



# *Town of Fort Myers Beach*

## **Memorandum**

**To:** LPA Members  
**From:** Belinda Smith, Permit Coordinator  
**Date:** September 9, 2013  
**Re:** Tundo Variance

---

Item A was continued from the July 8<sup>th</sup> meeting.

The applicant has provided three additional drawings. They are located at the rear of the photos section.

RESOLUTION OF THE LOCAL PLANNING AGENCY OF  
THE TOWN OF FORT MYERS BEACH FLORIDA  
RESOLUTION NUMBER 2014-013  
VAR2013-0009 – Tundo

WHEREAS, applicant David Easterbrook, authorized agent for Tropical Shores LLC, 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-W3-04100.0022 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property, 2550 Estero Boulevard, Unit 22, Fort Myers Beach is located in the 'Residential Multifamily' zoning district of the Official Zoning Map and the 'Boulevard' category of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on 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 a second story 10' x 20' deck as indicated on the drawings 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

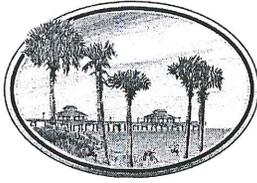
By: \_\_\_\_\_  
Hank Zuba, LPA Chair

Approved as to legal sufficiency:

By: \_\_\_\_\_  
Fowler White Boggs, P.A.  
*LPA Attorney*

ATTEST:

By: \_\_\_\_\_  
Michelle Mayher  
*Town Clerk*



*Town of Fort Myers Beach*  
COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT

**TYPE OF CASE:** Variance  
**CASE NUMBER:** VAR2013-0009  
**CASE NAME:** 2550 Estero Blvd. Unit 22  
**LPA HEARING DATE:** September 9, 2014  
**LPA HEARING TIME:** 9:00 AM

**I. APPLICATION SUMMARY**

Applicant: Tropical Shores, LLC (Mike and Sonia Tundo)

Request: Variance in the RM zoning district from LDC Table 34-3 to allow a 10-foot encroachment into the required 20-foot rear in order to construct a 10-foot x 20-foot covered deck off the second story bedroom.

Subject property: T.P. HILLS SUBDIVISION, OF LOTS 23 AND 4 OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, ACCORDING TO THE MAP OF PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF LEE COUNTY, FLORIDA.

Physical Address: 2550 Estero Boulevard

STRAP #: 19-46-24-W3-04100.0022

FLU: Boulevard

Zoning: RESIDENTIAL MULTIFAMILY (RM)

Current use(s): Condominium

Adjacent zoning and land uses:

North: RESIDENTIAL MULTIFAMILY (RM),  
Boulevard

South: RESIDENTIAL MULTIFAMILY (RM)  
Boulevard

East: COMMERCIAL BOULEVARD (CB),  
Boulevard

West: Gulf of Mexico  
Boulevard

**II. BACKGROUND AND ANALYSIS**

Background:

The subject property was originally developed in 1981 as Island House Beach Club a 25 unit single-family residential condominium. On October 28, 2003 the property was split creating two properties. The resulting parcel fronting on Estero Boulevard became Tropical Shores Condominium, one three-story building containing a total of four condominium units. The ground floor of the condominium contains parking bays. The second and third floors each contain two residential units. Units 11 and 12 are located on the second floor and units 21 and 22 are on the third floor. Unit 22 is the subject of this variance request.

Analysis:

When Tropical Shores Condominium was split from Island House Beach Club a 20 foot setback was left at the rear of the condominium building, as required by LDC Table 34-3. The current owner would like to construct a 10' x 20' covered deck off the bedroom to the rear side of Unit 22. They are requesting a variance to allow this deck to extend 10 feet into the required setback.

There is no hardship requiring the granting of the variance. The owner would like to add the deck to enhance the enjoyment of their property. The owner has received approval from the Condo Association as well as the owners of the surrounding units.

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.*

There is nothing exceptional or extraordinary about the property in question besides the fact that a previous land split has limited the ability of current and future owners to make changes to the rear of their property.

- 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.*

The conditions justifying the variance were not caused by the present owner. While there is not a hardship issue involved in this variance request, actions taken by previous owners are limiting the current owner's ability to make enhancements that will add to the enjoyment of their property.

- 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.*

While there is not an unreasonable burden for the owner, this variance is the minimum action that will allow them to complete the desired improvements on their property allowing them to better enjoy their home.

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

The property is laid out in such a manner that the addition of the deck will not be injurious to the neighborhood or detrimental to the public welfare. Based on the current conditions on surrounding properties it does not appear that the deck will detract from anyone's view.

- 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.

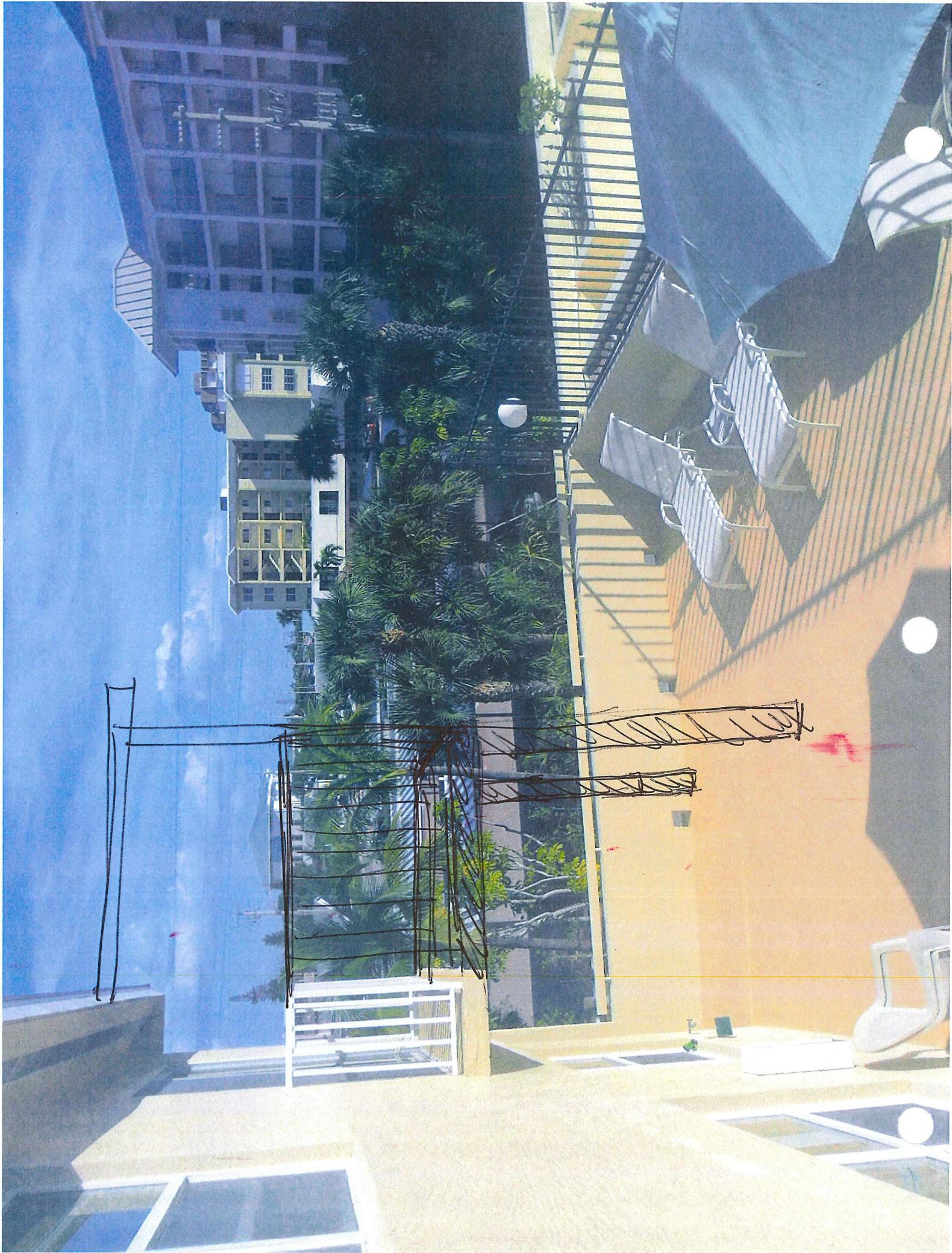
### **III. RECOMMENDATION**

While there is no hardship involved in this variance request, it is also a request that will not be injurious to other property owners of the public in general. Therefore, staff recommends **APPROVAL** of the requested variance from LDC Table 34-3 to allow a 10 foot setback for the construction of a rear deck where 20 feet is otherwise required, subject to the following conditions:

1. That the request be approved only for a second story 10' x 20' deck as indicated on the drawings submitted by the applicant.

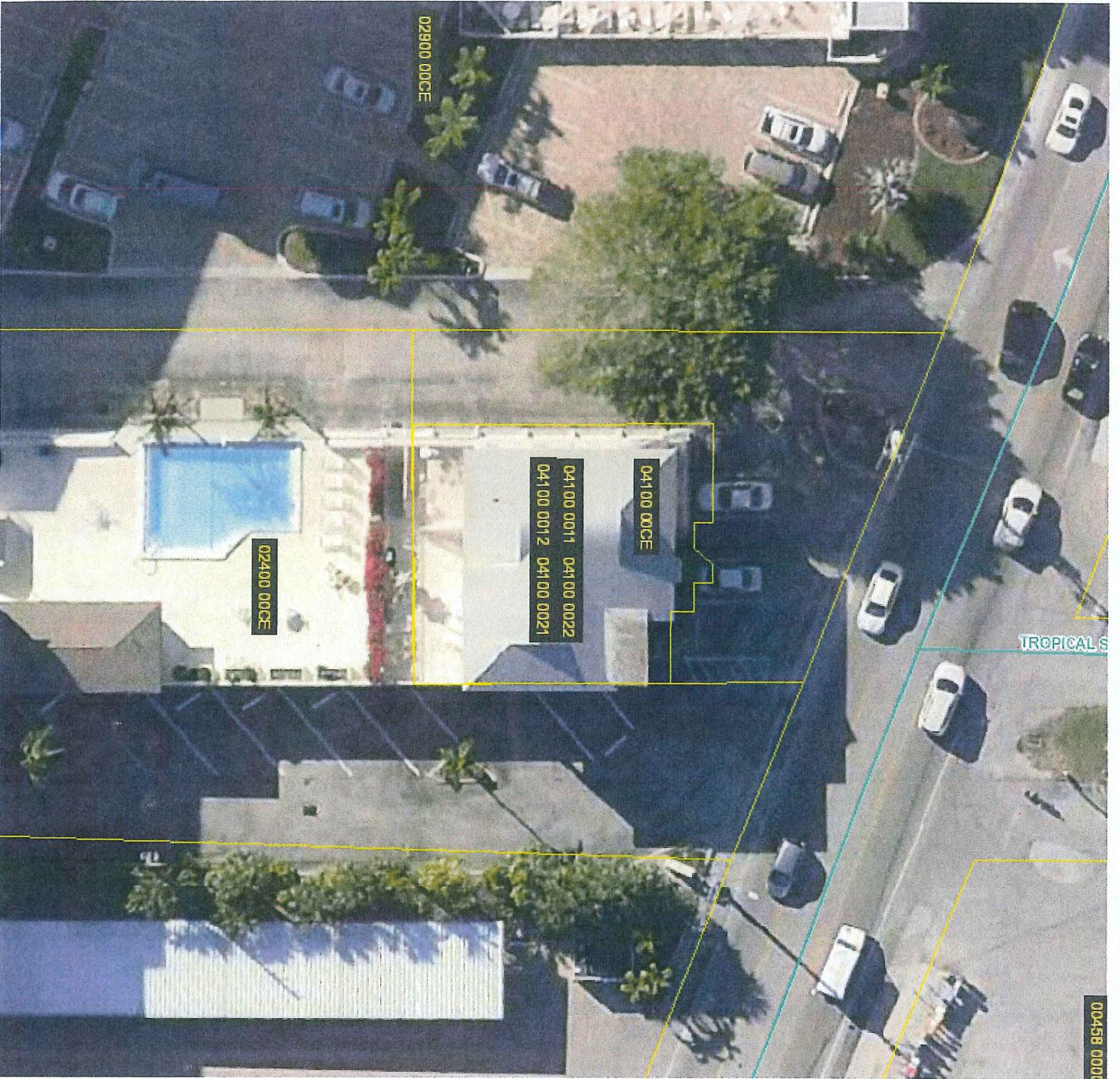
#### **IV. CONCLUSION**

The owner is requesting a variance to improve their enjoyment of their property. The construction of the 10' x 20' deck will allow them to better utilize their home and will not be a hindrance to others.



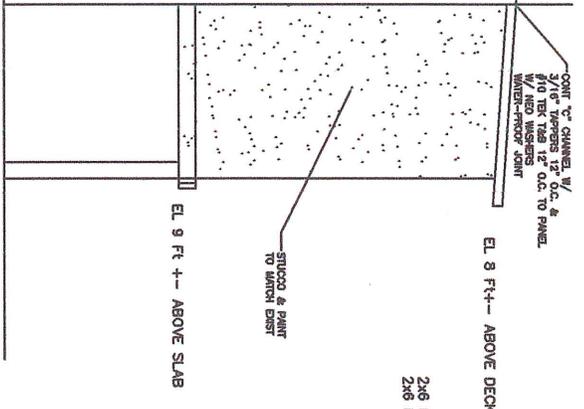




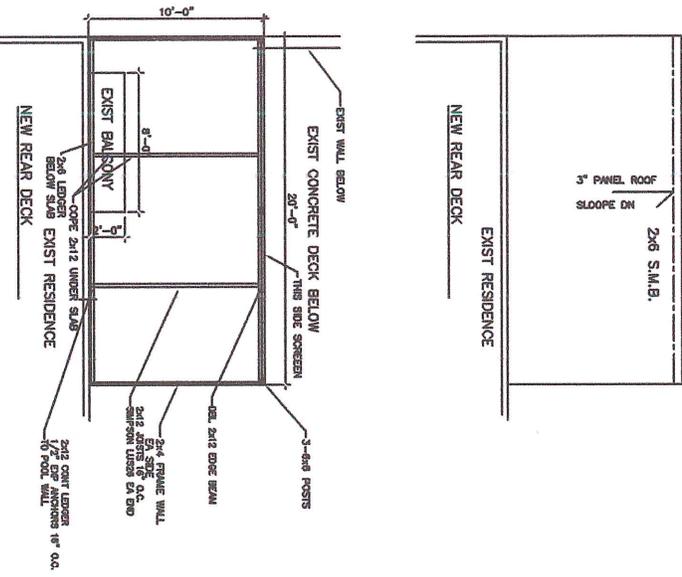


Faint, illegible text or markings at the bottom of the page, possibly bleed-through from the reverse side.

