

RESOLUTION OF THE LOCAL PLANNING AGENCY OF  
THE TOWN OF FORT MYERS BEACH FLORIDA  
RESOLUTION NUMBER 2014-017  
VAR2014-0003 – King

WHEREAS, applicant Jay Ursoleo, authorized agent for Lance King, 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 33-46-24-W1-00205.0200 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property, 50 Dakota Avenue, Fort Myers Beach is located in the 'Residential Multifamily' 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 deck as drawn 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 Champ, 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:

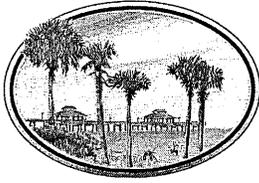
By: \_\_\_\_\_  
Fowler White Boggs, P.A.  
*LPA Attorney*

ATTEST:

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

Exhibit A

Lot 20 and the Southwesterly twenty-five (25') of Lot 19, in block 5, of GULF HEIGHTS SUBDIVISION, as recorded in Plat Book 6 at Page 39 of the Public Records of Lee County, Florida, plus the westerly six (6') feet of Lots 21 and 18 as above



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

**TYPE OF CASE:** Variance  
**CASE NUMBER:** VAR2014-0003  
**CASE NAME:** 50 Dakota Ave.  
**LPA HEARING DATE:** September 9, 2014  
**LPA HEARING TIME:** 9:00 AM

**I. APPLICATION SUMMARY**

Applicant: Lance King

Request: Variance in the RM zoning district from LDC Table 34-3 to allow an existing legal non-conforming deck to be enlarged while not increasing the encroachment into the required setback.

Subject property: Lot 20 and the Southwesterly twenty-five (25') of Lot 19, in block 5, of GULF HEIGHTS SUBDIVISION, as recorded in Plat Book 6 at Page 39 of the Public Records of Lee County, Florida, plus the westerly six (6') feet of Lots 21 and 18 as above.

Physical Address: 50 Dakota Avenue

STRAP #: 33-46-24-W1-00205-0200

FLU: Mixed Residential

Zoning: RESIDENTIAL MULTIFAMILY (RM)

Current use(s): Single Family Residential

Adjacent zoning and land uses:

North:	RESIDENTIAL CONSERVATION (RC), Mixed Residential
South:	GULF OF MEXICO Gulf of Mexico
East:	RESIDENTIAL MULTIFAMILY (RM), Mixed Residential
West:	BEACH ACCESS Beach Access

**II. BACKGROUND AND ANALYSIS**

Background:

The subject property was originally developed in 1949 as a single-family home. It is located at the end of Dakota Avenue with a single family home to the south and a beach access to the north.

Analysis:

This variance request is regarding the deck on the structure. Based on current Code requirements the deck is non-conforming as it extends into the required setback on both the north and south sides of the structure. Our current Code requirements did not exist when this structure and deck were built. The applicant wishes to rebuild their deck and in doing so they will square off the front of the deck where it currently comes to a point and extend the deck on the north side. While these changes will increase the size of the deck, the deck will not extend any further into the required setbacks.

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.*

While the residence was apparently built to whatever codes and other requirements were in place at the time, that construction does not comply with current code requirements.

- 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 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.*

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 so that their property may be better utilized.

- 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 proposed deck improvements 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**

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 the size of the subject deck to be increased while not increasing the amount that the deck encroaches into the required setback.

1. That the request be approved only for the deck as drawn on the plans submitted by the applicant.

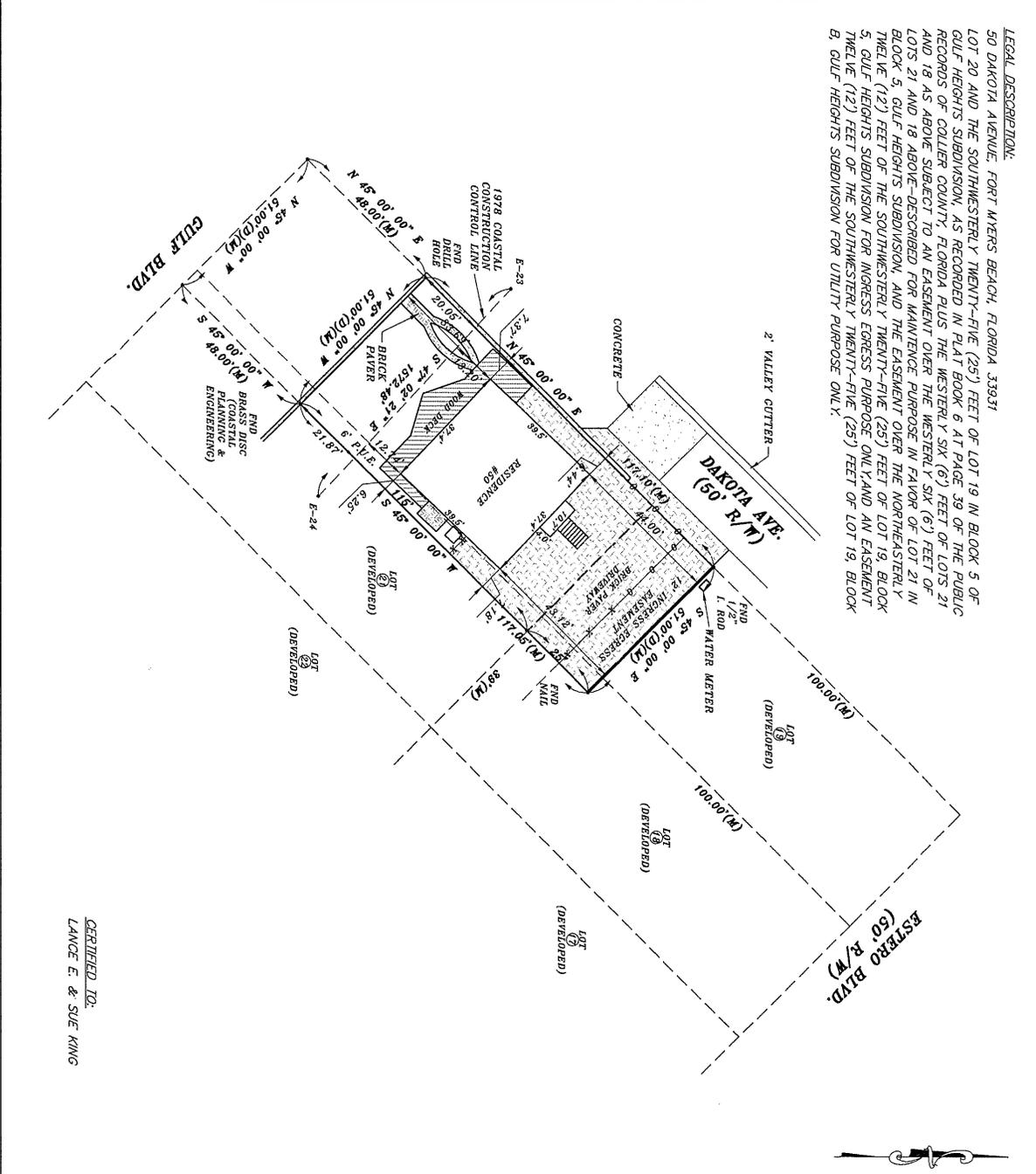
### **IV. CONCLUSION**

The owner is requesting a variance to increase the size of their deck while not increasing the amount that the deck currently encroaches into the required setback.

Staff feels that approval of this variance will not be injurious or detrimental to the public or surrounding property members.

