

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2000- 09

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT MYERS BEACH

WHEREAS, Donald Moore has requested that the Town approve a variance in the (RS-1) district from LDC Section 34-2194 c (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: 28-46-24-W4-0020A.0250 and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on April 11, 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 requested variance with two conditions; 1] that the variance is limited to the existing gazebo as shown on what is called a plat plan and which is attached hereto and incorporated herein as part of the Staff Report dated march 10,2000; and 2] that 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.

Pursuant to this recommendation, the LPA finds the following;

Findings & Conclusions;

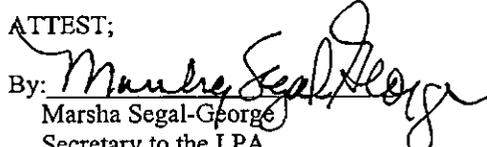
1. There are exceptional or extraordinary conditions or circumstances inherent to the property in question.
2. The exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance.
3. The required setbacks do place an unreasonable burden upon the applicant.
4. The granting of the variance would 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 Van Duzer and seconded by LPA Member Huber , and upon being put to a vote, the result was as follows:

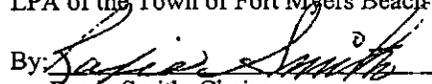
Jennifer Kaestner	yes
Dave Smith	yes
Rod Vayo	absent
Betty Simpson	yes
Roxie Smith	yes
Bill Van Duzer	yes
Jodi Hester	yes
Linda Beasley	yes
Harold Huber	yes

DULY PASSED AND ADOPTED THIS 11th day of April, 2000.

ATTEST;

By: 
Marsha Segal-George
Secretary to the LPA

LPA of the Town of Fort Myers Beach

By: 
Roxie Smith, Chairman

Moore Residence
445 Avenida Pescadora
Fort Myers Beach
Florida 33931

PLAT PLAN

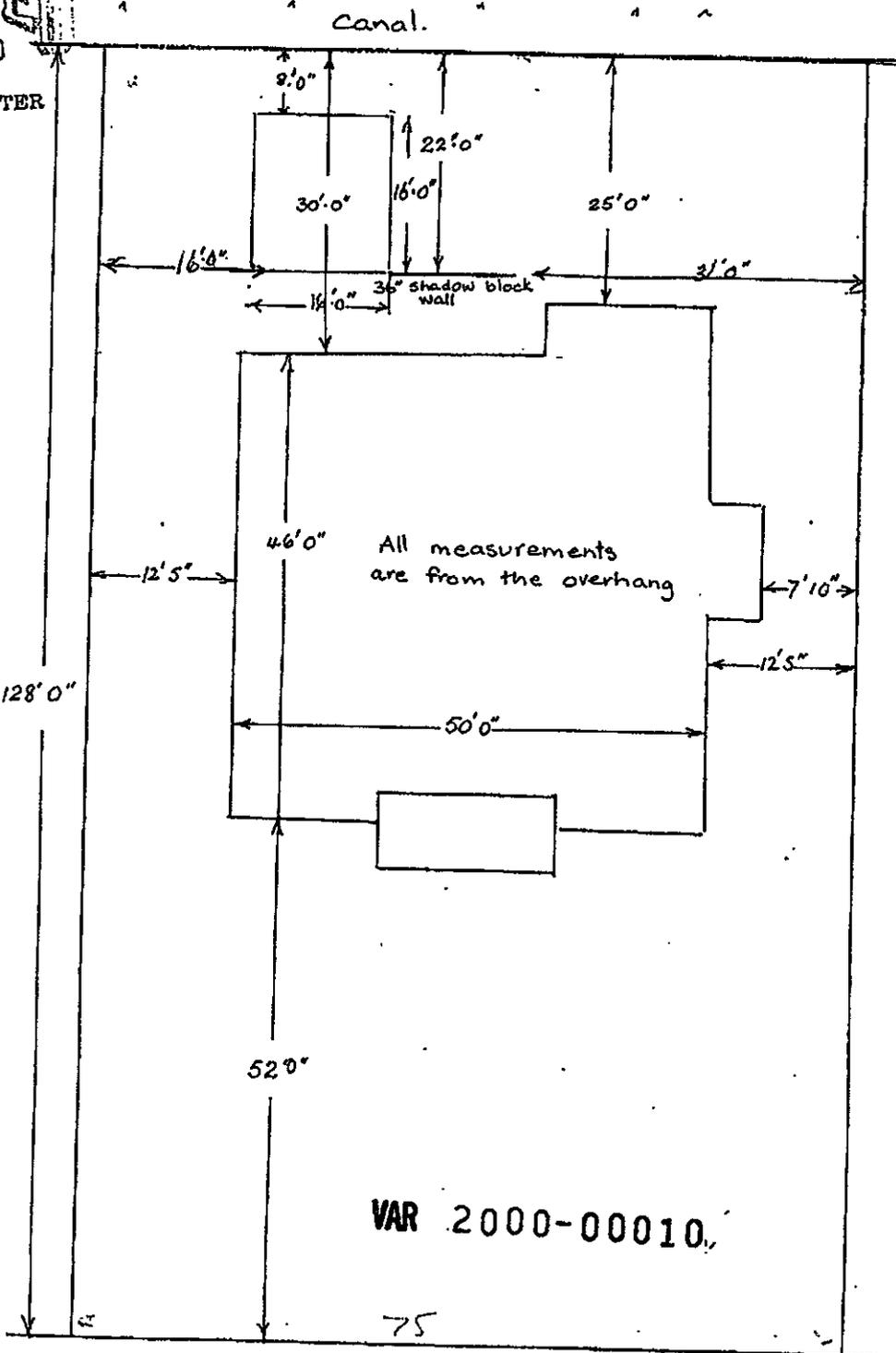
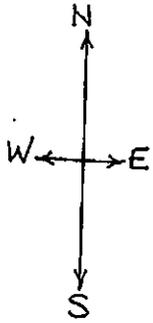
Legal description

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



VAR 2000-00010

75

Scale 3/4" = 10'

5445 Avenida Pescadora.

B