

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 2012-011
VAR2011-0007 – Moss Marine Sign Variance

WHEREAS, applicant Emily McDaniel, authorized agent and manager for Moss Marine is requesting a variance from Section 30-153(b)(1) and 30-5(18) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP numbers for the subject property are 24-46-23-W3-00027.0000 and 24-46-23-W3-00026.0020 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property is located at 450 Harbor Court Fort Myers Beach, FL 33931, zoned Commercial Marine on the Official Zoning Map and the Marina 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 August 14, 2012; 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 **APPROVE/DENY** the applicant's request for a variance from Section 30-153(b)(1) and Section 30-5(18) of the LDC.

RECOMMENDED FINDINGS AND CONCLUSIONS:

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

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

variance to protect public safety by not obstructing access to public utilities and fire protection facilities.

B. The conditions justifying the variance **are/are not** the result of actions of the applicant taken after the adoption of the regulation in question.

C. The variance granted **is/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/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/are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

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:

Joanne Shamp, Chair	AYE/NAY	Dan Andre, Member	AYE/NAY
Al Durrett, Member	AYE/NAY	John Kakatsch, Member	AYE/NAY
Jane Plummer, Member	AYE/NAY	Alan Smith, Member	AYE/NAY
Hank Zuba, Member	AYE/NAY		

DULY PASSED AND ADOPTED THIS 14th day of AUGUST, 2012.

By: _____
Joanne Shamp, LPA Chair

Approved as to legal sufficiency:

By: _____
Fowler, White, Boggs
LPA Attorney

ATTEST:

By: _____
Michelle Mayher
Town Clerk



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

TYPE OF CASE: Sign Variance
CASE NUMBER: VAR2011-0007
LPA HEARING DATE: August 14, 2012
LPA HEARING TIME: 9 AM

I. APPLICATION SUMMARY

Applicant: Emily McDaniel, authorized agent & manager
Moss Marine - George Freeman, Owner

Request: A variance from 30-153(b)(1) maximum allowable sign area and 30-5(18) prohibited signs, roof signs.

Subject property: See *Exhibit A*

Physical Address: 450 Harbor Court Fort Myers Beach, FL 33931

STRAP #: 24-46-23-W3-00027.0000
24-46-23-W3-00026.0020

FLU: Marina

Zoning: Commercial Marine (CM)

Current use(s): Marina

Adjacent zoning and land uses:

North: Matanzas Pass

South: Single and Multifamily Residential
Residential Conservation (RC)
Mixed Residential & Platted Overlay

East: Multifamily Residential - Marina Village at Snug Harbor
Downtown
Pedestrian Commercial

West: Single and Multifamily Residential
Residential Conservation (RC)
Mixed Residential & Platted Overlay

Artificial canal

II. BACKGROUND AND ANALYSIS

Background:

Emily McDaniel, authorized agent and manager of Moss Marine, has applied for a variance from all applicable sign regulations, specifically Sections 30-153(b)(1) and 30-5(18) in Chapter 30 the Town of Fort Myers Beach Land Development Code (LDC) for the property located at 450 Harbor Court and known as Moss Marine or The Big 'M'.

The subject property measures approximately 3± acres in size and contains multiple buildings and warehouses supporting an active marina use. The subject property consists of two separate STRAP parcels with the same street address. One parcel, which was developed in the late 1960's, and contains the ship store and the older warehouse building has the Big 'M' painted on the roof. Letters painted on the exterior of a building for the purpose of advertising a business constitute signage under the Town code. The second parcel was developed in the late 1980's and contains additional warehouse style buildings.

On April 18, 2011 Town Council adopted amendments to the sign ordinance (11-01) which became effective immediately upon adoption. The amendments include an amortization provision requiring all non-conforming signs to come into compliance by December 31, 2011.

Ms. McDaniel applied for a variance from provisions within Ordinance 11-01 on December 30, 2011, one day prior to the compliance deadline of December 31, 2011.

In the sufficiency response, as well as subsequent emails with Staff, the applicant clarified that their request was to keep all existing on-site signage as is, including the sign painted on the roof.

Analysis:

As depicted on *Exhibit B*, *Exhibit C*, and *Exhibit D*, the applicant's existing signage is predominately located on two buildings of the subject property. The majority of the

signs are facing out towards Matanzas Pass because, as the applicant states, there is a need for the signage “to be large enough to be seen from the water.”

The applicant is requesting relief from the maximum allowable sign area requirement, Section 30-1539b)(1), and prohibited signs, Section 30-5(18), of Chapter 30 of the LDC, in order to maintain ‘visibility’ to boaters on Matanzas Pass. The applicant is proposing to keep all their existing signage without any modifications. As observed by Staff on site visits on both July 26, 2012 and July 30, 2012, however, the applicant has failed to provide a complete inventory of all signage on the subject property and the amount of square footage for each of the respective signs (See *Exhibit G*). To be clear, *Exhibit D*, an email from the applicant, does list signs and sign areas but Staff, during their site visit, observed additional signs that were not included in that email listing.

The application is brief and details justifying the request, especially specifically addressing the five factors included in 34-87, are sometimes lacking. The applicant states that most of the signage on the subject property is oriented towards Matanzas Pass and their boating customers. This is consistent with what Staff observed on both site visits.

The applicant states that the reason the variance should be granted is that the subject property is a very large parcel of land, 3 ± acres, and the hardship that exists on the subject property is due to the waterfront aspect of their businesses.

Section 30-153(b) establishes the maximum sign face area for commercial establishments and reads as follows:

Section 30-153(b) Commercial uses in commercial zoning districts. All signs located in commercial zoning districts, except for those signs identified as exempt signs in 30-6 and temporary signs in 30-141, shall comply with the following sign area limitations.

(1) For a parcel of land containing one (1) or two (2) business establishments each separate business establishment shall be allowed a maximum of thirty-two (32) square feet of sign area.

Section 30-2 establishes definitions for Chapter 30 including sign types.

Sec. 30-2. Definitions and rules of construction.

(a) In case of any difference of meaning or implication between the text of this chapter and any other law or regulation, this chapter shall control.

(b) The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning

Roof sign. Any sign erected upon a roof or roof-mounted equipment. Signs placed flat against the steep slope of a mansard roof will not be considered roof signs.

Section 30-5 describes prohibited signs.

Sec. 30-5. Prohibited signs. The following signs are prohibited:
(18) **Roof signs.**

The applicant is requesting a variance to retain the existing on-site wall signage which the applicant estimates to be approximately 408 square feet. (See *Exhibit D*). The applicant is also requesting to retain the roof sign, a prohibited sign type, which they estimate to measure at about 1,500 square feet.

The subject property has two registered business on the subject property which would entitle them to a total of 64 square feet of sign area per Section 30-153(b)(1).

On July 26, 2012 and July 30, 2012 Staff conducted site visits where it was noticed that additional on-site signage was not included in the inventory provided by the applicant. Chapter 30 defines signage as follows:

Sign. Any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device of similar nature designed to attract attention or convey a message outdoors, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof.

Commercial message. Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. For purposes of this chapter, terms such as sale, special, clearance, or other words which relate to commercial activity shall be deemed to be commercial messages. The identification by name of an apartment or condominium development on a residential sign at the apartment or condominium development site shall not be considered to be a commercial message.

Photos of the additional signs are attached as *Exhibit E*. Staff has determined that the signs depicted in *Exhibit E* could be remain on the subject property and be classified as incidental signage provided they meet the requirements of Section 30-6(7) which states that they cannot exceed 2 square feet in area per sign and are limited to two signs per parcel.

Additionally, during a site visit Staff noticed three sandwich board signs (See *Exhibit F*), which is another prohibited sign type. These signs must be removed; however Staff recommends that the applicant replace the signs with similar, in-ground directional signs as long as they meet the following definition as per Section 30-2:

Directional sign. Any sign which serves solely to designate the location of or direction to any place, activity, facility, or area and contains no commercial message.

The applicant makes a valid claim, that the sign ordinance, in some instances, does not adequately address signage for properties that front on waterways and roadways or for properties that are oriented almost completely toward waterways. A variance request, however, for more than six times the allowable sign area when only 64 square feet is permitted is a request that should be considered carefully. Without clear direction from the code, the decision in this case will have the potential for setting a precedent for all waterfront-oriented businesses.

This application is devoid of any discussion as to why the signage that the subject property has on-site is necessary and why, in the applicant's opinion, it cannot be reduced in any respect. At 408± square feet of total sign area, more than 6 times the allowable area, is an extensive variance request, especially when all other properties on the island are subject to a 32 or 64 square foot maximum.

With respect to the prohibited roof sign, the applicant states that the sign has been in place since 1964, and since it's not "flashy and does not obstruct views or disturb neighboring homes or businesses" they wish to keep "The Big M" sign on the roof. It should be noted that the subject property does suffer from considerable site constraints, in as much as it is difficult to find when coming off the Sky Bridge. The large scale of the marina operation could also be considered a factor in assessing whether there is a hardship requiring a roof sign.

