

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 2012-019

WHEREAS, applicant Robert Moore has requested a Variance in the RC zoning district from LDC Table 34-3 to allow a 20-foot street setback where 25 feet is otherwise required for the construction of a foyer/entryway; and

WHEREAS, the subject property is located at 195 Pearl Street, Fort Myers Beach, FL 33931; and

WHEREAS, the applicant has indicated that the STRAP for the subject property is 19-46-24-W4-00426.0000 and the legal description of the subject property is From the Southwest corner of Lot 19 of T.P. HILLS SUBDIVISION, according to the map or plat thereof on file and recorded in Plat Book 3, Page 84, Public Records of Lee County, Florida, run North 590.65 feet to the point of beginning; thence North 50 feet; thence East 80.88 feet; thence South 50 feet; thence West 80.88 feet to the point of beginning. Same being also known as Lot 1, Block N of C.L. YENT'S SUBDIVISION, unrecorded; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on December 11, 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** the applicant's request for a variance in the RC zoning district from LDC Table 34-3 to allow a 20 foot setback where 25 feet is otherwise required for the construction of a foyer/entryway, with such approval/denial subject to the following conditions:

RECOMMENDED CONDITIONS OF APPROVAL:

1. That the request be approved only for the 5'6" by 8'6" foyer as shown on the applicant's site plan.
2. If the structure is removed for any reason, the property must be rebuilt in accordance with all applicable provisions of the Land Development Code for setbacks and Base Flood Elevation requirements.
3. The structure shall only be used as a single-family residence.

RECOMMENDED FINDINGS AND CONCLUSIONS:

LDC Sec. 34-87 sets forth the required findings and conclusions for the approval of a variance:

- a. That there **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request **is** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- b. That the conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question.
- c. That the variance granted **is** the minimum variance that will relieve that 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 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.

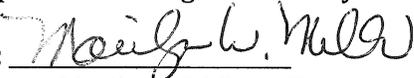
The foregoing Resolution was adopted by the LPA upon a motion by LPA Member Kakatsch and seconded by LPA Member Shamp, and upon being put to a vote, the result was as follows:

Hank Zuba, Chair	AYE	Joanne Shamp, Vice Chair	AYE
Al Durrett, Member	AYE	John Kakatsch, Member	AYE
Jane Plummer, Member	AYE	Alan Smith, Member	AYE
Jim Steele, Member	AYE		

DULY PASSED AND ADOPTED THIS 11th day of December, 2012.

By: 
Hank Zuba, LPA Chair

Approved as to legal sufficiency:

By: 
Marilyn W. Miller, Esquire
LPA Attorney

ATTEST:

By: 
Michelle Mayher, Town Clerk