

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 97- 43

WHEREAS, Steer-Mill, Inc., rep. by Maureen Kilbourne, in ref. to Top O'Mast the property owner petitioned for a variance in the C-1 (Commercial) district from a requirement that identification signs shall be set back a minimum of 15 feet from any right-of-way or easement, to allow a sign 0 feet from Estero Boulevard; and,

WHEREAS, the subject property is located at 1046 Estero Boulevard, Fort Myers Beach, Florida, and is described more particularly as:

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

From the Southwest corner of Block E, CRESCENT PARK ADDITION, according to the map or plat thereof on file and recorded in Plat Book 4 at Page 46, Public Records of Lee County, Florida, on the East line of Section 24, Township 46 South, Range 23 East, run South along said line 53.24 feet to the South line of a county road right-of-way 50 feet wide; THENCE run Northwesterly at an inclusive angle of 69degrees54'00" with said Section line along the South line of said right-of-way 532.63 feet to the POINT OF BEGINNING of land herein described; Continue Northwesterly along the South line of said right-of-way for 100 feet; THENCE Southwesterly perpendicular to said road to the waters of the Gulf of Mexico;

THENCE Southeasterly along said waters to a point on a line perpendicular to said road through the POINT OF BEGINNING; THENCE run Northeasterly along said perpendicular line to the POINT OF BEGINNING;

From the Southwest corner of Block E, CRESCENT PARK ADDITION, as per the plat thereof recorded in Plat Book 4 at Page 46, Public Records of Lee County, Florida, on the East line of Section 24, Township 46 South, Range 23 East, run South along said line 53.24 feet to the South line of a county road right-of-way 50 feet wide;

THENCE run Northwesterly at an included angle of 69degrees54'00" with said Section line along the South line of said right-of-way 632.63 feet to the POINT OF BEGINNING of the land herein described;

From said POINT OF BEGINNING continue Northwesterly along the South line of said right-of-way 80 feet;

THENCE Southwesterly at included angle of 90 degrees to the waters of the Gulf of Mexico;

THENCE run Southeasterly along said waters to a point on a line perpendicular to the first mentioned county road, through the POINT OF BEGINNING;

THENCE run Northeasterly along said perpendicular line to the POINT OF BEGINNING.

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 24-46-23-W3-00016.0000, and 24-46-23-W3-00017.0000; 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 the following exist:

a. That there are ~~not~~ 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;

b. That 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);

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

NOW THEREFORE BE IT RESOLVED THAT THE VARIANCE IS ~~DISAPPROVED~~/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. The requested variance is limited to a 0 foot setback for a 36 square foot sign shown on the site plan as Exhibit B.
2. Prior to the installation of the requested sign, the applicant must remove all other signs advertising parking on parcel 24-46-23-W3-00016.0000.
3. Final sign design subject to Town Manager approval.

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>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

APPLICATION DULY ~~DENIED~~/GRANTED this 15th day of December, 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

