



## **Fort Myers Beach Local Planning Agency**

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

**Agenda**

**Tuesday, June 14, 2022**

**9:00 AM**

### **ORDER OF BUSINESS**

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE OF ALLEGIANCE**
- IV. APPROVAL OF MINUTES**
  - A. Draft minutes May 31, 2022
- V. PUBLIC HEARINGS**
  - A. VAR20220031 177 Hercules Dr. Variances (4) Setbacks for new home, garage, and porch.  
**Approve/Approve with Conditions/Deny VAR20220031 for 177 Hercules Dr. allowing four variances for setbacks for a new home, garage and porch.**
- 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.**

|                                                                                   |                                                                                                                       |                                                                                   |                                                                                                                                                   |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <b>For special accommodations, please notify the Town Clerk's Office at least 72 hours in advance. (239) 765-0202</b> |  | <b>Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the Town Clerk's Office.</b> |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|

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: **2022-702**

1. **Requested Motion:**

Draft minutes May 31, 2022

**Meeting Date: June 14, 2022**

**Why the action is necessary:**

**What the action accomplishes:**

2. **Agenda:**

APPROVAL OF MINUTES

3. **Requirement/Purpose:**

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5. **Background:**

**Attachments:**

1. Draft minutes May 31 2022

**Financial Impact:**

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**



## **Fort Myers Beach Local Planning Agency**

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

**Minutes**

**Tuesday, May 31, 2022**

**9:00 AM**

### **ORDER OF BUSINESS**

#### **I. CALL TO ORDER**

Members present: Vice-Chair Jane Plummer, Scott Safford, Patrick Vanasse and Karen Woodson.

Excused: Anita Cereceda, Forrest Critser and Megan Heil.

#### **II. INVOCATION**

Vice-Chair Plummer.

#### **III. PLEDGE OF ALLEGIANCE**

#### **IV. APPROVAL OF MINUTES**

A. Draft minutes April 14, 2022

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

Motion approved 4-0 with LPA Members Heil, Critser and Cereceda excused.

#### **V. PUBLIC HEARINGS**

A. 5-Year Capital Improvement Plan for FY 2023-2027

**Recommend approval of the Town of Fort Myers Beach 5-year Capital Improvement Plan for FY 2023-2027**

Community Development Director Jason Green reviewed projects in the Capital Improvement Plan.

LPA Member Vanasse requested that the LPA be provided a spreadsheet with expenditures to understand it better. Director Green noted there was a summary sheet for the previous fiscal year.

Vice Chair Plummer moved to recommend approval for the 5-year Capital

Improvement Plan for FY 2023-2027; second by LPA Member Vanasse.  
Motion approved 4-0 with LPA Members Heil, Critser and Cereceda excused.

**VI. ADMINISTRATIVE AGENDA**

No items.

**VII. HISTORICAL PRESERVATION BOARD**

Director Green stated that Karyn Slomski was appointed to the Historic Preservation Advisory Committee.

**VIII. LPA MEMBER'S ITEMS/REPORTS**

Vice-Chair Plummer reminded people to prepare for hurricane season.  
LPA Member Safford thanked Carol and Randy from the Shamrock for matching the \$15,000.00 raised for Princess Sofia.  
No items from other members.

**IX. LPA ATTORNEY ITEMS/REPORTS**

No items.

**X. COMMUNITY DEVELOPMENT ITEMS/REPORTS**

No items.

**XI. ITEMS FOR NEXT MONTH'S AGENDA**

Wave runners and vendor ordinance on June 14, 2022.

**XII. PUBLIC COMMENT**

No public comment.

**XIII. ADJOURNMENT**

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

Motion approved 4-0 with LPA Members Heil, Critser and Cereceda excused.

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

Yellow Sheet Number: **2022-679**

**1. Requested Motion:**

**Meeting Date: June 14, 2022**

Approve/Approve with Conditions/Deny VAR20220031 for 177 Hercules Dr. allowing four variances for setbacks for a new home, garage and porch.

**Why the action is necessary:**

The applicant's design requires variances due to their layout and proximity to the property lines. A recommendation from the LPA is required for a variance.

**What the action accomplishes:**

Collectively the variances allow for the structure to be 'pushed' landwards where the existing structure is currently located while accomplishing the wishes of the owners which is to have a newer structure for family with more outdoor living space and accommodation for more parking.

The requested variance are for both structure setbacks to overcome the shallow depths of the lot, compared to the relatively wide width of the property on a street-side setback. The variance regarding the 'movement' of the building and limitations of the length of porches built streetward of minimum house setbacks are aesthetic in nature and are used to break down massing of the structure.

**2. Agenda:**

PUBLIC HEARINGS

**3. Requirement/Purpose:**

The applicants are seeking variances from LDC Sec. 34-638 (Table 34-3)(*ord. 22-01*) of fifteen-feet (15) and five-feet (5), to construct a single-family home closer to rear (north-northwest line) and side property lines (west-southwest line), respectively; and

Reduction of two-feet (2) of additional setback and minimum number of protrusions from two (2) to one (1) required for homes wider than sixty five-feet (65) described in sec. 34-638(d)(5)(a)(1&3)(*ord. 22-01*); and

A variance to the maximum linear length of porches that extend into the primary structure street setback (southernmost line) allowing a total of forty eight-feet (48) of length rather than the

maximum of thirty five-feet as  
described in sec. 34-  
638(d)(2)(b)(3)(*ord. 22-01*).

Variances are approved by  
Town Council by a Resolution.

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## 5. **Background:**

Allen E. and Cynthia A. Shanosky, the applicants for 177 Hercules Drive, are requesting 4 variances from the Town's Land Development Code (LDC):

1. Side Setback (west-southwest line): sec. 34-638 (Table 34-3)(*ord. 22-01*), requires setbacks of twenty four-feet (24) from the side property line, the applicant has provided side-yard setbacks of twenty-feet (20) to the proposed structure, a difference of four-feet (4)
2. Rear Setback (north-northwest line): sec. 34-638 (Table 34-3), requesting a variance of fifteen-feet (15) for the garage from the twenty-foot (20) rear setback, providing a five-foot primary-structure setback.
3. a. Additional Street Setbacks and Projections (southernmost line): sec. 34-638(d)(5)(a)(1)(*ord. 22-01*) requesting a reduction of the additional twelve-feet (12) of setback for homes wider than sixty five-feet (65). The applicants are asking to reduce the additional twelve-foot (12) setbacks by two-feet (2), providing ten-feet (10) of additional setback for a portion of the house.  
  
b. sec. 34-638(d)(5)(a)(3)(*ord. 22-01*) requesting a variance to reduce the minimum number of projections setback the additional twelve-feet (12) from two (2) to one (1).
4. Porch Length Limitations: sec. 34-638(d)(2)(b)(3)(*ord. 22-01*) limiting the width of porches to a maximum of thirty five-feet (35) if they protrude into the twenty five-foot (25) street setback (southernmost line). The applicant is proposing to construct a porch that is forty eight-feet (48) wide within the primary-structure street setback which is thirteen-feet (13) greater than the thirty five-foot maximum (35).

Based on the criteria in LDC Sec. 34-87, Town staff has recommended denial of the four variances.

## **Attachments:**

1. 177 Hercules Dr\_Staff Report\_LPA
2. 11314093-Variance 4- supplemental app
3. 11314094-Variance 3- supplemental app
4. 11314095-Variance 2- supplemental app
5. 11314096-Variance 1- supplemental app
6. 11314097-177 Hercules Dr- Public Hearing
7. 11314138-Cover letter- Exhibit A-Exhibit 6-3
8. 34-638(5)(a)(2) Analysis\_A2.1
9. Neighbor Support Letter\_1
10. Neighbor Support Letter\_2

11. Neighbor Request For Denial\_1
12. Neighbor Request For Denial\_2
13. Neighbor Request For Denial\_3
14. Neighbor Request For Denial\_4

**Financial Impact:**

N/A

**6. Alternative Action**

Approve with conditions, approve as requested.

**7. Staff Recommendations:**

Denial

**8. Recommended Approval:**

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Daphnie Bercher, Community Services Administrator

Date: June 10, 2022

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Jason Green, Community Development Services

Date: June 10, 2022

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John R Herin Jr, Town Attorney

Date: June 10, 2022

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Amy Baker, Town Clerk

Date: June 10, 2022



# *Town of Fort Myers Beach*

## COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**TYPE OF CASE:** Variance

**CASE NUMBER:** VAR20220031

**CASE NAME:** 177 Hercules; to approve four (4) variances for development a new single-family home with a fifteen-foot (15) reduction of the setback to the rear property line (north-northwest line); five-foot (5) reduction of side-yard setbacks (west-southwest line); two-foot (2) reduction of additional street setbacks for structures which are more than sixty five-feet (65) wide; and relief from regulations limiting the overall width of balconies constructed streetward of the twenty five-foot (25) primary structure setback (southernmost line).

**LPA**

**HEARING DATE:** June 14, 2022

**STAFF**

**RECOMMENDATION:** DENY reduction of house setbacks

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

#### **I. APPLICATION SUMMARY**

Applicant/Owner: Allen E. and Cynthia A. Shanosky

Request: The applicants are seeking variances from LDC Sec. 34-638 (Table 34-3) to construct a single-family home closer to side (west-southwest line)(*ord. 22-01*) and rear property line (north-northwest line) than allowed-for under current LDC requirements; reductions to additional setbacks and protrusions required for homes wider than sixty five-feet (65) described in sec. 34-638(d)(5)(a)(1&3)(*ord. 22-01*); as well as a variance to the maximum linear length of porches that extend into

the primary structure street setback (southernmost line) described in sec. 34-638(d)(2)(b)(3)(*ord. 22-01*).

Subject property: See attached site plan

Physical Address: 177 Hercules Drive

STRAP #: 29-46-24-W2-0050E.0070

FLU: Low Density

Zoning: Residential Single-Family (RS)

Adjacent zoning and land uses:

North: RESIDENTIAL SINGLE-FAMILY (RS)  
Single-Family Residences

South: RESIDENTIAL SINGLE-FAMILY (RS)  
Undeveloped Lot

East: BAY WATERWAY  
Open Space

West: RESIDENTIAL SINGLE-FAMILY (RS)  
Undeveloped Lot

**II. BACKGROUND AND ANALYSIS**

Background:

Allen E. and Cynthia A. Shanosky, the applicants for 177 Hercules Drive, are requesting 4 variances from the Town's Land Development Code (LDC):

1. Side Setback (west-southwest line): sec. 34-638 (Table 34-3)(*ord. 22-01*), requires setbacks of twenty four-feet (24) from the side property line, the applicant has provided side-yard setbacks of twenty-feet (20) to the proposed structure, a difference of four-feet (4)
2. Rear Setback (north-northwest line): sec. 34-638 (Table 34-3), requesting a variance of fifteen-feet (15) for the garage from the twenty-foot (20) rear setback, providing a five-foot primary-structure setback.

