

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 98- 9

WHEREAS, Anthony Kuhns, the property owner petitioned for a variance in the Residential Two Family Conservation (TFC-2) district from the required rear setback of 20' to allow a 4.5 foot rear setback; and,

WHEREAS, the subject property is located at 530 Carlos Circle, Fort Myers Beach, Florida. and is described more particularly as in Section 24, Township 46 South, Range 23 East, Lee County, Florida:

Lot 5, Block E, ISLAND SHORES, Unit 4, Book 9, Page 37, Public Records al Lee County, Florida, EXCEPTING THEREFROM the following described portion:
Beginning at the Southwest comer of said Lot 5;
THENCE Northeasterly along the Northwesterly side of said Lot 5 a distance of 89.04 feet;
THENCE Easterly to a point on the Southeasterly side of Lot 5 which is 103.07 feet from the Southeasterly comer of said Lot 5;
THENCE Southwesterly along said Southeasterly side of said Lot 5, a distance of 103.07 feet to Estero Boulevard;
THENCE Northwesterly along Estero Boulevard 70.00 feet to the POINT OF BEGINNING.

WHEREAS, the applicant has indicated the property's current STRAP number is: 24-46-23-W1-070E.005B; and,

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on March 10, and, the LPA gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons.

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:

The variance approved is a variance allowing an 11+/-foot rear setback from the south property line, limited to an open deck no wider than the house structure (estimated to be 31 feet in width) and may not be constructed so that the deck width intrudes into the side yards of the property.

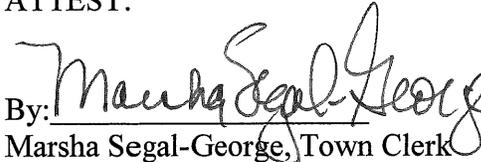
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

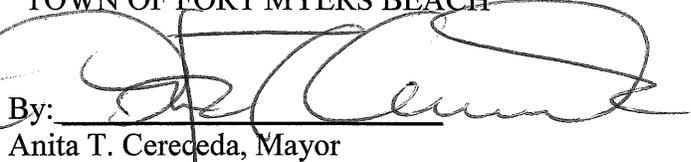
Anita T. Cereceda	<u>no</u>
Ted FitzSimons	<u>aye</u>
John Mulholland	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>no</u>

APPLICATION DULY ~~DENIED~~/GRANTED this 20 day of April, 1998.

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