

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 97- 44

WHEREAS, Lee County Board of County Commissioners, rep. by Community Redevelopment Agency, in ref. to Consolidated Realty Holdings, Inc. filed an application for two variances; [1] a variance in the commercial district to allow 2 9+/- sq. ft. instructional signs located at the drive-thru entrance of Days Inn and 2 9.75+/- sq.ft. instructional signs located at the entrance to the Jimmy B's parking lot; [2] A variance from the requirement that identification signs be set back a minimum of 15 ft. from any right-of-way easement, to allow a sign 0 ft. from the Estero Blvd. right-of-way for Jimmy B's Bar; and,

WHEREAS, the subject property is located at 1130 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as:

LEGAL DESCRIPTION: In Section 24, Township 46 South, Range 23 East, Lee County, Florida:

From the Southwest corner of Block E of CRESCENT PARK
ADDITION, according to the map or plat thereof on file and recorded in Plat Book 4, Page 46, Public Record of Lee County, Florida, on the East line of Section 24, Township 46 South, Range 23 East, run South along said line for 53.24 feet to the South line of the existing County road right-of-way 50 feet wide;
THENCE deflect 110degrees06'00" right and run Northwesterly along said road right-of-way line for 157.63 feet to the POINT OF BEGINNING of the lands herein described;
From the POINT OF BEGINNING continue Northwesterly along said right-of-way line for 200 feet;
THENCE run Southwesterly on a perpendicular to the first mentioned course for 178 feet, more or less, to the Gulf of Mexico;
THENCE run Southeasterly along said Gulf to a point on a line perpendicular to said road, through the POINT OF BEGINNING;
THENCE run Northeasterly along said perpendicular for 213 feet, more or less, to the POINT OF BEGINNING (as described in Official Record Book 1754, Page 3049, Public Records of Lee County, Florida, being more particularly described as follows:
From the Southwest corner of Block E of CRESCENT PARK
ADDITION, according to the map or plat thereof on file and recorded in Plat Book 4, Page 46, Public Records of Lee County, Florida, on the East line of Section 24, Township 46 South, Range 23 East, run South along said line of Section 24, Township 46 South, Range 23 East, run South along said line for 53.24 feet to the South line of the existing County road right-of-way 50 feet wide;

THENCE deflect 110degrees06'00" right and run Northwesterly along said road right-of-way line for 206.02 feet to the POINT OF BEGINNING of the lands herein described;

From said POINT OF BEGINNING continue Northwesterly along said right-of-way line for 10.00 feet;

THENCE run Southwesterly on a perpendicular to the first mentioned course for 17.00 feet;

THENCE run Southeasterly on a perpendicular to the second mentioned course 10.00 feet to a point on a line perpendicular to said right-of-way line through the POIN OF BEGINNING;

THENCE run Northeasterly along said perpendicular for 17.00 feet, more or less to the POINT OF BEGINNING.

THENCE run Northeasterly along said perpendicular of 17.00 feet, more or less to the POINT OF BEGINNING.

Said lands containing 170 square feet, more or less.

WHEREAS, the applicant has indicated the property's current STRAP number is: 24-46-23-W3-00013.0000 and

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

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

- a. That there are ~~not~~ exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district;
- b. That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding the adoption of the ordinance from which this chapter is derived will not be considered self-created);
- c. That the variance is ~~not~~ 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 nature as to make it more reasonable and practical to amend the ordinance.

NOW THEREFORE BE IT RESOLVED THAT THE VARIANCE IS ~~DISAPPROVED~~/APPROVED SUBJECT TO THE FOLLOWING conditions and requirements that are necessary for the protection of the health, safety, comfort, convenience and welfare of the general public and that are reasonably related to the variance requested.

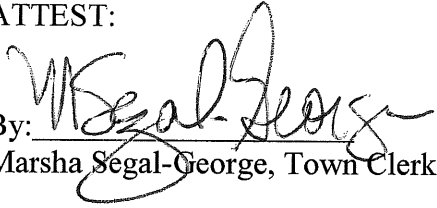
1. That the variance request #1 to allow 2 instructional signs for Days Inn limited to a location at the drive-thru entrance as shown on Exhibit E, and 2 instructional signs for Jimmy B's Beach Bar, is approved.
2. That the variance request for allowing a 0 ft. sign placement setback for an identification sign for Jimmy B's Beach Bar is denied without prejudice.
3. ~~The previously imposed condition that restricts Jimmy B's from advertising on any other current motel (Days Inn) sign on Estero Boulevard be lifted allowing the owner to provide identification signage without erecting an additional identification sign!~~
3. Final sign design subject to Town Manager's approval.

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

| | |
|-----------------------|------------|
| Anita T. Cereceda | <u>aye</u> |
| Ted FitzSimons | <u>nay</u> |
| William (Rusty) Isler | <u>aye</u> |
| Garr Reynolds | <u>nay</u> |
| Ray Murphy | <u>aye</u> |

APPLICATION DULY ~~DENIED~~/GRANTED this 15th day of December, 1997.


ATTEST:

By: 
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH

By: 
Anita T. Cereceda, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney