 14,
AT PAGE 21.

HOUSE FOOTPRINT

ELEVATED FPL
PLATFORM & A/C
CONDENSER

STAIR
ENCROACHMENT

CERTIFIED TO:
CHRISTAL SHOLA

LEGEND

SIRC	SET IRON ROD AND CAP
FIRC	FOUND IRON ROD AND CAP
FIR	FOUND IRON ROD
N&D	NAIL AND DISK
DESC	DESCRIPTION
ID.	IDENTIFICATION
F. B.	FIELD BOOK
P. B.	PLAT BOOK
PG.	PAGE
R/W	RIGHT-OF-WAY
LB	LICENSED BUSINESS
P. S. M.	PROFESSIONAL SURVEYOR AND MAPPER
PLS	PROFESSIONAL LAND SURVEYOR
NO.	NUMBER
S-T-R	SECTION, TOWNSHIP AND RANGE
P. U. E.	PUBLIC UTILITY EASEMENT
CONC.	CONCRETE
FND.	FOUND
CDR.	CORNER
E. O. P.	EDGE OF PAVEMENT
(P)	PLAT
(F)	FIELD
(C)	CALCULATED
(C&D)	CALCULATED AND DEED
(F&D)	FIELD AND DEED
(F&P)	FIELD AND PLAT
(C&P)	CALCULATED AND PLAT
CB	CATCH BASIN
A/C	AIR CONDITIONER
⊕	SANITARY MANHOLE
⊙	TELEPHONE PEDESTAL
⊙	POWER POLE
⊙	WATER METER
- E -	OVERHEAD POWER LINES
5.0x	GROUND ELEVATION
⊙	LOT NUMBER
C	CENTERLINE

NOTES:

BEARINGS ARE STATE PLANE, FLORIDA WEST ZONE AND ARE BASED ON THE
SOUTHEASTERLY RIGHT OF WAY LINE OF HIBISCUS DRIVE BEING N 47°16'27" E.

ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988
(NAVD88) WITH TIES TO THE FLORIDA DEPARTMENT OF TRANSPORTATION PERMANENT
CONTROL NETWORK.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CERTIFIED TITLE REPORT AND
IS NOT A CERTIFICATE OF TITLE, ZONING OR FREEDOM FROM ENCUMBRANCES.

UNDERGROUND IMPROVEMENTS, OTHER THAN SHOWN, IF ANY, WERE NOT LOCATED.

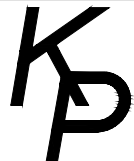
PARCEL LIES IN FLOOD ZONE AE, WITH A BASE FLOOD ELEVATION OF 12 FEET, AS
SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY MAP 12071C0558G, EFFECTIVE
DATE: 11/17/2022.

PARCEL SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

THE FLORIDA DEPARTMENT OF TRANSPORTATION PERMANENT CONTROL NETWORK WAS
UTILIZED ON THIS BOUNDARY SURVEY AND THE DATUM IS NORTH AMERICAN DATUM
NAD(83)-(2011)-(EPOCH 2017.000). THE STATED HORIZONTAL ACCURACY IS 1-2
CENTIMETER. THE STATED VERTICAL ACCURACY IS 2-3 CENTIMETER.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE
THAT THIS SURVEY OF THE HEREON DESCRIBED
PROPERTY IS A TRUE REPRESENTATION OF A FIELD
SURVEY MADE UNDER MY DIRECTION AND CONFORMS
TO THE STANDARDS OF PRACTICE FOR PROFESSIONAL
SURVEYORS AND MAPPERS AS OUTLINED IN CHAPTER
5J-17, FLORIDA ADMINISTRATIVE CODE.

	ADDRESS: 138 HIBISCUS DRIVE, FORT MYERS BEACH, FL 33931			LAST FIELD DATE: 11/04/2025	
	PROJECT No: 25-0097	PROJECT Desc: BOUNDARY SURVEY	REVISIONS: 11/04/25 ADDED STAIRCASE DIMENSIONS		
	S-T-R 29-46-24	COUNTY LEE	STRAP: 29-46-24-W2-01431.0000		
KP Surveying, Inc. <i>LB NUMBER 8152</i> <i>2802 W. Cypress Avenue S.E.</i> <i>Fort Myers, Florida 33905</i> <i>(239) 462-1901</i>		FIELD DATE: 11/18/22	NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER OR A DIGITAL SIGNATURE.	KENNETH PUFAHL  Digitally signed by KENNETH PUFAHL Date: 2025.11.05 04:44:38 -05'00'	
		DRAWN BY: KP			
		DATE DRAWN: 11/21/22			
		CAD FILE: 24-0185			
		Ken Pufahl, P.S.M. PROFESSIONAL SURVEYOR & MAPPER FLORIDA CERTIFICATE NUMBER 6126			
		DATE			



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20250287

CASE NAME: 138 Hibiscus Drive;
1) a variance of 1.6 feet from LDC Section 34-638(d)(1)g. which allows mechanical equipment to encroach by 3 feet into the required 20-foot rear setback to allow a 4.6-foot encroachment of the elevated mechanical equipment pad.
2) a variance of a 3.3-foot from Table 34-3 which requires a 20-foot rear setback for properties in RS zoning district, to allow a staircase with a rear setback of 16.7 feet to access the elevated mechanical equipment in rear setback.

LPA
HEARING DATE: December 16, 2025, 9:00 am

STAFF
RECOMMENDATION: Approval with conditions

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

I. APPLICATION SUMMARY

Applicant/Owner: Christal Shola

Request: The Applicant is requesting a variance of 1.6 feet from LDC Section 34-638(d)(1)g. which allows mechanical equipment to encroach a maximum of 3 feet into the required 20-foot rear setback to allow 4.6-foot encroachment and a variance of 3.3-feet from LDC setback Table 34-3 which requires a minimum 20-foot rear setback for properties in RS zoning district to allow a staircase with a rear setback of 16.7 feet to access the elevated mechanical equipment.

Subject property: See attached site plan

Physical Address: 138 Hibiscus Drive

STRAP #: 29-46-24-W2-01431.0000

FLU: Low- density Residential

Zoning: Single-Family Residential (RS)

Adjacent zoning and land uses:

North: SINGLE-FAMILY RESIDENTIAL (RS)
Single-Family Residential

South: SINGLE-FAMILY RESIDENTIAL (RS)
Single-Family Residential

East: SINGLE-FAMILY RESIDENTIAL (RS)
Single-Family Residential

West: SINGLE-FAMILY RESIDENTIAL (RS)
Single-Family Residential

II. BACKGROUND AND ANALYSIS

Background:

Christal Shola, the owner of 138 Hibiscus Drive, is requesting a variance of 1.6 feet from LDC Section 34-638(d)(1)g. which allows mechanical equipment to encroach maximum by 3 feet into the required 20-foot rear setback to allow 4.6-foot encroachment and a variance of 3.3-foot from LDC setback Table 34-3 which requires a minimum 20-foot rear setback for properties in RS zoning district to allow a staircase with a rear setback of 16.7 feet to access the elevated mechanical equipment.

The Applicant originally planned a smaller elevated platform for mechanical equipment including an air conditioner condenser and the FPL electrical meter which was compliant with the Town's code and approved during the building permit process. After the construction of the house, the Applicant was made aware that FPL now requires a larger platform and access staircase for its elevated equipment. To accommodate a larger platform and staircase as required by FPL, the Applicant now needs to encroach into the required rear setback. LDC Section 34-638(d)(1)g., allows mechanical equipment to encroach 3 feet into the rear setback by right. The proposed elevated mechanical equipment will encroach 4.6 feet in the required rear setback and will be accessible through a staircase encroaching 3.3-foot into the required rear setback. The Applicant is now requesting a variance of 1.6 feet from LDC Section 34-638(d)(1)g. to allow 4.6-foot encroachment of the elevated mechanical equipment

into the required 20-foot wide rear setback for properties in RS zoning district and a variance of 3.3 feet from LDC setback Table 34-3 to allow a staircase with a rear setback of 16.7 feet to access the elevated mechanical equipment.

Analysis:

The purpose of the RS zoning district is to provide stable neighborhoods where single-family detached homes are the predominant land use. A conforming lot in RS zoning is at least 75 feet wide and 100 feet deep or 7,500 sq. ft. of area. The subject property is 60-foot-wide and 97-foot-deep nonconforming lot in RS zoning district.

As per LDC setback table 34-3, no building or structure shall be placed closer than 20 feet to a rear property line in the RS zoning district. The Applicant originally planned a smaller elevated platform for mechanical equipment including air conditioner condenser and FPL electrical meter which was compliant with Town's code and approved during building permit process. After the construction of the house, the Applicant was made aware that FPL now requires a larger platform and mandatory access staircase for its elevated equipment. To accommodate a larger platform and staircase as required by FPL after construction, the Applicant now needs to encroach into the required rear setback. LDC Section 34-638(d)(1)g., allows mechanical equipment to encroach 3 feet into the rear setback by right. The proposed elevated mechanical equipment will encroach 4.6 feet in the required rear setback and will be accessible through a staircase encroaching 3.3-foot into the required rear setback.

LDC Section 34-268, allows the director to grant an administrative setback variance to correct construction errors not exceeding 1 foot. Since the requested variance for elevated mechanical equipment exceeds 1 foot the Applicant needs a full variance.

As per LDC Section 34-638(d)(1)g.3., an access ladder for the elevated mechanical equipment may encroach no more than three feet into the side yard or side street setback and must be removable or movable. The code is silent regarding encroachment of access staircase for elevated mechanical equipment into the rear setback, therefore, a full variance is required.

The Applicant is now requesting a variance of 1.6 feet from LDC Section 34-638(d)(1)g. to allow 4.6-foot encroachment of the elevated mechanical equipment into the required 20-foot wide rear setback for properties in RS zoning district and a variance of 3.3-foot from LDC setback Table 34-3 to allow a staircase with a rear setback of 16.7 feet to access the elevated mechanical equipment.

Neighborhood Compatibility:

A review of the neighborhood using the Lee County Property Appraiser GIS aerial imagery indicates that the subject property is part of a single-family residential neighborhood where most single-family homes appear to comply with the Town's rear setback requirements.

Findings and Conclusions:

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

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

There are exceptional or extraordinary conditions that are inherent to the property and circumstances of this request. The need for a larger elevated mechanical platform and access staircase arose only after construction due to updated FPL requirements, which were not known or reasonably foreseeable during permitting. The resulting encroachments are minor in nature and constitute a de minimis variance where rigid compliance 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 conditions justifying the variance are not the result of actions taken by the Applicant after adoption of the applicable regulations. The Applicant originally designed and permitted a fully compliant mechanical platform. The subsequent change in FPL's required equipment dimensions and mandatory access staircase created the need for additional space within the rear setback. This condition was externally driven and not caused by the Applicant.

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

The requested variances represent the minimum relief necessary to allow installation of required FPL mechanical equipment and its access staircase. The encroachments of 4.6-foot for the mechanical equipment and 3.3-foot for access staircase are the smallest possible dimensions in this case to meet the utility's safety and service requirements while allowing continued reasonable use of the property. No lesser configuration would satisfy FPL's mandatory specifications. The request is for a de minimis variance and granting this variance will allow the Applicant to construct an elevated mechanical equipment and access staircase compliant with FPL meter requirements.

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

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

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

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

III. RECOMMENDATION

Staff has reviewed the request for a variance of 1.6 feet from LDC Section 34-638(d)(1)g. which allows mechanical equipment to encroach maximum by 3 feet into the required 20-foot rear setback and a variance of 3.3-foot from LDC setback Table 34-3 which requires a minimum 20-foot rear setback for properties in RS zoning district and find that the variance requests **meet** the requirements set-forth in sec. 34-87.

Therefore, staff recommends **APPROVAL WITH CONDITIONS** of VAR20250287, to allow the construction of an elevated mechanical equipment encroaching 4.6-foot and an access staircase encroaching 3.3-foot into the required 20-foot rear setback.

IV. CONDITIONS

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

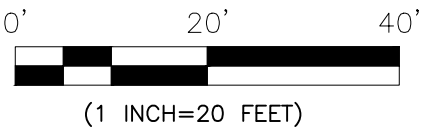
1. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
2. The variance shall only apply to mechanical equipment and staircase for the single-family home as shown on the provided site plan. Demolition or substantial damage to the residential structure shall render the variances to be null and void.
3. This variance applies to the elevated mechanical equipment and attached staircase within the rear setback for an existing single-family structure in the subject property only. Any additional modification of the single-family dwelling or additional construction on the subject property must comply with all applicable regulations or seek a new variance.
4. The variance applies to the modified rear setbacks along the west property boundary as shown in "Exhibit A" only. No other portion of the single-family dwelling or accessory structure(s) may be extended into a required setback.

V. EXHIBITS

Exhibit A: Site Plan

Exhibit B: Survey

FINAL AS-BUILT SURVEY LYING IN
SECTION 29, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



LEGAL DESCRIPTION
LOT 31 OF THAT CERTAIN SUBDIVISION
KNOWN AS "LEILANI", 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 14,
AT PAGE 21.

HOUSE FOOTPRINT

ELEVATED FPL
PLATFORM & A/C
CONDENSER

STAIR
ENCROACHMENT

CERTIFIED TO:
CHRISTAL SHOLA

- LEGEND**
- | | |
|----------|-------------------------------------|
| SIRC | SET IRON ROD AND CAP |
| FIRC | FOUND IRON ROD AND CAP |
| FIR | FOUND IRON ROD |
| N&D | NAIL AND DISK |
| DESC | DESCRIPTION |
| ID. | IDENTIFICATION |
| F. B. | FIELD BOOK |
| P. B. | PLAT BOOK |
| PG. | PAGE |
| R/W | RIGHT-OF-WAY |
| LB | LICENSED BUSINESS |
| P. S. M. | PROFESSIONAL SURVEYOR
AND MAPPER |
| PLS | PROFESSIONAL
LAND SURVEYOR |
| NO. | NUMBER |
| S-T-R | SECTION, TOWNSHIP
AND RANGE |
| P. U. E. | PUBLIC UTILITY EASEMENT |
| CONC. | CONCRETE |
| FND. | FOUND |
| CDR. | CORNER |
| E. O. P. | EDGE OF PAVEMENT |
| (P) | PLAT |
| (F) | FIELD |
| (C) | CALCULATED |
| (C&D) | CALCULATED AND DEED |
| (F&D) | FIELD AND DEED |
| (F&P) | FIELD AND PLAT |
| (C&P) | CALCULATED AND PLAT |
| CB | CATCH BASIN |
| A/C | AIR CONDITIONER |
| ⊕ | SANITARY MANHOLE |
| ⊙ | TELEPHONE PEDESTAL |
| ⊙ | POWER POLE |
| ⊙ | WATER METER |
| - E - | OVERHEAD POWER LINES |
| 5.0x | GROUND ELEVATION |
| ⊙ | LOT NUMBER |
| C | CENTERLINE |

NOTES:
BEARINGS ARE STATE PLANE, FLORIDA WEST ZONE AND ARE BASED ON THE
SOUTHEASTERLY RIGHT OF WAY LINE OF HIBISCUS DRIVE BEING N 47°16'27" E.

ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988
(NAVD88) WITH TIES TO THE FLORIDA DEPARTMENT OF TRANSPORTATION PERMANENT
CONTROL NETWORK.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CERTIFIED TITLE REPORT AND
IS NOT A CERTIFICATE OF TITLE, ZONING OR FREEDOM FROM ENCUMBRANCES.

UNDERGROUND IMPROVEMENTS, OTHER THAN SHOWN, IF ANY, WERE NOT LOCATED.

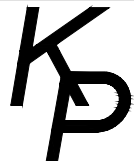
PARCEL LIES IN FLOOD ZONE AE, WITH A BASE FLOOD ELEVATION OF 12 FEET, AS
SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY MAP 12071C0558G, EFFECTIVE
DATE: 11/17/2022.

PARCEL SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

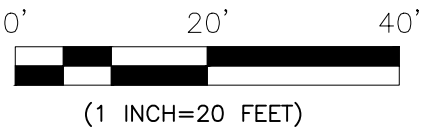
THE FLORIDA DEPARTMENT OF TRANSPORTATION PERMANENT CONTROL NETWORK WAS
UTILIZED ON THIS BOUNDARY SURVEY AND THE DATUM IS NORTH AMERICAN DATUM
NAD(83)-(2011)-(EPOCH 2017.000). THE STATED HORIZONTAL ACCURACY IS 1-2
CENTIMETER. THE STATED VERTICAL ACCURACY IS 2-3 CENTIMETER.

SURVEYOR'S CERTIFICATION:

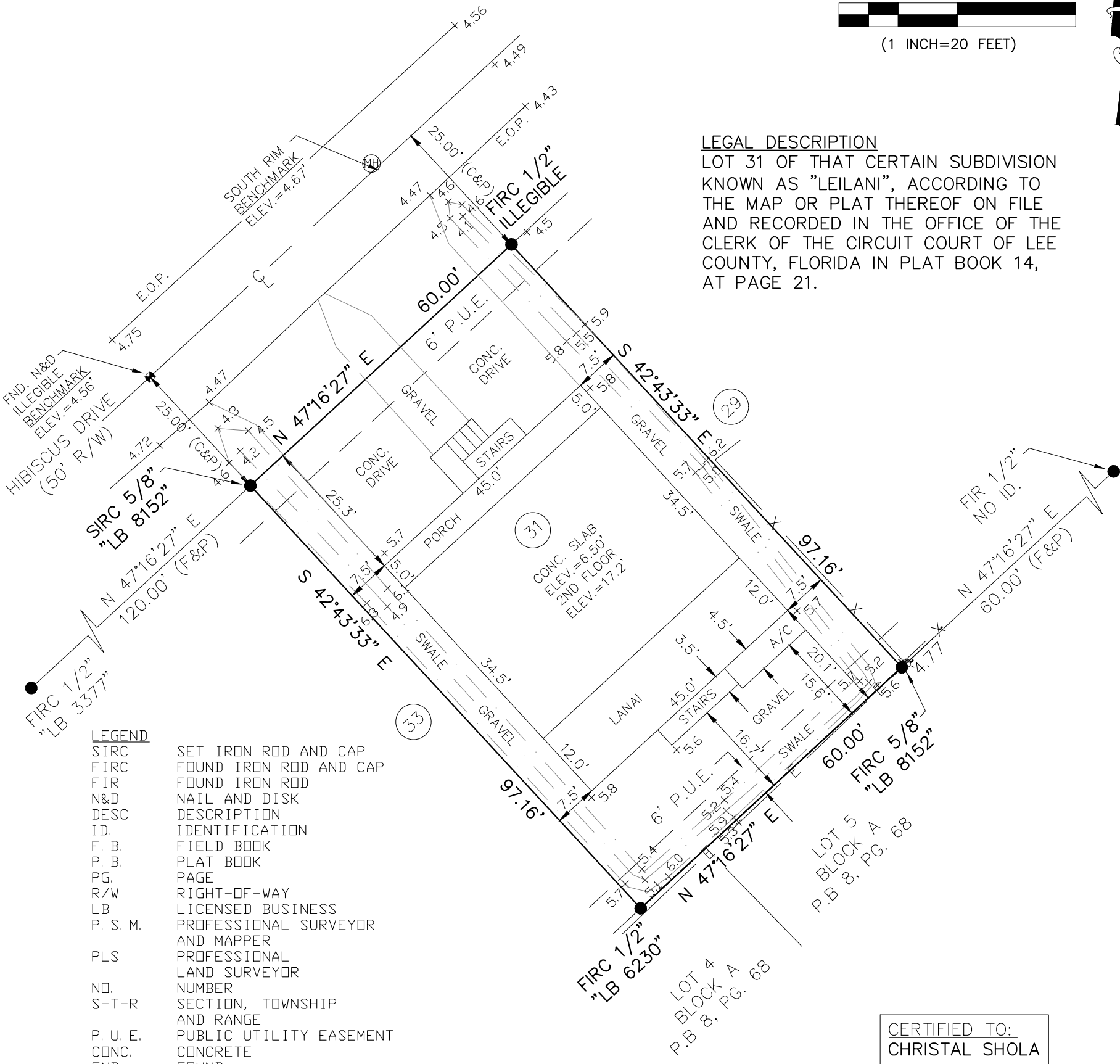
I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE
THAT THIS SURVEY OF THE HEREON DESCRIBED
PROPERTY IS A TRUE REPRESENTATION OF A FIELD
SURVEY MADE UNDER MY DIRECTION AND CONFORMS
TO THE STANDARDS OF PRACTICE FOR PROFESSIONAL
SURVEYORS AND MAPPERS AS OUTLINED IN CHAPTER
5J-17, FLORIDA ADMINISTRATIVE CODE.

	ADDRESS: 138 HIBISCUS DRIVE, FORT MYERS BEACH, FL 33931			LAST FIELD DATE: 11/04/2025	
	PROJECT No: 25-0097	PROJECT Desc: BOUNDARY SURVEY	REVISIONS: 11/04/25 ADDED STAIRCASE DIMENSIONS		
	S-T-R 29-46-24	COUNTY LEE	STRAP: 29-46-24-W2-01431.0000		
KP Surveying, Inc. <i>LB NUMBER 8152</i> <i>2802 W. Cypress Avenue S.E.</i> <i>Fort Myers, Florida 33905</i> <i>(239) 462-1901</i>		FIELD DATE: 11/18/22	NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER OR A DIGITAL SIGNATURE.	KENNETH PUFAHL  Digitally signed by KENNETH PUFAHL Date: 2025.11.05 04:44:38 -05'00'	
		DRAWN BY: KP			
		DATE DRAWN: 11/21/22			
		CAD FILE: 24-0185			
		Ken Pufahl, P.S.M. PROFESSIONAL SURVEYOR & MAPPER FLORIDA CERTIFICATE NUMBER 6126			
		DATE			

FINAL AS-BUILT SURVEY LYING IN
SECTION 29, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



LEGAL DESCRIPTION
LOT 31 OF THAT CERTAIN SUBDIVISION
KNOWN AS "LEILANI", ACCORDING TO
THE MAP OR PLAT THEREOF ON FILE
AND RECORDED IN THE OFFICE OF THE
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- LEGEND**
- | | |
|----------|-------------------------------------|
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- NOTES:**
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CERTIFIED TO:
CHRISTAL SHOLA

SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE
THAT THIS SURVEY OF THE HEREON DESCRIBED
PROPERTY IS A TRUE REPRESENTATION OF A FIELD
SURVEY MADE UNDER MY DIRECTION AND CONFORMS
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	ADDRESS: 138 HIBISCUS DRIVE, FORT MYERS BEACH, FL 33931		LAST FIELD DATE: 11/04/2025	
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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: 138 HIBISCUS DR
STRAP Number: 29-46-24-W2-01431.0000
Applicant: CHRISTAL SHOLA Phone: 401-575-0531
Contact Name: CHRISTAL SHOLA Phone: 401-575-0531
Email: cdshola@cox.net Fax: N/A
Current Zoning District: RS
Future Land Use Map (FLUM) Category: Low Density
FLUM Density Range: Low Density 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*: Christal Shola Phone: 401-575-0531
**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: 138 Hibiscus Dr. Fort Myers Beach, FL
Email: cdshola@cox.net Fax: N/A
Contact Name: Christal Shola Phone: 401-575-0531



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 - 638
- ☐ Conventional Rezoning from _____ to _____
- ☐ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☐ Amendment. List the project number: _____
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

- ☐ Appeal of Administrative Action
- ☐ Vacation ☐ Right-of-Way ☐ Easement
- ☐ Other. Please Explain: _____
- _____
- _____

PART III – Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☒ Single Owner (individual or husband and wife)

Name: Christal Shola Phone: 401-575-0531

Mailing Address: 138 Hibiscus Dr. Fort Myers Beach, FL 33931

Email: cdshola@cox.net Fax: N/A

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Christal Shola 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]
Signature

Christal Dame Shola
Printed Name

STATE OF FL COUNTY OF Lee

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 21 day of November, 2025, by Christal Shola ☐ who is personally known to me OR ☒ who has produced FL DL as identification.

[Signature]
Notary Public Signature

PART V Property Ownership (Multiple Owners)



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

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

DISCLOSURE OF OWNERSHIP INTEREST

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

Name and Address

Percentage Ownership

_____	_____
_____	_____
_____	_____
_____	_____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address

Percentage of Ownership

_____	_____
_____	_____
_____	_____
_____	_____

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

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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

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

_____	_____
Signature	Printed Name

AFFIDAVIT

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Signature

Title

Typed or Printed Name

Date

STATE OF _____ COUNTY OF _____

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

Seal

Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: _____

Property Address: 138 Hibiscus

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) 60 feet
Depth (please provide an average width if irregular in shape) 97.16 feet
Frontage on street: 60 feet. Frontage on waterbody: N/A feet
Total land area: 5829.6 ☐ acres ☒ square feet

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

Go south on Estero 2 miles to Hibiscus Dr.

☐ 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:
Project Name: 138 HIBISCUS DR
Authorized Applicant: CHRISTAL SHOLA
LeePA STRAP Number: 29-46-24-W2-01431.0000

Current Property Status: Completed New House Construction	
Current Zoning: RS	
Future Land Use Map (FLUM) Category: Low Density	
Comp Plan Density:	Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
34-638 (b)(1)(a) table 34-3	Minimum Setbacks - Principal Bldg.
34-638 (d)(1)(g)	Minimum Setbacks - Mechanical Equip.

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:
34-638 (b)(1)(a) table 34-3, Minimum Setbacks - Principal Bldg. for rear stairs to go up to the
elevated, cantilevered equipment platform. The request is to provide a 3.3' setback
deviation from the required 20' rear setback required. The actual setback of the stairs
is shown on the final survey at 16.7'.
34-638 (d)(1)(g), Minimum Setbacks - Mechanical Equipment - for elevated, cantilevered
equipment platform that house the a/c condenser and the FPL electrical meter. The request
is to provide for a 1.4' setback deviation from the required 17' rear setback required for
mechanical equipment. Per LDC section, equipment such as air conditioners and meters may
encroach up to 3 feet into the rear setback.

Reasons for request

Explain why the variance is needed:
Both variances are needed as the house has been completed construction and is
pending on the CO. In an effort to be resilient to hurricane damage, the FPL meter was
installed on the cantilevered equipment platform, but had to meet the size of FPL
requirements for a platform, thus making the platform deeper than originally planned.
A permanent set of stairs with railings had to be installed to meet FPL's requirement.
Since the stairs were required by FPL, we then provided access to this platform from the
rear upper patio.

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

There is no negative effect of the variance to the surrounding properties. The equipment platform is cantilevered and has no columns below to block any views. The stairs are open with no enclosed walls below.

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

We are asking for a minimum amount of variance in order to make the house more resilient for future storms. If the variance isn't granted, the electrical meter will need to be relocated to the ground level and all new wires will need to be re-run.

PART 2

Submittal Requirements

All applications for a variance must be submitted electronically through our Iworq portal - [iworq \(talktomycity.com\)](http://iworq.talktomycity.com)

Required Items

- Public Hearing Request Form
- Supplemental form PH-B
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; and a clear illustration of the proposed variance
- Fee in the amount of \$1800.00 (residential)/Additional Variance \$500.00
- Variance (non-residential) \$2800.00/ Additional Variance \$700.00

Guide to filing PH-B Additional Required Information for a Variance Application

Cover page

Case Number will be inserted by Community Development staff.

Project Name must be the same as the name used on the Request for Public Hearing form.

Applicant must be the same as on the Request for Public Hearing form.

STRAP numbers must be the same as on the Request for Public Hearing form.

Current status of property must be the same as on the Request for Public Hearing form.

“Variance is requested from...” Provide the section number and title of each section of the Fort Myers Beach Land Development Code from which a variance is being sought.

Narrative statements

If the application is for multiple variances, complete all of the narrative statements for each variance that is requested.

Site plan

The site plan must show all existing structures on the site; all existing structures within 100 feet of the perimeter boundary of the site; and a clear illustration of the proposed variance.

LDC Section 34-87

The guidelines for decision-making regarding a request for a variance are as follows:

1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a *de minimis* variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;
2. Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question;
3. Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;
4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare;
5. Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

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

Yellow Sheet Number: **2025-715**

1. Request:

Meeting Date: December 16, 2025

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING/APPROVING WITH CONDITIONS/ DENYING A REZONING TO A COMMERCIAL PLANNED DEVELOPMENT (CPD) FOR THE PROPERTY LOCATED AT 175 STERLING AVENUE, A PARCEL GENERALLY IDENTIFIED AS STRAP NUMBER 33-46-24-W2-00004.0000 TOWN OF FORT MYERS BEACH; FROM INSTITUTIONAL FOR A REDEVELOPMENT OF THE FORT MYERS BEACH WOMEN'S CLUB; PROVIDING FOR CONFLICT OF LAW, SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The LPA hears the CPD cases and makes recommendations to the Town Council.

What the action accomplishes:

The LPA's recommendations will be forwarded to the Town Council.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Ordinance

5. Background:

James Ink of Ink Engineering, Inc., applicant for 175 Sterling Avenue, is requesting a rezoning of the property from Institutional to Commercial Planned Development (CPD) to facilitate the redevelopment of the membership organization, FMB Women's Club.

The property at 175 Sterling Avenue has housed the Fort Myers Beach Women's Club since 1950, in a building originally constructed in 1947. Currently, the site is zoned Institutional, with a future land use designation of Boulevard. Its location at the rear end of the Boulevard, adjacent and parallel to Estero, makes it suitable for rezoning to CPD without requiring a comprehensive plan amendment.

Attachments:

1. Final NS Ordinance 25-20 CPD FMB Women's Club_uma_JAS
2. Exhibit A: Master Concept Plan v1.2-1
3. Exhibit B: Schedule of Uses
4. LPA staff report-Draft-Dec16CPD FMB Women's Club
5. Exhibit C: Boundary Survey
6. Exhibit D: Application Packet
7. 25-20, business-impact-estimate CPD WomensClub

Financial Impact:

Unknown

6. Alternative Action

Deny

7. Staff Recommendations:

Approval With Conditions

8. **Recommended Approval:**

Georgina Cid, Community Development Manager

Date: December 09, 2025

Frankie Kropacek, Community Development Director

Date: December 10, 2025

nancy stuparich, Town Attorney

Date: December 10, 2025

Amy Baker, Town Clerk

Date: December 10, 2025

ORDINANCE 25-20
(FMB Women's Club)

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING/REPEALING WITH CONDITIONS/ DENYING A REZONING TO A COMMERCIAL PLANNED DEVELOPMENT (CPD) FOR THE PROPERTY LOCATED AT 175 STERLING AVENUE, A PARCEL GENERALLY IDENTIFIED AS STRAP NUMBER 33-46-24-W2-00004.0000 TOWN OF FORT MYERS BEACH FROM INSTITUTIONAL TO ALLOW FOR THE REDEVELOPMENT OF THE PROPERTY FOR THE FORT MYERS BEACH WOMEN'S CLUB; PROVIDING FOR CONFLICT OF LAW, SCRIVENER'S ERRORS 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, the Fort Myers Beach Women's Club and Ink Engineering Inc. are the applicants and agents for the property owner, Fort Myers Beach Woman's Club I, and are requesting to rezone the property located at 175 Sterling Avenue and identified as STRAP number 33-46-24-W2-00004.0000 (Subject Property) in the Town of Fort Myers Beach, from Institutional to Commercial Planned Development (CPD); and

WHEREAS, the Subject Property is located in the Boulevard Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, the rezoning request was reviewed by the Fort Myers Beach Local Planning Agency (LPA) at a public hearing on December 16, 2025; and

WHEREAS, at the public hearing, the LPA gave full and complete consideration to the requested rezoning, the recommendations by staff, the documents in the record, and the testimony of the property owner and all interested persons, as required by Section 34-85 of the Town's Land Development Code (LDC) and found the request to be **consistent/not** consistent with the Town's Comprehensive Plan and the requirements of the Land Development Code and voted ____ to ____ recommending **approval/approval with conditions/denial**; and

WHEREAS, on January 20, 2026, the Town Council held a first reading of the title to proposed Ordinance 25-20 and gave full and complete consideration to the request of the applicants, 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 approve/ approve with conditions/ deny Ordinance 25-20 and schedule a second reading of the title to Ordinance 25-20 and adoption hearing on _____; and

WHEREAS, notice of the second reading of the title to Ordinance 25-20 and the adoption hearing was properly noticed and published in the Fort Myers News-Press on the _____ day of _____, 2026, which is more than 10 days prior to the Town Council's final public hearing on the ____ day of _____, 2026; and

WHEREAS, there are no outstanding fees associated with notice, advertisement, and consulting services required by the Town related to this rezoning request; and

WHEREAS, a Business Impact Estimate has been prepared and published on the Town's website; and

WHEREAS, with additional terms, conditions, and requirements, the application is consistent with and in compliance with the Town's Comprehensive Plan and the Land Development Code; and

WHEREAS, Exhibit A is the approved Master Concept Plan (MCP), which future development should be substantially in compliance with; and

WHEREAS, Exhibit B provides the approved development regulations and the schedule of uses during the development process; 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):

- a. The rezoning would carry out the policies and requirements of the Comprehensive Plan and Land Development Code.
- b. The testimony of the applicant, the recommendations of staff and of the local planning agency, and testimony from the public was competent and substantial evidence.
- 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/ approve with conditions/ deny** Ordinance 25-20 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, IT IS HEREBY 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 met its burden of proof that the request to approve the Town of Fort Myers Beach's Ordinance No. 25-20 **does/does not** meet the requirements of the Town's Comprehensive Plan and LDC. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties, the Town Council **APPROVES/APPROVES WITH CONDITIONS/DENIES** the requested application.

Section 3. Town Ordinance 25-20 is adopted by this vote and the Master Concept Plan and Schedule of Uses set forth in Exhibit A and the property development regulations set forth in Exhibit B are attached hereto and incorporated herein by this reference, and are approved

Section 4. 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 5. 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 6. 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 7. 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 _____ and seconded by _____ and upon being put to a roll call vote, the result was as follows:

DULY PASSED AND ADOPTED on this ____ day of ____ 2026.

Dan Allers, Mayor	_____
Scott Safford, Vice Mayor	_____
Jim Atterholt, Council Member	_____
John R. King, Council Member	_____
Rebecca Link, Council Member	_____

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 TOWN OF FORT MYERS BEACH ONLY:

Vose Law Firm, LLP, Town Attorney

This ordinance was filed in the Office of the Town Clerk on _____.

EXHIBITS

- Exhibit A: Master Concept Plan (MCP)
- Exhibit B: Schedule of Uses and Deviations

PROPERTY REGULATIONS

STRAP: 33-46-24-W2-00004.0000

FLU: BOULEVARD

ZONING: INSTITUTIONAL

MAX DENSITY: 6 UNITS PER ACRE

PARCEL SIZE: 1.4 ACRES

ALLOWABLE FAR: 0.8 (48,787 SF)

FEMA FLOOD: AE: COASTAL EL 11.0' - FRONT BLDG
AE: EL 11.0' - REAR BLDG

FEMA MAP: 12071C0566G 11/17/2022

LANDSCAPING BUFFER REQUIREMENTS PER USE:

COM TO SFR - 15' WITH WALL OR 30' WITHOUT WALL

PRKG TO SFR - 15' WITH WALL OR 30' WITHOUT WALL

DEV TO ROW - 15' WITHOUT WALL

PROPERTY REGULATIONS IN INSTITUTIONAL DISTRICT

FRONT SETBACK: 20 FT (STERLING) 25' (LA)

MINIMUM REAR SETBACK: 20 FT

MINIMUM SIDE SETBACK: 7 FT

MAXIMUM FAR: 0.8 (48,787 SF)

MAXIMUM BUILDING HEIGHT: 30 FT ABOVE BASE FLOOD

MAXIMUM NUMBER OF STORIES: 3

ALLOWABLE USES

ADMINISTRATIVE OFFICE (ACCESSORY USE ONLY)

OFFICES: GENERAL

ATM

MEMBERSHIP ORGANIZATION

RECREATIONAL FACILITY

TEMPORARY USES

OUTDOOR CONSUMPTION OF ALCOHOL (RESTRICTED AREA)

RECREATION FACILITY (PRIVATE AND PUBLIC)

FAMILY DAY CARE

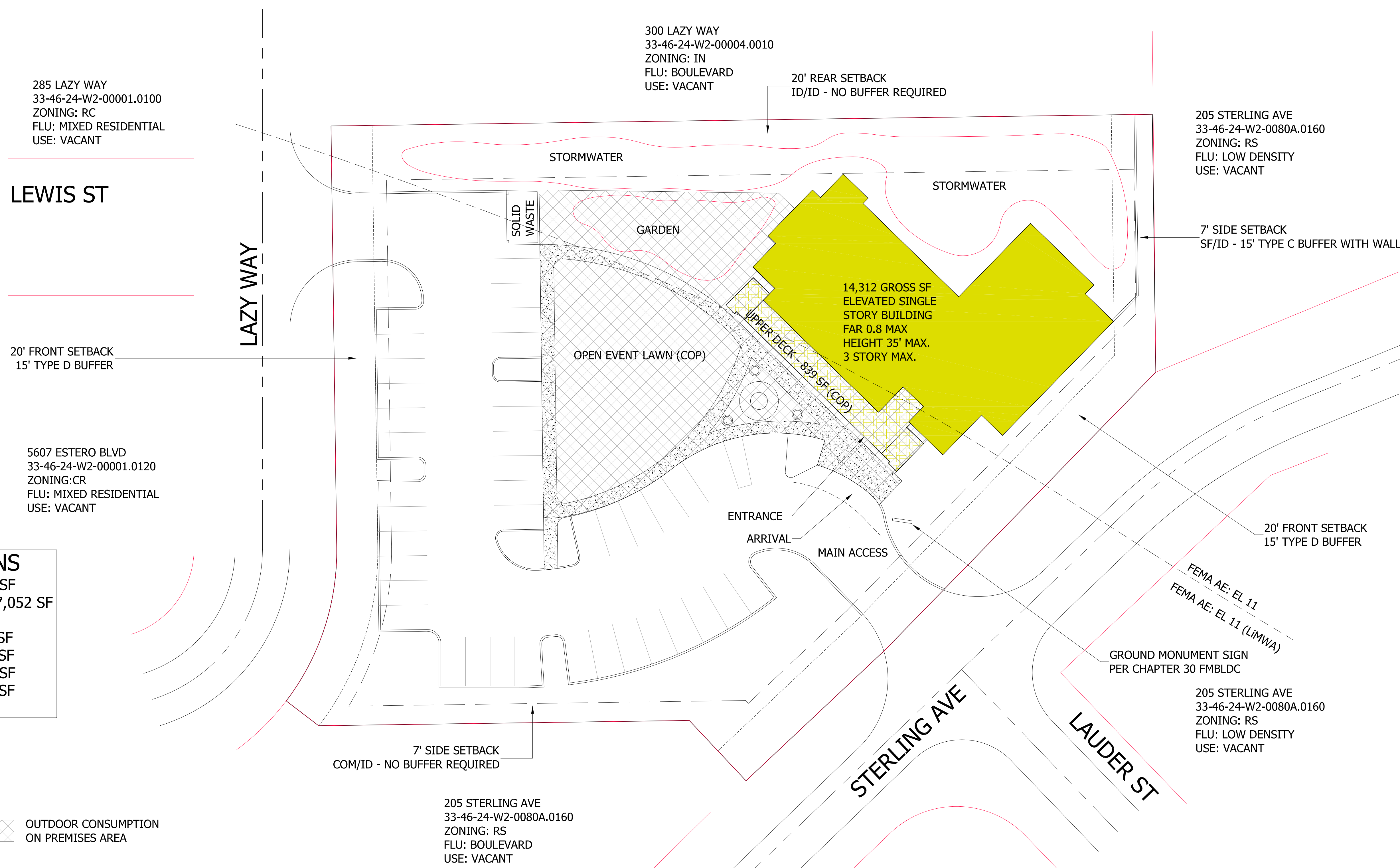
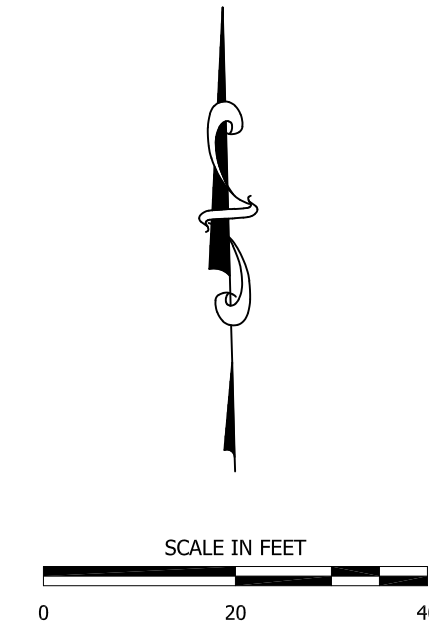
CULTURAL FACILITY

PLACE OF WORSHIP

PARKING SUMMARY				
USE	UNITS	REQUIRED RATIO	SPACES REQUIRED	SPACES PROVIDED
ASSEMBLY	132	1 SPACE PER 4 SEATS	33	33
BACK OF HOUSE	1.4	2 SPACES PER 1,000 SF	3	3
OFFICE	0.66	3 SPACES PER 1,000 SF	2	2
EMPLOYEES	3	1 SPACE PER EMPLOYEE	3	3
NOTES:			41	41
1. TOTAL PROVIDED PARKING INCLUSIVE OF 2 ADA ACCESSIBLE SPACES.				

LAND DATA			
	PROJECT TOTAL (SF.)	PROJECT TOTAL (AC.)	% TOTAL
IMPERVIOUS			
BUILDING	4,000	0.092	6.6%
ASPHALT	17,200	0.395	28.2%
DECK	1,600	0.037	2.7%
CONCRETE	2,775	0.064	4.6%
IMPERVIOUS TOTAL		0.588	42.1%
IMPERVIOUS		0.812	57.9%
		1.4	100%

MASTER CONCEPT PLAN
COMMERICAL PLANNED DEVELOPMENT
FMB WOMENS CLUB FACILITY
175 STERLING AVE
FORT MYERS BEACH, FL 33931



FAR CALCULATIONS

LOT SIZE 58,815 SF

FAR ALLOWED (0.8) 47,052 SF

PROPOSED BUILDING

UNDER AIR 6,737 SF

UPPER DECK 839 SF

GROUND FLOOR 7,575 SF

TOTAL BUILDING 15,151 SF

PROPOSED FAR 0.25

E L Y A Y - O - N		
NO.	DATE	DESCRIPTION
1	9/20/2025	ADD GROUND MONUMENT SIGNAGE

MASTER CONCEPT PLAN

FMB WOMEN'S CLUB FACILITY

FORT MYERS BEACH WOMENS CLUB

175 STERLING AVE, FORT MYERS BEACH FL 33931

THESE PLANS HAVE NOT BEEN CERTIFIED OR NOTIFIED WITHOUT THE SIGNATURE OF THE PROFESSIONAL ENGINEER.

James Ink P.E.
Florida Reg. No. 4466
DATE

INK ENGINEERING INC.
CONSULTING ENGINEERS • PLANNING

2025 WEST FIRST STREET
FORT MYERS, FL 33901
JINK@INKENGINEERINGINC.NET

PROJECT NO.	23027
PROJECT MANAGER	James Ink P.E.
DRAWN BY	BWM
DATE	07.2025
SCALE	1"= 20'
SHEET NO.	1
OF	1



FMB Women's Club CPD Schedule of Uses

The Fort Myers Beach Women's Club schedule of uses are:

- Membership Organization – Principal Use
- Administrative Offices
- On-premises consumption of alcoholic beverages – per MCP
- ATM
- Temporary Uses
- Commercial accessory uses



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

TYPE OF CASE: Commercial Planned Development

CASE NUMBER: DCI Rezoning, 20250203

CASE NAME: 175 Sterling Avenue, rezone the property from Institutional to Commercial Planned Development for the redevelopment of the Women's Club.

LPA

HEARING DATE: December 16, 2025, at 9 AM

STAFF

RECOMMENDATION: Approve with conditions

**PREPARED/
SUBMITTED BY:** Uma Sarmistha, Ph.D.

I. APPLICATION SUMMARY

Applicant/Owner: FMB Women's Club C/o Ink Engineering, Inc.

Request: The applicant is requesting to rezone the property from Institutional Zoning to Commercial Planned Development for the redevelopment of a Women Club

Physical Address: 175 Sterling Avenue

STRAP #: 33-46-24-W2-00004.0000

FLU: Boulevard

Zoning: Institutional District

Proposed Zoning: CPD

Adjacent zoning and land uses:

North: Residential Conservation (RC) and Institutional
/ Mixed Use and Boulevard

South: Residential Conservation (RC)
/ Mixed Use

East: Residential Single-family (RS)
/ Low Density

West: Residential Conservation (RC)
/ Mixed Use

II. BACKGROUND AND ANALYSIS

Background:

James Ink, Ink Engineering, Inc, applicant for 175 Sterling Avenue, is requesting a James Ink of Ink Engineering, Inc., representing the applicant, requests rezoning of 175 Sterling Avenue from Institutional to Commercial Planned Development (CPD) for redevelopment of the Fort Myers Beach Women's Club.

The subject property at 175 Sterling Avenue housed the Fort Myers Beach Women's Club in 1950 in a building built in 1947. The present zoning of the property is Institutional, and the future land use category is Boulevard. The location of the property is at the rear end of the Boulevard and parallel to Estero which makes this property sufficient for rezoning to CPD without a comprehensive plan amendment.

Analysis:

The Fort Myers Beach Women's Club has operated at this location for over 50 years. The club used to operate out of the historic building (first schoolhouse) built in 1938 which was destroyed by Hurricane Ian in 2022. The previous structure on the property was approximately 2792 square feet in size. The newly proposed redevelopment consists of 15,151square foot of building with parking and improvements.

The property has the Future Land Use designation of Boulevard which allows a maximum of 0.8 FAR (with a lot size of 58,815, the approximate building size of 47,052 SF). The proposed building consists of a total of 15,151Square foot of building with 6,737 SF under air, 838 SF of deck and 7,575 SF of ground floor (that will make a FAR of 0.25). The maximum building height allowed by code is 30 feet above base flood and three stories.

The allowable use proposed in the CPD includes Membership organization as the principle use Additionally, an administrative office, ATM, commercial accessory uses will be allowed under accessory use. An on-premises consumption of alcoholic beverages use has been marked in the Master Concept Plan.

The master concept plan includes parking with 2 ADA parking spots, stormwater garden and landscaping around the premises. The proposed building will meet all building regulations and will be designed to be FEMA compliant with dry floodproofing. The master plan also displays the monument sign.

No deviations from the Land Development Code are requested with this CPD application.

Neighborhood Compatibility:

The property housed the Fort Myers Beach Women's Club since it was created. and was destroyed by Hurricane Ian in 2022. The application is to rebuild the facility, which will be larger, modern, resilient, elevated and sustainable. The use of the building was non-conforming the current code. The rezoning will make the use conforming and consistent

with the Comprehensive plan and Florida Building Code.

The rebuilt of the Women's Club is not likely to have an adverse impact on the neighborhood.

Findings and Conclusions:

LDC Sec. 34-85(b) and (c) and 34-216(2) sets forth the required considerations and findings for the approval of a rezoning.

(b) Considerations. In reaching its decision, the town council shall consider the following, whenever applicable:

(1) Whether there exists an error or ambiguity which must be corrected.

Staff response: No errors or ambiguities exist.

(2) Whether there exists changed or changing conditions which make approval of the request appropriate.

Staff response: The site housed Fort Myers Beach Women's Club operating since the 1950's. The historic structure was destroyed by Hurricane Ian and redevelopment of the site will bring back the Women's Club on the Island and consistent with the Land Development Code of the Town of Fort Myers Beach.

(3) The impact of a proposed change on the intent of this chapter.

Staff response: No impact on the intent of this chapter will occur.

(4) The testimony of any applicant.

(5) The recommendation of staff and of the local planning agency.

(6) The testimony of the public.

Staff response: Satisfactory

(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.

Staff response: The proposed development is in compliance with the intensity of the district. The use is permitted use by right in CPD. The proposed site development will be more compliant with the site development requirements than the previous development. Additionally, the new structure will be designed to current building and flood requirements which is supported by the comprehensive plan.

(8) Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.

Staff response: The proposed development will meet performance standards set forth in 34-2031. There are no special location standards for convenience stores.

(9) Whether urban services are, or will be, available and adequate to serve a proposed land use change.

Staff response: The urban services exist in this location.

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

Staff response: The request will have no impact on environmentally critical areas and natural resources.

(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.

Staff response: The proposed use has been in existence in this location for many years. It is not anticipated to have any detrimental impact on existing or planned uses.

(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.

Staff response: This use in this location will not place an additional burden on the transportation network or other facilities and services.

(13) For planned development rezonings, see [§ 34-216](#) for additional considerations.

(c) Findings. Before granting any rezoning, the town council shall find that the requested zoning district complies with:

(1) The Fort Myers Beach Comprehensive Plan.

Staff response: The proposed use for the CPD comply with the Comprehensive Plan.

(2) This chapter.

Staff response: The proposed use complies with this chapter.

(3) Any other applicable town ordinances or codes.

Staff response: The proposed request complies with the town ordinances and codes.

(4) For planned development rezonings, see [§ 34-216](#) of this chapter for additional findings.

a. The proposed use or mix of uses is appropriate at the subject location;

Staff Response: Satisfactory. The proposed use provided in the schedule of uses are consistent with Land Development Code.

b. Sufficient safeguards to the public interest are provided by the recommended special conditions to the concept plan or by other applicable regulations.

Staff response: Sufficient safeguards are provided for the public interest.

c. All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

Staff response: All conditions are related to the impact on the public interest.

d. The proposed use meets all specific requirements of the comprehensive plan that are relevant to the requested planned development, such as the following:

1. Policies 4-B-4 and 4-C-3 on commercial uses in the "mixed residential" category.

Staff response: Not applicable.

2. Policies 4-B-5 and 4-C-3 on commercial rezonings in the "boulevard" category.

Staff response: Not applicable.

3. Policy 4-C-4 on building heights taller than the standard height limit.

Staff response: The proposed structure will be a single-story building.

4. Policy 4-C-8 on density transfers.

Staff response: Not applicable.

5. Policy 4-E-1 on pre-disaster build back.

Staff response:

6. Policy 7-J-2 on traffic impact analyses and potential design improvements that could offset traffic impacts.

Staff response: The proposed development has a similar use to the previous development and as reflected in the traffic study, no adverse impact on traffic is anticipated.

Findings for Deviation Requests:

Per Sec. 34-216(4) all deviations must be approved, approved with modification, or rejected based upon a finding that:

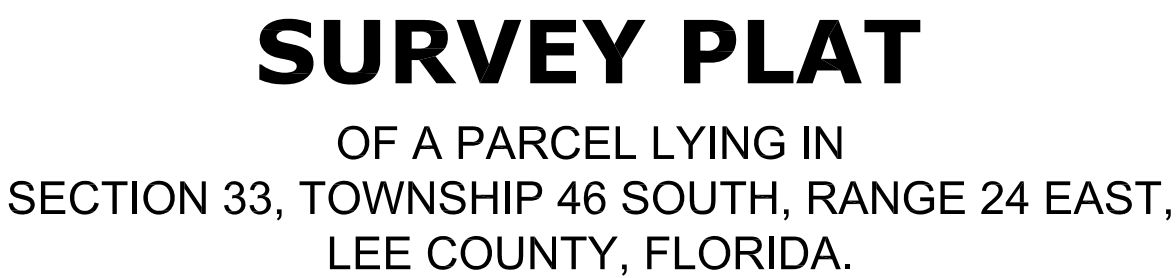
No deviations requested.

III. RECOMMENDATION

Staff find that the CPD with deviations meets the criteria set forth in Sec. 34-85(b) and (c) and 34-216(2) of the LDC and recommends **approval with conditions** of DCI20250203 with the attached conditions.

IV. CONDITIONS OF APPROVAL

1. A local development order is required prior to any development of the site, in accordance with this planned development approval.
2. All state and local permits, including but not limited to right of way and stormwater permits, must be applied for and received prior to site development.
3. All landscaping must meet the Vehicle Visibility at Intersection requirements found in Sec. 34-3131.



OF A PARCEL LYING IN
SECTION 33, TOWNSHIP 46 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA.

BENCHMARK
SET NAIL & DISK, #B9450
SET 5/8" IRON ROD, #B8450
FOUND NAIL & DISK, AS NOTED
FOUND 5/8" IRON ROD, AS NOTED
FOUND CONCRETE MONUMENT, AS NOTED
DRAINAGE STRUCTURE
SANITARY MANHOLE
WOOD POWER POLE
GUY ANCHOR
ELECTRIC SERVICE
P.O.B.
P.O.C.
L.S.
LB
RCD
PLS
FNP
EOP
N/D
C.M.
I.D.
(M)
(P)
OR
ORI
PB
PG
CONC.
R/W
O/H
x 5.11

POINT OF BEGINNING
POINT OF COMMENCEMENT
LICENSED SURVEYOR
LICENSED BUSINESS
REINFORCED CONCRETE PIPE
PROFESSIONAL LAND SURVEYOR
FOUND
EDGE OF PAVEMENT
IRON ROD
NAIL & DISK
CONCRETE MONUMENT
IDENTIFICATION
AS MEASURED
AS PER DESCRIPTION
OFFICIAL RECORDS
OFFICIAL RECORDS INSTRUMENT
PLAT BOOK
PAGE
CONCRETE
RIGHT OF WAY
OVERHEAD UTILITIES
ELEVATION POINT

LINE	BEARING	DISTANCE
L1(M)	N43°15'25"W	30.26'
L1(D)	N42°18'00"W	30.15'
L2(M)	N52°36'39"W	14.92'
L2(D)	N51°39'30"W	15.12'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1(M)	90.00'	59.87'	58.77'	N18°17'15"E	38°06'55"
C1(D)	90.00'	60.00'			
C2(M)	39.93'	62.76'	56.49'	N45°47'43"W	90°03'01"
C2(D)	39.93'	62.96'			

No.	Date	Revision	Description	By

AS PER OR 231, PG 686

BEGINNING AT THE NW CORNER OF GOV'T. LOT 2, SEC. 33, T46 S., R24 E., LEE COUNTY, FLORIDA, THENCE SOUTH ALONG THE W. LINE OF SAID LOT 2, A DISTANCE OF 153.04 FEET; THENCE AT 90°00' LEFT, A DISTANCE OF 200 FEET EAST TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF LAND HEREIN DESCRIBED. THENCE AT 90°00' LEFT A DISTANCE OF 336.56 FEET NORTH; THENCE DEFLECTING 89°57' RIGHT A DISTANCE OF 300 FEET EAST; THENCE DEFLECT 90°03' RIGHT A DISTANCE F 276.56 FEET SOUTH; THENCE DEFLECTING 44°56' RIGHT A DISTANCE OF 141.55 FEET SWLY; THENCE DEFLECTING 44°56' RIGHT A DISTANCE OF 159.92 FEET WEST; THENCE ON THE ARC OF A CURVE, HAVING A RADIUS OF 39.93 FEET DEFLECTING 90°03' RIGHT A DISTANCE OF 62.69' TO THE P.O.B.

ADDED TO DESCRIPTION BY SURVEYOR AS ASSUMED

ALSO:

PART OF THE VACATED STREET AS DESCRIBED IN OFFICIAL RECORDS BOOK 260, PAGE 26, LEE COUNTY PUBLIC RECORDS.

LESS:

THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 231, PAGE 688, LEE COUNTY PUBLIC RECORDS.

THIS PLAT WAS PREPARED AS A BOUNDARY AND TOPOGRAPHIC SURVEY.

THIS SURVEY PREPARED BASED ON THE DESCRIPTIONS OF RECORD, AND EXISTING MONUMENTATION. BEARINGS ARE BASED ON NORTH AMERICAN DATUM OF 1983/2011; THE NORTHWESTERLY RIGHT OF WAY LINE OF STERLING AVENUE AS BEARING N46°44'35"E.

ELEVATIONS ARE BASED ON NORTH AMERICAN DATUM OF 1988, FROM NATIONAL GEODETIC SURVEY BENCHMARK 872 5351 E, ELEVATION: 6.76 FEET.

INFORMATION TAKEN FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NO. 12071C0566G, EFFECTIVE DATE NOVEMBER 17, 2022.

UNDERGROUND IMPROVEMENTS, OTHER THAN THOSE SHOWN, IF ANY, WERE NOT LOCATED.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF AN ABSTRACT OF TITLE AND ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW. PARCEL SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.

SAID PARCEL CONTAINS 58814.77 SQUARE FEET, OR 1.35 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATION:

HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, THAT THIS
 MAP OF THE HEREON DESCRIBED PROPERTY IS A TRUE REPRESENTATION OF
 A FIELD SURVEY MADE UNDER MY DIRECTION AND CONFORMS TO THE STANDARD
 OF PRACTICE FOR PROFESSIONAL SURVEYORS AND MAPPERS AS OUTLINED IN
 CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NO. LS4684

NOTICE:

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

K.F. Trask, P.A.

Land Surveyors

Florida Licensed Business No. LB8450
12345 Blasingim Road
Fort Myers, Florida 33966
(239) 980-1495

date	dwg	scale	job#	sheet
12-7-23	23-48SR	1"=20'	23-48	1 of 1

PROPERTY ADDRESS:
175 STERLING AVENUE
FORT MYERS BEACH, FL 33931



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: 175 Sterling Ave
STRAP Number: 33-46-24-W2-00004.0000
Applicant: FMB Women's Club c/o Ink Engineering, Inc Phone: (239) 940-2504
Contact Name: James Ink Phone: (239) 940-2504
Email: jink@inkengineeringinc.net Fax: _____
Current Zoning District: Civic
Future Land Use Map (FLUM) Category: Boulevard
FLUM Density Range: 6 units/acre Platted Overlay: ☐ YES ☒ NO

ACTION REQUESTED

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

SUPPLEMENTAL FORM REQUIRED

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

PART I – General Information

A. Applicant*: James Ink, Ink Engineering Inc Phone: (239) 940-2504
**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: 2055 West First Street, Fort Myers, FL 33901
Email: jink@inkengineeringinc.net Fax: _____
Contact Name: James Ink Phone: (239) 940-2504



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: James Ink c/o Ink Engineering Inc Phone: (239) 940-2504

Address: 2055 West First Street, Fort Myers, FL 33901

Email: jink@inkengineeringinc.net Fax: _____

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

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☐ Variance from LDC Section _____ - _____
- ☐ Conventional Rezoning from _____ to _____
- ☒ Planned Development
- ☒ Rezoning from Civic 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, Dawn Thomas 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

Dawn Thomas, Past President
Printed Name

STATE OF FLORIDA COUNTY OF LEE

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

presence OR online notarization, this 11 day of JULY, 2025, by

DAWN THOMAS, ☒ who is personally known to me OR ☐ who has produced

 as identification.



MEGAN ZELENAC ALLERS
Notary Public
State of Florida
Comm# HH436895
Expires 8/23/2027


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**

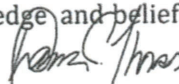
Date of Contract: _____

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

Dawn Thomas - Past President
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, Dawn Thomas (name), as Past President/Current Board Member (title)
of Fort Myers Beach Womens Club, Inc (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.

4/30/2021

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

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COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

Fort Myers Beach Woman's Club

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

Dawn Thomas

Signature

Dawn C Thomas

Typed or Printed Name

Past President

Title

7/2/2025

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

DAWN THOMAS ☒ who is personally known to me OR ☐ who has produced _____ as identification.



MEGAN ZELENIAK ALLERS
Notary Public
State of Florida
Comm# HH436895
Expires 8/23/2027

[Signature]
Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 33-46-24-W2-00004.0000

Property Address: 175 Sterling Ave

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.

4/30/2021

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

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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) 170 feet
Frontage on street: 406 feet. Frontage on waterbody: 0 feet
Total land area: 1.35 ☒ acres ☐ square feet

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

south on Estero from the Sky Bridge 3.1 miles, left on Sterling site on left at
intersection of Sterline and Lauder Street.

☒ 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.



FORT MYERS BEACH WOMEN'S CLUB

Public Hearing Application for a
Commercial Planned Development

Prepared by:





FMB Women's Club CPD Zoning Application

Request Statement

Request to rezone 1.4+/- acres with existing zoning district of Institution (ID), for a membership organization as the primary zoning district at 175 Sterling Ave, Fort Myers Beach, FL 33931.

Introduction and Project Information

Fort Myers Beach women's club was established over 50 years ago. The published mission is: "*The mission of the Woman's Club is to support educational and recreational activities for non-profit, charitable and community organizations operating with the greater Fort Myers Beach Community.*" The club operated out of the island's first schoolhouse built in 1938 until Hurricane Ian on September 28, 2022, destroyed this historical building. The club survives and underway with fund raising to reconstruct the original site with a new modern facility to provide a place for many nonprofits to meet and promote these critical uses for the community.

Applicant (Property Owner): Fort Myers Beach Woman's Club, Inc
P.O. Box 2786
Fort Myers Beach, FL 33931
Dawn@2sunsmt.com
(615) 337-7671

Agent (Contact): Ink Engineering, Inc
James Ink PE
2055 West First Street
Fort Myers, FL 33901
jink@inkengineeringinc.net
(239) 940-2504

Design Consultant: Studio AD
Albert Dambrose
6202 Presidential Court, Suite D
Fort Myers, FL 33919
apd@studioad.net
(239) 292-4098

Property:

Strap #	Address	Zoning
33-46-24-W2-00004.0000	175 Sterling Ave	Institutional



Part I - Narrative Statements

A: Comprehensive Plan Amendments:

The future land use of Boulevard is sufficient for rezoning from ID to CPD. No Comprehensive Plan amendment is required.

B: Phasing Plan:

The proposed project is to be constructed in a single phase.

C: Comprehensive Plan Compliance:

The following narrative is an analysis of the Fort Myers Beach Comprehensive Plan and Goals, Objectives that show consistency and support of the requested rezoning application.

OBJECTIVE 2-B SIDE STREETS — Encourage residents to achieve a higher ambition for their residential streets, improving their walkability, comfort, beauty, interconnectedness, and safety.

The development of the site has green space and walkways that interact with the surrounding area to create an unrestricted access green space for residents.

Goal 4: To keep Fort Myers Beach a healthy and vibrant "small town", while capitalizing on the vitality and amenities available in the beach-resort environment and minimizing the damage that a hurricane could inflict.

OBJECTIVE 4-A SMALL-TOWN CHARACTER – Maintain the small-town character of Fort Myers Beach and the pedestrian-oriented "public realm" that allows people to move around without their cars even in the midst of peak-season congestion.

Unfortunately, on September 28, 2022, Hurricane Ian swept ashore with a large storm surge that caused catastrophic damage to the island. In one day, the old schoolhouse from the 1800's and home of the Fort Myers Beach Women's Club since 1950 was gone. This application is to rebuild with a larger facility to continue the mission of the Women's Club in a modern, resilient, elevated, and sustainable structure to continue the non-profit community involvement that has been on the site for 75 years.

POLICY 4-A-3 The town shall protect residential neighborhoods from intrusive commercial activities.

The subject property is at the rear of the Boulevard FLU commercial uses that parallel Estero Blvd. The historical use is a limited and less intense commercial use that remains perfect as the transition from the more intense commercial directly on Estero Blvd and residential uses on Sterling and Lazy Way. Proper buffering as required in the Land Development Code is sufficient and appropriate to provide the transition from commercial to residential uses.



POLICY 4-A-7 Estero Bay also provides great benefits to the town and can be enhanced by improving public access and reversing the decline in water quality. The Conservation and Coastal Management Elements of this plan outline the town's efforts on these matters.

The original Women's Club did not have a stormwater management system. This redevelopment will provide a stormwater management system to enhance the pre-Ian condition on the island to treat stormwater before discharge into the nearby canal system and into Estero Bay a FDEP Aquatic Preserve.

POLICY 4-B-5 "BOULEVARD": a mixed-use district along portions of Estero Boulevard, including less intense commercial areas, historic cottages, and mixed housing types. This category is not intended to allow commercial uses on all properties; its mixed-use nature is intended to remain permanently. For new residential development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per acre for legally existing dwelling units). To obtain approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process. Non-residential uses (including motels and churches) now comprise 46.9% of the land in this category, and this percentage shall not exceed 70%.

