

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 2012-008
VAR2011-0004 - Beach Shell Inn Sign Variance

WHEREAS, applicant Beach Shell Enterprises, LLC is requesting a variance from Section 30-93(b) and Section 30-154(c) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP for the subject property is 19-46-24-W2-0020B.0010 and the legal description of the subject property is Winkler Subdivision Block B Plat Book 8 Page 45 Lots 1, 2 & 3; and

WHEREAS, the subject property is located at 2610 Estero Boulevard, Fort Myers Beach, FL 33931 in the Commercial Resort zoning category of the Official Zoning Map and the "Boulevard" 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 30-93(b) and Section 30-154(c) of the LDC, with any approval subject to the following conditions:

RECOMMENDED CONDITIONS OF APPROVAL:

1. Approval of this variance does not exempt the subject property from the LDC Section 30-55 permit requirements for signs.
2. The height of the sign, measured from the elevation of the existing grade of the parking lot to the base of the sign is not to exceed 4'6" and the height to highest point on the sign must not exceed 9' as depicted on *Exhibit A*.

3. Construction and/or remodeling of the sign must comply with all applicable codes and regulations, including building codes and lighting standards.
4. If the pool equipment, including the pool heater and exhaust, on the subject property is removed or replaced for any reason, this variance will expire. The sign allowed by this variance must be removed within 30 days of the issuance of any demolition permit for the principal building. If the building is destroyed or damaged by a natural disaster to the extent that it is rendered uninhabitable, then the sign must be removed within 30 days of the issuance of a demolition permit or within 30 days of the expiration of the federal, state, county, or local declaration of disaster, whichever comes first. Placement of signage in conjunction with redevelopment of the site must comply with all regulations in effect at the time of application for a permit.

RECOMMENDED FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for 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.

(Remainder of this page intentionally left blank)

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:

ATTEST:

By: _____
Fowler, White, Boggs
LPA Attorney

By: _____
Michelle Mayher
Town Clerk



Town of Fort Myers Beach
DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT

TYPE OF CASE: Sign Variance
CASE NUMBER: VAR2011-0004
LPA HEARING DATE: August 14, 2011
LPA HEARING TIME: 9:00 AM

I. APPLICATION SUMMARY

Applicant: Beach Shell Enterprises, LLC
Morris-Depew Associates, authorized applicant

Request: A variance from Sections 30-93(b) and 30-154(c), LDC

Subject property: Winkler Subdivision
Block B
Plat Book 8 Page 45
Lots 1, 2 &3

Physical Address: 2610 Estero Boulevard Fort Myers Beach, FL 33931

STRAP #: 19-46-24-W2-0020B.0010

FLU: Boulevard

Zoning: Commercial Resort (CR)

Current use(s): Hotel/Motel

Adjacent use, zoning and future land uses:

North: Estero Beach Club
Residential Multifamily (RM)
Boulevard

South: Single Family Residential
Residential Multifamily (RM)
Boulevard

East: Estero Cove Condominium
Residential Multifamily (RM)
Boulevard

West: Single Family Residential
Residential Multifamily (EC)
Boulevard

II. BACKGROUND AND ANALYSIS

Background:

Beach Shell Enterprises, LLC, has applied for a variance and relief from Section 30-93(b) and Section 30-154(c) of Chapter 30 – Signs, of the Town of Fort Myers Beach Land Development Code.

The subject property, measuring approximately .38 acres in size, contains a single story motel, developed originally under Lee County zoning over 40 years ago. The existing sign on site measures 16’ tall and 61 square feet in sign face area.

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

Beach Shell Enterprises applied for variance from Ordinance 11-01 in October 2011, well before the compliance deadline of December 2011. The applicant has been diligently working with Staff since that date to develop a solution that is the minimum variance that will relieve the applicant of an unreasonable burden caused by application of the current sign ordinance regulations.

Analysis:

The applicant is requesting relief from two sections of Chapter 30 and is proposing a new sign (See *Exhibit A*) that they assert is the minimum variance that will relieve them of the unreasonable burden caused by the current sign regulations..

Monument signs are governed by Section 30-154(c) which states:

Section 30-154(c) *Monument signs may be elevated provided that the bottom of the sign is no more than eighteen (18) inches above the highest adjacent grade. The maximum height of a monument sign is five (5) feet.*

Street setbacks for monument signs are regulated by Section 30-93(b) which states:

Section 30-93(b) *Street setbacks. No sign or portion of a sign shall be erected closer than three (3) feet to any sidewalk or bike path or street right-of-way unless eight (8) feet of vertical clearance is maintained.*

Section 30-153(b) establishes the sign face allowance per commercial establishment per parcel and states:

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.

(2) For a parcel of land containing three (3) or more business establishments, each establishment shall be allowed a maximum of sixteen (16) square feet sign area. An additional thirty-two (32) square feet of sign area may be utilized to identify the commercial development.

(3) The maximum sign area provided herein may be allocated among a combination of one (1) or more monument signs, projecting signs, and/or wall signs.

The subject property is, therefore, entitled to 32 square feet of sign face area to advertise the Beach Shell Inn. This sign area can be allocated among a variety of different signs, provided that the total sign face area does not exceed 32 square feet.

Exhibit A illustrates the applicant's proposed new monument sign. As indicated on the plans, the bottom of the sign is elevated above the maximum allowed height of 18" as set forth in 30-154(c) to a height of 4'6". *Exhibit A* also shows an overall height of 9' as measured from the adjacent grade, exceeding the code maximum of 5'.

The applicant states in their narrative that the 'exceptional or extraordinary circumstances' inherent on the subject property are a result of the on-site development constraints, namely the existing pool heater and exhaust, existing fence (required to surround the pool heater) and the location of required parking spaces along the Estero Boulevard property line; as well as off-site constraints like existing utility poles, street signs, transit benches and way-finding devices. (See application for images.) They maintain that at 5' tall a monument sign would not be visible around and among these obstacles.

The applicant and Staff did work together over the course of many months to try and determine if another sign type, not requiring a variance, would meet their needs but after much discussion and consideration, a monument sign was determined to be the best fit. Similarly, an alternative location was also considered, however, even if the applicant was willing to give up a required parking space, the same obstacle of pool equipment and fencing would obscure the 5' sign.

For the setback variance request, the only viable location due to the site constraints discussed previously would be if the proposed new sign is setback 0' from the Estero Boulevard property line.

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;*

Staff agrees that pool equipment, which cannot be easily moved to another location on the subject property and requires a certain amount of clearance above the exhaust, is unique to the subject property. Additionally, the location of the same pool equipment also required the sign setback to also be modified from 3' 0' from Estero Boulevard. Staff therefore recommends a finding that there **are** exceptional or extraordinary conditions or circumstances that are inherent and unique to the subject property and that **it does** justify the variance requested.

- 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 subject property was platted in the 1930s and developed in the late 1950s, long before the codes and ordinances governing the property today were adopted. The sign, pool heater and required pool equipment fence were established on the subject property prior to the Town's incorporation in 1995 and prior to the adoption of Ordinance 11-01. Staff therefore finds 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.*

Town Council has already determined, by the passing of the amended sign ordinance, that monument signs meeting the requirements set forth in Chapter 30 are safe and visible for both traffic and pedestrians. Staff cannot support a height variance based on recommendations and standards from the International Sign Association as suggested in the application.

However, a monument sign meeting the height requirements of 30-154(c) and the setback requirements of 30-93(b) would be visible to traffic on Estero Boulevard only through gaps between the pickets of the existing fence and pool heater or between parked cars. With this in mind, the applicant worked diligently with Staff to determine a height and setback that would reflect the minimum variance necessary for the sign, taking into consideration the subject

property's site constraints, specifically, the pool heater exhaust and critical parking spaces. After months of considering various different sign types, sign locations, location setbacks, etc, Staff is confident that the proposed sign height as depicted on *Exhibit A* and proposed sign location as depicted on *Exhibit B* is the minimum variance necessary to relieve the unreasonable burden caused by the application of Chapter 30 of the LDC.

- 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 the sign height, 30-154(c) and sign setback, 30-93(b) requirements of Chapter 30 of the LDC. *See Exhibits A & B.* The current sign's height (16' tall) and sign setback (0') is 3 times more than what is allowed under the current code, however, because of the unusual circumstances of the location of the pool equipment and heater exhaust as well as the required fence, a monument sign could not meet the height and locational limitations without severely limiting visibility. Allowing the sign to be proportionately taller and bringing it closer to the right-of-way line to make it visible above the existing pool exhaust, parking spaces, and fence appears to cause no detriment to the public welfare. Therefore, Staff finds that granting the variance **would not** be injurious to the neighborhood or otherwise detrimental to the public welfare.

- 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 new requirements. However, by the recent adoption of the amended sign ordinance Town Council has already addressed the issue of signs and has made a decision to enact and enforce a uniform sign code. Few other locations are evident along Estero Boulevard where pool equipment and required fencing abut the roadway. The location of the pool heater, the clearance required for the exhaust, and the necessity of the fence enclosing that equipment are not general or recurrent. Staff recommends the finding that the circumstances of 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 or practical to amend the regulation.

III. RECOMMENDATION

Staff recommends **APPROVAL** of the requested variance subject to conditions, including the requisite findings and conclusions for granting a variance under LDC Section 34-87. Staff recommends that approval of the variance be subject to the following conditions:

1. Approval of this variance does not exempt the subject property from the LDC Section 30-55 permit requirements for signs.

2. The height of the sign, measured from the elevation of the existing grade of the parking lot to the base of the sign is not to exceed 4'6" and the height to highest point on the sign must not exceed 9' as depicted on *Exhibit A*.
3. Construction and/or remodeling of the sign must comply with all applicable codes and regulations, including building codes and lighting standards.
4. If the pool equipment, including the pool heater and exhaust, on the subject property is removed or replaced for any reason, this variance will expire. The sign allowed by this variance must be removed within 30 days of the issuance of any demolition permit for the principal building. If the building is destroyed or damaged by a natural disaster to the extent that it is rendered uninhabitable, then the sign must be removed within 30 days of the issuance of a demolition permit or within 30 days of the expiration of the federal, state, county, or local declaration of disaster, whichever occurs first. Placement of signage in conjunction with redevelopment of the site must comply with all regulations in effect at the time of application for a permit.

