

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 15-08
VAR2013-0009 – 2550 Estero Boulevard, Unit 22

WHEREAS, Tropical Shores LLC, is requesting a variance from Table 34-3 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 19-46-24-W3-04100.0022 and the legal description of the subject property is attached as Exhibit A; and

WHEREAS, the subject property, 2550 Estero Boulevard, Unit 22, Fort Myers Beach is located in the 'Residential Multifamily' zoning district of the Official Zoning Map and the 'Boulevard' 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.

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on May 4, 2015, at which time the Town Council gave full and complete consideration to the request of Applicant, the 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 TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

The Town Council **APPROVES/DENIES** the requested variances from the following sections:

1. A variance from LDC Section 34-3, to allow a 10-foot encroachment into the required 20-foot rear setback in order to construct a 10-foot x 20-foot covered deck off the second story rear bedroom.

CONDITIONS OF APPROVAL:

1. The request be approved only for a second story 10-foot x 20-foot deck as indicated on the drawings submitted by the applicant.

FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding approval of variance requests, the Town Council reaches the following findings and conclusions:

A. There **are/are not** 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/are not** the result of actions of the applicant taken after the adoption of the regulation in question.

C. The variance granted **is/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/ 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/ 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 _____ and seconded by Council Member _____ and upon being put to a vote, the result was as follows:

Anita Cereceda, Mayor
Rexann Hosafros
Summer Stockton

Dan Andre, Vice Mayor
Alan Mandel

DULY PASSED AND ADOPTED THIS _____ day of _____, 2015.

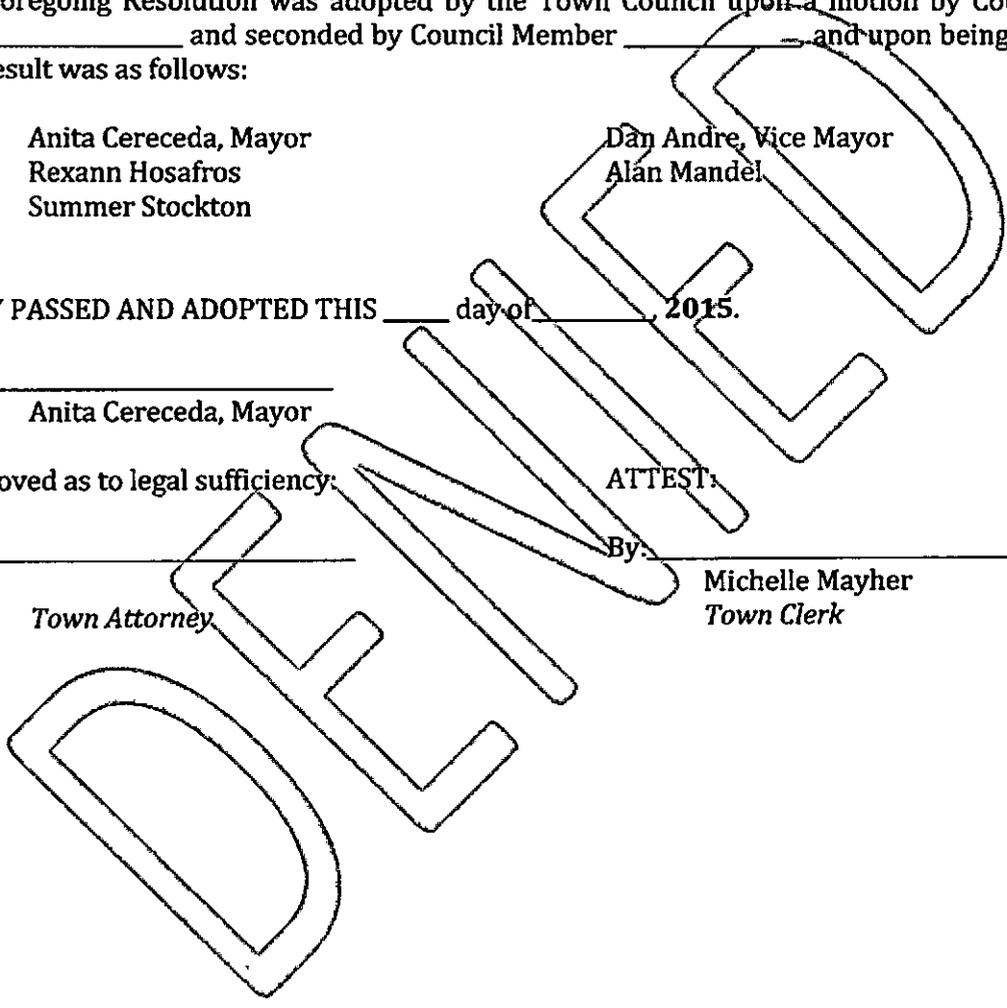
By: _____
Anita Cereceda, Mayor

Approved as to legal sufficiency:

By: _____
Town Attorney

ATTEST:

By: _____
Michelle Mayher
Town Clerk





Town of Fort Myers Beach

Anita Cereceda
Mayor

Dan Andre
Vice Mayor

Alan Mandel
Council Member

Rexann Hosajros
Council Member

Summer Stockton
Council Member

May 29, 2015

Mike and Sonia Tundo
2550 Estero Blvd.
Fort Myers Beach, FL 33931

RE: VAR2013-0009

Dear Mr. and Mrs. Tundo,

Your variance application VAR2013-0009 was re-heard by the Fort Myers Beach Town Council on May 4, 2015.

The Council denied the application.

Please feel free to contact me if you have any questions.

Sincerely,

Belinda Mastalski Smith
Development Services Manager
Town of Fort Myers Beach

CC: Matt Uhle