

RESOLUTION 19-29
RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH FLORIDA
VAR 20190052 – 90 Ibis St. Pool Enclosure Setback

WHEREAS, applicant White Aluminum, authorized agent for Bradley Erbeck Trust, is requesting a variance from Sec. 34-1174(b) & (d)(1)c, 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 34-46-24-W4-00200.0270 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property, 90 Ibis Street, 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 17, 2019; and

WHEREAS, at the hearing the LPA gave full and complete consideration to the request of the 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; and

WHEREAS, on October 7, 2019 the Town Council held a duly noticed public hearing to fully consider the request of the applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by LDC 34-87; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve the request.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Fort Myers Beach, Florida, as follows:

Determination.

Based upon the recommendations, testimony, and evidence presented by the applicant, Town staff, and interested parties, the Town Council **APPROVES** the following:

A variance (VAR) from the RS zoning 7.5-ft. side yard setback requirement Sec. 34-1174(d)(1)c & from the RS zoning front setback requirement which does not allow an accessory structure forward of the principle structure 34-1174(b), to allow a screen enclosure 2 feet from the side property line and to allow the front of the screen enclosure to remain less than a foot forward of the front façade of the house,

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** 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 not** the result of actions of the applicant taken after the adoption of the regulation in question.
- C. The variance granted **is** 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 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 not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

CONDITION OF APPROVAL:

- 1. Screened pool enclosures of the same type and location may be permitted as a replacement if damaged.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Shamp and seconded by Council Member Hosafros, and upon being put to a vote, the result was as follows:

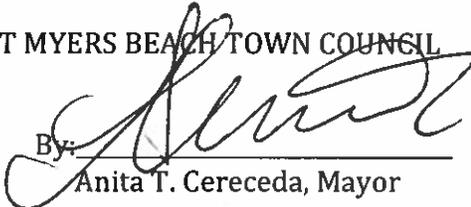
Anita Cereceda, Mayor	aye	Ray Murphy, Vice Mayor	aye
Rexann Hosafros	aye	Bruce Butcher	aye
Joanne Shamp	aye		

DULY PASSED AND ADOPTED THIS 7th day of October 2019.

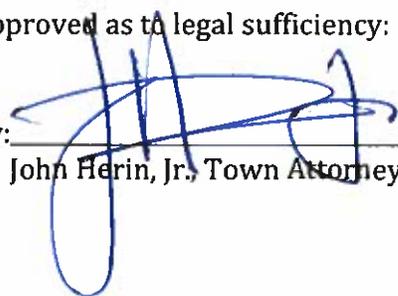
ATTEST:

FORT MYERS BEACH TOWN COUNCIL

By: 
Michelle D. Mayher, Town Clerk

By: 
Anita T. Cereceda, Mayor

Approved as to legal sufficiency:

By: 
John Herin, Jr., Town Attorney

