



Town of Fort Myers Beach

LOCAL PLANNING AGENCY

Town Hall
2525 Estero Boulevard
Fort Myers Beach, Florida
33931

December 12, 2017

AGENDA

9:00 AM

- I. Call to Order
- II. Pledge of Allegiance
- III. Invocation
- IV. Minutes
 - A. Minutes of November 14, 2017
- V. VAR17-0008 – 3188 Shell Mound Blvd. – Pool Setbacks
- VI. Ordinance No. 17-24 – Medical Marijuana Treatment Center Dispensing Facilities

Adjourn as LPA and reconvene as Historic Preservation Board

Historic Preservation Board meeting:

- VII. Enabling Ordinance

Adjourn as Historic Preservation Board and reconvene as LPA:

- VIII. Review LPA Enabling Ordinance for Council
- IX. LPA Member Items and Reports
- X. LPA Attorney Items
- XI. Community Development Items
- XII. Items for next month's Agenda
- XIII. Public Comment
- XIV. Adjournment

Next Meeting: January 9, 2018



For special accommodations, please notify the Town Clerk's Office at least 72 hours in advance. (239) 765-0202



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the Town Clerk's Office.



**FORT MYERS BEACH
LOCAL PLANNING AGENCY (LPA)
MINUTES**

Town Hall - 2525 Estero Boulevard
Fort Myers Beach, Florida 33931
Tuesday, November 14, 2017

I. CALL TO ORDER

Meeting was called to order at 9:00 a.m. by Chair Zuba. Members present: Megan Heil, Dan Hendrickson, Dan Hughes, Jane Plummer, Scott Safford, Lorrie Wolf and Hank Zuba.
Town Attorney: Town Attorney Peterson
Staff: Matt Noble

II. PLEDGE OF ALLEGIANCE

III. INVOCATION

IV. MINUTES - October 10, 2017

Ms. Plummer clarified that she was uncomfortable with the \$500.00 fine included in her motion on Page 3.

MOTION: Mr. Hendrickson moved to approve the minutes, second by Ms. Plummer.

VOTE: Motion approved; 7-0.

V. Ordinance No. 17-17 - LDC Amendment to Ch. 34, Sec. 34-3051 Mobile Tourist Information Center

Jason Green, Community Development, reviewed the background of the amendment. Mr. Hendrickson commented on contradictory sections regarding providing information. Mr. Green commented that the goal was to provide information for local businesses on Fort Myers Beach. He stated that the kiosk made money from the placement of promotions. Ms. Heil suggested changing the language to specify that local meant the Town of Fort Myers Beach only. Chair Zuba and Mr. Safford agreed with the change. Discussion was held concerning administrative approval and the variance process. Mr. Hughes questioned why the first public hearing was held before the LPA reviewed the issue. Mr. Green responded that it was

time sensitive due to the RFP and it was suggested that Town Council provide guidance. Ms. Plummer suggested that all Fort Myers Beach addresses be included in the definition of local. Chair Zuba agreed that was appropriate.

MOTION: Chair Zuba moved to recommend changes to the language to include addresses within designated properties of the Town of Fort Myers Beach and clarifying the language for the explicit clarification of the variations; second by Mr. Hendrickson.

VOTE: Motion approved; 7-0.

VI. Ordinance No. 17-15 - Medical Marijuana Treatment Center Dispensing Facilities

Town Attorney Peterson noted the first reading was last month and Town Council requested that the LPA review and make a recommendation. He stated that Council recommended that there be no dispensaries within the boundaries of the Town. Matt Noble, Community Development, commented that people had inquired about dispensaries. Mr. Safford did not agree with prohibiting medical marijuana dispensaries, suggesting setting a limit of one. Town Attorney Peterson indicated a decision had to be made by the end of the year. Ms. Heil felt like it was being pushed through too quickly. Chair Zuba questioned how other communities approached the issue and whether limiting licenses was appropriate. Mr. Hughes questioned whether limiting licenses created a legal problem regarding a monopoly. Town Attorney Peterson thought it was permissible under the legislation.

MOTION: Mr. Safford moved to table the issue; second by Ms. Heil.

VOTE: Motion approved; 7-0.

VII. VAR17-0003 - Requesting Side Yard Variance From Required 20'-13' - 4360 Estero Blvd.

Chair Zuba requested ex parte communication: Ms. Heil - site visit; Mr. Hendrickson - site visit; Ms. Plummer - site visit; Chair Zuba - site visit; Mr. Safford - site visit; Ms. Wolf - site visit and Mr. Hughes - no communication. Town Attorney Peterson swore in those providing testimony.

Sarah Propst, Community Development, reviewed the request. She noted that two support letters and one letter of objection were provided to the LPA.

Greg Stuart represented the applicant. He displayed and discussed slides, which included: The Tiki Beach Hotel Side Yard Enclosed Deck Variance, The Variance Request, The Variance - Neighborhood Context, The Tiki Hotel Property, Detail of the Water Body Side Yard, Approval Recommendation, Side Yard Setback Objection Letter and Conclusion.

No public comment.

Mr. Stuart noted that access to the deck was internal and he thought the building plans might be on record. He indicated that the deck was independently supported. Chair Zuba questioned whether the laundry shed was legal. Mr. Stuart was not sure. Ms. Propst could not find any records on the structure. Mr. Green noted that he will follow up with the property owner. Mr. Stuart's opinion was that the structure was a legal, non-conforming use. Ms. Propst clarified that the shed was constructed within the required setback and it encroached on that setback. Ms. Plummer commented that if it was built in 1982, it was a legal, non-conforming structure. Mr. Stuart stated that they had not applied for a DEP permit. Ms. Propst stated that Lee County did not have permits for the structure. Ms. Plummer questioned why the setbacks were

so large on the property. Ms. Propst replied that in that zoning district, a 20' side yard setback for waterfront lots was required.

Ms. Propst felt that the request met the typical conditions that might exist with balconies at other hotels. Mr. Hughes commented that the request did not have a significant effect on visibility and he felt it was a unique situation.

MOTION: Chair Zuba moved to approve Resolution 2017-0012, VAR17-0003 with the conditions stated on the staff report with an additional condition that if the adjacent 6 foot fence and trees buffering between the subject property are removed or come into disrepair, then the owner of the property will provide an in-kind replacement of that fence within 30 days; second by Ms. Plummer.

VOTE: Motion approved; 7-0.

VIII. VAR17-0004 - Requesting Rear Setbacks from 25'-20' - 272 Miramar

Ms. Propst noted that the setback request was for the front. Mr. Stuart utilized a slide presentation. Slides included the Front Yard Setback Variance, The Variance Request, Geographic Context, Shoreline Geographic Context, Neighborhood Context, Application Background, Approval Recommendation, Front Setback Variance Approval, View Impact Assessment, 251 Miramar View Impact Assessment and Conclusion.

Public Comment:

•Terry Wysong, 270 Miramar, stated that they spent a lot of time on the porch and the variance would cut into his view. He requested that they deny the request. He provided a history of the property.

Public Comment Closed.

Chair Zuba requested ex parte communication. Chair Zuba noted that he spoke to Mr. Stuart regarding the ground level unit. No other LPA member had ex parte communications.

Ms. Plummer pointed out that if the property were on a land-locked road with three roads around it instead of water, the builder would be able to choose their front, back and sides. She cited examples. She discussed whether there was a legal right to a view if a property was not on the water.

Mr. Safford clarified whether the applicant could add more structures with another variance. Ms. Propst replied that it would be in the remainder of the 10 feet towards the road. Ms. Plummer discussed code and the rights of neighbors in relation to view corridors. Mr. Noble stated that it was determined that the request needed to come to public hearing because of residential impacts.

Mr. Stuart summarized the request and submitted that they met the legal criteria. Mr. Hughes commented that conditions B, C and D were questionable. Mr. Stuart explained why they needed the additional five feet. Mr. Hendrickson had a hard time justifying how it could be de minimus when there was already a structure on the property.

MOTION: Ms. Plummer moved to approve VAR17-0004 with the conditions stated in the staff report; second by Mr. Safford.

VOTE: Motion approved; 4-3, with Dan Hughes, Dan Hendrickson and Megan Heil dissenting.

IX. SEZ17-0002 & VAR17-0002 - Shared Parking in the Downtown Zoning - Paine Parking

Mr. Noble reviewed the history of the parking lot. He modified condition 2 to state that the property must have a limited development order (LDO) and completion of construction within 180 days of the approval of the special exception.

Max Forgey represented Mr. and Mrs. Paine. Slides from the PowerPoint included: Variances Requested, Estero to Lagoon Aerial, Site Drawing, Justifications for Special Exception, Pedestrian Commercial Definition, Beach Access, Overbuilding, Parking Lot Won't Promote Overbuilding, Comprehensive Plan Consistency, Shared Parking in Land Development Code, Downtown Zoning District, Park Once District, View of Rear of Property from Lagoon St., Justification, View of Existing Vegetative Buffer, Justification, Existing Visual Screening at 828 Estero, Justifications for Variances (4) and (5) and Conclusions.

Public Comment:

•Carolyn Etchison, 754 Estero, stated that she was fine with the parking lot as long as it was not paved.

Public Comment Closed.

Mr. Noble indicated the parking lot was gravel.

Ms. Heil questioned whether bike racks could be added. Mr. Paine stated that he would look into it.

Ms. Plummer indicated that additional vegetation on Estero Blvd. was not needed. She felt that the parking lot was of value to the community.

Chair Zuba was bothered by the \$500.00 fine and Ms. Plummer concurred.

Ms. Wolf questioned the lack of lighting. Mr. Forgey replied that staff recommended the hours of operation. Mr. Noble stated that he picked 10:00 p.m. because it was light until 9:30 p.m. in the summer. He clarified that vehicles were to be out of the lot by 10:00 p.m. Ms. Plummer questioned why. Mr. Noble stated they were trying to balance its use as a shared parking lot and the location was within a residential neighborhood. Mr. Hughes discussed recommending to Council that they consider amending the Ordinance to adopt buffering requirements that were more reasonable to the size of the lot.

Discussion was held concerning the \$500.00 fine. Mr. Safford suggested a fine of \$100.00.

MOTION: Mr. Hughes moved to approve the request with a change to condition 2 to reflect a fine of \$100.00; second by Ms. Plummer.

VOTE: Motion approved; 6-1, with Dan Hendrickson dissenting.

X. DCI17-0002 - Residential Multifamily - 1-SFR and 1-3 Unit Bldg. - Dullard Residence

Continued to a date and time uncertain.

XI. HISTORIC PRESERVATION BOARD MEETING

Adjourn as LPA and reconvene as Historic Preservation Board

MOTION: Mr. Hendrickson moved to adjourn as LPA and reconvene as Historic Preservation Board; second by Chair Zuba.

VOTE: Motion approved; 7-0.

HISTORIC PLAQUE APPLICATIONS:

HDD17-0003 - 163 Miramar St.

HDD17-0004 - 255 Albatross

MOTION: Mr. Zuba moved to recognize 163 Miramar St. and 255 Albatross for the plaque program; second by Mr. Safford.

VOTE: Motion approved; 7-0.

Adjourn as Historic Preservation Board and reconvene as LPA.

MOTION: Chair Hendrickson moved to adjourn as Historic Preservation Board and reconvene as the LPA; second by Ms. Plummer.

VOTE: Motion approved; 7-0.

XII. REVIEW LPA POLICIES AND PROCEDURES MANUAL

Tabled. Mr. Hughes requested a copy of the manual.

XIII. LPA MEMBER ITEMS AND REPORTS

Mr. Hughes looked forward to working with the LPA.

Mr. Safford noted they needed volunteers for the sand sculpting event.

Mr. Hendrickson indicated that they had to receive permission from Town Council to create an Ad Hoc Committee. Chair Zuba agreed that Mr. Hendrickson should go before Council to seek permission.

Ms. Heil thanked Chair Zuba for clarifying her comments to Council regarding restrooms at parking lots.

Chair Zuba read a proclamation on behalf of the LPA in honor of Suzanne Katt. All members voted in favor of the proclamation.

XIV. LPA ATTORNEY ITEMS - no items

XV. COMMUNITY DEVELOPMENT ITEMS - no items

XVI. ITEMS FOR NEXT MONTH'S AGENDA

XVII. PUBLIC COMMENT - no public comment

XVIII. ADJOURNMENT

MOTION: Mr. Hendrickson moved to adjourn the meeting; second by Mr. Safford.

VOTE: Motion approved; 7-0.

Meeting adjourned at 11:35 a.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

- End of document

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 2017-0016
VAR2017-0008 – Selley Pool Setback

WHEREAS, applicant Mathew Uhle, authorized agent for Jeremy and Victoria Selley, is requesting a variance from Sec. 34-638(b) Min. Setbacks Table 34-3 of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP number for the subject property is 19-46-24-W1-0020B.0350 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property, 3188 Shell Mound Blvd, Fort Myers Beach is located in the 'Residential Conservation' zoning district of the Official Zoning Map and the 'Mixed Residential' category of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on December 12, 2017; and

WHEREAS, at the hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-87.

IT IS HEREBY RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application and the standards for granting variances, the LPA recommends the following findings of fact, conditions for approval, and conclusions for consideration by the Town Council:

The LPA recommends that the Town Council **DENY** the applicant's request for a variance from Sec. 34-1174(b) of the Town of Fort Myers Beach Land Development Code subject to the following:

RECOMMENDED FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the LPA recommends that the Town Council make the following findings and reach the following conclusions:

- A. There **are not** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request **is not** for a de minimis

variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

B. The conditions justifying the variance **are** the result of actions of the applicant taken after the adoption of the regulation in question.

C. The variance granted **is not** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

D. The granting of the variance **will** be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. The conditions or circumstances on the specific piece of property for which the variance is sought **are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

CONDITIONS OF APPROVAL:

1. The applicant shall install a row of hedges and a minimum of three trees between the screen enclosure and the right-of-way.
2. All structures currently within the required setbacks or encroaching onto neighboring properties will be removed by February 1, 2018.

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member _____ and seconded by LPA Member _____, and upon being put to a vote, the result was as follows:

Hank Zuba, Chair	_____	Dan Hendrickson, Vice Chair	_____
Megan Heil	_____	Dan Hughes	_____
Jane Plummer	_____	Scott M. Safford	_____
Lorrie Wolf	_____		

DULY PASSED AND ADOPTED THIS **12th** day of **DECEMBER, 2017**.

Local Planning Agency of the Town of Fort Myers Beach

By: _____
Hank Zuba, LPA Chair

Approved as to legal sufficiency:

By: _____
Peterson, LPA Attorney

ATTEST:

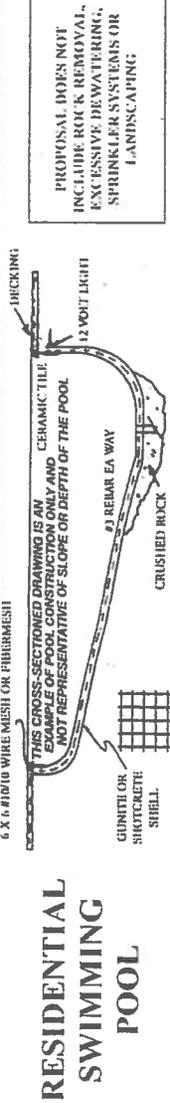
By: _____
Michelle Mayher, Town Clerk

SWIMMING POOL PROPOSAL

NAME: **Jeffery & Victoria Salley & Family**
 PHONE: **404-330-0988**
 JOB ADDRESS: **3188 SHELLMOUND, BLDG. F.M.B.**
 CITY: **13' x 28'**
Color LED 100 W 12 V POOL LIGHT Yes No
 LOVE SEAT SECOND STEP Yes No
 SWIMMING AIR JETS Yes No
 STAINLESS STEEL HAND RAILS Yes No
 POWDER COATED RAIL Yes No
 TILING: TILE BULLNOSE CANTILEVER OTHER
 INSTALLATION: **VARIABLE SPD 1.5 HP PUMP**
 FILTER TYPE: **CARTRIAGE** SIZE: **1750** sq. ft.
 ELECTRIC WIRING: Yes No OTHER: **IBRAC/STANDARD**
 NEW CONSTRUCTION PREWIRE BY BUILDER Yes No
 (NEW HOME CONSTRUCTION ONLY)

DIRT REMOVAL: Yes No **Haul Away**
 CHLORINATOR: Yes No **SALT**
 VISION: Yes No
 EXPOSED AGGREGATE: Yes No **INTERIOR**
 ENERGY SAVER PACKAGE: Yes No
 BUILT-IN POOL CLEANER: Yes No
 HEAT PUMP: Yes No
 SOLAR HEAT: Yes No
 GAS HEAT: Yes No
 POOL BLANKET: Yes No
 SPA: APPROX SIZE X TYPE: SHOTCRETE ACRYLIC HEATER
 RAISED ABOVE DECK: Yes No
 WIRELESS REMOTE CONTROL SYSTEM: Yes No
 4 FUNCTION AIR SWITCH: Yes No
 PUMP: FILTER
 HYDROTHERAPY AIR JETS: BLOWER HP
 100 W 12 V SPA LIGHT: Yes No
 STAINLESS STEEL HANDRAIL: Yes No
 SOLAR BLANKET: Yes No
 DECK: BRUSHED CONCRETE STIPPLED SCORED CONCRETE
 KEYSTONE RIVER ROCK PAVERS FLOW CONCRETE
 DYED & STAMPED CONCRETE ACRYLIC SPRAY
 DECK DRAIN: Yes No
 PLANTERS: Yes No
 FOOTER: Yes No **Per Codes**
 RETAINING WALL: Yes No
 MONOLITHIC POUR: Yes No
 TOPPING EXISTING PATIO: Yes No
 TOPPING RISER: Yes No
 BUTTERS & DOWNSPOUNTS: Yes No
 ASCIA SIZE: **Clear View Screens, 1-Story**
 COLOR: BRONZE WHITE APPROX FT. **Z**
 GREEN ENCLOSURE: BRONZE WHITE # OF DOORS **Z**
 ROOF: FLAT GABLE HIP MANSARD OTHER **Z**
 LORIDA GLASS: Yes No
 GREEN CHARCOAL 18/16 MESH
 PAN ROOF: Yes No
 BABY BARRIER: Yes No
 LARMS: Yes No **PER FLA. CODES**

Tropical Pools Construction, LLC.
 234 N. Del Prado Blvd., Suite 4
 Cape Coral, FL 33909
 (239) 458-7770



RESIDENTIAL SWIMMING POOL

THIS CROSS-SECTION DRAWING IS AN EXAMPLE OF POOL CONSTRUCTION ONLY AND NOT REPRESENTATIVE OF SLOPE OR DEPTH OF THE POOL.

6 X 6 #10 WIRE MESH OR FIBERGLASS

CRUSHED ROCK

4" REBAR EA WAY

CERAMIC TILE

12 VOLT LIGHT

4" CHECKING

GUNITE OR SHOTCRETE SHELL

PROPOSAL DOES NOT INCLUDE ROCK REMOVAL, EXCESSIVE DEWATERING, SPRINKLER SYSTEMS OR LANDSCAPING.

BACKFILL & PLUMBING NOTES

BRICK AND TILE

DECK NOTES

SCREEN NOTES

EQUIPMENT AND ELECTRICAL

MAP

ANY REUSE OF THIS PROPOSAL WILL RESULT IN A \$375 ARCHITECTURAL FEE.

Optional Extras:
 HEAT PUMP ADD \$3,400.00
 ADD SUB BASE CONCRETE SLAB UNDER PAVERS ADD \$1,400.00

"RESIDENCE"

Thank You Jeffery & Victoria Keyes

CUSTOMER APPROVAL

LOCATION, DIMENSIONS AND CONSTRUCTION SPECIFICATIONS HAVE BEEN EXPLAINED TO ME AND I APPROVE OF THEM. EVERYTHING WE HAVE DISCUSSED IS SHOWN AND THERE ARE NO VERBAL AGREEMENTS. I UNDERSTAND THAT ANY ALTERATION TO THE PLANS WILL BE BY WRITTEN CHANGE ORDER ONLY. CHANGES MAY NECESSITATE ADDITIONAL CHARGES.

OWNER: _____ DATE: _____

PRICE SHOWN AS OF: \$ **39,700.00**

EQUIP. PAD: _____

LOCATION APPROVED: _____ INT. _____

SIGN HERE: _____

OWNER X: _____ DATE: _____

DIG, LAYOUT, STEEL & GUNITE NOTES



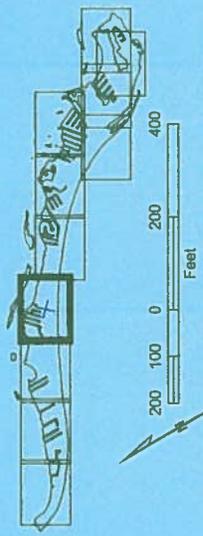
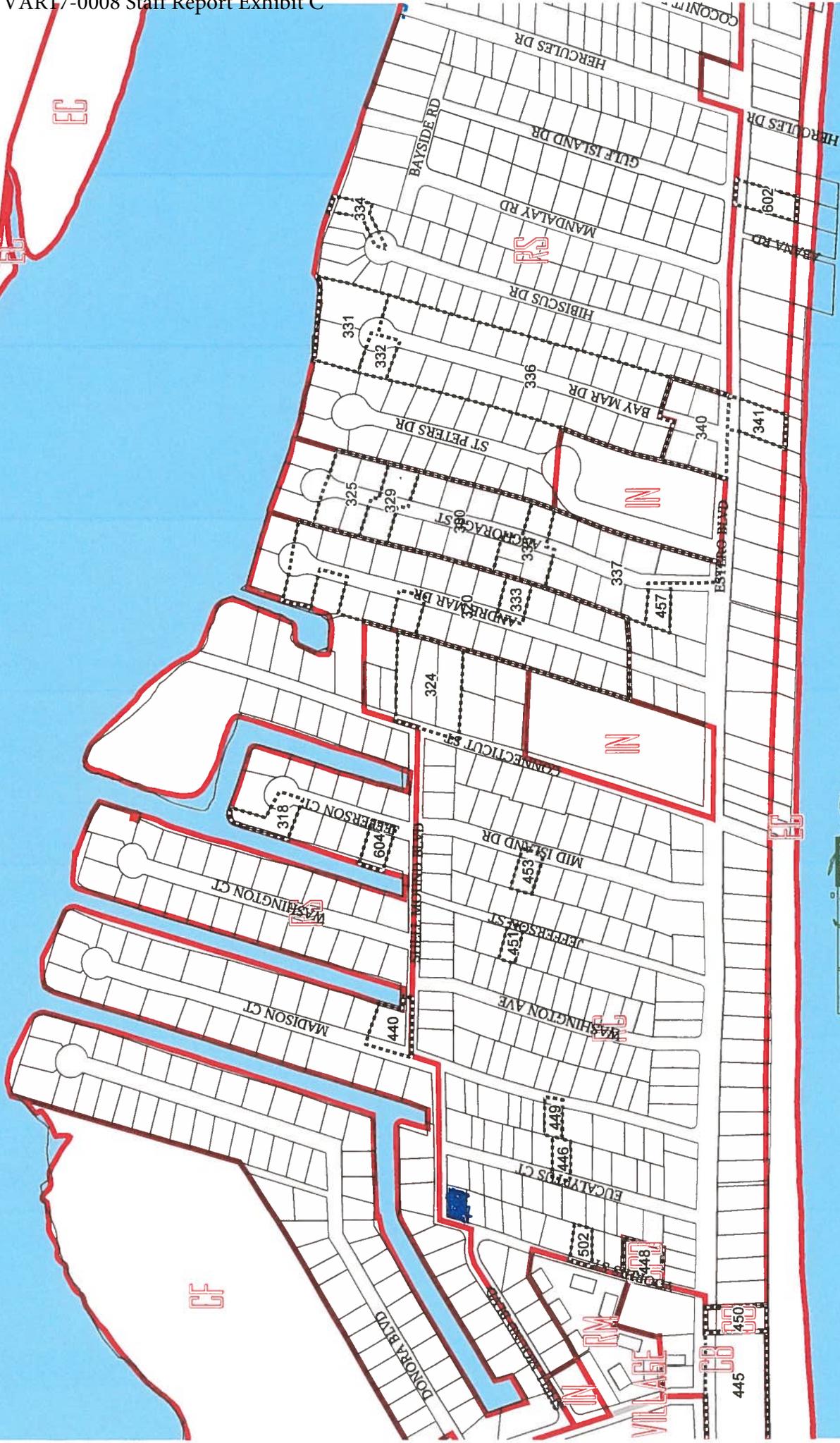


Exhibit A - Fort Myers Beach Official Zoning Map
 (updated through April 1, 2004)

- Zoning districts are surrounded by solid line --
- For dotted outlines, see table for key --





















Joe Ann Underhill
XXXXXXXXXXXXXXXXXXXX

Sarah Propit;
we built our home fifty
years ago across from the people
that ^{want} a variance to build a pool.

That lot and building was
always a duplex lot. A few years
ago they started renting the
building as a triplex. I am against
anything else going on that property

Thank you
Joe Ann Underhill

RECEIVED
DEC 04 2017
By _____



PROJECT NUMBER: VAR17-0008

DATE: 9/22/17



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

This is 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 *one ORIGINAL paper copy, fourteen (14) copies* of all required applications, supplemental information, exhibits and documents. Please do not print and copy the instructions at the end of the application. In addition to application fees, the applicant is required to pay for (2) sets of mailings to neighboring property owners within 500', and all advertising fees.

Site Address: 3188 SHELL MOUND BLVD.

STRAP Number: 2846-24-WL-0020B.0350

Applicant: JENNIFER M. V. CORTEZ-SALLES Phone: (407) 634-6488

Contact Name: MATTHEW R. VILLE Phone: (235) 226-4500

Email: MATTHEWVILLE@AOL.COM Fax: _____

Current Zoning District: NC

Future Land Use Map (FLUM) Category: MIXED RESIDENTIAL

FLUM Density Range: 10 du/acre Platted Overlay: YES NO

ACTION REQUESTED

SUPPLEMENTAL FORM REQUIRED

- | | |
|---|--------------------------|
| <input type="checkbox"/> Special Exception | PH-A |
| <input checked="" type="checkbox"/> Variance | PH-B |
| <input type="checkbox"/> Conventional Rezoning | PH-C |
| <input type="checkbox"/> Planned Development <input type="checkbox"/> Commercial <input type="checkbox"/> Residential | PH-D |
| <input type="checkbox"/> Master Concept Plan Extension | PH-E |
| <input type="checkbox"/> Appeal of Administrative Action | PH-F |
| <input type="checkbox"/> Vacation of Platted Right-of-way and Easement | PH-G |
| <input type="checkbox"/> Other – cite LDC Section: _____ | attach on separate sheet |

PROJECT NUMBER:

DATE:

PART I - General Information

A. Applicant*: JENNIFER V. GONZALES Phone: (484) 634-0488

**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: 204 GLENWOOD AVE. MONROE, LA 70501

Email: JGONZALES78@HOTMAIL.COM Fax: _____

Contact Name: JENNIFER GONZALES Phone: (484) 634-0488

B. Relationship of Applicant to subject property:

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

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

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

Name: MATTHEW R. VEHLE Phone: (238) 226-4500

Address: 1617 HENRY ST. STE. 411 FT. MYERS, FL 33801

Email: MATTHEW.VEHLE@AOL.COM 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: _____

PROJECT NUMBER:

DATE:

Name: _____

Phone: _____

Address: _____

Email: _____

Fax: _____

PART II - Nature of Request

Requested Action (each request requires a separate application)

Special Exception

Variance from LDC Section 34 - 1174(b)

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: _____

PROJECT NUMBER:

DATE: 8/31/17

Description: _____

PART IV - Property Ownership

Single Owner (individual or husband and wife)

Name: Jeremy K Selley Phone: 484-634-0488

Mailing Address: 204 Glenn Abby Dr., Morehead City, NC 28557

Email: JSelley78@hotmail.com Fax: _____

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 4-1
- Attach map showing property owners interests as Exhibit 4-2 (for multiple parcels)
- For condominiums and timeshares see Explanatory Notes Part IV (Page 11)

DISCLOSURE OF OWNERSHIP INTEREST

STRAP: 29-46-24-W1-00208.0350

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
<u>Jeremy & Victoria Selley</u> <u>- 204 Glenn Abby Dr. MHC NC 28557</u>	<u>100%</u>
_____	_____
_____	_____
_____	_____

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

PROJECT NUMBER:

DATE: 8/3/17

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
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

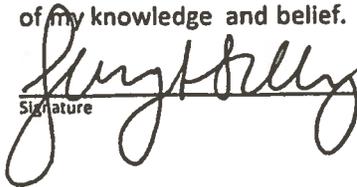
Date of Contract: _____

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

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


Signature

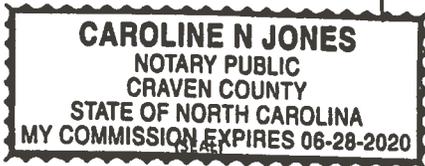
Jeremy K. Selley
Printed Name

PROJECT NUMBER:

DATE: 8/3/17

STATE OF FLORIDA)
COUNTY OF LEE)

Subscribed and sworn to (or affirmed) before me this 3rd day of August
20 17, by Jeremy Selley



[Signature]
Notary Public Signature

Caroline N. Jones
Notary Printed Name

Personally Known or Produced Identification _____

Type of Identification Produced: _____ My Commission Expires: 06/28/2020

PART V - Property Information

A. Legal Description:

STRAP: 29-46-24-W1-00208.0350

Property Address: 3188 Shell Mark Blvd, FMB FL 33931

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? No. Attach a legible copy of the legal description as Exhibit 5-1.