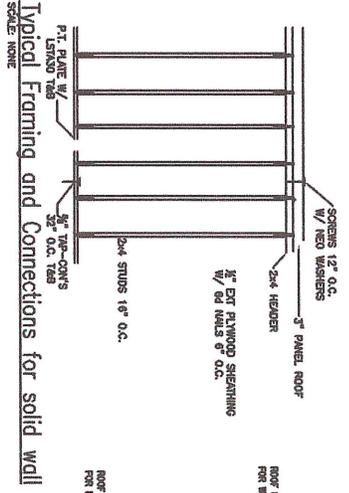
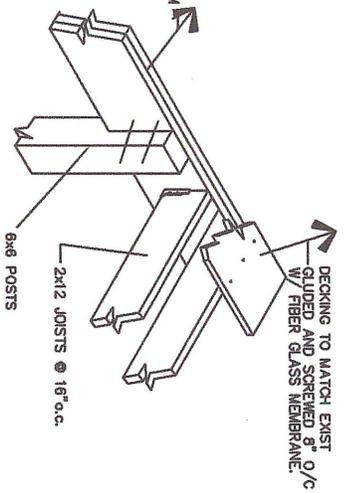
EXIST BUILDING



LEFT ELEVATION--RIGHT OPP



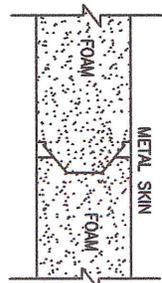
DECK FRAMING DETAIL



COMPOSITE PANEL CHARTS  
WIND SPEED 132 MPH NOM

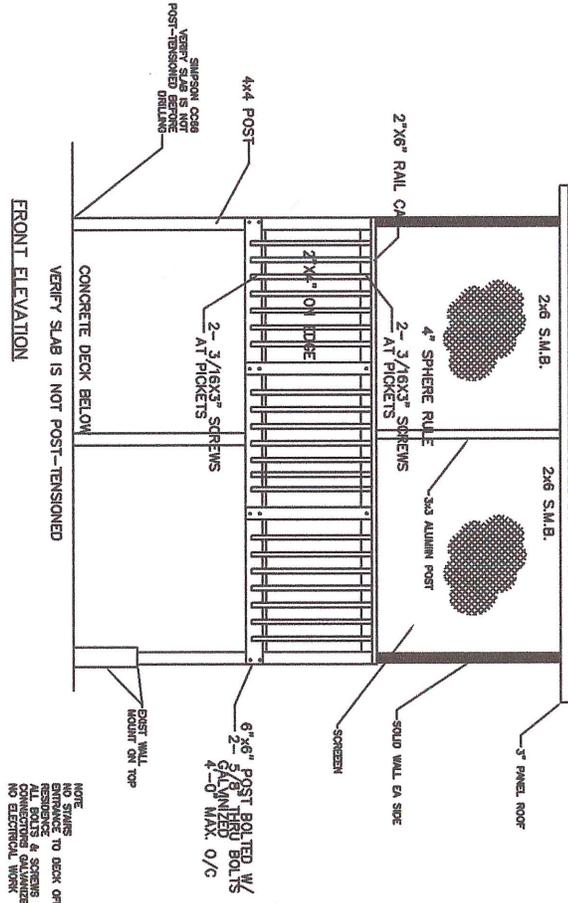
PANEL THICKNESS	SPACING			
	1 FT	2 FT	3 FT	4 FT
3"	11'-4"	11'-4"	11'-4"	-
4"	13'-4"	13'-4"	13'-4"	13'-4"
5"	15'-4"	15'-4"	15'-4"	15'-4"

