

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 2011-008
FMBVAR2011-0002 (Holiday Inn Sign)

WHEREAS, applicant FMBH LLC has requested a Variance from Section 30-153(b) and Section 30-154(c) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP for the subject property is 03-47-24-W2-00003.0010 and the legal description of the subject property is attached as Exhibit A; and

WHEREAS, the subject property is located at 6890 Estero Boulevard in the Commercial Resort zoning category of the Official Zoning Map and the Mixed Residential category of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on July 12, 2011; and

WHEREAS, at the hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-87.

IT IS HEREBY RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application and the standards for granting special exceptions, the LPA recommends the following findings of fact, conditions for approval, and conclusions for consideration by the Town Council:

The LPA recommends that the Town Council **DENY** the applicant's request for a Variance from Section 30-153(b) and Section 30-154(c) of the LDC:

RECOMMENDED FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the LPA recommends that the Town Council make the following findings and reach the following conclusions:

- A. There **are not** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, **or** the request **is not** for a de minimis variance

under circumstances or conditions where rigid compliance is not essential to protect public policy.

B. The conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question.

C. The variance granted **is not** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

D. The granting of the variance **will** be injurious to the neighborhood or otherwise detrimental to the public welfare.

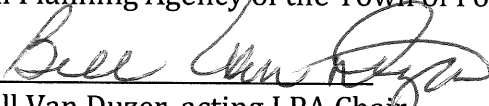
E. The conditions or circumstances on the specific piece of property for which the variance is sought **are** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member **Van Duzer** and seconded by LPA Member **Kakatsch**, and upon being put to a vote, the result was as follows:

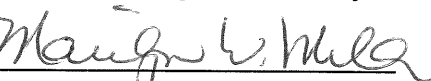
Joanne Shamp, Chair	excused	Bill Van Duzer, Member	AYE
Carleton Ryffel, Vice Chair	excused	Rochelle Kay, Member	AYE
John Kakatsch, Member	AYE	Hank Zuba, Member	excused
Tom Cameron, Member	AYE		

DULY PASSED AND ADOPTED THIS 12th day of JULY, 2011.

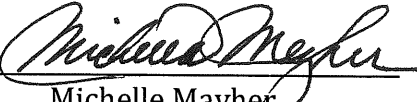
Local Planning Agency of the Town of Fort Myers Beach

By: 
Bill Van Duzer, acting LPA Chair

Approved as to legal sufficiency:

By: 
Fowler, White, Boggs
LPA Attorney

ATTEST:

By: 
Michelle Mayher
Town Clerk

**EXHIBIT A
LEGAL DESCRIPTION**

All of that portion of the south 460 feet of the North 1060 feet of Government Lot 1, Section 3, Township 47 South, Range 24 East, lying West of Estero Boulevard (S.R. 865), Lee County, Florida, running from the Westerly side of said Estero Boulevard (S.R. 865) to the Gulf of Mexico, less so much thereof, lying West of the approximate Mean High Tide Line of the Gulf of Mexico in March of 1972, as the same is shown and located on survey prepared by Johnson Engineering, Inc., title "Boundary and Partial Topographic Survey - Parcel in Government Lot 1, Section 3, Township 47 South, Range 24 East, Estero Island, Lee County, Florida", dated January, 1987, Project No. 15767, File No. 3-47-24.