

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 04-02

WHEREAS, Diane Kubicek the property owner of 307 Fairweather Lane petitioned for a variance from LDC Section 10-174(3)b, Section 10-291 (2) and Section 10-296(k) to allow the property to be subdivided without the requirement that the lots abut a paved road with a cul-de-sac; and,

WHEREAS, the subject property is located at 307 Fairweather Lane, Fort Myers Beach, and the applicant has indicated the property's current STRAP number is: 19-46-24-W3-0110C.0310 and the legal description attached as Exhibit A is attached hereto and incorporated herein by reference; and,

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) who 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 approve the requested variances with the following conditions;

1. The subdivision of the subject property is limited to the 2 lots (Parcels "A" and "B") as depicted on the attached Exhibit C and D.
2. A type IV limited development order must be approved prior to combining and re-subdividing the subject property.
3. Prior to the type IV limited review development order being approved, an access easement serving the 2 lots must be recorded in the public records of Lee County, Florida.
4. Prior to the approval of the type IV limited review development order, the FMB Fire Department must approve the driveway access easement.
5. Any additional stormwater runoff created by the additional impervious area on the subject property and in the access easement must be contained within the boundaries of the subject property.
6. All of the setbacks of the RM zoning district must be met.
7. Parcel's "A" and "B" as depicted on the attached Exhibit's C and D are limited to a single-family residence on each parcel.

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 the granting of the variance would not threaten the health, safety or welfare of abutting property owners or the general public;
- b. That the requested variance is consistent with the Comprehensive Plan;

c. That the requested variance will not create an undue burden on essential public facilities; and,

d. That the standard from which the variance is being requested is unreasonably burdensome as applied to the applicant's property.

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:

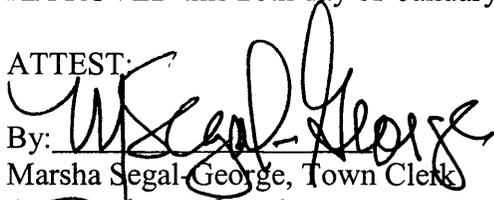
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The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

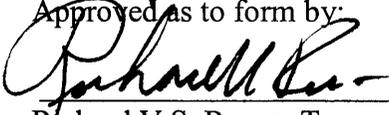
Howard Rynearson	aye
Daniel Hughes	aye
Bill Thomas	aye
W. H. "Bill" Van Duzer	aye
Terry Cain	aye

APPROVED this 26th day of January, 2004.

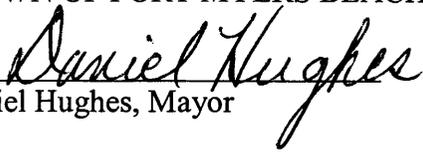
ATTEST:

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

VAR 2003-00069

**PROPERTY DESCRIPTION
EXHIBIT "A"**

IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA:

LOTS 31, 32 AND 33, BLOCK C, BEACH ESTATES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6, PAGE 68, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TOGETHER WITH A PORTION OF THE VACATED, UNNAMED STREET, ABUTTING AND LYING BETWEEN THE SOUTHERN BOUNDARY LINES OF LOT 31, BLOCK D, AND LOT 31, BLOCK C, AND THE NORTHERN CENTERLINE OF SUCH STREET, AND TOGETHER WITH THAT PORTION OF THE VACATED, UNNAMED STREET ABUTTING AND LYING NORTH OF AND BETWEEN THE WESTERN BOUNDARY LINE OF LOT 32, BLOCK C, AND THE EASTERN LINE OF LOT 33, BLOCK C, OF SAID BEACH ESTATES, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: **BEGINNING** AT THE SOUTHWEST CORNER OF SAID LOT 31, THENCE $N00^{\circ}02' 32''W$ FOR 150.73 FEET; THENCE $S83^{\circ} 03' 23''E$ FOR 102.94 FEET; THENCE $S00^{\circ} 02' 32''E$ FOR 178.55 FEET; THENCE $N68^{\circ} 30' 56''W$ FOR 109.94 FEET TO THE **POINT OF BEGINNING**.

