

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH FLORIDA
RESOLUTION NUMBER 2014-014
VAR2014-0001 – Schmid Dock

WHEREAS, applicant Ernest Bartlett, authorized agent for Jesse Schmid, is requesting a variance from Sec. 26-71(c)(1) and 26-71(d)(2) 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 24-46-23-W2-0050C.0100 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property, 721 Matanzas Court, 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 9, 2014; 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 34-87.

IT IS HEREBY RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application and the standards for granting variances, the LPA recommends the following findings of fact, conditions for approval, and conclusions for consideration by the Town Council:

The LPA recommends that the Town Council **DENY** the applicant's request for a variance from Sec. 26-71(c)(1) and 26-71(d)(2) of the Town of Fort Myers Beach Land Development Code subject to the following condition:

RECOMMENDED FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the LPA recommends that the Town Council make the following findings and reach the following conclusions:

- A. There **are not** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request **is not** 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** the result of actions of the applicant taken after the adoption of the regulation in question.

C. The variance granted **is not** 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** be injurious to the neighborhood or otherwise detrimental to the public welfare.

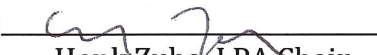
E. The conditions or circumstances on the specific piece of property for which the variance is sought **are** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

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

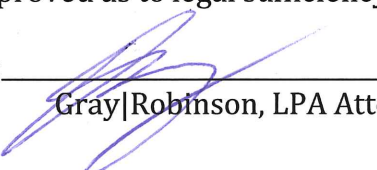
Hank Zuba, Chair	NAY	Joanne Shamp, Vice Chair	NAY
Chuck Bodenhafer	EXCUSED	Al Durrett	NAY
John Kakatsch	NAY	Jane Plummer	NAY
Jim Steele	EXCUSED		

DULY PASSED AND ADOPTED THIS **9th** day of **SEPTEMBER, 2014**.

Local Planning Agency of the Town of Fort Myers Beach

By: 
Hank Zuba, LPA Chair

Approved as to legal sufficiency:

By: 
Gray Robinson, LPA Attorney

ATTEST:

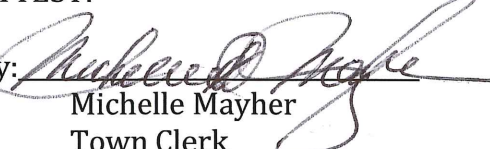
By: 
Michelle Mayher
Town Clerk

Exhibit A

Legal Description

VAR2014-0001

721 Matanzas Court
24-46-23-W2-0050C.0100

THAT PART OF LOTS 10 AND 11, BLOCK C, UNIT NO. 2, ISLAND SHORES, ACCORDING TO PLAT BOOK 9, AT PAGE 25, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE CORNER COMMON TO SAID LOTS 10 AND 11, ON MATANZAS COURT RUN WESTERLY FOR 20.13 FEET ALONG THE ARC OF THE SOUTHERLY SIDE OF LOT 11 FOR 20.13 FEET; THENCE RUN NORTHEASTERLY ALONG A LINE MARKING AN ANGLE OF 10 DEGREES 41 MINUTES TO THE RIGHT FROM PARALLEL TO THE WESTERLY LINE OF LOT 11, FOR 69.5 FEET; THENCE DEFLECT 8 DEGREES 46 MINUTES TO THE LEFT AND RUN 120 FEET MORE OR LESS TO THE WATERS OF MATANZAS PASS; THENCE RUN SOUTHEASTERLY ALONG SAID WATERS FOR 73.5 FEET, MORE OR LESS, TO A POINT 7.5 FEET EAST OF THE PROLONGATION OF A LINE MARKING AN ANGLE OF 3 DEGREES 33 MINUTES TO THE RIGHT OF THE ORIGINAL LOT LINE COMMON TO SAID LOTS 10 AND 11; THENCE SOUTHWESTERLY, 200 FEET, MORE OR LESS, TO THE MONUMENT COMMON TO LOTS 10 AND 11 AND THE SOUTHWEST END OF SAID LOTS TO THE POINT OF BEGINNING; TOGETHER WITH THE PERPETUAL USE OF A FIVE FOOT WALKWAY FROM THE COUNTY ROAD TO THE BEACH OVER THE EASTERLY FIVE FEET OF LOT 15, ISLAND SHORES, UNIT NO. 3, AS PER PLAT OR PLAT IN PLAT BOOK 9, AT PAGE 27; ALSO THAT PORTION OF LOT 10 OF ISLAND SHORES SUBDIVISION, UNIT 2, LYING NORTH AND WEST OF THE FOLLOWING DESCRIBED LINE; BEING AT THE CORNER OF LOTS 9 AND 10 ON THE RIGHT OF WAY OF MATANZAS COURT FOR POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG THE LOT LINE BETWEEN LOTS 9 AND 10 A DISTANCE OF 68.91 FEET TO A CONCRETE MONUMENT; THENCE DEFLECT LEFT 30 DEGREES 41 MINUTES 15 SECONDS AND RUN NORTHERLY 158.05 FEET MORE OR LESS, TO THE WATERS OF MATANZAS PASS.