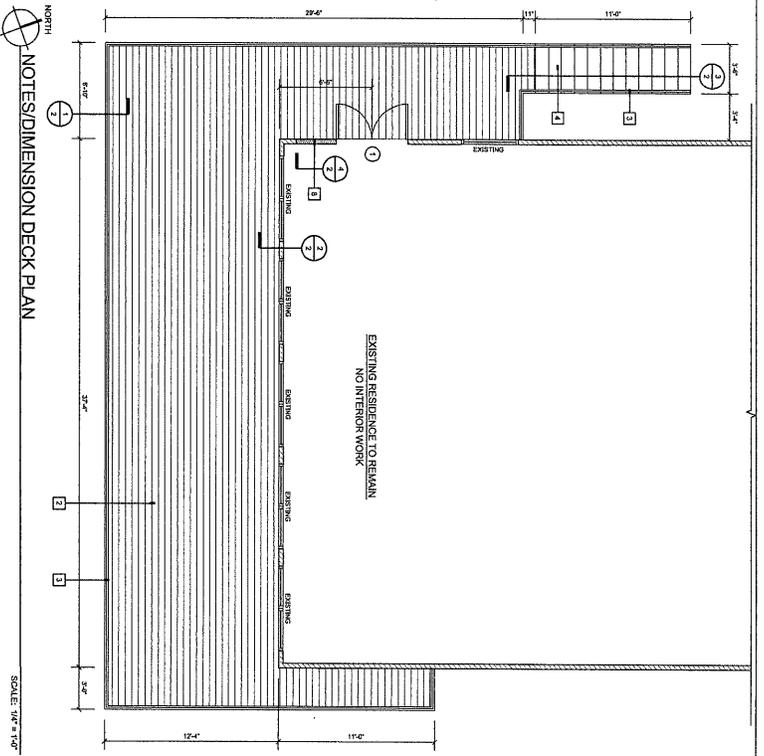
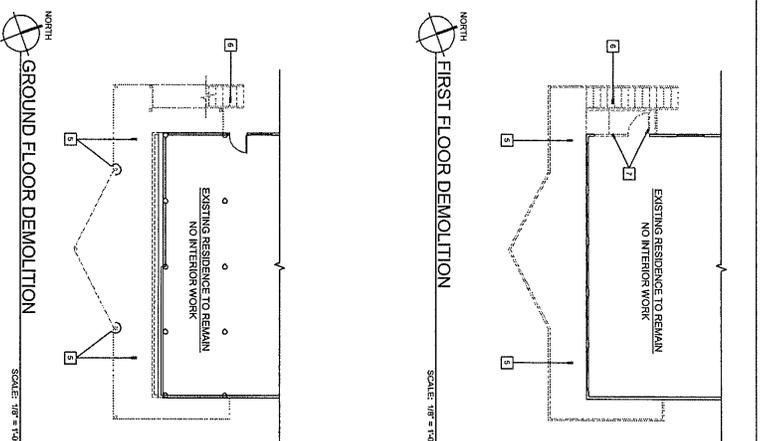
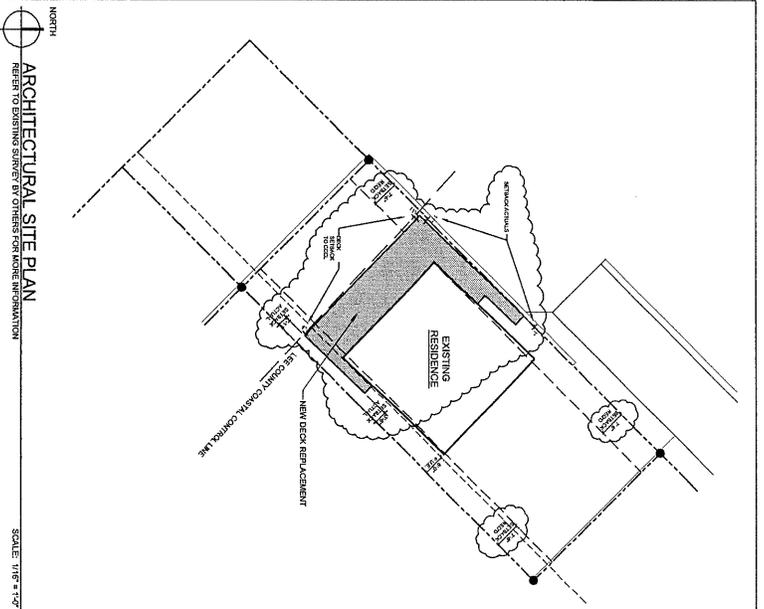
- NOTES:**
- THIS SKETCH DOES NOT REFLECT OR DETERMINE OWNERSHIP.
  - THE REAL PROPERTY RECORDS ARE CALCULATED BY THIS FIRM.
  - REMARKS ARE BASED ON PLAT OR DEED.
  - ELEVATIONS AS SHOWN ARE BASED ON N.A.V.D. 1988.
  - EXISTING UTILITIES ARE SHOWN AS NOT SHOWN UNLESS OTHERWISE NOTED.
  - NO DETERMINATION OF HAZARDOUS WASTE MATERIALS HAS BEEN MADE BY THIS FIRM.
  - STRUCTURES NOT SHOWN UNLESS OTHERWISE NOTED.
  - SHOULDER LIMITS INDICATED BY THIS SKETCH ARE THE PROPERTY OF THE STATE OF FLORIDA AND ALL RIGHTS ARE RESERVED.
  - ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS MUST BE MADE BY THIS FIRM.
  - THE REAL FLOOD ZONE INFORMATION REQUIRED FOR FEDERAL GOVERNMENT HAS BEEN OBTAINED FROM THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED BY ANOTHER SOURCE.
- LEGEND:**
- (A) - AIR LENGTH
  - A.C. - AIR CONDITIONER
  - (C) - CABLE TV
  - (G) - CALCULATED
  - CB - CATCH BASIN
  - CH - CHORD DISTANCE
  - CM - CONC. MONUMENT
  - (D) - DEED
  - DE - DRAINAGE EASEMENT
  - EL - ELEVATION
  - E.O.P. - EDGE OF PAVEMENT
  - FND - FOUND
  - GV - GATE VALVE
  - I.R. - IRON ROD
  - GW - GUY WIRE
  - GW - GUY WIRE
  - M&T - MAIL & TRAIL
  - N.A.V.D. - NORTH AMERICAN VERTICAL DATUM (1988)
  - N.T.S. - NOT TO SCALE
  - (O) - NOT ON RECORD
  - (P) - PLAT
  - P.B. - POINT OF BEGINNING
  - P.C. - POINT OF CURVATURE
  - P.C.P. - PERMANENT CONTROL POINT
  - P.I. - POINT OF INTERSECT
  - P.O. - PAGE OF BEGINNING
  - P.O.C. - POINT OF COMMENCEMENT
  - P.P. - POWER POLE
  - P.R.C. - POINT OF REFERENCE CURVATURE
  - P.R.M. - PERMANENT REFERENCE MONUMENT
  - P.U.E. - PUBLIC UTILITY EASEMENT
  - R - RADIAL
  - (R) - RIGHT OF WAY
  - R/W - RIGHT OF WAY
  - SEC. - SECTION
  - SET 1/2" IRON ROD LB1478 LB2239
  - (S) - SETBACK
  - TRM - TRIMMING
  - U/A - UTILITY PIPES
  - U/P - UTILITY PIPES
  - W.M. - WATER METER
  - W.H. - WIRE HOOK
  - TEMPORARY BENCHMARK
  - CONCRETE
  - ALLIUM FENCE
  - OVERHEAD WIRES
  - CONCRETE PAD
  - EXISTING ELEVATION
  - LOT NUMBER

