

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 14-08
VAR2013-0007 – Shipwreck Variance

WHEREAS, Beverly Grady, authorized agent for the owner of property located at 237, 245, 309, 320, and 330 Old San Carlos Boulevard Fort Myers Beach, Florida has requested the following variances from the following LDC sections:

1. Section 34-676(b) parking lot location, to permit off-street parking in the front and side yards as depicted on the site plan in *Exhibit E*.
2. Table 10-8 Type D buffer, Section 34-677(b)(3) requiring a buffer between off street parking and a ROW, and Section 10-416(d) requiring buffer between parking and ROW to allow a 2.5' buffer with a 41" minimum height.
3. Section 34-676(c) parking lot location, to allow no rear yard connection between subject property and adjacent property.
4. A variance from Section 34-622 (b) and 34-3131, visibility triangle, to allow reduced visibility triangle for access to Third Street due to Town approval of SOB structure in right of way.
5. A variance from 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'
6. A variance from LDC Section 10-416 (c) internal landscaping requirements for parking lots to allow no internal landscape parking lot improvements to include 2(a) no tree requirement; 2(b) no internal landscape islands; 2(c) no 10' landscape island width; 2(d) no landscape every 10 space requirement; 2(e) no median required; 2(f) no interior landscape of sod and grass and 2(g) no tree grates; 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 number for the subject property is 24-46-23-W3-00203.0020 and the legal description is attached as *Exhibit A*; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on November 12, 2013; and

WHEREAS, at the November LPA hearing the applicant requested and was granted a continuance of case VAR2013-0007 to a date certain of the January 14, 2014 LPA meeting; and

WHEREAS, a public hearing was held before the 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 2013-020, 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 hereby **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 yards as depicted on the site plan in *Exhibit E*.
2. A variance from Table 10-8 Type D buffer; a variance from Section 34-677(b)(3), requiring a buffer between off street parking and a ROW, and a variance from Section 10-416(d) requiring buffer between parking and ROW to allow a 2.5' buffer with a 41" minimum height, said buffer to be installed within two (2) years of the granting of this variance.
3. A variance from Section 34-676(c) parking lot location, to allow no rear yard connection between subject property and adjacent property.
4. A variance from Section 34-622 (b) and 34-3131, visibility triangle, to allow reduced visibility triangle for access to Third Street due to Town approval of SOB structure in right of way.
5. A variance from Section 34-2016 (1) and (2) parking dimensions to allow the following for not more than fifty percent (50%) 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 fifty percent (50%) of the parking spaces must comply with current LDC requirements.

6. A variance from LDC Section 10-416 (c) internal landscaping requirements for parking lots to allow no internal landscape parking lot improvements to include 2(a) no tree requirement; 2(b) no internal landscape islands; 2(c) no 10' landscape island width; 2(d) no landscape every 10 space requirement; 2(e) no median required; 2(f) no interior landscape of sod and grass and 2(g) no tree grates.

CONDITIONS OF APPROVAL:

1. The applicant shall install a 2.5' wide buffer with a minimum height of 41 inches within two (2) years from the approval of the variance.
2. Applicant may utilize the parking dimensions described in variance #5 above, 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 parking lot must come into compliance and be relocated to 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:

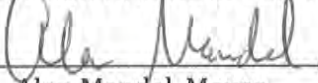
In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding approval of variance requests, the Town Council reaches the following findings and conclusions:

- 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 List, 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 2 through 6, 22 & 23, Block 3, Business Center Subdivision, and the Northerly $\frac{1}{2}$ of Vacated Fourth Street, according to the Map or Plat thereof as recorded in Plat Book 9, Pages 9 and 10, Public Records of Lee County, Florida.

