



Fort Myers Beach Local Planning Agency

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

Agenda

Thursday, April 14, 2022

1:30 PM

ORDER OF BUSINESS

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

- A. Draft minutes March 22, 2022

V. PUBLIC HEARINGS

- A. VAR20220021, 292 Ohio Ave, is seeking a 3.5-foot variance for an in-ground pool closer to a side-yard property line.

Approve/Approve with Conditions/Deny VAR20220021. Jesse Hallman, owner of the property at 292 Ohio Ave., is seeking a 3.5-foot variance from LDC Sec.34-1174(d)(1)(d), to allow an in-ground pool closer to a side-yard property line than allowed for under current LDC requirements.

- B. VAR20210114, 5155 Williams Dr, variance to reduce required side-yard setbacks for a garage and bedroom expansion by 5.5 feet and 7 feet

Approve/Approve with Conditions/Deny VAR20210114, variance to reduce required side-yard setbacks for a garage and bedroom expansion by 5.5 feet and 7 feet. THE APPLICANT HAS REQUESTED A CONTINUANCE UNTIL AUGUST

VI. ADMINISTRATIVE AGENDA

VII. LPA MEMBERS ITEMS/REPORTS

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

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

Yellow Sheet Number: **2022-604**

1. **Requested Motion:**

Draft minutes March 22, 2022

Meeting Date: April 14, 2022

Why the action is necessary:

What the action accomplishes:

2. **Agenda:**

APPROVAL OF MINUTES

3. **Requirement/Purpose:**

5. **Background:**

Attachments:

1. Draft Minutes March 22 2022

Financial Impact:

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

Amy Baker, Town Clerk

Date: April 11, 2022



Fort Myers Beach Local Planning Agency

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

Minutes

Tuesday, March 22, 2022

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Members present: Chair Megan Heil, Anita Cereceda, Forrest Critser, Jane Plummer, Scott Safford and Karen Woodson.
Excused: Patrick Vanasse

II. INVOCATION

LPA Member Critser.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

- A. Draft February 8, 2022 minutes
LPA Member Cereceda moved to approve the minutes; second by LPA Member Plummer.
Motion approved 6-0 with LPA Member Vanasse excused.

V. PUBLIC HEARINGS

- A. DCI 20210115, 2301/2307 Estero Blvd, Amend existing CPD to allow brewing of beer for on-site consumption

Recommend approval with conditions of DCI20210115 to allow brewing of beer for consumption on premises in an existing Commercial Planned Development.

Town Attorney Herin, Jr. swore in those providing testimony. Ex parte communications: All LPA Members disclosed a site visit. In addition, LPA Member Cereceda spoke to the owner and Council Member Allers; LPA Member Safford spoke to the owner and Chair Heil spoke to the owner. Tre Gillet, owner, stated that he wanted to open a brewery for consumption

on-premises. He explained the brewing operation and noted he would not modify his building at the present time. He requested that condition 9 be clarified to allow amplified music or entertainment indoors.

Community Development Planner Sarah Propst reviewed the request. Slides included: Application/Request Information; Findings and Conclusions; Staff Recommendations and Conditions and Deviations.

Condition 8 was eliminated and the word "outdoor" was added to Condition 9.

Public comment:

Sharon Faircloth, business owner, supported the request and felt it was a great addition to the beach.

Public comment closed.

LPA Member Cereceda moved to approve DCI200210115 including the findings and conclusions listed in the packet amending the conditions of approval, solely number 9 to read no outdoor amplified music or entertainment is permitted and eliminating number 8; second by LPA Member Critser.

Motion passed 6-0 with LPA Member Vanasse excused.

B. LDC Text Amendment to Sec. 34-638, Table 34-3, and Table 34-1, re Single Family and Two Family Footprint Limit

Recommend approval or denial of proposed Ordinance amending Land Development Code Sec. 34-638, Table 34-1, and 34-3, related to single-family and two-family building footprint limits.

Chair Heil read the title of the ordinance. Planner Propst reviewed the proposed ordinance. Slides included: Options Used in Other Communities; Other Approaches Evaluated and Proposed Solution.

LPA Member Plummer questioned whether the proposed solution would reduce what could be built on a lot. Community Development Director Jason Green replied that a 7,500 square foot house was 40% of an 18,750 square foot lot. Planner Propst added that all other regulations still applied.

No public comment.

LPA Member Cereceda moved to approve the language and forward to the Town Council for review; second by LPA Member Plummer.

Motion approved 6-0 with LPA Member Vanasse excused.

C. Ordinance 22 - _____ regarding the licensing of PWVL's / PAL's

Recommend to the Town Council approval of Ordinance 22 - _____ entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 27 "PERSONAL WATERCRAFT AND PARASAILING", SECTION 27-52 "PERSONAL WATERCRAFT VENDOR LICENSE AND PARASAILING ACTIVITY LICENSE APPLICATIONS AND REGULATORY FEES"; SECTION 27-53 "PERSONAL WATERCRAFT VENDOR LICENSE AND PARASAILING ACTIVITY LICENSE RENEWALS" OF THE CODE OF ORDINANCES, TOWN OF FORT MYERS BEACH, FLORIDA, TO PROVIDE A LIMITED EXEMPTION TO THE CAP

ON THE NUMBER OF ANNUAL LICENSES; PROVIDING THAT PERSONAL WATERCRAFT VENDOR LICENSES AND PARASAILING ACTIVITY LICENSE THAT ARE NOT ANNUALLY RENEWED OR ARE INACTIVE FOR ONE-YEAR OR MORE SHALL REVERT BACK TO THE TOWN; PROVIDING FOR CODIFICATION; CONFLICTS; SCRIVENER'S ERRORS; SEVERABILITY AND AN EFFECTIVE DATE.

Chair Heil read the title of the ordinance. Town Attorney Herin, Jr. explained that the ordinance was to provide a limited exemption to the cap on the number of PWVLs / PALs and to provide for the reverter to the Town of annual licenses that are not renewed, as stated on the information sheet in the packet. LPA Member Critser questioned public safety issues with too many vendors operating on the beach. Town Attorney Herin, Jr. replied that Town Council would have the ability to deny requests. He stated that those with existing approvals with the listed uses were exempt. LPA Member Safford questioned how many had current approvals. Town Attorney Herin, Jr. responded that they were unsure but could continue the matter until concrete numbers could be obtained. He added that existing vendors were grandfathered and were exempt from separation requirements. LPA Member Cereceda stated that no one wanted an open door to a proliferation of licenses up and down the beach. She discussed the license dormancy issue and indicated the licenses belonged to the town and were issued to a vendor. She brought up Pink Shell's CPD. Director Green commented that each CPD was a unique zoning district and the uses were site-specific. Town Attorney Herin, Jr. noted the current ordinance intended to balance the rights of all parties. LPA Member Cereceda questioned tying license renewals to state sales tax receipts. Town Attorney Herin, Jr. replied that proof of operating a business was required to renew a license. Chair Heil concluded that the LPA needed more detail.

Public comment:

Sharon Faircloth, owner of Holiday Water Sports, stated there used to be 22 PWVL licenses and now there were 11 PWVL licenses and 7 parasail licenses (PAL). She noted the one inactive license was a parasail license. She felt they were going back in time and described fights between vendors and people getting killed because there were too many wave runners and unsafe practices. Ms. Faircloth indicated the original ordinance was written for the safety of the residents and guests and the ordinance worked. She requested that the town keep the current cap on licenses and keep the procedures in place to make a transfer of the licenses.

Chris Weber, of Mid-Island Water Sports, stated that the ordinance was crafted due to the explosion. He indicated that the license holder was the owner and the license was a sellable asset. He explained that the person who held the expired license already had four parasailing licenses and he did not use one because it was busy on the beach. He brought up Chapter 27 and the CPDs and felt they should lower the cap.

Eric Ogilvie, a resident, was not currently in the water sports business but had been for over 22 years. He stated that before the ordinance went into effect, the question was how many accidents would occur, now whether they would. The caps were essential and the current operators had to be respected for what they went through previously. He recommended meeting with the vendors to hear their input.

Attorney Beverly Grady from Roetzel & Andress represented Mid-Island Water Sports. She described the history of the ordinance and approved uses. She suggested that the LPA be given the entire ordinance because it was critical to their review. She objected to the current proposed change because it was not defined and not thought through.

Public comment closed.

LPA Member Cereceda requested the transferability section. Town Attorney Herin, Jr. remarked that a copy would be provided. Chair Heil questioned whether there was a cap on how many watercraft each vendor could operate. The cap was eight per license. LPA Member Cereceda remarked that the ordinance stated that the Town Manager may, not shall, renew the license provided that the criteria were met. Town Attorney Herin, Jr. agreed and noted the town had the ability to eliminate all the licenses. LPA Member Cereceda felt there were two issues. One was the unknown variable of open CPDs and the other was raising the cap by one and reining in the dormant license that did not really exist. Town Attorney Herin, Jr. commented that it was up to the LPA to direct him and staff to modify the ordinance. LPA Member Cereceda mentioned that Council Member Atterholt specifically linked the open CPD with TPI. She clarified that Joanne's email was accurate in her description of the ordinance, but it was not the whole picture. She explained that there were hundreds of meetings surrounding the TPI project before the vote ever came in front of the Town Council. There was no violation of the Sunshine Law and it was the most complicated case the town would probably ever see.

LPA Member Woodson questioned whether there was a cap on what could be charged for a license. Chair Heil replied that it was a private sale.

LPA Member Plummer felt they needed more information.

LPA Member Critser discussed changes and being relevant.

LPA Member Safford wanted to know how many open CPDs were out there before he could make a decision.

Chair Heil stated that they were trying to keep everyone safe on the beach and the proliferation of watercraft would cause an issue.

LPA Member Cereceda summarized that Town Council needed more clarification on tying the dormancy factor to something and the ramifications of the open CPDs.

LPA Member Woodson questioned why the Town Manager was the sole decider for renewing licenses. Town Attorney Herin, Jr. replied that the ordinance was written that way, but the LPA could recommend a change.

LPA Member Cereceda moved that the LPA recommends to Town Council that the LPA is not in agreement with the language currently amended in the ordinance for the following reasons: that there was no clarity or definition of the impact of open CPDs and that information needs to be delivered to the Town Council prior to their deliberations and the issue of license dormancy should be clarified and more clearly delineated; second by LPA Member Safford.

