Town of Fort Myers Beach

LPA Resolutions 1996

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 96-1

A RESOLUTION REQUESTING THAT THE TOWN COUNCIL PREPARE AN ORDINANCE REGULATING AND ENFORCING WATER QUALITY STANDARDS IN ESTERO BAY.

WHEREAS, the Local Planning Agency (LPA) of Fort Myers Beach has been directed by the Town Council to prepare a comprehensive plan for the Town and to submit same to the Town Council for approval; and,

WHEREAS, the LPA has begun this task by reviewing the current comprehensive plan prepared by Lee County; and,

WHEREAS, the LPA has been made aware of potential problems at the Fort Myers Beach sewer plant which may have resulted in unauthorized discharges into Estero Bay; and,

WHEREAS, the LPA recognizes the irreplaceable qualities that Estero Bay brings to the Town; and,

WHEREAS, the LPA wishes to direct the Council's attention to POLICY 18.1.2 of the Lee Plan which states; "The county shall enforce and strengthen regulations prohibiting those discharges that will degrade the water quality as to improve the water quality of Estero Bay to Class II by the year 2000 through the acquisition of wetlands, monitoring of water quality, enforcement of adopted standards, careful control of development, and eliminating those discharges into the Estero Bay watershed which presently or potentially degrade water quality."; and,

NOW, THEREFORE BE IT RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

SECTION 1. That the LPA requests that the Town Council prepare an ordinance which will regulate the Town's 1000 foot boundary into Estero Bay and preserve water quality in the following manner; (1) Set a standard for water quality equal to the Lee Plan standard. (2) Develop an enforcement methodology to implement these standards. (3) Utilize the Ostego Bay Foundation or similar agency to monitor water quality and to share results with the Town. (4) Request information and assistance from Lee County as to the effect of sewer plant discharges or overflows on the Back Bay. (5) Request that the operator of the sewer plant notify the Town of any overflows and/or discharges by the conclusion of the following business day.

SECTION 2. That this resolution shall become effective immediately upon adoption.

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member VanDuzer and seconded by LPA Member Campbell, and, upon being put to a vote, the result was as follows:

Johanna Campbell	__yes_____
Lena Heyman	__yes_____
Dan Hughes	__ absent_____
John Mulholland	__ yes_____
Betty Simpson	__yes_____
Roxie Smith	__yes_____
Bill Van Duzer	__ yes_____

DULY PASSED AND ADOPTED THIS 21st day of May, 1996.

ATTEST;

By:_____
Marsha Segal-George
Secretary to the LPA

LPA of the Town of Fort Myers Beach

By:_____
John Mulholland, Chairman

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 96-2

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT MYERS BEACH

WHEREAS, Evangelos Peter Letsos filed an application for a Special Permit in the C-1 district for outdoor seating for consumption on premises per Land Development Code, Section 34-1264; and

WHEREAS, the subject property is located at 1821 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as:

LEGAL DESCRIPTION: In Section 19, Township 46, Range 24 East, Lee County, Florida:

Beginning at the Southwest corner of Lot 15 of T.P. Hill's Subdivision, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 3, Page 84:
THENCE Easterly on the Southerly line of said Lot 15 a distance of 20 feet to the POINT OF BEGINNING:
THENCE Northerly parallel with the West line of said Lot 15 a distance of 80 feet;
THENCE Easterly parallel with the Southerly line of said lot 15 a distance of 80 feet;
THENCE Southerly parallel with the Westerly line of said Lot 15 a distance of 80 feet to the Southerly line of said Lot 15, said point being the Northerly line of a County Road;
THENCE Westerly along the Southerly line of said Lot 15 (and the Northerly line of said County road) a distance of 80 feet to the POINT OF BEGINNING.

And

The Westerly 20 feet of the Southerly 80 feet of Lot 15, T.P. HILL'S SUBDIVISION according to the map or plat thereof on file and recorded in the office of the Clerk of Circuit Court in Plat Book 3, Page 84, Public Records of Lee County Florida.

WHEREAS, the applicant has indicated the property's current STRAP number is: 19-46-24-W4-00405.0000; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on September 17, and,

WHEREAS, the LPA gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons.

NOW, THEREFORE BE IT RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

That the LPA recommends that the Town Council approve the Applicant's request with the following conditions:

Conditions

1. The location of the outdoor seating area is limited to the area as designated on the applicant's site plan attached as B, not to exceed 60 seats in outdoor seating.
2. The use of the outdoor seating area may only be in conjunction with the restaurant use and limited to a 4-COP-SRX beverage license.
3. Live outdoor entertainment, music and/or any type of outdoor speakers are prohibited.
4. The hours of operation for the outdoor seating will be restricted to the hours of 11:00 A.M. to 10:00 P.M.
5. Lighting on the deck will be shuttered and shielded from the surrounding properties.
6. There will be no advertisement visible from Estero Boulevard or Ohio Avenue indicating the service of alcoholic beverages.
7. Prior to receiving County approval for the alcoholic beverage license for the State of Florida Department of Business and Professional Regulation, the subject property must be reviewed pursuant to Chapter 10 of the Land Development Code for a limited review.

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member Bill Van Duzer and seconded by LPA Member Roxie Smith, and, upon being put to a vote, the result was a follows:

Johanna Campbell	no
Lena Heyman	yes
Dan Hughes	absent
John Mulholland	yes
Betty Simpson	yes
Roxie Smith	yes
Bill Van Duzer	yes

DULY PASSED AND ADOPTED THIS 17th day of September , 1996.

ATTEST:

By: Marsha Segal-George

Marsha Segal-George
Secretary to the LPA

LPA of the Town of Fort Myers Beach

By: John Mulholland

John Mulholland, Chairman

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 96-3

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT MYERS

WHEREAS, Wayne E. Casey rep. By Kevin Tague filed an application for a Variance in the RS-1 (Single Family Residential) from the required local street setback for a corner lot with a lot width of less than 100 feet and recorded prior to January 28, 1983 of 15 feet per Land Development Code, Section 34-2192(b)(2)b.2., to 8 feet 6 inches; and

WHEREAS, the subject property is located at 5700 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as:

LEGAL DESCRIPTION: In Section 33, Township 46 South, Range 24 East, Lee County, Florida:

> Part of Lot 1, Block B, of that certain subdivision known as MCPHIE PARK, UNIT 1, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 8, Page 52, more particularly described as follows
> :
> BEGINNING at the North corner of Lot 1, Block B. McPhie Park at the intersection of the right-of-way of Estero Boulevard at Sterling Avenue, run Southeasterly along the right-of-way of Estero Boulevard for 75 feet;
> THENCE Southwesterly parallel with Sterling Avenue 100 feet;
> THENCE Northwesterly parallel with Estero Boulevard 75 feet to the Southeasterly right-of-way of Sterling Avenue;
> THENCE Northeasterly along said Sterling Avenue 100 feet to the POINT OF BEGINNING.

WHEREAS, the applicant has indicated the property's current STRAP number is: 33-46-24-W2-0030B.0010; and

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

WHEREAS, the LPA gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons.

NOW, THEREFORE BE IT RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

That the LPA recommends that the Town Council approve the Applicant's request with the following condition;

Condition

The variance is limited to the 6 foot by 24 foot deck addition reflected on the applicant's site plan attached as C.

Findings & Conclusions

1. There are exceptional or extraordinary conditions or circumstances inherent in the land, structure or building involved and such exceptional or extraordinary conditions or circumstances create a hardship on the property owner and are not generally applicable to other lands, structures or building;
2. The exceptional or extraordinary conditions or circumstances do not result from actions of the applicant as the applicant purchased the property in 1993.
3. Literal interpretation of the provisions of the section of this chapter deprive the applicant of right commonly enjoyed by properties in the same district under terms of this chapter.
4. The variance as conditioned, is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.
5. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member Betty Simpson and seconded by LPA Member Roxie Smith , and, upon being put to a vote, the result was as follows:

Johanna Campbell	__yes_____
Lena Heyman	__yes_____
Dan Hughes	__ absent_____
John Mulholland	__yes____
Betty Simpson	__yes____
Roxie Smith	__yes____
Bill Van Duzer	__ absent____
Ron Kidder	__yes_____
Linda Beasley	__yes_____

DULY PASSED AND ADOPTED THIS 8th day of October, 1996.

