

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 02-08

WHEREAS, Kathy C. Schaller, the property owner, has requested that the Town approve 3 variances in the TFC-2 District (Residential Two-Family Conservation) to allow the following reduction in setbacks to bring a replaced stairway and porch into compliance; 1] From the minimum 7.5 foot side yard setback to allow a 2.5 foot north side yard setback per LDC Section 34-695; and 2] From the minimum 25 foot street setback to allow a 19.4 foot setback on Palmetto Street per LDC Section 34-695 and 34-2192 (a); and 3] from the minimum 20 foot rear yard setback to allow a 17.1 foot rear yard setback per LDC Section 34-695; and,

WHEREAS, the subject property is located at 199 Dakota Ave., Fort Myers Beach, in S33-T46S-R24E, Lee County, FL; and is more particularly described as:

LEGAL DESCRIPTION: Lot 1, Block 3, Gulf Heights Subdivision, Plat Book 6, Page 39, Public Records of Lee County, Florida.

WHEREAS, the applicant has indicated the property's current STRAP number is: 33-46-24-W1-00203.0010; and,

WHEREAS, the LPA recommended that the Town Council approve the requested variances with the condition that the requested variances are limited to the existing duplex as shown on the site plan (boundary survey).

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.

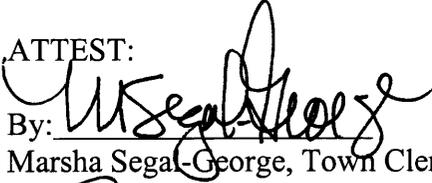
The requested variances are limited to the existing duplex as shown on the site plan (boundary survey), Stamped "Received August 20, 2001."

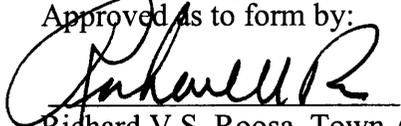
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

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

APPROVED this 11th day of February, 2002.

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

7V-E

**LEGEND**

- FIR - FOUND IRON ROD (AS NOTED)
- FIP - FOUND IRON PIPE (AS NOTED)
- FCH - FOUND 4" X 4" CONCRETE MONUMENT
- SIR - SET 5/8" IRON ROD WITH CAP (L.B.#6386)
- D - DEED
- P - PLY
- H - MEASURED
- OB - POWER POLE
- WM - WATER METER
- TE - TELEPHONE COMPANY PEDESTAL
- EB - ELECTRIC BOX
- CB - CABLE BOX
- OW - OVERHEAD WIRES
- OL - CHAIN LINK FENCE
- WF - WOOD FENCE
- CO - CONCRETE

**NOTES**

- 1) THE PROPERTY SHOWN HEREON IS LYING IN ZONE OF THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY-PANEL NUMBER 125124 0441 B. DATE OF FIRM INDEX 07/20/98.
- 2) THIS SURVEY WAS PREPARED WITH THE BEST TITLE SEARCH AND MAY BE SUBJECT TO OTHER RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-IMPROVEMENTS OTHER THAN THOSE SHOWN NOT ON THIS SURVEY.

