

LPA RESOLUTION 2025-12

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF FORT MYERS BEACH FLORIDA RECOMMENDING APPROVING WITH CONDITIONS VARIANCE VAR20250136, REQUESTING 1) VARIANCE FROM LDC SECTION 34-638(D)(6), WHICH REQUIRES ACCESSORY STRUCTURES ON CORNER LOTS TO PROVIDE A MINIMUM OF 15 FEET SIDE STREET SETBACK FOR CORNER LOTS WITH WIDTH FROM 50 FEET TO 75 FEET, AND 2)VARIANCE FROM LDC 34-1174(b) TO ALLOW AN ACCESSORY STRUCTURE INCLUDING POOL, CLOSER TO SIDE STREET RIGHT-OF-WAY LINE THAN THE PRINCIPAL BUILDING IN THE RC ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 211 OSTEGO DRIVE; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Glenn Harris III for GH-3- RB CAPITAL, LLC, owner of the property situated at 211 Ostego Drive, is requesting a variance from LDC Section 34-638(d)(6) to reduce the required 15 foot side street setback for corner lots with width from 50 feet to 75 feet and a variance from LDC 34-1174(b) to allow an accessory structure/accessory pool closer to the side street right of way line than the principal building in RC zoning district; and

WHEREAS, the STRAP number for the subject property is 19-46-24-W4-00402.0030; and

WHEREAS, the Property is located in the "Mixed Residential" category of the Future Land Use Map of the Comprehensive Plan and the "Residential Conservation" zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on August 12, 2025, and at said 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 Section 34-87 of the LDC; and

WHEREAS, in accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the LPA makes the following findings and 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.

WHEREAS, eligible members of the LPA voted 6 to 0 by roll call vote to approve with conditions the requested variances with the following conditions:

1. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
2. The variance shall only apply to the single-family home as shown on the provided site plan. Demolition or substantial damage to the residential structure shall render the variances to be null and void.
3. The proposed fence and hedge in Right-Of-Way Easement along Ostego drive is subject to approval by the Town's Public Works department.

WHEREAS, Ordinance 24-06 amended Section 34-232(d) of the LDC to provide that:

(d) Owner-initiated requests for variances, or required reviews to extend or to provide evidence of satisfaction of conditions contained in prior land use approvals, that are:

- 1) approved by a unanimous vote of the local planning agency members who are eligible to vote, and
- 2) not subject to a request for an additional public hearing before the town council made by anyone that is received by the town clerk within 10 business days after the date of the local planning agency

decision, excluding holidays, only require one public hearing before the local planning agency, and the local planning agency decision is final agency action.

IT IS HEREBY RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

1. The foregoing “WHEREAS” clauses are adopted herein by reference and constitute the findings and conclusions of the LPA.

2. VAR20250136, with the conditions contained herein, received unanimous approval from eligible voting members of the LPA on August 12, 2025.

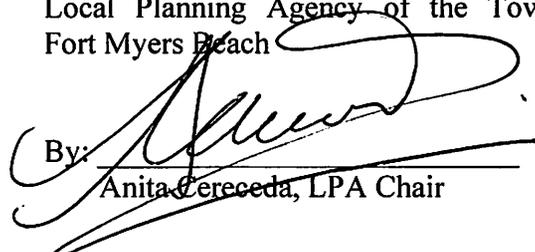
3. This Resolution shall constitute the equivalent of a development order and final agency action, subject to any request for an additional review by the Town Council filed with the Town Clerk within 10 business days of the LPA decision as authorized in Section 34-232(d) of the LDC.

The foregoing Resolution was adopted upon a motion by LPA member James Boan and seconded by LPA member John McLean and upon being put to a vote, the result was as follows:

LPA Chair Cereceda	<u>Aye</u>
LPA Vice-Chair Plummer	<u>Absent</u>
LPA Member Boan	<u>Aye</u>
LPA Member Dunlap	<u>Aye</u>
LPA Member Eckmann	<u>Aye</u>
LPA Member McLean	<u>Aye</u>
LPA Member Sudduth	<u>Aye</u>

DULY PASSED AND ADOPTED THIS 12th day of August, 2025.

Local Planning Agency of the Town of
Fort Myers Beach

By: 

Anita Cereceda, LPA Chair

APPROVED AS TO LEGAL SUFFICIENCY:

ATTEST:

By: 
Vose Law Firm, Town Attorney

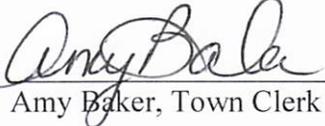
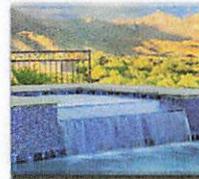
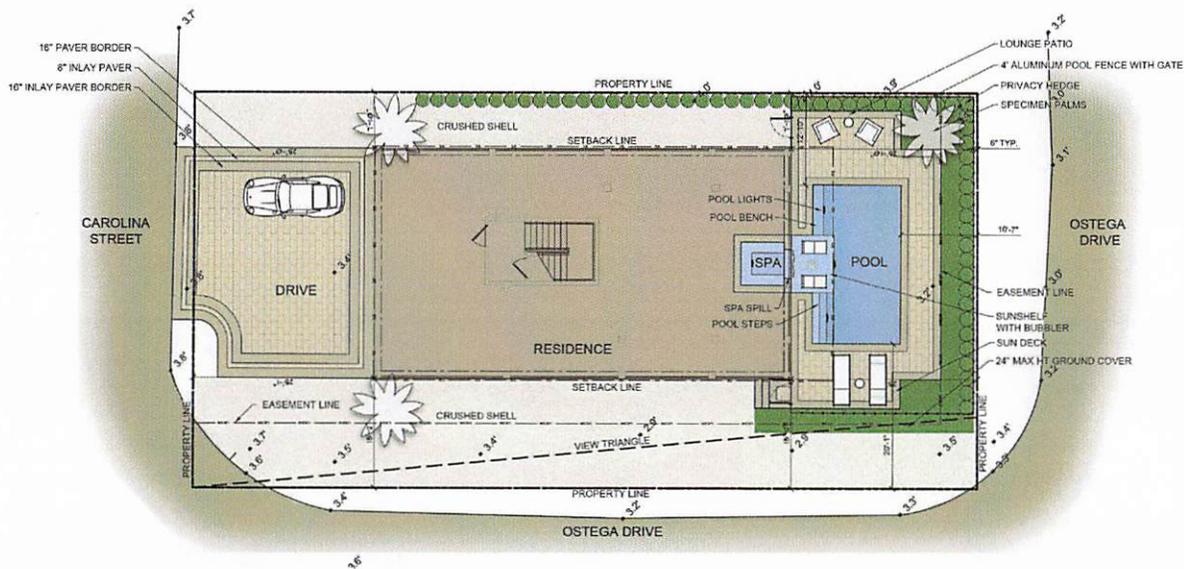
By: 
Amy Baker, Town Clerk

Exhibit A - Site Plan
Exhibit B- Survey

This Resolution was filed in the Office of the Town Clerk on: Oct. 14, 2025.



HARRIS RESIDENCE

SITE CONCEPT
 PREPARED FOR: MR. AND MRS. HARRIS
 211 OSTEGO DRIVE, FORT MYERS BEACH, FL 33937 MAY 29, 2025



OUTSIDE PRODUCTIONS
international
 THE ART & SCIENCE OF OUTDOOR
 LIVING

1964 TRAILBLAZER DRIVE, FORT MYERS BEACH, FL 33917
 P 239.360.1534 F 239.360.1534 WWW.OUTSIDEPRODUCTIONS.COM

Project Number: 1126-215

Scale: 2" = 1'-0"



NORTH

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JOHN IBARRA & ASSOC., INC.
Professional Land Surveyors & Mappers

WWW.IBARRALANDSURVEYORS.COM
777 N.W. 72nd AVENUE SUITE 3025 MIAMI, FLORIDA 33126
PH: (305) 282-0400 FAX: (305) 282-0401
3725 DEL PRADO BLVD. S. SUITE B CAPE CORAL, FL 33904
PHONE: (239) 540-2660 FAX: (239) 540-2664

MAP OF AS-BUILT SURVEY (SETBACK SURVEY)

211 Ostego Drive, Fort Myers Beach, FLORIDA 33931



LOCATION MAP
SCALE = N.T.S.

- LEGAL NOTES TO ACCOMPANY SKETCH OF SURVEY:**
- THERE MAY BE EASEMENTS RECORDED IN THE PUBLIC RECORDS NOT SHOWN ON THIS SURVEY.
 - EXAMINATION OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING THE PROPERTY.
 - THIS SURVEY IS SUBJECT TO DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS OR EASEMENTS OF RECORD.
 - BOUNDARY SURVEY MEANS A DRAWING AND/OR A GRAPHIC REPRESENTATION OF THE SURVEY WORK PERFORMED IN THE FIELD, COULD BE DRAWN AT A SHOWN SCALE AND/OR NOT TO SCALE, THE WALLS OR FINISHES MAY BE DIMAGGATED FOR CLARITY PURPOSES.
 - EASEMENTS AS SHOWN ARE PER PLAT BOOK, UNLESS SPECIFIED OTHERWISE.
 - THE TERM "ENCROACHMENT" MEANS VISIBLE AND ABOVE GROUND ENCROACHMENTS.
 - ARCHITECTS SHALL VERIFY ZONING REGULATIONS, RESTRICTIONS, SETBACKS AND WILL BE RESPONSIBLE FOR SUBMITTING.
 - PLAT PLANS WITH CORRECT INFORMATION FOR "APPROVAL FOR AUTHORIZATION" TO THE PROPER AUTHORITIES IN NEW CONSTRUCTION.
 - UNLESS OTHERWISE NOTED, THIS FIRM HAS NOT ATTEMPTED TO LOCATE FOOTING AND/OR FOUNDATIONS.
 - PLOTTED OWNERSHIP NOT DETERMINED.
 - THIS PLAN OF SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTIRELY NAMED HEREIN, THE CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PARTY.

- FLOOD ZONE INFORMATION:**
- THE NFP FLOOD MAPS HAVE DESIGNATED THE HEREIN DESCRIBED LAND TO BE SITUATED IN:
FLOOD ZONE: "A1"
BASE FLOOD ELEVATION: 11.0 FT
COMMUNITY: 130C73
FIRM: 0554
SURVEY DATE OF FIRM: 1/11/2002

- SURVEYOR'S NOTES:**
1. SHOWN BEARINGS ARE REFERRED TO AN ASSUMED MERIDIAN BY SAID PLAT IN THE DESCRIPTION OF THE PROPERTY, IF NOT, BEARINGS ARE THEN REFERRED TO COUNTY, TOWNSHIP MAPS.
 2. THE CLOSURE IN THE BOUNDARY SURVEY IS ABOVE 1/7500 FT.
 3. CERTIFICATE OF AUTHORIZATION LB # 7306.
 4. ALL ELEVATIONS SHOWN ARE REFERRED TO NORTH AMERICAN VERTICAL DATUM OF 1988, IZE COUNTY NATIONAL GEODESIC SURVEY BENCHMARK DESIGNATION - 672 5351 E. L.P.D. - DN3727, ELEVATION IS 676 FEET OF N.A.V.D. OF 1988.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THIS AS-BUILT SURVEY (SETBACK SURVEY) OF THE PROPERTY DESCRIBED HEREON WAS RECENTLY BEEN SURVEYED AND DRAWN UNDER MY SUPERVISION, AND COMPLES WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 53-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO 472.027, FLORIDA STATUTES.