3. a. Additional Street Setbacks and Projections (southernmost line): sec. 34-638(d)(5)(a)(1)(*ord. 22-01*) requesting a reduction of the additional twelve-feet (12) of setback for homes wider than sixty five-feet (65). The applicants are asking to reduce the additional twelve-foot (12) setbacks by two-feet (2), providing ten-feet (10) of additional setback for a portion of the house.  
  
b. sec. 34-638(d)(5)(a)(3)(*ord. 22-01*) requesting a variance to reduce the minimum number of projections setback the additional twelve-feet (12) from two (2) to one (1).
4. Porch Length Limitations: sec. 34-638(d)(2)(b)(3)(*ord. 22-01*) limiting the width of porches to a maximum of thirty five-feet (35) if they protrude into the twenty five-foot (25) street setback (southernmost line). The applicant is proposing to construct a porch that is forty eight-feet (48) wide within the primary-structure street setback which is thirteen-feet (13) greater than the thirty five-foot maximum (35).

Analysis:

*Side and Rear Setback (west-southwest and north-northwest lines, respectively):* The width of the lot and the minimum setbacks in the LDC—introduced in *ord. 22-01*—would guide the development of this home to be relatively thin and long, the lot is approximately 75-feet by 160-feet. While the applicants could conceivably construct a home that extends farther towards the waterway (east-northeast line), they have decided to request variances to push the structure farther landward and preserve the northernmost neighbor's views of the water while providing as much separation from the Town's pier at the end of Hercules, as possible. Considering that the applicants have purchased the two southwesterly lots directly adjacent to 177 Hercules this limits the number of neighbors who may be directly affected by the house being placed closer to the side property line (west-southwest line).

Based on the documents provided to staff for review there is a question of whether the proposed garage requires a variance as a structurally connected element of the house, or whether it is disconnected from the house and should be defined as an accessory structure requiring reduced setbacks (i.e. 20-foot primary structure rear-setbacks or 5-foot accessory structure rear-setbacks). Staff advised the applicant to apply for a variance for their garage to ensure that the design they presented could be approved regardless of the outcome of the determination ultimately made through Planning & Zoning permit review.

*Porch Length and Additional Street Setbacks (southernmost line):* Porch width maximums and the depth and number of projections are generally aesthetic in nature and intend to break-up massing of the house and invoke a sense of movement from the building facade. While both variance requests would allow the structure to be constructed closer to the roadway (southernmost line) than allowed-for in the code, the length and relative shallow depths of the lot limit the overall protrusion of any

possible house and the requests are relatively minor when compared with the overall scope of the project. An assessment of the wider neighborhood indicate that a vast majority of the structures have been developed with at least twenty-five feet (25) of setback from the right-of-way. Staff believes it will be prudent to require additional landscape material to obscure the proposed protrusion of the porch.

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

At the time of publication, six letters from neighbors have been received by staff, two of the letters provide support for the variance application, while four of them are a request for denial. All letters were received by email and have been provided as part of the package.

Comprehensive Plan Compatibility:

Staff finds that the reduction in the setback to construct a residential improvement in an older subdivision without increasing density is consistent with POLICY 4-B-3 "LOW DENSITY", it does not increase the density or propose any uses not appropriate for the FLU.

Neighborhood Compatibility:

The proposed dimensions of the house are generally larger than existing homes within the neighborhood, but the applicant's lot is considerably larger than most of the lots on Hercules. As noted in the application the homeowners believe that moving the bulk of the proposed structure away from the waterway and the Town's pier will help to preserve the neighborhood feel and reduce disturbances to people visiting the area. The lot as it currently exists contains many mature trees and an established vegetation buffer along Hercules. Staff reminds the applicants that per sec. 14-412(h) that they must make every effort to retain all protected mature shade trees during and after construction.

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 lot is wide and not particularly deep, but while the lot lines do restrict—somewhat—future development of the property, this doesn't constitute an "exceptional" or "extraordinary" condition of the site. The requests can be described as allowing the applicant to develop a home that

retains much of the view corridors as they exist today on the site. Not granting the variance wouldn't preclude the development of a similarly sized home, it would just require that the structure be built closer to the waterway and the Town's pier.

- 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 structure and could meet the more restrictive side/ rear-yard setbacks in effect as of this application. The applicant could also reduce the overall length of the porches and provide for the required number of structural projections. The applicants argue that they would prefer to retain existing open space adjacent to the waterway and the number of trees on the lot.

- 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 serve to avoid obscuring 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 retain or re-plant existing mature canopy trees and buffer material along Hercules.

- 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.*

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)(ord. 22-01) to construct a single-family home closer to side (west-southwest line) and rear property lines (west-northwest line) than allowed-for under current LDC requirements; reductions to additional setbacks and protrusions required for homes wider than sixty

*five-feet (65) described in sec. 34-638(d)(5)(a)(1&3)(ord. 22-01); as well as a variance to the maximum linear length of porches that extend into the primary structure street setback described in sec. 34-638(d)(2)(b)(3)(ord. 22-01) and found that the requests do not meet the requirements set-forth in sec. 34-87. The site/ circumstances are not unique to the site. The decision to construct further landward than the minimum required waterbody setback was made by the owners, to ensure the neighbors' views of the waterway.*

Therefore, staff recommends **DENIAL** of VAR20220031, to construct a single-family home closer to a side/ rear-yard property line, reduce the additional street setbacks and number of structural protrusions and allow additional width of the porch that extends into the primary-structure street setbacks due to the failure to comply with all of the requirements for a variance outlined in LDC Sec. 34-87.

#### **IV. CONDITIONS OF APPROVAL**

N/A



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.

|                              |                        |
|------------------------------|------------------------|
| <b>Case Number:</b>          |                        |
| <b>Project Name:</b>         | 177 Hercules Drive     |
| <b>Authorized Applicant:</b> | Cynthia Shanosky       |
| <b>LeePA STRAP Number:</b>   | 29-46-24-W2-0050E.0070 |
|                              |                        |

|                                             |                                                                     |
|---------------------------------------------|---------------------------------------------------------------------|
| <b>Current Property Status:</b>             | Single-family residential                                           |
| <b>Current Zoning:</b>                      | RS                                                                  |
| <b>Future Land Use Map (FLUM) Category:</b> | Low density                                                         |
| <b>Comp Plan Density:</b>                   | 4DUA                                                                |
| <b>Platted Overlay?</b>                     | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Variance is requested from:

LDC Section Number

Title of Section or Subsection

|        |                                          |
|--------|------------------------------------------|
| 34-638 | (d)(2)b.3. Porches, balconies and stoops |
|        |                                          |
|        |                                          |
|        |                                          |
|        |                                          |
|        |                                          |

Complete the narrative statements below for EACH variance requested.



Case # \_\_\_\_\_ Date Received: \_\_\_\_\_

**PART I**  
**Narrative Statements**

**Request for variance from 34-638-d2b3 (LDC Section number)**

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

Relief is sought from the regulation requiring "porches, balconies, and stoops which extend into the front setback, may not extend 35 feet in width."

See attached Exhibit A - page A1.1

**Reasons for request**

**Explain why the variance is needed:**

The variance is needed to construct a porch that is 49 feet in width.

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

The possible effect the variance would have on surrounding properties is a very positive effect in both the visual appearance of the home as well as increasing the view corridor to Estero Bay. The addition of this outdoor living space fulfills the owners need for ample living space in a newly-constructed, three-bedroom, waterfront home with a much smaller property coverage than the typical newly-constructed home in the area (22% coverage versus the allowable 40% coverage.) In addition, this single-family home will be constructed 55 feet from the Estero Bay instead of the required minimum of 25 feet from the water. This design greatly increases the view of the water from both our adjacent homeowners, and the view-corridor of the water from Hercules Drive neighborhood, and visitors to the public pier and park at the end of Hercules Drive. This home is a timeless, traditional "Old Florida" design, with beautiful porches that adds beauty to the community.

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

Since property's frontage is Hercules Drive, the building envelope is long and narrow, and only 30 feet wide. In an effort to save the property's 100+ year old southern live oak trees on the western side, maximize the water view-corridor on the eastern side, and build a waterfront home with ample living space, relief is being requested to build a beautiful, timeless-designed home in a narrow building envelope. This porch allows homeowner greater distance from the recently created public park assuring the ability to peaceful, quiet enjoyment in a covered, exterior space. The homeowner designed to the previous Code with MHK Architects, and plans were in the engineering phase when the new building codes were adopted.

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

1. There are exceptional or extraordinary conditions inherent to 177 Hercules Dr. because of the narrow 30 feet wide building envelope. The homeowners merely want to satisfy the need for living space (outdoor) while still being able to save all of the old southern live oaks, and maximizing the Estero Bay view corridor for others. In addition, the homeowners wish to keep their living areas as far back from the Town's public pier and park and waterline as to create greater privacy and peace and quiet.
2. The conditions justifying the adoption of the variance are NOT the actions of us. The public park was created 17 years after we purchased 177 Hercules Drive. The homeowners' building plans were in engineering when the new regulation was adopted.
3. The homeowner is building the minimum size home for the five members of their family. The three bedroom home emphasizes outdoor spaces, instead of indoor spaces. By doing such, a home only 22% of the 40% allowable property coverage is being planned.
4. It is our belief that allowing the porch at 49 feet in width allows the homeowners to build a beautiful "Old Florida" home while at the same time maximizing Estero Bay water views and saving the 100+ year old oaks. We believe the granting of this variance will yield beauty of both nature and architecture for the community. Therefore, not only is the passing of this ordinance not detrimental to the public, it will be very beneficial with a thoughtful design (see Exhibit C).
5. It is more reasonable and practical to amend the regulation since this is a very unique property which is adjacent to a newly created public park. The homeowners are merely seeking relief so as to position their outside space (porch) as far from the busy park as possible. Code should be amended to provide relief for properties in identical situations.

not common

## 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;  
  
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.

[illegible]

**SITE PLAN**  
SCALE: 1/8" = 1'-0"  
①

FILE NO: 21116  
SURVEY DATE: 3-23-21





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.

|                              |                        |
|------------------------------|------------------------|
| <b>Case Number:</b>          |                        |
| <b>Project Name:</b>         | 177 Hercules Drive     |
| <b>Authorized Applicant:</b> | Cynthia Shanosky       |
| <b>LeePA STRAP Number:</b>   | 29-46-24-W2-0050E.0070 |
|                              |                        |

|                                             |                                                                     |
|---------------------------------------------|---------------------------------------------------------------------|
| <b>Current Property Status:</b>             | Single-family residential                                           |
| <b>Current Zoning:</b>                      | RS                                                                  |
| <b>Future Land Use Map (FLUM) Category:</b> | Low density                                                         |
| <b>Comp Plan Density:</b>                   | 4DUA                                                                |
| <b>Platted Overlay?</b>                     | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Variance is requested from:

LDC Section Number

Title of Section or Subsection

|             |                                                                                                                                          |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------|
| 34-638-D5a1 | Additional street setbacks for single-family<br>and two-family homes exceeding 65 feet<br>in width in the RS, RC and RM zoning district. |
|             |                                                                                                                                          |
|             |                                                                                                                                          |
|             |                                                                                                                                          |

Complete the narrative statements below for EACH variance requested.

**PART I**  
**Narrative Statements**

**Request for variance from 34-638 (LDC Section number)**

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

Part D, subsection #5, item 1a states "no more the 65 feet of the structure may be constructed between the street setback line (25 feet from the right of way property line) and 37 feet from the street property line. Any portion of the structure exceeding 65 feet in width shall be set back an additional 12 feet (37 feet from the right of way property line).