IV. CONCLUSION

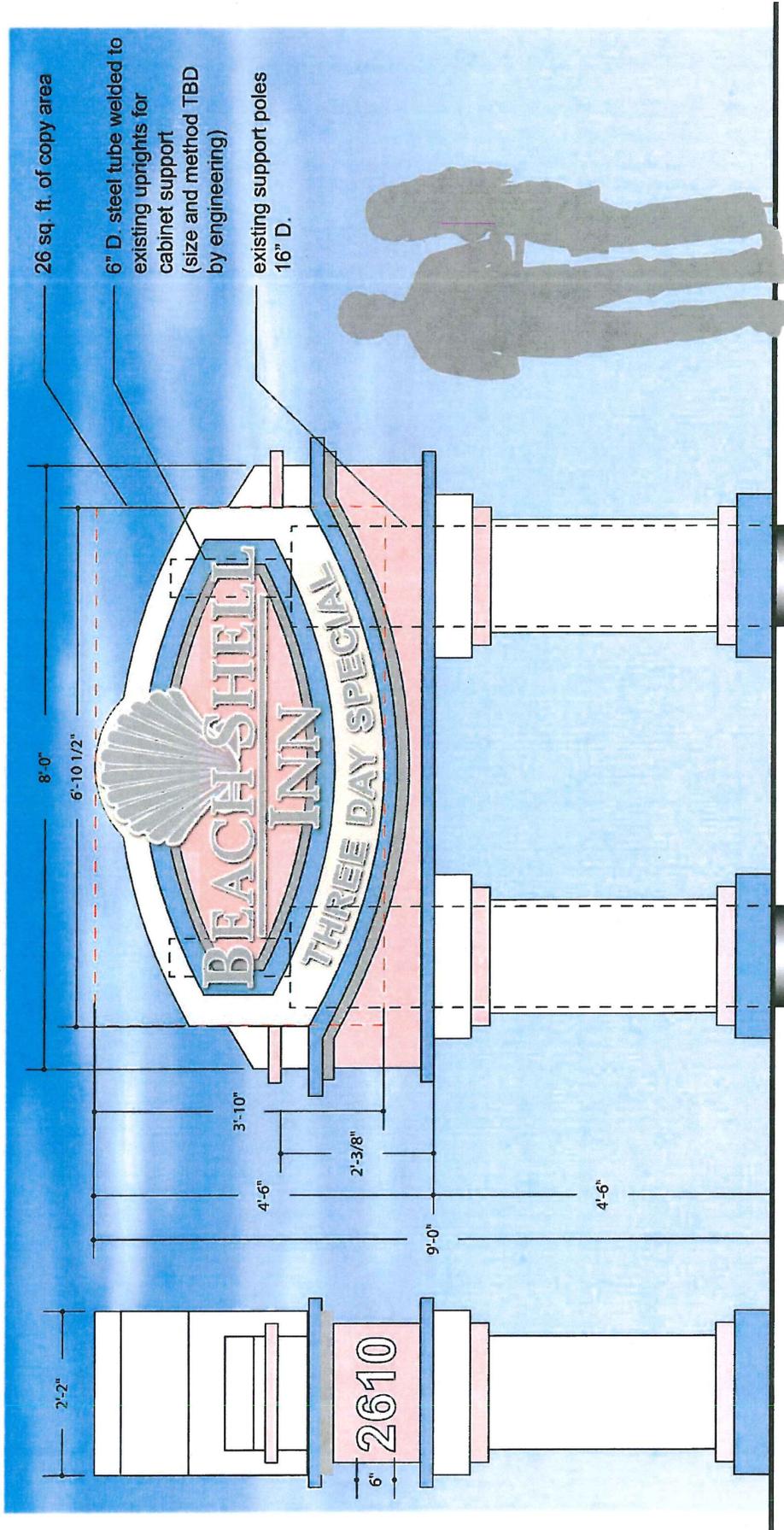
Approval of the requested variance will relieve the burden caused by application of LDC Sections 30-93(b) and 30-154(c) to the subject property, given the unusual and extraordinary conditions related to the location of the pool equipment, clearance requirements for the pool heater exhaust and the required pool equipment fence. These conditions appear to be unique to the subject property. Staff submits that the burden on this property owner resulting from the dimensional limitations of LDC Section 30-154(c) is greater than the burden on other property owners given the unusual conditions on this particular piece of property. Staff recommends **APPROVAL** of the requested variance, as conditioned.

Exhibits:

- A – Applicant proposed sign
- B – Subject property Site Plan

Monument Sign - Revised Design (v2)

- 26' square footage of copy area
- Internally illuminated aluminum sign cabinet (H.O. fluorescent lamps)
- Push-through acrylic letters with vinyl inset applied
- Stucco finish applied to cabinet and trim
- exact paint colors TBD



1 Wall Elevation
Scale: 1/2" = 1'-0"

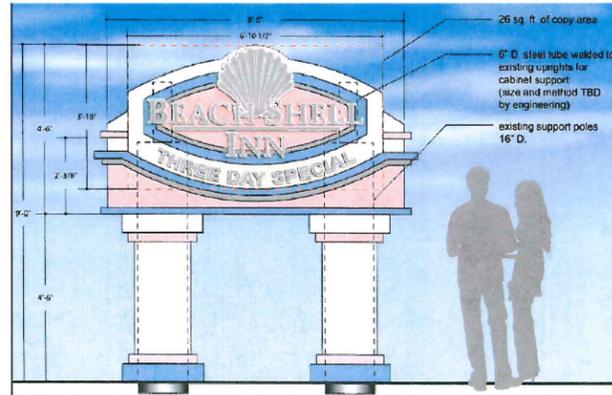
	<p>THIS SIGN INCLUDING BUT NOT LIMITED TO ALL PLASTIC OR SIMILAR COMPONENTS THEREOF, HAS BEEN DESIGNED IN COMPLIANCE WITH THE 2007W/2009 AMENDMENTS EDITION FLORIDA BUILDING CODE INCLUDING SE. 1609 WIND LOADS AND SEC 3107 SIGNS. THIS DESIGN IS THE EXCLUSIVE PROPERTY OF LEE DESIGNS LLC AND IS NOT TO BE USED IN WHOLE OR PART BY ANY OTHER PARTIES WITHOUT WRITTEN PERMISSION BY LEE DESIGNS LLC. DIMENSIONS AND COLORS MAY VARY SLIGHTLY DUE TO LIMITATIONS WITH FABRICATION MATERIALS.</p>	
	<p>A: 3300 Palm Ave. Fort Myers, FL 33901 P: 239.278.4245 F: 239.278.3912</p>	<p>Designer: Matt Salesperson: Elisha</p>
<p>Drawings Dates Initial: 3/19/12 Revisions: 3/21/12, 4/5/12</p>		

EXHIBIT B

PROPOSED IS A VARIANCE FROM LDC SECTION 30-154(c) WHICH REQUIRES A MAXIMUM SIGN HEIGHT OF 5' TO ALLOW THE BOTTOM OF THE SIGN AT A HEIGHT OF 4' AND MAXIMUM HEIGHT OF 9'.

PROPOSED IS A VARIANCE FROM LDC SECTION 30-93(c) WHICH REQUIRES A SIGN SETBACK OF 3' FROM A STREET RIGHT OF WAY TO ALLOW A 0' SETBACK FROM A STREET RIGHT OF WAY.

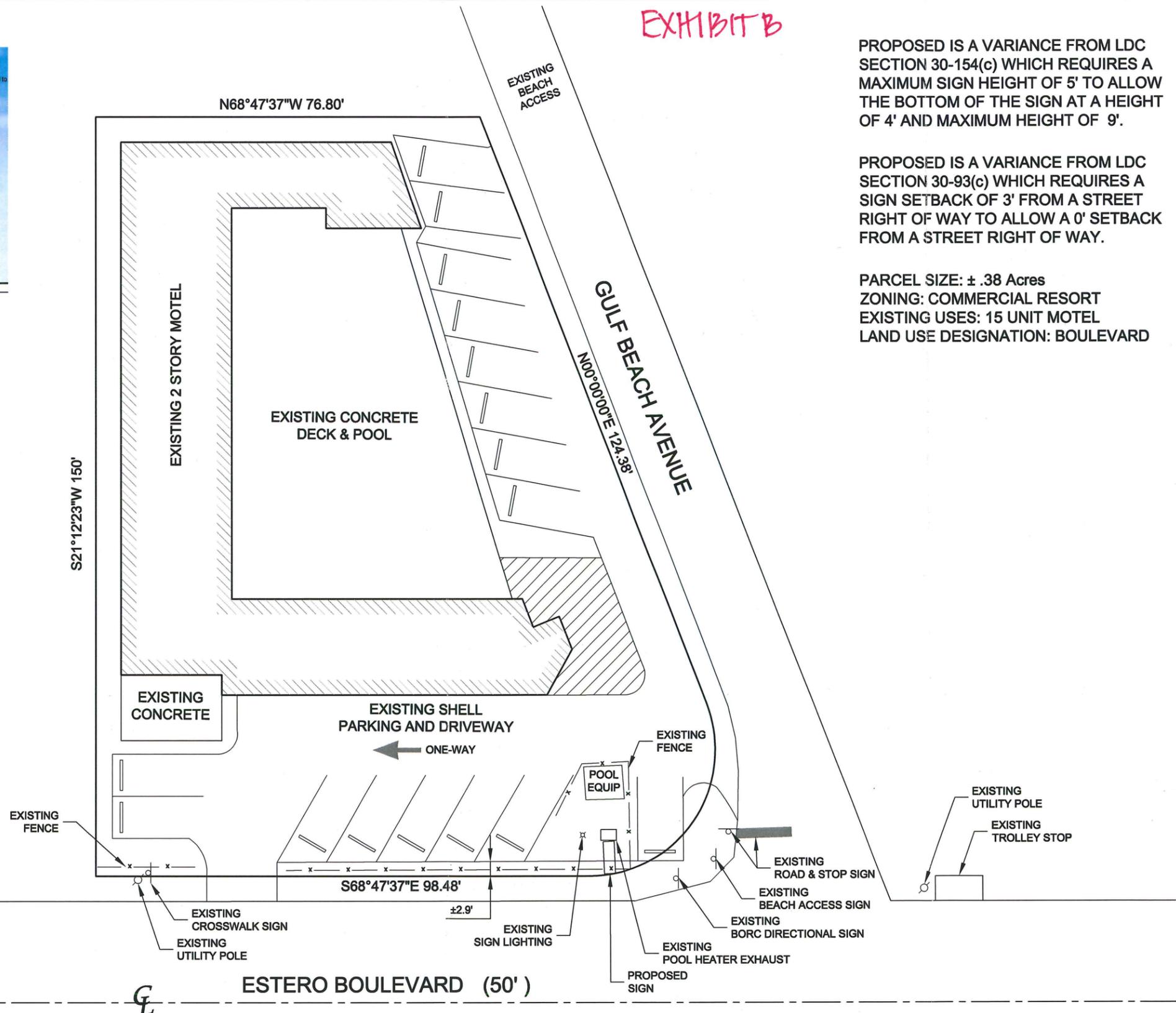
PARCEL SIZE: ± .38 Acres
 ZONING: COMMERCIAL RESORT
 EXISTING USES: 15 UNIT MOTEL
 LAND USE DESIGNATION: BOULEVARD



PROPOSED SIGN



EXISTING SIGN



REVISIONS

Fort Myers
 Tallahassee
 Gainesville

2814 Cleveland Avenue
 Fort Myers, Florida 33901
 (239) 337-5983
 Fax: (239) 337-5984
 Toll Free: 866-347-7441

MORRIS DEPEW
 ENGINEERS • PLANNERS • SURVEYORS
 LANDSCAPE ARCHITECTS

FL CA NO. 6582 / FL CERT NO. LB6897 / LC26000030

SITE PLAN

BEACH SHELL INN
 Beach Shell Enterprises, LLC
 Town of Fort Myers Beach, FL

MDA PROJECT: 11025

CHECKED BY: DWD DRAWN BY: JAB

DATE: 05-25-2012

SHEET 1

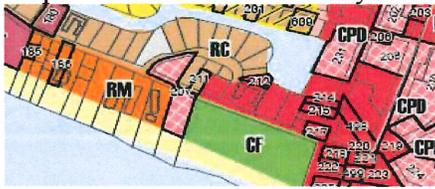


0:11025-Beach Shell Enterprises, LLC 11025 05-25-2012 Plan B (1 of 4)

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

Town of Fort Myers Beach
Department of Community Development



ORIGINAL

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: Beach Shell Inn
Authorized Applicant: Beach Shell Enterprises, L.L.C.
LeePA STRAP Number(s):
19-46-24-W2-0020B.0010

Current Property Status: Operating Resort
Current Zoning: Commercial Resort
Future Land Use Map (FLUM) Category: Boulevard
Platted Overlay? ___yes <input checked="" type="checkbox"/> ___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

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

PART I – General Information

A. Applicant:

Name(s): Beach Shell Enterprises, LLC
Address: Street: 2610 Estero Blvd.
City: Fort Myers Beach State: FL Zip Code: 33931
Phone: 239-463-9193
Fax: 239-463-6196
E-mail address: beachshellinn@earthlink.net

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 checked="" 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: Morris-Depew Assoc., Inc.
Mailing address: Street: 2914 Cleveland Avenue.
City: Fort Myers State: FL Zip Code: 33901
Contact Person: David W. Depew, PhD, AICP, LEED AP
Phone: 239-337-3993 Fax: 239-337-3994
E-mail address: planning@m-da.com

D. Other agents:

Name(s): Terrence F. Lennick, Esq.
Mailing address: Street: P.O. Box 7031
City: Fort Myers State: FL Zip Code: 33911
Phone: 239-321-1985 Fax: 239-273-4128
E-mail address: terrylennick@yahoo.com

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: Sign Height and setback in reference to Ordinance 11-01
<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
10-154(3)	Boundary Survey

PART IV – Property Ownership

<input type="checkbox"/> Single owner (individual or husband and wife)
Name:
Address: Street:
City: State: Zip Code:
Phone: Fax:
E-mail Address:

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

<input checked="" 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 (included on Exhibit 4-1)
Attach map showing property owners' interests as Exhibit 4-3 if multiple parcels are involved Not Applicable
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: Winkler
Plat Book Number: 8 Page: 45 Unit: Block: B Lot: 1,2 & 3
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):

19-46-24-W2-0020B.0010

D Property Dimensions:

Area: Approx 16,500 square feet Approx 0.38 acres
Width along roadway: 123.48 feet Depth: 150 feet

E. Property Street Address:

2610 Estero Blvd.

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

Approximately one mile south below the Sky Bridge on the west side of Estero Boulevard.
Attach Area Location Map as Exhibit 5-3 See Attached Location Map

G. Property Restrictions (check applicable):

<input checked="" 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 checked="" 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 checked="" 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 checked="" 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, Cheryl K. Martin as Managing Member
of Beach Shell Enterprises, L.L.C., 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

Beach Shell Enterprises, L.L.C.
Name of Entity (corporation, LLC, partnership, etc)
Managing Member
Title of Signatory

Cheryl K. Martin
Signature
Cheryl K. Martin
Typed or Printed Name

State of FL
County of Lee

The foregoing instrument was sworn to (or affirmed) and subscribed
before me this August 26, 2011 by Cheryl K. Martin
Date Name of person under oath or affirmation
who is personally known to me or who has produced FL Drivers License
Type of identification
as identification.

Sheila M. Holland
Signature of person administering oath

Sheila M. Holland
Typed or Printed Name

SEAL:



Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

EXHIBIT 4-1
DISCLOSURE OF INTEREST FORM

STRAP# 19-46-24-W2-0020B.0010

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

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
Cheryl K. Martin, Managing Member	50%
2610 Estero Blvd.	
Fort Myers Beach, FL 33931	
Bobbie Myers, Member	50%
2610 Estero Blvd.	
Fort Myers Beach, FL 33931	

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 Cheryl K. Martin
Applicant
Cheryl K. Martin - Managing Member
Printed or typed name of applicant

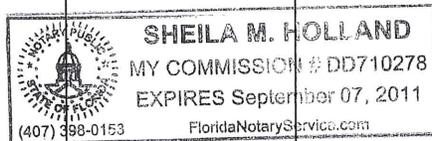
STATE OF FL
COUNTY OF LEE

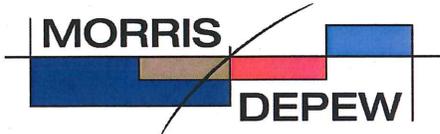
The foregoing instrument was acknowledged before me this 26th day of August, 2011, by Cheryl K. Martin who is personally known to me or who has produced _____ as identification and who did (or did not) take an oath.

Sheila M. Holland
Signature of Notary

Sheila M. Holland
Typed or Printed Name of Notary

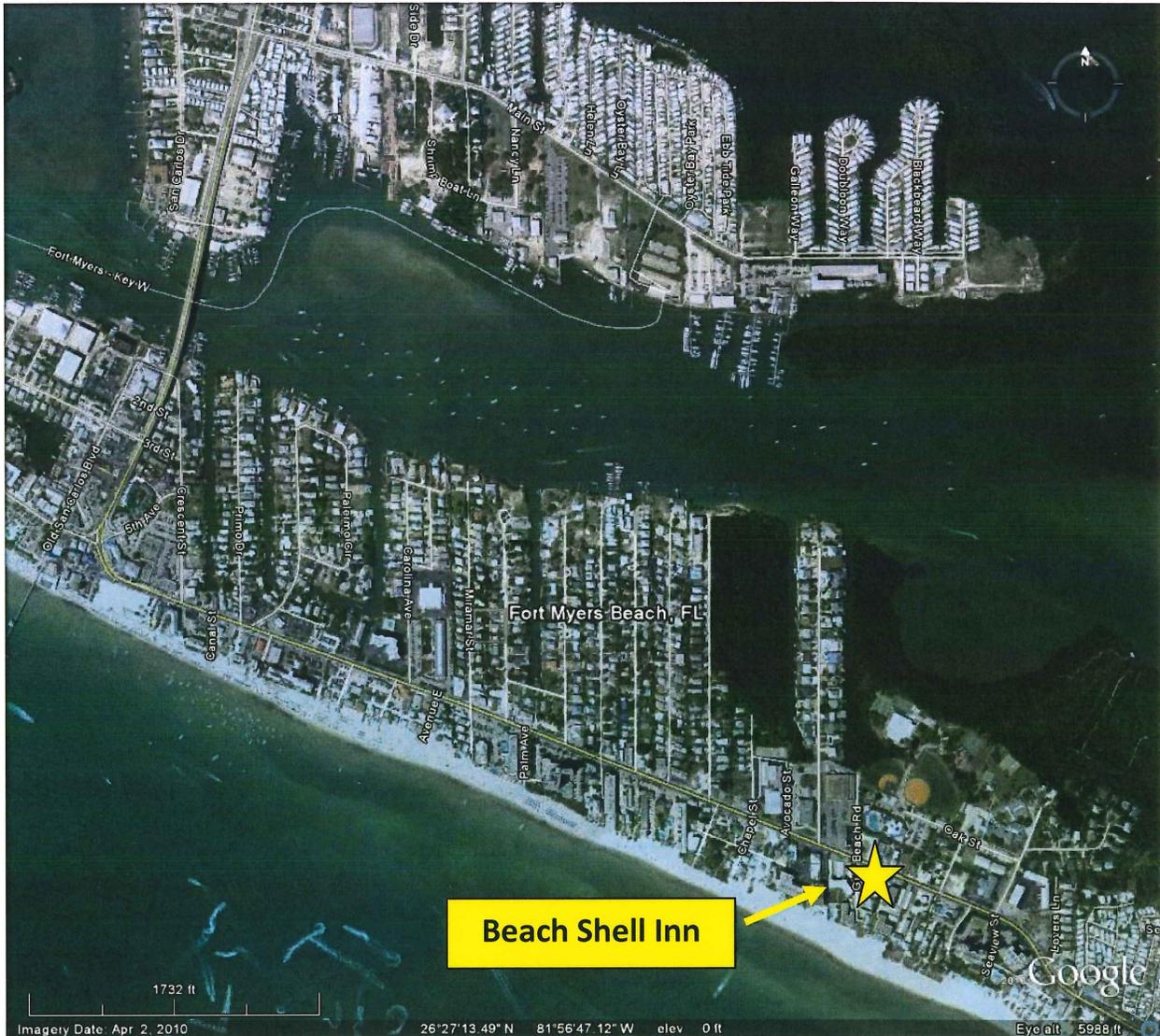
SEAL:





ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
#LC26000330

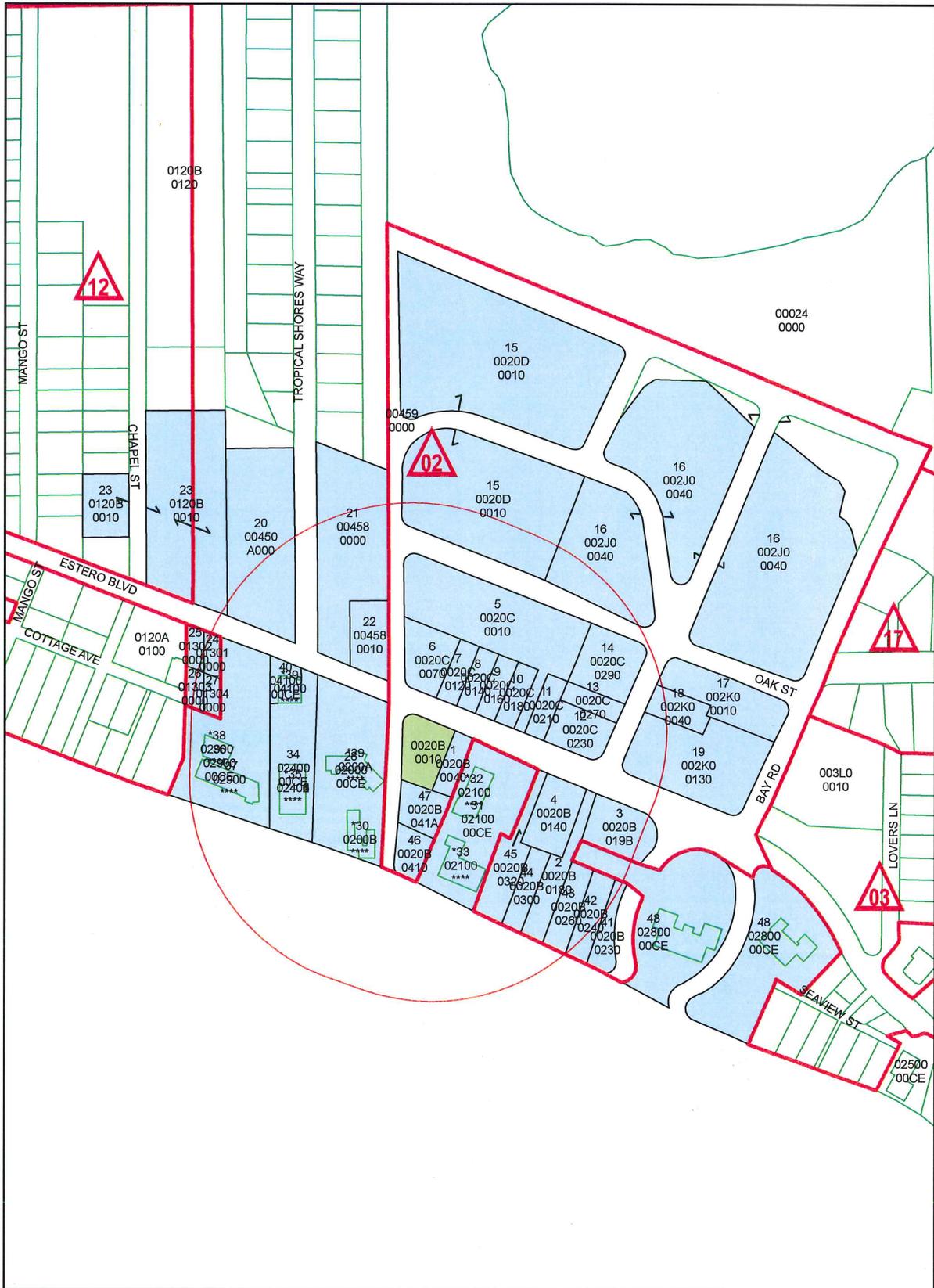
Beach Shell Inn Location Map (Strap# 19-46-24-W2-0020B.0010)



VARIANCE REPORT

5/19/2011

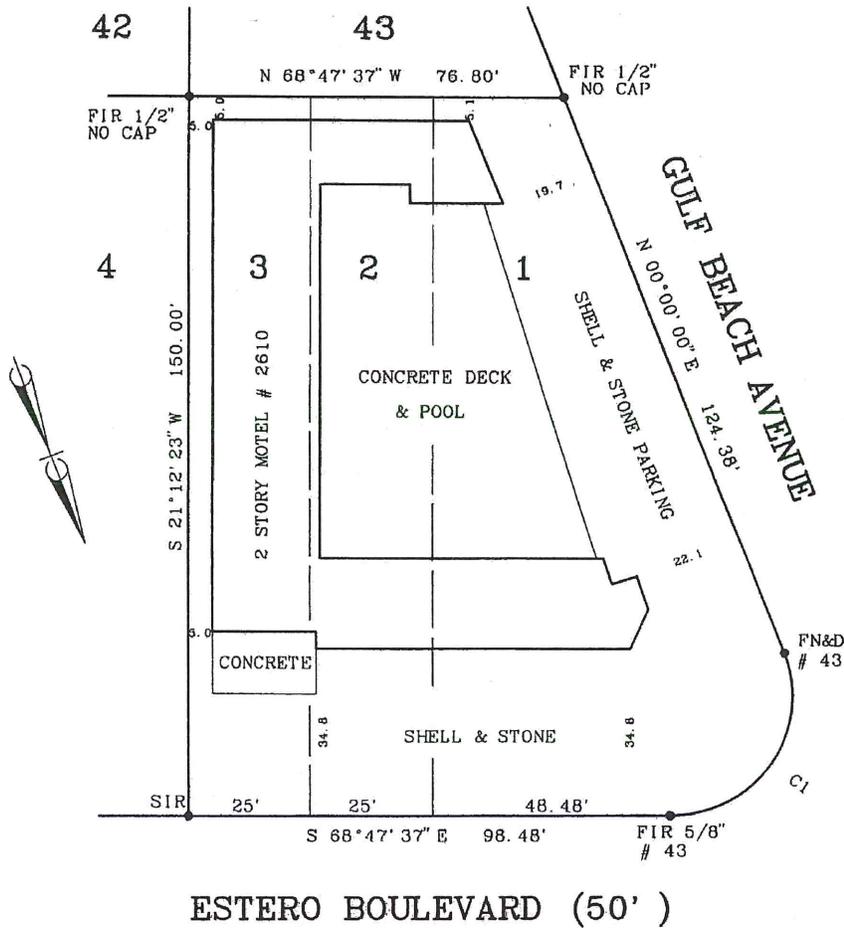
Subject Parcels : 1 Affected Parcels : 215 Buffer Distance : 500 ft



19-46-24-W2-0020B.0010

400 200 0 400 Feet

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	111°12'23"	25.00'	48.52'	36.52'	41.26'	N 55°36'11" E



ESTERO BOULEVARD (50')

BOUNDARY SURVEY

LOTS 1-3 BLOCK B
WINKLER SUBDIVISION
LEE COUNTY, FLORIDA
PLAT BOOK 8 PAGE 45

CERTIFIED TO:
CHERYL MARTIN & BOBBIE MYERS
CHARLES R. MEADOR JR. P. A.
ATTORNEYS' TITLE INSURANCE FUND, INC.
TOWNS TITLE & COMPANY
STEWART TITLE GUARANTY COMPANY
OLD FLORIDA BANK
BEACH SHELL ENTERPRISES, LLC

REVISED 8/24/06 - CERTIFICATIONS CHANGED

BASIS FOR BEARINGS: ESTERO BOULEVARD - ASSUMED		SCALE: 0 30	SURVEY DATE: 12/12/00
COMMUNITY NUMBER: 125124	PANEL NUMBER: 429	SUFFIX: D	DATE OF FIRM INDEX: 9/20/96
FIRM ZONE: A12	BASE FLOOD ELEVATION: 14		
LEGEND FIR: FOUND IRON ROD FIP: FOUND IRON PIPE FDH: FOUND DRILL HOLE FCM: FOUND CONCRETE MONUMENT SIR: SET IRON ROD 1/2" W/ CAP # 4839 SDH: SET DRILL HOLE SCM: SET CONCRETE MONUMENT PUE: PUBLIC UTILITY EASEMENT PU & DE: PUBLIC UTILITY AND DRAINAGE EASEMENT SN&D: SET NAIL & DISK # 4839 PRM: PERMANENT REFERENCE MONUMENT FN&D: FOUND NAIL & DISK CONC. = CONCRETE +0.0 = EXISTING ELEVATION = TELEPHONE RISER = WIRE FENCE = BOARD FENCE = UTILITY POLE P. O. B. = POINT OF BEGINNING (P) = PLAT (F) = FIELD (D) = DEED (C) = COMPUTED * = NOT FIELD MEASURED FE. COR. = FENCE CORNER		THIS SURVEY IS HEREBY CERTIFIED AS MEETING THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A CERTIFIED TITLE REPORT AND IS NOT A CERTIFICATION OF TITLE, ZONING, OR FREEDOM FROM ENCUMBRANCES. NOTE: NO UNDERGROUND STRUCTURES HAVE BEEN LOCATED BY THIS SURVEY. ANY REFERENCE TO UNDERGROUND STRUCTURES IF ANY IS APPROXIMATE. C. E. DAVIS, CERTIFICATE NO. 4839	

