

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2003- 09

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT
MYERS BEACH

WHEREAS, Willis Beard in ref. to Boathouse/120 Albatross Street. A request for a variance from Section 26-74 (b)(2) of the FMB LDC that requires a 10 foot setback from the side lot or riparian lines for a boathouse on artificial water bodies to allow a boathouse to have a 2 foot setback; and

WHEREAS, the subject property is located at 120 Albatross Street, Ft. Myers Beach, in S34-T46S-R24E, Lee County, FL.; and

WHEREAS, the applicant has indicated the property's current STRAP number is: 34-46-24-W4-00400.0220, and the legal description is as follows:

LOT 22, UNIT 3, FAIRVIEW ISLES, AS RECORDED IN PLAT BOOK 10, PAGE 123, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on May 13, 2003, 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 Applicant's variance request.

Pursuant to the recommendation for approval of the Applicant's variance request, the LPA finds the following;

Findings & Conclusions;

1. There are exceptional or extraordinary conditions or circumstances inherent to the property in question.

2. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
3. 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 regulation in question.
4. The exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation in question.
5. The variance, if granted, is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulations in question to this property.

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

Anita Cereceda	yes
Jessica Titus	yes
Betty Simpson	absent
Roxie Smith	yes
Jodi Hester	yes
Hank Zuba	yes
Nancy Mulholland	yes
Harold Huber	yes
Jane Plummer	yes

DULY PASSED AND ADOPTED THIS 13th day of May, 2003.
LPA of the Town of Fort Myers Beach

By: 
Roxie Smith, Chairman

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