

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 03-19

WHEREAS, Willis Beard the property owner petitioned for a variance of 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, Fort Myers Beach, and the applicant has indicated the property's 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, 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 and recommends that the Town Council approve the Applicant's variance request; and,

WHEREAS a hearing was held and the council considered the following criteria, recommendations and testimony of the staff, recommendations of the local planning agency, testimony from the applicant and from the public.

IT IS THE FINDING of this council that the following exist:

- a. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question;
- b. That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken after to the adoption of the regulation in question;
- c. That the variance 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;
- 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 a nature as to make it more reasonable and practical to amend the regulation in question.

NOW THEREFORE BE IT RESOLVED THAT THE VARIANCE IS APPROVED.

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

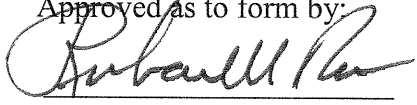
Howard Rynearson	aye
Daniel Hughes	nay
Bill Thomas	nay
W. H. "Bill" Van Duzer	aye
Terry Cain	aye

APPROVED this 9th day of June, 2003.

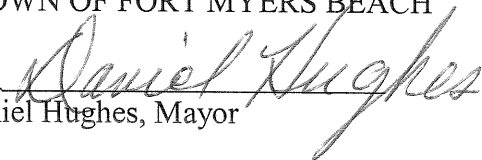
ATTEST:

By: 
Marsha Segal-George, Town Clerk

Approved as to form by:


Richard V.S. Roosa, Town Attorney

TOWN OF FORT MYERS BEACH

By: 
Daniel Hughes, Mayor