

**RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 16-39
VAR16-0008 – Best Western Sign Variance**

WHEREAS, applicant Noel Davies, authorized agent for FMB Associates LP is requesting a variance from Section 30-153(b)(1) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP number for the subject property is 24-46-23-W3-00400.0090 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property is located at 684 Estero Boulevard Fort Myers Beach, FL 33931, zoned Commercial Resort on the Official Zoning Map and the Mixed Residential and Recreation category of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on October 11, 2016; and

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

WHEREAS, on November 7, 2016, the Town Council held a duly advertised public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required LDC Section 34-87.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fort Myers Beach, Florida, as follows:

1. Determination.

Based upon the recommendations, testimony, and evidence presented by Town staff, LPA, and interested parties, the Town Council approves the following:

Variance. (VAR16-0008) The Town Council grants **APPROVAL** of a variance from Section 30-153(b)(1) of the LDC to allow a maximum **55±** square foot wall sign on the subject property.

2. Conditions.

- a. *Approval of this variance does not exempt the subject property from any other provisions of LDC Chapter 30.*
- b. *The Maximum square footage of the wall sign on the Best Western motel building facing Estero Boulevard is limited to 55 square feet as provided in Exhibit B.*
- c. *The sign will be located generally consistent with the location depicted on the site plan (see Exhibit C).*

3. Findings and Conclusions of Law.

In accordance with LDC Sections 34-87 for granting a variance, the Town Council finds as follows:

1. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question.
2. The conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question.
3. The variance requested **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.
4. The granting of the variance **will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.
5. 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.

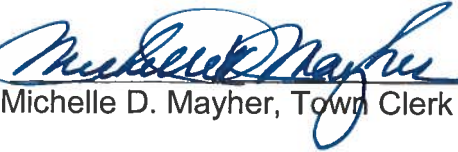
The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Hosafros and seconded by Council Member Cerededa and upon being put to a vote, the result was as follows:

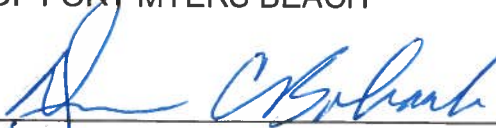
Dennis C. Boback, Mayor	aye
Summer Stockton, Vice Mayor	aye
Tracey Gore	aye
Rexann Hosafros	aye
Anita Cerededa	aye

DULY PASSED AND ADOPTED THIS 7th day of November, 2016, by the Town Council of the Town of Fort Myers Beach.


ATTEST:

