

RESOLUTION OF THE LOCAL PLANNING AGENCY  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 2014-006  
VAR2013-0005 – 30 Gulf Beach Road rear setback

WHEREAS, William E. Whitley, authorized agent for Nancie Lumpkins, owner of the subject property, has requested a variance from LDC Section 34-3234(a)(1) to allow an existing dwelling to be elevated to meet the Base Flood Elevation at the current rear setback of 6.9 feet, where 20 feet is otherwise required; and

WHEREAS, the subject property is located at 30 Gulf Beach Road Fort Myers Beach, Florida in the 'Residential Multi-Family' zoning category of the Official Zoning Map and 'Boulevard' 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 30-46-24-W2-0020B.0410 and the legal description is attached as *Exhibit A*; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on April 8, 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;

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 variances, the LPA recommends the following findings of fact, conditions for approval, and conclusions for consideration by the Town Council:

The LPA recommends the Town Council **APPROVE/DENY** the request for a variance from LDC Section 34-1174(b) to allow an existing dwelling to be elevated to meet the Base Flood Elevation at the current rear setback of 6.9 feet, where 20 feet is otherwise required, subject to the following condition:

**RECOMMENDED CONDITIONS:**

2. The elevation of the existing structure shall be accomplished using the existing pilings and a 6.9' rear setback. If the structure is demolished or removed, this variance will be null and void. Any new structure must comply with the required setbacks at the time of redevelopment, or must seek a new variance from the requirements of the LDC at that time.

**RECOMMENDED FINDINGS AND CONCLUSIONS:**

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

- a. There **are/are not** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request **is/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/are not** the result of actions of the applicant taken after the adoption of the regulation in question.
- c. The variance granted **is/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/ 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/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 \_\_\_\_\_ and seconded by LPA Member \_\_\_\_\_, and upon being put to a vote, the result was as follows:

Hank Zuba, Chair	ABSENT	Joanne Shamp, Vice Chair	ABSENT
Al Durrett	AYE/NAY	John Kakatsch	AYE/NAY
Jane Plummer	AYE/NAY	Jim Steele	AYE/NAY
Chuck Bodenhafer	AYE/NAY		

DULY PASSED AND ADOPTED THIS **8th** day of **APRIL, 2014**.

Local Planning Agency of the Town of Fort Myers Beach

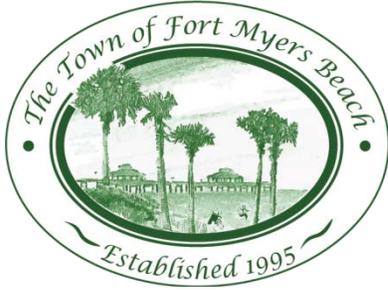
By: \_\_\_\_\_  
Hank Zuba, LPA Chair

Approved as to legal sufficiency:

By: \_\_\_\_\_  
Fowler White Boggs, P.A.  
LPA Attorney

ATTEST:

By: \_\_\_\_\_  
Michelle Mayher  
Town Clerk



# Town of Fort Myers Beach

## COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**TYPE OF CASE:** Variance  
**CASE NUMBER:** VAR2013-0005  
**LPA HEARING DATE:** February 11, 2014  
**ADDITIONAL LPA HEARING DATE:** **April 8, 2014**  
**LPA HEARING TIME:** 9:00 AM

#### **I. APPLICATION SUMMARY**

Applicant: Gene Whitley, agent  
Nancie Lumpkins, owner

Request: 1) A variance from LDC Section 34-1174(b) to allow an accessory structure (in-ground pool) closer to the street right of way line than the primary structure with a 5' street setback.  
**2) A variance from Section 34-3234(a)(1) to allow an existing dwelling to be elevated to meet the Base Flood Elevation at the current rear setback of 6.9 feet, where 20 feet is otherwise required.**

Subject property: Attached as *Exhibit A*

Physical Address: 30 Gulf Beach Road Fort Myers Beach, FL 33931

STRAP #: 30-46-24-W2-0020B.0410

FLU: Boulevard

Zoning: Residential Multi Family (RM)

Current use(s): Multi-Family Residential

Adjacent zoning and land uses:

North: Multi Family Residential  
RESIDENTIAL MULTI FAMILY (RM)  
Boulevard

South: Beach & Gulf of Mexico

ENVIRONMENTAL CRITICAL (EC)  
Recreation  
East: Estero Beach Club East  
RESIDENTIAL MULTI FAMILY (RM)  
Boulevard  
West: Estero Beach Club  
RESIDENTIAL MULTI FAMILY (RM)  
Boulevard

## **II. BACKGROUND AND ANALYSIS**

### **Background:**

This application is a request for a variance from the Land Development Code Section 34-1174(b) which requires all accessory structures to be located no closer to the street right-of-way line than the primary structure (essentially prohibiting accessory structures in the front yard) to allow an in ground pool with a 5' setback from the street. **The second request is for a variance from LDC Sec. 34-3234, which allows a nonconforming building due to setback to be physically enlarged, either laterally or vertically, so long as the enlargement which increases the height complies with the required setback.**

The subject property is a Gulf front lot located at the terminus of the paved portion of Gulf Beach Road (see *Exhibit B*) where it turns into a beach access point. To the east and west are Estero Beach Club East and Estero Beach Club, each multi-story condominium complexes, and to the north is a two-story multi-family building.

The property owner purchased the subject property in May of 2013 and among other improvements to the existing building, wishes to install a pool. The existing configuration of the building on the lot has resulted in the request for a variance to locate an in ground pool closer to the street than the primary structure. **In addition, the existing building does not comply with the requirement for a 20-foot rear setback. The applicant intends to elevate the existing building straight up, using the existing pilings, to comply with the Base Flood Elevation requirements. The existing setback of 6.9 feet will be maintained, but the house will comply with the flood elevation requirements of the Town's LDC and Department of Environmental Protection.**

### **Analysis:**

When reviewing this request, it is important to consider the site configuration, including the location of the existing multifamily building in relation to the front, side, and rear yards. See *Exhibit B*. The property line adjacent to Gulf Beach Road (west) is considered the 'front yard' requiring a front and/or street setback, while the property line opposite (east) would be considered the rear yard. The property line on the gulf side (south) is also the 1978 Coastal Construction Control Line and is considered to be a side lot line, while the property line opposite (north) would be considered the other side lot line. Thus, the existing building is located only 6.9' from the rear yard and appears to exceed the required 25' street setback from the front, although the survey provided does not give an exact dimension. **Also, in order to elevate the existing building, the Land Development Code requires the structure to come into compliance with the required rear setback of 20 feet. The**

**applicant has requested a variance from this requirement to retain the existing 6.9' setback and elevate using the existing pilings.**

LDC Section 34-1174(b) states that no accessory structures shall be permitted closer to the street right of way or street easement than the primary structure, with a few minor exceptions allowed for signs, fences and similar structures.

The request of this application is to approve a variance from Section 34-1174(b) to allow an accessory structure (in-ground pool) closer to the street than the primary structure with a 5' street setback.

A logical location for the pool that would not require a variance would be to locate it north of the building in the 30.9' available between the existing building and the north property line. However, when Staff suggested this alternative the applicant and property owner stated that in that northern location the pool would receive very little sun and would be in the shadow of tall buildings on the east, south and west. In addition, that portion of the lot is used for parking and access. The applicant, therefore, has deemed the location shown on *Exhibit B* to be the only location available on the subject property for the pool.

The property immediately adjacent and to the north of the subject property, a three unit rental building, applied for and was granted a very similar request. In 2003 the property owner of 50 Gulf Beach Road was granted a variance by Town Council to allow an accessory structure (in-ground pool) closer to the street than the primary structure. (See *Exhibit C*) That approval, however, included a requirement that the pool still meet the 25' street setback.

