

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 2012-010
VAR2012-0002 - Dolphin Inn Sign Variance

WHEREAS, applicant RTJP Investments, Inc 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 number for the subject property is 134-46-24-W4-02600.00CE and the legal description of the subject property is attached as *Exhibit B*; and

WHEREAS, the subject property is located at 6555 Estero Boulevard, Fort Myers Beach, FL 33931 in the Commercial Resort zoning category of the Official Zoning Map and the Mixed Residential 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 special exceptions, 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; or

The LPA recommends that the Town Council **APPROVE/DENY** Staff's recommended alternative variance request from Section 30-154(c) of the LDC which incorporates a 3' hedge/planter base and a height of 3'6" to the bottom of the sign face for an overall sign height of 6'6" 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 top of the sign is not to exceed 6'6".
3. Construction and/or remodeling of the sign must comply with all applicable codes and regulations, including building codes and lighting standards.
4. The hedge and planter combination cannot exceed 36" in height. Should the planter and/or hedge be removed for any reason, this variance will expire and the sign allowed by this variance must be removed within 30 days. Placement of signage in conjunction with redevelopment of the site must comply with all regulations in effect at the time of permitting.
5. If the principal building 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.

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.

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: VAR2012-0002
LPA HEARING DATE: August 14, 2011
LPA HEARING TIME: 9:00 AM

I. APPLICATION SUMMARY

Applicant: Travis Owen
RTJP Investments, Inc.
Dolphin Inn

Request: Variance from Section 30-93(b) and Section 30-154(c)

Subject property: See *Exhibit B*

Physical Address: 6555 Estero Boulevard Fort Myers Beach, FL 33931

STRAP #: 34-46-24-W4-02600.00CE

FLU: Mixed Residential

Zoning: Commercial Resort (CR)

Current use(s): Hotel/Motel

Adjacent use, zoning and future land uses:

North: Beach Theater
Commercial Boulevard (CB)
Mixed Residential

Single Family Residential
Residential Single Family (RS)
Mixed Residential

South: SeaWatch on the Beach
Residential Multifamily (RM)
Mixed Residential

East: Artificial Canal

West: Privateer
Residential Multifamily (RM)
Mixed Residential

Briarwood
Commercial Resort (CR)
Mixed Residential

II. BACKGROUND AND ANALYSIS

Background:

RTJP Investments, Inc. has applied for a variance and relief from Section 30-93(b) and 30-154(c) of Chapter 30 – Signs of the Town of Fort Myers Beach Land Development Code, for the property located at 6555 Estero Boulevard and known as the Dolphin Inn.

The subject property measures approximately .57 acres in size and contains multiple two-story buildings currently in use as a motel and developed originally under Lee County zoning ordinance over 40 years ago. The existing sign on site measures approximately 20’ tall appears to be over 32 square feet in 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.

RTJP Investments, Inc. applied for variance from provisions of Ordinance 11-01 in February 13, 2012, six weeks after the compliance deadline of December 31, 2011.

In their sufficiency response, received in May 2012, the applicant amended their request to include relief from the height requirements as well as the setback requirement.

Analysis:

As depicted on *Exhibit A*, the applicant’s existing sign is located within Lee County’s Estero Boulevard right-of-way. Additionally, along the length of the subject property’s Estero Boulevard frontage, there is a one-way frontage road/driveway that provides access to the Inn’s parking spaces but lies completely within the

County right-of-way. The driveway within a right-of-way is unique to the subject property and does not occur on properties immediately adjacent to the Inn. The property line of the subject property appears to be approximately 30 or more feet from the edge of pavement of Estero Boulevard.

The applicant is requesting relief from the height requirement (Section 30-154(c)) and setback (Section 30-93(b)) requirement of Chapter 30, in order to maintain 'visibility' on Estero Boulevard of a monument sign for the subject property. The applicant is proposing a new monument sign (see *Exhibit C*), which they contend is the minimum variance necessary to relieve the unreasonable burden caused by the application of the current sign regulations.

The application is brief and includes very few details to support the request. The applicant states that the reason for the variance and the hardship that exists on the subject property is due to the wide expanse of the Estero Boulevard right-of-way. The applicant states that 'in order for our sign to be visible, we must elevate it over the height of the vehicles in the lot.' Therefore the applicant is requesting a sign variance to install a new sign that will be taller than parked cars and will be at a zero (0) foot setback.

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

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 as follows:

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 maximum area per commercial establishment per parcel and reads as follows:

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

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

(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, with one business, is therefore entitled to no more than 32 square feet of sign area to advertise the Dolphin Inn. This sign area can be allocated among a variety of different types of signs, provided that the total sign area does not exceed 32 square feet. If a monument sign is utilized, the height of that monument sign cannot exceed 5'.

Exhibit C 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" (Section 30-154(c)) to a height of what appears to be approximately 6' to 7'. *Exhibit C* also shows an overall height for the sign of 11' as measured from the adjacent grade, which is more than twice the code maximum permitted height of 5'.

Exhibit D, which was provided by the applicant, depicts three views of a proposed sign (taken from south of the subject property facing north) with a 0' setback. The applicant states that the top of the orange post is at 7' and the orange outline indicates a 5' tall sign with 32 square feet of sign area.

Exhibit E, which was also provided by the applicant, depicts the same views as *Exhibit D*, but in this Exhibit, the 3' required setback per Section 30-93(b) has been met.

It should be noted that none of these photos show an average or compact sized vehicle in the parking spaces. The application does not include any explanation of how the applicant came to the conclusion that 6' to 7' is needed to clear the height of a parked vehicle. Anecdotal evidence indicates that the average height of a parked vehicle is somewhere between 4' and 5'.

As indicated above, the sign regulations permit various types of signs (see Section 30-153(b)(3)), not just a monument sign. There is nothing included in the application indicating whether other sign options or locations were considered by the applicant and if so, why those alternative options are not feasible for the subject property.

Findings and Conclusions:

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

- a. *That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis*

variance under circumstances or conditions where rigid compliance is not essential to protect public policy;

The building on the property is setback 25' +/- from the right-of-way line and more than 60' from the edge of pavement (current zoning would require a minimum 10' setback). Within the Estero Boulevard right-of-way there is a unique driveway that fronts only on the subject property. (See *Exhibit A*) Structures on the immediately adjacent properties are also setback approximately the same distance from the right-of-way and from the edge of pavement and the structure on the subject property.

Staff does recognize that the driveway is unique to the property, however, with a lack of evidence as to why another sign type would not work at this location, Staff does not feel that the driveway in and of itself justifies the variance request.

Staff recommends the finding that there **are not** exceptional or extraordinary conditions or circumstances that are inherent and unique to the subject property and that the variance is, therefore **not** justified.

- 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 developed in the late 1960s, long before the current codes and ordinances governing the property were adopted. Therefore Staff finds that the conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulations in question.

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

The applicant has provided no discussion or analysis as to why other locations on the subject property that would meet the requirements of Chapter 30 are not a viable option. Nor does the applicant address the details of the proposed new sign (*Exhibit C*), and why they feel the proposal is the minimum variance necessary.

Anecdotal evidence suggests that the proposed sign could easily be lowered by 3 to 4 feet and still be visible over parked cars.

Therefore based on limited information provided by the applicant to support the necessity of the request, Staff finds that the variance requested **is not** the minimum variance necessary to relieve an undue burden.

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

The applicant is requesting relief from the sign height and sign setback requirements of Chapter 30 of the LDC. The current sign's height is well above the 5' maximum height allowed under the current code, and the proposed zero foot setback is, as it would suggest, right on the property line abutting the Lee County right-of-way for Estero Boulevard. The applicant has proposed a new sign (*Exhibit C*) that continues to be non-conforming in height and setback and is only marginally smaller than the current sign. The proposed sign does, however, correct the encroachment of the existing sign into the right-of-way.

It is Staff's opinion that there is not a justifiable reason or hardship that exists on the subject property that would support the granting of a height and area variance by Town Council. Staff therefore finds that granting the variance **would** be injurious to the neighborhood or otherwise detrimental to the public welfare by allowing the subject property relief from rules and regulations that all others must adhere to.

- e. *That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.*

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

That being said, the subject property does have a unique, albeit off-site feature that could be taken into consideration. The wide Estero Boulevard right-of-way that allows for a frontage road/driveway serving the subject property's parking spaces is unusual.

Staff finds that the circumstance of this specific piece of property on which this variance is sought **is not** general in nature and could, therefore, justify the granting of the setback variance only.

III. RECOMMENDATION

Staff recommends **APPROVAL** of the requested setback variance (Section 30-93(b)), based upon the requisite findings and conclusions for granting a variance under LDC Section 34-87.

Staff recommends **DENIAL** of the requested height variance (Section 30-154(c)), because the requisite findings and conclusions for granting a variance contained in LDC Section 34-87 have not been met.

Alternate Recommendation

Staff is of the opinion that the applicant did not provide sufficient information to support approval of the requested height variance and is confident in our recommendation of **DENIAL**. However, Staff recognizes that the subject property does include site conditions that could be taken into consideration. Therefore Staff has proposed an alternate recommendation for Town Council to consider.

The applicant's proposed sign (*Exhibit C*) shows a height to the bottom of the sign of approximately 6' to 7' and a sign height of approximately 3'8" for an overall sign height of 8'11" measured from adjacent grade. Staff suggests a modification of these heights. Staff recommends that the height necessary to clear, at a minimum, the hood or trunk of a parked car is 3'. Section 34-154(c) allows for a base or support, for a monument sign, that extends no higher than eighteen (18) inches above adjacent grade. This 18 inches is included in the overall allowance of 5' (60 inches) maximum sign height which would leave 3.5' (42 inches) for sign face. Thus, Staff would recommend that the minimum variance necessary for the subject property would be a proposed sign modified so that the base height is 3' and the sign height is 3'6" for an overall sign height of 6'6". Staff would also suggest that the base include a planter to make the sign more aesthetically appealing.

Should Town Council find this alternate recommendation a viable option, Staff would recommend APPROVAL 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 overall height of the sign, measured from the elevation of the existing grade of the parking lot, is not to exceed 6'6".
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 principal building 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 principal 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

Staff is of the opinion that the applicant has not demonstrated a justifiable or valid reason for Town Council to approve the requested height variance from Chapter 30 of the LDC, but given the somewhat unique circumstance of the frontage road/driveway, the requested setback variance could be approved.

Staff therefore recommends **APPROVAL** of the requested setback variance and **DENIAL** of the requested height variance.

Exhibits:

A – Site Plan

B – Legal Description

C – Proposed new sign

D – Applicant site photos; 0' setback

E – Applicant site photos; 3' setback

Exhibit A

Egret Street

Estero Blvd.

50.00' right-of-way
Asphalt Pavement 17.00'

32.50'

67.50'

FND NAIL

71.27'

25.00'
Conc. Mon. Frnd.

116.32'

Lot 16, Sandpiper Village, PB 9-52
N 88°22'40" E

Asphalt Driveway
S 52°22'20" E
52.22'±

45.80'
10.25'
9.40'
34.55'
55.24'
10'
17.30'
12.20'
Pool Pump
Pool Heater
Pool Slab
Conc. Pool Deck

13 Parking Spaces

6.0'
4.1'
Sheafel Board Game
Hirtl Chge
1' conc. walk

Unit No. 6 & 12
36.19'
36.20'

Unit No. 5 & 11
36.20'

Unit No. 4 & 10
36.20'

Unit No. 2 & 8
36.20'

Unit No. 1 & 7
36.20'

2 Story Cbs Bldg.

11.80'
18.32'
24.80'
Conc. Slab

Screen Patio

On Fence Metal Shed

Portion of Lot 19, Sandpiper Village, PB 9-52

Asphalt Pavement 34.40'

S 52°22'20" E

Asphalt Driveway

Asphalt Driveway

Asphalt Driveway

67.50'

36.84' Meas.
Return Fnd. No. 14.

125.88'

S 36°19'20" W

L = 126.81'

T = 81.16'

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EXHIBIT B

DOLPHIN INN CONDOMINIUM

LEGAL DESCRIPTION OF LANDS SUBMITTED TO CONDOMINIUM

Lot 17 plus a portion of Lots 18 and 19 lying Northerly of the following described line; From the most Southerly corner of Lot 18, common with Lot 19, thence Northwesterly along the Southwesterly line of Lot 18, (being the Estero Blvd. right-of-way) for 36.84 feet to the Point of Beginning of said line; thence deflect right 88 41'40" and run 135.79 feet to the canal and the end of said line, at a point 19.39 feet, as measured on a chord from the most Easterly corner of Lot 19, (common with Lot 20). All being in Sandpiper Village, Unit 2, as recorded in Plat Book 9, at Page 52, Lee County, Florida, Public Records.

And all right, title and interest of the grantors in an easement from George E. Allen, Trustee, in liquidation of Estero Beach Properties, Inc., and Estero Development Corporation, Dissolved Florida Corporation to A. L. Mechling, Frank Gobes, L. H. Noble, as trustees for the present and future owners of Lots in Sandpiper Village Unit No. 1 and Unit No. 2, dated September 2, 1964, and recorded in O. R. Book 267 at Page 11 in Public Records of Lee County, Florida.

All that parcel of land situate lying and being in Lee County, Florida, more particularly described as follows:

A strip or parcel of land lying between Estero Boulevard and the Gulf of Mexico in Sections 33 and 34, Township 46 South, Range 24 East, Estero Island, Lee County, Florida, for walkway purposes, which strip or parcel is described as follows:

Beginning at a point on the Southwesterly side of Estero Boulevard, said point being 1440 feet (measured along line perpendicular to the south line of Block I, McPhie Park, Unit No. 2, according to plat recorded in Plat Book 8 at Page 59, Public Records of Lee County) run southeasterly along said southwesterly line of Estero Blvd. for 12.29 feet; thence run southwesterly parallel with said south line of Block I, McPhie Park, Unit No. 2, and 1452.16 feet south of said Block I for 470 feet more or less to the waters of the Gulf of Mexico, passing through concrete monuments at 175.44 feet and 352.69 feet; thence run northwesterly along said waters to an intersection with a line parallel with said south line of Block I passing through the point of beginning; thence run northeasterly along said parallel line to the point of beginning, passing through concrete monuments at 177.25 feet and 354.5 feet southwesterly of said point of beginning.

REF
REC
37912951



EXHIBIT D







EXHIBIT E



Captain Inn

Boat Dock
Heated Pool
Efficiencies
Beach Access

HERZLICH WILKOMMEN

ANOTHER DAY IN
VACANCY
ENT B KES HERE

VACANCY

TUATRA

7F-57

CANCY

Boat Dock
Heated Pool
Efficiencies
Beach Access

HERZLICH WILKOMMEN

ANOTHER DAY IN
VACAN
ENT B KES HERE



Supplement PH-B

Part 1- Narrative Statements

Reason for request. Explanation of why variance is needed.

The Dolphin Inn is requesting a variance to the sign ordinance because by complying with the ordinance we will lose visibility of our sign from Estero Blvd.

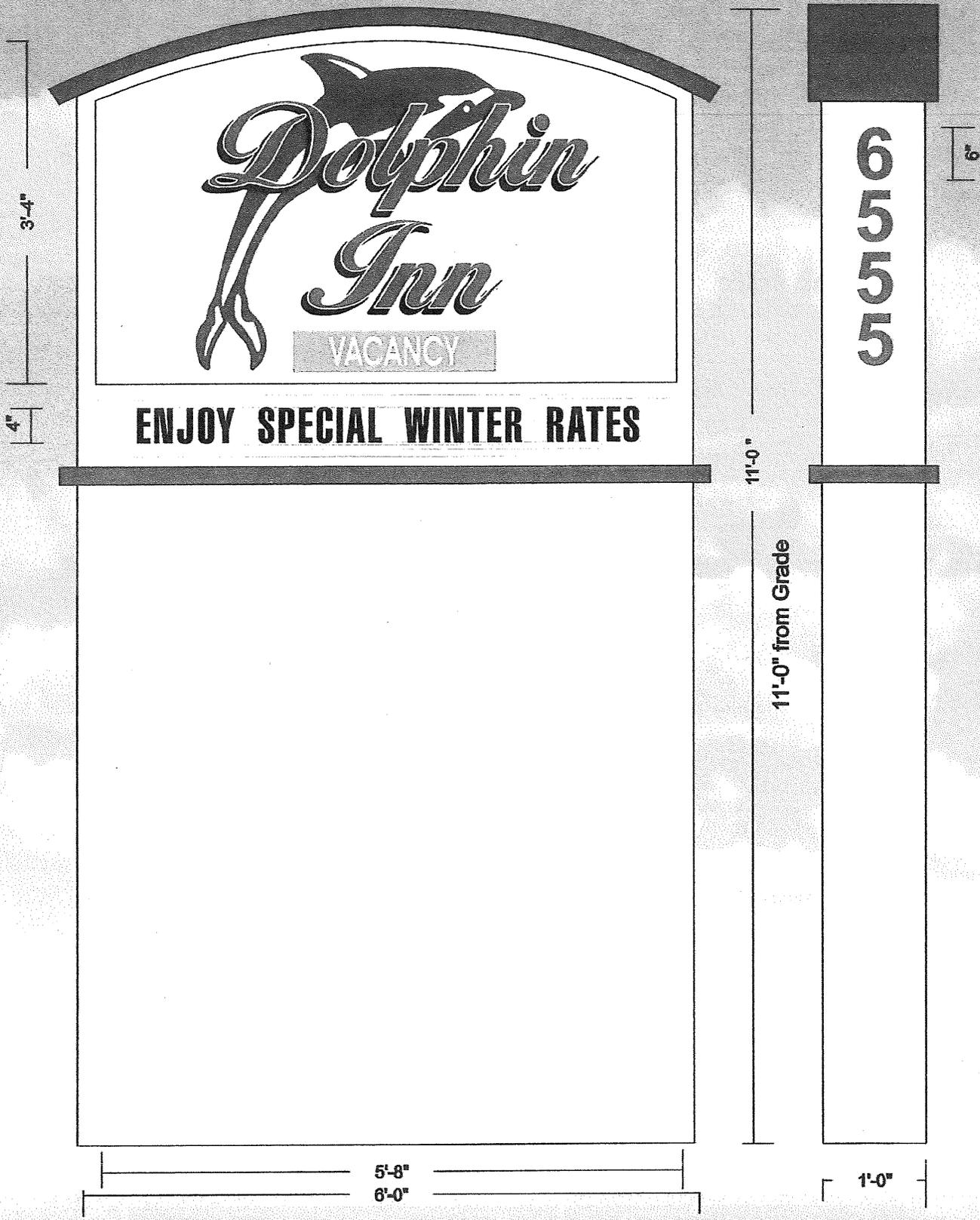
Explanation of the hardship.

The Dolphin Inn's property line runs just behind the parking spaces in front of the hotel on Estero Blvd, as seen in exhibit A. The property from behind our parking spaces to Estero Blvd is right-of-way owned by the county. The county will not allow any signage in their right-of-way. In order for our sign to be visible we must elevate it over the height of the vehicles in the lot. We request a height variance of 11 ft from ground level to the top of the sign and a variance removing the property line setback of 3 ft. This will allow our sign to be visible from traffic on Estero Blvd.

Explanation of how the property qualifies for a variance.

1. The configuration of our property and the parking layout provide exceptional conditions that restrict our signs visibility in compliance.
2. The property layout has been unchanged since the construction in 1966.
3. The 11ft height is the height required to clear a truck or van in the parking spaces.
4. The setback from the road provides no obstructions of visibility from the sidewalk and is consistent in line of sight along the backs of the car spaces.
5. We are one of the few properties that have a deep right of way into their parking lot and this makes it impractical to change the regulation.

ILLUMINATED CABINET TO CODE, POWDER COATED & CLEAR COATED ALUMINUM SIGN
 RETRO-FIT TO EXISTING FOOTER, ETC. - WITH JET CUT ALUMINUM ADDRESS LETTERS
 6" CHANGEABLE COPY, TEXT & LOGO PANFACE AREA - 50" x 68" = 23.61 SQ. FT.



Robson Corporation "THE BEST BUY IN SIGNS"

2231 Whitfield Park Loop, Sarasota, FL 34243
 1-800-770-8585 1-941-753-6935 Fax: 1-941-756-8912

APPROVED BY: _____
 DATE: / / _____

© 2011

DESIGN: #163820-R4 CODE: 01-1212-8L Scale: 1"=12"

This is an original, unpublished drawing, submitted in connection with a project we are planning for you. Please do not copy or show it to anyone outside of your organization without written permission from Robson Corporation.

Exhibit A

Egret Street

Estero Blvd.

32.50'

50.00' right-of-way
Asphalt Pavement 17.00'

FND NAIL

71.27'

67.50'

S 52°22'20" E
69.66'

S 52°22'20" E

Asphalt Pavement 34.40'

Asphalt Driveway

Asphalt Driveway

Asphalt Driveway

13 Parking Spaces

Conc. Pool Deck 72.50'

Pool
55.24'

Sheetal Board Game
32.00'

2 Story Cbs Bldg.

On Fence

Metal Shed

Screen Patio

116.32'

Lot 16, Sandpiper Village, PB 9-52
N 88°22'40" E

Unit No. 6 & 12
36.20'

Unit No. 5 & 11
36.20'

Unit No. 4 & 10
36.20'

Unit No. 2 & 8
36.20'

Unit No. 1 & 7
36.20'

L = 126.81'

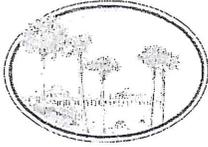
T = 81.16'

Portion of Lot 19, Sandpiper Village, PB 9-52

ASBESTOS

ASBESTOS

ASBESTOS



Town of Fort Myers Beach

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

March 23, 2011

Travis Owen
6555 Estero Boulevard
Fort Myers Beach, FL33919

Re: FMBVAR2012-0002

Dear: Mr. Owen,

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

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

Sincerely,

Leslee Chapman
Zoning Coordinator
Town of Fort Myers Beach
Community Development

Town of Fort Myers Beach

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

ZONING REVIEW – Leslee Chapman

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

Application for Public Hearing

H. Surrounding Property Owners

Please provide a list of surrounding property owners within 500 feet as requested in the application. This information can be obtained from the Lee County Property Appraiser at 239-533-6100.

Supplement PH-B

PART 1 – Narrative Statements

Reasons for request. Explain why the variance is needed.

The description provided is not sufficient to accurately review the proposed request. Please provide a more detailed account as to why the variance is needed; please direct the explanation to include a discussion as to why the subject property cannot come into compliance with all the requirements of Chapter 30 of the LDC. Applicants are encouraged to use additional methods of description, i.e. photos, maps, drawings, diagrams, etc, to assist in the explanation and aid in justifying the request.

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

The description provided is not sufficient to accurately review the proposed request. Please provide a more detailed account as to why the variance is needed; please direct the explanation to include a discussion as to why the subject property cannot come into compliance with all the requirements of Chapter 30 of the LDC. Applicants are encouraged to use additional methods of description, i.e. photos, maps, drawings, diagrams, etc, to assist in the explanation and aid in justifying the request.

