

RESOLUTION OF THE LOCAL PLANNING AGENCY OF  
THE TOWN OF FORT MYERS BEACH FLORIDA  
RESOLUTION NUMBER 2014-014  
VAR2014-0001 – Schmid Dock

WHEREAS, applicant Ernest Bartlett, authorized agent for Jesse Schmid, is requesting a variance from Sec. 26-71(c)(1) and 26-71(d)(2) 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 24-46-23-W2-0050C.0100 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property, 721 Matanzas Court, Fort Myers Beach is located in the 'Residential Single-family' zoning district of the Official Zoning Map and the 'Low Density' 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 Sec. 26-71(c)(1) and 26-71(d)(2) of the Town of Fort Myers Beach Land Development Code subject to the following condition:

**RECOMMENDED CONDITIONS OF APPROVAL:**

1.

**RECOMMENDED FINDINGS AND CONCLUSIONS:**



# Town of Fort Myers Beach

## COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**TYPE OF CASE:** Variance

**CASE NUMBER:** VAR2014-0001

**LPA HEARING DATE:** September 9, 2014

**LPA HEARING TIME:** 9:00 AM

#### **I. APPLICATION SUMMARY**

**Applicant:** Ernest Bartlett, Honc Docks and Lifts  
Jesse Schmid, owner

**Request:** A variance from Land Development Code Sec. 26-71(c)(1) and Sec. 26-71(d)(2) to reconstruct an access walkway 7'4" in width where 4 feet is otherwise permitted, to rebuild a 295 square foot terminal platform where 160 square feet is otherwise permitted, and to allow an existing 7'8" setback for the terminal platform where 25 feet is otherwise required.

**Subject property:** Attached as *Exhibit A*

**Physical Address:** 721 Matanzas Court

**STRAP #:** 24-46-23-W2-0050C.0100

**FLU:** Low Density

**Zoning:** Residential Single-family (RS)

**Current use(s):** Single-family residence

**Adjacent zoning and land uses:**

North: Single Family Residential  
RESIDENTIAL SINGLE-FAMILY (RS)  
Low Density

Comprehensive Plan considerations:

The proposed access walkway, terminal platform, finger pier and boathouse will be located in the Tidal Water future land use category. The Tidal Water FLU category is described in comprehensive plan Policy 4-B-10:

**“TIDAL WATER”:** applied to all saltwater canals and all waters surrounding Estero Island that lie within the municipal boundary (out 1,000 feet). No residential development is permitted. Allowable uses are water sports, boating, swimming, fishing, and similar uses. Also allowed are fixed structures for water access provided they comply with Land Development Code provisions designed to avoid impeding navigation and to minimize environmental damage and interference with aesthetic enjoyment of surrounding waters.

The proposed dock structure is **consistent** with the allowable structures in the Tidal Water FLU category.

In an effort to protect sea grasses that have been identified on the site plan, the applicant has proposed that the first 16’ of the access walkway be grated decking, which minimized shading impacts. Comprehensive plan Policy 6-A-2-v is supportive of this feature:

The town will cooperate closely with other governmental agencies in formulating, monitoring, and enforcing regulations to protect the healthy functioning of the estuary, including but not limited to:

- v. protecting sea grasses from “prop scarring” and excessive shading from docks.

For these reasons, the proposed dock is deemed to be consistent with the applicable provisions of the comprehensive plan, provided, however, that setbacks and dock size are not specifically addressed in the plan.

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of variance a found in Section 34-87 of the LDC, Staff makes 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.*

There are no exceptional or extraordinary conditions or circumstances inherent to the property in question. The request is also not *de minimis*, with nearly double the allowable access walkway width and terminal platform size.

beyond current code allowances. The 25' setback required by LDC Sec. 26-71(d)(2) is met by the relocated access walkway at 26'6", but the proposed terminal platform is 7'8" from the side lot line.

Neither of the requested variances is *de minimis* in nature, nor do they constitute the minimum variance necessary. The applicant has not provided justification for the requested 7'4" access walkway, the 295 square foot terminal platform, nor the 7'8" side setback. For these reasons, staff recommends **DENIAL** of the requested variances.

Should the Town Council decide to approve a variance, which will not be detrimental to neighboring properties, staff would suggest limiting the approval to somewhat less than the applicant's request. A *de minimis* variance may be appropriate given the dimensions of the dock that existed on the property for decades. Additionally, if a variance is approved, precedence will be set that will encourage additional docks in excess of the exact terms of the Land Development Code.

#### **IV. CONCLUSION**

Due to the lack of justification provided, and the request being nearly double the permitted width of the access walkway and the permitted area of the terminal platform, staff recommends denial of the applicant's requested variances.

#### **Exhibits:**

- A - Legal Description
- B - Site Plan

- ① ALL PILING ARE 8" 2.5 C.C.A TREATED MARINE PILING UNLESS OTHERWISE INDICATED, ALL MEASUREMENTS ARE APPROXIMATE
- ② ALL STRINGERS & SUB STRINGERS ARE FULL SIZE, ROUGH CUT 2" X 8" 60 C.C.A TREATED MARINE TIMBER BOLTED W/ 5/8" STAINLESS BOLTS
- ③ DECKING IS 2" X 6" #1 DENSE CALO MARINE DECKING OR SYNTHETIC ALTERNATIVE, AS INDICATED, SECURED WITH STAINLESS STEEL SCREWS.

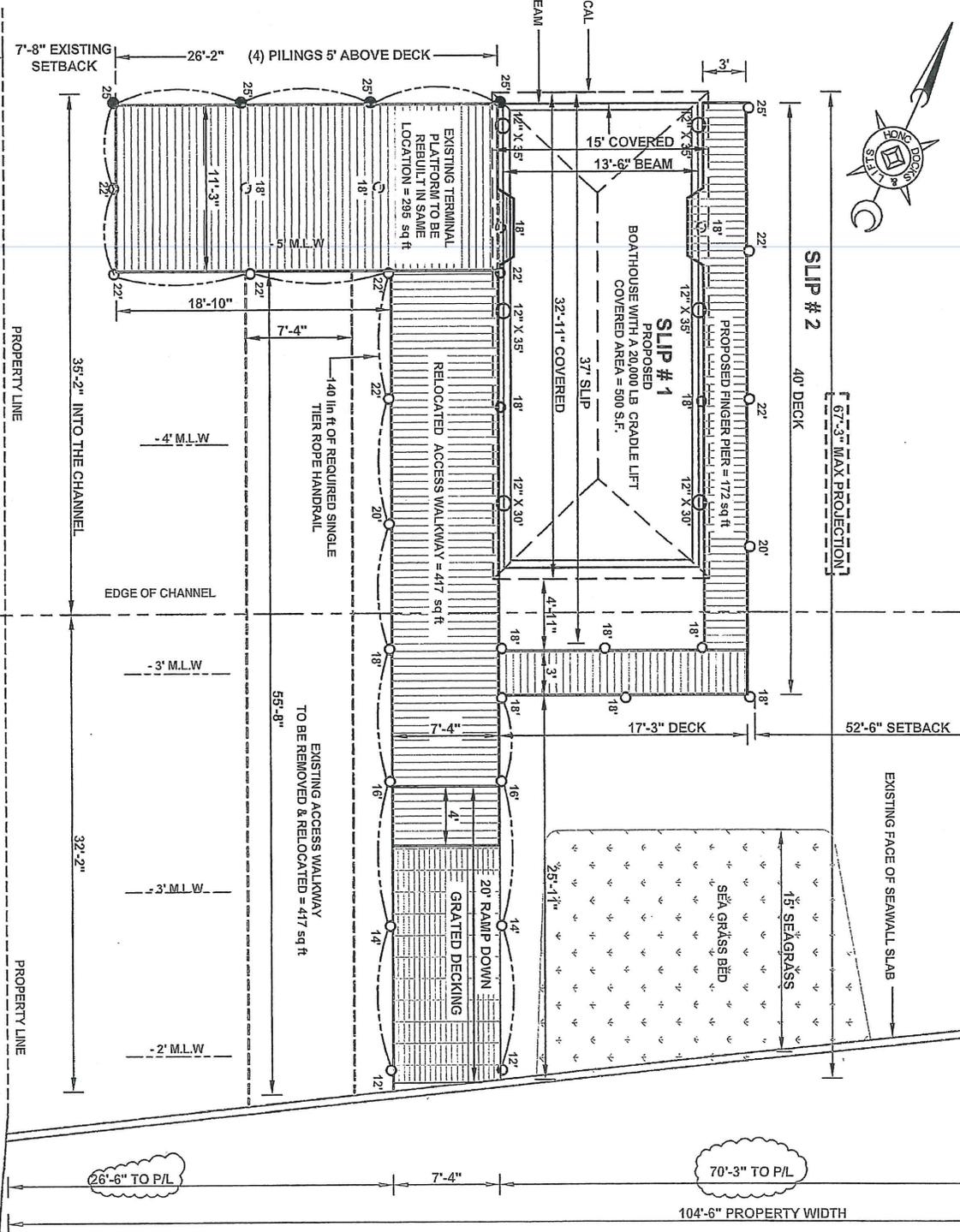
AREA TABLE	
EXISTING WALKWAY AREA + TERMINAL PLATFORM (TO BE REBUILT & RELOCATED)	= 712 sq ft
PROPOSED ACCESS WALKWAY (RELOCATED EXISTING)	= 417 sq ft
PROPOSED TERMINAL PLATFORM (REBUILT EXISTING)	= 295 sq ft
PROPOSED FINGER PIER	= 172 sq ft
TOTAL WOOD DOCK (AREA OVER WATER)	= 884 sq ft
BOATHOUSE COVERED AREA	= 500 sq ft
TOTAL IMPERVIOUS AREA OVER WATER	= 1,384 sq ft

*Exhibit B - proposed marina*

**MATANZAS PASS  
NATURAL WATER BODY  
(768' ± WIDE CHANNEL)**

**FILE COPY**

1. 2-12-2014 RELOCATED EXISTING WALKWAY AND REBUILT EXISTING PLATFORM IN SAME FOOT PRINT.



**SKETCH: SITE-J**      **DATE: 2/12/2014**      **BLOCK# C**

**CUSTOMER: JAMES CLARK**      **LOT# 10-11**      **DRAWN BY: EB**

**ADDRESS: 721 MATANZAS COURT, FORT MYERS BEACH**      **CUSTOMER APPROVAL DATE**      **ALL MEASUREMENTS ARE FROM FACE OF SEAWALL SLAB**

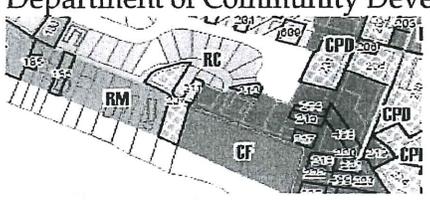
**PHONE: 561-768-3565**

**HONG DOCKS & LIFTS**  
1130-C PONDELLA RD.  
CAPE CORAL, FL 33909  
PHONE#(239)772-8181  
FAX# (239)772-8981

Case # VAR 2014-0001  
 Planner \_\_\_\_\_

Date Received 5/23/14  
 Date of Sufficiency/Completeness \_\_\_\_\_

**Town of Fort Myers Beach**  
 Department of Community Development



Zoning Division

**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.

<b>Project Name:</b> SCHMID DOCK
<b>Authorized Applicant:</b> ERNEST BARTLETT (HONG DOCKS & LIFTS)
<b>LeePA STRAP Number(s):</b> 24-46-23-W2-0050C.0100