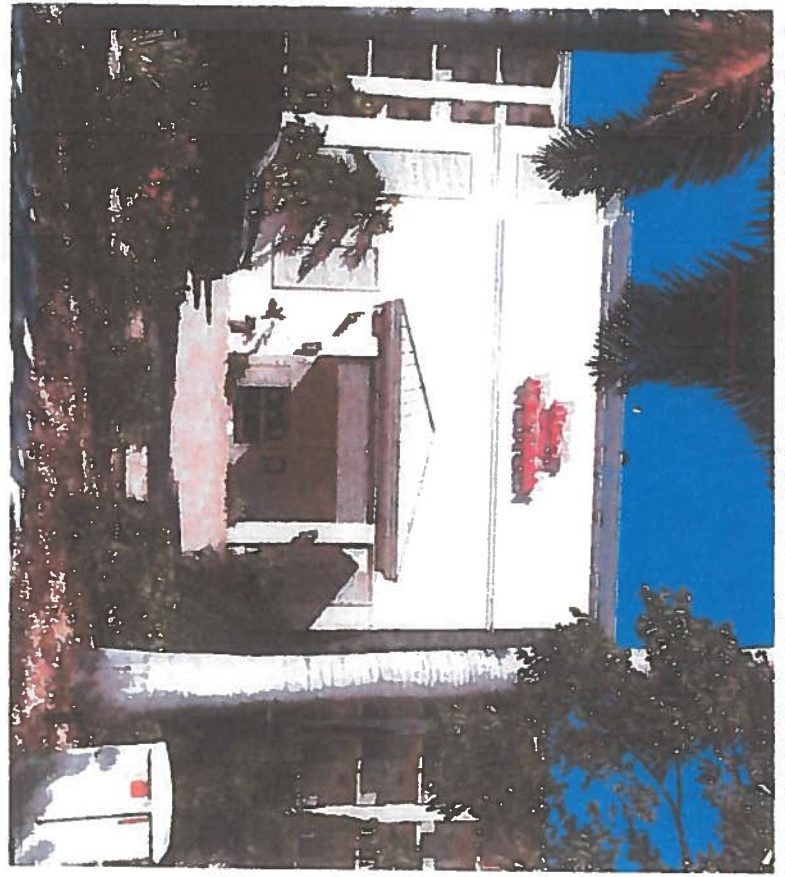
TOWN OF FORT MYERS BEACH

By: 
Michelle D. Mayher, Town Clerk

By: 
Dennis C. Boback, Mayor

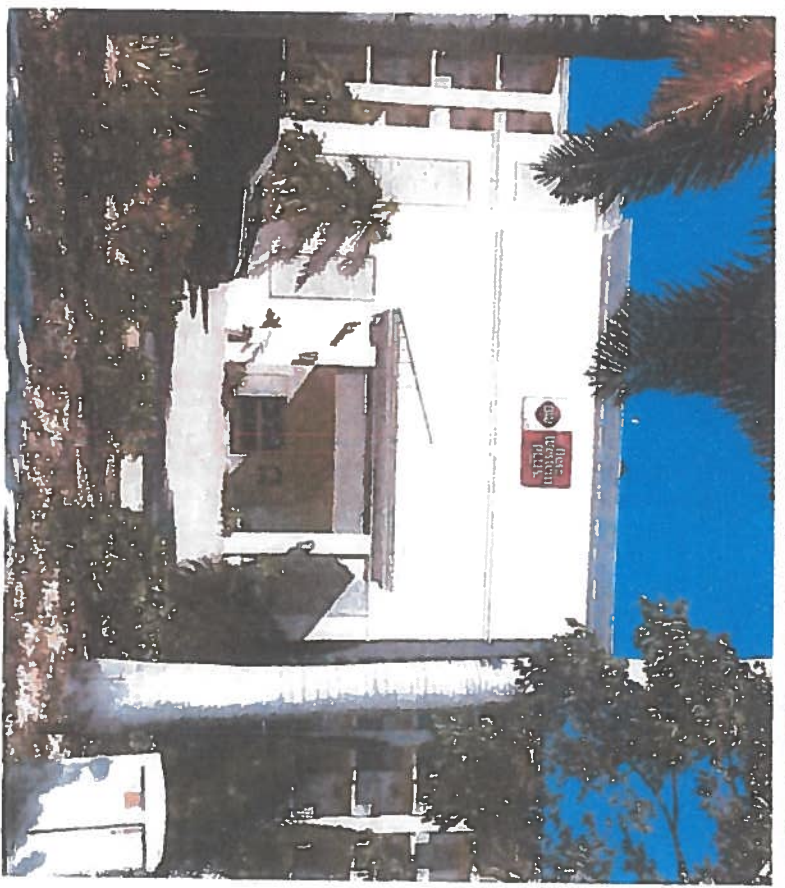
Approved as to form by:

By: 
Dawn E. Perry-Lehnert,
Town Attorney



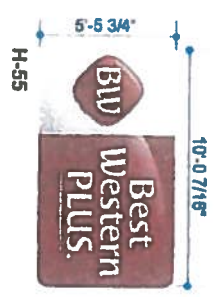
EXISTING

Description: Channel Letters
 City of faces: 1
 Dimensions: -2'-8" H x -14'-3" W x -8'-8" OAH
 Attachment Method: Receiver Mounted
 Illumination: Internally Illuminated



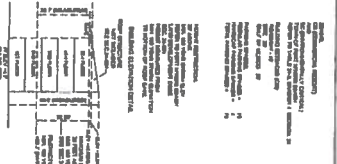
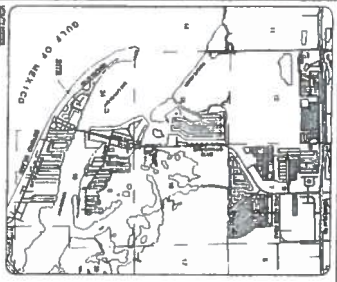
PROPOSED

Description: Wall Sign
 City of faces: 1
 Dimensions: -5'-5 3/4" H x -10'-0 7/16" W
 Attachment Method: Flush Mounted
 Illumination: Internally Illuminated



