

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 03- 15

WHEREAS, Michael McGuigan, the property owner petitioned for a variance in the RC-Residential Conservation zoning district to allow an addition of a 5-foot front deck to a single-family residence with a 4.5-foot side setback on the south side rather than the required minimum 7.0-foot side setback for a waterfront lot per Table 34-3 "Dimensional Regulations in conventional Zoning Districts", LDC; and,

WHEREAS, the subject property is located at 247 Palermo Circle, Ft. Myers Beach, and the applicant has indicated the property's STRAP number is: 19-46-24-W4-0060G.0070, and the legal description is as follows:

LOT 7, BLOCK 'G', VENETIAN GARDENS SUBDIVISION, PLAT BOOK 6,
PAGE 70, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; and,

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on April 8, 2003, and the LPA recommended that the Town Council deny the Applicant's variance request.

WHEREAS a hearing was held and the council considered the following criteria, recommendations and testimony of the staff, recommendations of the local planning agency, testimony from the applicant and from the public.

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

- a. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question;
- b. That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken after to the adoption of the regulation in question;
- c. That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property;
- d. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
- e. That 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 so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

NOW THEREFORE BE IT RESOLVED THAT THE VARIANCE IS APPROVED SUBJECT TO THE FOLLOWING conditions and requirements that are necessary for the protection of the health, safety, comfort, convenience and welfare of the general public and that are reasonably related to the variance requested:

1. The 4.5 foot side setback is limited to a front deck, 5 foot wide and not to be enclosed.
2. If the property is redeveloped this variance expires and any redevelopment must comply with the then current requirements of the LDC.

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>absent</u>
Daniel Hughes	<u>aye</u>
Bill Thomas	<u>aye</u>
W. H. "Bill" Van Duzer	<u>aye</u>
Terry Cain	<u>aye</u>

APPROVED this 19th day of May, 2003.

ATTEST:

By: Marsha Segal-George
Marsha Segal-George, Town Clerk

Approved as to form by:

Richard V.S. Roosa
Richard V.S. Roosa, Town Attorney

TOWN OF FORT MYERS BEACH

By: Daniel Hughes
Daniel Hughes, Mayor