COMMUNITY / MAP NUMBER: 120673 / 12071C0566F      DATE OF MAP: 08-28-08      FLOOD ZONE: VE      ELEVATION: 16' (NAVD 88)



**LEGAL DESCRIPTION:**  
 50 DAKOTA AVENUE, FORT MYERS BEACH, FLORIDA 33931  
 LOT 20 AND THE SOUTHWESTERLY TWENTY-FIVE (25) FEET OF LOT 19 IN BLOCK 5 OF  
 GULF HEIGHTS SUBDIVISION, AS RECORDED IN PLAT BOOK 6 AT PAGE 39 OF THE PUBLIC  
 RECORDS OF COLLIER COUNTY, FLORIDA PLUS THE WESTERLY SIX (6) FEET OF LOTS 21  
 AND 18 AS ABOVE SUBJECT TO AN EASEMENT OVER THE WESTERLY SIX (6) FEET OF  
 LOTS 21 AND 18 ABOVE DESCRIBED FOR MAINTENANCE PURPOSE IN FAVOR OF LOT 21 IN  
 BLOCK 5, GULF HEIGHTS SUBDIVISION, AND THE EASEMENT OVER THE NORTHEASTERLY  
 TWELVE (12) FEET OF THE SOUTHWESTERLY TWENTY-FIVE (25) FEET OF LOT 19, BLOCK  
 5, GULF HEIGHTS SUBDIVISION FOR INGRESS EGRESS PURPOSE ONLY AND AN EASEMENT  
 TWELVE (12) FEET OF THE SOUTHWESTERLY TWENTY-FIVE (25) FEET OF LOT 19, BLOCK  
 5, GULF HEIGHTS SUBDIVISION FOR UTILITY PURPOSE ONLY.