ATTEST;

By: Marsha Segal-George

Marsha Segal-George
Secretary to the LPA

LPA of the Town of Fort Myers Beach

By: John Mulholland

John Mulholland, Chairman

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 96-4

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT MYERS

WHEREAS, George W. Ganim and Seraphina Tarick filed an application for a Special Permit in the C-1 (Commercial) district for outdoor seating for consumption on premises per Land Development Code, Section 34-1264(a)(2)a.2.; and

WHEREAS, the subject property is located at 1450-78 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as:

LEGAL DESCRIPTION: In Section 19, Township 46 South, Range 24 East, Lee County, Florida:

> Lot 1 and 4, Block D, CRESCENT BEACH SUBDIVISION, as recorded in Plat Book 4, Page 45, of the Public Records of Lee County, Florida lying in Section 19, Township 46 South, Range 24 East, Lee County, FL.

WHEREAS, the applicant has indicated the property's current STRAP number is: 19-46-24-W4-0070D.001A and 19-46-24-W4-0070D.001B; and

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

WHEREAS, the LPA gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons.

NOW, THEREFORE BE IT RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

That the LPA recommends that the Town Council deny the Applicant's request for Special Permit as contrary to the public interest and the public health, safety, comfort, convenience and welfare of the citizens of Fort Myers Beach and that this request for Special Permit is also in conflict with the Fort Myers Beach Comprehensive Plan and the regulations governing the granting of liquor licenses both as to the state law and also the law as codified in the Land Development Code. Section 34-145 (e)(4)a, Section 34-1261-1264, Secton 34-2020(2)l of the Land Development Code; and as more particularly described below;

<u>Findings & Conclusions</u>

1. The request is inconsistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan. Specifically, the request does not comply with; Policy 6.1.10 and Policy 18.2.1 of the Plan.;

2. The request for a special permit for consumption on premises for a group III restaurant is within 100 feet of two residential beach front cottages. The proposed group III restaurant is located within 200 feet of a licensed daycare facility at the Lani Kai. The proposed restaurant is also located within an undetermined proximity of the Batiki Condominiums and other interested residential properties. It is the Belief and understanding of the LPA, that this applicant has not met the burden of showing no adverse affect on surrounding properties.

3. That the LPA does not believe that sufficient competent evidence was presented to show that this applicant meets the requirements of Section 34-1264(b)(2)b of the Fort Myers Beach Land Development Code. The LPA commented that they wanted to see a floor plan, a menu, and some rendering of the planned physical appearance of the proposed restaurant , it was also asked as to whether the applicant was interested in opting into the Overlay Master Plan and were told that the applicant had not officially considered that option.

4. The LPA discussed the concerns surrounding the staff recommendation of a 4COP license that was not designated SRX and would therefore not trigger the auditing responsibilities of the State as to the serving of 51% food. The only auditing of the proposed 4COP would be by Code Enforcement on a complaint driven basis. Further, it was discussed that the Land Development Code does not offer any percentages of food service required to qualify as a restaurant, group III, in tandem with the 4COP license. The question as to how the staff's recommendation #1 would be enforced was raised .

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member Lena Heyman and seconded by LPA Member Ron Kidder , and, upon being put to a vote, the result was as follows:

Johanna Campbell	___yes____
Lena Heyman	___yes____
Dan Hughes	__ _absent____
John Mulholland	___yes___
Betty Simpson	___yes___
Roxie Smith	___yes___
Bill Van Duzer	__ _absent___
Ron Kidder	___yes_____
Linda Beasley	___yes_____

DULY PASSED AND ADOPTED THIS 8th day of October, 1996.

