

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 02-27

WHEREAS, Ruth Cudzik has requested that the Town approve the following variances:

- A] From 20 foot street setback to allow a 4.2 foot street setback per LDC Sections 34-715 and 34-2192(a); and,
- B] From 20 foot minimum rear yard setback to allow a 6 foot rear yard setback per LDC Section 34-714; and,
- C] From 40% maximum lot coverage to allow 42% lot coverage per LDC Section 34-715; and,
- D] From 7 foot minimum side yard setback to allow a 6 foot south side yard setback for an existing carport with open deck on top addition to an existing single family residence per LDC Section 34-715; and,
- E] From a 7,500 square foot minimum lot area to allow a 5,583 square foot existing lot per LDC Section 34-715; and,
- F] From 100 foot minimum lot depth to allow a 50 foot lot depth per LDC Section 34-715; and,

WHEREAS, the subject property is located at 582 Estero Blvd., Ft. Myers Beach, in S24-T46S-R23E, Lee County, FL.; and,

WHEREAS, the applicant has indicated the property's current STRAP number is: 24-46-23-W4-0060D.017A, and the legal description is marked as Exhibit A which is attached hereto and incorporated herein by reference; and,

WHEREAS, the LPA recommends that the Town Council approve the requested variances subject to the following conditions:

1. The variances are for lot area and lot width and for a carport and raised deck addition to an existing single-family residence in substantial compliance with a survey prepared by Harris-Jorgensen, Inc., dated March 23, 2000, submitted by the applicant, stamped "VAR2001-00032" and received June 6, 2001, Community Development".
2. If the building is voluntarily removed from the property, then any subsequent structure(s) must comply with LDC requirements unless variances are requested and approved; 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:

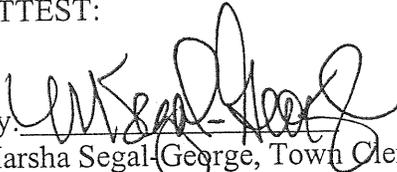
- A. The variances are for lot area and lot width and for a carport and raised deck addition to an existing single-family residence as delineated on a survey prepared by Harris-Jorgensen, Inc., dated March 23, 2000, submitted by the applicant, stamped "VAR2001-00032" and received June 6, 2001, Community Development.
- B. If the building is voluntarily removed from the property, then any subsequent structure(s) must comply with LDC requirements unless variances are requested and approved.

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

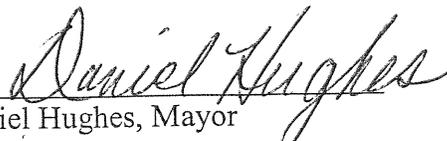
Howard Rynearson	aye
Daniel Hughes	aye
Bill Thomas	aye
W. H. "Bill" Van Duzer	abstain
Terry Cain	aye

APPROVED this 24th day of June, 2002.

ATTEST:

By:   
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH

By:   
Daniel Hughes, Mayor

Approved as to form by:

  
Richard V.S. Roosa, Town Attorney

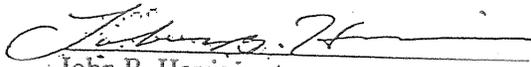
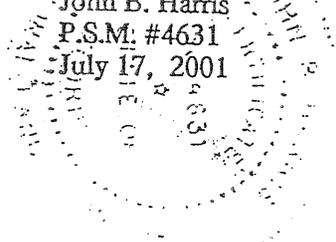
DESCRIPTION:

A tract or parcel of land lying in Lot 17, Unit No. 3, Island Shores, according to a plat or map thereof recorded in Plat Book 9 at Page 27, Public Records of Lee County, Florida, which tract or parcel is described as follows:

Commencing at the most Easterly corner of the aforesaid Lot 17; thence run N.42°05'20"W. along the Northeasterly line of said Lot 17 for 50.00 feet to an intersection with the centerline of said Lot; thence run S.47°54'40"W. along the centerline of said Lot 17 for 100.00 feet to the point of beginning; thence run S.42°05'20"E. for 50.00 feet to a point on the Southeasterly line of said Lot 17; thence run S.47°54'40"W. along the Southeasterly line of said Lot 17 for 111.67 feet; thence run N.42°05'20"W. for 50.00 feet to the aforesaid centerline of said Lot 17; thence run N.47°54'40"E. along said centerline for 111.67 feet to the point of beginning.

Said tract contains 5,583.5 square feet, more or less and is subject to an easement for roadway purposes over and across the Northwesterly 7.5 feet of the Northeasterly 100 feet of the hereinabove described parcel and an easement for walkway purposes over and across that part of the Northwesterly 2.5 feet of the hereinabove described parcel beginning 200 feet Southwesterly of the Northeasterly line of the aforesaid Lot 17, extending to the Gulf of Mexico as described in Official Records Book 181 at Page 439 of said Public Records.

Basis of bearings are the Southerly right-of-way line of Estero Boulevard as being N.42°05'20"W.

  
John B. Harris  
P.S.M. #4631  
July 17, 2001  


Applicant's Legal Checked  
by gm 7/20/01

LEE COUNTY  
RECEIVED  
01 JUL 19 PM 12:03  
COUNTY DEV/  
PUB. WORKS. CNTR.  
SECOND FLOOR

VAR 2001-00032

EXHIBIT "A"

