

CITY OF BONITA SPRINGS  
ZONING RESOLUTION NO. 13-02

A ZONING RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A VARIANCE REQUEST BY DR. FRANK HUBBARD TO GRANT A 4' REDUCTION IN THE 19' PERMITTED ENCROACHMENT SETBACK IN LDC §4-2191(5) TO PERMIT A PORTION OF AN ELEVATED DECK AND STAIRCASE TO ENCROACH UP TO 15' INTO A WATERBODY SETBACK; ON LAND LOCATED AT 4915 ESPLANADE, BONITA SPRINGS, FLORIDA, PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Dr. Frank Hubbard has filed an application to grant a 4' reduction in the 19' permitted encroachment setback for a single lot in the Residential Single-Family District (RS-1) from Land Development Code (LDC) Section 4-2191(5) to permit a portion of an elevated deck and staircase to encroach up to 15' into a waterbody setback which requires:

**WHEREAS**, the subject property is located at 4915 Esplanade, Bonita Springs, Florida, and is described more particularly as:

See Exhibit A

**WHEREAS**, a Public Hearing was advertised and heard on February 19, 2013 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case VAR 12-03010-BOS who gave full consideration to the evidence available and recommended approval for the stairway, but not for the elevated deck as to the portion that the encroachment exceeds 19' (4-2 Incerpi & Norris voting against and Liles absent); 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 February 7, 2013 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 approves the variance to permit the elevated deck, as built, and staircase to encroach up to 15' into a waterbody setback with the following conditions:

Conditions

1. Within thirty days of the effective date of this resolution, the applicant must apply for an accessory permit for the entire elevated deck and staircase pursuant to LDC §4-2191(5) and LDC §4-2194.
2. The variance is limited to granting approval of the existing structure. In the event the decking is expanded, modified or demolished, a new variance will be required for any decking (stairs may remain).

### 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:

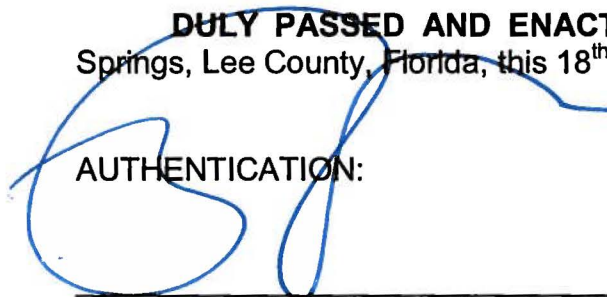
1. There are exceptional or extraordinary conditions or circumstances that are inherent to the property and existing structure in question.
2. There were actions taken by the applicant, but these were exceptional or extraordinary conditions or circumstances in that the property owner was trying to get it all completed at once, the decking is de minimus, and the neighbors support the decking.
3. The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to their property;
4. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
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 resolution shall take effect immediately upon adoption.

**DULY PASSED AND ENACTED** by the Council of the City of Bonita Springs, Lee County, Florida, this 18<sup>th</sup> day of March, 2013.

AUTHENTICATION:



\_\_\_\_\_  
Mayor



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

APPROVED AS TO FORM:

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

Vote:

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

Date filed with City Clerk: \_\_\_\_\_

3-19-13







ATTACHMENT A  
VAR12-03010-B05

