



Fort Myers Beach Local Planning Agency

**Council Chambers
2525 Estero Blvd.
Fort Myers Beach, FL 33931**

Agenda

Tuesday, August 10, 2021

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

A. June 3, 2021

V. PUBLIC HEARINGS

A. VAR20210033 101 Gulf Drive Pool and Fence Location and Street Setback Variance

Recommend Approval/Denial of Variance 20210033 101 Gulf Drive Pool and Fence Location and Street Setback

B. VAR20210043 2842 Seaview St. Variance to Pool Location and Street Setback

Recommend Approval with Conditions of VAR20210043 2842 Seaview St Variance to Pool Location and Street Setback

C. VAR20210058 506/508 Carlos Circle Variance for Pool Location and Street Setback

Recommend Approval of VAR20210058 506/508 Carlos Circle Variance for Pool Location and Street Setback

D. SEZ20210050 Special Exception for Consumption on Premises and Video Arcade for Adults

Recommend approval/denial of SEZ20210050, a Special Exception for Consumption on Premises (2COP) and Video Arcade for Adults

VI. ADMINISTRATIVE AGENDA

VII. LPA MEMBERS ITEMS/REPORTS

VIII. LPA ATTORNEY ITEMS/REPORTS**IX. COMMUNITY DEVELOPMENT ITEMS/REPORTS**

A. Comprehensive Plan Level of Service Discussion

X. ITEMS FOR NEXT MONTHS AGENDA**XI. PUBLIC COMMENT****XII. ADJOURNMENT**

NOTE: THIS MEETING IS TELEVISED LIVE ON COMCAST CHANNEL 98.

IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE COUNCIL IN ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.



For special accommodations, please notify the Town Clerk's Office at least 72 hours in advance. (239) 765-0202



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the Town Clerk's Office.

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.



Fort Myers Beach Local Planning Agency

**Council Chambers
2525 Estero Blvd.
Fort Myers Beach, FL 33931**

Minutes

Thursday, June 3, 2021

9:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

Members present: Chair Megan Heil, Forrest Critser, Dan Hughes, Jane Plummer, Scott Safford, Karen Swanbeck and Patrick Vanasse.

II. INVOCATION

Chair Heil.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

A. Local Planning Agency minutes - May 11, 2021

LPA Member Critser moved to approve the minutes; second by LPA Member Swanbeck.

Motion approved 7-0.

V. PUBLIC HEARINGS

A. 5-Year CIP (FY22-26)

Recommend approval/denial of the 5-year Capital Improvement Plan (FY22-26) to the Town Council and inclusion with the proposed Fort Myers Beach Fiscal Year 2022 budget.

Community Development Director Jason Green reviewed the proposed plan. LPA Member Safford questioned whether the LPA could receive the past year's numbers next year. Director Green replied affirmatively. LPA Member Safford questioned what they spent on the swales this fiscal year. Director Green thought it was budgeted for the same amount and indicated he could provide an overview of whether they were on track. LPA Member Safford responded that it would be helpful to have the number. He questioned

whether grants were written in-house or contracted out. Director Green thought it was a mixture of both.

LPA Member Hughes expressed concern regarding approving something for Bayside Park, Times Square and Bay Oaks when the finished products were in question. He questioned how to decide what the numbers should be when everything was so tentative. Director Green suggested they should not get bogged down by the details and think about the level of services. He indicated the numbers came from Town staff.

Town Attorney Herin, Jr. stated that the projects were reflected in the CIP because the Town received a loan for the three projects and they were moving forward. He indicated the projects would be recurring items on the CIP until they were completed.

Chair Heil confirmed that all projects were in progress and they were keeping them going by approving the proposed plan. She questioned whether any other committee reviewed the numbers. Director Green replied that each project had its own process. Town Attorney Herin, Jr. explained that most of the money was coming from a secured loan and was accounted for. Chair Heil questioned what they asked for in loans last year. Director Green replied that they were trying to get to the point where they could provide more details.

LPA Member Vanasse described the dashboards created by Lee and Collier Counties that provided details in their budget. Director Green replied that they were working on processes to get to that point. He encouraged members to focus on years 2, 3, 4 and 5.

LPA Member Swanbeck questioned whether the LPA reviewed the TDC (Tourist Development Council) grant list. Director Green replied negatively. Town Attorney Herin, Jr. discussed planning ahead and used the playground at Lynn Hall Park as an example of a limitation since the Town did not own the property. He added that the TDC process was complete for the fiscal year.

LPA Member Vanasse questioned the level of service criteria and where the Town stood. He indicated it would help them to make constructive recommendations. Director Green agreed and felt that process should be started earlier in the year. Town Attorney Herin, Jr. thought their level of service was good and they should continue to think about how to maintain and improve it. Director Green stated he would provide a brief summary in August.

LPA Member Plummer moved to recommend approval of the 5-year Capital Improvement Plan (FY22-26) to the Town Council and inclusion with the proposed Fort Myers Beach Fiscal Year 2022 budget; second by LPA Member Vanasse.

Motion approved 7-0.

VI. ADJOURN AS LPA AND RECONVENE AS THE HISTORIC PRESERVATION BOARD

Chair Heil adjourned as the LPA and reconvened as the HPB.

VII. HISTORIC PRESERVATION BOARD

Director Green stated that Town Council would vote on adding three members to the Historic Preservation Advisory Committee on June 7, 2021, for a total of five members.

A. Category of Historic Importance (CHI) - CHI2 Historic Recognition 3562 Estero Boulevard

Recognize 3562 Estero Boulevard "Shangri-La" Cottage, built in 1921, as a structure of importance within the Town's heritage and determine the Category of Historic Importance (CHI) as CHI2-Historic Recognition.

Director Green read the definitions of CHI1, CHI2 and CHI3.

LPA Member Critser questioned the purpose of CHI2 and CHI3 if the cottages were not protected. Director Green replied that it was generally a promotion. LPA Member Safford stated that their Sea Gypsy property was designated as CHI2 because it was the first public library and they wanted the recognition. He felt that Shangri-La had an interesting story. He questioned the strap number. Director Green will correct it.

Chair Heil stated that a public hearing was not needed since the applicant was not in attendance and there was no audience.

LPA Member Critser moved to grant the designation of CHI2; second by LPA Member Swanbeck.

Motion approved 7-0.

VIII. ADJOURN AS THE HISTORIC PRESERVATION BOARD AND RECONVENE AS LPA

Chair Heil adjourned as the HPB and reconvened as the LPA.

IX. ADMINISTRATIVE AGENDA

Director Green requested direction regarding the restrictiveness of the commercialboulevard zoning district and the boulevard category in the future land use category. He explained how the uses were limited and what the intent was. He questioned whether they should do a text amendment.

X. LPA MEMBERS ITEMS/REPORTS

LPA Member Safford discussed the lack of a police presence on Memorial Day. He revealed that he had to close his store and issue refunds to two guests because they did not feel safe. He felt it was going to happen again and the Town needed to come up with a plan. LPA Member Plummer suggested more of a police presence on the weekends. She discussed questionable activities on a family island and felt the Town should demand that more police be on the beach. LPA Member Critser noted it was a budget concern and suggested that the Town integrate its own police force. LPA Member Safford stated that 42 officers showedup after the disturbance and the Town could not afford 42 officers.

He agreed with adding police on the weekends. LPA Member Hughes agreed with the comments. He noted that the County Sheriff was responsible for maintaining law and order and the Town needed to assist. He brought up the lack of landscaping on the Mango St. parking lot and questioned who followed up on compliance with conditions. Director Green will follow up. LPA Member Hughes brought up the Dullard case and urged LPA Members to visit the site. He stated that the building was an example of what a pre-disaster build-back should not be. He questioned the rationalization of Town Council. Chair Heil agreed the building was a monster and you could not see through to the water; there was no public benefit. Director Green replied that it could have been bigger and building mass should be addressed on multi-family structures. He will follow up on the site.

No items from other members.

XI. LPA ATTORNEY ITEMS/REPORTS

No items.

XII. COMMUNITY DEVELOPMENT ITEMS/REPORTS

Consensus was reached to take July off.

XIII. ITEMS FOR NEXT MONTHS AGENDA

No items.

XIV. PUBLIC COMMENT

No public comment.

XV. ADJOURNMENT

LPA Member Vanasse moved to adjourn; second by Chair Heil.

Motion approved 7-0.

The meeting adjourned at 10:21 a.m.

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

Yellow Sheet Number: **2021-355**

1. Requested Motion:

Meeting Date: August 10, 2021

Recommend Approval/Denial of Variance 20210033 101 Gulf Drive Pool and Fence Location and Street Setback

Why the action is necessary:

Variances require a recommendation from the LPA. The applicant wishes to place a pool and fence in a location not permitted by the LDC and requires approval of the variance in order to do so.

What the action accomplishes:

Permits the property owner to place the pool and fence in an alternate location from what is required by the LDC.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Variances are required to be heard by the LPA in order to forward a recommendation to the Town Council.

5. Background:

Richard and Rebecca Dobbs, the applicants for 101 Gulf Drive, are requesting multiple variances from the Town's Land Development Code. First, Sec. 34-1174(b) restricts the placement of accessory structures from being placed closer to the street R-O-W than the principal structure. The applicant has stated the variance is needed due to the subject property having two street frontages, Gulf Drive and Estero Blvd. Second, Table 34-3 establishes a minimum street setback in the RC zoning district of 25 feet. The applicant is requesting two reduced street setbacks. The first, is a reduction of the 25 feet street setback by 18.5 feet along Estero Blvd, resulting in a 6.5 feet street setback. The second, is a reduction of the 25 feet street setback by 17.5 feet along Gulf Drive, resulting in a 7.5 feet street setback. Both requests for reduction of the 25 feet street setbacks along the corner lot frontage is to allow for the placement of an underground pool. Lastly, Sec. 34-1744(b)(1) establishes a maximum fence height of 48 inches in a front yard. The request is to allow for a fence height of 60 inches (5ft).

Attachments:

1. VAR20210033 - 101 Gulf Dr - Staff Report_final
2. FMB Public Hearing ApplicationDobbs_REVISED
3. Final Variance Supplement REVISED
4. 101 Gulf Dr - VAR - Notice To Neighbors LPA and TC_Final

Financial Impact:

6. Alternative Action

7. Staff Recommendations:

Approval with conditions

8. **Recommended Approval:**

Jason Green, Community Development
Services

Date: August 04, 2021

John R Herin Jr, Town Attorney

Date: August 04, 2021

Amy Baker, Town Clerk

Date: August 05, 2021



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20210033

CASE NAME: 101 Gulf Drive, to allow an accessory structure - pool- in front of principle structure within street setbacks and allow 5 ft high fence in front yard.

LPA

HEARING DATE: August 10, 2021 at 9:00 AM

TOWN COUNCIL

HEARING DATE: August 16, 2021 at 9:00 AM

STAFF

RECOMMENDATION: Approve with conditions

**PREPARED/
SUBMITTED BY:** Carl Benge/ Jason Green AICP

I. APPLICATION SUMMARY

Applicant/Owner: Richard & Rebecca Dobbs

Request: The applicant is seeking variances from Sec. 34-1174(b)/Table 34-3 to allow a pool forward of the primary structure within both street setbacks, and 34-1744(b)(1) to allow a 5 ft high fence in the front yard of the corner lot.

Subject property: See attached site plan

Physical Address: 101 Gulf Drive

STRAP #: 33-46-24-W3-004G.008A

FLU: Mixed Residential

Zoning: Residential Conservation (RC)

Adjacent zoning and land uses:

North:	RESIDENTIAL SINGLE FAMILY (RS) Gulf, Single-family residence
South:	RESIDENTIAL SINGLE FAMILY (RS) Gulf, Single-family residence
East:	RESIDENTIAL SINGLE FAMILY (RS) Single-family residence
West:	Waterbody Gulf

II. BACKGROUND AND ANALYSIS

Background:

Richard and Rebecca Dobbs, the applicants for 101 Gulf Drive, are requesting multiple variances from the Town's Land Development Code. First, Sec. 34-1174(b) restricts the placement of accessory structures from being placed closer to the street R-O-W than the principal structure. The applicant has stated the variance is needed due to the subject property having two street frontages, Gulf Drive and Estero Blvd. Second, Table 34-3 establishes a minimum street setback in the RC zoning district of 25 feet. The applicant is requesting two reduced street setbacks. The first, is a reduction of the 25 feet street setback by 18.5 feet along Estero Blvd, resulting in a 6.5 feet street setback. The second, is a reduction of the 25 feet street setback by 17.5 feet along Gulf Drive, resulting in a 7.5 feet street setback. Both requests for reduction of the 25 feet street setbacks along the corner lot frontage is to allow for the placement of an underground pool. Lastly, Sec. 34-1744(b)(1) establishes a maximum fence height of 48 inches in a front yard. The request is to allow for a fence height of 60 inches (5ft).

The house was built in 1973 with remodel/repair work done in 2007. The applicants bought the property in November 2020 and wish to make renovations and upgrades to the home.

Analysis:

The existing house is positioned in the corner of the lot opposite the Estero Blvd and Gulf Drive intersection, leaving the area between the home and Estero Blvd as the best location for an inground pool. The proposed pool will be approximately 400 square feet. While the proposed pool location requires variance for the setback from the Estero Blvd. ROW, the edge of the travel lane is greater at this location due to the curve in Estero Blvd. The pool area will be surrounded by an existing, mature hedgerow and will not be covered. The proposed pool location will be well-screened by existing vegetation and the proposed 5 feet high privacy fence along the frontage of the property to hide the proposed pool. The additional fence height will not impact the surrounding area as it will not face any of the adjacent properties and will be

largely obscured from view from the roadway by the existing hedgerow. The applicant would like to maintain the same height and placement along Gulf Drive to maintain consistency in appearance and privacy. This property is typical of corner lots found on the island. The proposed improvements would be allowed if the property was not a corner lot.

Neighborhood Compatibility:

In review of aerial photography of the neighborhood, staff found some examples of properties with similar layouts as found at 101 Gulf Drive. Staff also found a similar example across the street from the applicant's property of a pool located between the principal structure and Estero Blvd. that has a fence along Estero Blvd., as well.

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 extraordinary conditions that are inherent to the property located at 101 Gulf Drive. The property has an irregular shape and is uniquely located at the convergence of 3 streets. The resulting conditions are two front yards where due to placement of the existing residence has resulted in the only option for location of the pool to be the front yard along Estero Blvd. The reduced setbacks are necessary to accommodate the proposed pool. The additional fence height and placement ensures privacy, security, and maximum enjoyment of the property.

- 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.*

These conditions are not the result of owner actions. The house was built in 1973, prior to the Town adopted regulation prohibiting accessory structures forward of the primary structure.

- 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 variance requests are the minimum necessary for construction of a pool on the subject property. The proposed pool is not unusual in size or shape, and its placement will allow for adequate screening and buffering. The additional fence height will ensure privacy and enjoyment of the pool area.

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

The requested variance will not be injurious to the surrounding area or public welfare. The proposed pool will be well-screened by existing, mature vegetation and will be enclosed with a privacy fence. There is no pool enclosure proposed, eliminating the danger of flying debris during intense storms. The additional fence height will not adversely impact the surrounding area. Most of the fence will be hidden by the existing hedgerow. Placement of the fence will meet the 3 feet setback for any paved edge or sidewalk of both streets. Additionally, the fence will be required to meet all visibility triangle requirements regardless of any variance approved.

- 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 variance is specific to the property. The property is unique in its location that has resulted in extensive street frontage on two sides, and the location of the existing residence leaves no other option for pool placement. The additional fence height and placement will allow the residents full enjoyment of this amenity.

III. RECOMMENDATION

Staff finds that the variance for the placement of the pool and fence height and location are needed for the proposed project. The principal structure was built before the Town adopted setbacks for accessory structures. The proposed fence will be partially hidden by hedges to reduce the visual impact.

Therefore, staff recommends **APPROVAL WITH CONDITIONS** of VAR20210033, for the pool to be forward of the primary structure and the fence location and height. As shown on site plan.

IV. CONDITIONS OF APPROVAL

1. *Approval of this variance does not give the developer an undeniable right to permit approval. Development or redevelopment of the subject property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and Land Development Code in effect at the time of permit approval, except as specifically modified herein.*
2. *A minimum three feet wide and four feet tall hedge shall be maintained between Estero Boulevard and any constructed pool.*
3. *A fence with a maximum height of five feet from existing grade shall be permitted along the frontage of Estero Boulevard and Gulf Drive. The fence location shall be consistent with visibility triangle requirements regardless of the approved*

variance measurements. The fence shall be maintained throughout the life of the pool.

- 4. The pool shall be constructed as an in-ground pool at existing grades. The approved location and variance to setbacks does not apply to any elevated pool or structures.*
- 5. The variances shall only apply to the pool and fence as shown on the provided site plan. Alterations or substantial damage to either structure shall render their respective variance to be null and void.*

Staff Report Exhibits:

A – Site Plan

B – Complete Application

C – Letter to Adjacent Property Owners

PROJECT NUMBER:

DATE:



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

This is 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 *one ORIGINAL paper copy, fourteen (14) copies* of all required applications, supplemental information, exhibits and documents. Please do not print and copy the instructions at the end of the application. In addition to application fees, the applicant is required to pay for (2) sets of mailings to neighboring property owners within 500', and all advertising fees.

Site Address: 101 Gulf Drive Fort Myers Beach, FL 33931

STRAP Number: 33-46-24 W 3 004G.008A

Applicant: Richard & Rebecca Dobbs Phone: 913 777 8114

Contact Name: Rick & Becky Dobbs Phone: 913 221 7943

Email: dobbsbr@sbcglobal.net Fax: none

Current Zoning District: Residential Conservation (RC)

Future Land Use Map (FLUM) Category: Mixed Residential

FLUM Density Range: 10 du/acre Platted Overlay: ☐ YES ☒ NO

ACTION REQUESTED

SUPPLEMENTAL FORM REQUIRED

- | | |
|---|--------------------------|
| ☐ Special Exception | PH-A |
| ☒ Variance | PH-B |
| ☐ Conventional Rezoning | PH-C |
| ☐ Planned Development ☐ Commercial ☐ Residential | PH-D |
| ☐ Master Concept Plan Extension | PH-E |
| ☐ Appeal of Administrative Action | PH-F |
| ☐ Vacation of Platted Right-of-way and Easement | PH-G |
| ☐ Other – cite LDC Section: _____ | attach on separate sheet |

PROJECT NUMBER:

DATE:

PART I – General Information

A. Applicant*: Richard & Rebecca Dobbs Phone: 913-777-8114

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

Applicant Mailing Address: 13002 Benson Overland Park, KS 66213

Email: dobbsbr@sbcglobal.net Fax: none

Contact Name: Rick & Becky Dobbs Phone: 913 221 7943

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: Shellie Johnson, AICP Phone: 239 898 0125

Address: 436 E. Ivan Rd Crawfordville, FL 32327

Email: sjohnsonplanner@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: _____

PROJECT NUMBER:

DATE:

Name: _____

Phone: _____

Address: _____

Email: _____

Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

☐ Special Exception

☒ Variance from LDC Section 34 - 1174(b), Table 34-3, 1174(b)(1) & (a)(1)

☐ 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: _____

☐ 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: N/A

Description: _____

Code Section: _____

Description: _____

Code Section: _____

PROJECT NUMBER:

DATE:

Description: _____

PART IV – Property Ownership

☒ Single Owner (individual or husband and wife)

Name: Richard & Rebecca Dobbs Phone: 913 777 8114

Mailing Address: 13002 Benson Overland Park, KS 66213

Email: dobbsbr@sbcglobal.net Fax: none

☐ 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 4-1
- ☐ Attach map showing property owners interests as Exhibit 4-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part IV (Page 11)

DISCLOSURE OF OWNERSHIP INTEREST

STRAP: 33 - 46 - 24 W3 004G.008A

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
<u>Richard & Rebecca Dobbs</u>	<u>100%</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

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

PROJECT NUMBER:

DATE:

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of Contract: _____

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

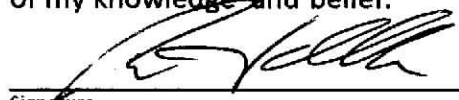
Name

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

Richard Dobbs

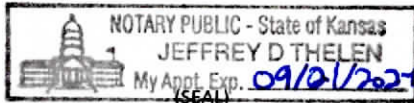
Printed Name

PROJECT NUMBER:

DATE:

STATE OF ~~FLORIDA~~ Kansas
COUNTY OF ~~LEE~~ Johnson

Subscribed and sworn to (or affirmed) before me this 9th day of April,
2021, by Richard Dobbs.



[Signature]
Notary Public Signature

Jeffrey D Thelen
Notary Printed Name

Personally Known _____ or Produced Identification X

Type of Identification Produced: Drivers License My Commission Expires: 09/01/2024

PART V – Property Information

A. Legal Description:

STRAP: 33 - 46 - 24 W3 004G 004G.008A

Property Address: 101 Gulf Drive Fort Myers Beach, FL 33931

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? ☐ No. Attach a legible copy of the legal description as Exhibit 5-1.

☒ Yes. Property identified in subdivision: Mc Phie Park

Book: 897 Page: 630-632 Unit: 2 Block: G Lot(s): 8A

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 5-2.

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 102 feet

PROJECT NUMBER:

DATE:

Depth (please provide an average width if irregular in shape) 75 feet

Frontage on street: ^{Gulf Rd & Estero Blvd.} feet. Frontage on waterbody: NA feet

Total land area: 0.25+/- ☒ acres ☐ square feet

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

Mid Island.

☒ Attach Area Location Map as Exhibit 5-3

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 5-4.

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

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 5-6.

☒ Attach a map showing the surrounding property owners as Exhibit 5-7.

☒ 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

H. Zoning (see official Zoning Map):

☐ RS (Residential Single-family)

☐ CF (Community Facilities)

☒ RC (Residential Conservation)

☐ IN (Institutional)

PROJECT NUMBER:

DATE:

- | | |
|--|--|
| ☐ RM (Residential Multifamily) | ☐ BB (Bay Beach) |
| ☐ RPD (Residential Planned Development) | ☐ EC (Environmentally Critical) |
| ☐ CM (Commercial Marina) | ☐ DOWNTOWN |
| ☐ CO (Commercial Office) | ☐ SANTOS |
| ☐ CB (Commercial Boulevard) | ☐ VILLAGE |
| ☐ CR (Commercial Resort) | ☐ SANTINI |
| ☐ CPD (Commercial Planned Development) | |

PART VI

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

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

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

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

PROJECT NUMBER:

DATE:

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.



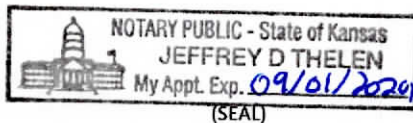
Signature of owner or authorized agent

4/9/21

Date

STATE OF ~~FLORIDA~~ Kansas
COUNTY OF ~~LEE~~ Johnson

Subscribed and sworn to (or affirmed) before me this 9th day of April,
20 21, by Richard Dobbs.





Notary Public Signature
Jeffrey D Thelen

Notary Printed Name

Personally Known _____ or Produced Identification X

Type of Identification Produced: Drivers License My Commission Expires: 09/01/2024

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: Dobbs Pool Variance
Authorized Applicant: Richard & Rebecca Dobbs, Owners / Shellie Johnson, AICP, Agent
LeePA STRAP Number: 33-46-24 W3 004G.008A

Current Property Status: Developed w/ single family residence
Current Zoning: Residential Conservation (RC)
Future Land Use Map (FLUM) Category: Mixed Residential
Comp Plan Density: 10du/ac. Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
34-1174(b) / Table 34-3	Location and Setbacks / Dimensional Regulations
34-1744(b)(1)	Front Yard Fence Height
34-1744(a)(1)	Placement of Fence

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:
LDC Section 34-1174(b) restricts the placement of accessory structures from being place closer to the street ROW
than the principal structure. The subject property has two street frontages, Gulf Drive and Estero Blvd.
LDC Table 34-3 establishes a minimum front yard setback in the RC zoning district of 25 feet. The applicant
is requesting a reduced setback of 18'6" feet for a front setback of 6'6" feet along Estero Blvd. and a reduced setback
of 17'6" feet on Gulf Drive to allow a front yard setback of 7'6" feet for placement of an underground pool.
LDC 34-1744(b)(1) establishes a maximum fence height of 48 inches in a front yard. The request is to also
allow for a fence height of 60 inches, to be placed at the property line along property lines of both streets.

Reasons for request

Explain why the variance is needed:
The existing house on the propety encompasseses the rear, side and front yard of Gulf Dr., leaving the only location
for pool placement within the front yard of Estero Blvd. The applicant is requesting a variance to allow such
placement, forward of the principal structure, and to reduce the front yard setback to 6'6" along Estero Blvd. and 7'7"
along Gulf Drive.
Additionally, the applicant is requesting to increase the required front yard fence to a height of 5 feet to afford
greater privacy and security, and to place the fence along the property line (inside the existing hedgerow) to the
greatest extent possible, whilemaintaining a setback of 3 feet from the sidewalk/edge of pavement on both streets.

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

The pool area will be surrounded by an existing, mature hedgerow and will not be covered. The adjacent residences to the north and west are well-screened via vegetation. The pool will not be covered, so there is no visual impact to the surrounding area. The pool area will abut the very long driveway of the property to the north. The property to the south, across Gulf Dr. is well-screened by mature vegetation located within their property as well as the hedgerow located on the subject property. The proposed pool location will be well-screened by existing vegetation and the required fence enclosure.
The applicant is requesting an additional foot in the height of the fence along the street frontages placed inside the existing hedgerow, adjacent to the property line to allow for privacy and security. Estero Blvd. is the primary roadway on the island and heavily travelled. This, combined with the street curvature at the property location will adversely impact the enjoyment and privacy of the pool area. The additional fence height will not impact the surrounding area as it will not face any of the adjacent properties and will be largely obscured from view from the roadway by the existing hedgerow. The applicant would like to maintain the same height and placement along Gulf Drive to maintain consistency in appearance and privacy. The requested variances will not adversely impact surrounding properties.

