



Fort Myers Beach Local Planning Agency

**Town Hall Council Chambers
6231 Estero Boulevard
Fort Myers Beach, FL 33931**

Agenda

Tuesday, January 13, 2026

9:00 AM

ORDER OF BUSINESS

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE OF ALLEGIANCE**
- IV. APPROVAL OF FINAL AGENDA**
- V. APPROVAL OF MINUTES**

A. Local Planning Agency - December 16, 2026

- VI. PUBLIC COMMENT**
- VII. PUBLIC HEARINGS**

A. Resolution 26-015, SEZ20250271, 166/168 Coconut Drive

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250271, A REQUEST TO INCREASE THE NUMBER OF BEDROOMS IN A TWO-FAMILY RESIDENCE WHILE UTILIZING THE POST-DISASTER BUILDBACK CODE OF THE LDC SECTION 34-3238(2)(E)(4)(A), FOR THE PROPERTY LOCATED AT 166/168 COCONUT DRIVE, GENERALLY REFERRED TO AS STRAP NUMBER: 29-46-24-W2-0070A.0160 IN FORT MYERS BEACH; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

B. VAR20250220, 173 Gulf Island Drive

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING / APPROVING WITH CONDITIONS / DENYING VARIANCE 20250220, REQUESTING A VARIANCE FROM LDC SECTION 34-638(d)(6)b.3., TO REDUCE THE REQUIRED 20-FOOT SIDE STREET SETBACK BY 11.9 FEET TO ALLOW A 232-SQUARE-FOOT DECK FOR THE EXISTING SINGLE-FAMILY RESIDENCE IN THE SINGLE FAMILY RESIDENTIAL (RS) ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 173 GULF ISLAND DRIVE, GENERALLY REFERRED TO AS STRAP NUMBER: 29-46-24-W2-0050C.0120 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.

C. VAR20250279, 225 Egret Street

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING / APPROVING WITH CONDITIONS/ DENYING VARIANCE 20250279, REQUESTING A VARIANCE FROM LDC SECTION 26-74(3)A. TO ALLOW A 597-SQUARE-FOOT BOATHOUSE WHERE A MAXIMUM 500-SQUARE-FOOT BOATHOUSE IS PERMITTED FOR THE EXISTING SINGLE-FAMILY RESIDENCE IN THE RS ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 225 EGRET STREET, GENERALLY REFERRED TO AS STRAP NUMBER: 34-46-24-W4-00055.0010 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.

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

Tuesday, December 16, 2025

1:00 PM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

Members present: Chair Anita Cereceda, LPA Members James Boan, James Dunlap, John McLean, Jane Plummer and Don Sudduth.
Excused: Douglas Eckmann

LPA Member Dunlap moved to approve an excused absence for LPA Member Eckmann, seconded by LPA Member Plummer.
The motion carried unanimously.

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

LPA Member Dunlap moved to approve the final agenda, seconded by LPA Member Sudduth.
The motion carried unanimously.

V. APPROVAL OF MINUTES

A. Local Planning Agency - November 11, 2025
LPA Member Sudduth moved to approve the minutes, seconded by LPA Member Dunlap.
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. Deputy Clerk Jason Freeman confirmed that all agenda items were properly noticed. He swore in those providing testimony.

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.

Chair Cereceda read the title of the resolution. Ex parte communications: LPA Member Plummer met the owner and toured the property. No disclosures from other members.

Community Development Senior Planner Jason Smalley reviewed the background of the request as stated on the yellow sheet. Staff recommended approval with conditions. He noted that the applicant said that FP&L (Florida Power and Light) told her to install the stairs and platform for elevated meters.

LPA Member Plummer voiced her concern about the elevation of future meters. Senior Planner Smalley replied that they might want to revisit parts of the LDC (Land Development Code).

Albert Dambrose explained that this option in the FP&L handbook required that the platform and stairs be a certain height before FP&L install and service the meter. He thought it would be a recurring option in the future.

No public comment.

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

The motion carried unanimously by roll call vote.

The property owner described a financial scam that targeted her before the meeting. Chair Cereceda revealed that another scam with her signature was circulating. She encouraged people to call the Town Hall before sending money to anyone.

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.

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

Community Development Planner Jason Green reviewed the background of the request as stated on the yellow sheet. Staff recommended approval with conditions.

James Ink represented the applicant and distributed a handout to members. He noted that he had received four spam messages signed by staff members in the last few days. His presentation started with Team Members, What this Request Would Do and Why Grant the Request, Request Statement, Presentation Outline, 2025 Aerial, Pre-lan Site, Post-lan Site, Proposed Property Regulations and Land Use, Design, Elevations, Request Analysis, Request Statement, Findings and Conclusions and Suggested Motion.

Public comment:

Ron Benak, resident, praised the Woman's Club and looked forward to having them back. He wanted them to stay non-profit and not be a paid club in the future.

Dawn Thomas, resident, commented on the fundraising status and noted they continued to raise money.

Public comment closed.

LPA Member Dunlap moved to approve the ordinance with conditions and renderings in the packet, seconded by LPA Member Sudduth.

The motion carried unanimously by roll call vote.

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.

Chair Cereceda 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. Staff recommended approval.

Bonnie Delizia, property manager, said they intended to replace what was there before the hurricane. Sue Cox, secretary, added that they would maintain the tropical landscape at the property.

No public comment.

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

The motion carried unanimously by roll call vote.

Ms. Delizia revealed that she was also the target of a scam. She provided copies of the letters. Deputy Clerk Freeman informed the audience that the town does not accept wires and that they should report it to the Sheriff's Office. LPA Member suggested that people call the town's emergency number if they suspect a scam.

VIII. ADMINISTRATIVE AGENDA

Planner Green asked whether they wanted to split up the January 13, 2026, agenda. A consensus was reached to schedule two meetings in January. Deputy Clerk noted that Fridays were available.

IX. LPA MEMBERS ITEMS/REPORTS

LPA Member McLean would like to address locking in renderings as a commitment. Members agreed.

LPA Member Plummer noted the bike parade was on December 20. She wanted the town to help property owners clean up their yards. She asked why there were no lights in Times Square and under the bridge. Chair Cereceda suggested she bring it up at a town council meeting.

LPA Member Dunlap suggested providing an update on approved projects and their current permitting status. Chair Cereceda agreed and described approved properties that were in complete disarray and were not being enforced. She indicated that they discussed having signs on projects happening on the island, including where they were going. She used Pincher's project, which was supposed to be open in December but wasn't.

She asked whether they could readdress development agreements and the status of non-permitted temporary parking lots.

No items from other members except Merry Christmas and Happy Holidays to all.

X. LPA ATTORNEY ITEMS/REPORTS

No items.

XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS

Some small projects.

XII. ITEMS FOR NEXT MONTHS AGENDA

Discussed above.

XIII. ADJOURNMENT

LPA Member Dunlap moved to adjourn, seconded by LPA Member McLean.
The meeting was adjourned at 2:22 p.m.

DRAFT

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

Yellow Sheet Number: **2026-220**

1. Request:

Meeting Date: January 13, 2026

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250271, A REQUEST TO INCREASE THE NUMBER OF BEDROOMS IN A TWO-FAMILY RESIDENCE WHILE UTILIZING THE POST-DISASTER BUILDBACK CODE OF THE LDC SECTION 34-3238(2)(E)(4)(A), FOR THE PROPERTY LOCATED AT 166/168 COCONUT DRIVE, GENERALLY REFERRED TO AS STRAP NUMBER: 29-46-24-W2-0070A.0160 IN FORT MYERS BEACH; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Why the action is necessary:

The LPA makes recommendations to the Town Council for this Special Exception request.

What the action accomplishes:

The LPA recommendations will be forwarded to the Town Council for consideration.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

Michael Martell, the applicant for 166/168 Coconut Drive, is requesting a Special Exception to increase the number of bedrooms as part of a redevelopment utilizing the Post-Disaster Buildback policy. Based on data available from the Lee County Property Appraiser's Office, the structure supported a duplex, or two-family residence, with a total of five (5) bedrooms and three (3) bathrooms prior to Hurricane Ian.

The Town's Buildback policy allows an applicant, by right, to increase the number of full bathrooms to equal the number of bedrooms that existed in the structure prior to a storm. Any additional bedrooms or bathrooms must be requested through the Special Exception process. The applicant is now proposing six (6) bedrooms and five (5) full bathrooms and is requesting a Special Exception for the additional bedroom.

The homeowner has stated that he intends to live in one of the dwelling units and rent the other dwelling unit, as permitted within his zoning district. Based on supporting data submitted by the applicant, staff confirmed that the structure was eligible to be rebuilt with two (2) living units pursuant to the Post-Disaster Buildback provisions.

The property is a nonconforming lot within the Single Family Residential (RS) zoning district. Prior to Hurricane Ian, the primary structure was nonconforming due to a staircase encroaching into the required twenty-five-foot (25') street setback and the required seven-and-one-half-foot (7.5') side setback along the west side of the property. The applicant plans to replace the staircase in the same location and will apply for a variance prior to the issuance of building permits.

Attachments:

1. Resolution 26-015, SEZ 20250271 for 166-168 Coconut Drive
2. Exhibit A to Resolution-Site plan
3. Staff report

4. Exhibit B to staff report- Application

Financial Impact:

Unknown

6. Alternative Action

Deny

7. Staff Recommendations:

Staff recommends **approval with conditions** for SEZ20250271, a request to increase the number of bedrooms to six bedrooms in a two-family residence utilizing the Post-Disaster Buildback code.

8. Recommended Approval:

Georgina Cid, Community Development Manager

Date: January 06, 2026

Frankie Kropacek, Community Development Director

Date: January 06, 2026

nancy stuparich, Town Attorney

Date: January 07, 2026

Amy Baker, Town Clerk

Date: January 07, 2026

RESOLUTION NUMBER 26-015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250271, A REQUEST TO INCREASE THE NUMBER OF BEDROOMS IN A TWO-FAMILY RESIDENCE WHILE UTILIZING THE POST-DISASTER BUILDBACK CODE OF THE LDC SECTION 34-3238(2)(E)(4)(A), FOR THE PROPERTY LOCATED AT 166/168 COCONUT DRIVE, GENERALLY REFERRED TO AS STRAP NUMBER: 29-46-24-W2-0070A.0160 IN FORT MYERS BEACH; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

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

WHEREAS, Applicant Michael Martell, on behalf of owner, US Bank Trust Company NA TR, is requesting a Special Exception to increase the number of bedrooms in a two-family residence while utilizing the Post-Disaster Buildback code of the LDC sec. 34-3238(2)(e)(4)(a); and

WHEREAS, the STRAP number for the subject property is 29-46-24-W2-0070A.0160; and

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

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

WHEREAS, the Single-family residential (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 subject property is a 50-foot-wide and 100-foot-deep non-conforming lot in the RS zoning district; and

WHEREAS, the Town’s Buildback policy allows buildings that exceed the density for new buildings and that are damaged or destroyed by a disaster, including fire, tropical storms,

floods, and hurricanes, to be replaced to their pre-disaster lawful density in accordance with Policy 4-D-1 of the Fort Myers Beach Comprehensive Plan; and

WHEREAS, the subject property has supported a duplex since 1958. Based on supporting data submitted by the Applicant, staff was able to confirm that the structure was eligible to rebuild two (2) living units utilizing the Post-Disaster Buildback language; and

WHEREAS, the previous structure supported 5 total bedrooms and 3 bathrooms documented in the data available from the Lee County Property Appraiser's office prior to Hurricane Ian; and

WHEREAS, the Applicant proposes to rebuild the duplex with 6 total bedrooms while maintaining the same total interior square footage above base flood elevation as the total under-roof square footage of the previous structure destroyed during Hurricane Ian, see Exhibit "A"; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on January 13, 2026, 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(b) of the LDC and voted ____ to ____ to recommend approval/ approval with conditions/ denial of the Special Exception request; and

WHEREAS, on February 17, 2026, the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by 34-88(b) of the LDC; and

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

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

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

Section 2. The Town Council determines the Applicants did/ did not meet their burden of proof that the requested Special Exception does/ does not meet the requirements of the Town Comprehensive Plan and LDC, and approving the Special Exception is/ is not in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicants, Town staff, and interested parties and public, the Town Council **APPROVES/APPROVES WITH CONDITIONS/DENIES** the Special Exception request to increase the number of bedrooms in a two-family residence while utilizing the Post-Disaster Buildback code of the LDC sec. 34-3238(2)(e)(4)(a).

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

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

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

- A. Three parking spaces must be provided on site. It shall be the responsibility of the Applicant to ensure that vehicles have access to stabilized parking spaces and that on-street parking does not occur.
- B. 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.
- C. Failure to comply with any of the above-mentioned conditions of approval for the Special Exception will render this approval null and void.

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

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

ADOPTED this ____ day of February, 2026 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, Town Attorney

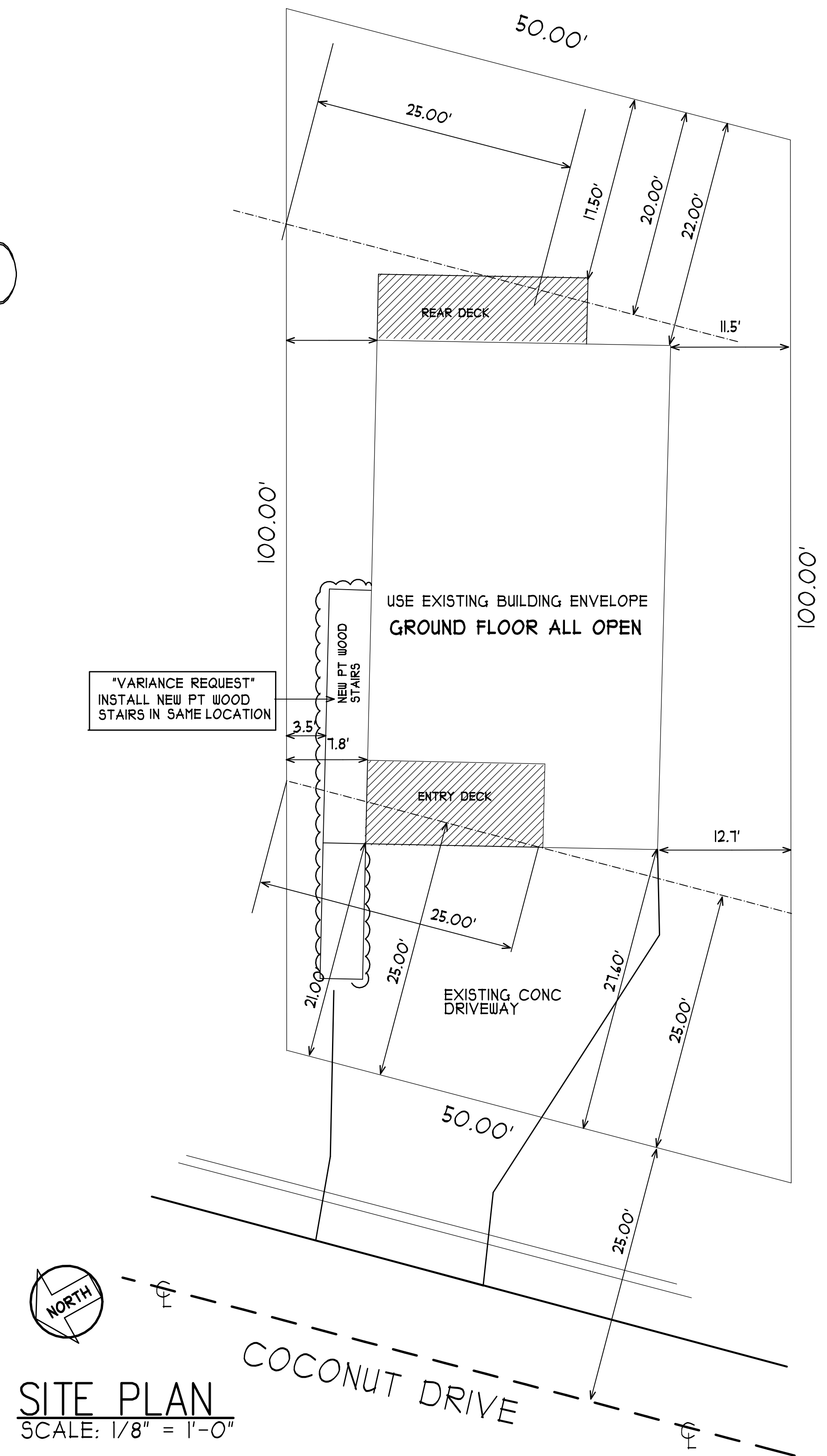
This Resolution was filed in the Office of the Town Clerk on this ____ day of February, 2026.

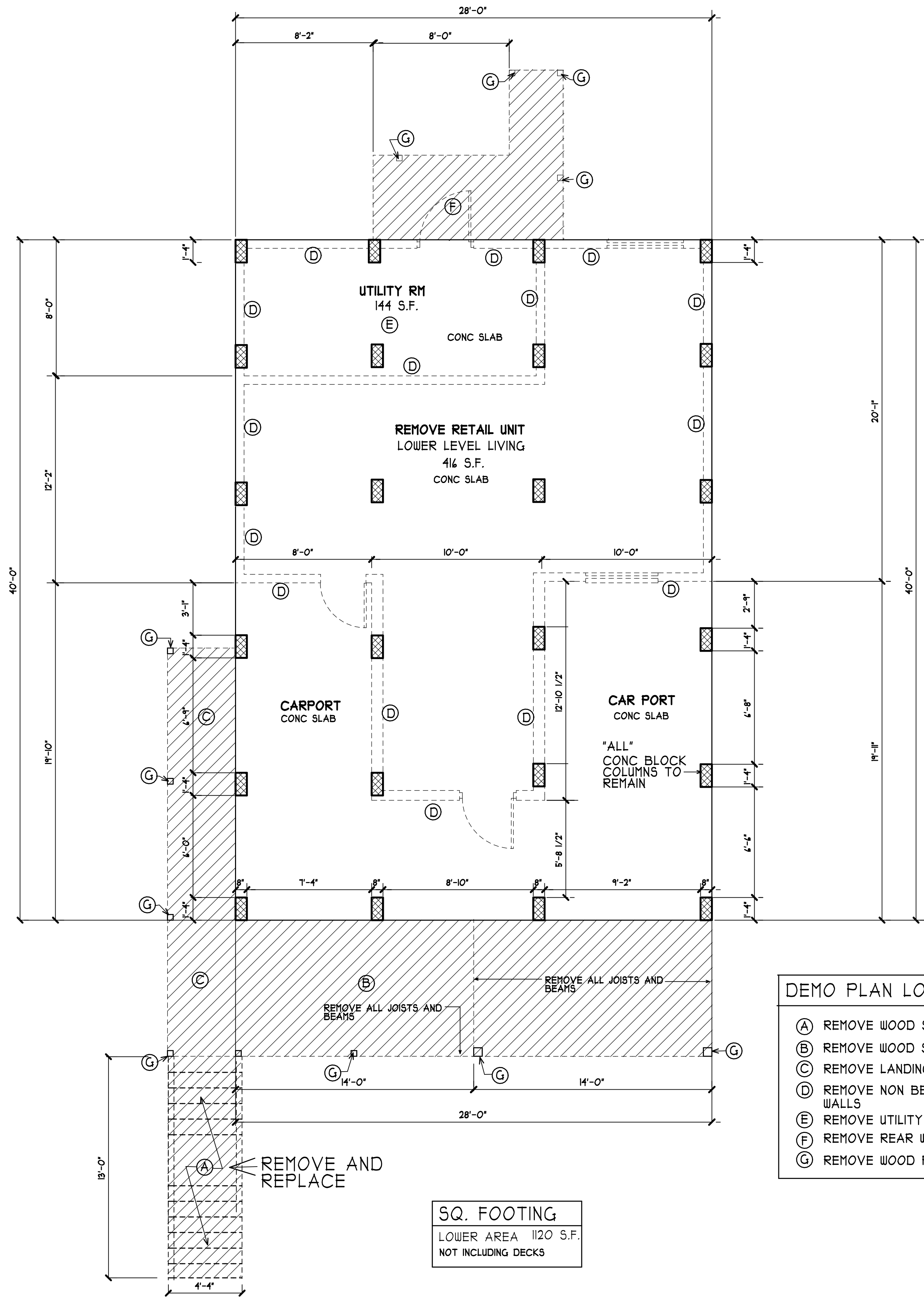
EXHIBITS

Exhibit A: Site Plan

AT 166/168 COCONUT DR
FORT MYERS BEACH
FLOOD ZONE AE
BASE FLOOD ELEV. 11 NAVD

TOP OF BOTTOM FLOOR ELEV= 4.4
TOP OF 2ND FLOOR AS IS ELEV= 13.1



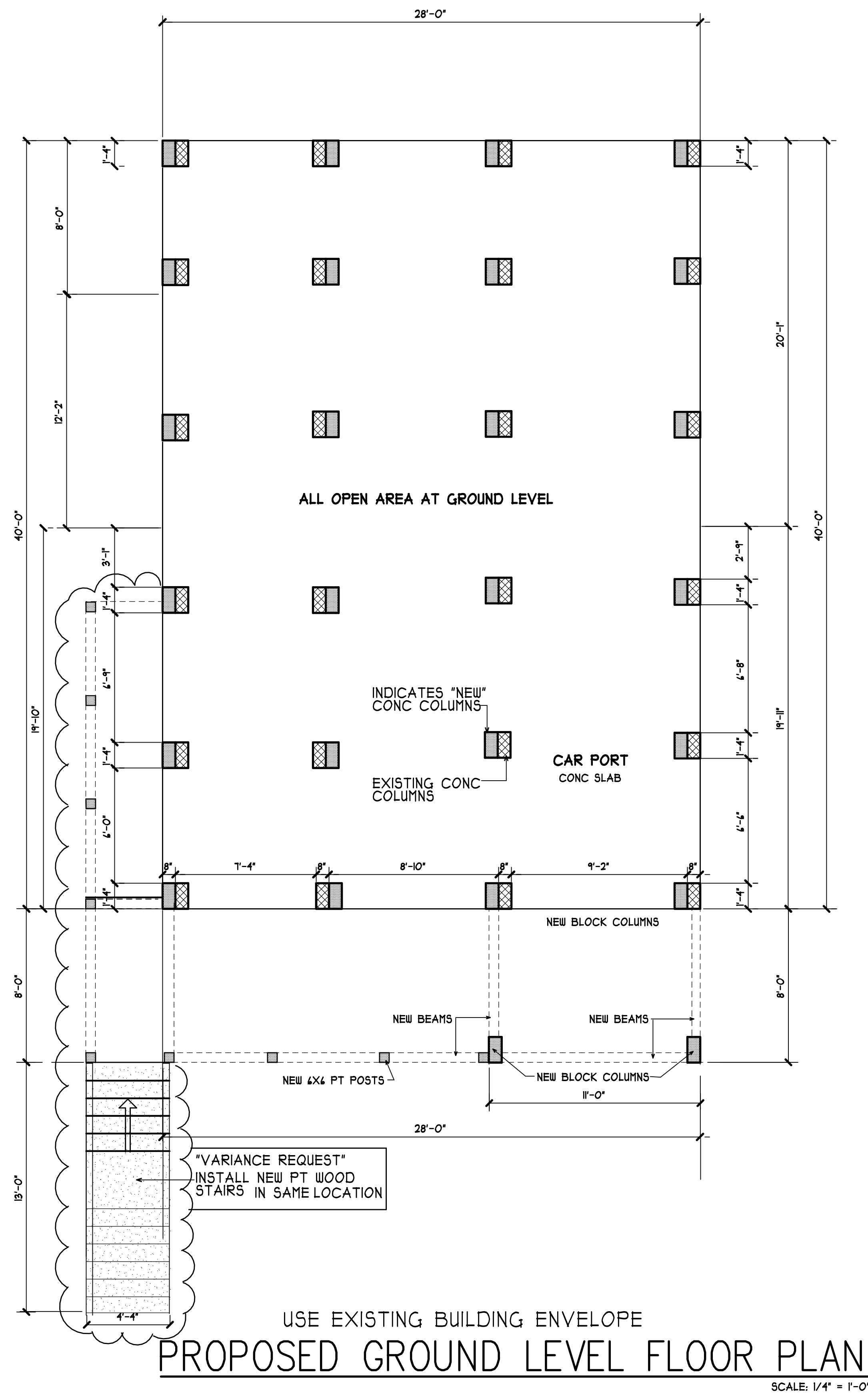


EXISTING GROUND LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"

DEMO PLAN LOWER LEVEL

- (A) REMOVE WOOD STAIRS
- (B) REMOVE WOOD SUN DECK
- (C) REMOVE LANDING
- (D) REMOVE NON BEARING FRAME WALLS
- (E) REMOVE UTILITY ROOM
- (F) REMOVE REAR WOOD DECK
- (G) REMOVE WOOD POSTS



GROUND FLR SQ FTG
LOWER AREA 1120 S.F.

NAME: MIKE MARTELL
CONCEPT DUPLEX DESIGN

UNIT / BLK:
LOTS: 166/168 COCONUT DRIVE
ADDRESS: FORT MYERS BEACH
CITY: LEE
COUNTY: LEE
STATE / ZIP: 33931

REVISIONS:

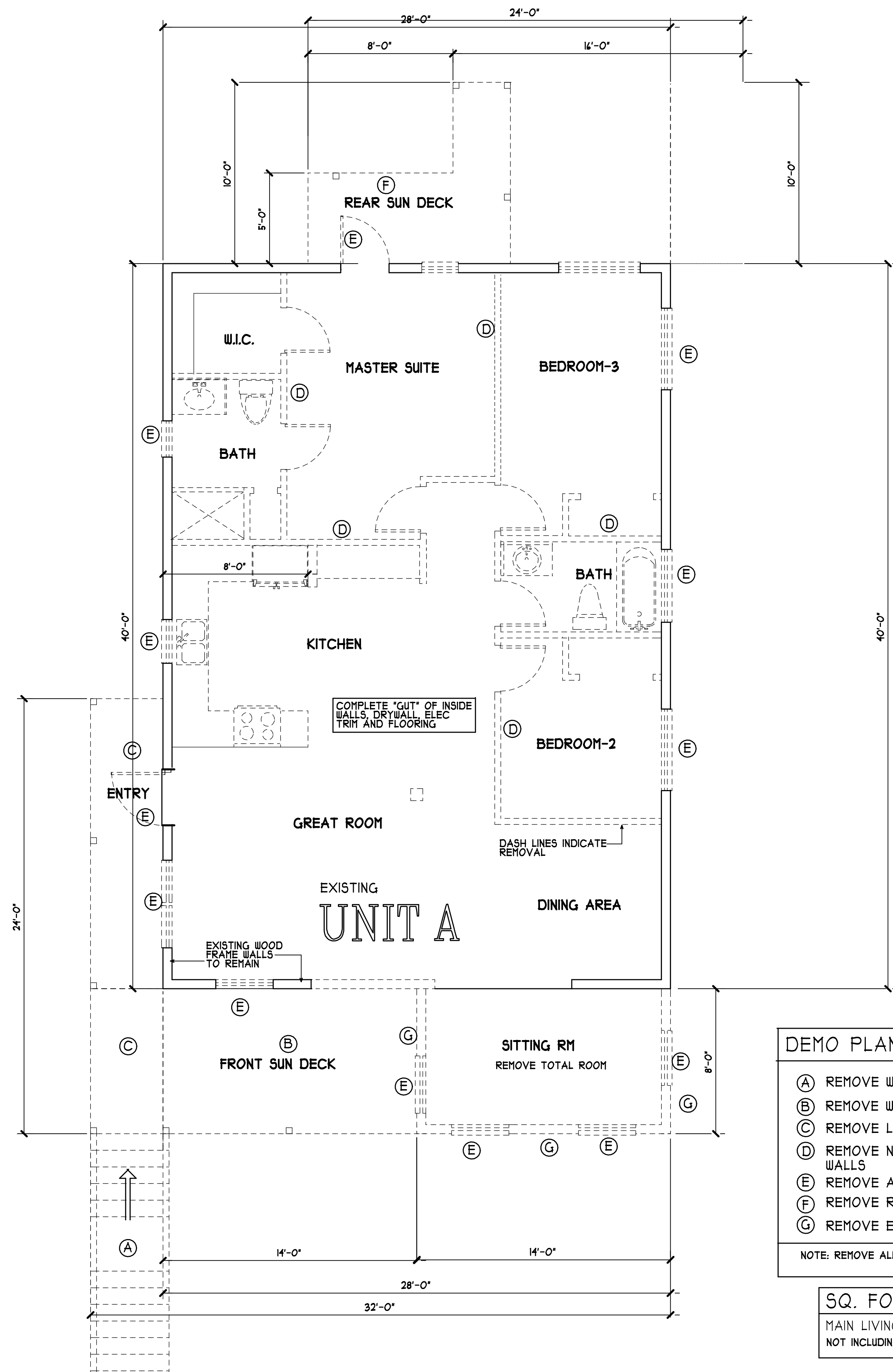
DATE: 8-25-25
DRWN. BY: D. ACHAVAL

SHEET NO: 2 OF 4

ENGINEER'S SEAL

DAN ACHAVAL
DRAFTING & DESIGN
RESIDENTIAL • NEW CONSTRUCTION • REMODELS

GulfCoast Engineering, LLC
3002 Del Prado Blvd. Ste. B / Cape Coral, FL 33904
FLCBC059991 / www.gcefl.com
Ph: (239) 458-6633 / Fax: (239) 458-6733
Toll Free: (877) 740-3366 / FL COA #9910

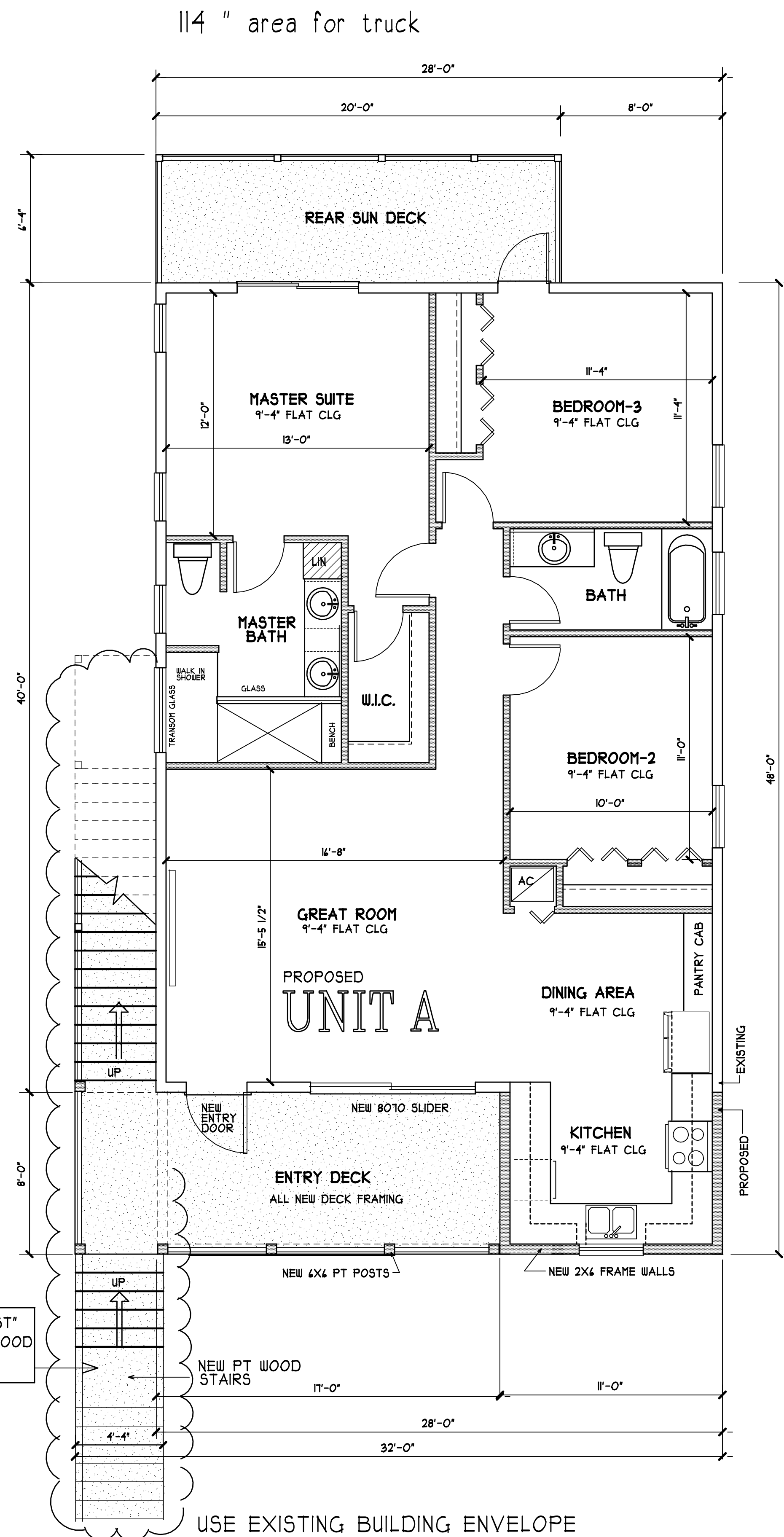


EXISTING UNIT "A" FLOOR PLAN

SCALE: 1/4" = 1'-0"

DEMO PLAN UPPER LEVEL	
(A)	REMOVE WOOD STAIRS
(B)	REMOVE WOOD SUN DECK
(C)	REMOVE LANDING
(D)	REMOVE NON BEARING FRAME WALLS
(E)	REMOVE ALL WINDOWS/DOORS
(F)	REMOVE REAR WOOD DECK
(G)	REMOVE EXTERIOR WALLS
NOTE: REMOVE ALL ROOF FRAMING	

SQ. FOOTING	
MAIN LIVING	1232 S.F.
NOT INCLUDING DECKS	



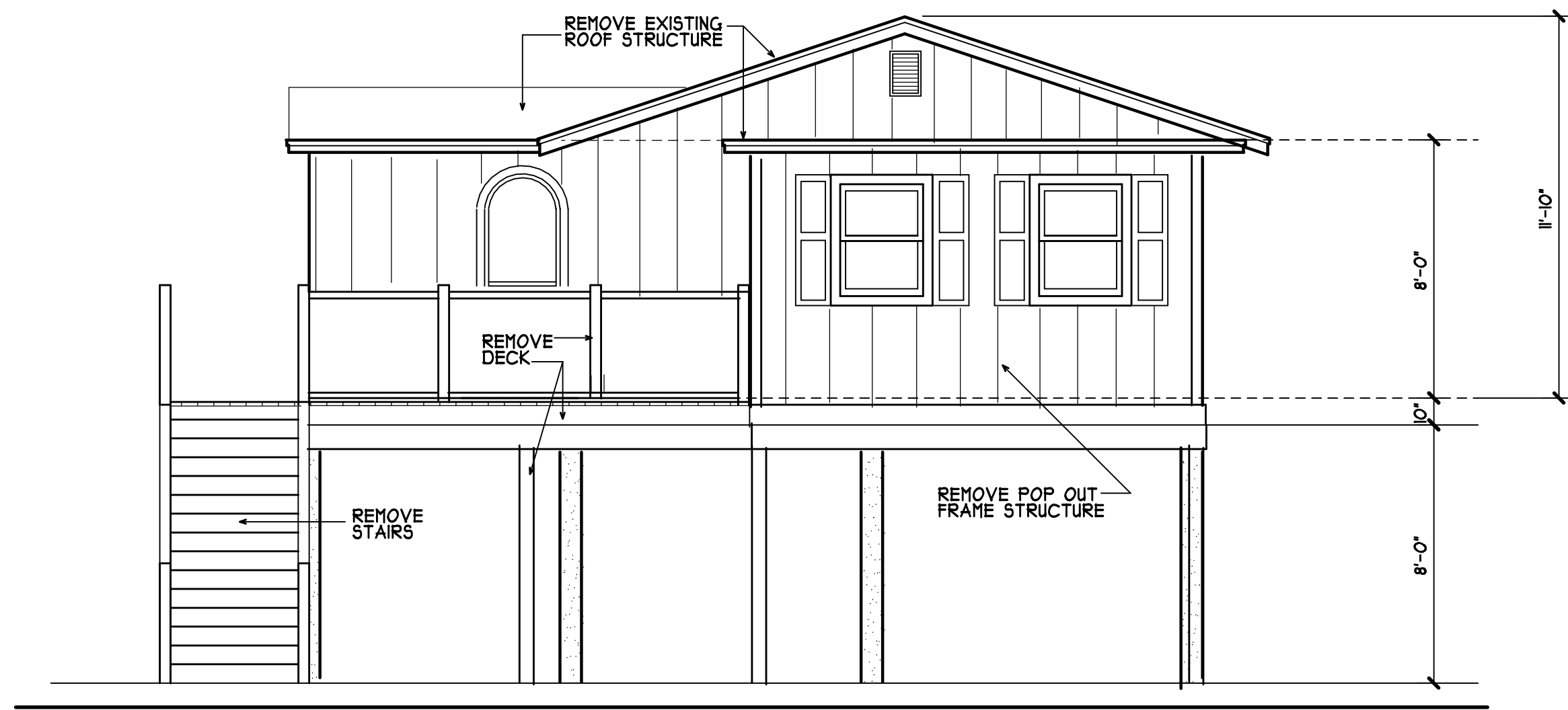
USE EXISTING BUILDING ENVELOPE

PROPOSED UNIT "A" FLOOR PLAN

SCALE: 1/4" = 1'-0"

2ND FLOOR AREA

UNIT "A" SQ. FTG	
INTERIOR LIVING	1088 S.F.
ENTRY DECK	168 S.F.
REAR SUN DECK	126 S.F.
WOOD STAIRS	170 S.F.



