

**RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 16-43
VAR16-0010 – 290 Donora Blvd. Lot Coverage Variance**

WHEREAS, Pete Oiderma, applicant and owner of the subject property is requesting variances from Sections 34-634 and 34-638 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 29-46-24-W1-0120B.0030 and the legal description of the subject property is Lot 3, Block B, Zimmer's Addition to Shell Mound Park Subdivision as recorded in Plat Book 11, at Page 54 of the Public Records of Lee County Florida; and

WHEREAS, the subject property is located at 290 Donora Boulevard Fort Myers Beach, FL 33931, zoned Residential Single Family on the Official Zoning Map and the Low Density category of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on November 8, 2016; 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; and

WHEREAS, on December 19, 2016, the Town Council held a duly advertised public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required LDC Section 34-87.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fort Myers Beach, Florida, as follows:

1. Determination.

Based upon the recommendations, testimony, and evidence presented by Town staff, LPA, and interested parties, the Town Council approves the following:

Variance. (VAR16-0010) The Town Council grants **APPROVAL** of variances from Section 34-634 and 34-638 of the LDC to allow construction of a 10 ft. x 23 ft. Florida Room addition to the existing home on the subject property.

2. Conditions.

- a. *The variance is limited to the subject property as a lot of record consistent with the legal description contained herein.*
- b. *The variance applies to the waterbody setback as shown on Exhibit C only. No other portion of the building may extend into a required setback.*
- c. *The variance applies to the construction of an addition to the existing single-family dwelling as shown on Exhibit C only. Redevelopment of the subject property for any other purpose must comply with all applicable regulations or seek a new variance.*

3. Findings and Conclusions of Law.

In accordance with LDC Sections 34-87 for granting a variance, the Town Council finds as follows:

1. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question.
2. The conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question.
3. The variance requested **is** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.
4. The granting of the variance **will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.
5. The conditions or circumstances on the specific piece of property for which the variance is sought **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 Town Council upon a motion by Council Member Cereceda and seconded by Vice Mayor Hosafros and upon being put to a vote, the result was as follows:

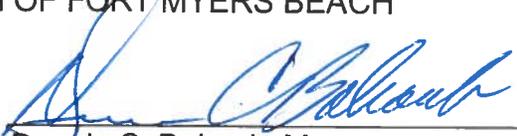
Dennis C. Boback, Mayor	aye
Rexann Hosafros	aye
Tracey Gore	aye
Anita Cereceda	aye
Joanne Shamp	aye

DULY PASSED AND ADOPTED THIS 19th day of December, 2016, by the
Town Council of the Town of Fort Myers Beach.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Michelle D. Mayher, Town Clerk

By: 
Dennis C. Boback, Mayor

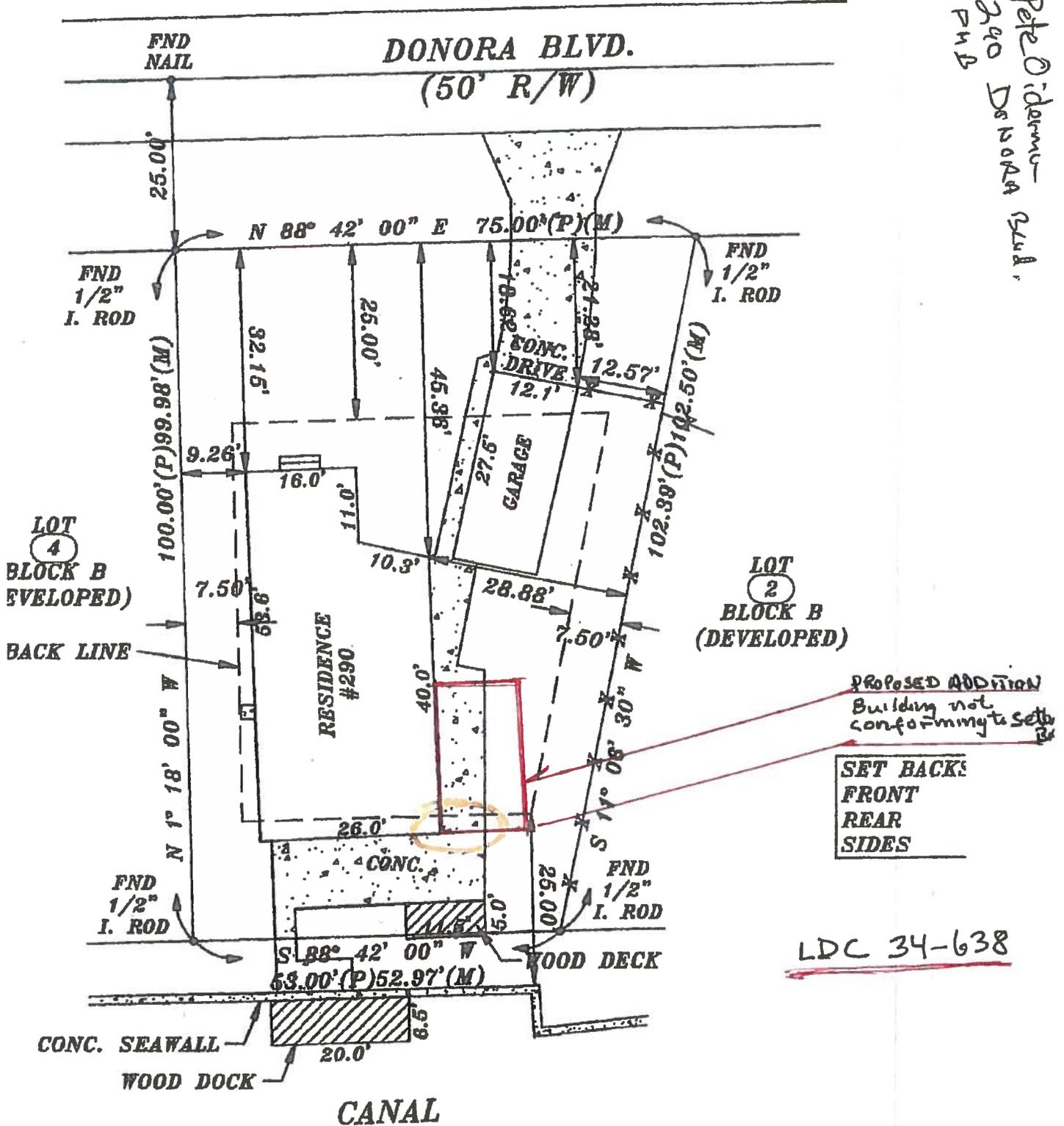
Approved as to form by:

By: 
Dawn E. Perry-Lehnert,
Town Attorney

VARIANCE LDC 34-638

SURVEY ENLARGED ORIGINAL. See attached

Pete O'Donnell
390 DONORA BLVD.
PHD



PROPOSED ADDITION
Building not
conforming to Setb

SET BACKS
FRONT
REAR
SIDES

LDC 34-638