

**RESOLUTION NUMBER 25-18**

**(Variance – The Goodz)**

**A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE VAR20250227, A VARIANCE REPLACING IN ITS ENTIRETY A PREVIOUSLY APPROVED VARIANCE (VAR 20240270), TO REDUCE THE NUMBER OF PARKING SPACES REQUIRED IN THE DOWNTOWN ZONING DISTRICT, FROM 35 TO 18 SPACES, FOR THE PROPERTY LOCATED AT 1741 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBER 19-46-24-W4-0080B.0010; 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**, The Belger Properties Partnership is the owner and Applicant for a variance request to reduce the number of parking spaces required in the Downtown zoning district from 35 to 18 for property located at 1741 Estero Blvd. Fort Myers Beach (“the Property”). The requested variance is to repeal the variance approved in Resolution 2025-007; and

**WHEREAS**, the STRAP number for the Property is 19-46-24-W4-0080B.0010; and

**WHEREAS**, the Property is located in the “Pedestrian Commercial” category of the Future Land Use Map of the Comprehensive Plan and the “Downtown” 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 October 14, 2025, and at said hearing the LPA gave full and complete consideration to the Owner’s request, the recommendations from 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. Revise all the necessary Development Order (DO 20250023) pages to show the change of use from lodging on the 3<sup>rd</sup> floor to Gaming Arcade and Pizzeria and Outdoor seating with COP.

**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.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:**

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

Section 2. The LPA determines the Applicant did meet its burden of proof that the requested Variance does meet the requirements of the Town Comprehensive Plan and LDC and approving with conditions the Variance is in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, interested parties and public, the LPA APPROVES WITH CONDITIONS VAR20250227 from Town’s Land Development Code (LDC) 34-2020 which requires a total parking space of 35 for the proposed use of the property. The applicant is requesting a variance to allow 18 parking spaces (a reduction of 17 parking spaces).

Section 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 Dunlap and seconded LPA member by Boan, and upon being put to a roll call vote, the result was as follows:

LPA Chair Cereceda	Aye
LPA Vice-Chair Plummer	Aye
LPA Member Boan	Aye
LPA Member Dunlap	Aye
LPA Member Eckmann	Aye
LPA Member McLean	Aye
LPA Member Sudduth	Excused

DULY PASSED AND ADOPTED THIS 14<sup>th</sup> day of October 2025.

**Local Planning Agency of the Town of  
Fort Myers Beach**

By: Anita Cereceda  
Anita Cereceda (Nov 19, 2025 14:37:15 EST)  
**Anita Cereceda, LPA Chair**

**ATTEST:**

Amy Baker  
Amy Baker (Nov 20, 2025 09:41:42 EST)  
Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE  
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

NSA  
Nancy Spatch (Nov 19, 2025 15:31:45 EST)  
Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on Nov 20, 2025.

EXHIBIT A: Master Concept Plan  
EXHIBIT B: Parking Calculation  
EXHIBIT C: VAR 20240270

# EXHIBIT A: MASTER PLAN





















## EXHIBIT B: Parking Calculation

EXHIBIT B: PARKING  
 REVISED PARKING CALCULATIONS (10/2/25)  
 REQUESTING A REDUCTION OF 17 SPACES

VAR20250227 The Goodz 1741 Estero Blvd

**STORAGE**

PIZZERIA LRG STORAGE	133 SF
1ST FLR LRG STORAGE.	212 SF
STORE STORAGE	233 SF
STORAGE	163 SF
STORAGE	388 SF
RESTAURANT STORAGE	130 SF
MECHANICAL ROOM	97 SF
SUBTOTAL STORAGE	1239 SF
RATE FOR PARKING IS 2 SPACES PER 1K	<b>2.47</b>

**RETAIL**

STORE AREA	4062 SF
RATE FOR PARKING IS 3 SPACES PER 1K	<b>12</b>

**RESTAURANT**

DINING AREA	1020 SF
OUTDOOR SEATING	764 SF
PIZZA STATION	253 SF
GAMING AREA	2180 SF
SUBTOTAL RESTAURANT	4217
RATE FOR PARKING IS 8 SPACES PER 1K	<b>33.736</b>

<b>BEER &amp; WINE BAR AREA</b>	416 SF
<b>RATE FOR PARKING IS 13 SPACES PER 1K</b>	<b>5</b>

SUBTOTAL OF PARKING REQUIRED	53.206
DOWNTOWN MULTIPLIER (0.67)	35.64802

Total PARKING REQUIRED 36

Pursuant to 34-2020 (c) we will be utilizing 1 of the 4 (4 rack) bike racks already

