

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 03- 17

WHEREAS, Sandra S. Suter has requested 2 variances in the RC (Residential Conservation) zoning district from the Fort Myers Beach LDC Table 34-3. The first request is from the minimum side-waterfront lot setback of 7 feet to allow a side-waterfront lot setback of 5.5 feet to allow a portion of the staircase leading to the main living level to be built and the second request is from the required 25 foot waterbody setback from Canal Grande to allow a waterbody setback of 7.5 feet to allow a single family residence to be built; and,

WHEREAS, the subject property is located at 301 Palermo Circle, Ft. Myers Beach; and,

WHEREAS, the applicant has indicated the property's current STRAP number is: 19-46-24-W4-0060C.0120, and the legal description is as follows:

Lot 12, Block C, Venetian Gardens Subdivision, According to The Plat Thereof, as Recorded in Plat Book 6, Page 70, of The Public Records of Lee County, Florida; and,

WHEREAS, a public hearing was held before the Local Planning Agency who recommended that the Town Council deny both of the Applicant's variance requests.

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.

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 5.5 foot side setback variance for the stair case is not required as it meets the code requirements for non-conforming lots, Sec. 34-3273.
2. The west side shall have a 7.5 foot waterbody set back limited to the elevated open deck and porch area which cannot be enclosed for use as living space and 15 foot set back for the enclosed structure.
3. Prior to the issuance of a building permit, the vacated alleyway must be dedicated as an ingress/egress easement to Lots 9, 10, 11 and 12 of Block C and to Lot 1 of Block G.

The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

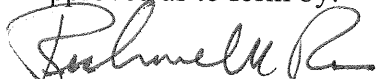
Howard Rynearson	<u>aye</u>
Daniel Hughes	<u>aye</u>
Bill Thomas	<u>aye</u>
W. H. "Bill" Van Duzer	<u>aye</u>
Terry Cain	<u>aye</u>

APPROVED this 12th day of May, 2003.

ATTEST:

By: 
Marsha Segal-George, Town Clerk

Approved as to form by:


Richard V.S. Roosa, Town Attorney

TOWN OF FORT MYERS BEACH

By: 
Daniel Hughes, Mayor