

Matt Noble

From: Robert Burandt <robert@capecoralattorney.com>
Sent: Friday, March 27, 2015 2:17 PM
To: Matt Noble
Subject: Re: Lani Kai Signs

Please add to our request an increase in total signage from 272 sq ft to 304 sq ft in order to complete the project as requested

Bob Burandt

Sent from my iPhone:
Robert Burandt

On Mar 27, 2015, at 11:47 AM, Matt Noble <matt@fortmyersbeachfl.gov> wrote:

ok

From: Robert Burandt [<mailto:robert@capecoralattorney.com>]
Sent: Friday, March 27, 2015 11:14 AM
To: Matt Noble
Subject: Re: Lani Kai Signs

How about 1:45

Burandt

On Mar 27, 2015, at 9:56 AM, Matt Noble <matt@fortmyersbeachfl.gov> wrote:

Anytime after 1:30 today is good....

From: Robert Burandt [<mailto:robert@capecoralattorney.com>]
Sent: Thursday, March 26, 2015 10:07 PM
To: Matt Noble
Subject: Re: Lani Kai Signs

I can meet you on Friday

Burandt

On Mar 26, 2015, at 4:43 PM, Matt Noble <matt@fortmyersbeachfl.gov> wrote:

This is what I have for the request:

This request involves 4 signs located on 3 separate parcels. The applicant is seeking a variance from the sign illumination requirement from LDC section 30-154(a) to allow internally illuminated signs with black out letters for all 4 signs. The applicant is seeking a variance from the right-of-way setback requirements of

Matt Noble

From: Robert Burandt <robert@capecoralattorney.com>
Sent: Wednesday, March 25, 2015 10:46 AM
To: Matt Noble
Subject: RE: Lani Kai Signs

Yes on all of the below.

Bob

From: Matt Noble [mailto:matt@fortmyersbeachfl.gov]
Sent: Wednesday, March 25, 2015 9:53 AM
To: Robert Burandt
Subject: RE: Lani Kai Signs

I am working on the staff report. Please clarify, does the 1.5 foot setback variance (from section 30-93(b)) from ROW apply to all signs? The old V sign which was located at 1479 Estero Blvd is now proposed to be replaced with a monument sign, limited to 7 feet in height. The old 2 pole sign which used to be located at 1331 Estero Blvd is now proposed to be located at 1325 Estero Blvd in the small turfed area between the road and the parking lot and limited to 7 feet in height.

From: Robert Burandt [mailto:robert@capecoralattorney.com]
Sent: Tuesday, March 24, 2015 9:57 AM
To: Matt Noble
Subject: Re: Lani Kai Signs

Good morning Mat:

Please give me an up date and let me know if I can do anything to help you

Also are we on the LPA docket for April?

Bob

Sent from my iPhone:
Robert Burandt

On Mar 10, 2015, at 8:25 AM, Matt Noble <matt@fortmyersbeachfl.gov> wrote:

- (3) *Findings*. Before granting any variance, the town council must find that all of the following exist:
- 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;
 - b. That the conditions justifying the variance

Matt Noble

From: Robert Burandt <robert@capecoralattorney.com>
Sent: Wednesday, March 25, 2015 10:42 AM
To: Matt Noble
Subject: RE: Lani Kai Signs

Yes the old V base will be removed and a new base similar to the ones at 1400 will be installed.

Bob

From: Matt Noble [<mailto:matt@fortmyersbeachfl.gov>]
Sent: Wednesday, March 25, 2015 10:29 AM
To: Robert Burandt
Subject: RE: Lani Kai Signs

The old base at 1479 Estero Blvd is now proposed to be removed, i.e., not used in the new sign, please confirm that for me...

From: Robert Burandt [<mailto:robert@capecoralattorney.com>]
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- (3) *Findings*. Before granting any variance, the town council must find that all of the following exist:
- 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;
 - 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;

Matt Noble

From: Robert Burandt <robert@capecoralattorney.com>
Sent: Tuesday, March 10, 2015 11:16 AM
To: Matt Noble
Subject: RE: Lani Kai Signs

- (A) As to 1400 & 1479 There are Exceptional or extraordinary conditions and circumstances that are inherent to the property in question. First of all the Hotels at both locations were designed to have signs out front near the Street so that persons could locate the Hotels without stopping in the middle of the road. The signs were designed with the size and the locations of the structures so that they would be easily notice and the Hotel would be immediately recognized. At the both hotel Locations there are visible obstructions that would prevent the signs from being scene if they were required to comply with the ordinance and there are no other options for placing these signs on the property. Their request is a de minimis variance they are simple requesting to go back to what they had, which was the original approved design. Across the street at the small hotel they are actually asking for less than what they had as well as the parking lot across the street, but again they need the variance for height and location in order for the signs to be visible to the public,
- (B) The conditions justifying the variance are not the result of the actions of the applicant, the applicant had previously approved signs but took them down in compliance with code enforcement.
- (C) The variance granted is the minimum variance, once again the signs at 1400 are similar to what was previously approved and constructed pursuant to the original design of the buildings. The signs at the hotel across the street and in the parking lot are actually smaller in size than was previously there and are necessary to protect the public, because they not only need to be scene but they need to be recognized.
- (D) The granting of the variance will not be injurious to the neighborhood or detrimental to the public welfare, again the signs at the 1400 location will replace what was previously their and no one has been injured by the prev. signs. The signs across the street are smaller and all signs will be new up graded signs, constructed according to current codes.
- (E) The conditions or circumstance on this specific piece of property are unique to this property and new construction would take into consideration the current code and there it is not reasonable or practical to amend the regulation in question.

I hope this helps, please get me on the next agenda.

Bob