ATTEST:

By: Marsha Segal-George

Marsha Segal-George
Secretary to the LPA

LPA of the Town of Fort Myers Beach

By: John Mulholland

John Mulholland, Chairman

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RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 96-5

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT MYERS

WHEREAS, Transworld Resorts, in ref. To Gullwing Convention Resort Hotel filed an application for a Special Permit in the CT (Tourist Commercial) district for the sale or service of alcoholic beverages for consumption on premises with outdoor seating for consumption on premises per Land Development Code, Section 34-1264.; and

WHEREAS, the subject property is located at 6620 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as:

LEGAL DESCRIPTION: In Section 34, Township 46 South, Range 24 East, Lee County, Florida:

> A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Government Lot 1, Section 34, Township 46 South, Range 24 East, and further bounded and described as follows: BEGINNING at point on the Southwesterly right-of-way line of Estero Boulevard, which point is 2,055 feet Southeasterly of, as measured at right angles, the Southeasterly side of Block "I", McPhie Park #2, according to the map or plat thereof recorded in Plat Book 8, Page 59, Public Records of said Lee County, Florida;
>
> THENCE S50degrees 42'03"E along the afore described line for 533.5 feet to a point on the Southwesterly right-of-way line of said Estero Boulevard; THENCE Northwesterly along said right-of-way line for 152.7 feet, more or less, to an intersection with a line 1,905 feet Southeasterly of, as measured at right angles, the Southeasterly side of the aforesaid Block "I";
> THENCE S67 degrees07'11"W for 216 feet, more or less, to the water of the Gulf of Mexico;
> THENCE Southeasterly along said waters for 157 feet, more or less, to an intersection with a line that bears S67 degrees07'11"W and passes through the POINT OF BEGINNING;
> THENCE N67 degrees07'11"E along said line for 230 feet, more or less, to the POINT OF BEGINNING, together with all Riparian and Littoral Rights appurtenant thereto.

WHEREAS, the applicant has indicated the property's current STRAP number is: 34-46-24-W4-00010.0000; and

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

WHEREAS, the LPA gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons.

NOW, THEREFORE BE IT RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

That the LPA recommends that the Town Council approve the Applicant's request for consumption on premises for the restaurant and hotel with conditions and deny the consumption on premises with outdoor seating;

Conditions

1. The consumption on premises for a 4-COP beverage license to be used in conjunction with a restaurant, group II, restaurant located on the 6th floor as shown on Exhibit B.
2. The consumption on premises for an S-hotel beverage license shall be used in conjunction with a hotel convention hall and meeting room as shown on Exhibit B.

Findings & Conclusions

1. As conditioned, the request is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan;
2. As conditioned, the request meets the distance separation for the proposed use;
3. As conditioned, the request is consistent with densities, intensities and general uses set forth in the Fort Myers Beach Comprehensive Plan
4. As conditioned, the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance or other detriment to persons or property;

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:

Johanna Campbell _____
Lena Heyman _____
Dan Hughes _____
John Mulholland _____
Betty Simpson _____
Roxie Smith _____
Bill Van Duzer _____
Ron Kidder _____
Linda Beasley _____

DULY PASSED AND ADOPTED THIS day of November, 1996.

ATTEST;

By:_____
Marsha Segal-George
Secretary to the LPA

LPA of the Town of Fort Myers Beach

By:_____
John Mulholland, Chairman

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 96-5

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT MYERS

WHEREAS, Transworld Resorts, in ref. To Gullwing Convention Resort Hotel filed an application for a Special Permit in the CT (Tourist Commercial) district for the sale or service of alcoholic beverages for consumption on premises with outdoor seating for consumption on premises per Land Development Code, Section 34-1264.; and

WHEREAS, the subject property is located at 6620 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as:

LEGAL DESCRIPTION: In Section 34, Township 46 South, Range 24 East, Lee County, Florida:

> A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Government Lot 1, Section 34, Township 46 South, Range 24 East, and further bounded and described as follows: BEGINNING at point on the Southwesterly right-of-way line of Estero Boulevard, which point is 2,055 feet Southeasterly of, as measured at right angles, the Southeasterly side of Block "I", McPhie Park #2, according to the map or plat thereof recorded in Plat Book 8, Page 59, Public Records of said Lee County, Florida;
>
> THENCE S50degrees 42'03"E along the afore described line for 533.5 feet to a point on the Southwesterly right-of-way line of said Estero Boulevard; THENCE Northwesterly along said right-of-way line for 152.7 feet, more or less, to an intersection with a line 1,905 feet Southeasterly of, as measured at right angles, the Southeasterly side of the aforesaid Block "I";
> THENCE S67 degrees07'11"W for 216 feet, more or less, to the water of the Gulf of Mexico;
> THENCE Southeasterly along said waters for 157 feet, more or less, to an intersection with a line that bears S67 degrees07'11"W and passes through the POINT OF BEGINNING;
> THENCE N67 degrees07'11"E along said line for 230 feet, more or less, to the POINT OF BEGINNING, together with all Riparian and Littoral Rights appurtenant thereto.

