

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2003- 13

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT
MYERS BEACH

WHEREAS, Raymon Alvarez has requested a variance in the RC (Residential Conservation) zoning district from LDC Table 34-3 from the required 25 foot waterbody setback from Ostego Bay to allow a waterbody setback of 16.5 feet to allow a screen porch to be built; and

WHEREAS, the subject property is located at 381 Palermo Circle, Ft. Myers Beach, in S19-T46S-R24E, Lee County, FL.; and

WHEREAS, the applicant has indicated the property's current STRAP number is: 19-46-24-W4-0060C.0040, and the legal description is as follows:
and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on June 3, 2003, 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 the Applicant's variance request subject to the following conditions;

1. The variance is limited to the proposed screen porch.
2. If the property is redeveloped this variance expires and any redevelopment must comply with then current requirements of the LDC.

Pursuant to the recommendation for approval of the Applicant's variance request, the LPA finds the following;

Findings & Conclusions;

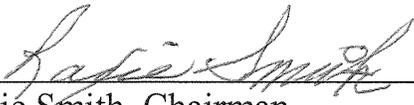
1. There are exceptional or extraordinary conditions or circumstances inherent to the property in question. The platted portion of the subject property extends approximately 10 feet +/- into Ostego Bay on the east property line and approximately 18 feet +/- into Ostego Bay on the west property line. The seawall on the subject property runs southwesterly and westerly from the east property line to the west property line. The fact that the seawall was not built in a straight line creates an extraordinary circumstance on the subject property. If the seawall were to follow the property line, which is common practice, the variance would not be necessary. Due to the location of the existing home on the east side of the subject property, the addition must be built on the western side of the home. In order to keep the addition consistent with the existing home and meet the side and street setbacks, the proposed screen porch will encroach on the waterbody setback. The extraordinary circumstances result from the manner in which the property was platted, the manner in which the seawall was constructed and the location of the existing home on the subject property.
2. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The proposed screen porch is going to maintain the same line as the existing screen porch. The proposed screen porch will not obstruct the view of any surrounding property owners because it will be connected to the addition to the living space of the house as depicted in the attached Exhibit "B". The addition to the house is on the west side of the property with the screen porch being on the bay side of the addition. The property to the east side of the subject property is developed with a single-family residence. There will not be any construction on this side of the property so there will be no impacts to the existing home on this lot.
3. 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 regulation in question because there are not many vacant lots left in this subdivision and

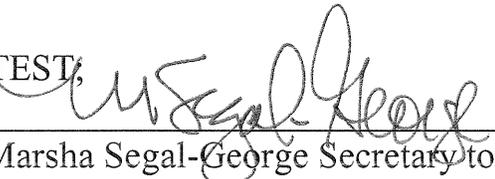
- this lot is unique because the seawall was constructed at an angle and the location of the existing structure provides a limited area.
4. The exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation in question because the seawall was constructed in the 70's and the seawall was not constructed along the platted lot line.
 5. The variance, if granted, is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulations in question to his property because the variance is for a small screen porch (approximately 150.00 square feet) that will be an extension of an existing screen porch. The proposed screen porch will also connect to the addition on the house.

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

Anita Cereceda	yes
Jessica Titus	yes
Betty Simpson	yes
Roxie Smith	yes
Jodi Hester	yes
Hank Zuba	absent
Nancy Mulholland	absent
Harold Huber	yes
Jane Plummer	yes

DULY PASSED AND ADOPTED THIS 3rd day of June, 2003.
LPA of the Town of Fort Myers Beach

By: 
Roxie Smith, Chairman

ATTEST:
By: 
Marsha Segal-George Secretary to the LPA

PROPOSED 62.5' WIDE LOT

12.5

SEAWALL
PAVERS

16.5'

PROPOSED POOL

OPEN DECK
(EXISTING)

Proposed
Deck

SCREENED PORCH
(NEW)

SCREENED PORCH
(EXISTING)

PROPOSED ADDITION

EXISTING SINGLE
FAMILY RESIDENCE

PROPOSED SETBACK

EXISTING PROPERTY LINE

EXHIBIT B