<b>Current Property Status:</b> SINGLE FAMILY HOME
<b>Current Zoning:</b> SINGLE FAMILY RESIDENTIAL / 01 <i>RS</i>
<b>Future Land Use Map (FLUM) Category:</b> LOW DENSITY
<b>Platted Overlay?</b> ___yes <input checked="" type="checkbox"/> ___no <b>FLUM Density Range:</b> <i>up to 6 du/acre</i>

*JRO*

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

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: <b>RELOCATING NON-CONFORMING STRUCTURE, DOCK IN 25' SETBACK, OVERSIZED WALKWAY &amp; TERMINAL PLATFORM</b>
<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
N/A	

### PART IV – Property Ownership

<input checked="" type="checkbox"/> <b>Single owner</b> (individual or husband and wife)			
Name: <b>SCHMID JESSE</b>			
Address: Street: <b>5293 BUSINESS US 51</b>			
City: <b>CLINTON</b>		State: <b>IL</b>	Zip Code: <b>61727</b>
Phone: <b>561-768-3565</b>		Fax:	
E-mail Address:			

Case # \_\_\_\_\_  
Planner \_\_\_\_\_

Date Received \_\_\_\_\_  
Date of Sufficiency/Completeness \_\_\_\_\_

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

<b>From Sky Bridge, R on Estero Blvd, R on Matanzas St, R on Matanzas Ct, site on left</b>
Attach Area Location Map as Exhibit 5-3

**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 checked="" 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"/> Tidal Water
<b>Is the property located within the "Platted Overlay" area on the Future Land Use Map? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</b>	

**J. Zoning: (see official zoning map, as updated by subsequent actions)**

<input checked="" 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 type="checkbox"/> CR (Commercial Resort)	<input type="checkbox"/> EC (Environmentally Critical)
<input type="checkbox"/> BB (Bay Beach)	

Case # \_\_\_\_\_  
Planner \_\_\_\_\_

Date Received \_\_\_\_\_  
Date of Sufficiency/Completeness \_\_\_\_\_

**EXHIBIT 4-1  
DISCLOSURE OF INTEREST FORM**

**STRAP# 24-46-23-W2-0050C.0100**

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
<b>SCHMID JESSE 5293 BUSINESS US 51 CLINTON IL 61727</b>	<b>100%</b>

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
<b>N/A</b>	

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

N/A

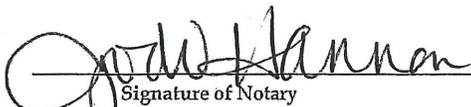
For any changes of ownership or changes in contracts for purchase subsequent to the date of the application but prior to the date of final public hearing, a supplemental disclosure of interest must be filed.

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

Signature   
Applicant  
Jesse Schmid  
Printed or typed name of applicant

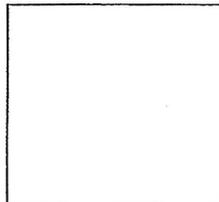
STATE OF Illinois  
COUNTY OF DeWitt

The foregoing instrument was acknowledged before me this 30th day of April, 2014, by Jesse Schmid who is personally known to me or who has produced id/personally known as identification and who did (or did not) take an oath.

  
Signature of Notary

Jodi Hannon  
Typed or Printed Name of Notary

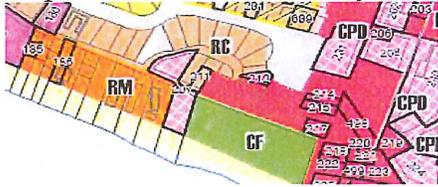
SEAL:



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.

<b>Case Number:</b>
<b>Project Name: SCHMID DOCK</b>
<b>Authorized Applicant: ERNEST BARTLETT (HONC DOCKS &amp; LIFTS)</b>
<b>LeePA STRAP Number: 24-46-23-W2-0050C.0100</b>

<b>Current Property Status: SINGLE FAMILY HOME</b>
<b>Current Zoning: SINGLE FAMILY RESIDENTIAL / 01</b>
<b>Future Land Use Map (FLUM) Category: LOW DENSITY</b>
<b>Comp Plan Density: LOW</b> <b>Platted Overlay? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</b>

Variance is requested from:

LDC Section Number	Title of Section or Subsection
<b>SEC 26-71 (C) (1)</b>	<b>MAXIMUM DIMENSIONAL REQUIREMENTS</b>
<b>SEC 26-71 (D) (2)</b>	<b>REQUIRED SETBACKS</b>
<b>SEC 26-48</b>	<b>NONCONFORMING MARINE STRUCTURES</b>

Complete the narrative statements below for EACH variance requested.

