

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 99-38

WHEREAS, Christian Dattwyler, the property owner petitioned for 3 variances in the Commercial District; (1) from the minimum required street setback of 25 feet to a local road (Second Street) to 16.6 feet to a deck addition to a single-family residence; (2) from the minimum required side setback of 15 feet to 0 feet for a deck addition to a single-family residence; (3) from the minimum required rear setback of 25 feet to 15.6 feet for a deck addition to a single-family residence; and,

WHEREAS, the subject property is located at 1030 Second Street, Ft. Myers Beach, in S24-T46S-R23E, Lee County, FL.; and,

WHEREAS, the applicant has indicated the property's current STRAP number is: 24-46-23-W3-00202.0180; and,

WHEREAS, the LPA at a public hearing gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons and made their recommendation to the Town Council; 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.

The variances are limited to the addition of open porches to the existing single-family residence.

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>yes</u>
Daniel Hughes	<u>yes</u>
John Mulholland	<u>yes</u>
Garr Reynolds	<u>no</u>
Ray Murphy	<u>yes</u>

APPLICATION DULY ~~DENIED~~/GRANTED this 11th day of October, 1999.

ATTEST:

TOWN OF FORT MYERS BEACH

By: Marsha Segal-George
Marsha Segal-George, Town Clerk

By: Raymond P. Murphy
Raymond P. Murphy, Mayor

Approved as to form by:

Richard V.S. Roosa
Richard V.S. Roosa, Town Attorney

Resolution Number 99-38 Errata

As reflected in the minutes of October 11, 1999, under V PUBLIC HEARING: CHRISTIAN DATTWYLER, the resolution on the second page should read :

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.

This correction was identified upon approval of the minutes on November 1, 1999.