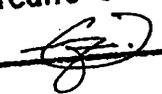
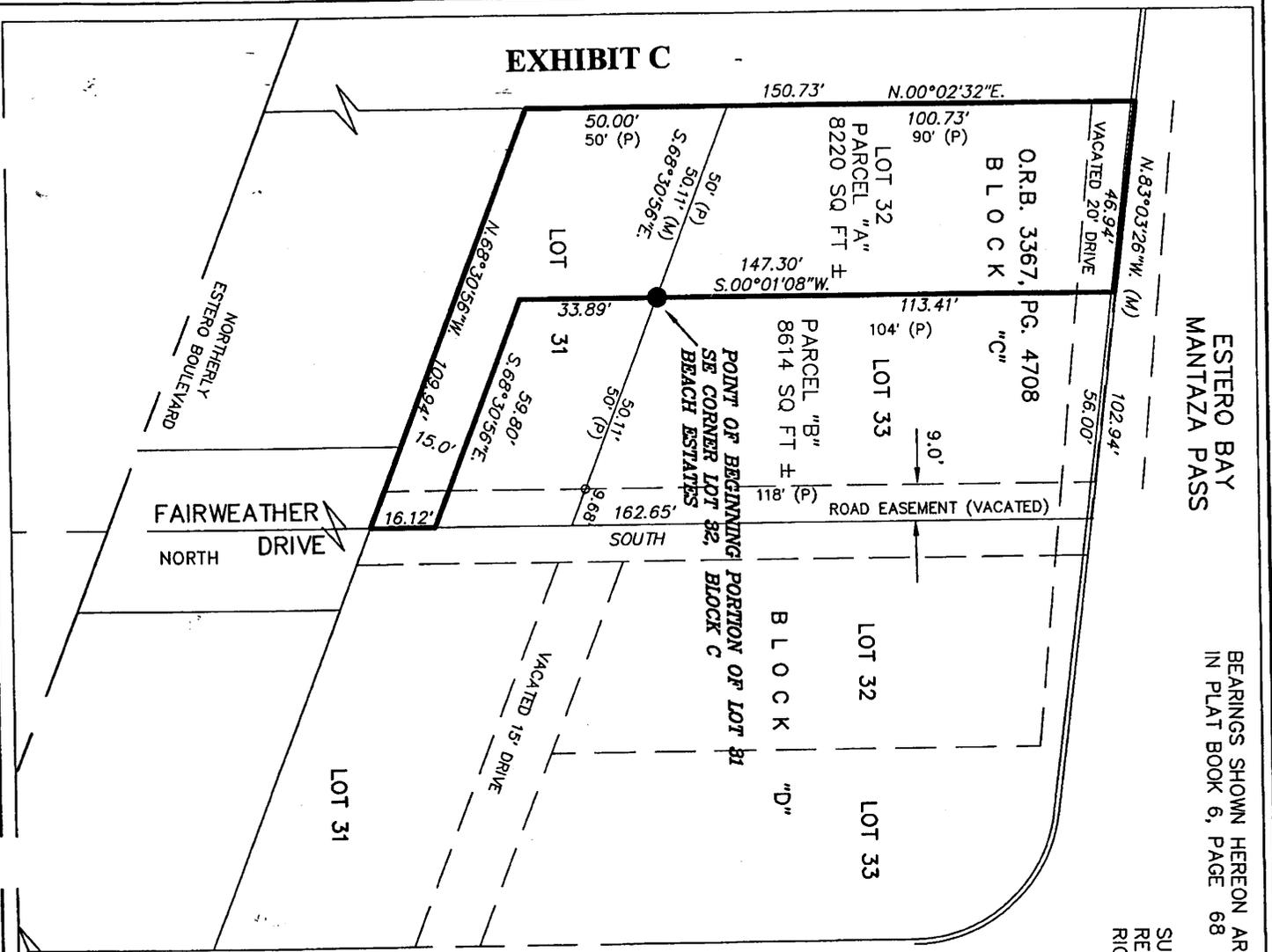
Applicant's Legal Checked
by 

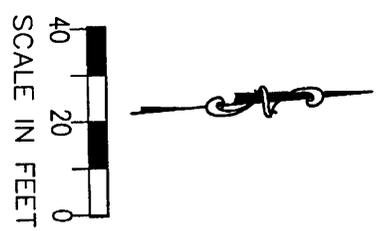
EXHIBIT C



ESTERO BAY
MANTAZA PASS

BEARINGS SHOWN HEREON ARE BASED ON PLAT OF BEACH ESTATES AS RECORDED IN PLAT BOOK 6, PAGE 68 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SUBJECT TO EASEMENTS,
RESTRICTIONS, RESERVATIONS, AND
RIGHTS OF WAY OF RECORD.



REFER TO 8 1/2" X 11" (LEGAL DESCRIPTION)
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED SKETCH IS AN ACCURATE REPRESENTATION OF THE LANDS DESCRIBED HEREON, WAS PREPARED, IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING, CHAPTER 61G17-6 FAC, AND AS PREPARED UNDER THE DIRECT SUPERVISION OF THE UNDERSIGNED REGISTERED LAND SURVEYOR, IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

DATE OF SIGNATURE: 10-25-03

Mark Pollock
MARK POLLOCK
PROFESSIONAL LAND SURVEYOR
FLA. CERTIFICATE NO. 4566

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SKETCH OF DESCRIPTION
(NOT A FIELD SURVEY)

LOTS 31, 32, 33 BLK C,
BEACH ESTATES,
PLAT BOOK 6, PAGE 68
CITY OF FORT MYERS BEACH
LEE COUNTY, FLORIDA

DATE : 10/15/2003
SCALE : 1" = 40'
CADD : N.P.
CHECK : N.P.
FILE : 0344LS01

GULF SHORE SURVEYING, INC.