This application is to add the zoning use of membership organization that has been only allowed in Retail districts on the island. Membership Organization by LDC definition is an organization operating with formal membership requirements with the intent to pursue common goals and activities. The women's club qualifies for this purpose as it is a non-profit organization to support the community through events and support of other non-profit organizations that support the island. This mission has been in place on this site since 1950.

POLICY 4-C-2 COMMERCIAL INTENSITY The maximum intensity of allowable commercial development in any category may be controlled by height regulations (see Policy 4-C-4) or by other provisions of this plan and the Land Development Code. Standards in the Land Development Code will encourage more intense commercial uses only in the "Pedestrian Commercial" category. The Land Development Code shall specify maximum commercial intensities using floor-area-ratios (the total floor area of the building divided by the area of the site in the category allowing commercial uses.) The Land Development Code may allow floor-area-ratios in the "Pedestrian Commercial" category as high as 2.5, and in other categories as high as 1.5.

This CPD application does not propose the change to any existing institutional use commercial intensity regulated criteria. The FAR will remain at 0.8 and the building height will remain at 35 feet and 3 stories. The presented master concept plan FAR is



0.25 which is 30% of what is allowable. The proposed building is a one-story elevated structure which is less than the allowable 3 stories.

POLICY 4-C-3 COMMERCIAL LOCATIONS: When evaluating proposals for new or expanded commercial uses in categories where they are permitted, the following principles shall apply:

iv. In the "Boulevard" category, where mixed-use development including some commercial uses may be permissible, landowners may seek commercial rezoning only through the planned development process. Proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code.

This application is consistent with this Policy by the application is a request for a planned Development rezoning just to add the membership organization zoning use.

Note: other subcategories in the Plan under Policy 4-C-3 Commercial Locations are not relevant to this application.

POLICY 4-C-4 BUILDING HEIGHTS: The Land Development Code shall limit the height of new buildings under most conditions to two stories above flood elevation (exceptions may include the build back situations (See Policy 4-D-1 and 4-E-1), and different heights may be applied to officially designated redevelopment areas such as Times Square, Red Coconut/Gulf View Colony, and Villa Santini Plaza.) In those case where individual parcels of land are so surrounded by tall buildings on lots that contiguous (or directly across a street) that this two-story height limit would be unreasonable, landowners may seek relief through the planned development rezoning process, which requires a public hearing and notifications of adjacent property owners. The town will approve, modify, or deny such requests after evaluating the level of unfairness that would result from the specific circumstances and the degree the specific proposal conforms with all aspects of this comprehensive plan, including its land-use and design policies, pedestrian orientation, and natural resource criteria. Particular attention would be paid to any permanent view corridors to the Gulf or Bay waters that could be provided in exchange for allowing buildings to be taller than two stories. In each case, the town shall balance the public benefits of the height limit against other public benefits that would result from the specific proposal.

The proposed project is within the allowable heights of the Land Development Code for the existing zoning district and remains a single-story use but is elevated as required by FEMA FIRM requirements.



OBJECTIVE 7-B CONVENTIONAL SOLUTIONS – The usual response to traffic congestion is widening roads or building alternate routes. Estero Island's long narrow shape, frequent navigable canals, sensitive environmental, and highly urbanized character preclude these solutions. Congestion management at Fort Myers Beach must aim to reduce delays and improve safety, not just for motorists but for pedestrians and bicyclists as well.

Transportation is a main concern of any new or redevelopment in the town. One of the requirements of the zoning application is to provide an acceptable Traffic Impact Statement (TIS) addressing the impacts of the proposed development and how it integrates into the existing transportation network. The TIS must be consistent with the Comprehensive Plan, Land Development Code and Levels of Service that are stated as a minimum for any new trip generation. Methodology and typical Traffic Engineering principles will demonstrate redevelopment of the site will not cause any detrimental impact to Estero Blvd.

OBJECTIVE 8-9 LEVELS OF SERVICE – Maintain minimum acceptable levels of service for potable water, sanitary sewer, and solid waste disposal.

The service providers have been requested to provide service ability letters as included in the application that there is sufficient Potable Water (Town of Fort Myers Beach), Sanitary Sewer (Lee County Utilities), and Solid Waste (Lee County Solid Waste) capacity to service the proposed project. First responders for Fire, EMS and Sheriff have also provided letters of availability to serve.

GOAL 9: to provide optimal flood protection and improved stormwater quality within the constraints imposed by location and existing land-use patterns.

During the Development Order and Building Permit process the project will demonstrate that it has been designed compliant with FEMA FIRM, SFWMD stormwater, and Land Development Code regulations.

D: Design Standards Compliance:

The design standards listed in Division 7, Commercial Design Standards shall comply. The CPD documents have elevations as the Architectural Exhibits and shall be primary per 34-992(b).

E: Decision-making Compliance:

The application shall consist of sufficient documentation, plans, and reports such that Town staff can find the application sufficient and prepare a recommendation to the boards having jurisdiction. The application will be heard before the Local Planning Agency to review and determine a recommendation to the Town Council considering substantial competent evidence presented by applicants, staff and public. Town Council will hold two public hearings to hear and consider submitted substantial competent evidence presented by applicants, staff and public. A determination will be issued at the close of the second hearing. Section 34-85 FMBLDC addresses the following requirements. Commentary of compliance is provided.

(1) Whether there exists an error or ambiguity which must be correct.

Any errors or ambiguities will be resolved during staff review, LPA hearing and recommendations, and during Town Council public hearings.

(2) Whether there exist changed or changing conditions which make approval of the request appropriate.

Hurricane Ian drastically changed the conditions on the island. Prior to the storm the Women's Club operated as legal non-conforming use within the town. The use was a carryover from the club operating since the 1950's and the town's incorporation and creation of the Land Development Code in the 1990's. This application is to provide membership organization zoning use to have the project consistent with the Land Development Code moving forward.

(3) The impact of a proposed change on the intent of this chapter

The Women's Club is consistent with the Purpose of the zoning chapter by providing present and future needs of the Town and providing safe, healthy, convenient, prosperity and welfare of the citizens of the Town of Fort Myers Beach.

(4) The testimony of the applicant

Women's Club has retained the best consultants in the field to design a development. Studio AD for Architecture and Ink Engineering for Planning and Civil Engineering services has demonstrated the experience to design projects that are consistent with the vision of the Town of Fort Myers Beach to remain a small-town character. There will be substantial competent evidence and testimony that will be introduced into the record during the review and public hearing process that will be without question.

(5) The recommendation of staff and of the local planning agency

The application and public hearing testimony of applicant, staff and public will be considered in the recommendations provided by staff and LPA.

(6) The testimony of the public

The public will be afforded an opportunity to comment at the public hearings to voice their opinions. This testimony will be considered, as appropriate, to the request in the decisions and recommendations of the Council and LPA.

(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.

As presented in Section C of this narrative, commentary has been provided of how the proposed application is consistent with the Comprehensive Plan.



(8) Whether the request meets or exceeds all performance and location standards set forth for the proposed use.

The Women's Club has operated on this property since the 1950's. The Location of this low intensive use is still compatible with the existing surrounding Institutional, Commercial and Residential uses.

(9) Whether urban services are or will be available and adequate to serve a proposed land use change.

Public providers of Potable Water, Sanitary Sewer, Solid Waste, Public Transportation, Fire, EMS, and Sheriff have all provided documentation that service can be provided for the intent use.

(10) Where the request will protect, conserve, or preserve environmentally critical areas and natural resources.

The subject property does not have any critical areas or natural resources on the site. Compliance with the Land Development Code and SFWMD Handbook will ensure during the Development Order Design and Permitting phase that all environmental compliance is met.

(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.

The proposed project is to codify a use that has been in place since the 1950's and is only required due to Hurricane Ian impacts.

(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.

Service for providers for Potable water, Sanitary sewer, Solid Waste, Fire, EMS, Lee Tran has provided documentation that service is available. These letters are in the application. A Traffic Impact Statement is provided in the application to demonstrate compliance with Town of Fort Myers Beach Land Development Code and Comprehensive Plan requirements.

(13) For Planned Development rezonings See 34-216 for additional considerations.

The analysis for this section is included in 34-216(2) as follows:

a. The proposed use or mix of uses is appropriate at the subject location.

The Schedule of Uses are listed in a separate exhibit. These uses are to provide a historical legal non-conforming use (membership organization) that has existed since 1950 and pre-dates the Land Development Code.

- 
- b. Sufficient safeguards for the public interest are provided by the recommended special conditions to the concept plan or by other applicable regulations.*

The existing historical use will have added compliance with the Land Development Code with Buffers and Setback that are appropriate for safeguarding the adjacent properties and neighborhood area.

- c. All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.*

There are no Special Conditions requested that deviates from the Land Development Code.

- d. The proposed use meets all specific requirements of the comprehensive plan that are relevant to the requested planned development.*

The attached Zoning Narrative with Comprehensive Plan compliance demonstrates the proposed project meets all specific requirements of the Comprehensive Plan.

F: Deviations and written justification:

There are no requested deviations.

G: Administrative amendments to approved Master Concept Plan:

There are no administrative amendments.

Schedule of Uses:

The schedule of uses is provided on separate exhibit that are part of the application.

Property Development Regulations:

The property development regulations are provided on separate exhibit that are part of the application.

Summary:

The Commercial Planned Development singular request to allow a membership organization use on the subject property and the reconstruction of the clubhouse which was over 100 years old. The Women's Club will continue to function as they have since the 1950's but in a new resilient, sustainable, and consistent with current Florida Building Code, FEMA FIRM guidelines, and Fort Myers Beach Land Development Code.

FMB Women's Club CPD CPD Development Regulations

SETBACKS:

Front Setback (Sterling)	20 feet
Front Setback (Lazy Way)	20 feet
Side setback	7 feet
Rear setback	20 feet
Waterbody	Not Applicable

FAR (max) 0.8

BUILDING COVERAGE: Not Applicable

HEIGHT:

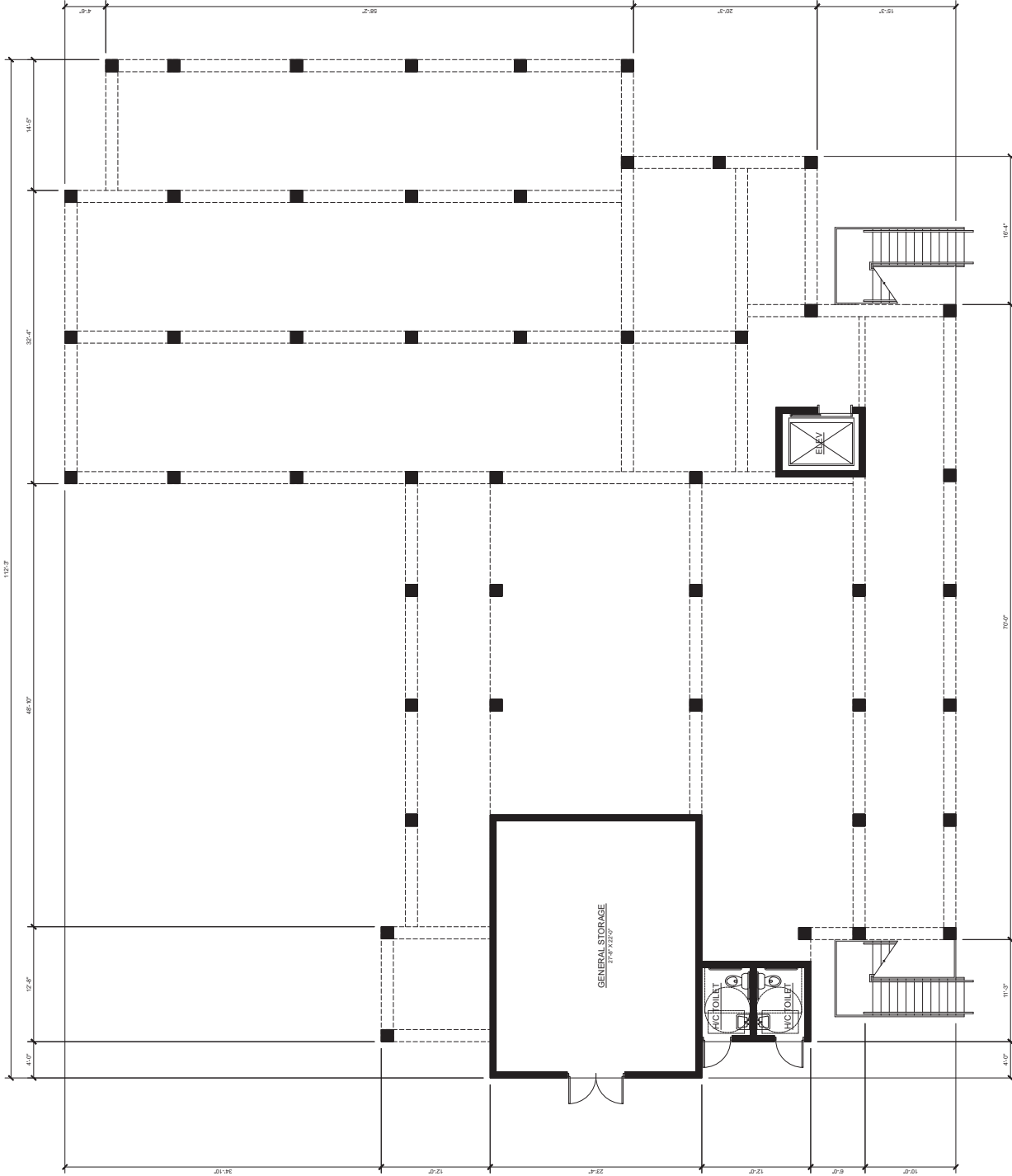
30 feet above design flood elevation (DFE) and no taller than three stories

BUFFERS:

Right of Way	15' Type D buffer
Site Setback (Com)	No buffer required
Side Setback (Res)	15' Type C buffer with wall
Rear Setback (ID)	No Buffer Required



TOTAL BUILDING = 15,151 SQ. FT. WHICH IS LESS THAN 47,052 ALLOWED



SCHEMATIC GROUND FLOOR PLAN

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





WEST ELEVATION (VIEW FROM LAZY WAY)



EAST ELEVATION (VIEW FROM STERLING AVE)



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 Town's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: (25-20)

**AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA
APPROVING/APPROVING WITH CONDITIONS/DENYING THE COMMERCIAL PLANNED
DEVELOPMENT (CPD) REZONING FOR THE PROPERTY LOCATED AT 175 STERLING
AVENUE, A PARCEL GENERALLY IDENTIFIED AS STRAP NUMBER 33-46-24-W2-00004.0000
TOWN OF FORT MYERS BEACH; 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 Town is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the Town 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
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

¹ See Section 166.041(4)(c), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Town 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 is to rezone and rebuilt the Fort Myers Beach Women's Club at 175 Sterling Avenue. The Rezoning to Commercial Planned Development (CPD) will make the use of the property compliant to current comprehensive plan, Land Development Code and Florida building standard.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town, 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 Town's 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 the ordinance.

The ordinance 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:

One property owner will be impacted by this proposed ordinance.

4. Additional information the governing body deems useful (if any):

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

Yellow Sheet Number: **2026-150**

1. Request:

Meeting Date: December 16, 2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250081 TO ALLOW LIKE-FOR-LIKE REPLACEMENT OF EXISTING TWO 12-FOOT BY 12-FOOT TIKI HUTS AND 4-FOOT-HIGH POSTS AND ROPE BARRIERS IN ENVIRONMENTALLY CRITICAL ZONING DISTRICT SEAWARD OF THE 1978 CCCL, FOR THE REAL PROPERTY LOCATED AT 2812 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Why the action is necessary:

The LPA makes recommendations to the Town Council regarding the special exception request for a like-to-like replacement after a natural disaster, or may approve the special exception request unanimously.

What the action accomplishes:

The LPA's recommendations will be forwarded to the Town Council, or will serve as the final agency action if the request is approved unanimously.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

The property has supported two 12-foot by 12-foot tiki huts and two circular tiki huts since 1981 which were destroyed during hurricane Ian in 2022. The property also supported 4-foot high posts and rope barriers along both sides of public beach access and along the west and east property line in EC zoning district before Ian. The Applicant replaced the 4-foot high posts and rope barrier in same location after Ian, without applying for a special exception for the same. The Applicant is now proposing like-for-like the reconstruction of two 144-square-foot tiki huts out of the originally existing four tiki huts and 4-foot high posts and rope barriers in the EC district and beyond the 1978 CCCL.

Section 34-652(e) of the Town's LDC allows reconstruction of minor structures like tiki huts and posts and rope barriers into the EC district only by special exception. Therefore, the Applicant is requesting a special exception to allow like-for-like replacement of two 144-square-foot tiki huts and 4-foot high posts and rope barriers in the EC zoning district.

Attachments:

1. Resolution 2025-XX , SEZ 20250081 for 2812 Estero
2. Exhibit A- Site Plan
3. Staff Report - SEZ 20250081 for 2812 Estero- Staff report
4. Application

Financial Impact:

Unknown

6. Alternative Action

Denial

7. **Staff Recommendations:**

Staff recommends **APPROVAL WITH CONDITIONS** for SEZ20250081, a request for the like-to-like reconstruction of the existing two 12-foot by 12-foot tiki huts and 4-foot-high posts and rope barriers in EC zoning district.

8. **Recommended Approval:**

Georgina Cid, Community Development Manager

Date: December 03, 2025

Frankie Kropacek, Community Development Director

Date: December 03, 2025

nancy stuparich, Town Attorney

Date: December 07, 2025

Amy Baker, Town Clerk

Date: December 09, 2025

RESOLUTION NUMBER 2025-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250081 TO ALLOW LIKE-FOR-LIKE REPLACEMENT OF EXISTING TWO 12-FOOT BY 12-FOOT TIKI HUTS AND 4-FOOT-HIGH POSTS AND ROPE BARRIERS IN ENVIRONMENTALLY CRITICAL ZONING DISTRICT SEAWARD OF THE 1978 CCCL, FOR THE REAL PROPERTY LOCATED AT 2812 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, Bonni Delizia on behalf of the owner Caper Beach Club Condo Association, is requesting a special exception to allow like-for-like replacement of two 12-foot by 12-foot tiki huts and 4-foot high posts and rope barriers in Environmentally Critical zoning district seaward of the 1978 CCCL; and

WHEREAS, the STRAP number for the subject property is 30-46-24-W2-02800.00CE; and

WHEREAS, the Property is located in the “Boulevard” 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 “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 December 16, 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

WHEREAS, in accordance with the requirements of LDC Sections 34-84 and 34-88 regarding consideration of eligibility for a Special Exception, the LPA makes the following findings and conclusions:

- 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.

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

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. Failure to comply with any of the above mentioned conditions of approval for the Special Exception will render this approval null and void.

WHEREAS, Ordinance 25-19 amended Section 34-232(b) of the LDC to provide that:

(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 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.

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. SEZ20250081, with the conditions contained herein, received/ did not receive unanimous approval from eligible voting members of the LPA on December 16, 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 _____, 2025.

Local Planning Agency of the Town of
Fort Myers Beach

By: _____

Anita Cereceda, LPA Chair

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 ____, 2025.

Attachment:
Exhibit A: Site Plan



PERPENDICULAR TIES TO THE COASTAL CONSTRUCTION CONTROL LINE
 ① = 225.0' ② = 232.2' ③ = 199.3' ④ = 126.4'
 ① = PERPENDICULAR TIE REFERENCE POINT

GENERAL NOTES
 -REPAIR SITE LIGHTING AS REQUIRED (SEE ELECTRICAL)
 -REMOVE, SALVAGE, RE-GRADE AND REINSTALL PARKING AREA, PATIO AND WALKWAY PAVERS AS NECESSARY. VERIFY ACCESSIBLE SLOPE IN AREAS OF GRADE CHANGE FROM PARKING TO BUILDING ENTRY EXT.
 -REMOVE AND REPLACE DAMAGED CONCRETE CURBS.
 -RE-ESTABLISH ALL LANDSCAPING AND IRRIGATION SYSTEMS.
 -REPAIR STREET FENCING.

POOL AREA
 -CLEAN AND REPAIR POOL STRUCTURE.
 -REPAIR OR REPLACE POOL EQUIPMENT AS NECESSARY.
 -REMOVE, SALVAGE, RE-GRADE REINSTALL POOL DECK PAVERS
 -INSTALL NEW FENCE AT POOL AREA PERIMETER.

TENNIS & SHUFFLE BOARD COURT AREAS
 -OVERLAY TENNIS AND SHUFFLE BOARD COURTS.
 -REPLACE TENNIS COURT FENCING.

12-11-2023

Sand
 Architects, LLC
 368 South Youth Avenue
 P.O. Box 727
 White Park, NY 13353-2727
 Office: (518) 282-3100
 Fax: (518) 282-3100
 Website: www.SandCompas.com
 E-Mail: Sand@SandCompas.com

CAPER BEACH
 FORT MEYERS, FL

A-0.01

1 OVERALL SITE PLAN
 SCALE: 1" = 30'-0"

THESE DRAWINGS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF SAND ARCHITECTS, LLC AND ARE NOT TO BE REPRODUCED OR USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF SAND ARCHITECTS, LLC.



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TYPE OF CASE: Special Exception

CASE NUMBER: SEZ20250081

CASE NAME: Special Exception for like-to-like replacement of existing two 12-foot by 12-foot tiki huts and 4-foot-high posts and rope barriers in EC zoning district, for the property located at 2812 Estero Boulevard.

LPA

HEARING DATE: December 16, 2025, 9:00 am

STAFF

RECOMMENDATION: Approval with conditions

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

I. APPLICATION SUMMARY

Applicant/Owner: Bonni Delizia/ Caper Beach Club Condo Association

Request: To allow like-for-like replacement of existing two 12-foot by 12-foot tiki huts and 4-foot-high posts and rope barriers in the Environmentally Critical zoning district.

The existing tiki huts and posts and rope barriers were destroyed during Hurricane Ian.

Subject property: See attached site plan

Physical Address: 2812 Estero Boulevard

STRAP #: 30-46-24-W2-02800.00CE

FLU: Boulevard and Recreation

Zoning: Residential, Multifamily and Environmentally Critical

Adjacent zoning and land uses:

North:	COMMERCIAL BOULEVARD AND INSTITUTIONAL Commercial Bank and Library
South:	GULF OF MEXICO
East:	MEDIUM RESIDENTIAL AND RECREATIONAL Multifamily Residential and Environmentally Critical
West:	MEDIUM RESIDENTIAL AND RECREATIONAL Commercial Office, Multifamily Residential and Environmentally Critical

II. BACKGROUND AND ANALYSIS

Background:

The applicant is requesting a special exception to allow like-for-like replacement of two 12-foot by 12-foot or 144-square-foot tiki huts and 4-foot-high posts and rope barriers 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 minor structures like tiki huts and posts and rope barriers into the EC district only by special exception. Therefore, the Applicant is requesting a special exception to allow like-for-like replacement of two 144 sq. ft. tiki huts and 4-foot-high posts and rope barriers 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 1979. The property has supported two 12-foot by 12-foot tiki huts and two circular tiki huts since 1981 which were destroyed during Hurricane Ian in 2022. The property also supported 4-foot-high posts and rope barriers along both sides of public beach access and along the west and east property line in EC zoning district before Ian. The Applicant replaced the 4-foot-high posts and rope barriers in the same location after Ian, without applying for a special exception for the same. The Applicant is now proposing like-for-like reconstruction of two 144 sq. ft. tiki huts out of the originally existing four tiki huts and 4-foot-high posts and rope barriers in the EC district and beyond the 1978 CCCL.

Neighborhood Compatibility:

Caper Beach Club Condo Association has been at this location with this layout since 1979. The proposed replacement of tiki huts and posts and rope barriers are similar to pre-Ian conditions. Granting a special exception for the proposed replacement of the tiki huts and 4-foot-high posts and rope barriers 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 two 12-foot by 12-foot tiki huts and 4-foot-high posts and rope barriers 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 two tiki huts and posts and rope does not create any new development or change the location from what previously existed on the site. Therefore, staff believe 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.

The proposed like-for-like replacement of the tiki huts and 4-foot-high posts and rope barriers is consistent with the Town's Comprehensive Plan.

- 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 the two tiki huts and 4-foot-high posts and rope barriers will all be completed in compliance with the Town's Land Development Code.

III. RECOMMENDATION

Staff finds that the special exception to replace two 12-foot by 12-foot tiki huts and 4-foot-high posts and rope barriers in the EC zoning district is in compliance with LDC Sec. 34-88(b).

Therefore, staff recommends **APPROVAL WITH CONDITIONS** for SEZ20250081, a request for the like-to-like reconstruction of the existing two 12-foot by 12-foot tiki huts and 4-foot-high posts and rope barriers.

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) Failure to comply with any of the above mentioned conditions of approval for the Special Exception will render this approval null and void.

IV. EXHIBITS

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: ¹⁶ 2800 & 2800 Estero Blvd. Fort Myers Beach, FL 33931
STRAP Number: 30-46-24-W2-02800.00CE & 30-46-24-W2-02800.000A
Applicant: Caper Beach Club Condominium Association Phone: 239-463-1423
Contact Name: Bonni Delizia Phone: 239-463-1423
Email: bdelizia@caperbeach.com Fax: N/A
Current Zoning District: A
Future Land Use Map (FLUM) Category: _____
FLUM Density Range: _____ Platted Overlay: ☐ YES ☐ NO

ACTION REQUESTED

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

SUPPLEMENTAL FORM REQUIRED

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

PART I – General Information

A. Applicant*: Caper Beach Condominium Association Phone: 239-463-1423
**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: 2810 Estero Blvd. Fort Myers Beach, FL 33931
Email: bdelizia@caperbeach.com Fax: N/A
Contact Name: Bonni Delizia Phone: 239-463-1423



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) <u>Property Manager</u> | |

**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: Kent Brunner Phone: 612-804-4209
Address: 2800 Estero Blvd. Fort Myers Beach, FL 33931
Email: kentbrunner79@gmail.com Fax: _____

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

Name: Sue Cox Phone: 312-9680518
Address: 2810 Estero Blvd.#414 Fort Myers Beach, FL 33931
Email: sue_m.cox@outlook.com Fax: N/A

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]
Signature

Kent Brunner

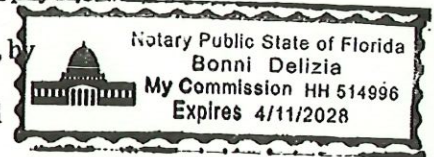
Printed Name

STATE OF FL COUNTY OF Lee

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

presence OR X online notarization, this 25 day of July, 2025, by

Kent Brunner X who is personally known to me OR ☐ who has produced



_____ as identification.

[Signature]
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

4/30/2021

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

Page 4 of 11



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

Kent Brunner

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, Bonni Delizia (name), as Property Manager (title)
of Caper Beach Club Condominium Association (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.

4/30/2021

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

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COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

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

Kent Brunner

Signature

Kent Brunner

Typed or Printed Name

Association President

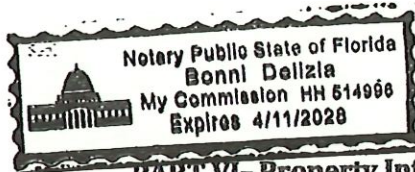
Title

7/19/25

Date

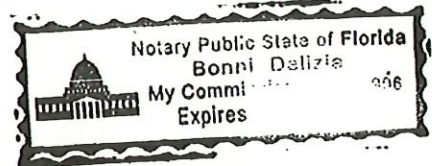
STATE OF FL COUNTY OF Lee

The foregoing instrument was certified and subscribed before me by means of ___ physical presence OR ☒ online notarization, this 25 day of July, 2025, by Kent Brunner ☒ who is personally known to me OR ☐ who has produced ___ as identification.



Bonni Dellizia

Notary Public Signature



PART VI- Property Information

A. Legal Description:

STRAP: _____

Property Address: _____

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? ☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☐ Yes. Property identified in subdivision: _____

Book: _____ Page: _____ Unit: _____ Block: _____ Lot(s): _____

B. Boundary Survey:

☐ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 6-2.

4/30/2021

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

Page 7 of 11



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) _____ feet

Depth (please provide an average width if irregular in shape) _____ feet

Frontage on street: _____ feet. Frontage on waterbody: _____ feet

Total land area: _____ ☐ acres ☐ square feet

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

☐ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

- ☐ There are no deed restrictions and/or covenants on the subject property.
- ☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.
- ☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

- ☐ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.
- ☐ Attach a map showing the surrounding property owners as Exhibit 6-7.
- ☐ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

- | | |
|--|--|
| ☐ Low Density | ☐ Marina |
| ☐ Mixed Residential | ☐ Recreation |
| ☐ Boulevard | ☐ Wetlands |
| ☐ Pedestrian Commercial | ☐ Platted Overlay |



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

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

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

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

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

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

Explanatory Notes – Part I

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

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

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

Explanatory Notes – Part IV

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Explanatory Notes – Part V

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

Explanatory Notes – Part VI

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

line. Exhibit 6-2

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

Explanatory Notes – Part IV & V

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



Case# _____

Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-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: Ropes & Post and Tiki hut replacement
Authorized Applicant: Bonni Delizia
LEIPA STRAP Number(s): 30-46-24-W2-02800.00CE

Current Property Status:
Current Zoning: A
Future Land Use Map (FLUM) Category:
Platted Overlay? ☐ yes ☐ no FLUM Density Range:

Requested Action:

☐ Use of premises in the EC (Environmentally Critical) zoning district for:
☐ Use of premises in the _____ zoning district for:

PART I

Narrative Statements

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

1. To replace 2 tiki huts on the sand that was destroyed during hurricane Ian. We are not changing the location, only replacing what we had.
2. The ropes and post have been replaced to the exact position they were prior to Hurricane Ian. This needs to be permitted. We currently have 15 post
post and ropes in place by public access parking. On the south side of the property
by 2800 building we currently have 12 of the original 14 post and ropes replaced
Building 2810 by access parking we currently have 33 post and ropes in place.
(photos will be attached to the permit)

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:
t and ropes are on Caper Beach Property but are on the same. The 38 post and rope in
ic access entry belong to Town of Fort Myers Beach, but Caper Beach has been taking
s area from a prior arrangement with Frankie of Town of Fort Myers Beach. We would like
continue to maintain this area.



the borders are aesthetically pleasing and define the Caper Beach property. This will not detract from the surrounding properties, but enhances the beauty for Caper Beach. It also provides a physical barrier between Caper Beach property and 2 beach access points and neighboring property. The fence continues and element of the beach aesthetic within Caper Beach Club
--

Page 108 of 135

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

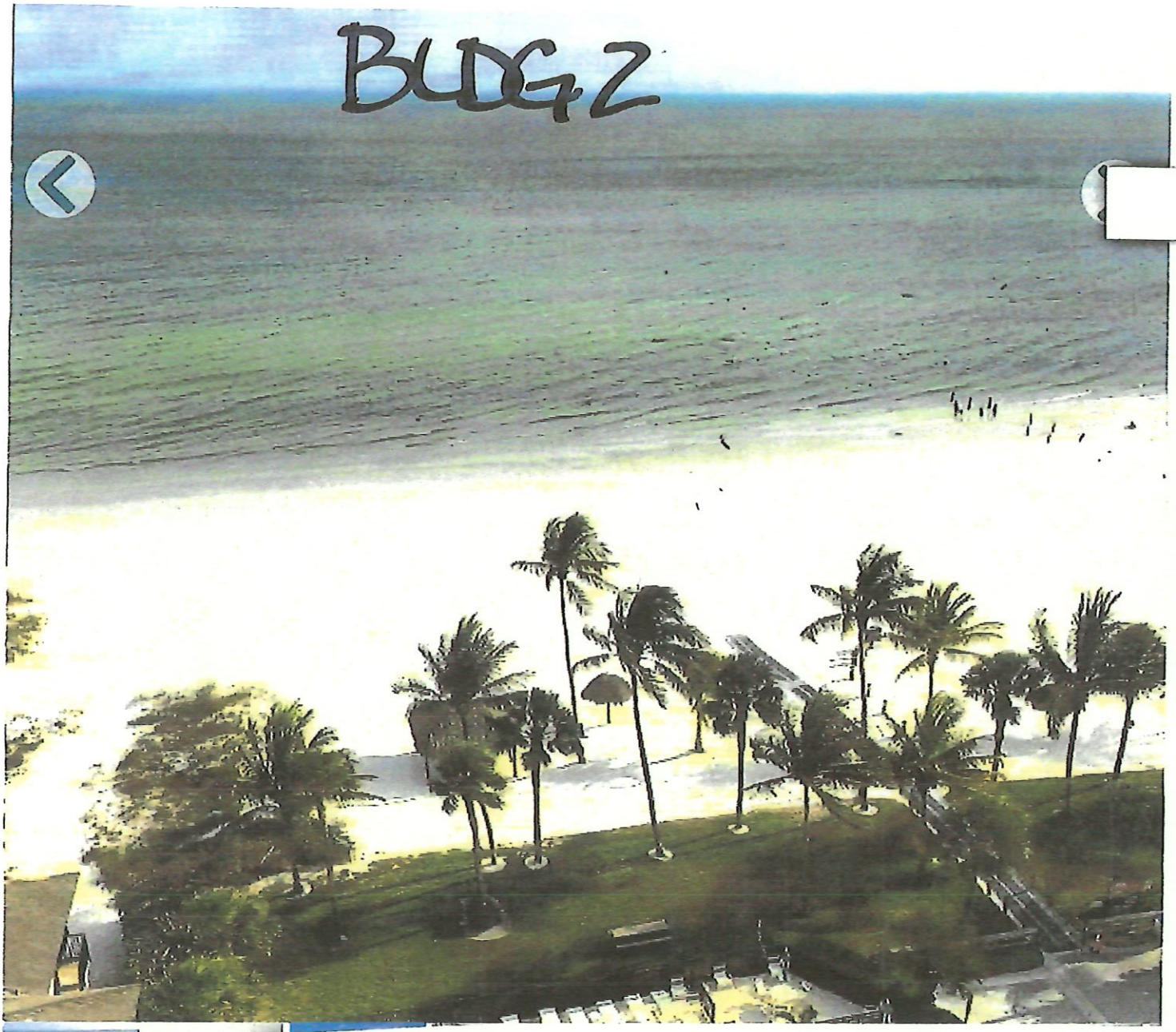
- corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line. Exhibit 6-1
- B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make 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
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 - 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.