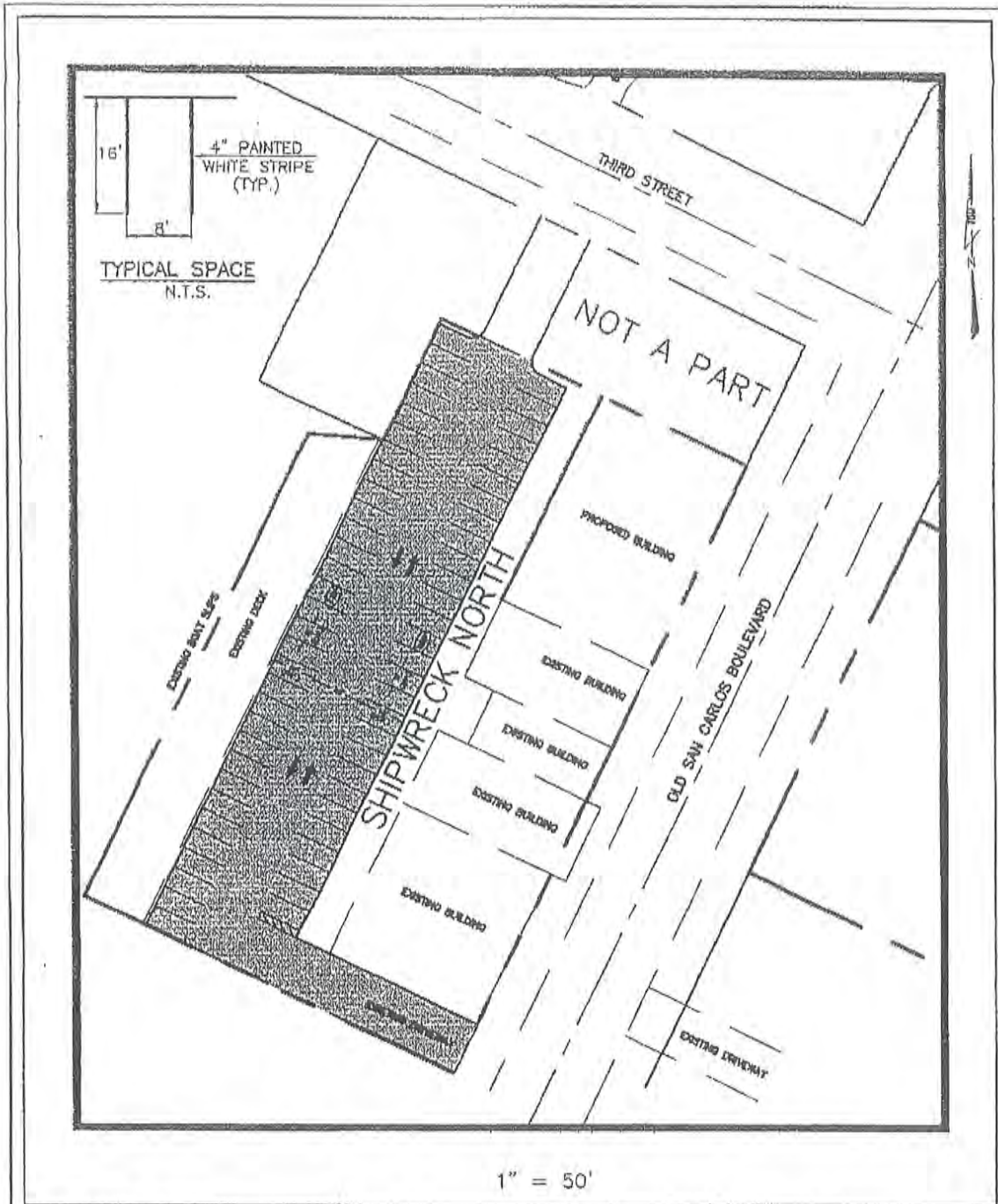
AND

Lots 3 through 12, Block A, Island Shores Unit 2, according to the Map or Plat thereof as recorded in Plat Book 9, Page 25, Public Records of Lee County, Florida,

AND

Beginning at the Southwest Corner of Lot 9, Block A, Island Shores Subdivision, Unit No. 2, as recorded in Plat Book 9 at Page 25 of the Public Records of Lee County, Florida; thence run N $63^{\circ}58'21''$ W, 11.82 feet to the outer face of a seawall; thence run N $29^{\circ}45'28''$ E, 50.11 feet to the outer face of a second seawall; thence run N $26^{\circ}01'39''$ E, 58.50 feet along said second seawall to a point of curve to the left in said second seawall; said curve having a radius of 10 feet; thence run along said seawall and curve an arc distance of 6.39 feet thru a delta angle of $36^{\circ}37'27''$ to a point which bears S $71^{\circ}01'39''$ W, 14.90 feet from the Northwest corner of Lot 5, Block A, of said subdivision; thence run S $26^{\circ}01'39''$ W, 125.00 feet to the Point of Beginning. Said parcel contains 1120.6 square feet more or less.

