

CITY OF BONITA SPRINGS  
ZONING RESOLUTION NO. 16 - 01

A ZONING RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A VARIANCE REQUEST AT 27699 DORTCH AVENUE, FROM LDC §4-489 TO ALLOW UP TO A 0.6' (74.65') REDUCTION FROM THE 75' MINIMUM LOT WIDTH REQUIREMENT FOR THE CONSTRUCTION OF A DUPLEX STRUCTURE IN THE TWO-FAMILY CONSERVATION (TFC-2) RESIDENTIAL DISTRICT, ON .25 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, 27699 Dortch Avenue has filed an application to grant a 0.6' reduction from the 75' minimum lot width requirement for the construction of a duplex structure in the Two-Family Conservation (TFC-2) residential district, Land Development Code Section 4-489:

**WHEREAS**, the subject property is located at 27699 Dortch Avenue, Bonita Springs, Florida, and is described more particularly as:

Lot 6, block 43, of the Bonita Springs subdivision, as recorded in Plat Book 3, page 26, along with a portion of certain vacated streets abutting the lot, as set forth in unrecorded Board of County Commissioners Resolution No. 81-11-15.

**WHEREAS**, a Public Hearing was advertised and heard on January 19, 2016 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case VAR15-25853-BOS who gave full consideration to the evidence available and recommended approval; and gave full and complete consideration of the record, consisting of the Staff Recommendation, the documents on file with the City and the testimony of all interested parties. The December 22, 2015 Staff Report prepared by Community Development and evidence submitted at the Zoning Board hearing is on file with the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bonita Springs, Lee County, Florida:

**SECTION ONE: APPROVAL OF REQUEST**

City Council of Bonita Springs hereby grants a variance to allow up to a 0.6' reduction from the 75' minimum lot width requirement for the construction of a duplex structure in the Two-Family Conservation (TFC-2) residential district, from LDC § 4-489, on 0.25 +/- acres, with the following conditions:

Conditions:

1. The variance is limited to Lot 6 of Block 43, recorded in Plat Book 3, Page 26 of the public records of Lee County, Florida, further described in that certain boundary survey issued by Michael Young Land Surveying, identified as File No: 15282, signed and sealed by Michael S. Young on December 10, 2015.
2. The variance is for a lot width of no less than 74.65'.
3. All other applicable zoning development regulations contained in LDC §4-489 remain in full effect.
4. The use of the lot is limited to one duplex building or one single-family home; with accessory structures.

Findings & Conclusions:

Based upon an analysis of the application and the standards for approval of a variance, Bonita Springs City Council makes the following findings and conclusions, as conditioned:

1. There are exceptional or extraordinary conditions or circumstances inherent to the subject property which is a legal non-conforming lot of record known as Lot 6 of Block 43 of the Bonita Springs plat as recorded in Plat Book 3, Page 26 of the Public Records of Lee County, FL
2. 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 code from which this chapter is derived will not be considered self-created). The variance is being sought due to the substandard size of the lot.
3. The variance, if granted, is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to the subject property.
4. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

To date, staff has received no objections to this request. The duplex will appear to have and maintain the same character within the neighborhood. The applicant will maintain all other required setbacks and development standards.


5. 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 a general or recurrent nature so as to make it more reasonable and practical to amend the ordinance.

**SECTION TWO: EFFECTIVE DATE**

This ordinance shall take effect thirty (30) days from the date of adoption.


**DULY PASSED AND ENACTED** by the Council of the City of Bonita Springs, Lee County, Florida, this 3<sup>rd</sup> day of February, 2016.

AUTHENTICATION:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

Vote:

Nelson	Aye	Simmons	Aye
McIntosh	Aye	Gibson	Aye
Martin	Absent	Lonkart	Aye
Slachta	Aye		

Date filed with City Clerk: 2/13/16

