

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 97- 36

WHEREAS, Antonina & Sharon Rigby, in ref. to Rigby's Health Shoppe the property owner petitioned for a variance of the parking space requirement of 1 space per 200 square feet of total floor area for a health center requiring 6 spaces to allow 4 existing parking spaces; and,

WHEREAS, the subject property is located at 1188 and 1190 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as:

LEGAL DESCRIPTION: In Section 19, Township 46 South, Range 24 East, Lee County, Lot 1, Block B, CRESCENT PARK SUBDIVISION, as recorded in Plat Book 4, Page 39, of the Public Records of Lee County, Florida.

WHEREAS, the applicant has indicated the property's current STRAP number is: 19-46-24-W4-0140B.0010; 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 the following exist:

a. That there 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 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/ ~~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 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 ~~DISAPPROVED~~/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.

1. Approval is limited to the site plan, "Site Plan", received 8-26-97, and excerpted in Attachment D.
2. Approval is limited to commercial uses requiring parking of not more than one space per 200 square feet. Any future permitted use that requires more parking must comply with Land Development Code, Section 34. Division 26, "Parking".
3. Prior to the issuance of an Occupancy Permit, the applicant shall provide an agreement of two off-site parking spaces. An agreement as to parking was presented and is attached as Exhibit E.

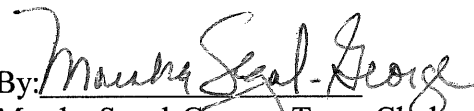
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

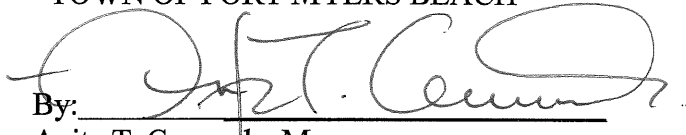
Anita T. Cereceda	<u>aye</u>
Ted FitzSimons	<u>aye</u>
William (Rusty) Isler	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

APPLICATION DULY DENIED/GRANTED this 20<sup>th</sup> day of October, 1997.

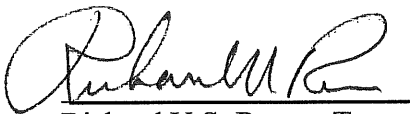
ATTEST:

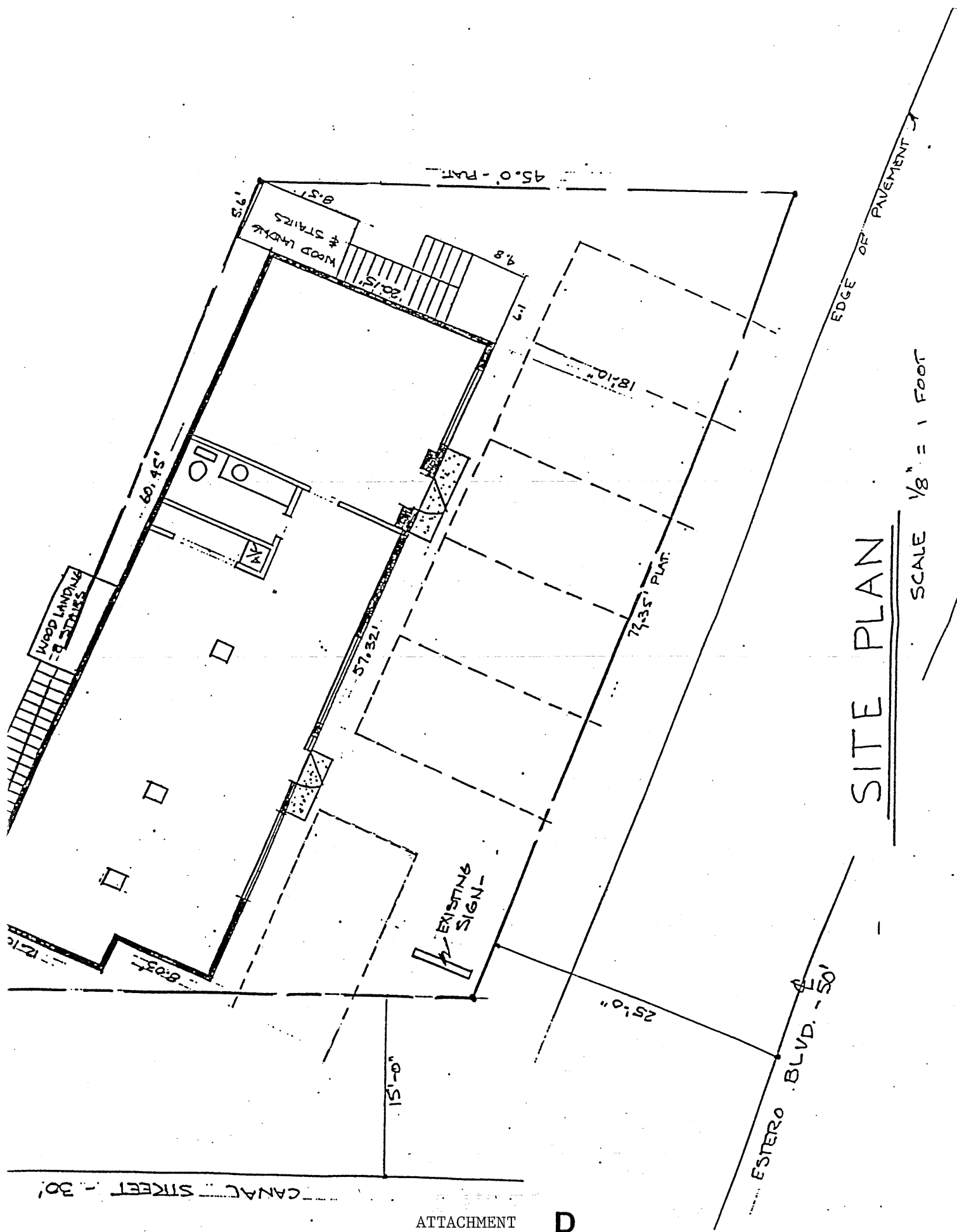
TOWN OF FORT MYERS BEACH

By:   
Marsha Segal-George, Town Clerk

By:   
Anita T. Cereceda, Mayor

Approved as to form by:

  
Richard V.S. Roosa, Town Attorney



# SITE PLAN

SCALE 1/8" = 1 FOOT

September 4, 1997

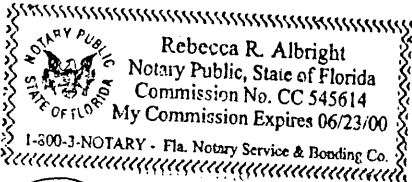
TO WHOM IT MAY CONCERN:

Case Rigby Real Estate, 1190 Estero Blvd., has had my permission for employees and any overflow to park on my property for over twenty five years and the same courtesy will be extended to Rigby's Health Shoppe.

9-4-97  
Date

Scott Vonselow  
Scott Vonselow

Carol Msantone  
Witness



Rebecca R. Albright