

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 01-39

WHEREAS, WHEREAS, Richard K. Thomas has requested that the Town approve a variance in the RS-1 (Residential) zoning district from the minimum street setback requirement of 25 feet, per LDC Section 34-2192 (a) to allow a street setback of 16.7 feet to construct a two-car garage addition; and,

WHEREAS, the subject property is located at 8552 Lagoon Rd., Fort Myers Beach, Lee County, FL; and is described more particularly as:

LEGAL DESCRIPTION: In Section 3, Township 47 South, Range 24 East, Lee County Florida, Lot 12, Unit 2, Laguna Shores Subdivision, Plat Book 9, Page 84, Public Records of Lee County Florida.

WHEREAS, the applicant has indicated the property's current STRAP number is: 03-47-24-W3-00212.000; and,

WHEREAS, a public hearing was held before the Local Planning Agency who 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, the LPA recommended that the Town Council approve the requested variance limited to accommodate only the 2-car garage as proposed on the site plan prepared by Gersdorf & Gersdorf, Inc., Architects, stamped received Community Development November 12, 2001 and which is attached to the revised Staff Report dated 11/12/01 and which is incorporated herein by reference.

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 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 variance is limited to accommodate only the 2-car garage as proposed on the site plan prepared by Gersdorf & Gersdorf, Inc., Architects, stamped received Community Development November 12, 2001 and which is attached to the revised Staff Report dated 11/12/01 and which is incorporated herein by reference.

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

Howard Rynearson	aye
Daniel Hughes	aye
Bill Thomas	aye
W. H. "Bill" Van Duzer	aye
Terry Cain	aye

APPROVED this 10th day of December, 2001.

ATTEST:

By: Marsha Segal-George
 Marsha Segal-George, Town Clerk

Approved as to form by:
Richard V.S. Roosa
 Richard V.S. Roosa, Town Attorney

TOWN OF FORT MYERS BEACH

By: Daniel Hughes
 Daniel Hughes, Mayor