

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 02-41

WHEREAS, Estero Beach Club East Condo Association, the property owner, petitioned for a variance from the LDC Section 34-1174 to allow construction of a residential accessory structure (covered carports) within 6 inches of a side lot line and within 12 inches of a rear lot line in the residential multi-family (RM-2) zoning district; and, WHEREAS, the subject property is located at 2650 Estero Blvd, Ft. Myers Beach, in S19-T46S-R24E, Lee County, FL.; and

WHEREAS, the applicant has indicated the property's current STRAP number is: 19-46-24-W3-02100.00CE, and the legal description is as follows: LOTS 6 THROUGH 12 AND LOTS 35 THROUGH 40, BLOCK 'B', WINKLER SUBDIVISION, PLAT BOOK 8, PAGE 45, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on October 8, 2002, and, the LPA recommended that the Town Council approve the requested variance subject to the following conditions;

1. The rear setback variance of 12 inches is limited to the northernmost southerly property line for a covered parking structure identified as carport 34 & 24 on Applicant's Exhibit B which is attached hereto and incorporated herein by reference.
2. The side setback variance of 6 inches is limited to the southernmost westerly property line for a covered parking structure identified as carport 42 & 403 on Applicant's Exhibit B which is attached hereto and incorporated herein by reference.
3. The variances as to the rear and side setbacks are limited to the carport use only.
4. The existing fence must remain and be maintained in good condition; 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 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 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 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. The rear setback variance of 12 inches is limited to the northernmost southerly property line for a covered parking structure identified as carport 34 & 24 on Applicant's Exhibit B which is attached hereto and incorporated herein by reference.
2. The side setback variance of 6 inches is limited to the southernmost westerly property line for a covered parking structure identified as carport 42 & 403 on Applicant's Exhibit B which is attached hereto and incorporated herein by reference.
3. The variances as to the rear and side setbacks are limited to the carport use only.
4. The existing fence must remain and be maintained in good condition.
5. Side setbacks are approved as required to permit the construction of the covered parking.

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	aye
Bill Thomas	absent
W. H. "Bill" Van Duzer	aye
Terry Cain	aye

APPROVED this 4th day of November, 2002.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
 Marsha Segal-George, Town Clerk

By: 
 Daniel Hughes, Mayor

Approved as to form by:


 Richard V.S. Roosa, Town Attorney

