

RESOLUTION 24-98

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING VAR20240088, A REQUEST FOR TWO VARIANCES FROM LDC TABLE 34-3 TO DECREASE REQUIRED STREET SETBACK BY 17 FEET 6 INCHES FROM THE REQUIRED 25 FEET, AND TO REDUCE THE REAR SETBACK BY 12 FEET 1 INCH FROM THE REQUIRED 20 FEET, IN THE RM ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 614 ESTERO BLVD; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Applicant, Lawrence Black, is the owner and is requesting a variance from LDC Table 34-3 which requires all single-family residences in RM zoning district to provide a minimum 25 feet street setback and a minimum 20 feet rear setback; and

WHEREAS, the STRAP number for the subject property is 24-46-23-W4-00.400.014C; and

WHEREAS, the Property is located in the “Mixed Residential” category of the Future Land Use Map of the Comprehensive Plan and the “Residential Multi Family” (RM) zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on April 30, 2024, and at said 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 Section 34-87 of the LDC. The LPA voted 6 to 0, with one member absent, to recommend approval with conditions of the variances; and

WHEREAS, on May 20, 2024 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 34-87 of the LDC; and voted 4 to 0 with Karen Woodsen absent.

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:

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicant did/ did not meet its burden of proof that the requested Variance does meet the requirements of the Town Comprehensive Plan and LDC and approving Variance with conditions is in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council **APPROVES** the variance from LDC 34-3 which requires all single-family residences in RM zoning district to provide a minimum 25 feet street setback and a minimum 20 feet rear setback.

Section 3. In approving the Variance, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-87 of the LDC:

- 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 approval of the variance **are not** the result of actions of the Applicant taken after the adoption of the regulation in question.
- C. The variance **is** the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation to the Property.
- 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 Property **are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Section 4. If the Town Council approves the requested variance, the following conditions of approval are imposed on the Applicant and the Property:

- A. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
- B. No part of the house or parked vehicles may encroach into the 7.5-foot access easement.
- C. The development must substantially comply with the drawings as provided in Exhibit A, attached.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Jim Atterholt and seconded by Council Member Dan Allers, and upon being put to a roll call vote, the result was as follows:

Dan Allers, Mayor	Aye
Jim Atterholt, Vice-Mayor	Aye
John R. King, Council Member	Aye
Scott Safford, Council Member	Aye
Karen Woodson, Council Member	Excused

ADOPTED this 20th day of May 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL


Dan Allers (May 22, 2024 07:22 EDT)

Dan Allers, Mayor

ATTEST:



Amy Baker, Town Clerk

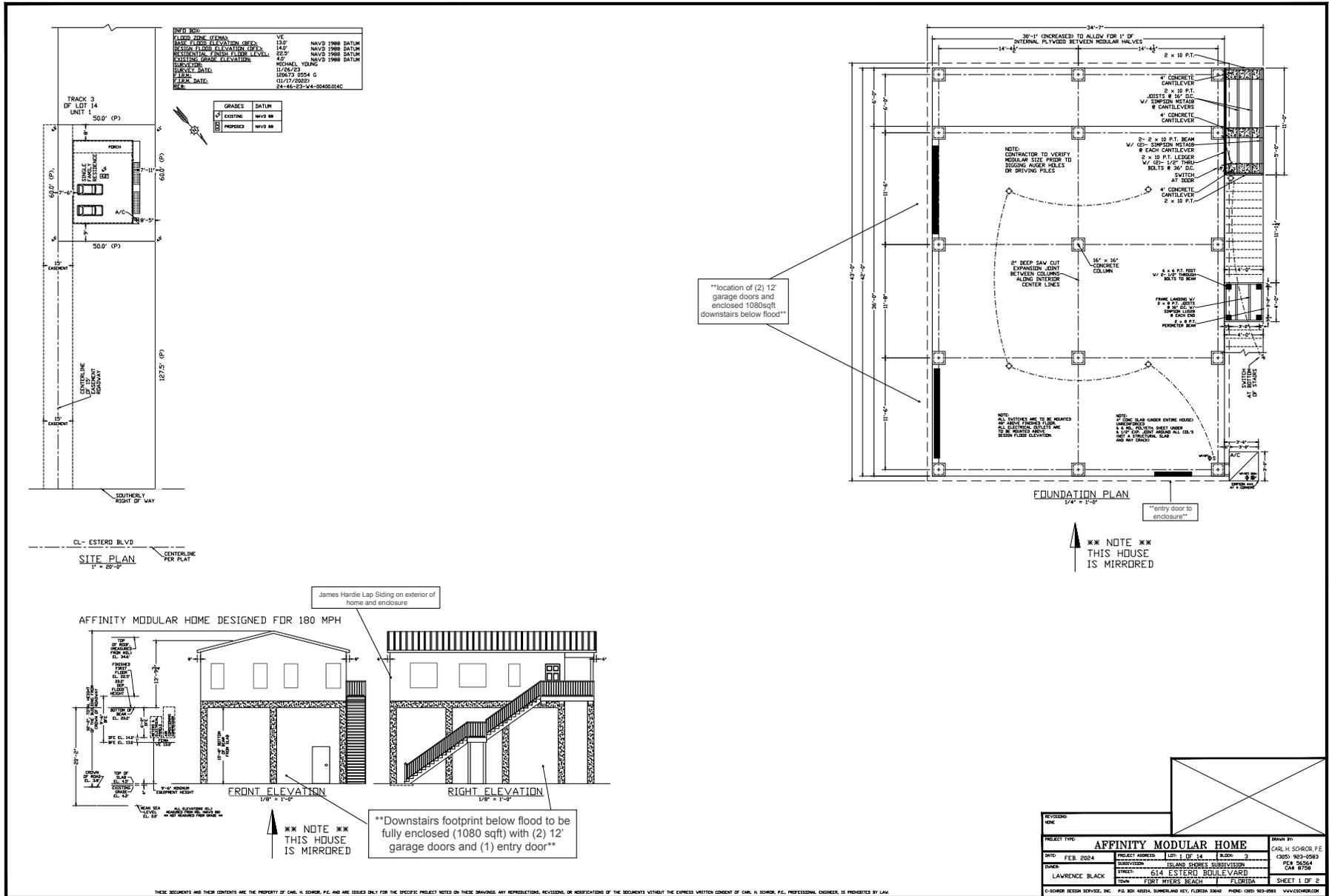
**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

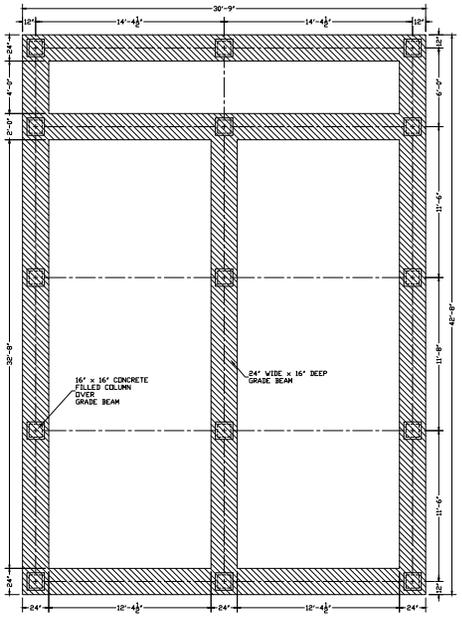
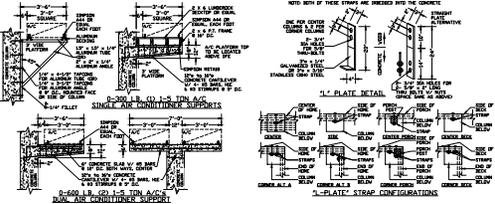
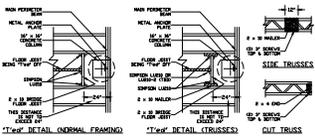
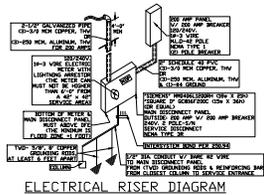

Becky Vose (May 22, 2024 10:03 EDT)

Vose Law, Town Attorney

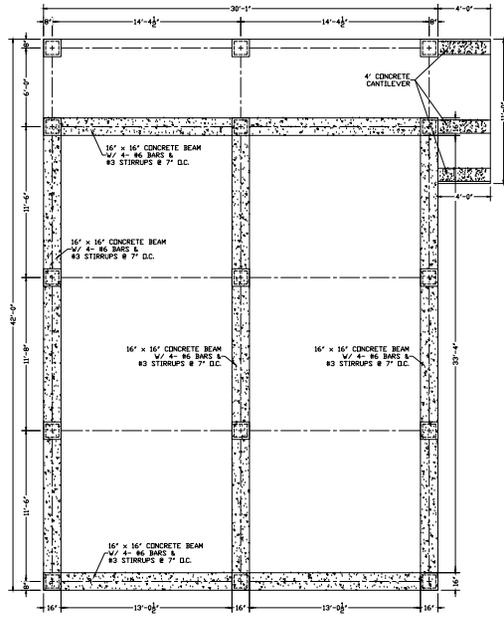
This Resolution was filed in the Office of the Town Clerk on this 21st day of May 2024.

