

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 03- 24

WHEREAS, Raymon Alvarez the property owner petitioned for a variance in the RC (Residential Conservation) zoning district from LDC Table 34-3 from the required 25 foot waterbody setback from Ostego Bay to allow a waterbody setback of 16.5 feet to allow a screen porch to be built; and,

WHEREAS, the subject property is located at 381 Palermo Circle, Ft. Myers Beach, and the applicant has indicated the property's current STRAP number is: 19-46-24-W4-0060C.0040; and the legal description is as follows:

LOT 4 AND THE EAST 12.5 FEET OF LOT 5, BLOCK C, VENETIAN GARDENS,
ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK
6, PAGE 70, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

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 and recommended that the Town Council approve the Applicant's variance request subject to the following conditions;

1. The variance is limited to the proposed screen porch.
2. If the property is redeveloped this variance expires and any redevelopment must comply with then current requirements of the LDC.

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:

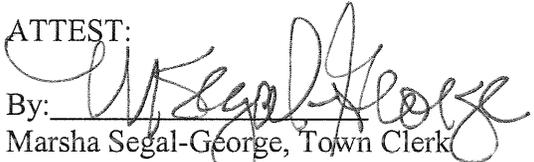
1. The variance is limited to the proposed screen porch.
2. If the property is redeveloped this variance expires and any redevelopment must comply with then current requirements of the LDC.

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

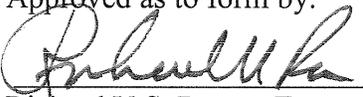
Howard Rynearson	aye
Daniel Hughes	aye
Bill Thomas	aye
W. H. "Bill" Van Duzer	abstained
Terry Cain	aye

APPROVED this 30th day of June, 2003.

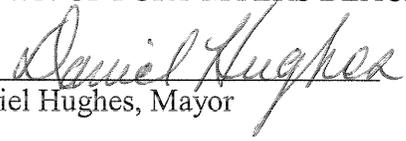
ATTEST:

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