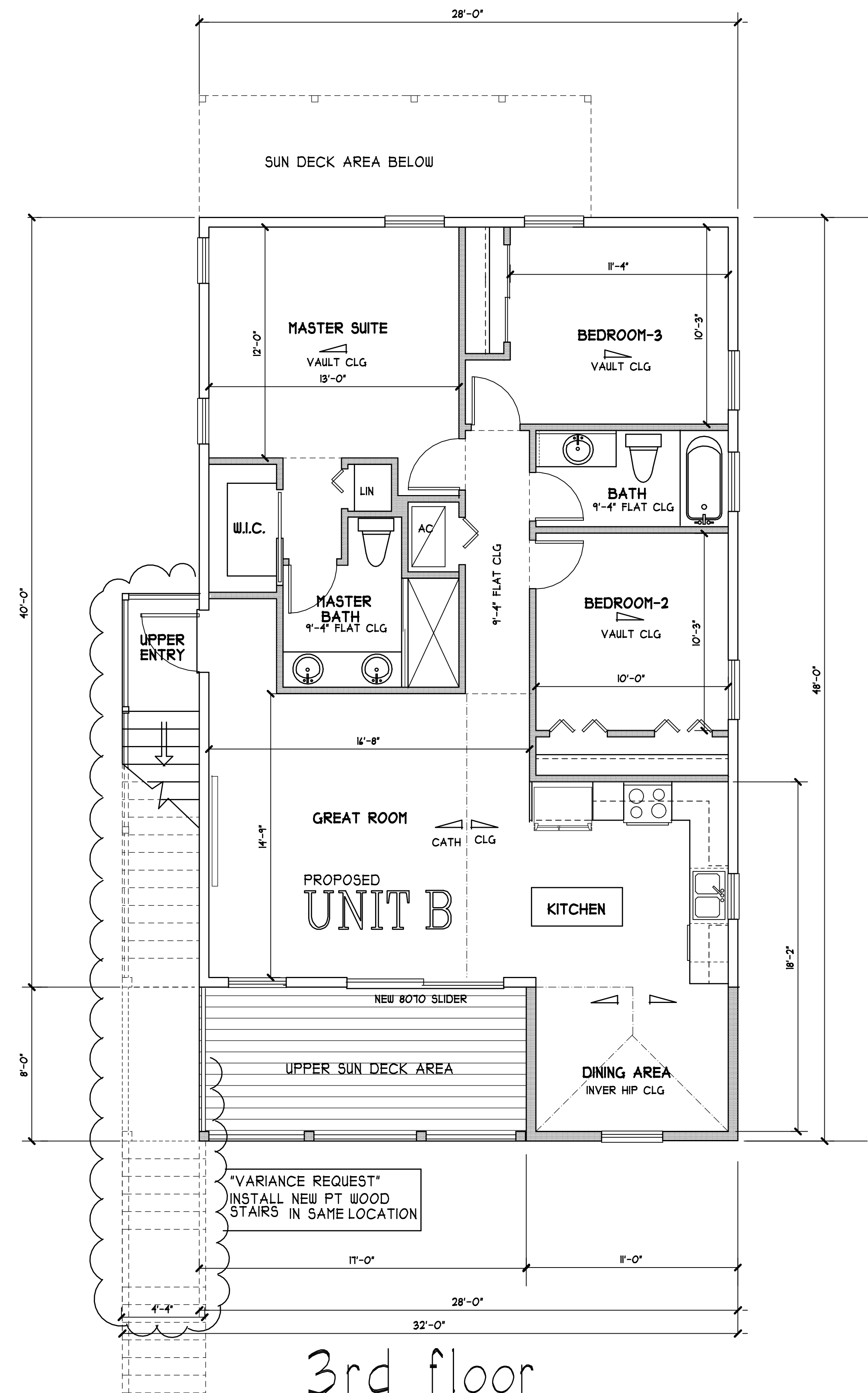
EXISTING FRONT ELEVATION

SCALE: 1/4" = 1'-0"



PROPOSED FRONT ELEVATION

SCALE: 1/4" = 1'-0"



3rd floor
PROPOSED UNIT "B" FLOOR PLAN

3RD FLOOR AREA

SCALE: 1/4" = 1'-0"

UNIT "B" SQ. FTG
INTERIOR LIVING 1075 S.F.
UPPER SUN DECK 136 S.F.

NAME: MIKE MARTELL
CONCEPT DUPLEX DESIGN
UNIT / BLK:
LOTS:
ADDRESS: 166/168 COCONUT DRIVE
CITY: FORT MYERS BEACH
COUNTY: LEE
STATE / ZIP: 33913

REVISIONS:

DATE: 8-25-25

DRWN. BY: D. ACHAYAL

SHEET NO: 4 OF 4

ENGINEER'S SEAL

DAN ACHAYAL
DRAFTING & DESIGN
RESIDENTIAL • NEW CONSTRUCTION • REMODELS

GulfCoastEngineering, LLC
3002 Del Prado Blvd. Ste. B / Cape Coral, FL 33904
FLCBC059991 / www.gcefl.com
Ph: (239) 458-6633 / Fax: (239) 458-6733
Toll Free: (877) 740-3366 / FL COA #9910



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TYPE OF CASE: Special Exception

CASE NUMBER: SEZ20250271

CASE NAME: 166/168 Coconut Drive; Resolution 26-015, requesting a Special Exception to increase the number of bedrooms in a two-family residence while utilizing the Post-Disaster Buildback code of the LDC Section 34-3238(2)(e)(4)(a).

LPA

HEARING DATE: January 13, 2026; 9:00 am

STAFF

RECOMMENDATION: Approval with conditions

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

I. APPLICATION SUMMARY

Applicant/Owner: Michael Martell, One Sunshine State, LLC/ US Bank Trust Company NA TR

Request: a Special Exception to increase the number of bedrooms in a two-family residence while utilizing the Post-Disaster Buildback code of the LDC sec. 34-3238(2)(e)(4)(a).

Subject property: See attached site plan

Physical Address: 166/168 Coconut Drive

STRAP #: 29-46-24-W2-0070A.0160

FLU: Low Density Residential

Zoning: Single-Family Residential (RS)

Adjacent zoning and land uses:

North:	LOW DENSITY RESIDENTIAL Single family residential
South:	LOW DENSITY RESIDENTIAL Single family residential
East:	LOW DENSITY RESIDENTIAL Single family residential
West:	LOW DENSITY RESIDENTIAL Single family residential

II. BACKGROUND AND ANALYSIS

Background:

Michael Martell, the Applicant for 166/168 Coconut Drive, is requesting a Special Exception to increase the number of bedrooms as part of redevelopment utilizing the Post-Disaster Buildback policy. Based on data available from the Lee County Property Appraiser's office, the structure supported a duplex or two-family residence with 5 total bedrooms and 3 bathrooms prior to Hurricane Ian. The Town's Buildback policy allows the Applicant to increase the number of full bathrooms, by right, to equal the number of bedrooms in the structure before a storm. Any additional bedrooms and bathrooms may only be requested through a Special Exception process. The Applicant is now proposing 6 bedrooms and 5 full bathrooms and is requesting a Special Exception for the additional bedroom. The homeowner has stated that he intends to live in one of the dwelling units and rent the other dwelling unit as allowed for in his zoning district. Based on supporting data submitted by the Applicant, staff was able to confirm that the structure was eligible to rebuild two (2) living units utilizing the Post-Disaster Buildback language.

The property is a non-conforming lot in the RS zoning district. Prior to Hurricane Ian, the primary structure was non-conforming due to the staircase encroaching into the required 25-foot street setback and the required 7.5-foot side setback along the west side of the property. The Applicant plans to replace the staircase in the same location and apply for a variance for the same prior to building permits.

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 the RS zoning is at least 75 feet wide and 100 feet deep, or 7,500 square feet of area. The subject property is a 50-foot-wide and 100-foot-deep, nonconforming lot.

Town's Buildback policy allows buildings that exceed the density for new buildings and that are damaged or destroyed by a disaster, including fire, tropical storms, floods, and

hurricanes, to be replaced to their pre-disaster lawful density in accordance with Policy 4-D-1 of the Fort Myers Beach Comprehensive Plan. The subject property is part of a single-family residential neighborhood. Based on data available from the Lee County Property Appraiser's office, the subject property has supported a duplex since 1958. Based on supporting data submitted by the Applicant, staff was able to confirm that the structure was eligible to rebuild two (2) living units utilizing the Post-Disaster Buildback language. The Applicant has also provided sufficient information to confirm that the reconstructed duplex will maintain the same total interior square footage above base flood elevation as the total under-roof square footage of the previous structure.

Based on data available from the Lee County Property Appraiser's office, the structure supported 5 total bedrooms and 3 bathrooms documented prior to Hurricane Ian. Town's Buildback policy allows the Applicant to increase the number of full bathrooms to equal the number of bedrooms in the structure before storm by right. Additional bedrooms and bathrooms may only be requested through a Special Exception process. The Applicant is proposing 6 total bedrooms and 5 full bathrooms. The Applicant is, therefore, requesting a Special Exception for an additional bedroom.

Neighborhood Compatibility:

The proposed duplex has been at this location since 1958. The proposed replacement of the duplex is similar to pre-Ian conditions. Granting a Special Exception to increase the number of bedrooms to six, while maintaining same total interior square footage above base flood elevation as the total under-roof square footage of the previous structure will not adversely affect the character of the neighborhood.

Findings and Conclusions:

Special Exception Findings

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 duplex was damaged during Hurricane Ian.

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

The request is consistent with goals, objectives, policies, and intent of the Fort Myers Beach 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 reconstructed duplex will maintain the same total interior square footage above base flood elevation as the total under-roof square footage of the previous structure. Staff does not anticipate any additional negative impact on the environment, critical areas, or natural resources if the Special Exception were to be approved.

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

The proposed two-family use has existed on this property since 1958. The request to reconstruct the previously existing duplex is compatible with the existing use and will not cause damage, hazard, nuisance, or other detriment to persons or property.

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

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

III. RECOMMENDATION

Staff finds that the Special Exception request *to increase the number of bedrooms in a two-family residence while utilizing the Post-Disaster Buildback code of the LDC sec. 34-3238(2)(e)(4)(a)* is in compliance with LDC Sec. 34-88(b).

Therefore, staff recommends **approval with conditions** for SEZ20250271, a request to increase the number of bedrooms to six bedrooms in a two-family residence utilizing the Post-Disaster Buildback code.

III. CONDITIONS OF APPROVAL

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

- 1) Three parking spaces must be provided on site. It shall be the responsibility of the Applicant to ensure that vehicles have access to stabilized parking spaces and that on-street parking does not occur.

- 2) 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.
- 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: Resolution 26-015, 166/168 Coconut Drive

Exhibit B: Application



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: 166/168 Coconut Drive Fort Myers Beach, FL 33931

STRAP Number: 29-46-24-W2-0070A.0160

Applicant: Michael Martell / One Sunshine State LLC Phone: 954-449-3535

Contact Name: Michael Martell Phone: 954-449-3535

Email: mike@martellconstruction.co Fax: _____

Current Zoning District: RS- Duplex

Future Land Use Map (FLUM) Category: Low Density

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*: Michael Martell / One Sunshine State LLC Phone: 954-449-3535

**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: 122 NE 20th Court Cape Coral, FL 33909

Email: mike@martellconstruction.co Fax: _____

Contact Name: Michael Martell Phone: 954-449-3535



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: Michael Martell Phone: 954-449-3535
Address: 122 NE 20th Court Cape Coral, FL 33909
Email: mike@martellconstruction.co Fax: _____

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

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II - Nature of Request

Requested Action (each request requires a separate application)

- ☒ Special Exception
- ☐ Variance from LDC Section _____ - _____
- ☐ Conventional Rezoning from _____ to _____
- ☐ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☐ Amendment. List the project number: _____
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

☐ Appeal of Administrative Action

☐ Vacation

☐ Right-of-Way

☐ Easement

☐ Other. Please Explain: _____

PART III - Waivers

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

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV - Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Michael Martell 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.

Michael R. Martell
Signature

Michael Martell
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 10th day of October, 2025, by

Michael R. Martell

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

Drivers License as identification.

(SEAL)



Pablo Reynoso
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

US Bank Trust Company NA TR 3900 Capital Blvd Lansing MI 48906

100

_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Ownership

_____	_____
_____	_____
_____	_____
_____	_____

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

Name, Address and Office

Percentage of Stock

One Sunshine State LLC 122 NE 20th Court Cape Coral, FL 33909

Mike Martell (Member) 122 NE 20th Court Cape Coral, FL 33909

100

_____	_____
_____	_____
_____	_____
_____	_____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: 07-25-25

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

Michael Martell

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, Michael Martell (name), as MGR (title)
of One Sunshine State LLC (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

One Sunshine State LLC

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

Michael Martell

Signature

Michael Martell

Typed or Printed Name

MGR

Title

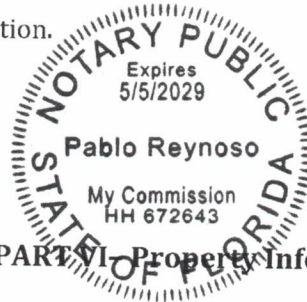
10-08-25

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 10th day of October, 2025, by Michael R. Martell ☐ who is personally known to me OR ☒ who has produced Drivers License as identification.

Seal



Pablo Reynoso
Notary Public Signature

PART VI - Property Information

A. Legal Description:

STRAP: 29-46-24-W2-0070A.0160

Property Address: 166-168 Coconut Drive Fort Myers Beach, FL 33931

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee

County? ☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☒ Yes. Property identified in subdivision: Gulf View Plaza

Book: 6 Page: 64 Unit: _____ Block: A Lot(s): 16

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) 50 feet
Depth (please provide an average width if irregular in shape) 100 feet
Frontage on street: 50 feet. Frontage on waterbody: _____ feet
Total land area: 5000 ☐ acres ☒ square feet

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

From Sky Bridge continue on Estero Blvd until you come to Coconut Drive on left.
Make Left on Coconut Drive. Parcel on the right hand side two houses from the end.

☐ 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:
Authorized Applicant:
LEOPA STRAP Number(s):

Current Property Status:
Current Zoning:
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:



Case# _____

Date Received: _____

PART I
Narrative Statements

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

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:

[illegible]

Page 36 of 110

For Consumption of Alcoholic Beverages (COP) license approval:

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

For transit terminals:

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

For use of the EC zoning district:

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

Guide to Filing Supplement PH-A for Special Exceptions

Case Number will be inserted by Community Development staff.

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

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

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

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

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

Part 1 Narrative Statements:

“Request for...”

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

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

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

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

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

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

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

Submittal Requirements Check List and Filing Guide

_____ **A completed Public Hearing Application Form.**

_____ **A completed Supplemental form PH-A.**

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

Guide to Filing Supplement PH-A for Special Exceptions

Case Number will be inserted by Community Development staff.

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

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

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

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

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

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

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

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

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

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

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

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

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

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

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

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

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

Explanatory Notes – Part I

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

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

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

Explanatory Notes – Part IV

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

Explanatory Notes – Part V

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

Explanatory Notes – Part VI

- A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at <http://www.leepa.org>. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government

- corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line. Exhibit 6-1
- B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy line. Exhibit 6-2
 - C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
 - D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3
 - E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4
 - F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5
 - G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a “variance report” from the Map Sales Office at the Lee County Property Appraiser’s Office. Contact information for the Property Appraiser can be found at <http://www.leepa.org>.
 - H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan’s Future Land Use Map, and whether the property is located in the “platted overlay” on the map.
 - I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

Explanatory Notes – Part IV & V

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

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

Yellow Sheet Number: **2026-203**

1. Request:

Meeting Date: January 13, 2026

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING / APPROVING WITH CONDITIONS / DENYING VARIANCE 20250220, REQUESTING A VARIANCE FROM LDC SECTION 34-638(d)(6)b.3., TO REDUCE THE REQUIRED 20-FOOT SIDE STREET SETBACK BY 11.9 FEET TO ALLOW A 232-SQUARE-FOOT DECK FOR THE EXISTING SINGLE-FAMILY RESIDENCE IN THE SINGLE FAMILY RESIDENTIAL (RS) ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 173 GULF ISLAND DRIVE, GENERALLY REFERRED TO AS STRAP NUMBER: 29-46-24-W2-0050C.0120 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 Local Planning Agency (LPA) may make a recommendation to the Town Council regarding the variance request or may approve the variance request by unanimous vote.

What the action accomplishes:

The Local Planning Agency's recommendation shall be forwarded to the Town Council, or, if the request is approved by unanimous vote, shall constitute final agency action.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

John Prinz, on behalf of Gordian Multistrategy Fund LLC, the owner of the property located at 173 Gulf Island Drive, is requesting a variance from the Town of Fort Myers Beach Land Development Code (LDC) Section 34-638(d)(6)b.3. This section requires single-family residences and all attached accessory structures, including decks and staircases, within the Single-Family Residential (RS) zoning district to maintain a minimum twenty-foot (20') side street setback for lots greater than seventy-five (75) feet in width.

The subject property is a corner lot developed with a single-family residence constructed in 1996. The existing residence has a nonconforming front street setback of 24.19 feet along Gulf Island Drive and a nonconforming side street setback of 8.1 feet along Bayshore Road. The residence also includes an existing thirty-six (36) square-foot deck along Gulf Island Drive, which has a nonconforming side street setback of 17.57 feet.

The applicant proposes to expand the existing deck to a total of two hundred thirty-two (232) square feet and is requesting a variance of 11.9 feet to allow a side street setback of 8.1 feet for the expanded deck, where a minimum twenty-foot (20') side street setback is otherwise required for lots greater than seventy-five (75) feet in width within the RS zoning district.

Attachments:

1. LPA Resolution 2025-xx, 173 Gulf island
2. Exhibit A to Resolution: Site Plan
3. Exhibit B to Resolution: Survey
4. Staff report
5. Exhibit B to staff report: Application

Financial Impact:

Unknown

6. Alternative Action

Approve/ Approve with conditions

7. Staff Recommendations:

Staff recommends **DENIAL** of VAR20250220, a request to reduce the required 20-foot side street setback by 11.9 feet to allow a 232-square-foot deck with 8.1 feet side street setback for the existing single-family residence in the RS zoning district.

8. Recommended Approval:

_____	Date: January 06, 2026
Georgina Cid, Community Development Manager	
_____	Date: January 06, 2026
Frankie Kropacek, Community Development Director	
_____	Date: January 07, 2026
nancy stuparich, Town Attorney	
_____	Date: January 07, 2026
Amy Baker, Town Clerk	

LPA RESOLUTION 2025-XX

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE 20250220, REQUESTING A VARIANCE FROM LDC SECTION 34-638(d)(6)b.3., TO REDUCE THE REQUIRED 20-FOOT SIDE STREET SETBACK BY 11.9 FEET TO ALLOW A 232-SQUARE-FOOT DECK FOR THE EXISTING SINGLE-FAMILY RESIDENCE IN THE RS ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 173 GULF ISLAND DRIVE, GENERALLY REFERRED TO AS STRAP NUMBER: 29-46-24-W2-0050C.0120 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, Gordian Multistrategy Fund LLC (hereinafter "Applicant"), is the owner of real property located at 173 Gulf Island Drive, Fort Myers Beach, Florida (hereinafter "subject property"); and

WHEREAS, the STRAP for the subject property is 29-46-24-W2-0050C.0120, and the legal description for the subject property as shown on the Survey in Exhibit "B"; and

WHEREAS, the subject 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 subject 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 subject property is an 85-foot-wide and 82-foot-deep non-conforming lot in the RS zoning district; and

WHEREAS, LDC Section 34-638(d)(6)b.3. requires a single-family home in the RS zoning district to provide a minimum 20 feet side street setback for corners lots greater than 75 feet in width; and

WHEREAS, the subject property supports a single-family residence with a non-conforming side street setback of 8.1 feet and a 36 square foot deck with a non-conforming side street setback of 17.57 feet from Bayshore Road, see Exhibit "B"; and

WHEREAS, the Applicant proposes to expand the current deck to 232 square feet. The proposed deck will maintain the existing 8.1-foot side street setback of the single-family residence from the Bayshore Road, as shown on the Site Plan in Exhibit "A"; and

WHEREAS, the Applicant requests a variance from LDC Section 34-638(d)(6)b.3, to vary 11.9 feet from the required 20-foot side street setback to allow construction of a 232 sq. ft. deck for the existing non-conforming single-family residence in the RS zoning district; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on January 13, 2026, and at said hearing, the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-87 of the LDC; and

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

A. There **are/ 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 variance 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 deck for an existing single-family home as shown on the provided site plan. Demolition or substantial damage to the residential structure shall render the variance to be null and void.
3. This variance applies to the 232 square-foot-deck for an existing single-family structure on 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 side street 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.

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. VAR20250220, with the conditions contained herein, received/ did not receive unanimous approval from eligible voting members of the LPA on January 13, 2026.

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 _____, 2026.

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 _____, 2026.

EXHIBITS

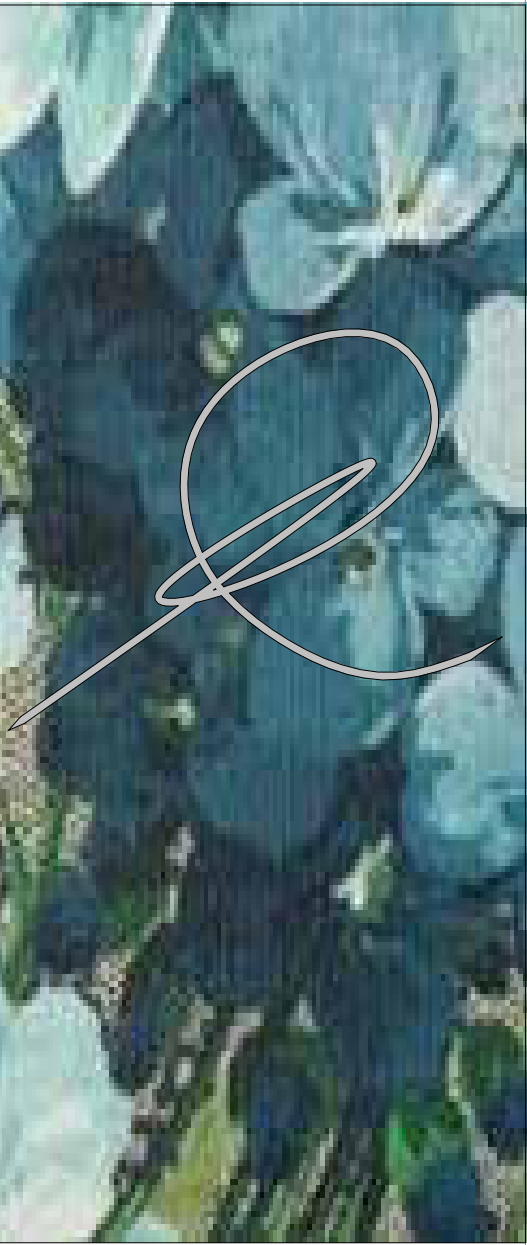
Exhibit A: Site Plan

Exhibit B: Survey

173 GULF ISLAND DR

FORT MYERS BEACH, FL

NOTE:
SCOPE OF WORK IS TO RECONSTRUTCT STIARCSES WHICH WERE DAMAGED DURING THE HURRICANE AND EXPAND THEM.



PERMIT: 2023.09.28
REVISION: 2025.10.31

PROJECT INFORMATION

Hurricane Damage - Deck

(PROJECT ADDRESS)
173 GULF ISLAND DR
FORT MYERS BEACH

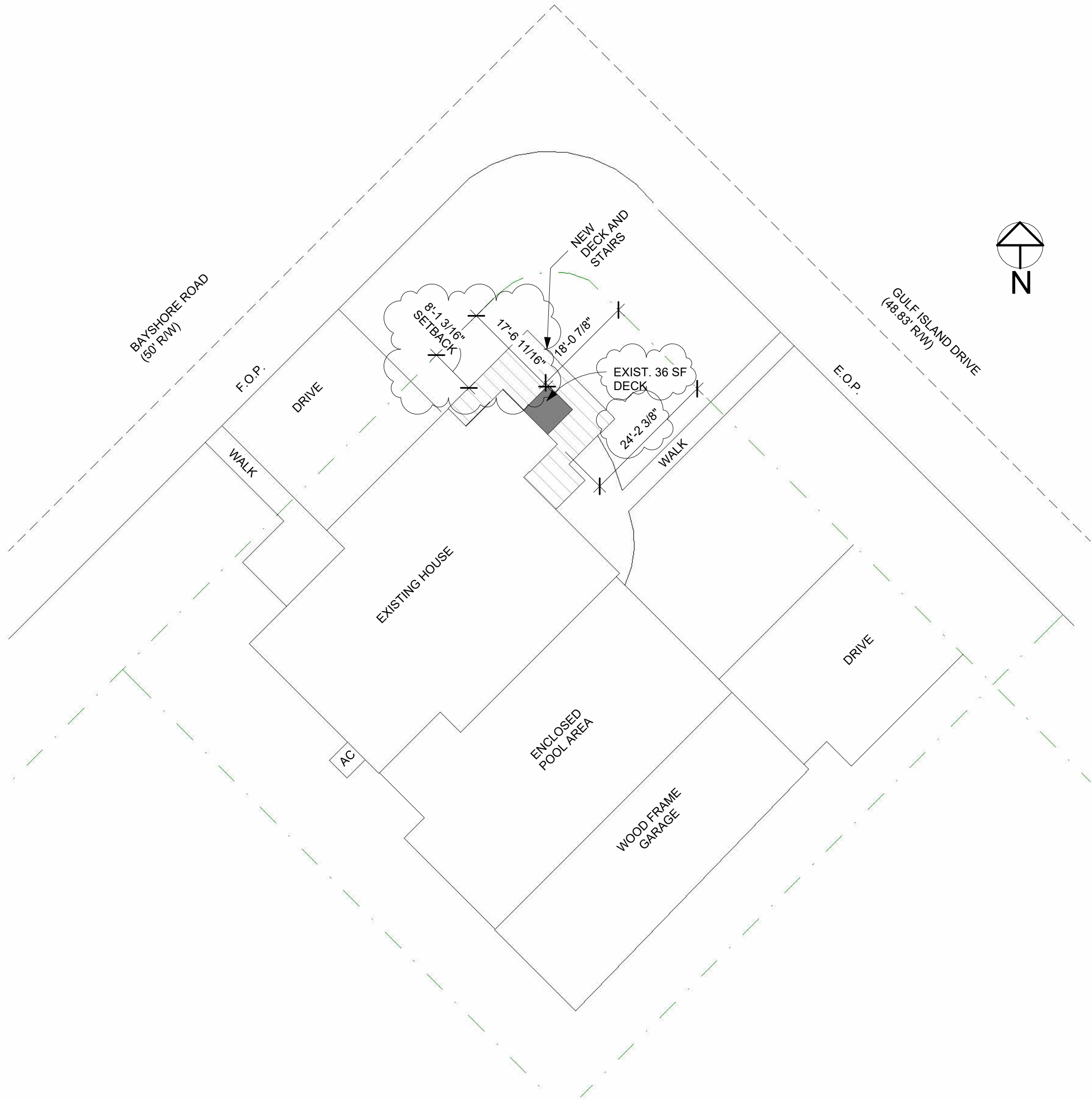
[DRAWN BY] TYN & MDS

[SHEET NAME]
[SHEET NUMBER]

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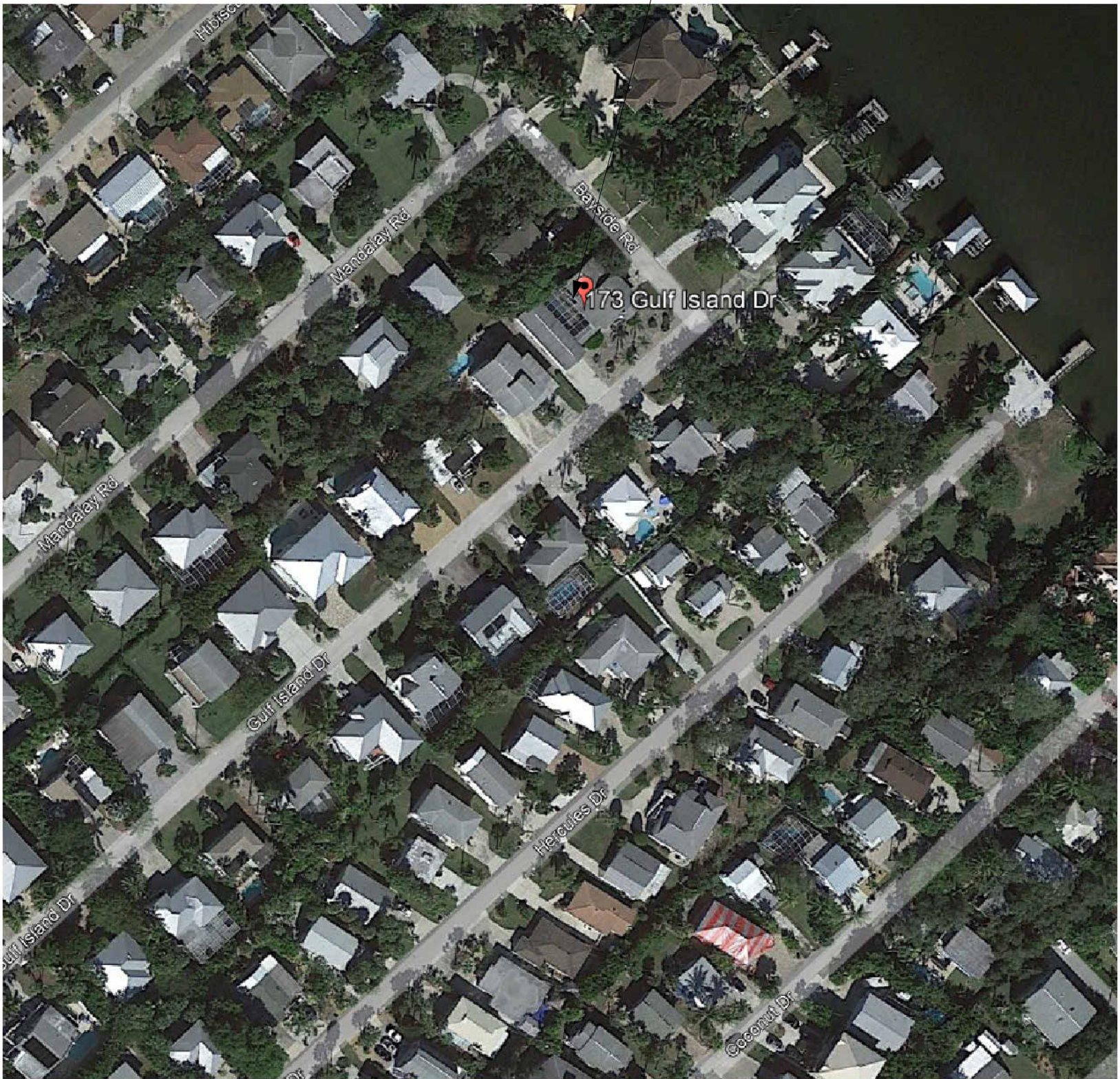
MICHAEL D. STEWART, PE
FLA REG. #72459

5330 SW 11th CT
Cape Coral, FL
Cell: (239)-292-7670
Email: MStewart@MStewartPE.com
PROFESSIONAL ENGINEERING SERVICES



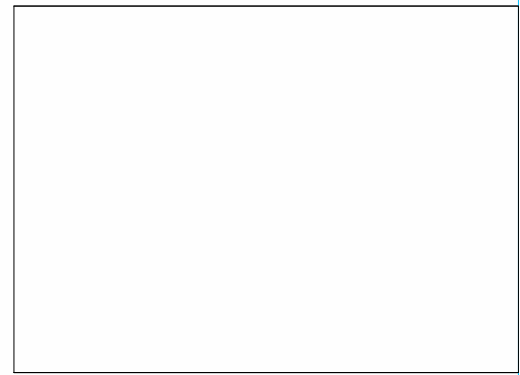
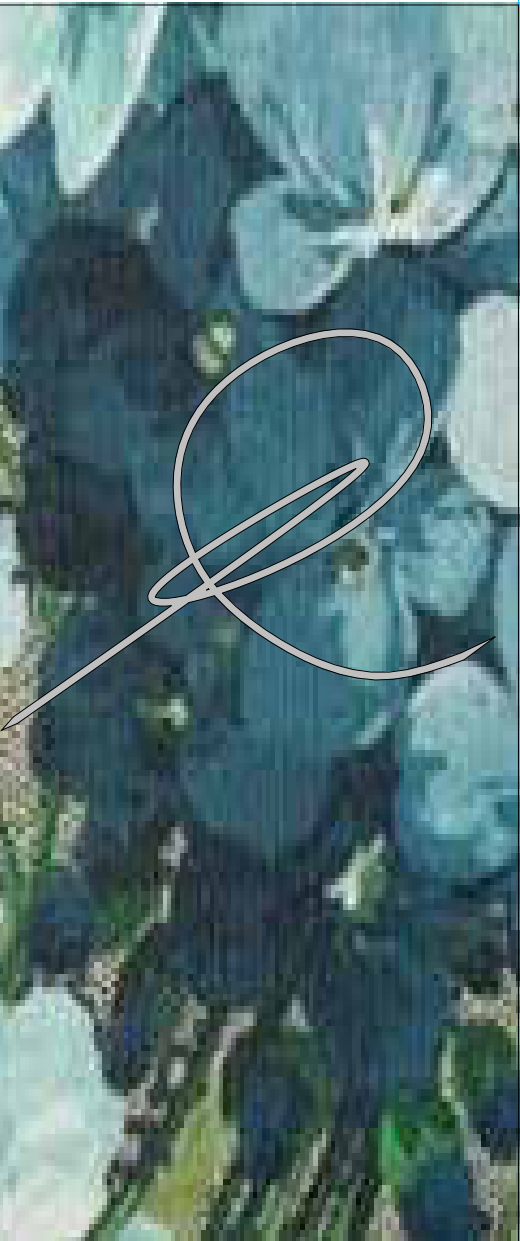
1 SITE PLAN
1/16\" = 1'-0"

SITE LOCATION





1 EXISTING FLOOR PLAN
1/4" = 1'-0"



PERMIT: 2023.09.28
REVISION 1: 2025.10.31

PROJECT
INFORMATION

Hurricane
Damage
- Deck

[PROJECT ADDRESS]
173 GULF ISLAND DR
FORT MYERS BEACH

[DRAWN BY] TYN & MDS

[SHEET NAME]

[SHEET NUMBER]

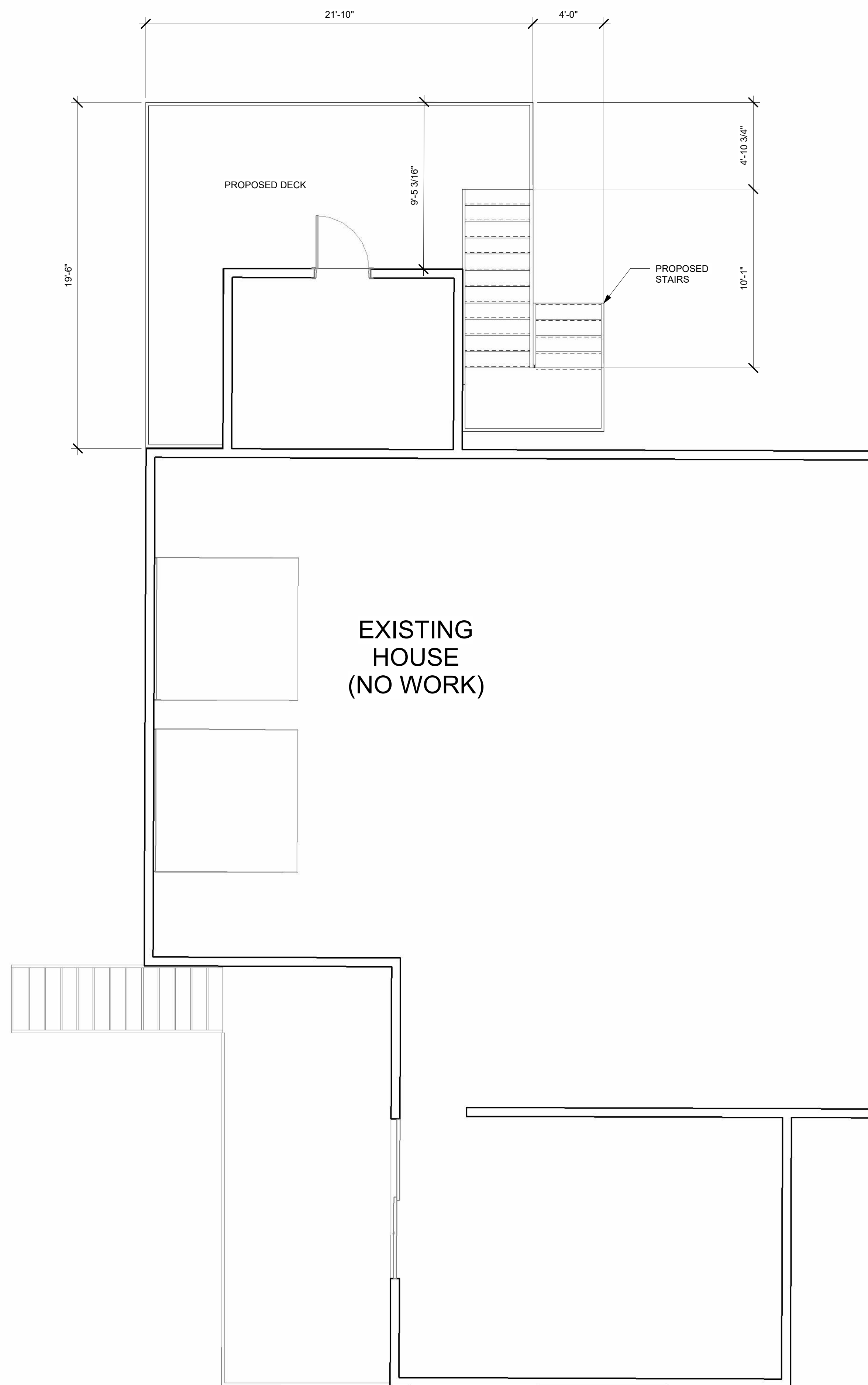
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1.0

MICHAEL D. STEWART, PE
FLA REG. #72459

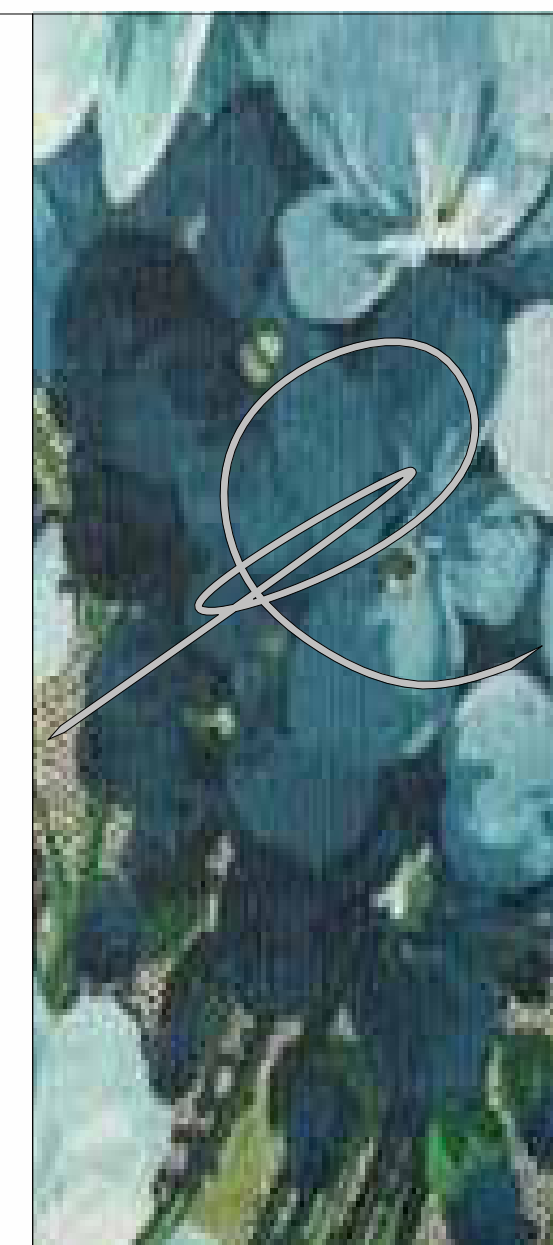
5330 SW 11th CT
Cape Coral, FL
Cell: (239)-292-7670
Email: MStewart@MStewartPE.com
PROFESSIONAL ENGINEERING SERVICES

ALL HANDRAILS AND GUARD RAILS TO BE 36" AFF U.N.O. DESIGNED AND INSTALLED TO NOT ALLOW THE PASSAGE OF A 4" SPHERE. PROVIDE TOE RAILING AS REQ'D, MAX 2" A.F.F. COORD. FINAL MATERIAL, DESIGN, AND FINISH WITH OWNER. HANDRAILS AND GUARDS MUST COMPLY WITH ALL THE REQUIREMENTS OF THE FBC.

SEE STRUCTURAL DRAWINGS FOR ALL LOAD BEARING WALL, COLUMN AND FILLED CELL LOCATIONS.



2 PROPOSED FLOOR PLAN
1/4" = 1'-0"

[illegible]

PROJECT INFORMATION

Hurricane Damage - Deck

173 GULF ISLAND DR
FORT MYERS BEACH

[DRAWN BY]	TYN & MOD
[SHEET NAME]	
[SHEET NUMBER]	
A	
1.1	

MICHAEL D. STEWART, PE
FLA REG. #72459

5330 SW 11th CT
Cape Coral, FL
Cell: (239)-292-7670
Email: MStewart@MStewartPE.com
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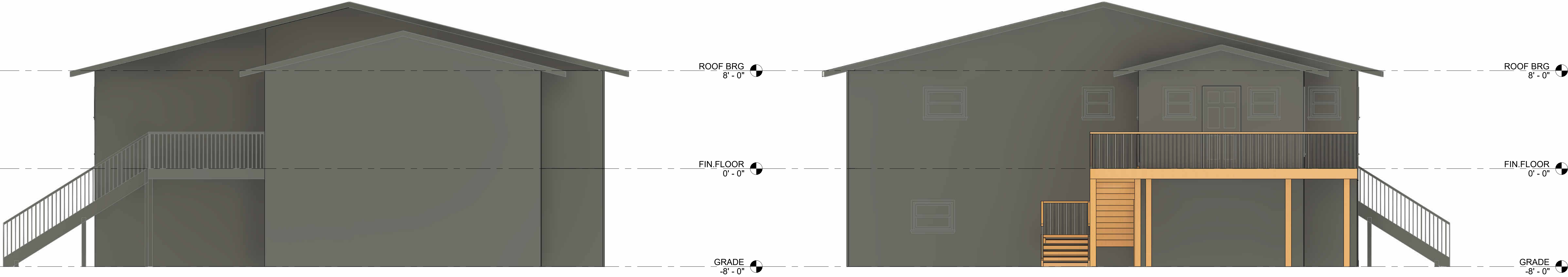
ELEVATION TYPICAL NOTES:

ROOF NOTE:
-SEE ROOF PLAN FOR GENERAL ROOF NOTES AND ROOF MATERIAL SELECTION NOTES.
TYPICAL ARCHITECTURAL NOTES:
-VERIFY ALL STRUCTURAL ELEMENTS WITH STRUCTURAL ENGINEER.
-COORDINATE ALL INTERIOR WALL, SOFFITS AND CEILING TREATMENTS WITH OWNER.
-ROOF AND BEARING HEIGHTS ARE SHOWN RELATIVE TO A REFERENCE ELEVATION BASED ON TOP OF SLAB.
U.N.O.
-ALL HANDRAILS AND GUARD RAILS TO BE 36" AFF U.N.O. W/ ALL ELEMENTS SPACED SO AS TO NOT ALLOW THE PASSAGE OF A 4" SPHERE. PROVIDE TOE RAILING AS REQ'D, MAX 2" A.F.F. COORD. FINAL MATERIAL, DESIGN, AND FINISH WITH OWNER. HANDRAILS AND GUARDS MUST COMPLY WITH THE REQUIREMENTS OF THE FBC 2020 7th EDITION.

NOTE:
CONTRACTOR TO VERIFY ALL DIMENSIONS.



2 REAR ELEVATION
1/4" = 1'-0"

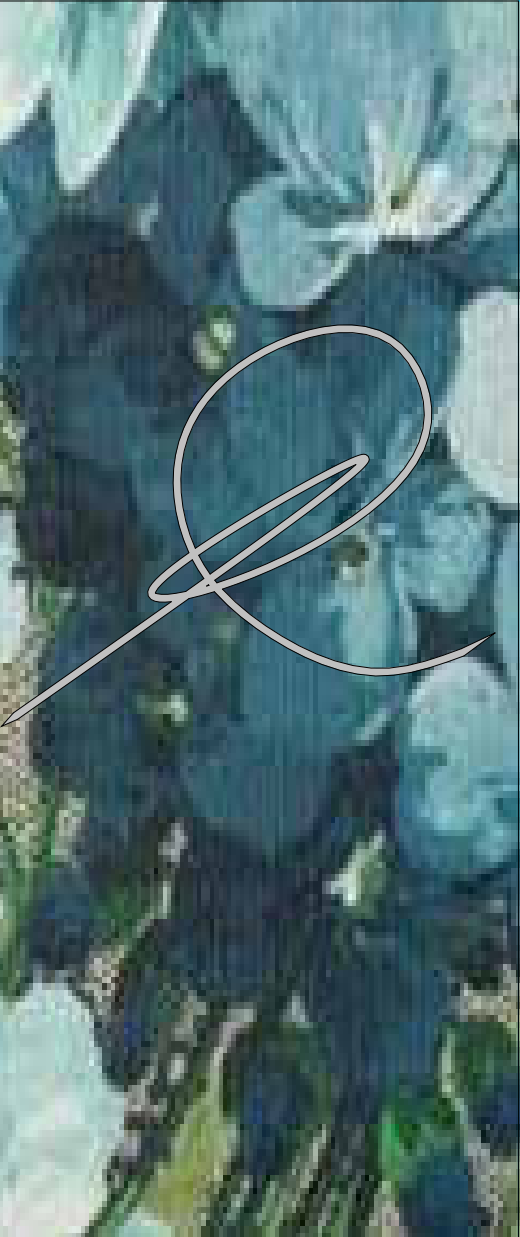


4 RIGHT ELEVATION
1/4" = 1'-0"

3 LEFT ELEVATION
1/4" = 1'-0"



5 FRONT ELEVATION
1/4" = 1'-0"



PERMIT: 2023.09.28
REVISION: 2025.10.31

PROJECT
INFORMATION

Hurricane
Damage
- Deck

[PROJECT ADDRESS]
173 GULF ISLAND DR
FORT MYERS BEACH

[DRAWN BY] TYN & MDS

[SHEET NAME]
[SHEET NUMBER]

A
2.0

MICHAEL D. STEWART, PE
FLA REG. #72459

5330 SW 11th CT
Cape Coral, FL
Cell: (239)-292-7670
Email: MStewart@MStewartPE.com
PROFESSIONAL ENGINEERING SERVICES

- NOTES:**
1. THIS SKETCH DOES NOT REFLECT OR DETERMINE OWNERSHIP.
 2. DESCRIPTION AS FURNISHED BY CLIENT. NO SEARCH OF THE PUBLIC RECORDS WAS CONDUCTED BY THIS FIRM.
 3. BEARINGS ARE BASED ON PLAT OR DEED.
 4. ELEVATIONS AS SHOWN ARE BASED ON N.G.V.D. 1929 DATUM UNLESS OTHERWISE STATED.
 5. ENCROACHMENTS ARE BASED ON PLAT OR DEED.
 6. THERE MAY BE OTHER EASEMENTS NOT SHOWN HEREON RECORDED IN THE PUBLIC RECORDS OF THE GOVERNING COUNTY.
 7. NO DETERMINATION OF HAZARDOUS WASTE MATERIALS HAS BEEN MADE BY THIS FIRM.
 8. LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES NOT SHOWN UNLESS OTHERWISE NOTED.
 9. SIGNOR LIMITS LIABILITY ONLY UP TO THE COST OF SURVEY.
 10. THIS SURVEY IS PROTECTED BY COPYRIGHT AND ALL RIGHTS ARE RESERVED.
 11. SURVEY WAS BASED ON INFORMATION PROVIDED BY CLIENT AND EXISTING MONUMENTATION.
 12. 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.
 13. THE FEMA FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED BY ANOTHER SOURCE.

LEGEND:

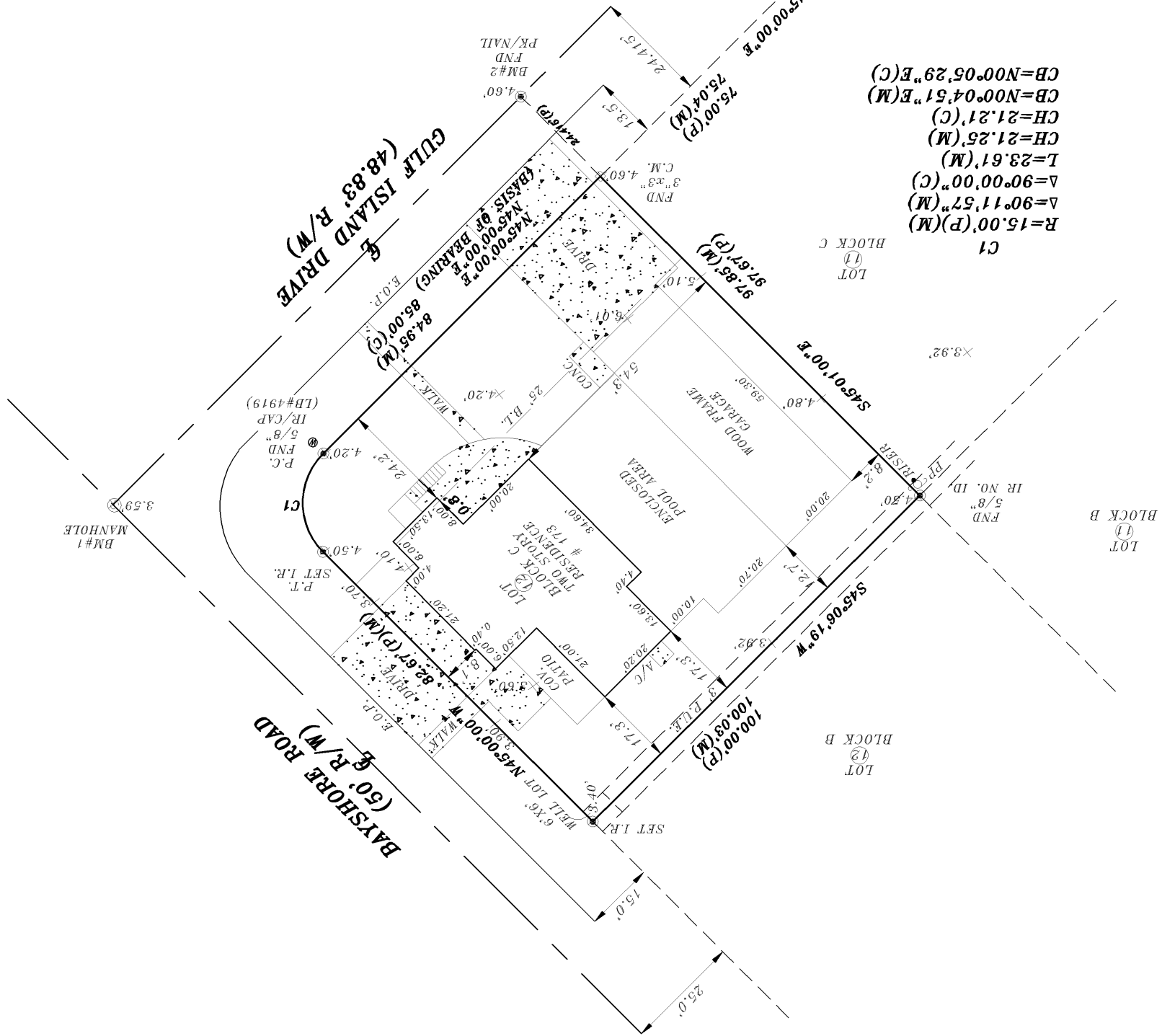
- (A) - ARC LENGTH
- A/C - AIR CONDITIONER
- B.L. - BUILDING SETBACK LINE
- ⊙ - CABLE TV
- (C) - CALCULATED
- C.B. - CATCH BASIN
- CB - CHORD BEARING
- CH - CHORD DISTANCE
- C.M. - CONC. MONUMENT
- C.U.E. - COUNTY UTILITY EASEMENT
- (D) - DEED
- B.O.B. - BASIS OF BEARINGS
- D.E. - DRAINAGE EASEMENT
- D.U.E. - DRAINAGE UTILITY EASEMENT
- ELEV. - ELEVATION
- E.O.P. - EDGE OF PAVEMENT
- BM. - BENCH MARK
- FND. - FOUND
- GV - GATE VALVE
- I.R. - IRON ROD
- G.W. - GUY WIRE
- (M) - MEASURED
- N&T - NAIL & TAB
- N.A.V.D. - NORTH AMERICAN VERTICAL DATUM (1988)
- N.T.S. - NOT TO SCALE
- (NR) - NOT RADIAL
- O.R. - OFFICIAL RECORD
- (P) - PLAT
- P.B. - PLAT BOOK
- P.C. - POINT OF CURVATURE
- P.C.P. - PERMANENT CONTROL POINT
- P.I. - POINT OF INTERSECT
- Pg. - PAGE
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- PP - POWER POLE
- P.R.C. - POINT OF REVERSE CURVATURE
- P.R.M. - PERMANENT REFERENCE MONUMENT
- P.T. - POINT OF TANGENCY
- P.U.E. - PUBLIC UTILITY EASEMENT
- R - RADIAL
- (R) - RADIAL
- RANGE - RANGE
- R/W - RIGHT OF WAY
- SEC. - SECTION
- SET I.R. - SET 1/2" IRON ROD LB1478 LB2239
- - V.F.= VINYL FENCE
- ⊙ - TELEPHONE BOX
- T.U.E. - TECHNOLOGY UTILITY EASEMENT
- TWP. - TOWNSHIP
- U.E. - UTILITY EASEMENT
- U.P. - UTILITY PEDESTAL
- WATER METER
- Δ - DELTA ANGLE
- ⊗ - FIRE HYDRANT
- ⊗ - TEMPORARY BENCHMARK
- - CENTERLINE
- × - 4" CLF= CHAIN LINK FENCE
- 6 W.F.= WOOD FENCE
- OVERHEAD WIRES
- CONCRETE PAD
- MEAN HIGH WATER
- MEAN LOW WATER
- LOT NUMBER



LEGAL DESCRIPTION:

173 GULF ISLAND, FORT MYERS BEACH, FLORIDA 33931

LOT 12, BLOCK C, GULF ISLAND MANOR, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 68, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.



CERTIFIED TO:

Nicole Pieratt
CrossCountry Mortgage, LLC, ISA04
Title Masters, LLC
Old Republic National Title Insurance Fund

BOUNDARY SURVEY REVISED:

FIELD SURVEY	04-25-19
CREW CHIEF	C. CORDISCO
DRAWN BY	SDS
SCALE	1" = 30'
LIS JOB NO	22926
SHEET: 1 OF 1	DATE: 05-07-19

LIS Land Surveying, LLC

d.b.a. S & H Land Survey Co.

21430 Palm Beach Blvd.
Alva, FL 33920
239-481-2366 239-481-2437 (Fax)
LB1057

2572 West State Road 426, Suite 2064
Oviedo, FL 32765
321-244-0402 321-244-9419 (Fax)
LB1057

APPROVED

BILL H. HYATT, JR.
REGISTERED LAND SURVEYOR PSM#4636
STATE OF FLORIDA
VALID ONLY WITH EMBOSSED SEAL

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATION CODE.



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20250220

CASE NAME: 173 Gulf Island Drive; requesting a variance from LDC section 34-638(d)(6)b.3., to reduce the required 20-foot side street setback by 11.9 feet to allow a 232-square-foot deck for the existing single-family residence in the RS zoning district.

LPA

HEARING DATE: December 13, 2026 9:00 am

STAFF

RECOMMENDATION: Denial

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

I. APPLICATION SUMMARY

Applicant/Owner: John Prinz on behalf of Gordian Multistrategy Fund LLC

Request: A variance from LDC section 34-638(d)(6)b.3., a request to reduce the required 20-foot side street setback by 11.9 feet to allow a 232-square-foot deck for the existing single-family residence in the RS zoning district.

The property currently supports a nonconforming single-family residence with a non-conforming 36-square-foot deck. The house has a side street setback of 8.1 feet, and the existing 36 square feet deck has a side street setback of 17.57 feet which encroaches 2.43 feet in the required side street setback. The Applicant is now requesting a variance to allow a 232-square-foot deck with a side street setback of 8.1 feet.

Subject property: See attached site plan

Physical Address: 173 Gulf Island Drive

STRAP #: 29-46-24-W2-0050C.0120

FLU: Low-Density Residential

Zoning: Residential Single-family (RS)

Adjacent zoning and land uses:

North:	LOW DENSITY RESIDENTIAL Single family residential
South:	LOW DENSITY RESIDENTIAL Single family residential
East:	LOW DENSITY RESIDENTIAL Single family residential
West:	LOW DENSITY RESIDENTIAL Single family residential

II. BACKGROUND AND ANALYSIS

Background:

John Prinz on behalf of Gordian Multistrategy Fund LLC, the owner of 173 Gulf Island Drive, is requesting a variance from the Town's Land Development Code (LDC) Section 34-638(d)(6)b.3, which requires single-family homes and all attached accessory structures including decks and staircases in the RS zoning district to provide a minimum 20 feet side street setback for lots greater than 75 feet in width.

The subject property is a corner lot that currently supports a single-family residence built in 1996. The existing single-family residence has a non-conforming front street setback of 24.19 feet along Gulf Island Drive and 8.1 feet side street setback from Bayshore Road. The house supports a 36 square feet deck along Gulf Island drive with a non-conforming side street setback of 17.57 feet. The Applicant now plans to expand the deck to 232 square feet and is requesting a variance of 11.9 feet to allow a side street setback of 8.1 feet for the new deck where a minimum 20 feet side street setback is required for lots greater than 75 feet in the RS zoning district.

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 the RS zoning is at least 75 feet wide and 100 feet deep or 7,500 sq. ft. of area. The subject property is an 85-foot-wide and 82-foot-deep, nonconforming corner lot.

LDC Section 34-638(d)(6)b.3, requires single-family homes and all attached accessory structures including deck and staircase in the RS zoning district to provide a minimum 20 feet side street setback for lots greater than 75 feet in width. The property currently supports a single-family residence built in 1996. The existing single-family residence has a non-conforming front street setback of 24.19 feet along Gulf Island Drive and 8.1 feet side street setback from Bayshore Road. The house supports a 36 square feet deck along Gulf Island drive with a non-conforming side street setback of 17.57 feet. The Applicant now plans to expand the deck to 232 square feet with the same side street setback as the existing house. The proposed deck will not encroach into the town required visibility triangles. The Applicant is therefore requesting a variance of 11.9 feet to allow a side street setback of 8.1 feet for the new deck where a minimum 20 feet side street setback is required for lots greater than 75 feet in the RS zoning district.

Neighborhood Compatibility:

The subject property is part of a older single-family residential neighborhood where most single-family homes appear to comply with the Town's required side street setbacks. The proposed expansion would maintain the same side street setback as the existing single-family residence and granting of this variance will not be injurious to the neighborhood.

Findings and Conclusions:

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

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

The property is a corner lot. The subject single-family residence was built in 1996, with a non-conforming 36 square foot deck. The house has a side street setback of 8.1 feet, and the existing deck has a side street setback of 17.57 feet which encroaches 2.43 feet in the required side street setback. The Applicant has the choice to continue using the current non-conforming deck. The request to expand the deck to 232 sq. ft. is a design choice leading to further diminution of the required side street setback.

- 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.*

As mentioned above, the property currently supports a 36 square feet non-conforming deck with a 17.57 feet side street setback where a 20 feet side street setback along Bayshore Road is required by the Town's LDC. The Applicant is now proposing to expand the non-conforming deck to an area of 232 square feet and a side street setback of 8.1 feet. The Applicant has the

choice to continue using existing deck. Therefore, the requested expansion of the proposed deck and further diminution of the proposed side street setback is a result of a design choice.

- 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 Applicant has the choice to continue using the current non-conforming deck. The request to expand the deck to 232 sq. ft. is a design choice leading to further diminution of the required side street setback.

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

The proposed expansion of the deck will have the same side street setback as the existing non-conforming side street setback of the single-family residence and will not encroach into the town required visibility triangles. Granting of this variance will not be injurious to the neighborhood or otherwise detrimental to the 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 from LDC Table 34-638(d)(6)b.3, *a request to reduce the required 20-foot side street setback by 11.9 feet to allow a 232-square-foot deck for the existing single-family residence in the RS zoning district* and find that the variance request does not meet the requirements set-forth in sec. 34-87.

Therefore, staff recommends **DENIAL** of VAR20250220, request to allow 8.1 feet side street setback for construction of a new 232 square feet deck and staircase for an existing non-conforming single-family residence in the RS zoning district.

IV. CONDITIONS

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

1. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach

Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

2. The variance shall only apply to the deck as shown on the provided site plan. Demolition or substantial damage to the residential structure shall render the variance to be null and void.
3. This variance applies to the 232-square-foot deck for an existing single-family structure on 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 side street 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: LPA Resolution 2025-XX, 173 Gulf Island

Exhibit B: Application



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

This is a first part of a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: _____

STRAP Number: _____

Applicant: _____ Phone: _____

Contact Name: _____ Phone: _____

Email: _____ Fax: _____

Current Zoning District: _____

Future Land Use Map (FLUM) Category: _____

FLUM Density Range: _____ Platted Overlay: ☐ YES ☐ NO

ACTION REQUESTED

☐ Special Exception

☐ Variance

☐ Conventional Rezoning

☐ Planned Development ☐ Commercial ☐ Residential

☐ Master Concept Plan Extension

☐ Appeal of Administrative Action

☐ Vacation of Platted Right-of-way and Easement

☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A

PH-B

PH-C

PH-D

PH-E

PH-F

PH-G

attach on separate sheet

PART I – General Information

A. Applicant*: _____ Phone: _____

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.*

Please see PART III to complete the appropriate Affidavit form for the type of applicant.

Applicant Mailing Address: _____

Email: _____ Fax: _____

Contact Name: _____ Phone: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

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

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

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

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

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

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

☐ Appeal of Administrative Action

☐ Vacation ☐ Right-of-Way ☐ Easement

☐ Other. Please Explain: _____

PART III – Waivers

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

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

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

Signature

Printed Name

STATE OF _____ COUNTY OF _____

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

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

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

_____ as identification.

(SEAL)

Notary Public Signature

PART V

Property Ownership (Multiple Owners)

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

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

DISCLOSURE OF OWNERSHIP INTEREST

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

Name and Address

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Ownership

_____	_____
_____	_____
_____	_____
_____	_____

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

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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

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

_____	_____
Signature	Printed Name

AFFIDAVIT

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Signature

Title

Typed or Printed Name

Date

STATE OF _____ COUNTY OF _____

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

Seal

Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: _____

Property Address: _____

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

☐ Yes. Property identified in subdivision: _____

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

B. Boundary Survey:

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

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

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

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

Total land area: _____ ☐ acres ☐ square feet

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

☐ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

☐ There are no deed restrictions and/or covenants on the subject property.

☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.

☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

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

☐ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.

☐ Attach a map showing the surrounding property owners as Exhibit 6-7.

☐ Provide Staff with two (2) sets of surrounding property owner mailing labels.

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

☐ Low Density

☐ Marina

☐ Mixed Residential

☐ Recreation

☐ Boulevard

☐ Wetlands

☐ Pedestrian Commercial

☐ Platted Overlay



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

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

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

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

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

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

Explanatory Notes – Part I

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

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

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

Explanatory Notes – Part IV

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Explanatory Notes – Part V

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

Explanatory Notes – Part VI

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

line. Exhibit 6-2

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

Explanatory Notes – Part IV & V

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



Case # _____

Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

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

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

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

Variance is requested from:

LDC Section Number

Title of Section or Subsection

Complete the narrative statements below for EACH variance requested.



Case # _____ Date Received: _____

PART I
Narrative Statements

Request for variance from _____ (LDC Section number)

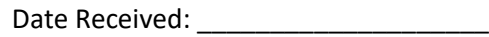
Explain the specific regulation contained in this section from which relief is sought:

Reasons for request

Explain why the variance is needed:

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

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

[illegible]

PART 2

Submittal Requirements

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

Required Items

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

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

Cover page

Case Number will be inserted by Community Development staff.

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

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

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

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

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

Narrative statements

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

Site plan

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

LDC Section 34-87

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

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

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

Yellow Sheet Number: **2026-221**

1. Request:

Meeting Date: January 13, 2026

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING / APPROVING WITH CONDITIONS/ DENYING VARIANCE 20250279, REQUESTING A VARIANCE FROM LDC SECTION 26-74(3)A. TO ALLOW A 597-SQUARE-FOOT BOATHOUSE WHERE A MAXIMUM 500-SQUARE-FOOT BOATHOUSE IS PERMITTED FOR THE EXISTING SINGLE-FAMILY RESIDENCE IN THE RS ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 225 EGRET STREET, GENERALLY REFERRED TO AS STRAP NUMBER: 34-46-24-W4-00055.0010 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 Local Planning Agency (LPA) may make a recommendation to the Town Council regarding the variance request or may approve the variance request by unanimous vote.

What the action accomplishes:

The Local Planning Agency's recommendation shall be forwarded to the Town Council, or, if the request is approved by unanimous vote, shall constitute final agency action.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

Stevan M Desancic, on behalf of Desancic Aleksandar Trust, the owner of 225 Egret Street, is requesting a variance from the Town's Land Development Code (LDC) Section 26-74(3)a., to allow a 597-square-foot boathouse where a maximum 500-square-foot boathouse is permitted for the existing single-family residence in the RS zoning district.

The property currently supports a single-family residence with an existing boatlift for a 12-foot-wide and 43-foot-deep boat. The Applicant wants to add a 12.9-foot-wide and 45-foot-deep canopy on the boatlift to protect the boat. Therefore, the Applicant is proposing a 597-square-foot boathouse where a maximum 500-square-foot boathouse is permitted by LDC Section 26-74(3)a.

Attachments:

1. LPA Resolution 2026-XX, 225 Egret Street
2. Exhibit A to Resolution- Site Plan
3. Exhibit B to Resolution- Survey
4. Staff report
5. Exhibit B to Staff report- Application

Financial Impact:

Unknown

6. Alternative Action

Approval / Approval with conditions

7. **Staff Recommendations:**

Staff recommends **DENIAL** of VAR20250279, request to allow a 597-square-foot boathouse where a maximum 500-square-foot boathouse is permitted for the existing single-family residence in the RS zoning district.

8. **Recommended Approval:**

Georgina Cid, Community Development Manager

Date: January 07, 2026

Frankie Kropacek, Community Development Director

Date: January 07, 2026

nancy stuparich, Town Attorney

Date: January 07, 2026

Amy Baker, Town Clerk

Date: January 07, 2026

LPA RESOLUTION 2026-XX

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING / APPROVING WITH CONDITIONS/ DENYING VARIANCE 20250279, REQUESTING A VARIANCE FROM LDC SECTION 26-74(3)A. TO ALLOW A 597-SQUARE-FOOT BOATHOUSE WHERE A MAXIMUM 500-SQUARE-FOOT BOATHOUSE IS PERMITTED FOR THE EXISTING SINGLE-FAMILY RESIDENCE IN THE RS ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 225 EGRET STREET, GENERALLY REFERRED TO AS STRAP NUMBER: 34-46-24-W4-00055.0010 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, Stevan M Desancic, on behalf of Desancic Aleksandar Trust (hereinafter "Applicant"), is the owner of real property located at 225 Egret Street, Fort Myers Beach, Florida (hereinafter "subject property"); and

WHEREAS, the STRAP for the subject property is 34-46-24-W4-00055.0010, and the legal description for the subject property as shown on the Survey provided in Exhibit "B"; and

WHEREAS, the subject 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 subject 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 subject property is a 60-foot-wide and 120-foot-deep nonconforming lot in the RS zoning district; and

WHEREAS, the subject property supports a single-family residence with a boatlift which is compliant with the Town's LDC; and

WHEREAS, the Applicant proposes adding a 597-square-foot canopy on the existing boatlift; and

WHEREAS, LDC Section 26-72(4), requires all fixed or flexible boat coverings to meet all requirements for boathouses in LDC Section 26-74; and

WHEREAS, the Applicant requests a variance from LDC Section 26-74(3)a., to allow a 597-square-foot boathouse where a maximum 500-square-foot boathouse is permitted for the existing single-family residence in the RS zoning district; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on January 13, 2026, and at said hearing, the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-87 of the LDC; and

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

A. There **are/ 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 variance with the following conditions:

1. The variance shall only apply to the boathouse as shown on the site plan provided in "Exhibit A". Demolition or substantial damage to the residential structure shall render the variance to be null and void.

2. 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.

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. VAR20250279, with the conditions contained herein, received/ did not receive unanimous approval from eligible voting members of the LPA on January 13, 2026.

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 _____, 2026.

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 ____, 2026.

EXHIBITS

Exhibit A: Site Plan

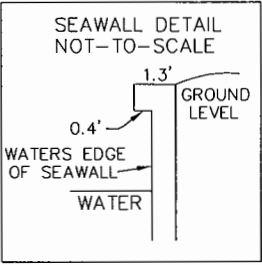
Exhibit B: Survey

ABBREVIATIONS

(C) = CALCULATED
(D) = DEED
(F) = CALCULATED FROM FIELD MEASUREMENTS
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(P) = PLAT
A/C = AIR CONDITIONER
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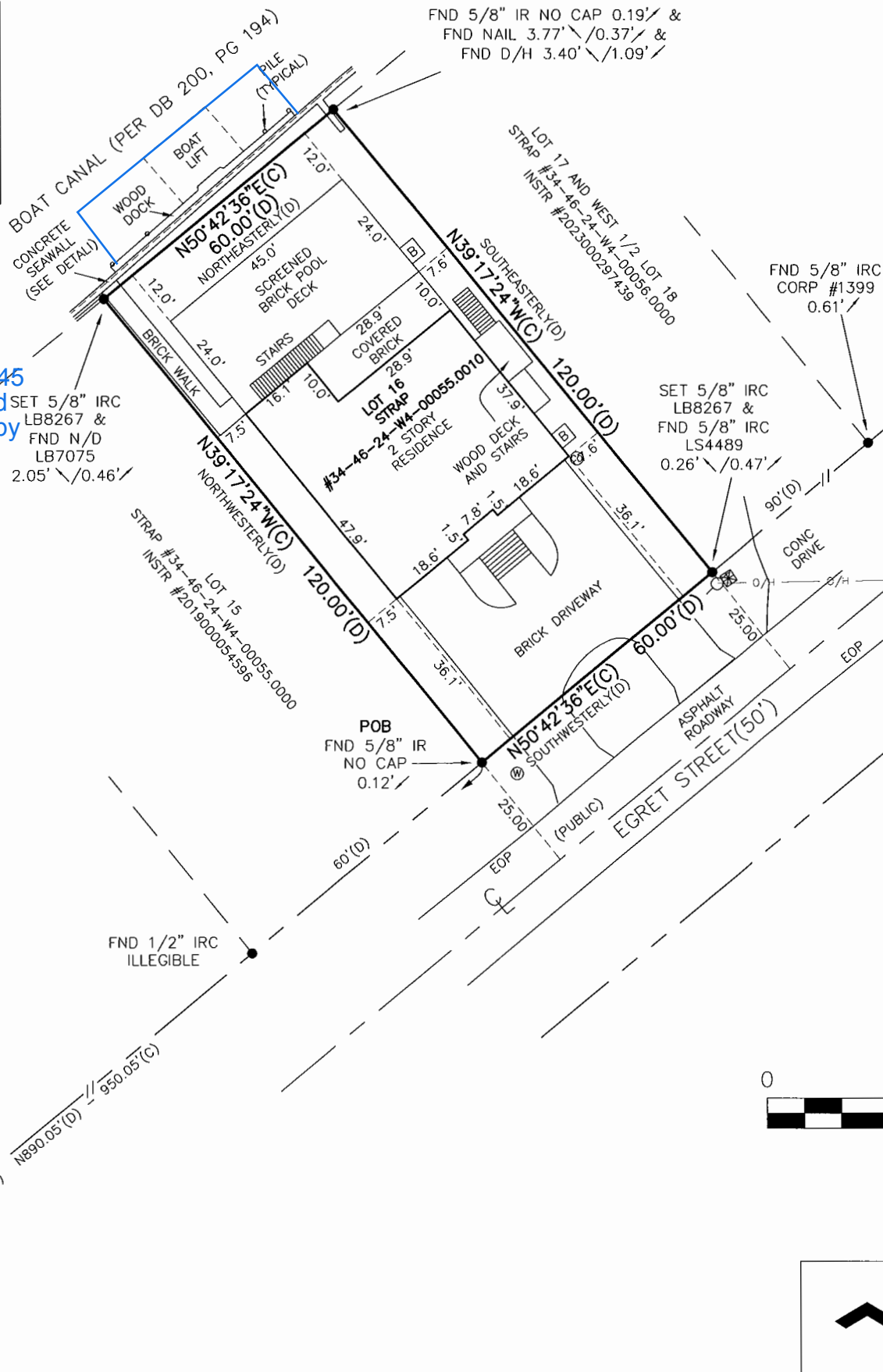
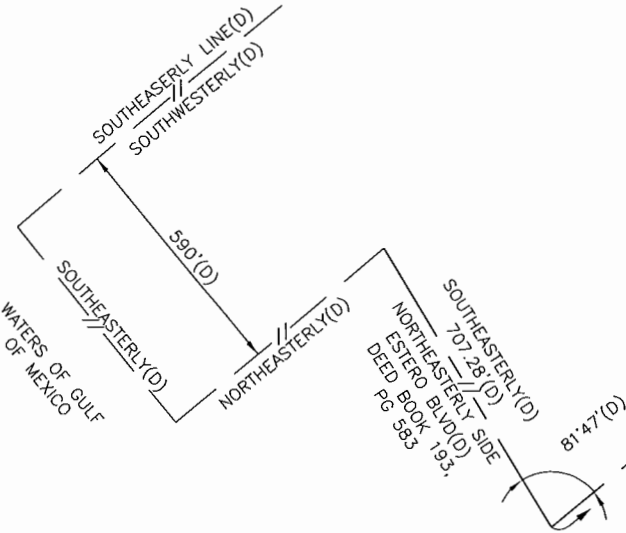
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Proposed canopy cover 13.25 X 45
see canopy drawing for detail and
location of support piles for canopy
cover

MCPHIE PARK, UNIT NO. 2
BLOCK I, PB 8, PG 59

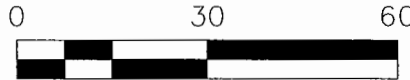


SURVEY PLAT

OF LOT 16, MARTIN AND LEWIS SUBDIVISION,
UNRECORDED, LYING IN
SECTION 34, TOWNSHIP 46 SOUTH, RANGE 24 EAST,
FORT MYERS BEACH, LEE COUNTY, FLORIDA

DESCRIPTION INSTR #2010000067178:
LOT 16, MARTIN AND LEWIS SUBDIVISION, UNRECORDED IN SECTION 34, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF BLOCK "I" OF MCPHIE PARK, UNIT #2, AS RECORDED IN PLAT BOOK 8, PAGE 59, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE SOUTHWESTERLY ALONG A LINE WHICH IS AN EXTENSION OF THE SOUTHEASTERLY LINE OF BLOCK "I" TO THE WATERS OF THE GULF OF MEXICO, THENCE SOUTHEASTERLY ALONG THE WATERS OF SAID GULF TO A POINT 590.0 FEET, AS MEASURED AT RIGHT ANGLES TO THE LAST MENTIONED COURSE; THENCE NORTHEASTERLY ON A LINE PARALLEL TO THE SOUTHEASTERLY LINE OF SAID BLOCK "I" TO THE NORTHEASTERLY SIDE OF ESTERO BOULEVARD, AS DEDICATED BY DEED BOOK 193, PAGE 583, PUBLIC RECORDS OF LEE COUNTY; THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY SIDE OF ESTERO BOULEVARD, FOR 707.28 FEET; THENCE NORTHEASTERLY AT AN INCLUSIVE ANGLE OF 81°11' (SHOULD BE 81°) DEGREES 47 MINUTES WITH THE LAST MENTIONED COURSE FOR 890.05 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY AT RIGHT ANGLES TO THE LAST MENTIONED COURSE FOR 120.00 FEET; THENCE NORTHEASTERLY ALONG THE SOUTHERLY SIDE OF A CANAL DEDICATED IN DEED BOOK 200, PAGE 194 FOR 60 FEET; THENCE SOUTHEASTERLY AT RIGHT ANGLES TO THE LAST MENTIONED COURSE A DISTANCE OF 120 FEET; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO THE LAST MENTIONED COURSE A DISTANCE OF 60 FEET TO THE POINT OF BEGINNING.

NOTES:
SURVEY BASED ON INSTRUMENT #2010000067178, OFFICIAL RECORD BOOK 2146, PAGE 2109, RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND FOUND MONUMENTATION.
BEARINGS ARE STATE PLANE COORDINATE FOR THE FLORIDA WEST ZONE (NORTH AMERICAN DATUM OF 1983/1990 ADJUSTMENT). THERE ARE NO BEARINGS ON THE RECORD PLAT.
DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.
PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS- OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).
IRON RODS "SET" ARE 5/8" X 18" REBAR WITH YELLOW CAP BEARING CORPORATION NO. LB8267.
UNDERGROUND IMPROVEMENTS, UTILITIES AND/OR FOUNDATIONS WERE NOT LOCATED UNLESS OTHERWISE NOTED.
THIS PLAT PREPARED AS A BOUNDARY SURVEY AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.
PARCEL CONTAINS 0.17 ACRES (7,200 SQUARE FEET), MORE OR LESS.
SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS OF AN URBAN SURVEY (1:15,000).
SITE ADDRESS: 225 EGRET STREET, FORT MYERS BEACH, FL 33991.
PARCEL STRAP NO.: 34-46-24-W4-00055.0010
DATE OF LAST FIELD WORK: 11-06-2025.



225 EGRET STREET - BOUNDARY SURVEY



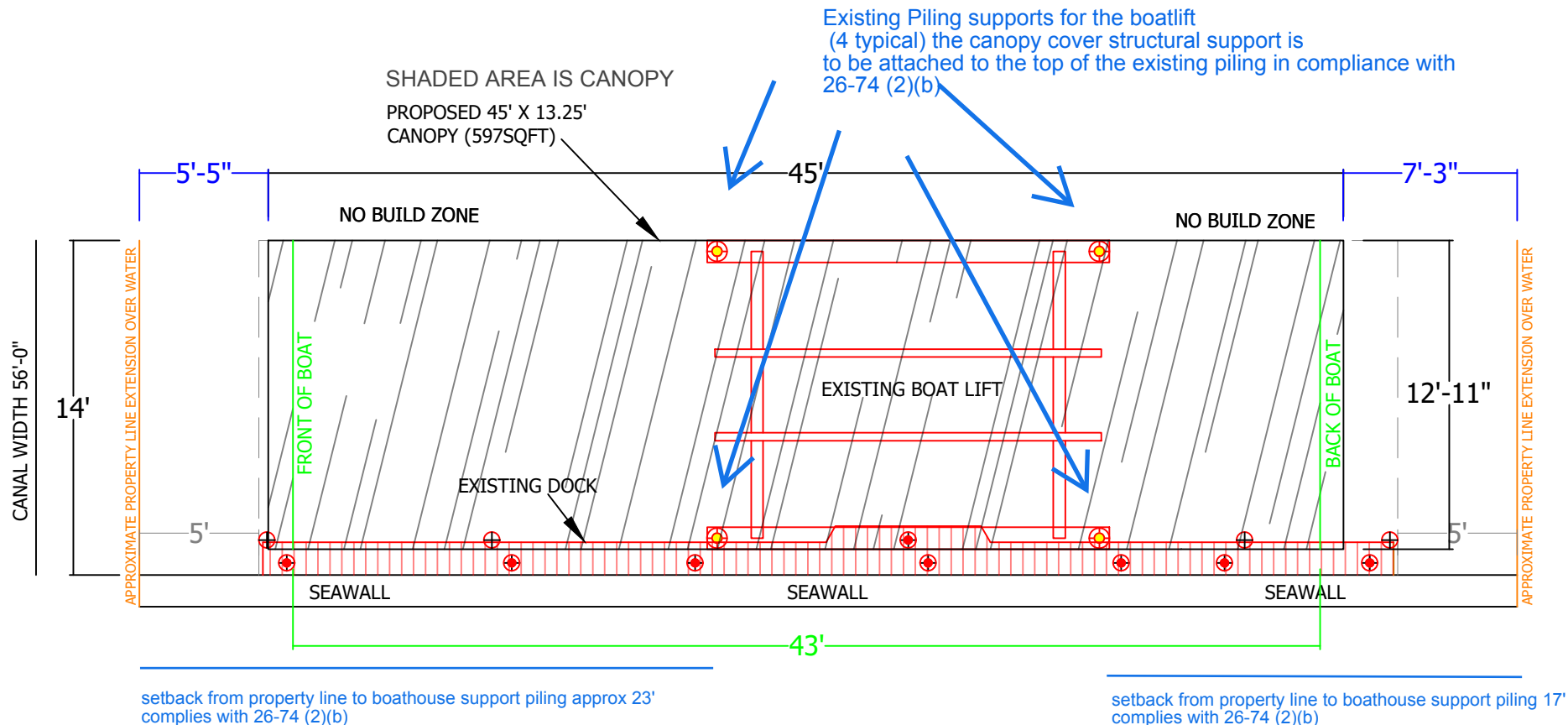
HALEY WARD

Engineering | Environmental | Surveying
13041 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919 PH (239) 481-1331

2012541.001SR.DWG FLORIDA CERTIFICATE OF AUTHORIZATION NUMBERS EB32664 & LB8267

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
11-06-25	12541.001	RLC	1" = 30'	1 OF 1	34-46-24

Typical Site plan for canopy



The Boatlift and dock are existing and have been permitted and finalized no additional support pilings for the proposed boathouse "canopy cover" will be added; canopy cover must be removed when wind speed reaches 70 mph

SQUARE FOOTAGE

EXISTING SQUARE FOOTAGE OVER WATER
PROPOSED CANOPY SQUARE FOOTAGE

70
597

TOTAL SQUARE FOOTAGE

667

- LEGEND**
- 8" PILING - PILING HEIGHTS TO VARY
 - 10" PILING - PILING HEIGHTS TO VARY
 - 8" PILING - UNDER DECK
 - ROPE HANDRAIL
 - CROSS-BRACING

ADDITIONAL INFORMATION

- ALL PILING TO BE 2.5 CCA MARINE GRADE BUTT PILE
- ALL DECKING HARDWARE TO BE STAINLESS STEEL SCREWS
- ALL STRINGERS TO BE .60 CCA/2"x8" R/S
- REQUIRED REFLECTORS TO BE INSTALLED
- BLACK PLASTIC PILING WRAP TO BE INSTALLED

APPROVAL SIGNATURE: _____
APPROVAL DATE: _____

****ALL DIMENSIONS HEREIN AND ON SITE ARE APPROXIMATE +/- 3"-4"****

****DOCK TO BE BUILT LEVEL REGARDLESS OF VARYING ELEVATIONS OF SEAWALL CAP****

****ALL BOAT LIFT PILING DIMENSIONS ARE MEASURED FROM CENTER OF PILING TO CENTER OF PILING****

CANOPY



DOCK AND SEAWALL LANDSCAPE

STOKES MARINE, INC.

LICENSE #CBC1262379
15955 PINE RIDGE ROAD, FORT MYERS, FLORIDA 33908
OFFICE: 239.489.DOCK FACSIMILE: 239.693.DOCK
WWW.STOKESMARINE.COM

SCALE:
N.T.S.
DATE:
2025-10-22
REVISION:

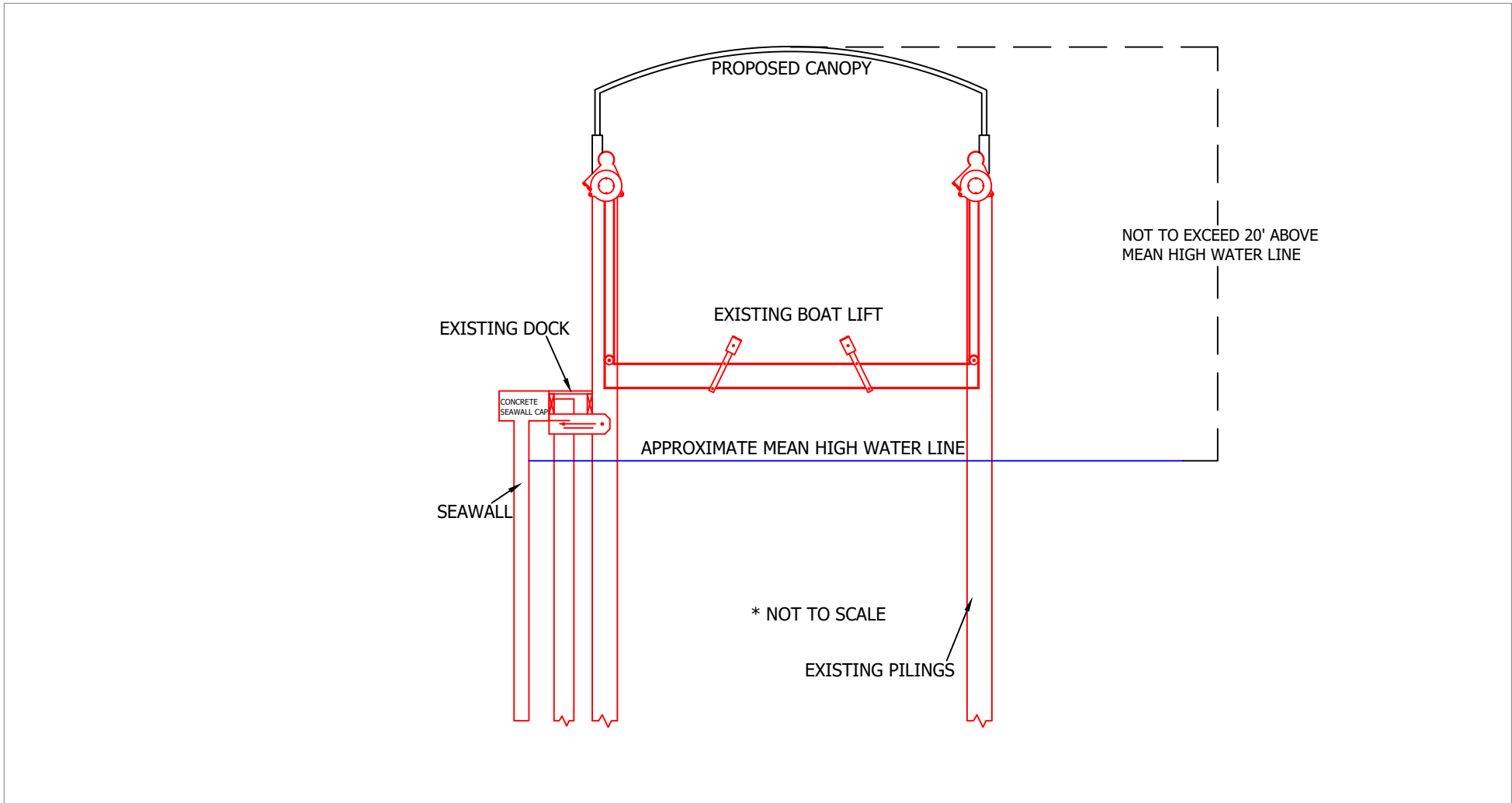
SITE ADDRESS: 225 EGRET ST FORT MYERS BEACH FL 33931

STRAP NUMBER: 34-46-24-W4-00055.0010

OWNER NAME: DESANCIC ALEKSANDAR TR FOR DESANCIC TRUST

SALESMAN: SERVICE DEPARTMENT
DRAWN BY: SERVICE DEPARTMENT

JOB # 15078



SQUARE FOOTAGE

EXISTING SQUARE FOOTAGE OVER WATER	<u>70</u>
PROPOSED CANOPY SQUARE FOOTAGE	<u>597</u>

TOTAL SQUARE FOOTAGE 667

- LEGEND**
- 8" PILING - PILING HEIGHTS TO VARY
 - 10" PILING - PILING HEIGHTS TO VARY
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CANOPY	DOCK AND SEAWALL LANDSCAPE		SALESMAN: SERVICE DEPARTMENT
			DRAWN BY: SERVICE DEPARTMENT
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	LICENSE #CBC1262379 15955 PINE RIDGE ROAD, FORT MYERS, FLORIDA 33908 OFFICE: 239.489.DOCK FACSIMILE: 239.693.DOCK WWW.STOKESMARINE.COM		STRAP NUMBER: <u>34-46-24-W4-00055.0010</u>
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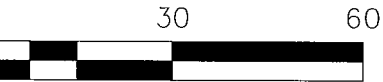
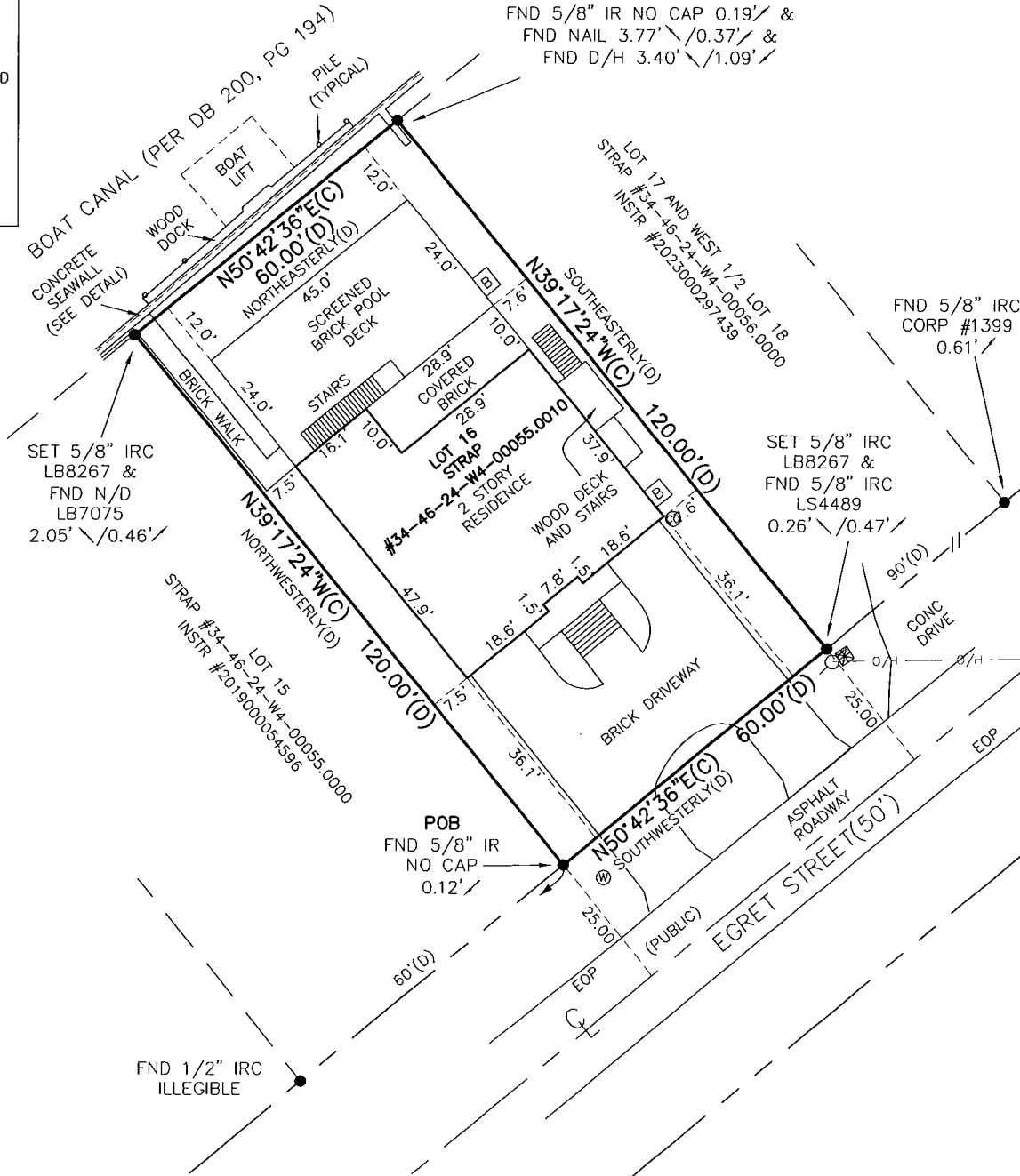
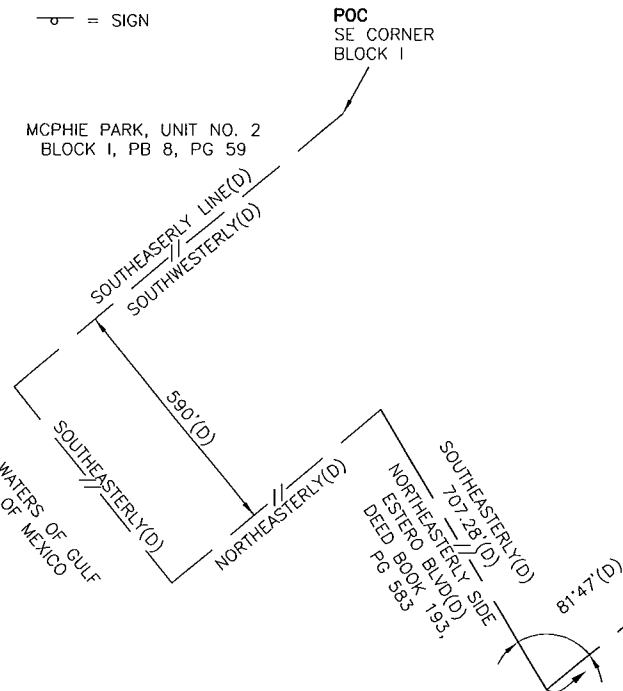
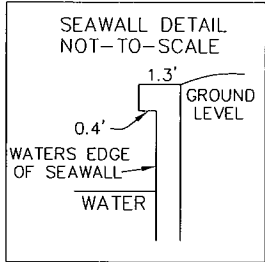
SCALE: N.T.S. DATE: 2025-10-22 REVISION:	JOB # <u>15078</u>
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SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS OF AN URBAN SURVEY (1:15,000).

SITE ADDRESS: 225 EGRET STREET, FORT MYERS BEACH, FL 33991.

PARCEL STRAP NO.: 34-46-24-W4-00055.0010

DATE OF LAST FIELD WORK: 11-06-2025.

*NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER.
FOR THE FIRM HALEY WARD, INC. (LB8267)

[Signature]

ROBERT L. CARMELIA, P.S.M., NO. LS6548
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA

— THIS CERTIFICATION IS ONLY FOR THE LANDS
DESCRIBED HEREON.
— IT IS NOT A CERTIFICATION OF TITLE, ZONING,
SETBACKS, OR FREEDOM OF ENCUMBRANCES.
— THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF
ABSTRACT OF TITLE AND ALL MATTERS OF TITLE
SHOULD BE REFERRED TO AN ATTORNEY AT LAW.

225 EGRET STREET - BOUNDARY SURVEY



HALEY WARD

Engineering | Environmental | Surveying

13041 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919

PH (239) 481-1331

2012541.001SR.DWG

FLORIDA CERTIFICATE OF AUTHORIZATION NUMBERS EB32664 & LB8267

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
11-06-25	12541.001	RLC	1" = 30'	1 OF 1	34-46-24



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20250279

CASE NAME: 225 Egret Street; requesting a variance from LDC Section 26-74(3)a. to allow a 597-square-foot boathouse where a maximum 500-square-foot boathouse is permitted for the existing single-family residence in the RS zoning district.

LPA

HEARING DATE: January 13, 2026, at 9:00 am

STAFF

RECOMMENDATION: Denial

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

I. APPLICATION SUMMARY

Agent: Kara Stewart

Applicant/Owner: Stevan M Desancic on behalf of Desancic Aleksandar Trust

Request: A variance from LDC Section 26-74(3)a., to allow a 597-square-foot boathouse where a maximum 500-square-foot boathouse is permitted for the existing single-family residence in the RS zoning district.

Subject property: See attached site plan

Physical Address: 225 Egret Street

STRAP #: 34-46-24-W4-00055.0010

FLU: Low-Density Residential

Zoning: Residential Single-family (RS)

Adjacent zoning and land uses:

North:	LOW DENSITY RESIDENTIAL Single-family residential
South:	LOW DENSITY RESIDENTIAL Single-family residential
East:	LOW DENSITY RESIDENTIAL Single-family residential
West:	Canal

II. BACKGROUND AND ANALYSIS

Background:

Stevan M Desancic, on behalf of Desancic Aleksandar Trust, the owner of 225 Egret Street, is requesting a variance from the Town's Land Development Code (LDC) Section 26-74(3)a., to allow a 597-square-foot boathouse where a maximum 500-square-foot boathouse is permitted for the existing single-family residence in the RS zoning district.

The property currently supports a single-family residence with an existing boatlift for a 12-foot-wide and 43-foot-deep boat. The Applicant wants to add a 12.9-foot-wide and 45-foot-deep canopy on the boatlift to protect the boat. Therefore, the Applicant is proposing a 597-square-foot boathouse where a maximum 500-square-foot boathouse is permitted by LDC Section 26-74(3)a.

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 the RS zoning is at least 75 feet wide and 100 feet deep or contains a minimum area of 7,500 square feet. The subject property is a 60-foot-wide and 120-foot-deep, nonconforming lot in the RS zoning district.

The property currently supports a single-family residence with an existing boatlift for a 12-foot-wide and 43-foot-deep boat. The Applicant wants to add a 12.9-foot-wide and 45-foot-deep canopy on the boatlift to protect the boat. As per LDC Section 26-72(4), Fixed or flexible boat coverings must meet all requirements for boathouses in LDC Section 26-74.

A Boathouse is defined in the LDC as *a roofed structure constructed over or adjacent to water to provide a covered mooring or storage place for watercraft.*

To cover the entire boat the Applicant is proposing a 597-square-foot boathouse where a maximum 500-square-foot boathouse is permitted by LDC Section 26-74(3)a. Therefore, the Applicant is requesting a variance to allow a 597-square-foot boathouse.

Neighborhood Compatibility:

The subject property is part of a single-family residential neighborhood where a few single-family homes appear to have boathouses exceeding 500-square-foot area in this canal. The proposed boathouse for the existing boatlift is similar to the other boathouses in this canal and granting the requested variance would not be injurious to the surrounding neighborhood.

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 no exceptional or extraordinary conditions or circumstances inherent to the subject property that justify the requested variance. The subject property is a waterfront single-family residential lot that supports a boatlift which is compliant with the Town LDC. The request to add a canopy and exceed the maximum permitted boathouse area is not the result of a unique physical constraint associated with the property, shoreline configuration, or navigational conditions, but rather a design preference to fully cover the existing boat.

- 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.*

As mentioned above, the existing boatlift complies with the Town's Land Development Code, and the Applicant has the ability to continue using the boatlift without modification. The request to add a canopy that results in a boathouse exceeding the maximum permitted area represents a voluntary design decision rather than a hardship imposed by the property or by regulatory constraints.

- c. *That 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 in question to his property.*

The Applicant has the choice to continue using the current boatlift which is compliant with Town's regulations. The request to add a canopy and construct a 597-square-foot boathouse is a design choice.

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

Granting this variance will not be injurious to the neighborhood or otherwise detrimental to the 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 from LDC Section 26-74(3)a., *to allow a 597-square-foot boathouse where a maximum 500-square-foot boathouse is permitted for the existing single-family residence in the RS zoning district* and finds that the variance request does not meet the requirements set forth in LDC Sec. 34-87.

Therefore, staff recommends **DENIAL** of VAR20250279, request to allow a 597-square-foot boathouse where a maximum 500-square-foot boathouse is permitted for the existing single-family residence in the RS zoning district.

IV. CONDITIONS

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

1. The variance shall only apply to the boathouse as shown on the site plan provided in "Exhibit A" of the Resolution. Demolition or substantial damage to the residential structure shall render the variance to be null and void.
2. 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.

V. EXHIBIT TO STAFF REPORT

Exhibit A: LPA Resolution 2026-XX, 225 Egret Street

Exhibit B: Application



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: 225 Egret St
STRAP Number: 34-46-24-W4-00055.0010
Applicant: Stevan M Desancic Phone: 219-808-4808
Contact Name: Stevan Phone: N/A
Email: sdesancic@tpgusa.com Fax: N/A
Current Zoning District: RS
Future Land Use Map (FLUM) Category: Low Density
FLUM Density Range: 4du/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*: Stevan M Desancic Phone: 219-808-4808
**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: 1148 PARK DR MUNSTER IN 46321
Email: sdesancic@tpgusa.com Fax: N/A
Contact Name: Stevan Phone: 219-808-4808



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

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

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

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

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

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

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

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

PART II – Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☒ Variance from LDC Section 26 - 74 (3)(a)
- ☐ 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, Stevan M Desancic 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

Stevan M Desancic

Printed Name

STATE OF INDIANA COUNTY OF LAKE

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

presence OR online notarization, this 5 day of November, 2025, by

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

 as identification.

ELIZABETH A MILLER
NOTARY PUBLIC
SEAL
LAKE COUNTY, STATE OF INDIANA
COMMISSION NO. NP0111111
MY COMMISSION EXPIRES 9-17-2026

Elizabeth A Miller
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

SHARON DESANCIC

_____	_____
_____	_____
_____	_____
_____	_____

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: 34-46-24-W4-00055.0010

Property Address: 225 Egret St

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: Martin Lewis Unrecorded Plat

Book: 3135 Page: 0376 Unit: _____ Block: A Lot(s): 16

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) 120 feet
Frontage on street: 60 feet. Frontage on waterbody: 60 feet
Total land area: 7200 ☐ acres ☒ square feet

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

Go left over bridge approx 3/4 down Island

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

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

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

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

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

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

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

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

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

Explanatory Notes – Part I

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

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

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

Explanatory Notes – Part IV

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Explanatory Notes – Part V

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

Explanatory Notes – Part VI

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



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

line. Exhibit 6-2

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

Explanatory Notes – Part IV & V

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



Case # _____

Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

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

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

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

Variance is requested from:

LDC Section Number

Title of Section or Subsection

Complete the narrative statements below for EACH variance requested.

PART I
Narrative Statements

Request for variance from _____ (LDC Section number)

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

Reasons for request

Explain why the variance is needed:

Explain the possible effect the variance, if granted, would have on surrounding properties:
The canal currently has approximately 14 "boathouse" structures, while having docks and boatlifts . The boathouses along the canal range in size and type therefore the neighborhood is accustomed to and familiar with "boathouses"
With the familiarity created by the multiple boatlifts with covers in the canal there shouldn't be any negative effects on the neighborhood.
Please see Birdseye view Exhibit "A" which reflects the current canal and the property which is proposing the boathouse indicated with a grey outline
"
Please see Immediately Adjacent Neighbors "Exhibit D" for a reference to the immediately adjacent neighbors

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

While the property has the same owner since 2004, the owner has watched the changes and adjustments the Town has gone through over the years. As times change so have the boats seen along the shores of Fort Myers Beach and elsewhere
The owner has a dock, and a boat lift which all accomodate the vessel he is looking to provide protection to. Other than a manually installed cover which would be a rather burdonsome and potentially unsafe task to accomplish the proposed boat lift
canopy cover is the only option for protection against the elements of FMB.
The increased cost of boats necessitate the protection of the purchase; the intent to regulate vinyl boat covers as a boathouse has added to the hardship.

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

Please see Exhibit B""

PART 2

Submittal Requirements

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

Required Items

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

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

Cover page

Case Number will be inserted by Community Development staff.

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

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

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

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

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

Narrative statements

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

Site plan

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

LDC Section 34-87

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

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

Exhibit "B"
225 Egret St.

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

1. ***Extraordinary Conditions:***

The applicant has owned the property since 2004, their boating situation has changed and short of selling their home and moving off FMB there are no other reasonable options available to protect the boat from the weather without requesting this variance. Interestingly enough, the boat may be stored on the lift with a manually installed cover (such as you would see used on a vehicle), however this is ultimately an unreasonable expectation of anyone (the safety of an individual trying to install such a cover would be compromised). It is unreasonable to expect an individual wishing to protect their investment to only have an unsafe option. The dock and boat lift have permits which have been finalized. The pilings which currently exist and were permitted under DSH243106 are going to be utilized to support the vinyl canopy boalift cover.

2. ***Result is not from any action taken by applicant:***

The applicant purchased a boat, had a boat dock and lift installed with permits and then realized they were not able to put a permanent vinyl cover over the already installed posts which were used to construct the boat lift.

The definition of boathouse we don't believe was originally contemplated for what is being proposed today: "a roofed structure constructed over or adjacent to water to provide a covered mooring or storage place for watercraft". Is the proposed vinyl cover which must be removed at time of a storm the same as a conventionally framed permanent "roofed structure"

Furthermore, there are jurisdictions that do not consider the proposed structure a "boathouse" and accordingly do not require permits. Maybe this was bad planning on part of the applicant but this request is certainly not without some confusion. There is a reasonable expectation of the

public that since this structure does not require additional vertical support columns, and meets setbacks, is in addition to the existing boat lift and dock, and does not have a permanent roof (which would require a licensed roofer) that this structure would not be considered a boathouse. Hence this is not an action taken directly by the applicant but a misunderstanding that the proposed cover would require a variance.

3. *Minimum variance requested:*

The request is minor in nature in that we are requesting a variance for a vinyl boat lift removable cover (boathouse) of approximately 97 sf. The remainder of the structure (dock and lift) are currently permitted and finalized. Allowing the increase from 500sf to 597 sf will accommodate the need.

4. *Granting the variance will not be injurious to the neighborhood:*

Granting of this variance will feel will not be injurious to the neighborhood, as presented we feel the neighborhood is accustomed to and familiar with boat covers of this nature and therefore will not be injured by this request.

5. *The request is not so broad in nature to require a code change:*

This request is currently unique to this individual as we are able to have the dock, and lift in the current configuration it is the vinyl cover we are unable to have, thus does not require a code change.

Immediately adjacent neighbors

