

LPA RESOLUTION 2025-05

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250027, REQUESTING THREE VARIANCES FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 726 ESTERO BOULEVARD., GENERALLY REFERED TO AS STRAP NUMBER 24-46-23-W3-00400.007B IN FORT MYERS BEACH, TO VARY FROM REQUIRED STREET SETBACK, REAR SETBACK, AND BUILDING COVERAGE TO BUILD A NEW SINGLE FAMILY STRUCTURE IN THE RM ZONING DISTRICT; AND PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, James Ink (“Applicant”) and Sea Shell Real Estate II LLC (“Owners”) of the property located at 726 Estero Boulevard (Property), and is requesting variances from LDC Table 34-3 of 1) a variance of 22.5 feet from the required street setback resulting in a street setback of 2.5 feet from street easement; 2) a variance of 15 feet from the required rear setback resulting in a rear setback of 5 feet; 3) a variance of 9% from the maximum allowable building coverage resulting in a building coverage of 49% to construct a new single-family home in the RM zoning district; and

WHEREAS, the STRAP number for the subject property is 24-46-23-W3-00400.007B; and

WHEREAS, the Property is located in the “Mixed Residential” and “Recreation” Future Land Use Map of the Comprehensive Plan and the “Residential” and “Multifamily” zoning districts of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on April 8th, 2025, and at said 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 Section 34-87 of the LDC; and

WHEREAS, in accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the LPA makes the following findings and conclusions:

A. There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is 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 not the result of actions of the applicant taken after the adoption of the regulation in question.

C. The variance granted is 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 not 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.

WHEREAS, eligible members of the LPA voted unanimously by roll call vote to approve the requested variances with the following conditions:

- 1) Approval of these variances does not give the Applicant an undeniable right to permit approval. Development of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
- 2) Property owner must ensure that they adhere to the Neighborhood flooding ordinance for drainage and 67% maximum impervious requirements.
- 3) The variance shall only apply to the single-family home as shown on the provided site plan. Demolition or substantial damage to the residential structure shall render the variances to be null and void.
- 4) Property owner(s) must ensure that no vehicles are parked in the 7.5-foot driveway easement.
- 5) No portions of the structure shall extend past the 1978 Lee County Line (CCCL); and

WHEREAS, Ordinance 24-06 amended Section 34-232(d) of the LDC to provide that:

(d) Owner-initiated requests for variances, or required reviews to extend or to provide evidence of satisfaction of conditions contained in prior land use approvals, that are:

- 1) approved by a unanimous vote of the local planning agency members who are eligible to vote, and
- 2) not subject to a request for an additional public hearing before the town council made by anyone that is received by the town clerk within 10 business days after the date of the local planning agency decision, excluding holidays, only require one public hearing before the local planning agency, and the local planning agency decision is final agency action.

IT IS HEREBY RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

1. The foregoing “WHEREAS” clauses are adopted herein by reference and constitute the findings and conclusions of the LPA.

2. VAR20250027, with the conditions contained herein, received unanimous approval from eligible voting members of the LPA on April 8th, 2025.

3. This Resolution shall constitute the equivalent of a development order and final agency action, subject to any request for an additional review by the Town Council filed with the Town Clerk within 10 business days of the LPA decision as authorized in Section 34-232(d) of the LDC.

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

LPA Chair Cereceda	Aye
LPA Vice-Chair Plummer	Aye
LPA Member Boan	Aye
LPA Member Eckmann	Aye
LPA Member Sudduth	Absent
LPA Member McLean	Aye
LPA Member Dunlap	Aye

DULY PASSED AND ADOPTED THIS 8th day of April 2025.

Local Planning Agency of the Town of
Fort Myers Beach

By: 
Anita Cereceda (Apr 24, 2025 15:28 EDT)
Anita Cereceda, LPA Chair

Approved as to legal sufficiency:

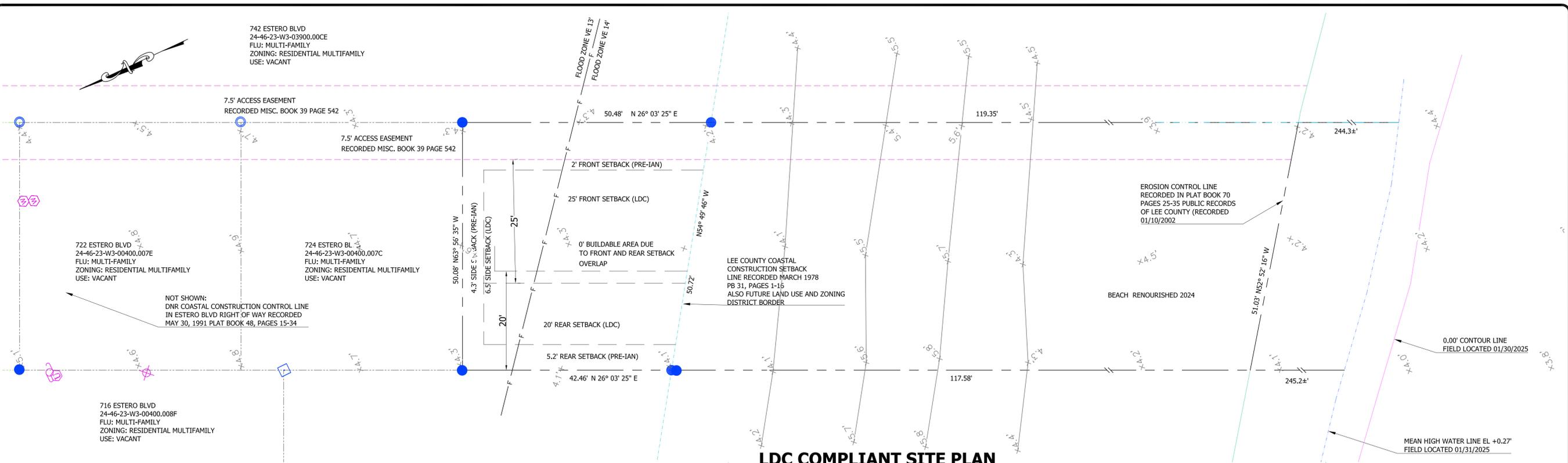
ATTEST:

By: 
Nancy Stuparich (Apr 24, 2025 22:40 EDT)
Vose Law Firm, Town Attorney

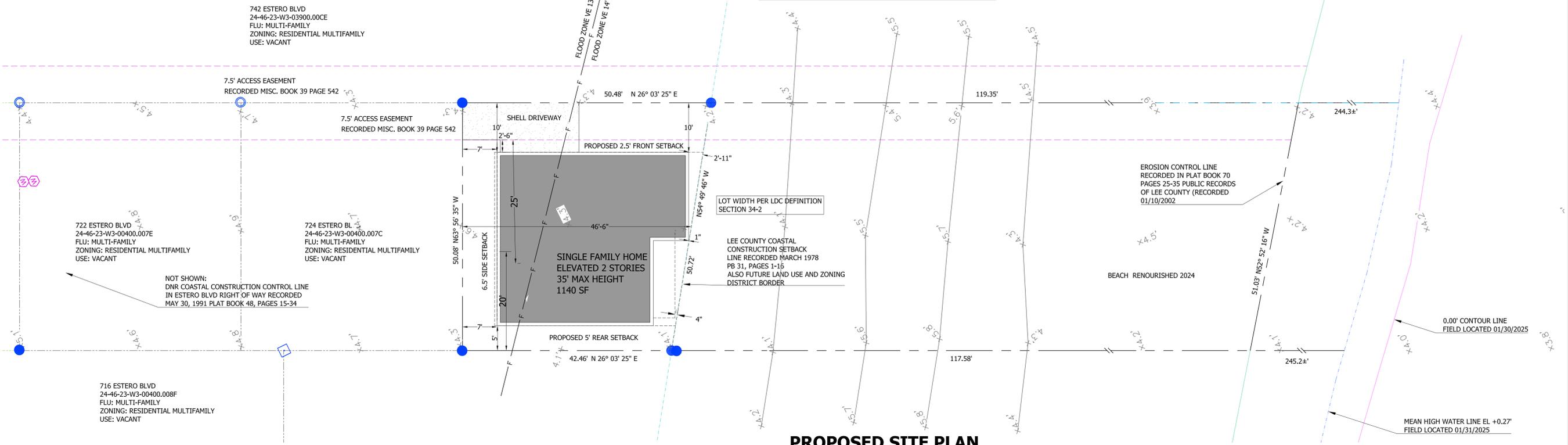
By: 
Amy Baker (Apr 25, 2025 11:27 EDT)
Amy Baker, Town Clerk

This Resolution was filed in the Office of the Town Clerk on this 24th day of April 2025.

EXHIBIT A: Site Plan



LDC COMPLIANT SITE PLAN



PROPOSED SITE PLAN

PROPERTY REGULATIONS

ADDRESS: 726 ESTERO BLVD, FT MYERS BEACH, FL 33931
 STRAP: 24-46-23-W3-00400.007B
 ZONING: RM - RESIDENTIAL MULTIFAMILY
 LAND USE: MULTIFAMILY

OWNER: SEA SHELL REAL ESTATE II, LLC
 7211 WINNETKA AVE N, BROOKLYN PARK MN

FEMA FLOOD: VE: ELEVATION 14.0' SUBJECT TO FDEP CCCL MAP 120673-0554G DATED 11/17/2022

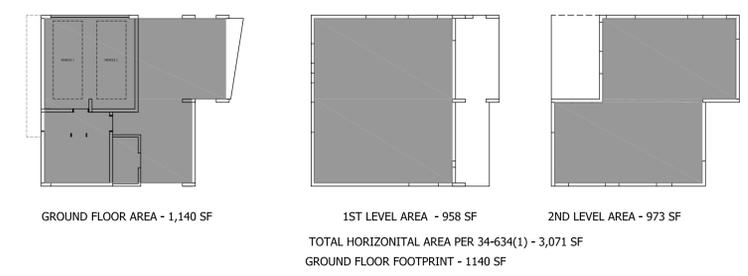
PROPERTY REGULATIONS IN DOWNTOWN DISTRICT
 FRONT SETBACK: 25 FT
 MINIMUM REAR SETBACK: 50 FT (GULF OF MEXICO)
 MINIMUM SIDE SETBACK: 6.5 FT
 MINIMUM BUILDING COVERAGE: 40%
 MAXIMUM BUILDING HEIGHT: 35 FT ABOVE BASE FLOOD
 MAXIMUM NUMBER OF STORIES: 3
 PARKING: RESIDENTIAL = 2 PER UNIT

- GENERAL NOTES**
- THE LOCATION OF EXISTING UTILITIES ARE APPROXIMATE. CONTRACTOR RESPONSIBLE TO LOCATE ANY EXISTING UTILITY.
 - PRIOR TO ANY WORK, CONTRACTOR SHALL CONTACT SUNSHINE STATE ONE CALL OF FLORIDA, 800-432-4770 OR 811 FOR LOCATION OF UTILITY LINES.

DEVELOPMENT SITE DATA

PRE-DEVELOPMENT SITE DATA	
PARCEL AREA (NO EC AREA)	2,331 SF
STRUCTURE FOOTPRINT (EXISTING)	0 SF
DECK AREA (EXISTING)	0 SF
EXISTING CONCRETE SURFACE	0 SF
TOTAL EXISTING IMPERVIOUS AREA	0 SF
TOTAL EXISTING PERVIOUS AREA	2,331 SF
ALLOWABLE IMPERVIOUS AREA (67%)	1,561 SF

POST-DEVELOPMENT SITE DATA	
TOTAL LOT AREA	8,265 SF
PARCEL AREA (NON-NON-RECREATION)	2,331 SF
GROUND FLOOR FOOTPRINT	1,140 SF
BUILDING COVERAGE	49%
SHELL DRIVEWAY	218 SF
PROPOSED IMPERVIOUS	1,358 SF
ALLOWABLE STORMWATER IMPERVIOUS	67%
PROPOSED STORMWATER IMPERVIOUS	58%



FLOOR AREA CALCULATION

NO.	DATE	DESCRIPTION
1	2/22/2025	REVISIONS PER PERM APPLICATION DATED 11/20/2025
1	2/22/2025	REVISE SETBACKS PER TOWN STAFF

VARIANCE EXHIBIT

726 ESTERO

SEA SHELL REAL ESTATE II, LLC

726 ESTERO BLVD, FORT MYERS BEACH, FL 33931

THESE PLANS HAVE NOT BE CORRECTED OR REGISTERED WITH THE ENGINEERING BOARD OF FLORIDA.

JAMES INK, P.E.
 FLORIDA REG. NO. 47106
 DATE

INK ENGINEERING INC.
 CONSULTING ENGINEERS • PLANNING

2055 WEST FIRST STREET
 FORT MYERS, FL 33901
 JINK@INKENGINEERINGINC.NET

726 ESTERO VARIANCE EXHIBIT

PROJECT NO.	23026-5
PROJECT MANAGER	James Ink P.E.
DRAWN BY	JMI
DATE	02.2025
SCALE	1" = 10'
SHEET NO.	1
OF	1