

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 14-05
VAR2013-0006 – Houseboat, LLC Variance

WHEREAS, Beverly Grady, authorized agent for the owner of property located at 420, 430, 440, Old San Carlos Boulevard and 1010 Second Street Fort Myers Beach, Florida has requested the following variances from the following sections of the Fort Myers Beach Land Development Code:

1. Section 34-676(b), parking lot location, to permit off-street parking in the front and side yard as depicted on the site plan *Exhibit E*.
2. Table 10-8 Type D buffer, Section 10-416(d) requiring a buffer between the parking lot and ROW, and Section 34-677(b)(3) requiring a buffer between off street parking and a ROW, to allow a 2.5' buffer along Old San Carlos and Third Street.
3. Section 10-416(d) requiring a type C/F buffer along the rear property line to allow an existing six (6') foot fence along rear property line.
4. Section 34-2016 (1) and (2), parking dimensions, to allow the following:

Angle	Parking Dim.	One-Way	Two-Way
45°	8' x 16'	10'	20'
60°	8' x 16'	12'	20'
75°	8' x 16'	15'	20'
90°	8' x 16'	18'	20'
5. Section 34-622 (b) and 34-3131 from visibility triangle for Second and Third Streets to allow reduced triangle as depicted in attached sketch; and

WHEREAS, the subject property is located in the Pedestrian Commercial Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, the STRAP numbers for the subject property are 24-46-23-W3-00202.0010, 24-46-23-W3-00202.0020, 24-46-23-W3-00202.0030, and 24-46-23-W3-00202.0190 and the legal description is attached as *Exhibit A*; and

WHEREAS, at the November LPA hearing the applicant requested and was granted a continuance of case VAR2013-0006 to a date certain of the January 14, 2014 LPA meeting; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on January 14, 2014; and

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

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on March 3, 2014, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2013-017, 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:

The Town Council **APPROVES** the following variances:

1. A variance from Section 34-676(b), parking lot location, to permit off-street parking in the front and side yard as depicted on the site plan *Exhibit E*.
2. A variance from Table 10-8 Type D buffer; a variance from Section 10-416(d) requiring a buffer between the parking lot and ROW; and a variance from Section 34-677(b)(3) requiring a buffer between off street parking and a ROW to allow a 2.5' buffer along Old San Carlos and Third Street.
3. A variance from Section 10-416(d) requiring a type C/F buffer along the rear property line to allow an existing six (6') foot fence along rear property line.
4. A variance from Section 34-2016 (1) and (2), parking dimensions to allow the following dimensions for no more than twenty-five percent (25%) of the parking spaces:

Angle	Parking Dim.	One-Way	Two-Way
45°	8' x 16'	10'	20'
60°	8' x 16'	12'	20'
75°	8' x 16'	15'	20'
90°	8' x 16'	18'	20'

The remaining seventy-five percent (75%) of the parking spaces must comply with current LDC dimension requirements.

5. A variance from Section 34-622 (b) and 34-3131 from visibility triangle for Second and Third Streets to allow reduced triangle as depicted in attached sketch; and

CONDITIONS OF APPROVAL:

1. The applicant shall install a 2.5' wide buffer with a minimum height of 41 inches.
2. Applicant may utilize the parking dimensions described in variance approval #4 above, provided, however, at the time of redevelopment or the application of a building permit for the subject property, the parking space dimensions must come into compliance with all provisions of Section 34-2016.
3. At the time of redevelopment, the parking lot variance allowing a front and side lot will expire and the property must come into compliance and the parking lot must be located in the rear of the subject property
4. A building overhang extending up to 12' into the right-of-way is hereby approved.

FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding approval of variance requests, the Town Council reaches the following findings and conclusions:

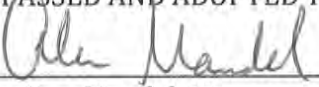
- a. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request **is** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- b. The conditions justifying 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 Vice Mayor Kosinski and seconded by Council Member Andre, 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 3rd day of MARCH, 2014.

By: 
Alan Mandel, Mayor

Approved as to legal sufficiency:

By: 
Fowler White Boggs, P.A.
Town Attorney

ATTEST:

By: 
Michelle Mayher
Town Clerk

Exhibit A

Legal Description

Lots 1, 2, 3, 4, 5 and 19, Block 2, Business Center Subdivision, according to the Map or Plat thereof as recorded in Plat Book 9, Pages 9 and 10, Public Records of Lee County, Florida.

