

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 03- 18

WHEREAS, the property owner Walter G. Eissler, petitioned for an appeal from administrative action of the Division of Development Services, of rejection of Residential Building Permit #RES2002-05681 on property located at 5380 Palmetto St. (S. on Estero Blvd. to Dakota, left on Dakota to Palmetto then left on Palmetto) in S36-T46S-24E, Fort Myers Beach, Lee County, FL.; and,

WHEREAS, The action was based upon application of Town of Fort Myers Beach Land Development Code (LDC) Section 34-631. Building Heights and Figure 34-1 Residential Building.; and,

WHEREAS, the error is identified as: Applicant contends that the "roof deck does not constitute a fourth story because it does not meet any of the requirements to be deemed a story" and cites definition in the Florida Building Code 2001 edition, section 202 as the basis that this is not a story.

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 the intent of the ordinance which is being applied or interpreted.

NOW THEREFORE BE IT RESOLVED THAT THE ADMINISTRATIVE
OFFICIAL'S DECISION IS AFFIRMED:

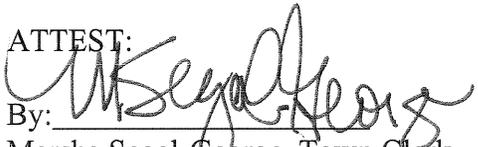
The foregoing resolution was adopted by the Fort Myers Beach Town Council

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

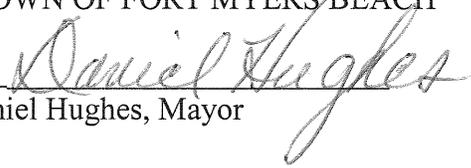
Howard Rynearson	<u>aye</u>
Daniel Hughes	<u>aye</u>
Bill Thomas	<u>aye</u>
W. H. "Bill" Van Duzer	<u>nay</u>
Terry Cain	<u>aye</u>

APPROVED this 12th day of May, 2003.

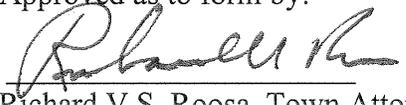
ATTEST:

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