

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 2014-018
VAR2014-0004 – Neaf

WHEREAS, applicant Steve Nease, authorized agent for James C. Neaf, is requesting a variance from Table 34-3 of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP number for the subject property is 19-46-24-W4-00435.0000 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property, 125 Pearl Street, Fort Myers Beach is located in the 'Residential Conservation' zoning district of the Official Zoning Map and the 'Mixed Residential' 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 September 9, 2014; 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/DENY** the applicant's request for a variance from Table 34-3 of the Town of Fort Myers Beach Land Development Code subject to the following condition:

RECOMMENDED CONDITIONS OF APPROVAL:

1. That the request be approved only for the construction as noted on the plans submitted by the applicant.

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** 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 LPA upon a motion by LPA Member _____ and seconded by LPA Member _____, and upon being put to a vote, the result was as follows:

Hank Zuba, Chair	AYE/NAY	Joanne Shamp, Vice Chair	AYE/NAY
Chuck Bodenhafer	AYE/NAY	Al Durrett	AYE/NAY
John Kakatsch	AYE/NAY	Jane Plummer	AYE/NAY
Jim Steele	AYE/NAY		

DULY PASSED AND ADOPTED THIS **9th** day of **SEPTEMBER, 2014**.

Local Planning Agency of the Town of Fort Myers Beach

By: _____
Hank Zuba, LPA Chair

Approved as to legal sufficiency:

By: _____
Fowler White Boggs, P.A.
LPA Attorney

ATTEST:

By: _____
Michelle Mayher
Town Clerk

Exhibit A

Lot 3, Block "O" C.L. Yent's unrecorded subdivision of Lot 19, T.P. Hills, subdivision as recorded in Plat Book 3, Page 84, Public Records, Lee County, Florida and part of Lots 1 and 2 of the said Block "O" C.L. Yent's Subdivision less the following part:

A tract or parcel of land, being part of lots 1 and 2, Block "O" C.L. Yent's "unrecorded" subdivision of Lot 19, T.P. Hills Subdivision, as recorded in Plat Book 3, Page 84, Public Records of Lee County, Florida, said parcel further described as follows:

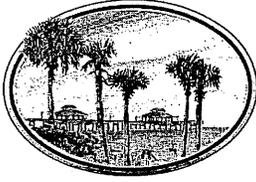
Begin at the Southwest corner of said Lot 19, T.P. Hills Subdivision, Thence run North along the West line of said Lot 19, 85.55' thence run East 81.50' to a point on the West East/West line of Pearl Street, thence run South along said West line of Pearl Street 117.56' more or less to a point on the Southerly line of said Lot 19, thence run North 68 degrees 33' 30" West along said Southerly line of Lot 19, 87.56' more or less to the Point of Beginning.

Lot 3 and parts of Lots 1 and 2, Block "O" C.L. Yent's unrecorded subdivision is further described as follows:

Beginning at the Southwest corner of Lot 19, of T.P. Hills Subdivision according to the plat thereof in Plat Book 3, page 84, thence North 85.55 feet to the point of beginning to the lands herein described, thence continue North 65.10 feet, thence East 81.50 feet to the point on the west right way line of Pearl Street, thence run South along the west line of Pearl Street 65.10 feet, thence West 81.50 feet to the point of beginning.

This property is not Homestead Property, nor has it ever been the Homestead of the grantor.

Parcel Identification Number: 19-46-24-W4-00435.0000



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance
CASE NUMBER: VAR2014-0004
CASE NAME: 125 Pearl Street
LPA HEARING DATE: September 9, 2014
LPA HEARING TIME: 9:00 AM

I. APPLICATION SUMMARY

Applicant: James C. Neaf

Request: A variance in the RC zoning district from LDC Table 34-3 to allow existing front and rear setback encroachments to remain to facilitate raising existing structure per FEMA floodplain requirements and addition of a rear deck that will not increase existing encroachment.

Subject property: PAR IN LOT 19 TP HILLS SUB
PB 3 PG 83
DESC OR 2143 PG 2263

Physical Address: 125 Pearl Street

STRAP #: 19-46-24-W4-00435.0000

FLU: Mixed Residential

Zoning: RESIDENTIAL CONSERVATION (RC)

Current use(s): Single Family Residential

Adjacent zoning and land uses:

North:	DOWNTOWN Mixed Residential
South:	RESIDENTIAL CONSERVATION (RC) Mixed Residential
East:	RESIDENTIAL CONSERVATION (RC) Mixed Residential
West:	DOWNTOWN Pedestrian Commercial

II. BACKGROUND AND ANALYSIS

Background:

The subject property was originally developed in 1939 as a single-family home. The home was apparently built to regulations in place at the time of construction. Presently the home sits under Base Flood Elevation (BFE). The applicant would like to raise the home to comply with the current BFE. Currently the house encroaches into both the front and south side setbacks. The applicant is requesting a variance to raise the house while allowing the current encroachments to remain. Additionally the applicant would like to enlarge the decks on the front and rear of the house, while not increasing the encroachment into the front setback.

Analysis:

The applicant is requesting this variance to allow him to facilitate the raising of the structure above current FEMA floodplain requirements as well as to provide safe storage for vehicles, tools, etc. The current elevation of the structure is 6'7", while BFE is 13'.

In addition to raising the home the applicant plans to add garage doors on the bottom level, increase a sun deck at the rear left corner and enlarge the current front entry to a deck that runs the full length of the front of the structure. The amount of deck space will increase from 108 square feet to 524 square feet.

Findings and Conclusions:

LDC Sec. 34-87 sets forth the required findings and conclusions for the approval of a variance:

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

The house in its present condition is below BFE. Granting this variance will allow the owner to protect his property. Staff considers this to be an exceptional condition.

Staff is not convinced that the proposed enlargement of the decks is the minimum action that can take place to make the project feasible. Staff believes that while it might not be as aesthetically pleasing, a smaller front deck could be effective in providing safe entry into the home. No reason has been provided by the applicant for the enlargement of the rear deck.

- b. *That the conditions justifying the variance are/**are not** the result of actions of the applicant taken after the adoption of the regulation in question.*

Actions of the current owner did not create the non-conformity.

- c. *That the variance granted is/**is not** the minimum variance that will relieve that applicant of an unreasonable burden caused by the application of the regulation in question to his property.*

Staff is not convinced that the proposed enlargement of the decks is the minimum action that can take place to make the project feasible. Staff believes that while it might not be as aesthetically pleasing, a smaller front deck could be effective in providing safe entry into the home. No reason has been provided by the applicant for the enlargement of the rear deck.

- d. *That the granting of the variance will/**will not** be injurious to the neighborhood or otherwise detrimental to the public welfare; and*

It does not appear to staff that the raising of the home and the enlarging of the decks, while allowing current setback encroachments to continue, will be injurious or detrimental to surrounding property members or the general public.

- e. *That 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.*

There is no need to amend the existing regulations.

III. RECOMMENDATION

Based on Staff's position that the enlargement of the front deck is not a de minimis request, staff recommends **DENIAL** of the requested variance from LDC Table 34-3 to allow the residence at 125 Pearl Street to be raised, and decks to be enlarged, while allowing the current front and side setbacks to remain.

In the alternative should LPA choose to approve the variance, Staff recommends that the approval be conditioned based on the drawings submitted by the applicant.

IV. CONCLUSION

The owner is requesting a variance to allow existing setback encroachments to continue while raising the existing structure and enlarging the front and rear decks. Staff does not object to the existing setback encroachments remaining, however we feel that the proposed enlargement of the front deck is not a de minimus request.



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for ADMINISTRATIVE ACTION

This is a two part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit *two paper copies* and *one digital/electronic copy* of all required applications, supplemental information, exhibits and documents.

