



# *Town of Fort Myers Beach*

## COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

**TYPE OF CASE:** Special Exception [SEZ] to permit a Bed & Breakfast in the Residential Conservation (RC) Zoning District

**CASE NUMBER:** SEZ2015-0006

**STAFF REPORT DATE:** December 30, 2015

**LPA HEARING DATE:** January 12, 2016

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

**STAFF RECOMMENDATION:** **APPROVE**

### **I. APPLICATION SUMMARY**

**Applicant/Agent:** Myerside LLC/Roland Weinmann

**Request:** A Special Exception for bed-and-breakfast inn use in the RC zoning district.

**Subject property:** See Exhibit A

**Physical Address:** 131-151 School Street

**STRAP #:** 29-46-24-W3-0020C.0290

**FLU:** Boulevard within Platted Overlay

**Zoning:** RC (Residential Conservation)

**Current use(s):** Lodging - weekly rental of 6 dwelling units  
Residential – duplex dwelling unit occupied by Applicant

**Adjacent zoning and land uses:**

North: Church, IN (Institutional) & Single family, RC (Residential Conservation), Mixed Residential & Boulevard within Platted Overlay FLUM

South: Library (IN), Boulevard FLUM

East: Elementary School (IN), Mixed Residential FLUM

West: Single family (RC), Boulevard FLUM

**II. BACKGROUND AND ANALYSIS**

Background:

The subject site is located at 131-151 School Street at the intersection with Oak Street. The site is a combination of 6 lots platted as part of Winkler’s subdivision in 1931 (Winkler’s Subdivision, Block C, Lots 29 – 34) (See Exhibit B). Each lot is approximately 25 feet in width and 150 feet in depth.

Based on information found on Lee County Property Assessor Field Cards (see Exhibit C) the six platted lots appear to have been originally developed as three separate properties, each consisting of two of the platted lots, and each property having one structure.

Property deeds show that the three individual properties came under common ownership by 1962 and have remained in common ownership since that time.

The current property configuration resulted from the combination of three separate parcels in 2008 (STRAP #s 19-46-24-W3-0020C.0290, 19-46-24-W3-0020C.0310 and 19-46-24-W3-0020C.0330)

There is one prior zoning action on the property; Lee County Resolution Z-72-18 dated February 1, 1972 (See Exhibit D) that granted a variance for an apartment under a duplex for personal home use on Lots 33 and 34. Additionally, ZVL2013-008 verified that the subject property consists of six platted lots (See Exhibit E).

Currently there are three residential structures on the subject property; details for each structure, as shown in the Lee County Property Appraiser’s records, are provided in the table below:

<b>Lots</b>	<b>Year Built</b>	<b>No. of Floors</b>	<b>No. of Dwelling Units</b>	<b>Sq. Footage of Unit</b>
Lots 33 & 34	1969	Two stories	4 units	Base 812 Apt 1 772 Apt 2 784 Apt 3 754
Lots 31 & 32	1957	Two stories	2 units	Base 768 Apt 1 625
Lots 29 & 30	1958	One story	1 unit	504

Salt Life Inn LLC (aka Myerside LLC), represented by Roland Weinmann and Beverly Milligan purchased the subject property on December 31, 2013. According to the Applicant, at the time of purchase the seven dwelling units on the property were not being used as vacation rentals, rather it was the “last step before homelessness” for a group of transient tenants. In the month between the closing and when the Applicant took possession of and moved onto the subject property the tenancy had completely turned over except for one individual. Only one of the seven dwelling units had a verified lease and many of the units were being sublet in whole or part(s) to others. The Applicant described finding individuals living in attics, in tents in the yard, and sleeping on beds in living rooms. One of the units was reportedly being used as a puppy mill. There are six documented incidents when Lee County Sheriff’s Deputy’s responded to disturbances on the property in 2014.

Between January and July 2014 the Applicant took steps, and went through the legal process, to evict non-paying tenants from the property; others left of their own accord. During this time the Applicant made significant improvements to the property; a summary of the permits issued for the property is provided in the following table.

Permit No	DESCRIPTION	PERMITTYPE	PERMITSUBTYPE
BLD14-0017	SFR * R/R KITCH + BATH CABINETS, SHOWER, SINKS, TOILET	BUILDING	REMODEL
COM14-0015	REMODEL IN UNITS C & D, ADD EXTERIOR DECK TO UNITS A & C	COMMERCIAL	REMODEL
COM14-0016	R/R WINDOWS WITH IMPACT	COMMERCIAL	REMODEL
DEM14-0001	SFR * INTERIOR DEMO	DEMO	SUBCONTRACTOR
ELE14-0142	KITCHEN REMODEL	ELECTRICAL	REMODEL
ELE14-0298	COMMERCIAL IN GROUND POOL	ELECTRICAL	SUBCONTRACTOR
FNC14-0009	WOOD PRIVACY FENCE	FENCE	COMMERCIAL
PLB14-0063	MOVE SINK	PLUMBING	TRADE
POL14-0060	COMMERCIAL IN GROUND POOL	POOLS AND SPAS	POOL IN GROUND

In addition to the renovations and additions reflected in the permits above, the Applicant made many aesthetic improvements to the property, including painting the structures’ exteriors and installing extensive landscaping comprised primarily of native species. Pictures of the renovations and property improvements are provided in Exhibit F.

The property re-opened for weekly rentals in January 2015, and reportedly had a successful first “season.” The Applicant reports having a mix of weekly and monthly rentals last year; enough business to hire two full-time staff members. It is the success of the Applicant’s rentals; the installation of signage indicating the “office” (the Applicant’s residence on the property), placement of commercial signage on the property, and hiring of staff members that precipitated this application for Special Exception.

The business activities on subject property came to attention of Fort Myers Code Enforcement in August 2015. Code Enforcement staff research revealed that no use permit, home occupation or commercial use, had been issued for the subject property. Therefore, a code violation (CE15-0344 see Exhibit G) was issued to the Applicant.

The weekly rental of dwelling units is a permitted use in the RC zoning district. However, this rental use does not include an on-site rental office, commercial signage, or on-site staff. Although a home occupation is also permitted by right in the RC district; the Town's home occupation regulations (See LDC 34-1772) specifically prohibit commercial signage or the employment of outside staff.

To resolve the code violation on the subject property the Applicant must obtain a use permit from the Town. The current business operations on the property require a commercial use permit. Issuance of the commercial use permit requires zoning verification that the use is permitted. This can be accomplished by obtaining a special exception for a bed and breakfast inn.

#### Applicant Request:

The Applicant has submitted a request for a special exception to permit a bed-and-breakfast inn in the RC district (see Exhibit H). The intent of the request for a bed-and-breakfast inn special exception is to bring the legally designated "use" of the subject property into conformity. A special exception will allow the applicant to obtain a Town issued certificate of use for a commercial business, versus operating as an agglomeration of seven separate legally permitted weekly rental units.

#### Setting/Context

The subject site is located in a predominately institutional area, directly adjacent to the Bay Oaks Community Pool, across Oak Street from the Bay Oaks Recreation Center ball fields and Fort Myers Beach Elementary School, and across School Street from the Fort Myers Beach United Methodist Church. There are two residential parcels between the subject property and Estero Boulevard. The dwelling units on the subject property are oriented around a center courtyard and pool area.

#### Special Exception Use

LDC Chapter 34 defines the term special exception as follows:

*Use, special exception means a use or certain specified departures from the regulation of this chapter that may not be appropriate generally or without restriction throughout a zoning district, but which, when controlled as to the number, area, location or relation to neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity, and may be permitted, in accordance with applicable regulations.*

As noted above, the subject property is primarily surrounded by institutional uses; there is one single-family residence adjacent to the subject property. The improvements the Applicant has made to the subject property over the past two years has done much to promote the safety, order, appearance and prosperity of the property and generally improved the same for the neighborhood. The evidence of this is the reduction in the number of incidents (involving people) Lee County Sheriff's Deputies responded to at/in the vicinity of the property; six in 2014 and two in 2015 (See Ex I).

The special exception process provides the opportunity to condition the requested use if the conditions are reasonably related to the impacts of the use that is the subject of the request.

Previous Approvals:

There is one previous approval on record for the property; Lee County Resolution Z-72-18. This Resolution granted a variance for an apartment under a duplex on Lots 33 and 34 of the subject property. See Ex. G.

Staff notes that the duplex referred to in Resolution Z-72-18 is recorded as a triplex on the field card for the property dated 1967 (See Ex.C).

Applicant's Reasons for Request:

The Applicant provided the following reasons for why the subject property qualifies for a Special Exception:

- A. *There is precedent for this type of exception on Fort Myers Beach.*
- B. *The property is zoned for weekly rentals, which is well suited for a bed and breakfast.*
- C. *The property location, size, and layout is well suited to a bed and breakfast. Everything is aimed to the center.*
- D. *We [the Applicant and his partner] would continue to enrich the natural environment, adding to the 100+ native plants we have already planted.*

Staff notes that there is a similar lodging establishment (the Mango Street Inn) located approximately a third of a mile north of the subject property. The Mango Street Inn property is zoned Residential Multi-family (RM) and is within the Mixed Residential future land use category. Bed-and-breakfast inns are also permitted in the RM zoning district by Special Exception.

Analysis:

Concerning how the requested special exception could impact surrounding properties, the Applicant has provided the following narrative:

*There would be no negative impact on surrounding properties. The property currently has weekly zone rentals for vacationers (sic), so there is no increase in volume for its seven units as far as vehicle traffic is concerned. The immediate [surrounding] business may see positive increased flow [of patrons]. This exception would be another step forward in taking this property from a rundown, unsafe complex across from an elementary school, to a safe, attractive vacation destination on Fort Myers Beach.*

The following section of this report provides analysis of the requests' consistency with the Town's Comprehensive Plan

Consistency of Request with Comprehensive Plan:

The subject property is classified by the Town's Comprehensive Plan as "Boulevard." The category descriptor policy is reproduced below:

*Policy 4-B-5 "BOULEVARD": a mixed-use district along portions of Estero Boulevard including less intense commercial areas, historic cottages, and mixed housing types. This category is not intended to allow commercial uses on all properties; its mixed-use nature is intended to remain permanently. For new residential development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per acre for legally existing dwelling units). To obtain approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of the plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process. Non-residential uses (including motels and churches) now comprise 46.9% of the land use in this category, and this percentage shall not exceed 70%.*

The subject property is located in an institutional district that includes the library, elementary school, a church, and the Bay Oaks Recreation Campus. The requested activity, a bed-and-breakfast inn, would contribute to a mixed-use environment without increasing the intensity of use beyond what is there today. The visitors brought to the area by the lodging use provide additional customers to support nearby commercial uses, such as those at Seagrape Plaza. Additionally, by renovating the existing c. 1950s structures the Applicant has helped preserve the island's cottage-style architecture and scale.

The proposal is supported by the Community Design Element of the Comprehensive Plan. This element provides a vision for the area: "School Street itself has also become a key connection from the bay to the beach, a palm-lined showcase of restored and new cottages . . . Existing and new infill development on School Street is in the spirit and scale of the Beach's classic cottages..."

The proposal supports Goal 3 of the Comprehensive Plan; to revitalize specific transitional neighborhoods. The subject property lies within the 'Heart of the Island' area identified for redevelopment in Objective 3-A.

The proposal supports Goal 4 of the Comprehensive Plan; "To keep Fort Myers Beach a healthy and vibrant "small town," while capitalizing on the vitality and amenities available in a beach-resort environment...." The scale and design of the proposed bed-and-breakfast inn use support the Beach's small town feel and capitalizes on the locations' close proximity to the Beach; the Gulf Beach Road access is less than a quarter mile to the north and Pompano Street is even closer to the south. The proximity of the subject property to the beach, commercial uses, and surrounding civic amenities allows "...people to move

around without their cars even in the midst of peak-season congestion,” as described in Objective 4-A of the Comprehensive Plan.

Policy 4-C-2 of the Comprehensive Plan addresses “Commercial Intensity.” This policy states that “the maximum intensity of commercial development in any [land use] category may be controlled by height restrictions or by other provisions of this plan and the Land Development Code. Standards in the Land Development Code will encourage more intense commercial uses only in the “Pedestrian Commercial” category.” The subject property is located in the “Boulevard” category; however the proposed bed-and-breakfast inn use will not expand or increase the intensity of commercial activity at location. Therefore it is staff’s opinion that there is no conflict with this policy.

Policy 4-C-3 of the Comprehensive Plan provides direction concerning commercial locations for new or expanded commercial uses. The policy states the in the “Boulevard” category, “Proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code.” The complimentary nature of the requested bed-and-breakfast inn to its surrounding nature is discussed above.

Policy 4-C-3 of the Comprehensive Plan also provides that “The neighborhood context of proposed commercial uses is of paramount importance.” The policy elaborates that the sensitivity of a proposed commercial activity to nearby residential areas can be affected by: they type of activity, its physical scale, and the orientation of buildings and parking.

It is staffs’ opinion that the requested bed-and-breakfast inn is not more intense that the current or previous rental use of the property. The Applicant’s improvements to the property have not enlarged the physical scale of the activity, and have reoriented activity on the site inward to the newly developed pool and patio area. In staff’s opinion the requested bed-and-breakfast inn use will not create an undue commercial intrusion into a residential neighborhood or disturb the “comfort” of adjacent residents.

#### Special Exception Considerations:

The Land Development Code, in Section 34-88, provides a series of “Considerations” that Town Council will consider when deciding on a special exception application, whenever applicable. These Considerations are discussed in order below:

- a. *Whether there exist changed or changing conditions which make approval of the request appropriate.*

The subject property has been used as combination of short-term rental units for at least the past decade. However the Applicant’s improvements to the property have changed its condition and the cliental it attracts. The requested special exception would provide a more stable basis for the continued use of the property and provide allowances that would enhance the quality of the rental establishment.

*b. The testimony of any applicant.*

The public hearing process will allow for the participation of all interested parties.

*c. The recommendation of staff and of the local planning agency.*

These recommendations will be provided by the staff report and the public hearing process.

*d. The testimony of the public.*

The public hearing process will allow for the participation of all interested parties.

*e. Whether the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set forth in the Fort Myers Beach Comprehensive Plan.*

Based on the analysis provided in the “Consistency of Request with Comprehensive Plan” above it is staff’s opinion that the requested Special Exception is consistent with the Fort Myers Beach Comprehensive Plan.

*f. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.*

The subject property is located in a mixed-use land use category, “Boulevard,” and surrounded by institutional uses. The discussion of compatibility with Comprehensive Plan Policy 4-C-3 above addresses the ability of the proposed use to meet or exceed what locational standards apply. Compatibility of the proposed use and ability to meet the applicable zoning regulations are discussed in items *h* and *i* below.

*g. Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.*

The subject property is fully developed and contains no environmentally critical areas or natural resources to protect, conserve, or preserve. The proposed bed-and-breakfast inn will have no negative effects on environmentally critical areas and natural resources. The property is currently developed and the Applicant has improved, and plans to continue improving, the open space areas of the property with extensive plantings of native species.

*h. Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.*

The proposed bed-and-breakfast inn will not cause damage, hazard, nuisance, or other detriment to persons or property. The property is uniquely situated for

lodging use; surrounded by institutional uses, near the Seagrape Plaza commercial center, in close proximity to two public beach accesses, and a reasonable walk or short bike ride to the Downtown / Times Square area.

The pool and patio area of the site, where outdoor activity is concentrated, are oriented to the center of the property. The distance from the pool/patio area to nearest off-site residence is approximately 45 feet. The owner/resident of this property has provided a letter in support of the Applicant's request, see Exhibit J.

- i. *Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.*

The proposed bed-and-breakfast inn is in compliance with the RC zoning district and is being proposed as a special exception consistent with LDC Section 34-622 and Use Table 34-1. Compliance or ability to comply with the supplemental regulations pertaining to bed-and-breakfast inns is addressed below:

Division 19, Article IV, Chapter 34 of the LDC provides a definition of and standards for bed-and-breakfast inns. The definition is reproduced below:

*Bed-and-breakfast inn means a public lodging establishment with nine or fewer guest units that serves breakfast to overnight guests. A bed-and-breakfast inn may be located in a single building or in a cluster of separate buildings.*

The subject property currently contains seven dwelling units. Six of these units are rented. The Applicant and his partner live on-site in the seventh.

Division 19 further specifies that proposed bed-and-breakfast inns must meet the following requirements:

- (1) *Be licensed as transient public lodging establishment with the Florida Department of Business and Professional Regulation; and*  
The Applicant is currently licensed.
- (2) *Pay the levied tourist development tax promulgated by the county and the state sales tax; and*  
The Applicant currently pays these taxes.
- (3) *Provide and staff a front desk during regular business hours to arrange for the rental of guest units*  
The Applicant can comply with this requirement if the Special Exception is approved.
- (4) *Guest units may not be occupied by the same guest for more than 60 days in a year.*

Please refer to discussion of LDC Sec. 34-1805 below.

Additionally:

*Individual guest units in a bed-and-breakfast inn must be at least 120 square feet in size.*

The smallest unit available at Myerside is approximately 504 square feet.

*The intensity of bed-and-breakfast inns shall be calculated in the same manner as for hotel/motels, except that inns with three or fewer guest rooms per building are exempt from the requirement to use equivalency factors to measure density.*

Based on the size of the existing dwelling units and the subject property, and the and the applicable future land use category the intensity calculation results 12 guest units, when the Platted Overlay is taken into consideration, or 7 guest units if the Platted Overlay is ignored.

