

1. Requested Motion:

Meeting Date: October 15, 2012

Approve the request for two variances from LDC Section 30-93(b) (right-of-way setback) and 30-154(c) (standards for monument signs) for the Beach Shell Inn located at 2610 Estero Blvd.

Why the action is necessary:

This action will grant the applicant a 0' setback, a sign base of 4'6" and an overall sign height of 9'

What the action accomplishes:

2. Agenda:

Consent
 Administrative
 Public Hearing

3. Requirement/Purpose:

Resolution
 Ordinance
 Other

4. Submitter of Information:

Council
 Town Staff – Comm. Dev.
 Town Attorney

5. Background:

CASE: VAR2011-0004 Beach Shell Inn sign variance

Applicant Beach Shell Enterprises, LLC is requesting a variance from Section 30-93(b) and Section 30-154(c) of Chapter 30 of the LDC.

The subject property, measuring approximately .38 acres in size, contains a single story motel, developed originally under Lee County zoning over 40 years ago. The existing sign on site measures 16' tall and 61 square feet in sign face area.

Specifically the request is for a variance from Section 30-93(b), which requires a 3' setback from any street right-of-way to allow a 0' street setback, and a variance from 30-154(c), which limits the height of a monument sign to be elevated no more than 18" above grade and 5' overall to allow 4'6" for the monument supports and an overall height of 9'. The applicant worked diligently with Staff for over a year to determine that there was no other feasible location on-site for signage and that the request was the minimum variance necessary to relieve the burden posed by the location of the pool equipment.

The LPA held a public hearing for the request at their August 14, 2012 meeting. The applicant and Staff each presented the case along with a recommendation for approval. LPA had a question and answer period and discussion involving conditions for approval. Ultimately, however, the LPA voted 6-0 (LPA Chair Shamp had an excused absence) to approve the request with the conditions as recommended by Staff.

Attachments:

- Draft Town Council resolution, 12-22
- LPA resolution 2012-008
- LPA minutes from the August 14, 2012 meeting
- LPA packet including staff report from the August 14, 2012 meeting

6. Alternative Action:

- 1. Deny the requested variance
- 2. Approved the requested variance including conditions
- 3. Approve the requested variance subject to alternative conditions

7. Management Recommendations:

Approve the requested variance as recommended by the LPA.

8. Recommended Approval:

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

9. Council Action:

Approved Denied Deferred Other

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 12-22
VAR2011-0004 - Beach Shell Inn Sign Variance

WHEREAS, applicant Beach Shell Enterprises, LLC is requesting a variance from Section 30-93(b) and Section 30-154(c) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP for the subject property is 19-46-24-W2-0020B.0010 and the legal description of the subject property is Winkler Subdivision Block B Plat Book 8 Page 45 Lots 1, 2 & 3; and

WHEREAS, the subject property is located at 2610 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.

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on October 15, 2012, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2012-008, the 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 TOWN COUNCIL 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, LPA Resolution 2012-008 and the standards for granting variances, the Town Council makes the following findings of fact, and reaches the following conclusions:

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, 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 highest adjacent grade or the crown of the adjacent street, whichever is higher, to the base of the sign is not to exceed 4'6" and the height to highest point on the sign must not exceed 9' as depicted on *Exhibit A*; and the sign setback measured from the property line of the subject property will be 0' as depicted on *Exhibit B*.
3. Construction and/or remodeling of the sign must comply with all applicable codes and regulations, including building codes and lighting standards.
4. If the pool equipment, including the pool heater and exhaust, on the subject property is removed, this variance will expire. If the pool heater, fence or pool equipment is substantially relocated, or is modified or replaced such that the height of the pool heater, fence or pool equipment is more than fifteen (15%) lower than the current height of these items, then 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 comes 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 under circumstances or conditions where rigid compliance is not essential to protect public policy.
- 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 Town Council upon a motion by Council member _____ and seconded by Councilmember _____, and upon being put to a vote, the result was as follows:

Bob Raymond, Mayor	AYE/NAY	Alan Mandel, Vice Mayor	AYE/NAY
Jo List	AYE/NAY	Joe Kosinski	AYE/NAY

DULY PASSED AND ADOPTED THIS ___ day of _____, 2012.

By: _____
Bob Raymond, Mayor

Approved as to legal sufficiency:

By: _____
Fowler, White, Boggs
LPA Attorney

ATTEST:

By: _____
Michelle Mayher
Town Clerk

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 2012-008
VAR2011-0004 - Beach Shell Inn Sign Variance

WHEREAS, applicant Beach Shell Enterprises, LLC is requesting a variance from Section 30-93(b) and Section 30-154(c) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP for the subject property is 19-46-24-W2-0020B.0010 and the legal description of the subject property is Winkler Subdivision Block B Plat Book 8 Page 45 Lots 1, 2 & 3; and

WHEREAS, the subject property is located at 2610 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** the applicant's request for a variance from Section 30-93(b) and Section 30-154(c) of the LDC, 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 highest adjacent grade or the crown of the adjacent street, whichever is higher, to the base of the sign is not to exceed 4'6" and the height to highest point on the sign must not exceed 9' as

depicted on *Exhibit A*; and the sign setback measured from the property line of the subject property will be 0' as depicted on *Exhibit B*.

3. Construction and/or remodeling of the sign must comply with all applicable codes and regulations, including building codes and lighting standards.
4. If the pool equipment, including the pool heater and exhaust, on the subject property is removed, this variance will expire. If the pool heater, fence or pool equipment is substantially relocated, or is modified or replaced such that the height of the pool heater, fence or pool equipment is more than fifteen (15%) lower than the current height of these items, then 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 comes 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:

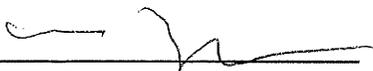
In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the LPA recommends that the Town Council make the following findings and reach the following conclusions:

- A. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request **is** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- B. The conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question.
- C. The variance granted **is** 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 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 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 **Plummer** and seconded by LPA Member **Smith**, and upon being put to a vote, the result was as follows:

Joanne Shamp, Chair	excused	Dan Andre, Member	AYE
Al Durrett, Member	AYE	John Kakatsch, Member	AYE
Jane Plummer, Member	AYE	Alan Smith, Member	AYE
Hank Zuba, Member	AYE		

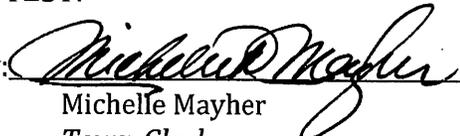
DULY PASSED AND ADOPTED THIS 14th day of AUGUST, 2012.

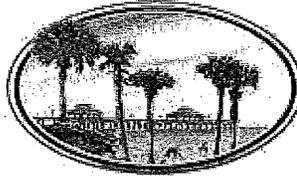
By: 
Hank Zuba, LPA Vice Chair

Approved as to legal sufficiency:

By: 
Fowler, White, Boggs
LPA Attorney

ATTEST:

By: 
Michelle Mayher
Town Clerk



**FORT MYERS BEACH
LOCAL PLANNING AGENCY (LPA)**

Town Hall – Council Chambers
2523 Estero Boulevard
Fort Myers Beach, Florida
August 14, 2012

I. CALL TO ORDER

Meeting was called to order at 9:01 a.m. by Vice Chair Zuba; other members present:

Dan Andre
Al Durrett
John Kakatsch
Jane Plummer
Joanne Shamp - excused
Alan Smith
Hank Zuba

LPA Attorney, Marilyn Miller
Staff Present: Walter Fluegel, Community Development Director
Leslee Chapman, Zoning Coordinator
Josh Overmyer, Planning Coordinator

II. PLEDGE OF ALLEGIANCE

III. INVOCATION –

IV. MINUTES

A. Minutes of June 12, 2012

MOTION: Mr. Andre moved to approve the June 12, 2012 minutes with the changes noted in 'red'; second by Ms. Plummer.

VOTE: Motion approved 6-0; Ms. Shamp excused.

V. PUBLIC HEARING

A. VAR2011-0004 Beach Shell Inn Sign Variance

Vice Chair Zuba opened the hearing.

Vice Chair Zuba asked the LPA Attorney to swear in the witnesses; and LPA Attorney Miller swore in the witnesses.

Dave Depew, representing the Applicant – Beach Shell Inn, displayed an aerial photograph of the subject property, and indicated the location of Beach Shell Inn on the photograph. He stated the applicant was seeking to install a new sign on the site and showed a rendering of the proposed sign which had a total sign height of nine feet. He indicated on the aerial photograph how the subject property was very constrained as it was situated on the site; and the location of the current sign which was mixed in with pool heater and filter equipment along with a buried propane gas tank. He displayed a site plan of the subject property and noted the constrained parking on the site; that the property had an original plat from the 1940s and original construction in the 1950s; and the proposed location of the sign. He displayed a graphic depicting a mock-up of the new sign, three photos holding the mock-up sign on Estero Boulevard at the proper height, and explained how there was ‘stuff’ along the Boulevard that interfered with seeing the sign (i.e. power pole, beach access sign, park sign, a fence which was required by Code around the pool heater, etc.). He stated he was in agreement with everything in the Staff Report except for one item which was the potential language in condition #4 and distributed copies of his suggested language to the LPA Members. He indicated the language would apply to if the pool heater and equipment were removed for any reason, then the variance would disappear; however, when the pool heater equipment would be replaced at some point in the future, the equipment would go in the same approximate location. He described how the configuration of equipment, and vent stack may be slightly different from the old equipment, but the fence, filtering equipment, fence, propane tank, and parking spaces would not change. He stated he had added language to staff’s recommendation that if the configuration of the heater changed, that it would not change the need for the variance. He requested approval of the Staff Report, Findings and Conditions as modified in his handout.

Vice Chair Zuba asked if any LPA Member had ex-parte communication regarding this item. Mr. Kakatsch – site visit; Mr. Durrett –site visit; Mr. Zuba – site visit; Mr. Smith: - site visit; Mr. Andre – site visit.

Ms. Plummer questioned the required four foot high fence around the pool heater, and noted it appeared the fence was approximately three feet in the front and there was no fence on the left side.

Mr. Depew stated the fence surrounded the entire pool equipment and extended over to the edge of the parking lot.

Terry Lennick, Attorney for the Applicant, explained the fence was approximately three feet; however, when the sign is replaced the Applicant would bring the fence up to four feet.

Mr. Durrett questioned the Applicant's rewrite of Condition #4, "*if the pool heater and equipment is 15% lower, then the variance expires*" as it related to the height of the fence.

Mr. Depew stated "*if it is more than 15% lower, then the variance would expire*"; and stated he would agree to remove that language and say that "*if the fence or pool equipment is relocated, then the sign variance disappears*".

Vice Chair Zuba asked Community Development Director Fluegel for an update on compliance with the sign ordinance.

Community Development Director reported implementation of the new sign ordinance began on December 31, 2011; started with 130 signs not in compliance; and as of today there were 12 remaining properties that staff was working with and six of the remaining 12 had variances pending, one had a permit issued, and the balance had received a Notice of Violation.

Discussion ensued regarding future improvements to Estero Boulevard.

Zoning Coordinator Chapman presented comments for VAR2011-0004 Beach Shell Inn sign variance on behalf of the Town of Fort Myers Beach. She described the location of the subject property; and the variance request which was comprised two requests: 1) variance from Sections 30-93(b), which required a 3' setback from any street right-of-way to allow a 0' street setback; and 2) variance from 30-145(c), which limited the height of a monument sign to be elevated no more than 18" above grade and 5' overall to allow 4'6" for the monument supports and an overall height of 9'. She displayed photographs of the existing conditions at the subject site; and reviewed the site considerations (i.e. pool equipment, etc.). She reported the Applicant's request was for a 9' overall height which was 4' more than permitted by Code, and noted there would be 26' of copy area which allowed for an additional amount of copy area (business entitled to 32 square feet). She displayed a site plan indicating the 0' setback location of the proposed sign. Zoning Coordinator Chapman reviewed the request as it pertained to Section 34-87(3)(a), Section 34-87(3)(b), Section 34-87(3)(c), Section 34-87(3)(d), and Section 34-87(3)(e):

- That there were exceptional or extraordinary conditions or circumstances that were inherent to the property in question, or that the request is for a *de minimis* variance under circumstances or conditions where rigid compliance was not essential to protect public policy;
- Staff agreed that the pool equipment (and required clearance was unique to the subject property;
- That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation;
- The sign, pool heater, and required pool equipment fence were established on the subject property prior to the Town's incorporation in 1995 and prior to the adoption of Ordinance 11-01;
- That the variance granted is the minimum variance that would relieve the applicant from the undue burden caused by the application of the regulation (property owner came in well before the December 31, 2011 deadline to apply for the variance);

- Staff was confident that the proposed sign as depicted in Exhibit A and the proposed sign location depicted in Exhibit B was the minimum variance necessary to relieve the unreasonable burden caused by the application of Chapter 30 of the LDC;
- That the granting of the variance would not be detrimental to the neighborhood or public welfare, and that the conditions were unique to the property;
- That the conditions or circumstances on the specific piece of property for which the variance was sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

She stated that staff recommended approval of the requested variance subject to conditions, and that staff was in agreement with the Applicant's recommended language for Condition #4. She requested to add language to Condition #2 so that it recognized the 0' setback as depicted in Exhibit B.

Ms. Plummer inquired if the Applicant was requesting a sign smaller than what they could have and they were reserving some extra for signage in other places.

Zoning Coordinator Chapman explained the sign face area as depicted on what the Applicant provided, it did indicate 26 square feet and they were entitled to 32 square feet.

Vice Chair Zuba requested clarification for the added language to Condition #2.

Zoning Coordinator Chapman explained that the original wording did not address the setback condition and staff wanted to be clear that the variance did address both the height and the setback. She explained Condition #2 would read "*The height of the sign, measured from the elevation to the existing grade of the parking lot to the base of the sign is not to exceed 4'6" and the height to highest point on the sign must not to exceed 9' as depicted on Exhibit A*" and staff could propose language such as 'the setback of 0' as depicted on *Exhibit B*'.

LPA Attorney Miller noted in the recommendations it recommended approval of the variance, but it was just clearer to note in Condition #2 that it was a 0' setback.

Public Comment opened.

Mr. Andre pointed out that at the last LPA meeting there was a variance request approved that involved public safety and the standpipe/fire equipment and how the LPA had not wanted to set a precedent. He discussed his concern regarding the average 3' base versus the dimension of the subject sign base.

LPA Attorney Miller recapped the variance requested by Diamond Head and the fence requirement which was similar to the subject request since it too had a fence requirement.

Discussion ensued regarding fence height requirements,

Mr. Kakatsch noted the cost of the proposed sign, and asked the Applicant if they considered a new electric pool heater that could be relocated versus a propane heater.

Community Development Director Fluegel stated the topic was discussed with the Applicant.

Mr. Depew reported the Applicant had researched changing the pool heater; however, it was discovered the work involved much more than replacing just the pool heater.

Discussion ensued regarding issues and aspects of changing/moving the pool heater equipment and how it would impact the subject property if moved.

Ms. Plummer asked if the sign itself would start at four feet.

Zoning Coordinator Chapman responded in the affirmative; noting the supports would be 4'6" and the base of the sign would start from there.

Public Comment closed.

MOTION: Ms. Plummer moved that the LPA recommends approval of Resolution 2012-008 with the Recommended Conditions of Approval 1 through 4, giving 4'6" height and a 0' setback, and the Recommended Findings and Conclusions, and the alternative language in place of the #4 in the Resolution, and the language on the 0' setback, and:

A. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request **is** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

B. The conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question.

C. The variance granted **is** 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 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 not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question;
second by Mr. Smith.

VOTE: Motion approved; 6-0; Ms. Shamp excused.

Vice Chair Zuba closed the hearing at 9:35 a.m.

B. VAR2012-0002 Dolphin Inn Sign Variance

Town of Fort Myers Beach – Local Planning Agency

August 14, 2012

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Vice Chair Zuba opened the hearing.

Vice Chair Zuba asked if any LPA Member had ex-parte communication regarding this item. Mr. Kakatsch – site visit; Mr. Durrett –site visit; Mr. Zuba – site visit; Mr. Smith: - site visit; Mr. Andre – site visit.

Vice Chair Zuba asked the LPA Attorney to swear in the witnesses; and LPA Attorney Miller swore in the witnesses.

Zoning Coordinator Chapman presented comments for VAR2012-0002 Dolphin Inn sign variance on behalf of the Town of Fort Myers Beach. She reported there were some corrections to be made to the Resolution:

1. Page 1, Paragraph 7, ~~special exceptions~~ change to variances;
2. And the conditions for approval in the Resolution – specifically Condition #4 should be taken from Page 7 of 8 from the Staff Report.

She displayed an aerial photograph indicating the location of the subject property. She reported the applicant was requesting a variance from Sections 30-93(b), which required a 3' setback from any street right-of-way to allow a 0' street setback, and a variance from 30-145(c), which limited the height of a monument sign to be elevated no more than 18" above grade and 5' overall to allow 6'-7' for the monument supports and an overall height of 11'. She displayed a site map and photograph depicting the existing conditions and noted the distinct parking layout of the site. An artist's rendering of the proposed sign which was 6'-7' to the bottom of the sign and 11' overall in height. She reviewed the supporting Regulations of Section 34-87, Sections 34-87(3)(a), 34-87(3)(b), 34-87(3)(c), 34-87(3)(d), and 34-87(3)(e):

- There were exceptional or extraordinary conditions or circumstances that were inherent to the property in question. The building was setback not only far from the property line but also from the edge of the pavement.
- The existing zoning district which the property was developed on would have actually only a 10' setback and not a 25' setback; so if the building was re-built, it would be significantly closer to the property line.
- Applicant did not provide analysis of alternative sign types of locations and addressed the parking.
- Staff recommended 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 variance requested.
- That the conditions justifying the variance **are not** the result of actions of the applicant after the adoption of the regulation in question.
- That the variance granted **is** the minimum variance that will relieve the applicant of the regulation in question to his property.
- The Applicant **did not** provide discussion or analysis as to why other locations on the subject property could not meet requirements of Chapter 30.

- Applicant did not completely address the details of the height; therefore, staff found that the variance requested and as depicted in Exhibit C **was not** the minimum variance necessary to relieve an undue burden.
- That granting of the variance **will not** be injurious to the neighborhood or otherwise detrimental to the public welfare; however, with little to no justification provided by the applicant as the necessity of the request or the hardship on the subject property, staff found that granting the variance as requested **would** be injurious to the neighborhood or otherwise detrimental to the public welfare.
- That the condition or circumstances on the specific piece of property for which the variance was sought **are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question. The variances requested are for a 0' setback and for overall height; and staff found that the circumstances of this specific property on which the variance was sought **is not** general in nature and could, therefore, justify the granting of the setback variance only.

She reported staff's recommendation as follows:

- **Approval** of the requested **setback variance** (Section 30-93(b)), based upon the requisite findings and conclusions for granting a variance under Section 34-87.
- **Denial** of the requested **height variance** (Section 30-154(c)), because the requisite findings and conclusions for granting a variance contained in LDC Section 34-87 have not been met.

She noted staff recognized that the condition of Estero Boulevard and proposed an alternative recommendation for consideration:

- Staff recommends that the height necessary to clear an average car was no more than 36".
- Section 30-154(9)(c) allowed for a base or support for a monument sign that extends no higher than 18" above adjacent grade. This 18" included in the overall sign height maximum of 60", which would leave 42" for the actual sign face.
- Staff suggested 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 3'6" for an overall height of 6'6". (This is a minimum variance staff recommended for the subject property.)

Zoning Coordinator Chapman reported that should the LPA find the alternate recommendation a viable option to recommend to Town Council, staff would recommend **approval** subject to the following conditions:

- Approval of the variance does not exempt the subject property from the LDC Section 30-55 permit requirements for signs.
- The overall height of the sign, measured from the elevation of the existing grade of the parking lot was not to exceed 6'6".
- Construction and/or remodeling of the sign must comply with all applicable codes and regulations, including building codes and lighting standards.
- If the principal on the subject property was removed or replaced for any reason, the variance would expire. The sign allowed by the 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 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 regulations in effect at the time of application for a permit.

Ms. Plummer discussed her concerns regarding the fact that the average car height was 36”.

Zoning Coordinator Chapman explained that staff was not looking at the overall height at the top of the roof, rather more the height of the hood or trunk.

Discussion ensued regarding the proposed overall height of the sign as it pertained to the height of vehicles; the sign’s encroachment into the right-of-way; setback dimensions; other potential sign types and locations on the subject property; and ways to manage parking spaces adjacent to the sign.

Mr. Smith questioned if there were alternate locations for the sign on the subject property.

Zoning Coordinator Chapman stated the Applicant indicated they wanted the sign to remain in the same location on the subject property. She expressed her belief that the Applicant wanted to use some of the structural framework in the new sign. She noted that the sign at 11’ was shorter and smaller than the existing sign.

Discussion continued regarding the average car height as it pertained to the proposed sign; and staff’s use of 3’ uniformly when evaluating similar variance requests.

Vice Chair Zuba wanted to know, procedurally, if the LPA was to recommend staff’s alternate recommendation, would it require denial of the Applicant’s request and then approval of the alternate recommendation.

LPA Attorney Miller responded in the affirmative.

Discussion was held regarding the sign face dimensions and the overall height of the proposed sign.

Vice Chair Zuba asked if the request would be an issue of precedence.

Zoning Coordinator Chapman responded in the affirmative; and explained that the variances the LPA had addressed up until now had dealt with more solid obstructions (i.e. pipes, fences, etc.) and this variance dealt with parked cars which come and go.

Community Development Director Fluegel explained that staff was given a precedent from Town Council from the two they approved which were for a lesser height in similar circumstances – Diamond Head and Pierview.

Mr. Travis Owen, Dolphin Inn, approached the dais and using his personal electronic device, displayed a photograph of a 4’X8’ sheet of plywood set at 3’ at the 0’ setback line to each LPA Member and described how it would be impacted by the parked cars.

Zoning Coordinator Chapman commented that the photograph the Applicant was showing them was included in the Staff Report.

Mr. Owen stated they did not propose an alternative because they believed with the lot line of the subject property that there were no other viable alternatives to be seen from the street. He requested to make an amendment to the alternate recommendation for a higher height so they could 'clear the van' as depicted in the photograph, and asked for a 10' height.

Mr. Smith asked the Applicant about the possibility of making the parking spots on either side of the sign with a designation for 'compact cars only'.

Mr. Owen explained he had no control over what type of vehicle parked in the spot.

Discussion was held concerning the requested 10' height; and the location of a parking curb and bicycle parking.

Public Comment opened.

No speakers.

Public Comment closed.

Vice Chair Zuba sought staff's input on the Applicant's alternate recommendation regarding the height.

Zoning Coordinator Chapman reported staff believed 10' was not the minimum variance necessary; and she pointed out that Section 30-154 did include 18" for a base.

Discussion was held concerning the requested variance versus the 100+ sign variances already approved; an issue of precedent; encroachment into the Estero Boulevard right-of-way by the existing sign; location of the sign in the middle of a parking lot which appeared to be unique circumstances to the subject property; average vehicle height as it pertained to the proposed sign; and the proposed sign height.

Vice Chair Zuba questioned the grade level and if any changes were anticipated to the site.

Zoning Coordinator Chapman noted that signs were measured from either adjacent grade or the crown of road, whichever was higher. She reported the Resolution described 'from the adjacent grade' and it could be amended to include 'from adjacent road or crown of road, whichever is higher'.

LPA Attorney Miller pointed out that the overall height in the previous variance case was allowed to go to 9' which would allow 4.5' to the base and an additional 5'.

Discussion ensued regarding LPA Attorney Miller's suggestion regarding overall height.

Mr. Kakatsch suggested a postponement of the variance request until the next meeting to allow for the Applicant to investigate the various aspects of the request such as but not limited to alternative sign locations.

Mr. Owen suggested the LPA Members look at the plat to see the uniqueness of the property with respect to things such as the parking and the location of the trash container which indicated to him there was no other viable location for the sign on the subject property.

Vice Chair Zuba asked Mr. Owen if he would consider coming back to the LPA indicating a reduction in height from the 10'.

Mr. Owen stated he would agree today to 9' from the crown of the road.

Community Development Director Fluegel recapped details of how staff and the applicant worked together on the previous Beach Shell Inn variance request. He stated for this variance with some of the recommended changes as discussed, staff would need to review the differences further.

Vice Chair Zuba suggested another meeting between staff and the Applicant to discuss more detail on the measurements.

Zoning Coordinator Chapman noted that the Pierview was approved for a 4' base and an 8' overall height.

Discussion ensued regarding the Applicant's variance request, signage dimensions, and setback from the road.

MOTION: Ms. Plummer moved to recommend approval of Resolution 2012-010 with Recommended Conditions of Approval 1-5 and with a modification of #4 so the base cannot exceed 4' high to the crown of the road to the bottom of the sign face and an overall height to be 9'; and the Recommended Findings and Conclusions A through E with the LPA finding the property to have extraordinary conditions based on the fact that the parking lot and the setback, and that the it would be the minimum variance, and that the condition is not a result of the Applicant and would relieve the Applicant of an unreasonable burden, and that the variance will not be injurious to the neighborhood, and the conditions and the circumstances are not so general or reoccurring that would require to amend the regulation in question; second by Mr. Kakatsch.

VOTE: Motion approved; 6-0; Ms. Shamp excused.

Vice Chair Zuba closed the Public Hearing at 10:23 a.m.

C. VAR2012-0001 Neptune Inn Sign Variance

Vice Chair Zuba opened the hearing.

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Vice Chair Zuba asked if any LPA Member had ex-parte communication regarding this item. Mr. Kakatsch – site visit; Mr. Durrett –site visit; Mr. Zuba – site visit; Mr. Smith: - site visit; Mr. Andre – site visit.

Vice Chair Zuba asked the LPA Attorney to swear in the witnesses; and LPA Attorney Miller swore in the witnesses.

Zoning Coordinator Chapman presented comments for VAR2012-0001 Neptune Inn sign variance on behalf of the Town of Fort Myers Beach. She displayed an aerial photograph and indicated the location of the subject property. She reported the Applicant was seeking a variance form 30-154(c), which limited the height of a monument sign to be elevated no more than 18” above grade and 5’ overall to allow 4’3” for the monument supports and an overall height of 8’10”. Photographs of the sign’s existing location and condition at the subject property were displayed. She showed photographs of a planted hedge (at grade) maintained at 48” which the Applicant had reported had been in place for decades and was the basis for the requested variance. She stated staff conducted research on the hedge and showed aerial photographs of the subject site which indicated the first section of hedge did not appear until the third quarter of 2007. She displayed the rendering of the proposed sign which was 4’3” to the bottom of the sign and 8’10” overall in height, and sign face a little over 31 square feet. Zoning Coordinator Chapman reviewed the supporting regulations, Sections 34-87(3)(a), 34-87(3)(b), 34-87(3)(c), 34-87(3)(d), and 34-87(3)(e) and discussed the following:

- The exceptional or extraordinary conditions indicated on the application was the hedge location on the subject property, and staff found upon research that was not exceptional or extraordinary condition as it had only been fully planted within the last two years; therefore staff recommended this was not an exceptional or extraordinary condition or circumstance and did not justify the variance requested.
- The Applicant did not provide any other discussion or analysis on other sign types, as to why other locations on the subject property were not viable, or why the Applicant felt that this proposal was the minimum variance necessary. Staff recommended the variance requested was not the minimum variance necessary to relieve an undue burden.
- That the Applicant was proposing a new monument sign that was smaller than the existing sign; however, it continued to be non-conforming with Chapter 30 of the LDC. With little to no justification provided by the Applicant as to the necessity of the request or the hardship on the subject property, staff found that the granting of the variance as requested would be injurious to the neighborhood or otherwise detrimental to the public welfare.
- Staff recommended the finding that the circumstances of the subject property for which the variance was sought are of so general or recurrent a nature as to make it more reasonable or practical to amend the regulation.

She stated staff made a recommendation of **denial** of the requested variance because the property does not meet the requirements for granting a variance under LDC Section 34-87. She noted that staff proposed an alternative recommendation to consider and discussed the following aspects of the alternative:

- The Applicant's proposed sign (Exhibit C) showed 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 the adjacent grade.
- Staff recommended that the hedge and planter, combined, be maintained at no more than 36" tall.
- Section 34-1549(c) allowed for a base or support, for a monument sign, that extended no higher than 18" above adjacent grade. The 18" was included in the overall sign height maximum of 5', which would leave 3.5' for the actual sign face.
- Staff suggested 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 3'6" for an overall height of 6'6".

She displayed the 'Alternative Recommendation' should Town Council find the alternate recommendation as 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 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 within 30 days of the expiration of the federal, state, county, or local declaration of disaster, whichever occurs first. Placement signage in conjunction with redevelopment of the site must comply with all regulations in effect at the time of application for a permit.

Ms. Plummer questioned the height of the sign itself.

Zoning Coordinator Chapman stated it was 4'7".

Discussion ensued regarding staff's recommendation for the dimension/measurement of the proposed sign as depicted in the rendering; and the benefits of the existing hedge on the subject property.

Casey Williams, representing Blue Vista Capital and the Neptune Inn, stated the Applicant wanted to keep their original request at the 8'10" height. He explained that keeping the original height request was mainly due to the height of certain vehicles such as but not limited to vans and SUVs and they would block the line of sight. He showed photographs of the existing sign which was approximately 21' tall and discussed trimming the hedge in the planter, sight line from Estero Boulevard, and the site plan for

the proposed sign. He stated the Applicant did evaluate other locations for the sign on the property and reviewed the reasons they believed other locations on the property were not suitable (i.e. location of a fire hydrant, homes, and the main driveway). He explained that each unit had an assigned parking space which would make it difficult to assign spaces on either side of the sign for compact cars. He requested approval of the variance as the Applicant had originally requested.

Ms. Plummer asked if the Applicant would accept the hedges trimmed at 3' and the sign height of 4'7" for an overall height of 7'7".

Mr. Williams said it could be done; however, it came back down to the vehicle aspect of it, for example if a mini-van parked next to the sign.

Discussion ensued regarding the dimension/height of the proposed sign; height of the existing planter blocks; and height of the existing hedge.

Ms. Plummer questioned the Applicant about the dimensions/measurement and asked if he would be agreeable to a sign height of 8'7" instead of the 8'10".

Mr. Williams responded in the affirmative.

Community Development Director Fluegel explained how staff conservatively analyzed sign variance applications to determine the minimum variance necessary.

Public Comment opened.

No speakers.

Public Comment closed.

MOTION: Ms. Plummer moved to recommend approval of Resolution 2012-0009, with Recommended Conditions of Approval 1-5, with the following changes to #2, the total height not to exceed 8'7"; #4, that the planter and hedge combination is not to exceed 48"; and to include the Findings and Conclusions that A) There **are** exceptional or extraordinary conditions; B) The conditions justify the variance **are not** the result of actions of the property owner; C) The variance granted **is** the minimum variance for the applicant; D) The granting of the variance **will not** be injurious to the neighborhood; E) The conditions of the property for which the variance is sought **are not** of so general to be covered in any other cases; second by Mr. Smith.

VOTE: Motion approved, 6-0; Ms. Shamp excused.

Vice Chair Zuba closed the hearing at 10:47 a.m.

D. VAR2012-0003 Matanzas Inn Sign Variance

Vice Chair Zuba opened the hearing.

Vice Chair Zuba asked if any LPA Member had ex-parte communication regarding this item. Mr. Kakatsch – site visit; Mr. Durrett –site visit; Mr. Zuba – site visit; Mr. Smith: - site visit; Mr. Andre – site visit.

Vice Chair Zuba asked the LPA Attorney to swear in the witnesses; and LPA Attorney Miller swore in the witnesses.

Zoning Coordinator Chapman presented comments for VAR2012-0003 Matanzas Inn sign variance on behalf of the Town of Fort Myers Beach. She reported there was a correction to be made to the Resolution as mentioned previously that on Page 1 ~~special exceptions~~ should be changed to variances. She displayed an aerial photograph and indicated the location of the subject property. She reported the Applicant was seeking a sign face area variance from Section 30-153(b)(1), which stated: *For a parcel of land containing one or two business establishments, each separate business establishment shall be allowed a sign area to allow the existing 98 square feet of sign area to remain.* She stated the Applicant was seeking to allow the existing sign face area of 98 square feet to remain. She noted there was an existing sign variance on the subject property granted by Lee County in 1989 (prior to the Town's incorporation). which:

- Limited to 64 square feet, advertising the restaurant only
- Limited to specific location on the roof
- Variance dealt with roof sign only – did not provide relief from total allowable sign area

She described the existing conditions on the property:

- Four signs on the subject property – 1 roof, 3 monument
- Three monument signs = 34 square feet
- Total on-site area = 98 square feet
- Total permitted sign area (for 2 businesses) = 64 square feet

She reported the Applicant was seeking to retain the existing total sign area of 98 square feet, and to retain all four signs (1 roof sign, per Lee County 89-10-12-V-4, and 3 monument signs). Zoning Coordinator Chapman reviewed the supporting regulations, Sections 34-87(3)(a), 34-87(3)(b), 34-87(3)(c), 34-87(3)(d), and 34-87(3)(e) and discussed the following:

- The Applicant did not identify the exceptional or extraordinary conditions other than identifying the sign variance in existence that was granted prior to incorporation of the Town; and the Applicant did not discuss why the existing roof sign is not sufficient signage for the entire property or whether the amount of roof signage could be reduced, or why keeping the current roof and monument signs is the minimum variance. Therefore, staff recommended this was not an exceptional or extraordinary condition or circumstance and did not justify the variance requested.

- The variance granting the roof sign was passed in 1989 prior to the Town's incorporation and the first sign ordinance was adopted. Staff was not able to find any permanent records as to when the monument signs were installed. Staff finds that the conditions justifying the variance are not the result of actions of the Applicant taken after the adoption of the regulations.
- That the Applicant was proposing a new monument sign that was smaller than the existing sign; however, it continued to be non-conforming with Chapter 30 of the LDC. With little to no justification provided by the Applicant as to the necessity of the request or the hardship on the subject property, staff found that the granting of the variance as requested would be injurious to the neighborhood or otherwise detrimental to the public welfare.
- The application does not discuss why the existing roof sign is not sufficient signage for the entire property; and does not discuss why keeping the roof and monument signs as is, constitutes the minimum variance necessary. Staff found that the variance requested was not the minimum variance necessary to relieve an undue burden.
- Staff's opinion that there was not a justifiable reason or hardship in existence on the subject property that would permit the granting of a sign area variance by Town Council. Staff found that granting the variance would be injurious to the neighborhood or public.
- Staff found that the variance sought was so general or recurrent a nature as to make it more reasonable or practical to amend the regulation.

Staff recommended **denial** based upon the requisite findings and conclusions for granting a variance contained in LDC Section 34-87; and stated that staff did not have an alternative recommendation. She reported the Applicant did submit verification of two business entities on the subject property.

Mr. Kakatsch asked if there were possibly three businesses on the subject property – restaurant, bar, and the marina.

Community Development Director Fluegel expressed his belief that the restaurant and bar operated under one license, and the marina under another.

Discussion ensued regarding business tax receipts as it pertained to distinguishing separate businesses.

Ms. Plummer questioned if the roof sign was an approved type of sign.

Zoning Coordinator Chapman responded that a roof sign was prohibited; however it may remain based upon the variance granted by Lee County.

Discussion was held concerning the roof sign, signage for the hotel and the restaurant, the monument signs, existing conditions of the subject property, and the burden of the applicant to present their case to the Town.

Mr. Andre asked if the County's variance for the rooftop sign included wording that if the sign was altered the variance would expire.

Zoning Coordinator Chapman stated the County Hearing Examiner approved the variance with three conditions:

1. The roof sign shall be limited to no more than 64 square feet and shall be located in the same position and manner as the existing sign unless it is determined by the appropriate Lee County Building Official that for safety considerations the sign should be repositioned in a different location on the roof.
2. The roof sign shall be limited to be used in conjunction only with the existing restaurant use and building. Should the building be removed, destroyed, or replaced or the restaurant use terminated, this variance shall terminate automatically.
3. The roof sign shall be signed and certified by a Florida registered engineer who shall submit sufficient data to enable the appropriate Lee County Building Official to determine whether the sign complies with the sign ordinance as amended.

Mr. Andre noted the sign was to be used 'in conjunction only with the existing restaurant use'.

Discussion was held concerning the rooftop sign and the other sign types on the subject property,

Mr. Chris Armburg reported he had been with the Matanzas Inn for 28 years. He noted the uniqueness of the subject property and stated the rooftop sign was for the waterfront; and the monument sign in front identified the restaurant and was permitted through Lee County. He stated they had a single monument sign at the motel and a monument sign in front of the restaurant which they believed were both necessary. He noted there was a third sign between these two which was on a wall that covered the 'back-flow preventer', and they would be willing to give that one up.

Discussion ensued regarding the height of the monument signs, current signage, and visibility of the current signage.

Ms. Plummer suggested the Applicant keep the sign on the rooftop and the sign with the 'vacancy sign' for the hotel; and eliminate the two other signs.

Mr. Armburg discussed the importance of having a sign to delineate the entrance to the restaurant.

Discussion ensued regarding the rooftop sign variance, and other signage the Applicant wanted to have remain on the site.

Zoning Coordinator Chapman noted the Applicant was agreeable to removing one of the monument signs which would be a reduction of 16 square feet in the coverage of square footage for a total of 18 square feet the site would be over, if the other signs remained.

Mr. Andre pointed out the current codes did not address waterfront signs and questioned if the LPA should make a recommendation that for example, a waterfront location would be allowed another 32 square feet signage for the water sign.

Discussion continued regarding the rooftop signage and waterfront frontage, double-front signs, and waterfront rights-of-way and dependent uses; the unique aspects of the property; off-site signage; non-conforming signage; and the need for the Code to have language that addressed signage as it pertained to waterfront properties.

LPA Attorney Miller offered a suggestion of having two separate motions.

Discussion ensued regarding a potential motion or motions.

MOTION: Ms. Plummer recommended to approve Resolution 2012-0012 based on the fact there are two businesses side-by-side with an approved sign on the roof from 1989 and approve maintaining the rooftop sign based on waterfront view and approve the sign at the corner of Crescent and First Streets and the sign that has the vacancy sign on it with the removal of the middle sign; and the Findings and Conditions would be that A) There **are** an exceptional property because of the two businesses and being on waterfront and the visibility of being on a corner making it unique and having three sides needing direction, B) The conditions **are not** the result of the property owner, C) The variance **is** a minimum variance based on their unique conditions, D) The granting of the variance **would not** be injurious to the neighborhood, and E) the variance was **not** of so general so as to amend the regulations as they are; second by Mr. Durrett.

VOTE: Motion approved, 4-2; Messrs. Andre and Zuba dissenting; Ms. Shamp excused.

Vice Chair Zuba closed the Public Hearing at 11:47 a.m.

Recessed at 11:47 - Reconvened at 11:55

E. VAR2011-0007 Moss Marine Sign Variance

Vice Chair Zuba opened the hearing.

Vice Chair Zuba asked the LPA Attorney to swear in the witnesses; and LPA Attorney Miller swore in the witnesses.

Zoning Coordinator Chapman presented comments for VAR2011-0007 Moss Marine sign variance on behalf of the Town of Fort Myers Beach. She displayed an aerial photograph and indicated the location of the subject parcels where two businesses were located – Moss Marine and the Big M. She reviewed the request was for a variance from Section 30-5(18) prohibited signs, roof signs to allow an existing roof sign to remain; and a variance from Section 30-153(b)(1), which stated: *for a parcel of land*

containing one or two business establishments, each separate business establishment shall be allowed a maximum of 32 square feet of sign area to allow the existing sign area to remain. She displayed photographs of the existing conditions at the subject property and pointed out that the roof sign was in place since 1964, the Applicant did not pursue historic designation, the building was approximately 1,500 square feet and there were various types of signs such as but not limited to board signs, sandwich signs, and wall signs which had a total square footage that was well beyond the 64 square feet permitted. She stated that based upon the application as submitted that staff recommended denial; however, she explained that based upon the discussion held in the previous variance application, staff was considering to recommend continuing the case to a date certain (September or October) in order for staff to work out with the Applicant a precise signage package for what they needed on the property.

Community Development Director Fluegel suggested to continue the variance request to a date certain and to include that the applicant provide additional information quantifying all the signs on the subject property and to work with staff to bring the information back to the LPA.

Ms. Plummer asked if the Applicant was agreeable to the continuance.

Emily McDaniel, General Manager of Moss Marine, responded in the affirmative.

Mr. Zuba asked if the Applicant was willing to provide more information, if requested.

Emily McDaniel, General Manager of Moss Marine responded in the affirmative. She explained that she had been appointed General Manager in December 2011 and how she had been playing 'catch-up' with various matters such as the variance application.

Discussion was held concerning what date to continue the variance application – September or October.

Mr. Andre asked if the rooftop sign could obtain a historic variance and not impact other variances.

Zoning Coordinator Chapman stated she would research the matter with the LPA Attorney.

Discussion was held whether the Applicant would need to appear before the Historic Preservation Board prior to the LPA regarding a historic designation.

Public Comment opened.

No speakers.

Public Comment closed.

MOTION: Mr. Andre moved to continue VAR2011-0007, Moss Marine sign variance, until the October LPA Meeting; second Mr. Smith.

VOTE: Motion approved 6-0; Ms. Shamp excused.

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Vice Chair Zuba closed the Public Hearing at 12:10 pm.

Recessed at 12:10 - Reconvened at 12:45

F. MUD 2012-0002 Seagrape MUD

Planning Coordinator Overmyer distributed copies of emails staff received for additional public input. Attorney Matt Uhle, representing Mr. Jamieson, stated the Applicant was trying to establish through the minimum use provision that they were entitled to relief from the maximum of density permitted in the wetlands land use category in the Comprehensive Plan. He stated the Applicant was not trying to establish how many units could ultimately be built on the site today. He explained this was the first step in a series of steps that would have to be taken to identify that number which would involve the application of other provisions of the Comprehensive Plan, the Land Development Code, and state and federal regulations which would all be relevant to determining how many units could be built on the subject site. He distributed copies to the LPA of the standards in the Comprehensive Plan that needed to be applied for a minimum use determination and reviewed the:

1. Administrative Interpretations
2. Standards for the Single-Family Residence Provision – Sections entitled: Date Created (A), Minimum Lot Size, Ownership,
3. Subsection 4 (Construction Regulations – not relevant at this time)
4. Transferability

He stated he believed the Applicant met all three of the four standards with the exception of Construction Regulations which was not relevant at this point in time. He continued to address other information he claimed was given to the LPA which he believed was not relevant to the application:

- The northern half of the property was subject to a DEP Conservation Easement – he stated that according to the criteria that needed to be applied there was nothing that had to do with a DEP Conservation Easement. He reported the DEP owned the easement and not the Town; therefore, the DEP could determine if and what type of development they would allow on the property.
- A wetland determination – he claimed his client had a wetland determination performed by the Water Management District that established approximately 61% of the subject property met the standards for jurisdictional wetlands and submitted that to the Town with the expectation that the Town would change the remaining property; however, the Town decided not to do so. He stated there was a lot of property not designated as a ‘wetland’ under state and local regulations.
- A discussion with the Applicant could do a Comp Plan Amendment to change the upland portion of the subject property to another category other than wetlands – he reported the Applicant could and may at some point do that; however, it was not required and it was not a basis for making a determination for a minimum use.

He summarized that the Applicant was not asking for a number of units to be constructed on the property and asked for a minimum use determination for the 40 lots.

Planning Coordinator Overmyer presented comments on the Minimum Use Determination (MUD) 2012-0002 Seagrape on behalf of the Town of Fort Myers Beach. He displayed an aerial photograph and the plat, and described the location of the subject property, surrounding properties. He noted the Seagrape Subdivision was platted in 1919 which had a notation on the plat indicating there was a “mangrove marsh” on the bay side. He explained the Conservation Easement covered 21 of the 40 parcels which had been granted as part of the Seagrape Condominium, and subsequently a section was removed from the approval in Amendment #4 of the Development Order. He discussed aspects of the Conservation Easement:

- Easement conveys to the [Florida Department of Environmental Regulations][“a perpetual interest in the property, consisting of the following...”
 - a) “No construction or placing of buildings, roads, signs, billboards or other advertising, utilities or other structures of any kind whatsoever on or above the ground on the property shall be undertaken without prior written consent of [FDER].
 - c) No removal or destruction of native trees, shrubs or other vegetation on the property.

LPA Attorney Miller noted she provided the LPA with a memo concerning some of the issues raised with the application regarding development of a single-family lot under separate ownership. She noted that under the current situation this related to a number of contiguous lots, and it would be up to the LPA to decide what should apply in this instance because it did not deal with a single sub-standard non-conforming lot.

Mr. Kakatsch questioned if the property was paying taxes and who paid the taxes.

Attorney Uhle stated his client was being taxed as a vacant residential property.

Vice Chair Zuba questioned the implications of the Conservation Easement as it pertained to the tax bill.

Attorney Uhle stated his client could better answer that question and that his client informed him that he was being taxed as vacant residential property regardless of the Conservation Easement.

Vice Chair Zuba asked if the property owner knew of the Conservation Easement access when he purchased the property.

Attorney Uhle stated the owner knew the DER had a Conservation Easement.

LPA Attorney swore in the witnesses.

Attorney Uhle stated it was his belief the easement had been granted to a previous owner in connection with constructing a dock and had nothing to do with taxes.

Discussion was held regarding the Conservation Easement.

LPA Attorney Miller reported that per the Lee County Property Appraiser website, it indicated the subject property had one parcel assessed at \$43,125 and the other at \$37,875.

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Discussion ensued regarding assessed value of the subject property.

Public Comment opened.

Rich Sprague, representing the Board of Directors at Seagrape Bay Condominium Association, stated the subject property was located in an Environmentally Critical Zone which was designated by the land development codes and the Comp Plan. He discussed his interpretation of the code 'as one unit per 20 acres'. He reported that Seagrape Condominium owned a nature trail that went through approximately seven different lots starting at Mango Street to Chapel Street. He stated he discovered that the Town Council in 2002 had unanimously rejected a building proposal on the subject property in Resolution 02-20; and reviewed the highlights of the Resolution that enforced the opinion that the subject property was an environmentally critical area.

Alice Dickson, resident, noted her agreement with the previous speaker's comments, and explained that when she purchased her residence in 2008 she based her decision upon what was located across the canal from the house which was a 'critically environmental protected area'. She reported the mangroves had many bird habitats and the canal attracted manatees. She stated she opposed any proposed development of the subject property.

Terry Cain, resident, distributed copies of old photographs of the subject property. She stated she had been on Town Council in 2002 and explained the Town did not purchase the property at that time since it was in the Conservation 2020 loop and was being vetted for purchase; however, at the same time the owners decided to have an 'option to purchase' on the property and the current owner purchased the property, and thus ended the Conservation 2020 purchase process. She reported the subject property had always been a mangrove area and discussed related photographs from the 1920s, 1940s, and 1950s which indicated the site was a natural mangrove area and not ditched. She stated the Conservation Easement was not granted by the present owner, it was granted by the Seagrape Bay Development in 1989 and was given to the DEP. She asked the LPA to keep in mind the Town's land development codes as it pertained to single-family development, the environmentally critical area, and the Town's Comprehensive Plan.

James Rodwell, resident, stated he strongly opposed development of the subject property and discussed his opinion of the property owner's purchase of the site. He noted the matter may end up in litigation, and offered a suggestion that the Town consider the property for a 'pocket park'.

Don Hanyo, resident, reported he has owned his home for 26 years and has watched the mangroves, and discussed how the mangroves brought eagles, manatees, dolphins, sea otters to the area, and helped to purify the water and much more. He stated the Town needed 'green space' and the residents wanted 'green space'.

Tom Clift, resident, stated his residence of 15 years was adjacent to the subject property, and that he moved there because of the natural setting. He reported that he knew the former owner, Mrs. Higgins, and was aware of how she had wanted to preserve the area. He explained that other than Matanzas

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Preserve that the subject property was the only other similar area on the Island. He discussed his opposition to the application for the multiple dwelling unit determination.

Jay Light, resident, discussed the basis for his decision to purchase his home 20 years ago due to the beach access and the mangroves. He reviewed his opinion why there should be no change to the Environmentally Critical Zone status of the subject property (i.e. ecologically, population density, traffic, infrastructure, storm drainage, etc.). He noted his belief that changes to the mangroves would have an adverse effect on drainage and increase the chance of flooding on his property. He reviewed some historical facts regarding the purchase of the subject property. He mentioned it was his understanding that the Town was incorporated in order to prevent irresponsible and unwanted development. He noted his strong opposition to the application for the multiple dwelling unit determination.

Community Development Director Fluegel explained the application was for a minimum use determination; the applicant submitted an application which the staff and LPA/Town Attorney reviewed; and that staff was concerned for the potential interpretation because the application involved minimum use property rights. He reviewed how the application dealt with 40 platted lots.

Public Comment closed.

Discussion ensued regarding if the Town could have the subject property appraised as it pertained to the wetlands; how the current owner purchased the property with the current designation; the Administrative Interpretations of the Comp Plan as described by the Applicant; the listing/classification of platted lots (i.e. wetlands, uplands, etc.); and Future Land Use Map designation and zoning for the subject property.

Mr. Smith questioned the future use of the subject property.

Attorney Uhle stated it was not meaningful to discuss future development until the development rights were known. He explained the Applicant was seeking a baseline for a portion of the Comp Plan; and he anticipated some type of residential development but could not guess how large it would be until other issues were resolved.

Vice Chair Zuba questioned if the Applicant was seeking approval for a 40 unit development.

Attorney Uhle stated “not really” but he could understand why that might be the interpretation. He explained there was a lot more to the development process; however, he understood why staff may interpret it as one single-family residence on each lot, but that was probably not realistic. He noted that the zoning was not for single-family and would require a special exception; and that the Applicant would probably wind up asking for a Comp Plan amendment to address parcels that were in the upland area.

Vice Chair Zuba asked if the Applicant intended to request a vacation of the Conservation Easement.

Attorney Uhle responded in the affirmative.

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Discussion ensued regarding the definition of wetlands according to State statutes; potential purchase of the subject property by Conservation 2020 or the Town; percentage of wetlands on the subject property; suitability of the 'build-ability' of the subject property soil; and the location of certain lots in the Conservation Easement or upland designation.

Community Development Director Fluegel reported originally the Applicant requested a 'land use mapping error' which was denied by the Town Attorney and staff; and afterwards he suggested to the Applicant to submit a small-scale land use amendment and a concurrent Planned Development rezoning.

Mr. Zuba questioned the basis for the LPA Attorney's request in her memo dated June 11, 2012 for the LPA to make an administrative interpretation of whether the property owned by the Applicant qualified for a Minimum Use Determination and the density requirements.

LPA Attorney Miller explained that usually this would be to prevent someone from having a sub-standard non-conforming lot; however, in this instance there were other considerations involved.

Vice Chair Zuba questioned if the LPA Attorney agreed with the Community Development Director's assessment that the Applicant appeared to be seeking a determination for 40 residences for the 40 lots.

LPA Attorney Miller responded in the affirmative.

Discussion was held concerning possible approval or denial by the LPA; potential events that could happen if the MUD was approved, amended or denied; consistency with designation of wetlands and an Environmentally Critical Zone of the subject property; prior interpretation by the Town Council in 2002; the Conservation Easement and the number of lots; and the importance of the wetlands and estuaries.

MOTION: Mr. Durrett moved to deny the Minimum Use Determination and that the property does not meet the requirements contained in Section 34-3274 of the Land Development Code, and the property was not entitled to a minimum use determination under the single-family residence provision of the Fort Myers Beach Comprehensive Plan; Second by Mr. Andre.

Ms. Plummer noted her agreement that there should not be any development on the Conservation Easement, but questioned the value of the 19 lots and questioned what would be the next step.

LPA Attorney Miller stated it could be an appeal to Town Council.

Community Development Director Fluegel elaborated on what the next steps could be for the applicant if the LPA and Town Council denied the request and how it would impact transfer of development rights.

LPA Attorney Miller noted the application was more on the narrow issue of whether or not the Applicant was entitled to a Minimum Use Determination of, arguably, 40 dwelling units.

Discussion ensued regarding the MUD and potential for a small-scale land use map amendment on the subject property.

Mr. Kakatsch asked the Applicant to consider donating the subject property to the Town.

VOTE: Motion approved, 6-0; Ms. Shamp excused.

Vice Chair Zuba closed the Public Hearing.

G. Ordinance 12-XX Vacation of Plats

LPA Attorney Miller stated the matter came to the Town's attention because there had been people who were seeking to vacate plats for variance reasons and when she reviewed the process it appeared to be cumbersome and have many requirements that were not relevant to vacations of plats. She explained platted right-of-way or easement as it pertained to vacating interest; and reviewed the changes she proposed in order to streamline the process.

Community Development Director Fluegel concurred that the changes were to clean-up the ordinance and make the process more straight-forward.

Ms. Plummer discussed her concerns regarding the proposed changes.

LPA Attorney Miller responded and explained how Florida law addressed easements and vacations; and noted that vacation of plat requests would still come before the LPA and ultimately Town Council for approval.

Discussion ensued regarding the proposed changes to vacation of plat requests.

MOTION: Mr. Andre moved that the LPA recommends the Findings of Fact and Conclusions of Law that the proposed amendments are in the best interests of the health, safety and welfare of the citizens, residents, visitors, and business owners of the Town of Fort Myers Beach and the LPA hereby recommends that the Town Council adopt the proposed amendments to the Land Development Code; Second by Mr. Smith.

VOTE: Motion approved; 5-1; Ms. Plummer dissenting; Ms. Shamp excused.

H. Discussion of FY 2013 Capital Projects

Vice Chair Zuba asked if there was any objection to any element listed in the FY 2013 Capital Projects.

Mr. Kakatsch questioned the funding for stormwater and if included Estero Boulevard.

Community Development Director would research the matter and inform the LPA at the next meeting. He explained the matter was basically to determine that the projects listed were in line with the Comp Plan.

MOTION: Vice Chair Zuba moved that the FY 2013 Capital Projects were consistent with the Comprehensive Plan to the best of the knowledge of the LPA; second Mr. Andre.

VOTE: Motion approved 6-0; Ms. Shamp excused.

HISTORIC PRESERVATION BOARD

Withdrawn.

VI. LPA MEMBER ITEMS AND REPORTS

Mr. Andre – thanked staff for their hard work, volume of work, and dedication.

Ms. Plummer – inquired about the property located at 391 Palermo Circle; how it was being built; how it was being built seven cement blocks above the ground; and other aspects of the building.

Community Development Director Fluegel reported that it seemed to him that it did not meet the side yard setback.

Planning Coordinator Overmyer stated he believed the subject property was located in an AE Flood Zone.

Discussion ensued regarding the various elevation requirements by FEMA, DEP, and/or the Town.

Vice Chair Zuba requested that staff investigate the matter further and inform Ms. Plummer of their findings.

Ms. Plummer expressed her belief that it appeared two single-family homes were located on one lot.

Community Development Director Fluegel explained it was one house with a roof that spanned between the two sections with one kitchen. He noted that if the subject property violated the side setbacks (7.5') they may not meet the 40% lot coverage that would create a problem, and staff was investigating a Stop Work Order. He added that the house did meet base flood elevation.

Discussion was held concerning maximum lot coverage on the lot.

Mr. Smith – no items or report.

Mr. Zuba – no items or report.

Ms. Shamp – no items or report.

Mr. Durrett – no items or report.

Mr. Kakatsch – no items or report.

VII. LPA ATTORNEY ITEMS

LPA Attorney Miller – no items or report - excused.

VIII. COMMUNITY DEVELOPMENT DIRECTOR ITEMS

Community Development Director Fluegel thanked the staff and LPA Attorney for all the work they performed in order to get the five variances, minimum use determination and ordinance amendment ready for the meeting today. He reminded the LPA Members that if any of them wanted to seek reappointment to the LPA, they should send a letter to the Town Clerk before September 1, 2012 indicating their desire to seek reappointment.

IX. LPA ACTION ITEM LIST REVIEW

None.

X. ITEMS FOR NEXT MONTH'S AGENDA

None.

XI. PUBLIC COMMENT

Public Comment opened.

No speakers.

Public Comment closed.

XII. ADJOURNMENT

MOTION: Motion by Vice Chair Zuba, seconded by Ms. Smith to adjourn.

VOTE: Motion approved, 6-0; Ms. Shamp excused.

Meeting adjourned at 2:30 p.m.

Adopted _____ ~~With~~ Without changes. Motion by Plummer

Second by Andre.

Vote: 5-0, Sharp no vote (absent that meeting),
Guarack Sharp Zuba (excused)

Signature

End of document.



Town of Fort Myers Beach

DEPARTMENT OF COMMUNITY DEVELOPMENT STAFF REPORT

TYPE OF CASE: Sign Variance
CASE NUMBER: VAR2011-0004
LPA HEARING DATE: August 14, 2011
LPA HEARING TIME: 9:00 AM

I. APPLICATION SUMMARY

Applicant: Beach Shell Enterprises, LLC
Morris-Depew Associates, authorized applicant

Request: A variance from Sections 30-93(b) and 30-154(c), LDC

Subject property: Winkler Subdivision
Block B
Plat Book 8 Page 45
Lots 1, 2 & 3

Physical Address: 2610 Estero Boulevard Fort Myers Beach, FL 33931

STRAP #: 19-46-24-W2-0020B.0010

FLU: Boulevard

Zoning: Commercial Resort (CR)

Current use(s): Hotel/Motel

Adjacent use, zoning and future land uses:

North: Estero Beach Club
Residential Multifamily (RM)
Boulevard

South: Single Family Residential
Residential Multifamily (RM)
Boulevard

East: Estero Cove Condominium
Residential Multifamily (RM)
Boulevard

West: Single Family Residential
Residential Multifamily (EC)
Boulevard

II. BACKGROUND AND ANALYSIS

Background:

Beach Shell Enterprises, LLC, has applied for a variance and relief from Section 30-93(b) and Section 30-154(c) of Chapter 30 – Signs, of the Town of Fort Myers Beach Land Development Code.

The subject property, measuring approximately .38 acres in size, contains a single story motel, developed originally under Lee County zoning over 40 years ago. The existing sign on site measures 16’ tall and 61 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.

Beach Shell Enterprises applied for variance from Ordinance 11-01 in October 2011, well before the compliance deadline of December 2011. The applicant has been diligently working with Staff since that date to develop a solution that is the minimum variance that will relieve the applicant of an unreasonable burden caused by application of the current sign ordinance regulations.

Analysis:

The applicant is requesting relief from two sections of Chapter 30 and is proposing a new sign (See *Exhibit A*) that they assert is the minimum variance that will relieve them of the unreasonable burden caused by the current sign regulations..

Monument signs are governed by Section 30-154(c) which states:

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.

Street setbacks for monument signs are regulated by Section 30-93(b) which states:

Section 30-93(b) *Street setbacks. No sign or portion of a sign shall be erected closer than three (3) feet to any sidewalk or bike path or street right-of-way unless eight (8) feet of vertical clearance is maintained.*

Section 30-153(b) establishes the sign face allowance per commercial establishment per parcel and states:

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 Beach Shell 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.

Exhibit A 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" as set forth in 30-154(c) to a height of 4'6". *Exhibit A* also shows an overall height of 9' as measured from the adjacent grade, exceeding the code maximum of 5'.

The applicant states in their narrative that the 'exceptional or extraordinary circumstances' inherent on the subject property are a result of the on-site development constraints, namely the existing pool heater and exhaust, existing fence (required to surround the pool heater) and the location of required parking spaces along the Estero Boulevard property line; as well as off-site constraints like existing utility poles, street signs, transit benches and way-finding devices. (See application for images.) They maintain that at 5' tall a monument sign would not be visible around and among these obstacles.

The applicant and Staff did work together over the course of many months to try and determine if another sign type, not requiring a variance, would meet their needs but after much discussion and consideration, a monument sign was determined to be the best fit. Similarly, an alternative location was also considered, however, even if the applicant was willing to give up a required parking space, the same obstacle of pool equipment and fencing would obscure the 5' sign.

For the setback variance request, the only viable location due to the site constraints discussed previously would be if the proposed new sign is setback 0' from the Estero Boulevard property line.

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;*

Staff agrees that pool equipment, which cannot be easily moved to another location on the subject property and requires a certain amount of clearance above the exhaust, is unique to the subject property. Additionally, the location of thsame pool equipment also required the sign setback to also be modified from 3' 0' from Estero Boulevard. Staff therefore recommends a finding that there **are** exceptional or extraordinary conditions or circumstances that are inherent and unique to the subject property and that **it does** justify the variance requested.

- 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 subject property was platted in the 1930s and developed in the late 1950s, long before the codes and ordinances governing the property today were adopted. The sign, pool heater and required pool equipment fence were established on the subject property prior to the Town's incorporation in 1995 and prior to the adoption of Ordinance 11-01. Staff therefore finds that the conditions justifying the variance **are not** the result 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.*

Town Council has already determined, by the passing of the amended sign ordinance, that monument signs meeting the requirements set forth in Chapter 30 are safe and visible for both traffic and pedestrians. Staff cannot support a height variance based on recommendations and standards from the International Sign Association as suggested in the application.

However, a monument sign meeting the height requirements of 30-154(c) and the setback requirements of 30-93(b) would be visible to traffic on Estero Boulevard only through gaps between the pickets of the existing fence and pool heater or between parked cars. With this in mind, the applicant worked diligently with Staff to determine a height and setback that would reflect the minimum variance necessary for the sign, taking into consideration the subject

property's site constraints, specifically, the pool heater exhaust and critical parking spaces. After months of considering various different sign types, sign locations, location setbacks, etc, Staff is confident that the proposed sign height as depicted on *Exhibit A* and proposed sign location as depicted on *Exhibit B* is the minimum variance necessary to relieve the unreasonable burden caused by the application of Chapter 30 of the LDC.

- 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, 30-154(c) and sign setback, 30-93(b) requirements of Chapter 30 of the LDC. *See Exhibits A & B.* The current sign's height (16' tall) and sign setback (0') is 3 times more than what is allowed under the current code, however, because of the unusual circumstances of the location of the pool equipment and heater exhaust as well as the required fence, a monument sign could not meet the height and locational limitations without severely limiting visibility. Allowing the sign to be proportionately taller and bringing it closer to the right-of-way line to make it visible above the existing pool exhaust, parking spaces, and fence appears to cause no detriment to the public welfare. Therefore, Staff finds that granting the variance **would not** be injurious to the neighborhood or otherwise detrimental to the public welfare.

- 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 new requirements. However, by the recent adoption of the amended sign ordinance Town Council has already addressed the issue of signs and has made a decision to enact and enforce a uniform sign code. Few other locations are evident along Estero Boulevard where pool equipment and required fencing abut the roadway. The location of the pool heater, the clearance required for the exhaust, and the necessity of the fence enclosing that equipment are not general or recurrent. Staff recommends the finding that the circumstances of 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 or practical to amend the regulation.

III. RECOMMENDATION

Staff recommends **APPROVAL** of the requested variance subject to conditions, including the requisite findings and conclusions for granting a variance under LDC Section 34-87. Staff recommends that approval of the variance be 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 4'6" and the height to highest point on the sign must not exceed 9' as depicted on *Exhibit A*.
3. Construction and/or remodeling of the sign must comply with all applicable codes and regulations, including building codes and lighting standards.
4. If the pool equipment, including the pool heater and exhaust, 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.

IV. CONCLUSION

Approval of the requested variance will relieve the burden caused by application of LDC Sections 30-93(b) and 30-154(c) to the subject property, given the unusual and extraordinary conditions related to the location of the pool equipment, clearance requirements for the pool heater exhaust and the required pool equipment fence. These conditions appear to be unique to the subject property. Staff submits that the burden on this property owner resulting from the dimensional limitations of LDC Section 30-154(c) is greater than the burden on other property owners given the unusual conditions on this particular piece of property. Staff recommends **APPROVAL** of the requested variance, as conditioned.

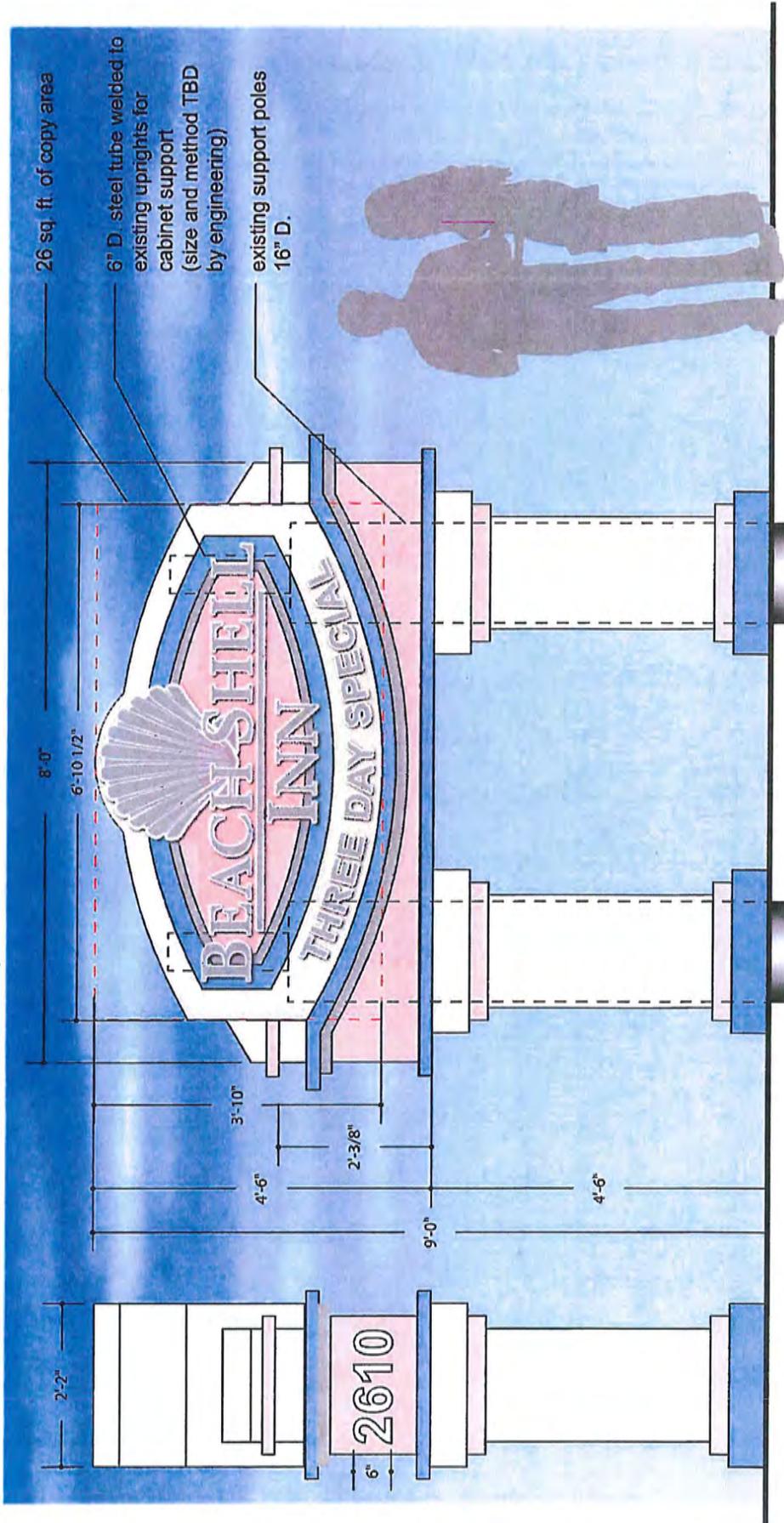
Exhibits:

- A – Applicant proposed sign
- B – Subject property Site Plan

Monument Sign - Revised Design (v2)

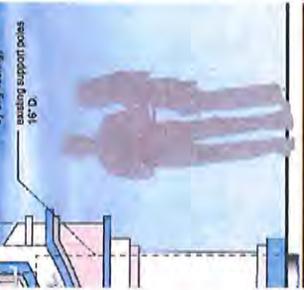
26' square footage of copy area

- Internally illuminated aluminum sign cabinet (H.O. fluorescent lamps)
- Push-through acrylic letters with vinyl inset applied
- Stucco finish applied to cabinet and trim
- exact paint colors TBD



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

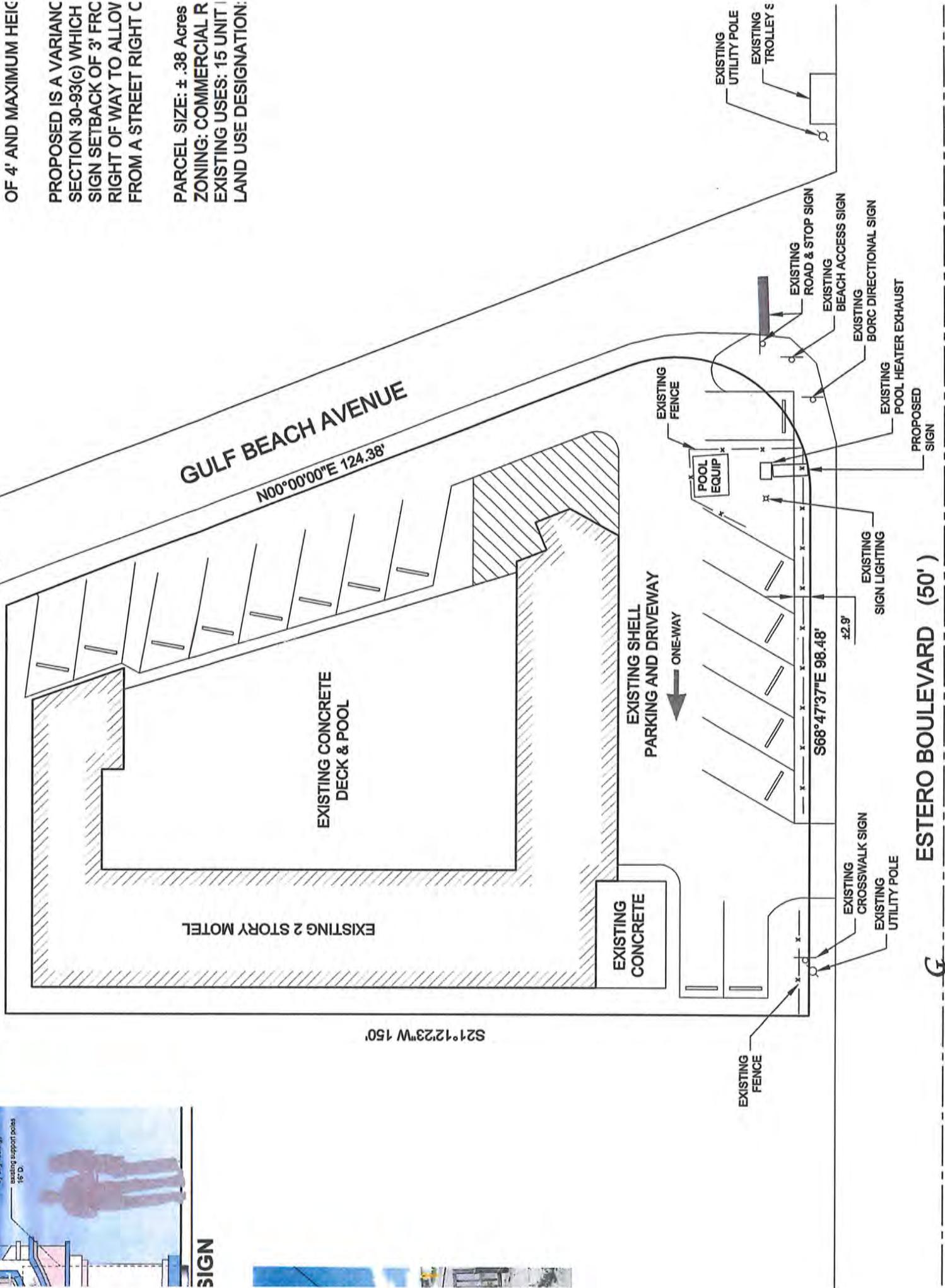
	<p>THIS SIGN INCLUDING BUT NOT LIMITED TO ALL PLASTIC OR SIMILAR COMPONENTS THEREOF, HAS BEEN DESIGNED IN COMPLIANCE WITH THE 2007/2009 AMENDMENTS EDITION FLORIDA BUILDING CODE INCLUDING SEC. 1609 WIND LOADS AND SEC 3107 SIGNS. THIS DESIGN IS THE EXCLUSIVE PROPERTY OF LEE DESIGNS, LLC AND IS NOT TO BE USED IN WHOLE OR PART BY ANY OTHER PARTIES WITHOUT WRITTEN PERMISSION BY LEE DESIGNS, LLC. DIMENSIONS AND COLORS MAY VARY SLIGHTLY DUE TO LIMITATIONS WITH FABRICATION MATERIALS.</p>	<p>Client: Beach Shell Inn Location: Fort Myers Beach, FL Filepath: \\Fs1\grfx\B\Beach Shell Inn\Beach Shell Inn_Rev2b</p>	<p>Drawings Dates Initial: 3/19/12 Revisions: 3/21/12, 4/5/12</p>
	<p>Designer: Matt Salesperson: Elisha</p>	<p>A: 3300 Palm Ave. Fort Myers, FL 33901 P: 239.278.4245 F: 239.278.3912</p>	



SIGN

OF 4' AND MAXIMUM HEIC
 PROPOSED IS A VARIANC
 SECTION 30-93(c) WHICH
 SIGN SETBACK OF 3' FRC
 RIGHT OF WAY TO ALLOW
 FROM A STREET RIGHT C

PARCEL SIZE: ± .38 Acres
 ZONING: COMMERCIAL R
 EXISTING USES: 15 UNIT
 LAND USE DESIGNATION:



ESTERO BOULEVARD (50')



Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

Town of Fort Myers Beach
Department of Community Development



Zoning Division

ORIGINAL

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: Beach Shell Inn
Authorized Applicant: Beach Shell Enterprises, L.L.C.
LeePA STRAP Number(s):
19-46-24-W2-0020B.0010

Current Property Status: Operating Resort
Current Zoning: Commercial Resort
Future Land Use Map (FLUM) Category: Boulevard
Platted Overlay? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no FLUM Density Range:

Action Requested	Additional Form Required
<input type="checkbox"/> Special Exception	Form PH-A
<input checked="" 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): Beach Shell Enterprises, LLC
Address: Street: 2610 Estero Blvd.
City: Fort Myers Beach State: FL Zip Code: 33931
Phone: 239-463-9193
Fax: 239-463-6196
E-mail address: beachshellinn@earthlink.net

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

<input checked="" type="checkbox"/> Owner (indicate form of ownership below)
<input type="checkbox"/> Individual (or husband/wife) <input checked="" type="checkbox"/> Partnership
<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: Morris-Depew Assoc., Inc.
Mailing address: Street: 2914 Cleveland Avenue.
City: Fort Myers State: FL Zip Code: 33901
Contact Person: David W. Depew, PhD, AICP, LEED AP
Phone: 239-337-3993 Fax: 239-337-3994
E-mail address: planning@m-da.com

D. Other agents:

Name(s): Terrence F. Lennick, Esq.
Mailing address: Street: P.O. Box 7031
City: Fort Myers State: FL Zip Code: 33911
Phone: 239-321-1985 Fax: 239-273-4128
E-mail address: terrylennick@yahoo.com

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: Sign Height and setback in reference to Ordinance 11-01
<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
10-154(3)	Boundary Survey

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: _____

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

[X] 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 (included on Exhibit 4-1)
Attach map showing property owners' interests as Exhibit 4-3 if multiple parcels are involved Not Applicable
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: Winkler
Plat Book Number: 8 Page: 45 Unit: Block: B Lot: 1,2 & 3
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):

19-46-24-W2-0020B.0010

D Property Dimensions:

Area: Approx 16,500 square feet Approx 0.38 acres
Width along roadway: 123.48 feet Depth: 150 feet

E. Property Street Address:

2610 Estero Blvd.

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

Approximately one mile south below the Sky Bridge on the west side of Estero Boulevard.
Attach Area Location Map as Exhibit 5-3 See Attached Location Map

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 checked="" 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 checked="" 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 checked="" 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, Cheryl K. Martin, as Managing Member
of Beach Shell Enterprises, L.L.C., 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

Beach Shell Enterprises, L.L.C.
Name of Entity (corporation, LLC, partnership, etc)
Managing Member
Title of Signatory

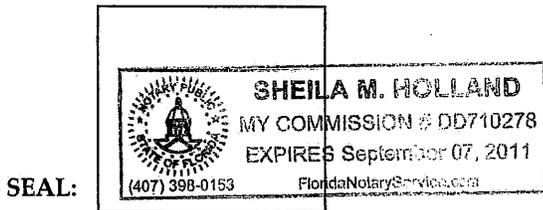
Cheryl K. Martin
Signature
Cheryl K. Martin
Typed or Printed Name

State of FL
County of Lee

The foregoing instrument was sworn to (or affirmed) and subscribed
before me this August 26, 2011 by Cheryl K. Martin
Date Name of person under oath or affirmation
who is personally known to me or who has produced FL Drivers License
Type of identification
as identification.

Sheila M. Holland
Signature of person administering oath

Sheila M. Holland
Typed or Printed Name



Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

EXHIBIT 4-1
DISCLOSURE OF INTEREST FORM

STRAP# 19-46-24-W2-0020B.0010

Attach additional sheets in the same format for each separate STRAP number in the application if multiple parcels with differing ownership are included.

1. If the property is owned in fee simple by an **INDIVIDUAL**, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage

2. If the property is owned by a **CORPORATION**, list the officers and stockholders and the percentage of stock owned by each.

Name, Address, and office	Percentage

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust and the percentage of interest.

Name and Address	Percentage

4. If the property is in the name of a GENERAL PARTNERSHIP or LIMITED PARTNERSHIP, list the names of the general and limited partners with the percentage of ownership.

Name and Address	Percentage
Cheryl K. Martin, Managing Member	50%
2610 Estero Blvd.	
Fort Myers Beach, FL 33931	
Bobbie Myers, Member	50%
2610 Estero Blvd.	
Fort Myers Beach, FL 33931	

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, regardless of whether a Corporation, Trustee, or Partnership is involved, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners, and their percentage of stock.

Name, Address, and Office (if applicable)	Percentage

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

6. If any contingency clause or contract terms involve additional parties, list all individuals, or officers if a corporation, partnership, or trust.

Name and Address

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application but prior to the date of final public hearing, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature Cheryl K. Martin
Applicant
Cheryl K. Martin - Managing Member
Printed or typed name of applicant

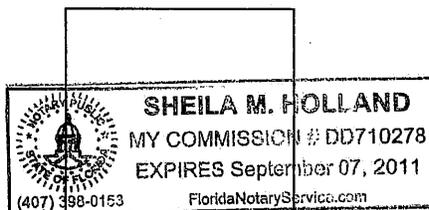
STATE OF FL
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 26th day of August, 2011, by Cheryl K. Martin who is personally known to me or who has produced _____ as identification and who did (or did not) take an oath.

Sheila M. Holland
Signature of Notary

Sheila M. Holland
Typed or Printed Name of Notary

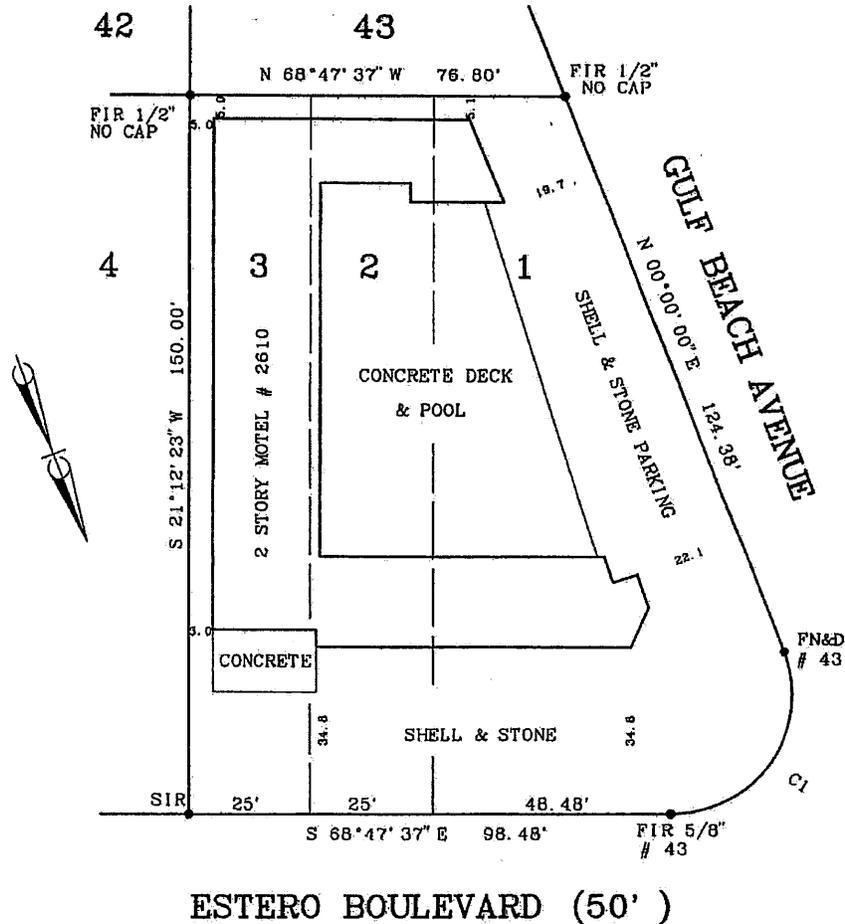
SEAL:



**Beach Shell Inn
Location Map
(Strap# 19-46-24-W2-0020B.0010)**



CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	111°12'23"	25.00'	48.52'	36.52'	41.26'	N 55°36'11" E



ESTERO BOULEVARD (50')

BOUNDARY SURVEY

LOTS 1-3 BLOCK B
 WINKLER SUBDIVISION
 LEE COUNTY, FLORIDA
 PLAT BOOK 8 PAGE 45

CERTIFIED TO:
 CHERYL MARTIN & BOBBIE MYERS
 CHARLES R. MEADOR JR. P. A.
 ATTORNEYS' TITLE INSURANCE FUND, INC.
 TOWNS TITLE & COMPANY
 STEWART TITLE GUARANTY COMPANY
 OLD FLORIDA BANK
 BEACH SHELL ENTERPRISES, LLC

REVISED 8/24/06 - CERTIFICATIONS CHANGED

BASIS FOR BEARINGS: ESTERO BOULEVARD - ASSUMED		SCALE: 0 30	SURVEY DATE: 12/12/00
COMMUNITY NUMBER 125124	PANEL NUMBER 429	SUFFIX D	DATE OF FIRM INDEX 9/20/96
FIR: FOUND IRON ROD	LEGEND	CONC. = CONCRETE	THIS SURVEY IS HEREBY CERTIFIED AS MEETING THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A CERTIFIED TITLE REPORT AND IS NOT A CERTIFICATION OF TITLE, ZONING, OR FREEDOM FROM ENCUMBRANCES. C. E. DAVIS, CERTIFICATE NO. 4839 8/24/06
FIP: FOUND IRON PIPE	CONC. = CONCRETE	+0.0 = EXISTING ELEVATION	
FDH: FOUND DRILL HOLE	☐ = TELEPHONE RISER	☐ = TELEPHONE RISER	NOTE: NO UNDERGROUND STRUCTURES HAVE BEEN LOCATED BY THIS SURVEY. ANY REFERENCES TO UNDERGROUND STRUCTURES IF ANY IS APPROXIMATE.
FCM: FOUND CONCRETE MONUMENT	— = WIRE FENCE	— = WIRE FENCE	
SIR: SET IRON ROD 1/2" W/ CAP # 4839	◆ = UTILITY POLE	◆ = UTILITY POLE	P. O. B. = POINT OF BEGINNING (P) = PLAT (F) = FIELD (D) = DEED (C) = COMPUTED * = NOT FIELD MEASURED
SDH: SET DRILL HOLE	FE. COR. = FENCE CORNER	FE. COR. = FENCE CORNER	
SCM: SET CONCRETE MONUMENT			
PUE: PUBLIC UTILITY EASEMENT			
PU & DE: PUBLIC UTILITY AND DRAINAGE EASEMENT			
SN&D: SET NAIL & DISK # 4839			
PRM: PERMANENT REFERENCE MONUMENT			
FN&D: FOUND NAIL & DISK			

CHARLES E. DAVIS
 LAND SURVEYOR
 WWW.YOURSURVEYOR.COM

4409 S.E. 16th PLACE SUITE 8
 CAPE CORAL, FLORIDA 33904
 TEL: (941) 549-6454 FAX: (941) 549-2548

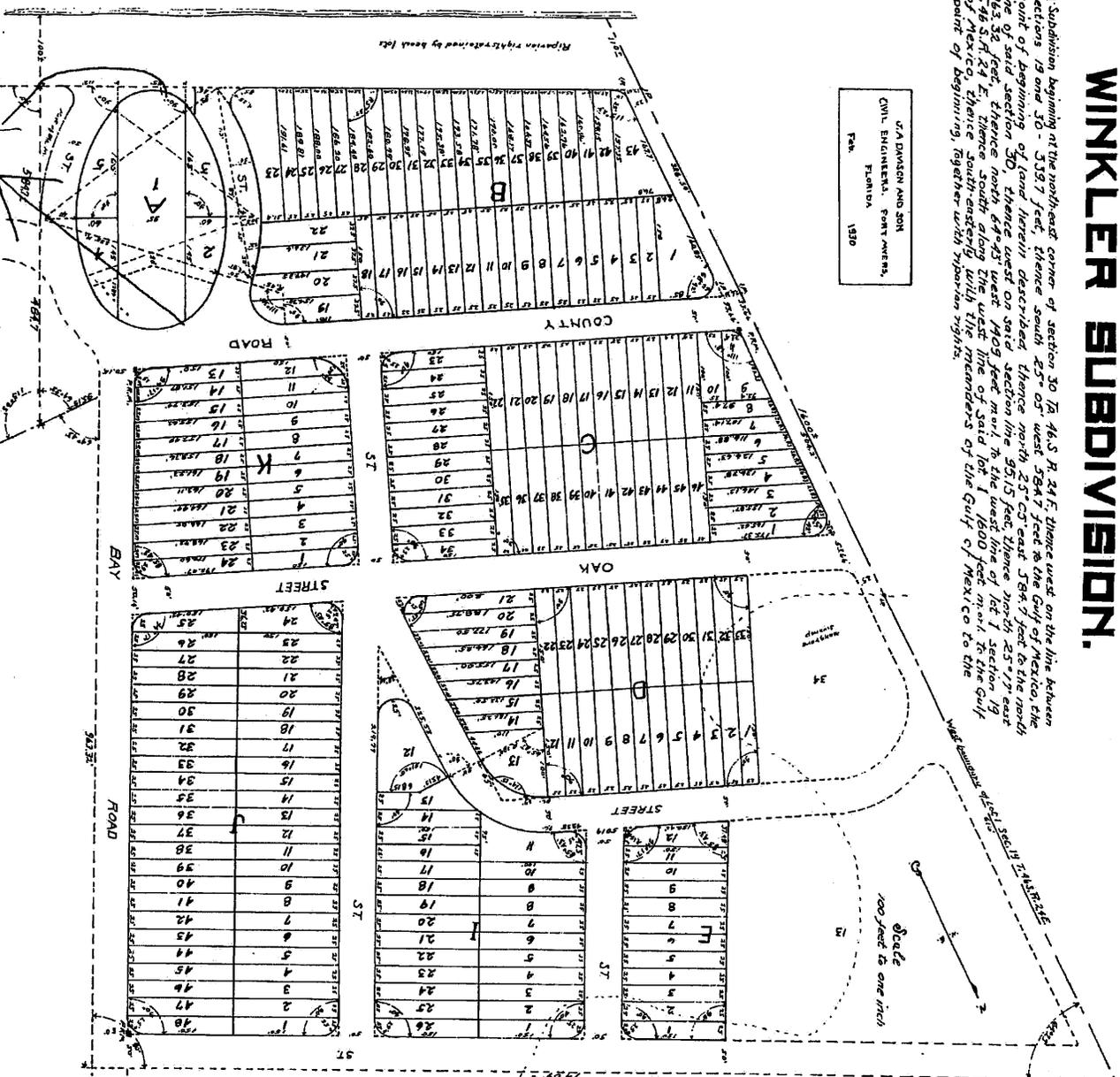
JOB NUMBER:
00-2807

WINKLER SUBDIVISION.

P/B & D.C. 45

A Subdivision beginning at the north-east corner of section 30 1/2 46.5 R. 24 E. thence west on the line between sections 19 and 30 - 3357 feet, thence south 25° 05' west 584.7 feet to the Gulf of Mexico, the point of beginning of land heretofore described thence north 22° 37' east 5784.7 feet to the north line of said section 30, thence west on said section line 9515 feet, thence north 25° 17' east 963.38 feet, thence north 64° 33' west 1409 feet more, to the west line of lot 1 section 19 1/2 46.5 R. 24 E. thence south along the west line of said lot 1 1600 feet more, to the Gulf of Mexico, thence south-easterly with the meanders of the Gulf of Mexico to the point of beginning, together with riparian rights.

J.A. DAVISON AND SON
CIVIL ENGINEERS, FORT WORTH,
FLORIDA
Feb. 1930



CERTIFICATE OF OWNERSHIP

This plat certifies that the within signed owner of the land heretofore described and hereinafter set forth in the subdivision map, lots, blocks and streets as shown, and said streets are hereby dedicated to the public forever.

Signed, sealed and delivered
In the presence of us:
Official Register

STATE OF FLORIDA)
COUNTY OF LEE) S.S.

I, DONNERBY CERTIFY that on this 11th day of February A.D. 1930, personally appeared before me, an official duly sworn and qualified to administer and take acknowledgments, W.B. Winkler and Lillian L. Winkler his wife, both well known to me, as the persons making the foregoing dedication, and they severally acknowledged the execution thereof to be their free and voluntary act and deed for the uses and purposes therein mentioned, and the said Lillian L. Winkler the wife of said W.B. Winkler upon an examination taken separately and apart from her said husband did acknowledge that she executed the foregoing statement freely, voluntarily, and without any constraint, oppression, fear or compulsion of or from her said husband.

Witness my hand and official seal the date last aforesaid.

Official Register, Mary Alice [Signature]

My commission expires 12th Jan. 1931.

CERTIFICATE OF SURVEY

We the undersigned certify that the plat as shown is a correct representation of the land plotted, and that permanent reference monuments have been placed as shown.

J.A. DAVISON AND SON
or Henry K. Davidson.

This plat accepted this 5th day of March 1930 in open meeting of the Board of County Commissioners of Lee County, Florida.

Approved: [Signature] Chairman

69226

IN THE OFFICE OF THE
CLERK OF THE COUNTY COURT,
LEE COUNTY, FLORIDA

Wm. H. [Signature]
Clerk of the County Court

W.B. Winkler
Lillian L. Winkler
[Signatures]

Vacation of street line in limits of E.C.M. B. 16 P. 997489
Plat marked Block X in File
C.M. 16 Page 98889

Plat marked Block X in File
C.M. 16 Page 98889

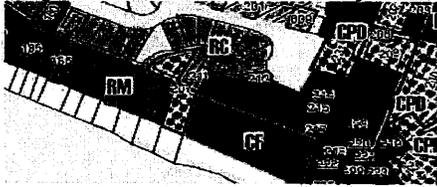


GULF OF MEXICO

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

Town of Fort Myers Beach
Department of Community Development



Zoning Division

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: Beach Shell Inn
Authorized Applicant: Beach Shell Enterprises, L.L.C.
LeePA STRAP Number: 19-46-24-W2-0020B.0010

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

Variance is requested from:

LDC Section Number	Title of Section or Subsection
LDC 30-154(c) & 30-93(b)	Standards for Monument Signs

Complete the narrative statements below for EACH variance requested.



NARRATIVE

WHAT IS REQUESTED

A variance from LDC 30-154(c) which allows a maximum height of 5' for monument signs, provided the bottom of the sign is no more than 18" above the highest adjacent grade, to allow the bottom of the sign at height of approximately 4'6" with a maximum height of 9'.

A variance from LDC 30-93(b) which prohibits a sign or portion of a sign to be erected closer than three (3) feet to any sidewalk or bike path or to a street right of way unless at least eight (8) feet of vertical clearance is maintained, to allow the sign to have up to a zero foot setback from the property boundary.

WHY THE VARIANCE IS NEEDED

The proposed variance is required to allow for the replacement of an existing sign at the subject property. Town of Fort Myers Beach Ordinance 11-01, amending Chapter 30 of the Land Development Code, requires non-conforming signs to be replaced by December 31, 2011. LDC Section 30-56 states;

All signs that do not conform to the requirements of this chapter shall be considered non-conforming signs. All non-conforming signs shall be removed or brought into conformity with this Chapter no later than December 31, 2011. The owner of the real property on which such non-conforming signs exist shall be responsible for ensuring such signs are removed or brought into conformity.

The existing sign at the Beach Shell Inn (see attached) is approximately 16' in height with a sign area of approximately 61 square feet and is subject to Section 30-56 above as well as the following:

Section 30-153(b)(1) – Maximum Sign Area for Commercial uses in commercial zoning districts, limits the maximum sign area for a single business to 32 square feet. The area of the existing sign exceeds this limitation and is therefore non-conforming.

The proposed sign has an approximate square footage of 26 square feet, in compliance with Section 30-153(b)(1). Please see the attached exhibit demonstrating the sign area.

Section 30-154(c), Standards for monument signs, projecting signs and wall signs in commercial zoning districts, limits the height of a sign to 5 feet with the bottom of the sign no higher than 18" above grade. The existing sign on the subject property is approximately 16' in height with the bottom of the sign approximately 8' above grade and is therefore non-conforming with respect to height.

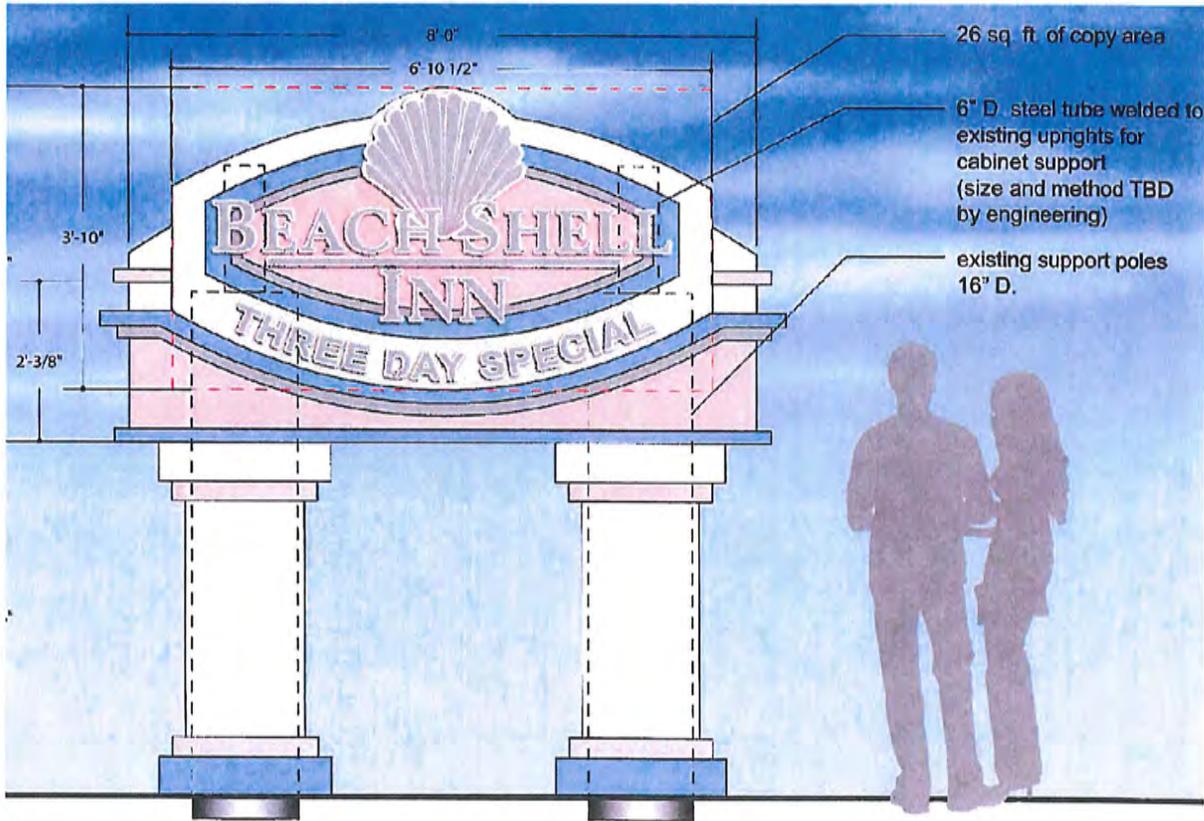
The subject property is limited by a number of existing on-site conditions which include required parking spaces, pool equipment, a required fence enclosure, and a one-way access drive. These conditions restrict the setback from the property boundary along Estero Boulevard to less than 3 feet, which is not an adequate depth to construct a monument identification sign. Therefore, the applicant is requesting a variance to allow the proposed sign to be a maximum of 9 feet high and setback up to 0 feet from the property boundary. This height and setback reduce obstructions created by the on-site

constraints and is visible from the subject property providing reaction and maneuvering time for drivers on Estero Boulevard. A more detailed analysis and justification of the requested sign height and setback follows.

The applicant has consulted with a sign contractor to design a replacement for the existing sign; however a variance from the height and setback requirements will be required to allow the bottom of the sign to be a height of approximately 4'6" with a maximum height of 9' and up to a 0' setback from the property boundary due to on-site constraints and off-site obstructions to the sign face.

EXPLAIN THE POSSIBLE EFFECT OF THE VARIANCE IF GRANTED WOULD HAVE ON ADJACENT PROPERTIES.

The Beach Shell Inn is oriented northwest towards the intersection of Gulf Beach Road and Estero Boulevard, with the Estero Beach Club located to the west. The Beach Shell Inn has been in this location for more than 40 years, with the sign located perpendicular to Estero Boulevard. The existing sign is being downsized and brought into conformity with the new regulations to the maximum extent possible therefore no negative impacts to adjacent properties are anticipated.



EXPLAIN THE HARDSHIP

As stated above, the Beach Shell Inn has been in this location for more than 40 years and was developed under the original Lee County Zoning Ordinance. Currently the sign is 16' in height and 61 square feet in area. When traveling down Estero Boulevard, the sign is obscured by utility poles and off-site identification signs. However due to the implementation of Ordinance 11-01, the

applicant has coordinated with the Town of Fort Myers Beach and agreed to comply with the Sign Ordinance to the maximum extent possible. The site is .38 acres in size and contains a number of existing on-site constraints including, existing pool equipment, required fencing around the equipment area, required parking spaces, a one-way access drive, and a reduced setback from the property boundary.

Existing Pool Equipment – the sign is currently located in the only open area on-site, which happens to be limited by the location of existing pool equipment. Immediately under the existing sign, between the existing sign poles, is the pool heater exhaust. In the same vicinity are the pool pump and an underground storage tank. The close proximity of the pool equipment to each other within the open area minimizes relocation possibilities for the monument sign.

Required Fencing – the Florida Building Code and the Department of Health require the area in which the pool equipment is housed to be enclosed by a minimum 4' high fence. As a result, the open area that contains the pool pump, heater exhaust, and underground storage tank is enclosed by the required fence. The fence cannot be reconfigured to provide visibility to the monument sign due to Florida Building Code and Department of Health requirements.

Required Parking – The Beach Shell Inn was originally developed under the original Lee County Zoning Ordinance and has been at the current location for more than 40 years. At the time of original development, parking was provided in the remaining open areas on site. Currently, the existing parking spaces provided do not meet current code requirements for hotel/motels. Eliminating a parking space to locate a new sign, would further decrease required parking on-site and impact the operation of the hotel as the lot is often full to capacity during season. As a result, parking cannot be reconfigured eliminating relocation possibilities for the sign.

One Way Access Drive – between the required parking abutting Estero Boulevard and the existing 2 story motel is a one way access drive that enables guests to enter the property, park in the spaces abutting Estero Boulevard and the two spaces provided along the east property boundary, and exit onto Estero Boulevard. Due to the one way direction of the access drive, the sign cannot be relocated further east along Estero Boulevard as patrons and potential guests will have passed the entrance before seeing the sign. Furthermore, the exit onto Estero Boulevard and the access drive cannot be reconfigured due to the financial hardship that would be created and the unsafe conditions that would be created by the sign being located beyond the entrance to the Inn. Upon seeing the sign, it is likely a potential guest would stop suddenly and make dangerous driving maneuvers to access the site. In its current configuration, it is possible a driver would enter the site from the wrong direction or pass the site completely due to the sign being located farther down Estero Boulevard. Once a potential guest has passed the site, it is highly unlikely they will turn around to get back to the motel, especially during high season when traffic is backed up along Estero Boulevard.

Reduced Setback – The setback from the property boundary to the required parking that exists along Estero Boulevard is less than 3 feet. This width is not adequate for the placement of a monument sign and does not meet current sign setback requirements. As stated above, the parking spaces cannot be reconfigured to accommodate a monument sign.

A review of the site plan and consideration of the constraints listed above demonstrates that the sign is located in the only open area along the property's frontage, making it the only area available for the replacement sign. However, as listed above, this location also poses constraints. The location of the pool heater exhaust between the existing sign poles and the location of the pool pump and underground storage tank immediately adjacent to the sign restricts the relocation opportunities for the sign within the open area. The required fence that encloses the on-site pool equipment and the

required parking spaces on the northeast and northwest of the sign create sight obstructions. To provide a clear line of sight above these obstructions, the base of the proposed sign must be elevated to a minimum height of 4'6" to be seen over the required pool equipment fence and setback up to 0' from the property boundary to be visible to traffic along Estero Boulevard.

There are also a number of off-site conditions in the immediate vicinity that impact the visibility of the proposed sign. The public beach access at the end of Gulf Beach Road has a sign along Estero Boulevard however, there are no public parking spaces provided. Beachgoers who notice the beach access sign typically drive south to the end of Gulf Beach Road (looking for parking) and then back to the intersection with Estero Boulevard. The stacking of vehicles on Gulf Beach Road waiting to turn onto Estero Boulevard further blocks the visibility of the sign area. There are also numerous public and private signs located west of the subject property on Estero Boulevard which obstruct the visibility of the site generally, and the sign specifically as depicted in the image below.



The entrance to the Bay Oaks Recreation Center is located east of the subject property and an informational sign for the recreation center is located on the eastern corner of Estero Boulevard and Gulf Beach Road, directly in front of the subject property. In addition, street signs (Estero Boulevard and Gulf Beach Road) and a public beach access sign are also located on this corner, contributing to the visibility concerns and restricting the minimum height of the sign for visibility purposes. On the western corner of the intersection of Estero Boulevard and Gulf Beach Road there are other visual

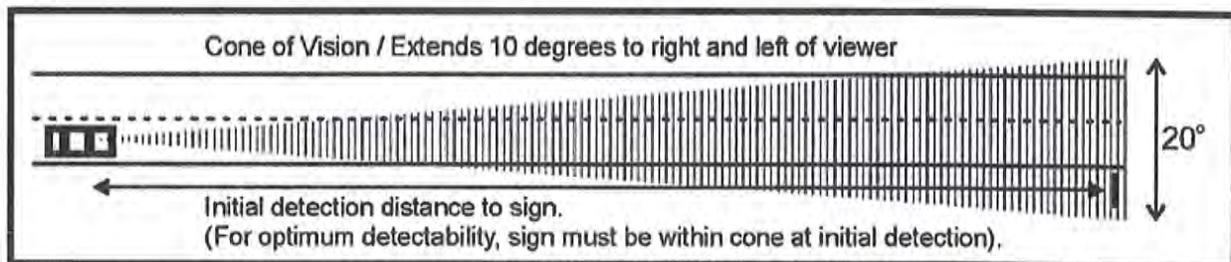
obstructions for the sign, including a Lee Tran Trolley stop and signage, as well as a concrete utility pole. Even further to the west are existing trees and shrubs, project signs and a cross walk sign, all of which serve to block the view of the Beach Shell Inn identification sign. A handbook developed by the New York State Small Business Development Center, demonstrates that to be commercially viable, drivers must be able to distinguish a commercial on-premise sign from the surrounding environment. With the number of signs in the immediate vicinity of the Beach Shell Inn and the on-site constraints, the requested height variance is necessary to ensure the sign can be distinguished from the surrounding environment and remains visible to motorists on Estero Boulevard.

Limiting the sign to a maximum height of 5' and setting the sign back 3' would create a hardship for the commercial operation of the hotel, by creating a sign that is not visible to traffic travelling in an easterly direction along Estero Boulevard or distinguishable from the surrounding environment, thus not functioning as necessary. This would severely and irreparably damage the ability of the Beach Shell Inn to advertise its services to potential guests on Fort Myers Beach and accordingly, would lead directly and predictably to a loss of income for the Beach Shell Inn. The existing on-site constraints and off site conditions were created prior to the effective date of the Sign Ordinance and result from original development of the area dating back to the 70s and redevelopment that has occurred in the time since. The requested variance eliminates disturbances to the site while complying with the Sign Ordinance to the maximum extent possible.

According to the United States Sign Council, On-Premise Signs Guideline Standards;

"[T]he viewing of a roadside sign by a motorist involves a complex set of sequentially occurring events, both mental and physical. They can include message acquisition and processing, intervals of eye movement alternating between the sign and the road environment and finally, active maneuvering of the vehicle itself as required in response to the stimulus provided by the sign. Further complicating the process is the dynamic process of the viewing task itself. The driver must look through the constricted view frame of a windshield of a moving vehicle, with the distance between the vehicle and the sign quickly diminishing."

Therefore, sign visibility is a function of vehicle speed, sign location, sign size and legibility of the sign. When considering these parameters, it is important to know the driver's point of view. While driving, a motorist has a 20 degree cone of vision. To be effective, signs must be properly sized and located within the cone of vision.



As a driver's speed increases, the cone of vision becomes narrower and less information is included within the cone of vision. As a result, drivers are required to access less information in smaller time parameters to make decisions and maneuvers. At 25 miles per hour, the speed limit at the subject property, a vehicle travels at approximately 37 feet per second. Viewer reaction time is helpful in

preparing sign size requirements and is also specified by the United States Sign Council. The On-Premise Signs Guideline Standards state;

Assuming a message content of six words (30 letters) on a typical sign, the USSC standard Viewer Reaction Time average in simple environments for pre-sign maneuver is 8 seconds; and for post-sign maneuver, 4 seconds. In complex or multi-lane environments, the pre-sign maneuver average advances to 10 or 11 seconds, respectively, and the post sign maneuver average advances to 5 or 6 seconds.

Table 3. Average Viewer Reaction Time

Road Conditions	Maneuver	
	Pre Sign	Post Sign
Simple	8 Sec.	4 Sec.
Complex	10 Sec.	5 Sec.
Multi Lane	11 Sec.	5 Sec.

**Average
Viewer
Reaction
Time**

Therefore at 25 mph or 37 feet per second, a vehicle will travel 296' in the eight second pre-sign maneuver. This is the Viewer Reaction Distance which is used to calculate the font type and letter size for the actual message on the sign. The United States Sign Council recommends driving maneuvers necessary for entry into a specific location be executed before passing the sign. Research published by the New York State, Small Business Development Center demonstrates that at 25 mph, the sign is legible to motorists from 200' away. This distance provides adequate site distance for driver recognition, response and maneuvering.

The image below was taken at the approximately location where the sign should be visible to motorists traveling eastbound along Estero based on the Cone of Vision as well as the Viewer Reaction Distance to provide adequate reaction and maneuvering time. The sight obstructions caused by off-site utilities, signage, and vegetation are clearly visible in the photograph. The requested variance for a maximum height of 9' has been coordinated with Town Staff and a sign contractor and is the minimum height necessary to ensure the Beach Shell Inn sign remains visible despite on and off-site obstructions and to reduce accidents that may occur from rapid stopping, panicked maneuvers, or distracted driving that would result from a sight obstructed sign at a lower height.



The remaining aspect on sign size and location is the angle of the sign, either parallel or perpendicular to the street. Based on the sign's existing location perpendicular to the street, as the following table from the International Sign Association demonstrates, on a road with a 25 mph speed limit, a 32 sq. ft. sign would need to be 12' in height in order for a driver to have adequate reaction time for a maneuver. It is important to note, Type I signs are perpendicular to the road and Type II are parallel.

Sign Size Guidelines for On-Premise Signs

SPEED (miles/hour)	LIMIT LANES TRAFFIC	Type I		Type II	
		OF SIGN SIZE (sq. ft.)	HEIGHT (feet)	OF SIGN SIZE (sq. ft.)	HEIGHT (feet)
25	2	25	12	50	12
25	4	32	12	70	12
35	2	36	20	75	20
35	4	42	20	90	20
45	2	75	35	100	40
45	4	90	35	120	40
55	2	150	50	250	90
Urban Freeway		300	74	450	90

Each of the specifications above are used as standards across the industry to design the size, content and colors of signs in a variety of situations. Estero Boulevard can be described as one of the busiest roads in Lee County and most certainly the busiest in the Town of Fort Myers Beach. Therefore based on the circumstances detailed above, the additional sign height of 9' is justified. It is important to note that the requested 9' in height is less than the 12' recommendation of the International Sign Association due to coordination with Town staff and a sign contractor. The up to 0' setback and maximum 9' in height will ensure the sign remains in the drivers' cone of vision, ensuring visibility and legibility despite on-site and off-site constraints as well as adequate distance for recognition and maneuvering as suggested in the technical documents referenced above and The Florida Green Book which states:

"Drivers must be provided with sufficient sight distance of identification signs to avoid extreme or panicked reactions. Rapid stopping...may be extremely undesirable and cause hazardous maneuvers; therefore it is preferable to provide sufficient sight distance to allow for a more gradual reaction."

Without relief from the maximum height limitation of 5', the Beach Shell Inn sign would certainly evoke rapid stopping as the sign would not be visible above the on-site constraints and would not have adequate visibility to allow for recognition and maneuvering on Estero Boulevard. Therefore the sign would not function as intended by the property owners and the Sign Ordinance. On-premise signage is the most efficient and cost effective form of advertising available to a small business. Visibility of signage is the single most important component for attracting potential "drive-by" guests/clients. At certain times of the year, these "drive-by" guests/clients make up a large portion of the revenues for many hotels/motels-in particular, for smaller establishments that do not have national name recognition. Once a prospective guest/client has driven beyond the entrance to the Beach Shell Inn, based on past experiences, he/she is not likely to turn around and come back. This is particularly the case when traffic is backed up on Estero Boulevard, as is often the situation during high season. Occasionally, the same situation happens during the off-season and when traffic is backed up from the entrance of the Bay Oaks Recreation Center. Therefore, the visibility of the sign is crucial to the economic well-being of the Beach Shell Inn. The technical documents referenced to support the variance request all stress the importance of a visible sign as it is an integral part of the success of a business.



EXPLAIN HOW THE PROPERTY QUALIFIES FOR A VARIANCE. DIRECT THIS EXPLANATION TO THE GUIDELINES FOR DECISION- MAKING IN LDC SECTION 34-87

- 1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, OR whether the request is for the minimum variance under circumstances or conditions.**

There are exceptional conditions or circumstances that are inherent in the property as described above. The existing legally permitted sign is required by Ordinance 11-01 to be replaced. The only feasible location is within a very limited area, due to the existing development constraints of the subject property. The property was developed under the regulations in place during the 1970's. Since then, these regulations have become more restrictive and a number of hardships and constraints now existing on the subject property. As a result the applicant is proposing to bring the sign in conformance with the code, to the maximum extent possible. The subject property, .38 acres in size, was first platted (PB 8, PG 45) in February of 1930 and consists of lots 1-3 of the Winkler subdivision. The first Lee County zoning ordinance was adopted in 1962, well after the 25' wide lots had been created. Current zoning regulations for the CR zoning district require minimum lot sizes of 100' in width and 20,000 sq. ft. in size, significantly larger than the approximate area of the subject property.

The location of the existing sign is the only area on-site that provides enough area suitable for the replacement of the sign. Unfortunately at 5' the sign would not be visible due to the existing development and traffic pattern within the area, creating the need for the variance. Limiting the sign to 5' in height, would eliminate visibility of the sign due to the existing pool equipment, fence, and vehicles located in the required parking spaces on either side of the sign, or from the existing right of way due to off-site signage and obstructions.

The applicant did consider several alternatives prior to requesting the variance for height. Several options regarding the type and size of the sign, as well as the placement and potential height for the new sign, were explored before this particular version was selected. First, the applicant considered other types of signs permitted by the ordinance, a wall sign or a projecting sign. However, the closest exterior wall of the Beach Shell Inn is set back almost 35 feet from Estero Boulevard, making a wall sign less visible and creating additional hardship and potential safety concerns for the traveling public. Furthermore, the height of the wall fronting Estero Boulevard is one story, has a number of windows, and is located behind the required parking area. These conditions would eliminate the visibility of a wall sign. Due to a lack of visibility, a wall sign or projecting sign are not feasible, leaving a monument sign as the applicant's only visible option.

Once it was determined a monument sign is the best alternative, several possible locations along the road frontage of the Beach Shell Inn were considered. Any location east of the existing sign would interfere with an existing parking space, eliminating its use and rendering a portion of the hotel unusable. Relocating the sign to the east would also place the sign past the one way entrance to the property. Any location abutting the property boundary would also impact a required parking space or encroach into the Estero Boulevard right of way. Alternatives reducing the already limited on-site parking or causing patrons to pass the entrance would negatively impact operations of the Beach Shell Inn. The existing sign location is the only feasible alternative for the replacement sign.

There are a number of constraints that must be considered with regard to the existing sign location. The sign is located directly above the pool heater, within the fenced area of the Inn's pool equipment, and is flanked on either side by required parking. As a result, the sign must be elevated sufficiently to clear the on-site constraints which include pool heater exhaust, the required fence, and any vehicles that are parked in the spaces adjacent to the sign. The opportunities to relocate the sign within the fenced area are limited due to the physical location of the pool pump, pool heater, underground storage tank, and Estero Boulevard right-of-way. The sign height and location must also avoid other off-site obstructions in the immediate vicinity such as street signs, other government signs, private signs, trees, utility poles, and vehicles stacked on Gulf Beach Avenue waiting to turn on to Estero Boulevard.

The applicant has agreed to locate the sign to the only viable location within the fenced pool equipment area. Unfortunately, this area cannot accommodate the required 3' setback and the allowable height of 5' at this location causes the sign to not be visible to motorists on Estero Boulevard. As stated above, the proposed sign is to be placed perpendicular to the right of way line on a street with a 25 mph speed limit. Utilizing the standards published by the International Sign Association, a 32 sq. ft. sign, at a 90 degree angle, on a road with a speed limit of 25 mph, requires a height of 12'. At this height, the sign will clear the on-site constraints and will be visible to motorists on Estero Boulevard for 200' allowing adequate recognition and maneuvering time. In consideration of this guidance, the applicant requests a variance to allow a maximum sign height of 9', with the bottom of the sign to be at an approximate height of 4'6" above grade and up to 0' setback from the property boundary.



In addition to the visibility problems caused by the 5' height limitation, there are also safety considerations. At 25 mph, a driver travels approximately 37 feet per second and could require up to 12 seconds to observe and react to the sign. If the sign was 5' in height it would not be visible behind the existing fence, a car parked in one of the spaces adjacent to the existing sign, or a car stacked along Gulf Beach Road waiting to turn onto Estero Boulevard. As a result, drivers would be required to look outside of their cone of vision, taking their eyes off of the road. Due to the amount of activity and signage in this area, this condition will create a safety issue for both pedestrians and other motorists. As demonstrated by the image below, within close proximity to the subject property is an existing cross walk, a utility pole, a Lee Tran Trolley Stop, and a public beach access. In addition to the potential conflicts with pedestrians, traffic has the potential to back up along Estero Boulevard for a number of reasons, including seasonal traffic, special events, and patrons traveling to the Bay Oaks Recreation Center, north of Gulf Beach Road. Traffic backups from these situations create the potential for rear end collisions due to distracted drivers looking for a signage obscured by on-site and off-sight constraints.



The applicant has demonstrated there are existing conditions and circumstances which are inherent to the subject property, specifically the size and presence of existing development on and near the subject property. Additionally, all other standards regarding setbacks and sign area outlined in LDC Chapter 30 have been met and based on the investigation by the applicant, relief from the 5' maximum height requirement and 3' setback requirement is the minimum variance necessary to relieve the hardship.

2. Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question.

The exceptional conditions and circumstances, outlined above, were all created prior to the applicant's occupation of the property, via the platting and building construction. In addition, the Beach Shell Inn has a legally existing sign, were it not for the ordinance requiring these issues to be addressed a variance would not be needed. Therefore the hardship is not the result of applicant's actions subsequent to the adoption of the sign ordinance.

3. Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question

As stated above, the requested variance is the minimum variance necessary to relieve the applicant of the hardship created by the revised regulation. By allowing up to a 0' setback and elevating the sign to a height of 9', with the bottom of the sign to be at an approximate height of 4'6" above grade, the bottom of the sign will be high enough to clear the existing pool heater, fence enclosing the pool equipment, and required parking. The remainder of the sign can be seen from Estero Boulevard and over any vehicles stacked on Gulf Beach Road waiting to turn onto Estero Boulevard. The proposed sign is consistent with all other aspects of the ordinance, such as sign copy size from the right of way.

4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare.

As described above, the existing sign for the Beach Shell Inn has been in the same place and at the current height for many years without any negative impacts. Since the proposal is to reduce the height and face of the sign, in an effort to comply with the Sign Ordinance to the maximum extent possible, granting the requested variance would not be detrimental to the neighborhood or public welfare. Without the increased height and setback variance, the sign will not be visible to motorists on Estero Boulevard. In that case, the sign would be detrimental to the public welfare due to distracted driving and rapid stopping that would occur as the sign came into view.

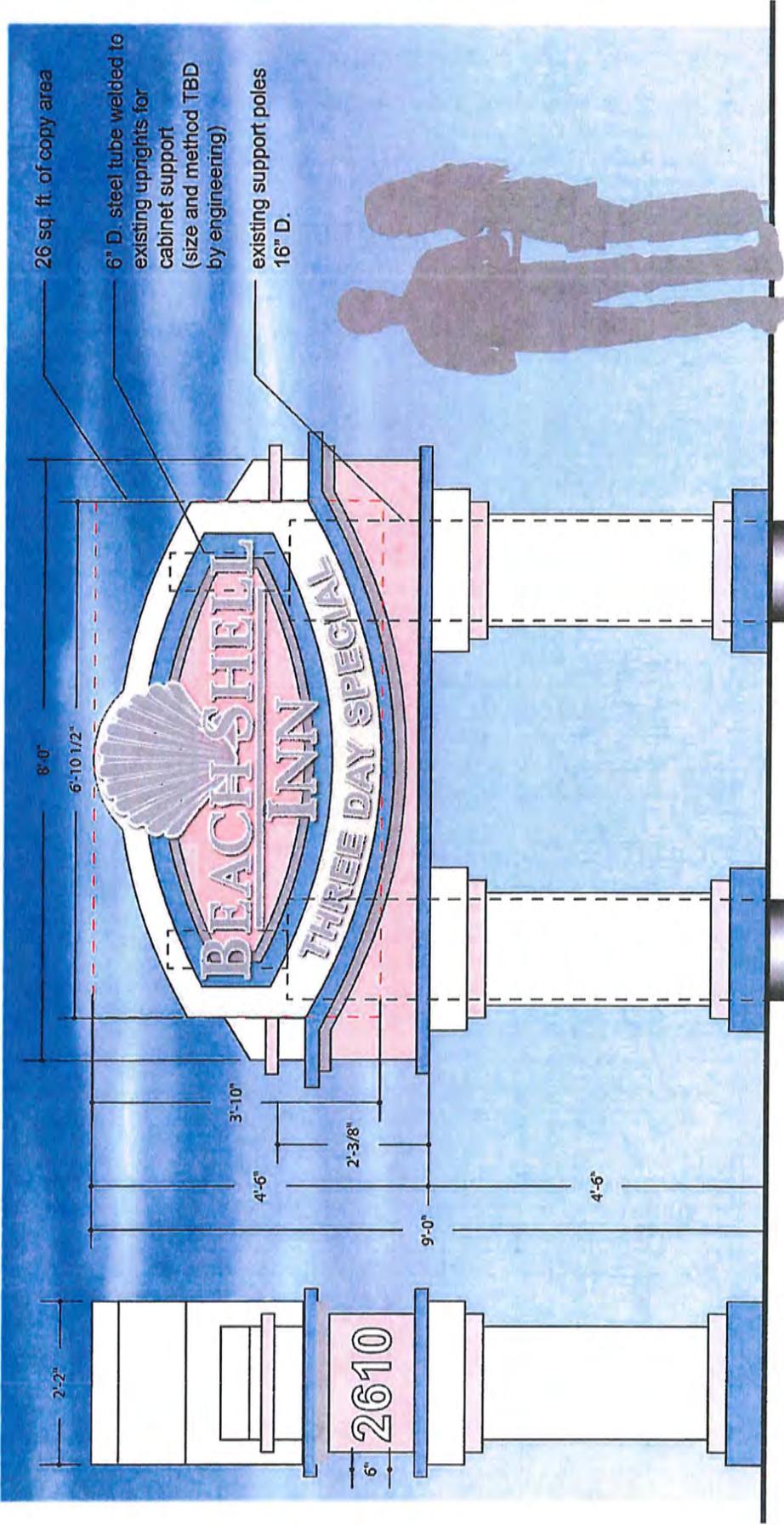
5. Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

The subject of the variance is not so general or recurrent as to require amendments to the regulations. Although the ordinance is new, the regulations anticipated that variances will be necessary due to unique situations and conditions, such as the subject property, and provided for them in LDC Section 30-54.

Monument Sign - Revised Design (v2)

26' square footage of copy area

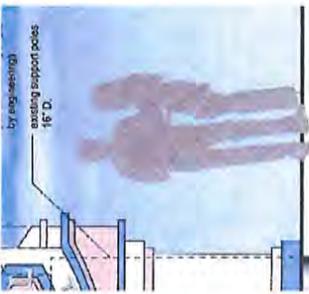
- Internally illuminated aluminum sign cabinet (H.O. fluorescent lamps)
- Push-through acrylic letters with vinyl inset applied
- Stucco finish applied to cabinet and trim
- exact paint colors TBD



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



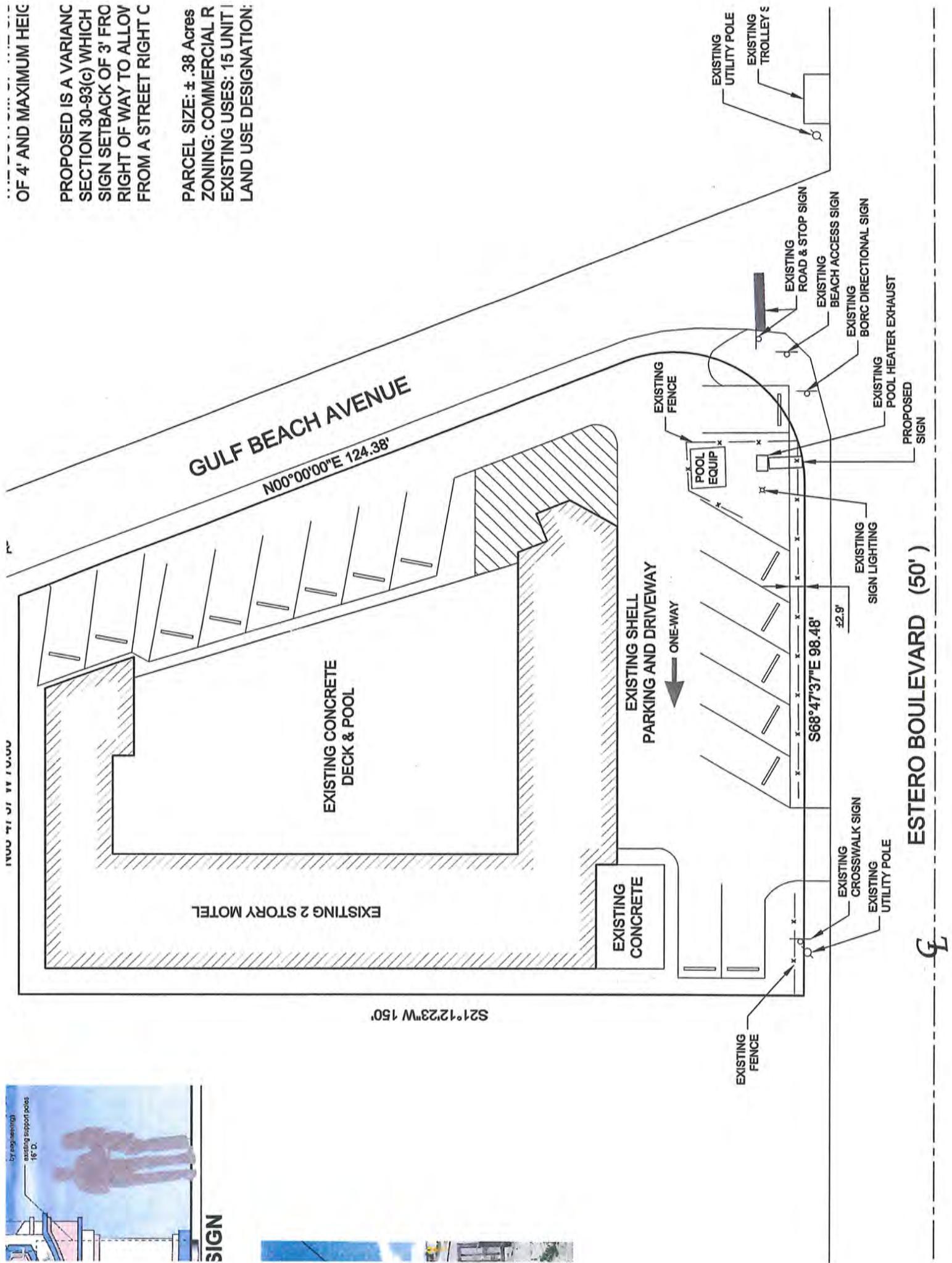
<p>THIS SIGN INCLUDING BUT NOT LIMITED TO ALL PLASTIC OR SIMILAR COMPONENTS THEREOF, HAS BEEN DESIGNED IN COMPLIANCE WITH THE 2007/2009 AMENDMENTS EDITION FLORIDA BUILDING CODE INCLUDING SEC. 1609 WIND LOADS AND SEC 3107 SIGNS THIS DESIGN IS THE EXCLUSIVE PROPERTY OF LEE DESIGNS LLC. AND IS NOT TO BE USED IN WHOLE OR PART BY ANY OTHER PARTIES WITHOUT WRITTEN PERMISSION BY LEE DESIGNS LLC. DIMENSIONS AND COLORS MAY VARY SLIGHTLY DUE TO LIMITATIONS WITH FABRICATION MATERIALS</p>	
<p>A: 3300 Palm Ave. Fort Myers, FL 33901 P: 239.278.4245 F: 239.278.3912</p>	<p>Designer: Matt Salesperson: Elisha</p>
<p>Client: Beach Shell Inn Location: Fort Myers Beach, FL Filepath: \\Fs1\grfx\B\Beach Shell Inn\Beach Shell Inn_Rev2b</p>	<p>Drawings Dates Initial: 3/19/12 Revisions: 3/21/12, 4/5/12</p>



SIGN

OF 4' AND MAXIMUM HEIG
 PROPOSED IS A VARIANC
 SECTION 30-93(c) WHICH
 SIGN SETBACK OF 3' FRO
 RIGHT OF WAY TO ALLOW
 FROM A STREET RIGHT C

PARCEL SIZE: ± .38 Acres
 ZONING: COMMERCIAL R
 EXISTING USES: 15 UNIT
 LAND USE DESIGNATION:

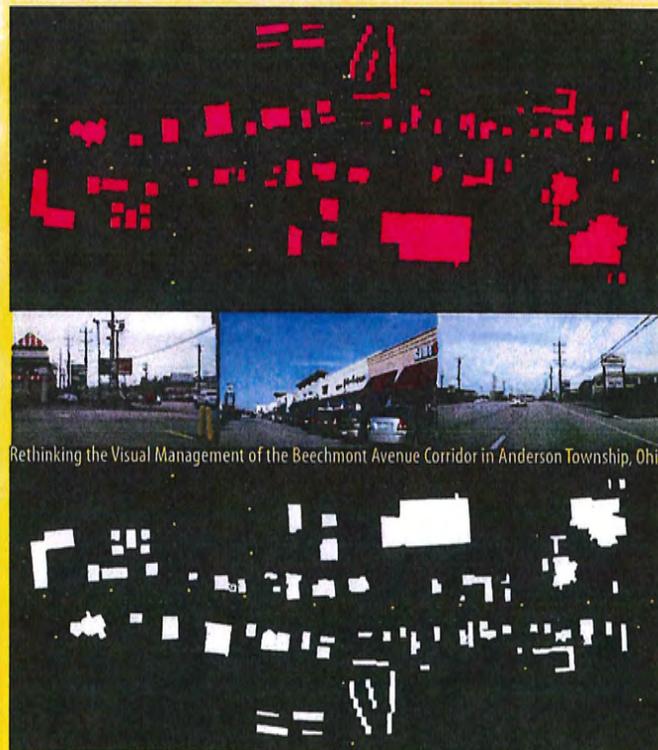


ESTERO BOULEVARD (50')

Handwritten mark resembling a stylized 'G' or '5'

Workshop in Urban Design School of Planning
College of Design, Architecture, Art, and Planning
University of Cincinnati

Signage Studio Summer 09



Rethinking the Visual Management of the Beechmont Avenue Corridor in Anderson Township, Ohio

Menelaos Triantafillou, ASLA, AICP
Associate Professor of Planning & Urban Design

Workshop in Urban Design 23PLAN604/441 Summer Quarter 2009
School of Planning, College of Design, Architecture, Art, and Planning
University of Cincinnati

Signage Studio Final Document
Beechmont Avenue Corridor Anderson Township, Ohio

Prepared for
The Signage Foundation, Inc.
Anderson Township, Ohio

October, 2009

Menelaos Triantafillou, ASLA, AICP
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In January 2009, the Terence M. Fruth/Gemini Chair of Signage Design and Community Planning in the College of Design, Architecture, Art, and Planning was also established. This chair and the James S. Womack/Gemini Chair of Signage and Visual Communications in the College of Business (2007) were established through the philanthropy of James (Jim) and Sharon Weinel of Gemini, Inc.

The Workshop in Urban Design in the summer quarter 2009, the Fourth Year Planning Design Studio on Signage and Urban Planning with Professor Mahyar Arefi in the spring quarter 2009, and the Independent Study on the role of Landscaping and Signage Issues by graduate MCP Student Emily Heintzleman under the direction of Professor Menelaos Triantafillou are initial research activities within the collaborative framework for research and academic exploration on issues centering on urban planning, urban design, and signage.



STANDARDS

On-Premise Signs Guideline Standards

Research Based
Approach To:

- Sign Size
- Sign Legibility
- Sign Height

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On Premise Signs

United States Sign Council Best Practices Standards

A Research Based Approach To:

Sign Size

Sign Legibility

Sign Height



The United States Sign Council gratefully acknowledges the contributions of the following individuals in the development of this Best Practices Standards publication.

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What's Your Signage?

How Signs Can Help Your Small Business



- Home
- Step 1 – Why Is Signage Important?
- Step 2 – What Makes an Effective Sign
- Types of Signs
- About Us
- Contact Us

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Step 1: Why Is Signage Important?

Signs are so commonplace that their importance can be taken for granted. As an entrepreneur, though, you should know that your sign can be vitally important to your bottom line.

The best signs are designed well enough to attract business, while at the same time enhancing the area where they are meant to work.

In this section, we'll look at how a sign can positively impact your business, as well as your community.

An effective sign is one that:

1. **A**tracts New Customers
2. **B**rands in the Minds of Consumers
3. **C**reates Impulse Sales
4. Helps a Mobile Society
5. Aids Traffic Safety
6. Enhances the Look of a Community



This site contains selections from this award-winning book. [Click here to order!](#)





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[Step 1 – Why is Signage Important?](#)

[Step 2 – What Makes an Effective Sign](#)

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Step 2 – What Makes an Effective Sign?

The design of effective signs is based in science. It also requires expertise in graphic design. There's more to a good sign than meets the eye.

Knowing the factors behind making a good working sign helps make you a more informed customer for a sign company. These are just some the factors considered by sign manufacturers when they scout your location:

1. **Visibility/Conspicuity**
2. **Legibility**
3. **Cone of Vision and Angle**
4. **Graphic Considerations** (Color, Contrast & White Space)
5. **Contrast/Luminance**
6. **Letter Heights**
7. **Letter Style and Capitalization**
8. **Lighting**



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1 2 3 4 5 6 7 8

3 – Cone of Vision and Angle

- Home
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While driving, a motorist has a 20° range, or "**cone of vision**." If your business has a sign whose **setback** (*i.e.*, its distance) from the road is outside of this cone, then your sign is in danger of being missed.

The **angle** at which someone sees your sign influences how much time a driver needs to react to the sign. A sign at a 90° angle to the road would be the best option, while those parallel to the road are the hardest for drivers to see. In this table, Type I refers to signs that are at a 90° to the road, while Type II signs are those that are **parallel** to the road. See the difference in square footage?

What's Your Signage Handbook
This site contains selections from this award-winning book. Click here to order!



Sign Size Guidelines for On-Premise Signs

SPEED LIMIT (miles/hour)	LANES OF TRAFFIC	Type I	Type I	Type II	Type II
		SIGN SIZE (sq. ft.)	HEIGHT (feet)	SIGN SIZE (sq. ft.)	SIGN HEIGHT (feet)
25	2	25	12	50	12
25	4	32	12	70	12
35	2	36	20	75	20
35	4	42	20	90	20
45	2	75	35	100	40
45	4	90	35	120	40
55	2	150	50	250	90
Urban Freeway		300	74	450	90

Source: Schwab, Richard N.