PROJECT NUMBER: VAR2014-0004 DATE: 07/23/14

Site Address: 125 PEARL ST Fort Myers Beach, FL 33931

STRAP Number: 19-46-24-W4-00435.0000

Applicant: JAMES C. NEAF Phone: 716-432-8293

Contact Name: SAME Phone: _____

Email: JimNEAF@yahoo.com Fax: _____

Current Zoning District: RC

Future Land Use Map (FLUM) Category: Mixed Residential

FLUM Density Range: _____ Platted Overlay: YES NO

ACTION REQUESTED

SUPPLEMENTAL FORM REQUIRED

- | | |
|--|--------------------------|
| <input type="checkbox"/> Amendment to Planned Development | AA-A |
| <input type="checkbox"/> Commercial Antenna | AA-B |
| <input type="checkbox"/> Consumption on Premises (COP) | AA-C |
| <input type="checkbox"/> Forced Relocation of Business | AA-D |
| <input type="checkbox"/> Interpretation of Land Development Code | AA-E |
| <input type="checkbox"/> Minimum Use Determination | AA-F |
| <input checked="" type="checkbox"/> Setback Variance | AA-G |
| <input type="checkbox"/> Accessory Apartment Determination | AA-H |
| <input type="checkbox"/> Other – cite LDC Section: _____ | attach on separate sheet |

PART I - General Information

A. Applicant*: JAMES C. NEAF Phone: 716-432-8293

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

Applicant Mailing Address: 974 South Shore Dr. Irving NY 14081

Email: jimneaf@yahoo.com Fax: _____

Contact Name: SAME Phone: _____

B. Relationship of Applicant to subject property:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Owner* | <input type="checkbox"/> Land Trust* | <input type="checkbox"/> Partnership* |
| <input type="checkbox"/> Corporation* | <input type="checkbox"/> Association* | <input type="checkbox"/> Condominium* |
| <input type="checkbox"/> Subdivision* | <input type="checkbox"/> Timeshare Condo* | <input type="checkbox"/> Contract Purchaser* |
| <input type="checkbox"/> Authorized Representative* | <input type="checkbox"/> Other* (please indicate) _____ | |

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: STEVE NEASE Phone: 239-910-5116

Address: 1601 JACKSON St Suite 202, Ft. Myers, FL 33919

Email: ~~STEVE~~ STEVENEASE@COMCAST.NET Fax: 239-334-0592

D. Nature of Request: FRONT AND SIDE SETBACK VARIANCE TO FACILITATE RAISING STRUCTURE ABOVE FEMA FLOOD PLAIN REQUIREMENTS.

E. Is this request specific to a particular tract of land?

- YES* NO **If yes, complete PART II of this form*

PART III

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, JAMES C NEAF swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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 of Fort Myers Beach in accordance with this application and the Land Development Code;

All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that

The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

James C Neaf
Signature of owner or authorized agent

6-19-14
Date

STATE OF ~~FLORIDA~~ NEW YORK
COUNTY OF ~~LEE~~ ERIE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 6-19-14 (date) by JAMES C NEAF (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

(SEAL)

Marlene Walkowiak
Signature

Marlene Walkowiak
Printed Name

MARLENE WALKOWIAK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 28, 20 18

PART II - Property Information

A. Is the action requested a result of a Code Violation or Notice of Violation?

YES NO If yes, please provide the date of notice: _____

Specific nature of the Violation: _____

B. Property Owner(s): JAMES C NEAF Phone: 716 432 8293

Property Owner Mailing Address: 974 South Shore Dr Irving NY 14081

Email: jcnear@yahoo.com Fax: _____

C. Legal Description:

STRAP	Owner / Legal Description	Site Address
19-46-24-W4-00435.0000	NEAF JAMES C 974 SOUTH SHORE DR IRVING NY 14081 PAR IN LOT 19 TP HILLS SUB PB 3 PG 83 DESC OR 2143 PG 2263	125 PEARL ST FORT MYERS BEACH FL 33931

D. Subject Property Dimensions:

Width (please provide an average width if irregular in shape) 65' feet

Depth (please provide an average width if irregular in shape) 81.5' feet

Frontage on street: 65 feet. Frontage on waterbody: NA feet

Total land area: 5298 acres square feet

E. Boundary Survey:

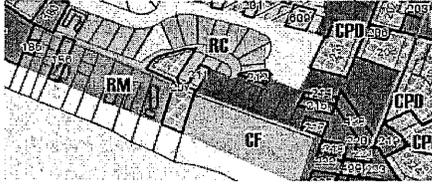
Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida.

F. Property Restrictions (check applicable):

There are no deed restrictions and/or covenants on the subject property.

There are deed restrictions and/or covenants on the subject property. Please attach a separate document listing the restrictions and/or covenants and including a narrative statement detailing how the restrictions/covenants may affect the request.

Town of Fort Myers Beach
Department of Community Development



Zoning Division

Supplement AA-G

Additional Required Information for an Administrative Setback
Variance (LDC Section 34-268)

This is the second part of a two-part application. This part requests specific information for an administrative setback variance. Include this form with the Request for Administrative Action form.

1. Section of LDC from which a setback variance is sought:

2. Intent: Explain exactly what is proposed and why the administrative setback variance is needed. Proposed is to raise my house above minimum flood level. One part of the house is currently less than the minimum side setback. The request will not encroach any further into the setback. With the increased height of the house, we are requesting an enlarged ^{near} deck that will encroach the side setback no further than the existing structure but will also be less than minimum setback.

3. Justification: Explain why the administrative variance should be approved (refer to at least one condition specified in LDC Section 34-268)

The elevation of the house will increase from roughly 2' to 10'. The proposed increase to the rear deck will provide a more usable structure at the increased height and will not encroach further than the current structure on either the side or rear setback. I believe this falls into section 34-268-1-a

Additional Submittal Requirements

1. Site plan, to scale, indicating buildings and easements on the property, the proposed structure(s) or addition(s) for which the variance is sought, and any adjacent structures that could be affected. The location of the variance must be clearly indicated on the site plan.
2. An original copy of a survey must be submitted showing the setbacks of existing structures on the subject property.
3. (optional) Photographs of the subject property, copies of applicable permits or other approvals, affidavits from adjacent owners expressing no objection.



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

This is a two part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit *one ORIGINAL paper copy, eleven (11) copies and one digital/electronic copy* of all required applications, supplemental information, exhibits and documents. Please do not print and copy the instructions at the end of the application.

PROJECT NUMBER: _____ DATE: _____

Site Address: 125 Pearl Sinker

STRAP Number: 19-46-24-W4-00f35-0000

Applicant: JAMES C NEAF Phone: 716-432-8293

Contact Name: SAME Phone: _____

Email: JIM NEAF@yahoo.com Fax: _____

Current Zoning District: _____

Future Land Use Map (FLUM) Category: _____

FLUM Density Range: _____ Platted Overlay: YES NO

ACTION REQUESTED

SUPPLEMENTAL FORM REQUIRED

- | | |
|---|--------------------------|
| <input type="checkbox"/> Special Exception | PH-A |
| <input checked="" type="checkbox"/> Variance | PH-B |
| <input type="checkbox"/> Conventional Rezoning | PH-C |
| <input type="checkbox"/> Planned Development <input type="checkbox"/> Commercial <input type="checkbox"/> Residential | PH-D |
| <input type="checkbox"/> Master Concept Plan Extension | PH-E |
| <input type="checkbox"/> Appeal of Administrative Action | PH-F |
| <input type="checkbox"/> Vacation of Platted Right-of-way and Easement | PH-G |
| <input type="checkbox"/> Other - cite LDC Section: _____ | attach on separate sheet |

PART I - General Information

A. Applicant*: JAMES C NEAT Phone: 716-432-8293

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.
Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

Applicant Mailing Address: 974 South Shore Dr. Irving N.Y. 14081

Email: JimNEAT@yahoo.com Fax: _____

Contact Name: Same Phone: _____

B. Relationship of Applicant to subject property:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Owner* | <input type="checkbox"/> Land Trust* | <input type="checkbox"/> Partnership* |
| <input type="checkbox"/> Corporation* | <input type="checkbox"/> Association* | <input type="checkbox"/> Condominium* |
| <input type="checkbox"/> Subdivision* | <input type="checkbox"/> Timeshare Condo* | <input type="checkbox"/> Contract Purchaser* |
| <input type="checkbox"/> Authorized Representative* | <input type="checkbox"/> Other* (please indicate) _____ | |

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.
Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: STEVE NEASE Phone: 239-910-5116

Address: 1601 Jackson St. Suite 202 Ft. Myers, FL 33919

Email: STEVENEASE@COMCAST.NET Fax: 239-334-0592

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II - Nature of Request

Requested Action (each request requires a separate application)

