

RESOLUTION OF THE LOCAL PLANNING AGENCY
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2013-017
VAR2013-0006 – Houseboat, LLC Variance

WHEREAS, Beverly Grady, authorized agent for the owner of property located at 420, 430, 440, Old San Carlos Boulevard and 1010 Second Street Fort Myers Beach, Florida has requested the following variances from the following sections of the Fort Myers Beach Land Development Code:

1. Section 34-676(b), parking lot location, to permit off-street parking in the front and side yard as depicted on the site plan *Exhibit E*.
2. Table 10-8 Type D buffer, Section 10-416(d) requiring a buffer between the parking lot and ROW, Section 34-677(b)(3) requiring a buffer between off street parking and a ROW to allow no buffer along Old San Carlos and Third Street.
3. Section 10-416(d) requiring a buffer between the parking lot and ROW to allow a zero buffer.
4. Section 10-416(d) requiring a type C/F buffer along the rear property line to allow an existing six (6') foot fence along rear property line
5. Section 34-677(b)(3) requiring a buffer between off street parking and a ROW to allow a zero foot buffer.
6. Section 34-2016 (1) and (2) parking dimensions to allow the following:

Angle	Parking Dim.	One-Way	Two-Way
45°	8' x 16'	10'	20'
60°	8' x 16'	12'	20'
75°	8' x 16'	15'	20'
90°	8' x 16'	18'	20'
7. Section 34-622 (b) and 34-3131 from visibility triangle for Second and Third Streets to allow reduced triangle as set forth in attached sketch; and

WHEREAS, the subject property is located in the Pedestrian Commercial Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, the STRAP numbers for the subject property are 24-46-23-W3-00202.0010, 24-46-23-W3-00202.0020, 24-46-23-W3-00202.0030, and 24-46-23-W3-00202.0190 and the legal description is attached as *Exhibit A*; and

WHEREAS, at the November LPA hearing the applicant requested and was granted a continuance of case VAR2013-0006 to a date certain of the January 14, 2014 LPA meeting; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on January 14, 2014; and

WHEREAS, at the hearing the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the file, and the testimony of all interested persons, as required by the Fort Myers Beach Land Development Code Section 34-87;

IT IS HEREBY RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

The LPA recommends the Town Council **APPROVE** the requested for variances from the following sections:

1. Section 34-676(b), parking lot location, to permit off-street parking in the front and side yard as depicted on the site plan *Exhibit E*.
2. Table 10-8 Type D buffer, Section 10-416(d) requiring a buffer between the parking lot and ROW, and Section 34-677(b)(3) requiring a buffer between off street parking and a ROW to allow a 2.5' buffer along Old San Carlos and Third Street.
3. Section 10-416(d) requiring a type C/F buffer along the rear property line to allow an existing six (6') foot fence along rear property line.
4. Section 34-2016 (1) and (2), parking dimensions to allow the following:

Angle	Parking Dim.	One-Way	Two-Way
45°	8.5' x 18'	10'	20'
60°	8.5' x 18'	12'	20'
75°	8.5' x 18'	15'	20'
90°	8.5' x 18'	18'	20'
5. Section 34-622 (b) and 34-3131 from visibility triangle for Second and Third Streets to allow reduced triangle as depicted in attached sketch; and
6. Administrative variance might be permitted for relief from Section 10-416(c) requiring internal landscaping.

RECOMMENDED CONDITIONS OF APPROVAL:

1. The applicant shall install a 2.5' wide buffer with a minimum height of 41 inches.
2. At the time of redevelopment, the parking lot variance allowing a front and side lot will expire and the property must come into compliance and the parking lot must be located in the rear of the subject property
3. The LPA recommends approval of a building overhang extending up to 12' into the right-of-way pursuant to Section 34-674(a).

RECOMMENDED FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding approval of variance requests, the LPA recommends that the Town Council make the following findings and reach the following conclusions:

- a. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request **is not** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- b. The conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question.
- c. The variance granted **is** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.
- d. The granting of the variance **will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.


- e. The conditions or circumstances on the specific piece of property for which the variance is sought **are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

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

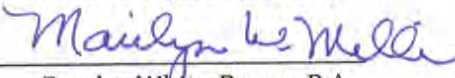
Hank Zuba, Chair	AYE	Joanne Shamp, Vice Chair	AYE
Al Durrett	AYE	John Kakatsch	AYE
Jane Plummer	AYE	Jim Steele	AYE
Chuck Bodenhafer	AYE		

DULY PASSED AND ADOPTED THIS **14th** day of **JANUARY, 2014**.

Local Planning Agency of the Town of Fort Myers Beach

By: 
Hank Zuba, LPA Chair

Approved as to legal sufficiency:

By: 
Fowler White Boggs, P.A.
LPA Attorney

ATTEST:

By: 
Michelle Mayher
Town Clerk

AS-BUILT SURVEY OF
LOTS 1 THRU 5 & 19 BLOCK 2
BUSINESS CENTER
 T10N 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
 (PLAT BOOK 9, PAGES 9-10)
 LEE COUNTY, FLORIDA

LEGEND:

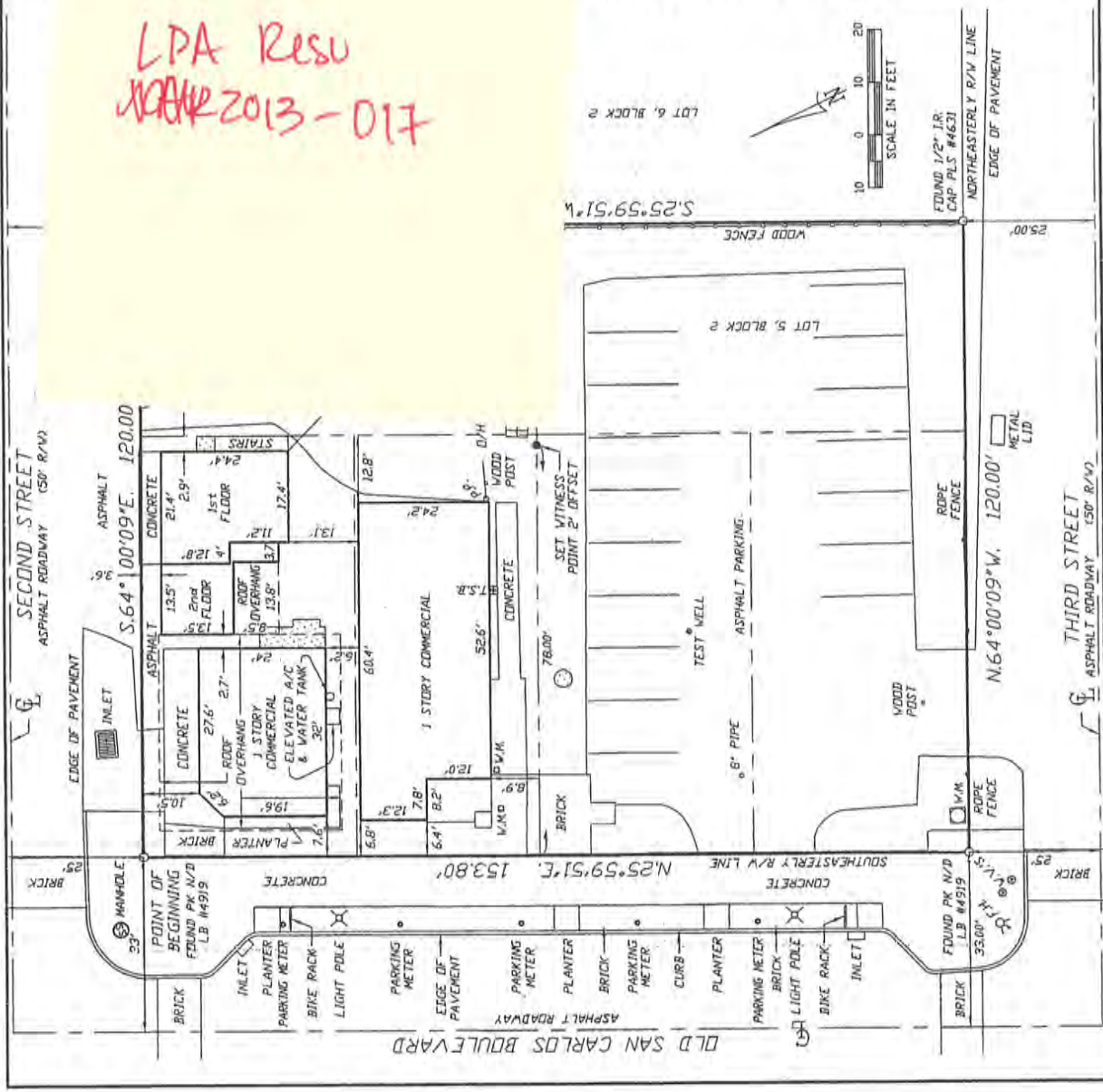
- SET IRON ROD (CAP PLS #4631) R.V.B.
- FOUND IRON ROD (I.R.) W.M.
- CONCRETE MONUMENT (C.M.) V.V.
- OFFICIAL RECORDS BOOK F.H.
- LINE NUMBER P.P.
- RIGHT-OF-WAY P.P.
- ELEVATION G.A.M.V.
- BENCHMARK C.T.B.
- TYPICAL ELEVATION T.S.B.
- CONCRETE A/C
- NAIL & DISK V.S.
- NAIL & TINTAB P.E.

NOTES:
 BEARING SHOWN HEREIN TAKEN FROM THE SOUTHEASTERLY RIGHT-
 LINE OF OLD SAN CARLOS BOULEVARD, AS BEING N25°59'51"E.
 IS IN BUSINESS CENTER.
 IF EASEMENTS AND PERMITS DESCRIBED HEREIN, IT IS NOT A
 PORTION OF TITLE, ZONING OR EASEMENT SEARCH AND WAS
 NOT FOUND IN THE PUBLIC RECORDS. THIS SURVEY IS NOT A
 DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION
 AND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
 THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
 PLAT OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 ALL DISTANCES ARE FEAT AND MEASURED UNLESS OTHERWISE SHOWN
 AND ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.).
 M.S. ARE ELEVATION 1200 N.A.V.D. COMMUNITY NO. 120679
 10554, SUFFIX F, REVISION DATE 8/28/08, MAP NUMBER 1207100554F

DESCRIPTION:
 A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, TOWN OF
 FORT MEYERS BEACH, BEING ALL OF LOTS 1, 2, 3, 4, 5 AND 19, BLOCK 2, BUSINESS
 CENTER, A SUBDIVISION RECORDED IN PLAT BOOK 9 AT PAGES 9 AND 10 AND FURTHER
 DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 2 OF SAID SUBDIVISION, THE
 SAME BEING THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SECOND
 STREET (30 FEET WIDE) AND THE EASTERLY RIGHT-OF-WAY LINE OF SAN CARLOS
 BOULEVARD (30 FEET FROM THE CENTERLINE) THENCE S64°00'09"E ALONG THE
 SOUTHERLY RIGHT-OF-WAY LINE OF SAID SECOND STREET FOR 12000 FEET TO THE
 NORTHEAST CORNER OF LOT 19, BLOCK 2 OF SAID SUBDIVISION THENCE S25°59'51"W
 FOR 15380 FEET TO THE SOUTHEAST CORNER OF LOT 5, BLOCK 2 OF SAID SUBDIVISION
 AND THE NORTHERLY RIGHT-OF-WAY LINE OF THIRD STREET (50 FEET WIDE) THENCE
 N64°00'09"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12000 FEET TO THE
 SOUTHWEST CORNER OF LOT 4, BLOCK 2 OF SAID SUBDIVISION, THE SAME BEING THE
 INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID THIRD STREET AND THE
 EASTERLY RIGHT-OF-WAY LINE OF SAID SAN CARLOS BOULEVARD THENCE N25°59'51"E
 ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID SAN CARLOS BOULEVARD FOR 15380
 FEET TO THE POINT OF BEGINNING
 CONTAINING 18,456 SQUARE FEET, MORE OR LESS.

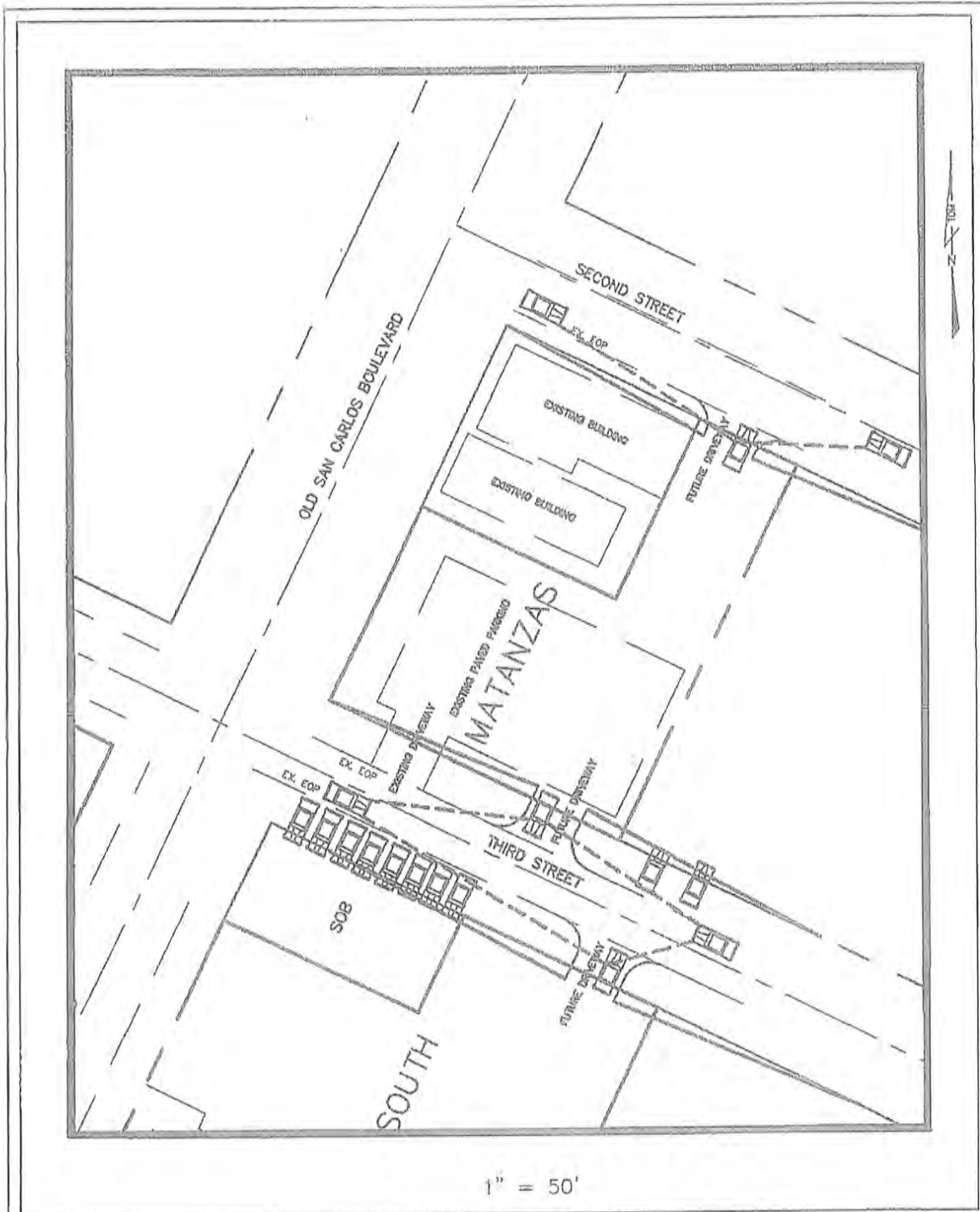
REVISION	DESCRIPTION	BY
DATE OF LAST FIELD WORK	1/13	
DRAWN	CHECK	SCALE
F.B.H.	P.M.W.	1"=20'
SURVEY DATE	FILE NO.	SHT. - 1
1/13		OF - 1

LPA Resu
 10/11/2013-017



PHILLIP M. MULLIN	PROJ. #	
PROFESSIONAL SURVEYOR AND MAPPER	CC	
86515 - STATE OF FLORIDA		
HARRIS-JORGENSEN, INC.		
3046 JCL PRADO BLVD. S. 3A		
CAP. #4631		
PLAT #2391		
FA# (2391) 257-2981		

SKETCH



1" = 50'

EXHIBIT 1
MATANZAS
SITE VISIBILITY TRIANGLE EXHIBIT
JOHN RICHARD
FORT MYERS BEACH, FL

SOURCE: TDM, 12/13

JOBS\dombrose~\Ship~\Drawings\Civil\Concept-R2



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