

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2001- 15

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT MYERS BEACH

WHEREAS, David Schilling in ref. To Lindberg Variance has requested that the Town approve 3 variances in the TFC-2 Residential Two-Family conservation District as follows; A] 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; B] from 40% maximum lot coverage to allow 55% lot coverage per LDC Section 34-695; C] 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, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on September 11, 2001, and,

WHEREAS, 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.

NOW, THEREFORE BE IT RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

That the LPA recommends that the Town Council approve variances A and B subject to the following conditions and deny variance C.

1. The variances (A & B) 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 variance request C.
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.

Pursuant to this recommendation, the LPA finds the following at to variance A and variance B;
Findings & Conclusions;

1. There are exceptional or extraordinary conditions or circumstances inherent to the property in question. The subject property is a small 5,000 square foot platted lot that is developed with a single-family residence. The lot contains a single-family residence which is smaller than residences on adjoining lots. The proposed bedroom and living room additions to the rear of the residence will not be closer to the rear of the lot than adjoining properties and will not result in greater lot coverage than other lots in the vicinity. The proposed additions will follow the side setback of the existing residence and will not result in the additions being located closer to the side property lines than the existing residence.
2. The exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance. The requested side yard setback reductions for the proposed building additions and increase in lot coverage will allow building additions comparable to those existing on adjoining and nearby lots.
3. The variance, if granted, is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property. The requested reductions to the side yard setbacks and increase in lot coverage for the building additions to the rear of the residence are compatible with setbacks on adjoining and nearby lots that have comparable building areas. The requested variances will allow additions to the existing residence that are comparable to those on many other properties in the area.
4. The granting of the variance would not be injurious to the neighborhood or otherwise detrimental to the public welfare. The proposed building additions are compatible with buildings existing on many other lots in the subdivision. The requested side yard setback reductions for the building additions follow the setback of the side walls of the existing residence and will not result in the additions being located closer to the side property lines

than the existing residence. The requested lot coverage increase will result in building size and area comparable to the existing residences on other lots in the vicinity.

5. 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 a general or recurrent nature so as to make it more reasonable and practical to amend the ordinance.

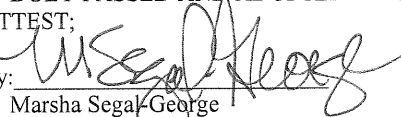
The foregoing Resolution was adopted by the LPA upon a motion by LPA Member Van Duzer and seconded by LPA Member Beasley, and upon being put to a vote, the result was as follows:

Jennifer Kaestner	yes
Dave Smith	absent
Betty Simpson	yes
Roxie Smith	yes
Bill Van Duzer	yes
Jodi Hester	yes
Linda Beasley	yes
Harold Huber	absent
Jane Plummer	yes

DULY PASSED AND ADOPTED THIS 11th day of September, 2001.

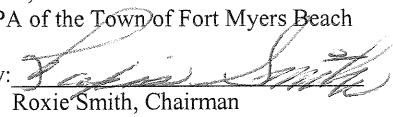
ATTEST;

By:


Marsha Segal-George
Secretary to the LPA

LPA of the Town of Fort Myers Beach

By:


Roxie Smith, Chairman