

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 00-29

WHEREAS, the property owner, Larry & Karen Miller, petitioned for a variance in the (RM-2) Residential Multiple Family District from LDC Section 34-715 which requires a 7 foot side setback to permit a 4.2 foot side setback to reconstruct a carport; and,

WHEREAS, the subject property is located at 5670 Estero Blvd., Ft. Myers Beach, Florida; and

WHEREAS, the applicant has indicated the property's current STRAP number is: 33-46-24-W2-00205.001A; and,

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on May 30, and, they recommended that the Town Council approve the request with the condition that the variance is limited to the 11.1 foot by 20.2 foot carport depicted on the site plan, Attachment B of the Staff Report dated May 3, 2000; 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.

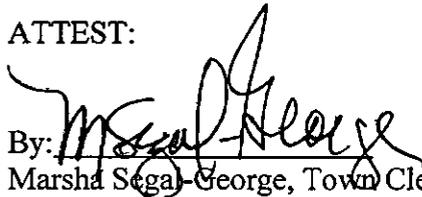
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

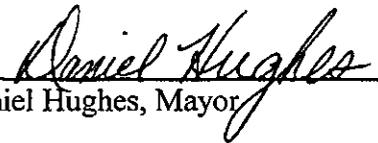
Anita T. Cereceda	<u>aye</u>
Daniel Hughes	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>
Terry Cain	<u>aye</u>

APPLICATION DULY DENIED/GRANTED this 29th day of June, 2000.

ATTEST:

TOWN OF FORT MYERS BEACH

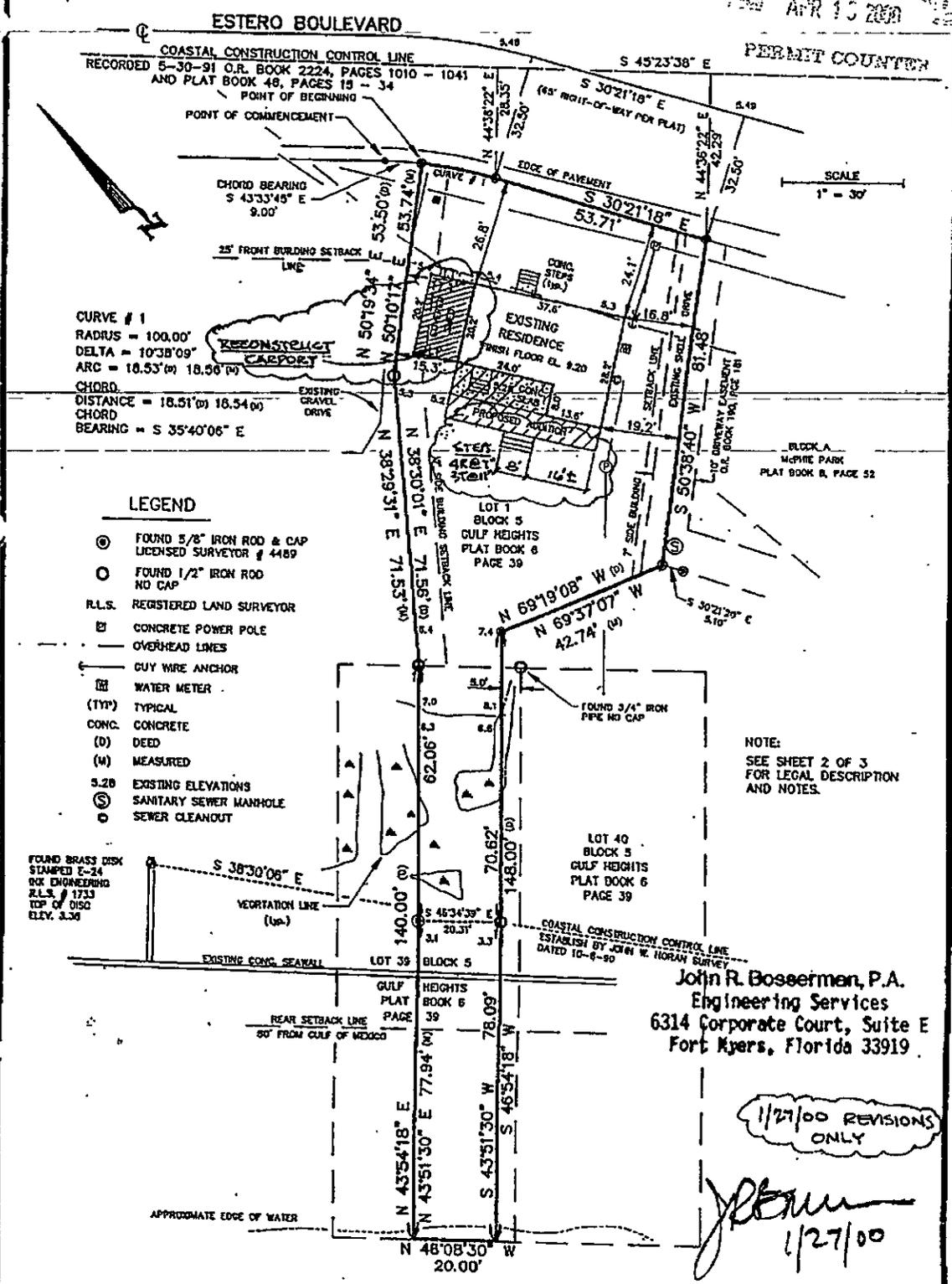
By: 
Marsha Segal-George, Town Clerk

By: 
Daniel Hughes, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney

APR 15 2000



MILLER RESIDENCE

PROJECT NO. 97-1294

SURVEY DATE: NOVEMBER 13, 1997

STREET ADDRESS

5670 ESTERO BOULEVARD
 FORT MYERS BEACH, FLORIDA

REVISIONS:

O.D. DATE	DESCRIPTION	BY

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B

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 SHEET 1 OF 3