

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 14-29
APPEAL OF MUD2012-0002 DENIAL

WHEREAS, Matt Uhle, authorized agent for James J. Jamieson, petitioned for an appeal from the administrative action of the Local Planning Agency, regarding application MUD2012-0002 on property located at 200 Chapel Street and 266 Mango Street; and

WHEREAS, the action was based upon application of the "Single-Family Residence Provision" of the Comprehensive Plan and corresponding language in Section 34-3274 of the Town Land Development Code; and

WHEREAS, the error is identified as: Applicant contends that the requested administrative approval meets the required findings of LDC Sec. 34-3274 and thus should have been approved; and

WHEREAS, the act by the Local Planning Agency was not pursuant to an order, resolution, or directive of the Town Council directing them to perform such act; or an ordinance or other regulation or provision in Town code which provides a different appellate procedure; and

WHEREAS, a hearing was held and the Council considered the following criteria: recommendations and testimony of the staff, testimony from the applicant and from the public as to the effect the ruling will have when applied generally to this code.

IT IS THE FINDING OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, that the following exist:

- The appeal is of a nature properly brought for decision, as there is no established procedure for handling the request other than through the appeal process (i.e., a variance or special exception, etc.)
- The Local Planning Agency did not follow the intent of the ordinance which is being applied or interpreted.

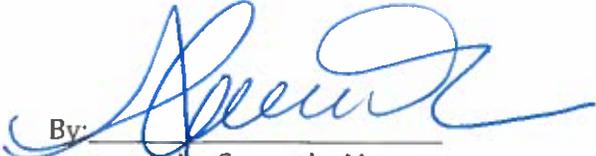
NOW THEREFORE BE IT RESOLVED THAT THE LOCAL PLANNING AGENCY'S DECISION IS REVERSED, as follows:

- The Minimum Use Determination is approved for 40 out of 40 platted lots owned by the applicant in Blocks B and C the Seagrape Subdivision.
 - This action does not constitute a building permit or permission to construct anything on the property without following established building permitting procedures.
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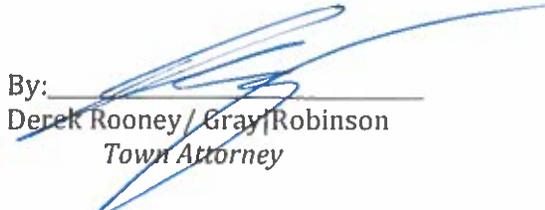
The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Hosafros and seconded by Council Member Andre and upon being put to a vote, the result was as follows:

Anita Cereceda, Mayor	AYE	Dan Andre, Vice Mayor	AYE
Rexann Hosafros	AYE	Alan Mandel	AYE
Summer Stockton	NAY		

DULY PASSED AND ADOPTED THIS 8th day of December, 2014.

By: 
Anita Cereceda, Mayor

Approved as to legal sufficiency:

By: 
Derek Rooney / Gray Robinson
Town Attorney

ATTEST:

By: 
Michelle Mayher
Town Clerk