

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 02-38

WHEREAS, Ostego Bay Construction, Inc., petitioned for an appeal from the administrative action of the Building Official; and,
WHEREAS, The action was based upon application of Section 6-472(1) of the Town Land Development code; and,
WHEREAS, the error is identified as classifying cabanas as a residential accessory.
WHEREAS, the act by the administrative official was not pursuant to an order, resolution, or directive of the town council directing him to perform such act; or an ordinance or other regulation or provision in Town code which provides a different appellate procedure; and,
WHEREAS a hearing was held and the council considered the recommendations and testimony of the staff, testimony from the applicant and from the public as to the effect the ruling will have when applied generally to this code.

IT IS THE FINDING of this council that the following exist:

1. The appeal is of a nature properly brought for decision, as there is no established procedure for handling the request other than through the appeal process (i.e., a variance or special exception, etc.).

NOW THEREFORE BE IT RESOLVED THAT THE ADMINISTRATIVE OFFICIAL'S DECISION IS REVERSED as follows:

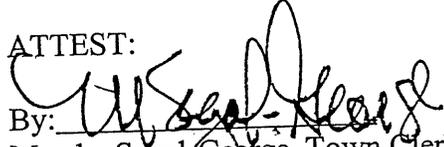
1. The proposed "Cabanas" qualify for dry floodproofing as "non-residential" structures.

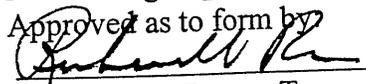
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

Howard Rynearson	<u>Aye</u>
Daniel Hughes	<u>Aye</u>
Bill Thomas	<u>Absent</u>
W. H. "Bill" Van Duzer	<u>Aye</u>
Terry Cain	<u>Aye</u>

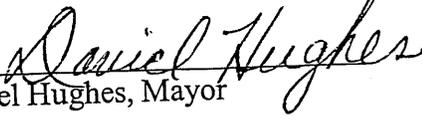
Adopted this 14th day of October, 2002.

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