Exhibit D proposed replacement SFR

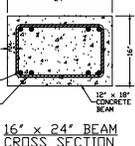
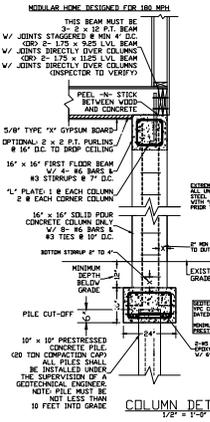
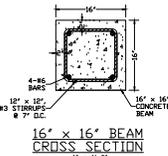
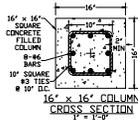
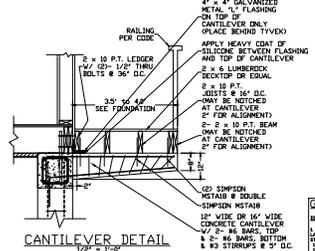




GRADE BEAM & PILE PLAN
1/4\"/>



FIRST FLOOR BEAM PLAN
1/4\"/>



GENERAL SPECIFICATIONS

REVISION 1 - GENERAL REQUIREMENTS:
 1. ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FOLLOWING BUILDING CODES: INTERNATIONAL BUILDING CODE (IBC), INTERNATIONAL RESIDENTIAL CODE BOOK (IRC), INTERNATIONAL MECHANICAL AND ELECTRICAL PLUMBING CODE (IMC), AND ALL APPLICABLE LOCAL ORDINANCES.
 2. ALL MATERIALS SHALL BE NEW UNLESS OTHERWISE SPECIFIED.
 3. ALL MATERIALS SHALL BE OF THE BEST QUALITY AVAILABLE.
 4. ALL MATERIALS SHALL BE MANUFACTURED IN THE UNITED STATES OF AMERICA.
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REVISION 2 - ADDITIONAL NOTES:
 1. CONTRACTOR TO VERIFY ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FOLLOWING BUILDING CODES: INTERNATIONAL BUILDING CODE (IBC), INTERNATIONAL RESIDENTIAL CODE BOOK (IRC), INTERNATIONAL MECHANICAL AND ELECTRICAL PLUMBING CODE (IMC), AND ALL APPLICABLE LOCAL ORDINANCES.
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REVISION 3 - FINISHES, WALLS, CEILING, FLOORING, AND OTHER FINISHES:
 1. ALL FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FOLLOWING BUILDING CODES: INTERNATIONAL BUILDING CODE (IBC), INTERNATIONAL RESIDENTIAL CODE BOOK (IRC), INTERNATIONAL MECHANICAL AND ELECTRICAL PLUMBING CODE (IMC), AND ALL APPLICABLE LOCAL ORDINANCES.
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GENERAL SPECIFICATIONS

REVISION 4 - CONCRETE:
 1. ALL CONCRETE SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FOLLOWING BUILDING CODES: INTERNATIONAL BUILDING CODE (IBC), INTERNATIONAL RESIDENTIAL CODE BOOK (IRC), INTERNATIONAL MECHANICAL AND ELECTRICAL PLUMBING CODE (IMC), AND ALL APPLICABLE LOCAL ORDINANCES.
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GENERAL SPECIFICATIONS

REVISION 5 - CONCRETE:
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PROJECT TYPE: AFFINITY MODULAR HOME		DRAWN BY: CARL H. SCHOR, P.E.	
DATE: FEB. 2024	PROJECT ADDRESS: LOT 1 OF 14	SUBDIVISION: ISLAND HOMES SUBDIVISION	PERMITS: FWA 26564
DRAWN: LAWRENCE BLACK	CITY: FORT MYERS BEACH	STATE: FLORIDA	DATE: 02/22/24
PROJECT NO: 24-001		SHEET 2 OF 2	

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