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

The property is uniquely located at the convergence of three streets, resulting in exceptional street frontage on two sides of the property. Placement of the existing house has resulted in one developable yard, located forward of the house on its east side. There simply is no other location for the addition of a pool. The proposed pool will be approximately 400 square feet, considered modest in size. Because of the irregular lot shape resulting from the Estero Blvd. right-of-way, the pool will encroach into the front yards. This, combined with the limited area for pool placement has resulted in the need for a variance to the placement of the pool within the two front yards.
Because of the need to place the pool forward of the house, the additional fence height is necessary to ensure privacy and security. An existing hedgerow already exists eliminating any adverse impacts from the fence addition.
Placing the fence adjacent to the property line will allow full enjoyment of the pool and proposed deck area and maintain open green space in the yards.



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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Case Number: VAR20210033

Case Name: 101 Gulf Drive, to allow an accessory structure -pool- in front of principle structure within street setbacks and allow 5 ft high fence in front yard.

Applicant: Richard and Rebecca Dobbs

Location: 101 Gulf Drive

STRAP #: 334624W30040G008A

Zoning: Residential Single Family (RS)

Request: Variances from Sec. 34-1174(b), Table 34-3 Street Setbacks, to allow a pool forward of the primary structure and to be setback less than 25 feet from Estero Boulevard and Gulf Drive; and 34-1744(b)(1) to allow a 5 ft high fence in the front yard along Estero Boulevard.

Staff Report: Direct inquiries to:
Carl Benge, Community Development, email: cbenge@fmbgov.com
Fort Myers Beach Town Hall
2525 Estero Boulevard
Fort Myers Beach, FL 33931

Notice is hereby given that the **Local Planning Agency** of the Town of Fort Myers Beach will hold a public hearing at a meeting beginning at **9:00 AM on August 10, 2021** regarding the case listed above. The **Town Council** will hold a public hearing at **9:00 AM on August 16, 2021**. Both hearings will take place at Town Hall, 2525 Estero Boulevard, Fort Myers Beach, Florida, 33931.

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence to become a participant in the hearing.

On August 10th, the Local Planning Agency of Fort Myers Beach will review the case and make a recommendation to the Town Council on this matter. On August 16th, the Town Council will consider approval, approval with conditions, or denial of the application. If any person should desire to have verbatim record of the proceedings, which record indicates the testimony and evidence presented, that person will have to make arrangements on their own.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.

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

Yellow Sheet Number: **2021-356**

1. Requested Motion:

Meeting Date: August 10, 2021

Recommend Approval with Conditions of VAR20210043 2842 Seaview St Variance to Pool Location and Street Setback

Why the action is necessary:

The LDC requires the LPA to provide a recommendation to the Town Council for any variances. The pool location in front of the house and in the street setback requires a variance from the regulations of the LDC.

What the action accomplishes:

Permits the property owner to construct a pool between the house and the street, reduces the street setback.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

Waldrop Engineering, the applicants for 2842 Seaview Street, are requesting multiple variances from the Town's Land Development Code (LDC). First, LDC Sec. 34-1174(b), restricts the placement of accessory structures from being placed closer to the street R-O-W than the principal structure, due to the placement of the existing structure on the property. Second, LDC Table 34-3, establishes a minimum front yard setback in the RM zoning district of 25 feet. The applicant is requesting to reduce the 25 feet street setback by 10 feet along Seaview Street, resulting in a 15 feet street setback.

The house was built in 1984 with recent building permits in 2020 and 2021. The principal structure was constructed in 1984. The Gulf side wall of the principal structure is 8.9 feet from the 1978 Coastal Construction Control Line (CCCL).

Attachments:

1. VAR20210043 - 2842 Seaview St - Staff Report_final
2. Public Hearing Application
3. Supplement PH-B
4. Letter of Intent
5. Site Plan Markup
6. Zoning Map
7. Exhibit 5-7 Surrounding Property Owners Map

Financial Impact:

6. Alternative Action

7. Staff Recommendations:

8. Recommended Approval:

Date: August 04, 2021

Jason Green, Community Development
Services

Date: August 04, 2021

John R Herin Jr, Town Attorney

Date: August 05, 2021

Amy Baker, Town Clerk



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20210043

CASE NAME: 2842 Seaview St, to allow accessory structures -pool in front of principle structure within the street setback.

LPA

HEARING DATE: August 10, 2021 at 9:00 AM

STAFF

RECOMMENDATION: Approve with conditions

**PREPARED/
SUBMITTED BY:** Carl Benge/ Jason Green AICP

I. APPLICATION SUMMARY

Applicant/Owner: Waldrop Engineering, P. A.

Request: The applicant is seeking variances from Sec. 34-1174(b) and Table 34-3 to allow a pool forward of the principal structure and a variance of 10 feet to the 25 feet street setback.

Subject property: See attached site plan

Physical Address: 2842 Seaview Street

STRAP #: 30-46-24-W2-003M0.0050

FLU: Boulevard

Zoning: Residential Multi-family (RM) and Environmentally Critical (EC)

Adjacent zoning and land uses:

North:	RESIDENTIAL MULTI-FAMILY (RM) Condominium
South:	WATERBODY AND ENVIRONMENTALLY CRITICAL (EC) Gulf
East:	RESIDENTIAL MULTI-FAMILY (RM) Gulf, Condominium
West:	COMMERCIAL RESORT (CM) AND RESIDENTIAL MULTI-FAMILY (RM) Gulf

II. BACKGROUND AND ANALYSIS

Background:

Waldrop Engineering, the applicants for 2842 Seaview Street, are requesting multiple variances from the Town's Land Development Code (LDC). First, LDC Sec. 34-1174(b), restricts the placement of accessory structures from being placed closer to the street R-O-W than the principal structure, due to the placement of the existing structure on the property. Second, LDC Table 34-3, establishes a minimum front yard setback in the RM zoning district of 25 feet. The applicant is requesting to reduce the 25 feet street setback by 10 feet along Seaview Street, resulting in a 15 feet street setback.

The house was built in 1984 with recent building permits in 2020 and 2021. The principal structure was constructed in 1984. The Gulf side wall of the principal structure is 8.9 feet from the 1978 Coastal Construction Control Line (CCCL).

Analysis:

The existing house is positioned towards the rear of the lot, 8.9 feet from the 1978 CCCL. The CCCL was established in 1978 creating a build-to-line that reduced the useable area in the rear of the property leaving inadequate room for an accessory structure in the rear. Due to the design of the residence, the side yard is 7.4 feet on the northern boundary and 8.4 feet on the southern boundary, which is also insufficient area for locating accessory uses and structures such as a pool. Currently, the Town's LDC Sec. 34-638(d)(2)b, does allow a ten feet encroachment into the street setback, however that encroachment only applies to porches, balconies and stoops.

Neighborhood Compatibility:

In review of the aerial photography of the neighborhood, staff found some examples of properties with similar layouts as that found at 2842 Seaview Street. Seaview Street is a low traffic area that will see little to no negative effects to neighboring properties.

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 applicant's request includes locating the pool adjacent to the western property line, which is adjacent to Caper Beach Club Condo Association community pool. Based on LeePA aerials and the site plan included with the application, the proposed pool appears to be setback farther from the right-of-way than the adjacent community pool.

- 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.*

These conditions are not the result of owner actions. The principal structure (house) was built in 1984, prior to the Town adopted regulation prohibiting accessory structures forward of the primary structure. The current property owners acquired the property in 2020.

- 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.*

Yes, the requested variance is the minimum to relieve the applicant of the code requirement. The variance is from the requirement that restricts accessory uses such as a pool from being located closer to a street right-of-way than the principal structure. The proposed plan includes the entire pool area, including pavers or concrete decking around the pool, not just the water's edge.

The space between the principal structure and the Seaview Street right-of-way is the only available location for the construction of a pool on the property as the setback of the principal structure from the 1978 CCCL (and the Environmentally Critical zoning district boundary) is 8.9 feet, which is not sufficient area for a pool.

The pool oriented to allow the driveway and parking area to be maintained on the Eastern portion of the site.

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

The granting of this variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The adjacent property to the West is the location of a pool amenity for the nearby Caper Beach Club development. The required 7.5-foot side buffer will remain to mitigate the noise and appearance of the pool from neighbors. Staff has included a condition to provide a Type B buffer within the Western (side) and Northern (street) setback.

- 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.*

This variance request is not uncommon for Gulf side properties located on Estero Blvd. as many of the existing structures were built before modern land development codes and state and federal coastal building regulations. However, it is generally unusual for lots within the Town to be built with houses pushed to the rear. Modern regulations require greater setbacks. The gulf front lots are typically unique in their layout.

III. RECOMMENDATION

Staff finds that the variances for the placement of the pool and open-air changing room locations are needed for the proposed project. The principal structure was built before the Town adopted setbacks for accessory structures.

Therefore, staff recommends **APPROVAL WITH CONDITIONS** of VAR20210043, for the pool and open-air changing room to be forward of the primary structure. As shown on site plan.

IV. CONDITIONS OF APPROVAL

1. *Approval of this variance does not give the developer an undeniable right to permit approval. Development or redevelopment of the subject property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and Land Development Code in effect at the time of permit approval, except as specifically modified herein.*
2. *A Type B Buffer shall be installed within the street (north) and side yard (west) setback. They shall be 15' wide (north) and 7.5' wide (west), respectively. All buffers shall also be consistent with the site visibility triangle requirements of the LDC.*
3. *The pool shall be constructed as an in-ground pool at existing grades. The approved location and variance to setbacks does not apply to any elevated pool or structures.*

4. *The final pool and deck/paver design are subject to the Town's maximum impervious surface of 67% requirement, which includes only portions of the property within the RM zoning district.*
5. *No improvements, including pavers, concrete, or other impervious surfaces, shall be permitted within the side yard setback or any closer than 15 feet from the right-of-way.*
6. *The variances shall only apply to the pool and open-air changing room as shown on the provided site plan. Alterations or substantial damage to either structure shall render their respective variance to be null and void.*

Staff Report Exhibits:

A – Site Plan

B – Complete Application

C – Letter to Adjacent Property Owners

PROJECT NUMBER:

DATE:



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

This is 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 *one ORIGINAL paper copy, fourteen (14) copies* of all required applications, supplemental information, exhibits and documents. Please do not print and copy the instructions at the end of the application. In addition to application fees, the applicant is required to pay for (2) sets of mailings to neighboring property owners within 500', and all advertising fees.

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

PROJECT NUMBER:

DATE:

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: _____

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: _____

PROJECT NUMBER:

DATE:

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: _____

☐ Appeal of Administrative Action

☐ Vacation ☐ Right-of-Way ☐ Easement

☐ Other. Please Explain: _____

PART III – Waivers N/A

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: _____

PROJECT NUMBER:

DATE:

Description: _____

PART IV – Property Ownership

☐ Single Owner (individual or husband and wife)

Name: _____

Phone: _____

Mailing Address: _____

Email _____

Fax: _____

☐ 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 4-1

☐ Attach map showing property owners interests as Exhibit 4-2 (for multiple parcels)

☐ For condominiums and timeshares see Explanatory Notes Part IV (Page 11)

DISCLOSURE OF OWNERSHIP INTEREST

SEE ATTACHED.

STRAP: _____

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

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

PROJECT NUMBER:

DATE:

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

PROJECT NUMBER:

DATE:

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

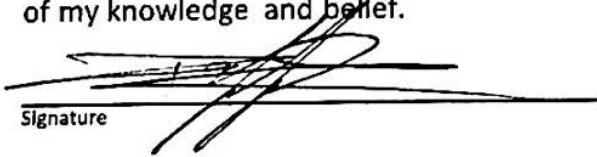
Address

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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



Roberto Cadena

Printed Name

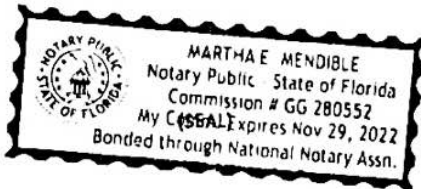
PROJECT NUMBER:

DATE:

STATE OF FLORIDA)

COUNTY OF ~~LEE~~ Broward

Subscribed and sworn to (or affirmed) before me this 28th day of April
20 21 by Roberto Cadena



Notary Public Signature

Martha Mendible
Notary Printed Name

Personally Known _____ or Produced Identification ☒

Type of Identification Produced: FDL C350 723150670 Commission Expires: 11/29/2022

PART V - Property Information

A. Legal Description:

STRAP: 30-46-24-W2-003M0.0050

Property Address: 2842 Seaview St., 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 5-1.

☒ Yes. Property identified in subdivision: Winklers 2nd Subdivision

Book: 8 Page: 49 Unit: _____ Block: M Lot(s): 4

B. Boundary Survey: SEE PLAT.

☐ 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 5-2.

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 70+/- feet

PROJECT NUMBER:

DATE:

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 5-3

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 5-4.
- ☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 5-5.

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 5-6.
- ☐ Attach a map showing the surrounding property owners as Exhibit 5-7.
- ☐ 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 |

H. Zoning (see official Zoning Map):

- | | |
|---|--|
| ☐ RS (Residential Single-family) | ☐ CF (Community Facilities) |
| ☐ RC (Residential Conservation) | ☐ IN (Institutional) |

PROJECT NUMBER:

DATE:

- | | |
|--|--|
| ☐ RM (Residential Multifamily) | ☐ BB (Bay Beach) |
| ☐ RPD (Residential Planned Development) | ☐ EC (Environmentally Critical) |
| ☐ CM (Commercial Marina) | ☐ DOWNTOWN |
| ☐ CO (Commercial Office) | ☐ SANTOS |
| ☐ CB (Commercial Boulevard) | ☐ VILLAGE |
| ☐ CR (Commercial Resort) | ☐ SANTINI |
| ☐ CPD (Commercial Planned Development) | |

PART VI SEE ATTACHED.

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;

PROJECT NUMBER:

DATE:

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.



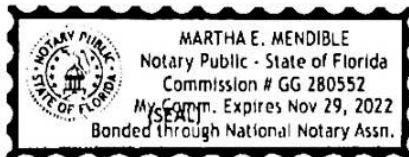
Signature of owner or authorized agent

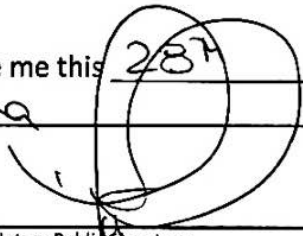
04/28/2022

Date

STATE OF FLORIDA)
COUNTY OF LEE) Broward

Subscribed and sworn to (or affirmed) before me this 28th day of April,
2021, by Roberto Cadena.





Notary Public Signature

Martha Mendible

Notary Printed Name

Personally Known _____ or Produced Identification ☒

Type of Identification Produced: ENC 350123750670 My Commission Expires: 11/29/2022



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 # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

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:

PART 2 Submittal Requirements

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

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

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.

April 29, 2021

Town of Fort Myers Beach
Planning and Zoning Division
2525 Estero Boulevard
Fort Myers, Florida 33931

**RE: 2842 SEAVIEW STREET
VARIANCE APPLICATION**

Community Development Reviewer:

On behalf of Roberto Cadena ("Applicant") Waldrop Engineering is pleased to submit the enclosed variance petition relating to locating residential accessory uses, specifically a pool, between the principal use (single-family residence) and the street right-of-way (Seaview Street) at 2842 Seaview Street ("Property").

The Property is a 0.23± acre parcel with an existing single-family residence constructed in 1984. The Property is generally located 230 feet south of Estero Boulevard on the south side (Gulf side) of Seaview Street in the Town of Fort Myers Beach, Florida. An aerial exhibit depicting the project location is attached to this application.

HISTORY/BACKGROUND:

The Subject Property is zoned Residential Multifamily (RM) and Environmentally Critical (EC) and is within the Boulevard future land use category. The principal structure was constructed in 1984. The Gulf side wall of the dwelling unit is 8.9 feet from the 1978 Coastal Construction Control Line (CCCL) resulting in a deficient space for locating a pool in the rear of the principal structure. Due to the design of the residence the side yard is 7.4 feet to on the northern boundary and 8.4 feet on the southern boundary which is also insufficient area for locating accessory uses and structures such as a pool.

The Applicant intends on constructing a pool and accessory changing room closer to the Seaview Street right-of-way than the principal building.

REQUEST:

The Applicant is requesting the following variance from the zoning regulations set forth in the Rural Agricultural zoning district:

1. Variance from Land Development Code LDC Section 34-1174(b), which restricts all roofed and non-roofed accessory uses, buildings or structures from being located closer to a street right-of-way than the principal building; whereas the Applicant is requesting to locate a pool and open-air accessory changing room structure between the principal structure and the Seaview Street right-of-way.
2. Variance from LDC Section 34-644, Table 34-3, Dimensional Regulations in Conventional Zoning Districts, which sets the minimum street setback for all structures in the RM zoning district at 25 feet. The Applicant is requesting to locate a pool a minimum of 15 feet from the Seaview Street right-of-way (property line) which is within the required minimum

setback creating a variance relief of 10 feet. The project will be in compliance with all other setbacks and code requirements for accessory structures.

JUSTIFICATION:

The single-family home located at 2842 Seaview Street was constructed to provide a rear setback that maximized proximity to the gulf waters while staying within the Coastal Construction Control Line (CCCL). The CCCL was established in 1978 creating a build-to-line that reduced the useable area in the rear of the property leaving inadequate room for an accessory structure in the rear.

The current property owner, the Applicant, wishes to construct a swimming pool in what is considered between the front of the principal structure and the street right-of-way. As shown on the attached Variance Site Plan, the location of the pool and accessory structure are setback from the neighboring property in compliance with the land development code requiring a minimum of 7.5-foot side yard setback for any structure. The pool will be set back from the Seaview Street right-of-way with a minimum of 15 feet.

It is important to note that all other setbacks, height and other development requirements will be in compliance with the existing RM Zoning District development standards. The variance request is based on solid design and engineering principals and provides for appropriate design flexibility of the subject property.

VARIANCE CRITERIA:

The following is a detailed analysis of this request's compliance with the variance review criteria set forth in LDC Section 34-87:

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;

The Applicant's request is de minimis in nature and will only allow for the development of a private pool that will be accessory to the single-family dwelling unit, or the principal structure.

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;

The variance request is not the result of action taken by the current property owner, who acquired the property in 2020.

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;

Yes, the requested variance is the minimum to relieve the applicant of the code requirement. The variance is from the requirement that restricts accessory uses such as a pool from being located closer to a street right-of-way than the principal structure. The space between the principal structure and the Seaview Street right-of-way is the only available location for the construction of a pool on the Property as the setback of the building from the Coastal Construction Line (and the Environmentally Critical zoning district boundary) is 8.9 feet which is not sufficient area for a pool.

The variance of 10 feet from the 25-foot street setback requirement is necessary to allow construction of a small pool while allowing enough space in the front of the property for parking and other uses. The pool is reasonable sized and arranged in the only orientation available as the driveway and parking area constrains the site.

4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare;

The granting of this variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The adjacent property to the North is the location of a pool amenity for the nearby Caper Beach Club development. The required 7.5-foot side buffer will remain to mitigate the noise and appearance of the pool from neighbors.

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.

This variance request is not uncommon for Gulf side properties located on Estero Blvd. as many of the existing structures were built before modern land development codes and state and federal coastal building regulations. However, it is the decision of the Council to amend the regulations to allow pool and residential accessory structures in the front yard between principal structures and street right-of-way.

Based upon the above analysis, the Applicant respectfully requests approval of this variance petition. The approval will uphold the intent of the Land Development Code and Comprehensive Plan. The request complies with the variance review criteria, and will not negatively impact compatibility, public health, safety or welfare.

If you have and further questions, please feel free to contact me directly at (239) 318-6706, or john.cowart@waldropengineering.com.

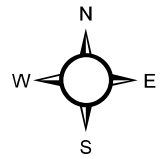
Sincerely,

WALDROP ENGINEERING, P.A.



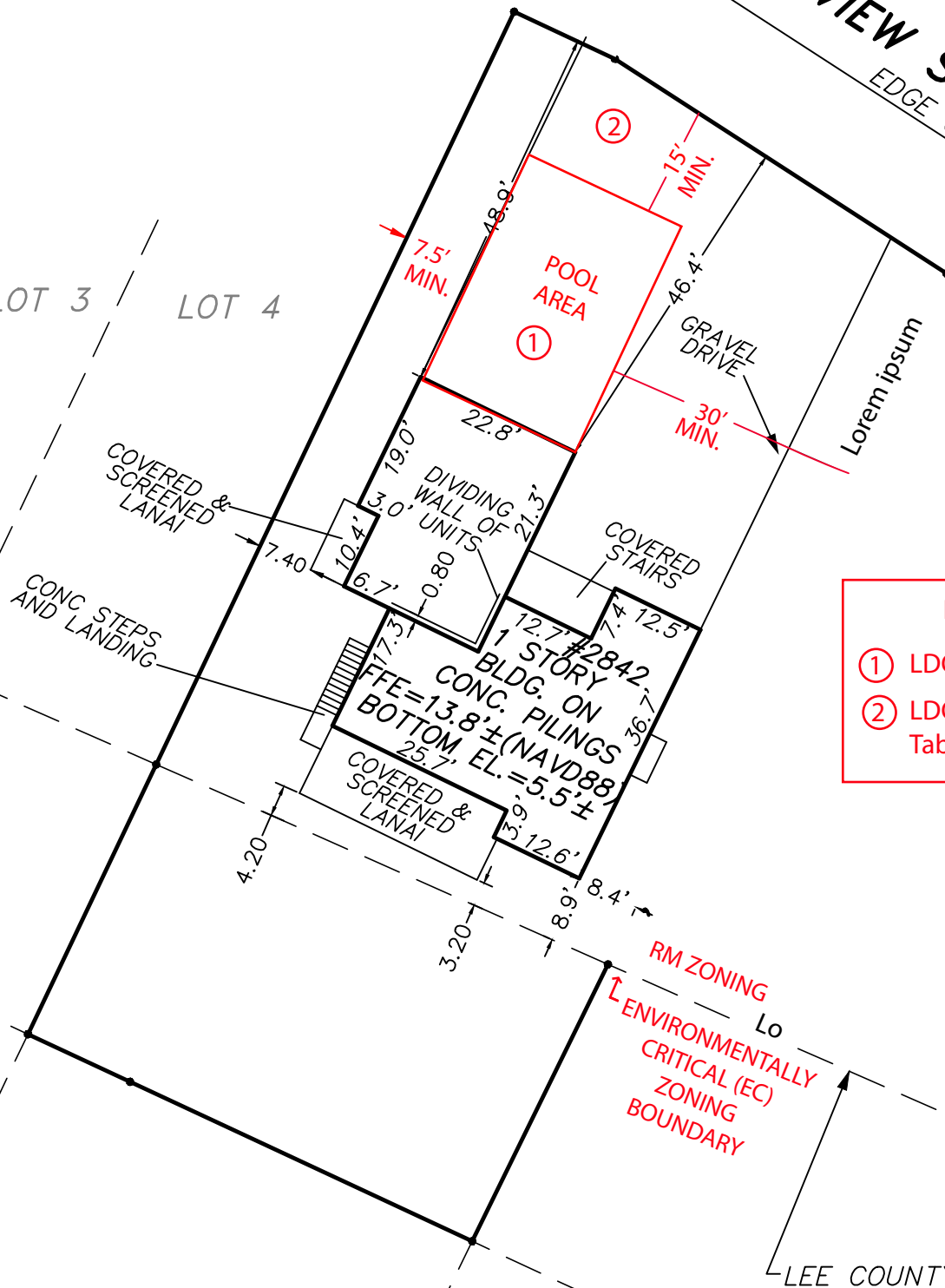
John Cowart
Planner – Fort Myers

cc: Roberto Cadena



SEAVIEW STREET
EDGE OF PAVEMENT

LOT 3 LOT 4



LEGEND

- ① LDC §34-1174(b)
- ② LDC §34-644, Table 34-3

RM ZONING
Lo
ENVIRONMENTALLY
CRITICAL (EC)
ZONING
BOUNDARY

LEE COUNTY COASTAL
CONSTRUCTION SETBACK LINE
RECORDED MARCH 1978
PB 31, PGS 1-16
(CCSB LINE A/K/A 1978 LINE)

E-15



Legend

Subject Property



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

Yellow Sheet Number: **2021-357**

1. Requested Motion:

Meeting Date: August 10, 2021

Recommend Approval of VAR20210058 506/508 Carlos Circle Variance for Pool Location and Street Setback

Why the action is necessary:

The LDC requires the LPA to provide a recommendation to the Town Council. The property owner is requesting to locate a pool in a location forward of the house and in the required street setback. In order to permit the location, approval for the variance is required.

What the action accomplishes:

Allows the property owner to locate a pool forward of the house and in the street setback

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

Jack Holsem, the applicant for 506/508 Carlos Cir, is requesting a variance from the Town's Land Development Code (LDC). The Town's LDC Table 34-3, establishes a minimum front yard setback for Residential Conservation (RC) zoning district of 25 feet. The applicant is requesting to reduce the 25 feet street setback to 15 feet along Carlos Cir, resulting in a 10 feet street setback.

The principal structure (home) was built in 1968, with building permits in 1990, 2004, and 2018. The current owners bought the property in 2017.

The subject property is bound on three sides by street right-of-way from both Carlos Circle and Estero Boulevard. The applicant wishes to enhance his property with a swimming pool, and to place the pool away from Estero Boulevard to add privacy and a quieter environment for enjoyment of the pool area. Placement of the pool results in its location being in the front yard, along Carlos Circle, as it is the only other area on the property that is large enough to accommodate the pool.

Attachments:

1. VAR20210058 - 506-508 Carlos Cir - Staff Report_final
2. 9288466-Holsem RESUBMITTAL Package_07-18-21
3. 506-508 Carlos Cir - VAR - Notice To Neighborys LPA

Financial Impact:

6. Alternative Action

7. Staff Recommendations:

8. Recommended Approval:

Date: August 04, 2021

Jason Green, Community Development
Services

Date: August 04, 2021

John R Herin Jr, Town Attorney

Date: August 05, 2021

Amy Baker, Town Clerk



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20210058

CASE NAME: 506/508 Carlos Cir, to allow accessory structure - pool - in front of principle structure within street setbacks.

LPA

HEARING DATE: August 10, 2021 at 9.00 AM

STAFF

RECOMMENDATION: Approve with conditions

**PREPARED/
SUBMITTED BY:** Carl Benge/ Jason Green AICP

I. APPLICATION SUMMARY

Applicant/Owner: Jack Holsem

Request: The applicant is seeking variances from Sec. 34-1174(b) to allow a pool forward of the primary structure; and Table 34-3 for a reduction of 15 feet in the street setbacks.

Subject property: See attached site plan

Physical Address: 506/508 Carlos Cir

STRAP #: 24-46-23-W1-0070E.0070

FLU: Mixed Residential

Zoning: Residential Conservation (RC)

Adjacent zoning and land uses:

North: RESIDENTIAL CONSERVATION (RC)
Single-Family Homes

South:	RESIDENTIAL MULTI-FAMILY (RM) AND COMMERCIAL PLANNED DEVELOPMENT (CPD) Condominiums
East:	RESIDENTIAL MULTI-FAMILY (RM) Condominiums
West:	REDIDENTIAL CONSERVATON (RC) Single-Family Homes

II. BACKGROUND AND ANALYSIS

Background:

Jack Holsem, the applicant for 506/508 Carlos Cir, is requesting a variance from the Town's Land Development Code (LDC). The Town's LDC Table 34-3, establishes a minimum front yard setback for Residential Conservation (RC) zoning district of 25 feet. The applicant is requesting to reduce the 25 feet street setback to 15 feet along Carlos Cir, resulting in a 10 feet street setback.

The principal structure (home) was built in 1968, with building permits in 1990, 2004, and 2018. The current owners bought the property in 2017.

Analysis:

The subject property is bound on three sides by street right-of-way from both Carlos Circle and Estero Boulevard. The applicant wishes to enhance his property with a swimming pool, and to place the pool away from Estero Boulevard to add privacy and a quieter environment for enjoyment of the pool area. Placement of the pool results in its location being in the front yard, along Carlos Circle, as it is the only other area on the property that is large enough to accommodate the pool.

Neighborhood Compatibility:

The abutting property to the south is the only adjacent residence and the pool will meet the accessory setback requirement for this applicable rear yard. Separation of the pool to the adjacent residence is approximately 30 feet. All other property lines where the pool is to be placed abut public rights-of-way where a privacy fence will be erected. The pool has been placed as far away from the Carlos Circle right-of-way as possible while still allowing adequate area for pool decking. The pool has intentionally been placed no further forward than the front of the house, to reduce visual impact at the front of the house and afford the residents privacy. In order to provide similar visual enhancement for the neighboring property, staff has included a recommended condition to require the edge of the pool to be no closer to Carol Circle than the front façade of the adjacent house, located at 518 Carlos Circle.

Additionally, the right-of-way of Carlos Circle includes a substantial open space separation from the property line to the paved edge of the street, further separating the proposed pool location from the travel lanes of the street. Staff has

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 qualifies for the requested variances as there are unique and extraordinary circumstances inherent to the subject property because of the significant street frontage that leaves no place but a front yard for an accessory structure the magnitude of a swimming pool.

- 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.*

These conditions are not the result of owner actions. The principal structure (house) was built in 1968, prior to the Town adopted regulation prohibiting accessory structures forward of the primary structure. The current property owners acquired the property in 2017.

- 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 granting of the variances will not be injurious to surrounding properties or to the health, safety, and welfare of the public. The variance is from the requirement that restricts accessory uses such as a pool from being located closer to the street right-of-way than the principal structure. The pool is reasonably sized and arranged in the only orientation to best fit the property.

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

The granting of the variances will not be injurious to surrounding properties or to the health, safety, and welfare of the public. The proposed placement of the pool is a logical location and closely conforms to the structural placement of the existing residence on the property. A proposed condition requires the pool placement to be located behind the front façade of the adjacent home at 518 Carlos Circle.

- 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 variance request is not uncommon for corner lot properties located on the island. Many of the existing structures were built prior to adoption of the Town's Land Development Code. The Town LDC does not consider every special circumstance with regard to lot layout or orientation.

III. RECOMMENDATION

Staff finds that the variances for the placement of the pool location is needed for the proposed project. The principal structure was built before the Town adopted setbacks for accessory structures.

Therefore, staff recommends **APPROVAL WITH CONDITIONS** of VAR20210058, for the pool to be forward of the principle structure and reduction of 15 feet to the street setback.

IV. CONDITIONS OF APPROVAL

1. *Approval of this variance does not give the developer an undeniable right to permit approval. Development or redevelopment of the subject property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and Land Development Code in effect at the time of permit approval, except as specifically modified herein.*
2. *A 10' Type B Buffer shall be constructed along Carlos Circle right-of-way between the driveway and the adjacent property, 518 Carlos Circle.*
3. *The pool shall be constructed as an in-ground pool at existing grades. The approved location and variance to setbacks does not apply to any elevated pool or structures.*
4. *The final pool and deck/paver design are subject to the Town's maximum impervious surface of 67% requirement.*
5. *No site improvements, including pavers, concrete, or other impervious surfaces, shall be permitted within the side yard setback or any closer than 10 feet from the right-of-way.*
6. *The variances shall only apply to the pool as shown on the provided site plan. Alterations or substantial damage to either structure shall render their respective variance to be null and void.*

Staff Report Exhibits:

A – Complete Application

B – Letter to Adjacent Property Owners

HOLSEM RESIDENCE VARIANCE REQUEST

Resubmittal

506/508 Carlos Circle
Fort Myers Beach, Florida

STRAP# 24-46-23-W1-0070E.0070

Submitted By:
Shellie Johnson, AICP
436 E. Ivan Road
Crawfordville, FL 32327

July 18, 2021



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: 506/508 Carlos Circle

STRAP Number: 24-46-23-W1-0070E.0070

Applicant: Jack Holsem Phone: 616-291-1822

Contact Name: Jack Holsem Phone: 616-291-1822

Email: Jack.Holsem@fbmsales.com Fax: _____

Current Zoning District: RC

Future Land Use Map (FLUM) Category: Mixed Residential

FLUM Density Range: 10 du/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*: Jack Holsem Phone: 616-291-1822

**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: 505 Jackson Street SW, Grandville, MI 49418

Email: Jack.Holsem@fbmsales.com Fax: _____

Contact Name: Jack Holsem Phone: 616-291-1822



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: Shellie Johnson, AICP Phone: 239-898-0125
Address: 436 E. Ivan Road, Crawfordville, FL 32327
Email: sjohnsonplanner@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 34 - 1174(b)
- ☐ 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: Jack Holsem Phone: 616-291-1822

Mailing Address: 505 Jackson Street SW, Grandville, MI 49418

Email: Jack.Holsem@fbmsales.com Fax: _____

AFFIDAVIT APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Jack Holsem 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

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 171 feet

Depth (please provide an average width if irregular in shape) 75 feet

Frontage on street: 246 feet. Frontage on waterbody: 0 feet

Total land area: 0.25+/- ☒ acres ☐ square feet

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

Approximately 1/2 mile west of San Carlos Boulevard bridge overpass on the north side of Estero
Boulevard.

☒ 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

PROJECT NUMBER:

DATE:

Description: 506/508 Carlos Circle, Fort Myers Beach, FL

PART IV - Property Ownership

☒ Single Owner (individual or husband and wife)

Name: Jack Holsem

Phone: 616-291-1822

Mailing Address: 505 Jackson Street SW, Grandville, MI 49418

Email: jack.holsem@fbmsales.com

Fax: _____

☐ 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 4-1

☐ Attach map showing property owners interests as Exhibit 4-2 (for multiple parcels)

☐ For condominiums and timeshares see Explanatory Notes Part IV (Page 11)

DISCLOSURE OF OWNERSHIP INTEREST

STRAP: 24-46-23-W1-0070E.0070

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

Jack Holsem

100%

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

PROJECT NUMBER:

DATE:

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

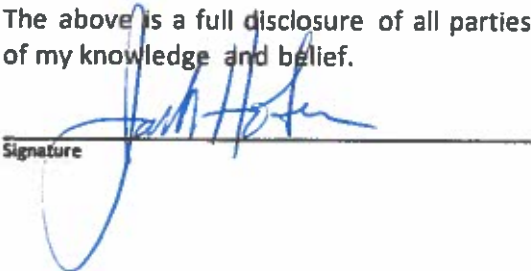
Address

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Jack Holsem

Revised 1/6/2017

Town of Fort Myers Beach
2525 Estero Blvd., Fort Myers Beach, Florida 33931
Phone: 239-765-0202 Permits@FortMyersBeachFL.gov Fax: 239-765-0909

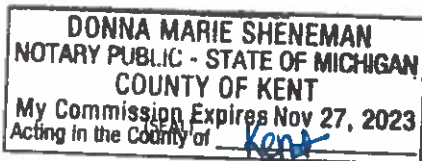
Page 6 of 15

PROJECT NUMBER:

DATE:

~~STATE OF FLORIDA~~
MICHIGAN
COUNTY OF ~~LEE~~ KENT

Subscribed and sworn to (or affirmed) before me this 8th day of June
20 21, by Donna Marie Sheneman



Donna Marie Sheneman
Notary Public Signature
Donna Marie Sheneman
Notary Printed Name

Personally Known X or Produced Identification _____

Type of Identification Produced: _____ My Commission Expires: 11-27-2023

PART V - Property Information

A. Legal Description:

STRAP: 24-46-23-W1-0070E.0070

Property Address: 506/508 Carlos Circle

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 5-1.

☒ Yes. Property identified in subdivision: Island Shores

Book: 9 Page: 37 Unit: 4 Block: E Lot(s): 7

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 5-2.

C. Property Dimensions:

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

PROJECT NUMBER:

DATE:

- | | |
|--|--|
| ☐ RM (Residential Multifamily) | ☐ BB (Bay Beach) |
| ☐ RPD (Residential Planned Development) | ☐ EC (Environmentally Critical) |
| ☐ CM (Commercial Marina) | ☐ DOWNTOWN |
| ☐ CO (Commercial Office) | ☐ SANTOS |
| ☐ CB (Commercial Boulevard) | ☐ VILLAGE |
| ☐ CR (Commercial Resort) | ☐ SANTINI |
| ☐ CPD (Commercial Planned Development) | |

PART VI

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Jack Holsem 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;

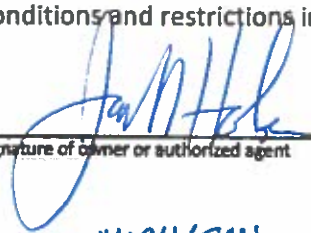
All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

PROJECT NUMBER:

DATE:

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.



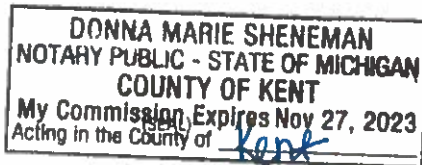
Signature of owner or authorized agent

6/8/21

Date

MICHIGAN
STATE OF ~~FLORIDA~~
COUNTY OF ~~LEE~~
KENT

Subscribed and sworn to (or affirmed) before me this 8th day of June
20 21 by Donna Marie Sheneman





Notary Public Signature

Donna Marie Sheneman

Notary Printed Name

Personally Known X or Produced Identification _____

Type of Identification Produced: _____ My Commission Expires: 11-27-2023



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: Holsem Pool Variance
Authorized Applicant: Jack Holsem
LeePA STRAP Number: 24-46-23-W1-0070E.0070

Current Property Status: Developed
Current Zoning: RC
Future Land Use Map (FLUM) Category: Mixed Residential
Comp Plan Density: 10 du/acre Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
34-1174(b)	Setback from Streets

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:
34-1174(b):
States no accessory use, building or structure shall be located closer to a street right-of-way line than the principal building. The applicant is requesting a variance to this Section to allow placement of a swimming pool which is an accessory use/structure.

Reasons for request

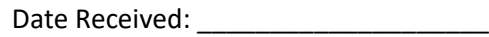
Explain why the variance is needed:
SEE NARRATIVE

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

SEE NARRATIVE

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

SEE NARRATIVE



SEE NARRATIVE

HOLSEM POOL VARIANCE

506/508 CARLOS CIRCLE

NARRATIVE

The applicant is requesting variance approval for placement of an in-ground swimming pool at 506/508 Carlos Circle. LDC Section 34-1174(b) states that no accessory use, building or structure can be placed closer to a street right-of-way line than the principal building. This request is to allow for placement of the accessory use in the front yard.

Why the Variance is Needed:

The subject property is bound on three sides by street right-of-way from both Carlos Circle and Estero Boulevard. The applicant wishes to enhance his property with a swimming pool, and to place the pool away from Estero Boulevard to add privacy and a quieter environment for enjoyment of the pool area. Placement of the pool results in its location being in the front yard, along Carlos Circle, as it is the only other area on the property that is large enough to accommodate the pool. For purposes of this discussion, the front of the house will be considered north and the rear of the house will be south.

Explain the Possible Effect the Variance, if Granted, would have on Surrounding Properties:

The requested variance will not have any adverse affects on the surrounding properties. The abutting property to the south is the only adjacent residence and the pool will meet the accessory setback requirement for this applicable rear yard. Separation of the pool to the adjacent residence is approximately 30 feet. All other property lines where the pool is to be placed abut public rights-of-way where a privacy fence will be erected. The pool has been placed as far away from the Carlos Circle right-of-way as possible while still allowing adequate area for pool decking. The pool has intentionally been placed no further forward than the front of the house, to reduce visual impact at the front of the house and afford the residents privacy. Additionally, the right-of-way of Carlos Circle includes a substantial open space separation from the property line to the paved edge of the street, further separating the proposed pool location from the actual street.

Explain the Hardship that Justifies Relief from the Regulation:

A hardship exists in that the subject property is bound on three sides by street right-of-way and is irregularly shaped as a result of the curvature of Carlos Circle. The placement of the existing structure eliminates the ability to place the pool in a rear yard and the only yards available are all front yards.

Explain how the Property Qualifies for a Variance. Direct this Explanation to the Guidelines for Decision-Making in LDC Section 34-87:

The property qualifies for the requested variances as there are unique and extraordinary circumstances inherent to the subject property because of the significant street frontage that leaves no place but a front yard for an accessory structure the magnitude of a swimming pool. The circumstances are not the result of any action of the applicant and the request is the minimum necessary to allow the applicant to construct a pool of average size for a two-family unit and which is commonly enjoyed by other residents of Fort Myers Beach. The granting of the variances will not be injurious to surrounding properties or to the health, safety and welfare of the general public. The proposed placement of the pool is a logical location and closely conforms to the structural placement of the existing residence on the property.

BOUNDARY AND LOCATION SURVEY W/ TOPO OF
506/508 CARLOS CIRCLE
FORT MYERS BEACH, FLORIDA 33931

LEGAL DESCRIPTION:

Lot 7, BLOCK E, UNIT NO. 4 ISLAND SHORES according to
the map or plat thereof, as recorded in Plat Book 9,
Page 37, of the Public Records of Lee County, Florida.

C1
 $\Delta=68^{\circ}08'51''$
 $R=100.0$
 $A=118.94'$
 $CH.BR.=N79^{\circ}25'39''E$
 $CH.=112.05'(M)$

MH
SAN. SEWER

B.M.#2
2.04'

$S66^{\circ}30'00''E$
 $13.16'(M)(P)$

FIR 5/8
1.9'

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

BENCHMARK NOTE
NAVD88 ELEVATIONS
BASED ON FIRE HYDRANT
TOP BOLT ELEV=6.16'

LOT 6
BLOCK E
DEVELOPED

ESTERO BOULEVARD

CENTERLINE (60' R/W)

FEMA MAP - 120673 / 12071C0554F
FLOOD ZONE - VE
BASE ELEV. - 16' NAVD88

COVERED ENTRANCE
SCREEN ENCLOSED AREA
SCREEN ENCLOSED WITH POOL

0 10 20 40
SCALE: 1"=20'

(C) 2020 BASIS OF BEARINGS IS R/W LINE (USING PLAT BEARING OR ASSUMED) UNLESS NOTED OTHERWISE
FLORIDA ADMINISTRATIVE CODE STATES IF LOCATION OF EASEMENTS OR RIGHTS OF WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS IS REQUIRED,
THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR - IF FENCES ARE SHOWN, DISTANCES INDICATE APPROXIMATE DISTANCE ON OR OFF PROPERTY
- OVERHANGS AND UNDERGROUND FOUNDATIONS OR UTILITIES HAVE NOT BEEN LOCATED AS PART OF THIS SURVEY.

(1) UNLESS STATED OTHERWISE THIS SURVEY IS AN AS-BUILT SURVEY SHOWING VISIBLE IMPROVEMENTS IN RELATION TO SURVEY MARKERS FOUND

AFFORDABLE
SURVEYS
239-283-1518

CERTIFIED EXCLUSIVELY TO:
HOLSEM JACK

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

DATE OF FIELD SURVEY 2/10/2021

BILL HYATT
Surveyor & Mapper Number 4636
LB 6912

3366 STRINGFELLOW ROAD
SAINT JAMES CITY, FL 33956

AFFORDABLE SURVEYS IS OWNED BY KNOW IT NOW, INC., 2011 HEIDELBERG AVENUE, DUNEEDIN, FL 34698

FLORIDA SURVEYOR 00001049
727-415-8305

GeoView Map



May 7, 2021

Air Photos: 2020 Hi-Res (4 inch)



Hospital Locations



Library Locations

School Locations



School Locations



CCC_Parks

--- County Boundary

Major Roads Medium

I - 75

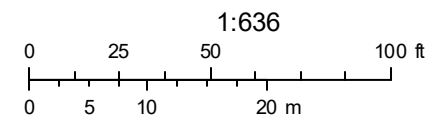
US 41

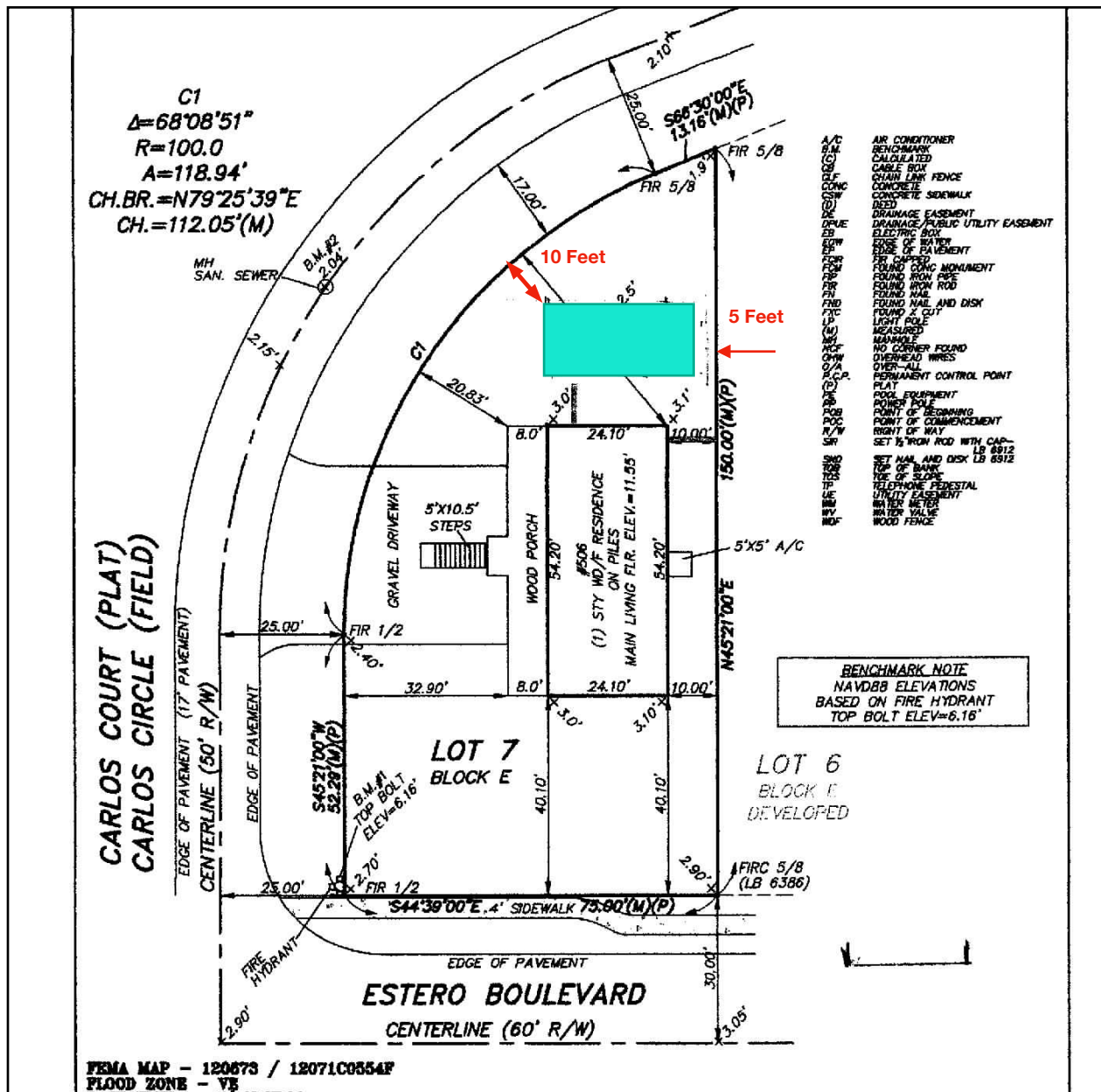
Other Highways

Other Roads

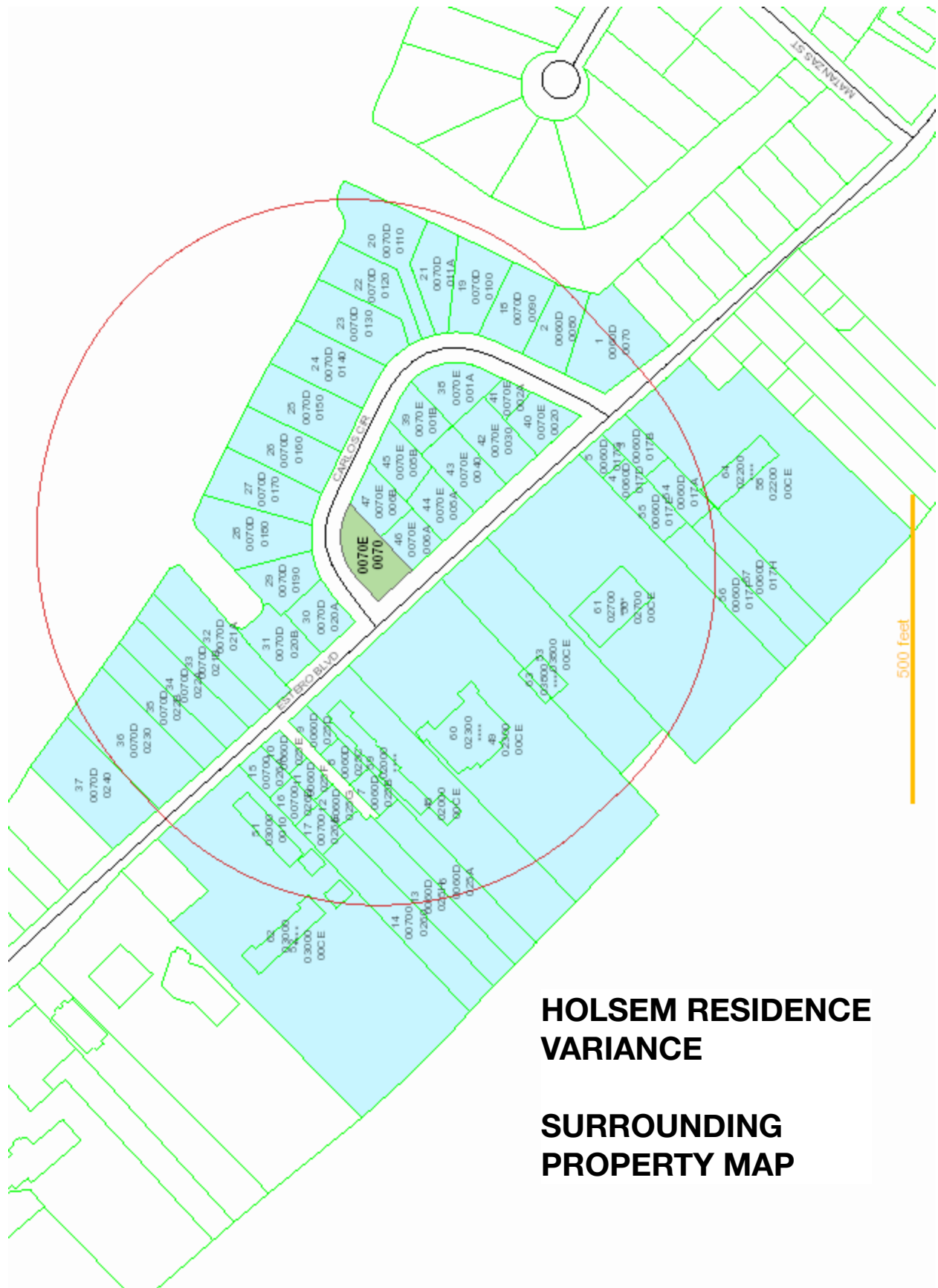


Parcels Near





HOLSEM POOL VARIANCE **Layout and Dimensional Drawing** **June 2021**



[illegible]

10127086	24-46-23-W1-02300.5940	HARTNETT ROBERT G		PO BOX 810615		PORT HURON	MI	48061		500	ESTERO BLVD	594	FORT MYERS BEACH	33931
10127087	24-46-23-W1-02300.5950	MILNES GARY F & BETH E		15395 NORRISH DR		MORRISON	IL	61270		500	ESTERO BLVD	595	FORT MYERS BEACH	33931
10127088	24-46-23-W1-02300.5960	LAYFIELD PAMELA TR		500 ESTERO BLVD #195		FORT MYERS BEACH	FL	33931		500	ESTERO BLVD	596	FORT MYERS BEACH	33931
10127089	24-46-23-W1-02300.5970	STOVER JOHN C + PATRICIA R L/E		818 BROWNS LAKE DR		JACKSON	MI	49203		500	ESTERO BLVD	597	FORT MYERS BEACH	33931
10127090	24-46-23-W1-02300.5980	BFMB INC		3601 HEMPSTEAD TURNPK	STE 210	LEVITTOWN	NY	11756		500	ESTERO BLVD	598	FORT MYERS BEACH	33931
10127091	24-46-23-W1-02300.5990	KERBS JAMES R & JILL W		500 ESTERO BLVD # 599		FORT MYERS BEACH	FL	33931		500	ESTERO BLVD	599	FORT MYERS BEACH	33931
10127092	24-46-23-W1-02300.6040	SCHARBACH ENTERPRISES LTD PTNR		162 PADDOCK ST		WATERTOWN	NY	13601		500	ESTERO BLVD	604	FORT MYERS BEACH	33931
10127093	24-46-23-W1-02300.6050	SCHAFER MARGARET I TR		500 ESTERO BLVD #695		FORT MYERS BEACH	FL	33931		500	ESTERO BLVD	605	FORT MYERS BEACH	33931
10127094	24-46-23-W1-02300.6060	SCHAFER MARGARET I		500 ESTERO BLVD #696		FORT MYERS BEACH	FL	33931		500	ESTERO BLVD	606	FORT MYERS BEACH	33931
10127095	24-46-23-W1-02300.6070	REINER PAUL S + SHEILA J		5875 KILBANNAN CT		DUBLIN	OH	43017		500	ESTERO BLVD	607	FORT MYERS BEACH	33931
10127096	24-46-23-W1-02300.6080	DAMICO TRACEY L		18615 LAKE CIRCLE DR APT 432		FORT MYERS	FL	33908		500	ESTERO BLVD	608	FORT MYERS BEACH	33931
10127097	24-46-23-W1-02300.6090	MARCHESE MAJORIE		2 SHADOW LN		CROMWELL	CT	6416		500	ESTERO BLVD	609	FORT MYERS BEACH	33931
10127098	24-46-23-W1-02300.7940	WELLS ANDREW + REBECCA		320 HAMILTONIAN DR		OAK BROOK	IL	60523		500	ESTERO BLVD	794	FORT MYERS BEACH	33931
10127099	24-46-23-W1-02300.7950	ALLIS HOLDINGS LLC		PO BOX 111		GENESEO	IL	61254		500	ESTERO BLVD	795	FORT MYERS BEACH	33931
10127100	24-46-23-W1-02300.7960	BURTH GENA C		1235 FLORIDA AVE		FORT MYERS	FL	33901		500	ESTERO BLVD	796	FORT MYERS BEACH	33931
10127101	24-46-23-W1-02300.7970	LENNAMAN LAWRENCE J + JO ANN		18164 DEEP PASSAGE LN		FORT MYERS BEACH	FL	33931		500	ESTERO BLVD	797	FORT MYERS BEACH	33931
10127102	24-46-23-W1-02300.7980	VANDERMEY KATHERINE F TR		15600 FIDDLESTICKS BLVD		FORT MYERS	FL	33912		500	ESTERO BLVD	798	FORT MYERS BEACH	33931
10127103	24-46-23-W1-02300.7990	VANDERMEY KATHERINE F TR		15600 FIDDLESTICKS BLVD		FORT MYERS	FL	33912		500	ESTERO BLVD	799	FORT MYERS BEACH	33931
10127104	24-46-23-W1-02300.8940	GIBSON FRED E + SANDRA J		500 ESTERO BLVD #894		FORT MYERS BEACH	FL	33931		500	ESTERO BLVD	894	FORT MYERS BEACH	33931
10127105	24-46-23-W1-02300.8950	DEERPATH CAMP LLC		7360 CARIBOU TRAIL		CENTERVILLE	OH	45459		500	ESTERO BLVD	895	FORT MYERS BEACH	33931
10127106	24-46-23-W1-02300.8960	RENALDO JOHN M + JUDY L		500 ESTERO BLVD #896		FORT MYERS BEACH	FL	33931		500	ESTERO BLVD	896	FORT MYERS BEACH	33931
10127107	24-46-23-W1-02300.8970	AGM GATEWAY LLC		164 HERON AVE		NAPLES	FL	34108		500	ESTERO BLVD	897	FORT MYERS BEACH	33931
10127108	24-46-23-W1-02300.8980	DISHARON MARCIA S		500 ESTERO BLVD #898		FORT MYERS BEACH	FL	33931		500	ESTERO BLVD	898	FORT MYERS BEACH	33931
10127109	24-46-23-W1-02300.8990	ROWE RICHARD +		9990 CYPRESS LAKE DR		FORT MYERS	FL	33919		500	ESTERO BLVD	899	FORT MYERS BEACH	33931
10127114	24-46-23-W1-02700.1010	GIBSON JOSEPH G TR		101 GLENMEADE RD		GREENSBURG	PA	15601		538	ESTERO BLVD	101	FORT MYERS BEACH	33931
10127115	24-46-23-W1-02700.1020	TRELAWNEY HOLDINGS LTD		538 ESTERO BLVD #102		FORT MYERS BEACH	FL	33931		538	ESTERO BLVD	102	FORT MYERS BEACH	33931
10127116	24-46-23-W1-02700.1030	STRICKER DOLPHIN WATCH LLC		6240 WAXMYRTLE WAY		NAPLES	FL	34109		538	ESTERO BLVD	103	FORT MYERS BEACH	33931
10127117	24-46-23-W1-02700.1040	STUERMAN LEROY SCOTT +		1404 S CARROLL ST		ROCK RAPIDS	IA	51246		538	ESTERO BLVD	104	FORT MYERS BEACH	33931
10127118	24-46-23-W1-02700.2010	WELLER KATHY TR		5190 KENOWA AVE SW		GRANDVILLE	MI	49418		538	ESTERO BLVD	201	FORT MYERS BEACH	33931
10127119	24-46-23-W1-02700.2020	NAGEL THOMAS C TR		338 ESTERO BLVD #202		FORT MYERS BEACH	FL	33931		538	ESTERO BLVD	202	FORT MYERS BEACH	33931
10127120	24-46-23-W1-02700.2030	833616 ONTARIO LIMITED	KATHRYN MINALOFF	32 WIMBLETON RD		TORONTO	ON	M9A 3P6	CANADA	538	ESTERO BLVD	203	FORT MYERS BEACH	33931
10127121	24-46-23-W1-02700.2040	MAMMANGA MARILYN K		306 MILL POND RD		ROCK RAPIDS	IA	51246		538	ESTERO BLVD	204	FORT MYERS BEACH	33931
10127122	24-46-23-W1-02700.3010	PADDOCK JACK W + LYNN A		4458 W OLD STATE ROAD 28		FRANKFORT	IN	46041		538	ESTERO BLVD	301	FORT MYERS BEACH	33931
10127123	24-46-23-W1-02700.3020	DENMAN JUDY L TR +		3675 JEFFERS PKWY NW		PRIOR LAKE	MN	55372		538	ESTERO BLVD	302	FORT MYERS BEACH	33931
10127124	24-46-23-W1-02700.3030	GENZINK MARY TR		869 ALLEN DR		HOLLAND	MI	49423		538	ESTERO BLVD	303	FORT MYERS BEACH	33931
10127125	24-46-23-W1-02700.3040	GAFFNEY JOHN S + ELIZABETH L		HEATH FARM	ULLENHALL	HENLEY-IN-ARDEN		B95 5PR	UNITED KING	538	ESTERO BLVD	304	FORT MYERS BEACH	33931
10127126	24-46-23-W1-02700.4010	REARDON KEVIN T TR		538 ESTERO BLVD #401		FORT MYERS BEACH	FL	33931		538	ESTERO BLVD	401	FORT MYERS BEACH	33931
10127127	24-46-23-W1-02700.4020	ABAA INVESEMENTS LLC		195 JAMES P MURPHY HWY		WEST WARWICK	RI	2893		538	ESTERO BLVD	402	FORT MYERS BEACH	33931
10127128	24-46-23-W1-02700.4030	WELLER KATHY R TR		5190 KENOWA AVE SW		GRANDVILLE	MI	49418		538	ESTERO BLVD	403	FORT MYERS BEACH	33931
10127129	24-46-23-W1-02700.4040	RAYBURN HAROLD E TR		538 ESTERO BLVD #404		FORT MYERS BEACH	FL	33931		538	ESTERO BLVD	404	FORT MYERS BEACH	33931
10127130	24-46-23-W1-02700.5010	MILHON JANET V TR		2155 CENTERION DR		MARTINSVILLE	IN	46151		538	ESTERO BLVD	501	FORT MYERS BEACH	33931
10127131	24-46-23-W1-02700.5020	GANGER DAVID E + CONNIE S		22237 HERON COVE		ELKHART	IN	46516		538	ESTERO BLVD	502	FORT MYERS BEACH	33931
10127132	24-46-23-W1-02700.5030	RICHARDSON D ALAN		538 ESTERO BLVD #503		FORT MYERS BEACH	FL	33931		538	ESTERO BLVD	503	FORT MYERS BEACH	33931
10127133	24-46-23-W1-02700.5040	GARDENS INC		4 THUNDERBIRD CIR		LITCHFIELD	IL	62056		538	ESTERO BLVD	504	FORT MYERS BEACH	33931
10127134	24-46-23-W1-02700.6010	WEBER PAUL + ROSE TR		538 ESTERO BLVD #601		FORT MYERS BEACH	FL	33931		538	ESTERO BLVD	601	FORT MYERS BEACH	33931
10127135	24-46-23-W1-02700.6020	WORZELLA NORMAN TR		1911 CLAR-RIE DR		PLOVER	WI	54467		538	ESTERO BLVD	602	FORT MYERS BEACH	33931
10127136	24-46-23-W1-02700.6030	ASKINS JAMES C + KAREN S L/E		1046 S BROWN ST		JACKSON	MI	49203		538	ESTERO BLVD	603	FORT MYERS BEACH	33931
10127137	24-46-23-W1-02700.6040	STEVENS CHARLES N TR		21 WINDSOR DR		CHILLICOTHE	OH	45601		538	ESTERO BLVD	604	FORT MYERS BEACH	33931
10127138	24-46-23-W1-02700.7010	BARBER CARRIE L		783 BOGEY CT		ANN ARBOR	MI	48103		538	ESTERO BLVD	701	FORT MYERS BEACH	33931
10127139	24-46-23-W1-02700.7020	HOLMES JANNA LYNN +		538 ESTERO BLVD APT 702		FORT MYERS BEACH	FL	33931		538	ESTERO BLVD	702	FORT MYERS BEACH	33931
10127140	24-46-23-W1-02700.7030	MAMMANGA MARILYN K +		306 MILL POND RD		ROCK RAPIDS	IA	51246		538	ESTERO BLVD	703	FORT MYERS BEACH	33931
10127141	24-46-23-W1-02700.7040	FRANKEN MARY TR		PO BOX 840		ARNOLDS PARK	IA	51331		538	ESTERO BLVD	704	FORT MYERS BEACH	33931
10127142	24-46-23-W1-02700.8010	DONNELLY G JOAN	ANNETTE LEIBL	105 CARTWHEEL BND		AUSTIN	TX	78738		538	ESTERO BLVD	801	FORT MYERS BEACH	33931
10127143	24-46-23-W1-02700.8020	NEWMAN LARRY L TR		PO BOX 785		SUNBURY	PA	17801		538	ESTERO BLVD	802	FORT MYERS BEACH	33931
10127144	24-46-23-W1-02700.8030	PARRY PAUL EDWARD +		5992 EAGLE RIDGE RD		BETTENDORF	IA	52722		538	ESTERO BLVD	803	FORT MYERS BEACH	33931
10127145	24-46-23-W1-02700.8040	BOELTER MELINDA S + DEAN L TR		8510 BELLE MEADE DR		FORT MYERS	FL	33908		538	ESTERO BLVD	804	FORT MYERS BEACH	33931
10127148	24-46-23-W1-03000.5010	FRITZ SISTERS LLC		35707 COUNTY HIGHWAY 126		ASHBY	MN	56309		418	ESTERO BLVD	501	FORT MYERS BEACH	33931
10127149	24-46-23-W1-03000.5020	FRITZ LAURA L		814 W MOUNT PLEASANT RD		EVANSVILLE	IN	47711		418	ESTERO BLVD	502	FORT MYERS BEACH	33931
10469064	24-46-23-W1-03800.0101	ISABELLA PROPERTIES LLC		17 BELVEDERE		JOHNSTON	RI	2919		510	ESTERO BLVD	101	FORT MYERS BEACH	33931
10469065	24-46-23-W1-03800.0102	PILETTE MARSHA J TR		9379 LOS AUSLOS WAY		FORT MYERS	FL	33908		510	ESTERO BLVD	102	FORT MYERS BEACH	33931
10469066	24-46-23-W1-03800.0103	SIMPSON DOUG		8534 US 42		FLORENCE	KY	41042		510	ESTERO BLVD	103	FORT MYERS BEACH	33931
10469067	24-46-23-W1-03800.0104	BROWN GEORGE E +		711 OAK KNOLL AVE NE		WARREN	OH	44483		510	ESTERO BLVD	104	FORT MYERS BEACH	33931
10469068	24-46-23-W1-03800.0105	POIN ELIZABETH		15388 SW 280TH ST		HOMESTEAD	FL	33032		510	ESTERO BLVD	105	FORT MYERS BEACH	33931
10469069	24-46-23-W1-03800.0201	DONIA JAMES A + ANN M		49633 HIDDEN OAKS RD		SAINT CHARLES	IL	60175		510	ESTERO BLVD	201	FORT MYERS BEACH	33931
10469070	24-46-23-W1-03800.0202	SAGENDORF JOHN D + SUSAN R		1000 RAY COSTIN WAY # 105		MURRELLS INLET	SC	29576		510	ESTERO BLVD	202	FORT MYERS BEACH	33931
10469071	24-46-23-W1-03800.0203	SCHLAX LAWRENCE A + KAREN L		101 SW 53ES ST		CAPE CORAL	FL	33914		510	ESTERO BLVD	203	FORT MYERS BEACH	33931
10469072	24-46-23-W1-03800.0204	PADDOCK JACK W + LYNN A		4458 W OLD STATE ROAD 28		FRANKFORT	IN	46041		510	ESTERO BLVD	204	FORT MYERS BEACH	33931
10469073	24-46-23-W1-03800.0205	BADONG CHRISTOPHER + TIEREN		321 SURREY RIDGE		EATON	CO	80615		510	ESTERO BLVD	205	FORT MYERS BEACH	33931
10469074	24-46-23-W1-03800.0301	WEGLARZ RUSSELL J + LAURIE A		13410 WOOD DUCK DR		PLAINFIELD	IL	60585		510	ESTERO BLVD	301	FORT MYERS BEACH	33931
10469075	24-46-23-W1-03800.0302	WELLS ANDREW L &		320 HAMILTONIAN DR		OAK BROOK	IL	60523		510	ESTERO BLVD	302	FORT MYERS BEACH	33931
10469076	24-46-23-W1-03800.0303	WAGLER JIM + LINDA		103 O LOANE AVE		STRAITFORD	ON	NSA 6S4	CANADA	510	ESTERO BLVD	303	FORT MYERS BEACH	33931
10469077	24-46-23-W1-03800.0304	TIETZE WAYNE		5143 COMMERCIAL WAY		SPRING HILL	FL	34606		510	ESTERO BLVD	304	FORT MYERS BEACH	33931
10469078	24-46-23-W1-03800.0305	HILTON LORI J		1053 PORT ORANGE WAY		NAPLES	FL	34120		510	ESTERO BLVD	305	FORT MYERS BEACH	33931
10469079	24-46-23-W1-03800.0401	SOLANS ENRIC + ANTOINETTE		1821 BOULDER DR		MOUNT PROSPECT	IL	60056		510	ESTERO BLVD	401	FORT MYERS BEACH	33931
10469080	24-46-23-W1-03800.0402	KENNEDY RONALD L + DENA J		11299 BIENNENDA WAY UNIT 101		FORT MYERS	FL	33908		510	ESTERO BLVD	402	FORT MYERS BEACH	33931
10469081	24-46-23-W1-03800.0403	SCOTT JOYCE A +		52 NANCY LN		FORT MYERS BEACH	FL	33931		510	ESTERO BLVD	403	FORT MYERS BEACH	33931
10469082	24-46-23-W1-03800.0404	SCHLAX LAWRENCE A + KAREN L		101 SW 53RD ST		CAPE CORAL	FL	33914		510	ESTERO BLVD	404	FORT MYERS BEACH	33931
10469083	24-46-23-W1-03800.0405	PELOSO KEVIN		90 WOOD ST		COVENTRY	RI	2816		510	ESTERO BLVD	405	FORT MYERS BEACH	33931
10469084	24-46-23-W1-03800.0501	A+A INVESTMENTS OF INDIANAPOLI		1528 ASHWOOD CT		GREENWOOD	IN	46143		510	ESTERO BLVD	501	FORT MYERS BEACH	33931
10469085	24-46-23-W1-03800.0502	DI-AN 2 LLC		4560 ESTERO BLVD APT 501		FORT MYERS BEACH	FL	33931		510	ESTERO BLVD	502	FORT MYERS BEACH	33931
10469086	24-46-23-W1-03800.0503	WEGLARZ RUSSELL												

10127497	24-46-23-W4-02200.2060	RIZZO BART A TR		3369 CLEARBROOK GRN		SAUGATUCK	MI	49453		600	ESTERO BLVD	206	FORT MYERS BEACH	33931
10127498	24-46-23-W4-02200.3010	DANIEL J SURMA TRUST +		29001 DOVE RD		CUSHING	MN	56443		600	ESTERO BLVD	301	FORT MYERS BEACH	33931
10127499	24-46-23-W4-02200.3020	DEMEESTER DANIEL P +		9349 MEISNER		CASCO	MI	48064		600	ESTERO BLVD	302	FORT MYERS BEACH	33931
10127500	24-46-23-W4-02200.3030	STOLTZ JAMES H + CAROL L TR		548 SUMMIT DR		WEST BEND	WI	53095		600	ESTERO BLVD	303	FORT MYERS BEACH	33931
10127501	24-46-23-W4-02200.3040	GAYNES JUANITA		2928 WALT STEVENS RD		LAKE SPIVEY	GA	30236		600	ESTERO BLVD	304	FORT MYERS BEACH	33931
10127502	24-46-23-W4-02200.3050	WERTZ GREG R		130 E PETERSON RD		TROY	OH	45373		600	ESTERO BLVD	305	FORT MYERS BEACH	33931
10127503	24-46-23-W4-02200.3060	PHELPS JAMES B +		14945 E MEXICO DR		AURORA	CO	80012		600	ESTERO BLVD	306	FORT MYERS BEACH	33931
10127504	24-46-23-W4-02200.4010	WESTON DANIEL PETER TR		316 E FRONT ST		PERRYSBURG	OH	43551		600	ESTERO BLVD	401	FORT MYERS BEACH	33931
10127505	24-46-23-W4-02200.4020	MELVIN R SCHMIDT TRUST +		16119 EDMONT DR		FORT MYERS	FL	33908		600	ESTERO BLVD	402	FORT MYERS BEACH	33931
10127506	24-46-23-W4-02200.4030	FRANK PASCAL		5291 RIVERWALK TRL		COMMERCE TOWNSH	MI	48382		600	ESTERO BLVD	403	FORT MYERS BEACH	33931
10127507	24-46-23-W4-02200.4040	OBRIEN DANIEL G		5373 E FAIRBANKS CT		MONTICELLO	IN	47980		600	ESTERO BLVD	404	FORT MYERS BEACH	33931
10127508	24-46-23-W4-02200.4050	WEDGE JAMES M & MARIAN D L/E		3007 BENT CREEK DR		VALPICO	FL	33596		600	ESTERO BLVD	405	FORT MYERS BEACH	33931
10127509	24-46-23-W4-02200.4060	KRULL DANA L & SHERRY L		46 EMS T13F LN		LEESBURG	IN	46536		600	ESTERO BLVD	406	FORT MYERS BEACH	33931
10127510	24-46-23-W4-02200.5010	TKFMB PROPERTIES LLC		3929 HOLLYHOCK LN		MAUMEE	OH	43537		600	ESTERO BLVD	501	FORT MYERS BEACH	33931
10127511	24-46-23-W4-02200.5020	DI-AN LLC		4560 ESTERO BLVD # 501		FORT MYERS BEACH	FL	33931		600	ESTERO BLVD	502	FORT MYERS BEACH	33931
10127512	24-46-23-W4-02200.5030	CUMMINGS HARRY JR &		4 AZTEC DR		BAY SHORE	NY	11706		600	ESTERO BLVD	503	FORT MYERS BEACH	33931
10127513	24-46-23-W4-02200.5040	MURPHY PATRICK J &		12711 GLADSTONE WAY		FORT MYERS	FL	33913		600	ESTERO BLVD	504	FORT MYERS BEACH	33931
10127514	24-46-23-W4-02200.5050	DIANE L RICHARDSON TRUST		17208 STAPLES ST NE		ANDOVER	MN	55304		600	ESTERO BLVD	505	FORT MYERS BEACH	33931
10127515	24-46-23-W4-02200.5060	PHELPS JAMES B +		14945 E MEXICO DR		AURORA	CO	80012		600	ESTERO BLVD	506	FORT MYERS BEACH	33931
10127516	24-46-23-W4-02200.6010	DIANE L RICHARDSON TRUST		17208 STAPLES ST NE		HAM LAKE	MN	55304		600	ESTERO BLVD	601	FORT MYERS BEACH	33931
10127517	24-46-23-W4-02200.6020	CARRICO EMIDIO & CAROL		215 JUNIPER DR		YORKTOWN HEIGHTS	NY	10598		600	ESTERO BLVD	602	FORT MYERS BEACH	33931
10127518	24-46-23-W4-02200.6030	DI-AN LLC		4560 ESTERO BLVD APT 501		FORT MYERS BEACH	FL	33931		600	ESTERO BLVD	603	FORT MYERS BEACH	33931
10127519	24-46-23-W4-02200.6040	STOLTZ JAMES H + CAROL L TR		548 SUMMIT DR		WEST BEND	WI	53095		600	ESTERO BLVD	604	FORT MYERS BEACH	33931
10127520	24-46-23-W4-02200.6050	MAPLES LORI A & JACK B		PO BOX 628		PIGEON FORGE	TN	37868		600	ESTERO BLVD	605	FORT MYERS BEACH	33931
10127521	24-46-23-W4-02200.6060	ELGERSMA BERT J		7115 KALAMAZOO AVE		CALEDONIA	MI	49316		600	ESTERO BLVD	606	FORT MYERS BEACH	33931
10127522	24-46-23-W4-02200.7030	ZWYGHUIZEN WILLIAM & JOOY		1077 WEST LAKEWOOD BLVD		HOLLAND	MI	49424		600	ESTERO BLVD	703	FORT MYERS BEACH	33931
10127523	24-46-23-W4-02200.7040	PULLEN RICHARD G +		1004 PENDLETON ST		ALEXANDRIA	VA	22314		600	ESTERO BLVD	704	FORT MYERS BEACH	33931