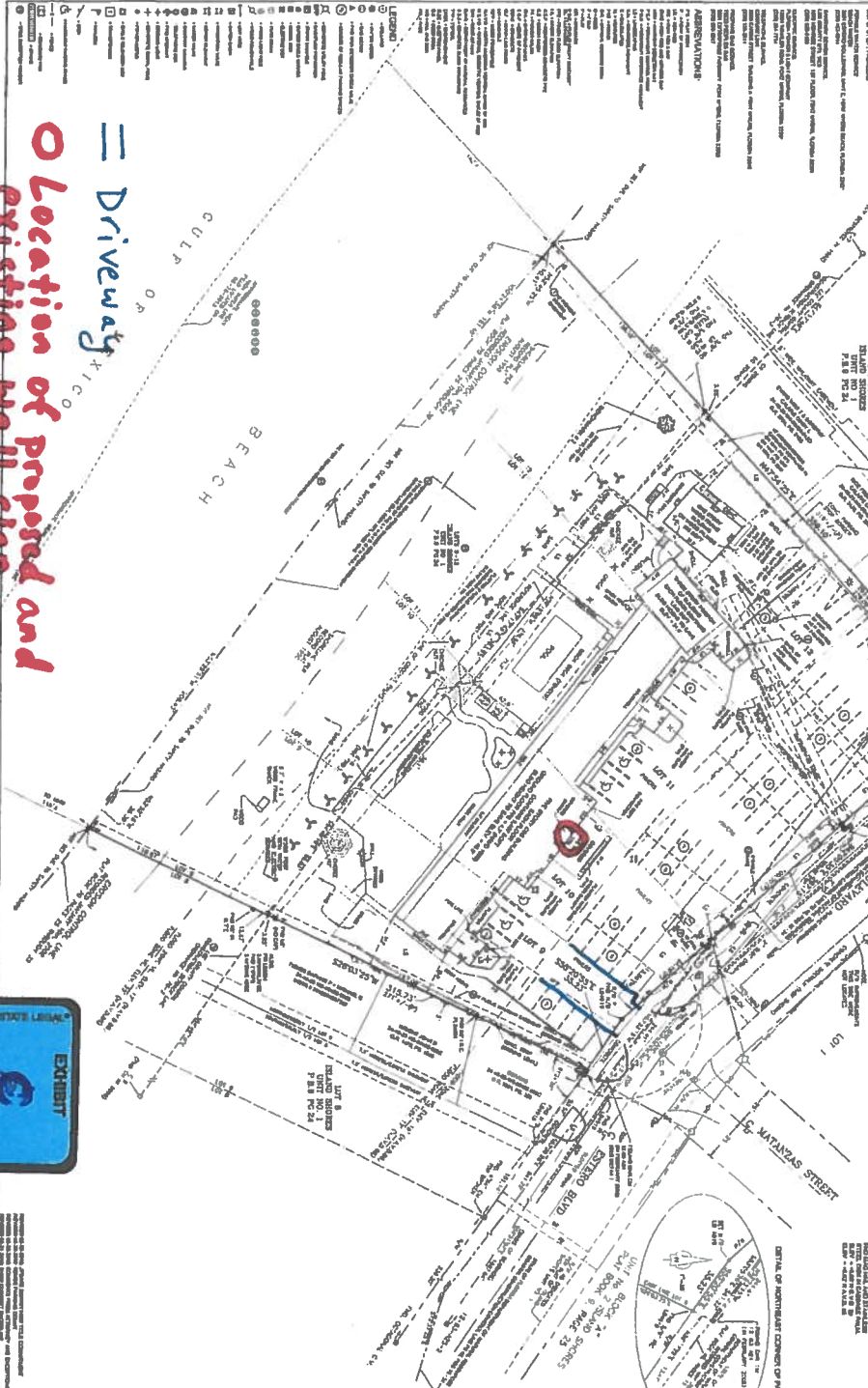
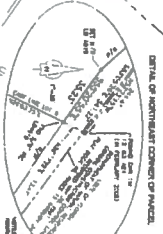
<p>CUMMINS <small>INTERNATIONAL SIGN SYSTEMS CORPORATION 10000 W. CENTRAL EXPRESSWAY SUITE 100 DALLAS, TEXAS 75241-1100</small></p>	<p>This is an original. Using duplicate drawings constitutes a violation of the copyright laws of the United States. No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Cummins.</p>			
	<p>CUSTOMER APPROVAL:</p> <p>DATE: _____</p>	<p>DATE: _____</p> <p>BY: _____</p>	<p>DATE: _____</p> <p>BY: _____</p>	<p>DATE: _____</p> <p>BY: _____</p>
<p>PROJECT PLANNED FOR YOU BY CUMMINS. IT IS NOT TO BE SUBMITTED OUTSIDE YOUR ORGANIZATION AND IS NOT REPRODUCED, COPIED OR EXHIBITED IN ANY MANNER UNLESS AUTHORIZED IN WRITING BY AN OFFICE OF CUMMINS.</p>	<p>Rev. #1 _____</p> <p>Rev. #2 _____</p> <p>Rev. #3 _____</p>	<p>Rev. #1 _____</p> <p>Rev. #2 _____</p> <p>Rev. #3 _____</p>	<p>Rev. #1 _____</p> <p>Rev. #2 _____</p> <p>Rev. #3 _____</p>	<p>Rev. #1 _____</p> <p>Rev. #2 _____</p> <p>Rev. #3 _____</p>
<p>BW PLUS Beach Resort 684 Eslero Blvd Fort Myers Beach, FL 33931</p>	<p>Site ID# 78718</p>	<p>DRAWING NO.: D-ORDER#039886.03</p>	<p>ARTIST: AAJ SHEET: 1 of 3</p>	<p>DATE: 08/20/16</p>

