

RESOLUTION OF THE LOCAL PLANNING AGENCY OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 2003-39

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT  
MYERS BEACH

WHEREAS, LaForce & Risinger in ref. to 307 Fairweather Lane has requested variances from LDC Section 10-174(3)b, Section 10-291 (2) and Section 10-296(k) to allow the property to be subdivided without the requirement that the lots abut a paved road with a cul-de-sac; and

WHEREAS, the subject property is located at 307 Fairweather Lane, Ft. Myers Beach, in S19-T46S-R24, Lee County, FL.; and

WHEREAS, the applicant has indicated the property's current STRAP number is: 19-46-24-W3-0110C.0310 and the legal description attached as Exhibit A is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on December 9, 2003, and,

WHEREAS, the LPA gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons.

NOW, THEREFORE BE IT RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

That the LPA recommends that the Town Council approve the requested variances with the following conditions;

1. The subdivision of the subject property is limited to the 2 lots (Parcels "A" and "B") as depicted on the attached Exhibit C and D.
2. A type IV limited development order must be approved prior to combining and re-subdividing the subject property.
3. Prior to the type IV limited review development order being approved, an access easement serving the 2 lots must be recorded in the public records of Lee County, Florida.

4. Prior to the approval of the type IV limited review development order, the FMB Fire Department must approve the driveway access easement.
5. Any additional stormwater runoff created by the additional impervious area on the subject property and in the access easement must be contained within the boundaries of the subject property.
6. All of the setbacks of the RM zoning district must be met.
7. Parcel's "A" and "B" as depicted on the attached Exhibit's C and D are limited to a single-family residence on each parcel.

Pursuant to the recommendation for approval of the Applicant's variance requests, the LPA finds the following;

Findings & Conclusions;

1. The granting of the variance would not threaten the health, safety or welfare of abutting property owners or the general public because this is an old subdivision that is already built out. The existing street that serves this subdivision dead ends at the subject property and to improve the street to meet the required Chapter 10 standards and to build a cul-de-sac would be detrimental to the subdivision and would destroy the unique characteristics of the existing subdivision. The access easement across the proposed Parcel's "A" and "B" would only benefit the 2 proposed lots and would not have any negative affects on the surrounding property owners.
2. The requested variance is consistent with the Comprehensive Plan because the Mixed Residential land use category is designed for older subdivisions with an established low-density character. The applicant plans on constructing single-family homes on the 2 proposed lots. Additionally, the 2 proposed lots meet the density requirements of the Mixed Residential land use category. The 2 proposed lots will actually be reducing density because the applicant is turning 3 platted lots into 2 lots.
3. The requested variance will not create an undue burden on essential public facilities because 2 additional single-family residences in this subdivision will have minimal impacts to existing public facilities. The construction of 2 additional single-family residences in this subdivision will have small impact to the roads and will be connected to water by Beach Water and to sewer by Lee County Utilities. Additionally, if the variance is granted

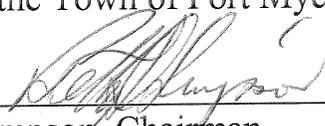
with the above conditions, any stormwater created by construction on the parcels will not have a negative effect on the surrounding properties because the additional water must remain onsite.

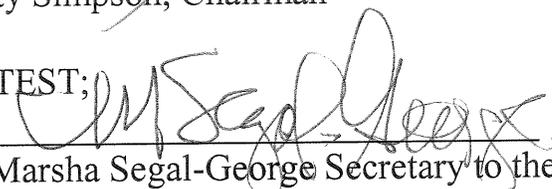
4. The standard from which the variance is being requested is unreasonable burdensome as applied to the applicant's property and development plans because to improve the road and to construct a cul-de-sac would entail extensive engineered drawings and would require major construction to do the improvements.

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member Plummer and seconded by LPA Member Zuba, and upon being put to a vote, the result was as follows:

Anita Cereceda	absent
Jessica Titus	yes
Betty Simpson	yes
Roxie Smith	absent
Jodi Hester	yes
Hank Zuba	yes
Nancy Mulholland	yes
Harold Huber	yes
Jane Plummer	yes

DULY PASSED AND ADOPTED THIS 9th day of December, 2003.  
LPA of the Town of Fort Myers Beach

By:   
Betty Simpson, Chairman

ATTEST;  
By:   
Marsha Segal-George Secretary to the LPA

VAR 2003-00069

PROPERTY DESCRIPTION  
EXHIBIT "A"

IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA:

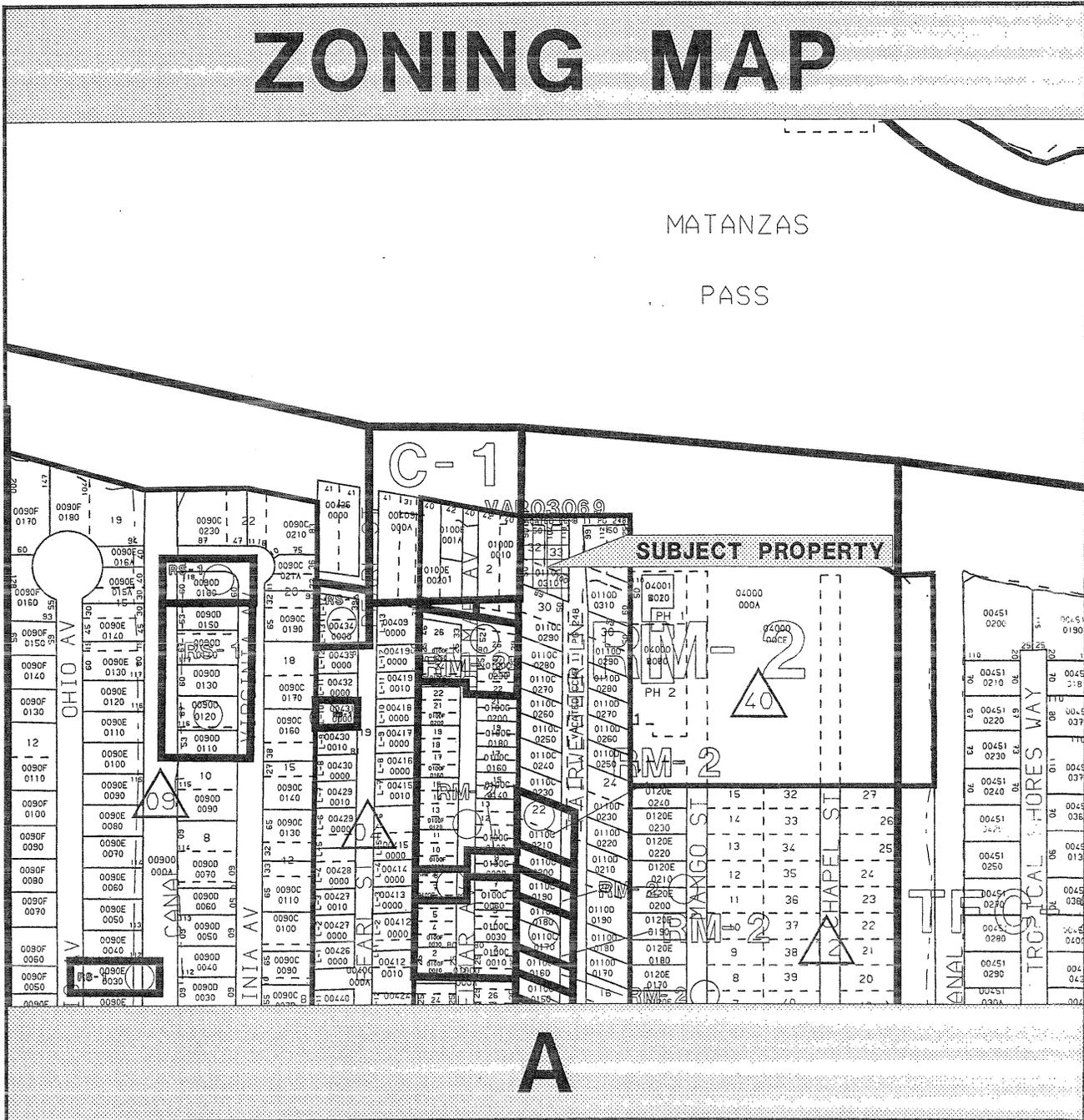
LOTS 31, 32 AND 33, BLOCK C, BEACH ESTATES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6, PAGE 68, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TOGETHER WITH A PORTION OF THE VACATED, UNNAMED STREET, ABUTING AND LYING BETWEEN THE SOUTHERN BOUNDARY LINES OF LOT 31, BLOCK D, AND LOT 31, BLOCK C, AND THE NORTHERN CENTERLINE OF SUCH STREET, AND TOGETHER WITH THAT PORTION OF THE VACATED, UNNAMED STREET ABUTTING AND LYING NORTH OF AND BETWEEN THE WESTERN BOUNDARY LINE OF LOT 32, BLOCK C, AND THE EASTERN LINE OF LOT 33, BLOCK C, OF SAID BEACH ESTATES, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: **BEGINNING** AT THE SOUTHWEST CORNER OF SAID LOT 31, THENCE N00°02' 32"W FOR 150.73 FEET; THENCE S83° 03' 23"E FOR 102.94 FEET; THENCE S00° 02' 32"E FOR 178.55 FEET; THENCE N68° 30' 56"W FOR 109.94 FEET TO THE **POINT OF BEGINNING**.

