

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2001- 20

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT MYERS BEACH

WHEREAS, Kathy C. Schaller has requested that the Town approve 3 variances in the TFC-2 District (Residential Two-Family Conservation) to allow the following reduction in setbacks to bring a replaced stairway and porch into compliance; 1] From the minimum 7.5 foot side yard setback to allow a 2.5 foot north side yard setback per LDC Section 34-695; and 2] From the minimum 25 foot street setback to allow a 19.4 foot setback on Palmetto Street per LDC Section 34-695 and 34-2192 (a); and 3] from the minimum 20 foot rear yard setback to allow a 17.1 foot rear yard setback per LDC Section 34-695; and

WHEREAS, the subject property is located at 199 Dakota Ave., Ft. Myers Beach, in S33-T46S-R24E, Lee County, FL.; and

WHEREAS, the applicant has indicated the property's current STRAP number is: 33-46-24-W1-00203.0010 and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on January 8, 2002, and,

WHEREAS, the LPA gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons.

NOW, THEREFORE BE IT RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

That the LPA recommends that the Town Council approve the requested variances with the following condition that the requested variances are limited to the existing duplex as shown on the site plan (boundary survey) attached as Exhibit C which is attached hereto and incorporated herein by reference.

Pursuant to this recommendation, the LPA finds the following;
Findings & Conclusions;

1. There are exceptional or extraordinary conditions or circumstances inherent to the property in question. These conditions are the narrow 45 ft. width of the corner lot developed with a structure that has nonconforming side and street setbacks.
2. The exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance. The applicant purchased the property in January of 2000 with the existing 2.3 ft. side setback and 19.4 ft. street setback.
3. The variance, if 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. The deck expansion is minimal, maintains existing setback lines, and provides safe access to the dwelling unit.

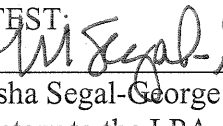
4. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The deck location is consistent with other development in the surrounding neighborhood.
5. The condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of a general or recurrent nature so as to make it more reasonable and practical to amend the ordinance.

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member Hester and seconded by LPA Member Plummer, and upon being put to a vote, the result was as follows:

Jennifer Kaestner	absent
Dave Smith	yes
Betty Simpson	yes
Roxie Smith	yes
Jodi Hester	yes
Linda Beasley	yes
Harold Huber	yes
Jane Plummer	yes

DULY PASSED AND ADOPTED THIS 8th day of January, 2002.
LPA of the Town of Fort Myers Beach

By: 
Roxie Smith, Chairman

ATTEST:
By: 
Marsha Segal-George
Secretary to the LPA

7V-E

LEGEND

- FIR - FOUND IRON ROD (AS NOTED)
- FIP - FOUND IRON PIPE (AS NOTED)
- FCR - FOUND 4" X 4" CONCRETE MONUMENT
- STR - SET 5/8" IRON ROD WITH CAP (LB#6386)
- D - DEED
- P - PLAT
- H - MEASURED
- Ø - POWER POLE
- CB - WATER METER COMPANY PEDESTAL
- DB - ELECTRIC BOX
- - CABLE BOX
- OHW - OVERHEAD WIRES
- X - CHAIN LINK FENCE
- ▨ - WOOD FENCE
- - CONCRETE

NOTES

- 1) THE PROPERTY SHOWN HEREON IS LYING IN ZONE OF THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY-PANEL NUMBER 125124 0441 B. (DATE OF FIRM INDEX 07/20/1981).
- 2) THIS SURVEY WAS PREPARED WITH THE BEST TITLE SEARCH WAS PREPARED WITH THE BEST RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-IMPROVEMENTS OTHER THAN THOSE SHOWN NOT ON THIS SURVEY.

