

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 2012-006
VAR2012-0006 (Pierview Hotel Sign Variance)

WHEREAS, applicant Broadway Investment Partners, LLC has requested three variances in the Downtown zoning district; (1) a variance from LDC Sec. 30-154(b) requirement of a three-foot setback from the right-of-way for a monument sign to permit the sign to be setback 12 inches from the right-of-way; (2) a variance from LDC Sec. 30-154(c) requirement that the bottom of a monument sign cannot be more than eighteen (18) inches above the highest adjacent grade to permit the existing monument sign to be elevated 48 inches above the highest adjacent grade; and (3) a variance from LDC Sec. 30-154(c) requirement that monument signs cannot exceed five (5) feet in height to permit the existing monument sign to be elevated eight (8) feet in height; and

WHEREAS, the subject property is located at 1160 Estero Boulevard, Fort Myers Beach, FL 33931; and

WHEREAS, the applicant has indicated that the STRAP for the subject property is 24-46-23-W3-00009.0000 and the legal description is provided as follows:

From the Southwest corner of Block E, of that certain subdivision known as CRESCENT PARK ADDITION, according to the map or plat thereof on file and recorded in Plat Book 4, Page 46, of the public records of Lee County, Florida; on the East line of Section 24, Township 46 South, Range 23 East, Lee County, Florida, run South along said line 53.24 feet to the South line of an existing County Road right-of-way 50 feet wide and Point of Beginning of the lands herein described; thence Northwesterly at an inclusive angle of 69°54' with said section line along the South line of said right-of-way a distance of 122.63 feet; thence Southwesterly perpendicular to said road for 213 feet, more or less, to the Gulf of Mexico; thence Southeasterly along said Gulf to the East line of said Section 24; thence Northerly along said line a distance of 258 feet, more or less, to the Point of Beginning; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on June 12, 2012; 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 **APPROVE** the applicant's request for Variances 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** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, **and** the request **is** for a de minimis variance to protect public safety by not obstructing access to public utilities and fire protection facilities.
- 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** 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 not** 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 not** 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 **Andre** and seconded by LPA Member **Zuba**, and upon being put to a vote, the result was as follows:

Joanne Shamp, Chair	AYE	Dan Andre, Member	AYE
Al Durrett, Member	NAY	John Kakatsch, Member	AYE
Jane Plummer, Member	ABSENT	Alan Smith, Member	AYE
Hank Zuba, Member	AYE		

DULY PASSED AND ADOPTED THIS 12th day of JUNE, 2012.

By: Joanne K Shamp
Joanne Shamp, LPA Chair

Approved as to legal sufficiency:

By: Maigyn White
Fowler, White, Boggs
LPA Attorney

ATTEST:

By: Michelle Mayher
Michelle Mayher
Town Clerk