DL + LL @ 22 PSF



SNAP-N-LOCK COMPOSITE PANEL  
PANEL - 1/2\"/>

THERMAL RESISTANCE VALUE IS 15 R-4 PER INCH THICKNESS,  
9/16\"/>

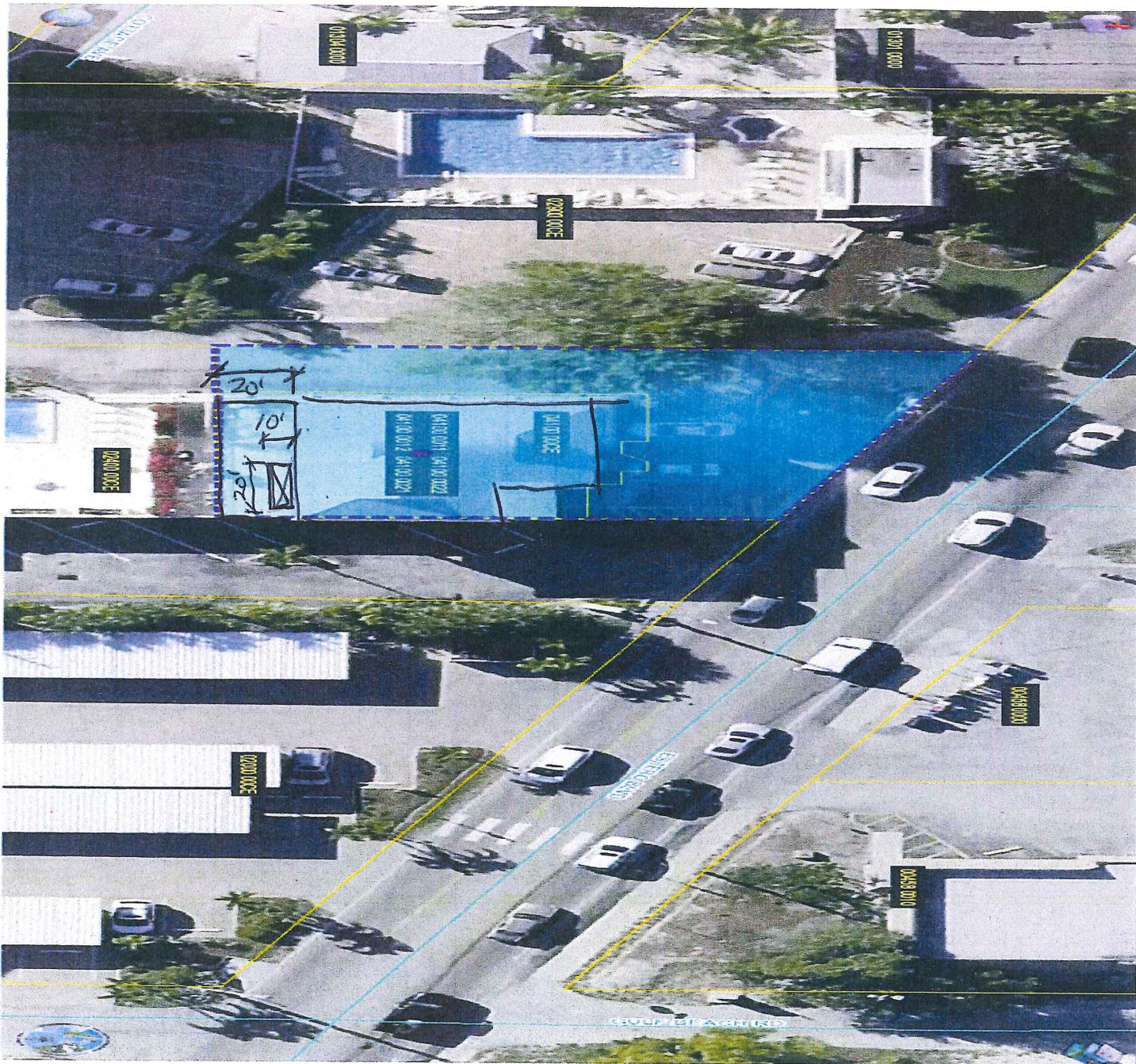


FRONT ELEVATION

FOR THIS BUILDING CODE 2010  
RISK CATEGORY 1  
WIND DESIGN WIND SPEED: 132  
SEISMIC CATEGORY: 1  
SEISMIC DESIGN CATEGORY: 1  
PARTIALLY RESTRAINED STRUCTURE  
THE STRUCTURAL COMPONENTS OF THIS PLAN ARE IN COMPLIANCE WITH THE 2010 INTERNATIONAL RESIDENTIAL CODE AND ITS SUPPLEMENTS TO CALIFORNIA AND ITS REFERENCES TO CALIFORNIA AND OTHER PRESSURES TO COMPLY WITH THE 2010 IBC AND CAN SUPPORT THE LOADS.

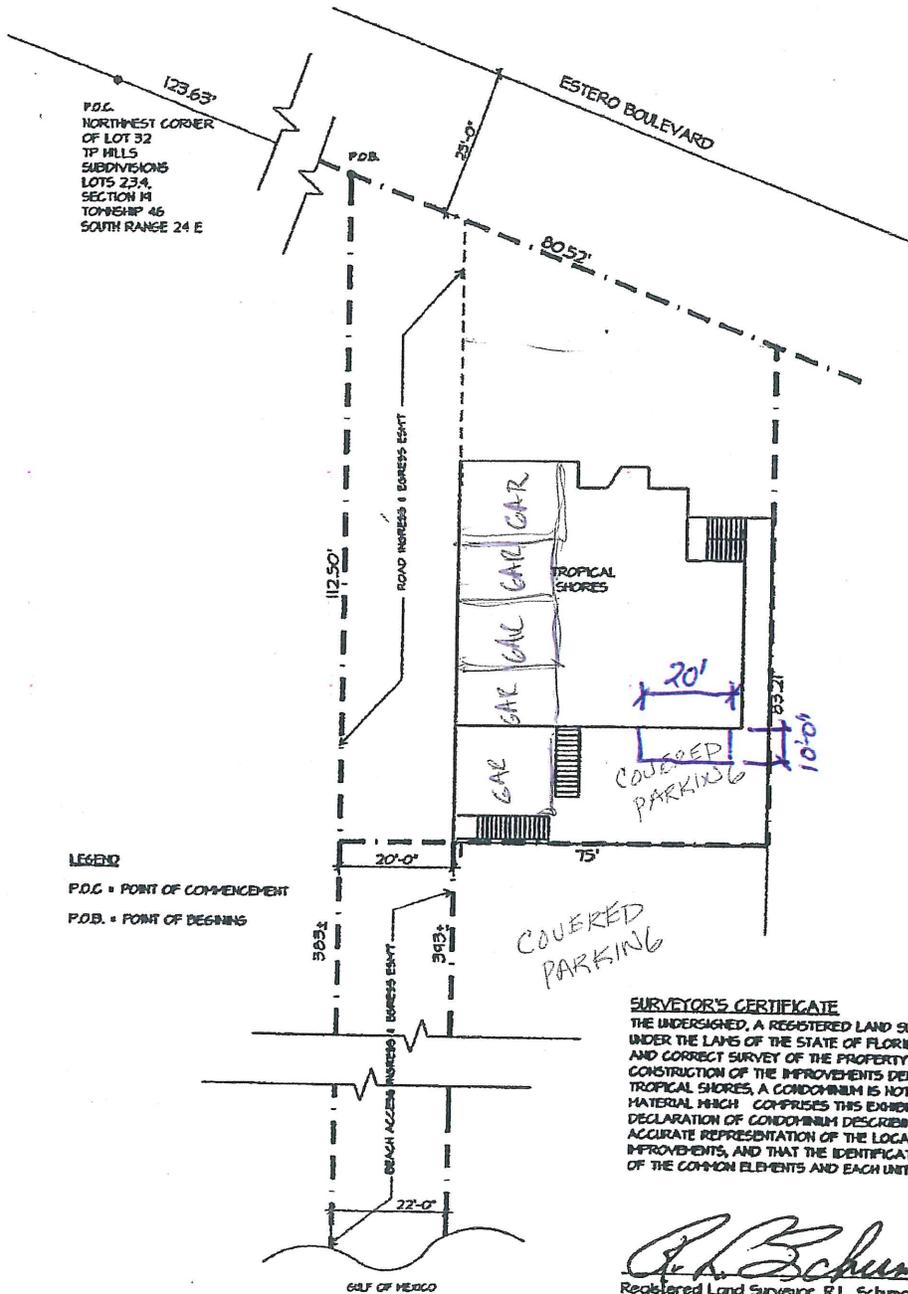
NOTE:  
NO STRAINS TO BEK OFF OF RESIDENCE & SCREENS STAINLESS CONNECTORS GALVANIZED NO ELECTRICAL WORK  
ALL LUMBER SHALL BE P.T.  
NO ELECTRICAL WORK

THIS PLAN WAS BEEN REVIEWED, ENGINEERED AND SUPERVISED BY:  
JACK  
13-252  
04-29-13



# TROPICAL SHORES CONDOMINIUM

T.P. HILLS SUBDIVISION, OF LOTS 23, AND 4 OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, ACCORDING TO THE MAP OF PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF LEE COUNTY, FLORIDA



*Handwritten notes:*  
 2007  
 2007  
 2007

**LEGEND**  
 P.O.C. = POINT OF COMMENCEMENT  
 P.O.B. = POINT OF BEGINNING

**SURVEYOR'S CERTIFICATE**

THE UNDERSIGNED, A REGISTERED LAND SURVEYOR DULY AUTHORIZED TO PRACTICE UNDER THE LAWS OF THE STATE OF FLORIDA, HEREBY CERTIFIES THAT THIS IS A TRUE AND CORRECT SURVEY OF THE PROPERTY DESCRIBED HEREON, AND THAT THE CONSTRUCTION OF THE IMPROVEMENTS DEPICTED AND DESCRIBED IN THIS EXHIBIT OF TROPICAL SHORES, A CONDOMINIUM IS NOT SUBSTANTIALLY COMPLETE SO THAT SUCH MATERIAL WHICH COMPRISES THIS EXHIBIT, TOGETHER WITH THE PROVISIONS OF THE DECLARATION OF CONDOMINIUM DESCRIBING THE CONDOMINIUM PROPERTY, IS AN ACCURATE REPRESENTATION OF THE LOCATION AND APPROXIMATE DIMENSIONS OF THE IMPROVEMENTS, AND THAT THE IDENTIFICATION, LOCATION AND APPROXIMATE DIMENSIONS OF THE COMMON ELEMENTS AND EACH UNIT CAN BE DETERMINED FROM SAID MATERIALS.