REQUIRED PARKING after bike rack	35
PARKING Approved Under <b>DOS 20250223</b>	18
<b>REQUESTED REDUCTION</b>	<b>17</b>

**EXHIBIT C: Var 20240270**

## **LPA RESOLUTION 2024-007**

**A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20240270, REQUESTING SIX VARIANCES FROM THE LDC FOR THE PROPERTY LOCATED AT 1741 ESTERO BLVD., GENERALLY REFERED TO AS STRAP NUMBER 19-46-24-W4-0080B.0010 IN FORT MYERS BEACH, TO VARY FROM REQUIRED 1)REAR SETBACK, 2)ACCESSORY STRUCTURE SETBACK, 3)LANDSCAPE BUFFER, 4) OFF-STREET PARKING, 5)SIDE STREET BUILD-TO LINE AND 6)PARKING LOT ENTRANCE WIDTH, TO ALLOW A MIXED-USE COMMERCIAL DEVELOPMENT INCLUDING RETAIL AND LODGING USES; PROVIDING FOR OTHER 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, render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, Belger Properties Partnership LLC (“Owner”) is the owner(s) of the property located at 1741 Estero Boulevard (Property), and is requesting variances from LDC 1) Sec. 34-674(b)(1)(a) of 1 foot encroachment into the rear setback for a rear setback of 21 feet from the rear property line for the mechanical equipment, and a variance of 5 feet 7 inches for a rear setback of 19 feet 5 inches for a dumpster enclosure, 2) Sec. 34-677(b)(3) a variance for the non-implementation of a 15 foot landscape buffer between a parking lot and public street, 3) Sec. 34-677(b)(3) a variance for the non-implementation of a required 15 foot landscape buffer between a commercial property and a residential lot, 4) Sec. 34-676(b)(1) a variance for off-street parking to not be situated in the rear yard but in the front, 5) Sec. 34-674(a)(1) a variance of 20 additional feet from the required 5 to 10 feet build to line off of Miramar Street for a street setback of 30 feet, 6) and Sec. 34-2013(a)(3) a variance to exceed the maximum width of a parking lot entrance at the property line of 25 feet to 88 feet along Miramar Street to build a new mixed-use structure in the Downtown zoning district; and

**WHEREAS**, the STRAP number for the subject property is 19-46-24-W4-0080B.0010; and

**WHEREAS**, the Property is located in the “Pedestrian Commercial” Future Land Use of the Comprehensive Plan and the “Downtown” 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 December 10, 2024, 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 unanimously by roll call vote to approve the requested variances with the following conditions:

- 1) Approval of these variances does not give the Applicant an undeniable right to permit approval. Development 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) Property owner must ensure that they adhere to the maximum FAR of 1.4 and the building does not exceed 18,370 square feet under roof.
- 3) Property owner must screen ground level parking in a manner similar to that presented in the variance application documents and compliant with flood regulations. Live vines on the screening is acceptable.
- 4) The variances shall only apply to the mixed-use structure as shown on the provided site plan. Demolition or substantial damage to the mixed-use structure shall render the variances to be null and void.
- 5) Property owner must have complete visual screening that enclose all mechanical equipment to obscure from the public right-of-way and from the immediate neighbor's property to help mitigate noise; and

**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. VAR20240270, with the conditions contained herein, received unanimous approval from eligible voting members of the LPA on December 10, 2024.

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 LPA Resolution was adopted upon a motion by LPA Member McLean and seconded by LPA Member Eckmann, and upon being put to a roll call vote, the result was as follows:

Anita Cereceda, Chair	Aye
Jane Plummer, Vice-Chair	Aye
Jim Boan, LPA Member	Aye
Doug Eckmann, LPA Member	Aye
Don Sudduth, LPA Member	Aye
John McLean, LPA Member	Aye
Jim Dunlap, LPA Member	Aye

DULY PASSED AND ADOPTED THIS 10<sup>th</sup> day of December 2024.

Local Planning Agency of the Town of  
Fort Myers Beach

By: Anita Cereceda  
Anita Cereceda (Jan 7, 2025 16:46 EST)  
Anita Cereceda, LPA Chair

Approved as to legal sufficiency:

ATTEST:

By: Nancy Stuparich  
Nancy Stuparich (Jan 8, 2025 13:25 EST)  
Vose Law Firm, Town Attorney

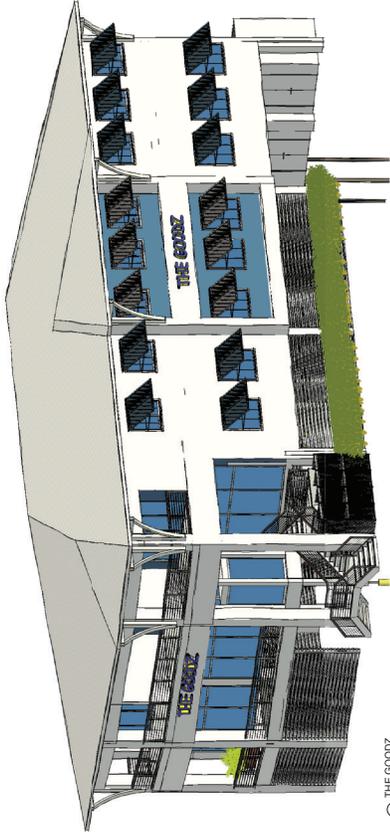
By: Amy Baker  
Amy Baker, Town Clerk

This Resolution was filed in the Office of the Town Clerk on this 6<sup>th</sup> day of January 2025.

EXHIBIT A: Site Plan

# 1741 ESTERRO BLVD, FORT MYERS BEACH, FL

PREVIOUSLY EXISTING STORE.

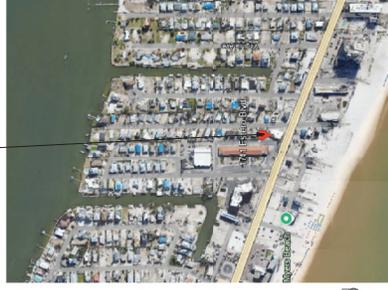


2 THE GOODZ

### GENERAL NOTES

1. NO WORK SHALL BE PERFORMED UNLESS THE CONTRACTOR HAS RECEIVED ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES PRIOR TO COMMENCING CONSTRUCTION.
2. FOR ARCHITECTURAL REFERENCE ELEVATIONS SHOWN HEREFTER ARE BASED ON H.S.I. OF EQUAL TO XXXX. ALL DIMENSIONS SHALL BE TAKEN FROM A SURVEY PROVIDED BY CUSTOMER OR C.C. APPOINTED SURVEYING ENGINEER. CONTRACTOR SHALL VERIFY ALL DIMENSIONS FOR TO FAULT/INSE WITH ALL EXISTING CONDITIONS. ALL EXISTING CONDITIONS ARE NOT NECESSARILY SHOWN HEREIN.
3. ALL TRADES SHALL BE RESPONSIBLE TO READ ALL DETAILS AND SPECIFICATIONS FOR ALL TRADES. CONTRACTOR SHALL VERIFY MECHANICAL, ETC. FOR PROPER COORDINATION. IF ANY CONFLICTS ARE FOUND, CONTRACTOR SHALL NOTIFY THE ARCHITECT PRIOR TO CONSTRUCTION. NOTIFY THE CONTRACTOR OF THE SAME.
4. THE CONTRACTOR SHALL DIRECT ANY DISCREPANCIES TO THE ARCHITECT IMMEDIATELY UPON DISCOVERY. CONTRACTOR SHALL AND THE CONTRACTOR SHALL BE RESPONSIBLE TO COORDINATE AND PROCEED WITHOUT DUE COURSE AND COORDINATION.

### SITE LOCATION



NOTE: DIMENSIONS SHOWN HEREIN ARE CONCEPTUAL AND FOR DISCUSSION PURPOSES ONLY. DIMENSIONS TO BE PROVIDED BY OTHERS.

**PROJECT INFORMATION**  
**THE GOODZ - PRELIMINARY DISCUSSION SET**  
 PROJECT ADDRESS  
 1741 ESTERRO BLVD,  
 FORT MYERS BEACH, FL  
**LOWER LEVEL PARKING**

DRAWN BY: PSP  
 COPYRIGHT © 2024  
 SHEET NUMBER

**A**  
**0.1**

3 RIGHT ELEVATION  
 1/4" = 1'-0"



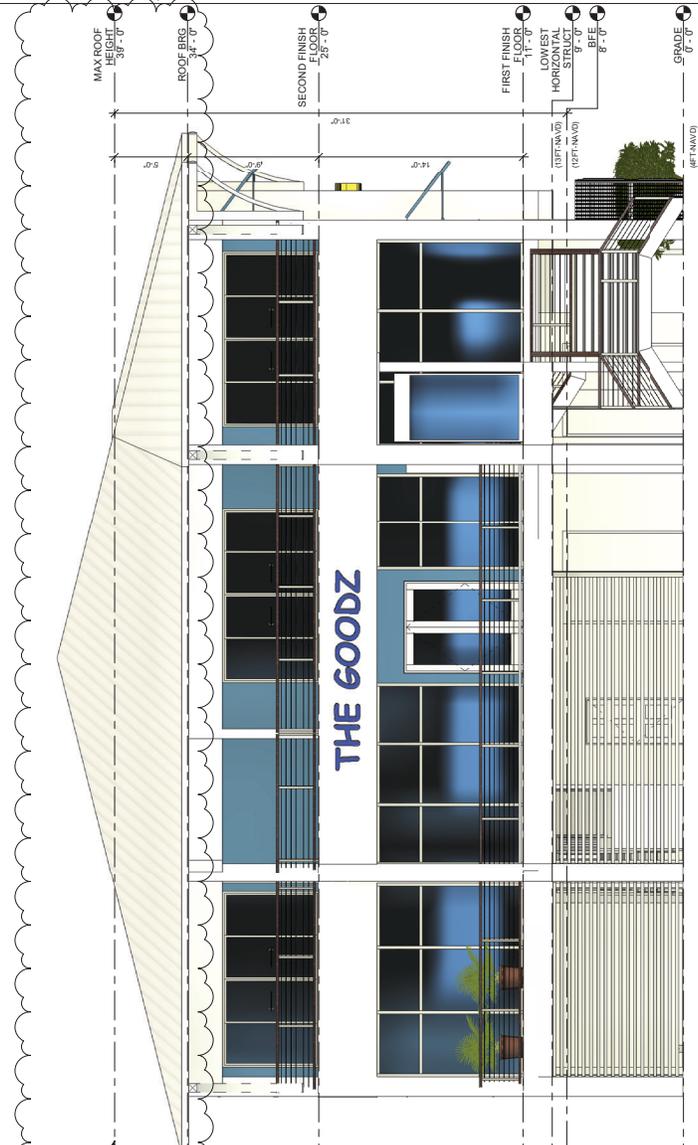
(734) 242-7400  
Mbernardi@sbep.com  
CA# 33003  
PAMELA PRALTA, P.E.  
FL REG. #36645  
ANGELA S. BERNARDI, P.E.  
FL REG. #72659



2024.10.28  
REVISION: 2024.11.18

**PROJECT INFORMATION**  
**THE GOODZ - PRELIMINARY DISCUSSION SET**  
PROJECT ADDRESS  
1741 ESTERO BLVD.  
FORT MYERS BEACH, FL  
**LOWER LEVEL PARKING**

DRAWN BY: PSP  
DATE: 11/18/24  
SHEET NUMBER: A 0.2



2 FRONT ELEVATION  
1/4" = 1'-0"

**PARKING TABLE**

REQUIRED	PROVIDED
RETAIL SPACE (HARDWARE STORE): 3 SPACES PER 1000 SF	4,897 SF HARDWARE STORE (15 SPACES REQUIRED)
FLOOR AREA RATIO: 1.4	5 UNITS (8 SPACES REQUIRED)
HOTELS: 2 SPACES PER 1000 SF STORAGE OR OFFICE	314 SF + 426 SF + 146 SF = 886 SF TOTAL (2 SPACES REQUIRED)
TOTAL SPACES REQUIRED: 25 SPACES → MULTIPLY BY .87 (8 SPACES REQUIRED - 18 PROVIDED)	

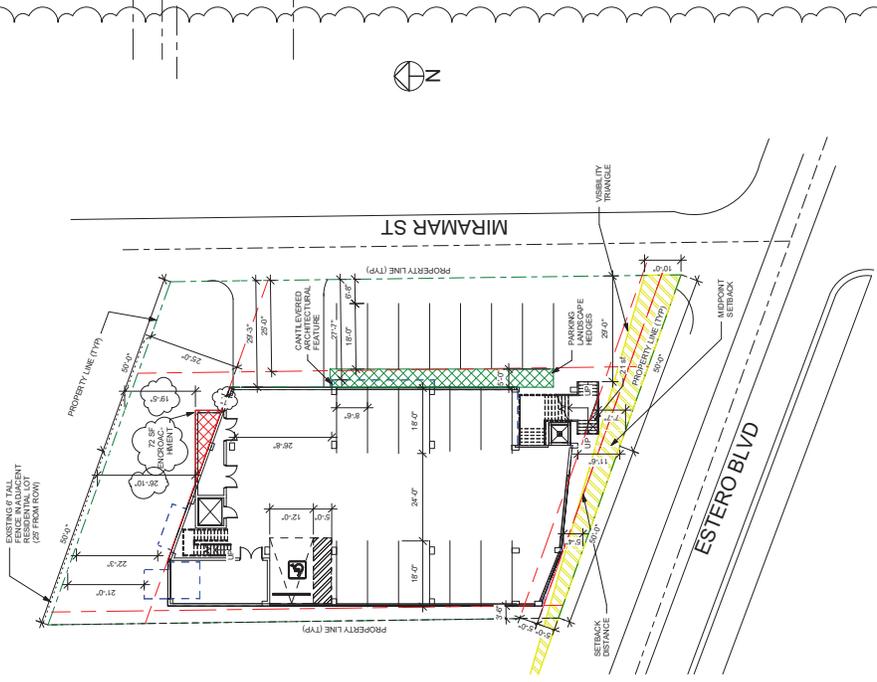
**ZONING REQ'S**

REQUIRED	PROVIDED
MAX BUILDING HEIGHT: 3 FT FROM B.F.E., 3 STORES, LIMITED STORAGE ON LOWER LEVEL	13,122 SF TOTAL LOT AREA, 6,086 + 6,036 + 10,367 SF = 18,387 SF / 13,122 SF = 1.397
FLOOR AREA RATIO: 1.4	13,122 SF TOTAL LOT AREA, 6,086 + 6,036 + 10,367 SF = 18,387 SF / 13,122 SF = 1.397
PARKING REDUCTION (34-67% B)	67%
BUILD TO LINES: 5 TO 10 FEET FROM PROPERTY LINE	

\*C/F (5 FT WIDE) BUFFERS REQUIRED BETWEEN ADJACENT SF ZONING AREAS.

3 PARKING TABLE  
1" = 20'-0"

NOTE: INFORMATION SHOWN HERE IS PRELIMINARY AND FOR DISCUSSION PURPOSES ONLY.

