

**MINUTES
FORT MYERS BEACH
Code Enforcement**

Town Hall – Council Chambers
2523 Estero Boulevard
Fort Myers Beach, FL 33931

Wednesday, March 6, 2013

Hearing Examiner-Magistrate: Mr. Joe Madden

Code Enforcement Officers for Fort Myers Beach: Mr. Robert Mercado

Mr. Madden swore in those providing testimony.

CASES TO BE HEARD:

1) DEFENDANT: WINDS
SUBJECT: LDC Sections: 30-153 (b) (1) Commercial Uses
in Zoning districts (signage)
LOCATION: 150 San Carlos Blvd,
STRAP NO.: 24-46-23-W3-0020-70000
CODE OFFICER: ROBERT MERCADO
REFERENCE NO.: CE12-0023

Town Attorney Miller noted the defendant would like the case to be continued to April 3, 2013.

2) DEFENDANT: Huntingburg Partners LTD McDonalds #13879
SUBJECT: LDC Sections: 30-56 (a) Non-conforming signs
30- 153- Maximum sign area
SITE ADDRESS: 1135 Estero Blvd
STRAP NO: 24-46-23-W3-0000.60000
CODE OFFICER: Robert Mercado
REFERENCE NO: CE12-0021

Mr. Mercado stated they were in compliance and wanted to withdraw the case.

3) DEFENDANT: Light House Island Resort In..
SUBJECT: LDC Sections: 30-153 Maximum sign area, 30-154 (b) –
Standards for Monuments signs & wall signs in commercial
area zoning districts
SITE ADDRESS: 1051 Fifth St
STRAP NO: 24-46-23-W3-3002.50060
CODE OFFICER: Robert Mercado
REFERENCE NO: CE12-0031

Mr. Mercado reviewed how the company was in violation. He introduced Josh Overmyer, the Planning Coordinator who had been working on the case.

Mr. Overmyer reviewed the signs and violations related to each. He stated the applicant had applied for a variance in 2011. However, the case was reassigned to him in February 2012. In April 2012 he sent them an insufficiency letter because the property was zoned Commercial Planning Development (CPD) and they needed to file an amendment to the CPD. On June 21, 2012 he met with the Town Attorney, Community Development Director and attorney representing the defendant. He advised the defendant was advised of what they would need to be in compliance.

Mr. Madden stated there was a violation of the four identification signs that exceed permitted height and permitted amount of signs. He noted there was a pending application, and would allow until June 1st to allow the defendant to comply. Defendant ordered to pay administrative costs for the hearing of \$285 and \$150 daily fine, until in compliance.

4) DEFENDANT: Huntingburg Partners Ltd
SUBJECT: LDC Sections: 30-153 Maximum sign area, 30-154 (b) – Standards for Monuments signs & wall signs in commercial area zoning districts
SITE ADDRESS:
STRAP NO: 24-46-23-W3-3002.50060
CODE OFFICER: Robert Mercado
REFERENCE NO: CE12-0031

Mr. Madden noted he had a conflict of interest and the case would need to be heard by someone else, the case was continued to April 3, 2013.

Reviewed and Accepted on: 3/23/13

Signature: 

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