

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 97-23

**WHEREAS**, Donald L. Oakes, the property owner petitioned for two (2) Variances in the RS-2 (Residential Single Family) district. The first request is for a variance from the minimum required side setback of 10 feet. to 1.5 feet (from the north property line for the existing house) and 3.2 feet (from the north property line for a proposed deck addition). The second variance request is from the minimum required water body setback of 25 feet to allow 18 feet except at the deck steps which would be 15 feet; and,  
**WHEREAS**, the subject property is located at 735 Matanzas Court. Fort Myers Beach, Florida, and is described more particularly as:

**LEGAL DESCRIPTION:** In Section 24, Township 46 South, Range 13 East, Lee County, Florida:

The Northerly part of Lot 8 in Block "C" of ISLAND SHORES UNIT #2, a Subdivision according to the map or plat thereof on file and recorded in the Public Records of Lee County, Florida, in Plat Book 9, Page 25, which can also be described as:

Beginning at the Northwest corner of said lot 8; THENCE run Easterly along the Northern boundary line of said Lot 8 a distance of 194.44 feet; THENCE run Westerly to a point upon the Western boundary line of said lot, which is 36.91 feet Southerly from the POINT OF BEGMNING as measured upon the arc which is the said Westerly line of said Lot 8; THENCE run Northerly along the said Westerly line of said Lot 8 to the POINT OF BEGINNING.

Together with all riparian rights thereunto appertaining or otherwise belonging, with specific reference to the canal which adjoins the above-described parcel upon the Easterly side.

**WHEREAS**, the applicant has indicated the property's current STRAP number is: 24-46-23-W3-0050C.0088; 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 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 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 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 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 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 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:

The first variance request is limited to the existing location of the structure (1.5 feet) and to the proposed deck addition (3.2 feet) as shown on Exhibit C. The second variance request is limited to the location of the deck addition as shown on Exhibit C.

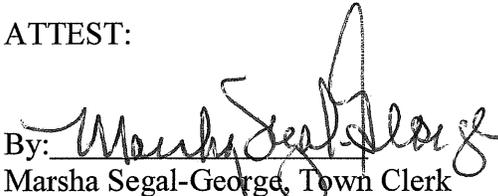
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

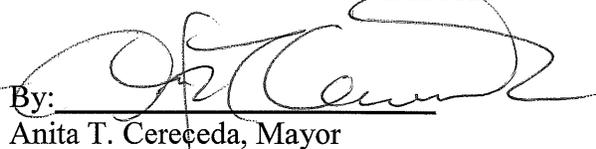
Anita T. Cereceda	<u>aye</u>
Ted FitzSimons	<u>no</u>
William (Rusty) Isler	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

APPLICATION DULY GRANTED this 7<sup>TH</sup> day of July, 1997.

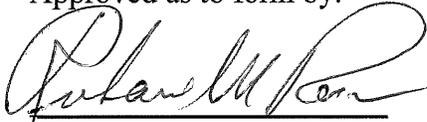
ATTEST:

TOWN OF FORT MYERS BEACH

By:   
Marsha Segal-George, Town Clerk

By:   
Anita T. Cereceda, Mayor

Approved as to form by:

  
Richard V.S. Roosa, Town Attorney

# Top View of Your Deck

The Scale is 1/8" : 1'

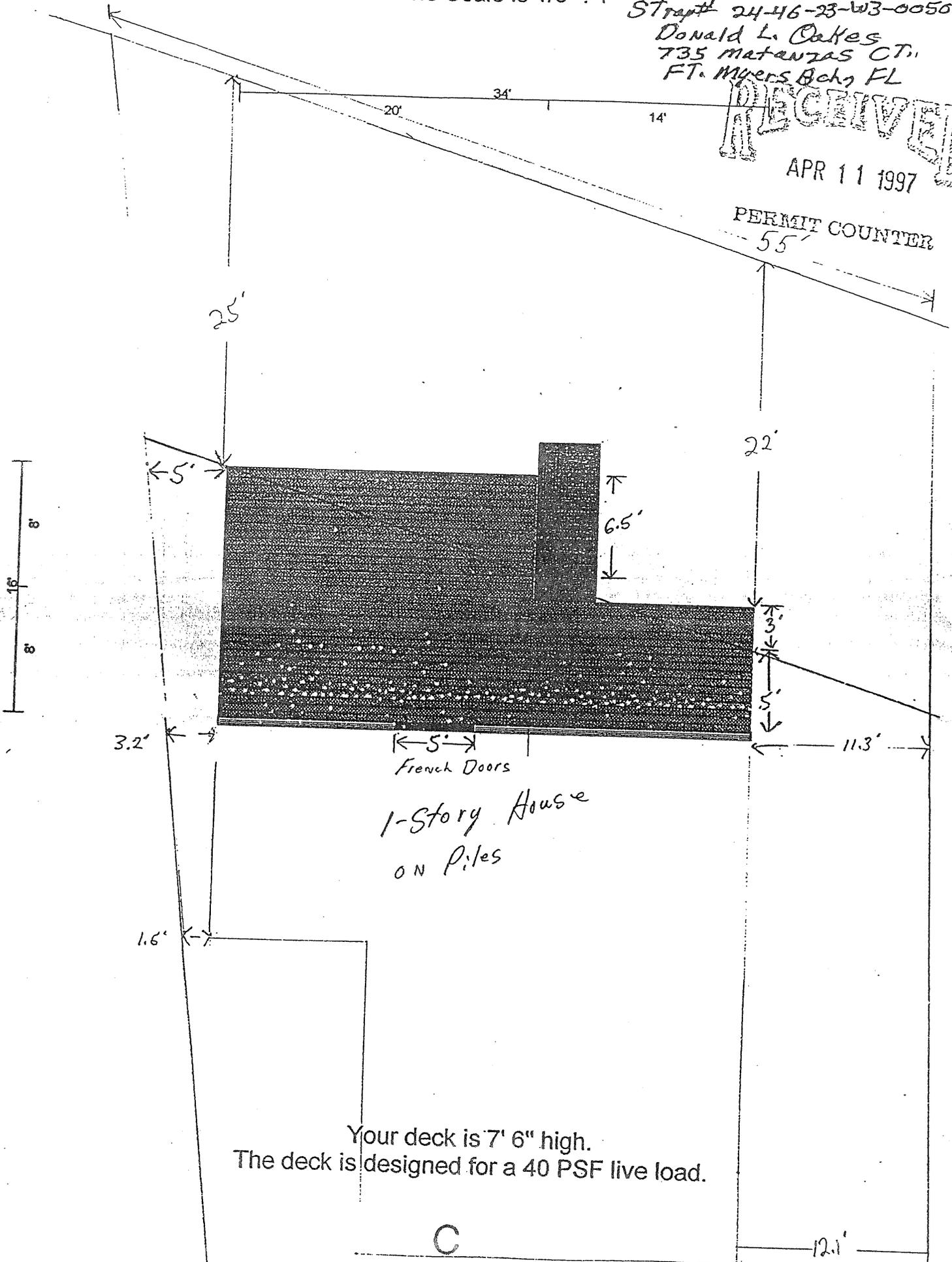
EXHIBIT IV-E

STRAIGHT 24-46-23-W3-00506008

Donald L. Cakes  
735 MATANZAS CT.,  
FT. MYERS BEACH, FL

RECEIVED  
APR 11 1997

PERMIT COUNTER  
55'



1-Story House  
ON PILES

Your deck is 7' 6" high.  
The deck is designed for a 40 PSF live load.

C