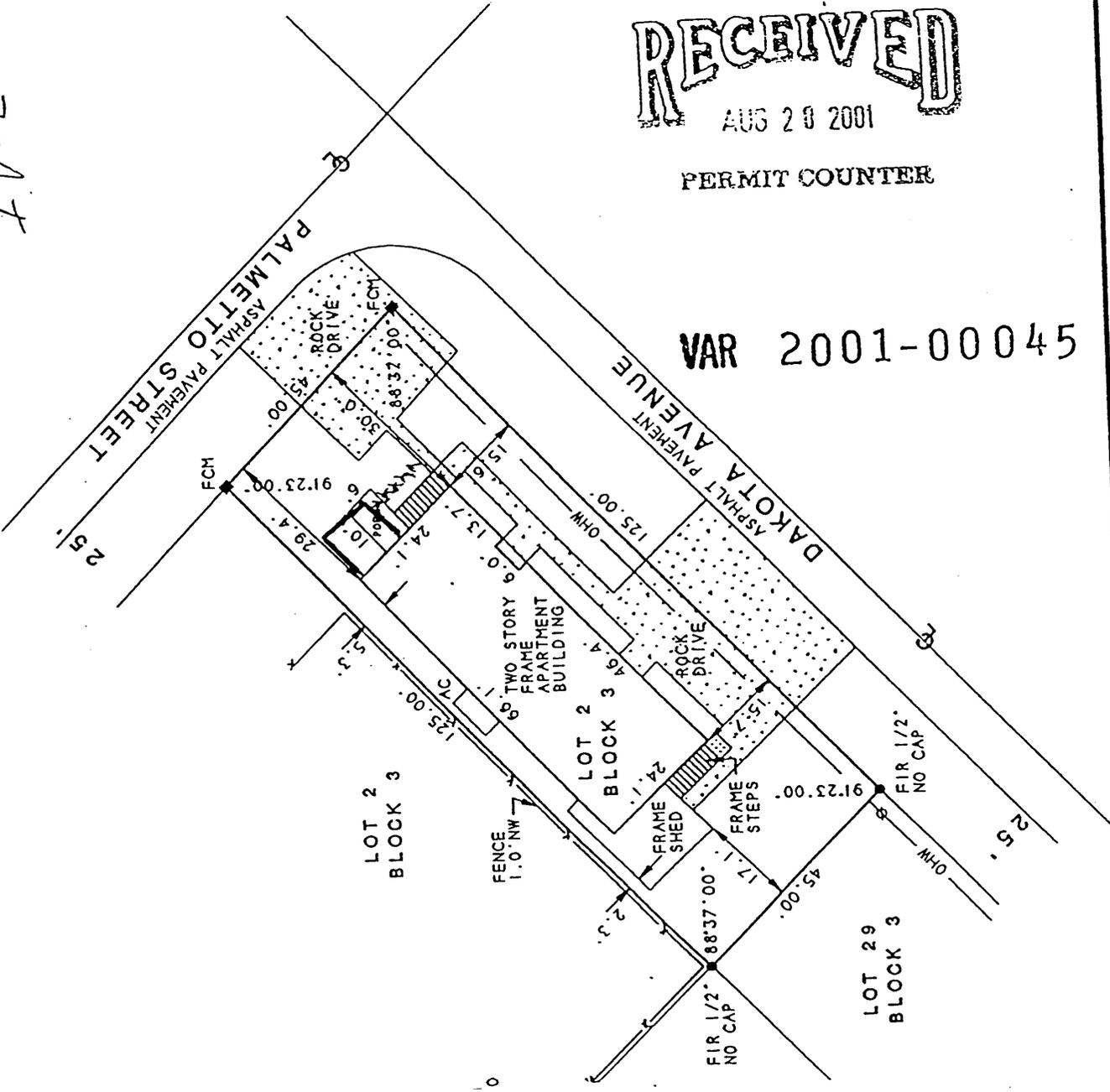
PROPERTY ADDRESS:  
189-199 DAKOTA AVENUE  
FORT MYERS BEACH, FLORIDA

**CERTIFICATIONS**

WILLIAM R. SCHALLER, JR. AND KATHLEEN SCHALLER  
SUNBELT TITLE AGENCY  
AMERICAN PIONEER TITLE INSURANCE COMPANY  
BANK OF AMERICA

*Robert D. Reige*  
ROBERT D. REIGE, P.S.  
PROFESSIONAL SURVEYOR  
STATE OF FLORIDA

NOT VALID WITHOUT THE ORIGINAL RAISED SEAL SURVEYOR AND MAPPER.



**RECEIVED**  
AUG 20 2001

PERMIT COUNTER

VAR 2001-00045

REV	DATE	DESCRIPTION
1		
2		
3		
4		

**BOUNDARY SURVEY**

LOT 1, BLOCK 3, GULF HEIGHTS, AS RECORDED IN PLAT BOOK 6, PAGE 39, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

INE, INC.  
ENGINEERING & MAPPING  
6386  
AVENUE, SUITE 5-L  
FLORIDA 33908  
1) 481-0421  
1) 433-4588