

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 00-06

WHEREAS, Island Cozy Cafe has requested that the Town approve a variance in the Commercial (C-1) District from the minimum required rear setback of 25 feet to 5 feet for an addition to the principal structure per LDC Section 34-1145; and,

WHEREAS, the subject property is located at 1021 Estero Blvd., Ft. Myers Beach, in S24-T46S-R23E, Lee County, FL.; and,

WHEREAS, the applicant has indicated the property's current STRAP number is: 24-46-23-W3-00208.0040; and,

WHEREAS, a public hearing was held before the LPA who 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.

Conditions

1. The variances is limited to the proposed structure as shown on the submitted site plan (Attachment B) which is attached hereto and incorporated herein by reference.
2. ~~The applicant must demonstrate reasonable exterior access from the rear of the building to the front of the building and the width of the required access corridor may not be less than 4.5 feet.~~

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

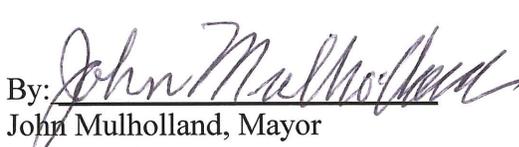
Anita T. Cereceda	aye
Daniel Hughes	absent
John Mulholland	aye
Garr Reynolds	nay
Ray Murphy	aye

APPLICATION DULY ~~DENIED~~/GRANTED this 10th day of January, 2000.

ATTEST:

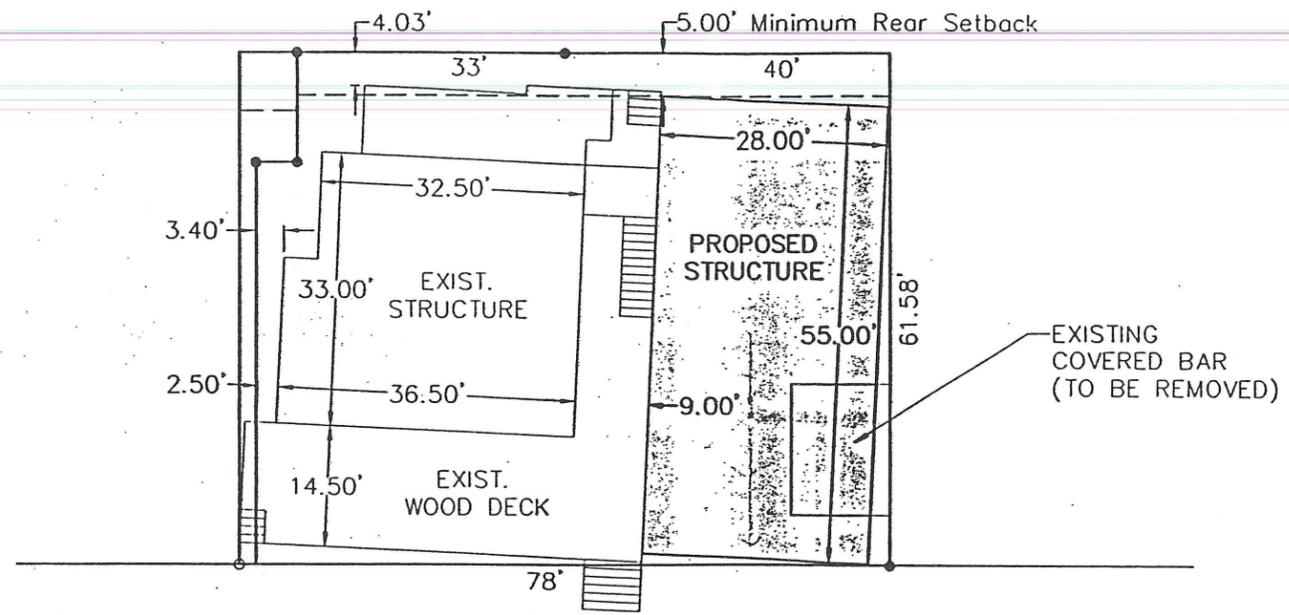
TOWN OF FORT MYERS BEACH

By: 
Marsha Segal-George, Town Clerk

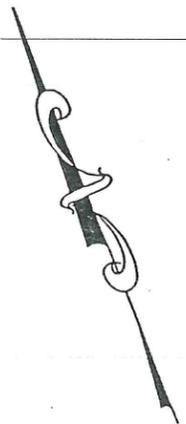
By: 
John Mulholland, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney



ESTERO BLVD. (50' R/W)



RECEIVED
OCT 06 1999
PERMIT COUNTER

PROJECT # YME 1999-00016
PROJECT TYPE 2

BUILDING SETBACKS
TIMES SQUARE DISTRICT

	Required	Proposed
Front =	0'	0'
Side =	0'	0'
Rear =	25'	5'

[Signature]
10/4/99

APPROVED
 Real Estate Surveying
 Construction Engineering
Land Investment Services, Inc.
 An Innovative Development Corporation
 2040 Clarke Avenue
 Ft. Myers, Fla. 33905
 Phone: (941)693-9244
 Facsimile: (941)693-9828
 CHARTERED
 FLORIDA L.A. #44643

COZY CAFE
FORT MYERS BEACH, FLORIDA
SITE PLAN

SCALE:
 1"=10'-0"
 DATE:
 SEPTEMBER 9, 1999
 SHEET
1
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