Motion approved 6-0 with LPA Member Vanasse excused.

VI. ADMINISTRATIVE AGENDA

A. Presentation: Comprehensive Plan Update

Comprehensive Plan Update presentation

Eddie from the Corradino Group utilized PowerPoint for his presentation. Slides included: Agenda; FMB Population; Population Projections; Housing Data; Town SWOT Analysis; Tools; Inclusionary Zoning, Workforce Housing Bonus; Future Land Use Map; Comprehensive Plan & Land Development Regulations; Current Comprehensive Plan Policies; Considerations - Comprehensive Plan Policies; Future Land Use Map; Proposed Districts; Times Square Mixed-Use District; Civic Center & Coconut Village RV Park; Publix Commercial Parcel; Neighborhood Center; Theatre & Arts District; Santini Village; Town-Wide Recommendations and Discussion.

VII. LPA MEMBER'S ITEMS/REPORTS

LPA Member Plummer questioned why the Surf Club kept opening and closing. Director Green replied that no one received a complaint. Town Attorney Herin, Jr. explained that the state ruled that local governments could no longer initiate investigations regarding alleged violations of code unless a formal complaint with a name was attached or there was an issue of public safety. He added that if an LPA Member was interested in filing a formal complaint, the town would investigate.

No items from other members.

VIII. LPA ATTORNEY ITEMS/REPORTS

No items.

IX. COMMUNITY DEVELOPMENT ITEMS/REPORTS

Director Green noted that Jason Smalley was hired as a planner. Two historic recognition applications will be presented at the next meeting.

X. ITEMS FOR NEXT MONTHS AGENDA

Possible variances.

XI. PUBLIC COMMENT

Sharon Faircloth clarified that PWVL vendors were required to submit a letter from a property owner allowing them to operate on their property. She questioned whether any licenses were for sale.

Attorney Beverly Grady stated that the Town Manager was only allowed to renew licenses if the application met the code. She indicated that PWVL and parasailing offices on the landward side of the EC zoning district were allowed if permitted by Chapter 27.

Chris Weber questioned provisions for future CPDs. LPA Member Cereceda replied that every Town Council had the ability to change anything. He stated that there was always a business where Margaritaville was located and they should have to follow the same rules as everyone else. He discussed his history of operating on the beach.

Tom Torgerson, resident, explained his history regarding PWVL and parasailing operations in his CPD. He stated the license was not a contentious issue at the time and the language was accepted by staff. He noted he met the requirements of Chapter 27.

Chase Hussy, representing Paradise Parasail, stated he had operated on the beach for 20+ years and would welcome a conversation concerning selling a PAL license.

Jason Newton, owner of Adventure Water Sports, operated for 20 years. He revealed that he received a call yesterday regarding selling his license. He commented that he had not been approached previously.

XII. ADJOURNMENT

LPA Member Plummer moved to adjourn; second by Chair Heil.
Motion approved 6-0 with LPA Member Vanasse excused.

The meeting was adjourned at 1:04 p.m.

DRAFT

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

Yellow Sheet Number: **2022-616**

1. Requested Motion:

Meeting Date: April 14, 2022

Approve/Approve with Conditions/Deny VAR20220021. Jesse Hallman, owner of the property at 292 Ohio Ave., is seeking a 3.5-foot variance from LDC Sec.34-1174(d)(1)(d), to allow an in-ground pool closer to a side-yard property line than allowed for under current LDC requirements.

Why the action is necessary:

The property owner has requested a variance to a side yard setback for new construction of an in-ground pool. The LPA is responsible for making a recommendation to the Town Council.

What the action accomplishes:

The LPA review provides a recommendation to the Town Council.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution by Town Council

5. Background:

Jesse Hallman, the applicant for 292 Ohio Avenue, has requested a variance from the Town's Land Development Code (LDC), Sec. 34-638 (Table 34-3), which requires primary structure setbacks of 15-percent of the calculated width of the lot. Currently, the LDC requires setbacks of 11-feet from the side property line, the applicant has provided side-yard setbacks of 7.5-feet to the proposed pool, a difference of 3.5-feet. Lot widths have been determined based on a provided survey from the applicant and publicly accessible property data, measurements are approximate but within generally established margins-of-error.

The house was built in 1950, with building permits from 1996 and 1998 to construct an addition and do remodeling of the structure. The current owners bought the house in 2020.

Attachments:

1. VAR20220021_292 Ohio Ave_Staff Report_LPA DRAFT
2. 10943979-variance part 1-Public Hearing
3. 10943976-variance list
4. 11174619-Resub 1-craig 4-1-pool plan
5. 10943977-variance part 2-03102022024047
6. 10943978-variancemap

Financial Impact:

6. Alternative Action

7. Staff Recommendations:

Deny

8. Recommended Approval:

John R Herin Jr, Town Attorney

Date: April 11, 2022

Jason Green, Community Development Services

Date: April 11, 2022

Daphnie Bercher, Community Services Administrator

Date: April 11, 2022

Amy Baker, Town Clerk

Date: April 11, 2022



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20220021

CASE NAME: 292 Ohio Avenue; to approve a pool closer to a side-yard property line than allowed-for under current LDC requirements.

LPA

HEARING DATE: April 14, 2022

STAFF

RECOMMENDATION: Deny pool structure location

**PREPARED/
SUBMITTED BY:** Jason Smalley/ Jason Green AICP

I. APPLICATION SUMMARY

Applicant/Owner: Jesse Hallman

Request: The applicant is seeking variances from LDC Sec. 34-1174(d)(1)(d), to allow an in-ground pool closer to a side-yard property line than allowed-for under current LDC requirements.

Subject property: See attached site plan

Physical Address: 292 Ohio Avenue

STRAP #: 19-46-24-W4-0090E.015A

FLU: Mixed Residential

Zoning: Residential Conservation (RC)

Adjacent zoning and land uses:

North:	RESIDENTIAL SINGLE-FAMILY (RC) Single-Family Residences
South:	RESIDENTIAL SINGLE-FAMILY (RC) Single-Family Residences
East:	CANAL WATERWAY Open Space
West:	RESIDENTIAL SINGLE-FAMILY (RC) Single-Family Residences

II. BACKGROUND AND ANALYSIS

Background:

Jesse Hallman, the applicant for 292 Ohio Avenue, has requested a variance from the Town's Land Development Code (LDC), Sec. 34-638 (Table 34-3), which requires primary structure setbacks of 15-percent of the calculated width of the lot. Currently the LDC requires setbacks of 11-feet from the side property line, the applicant has provided side-yard setbacks of 7.5-feet to the proposed pool, a difference of 3.5-feet. Lot widths have been determined based on a provided survey from the applicant and publicly accessible property data, measurements are approximate but within generally established margins-of-error.

The house was built in 1950, with building permits from 1996 and 1998 to construct an addition and do remodeling of the structure. The current owners bought the house in 2020.

Analysis:

The shape of the lot and the minimum setbacks in the LDC make expansion of the existing structure difficult. The placement of the pool on the side of the house is one of the few areas on the lot in which the homeowner could construct a pool of a similar size to the ones observed in the surrounding neighborhood.

The proposed construction of the pool was reviewed for 40-percent lot coverage and impervious maximums and was found to meet the LDC requirements.

Neighborhood Compatibility:

The proposed dimensions of the pool are generally in-line with the wider neighborhood. The proposed plans do not indicate that the homeowner will install any additional sod/ greenspace or plant any additional trees. While these landscape features are not required by code the surrounding neighborhood lots have retained some amount of greenery and plantings that aren't apparent on this lot, aside from

one planting area where 4 palm trees are planted in a landscape area at the front of the property.

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 has proposed to meet the street setbacks for Ohio Avenue, and water setbacks for a man-made waterbody. While the lot lines do restrict—somewhat—further development of the property, this doesn’t constitute an “exceptional” or “extraordinary” condition of the site.

- b. That the conditions justifying the variance **are/are not** the result of actions of the applicant taken after the adoption of the regulation in question.*

The homeowner could feasibly reduce the width of the proposed pool by approximately 3.5-feet and could meet the more restrictive side-yard setbacks in effect as of this application. The applicant could also feasibly move the pool to the rear of the property and meet current code requirements.

- 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 proposed expansion would constitute the minimum development necessary to meet the wants and needs of the applicant and would not increase building heights and would only minimally obscure neighbors’ views of a waterway.

- 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. Staff encourages the homeowner to plant additional greenspace and/ or trees.

- 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 existing structures designed under previous setback requirements of the LDC, changes to the code made this variance request necessary and further changes to the code would not be warranted to address this particular situation.

III. RECOMMENDATION

Staff has reviewed the request for a variance from LDC Sec. 34-638 (Table 34-3), to allow a pool closer to a side-yard setback on a lot adjacent to a waterbody. The accessory structure is not consistent with the criteria outlined in LDC Sec. 34-87.

Therefore, staff recommends **DENIAL** of VAR20220021, to construct a pool closer to a side-yard property line.

IV. CONDITIONS OF APPROVAL

1. N/A



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: 292 OHIO AVE, FMB
STRAP Number: 19-46-24-W4-0040E.015A
Applicant: JESSE B HALLMAN Phone: 757-344-0670
Contact Name: SAME Phone: _____
Email: JESSUH@VERIZON.NET Fax: _____
Current Zoning District: LOT 16 BLOCK E GULF BAY VIEW
Future Land Use Map (FLUM) Category: _____
FLUM Density Range: _____ Platted Overlay: ☐ YES ☐ NO

ACTION REQUESTED

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

SUPPLEMENTAL FORM REQUIRED

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

PART I – General Information

A. Applicant*: JESSE B HALLMAN Phone: 757-344-0670
**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: 292 OHIO AVE FMB, FL 33431
Email: JESSUH@VERIZON.NET Fax: _____
Contact Name: SAME Phone: _____



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

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

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

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

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

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

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

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

PART II - Nature of Request

Requested Action (each request requires a separate application)

- ☒ Special Exception
☒ Variance from LDC Section 34 - 1174(D)(1)(d) 34-638(D)(1)(g)
☐ 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: JESSE B HALLMAN Phone: 757 344-0670

Mailing Address: 292 OHIO AVE

Email: JESSE.HALLMAN@VERIZON.NET Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

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

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

Jesse Hallman
Signature

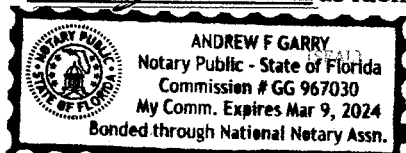
JESSE HALLMAN
Printed Name

STATE OF FL COUNTY OF LEE

The foregoing instrument was certified and subscribed before me by means of ____ physical presence OR ____ online notarization, this 10 day of MARCH, 2022 by

J. Hallman ☐ who is personally known to me OR ☒ who has produced DL

DL as identification.



Andrew Garry
Notary Public Signature

PART V

Property Ownership (Multiple Owners)

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

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

DISCLOSURE OF OWNERSHIP INTEREST

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

Name and Address	Percentage Ownership
_____	_____
_____	_____
_____	_____
_____	_____



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

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

Name, Address and Office	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____

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

Name, Address and Office	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____



**COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING**

Date of Contract: _____

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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

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

_____	_____
Signature	Printed Name

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

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

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



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

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

Signature

Title

Typed or Printed Name

Date

STATE OF COUNTY OF

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

Seal

Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 19-46-24-W4-0090E-015A

Property Address: 292 OHIO AVE FMB, FL 33931

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

Yes. Property identified in subdivision:

Book: 8 Page: 69 Unit: Block: E Lot(s): 16

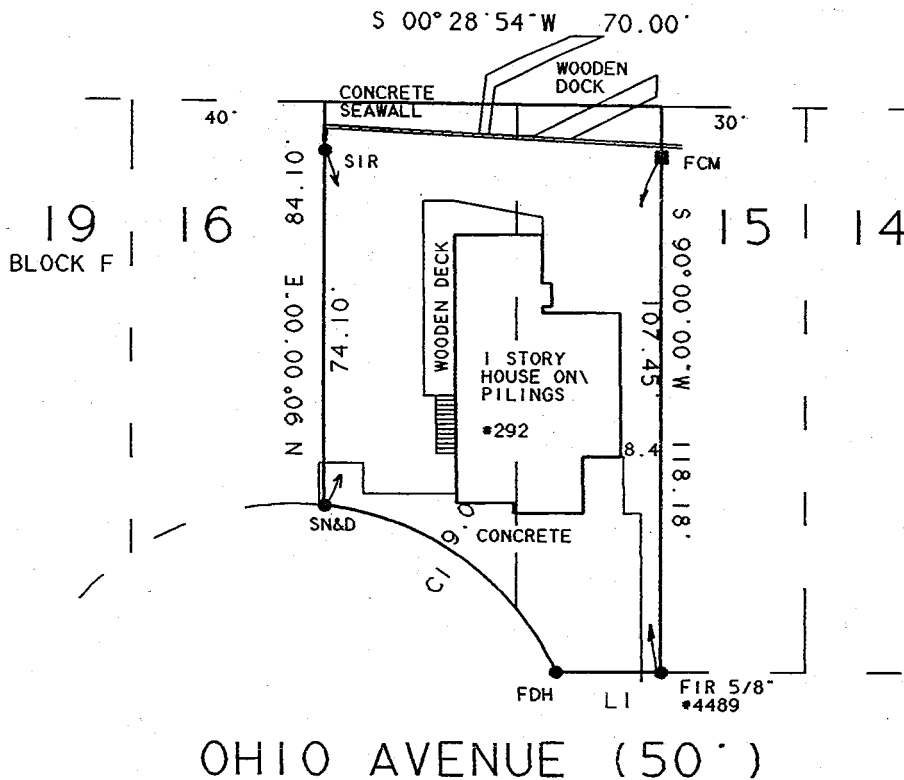
B. Boundary Survey:

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

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	59° 22' 52"	60.00'	62.18'	34.21'	59.44'	N 35° 41' 07" E

LINE	BEARING	DISTANCE
L 1	N 00° 00' 00" E	21.72'

BAYVIEW YACHT BASIN



BOUNDARY SURVEY 3

N 1/2 OF LOT 15 AND THE S 1/2 OF LOT 16
GULF BAY VIEW, BLOCK E
LEE COUNTY, FLORIDA
PLAT BOOK 8, PAGE 69

CERTIFIED TO:
OLD KENT MORTGAGE
JOHN KELLY
ATTORNEY WILLIAM SHENKO
ATTORNEYS' TITLE INSURANCE FUND

BASIS FOR BEARINGS: OHIO AVE. - ASSUMED		SCALE: 0 40	DATE: 7/21/98
COMMUNITY NUMBER 125124	PANEL NUMBER 429	SUFFIX	DATE OF FIRM INDEX 9/20/96
FIRM ZONE A12		BASE FLOOD ELEVATION 12	
LEGEND FIR: FOUND IRON ROD FIP: FOUND IRON PIPE FDH: FOUND DRILL HOLE FCM: FOUND CONCRETE MONUMENT SIR: SET IRON ROD 1/2" W/ CAP • 4839 SDH: SET DRILL HOLE SCM: SET CONCRETE MONUMENT PUE: PUBLIC UTILITY EASEMENT PU & DE: PUBLIC UTILITY AND DRAINAGE EASEMENT SN&D: SET NAIL & DISK • 4839		PRM: PERMANENT REFERENCE MONUMENT • 0.0 = EXISTING ELEVATION ■ - TELEPHONE RISER --- - WIRE FENCE --- - BOARD FENCE ◆ - UTILITY POLE P.O.B. - POINT OF BEGINNING (P) - PLAT (F) - FIELD (D) - DEED (C) - COMPUTED FN&D: FOUND NAIL & DISK	THIS SURVEY IS HEREBY CERTIFIED AS MEETING THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A CERTIFIED TITLE REPORT AND IS NOT A CERTIFICATION OF TITLE, ZONING, OR FREEDOM FROM ENCUMBRANCES. <i>C.E. Davis</i> C.E. DAVIS, CERTIFICATE NO. 4839
CHARLES E. DAVIS LAND SURVEYOR		4409 S.E. 16th PLACE SUITE 8 CAPE CORAL, FLORIDA 33904 TEL: (941) 549-6454 FAX: (941) 549-2548	JOB NUMBER: 98-1819



**COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING**

C. Property Dimensions:

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

Depth (please provide an average width if irregular in shape) 90 feet

Frontage on street: 8.4 feet. Frontage on waterbody: 40 feet

Total land area: 8068 ☐ acres ☒ square feet

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

ACROSS THE STREET FROM DIAMOND HEAD RESORT

☐ 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

☒ Mixed Residential

☐ Boulevard

☐ Pedestrian Commercial

☐ Marina

☐ Recreation

☐ Wetlands

☐ Platted Overlay

Subjects: 1 Affected: 5 Buffer: 500 Date: 3/10 List Size: 93

Index	Subject	FolioId	STRAP	OwnerName	OwnerName	MailAddress	MailAddress	MailCity	MailState
0	TRUE	10228307	19-46-24-V HALLMAN JESSE B +		292 OHIO AVE			FORT MYER FL	
1	FALSE	10227975	19-46-24-V REALBOOK LLC		7901 4 ST N STE 300			ST PETERSE FL	
2	FALSE	10227977	19-46-24-V LAIER DALE J & ROVER		7455 ARGENTINE RD			HOWELL MI	
3	FALSE	10227978	19-46-24-V AMBERJACK PROPERTI		PO BOX 446			OTTOVILLE OH	
4	FALSE	10227980	19-46-24-V OSTEGO INC		1314 LAFAYETTE ST			CAPE CORA FL	
5	FALSE	10227981	19-46-24-V TLR INVESTMENTS LLC		1100 MANCHESTER DR			LINCOLN NE	
6	FALSE	10227982	19-46-24-V JEMS ACQUISITIONS LI		481 NE INDUSTRIAL DR			AURORA IL	
7	FALSE	10227983	19-46-24-V GALLAGHER BETSY I &		1058 GLEN HALL RD			KENNETT S PA	
8	FALSE	10227984	19-46-24-V HODAPP JAMES B + NC		1481 PALOMINO WAY			OVIEDO FL	
9	FALSE	10227985	19-46-24-V PIEC DANIEL J & JOYCE		230 CAROLINA AVE			FORT MYER FL	
10	FALSE	10227986	19-46-24-V DONOGHUE BRIAN J +		256 OSTEGO DR			FORT MYER FL	
11	FALSE	10227988	19-46-24-V NEAF JAMES +		125 PEARL ST			FORT MYER FL	
12	FALSE	10227989	19-46-24-V PROULX DAVID C +		261 OSTEGO DR			FORT MYER FL	
13	FALSE	10227990	19-46-24-V LUTTRELL JOHN P + JAI		258 OSTEGO DR			FORT MYER FL	
14	FALSE	10227992	19-46-24-V AMBERJACK PROPERTI		PO BOX 466			OTTOVILLE OH	
15	FALSE	10227993	19-46-24-V MOORE ERIK & SUSAN		8136 KRONLOKKEN LA			LAFAYETTE IN	
16	FALSE	10227994	19-46-24-V MARSAM COURTVID L		267 CAROLINA AVE			FORT MYER FL	
17	FALSE	10227995	19-46-24-V 253 OSTEGO LLC		1659 FOUNTAINHEAD			FORT MYER FL	
18	FALSE	10227998	19-46-24-V ISLAND BAY MARINA L		290 PEARL ST			FORT MYER FL	
19	FALSE	10228008	19-46-24-V TIMMERMAN PROPER		819 E LAKE ST			OSAKIS MN	
20	FALSE	10228009	19-46-24-V WATER CITY PROPERTI		5377 INLET CT			OMRO WI	
21	FALSE	10228010	19-46-24-V PUNT GREGORY D		7360 195TH AVE SW			PRINSBURG MN	
22	FALSE	10228018	19-46-24-V PORTER CHRISTOPHER		2814 W ESTES AVE			CHICAGO IL	
23	FALSE	10228024	19-46-24-V HAATAJA JUDY A		400 BAYLAND RD			FORT MYER FL	
24	FALSE	10228025	19-46-24-V PASZKIEWICZ AND COI		W282N6554 IRVING PI			HARTLAND WI	
25	FALSE	10228026	19-46-24-V ROY RAYMOND W + JA		243 PEARL ST			FORT MYER FL	
26	FALSE	10228027	19-46-24-V SCHOLTZ DANIEL J + JC		94 WAXWING DR			OTTAWA ON	
27	FALSE	10228028	19-46-24-V BELLEFEUILLE EDWAR		249 PEARL ST			FORT MYER FL	
28	FALSE	10228029	19-46-24-V CARTER EDWARD RUS		251 PEARL ST			FORT MYER FL	
29	FALSE	10228030	19-46-24-V BAKER DONALD J & SH		275 PEARL ST			FORT MYER FL	
30	FALSE	10522406	19-46-24-V BAKER DONALD J & SH		275 PEARL ST			FORT MYER FL	
31	FALSE	10228209	19-46-24-V KARST VERNON		186 MIRAMAR ST			FORT MYER FL	
32	FALSE	10228212	19-46-24-V JOHN MYER RETIREME		519 VAN BUREN ST			RIDGEWOOD NJ	
33	FALSE	10228213	19-46-24-V OLIVER STEPHANIE LY		129 WATSON AVE			OAKVILLE ON	
34	FALSE	10228214	19-46-24-V TRIBBLE KENNETH + LI		226 MIRAMAR ST			FORT MYER FL	
35	FALSE	10228215	19-46-24-V STROUD SUSAN J +		258 RUMSEY RD			TORONTO ON	
36	FALSE	10228216	19-46-24-V DJC ESTATES LLC		151 MATANZAS ST			FORT MYER FL	
37	FALSE	10228217	19-46-24-V SHUFF JOSHUA G & KE		3040 GREEN COOK RO			JOHNSTON OH	
38	FALSE	10228218	19-46-24-V CHAR PROP INC		1821 RIVERSIDE AVE			MARINETT WI	
39	FALSE	10228219	19-46-24-V CHESHER JOHN E + TE		493 RIVERPOINTE DR			DAYTON KY	
40	FALSE	10228220	19-46-24-V KOSTER THERESE A + R		880 3RD ST			FORT MYER FL	
41	FALSE	10228221	19-46-24-V POLLY JAMIE M +		16211 SHENANDOAH C			FORT MYER FL	
42	FALSE	10228222	19-46-24-V WYSONG TERRY L + TC		270 MIRAMAR ST			FORT MYER FL	
43	FALSE	10228223	19-46-24-V CRONEN DANIEL W TR		272 MIRAMAR ST			FORT MYER FL	
44	FALSE	10228234	19-46-24-V CLAYTON LINDA +		205 MIRAMAR ST			FORT MYER FL	

