

RESOLUTION OF THE LOCAL PLANNING AGENCY OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 2003- 15

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT  
MYERS BEACH

WHEREAS, Jason Lucas has requested 3 variances in the RC (Residential Conservation) zoning district from LDC Table 34-3. The 1<sup>st</sup> variance request is from the minimum side non-waterfront lot setback of 7.5 feet to allow a side non-waterfront lot setback of 1 foot on the north lot line to an existing deck. The 2<sup>nd</sup> variance request is from the minimum side non-waterfront lot setback of 7.5 feet to allow a side non-waterfront lot setback of 2 feet on the south lot line to an existing deck. The 3<sup>rd</sup> variance request is from the minimum rear setback of 20 feet to allow a rear setback of 1 foot to an existing deck.; and

WHEREAS, the subject property is located at 216 Miramar Street, Ft. Myers Beach, in S19-T46S-R24, Lee County, FL.; and

WHEREAS, the applicant has indicated the property's current STRAP number is: 19-46-24-W4-0080A.0160, and the legal description is as follows:

LOT 16, BLOCK "A", OF MIRAMAR, A SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF, ON FILE AND RECORDED IN PLAT BOOK 6, AT PAGE 31, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on September 9, 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 deny the 3 requested variances even though the LPA acknowledges that exceptional or extraordinary circumstances are present in this case.

Pursuant to the recommendation for denial 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.
2. The granting of the variance will be injurious to the neighborhood or otherwise detrimental to the public welfare.
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 of a general or recurrent nature so as to make it more reasonable and practical to amend the regulation in question.
4. The exceptional or extraordinary conditions or circumstances are the result of actions of the applicant taken subsequent to the adoption of the regulation in question.
5. The variance, if granted, is not the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulations in question to this property.

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

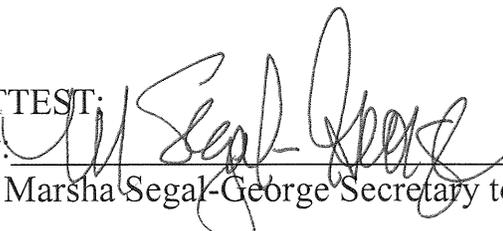
Anita Cereceda	yes
Jessica Titus	absent
Betty Simpson	yes
Roxie Smith	yes
Jodi Hester	absent
Hank Zuba	yes
Nancy Mulholland	yes
Harold Huber	no
Jane Plummer	no

DULY PASSED AND ADOPTED THIS 9th day of September, 2003.  
LPA of the Town of Fort Myers Beach

By:   
Roxie Smith, Chairman

ATTEST:

By:

  
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Marsha Segal-George Secretary to the LPA