CHARLES E. DAVIS
LAND SURVEYOR
WWW.YOURSURVEYOR.COM

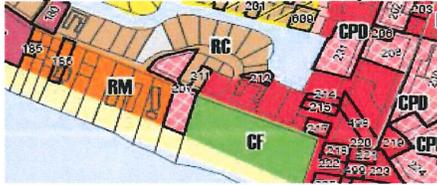
4409 S.E. 16th PLACE SUITE 8
CAPE CORAL, FLORIDA 33904
TEL: (941) 549-6454 FAX: (941) 549-2548

JOB NUMBER:
00-2807

Case # _____
 Planner _____

Date Received _____
 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: Beach Shell Inn
Authorized Applicant: Beach Shell Enterprises, L.L.C.
LeePA STRAP Number: 19-46-24-W2-0020B.0010

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

Variance is requested from:

LDC Section Number	Title of Section or Subsection
LDC 30-154(c) & 30-93(b)	Standards for Monument Signs

Complete the narrative statements below for EACH variance requested.



NARRATIVE

WHAT IS REQUESTED

A variance from LDC 30-154(c) which allows a maximum height of 5' for monument signs, provided the bottom of the sign is no more than 18" above the highest adjacent grade, to allow the bottom of the sign at height of approximately 4'6" with a maximum height of 9'.

A variance from LDC 30-93(b) which prohibits a sign or portion of a sign to be erected closer than three (3) feet to any sidewalk or bike path or to a street right of way unless at least eight (8) feet of vertical clearance is maintained, to allow the sign to have up to a zero foot setback from the property boundary.

WHY THE VARIANCE IS NEEDED

The proposed variance is required to allow for the replacement of an existing sign at the subject property. Town of Fort Myers Beach Ordinance 11-01, amending Chapter 30 of the Land Development Code, requires non-conforming signs to be replaced by December 31, 2011. LDC Section 30-56 states;

All signs that do not conform to the requirements of this chapter shall be considered non-conforming signs. All non-conforming signs shall be removed or brought into conformity with this Chapter no later than December 31, 2011. The owner of the real property on which such non-conforming signs exist shall be responsible for ensuring such signs are removed or brought into conformity.

The existing sign at the Beach Shell Inn (see attached) is approximately 16' in height with a sign area of approximately 61 square feet and is subject to Section 30-56 above as well as the following:

Section 30-153(b)(1) – Maximum Sign Area for Commercial uses in commercial zoning districts, limits the maximum sign area for a single business to 32 square feet. The area of the existing sign exceeds this limitation and is therefore non-conforming.

The proposed sign has an approximate square footage of 26 square feet, in compliance with Section 30-153(b)(1). Please see the attached exhibit demonstrating the sign area.

Section 30-154(c), Standards for monument signs, projecting signs and wall signs in commercial zoning districts, limits the height of a sign to 5 feet with the bottom of the sign no higher than 18" above grade. The existing sign on the subject property is approximately 16' in height with the bottom of the sign approximately 8' above grade and is therefore non-conforming with respect to height.

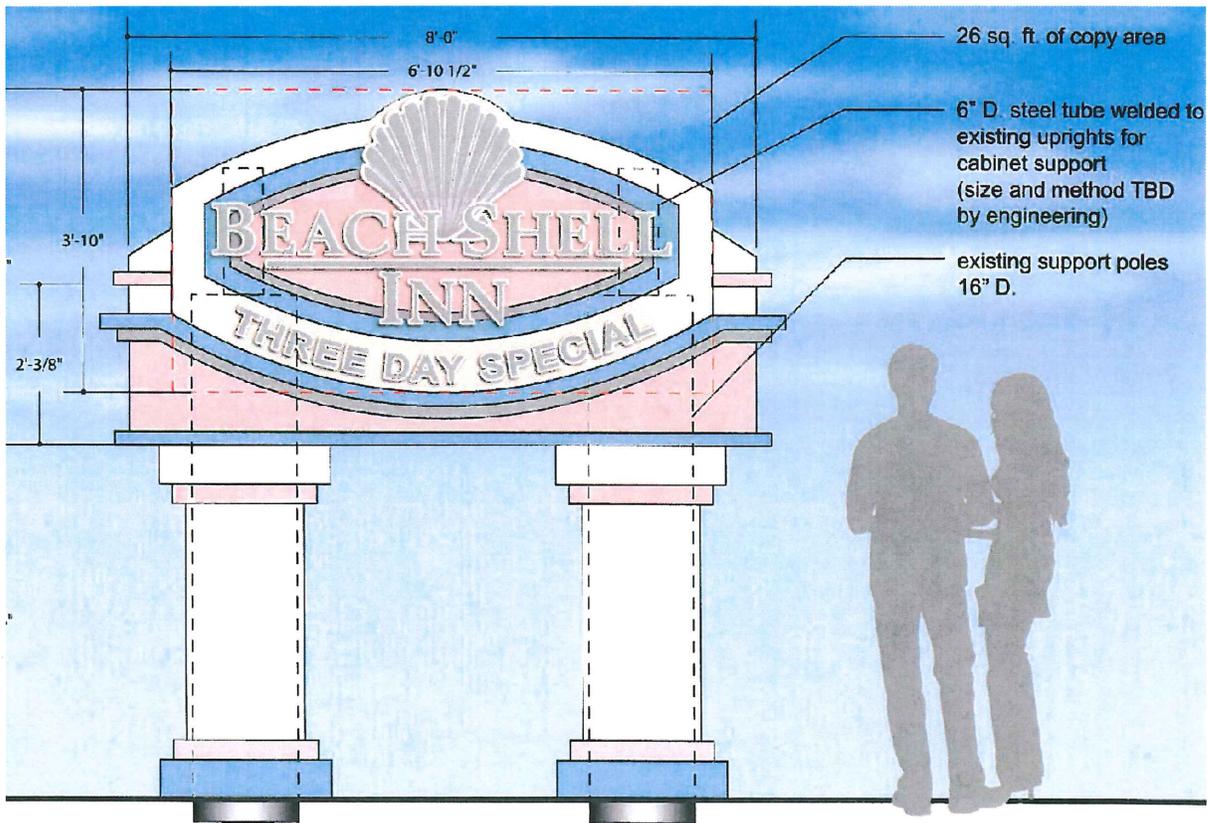
The subject property is limited by a number of existing on-site conditions which include required parking spaces, pool equipment, a required fence enclosure, and a one-way access drive. These conditions restrict the setback from the property boundary along Estero Boulevard to less than 3 feet, which is not an adequate depth to construct a monument identification sign. Therefore, the applicant is requesting a variance to allow the proposed sign to be a maximum of 9 feet high and setback up to 0 feet from the property boundary. This height and setback reduce obstructions created by the on-site

constraints and is visible from the subject property providing reaction and maneuvering time for drivers on Estero Boulevard. A more detailed analysis and justification of the requested sign height and setback follows.

The applicant has consulted with a sign contractor to design a replacement for the existing sign; however a variance from the height and setback requirements will be required to allow the bottom of the sign to be a height of approximately 4'6" with a maximum height of 9' and up to a 0' setback from the property boundary due to on-site constraints and off-site obstructions to the sign face.

EXPLAIN THE POSSIBLE EFFECT OF THE VARIANCE IF GRANTED WOULD HAVE ON ADJACENT PROPERTIES.

The Beach Shell Inn is oriented northwest towards the intersection of Gulf Beach Road and Estero Boulevard, with the Estero Beach Club located to the west. The Beach Shell Inn has been in this location for more than 40 years, with the sign located perpendicular to Estero Boulevard. The existing sign is being downsized and brought into conformity with the new regulations to the maximum extent possible therefore no negative impacts to adjacent properties are anticipated.



EXPLAIN THE HARDSHIP

As stated above, the Beach Shell Inn has been in this location for more than 40 years and was developed under the original Lee County Zoning Ordinance. Currently the sign is 16' in height and 61 square feet in area. When traveling down Estero Boulevard, the sign is obscured by utility poles and off-site identification signs. However due to the implementation of Ordinance 11-01, the

applicant has coordinated with the Town of Fort Myers Beach and agreed to comply with the Sign Ordinance to the maximum extent possible. The site is .38 acres in size and contains a number of existing on-site constraints including, existing pool equipment, required fencing around the equipment area, required parking spaces, a one-way access drive, and a reduced setback from the property boundary.

Existing Pool Equipment – the sign is currently located in the only open area on-site, which happens to be limited by the location of existing pool equipment. Immediately under the existing sign, between the existing sign poles, is the pool heater exhaust. In the same vicinity are the pool pump and an underground storage tank. The close proximity of the pool equipment to each other within the open area minimizes relocation possibilities for the monument sign.

Required Fencing – the Florida Building Code and the Department of Health require the area in which the pool equipment is housed to be enclosed by a minimum 4' high fence. As a result, the open area that contains the pool pump, heater exhaust, and underground storage tank is enclosed by the required fence. The fence cannot be reconfigured to provide visibility to the monument sign due to Florida Building Code and Department of Health requirements.

Required Parking – The Beach Shell Inn was originally developed under the original Lee County Zoning Ordinance and has been at the current location for more than 40 years. At the time of original development, parking was provided in the remaining open areas on site. Currently, the existing parking spaces provided do not meet current code requirements for hotel/motels. Eliminating a parking space to locate a new sign, would further decrease required parking on-site and impact the operation of the hotel as the lot is often full to capacity during season. As a result, parking cannot be reconfigured eliminating relocation possibilities for the sign.

One Way Access Drive – between the required parking abutting Estero Boulevard and the existing 2 story motel is a one way access drive that enables guests to enter the property, park in the spaces abutting Estero Boulevard and the two spaces provided along the east property boundary, and exit onto Estero Boulevard. Due to the one way direction of the access drive, the sign cannot be relocated further east along Estero Boulevard as patrons and potential guests will have passed the entrance before seeing the sign. Furthermore, the exit onto Estero Boulevard and the access drive cannot be reconfigured due to the financial hardship that would be created and the unsafe conditions that would be created by the sign being located beyond the entrance to the Inn. Upon seeing the sign, it is likely a potential guest would stop suddenly and make dangerous driving maneuvers to access the site. In its current configuration, it is possible a driver would enter the site from the wrong direction or pass the site completely due to the sign being located farther down Estero Boulevard. Once a potential guest has passed the site, it is highly unlikely they will turn around to get back to the motel, especially during high season when traffic is backed up along Estero Boulevard.

Reduced Setback – The setback from the property boundary to the required parking that exists along Estero Boulevard is less than 3 feet. This width is not adequate for the placement of a monument sign and does not meet current sign setback requirements. As stated above, the parking spaces cannot be reconfigured to accommodate a monument sign.

A review of the site plan and consideration of the constraints listed above demonstrates that the sign is located in the only open area along the property's frontage, making it the only area available for the replacement sign. However, as listed above, this location also poses constraints. The location of the pool heater exhaust between the existing sign poles and the location of the pool pump and underground storage tank immediately adjacent to the sign restricts the relocation opportunities for the sign within the open area. The required fence that encloses the on-site pool equipment and the

required parking spaces on the northeast and northwest of the sign create sight obstructions. To provide a clear line of sight above these obstructions, the base of the proposed sign must be elevated to a minimum height of 4'6" to be seen over the required pool equipment fence and setback up to 0' from the property boundary to be visible to traffic along Estero Boulevard.

There are also a number of off-site conditions in the immediate vicinity that impact the visibility of the proposed sign. The public beach access at the end of Gulf Beach Road has a sign along Estero Boulevard however, there are no public parking spaces provided. Beachgoers who notice the beach access sign typically drive south to the end of Gulf Beach Road (looking for parking) and then back to the intersection with Estero Boulevard. The stacking of vehicles on Gulf Beach Road waiting to turn onto Estero Boulevard further blocks the visibility of the sign area. There are also numerous public and private signs located west of the subject property on Estero Boulevard which obstruct the visibility of the site generally, and the sign specifically as depicted in the image below.



The entrance to the Bay Oaks Recreation Center is located east of the subject property and an informational sign for the recreation center is located on the eastern corner of Estero Boulevard and Gulf Beach Road, directly in front of the subject property. In addition, street signs (Estero Boulevard and Gulf Beach Road) and a public beach access sign are also located on this corner, contributing to the visibility concerns and restricting the minimum height of the sign for visibility purposes. On the western corner of the intersection of Estero Boulevard and Gulf Beach Road there are other visual

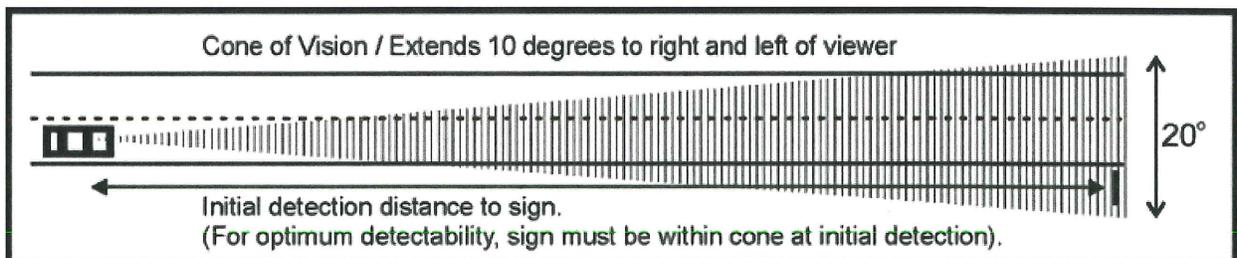
obstructions for the sign, including a Lee Tran Trolley stop and signage, as well as a concrete utility pole. Even further to the west are existing trees and shrubs, project signs and a cross walk sign, all of which serve to block the view of the Beach Shell Inn identification sign. A handbook developed by the New York State Small Business Development Center, demonstrates that to be commercially viable, drivers must be able to distinguish a commercial on-premise sign from the surrounding environment. With the number of signs in the immediate vicinity of the Beach Shell Inn and the on-site constraints, the requested height variance is necessary to ensure the sign can be distinguished from the surrounding environment and remains visible to motorists on Estero Boulevard.

Limiting the sign to a maximum height of 5' and setting the sign back 3' would create a hardship for the commercial operation of the hotel, by creating a sign that is not visible to traffic travelling in an easterly direction along Estero Boulevard or distinguishable from the surrounding environment, thus not functioning as necessary. This would severely and irreparably damage the ability of the Beach Shell Inn to advertise its services to potential guests on Fort Myers Beach and accordingly, would lead directly and predictably to a loss of income for the Beach Shell Inn. The existing on-site constraints and off site conditions were created prior to the effective date of the Sign Ordinance and result from original development of the area dating back to the 70s and redevelopment that has occurred in the time since. The requested variance eliminates disturbances to the site while complying with the Sign Ordinance to the maximum extent possible.

According to the United States Sign Council, On-Premise Signs Guideline Standards;

“[T]he viewing of a roadside sign by a motorist involves a complex set of sequentially occurring events, both mental and physical. They can include message acquisition and processing, intervals of eye movement alternating between the sign and the road environment and finally, active maneuvering of the vehicle itself as required in response to the stimulus provided by the sign. Further complicating the process is the dynamic process of the viewing task itself. The driver must look through the constricted view frame of a windshield of a moving vehicle, with the distance between the vehicle and the sign quickly diminishing.”

Therefore, sign visibility is a function of vehicle speed, sign location, sign size and legibility of the sign. When considering these parameters, it is important to know the driver's point of view. While driving, a motorist has a 20 degree cone of vision. To be effective, signs must be properly sized and located within the cone of vision.



As a driver's speed increases, the cone of vision becomes narrower and less information is included within the cone of vision. As a result, drivers are required to access less information in smaller time parameters to make decisions and maneuvers. At 25 miles per hour, the speed limit at the subject property, a vehicle travels at approximately 37 feet per second. Viewer reaction time is helpful in

preparing sign size requirements and is also specified by the United States Sign Council. The On-Premise Signs Guideline Standards state;

Assuming a message content of six words (30 letters) on a typical sign, the USSC standard Viewer Reaction Time average in simple environments for pre-sign maneuver is 8 seconds; and for post-sign maneuver, 4 seconds. In complex or multi-lane environments, the pre-sign maneuver average advances to 10 or 11 seconds, respectively, and the post sign maneuver average advances to 5 or 6 seconds.

Table 3. Average Viewer Reaction Time

Road Conditions	Maneuver	
	Pre Sign	Post Sign
Simple	8 Sec.	4 Sec.
Complex	10 Sec.	5 Sec.
Multi Lane	11 Sec.	5 Sec.

**Average
Viewer
Reaction
Time**

Therefore at 25 mph or 37 feet per second, a vehicle will travel 296' in the eight second pre-sign maneuver. This is the Viewer Reaction Distance which is used to calculate the font type and letter size for the actual message on the sign. The United States Sign Council recommends driving maneuvers necessary for entry into a specific location be executed before passing the sign. Research published by the New York State, Small Business Development Center demonstrates that at 25 mph, the sign is legible to motorists from 200' away. This distance provides adequate site distance for driver recognition, response and maneuvering.

The image below was taken at the approximately location where the sign should be visible to motorists traveling eastbound along Estero based on the Cone of Vision as well as the Viewer Reaction Distance to provide adequate reaction and maneuvering time. The sight obstructions caused by off-site utilities, signage, and vegetation are clearly visible in the photograph. The requested variance for a maximum height of 9' has been coordinated with Town Staff and a sign contractor and is the minimum height necessary to ensure the Beach Shell Inn sign remains visible despite on and off-site obstructions and to reduce accidents that may occur from rapid stopping, panicked maneuvers, or distracted driving that would result from a sight obstructed sign at a lower height.



The remaining aspect on sign size and location is the angle of the sign, either parallel or perpendicular to the street. Based on the sign's existing location perpendicular to the street, as the following table from the International Sign Association demonstrates, on a road with a 25 mph speed limit, a 32 sq. ft. sign would need to be 12' in height in order for a driver to have adequate reaction time for a maneuver. It is important to note, Type I signs are perpendicular to the road and Type II are parallel.

Sign Size Guidelines for On-Premise Signs

SPEED (miles/hour)	LIMIT LANES TRAFFIC	Type I		Type II	
		OF SIGN SIZE (sq. ft.)	HEIGHT (feet)	SIGN SIZE (sq. ft.)	SIGN HEIGHT (feet)
25	2	25	12	50	12
25	4	32	12	70	12
35	2	36	20	75	20
35	4	42	20	90	20
45	2	75	35	100	40
45	4	90	35	120	40
55	2	150	50	250	90
Urban Freeway		300	74	450	90

Each of the specifications above are used as standards across the industry to design the size, content and colors of signs in a variety of situations. Estero Boulevard can be described as one of the busiest roads in Lee County and most certainly the busiest in the Town of Fort Myers Beach. Therefore based on the circumstances detailed above, the additional sign height of 9' is justified. It is important to note that the requested 9' in height is less than the 12' recommendation of the International Sign Association due to coordination with Town staff and a sign contractor. The up to 0' setback and maximum 9' in height will ensure the sign remains in the drivers' cone of vision, ensuring visibility and legibility despite on-site and off-site constraints as well as adequate distance for recognition and maneuvering as suggested in the technical documents referenced above and The Florida Green Book which states:

“Drivers must be provided with sufficient sight distance of identification signs to avoid extreme or panicked reactions. Rapid stopping...may be extremely undesirable and cause hazardous maneuvers; therefore it is preferable to provide sufficient sight distance to allow for a more gradual reaction.”

Without relief from the maximum height limitation of 5', the Beach Shell Inn sign would certainly evoke rapid stopping as the sign would not be visible above the on-site constraints and would not have adequate visibility to allow for recognition and maneuvering on Estero Boulevard. Therefore the sign would not function as intended by the property owners and the Sign Ordinance. On-premise signage is the most efficient and cost effective form of advertising available to a small business. Visibility of signage is the single most important component for attracting potential "drive-by" guests/clients. At certain times of the year, these "drive-by" guests/clients make up a large portion of the revenues for many hotels/motels-in particular, for smaller establishments that do not have national name recognition. Once a prospective guest/client has driven beyond the entrance to the Beach Shell Inn, based on past experiences, he/she is not likely to turn around and come back. This is particularly the case when traffic is backed up on Estero Boulevard, as is often the situation during high season. Occasionally, the same situation happens during the off-season and when traffic is backed up from the entrance of the Bay Oaks Recreation Center. Therefore, the visibility of the sign is crucial to the economic well-being of the Beach Shell Inn. The technical documents referenced to support the variance request all stress the importance of a visible sign as it is an integral part of the success of a business.



EXPLAIN HOW THE PROPERTY QUALIFIES FOR A VARIANCE. DIRECT THIS EXPLANATION TO THE GUIDELINES FOR DECISION- MAKING IN LDC SECTION 34-87

1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, OR whether the request is for the minimum variance under circumstances or conditions.

There are exceptional conditions or circumstances that are inherent in the property as described above. The existing legally permitted sign is required by Ordinance 11-01 to be replaced. The only feasible location is within a very limited area, due to the existing development constraints of the subject property. The property was developed under the regulations in place during the 1970's. Since then, these regulations have become more restrictive and a number of hardships and constraints now existing on the subject property. As a result the applicant is proposing to bring the sign in conformance with the code, to the maximum extent possible. The subject property, .38 acres in size, was first platted (PB 8, PG 45) in February of 1930 and consists of lots 1-3 of the Winkler subdivision. The first Lee County zoning ordinance was adopted in 1962, well after the 25' wide lots had been created. Current zoning regulations for the CR zoning district require minimum lot sizes of 100' in width and 20,000 sq. ft. in size, significantly larger than the approximate area of the subject property.

The location of the existing sign is the only area on-site that provides enough area suitable for the replacement of the sign. Unfortunately at 5' the sign would not be visible due to the existing development and traffic pattern within the area, creating the need for the variance. Limiting the sign to 5' in height, would eliminate visibility of the sign due to the existing pool equipment, fence, and vehicles located in the required parking spaces on either side of the sign, or from the existing right of way due to off-site signage and obstructions.

The applicant did consider several alternatives prior to requesting the variance for height. Several options regarding the type and size of the sign, as well as the placement and potential height for the new sign, were explored before this particular version was selected. First, the applicant considered other types of signs permitted by the ordinance, a wall sign or a projecting sign. However, the closest exterior wall of the Beach Shell Inn is set back almost 35 feet from Estero Boulevard, making a wall sign less visible and creating additional hardship and potential safety concerns for the traveling public. Furthermore, the height of the wall fronting Estero Boulevard is one story, has a number of windows, and is located behind the required parking area. These conditions would eliminate the visibility of a wall sign. Due to a lack of visibility, a wall sign or projecting sign are not feasible, leaving a monument sign as the applicant's only visible option.

Once it was determined a monument sign is the best alternative, several possible locations along the road frontage of the Beach Shell Inn were considered. Any location east of the existing sign would interfere with an existing parking space, eliminating its use and rendering a portion of the hotel unusable. Relocating the sign to the east would also place the sign past the one way entrance to the property. Any location abutting the property boundary would also impact a required parking space or encroach into the Estero Boulevard right of way. Alternatives reducing the already limited on-site parking or causing patrons to pass the entrance would negatively impact operations of the Beach Shell Inn. The existing sign location is the only feasible alternative for the replacement sign.

There are a number of constraints that must be considered with regard to the existing sign location. The sign is located directly above the pool heater, within the fenced area of the Inn's pool equipment, and is flanked on either side by required parking. As a result, the sign must be elevated sufficiently to clear the on-site constraints which include pool heater exhaust, the required fence, and any vehicles that are parked in the spaces adjacent to the sign. The opportunities to relocate the sign within the fenced area are limited due to the physical location of the pool pump, pool heater, underground storage tank, and Estero Boulevard right-of-way. The sign height and location must also avoid other off-site obstructions in the immediate vicinity such as street signs, other government signs, private signs, trees, utility poles, and vehicles stacked on Gulf Beach Avenue waiting to turn on to Estero Boulevard.

The applicant has agreed to locate the sign to the only viable location within the fenced pool equipment area. Unfortunately, this area cannot accommodate the required 3' setback and the allowable height of 5' at this location causes the sign to not be visible to motorists on Estero Boulevard. As stated above, the proposed sign is to be placed perpendicular to the right of way line on a street with a 25 mph speed limit. Utilizing the standards published by the International Sign Association, a 32 sq. ft. sign, at a 90 degree angle, on a road with a speed limit of 25 mph, requires a height of 12'. At this height, the sign will clear the on-site constraints and will be visible to motorists on Estero Boulevard for 200' allowing adequate recognition and maneuvering time. In consideration of this guidance, the applicant requests a variance to allow a maximum sign height of 9', with the bottom of the sign to be at an approximate height of 4'6" above grade and up to 0' setback from the property boundary.



In addition to the visibility problems caused by the 5' height limitation, there are also safety considerations. At 25 mph, a driver travels approximately 37 feet per second and could require up to 12 seconds to observe and react to the sign. If the sign was 5' in height it would not be visible behind the existing fence, a car parked in one of the spaces adjacent to the existing sign, or a car stacked along Gulf Beach Road waiting to turn onto Estero Boulevard. As a result, drivers would be required to look outside of their cone of vision, taking their eyes off of the road. Due to the amount of activity and signage in this area, this condition will create a safety issue for both pedestrians and other motorists. As demonstrated by the image below, within close proximity to the subject property is an existing cross walk, a utility pole, a Lee Tran Trolley Stop, and a public beach access. In addition to the potential conflicts with pedestrians, traffic has the potential to back up along Estero Boulevard for a number of reasons, including seasonal traffic, special events, and patrons traveling to the Bay Oaks Recreation Center, north of Gulf Beach Road. Traffic backups from these situations create the potential for rear end collisions due to distracted drivers looking for a signage obscured by on-site and off-sight constraints.



The applicant has demonstrated there are existing conditions and circumstances which are inherent to the subject property, specifically the size and presence of existing development on and near the subject property. Additionally, all other standards regarding setbacks and sign area outlined in LDC Chapter 30 have been met and based on the investigation by the applicant, relief from the 5' maximum height requirement and 3' setback requirement is the minimum variance necessary to relieve the hardship.

2. Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question.

The exceptional conditions and circumstances, outlined above, were all created prior to the applicant's occupation of the property, via the platting and building construction. In addition, the Beach Shell Inn has a legally existing sign, were it not for the ordinance requiring these issues to be addressed a variance would not be needed. Therefore the hardship is not the result of applicant's actions subsequent to the adoption of the sign ordinance.

3. Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question

As stated above, the requested variance is the minimum variance necessary to relieve the applicant of the hardship created by the revised regulation. By allowing up to a 0' setback and elevating the sign to a height of 9', with the bottom of the sign to be at an approximate height of 4'6" above grade, the bottom of the sign will be high enough to clear the existing pool heater, fence enclosing the pool equipment, and required parking. The remainder of the sign can be seen from Estero Boulevard and over any vehicles stacked on Gulf Beach Road waiting to turn onto Estero Boulevard. The proposed sign is consistent with all other aspects of the ordinance, such as sign copy size from the right of way.

4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare.

As described above, the existing sign for the Beach Shell Inn has been in the same place and at the current height for many years without any negative impacts. Since the proposal is to reduce the height and face of the sign, in an effort to comply with the Sign Ordinance to the maximum extent possible, granting the requested variance would not be detrimental to the neighborhood or public welfare. Without the increased height and setback variance, the sign will not be visible to motorists on Estero Boulevard. In that case, the sign would be detrimental to the public welfare due to distracted driving and rapid stopping that would occur as the sign came into view.

