

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 00-25

WHEREAS, the property owners, Jerry & Olivia Sawyer, have petitioned for a variance from LDC Section 6-472 to allow a living area to remain below minimum flood elevation. This section requires living areas to be located above minimum flood elevation; and,

WHEREAS, the subject property is located at 101 Anchorage Road, Ft. Myers Beach, FL; and,

WHEREAS, the applicant has indicated the property's current STRAP number is: 29-46-24-W1-00153.0170; and,

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) and they recommended that the request be denied; 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.

IT IS THE FINDING of this council that the following exist:

- a. That there are/not exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district;
- b. That the exceptional or extraordinary conditions or circumstances are ~~not~~ the result of actions of the applicant taken subsequent to the adoption of the ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding the adoption of the ordinance from which this chapter is derived will not be considered self-created);
- c. ~~That the variance is/not the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property;~~
- d. That the granting of the variance will ~~not~~ be injurious to the neighborhood or otherwise detrimental to the public welfare; and
- e. That the condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is ~~not~~ of so general or recurrent nature as to make it more reasonable and practical to amend the ordinance.

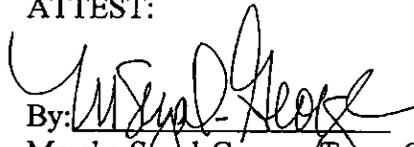
NOW THEREFORE BE IT RESOLVED THAT THE VARIANCE IS
DISAPPROVED/~~APPROVED~~ SUBJECT TO THE FOLLOWING conditions and
requirements that are necessary for the protection of the health, safety, comfort,
convenience and welfare of the general public and that are reasonably related to the
variance requested.

The foregoing resolution was adopted by the Fort Myers Beach Town Council
upon being put to a vote, the result was as follows:

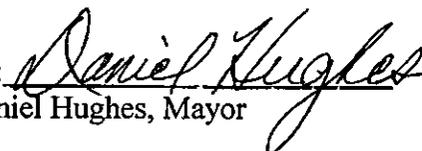
Anita T. Cereceda	<u>aye</u>
Daniel Hughes	<u>aye</u>
Garr Reynolds	<u>nay</u>
Ray Murphy	<u>aye</u>
Terry Cain	<u>aye</u>

APPLICATION DULY DENIED/GRANTED this 19th day of June, 2000.

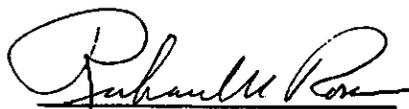
ATTEST:

By: 
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH

By: 
Daniel Hughes, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney