

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 the 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 **APPROVES** 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:

**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.

#### **FINDINGS AND CONCLUSIONS:**

In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the Town Council makes 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.

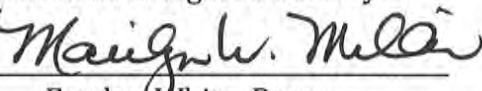
The foregoing Resolution was adopted by the Town Council upon a motion by Council member Kosinski and seconded by Councilmember List, and upon being put to a vote, the result was as follows:

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

DULY PASSED AND ADOPTED THIS 15th day of October, 2012.

By:   
Bob Raymond, Mayor

Approved as to legal sufficiency:

By:   
Fowler, White, Boggs  
Town Attorney

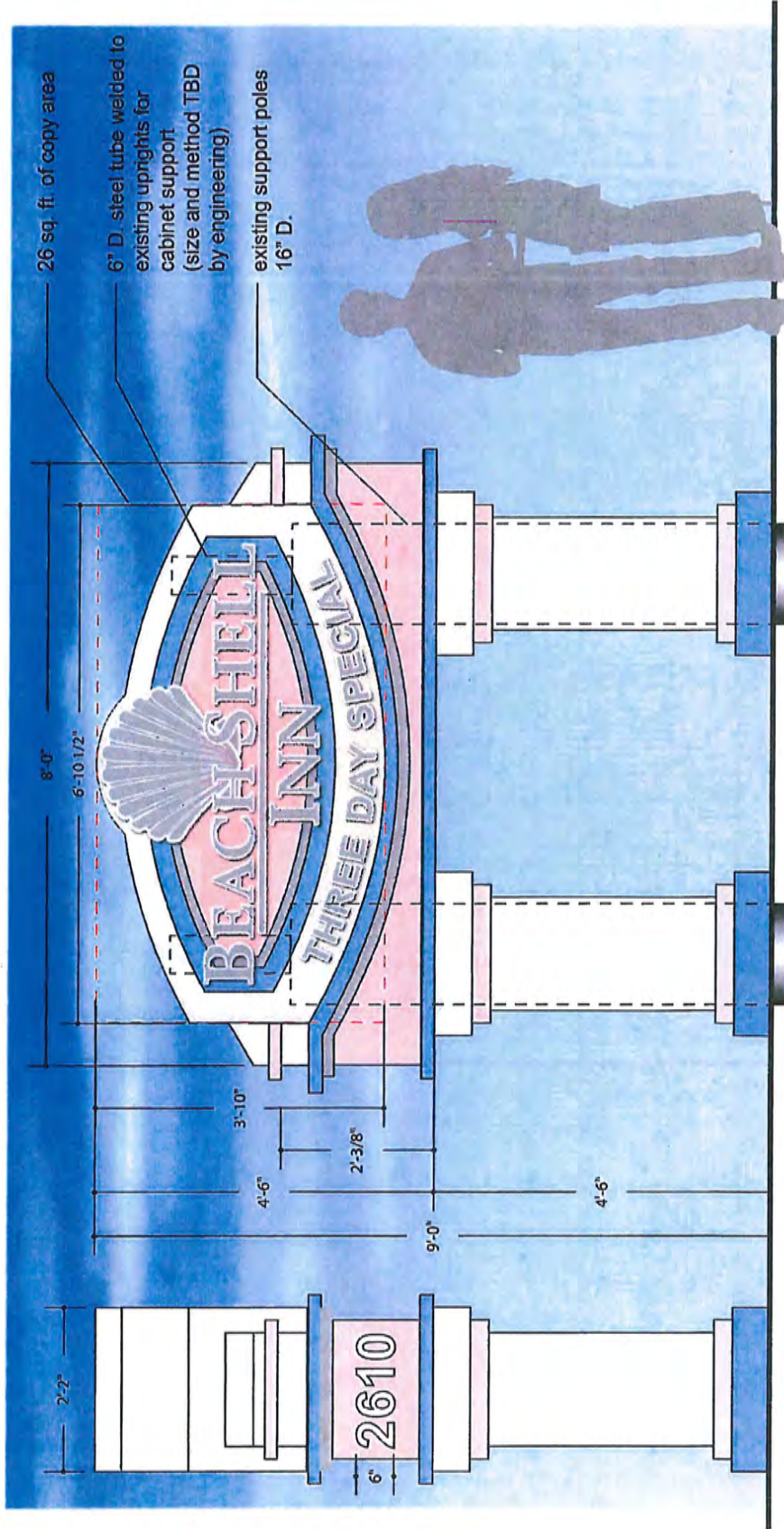
ATTEST:

By:   
Michelle Mayher  
Town Clerk


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"