Applicant's Legal Checked  
by 

# ZONING MAP

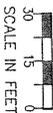
MATANZAS

PASS

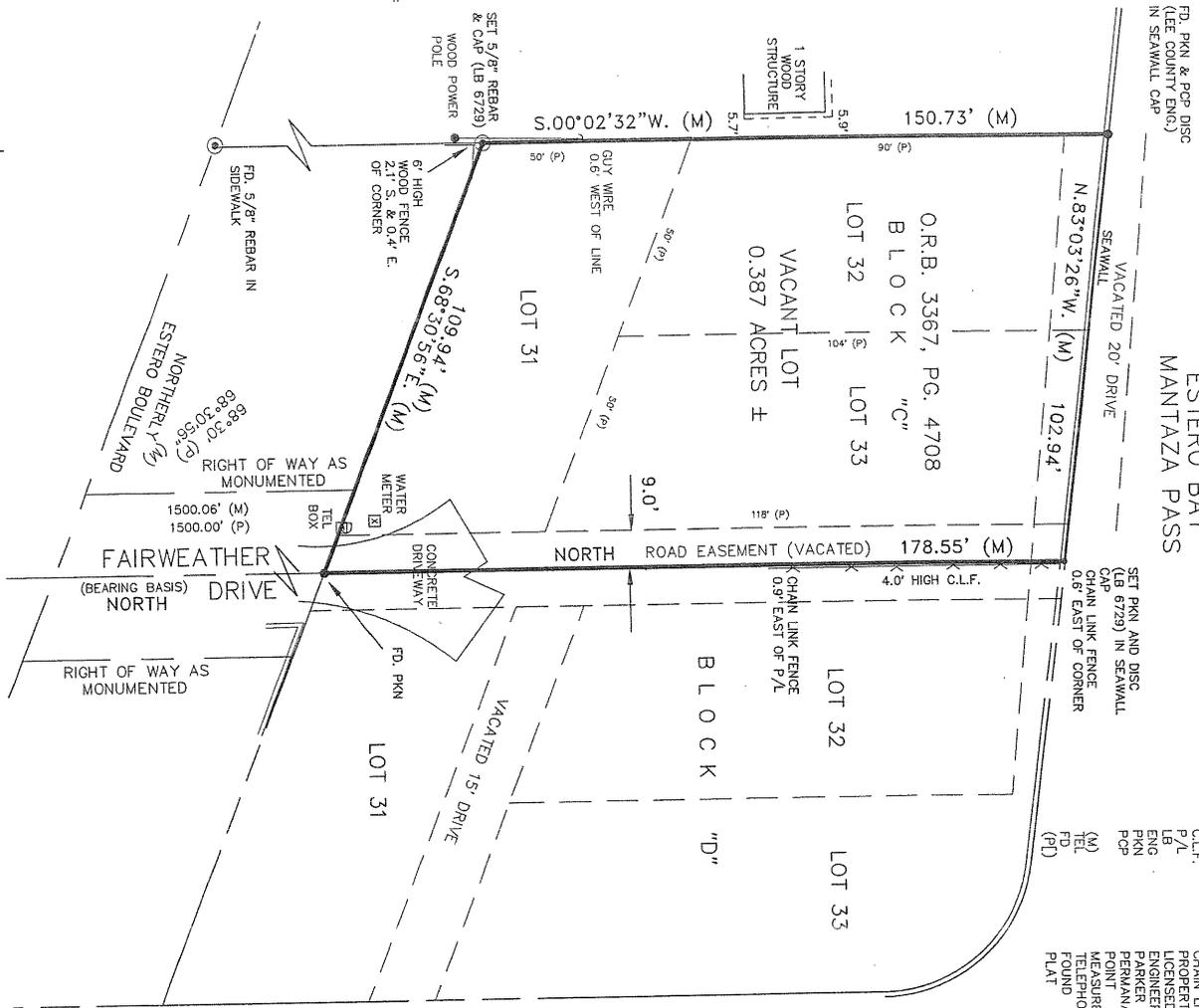


A

# EXHIBIT B



SYMBOL	DESCRIPTION
■	CONC MON
○	# 5 REBAR
□	INLET
○	EXIST ELEV
○	MAL BOX
○	SIGN
○	PROP LINE
○	SEWER MH
○	WAT METER
○	FIRE HYDRANT
○	LP OR P/P
○	CONC PP
○	TEL BOX
○	DAY WRE
○	PALM TREE
○	PINE TREE



### LEGEND

- CHAIN LINK FENCE
- PROPERTY LINE
- P/L
- LB
- ENG
- PKN
- PCN
- FD
- (P)
- MEASURED POINT
- TELEPHONE FOUND
- PERMANENT CONTROL
- ENGINEER'S MON NAIL
- FERMANANT CONTROL
- PLAT

### DESCRIPTION

OFFICIAL RECORD BOOK 3367, AT PAGE 4708

LOTS 31, 32 AND 33, BLOCK C, BEACH ESTATES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6, PAGE 68, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TOGETHER WITH THAT PORTION OF THE VACATED CONDUIT STREET, ABUTTING AND LYING BETWEEN THE SOUTHERN BOUNDARY LINES OF LOT 31, BLOCK D, AND LOT 31, BLOCK C, AND THE NORTHERN BOUNDARY LINES OF LOT 32, BLOCK D, AND LOT 33, BLOCK C, TO THE CENTERLINE OF SAID STREET, AND TOGETHER WITH THAT PORTION OF THE VACATED, UNNAMED STREET ABUTTING AND LYING NORTH OF AND BETWEEN THE WESTERN BOUNDARY LINE OF LOT 32, BLOCK C, AND THE EASTERN LINE OF LOT 33, BLOCK C, OF SAID BEACH ESTATES.

### SURVEYOR'S NOTES

- (1) BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE CENTERLINE OF FAIRWEATHER DRIVE BEARING NORTH.