BOUNDARY & LOCATION SURVEY      REVISED: 02/11/14		<p style="text-align: center;"><b>LIS Land Surveying, LLC</b>          d.b.a. S &amp; H Land Survey Co.</p> <p>21430 Palm Beach Blvd.      2572 West State Road 426, Suite 2064          Alva, FL 33920      Oviedo, FL 32765          239-481-2366    239-481-2437 (Fax)    321-244-0402    321-244-9419 (Fax)          LB1057      LB1057</p>		<p>APPROVED</p> <p>R.L. SCHUMANN, RLS          REGISTERED LAND SURVEYOR NO. 2239          STATE OF FLORIDA          VALID ONLY WITH EMBOSSED SEAL</p>	
FIELD SURVEY	10-01-13				
CREW CHIEF	C. CORDISCO				
DRAWN BY	J. KNORR				
SCALE	1" = 30'				
LIS JOB NO	20447				
SHEET: 1 OF 1	DATE: 10-03-13				



**ARCHITECTURAL SITE PLAN**  
 REFER TO EXISTING SHEETS BY OTHERS FOR MORE INFORMATION

**GROUND FLOOR DEMOLITION**  
 SCALE: 1/8" = 1'-0"

**NOTES/DIMENSION DECK PLAN**  
 SCALE: 1/4" = 1'-0"

**STRUCTURAL NOTE**

THE STRUCTURE IS DESIGNED TO BE REMOVED AND RE-ERECTED IN ACCORDANCE WITH THE FLOOR BUILDING CODE, 2010 EDITION, AND THE FLOOR BUILDING CODE, 2010 EDITION. THE STRUCTURE IS TO BE RE-ERECTED IN ACCORDANCE WITH THE FLOOR BUILDING CODE, 2010 EDITION. THE STRUCTURE IS TO BE RE-ERECTED IN ACCORDANCE WITH THE FLOOR BUILDING CODE, 2010 EDITION. THE STRUCTURE IS TO BE RE-ERECTED IN ACCORDANCE WITH THE FLOOR BUILDING CODE, 2010 EDITION.

**FEMA NOTE**

THIS PROJECT IS LOCATED IN A COASTAL ZONE VERTICAL WINDWORK. THIS IS NOT A STRUCTURAL REQUIREMENT. THE NEW DECK IS NOT STRUCTURALLY CONNECTED TO THE EXISTING STRUCTURE AND SHALL NOT BE CONSIDERED AS A PART OF THE EXISTING STRUCTURE FOR SUBMITTAL PURPOSES.

**CONTRACTOR/TRADE NOTE**

GENERAL CONTRACTORS AND ALL TRADES SHALL VERIFY THE EXISTING CONDITIONS PRIOR TO BEGINNING WORK AND DO THE WORK WITH ASSOCIATED REQUIRED WORK FOR EXISTING STRUCTURES AND SHALL NOT BE CONSIDERED AS A PART OF THE EXISTING STRUCTURE FOR SUBMITTAL PURPOSES.

**WINDOW/DOOR NOTE:**

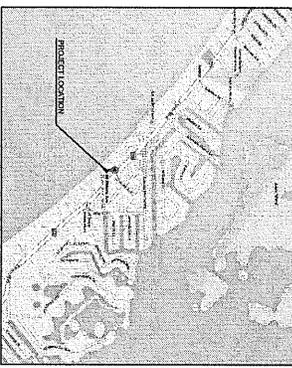
1. GLASS PROTECTION ON ALL NEW WINDOW/DOOR OPENINGS SHALL BE INSTALLED PRIOR TO THE INSTALLATION OF RESISTANT GLASS OR SHUTTER SYSTEM.  
 2. CONTRACTOR TO VERIFY ALL WINDOW AND DOOR MANUFACTURER'S SPECIFICATIONS PRIOR TO CONSTRUCTION.

**COASTAL CONSTRUCTION NOTE**

THESE DESIGN PLANS AND SPECIFICATIONS ARE IN COMPLIANCE WITH THE STANDARDS ESTABLISHED BY THE AMERICAN SOCIETY OF CIVIL ENGINEERS AND THE AMERICAN INSTITUTE OF ARCHITECTS. THE PROJECT IS LOCATED WITHIN THE WIND-LOADING DIRECTION AND OPENING PROTECTION IS REQUIRED TO BE PROVIDED TO PROTECT THE STRUCTURE FROM WIND DAMAGE. THE PROJECT IS LOCATED WITHIN THE WIND-LOADING DIRECTION AND OPENING PROTECTION IS REQUIRED TO BE PROVIDED TO PROTECT THE STRUCTURE FROM WIND DAMAGE.