*R.L. Schumann*  
 Registered Land Surveyor, R.L. Schumann, R.L.S.  
 Florida Rec. #2234  
 (Date) 4/25/03



# Tropical Shores Condominium Association

---



To Whom it May Concern,

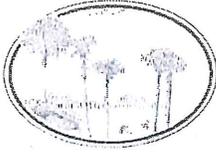
This letter is to serve as acknowledgement and approval of renovations to Unit 22 of the building that is the Tropical Shores Condominium Association at 2550 Estero Blvd. Fort Myers Beach, FL.

The current acting owner Sonia Tundo has discussed and submitted plans for an addition to the current balcony. This addition would change the dimensions from 2' by 12' to 8' by 16'. All current members of the Association have been made aware and have personally approved the plans.

A handwritten signature in black ink, appearing to read 'Adam Lally', written in a cursive style.

Adam Lally

Secretary



# 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: VAR2013-0009 DATE: 12/17/13

Site Address: 2550 ESTERO BLVD. FT. MYERS BEACH FL 33931

STRAP Number: 19-46-24-W3-09100.0022

Applicant: MIKE & SONA TUNOO Phone: 886-615-0737

Contact Name: DAVID M. EASTERBROOK Phone: 239-980-3091

Email: FIVE BEACH BUNS @ AOL.COM Fax: \_\_\_\_\_

Current Zoning District: RM

Future Land Use Map (FLUM) Category: \_\_\_\_\_

FLUM Density Range: RM 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\*: MIKE + SONA TUNDO Phone: 586-615-0737

*\*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: 2550 ESTERO BLVD. FT. MYERS BEACH FL. 33931

Email: SUBWAYQUEEN@COMCAST.NET Fax: APT. #

Contact Name: DAVID M. EASTERBROOK Phone: 239-980-3091

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: MIKE + SONA TUNDO Phone: 586-615-0737

Address: 2550 ESTERO BLVD. FT. MYERS BEACH FL 33931

Email: SUBWAYQUEEN@COMCAST.NET Fax: APT. # 22

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

Name: DAVID M. EASTERBROOK Phone: 239-980-3091

Address: 123 BAYVIEW AVE. FT. MYERS BEACH FL. 33931

Email: FIVE BEACH BULLS@AOL.COM 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 - 87
- 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: MIKE + SONA TUNCO Phone: 586-615-0737
  - Mailing Address: 2350 ESTERO BLVD. FT MYERS BEACH FL 33931
  - Email: SUBWAYQUEEN@COMCAST.NET Fax: APT. # 22

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: 19-46-24-W3-04100,0022

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
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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 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
JAMES + LINDA MAROTTA 2550 ESTERO UNIT # 12	1/4
ADAM LALLY 2550 ESTERO UNIT # 21	1/4
MIKE + SONA TUNDO 2500 ESTERO UNITS 22 + 11	1/2

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: \_\_\_\_\_

**PART V - Property Information**

**A. Legal Description:**

STRAP: 19-46-29-W3-04100.0022

Property Address: 2550 ESTERO BLVD. FT. MYERS BEACH FL 33931

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee

County?  No. Attach a legible copy of the legal description as Exhibit 5-1.

Yes. Property identified in subdivision: T.P. HILLS

Book: 4081 Page: 2582 Unit: \_\_\_\_\_ Block: \_\_\_\_\_ Lot(s): 2, 3 & 4

**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) 75 feet

Depth (please provide an average width if irregular in shape) 97 feet

Frontage on street: 80.5 feet. Frontage on waterbody: 0 feet

Total land area: 7312 S.F.  acres  square feet 7312

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

LEFT ON ESTERO FROM SKY BRIDGE TRAVEL  
APPROX 1.8 MILES UNITS ARE ON GULF  
SIDE OF ESTERO BLVD. ACROSS FROM  
TOPS.

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 type="checkbox"/> RS (Residential Single-family)          | <input type="checkbox"/> CF (Community Facilities)     |
| <input type="checkbox"/> RC (Residential Conservation)           | <input type="checkbox"/> IN (Institutional)            |
| <input checked="" 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, MICHAEL TUNDO  
SONIA TUNDO 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

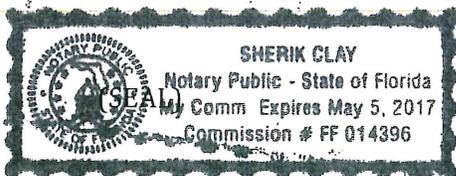
The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

[Signature]  
Signature of owner or authorized agent

12/10/13  
Date

STATE OF FLORIDA)  
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 12-10-13 (date) by Sherik CLAY (name of person providing oath or affirmation), who is personally known to me or who has produced Michigan DL (type of identification) as identification.



[Signature]  
Signature  
Sherik Clay  
Printed Name

PART VII

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, SONIA TUNDO (name), as MEMBER (title) of TROPICAL SHORES LLC (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

- 1. 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 County in accordance with this application and the Land Development Code;
2. 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;
3. I have authorized the staff of Lee County 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
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

TROPICAL SHORES, LLC
Name of Entity (corporation, partnership, LLP, LLC, etc)
Signature: [Handwritten Signature] Title: MEMBER
SONIA TUNDO Typed or Printed Name Date: 12/10/13

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 12.10.13 (date) by Sherik Clay (name of person providing oath or affirmation), who is personally known to me or who has produced Michigan DL (type of identification) as identification.

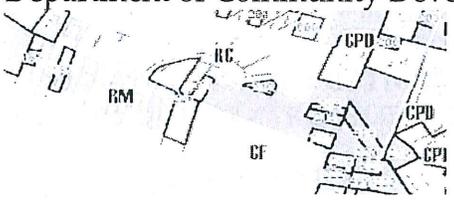


[Handwritten Signature]
Signature
Sherik Clay
Printed Name

Case # VAR2013-0009  
Planner \_\_\_\_\_

Date Received 12/17/13  
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: <u>TROPICAL SHORES CONDOMINIUM</u>
Authorized Applicant: <u>MIKE + SONA TUNDO</u>
LeePA STRAP Number: <u>19-46-24-W3-04100.0022</u>

Current Property Status: <u>EXISTING CONDOMINIUM</u>
Current Zoning: <u>RM</u>
Future Land Use Map (FLUM) Category: <u>N/A</u>
Comp Plan Density: _____ Platted Overlay? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
<u>SEC 34-87</u>	<u>VARIANCES</u>

Complete the narrative statements below for EACH variance requested.

PART I  
Narrative Statements

Request for variance from 34-87 (LDC Section number)

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

a.) THERE ARE EXCEPTIONAL OR EXTRAORDINARY CONDITIONS OR CIRCUMSTANCES THAT ARE INTERFERENT TO THE PROPERTY IN QUESTION, OR THAT THE REQUEST IS FOR A DE MINIMUS VARIANCE UNDER CIRCUMSTANCES OR CONDITIONS WHERE RIGID COMPLIANCE IS NOT ESSENTIAL TO PROTECT PUBLIC POLICY. D.) GRANTING OF THE VARIANCE WILL NOT BE INJURIOUS TO THE NEIGHBORHOOD OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE,

Reasons for request

Explain why the variance is needed:

THE CURRENT RM ZONING REAR SET BACK IS 20'-0". THE OWNER IS ASKING FOR A 10'-0" ENCROACHMENT VARIANCE TO CONSTRUCT A 10'-0" x 20'-0" COVERED DECK OFF THE 2ND STORY BEDROOM. PRESENTLY THE DECK SITS OVER 4 GARAGES THE LAST OF WHICH SITS RIGHT ON THE PROPERTY LINE AT THE REAR WHICH ARE OWNED BY TROPICAL SHORES CONDOMINIUMS. THE LAST GARAGE IS ON PROPERTY LINE FOR WHAT REASON THIS LAND WAS SPLIT THIS WAY IS PERPLEXING WE ARE SEEKING RELIEF FOR THIS REASON.

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

THREE SEEMS TO BE LITTLE EFFECT TO THE REAR AND SIDE BUILDINGS VIEWS WILL NOT BE BLOCKED BY THE DECK. THIS ARCHITECTURAL ELEMENT WILL IMPROVE THE FLAT REAR ELEVATION AND PROVIDE SHADE TO TO THE REAR OF THE BUILDING

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

THE CONDO UNITS ARE 2 FLOORS OVER PARKING (4) UNITS TOTAL IN THIS ASSOCIATION, (2) OF THE UNITS FACE ESTERO BLVD. (2) FACE TOWARDS THE POOL DECK. THE REAR PATIO DECK IS 20'-0" DEEP AND WIDTH OF BUILDING. TROPICAL SHORES USED TO BE PART OF A LARGER BUILDING LOCATED BEHIND ON THE GULF AND BOTH CONNECTED BY A RAISED CONCRETE DECK WITH POOL. IN THE CONDO SPLIT 20'-0" WAS ALLOWED FROM THEIR BUILDING TO THE REAR LOT LINE. WE ARE SEEKING 10'-0" ENCROACHMENT FOR RELIEF TO OUR SITUATION ON OUR EXISTING PATIO.

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

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

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

ITEMS (A) AND (D) EXPLAIN OUR  
POSITION PRETTY WELL PICTURES  
WILL BE INCLUDED FOR REVIEW OF  
THE SITUATION.

# Tropical Shores Condominium Association

---



To Whom it May Concern,

This letter is to serve as acknowledgement and approval of renovations to Unit 22 of the building that is the Tropical Shores Condominium Association at 2550 Estero Blvd. Fort Myers Beach, FL.

The current acting owner Sonia Tundo has discussed and submitted plans for an addition to the current balcony. This addition would change the dimensions from 2' by 12' to 8' by 16'. All current members of the Association have been made aware and have personally approved the plans.

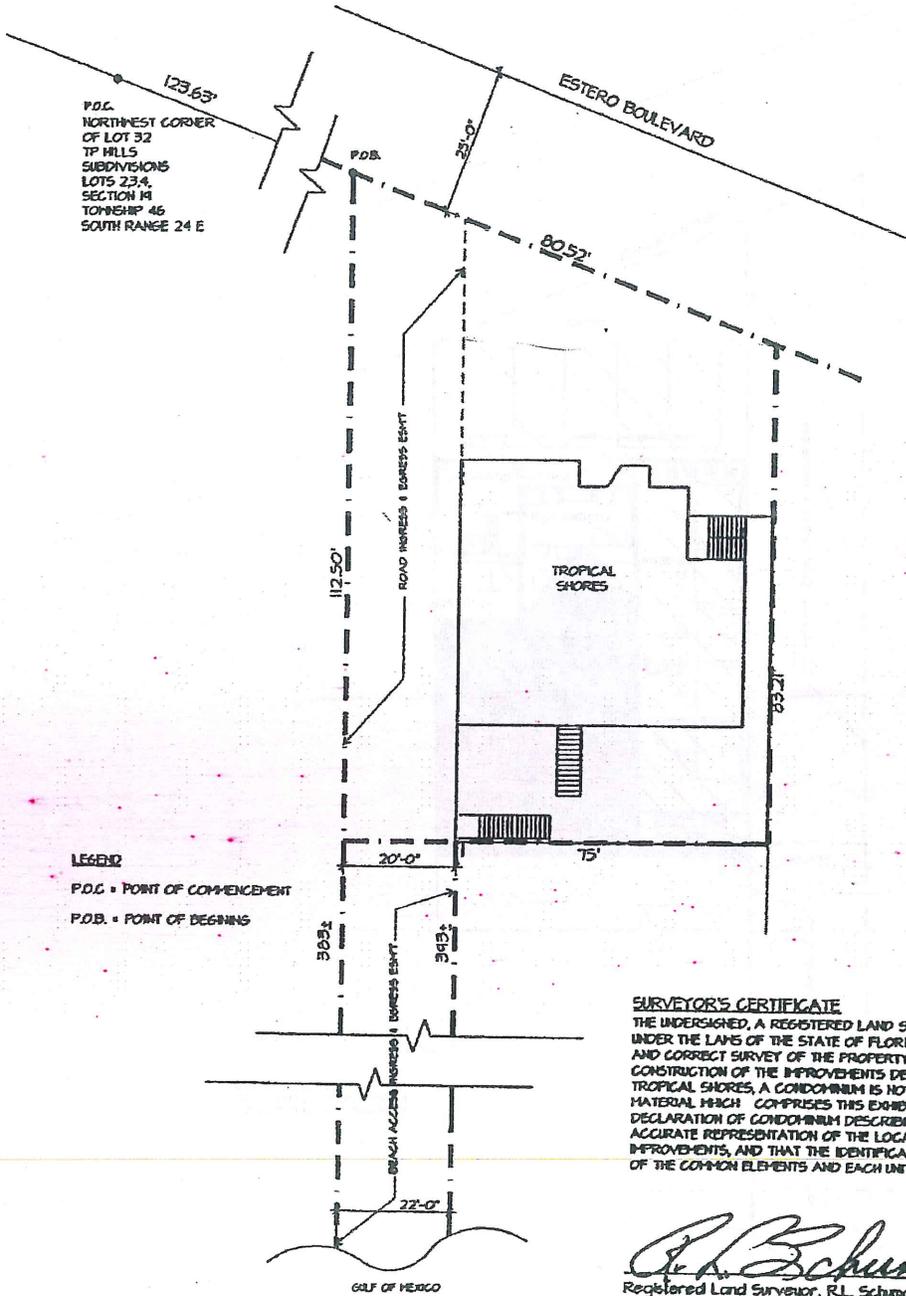
A handwritten signature in black ink, appearing to read 'Adam Lally', written over a horizontal line.

