

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 2012-011
VAR2012-0003 - Matanzas Inn Sign Variance

WHEREAS, applicant Estero Bay Hotel Company is requesting a variance from Section 30-153(b)(1) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP number for the subject property is 19-46-24-W4.0150E.0210 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property is located at 414/416 Crescent Street Fort Myers Beach, FL 33931, zoned Commercial Planned Development on the Official Zoning Map and the Pedestrian Commercial platted overlay category of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on August 14, 2012; and

WHEREAS, at the hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-87.

IT IS HEREBY RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application and the standards for granting variances, the LPA recommends the following findings of fact, conditions for approval, and conclusions for consideration by the Town Council:

The LPA recommends that the Town Council **APPROVE** a variance from Section 30-153(b)(1) of the LDC to allow the total permitted sign area for the property to exceed the maximum area permitted by eighteen (18) square feet.

RECOMMENDED FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the LPA recommends that the Town Council make the following findings and reach the following conclusions:

- A. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, **and** the request **is** for a de minimis variance to protect public safety by not obstructing access to public utilities and fire protection facilities.

B. The conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question.

C. The variance granted **is** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

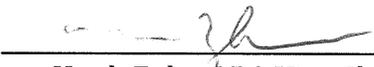
D. The granting of the variance **will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.

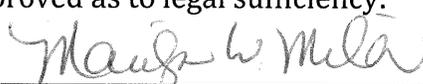
E. The conditions or circumstances on the specific piece of property for which the variance is sought **are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

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

Joanne Shamp, Chair	excused	Dan Andre, Member	NAY
Al Durrett, Member	AYE	John Kakatsch, Member	AYE
Jane Plummer, Member	AYE	Alan Smith, Member	AYE
Hank Zuba, Member	NAY		

DULY PASSED AND ADOPTED THIS 14th day of AUGUST, 2012.

By: 
Hank Zuba, LPA Vice Chair

Approved as to legal sufficiency:
By: 
Fowler, White, Boggs
LPA Attorney

ATTEST:
By: 
Michelle Mayher
Town Clerk



EXHIBIT A
Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard, Suite 1
Fort Myers, Florida 33919-5910
email - fmooffice@bwlk.net
(Ph) 941-481-1331 (Fax) 941-481-1073

Description of a Parcel of Land
Lying in
Section 24, Township 46 South, Range 23 East
and
Section 19, Township 46 South, Range 24 East
Lee County, Florida
(Motel and Restaurant Site)

A tract or parcel of land situated in the State of Florida, County of Lee, lying on Estero Island, being a part of Section 24, Township 46 South, Range 23 East and Section 19, Township 46 South, Range 24 East and further described as follows:

Commencing at the southwest corner of Lot 20, Block E, Crescent Park Addition as recorded in Plat Book 4 at Page 46, Public Records of Lee County, Florida; thence N00°43'09"W along the westerly line of said Lot 20 for 30.00 feet; thence N89°16'51"E for 11.60 feet to the easterly line of a right-of-way taking parcel per Settlement Case 93-203-CA-RWP (Parcel No. 19) and the Point of Beginning; thence N02°09'14"W along said taking parcel for 124.21 feet; thence N05°46'55"W along said easterly line for 96.21 feet to the northwest corner of Lot 24, Block E of said Crescent Park Addition; thence N00°43'09"W along the easterly line of Crescent Street (25 feet wide) and along the range line between said Sections 24 and 19 for 158.83 feet to an intersection of said easterly line with the northeasterly line of First Street (50.00 feet wide); thence N64°00'09"W along said northeasterly line for 18.87 feet to a point on a curve concave to the northwest having a radius of 2904.79 feet and to which point a radial line bears S71°26'08.3"E; thence northeasterly along said curve and the southeasterly line of State Road #865 through a central angle of 02°17'53.8" for 116.52 feet to a PK nail with brass disk stamped LB4919 in a concrete seawall along the waters of Matanzas Pass; thence S70°18'52"E along said waters and seawall for 82.79 feet to the beginning of a curve in said seawall, said curve being described with the following chord bearings and distances; thence S59°52'04"E for 13.95 feet; thence S47°54'41"E for 10.35 feet; thence S36°30'10"E for 10.02 feet; thence S25°39'44"E for 10.08 feet; thence S14°17'28"E for 10.56 feet; thence S07°08'02"E for 10.56 feet to the end of said curve; thence S00°20'42"E along said waters and said seawall for 55.38 feet to a steel pin in said seawall; thence S83°09'31"E for 2.71 feet to the west line of a canal (60 foot right-of-way) as shown on the record plat of said Crescent Park Addition; thence S00°43'09"E along the westerly line of said platted canal for 361.22 feet to an intersection with a line perpendicular to said east line of said Crescent Street passing through the Point of Beginning; thence deflect 90° to the left and run S89°16'51"W perpendicular to said east line of said Crescent Street for 121.07 feet to the Point of Beginning.

Containing 1.41 acres (61,400 square feet), more or less.

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Continued...

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PRINCIPALS:
WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

PERMIT COUNCIL SURVEYORS AND MAPPERS - PLANNERS
CONSULTING ENGINEERS

ASSOCIATES:
CHARLES D. KNIGHT, PSM
ELWOOD FINERFIELD, PSM
TRACY N. BEAN, AICP
PAUL T. POKORNY, PE



DCT 2001-00067

Bean, Whitaker, Lutz & Kareh, Inc.

Description of a Parcel of Land
Lying in
Section 24, Township 46 South, Range 23 East
and
Section 19, Township 46 South, Range 24 East
Lee County, Florida
(Motel and Restaurant Site)
- Continued -

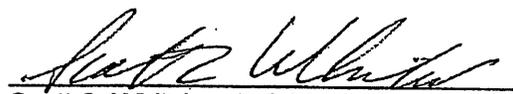
Bearings are based on the easterly right-of-way line of Crescent Street as bearing N00°43'09"W relative to the Florida Department of Transportation Right-of-Way Maps (Section 12530-2614).

Subject to easements, restrictions, reservations and rights of way (recorded and unrecorded, written and unwritten).

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

28958DESC4

4/11/02


Scott C. Whitaker, P.S.M. 4324

Applicant's Legal Checked
by Jm 5/30/03

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MAY 11 2002

PERMIT COUNTER

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Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard, Suite 1
Fort Myers, Florida 33919-5910
email - fmoffice@bwlk.net
(Ph) 941-481-1331 (Fax) 941-481-1073

Description of a Parcel of Land Lying in Section 24, Township 46 South, Range 23 East Town of Fort Myers Beach, Lee County, Florida (Parcel B)

A parcel of land situated in the State of Florida, County of Lee, Town of Fort Myers Beach, being all of Lots 1, 2, 3, 4, 5 and 19, Block 2, Business Center, a subdivision recorded in Plat Book 9 at Pages 9 and 10 and further described as follows:

Beginning at the northwest corner of Lot 1, Block 2 of said subdivision, the same being the intersection of the southerly right-of-way line of Second Street (50 feet wide) and the easterly right-of-way line of San Carlos Boulevard (33 feet from the centerline); thence S64°00'09"E along the southerly right-of-way line of said Second Street for 120.00 feet to the northeast corner of Lot 19, Block 2 of said subdivision; thence S25°59'51"W for 153.80 feet to the southeast corner of Lot 5, Block 2 of said subdivision and the northerly right-of-way line of Third Street (50 feet wide); thence N64°00'09"W along said northerly right-of-way line for 120.00 feet to the southwest corner of Lot 4, Block 2 of said subdivision, the same being the intersection of the northerly right-of-way line of said Third Street and the easterly right-of-way line of said San Carlos Boulevard; thence N25°59'51"E along the easterly right-of-way line of said San Carlos Boulevard for 153.80 feet to the Point of Beginning.

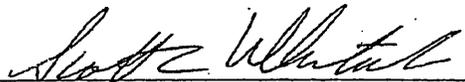
Containing 18,456 square feet, more or less.

Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

Bearings are based on the easterly right-of-way line of San Carlos Boulevard as bearing N25°59'51"E.