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

The description provided is not sufficient to accurately review the proposed request. Please provide a more detailed account as to why the variance is needed; please direct the explanation to include a discussion as to why the subject property cannot come into compliance with all the requirements of Chapter 30 of the LDC. Applicants are encouraged to use additional methods of

Town of Fort Myers Beach

Community Development

2523 Estero Blvd Fort Myers Beach, Florida 33931

Phone: 239-765-0202 Fax: 239-765-0591

description, i.e. photos, maps, drawings, diagrams, etc, to assist in the explanation and aid in justifying the request. Please provide a more detailed response to the five points with subsection 3 of LDC Section 34-87.

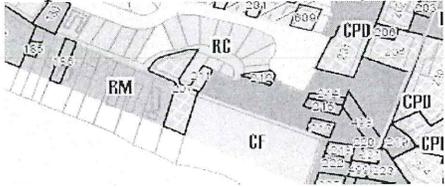
Please make the corrections and resubmit with the necessary information so we can process your application. Please note that these comments represent only those of the reviewer signing below. Other comments may be forthcoming, and a re-submittal shall not occur until all reviewer comments are addressed.

Leslee Chapman
Zoning Coordinator
239-765-0202 ext 105

Case # FMBVAR2012-6002
 Planner R Chapman

Date Received 2/13/12
 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: | <u>Dolphin Inn Sign</u> |
| Authorized Applicant: | <u>Travis Owen</u> |
| LeePA STRAP Number(s): | <u>34-46-24-104-02600, 02605</u> |
| | |

| | |
|--|---------------------|
| Current Property Status: | <u>Hotel</u> |
| Current Zoning: | <u>CR</u> |
| Future Land Use Map (FLUM) Category: | <u>CR</u> |
| Platted Overlay? <input type="checkbox"/> 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

PART I – General Information

A. Applicant:

| | | | |
|------------------|---------------------------|--------|--------------------|
| Name(s): | Travis Owen | | |
| Address: Street: | 6555 Estero | | |
| City: | FMB | State: | FL Zip Code: 33931 |
| Phone: | 239 - 822 - 4025 | | |
| Fax: | 239 - 463 - 2148 | | |
| E-mail address: | dolphininn@embargmail.com | | |

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

| | | |
|-------------------------------------|---|--|
| <input checked="" type="checkbox"/> | Owner (indicate form of ownership below) | |
| <input type="checkbox"/> | Individual (or husband/wife) | <input type="checkbox"/> Partnership |
| <input type="checkbox"/> | Land Trust | <input type="checkbox"/> Association |
| <input checked="" 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: | Travis Owen | | |
| Mailing address: Street: | Estero | | |
| City: | FMB | State: | FL Zip Code: 33931 |
| Contact Person: | Travis Owen | | |
| Phone: | 239 823 822 4025 | Fax: | 463 2148 |
| E-mail address: | dolphininn@embargmail.com | | |

D. Other agents:

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

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

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

PART II – Nature of Request

Requested Action (check applicable actions):

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

PART III – Waivers

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

| Code Section Number | Describe Item |
|---------------------|---------------|
| | |
| | |
| | |
| | |

PART IV – Property Ownership

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

| |
|--|
| <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 |
| Attach map showing property owners' interests as Exhibit 4-3 if multiple parcels are involved |
| For condominiums, timeshare condominiums, and subdivisions, see instructions. |

PART V – Property Information

A. Legal Description of Subject Property

| |
|--|
| Is the property entirely made up of one or more undivided platted lots officially recorded in the Plat Books of the Public Records of Lee County? |
| <input checked="" type="checkbox"/> Yes [] No |
| If yes: |
| Subdivision name: |
| Plat Book Number: <i>1899</i> Page: <i>2799</i> Unit: Block: Lot: |
| If no: |
| Attach a legible copy of the metes and bounds legal description, with accurate bearings and distances for every line, as Exhibit 5-1. The initial point in the description must be related to at least one established identifiable real property corner. Bearings must be referenced to a well-established and monumented line. |

B. Boundary Survey

| |
|--|
| Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code, as Exhibit 5-2. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. |
|--|

C. STRAP Number(s):

| |
|-------------------------------|
| <i>34-46-24-W4-02600.000E</i> |
|-------------------------------|

D Property Dimensions:

| | | |
|----------------------|--------------------|---------------------------|
| Area: | square feet | acres |
| Width along roadway: | <i>196.69</i> feet | Depth: <i>135.96</i> feet |

E. Property Street Address:

| |
|--------------------------------------|
| <i>6555 Estero Blvd FNB FL 33931</i> |
|--------------------------------------|

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

| |
|---|
| 3.5 miles south from Sky Bridge, |
| Attach Area Location Map as Exhibit 5-3 |

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 checked="" type="checkbox"/> Mixed Residential | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Boulevard | <input type="checkbox"/> Wetlands |
| <input type="checkbox"/> Pedestrian Commercial | <input type="checkbox"/> Tidal Water |
| Is the property located within the "Platted Overlay" area on the Future Land Use Map? <input type="checkbox"/> Yes <input 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, R. Travis Owen, as President
of RTJP INV. INC., 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

RTJP INV. INC.

