FORT MYERS BEACH
TOWN COUNCIL MEETING
APRIL 8, 2002
LAND USE MEETING
Town Hall - Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA

I. CALL TO ORDER

Mayor Daniel Hughes opened the Regular Meeting of April 8, 2002 on Monday, April 8, 2002, at 9:00 AM

Council members present at the meeting: Mayor Daniel Hughes, Vice Mayor Terry Cain, Howard Rynearson - Council member, Bill Van Duzer - Council member, Bill Thomas - Council member

Excused absence from meeting: None

Staff present at meeting: Town Manager Marsha Segal-George, Dan Folke, Pam Houck, Attorney Sutton, Bob Stewart

II. PLEDGE OF ALLEGIANCE

All assembled and recited the Pledge of Allegiance

III. PUBLIC COMMENT ON AGENDA ITEMS

None.

IV. Public Hearing: Linda K. Mead Trust - Entry Replacement Variance. Case Number VAR2002-00001. A variance from LDC Section 34-1575(a) to allow total replacement of existing non-conforming stairs, decks and/or landings seaward of the Coastal Construction Control Line. This property is located at 5400 Estero Blvd.

Terry (did not get last name), a realtor from Century 21 representing client as they are out of the country.

Pam Houck came forward from Lee County. They are converting from a duplex to single family. Cited for not having permit. Stairs and deck process access to rear portion of home. Mayor Hughes asked Pam why a variance is needed.

She replied that due to structural repair is why it is needed. This is covered in the property maintenance code. It is beyond the coastal construction line. Bill VanDuzer stated this needs to be looked at to see if it's the minimum variance to get by with. He feels applicant went through proper procedures

Mayor Hughes wants to look at code provisions. Dan Folke said Bill Spikowski is in process of re writing chap 34, and if it's a non-conforming structure, you need a variance to replace it.

Mayor Hughes asked Pam asked to look at survey. He is concerned about the property being across 2 lots, and if it is ever torn down, then could two homes be built? Are they standard or sub standard lots?

Pam stated they are non-conforming substandard lots. The mayor asked if a condition could be attached to the approval. Pam said it is not appropriate as this is only dealing with the stairs and deck issue of the property.

Terry Cain said they are only asking for a variance for the stairs and Bill Thomas agrees with Terry, they are only asking for a variance for the stairs, so lot should not be discussed now.

MOTION: Bill VanDuzer made a motion and Howard Rynearson seconded for the approval request for variance with the LPA conditions listed a-e.
VOTE: Motion passes unanimously.

V. Public Hearing: Lawrence & Karen Drebes. Case number ADM2002-00001. Appeal of administrative interpretation that the floor plan of the proposed single-family dwelling to be constructed at 5850 Estero Blvd. represents the layout of a bed and breakfast. This property is located at 5850 Estero Blvd.

Mr. Mark Ebbellini (sp?) came forward representing the client to review plans for the second floor layout, representing a bed and breakfast with the issue of height clarified. He feels there is no basis for officials to determine based on plan layout because of appearance of a bed and breakfast.
Issue that determines this is applicant coming forward to explain intended use of this residence in rs1 district, which does not permit a bed and breakfast.
The LPA resolution upholds staff findings that it is nothing other than a single-family home.
Dan explained what a bed and breakfast is as defined in the Land Development Code and explained a single family residence as in the Land Development Code.
Karen Drebes came forward to let everyone know history of property and design of the home.
The Staff report originally said there was access to the beach from the deck and this was corrected that there is no beach access from the deck.
Jim Jamison came forward, a realtor with Century 21 who was involved with the purchase of 5850 Estero Blvd. He sold the property to the Drebes. They only ever asked for a single-family residence while working with him. They never had an intention of anything other.
Ernie Cassidy came forward. He is a builder on the beach. He stated that this home as always been a single-family residence and the application was made as a single-family residence.
Pam Houck presented the Staff report that the property is zoned rs1, and the rejection was based on the second floor layout appearance being as a bed and breakfast.

Councilman Thomas asked and received verification of the height requirement.
Mayor Hughes asked Pam a format question about the resolution by the LPA, and to uphold the staff finding. Marsha Segal George said the resolution can be re formed based on findings.
Town manager Marsha Segal-George asked Bob Stewart to come to this meeting since he wasn't at the LPA hearing for this case. She asked him to give a reason and the process he went through to reach his decision.
Bob Stewart came forward to explain permitting and use of property. This design had raised a 'flag' to them in their review of the plans, as it gave the impression that it may be run as a bed and breakfast, as opposed to being a single family residence. It appeared to them that it was something more than a single-family residence.

The mayor stated that Exhibits 1-4 be entered into the record. He then asked for a draft resolution by the council, finding that town recognizes the staff's findings in light of testimony of the applicant and plans submitted, that the council's appeal of the administrative interpretation is approved subject to the condition that applicant record a covenant to incorporate the same language as the LPA incorporated in their resolution that reinforces the restriction to a single family residence.

MOTION: Made by Mayor Dan Hughes and seconded by Howard Rynearson to draft this resolution

VOTE: Unanimously approved

OTHER ITEMS: The mayor asked Marsha Segal-George if she received a letter from Bob Janes regarding redistricting and asked to put on this on the April 15 council agenda. She also mentioned the sign situation and that many people are upset about the signs and expects many people at tomorrow's LPA meeting regarding sandwich and off site signs.

VI. PUBLIC COMMENT

None.

VII. ADJOURNMENT

The meeting was adjourned at 10:15am

If a person decides to appeal a decision made by the Council in any matter considered at this meeting/hearing, such people may need to ensure that verbatim record of the proceeding is made, to include the testimony and evidence upon which any such appeal is to be based.

Respectfully submitted,

Jill Bitterman