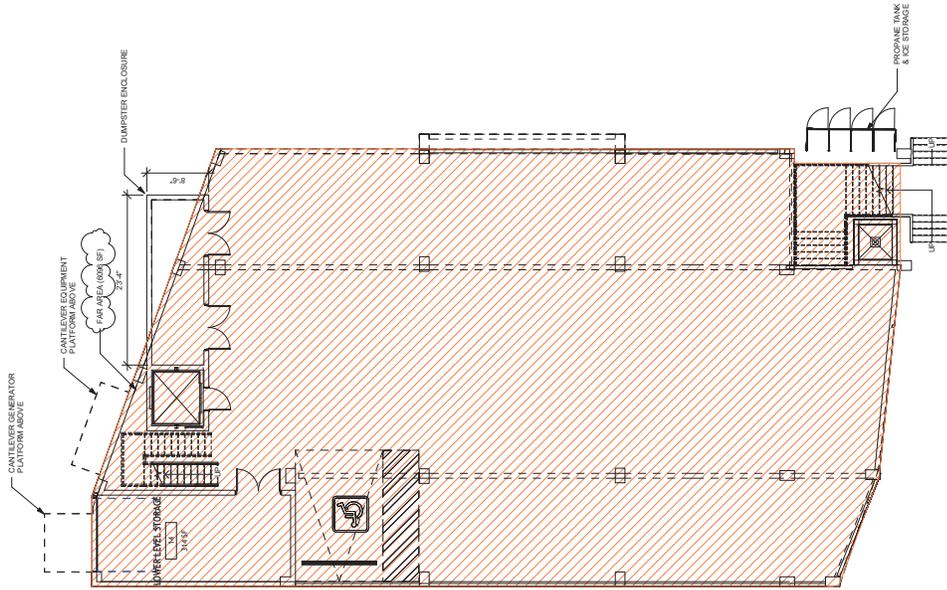


1 SITE PLAN  
1/16" = 1'-0"

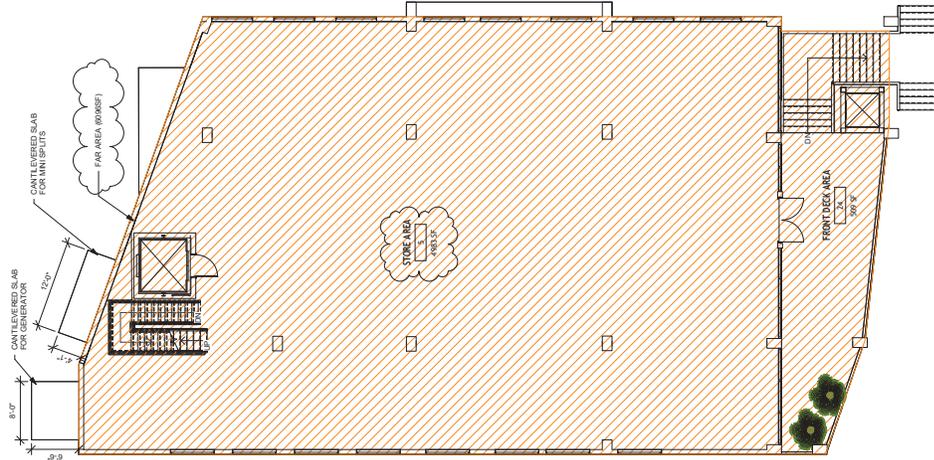
**FLOOR PLAN GENERAL NOTES:**

- 1. ALL INTERIOR WINDOWS & DOORS ARE DIMENSIONED TO CENTERLINE UNLESS OTHERWISE NOTED.
- 2. ALL HANDRAILS AND GUARD RAILS TO BE 36" AFF. U.L.O. DESIGNED AND INSTALLED TO NOT ALLOW THE PASSAGE OF A 4" SPHERE. PROVIDE THE FINISH AS NOTED. MAX. 2" F.F. COORD. FINAL MATERIAL, DESIGN, AND FINISH WITH OWNER.
- 3. HORIZONTAL AND VERTICAL DIMENSIONS SHALL BE TO THE INSIDE FACE OF THE DOOR OR WINDOW.
- 4. DOORS TO BE OPENED INTO THE GARAGE. ELEVATOR DOOR AND ALL EXTERIOR DOORS, TYP. UNLESS NOTED OTHERWISE.
- 5. SEE STRUCTURAL DRAWINGS FOR ALL LOAD BEARING WALL, COLUMN AND FILED CELL LOCATIONS.

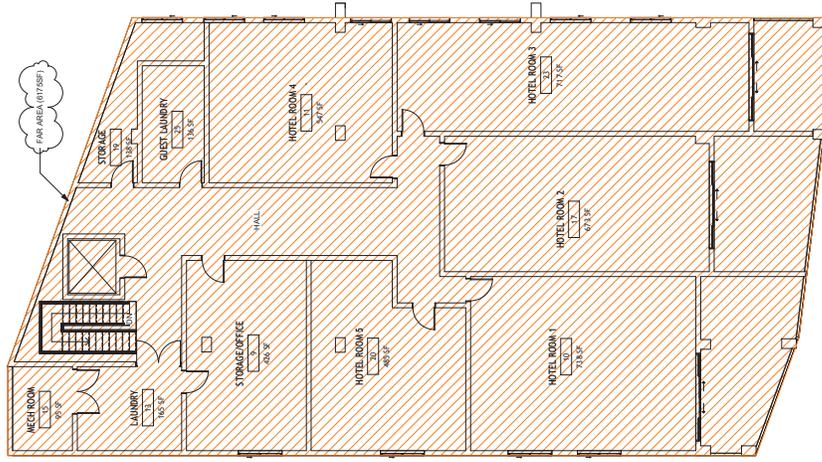
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2 GROUND FLOOR PLAN  
1/8" = 1'-0"

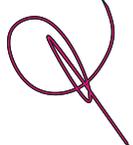


3 FIRST FINISH FLOOR  
1/8" = 1'-0"



4 SECOND FINISH FLOOR  
1/8" = 1'-0"

FOR MORE INFORMATION, CONTACT US AT:  
PROFESSIONAL ARCHITECTURAL SERVICES



(239) 242-7400  
MStevens@PSP.com  
CA # 33003  
PAMELA PRIZATA, P.E.  
FL REG. # 72489  
ARCHITECT  
FL REG. # 72489



2024.1.0.28  
REVISION: 2024.11.18

PROJECT INFORMATION  
**THE GOODZ - PRELIMINARY DISCUSSION SET**  
BRIELI LODGES  
1741 ESTERS BLVD.  
FORT MYERS BEACH, FL  
**LOWER LEVEL PARKING**

DRAWN BY: PSP  
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