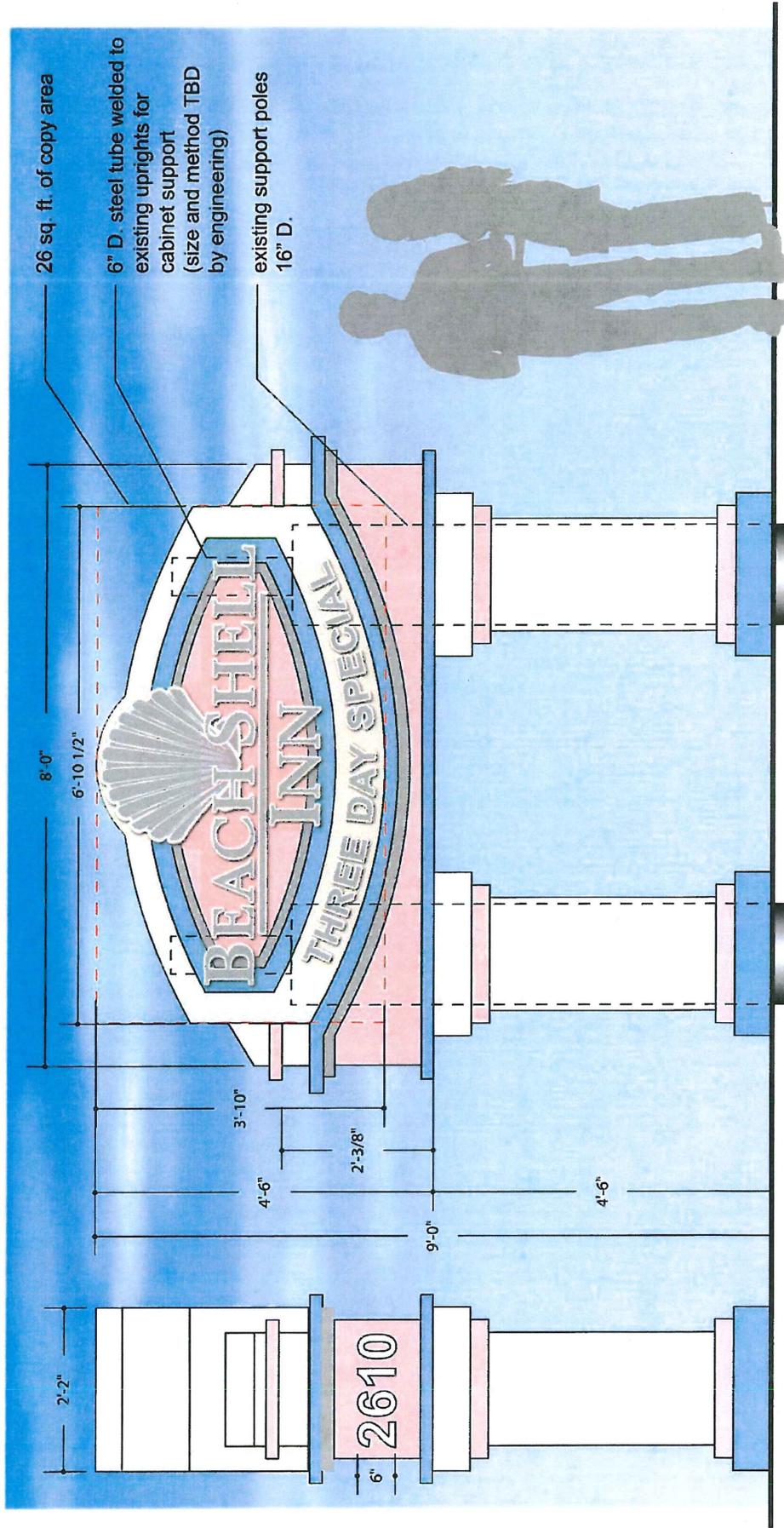
5. Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

The subject of the variance is not so general or recurrent as to require amendments to the regulations. Although the ordinance is new, the regulations anticipated that variances will be necessary due to unique situations and conditions, such as the subject property, and provided for them in LDC Section 30-54.

Monument Sign - Revised Design (v2)

26' square footage of copy area

- Internally illuminated aluminum sign cabinet (H.O. fluorescent lamps)
- Push-through acrylic letters with vinyl inset applied
- Stucco finish applied to cabinet and trim
- exact paint colors TBD

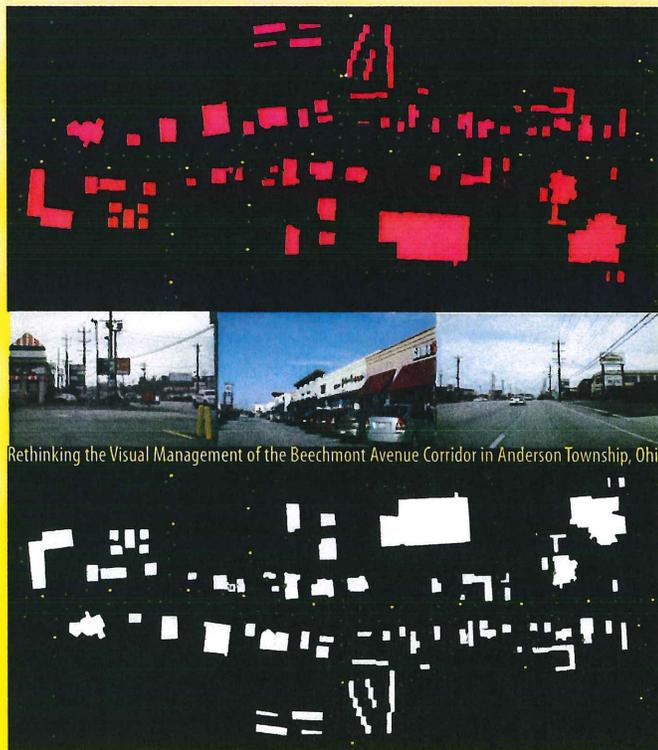


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<p>Designer: Matt Salesperson: Elisha</p>	<p>Client: Beach Shell Inn Location: Fort Myers Beach, FL Filepath: \\Fs1\grfx\B\Beach Shell Inn\Beach Shell Inn_Rev2b</p>	<p>Drawings Dates Initial: 3/19/12 Revisions: 3/21/12, 4/5/12</p>
<p>A: 3300 Palm Ave. Fort Myers, FL 33901 P: 239.278.4245 F: 239.278.3912</p>		

Workshop in Urban Design School of Planning
College of Design, Architecture, Art, and Planning
University of Cincinnati

Signage Studio Summer 09



Menelaos Triantafillou, ASLA, AICP
Associate Professor of Planning & Urban Design

Workshop in Urban Design 23PLAN604/441 Summer Quarter 2009
School of Planning, College of Design, Architecture, Art, and Planning
University of Cincinnati

Signage Studio Final Document
Beechmont Avenue Corridor Anderson Township, Ohio

Prepared for
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Anderson Township, Ohio

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James (Jim) and Sharon Weinel of Gemini, Inc.

In January 2009, the Terence M. Fruth/Gemini Chair of Signage Design and Community Planning in the College of Design, Architecture, Art, and Planning was also established. This chair and the James S. Womack/Gemini Chair of Signage and Visual Communications in the College of Business (2007) were established through the philanthropy of James (Jim) and Sharon Weinel of Gemini, Inc.

The Workshop in Urban Design in the summer quarter 2009, the Fourth Year Planning Design Studio on Signage and Urban Planning with Professor Mahyar Arefi in the spring quarter 2009, and the Independent Study on the role of Landscaping and Signage Issues by graduate MCP Student Emily Heintzelman under the direction of Professor Menelaos Triantafillou are initial research activities within the collaborative framework for research and academic exploration on issues centering on urban planning, urban design, and signage.



STANDARDS

On-Premise Signs Guideline Standards

Research Based
Approach To:

Sign Size
Sign Legibility
Sign Height

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On Premise Signs

United States Sign Council Best Practices Standards

A Research Based Approach To:

Sign Size

Sign Legibility

Sign Height



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What's Your Signage?

How Signs Can Help Your Small Business



- Home
- Step 1 - Why Is Signage Important?
- Step 2 - What Makes an Effective Sign
- Types of Signs
- About Us
- Contact Us

1 2 3 4 5 6

Step 1: Why Is Signage Important?

Signs are so commonplace that their importance can be taken for granted. As an entrepreneur, though, you should know that your sign can be vitally important to your bottom line.

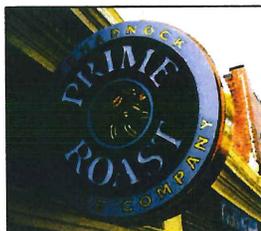
The best signs are designed well enough to attract business, while at the same time enhancing the area where they are meant to work.

In this section, we'll look at how a sign can positively impact your business, as well as your community.

An effective sign is one that:



This site contains selections from this award-winning book. Click here to order!



1. **A**tracts New Customers
2. **B**rands in the Minds of Consumers
3. **C**reates Impulse Sales
4. Helps a Mobile Society
5. Aids Traffic Safety
6. Enhances the Look of a Community



[Home](#)

[Step 1 – Why Is Signage Important?](#)

[Step 2 – What Makes an Effective Sign](#)

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Step 2 – What Makes an Effective Sign?

The design of effective signs is based in science. It also requires expertise in graphic design. There's more to a good sign than meets the eye.

Knowing the factors behind making a good working sign helps make you a more informed customer for a sign company. These are just some the factors considered by sign manufacturers when they scout your location:

1. **Visibility/Conspicuity**
2. **Legibility**
3. **Cone of Vision and Angle**
4. **Graphic Considerations** (Color, Contrast & White Space)
5. **Contrast/Luminance**
6. **Letter Heights**
7. **Letter Style and Capitalization**
8. **Lighting**



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1 2 3 4 5 6 7 8

3 – Cone of Vision and Angle

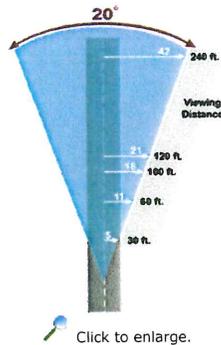
- Home
- Step 1 – Why Is Signage Important?
- Step 2 – What Makes an Effective Sign
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While driving, a motorist has a 20° range, or "**cone of vision**." If your business has a sign whose **setback** (*i.e.*, its distance) from the road is outside of this cone, then your sign is in danger of being missed.

The **angle** at which someone sees your sign influences how much time a driver needs to react to the sign. A sign at a 90° angle to the road would be the best option, while those parallel to the road are the hardest for drivers to see. In this table, Type I refers to signs that are at a 90° to the road, while Type II signs are those that are **parallel** to the road. See the difference in square footage?

What's Your Signage Handbook

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Sign Size Guidelines for On-Premise Signs

SPEED LIMIT (miles/hour)	LANES OF TRAFFIC	Type I	Type I	Type II	Type II
		SIGN SIZE (sq. ft.)	HEIGHT (feet)	SIGN SIZE (sq. ft.)	SIGN HEIGHT (feet)
25	2	25	12	50	12
25	4	32	12	70	12
35	2	36	20	75	20
35	4	42	20	90	20
45	2	75	35	100	40
45	4	90	35	120	40
55	2	150	50	250	90
Urban Freeway		300	74	450	90

Source: Schwab, Richard N.

