

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 18-35
VAR2017-0004 – Renard Pool Setback

WHEREAS, applicant, Thomas and Paige Renard, are requesting a variance from Sec. 34-1174(d)(1)a, of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP number for the subject property is 20-46-24-W4-0110E.0190 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property, 450 Donora Blvd, Fort Myers Beach is located in the 'Residential Single-Family' zoning district of the Official Zoning Map and the 'Low Density' category of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on September 17, 2018; and

WHEREAS, at the hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-84.

WHEREAS, on October 1, 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 Sec. 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:

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 Sec. 34-1174(d)(1)a, requiring a 5-foot rear property line setback for a pool/pool deck, to allow a 0-foot setback from the rear property line.

RECOMMENDED FINDINGS AND CONCLUSIONS:

- A. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request **is** for a de minimis 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 the applicant of an unreasonable burden caused by the application of the regulation to the property in question.
- D. The granting of the variance **will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.
- 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.

CONDITIONS OF APPROVAL:

1. The pool may be constructed with a zero-foot setback from the rear property line, no closer than five (5) feet from the waterside of the seawall.
2. This variance does not include the vacation of the platted right-of-way.

The foregoing Resolution was adopted by the Town Council upon a motion by Member Cereceda and seconded by Member Shamp, and upon being put to a vote, the result was as follows:

Tracey Gore, Mayor	Aye	Joanne Shamp, Vice Mayor	Aye
Anita Cereceda	Aye	Bruce Butcher	Aye
Dennis Boback	Aye		

DULY PASSED AND ADOPTED THIS **1st** day of **October, 2018**.

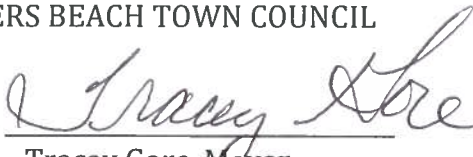
ATTEST:

FORT MYERS BEACH TOWN COUNCIL

By:


Michelle Mayher, Town Clerk

By:


Tracey Gore, Mayor

Approved as to legal sufficiency:

By:


Peterson Law Group, Town Attorney