BUDG 2





BIG KAHUNA TIKI HUTS, INC.

601 Monroe Ave
Cape Canaveral, FL 32920-2241

Office: (877) 249-4038
palmhuts@yahoo.com
www.palmhuts.com

FL License: CBC1259971

Date: 4/9/2024

Invoice #: 8737

Bill To:

Caper Beach club - Bob Goetz
2800 Estero Blvd
Fort Myers Beach, FL 33931-3520
414-350-5855
b_goetz@yahoo.com

PO#:

Sales Rep:
Jackie Vogel
239-691-6170

"WE DON'T DO CONSTRUCTION, WE CREATE ART!"

Item(s)

Qty Description	Rate	Amount
2 Custom built authentic 12 foot x 12 foot pole to pole with a one foot overhang chickee hut. The main posts going into the ground will be 8" to 10" in diameter and will be sleeved. We use hand selected Florida native cypress poles. (Purlins at top of chickee hut maybe pressure treated wood). The thatched roof will be made from real palm fronds individually attached to the purlins. (Does not include electrical or plumbing).	\$4,680.00	\$9,360.00
NOTES 4 posts @12' pressure treated posts going into sand A-frame design 117' from building		
1 Signed and Sealed Certified Architectural Digital Drawings for Tiki Hut.	\$2,500.00	\$2,500.00
1 Permit Admin Fee	\$750.00	\$750.00
1 Additional cost for permit fees: TBD by your Municipality/County Building Department. These fees may be invoiced separately.	\$0.00	\$0.00
** Customer needs to supply survey with hut location and measurements to nearest property lines **		
1 After each completed phase of the project, the crew supervisor is authorized to collect either CHECK or CASH payment for that portion of the job.	\$0.00	\$0.00
*** Please make checks payable to Big Kahuna Tiki Huts, Inc. ***		
\$3783 deposit received.		
\$8827 is due upon completion of the hut.*		
* Permit fees & any additional work will change the total of the final invoice.		

Total	\$12,610.00
Paid	\$3,783.00
Balance Due	\$8,827.00

Terms

This invoice contains the entire detailed agreement of the parties. All prior understandings and agreements, whether written or oral, between the parties are merged into this invoice. Customer is responsible to determine the location of the tiki hut placement. On re-thatches, additional charges may incur if it is determined that the dimensions of the tiki roof is larger than originally determined by customer or salesman or if damaged wood purlins need to be replaced. Customer is responsible for removing or covering items in/under tiki hut/bar prior to work being done. We are not liable for damages to unremoved or uncovered items. We use authentic palm leaves, therefore we cannot be held liable for insects that may remain on palm leaves. After palm leaves are cut, they are subject to shrinkage and they will change in color after we thatch your tiki hut. Due to the nature of palm leaves drying, you may encounter small opening until the leaves have completely laid down. This usually takes approximately 30-60 days. Palm leaves are guaranteed for 90 days. No warranty on tiki hut against act of nature, weather, fire, or insects. Customer must mark any pipelines, cables, etc. either above or under ground that may interfere with construction. We cannot be held liable for damages to these lines. Big Kahuna is granted permission to use any digital media of work performed. If pavers, tiles, marble, etc. are removed to install posts, then customer is responsible to reinstall. If concrete or coquina rocks have to be removed from the ground to install the main support posts, there will be an additional charge per hole for core drills and it is the customers responsibility to replace the concrete, if desired. Standby time is to be at \$250 per hour for delays not caused by Big Kahuna Tiki Huts payable by customer. We cannot be held liable for loss of income, we have not specified a timeframe for work to be completed. Customer is responsible for payment for any and all permits. DEPOSIT IS NON-REFUNDABLE, PAYMENT IS DUE ACCORDING TO PAYMENT SCHEDULE, IF LISTED, OR IN FULL UPON COMPLETION OF EACH ITEM. By signing below you agree with the terms outlined above.



FMBgov.com

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

Caper Beach Club
2810 Estero Blvd,
Fort Myers Beach, FL 33931

At-Risk letter

I, Robert Goetz the President of Caper Beach Club, hereby acknowledge that a special exception is required for any construction activity to take place seaward of the 1978 Coastal Control Line. The Board will apply for the special exception within 30 days of the issuance of the building permit. We are aware that if the special exception is not approved by the Town Council, the Town will not be liable for any work or damages that have been done by the licensed contractor. We understand that we are proceeding at our own risk.

Signature from Board members or President

Robert Goetz 5.23.24

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | F. 239-765-0909 | 2731 Oak St, Fort Myers Beach, FL 33931

SURVEY PLAT

OF
A PARCEL OF LAND

LYING IN
SECTION 30, TOWNSHIP 48 SOUTH, RANGE 24 EAST,
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA



PERPENDICULAR TIES TO THE COASTAL
CONSTRUCTION CONTROL LINE
O - 1/2" - 1/4" - 1/8" - 1/16" - 1/32" - 1/64" - 1/128" - 1/256" - 1/512" - 1/1024" - 1/2048" - 1/4096" - 1/8192" - 1/16384" - 1/32768" - 1/65536" - 1/131072" - 1/262144" - 1/524288" - 1/1048576" - 1/2097152" - 1/4194304" - 1/8388608" - 1/16777216" - 1/33554432" - 1/67108864" - 1/134217728" - 1/268435456" - 1/536870912" - 1/1073741824" - 1/2147483648" - 1/4294967296" - 1/8589934592" - 1/17179869184" - 1/34359738368" - 1/68719476736" - 1/137438953472" - 1/274877906944" - 1/549755813888" - 1/1099511627776" - 1/2199023255552" - 1/4398046511104" - 1/8796093022208" - 1/17592186044416" - 1/35184372088832" - 1/70368744177664" - 1/140737488355328" - 1/281474976710656" - 1/562949953421312" - 1/1125899906842624" - 1/2251799813685248" - 1/4503599627370496" - 1/9007199254740992" - 1/18014398509481984" - 1/36028797018963968" - 1/72057594037927936" - 1/144115188075855872" - 1/288230376151711744" - 1/576460752303423488" - 1/1152921504606846976" - 1/2305843009213693952" - 1/4611686018427387904" - 1/9223372036854775808" - 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DETAILED SCOPE OF WORK WORKSHEET

(Information required with application. Use of this worksheet is optional.)

Provide a detailed description below of any and all work being proposed. Show work location (#1-13) on site plan.

#1

- 1) We had 2 large and 2 small tiki huts on the beach these were destroyed in 2022 by hurricane Ian. Caper Beach
- 2) wants to put back to pre Ian condition 2 large tiki and 2 small tiki huts to replace what we had.
- 3)

- 4) #2 Caper Beach had ropes and post we replaced these with same amount of ropes and posts we currently have
- 5) 15 ropes & post by public access North Side South Side
- 6) of property by 2800 building we have replaced 12
- 7) of the 14 ropes and post we previously had
- 8) Building 2800 Beach access has 33 ropes and post
- 9) out of 33 we originally had (photos attached)

8)

9)

10)

11)

12)

13)

PERPENDICULAR TIES TO THE COASTAL
CONSTRUCTION CONTROL LINE

① = 335.7' ② = 336.2' ③ = 199.7' ④ = 186.4'

① = PERPENDICULAR OF THE
REFERENCE POINT

OVERALL SITE PLAN
SCALE 1" = 50'-0"

GENERAL NOTES

- REPAIR SITE LIGHTING AS REQUIRED (SEE ELECTRICAL)
- REMOVE, SALVAGE, RE-GRADE AND REINSTALL PARKING AREA, PATIO AND WALKWAY PAVERS AS NECESSARY. VERIFY ACCESSIBLE SLOPE IN AREAS OF GRADE CHANGE FROM PARKING TO BUILDING ENTRY EXIT.
- REMOVE AND REPLACE DAMAGED CONCRETE CURBS.
- RE-ESTABLISH ALL LANDSCAPING AND IRRIGATION SYSTEMS.
- REPAIR STREET FENCING.

POOL AREA

- CLEAN AND REPAIR POOL STRUCTURE.
- REPAIR OR REPLACE POOL EQUIPMENT AS NECESSARY.
- REMOVE, SALVAGE, RE-GRADE REINSTALL POOL DECK PAVERS.
- INSTALL NEW FENCE AT POOL AREA PERIMETER.

TENNIS & SHUFFLE BOARD COURT AREAS

- OVERLAY TENNIS AND SHUFFLE BOARD COURTS.
- REPLACE TENNIS COURT FENCING.

THESE DRAWINGS AND SPECIFICATIONS ARE THE
SOLE PROPERTY OF SAND ARCHITECTS, LLC AND
NO PART OF THEM SHALL BE REPRODUCED OR
TRANSMITTED IN ANY FORM OR BY ANY MEANS
ELECTRONIC OR MECHANICAL, INCLUDING
PHOTOCOPYING, RECORDING, OR BY ANY
INFORMATION STORAGE AND RETRIEVAL
SYSTEM, WITHOUT WRITTEN PERMISSION
FROM SAND ARCHITECTS, LLC.

12-11-2023

Sand
Architects, LLC

345 South Tenth Avenue
PO Box 737
Vero Beach, FL 33555-8727
Office (320) 262-3180
Fax (320) 262-3129
Website: www.SandArchitects.com
E-Mail: Sand@SandArchitects.com

CAPER BEACH

FORT MEYERS, FL

A-0.01

Right of
2800 by
Public
access
parking

12
post
need
2
more



PERPENDICULAR TIES TO THE COASTAL
CONSTRUCTION CONTROL LINE

① = 225.5' ② = 232.2' ③ = 199.3' ④ = 126.4'

① = PERPENDICULAR TIE
REFERENCE POINT

Ropes in Pool

GENERAL NOTES

- REPAIR SITE LIGHTING AS REQUIRED (SEE ELECTRICAL)
- REMOVE, SALVAGE, RE-GRADE AND REINSTALL PARKING AREA, PATIO AND WALKWAY PAVERS AS NECESSARY. VERIFY ACCESSIBLE SLOPE IN AREAS OF GRADE CHANGE FROM PARKING TO BUILDING ENTRY EXT.
- REMOVE AND REPLACE DAMAGED CONCRETE CURBS.
- RE-ESTABLISH ALL LANDSCAPING AND IRRIGATION SYSTEMS.
- REPAIR STREET FENCING.

POOL AREA

- CLEAN AND REPAIR POOL STRUCTURE.
- REPAIR OR REPLACE POOL EQUIPMENT AS NECESSARY.
- REMOVE, SALVAGE, RE-GRADE REINSTALL POOL DECK PAVERS
- INSTALL NEW FENCE AT POOL AREA PERIMETER.

- TENNIS & SHUFFLE BOARD COURT AREAS
- OVERLAY TENNIS AND SHUFFLE BOARD COURTS.
 - REPLACE TENNIS COURT FENCING.

12-11-2023

Sand
Architects, LLC

368 South Youth Avenue
PO Box 727
Walla Walla, WA 99153-2727
Office: (509) 262-3100
Fax: (509) 262-3100
Website: www.SandCompas.com
E-Mail: Sand@SandCompas.com

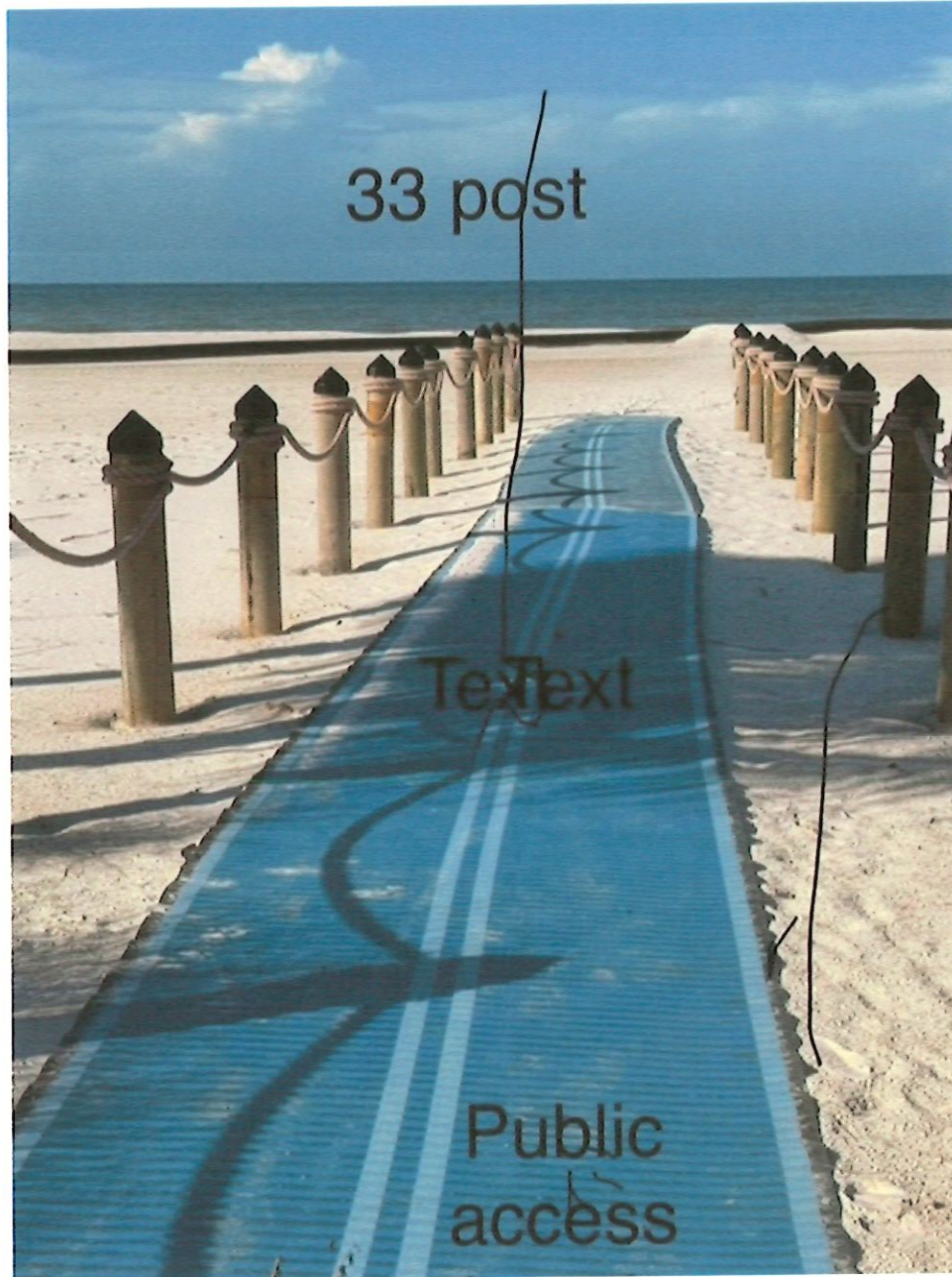
CAPER BEACH

FORT MEYERS, FL

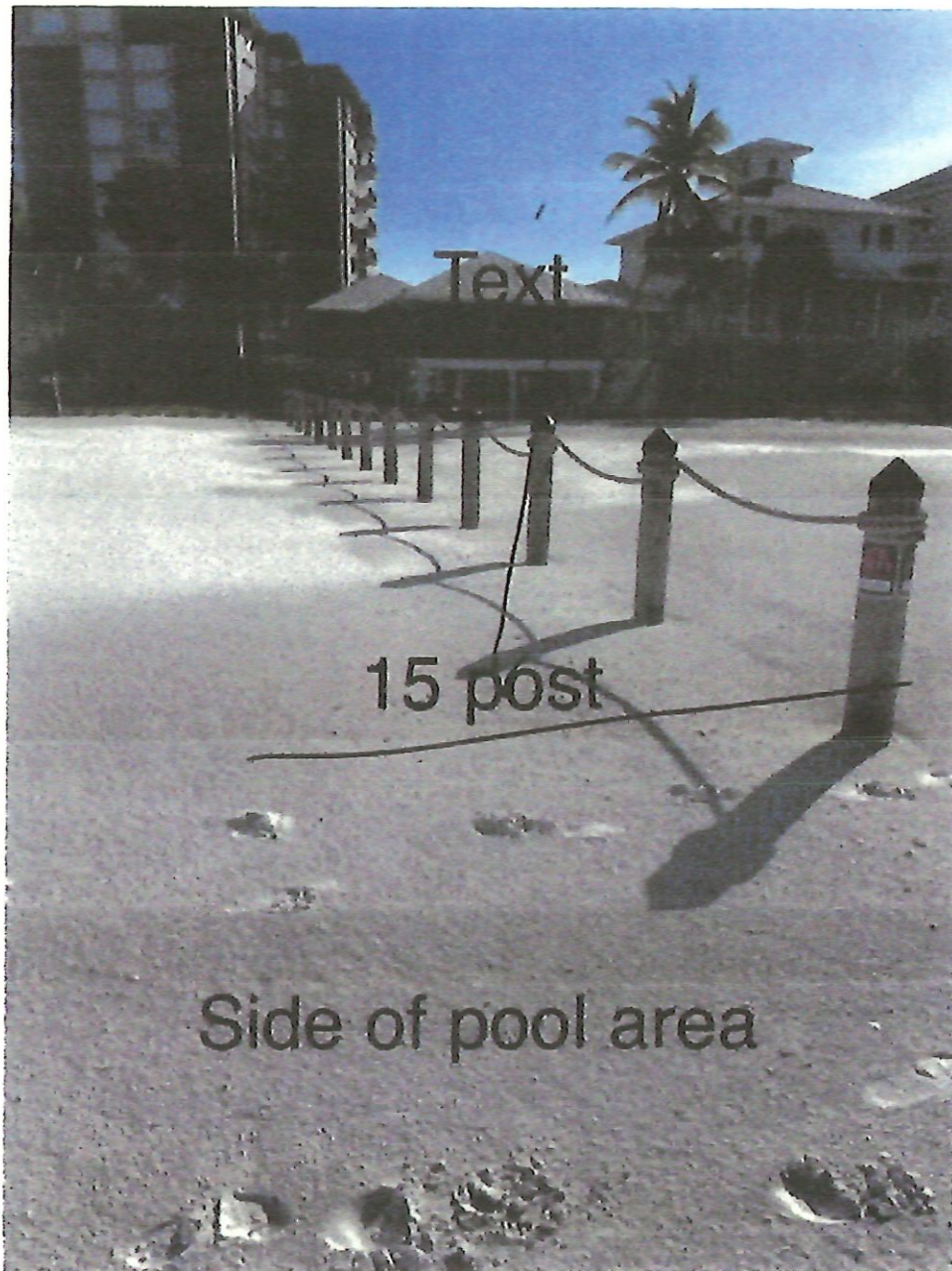
A-0.01

① OVERALL SITE PLAN
SCALE: 1" = 50'-0"

THESE DRAWINGS AND SPECIFICATIONS ARE THE
SOLE PROPERTY OF SAND ARCHITECTS, LLC AND
REPRODUCTION OR FURTHER DISTRIBUTION OF
THESE DRAWINGS WITHOUT WRITTEN PERMISSION FROM
SAND ARCHITECTS, LLC.









NOTICE OF COMMENCEMENT

Permit No. _____
 Tax Folio No. 59-2458655
 State of Florida
 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 the Notice of Commencement.

1. **Description of property:** (legal description of property and street address if available).
2800/2810 Estero Blvd Fort Myers Beach, FL 33931

2. **General description of improvement:**

Post and ropes on the sand previously destroyed by Hurricane Ian have been replaced after hurricane

3. **Owner information:**

Name Caper Beach Club Condominium Association

Address 2800/2810 Estero Blvd. Fort Myers Beach, FL 33931

Phone 239-463-1423

Fax NA

Interest in property _____

Name and address of fee simple titleholder (if other than Owner) _____

4. **Contractor:**

Name Big Kahuna Tiki Guts

Address 601 Monroe Ave Cape Canaveral, FL 32920

Phone _____

Fax _____

5. **Surety:**

Name _____

Address _____

Amount of bond: \$ _____

Phone _____

Fax _____

6. **Lender:**

Name _____

Address _____

Phone _____

Fax _____

7. **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 _____

Address _____

Phone _____

Fax _____

8. **In addition to himself or herself, Owner designates the following person(s) to receive a copy of the Lienor's Notice as provided in Section 713.13(1)(b), Florida Statutes.**

Name _____

Address _____

Phone _____

Fax _____

9. **Expiration date of notice of commencement (the expiration date is 1 year from date of recording unless a different date is specified)** _____

WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER PAYMENT 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 BY 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.

(Signature of Owner or Lessee, or Owner's or Lessee's Authorized Office/Director/Partner/Manager)

PRESIDENT

(Signatory's Title/Office)

STATE OF FL COUNTY OF Lee

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

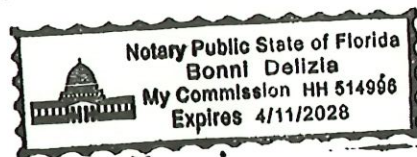
OR X online notarization, this 25 day of July, 2025 by Kent Brunner who is X

personally known to me OR _____ who has produced _____ as identification.

(SEAL)

Notary Public Signature

Town of Fort Myers Beach
 2525 Estero Blvd. Fort Myers Beach, FL 33931
 Phone : 239 765-0202 Buildingpermits@fmbgov.com





REPAIR/IMPROVEMENT COST FORM

CONTRACTOR'S AFFIDAVIT

I hereby attest that I have personally inspected the building located at the above-referenced address and discussed the nature and extent of the work requested by the owner, including all improvements, rehabilitation, remodeling, repairs, additions and any other form of improvement.

At the request of the owner, I have prepared a cost estimate for all of the improvement work requested by the owner and the cost estimate includes, at a minimum, the cost elements identified by the Town of Fort Myers Beach that are appropriate for the nature of the work. If the work is repair of damage, I have prepared a cost estimate to repair the building to its pre-damage condition. I acknowledge that if, during the course of construction, the owner requests more work or modification of the work described in the application, that a revised cost estimate must be provided to the Town of Fort Myers Beach, which will re-evaluate its comparison of the cost of work to the market value of the building to determine if the work is substantial improvement. Such re-evaluation may require revision of the permit and may subject the property to additional requirements.

I also understand that I am subject to enforcement action and/or fines if inspection of the property reveals that I have made repairs or improvements that were not included in the description of work and the cost estimate for that work that were the basis for issuance of a permit.

Oliver Scott McCauley
Contractor's Signature

Oliver Scott McCauley
Print Name

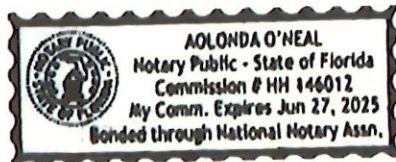
12/2/24
Date

State of Florida

County of Brevard

Before me this 2nd day of December, 2024, personally appeared

Oliver Scott McCauley who being duly sworn deposes and says that he/she has read, understands and agrees to comply with all the aforementioned conditions.



Aolonda O'Neal
Signature, Notary Public
Aolonda O'Neal
Print Name, Notary Public



NOTICE OF COMMENCEMENT

Permit No. _____
 Tax Folio No. 59-245655
 State of Florida
 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 the Notice of Commencement.

1. **Description of property:** (legal description of property and street address if available).
2600/2810 Estero Blvd Fort Myers Beach, FL 33931

2. **General description of improvement:**
Replace 2 tiki huts destroyed by hurricane Ian in 2022

3. **Owner information:**

Name Caper Beach Club Condominium Association
 Address 2800/2810 Estero Blvd. Fort Myers Beach, FL 33931
 Phone 239-463-1423 Fax N/A
 Interest in property _____
 Name and address of fee simple titleholder (if other than Owner) _____

4. **Contractor:**

Name Big Kahuna Tiki Guts
 Address 601 Monroe Ave Cape Canaveral, FL 33920
 Phone _____ Fax _____

5. **Surety:**

Name _____
 Address _____
 Amount of bond: \$ _____ Phone _____ Fax _____

6. **Lender:**

Name _____
 Address _____
 Phone _____ Fax _____

7. **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 _____
 Address _____
 Phone _____ Fax _____

8. **In addition to himself or herself, Owner designates the following person(s) to receive a copy of the Lienor's Notice as provided in Section 713.13(1)(b), Florida Statutes.**

Name _____
 Address _____
 Phone _____ Fax _____

9. **Expiration date of notice of commencement (the expiration date is 1 year from date of recording unless a different date is specified)** _____

WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER PAYMENT 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 BY 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.

[Signature]

(Signature of Owner or Lessee, or Owner's or Lessee's Authorized Office/Director/Partner/Manager)

PRESIDENT

(Signatory's Title/Office)

STATE OF FL COUNTY OF Lee

The foregoing instrument was certified and subscribed before me by means of _____ physical presence
 OR X online notarization, this 25 day of July, 2025, by Kath Pleas who is
 personally known to me OR _____ who has produced _____ as identification.

[Signature]

Notary Public Signature

(SEAL)

Town of Fort Myers Beach
 2525 Estero Blvd. Fort Myers Beach, FL 33931
 Phone : 239 765-0202 Buildingpermits@fmbgov.com





This page is required for ALL Building Permit Applications

ACKNOWLEDGEMENT OF TOWN OF FORT MYERS BEACH REGULATIONS BY **OWNER OR AUTHORIZED AGENT OF OWNER**

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.

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.

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

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 OWNER OR AUTHORIZED AGENT OF OWNER**, 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 OWNER OR AUTHORIZED AGENT OF OWNER** understand that the structure cannot be used or occupied until a certificate of occupancy is issued. By signing this permit application, I, **THE OWNER OR AUTHORIZED AGENT OF OWNER**, 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 OWNER OR AUTHORIZED AGENT OF OWNER** responsible for providing said contracting services. I, **THE OWNER OR AUTHORIZED AGENT OF OWNER**, agree that I understand the review and issuing of this permit does not exempt me from complying with all State and local County Codes and Ordinances.

AGENT OF OWNER, agree that I understand the review and issuing of this permit does not exempt me from complying with all State and local 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: 2810/2800 Estero Blvd. Fort Myers Beach, FL 33981

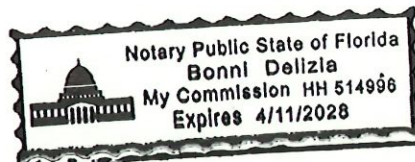
[Signature]
Signature of Property Owner

KENT BRUNNER
Typed or printed name of Property Owner

STATE OF FL COUNTY OF Lee

The foregoing instrument was certified and subscribed before me by means of _____ physical presence
OR ☒ online notarization, this 22 day of July, 2025, by Kent Brunner
☒ who is personally known to me OR _____ who has produced _____ as identification.

Bonni Delizia
Notary Public Signature



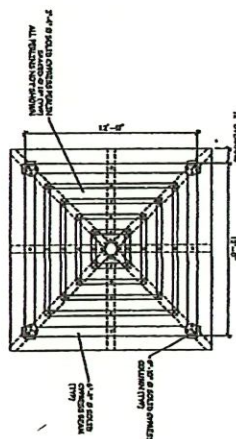
If An Owner Agent is Being Named, Please complete below

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.

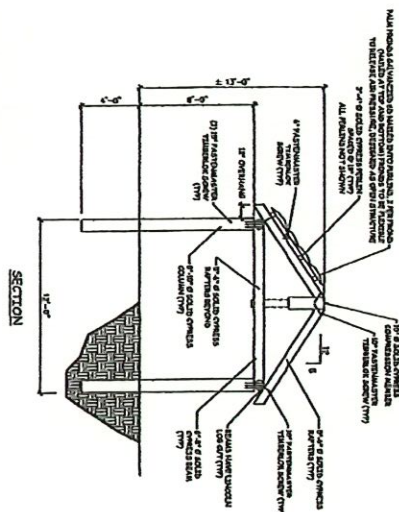
1. FILL TOP TO BE MINIMUM OF 4'-0" BELOW GRADE. FILL TO BE BATTERED AND COMPACTED IN 12" LIFTS

4. ALL TIMBERS SHALL BE SOLID CYPRESS NO. 1 GRADE
5. CONSTRUCTION CLASSIFICATION TYPE VB
6. STRUCTURE HAS BEEN DESIGNED AS OPEN
7. WIND EXPOSURE D
8. USE GROUP COMMERCIAL

THE CONSTRUCTION PLANS SHOWN HEREON ARE IN COMPLIANCE WITH CHAPTER 16, SECTION 1609 OF THE 2021, 8TH EDITION, FLORIDA BUILDING CODE FOR 160 A.M.F., ULTIMATE DESIGN WIND SPEED (RISK CATEGORY II) ALONG WITH THE ENTIRE 2021 FLORIDA BUILDING CODE.



PLAN VIEW
1/4" = 1'-0"



SECTION

Carey L. Wilkinson



This item has been electronically signed and sealed by Carey Wilkinson, PE using a Digital Signature and date. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

CAREY L. WILKINSON, PROFESSIONAL ENGINEER
STATE OF FLORIDA PE 000472

THICKER COUNTRY
THAT THE CONSTITUTION IS A US SHOCKWAVE ON AFT THE CONSTITUTION WITH
PLAYERS, SEVERAL WAYS OF THE END ON EDITORIAL MEMORANDUM INCLUDING COST FOR
THE APT IN VARIOUS COUNTRIES WHO NEEDS SUCH A COUNTRY IN A COUNTRY WITH
THE EDITOR FROM FLORIDA MARIANO GARCIA, COMMERCIAL

REVISIONS	DESCRIPTION	DATE

CONTRACTOR:

ENGINEER OF RECORD:



4-D ENGINEERING LLC
1074 S FLORIDA AVE SUITE 201
LAKELAND, FL 33603
PHONE: (386) 937-1949
FL CERTIFICATE OF AUTHORIZATION # 31557
CAREY L. WILKINSON, P.E. - FL # 80472

PROJECT:

BIG KAHUNA —
CAPER BEACH CLUB
2800 Estero Blvd
FORT MYERS BEACH, FL 33931

DATE: 4-12-202

SCALE: AS NOTED

SHEET

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