



# *Town of Fort Myers Beach*

## **Memorandum**

**To:** Local Planning Agency  
**From:** Leslee Chapman, Zoning Coordinator  
**CC:** Walter Fluegel, Community Development Director  
**Date:** October 3, 2012  
**Re:** VAR2011-0007, Moss Marine Sign Variance Application

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As directed by the LPA at the August 14<sup>th</sup> hearing, the applicant for Moss Marine and Staff have worked together to more precisely identify the actual and total sign area on the subject property through photos and measurements. The applicant has provided *Exhibit H*, see attached, which provides a visual of each sign as identified on a site visit by both Staff (Leslee Chapman) and the applicant (Emily McDaniel). Staff has provided *Exhibit I* which is a spreadsheet with numbers illustrating total square feet of signage on the subject property.

Also as directed by the LPA, the applicant has applied for designation for a Historically Significant Sign per LDC Section 30-57 for the roof sign on one of their storage barn. That request and justification will be heard under case number HDD2012-0001. Please see additional Memo for Staff's analysis of this request.

At the Monday October 1 Town Council meeting, two variances heard by the LPA at their August 14<sup>th</sup> meeting were heard by Council. Council made it very clear during both the hearings that they were not comfortable with the amount of information and analysis presented by the applicants justifying their variance requests. Council moved to continue both those hearings pending additional information from the applicants.

With this in mind, Staff does not feel that the level of analysis and justification provided by the applicant for this case will meet with the standards set by Council at Monday's meeting. Keep in mind the burden of proof in justifying a variance always remains with the applicant as they must provide evidence that a hardship exists

For example while *Exhibit H* is helpful in identifying all the signs on the subject property, this additional information requires an update to *Exhibit B* (site plan) locating each sign on the subject property, which is not included.

Further, as illustrated in *Exhibit I*, the applicant has removed a few signs (shaded in gray) and is proposing to remove one more additional sign (shaded in yellow). They are requesting to keep the remaining signs, however, and the justification as to why each sign should remain and why no other signs can be removed is not included. Staff suggests that one way for the applicant to address this is by providing a narrative for each sign in *Exhibit H* explaining why a variance is warranted for that particular sign.

The Staff report explained that there are two businesses located on the subject property each entitled to 32 square feet. Final tabulation of total on-site signage has resulted in the Big M with 168.25 square feet and Moss Marine with 311 square feet. This continues to be an expansive request made by the applicant to retain such a sizeable amount of signage with virtually no rational or justification for the request.

Staff is requesting that LPA continue case VAR2011-0007 to allow the applicant time to provide additional documents and the level of analysis that is necessary for the case to proceed through the LPA and onto Council. Staff recommends a continuance to the December 11, 2012 LPA meeting with materials due to Staff no later than November 13, 2012.

<p><b>Moss Marine</b></p>	<p>Case</p>	<p>FMBVAR2011-0007</p>	



**Shot 1: Sandwich Board**  
**ACTION: Removed**



**Shot 2: Shell Fuel Sign**  
**ACTION: Required for Fuel Contract with Shell Oil**



**Shot 3: Live Bait**  
**ACTION: Removed**



**Shot 4: Water View of Ship Store**

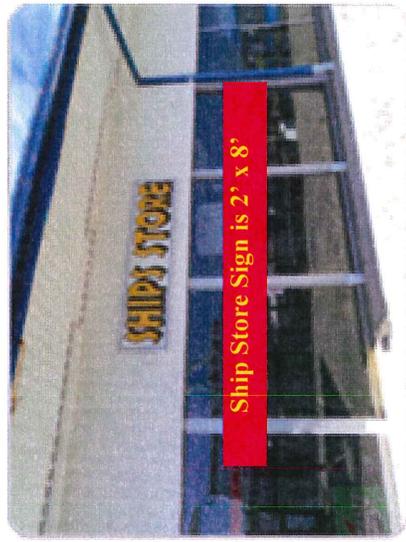


**Shot 5: Banner Sign**  
**ACTION: Removed**



**Shot 6: Live Bait Banner Sign**  
**ACTION: Removed**

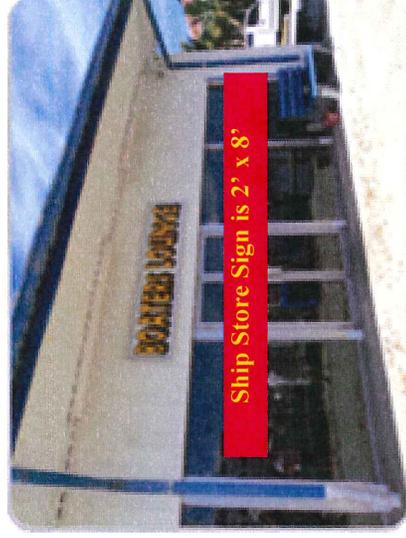
<p style="text-align: center;"><b>Moss Marine</b></p>	<p style="text-align: center;">Case</p>	<p style="text-align: center;">FMBVAR2011-0007</p>	



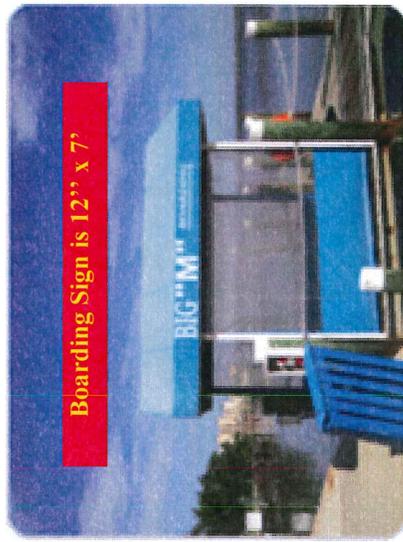
**Shot 7:** Ship Store Identifier  
**ACTION:** Would like to keep



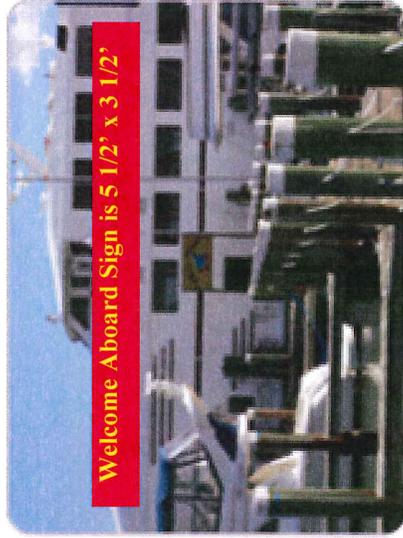
**Shot 8:** Moss/Casino sign on store  
**ACTION:** Can be removed



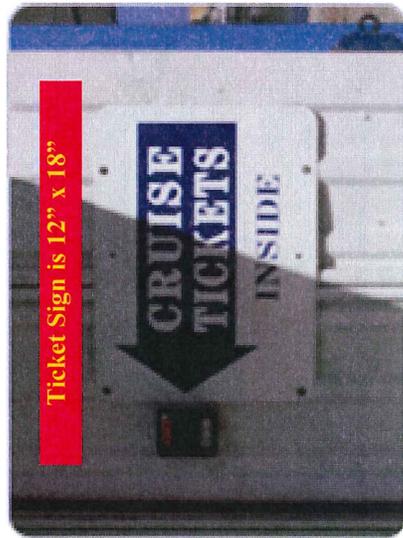
**Shot 9:** Boaters Lounge  
**ACTION:** Would like to keep, but could move into window



**Shot 10:** Big M Boarding Area  
**ACTION:** Would like to keep, boarding passes are taken here

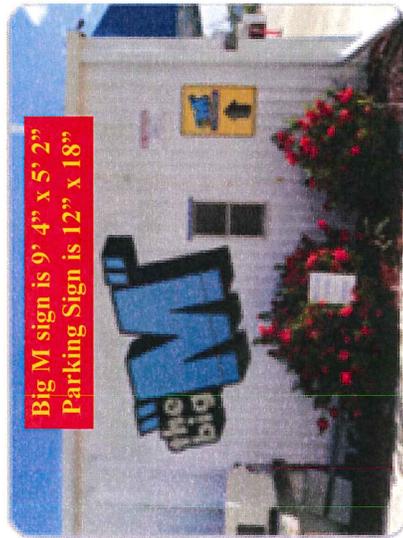


**Shot 11:** Welcome Aboard  
**ACTION:** Would like to keep, but can live with out



**Shot 12:** Direction to Ticket office  
**ACTION:** Would like to keep

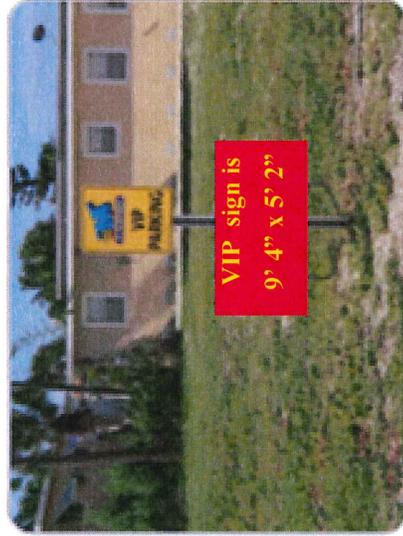
<p><b>Moss Marine</b></p>	<p>Case</p>	<p>FMBVAR2011-0007</p>
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Big M sign is 9' 4" x 5' 2"  
Parking Sign is 12" x 18"

**Shot 13:** Commercial Identifier & Directional for valet parking

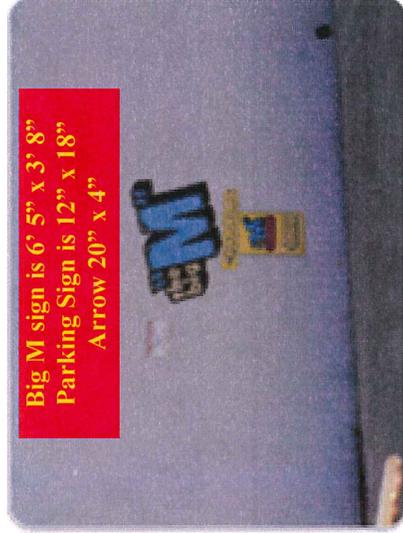
**ACTION:** Would like to keep both



VIP sign is 9' 4" x 5' 2"

**Shot 14:** VIP Parking Identifier

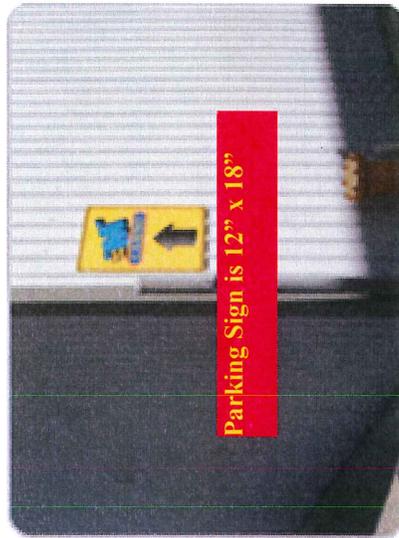
**ACTION:** Would like to keep



Big M sign is 6' 5" x 3' 8"  
Parking Sign is 12" x 18"  
Arrow 20" x 4"

**Shot 15:** Commercial Identifier & Directional for Parking

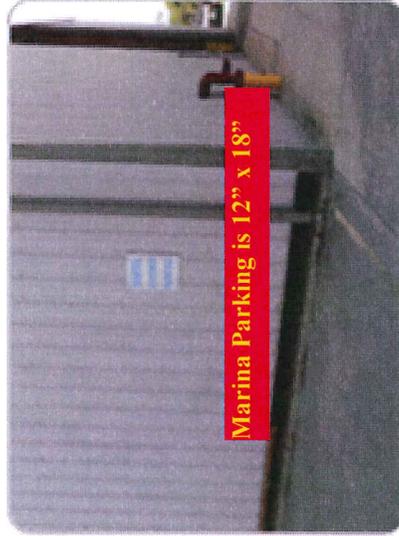
**ACTION:** Willing to remove "the big M"



Parking Sign is 12" x 18"

**Shot 16:** Directional (located on back of property)

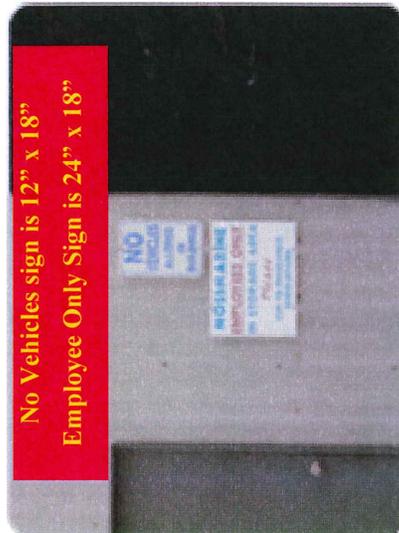
**ACTION:** Would like to keep



Marina Parking is 12" x 18"

**Shot 17:** Marina Guest Parking Identifier

**ACTION:** Would like to keep

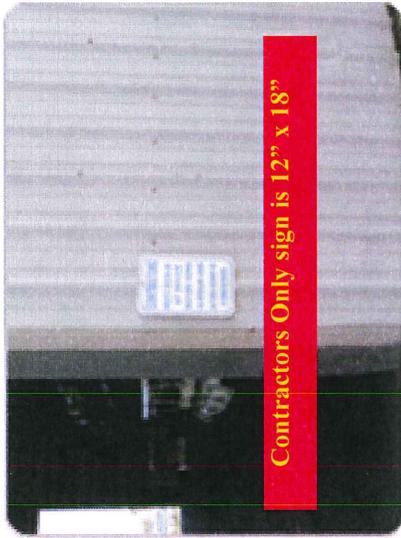


No Vehicles sign is 12" x 18"  
Employee Only Sign is 24" x 18"

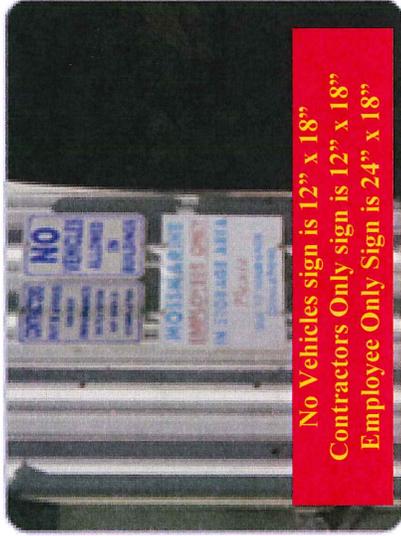
**Shot 18:** Insurance required Liability Signs

**ACTION:** Have to keep per insurance

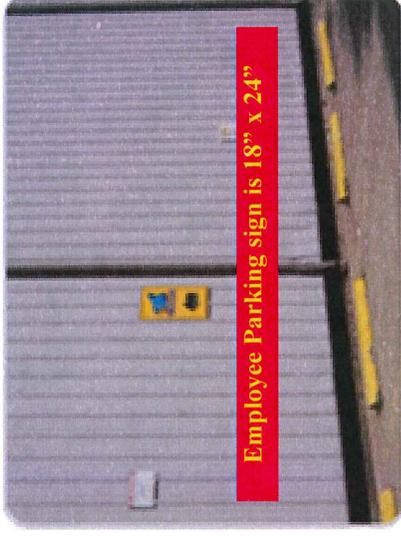
<b>Moss Marine</b>		Case	FMBVAR2011-0007		



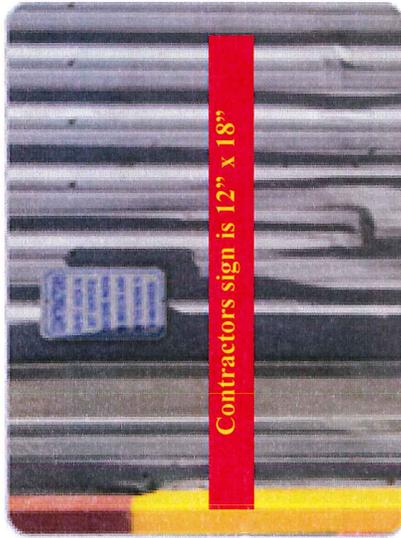
**Shot 19: Contractor Sign**  
**ACTION: Required by insurance**