**NOTES TO THE PLANS EXAMINER**

THIS PROJECT HAS BEEN REVISIONED IN ACCORDANCE WITH THE FLOOR BUILDING CODE, 2010 EDITION, AND THE FLOOR BUILDING CODE, 2010 EDITION. THE PROJECT HAS BEEN REVISIONED IN ACCORDANCE WITH THE FLOOR BUILDING CODE, 2010 EDITION. THE PROJECT HAS BEEN REVISIONED IN ACCORDANCE WITH THE FLOOR BUILDING CODE, 2010 EDITION. THE PROJECT HAS BEEN REVISIONED IN ACCORDANCE WITH THE FLOOR BUILDING CODE, 2010 EDITION.



**OPENING PRESSURE SCHEDULE**

WIND SPEED (MPH)	TYPE	OPENING SIZE	WIND SPEED (MPH)						
0	WIND SPEED REDUCED WINDOW	17'-2" x 6"	17'-2" x 6"	17'-2" x 6"	17'-2" x 6"	17'-2" x 6"	17'-2" x 6"	17'-2" x 6"	17'-2" x 6"

**STUDIO ARCHITECT**  
 13337 W. Woodcreek Ct.  
 Fort Myers, FL 33907  
 P: 888.584.0338  
 F: 888.584.0338  
 WWW.STUDIOARCHITECT.COM

**AN EXTERIOR DECK REMODEL FOR: THE KING RESIDENCE**  
 50 DAKOTA AVE  
 FORT MYERS BEACH, FLORIDA

DATE: 20 MAY 14  
 SHEET 1 OF 2



**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: VAR 2014-0003 DATE: 7-14-14

Site Address: 50 DAKOTA AVE, FORT MYERS BEACH, FLORIDA

STRAP Number: 33-46-24-W1-00205-0200

Applicant: LANCE KING Phone: 705-768-2000

Contact Name: LANCE KING Phone: 705-768-2000

Email: LANCEKING@bellnet.ca Fax: NA

Current Zoning District: RM

Future Land Use Map (FLUM) Category: MC Mixed Residential

FLUM Density Range: 6 DU/AC Platted Overlay:  YES  NO

ACTION REQUESTED

- Special Exception
- Variance
- Conventional Rezoning
- Planned Development  Commercial  Residential
- Master Concept Plan Extension
- Appeal of Administrative Action
- Vacation of Platted Right-of-way and Easement
- Other - cite LDC Section: \_\_\_\_\_

SUPPLEMENTAL FORM REQUIRED

- PH-A
- PH-B
- PH-C
- PH-D
- PH-E
- PH-F
- PH-G
- attach on separate sheet

PART I - General Information

A. Applicant\*: LANCE KING Phone: 705-768-2000

\*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: 1895 YOUNG'S POINT RD, LAKEFIELD ONT CANADA K0L 2H0  
Email: LANCEKING@BELLNET.CA Fax: N/A  
Contact Name: LANCE KING Phone: 705-768-2000

B. Relationship of Applicant to subject property:

- Owner\*
- Land Trust\*
- Partnership\*
- Corporation\*
- Association\*
- Condominium\*
- Subdivision\*
- Timeshare Condo\*
- Contract Purchaser\*
- Authorized Representative\*
- 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: JAY URSOLEO Phone: 239-980-5779  
Address: 15641 SONOMA DR #108, FORT MYERS, FLORIDA, 33908  
Email: jursoleo@embargo.com Fax: NA

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

Name: NA Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
Email: \_\_\_\_\_ Fax: \_\_\_\_\_

Name: NA Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
Email: \_\_\_\_\_ Fax: \_\_\_\_\_

Name: NA Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
Email: \_\_\_\_\_ Fax: \_\_\_\_\_

**PART II - Nature of Request**

Requested Action (each request requires a separate application)

- Special Exception
- Variance from: LDC Section ~~34-1114 CA~~ Table 34-3
- 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: N/A Description: \_\_\_\_\_
- Code Section: \_\_\_\_\_ Description: \_\_\_\_\_
- Code Section: \_\_\_\_\_ Description: \_\_\_\_\_

