

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 97- 8

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA  
APPROVING / ~~DENYING~~ THE REQUEST TO ALLOW A SETBACK OF ~~7.5~~ FEET  
2.5

WHEREAS. William & Kathy Casson filed an application for a variance in the RM-2 (residential) district from the minimum required rear setback of 20 feet, to allow a setback of 2.5 feet per Land Development Code, Section 34-715,. and

~~WHEREAS. William & Kathy Casson amended the application for a variance in the RM-2 (residential) district from the minimum required rear setback of 20 feet, to allow a setback of 7.5 feet per Land Development Code, Section 34-715, and~~

WHEREAS. the subject property is located at 5698 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as: In Section 33. Township 46 South Range 24 East, Lee County, Florida:

Beginning at the Northeast corner of Block A McPhie Park, according to the map or plat thereof on file and recorded in the Flat Book 8, Page 52, of the Public Records of Lee County, Florida, lying in Section 33, Township 46 south. Range 24 East, Lee County FL. THENCE Southwesterly along Sterling Avenue, a distance of 60 feet; THENCE N 00 degrees 45' 04" W, a distance of 70.1 feet; THENCE N 00 degrees 42' 11" E 80.55 feet to the Southerly side of Estero Boulevard; THENCE Southeasterly along the Southerly side of Estero Boulevard, a distance of 78.6 feet to the POINT OF BEGINNING. being a part of Block A, said MCPHIE PARK SUBDIVISION.

WHEREAS. the applicant has indicated the property's current STRAP number is: 33-46-24-W2-0030A.3000; and,

WHEREAS. a public hearing was legally advertised and held before the Local Planning Agency (LPA) on February 11, 1997; and,.

WHEREAS, the LPA gave full and complete consideration to the recommendations of the Staff, the documents in the file, and me testimony of all interested persons.

WHEREAS, a public hearing was advertised and held on March 17, 1997, before the Fort Myers Beach Town Council who gave full and complete consideration to the recommendations of the staff and the Local Planning Agency, the documents on file with Lee County, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE FORT MYERS BEACH TOWN COUNCIL, that the Council APPROVES / ~~DENIES~~ the request.

IT IS THE FINDING of this council that the following exist:

- a. That there are/ ~~are not~~ exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district;
- b. That the exceptional or extraordinary conditions or circumstances are not/ ~~are~~ the result of actions of the applicant taken subsequent to the adoption of the ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding the adoption of the ordinance from which this chapter is derived will not be considered self-created);
- c. That the variance is/ ~~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;
- d. That the granting of the variance will not be/ ~~will~~ be injurious to the neighborhood or otherwise detrimental to the public welfare; and
- e. That the condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not / ~~is~~ of so general or recurrent nature as to make it more reasonable and practical to amend the ordinance.

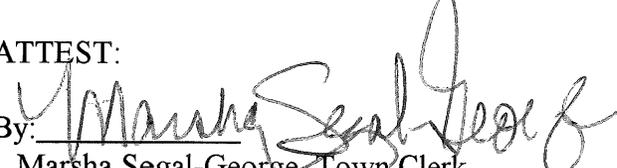
NOW THEREFORE BE IT RESOLVED THAT THE VARIANCE IS / ~~IS NOT~~ APPROVED SUBJECT TO THE FOLLOWING conditions and requirements that are necessary for the protection of the health, safety, comfort, convenience and welfare of the general public and that are reasonably related to the variance requested:

The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

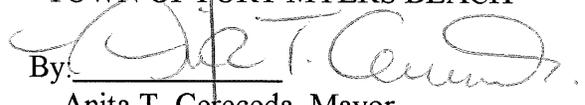
Anita T. Cereceda	<u>aye</u>
Ted FitzSimons	<u>aye</u>
William (Rusty) Isler	<u>nay</u>
Garr Reynolds	<u>nay</u>
Ray Murphy	<u>aye</u>

APPLICATION DULY APPROVED / ~~DENIED~~ this 17th day of March, 1997.

ATTEST:

By:   
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH

By:   
Anita T. Cereceda, Mayor

Approved as to form by:

  
Richard V.S. Roosa, Town Attorney