

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 03-10

WHEREAS, the property owner John Richard, petitioned for an appeal from administrative action of the Division of Development Services, Application ADM2002-00017 on property located at 237, 239, 245 & 309 Old San Carlos Blvd., in S24-T46S-R23E, Lee County, FL.; and,

WHEREAS, The action was based upon application of Section 34-380 of the Town Land Development code; and,

WHEREAS, the error is identified as: Applicant contends that the requested administrative approval does not increase intensity or density and meets the criteria in LDC 34-380 and thus should have been approved.

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 following criteria, 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.)
2. The administrative official ~~followed~~ / did not follow the intent of the ordinance which is being applied or interpreted.

NOW THEREFORE BE IT RESOLVED THAT THE ADMINISTRATIVE OFFICIAL'S DECISION IS ~~REVERSED, AFFIRMED, OR MODIFIED~~ as follows:
The structure is included in the master concept plan and complies with the required design elements. The council supports the new Phase 1-A and would like to see approval move forward as rapidly as possible. This action is directed back to the staff to issue administrative approval subject to all conditions as presented by staff with the exception of the dry flood proofing; however, any new construction shall comply with applicable code provisions. This matter should be treated in an expeditious manner

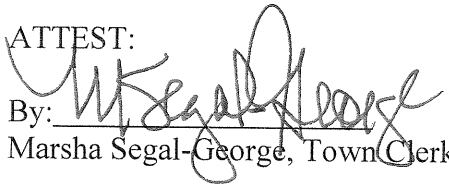
The foregoing resolution was adopted by the Fort Myers Beach Town Council

upon being put to a vote, the result was as follows:

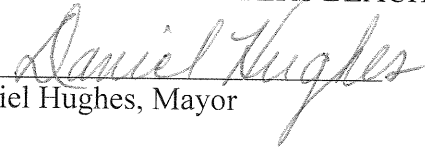
| | |
|------------------------|-----|
| Howard Rynearson | aye |
| Daniel Hughes | aye |
| Bill Thomas | aye |
| W. H. "Bill" Van Duzer | aye |
| Terry Cain | aye |

APPROVED this 14th day of April, 2003.

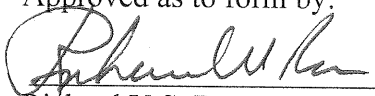
ATTEST:

By: 
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH

By: 
Daniel Hughes, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney