



Fort Myers Beach Local Planning Agency

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

Minutes

Tuesday, April 21, 2026

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Members Present: Chair Anita Cereceda, LPA Members James Boan, Douglas Eckmann, Ed Schoonover, Jane Plummer.

Chair Cereceda noted that Mr. Dunlap's and Mr. Sudduth's absences were excused.

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Mr. Boan moved to approve the final agenda, seconded by Ms. Plummer. The motion carried unanimously.

V. APPROVAL OF MINUTES

A. Local Planning Agency - March 10, 2026

Mr. Boan moved to approve the minutes of March 10, 2026, seconded by Ms. Plummer.

The motion carried unanimously.

VI. PUBLIC COMMENT

No public comment.

VII. PUBLIC HEARINGS

Town Attorney Stuparich read the announcement on quasi-judicial hearings and summarized procedures for variance proceedings. Town Clerk Baker noted that these items were all properly noticed. The Town Attorney asked if any members had any conflicts of interest that would prevent them from voting. There were none. Town Clerk Baker swore in those providing testimony.

A. VAR20260014, 831 Estero Blvd

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING / APPROVING WITH CONDITIONS/ DENYING VARIANCE 20260014, REQUESTING (1) A VARIANCE FROM LDC SECTION 34-638(D)(2)(B), TO ALLOW A SECOND LEVEL BALCONY ENCROACHMENT INTO THE REQUIRED STREET SETBACK IN THE RC ZONING DISTRICT; AND (2) A VARIANCE FROM LDC SECTION 34-631(B)(3)(A), TO ALLOW AN ENCLOSED 38-SQUARE-FOOT ROOFTOP STRUCTURE FOR MECHANICAL EQUIPMENT TO EXTEND ABOVE THE MAXIMUM PERMITTED BUILDING HEIGHT, FOR THE PROPERTY LOCATED AT 831 ESTERO BLVD, GENERALLY REFERRED TO AS STRAP NUMBER: 24-46-23-W3-0050B.0050 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. Mr. Schoonover disclosed that he received a letter via e-mail, which he believed that all other members received, and that he drove by the property.

Senior Planner Jason Smalley reviewed the background of the request as stated on the yellow sheet. Mr. Schoonover asked if the sliding doors were part of the balcony proposal. Mr. Smalley responded that the applicant had added these doors in the redesign. At this point, the property was approved to have the balcony railing stop at the doors, causing them to be inoperable.

Their request is to expand the balcony to allow for the use of the sliding door. Mr. Schoonover then inquired if the town had measures to be able to prevent or stop such installations in advance. The staff member answered negatively. The applicant's representative, Matt Noble, noted that he had previously been qualified as an expert before the agency. He provided that the structure is currently existing but still requires a roof. The electrical equipment is within the space, and some parts had to be replaced due to the lack of a cover. He acknowledged the oversight that has occurred but emphasized the need to move forward. He asserted that, should both variances be approved, there will be complete consistency with the code. Mr. Noble expressed his understanding for the applicants, who he noted had suffered financially in this process. He pointed out the beautiful views and great location that the property offered. He mentioned the communications of support for the variance proposals. These requests are related to the development of the deck into a viewing platform. He believed that the railings were not ideal and could cause liability risks in the long term. Mr. Eckmann confirmed with Mr.

Noble that the deck already exists and that the request is to add railing so that the structure can be used as a seating space. He also asked about the composition. Mr. Noble responded that the deck was made of concrete. Brant Kotel, owner of Bayside Building and the contractor for this project, stated that sliding doors had been on the original plan since day one. During the construction, there was a realization that the railing could become a serious safety hazard.

Mr. Eckmann requested information about the composition of the railing. Mr. Kotel answered that it was made with aluminum. There was a question on the deviation between the plan and what was built. Mr. Noble recognized that there were errors in the design that were not discovered until construction began. Mr. Boan noted that one element that the agency considers for a variance is hardship that is not self-caused. Mr. Eckmann inquired if the engineer-architect who signed and sealed these plans provided a reasoning for the dimensions and a revised drawing. The contractor responded that there was not an amended drawing but that he could request one. He asserted that the original dimension of 2.9 feet was later changed, but that the problem still exists. Chair Cereceda confirmed with Mr. Kotel that these two variances would largely remedy all existing issues. Mr. Schoonover commented that the issue of the sliding doors should have been identified earlier on. Mr. Smalley highlighted the siloed nature of the reviewing teams.

He noted that there were aspects of the proposals that should have been caught by staff and that they intend to bring forward this issue for review to the Local Planning Agency or to Town Council.

No public comment.

