

## **LPA RESOLUTION 2025-15**

**A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250146, REQUESTING A VARIANCE FROM LDC SECTION 34 TABLE 34-3 - FOR THE PROPERTY LOCATED AT 452 ESTERO BOULEVARD GENERALLY REFERED TO AS STRAP NUMBER 24-46-23-W1-0060D.025F IN FORT MYERS BEACH, TO VARY 15 FEET FROM REQUIRED 25 FOOT FRONT STREET SETBACK AND 12 FEET FROM THE REQUIRED REAR SETBACK TO BUILD A NEW SINGLE-FAMILY HOME 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**, Kara Stewart (“Applicant”) on behalf of the owners LAMPAM Investments #2-452 (“Owner”) of the property located at 452 Estero Boulevard (Property), are requesting a variance from LDC Section 34 Table 34-3 for setback requirements in the RM zoning district resulting in a 10-foot setback from the front property line where a 25-foot setback is required and a 8-foot setback to the rear property line where a 20-foot setback is required; and

**WHEREAS**, the STRAP number for the subject property is 24-46-23-W1-0060D.025F; and

**WHEREAS**, the Property is located in the “Mixed Residential” Future Land Use Map of the Comprehensive Plan and the “Residential 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 August 12th, 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 6 to 0 by roll call vote to approve with conditions the requested variances with the following conditions:

1. Approval of this variance 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 (LDC Sec. 6-14) for drainage and 67% maximum impervious requirements.
3. The variance shall only apply to the structure as shown on the site plan identified in Exhibit A. Demolition or substantial damage to the structure shall render the variance to be null and void.

**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. VAR20250146, with the conditions contained herein, received unanimous approval from eligible voting members of the LPA on August 12, 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 James Boan and seconded by LPA member James Dunlap and upon being put to a vote, the result was as follows:

LPA Chair Cereceda	<u>Aye</u>
LPA Vice-Chair Plummer	<u>Absent</u>
LPA Member Boan	<u>Aye</u>
LPA Member Dunlap	<u>Aye</u>
LPA Member Eckmann	<u>Aye</u>
LPA Member McLean	<u>Aye</u>
LPA Member Sudduth	<u>Aye</u>

DULY PASSED AND ADOPTED THIS 12<sup>th</sup> day of August, 2025.

Local Planning Agency of the Town of  
Fort Myers Beach

By: Anita Cerecida  
Anita Cerecida (Aug 28, 2025 13:44:39 EDT)  
Anita Cerecida, LPA Chair

Approved as to legal sufficiency:

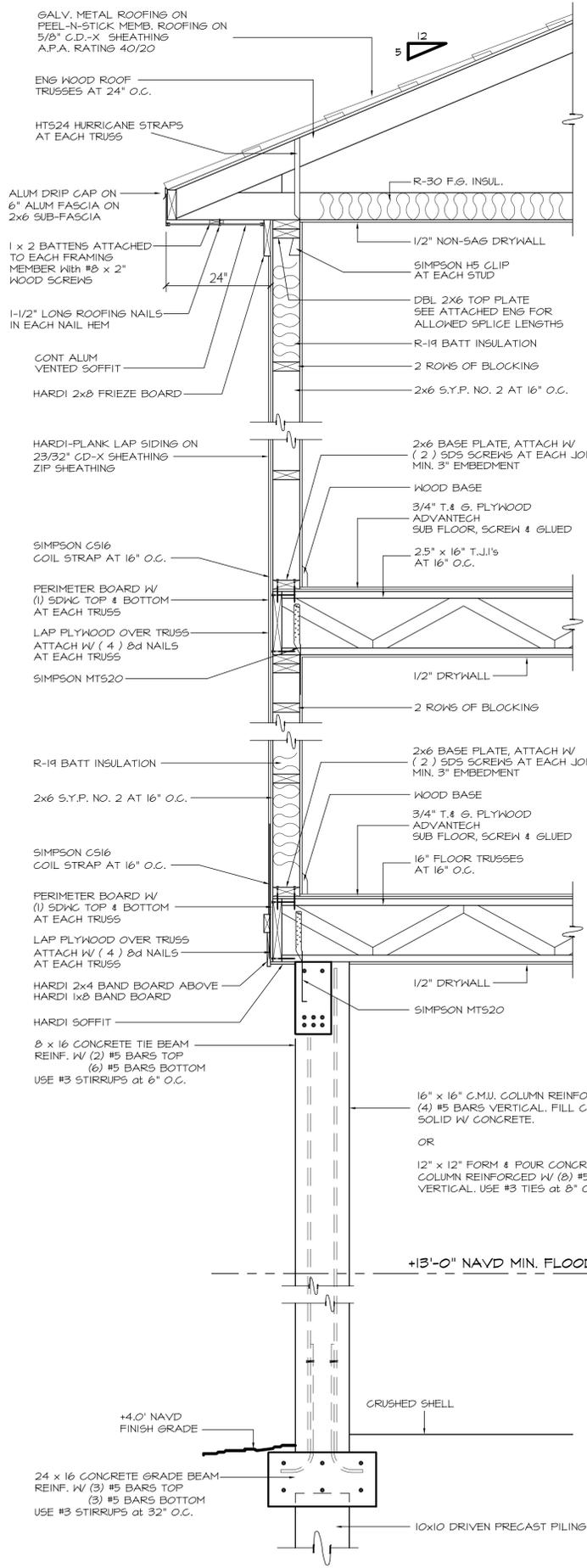
ATTEST:

By: Nancy Stuparich  
Nancy Stuparich (Aug 29, 2025 10:28:06 EDT)  
Vose Law Firm, Town Attorney

By: Amy Baker  
Amy Baker (Aug 29, 2025 10:58:27 EDT)  
Amy Baker, Town Clerk

EXHIBIT A: Site Plan

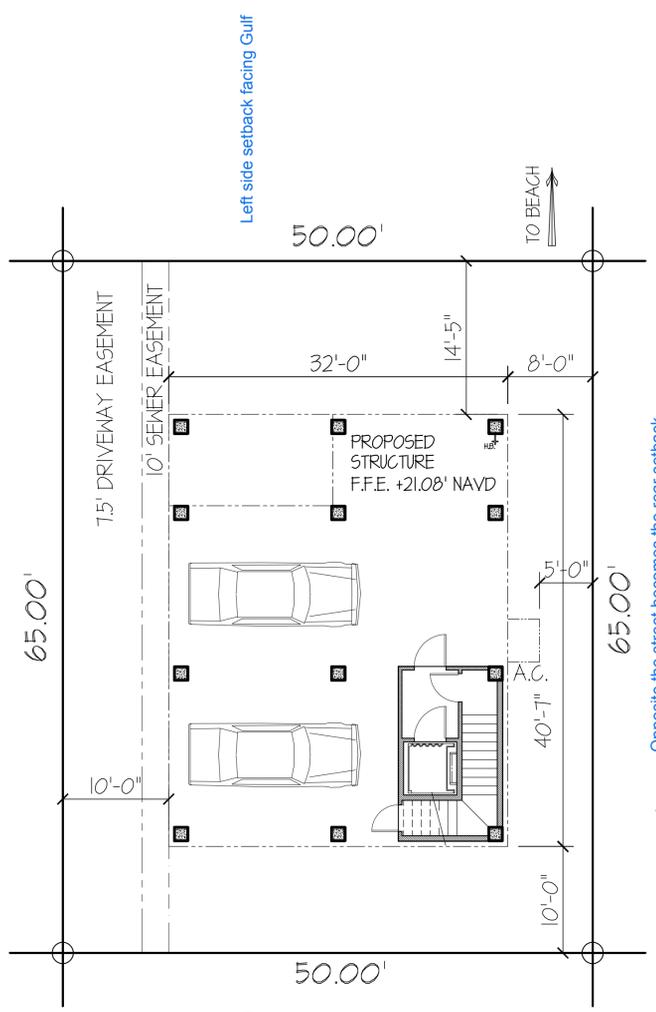
This Resolution was filed in the Office of the Town Clerk on: Aug 29, 2025.