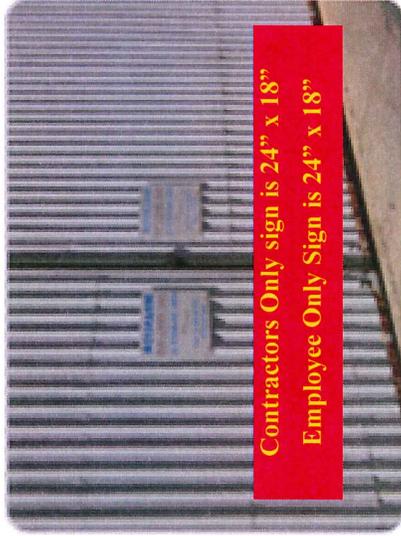
**Shot 20: Employee/Contractor/Vehicle**  
**ACTION: Required by insurance**



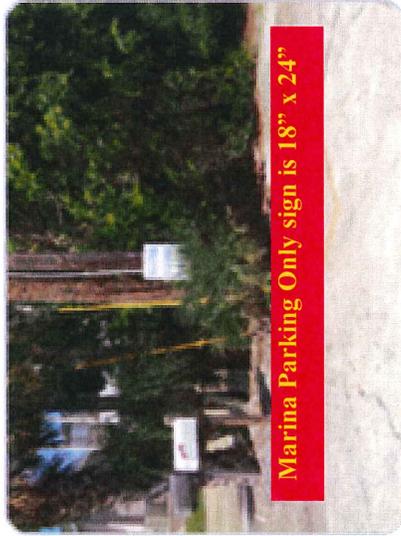
**Shot 21: Directional for parking**  
**ACTION: Would like to keep**



**Shot 22: Contractors**  
**ACTION: Required by insurance**

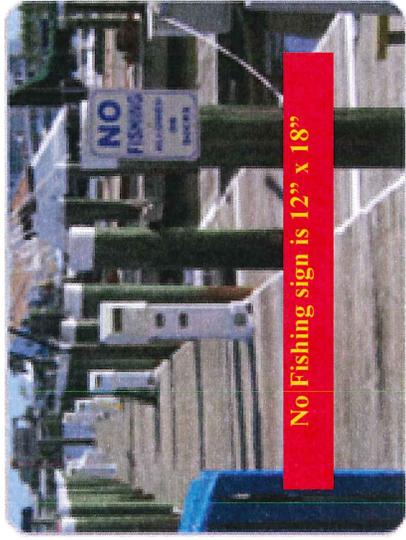


**Shot 23: Employees Only**  
**ACTION: Required by insurance**

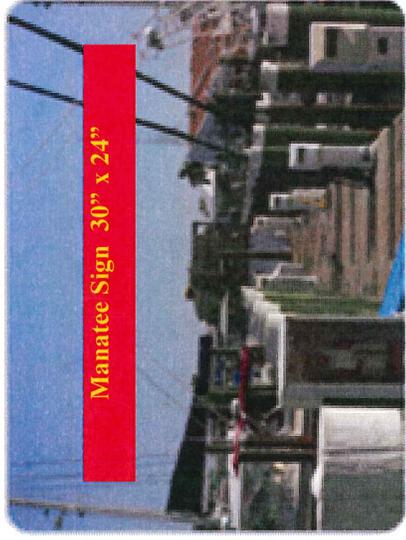


**Shot 24: Marina Parking**  
**ACTION: Would like to keep**

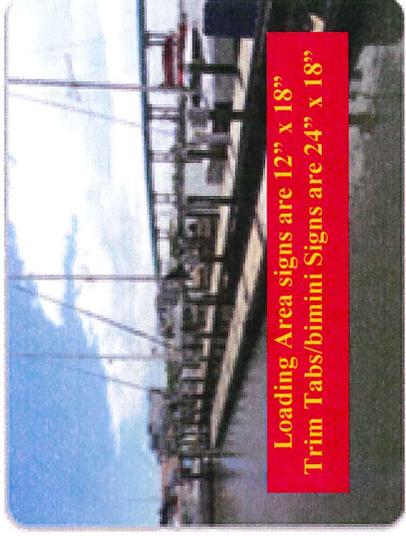
<b>Moss Marine</b>		FMBVAR2011-0007	
		Case	