- (2) LAND IS IN FLOOD ZONE "A, 12" ELEVATION 12.0' BASED UPON F.E.M.A. FLOOD INSURANCE RATE MAP NO. 125124 0429 D DATED 9/20/1996.
- (3) IMPROVEMENTS BELOW THE GROUND SURFACE, IF ANY, ARE NOT LOCATED.
- (4) ONLY ABOVE GROUND VISIBLE ENCROACHMENTS ONTO OR FROM ADJOINING PROPERTY ARE SHOWN, ENCROACHMENTS BENEATH THE GROUND SURFACE ARE NOT SHOWN, WHICH ARE NOT VISIBLE BY NORMAL OBSERVATION ARE NOT SHOWN.
- (5) THIS CERTIFICATION IS ONLY FOR THE LANDS AS DESCRIBED HEREON, IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
- (6) JURISDICTIONAL WETLANDS MAY EXIST ON THIS PROPERTY, THE LOCATION AND DIMENSIONS OF WHICH MAY ADVERSELY AFFECT THE DEVELOPMENT OR USE OF THE PROPERTY. THIS SURVEY IS NOT INTENDED TO DELINEATE REGULATORY JURISDICTION OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.
- (7) LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, EMBARGOS, RECORDING RIGHTS OF WAY OF RECORD, NO SURVEY, RECORDS HAS BEEN MADE BY THIS OFFICE. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
- (8) THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
- (9) SUBJECT TO RIGHTS OF THE UNITED STATES OF AMERICA AND/OR STATE OF FLORIDA TO ANY PORTION OF SAID LANDS WHICH LIES BENEATH NAVIGABLE WATERS OR WHICH HAS BEEN CREATED BY AN ARTIFICIAL MEANS OR HAS ACCREDITED TO ANY SUCH PORTION SO CREATED.

### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF SURVEY IS AN ACCURATE REPRESENTATION OF THE LANDS DESCRIBED HEREON ACCORDING TO A RECENT SURVEY PERFORMED BY ME IN ACCORDANCE WITH THE MINIMUM SURVEY PRACTICES FOR LAND SURVEYING, CHAPTER 81G17-6 F.A.C. AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND AS SURVEYED UNDER THE DIRECT SUPERVISION OF THE UNDERSIGNED REGISTERED LAND SURVEYOR, IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF.

FIELD WORK: 03/20/2001  
 DATE OF SIGNATURE: 10/25/03  
  
 NICK POLOUS,  
 PROFESSIONAL LAND SURVEYOR  
 F.L.A. CERTIFICATE NO. 4589

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL, RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**BOUNDARY SURVEY**  
 LOTS, 31, 32, 33, BLOCK C BEACH ESTATES  
 PLAT BOOK 6, PAGE 68  
 CITY OF FORT MYERS BEACH  
 LEE COUNTY, FLORIDA



**GULF SHORE SURVEYING, INC.**  
 LICENSED BUSINESS NO. 6729  
 CHARLOTTE COUNTY:  
 30630 OIL WELL ROAD  
 PUNTA GORDA, FL. 33995  
 (941) 639-7800

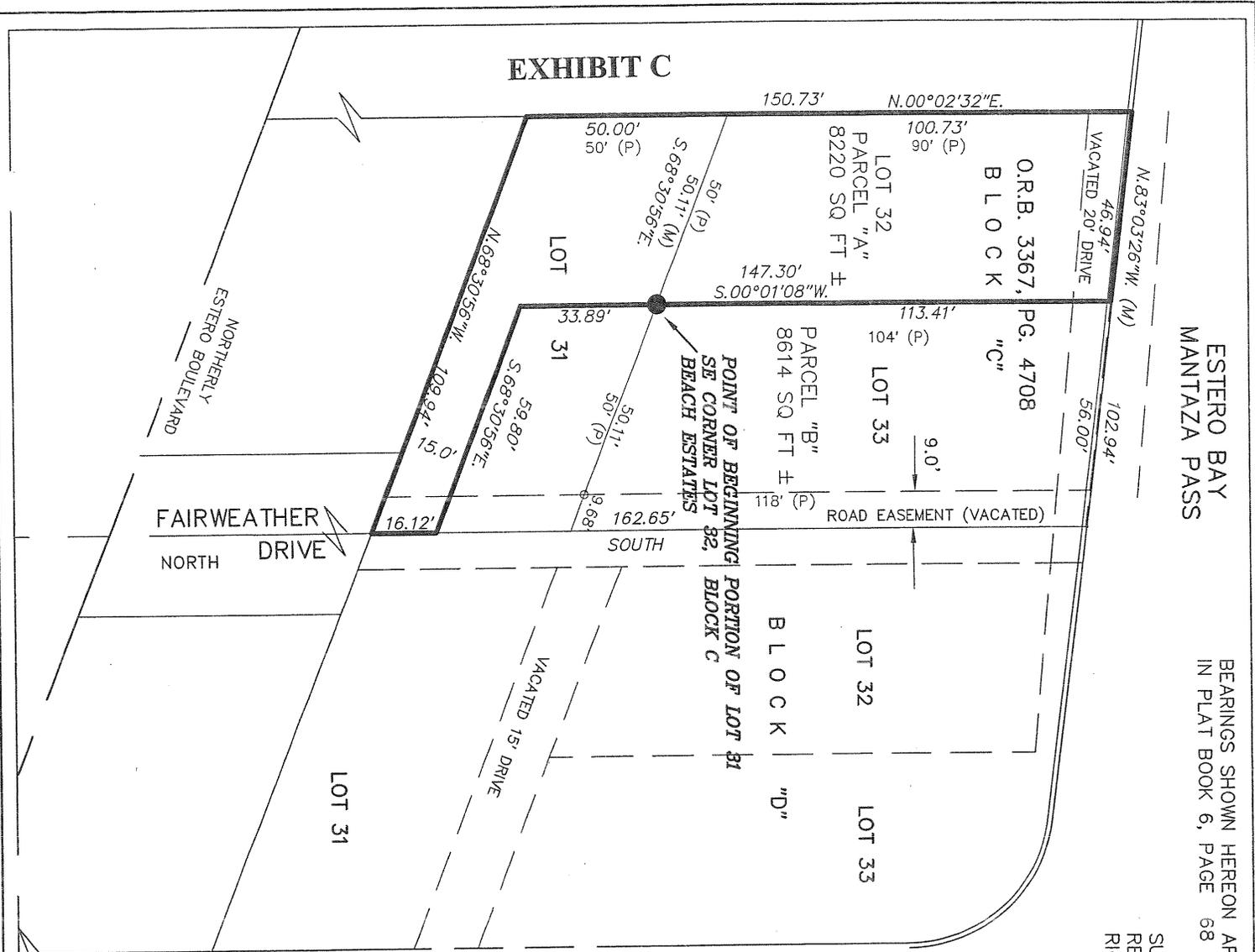
LEE COUNTY:  
 2112 S.E. 11TH STREET  
 CAPE CORAL, FL. 33990  
 (941) 458-2388

