

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 97-2

WHEREAS, Norm & Beverly Primeau, the property owner petitioned for a variance in the C-1 (Commercial) district from the parking space requirement of 1 space per 200 square feet of total floor area (required 29 parking spaces) for a retail establishment-to allow parking spaces as shown in Site Plan D, a variance in the C-1 district from the minimum required side setback of 15 feet to allow 0 feet, and a variance in the C-1 district from the minimum required rear setback of 25 feet to allow 0 feet; and,

WHEREAS, the subject property is located at 1035 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as:

LEGAL DESCRIPTION: In Section 24, Township 46 South, Range 23 East, Lee County, Florida:

Lot 6 and 7, Block 8, in that certain SUBDIVISION known as "BUSINESS CENTER", according to the map or plat thereof on file and recorded in Plat Book 9, Pages 9 and 10 of the Public Records of Lee County, Florida.

As to Lot 6 less the Westerly six feet (6 ft) of said Lot 6. Less that portion of Lot 7, identified as follows:

COMMENCE at the Southwest comer of said Lot 7, Block 8, "BUSINESS CENTER SUBDIVISION in Section 24, Township 46 South, Range 23 East, as per plat thereof recorded in Plat Book 9 Pages 9 and 10, Public Records of Lee County, Florida; THENCE run S70degrees37'09"E 84.78 feet to an POINT OF BEGINNING continue; THENCE S70degrees37'09"E 20.00 feet; THENCE N22degrees23'59"W 16.00 feet; THENCE S57degrees26'01"W 15.15 feet to the POINT OF BEGINNING. LESS existing right-of-way, containing 119.3 square feet or .003 acre, more or less.

WHEREAS, the applicant has indicated the property's current STRAP number is: 24-46-23-W3-00208.0060 and

WHEREAS a hearing was held and the council considered the following criteria, recommendations and testimony of the staff, testimony from the applicant and from the public.

IT IS THE FINDING of this council that:

there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district;

the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance (any action taken by an

applicant pursuant to lawfully adopted regulations preceding the adoption of the ordinance from which this chapter is derived will not be considered self-created);

the variance 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;

the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

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 nature as to make it more reasonable and practical to amend the ordinance.

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: subject to substantial compliance with the Plan 'D' attached, except that the compact car space is to be moved to the south side of the building and the remaining spaces adjacent to the compact car space shall become compact car spaces.

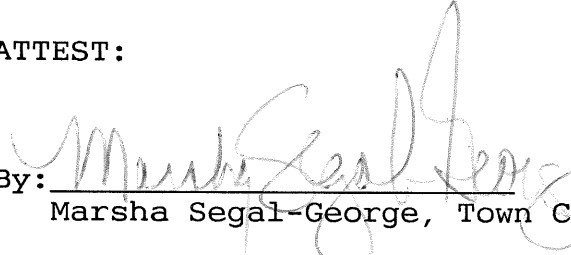
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

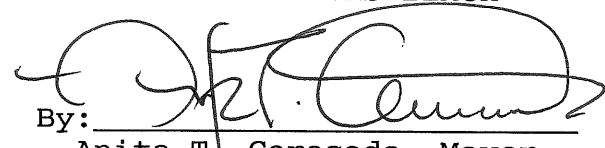
Anita T. Cereceda	<u>aye</u>
Ted FitzSimons	<u>aye</u>
William (Rusty) Isler	<u>nay</u>
Garr Reynolds	<u>nay</u>
Ray Murphy	<u>aye</u>

APPLICATION DULY GRANTED this 3rd day of February, 1997.


ATTEST:

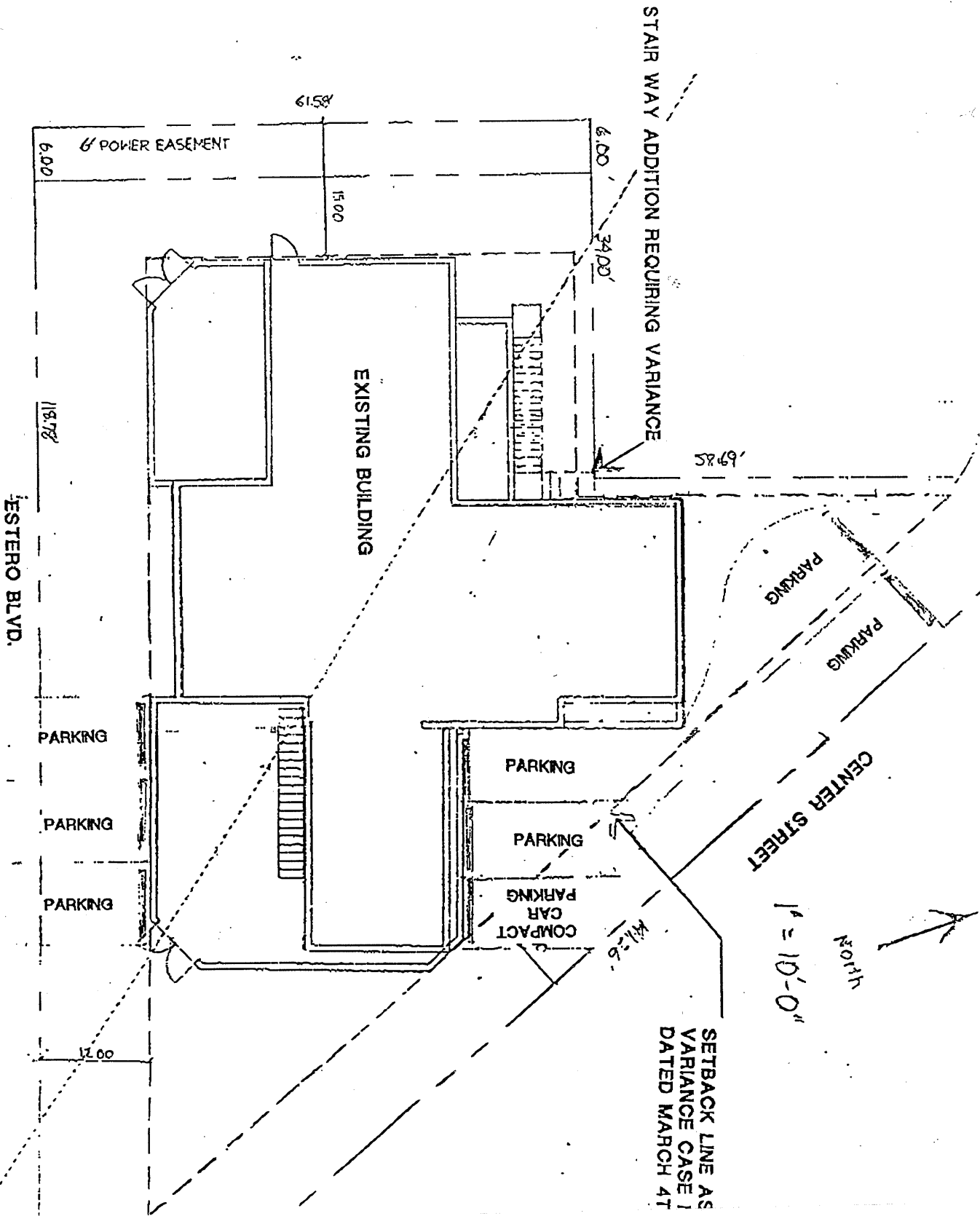
TOWN OF FORT MYERS BEACH

By: 
Marsha Segal-George, Town Clerk

By: 
Anita T. Cereceda, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney



D
96-10-085.a

Post-it® Fax Note	7671	Date	4/7	# of pages	3
To	Mabel	From	Peggy Saefen		
Co./Dept.	See Co. Zoning	Co.	FMB Town Hall		
Phone #	479-8585	Phone #	765-0919 x103		
Fax #	479-8386	Fax #	765-0909		