See attached Exhibit A - page A1.2

**Reasons for request**

**Explain why the variance is needed:**

The unique orientation of this 75 feet deep lot creates a building envelope of only 30 feet. The owners' intent when designing this home was to have architectural interest by including additional setbacks at any width over 57 feet (65' is code). The current setback over 57 feet width is 35 feet (not the 37' required). Due to the narrow building envelope, any dimension greater then 35 feet would reduce the amount of space above to only 13 feet deep versus 15 feet. If not granted, the home would require a redesign that would reduce the view-corridor greatly. We seek only the minimum required to maintain a generous waterside setback of 50+ feet.

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

The effect of granting this variance would be a positive one for the neighbors, neighborhood and great community. It would allow the ability to preserve and protect the 100+ year old southern live oak trees, as well as the view shed for the neighboring public park, and neighborhood. A relief of 2 feet 2.6% of lot depth) would be unnoticeable to the average person, and well worth the protection of over 30 feet of view-shed/corridor.

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

The orientation of this 75 feet wide, bayfront lot, is such that the building envelope is 30 feet by 114 feet. It is not the intent of the homeowners to maximize the size of the potential home, but to maximize the water view-shed where the building of a three-bedroom home that utilizes 22% of the 40% property coverage allowed.



## 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;  
  
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.

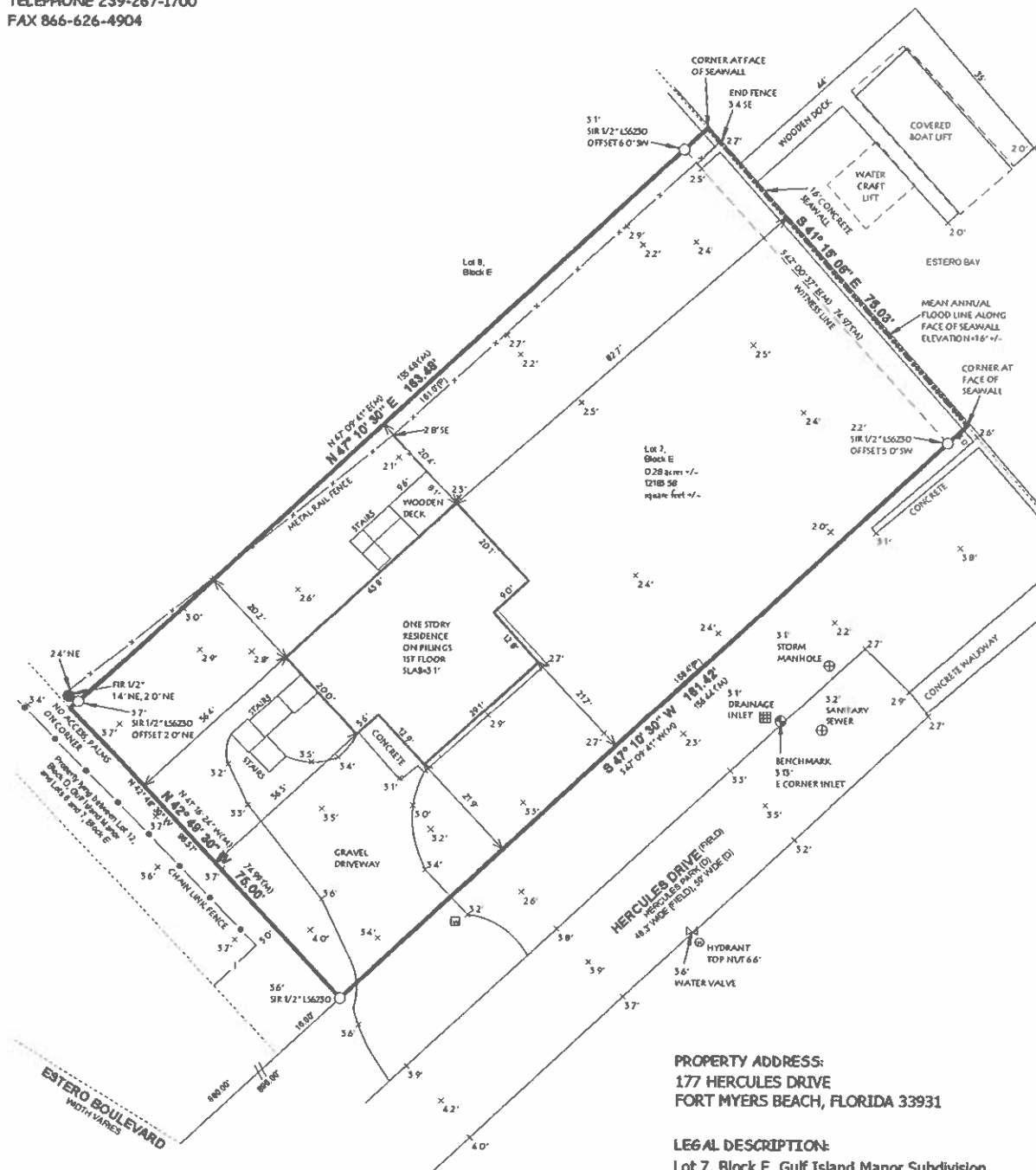
This floor plan shows a building with the following features:
 

- Rooms:** 18 ROOM, 20 ROOM, 21 ROOM, 22 ROOM, 23 ROOM, 24 ROOM, 25 ROOM, 26 ROOM, 27 ROOM, 28 ROOM, 29 ROOM, 30 ROOM, 31 ROOM, 32 ROOM, 33 ROOM, 34 ROOM, 35 ROOM, 36 ROOM, 37 ROOM, 38 ROOM, 39 ROOM, 40 ROOM, 41 ROOM, 42 ROOM, 43 ROOM, 44 ROOM, 45 ROOM, 46 ROOM, 47 ROOM, 48 ROOM, 49 ROOM, 50 ROOM, 51 ROOM, 52 ROOM, 53 ROOM, 54 ROOM, 55 ROOM, 56 ROOM, 57 ROOM, 58 ROOM, 59 ROOM, 60 ROOM, 61 ROOM, 62 ROOM, 63 ROOM, 64 ROOM, 65 ROOM, 66 ROOM, 67 ROOM, 68 ROOM, 69 ROOM, 70 ROOM, 71 ROOM, 72 ROOM, 73 ROOM, 74 ROOM, 75 ROOM, 76 ROOM, 77 ROOM, 78 ROOM, 79 ROOM, 80 ROOM, 81 ROOM, 82 ROOM, 83 ROOM, 84 ROOM, 85 ROOM, 86 ROOM, 87 ROOM, 88 ROOM, 89 ROOM, 90 ROOM, 91 ROOM, 92 ROOM, 93 ROOM, 94 ROOM, 95 ROOM, 96 ROOM, 97 ROOM, 98 ROOM, 99 ROOM, 100 ROOM.
- Setbacks:** 18' SETBACK, 20' SETBACK, 22' SETBACK, 24' SETBACK, 26' SETBACK, 28' SETBACK, 30' SETBACK, 32' SETBACK, 34' SETBACK, 36' SETBACK, 38' SETBACK, 40' SETBACK, 42' SETBACK, 44' SETBACK, 46' SETBACK, 48' SETBACK, 50' SETBACK, 52' SETBACK, 54' SETBACK, 56' SETBACK, 58' SETBACK, 60' SETBACK, 62' SETBACK, 64' SETBACK, 66' SETBACK, 68' SETBACK, 70' SETBACK, 72' SETBACK, 74' SETBACK, 76' SETBACK, 78' SETBACK, 80' SETBACK, 82' SETBACK, 84' SETBACK, 86' SETBACK, 88' SETBACK, 90' SETBACK, 92' SETBACK, 94' SETBACK, 96' SETBACK, 98' SETBACK, 100' SETBACK.
- Other Features:** AREA OF VARIANCE, 100' PER CODE, 25' BUILDING SETBACK, 30' POOL SETBACK.

**SITE PLAN**  
SCALE: 1" = 10'-0"

**MICHAEL YOUNG LAND SURVEYING**  
18714 SPRUCE DRIVE W.  
FORT MYERS, FL. 33967  
YOUNGSURVEYING@AOL.COM  
TELEPHONE 239-267-1700  
FAX 866-626-4904

FILE NO: 21116  
SURVEY DATE: 3-23-21



1) DIMENSIONS ARE IN FEET AND DECIMALS THEREOF AND ARE TAKEN FROM THE RECORDED PLAT UNLESS OTHERWISE NOTED

2) BEARING: 360 IN HEREON ARE BASED ON THE NORTHWESTERLY R/W LINE OF HERCULES DRIVE TO BEAR N 47° 10' 30" E, AS SHOWN ON THE R/W MAP OF ESTERO BOULEVARD

3) LEGAL DESCRIPTION, AS SHOWN, WAS PROVIDED BY CLIENT

4) ONLY IMPROVEMENTS SHOWN WERE LOCATED

5) UNDERGROUND UTILITIES WERE NOT LOCATED

6) PARCELS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, RIGHT-OF-WAYS OF RECORD

7) ABSTRACT NOT REVIEWED AND OPINION OF TITLE NOT DETERMINED

8) ELEVATIONS, IF SHOWN, ARE BASED ON NATIONAL VERTICAL DATUM 1988 IN HAVANA, CUBA. BENCHMARK USED G-245

9) THE PACIFIC SHORE FIRE INSURANCE CO. IN FLOOD ZONE ARE EL 100' AS SHOWN ON FLOOD INSURANCE RATE MAP 120267 0558 F, EFFECTIVE DATE 8-28-06

THIS SURVEY NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

MICHAEL S. YOUNG  
PROFESSIONAL SURVEYOR AND MAPPER  
156230

03-31-2021  
DATE SIGNED

CERTIFIED TO:  
SHANOSKY, ALLEN and CYNTHIA

PROPERTY ADDRESS:  
177 HERCULES DRIVE  
FORT MYERS BEACH, FLORIDA 33931

Lot 7, Block E, Gulf Island Manor Subdivision,  
according to the map or plat thereof, recorded  
in Plat Book 8, Page 68, Public Records of Lee  
County, Florida.

[illegible]



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.

|                                                   |
|---------------------------------------------------|
| <b>Case Number:</b>                               |
| <b>Project Name:</b> 177 Hercules Drive           |
| <b>Authorized Applicant:</b> Cynthia Shanosky     |
| <b>LeePA STRAP Number:</b> 29-46-24-W2-0050E.0070 |
|                                                   |

|                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------|
| <b>Current Property Status:</b> Single-family residential                                                                  |
| <b>Current Zoning:</b> RS                                                                                                  |
| <b>Future Land Use Map (FLUM) Category:</b> Low density                                                                    |
| <b>Comp Plan Density:</b> 4DUA <b>Platted Overlay?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Variance is requested from:

**LDC Section Number** 34-638 **Title of Section or Subsection**

|             |                                              |
|-------------|----------------------------------------------|
| 34-638-D6a1 | Side setbacks requirements for single-family |
|             | and two-family homes in the RS, RC and RM    |
|             | zoning districts.                            |
|             |                                              |
|             |                                              |
|             |                                              |

Complete the narrative statements below for EACH variance requested.



Case # \_\_\_\_\_

Date Received: \_\_\_\_\_

PART I  
Narrative Statements

Request for variance from 34-638 (LDC Section number)

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

The homeowner was in engineering with plans for a single-family home with the previously allowed 7.5 feet side setbacks. Since it is the homeowners wish to save all of their live southern oak trees, the home was planned to be constructed 20 feet off of the side setback, but no more. Since the property is 161.42 feet wide, 15% would be a 24.213 feet side setback. The homeowner would like a side setback of the originally planned 20 feet, a variance of approximately five feet to achieve their originally planned setback on the western side of 177 Hercules.

