

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 2012-009
VAR2012-0001 – Neptune Inn Sign Variance

WHEREAS, applicant Blue Vista Capital, LLC is requesting a variance from Section 30-154(c) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAPs for the subject property are 19-46-24-W3-04300.00CE; 19-46-24-W3-0430N.0001 and 19-46-24-W3-0110A.0010 and the legal description of the subject property is contained in *Exhibit A* which is attached hereto and incorporated herein by reference; and

WHEREAS, the subject property is located at 2310 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; 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: VAR2012-0001
LPA HEARING DATE: August 14, 2011
LPA HEARING TIME: 9:00 AM

I. APPLICATION SUMMARY

Applicant: Blue Vista Capital, LLC
The Neptune Inn

Request: A variance from Section 30-154(c)

Subject property: See *Exhibit A*

Physical Address: 2310 Estero Boulevard Fort Myers Beach, FL 33931

STRAP #: 19-46-24-W3-04300.00CE
19-46-24-W3-0430N.0001
19-46-24-W3-0110A.0010

FLU: Boulevard

Zoning: Commercial Resort (CR)

Current use(s): Hotel/Motel

Adjacent use, zoning and future land uses:

North: Estero Boulevard

South: Beach
Environmentally Critical (EC)
Recreation

East: Mixed Use
Commercial Boulevard (CB)
Boulevard

Single Family Residential
Commercial Boulevard (CB)
Boulevard

West: Polynesian Vacation Villas
Residential Multifamily (RM)
Boulevard

Single Family Residential
Residential Multifamily (RM)
Boulevard

II. BACKGROUND AND ANALYSIS

Background:

Blue Vista Capital, LLC, has applied for a variance and relief from Section 30-154(c) of Chapter 30 – Signs of the Town of Fort Myers Beach Land Development Code, the property located at 2310 Estero Boulevard and known as the Neptune Inn.

The subject property, measuring approximately 2.38 acres in size, contains a multiple building two-story motel, developed originally under Lee County zoning over 40 years ago. The existing sign on site measures 23’ tall from the top of the triton to the parking lot grade and 45 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.

Blue Vista Capital applied for a variance from provisions in Ordinance 11-01 in January 3, 2012, just after the compliance deadline of December 31, 2011.

Analysis:

The applicant is requesting relief from the height requirement of Chapter 30, Section 30-154(c), and is proposing a new monument sign, see *Exhibit C*, .

The application is brief and details justifying the request are minimal, however the applicant does state that the reason for the request and the hardship that exists on the subject property is due to a ‘mature hedgerow’ along the Estero Boulevard property line ‘that has been in place for decades.’ Removing this long standing hedgerow, the applicant states, would create an undesirable result of visible parked

cars in the Neptune Inn parking lot. Therefore the applicant is requesting a sign variance to install a new sign that will be visible over the hedgerow.

Staff conducted a review of Lee County Property Appraiser data to determine if or when the planted hedge was established. A review of the aerials from 1998 to 2012 (attached as *Exhibit B*) illustrates that the hedge was partially installed sometime between when the 2005 and 2007 aerials were taken, and ran from the western property line to the existing sign location. The remaining hedge, from the existing sign location to the driveway entrance, was installed at some point between when the 2011 and 2012 aerials were taken.

The hedge does not appear, based on this evidence, to have been established for “decades” as the application states.

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.*

Section 30-153(b) establishes the sign face allotment 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 is, therefore, entitled to 32 square feet of sign face area to advertise the Neptune 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. If a monument sign is utilized, the height of that monument sign can not 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" set forth in Section 30-154(c) to a height of 4'3". *Exhibit C* also shows an overall sign height of 8'10" as measured from the adjacent grade, exceeding the code maximum of 5' by 3'10".

The application seems to imply that if the current sign on the subject property is brought into compliance with the regulations set forth in Chapter 30, specifically the height requirement for monument signs in Section 30-154(c), the only result would be elimination of the hedge. Nevertheless, the subject property is entitled to utilize numerous forms of signage, see Section 30-153(b)(3), not just a monument sign. There was no discussion included in the application whether other sign options 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 applicant does not identify in their narrative any 'exceptional or extraordinary circumstances' inherent on the subject property. The stated rationale for granting a variance is the established hedgerow which partially shields the Neptune Inn parking lot from the road.

A hedge is not an exceptional or extraordinary circumstance inherent to the subject property. It should be noted, however, that the Comprehensive Plan does emphasize the importance of landscaping along the Town's roadways, specifically Policy 1B-2 and Policy 1-A-1.

Due to the lack of analysis of alternative sign types and locations by the applicant, Staff recommends the finding that there **are not** exceptional or extraordinary conditions or circumstances that are inherent and unique to the subject property and that it **does not** justify the requested variance.

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

The applicant states that the shrub hedge along the property line adjacent to Estero Boulevard has been in place for decades.

A simple review of Lee County Property Appraiser aerials from 1998 to 2012 (*Exhibit B*) illustrates that the hedge was partially installed sometime between when the 2005 and 2007 aerials were taken, and ran from the

western property line to the existing sign location. The remaining hedge, from the existing sign location to the driveway entrance, was installed at some point between when the 2011 and 2012 aerials were taken.

Thus, the conditions stated by the applicant as justification for the variance are the result of actions taken by the applicant (or prior property owners) after the adoption of the original sign ordinance in 1999.

Staff finds that the conditions justifying the variance **are** the results of actions of the applicant taken after the adoption of the regulation in question.

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

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

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

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

The applicant is requesting relief from the sign height requirements of Chapter 30 of the LDC. The current sign's height is well above the 5' maximum height allowed under the current code. The applicant has proposed a new sign (*Exhibit C*) that continues to be non-conforming in height but is smaller in area than the current sign and closer to meeting the requirements of Section 30-154(c).

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

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

III. RECOMMENDATION

Staff recommends **DENIAL** of the requested variance because the property does not meet the requirements for granting a variance under LDC Section 34-87.

Alternate Recommendation

Staff does not feel that the applicant makes a compelling case for approval of the requested variance and is confident in our recommendation of DENIAL. However, Staff recognizes that the subject property does include site considerations that have value to the overall beauty and appeal of Estero Boulevard and Fort Myers Beach. Therefore, Staff has proposed an alternate recommendation for Town Council to consider.

The applicant's proposed sign (*Exhibit C*) shows a height of 4'3" to the bottom of the sign and a sign height of 4'7" for an overall height of 8'10" measured from adjacent grade. Staff suggests a modification of these heights. Staff recommends that the hedge and planter, combined, be maintained at no more than 36" tall which is the equivalent of a right-of-way buffer requirement if the property had been developed under Lee County and/or Town zoning. Section 34-1549(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 sign height maximum of 5' (60 inches), which would leave 3.5' (42 inches) for the actual sign face. Thus, Staff suggests that the minimum variance necessary for the subject property would be a proposed sign modified to show a 3' hedge/planter combination base and a sign height of 3.5' for an overall height of 6'6".

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 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 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 must be maintained at a height of no more than 36". 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 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 with 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 a variance from Chapter 30 of the LDC.

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

Exhibits:

A – Legal Description

B – Lee County Property Appraiser Aerials, 1998 – 2012

C – Applicant proposed new sign

Exhibit A

LEGAL DESCRIPTION

("EXHIBIT A" ATTORNEYS TITLE INSURANCE FUND, INC. FUND FILE No. 18-2005-2214, DATED 3/04/05.)

PARCEL 1:

LOTS 1, 2, AND 3, BLOCK E, OF THAT CERTAIN SUBDIVISION KNOWN AS SEACRAPE ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF CIRCUIT COURT IN PLAT BOOK 4, AT PAGE 17, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL 2:

BLOCK "A" AND "B", IN THAT CERTAIN SUBDIVISION KNOWN AS BEACH ESTATES, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE WITH AND RECORDED THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, IN PLAT BOOK 5, PAGE 68, TOGETHER WITH THAT PORTION OF THE STREET OR ALLEY LYING BETWEEN SAID BLOCKS VACATED BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, TOGETHER WITH ALL OF BLOCK "A", TOGETHER WITH THE VACATED ALLEY THAT FORMERLY SEPARATED LOTS 1 AND 2 FROM LOT 3 ALL BEING IN THAT CERTAIN SUBDIVISION KNOWN AS W.W. WATSONS SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF LEE COUNTY, FLORIDA, IN PLAT BOOK 5, PAGE 67. TOGETHER WITH ALL IMPROVEMENTS THEREON WHICH IMPROVEMENTS ARE KNOWN AS THE "NEPTUNE INN" AND ALSO TOGETHER WITH ALL FURNITURE, FURNISHINGS, FIXTURES, AND EQUIPMENT LOCATED IN, ON OR ABOUT SAID IMPROVEMENTS, TOGETHER WITH ALL OF THAT CERTAIN BUSINESS KNOWN AS THE "NEPTUNE INN", INCLUDING THE NAME AND GOOD WILL THEREOF.

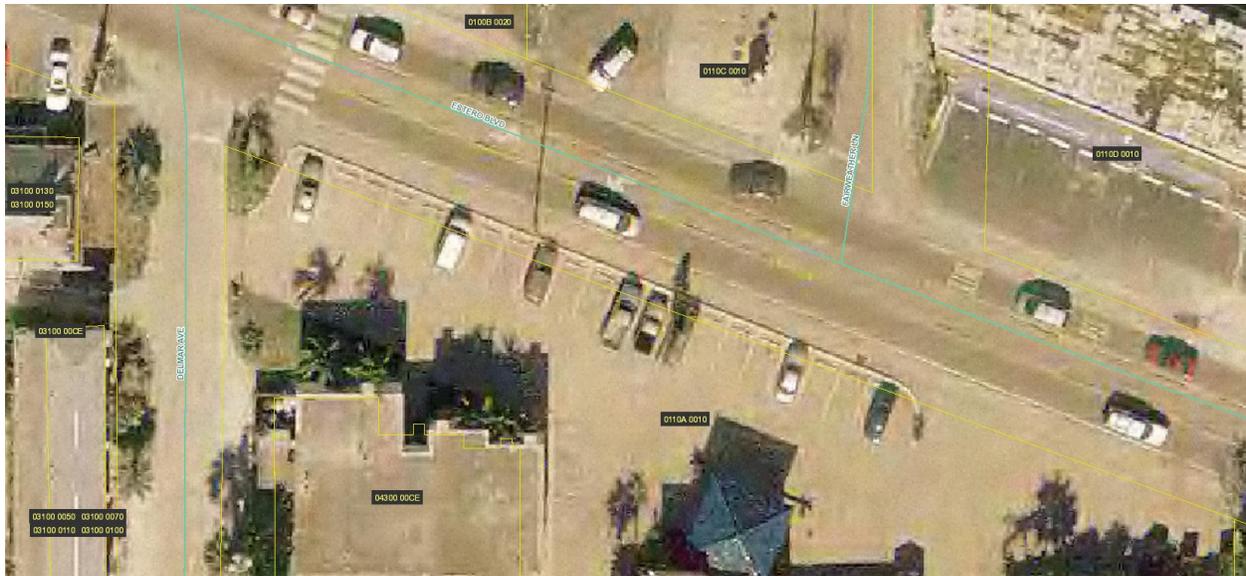
Exhibit B



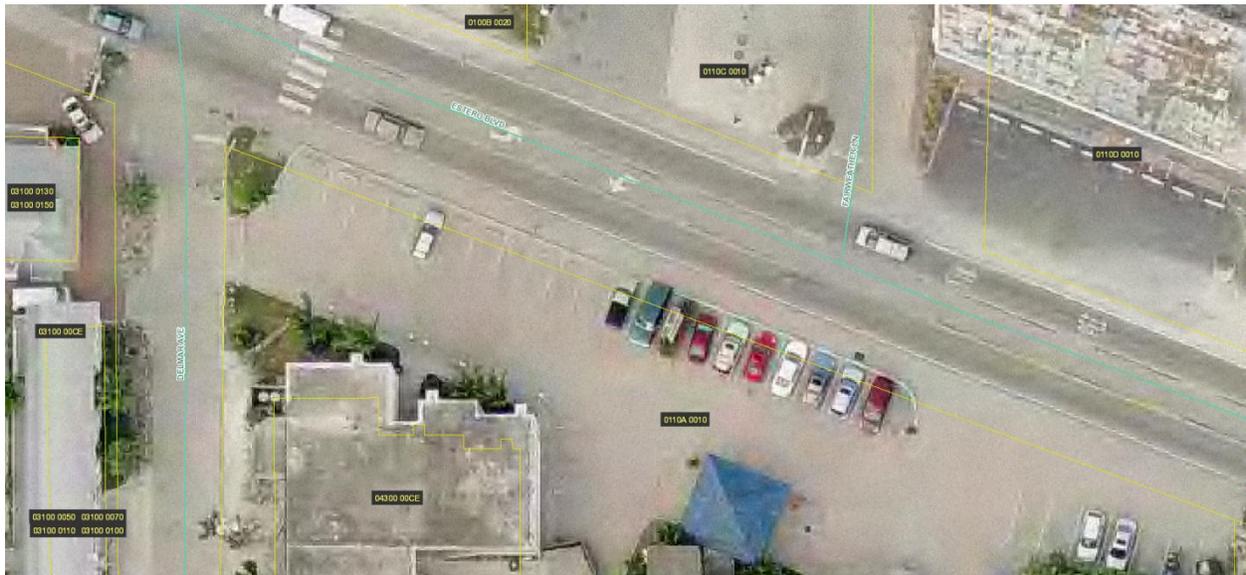
Lee County Property Appraiser 1998



Lee County Property Appraiser 2002



Lee County Property Appraiser 2005



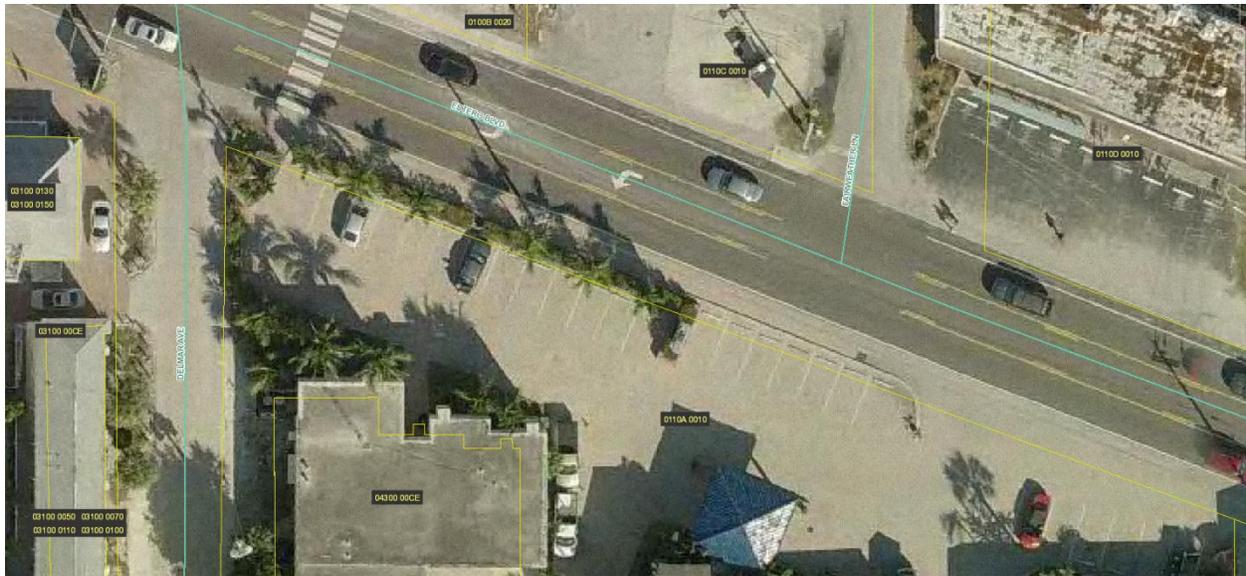
Lee County Property Appraiser 2007 – first quarter



Lee County Property Appraiser 2007 – third quarter



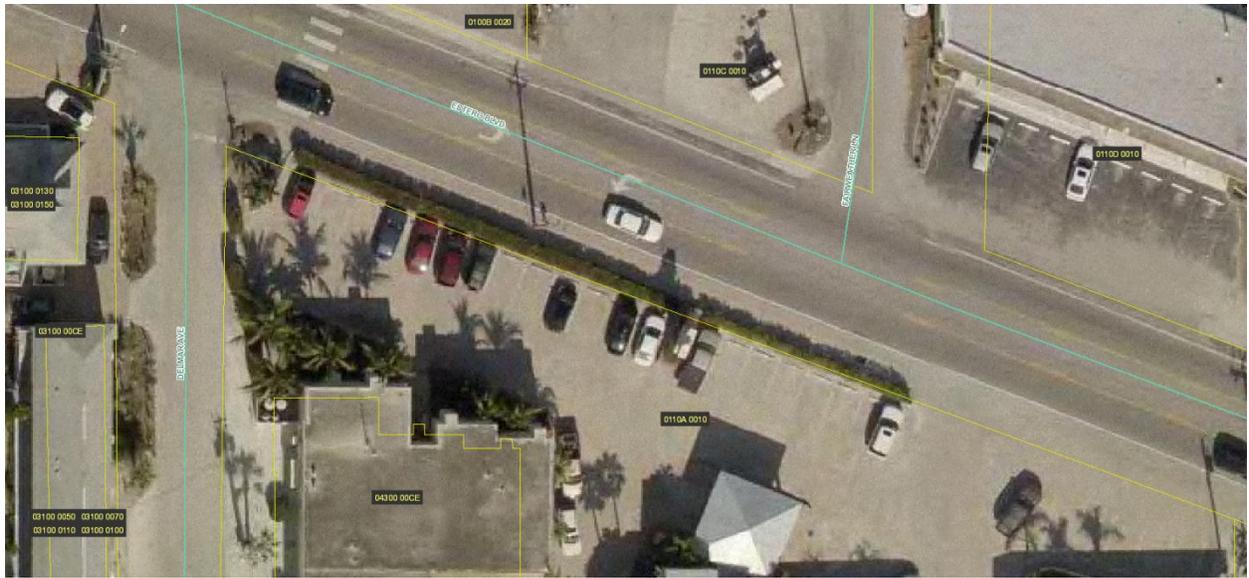
Lee County Property Appraiser 2008



Lee County Property Appraiser 2010



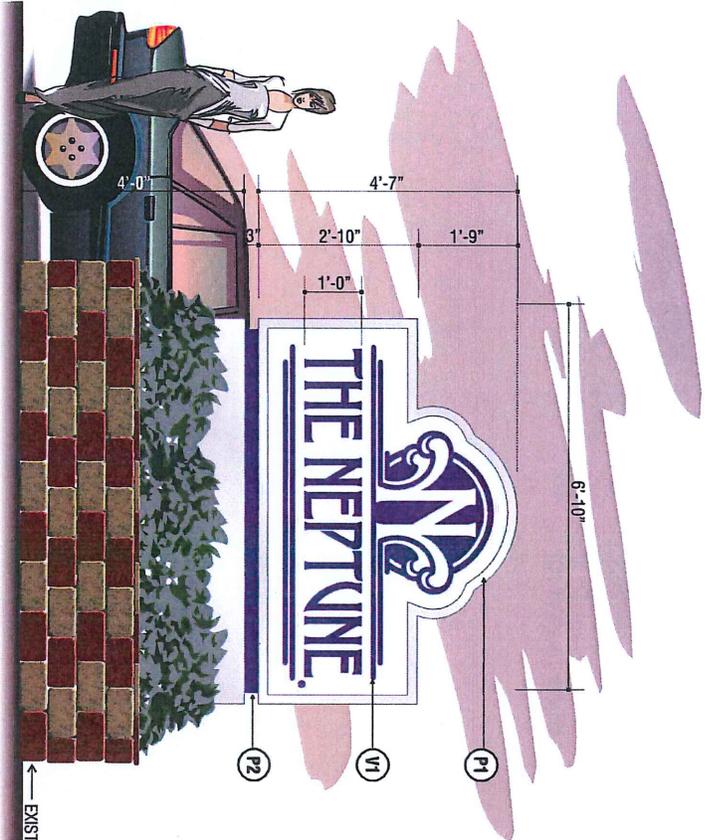
Lee County Property Appraiser 2011



Lee County Property Appraiser 2012



D/F Internally Illuminated Pylon



GENERAL SPECIFICATIONS

D/F INTERNALLY ILLUMINATED PYLON
 ALUMINUM FILLER & RETAINER
 3/16" THICK WHITE POLYCARBONATE FACE W/
 FIRST SURFACE APPLIED 3M VINYL COPY & GRAPHICS. - SEE COLOR SCHEDULE.
 3" NON-ILLUMINATED ALUM. REVEAL - SEE COLOR SCHEDULE
 FABRICATED ALUM. POLE COVER
 H.O. FLUO. LAMP ILLUMINATION.
 4'-7" x 6'-10" = 31.34 Sq. Ft.

COLOR SPECIFICATIONS: PAINT/VINYL

- P1 WHITE
- P2 PAINT TO MATCH 3M SULTAN BLUE #3630-157
- V1 3M SULTAN BLUE #3630-157

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

EXHIBIT C



2011 KIEFFER & CO., INC.
 315 Boyd Street - Alton, IL 61810
 PHONE: (618) 320-1239 FAX: (618) 320-1943
www.kiefferusa.com

CUSTOMER: **THE NEPTUNE.**

LOCATION: Ft. Meyers Beach, FL
 SALES: Mike Mele DESIGNER: MSO
 DATE: 12/16/11

artwork
 design
 survey
 ALL WORK SUBJECT TO ORDER
 COMPANION FILES
UL
 LISTED
 cUL us

PRODUCTION PROGRESS

Order Item #	
Job #	-001
	-002
	-003

INITIALS: DATE:
 MSO 12-22-11

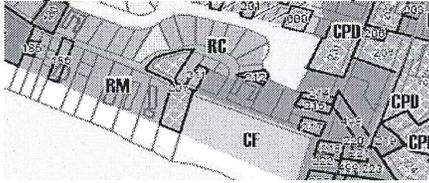
REVISION:									
A	LOWER SIGN TO HEDGE LINE								
B									
C									
D									
E									
F									
G									
H									

B62073

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

Town of Fort Myers Beach
Department of Community Development



Zoning Division

**TOWN OF
FORT MYERS BEACH**

JUN - 6 2012

RECEIVED BY

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:	The Neptune Inn
Authorized Applicant:	Blue Vista Capital LLC
LeePA STRAP Number(s):	19-46-24-03-0110A, 0010

Current Property Status:
Current Zoning: Commercial
Future Land Use Map (FLUM) Category:
Platted Overlay? __yes__no FLUM Density Range:

Action Requested	Additional Form Required
<input type="checkbox"/> Special Exception	Form PH-A
<input 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):	Blue Vista Capital LLC		
Address: Street:	PO Box 508		
City:	Richmond	State:	IL Zip Code: 60071
Phone:	815-678-3500		
Fax:	815-678-3051		
E-mail address:	PPBell@HARDUJORS.COM		

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

<input type="checkbox"/>	Owner (indicate form of ownership below)	
<input type="checkbox"/>	Individual (or husband/wife)	<input checked="" type="checkbox"/> Partnership LLC
<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:			
Mailing address: Street:	_____		
City:	State:	Zip Code:	
Contact Person:			
Phone:	Fax:		
E-mail address:			

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>SIGN</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
<i>N/A</i>	

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

PART V – Property Information

A. Legal Description of Subject Property

Is the property entirely made up of one or more undivided platted lots officially recorded in the Plat Books of the Public Records of Lee County?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes:
Subdivision name: <u>SEA Grape</u>
Plat Book Number: <u>4</u> Page: <u>17</u> 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):

<u>19-46-24-W3-0110A.0010</u>

D Property Dimensions:

Area:	square feet	acres <u>2.89</u>
Width along roadway:	feet	Depth: feet

E. Property Street Address:

<u>2310 Estero Blvd, Ft Myers Beach, FL</u>

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

<i>one mile east of sky bridge</i>
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 type="checkbox"/> Mixed Residential	<input type="checkbox"/> Recreation
<input type="checkbox"/> Boulevard	<input type="checkbox"/> Wetlands
<input type="checkbox"/> Pedestrian Commercial	<input type="checkbox"/> Tidal Water
Is the property located within the "Platted Overlay" area on the Future Land Use Map? <input type="checkbox"/> Yes <input type="checkbox"/> No	

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

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

PART VI – Affidavit

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

See attached explanatory notes for instructions

I, Peter Bell, as Manager
of Blue Vista Capital LLC, swear or affirm under oath, that I am
the owner or the authorized representative of the owner(s) of the property and
that:

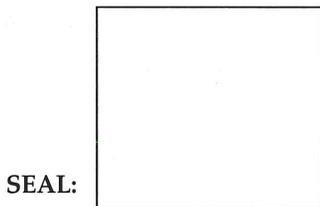
1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any 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

Blue Vista Capital LLC _____, mgr
 Name of Entity (corporation, LLC, partnership, etc) Signature
MANAGER Peter Bell
 Title of Signatory Typed or Printed Name

State of WI
 County of Waukesha

The foregoing instrument was sworn to (or affirmed) and subscribed
 before me this 6th day of June by PETER BELL
Date Name of person under oath or affirmation
 who is personally known to me or who has produced _____
Type of identification

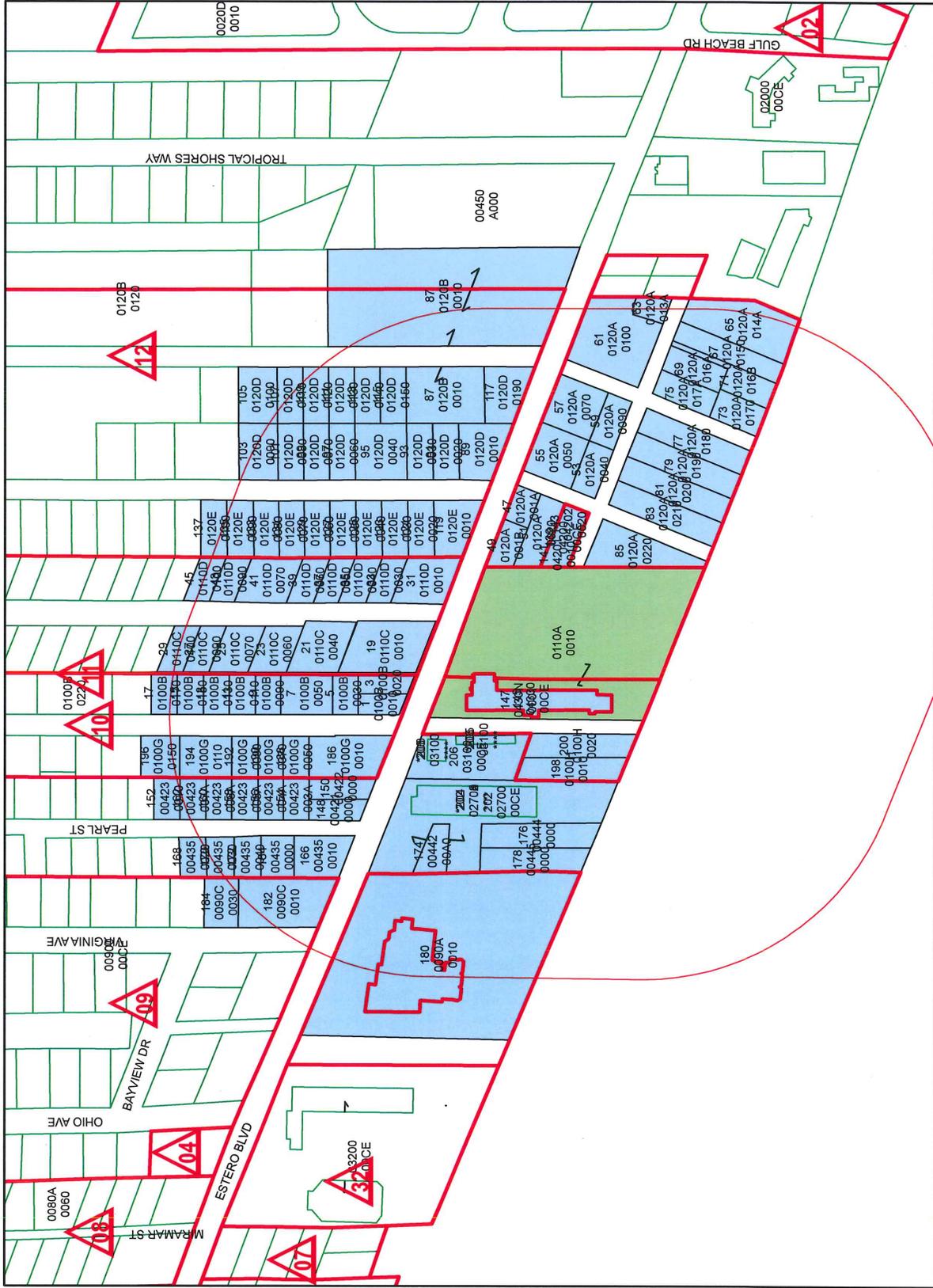
as identification.
William C. Niemann WILLIAM C. NIEMANN
 Signature of person administering oath Typed or Printed Name



6/5/2012

VARIANCE REPORT

Subject Parcels : 1 Affected Parcels : 147 Buffer Distance : 500 ft

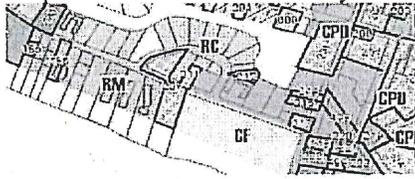


19-46-24-W3-0110A.0010

Case # FMBVAR2012-0001
 Planner hl

Date Received 1/3/12
 Date of Sufficiency/Completeness _____

Town of Fort Myers Beach
 Department of Community Development



TOWN OF
 FORT MYERS BEACH

JAN - 3 2012

Zoning Division

RECEIVED BY

Supplement PH-B

Additional Required Information for a
 Variance Application

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

Case Number:
Project Name: <u>The Neptune Inn</u>
Authorized Applicant: <u>Blue Vista Capital LLC, by Peter Bell, mca</u>
LeePA STRAP Number: <u>19-46-24-003-0430A, 0001</u>

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

Variance is requested from:

LDC Section Number	Title of Section or Subsection

Complete the narrative statements below for EACH variance requested.

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

PART I
Narrative Statements

Request for variance from _____ (LDC Section number)

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

See Attached

Reasons for request

Explain why the variance is needed:

See Attached

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

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

See Attached

Supplement PH-B

December 30, 2011

Project Name: 2310 Estero Blvd, Ft. Myers Beach FL

Applicant: Blue Vista Capital LLC, d/b/a The Neptune Inn
Peter Bell, Manager

Lee Strap #: 19-46-24-003-0430A.0001

Part I: Narrative Statements:

A Request for variance:

Current signage restricts signs to be greater than 60" above the ground level

B. Reasons for request:

The current hedgerow is a mature, extensive greenspace that shields the parking and cars @ The Neptune Inn; this provides a 'softer landscape view' to the public along Estero Blvd

C. Possible effect variance on surrounding properties:

Variance, if granted, would have a positive effect on surrounding commercial properties, providing greenspace along Estero Blvd

D. Hardship that justifies relief from regulation:

Neptune Inn is an iconic, beach resort that has recently undergone a major renovation to reposition this property an 'upscale hospitality resort'. Street 'curb appeal' is essential to the traveling public, and this hedgerow is an integral part of this. In particular softens the approach to the public and the guests shielding the parking lot and cars

E. Property qualifies for variance (LDC Section 34-87):

- 1) Current hedgerow has been in place for several decades and to remove this 'green feature' would create an unintended hardscape view of The Neptune Inn parking lot and cars. Currently this hedgerow shields from public view along Estero Blvd the cars and lot serving The Neptune Inn
- 2) Estero Blvd hedgerow has been in place for several decades and removal of this, longstanding existing hedgerow would have the unintended result of the public now viewing the parking lot and cars at The Neptune Inn
- 3) Current hedgerow is 54" +/-, very mature and attractive, removing or reducing this hedgerow, would compromise the intended effect, greenscape barrier to parking lot and cars
- 4) Variance would continue to provide greenspace to a commercial area, and thus breaking up the concrete/asphalt that dominates this corridor, a greenspace benefit to the public
- 5) This variance request is specific to the Neptune Inn

D/F Internally Illuminated Pylon



PROPOSED - NORTH

SEE DRAWING #B62073 FOR SIZE AND SPECIFICATIONS.

THIS IS A PRELIMINARY DRAWING. IT IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE WRITTEN APPROVAL OF KIEFFER & CO., INC. ALL DIMENSIONS SHOWN ARE UNLESS OTHERWISE SPECIFIED.
 © 2011 KIEFFER & CO., INC.
 535 Bond Street - Lincroft, NJ, 08059
 PHONE: (847) 520-1255 FAX: (847) 520-1543
www.kieffer-signs.com

CUSTOMER: **THE NEXTTUNE.**

LOCATION: E. Meyers Beach, FL
 SALES: Mike Miele DESIGNER: MSO
 DATE: 12/16/11

Artwork
 Design
 Survey
 All Items Checked to Scale/Order
 LISTED
 COMPANION FILES

PRODUCTION PROCESSING

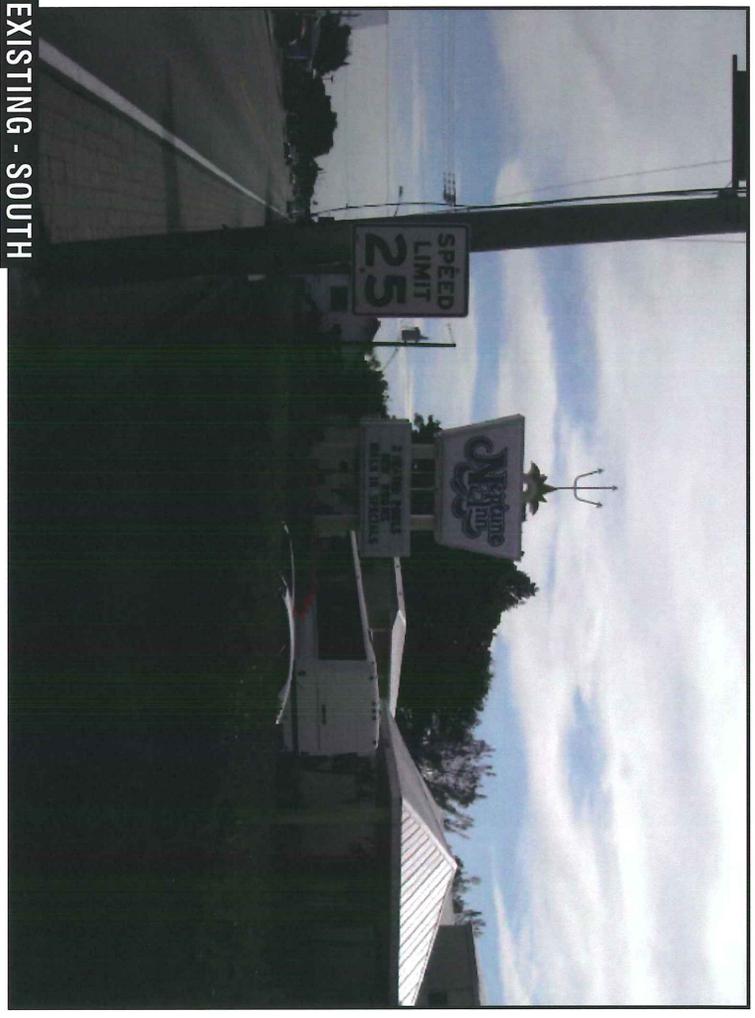
Kieffer Item # _____
 Job # _____
 -001 _____
 -002 _____
 -003 _____

INITIALS: DATE:
 MSO 12-22-11

REVISION:		
A	LOWER SIGN TO HEDGE LINE	.....
B		.....
C		.....
D		.....
E		.....
F		.....
G		.....
H		.....
I		.....
J		.....

B62073B

D/F Internally Illuminated Pylon



EXISTING - SOUTH

Kieffer
& CO., INC.

THIS IS AN INITIAL PRODUCTION DRAWING. IT IS THE PROPERTY OF KIEFFER & CO., INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. THE CUSTOMER AGREES TO HOLD KIEFFER & CO., INC. HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR FROM THIS AGREEMENT.

© 2011 KIEFFER & CO., INC.
585 Bond Street - Lincolnshire, IL 60069
PHONE: (647) 520-1235 FAX: (647) 520-1543
www.kieffersigns.com

CUSTOMER: **THE NEPTUNE.**

LOCATION: Ft. Meyers Beach, FL
SALES: Mike Mele **DESIGNER:** MSO
DATE: 12/16/11

Artwork
 Design
 Survey
All Items checked to Site Order

UL
US
LISTED

COMPANION FILES

PRODUCTION PROCESSING

Kieffer Item # _____
Job # _____
-001 _____
-002 _____
-003 _____

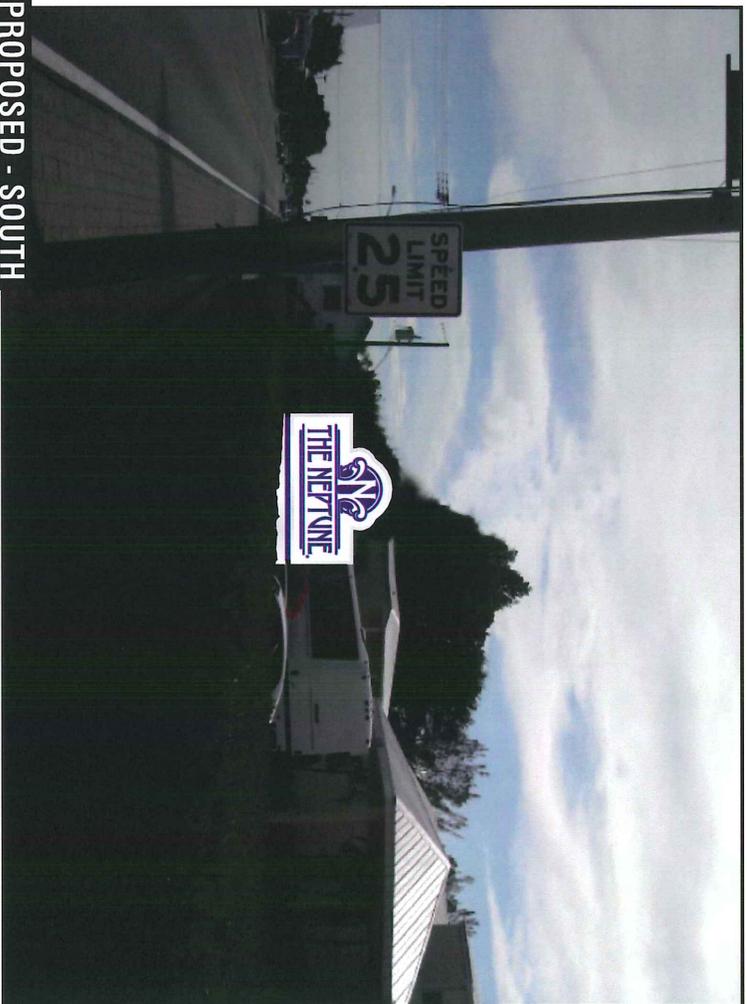
INITIALS: DATE:
MSO 12-22-11

REVISION:

A	LOWER SIGN TO HEDGE LINE	_____	_____
B	_____	_____	_____
C	_____	_____	_____
D	_____	_____	_____
E	_____	_____	_____
F	_____	_____	_____
G	_____	_____	_____
H	_____	_____	_____
I	_____	_____	_____
J	_____	_____	_____

B62073C

D/F Internally Illuminated Pylon



PROPOSED - SOUTH

SEE DRAWING #B62073 FOR SIZE AND SPECIFICATIONS.

THIS IS AN ORIGINAL PRODUCTION SIGNAGE. IT IS THE PROPERTY OF KLEFFER & CO., INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. THE SIGNAGE IS THE PROPERTY OF KLEFFER & CO., INC.

© 2011 KEEPER & CO., INC.
585 Bond Street - Lincolnshire, IL 60069
PHONE: (847) 520-1295 FAX: (847) 520-1543
www.kleffersigns.com

CUSTOMER: **THE NEPTUNE.**

LOCATION: Ft. Meyers Beach, FL
SALES: Mike Miele DESIGNER: MSO
DATE: 12/16/11

Artwork
 Design
 Survey
All items checked to order.
UL
LISTED
COMPANION FILES

PRODUCTION PROCESSING

Kleffer Item # _____
Job # _____
-001 _____
-002 _____
-003 _____

INITIALS: DATE:
MSO 12-22-11

REVISION:	INITIALS:	DATE:
A LOWER SIGN TO HEDGE LINE		
B		
C		
D		
E		
F		
G		
H		

B62073D