NO.	DATE	REVISION	DESCRIPTION

ESTERO BAY  
MANTAZA PASS

BEARINGS SHOWN HEREON ARE BASED ON PLAT OF BEACH ESTATES, AS RECORDED  
IN PLAT BOOK 6, PAGE 68 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SUBJECT TO EASEMENTS,  
RESTRICTIONS, RESERVATIONS, AND  
RIGHTS OF WAY OF RECORD.



REFER TO 8 1/2" X 11" (LEGAL DESCRIPTION)  
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED SKETCH IS AN  
ACCURATE REPRESENTATION OF THE LANDS DESCRIBED  
HEREON, WAS PREPARED IN ACCORDANCE WITH THE  
MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING,  
CHAPTER 61G17-6 FAC, AND AS PREPARED UNDER THE  
DIRECT SUPERVISION OF THE UNDERSIGNED REGISTERED  
LAND SURVEYOR, IS TRUE AND CORRECT TO THE BEST OF  
OUR KNOWLEDGE AND BELIEF.

DATE OF SIGNATURE: 10-25-03

SKETCH OF DESCRIPTION  
(NOT A FIELD SURVEY)

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED  
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

MIKE POULOS,  
PROFESSIONAL LAND SURVEYOR  
FLA. CERTIFICATE NO. 4568

LOTS 31, 32, 33 BLK C,  
BEACH ESTATES,  
PLAT BOOK 6, PAGE 68  
CITY OF FORT MYERS BEACH  
LEE COUNTY, FLORIDA

DATE : 10/15/2003  
SCALE : 1" = 40'  
CADD : N.P.  
CHECK : N.P.  
FILE : 0344LS01

**GULF SHORE SURVEYING, INC.**

LEE COUNTY: 2112 S.E. 11TH STREET  
CAPE CORAL, FL. 33990  
(941) 458-2388

CHARLOTTE COUNTY: 30930 OIL WELL ROAD  
PUNTA GORDA, FL. 33955  
(941) 639-7800

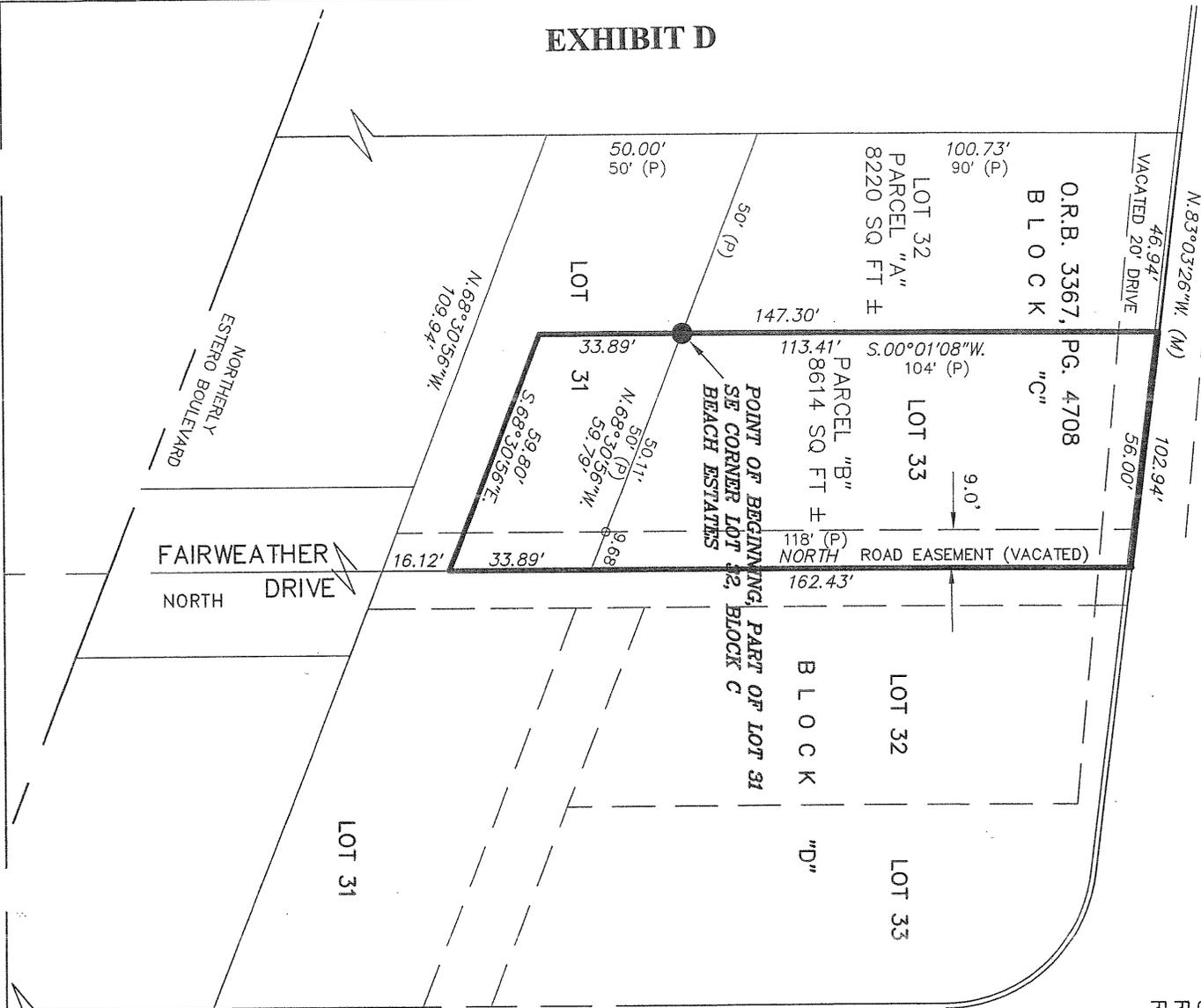
0344  
P-A

**EXHIBIT D**

ESTERO BAY  
MANTAZA PASS

BEARINGS SHOWN HEREON ARE BASED ON PLAT OF BEACH ESTATES AS RECORDED  
IN PLAT BOOK 6, PAGE 68 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SUBJECT TO EASEMENTS,  
RESTRICTIONS, RESERVATIONS, AND  
RIGHTS OF WAY OF RECORD.



SKETCH OF DESCRIPTION  
(NOT A FIELD SURVEY)

REFER TO 8 1/2" X 11" (LEGAL DESCRIPTION)  
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED SKETCH IS AN ACCURATE REPRESENTATION OF THE LANDS DESCRIBED HEREON, WAS PREPARED IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING, CHAPTER 61G17-6 FAC, AND AS PREPARED UNDER THE DIRECT SUPERVISION OF THE UNDERSIGNED REGISTERED LAND SURVEYOR, IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

DATE OF SIGNATURE:

10-25-03

NICK FOULOS,  
PROFESSIONAL LAND SURVEYOR  
FLA. CERTIFICATE NO. 45888

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

LOTS 31, 32, 33 BLK C,  
BEACH ESTATES,  
PLAT BOOK 6, PAGE 68  
CITY OF FORT MYERS BEACH  
LEE COUNTY, FLORIDA

DATE : 10/15/2003  
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**GULF SHORE SURVEYING, INC.**



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