See attached Exhibit A - page A1.3

Reasons for request

Explain why the variance is needed:

This variance is needed to construct the property as far way from the Estero Bay, and Town's public park and public pier as possible while still preserving the property's old, magestic oaks on it's western side. It is the homeowners' desire to construct their home 20 feet, not the 24.213 feet, from the side setback.



Both adjacent waterfront homeowners, as well as Hercules Drive neighborhood, and visitors to the Town's public park and pier would all greatly benefit from increased view-corridor to Estero Bay. The Single-family home would be able to be constructed 50+ feet away from the waterfront, instead of the required 25 feet waterfront setback.

This property should be granted relief from the new side setback of 15% of the lot's width (24.213 feet side setback for 177 Hercules) because the homeowners are trying to construct their home as far away from the waterfront and the adjacent Town park and pier as possible.

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

1. There are exceptional or extraordinary conditions inherent to 177 Hercules Drive. The Town's public park with picnic tables and fishing pier is adjacent to 177 Hercules Drive. The homeowners seek to construct their home as far away from the park and pier as possible. A side setback will enable to homeowners to construct thir home 50+ feet from the waterfront on one side, but request a variance of 20 feet for their western side setback.
2. The conditions jusitifying the adoption of the variance are NOT the actions of the applicant. The Town built the public park after the homeowners purchased their Hercules Drive property. In addition, The homeowners designed and planned to the previous 7.5 feet side setback when their plans were in enginerring at the creation of the new ordinance.
3. Since our 100+ year old southern live oaks are within the 20 foot side setback that we are requesting, this additional 4.213 feet is the absolute minimum that we would require.
4. The granting of this variance is not injurious or detrimental to the community. In the contrary, it increases the view corridor of Estero Bay to neighbors and community as a whole.
5. Due to the location of this property adjacent to a public park and pier, and the narrow orientation of this property (30 feet wide), challenging building restrictions are created. In addition, the property has an abundance of 100+ year old southern live oaks which is very beautiful, yet very unique to a majority of the properties on Fort Myers Beach. The homeowners have designed and planned around these oaks in order to preserve them. These items individually and in combination with each other, we believe makes our request unique to our property and not not general or recurrent in nature. A variance if granted would provide the homeowners relief from these unique obsticles and allow them to build their dream home, while at the same time, preserving the commnity's view-corridor of Estero Bay.

## 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.

[illegible]

**SITE PLAN**  
SCALE: 1/8" = 1'-0"  
①

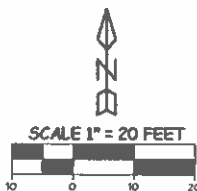
**MICHAEL YOUNG LAND SURVEYING**  
18714 SPRUCE DRIVE W.  
FORT MYERS, FL. 33967  
YOUNGSURVEYING@AOL.COM  
TELEPHONE 239-267-1700  
FAX 866-626-4904

FILE NO: 21116  
SURVEY DATE: 3-23-21



Lot 7, Block E, Gulf Island Manor Subdivision,  
according to the map or plat thereof, recorded  
in Plat Book 8, Page 68, Public Records of Lee  
County, Florida.

- 1) DIMENSIONS ARE IN FEET AND DECIMALS THEREOF AND ARE TAKEN FROM THE RECORDED PLAT UNLESS OTHERWISE NOTED
- 2) BEARINGS SHOWN HEREON ARE BASED ON THE NORTHWESTERLY R/W LINE OF HERCULES DRIVE TO BEAR N 40° 30' E, AS SHOWN ON THE R/W MAP OF ESTERO BOULEVARD
- 3) LEGAL DESCRIPTION, AS SHOWN, WAS PROVIDED BY CLIENT
- 4) ONLY HATCHED AREAS ARE TO BE LOCATED
- 5) UNDERGROUND UTILITIES WERE NOT LOCATED
- 6) PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS RIGHT-OF-WAYS OF RECORD
- 7) ABSTRACT NOT REVIEWED AND ORIGIN OF TITLE NOT DETERMINED
- 8) ELEVATIONS, IF SHOWN, ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988/1989 BENCHMARK REG-G-245
- 9) THE PARCEL NUMBER(S) SHOWN IN FLOOD ZONE ARE AS LISTED AS SHOWN ON FLOOD INSURANCE RATE MAP 120673 0250 F, EFFECTIVE DATE 8-28-06

[illegible]

- X = LIGHT POLE
- = POWER POLE
- = WATER METER
- = WIRELESS LOW-VOLT TELEPHONE BOX
- = CABLE TELEVISION SERVICE BOX
- ① = FUSE MOUNTANT
- = FOUR-CONC MOUNTMENT
- = FOURD BROWN ROOF
- = FOURD MAIL
- = SET MAIL & TAB 15-2520
- = SET 12" BROWN ROOF & CAP 15-2520
- = WATER VALVE
- = TRANSFORMER
- = SANITARY MANHOLE
- = WIRE HEAD
- = PREFIX CENTER OF
- = SERVICE TANK
- = OVERHEAD PLASTIC PIPE
- = CHAIN LINK FENCE
- = OVERHEAD POWER LINES
- = CENTILLINE SHOULDER
- = TOP OF BANK
- = CENTRAL ANGLE
- = RADIUS
- = RAIL LENGTH

THIS SURVEY NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
BASED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

MICHAEL S. YOUNG  
PROFESSIONAL SURVEYOR AND MAPPER  
LS 6230

03-31-2021  
PAID SIGNED

CERTIFIED TO:  
SHANOSKY, ALLEN and CYNTHIA



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.

|                              |                        |
|------------------------------|------------------------|
| <b>Case Number:</b>          |                        |
| <b>Project Name:</b>         | 177 Hercules Drive     |
| <b>Authorized Applicant:</b> | Cynthia Shanosky       |
| <b>LeePA STRAP Number:</b>   | 29-46-24-W2-0050E.0070 |
|                              |                        |

|                                             |                                                                     |
|---------------------------------------------|---------------------------------------------------------------------|
| <b>Current Property Status:</b>             | Single-family residential                                           |
| <b>Current Zoning:</b>                      | RS                                                                  |
| <b>Future Land Use Map (FLUM) Category:</b> | Low density                                                         |
| <b>Comp Plan Density:</b>                   | 4DUA                                                                |
| <b>Platted Overlay?</b>                     | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Variance is requested from:

LDC Section Number

Title of Section or Subsection

|        |                                                     |
|--------|-----------------------------------------------------|
| 34-638 | Table 34-3 from Secs. 34-653-660                    |
|        |                                                     |
|        | Rear setback residential, single-family, waterfront |
|        | homes must be 20 feet.                              |
|        |                                                     |
|        |                                                     |

Complete the narrative statements below for EACH variance requested.

## PART I

### Narrative Statements

#### Request for variance from 34-638, Table 34-3(LDC Section number)

|                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Explain the specific regulation contained in this section from which relief is sought:                                                                                                                                                                                           |
| Relief of 15 feet is sought from the required 20 feet in the rear setback.                                                                                                                                                                                                       |
| A rear set back of 5 feet is requested from our garage.                                                                                                                                                                                                                          |
| See attached Exhibit A - page A1.4                                                                                                                                                                                                                                               |
| Please note that this garage was planned as an "accessory structure," and has been designed to and in accordance with the requirements of the code. Inclusive of a line of separation designed to break away from either side with no loss of structural integrity, venting etc. |
| However, if this is not viewed as an accessory structure, then in an effort to maintain a 50 foot waterfront setback, a relief of 15 feet is requested for the rear setback.                                                                                                     |
| * See Exhibit C for definition of an "accessory structure."                                                                                                                                                                                                                      |

#### Reasons for request

|                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Explain why the variance is needed:                                                                                                                                                                                                                                                                                                                     |
| Due to the unique building envelope (30 feet in width) on this 75 feet wide, waterfront lot, a variance is requested in order to maintain the maximum view-corridor (50+ feet) for the community from the water.                                                                                                                                        |
| In addition, this location of applicant's garage will assist in creating an "Old Florida" architectural appearance, not the "mega cube" style currently being built on our island. The garage was designed to be a less prominent feature of the home by being setback greater from Hercules Drive, and being nestled under the southern live oak trees |
| Granting this variance will also be beneficial to the applicants by affording the homeowners additional safety, privacy, and peaceful enjoyment by locating their home as far away from adjoining, recently created public park with seating for 32 people.                                                                                             |

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

This variance request has the total and complete support of all neighbors in the closest proximity. If granted, this variance request will preserve the view-corridor of the neighbors, neighborhood and visitors to Hercules Drive.

If not granted, the view-corridor will be greatly reduced by forcing the homeowner to move the planned structure 30 feet closer to the water in order to accomodate the garage in a different location.

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

The recent creation of the public Hercules Dr. Pier and park (with seating for 32 people), coupled with the unique orientation of the lot, creating a building envelope on a 75 feet wide lot of only 30 feet wide, creates a hardship requiring relief. The granting of this request will allow the homeowners additional 30 feet of distance from the the Town's park/pier, reducing noise and increasing safety and peaceful enjoyment of their property. In addition, the granting of this variance, creates a more generous view-corridor (50+ feet, instead of the 25 feet required) of Estero Bay for the community. The granting of this request will allow the homeowner the ability to construct an "Old Florida" style home and not a "mega cube" home typical on a waterfront property.

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

1. Rigid compliance to the code is not essential to protect public policy. The exceptional, uniqueness of the narrow building envelope combined with the creation of an adjacent public park, create a need to provide this minimum relief in order to protect the Estero Bay view corridor, and provide additional safety, and noise control to the homeowner. The subject property is elevated at the road of Hercules Drive creating a combined front and rear setback of 45 feet on a 75 feet lot. Subject property is also adjacent to the newly created public park.
2. The public park was created well after homeowners purchased the property. The Town has created the need for relief.
3. The applicants are attempting to build a structure utilizing only 26% of the allowable 40% lot coverage. This minimum relief will allow homeowners to protect the view-corridor for the community while increasing quiet and peaceful enjoyment by being further away from the public park.
4. The granting of this variance will increase the view-shed of Estero bay along Hercules Drive by 35 feet when compared to what could be potentially built on this waterfront property.
5. The request for a setback variance is not uncommon. However, the increasing protection of a view-corridor should be incorporated into an amendment to the regulation. For example, if a property owner agrees to double their waterview setback, setback relief will be provided for other setbacks.

