

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 03-39

WHEREAS, Wayne & Tammy McMullen have requested a variance in the RS-Residential Single-family zoning district to allow a deck and staircase to be built. The requested variance is from Fort Myers Beach Land Development Code Table 34-3 from the required 25 foot street setback to allow a street setback of 17.5 feet; and,

WHEREAS, the subject property is located at 170 Bayview Ave. Ft. Myers Beach, and the applicant has indicated the property's current STRAP number is: 29-46-24-W3-0080C.0120, and the legal description is as follows:

LOT 12 AND THE NORTHEAST ½ OF LOT 11 AND THE SOUTHWEST ½ OF LOT 13, BLOCK C OF THE HYDE PARK SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 20 OF THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA;  
and,

WHEREAS, the LPA at a public hearing gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons and recommended that the Town Council deny the Applicant's variance request because there is sufficient room on the south side of the house to build a deck and staircase with a 3 foot wide deck leading to the front door within the required setbacks.

IT IS THE FINDING of this council that the following exist:

- a. That there are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question;
- b. That the exceptional or extraordinary conditions or circumstances are the result of actions of the applicant taken after the adoption of the regulation in question;
- c. That the variance requested is not 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 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 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 DENIED.

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

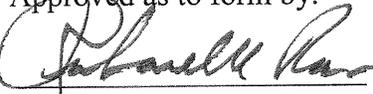
Howard Rynearson	<u>YES</u>
Daniel Hughes	<u>YES</u>
Bill Thomas	<u>NO</u>
W. H. "Bill" Van Duzer	<u>YES</u>
Terry Cain	<u>NO</u>

APPROVED this 8th day of December, 2003.

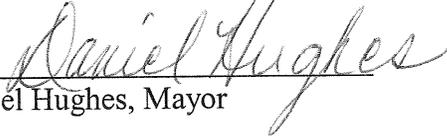
ATTEST:

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