

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 03- 12

WHEREAS, Shirley Wurster the owner of Seaview Cottage Deck has requested a variance from the Fort Myers Beach LDC Section 34-1575(a) to allow a replacement deck to extend seaward of the Coastal Construction Control Line; and,

WHEREAS, the subject property is located at 2916 Seaview St., Fort Myers Beach, and the applicant has indicated the property's current STRAP number is: 30-46-24-W2-003M0.0100, and the legal description is as follows:

LOT 10, BLOCK 'M', WINKLER'S SECOND DIVISION
SUBDIVISION, PLAT BOOK 8, PAGE 49, PUBLIC RECORDS OF
LEE COUNTY, FLORIDA; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on March 18, 2003, 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 recommended that the Town Council deny the Applicant's variance request and found:

1. There are no exceptional or extraordinary conditions or circumstances inherent to the property in question.
2. The granting of the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare.
3. The condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is of a general or recurrent nature so as to make it more reasonable and practical to amend the regulation in question.
4. The exceptional or extraordinary conditions or circumstances are the result of actions of the applicant taken subsequent to the adoption of the regulation in question.
5. The variance, if granted, is not the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulations in question to this property.

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;
- b. That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken after to the adoption of the regulation in question;
- c. That the variance granted 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 a nature as to make it more reasonable and practical to amend the regulation in question.

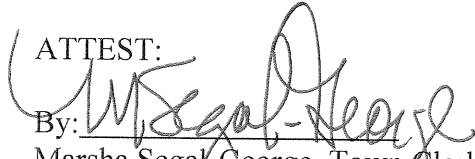
NOW THEREFORE BE IT RESOLVED THAT THE VARIANCE IS DISAPPROVED/APPROVED SUBJECT TO THE ~~FOLLOWING~~ conditions and requirements that are necessary for the protection of the health, safety, comfort, convenience and welfare of the general public and that are reasonably related to the variance requested:


The 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	aye
W. H. "Bill" Van Duzer	aye
Terry Cain	aye

APPROVED this 14th day of April, 2003.

ATTEST:

By: 
 Marsha Segal-George, Town Clerk
 Approved as to form by:


 Richard V.S. Roosa, Town Attorney

TOWN OF FORT MYERS BEACH

By: 
 Daniel Hughes, Mayor