

**RESOLUTION 25-150  
FORT MYERS BEACH TOWN COUNCIL**

**A RESOLUTION OF THE FORT MYERS BEACH TOWN COUNCIL APPROVING WITH CONDITIONS A VARIANCE FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 277 PRIMO DRIVE, GENERALLY REFERED TO AS STRAP NUMBER 19-46-24-W4-0150D.0260 IN FORT MYERS BEACH, TO ALLOW A SETBACK OF 12.6 FEET INSTEAD OF THE REQUIRED 25 FEET WATERBODY SETBACK FROM A CANAL, IN ORDER TO BUILD A NEW GARAGE AND AN ELEVATED POOL FOR THE EXISTING SINGLE-FAMILY RESIDENCE IN THE RC 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**, Thomas and Melinda Kolar (“Applicant”), owners of the property located at 277 Primo Drive (Property), are requesting a variance from LDC Table 34-3 of 12.4 feet from the required 25-foot waterbody setback from a canal to allow a waterbody setback of 12.6 feet to construct a new garage and an elevated pool for the existing single-family residence in the RC zoning district; and

**WHEREAS**, the STRAP number for the subject property is 19-46-24-W4-0150D.0260; and

**WHEREAS**, the Property is located in the “Mixed Residential” Future Land Use Map of the Comprehensive Plan and the “Residential Conservation” 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 29, 2025, and at the hearing, the LPA gave full and complete consideration to the request of the 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. The LPA voted 6-1 to recommend approval of the variance finding it consistent with the Comprehensive Plan and the Land Development Code requirements for a variance; and

**WHEREAS**, on May 19, 2023 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the

documents in the record, and testimony of all interested persons as required by 34-87 of the LDC; and

**WHEREAS**, the Town Council determined it is in the best interest of the Town to approve/ approve with conditions/ deny the request.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:**

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicant did meet its burden of proof that the requested Variance does meet the requirements of the Town Comprehensive Plan and LDC, and approving with conditions the Variance is in the best interest of the Town to approve with conditions. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council APPROVES WITH CONDITIONS the variance from LDC Table 34-3.

Section 3. In approving the Variance, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-87 of the LDC:

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.

Section 4. If the Town Council approves the requested variance, the following conditions of approval are imposed on the Applicant and the Property:

1. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment 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. 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.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member King and seconded by Council Member Safford, and upon being put to a vote, the result was as follows:

Dan Allers, Mayor	Abstained
Jim Atterholt, Vice Mayor	Aye
John R. King	Aye
Bill Veach	Aye
Karen Woodson	Aye

DULY PASSED AND ADOPTED THIS 19th day of May 2025.

Town of Fort Myers Beach

*Dan Allers*

By: [Dan Allers \(Jul 19, 2025 07:03 EDT\)](#)

Dan Allers, Mayor

APPROVED AS TO LEGAL SUFFIENCY:

ATTEST:

By: *Nancy Stuparich*

[Nancy Stuparich \(Jul 21, 2025 08:59 EDT\)](#)

