

CITY OF BONITA SPRINGS
ZONING RESOLUTION NO. 13-03

A ZONING RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A VARIANCE REQUEST BY ALICE ALBRECHT TO GRANT RELIEF FROM LDC 4-653 NOTE (4) AND LDC 4-654, THE MINIMUM LOT WIDTH AND LOT AREA REQUIREMENTS, TO PERMIT THE PLACEMENT OF ONE MOBILE HOME IN THE AG-2 DISTRICT, ON LAND LOCATED AT 12601 TOWER ROAD, BONITA SPRINGS, FLORIDA, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Alice Albrecht has requested a grant relief from LDC 4-653 Note (4) and LDC 4-654 from the minimum lot width and lot area requirements to allow a lot width of 165 feet and lot area of 2.5 acres to allow the placement of one mobile home in the AG-2 district

WHEREAS, the subject property is located at 12601 Tower Road, Bonita Springs, Florida, and is described more particularly as:

The East one-half (E-1/2) of the East one-half (E-1/2) of the Northwest one-quarter (NW-1/4) of the Northwest one-quarter (NW-1/4) of the Southeast one-quarter (SE-1/4) of Section 30, Township 47 South, Range 26 East, Lee County, Florida, less the South 30 feet thereof.

STRAP NO.: 30-47-26-B3-00001.302C

WHEREAS, a Public Hearing was advertised and heard on March 19, 2013 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on VAR 13-03499-B0S who gave full consideration to the evidence available and recommended approval (7-0), consisting of the Staff Recommendation, the documents on file with the City and the testimony of all interested parties. The March 6, 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 grant relief from LDC 4-653 Note (4) and LDC 4-654 from the minimum lot width and lot area requirements to allow a lot width of 165 feet and lot area of 2.5 acres to allow the placement of one mobile home in the AG-2 district with the following conditions:

A. Conditions

1. The variance is limited to granting approval for the placement of one mobile home.
2. The placement of the mobile home must be in accordance with the development for the AG-1 district, except as modified below.

Maximum building height	35 feet
Minimum lot size	2.5 acres
Minimum lot width	165 feet
Minimum lot depth	300 feet
Maximum lot coverage	25%
Minimum setbacks:	
Street	50 feet
Side Yard	25 feet
Rear Yard	25 feet

B. 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:

1. There are exceptional or extraordinary conditions or circumstances inherent to the subject property as a result of the existing conditions of the property. The property meets the AG-2 development standards, but in order to place a mobile home on the property, the applicant must meet the AG-1 minimum lot standards. The property does not meet the AG-1 lot area and lot width standards. According to the property records the property was split by a previous property owner; therefore, this hardship was not self created.
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 since the property does not meet the AG-1 lot area and lot width standards. According to the property records the property was split by a previous property owner; therefore, this hardship was not self created.
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. The LDC allows for a mobile home by right in the AG-2 district. Staff has conditioned the

approval so that the applicant will be required to meet all development standard requirements of the AG-1 district except for the minimum lot area and lot width. The applicant cannot afford to construct a conventional detached single family home or purchase a modular home.

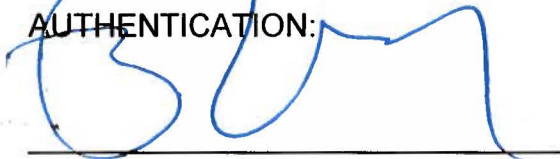
4. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The applicant has received written support from the surrounding area. The property is in a very rural part of the city that only allows 1 dwelling unit per 10 acres. Homes and structures in the area vary between modular housing, concrete construction, and corrugated metal buildings for agricultural uses.
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 3rd day of April, 2013.

AUTHENTICATION:

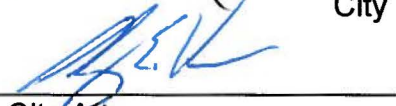


Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

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

Date filed with City Clerk: _____

4-8-13