

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 01-13

WHEREAS, WCSJR II., in ref. to Villa Santini Plaza has requested that the Town approve a variance in the C-1 Commercial zoning District from LDC Section 30-153(b)(1)(h), which states that no sign permitted by this subsection shall contain any advertising message concerning any business, goods, products, services or facilities which are not manufactured, produced, sold, provided or located on the premises upon which the sign is erected or maintained to allow a 32 square foot off-site sign for a business located on an adjacent property; and,

WHEREAS, the subject property is located at 7205 Estero Blvd., Ft. Myers Beach, in Lee County, and the applicant has indicated the property's current STRAP number is: 03-47-24-W1-00011.0000; and,

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on May 8, 2001, when they recommended that the Town Council approve the requested variance with the 4 Conditions that are listed on page 2 of the Staff Report dated April 26, 2001 and which is attached hereto and incorporated herein by reference; 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 the following exist:

- a. That there are 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 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.

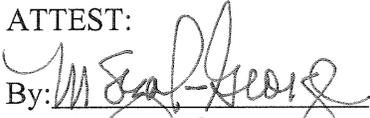
NOW THEREFORE BE IT RESOLVED THAT THE VARIANCE IS ~~DISAPPROVED~~/APPROVED SUBJECT TO THE FOLLOWING conditions and requirements that are necessary for the protection of the health, safety, comfort, convenience and welfare of the general public and that are reasonably related to the variance requested. See attached.

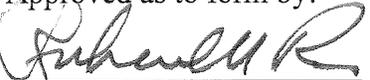
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

Daniel Hughes	yes
Garr Reynolds	yes
Ray Murphy	yes
Terry Cain	yes
Howard Rynearson	yes

APPROVED this 4th day of June, 2001.

ATTEST:

By:   
Marsha Segal-George, Town Clerk  
Approved as to form by:

  
Richard V.S. Roosa, Town Attorney

TOWN OF FORT MYERS BEACH

By:   
Daniel Hughes, Mayor

## II. BACKGROUND INFORMATION AND RECOMMENDATION:

### A. Recommendation: APPROVAL with conditions.

#### Conditions

1. The off-site sign is limited to one 32 SF sign, 8 feet in height from grade, advertising the Fish Tale Marina boat rentals and the Fish House Restaurant, as shown on the plan stamped "Received April 20, 2001, Development Services", Attachment B, to this staff report.
2. The sign will be located at the corner of Lennell Street and Estero Boulevard as shown on the site plan labeled Santini Marina Plaza, dated June 1999, stamped "Received March 30, 2001, Permit Counter". The sign location is identified as Proposed Sign 'G'. The sign will be setback a minimum of 30 feet from the Estero Boulevard right-of-way, and 15 feet from the Lennell Street right-of-way.
3. Prior to the issuance of a permit for the requested off-site sign, the four non-conforming signs discussed in this staff report and identified in Attachments D, E, F & G to this staff report must be removed.
4. The total ground mounted identification signage on the Villa Santini Plaza property will be limited to a total of three signs. Each sign has a maximum area of 32 SF each with a maximum height of 8 feet. Each sign must comply with all remaining regulations of the Land Development Code.

#### Findings & Conclusions

Based upon an analysis of the application and the standards for approval of a variance, staff makes the following findings and conclusions:

1. There are exceptional or extraordinary conditions or circumstances inherent to the property in question. Although Fish Tale Marina does have access on Estero Boulevard at the southwest corner of the subject property, the boat rental and Fish House restaurant are located behind Villa Santini Plaza on the northeast corner, not visible from Estero Boulevard. The appropriate access to the restaurant is from Lennell Street, where the sign is desired, not from the Estero Blvd. entrance to the marina.
2. The exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance. The conditions are a result of the development pattern of both Villa Santini Plaza and the Fish Tale Marina.
3. The variance, if granted, is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property. The proposed sign complies with the maximum size and height allowed for a commercial business.