

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 13-14
VAR2013-0001 – Lani Kai Sign Variance

WHEREAS, applicant Robert Burandt, Esq, authorized agent for Lani Kai, LP, is requesting a variance from Section 30-154(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 number for the subject property is 19-46-24-W4-0070D.0020 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property is located at 1400 Estero Boulevard, Fort Myers Beach, FL 33931 in the 'DOWNTOWN' zoning category of the Official Zoning Map and the 'Pedestrian Commercial' 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 June 11, 2013; 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.

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on August 19, 2013, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2013-005, the 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 TOWN COUNCIL 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, LPA Resolution 2013-005 and the standards for granting variances, the Town Council makes the following findings of fact, and reaches the following conclusions:

The Town Council **APPROVES** the applicant's request for a variance from Section 30-154(b) of the LDC to allow a right-of way setback of 1.7' as depicted on *Exhibit I*;

The Town Council **APPROVES** the applicant's request for a variance from Section 30-154(c) of the LDC to allow a sign height of 9'7" as measured from adjacent grade or crown of road, whichever is higher, subject to the following condition;

CONDITIONS OF APPROVAL:

1. The width of the sign structure shall not exceed 8'2".
2. Landscaping shall be installed around the sign base wherever possible.

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:

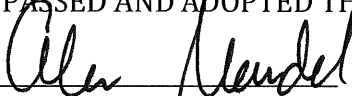
- A. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request **is** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- B. The conditions justifying 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** 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 Town Council upon a motion by Council Member Andre and seconded by Council Member Raymond, and upon being put to a vote, the result was as follows:

Alan Mandel, Mayor	AYE	Joe Kosinski, Vice Mayor	AYE
Jo List	AYE	Bob Raymond	AYE
Dan Andre	AYE		

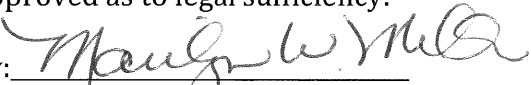
DULY PASSED AND ADOPTED THIS 19th day of AUGUST, 2013.

By:


Alan Mandel, Mayor

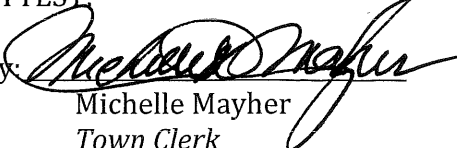
Approved as to legal sufficiency:

By:


Fowler White Boggs, P.A.
Town Attorney

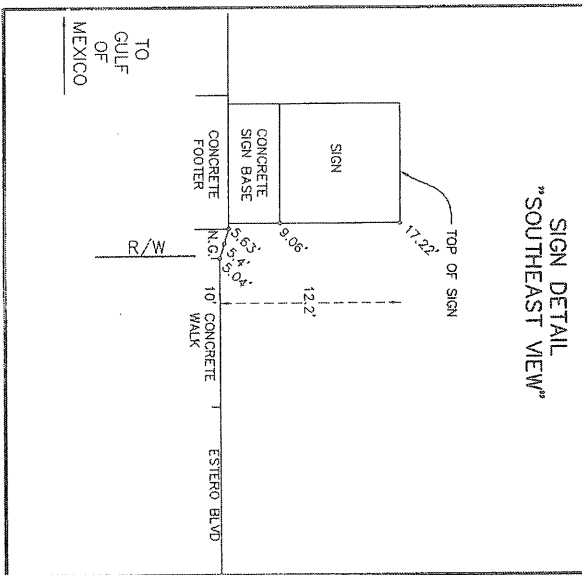
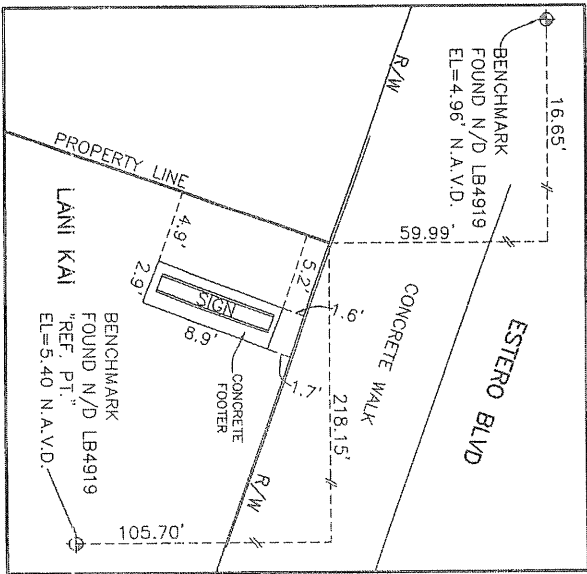
ATTEST:

By:


Michelle Mayher
Town Clerk

SPECIFIC PURPOSE SURVEY

A PARCEL OF LAND
OF
LYING IN
SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST,
FORT MYERS BEACH, LEE COUNTY, FLORIDA



LEGEND
 E.O.P. = EDGE OF PAVEMENT
 CONC = CONCRETE
 R/W = RIGHT OF WAY
 N.A.V.D. = NATIONAL GEODETIC SURVEY
 N.G.S. = NORTH AMERICAN VERTICAL DATUM
 N/D = NATURAL GROUND
 N/D = NAIL AND DISC

SIGN DETAIL
"SOUTHEAST VIEW"

NOTES:
 SURVEY BASED ON THE R/W MAPS FOR ESTERO BLVD PREVIOUSLY
 PREPARED BY THIS FIRM.
 ELEVATIONS ARE BASED ON N.A.V.D. 1988 AND NGS BENCHMARK
 AD1327.
 DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.
 PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND
 RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND
 UNWRITTEN).
 UNDERGROUND IMPROVEMENTS, UTILITIES AND/OR FOUNDATIONS
 WERE NOT LOCATED UNLESS OTHERWISE NOTED.
 ALL UTILITIES AND IMPROVEMENTS ARE NOT SHOWN.

THIS PLAT PREPARED AS AN EXHIBIT BEING A SPECIFIC PURPOSE
 SURVEY TO SHOW THE LOCATION AND ELEVATION OF THE EXISTING
 SIGN ALONG THE RIGHT-OF-WAY LINE OF ESTERO BLVD AND THE
 WESTERLY PROPERTY LINE OF LANI KAI.
 STRAP NO: 19-46-24-W4-00700.0020

ADDRESS: 1400 ESTERO BLVD, FORT MYERS BEACH, FL 33931
 DATE OF LAST FIELD WORK: 1-8-13.

NOT VALID WITHOUT THE SIGNATURE AND
 THE ORIGINAL BASED SEAL OF FLORIDA
 LICENSED SURVEYOR AND MAPPER.
 BEAN, WHITAKER, LUTZ & KAREH, INC.
 SCOTT C. WHITAKER, P.S.M., NO. 1541324
 PROFESSIONAL SURVEYOR & MAPPER
 STATE OF FLORIDA
 - THIS CERTIFICATION IS ONLY FOR THE LANDS
 DESCRIBED HEREON.
 - IT IS NOT A GUARANTEE OF ACCURACY.
 - THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF
 ANY ADJUDICATED RIGHTS OF TITLE
 SHOULD BE REFERRED TO AN ATTORNEY AT LAW.

SIGN LOCATION AT LANI KAI

Bean, Whitaker, Lutz & Kareh, Inc. (LP #919)

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS
 13041 MCREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-9910 (239) 481-1331

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-I)
1-8-13	SR42160.DWG	S. PIERCE	1" = 10'	1 OF 1	19-46-24