Chapter 30 is very clear that roof signs are a prohibited sign type, regardless of its appearance. Back in December, when Staff was initially meeting with the applicant regarding signs on the subject property, Staff suggested that if the applicant felt the roof sign had historic value to Fort Myers Beach, that she could pursue historic designation for the sign. However, as evidenced by the submission of this variance application, the applicant chose to pursue the variance rather than historic designation.

Findings and Conclusions:

Using the five decision making factors described in LDC Section 34-87(3), Staff recommends the following findings and conclusions:

- a. *That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy;*

The applicant, in their narrative, identifies their 3± acre parcel and the waterfront businesses it supports as the 'exceptional or extraordinary

circumstances' inherent on the subject property that keeps them from conforming to the standards set forth in Chapter 30.

Staff does not find that a large parcel or a waterfront business is exceptional or extraordinary, therefore Staff recommends the finding that there **are not** exceptional or extraordinary conditions or circumstances that are inherent and unique to the subject property and that it **does not** justify the variance.

- b. That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.*

The 'Big M' roof sign has been in place since 1964 and Staff was not able to find any permit records as to when the remaining wall signs were installed.

Staff is confident, however, that the conditions stated by the applicant as justification for the variance are not the result of actions taken by the applicant after the adoption of the original sign ordinance in 1999.

Staff finds that the conditions justifying the variance **are not** the results of actions of the applicant taken after the adoption of the regulation in question.

- c. That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.*

The application does not discuss why the existing wall signs, that total approximately 408 square feet, are the minimum necessary, nor is there much discussion or explanation as to why the roof sign should remain, other than it's been there since 1964. Furthermore, the applicant has not provided a complete inventory and assessment of all signs on the subject property which makes it difficult to assess the degree of variance actually being requested.

Therefore based on limited evidence as to the necessity of the request, Staff finds that the variance requested **is not** the minimum variance necessary to relieve an undue burden.

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

The applicant is requesting relief from prohibited sign types and the sign area requirements of Chapter 30 of the LDC, effectively requesting over six times permitted sign area, per 30-153(b)(1).

It is Staff's opinion that there is not a justifiable reason or hardship that exists on the subject property that would permit the granting of a sign area

variance by Town Council. Staff therefore finds that granting the variance **would** be injurious to the neighborhood or otherwise detrimental to the public welfare by allowing the subject property relief from rules and regulations that all others must adhere to.

- e. *That 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.*

With the adoption of the amended sign ordinance, and the consequent amortization period for conformity, numerous locations on the Beach have pursued variance requests from the amended requirements. However, by the very nature of the recent adoption of the sign ordinance Town Council has addressed the issue of signs (including area and prohibited types) and has made a decision to enact and enforce a uniform sign code.

Staff finds that the circumstances of the specific piece of property on which a variance is sought **are** general in nature and therefore do not demonstrate a verifiable hardship.

III. RECOMMENDATION

Staff recommends **DENIAL** of the requested variance based upon the requisite findings and conclusions for granting a variance under LDC Section 34-87.

IV. CONCLUSION

Staff does not feel that the applicant has demonstrated a justifiable or valid reason for Town Council to approve a variance from Chapter 30 of the LDC.

Therefore, Staff recommends **DENIAL** of the requested variance.

Exhibits:

A – Legal Description

B – Site plan

C – Existing signs

D – Email with sign square footage

E – Additional signs from Staff site visit, July 26, 2012 & July 30, 2013

F – Sandwich board signs observed on site visit, July 26, 2012

G – Images from 7/30/12 observation

**Exhibit A – Legal Description
Moss Marine**

Parcel 1:

Lot 21, Block B, of that certain subdivision known as MATANZAS VIEW, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 9, Page 40.

Parcel 2:

A tract or parcel of land located in Government Lot 1, Section 24, Township 46 South, Range 23 East, on Estero Island, Lee County, Florida, which tract or parcel of land is more particularly described as follows:

From the northwesterly corner of Block 3 of BUSINESS CENTER, a subdivision according to the map or plat recorded in Plat Book 9 at pages 9 and 10 of the public records of Lee County, run northwesterly along a prolongation of the northeasterly line of said Block 3 for 66 feet to the westerly right-of-way line of the County Road; thence continue on the same course, along the southwesterly line of a road 50 feet wide, for 550 feet; thence deflect 90°00' right and run northeasterly, parallel to the aforesaid County Road, along the northwesterly line of said road 50 feet wide for 320 feet to the point of beginning of the lands hereby described. From said point of beginning, run northwesterly along a line perpendicular to the aforesaid County Road for 100 feet; thence run northeasterly parallel to said road to Matanzas Pass; thence run southeasterly along said Pass to an intersection with a line through the point of beginning parallel to said County Road; thence run southwesterly along said parallel line and the northwesterly line of a road 50 feet wide for 150 feet, more or less, to the point of beginning.

Parcel 3:

A tract or parcel of land located in Government Lot 1, Section 24, Township 46 South, Range 23 East, on Estero Island in Lee County, Florida, which tract or parcel of land is more particularly described as follows:

From the northwesterly corner of Block 3 of BUSINESS CENTER, a subdivision according to the map or plat recorded in Plat Book 9 at pages 9 and 10 of the public records of Lee County, run northwesterly along a prolongation of the northeasterly line of said Block 3 for 66 feet to the westerly right-of-way line of the County Road; thence continue on the same course, along the southwesterly line of a road 50 feet wide, for 550 feet; thence deflect 90°00' right and run northeasterly, parallel to the aforesaid County Road, along the northwesterly line of said road 50 feet wide for 320 feet to the point of beginning of the lands hereby described. From said point of beginning run southeasterly along a line perpendicular to the aforesaid County Road, for 153 feet; thence run northeasterly, parallel to and 430 feet from the center line of said County Road, for 172 feet, more or less, to the waters of Matanzas Pass; thence run northwesterly along said waters to an intersection with a line through the point of beginning parallel to said County Road; thence run southwesterly along said line for 150 feet, more or less, to the point of beginning.

Parcel 4:

A parcel of submerged land in Matanzas Pass in Section 24, Township 46 South, Range 23 East, Lee County, Florida, being more particularly described as follows:

From the Southwesterly corner of Lot 21, Block B, MATANZAS VIEW SUBDIVION, according to the map or plat recorded in Plat Book 9 at page 40, of the Public Records of Lee County, Florida, run North 26°03'00" East along the Northwesterly line of said lot and the Southwesterly line of a dedicated canal right-of-way for 55 feet to the point of beginning of the lands herein described. Said point of beginning being also the point of beginning of the bulkhead line approved by the Trustees of Internal Improvement Fund on July 18, 1967. From said point of beginning run along said bulkhead like Northeasterly, Easterly, and Southeasterly along the arc of a curve to the right of radius 75 feet (chord bearing 71°03'00" East) for 117.81 feet to the point of reverse curvature; thence run Southeasterly, Easterly, and Northeasterly along the arc of a curve to the left of radius 200 feet (chord bearing South 79°50'40" East) for 110.96 feet to a point of reverse curvature; thence run Northeasterly and Easterly along the arc of a curve to the right of radius 200 feet (Chord bearing South 79°50'40" East for 110.96 feet to a point of tangency; thence run South 63°57'00" East for 126.19 feet to a point of curvature; thence run Southeasterly and Easterly along the arc of a curve to the left of radius 50 feet (chord bearing South 82°23'10" East) for 32.17 feet to an intersection with a Northeasterly prolongation of the Southeasterly line of Lot 12, Block A of said Matanzas View; thence run South 26°03'00" West along said prolongation for 35 feet, more or less, to the mean high tide line on the South shore of Matanzas Pass; thence run Northwesterly, Northerly, Northwesterly, Southwesterly, and Northwesterly and Southwesterly along said mean high tide line to the point of beginning.

Parcel 5: (24-46-23-W3-00026.0020)

Part of Government Lot 1 in Section 24, Township 46 South, Range 23 East, further bounded and described as follows:

Starting at a concrete monument in the northwesterly line of San Carlos Boulevard, 30 feet from the center thereof and being the same monument that is shown 3 feet southeast from the most southeasterly corner of the MATANZAS VIEW SUBDIVISION as recorded in Plat Book 9, Page 40; thence North 65°W a distance of 200.00 feet to a point and the principal place of beginning; thence continuing N 65°W a distance of 200.00 feet; thence N 25°E parallel to San Carlos Blvd. a distance of 390.00 feet; thence by a curve deflecting to the right a distance of 37.06 feet, said curve having a radius of 67.22 feet and a chord that bears S 86°04'38" E a distance of 36.59 feet; thence S 70°17'05" E a distance of 166.58 feet; thence S 25°W a distance of 418.50 feet to the place of beginning.

ALSO Easement No. 1: Starting at the same monument that is the starting point of the above description; thence N 25° E a distance of 285.00 feet to a point and the principal place of beginning; thence continuing N 25° E a distance of 30.00 feet; thence N 65° W a distance of 200.00 feet; thence S 25° W a distance of 30.00 feet; thence S 65° E a distance of 200.00 feet to the point of beginning.

