

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 96-34

WHEREAS, Victor L. DeLucas filed an application for a Variance in the C-1 (Commercial) from the parking space requirement of 1 space per 200 square feet of total floor area (required 9 parking spaces) for a medical office per Land Development Code, Section 34-2020(2)k, and from the parking space requirement of 1 space per 200 square feet of total floor area (required 11 parking spaces) for retail establishment specializing in small products or commodities per Land Development Code Section 34-2020(2)m.2., to allow the 10 existing parking spaces; and,

WHEREAS, the subject property is located at 2301 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as:

Section 19, Township 46 South, Range 24 East, Lee County, Florida:

Lots 1 and 2, Block D, BEACH ESTATES SUBDIVISION, as recorded in Plat Book 6, Page 68 of the public Records of Lee County, Florida.

WHEREAS, the applicant has indicated the property's current STRAP number is: 19-46-24-W3-0110D.0010; and,

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on November 12; and,

WHEREAS a hearing was held and the council considered the following criteria, recommendations and testimony of the staff, testimony from the applicant and from the public.

IT IS THE FINDING of this council that all of the following exist:

- a. 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;
- b. That the exceptional or extraordinary conditions or circumstances are not/~~are~~ 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);
- c. 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;

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

e. 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 not ~~is~~ of so general or recurrent nature as to make it more reasonable and practical to amend the ordinance.

NOW THEREFORE BE IT RESOLVED THAT THE VARIANCE IS ~~IS NOT~~ APPROVED SUBJECT TO THE FOLLOWING conditions and requirements that are necessary for the protection of the health, safety, comfort, convenience and welfare of the general public and that are reasonably related to the variance requested:

None

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>aye</u>
Ted FitzSimons	<u>aye</u>
William (Rusty) Isler	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

APPLICATION DULY GRANTED this 2nd day of December, 1996.

ATTEST:

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