Vose Law Firm, Town Attorney

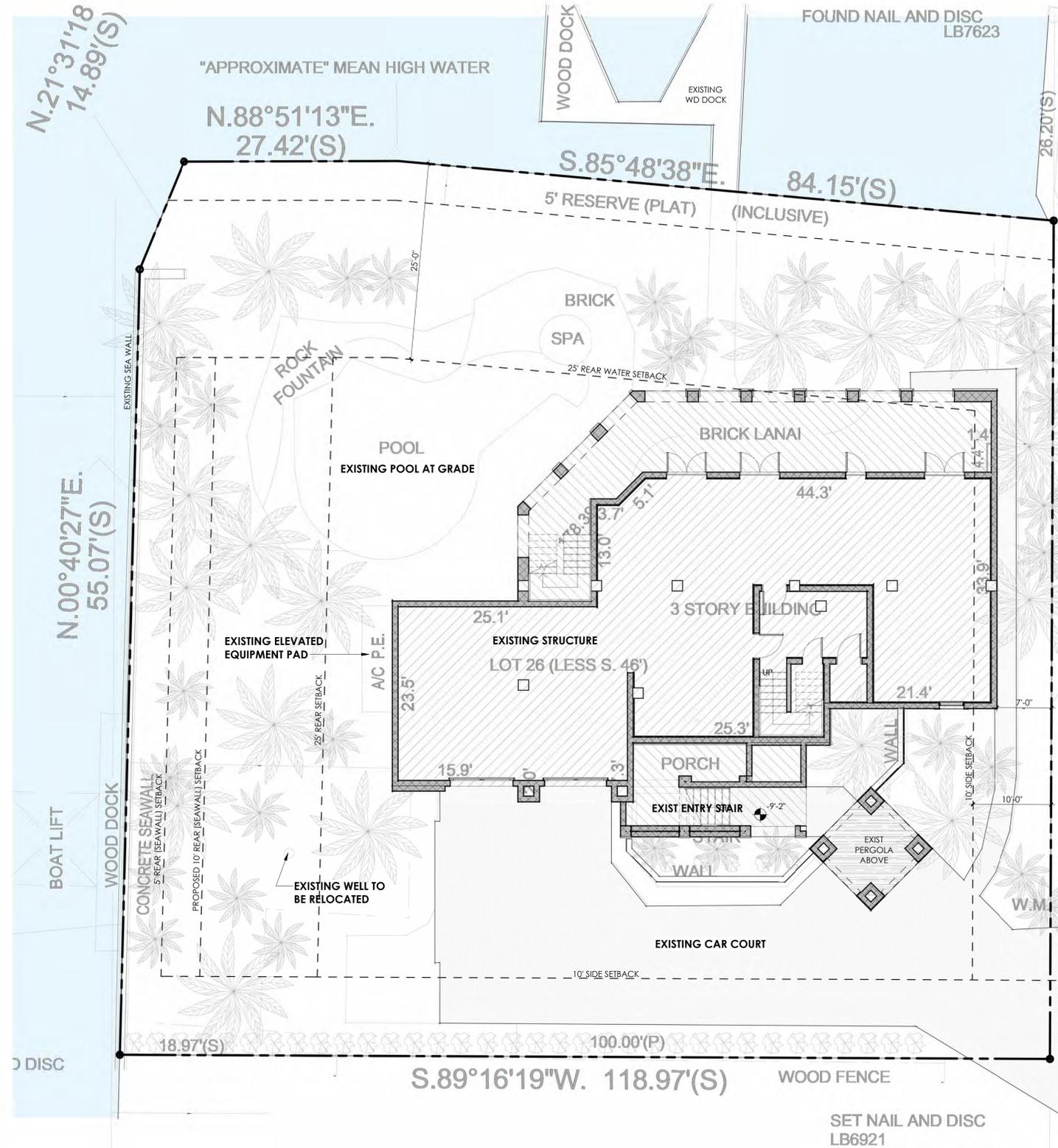
*Amy Baker*

By: [Amy Baker \(Jul 25, 2025 11:52:07 EDT\)](#)

Amy Baker, Town Clerk

This Resolution was filed in the Office of the Town Clerk on this 18<sup>th</sup> day of July 2025.

EXHIBIT A: Site Plan



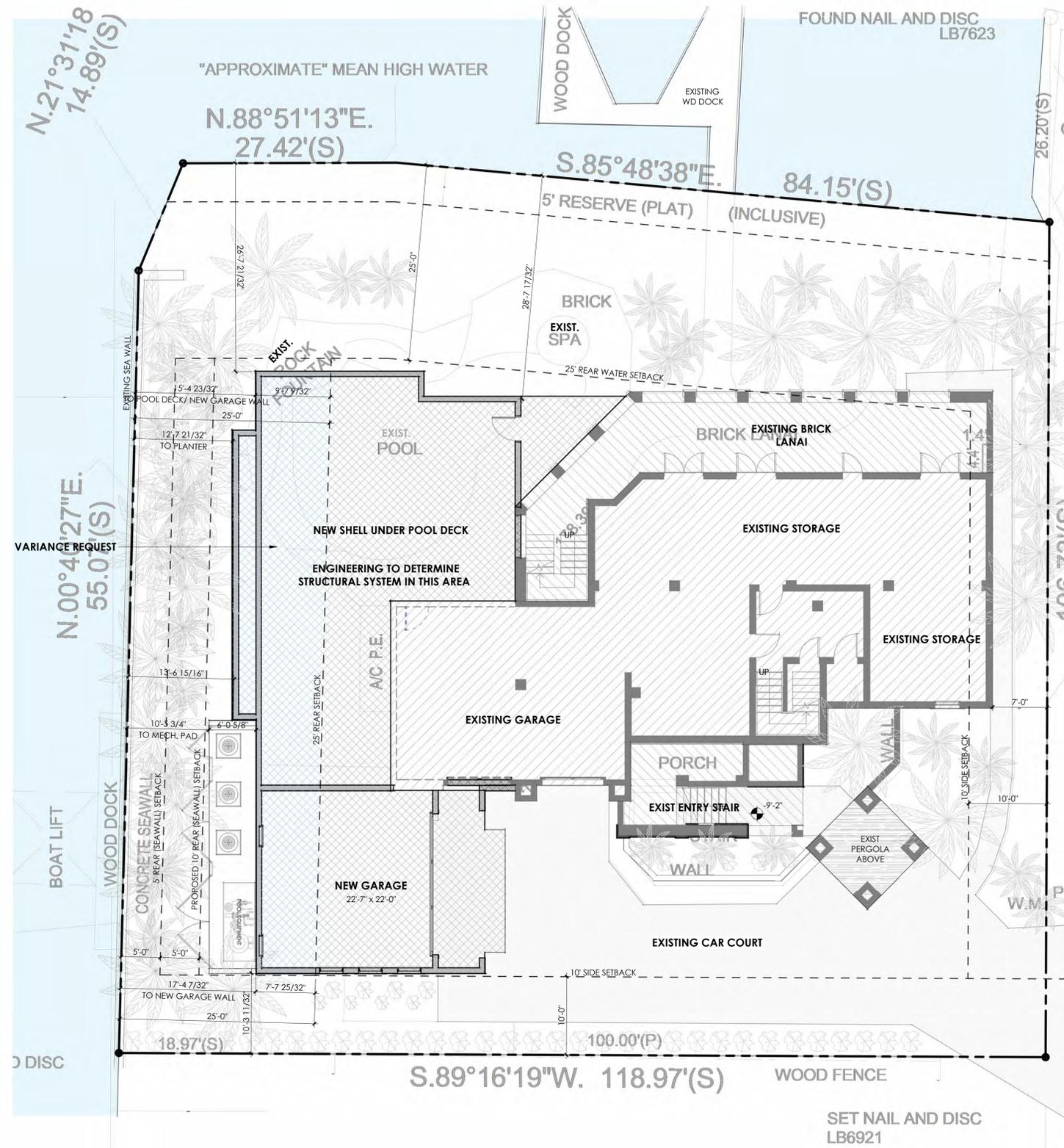
① EXISTING SITE PLAN  
SCALE: 1/8" = 1'-0"

