

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 97- 34

WHEREAS, Daniel Reinfried, Tr., represented by Beverly Grady, Esq., filed a request for four (4) variances in the CT (Tourist Commercial) as follows:

- (1) a variance from height limitations that would allow 76 feet to allow 104 feet;
- (2) a variance to decrease side setback from the required 54.5 feet to 35 feet on the north and south property lines;
- (3) a variance from the permitted 32 efficiency units to 66 efficiency units;
- (4) a variance from the maximum floor area allowed for efficiency rental units of 550 square feet to allow up to 1,975 square feet; and,

WHEREAS, the subject property is located at 6620 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as:

LEGAL DESCRIPTION: In Section 34, Township 46 South, Range 24 East, Lee County, Florida:

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Government Lot 1, Section 34, Township 46 South, Range 24 East, and further bounded and described as follows:

BEGINNING at point on the Southwesterly right-of-way line of Estero Boulevard, which point is 2,055 feet Southeasterly of, as measured at right angles, the Southeasterly side of Block "I", McPhie Park #2, according to the map or plat thereof recorded in Plat Book 8, Page 59, Public Records of said Lee County, Florida; THENCE S 50 degrees 42'03" W parallel with the Southeasterly line of said Block "I" for 533.5 feet to the Point of Beginning of the herein described parcel;

THENCE N 50 degrees 42'03" E along the afore described line for 533.5 feet to a point on the Southwesterly right-of-way line of said Estero Boulevard; THENCE Northwesterly along said right-of-way line for 152.7 feet, more or less, to an intersection with a line 1,305 feet Southeasterly of, as measured at right angles, the Southeasterly side of the aforesaid Block "I"; THENCE S 50 degrees 42' 03" W parallel with the Southeasterly side of said Block "I" for 515.8 feet; THENCE S 67 degrees 07' 11" W for 216 feet, more or less to the water of the Gulf of Mexico; THENCE Southeasterly along said waters for 157 feet, more or less, to an intersection with a line that bears S 67 degrees 07' 11"W and passes through the POINT OF BEGINNING; THENCE N 67 degrees 07'11"E along said line for 230 feet, more or less, to the POINT OF BEGINNING, together with all Riparian and Littoral Rights appurtenant thereto; and,

WHEREAS, the applicant has indicated the property's current STRAP number is: 34-46-24-W4-00010.0000; and,

WHEREAS a hearing was held and the council considered the following criteria, recommendations and testimony of the staff, testimony from the applicant and from the public.

IT IS THE FINDING of this council that all of the following exist:

a. That there are/ ~~not~~ exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district;

b. That the exceptional or extraordinary conditions or circumstances are /not the result of actions of the applicant taken subsequent to the adoption of the ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding the adoption of the ordinance from which this chapter is derived will not be considered self-created);

c. That the variance is/ ~~not~~ 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 condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is/ not of so general or recurrent nature as to make it more reasonable and practical to amend the ordinance.

NOW THEREFORE BE IT RESOLVED THAT THE VARIANCE IS APPROVED / ~~DISAPPROVED~~ SUBJECT TO THE FOLLOWING conditions and requirements that are necessary for the protection of the health, safety, comfort, convenience and welfare of the general public and that are reasonably related to the variance requested.

1. The variance request as to height is recommended for approval to a height of 98.5 feet.
2. The variance request to decrease side set-backs is recommended for approved at a set-back of 35 feet.
3. The variance request from the permitted 32 efficiency units to 66 efficiency units that may not be altered is recommended for approval.

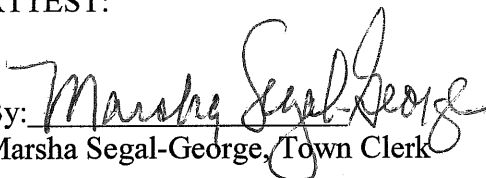
4. The variance request from the maximum floor area allowed for efficiency rental units at 550 square feet to a maximum of 1,975 square feet is recommended for approval. The final floor plans will be substantially the same as the Typical Floor Plan (dated 10/3/97) as presented to the Council and attached as Exhibit B.
5. The variance approvals are based on the site plan offered at the hearing and as dated 10-3-97. The site plan is referenced as Exhibit A and incorporated herein as an exhibit tied to this approval.
6. The variance approvals are conditioned on the owner submitting a buffering plan as to the adjacent properties to the LPA for approval and adding a 5' public walkway easement.
7. The variance approvals are conditioned on the owner agreeing to not allow commercial beach rentals of personal watercraft, parasail, or any other type of watercraft.

The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

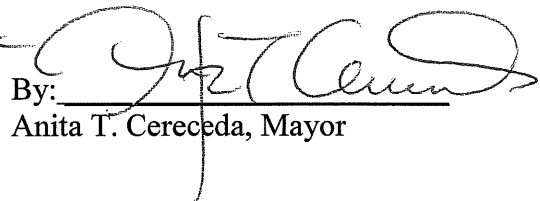
Anita T. Cereceda	<u>aye</u>
Ted FitzSimons	<u>aye</u>
William (Rusty) Isler	<u>nay</u>
Garr Reynolds	<u>nay</u>
Ray Murphy	<u>aye</u>

APPLICATION DULY GRANTED this 20th day of October, 1997.


ATTEST:

By:   
 Marsha Segal-George, Town Clerk

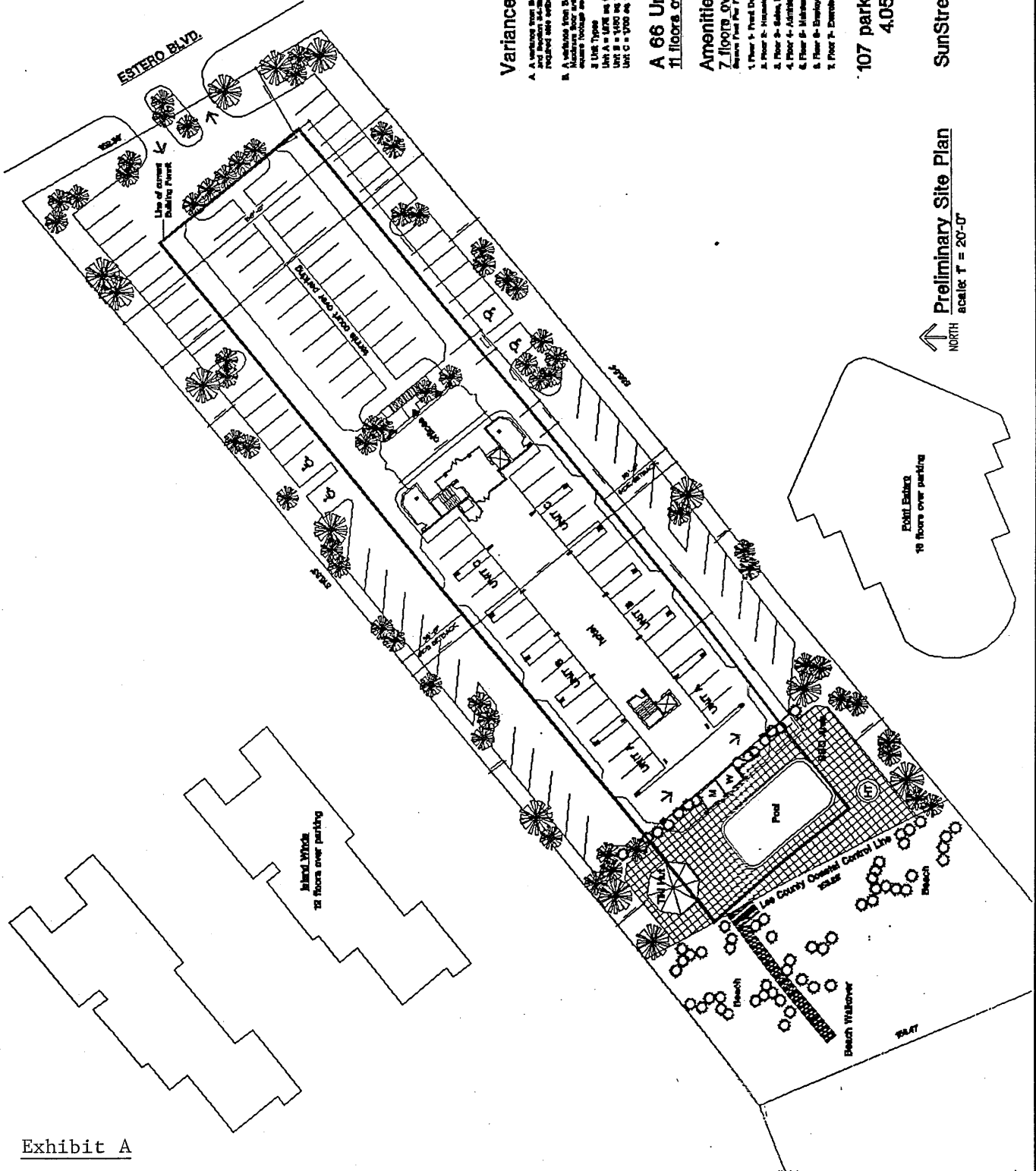
TOWN OF FORT MYERS BEACH

By:   
 Anita T. Cereceda, Mayor

Approved as to form by:

  
 Richard V.S. Roosa, Town Attorney

REVISIONS	DATE	DESCRIPTION
1		
2		
3		
4		
5		



**Variances Requested:**

- A. A variance from the 2004 Comprehensive Zoning Ordinance to allow a maximum height of 66 feet for the hotel building.
- B. A variance from the 2004 Comprehensive Zoning Ordinance to allow a maximum height of 66 feet for the hotel building.
- C. A variance from the 2004 Comprehensive Zoning Ordinance to allow a maximum height of 66 feet for the hotel building.