## 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

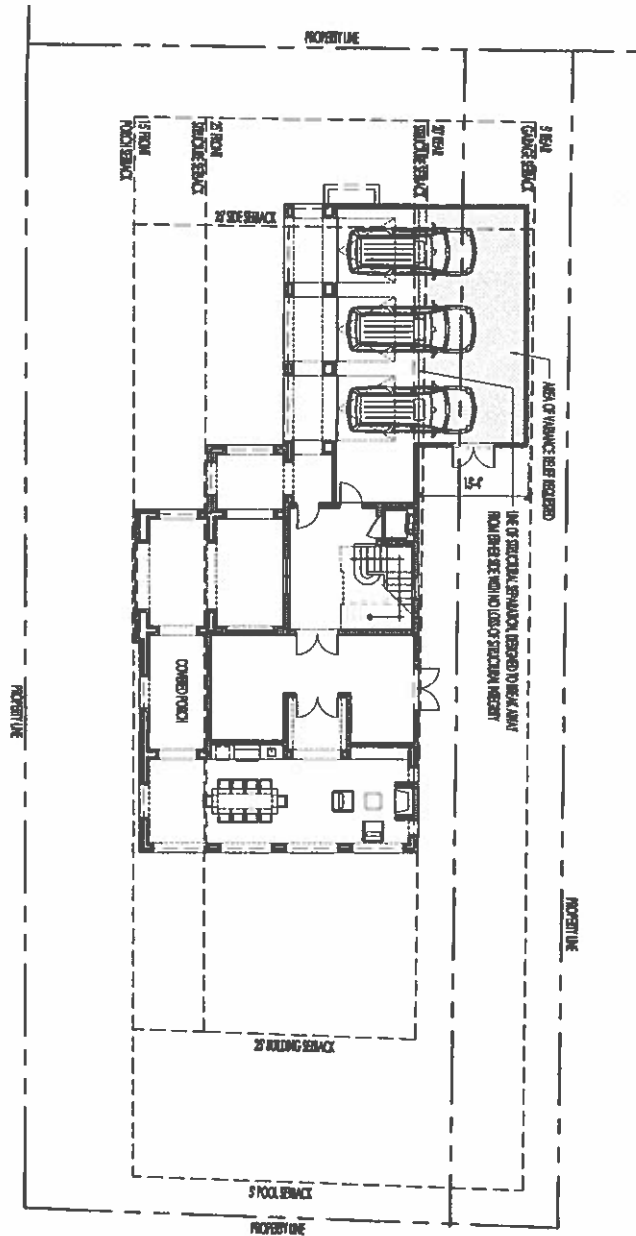
The site plan must show all existing structures on the site; all existing structures within 100 feet of the perimeter boundary of the site; and a clear illustration of the proposed variance.

## 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 requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;
3. Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;
4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare;
5. Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

# Exhibit A-A1.4 - Rear Setback Variance Request (or Confirmation of Accessory Structure)



**SITE PLAN 1**  
Scale: 1/8" = 1'-0"

## Exhibit C

*Residential accessory use* means the use of a structure or premises that is customarily incidental and subordinate to the principal use of a residential structure. See *Use, principal*.

Typical residential accessory uses are: carports and garages; decks, gazebos, patios, and screen enclosures; dock, personal (§ 34-1863); fences and walls (division 17 in article IV); garage sales or yard sales (§ 34-2); recreation facilities, personal; seawalls (ch. 26); storage sheds; and, rental of beach furniture when accessory to a multifamily residential building located adjacent to the Gulf of Mexico containing more than 50 dwelling units.

*Resort accessory use* means the use of a structure or premises that is customarily incidental and subordinate to a resort. See *Use, principal*. Typical resort accessory uses are: amusement devices (§§ 34-2141—34-2145 and 34-3042 of this chapter); golf courses; parasailing operations office (ch. 27 of this LDC); personal watercraft operations office (ch. 27 of this LDC); and rental of beach furniture (ch. 14 of this LDC).

*Roofed* means any structure or building with a roof which is intended to be impervious to weather.

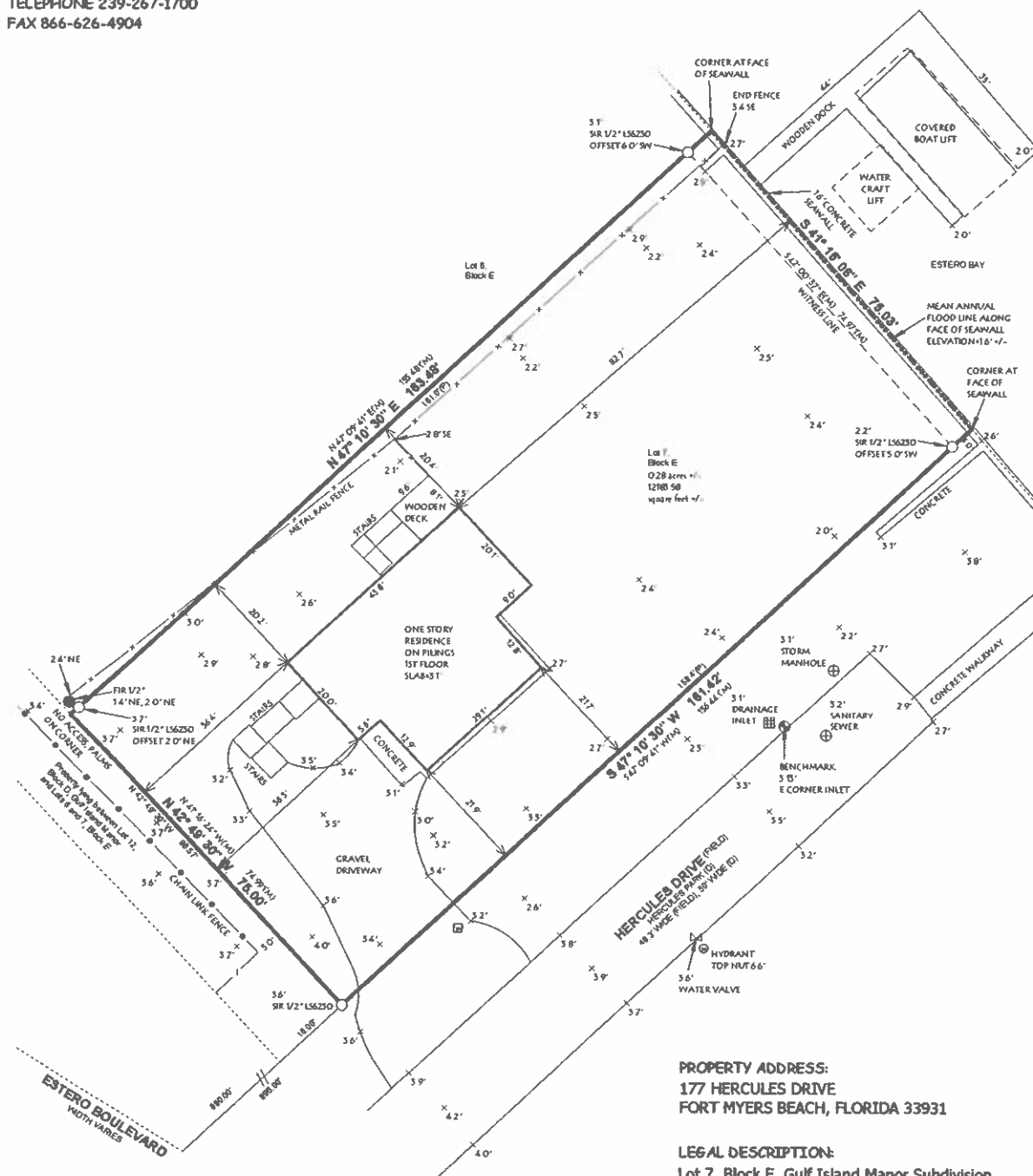
(Ord. No. 15-12, § 2, 1-19-2016)

### Sec. 34-1173. - Development regulations.

- (a) Unless specifically indicated to the contrary, accessory uses and related buildings and structures that are customarily recognized as clearly incidental and subordinate to the principal use of the property are permitted by right when located on the same lot or parcel and in the same zoning category as the principal use, provided that:
- (1) Uses that are listed separately on Table 34-1 of this code, such as drive-throughs and automobile fuel pumps, are not accessory uses and are permitted only in zoning districts where they are explicitly identified in Tables 34-1 and 34-2 of this chapter. However, this limitation does not apply to uses that are explicitly listed in the definitions of residential, commercial, or resort accessory uses.
  - (2) All uses, buildings and structures must comply with all applicable development regulations and building codes.
  - (3) Accessory buildings or structures may be built concurrently with a principal building or structure but, except as provided herein, no accessory use, building or structure shall be commenced, erected, placed, or moved onto a lot or parcel prior to the principal use, building or structure. Exceptions are as follows:

**MICHAEL YOUNG LAND SURVEYING**  
18714 SPRUCE DRIVE W.  
FORT MYERS, FL. 33967  
YOUNGSURVEYING@AOL.COM  
TELEPHONE 239-267-1700  
FAX 866-626-4904

FILE NO: 21116  
SURVEY DATE: 3-23-21



- 1) DIMENSIONS ARE IN FEET AND DECIMALS THEREOF AND ARE TAKEN FROM THE RECORDED PLAT UNLESS OTHERWISE NOTED
- 2) BEARINGS SHOWN HEREON ARE BASED ON THE NORTHWESTERLY R/W/V LINE OF HERCULES DEED TO BEAR N 42° 10' 30" E, AS SHOWN ON THE R/W/V MAP OF ESTERO BOULEVARD.
- 3) LEGAL DESCRIPTION, AS SHOWN, WAS PROVIDED BY CLIENT
- 4) ONLY PERMITS SHOWN HAVE BEEN LOCATED
- 5) UNDERGROUND UTILITIES WERE NOT LOCATED
- 6) PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS RIGHT-OF-WAYS OF RECORD
- 7) ABSTRACT NOT REVIEWED AND OPINION OF TITLE NOT DETERMINED
- 8) ELEVATIONS, IF SHOWN, ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988 (IN ADVANCE) BENCHMARK USED C-245
- 9) THE PARCEL SHOWN HEREON LIES IN FLOOD ZONE AS EL107 AS SHOWN ON FLOOD INSURANCE RATE MAP 120267 0589 F, EFFECTIVE DATE 8-24-06.

MICHAEL S. YOUNG  
PROFESSIONAL SURVEYOR AND MAPPER  
156730

03-31-2021

**CERTIFIED TO:**  
**SHANOSKY, ALLEN and CYNTHIA**

PROPERTY ADDRESS:  
177 HERCULES DRIVE  
FORT MYERS BEACH, FLORIDA 33931

Lot 7, Block E, Gulf Island Manor Subdivision,  
according to the map or plat thereof, recorded  
in Plat Book 8, Page 68, Public Records of Lee  
County, Florida.

AVE + AM CONDITIONS  
 CONC - CONCRETE  
 C=CALCULATED  
 CO - CONC RETE  
 CTV - CABLE TELEVISION SERVICE BOX  
 DP - DRAIN PIPAGE LAYOUT  
 DPM - DRAINAGE  
 E - ELECTRICAL SERVICE BOX  
 E - ELEVATION  
 FCM - FLOOR COVERING MATERIAL  
 FR - FISH FROM EDD  
 FR - SOUND BOMB FR  
 FRB - FISH BOX H&B DRK  
 AM - M&A/DRK  
 HAVSB-HOSTS AMB EIGH  
 HAVSB-HOSTS BATH EIGH  
 HOB - HUBBER  
 O/A - OFFSET  
 O/A - OPTICAL RECORD  
 P - PLAT  
 P/B - POINT OF BEGINNING  
 P/B - POINT OF COMMENCEMENT  
 P/B - PUBLIC UTILITY LAYOUT  
 P/B - ELEVATION OF JUMP  
 RZF - REINFORCED CONCRETE PIPE  
 S - SET UP FROM BOX & CAP 1/2" DIA  
 S - SET RAIL & DRK 1/2" DIA  
 TBS - TELEPHONE TUBES FROM TUB  
 TBS - TELEPHONE SERVICE BOX  
 T - TIGHT POLE  
 T - POWER POLE  
 T - WATER TOWER  
 T - POWER/STANDARD TELEPHONE BOX  
 T - CABLE TELEVISION SERVICE BOX  
 T - FIRE INSULANT  
 T - FOUND CONCRETE FOUNDATION  
 T - POLYMER BONDING  
 T - POLYMER RAIL  
 T - SET RAIL & 1/2" DIA  
 T - SET UP FROM BOX & CAP 1/2" DIA  
 T - WATER VALVE  
 T - TRANSFORMER  
 T - SANITARY MANHOLE  
 T - WELLS HEAD  
 T - AFFRONT CENTER OF  
 T - SEPTIC TANK  
 T - WOODEN FENCY FENCE  
 T - CHAIN LINK FENCE  
 T - OVER LANE SIGNAL LENS  
 T - CENTRALE SIGNAL  
 T - TUB OF MANHOLE  
 T - CENTRAL ANGLE  
 R - RADIIUS  
 L - RAIL LENGTH



## 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](mailto:zoningpermits@fmbgov.com). Please do not submit the instructions at the end of the application.

Site Address: 177 Hercules Drive

STRAP Number: 29-46-24-W2-0050E.0070

Applicant: Allen & Cynthia Shanosky Phone: 908-208-6232

Contact Name: Cynthia Shanosky Phone: 908-208-6232

Email: cynthiashanosky@gmail.com Fax: \_\_\_\_\_

Current Zoning District: RS

Future Land Use Map (FLUM) Category: Low density

FLUM Density Range: 4DUA 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\*: Allen & Cynthia Shanosky Phone: 908-208-6232

*\*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: 177 Hercules Drive, Fort Myers Beach, FL 33931

Email: cynthiashanosky@gmail.com Fax: \_\_\_\_\_

Contact Name: Cynthia Shanosky Phone: 908-208-6232



## COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

**B. Relationship of Applicant to subject property:**

- |                                                     |                                                         |                                              |
|-----------------------------------------------------|---------------------------------------------------------|----------------------------------------------|
| <input checked="" type="checkbox"/> Owner*          | <input type="checkbox"/> Land Trust*                    | <input type="checkbox"/> Partnership*        |
| <input type="checkbox"/> Corporation*               | <input type="checkbox"/> Association*                   | <input type="checkbox"/> Condominium*        |
| <input type="checkbox"/> Subdivision*               | <input type="checkbox"/> Timeshare Condo*               | <input type="checkbox"/> Contract Purchaser* |
| <input type="checkbox"/> Authorized Representative* | <input type="checkbox"/> 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 - 638
- ☐ 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: \_\_\_\_\_ Description: \_\_\_\_\_

Code Section: \_\_\_\_\_ Description: \_\_\_\_\_

Code Section: \_\_\_\_\_ Description: \_\_\_\_\_

### PART IV – Property Ownership (Single Owner)

☒ Single Owner (individual or husband and wife)

Name: Allen & Cynthia Shanosky Phone: 908-208-6232

Mailing Address: 177 Hercules Drive, Fort Myers Beach, FL 33931

Email: cynthiashanosky@gmail.com Fax: \_\_\_\_\_

### AFFIDAVIT

#### APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Cynthia Shanosky 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

Page 3 of 11



## 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.

Cynthia Shanosky  
Signature

Cynthia Shanosky  
Printed Name

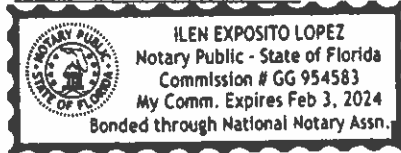
STATE OF Florida COUNTY OF Lee

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

presence OR ☐ online notarization, this 14<sup>th</sup> day of April, 2022, by

Cynthia A. Shanosky, who is personally known to me OR ☒ who has produced

DL# S620-101-67-671-0 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

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.

|                    |                       |
|--------------------|-----------------------|
| _____<br>Signature | _____<br>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: 29-46-24-W2-0050E.0070

Property Address: 177 Hercules Drive, Fort Myers Beach, FL 33931

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

☒ Yes. Property identified in subdivision: Gulf Island Manor Subdivision

Book: 8 Page: 68 Unit: \_\_\_\_\_ 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 6-2.



## COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 161.42 feet  
Depth (please provide an average width if irregular in shape) 75.0 feet  
Frontage on street: 161.42 feet Frontage on waterbody: 75.03 feet  
Total land area: 12,183.58 ☐ acres ☒ square feet

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

Bayfront, residential, mid-island, south of Sky Bridge.

---

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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):

- |                                                 |                                          |
|-------------------------------------------------|------------------------------------------|
| <input checked="" type="checkbox"/> Low Density | <input type="checkbox"/> Marina          |
| <input type="checkbox"/> Mixed Residential      | <input type="checkbox"/> Recreation      |
| <input type="checkbox"/> Boulevard              | <input type="checkbox"/> Wetlands        |
| <input type="checkbox"/> Pedestrian Commercial  | <input type="checkbox"/> Platted Overlay |

CASE NUMBER \_\_\_\_\_

PROJECT NAME 177 Hercules Drive  
APPLICANT Cynthia Shanosky  
STRAP NUMBER 29-46-24-W2-0050E.0070  
CURRENT PROPERTY STATUS Single-family residential  
VARIANCE IS REQUESTED FROM 34-638  
(Front, side, and rear setbacks and porch width)

April 11, 2022

Town of Fort Myers Beach, Fl.

To Whom It May Concern,

Enclosed please find 3 variance request submittals with an accessory structure confirmation or additional variance request if needed.

The accessory structure has been designed to and in accordance with the requirements of the code. Inclusive of a line of separation designed to break away from either side with no loss of structural integrity, venting etc. If not viewed as an accessory structure, then relief is requested for the rear setback (attached).

The design of this home has truly been a "labor of love." Much thought, time and resources have been spent designing this home with the primary goal of minimally increasing our living spaces (indoor and outdoor) for additional family members now living with us, still enjoying a lovely front lawn and retaining as many live oaks as possible while at the same time preserving a beautiful view corridor for the public (55' from the water). This 3 BR waterfront home has been designed to "old Florida" esthetics, not the "mega-cube" currently occurring on our island. This home was also designed to all existing ordinances at the time, and variances are only required due to recent code adoption. In addition, these requests have the complete support of all adjoining property owners.

Regretfully, if any of these requests are denied homeowners will be forced to move home 30' closer to the water, eliminating the view corridor for all neighbors, neighborhood and visitors to Hercules Drive.

Very Truly Yours,



Cynthia Shanosky





| ✕ | STRAP                  | Folio    | Owner Name                   | Site Address            |
|---|------------------------|----------|------------------------------|-------------------------|
| i | 29-46-24-W2-0050E.0070 | 10229741 | SHANOSKY ALLEN E + CYNTHIA A | 177 HERCULES DR, FORT M |

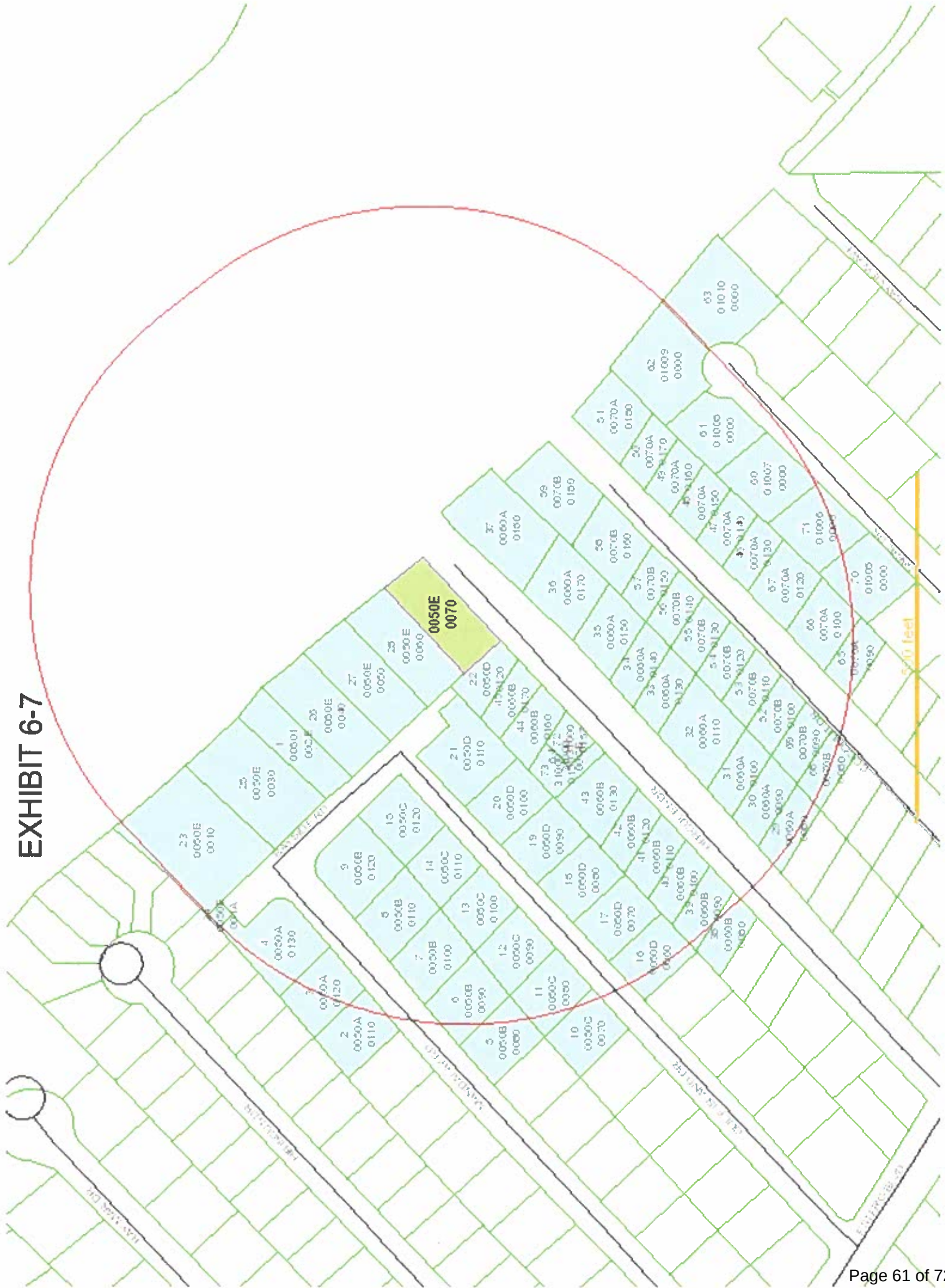
## EXHIBIT 6-6, page 1 of 2

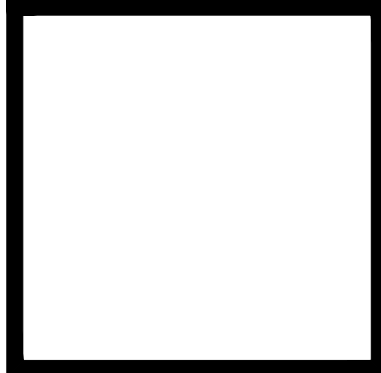
[illegible]

