

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 99-47

WHEREAS, Joseph Vella has requested that the Town approve 2 variances in the Residential Two Family (TFC-2) District; (1) from the minimum required street setback of 25 feet from an arterial road (Estero Blvd.) to 13 feet and 17 feet for two decks to a duplex per LDC Section 34-2192; (2) from the minimum required side setback of 7.5 feet to 4 feet 8 inches to a duplex per LDC Section 34-695; and

WHEREAS, the subject property is located at 2651 Estero Blvd., Ft. Myers Beach, in S19-T46S-R24E, Lee County, FL.; and

WHEREAS, the applicant has indicated the property's current STRAP number is: 19-46-24-W3-0020C.0210; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on November 16; 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.

The variances are limited to a 13 foot street setback for the "Existing" front deck (south), a 17 foot street setback for the "new" front deck (south) and a 4 foot 8 inch side setback (west) for the existing structure as shown on the site plan (attachment B), which is attached hereto and incorporated herein by reference.

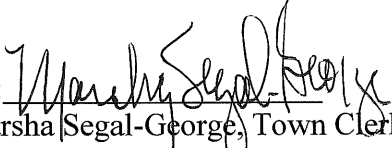
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

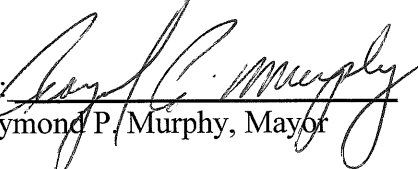
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|-------------------|-----|
| Anita T. Cereceda | aye |
| Daniel Hughes | aye |
| John Mulholland | aye |
| Garr Reynolds | aye |
| Ray Murphy | aye |

APPLICATION DULY ~~DENIED~~/GRANTED this 13th day of December, 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