

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 01-33

WHEREAS, C. Alan Lindberg, the property owner petitioned for a variance of side setback from a 7.5 minimum side yard setback to allow a 4 foot 6 inch north side yard setback and a 4 foot 10 inch south side yard setback per LDC Section 34-695; lot coverage from 40% maximum lot coverage to allow 55% lot coverage per LDC Section 34-695; and street setback from 25 foot minimum street setback to allow a 6.5 foot street setback per LDC Sections 34-695 and 34-2192 (a); and,

WHEREAS, the subject property is located at 441 Harbor Court., 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-W3-0030B.0190; and,

WHEREAS, the LPA recommends that the Town Council approve variances for side setback and lot coverage and deny the variance for street setback. The approval is subject to the following conditions:

1. The variances are only for additions to an existing single-family residence in substantial compliance as shown on a Site Plan, First and Second Floor Plans and Elevation Drawings (5 pages total), submitted by the applicant, stamped "VAR2001-00023" and "Received April 16, 2001, Community Development", except as modified by denial of the garage addition street setback reduction shown as the request for variance.
2. No other building additions or increases to the size of the building may be located within the required setback areas.
3. If the building is voluntarily removed from the property, then any subsequent structure(s) must comply with LDC requirements; 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. The applicant withdrew the request for street setback from 25 foot minimum street setback to allow a 6.5 foot street setback per LDC Sections 34-695 and 34-2192 (a).

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 ~~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:

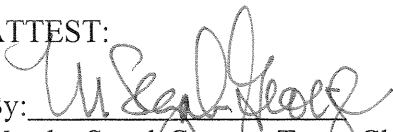
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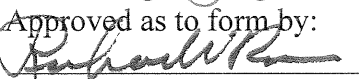
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

Daniel Hughes	aye
Garr Reynolds	aye
Ray Murphy	aye
Terry Cain	aye
Howard Rynearson	aye

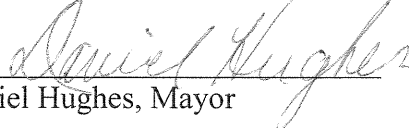
APPROVED this 15th day of October, 2001.

ATTEST:

By: 
Marsha Segal-George, Town Clerk

Approved as to form by:

Richard V.S. Roosa, Town Attorney

TOWN OF FORT MYERS BEACH

By: 
Daniel Hughes, Mayor