

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2000- 17

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT MYERS BEACH

WHEREAS, Carleen J. Simmons has requested that the Town approve a variance in the (RS-1) district from LDC Section 34-2192 which a 25 foot setback from the edge of right-of-way of a local roadway, to permit a setback of 7.5 feet for the construction of a swimming pool requires; and

WHEREAS, the subject property is located at 315 Bayland Road., 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-W4-0010C.0010 and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on September 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 variance request to permit a setback of 7.5 feet and instead approve a setback of 10 feet for the construction of a swimming pool.

Pursuant to this recommendation, the LPA finds the following;

Findings & Conclusions;

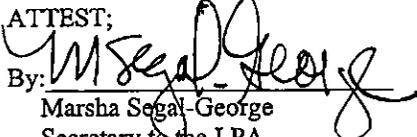
1. There are exceptional or extraordinary conditions or circumstances inherent to the property in question due to the unique placement of the house on the property and the way that access was designated on Bayland.
2. The exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance.
3. The required setbacks on Coquina places 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.
5. The applicant has demonstrated that the request is the minimum variance required and that a swimming pool and cage cannot be built on the property without the requested variance from the required 25' setback.

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

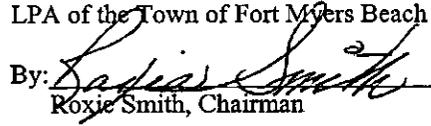
Jennifer Kaestner	yes
Dave Smith	yes
Betty Simpson	yes
Roxie Smith	yes
Bill Van Duzer	yes
Jodi Hester	yes
Linda Beasley	yes
Harold Huber	yes
Jane Plummer	yes

DULY PASSED AND ADOPTED THIS 12th day of September, 2000.

ATTEST;

By: 
Marsha Segal-George
Secretary to the LPA

LPA of the Town of Fort Myers Beach

By: 
Roxie Smith, Chairman