

RESOLUTION NUMBER 18-11
VAR18-0001
135 Driftwood Lane – Sollars' Water body Variance

WHEREAS, James Sollars, as owner of the subject property, filed an application for a variance from the water body setback requirement of LDC Section 34-638, and Table 34-3: specifically, a 10-Ft. variance from to the 25-Ft. water body setback from the adjacent canal; to allow a 15-Ft. waterbody setback; and

WHEREAS, Applicant has indicated the STRAP number for the subject property is 34-46-24-W4-0010C0060; and

WHEREAS, the subject property is physically located at 135 Driftwood Lane, Fort Myers Beach, Florida, 33931 and within the Residential Conservation (RC) zoning district; and

WHEREAS, a duly advertised public hearing was held before the Local Planning Agency (LPA) on April 17, 2018; and

WHEREAS, the LPA recommended approval of the variance after full and complete consideration of the Applicant's request, recommendations of Town staff, documents in the record, and the testimony of all interested persons, as required by Town Land Development Code (LDC) s. 34-84; and

WHEREAS, on May 7, 2018, the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by LDC s. 34-88; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve the request.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fort Myers Beach, Florida, as follows:

1. **Determination.**

Based upon the recommendations, testimony, and evidence presented by Town staff, LPA, and interested parties, the Town Council **APPROVES** the following:

- a. A variance from s. 34-638, Minimum Setbacks, Table 34-3, water body setbacks, which requires a 25-foot setback from water body to allow a 15 feet setback.

2. Findings and Conclusions of Law.

- a. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or the request **is** for a diminimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy;
- b. The conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question;
- c. The variance granted **is** the minimum variance that will relieve that applicant of an unreasonable burden caused by the application of the regulation in question to his property;
- d. The granting of the variance **will not** be injurious to the neighborhood or otherwise detrimental to the public welfare; and
- e. The conditions or circumstances on the specific piece of property for which the variance is sought **are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

THE FOREGOING RESOLUTION was adopted by the Town Council upon a motion by Council Member Cereceda, seconded by Council Member Gore, and upon being put to a vote the results was as follows:

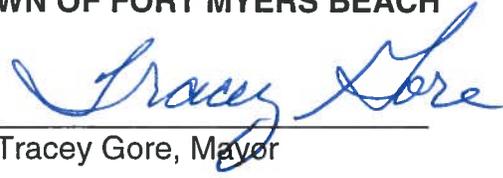
Tracey Gore, Mayor	aye
Joanne Shamp, Vice Mayor	aye
Dennis C. Boback, Council Member	aye
Bruce Butcher, Council Member	aye
Anita Cereceda, Council Member	aye

DULY PASSED AND ADOPTED on this 7th Day of May, 2018.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Michelle D. Mayher, Town Clerk

By: 
Tracey Gore, Mayor

Approved as to form

By: 
Peterson Law Group, Town Attorney