

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 98- 32

WHEREAS, HIBISCUS POINTE CONDOMINIUM ASSOCIATION the property owner of the property described in the attached, petitioned for a variance of 5 parking spaces, from the required 354 to 349; 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.

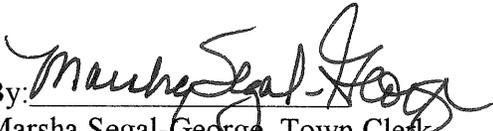
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

Anita T. Cereceda	<u>aye</u>
Daniel Hughes	<u>aye</u>
John Mulholland	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

APPLICATION DULY ~~DENIED~~/GRANTED this 14<sup>th</sup> day of December, 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

## HIBISCUS POINTE LEGAL DESCRIPTION

A parcel of land lying in Government Lot 2, Section 3, Township 47 South, Range 24 East, Estero Island, Lee County, Florida, being more particularly described as follows:

Commencing at the intersection of the South line of said Government Lot 2, and the easterly right-of-way line of State Road S-865, Estero Boulevard; thence leaving said easterly right-of-way line North 89° 11' 00" East along said South line a distance of 1169.13 feet; thence leaving said South line North 18° 30' 00" West 41.98 feet to an intersection with the northerly right-of-way line of Bay Beach Lane and the Point of Beginning of Parcel 12 herein being described;

thence leaving said northerly right-of-way line North 18° 30' 00" West along an easterly line of Royal Pelican Boating Association, a cooperative as recorded in Official Records Book 1863, pages 2747 through 2749, Public Records of Lee County, Florida, a distance of 1004.26 feet;

thence North 89° 11' 00" East 444.92 feet;  
thence South 19° 20' 00" East along a westerly line of lands as described in Official Records Book 1887, page 3431, Public Records of Lee County, Florida, a distance of 1009.05 feet to an intersection with the northerly right-of-way line of Bay Beach Lane;

thence South 89° 11' 00" West along said northerly right-of-way line a distance of 460.32 feet to the Point of Beginning of Parcel 12 herein described;

containing 9.94 acres of land more or less;  
subject to easements and restrictions of record.

RECEIVED

JUN 12 1998

PERMIT COUNTER

95-02-206.00 V 02.01