Adam Lally

Secretary

# TROPICAL SHORES CONDOMINIUM

T.P. HILLS SUBDIVISION, OF LOTS 23, AND 4 OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, ACCORDING TO THE MAP OF PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF LEE COUNTY, FLORIDA



*Handwritten:* 2007  
2007  
13

**LEGEND**  
P.O.C. = POINT OF COMMENCEMENT  
P.O.B. = POINT OF BEGINNING

**SURVEYOR'S CERTIFICATE**

THE UNDERSIGNED, A REGISTERED LAND SURVEYOR DULY AUTHORIZED TO PRACTICE UNDER THE LAWS OF THE STATE OF FLORIDA, HEREBY CERTIFIES THAT THIS IS A TRUE AND CORRECT SURVEY OF THE PROPERTY DESCRIBED HEREON, AND THAT THE CONSTRUCTION OF THE IMPROVEMENTS DEPICTED AND DESCRIBED IN THIS EXHIBIT OF TROPICAL SHORES, A CONDOMINIUM IS NOT SUBSTANTIALLY COMPLETE SO THAT SUCH MATERIAL WHICH COMPRISES THIS EXHIBIT, TOGETHER WITH THE PROVISIONS OF THE DECLARATION OF CONDOMINIUM DESCRIBING THE CONDOMINIUM PROPERTY, IS AN ACCURATE REPRESENTATION OF THE LOCATION AND APPROXIMATE DIMENSIONS OF THE IMPROVEMENTS, AND THAT THE IDENTIFICATION, LOCATION AND APPROXIMATE DIMENSIONS OF THE COMMON ELEMENTS AND EACH UNIT CAN BE DETERMINED FROM SAID MATERIALS.

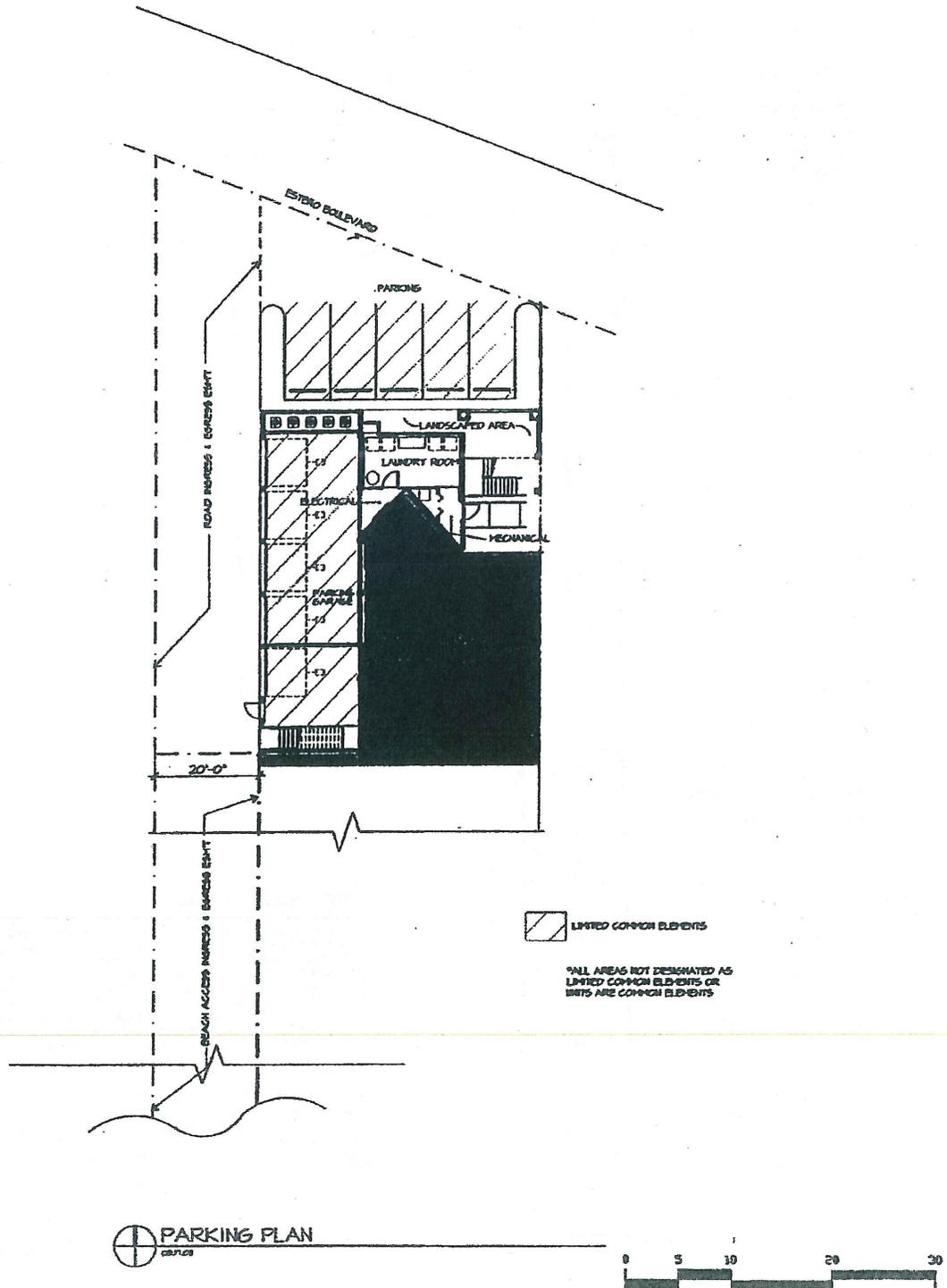
*Signature: R.L. Schumann*  
Registered Land Surveyor, R.L. Schumann, R.L.S.  
Florida Rec. #22394

(Date)  
4/25/03



# TROPICAL SHORES CONDOMINIUM

T.P. HILLS SUBDIVISION, OF LOTS 23, AND 4 OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, ACCORDING TO THE MAP OF PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF LEE COUNTY, FLORIDA

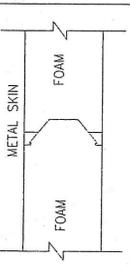


**COMPOSITE PANEL CHARTS**

PANEL THICKNESS	WIND SPEED 132 MPH NOM			
	GAUGE	ROOF	1 FT	3 FT
3"	024	11'-3"	11'-4"	11'-4 1/2"
	032	13'-3"	13'-3"	13'-4 1/2"
	28 98	13'-3"	14'-4"	14'-4 1/2"
	024	13'-4"	13'-4"	14'-5"
4"	024	13'-4"	13'-4"	14'-5"
	032	15'-4"	15'-4"	15'-5"
	28 98	15'-4"	16'-5"	16'-5"
	024	15'-5"	15'-5"	16'-6"

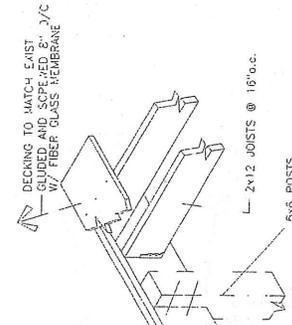
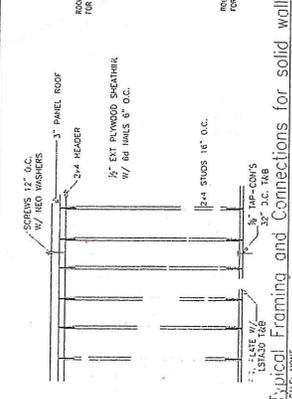
  

PANEL THICKNESS	DL + LL @ 22 PSF			
	GAUGE	ROOF	1 FT	3 FT
3"	024	14'-4"	14'-4"	14'-4 1/2"
	032	16'-4"	16'-4"	16'-4 1/2"
	28 98	16'-4"	17'-4"	17'-4 1/2"
	024	16'-5"	16'-5"	17'-5"
4"	024	16'-5"	16'-5"	17'-5"
	032	18'-5"	18'-5"	18'-5 1/2"
	28 98	18'-5"	19'-5"	19'-5 1/2"
	024	18'-6"	18'-6"	19'-6"

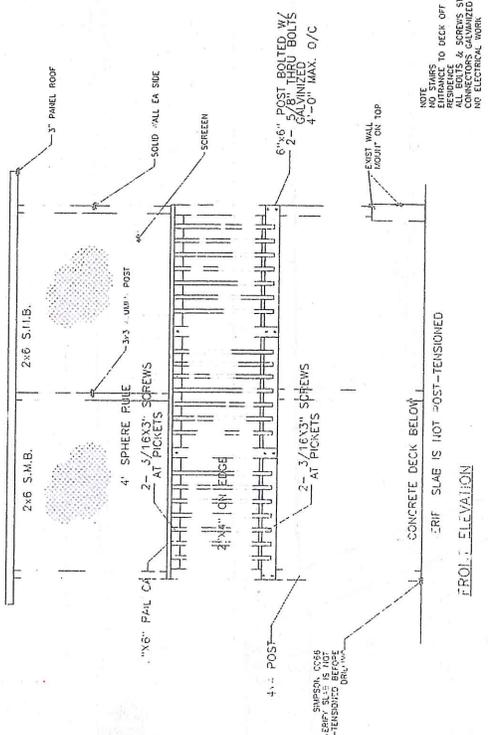


**SNAP-N-LOCK COMPOSITE PANEL**  
FORM - 100 BIDDY C.B.S.  
ALUMINUM - 3015-H1/2025 AL09

THERMAL RESISTANCE VALUE IS 1.5 R-4 PER INCH THICKNESS.  
ON A 3" PANELS R-VALUES IS R-12.  
ON 4" PANELS R-VALUES IS R-18.  
OVER LAMB IS LIMITED TO 4 FT MAX. FOR ROOFS.  
PANEL WEIGHT IS 2 PSF THE REMAINDER IS LIVE AND DEAD LOAD.  
PANELS MADE USED IN A WALL OR ROOF APPLICATION.



**DECK FRAMING DETAIL**



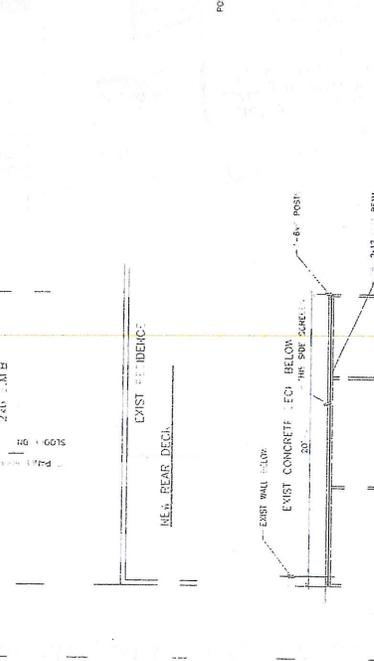
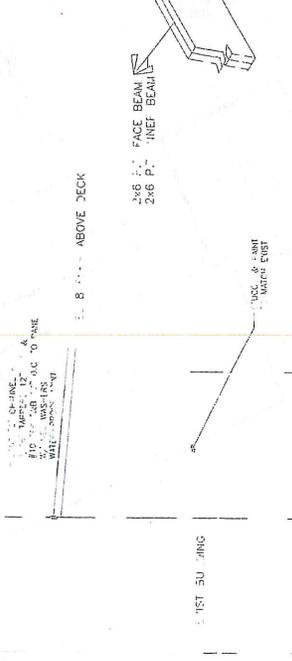
THIS PLAN HAS BEEN APPROVED  
BY THE BOARD OF ENGINEERS  
**J.C. ROSENBERG ENGINEERING, INC.**  
1111 N. W. 10th St.  
Fort Lauderdale, FL 33304  
FOR INFO: (954) 572-1100

THE STRUCTURAL COMPONENTS OF THIS FLORIDA BUILDING CODE AND THE COMPANY AND DESIGN RESPONSIBILITY TO THE DESIGNER AND USER OF THIS PLAN HAS BEEN OBTAINED AND IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.

DESIGN LIVE LOAD = 40 PSF  
AND DEAD LOAD = 15 PSF

**NEW DECK**  
300 ESTERO BLVD UNIT 2  
FT WILKS BEACH, FL

DATE: 04-29-13  
SHEET: 1



THIS PLAN HAS BEEN APPROVED  
BY THE BOARD OF ENGINEERS  
**J.C. ROSENBERG ENGINEERING, INC.**  
1111 N. W. 10th St.  
Fort Lauderdale, FL 33304  
FOR INFO: (954) 572-1100

THE STRUCTURAL COMPONENTS OF THIS FLORIDA BUILDING CODE AND THE COMPANY AND DESIGN RESPONSIBILITY TO THE DESIGNER AND USER OF THIS PLAN HAS BEEN OBTAINED AND IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.

DESIGN LIVE LOAD = 40 PSF  
AND DEAD LOAD = 15 PSF

**NEW DECK**  
300 ESTERO BLVD UNIT 2  
FT WILKS BEACH, FL

DATE: 04-29-13  
SHEET: 1

# VARIANCE REPORT

12/10/2013

Subject Parcels: 1 Affected Parcels: 211 Buffer Distance: 500 ft



19-46-24-W3-04100.0022

280 210 140 70 0

280 Feet

THE INFORMATION CONTAINED IN THIS REPORT IS GOVERNED BY FLORIDA STATUTE 119.071 (GENERAL EXEMPTIONS FROM INSPECTION OR COPYING OF PUBLIC RECORDS).