SITE PLAN



AS SHOWN IN THIS CONVEYANCE INSTRUMENT BY A PUBLIC ACT, THE PUBLIC RECORDS COMMISSION HAS REVIEWED THE INSTRUMENT AND HAS DETERMINED THAT THE INSTRUMENT IS VALID AND EFFECTIVE AS TO THE PARTS OF THE INSTRUMENT WHICH ARE NOT SUBJECT TO THE PUBLIC RECORDS COMMISSION'S REVIEW.

DESCRIPTION OF A PARCEL OF LAND
 The parcel of land shown on this site plan is located in Section 24, Township 48 South, Range 23 East, Town of Fort Myers, Lee County, Florida. The parcel is bounded by the Gulf of Mexico to the north, by the Gulf of Mexico to the east, by the Gulf of Mexico to the south, and by the Gulf of Mexico to the west. The parcel is shown on the site plan as a large rectangular area with a red border. The parcel is shown on the site plan as a large rectangular area with a red border.



Location of Proposed and Existing Wall Sign.

Driveway

Beach



SURVEY PLAT

A PARCEL OF LAND
 LYING IN
 SECTION 24, TOWNSHIP 48 SOUTH, RANGE 23 EAST,
 TOWN OF FORT MYERS, LEE COUNTY, FLORIDA



THIS SURVEY PLAT IS A PART OF THE SURVEY OF THE PARCEL OF LAND SHOWN ON THE SITE PLAN AND IS A PART OF THE SURVEY OF THE PARCEL OF LAND SHOWN ON THE SITE PLAN. THE SURVEY PLAT IS A PART OF THE SURVEY OF THE PARCEL OF LAND SHOWN ON THE SITE PLAN AND IS A PART OF THE SURVEY OF THE PARCEL OF LAND SHOWN ON THE SITE PLAN.

DESCRIPTION OF THE PARCEL OF LAND
 The parcel of land shown on this survey plat is located in Section 24, Township 48 South, Range 23 East, Town of Fort Myers, Lee County, Florida. The parcel is bounded by the Gulf of Mexico to the north, by the Gulf of Mexico to the east, by the Gulf of Mexico to the south, and by the Gulf of Mexico to the west. The parcel is shown on the survey plat as a large rectangular area with a red border. The parcel is shown on the survey plat as a large rectangular area with a red border.

DESCRIPTION OF THE SURVEY
 The survey was conducted by the undersigned surveyor on the 15th day of March, 2013. The survey was conducted by the undersigned surveyor on the 15th day of March, 2013. The survey was conducted by the undersigned surveyor on the 15th day of March, 2013.

OWNER OF RECORDING THIS INSTRUMENT
 ALTA/ACSM LAND TITLE SURVEY
 BEST WESTERN - FORT MYERS BEACH
 Bean, Whitaker, Lutz & Karch, Inc. (a 494)
 ONE ENGINEERS - ARCHITECTS AND INTERIORS - FORT MYERS
 1241-11000 BOLLINGER NORTH AVENUE, SUITE 2000, FORT MYERS, FLORIDA 33907 (239) 461-1131

DATE OF RECORDING
 03-28-13

RECORDING OFFICE
 LEE COUNTY, FLORIDA