Case # \_\_\_\_\_  
Planner \_\_\_\_\_

Date Received \_\_\_\_\_  
Date of Sufficiency/Completeness \_\_\_\_\_

PART I  
Narrative Statements

Request for variance from \_\_\_\_\_ (LDC Section number)

Explain the specific regulation contained in this section from which relief is sought:
<b>Sec 26-71 (c) (1) Private single family docks in natural water must comply with the following maximum dimensional requirements.</b>
<b>a. 4 ft. wide access walkway</b>
<b>b. 160 sq. ft. terminal platform</b>
<b>Sec 26-71 (d)(2) Private single family docks in natural waster must maintain a 25 ft. side property line set back</b>
<b>Sec 26-48 (1) &amp; (2)</b>
<del>A nonconforming marine structure may be repaired, replaced, or altered if:</del>
<b>(1) The size, dimensions, design, and location of the structure is and will remain otherwise in compliance with all existing regulations.</b>
<b>(2) The proposed work will not cause an increase in the nonconformity, in the opinion of the director.</b>

Reasons for request

Explain why the variance is needed:
<b>The previous existing dock's walkway was 7'-4" wide. The previous terminal platform was 295 sq. ft. This previous dock can be viewed in the provided aerial from year 1968 (Exhibit 'A').</b>
<b>The new homeowner wished to add a boatlift and wrap-around finger pier to the existing dock footprint. The City of Fort Myers Beach would not allow the addition to the existing dock because they considered it an increase in size to a non-conforming structure.</b>
<del>The owner needed a place to park his boat, therefore, Honc Docks obtained a permit to remove the original dock and rebuild a dock in the center of the property. This dock complied with the current building codes. It has a 4 ft. wide walkway and a 160 sq. ft. terminal platform. The new, conforming, dock has been constructed so that the owner may keep his boat at his new home.</del>
<del>The owner would like to increase the width of the current walkway (now 4 ft.) back to the original width of 7'-4". The owner would like to increase the terminal platform (now 160 sq. ft.) back to the original size of 295 sq. ft.</del>

**The proposed 295 sq. ft. terminal platform will be within the 25 ft. setback. It will be in the same location as the original terminal platform, therefore it is not an increase in the nonconformity.**

**Attached DEP approval (Exhibit B-1 thru B-6) and Proposed Dock Plan (B-6)**



<p>Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.</p>
<p><b>(1) Whether there are exceptional or extraordinary conditions, whether the request is de minimis, whether rigid compliance is not necessary:</b></p>
<p>The property had a dock constructed in 1968. This dock was in place until it was removed in 2014 to build a new dock in the center of the property. The old dock was a non conforming size and the City would not allow it to be relocated to the center of the property because it is a non conforming structure. By allowing the dock to be rebuilt in the center of the property, it will have a further setback from the Western neighbor, and will not enter into the Eastern neighbors 25 ft. set back. The "grandfathered" oversized terminal platform and access walkway do not give the property any unique rights or effect navigation to boaters. The proposed dock is still similar to surrounding docks in the area.</p>
<p><b>(2) Whether the exceptional or extraordinary conditions are the result of the actions of the applicant taken after the adoption of regulation:</b></p>
<p>Because the City would not approve the relocation of the dock in it's current size, the applicant permitted and built a dock that was in accordance with current regulations so that he may store his boat while variance was being sought. No non-conforming actions have been taken.</p>
<p><b>(3) Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden:</b></p>
<p>The applicant is asking to relocate the existing "grandfathered" dock. The boat lift, boathouse roof, and finger pier currently in place are the correct size and shape to current codes. The end result will be a dock the size that has existed from 1968 with several improvements that meet current regulations.</p>
<p><b>(4) Whether granting the variance would be injurious to the neighbors or otherwise detrimental to the public welfare:</b></p>
<p>The proposed dock will not be detrimental to the public welfare. By allowing the dock to be rebuilt in the center of the property, it will have a further setback from the Western neighbor and will not enter into the Eastern neighbors 25 ft. setback. The "grandfathered" oversized terminal platform and access walkway do not give the property any unique rights or effect navigation to boaters. The proposed dock is still similar to surrounding docks in the area.</p>
<p><b>(5) Whether the conditions of the specific piece of property are so general or recurrent as it should be practical to amend the regulation in question:</b></p>
<p>The regulations in question guide the construction standards on new docks. If the board should desire, they may write additional regulations concerning allowing the relocation of non conforming structures as long as these structures do not increase the non-conformity.</p>

## Exhibit List

Exhibit "A"- 1968 Aerial

Exhibit- Existing Conditions

Exhibit "B-1" thru "B-6" – Department of Environmental Protection Permit

Exhibit "C" – Site Plan

Exhibit "D"- Proposed Variance

① ALL PILING ARE 8" 2.5 C.C.A TREATED MARINE PILING UNLESS OTHERWISE INDICATED, ALL MEASUREMENTS ARE APPROXIMATE  
 ② ALL STRINGERS & SUB STRINGERS ARE FULL SIZE, ROUGH CUT, 2" X 8" .60 C.C.A TREATED MARINE TIMBER BOLTED W/ 5/8" STAINLESS BOLTS  
 ③ DECKING IS 2" X 6" #1 DENSE CALO MARINE DECKING OR SYNTHETIC ALTERNATIVE, AS INDICATED, SECURED WITH STAINLESS STEEL SCREWS.

MATANZAS PASS  
 NATURAL WATERBODY  
 (768 ± CHANNEL)

EXISTING DOCK

SITE



**HONG DOCKS & LIFTS**  
 1130-C PONDELLA RD.  
 CAPE CORAL, FL 33909  
 PHONE#(239)772-8181  
 FAX# (239)772-8981

**DRAWN BY: TW**  
 ALL MEASUREMENTS  
 ARE FROM FACE OF  
 SEAWALL SLAB

LOT# 10-11  
 CUSTOMER  
 APPROVAL \_\_\_\_\_  
 DATE \_\_\_\_\_

DATE: 6/17/2013  
 BLOCK# C

SKETCH: E  
 CUSTOMER: JAMES CLARK  
 ADDRESS: 721 MATANZAS COURT  
 PHONE: 561-768-3565

- ① ALL PILING ARE 8" 2.5 C.C.A TREATED MARINE PILING UNLESS OTHERWISE INDICATED. ALL MEASUREMENTS ARE APPROXIMATE
- ② ALL STRINGERS & SUB STRINGERS ARE FULL SIZE, ROUGH CUT, 2" X 8". 60 C.C.A TREATED MARINE TIMBER BOLTED W/ 5/8" STAINLESS BOLTS
- ③ DECKING IS 2" X 6" #1 DENSE CALO MARINE DECKING OR SYNTHETIC ALTERNATIVE, AS INDICATED, SECURED WITH STAINLESS STEEL SCREWS.

