

LPA RESOLUTION 2025-17

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250177, REQUESTING A VARIANCE FROM THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE SECTION 34 TABLE 34-3 TO ALLOW A 10 FOOT SETBACK WHERE A 20 FOOT SETBACK IS REQUIRED FOR A NEW SINGLE-FAMILY HOUSE AT THE PROPERTY LOCATED AT 101 GULF DRIVE GENERALLY REFERED TO AS STRAP NUMBER 33-46-24-W3-0040G.008A IN FORT MYERS BEACH; 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, Richard G. and Rebecca H. Dobbs are the legal owners (hereinafter “Owner”) of the property located at 101 Gulf Drive (“Property”), are requesting a variance from LDC Section 34 Table 34-3 for setback requirements in the RC zoning district resulting in a 10-foot setback from the rear property line where a 20-foot setback is required; and

WHEREAS, the STRAP number for the subject property is 33-46-24-W3-0040G.008A; and

WHEREAS, the Property is located in the “Mixed Residential” Future Land Use Map of the Comprehensive Plan and the “Residential Conservation” zoning district 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 September 9, 2025, and at said hearing the LPA gave full and complete consideration to the Owner’s request, the recommendations from 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 provided site plan. 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. VAR20250177, with the conditions contained herein and as shown on the Site Plan attached to this Resolution, as Exhibit A, received did receive unanimous approval from eligible voting members of the LPA on September 9, 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 Dunlap and upon being put to a vote, the result was as follows:

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

DULY PASSED AND ADOPTED THIS 9th day of September 2025.

Local Planning Agency of the Town of
Fort Myers Beach

By: Anita Cereceda
Anita Cereceda (Nov 19, 2025 14:42:53 EST)
Anita Cereceda, LPA Chair

Approved as to legal sufficiency:

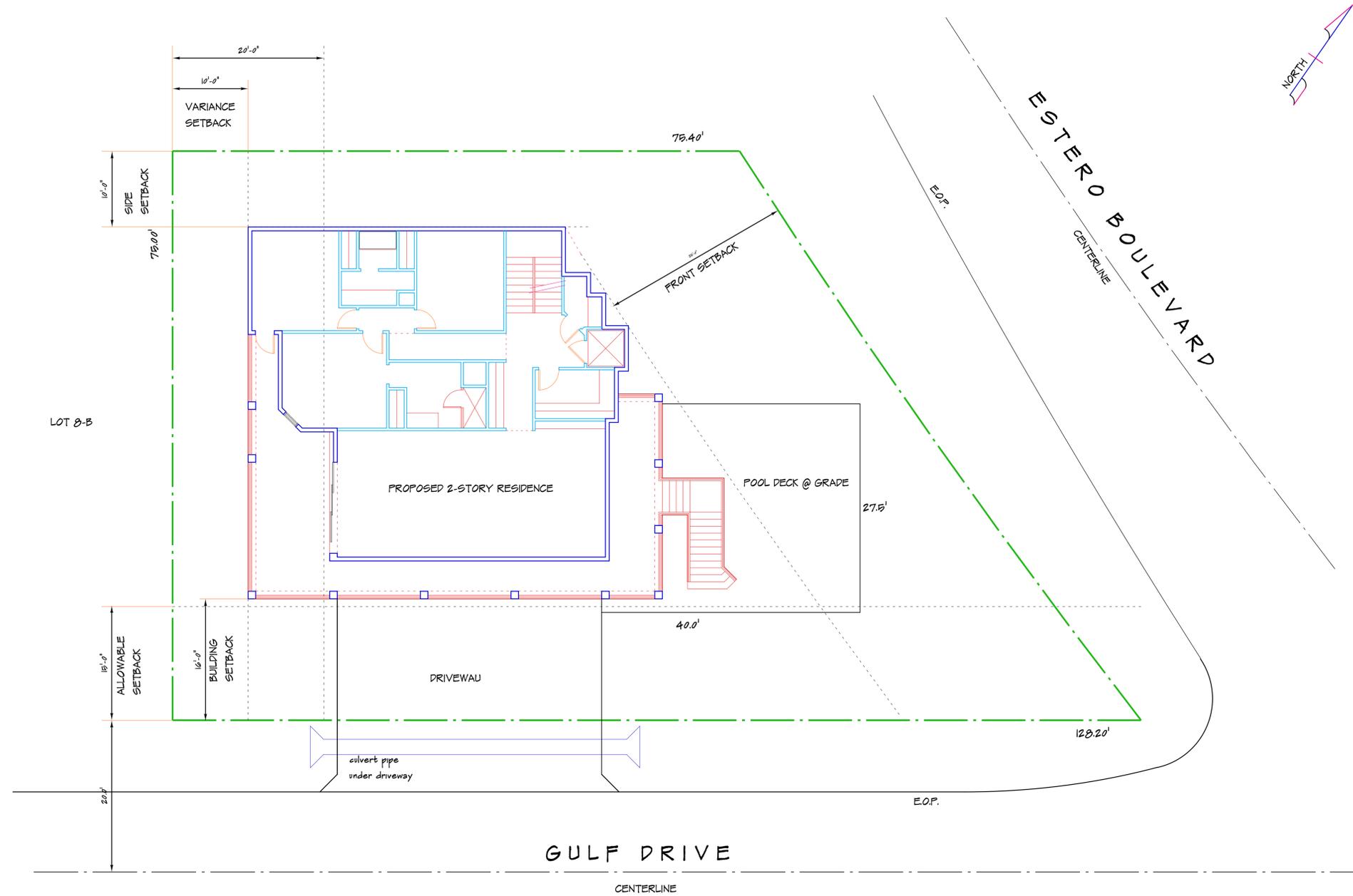
By: 
Nan S. Plummer (Nov 20, 2025 22:11:09 EST)
Vose Law Firm, Town Attorney

ATTEST:

By: 
Amy Baker (Nov 21, 2025 09:07:16 EST)
Amy Baker, Town Clerk

This Resolution was filed in the Office of the Town Clerk on Nov 21, 2025.

Attachment:
EXHIBIT A: Site Plan



Anita Cereceda

Amy Bab

LOT AREA (+/-) 7,875.3 SQ. FT.
 X .40 % = 3,300.1 SQ. FT. ALLOWABLE
 USED HOME UNDER ROOF.....2,507.4 SQ. FT.

SITE DESIGN PLAN FLOOD ZONE - AE-II (+) 12' FREEBOARD NON-COASTAL

GENERAL CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS
 THIS IS NOT AN ENGINEERED SURVEY OR CIVIL ENGINEERING PLAN.
 REFER TO ELITE SURVEYING PLAN FOR DETAIL.
 FOR SITE DEVELOPMENT DESIGN ONLY.
 CONTRACTOR TO PROVIDE SURVEY AND ENGINEERED SITE DRAINAGE PLAN.

SCALE: 1/8" = 1'-0"

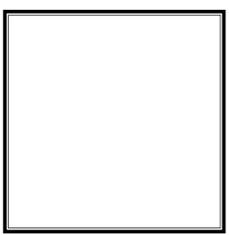
Revisions	

Job Number
 Date
 Drawn By J.C.
 Checked By
 Drawing Scale AS NOTED

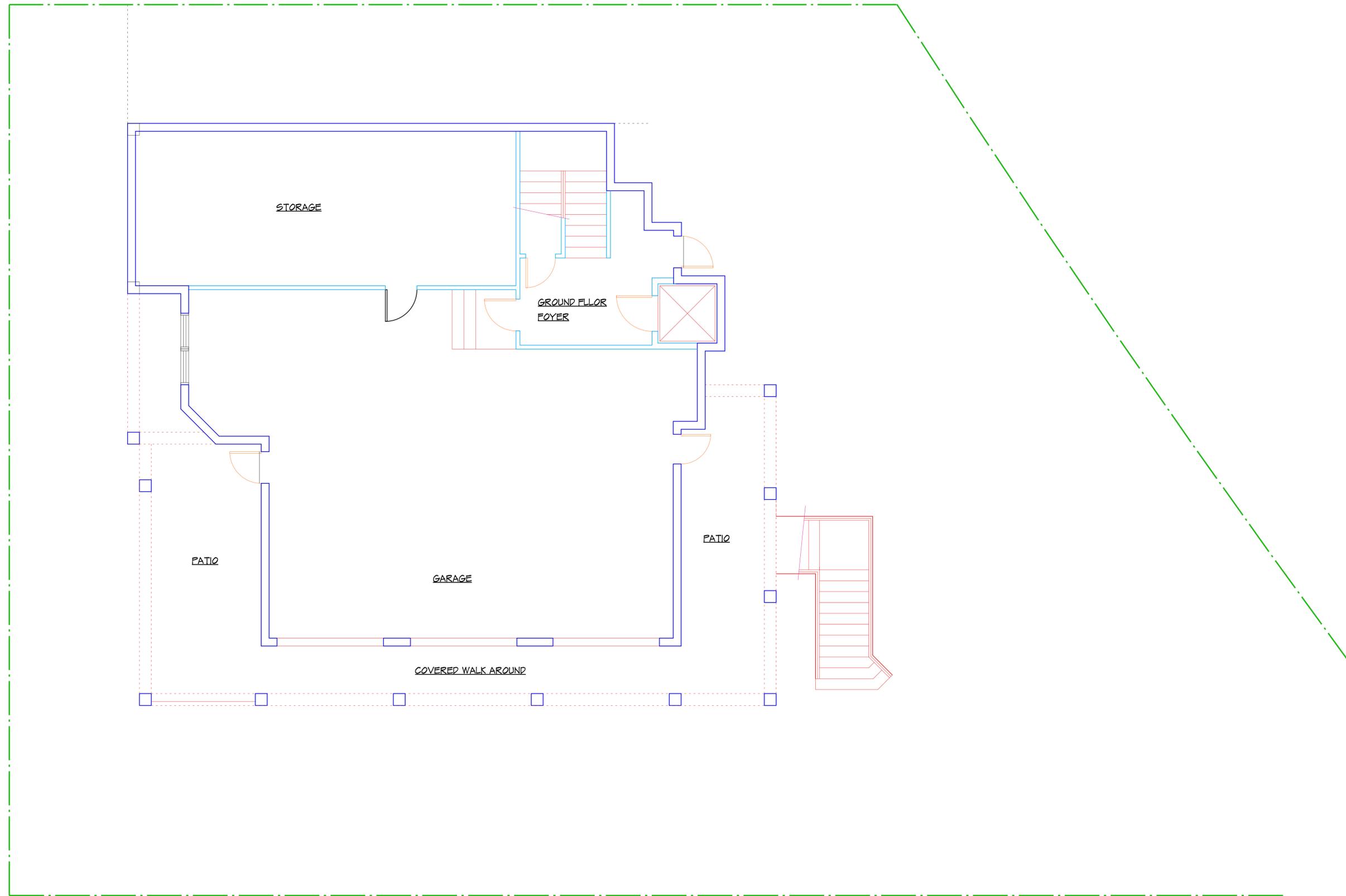
STUDIO

 CAPE CORAL
 FLORIDA
 (239) 707-9365

PROJECT:
THE DOBBS RESIDENCE
 101 GULF DRIVE
 FT. MYERS BEACH, FLORIDA



SHEET
SP - 1



GROUND FLOOR PLAN

SCALE: 1/4" = 1'-0"

Revisions	

Job Number
Date
Drawn By J.C.
Checked By
Drawing Scale AS NOTED

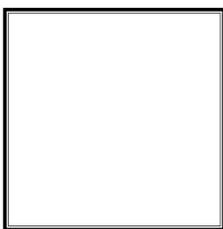
STUDIO

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DESIGN

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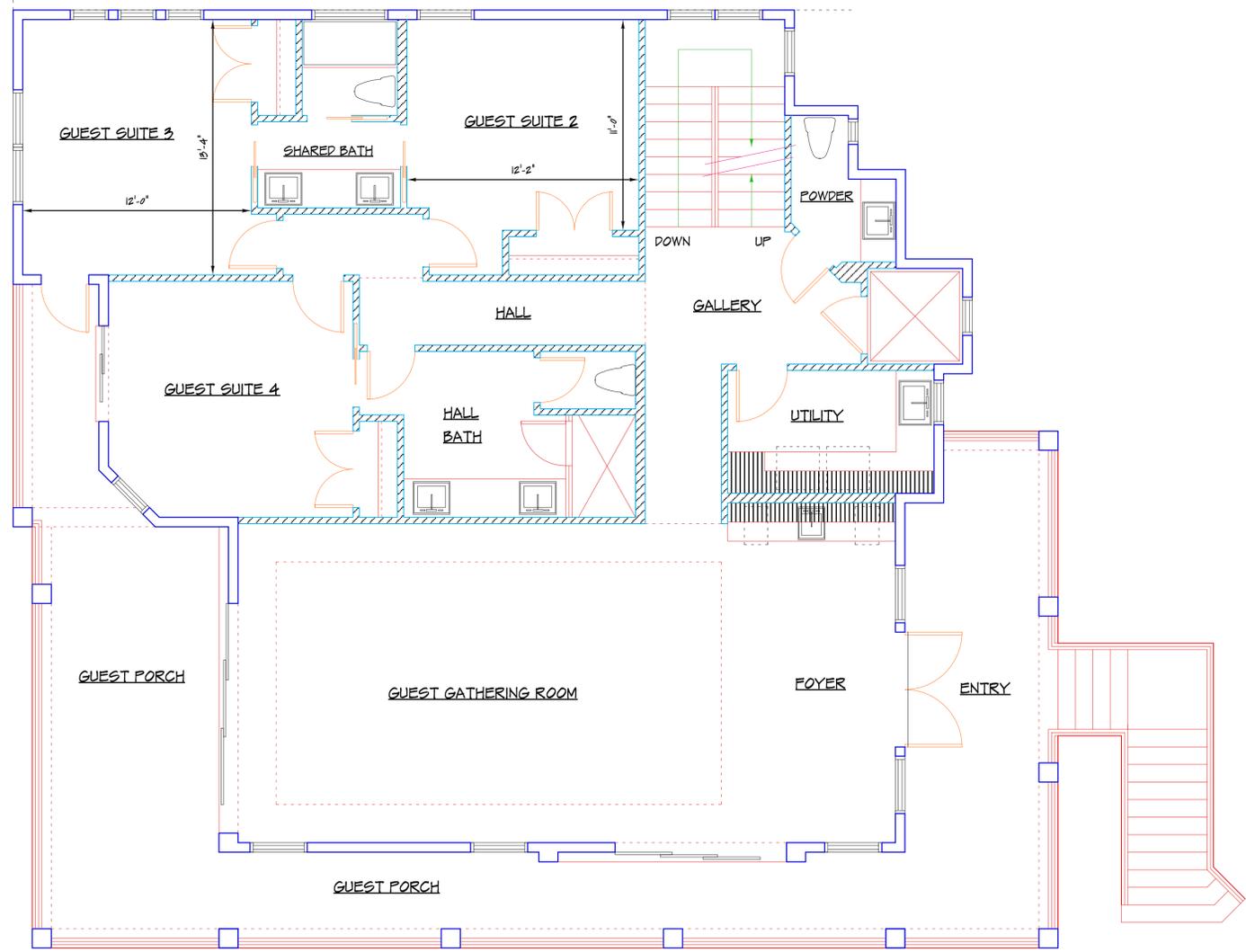
PROJECT:

THE DOBBS RESIDENCE
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FT. MYERS BEACH, FLORIDA



SHEET

A - 4



FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

Revisions	

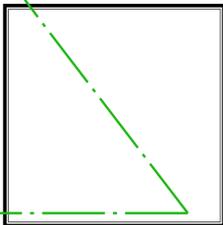
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Checked By	
Drawing Scale	AS NOTED

STUDIO

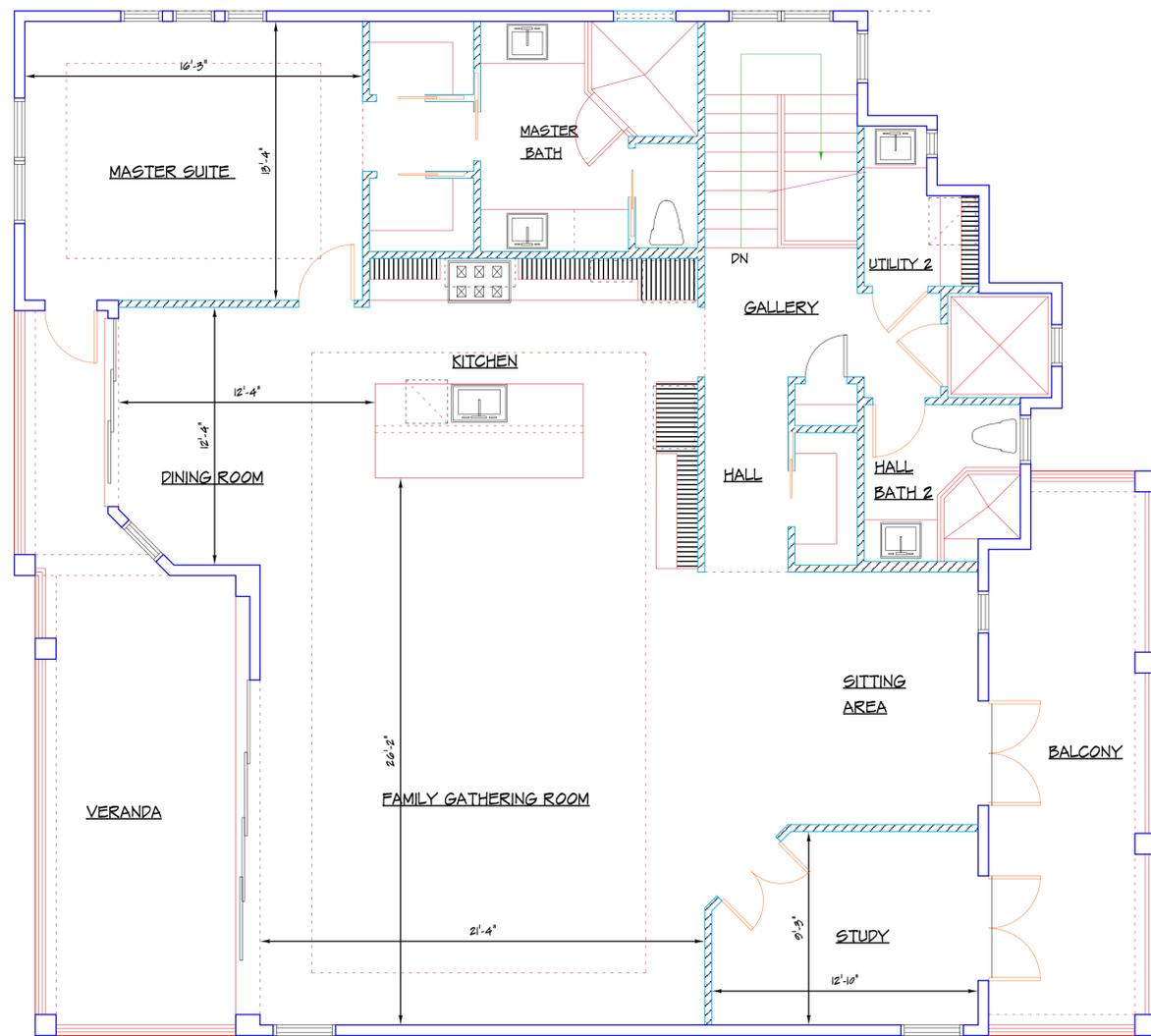
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DESIGN

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101 GULF DRIVE
FT. MYERS BEACH, FLORIDA



SHEET
A - 4



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

Revisions	

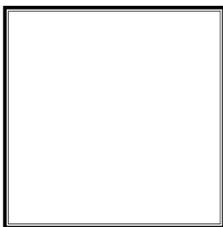
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STUDIO

one
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SHEET
A - 4