*Bed-and-Breakfast inns must supply a minimum of one off-street parking space for each guest room plus one space for the owners' quarters.*

The subject property can accommodate up to 12 off-street parking spaces. This exceeds the seven that are required.

LDC Sec. 34-1805 provides additional regulations specific to bed-and-breakfast inns:

*(a) Whenever guests are present, the owner or operator must live on the premises or on abutting property, or if the inn is in a cluster of separate buildings the owner or operator must live in one of the buildings.*

The Applicant and his partner currently live on-site.

*(b) The maximum continuous length of stay for guests is 90 days.*

Note: This supersedes the previously stated limitation of 60 days.

The Applicant can comply with this regulation if the special exception request is granted.

*(c) Each guest unit must be accessed by a common corridor or outside door rather than through another guest unit or dwelling unit.*

All the rental units at Myerside are accessed through outside doors.

*(d) Food service is limited to breakfast and/or snacks and may be served only to overnight guests.*

Myerside currently provides snacks and basic sundries to guests by way of baskets that are provided in their units. The Applicant plans to add breakfast items to these baskets if the special exception request is granted and has indicated that a catered breakfast may be provided in the future.

*(e) A single non-illuminated identification sign up to four square feet in area may be mounted onto each building.*

The Applicant will comply with this regulation if the special exception request is granted.

As evidenced by the responses provided above, the subject property meets or has the potential to meet the LDC requirements for bed-and-breakfast inns.

**Special Exception Findings and Conclusions:**

The Land Development Code, in Section 34-88, provides a series of *Findings* that Town Council must make to grant a special exception. Staff recommends that Town Council make the following findings and conclusions concerning the requested special exception for a bed-and-breakfast inn:

- a. Complies with the Fort Myers Beach Comprehensive Plan.
- b. Complies with the Land Development Code.
- c. Complies with other applicable town ordinances or codes.

**III. RECOMMENDATION**

Staff recommends **APPROVAL** of the requested special exception subject to conditions, including the required findings and conclusions for granting a special exception under LDC Section 34-88. Staff recommends that approval of the special exception be subject to the following conditions:

- 1. *All outdoor lighting on the site will be “fully shielded” or “full cutoff” fixtures to reduce glare and light trespass onto adjacent properties.*
- 2. *Outdoor activities will be limited to between the hours of 7 AM to 10 PM, unless associated with a special event permit issued by the Town of Fort Myers Beach.*

**IV. CONCLUSION**

Staff recommends **APPROVAL** of the requested special exception as conditioned.

**Exhibits:**

- A – Site Survey/Aerial
- B – Subdivision Plat
- C – Property Assessor Field Cards
- D – Lee County Resolution Z-72-18
- E – ZVL2013-008
- F – Property Improvement Pictures
- G – CE15-0344
- H – Application for Special Exception
- I – Lee County Sheriff’s 2014-2015 Incidents Report for Subject Property
- J – Letter of Support

Ex. A Aerial View of 131-151 School Street



PLAT OF

# WINKLER SUBDIVISION.

A Subdivision beginning at the north-east corner of section 30 Tp. 46.S R. 24 E, thence west on the line between sections 19 and 30 - 339.7 feet, thence south 25° 05' west 584.7 feet to the Gulf of Mexico, the point of beginning of land herein described, thence north 25° 05' east 584.7 feet to the north line of said section 30, thence west on said section line 95.15 feet, thence north 25° 17' east 963.32 feet, thence north 64° 43' west 1409 feet morl. to the west line of lot 1 section 19 T. 46 S. R. 24 E, thence south along the west line of said lot 1 1600 feet morl. to the Gulf of Mexico, thence south-easterly with the meanders of the Gulf of Mexico to the point of beginning, Together with riparian rights.

J. A. DAVISON AND SON  
 CIVIL ENGINEERS. FORT MYERS,  
 FLORIDA  
 Feb. 1930

### CERTIFICATE OF OWNERSHIP

This is to certify that the undersigned are the owners of the land herein described and have caused said land to be subdivided into Lots, Blocks and Streets as shown, and said streets are hereby dedicated to the public forever.

Signed, Sealed and delivered in the presence of us:  
 \_\_\_\_\_ Seal  
 \_\_\_\_\_ Seal

STATE OF FLORIDA } S.S.  
 COUNTY OF LEE }

I DO HEREBY CERTIFY that on this \_\_\_\_\_ day of February A.D. 1930 personally appeared before me, an officer duly authorized to administer and take acknowledgements, W. B. Winkler and Lillian L. Winkler his wife, both well known to me, as the persons making the foregoing dedication, and they severally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein mentioned, and the said Lillian L. Winkler the wife of said W. B. Winkler upon an examination taken separately and apart from her said husband did acknowledge that she executed the foregoing dedication freely, voluntarily and without any constraint, apprehension, fear or compulsion of or from her said husband.

Witness my hand and official Seal the date last aforesaid.

\_\_\_\_\_  
 Notary Public  
 My commission expires 12<sup>th</sup> Jan 1931

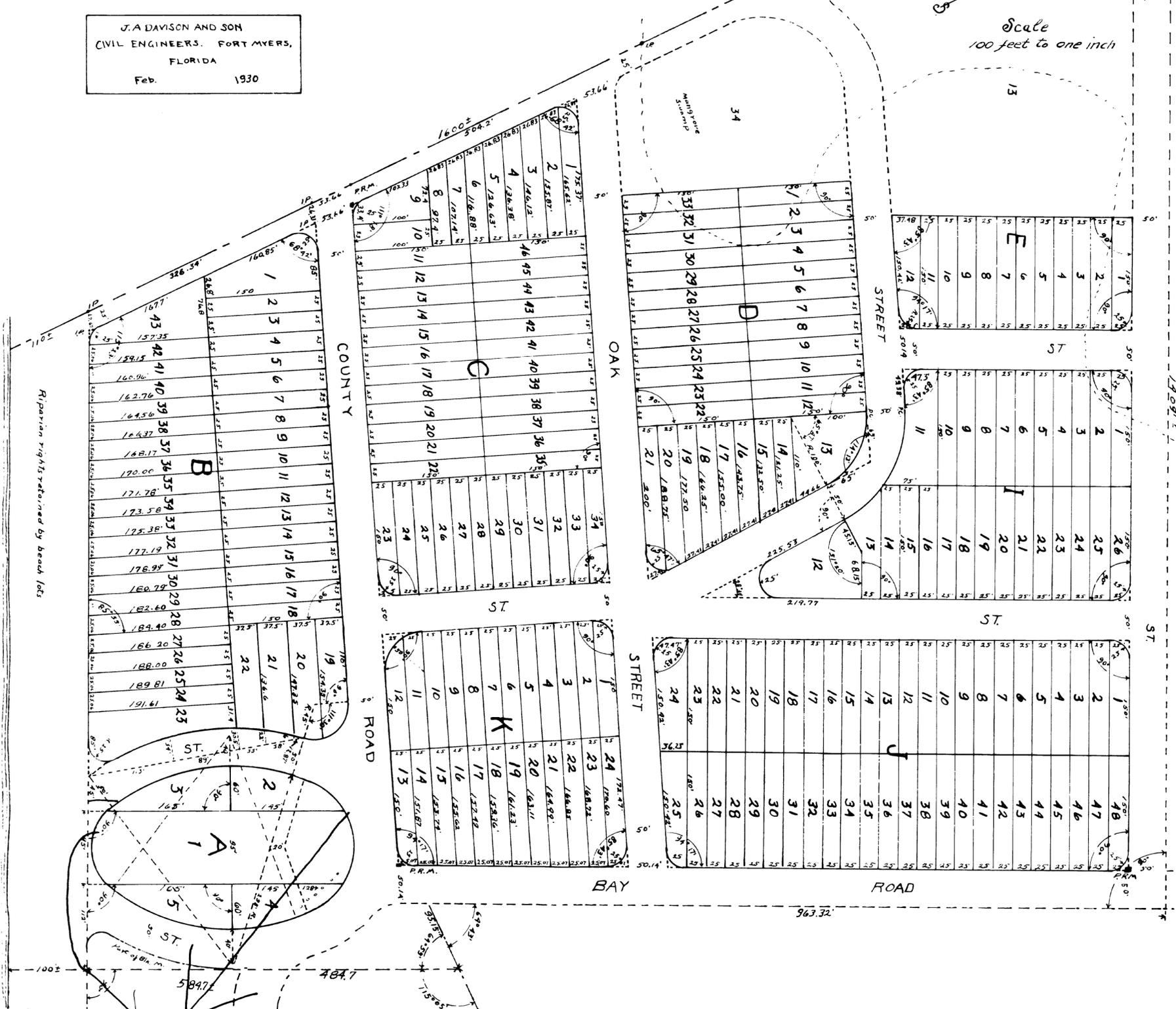
### CERTIFICATE OF SURVEY

We the undersigned certify that the plat as shown is a correct representation of the land platted, and that permanent reference monuments have been placed as shown

J. A. DAVISON AND SON  
 BY Henry M. Davison

This plat accepted this 5<sup>th</sup> day of MARCH 1930 in open meeting of the Board of County Commissioners of Lee County, Florida.

Approved { \_\_\_\_\_ Chairman  
 \_\_\_\_\_ Clerk



Vacation of street lies in limits of tract marked Block X in PB 12 Pg. 6  
 CCMB:16 Page:88&89  
 See C.E.M.B 16 P 988&89  
 for vacation of st. on this plat which lie within limits of tract marked Block X in PB 12 Page 6



#69226  
 CLERK OF THE OFFICE OF THE  
 Clerk of the Circuit Court,  
 LEE COUNTY, FLA.  
 5<sup>th</sup> Mar  
 1930  
 J. A. Davison

Exhibit C - Property Assessor Field Cards

LEE COUNTY, FLORIDA

1 19 46 24 02 C.029

DATE OF SALE	AMOUNT	BK. & PG. NO.	OWNER'S NAME	ADDRESS	DESCRIPTION
			KOCH, PAULINE FT. MYERS BEACH, FLA. 278742	145 SCHOOL ST.	WINKLERS SUBD. BLK C PB 8 PG 45 LOTS 29,30
2/21/68		024-2/12	Mulloy, Edward J & Ida	145 School St FT. MYERS BEACH FLA 33931	
			19-46-24-02-0000C.0290		
			MULLOY EDWARD J + IDA 2160 SAN CARLOS BLVD FT. MYERS BEACH, FLA. 33931		
			BATCH 00009 03/31/77		

FACTOR	1967	1973	1974	1978
LAND	730	5650	5430	7500
BLDG	1020	4220	6000	6000
TOTAL	5530	9850	11630	13500



LEE COUNTY, FLORIDA

1 19 46 24 02 C.031

MAP NO. CARDS SEC. TWP. RGE. AREA PARCEL NUMBER

DATE OF SALE	AMOUNT	BK. & PG. NO.	OWNER'S NAME	ADDRESS	DESCRIPTION
			<del>KECH, PAULINE</del> FT. MYERS BEACH, FLA.	<del>145 SCHOOL ST.</del>	WINKLERS SUBD. BLK C PB 8 PG 45 LOTS 31, 32
2/21/68	-	OR 456/772	Mulloy, Edward J + Ida	145 School St Ft. Myers Beach Fla 33901	
19-46-24-02-0000C.0310 MULLOY EDWARD J + IDA 2160 SAN CARLOS BLVD FT. MYERS BEACH, FLA. 33931					
BATCH 00009 03/31/77					

FACTOR	YEAR	1973	1974	1978
TOTALS	YEAR	<del>1967</del>	1973	1974
	LAND	<del>1070</del>	5630	5650
	BLDGS	<del>720</del>	7920	11870
	TOTAL	<del>720</del>	13550	17500



LEE COUNTY, FLORIDA

MAP NO.	CARDS	SEC.	TWP.	RGE.	AREA	PARCEL NUMBER
	1	19	46	24	02	C.033

DATE OF SALE	AMOUNT	BK. & PG. NO.	OWNER'S NAME	ADDRESS	DESCRIPTION
			KOGH, PAULINE FT. MYERS BEACH, FLA. 281/17	145 SCHOOL RD.	WINKLERS SUBD. BLK C PB 8 PG 45 LOTS 33, 34
<i>10/1/77</i>		<i>OR 456/972</i>	<i>Mulloy, Edward J + Ida</i>	<i>145 School St FT. MYERS BEACH FLA 33931</i>	
			19-46-24-02-0000C.0330 MULLOY EDWARD J + IDA 2160 SAN CARLOS BLVD FT. MYERS BEACH, FLA. 33931		
			BATCH 00009 03/31/77		

FACTOR	1971	1972	1973	1974	1977	1978
LAND	<del>1330</del>	<del>1330</del>	<del>1330</del>	<del>5630</del>	<del>5630</del>	7500
BILDES	<del>13940</del>	<del>16780</del>	<del>16780</del>	<del>27560</del>	<del>33500</del>	33500
TOTAL	<del>15270</del>	<del>18110</del>	<del>18110</del>	<del>33190</del>	<del>39130</del>	41000



RESOLUTION Z-72-18

The following resolution was offered by Commissioner Jim Sweeney, and seconded by Commissioner Kenneth Daniels, and upon poll of the members present the vote was as follows:

Julian Hudson	Aye
Walter Shirey	Aye
Jim Sweeney	Aye
Kenneth Daniels	Aye
Bruce Scott	Aye

WHEREAS, Edward & Ida Mulloy have requested a variance in an RU-2 zone, for an apartment under duplex for personal home use.

Lots 33 and 34, Block C, Winkler Subdivision, Plat Book 8, Page 45, Section 19, Township 46S, Range 24 East.

WHEREAS, a Public Hearing of the Lee County Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering adjacent areas, the Zoning Board recommended that the petition be approved for a Variance in an RU-2 zone to allow an apartment under a duplex.

WHEREAS, this Board after reviewing the records and recommendations of the Zoning Board and having given an opportunity for all interested persons to be heard after being duly sworn according to law, and upon due and proper consideration having been given to this matter does hereby uphold the findings of the Zoning Board.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lee County, Florida, that the decision of the Zoning Board to approve a Variance in an RU-2 zone to allow an apartment under a duplex, be upheld, and said property is zoned accordingly:

PASSED AND ADOPTED this 1st. Day of February, 1972.



# Town of Fort Myers Beach

Alan Mandel  
Mayor

Joe Kosinski  
Vice Mayor

Dan Andre  
Council Member

Jo List  
Council Member

Bob Raymond  
Council Member

April 25, 2013

George W. Ganim  
4666 Main Street  
Bridgeport, Connecticut 06606

RE: 147 School Street

Dear Mr. Ganim,

In response to your request for a Zoning Verification Letter submitted April 10, 2013, be advised that the property located at address **147 School Street**, legally described as Lots 29 through 34, Block C, of that subdivision known as Winkler's Subdivision, as recorded in the Public Records of Lee County, Florida in Plat Book 8, Page 45, (hereinafter "subject property") is zoned RC (Residential Conservation) according to the Official Zoning Map of the Town of Fort Myers Beach. The subject properties are located within the Boulevard category on the Future Land Use Map (FLUM) in the Fort Myers Beach Comprehensive Plan. Lots 33 and 34 of the property were granted a variance in 1972 by Lee County, in Resolution Z-72-18 (attached), to allow an apartment under a duplex.

Please note that the Fort Myers Beach Land Development Code and Comprehensive Plan are available online at [www.fortmyersbeachfl.gov/index.aspx?NID=180](http://www.fortmyersbeachfl.gov/index.aspx?NID=180) for your reference. Paper copies of both documents are also available at Town Hall for a fee.

As stated above, the subject property is located within the RC zoning district (*See Figure A*). The Town of Fort Myers Beach Land Development Code (LDC) defines the RC zoning district, in Section 34-642, and describes its purpose as to "designate suitable locations for motels, resorts, and related services." The RC district has 'limited' land uses in the Residential and Lodging categories, and 'Restricted' land uses in the Office, Marine and Civic use categories. For a complete and comprehensive list of allowable uses see LDC Table 34-1.

Table 34-3 of the LDC lists the following property development dimensions for the RC district:

**SETBACKS**

Street	25'
Side	7.5'
Rear	20'
Water body	25'
Maximum Height	25' (as measured from Base Flood Elevation)
Maximum # of Stories	3 (includes ground level for parking/storage)
Minimum Lot Width	45'
Minimum Lot Depth	80'
Minimum Lot Area	4,000 square feet
Maximum Building Coverage	40%

The subject property consists of six platted lots, each approximately 25 feet in width and 150 feet in depth. These lots are not large enough to be developed individually, but they could be developed in three pairs of two lots. The three pairs would be 50 feet by 150 feet in size, and could be deemed lots of record, therefore the requirements of LDC Sec. 34-3273 shall apply. A residential building may be placed on a single nonconforming lot provided the lot has at least 40 feet in width, 75 feet in depth, and 4,000 square feet in area. Street and waterbody setbacks for the zoning district (as listed above) remain in effect, but side setbacks are 10% of the lot width or 5 feet, whichever is greater. Rear setbacks shall be 25% of lot depth, or 20 feet, whichever is smaller.

The Boulevard future land use category (*see Figure B*) is defined in the Town of Fort Myers Beach Comprehensive Plan as a mixed-use district along portions of Estero Boulevard, including less intense commercial areas, historic cottages, and mixed housing types. This category is not intended to allow commercial uses on all properties; its mixed-use nature is intended to remain permanently. For new residential development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per acre for legally existing dwelling units). To obtain approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in the Comprehensive Plan and meet the design concepts of the plan and the LDC.

The statements contained herein are provided for your convenience and only verify information that could be discovered by an average citizen consulting publicly available documents and/or documents you have provided. This zoning verification letter is not an interpretation of the Fort Myers Beach Land Development Code or the Fort Myers Beach Comprehensive Plan, and is not a development order, development permit, or action by the Town of Fort Myers Beach. If you require action by the Town of Fort Myers Beach, apply for a development permit, administrative action, or public hearing as provided in the Fort Myers Beach Land Development Code.

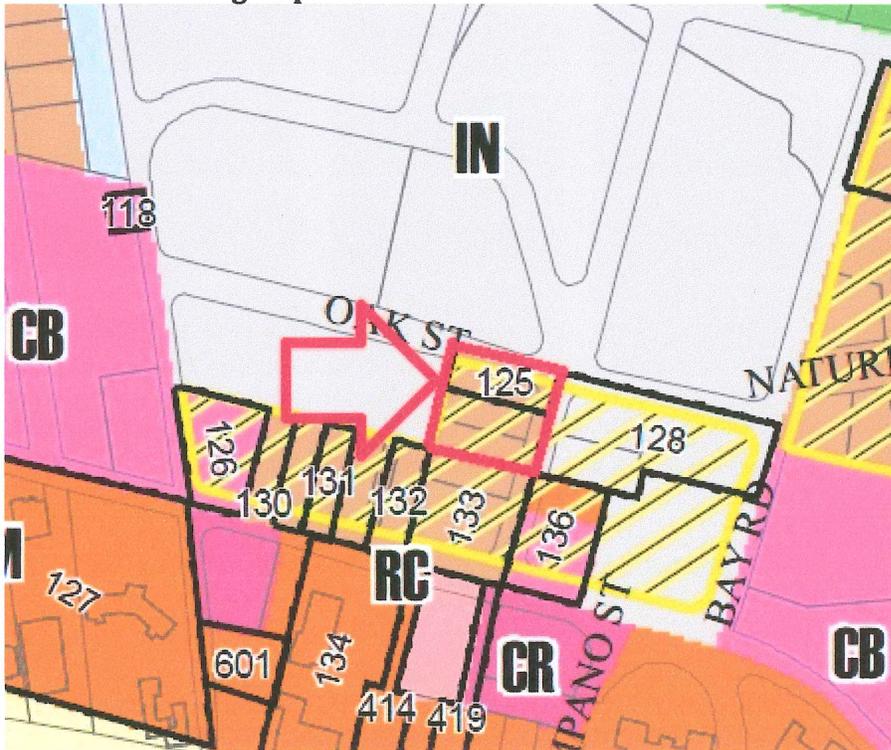
Please be aware that the information provided herein is based on current regulations and can be subject to change with enactment or amendment of ordinances. If you have any further questions, please contact our office.

Sincerely,



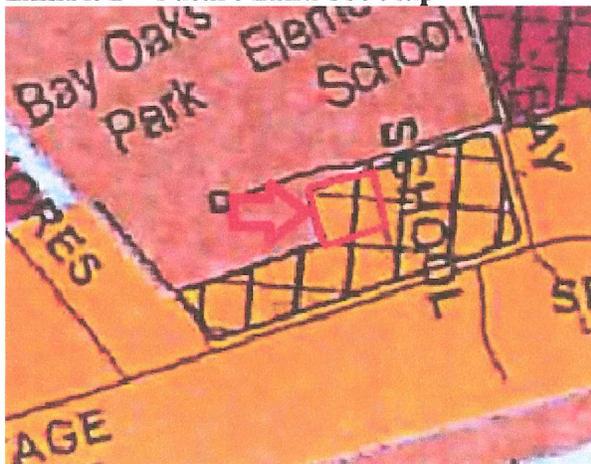
Josh Overmyer, CFM  
Planning Coordinator  
Department of Community Development  
Town of Fort Myers Beach

**Exhibit A - Zoning Map**

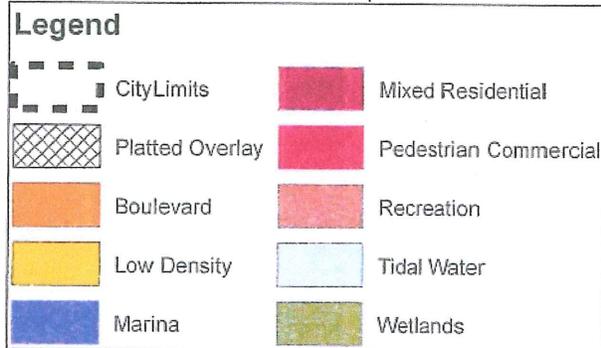


Brown indicates RC (Residential Conservation) and the yellow cross-hatching signifies the Platted Overlay from the Comprehensive Plan

**Exhibit B - Future Land Use Map**



**Town of Fort Myers Beach**



RESOLUTION Z-72-18

The following resolution was offered by Commissioner Jim Sweeney, and seconded by Commissioner Kenneth Daniels, and upon poll of the members present the vote was as follows:

Julian Hudson	Aye
Walter Shirey	Aye
Jim Sweeney	Aye
Kenneth Daniels	Aye
Bruce Scott	Aye

WHEREAS, Edward & Ida Mulloy have requested a variance in an RU-2 zone, for an apartment under duplex for personal home use.

Lots 33 and 34, Block C, Winkler Subdivision, Plat Book 8, Page 45, Section 19, Township 46S, Range 24 East.

WHEREAS, a Public Hearing of the Lee County Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering adjacent areas, the Zoning Board recommended that the petition be approved for a Variance in an RU-2 zone to allow an apartment under a duplex.

WHEREAS, this Board after reviewing the records and recommendations of the Zoning Board and having given an opportunity for all interested persons to be heard after being duly sworn according to law, and upon due and proper consideration having been given to this matter does hereby uphold the findings of the Zoning Board.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lee County, Florida, that the decision of the Zoning Board to approve a Variance in an RU-2 zone to allow an apartment under a duplex, be upheld, and said property is zoned accordingly:

PASSED AND ADOPTED this 1st. Day of February, 1972.

Exhibit F: Before and After Renovations Pictures







# Town of Fort Myers Beach

Exhibit G - CE15-0344

## CODE COMPLIANCE

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

8/27/2015

CASE NUMBER: CE15-0344

Certified Mail: 7014 2870 0000 6232 3724

**MYERSIDE LLC  
PO BOX 232  
FORT MYERS BEACH FL 33932**

**SITE ADDRESS: 131-151 SCHOOL ST  
PARCEL STRAP NO: 194624W30020C0290**

### NOTICE OF VIOLATION

**YOU ARE HEREBY NOTIFIED** that an inspection of the above-referenced property on **8/26/15** by Town of Fort Myers Beach Code Enforcement Officer **MOLLY JACOBS** indicates that the following items are a violation:

- **Units are being marketed as available for daily rental.**
- **Pool barrier fence has been installed; however the permit, number FNC15-0006, is still under review.**
- **Units have been remodeled; however the remodel permit, number BLD14-0017, is still under review.**
- **A change of use for buildings located on 131 thru 151 School Street.**

These items are a violation of the following Town Codes:

#### **Town of Fort Myers Beach Land Development Code**

- **This property is zoned RC (Residential Conservation) which is a Limited use, allowing rental of any permitted dwelling unit to a single family for periods of one week or longer (see Sec. 34-2391-2410 for rules)**
- **Sec. 6-111 Adoptions; amendments, adopting the Florida Building Code as amended. Florida Building Code section:  
105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.**



# Town of Fort Myers Beach

## CODE COMPLIANCE

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

You are hereby directed to abate or remedy these violations on or before **9/15/15**.

The violation(s) can be abated or corrected by taking the following actions:

- ***Dwelling units may not be rented less than a week***
- ***Obtain a USE permit and pass all subsequent inspections***
- ***Obtain a fence permit and pass all subsequent inspections***
- ***Obtain a remodel permit and pass all subsequent inspections***

**ONCE YOU HAVE ABATED OR CORRECTED THE VIOLATIONS, IT IS YOUR OBLIGATION TO NOTIFY CODE ENFORCEMENT SO THAT THE PROPERTY CAN BE INSPECTED BY A CODE OFFICER TO VERIFY THAT THE VIOLATION(S) HAVE BEEN ABATED OR CORRECTED ON OR BEFORE THE ABOVE-SPECIFIED COMPLIANCE DATE.**

If you fail to correct the violation(s) by the date specified above, or if the violation(s) is (are) abated and reoccur(s), the case may be scheduled for hearing before the Town of Fort Myers Beach Special Magistrate. The Code Enforcement Division may, in their discretion, schedule the case for a hearing and seek a finding of a violation by the Special Magistrate even if you have corrected the violation prior to the time set for the hearing.