45	FALSE	10228235	19-46-24-V HUNTER DONALD R + I	268 BONNIEMERE RD	SHELBYVILLE KY
46	FALSE	10228236	19-46-24-V BARKER CYNTHIA J	PO BOX 1736	MARTINSVILLE IN
47	FALSE	10228237	19-46-24-V BADA BENG HOLDING	1504 SW 57TH ST	CAPE CORAL FL
48	FALSE	10228238	19-46-24-V WAYNE N KUEHN TR	225 MIRAMAR ST	FORT MYERS FL
49	FALSE	10228239	19-46-24-V KING ROBERT C +	5757 W DELPHI PIKE	MARION IN
50	FALSE	10228240	19-46-24-V LOWE LLC	229 FAIRWEATHER LN	FORT MYERS FL
51	FALSE	10228241	19-46-24-V PITTMAN PAUL & LINDA	165 RIDGEVIEW DR	SPRINGVILLE IN
52	FALSE	10228242	19-46-24-V BOURASSA OLGA K TR	247 MIRAMAR ST	FORT MYERS FL
53	FALSE	10228243	19-46-24-V MCKAY TIMOTHY E & S	2383 FOUR SEASONS F	CROWN POINT IN
54	FALSE	10558954	19-46-24-V TELLO CHRISTOPHER +	16531 SW 49TH CT	MIRAMAR FL
55	FALSE	10557465	19-46-24-V MARTINEK PAULA	275 MIRAMAR ST	FORT MYERS FL
56	FALSE	10228271	19-46-24-V POMEROY LIANA	7011 FAIRWAYS DR	LONGMONT CO
57	FALSE	10228272	19-46-24-V TRUMBULL DEANNA	653 GALWAY DR	IOWA CITY IA
58	FALSE	10228273	19-46-24-V YODER ALLEN + LOU A	PO BOX 307	SUGARCREE OH
59	FALSE	10605176	19-46-24-V NORWOOD DANNY L	217 VIRGINIA AVE	FORT MYERS FL
60	FALSE	10605177	19-46-24-V NORWOOD DANNY L	217 VIRGINIA AVE	FORT MYERS FL
61	FALSE	10228275	19-46-24-V SCHMITT JOHN A	1944 MASSACHUSETTS	ENGLEWOOD FL
62	FALSE	10228276	19-46-24-V SURFUS JOHN D	PO BOX 3053	FORT MYERS FL
63	FALSE	10228277	19-46-24-V NORWOOD ROBERT M	286 VIRGINIA AVE	FORT MYERS FL
64	FALSE	10228278	19-46-24-V SURFUS JOHN D	PO BOX 3053	FORT MYERS FL
65	FALSE	10228285	19-46-24-V MATSON DAVID R & M	281 COUNTRY RD 19	COOPERSTOWN ND
66	FALSE	10228286	19-46-24-V NORWOOD DAN L	1906 ROSE CREEK PKW	FARGO ND
67	FALSE	10228287	19-46-24-V SURFUS JOHN D	PO BOX 3053	FORT MYERS FL
68	FALSE	10228288	19-46-24-V SURFUS JOHN D	PO BOX 3053	FORT MYERS FL
69	FALSE	10228289	19-46-24-V SURFUS JOHN D	PO BOX 3053	FORT MYERS FL
70	FALSE	10228290	19-46-24-V SURFUS JOHN D	PO BOX 3053	FORT MYERS FL
71	FALSE	10228291	19-46-24-V SURFUS JOHN D	PO BOX 3053	FORT MYERS FL
72	FALSE	10228292	19-46-24-V SURFUS JOHN D	291 VIRGINIA AV	FORT MYERS FL
73	FALSE	10228299	19-46-24-V OVIEDO MICHAEL A TR	1569 CRANFORD AVE	FORT MYERS FL
74	FALSE	10228300	19-46-24-V OLIVER ALAN GEORGE	2480 ROYAL WINDSOR	MISSISSAUGA ON
75	FALSE	10228301	19-46-24-V YBARRA KAREN TR	321 N CLARK ST # 100	CHICAGO IL
76	FALSE	10228302	19-46-24-V LENTZ WILLIAM F	270 OHIO AVE	FORT MYERS FL
77	FALSE	10228303	19-46-24-V LYNN ROBERT F + LINDA	715 MT TABOR RD	NEW ALBANY IN
78	FALSE	10228304	19-46-24-V TRAVIS DAVID L + JENNIFER	282 OHIO AVE	FORT MYERS FL
79	FALSE	10228305	19-46-24-V YOUNG DOUGLAS E TR	750 MATANZAS CT	FORT MYERS FL
80	FALSE	10228306	19-46-24-V LOFENDO ANTHONY &	5420 BOXWOOD WAY	NAPLES FL
81	FALSE	10228308	19-46-24-V CULHANE JOHN M TR	7 RESERVIOIR RD	STONY POINT NY
82	FALSE	10228315	19-46-24-V WYATT MICHAEL J + HILARY	5750 LAMBERT RANCH	SEDALIA CO
83	FALSE	10228316	19-46-24-V RESSA ROSE MARIE L/E	259 OHIO AVE	FORT MYERS FL
84	FALSE	10228317	19-46-24-V ITEL HOWARD	265 OHIO AV	FORT MYERS FL
85	FALSE	10228318	19-46-24-V SOTB LLC	1101 NW 42ND PL	CAPE CORAL FL
86	FALSE	10228319	19-46-24-V LUDVIGSEN MARK	281 OHIO AVE	FORT MYERS FL
87	FALSE	10228320	19-46-24-V WETHINGTON BRADLEY	6615 MOSS CREEK PL	INDIANAPOLIS IN
88	FALSE	10228321	19-46-24-V SIMONETTI PAUL & SHARON	8654 LAKEFRONT CT	FORT MYERS FL
89	FALSE	10228322	19-46-24-V WOERNER BRUCE W &	295 OHIO AVE	FORT MYERS FL
90	FALSE	10228323	19-46-24-V DOBBS BRADFELD A +	297 OHIO AV	FORT MYERS FL
91	FALSE	10228324	19-46-24-V YANKE RONALD L	328 BUCKLIN ST	LA SALLE IL

92 FALSE 10550394 19-46-24-V NELSON GARY L + PEG PO BOX 397

BAILEYS HAWI

MailZip	MailCountr	SiteNumbe	SiteStreet	SiteUnit	SiteCity	SiteZip	Legal
33931		292	OHIO AVE		FORT MYEF	33931	GULF BAY VIEW<CR>BLK.E PB 8
33702		200	CAROLINA AVE		FORT MYEF	33931	HILLS T P SUBD PB 3 PG 84<CR>PT
48855		264	CAROLINA AVE		FORT MYEF	33931	HILLS T P SUBD<CR>PB 3 PG 84 PT
45876		210	OSTEGO DR		FORT MYEF	33931	HILLS T P SUBD<CR>PB 3 PG 84 PT
33904		300	OSTEGO DR		FORT MYEF	33931	HILLS T P SUBD<CR>PB 3 PG 84 PT
68523		288	OSTEGO DR		FORT MYEF	33931	HILLS T P SUBD<CR>PB 3 PG 84 PT
60505		280	OSTEGO DR		FORT MYEF	33931	HILLS T P SUBD<CR>PB 3 PG 84 PT
19348		254	OSTEGO DR		FORT MYEF	33931	HILLS TP SUBD<CR>PB 3 PG 84 PT
32765		266	OSTEGO DR		FORT MYEF	33931	HILLS TP SUBD<CR>PB 3 PG 84 PT
33931		230	CAROLINA AVE		FORT MYEF	33931	HILLS TP SUBD<CR>PB 3 PG 84 PT
33931		256	OSTEGO DR		FORT MYEF	33931	HILLS TP SUBD<CR>PB 3 PG 84PT L
33931		270	OSTEGO DR		FORT MYEF	33931	HILLS TP SUBD<CR>PB 3 PG 84 PT
33931		261	OSTEGO DR		FORT MYEF	33931	HILLS TP SUBD<CR>PB 3 PG 84PT L
33931		258	OSTEGO DR		FORT MYEF	33931	HILLS TP SUBD<CR>PB 3 PG 84 PT
45876		220	OSTEGO DR		FORT MYEF	33931	HILLS TP SUBD<CR>PB 3 PG 84 PT
47909		231	OSTEGO DR		FORT MYEF	33931	PARL IN S 1/4 AS DESC IN<CR>OR :
33931		257	OSTEGO DR		FORT MYEF	33931	PARL IN S W 1/4 AS DESC IN<CR>C
33919		253	OSTEGO DR		FORT MYEF	33931	HILLS T P SUBD<CR>PB 3 PG 84 PT
33931		270-294	PEARL ST		FORT MYEF	33931	HILLS T P SUBD<CR>PB 3 PG 84<Cf
56360		250	PEARL ST		FORT MYEF	33931	HILLS T.P.SUBD.<CR>PB 3 PG 84<C
54963		260	PEARL ST		FORT MYEF	33931	HILLS T.P.SUBD.<CR>PB 3 PG 84 P1
56281		256	PEARL ST		FORT MYEF	33931	HILLS T P SUBD<CR>PB 3 PG 84 PT
60645		293	PEARL ST		FORT MYEF	33931	HILLS T P SUBD <CR>PB 3 PG 84<C
33931		231	PEARL ST		FORT MYEF	33931	HILLS T.P.SUBD. PB3/84<CR>PT LT
53029		241	PEARL ST		FORT MYEF	33931	HILLS T P SUBD PB3/84<CR>PT LT1
33931		243	PEARL ST		FORT MYEF	33931	HILLS + P SUB<CR> PB 3 PG 84
K1V 9H2	CANADA	247	PEARL ST		FORT MYEF	33931	HILLS T P SUBD PB 3/84<CR>PT LT
33931		249	PEARL ST		FORT MYEF	33931	HILLS T.P.SUBD.<CR>PB 3 PG 84<C
33931		251	PEARL ST		FORT MYEF	33931	HILLS T.P.SUBD.<CR>PB 3 PG 84 P1
33931		275	PEARL ST		FORT MYEF	33931	HILLS T.P.SUBD.<CR>PB 3 PG 84 P1
33931		265	PEARL ST		FORT MYEF	33931	HILLS T.P.SUBD.<CR>PB 3 PG 84 P1
33931		186	MIRAMAR ST		FORT MYEF	33931	MIRAMAR BLK A PB6 PG31<CR>LC
7450		210	MIRAMAR ST		FORT MYEF	33931	MIRAMAR<CR>BLK.A PB 6 PG 3
L6J 3T5	CANADA	216	MIRAMAR ST		FORT MYEF	33931	MIRAMAR<CR>BLK.A PB 6 PG 3
33931		226	MIRAMAR ST		FORT MYEF	33931	MIRAMAR<CR>BLK.A PB 6 PG 3
M4G 1P9	CANADA	238	MIRAMAR ST		FORT MYEF	33931	MIRAMAR<CR>BLK.A PB 6 PG 3
33931		240	MIRAMAR ST		FORT MYEF	33931	MIRAMAR<CR>BLK.A PB 6 PG 3
43031		242	MIRAMAR ST		FORT MYEF	33931	MIRAMAR<CR>BLK A PB 6 PG 31<
54143		244	MIRAMAR ST		FORT MYEF	33931	MIRAMAR<CR>BLK A PB 6 PG 31<
41074		246	MIRAMAR ST		FORT MYEF	33931	MIRAMAR<CR>BLK A PB 6 PG 31<
33931		250	MIRAMAR ST		FORT MYEF	33931	MIRAMAR<CR>BLK A PB 6 PG 31<
33908		260	MIRAMAR ST		FORT MYEF	33931	MIRAMAR<CR>BLK A PB 6 PG 31
33931		270	MIRAMAR ST		FORT MYEF	33931	MIRAMAR<CR>BLK A PB 6 PG 31<
33931		272	MIRAMAR ST		FORT MYEF	33931	MIRAMAR<CR>BLK.A PB 6 PG 31
33931		205	MIRAMAR ST		FORT MYEF	33931	MIRAMAR<CR>BLK.B PB 6 PG 31

40065	207 MIRAMAR ST	FORT MYEF	33931 MIRAMAR<CR>BLK B	PB 6 PG 31
46151	209 MIRAMAR ST	FORT MYEF	33931 MIRAMAR<CR>BLK.B	PB 6 PG 3
33914	217 MIRAMAR ST	FORT MYEF	33931 MIRAMAR<CR>BLK B	PB 6 PG 31
33931	225 MIRAMAR ST	FORT MYEF	33931 MIRAMAR<CR>BLK B	PB 6 PG 31
46952	235 MIRAMAR ST	FORT MYEF	33931 MIRAMAR<CR>BLK B	PB 6 PG 31
33931	241 MIRAMAR ST	FORT MYEF	33931 MIRAMAR BLK B<CR>PB 6 PG 31<C	
47462	243 MIRAMAR ST	FORT MYEF	33931 MIRAMAR SUBD<CR>BLK.B	PB 6
33931	247 MIRAMAR ST	FORT MYEF	33931 MIRAMAR SUBD<CR>PB 06/31 BLI	
46307	251 MIRAMAR ST	FORT MYEF	33931 MIRAMAR<CR>BLK B PB 6 PG 31<C	
33027	255 MIRAMAR ST	FORT MYEF	33931 MIRAMAR<CR>BLK B PB 6 PG 31<C	
33931	275 MIRAMAR ST	FORT MYEF	33931 MIRAMAR<CR>BLK B PB 6 PG 31<C	
80503	240 VIRGINIA AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK.C	PB 8
52246	250 VIRGINIA AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK C PB 8 P	
44681	260 VIRGINIA AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK C PB 8 PG	
33931	270 VIRGINIA AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK C PB 8 PG	
33931	274 VIRGINIA AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK C PB 8 PG	
34224	280 VIRGINIA AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK.C	PB 8
33932	290 VIRGINIA AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK C	PB 8
33931	286 VIRGINIA AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK C	PB 8
33932	291 VIRGINIA AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK C	PB 8
58425	241 VIRGINIA AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK D	PB 8
58104	251 VIRGINIA AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK D PB 8 PC	
33932	261 VIRGINIA AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK D PB 8 P	
33932	265/267 VIRGINIA AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK D PB 8 PC	
33932	271/273 VIRGINIA AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK D PB 8 PC	
33932	275/277 VIRGINIA AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK D PB 8 PC	
33932	279/281 VIRGINIA AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK D PB 8 PC	
33931	285 VIRGINIA AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK.D	PB 8
33916	256 OHIO AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK.E	PB 8
L5J 1K7 CANADA	262 OHIO AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK E PB 8 PC	
60654	266 OHIO AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK E PB 8 PC	
33931	270 OHIO AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK E	PB 8
47150	278 OHIO AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK.E	PB 8
33931	282 OHIO AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK E PB 8 PC	
33931	284/286 OHIO AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK.E	PB 8
34116	290 OHIO AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK E PB 8 P	
10980	296 OHIO AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK E PB 8 PC	
80135	251/253 OHIO AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK.F	PB 8
33931	259 OHIO AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK F	PB 8
33931	265 OHIO AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK.F	PB 8
33993	275 OHIO AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK F PB 8 PC	
33931	281 OHIO AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK.F	PB 8
46237	285 OHIO AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK F PB 8 PC	
33908	291 OHIO AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK.F	PB 8
33931	295 OHIO AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK F PB 8 PC	
33931	297 OHIO AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK.F	PB 8
61301	298 OHIO AVE	FORT MYEF	33931 GULF BAY VIEW<CR>BLK F PB 8 PC	

54202

300 OHIO AVE

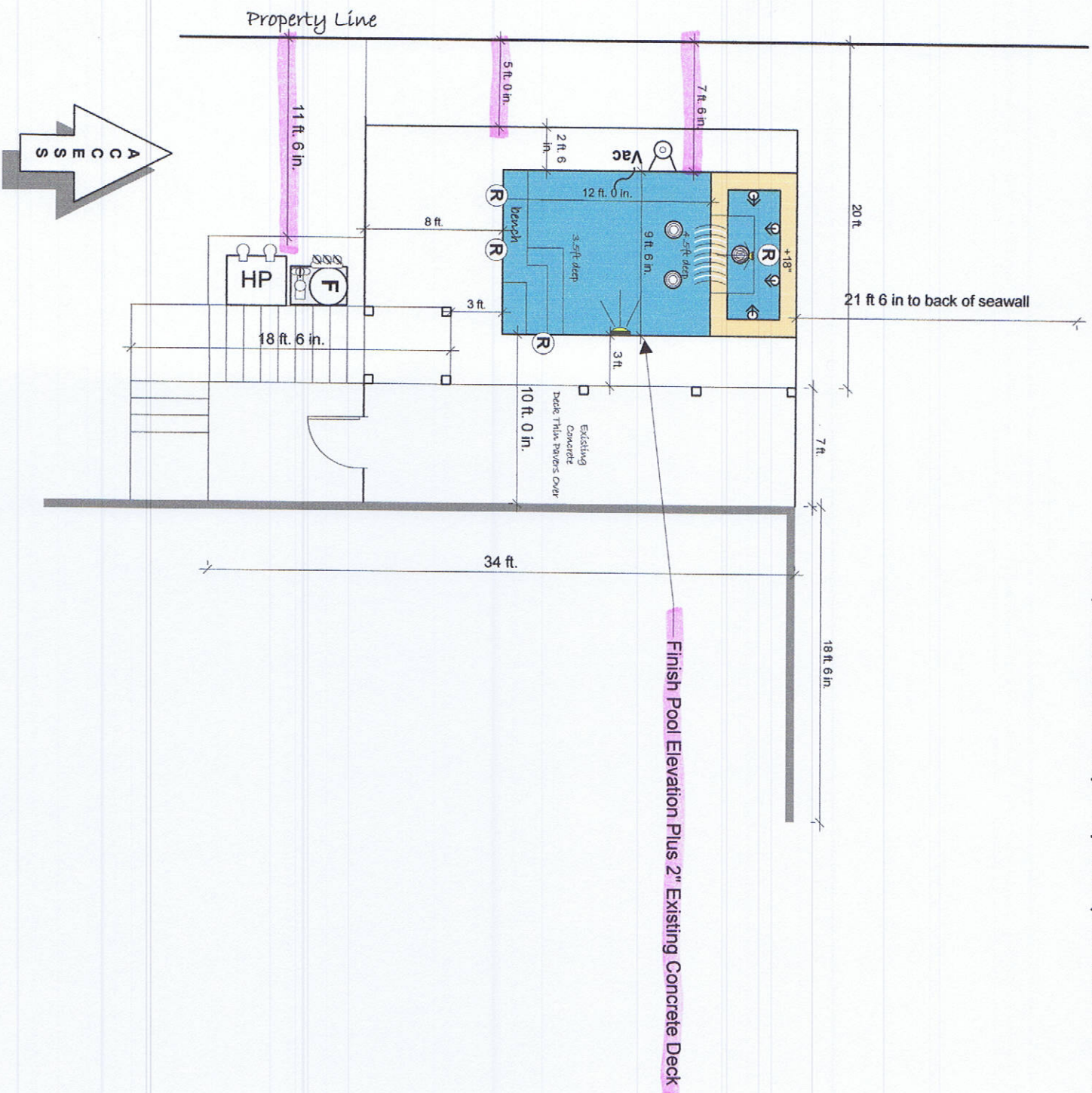
FORT MYER

33931 GULF BAY VIEW<CR>BLK F PB 8 PG

PG 69<CR>N 1/2 LOT 15 S 1/2 LOT 16
 LT 11 N 275 FT OF<CR>OR 1468 PG 1697
 LOT 11<CR>DESC IN OR 1351 PG 1684
 LOT 11<CR>DESC IN OR 1351 PG 1680
 LOT 11<CR>DESC IN OR 1351 PG 1692
 LOT 11<CR>DESC IN OR 1351 PG 1696
 LOT 11<CR>DESC OR 1353 PG 393
 LOT 11<CR>DESC OR 1380 PG 610
 LOT 11<CR>DESC OR 1358 PG 1621
 LOT 11<CR>DESC OR 1365 PG 760
 .OT 11<CR>DESC OR 1354 PG 853
 LOT 11<CR>DESC OR 1358 PG 1617
 .OT 11<CR>DESC 1358 PG 1613
 LOT 11<CR>DESC OR 1357 PG 897
 LOT 11<CR>DESC OR 1362 PG 115
 1361 PG 1551 AKA BLK J<CR>LOT 15 VENETIAN GARDENS
)R 1436 PG 916 AKA BLK J<CR>LOT 17 VENETIAN GARDENS
 LOT 11<CR>DESC OR 1361 PG 1549
 R>PT LOT 19 BEG 1220.2 FT N
 :R>PT LOT 19
 F LT 19<CR>AKA BLK J LT 12
 LT 19<CR>AKA BLK J LOT 11
 R>PT LOT 19 + N 1/2 OF RD R/W DESC IN INST 2005-48084
 19 FR SW COR LT19 TH<CR>N891 TO POB AKA LT7 BLK N
 L9 FR SW COR LOT 19 TH<CR>N941 TO POB AKA LOT 8 BLK N
 4<CR>PT LOT 19 BEG 990.65 FT N
 19-FR SW COR LT 19<CR>RUN N1040.65 TO POB
 :R>PT LOT 19 AKA LT 11<CR>BLK N CL YENTS UNREC
 F LOT 19<CR>AKA LT 12 BLK N CL YENT UR
 F LOT 19<CR>DESC IN INST 2006-111263 PARCEL B
 F LOT 19<CR>OR 1822 PG 2016 + S 1/2 OF RD R/W DESC IN INST 2005-48084 LESS PAR B IN INST 2006-111263
)T 13 + PT OF LOT 14
 1<CR>LOT 15 + POR OF LT 14
 1<CR>LOT 16
 1<CR>LOT 17
 1<CR>LOT 18
 1<CR>LOT 19
 :CR>LOT 20
 CR>LOT 21
 :CR>LOT 22
 CR>LOTS 23 + 24
 L<CR>LOT 25
 CR>LOT 26 + PT LOT 27
 1<CR>LOTS 27 28+29 OR 530 P 769
 L<CR>LOT 13

L<CR>LOT 14
 1<CR>LOT 15
 L<CR>LOT 16
 L<CR>LOT 17
 L<CR>LOTS 18
 CR>LOT 19
 ; PG 31<CR>LOTS 20 21 LESS N10FT 21
 < B<CR>LT22 + N10 FT LT 21
 CR>LOT 23
 CR>LOT 24
 CR>LOTS 25 THRU 29
 PG 69<CR>LOT 13 + N 1/2 LOT 12
 G 69<CR>LOT 14 + S 27 FT OF LT 15
 ; 69<CR>LOT 16 + N 38 FT OF LT 15
 ; 69<CR>LOT 17
 ; 69<CR>LOT 18
 PG 69<CR>LOT 19 + S 1/2 OF 20
 PG 69<CR>LOTS 21 + E 28.48 FT OF
 PG 69<CR>LOTS 20 + 21-PART OF-BEG
 PG 09<CR>LOT 23 + WLY 46.52FT LT 22
 PG 69<CR>LOTS 7 + 8 + N 10 FT LOT 6
 ; 69<CR>LOTS 9 + 10
 G 69<CR>S53FT OF LOT 11
 ; 69 S59.73FT<CR>OF LT 12 + N7FT OF LT 11
 ; 69<CR>LOT 13 + N.27FT OF LT 12
 ; 69<CR>LOT 14 + S7FT OF LT 15
 ; 69<CR>N53FT OF LOT 15
 PG 69<CR>LOT 16
 PG 69<CR>LOT 7
 ; 69<CR>LOT 8
 ; 69<CR>LOT 9
 PG 69<CR>LOT 10
 PG 69<CR>LOT 11
 ; 69<CR>LOT 12
 PG 69<CR>LOTS 13 + PT 14
 G 69<CR>N 45 FT LOT 14 + S 30 FT LOT 15
 ; 69<CR>PORT OF LOT 19 BLK F +<CR>N 1/2 LOT 16
 PG 69<CR>LOT 8
 PG 69<CR>LOT 9
 PG 69<CR>LOT 10
 ; 69<CR>LOTS 11 + 12
 PG 69<CR>LOT 13
 ; 69<CR>LOT 14
 PG 69<CR>LOT 15
 ; 69<CR>LOT 16
 PG 69<CR>LOT 17
 ; 69<CR>PORT OF LOTS 18 + 19<CR>AS DESC IN INST# 2008000153547

ı 69<CR>PORT OF LOT 18 AS <CR>DESC IN INST# 2008000153547



Pacific Pools
Craigspacificpools.com

Phone 458-8600
Fax 458-8339

Craig Stevens

REV

PAGE	1
SCALE	

SCALE 1/8" = 1'

Date 11-29-2021

SHEET 1 OF 1



Pacific Pools
239-458-8600

Standard Pool Specifications

- | | | |
|---------------------------------|---|---|
| *Design and Engineering | * Double Bullnose Brick Coping | *Hayward variable speed pump |
| *Obtain Local Permits | *6 Inch Waterline Tile (\$5 sf Allowance) | *Hayward SwimClear filter |
| *Excavation with 6 Yards Gravel | *Grounding and Bonding Per Code | *White Satin finish w/lifetime warranty |
| *Shotcrete or Gunite Structure | *Concrete Footers Per Code | *Mansard Screen Enclosure |
| *3 Steps in Shallow End | Paver Decking | *2 Screen Doors with Pads |
| *Bench in Deep End | * Electrical Wiring to Equipment | *SuperGutters with Downspouts |
| *2 Inch Plumbing System | *100 Watt Underwater Light | |
| *Auto Vacuum Suction Line | *12 Volt Transformer and J Box | |
| *Skimmer with Overflow Line | | * Safety Door Alarms Per Code |
| *2 Main Drains with Safety Vent | | * 30 Day Pool Service |
| *3 Directional Flow Returns | *Inline Auto Chlorinator | *Homeowner Pool School |

Standard Pool Design

Max Flo VS 500
100 Swim Clear

Options and Upgrades

- | Extended Deck and Screen Enclosure | |
|------------------------------------|--|
| Lanai Topping | |
| Pool Heater | |
| Salt Generator | |
| LED Lighting | |
| Pebble Tec Interior | |
| Other | |
| Other | |
| Other | |

Pool Package Total \$

TERMS

\$500.00 with Contract
30% At Excavation
35% At Granite
30% At Tile
5% At Water in Pool

State Of Florida
CPC-044088

Fully Licensed and Insured!

