

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 00-18

WHEREAS, Donald Moore, the property owner, petitioned for a variance in the Residential Single-Family (RS-1) district from LDC Section 34-211194c(3) c which requires a 10 foot setback from an artificial body of water to permit a water body setback of 7 feet 6 inches for a roofed accessory structure; and,

WHEREAS, the subject property is located at 5445 Avenida Pescadora., Ft. Myers Beach, in S28-T46S-R24E, Lee County, FL; and,

WHEREAS, the applicant has indicated the property's current STRAP number is: 28-446-224-W4-0020A.0250; and

WHEREAS a hearing was held and the council considered the following criteria, recommendations and testimony of the staff, testimony from the applicant and from the public.

IT IS THE FINDING of this council that the following exist:

- a. That there are ~~not~~ exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district;
- b. That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding the adoption of the ordinance from which this chapter is derived will not be considered self-created);
- c. That the variance is ~~not~~ the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property;
- d. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
- e. That the condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought, is not of so general or recurrent nature as to make it more reasonable and practical to amend the ordinance.

NOW THEREFORE BE IT RESOLVED THAT THE VARIANCE IS ~~DISAPPROVED~~/APPROVED SUBJECT TO THE FOLLOWING conditions and requirements that are necessary for the protection of the health, safety, comfort,

convenience and welfare of the general public and that are reasonably related to the variance requested.

1. The variance is limited to the existing gazebo as shown on what is called a plot plan and which is attached hereto and incorporated herein as part of the Staff Report dated March 10, 2000; and
2. If the existing gazebo, as particularly referenced in condition #1, is destroyed for any reason, natural or manmade, then the gazebo may not be re-built.

The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote; the result was as follows:

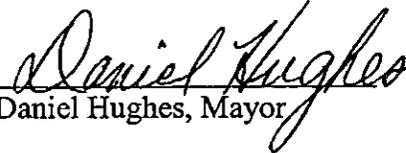
Anita T. Cereceda	Aye
Daniel Hughes	Nay
Garr Reynolds	Absent
Ray Murphy	Aye
Terry Cain	Aye

APPLICATION DULY ~~DENIED~~/GRANTED this 12th day of June 2000.

ATTEST:

TOWN OF FORT MYERS BEACH

By:   
Marsha Segal-George, Town Clerk

By:   
Daniel Hughes, Mayor

Approved as to form by:

  
Richard V.S. Roosa, Town Attorney

Moore Residence  
445 Avenida Pescadora  
Fort Myers Beach  
Florida 33931

# PLAT PLAN

Legal description

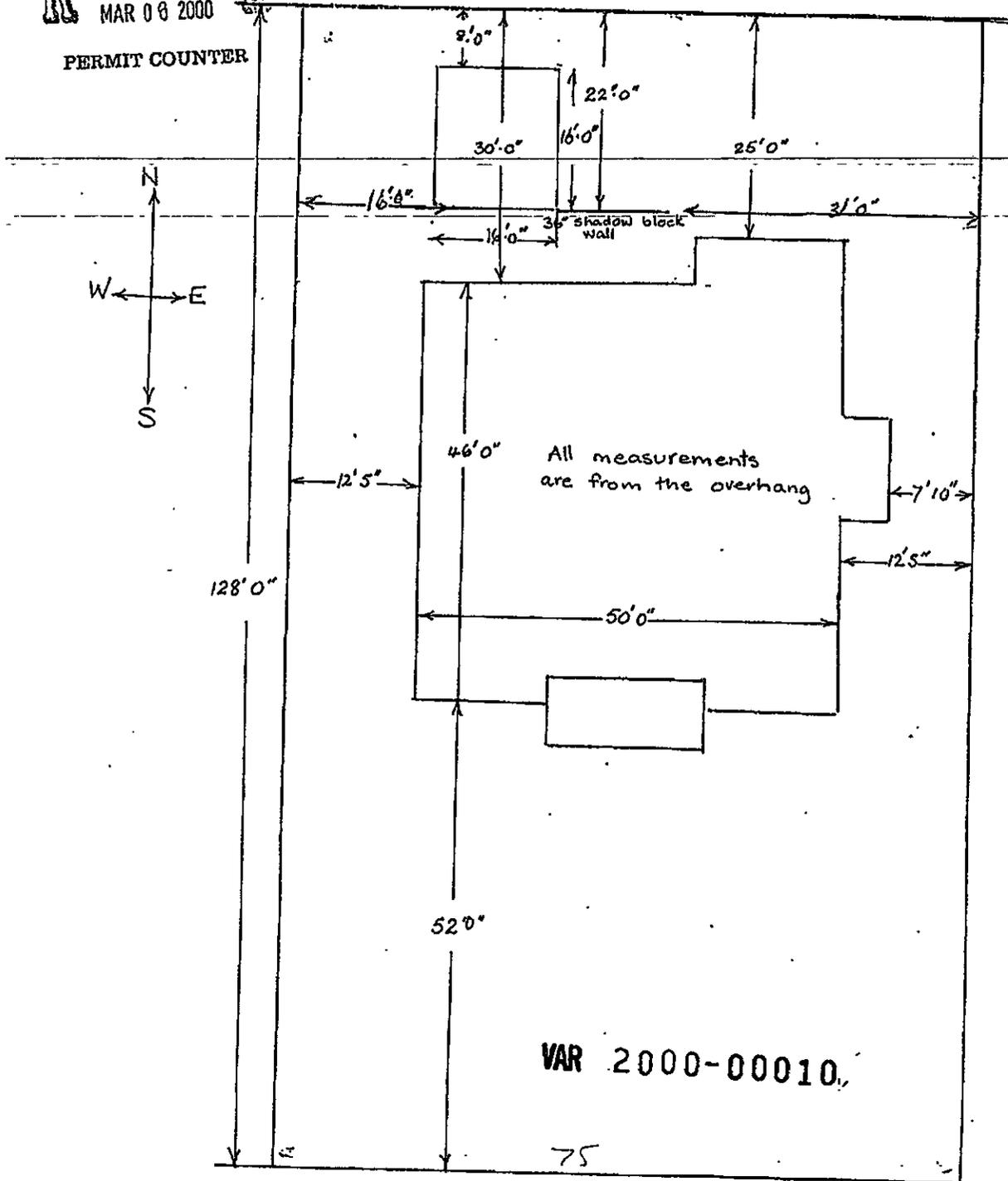
Lot 25 and E 1/2 lot 24  
Holiday Heights subdivision  
P.B. 9, Pg 58  
R 24 E  
Lee County  
Fort Myers Beach 33931.

Moore Residence  
Shadow wall addition.

**RECEIVED**  
MAR 08 2000

PERMIT COUNTER

Canal.



Scale 3/4" = 10'

5445 Avenida Pescadora.

**B**