WHEREAS, the applicant has indicated the property's current STRAP number is: 34-46-24-W4-00010.0000; and

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

WHEREAS, the LPA gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons.

NOW, THEREFORE BE IT RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

That the LPA recommends that the Town Council deny the Applicant's request for consumption on premises for the restaurant and hotel and deny the consumption on premises with outdoor seating; Both requests being contrary to the public interest and the public health, safety, comfort, convenience and welfare of the citizens of Fort Myers Beach and that this request is also in conflict with the Comprehensive Plan and the regulations governing the granting of liquor licenses both as to the state law and also the law as codified in the Land Development Code; and as more particularly described below;

Findings & Conclusions

1. As requested, the request is not consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan;
2. As requested, the LPA does not believe that sufficient competent evidence was presented to show that this applicant meets the requirements of Section 34-1264(b) (2)b of the Land Development Code. The LPA wished to see a floor plan, menu and some rendering of the planned physical appearance of the proposed restaurant.;
3. As requested, the applicant has not met the burden of showing no adverse affect on surrounding properties.

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:

Johanna Campbell _____
Lena Heyman _____
Dan Hughes _____
John Mulholland _____
Betty Simpson _____
Roxie Smith _____
Bill Van Duzer _____
Ron Kidder _____
Linda Beasley _____

DULY PASSED AND ADOPTED THIS day of November, 1996.

ATTEST;

By:_____
Marsha Segal-George
Secretary to the LPA

LPA of the Town of Fort Myers Beach

By:_____
John Mulholland, Chairman

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 96-6

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT MYERS

WHEREAS, Victor L. DeLucas filed an application for a Variance in the C-1 (Commercial) from the parking space requirement of 1 space per 200 square feet of total floor area (required 9 parking spaces) for a medical office per Land Development Code, Section 34-2020(2)k., and from the parking space requirement of 1 space per 200 square feet of total floor area (required 11 parking spaces) for retail establishment specializing in small products or commodities per Land Development Code Section 34-2020(2)m.2., to allow the 10 existing parking spaces; and

WHEREAS, the subject property is located at 2301 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as:

LEGAL DESCRIPTION: In Section 19, Township 46 South, Range 24 East, Lee County, Florida:

Lots 1 and 2, Block D, BEACH ESTATES SUBDIVISION, as recorded in Plat Book 6, Page 68 of the Public Records of Lee County, Florida.

WHEREAS, the applicant has indicated the property's current STRAP number is: 19-46-24-W3-0110D.0010; and

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

WHEREAS, the LPA gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons.

NOW, THEREFORE BE IT RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

That the LPA recommends that the Town Council approve the Applicant's request.;

Findings & Conclusions

1. There are exceptional or extraordinary conditions or circumstances inherent in the land, structure or building involved and such exceptional or extraordinary conditions or circumstances create a hardship on the property owner and are not generally applicable to other lands, structures or building;
2. The exceptional or extraordinary conditions or circumstances do not result from actions of the applicant as the applicant purchased the property in 1983.
3. Literal interpretation of the provisions of the section of this chapter deprive the applicant of right commonly enjoyed by properties in the same district under terms of this chapter.

4. The variance as conditioned, is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.
5. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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:

Johanna Campbell	_____
Lena Heyman	_____
Dan Hughes	__ absent_____
John Mulholland	_____
Betty Simpson	_____
Roxie Smith	_____
Bill Van Duzer	_____
Ron Kidder	_____
Linda Beasley	_____

DULY PASSED AND ADOPTED THIS day of November, 1996.

ATTEST;

By:_____
Marsha Segal-George
Secretary to the LPA

LPA of the Town of Fort Myers Beach

By:_____
John Mulholland, Chairman