

RESOLUTION OF THE LOCAL PLANNING AGENCY
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2014-006
VAR2013-0005 – 30 Gulf Beach Road rear setback

WHEREAS, William E. Whitley, authorized agent for Nancie Lumpkins, owner of the subject property, has requested a variance from LDC Section 34-3234(a)(1) to allow an existing dwelling to be elevated to meet the Base Flood Elevation at the current rear setback of 6.9 feet, where 20 feet is otherwise required; and

WHEREAS, the subject property is located at 30 Gulf Beach Road Fort Myers Beach, Florida in the 'Residential Multi-Family' zoning category of the Official Zoning Map and 'Boulevard' Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, the STRAP number for the subject property is 30-46-24-W2-0020B.0410 and the legal description is attached as *Exhibit A*; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on April 8, 2014; and

WHEREAS, at the hearing the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the file, and the testimony of all interested persons, as required by the Fort Myers Beach Land Development Code 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 the Town Council **APPROVE** the request for a variance from LDC Section 34-3234(a)(1) to allow an existing dwelling to be elevated to meet the Base Flood Elevation at the current rear setback of 6.9 feet, where 20 feet is otherwise required, subject to the following condition:

RECOMMENDED CONDITIONS:

2. The elevation of the existing structure shall be accomplished using the existing pilings and a 6.9' rear setback. If the structure is demolished or removed, this variance will be null and void. Any new structure must comply with the required setbacks at the time of redevelopment, or must seek a new variance from the requirements of the LDC at that time.

RECOMMENDED FINDINGS AND CONCLUSIONS:

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

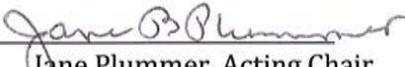
- a. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request **is** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- b. The conditions justifying 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 Bodenhafer and seconded by LPA Member Kakatsch, and upon being put to a vote, the result was as follows:

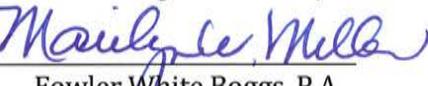
Hank Zuba, Chair	ABSENT	Joanne Shamp, Vice Chair	ABSENT
Al Durrett	AYE	John Kakatsch	AYE
Jane Plummer	AYE	Jim Steele	AYE
Chuck Bodenhafer	AYE		

DULY PASSED AND ADOPTED THIS **8th** day of **APRIL, 2014**.

Local Planning Agency of the Town of Fort Myers Beach

By: 
Jane Plummer, Acting Chair

Approved as to legal sufficiency:

By: 
Fowler White Boggs, P.A.
LPA Attorney

ATTEST:

By: 
Michelle Mayher
Town Clerk

EXHIBIT A

Prepared by and Return Recorded Original to:

Charles R. Meador, Jr., Attorney at Law
2085 Estero Boulevard
Fort Myers Beach, FL 33931
Telephone: (239) 463-6619
Facsimile: (239) 463-6454

Property Appraiser Parcel I.D. No. 30-46-24-W2-0020B.0410
Grantee Taxpayer I.D. No. _____
Documentary Stamp Tax on Transfer: \$7700

Reserved For Recorder

(STATUTORY FORM - Section 689.02, F.S.)

WARRANTY DEED

THIS WARRANTY DEED, made this 20 day of May, A.D. 2013, between THEODORE A. RECKWERDT and JOELLYN RECKWERDT, Husband and wife, whose post office address is 30 Gulf Beach Road, Fort Myers Beach, FL 33931, hereinafter called Grantor, and NANCIE LEE LUMPKINS, a married person, whose post office address is 16730 Piney Point Road, Piney Point, MD 20674, hereinafter called Grantee.

WITNESSETH, That said Grantor, for and in consideration of the sum of Ten and No/100's Dollars (\$10.00), and other good and valuable consideration, to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

Lots 41, 42 and 43, Block "B", WINKLER SUBDIVISION, according to the plat thereof recorded in Plat Book 8, Page 45, Public Records of Lee County, Florida.

LESS AND EXCEPT THE FOLLOWING:

Begin at the Northwest corner of Lot 43, Block "B", WINKLER SUBDIVISION, Plat Book 8, Page 45, Lee County Records; thence run Easterly along the Northerly line of said Lot 43 and Lots 42 and 41, said Block "B", 126.80 feet to Northeast corner of said Lot 41; thence Southerly along the Easterly line of said Lot 41, 75.0 feet; thence Westerly, parallel to the Northerly line of said Lots 41, 42 and 43, 97.56 feet, more or less, to a point on the West line of said Lot 43; thence run North along said West line of Lot 43, 80.50 feet, more or less, to the Point of Beginning.

SUBJECT TO easements, restrictions and reservations of record and taxes for the current

Reserved For Recorder

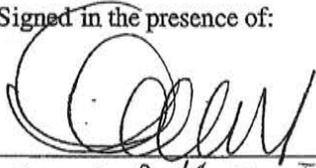
and subsequent years.

and said Grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

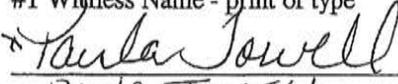
*"Grantor" and "Grantee" are used for singular and plural, as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

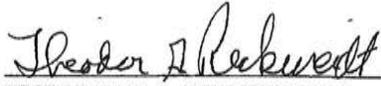
Signed in the presence of:



 Charles R. Meador Jr.
 #1 Witness Name - print or type



 PAULA TOWELL
 #2 Witness Name - print or type

 (SEAL)

 THEODORE A. RECKWERDT

 (SEAL)

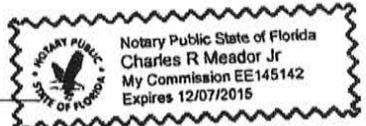
 JOELLYN RECKWERDT

STATE OF Florida
 COUNTY OF Escambia

EXECUTION OF the foregoing instrument was acknowledged before me this 20 day of May, 2013, by THEODORE A. RECKWERDT and JOELLYN RECKWERDT, Husband and wife, who is (CHECK ONE OF THE FOLLOWING AS APPLICABLE) personally known to me, or who has produced (Personally known) as identification.



 NOTARY PUBLIC - SIGNATURE ABOVE
 NOTARY NAME - Charles R. Meador Jr.
 COMMISSION NO. - _____
 COMMISSION EXP. DATE - _____



(Notary Seal)

(Notary Name/Commission No./Exp. Date - typed or printed)