PYFER ANDREW K & STACY
159 CONNECTICUT ST
FORT MYERS BEACH FL 33931

LARKIN ROSE ANN
587 CARLOS CT
FORT MYERS BEACH FL 33931

TRAVALINI LISA L +
31305 CORAL CT
OCEAN VIEW DE 19970

BENKERT JOHN EDWARD &
5263 RIVER BLOSSOM LN
LABELLE FL 33935

BURT MARGARET
4934 SW 8TH PL
CAPE CORAL FL 33914

LAS INVESTMENTS LLC
STE 160 PMB 107
16970 SAN CARLOS BLVD
FORT MYERS FL 33908

JOHN HULL PROPERTIES LLC
PMB 107
16970 SAN CARLOS BLVD STE 3
FORT MYERS FL 33908

635 RIVERFRONT CORP
PMB 107
16970 SAN CARLOS BLVD STE 3
FORT MYERS FL 33908

LORMOR INVESTMENTS LLC
16970 SAN CARLOS BLVD STE 3
FORT MYERS FL 33908

ALBANI DANIEL
450 ESTERO BLVD
FORT MYERS BEACH FL 33931

LAPFAM INVESTMENTS #2-452
16970-3 SAN CARLOS BLVD #107
FORT MYERS FL 33908

454 ESTERO LLC
GREENSPON
16970-3 SAN CARLOS BLVD #107
FORT MYERS FL 33908

GREENSPON DENNIS I TR
16970-3 SAN CARLOS BLVD #107
FORT MYERS FL 33908

INK STANLEY K TR
1625 SILVERWOOD CT
NORTH FORT MYERS FL 33903

LAPFAM INVESTMENTS #1-436 LLC
PMB 107
16970 SAN CARLOS BLVD STE 3
FORT MYERS FL 33908

TARBLE SARA J TR
409 NORTH 7TH ST
MARSHALL IL 62441

FORD CELESTE P
432 ESTERO BLVD
FORT MYERS BEACH FL 33931

SHENKO WILLIAM E JR + LINDA M
581 CARLOS CIRCLE SW
FORT MYERS BEACH FL 33931

NYKERK MARY M TR
5895 LAKESHORE DR N
HOLLAND MI 49424

GRAFE BRADLEY R TR
73830 257TH ST
GRAND MEADOW MN 55936

HAUSHERR STEVE + DIANE
571 CARLOS CIR
FORT MYERS BEACH FL 33931

ANGLIM TIMOTHY J + GISELA
561 CARLOS CIR
FORT MYERS BEACH FL 33931

JURKOVIC BORIS & KIMBERLY A
555 CARLOS CIR
FORT MYERS BEACH FL 33931

LEEP MICHAEL R
5201 N GRAPE RD
MISHAWAKA IN 46545

LEEP MICHAEL R
5201 N GRAPE RD
MISHAWAKA IN 46545

CARTER SCOTT + KONDA
PO BOX 3648
FORT MYERS FL 33918

PETTIT GARY L & JANE C
511 CARLOS CIR
FORT MYERS BEACH FL 33931

CHURCHMAN DAVID J & DIANA D
507 CARLOS CIR
FORT MYERS BEACH FL 33931

BAZAR JOYCE TR
2192 WESTER DR
NISKAYUNA NY 12309

TURPIN MARION + JO ANN
501 ESTERO BLVD
FORT MYERS BEACH FL 33931

HIMELICK MARK S &
475 ESTERO BLVD
FORT MYERS BEACH FL 33931

BURANDT ROBERT B TR
1714 CAPE CORAL PKWY
CAPE CORAL FL 33904

TRELLI FREDERICK &
12575 S CLEVELAND AVE
FORT MYERS FL 33907

BLAUM BRIAN C TR
220 EMERSON PL STE 201
DAVENPORT IA 52801

GRAY DAVID LEE
431 ESTERO BLVD
FORT MYERS BEACH FL 33931

MCCHESNEY KEVIN E TR
417 ESTERO BLVD
FORT MYERS BEACH FL 33931

SILVER KING VENTURES LLC
353 CLIFTON AVE
KINGSTON NY 12401

CERMAK CAROL J TR
548 CARLOS CIR
FORT MYERS BEACH FL 33931

LEEP KAREN E
5201 N GRAPE RD # 1
MISHAWAKA IN 46545

ESTERO BLVD PROPERTIES LLC
619 DOWS RD
CEDAR RAPIDS IA 52402

BEATTY MARGARET &
24 BAY ST
PARY SOUND ON P2A 1S5
CANADA

DUFFY RAND P TR
551 ESTERO BLVD
FORT MYERS BEACH FL 33931

MENDEN FRANCIS + BONNIE JEAN
16045 NORTHWOOD RD NW
PRIOR LAKE MN 55372

TAYLOR KEENE JR +
3201 PICKWICK LN
CHEVY CHASE MD 20815

KUHNS ANTHONY M
530 CARLOS CIR
FORT MYERS BEACH FL 33931

BRUNO ANTHONY D + TRACY L
58 CORNERTOWN RD
CHAMBERSBURG PA 17201

ALEXANDER RICHARD E JR
162 PADDOCK ST
WATERTOWN NY 13601

KONA BEACH CLUB CONDO ASSN
P+M PROPERTY MANAGEMENT INC
2830 WINKLER AVE STE 101
FORT MYERS FL 33916

GATEWAY VILLAS CONDO ASSN
15751 SAN CARLOS BLVD STE 8
FORT MYERS FL 33908

DOLPHIN WATCH CONDO ASSOC INC
KEN EDGE
538 ESTERO BLVD
FORT MYERS BEACH FL 33931

WINDWARD PASSAGE RESORT
VACATION RESORTS INTL
25510 COMMERCENTRE DR STE 100
LAKE FOREST CA 92630

WINDWARD PASSAGE RESORT
418 ESTERO BLVD
FORT MYERS BEACH FL 33931

CASA PLAYA RESORT CONDO ASSOC
15751 SAN CARLOS BLVD #8
FORT MYERS FL 33908

CUDZIK RUTH E
582 ESTERO BLVD
FORT MYERS BEACH FL 33931

LKCOTTAGE LLC
8862 STAGHORN WAY
FORT MYERS FL 33908

MAGNUM FMB 2 LLC
725 MATANZAS CT
FORT MYERS BEACH FL 33931

FCG ASSOCIATES LLC
6045 COCOS DR
FORT MYERS FL 33908

CANE PALM BEACH CONDO
ASSOC INC
600 ESTERO BLVD
FORT MYERS BEACH FL 33931

TURNER KENNETH A & SANDRA S
2650 ESTERO BLVD # 102
FORT MYERS BEACH FL 33931

SAMPAIR PETER + TERRI
4453 LAKE AVE S
WHITE BEAR LAKE MN 55110

RIGSBY BRIAN S + HIEDI E
420 N MARLEY RD
NEW LENOX IL 60451

474 ESTERO 110 LLC
5190 KENOWA AVE SW
GRANDVILLE MI 49418

DUTCHER VICTORIA L
474 ESTERO BLVD #112
FORT MYERS BEACH FL 33931

ANZIVINO RALPH C & MARY JO +
210 SAN MATEO DR
BONITA SPRINGS FL 34134

HOSTETLER RONALD JAMES &
675 GILEAD SHORES DR
BRONSON MI 49028

FARWICK WILLIAM P &
1815 CRITTENDEN MOUNT ZION RD
DRY RIDGE KY 41035

HUSSEY LAUREN M +
71 RESERVOIR ST
BETHEL CT 06801

OWEIS KHALED + LISA
6781 HOLLANDAIRE DR W
BOCA RATON FL 33433

HOUSE TERESA R TR
16048 EAST 266TH ST
ATLANTA IN 46031

STU PROPERTIES INC
2408 WAYNE ST
STEVENS POINT WI 54481

HUNTINGTON NATIONAL BANK TR
7 EASTON OVAL EA4C83
COLUMBUS OH 43219

BISHTON ROBERT J
474 ESTERO BLVD APT 212
FORT MYERS BEACH FL 33931

BOWDEN LEE H + SHARON K
827 GLENDALE AVE
FREMONT OH 43420

COPUS H DOUGLAS + KATHERINE L
1701 FOREST PARK
FINDLAY OH 45840

TROUTMAN GEORGE A + MARIANNE Y
7302 N BERKLEY SQ
NEW ALBANY OH 43054

SHULER WILLARD H & SUSAN E TR
474 ESTERO BLVD #220
FORT MYERS BEACH FL 33931

LOGAN DOUGLAS R + CAROL A
909 GALAHAD DR
AUSTIN TX 78746

LOUE WILLIAM E III + CAROLYN L
401 HILLSIDE CT
LANCASTER PA 17602

LAYFIELD JACK & PAMELA
26 DALEMERE CRES
ST CATHARINES ON L2N 7K5
CANADA

SLAGH WADE C
5499 LAKE SHORE DR
HOLLAND MI 49424

WEATHERLOW DALE & JANET E
5883 MAGNOLIA STEDMAN RD
MAYVILLE NY 14757

HARPER MATTHEW W
9885 FOLKERS DR
FRANKFORT IL 60423

HAGEL JOHN + DEBORAH
12 SACHEM DR
CROMWELL CT 06416

DEWITT MARY J TR +
17490 W SPRING LAKE RD
SPRING LAKE MI 49456

GARDENS INC
4 THINDERBIRD CIR
LITCHFIELD IL 62056

500 ESTERO 298 LLC
758 CAL COVE DR
FORT MYERS FL 33919

SHERBIN WILLIAM
18 STONYBROOK LN
MALVERN PA 19355

PERDUE GORDON A +
5417 BRANDY CIR E
FORT MYERS FL 33919

CARASA ALFREDO R + MARCELA M
3605 ESTEPONA AVE
DORAL FL 33178

SKUBIC HOLLY M TR
1920 VIRGINIA AVE # 101
FORT MYERS FL 33901

LAYFIELD JACK & PAMELA
26DALEMERE CRESCENT
ST CATHERINES ON L2N 7K5
CANADA

HARPER MATTHEW W + BETH ANN
PO BOX 517
FRANKFORT IL 60423

PLEW CAMERON V & CHRISTA S +
2135 CHAPMAN LAKE DR
WARSAW IN 46582

FUN & SUN LLC
PO BOX 07264
FORT MYERS FL 33919

RESPAR LLC
19020 PIKE 9230
BOWLING GREEN MO 63334

WILLIS WILLIAM + SUZANNE
7507 LA ROCHE AVE
SAVANNAH GA 31406

HOSTETLER NOELLE TR
152 BRYANT AVE
GLEN ELLYN IL 60137

VLR OF LONG ISLAND INC
648 KATHLEEN PL
WESTBURY NY 11590

DEERY THEODORE E TR +
28101 SOUTH YATES
BEECHER IL 60401

HARTNETT ROBERT G
PO BOX 610615
PORT HURON MI 48061

MILNES GARY F & BETH E
15395 NORRISH RD
MORRISON IL 61270

LAYFIELD PAMELA TR
500 ESTERO BLVD #195
FORT MYERS BEACH FL 33931

STOVER JOHN C + PATRICIA R L/E
818 BROWNS LAKE DR
JACKSON MI 49203

BFMIB INC
3601 HEMPSTEAD TURNPIKE STE 210
LEVITTOWN NY 11756

KERBS JAMES R & JILL W
500 ESTERO BLVD # 599
FORT MYERS BEACH FL 33931

SCHARBACH ENTERPRISES LTD PTNR
162 PADDOCK ST
WATERTOWN NY 13601

SCHAFER MARGARET I TR
500 ESTERO BLVD #695
FORT MYERS BEACH FL 33931

SCHAFER MARGARET I
500 ESTERO BLVD #696
FORT MYERS BEACH FL 33931

REINER PAUL S + SHEILA J
5875 KILBANNAN CT
DUBLIN OH 43017

DAMICO TRACEY L
16615 LAKE CIRCLE DR APT 432
FORT MYERS FL 33908

MARCHESE MARJORIE
2 SHADOW LN
CROMWELL CT 06416

WELLS ANDREW + REBECCA
320 HAMBLETONIAN DR
OAK BROOK IL 60523

ALLIS HOLDINGS LLC
PO BOX 111
GENESEO IL 61254

BURTCH GENA C
1235 FLORIDA AVE
FORT MYERS FL 33901

LENNAMAN LAWRENCE J + JO ANN
18164 DEEP PASSAGE LN
FORT MYERS BEACH FL 33931

VANDERMEY KATHERINE F TR
15600 FIDDLESTICKS BLVD
FORT MYERS FL 33912

VANDERMEY KATHERINE F TR
15600 FIDDLESTICKS BLVD
FORT MYERS FL 33912

GIBSON FRED E + SANDRA J
500 ESTERO BLVD #894
FORT MYERS BEACH FL 33931

DEERPATH CAMP LLC
7360 CARIBOU TRAIL
CENTERVILLE OH 45459

RENALDO JOHN M + JUDY L
500 ESTERO BLVD #896
FORT MYERS BEACH FL 33931

AGM GATEWAY LLC
164 HERON AVE
NAPLES FL 34108

DISHAROON MARCIA S
500 ESTERO BLVD #898
FORT MYERS BEACH FL 33931

ROWE RICHARD +
9990 CYPRESS LAKE DR
FORT MYERS FL 33919

GIBSON JOSEPH G TR
101 GLENMEADE RD
GREENSBURG PA 15601

TRELAWEY HOLDINGS LTD
538 ESTERO BLVD #102
FORT MYERS BEACH FL 33931

STRYCKER DOLPHIN WATCH LLC
6240 WAXMYRTLE WAY
NAPLES FL 34109

STUERMAN LEROY SCOTT &
1404 S CARROLL ST
ROCK RAPIDS IA 51246

WELLER KATHY TR
5190 KENOWA AVE SW
GRANDVILLE MI 49418

NAGEL THOMAS C TR
538 ESTERO BLVD #202
FORT MYERS BEACH FL 33931

833616 ONTARIO LIMITED
KATHRYN MINIALOFF
32 WIMBLETON RD
TORONTO ON M9A 3R8
CANADA

MAMMENG MARILYN K
306 MILL POND RD
ROCK RAPIDS IA 51246

PADDACK JACK W + LYNN A
4458 W OLD STATE ROAD 28
FRANKFORT IN 46041

DENMAN JUDY L TR +
3675 JEFFERS PKWY NW
PRIOR LAKE MN 55372

GENZINK MARY TR
869 ALLEN DR
HOLLAND MI 49423

GAFFNEY JOHN S + ELIZABETH L
HEATH FARM ULLENHALL
HENLEY-IN-ARDEN B95 5PR
UNITED KINGDOM

REARDON KEVIN T TR
538 ESTERO BLVD #401
FORT MYERS BEACH FL 33931

ABAA INVESMENTS LLC
195 JAMES P MURPHY HWY
WEST WARWICK RI 02893

WELLER KATHY R TR
5190 KENOWA AVE SW
GRANDVILLE MI 49418

RAYBURN HAROLD E TR
538 ESTERO BLVD #404
FORT MYERS BEACH FL 33931

MILHON JANET V TR
2155 CENTERTON RD
MARTINSVILLE IN 46151

GANGER DAVID E + CONNIE S
22237 HERON COVE
ELKHART IN 46516

RICHARDSON D ALAN
538 ESTERO BLVD #503
FORT MYERS BEACH FL 33931

GARDENS INC
4 THUNDERBIRD CIR
LITCHFIELD IL 62056

WEBER PAUL + ROSE TR
538 ESTERO BLVD #601
FORT MYERS BEACH FL 33931

WORZELLA NORMAN TR
1911 CLAR-RE DR
PLOVER WI 54467

ASKINS JAMES C + KAREN S L/E
1046 S BROWN ST
JACKSON MI 49203

STEVENS CHARLES N TR
21 WINDSOR DR
CHILLICOTHE OH 45601

BARBER CARRIE L
793 BOGEY CT
ANN ARBOR MI 48103

HOLMES JANNA LYNN &
538 ESTERO BLVD APT 702
FORT MYERS BEACH FL 33931

MAMMENGAR MARILYN K +
306 MILL POND RD
ROCK RAPIDS IA 51246

FRANKEN MARY TR
PO BOX 840
ARNOLDS PARK IA 51331

DONNELLY G JOAN
ANNETTE LEIBL
105 CARTWHEEL BND
AUSTIN TX 78738

NEWMAN LARRY L TR
PO BOX 785
SUNBURY PA 17801

PARRY PAUL EDWARD &
5992 EAGLE RIDGE RD
BETTENDORF IA 52722

BOELTER MELINDA S & DEAN L TR
8510 BELLE MEADE DR
FORT MYERS FL 33908

FRITZ SISTERS LLC
35707 COUNTY HIGHWAY 126
ASHBY MN 56309

FRITZ LAURA L
814 W MOUNT PLEASANT RD
EVANSVILLE IN 47711

ISABELLA PROPERTIES LLC
17 BELVEDERE
JOHNSTON RI 02919

PILETTE MARSHA J TR
9379 LOS ALISOS WAY
FORT MYERS FL 33908

SIMPSON DOUG
8534 US 42
FLORENCE KY 41042

BROWN GEORGE E +
711 OAK KNOLL AVE NE
WARREN OH 44483

POIN ELIZABETH
15388 SW 260TH ST
HOMESTEAD FL 33032

DONIA JAMES A + ANN M
4N633 HIDDEN OAKS RD
SAINT CHARLES IL 60175

SAGENDORF JOHN D + SUSAN R
1000 RAY COSTIN WAY # 105
MURRELLS INLET SC 29576

SCHLAX LAWRENCE A + KAREN L
101 SW 53ES ST
CAPE CORAL FL 33914

PADDACK JACK W + LYNN A
4458 W OLD STATE ROAD 28
FRANKFORT IN 46041

BADDING CHRISTOPHER & TERENCE
321 SURREY RIDGE
EATON CO 80615

WEGLARZ RUSSELL J + LAURIE A
13410 WOOD DUCK DR
PLAINFIELD IL 60585

WELLS ANDREW L &
320 HAMBLETONIAN DR
OAK BROOK IL 60523

WAGLER JIM + LINDA
103 O LOANE AVE
STRATFORD ON N5A 6S4
CANADA

TIETZE WAYNE
5143 COMMERCIAL WAY
SPRING HILL FL 34606

HILTON LORI J
1053 PORT ORANGE WAY
NAPLES FL 34120

SOLANS ENRIC + ANTOINETTE
1821 BOULDER DR
MOUNT PROSPECT IL 60056

KENNEDY RONALD L + DENA J
11299 BIENVENIDA WAY UNIT 101
FORT MYERS FL 33908

SZOTT JOYCE A +
52 NANCY LN
FORT MYERS BEACH FL 33931

SCHLAX LAWRENCE A + KAREN L
101 SW 53RD ST
CAPE CORAL FL 33914

PELOSO KEVIN
90 WOOD ST
COVENTRY RI 02816

A+A INVESTMENTS OF INDIANAPOLIS
1528 ASHWOOD CT
GREENWOOD IN 46143

DI-AN 2 LLC
4560 ESTERO BLVD APT 501
FORT MYERS BEACH FL 33931

WEGLARZ RUSSELL J + LAURIE A
13410 WOOD DUCK DR
PLAINFIELD IL 60585

A & A INVESTMENTS OF INDIANAPO
1528 ASHWOOD CT
GREENWOOD IN 46143

LOFFRENO REAL ESTATE INC
2100 ESTERO BLVD
FORT MYERS BEACH FL 33931

KALRA AJAY
2034 FOUR MILE COVE
CAPE CORAL FL 33990

BURANDT ROBERT B TR
1714 CAPE CORAL PKWY
CAPE CORAL FL 33904

BEACH HOUSE 603 LLC
4865 BEACH ST NE
PRIOR LAKE MN 55372

SZOTT FRED TR
510 ESTERO BLVD #604
FORT MYERS BEACH FL 33931

STONESTREET MICHAEL V + PAULA
68955 ISLAND DR
EDWARDSBURG MI 49112

INVESTMENT REALTY HOLDING LTD
411 DONAHEY AVE NE
NEW PHILADELPHIA OH 44663

SOLANS ENRIC & ANTOINETTE
1821 E BOULDER DR
MOUNT PROSPECT IL 60056

REGO JANET
20030 NW 5TH ST
PEMBROKE PINES FL 33029

VALERI THOMAS JR + MARYELLEN
14 RONIT DR
WEST TRENTON NJ 08628

KENNEDY RONALD L + DENA J
11299 BIENVENIDA WAY UNIT 101
FORT MYERS FL 33908

MINIALOFF KATHRYN MARY TR +
32 WIMBLETON RD
TORONTO ON M9A 3R8
CANADA

CARLSTON WILLIAM E &
1768 BAYVIEW DR
MUSKEGON MI 49441

NELSON MICHAEL R +
100 RACHICK RD
STEVENS POINT WI 54481

SHANKS LAURENCE M &
16615 LAKE CIRCLE DR APT 441
FORT MYERS FL 33908

ERFSTUK LLC
2242 LAKE DR SE
GRAND RAPIDS MI 49506

SLENK HAROLD P TR +
4149 60TH ST
HOLLAND MI 49423

STU PROPERTIES INC
2408 WAYNE ST
STEVENS POINT WI 54481

DONNELLY JOHN M +
954 SANDPIPER DR
CHESTERTON IN 46304

GOMERINGER MANUELA K
830 CYPRESS LAKE CIRCLE
FORT MYERS FL 33919

METZGER MARY P
8060 POLO CROSSE AVE
SACRAMENTO CA 95829

ALBRECHT HELMUT TR +
4954 NETTLETON RD
MEDINA OH 44256

RIZZO BART A TR
3369 CLEARBROOK GRN
SAUGATUCK MI 49453

DANIEL J SURMA TRUST +
29001 DOVE RD
CUSHING MN 56443

DEMEESTER DANIEL P +
9349 MEISNER
CASCO MI 48064

STOLTZ JAMES H + CAROL L TR
548 SUMMIT DR
WEST BEND WI 53095

GAYNES JUANITA
2928 WALT STEVENS RD
LAKE SPIVEY GA 30236

WERTZ GREG R
130 E PETERSON RD
TROY OH 45373

PHELPS JAMES B +
14945 E MEXICO DR
AURORA CO 80012

WESTON DANIEL PETER TR
316 E FRONT ST
PERRYSBURG OH 43551

MELVIN R SCHMIDT TRUST +
16119 EDMONT DR
FORT MYERS FL 33908

FRANK PASCAL
5291 RIVERWALK TRL
COMMERCE TOWNSHIP MI 48382

OBRIEN DANIEL G
5373 E FAIRBANKS CT
MONTICELLO IN 47960

WEGGE JAMES M & MARIAN D L/E
3007 BENT CREEK DR
VALRICO FL 33596

KRULL DANA L & SHERRY L
40 EMS T13F LN
LEESBURG IN 46538

TKFMB PROPERTIES LLC
3929 HOLLYHOCK LN
MAUMEE OH 43537

DI-AN LLC
4560 ESTERO BLVD # 501
FORT MYERS BEACH FL 33931

CUMMINGS HARRY JR &
4 AZTEC DR
BAY SHORE NY 11706

MURPHY PATRICK J &
12711 GLADSTONE WAY
FORT MYERS FL 33913

DIANE L RICHARDSON TRUST
17208 STAPLES ST NE
ANDOVER MN 55304

PHELPS JAMES B +
14945 E MEXICO DR
AURORA CO 80012

DIANE L RICHARDSON TRUST
17208 STAPLES ST NE
HAM LAKE MN 55304

CARRICO EMIDIO & CAROL
215 JUNIPER DR
YORKTOWN HEIGHTS NY 10598

DI-AN LLC
4560 ESTERO BLVD APT 501
FORT MYERS BEACH FL 33931

STOLTZ JAMES H + CAROL L TR
548 SUMMIT DR
WEST BEND WI 53095

MAPLES LORI A & JACK B
PO BOX 628
PIGEON FORGE TN 37868

ELGERSMA BERT J
7115 KALAMAZOO AVE
CALEDONIA MI 49316

ZWYGHUIZEN WILLIAM & JODY
1077 WEST LAKEWOOD BLVD
HOLLAND MI 49424

PULLEN RICHARD G +
1004 PENDLETON ST
ALEXANDRIA VA 22314



Town of Fort Myers Beach

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Case Number: VAR20210058

Case Name: 506/508 Carlos Cir, to allow accessory structure (pool) in front of the principle structure and within the street setback.

Applicant: Jack Holsem

Location: 506/508 Carlos Cir

STRAP #: 24-46-23-W1-0070E.0070

Zoning: Residential Conservation (RC)

Request: The applicant is seeking variances from Sec. 34-1174(b) to allow a pool forward of the principle structure; and Table 34-3 for a reduction of 15 feet in the street setbacks.

Staff Report: Direct inquiries to:
Carl Benge, Community Development, email: cbenge@fmbgov.com
Fort Myers Beach Town Hall
2525 Estero Boulevard
Fort Myers Beach, FL 33931

Notice is hereby given that the Local Planning Agency of the Town of Fort Myers Beach will hold a public hearing at a meeting beginning at **9:00 AM on August 10, 2021** regarding the case listed above. The hearing will take place at Town Hall, 2525 Estero Boulevard, Fort Myers Beach, Florida, 33931.

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence to become a participant in the hearing.

On August 10th, the Local Planning Agency of Fort Myers Beach will review the case and make a recommendation to the Town Council on this matter. If any person should desire to have verbatim record of the proceedings, which record indicates the testimony and evidence presented, that person will have to make arrangements on their own.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.

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

Yellow Sheet Number: **2021-354**

1. Requested Motion:

Meeting Date: August 10, 2021

Recommend approval/denial of SEZ20210050, a Special Exception for Consumption on Premises (2COP) and Video Arcade for Adults

Why the action is necessary:

Special Exceptions require review and a recommendation from the LPA. The Consumption on Premises use is clearly called out in the Land Development Code. The video arcade for adults is not identified as a specific use.

What the action accomplishes:

Provides a recommendation to the Town Council

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Special Exceptions can be approved by Town Council via a Resolution.