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

R. Travis Owen

Signature

R. Travis Owen

Typed or Printed Name

Pres.

Title of Signatory

State of Florida

County of Lee

The foregoing instrument was sworn to (or affirmed) and subscribed
before me this February 9 2012 by R. Travis Owen

Date

Name of person under oath or affirmation

who is personally known to me or who has produced Drivers License

Type of identification

as identification.

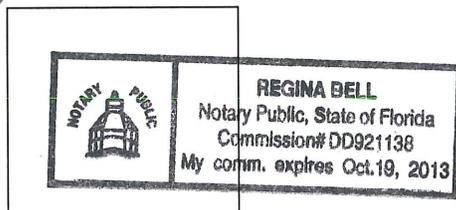
Regina Bell

Signature of person administering oath

Regina Bell

Typed or Printed Name

SEAL:



Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

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

STRAP#

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 |
|---|------------|
| R Travis Owen 6555 Estero Blvd PAMB (Pres) | 25% |
| J Preston Owen 1 Lafayette Mattoon Fl. 61938 (Tres) | 25% |
| Ross Markberger ¹⁰⁹¹ 600 Jefferson Ct. Evansville IN (VP) | 25% |
| Jerry Lindley 1380 CR. Mattoon IL 61938 (Sec) | 25% |
| | |
| | |
| | |
| | |
| | |

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

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

| Name and Address | Percentage |
|------------------|------------|
| | |
| | |
| | |
| | |
| | |
| | |

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

| Name and Address | Percentage |
|------------------|------------|
| | |
| | |
| | |
| | |
| | |
| | |

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

| Name, Address, and Office (if applicable) | Percentage |
|---|------------|
| | |
| | |
| | |
| | |
| | |
| | |

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

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

Name and Address

| |
|--|
| |
| |
| |
| |
| |

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application but prior to the date of final public hearing, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature *R. Travis Owen*
Applicant
R. Travis Owen
Printed or typed name of applicant

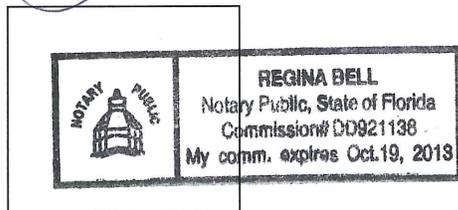
STATE OF Florida
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 9 day of February, 2012 by R. Travis Owen who is personally known to me or who has produced Drivers license as identification and who did (or did not) take an oath.

Regina Bell
Signature of Notary

Regina Bell
Typed or Printed Name of Notary

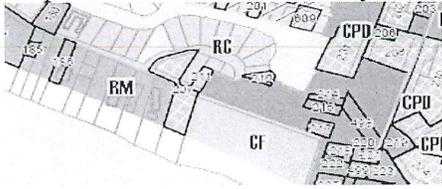
SEAL:



Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

Town of Fort Myers Beach
Department of Community Development



Zoning Division

ORIGINAL

Supplement PH-B

**Additional Required Information for a
Variance Application**

This is the second part of a two-part application. This part requests specific information for a variance. Include this form with the Request for Public Hearing form.

| | |
|-----------------------|------------------------|
| Case Number: | FMBVAR 2012-6002 |
| Project Name: | Dolphin Inn Sign |
| Authorized Applicant: | Travis Owen |
| LeePA STRAP Number: | 34-46-24-W4-02600.006E |

| | |
|--------------------------------------|--|
| Current Property Status: | Hotel |
| Current Zoning: | CR |
| Future Land Use Map (FLUM) Category: | CR |
| 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

| | |
|----------------|----------|
| Sec. 30-154(b) | Location |
| | |
| | |
| | |
| | |

Complete the narrative statements below for EACH variance requested.

PART I
Narrative Statements

Request for variance from 30-154(b) (LDC Section number)

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

Monument signs must be set back at least three (3) feet from any public right-of-way or roadway easement.

Reasons for request

Explain why the variance is needed:

Our parking lot configuration and property line only allow for a small area to place a sign. We need to place the sign as far forward as possible to be visible from the road and not be blocked by parked cars.

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

The variance would have no effect on any surrounding properties

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

Our property line runs at the end of our parking spaces and in so we have limited area for sign placement.

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

The property qualifies by meeting the five findings in section 34-87

A) The unique set-up of the property necessitates maximum exposure for signage. The parking ~~set~~ configuration and layout require the variance for visibility.

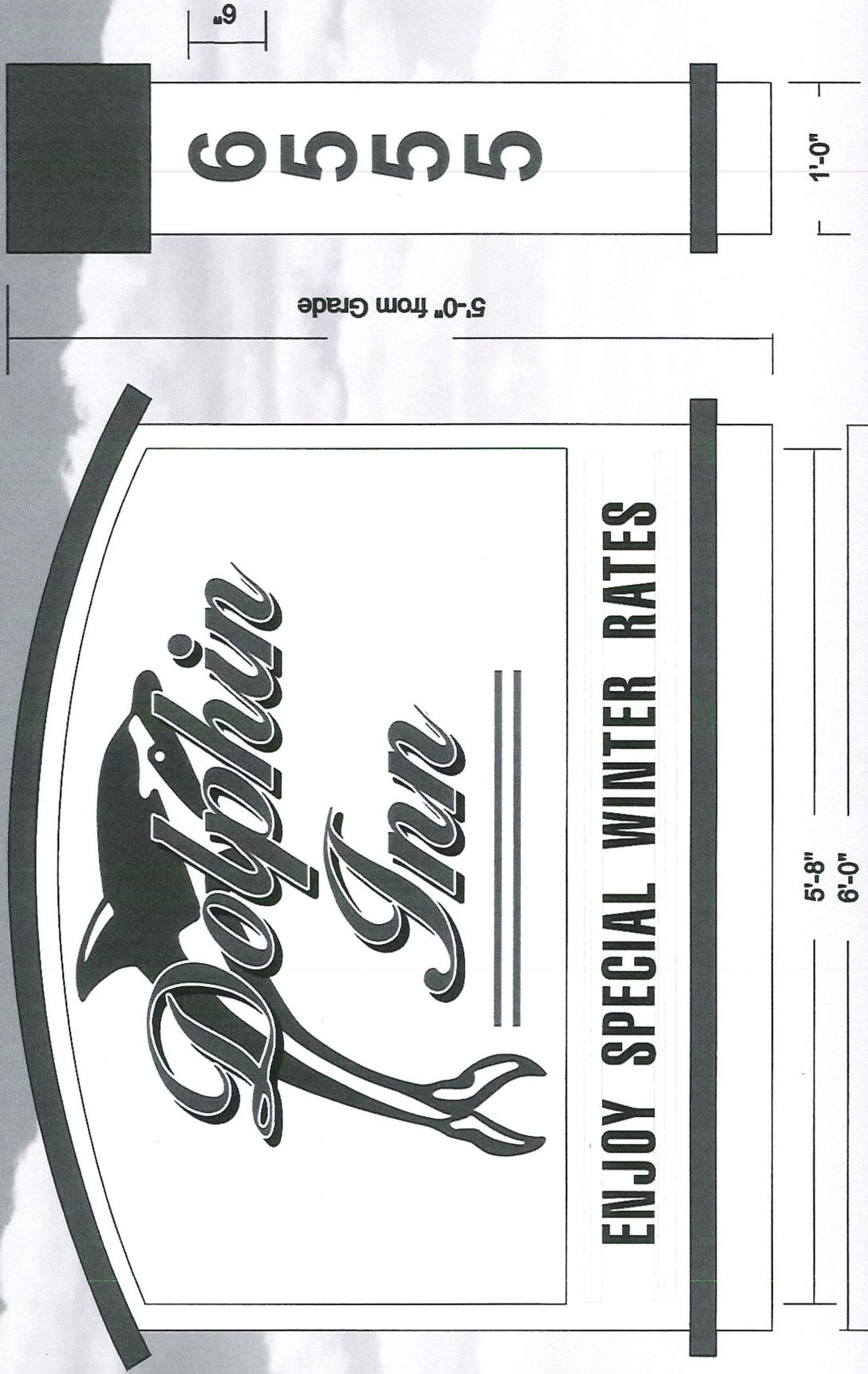
B) The property hasn't changed since 1965.

C) This is the minimal variance change for sign exposure.

D) This variance will not ~~be~~ be detrimental in any way to the public

E) This is a minor move for a unique property and it is not practical to amend the regulation

ILLUMINATED CABINET TO CODE, POWDER COATED & CLEAR COATED ALUMINUM SIGN
 RETRO-FIT TO EXISTING FOOTER, ETC. - WITH JET CUT ALUMINUM ADDRESS LETTERS
 6" CHANGEABLE COPY, TEXT & LOGO PANFACE AREA - 50" x 68" = 23.61 SQ. FT.



Robson Corporation "THE BEST BUY IN SIGNS"

2231 Whitfield Park Loop, Sarasota, FL 34243
 1-800-770-8585 1-941-753-6935 Fax: 1-941-756-8912

APPROVED BY: _____
 DATE: / /

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