You will be provided with a Notice of Hearing specifying the date, time and location of the hearing if one is scheduled. Please be aware that under Florida Statutes, Chapter 162 and Town of Fort Myers Beach Land Development Code, Section 2-427(b), a fine of up to \$250.00 per day for the first violation or \$500.00 per day for a repeat violation may be imposed for each day the violation continues to exist past the date set for compliance by the Special Magistrate. If the Special Magistrate finds that a violation is irreparable or irreversible in nature, a fine of up to \$5,000.00 per violation may be imposed. The Special Magistrate may also assess the costs of prosecution of the case against you and you may be required to pay those fees, even if the violation has been corrected prior to the hearing.

Please contact the Town of Fort Myers Beach Code Enforcement Division at (239) 765-0202 if you have any questions concerning this Notice of Violation.

Respectfully,

**MOLLY JACOBS**  
Code Enforcement Officer  
Town of Fort Myers Beach



# 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: SE22015-0006 DATE: 11/24/15

Site Address: 145 School ST- FT. MYERS BEACH 33931

STRAP Number: 1A-46-24W30020C 0290

Applicant: Roland Weinmann (Myerside) Phone: 239-765-0297

Contact Name: Roland Weinmann Phone: 239-314-8009

Email: roland@myerside.com Fax: \_\_\_\_\_

Current Zoning District: RC

Future Land Use Map (FLUM) Category: Boulevard

FLUM Density Range: \_\_\_\_\_ 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

NORTH  
ARROW



SCALE  
1" = 30'

FOUNDATION LOCATION FIELDBOOK PAGE

**LEGAL DESCRIPTION**  
(AS PROVIDED BY CLIENT)

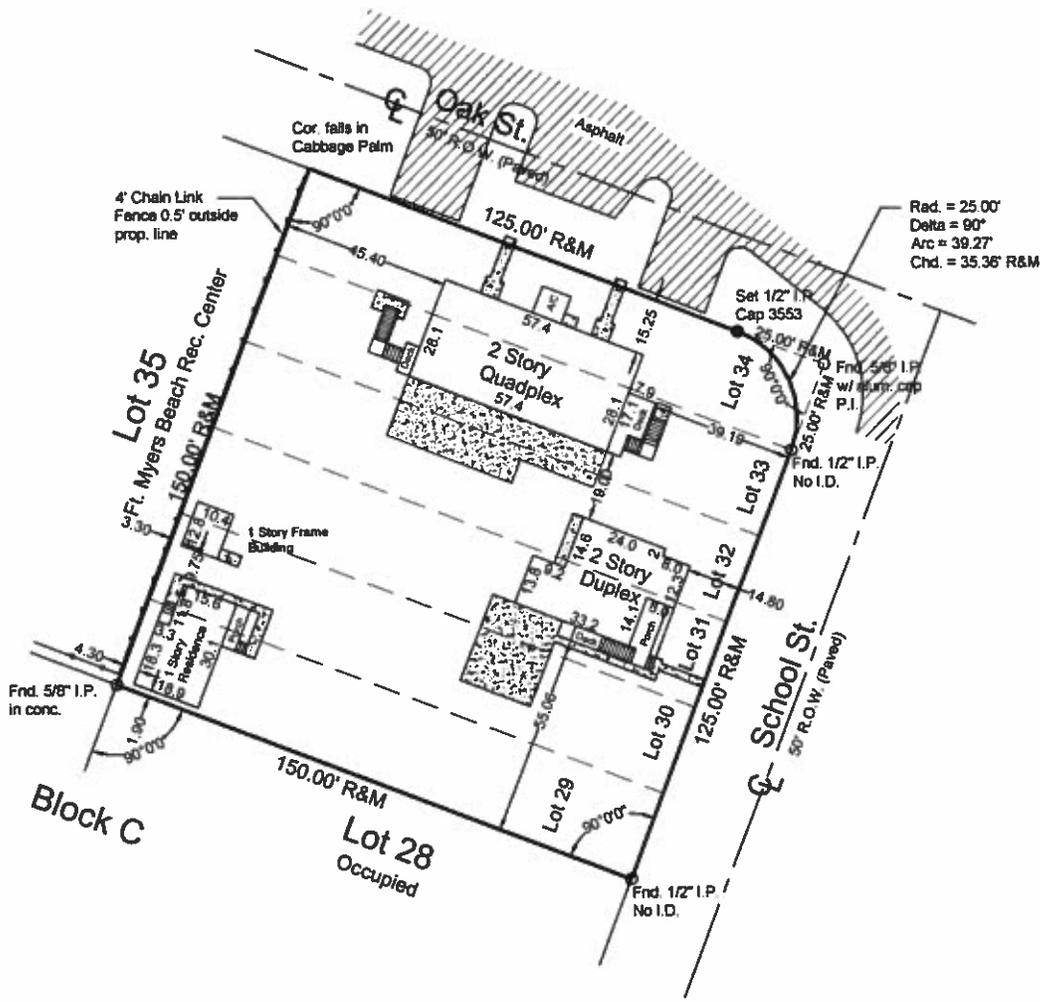
This is a boundary survey of the following : Lots 29 through 34, Block C, Winkler Subdivision as recorded in Plat Book 8, Page 45 of the Public Records of Lee County, Florida.

The property address is 131, 145, 147 & 151 School St. per County Records.

**LEGEND**

- SET CONC. MON. W/CAP I.D.# 3553
- SET IRON PIN W/CAP I.D.# 3553
- FD. CONC. MON. W/CAP
- FD. CONC. MON.
- FD. IRON PIN
- ASSUMED ELEVATION
- ▲ BENCHMARK
- R RECORDED
- M MEASURED

CONT REVERSE SIDE  
FINAL SURVEY DATE



**NOTES**

1. REPRODUCTION OF THIS SKETCH IS NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN.
3. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED.
4. BEARINGS SHOWN HEREON ARE BASED ON  
Angles are field measured
5. THIS PROPERTY LIES IN FLOOD ZONE AE EL 12 & 13 NAVD88 PER F.I.R.M. PANEL NO. 12071C0554F DATED 8/28/2008
6. LAST DATE OF FIELDWORK 1/7/14
7. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

**CERTIFICATE**

I hereby certify that the above described property was surveyed under my direction and the sketch of survey is true and correct to the best of my knowledge. This survey meets or exceeds the minimum technical standards set forth by the Florida Board of Land Surveyors, pursuant to Rule 61G17 - 6 Florida Administrative Code, and pursuant to Section 472.027 Florida Statutes. There are no visible encroachments other than those shown hereon.

MARK O. ALLEN P.L.S. #3553  
LB #8558

FAX: (239) 992-6070  
TELE: (239) 992-8900

**MARK O. ALLEN, INC.**  
PROFESSIONAL LAND SURVEYOR

10602 WOODS CIRCLE  
BONITA SPRINGS, FL 34135

DWN. BY  
MG

CHKD BY

ORDERED BY  
Beverly Milligan

SHEET 1 OF 1  
DWG. NO. 2014-3

**PART I - General Information**

A. Applicant\*: Roland Weinmann Phone: 239-314-8009

*\*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: 145 School ST. FT. MYERS BEACH FL. 33931

Email: roland@myerside.com Fax: \_\_\_\_\_

Contact Name: Roland Weinmann Phone: 239-314-8009

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: Roland Weinmann Phone: 239-314-8009

Address: 145 School ST. Ft. Myers Beach 33931

Email: roland@myerside.com Fax: \_\_\_\_\_

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

Name: Beverley Milligan Phone: 239-529-8785

Address: 145 School St. Ft. Myers Beach 33931

Email: bev@myerside.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 \_\_\_\_\_ - \_\_\_\_\_
  - 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: \_\_\_\_\_ Phone: \_\_\_\_\_
  - Mailing Address: \_\_\_\_\_
  - Email: \_\_\_\_\_ Fax: \_\_\_\_\_

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

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

### DISCLOSURE OF OWNERSHIP INTEREST

STRAP: 19-46-24-W3-0020C.0290

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
<u>Roland Weimann</u>	_____
<u>145 School ST. Ft. Myers Beach 33931</u>	<u>51 %</u>
<del>_____</del>	_____
<u>Beverly Mulligan</u>	_____
<u>145 School ST. Ft. Myers Beach 33931</u>	<u>49 %</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
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

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

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

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

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

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.

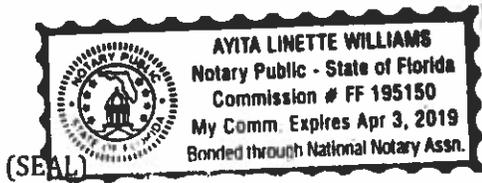
The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

*Roland Weinmann*  
Signature

Roland Weinmann  
Printed Name

STATE OF FLORIDA)  
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 11-24-15 (date) by Roland Weinmann (name of person providing oath or affirmation), who is personally known to me or who has produced personally known (type of identification) as identification.



