

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2005-5

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT MYERS BEACH

WHEREAS, George Palko has requested a variance from Section 34-1174 (b) of the LDC to allow a 70 +/- square-foot garage addition to be located closer to the right-of-way than the principal structure; and

WHEREAS, the subject property is located at 331 Washington Court, Ft. Myers Beach, in S29-T46S-R24E, Lee County, FL.; and

WHEREAS, the applicant has indicated the property's current STRAP number is: 29-46-24-W1-0110C.0030 and the legal description attached as Exhibit A is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on May 17, 2005, and,

WHEREAS, the LPA gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons.

NOW, THEREFORE BE IT RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

That the LPA recommends that the Town Council deny the requested variance for the 70 +/- square-foot garage addition.

Pursuant to the recommendation of denial of the Applicant's variance request, the LPA finds the following;

Findings & Conclusions;

1. That there are no exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
2. That the conditions justifying the variance are the result of actions of the applicant taken after the adoption of the regulation in question.
3. That the variance requested 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.
4. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
5. That the conditions or circumstances as to the situation of this specific piece of property, are not of a general or recurrent nature so as to make it more reasonable and practical to amend the regulation in question.

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member Titus and seconded by LPA member Simpson, and upon being put to a vote, the result was as follows:

Anita Cereceda	absent
Jessica Titus	yes
Betty Simpson	yes
Robert Simon	absent
Jodi Hester	yes
Jane Plummer	absent
Bob Raymond	yes

DULY PASSED AND ADOPTED THIS 17th day of May, 2005.
LPA of the Town of Fort Myers Beach

By: Jodi Hester
Jodi Hester, Vice- Chairman

ATTEST:
By: Marsha Segal-George
Marsha Segal-George Secretary to the LPA