- Special Exception
 - Variance from LDC Section 34 - 268
 - Conventional Rezoning from _____ to _____
 - Planned Development
 - Rezoning from _____ to Commercial PD Residential PD
 - Amendment. List the project number: _____
 - Extension/reinstatement of Master Concept Plan. List project number: _____
 - Appeal of Administrative Action
 - Vacation Right-of-Way Easement
 - Other. Please Explain: _____
- _____
- _____

PART III - Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

- Code Section: _____ Description: _____
- _____
- Code Section: _____ Description: _____
- _____
- Code Section: _____ Description: _____
- _____

PART IV - Property Ownership

- Single Owner (individual or husband and wife)
 - Name: JAMES C NEAF Phone: 716 432 8293
 - Mailing Address: 974 South Shore Dr, Irving NY, 14081
 - Email: jimneaf@yahoo.com Fax: _____

Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- Complete Disclosure of Interest Form (see below)
- Attach list of property owners as Exhibit 4-1
- Attach map showing property owners interests as Exhibit 4-2 (for multiple parcels)
- For condominiums and timeshares see Explanatory Notes Part IV (Page 11)

DISCLOSURE OF OWNERSHIP INTEREST

STRAP: _____

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 Ownership
JAMES C NEAR	100%
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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 of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Name	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 certificate of compliance, 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.

James C Neal
Signature

JAMES C. NEAL
Printed Name

NEW YORK
~~STATE OF FLORIDA~~
~~COUNTY OF LEE~~ ERIE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 6-19-2014 (date) by JAMES C NEAL (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

(SEAL)

Marlene Walkowiak
Signature

Marlene Walkowiak
Printed Name

MARLENE WALKOWIAK
Notary Public, State of New York
Qualified in Erie County 13
My Commission Expires Feb. 28, 2018

10/12/2012

Town of Fort Myers Beach
2523 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 Fax: 239-765-0591

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

Name and Address	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Name, Address and Office	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of Contract: _____

RECORDED
10/12/2012

PART V - Property Information

A. Legal Description:

STRAP: _____

STRAP	Owner / Legal Description	Site Address
19-46-24-W4-00435.0000	NEAF JAMES C 974 SOUTH SHORE DR IRVING NY 14081 PAR IN LOT 19 TP HILLS SUB PB 3 PG 83 DESC OR 2143 PG 2263	125 PEARL ST FORT MYERS BEACH FL 33931



B. Boundary Survey:

Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. 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. Attach and label as Exhibit 5-2.

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 65' feet
 Depth (please provide an average width if irregular in shape) 81.5' feet
 Frontage on street: 65 feet. Frontage on waterbody: N/A feet
 Total land area: 5298 acres square feet

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

South from Skybridge - left on Pearl St.
1st house on left

Attach Area Location Map as Exhibit 5-3

E. Property Restrictions (check applicable):

- There are no deed restrictions and/or covenants on the subject property.
- A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 5-4.
- A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 5-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

- Attach a list of surrounding property owners within 500 feet as Exhibit 5-6.
- Attach a map showing the surrounding property owners as Exhibit 5-7.
- Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

- | | |
|--|--|
| <input type="checkbox"/> Low Density | <input type="checkbox"/> Marina |
| <input type="checkbox"/> Mixed Residential | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Boulevard | <input type="checkbox"/> Wetlands |
| <input type="checkbox"/> Pedestrian Commercial | <input type="checkbox"/> Platted Overlay |

H. Zoning (see official Zoning Map):

- | | |
|--|--|
| <input checked="" type="checkbox"/> RS (Residential Single-family) | <input type="checkbox"/> CF (Community Facilities) |
| <input type="checkbox"/> RC (Residential Conservation) | <input type="checkbox"/> IN (Institutional) |
| <input type="checkbox"/> RM (Residential Multifamily) | <input type="checkbox"/> BB (Bay Beach) |
| <input type="checkbox"/> RPD (Residential Planned Development) | <input type="checkbox"/> EC (Environmentally Critical) |
| <input type="checkbox"/> CM (Commercial Marine) | <input type="checkbox"/> DOWNTOWN |
| <input type="checkbox"/> CO (Commercial Office) | <input type="checkbox"/> SANTOS |
| <input type="checkbox"/> CB (Commercial Boulevard) | <input type="checkbox"/> VILLAGE |
| <input type="checkbox"/> CR (Commercial Resort) | <input type="checkbox"/> SANTINI |
| <input type="checkbox"/> CPD (Commercial Planned Development) | |

PART VI

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, JAMES C NEAF swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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 of Fort Myers Beach in accordance with this application and the Land Development Code;

All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that

The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

James C Neaf
Signature of owner or authorized agent

6-19-2014
Date

STATE OF ~~FLORIDA~~ NEW YORK
COUNTY OF ~~LEE~~ ERIE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 6-19-2014 (date) by JAMES C NEAF (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

(SEAL)

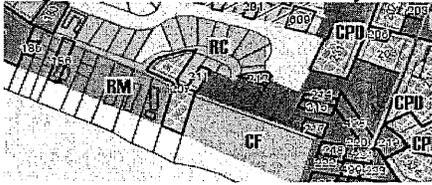
Marlene Walkowiak
Signature
Marlene Walkowiak
Printed Name

MARLENE WALKOWIAK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 28, 2018

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:	
Authorized Applicant:	JAMES C NEAT
LeePA STRAP Number:	19-46-24-W4-00435.0000

Current Property Status:	
Current Zoning:	Mixed Residential
Future Land Use Map (FLUM) Category:	Mixed Residential
Comp Plan Density:	Platted Overlay? <input type="checkbox"/> Yes <input type="checkbox"/> No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
34-268	ADMINISTRATIVE VARIANCE

Complete the narrative statements below for EACH variance requested.

PART I
Narrative Statements

Request for variance from 34-268 (LDC Section number)

Explain the specific regulation contained in this section from which relief is sought:

(a)(1) STREET SETBACK

Reasons for request

Explain why the variance is needed:

MAIN ENTRANCE to the house is currently accessed via small stoop. With house being raised FEMA minimum flood height, the only feasible design is the addition of a deck across the front of the house. Stairs will be moved to the side of the deck and the structure will not be closer to the street than the current stairway

ELEVATION CERTIFICATE

Important: Read the instructions on pages 1-9.

OMB No. 1660-0008
 Expiration Date: July 31, 2015

SECTION A - PROPERTY INFORMATION

A1. Building Owner's Name James C. Neaf

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
 125 Peal St.

City Fort Myers Beach

State FL

ZIP Code 33931

FOR INSURANCE COMPANY USE

Policy Number:

Company NAIC Number:

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)
 PAR in LOT 19 TP HILLS SUB, PB 3/PG 83, DESC. ORBK 2143/PG 2263

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) Residential

A5. Latitude/Longitude: Lat. 26.4503281 Long. -81.9462876

Horizontal Datum: NAD 1927 NAD 1983

A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.

A7. Building Diagram Number 8

A8. For a building with a crawlspace or enclosure(s):

- a) Square footage of crawlspace or enclosure(s) N/A sq ft
- b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade N/A
- c) Total net area of flood openings in A8.b N/A sq in
- d) Engineered flood openings? Yes No

A9. For a building with an attached garage:

- a) Square footage of attached garage N/A sq ft
- b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade N/A
- c) Total net area of flood openings in A9.b N/A sq in
- d) Engineered flood openings? Yes No

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number
 Town of Fort Myers Beach & 120673

B2. County Name
 Lee

B3. State
 FL

B4. Map/Panel Number
 12071C0554

B5. Suffix
 F

B6. FIRM Index Date
 08/28/2008

B7. FIRM Panel Effective/Revised Date
 08/28/2008

B8. Flood Zone(s)
 AE

B9. Base Flood Elevation(s) (Zone AO, use base flood depth)
 13'(NAVD88)

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9.

- FIS Profile FIRM Community Determined Other/Source: _____

B11. Indicate elevation datum used for BFE in Item B9: NGVD 1929 NAVD 1988 Other/Source: _____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? Yes No
 Designation Date: _____ CBRS OPA

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: PK/DISC in Oak Tree Vertical Datum: 4.48'

Indicate elevation datum used for the elevations in items a) through h) below. NGVD 1929 NAVD 1988 Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.

Check the measurement used.

- a) Top of bottom floor (including basement, crawlspace, or enclosure floor) 6.70 feet meters
- b) Top of the next higher floor N/A feet meters
- c) Bottom of the lowest horizontal structural member (V Zones only) N/A feet meters
- d) Attached garage (top of slab) N/A feet meters
- e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments) 9.0 feet meters
- f) Lowest adjacent (finished) grade next to building (LAG) 3.60 feet meters
- g) Highest adjacent (finished) grade next to building (HAG) 4.0 feet meters
- h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support N/A feet meters

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

- Check here if comments are provided on back of form. Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No
- Check here if attachments.

Certifier's Name R.L. Schumann

License Number RLS 2239

Title Reg. Land Surveyor

Company Name LIS Surveying, LLC(JOB#20698)

Address 21430 Palm Beach Blvd.

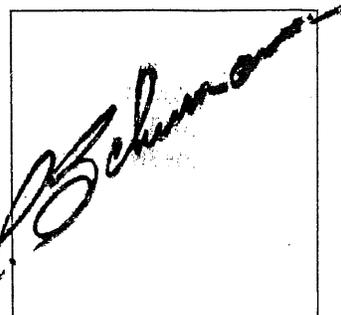
City Alva

State FL ZIP Code 33920

Signature 

Date 6/26/2014

Telephone (239)693-9244



ELEVATION CERTIFICATE, page 2

IMPORTANT: In these spaces, copy the corresponding information from Section A.

FOR INSURANCE COMPANY USE

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
125 Pearl St.

Policy Number:

City Fort Myers Beach

State FL

ZIP Code 33931

Company NAIC Number:

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments Equipment listed in Section C2(e) refers to the HVAC compressor with an elevation of 9.0'

Handwritten signature of R.L. Schumann

Signature R.L. Schumann

Date 6/26/2014

SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1-E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1-E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
a) Top of bottom floor (including basement, crawlspace, or enclosure) is ... feet meters above or below the HAG.
b) Top of bottom floor (including basement, crawlspace, or enclosure) is ... feet meters above or below the LAG.
E2. For Building Diagrams 6-9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 8-9 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is ... feet meters above or below the HAG.
E3. Attached garage (top of slab) is ... feet meters above or below the HAG.
E4. Top of platform of machinery and/or equipment servicing the building is ... feet meters above or below the HAG.
E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? Yes No Unknown. The local official must certify this information in Section G.

SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner's or Owner's Authorized Representative's Name

Address

City

State

ZIP Code

Signature

Date

Telephone

Comments

Check here if attachments.

SECTION G - COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E); and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8-G10. In Puerto Rico only, enter meters.

- G1. The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
G2. A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
G3. The following information (Items G4-G10) is provided for community floodplain management purposes.

G4. Permit Number

G5. Date Permit Issued

G6. Date Certificate Of Compliance/Occupancy Issued

G7. This permit has been issued for: New Construction Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building: feet meters Datum

G9. BFE or (in Zone AO) depth of flooding at the building site: feet meters Datum

G10. Community's design flood elevation: feet meters Datum

Local Official's Name

Title

Community Name

Telephone

Signature

Date

Comments

Check here if attachments.

Building Photographs

See Instructions for Item A6.

IMPORTANT: In these spaces, copy the corresponding information from Section A.

FOR INSURANCE COMPANY USE

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.

Policy Number:

125 Pearl Street

Fort Myers Beach

State FL

ZIP Code 33931

Company NAIC Number:

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.

FRONT 6/21/2014



REAR VIEW 6/26/2014



EQUIPMENT VIEW 6/26/2014



Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.

The purpose of the project which is leading to the request for a street setback variance involves raising the existing structure to FEMA guidelines for flood purposes.

My purpose for pursuing the project is two fold:

- 1) To raise the house out of the flood plain to reduce or eliminate flood insurance premiums
- 2) To provide safe storage for my automobiles, tools, yard goods etc.

The design for an aesthetically pleasing structure that is also functional requires a means of entry to the home that allows garage doors in the lower section while providing unrestrained and attractive access to the front door. The only feasible design is in the form of a deck across the front of the house with stairs on the side.

Explain the possible effect the variance, if granted, would have on surrounding properties:

Effect would be negligible. Would not impair access or views for any neighbor

Explain the hardship (what is unique about the property) that justifies relief from the regulation:

In order to comply with required street setback, access to house would have to be via walkway to front door that is less than 3 ft. wide