The next property down Gulf Beach road is the Beach Shell Inn located at the corner of Estero Boulevard and Gulf Beach. (See *Exhibit D*) This property also has a pool located along Gulf Beach Road, however, the horseshoe configuration of the buildings on this property renders that pool compliant with Section 34-1174(b) and thus a variance was not necessary in that instance.

As evidenced by Resolution 03-04, from time to time Town Council, and Lee County before incorporation, have granted variances for situations similar to the request of this case. Another example of an approved pool closer to the street than the primary structure is found at 3830 Estero Boulevard, see *Exhibit E*. This variance was requested and granted in 1984 noting that the owner had been denied a request to install a pool seaward of the 1978 CCCL and that "to deny this would deny the owner rights normally enjoyed by others in similar situations."

It is very common, especially on the northern end of the island where development occurred prior to the adoption of zoning and setback requirements, that developed properties are non-conforming due to setbacks. This does create situations where redevelopment and improvement is more difficult to accomplish. The LDC requires that pools be located in side or rear yards, however when side or rear yards are dramatically reduced, as in the case of the subject property, alternatives must be considered.

The subject property essentially has no rear yard. One side yard is limited by the 1978 CCCL and the other side yard is utilized for parking and building access. The location of the pool as shown in *Exhibit B* between the street and the primary structure is the only remaining

open space on the subject property where a pool can be located. The subject property is located at the end Gulf Beach Road, where the paved portion of the road terminates about halfway down the property line and becomes a shell covered beach access point with no parking. Allowing the pool to be located along this edge of the property and 5' from the property line will not impede the access of any vehicles and will not have a negative impact on any surrounding neighbors.

**The alignment of the parcel is unconventional, with the front of the lot running perpendicular to the Gulf of Mexico. Since "Lot line, rear" is defined as "that lot line which is parallel to or concentric with and most distant from the front lot line of the lot", the rear is also perpendicular to the Gulf of Mexico. Due to the appeal of a gulf-front home, the configuration of the building on the parcel takes advantage of the view of the Gulf, which makes the "rear" of the structure appear to be the side of the building. Furthermore, the existing setback of 6.9' is more similar to the required side setback of 7.5' than the required rear setback of 20'. The applicant has requested to maintain the existing setback when they elevate the structure and rebuild a second living level of the house. The structure will be raised using air jacks and the existing pilings will be extended vertically to support the elevated structure.**

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of variance a found in Section 34-87 of the LDC, Staff makes the following findings and conclusions:

- a. *That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.*

The subject property is located at the terminus of the paved portion of Gulf Beach road and is non-conforming with respect to the rear setback and there is limited space available in the side yard. These development constraints mean that the area shown on *Exhibit B* is the only remaining space available for the proposed pool and could be considered a unique condition inherent to the subject property. The proposed pool location will have little to no impact on the surrounding property owners. Staff, therefore, is of the opinion that rigid compliance is not necessary to protect the public in this instance.

**The alignment of the property along a dead-end road and the Gulf of Mexico causes some confusion as to which perimeters are front, rear and sides. The Gulf is the most appealing view, which relegates the "rear" to the side of the building. The existing setback of 6.9' functions as a side setback, which is how the structure appears from the Gulf. Staff, therefore, is of the opinion that rigid compliance is not necessary to protect the public in this instance.**

- b. *That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.*

The conditions are not the result of actions of the applicant taken after the adoption of the regulation in question, because the existing structure was built

in 1976 prior to the incorporation of the Town of Fort Myers Beach and the adoption of LDC Section 34-1174(b), the regulation in question, in 2004.

**Further, the structure was built prior to 1984 when Lee County joined the National Flood Insurance Program. The structure was built substantially lower than the current Base Flood Elevation. The applicant is attempting to comply with the required flood elevation, but the existing setback will remain.**

- c. *That the variance granted is the minimum variance that will relieve that applicant of an unreasonable burden caused by the application of the regulation in question to his property.*

Staff agrees with the applicant and recommends that the minimum variance necessary is to allow the in-ground pool to be located closer to the street than the existing building and allowing a 5' setback for the swimming pool from the front property line.

**The applicant is using the existing pilings to elevate the house straight up to comply with the Base Flood Elevation. Therefore, the existing setback of 6.9' will remain, which is the minimum variance necessary to elevate the house on the existing pilings.**

- d. *That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and*

The granting of the variance will not be injurious to the neighborhood or detrimental to the overall public welfare. If granted as recommended by Staff, the variance will allow the property owner reasonable use of the subject property.

**The rear setback of 6.9' has existed since 1976, and abuts a side yard for the Estero Beach Club East Condominium. If granted, the setback will not be injurious to the neighborhood or be detrimental to the public welfare.**

- e. *That 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 variance, as requested, is not so general or recurrent in nature as to require an amendment to Chapter 34.

**Currently, this request is not so general or recurrent in nature as to require an amendment to Chapter 34. As property owners begin to recognize a need to elevate existing structures to the minimum required Base Flood Elevation, rather than rebuild, it is likely that there are many existing Pre-FIRM (Flood Insurance Rate Map) structures with setbacks that do not comply with the setbacks required by the Town's LDC. The LDC should encourage property owners to comply with minimum necessary life safety measures current in our codes, but the LDC Sec. 34-3234 requirement to come into compliance with setbacks acts as a disincentive.**

### **III. RECOMMENDATION**

When considering the existing site development limitations on the subject property, Staff recommends **APPROVAL** of the request for a variance from Section 34-1174(b) to allow an accessory structure (in-ground pool) closer to the street than the primary structure with a 5' street setback subject to the following condition:

1. The location of the pool shall be as shown on the attached *Exhibit B*.

Staff also recommends **APPROVAL** of the requested variance from Section 34-3234(a)(1) to allow an existing dwelling to be elevated to meet the Base Flood Elevation at the current rear setback of 6.9 feet, where 20 feet is otherwise required, subject to the following condition:

2. The elevation of the existing structure shall be accomplished using the existing pilings and a 6.9' rear setback. If the structure is demolished or removed, this variance will be null and void. Any new structure must comply with the required setbacks at the time of redevelopment, or must seek a new variance from the requirements of the LDC at that time.

### **IV. CONCLUSION**

The subject property effectively has no rear yard. One side yard is limited by the 1978 CCCL and the other side yard is utilized for parking and building access. The location of the pool as shown in *Exhibit B* and closer to the street than the primary structure is the only remaining open space on the subject property where a swimming pool can be located. **The existing home will be elevated on the existing pilings, maintaining the existing 6.9' rear setback, which has existed since the home was constructed in 1976.**

Therefore, Staff recommends **APPROVAL WITH CONDITIONS** of the request for a variance from LDC Section 34-1174(b) to allow an accessory structure (in-ground pool) closer to the street than the primary structure with a 5' street setback, **and the request for a variance from Section 34-3234(a)(1) to allow an existing dwelling to be elevated to meet the Base Flood Elevation at the current rear setback of 6.9 feet, where 20 feet is otherwise required**

#### Exhibits:

- A – Legal Description
- B – Site Plan
- C – Resolution 03-04
- D – Aerial View
- E – ZB-84-118

EXHIBIT A

Prepared by and Return Recorded Original to:

Charles R. Meador, Jr., Attorney at Law  
2085 Estero Boulevard  
Fort Myers Beach, FL 33931  
Telephone: (239) 463-6619  
Facsimile: (239) 463-6454

Property Appraiser Parcel I.D. No. 30-46-24-W2-0020B.0410  
Grantee Taxpayer I.D. No. \_\_\_\_\_  
Documentary Stamp Tax on Transfer: \$7700

Reserved For Recorder

(STATUTORY FORM - Section 689.02, F.S.)

### WARRANTY DEED

THIS WARRANTY DEED, made this 20 day of May, A.D. 2013, between THEODORE A. RECKWERDT and JOELLYN RECKWERDT, Husband and wife, whose post office address is 30 Gulf Beach Road, Fort Myers Beach, FL 33931, hereinafter called Grantor, and NANCIE LEE LUMPKINS, a married person, whose post office address is 16730 Piney Point Road, Piney Point, MD 20674, hereinafter called Grantee.

WITNESSETH, That said Grantor, for and in consideration of the sum of Ten and No/100's Dollars (\$10.00), and other good and valuable consideration, to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

Lots 41, 42 and 43, Block "B", WINKLER SUBDIVISION, according to the plat thereof recorded in Plat Book 8, Page 45, Public Records of Lee County, Florida.

LESS AND EXCEPT THE FOLLOWING:

Begin at the Northwest corner of Lot 43, Block "B", WINKLER SUBDIVISION, Plat Book 8, Page 45, Lee County Records; thence run Easterly along the Northerly line of said Lot 43 and Lots 42 and 41, said Block "B", 126.80 feet to Northeast corner of said Lot 41; thence Southerly along the Easterly line of said Lot 41, 75.0 feet; thence Westerly, parallel to the Northerly line of said Lots 41, 42 and 43, 97.56 feet, more or less, to a point on the West line of said Lot 43; thence run North along said West line of Lot 43, 80.50 feet, more or less, to the Point of Beginning.

SUBJECT TO easements, restrictions and reservations of record and taxes for the current

Reserved For Recorder

and subsequent years.

and said Grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

\*"Grantor" and "Grantee" are used for singular and plural, as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed in the presence of:

[Signature]  
CHARLES R. MEADOR JR

#1 Witness Name - print or type  
Paula Towell  
PAULA TOWELL

#2 Witness Name - print or type

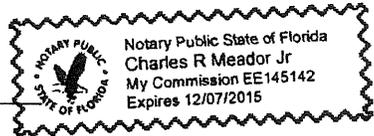
Theodore A. Reckwerdt (SEAL)  
THEODORE A. RECKWERDT

Joellyn Reckwerdt (SEAL)  
JOELLYN RECKWERDT

STATE OF Florida  
COUNTY OF Lee

EXECUTION OF the foregoing instrument was acknowledged before me this 20 day of May, 2013, by THEODORE A. RECKWERDT and JOELLYN RECKWERDT, Husband and wife, who is (CHECK ONE OF THE FOLLOWING AS APPLICABLE) [] personally known to me, or [] who has produced (Personally known) as identification.

[Signature]  
NOTARY PUBLIC - SIGNATURE ABOVE  
NOTARY NAME - Charles R. Meador Jr.  
COMMISSION NO. - \_\_\_\_\_  
COMMISSION EXP. DATE - \_\_\_\_\_



(Notary Seal)

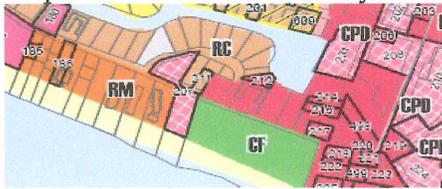
(Notary Name/Commission No./Exp. Date - typed or printed)



Case # \_\_\_\_\_  
Planner \_\_\_\_\_

Date Received \_\_\_\_\_  
Date of Sufficiency/Completeness \_\_\_\_\_

**Town of Fort Myers Beach**  
Department of Community Development



Zoning Division

TOWN OF  
FORT MYERS BEACH

MAR 11 2014

RECEIVED BY

**Supplement PH-B**

**Additional Required Information for a  
Variance Application**

This is the second part of a two-part application. This part requests specific information for a variance. Include this form with the Request for Public Hearing form.

Case Number:
Project Name: <i>NANCIE LUMPKIN RESIDENCE - 30 GULF BEACH RD.</i>
Authorized Applicant: <i>WILLIAM E. WHITLEY</i>
LeePA STRAP Number: <i>30-46-24-W2-0020B.0410</i>

Current Property Status: <i>Existing Triplex</i>
Current Zoning: <i>Multi-Family RM</i>
Future Land Use Map (FLUM) Category:
Comp Plan Density: <i>8-10 units</i> Platted Overlay? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
<i>34-3234</i>	<i>Enlarging a non-conforming building</i>

Complete the narrative statements below for EACH variance requested.

PART I  
Narrative Statements

Request for variance from 34-3234 (LDC Section number)

Explain the specific regulation contained in this section from which relief is sought: Enlarging a nonconforming building

b. The enlargement itself, including any enlargement which increases the HEIGHT or Volume of the structure, complies with all the setback requirements

(the rear setback is 6.9 feet, not twenty)

Reasons for request

Explain why the variance is needed:

The owner wishes to make Substantial improvements in excess of 50% of the value of the building and also curb flood Insurance rates. FEMA mandates she must elevate the structure to or above Base Flood Elevation in order to accomplish this.

The Town rescinded the permit contingent on the variance being granted.

The State permit is in place As per The Town's DEP Zoning Consistency Letter dated August 20, 2013

Explain the possible effect the variance, if granted, would have on surrounding properties:

No perceived Negative effects

Explain the hardship (what is unique about the property) that justifies relief from the regulation:

When the house was built in 1976 the County may have thought the rear setback was the side setback. What happened will forever remain a mystery as the County has lost all records pertaining to this property.

Upon buying this parcel the new owner had no knowledge the setback regulation could prevent her from elevating the structure to BFE as indeed even Ft. Myers Beach zoning initially overlooked this requirement. We believe this creates a hardship that justifies relief from the regulation

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.

The LDC Section 34-3234 is obviously at odds with FEMA's desire to elevate non conforming homes to comply with current floodplain regulations. Whereas there are numerous older homes on the island that are non conforming as to setbacks such as this one, the Town should immediately inform those who make application for a permit to raise a house, that a variance is required. (not wait six months as in this case).

It seems the better option would be to issue an administrative variance to excuse something that happened 38 years ago, or ammend the LDC to be more FEMA friendly. Either option would go to save the LPA and the Council members time for more important issues. FINALLY, this property should qualify for a variance because all properties in this same scenario should qualify for a Variance.

The letter from Community Development dated Feb. 20, 2014 States our plans did not include moving the structure so that it will comply with the 20 foot rear setback.

This is not a viable option because the structure would then encroach the front setback.

## PART 2 Submittal Requirements

All applications for a variance must submit fourteen (14) copies of this application form and all applicable exhibits.

### Required Items

- Public Hearing Request Form
- Supplemental form PH-B
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; and a clear illustration of the proposed variance

### Guide to filing PH-B Additional Required Information for a Variance Application

#### Cover page

**Case Number** will be inserted by Community Development staff.

**Project Name** must be the same as the name used on the Request for Public Hearing form.

**Applicant** must be the same as on the Request for Public Hearing form.

**STRAP numbers** must be the same as on the Request for Public Hearing form.

**Current status of property** must be the same as on the Request for Public Hearing form.

**“Variance is requested from...”** Provide the section number and title of each section of the Fort Myers Beach Land Development Code from which a variance is being sought.

#### Narrative statements

If the application is for multiple variances, complete all of the narrative statements for each variance that is requested.

## Site plan

The site plan must show all existing structures on the site; all existing structures within 100 feet of the perimeter boundary of the site; and a clear illustration of the proposed variance.

## LDC Section 34-87

The guidelines for decision-making regarding a request for a variance are as follows:

1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a *de minimis* variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;
2. Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question;
3. Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;
4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare;
5. Whether the conditions or circumstances of the specific piece of property or the intended use of the 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.