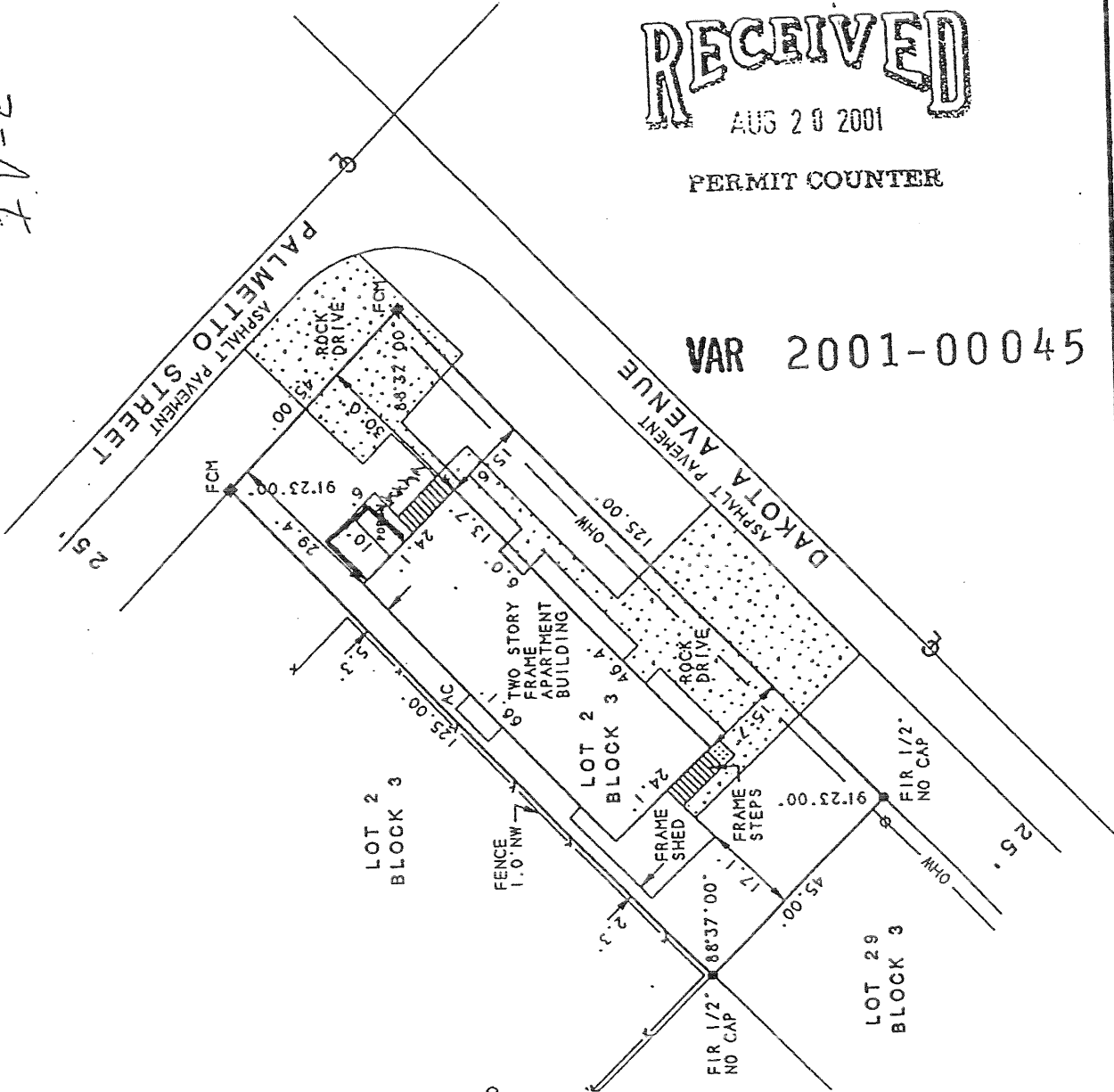
PROPERTY ADDRESS:
189-199 DAKOTA AVENUE
FORT MYERS BEACH, FLORIDA

CERTIFICATIONS

WILLIAM R. SCHALLER, JR. AND KATHLEEN SCHALLER
SUNBELT TITLE AGENCY
AMERICAN PIONEER TITLE INSURANCE COMPANY
BANK OF AMERICA

Robert D. Reice
ROBERT D. REICE, P.S.I.
PROFESSIONAL SURVEYOR
STATE OF FLORIDA

NOT VALID WITHOUT THE ORIGINAL RAISED SEAL SURVEYOR AND MAPPER.



RECEIVED
AUG 29 2001

PERMIT COUNTER

VAR 2001-00045

REV	DATE	DESCRIPTION
1		
2		
3		
4		

BOUNDARY SURVEY

LOT 1, BLOCK 3, GULF HEIGHTS, AS RECORDED IN PLAT BOOK 6 PAGE 39, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

INE, INC.
ENGINEERING & MAPPING
6386
AVENUE, SUITE 5-L
FLORIDA 33908
(1) 481-0421
(1) 433-4588