

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 96- 28

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA
APPROVING / DENYING THE REQUEST FOR VARIANCE.

WHEREAS, WAYNE E. CASEY filed an application for VARIANCE FROM
THE REQUIRED LOCAL STREET SETBACK FROM 15 FEET TO 8 FEET 6
INCHES; and,

WHEREAS, the subject property is located at 5700 ESTERO BLVD.,
Ft. Myers Beach, and is described more particularly as in Section
33, Township 46 South, Range 24 East, Lee County, Florida; and,

WHEREAS, the applicant has indicated the property's current
STRAP number is: 33-46-24-W2-0030B.0010; and

WHEREAS, a public hearing was advertised and held on October
21, 1996, before the Fort Myers Beach Town Council who gave full
and complete consideration to the recommendations of the staff
and the Local Planning Agency, the documents on file with Lee
County, and the testimony of all interested persons; and,

NOW, THEREFORE, BE IT RESOLVED BY THE FORT MYERS BEACH TOWN
COUNCIL, that the Council APPROVES / DENIES the request.

FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in
conjunction with the approval / denial of the requested
modification:

Section 1. That there are / ~~are not~~ exceptional or
extraordinary conditions or circumstances that are inherent to
the property in question and that do not apply generally to the
other nearby properties in the same zoning district.

Section 2. That the exceptional or extraordinary conditions or
circumstances ~~are~~ / are not the result of actions of the applicant
taken subsequent to the adoption of the ordinance (any action
taken by an applicant pursuant to lawfully adopted regulations
preceding the adoption of the ordinance from which this chapter
is derived will not be considered self-created);

Section 3. That the variance is / ~~is not~~ the minimum variance
that will relieve the applicant of an unreasonable burden caused
by the application of the regulation in question to his property.

Section 4. That the granting of the variance ~~will~~ / will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Section 5. That the condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought ~~is~~ / is not of so general or recurrent nature as to make it more reasonable and practical to amend the ordinance.

The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

Anita T. Cereceda	<u>yes</u>
Ted FitzSimons	<u>absent</u>
William (Rusty) Isler	<u>yes</u>
Garr Reynolds	<u>yes</u>
Ray Murphy	<u>yes</u>

APPLICATION DULY APPROVED / DENIED this 21st day of October, 1996.

ATTEST: Marsha Segal-George
By: Marsha Segal-George
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH
By: Anita T. Cereceda
Anita T. Cereceda, Mayor

Approved as to form by:
Richard V.S. Roosa
Richard V.S. Roosa, Town Attorney

Exhibit A (96-08-244.05V-Wayne E. Casey)

Condition

The variance is limited to the 6 foot by 24 foot deck addition reflected on the applicant's site plan attached as C.