

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 02-11

WHEREAS, Henry and Tracey Gore have requested that the Town approve a variance in the single family residential district (RS-1) from LDC Sec. 34-695 which requires a minimum water body setback of 25 feet to permit a water body setback of 12 feet for a single family residence; and,

WHEREAS, the subject property is located at 221 Primo Drive, Ft. Myers Beach, in S19-T46S-R24E, Lee County, FL.; and,

WHEREAS, the applicant has indicated the property's current STRAP number is: 19-46-24-W4-0150D.0170, more particularly described as;

Lot 17, Block D, of that certain subdivision known as CRESCENT PARK ADDITION, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court, Lee County, Florida, in Plat Book 4, Page 46, TOGETHER WITH that certain strip of land 12.67 feet wide between the Roadway and the East side of the canal, between Lot 17, in block D of CRESCENT PARK ADDITION extended to the Canal; and

WHEREAS, the LPA held a public hearing on this request and recommended that the Town Council deny the requested variance; 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 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 is approved to allow a 21.5 foot water body setback for a single family home.
2. Prior to receiving a building permit, the applicant must submit a revised site plan which shows the 21.5 foot water body setback.

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

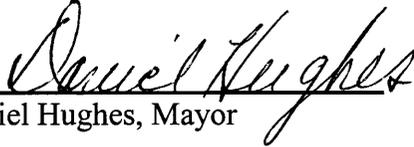
Howard Rynearson	<u>Yea</u>
Daniel Hughes	<u>Yea</u>
Bill Thomas	<u>Yea</u>
W.H. "Bill" Van Duzer	<u>Yea</u>
Terry Cain	<u>Yea</u>

APPLICATION DULY APPROVED this 11th day of March, 2002.

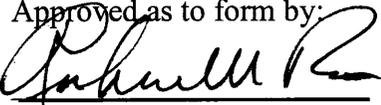
ATTEST:

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