## EXHIBIT 6-6, page 2 of 2

|    |        |          |                        |                                |                            |                    |    |       |
|----|--------|----------|------------------------|--------------------------------|----------------------------|--------------------|----|-------|
| 54 | Polina | 10229771 | 29-06-24-02-00708.0130 | ROBERT LAUREN A TR             | PO BOX 2854                | PORT MYERS BEACH   | FL | 33932 |
| 55 | Polina | 10229772 | 29-06-24-02-00708.0430 | WONG MELBA +                   | 10401 NE 6TH AVE           | MIAMI BEACH        | FL | 33140 |
| 56 | Polina | 10229773 | 29-06-24-02-00708.0140 | BURNS MICHAEL K & KAREN        | 5230 N LAMAR AVE           | CHICAGO            | IL | 60630 |
| 57 | Polina | 10229774 | 29-06-24-02-00708.0150 | COONWELL JAMES P               | 9864 NORTH KILKOURN AVE    | CHICAGO            | IL | 60646 |
| 58 | Polina | 10229775 | 29-06-24-02-00708.0460 | MSV HOLDING TRUST CORP         | 24000 EBRO CT              | BOHOTA SPRINGS     | FL | 34135 |
| 59 | Polina | 10229776 | 29-06-24-02-00708.0480 | ANDRE HEBRA TRUST +            | 114 PLACID DR              | PORT MYERS         | FL | 33919 |
| 60 | Polina | 10229777 | 29-06-24-02-00007.0000 | AGNOM REALTY ENTERPRISES LLC   | 3823 REVERA DR STE 202     | NAPLES             | FL | 34103 |
| 61 | Polina | 10229778 | 29-06-24-02-00008.0000 | MCDONNELL MICHAEL P & AMY E    | 5401 A STREET              | ORLANDO            | FL | 32806 |
| 62 | Polina | 10229779 | 29-06-24-02-01009.0000 | LESZAK-WAY JACQUELYN           | 199 SABAL DR               | PORT MYERS BEACH   | FL | 33931 |
| 63 | Polina | 10229780 | 29-06-24-02-01010.0000 | ST CLAIR RUTHMOND J TR         | 572 W Santee Dr            | GREENSBURG         | GA | 47240 |
| 64 | Polina | 10229781 | 29-06-24-02-33000.0000 | 137119 HERCULES CONDOMINIUM    | 138 COCONUT DR             | PORT MYERS BEACH   | FL | 33931 |
| 65 | Polina | 10229782 | 29-06-24-02-00708.0090 | GOZALEZ FERNANDO GARCIA &      | 140 COCONUT DR             | PORT MYERS BEACH   | FL | 33931 |
| 66 | Polina | 10229783 | 29-06-24-02-00708.0100 | KELLY SCOTT D & PATRICE        | 150 COCONUT DR             | PORT MYERS BEACH   | FL | 33931 |
| 67 | Polina | 10229784 | 29-06-24-02-00708.0120 | WROCHSKI DAVID D &             | 12950 SW 13TH ST UNIT D114 | POINCIPE FL        | FL | 33458 |
| 68 | Polina | 10229785 | 29-06-24-02-00708.0080 | PEARCY MORGAN C + JOANNE CO TR | 805 PEARCE MEADOWS DR      | HUDSON             | WI | 54016 |
| 69 | Polina | 10229786 | 29-06-24-02-00708.0090 | HAUGH PATRICK LAWRENCE &       | 149 SABAL DR               | PORT MYERS BEACH   | FL | 33931 |
| 70 | Polina | 10229787 | 29-06-24-02-01005.0000 | BLACKWELL JOHN R &             | 111 ISLAND DR              | HOWEY IN THE HILLS | FL | 34777 |
| 71 | Polina | 10229788 | 29-06-24-02-01006.0000 | LANSHOWN HEIRS OF              | 72 BLM ST                  | MILTON             | MA | 02183 |
| 72 | Polina | 10229789 | 29-06-24-02-31000.0157 | WHITTEN CARL L &               | 139 HERCULES DR            | PORT MYERS BEACH   | FL | 33931 |
| 73 | Polina | 10229790 | 29-06-24-02-31000.0159 | MACDONALD GELVIN JASON &       |                            |                    |    |       |

EXHIBIT 6-7





LOT 1  
177 HERCULES DRIVE  
FORT MYERS BEACH, FLORIDA

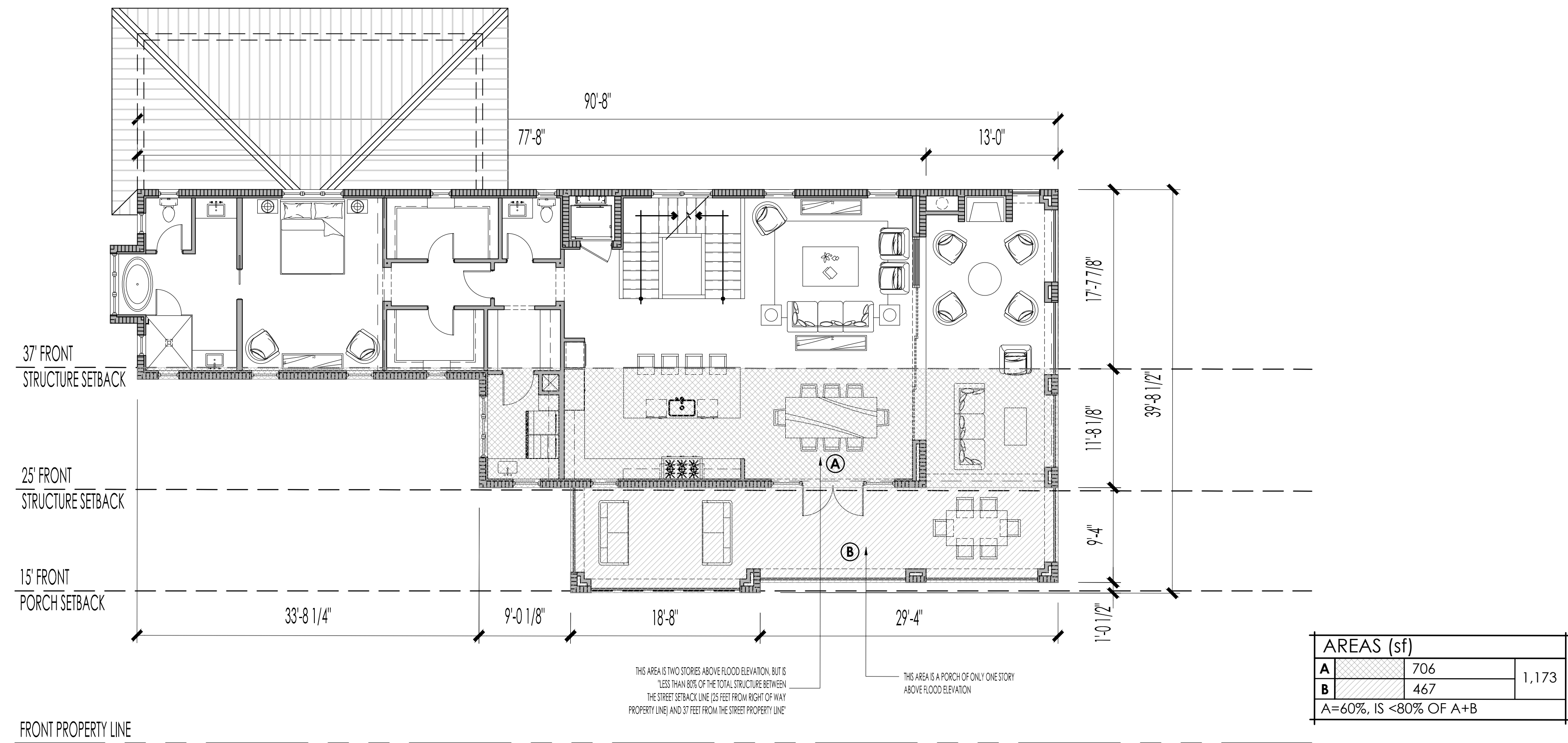
FLORIDA SEAL  
REG# AR 16971  
NOT FOR  
CONSTRUCTION

|        |            |
|--------|------------|
| ISSUE  | DATE       |
| DD SET | 04-11-2022 |
|        |            |
|        |            |
|        |            |

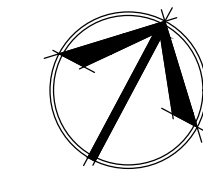
DRAWN BY: JS, JM, LN  
CHECKED BY: JO, TL

PHASE DD  
PR NO 18184

A2.1



SECOND FLOOR PLAN ①  
SCALE: 1/8" = 1'-0"



## Fort Myers Beach LPA

May 23, 2022

Town of Fort Myers Beach  
Town Hall  
Estero Blvd  
Fort Myers Beach, FL 33931

To whom it may concern,

My name is Jason Quilling and my wife Tina and I own the residence directly to the north of the subject property owned by Allen & Cynthia Shanosky. Our address is 4031 Bayside Rd.

I am writing this letter to profoundly support the variance applications submitted by the Shanosky's. It is truly remarkable that Allen & Cindee have spent the amount of time and energy designing a home that will benefit the entire community. It is refreshing that someone building a waterfront home is paying attention to view corridors, tree canopies and architectural design. Truly unique these days.

I would encourage the LPA to approve all 4 variance applications and strongly recommend to council they do the same.

Sincerely yours,

Jason Quilling

A handwritten signature in black ink, appearing to be 'J Quilling', written over a horizontal line.

May 23, 2022

Fort Myers Beach Building Department

Town of Fort Myers

2525 Estero Drive,

Fort Myers Beach, FL 33931

Re: Support of building variances being requested

To whom it may concern,

My name is David Valentine and together with my wife Valerie we are currently under construction of our new home located at 190 Hercules Drive. We decided to move to Fort Myers Beach after visiting many towns up and down the Florida Gulf Coast. The main reasons are because all the natural beauty, scenery, homes but mostly because of the people here at FMB.

Some of the very first people we met here on the island are our neighbors, Allen and Cindee Shanosky, who live across the street from us. They immediately welcomed us and I am proud to say we consider them very good friends now. As we grew to know them, it was really amazing to find out that they have called FMB their home for decades, and their family has generations all that live within a few blocks of each other here mid-island.

We are very excited for them as we have gotten to see and understand their desire to build a new home in place of their current. We believe that their home designs are beautiful, but more importantly they are also very considerate to staying true to the local design intent as well as making sure that they do not interfere with any site lines that the neighbors have. They care more about saving the 100 year old oaks than they do about simply maximizing their foot print. It is rare these days to see new home designs that are so thoughtful and considerate to nature and neighbors.

As we understand, they are asking for 4 variances in order to build the home of their dreams, all of which are 100% supported by me and my wife. We would request that you please approve all of the requested variances as a mean to enhance this community and provide for a home that will reflect the charm, beauty and respect to nature that we see all over this wonderful island.

Sincerely,

David and Valerie Valentine

190 Hercules Drive

David: 248-214-6370

Re: CASE: VAR20220031

Address: 177 Hercules Dr. Fort Beach, Florida 33931

Applicant: Cynthia Shanosky According to Lee County owned by Allen E & Cynthia A. Shanosky

Date: June 14, 2022 at 9AM

Town Council of Fort Myers Beach, Florida 33931

Dear Jason Smalley & Town Council,

I would like this letter to be my representative for the above Variance Request and read at the above Public Hearing on my behalf stating that I DO NOT APPROVE OF THE ABOVE VARIANCE AND WOULD LIKE IT DENIED!

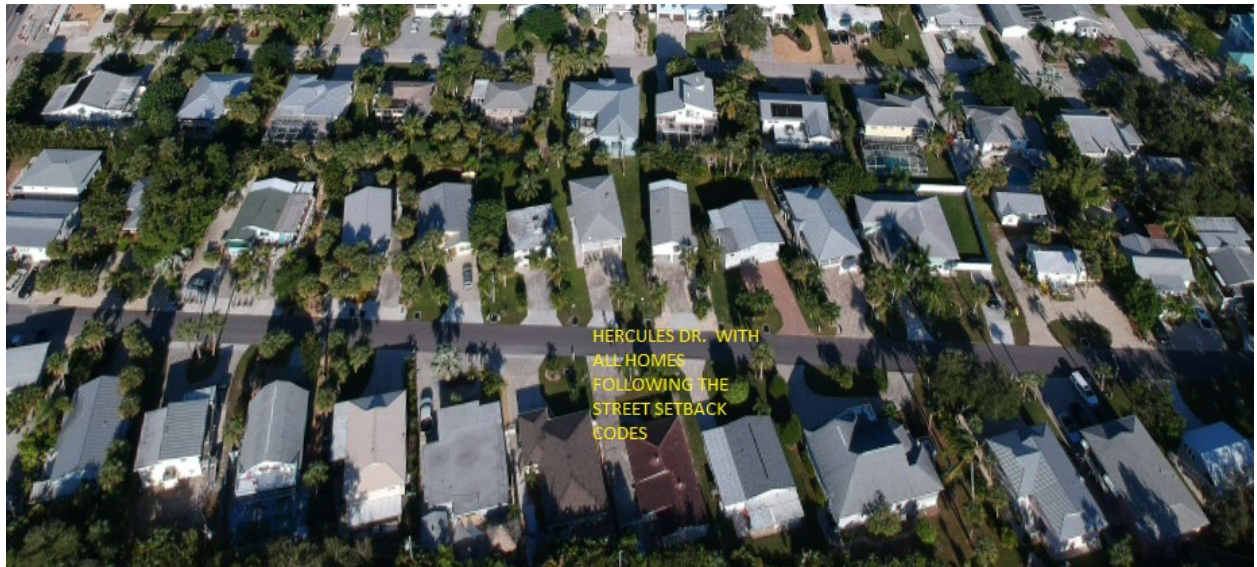
Under code 34-638 Most zoning setbacks require minimum setbacks between all buildings and structures & the STREET applying to other lots on that block or street. Many years ago, the previous owner of 190 Hercules applied for a variance to build closer to the street. It was voted down. The current owner recently built a new home following the current codes for Street setbacks.

On 272 Miramar FMB, that fella applied for a Street Variance & was also denied as it blocked the neighbors view of the beautiful Back Bay. A nice home was than built without the Variance.

**Hercules Park 29-46-24-W2-00600,000A is located at the end of Hercules Dr. with Back Bay Access & directly beside the Shanosky's property at 177 Hercules Dr. It has the Hercules Dock plus picnic tables, drainage ditch between the properties & is used by both the public and Hercules Dr. property owners.** By allowing the Shanosky's to change their Street Setback it would infringe on both the public & local property owners. All homes on Hercules Dr have followed the setback codes for their homes. **Why should someone who owns the property beside his at 4050 Bayside Road, plus 167 Hercules be allowed to go against every property owner that followed the setback codes for their properties on Hercules Dr.?** We have a nice Street & it would definitely take away from our view of the Back Bay which we are now able to see from Estero Blvd.

Building Codes & Setbacks are uniformly applied to all property within the Town of Fort Myers Beach. They are adopted for the protection and promotion of the Public Health, Safety, Comfort, Convenience, Order, Appearance, Prosperity, or general Welfare and for securing safely. Whenever the regulations & requirements are at variance with the requirements of any other lawfully enacted & adopted rules, regulations, ordinances, or laws, THE MOST RESTRICTIVE SHALL APPLY. PLEASE VOTE "NO" TO THIS VARIANCE REQUEST.

Thank you. Sharon & Martin McKay 143 Hercules Dr. FMB, FL 33931 Cell: 219-309-9750 or email: [twoofus@netnitco.net](mailto:twoofus@netnitco.net)



**From:** [carol davis](#)  
**To:** [Jason Smalley](#)  
**Subject:** CASE: VAR20220031  
**Date:** Thursday, June 9, 2022 6:51:43 PM

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Re: CASE: VAR20220031

Address: 177 Hercules Dr. Fort Beach, Florida 33931

Applicant: Cynthia Shanosky According to Lee County owned by Allen E & Cynthia A. Shanosky

Date: June 14, 2022 at 9AM

Town Council of Fort Myers Beach, Florida 33931

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Thank you. Carol e Davis and Maurice Kabili. 117 Hercules Dr FMB, FL 33931  
cell: 239-565-9773 or email [drcaroledavis@gmail.com](mailto:drcaroledavis@gmail.com)

Dr Carol E Davis  
Professor Emeritus and Founding Director  
Florida Gulf Coast University School of Nursing

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

**From:** [MITCHELL PACYNA](#)  
**To:** [Jason Smalley](#)  
**Cc:** [Marti Cambell](#); [Sharon K. McKay](#); [MARY Woj](#); [MITCHELL PACYNA](#)  
**Subject:** Fw: Hercules variance For Shanosky Picture you can also attached to letter.  
**Date:** Friday, June 10, 2022 9:17:37 AM  
**Attachments:** [HERCULES DR WITH ALL HOMES FOLLOWING THE SETBACK CODES.png](#)

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HI, MARY and I live on the corner of HERCULES DR and ESTERO BLVD. for 14 years. I understand the SHANOSKY'S at 177 Hercules, once again are trying to change the greatest block on the beach. We are strongly against changing the variance they are asking for. They just keep trying to ruin what is our very beautiful block for their own gain. THANK YOU

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**From:** twoofus@netnitco.net <twoofus@netnitco.net>  
**Sent:** Thursday, June 9, 2022 4:37 PM  
**To:** marticampbell@earthlink.net <marticampbell@earthlink.net>  
**Cc:** Beth Sewell (Hercules) <sewellbeth@att.net>; Bob Campbell <Claims202020@gmail.com>; Carol Davis (Hercules) <cdavisrn@comcast.net>; Dennis & Carol Hennessy(Hercules) <DENNIS9355@aol.com>; Diane Phillips (Hercules) <d\_phillips4050@yahoo.com>; drcaroledavis@gmail.com <drcaroledavis@gmail.com>; Elena Fernandez (Hercules) <manageusa@gmail.com>; Emerson & Helen Vidal (Hercules) <iccev@aol.com>; Glenn & Barb MacDonald (Hercules) <glennmacdonald@metrocast.net>; Ileana Rodriquez (Hercules) <ileana@ileanasellsmiami.com>; James Scully (Hercules) <jameesscully@optonline.net>; Jane Stutzman (Hercules) <mjanestutzman@comcast.net>; Joan & Felix Maroto (Hercules) <fjmaroto@comcast.net>; Judi Belida (Hercules) <judi2b@gmail.com>; Karen Wessel (Hercules) <kwessel1630@aol.com>; Kevin Fleishman (Hercules) <kfleishman17@gmail.com>; Kevin Hones (Hercules) <KevinHones@aol.com>; Mary & Mitch <misstilliemae@msn.com>; Mary Warren (Hercules) <catmandu@netins.net>; Mike Erosky (Hercules) <mike.erosky@gmail.com>; Mitch & Mary <mitchmary@msn.com>; Nancy & John Hodson (Hercules) <johnandnancyhodson@gmail.com>; Nancy Slager (Hercules) <neslager@hotmail.com>; Penny Jarrett (Hercules) <pjarrett32@yahoo.com>; R Clinton Campbell <rclintoncampbell@gmail.com>; Sandra Lester (Hercules) <drslester@gmail.com>; Tim Wessel (Hercules) <twessel@campingworld.com>  
**Subject:** Re: Hercules variance For Shanosky Picture you can also attached to letter.

On 2022-06-09 15:30, twoofus@netnitco.net wrote:

- > The Shanosky's are asking for a variance to build their new home at
- > 177 Hercules Dr. closer to the street then the setback code. All of
- > our houses had to follow the setback codes & they should too. They
- > also own the adjacent two lots. They also caused the Town a lot of
- > attorney fees fighting replacing our Hercules Dock that they now want
- > to build closer too. Many years ago the vacant lot at 190 Hercules
- > applied for a similar variance and was turned down. That owner then
- > sold that property which the new owners followed the setback codes.
- >
- > Please email Jason Smalley [JSMalley@FMBGOV.com](mailto:JSMalley@FMBGOV.com) and let them know
- > your feelings about Shanosky's home being built closer to the street
- > than the codes allow. Thank you
- >
- > The Public hearing is set for 9AM Tuesday morning June 14th, so

> please get your letters in ASAP. I did attach a sample of my  
> letter. You can copy & send, or add onto it. Thanks. Sharon McKay  
> email: twoofus@netnitco.net  
>  
>  
>  
>  
>  
> On 2022-06-09 15:08, marticampbell@earthlink.net wrote:  
>> Hi Neighbors!  
>>  
>> I'm trying to figure out how to send our Hercules neighbor, Sharon  
>> McKay, a list of us with our email addresses. She is working on a  
>> new  
>> issue of a variance hearing coming up on June 14. I'll try to  
>> forward  
>> her email to you, but also be watching for one from her -  
>> twoofus@netnitco.net- (I'm writing this from memory, so hope it's  
>> correct.)  
>>  
>> Thank you!  
>>  
>> Marti Campbell

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**From:** [R. Clinton Campbell](#)  
**To:** [Jason Smalley](#)  
**Subject:** Resident's feelings regarding variance request  
**Date:** Friday, June 10, 2022 9:13:53 AM

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Re: CASE: VAR20220031

Address: 177 Hercules Dr. Fort Beach, Florida 33931

Applicant: Cynthia Shanosky According to Lee County owned by Allen E & Cynthia A. Shanosky

Date: June 14, 2022 at 9AM Town Council of Fort Myers Beach, Florida 33931

Dear Jason Smalley & Town Council:

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Under code 34-638 Most zoning setbacks require minimum setbacks between all buildings and structures & the STREET applying to other lots on that block or street. Many years ago, the previous owner of 190 Hercules applied for a variance to build closer to the street. It was voted down. The current owner recently built a new home following the current codes for Street setbacks. On 272 Miramar FMB, that party also applied for a Street Variance and was also denied as it blocked the neighbors' views of the beautiful Back Bay. A very high end home was then built without the Variance.

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All homes on Hercules Dr have followed the setback codes for their homes. Why should someone who owns the property beside his at 4050 Bayside Road, plus 167 Hercules be allowed special consideration after every property owner on the street adhered to the setback codes for their properties on Hercules Dr.?

We have a nice street and it would definitely take away from our view of the Back Bay which we are now able to see from Estero Blvd. Building Codes & Setbacks are uniformly applied to all property within the Town of Fort Myers Beach. They are adopted for the protection and promotion of the Public Health, Safety, Comfort, Convenience, Order, Appearance, Prosperity, or general Welfare and for securing safely. Whenever the regulations & requirements are at variance with the requirements of any other lawfully enacted & adopted rules, regulations, ordinances, or laws, THE MOST RESTRICTIVE SHALL APPLY.

PLEASE VOTE "NO" TO THIS VARIANCE REQUEST

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