LEE COUNTY: 2112 S.E. 11TH STREET CAPE CORAL, FL 33990 (941) 458-2388

CHARLOTTE COUNTY: 30930 OIL WELL ROAD PUNTA GORDA, FL 33955 (941) 639-7800

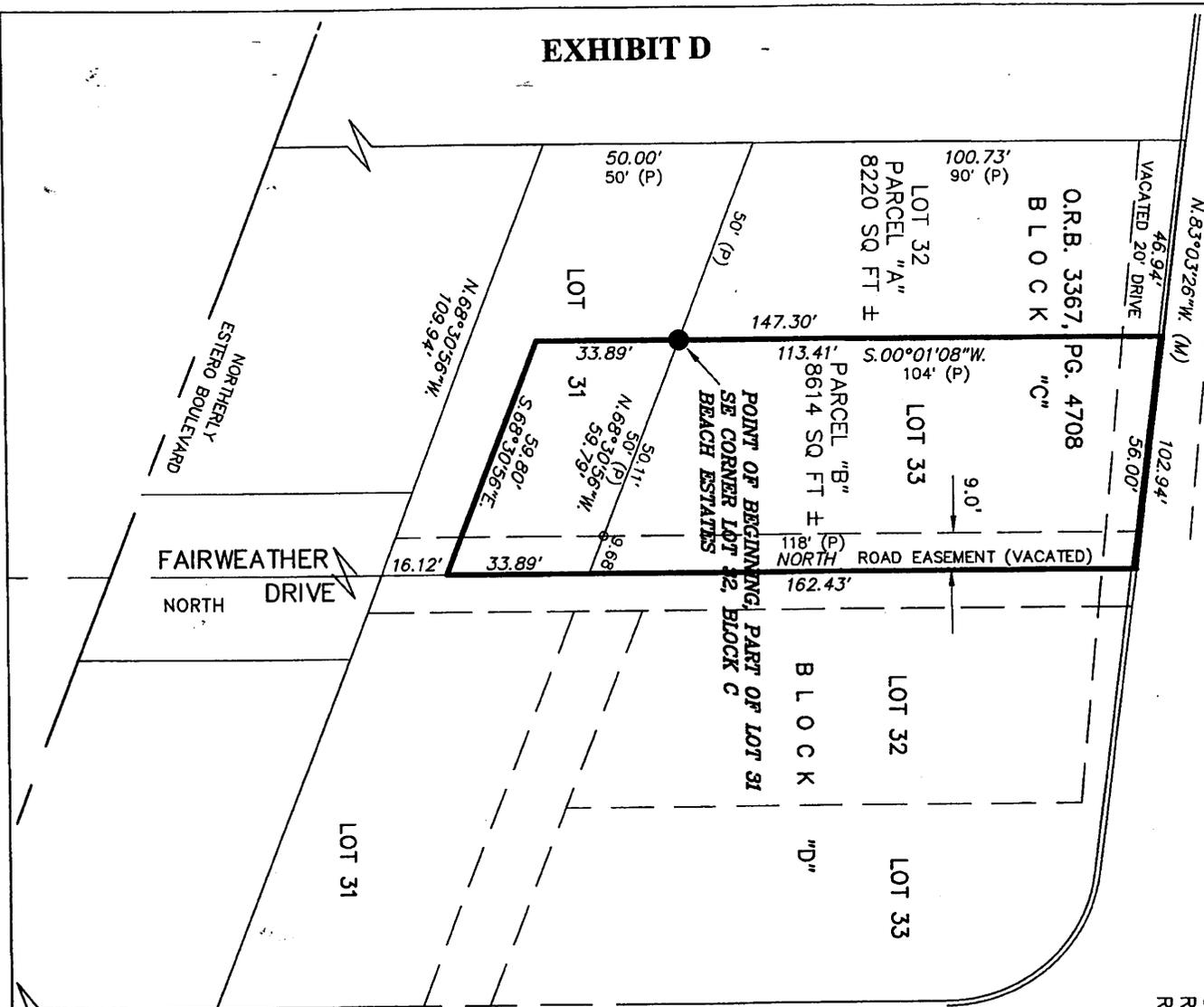
0344
P-A

EXHIBIT D

ESTERO BAY
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I HEREBY CERTIFY THAT THE ATTACHED SKETCH IS AN ACCURATE REPRESENTATION OF THE LANDS DESCRIBED HEREON, WAS PREPARED IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING, CHAPTER 61G17-6 FAC. AND AS PREPARED UNDER THE DIRECT SUPERVISION OF THE UNDERSIGNED REGISTERED LAND SURVEYOR, IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

DATE OF SIGNATURE: 10/15/2003

[Signature]
NICK FOULDS,
PROFESSIONAL LAND SURVEYOR
FLA. CERTIFICATE NO. 4366

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL PASTED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

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PLAT BOOK 6, PAGE 68
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