

RESOLUTION NUMBER 18-14

VAR18-0002

3749 Estero Boulevard – Guzy Street and Accessory Structure Setback Variance

WHEREAS, Jeanne Marie Guzy, as owner of the subject property, filed an application for a variance from the Street Setback requirement of LDC Section 34-638, and Table 34-3: for the proposed Lots A and B, specifically, a 15-Ft. variance from to the 25-ft. street setback; and variance to LDC Sec 34-1174(b)(8) to allow accessory uses, buildings, structures, and fences beyond the principle structure; and

WHEREAS, Applicant has indicated the STRAP number for the subject property is 29-46-24-W1-00153-0310; and

WHEREAS, the subject property is physically located at 3749 Estero Boulevard, 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 May 8, 2018; and

WHEREAS, the LPA recommended approval by a vote of 4-2 for 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 June 4th, 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 RESOLVED by the Town Council of the Town of Fort Myers Beach, Florida, as follows:

A. Determination.

Based upon the recommendations, testimony, and evidence presented by Town staff, LPA, and interested parties, the Town Council **APPROVES** Variance 18-0002 with the following conditions:

1. The variance is limited to the subject property and applicable to the proposed lot split as shown in LDO18-0002. Any deviations from that plan, change of use, or other alterations may require an amendment or new application.
2. All vehicle access shall be from Anchorage Street and subject to applicable driveway, right-of-way, and other permit processes.

- a. Anchorage setback shall be 10' from right-of-way
 - b. Lot A St. Peters setback shall be 10' from right-of-way for the principle structure, accessory, and all uses.
 - c. Lot B St. Peters setbacks shall be 17' from right-of-way for the principle structure, accessory, and all uses.
3. No elevated structures or uses shall be permitted in the yard between the rear of the principal structure and St. Peters Drive.
 4. All proposed structures and uses are required to meet any other ordinances, codes, or regulations not otherwise approved herein.
 5. The height limitation on parcel A shall be to the code for VE zone. Height for parcel B shall be a maximum of 45' from mean sea level.

B. 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 Butcher, and upon being put to a vote the results was as follows:

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

DULY PASSED AND ADOPTED this 4th Day of June, 2018.

ATTEST:

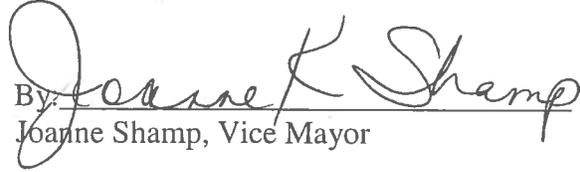
TOWN OF FORT MYERS BEACH

By



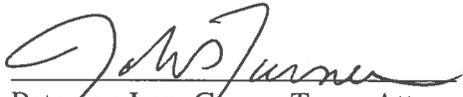
Michelle D. Mayher, Town Clerk

By



Joanne Shamp, Vice Mayor

Approved as to legal sufficiency



Peterson Law Group, Town Attorney