

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 02- 16

WHEREAS, The Linda K. Mead Trust has requested that the Town approve a variance from LDC Section 34-1575(a) to allow total replacement of existing non-conforming stairs, decks and/or landings seaward of the Coastal Construction Control Line; and,

WHEREAS, the subject property is located at 5400 Estero Blvd, Ft. Myers Beach; and,

WHEREAS, the applicant has indicated the property's current STRAP number is: 33-46-24-W1-00206.0390, and the legal description for said property is; Lots 39 and 40, Block 6, Gulf Heights Subdivison, Plat Book 6, Page 39, Public Records of Lee County, Florida; and,

WHEREAS, the LPA gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons and recommends that the Town Council approve the requested variance with the condition that the variance is limited to the replacement entry stairs, decks and landings attached to the portion of the existing single-family residence located seaward of the 1988 CCCL, as shown on the attached site plan witch is marked Attachment "B" and is attached hereto and 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.

1. The variance is limited to the replacement entry stairs, decks, and landings attached to the portion of the existing single-family residence located seaward of the 1988 CCCL, as shown on the attached site plan. Attachment "B"

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>

APPROVED this 8th day of April, 2002.

ATTEST:

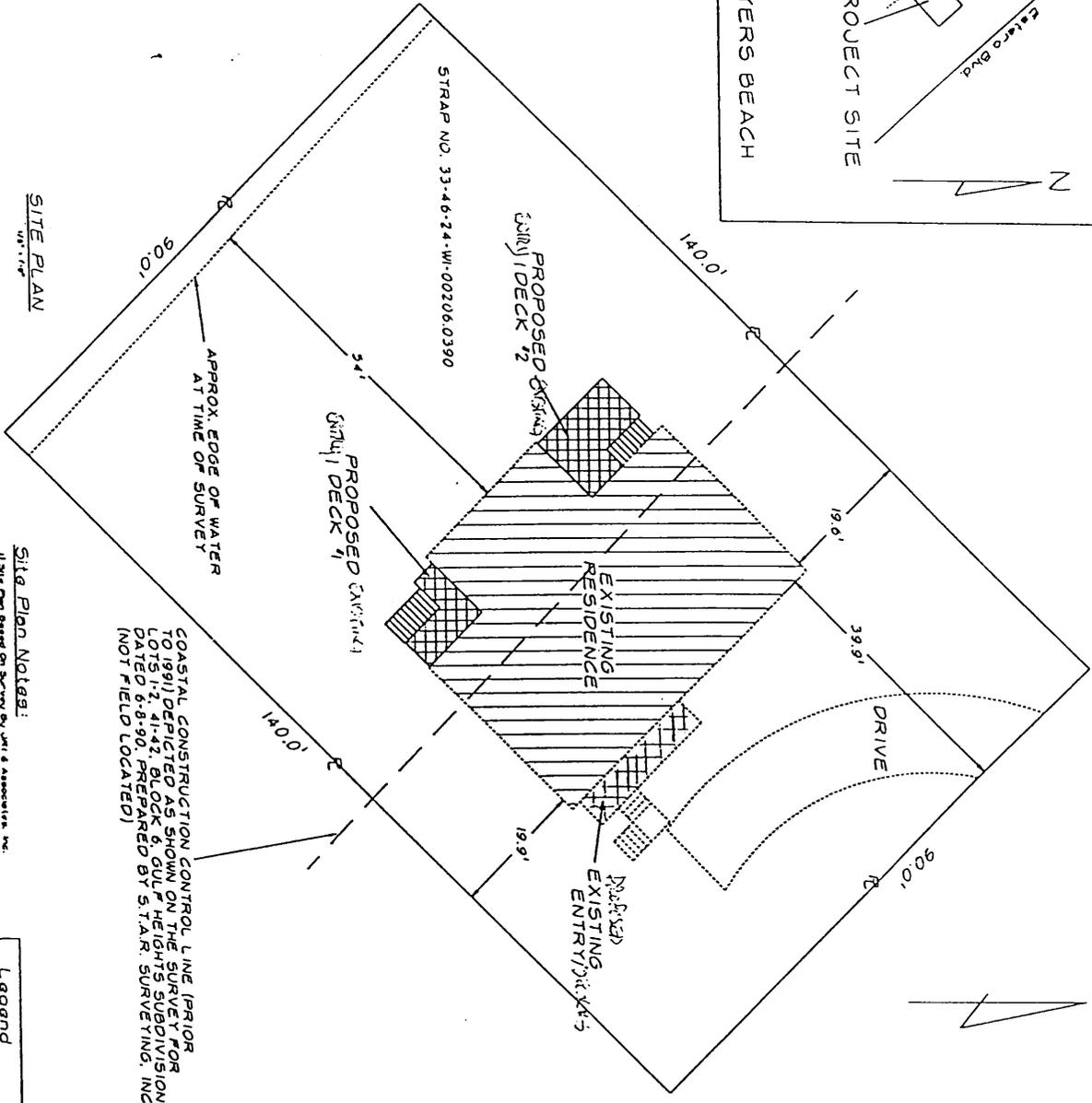
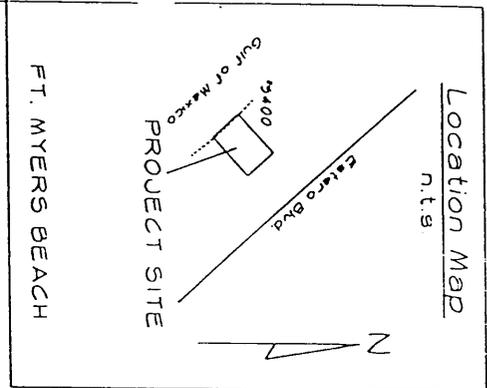
By: Marsha Segal-George
Marsha Segal-George, Town Clerk

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



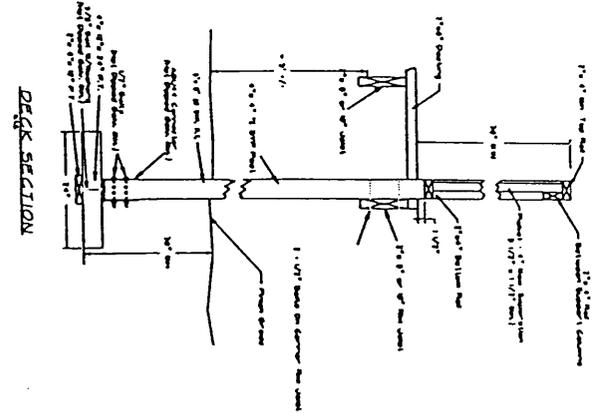
Site Plan Notes:

1) Site Plan Based On Survey By J.M. & Associates, Inc. dated 11/17/98, as amended by J.M. & Associates, Inc. dated 1/11/99, and dated 6/8/90. All rights reserved. No part of this plan may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission in writing from the Surveyor.

COASTAL CONSTRUCTION CONTROL LINE (PRIOR TO 1991) DEPICTED AS SHOWN ON THE SURVEY FOR LOTS 1-2, 41-42, BLOCK 6, GOLF & BEACH SUBDIVISION, DATED 6-8-90, PREPARED BY STAR SURVEYING, INC. (NOT FIELD LOCATED)

Legend

.....	Existing
.....	Proposed



THIS PROJECT CONSISTS OF THE FOLLOWING:

1) SITE PLAN/TYPICAL SECTION

2) DECK PLAN

3) GENERAL NOTES & DETAILS

4) GENERAL NOTES & DETAILS

Index of Plans

1)	SITE PLAN/TYPICAL SECTION
2)	DECK PLAN
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4)	GENERAL NOTES & DETAILS