

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2003-37

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT
MYERS BEACH

WHEREAS, Wayne & Tammy McMullen have requested a variance in the RS-Residential Single-family zoning district to allow a deck and staircase to be built. The requested variance is from FMB LDC Table 34-3 from the required 25 foot street setback to allow a street setback of 17.5 feet; and

WHEREAS, the subject property is located at 170 Bayview Ave. Ft. Myers Beach, in S29-T46S-R24E, Lee County, FL.; and

WHEREAS, the applicant has indicated the property's current STRAP number is: 29-46-24-W3-0080C.0120, and the legal description is as follows:

LOT 12 AND THE NORTHEAST ½ OF LOT 11 AND THE SOUTHWEST ½ OF LOT 13, BLOCK C OF THE HYDE PARK SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 20 OF THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on November 4, 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 deny the Applicant's variance request.

Pursuant to the recommendation for denial of the Applicant's variance request, the LPA finds the following;
Findings & Conclusions;

1. There are no exceptional or extraordinary conditions or circumstances inherent to the property in question because the applicant built a deck and staircase prior to obtaining a permit to build it. There is sufficient room on the south side of the house to build a deck and staircase with a 3' wide deck leading to the front door while meeting all of the required setbacks.
2. The granting of the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare because the other homes in this subdivision have been built in accordance with the zoning regulations.
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 because the applicant has sufficient room to build a deck and staircase and still meet all of the required setbacks and the subdivision is already mostly built out.
4. The exceptional or extraordinary conditions or circumstances are the result of actions of the applicant taken subsequent to the adoption of the regulation in question because the applicant constructed a deck and staircase without obtaining the proper permits.
5. The variance, if granted, is not the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to this property because the applicant has sufficient room to build a deck and staircase and still meet all of the required setbacks.

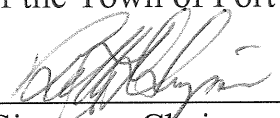
The foregoing Resolution was adopted by the LPA upon a motion by LPA Member Hester and seconded by LPA Member Mulholland, and upon being put to a vote, the result was as follows:

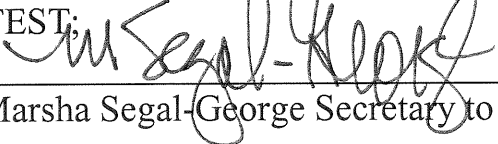
Anita Cereceda	absent
Jessica Titus	yes
Betty Simpson	yes
Roxie Smith	yes
Jodi Hester	yes
Hank Zuba	yes
Nancy Mulholland	yes
Harold Huber	yes

Jane Plummer

yes

DULY PASSED AND ADOPTED THIS 4th day of November, 2003.
LPA of the Town of Fort Myers Beach

By: 
Betty Simpson, Chairman

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