ALSO Easement No. 2: A 12.00 foot wide strip of land running between the above described property and San Carlos Boulevard and lying within the confines of the following described land: Beginning at the same monument that is the starting point of the above property; thence N 65°W a distance of 200.00 feet; thence N 25°E a distance of 32.00 feet; thence S 65°E a distance of 200.00 feet; thence S 25° W a distance of 32.00 feet to the place of beginning.

= property line
 = Buildings
 = Signs

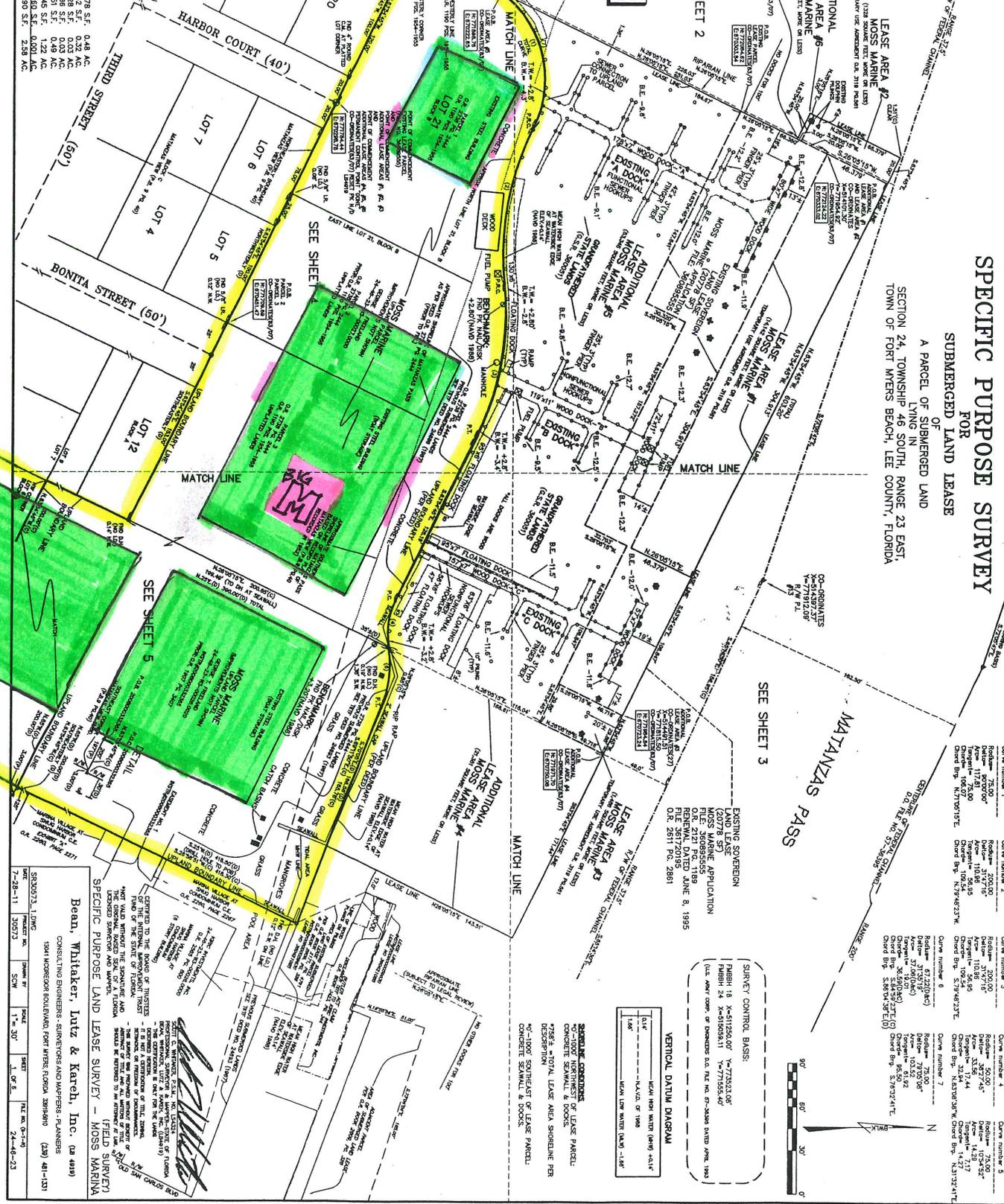
Exhibit B

SPECIFIC PURPOSE SURVEY

FOR
 SUBMERGED LAND LEASE
 OF
 LIVING SUBMERGED LAND
 SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST,
 TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA

NOTES:
 THIS PLAN PREPARED AS A SPECIFIC PURPOSE SURVEY AND IS NOT INTENDED TO CONSTITUTE THE ASSURANCE OR RECORD OF RECORDS OF ANY RECORD, STATE, OR FEDERAL AGENCY, COUNTY, CITY, OR TOWN, OR ANY OTHER ENTITY.
 THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.
 THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.
 THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.

- LEGEND**
- (P) - PLOT
 - (M) - MEASURED
 - (V) - FIELD MEASURED & VERIFIED
 - (D) - DEED
 - (N) - NON-ROCK
 - (C) - POINT OF CURVE
 - (R) - POINT OF REVERSE CURVE
 - (F) - FOUND
 - (U) - UNITED TELEPHONE SERVICE BOX
 - (S) - SEWER MANHOLE
 - (B) - BURNING BARN
 - (T.M.) - TOP OF SEAWALL
 - (B.M.) - BOTTOM OF SEAWALL
 - (S.F.) - SQUARE FEET
 - (A.C.) - ACRES
 - (P.B.) - POINT OF BEGINNING
 - (B.E.) - BOTTOM ELEVATION



BEAR, WHITAKER, LUTZ & KAREH, INC. (CA 4649)
 CONSULTING ENGINEERS - SURVEYORS AND ARCHITECTS - PLANNERS
 1904 HOBSON BOULEVARD, FORT MYERS BEACH, FLORIDA 33904
 (239) 481-1331
 FAX (239) 481-1331

SPECIFIC PURPOSE SURVEY - MOSS MARINE

BEAR, WHITAKER, LUTZ & KAREH, INC. (CA 4649)
 CONSULTING ENGINEERS - SURVEYORS AND ARCHITECTS - PLANNERS
 1904 HOBSON BOULEVARD, FORT MYERS BEACH, FLORIDA 33904
 (239) 481-1331
 FAX (239) 481-1331

Curve number	Radius	Chord	Chord bearing
Curve number 1	75.00'	117.21'	N 102° 00' 00" W
Curve number 2	20.00'	10.82'	N 102° 00' 00" W
Curve number 3	20.00'	10.82'	N 102° 00' 00" W
Curve number 4	50.00'	14.53'	N 102° 00' 00" W
Curve number 5	75.00'	11.71'	N 102° 00' 00" W
Curve number 6	75.00'	11.71'	N 102° 00' 00" W
Curve number 7	75.00'	11.71'	N 102° 00' 00" W
Curve number 8	75.00'	11.71'	N 102° 00' 00" W
Curve number 9	75.00'	11.71'	N 102° 00' 00" W

VERTICAL DATUM DIAGRAM

MEAN SEA LEVEL (MSL) 40.4'

MEAN LOW WATER (MLW) 40.4'

MEAN HIGH WATER (MHW) 40.4'

MEAN LOW WATER NEAP (MLWN) 40.4'

MEAN HIGH WATER NEAP (MHWN) 40.4'

MEAN LOW WATER SPRING (MLWS) 40.4'

MEAN HIGH WATER SPRING (MHWSP) 40.4'

SURVEY CONTROL BASIS:

PARISH 18 X-51250.00' N-77523.00'
 PARISH 24 X-51250.00' N-77523.00'
 (U.S. Army Corps of Engineers S.D. File No. 67-3400 DATED APRIL 1965)

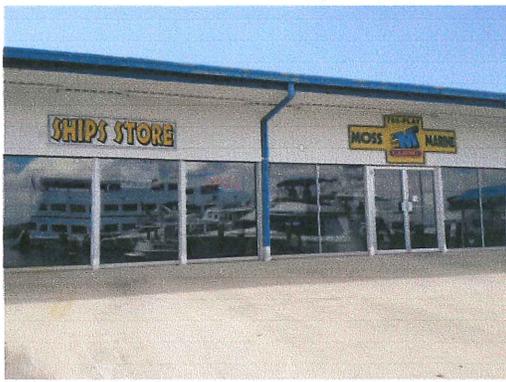
STANDARD CONDITIONS:
 0°-100' NORTHWEST OF LEASE PARCEL
 CONCRETE SEAWALL & DOCK
 0°-100' TOTAL LEASE NET SHORELINE PER DESCRIPTION
 0°-100' SEAWALL & DOCK