*EXISTING CONDITIONS*

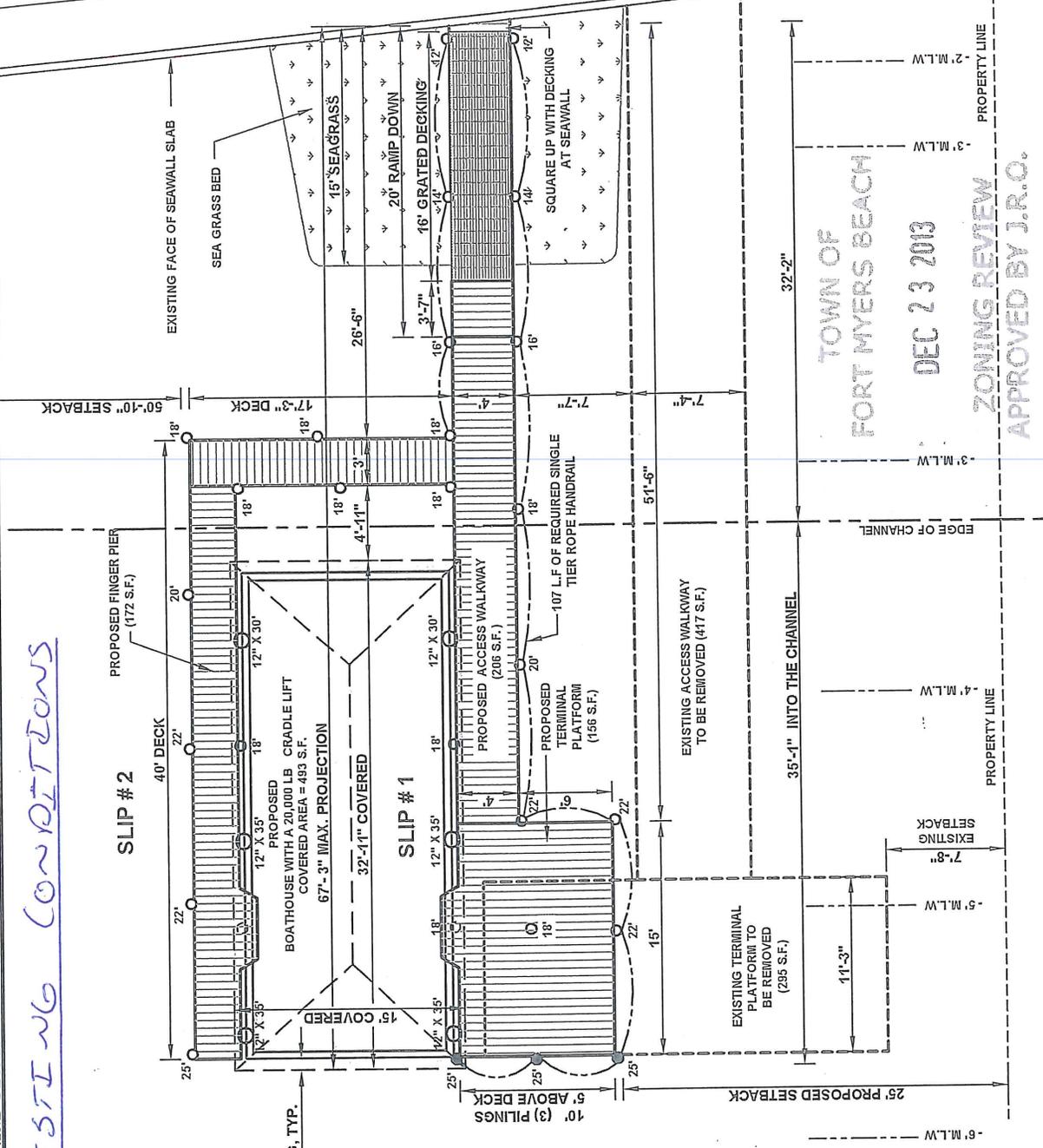


**MATANZAS PASS**  
**(768' ± WIDE CHANNEL)**  
 NATURAL WATER BODY

AREA TABLE	
EXISTING WALKWAY AREA + TERMINAL PLATFORM (TO BE REMOVED)	= 712 S.F.
PROPOSED ACCESS WALKWAY	= 206 S.F.
PROPOSED TERMINAL PLATFORM (RELOCATED EXISTING)	= 156 S.F.
PROPOSED FINGER PIER	= 172 S.F.
TOTAL WOOD DOCK (AREA OVER WATER)	= 534 S.F.
BOATHOUSE COVERED AREA	= 493 S.F.
TOTAL IMPERVIOUS AREA OVER WATER	= 1,027 S.F.

REVISED PER CITY OF FORT MYERS  
 BEACH COMMENTS 12-18-13.

**SITE PLAN**  
**SHEET 1 OF 4**



<b>SKETCH: F</b>	<b>DATE: 11/1/13</b>	<b>BLOCK# C</b>	<b>LOT# 10-11</b>	<b>DRAWN BY: TW</b>	<b>HONG DOCKS &amp; LIFTS</b> 1130-C PONDELLA RD. CAPE CORAL, FL 33909 PHONE#(239)772-8181 FAX# (239)772-8981
<b>CUSTOMER: JAMES CLARK</b> <b>ADDRESS: 721 MATANZAS COURT, FORT MYERS BEACH</b> <b>PHONE: 561-768-3566</b>			<b>CUSTOMER APPROVAL:</b> _____ <b>DATE:</b> _____		<b>TOWN OF FORT MYERS BEACH</b> <b>DEC 23 2013</b> <b>ZONING REVIEW</b> <b>APPROVED BY J.R.O.</b>

EXH B-1



FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

South District Office  
P.O. Box 2549  
Fort Myers, FL 33902-2549

RICK SCOTT  
GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

VIA ELECTRONIC MAIL

February 26, 2014

Jess Schmid  
c/o Honc Docks & Lifts  
1130-C Pondella Road  
Cape Coral, FL 33909  
[TIM@honcdocks.com](mailto:TIM@honcdocks.com)

Re: Lee County - ERP  
File No. 36-0316303-005  
Modification of 36-0316303-003

Dear Mr. Schmid:

Your request to modify this permit has been received and reviewed by Department staff. The proposed permit modifications to:

- 1.) increase the square footage of the previously approved access walkway and terminal platform
- 2.) reposition the previously approved dock along the shoreline

After review by staff, the proposed modification(s) are not expected to adversely affect water quality and will not be contrary to the public interest, provided the permit is amended as follows:

PROJECT DESCRIPTION:

From:

The project is to remove the existing dock and construct a 2-slip 1,027 square foot single-family dock comprised of a 208 square foot access walkway, 156 square foot terminal platform, 172 square foot "L"-shaped finger pier, and a 500 square foot boathouse with a boatlift. The dock will be setback 25 feet from the west property line and 50 feet 10 inches from the east property line. Unavoidable impacts will be offset by utilizing grated decking in the first 15 feet of the access walkway in order to minimize shading impacts to seagrass.

Exit B-2

Jesse Schmid  
File No. 36-0316303-005  
Page 2 of 5

To:

The project is to remove the existing dock and construct a 2-slip ~~1,027~~ 1,384 square foot single-family dock comprised of a ~~208~~ 417 square foot access walkway, ~~156~~ 295 square foot terminal platform, 172 square foot "L"-shaped finger pier and a 500 square foot boathouse with a boat lift. The dock is to be setback ~~25~~ 26 feet 6 inches from the west property line and ~~50~~ 52 feet 6 inches from the east property line. Unavoidable impacts will be offset by utilizing grated decking in the first 15 feet of the access walkway in order to minimize shading impacts to seagrass.

Since the proposed modification(s) along with the above amended permit conditions and monitoring requirements are not expected to result in any adverse environmental impact and water quality degradation, the permit is hereby modified as requested. By copy of this letter and the attached drawings, we are notifying all necessary parties of the modification.

This letter does not alter the permit other than as described above. This letter and referenced enclosures must be attached to the original permit.

This modification and consent to use is hereby granted unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes, (F.S.), before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition or an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit and consent to use or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this permit and consent to use automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities under this permit and consent to use until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time have expired.

Under Rule 62-110.106(4), Florida Administrative Code (F.A.C.), a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Rules 28-106.111(2) and 62-110.106(3)(a)(4), F.A.C., petitions for an administrative hearing by the applicant or any of the parties listed below must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;

- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules and statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

The action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

[INTENTIONALLY LEFT BLANK]

Exhibit B-5

Jesse Schmid  
File No. 36-0316303-005  
Page 5 of 5

This permit constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

Sincerely,



Jon M. Iglehart fo  
Director of District Management

JMI/py

1 valid drawings attached  
4 voided drawings attached

cc: U.S. Army Corps of Engineers

#### CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document, including all copies, was mailed before the close of business on February 26, 2014, to the above listed person(s).

#### FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated Department clerk, receipt of which is hereby acknowledged.

Marcie Vidrine  
Clerk

February 26, 2014  
Date

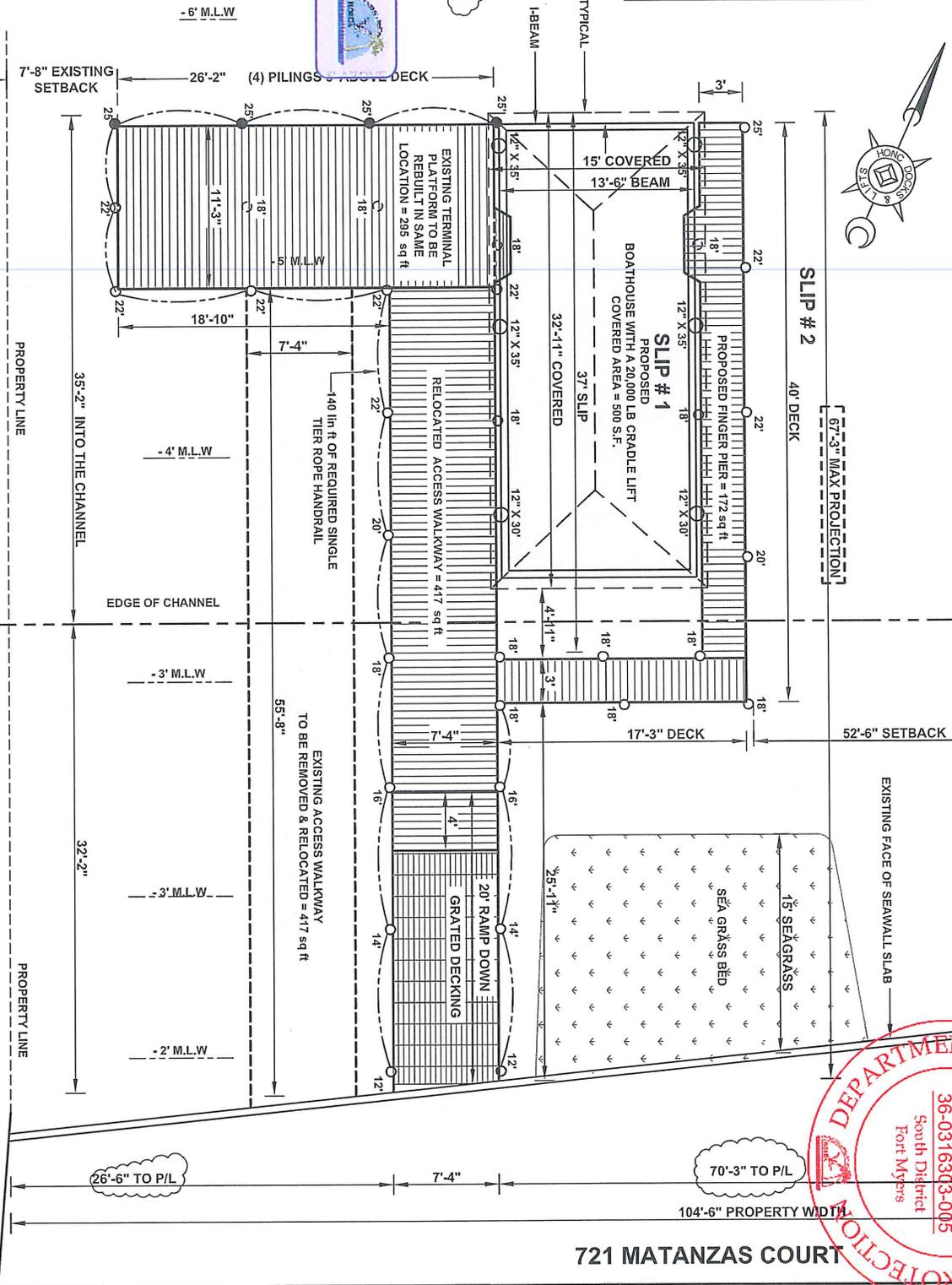
EXHIBIT B-6

- ① ALL PILING ARE 8" 2.5 C.C.A TREATED MARINE PILING UNLESS OTHERWISE INDICATED, ALL MEASUREMENTS ARE APPROXIMATE
- ② ALL STRINGERS & SUB STRINGERS ARE FULL SIZE, ROUGH CUT, 2" X 8", 60 C.C.A TREATED MARINE TIMBER BOLTED W/ 5/8" STAINLESS BOLTS
- ③ DECKING IS 2" X 6" #1 DENSE CAL10 MARINE DECKING OR SYNTHETIC ALTERNATIVE, AS INDICATED, SECURED WITH STAINLESS STEEL SCREWS.

AREA TABLE	
EXISTING WALKWAY AREA + TERMINAL PLATFORM (TO BE REBUILT & RELOCATED)	= 712 sq ft
PROPOSED ACCESS WALKWAY (RELOCATED EXISTING)	= 417 sq ft
PROPOSED TERMINAL PLATFORM (REBUILD EXISTING)	= 295 sq ft
PROPOSED FINGER PIER	= 172 sq ft
TOTAL WOOD DOCK (AREA OVER WATER)	= 884 sq ft
BOATHOUSE COVERED AREA	= 500 sq ft
TOTAL IMPERVIOUS AREA OVER WATER	= 1,384 sq ft

**RECEIVED** Feb. 12, 2014  
 South District DBP

1. 2-12-2014 RELOCATED EXISTING WALKWAY AND REBUILT TERMINAL PLATFORM IN SAME FOOT PRINT.



**SKETCH: SITE-J**      **DATE: 2/12/2014**      **BLOCK# C**

**CUSTOMER: JAMES CLARK**      **LOT# 10-11**      **DRAWN BY: EB**

**ADDRESS: 721 MATANZAS COURT, FORT MYERS BEACH**

**PHONE: 561-768-3565**      **CUSTOMER APPROVAL DATE:** \_\_\_\_\_

**HONG DOCKS & LIFTS**  
 1130-C PONDELLA RD.  
 CAPE CORAL, FL 33909  
 PHONE#(239)772-8181  
 FAX# (239)772-8981

**HONG DOCKS & LIFTS**

**SKETCH PLAN**

- ① ALL PILING 8" 2.5 C.C.A TREATED MARINE PILING UNLESS OTHERWISE INDICATED MEASUREMENTS ARE APPROXIMATE
- ② ALL STRINGERS & SUB STRINGERS ARE FULL SIZE, ROUGH CUT, 2" X 8" .60 C.C.A TREATED MARINE TIMBER BOLTED W/ 5/8" STAINLESS BOLTS
- ③ DECKING IS 2" X 6" #1 DENSE CALO MARINE DECKING OR SYNTHETIC ALTERNATIVE, AS INDICATED, SECURED WITH STAINLESS STEEL SCREWS.

REMOVING AND REBUILDING EXISTING WALKWAY IN THE 5'-3" FOOT PRINT IN NEW LOCATION THE EXISTING TERMINAL PLATFORM WILL REMAIN IN THE SAME LOCATION AND FOOT PRINT

PROPOSED BOATHOUSE WITH A 20,000 LB CRADLE LIFT COVERED AREA = 600 S.F.

PROPOSED FINGER PIER = 172 sq ft

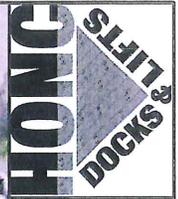
SINGLE FAMILY DOCK

SINGLE FAMILY HOME

MATANZAS CT

MATANZAS ST

ARBOR CT



**HONG DOCKS & LIFTS**  
 1130-C PONDELLA RD.  
 CAPE CORAL, FL 33909  
 PHONE#(239)772-8181  
 FAX# (239)772-8981

**DRAWN BY : EB**  
 ALL MEASUREMENTS ARE FROM FACE OF SEAWALL SLAB

**LOT# 10-11**  
 CUSTOMER APPROVAL DATE

**BLOCK# C**

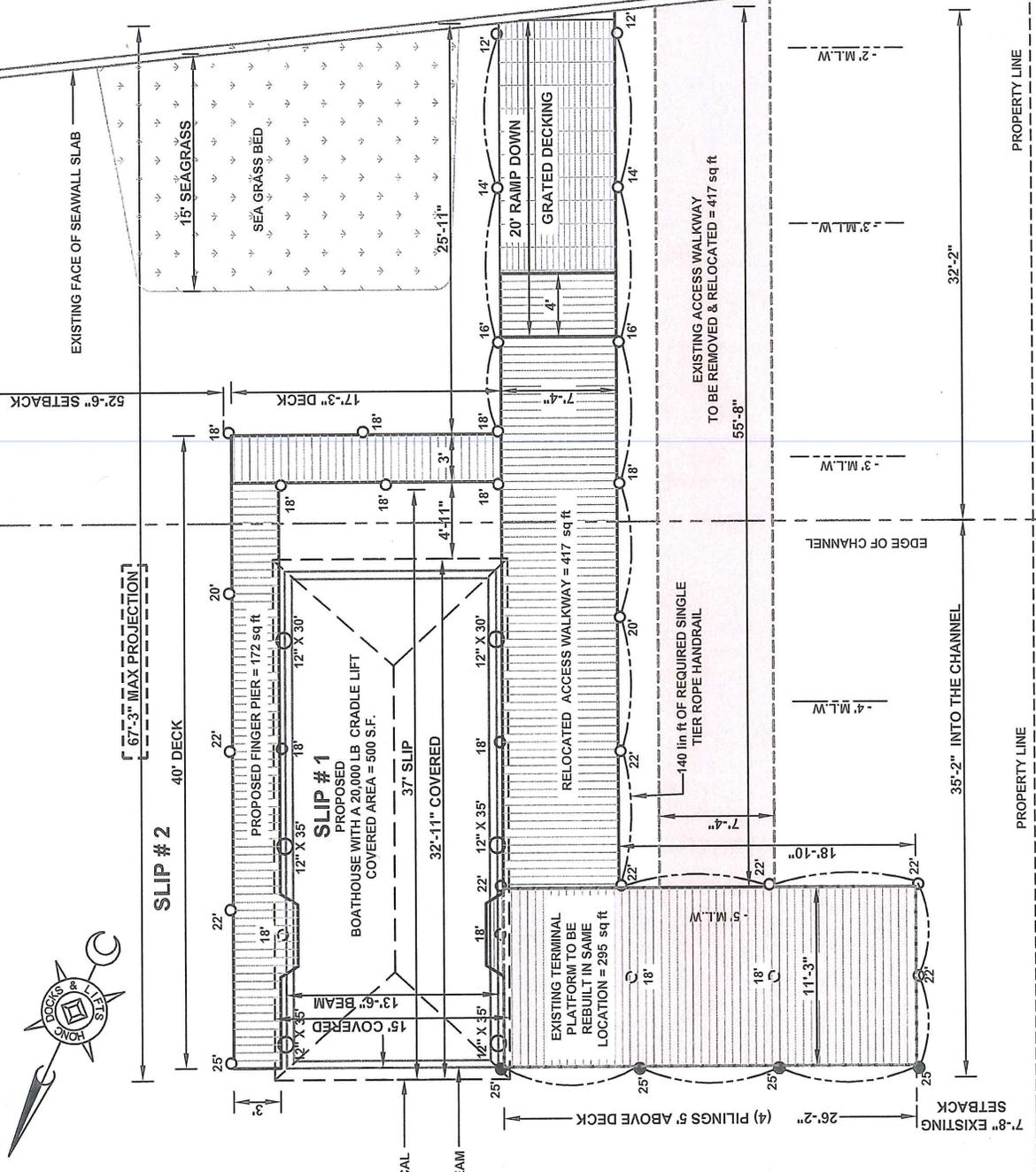
**SKETCH: SITE PLAN DATE: 4/8/2014**

**CUSTOMER : JAMES CLARK**  
**ADDRESS : 721 MATANZAS COURT, FORT MYERS BEACH**  
**PHONE : 561-768-3565**

- 1 ALL PILING 8" 2.5 C.C.A TREATED MARINE PILING UNLESS OTHERWISE INDICATED MEASUREMENTS ARE APPROXIMATE
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AREA TABLE	
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TOTAL WOOD DOCK (AREA OVER WATER)	= 884 sq ft
BOATHOUSE COVERED AREA	= 500 sq ft
TOTAL IMPERVIOUS AREA OVER WATER	= 1,384 sq ft

□ = EXISTING FOOT PRINT



1. 2-12-2014 RELOCATED EXISTING WALKWAY AND REBUILD TERMINAL PLATFORM IN SAME FOOT PRINT.

**FILE COPY**



**MATANZAS PASS  
NATURAL WATER BODY  
(768' ± WIDE CHANNEL)**



**HONC DOCKS & LIFTS**  
1130-C PONDELLA RD.  
CAPE CORAL, FL 33909  
PHONE#(239)772-8181  
FAX# (239)772-8981

**DRAWN BY : EB**  
ALL MEASUREMENTS ARE FROM FACE OF SEAWALL SLAB

**LOT# 10-11**  
CUSTOMER APPROVAL DATE

**BLOCK# C**

**DATE: 2/12/2014**

**SKETCH: SITE-J**  
**CUSTOMER: JAMES CLARK**  
**ADDRESS: 721 MATANZAS COURT, FORT MYERS BEACH**  
**PHONE: 561-768-3565**