

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 00-16

WHEREAS, the property owners, John D. Wright, have petitioned the Town for three variances in the RM-2 district:

- 1) A variance from LDC Section 34-715 from the required side yard setback of 7 feet to 0 feet;
- 2) A variance from LDC Section 34-715 from the required rear setback of 20 feet to 7 feet;
- 3) A variance from Section 34-2192 from a private street easement of 20 feet to 3.5 feet;

and,

WHEREAS, the subject property is located at 702 Estero Boulevard, Ft. Myers Beach, FL. in S24-T46S-R23E; and,

WHEREAS, the applicant has indicated the property's current STRAP number is: 24-46-23-W3-00400.008E; and,

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on March 14, 2000 and 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; and,

WHEREAS, a hearing was held and the council considered the following criteria, recommendations and testimony of the staff, testimony from the applicant and from the public.

IT IS THE FINDING of this council that as to a variance from Section 34-715 from the required side yard of 7 feet to zero (0) feet the following exist:

- a. That there 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 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/~~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 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 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 ~~DISAPPROVED~~/APPROVED SUBJECT TO THE FOLLOWING condition 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.

1. The variance is limited to one open-air deck on the south side of the existing single-family residence.

IT IS THE FINDING of this council that as to a variance from Section 34-715 from the required rear setback of 20 feet to zero (0) feet the following exist:

a. That there 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 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/~~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 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 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 ~~DISAPPROVED~~/APPROVED SUBJECT TO THE FOLLOWING condition 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.

1. The variance is limited to one open-air deck on the south side of the existing single-family residence.

IT IS THE FINDING of this council that as to a variance from Section 34-2192 from the required street setback of 20 feet to 4.5 feet the following exist:

- a. That there 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 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/~~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 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 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 ~~DISAPPROVED~~/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.

1. The variance to a private street setback of 4.5 feet and a maximum staircase width of 36 inches.
2. The variance is limited to one open-air deck on the south side of the existing single-family residence.

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

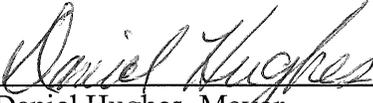
Anita T. Cereceda	<u>Aye</u>
Daniel Hughes	<u>Aye</u>
Garr Reynolds	<u>Aye</u>
Ray Murphy	<u>Aye</u>
Terry Cain	<u>Aye</u>

APPLICATION DULY ~~DENIED~~/GRANTED this 12th day of June 2000.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Marsha Segal-George, Town Clerk

By: 
Daniel Hughes, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney