

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 99- 30

WHEREAS, construction board of adjustment and appeals is authorized to grant variances from base flood elevation requirements upon a clear showing by the applicant that an exceptional hardship would result from compliance with the requirements; and,

WHEREAS, the subject property is located at Center Street, between Old San Carlos Blvd and intersection of 5th St. and San Carlos Blvd., and more particularly described as; That part of Center Street as shown on the Recorded Plat of Business Center Subdivision, according to the map or plat thereof as recorded in P.B. 9, pages 9 & 10, of the Public Records of said Lee County, lying Southeasterly of the Southeasterly right-of-way line of San Carlos Blvd. and Northwesterly of the existing State Road 865. (Said parcel lies Northerly and Northeasterly of said Business Center Subdivision). Ft. Myers Beach, in S34-T46S-R24E, Lee County, Florida; and,

WHEREAS, a public hearing was held before the Town Council, acting as the construction board of adjustment and appeals, at which time the council considered the recommendations and testimony of the staff, testimony from the applicant, and testimony from the public; and,

WHEREAS, the council considered the following criteria for variances:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, in the case of a functionally dependent facility;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, and the effects of wave action, if applicable, expected at the site; and

- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

IT IS THE FINDING of this council that, based upon the application and competent substantial evidence presented at the hearing, the following conditions exist:

- (1) The variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing regulations or ordinances; and
- (2) The lot or parcel in question is so small and has unusual characteristics such that the prescribed standards cannot be met without some relief so as to allow a reasonable use of the property; and
- (3) The requested variance is the minimum necessary, considering the flood hazard, to afford relief.

NOW THEREFORE BE IT RESOLVED THAT THE VARIANCE REQUESTED IN THE ATTACHED EXHIBIT 'A', IS APPROVED TO ALLOW THE GARAGE AND PUBLIC RESTROOMS TO BE BUILT ON THE SUBJECT PROPERTY USING WET-FLOODPROOFING TECHNIQUES, WITH ALL ELECTRICAL EQUIPMENT TO BE INSTALLED ABOVE THE BASE FLOOD ELEVATION AND WITH SUITABLE OPENINGS PROVIDED TO EQUALIZE HYDROSTATIC FORCES DURING FLOODING.

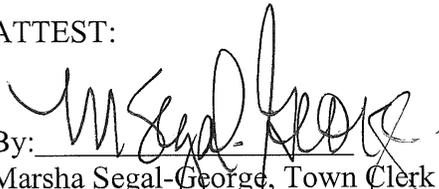
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

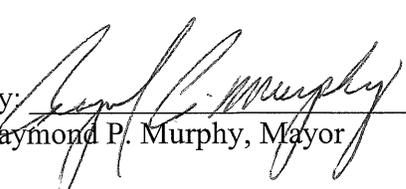
Anita T. Cereceda	aye
Daniel Hughes	aye
John Mulholland	aye
Garr Reynolds	aye
Ray Murphy	aye

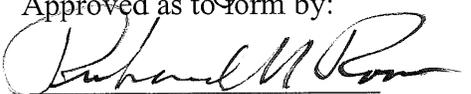
APPLICATION DULY DENIED/GRANTED this 30th day of August, 1999.

ATTEST:

TOWN OF FORT MYERS BEACH

By:   
Marsha Segal-George, Town Clerk  
Approved as to form by:

By:   
Raymond P. Murphy, Mayor

  
Richard V.S. Roosa, Town Attorney

~~LEE COUNTY~~ BOARD OF ADJUSTMENTS AND APPEALS

NAME Bill Spikowski ADDRESS: Spikowski Planning Associates  
1617 Hendry Street, Suite 416  
PHONE 334-8866 Fort Myers, Florida 33901

REPRESENTING Town of Fort Myers Beach  
NAME OF BUILDING OFFICIAL WHO REVIEWED PLAN: Bob Stewart

Title Flood Insurance Coordinator

IS THIS A (VARIANCE) OR AN APPEAL? (PLEASE CIRCLE ONE)

PROVIDE SPECIFIC SECTION(S) OF CODE OR ORDINANCE BEING APPEALED:

FLOOD PLAIN MANAGEMENT Section 6-472

COASTAL PLAIN MANAGEMENT \_\_\_\_\_

BUILDING CODE \_\_\_\_\_

L. D. C. \_\_\_\_\_

FIRE CODE \_\_\_\_\_

LIFE SAFETY CODE \_\_\_\_\_

PLUMBING \_\_\_\_\_

MECHANICAL \_\_\_\_\_

I REQUEST THAT THIS MATTER BE SCHEDULED FOR A HEARING BEFORE THE ~~LEE COUNTY~~ BOARD OF ADJUSTMENTS AND APPEALS. MY REASON FOR THIS REQUEST IS AS FOLLOWS:

(Provide additional sheets if needed.)

Fort Myers Beach Compactor Garage -- see attached sheets

SIGNED: William M. Sebastiani  
DATE: August 18, 1999

STATE OF FLORIDA:

COUNTY OF LEE

SWORN AND SUBSCRIBED BEFORE ME THIS 18<sup>th</sup> DAY OF AUGUST, 1999

MY COMMISSION EXPIRES \_\_\_\_\_

Maria C. Silva  
NOTARY PUBLIC personally known



**MARIA C. SILVA**  
COMMISSION # CC 4781  
EXPIRES AUG 19, 1999  
BONDED THRU  
ATLANTIC BONDING CO., INC.

**NOTE:** Provide twenty (20) copies of all references for reason of appeal. If there are sealed plans/drawings for the project for which the appeal/variance is requested, the architect/engineer who sealed the plans or drawings **MUST** be present at the hearing.

## **Fort Myers Beach Compactor Garage**

This a request for a variance from Section 6-472 of the Land Development Code (floodplain regulations) to allow the construction of a compactor garage at Fort Myers Beach.

In 1997, Lee County built the popular Times Square pedestrian mall next to the county park and fishing pier on Estero Island. Due to the street closings, individual businesses (mainly restaurants) lost their ability to have curbside trash pickup. Until May of this year, the Lee County parks department moved trash several times daily from each business to remote dumpsters; however, the county has stopped providing that service.

The Town of Fort Myers Beach is now responsible for maintenance of the pedestrian mall, and has examined numerous alternatives for handling trash from these businesses and adjoining public spaces. The selected alternative is to build a small garage nearby (but landward of the V-zone and the coastal construction control line) which would enclose a trash compactor and other services for the pedestrian mall. A town employee or contractor would roll individual 95-gallon trash receptacles to the compactor and empty them there. When the compactor is full (weekly during the tourist season), the entire unit will rolled out of the garage, hoisted onto a hauler's truck, and emptied at Lee County's incinerator.

An ideal site for this garage has been found on the old 60' right-of-way for Center Street, which has been closed to traffic since the Sky Bridge opened in 1978. A site plan showing the building is attached, along with a floor plan and front elevation.

This garage will be in a prominent location at the entrance to Fort Myers Beach, so it has been given an attractive design including a gazebo. The building would also contain a separate garage for the town's maintenance truck, restrooms, and a drinking fountain. The building must contain all odors from the trash compactor; thus, the compactor garage will be air conditioned and contain additional odor-control devices using ozone or deodorizing chemicals.

Blueprints for this building are nearly complete and construction is planned for this fall. Bob Stewart has indicated that a floodplain variance may be needed before a building permit can be issued. To avoid any delays in the construction schedule, this application has filed to obtain the variance.

At this location, there are three alternatives for protection from coastal flooding:

1. Elevate the floor of the building above the base flood elevation (12', which is about 7½' above existing grade). This alternative is not practical because the trash compactor must be removed weekly for emptying; an extremely large and long ramp would be required for this purpose. A ramp at this location would eliminate the entire beach parking lot along Center Street and would severely increase flooding on adjoining properties.