ZONING SUMMARY	
DISTRICT	RC
FEMA	AE-11 + LIMWA
A.C.O.R.	3.3 FT NAVD
<b>SETBACKS</b>	
FRONT	N/A
SIDES	10 FT
SPATIAL PERCEPTION	N/A
REAR	25 FT
REAR POOL	TBD

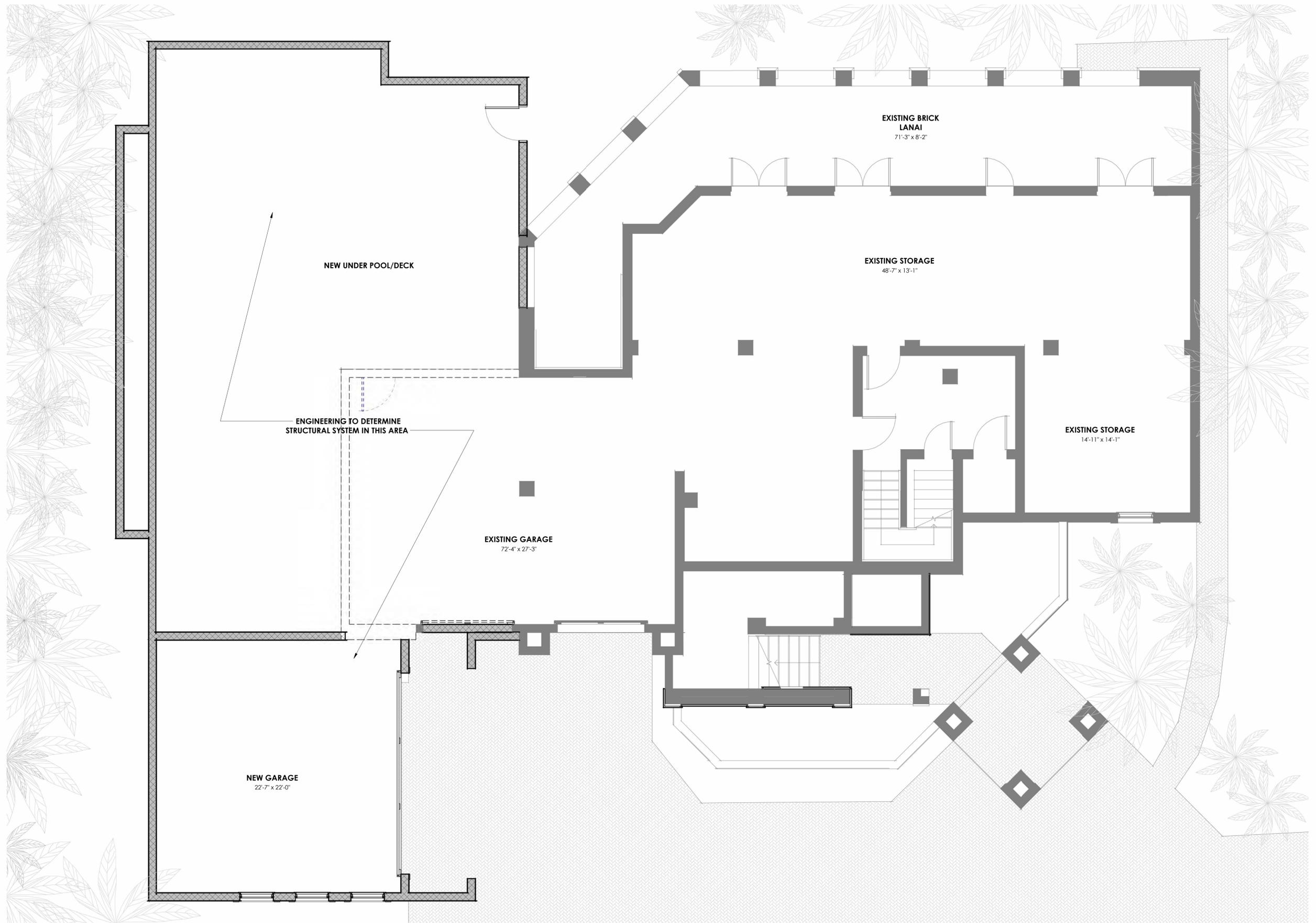
LOT COVERAGE	
LOT AREA	13,073 SQFT
TOTAL ALLOWED	40% 5,229 SQFT
TOTAL DESIGNED	36% 4,702 SQFT
<b>EXISTING HOUSE</b>	
	2,326 SQFT
EXIST. ENTRY PORCH	260 SQFT
EXIST. PERGOLA	123 SQFT
EXIST. VERANDA	695 SQFT
NEW GARAGE/ POOL CABANA	1,023 SQFT
NEW COV. PORCH	275 SQFT
TOTAL DESIGNED	4,702 SQFT

IMPERVIOUS COVERAGE	
LOT AREA	13,073 SQFT
TOTAL ALLOWED	67% 8,759 SQFT
TOTAL DESIGNED	61% 7,978 SQFT
<b>EXISTING HOUSE</b>	
	2,326 SQFT
EXIST. ENTRY PORCH	260 SQFT
EXIST. PERGOLA	123 SQFT
EXIST. VERANDA	695 SQFT
NEW GARAGE/ POOL CABANA	1,023 SQFT
NEW COV. PORCH	275 SQFT
PROPOSED ELEV. POOL DECK	1,276 SQFT
DRIVEWAY PAVERS	2,000 SQFT
TOTAL DESIGNED	7,978 SQFT

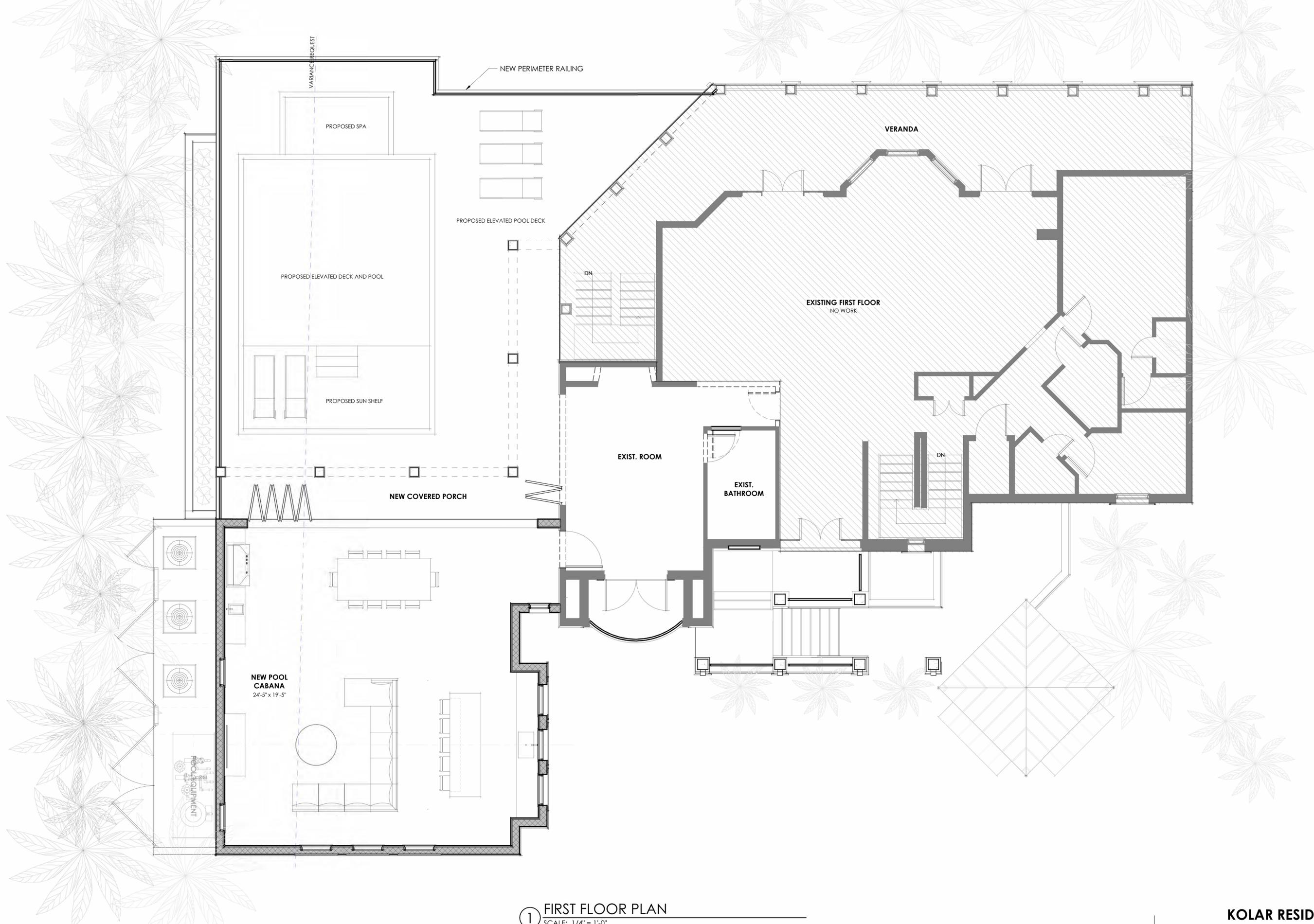
\*NOTE: LOT MUST HOLD 1.6" OF WATER WHEN 500SF OF IMPERVIOUS SURFACE IS ADDED.



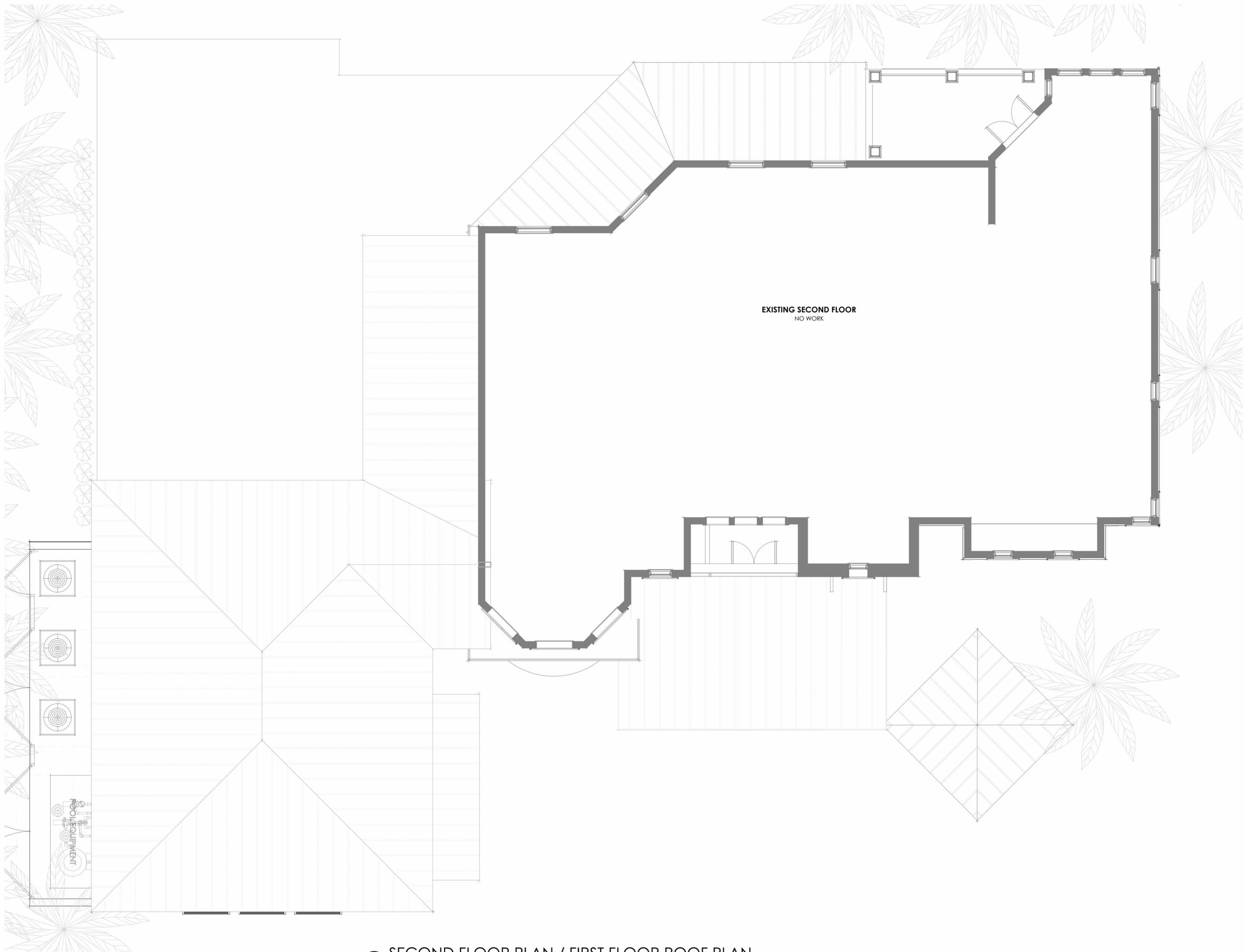
1 PROPOSED SITE PLAN  
SCALE: 1/8" = 1'-0"



① GROUND FLOOR PLAN  
 SCALE: 1/4" = 1'-0"



1 FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"



EXISTING SECOND FLOOR  
NO WORK

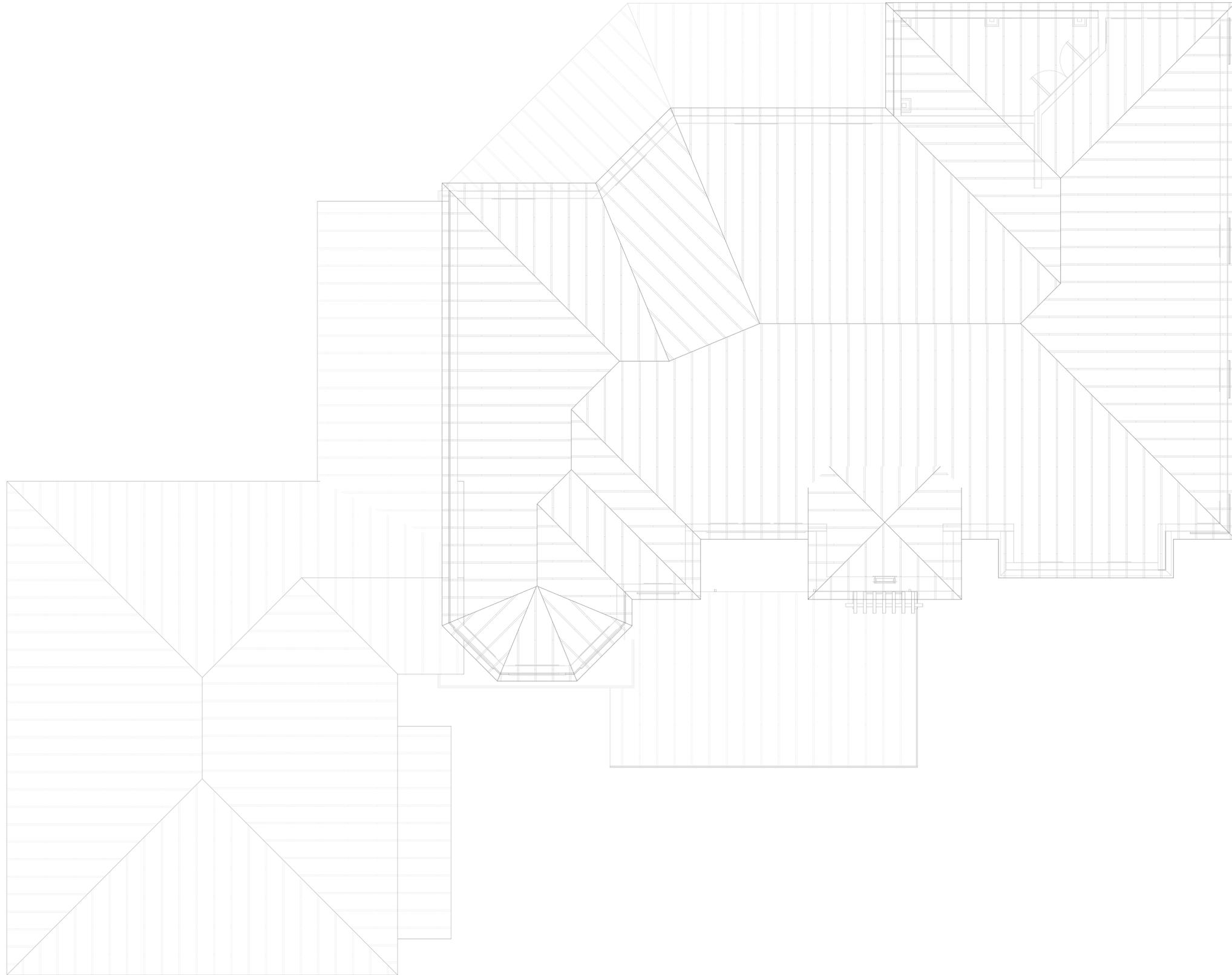
1 SECOND FLOOR PLAN / FIRST FLOOR ROOF PLAN  
SCALE: 1/4" = 1'-0"

KOLAR RESIDENCE

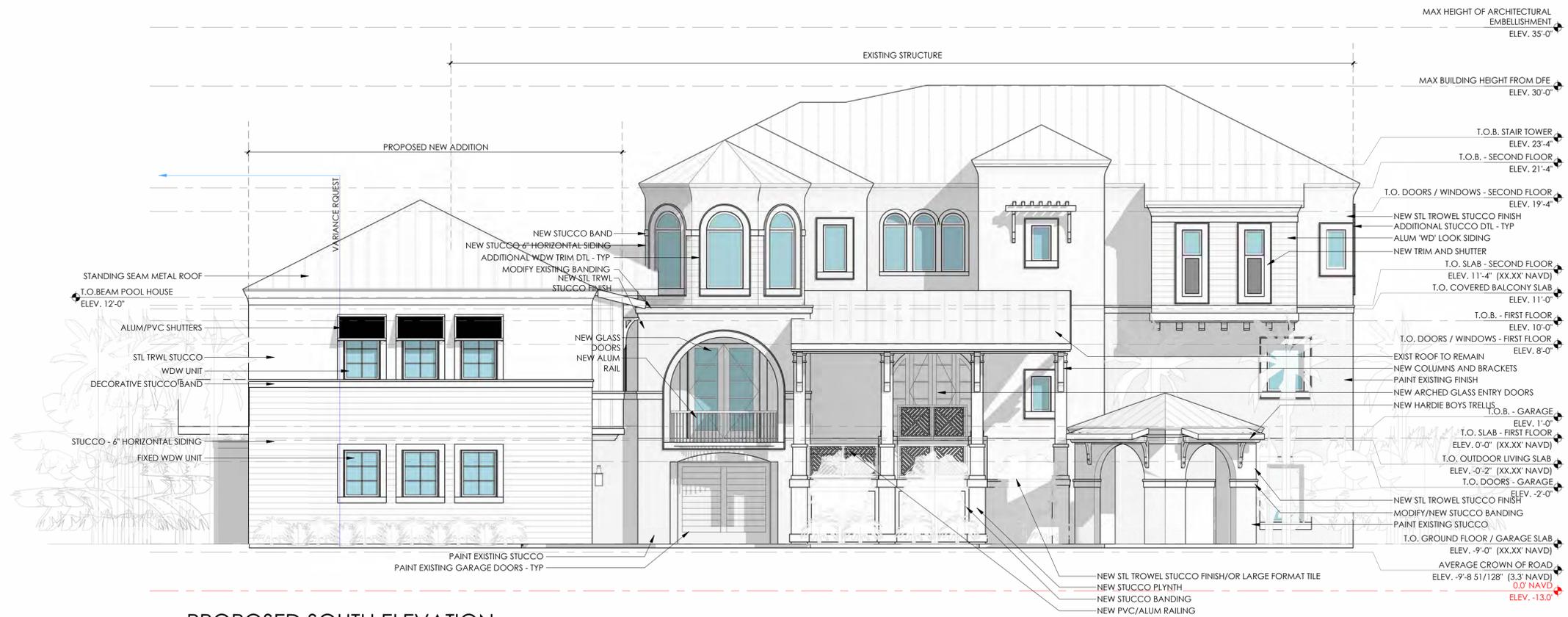
DATE: 02/14/2025

MHK ARCHITECTURE COPYRIGHT © 2025

SK4 | MHK ARCHITECTURE



① ROOF PLAN  
SCALE: 1/4" = 1'-0"



1 PROPOSED SOUTH ELEVATION  
SCALE: 3/16" = 1'-0"



2 SOUTHEAST PERSPECTIVE  
SCALE:



3 PROPOSED EAST ELEVATION  
SCALE: 3/16" = 1'-0"

MAX HEIGHT OF ARCHITECTURAL EMBELLISHMENT ELEV. 35'-0"

MAX BUILDING HEIGHT FROM DFE ELEV. 30'-0"

T.O.B. STAIR TOWER ELEV. 23'-4"

T.O.B. - SECOND FLOOR ELEV. 21'-4"

T.O. DOORS / WINDOWS - SECOND FLOOR ELEV. 19'-4"

NEW STL TROWEL STUCCO FINISH  
ADDITIONAL STUCCO DTL - TYP  
ALUM 'WD' LOOK SIDING  
NEW TRIM AND SHUTTER

T.O. SLAB - SECOND FLOOR ELEV. 11'-4" (XX.XX' NAVD)  
T.O. COVERED BALCONY SLAB ELEV. 11'-0"

T.O.B. - FIRST FLOOR ELEV. 10'-0"

T.O. DOORS / WINDOWS - FIRST FLOOR ELEV. 8'-0"

EXIST ROOF TO REMAIN  
NEW COLUMNS AND BRACKETS  
PAINT EXISTING FINISH  
NEW ARCHED GLASS ENTRY DOORS  
NEW HARDIE BOYS TRELLIS

T.O.B. - GARAGE ELEV. 1'-0"

T.O. SLAB - FIRST FLOOR ELEV. 0'-0" (XX.XX' NAVD)  
T.O. OUTDOOR LIVING SLAB ELEV. -0'-2" (XX.XX' NAVD)  
T.O. DOORS - GARAGE ELEV. -2'-0"

NEW STL TROWEL STUCCO FINISH  
MODIFY/NEW STUCCO BANDING  
PAINT EXISTING STUCCO

T.O. GROUND FLOOR / GARAGE SLAB ELEV. -9'-0" (XX.XX' NAVD)  
AVERAGE CROWN OF ROAD ELEV. -9'-8 51/128" (3.3' NAVD) 0.0' NAVD  
ELEV. -13.0'

NEW STL TROWEL STUCCO FINISH/OR LARGE FORMAT TILE  
NEW STUCCO PLYNTH  
NEW STUCCO BANDING  
NEW PVC/ALUM RAILING

MAX HEIGHT OF ARCHITECTURAL EMBELLISHMENT ELEV. 35'-0"

MAX BUILDING HEIGHT FROM DFE ELEV. 30'-0"

T.O.B. STAIR TOWER ELEV. 23'-4"

T.O.B. - SECOND FLOOR ELEV. 21'-4"

T.O. DOORS / WINDOWS - SECOND FLOOR ELEV. 19'-4"

T.O. SLAB - SECOND FLOOR ELEV. 11'-0" (XX.XX' NAVD)  
T.O. COVERED BALCONY SLAB ELEV. 11'-0"

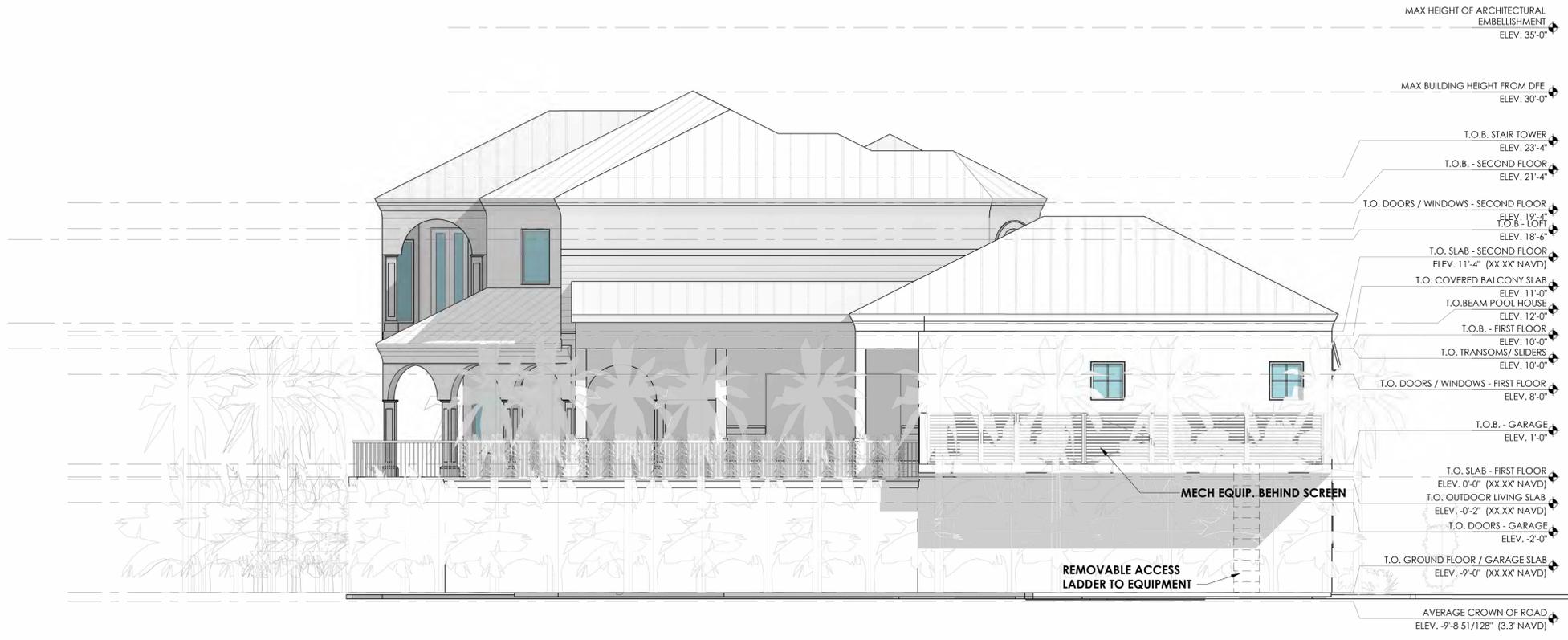
T.O.B. - FIRST FLOOR ELEV. 10'-0"

T.O. DOORS / WINDOWS - FIRST FLOOR ELEV. 8'-0"

T.O.B. - GARAGE ELEV. 1'-0"

T.O. SLAB - FIRST FLOOR ELEV. 0'-0" (XX.XX' NAVD)  
T.O. OUTDOOR LIVING SLAB ELEV. -0'-2" (XX.XX' NAVD)  
T.O. DOORS - GARAGE ELEV. -2'-0"

T.O. GROUND FLOOR / GARAGE SLAB ELEV. -9'-0" (XX.XX' NAVD)  
AVERAGE CROWN OF ROAD ELEV. -9'-8 51/128" (3.3' NAVD) 0.0' NAVD



① PROPOSED WEST ELEVATION  
SCALE: 3/16" = 1'-0"