APPENDIX A TO FORT MYERS BEACH TOWN COUNCIL MEETING
OCTOBER 20, 2003

The following is a transcript of a letter read into the record by Marc Beaudin of 210 Miramar Street, Fort Myers Beach during the Public Hearing portion of Agenda Item VI.A.

> "My family and I have lived on Fort Myers Beach as full-time residents for almost 25 years in the same house at 210 Miramar Street next door to 216 Miramar Street. Actually, bordering the South side of it. Our children grew up here on the Beach. A few years ago the former owners of 216 Miramar misrepresented and fraudulently applied for a permit to replace an existing structure. This existing structure consisted of a small set of steps which (inaudible) this is the way they looked before. This picture was taken in 1984 after a storm, an Easter storm. It shows the deck prior to 1992.

Mayor Hughes asked whether it was as shown in the photograph until 1992. Mr. Beaudin replied, "Around 1992."

Mr. Beaudin presented a picture of the present structure and another copy of a picture taken in 1984 which he gave to Council.

> "The existing structure (which I just showed pictures) was replaced by … what replaced the single set of steps was a wraparound deck of more than 500 square feet. The new structure flagrantly and aggressively ignored the County setback restriction and encroached on the properties of the three surrounding neighbors. After repeated phone calls, letters, and visits from County inspectors the wraparound deck was indeed declared to be an illegal structure and ordered to be destroyed. We patiently waited for the deck to be removed. Over the next few years and months the former owners attempted to turn this same house into an illegal duplex. We again had to address the County to try and help us stop the disregard for County restriction and codes. We appeared before the Lee County Hearing Examiner, wrote more letters, made phone calls and waited for County inspectors to help us resolve these issues. At one point in time we were told that the County did not want to become involved in the border dispute. The issue of the illegal duplex seemed to become a priority and tenant after tenant revolved through the two units. Parties, drugs, child abuse, and illegal alcohol became part of the daily lives lived through transients and less desirable neighbors. According to the Sheriff's office record, deputies were dispatched 25 times during a 6-month period with problems ranging from domestic disturbance, drunk and disorderly. Although the duplex was also declared illegal, nothing was ever done about the deck and the illegal structure that stands today as a constant reminder of a sordid and unforgettable past. When Mr. Lucas bought the property at 216 Miramar a breath of relief … a sigh of relief. We looked forward to a new neighbor and a new environment for our family. When Mr. Lucas began the process of raising the house and replacing pilings we naively assumed that County setback requirements would not allow the illegal deck to be raised and thrust into our faces from a higher and more objectionable perspective than the original structure. Mr. Lucas never approached his neighbors to work out a solution to the illegal structure after he had been told so. Please bear in mind, my fellow neighbors on Fort Myers Beach, that this structure is something that none of you would like next door to your own property. The deck is within a foot from the Tribble property, within two feet of my property, and within a foot of the Staley(?) property. This is far from the seven and one-half width required legal setback. Please also take into consideration that the property at 216 Miramar had been used as a rental property for the last twenty years of my residence on Miramar Street. Not a single owner, including Mr. Lucas, has occupied that house. The design of the deck is overpowering and provides a space and area for the partying which goes on of constant vacationing rental tenants. Even normal conversation finds its way from the deck into our kitchen and living area. This is not a

question of a few inches or feet which we find objectionable. This is an area in square footage which represents real living space which negatively impacts the enjoyment and use of our own property. The vacationing tenants and renters should not have the right to disrupt our lives and force us to close doors and windows so as not to be a part of their holiday atmosphere. There are responsibilities when you buy a house. That is why people use the professional help of a Realtor. The current owner made a mistake in never searching the property history, and now this problem becomes the burden of his immediate neighbors. This hardship on the neighbors has existed for years. Ignorance of the rules and laws is not a legitimate excuse for granting a variance. The use of a variance was not designed to allow one piece of property to infringe and encroach on another's lives. Again, I must emphasize that this structure were next door to you, I honestly believe that you would vote for the protection of your property and your property values and not allow the structure to stand. Before this property changed hands I respectfully request that you deny the variance and rule that this illegal structure be removed. Your action will make up for the years of disregard by County and Fort Myers Beach illegal setbacks by sequential owners of this property. The great excuse of dealing with an existing structure is neither moral nor fair in terms of the effect this engineering nightmare has on our lifestyle. Please do not lay this hardship on us. This deck infringement our living space. To put it mildly, we have been victims of this violation for too long. We have spent many hours researching the facts of this matter and have spent money on professional legal help over the years. In recent weeks the variance was denied at Fort Myers Beach LPA, the Lee County Zoning Department recommends denial of the variance. I sincerely hope that you will rule in the same manner. I really and deeply appreciate your help and concern in this matter. Thank you."