*Ayita Linette Williams*  
Signature

Ayita Linette Williams  
Printed Name

**PART V - Property Information**

**A. Legal Description:**

STRAP: 19-46-24-W3-0020C.0290

Property Address: 131-151 School ST. FT. MYERS BEACH 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: Winklers

Book: 8 Page: 45 Unit: \_\_\_\_\_ Block: C Lot(s): 2A-34

**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) 150 feet

Depth (please provide an average width if irregular in shape) 150 feet

Frontage on street: 300 feet. Frontage on waterbody: 0 feet

Total land area: 21,778.00  acres  square feet

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

School ST. connects with Estero Blvd. approx. 1 mile south of Big Carlos Pass Bridge. Across from Town Library

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.

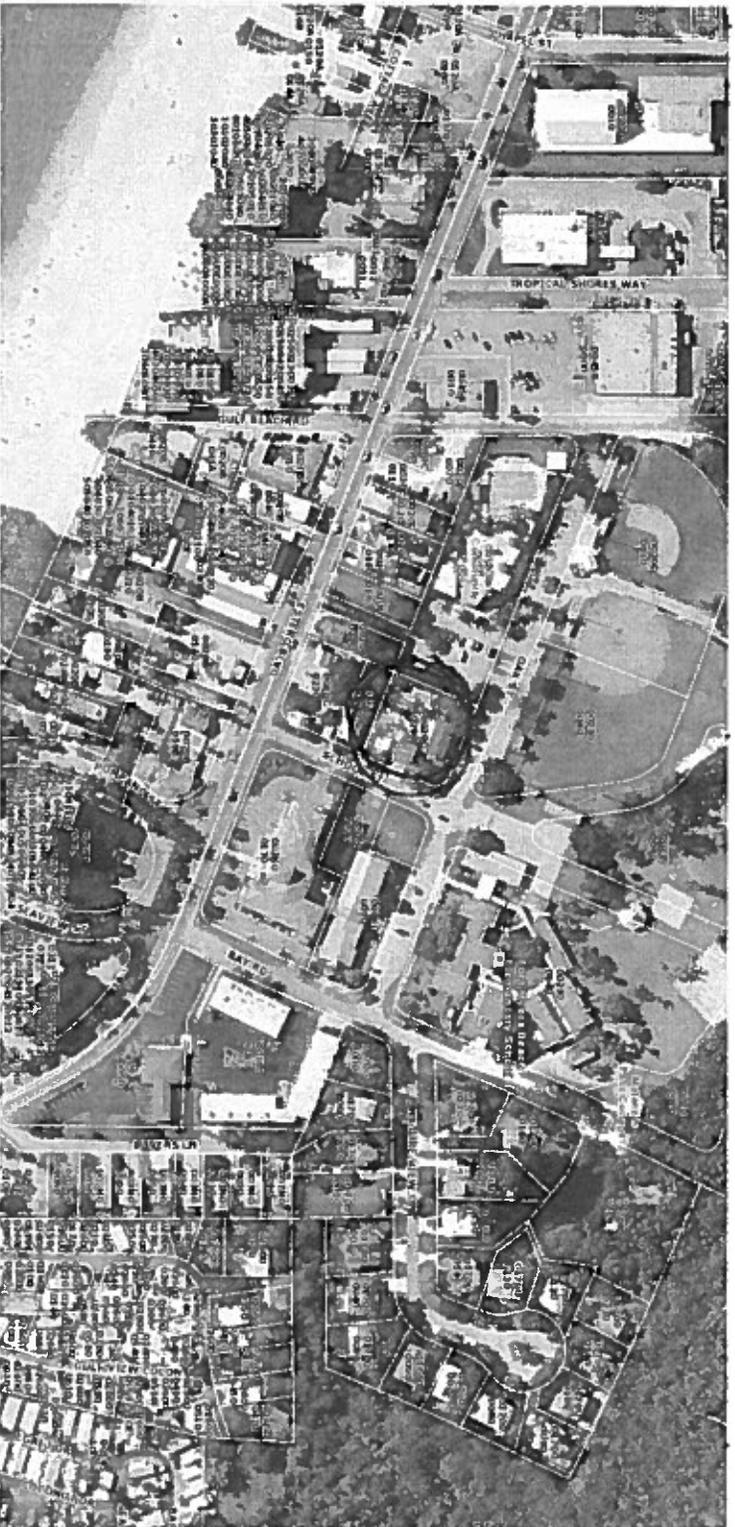


Exhibit S-3

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 checked="" type="checkbox"/> Boulevard  | <input type="checkbox"/> Wetlands                   |
| <input type="checkbox"/> Pedestrian Commercial | <input checked="" type="checkbox"/> Platted Overlay |

H. Zoning (see official Zoning Map):

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

PART VII

AFFIDAVIT

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

I, Roland Weinmann (name), as Owner (title) of MYERSIDE 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.

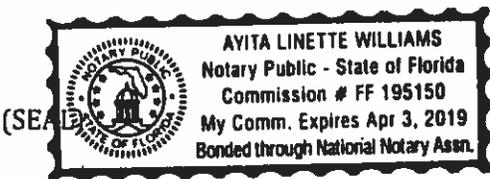
Myerside LLC  
 Name of Entity (corporation, partnership, LLP, LLC, etc)

[Signature] President  
 Signature Title

Roland Weinmann Nov. 24 2015  
 Typed or Printed Name Date

STATE OF FLORIDA)  
COUNTY OF LEE)

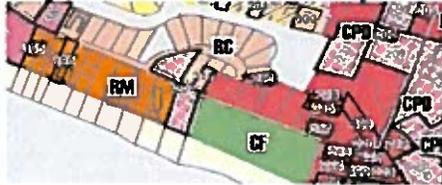
The foregoing instrument was sworn to (or affirmed) and subscribed before me on Nov. 24, 2015 (date) by Roland Weinmann (name of person providing oath or affirmation), who is personally known to me or who has produced personally known (type of identification) as identification.



Ayita Linette Williams  
 Signature

Ayita Linette Williams  
 Printed Name

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



Zoning Division

**Supplement PH-A**

**Additional Required Information for a  
Special Exception Application**

This is the second part of a two-part application. This part requests specific information for a special exception. Include this form with the Request for Public Hearing form.

Project Name:	Myerside
Authorized Applicant:	Roland Weinmann
LeePA STRAP Number(s):	1A-46-24W 3002 0C 0290

Current Property Status:	
Current Zoning:	RC
Future Land Use Map (FLUM) Category:	Boulevard
Platted Overlay? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	FLUM Density Range: 10 du./acre

**Requested Action:**

<input type="checkbox"/>	Use of premises in the EC (Environmentally Critical) zoning district for:	
<input checked="" type="checkbox"/>	Use of premises in the <u>RC</u> zoning district for:	
		Bed and Breakfast

PART I  
Narrative Statements

A. Request for: (indicate the proposed use that requires a special exception)

Bed and Breakfast

B. Reasons for request: (state how the property qualifies for a special exception and what impact granting the request could have on surrounding properties. Direct these statements toward the guidelines in LDC Section 34-88)

<b>The property qualifies for a Special Exception because:</b>
A: There is precedent for this type of exemption on Ft. Myers Beach
B: The property is zoned for weekly rentals, which is well suited for a bed and breakfast
C: The property location, size and layout is well suited to B+B. - Everything is aimed to the center
D: We would continue to enrich the natural environment, adding to the 100+ native plants we have already planted.

**Granting the requested Special Exception could impact surrounding properties as follows:**

There would be no negative impact on surrounding properties. The property currently has weekly zoning, rentals for vacationers, so there is no increase in volume for its 7 units as far as vehicle traffic is concerned. The immediate businesses may see positive increased flow. This exemption would be another step forward in taking this property from a run down, unsafe complex across from an elementary school, to a safe, attractive vacation destination on Ft. Myers Beach.

**PART 2**  
**Submittal Requirements**

All applications for a special exception must submit fourteen (14) copies of this application form and all applicable exhibits.

**Required Items**

- Public Hearing Request Form
- Supplemental form PH-A
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; all proposed structures and uses for the site; and any proposed fencing and screening.

**For New Communication Towers:**

- a. Lee County Application for Communication Tower
- b. Shared-Use Plan Agreement

**For Consumption of Alcoholic Beverages (COP) license approval:**

- a. Notarized authorization from the Property Owner to apply for permit
- b. A statement indicating the type of establishment, the type of state license to be acquired, and the planned hours of operation. Also indicate if the request includes outdoor seating areas and indicate the seating areas and capacity on the site plan.
- c. A map showing the locations of other properties within 500 feet of the request where consumption-on-premises uses are already in operation.
- d. The site plan must include the public entrances and exits to the building, the floor area and proposed seating capacity, and floor area and seating capacity of any areas within the building subdivided between restaurant and bar/lounge areas. The site plan should also indicate the parking area, including the spacing and the locations of entrances and exits.

**For transit terminals:**

The site plan must indicate the location of the bus stalls; commuter parking areas, if provided; taxi waiting stalls; circulation pattern for buses including the entrances and exits; and the location of any building(s) housing the terminal and waiting areas.