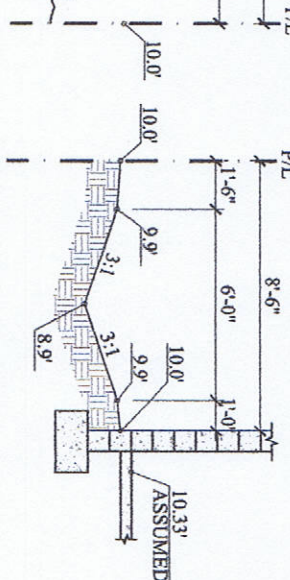
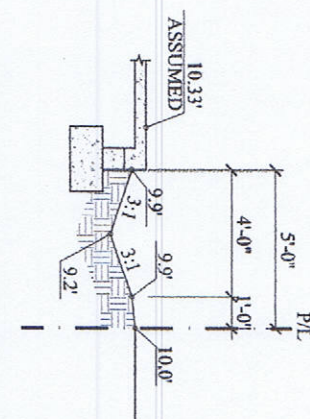
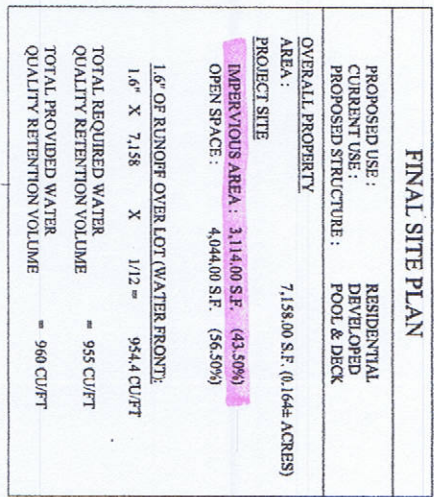
Project Name: Jesse Hallman

Project Address:
292 Ohio Ave
Ft Myers Beach

Project Contact Number

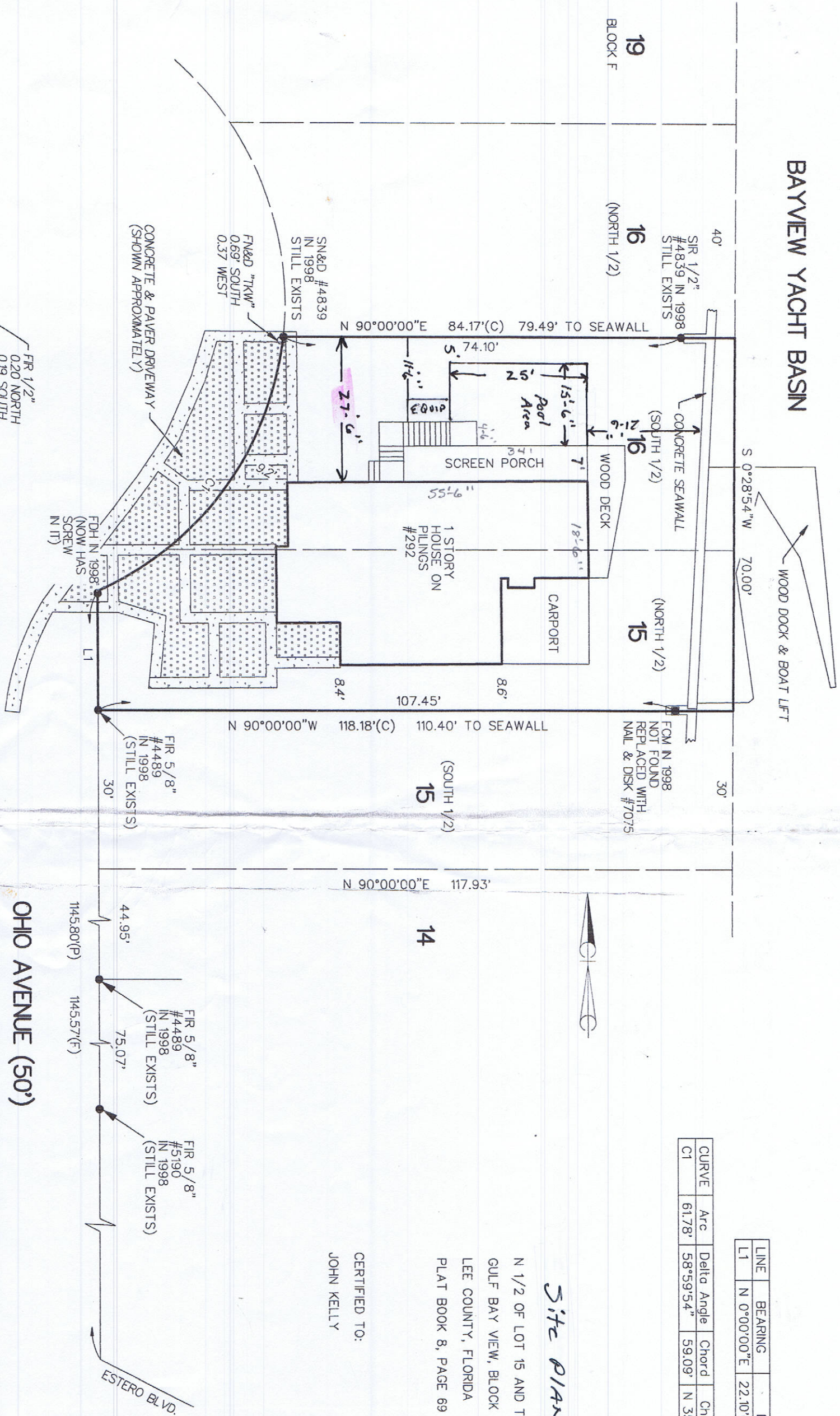
Lot Number:

Construction Type:



Ellen Hottel, P.E. FL LICENSE NO. 91118	AQUA-TERRA ENGINEERING, INC. CIVIL-AGRICULTURAL ENGINEERING CONSULTATION PROJECT ADMINISTRATION CERTIFICATE OF AUTHORIZATION # 28656 P.O. BOX 152049 CAPE CORRAL, FLORIDA 33915-0249 PHONE: (239) 458-4200 FAX: (866) 773-4968
---	--

BAYVIEW YACHT BASIN



LINE	BEARING	DISTANCE
L1	N 0°00'00"E	22.10'(P) 21.72'(F)

CURVE	Arc	Delta Angle	Chord	Ch Bearing	Radius	Tangent
C1	61.78'	58°59'54"	59.09'	N 35°50'45"E	60.00'	33.95'

Site Plan

N 1/2 OF LOT 15 AND THE S 1/2 OF LOT 16
GULF BAY VIEW, BLOCK E
LEE COUNTY, FLORIDA
PLAT BOOK 8, PAGE 69

CERTIFIED TO:
JOHN KELLY

OHIO AVENUE (50')

OHIO AVENUE (50')

BASIS FOR BEARINGS:		OHIO AVENUE		-- ASSUMED BEARING	
COMMUNITY NUMBER	120673	MAP & PANEL NUMBER	12071C0554	SUFFIX	F
DATE OF SURVEY	5/20/13	DATE OF FIRM INDEX	8/28/08	FRM ZONE	AE
SCALE:	0	20	SURVEY DATE: 5/20/13		
LEGEND		THIS SURVEY IS HEREBY CERTIFIED CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM FROM ENCUMBRANCES. NO UNDERGROUND STRUCTURES HAVE BEEN LOCATED BY THIS SURVEY. ANY REFERENCE TO UNDERGROUND STRUCTURES IF ANY IS APPROXIMATE. UNLESS OTHERWISE SHOWN ALL FIELD MEASURED DIRECTIONS AND DISTANCES ARE IN SUBSTANTIAL AGREEMENT WITH THE DIRECTIONS & DISTANCES OF RECORD FOR THE PARCEL SURVEYED. THIS SURVEY MAY NOT BE USED BY OTHER THAN THE GRANTEE AND THE PERSONAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER. INVALID IF USED IN CONJUNCTION WITH OR TO SUPPORT AN OWNERS AFFIDAVIT AFTER 90 DAYS.			
FR = FOUND IRON ROD	FDH = FOUND DRILL HOLE	FCM = FOUND CONCRETE MONUMENT	SR = SET IRON ROD 1/2" LB#7075	PU & DE = PUBLIC UTILITY EASEMENT	DR = DRAINAGE EASEMENT
SN&D = SET NAIL & DISK LB #7075	PRM = PERMANENT REFERENCE MONUMENT	FM&D = FOUND NAIL & DISK	POB = POINT OF BEGINNING	FE, COR = FENCE CORNER	CONC = CONCRETE
* = NOT FIELD MEASURED	LNE = LANE MAINTENANCE EASEMENT	DE = DRAINAGE EASEMENT	NAD= NORTH AMERICAN VERTICAL DATUM OF 1988		

DAVIS SURVEYING INC.
WWW.DAVISLANDSURVEYS.COM
4536 SE 16th PLACE SUITE 3
CAPE CORAL, FLORIDA 33904
TEL(239)549-6454
FAX(239)549-2548
CONTACT@DAVISLANDSURVEYS.COM

JOB NUMBER:
13-0566

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: 242 OHIO AVE FMB
Authorized Applicant: JESSE HAILMAN
LeePA STRAP Number: 19-46-24-W4-0090E.015A

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
SEC 34-1174(d)(1)(d)	LOCATION AND SETBACKS
SEC 34-638(d)(1)(g)	MINIMUM SETBACKS

Complete the narrative statements below for EACH variance requested.

PART I

Narrative Statements

Request for variance from 34-1174(D)(1)(D) (LDC Section number)

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

LOCATION AND SETBACKS GENERALLY WAS CHANGED
AND APPROVED BY COUNCIL ON FEB 7TH 2022

^{SIDE}
The SETBACK WAS CHANGED TO 15% OF THE LOT
WIDTH

Reasons for request

Explain why the variance is needed:

POOL WAS DESIGNED JANUARY 04 2022 AND SUBMITTED
FOR APPROVAL ON MARCH 2ND 2022 TO THE CITY OF
FMB, BUT WAS REJECTED BECAUSE SIDE SETBACK
WAS LESS THAN 10.5 FT. THE POOL WAS DESIGNED
FROM THE OLD ^{SIDE} SETBACK RULING OF 7.5 FT. I
AM SIMPLY ASKING TO ADJUST MY SIDE SETBACK
BACK TO THE ORIGINAL 7.5 FT. PLEASE GRANT
ME THE ADDITIONAL 3 FT OF SIDE SETBACK,
JUST ON ONE SIDE. MOST LOTS ARE 50 FT WIDE
MINE IS 70 FT WHICH EQUATES TO 10.5 FT AS WHERE
OTHER LOTS ARE 7.5 FT LIKE MINE WAS ORIGINALLY BEFORE
THE ORDINANCE CHANGE THAT OCCURED 1 MONTH AGO

From: DaphnieB@fmbgov.com,
To: jessvh@verizon.net,
Cc: Eli.Lee@fmbgov.com, green@fmbgov.com,
Subject: RE: 220289 / 292 OHIO AVE / install pool and spa with paver deck on grade AND FENCE BY OTHERS
Date: Tue, Mar 8, 2022 10:28 am
Attachments: image002.png (26K),

Mr. Hallman,

The Council approved the ordinance on Feb. 7th. The service we use to codify ordinances occasionally have a back log, but that doesn't mean the ordinance isn't applicable.

If you want a deviation from the setbacks, you must submit an application for a variance. A meeting with us will not change that process.

However, if you feel the need to meet with us, I will schedule a meeting with you—but the need to go through the variance process is required if you want to deviate from the setbacks.



Daphnie Bercher Saunders

Community Services
Administrator

Town of Fort Myers Beach

2525 Estero Boulevard

Fort Myers Beach, FL. 33931

Phone: (239) 765-0202

----- FMBgov.com -----

From: Jesse Hallman <jessvh@verizon.net>
Sent: Monday, March 7, 2022 3:46 PM
To: Daphnie Bercher <DaphnieB@fmbgov.com>
Cc: Eli Lee <Eli.Lee@fmbgov.com>; Jason Green <green@fmbgov.com>
Subject: Fwd: 220289 / 292 OHIO AVE / install pool and spa with paver deck on grade AND FENCE BY OTHERS

Hello Daphnie,

My name is Jesse Hallman and I live at 292 Ohio Ave FMB. I have been working with Eli on an ordinance that has not yet been approved which affects me and my building plans immensely.

I have worked with Jason and his team in the last two years involving multiple permits and fees paid to the city along with enormous amount of engineering fees all which involved beautifying my home. Part of the beautification was the addition of a pool in my side yard that have been on my plans for the last two years, subsequently when my pool contractor went to file for permitting we were denied on March 2nd of an ordinance that isn't even recorded as a code yet. We are all confused on this matter and would like to have a meeting with you to discuss our options.

Please schedule something this week so we can meet.

Thank you,

Jesse Hallman

-----Original Message-----

From: BuildingPermits <Buildingpermits@fmbgov.com>
To: Craig <craig@craigspacificpools.com>; Jesse Hallman <jessvh@verizon.net>
Cc: Eli Lee <Eli.Lee@fmbgov.com>
Sent: Wed, Mar 2, 2022 12:56 pm
Subject: 220289 / 292 OHIO AVE / install pool and spa with paver deck on grade AND FENCE BY OTHERS

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

THERE WOULD BE NO ADVERSE EFFECT TO THE PROPERTY NEXT DOOR, AS IT IS CURRENTLY A NATURAL GREEN FENCE THAT WOULD STAY UNDISTURBED.

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

THE PROPERTY IS 70 FT WIDE AND THE NEW ORDINANCE OF 15% OF TOTAL WIDTH AFFECTS HOME OWNERS LIKE MYSELF THE INABILITY TO UTILIZE THEIR PROPERTY TO THE FULLEST. THE SAME PROPERTY OWNER THAT HAS THE COMMON 50 FT LOT IS SUBJECTED TO A 7.5 FT SIDE SETBACK AS WHERE I AM BEING PENALIZED TO A 10.5 FT SIDE SETBACK BECAUSE OF THE WIDTH OF MY PROPERTY.

I ASK THAT I BE GRANTED THE AVERAGE SIDE SETBACK OF 7.5 FT SO I CAN INSTALL A 12 FT POOL, OTHERWISE I AM REDUCED TO A 8 FT " POOL WHICH IS NARROW AND USELESS FOR RECREATION.

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 A VARIANCE DUE TO THE FACT THE NEW ORDINANCE OF SIDE SET BACK WAS CREATED FOR 50 FT LOT OWNERS WHICH IS THE MAJORITY OF LOTS ON FMB.

MY PROPERTY IS 70 FT WIDE WHICH HAS AN ADVERSE EFFECT ON MY SIDE SET BACK ALLOWANCE WHICH IS 10.5 FT AS TO WHERE THE MAJORITY OF PROPERTY OWNERS ENJOY A 7.5 FT SET BACK.

BEFORE THE ORDINANCE WENT INTO EFFECT LESS THAN A MONTH AGO I WAS PLANNING AND DESIGNING MY POOL. IF I SUBMITTED MY POOL APP AT THE BEGINNING OF FEB 2022 THIS ISSUE WOULD BE MOOT AS I WAS SINCE THE TIME OF PURCHASE HAD A 7.5 FT SIDE SET BACK

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:

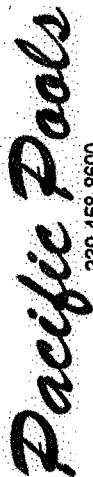
1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a *de minimis* variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;
2. Whether the exceptional 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.

Sod/sprinkler/landscape repair/replacement not included



Craigspacificpools.com

PAGE 1	Phone 458-8600 Fax 458-8339	Craig Stevens	REV
SCALE 1/8" = 1'	Date 11-29-2021	SHEET 1 OF 1	



239-458-8600

Standard Pool Specifications

- *Design and Engineering
*Obtain Local Permits
*Excavation with 6 Yards Gravel
*Shotcrete or Gunite Structure
*3 Steps in Shallow End
*Bench in Deep End
*2 Inch Plumbing System
*Auto Vacuum Suction Line
*Skimmer with Overflow Line
*2 Main Drains with Safety Vent
*3 Directional Flow Returns

Standard Pool Design

Max Flo VS 500
100 Swim Clear

Options and Upgrades

- | Extended Deck and Screen Enclosure | |
|------------------------------------|--|
| Lanai Topping | |
| Pool Heater | |
| Salt Generator | |
| LED Lighting | |
| Pebble Tec Interior | |
| Other | |
| Other | |

Pool Package Total \$

TERMS
\$500.00 with Contract
30% At Excavation
35% At Grout
30% At Tile
5% At Water in Pool

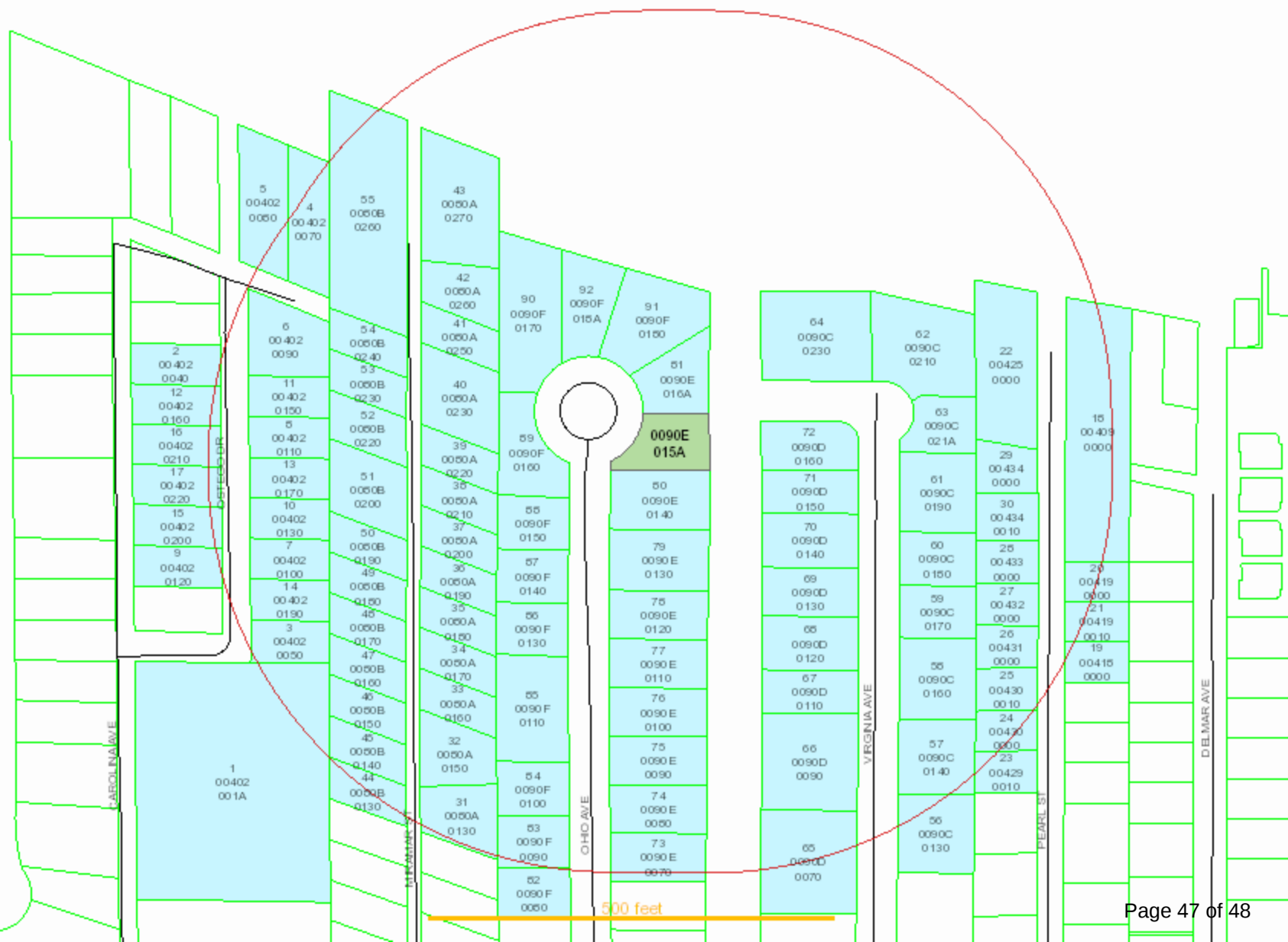
State Of Florida
CPC-044088

Fully Licensed and Insured!

Project Name:	Jesse Hallman
---------------	---------------

Project Address:
292 Ohio Ave
1111 Myers Beach

Construction type:



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

Yellow Sheet Number: **2022-618**

1. Requested Motion:

Meeting Date: April 14, 2022

Approve/Approve with Conditions/Deny VAR20210114, variance to reduce required side-yard setbacks for a garage and bedroom expansion by 5.5 feet and 7 feet. **THE APPLICANT HAS REQUESTED A CONTINUANCE UNTIL AUGUST**

Why the action is necessary:

What the action accomplishes:

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

5. Background:

Attachments:

Financial Impact:

6. Alternative Action

7. Staff Recommendations:

8. Recommended Approval: