

RESOLUTION NUMBER 05-15

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING ONE VARIANCE FOR A SEVEN-FOOT SIDE WATERBODY SETBACK FOR THE PROPERTY LOCATED AT 1335 SANTOS, FORT MYERS BEACH, FLORIDA

WHEREAS, applicant David Parilla has requested 2 variances in the Santos Zoning district for property located at 1335 Santos, Ft. Myers Beach, in S19-T46S-R24E, Lee County, FL (STRAP # 19-46-24-W4-0060A.0350), with the following legal description: Lot 3, Block C, Shell Mound Park, a subdivision of part of Lot 46 Case Subdivision and other lands, in Section 29, Township 46 South, Range 24 East, Lee County, Florida, according to the plat recorded at Plat Book 11, Page 4, Public Records of Lee County, Florida, containing 7,500 square feet or 0.17 acres, more or less, to wit:

- (1) to allow a 7-foot side waterbody setback from the canal on the western portion of the property where Table 34-3 of the LDC requires a 25-foot water body setback and (2) to allow a 18.3-foot rear waterbody setback from Rio Del Lido Canal, where Table 34-3 of the LDC requires a 25-foot waterbody setback, for a 300 +/- square-foot addition; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on April 12, 2005, and

WHEREAS, the LPA recommended that the Town Council approve both requested variances for the 7-foot side waterbody setback and the requested 18.3-foot rear waterbody setback, subject to two conditions listed on Pages 1 & 2 of the LPA Resolution Number 2005-03, which were modified in the aforesaid LPA Resolution to equally apply to the rear waterbody setback, per the Staff Report dated March 31, 2005.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. Findings of Fact and Conclusions. The Town Council makes the following Findings of Fact and Conclusions:

1. There are limited extraordinary conditions inherent to the property in relation to the requested side waterbody setback variance.
2. The situation with the side waterbody variance, creating an extraordinary condition, is not the result of actions of the applicant taken after the adoption of the regulation in question.
3. The variance as to the seven foot side waterbody setback, as conditioned, 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.
4. The granting of the side waterbody setback variance, as conditioned, will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

5. The conditions for which the side waterbody setback variance is sought are not of a general or recurrent nature so as to make it more reasonable and practical to amend the regulation in question.
6. The requested variance for the 18.3 foot rear waterbody setback does not meet the necessary criteria for approval and shall therefore be denied.

SECTION 2. Granting of 7 Foot Side Waterbody Variance. The Town Council hereby grants the variance for the side waterbody setback to the property as set forth in this Resolution and the attachments hereto.

SECTION 3. Denial of 18.3 Foot Rear Waterbody Variance. The Town Council hereby denies the variance for the rear waterbody setback to the property as set forth in this Resolution and the attachments hereto.

SECTION 4. Effective Date. This resolution shall take effect immediately upon its adoption by the Fort Myers Beach Town Council.

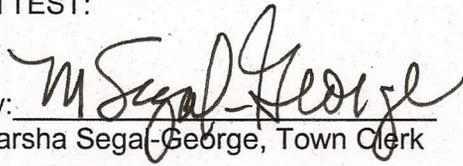
The foregoing Resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, with the result being as follows:

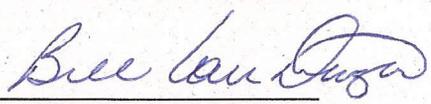
Howard Rynearson	Yes
Don Massucco	Yes
Ken Katcko	No
W. H. "Bill" Van Duzer	No
Garr Reynolds	Yes

DULY ADOPTED this 13th day of June, 2005.

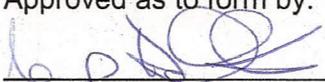
ATTEST:

TOWN OF FORT MYERS BEACH

By: 
 Marsha Segal-George, Town Clerk

By: 
 W. H. "Bill" Van Duzer, Mayor

Approved as to form by:


 Anne Dalton, Town Attorney