**PART IV - Property Ownership**

- Single Owner (individual or husband and wife)
  - Name: LANCE & SUE KING Phone: 705-768-2000
  - Mailing Address: 1895 Young's Point Rd, Lakeshore Ont. CANADA
  - Email: LANCEKING@BELLNET.CA Fax: N/A KOL 2HO

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: 33-46-24-W1-00205-0200

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
<u>NA</u>	

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
<u>N/A</u>	

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
NA	

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
NA	

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
NA	

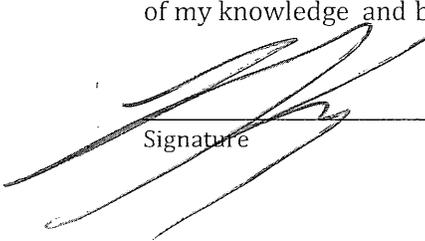
Date of Contract: \_\_\_\_\_

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.

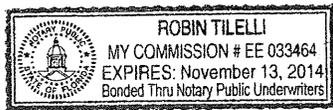
 \_\_\_\_\_  
Signature

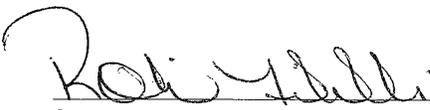
LANCE KING SUE KING \_\_\_\_\_  
Printed Name

STATE OF FLORIDA)  
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on July 13, 14 (date) by Lance King / Sue King (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

(SEAL)



 \_\_\_\_\_  
Signature

Robin Tilelli \_\_\_\_\_  
Printed Name

PART VI

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, LANCE KING 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.

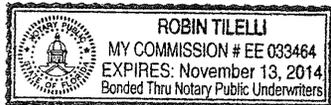
[Signature]  
Signature of owner or authorized agent

July 13/14  
Date

STATE OF FLORIDA)  
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on July 13, 14 (date) by Lance King / Sue King (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

(SEAL)



[Signature]  
Signature  
Robin Tilelli  
Printed Name

PART V - Property Information

A. Legal Description:

STRAP: 33-46-24-W1-00205-0200

Property Address: 50 DAKOTA AVE

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: \_\_\_\_\_

Book: \_\_\_\_\_ Page: \_\_\_\_\_ Unit: \_\_\_\_\_ Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_

B. Boundary Survey:

[x] 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) \_\_\_\_\_ feet

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

Frontage on street: \_\_\_\_\_ feet. Frontage on waterbody: \_\_\_\_\_ feet

Total land area: \_\_\_\_\_ [ ] acres [ ] square feet

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

From Big Carlos Pass you drive North on Estero Blvd to Beach Access 16. Turn left towards the beach. 50 DAKOTA.

[ ] Attach Area Location Map as Exhibit 5-3

E. Property Restrictions (check applicable):

- [x] 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 checked="" 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 |

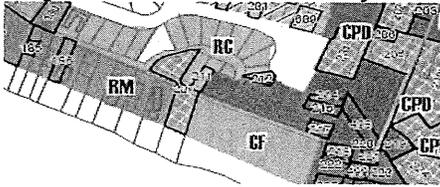
H. Zoning (see official Zoning Map):

- |  |  |
|--|--|
| <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)    |  |

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:</b>
<b>Authorized Applicant:</b>
<b>LeePA STRAP Number:</b> 33-46-24-W1-00205-0200

<b>Current Property Status:</b> Residential
<b>Current Zoning:</b> RM
<b>Future Land Use Map (FLUM) Category:</b> Mixed Residential
<b>Comp Plan Density:</b> 6 Du/AC <b>Platted Overlay?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
Table 34-3	setbacks

Complete the narrative statements below for EACH variance requested.

PART I  
Narrative Statements

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

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

EXISTING legal NON CONFORMING setback

Reasons for request

Explain why the variance is needed:

TO Rebuild existing deck in same FOOTPRINT  
TO Square existing as NOT TO extend any further  
THEN FRONT existing setback

Explain the possible effect the variance, if granted, would have on surrounding properties: *NO IF GRANTED THERE WOULD BE NO EFFECT ON ANY SURROUNDING PROPERTIES*

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

*Home was built in the late Fortys, complying with regulations at that time.*

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

Because The property was built under different regulations and were not ~~asking~~ asking for any changes, and this request will not effect any surrounding properties