

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 15-03
VAR2013-0003 – Moss Marine Sign Variance

WHEREAS, applicant Sam Ireland, authorized agent and manager for Moss Marine is requesting a variance from Section 30-153(b)(1) of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP numbers for the subject property are 24-46-23-W3-00027.0000 and 24-46-23-W3-00026.0020 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property is located at 450 Harbor Court Fort Myers Beach, FL 33931, zoned Commercial Marine on the Official Zoning Map and the Marina 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 January 13, 2015; 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; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on March 16, 2015, at which time the Town Council gave full and complete consideration to the request of Applicant, the recommendations of the LPA, 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 30-87.

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 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 30-153(b)(1) of the LDC to permit existing signage that exceeds the maximum sign area.

FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-87 for granting a variance, the Town Council makes the following findings and reaches the following conclusions:

- A. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question.

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 requested **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.

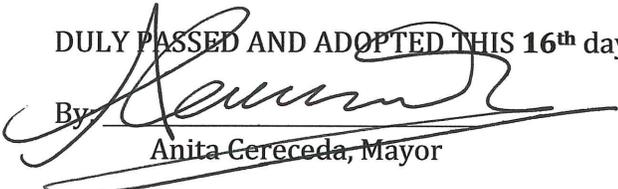
The LPA and Staff recommends that Town Council **APPROVE** the applicant's request for a variance to Chapter 30 of the LDC, to accommodate an existing sign, subject to the following conditions:

1. Approval of this variance does not exempt the subject property from any other provisions of LDC Chapter 30.
2. The Maximum square footage of the wall sign on the Moss Marine storage building facing Matanzas Pass is limited to 325 square feet.
3. If the marina use ceases on the subject property for any reason, this variance will expire and the sign allowed by this variance must be removed within 30 days of termination of the marina use.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Hosafros and seconded by Council Member Stockton and upon being put to a vote, the result was as follows:

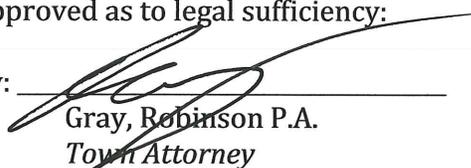
Anita Cereceda, Mayor	AYE	Dan Andre, Vice Mayor	NAY
Rexann Hosafros	AYE	Alan Mandel	AYE
Summer Stockton	AYE		

DULY PASSED AND ADOPTED THIS 16th day of MARCH, 2015.

By: 

Anita Cereceda, Mayor

Approved as to legal sufficiency:

By: 

Gray, Robinson P.A.
Town Attorney

ATTEST:

By: 

Michelle Mayher
Town Clerk

Exhibit A:

Description of property. Parcel: 3

A TRACT OR PARCEL OF LAND LOCATED IN GOVERNMENT LOT 1, SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, ON ESTERO ISLAND IN LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL OF LAND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWESTERLY CORNER OF BLOCK 3 OF BUSINESS CENTER, A SUBDIVISION ACCORDING TO A MAP OR PLAT RECORDED IN THE PLAT BOOK 9 AT PAGES 9 AND 10 OF THE PUBLIC RECORDS OF LEE COUNTY, RUN NORTHEASTERLY ALONG A PROLONGATION OF THE NORTHEASTERLY LINE OF SAID BLOCK 3 FOR 66 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF THE COUNTY ROAD, THENCE CONTINUE ON THE SAME COURSE FOR 550 FEET; THENCE DEFLECT 90 DEGREES RIGHT AND RUN NORTHEASTERLY, PARALLEL TO THE AFORESAID COUNTY ROAD FOR 320 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREBY DESCRIBED. FROM SAID POINT OF BEGINNING RUN SOUTHEASTERLY ALONG A LINE PERPENDICULAR TO THE AFORESAID COUNTY ROAD, FOR 153 FEET; THENCE RUN NORTHEASTERLY, PARALLEL TO AND 430 FEET FROM THE CENTER LINE OF SAID COUNTY, FOR 172 FEET, MORE OR LESS, TO THE WATERS OF MATANZAS PASS; THENCE RUN NORTHWESTERLY ALONG SAID WATERS TO AN INTERSECTION WITH A LINE THROUGH THE POINT OF BEGINNING PARALLEL TO SAID COUNTY ROAD, THENCE RUN SOUTHWESTERLY ALONG SAID LINE FOR 150 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.