Yes. Property identified in subdivision: _____

Book: 4 Page: 34 Unit: _____ Block: B Lot(s): 35,36,37

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 5-2.

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 60' feet

PROJECT NUMBER:

DATE:

Depth (please provide an average width if irregular in shape) 60 feet

Frontage on street: 100
60 feet. Frontage on waterbody: N/A feet

Total land area: 6,000 acres square feet

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

TAKE US 1010 BLVD TO PENNERA. PENNERA TO SHELL MOUND
BLVD. THE POINT IS LOCATED AT THE CORNER OF SHELL
MOUND AND 1010 BLVD.

Attach Area Location Map as Exhibit 5-3

E. Property Restrictions (check applicable):

There are no deed restrictions and/or covenants on the subject property.

A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 5-4.

A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 5-5.

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 5-6.

Attach a map showing the surrounding property owners as Exhibit 5-7.

Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

Low Density

Marina

Mixed Residential

Recreation

Boulevard

Wetlands

Pedestrian Commercial

Platted Overlay

H. Zoning (see official Zoning Map):

RS (Residential Single-family)

CF (Community Facilities)

RC (Residential Conservation)

IN (Institutional)

PROJECT NUMBER:

DATE: 0/3/17

- | | |
|--|--|
| <input checked="" type="checkbox"/> RM (Residential Multifamily) | <input type="checkbox"/> BB (Bay Beach) |
| <input type="checkbox"/> RPD (Residential Planned Development) | <input type="checkbox"/> EC (Environmentally Critical) |
| <input type="checkbox"/> CM (Commercial Marina) | <input type="checkbox"/> DOWNTOWN |
| <input type="checkbox"/> CO (Commercial Office) | <input type="checkbox"/> SANTOS |
| <input type="checkbox"/> CB (Commercial Boulevard) | <input type="checkbox"/> VILLAGE |
| <input type="checkbox"/> CR (Commercial Resort) | <input type="checkbox"/> SANTINI |
| <input type="checkbox"/> CPD (Commercial Planned Development) | |

PART VI

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Jeremy K. Selley 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;

PROJECT NUMBER:

DATE: 8/31/17

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

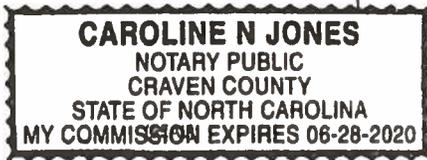
The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

[Signature]
Signature of owner or authorized agent

8/31/17
Date

STATE OF FLORIDA)
COUNTY OF LEE)

Subscribed and sworn to (or affirmed) before me this 3rd day of August
20 17 by Jeremy K. Selley



[Signature]
Notary Public Signature

Caroline N. Jones
Notary Printed Name

Personally Known or Produced Identification

Type of Identification Produced: _____ My Commission Expires: 06/28/2020

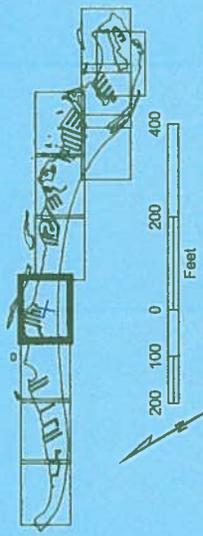
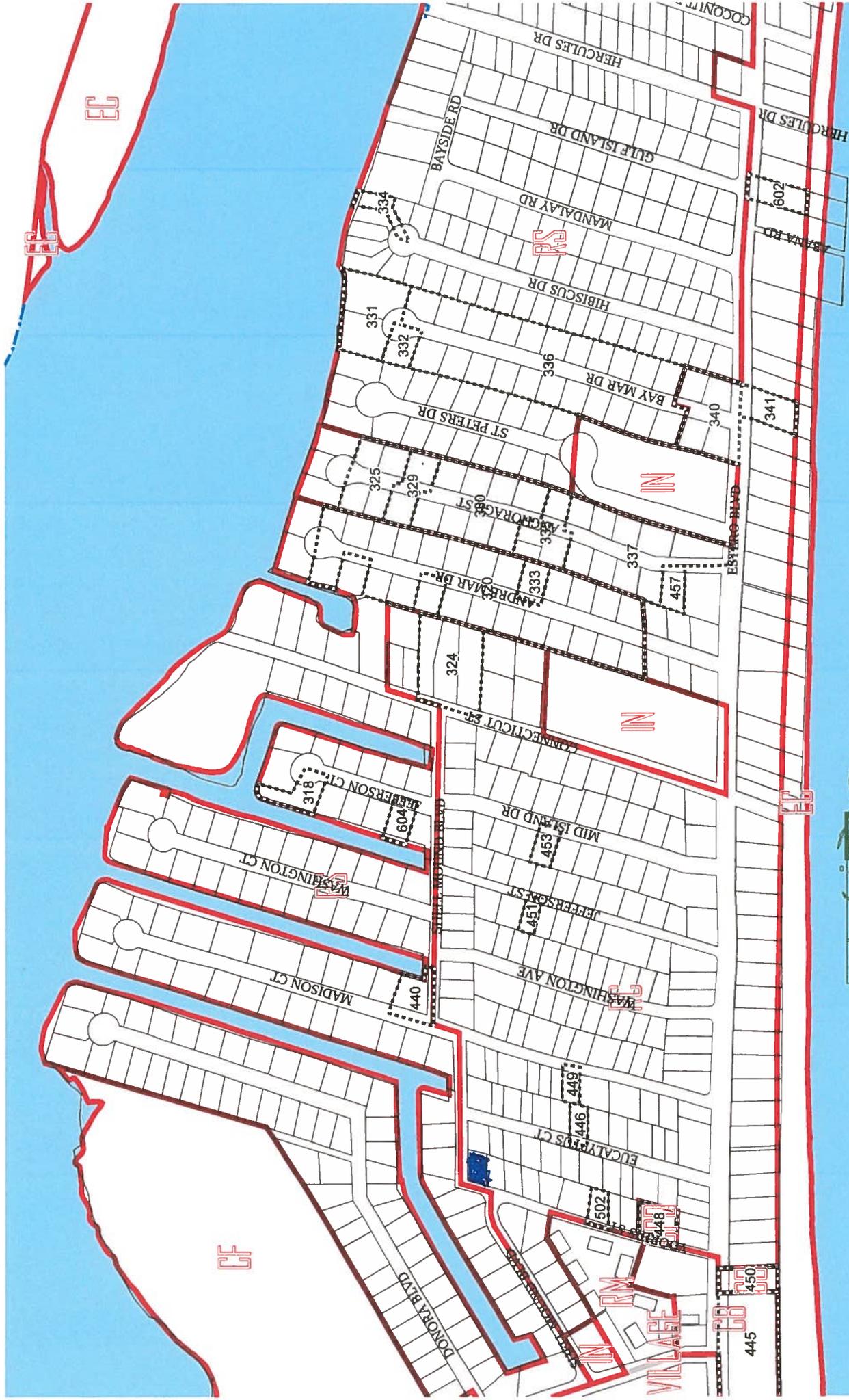
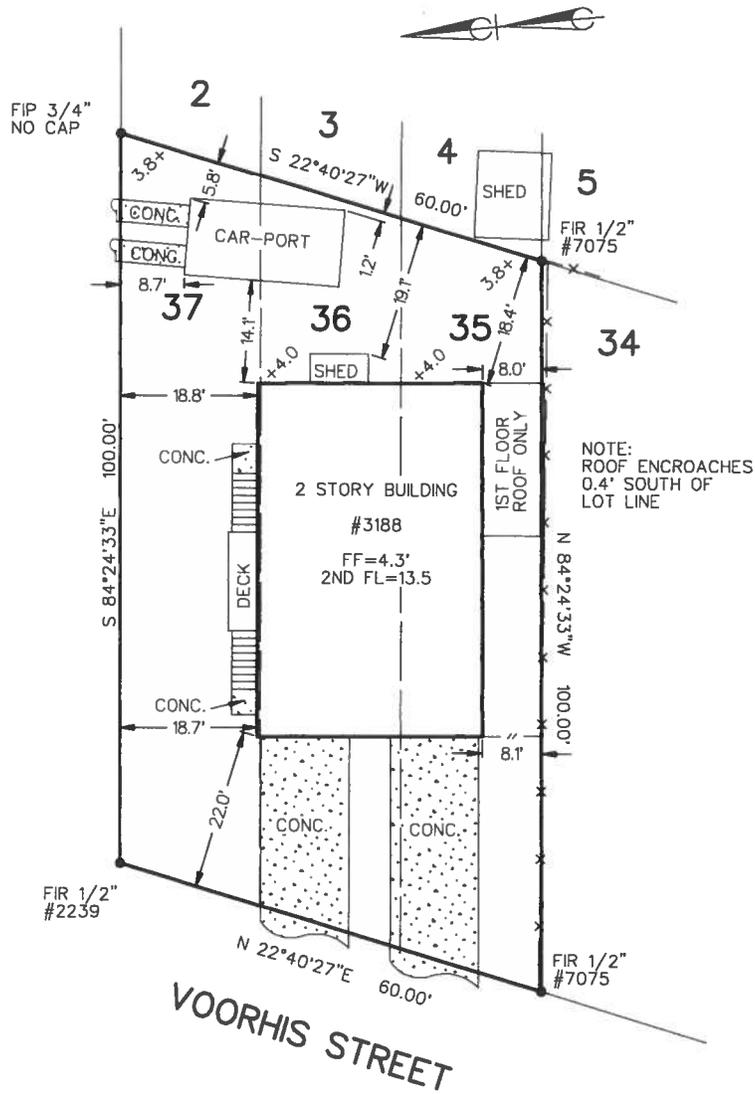


Exhibit A - Fort Myers Beach Official Zoning Map
 (updated through April 1, 2004)

- Zoning districts are surrounded by solid line --
- For dotted outlines, see table for key --

SHELL MOUND BOULEVARD

PLATTED LOT 38 IS APPARENTLY NOW PART OF ROAD RIGHT OF WAY



NOTE:
ROOF ENCROACHES
0.4' SOUTH OF
LOT LINE

BOUNDARY SURVEY

LOTS 35, 36 & 37, BLOCK B
EUCALYPTUS PARK
PLAT BOOK 4, PAGE 34
LEE COUNTY, FLORIDA

CERTIFIED TO:
JEREMY SELLEY

BASIS FOR BEARINGS: SHELL MOUND BLVD. - ASSUMED		SCALE: 0 20	SURVEY DATE: 11/09/16
COMMUNITY NUMBER 120673	MAP & PANEL NUMBER 12071C0558	SUFFIX F	DATE OF FRM INDEX 8/28/08
FRM ZONE AE	BASE FLOOD ELEVATION 11	THIS SURVEY IS HEREBY CERTIFIED CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM FROM ENCUMBRANCES. NO UNDERGROUND STRUCTURES HAVE BEEN LOCATED BY THIS SURVEY. ANY REFERENCE TO UNDERGROUND STRUCTURES IF ANY IS APPROXIMATE, UNLESS OTHERWISE SHOWN ALL FIELD MEASURED DIRECTIONS AND DISTANCES ARE IN SUBSTANTIAL AGREEMENT WITH THE DIRECTIONS & DISTANCES OF RECORD FOR THE PARCEL SURVEYED, NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER. NO ABSTRACT OF TITLE WAS PROVIDED. EASEMENTS SHOWN ARE FROM THE RECORD PLAT OR DEED ONLY. CONTRACTOR MUST VERIFY WITH CITY OR COUNTY THERE ARE NO OTHER EASEMENTS OR BUILDING SETBACK REQUIREMENTS BURDENING THE PROPERTY PRIOR TO PERMITTING AND CONSTRUCTION.	
<p>LEGEND</p> <ul style="list-style-type: none"> +0.0 = EXISTING ELEVATION ■ = UTILITY RISER ● = UTILITY POLE ⊙ = FIRE HYDRANT ☐ = CATCH BASIN (P) = PLAT (F) = FIELD (D) = DEED (C) = COMPUTED —x— = WIRE FENCE —w— = WOOD FENCE NAVD = NORTH AMERICAN VERTICAL DATUM OF 1988 	<p>CONC. = CONCRETE</p> <p>* = NOT FIELD MEASURED</p> <p>LME = LAKE MAINTENANCE EASEMENT</p> <p>DE = DRAINAGE EASEMENT</p>	<p>Eric D. Davis</p> <p>C.E. DAVIS, CERTIFICATE NO. 4839 -OR- ERC C. DAVIS, FSM # 5544 LB #7075</p>	



DAVIS SURVEYING INC.
WWW.DAVISLANDSURVEYS.COM

4536 SE 16th PLACE SUITE 3
CAPE CORAL, FLORIDA 33904
TEL (239) 549-6454

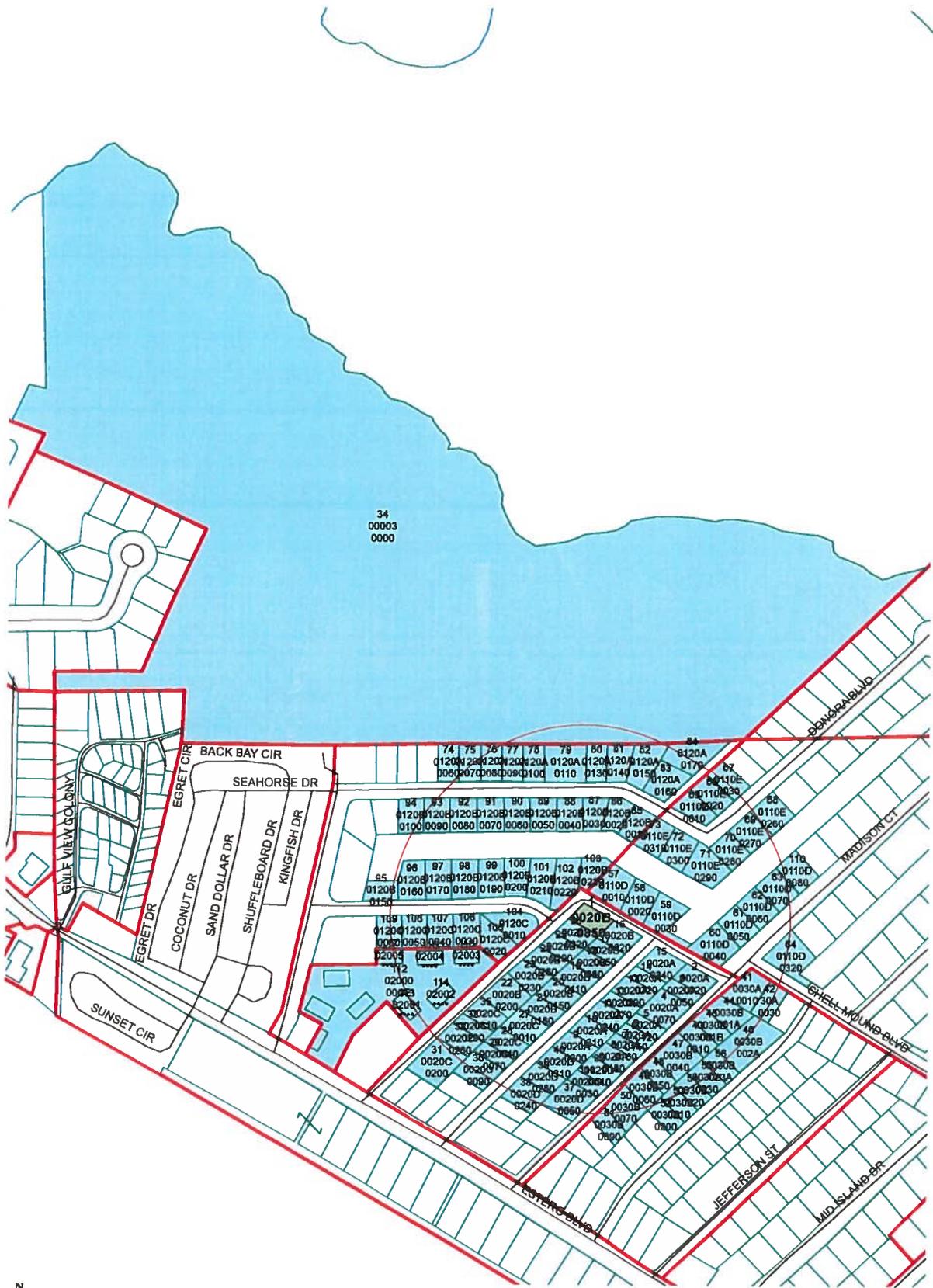
COPYRIGHT 2016 - DAVIS SURVEYING, INC.
THIS SURVEY MAY NOT BE REPRODUCED OR USED BY OTHER THAN THE CERTIFIED TO PARTIES ABOVE, NOT VALID FOR PERMITTING OR CONSTRUCTION WITHOUT WRITTEN CONTRACT WITH SURVEYOR.

JOB NUMBER:
16-2111

VARIANCE REPORT

7/31/2017

Subject Parcels: 1 Affected Parcels: 131 Buffer Distance: 500 ft



29-46-24-W1-0020B.0350



THE INFORMATION CONTAINED IN THIS REPORT IS GOVERNED BY FLORIDA STATUTE 119.071 (GENERAL EXEMPTIONS FROM INSPECTION OR COPYING OF PUBLIC RECORDS).



Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: 7/31/2017 3:21:01 PM
Buffer Distance: 500 ft
Parcels Affected: 131
Subject Parcels: 29-46-24-W1-0020B.0350

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
OLSON ERIC J + 245 MADISON CT FORT MYERS BEACH, FL 33931	29-46-24-W1-0020A.0020 245 MADISON CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK A PB 4 PG 34 LOTS 2 THRU 4 INT IN W 10	2
CORONIS DAWN 197 MADISON CT FORT MYERS BEACH, FL 33931	29-46-24-W1-0020A.0050 197 MADISON CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK A PB 4 PG 34 LOTS 5 + 6 OR 852 PG 197	3
HILLIARD JAMES R + 193 MADISON CT FORT MYERS BEACH, FL 33931	29-46-24-W1-0020A.0070 193 MADISON CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK.A PB 4 PG 34 LOTS 7 THRU 11	4
MARTIN JANICE M + 94 ADAIR DR BRICK, NJ 08723	29-46-24-W1-0020A.0120 161 MADISON CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK.A PB 4 PG 34 LOTS 12 + 13 INT IN W 10	5
PEARCE GERTRUD U TR + 17900 N RIVER RD ALVA, FL 33920	29-46-24-W1-0020A.0140 155 MADISON CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK A PB 4 PG 34 LOTS 14 + 15	6
WINTER PHILIP G PO BOX 156 FORT MYERS BEACH, FL 33931	29-46-24-W1-0020A.0160 151 MADISON CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK A PB 4 PG 34 LOTS 16 + 17	7
KHAN VANESSA 1721 NE 12TH ST CAPE CORAL, FL 33909	29-46-24-W1-0020A.0180 145/147 MADISON CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK.A PB 4 PG 34 LOTS 18 + 19 OR 49 PG 557	8
KNAPP BERNARD T 130 EUCALYPTUS CT FORT MYERS BEACH, FL 33931	29-46-24-W1-0020A.0200 130 EUCALYPTUS CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLKS A + D PB 4 PG 34 LT 20 S16.67FT+ N 16.67 FT LT 34 + VAC R/W	9
MCCARTHY JOHN E 132 EUCALYPTUS CT FORT MYERS BEACH, FL 33931	29-46-24-W1-0020A.0210 132/134 EUCALYPTUS CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK A PB 4 PG 34 LOTS 21 THRU 23 + NELY 3.33 OF LOT 20	10
GOMEZ JUAN 2301 SW 16TH CT MIAMI, FL 33145	29-46-24-W1-0020A.0240 136/138 EUCALYPTUS CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK A PB 4 PG 34 LOTS 24 - 26 OR 234 PG 364	11
THEISEN M SUSAN 150 EUCALYPTUS CT FORT MYERS BEACH, FL 33931	29-46-24-W1-0020A.0270 150 EUCALYPTUS CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK A PB 4 PG 34 LOTS 27 + 28	12
UNKNOWN HEIRS OF 180 EUCALYPTUS CT UNIT 82 FORT MYERS BEACH, FL 33931	29-46-24-W1-0020A.0290 180/182 EUCALYPTUS CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK A PB 4 PG 34 LOTS 29 + 30 + 31	13
CHIDLEY MARK A + JANE H 200 EUCALYPTUS CT FORT MYERS BEACH, FL 33931	29-46-24-W1-0020A.0320 200 EUCALYPTUS CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK A PB 4 PG 34 LOTS 32 + 33	14
STUCK EDNA M TR 801 N OLD TRAIL SELINGSGROVE, PA 17870	29-46-24-W1-0020A.0340 3240 SHELL MOUND BLVD FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK A PB 4 PG 34 LOTS 34 THRU 37	15
BUSCHBACHER MARYALICE 3190 SHELL MOUND BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0020B.0020 3190 SHELL MOUND BLVD FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK B PB 4 PG 34 STHLY 3 FT LOT 1 + LOTS 2 3 4 + PT 5 NELY 5	16

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
EGGLESTON NANCY K 9725 TOLEDO RD BLOOMINGTON, MN 55437	29-46-24-W1-0020B.0050 277 EUCALYPTUS CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK B PB 4 PG 34 PT LOT 5 + ALL LOTS 6 + 7	17
DONOGHUE CAROL + BRAIN 10011 FOXRUN RD SANTA ANA, CA 92705	29-46-24-W1-0020B.0080 141/151 EUCALYPTUS CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK B PB 4 PG 34 LOTS 8 THRU 10	18
MEEK JOHN PIERRE 137 EUCALYPTUS CT FORT MYERS BEACH, FL 33931	29-46-24-W1-0020B.0110 137/139 EUCALYPTUS CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK.B PB 4 PG 34 LOTS 11 12 +13 +NELY 7.5	19
REDENIUS JOSHUA R 135 EUCALYPTUS CT FORT MYERS BEACH, FL 33931	29-46-24-W1-0020B.0150 135 EUCALYPTUS CT FORT MYERS BEACH FL 33931	EVCALYTOS PARK BLK B PB 4 PG 34 LOTS 15 16+ PT LOTS 14 17	20
MCCULLOUGH J MORLEY & 661 TURTLE BAY BLVD ENNISMORE, ON K0L 1T0 CANADA	29-46-24-W1-0020B.0180 129 EUCALYPTUS CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK B PB 4 PG 34 LOTS 18 19+ PT LOT 17+VAC	21
OLEARY LORI ANNE 114 VOORHIS ST FORT MYERS BEACH, FL 33931	29-46-24-W1-0020B.0200 114/116 VOORHIS ST FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK B PB 4/34 LT 20 + PT LTS 21 +22 BLK C PT LTS 33+ 34+VAC ST	22
MELLISAS VILLA LLC 5220 AVENIDA PESCADORA FORT MYERS BEACH, FL 33931	29-46-24-W1-0020B.0230 118 VOORHIS ST FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK B PB 4 PG 34 LOTS 23 THRU 25 + BEGIN NW	23
BELGER RANDALL J + BEVERLY M 7913 BUCCANEER DR FORT MYERS BEACH, FL 33931	29-46-24-W1-0020B.0260 120 VOORHIS ST FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK B PB 4 PG 34 LOTS 26 27 + 28-INT IN W-	24
KAUTH DIANA TR 522 SE 20TH ST CAPE CORAL, FL 33990	29-46-24-W1-0020B.0290 122/124 VOORHIS ST FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK B PB 4 PG 34 LOTS 29 30 + 31	25
LONG STEVE A + ANN M 130 VOORHIS ST FORT MYERS BEACH, FL 33931	29-46-24-W1-0020B.0320 130 VOORHIS ST FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK B PB 4 PG 34 LOTS 32 33 34-INT IN W 10	26
GASPARILLA INVESTMENTS LLC + PO BOX 60021 FORT MYERS, FL 33906	29-46-24-W1-0020C.0010 125/127 EUCALYPTUS CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK C PB 4 PG 34 LOTS 1 THRU 3 ALSO S 7.5 FT	27
ELLIOTT KATHLEEN J TR 1401 ROCHESTER AVE IOWA CITY, IA 52245	29-46-24-W1-0020C.0040 121/123 EUCALYPTUS CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK C PB 4 PG 34 LOTS 4 5 + 6-INT IN W-10	28
ALLISON ROBERT L + PO BOX 270234 TAMPA, FL 33688	29-46-24-W1-0020C.0070 119 EUCALYPTUS CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK C PB 4 PG 34 LOTS 7 + 8-INT IN W-10 FT	29
BERTOLO DAVID A 113 EUCALYPTUS CT UNIT 15 FORT MYERS BEACH, FL 33931	29-46-24-W1-0020C.0090 113/115 EUCALYPTUS CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK C PB 4 PG 34 LOTS 9 THRU 12	30
FORT MYERS BEACH FIRE CONTROL PO BOX 2880 FORT MYERS BEACH, FL 33932	29-46-24-W1-0020C.0200 100 VOORHIS ST FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK C PB 4 PG 34 LOTS 20 THRU 25	31
BOWMAN INVESTMENTS II LLC 11715 W HOWARD AVE GREENFIELD, WI 53228	29-46-24-W1-0020C.0260 104/106 VOORHIS ST FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK C PB 4 PG 34 LOTS 26 THRU 28-INT IN W-	32
VOKAC WILLIAM 108 VOORHIS ST FORT MYERS BEACH, FL 33931	29-46-24-W1-0020C.0290 108 VOORHIS ST FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK C PB 4 PG 34 LOTS 29 + 30 OR 486 PG 151	33
LEE COUNTY PO BOX 398 FORT MYERS, FL 33902	20-46-24-W4-00003.0000 198 BAY RD FORT MYERS BEACH FL 33931	GOVT LOT 1 LYING NORTH + W OF NE PROLONGATION OF LINE BET.LOT 47 + 48 CASES + PAR DESC IN OR1134/2061	34
CUSSON CHARLES E TR PO BOX 109 GLASTONBURY, CT 06033	29-46-24-W1-0020C.0310 110 VOORHIS ST FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK C PB 4 PG 34 LOTS 31 + 32 + POR LOTS 33 + 34	35
WALDRON ROBERT L + REBECCA A 143 BAY MAR DR FORT MYERS BEACH, FL 33931	29-46-24-W1-0020D.0010 141/143 MADISON CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK D PB 4 PG 34 LOTS 1 + 2 ALSO S 15 FT OF VAC ROW	36

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
DULLARD ROBERT+ DANA PO BOX 2695 FORT MYERS BEACH, FL 33931	29-46-24-W1-0020D.0050 137 MADISON CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK D PB 4 PG 34 LOTS 5 THRU 9	37
ORVIS ROBERT M + MARY H 116 EUCALYPTUS CT FORT MYERS BEACH, FL 33931	29-46-24-W1-0020D.0240 116 EUCALYPTUS CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK D PB 4 PG 34 LOTS 24 THRU 27	38
EVANSON D M + SUE A 15830 LAKE CANDLEWOOD DR FORT MYERS, FL 33908	29-46-24-W1-0020D.0280 122/124 EUCALYPTUS CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK D PB 4 PG 34 LOTS 28 29 + 30.	39
ROARK ROGER N 128 EUCALYPTUS CT FORT MYERS BEACH, FL 33931	29-46-24-W1-0020D.0310 128 EUCALYPTUS CT FORT MYERS BEACH FL 33931	EUCALYPTUS PARK BLK D PB4 PG34 LOTS 31 THRU 33 + S 3.33 FT LOT34	40
THOMPSON JOHN M & JEANNE M TR 3302 SHELL MOUND BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0030A.0010 3302 SHELL MOUND BLVD FORT MYERS BEACH FL 33931	LYNNS HIGHLAND PARK BLK.A PB 8 PG 50 LOT 1 + NWLY 1/2 LOT 2	41
KOPIDLANSKY VICTOR R & 494 WASHINGTON CT FORT MYERS BEACH, FL 33931	29-46-24-W1-0030A.0030 3306 SHELL MOUND BLVD FORT MYERS BEACH FL 33931	LYNNS HIGHLAND PARK BLK A PB 8 PG 50 ELY 1/2 OF LOT 2 + WLY 1/2LOT 3	42
NACCARATO CARMELO + FRANCA 3220 PINE CONE CT MILFORD, MI 48381	29-46-24-W1-0030B.0010 152/154 MADISON CT FORT MYERS BEACH FL 33931	LYNNS HIGHLAND PARK BLK B PB 8 PG 50 PT LOTS 1 + 2 DESC IN OR 1425 PG 480	43
PELTON MARILYN J PO BOX 6276 FORT MYERS BEACH, FL 33932	29-46-24-W1-0030B.001A 190 MADISON CT FORT MYERS BEACH FL 33931	LYNNS HIGHLAND PARK PB 8 PG 50 PT OF LOTS 1 + 2 BLK A +	44
KRATZKE MERLE A + MARILYN F TR 13590 ISLANDVIEW DR ELK RIVER, MN 55330	29-46-24-W1-0030B.001B 180 MADISON CT FORT MYERS BEACH FL 33931	LYNNS HIGHLAND PARK BLK B PB 8 PG 50 PT OF LOTS 1 + 2.	45
JOHNSON C L + MARY SUSAN 369 MADISON CT FORT MYERS BEACH, FL 33931	29-46-24-W1-0030B.002A 171/181 WASHINGTON AVE FORT MYERS BEACH FL 33931	LYNNS HIGHLAND PARK BLK B PB 8 PG 50 PT LTS 2 + 3+ PT 2 3 4 BLK A + VAC ST	46
NACCARATO CARMELO + FRANCA 3220 PINE CONE CT MILFORD, MI 48381	29-46-24-W1-0030B.0040 148/150 MADISON CT FORT MYERS BEACH FL 33931	LYNNS HIGHLAND PARK BLK B PB 8 PG 50 PT LOTS 1 2 + 4 DESC OR 1476 PG 1410	47
CAMPBELL TERRY R 7411 BELLA LAGO DR # 444 FORT MYERS BEACH, FL 33931	29-46-24-W1-0030B.0050 144/146 MADISON CT FORT MYERS BEACH FL 33931	LYNNS HIGHLAND PARK BLK B PB 8 PG 50 LOT 5	48
BERTAKIS JOHN C + CYNTHIA E 128 CAMPECHE LN KISSIMMEE, FL 34743	29-46-24-W1-0030B.0060 140/142 MADISON CT FORT MYERS BEACH FL 33931	LYNNS HIGHLAND PARK BLK B PB 8 PG 50 LOT 6 + NLY 15 FT LOT 7	49
KATT SUZANNE 136 MADISON CT FORT MYERS BEACH, FL 33931	29-46-24-W1-0030B.0070 136/138 MADISON CT FORT MYERS BEACH FL 33931	LYNNS HIGHLAND PARK BLK B PB 8 PG 50 LOTS 7 + 8 LESS N 15 FT LOT 7	50
LAURETTA F CHERPINSKY TRUST KATHLEEN TANGERT 649 N SARATOGA DR MOORESTOWN, NJ 08057	29-46-24-W1-0030B.0090 132/134 MADISON CT FORT MYERS BEACH FL 33931	LYNN'S HIGHLAND PARK BLK B PB 8 PG 50 LOT 9	51
EMBS PETER M 2200 EDGEWOOD LN OSHKOSH, WI 54904	29-46-24-W1-0030B.0200 139 WASHINGTON AVE FORT MYERS BEACH FL 33931	LYNNS HIGHLAND PARK BLK B PB 8 PG 50 LOT 20	52
SULLIVAN MARK A TR + MARK SULLIVAN 145 WASHINGTON AVE FORT MYERS BEACH, FL 33931	29-46-24-W1-0030B.0210 145 WASHINGTON AVE FORT MYERS BEACH FL 33931	LYNNS HIGHLAND PARK BLK B PB 8 PG 50 LOT 21	53
DREAM BEACH FELIX HOLIDAY INC 1323 CAPE CORAL PKWY E STE B CAPE CORAL, FL 33904	29-46-24-W1-0030B.0220 149 WASHINGTON AVE FORT MYERS BEACH FL 33931	LYNNS HIGHLAND PARK BLK B PB 8 PG 50 LOT 22	54
CROW LARRY W + PENNY R 155 WASHINGTON AVE FORT MYERS BEACH, FL 33931	29-46-24-W1-0030B.0230 155 WASHINGTON AVE FORT MYERS BEACH FL 33931	LYNNS HIGHLAND PARK BLK.B PB 8 PG 50 LOT PT 23 + 2	55
JOHNSON C L + MARY SUE 183 WASHINGTON ST FORT MYERS BEACH, FL 33931	29-46-24-W1-0030B.023A 161 WASHINGTON AVE FORT MYERS BEACH FL 33931	PARL IN HIGHLAND PARK BLK B IN N W 1/4 SEC 29 TWP 46 R 24 REC IN PB 8 PG 50	56

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
UNDERHILL ZOE ANN 3121 SHELL MOUND BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0110D.0010 3121 SHELL MOUND BLVD FORT MYERS BEACH FL 33931	SHELL MOUND PARK BLK.D PB 11 PG 4 LOT 1	57
HELLMAN KELLY 85% + 1590 W 37TH AVE DENVER, CO 80211	29-46-24-W1-0110D.0020 3191 SHELL MOUND BLVD FORT MYERS BEACH FL 33931	SHELL MOUND PARK BLK D PB 11 PG 4 LOT 2	58
HALL WAYNE E + MARILYN L PO BOX 252 PARRY SOUND, ON P2A 2X4 CANADA	29-46-24-W1-0110D.0030 3251 SHELL MOUND BLVD FORT MYERS BEACH FL 33931	SHELL MOUND PARK BLK D PB 11 PG 4 LOT 3	59
ESQUIVEL ADELA 3291 SHELL MOUND BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0110D.0040 3291 SHELL MOUND BLVD FORT MYERS BEACH FL 33931	SHELL MOUND PARK BLK D PB 11 PG 4 LOT 4	60
SANDY GETAWAY GROUP LLC 27892 GREENWOOD DR ADEL, IA 50003	29-46-24-W1-0110D.0050 309 MADISON CT FORT MYERS BEACH FL 33931	SHELL MOUND PARK BLK.D PB 11 PG 4 LOT 5	61
SANDY GETAWAY GROUP LLC 27892 GREENWOOD DR ADEL, IA 50003	29-46-24-W1-0110D.0060 319 MADISON CT FORT MYERS BEACH FL 33931	SHELL MOUND PARK BLK D PB 11 PG 4 LOT 6	62
YANKE RONALD 328 BUCKLIN ST LA SALLE, IL 61301	29-46-24-W1-0110D.0070 329 MADISON CT FORT MYERS BEACH FL 33931	SHELL MOUND PARK BLK.D PB 11 PG 4 LOT 7	63
MOORE MICHAEL D + PAMELA D 310 MADISON CT FORT MYERS BEACH, FL 33931	29-46-24-W1-0110D.0320 310 MADISON CT FORT MYERS BEACH FL 33931	SHELL MOUND PARK BLK D PB 11 PG 4 LOT 32 + WLY 1/2 LOT 33	64
LONG STEPHEN A + ANN M 110 ARROWHEAD CT CARLISLE, KY 40311	29-46-24-W1-0110E.0010 345 DONORA BLVD FORT MYERS BEACH FL 33931	SHELL MOUND PARK BLK.E PB 11 PG 4 LOT 1	65
DEPAOLO FRANK W + 19011 SAN CARLOS BLVD UNIT 1 FORT MYERS BEACH, FL 33931	29-46-24-W1-0110E.0020 355 DONORA BLVD FORT MYERS BEACH FL 33931	SHELL MOUND PARK BLK.E PB 11 PG 4 LOT 2	66
PADGETT PROPERTIES LLC 2116 BEECH COVE RD NEW RICHMOND, OH 45157	29-46-24-W1-0110E.0030 365 DONORA BLVD FORT MYERS BEACH FL 33931	SHELL MOUND PARK BLK.E PB 11 PG 4 LOT 3	67
GROSSMAN PAUL A + SUE 360 DONORA BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0110E.0260 360 DONORA BLVD FORT MYERS BEACH FL 33931	SHELL MOUND PARK BLK E PB 11 PG 4 LOT 26	68
MCKNIGHT ALEXANDER + JOYCE 350 DONORA BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0110E.0270 350 DONORA BLVD FORT MYERS BEACH FL 33931	SHELL MOUND PARK BLK.E PB 11 PG 4 LOT 27	69
HANTEN LEON P 133 ALBATROSS ST FORT MYERS BEACH, FL 33931	29-46-24-W1-0110E.0280 340 DONORA BLVD FORT MYERS BEACH FL 33931	SHELL MOUND PARK BLK E PB 11 PG 4 LOT 28	70
MALE CHARLES B + SOPHIA H 338 DONORA BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0110E.0290 338 DONORA BLVD FORT MYERS BEACH FL 33931	SHELL MOUND PARK BLK E PB 11 PG 4 LOT 29	71
NOBLE JONATHAN 35 AVE ADRIEN MOISANT CHATOU 78400, FRANCE	29-46-24-W1-0110E.0300 334 DONORA BLVD FORT MYERS BEACH FL 33931	SHELL MOUND PARK BLK E PB 11 PG 4 LOT 30	72
BRADLEY MICHELE 330 DONORA BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0110E.0310 330 DONORA BLVD FORT MYERS BEACH FL 33931	SHELL MOUND PARK BLK E PB 11 PG 4 LOT 31	73
BARRETT ADRIAN R + ALICE 281 DONORA BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0120A.0060 281 DONORA BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK A PB 11 PG 54 LOT 6	74
DUNGAN ANN M 297 DONORA BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0120A.0070 297 DONORA BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK A PB 11 PG 54 LOT 7	75
SCHOTT DEAN E + SUZANNE 299 DONORA BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0120A.0080 299 DONORA BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK A PB 11 PG 54 LOT 8	76

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
OCONNOR CLAUDIA 1037 BRENTWOOD PT BRENTWOOD, TN 37027	29-46-24-W1-0120A.0090 301 DONORA BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK A PB 11 PG 54 LOT 9	77
DEVOS KENNETH R 303 DONORA BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0120A.0100 303 DONORA BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD.SHELL MOUND PK BLK.A PB 11 PG 54 LOT 10	78
SNOW JEFFREY LEE + MERRIE JO R PO BOX 6366 FORT MYERS BEACH, FL 33932	29-46-24-W1-0120A.0110 305 DONORA BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK A PB 11 PG 54 LOTS 11 + 12	79
PETERSON DONALD J + GAIL A PO BOX 2534 FORT MYERS BEACH, FL 33932	29-46-24-W1-0120A.0130 309 DONORA BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK A PB 11 PG 54 LOT 13	80
FLORIDA MORTGAGE PROCESSING 1500 COLONIAL BLVD STE 233 FORT MYERS, FL 33907	29-46-24-W1-0120A.0140 311 DONORA BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK A PB 11 PG 54 LOT 14	81
YELLE ANDREW F + TINA M 315 DONORA BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0120A.0150 315 DONORA BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK.A PB 11 PG 54 LOT 15 + WLY 89.35 FT.OF	82
PHELPS TAMMY + NATHAN 1720 FRIDAY LN MANSFIELD, OH 44906	29-46-24-W1-0120A.0160 331 DONORA BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK A PB 11 PG 54 LOT 16	83
PANARELLI CARLO 31 CHARLTON RD DUDLEY, MA 01571	29-46-24-W1-0120A.0170 333 DONORA BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK A PB 11 PG 54 LOT 17 LESS WLY 89.35 FT.	84
PHILLIPS TIMOTHY E 4149 BRUSH CHERRY DR MEDINA, OH 44256	29-46-24-W1-0120B.0010 310 DONORA BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK B PB 11 PG 54 LOT 1	85
OIDERMA T PETE + DONNA W L/E 300 DONORA BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0120B.0020 300 DONORA BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK B PB 11 PG 54 LOT 2	86
OIDERMA T PETE + DONNA W TR 300 DONORA BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0120B.0030 290 DONORA BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK B PB 11 PG 54 LOT 3	87
BOBACK DENNIS C + SUSAN A 280 DONORA BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0120B.0040 280 DONORA BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK B PB 11 PG 54 LOT 4	88
NASH ERNEST E + EVELYN M 270 KINGS RD MADISON, NJ 07940	29-46-24-W1-0120B.0050 270 DONORA BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK B PB 11 PG 54 LOT 5	89
SEBASTIAN RICHARD D JR 260 DONORA BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0120B.0060 260 DONORA BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK B PB 11 PG 54 LOT 6	90
CLARK PAUL G 828 NORTH SHORE DR GLEN BURNIE, MD 21060	29-46-24-W1-0120B.0070 250 DONORA BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK B PB 11 PG 54 LOT 7	91
YANKE RONALD 328 BUCKLIN ST LA SALLE, IL 61301	29-46-24-W1-0120B.0080 240 DONORA BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK B PB 11 PG 54 LOT 8	92
HAYES ROBERT S + EDITH TR PO BOX 767 MARSTONS MILLS, MA 02648	29-46-24-W1-0120B.0090 230 DONORA BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK B PB 11 PG 54 LOT 9	93
COOKE FRANCES J 226 DONORA BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0120B.0100 226 DONORA BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK B PB 11 PG 54 LOT 10	94
LONG STEPHEN A + ANN M 110 ARROWHEAD CT CARLISLE, KY 40311	29-46-24-W1-0120B.0150 3031 SHELL MOUND BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK B PB 11 PG 54 LOT 15	95
ARASIMOWICZ EDWARD A + DEBRA M 3041 SHELL MOUND BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0120B.0160 3041 SHELL MOUND BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK B PB 11 PG 54 LOT 16	96
CULLINAN DANIEL E + KIM B TR 3051 SHELL MOUND BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0120B.0170 3051 SHELL MOUND BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK.B PB 11 PG 54 LOT 17	97

All data is current at time of printing and subject to change without notice.
THE INFORMATION CONTAINED IN THIS REPORT IS GOVERNED BY FLORIDA STATUTE 119.071
(GENERAL EXEMPTIONS FROM INSPECTION OR COPYING OF PUBLIC RECORDS).

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
BRYCE MARTIN C + MARY A PO BOX 397 NEWTOWN SQUARE, PA 19073	29-46-24-W1-0120B.0180 3061 SHELL MOUND BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK B PB 11 PG 54 LOT 18	98
FINDERSON JAMES D + KATHLEEN G 3071 SHELL MOUND BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0120B.0190 3071 SHELL MOUND BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK B PB 11 PG 54 LOT 19	99
PERRY ROBERT J 366 ANDREW CRES PO BOX 1105 BELLE RIVER, ON N0R 1A0 CANADA	29-46-24-W1-0120B.0200 3081 SHELL MOUND BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK B PB 11 PG 54 LOT 20	100
BUCK HERBERT J + CONSTANCE 5405 JAEGER RD NAPLES, FL 34109	29-46-24-W1-0120B.0210 3091 SHELL MOUND BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK B PB 11 PG 54 LOT 21	101
CASALE RALPH + MARIA 541 OTTO PL PARAMUS, NJ 07653	29-46-24-W1-0120B.0220 3101 SHELL MOUND BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK B PB 11 PG 54 LOT 22	102
DINON MARIE S L/E 3111 SHELL MOUND BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0120B.0230 3111 SHELL MOUND BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK B PB 11 PG 54 LOT 23	103
RATCLIFF ROBERT D & 121 VOORHIS ST FORT MYERS BEACH, FL 33931	29-46-24-W1-0120C.0010 121 VOORHIS ST FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK C PB 11 PG 54 LOT 1	104
STAROWICZ DANIEL 117 VOORHIS ST FORT MYERS BEACH, FL 33931	29-46-24-W1-0120C.0020 117/119 VOORHIS ST FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK C PB 11 PG 54 LOT 2	105
VANCE HERBER G + NORMA L TR ANGELA RUSSELL 5961 MINK ST MOUNT VERNON, OH 43050	29-46-24-W1-0120C.0030 3060 SHELL MOUND BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK C PB 11 PG 54 LOT 3	106
RUSSELL EDGAR E + ANGELA TR 386 VALDEZ AVE GOLETA, CA 93117	29-46-24-W1-0120C.0040 3056/3058 SHELL MOUND BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK C PB 11 PG 54 LOT 4	107
FEDERAL NATIONAL MORTGAGE ASSN PO BOX 650043 DALLAS, TX 75265	29-46-24-W1-0120C.0050 3052/3054 SHELL MOUND BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK C PB 11 PG 54 LOT 5	108
DAGNESE MICHAEL P 3046 SHELL MOUND BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0120C.0060 3044/3046 SHELL MOUND BLVD FORT MYERS BEACH FL 33931	ZIMMERS ADD SHELL MOUND PK BLK C PB 11 PG 54 LOT 6	109
ALBRIGHT HOLDINGS LTD 3730 ESTERO BLVD FORT MYERS BEACH, FL 33931	29-46-24-W1-0110D.0080 333 MADISON CT FORT MYERS BEACH FL 33931	SHELL MOUND PARK BLK D PB 11 PG 4 LOT 8	110
WALDRON ROBERT L + REBECCA A 141 MADISON CT FORT MYERS BEACH, FL 33931	29-46-24-W1-0020D.0030 139 MADISON CT FORT MYERS BEACH FL	EUCALYPTUS PARK BLK D PB 4 PG 34 LOTS 3 + 4	111
GULF WESTWIND CONDO 13611 MCGREGOR BLVD STE 6 FORT MYERS, FL 33919	29-46-24-W1-02000.00CE 3049 ESTERO BLVD FORT MYERS BEACH FL 33931	GULF WESTWIND CONDO COMMON AREA OR 1017 PG 345 THRU 393	112
JELSMA EVERT J + SUSANNE H TR 3045 ESTERO BLVD APT 11 FORT MYERS BEACH, FL 33931	29-46-24-W1-02001.00A0 3045 ESTERO BLVD #1A FORT MYERS BEACH FL 33931	GULF WEST WIND CONDO OR1017 PG345/OR2441 PG802 BLDG 1 UNIT A	113
TUTTLE MARY E TR 958 KENSINGTON NW GRAND RAPIDS, MI 49534	29-46-24-W1-02001.00B0 3045 ESTERO BLVD #1B FORT MYERS BEACH FL 33931	GULF WEST WIND CONDO OR1017 PG345/OR2441PG802 BLDG 1 UNIT B	113
CARPENTER WILLIAM + 14617 15TH AVE FLUSHING, NY 11357	29-46-24-W1-02001.00C0 3045 ESTERO BLVD #1C FORT MYERS BEACH FL 33931	GULF WEST WIND CONDO OR1017PG345/OR2441PG8025 BLDG I UNIT C	113
DIMARZO DOMINICK TR 7786 MARIE DR # 74 SHELBY TOWNSHIP, MI 48316	29-46-24-W1-02001.00D0 3045 ESTERO BLVD #1D FORT MYERS BEACH FL 33931	GULF WEST WIND CONDO OR1017PG345/OR2441PG802 BLDG 1 UNIT D	113
PATALANO GLADYS R TR + 37230 N BLACK VELVET LN WADSWORTH, IL 60083	29-46-24-W1-02002.00A0 3045 ESTERO BLVD #2A FORT MYERS BEACH FL 33931	GULF WEST WIND CONDO OR1017PG345/OR2441PG802 BLDG 2 UNIT A	114

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
SMITS RONALD L + RACHEL A 4361 NUCELET DR GREEN BAY, WI 54311	29-46-24-W1-02002.00B0 3045 ESTERO BLVD #2B FORT MYERS BEACH FL 33931	GULF WEST WIND CONDO OR1017PG345/OR2441PG802 BLDG 2 UNIT B	114
COLE LISA D TR 3045 ESTERO BLVD APT 23 FORT MYERS BEACH, FL 33931	29-46-24-W1-02002.00C0 3045 ESTERO BLVD #2C FORT MYERS BEACH FL 33931	GULF WEST WIND CONDO OR1017PG345/OR2441PG802 BLDG 2 UNIT C	114
DAHLMAN BILLY J TR + 15778 LAWRENCE 2130 MOUNT VERNON, MO 65712	29-46-24-W1-02002.00D0 3045 ESTERO BLVD #2D FORT MYERS BEACH FL 33931	GULF WEST WIND CONDO OR1017PG345/OR2441PG802 BLDG 2 UNIT D	114
JACKSON FRANK A + KATHLEEN E + 1031 NATIONAL RD WHEELING, WV 26003	29-46-24-W1-02003.00A0 3045 ESTERO BLVD #3 FORT MYERS BEACH FL 33931	GULF WEST WIND CONDO OR1007PG345/OR2441PG802 BLDG 3 UNIT A	115
GILLESPIE JAMES R 1060 SIR FRANCIS CT GALLATIN, TN 37066	29-46-24-W1-02003.00B0 3045 ESTERO BLVD #3B FORT MYERS BEACH FL 33931	GULF WEST WIND CONDO OR1017PG345/OR2441PG802 BLDG 3 UNIT B	115
JACKSON FRANK A + KATHLEEN E + 1031 NATIONAL RD WHEELING, WV 26003	29-46-24-W1-02003.00C0 3045 ESTERO BLVD #3C FORT MYERS BEACH FL 33931	GULF WEST WIND CONDO OR1017PG345/OR2441PG802 BLDG 3 UNIT C	115
ALBINO GLORIA M TR 3045 ESTERO BLVD APT 34 FORT MYERS BEACH, FL 33931	29-46-24-W1-02003.00D0 3045 ESTERO BLVD #3D FORT MYERS BEACH FL 33931	GULF WEST WIND CONDO OR1017PG345/OR2441PG802 BLDG 3 UNIT D	115
MCINTOSH PATRICIA T PO BOX 2446 FORT MYERS BEACH, FL 33932	29-46-24-W1-02004.00A0 3045 ESTERO BLVD #4A FORT MYERS BEACH FL 33931	GULF WEST WIND CONDO OR1017PG345/OR2441PG802 BLDG 4 UNIT A	116
PAOLONI ROBERT J PO BOX 762 KENT, OH 44240	29-46-24-W1-02004.00B0 3045 ESTERO BLVD #4B FORT MYERS BEACH FL 33931	GULF WEST WIND CONDO OR1017PG345/OR2441PG802 BLDG 4 UNIT B	116
FLAHERTY JOSEPH + EILEEN TR 52 GREENBRIAR DR BERKELEY HEIGHTS, NJ 07922	29-46-24-W1-02004.00C0 3045 ESTERO BLVD #4C FORT MYERS BEACH FL 33931	GULF WEST WIND CONDO OR1017PG345/OR2441PG802 BLDG 4 UNIT C	116
LOVELESS SCOTT A + PAULA M + 2024 E YODER RD FORT WAYNE, IN 46819	29-46-24-W1-02004.00D0 3045 ESTERO BLVD #4D FORT MYERS BEACH FL 33931	GULF WEST WIND CONDO OR1017PG345/OR2441PG802 BLDG 4 UNIT D	116
BUSTER DEBORAH KAY 2051 HEATHERLYNN DR APT A1 MUSCATINE, IA 52761	29-46-24-W1-02005.00A0 3045 ESTERO BLVD #5A FORT MYERS BEACH FL 33931	GULF WEST WIND CONDO OR1017PG345/OR2441PG802 BLDG 5 UNIT A	117
TARULLI SYBIL 1745 WASHINGTON VALLEY RD MARTINSVILLE, NJ 08836	29-46-24-W1-02005.00B0 3045 ESTERO BLVD #5B FORT MYERS BEACH FL 33931	GULF WEST WIND CONDO OR1017PG345/OR2441PG802 BLDG 5 UNIT B	117
TRIOLO DOMINICK A + PATRICIA M 381 ROBERTS AVE SEASIDE PARK, NJ 08752	29-46-24-W1-02005.00C0 3045 ESTERO BLVD #5C FORT MYERS BEACH FL 33931	GULF WEST WIND CONDO OR1017PG345/OR2441PG802 BLDG 5 UNIT C	117
CAMERON MAURICE C TR + 3045 ESTERO BLVD # 5D FORT MYERS BEACH, FL 33931	29-46-24-W1-02005.00D0 3045 ESTERO BLVD #5D FORT MYERS BEACH FL 33931	GULF WEST WIND CONDO OR1017PF345/OR2441PG802 BLDG 5 UNIT D	117

Case # VAR 17-0008
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

This is the second part of a two-part application. This part requests specific information for a variance. Include this form with the Request for Public Hearing form.

Case Number:
Project Name: <u>SELLEY VARIANCE</u>
Authorized Applicant: <u>JEREMY AND VICTORIA SELLEY</u>
LeePA STRAP Number: <u>29-46-24-W1-0020 B. 0350</u>

Current Property Status: <u>SINGLE-FAMILY HOME</u>
Current Zoning: <u>NC</u>
Future Land Use Map (FLUM) Category: <u>M-MED RESIDENTIAL</u>
Comp Plan Density: <u>10 du/1.2</u> Platted Overlay? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Variance is requested from:

LDC Section Number 34-1174(b) Title of Section or Subsection

<u>LOCATION - SETS NEW GENERAL</u>

Complete the narrative statements below for EACH variance requested.

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

PART I
Narrative Statements

Request for variance from 34-11746 (LDC Section number)

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

SEE ATTACHMENT

Reasons for request

Explain why the variance is needed:

SEE ATTACHMENT

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

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

SEE ATTACHMENT

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

SEE ATTACHMENT

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

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

SEE ATTACHMENT

PART 2 Submittal Requirements

All applications for a variance must submit fourteen (14) copies of this application form and all applicable exhibits.

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

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.

VARIANCE APPLICATION NARRATIVE STATEMENTS

1. **Explain the specific regulation contained in this section from which relief is sought:** The applicants are requesting a variance to construct a pool closer to the street than the principal structure on their corner lot.
2. **Explain why the variance is needed:** Given the location of the principal structure on the lot and the dimensions of the lot, there is no plausible alternative location for a reasonably-sized pool at the site.
3. **Explain the possible effect the variance, if granted, would have on surrounding properties:** The mesh pool cage is not visually intrusive. An existing nonconforming carport on the property will be removed in order to accommodate it. As a result, the impact on surrounding parcels, if any, will be positive.
4. **Explain the hardship (what is unique about the property) that justifies relief from the regulation:** The site is a corner lot with an existing nonconforming carport that will be removed in order to accommodate the less visually-intrusive pool cage.
5. **Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.** The extraordinary conditions inherent in the land consist of the fact that the lot is a corner lot, the somewhat unusual shape of the lot, the lack of room for a pool without the variance, and the presence of a nonconforming carport that will be removed to accommodate the pool. None of these conditions are the result of any actions taken by the applicants. The variance is the minimum variance necessary to eliminate an unreasonable burden in that pools are a customary accessory use on Fort Myers Beach. The variance is not detrimental to the public welfare; in fact, the pool will be less visually intrusive than the nonconforming carport that it will replace. Finally, a variance is a more appropriate remedy under these unique circumstances than a change in the LDC.





Town of Fort Myers Beach
**COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

TYPE OF CASE: Variance
CASE NUMBER: VAR17-0008
CASE NAME: 3188 Shell Mound Blvd – Selley Pool Setback
LPA HEARING DATE: December 12th, 2017
**STAFF
RECOMMENDATION:** DENY
PREPARED/SUBMITTED BY: Sarah Propst, AICP/Jason Green, AICP

I. APPLICATION SUMMARY

Applicant: Jeremy and Victoria Selley
Request: The applicant is seeking a variance (VAR) from the RC zoning 25-ft. front yard setback requirement Sec. 34-1174(b), to allow the construction of a pool and screen enclosure. The variance is requested is to reduce the 25-ft. front setback by 15 ft. to allow a 10-ft. front setback.
Subject property: See attached plat and legal description, Exhibit A
Physical Address: 3188 Shell Mound Blvd
STRAP #: 29-46-24-W1-0020B.0350
FLU: Mixed Residential
Zoning: RESIDENTIAL CONSERVATION (RC)
Current use(s): Three Family Residential/Multiple-Family Dwelling

Adjacent zoning and land uses:

North: RESIDENTIAL SINGLE FAMILY (RS)

3111, 3121 Shell Mound, single-family residences on the opposite side of the roadway from the subject property.

- South: RESIDENTIAL CONSERVATION (RC)
277 Eucalyptus Ct. and 130 Voorhis St., two-family and single-family residences directly adjacent to the subject property.
- East: RESIDENTIAL CONSERVATION (RC)
3190 Shell Mound, single-family residence directly adjacent to the subject property.
- West: RESIDENTIAL SINGLE FAMILY (RS)
3101 Shell Mound Blvd, single-family residence on the opposite side of the roadways from the subject property.

II. BACKGROUND AND ANALYSIS

Background:

Jeremy and Victoria Selley, owners of the subject property have requested a variance to the required front setback to allow for the construction of a pool and screen enclosure. The applicant's plan, as shown on Exhibit B, reflect the location of the pool and enclosure. The 6,000 square foot lot is located on the southeast corner of intersection with Shell Mound Blvd. and Voorhis St. The property is zoned RC and the parcel meets all dimensional requirements of that zoning district. It is Mixed Residential on the future land use map, a three family dwelling unit or multi-family unit is a nonconforming use.

The request is to decrease the minimum front yard setback for an accessory structure on Residential Conservation zoned property, Sec. 34-1174(b), from 25 ft. to 10 ft. for the construction of a new pool and screen enclosure. The accessory structure setback for pools and screen enclosures in RC are 25 ft. from the right-of-way and 5 ft. from the rear and side property lines. The applicant has requested a reduction of 15 ft. in the front setback, to locate the screen enclosure 10 ft. from the front property line at Shell Mound Blvd. The proposed screen enclosure would meet all other setbacks, see Exhibit B.

The subject property is a corner parcel zoned Residential Conservation and is subject to the following setbacks: two 25 ft. front yard setbacks along the rights-of-way, 7.5 ft. from side property lines, and 20 ft. from the rear property line. The residence was built in 1972 and consists of a three-dwelling structure which is set on the lot in an irregular fashion. As a point of explanation: The code definitions of "Lot line, rear" found in 34-2: "...In the case of corner lots, the rear lot line shall be the line most nearly parallel to or concentric with and most distant from the front lot line most prevalent along the block." Based on that definition and the street address on Shell

Mound Blvd., the rear lot line would be the southern property line, parallel to Shell Mound Blvd., but the setback from the house to property line would be only 8 ft. and the side yard would be 18+ ft. Because of this irregularity staff has determined that the rear property line for this parcel should be considered the eastern property line and the rear, the southern property line.

The existing residence does not meet the 25 ft. setbacks from the rights-of-way, it sits 18.7 ft. from the northern right-of-way property line and 22 ft. from the western right-of-way property line. The house meets the side setback of 7.5 ft. but a patio roof encroaches into the required setback. The house does not meet the rear 20-ft. setback, it is 18.4 ft. from the rear property line. A carport and a six-foot tall fence are located on the property within the required front setback with Shell Mound Blvd. and the rear setback, both will be demolished for pool construction. The applicant has agreed to remove all encroachments onto neighboring property and structures currently within the setback by February 2018

Analysis:

The residence was built in 1972 and the owner purchased the property in 2015. One violation was issued in 1996, per Lee County, no information was included with the violation. Staff found no previous variance requests for the subject property.

The subject parcel is similar in size to parcels in the neighborhood, in the same zoning district; it is 500 square feet smaller than the adjacent corner parcel. The rear yard is small and oddly shaped due to the angle of the rear property line not being parallel to the existing home. This is similar to most of the adjacent properties.

The property includes a carport built in 1974, located 8.7 ft. from the right-of-way, and a six-foot tall fence, located close to the right-of-way; both would be removed prior to the construction of the pool. The applicant has agreed to install landscaping between the proposed pool screen and the Shell Mound Blvd. right-of-way to visually buffer the right-of-way and properties across the right-of-way from the pool area.

Comprehensive Plan Compatibility:

Staff found that the reduced front yard setback is not consistent with the intent of the Town of Fort Myers Beach Comprehensive Plan. Approval of the requested setbacks would be inconsistent with the intent of the Comprehensive Plan Objective 2-B; achieving a higher ambition for residential streets, improving walkability, comfort, beauty, interconnectedness, and safety.

Neighborhood Compatibility:

In a review of aerial photography of the neighborhood, staff found the homes appear to have variety of setbacks. However, due to the skew of the parcel boundaries in the Lee County Property Appraiser's maps staff is unable to determine the actual setbacks of the homes in the neighborhood. Few homes in the area appear to have pools, as the lots are fairly constricted.

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 provided the following explanation:

The site is a corner lot with an existing nonconforming carport that will be removed in order to accommodate the less visually-intrusive pool cage. The variance is the minimum variance necessary to eliminate an unreasonable burden in that pools are a customary accessory use on Fort Myers Beach.

The parcel, while small, does meet all of the dimensional requirements of the zoning district. The primary structure is built less than two feet into the required rear yard at the closest point, not creating an exceptionally small yard. Additionally, the proposed pool layout includes a large patio area which pushes the pool towards the front of the property. Staff finds that the request is not de minimis.

- 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 applicant provided the following explanation:

The extraordinary conditions inherent in the land consists of the fact that the lot is a corner lot, the somewhat unusual shape of the lot, the lack of room for a pool without the variance, and the presence of a nonconforming carport that will be removed to accommodate the pool. None of these conditions are the result of any actions taken by the applicants.

Staff finds that the conditions presented to justify the variance are the result of the actions of the applicant. The lot is small and a corner parcel which impacts the ability to construct a pool, however a smaller pool could be constructed which could potentially fit within the setbacks or require a lesser variance.

- 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 applicant provided the following explanation:

Given the location of the principal structure on the lot and the dimensions of the lot, there is no plausible alternative location for a reasonably-sized pool at the site. The variance is the minimum variance necessary to eliminate an unreasonable burden in that pools are a customary accessory use in Fort Myers Beach.

Staff finds that the requested variance is not the minimum variance that would allow the construction of a pool and screen enclosure. The proposed screen would extend 8' 8" towards the right-of-way, beyond the front of the house, see Exhibit B. A smaller pool or pool area could be proposed.

- d. *That the granting of the variance **will**/will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and*

The applicant provided the following explanation:

The mesh pool cage is not visually intrusive. An existing nonconforming carport on the property will be removed in order to accommodate it. As a result the impact on surrounding parcels, if any, will be positive.

The variance is not detrimental to the public welfare; in fact, the pool will be less visually intrusive than the nonconforming carport that it will replace

Staff finds that the variance will be injurious to the neighborhood and detrimental to the public welfare. The proposed pool and pool screen would be located only 10 ft. from the right-of-way and extend 25 ft. along the front of the property. This proposal will have an increased visual impact on the roadway and adjacent neighbors to the east and neighbors on the opposite side of Shell Mound Blvd. Additionally, construction of an area designed for recreation, this close to the roadway, may constitute a hazard to the users. While a carport is currently located only 8.7 ft. from the right-of-way, the carport is small and is not an area where people regularly congregate close to the roadway.

The applicant has agreed to install additional landscaping between the right-of-way and the pool enclosure. This could decrease the impact on adjacent properties and improve safety for the users of the pool area.

- 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.*

The applicant provide the following explanation:

Finally, a variance is a more appropriate remedy under these unique circumstances than a change in the LDC.

Staff finds the conditions and circumstance of the subject property are not so general as to make an amendment to the setback requirements appropriate.

III. RECOMMENDATION

Staff finds no hardship or exceptional or extraordinary conditions or circumstances present that warrant the variance requested. The conditions that the applicant has cited as a hardship were present when the applicant purchased the property and are present throughout the neighborhood.

Therefore, staff recommends **DENIAL** of the variances from LDC Sec. 34-1174(b) to allow a swimming pool and screen enclosure to extend 15 ft. into the front setback of the subject property.

Staff Report Exhibits:

- A – Legal Description and Survey
- B – Plans
- C – Location Map
- D – Photos of Site
- E – Letter of Dissent from Neighbor
- F – Complete Application

ORDINANCE 17-15

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING ARTICLE IV, DIVISION 12 OF THE TOWN CODE OF ORDINANCES TO PROHIBIT MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES WITHIN THE BOUNDARIES OF THE CITY AS AUTHORIZED BY SECTION 381.986, FLORIDA STATUTES; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR CODIFICATION, MORATORIUM CONTINGENCY; SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Fort Myers Beach has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; Chapters 163 & 166, Florida Statutes; and Section 381.986, Florida Statutes; and

WHEREAS, The Marijuana Policy Group has published a memorandum called “Municipal Dispensary Allocation: Florida,” which evaluated the market need for medical marijuana dispensing facilities and the harmful consequences and secondary effects of over-saturation of medical marijuana dispensing facilities within the market place; and

WHEREAS, The Marijuana Policy Group determined that Florida should have no more than one dispensing facility for each fifty-thousand residents and the optimal ratio is one dispensing facility per 67,222 residents, and the Town of Fort Myers Beach has a population (approximately 6,000) well below such ratios; and

WHEREAS, Section 381.986(11), Florida Statutes, authorizes a county or municipality to “ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that county or municipality;” and

WHEREAS, Section 381.986(11) further provides that “[a] county or municipality that does not ban dispensing facilities under this subparagraph may not place specific limits, by ordinance, on the number of dispensing facilities that may locate within that county or municipality,” and that “[e]xcept as provided in paragraph (c), a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under chapter 465”; and

WHEREAS, Section 381.986, Florida Statutes severely limits, through State preemption, the Town’s control over the zoning and permitting of medical marijuana dispensaries, thereby substantially restricting the Town’s ability to protect surrounding land uses for which dispensaries may not be compatible; and

WHEREAS, given, among other things, the potential negative secondary land use effects of medical marijuana dispensing facilities, The Marijuana Policy Group’s the analysis of optimal population ratios (residents per dispensing facility), and the statutory restrictions on local government authority to regulate number and location of dispensing facilities if not banned, there is a rational basis for the Town to exercise its authority under Section 381.986(11), Florida Statutes to ban dispensing facilities within the boundaries of the Town; and

WHEREAS, the Town finds that this Ordinance is in the interests of the public health, safety, and

welfare.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance and adopted as legislative findings.

SECTION 2. Amendment of Town Code. Article IV, Division 12 of the Town of Fort Myers Beach Code is hereby amended to add the following new provisions:

Section 34-1554 Medical Marijuana.

Sec. 34-1554. – Medical Marijuana Treatment Center Dispensing Facilities.

(1) Prohibition. Medical Marijuana Treatment Center Dispensing Facilities are prohibited and shall not be located within the boundaries of the city. The Town shall not accept, process or approve any request or application for a development order, building permit or other approval associated with a proposed Medical Marijuana Treatment Center Dispensing Facility.

(2) Definition. For the purposes of this section, the term “Medical Marijuana Treatment Center Dispensing Facility” means any facility where medical marijuana or any product derived therefrom is dispensed at retail.

(3) Interpretation. This section and the terms used herein shall be interpreted in accordance with F.S. § 381.986 and Ch. 64-4 of the Florida Administrative Code. The intent of this section is to ban medical marijuana treatment center dispensing facilities from being located within the boundaries of the Town as authorized by F.S. § 381.986(11).

SECTION 3. Codification. This Ordinance shall be incorporated into the Town of Fort Myers Beach Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance or the Town Code may be freely made.

SECTION 4. Moratorium Contingency. In the event Section 381.986, Florida Statutes, is amended or interpreted by a court of competent jurisdiction in a way as to eliminate or prevent the Town’s ability to ban or prohibit Marijuana Treatment Center Dispensing Facilities within the city limits, upon the effective date of such, an automatic one-year moratorium shall go into place on the acceptance, processing and approval of Marijuana Treatment Center Dispensing Facilities (including by way of acceptance, proceeding and approval of applications for development orders and permits) within the Town limits in order to give the Town time to evaluate changes in the applicable law, the Town’s ability to regulate such uses and activities and potentially enact local legislation regarding the same. Such one-year moratorium may be terminated early through resolution or ordinance of the Town Council.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be

deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 7. Effective date. This Ordinance shall become effective immediately upon adoption by the Town Council of the Town of Fort Myers Beach, Florida.

FIRST READING AND PUBLIC HEARING: October 2, 2017

SECOND READING AND PUBLIC HEARING: December 4, 2017

The foregoing Ordinance was adopted by the Town Council upon a motion by _____ and seconded by _____ and upon being put to a roll call vote, the result was as follows:

Dennis Boback, Mayor
Anita Cereceda, Council Member
Bruce Butcher, Council Member

Tracey Gore, Vice Mayor
Joanne Shamp, Council Member

ADOPTED this 4th day of December, 2017, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

By: _____
Dennis C. Boback, Mayor

ATTEST:

Michelle D. Mayher, Town Clerk

APPROVED AS TO FORM:
Peterson Law Group, Town Attorney

DIVISION 2. - HISTORIC PRESERVATION BOARD

Sec. 22-71. - General authority.

The local planning agency, as established through ch. 34, article II, division 3 of this code, shall serve as the Historic Preservation Board for the Town of Fort Myers Beach. The historic preservation board is hereby vested with the power, authority, and jurisdiction to designate, regulate and administer historical, cultural, archaeological and architectural resources in the town, as prescribed by this chapter.

Secs. 22-72, 22-73. - Reserved.

Sec. 22-74. - Powers and duties.

The historic preservation board shall have the following powers and duties:

- (1) To propose rules and procedures to implement the provisions of this chapter to the town council.
- (2) To maintain and update the findings of the historical and archaeological surveys and validate those findings.
- (3) To evaluate the level of importance of historic resources, and eligibility for designation pursuant to this chapter.
- (4) To designate eligible historic resources pursuant to this chapter.
- (5) To nominate historic resources to the National Register of Historic Places.
- (6) To approve, deny, or approve with conditions applications for special certificates of appropriateness and certificates to dig applicable to historic resources designated pursuant to this chapter.
- (7) To issue certificates, place historical markers and plaques, and administer other programs aimed at the proper recognition of designated historic resources.
- (8) To advise the town council on all matters related to historic preservation policy, including use, administration, and maintenance of town-owned designated sites and districts.
- (9) To recommend zoning and building code amendments to the town council to assist in the preservation of designated historic resources or districts.
- (10) To review and make recommendations to the town council on proposed amendments to the comprehensive plan or this code that may affect designated historic resources and districts or buildings, structures, districts, or sites eligible for designation.
- (11) To propose and recommend to the town council financial and technical incentive

programs to further the objectives of historic preservation.

- (12) To increase the awareness of historic preservation and its community benefits by promoting public education programs.
- (13) To record and maintain records of the actions and decisions of the historic preservation board.
- (14) To apply for, in the name of the town only, grant assistance from state, federal or private sources for the purpose of furthering the objectives of historic preservation.
- (15) To perform any other function or duty assigned to it by the town council.

(Ord. No. 14-03, § 3, 1-5-2015)

Sec. 22-75. - Categories of historic importance.

Upon petition or application, the historic preservation board will evaluate the importance of structures/sites within the town's heritage and issue a determination of category of historic importance (CHI) as follows:

- (1) *CHI-1 - Historic Designation:* Assigned to historic and/or archaeological resources that meet the requirement standards for county, state and/or national registration. Subject to LDC chapter 22, article II, division 3 and division 4.
- (2) *CHI2 - Historic Recognition:* Assigned to resources that meet the criteria of importance to the cultural, religious, educational, commercial, and tourism historical development and/or archaeological resources of the town.
- (3) *CHI3 - Historic Significance:* Assigned to resources that on an individual basis do not constitute a significant site, but do contribute to the overall significance of a district.
- (4) *CHI4 - Historic Interest:* Assigned to areas and vistas that offer insight into understanding the history of the town, the lifestyle of its inhabitants, the historic use of its natural resources and trends in its development.

(Ord. No. 14-03, § 4, 1-5-2015)

Secs. 22-76—22-100. - Reserved.

DIVISION 3. - LOCAL PLANNING AGENCY

Sec. 34-111. - Agency established.

The Town of Fort Myers Beach Local Planning Agency (LPA) is hereby established.

Sec. 34-112. - Purpose and scope.

The broad objectives of town planning and the creation of the local planning agency are to further the welfare of the citizens of the town by helping to promote a better, more helpful, convenient, efficient, healthful, safe, and attractive community environment and to insure that the unique and natural characteristics of the island are preserved.

Sec. 34-113. - Composition, appointment and compensation of members.

- (a) The local planning agency shall consist of up to seven members appointed by the town council. No members of the local planning agency shall be salaried officials of the town. Membership on the local planning agency shall not affect a person's eligibility for membership on any other advisory committee for the Town of Fort Myers Beach during his/her term of office. One spouse per household will be eligible for membership on the local planning agency during any given term of office. No current member of town council shall be eligible to serve on the local planning agency. Except for inclusion of members required under Florida law, all members must be residents of, or owners of real property located within, the territorial limits of the Town of Fort Myers Beach at the time of application for membership on the local planning agency and during the period of service on the local planning agency. All applicants must apply on or before October 1 of the appointment year. Each application must include a short biography and short explanation as to why the applicant wishes to serve on the local planning agency.
- (b) The members of the local planning agency shall serve without compensation but may be reimbursed for expenses as are necessary to conduct the work of the agency from funds appropriated by the town council.
- (c) In addition to the up to seven voting members, the local planning agency shall also include as a nonvoting member a representative of the Lee County School District, as designated by the Lee County School Board, to attend and participate in those meetings at which the local planning agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application (see F.S. 163.3174(1), 2002).

Sec. 34-114. - Members' terms and vacancies.

- (a) The term of office of a member of the local planning agency shall be staggered in increments of

two years or until a successor has been appointed and has qualified, except that the respective terms of the members first appointed under Ordinance No. 08-11 shall be up to four members for a one-year term and three members for a two-year term. If otherwise qualified, a member may be repeatedly appointed for an additional term by Town Council without a limitation in number of terms served.

- (b) Appointments shall be made annually at the first available meeting of the council in November. The term of any member which would otherwise expire in April, 2008, will be extended to the first available town council meeting in November, 2008, or until such member's successor has been appointed, whichever is sooner. The term of any member which would otherwise expire in April, 2009, will be extended to the first available town council meeting in November, 2009, or until their successor has been appointed, whichever is sooner. Vacancies in the local planning agency shall, within 60 days, be filled by the council for the remainder of the term created by such vacancy.

Sec. 34-115. - Forfeiture of office.

A local planning agency member shall forfeit office if the member:

- (1) Lacks at any time during the term of office any qualification for the office prescribed by town ordinance or state law; or
- (2) Violates any standard of conduct or code of ethics established by law for public officials; or
- (3) Is absent from three regular local planning agency meetings per year without being excused by the local planning agency.

Sec. 34-116. - Election and duties of officers.

- (a) The local planning agency shall elect a chairperson and a vice-chairperson each year at the first meeting of the newly appointed members.
- (b) It shall be the duty of the chairperson to preside over all meetings of the local planning agency. In the absence of the chairperson, the vice-chairperson may preside.

Sec. 34-117. - Clerk.

The town manager or designee shall be the clerk of the local planning agency. It shall be the duty of the clerk to keep a record of all proceedings of the local planning agency, transmit its recommendations when directed by the chairperson, maintain an updated complete file of all its proceedings at town hall, and perform such other duties as are usually performed by the clerk of a deliberative body.

Sec. 34-118. - Rules and procedures.

The local planning agency shall meet at least eight times per year and shall meet no less often than bi-monthly or more frequently at regular intervals to be determined by it, and at such other times as the chairperson or as it may determine. It may adopt rules for the transaction of its business. The rules may be amended from time to time, but only upon notice to all members that said proposed amendments shall be acted upon at a specified meeting. A majority vote of the local planning agency shall be required for the approval of the proposed amendment. It shall keep a properly indexed record of its resolutions, transactions, findings, and determinations, which record shall be a public record. All meetings of the local planning agency shall be public meetings.

Sec. 34-119. - Employment of staff and experts.

The local planning agency may, subject to the approval of the town council and within the financial limitations set by appropriations made or other funds available, recommend the town manager employ such experts, consultants, technicians and staff as may be deemed necessary to carry out the functions of the local planning agency. Such technical assistance to the local planning agency shall be under the day-to-day supervision of the town manager.

Sec. 34-120. - Specific functions, powers and duties as to comprehensive planning and land development regulations.

The functions, powers and duties of the local planning agency as to comprehensive planning and adoption of land development regulations shall be to:

- (1) Acquire and maintain such information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions, and provide data for estimates of future conditions. Such information and material may include maps and photographs of manmade and natural physical features, statistics on trends and present and future estimated conditions with respect to population, property values, economic base, land uses, municipal services, various parameters of environmental quality, and such other information as is important or likely to be important in determining the amount, direction and kind of development to be expected in the town and its various parts and the necessary regulation thereof to insure that the unique and natural characteristics of the island be preserved.
- (2) Prepare principles and policies for guiding land uses and development in the town in order to preserve the unique and natural characteristics of the island, to overcome the island's present handicaps, and to prevent or minimize future problems.
- (3) Make or cause to be made any necessary special studies on the location, condition, and adequacy of specific facilities in the town or portion thereof. These may include,

but are not limited to, studies on housing, commercial facilities, utilities, traffic, transportation, parking, and emergency evacuation.

- (4) Review proposed land development codes and amendments thereto, and make recommendations to the town council as to their consistency with the comprehensive plan.
- (5) Recommend to the town council annually whether the proposed capital improvements program is consistent with the comprehensive plan.
- (6) Make administrative interpretations of the comprehensive plan when such interpretations are referred to the local planning agency by its legal counsel, in accordance with the ch. 15 of the comprehensive plan and § 34-124(3) of this chapter.
- (7) Request legislative interpretations of the comprehensive plan in accordance with ch. 15 of that plan, when deemed appropriate by the local planning agency.
- (8) Make recommendations to the town council on legislative interpretations that have been requested in accordance with ch. 15 of the comprehensive plan.
- (9) Recommend action to the town council on any amendments that are proposed to the comprehensive plan.
- (10) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the town council such changes in the comprehensive plan as may from time to time be required, including preparation of the periodic evaluation and appraisal reports required by F.S. § 163.3191.
- (11) Conduct such public hearings as may be needed for updating the comprehensive plan and such additional public hearings as are specified by law.
- (12) Aid town officials charged with the direction of projects or improvements embraced within the comprehensive plan and generally promote the realization of the comprehensive plan.
- (13) Cooperate with municipal, county and regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area.
- (14) Perform any other duties which lawfully may be assigned to it by the town council.

Sec. 34-121. - Functions, powers and duties as to zoning matters.

The functions, powers and duties of the local planning agency as to zoning matters shall be to:

- (1) Prepare recommendations for changes to the boundaries of the various zoning districts, or to the regulations applicable thereto, to the town council.
- (2) Make recommendations on the following to the town council:

- a. Applications for rezonings including planned developments.
- b. Applications for developments of regional impact and Florida Quality Developments approval, which may or may not include a request for rezoning.
- c. Special exceptions.
- d. Variances from this code and any town ordinance which specifies that variances from such ordinance can only be granted by the town council.
- e. Extensions of master concept plans for planned developments (see § 34-220(4) of this chapter).
- f. Any other applications that require action by the local planning agency pursuant to this code.

(3) *Authority.*

- a. The local planning agency shall serve in an advisory capacity to the town council with respect to zoning matters as set forth in subsections (1) and (2) of this section, and in such capacity may not make final determinations.
- b. The local planning agency shall not recommend the approval of a rezoning, and the town council shall not approve a rezoning, other than the change published in the newspaper pursuant to § 34-236(b) of this chapter, unless such change is more restrictive and permitted within the land use classification as set forth in the Fort Myers Beach Comprehensive Plan.
- c. In reaching its recommendations, the local planning agency shall have the authority to recommend special conditions to be attached to any request for a planned development, special exception or variance.

Sec. 34-122. - Functions, powers and duties as to historic preservation.

The powers and duties of the local planning agency regarding historic preservation shall include performing all functions assigned to the historic preservation board as set forth in ch. 22, article II, division 2 of this LDC.

Sec. 34-123. - Cooperation with the local planning agency.

Each officer and employee of the town is hereby directed to give all reasonable aid, cooperation, and information to the local planning agency or to the authorized assistants of such agency when so requested.

Sec. 34-124. - Legal counsel to the local planning agency.

The local planning agency have its own legal counsel, whose duties shall include:

- (1) Advising the local planning agency as to its legal responsibilities and options during

the conduct of its business.

- (2) Preparing resolutions reflecting actions of the local planning agency.
- (3) Issuing administrative interpretations of the Fort Myers Beach Comprehensive Plan or referring requests for such interpretations to the local planning agency (see § 34-120(6) of this chapter) when applications are submitted to the town clerk in accordance with chapter 15 of the comprehensive plan.

Secs. 34-125—34-200. - Reserved.