**A 66 Unit Hotel**

**11 floors over parking**

**Amenities and Offices**

**7 floors over parking**

**107 parking spaces**  
**4.05 acres**

**SunStream Inc.**

Exhibit A

7-1-77  
DATE

REVISIONS	DATE
1	
2	
3	
4	

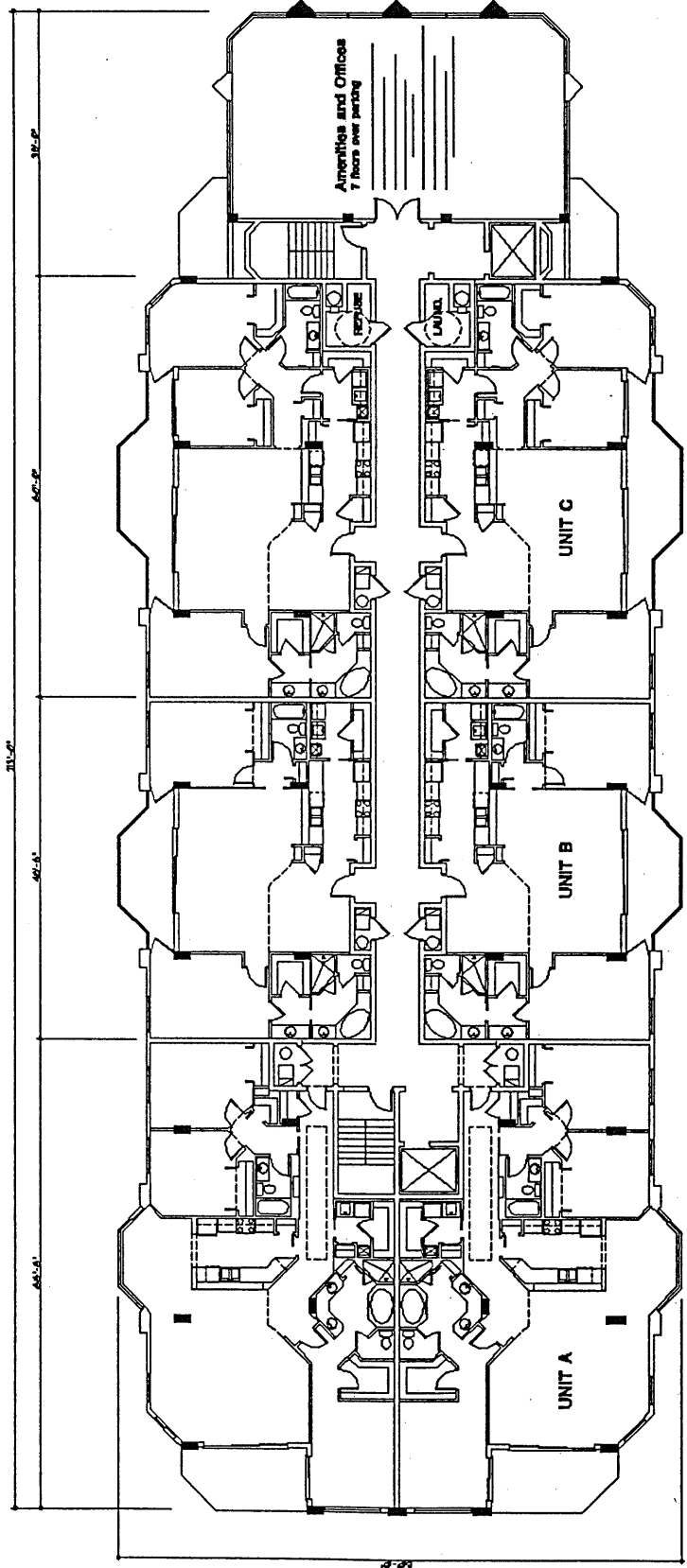
PROJECT  
**Guilwing Site**  
 THE TOWN OF FT. MYERS BEACH, FLORIDA

DESIGNER

1:1 mc comstock architect  
 4275 W. PALM BLVD. 20  
 FT. MYERS BEACH, FLORIDA 33909

3  
 SHEET

REV.



(106 UNIT HOTEL)  
 TYPICAL FLOOR PLAN  
 SCALE: 1/8" = 1'-0"