

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2003- 16

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT
MYERS BEACH

WHEREAS, RFN, Inc. in ref. to the Beach Connection has requested a variance in the Downtown District from the 10 foot rear setback requirement to allow a 5 foot rear setback per LDC, Section 34-674(b)(1)a.1.; and

WHEREAS, the subject property is located at 1018 Fifth Street, 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-W3-00208.0100, and the legal description is as follows:

LOT 10, BLOCK 8, BUSINESS CENTER PLAT BOOK 9, PAGE 9 ,
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 requested rear setback variance.

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

Findings & Conclusions;

1. There are no 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 Huber and seconded by LPA Member Mulholland, 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	yes
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: 
Marsha Segal-George Secretary to the LPA