Applicant's Legal Checked
by Jan 5/30/03

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)


Scott C. Whitaker, P.S.M. 4324

28958DESC1 10/8/01

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PRINCIPALS:
WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCÉ, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:
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Description of a Parcel of Land Lying in Section 24, Township 46 South, Range 23 East Town of Fort Myers Beach, Lee County, Florida (Parcel C)

A parcel of land situated in the State of Florida, County of Lee, Town of Fort Myers Beach, Section 24, Township 46 South, Range 23 East and further described as follows:

Lots 13 and 14, Block 2, Business Center according to the map or plat thereof as recorded in Plat Book 9, Pages 9 and 10, Public Records of Lee County, Florida.

Less and Except:

Part of Lot 13, Block 2, Business Center, a Subdivision in Section 24, Township 46 South, Range 23 East, as shown on the plat recorded in Plat Book 9, Pages 9 and 10 of the Public Records of Lee County, Florida, more particularly described as follows:

Beginning at the northeast corner of said Lot 13; thence run S00°43'09"E along the east line of said Lot 13 for 82.62 feet (82.59 record) to the southeast corner of said Lot 13; thence run N64°00'09"W along the south line of said Lot 13 for 6.15 feet; thence run N02°09'05"W for 78.56 (78.52 record) feet; thence run N34°44'19"W for 9.27 feet to the northerly line of said Lot 13; thence run S64°00'09"E along said northerly line for 14.16 feet to the Point of Beginning.

Said excepted parcel having been conveyed to Lee County by instrument recorded in Official Record Book 2311, Page 2801, Public Records of Lee County, Florida.

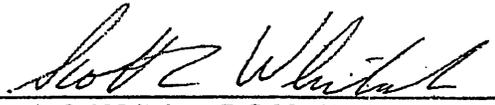
Remaining parcel containing 0.13 acres, more or less.

Bearings are based on the easterly right-of-way line of Crescent Street as bearing N00°43'09"W relative to the Florida Department of Transportation Right-of-Way Maps (Section 12530-2614).

Subject to easements, restrictions, reservations and rights of way (recorded and unrecorded, written and unwritten).

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Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)


Scott C. Whitaker, P.S.M. 4324

28958DESC1

PERMIT COUNTER
4/11/02

Applicant's Legal Checked
by gm 5/30/03

page 4 of 6

PRINCIPALS:

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DMT 2001-000069



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Description of a Parcel of Land
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Section 24, Township 46 South, Range 23 East
Town of Fort Myers Beach, Lee County, Florida
(Parcel D)

A parcel of land situated in the State of Florida, County of Lee, Town of Fort Myers Beach, Section 24, Township 46 South, Range 23 East and further described as follows:

Commencing at the northwesterly corner of Lot 25, Block E, Crescent Park Addition, according to a plat or map thereof recorded in Plat Book 4 at Page 46 of the Public Records of Lee County, Florida, said point being on the east line of said Section 24, run northwesterly at an angle of 63°16'50" north to northwest with said section line for 27.99 feet to the northeasterly corner of lands described in Deed Book 262 at Page 191 of the Public Records of Lee County and to the Point of Beginning; thence run N64°00'09"W along the northwesterly line of said lands described in said Deed Book 262 at Page 191 along with the southwesterly line of First Street described in Deed Book 191 at Page 274 of said Public Records for 9.97 feet to an intersection with the easterly right-of-way line for Matanzas Pass Bridge recorded in Official Record Book 1167, Page 1576, Lee County Public Records; thence run along said easterly right-of-way line along the arc of a curve to the right having a radius of 2904.79 feet, said curve having a central angle of 01°58'53", a chord and chord bearing of S20°32'55"W, 100.45 feet; thence run along the arc of said curve for 100.46 feet to the north line of Lot 6, Block 1, Business Center as recorded in Plat Book 9 at Pages 9 and 10, Public Records; thence run S64°00'09"E for 50.76 feet to an intersection with the westerly right-of-way line of Crescent Street; thence run N00°43'09"W along said westerly right-of-way line for 111.95 feet to the Point of Beginning.

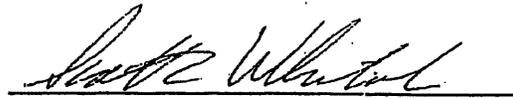
Parcel contains 0.07 acres, more or less.

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Scott C. Whitaker, P.S.M. 4324

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Applicant's Legal Checked
by Jm 5/30/03

page 5 of 5

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