EXISTING SOVEREIGN LAND LEASE
 (20778 S.F.)
 FILE: 80095555
 O.R. 2121 PG. 1189
 FILE 35172019
 O.R. 2511 PG. 2861

EXISTING SOVEREIGN LAND LEASE
 (20778 S.F.)
 FILE: 80095555
 O.R. 2121 PG. 1189
 FILE 35172019
 O.R. 2511 PG. 2861

EXISTING SOVEREIGN LAND LEASE
 (20778 S.F.)
 FILE: 80095555
 O.R. 2121 PG. 1189
 FILE 35172019
 O.R. 2511 PG. 2861

EXISTING SOVEREIGN LAND LEASE
 (20778 S.F.)
 FILE: 80095555
 O.R. 2121 PG. 1189
 FILE 35172019
 O.R. 2511 PG. 2861



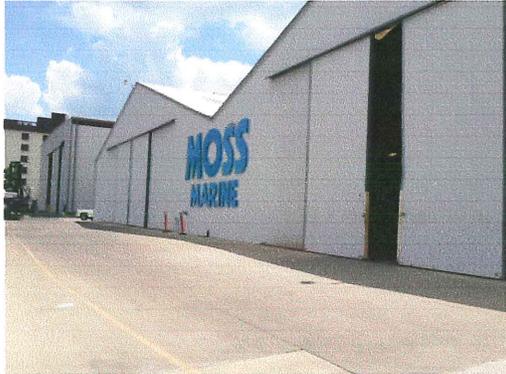
Ship Store signs from Bay (1)
IMG_1315



Ship Store signs from Bay (2)
IMG_1316



Sign view from Harbor Ct.
IMG_1317



Barn Signs from Bay
IMG_1318



airiel (1)
TaxMapImage.aspx



airiel (2)
TaxMapImage-1.aspx

Exhibit C



Boof Sign
photo.aspx

Exhibit D

Leslee Chapman

From: emcd1040@aol.com
Sent: Thursday, July 19, 2012 12:22 PM
To: Leslee Chapman
Subject: Re: Moss Marine/Big M sign variance

Follow Up Flag: Follow up
Flag Status: Completed

Sorry Leslee, when it rains it pours! Our systems got struck by lightning & we had to spend most of yesterday getting things back up & running..... still working on a couple of gas pumps today!

Here are the sign measurements, there was a problem with the roof sign, we have no way to get up there to measure it.... I have looked through old records for anything that may reference the size & have not found anything, so we estimated, based on the size of the building & roof.

Signs 1-4 are located on the ship store

- Sign #1 - SHIP STORE is 16 sq ft (bay side)
- Sign #2 - MOSS MARINE is 27.28 sq ft (bay side)
- Sign #3 - BOATERS LOUNGE is 16 sq ft (bay side)
- Sign #4 - THE BIG M is 47.58 sq ft (big cut our "M" facing Harbor Ct)

Signs 5, 6 & 7 are on our A/B barn

- Sign #1 - MOSS MARINE is 277 sq ft (Large individual letters on bay side)
- Sign #2 - THE BIG M is 23.853 sq ft (big cut our "M" facing Bonita Rd)
- Sign #3 - THE BIG M ROOF SIGN - not exact, but we estimate about 1500 sq ft.

16
27.28
16
47.58
277
23.85

407.71
408 sq ft of wall signage
→ roof signage

Remember we have 3 acres of property, which is 130,680 sq ft. so again, we are not a 30 ft store front.....

Sorry about the delay!

EMILY MCDANIEL
Moss Marine

-----Original Message-----

From: Leslee Chapman <leslee@fortmyersbeachfl.gov>
To: Emily <emcd1040@aol.com>
Sent: Thu, Jul 19, 2012 10:49 am
Subject: RE: Moss Marine/Big M sign variance

EXHIBIT E







NO TRESPASSING
MONEY & CHECKS
ONLY
CALLING 901.755.1111

the big M

← PARKING

the big M
CASINO
← PARKING



EXHIBIT F

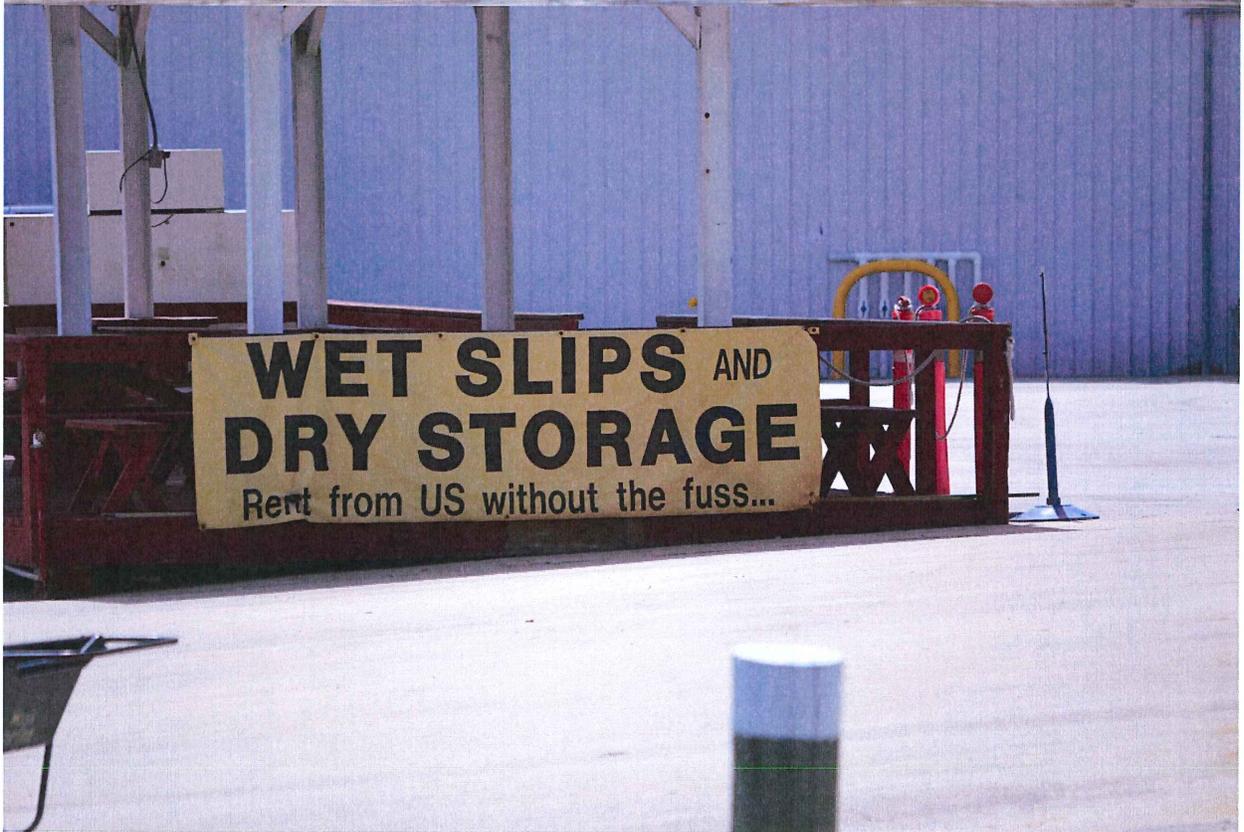


EXHIBIT 4



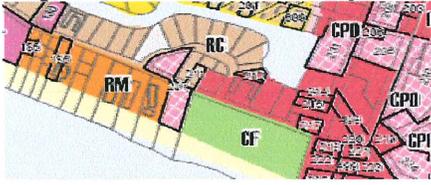








Town of Fort Myers Beach
 Department of Community Development



Zoning Division

Application for Public Hearing

This is the first part of a two-part application. This part requests general information required by the Town of Fort Myers Beach for any request for a public hearing. The second part will address additional information for the specific type of action requested.

Project Name:	Moss Marine
Authorized Applicant:	
LeePA STRAP Number(s):	24-46-23-W3-00027.0000
	24-46-23-W3-00026.0020

Current Property Status:	Marina
Current Zoning:	Warehousing / PIER
Future Land Use Map (FLUM) Category:	
Platted Overlay? __yes__no	FLUM Density Range:

Action Requested	Additional Form Required
<input type="checkbox"/> Special Exception	Form PH-A
<input checked="" type="checkbox"/> Variance	Form PH-B
<input type="checkbox"/> Conventional Rezoning	Form PH-C
<input type="checkbox"/> Planned Development	Form PH-D
<input type="checkbox"/> Master Concept Plan Extension	Form PH-E
<input type="checkbox"/> Appeal of Administrative Action	Form PH-F
<input type="checkbox"/> Development of Regional Impact	Schedule Appointment
<input type="checkbox"/> Other (cite LDC section number: _____)	Attach Explanation

Town of Fort Myers Beach
Department of Community Development
 2523 Estero Boulevard
 Fort Myers Beach, FL 33931
 (239) 765-0202

PART I - General Information

A. Applicant:

Name(s):	George Freeland		
Address: Street:	450 Harbor Ct		
City:	State:	Zip Code:	
Ft Myers Beach	FL	33931	
Phone:	239-765-6677		
Fax:	239-765-6112		
E-mail address:	info @ MOSS MARINE .COM		

B. Relationship of applicant to property (check appropriate response)

<input checked="" type="checkbox"/>	Owner (indicate form of ownership below)		
<input type="checkbox"/>	Individual (or husband/wife)	<input type="checkbox"/>	Partnership
<input type="checkbox"/>	Land Trust	<input type="checkbox"/>	Association
<input type="checkbox"/>	Corporation	<input type="checkbox"/>	Condominium
<input type="checkbox"/>	Subdivision	<input type="checkbox"/>	Timeshare Condo
<input checked="" type="checkbox"/>	Authorized representative (attach authorization(s) as Exhibit AA-1)		
<input type="checkbox"/>	Contract Purchaser/vendee (attach authorization(s) as Exhibit AA-2)		
<input type="checkbox"/>	Town of Fort Myers Beach (Date of Authorization: _____)		

C. Agent authorized to receive all correspondence:

Name:	Emily McDaniel		
Mailing address: Street:	450 Harbor Ct		
City:	State:	Zip Code:	
Fort Myers Beach	FL	33931	
Contact Person:	Emily McDaniel		
Phone:	Fax:		
239-253-1026	239-765-6112		
E-mail address:	EMCD1040 @ AOL.COM		

D. Other agents:

Name(s):			
Mailing address: Street:			
City:	State:	Zip Code:	
Phone:	Fax:		
E-mail address:			

Use additional sheets if necessary, and attach to this page.

PART II – Nature of Request

Requested Action (check applicable actions):

<input type="checkbox"/> Special Exception for:
<input checked="" type="checkbox"/> Variance for: <u>Signage existing on property</u>
<input type="checkbox"/> Conventional Rezoning from _____ to: _____
<input type="checkbox"/> Planned Development
<input type="checkbox"/> Rezoning (or amendment) from _____ to: _____
<input type="checkbox"/> Extension/reinstatement of Master Concept Plan
<input type="checkbox"/> Public Hearing of DRI
<input type="checkbox"/> No rezoning required
<input type="checkbox"/> Rezoning from _____ to: _____
<input type="checkbox"/> Appeal of Administrative Action
<input type="checkbox"/> Other (explain):

PART III – Waivers

Waivers from application submittal requirements: Indicate any specific submittal items that have been waived by the Director for the request. Attach copies of the Director’s approval(s) as Exhibit 3-1.

Code Section Number	Describe Item

PART IV – Property Ownership

<input checked="" type="checkbox"/> Single owner (individual or husband and wife)
Name: <u>George Freeland</u>
Address: Street: <u>4830 Griffin Blvd</u>
City: <u>Ft Myers</u> State: <u>Fl</u> Zip Code: <u>33908</u>
Phone: <u>239-765-6677</u> Fax: <u>239-765-6112</u>
E-mail Address:

<input type="checkbox"/> Multiple owners (including corporation, partnership, trust, association, condominium, timeshare condominium, or subdivision)
Attach Disclosure Form as Exhibit 4-1
Attach list of property owners as Exhibit 4-2
Attach map showing property owners' interests as Exhibit 4-3 if multiple parcels are involved
For condominiums, timeshare condominiums, and subdivisions, see instructions.

PART V – Property Information

A. Legal Description of Subject Property

Is the property entirely made up of one or more undivided platted lots officially recorded in the Plat Books of the Public Records of Lee County?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes:
Subdivision name:
Plat Book Number: Page: Unit: Block: Lot:
If no:
Attach a legible copy of the metes and bounds legal description, with accurate bearings and distances for every line, as Exhibit 5-1. The initial point in the description must be related to at least one established identifiable real property corner. Bearings must be referenced to a well-established and monumented line.

B. Boundary Survey

Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code, as Exhibit 5-2. 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.
--

C. STRAP Number(s):

24-46-23-W3-00027.0000

D Property Dimensions:

Area:	square feet	acres
Width along roadway:	feet	Depth: feet

E. Property Street Address:

450 Harbor Ct Ft Myers Beach 33931

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

If you are headed on to the island, when you get to the top of the Sky bridge look right, you will see "the BIG M"

Attach Area Location Map as Exhibit 5-3

G. Property Restrictions (check applicable):

- There are no deed restrictions or covenants on this property that affect this request.
- Restrictions and/or covenants are attached as Exhibit 5-4
- A narrative statement explaining how the deed restrictions and/or covenants may affect the request is attached as Exhibit 5-5.

H. Surrounding property owners:

- Attach list of surrounding property owners (within 500 feet) as Exhibit 5-6
- Attach two sets of mailing labels as Exhibit 5-7
- Attach a map showing the surrounding property owners as Exhibit 5-8

I. Future Land Use Category: (see Comprehensive Plan Future Land Use Map)

- | | |
|--|--|
| <input type="checkbox"/> Low Density | <input checked="" type="checkbox"/> Marina |
| <input type="checkbox"/> Mixed Residential | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Boulevard | <input type="checkbox"/> Wetlands |
| <input type="checkbox"/> Pedestrian Commercial | <input type="checkbox"/> Tidal Water |
- Is the property located within the "Platted Overlay" area on the Future Land Use Map? Yes No

J. Zoning: (see official zoning map, as updated by subsequent actions)

- | | |
|---|--|
| <input type="checkbox"/> RS (Residential Single-family) | <input checked="" type="checkbox"/> CM (Commercial Marina) |
| <input type="checkbox"/> RC (Residential Conservation) | <input type="checkbox"/> CO (Commercial Office) |
| <input type="checkbox"/> RM (Residential Multifamily) | <input type="checkbox"/> CB (Commercial Boulevard) |
| <input type="checkbox"/> VILLAGE | <input type="checkbox"/> SANTINI |
| <input type="checkbox"/> SANTOS | <input type="checkbox"/> DOWNTOWN |
| <input type="checkbox"/> IN (Institutional) | <input type="checkbox"/> RPD (Residential Planned Dev.) |
| <input type="checkbox"/> CF (Community Facilities) | <input type="checkbox"/> CPD (Commercial Planned Dev.) |
| <input type="checkbox"/> CR (Commercial Resort) | <input type="checkbox"/> EC (Environmentally Critical) |
| <input type="checkbox"/> BB (Bay Beach) | |

PART VI – Affidavit

**Application Signed by a Corporation, Limited Liability Company (LLC),
Limited Company (LC), Partnership, Limited Partnership, or Trustee**

See attached explanatory notes for instructions

I, Emily McDaniel, as Manager
of Moss Marine, swear or affirm under oath, that I am
the owner or the authorized representative of the owner(s) of the property and
that:

1. 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 in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data, or other supplemental matter attached hereto and made a part of this application are honest and true;
3. I hereby authorize Town staff or their designee(s) to enter upon the property during normal working hours (including Saturdays and Sundays) for purposes reasonably related to the subject matter of this application; and
4. The property will not be transferred, conveyed, sold, or subdivided unencumbered by the conditions and restrictions imposed by the approved action

Moss Marine
Name of Entity (corporation, LLC, partnership, etc)
Manager
Title of Signatory

Emily McDaniel
Signature
Emily McDaniel
Typed or Printed Name

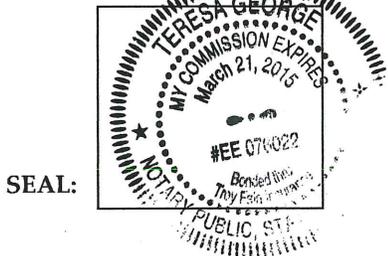
State of FL
County of Lee

The foregoing instrument was sworn to (or affirmed) and subscribed
before me this 12/30/11 by Emily McDaniel
Date Name of person under oath or affirmation

who is personally known to me or who has produced _____
Type of identification

as identification.
Teresa George
Signature of person administering oath

Teresa George
Typed or Printed Name



**EXHIBIT 4-1
DISCLOSURE OF INTEREST FORM**

STRAP# 24-46-23-0002 ~~7~~ 7,0000

Attach additional sheets in the same format for each separate STRAP number in the application if multiple parcels with differing ownership are included.

1. 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
George Freeland 4830 Griffin Blvd Ft Myers Fl 33908	100%

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

Name, Address, and office	Percentage

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

**EXHIBIT 4-1
DISCLOSURE OF INTEREST FORM**

STRAP# 24-46-23-00026.0020

Attach additional sheets in the same format for each separate STRAP number in the application if multiple parcels with differing ownership are included.

1. 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
George Freeland 4830 Griffin Blvd Ft Myers FL 33908	100%

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

Name, Address, and office	Percentage

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust and the percentage of interest.

Name and Address	Percentage

4. If the property is in the name of a GENERAL PARTNERSHIP or LIMITED PARTNERSHIP, list the names of the general and limited partners with the percentage of ownership.

Name and Address	Percentage

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, regardless of whether a Corporation, Trustee, or Partnership is involved, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners, and their percentage of stock.

