

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 04-03

WHEREAS, Terence Kent and Kathleen Cook the property owners petitioned for 2 variances in the RS (Residential) zoning district from LDC Table 34-3; a] from the minimum side setback of 10 feet to allow a side setback of 6 feet; and b] from the required 25 foot waterbody setback to allow a waterbody setback of 21 feet in order to allow an existing above ground pool and deck to remain in its current location; and,

WHEREAS, the subject property is located at 710 Matanzas Court, Fort Myers Beach, and the applicant has indicated the property's current STRAP number is: 24-46-23-W3-0050C.0020 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 who approved the variances; 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. That the variance is limited to the existing structure as shown in Exhibit B.
2. The applicant will cut off the side of the deck to end at the pool in order to maintain a side setback of 6 feet.

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

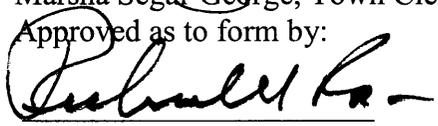
Howard Rynearson	<u>Aye</u>
Daniel Hughes	<u>Aye</u>
Bill Thomas	<u>Aye</u>
W. H. "Bill" Van Duzer	<u>Aye</u>
Terry Cain	<u>Aye</u>

APPROVED this 9th day of February, 2004.

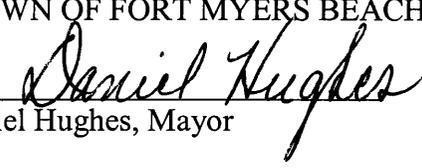
ATTEST:

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

VAR2003-00062

**PROPERTY DESCRIPTION
EXHIBIT "A"**

IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA:

**A TRACT OR PARCEL OF LAND LOCATED IN THE ISLAND SHORES
SUBDIVISION, UNIT 2, LOT 2, BLOCK C, AS RECORDED IN PLAT
BOOK 9, PAGE 25, PUBLIC RECORDS, LEE COUNTY, FLORIDA.**

Applicant's Legal Checked
by *[Signature]* 03 OCT 03

