

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 01-11

WHEREAS, Robert and Linda Beasley have requested that the Town approve a variance in the (RS-1) district from LDC Section 34-2192 which requires a 25 foot setback from the street right-of-way to permit a street setback of 15 feet for an addition to a single family residence; and,

WHEREAS, the subject property is located at 390 Palermo Circle, Ft. Myers Beach, and the applicant has indicated the property's current STRAP number is: 19-46-24-W4-0060F.0150; and,

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) and they recommended that the Town Council approve the requested variance with the condition that the variance is limited to what has been requested in the Site Plan which is marked as Exhibit B of the Staff Report dated March 28, 2001 and which is attached hereto and incorporated herein by reference; 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 condition and requirement that is 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:

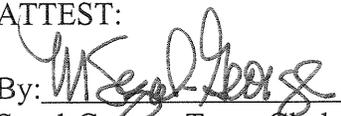
The variance is limited to what has been requested in the Site Plan which is marked as Exhibit B of the Staff Report dated March 28, 2001 and which is attached hereto and incorporated herein by reference

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

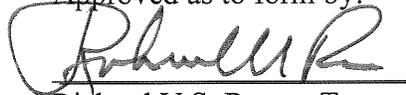
Daniel Hughes	<u>Yes</u>
Garr Reynolds	<u>Yes</u>
Ray Murphy	<u>Yes</u>
Terry Cain	<u>Yes</u>
Howard Rynearson	<u>Yes</u>

APPROVED this 14th day of May, 2001.

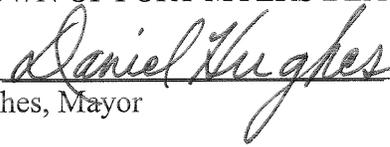
ATTEST:

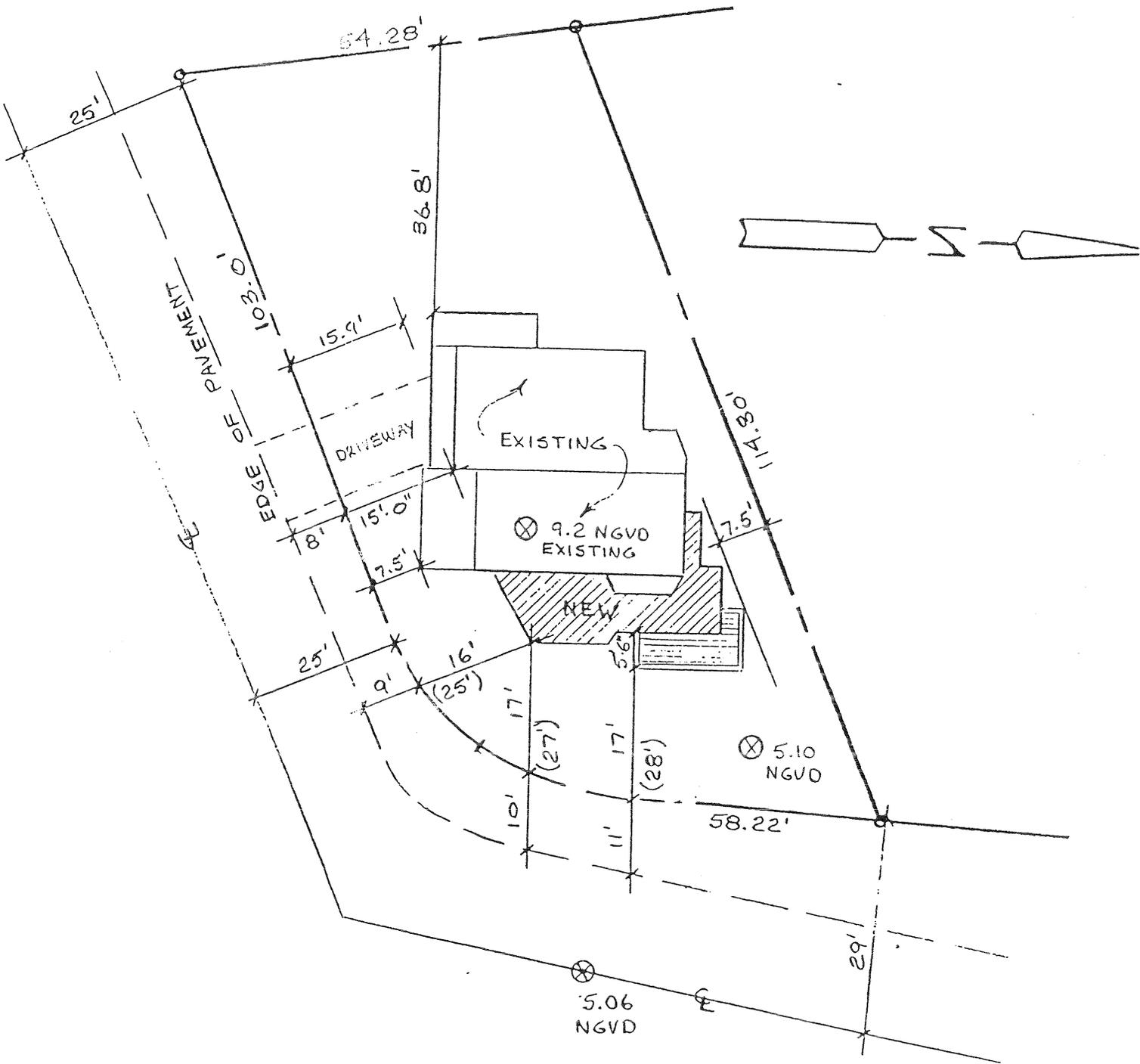
By:   
Segal-George, Town Clerk

Approved as to form by:

  
Richard V.S. Roosa, Town Attorney

TOWN OF FORT MYERS BEACH

By:  Marsha  
Daniel Hughes, Mayor



SITE PLAN

B

50. 1" = 20.0'