Name, Address, and Office (if applicable)	Percentage

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

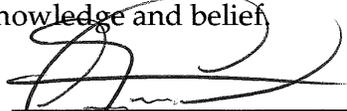
6. If any contingency clause or contract terms involve additional parties, list all individuals, or officers if a corporation, partnership, or trust.

Name and 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 public hearing, 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



Applicant
George Freeland
Printed or typed name of applicant

STATE OF FL
COUNTY OF LEE

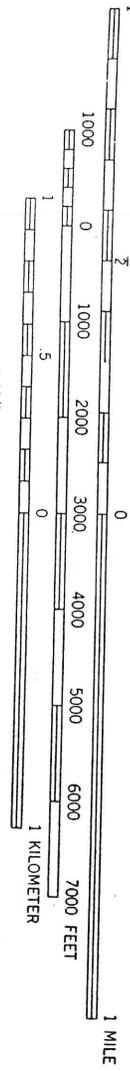
The foregoing instrument was acknowledged before me this 19 day of Feb, 2012, by _____, who is personally known to me or who has produced _____ as identification and who did (or did not) take an oath.

Teresa George
Signature of Notary

Teresa George
Typed or Printed Name of Notary

SEAL:





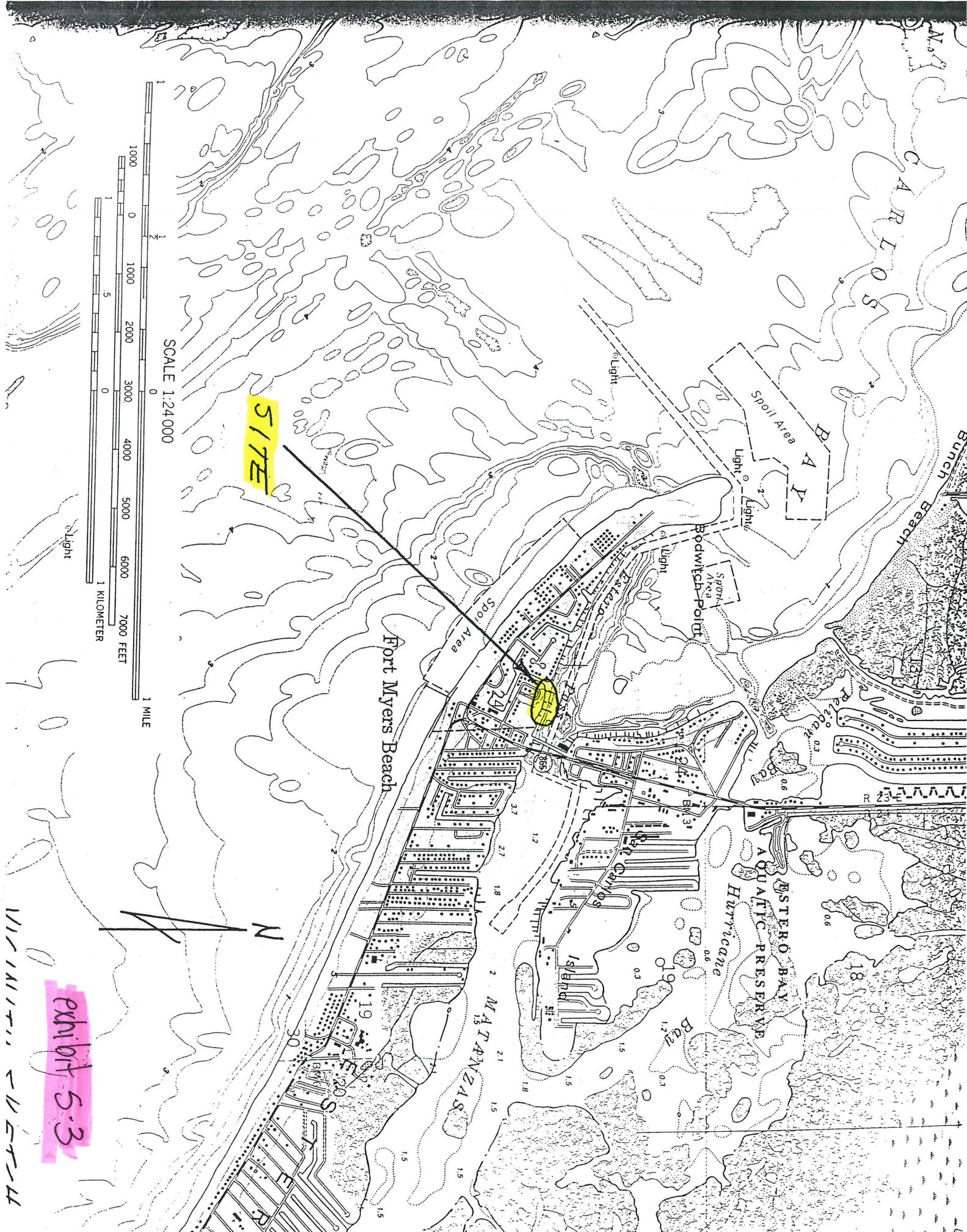
SCALE 1:24000

SITE



Exhibit 5-3

VIRGINIA - 11-2-11





5-8



Ship Store signs from Bay (1)
IMG_1315

Ship Store signs from Bay (2)
IMG_1316

Sign view from Harbor Ct.
IMG_1317



Barn Signs from Bay
IMG_1318

airiel (1)
TaxMapImage.aspx

airiel (2)
TaxMapImage-1.aspx

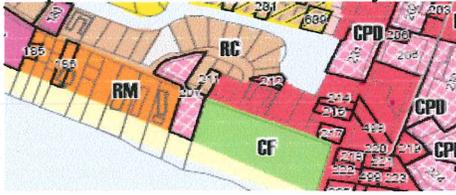


Boof Sign
photo.aspx

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

Town of Fort Myers Beach
Department of Community Development



Zoning Division

**TOWN OF
FORT MYERS BEACH**

MAY 10 2012

RECEIVED BY

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: FMBVAR 2011-0007	
Project Name: Moss Marine	
Authorized Applicant: George Freeland / Emily McDaniel	
LeePA STRAP Number: 24-46-23-W3-00026-0020 24-46-23-W3-00027-0000	
Current Property Status: Marina	
Current Zoning: CM	
Future Land Use Map (FLUM) Category:	
Comp Plan Density:	Platted Overlay? <input type="checkbox"/> Yes <input type="checkbox"/> No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
Chapter 30	Signs

Complete the narrative statements below for EACH variance requested.

PART I
Narrative Statements

Request for variance from 30-91 (LDC Section number)

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

According to the ammended LDC Ch 30-91 our existing signage exceeds the maximum square footage allowed.

Reasons for request

Explain why the variance is needed:

Most of our signage is on the Bay side of our 3 ACRE property for our boaters, and needs to be large enough to be seen from the water. We have 2 moderate sized signs attached to the buildings where the road leads to the property (IMG 1317), to identify the property. Our "BIG M" roof sign has been in place since 1964 and is a FMB landmark.

To remove/replace this signage would not only be a huge financial burden, but would remove us from the Marina Market & remove a FMB landmark.

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

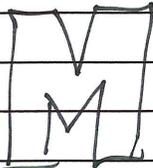
We are a very large parcel located on the Bay at the end of the road so surrounding neighbors do not even see most of our signage.

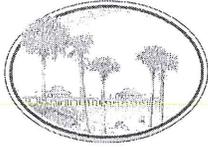
Explain the hardship (what is unique about the property) that justifies relief from the regulation:

Again because of the size of our property, nature of our business and historical value of the signage, We feel we qualify for this variance & feel our signage is appropriate.

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

Moss Marine AKA "The Big M" has been in business on FMB since 1964 and our existing signage is adequate and size appropriate for what it is intended. Our signage is not overused, flashy and does not obstruct views or disturb neighboring homes and/or business. Many have commented to us about this issue & can't imagine driving over the Matanzas bridge and not seeing

" the
big  "



Town of Fort Myers Beach

Community Development
2523 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 Fax: 239-765-0591

March 14, 2011

Emily McDaniel
450 Harbor Court
Fort Myers Beach, FL33919

Re: FMBVAR2011-0007

Dear: Ms. McDaniel,

The Community Development Department has reviewed the information provided for the above zoning application. The Town of Fort Myers Beach Land Development Code (LDC) required additional information for the application to be found sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various other Town reviewing departments. In addition, the Town has not received the associated fee of \$2000 for a variance application request.

If you do not provide the requested supplements, corrections and fees within 60 calendar days of this letter, the LDC requires that this application be considered withdrawn, and Code Enforcement will be required to issue a notice of violation for the signage on the subject property. Please feel free to contact me if you have any questions or require further clarification.

Sincerely,

Leslee Chapman
Zoning Coordinator
Town of Fort Myers Beach
Community Development

Town of Fort Myers Beach

Community Development
2523 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 Fax: 239-765-0591

ZONING REVIEW – Leslee Chapman

The application and drawings submitted for the referenced project have been reviewed in accordance with the LDC, Florida Statutes as well as other applicable codes and ordinances as adopted by the Town of Fort Myers Beach. Your application requires the following additional information:

Application for Public Hearing

PART V Property Information (Page 4 of 14 of the Public Hearing Application)

A. Legal Description of Subject Property

Please provide the subdivision name, Plat book number, page, unit, block and lot.

B. Boundary Survey

Please provide a boundary survey as requested in the application.

D. Property Dimensions

Please provide the property dimensions as requested in the application.

F. General Location of Property (from Sky Bridge or Big Carlos Pass Bridge)

Please provide a general location of property and provide a general location map as Exhibit 5-3.

H. Surrounding Property Owners

Please provide a list of surrounding property owners are requested in the application. This information can be requested from the Lee County Property Appraiser at 239-533-6100.

Supplement PH-B

Additional Required Information for a Variance Application

Variance is requested from: _____ LDC Section Number and Title of Section or Subsection.

Please provide a specific list of the exact Chapter 30 section(s) from which the variance is being requested.

PART 1 – Narrative Statements

Request for variance from _____ LDC Section Number. Explain the specific regulation contained in this section from which relief is sought.

Please provide a specific list of the exact Chapter 30 section(s) from which the variance is being requested.

Town of Fort Myers Beach

Community Development
2523 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 Fax: 239-765-0591

Reasons for request. Explain why the variance is needed.

Please provide a more detailed account as to why the variance is needed; please direct the explanation to include a discussion as to why the subject property cannot come into compliance with all the requirements of Chapter 30 of the LDC.

Explain the hardship (what is unique about the property) that justifies relief from the regulations.

Please provide a more detailed account as to why the variance is needed. Please consider using any additional methods, i.e. maps, drawings, site plans, etc to help justify the request.

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision making compliance in LDC Section 34-87(3).

Please provide a more detailed account as to how and why the subject property qualifies for a variance. Please provide a detailed response to the five points with subsection 3 of LDC Section 34-87. For your convenience Section 34-87(3) is provided in its entirety below:

- (3) **Findings.** Before granting any variance, the town council must find that all of the following exist:
- a. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a *de minimis* variance under circumstances or conditions where rigid compliance is not essential to protect public policy;
 - b. That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question;
 - c. That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property;
 - d. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
 - e. That 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.

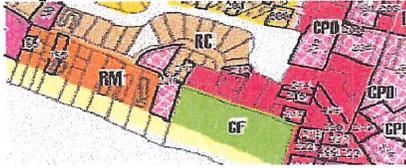
Please make the corrections and resubmit with the necessary information so we can process your application. Please note that these comments represent only those of the reviewer signing below. Other comments may be forthcoming, and a re-submittal shall not occur until all reviewer comments are addressed.

Leslee Chapman
Zoning Coordinator
239-765-0202 ext 105

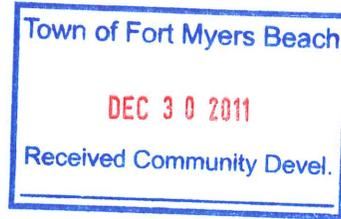
Case # FMBVA 2011-0007
 Planner le

Date Received 12/30/11
 Date of Sufficiency/Completeness _____

Town of Fort Myers Beach
 Department of Community Development



Zoning Division



Application for Public Hearing

This is the first part of a two-part application. This part requests general information required by the Town of Fort Myers Beach for any request for a public hearing. The second part will address additional information for the specific type of action requested.

Project Name:	<u>Moss Marine</u>
Authorized Applicant:	
LeePA STRAP Number(s):	<u>24-46-23-W3-00027.0000</u>
	<u>24-46-23-W3-00026.0020</u>

Current Property Status:	<u>Marina</u>
Current Zoning:	<u>Warehousing / PIER</u>
Future Land Use Map (FLUM) Category:	
Platted Overlay? <u>yes</u> <u>no</u>	FLUM Density Range:

Action Requested	Additional Form Required
<input type="checkbox"/> Special Exception	Form PH-A
<input checked="" type="checkbox"/> Variance	Form PH-B
<input type="checkbox"/> Conventional Rezoning	Form PH-C
<input type="checkbox"/> Planned Development	Form PH-D
<input type="checkbox"/> Master Concept Plan Extension	Form PH-E
<input type="checkbox"/> Appeal of Administrative Action	Form PH-F
<input type="checkbox"/> Development of Regional Impact	Schedule Appointment
<input type="checkbox"/> Other (cite LDC section number: _____)	Attach Explanation

Town of Fort Myers Beach
Department of Community Development
 2523 Estero Boulevard
 Fort Myers Beach, FL 33931
 (239) 765-0202

PART I - General Information

A. Applicant:

Name(s):	George Freeland		
Address: Street:	450 Harbor Ct		
City:	Fort Myers Beach	State:	FL Zip Code: 33931
Phone:	239-765-6677		
Fax:	239-765-6112		
E-mail address:	info @ MOSS MARINE .COM		

B. Relationship of applicant to property (check appropriate response)

<input checked="" type="checkbox"/>	Owner (indicate form of ownership below)	
<input type="checkbox"/>	Individual (or husband/wife)	<input type="checkbox"/> Partnership
<input type="checkbox"/>	Land Trust	<input type="checkbox"/> Association
<input type="checkbox"/>	Corporation	<input type="checkbox"/> Condominium
<input type="checkbox"/>	Subdivision	<input type="checkbox"/> Timeshare Condo
<input type="checkbox"/>	Authorized representative (attach authorization(s) as Exhibit AA-1)	
<input type="checkbox"/>	Contract Purchaser/vendee (attach authorization(s) as Exhibit AA-2)	
<input type="checkbox"/>	Town of Fort Myers Beach (Date of Authorization: _____)	

C. Agent authorized to receive all correspondence:

Name:	Emily McDaniel		
Mailing address: Street:	450 Harbor Ct		
City:	Fort Myers Beach	State:	FL Zip Code: 33931
Contact Person:	Emily McDaniel		
Phone:	239-253-1026	Fax:	239-765-6112
E-mail address:	EMCD1040 @ AOL.COM		

D. Other agents:

Name(s):			
Mailing address: Street:			
City:		State:	Zip Code:
Phone:		Fax:	
E-mail address:			

Use additional sheets if necessary, and attach to this page.

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

PART II – Nature of Request

Requested Action (check applicable actions):

<input type="checkbox"/> Special Exception for:
<input checked="" type="checkbox"/> Variance for: <u>Signage existing on property</u>
<input type="checkbox"/> Conventional Rezoning from _____ to: _____
<input type="checkbox"/> Planned Development
<input type="checkbox"/> Rezoning (or amendment) from _____ to: _____
<input type="checkbox"/> Extension/reinstatement of Master Concept Plan
<input type="checkbox"/> Public Hearing of DRI
<input type="checkbox"/> No rezoning required
<input type="checkbox"/> Rezoning from _____ to: _____
<input type="checkbox"/> Appeal of Administrative Action
<input type="checkbox"/> Other (explain):

PART III – Waivers

Waivers from application submittal requirements: Indicate any specific submittal items that have been waived by the Director for the request. Attach copies of the Director's approval(s) as Exhibit 3-1.

Code Section Number	Describe Item

PART IV – Property Ownership

<input checked="" type="checkbox"/> Single owner (individual or husband and wife)	
Name:	<u>George Freeland</u>
Address: Street:	<u>4830 Griffin Blvd</u>
City:	<u>Ft Myers</u> State: <u>FL</u> Zip Code: <u>33908</u>
Phone:	<u>239-765-6677</u> Fax: <u>239-765-6112</u>
E-mail Address:	

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

<input type="checkbox"/> Multiple owners (including corporation, partnership, trust, association, condominium, timeshare condominium, or subdivision)
Attach Disclosure Form as Exhibit 4-1
Attach list of property owners as Exhibit 4-2
Attach map showing property owners' interests as Exhibit 4-3 if multiple parcels are involved
For condominiums, timeshare condominiums, and subdivisions, see instructions.

PART V – Property Information

A. Legal Description of Subject Property

Is the property entirely made up of one or more undivided platted lots officially recorded in the Plat Books of the Public Records of Lee County?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes:
Subdivision name:
Plat Book Number: Page: Unit: Block: Lot:
If no:
Attach a legible copy of the metes and bounds legal description, with accurate bearings and distances for every line, as Exhibit 5-1. The initial point in the description must be related to at least one established identifiable real property corner. Bearings must be referenced to a well-established and monumented line.

B. Boundary Survey

Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code, as Exhibit 5-2. 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.
--

C. STRAP Number(s):

24-46-23-W3-00027-0000

D Property Dimensions:

Area:	square feet	acres
Width along roadway:	feet	Depth: feet

E. Property Street Address:

450 Harbor Ct Ft Myers Beach 33931

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

Attach Area Location Map as Exhibit 5-3

G. Property Restrictions (check applicable):

<input type="checkbox"/> There are no deed restrictions or covenants on this property that affect this request.
<input type="checkbox"/> Restrictions and/or covenants are attached as Exhibit 5-4
<input type="checkbox"/> A narrative statement explaining how the deed restrictions and/or covenants may affect the request is attached as Exhibit 5-5.

H. Surrounding property owners:

Attach list of surrounding property owners (within 500 feet) as Exhibit 5-6
Attach two sets of mailing labels as Exhibit 5-7
Attach a map showing the surrounding property owners as Exhibit 5-8

I. Future Land Use Category: (see Comprehensive Plan Future Land Use Map)

<input type="checkbox"/> Low Density	<input type="checkbox"/> Marina
<input type="checkbox"/> Mixed Residential	<input type="checkbox"/> Recreation
<input type="checkbox"/> Boulevard	<input type="checkbox"/> Wetlands
<input type="checkbox"/> Pedestrian Commercial	<input type="checkbox"/> Tidal Water
Is the property located within the "Platted Overlay" area on the Future Land Use Map? <input type="checkbox"/> Yes <input type="checkbox"/> No	

J. Zoning: (see official zoning map, as updated by subsequent actions)

<input type="checkbox"/> RS (Residential Single-family)	<input type="checkbox"/> CM (Commercial Marina)
<input type="checkbox"/> RC (Residential Conservation)	<input type="checkbox"/> CO (Commercial Office)
<input type="checkbox"/> RM (Residential Multifamily)	<input type="checkbox"/> CB (Commercial Boulevard)
<input type="checkbox"/> VILLAGE	<input type="checkbox"/> SANTINI
<input type="checkbox"/> SANTOS	<input type="checkbox"/> DOWNTOWN
<input type="checkbox"/> IN (Institutional)	<input type="checkbox"/> RPD (Residential Planned Dev.)
<input type="checkbox"/> CF (Community Facilities)	<input type="checkbox"/> CPD (Commercial Planned Dev.)
<input type="checkbox"/> CR (Commercial Resort)	<input type="checkbox"/> EC (Environmentally Critical)
<input type="checkbox"/> BB (Bay Beach)	

PART VI – Affidavit

**Application Signed by a Corporation, Limited Liability Company (LLC),
Limited Company (LC), Partnership, Limited Partnership, or Trustee**

See attached explanatory notes for instructions

I, Emily McDaniel, as Manager
of Moss Marine, swear or affirm under oath, that I am
the owner or the authorized representative of the owner(s) of the property and
that:

1. 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 in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data, or other supplemental matter attached hereto and made a part of this application are honest and true;
3. I hereby authorize Town staff or their designee(s) to enter upon the property during normal working hours (including Saturdays and Sundays) for purposes reasonably related to the subject matter of this application; and
4. The property will not be transferred, conveyed, sold, or subdivided unencumbered by the conditions and restrictions imposed by the approved action

Moss Marine
Name of Entity (corporation, LLC, partnership, etc)

Emily McDaniel
Signature

Manager
Title of Signatory

Emily McDaniel
Typed or Printed Name

State of FL

County of Lee

The foregoing instrument was sworn to (or affirmed) and subscribed
before me this 12/30/11 by Emily McDaniel
Date Name of person under oath or affirmation

who is personally known to me or who has produced _____
Type of identification

as identification.

Teresa George
Signature of person administering oath

Teresa George
Typed or Printed Name

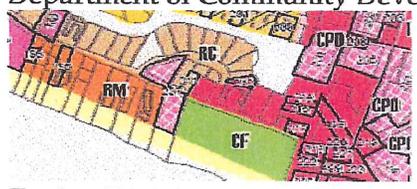
SEAL:



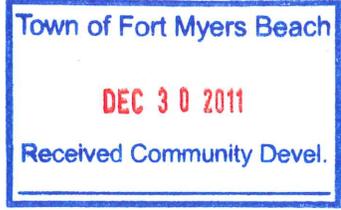
Case # FMBVAR 2011
Planner _____

Date Received 12/30/11
Date of Sufficiency/Completeness _____

Town of Fort Myers Beach
Department of Community Development



Zoning Division



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>Mass Marine / Big M Casino</u>
Authorized Applicant: <u>George Freeland or Emily McDaniel</u>
LeePA STRAP Number: <u>24-46-23-W3-00026.0020</u> <u>24-46-23-W3-00027.0000</u>

Current Property Status:
Current Zoning:
Future Land Use Map (FLUM) Category:
Comp Plan Density: _____ Platted Overlay? <input type="checkbox"/> Yes <input type="checkbox"/> No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
<u>Chapter 30</u>	<u>Signs</u>

Complete the narrative statements below for EACH variance requested.

PART I
Narrative Statements

Request for variance from Ch 30 (LDC Section number)

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

Our existing signage is over size according to the new LDC.

Reasons for request

Explain why the variance is needed:

Most of our signage has been in place for 15+ years. Our barn roof has been painted with the Big M logo since 1964 and is a landmark for most. Most of our existing signage is on the Bay side of our property for our marine customers and needs to be large enough to see from the water.

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

We are a very large parcel, 3 acres, and again most of our signage is bay-side so surrounding properties do not even see it. We have one sign attached to the building that you see as you approach the property

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

We are a 3 acre parcel with very large buildings that attract boaters to our facilities. We do only have one Casino sign on the building to direct the Casino boat customers once they are on property. We are not a 30ft store front on Main St so our signage is appropriate. The "Big M" on the roof of our storage barn we feel is a FMB landmark and has been in place since 1964.

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

Moss Marine aka The Big M has been in business on FMB since 1964 and our signage is adequate and size appropriate for what it is intended. It is not over used, flashy and does not obstruct views or disturb neighboring homes and/or businesses.



Lee County Property Appraiser

Tax Year

[Next Lower Parcel Number](#) [Next Higher Parcel Number](#) [Tangible Accounts](#) [Tax Estimator](#) [Tax Bills](#) [Print](#)

Property Data for Parcel 24-46-23-W3-00027.0000

Owner Of Record

FREELAND GEORGE T
4830 GRIFFIN BLVD
FORT MYERS FL 33908

Site Address

450 HARBOR CT
FORT MYERS BEACH FL 33931

Legal Description

PARL IN SE1/4 DESC OR1656/
2886+MATANZAS VIEW BLK B
PB9/40 PT LT 21 + SUB LAND

Classification / DOR Code

AIRPORTS, TERMINALS, PIERS / 20

[Tax Map Viewer]



[Pictometry Aerial Viewer]

Image of Structure



← Photo Date March of 2010 →

Property Values (2011 Tax Roll)

Just	996,832
Assessed	996,832
Portability Applied	0
Cap Assessed	996,832
Taxable	996,832
Cap Difference	0

Exemptions

Homestead / Additional	0 / 0
Widow / Widower	0 / 0
Disability	0
Wholly	0
Senior	0
Agriculture	0

Attributes

Land Units Of Measure	SF
Units	65982.00
Frontage	0
Depth	0
Total Number of Buildings	2
Total Bedrooms / Bathrooms	0 / 2.0
Total Buildings Sq Ft	27,876
1st Year Building on Tax Roll	1968
Historic District	No



Taxing Authorities



Sales / Transactions



Building/Construction Permit Data



Parcel Numbering History



Solid Waste (Garbage) Roll Data



Flood and Storm Information



Appraisal Details

TRIM (proposed tax) Notices are available for the following tax years
[2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011]

[Next Lower Parcel Number](#) [Next Higher Parcel Number](#) [New Query](#) [Search Results](#) [Home](#)



Lee County Property Appraiser

Tax Year

[Next Lower Parcel Number](#) [Next Higher Parcel Number](#) [Tangible Accounts](#) [Tax Estimator](#) [Tax Bills](#) [Print](#)

Property Data for Parcel 24-46-23-W3-00026.0020

Owner Of Record

FREELAND GEORGE T
4830 GRIFFIN BLVD
FORT MYERS FL 33908

Site Address

450 HARBOR CT
FORT MYERS BEACH FL 33931

Legal Description

PARL IN SE 1/4
SEC 24 TWP 46 RGE 23
DESC OR 1447 PG 1434

Classification / DOR Code

WAREHOUSING, DISTRIBUTION
TERMINALS / 48

[[Tax Map Viewer](#)]



[[Pictometry Aerial Viewer](#)]

Image of Structure



Photo Date January of 2011

Property Values (2011 Tax Roll)

Exemptions

Attributes

Property Values (2011 Tax Roll)	Exemptions	Attributes
Just 1,205,014	Homestead / Additional 0 / 0	Land Units Of Measure SF 78000.00
Assessed 1,205,014	Widow / Widower 0 / 0	Units 0
Portability Applied 0	Disability 0	Frontage 0
Cap Assessed 1,205,014	Wholly 0	Depth 0
Taxable 1,205,014	Senior 0	Total Number of Buildings 2
Cap Difference 0	Agriculture 0	Total Bedrooms / Bathrooms 0 / 0.0
		Total Buildings Sq Ft 32,576
		1st Year Building on Tax Roll 1987
		Historic District No

- + [Taxing Authorities](#)
- + [Sales / Transactions](#)
- + [Building/Construction Permit Data](#)
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