



Fort Myers Beach Local Planning Agency

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

Minutes

Tuesday, September 14, 2021

9:00 AM

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

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

Excused: Patrick Vanasse

II. INVOCATION

Chair Heil.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

A. August 10, 2021

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

Motion approved 5-0.

V. PUBLIC HEARINGS

A. VAR20210063 16 Pepita Street

Approve/Approve with Conditions/Denial of VAR20210063 - a variance from Table 34-3, 25 feet rear waterbody setback, for a reduction of 8 feet 8 inches.

Town Attorney Herin, Jr. swore in those providing testimony. Ex parte communications: LPA Member Plummer spoke to the next-door neighbor who supported the request. No disclosures from other members.

Jim and Tracy Bougoulas, owners, utilized PowerPoint for their presentation. Slides included: Request for Variance; Variance is Needed; Decaying

Structure was Demolished in 2020; Previous Home was Not Compliant to Setback Code Requirements; Irregular Shaped Lot; Hardship; Request for Waterbody Setback; Design; Second Floor Front Roof; Front & Left Side Elevation View; Read & Right Side Elevation View; In Accordance with LDC Sec. 34-88; Similar Variance at 272 Miramar and support from Pepita St. Neighbors.

Assistant Community Development Director Carl Bengé reviewed the variance request with PowerPoint. Slides included: Variance Request; 16 Pepita Site Plan and Staff Findings and Recommendations. He noted that staff recommended denial of the request.

Chair Heil questioned whether the stairs could be relocated. She reviewed exceptional or extraordinary criteria regarding the variance. Mr. Bougoulas replied that the stairs could be moved. Town Attorney Herin, Jr. stated the LPA could move the request forward with something less than the applicant requested. The architect from Studio One Design verified that the stairs could be relocated. He stated the roof overhang was 24 inches and over a balcony.

No public comment.

LPA Member Plummer moved to approve a five-foot setback not to include the stairway; five feet of the building line and whatever was approved for the overhang and follow those guidelines, the steps would have to be relocated to a reduction of waterbody setback by five feet and add the condition to the staff findings and conclusions; second by LPA Member Safford. Motion approved 5-0.

B. VAR20210064 3240 Shell Mound Blvd

Approve/Approve with conditions/Denial of VAR20210064 - 3240 Shell Mound Blvd, a request to reduce the required accessory structure (pool) setback from five to two in the rear and side yard.

Ex parte communications: All LPA Members except Chair Heil disclosed a drive-by.

Sarah McCormick stated they purchased the property last year with the intent of installing a pool. She felt the circumstances were unique to the property due to the property line. She noted they would put a fence around the property.

Assistant Director Bengé reviewed the property information, variance request and staff findings and recommendations. He noted staff recommended denial of the variance. Discussion was held regarding a drainage plan. Ms. McCormick indicated that the odd-shaped pool dimensions were approximately 18' x 15' x 11'.

No public comment.

Chair Heil moved to deny the variance because it did not meet the de minimus requirements; second by LPA Safford.

Town Attorney Herin, Jr. stated it was up to the applicant to demonstrate that

they met the criteria to grant the variance. LPA Member Plummer indicated that the pool could be redesigned with the same amount of water space to meet the criteria better. LPA Member Safford agreed that a two-foot walkway around the pool was not enough room.

Chair Heil withdrew her motion.

Chair Heil moved to grant a one-foot side setback variance and one-foot rear setback variance for an accessory structure; second by LPA Member Safford. Chair Heil moved to amend her motion by adding staff conditions; second by LPA Member Safford.

Chair Heil moved to amend her motion by recommending approval for a one-foot variance to the side and rear setback including conditions 1-5; second by LPA Member Safford.

Motion approved 5-0.

C. VAR20210066 4969 Estero Blvd Accessory Structure in front of a principal structure

Approve/Approve with Conditions/Denial VAR20210066 - 4969 Estero Blvd, to allow an accessory structure (pool) in front of a principal structure.

Ex parte communications: All members disclosed a drive-by and LPA Member Swanbeck was familiar with the property.

Armando Barba, owner, explained why the pool permit was denied. He noted the pool would be located on the side of the house, not in front.

Assistant Director Benge reviewed the request, property information, variance request, site plan, staff findings and recommendations. He noted that staff recommended approval with conditions.

No public comment.

LPA Member Plummer moved to approve the three conditions as presented by staff with the three conditions and it met the findings and recommendations; second by LPA Member Critser.

Motion approved 5-0.

VI. ADMINISTRATIVE AGENDA

No agenda.

VII. LPA MEMBERS ITEMS/REPORTS

LPA Member Swanbeck noted she appreciated being on the LPA. Chair Heil thanked her for her service.

LPA Member Plummer questioned when construction would be completed to free up parking under the bridge. Community Development Director Jason Green did not know. Town Attorney Herin, Jr. stated that Town Council directed staff to provide that area for staging. He suggested that LPA Member Plummer contact

Public Works Director Chelsea O'Riley for details.
No items from other members.

VIII. LPA ATTORNEY ITEMS/REPORTS

No items.

IX. COMMUNITY DEVELOPMENT ITEMS/REPORTS

Director Green noted the October meeting had been rescheduled and he would send reminders. He noted they would work on the commercial boulevard zoning district restrictions.

X. ITEMS FOR NEXT MONTHS AGENDA

Discuss sunshine laws and other items for new members.

XI. PUBLIC COMMENT

No public comment.

XII. ADJOURNMENT

LPA Member Safford moved to adjourn the meeting; second by LPA Member Plummer.

Motion approved 5-0.

The meeting was adjourned at 10:23 a.m.

Minutes adopted, October 20, 2021; Motion by LPA Member Safford and seconded by LPA Member Critser. Adopted 6-0, with LPA Member Plummer excused.



Amy Baker, Town Clerk