**For use of the EC zoning district:**

- a. If the location of the request is in the portion of the EC zoning district between Estero Boulevard and the Gulf of Mexico, provide a survey meeting the requirements of Chapter 62B-33.0081 of the Florida Administrative Code, also including the precise location of the (1978) Coastal Construction Setback Line for Estero Island recorded in Plat Book 33, Page 3, of the Official Records of Lee County, Florida.
- b. The site plan must indicate the precise location of the request on the subject property and any related details of the existing conditions or planned improvements to the subject property. For areas in the EC zoning district between Estero Boulevard and the Gulf of Mexico, the precise location of the request in relation to the (1978) Coastal Construction Setback Line must be shown on the site plan.

## Guide to Filing Supplement PH-A for Special Exceptions

**Case Number** will be inserted by Community Development staff.

**Project Name** must be the same as the name used on the Request for Public Hearing form.

**Authorized Applicant** must be the same as on the Request for Public Hearing form.

**STRAP numbers** must be the same as on the Request for Public Hearing form.

**Current status of property** must be the same as on the Request for Public Hearing form.

**Requested Action:** Indicate the nature of the request and include the current zoning of the property.

### Part 1 Narrative Statements:

#### **“Request for...”**

Indicate the nature of the request that requires a special exception, and explain why it requires a special exception. Describe the relationship of the requested use to any existing use(s) of the property, if applicable.

#### **“The property qualifies for a special exception because...”**

Explain why the request and the subject property qualify for a special exception. Address the standards for decision-making for special exceptions that are provided in the Land Development Code, as follows:

- Whether there exist changed or changing conditions which make approval of the request appropriate.
- Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- Whether the request meets or exceeds all performance and locational standards for the proposed use.
- Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.

- Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.

**“Granting the requested special exception could impact surrounding properties as follows...”**

Explain how this request, if granted for the subject property, could affect the surrounding properties and the existing or planned uses on those properties.

### **Part 2 Submittal Requirements**

**Public Hearing Application Form.** Applications for special exception consist of the Public Hearing form and the supplemental form PH-A. Both parts of the application form must be completed and submitted.

**Site Plan.** The site plan should be to scale and should indicate the location of the request on the property. Existing buildings and other improvements (such as swimming pools, fences, decks, or parking lots) should also be shown on the site plan. The site plan should also indicate the existing uses on adjacent properties. Also include any additional relevant detail related to the specific request.

## Exhibit I - LCSO 2014-2015 Incidents Report



# Lee County Sheriff's Office

## Incidents By Location

Search for **certain closed** incidents reported to the Lee County Sheriff's Office for the **past 2 1/2 years**.

The text you enter to be searched for must be a **street address**. Do not include city or state. If you specify an exact address (number, street name, street type), it will return incidents for **only** that exact spelling/address. If you type part of the address it will return incidents where that sequence of letters appears as **part** of the address, therefore returning more results.

**Due to active investigations, incidents will be delayed 48 hours before appearing here.**

**Total:** 294

<u>Occured Date</u>	<u>Incident Type</u>	<u>Address</u>	<u>City</u>	<u>Disposition</u>	<u>Incident Number</u>
2015-12-15 16:21:22	DISTURBANCE	5321 TICE ST; OAK HAMMOCK MIDDLE SCHOOL	FORT MYERS	ARREST/NTA	15-540076
2015-12-16 11:21:55	BURGLARY-BUSIN	18500 THREE OAKS PKY; THREE OAKS MIDDLE SCHOOL	FORT MYERS	REPORT TAKEN	15-541506
2015-12-19 13:47:56	RECOVER VEHICLE	12770 GATEWAY BLVD; GATEWAY CHARTER HIGH SCHOOL	FORT MYERS	REPORT TAKEN	15-547082
2014-03-18 08:37:22	DISTURBANCE	151 SCHOOL ST	FORT MYERS BEAC	REPORT TAKEN	14-105846
2014-04-27 15:25:13	DISTURBANCE	145 SCHOOL ST	FORT MYERS BEAC	CONDITION CORRECTED	14-166712
2014-05-06 22:51:41	DISTURBANCE	SCHOOL ST / ESTERO BLVD	FORT MYERS BEAC	HANDLED BY DEPUTY	14-181262
2014-12-08 19:56:38	DISTURBANCE	OAK ST & SCHOOL ST	FORT MYERS BEAC	CONDITION CORRECTED	14-498798
2015-02-27 18:02:46	INDECENT EXP	151 SCHOOL ST; BAY OAKS REC PARK	FORT MYERS BEAC	GONE ON ARRIVAL	15-086322
	DISTURBANCE				15-261634

2014-02-26 15:45:00			LEHIGH ACRES		
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Florida law protects the identity of **victims** in sex crimes and child abuse cases. In accordance with Florida State Statute s. 119.071(2)(h)1. F.S., incidents related to sexual crimes or child abuse will **NOT** be published. Also note, incidents reported to area police departments or other agencies are not available on our website.



# Lee County Sheriff's Office

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**Due to active investigations, incidents will be delayed 48 hours before appearing here.**

**Total:** 294

<u>Occured Date</u>	<u>Incident Type</u>	<u>Address</u>	<u>City</u>	<u>Disposition</u>	<u>Incident Number</u>
2015-07-21 20:28:17	DISTURBANCE	SCHOOL ST / ESTERO BLVD	FORT MYERS BEAC	CONDITION CORRECTED	15-304981
2015-07-22 14:27:16	ANIMAL	SCHOOL ST / ESTERO BLVD	FORT MYERS BEAC	HANDLED BY DEPUTY	15-306263
2015-08-29 15:00:00	RECOVER PROP	SCHOOL ST & ESTERO BLVD	FORT MYERS BEAC	REPORT TAKEN	15-367393
2014-01-07 11:51:03	HARASSMENT	151 SCHOOL ST, A	FT MYERS BEACH	CONDITION CORRECTED	14-008765
2014-02-06 03:00:11	STOLEN VEHICLE	151 SCHOOL ST, CTOR	FT MYERS BEACH	CRIME REPORT TAKEN	14-048469
2014-01-07 08:33:26	DISTURBANCE	200 SCHOOLSIDE DR	LEHIGH ACRES	TRESPASS WARNING ISSUED	14-008421
2014-02-22 03:11:03	DISTURBANCE	303 SCHOOLSIDE DR	LEHIGH ACRES	CONDITION CORRECTED	14-071319
2014-02-24 15:18:22	DISTURBANCE	200 SCHOOLSIDE CT; LEHIGH ELEMENTARY SCHOOL	LEHIGH ACRES	CANCELLED PER COMPLAINANT	14-074608
2014-02-26 08:59:13	DISTURBANCE	715 THOMAS SHERWIN AVE S ; EAST LEE COUNTY HIGH SCHOOL	LEHIGH ACRES	CONDITION CORRECTED	14-076962
	DISTURBANCE	304 SCHOOLSIDE DR		REPORT TAKEN	14-077666

2015-06-24 19:23:32		SCHOOL ST / OAK ST; BASEBALL FIELD	FORT MYERS BEAC	GONE ON ARRIVAL	
2015-06-24 19:41:15	DISTURBANCE	SCHOOL ST / ESTERO BLVD; BASEBALL FIELD	FORT MYERS BEAC	GONE ON ARRIVAL	15-261654

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**Exhibit J - Letter of Support**

To: Town of Ft. Myers Beach  
Attn.: Town Council &  
Planning Commission

December 6, 2015

Re: Special Exception -131-151 School St.

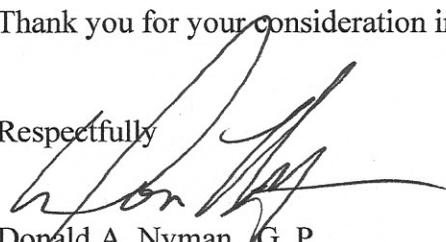
Dear Sirs;

I own the property immediately adjacent to 131-151 School St. I understand the owners of Myerside LLC have applied for a special exemption to have the subject property become a Bed & Breakfast. Over the last two years, I and my tenants have watched as Roland Weinmann and Beverley Milligan, the owners of Myerside LLC have worked to change the subject property from being a drug infested menace to the community to a respectable and beautiful property. Their efforts have rendered the property an asset to the community as opposed to being a liability to all, the neighborhood has become a safer place to live.

For the reasons stated above I believe it to be in the best interest of the community to Grant the exemption requested by Myerside. I strongly encourage all parties involved to vote in favor of the requested exemption.

Thank you for your consideration in this matter.

Respectfully



Donald A. Nyman, G. P.  
Nyman Ltd. Partnership, Owner of  
2661-6281 Estero Blvd & 125 School Street  
Ft. Myers Beach, Fl

Mailing address : 1728 S.E. 40<sup>th</sup> Terrace  
Cape Coral, Fl. 33904