

RESOLUTION OF THE LOCAL PLANNING AGENCY OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 2005-10

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT MYERS BEACH

WHEREAS, James and Joy Williamson have requested a variance in the Residential Single-Family (RS) district to allow a 18 foot street setback for stairs where 25 feet is the minimum street setback required, per LDC Table 34-3; and

WHEREAS, the subject property is located at 8150 Estero Blvd., Ft. Myers Beach, in S03-T47S-R24E, Lee County, FL.; and

WHEREAS, the applicant has indicated the property's current STRAP number is: 03-47-24-W3-00300.0190 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 November 15, 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 deny the requested variance for the 18 foot street setback for stairs.

Pursuant to the recommendation of denial of the Applicant's variance request , the LPA finds the following;

Findings & Conclusions;

1. There are no extraordinary conditions inherent to the property in question. Other nearby similarly sized and shaped lots along the same street have complied with property development regulations.
2. The exceptional or extraordinary conditions or circumstances are the result of actions of the applicant taken subsequent to the adoption of the ordinance. The applicant does not desire to place the stairs elsewhere on the property thus creating an illegal setback.
3. The variance is not the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property. The applicant could have designed the dwelling unit and stairway to comply with all setbacks.
4. The granting of the variances will be injurious to the neighborhood or otherwise detrimental to the public welfare. No other variances from the required street setback have been approved on other lots in the vicinity. The request is not typical of the community.

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5. The conditions or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is of a general or recurrent nature so as to make it more reasonable and practical to amend the ordinance. Approval of the requested reduction in the setback may encourage requests for setback reductions in the area.

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

Anita Cereceda	yes
Jessica Titus	absent
Betty Simpson	yes
Robert Simon	absent
Jodi Hester	yes
Jane Plummer	no
Bob Raymond	yes

DULY PASSED AND ADOPTED THIS 15th day of November, 2005.  
LPA of the Town of Fort Myers Beach

By: 

Anita Cereceda, Chairman

ATTEST:

By: 

Marsha Segal-George Secretary to the LPA