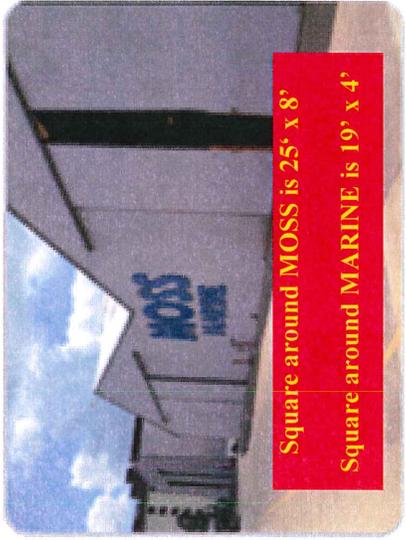
**Shot 25:** NO Fishing  
**ACTION:** Notice/Dock rules



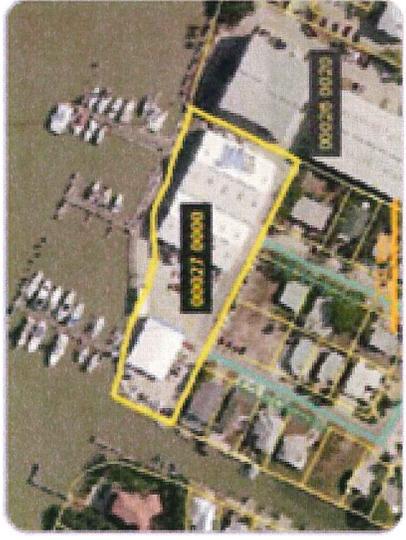
**Shot 26:** Manatee Sign  
**ACTION:** Required by FWC & DEP



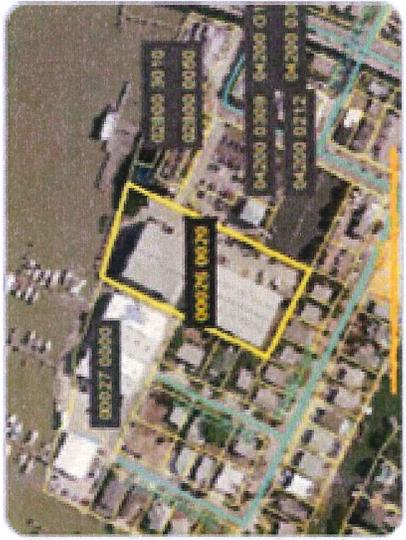
**Shot 27:** Loading Area Signs  
**ACTION:** Would like to keep



**Shot 28:** MOSS MARINE Identifier  
**ACTION:** Would like to keep



**Shot 29:** Highlighted area shows ship store and A/B barn



**Shot 30:** Highlighted area shows C&D barns

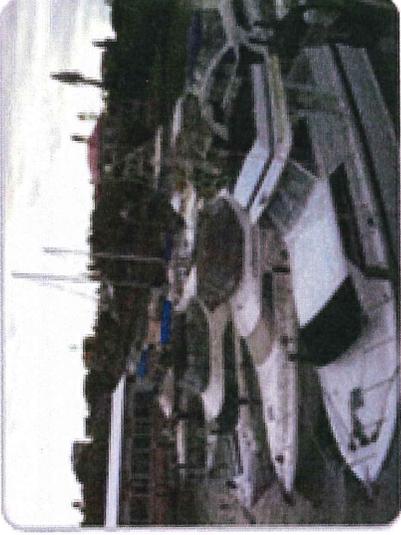
<b>Moss Marine</b>	Case	FMBVAR2011-0007		



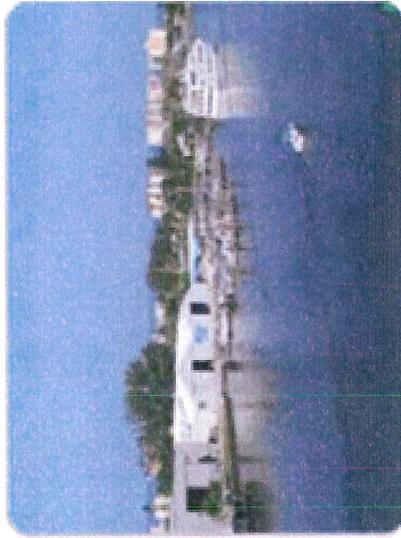
**Shot 31:** Property Photo showing how NON invasive the existing signs are in relation to the buildings & property size



**Shot 32:** Property Photo showing how NON invasive the existing signs are in relation to the buildings & property size



**Shot 33:** Ship Store signs from the docks



**Shot 34:** Property Photo showing how NON invasive the existing signs are in relation to the buildings & property size



**Shot 35:** Roof Sign "the big M"

EXHIBIT I

	Business	Sign Type	Size	Action	Request
Shot 1	Big M Casino	Sandwich Board	n/a	Removed	n/a
Shot 2	Moss Marine	Pole	37		Retain
Shot 3	Moss Marine	Banner	n/a	Removed	
Shot 4	n/a	n/a	n/a	n/a	n/a
Shot 5	Moss Marine	Banner	n/a	Removed	n/a
Shot 6	Moss Marine	Banner	n/a	Removed	n/a
Shot 7	Big M Casino	Wall	16		Retain
Shot 8	Big M Casino	Wall	27.25	Will be Removed	
Shot 9	Big M Casino	Wall	16		Retain
Shot 10	Big M Casino	Awning	7		Retain
Shot 11	Big M Casino	Wall	19.25		Retain
Shot 12	Big M Casino	Directional	1.5		Retain
Shot 13a	Big M Casino	Wall	47.5		Retain
Shot 13b	Big M Casino	Directional	1.5		Retain
Shot 14	Big M Casino	Pole	1.5		Retain
Shot 15a	Big M Casino	Wall	23.75		Retain
Shot 15b	Big M Casino	Directional	1.5		Retain
Shot 15c	Big M Casino	Directional	1		Retain
Shot 16	Big M Casino	Directional	1.5		Retain
Shot 17	Moss Marine	Directional	1.5		Retain
Shot 18a	Moss Marine	Informational	1.5	Required By Insurance	Retain
Shot 18b	Moss Marine	Informational	3	Required By Insurance	Retain
Shot 19	Moss Marine	Informational	1.5	Required By Insurance	Retain
Shot 20a	Moss Marine	Informational	1.5	Required By Insurance	Retain
Shot 20b	Moss Marine	Informational	1.5	Required By Insurance	Retain
Shot 20c	Moss Marine	Informational	3	Required By Insurance	Retain
Shot 21	Big M Casino	Directional	3		Retain
Shot 22	Moss Marine	Informational	1.5	Required By Insurance	Retain
Shot 23a	Moss Marine	Informational	3	Required By Insurance	Retain
Shot 23b	Moss Marine	Informational	3	Required By Insurance	Retain
Shot 24	Moss Marine	Informational	3		Retain
Shot 25	Moss Marine	Informational	1.5		Retain
Shot 26	Moss Marine	Government	5	Required By FWC & DEP	Retain
Shot 27a	Moss Marine	Informational	1.5		Retain
Shot 27b	Moss Marine	Informational	3		Retain
Shot 28a	Moss Marine	Wall	200		Retain
Shot 28b	Moss Marine	Wall	76		Retain

<b>Big M Grand Total</b>	<b>168.25</b>
Big M Commercial Message	128
Big M Directional w/cm	13
Big M Remove	27.25

<b>Moss Marine Grand Total</b>	<b>311</b>
Moss Marine Commercial Message	276
Moss Marine Directional w/cm	1.5
Moss Marine Incidental	28.5
Moss Marine Government	5