

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 03-37

WHEREAS, Jason Lucas has requested 3 variances in the RC (Residential Conservation) zoning district from LDC Table 34-3. The 1st variance request is from the minimum side non-waterfront lot setback of 7.5 feet to allow a side non-waterfront lot setback of 1 foot on the north lot line to an existing deck. The 2nd variance request is from the minimum side non-waterfront lot setback of 7.5 feet to allow a side non-waterfront lot setback of 2 feet on the south lot line to an existing deck. The 3rd variance request is from the minimum rear setback of 20 feet to allow a rear setback of 1 foot to an existing deck; and,

WHEREAS, the subject property is located at 216 Miramar Street, Ft. Myers Beach, and the applicant has indicated the property's current STRAP number is: 19-46-24-W4-0080A.0160. and the legal description is as follows:

LOT 16, BLOCK "A", OF MIRAMAR, A SUBDIVISION ACCORDING TO
THE MAP OR PLAT THEREOF, ON FILE AND RECORDED IN PLAT BOOK
6, AT PAGE 31, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;
and,

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on September 9, 2003, when 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,

WHEREAS, as a result of that consideration the LPA recommended the Town Council deny the 3 requested variances even though the LPA acknowledged that exceptional or extraordinary circumstances are present in this case; and,

WHEREAS a hearing was held and the council considered the following criteria, recommendations and testimony of the staff, recommendations of the local planning agency, 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;
- b. That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken after to the adoption of the regulation in question;

c. That the variance granted 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 a nature as to make it more reasonable and practical to amend the regulation in question.

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 footprint of the existing deck, as shown on the attached Exhibit 'B'.
2. If the deck is removed for any purpose or destroyed by natural causes, it must be rebuilt to the required setbacks.

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>Aye</u> |
| Daniel Hughes | <u>Aye</u> |
| Bill Thomas | <u>Aye</u> |
| W. H. "Bill" Van Duzer | <u>Aye</u> |
| Terry Cain | <u>Aye</u> |

APPROVED this 20th day of October, 2003.

(ATTEST:

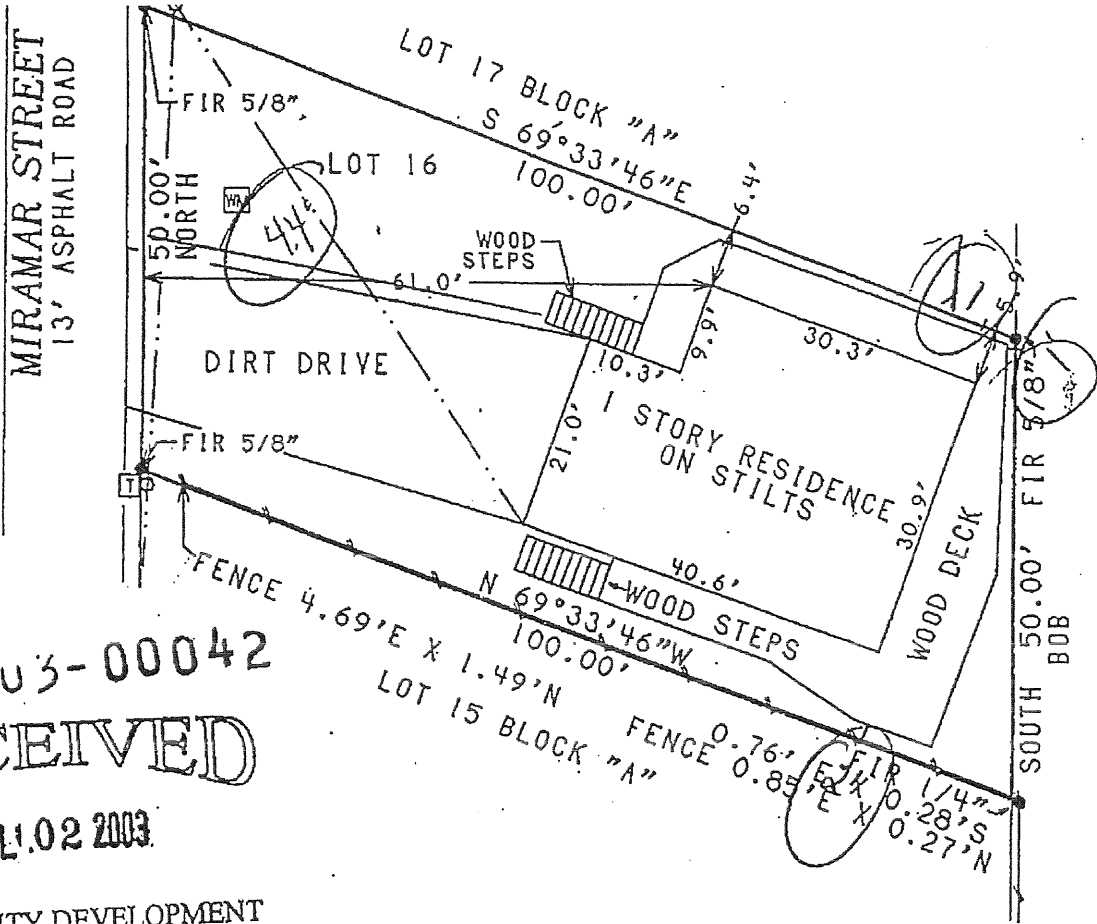
By: 
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH

By: 
Daniel Hughes, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney



VAR 2003-00042
RECEIVED
 JUL 02 2003
 COMMUNITY DEVELOPMENT

LEGEND

| | | | |
|-------------------------------|---|-----------------------------------|----------------------------|
| B = BASIS OF BEARINGS | PC = POINT OF CURVE | WM = WATER METER | X = CHAIN LINK FENCE |
| SP = COVERED SCREENED PORCH | PUE = PUBLIC UTILITY EASEMENT | SD = STORM DRAIN | WF = WOOD FENCE |
| CONC = CONCRETE | SIR = SET 5/8" IRON ROD & CAP | CT = CABLE TELEVISION SERVICE BOX | TS = TELEPHONE SERVICE BOX |
| DE = DRAINAGE EASEMENT | SN&T = SET NAIL & TAB | OP = LIGHT POLE | ES = ELECTRIC SERVICE BOX |
| EDP = EDGE OF PAVEMENT | SWIR = SET WITNESS IRON ROD 5/8" LB 6611 WIT. | PO = POWER POLE | CONC = CONCRETE |
| FCH = FOUND CONCRETE MONUMENT | S/W = 1.2' CONCRETE SEAWALL | OL = OVERHEAD POWER LINE | |
| FDH = FOUND DRILL HOLE | TS = APPROXIMATE TOP BANK | | |
| FIR = FOUND IRON ROD | UE = UTILITY EASEMENT | | |
| FN = FOUND NAIL | VG = VALLEY GUTTER | | |
| FN&T = FOUND NAIL & TAB | X = OUTSIDE PROPERTY | | |
| I = INSIDE PROPERTY | | | |
| O/S = OFFSET | | | |

CERTIFIED TO:
 Jason & Sherry Lucas
 Island Title Guaranty Agency, Inc.
 American Pioneer Title Insurance Company
 Greenpoint Mortgage

PARCEL DESCRIPTION:
 Lot 16, Block "A", of Miramar, a subdivision according to the map or plat thereof, on file and recorded in Plat Book 6, at page 31, of the Public Records of Lee County, Florida

Notes:

- 1) Only improvements shown were located.
- 2) Dimensions are in feet and decimals thereof.
- 3) Parcel subject to easements, restrictions, reservations, and right-of-ways of record.
- 4) Easements shown on this drawing are from the recorded plat. Any other easement(s) pertaining to the hereon described land(s) must be furnished to the surveyor by the client or the client's agent per Florida Statute 61-6-17-6.0031(5) of the Florida Administrative Code.
- 5) This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
- 6) Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without the written consent of the signing party or parties.
- 7) Parcel was surveyed from information supplied by the client.
- 8) Underground utilities and structures were not field located.
- 9) This certification is only for the land described. It is not a certification of title, zoning, easement, freedom of encumbrance, ownership, or rights-of-way.
- 10) Abstract not reviewed.

This survey meets the minimum technical standards set forth by the Florida Board of Professional Land Surveyors pursuant to Section 472.027, Florida Statutes, and Chapter 61G17-6, Florida Administrative code.

Keith David Gray
 Registered Surveyor & Mapper
 Certificate No. 6267

Scale 1"=30'



EXHIBIT B

30 0 30