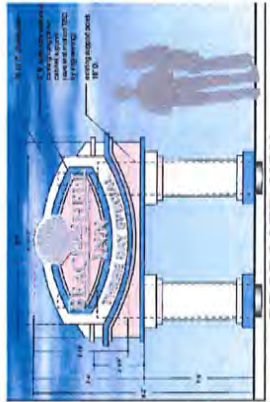
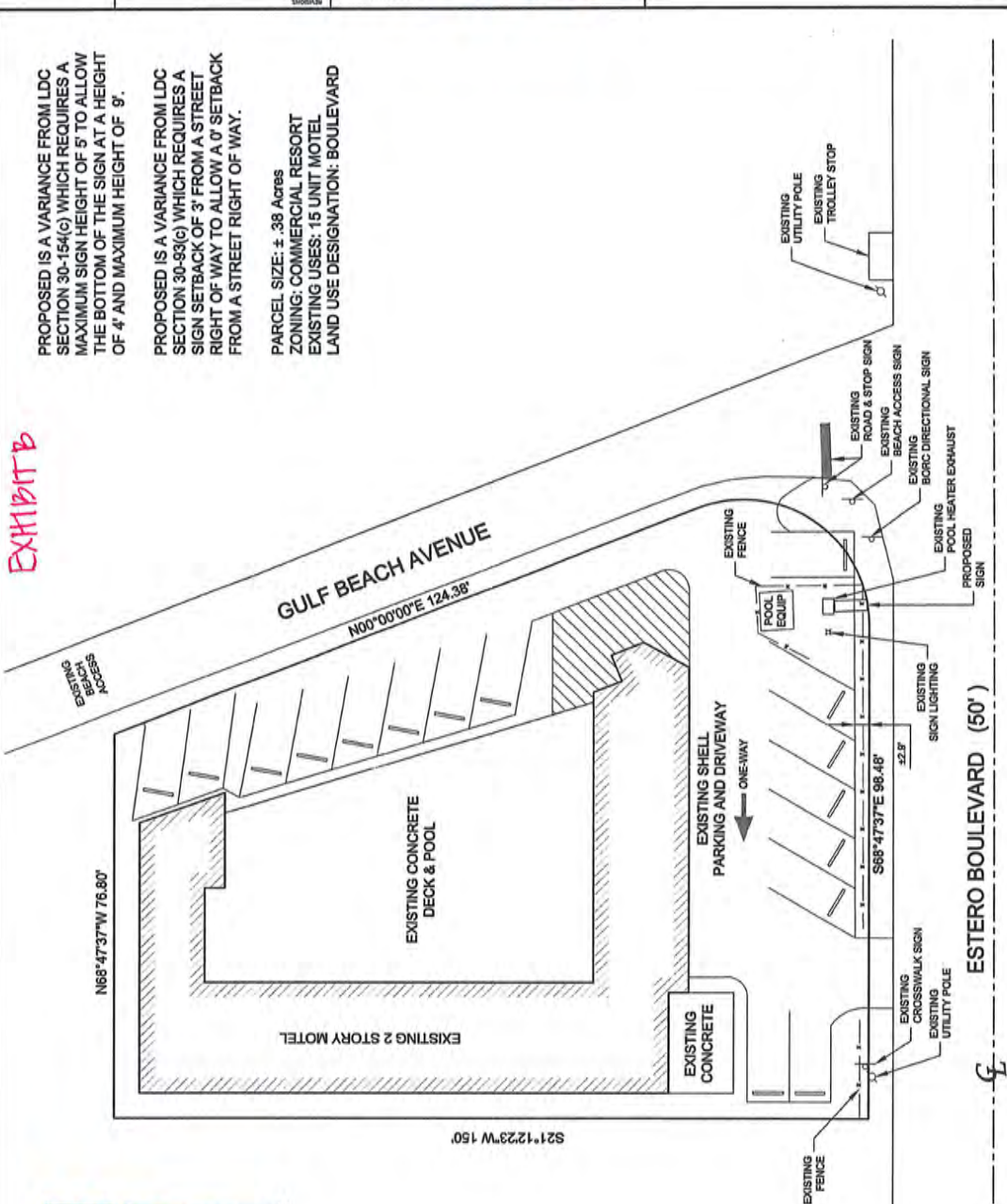
	A: 3300 Palm Ave. Fort Myers, FL 33901 P: 239.278.4245 F: 239.278.3912	Designer: Matt Salesperson: Elisha	Client: Beach Shell Inn Location: Fort Myers Beach, FL Filepath: \\Fs1\grfx\B\Beach Shell Inn\Beach Shell Inn_Rev2b	Drawings Dates Initial: 3/19/12 Revisions: 3/21/12, 4/5/12
	THIS SIGN INCLUDING 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 SE. 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.			

**EXHIBIT B**

PROPOSED IS A VARIANCE FROM LDC SECTION 30-154(c) WHICH REQUIRES A MAXIMUM SIGN HEIGHT OF 5' TO ALLOW THE BOTTOM OF THE SIGN AT A HEIGHT OF 4' AND MAXIMUM HEIGHT OF 9'.

PROPOSED IS A VARIANCE FROM LDC SECTION 30-93(c) WHICH REQUIRES A SIGN SETBACK OF 3' FROM A STREET RIGHT OF WAY TO ALLOW A 0' SETBACK FROM A STREET RIGHT OF WAY.

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



**PROPOSED SIGN**



**EXISTING SIGN**

**MORRIS**  
 ENGINEERING PLANNING & DESIGN  
 LICENSED ARCHITECTS  
 2814 Sandhills Avenue  
 • Jacksonville  
 • Fort Myers  
 904.226.8888  
 Fax 904.226.8888  
 FL. CA. NO. 6502 / FL. CERT. NO. 10991 / LC20000030

**BEACH SHELL INN**  
 Beach Shell Enterprises, LLC  
 11025  
 05-26-2012  
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**SITE PLAN**  
 DWG NO. 05-26-2012  
 05-26-2012  
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