

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 02-36

WHEREAS, the property owner RICHARD F. WATTS and SHEILA A. WATTS, petitioned for an appeal from administrative action of the Division of Development Services, Application COM 2002-00722 on Parcel # 19-46-W4.0060A.0370; and,

WHEREAS, The action was based upon application of Section 34-691c; 34-694; 34-3241 and 34-3242 (copies attached) of the Town Land Development code; and,

WHEREAS, the error is identified as: The application does not create or expand the existing legal non-conforming dwelling unit. The boundaries of the unit are the same with and without the proposed plan change. Chapter 34 of the LDC does not authorize the Town to treat "storage" and "living area" as separate uses within a single unit, which appears to be the basis for the decision."

WHEREAS, the act by the administrative official was not pursuant to an order, resolution, or directive of the town council directing him 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 this council that the following exist:

1. 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.)
2. The administrative official followed ~~did not follow~~ the intent of the ordinance which is being applied or interpreted.

NOW THEREFORE BE IT RESOLVED THAT THE ADMINISTRATIVE OFFICIAL'S DECISION IS ~~REVERSED~~, AFFIRMED, OR MODIFIED as follows:

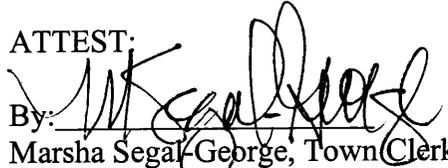
The foregoing resolution was adopted by the Fort Myers Beach Town Council

upon being put to a vote, the result was as follows:

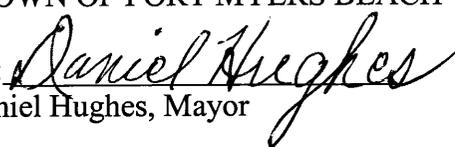
Howard Rynearson	aye
Daniel Hughes	aye
Bill Thomas	aye
W. H. "Bill" Van Duzer	aye
Terry Cain	aye

APPROVED this 16th day of September, 2002.

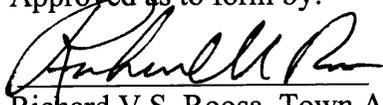
ATTEST:

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