

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 01-06a

WHEREAS, Chares F. Lieske has made a requests for Administrative Interpretation of the Town of Fort Myers Beach Comprehensive Plan of whether a portion of the subject property has been (or should have been) designated “Wetlands” on the basis of a clear factual error as set forth in Chapter 15, page 3, Section A.1.; and,

WHEREAS, the subject property is located at 21491 Widgeon Terrace, Ft. Myers Beach, and the applicant has indicated the property’s current STRAP number is: 34-26-24-W1-0220C.0000; and,

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency on February 13, 2001, after which they issued an administrative interpretation; and,

WHEREAS, the applicant has appealed that decision to the Town Council; and,

WHEREAS, the Town Council in reviewing such an appeal shall consider only information submitted in the administrative interpretation process and shall review only whether the proper standards set forth in this plan have been applied to the facts presented with no additional evidence to be considered by the Town Council; and,

WHEREAS, the Council may adopt the administrative interpretation being appealed, or may overrule it, with a written decisions to be rendered by the Town Clerk in writing within thirty days after the date of the hearing.

NOW THEREFORE BE IT RESOLVED THAT:

IT IS THE FINDING of this council that this appeal is of a nature properly brought to the Council for decision and considering the intent of the ordinance being interpreted and the effect the ruling will have when applied generally, the Council in reviewing the interpretation of the Local Planning Agency finds:

The administrative interpretation was/ ~~was not~~ determined under the following standards:

1. Interpretations which would be confiscatory, arbitrary, capricious, unreasonable, or which would deny all economically viable use of property shall be avoided;
2. Interpretations should be consistent with background data, other policies, and objectives of the plan as a whole; and
3. Interpretations should, to the extent practical, be consistent with comparable prior interpretations.

THE INTERPRETATION of the Local Planning Agency is affirmed/~~modified/~~~~reversed.~~

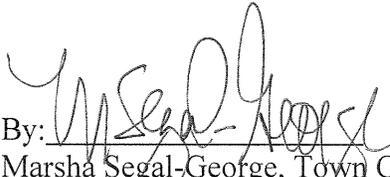
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

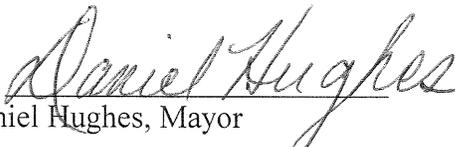
| | |
|------------------|--------|
| Daniel Hughes | aye |
| Garr Reynolds | aye |
| Ray Murphy | absent |
| Terry Cain | aye |
| Howard Rynearson | aye |

APPROVED this 12th day of March, 2001.

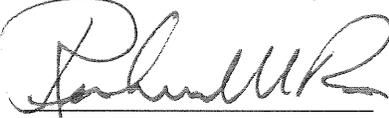
ATTEST:

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