Exhibit E

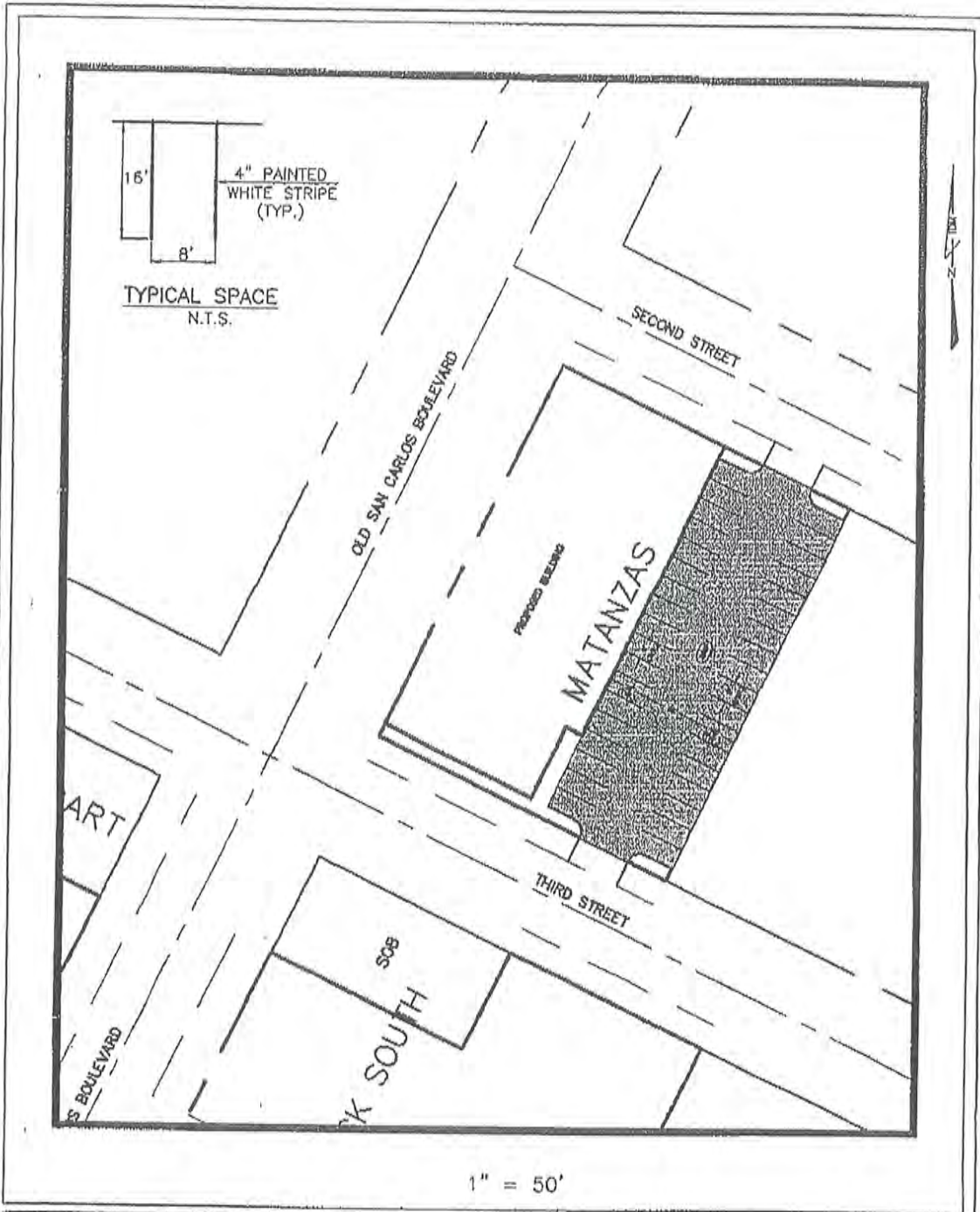


EXHIBIT A
MATANZAS
PARKING LAYOUT
JOHN RICHARD
FORT MYERS BEACH, FL
SOURCE: TDM, 12/13

*parking
dimension
variance*

J088\dambrose-1\Shir-1\Drawings\Civil\Concept-R2



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