Mr. Smalley noted that they would have to meet FCB fall safety requirements before the CO can be issued. Chair Cereceda asked if this needed to be stipulated in the motion. The staff member responded negatively and stated that it would be required regardless. Mr. Boan confirmed that the height of the existing railing is 3 feet 6 inches and that it would be the same with the approval of the variances.

Mr. Eckmann moved to approve the variance 20260014, 831 Estero Boulevard, with 1) the variance to allow a second level balcony encroachment, in the form of extending guardrails around the perimeter of the deck that comply with the Florida Building Code; and 2) the variance from LDC Section 34-631(B)(3)(A) to allow for the enclosing the 38-foot rooftop structure for mechanical equipment to prevent rain from flowing in, with the conditions stipulated by staff, seconded by Ms. Plummer.

The motion carried unanimously by roll call vote.

B. VAR20260011, 1161/1165 Estero Blvd

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING / APPROVING WITH CONDITIONS/ DENYING VARIANCE 20260011, REQUEST FOR A VARIANCE FROM LDC SECTION 34-676(A), TO MULTIPLY THE PARKING REQUIREMENTS BY 0% AND ALLOW A 100% REDUCTION IN PARKING REQUIREMENTS WHERE A MAXIMUM PERCENTAGE OF 67% IS MULTIPLIED WITH PARKING REQUIREMENTS TO ALLOW A 33% PARKING REDUCTION BY RIGHT FOR PROPERTIES IN THE DOWNTOWN ZONING, FOR THE PROPERTY LOCATED AT 1161/1165 ESTERO BLVD, GENERALLY REFERRED TO AS STRAP NUMBER: 19-46-24-W4-0150E.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.

Chair Cereceda read the title of the resolution. Mr. Schoonover disclosed that he drove by the property. Ms. Plummer disclosed that she spoke with Mr. Matt Noble. No other ex parte communications.

Senior Planner Jason Smalley reviewed the background of the request as stated on the yellow sheet. There are currently seven parking spots, with four on-site (including one ADA spot) and three rented to the property from another commercial entity owned by the same owner. The requirement under today's code would be eight. Mr. Smalley explained the rationale for the staff recommendation to deny the variance, emphasizing the desire to retain status quo and the fact that there is, or close to, complete compliance. He acknowledged that properties with zero parking requirements exist in close proximity but also pointed out that this particular location is not located in the downtown area and thus has to meet the 33% of the parking requirement.

Ms. Plummer inquired about the boundaries of Times Square. Mr. Smalley stated that the code specifically outlined that the areas within the corridor of the pedestrian pathway on the bayside and gulf side do not have to provide any parking. He also noted that there are differences between the north side and the south side of Estero Boulevard. Staff is concerned about parking erosion. There is no change in the intensity of use or the footprint of the building. He noted that the applicant is not intending to remove these spots but is asking to take out the requirement. Mr. Boan requested additional information on the residential units and allowance for overnight usage. Mr.

Smalley responded that there were three units and that he would defer to the applicant on the specific agreement. Mr. Boan also commented that there was a vacant lot behind the property and there was additional parking available at Margaritaville across the street. Mr. Noble stated that the parking lot has a peculiar shape and currently sits significantly higher than the boulevard. He asserts that there is an operational problem. The applicant believes that there are better long-term alternatives, such as a pedestrian mall or outdoor display. He also owns several properties that do provide parking.

No public comment.

Chair Cereceda stated that this structure has been categorized as mixed-use and that the parking has existed for a long time. She wishes to know the ultimate vision for the space. Mr. Noble noted that the applicant would like to use this area as an outdoor display or a pedestrian plaza with seating spaces. Ms. Plummer asked whether the rented spaces will remain. The applicant's representative responded that it would depend on the agency's decision. She further inquired about the details of the parking agreement. There was a response that they could continue to designate those three spots for the residential units. Chair Cereceda reiterated her discomfort in making a decision without comprehensive information on future plans and voiced her opposition. Mr. Eckmann quoted a portion of the yellow sheet on pedestrian-oriented improvements. Mr. Noble highlighted the back-out issues for vehicles navigating in the area. He believes there should be a curb and additional space. Mr. Smalley commented that staff is in full agreement and has been making progress whenever they can. There is a high density of pedestrian traffic.

He believes that if a plan is brought forward, he would be open to discussion. He wishes to retain the ADA parking space, which may disappear if replacement parking is offered elsewhere. Mr. Boan offered the possibility of a joint parking agreement with the lot to the south, which has seven spots and is also owned by the applicant. This would also provide an opportunity to create a nearby substitute ADA-compliant spot. However, he also noted that there is a lot of uncertainty in the applicant's vision. Ms. Plummer commented that her main priorities are the residential unit and ADA parking. If those concerns are addressed, she stated that it would be a good opportunity to reduce some of the challenges in that corner area. She also asked staff if there is zero set-back on this site. Mr. Smalley responded that it could be built out to the sidewalk. Chair Cereceda recognized the parking deficit, which becomes more obvious during the busy season. Mr. Smalley added that staff's position on the recommendation for denial is based on the fact that, if approved, this would be a furtherance of a nonconformity. The Chair, acknowledging that the applicant does have some ideas for a future plan for the parking area, stated that the agency could consider a continuance or a recommendation to deny. Town Attorney Stuparich also provided that the applicant has the opportunity to withdraw the request. Mr. Noble said that he was not authorized to ask for a continuance.

Chair Cereceda moved to deny the variance request, seconded by Mr. Boan. Town Attorney Stuparich requested that the basis for denial be provided at this time. The Chair stated that there was a lack of information to fulfill the criteria, as stipulated in the staff report beginning on page 42, required by a variance request. The seconder of the motion concurred.

The motion carried unanimously by roll call vote.

Town Attorney Stuparich announced that this item would go to review by the Town Council. Chair Cereceda also clarified that there was no public comment and no public in attendance. She confirmed that the denial was without prejudice and that the Local Planning Agency would be able to rehear the item within a 12-month period.

C. VAR20260026, 340 Washington Court

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VAR20260026, A VARIANCE FROM LDC TABLE 34-3 REQUESTING A 3.25 FEET REDUCTION OF THE REQUIRED 10 FOOT SIDE SETBACKS AND 8.75 FOOT OF THE REQUIRED 25 FOOT REAR SETBACKS, IN THE RS ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 340 WASHINGTON COURT; 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. Mr. Schoonover drove by this property from three different directions. The Chair disclosed that she lived in the neighborhood of the site.

Senior Planner Jason Smalley reviewed the background of the request as stated on the yellow sheet. He noted the applicant's plans to build a pool deck along with a shade structure. A pool will be built later on, but no variance is needed. The property is old and contains a shoulder lot. There appears to be a lot of area on paper, but in reality, there is very little usable space. The closest point of the house is 6 feet 9 inches. The applicant intends to bring the deck to the furthest point, leaving no gap between the edge of his house and the beginning of the proposed structure. There is a request for relief in the rear of 8.75 feet to a waterbody set-back, approximately 9 feet more than what is currently allowed. More restrictive rules would be triggered due to its structural integration with the house.

Edward Morelli, accompanied with his wife Andrea Morelli, noted the angled shape of the lot. He expressed their wishes to not block any views of the canal. The proposed structure would not interfere with any existing trees. He asserted that his neighbor provided positive feedback and that the covered patio would provide a benefit for his family. Mr. Eckmann confirmed with the applicant that this would be an extension of the existing structure.

No public comment.

Mr. Boan moved that Variance 20260026, 340 Washington Court, be approved, having found that the conditions in the staff report are supportive of the variance, seconded by Chair Cereceda.

The motion carried unanimously by roll call vote.

VIII. ADMINISTRATIVE AGENDA

No items.

IX. LPA MEMBERS ITEMS/REPORTS

Mr. Boan asked if there were any updates to the public benefits ordinance. Chair Cereceda responded that she hopes that this item will be discussed at the next meeting. Town Attorney Stuparich provided that she can move forward and coordinate with the Town Manager. After some discussions on scheduling, Chair Cereceda presented the possibility of considering the ordinance at the June meeting and presenting to Council in August. Town Attorney Stuparich stated that the proposed timeline should work but requested an opportunity to follow up on May 8 or May 12. Chair Cereceda requested Town Clerk Baker to send the agency's previous information and work to the newest member, Mr. Schoonover. Town Attorney Stuparich added that there was also a past joint meeting with the Council on public benefits.

Mr. Schoonover thanked Town Clerk Baker and Town Attorney Stuparich for their help as he started his position on the Local Planning Agency.

Mr. Eckmann announced that he would not be in attendance for the meeting on May 8, 2026, and asked if May 7 would be a good date. Chair Cereceda noted that the reason for the continuance was that additional time was needed for the town's interest. Chair Cereceda requested that Town Clerk Baker follow up with the final date.

X. LPA ATTORNEY ITEMS/REPORTS

Town Attorney Stuparich has worked with staff on agenda items from the agency members. She requested additional specificity in the titles. Chair Cereceda thanked her for the helpful feedback.

XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS

No items.

XII. ITEMS FOR NEXT MONTHS AGENDA

No items.

XIII. ADJOURNMENT

Ms. Plummer moved to adjourn, seconded by Mr. Boan. The meeting was adjourned at 10:33 a.m.

Minutes adopted as presented, May 12, 2026. Motion by LPA Member Eckmann and seconded by Chair Cereceda. Passed 7-0.



Amy Baker, Town Clerk