

RESOLUTION OF THE LOCAL PLANNING AGENCY OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 2005-03

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT MYERS BEACH

WHEREAS, David Parilla has requested 2 variances in the Santos Zoning district to allow a 7-foot side waterbody setback from the small canal encroachment on the western portion of the property where Table 34-3 of the LDC requires a 25-foot water body setback and to allow a 18.3-foot rear waterbody setback from Rio Del Lido Canal, where Table 34-3 of the LDC requires a 25-foot waterbody setback, for a 300 +/- square-foot addition; and

WHEREAS, the subject property is located at 1335 Santos, Ft. Myers Beach, in S19-T46S-R24E, Lee County, FL.; and

WHEREAS, the applicant has indicated the property's current STRAP number is: 19-46-24-W4-0060A.0350 and the legal description attached as Exhibit A is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on April 12, 2005, and,

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.

NOW, THEREFORE BE IT RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

That the LPA recommends that the Town Council approve both requested variances for the 7-foot side waterbody setback and the requested 18.3-foot rear waterbody setback subject to the 2 Conditions listed on Pages 1 & 2, which are modified to equally apply to the rear waterbody setback, of the Staff Report dated March 31, 2005 and which is attached hereto and incorporated herein by reference.

Pursuant to the recommendation of approval of the Applicant's variance requests, the LPA finds the following;

Findings & Conclusions;

1. There are limited extraordinary conditions inherent to the property in question due to the encroachment of the small portion of the canal along the western portion of the subject property and also inherent to the property in relation to the requested rear waterbody setback variance.
2. The location of the small canal along the western portion of the property and the situation with the rear waterbody variance, both of which create extraordinary conditions are not the result of actions of the applicant taken after the adoption of the regulation in question.

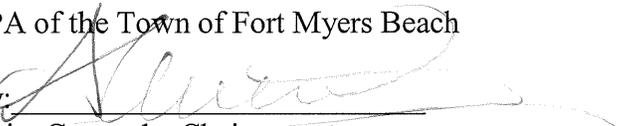
3. The variances, as conditioned, are the minimum variances that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.
4. The granting of the side and rear waterbody setback variances, as conditioned, will not be injurious to the neighborhood or otherwise detrimental to the public welfare. .
5. The conditions for which the side and rear waterbody setback variances are sought, as conditioned, are not of a general or recurrent nature so as to make it more reasonable and practical to amend the regulation in question.

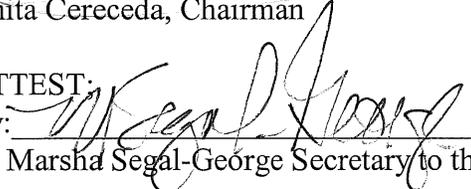
6.

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member Cereceda and seconded by LPA member Plummer, and upon being put to a vote, the result was as follows:

Anita Cereceda	yes
Jessica Titus	yes
Betty Simpson	yes
Robert Simon	yes
Jodi Hester	absent
Hank Zuba	absent
Harold Huber	yes
Jane Plummer	yes
Bob Raymond	yes

DULY PASSED AND ADOPTED THIS 12th day of April, 2005.  
LPA of the Town of Fort Myers Beach

By:   
Anita Cereceda, Chairman

ATTEST:  
By:   
Marsha Segal-George Secretary to the LPA