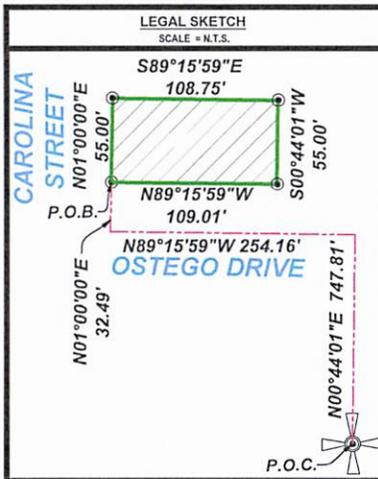
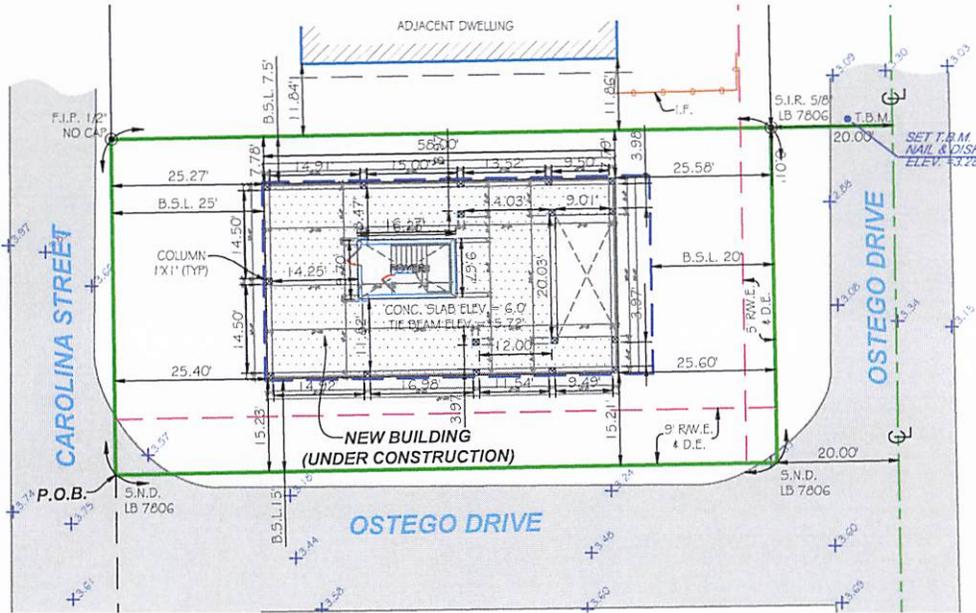
BY: **CARLOS IBARRA** (DATE):

PROFESSIONAL LAND SURVEYOR NO.: 6770 STATE OF FLORIDA
NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPING.

REVISED ON: _____
REVISED ON: _____

DRAWN BY:	IG
SURVEY DATE:	01/13/2025
SURVEY NO:	24-001389-1
SHEET:	1 OF 1

LB 7806 SEAL



CERTIFICATION:
ALAIR HOMES SANIBEL

LEGAL DESCRIPTION:

Lot 13, Block J, First Addition to Venetian Gardens Section 19, Township 46 South, Range 24 East, Lee County, Florida.

A tract or parcel of land lying in Lot 11 of T.P. Hills Subdivision according to the map or plat thereof as recorded in Plat Book 3, at page 54 of the Public Records of Lee County, Florida, being a part of Section 19, Township 46 South, Range 24 East, and further bounded and described as follows:
Starting at the concrete monument marking the intersection of the Northeastery line of Estero Boulevard (60.00 feet wide) and the Westery line of Miramar Subdivision, according to the plat or map thereof recorded in Plat Book 6 at page 31 of said Public Records; thence N 0°44'01" E along said West line, being the East line of said Lot 11 of T.P. Hills Subdivision, a distance of 747.81 feet; thence N 89°15'59" W a distance of 254.16 feet to a point on the East right-of-way line of Carolina Street; thence N 1°00'00" E along said right-of-way line a distance of 32.49 feet to the point of beginning of the herein described parcel. Thence continue N 1°00'00" E along said right-of-way line a distance of 55.00 feet; thence S 89°15'59" E a distance of 108.75 feet; thence S 0°44'01" W parallel with the East line of the aforesaid Lot 11 a distance of 55.00 feet; thence N 89°15'59" W a distance of 109.01 feet to the point of beginning.

- LEGEND**
- CENTERLINE LINE
 - MONUMENT LINE
 - OVERHEAD UTILITY LINES
 - CHAIN LINK FENCE
 - IRON FENCE
 - WOOD FENCE
 - BUILDING SETBACK LINE
 - LIMITED ACCESS RW
 - NON-VEHICULAR ACCESS RW
 - EXISTING ELEVATION