Exhibit E



1" = 50'

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

*parking dimension
 variance*

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variance, 3+4

9

Exhibit E

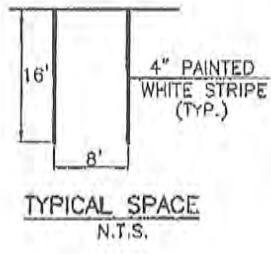
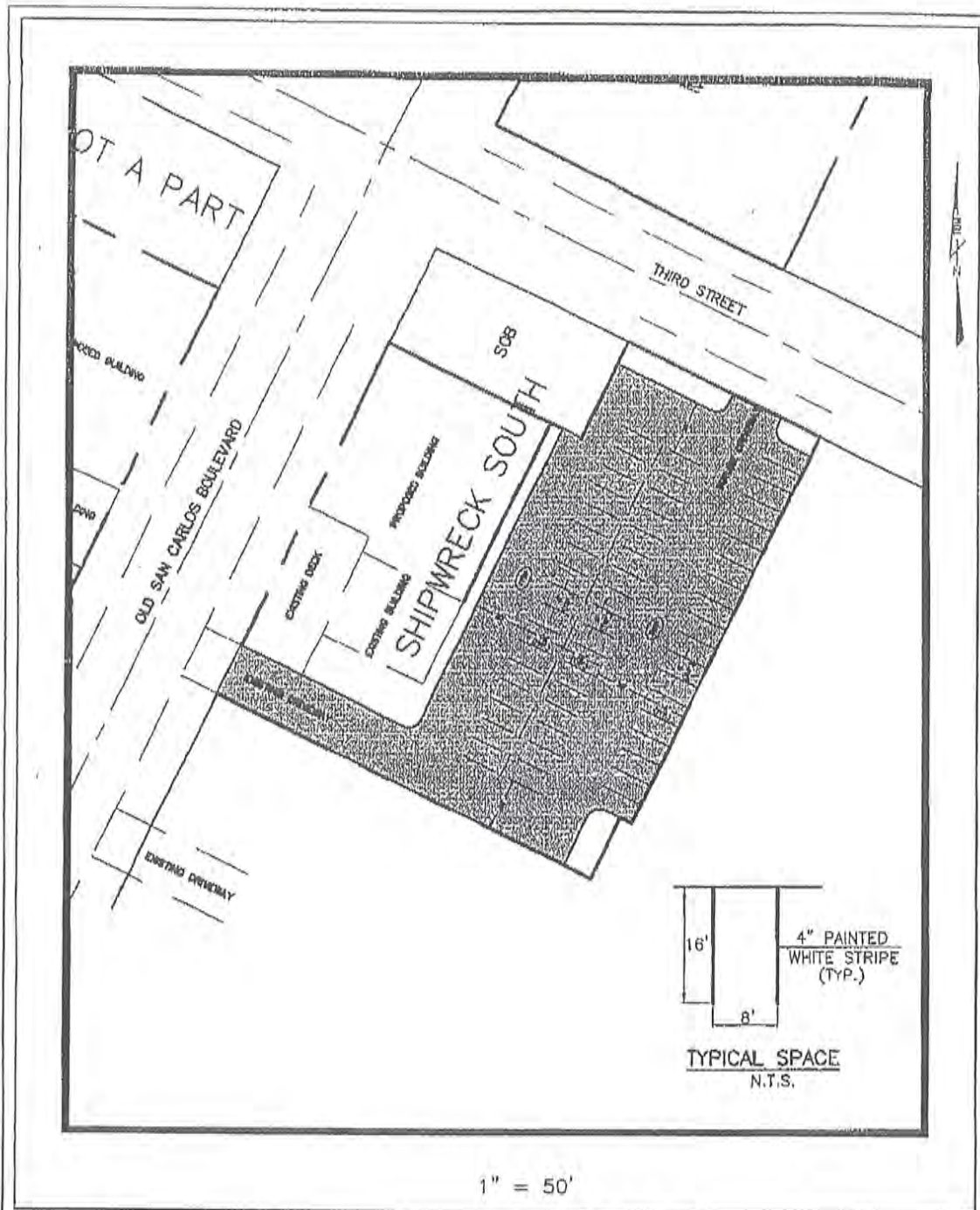


EXHIBIT A
SHIPWRECK SOUTH
PARKING LAYOUT
JOHN RICHARD
FORT MYERS BEACH, FL
SOURCE: TDM, 12/13

*parking
dimension
variance*

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Variance 4

4