

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 99-32

WHEREAS, Earl Ewing & Althea Gonya, the property owner petitioned for two variances. The first variance (a) is in the Residential Single Family (RS-1) district from the minimum required street setback of 25 feet to allow a setback of 10 feet; and the second variance (b) is a variance in the RS-1 district from the minimum rear setback of 20 feet to allow a setback of 9 feet; and

WHEREAS, the subject property is located at 4660 Estero Blvd., Ft. Myers Beach, in S29-T46S-R24E, Lee County, Florida.; and

WHEREAS, the applicant has indicated the property's current STRAP number is: 29-46-24-W3.008J0.0050; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on August 17 ; 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] Variance request a] is limited to a 10 foot setback from the 20 foot access easement shown on Attachment C. B
- 2] Variance request b] is limited to a 9 foot setback from the rear property line as shown on Attachment C. B
- 3] The applicant may only remove vegetation on the public beach access that is necessary for the applicant's access to his property. The applicant may remove as much vegetation as desired from the ~~front or~~ beach side of the applicant's property.
- 4] The applicant may build a single *residence* family that meets the Town's code requirements up to and including a 2 story single family home with an open porch if desired.

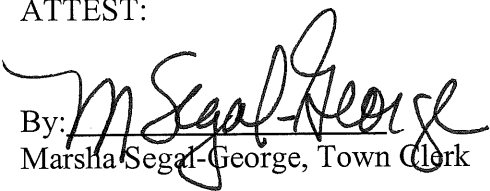
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

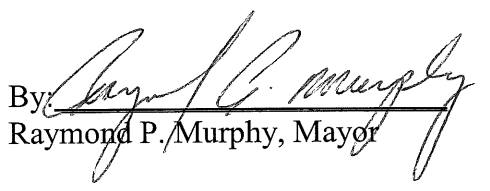
Anita T. Cereceda	<u>aye</u>
Daniel Hughes	<u>aye</u>
John Mulholland	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	_____

APPLICATION DULY DENIED/GRANTED this 20th day of September, 1999.


ATTEST:

TOWN OF FORT MYERS BEACH

By:   
Marsha Segal-George, Town Clerk

By:   
Raymond P. Murphy, Mayor

Approved as to form by:

  
Richard V.S. Roosa, Town Attorney