5. Background:

Suzanne Bahan, the applicant for 185 Old San Carlos, is requesting a special exception for a use that does not currently exist in the Town of Fort Myers Beach, an video arcade for adults, along with the ability to sell and consume beer and wine (2COP) on the premises. The proposed location of the consumption on premises requires approval by special exception pursuant to LDC Sec. 34-1264(a)(2), which addresses consumption of alcohol on the premises within 500 feet of a park, residence, school, place of worship, religious facility, or day care; in this case Lynn Hall Memorial Park.

The property's first year on the tax roll dates to 1955. On April 22, 1993, through Lee County the parcel was granted approved uses for C-1 Commercial Districts. This included: Recreation uses, special exception needed for food and beverage service, with bar and cocktail lounge and consumption on premises possible special permits. In 2007, LDO2007-00038 was approved to enclose the existing two decks and add a roof over the sidewalk to create a façade that is consistent with the Old Sand Carlos Blvd Redevelopment Plan. There have been various construction permits applied for over the years through 2008, 2009, 2010, 2011, 2014, and 2018. All these permits predate the purchase of the property in 2020, by the current owners.

Commercial uses, such as retail, are permitted within the Downtown zoning district. The sale of alcohol is permitted as a retail/commercial use. The consumption on premises is not part of a restaurant where more than 50% of the sales are from food service, thus the use requires the property owner to receive approval for a special exception. Since the applicant was also requesting a use not addressed by the Town's LDC, staff determined it to be practical to proceed with the request for both consumption on premises and the video arcade for adults under one application process. The uses can be approved or denied independent of each other.

Attachments:

1. SEZ20210050 - 185 Old Sand Carlos - Staff Report_final
2. 8864058-SEZ 20210050 APP
3. 8864078-SEZ 20210050 PH-A

4. 9338782-amended reason for request
5. 185 Old San Carlos - SEZ - Notice To Neighbors LPA

Financial Impact:

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

John R Herin Jr, Town
Attorney

Date: August 04, 2021

Amy Baker, Town Clerk

Date: August 05, 2021



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Special Exception

CASE NUMBER: SEZ20210050

CASE NAME: The establishment of an adult arcade with some retail and the sale of beer and wine (2COP), with a deviation from LDC Sec. 34-1264(a)(2), within 500 feet of Lynn Hall Memorial Park.

LPA

HEARING DATE: August 10, 2021 at 9.00 AM

STAFF

RECOMMENDATION: Approve with conditions

**PREPARED/
SUBMITTED BY:** Carl Benge/ Jason Green AICP

I. APPLICATION SUMMARY

Applicant/Owner: Suzanne Bahan

Request: The applicant wants to open an adult video arcade, which is not a current use in the Town's LDC, retail consisting of beach items and accessories and beer and wine sales, and consumption of beer and wine on the premises.

Physical Address: 185 Old San Carlos

STRAP #: 24-46-23-W3-0050A.0130

FLU: Pedestrian Commercial

Zoning: Downtown

Adjacent zoning and land uses:

North:	DOWNTOWN Canal, Commercial
South:	DOWNTOWN Commercial, Times Square
East:	DOWNTOWN Public Parking Lots
West:	DOWNTOWN Rental Villas, Retail Store

II. BACKGROUND AND ANALYSIS

Background:

Suzanne Bahan, the applicant for 185 Old San Carlos, is requesting a special exception for a use that does not currently exist in the Town of Fort Myers Beach, an adult video arcade, along with the ability to sell and consume beer and wine (2COP) on the premises. The proposed location of the consumption on premises requires approval by special exception pursuant to LDC Sec. 34-1264(a)(2), which addresses consumption of alcohol on the premises within 500 feet of a park, residence, school, place of worship, religious facility, or day care; in this case Lynn Hall Memorial Park.

The property's first year on the tax roll dates to 1955. On April 22, 1993, through Lee County the parcel was granted approved uses for C-1 Commercial Districts. This included: Recreation uses, special exception needed for food and beverage service, with bar and cocktail lounge and consumption on premises possible special permits. In 2007, LDO2007-00038 was approved to enclose the existing two decks and add a roof over the sidewalk to create a façade that is consistent with the Old Sand Carlos Blvd Redevelopment Plan. There have been various construction permits applied for over the years through 2008, 2009, 2010, 2011, 2014, and 2018. All these permits predate the purchase of the property in 2020, by the current owners.

Commercial uses, such as retail, are permitted within the Downtown zoning district. The sale of alcohol is permitted as a retail/commercial use. The consumption on premises is not part of a restaurant where more than 50% of the sales are from food service, thus the use requires the property owner to receive approval for a special exception. Since the applicant was also requesting a use not addressed by the Town's LDC, staff determined it to be practical to proceed with the request for both consumption on premises and the adult video arcade under one application process. The uses can be approved or denied independent of each other.

Analysis:

Adult Video Arcade

It is common for new uses, or terms for uses, to evolve over time. Communities are often slow to update or modernize Land Development Codes for new or reimagined uses. This generally requires staff and elected officials to consider how new terminology fits within the intent of the adopted regulations. Often in circumstances like these staff looks to surrounding communities and review their codes to assist in analyzing how modern or reimagined terminology is addressed.

Since the Town's template for the LDC was taken from Lee County it seemed the Lee County LDC would be the most useful in this circumstance. According to the Lee County Land Development Code Chapter 11 ¼ Article XXVII Division 7 Section 11 ¼ - 374.(c)(2)s, *Recreation facilities (indoor only) including, but not limited to: arcades, bowling alleys, game room, theater.*

The Town's LDC Sec. 34-2141.(b), identifies five types of recreation: commercial, personal, private on-site, private off-site, and public. LDC Sec. 34-2 defines the recreation types:

- 1) Recreation facilities, commercial means recreation equipment or facilities not classified as a park, neighborhood or park, community or regional, or as personal, private-on-site, or private-off-site recreation facility, but instead operated as a business and open to the public for a fee.**
- 2) Recreation facilities, personal means recreation equipment or facilities such as swimming pools, tennis, shuffleboard, handball or racquetball courts, swings, slides, and other playground equipment provided as an accessory use on the same premises and in the same zoning district as the principal permitted use and designed to be used primarily by the owners, tenants, or employees of the principal use and their guests.*
- 3) Recreation facilities, private on-site means recreation hall, equipment, or facilities such as swimming pools, tennis, shuffleboard, handball, or racquetball courts, swings, slides, and other playground equipment which are owned, leased or, operated by a homeowners', co-op, or condominium association and located in the development or neighborhood controlled by the association.*
- 4) Recreation facilities, private off-site means recreation hall, equipment, or facilities such as swimming pools, tennis, shuffleboard, handball, or racquetball courts, swings, slides, and other playground equipment which are owned, leased or operated by a homeowners', co-op, or condominium association for use by the association's members and guest, but which are not located in the development or neighborhood controlled by the association.*
- 5) Recreation facility, public means a recreation facility operated by a governmental agency and open to the general public.*

The Lee County definition does appear to match the intent of the Town's definition of "*Recreation facilities, commercial (#1)*," but none of the Town's definitions address arcades or adult video arcades.

The property is located within the Downtown zoning district, which allows recreation facilities as a special exception in Table 34-1 Land Use Assigned to Use Groups and Sub-Groups. This offers another reason and purpose for the application to be processed as a request for a special exception approval.

Since the Town's LDC is essentially silent on the specific use, but offers potentially similar uses and definitions as other communities, the LPA and Town Council have the option to make one of two findings related to this definition.

- 1) Find the adult video arcades are not a use which qualifies for a special exception and the use would be inconsistent with the Town's LDC, including but not limited to, LDC Section 34-1 Definitions, and specifically Recreation Facilities, commercial; or
- 2) Find adult video arcades are a use which meets the definition and intent of Recreation Facilities, commercial.

Dependent on which findings the Town Council determine is applicable, then additional considerations may be required for this application. If it is determined that the adult video arcades are consistent with the definition of *Recreation Facilities, commercial* (option 2) and qualify for a special exception within the Downtown zoning district, then the application is still subject to the requirements of LDC Sec 34-88.

Pursuant to the Town's LDC Sec. 34-88, the Town Council shall consider whether to approve, approve with conditions, or deny based on the applicant's ability to comply, or conflict with, Sec 34-88(a), (b), (c), and (d). The considerations include, but not limited to, performance and locational standards and determination if the use is or is not contrary to the public interest and health, life, comfort, convenience, and welfare of the Town's citizens.

Consumption on Premises

The Town Council's review of the application for the consumption on premises shall also consider the same criteria and the applicant's ability to comply, or conflict with, LDC Sec. 34-88. The applicant has indicated that it is their intent to apply for a 2 COP license from the State, which limits sales to beer and wine.

Neighborhood Compatibility:

Review of existing uses and the surrounding neighborhood, staff found the subject property is located within an area that supports similar uses as retail and consumption on premises, including a previous approval for COP at 1250 Old San Carlos in 2001. There are a variety of restaurants and bars located within the Old San Carlos Blvd. and Times Square area. Many offer entertainment and similar sales of on-site consumption of alcohol. It is not known how many offer package sales of alcohol.

The property located at 185 Old San Carlos is approximately 239 feet from Lynn Hall Memorial Park.

Findings and Conclusions:

LDC Sec. 34-88 sets forth the required findings and conclusions for the approval of a special exception (staff analysis applicable only to the consumption on premises):

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

There are no changes proposed to the existing footprint of the property. The retail and consumption of beer and wine on the premises appears to be similar to the surrounding uses. Most consumption on premises in the Old San Carlos block are related to a restaurant.

- b. 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.

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

The request meets performance and location standards if approved and conditioned appropriately.

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

The request does not impact the EC zoning district. There are no physical improvements proposed for the site or building other than signage and internal remodeling, if necessary.

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

There is no anticipated negative impact or injury to surrounding properties as the business is similar to others within the Old San Carlos corridor.

- f. 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 request will be in compliance with the applicable zoning provisions and supplemental regulations.

III. RECOMMENDATION

Staff finds that the special exception for consumption on premises will operate under the provisions of a bar with a 2COP.

Therefore, staff recommends **APPROVAL WITH CONDITIONS** of VAR20210033, for Consumption on Premises with beer and wine (2COP) only.

IV. CONDITIONS OF APPROVAL

1. *The consumption on premises (2COP) is only valid in conjunction with a retail sales operation within the same business.*
2. *No amplified music or entertainment unless within an entirely enclosed building. All activities are subject to the Town's noise ordinance.*
3. *No outdoor seating or consumption of alcohol beyond the footprint of the existing enclosed structure.*
4. *Any violation of the conditions of approval shall render the special exception null and void.*

Staff Report Exhibits:

A – Site Plan

B – Complete Application

C – Letter to Adjacent Property Owners

20210050



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: 185 OLD SAN CARLOS BLVD FMB 33931

STRAP Number: 24-46-23-W3-0050A.0130

Applicant: SUZANNE E. BAHAN

Phone: 386-527-2370

Contact Name: _____

Phone: _____

Email: suzipilot@gmail.com

Fax: _____

Current Zoning District: DOWNTOWN

Future Land Use Map (FLUM) Category: PEDESTRIAN COMMERCIAL

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

Town of Fort Myers Beach

MAY 21 2021

Received by: _____

PART I - General Information

A. Applicant*: SUZANNE E. BAHAN Phone: 386-527-2370

**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: 163 OLD SAN CARLOS BLVD. FMB. FL. 33931

Email: suzipilot@gmail.com

Fax: _____

Contact Name: same

Phone: same

4/30/2021

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

Page 1 of 11



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: ROBERT B. BURANDT, ESQ. Phone: 239-542-4733
Address: 1714 CAPE CORAL PARKWAY E. CAPE CORAL FL. 33904
Email: robert@capecoralattorney.com Fax: 239-542-9203

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: THE REQUEST IS TO ESTABLISH AN ADULT
ARCADE WITH SOME RETAIL AND FOR THE SALE OF BEER AND
WINE

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: Waive survey & site plan,
this is an existing commercial building.

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, SUZANNE E. BAHAN 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;

4/30/2021

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

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COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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.

S. E. Bahan
Signature

SUZANNE E. BAHAN
Printed Name

STATE OF FLORIDA COUNTY OF LEE

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

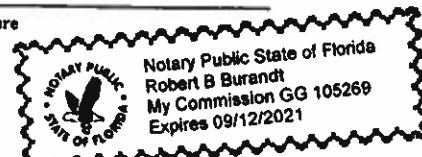
presence OR ☐ online notarization, this 21 day of may, 2021, by

Suzanne E. Bahan ☒ who is personally known to me OR ☐ who has produced

Suzanne E. Bahan as identification.

[Signature]
Notary Public Signature

PART V Property Ownership (Multiple Owners)



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

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

DISCLOSURE OF OWNERSHIP INTEREST

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

Name and Address
Suzanne E. Bahan, 163 Old San Carlos Blvd. FMB 33931

Percentage Ownership
99%

Evelyn M. May 163 Old San Carlos Blvd. FMB FL 33931

1%



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.

SE Bahan

Signature

Suzanne E., Bahan

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, SUZANNE E. BAHAN (name), as MGR (title)
of BERTIE & NEEKA, 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.

4/30/2021

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

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COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

SUZANNE E. BAHAN/BERTIE & NEEKA, LLC

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

Suzanne E. Bahan

Signature

SUZANNE E. BAHAN

Typed or Printed Name

MGR

Title

5-21-21

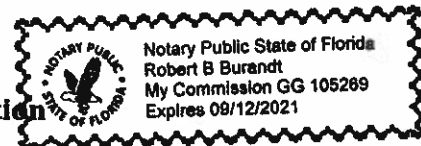
Date

STATE OF FLORIDA COUNTY OF LEE

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 21 day of May, 2021, by SUZANNE BAHAN ☒ who is personally known to me OR ☐ who has produced _____ as identification.

Seal

Notary Public Signature



PART VI- Property Information

A. Legal Description:

STRAP: 24-46-23-103-0050A.0130

Property Address: 185 OLD SAN CARLOS BLVD FMB. 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: ISLAND SHORES

Book: 9 Page: 25 Unit: 2 Block: A Lot(s): 13&14

B. Boundary Survey:

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

4/30/2021

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
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**COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING**

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 26 feet
Depth (please provide an average width if irregular in shape) 116.61 feet
Frontage on street: 26 feet. Frontage on waterbody: 0 feet
Total land area: 4312 ☐ acres ☐ square feet

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

PROPERTY IS RIGHT ON OLD SAN CARLOS, SO COMING OVER THE BRIDGE
YOU WOULD TURN RIGHT AND THEN RIGHT AGAIN, BUILDING ON YOUR
LEFT

☐ 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 |

PROJECT NUMBER:

DATE:

- | | |
|--|--|
| ☐ RM (Residential Multifamily) | ☐ BB (Bay Beach) |
| ☐ RPD (Residential Planned Development) | ☐ EC (Environmentally Critical) |
| ☐ CM (Commercial Marina) | ☒ DOWNTOWN |
| ☐ CO (Commercial Office) | ☐ SANTOS |
| ☐ CB (Commercial Boulevard) | ☐ VILLAGE |
| ☐ CR (Commercial Resort) | ☐ SANTINI |
| ☐ CPD (Commercial Planned Development) | |

PART VI

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Suzanne E. BAHAN 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;

PROJECT NUMBER:

DATE:

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.

SE Bahan

Signature of owner or authorized agent

4/26/2021
Date

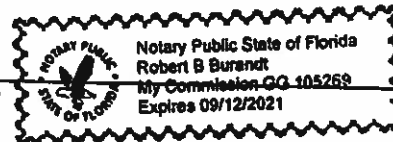
STATE OF FLORIDA)
COUNTY OF LEE)

Subscribed and sworn to (or affirmed) before me this 26 day of April
20 21, by SUZANNE E. BAHAN

[Signature]
Notary Public Signature

(SEAL)

[Signature]
Notary Printed Name



Personally Known ☒ or Produced Identification ☐

Type of Identification Produced: _____ My Commission Expires: 9-12-21

PROJECT NUMBER:

DATE:

PART VII

AFFIDAVIT

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

I, Suzanne E. BAHAN (name), as MANAGER (title) of BERTIE & NEEKA, 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 County 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 Lee County 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.

BERTIE & NEEKA, LLC
Name of Entity (corporation, partnership, LLP, LLC, etc.)

SE BAHAN
Signature

MANAGER
Title

Suzanne E. BAHAN
Typed or Printed Name

4/26/21
Date

**STATE OF FLORIDA)
COUNTY OF LEE)**

Subscribed and sworn to (or affirmed) before me this 26 day of April, 2021, by SUZANNE E. BAHAN, as (title) MANAGER on behalf of (company name) BERTIE & NEEKA, LLC

Notary Public Signature

(SEAL)



Revised 1/6/2017

Town of Fort Myers Beach
2525 Estero Blvd., Fort Myers Beach, Florida 33931
Phone: 239-765-0202 Permits@FortMyersBeachFL.gov Fax: 239-765-0909

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PROJECT NUMBER:

DATE:

Notary Printed Name

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced: _____ My Commission Expires: 9/12/21

Revised 1/6/2017

Town of Fort Myers Beach
2525 Estero Blvd., Fort Myers Beach, Florida 33931
Phone: 239-765-0202 Permits@FortMyersBeachFL.gov Fax: 239-765-0909

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OWNERS AUTHORIZATION TO CONDUCT BUSINESS

I Suzanne E. Bahan as the owner of the property located at 185 Old San Carlos Blvd. FMB 33931 hereby give permission to Bertie & Neeka, LLC to open and operate an adult arcade business with retail and the sale of beer and wine (2-cop license to be acquired) with indoor seating around the machines to operate between the hours of 9am to 12am., seven days a week.

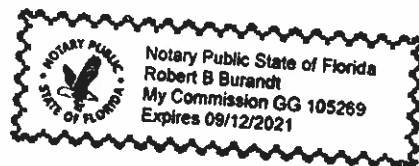
S.E. Bahan

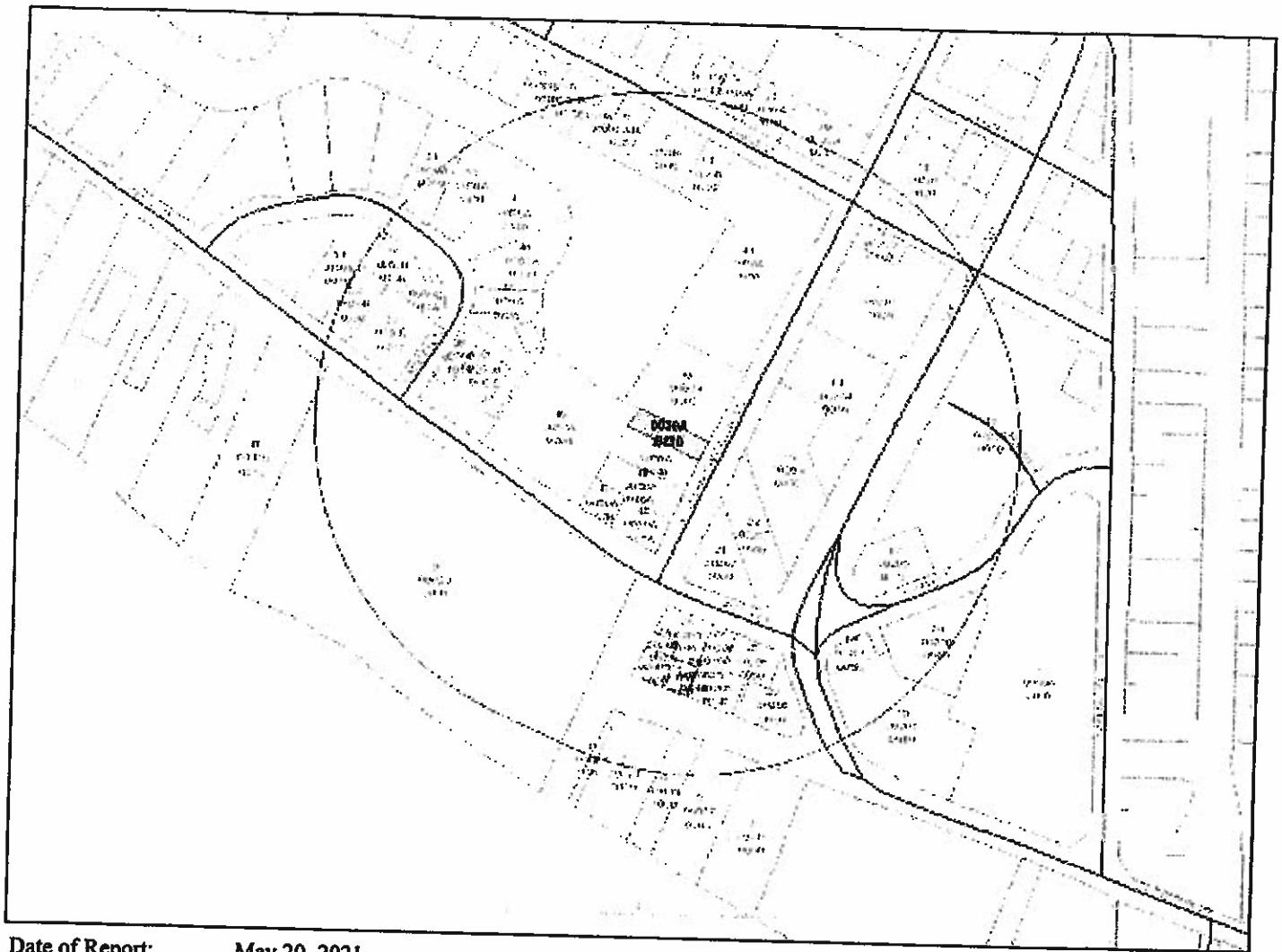
Suzanne E. Bahan

Before me personally appeared Suzanne E. Bahan on this ____ day of May 2021 who is personal known to be and executed this Owners Authorization for Bertie & Neeka, LLC to open an adult arcade business with retail sales and the sale of beer and wine.

[Signature]

(notary)





Date of Report: May 20, 2021

Buffer Distance: 500 feet [Rerun](#)

Parcels Affected: 58

Subject Parcel: 24-46-23-W3-0050A.0130

[Click here to download the map image, mailing labels \(Avery 5161\) and CSV formatted information.](#)

To change, add or remove subject parcels please change the parcel selection in [GeoView](#)

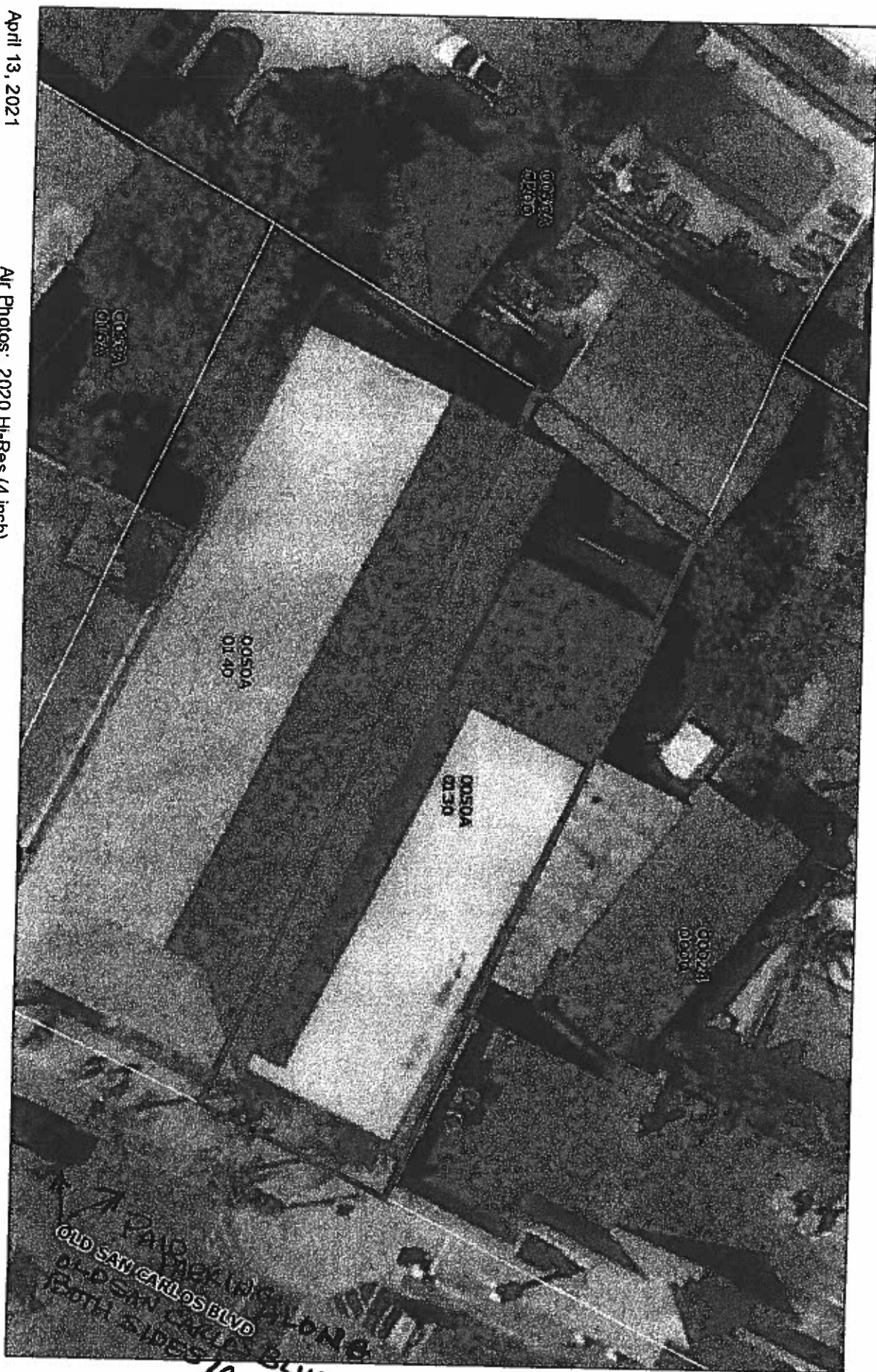
OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
TPI-FMB I LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00006.0000 1133-1155 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CTR PHILLIPS PB 9 PG 9 LOTS 10 THRU 15 + OR 587/198 LESS R/W 2353/3036	1
LALLO JOHN W + DEBORAH L 14526 RIVERSIDE DR FORT MYERS FL 33905	24-46-23-W3-00007.0000 1005 ESTERO BLVD FORT MYERS BEACH FL 33931	FRM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 46 23 RUN NWLY AT INC	2
KALYMNIOUS PARTNERSHIP LLP 1001 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00008.0000 1001 ESTERO BLVD FORT MYERS BEACH FL 33931	FRM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 RUN NW 69 DEG 54 MIN WITH SEC	3
PRESAUD PROPERTIES FL 361 SEMINOLE WAY FORT MYERS BEACH FL 33931	24-46-23-W3-00016.0000 1046 ESTERO BLVD FORT MYERS BEACH FL 33931	FROM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 RUN S ALG SD LI TO S LI CO RD	4
PERSAUD PROPERTIES FL 361 SEMINOLE WAY FORT MYERS BEACH FL 33931	24-46-23-W3-00017.0000 1028 ESTERO BLVD FORT MYERS BEACH FL 33931	FROM SW COR BLK E CRES PK ADD ON E LI SEC 24 RUN S ALG SD LI TO S LI CO RD TH	5
BENCIN ENTERPRISES INC 927 PRESCOTT ST	24-46-23-W3-00018.0000 1010 ESTERO BLVD	A PAR AS DESC IN OR 1234 PG 1371	6

FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931		
WHITAKER WILLIAM D & 15820 SAN ANTONIO CT FORT MYERS FL 33908	24-46-23-W3-00021.0000 1000 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SE1/4 SEC 24 S OF ESTERO BLVD+E OF SAN CARLOS DR DESC OR 1547 PG 1077	7
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00022.0000 10 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BEG NW COR BLK 8 BUSINESS CTR SUBD RUN NWLY ALG EXTENED N LINE PIER ONLY	8
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00023.0000 950 ESTERO BLVD FORT MYERS BEACH FL 33931	BEG NW COR BLK 8 BUSINESS CTR SUB RUN NWLY ALG EXTEN NLI PIER ON 22.0000	9
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00024.0000 201 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	FROM NWLY COR BLK 8 BUSINESS CENTER SUBD RUN NWLY ALG PROLONGATION OF	10
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0020 430 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOTS 2 THRU 5	11
SOB INC 340 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0010 340 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOT 1	12
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0020 318/320 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOTS 2 THRU 6 + LTS 22 +23 + POR OF VAC ST	13
STINGRAYS RAW BAR INC 250 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00204.0010 250 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CTR LTS 1 + 2 BLK 4 LOTS 1 THRU 5 BLK 5 W OF ST RD 865 R/W + POR OF VAC ST	14
HOLLAND DENNIS TR 570 KULAIWI DR WAILUKU HI 96793	24-46-23-W3-00204.0030 200 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 4 PB 9 PG 9 LTS 3 THRU 7 PT 8 + 9 + PT VAC ALLY	15
LIGHTHOUSE ISLAND RESORT INC 1051 FIFTH ST FORT MYERS BEACH FL 33931	24-46-23-W3-00205.0060 1051 FIFTH ST FORT MYERS BEACH FL 33931	PORTION OF BUSINESS CENTER BLK 3 & 5 PB 9 PG 9 AND A PORTION OF VACATED FOURTH ST AND PORTION OF VACATED 5TH AVE IN SEC 24 TWP 46 RNG 23	16
TPI-FMB I LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00205.0070 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 5 PB 935 PG 9 PT LOT 7 + LOTS 8 + 9	17
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00206.0010 1113 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB9 PG9 LTS 1-4 LESS R/W + DESC OR 1904/4451	18
TPI-FMB I LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00206.0050 1054 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOT 5 R/W OR 1154 PG 1510	19
TPI-FMB I LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00206.0060 1150 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOTS 6 THRU 9	20
150 SAN CARLOS BLVD CORP OMG INC 408 BROADWAY NEW YORK NY 10013	24-46-23-W3-00207.0000 150 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 7 PB 9 PG 9 ALL BLK 7	21
TOWN OF FORT MYERS BEACH FINANCE DEPT 2525 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00207.1000 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER R/W OF CENTER STREET LYING BETWEEN BLK 7 BLK 7 PB 9 PG 9	22
CHAVEZ CARLOS L TR 991 AQUA LN	24-46-23-W3-00208.0010 80 OLD SAN CARLOS BLVD	BUSINESS CENTER BLK.8 PB 9 PG 9	23

FORT MYERS FL 33919	FORT MYERS BEACH FL 33931	LOTS 1 + 2 LESS THE W 44	
CHAVEZ CARLOS L TR 991 AQUA LN FORT MYERS FL 33919	24-46-23-W3-00208.002A 50 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOT PT 2	24
BENSON BRADFORD J TR 927 PRESCOTT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00208.0040 1021 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.8 PB 9 PG 9 PT LOT 4 + ALL LOT 5	25
TOWN OF FORT MYERS BEACH FINANCE DEPT 2525 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00208.004A EASEMENT FORT MYERS BEACH FL 33931	PT LOT 4 AREA 2 SE 1/4 BUSINESS CENTER PB 9 PG 9 IN OR 297 P 427	26
KLC SURF LLC 8201 MOCCASIN TRAIL DR RIVERVIEW FL 33578	24-46-23-W3-00208.0060 1035 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.8 PB 9 PG 9 LT 7 + LOT 6 LESS WLY 6 FT LESS ROW OR3539 PG3351	27
KROHN INVESTMENTS LLC PO BOX 2518 FORT MYERS BEACH FL 33932	24-46-23-W3-00208.0080 1028 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOTS 8 + 9	28
RFN CORP 2401 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00208.0100 1018 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOT 10	29
FREEMAN WILLIAM T + COLLEEN C 15341 KILBIRNIE DR FORT MYERS FL 33912	24-46-23-W3-0030A.0010 401 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 1	30
FREEMAN WILLIAM T + COLLEEN C 15341 KILBIRNIE DR FORT MYERS FL 33912	24-46-23-W3-0030A.0020 939 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 2	31
INTERNATIONAL CAPITAL 20 N MARTINGALE RD STE 180 SCHAUMBURG IL 60173	24-46-23-W3-0030A.0030 935 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 3	32
ANDERSON BRENT KORY & 13302 COACHFORD AVE ROSEMOUNT MN 55068	24-46-23-W3-0030A.0040 929 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.A PB 9 PG 40 LOT 4	33
TOMAILO FRANKLIN L + GLORIA J 934 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0020 934 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.B PB 9 PG 40 LOT 2	34
932 THIRD STREET LLC 932 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0030 932 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOTS 3 + 4	35
DUDDY BRIAN PATRICK TR 14 STETSON PL DUXBURY MA 02332	24-46-23-W3-0030B.0050 920 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 5	36
FOSTER STEPHEN ALLEN 914 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0060 914 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 6	37
TYRELL PETER + 6 BURLEIGH ROAD HEMEL HEMPSTEAD HP2 4PT UNITED KINGDOM	24-46-23-W3-0030B.0070 910 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 7	38
KOSTER RODNEY A & THERESA A 880 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0080 880 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.B PB 9 PG 40 LOT 8	39
FIRST CENTRAL INVESTMENT CORP LAWRENCE A YAX 830 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00400.0010 830 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 1 PB 9 PG 24 LOT 1	40
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0080 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOTS 1 THRU 12 + VAC LAGOON	41

		R/W OR2858/1391 + OR2660/2863 +2736/3702 + BLK B PB 9 PG 40 LOT 1	
ZOZO INVESTMENTS LLC 173 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0140 163 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 PT LOT 14 + LOT 15	42
JENKINS GEORGE D L PO BOX 280 TILLSONBURG ON N4G 4H5 CANADA	24-46-23-W3-0050A.016A 159/161 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS 16 + PT OF LT 17	43
151 OLD SAN CARLOS LLC 17840 SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.018A 151 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS PT 18 + 19	44
BENSON BRADFORD J II TR 927 PRESCOTT ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.018B 959/963 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PT LOTS 17 18 + 19	45
LISAY STEVEN E + CATHERINE M 925 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0200 925 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOTS 20 THRU 26	46
HOLBROOK LESLIE E + PO BOX 206 GALION OH 44833	24-46-23-W3-0050A.032A 859 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 NWLY 40 FT LOT 32	47
PURTELL JAMES F TR 855 LAGOON ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0330 855 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOT 33	48
BOYD TODD & JULIE 39 N SHORE RD HAMILTON PARRISH FL 04 BERMUDA	24-46-23-W3-0050A.0340 849/851 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOT 34	49
DULLARD ROBERT TR + PO BOX 2695 FT MYERS BCH FL 33932	24-46-23-W3-0050A.0350 843 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UT 2 BLK A PB 9 PG 25 LOT 35	50
BLOCD AHL LEASING LLC 3538 TIMBER RIDGE TRL CEDAR RAPIDS IA 52411	24-46-23-W3-0050A.0360 839/841 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOT 36	51
SOUTHLAND CORPORATION CORPORATE TAX DEPT 2711 N HASKELL AVE DALLAS TX 75204	24-46-23-W3-0050B.0010 841 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.B PB 9 PG 25 LOTS 1 THRU 4	52
COURTNEY S MARK & DEBORAH S TR 83 CRANBERRY RD GROVE CITY PA 16127	24-46-23-W3-0050B.0050 831 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK B PB 9 PG 25 LOTS 5 + 6	53
PAINE FRED 823 LAGOON ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050B.0070 821/825 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.B PB 9 PG 25 LOTS 7 8 + PT LOTS 9 13 14	54
ARTRIP BARBARA K TR 850 LAGOON ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050B.013A 850 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK B PB 9 PG 25 PT LOTS 13 + 14	55
SCHWARTZ DEREK & KRISTEN 3329 ROSA AVE NEW SMYRNA BEACH FL 32168	24-46-23-W3-0050B.013B 846/848 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.B PB 9 PG 25 LOTS PT 13 + 14 FROM SE	56
SAND CASTLE BEACH CLUB CONDO 905 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-02500.00CE SAND CASTLE BEACH CONDO C/E FORT MYERS BEACH FL 33931	SAND CASTLE BEACH CLUB A TIME-SHARE COMMON AREA DESC OR 1463 PG 2328 + CPB 6 PG 230	57
SAND CASTLE BEACH CLUB CONDO A	24-46-23-W3-02500.1010 905 ESTERO BLVD	SAND CASTLE BEACH CLUB A TIME-SHARE OR 1463-2328	58

GeoView Map



April 13, 2021

Air Photos: 2020 Hi-Res (4 inch)

☒ Hospital Locations ☐ School Locations

☒ Library Locations

☐ School Locations Major Roads Medium

☒ CCC_Parks

☐ I-75

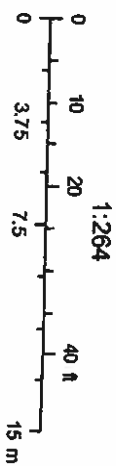
County Boundary

US 41

Other Highways

Other Roads

Parcels Near



1:264

This map is NOT a legal bird survey and should not be used or relied upon as such. No warranties, express or implied, are provided with the data, use, accuracy or information.

Building Front Photo

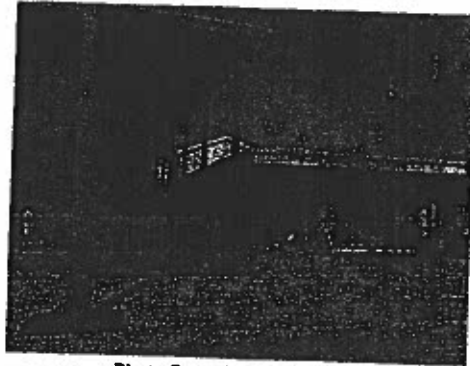
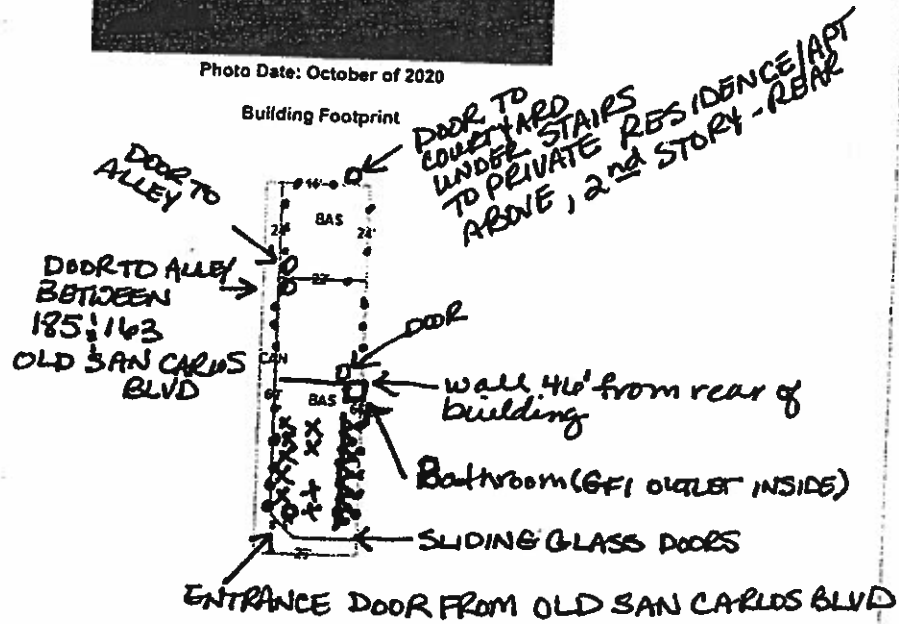


Photo Date: October of 2020



- = electrical outlet
- ⊗ = DOOR - EMERGENCY EXIT, ILLUMINATED SIGN
- = Bathroom
- ⊙ = GAMING MACHINE
- X = RETAIL/RETAIL DISPLAY

* GAMING MACHINES ARE 24" WIDE *

[Previous Parcel Number](#)
[Next Parcel Number](#)
[New Query](#) [Search](#)

TRIM (proposed tax) Notices are available for the following tax years
 [2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020]

[Results](#) [Home](#)



Customer Name: BERTIE & NEeka, LLC

Contact: Suzi BAHAN

Tel: 386-527-2370 Fax: _____

Address: ~~6508~~ OLD SAN CARLOS BLVD
163

City: FORT MYERS BEACH State: FL Zip: 33931

Email: SUZIPILLOT@GMAIL.COM

Multiple Service Locations? ☐ No ☐ Yes

If Yes: ☐ Separate Invoice (each site) ☐ One Invoice

Purchase Order #:

ACCOUNT DETAILS

SIC #:

Other ☐

Schedule of Charges						Permit	Temp
	Collection	Extra	Roll out	Lock Fee	Haul		
6.20	\$ 36.99	\$ 18.50	\$	\$	\$		
8.64	\$ 18.40	\$ 10.48	\$	\$	\$		
\$	\$	\$	\$	\$	\$		

[illegible]

ADDITIONAL INFORMATION

NEW SITE TOTERS ALREADY ON SITE. SERVICE TRASH AND RCY 1X WEEK.

Customer elects recycling service with the contractor: ☒ Yes ☐ No

Lee County Mandatory Business Recycling Ordinance 7-25 requires all businesses to have recycling service within 14 days of establishing garbage collection service. Failure to comply with these requirements will result in an assessment being added to your garbage bill (Advanced Disposal Fee) of between \$100 and \$500 per month. For information about requirements of this Ordinance, recycling service providers, educational materials or help in determining what service fits your business, visit www.leeqog.com/solidwaste or call 353-8000.

Name of current receiving service provider: ADVANCED DISPOSAL



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: BERTIE & NEEKA, LLC
Authorized Applicant: SUZANNE E. BAHAN
LEOPA STRAP Number(s): 24-46-23-W3-103-0050A.0130

Current Property Status: BUILDING
Current Zoning: COMMERCIAL
Future Land Use Map (FLUM) Category: PEDESTRIAN COMMERCIAL
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 <u>downtown</u> zoning district for:
	The establishment of an adult arcade with some retail and the sale of
	beer and wine.



Case# _____

Date Received: _____

PART I
Narrative Statements

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

The plan is to open a video arcade establishment for adults. We would also sell beach items like, beach wear and beach accessories along with beer and wine.
The code doesn't allow for a video arcade business on Fort Myers Beach.
This is a new type of business for Fort Myers Beach and we believe it would enhance the area and present a new alternative to residents and visitors.

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:
The field of video entertainment is changing on a daily basis and this exemption would allow the Town to keep up with the current trends. This would be an adult establishment for people to enjoy video games while being able to shop for beach wear and have a beer or glass of wine. This business will be in the heart of the Fort Myers entertainment district and will tastfully enhance the entertainment district for the beach. All local customs and standards will be adhered to and everyone will be welcome to enjoy the business. There will be no adverse impact to any other business or resident or any environmental areas. The over all appearance both inside and outside will be first class. This request is also in compliance with existing planed uses for the area and will not cause any damage, hazards, nuisances or other detriment to other business or persons and will provide a place for both locals & visitors to associate with one another.



Case# _____

Date Received: _____

Granting the requested Special Exception could impact surrounding properties as follows:
This special exemption will not impact the surrounding areas. The surrounding areas are retail stores, bars & restaurants.

PART 2

Submittal Requirements

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

Required Items

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

For New Communication Towers:

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

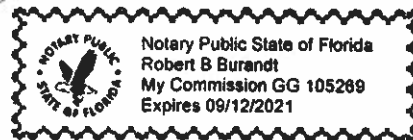
OWNERS AUTHORIZATION TO CONDUCT BUSINESS

I Suzanne E. Bahan as the owner of the property located at 185 Old San Carlos Blvd. FMB 33931 hereby give permission to Bertie & Neeka, LLC to open and operate an adult arcade business with retail and the sale of beer and wine (2-cop license to be acquired) with indoor seating around the machines to operate between the hours of 9am to 12am., seven days a week.

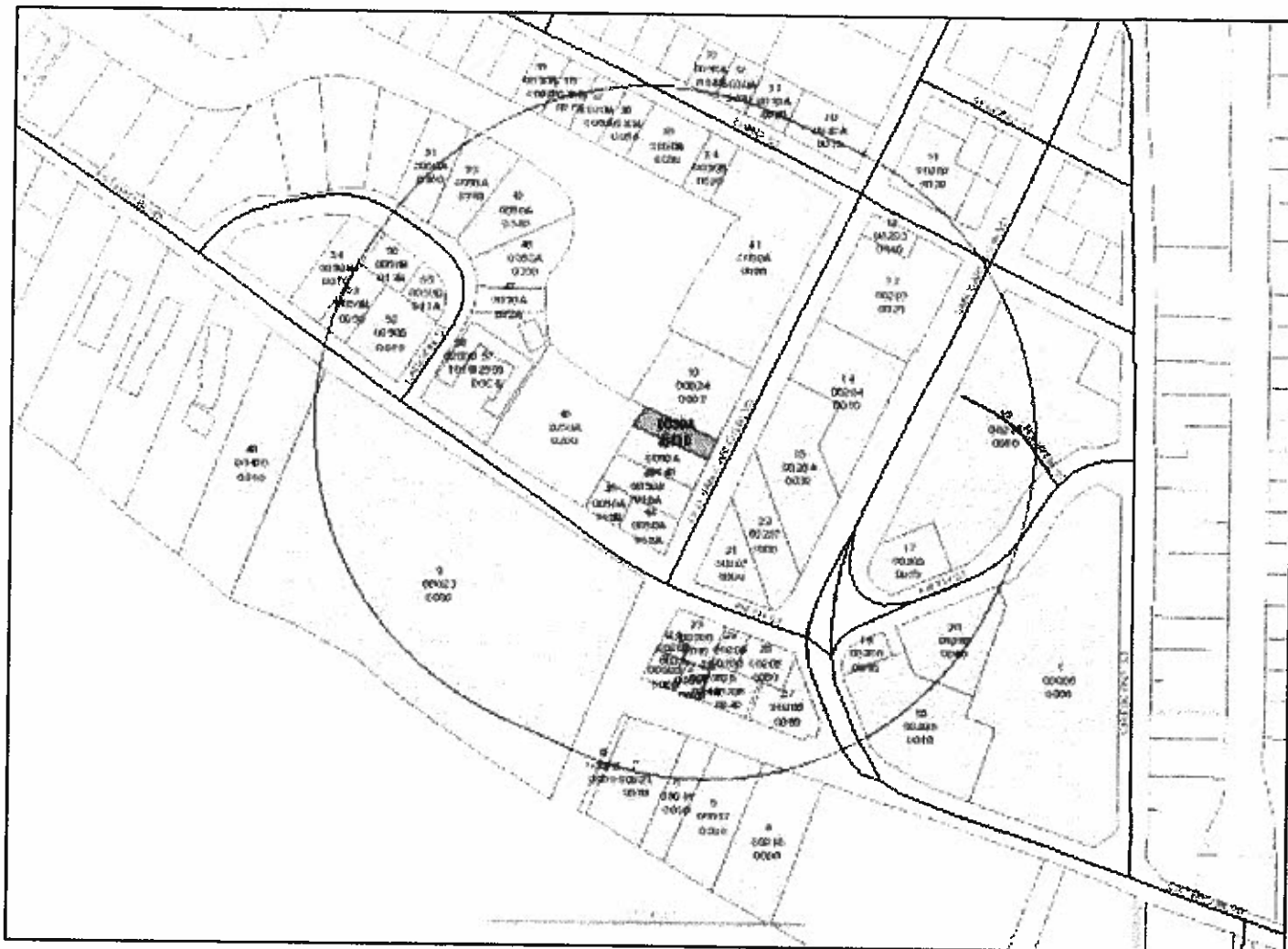


Suzanne E. Bahan

Before me personally appeared Suzanne E. Bahan on this ____ day of May 2021 who is personal known to be and executed this Owners Authorization for Bertie & Neeka, LLC to open an adult arcade business with retail sales and the sale of beer and wine.



(notary)



Date of Report: May 20, 2021

Buffer Distance: 500 feet

Parcels Affected: 58

Subject Parcel: 24-46-23-W3-0050A.0130

[Click here to download the map image, mailing labels \(Avery 5161\) and CSV formatted information.](#)

To change, add or remove subject parcels please change the parcel selection in [GeoView](#)

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
TPI-FMB I LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00006.0000 1133-1155 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CTR PHILLIPS PB 9 PG 9 LOTS 10 THRU 15 + OR 587/198 LESS R/W 2353/3036	1
LALLO JOHN W + DEBORAH L 14526 RIVERSIDE DR FORT MYERS FL 33905	24-46-23-W3-00007.0000 1005 ESTERO BLVD FORT MYERS BEACH FL 33931	FRM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 46 23 RUN NWLY AT INC	2
KALYMNIOUS PARTNERSHIP LLP 1001 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00008.0000 1001 ESTERO BLVD FORT MYERS BEACH FL 33931	FRM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 RUN NW 69 DEG 54 MIN WITH SEC	3
PRESAUD PROPERTIES FL 361 SEMINOLE WAY FORT MYERS BEACH FL 33931	24-46-23-W3-00016.0000 1046 ESTERO BLVD FORT MYERS BEACH FL 33931	FROM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 RUN S ALG SD LI TO S LI CO RD	4
PERSAUD PROPERTIES FL 361 SEMINOLE WAY FORT MYERS BEACH FL 33931	24-46-23-W3-00017.0000 1028 ESTERO BLVD FORT MYERS BEACH FL 33931	FROM SW COR BLK E CRES PK ADD ON E LI SEC 24 RUN S ALG SD LI TO S LI CO RD TH	5
BENCIN ENTERPRISES INC 927 PRESCOTT ST	24-46-23-W3-00018.0000 1010 ESTERO BLVD	A PAR AS DESC IN OR 1234 PG 1371	6

FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931		
WHITAKER WILLIAM D & 15820 SAN ANTONIO CT FORT MYERS FL 33908	24-46-23-W3-00021.0000 1000 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SE1/4 SEC 24 S OF ESTERO BLVD+E OFSAN CARLOS DR DESC OR 1547 PG 1077	7
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00022.0000 10 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BEG NW COR BLK 8 BUSINESS CTR SUBD RUN NWLY ALG EXTENED N LINE PIER ONLY	8
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00023.0000 950 ESTERO BLVD FORT MYERS BEACH FL 33931	BEG NW COR BLK 8 BUSINESS CTR SUB RUN NWLY ALG EXTEN NLI PIER ON 22.0000	9
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00024.0000 201 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	FROM NWLY COR BLK 8 BUSINESS CENTER SUBD RUN NWLY ALG PROLONGATION OF	10
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0020 430 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOTS 2 THRU 5	11
SOB INC 340 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0010 340 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.3 PB 9 PG 9 LOT 1	12
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0020 318/320 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOTS 2 THRU 6 + LTS 22 +23 + POR OF VAC ST	13
STINGRAYS RAW BAR INC 250 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00204.0010 250 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CTR LTS 1 + 2 BLK 4 LOTS 1 THRU 5 BLK 5 W OF ST RD 865 R/W + POR OF VAC ST	14
HOLLAND DENNIS TR 570 KULAIWI DR WAILUKU HI 96793	24-46-23-W3-00204.0030 200 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 4 PB 9 PG 9 LTS 3 THRU 7 PT 8 + 9 + PT VAC ALLY	15
LIGHTHOUSE ISLAND RESORT INC 1051 FIFTH ST FORT MYERS BEACH FL 33931	24-46-23-W3-00205.0060 1051 FIFTH ST FORT MYERS BEACH FL 33931	PORTION OF BUSINESS CENTER BLK 3 & 5 PB 9 PG 9 AND A PORTION OF VACATED FOURTH ST AND PORTION OF VACATED 5TH AVE IN SEC 24 TWP 46 RNG 23	16
TPI-FMB I LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00205.0070 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 5 PB 935 PG 9 PT LOT 7 + LOTS 8 + 9	17
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00206.0010 1113 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB9 PG9 LTS 1-4 LESS R/W + DESC OR 1904/4451	18
TPI-FMB I LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00206.0050 1054 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOT 5 R/W OR 1154 PG 1510	19
TPI-FMB I LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00206.0060 1150 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOTS 6 THRU 9	20
150 SAN CARLOS BLVD CORP OMG INC 408 BROADWAY NEW YORK NY 10013	24-46-23-W3-00207.0000 150 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 7 PB 9 PG 9 ALL BLK 7	21
TOWN OF FORT MYERS BEACH FINANCE DEPT 2525 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00207.1000 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER R/W OF CENTER STREET LYING BETWEEN BLK 7 BLK 7 PB 9 PG 9	22
CHAVEZ CARLOS L TR 991 AQUA LN	24-46-23-W3-00208.0010 80 OLD SAN CARLOS BLVD	BUSINESS CENTER BLK.8 PB 9 PG 9	23

FORT MYERS FL 33919	FORT MYERS BEACH FL 33931	LOTS 1 + 2 LESS THE W 44	
CHAVEZ CARLOS L TR 991 AQUA LN FORT MYERS FL 33919	24-46-23-W3-00208.002A 50 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOT PT 2	24
BENSON BRADFORD J TR 927 PRESCOTT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00208.0040 1021 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 PT LOT 4 + ALL LOT 5	25
TOWN OF FORT MYERS BEACH FINANCE DEPT 2525 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00208.004A EASEMENT FORT MYERS BEACH FL 33931	PT LOT 4 AREA 2 SE 1/4 BUSINESS CENTER PB 9 PG 9 IN OR 297 P 427	26
KLC SURF LLC 8201 MOCCASIN TRAIL DR RIVERVIEW FL 33578	24-46-23-W3-00208.0060 1035 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LT 7 + LOT 6 LESS WLY 6 FT LESS ROW OR3539 PG3351	27
KROHN INVESTMENTS LLC PO BOX 2518 FORT MYERS BEACH FL 33932	24-46-23-W3-00208.0080 1028 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOTS 8 + 9	28
RFN CORP 2401 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00208.0100 1018 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOT 10	29
FREEMAN WILLIAM T + COLLEEN C 15341 KILBIRNIE DR FORT MYERS FL 33912	24-46-23-W3-0030A.0010 401 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 1	30
FREEMAN WILLIAM T + COLLEEN C 15341 KILBIRNIE DR FORT MYERS FL 33912	24-46-23-W3-0030A.0020 939 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 2	31
INTERNATIONAL CAPITAL 20 N MARTINGALE RD STE 180 SCHAUMBURG IL 60173	24-46-23-W3-0030A.0030 935 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 3	32
ANDERSON BRENT KORY & 13302 COACHFORD AVE ROSEMOUNT MN 55068	24-46-23-W3-0030A.0040 929 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 4	33
TOMAILO FRANKLIN L + GLORIA J 934 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0020 934 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 2	34
932 THIRD STREET LLC 932 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0030 932 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOTS 3 + 4	35
DUDDY BRIAN PATRICK TR 14 STETSON PL DUXBURY MA 02332	24-46-23-W3-0030B.0050 920 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 5	36
FOSTER STEPHEN ALLEN 914 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0060 914 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 6	37
TYRELL PETER + 6 BURLEIGH ROAD HEMEL HEMPSTEAD HP2 4PT UNITED KINGDOM	24-46-23-W3-0030B.0070 910 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 7	38
KOSTER RODNEY A & THERESA A 880 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0080 880 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 8	39
FIRST CENTRAL INVESTMENT CORP LAWRENCE A YAX 830 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00400.0010 830 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 1 PB 9 PG 24 LOT 1	40
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0080 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOTS 1 THRU 12 + VAC LAGOON	41

R/W OR2858/1391 +
OR2660/2863 +2736/3702 +
BLK B PB 9 PG 40 LOT 1

ZOZO INVESTMENTS LLC 173 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0140 163 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 PT LOT 14 + LOT 15	42
JENKINS GEORGE D L PO BOX 280 TILLSONBURG ON N4G 4H5 CANADA	24-46-23-W3-0050A.016A 159/161 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS 16 + PT OF LT 17	43
151 OLD SAN CARLOS LLC 17840 SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.018A 151 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS PT 18 + 19	44
BENSON BRADFORD J II TR 927 PRESCOTT ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.018B 959/963 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PT LOTS 17 18 + 19	45
LISAY STEVEN E + CATHERINE M 925 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0200 925 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOTS 20 THRU 26	46
HOLBROOK LESLIE E + PO BOX 206 GALION OH 44833	24-46-23-W3-0050A.032A 859 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 NWLY 40 FT LOT 32	47
PURTELL JAMES F TR 855 LAGOON ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0330 855 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOT 33	48
BOYD TODD & JULIE 39 N SHORE RD HAMILTON PARRISH FL 04 BERMUDA	24-46-23-W3-0050A.0340 849/851 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOT 34	49
DULLARD ROBERT TR + PO BOX 2695 FT MYERS BCH FL 33932	24-46-23-W3-0050A.0350 843 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UT 2 BLK A PB 9 PG 25 LOT 35	50
BLOCD AHL LEASING LLC 3538 TIMBER RIDGE TRL CEDAR RAPIDS IA 52411	24-46-23-W3-0050A.0360 839/841 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOT 36	51
SOUTHLAND CORPORATION CORPORATE TAX DEPT 2711 N HASKELL AVE DALLAS TX 75204	24-46-23-W3-0050B.0010 841 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.B PB 9 PG 25 LOTS 1 THRU 4	52
COURTNEY S MARK & DEBORAH S TR 83 CRANBERRY RD GROVE CITY PA 16127	24-46-23-W3-0050B.0050 831 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK B PB 9 PG 25 LOTS 5 + 6	53
PAINE FRED 823 LAGOON ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050B.0070 821/825 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.B PB 9 PG 25 LOTS 7 8 + PT LOTS 9 13 14	54
ARTRIP BARBARA K TR 850 LAGOON ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050B.013A 850 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK B PB 9 PG 25 PT LOTS 13 + 14	55
SCHWARTZ DEREK & KRISTEN 3329 ROSA AVE NEW SMYRNA BEACH FL 32168	24-46-23-W3-0050B.013B 846/848 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.B PB 9 PG 25 LOTS PT 13 + 14 FROM SE	56
SAND CASTLE BEACH CLUB CONDO 905 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-02500.00CE SAND CASTLE BEACH CONDO C/E FORT MYERS BEACH FL 33931	SAND CASTLE BEACH CLUB A TIME-SHARE COMMON AREA DESC OR 1463 PG 2328 + CPB 6 PG 230	57
SAND CASTLE BEACH CLUB CONDO A	24-46-23-W3-02500.1010 905 ESTERO BLVD	SAND CASTLE BEACH CLUB A TIME-SHARE OR1463-2328	58

GeoView Map



April 13, 2021

Air Photos: 2020 Hi-Res (4 inch)

☒ Hospital Locations
☒ Library Locations

☒ School Locations
☒ School Locations
Major Roads Medium

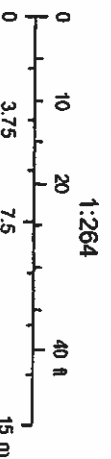
☒ CCC Parks
I-75

US 41

Other Highways

Other Roads

Parcels Near



This map is NOT a legal land survey and should not be used or relied upon as such. No warranties, express or implied, are provided with the data, use, accuracy or interpretation.

Building Front Photo

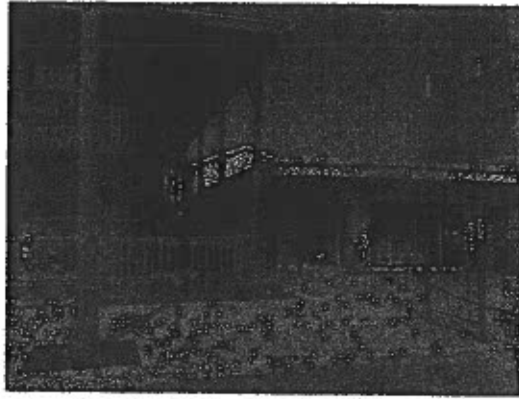
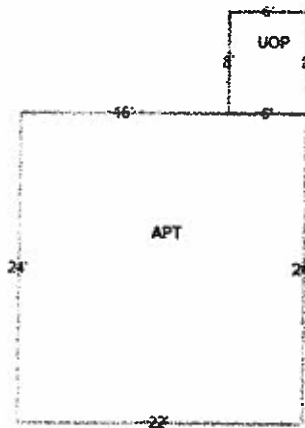
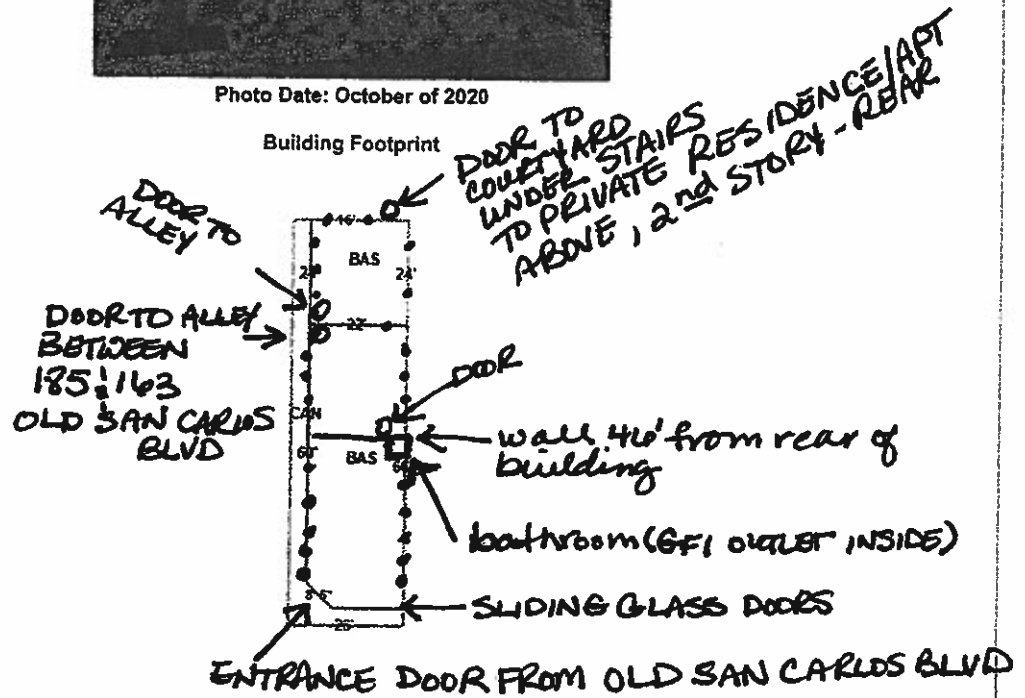


Photo Date: October of 2020

Building Footprint



[Previous Parcel Number](#)
[Next Parcel Number](#)
[New Query Search](#)

TRIM (proposed tax) Notices are available for the following tax years
[2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020]

[Results](#) [Home](#)



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for ADMINISTRATIVE ACTION

This is 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 *two paper copies* and *one digital/electronic copy* of all required applications, supplemental information, exhibits and documents.

PROJECT NUMBER: _____ DATE: _____

Site Address: 185 Old San Carlos FMB 33931

STRAP Number: 24-46-23-W3-0050A.0130

Applicant: Bertie&Neeka, LLC,d/b/a The Painted Pineapple Phone: 386-527-2370

Contact Name: Suzanne Bahan Phone: _____

Email: suzipilote@gmail.com Fax: _____

Current Zoning District: Downtown

Future Land Use Map (FLUM) Category: Pedestrian Commercial

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

ACTION REQUESTED

SUPPLEMENTAL FORM REQUIRED

- | | |
|--|--------------------------|
| ☐ Amendment to Planned Development | AA-A |
| ☐ Commercial Antenna | AA-B |
| ☒ Consumption on Premises (COP) | AA-C |
| ☐ Forced Relocation of Business | AA-D |
| ☐ Interpretation of Land Development Code | AA-E |
| ☐ Minimum Use Determination | AA-F |
| ☐ Setback Variance | AA-G |
| ☐ Accessory Apartment Determination | AA-H |
| ☒ Other – cite LDC Section: <u>Arcade/Retail</u> | attach on separate sheet |

PART I – General Information

A. Applicant*: Suzanne E. Bahan Phone: 386-527-2370

**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: 185 Old San Carlos Blvd. FMB 33931

Email: suzipilote@gmail.com Fax: _____

Contact Name: Suzanne E. Bahan Phone: 386-527-2370

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 names of all Authorized Agents (attach extra sheets if necessary)

Name: robert Burandt, Esq. Phone: 239-542-4733

Address: 1714 Cape Coral Parkway E. Cape Coral Fla. 33904

Email: robert@capecoralattorney.com Fax: _____

D. Nature of Request: The Applicant seeks permission to convert the empty building at 185 Old San Carlos Blvd. into an arcade with some retail sales and the sale of beer and wine. This would be a first class establishment and would improve the area of Old San Carlos Blvd. bring people to the area with different interests.

E. Is this request specific to a particular tract of land?

☒ YES*

☐ NO

**If yes, complete PART II of this form*

PART II – Property Information

A. Is the action requested a result of a Code Violation or Notice of Violation?

☐ YES ☒ NO

If yes, please provide the date of notice: _____

Specific nature of the Violation: _____

B. Property Owner(s): Susanne Bahan

Phone: 386-527-2370

Property Owner Mailing Address: 185 Old San Carlos Blvd. fMB 33931

Email: suzipilot@gmail.com

Fax: _____

C. Legal Description:

STRAP: 24-46-23-W3-0050A.0130

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.

☒ Yes. Property identified in subdivision: _____

Book: 9 Page: 25 Unit: 2 Block: A Lot(s): 13 part of 14

D. Subject Property Dimensions:

Width (please provide an average width if irregular in shape) 26 feet

Depth (please provide an average width if irregular in shape) 116.61 feet

Frontage on street: 26 feet. Frontage on waterbody: 0 feet

Total land area: 4312 ☐ acres ☐ square feet

E. 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.

F. Property Restrictions (check applicable):

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

☐ There are deed restrictions and/or covenants on the subject property. Please attach a separate document listing the restrictions and/or covenants and including a narrative statement detailing how the restrictions/covenants may affect the request.

PART III

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Suzanne Bahan 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;

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.

Suzanne Bahan
Signature of owner or authorized agent

Susanne Bahan
Printed Name

STATE OF FLORIDA)
COUNTY OF LEE)

Subscribed and sworn to (or affirmed) before me this 21 day of may 2021, by SUZANNE BAHAN.

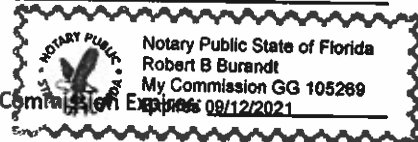
[Signature]
Notary Public Signature

(SEAL)

Notary Printed Name

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced: _____ My Commission Expires 09/12/2021



PART III

AFFIDAVIT

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

I, Suzanne E. Bahan (name), as MGR (title)
of Bertie & Neeka, 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 County 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 Lee County 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.

Bertie & Neeka, LLC

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

S E Bahan
Signature

MGR

Title

Suzanne E. Bahan

Typed or Printed Name

5-21-21

Date

STATE OF FLORIDA)

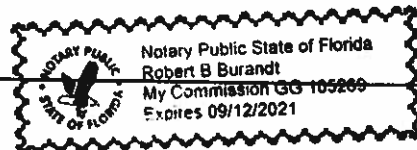
COUNTY OF LEE)

Subscribed and sworn to (or affirmed) before me this 21 day of May
2021, by Suzanne Bahan, as (title) _____ on behalf of
(company name) _____.

[Signature]
Notary Public Signature

(SEAL)

Notary Printed Name



Personally Known ☒ or Produced Identification _____

Type of Identification Produced: _____ My Commission Expires: _____

Revised 1/6/2017

Town of Fort Myers Beach
2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 Permits@FortMyersBeachFL.gov Fax: 239-765-0909

Page 5 of 7

OWNERS AUTHORIZATION TO CONDUCT BUSINESS

I Suzanne E. Bahan as the owner of the property located at 185 Old San Carlos Blvd. FMB 33931 hereby give permission to Bertie & Neeka, LLC to open and operate an adult arcade business with retail and the sale of beer and wine (2-cop license to be acquired) with indoor seating around the machines to operate between the hours of 9am to 12am., seven days a week.

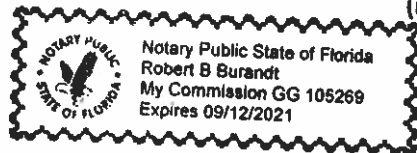


Suzanne E. Bahan

Before me personally appeared Suzanne E. Bahan on this 21 day of May 2021 who is personal known to be and executed this Owners Authorization for Bertie & Neeka, LLC to open an adult arcade business with retail sales and the sale of beer and wine.



(notary)





Case# **SEZ20210050**

Date Received: _____

PART I
Narrative Statements

B. AMENDED 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:
The field of video entertainment is changing on a daily basis and this exemption would allow the Towns
entertainment district the opportunity to keep up with the current trends. This would be an adult
establishment for people to enjoy video games while being able to shop for beach wear and have a
beer or glass of wine. This business will be in the heart of the Fort Myers entertainment district and will
tastefully enhance the entertainment district for the beach, and will be consistent with the goals , objectives, policies
and intent of the Fort Myers Beach Comprehensive Plan.All local customs and standards will be adhered to
and everyone will be welcome to enjoy the business. This is an indoor entertainment business
and there will be no adverse impact to any other business or resident or any environmental areas.
The over all appearance both inside and outside will be first class. This request is also in compliance with existing
planed uses for the area and will not cause any damage, hazards, nuisances or other detriment to
other business or persons and will provide a place for both locals & visitors to associate with one another.



Town of Fort Myers Beach

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Case Number: SEZ20210050

Case Name: Consumption on Premises (COP) and an Adult Video Arcade. The applicant requests the approval to open an adult video arcade with retail sales of goods; and consumption on premises of beer and wine requiring a deviation from LDC Sec. 34-1263.(d)(2), within 500 feet of Lynn Hall Memorial Park.

Applicant: Suzanne Bahan

Location: 185 Old San Carlos

STRAP #: 24-46-23-W3-0050A.0130

Zoning: Downtown

Request: Consumption on Premises of beer and wine; Adult Video Arcade with retail sales of goods, within 500 feet of Lynn Hall Memorial Park.

Staff Report: Direct inquiries to:
Carl Benge, Community Development, email: cbenge@fmbgov.com
Fort Myers Beach Town Hall
2525 Estero Boulevard
Fort Myers Beach, FL 33931

Notice is hereby given that the Local Planning Agency of the Town of Fort Myers Beach will hold a public hearing at a meeting beginning at **9:00 AM on August 10, 2021** regarding the case listed above. The hearing will take place at Town Hall, 2525 Estero Boulevard, Fort Myers Beach, Florida, 33931.

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence to become a participant in the hearing.

On August 10th, the Local Planning Agency of Fort Myers Beach will review the case and make a recommendation to the Town Council on this matter. If any person should desire to have verbatim record of the proceedings, which record indicates the testimony and evidence presented, that person will have to make arrangements on their own.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.

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

Yellow Sheet Number: **2021-358**

1. Requested Motion:

Meeting Date: August 10, 2021

Comprehensive Plan Level-of-Service Discussion

Why the action is necessary:

LPA request

What the action accomplishes:

Discussion

2. Agenda:

COMMUNITY DEVELOPMENT
ITEMS/REPORTS

3. Requirement/Purpose:

5. Background:

The LPA requested information related to how the Comprehensive Plan establishes level-of-service (LOS) for public infrastructure. Traditional infrastructure categories include: Transportation, Utilities (Potable Water, Sanitary Sewer, Solid Waste), Stormwater, and Schools.

A memo with a brief summary of the Goals, Objectives, and Policies adopted as part of the Comprehensive Plan is included as an attachment.

Attachments:

1. LOS Memo to LPA August 2021

Financial Impact:

6. Alternative Action

7. Staff Recommendations:

8. Recommended Approval:

Jason Green, Community Development
Services

Date: August 04, 2021

John R Herin Jr, Town Attorney

Date: August 04, 2021

Amy Baker, Town Clerk

Date: August 05, 2021



**Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT**

To: Local Planning Agency
From: Jason Green, Community Development
Date: August 8, 2021
Re: Comprehensive Plan Level-of-Service (LOS)

BACKGROUND

Staff was directed to provide an update and some background on the Town's adopted levels-of-service for public infrastructure per the Comprehensive Plan. The discussion was related to the annual review and recommendation of the 5-year Capital Improvement Plan. The Town's Comprehensive Plan includes additional direction Goals, Objectives, and Policies directing projects, programs, and other community enhancements related to capital spending that is both tied to and in addition to LOS. Each of these policies will be reviewed as part of the Comprehensive Plan update.

Transportation:

POLICY 7-I-2 The peak capacity of Estero Boulevard's congested segments is 1,300 vehicles per hour. The minimum acceptable level-of-service standard for Estero Boulevard shall be that average monthly traffic flows from 10:00 A.M. to 5:00 P.M. during each month do not exceed that level for more than four calendar months in any continuous twelve-month period. Measurements from the permanent count station at Donora Boulevard shall be used for this standard.

Utilities:

POLICY 8-B-1 The minimum acceptable level of service standards for utility services within the Town of Fort Myers Beach shall be:

i. for potable water service:

1. available supply, treatment, and delivery capacity of 260 gallons per day per equivalent residential connection (ERC), and delivery of potable water at a minimum pressure of 20 pounds per square inch (psi) at the meter anywhere in the system.



2. Prior to issuance of building permits, the town must obtain assurances from Lee County Utilities that an adequate bulk water supply will be available to the town's water distribution system to serve new development at these same rates.

ii. **for sanitary sewer service:** available capacity to collect, treat, and dispose of wastewater of 175 gallons per day per equivalent residential connection (ERC).

iii. **for solid waste disposal service:** the

ability to collect and manage 7 pounds of municipal solid waste per person per day. An ERC is defined as the total number of meter equivalents using the methodology of the Florida Public Service Commission (and is synonymous with their use of the term "equivalent residential units"). ERCs are used to convert commercial and industrial water or sanitary sewer use into standard units that are based on typical rates of use in dwelling units.

Stormwater:

POLICY 9-D-1 Until replaced following the evaluation described under Objective 9-F, interim levels of service are hereby established for protection from flooding to be provided by stormwater and roadway facilities:

i. During a 3-day rainfall accumulation of 13.7 inches or less (3-day, 100-year storm as defined by SFWMD), one lane of evacuation routes should remain passable (defined as less than 6 inches of standing water over the crown). Emergency shelters and essential services should not be flooded.

ii. During a 3-day rainfall accumulation of 11.7 inches or less (3-day, 25-year storm as defined by SFWMD), all lanes of evacuation routes should remain passable. Emergency shelters and essential services should not be flooded.

iii. During coastal flooding of up to 4.0 feet above mean sea level, all lanes of evacuation routes should remain passable. Emergency shelters should not be flooded.

POLICY 9-D-5 The quality of water to be discharged from new surface water management systems is and shall remain subject to state and regional permitting programs that determine compliance with state water quality standards. Stormwater management systems in new private and public developments (excluding improvements to existing roads) shall be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm). Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and rule 40E-4, F.A.C. New developments shall be designed to avoid increased flooding of surrounding areas.



Recreation:

POLICY 10-D-3 The town adopts the following level-of-service standard for community parks: for each 7,500 permanent residents, 1 centrally located recreation complex that includes 2 ballfields, 2 tennis courts, outdoor basketball courts, play equipment, an indoor gymnasium, and community meeting spaces. Programming shall address all age groups and encompass active recreation, physical improvement, and social, educational, and cultural activities. The town also will maintain a cultural and environmental learning center at the historic Mound House, and contingent on obtaining grant funding for property acquisition, will purchase the Newton estate to serve as an oasis park with interpretive and rest facilities for those traversing Lee County's "Great Calusa Blueway," Estero Boulevard, and the walking trail provided by the public beachfront.

POLICY 10-H-1 Provide a mechanism for requesting neighborhoods to create and manage a small children's play area or "visiting" area, as a part of the "hidden paths" and/or "residential streets" programs described in the Community Design Policies 2-A-1 and 2-B-2. Develop a program of guidelines and technical assistance available to requesting neighborhoods. Evaluate the program within two years of initiation and, based on actual demand, and set standards if necessary to regulate the pace and equity of implementation.

Schools:

POLICY 16-B-1: "The minimum acceptable level-of-service standards for public schools within the Town of Fort Myers Beach shall be:

- i. Elementary Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.
- ii. Middle Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.
- iii. High Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.
- iv. Special Purpose Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.