**A**  
**2** TYP TWO-STORY WALL SECTION  
SCALE: 3/4" = 1'-0"  
FEMA FLOOD ZONE VE ELEV. 13'

**DESIGN PARAMETERS :**

<p><b>APPLICABLE CODES:</b> BUILDING CODES = FLORIDA BUILDING CODE, RESIDENTIAL 2020 AND FLORIDA BUILDING CODE, BUILDING 2020 AND FLORIDA BUILDING CODE, EXISTING BUILDINGS 2020 MECHANICAL CODE = FLORIDA BUILDING CODE, MECHANICAL 2020 PLUMBING CODE = FLORIDA BUILDING CODE, PLUMBING 2020 ELECTRICAL CODE = 2017 NEC FIRE CODE = NFPA 101 LIFE SAFETY CODE = NFPA 101 ACCESSIBILITY CODE = FLORIDA BUILDING CODE, BUILDING 2020 ENERGY CODE = FLORIDA BUILDING CODE, BUILDING 2020</p> <p><b>METHOD OF DESIGN:</b> DESIGNED PURSUANT TO 11th EDITION (2020) FLORIDA BUILDING CODES AND SECTION 1609</p> <p><b>BASIC WIND SPEED:</b> <input type="checkbox"/> 124 M.P.H. Vasd (Fastest Mile) <input checked="" type="checkbox"/> 160 M.P.H. Vult (3-Second Gust)</p> <p><b>IMPORTANCE FACTOR:</b> <input type="checkbox"/> 0.75 (BUILDING CATEGORY I) <input checked="" type="checkbox"/> 1.00 (BUILDING CATEGORY II) <input type="checkbox"/> 1.15 (BUILDING CATEGORY III) <input type="checkbox"/> 1.15 (BUILDING CATEGORY IV)</p> <p><b>BUILDING OCCUPANCY CLASSIFICATION:</b> <input type="checkbox"/> GROUP A - ASSEMBLY <input type="checkbox"/> GROUP B - BUSINESS <input type="checkbox"/> GROUP D - DAYCARE CENTER <input type="checkbox"/> GROUP E - EDUCATIONAL <input type="checkbox"/> GROUP F - FACTORY INDUSTRIAL <input type="checkbox"/> GROUP H - HAZARDOUS <input type="checkbox"/> GROUP I - INSTITUTIONAL <input type="checkbox"/> GROUP M - MERCANTILE <input checked="" type="checkbox"/> GROUP R - RESIDENTIAL <input type="checkbox"/> GROUP S - STORAGE</p> <p><b>BUILDING CONSTRUCTION TYPE:</b> <input type="checkbox"/> TYPE I-A <input type="checkbox"/> TYPE I-B <input type="checkbox"/> TYPE II-A <input type="checkbox"/> TYPE II-B <input type="checkbox"/> TYPE III-A <input type="checkbox"/> TYPE III-B <input type="checkbox"/> TYPE V-A <input type="checkbox"/> TYPE V-B <input type="checkbox"/> SPRINKLERED <input checked="" type="checkbox"/> UN-SPRINKLERED</p>	<p><b>EXPOSURE CATEGORY:</b> <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D</p> <p><b>RISK CATEGORY:</b> <input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III <input type="checkbox"/> IV</p> <p><b>WIND BORNE DEBRIS AREA:</b> <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> IMPACT RESISTANT GLAZING <input type="checkbox"/> IMPACT RESISTANT COVERING <input type="checkbox"/> COMBINATION OF IMPACT RESISTANT GLAZING AND COVERING</p> <p><b>INTERNAL PRESSURE COEFFICIENTS:</b> <input type="checkbox"/> 0.00 (OPEN) <input checked="" type="checkbox"/> +0.18, -0.18 (ENCLOSED) <input type="checkbox"/> +0.55, -0.55 (PARTIALLY ENCLOSED)</p> <p><b>COMPONENTS AND CLADDING PRESSURES:</b> ZONE 1: +27.8 / -30.4 ZONE 2: +21.8 / -35.6 ZONE 3: +21.8 / -35.6 ZONE 4: +30.4 / -33.0 ZONE 5: +30.4 / -40.1</p> <p><b>CLASSIFICATION OF WORK:</b> <input type="checkbox"/> ALTERATION <input type="checkbox"/> LEVEL 1 <input type="checkbox"/> LEVEL 2 <input type="checkbox"/> LEVEL 3 <input type="checkbox"/> CHANGE OF OCCUPANCY <input type="checkbox"/> ADDITIONS <input type="checkbox"/> HISTORIC BUILDINGS <input type="checkbox"/> RELOCATED BUILDINGS</p>
---	---



**SITE PLAN**  
SCALE: 1/8" = 1'

IMPERVIOUS AREA CALCULATION  
TOTAL PERVIOUS AREA = 3250 S.F.  
3430 x 40% = 1300 S.F. MAX IMPERVIOUS AREA  
PROPOSED IMPERVIOUS AREA = 1299 S.F.

Due to the access easement this becomes the street setback

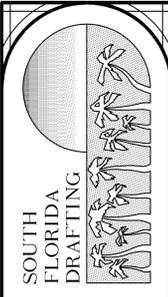
TO ESTERO BLVD.

Right side setback facing Estero

Opposite the street becomes the rear setback



Brian Loy Chandler, P.E.  
Gulf Coast Engineering, LLC  
2002 D961 Prado Blvd  
Cape Coral, FL 33904  
(239) 458-6633



8498 Beacon Blvd.  
Fort Myers, FL.  
33907-3005  
PHONE (239) 561-8632

IF ANY ERRORS OR OMISSIONS EXIST IN THESE DRAWINGS, THE ENGINEER SHALL BE RESPONSIBLE FOR THE CORRECTIONS. THE ENGINEER SHALL RETURN TO DATE AFTER RECEIPT OF THE CORRECTIONS. THE ENGINEER SHALL BE RESPONSIBLE FOR THE CORRECTIONS. THE ENGINEER SHALL BE RESPONSIBLE FOR THE CORRECTIONS. THE ENGINEER SHALL BE RESPONSIBLE FOR THE CORRECTIONS.

A RESIDENCE FOR:  
**MARVIN HOMES**  
MARVIN DEVELOPMENT CORPORATION  
1250 COLLEGE PARKWAY, SUITE #1  
FORT MYERS, FL 33907  
TEL. NO. (239) 459-1112  
FAX. NO. (239) 433-3666  
CBCA24035

TYPICAL WALL SECTION  
SITE PLAN

REVISIONS				
DATE	BY	CHK	APP	
MAY 16, 2025				
JOB NO.:	241217			

452 ESTERO