

CITY OF BONITA SPRINGS, FLORIDA
ZONING RESOLUTION NO. 07-04

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA, denying A REQUEST BY LOVE AND LOVE ENTERPRISES, LLC. FOR A SETBACK VARIANCE FOR A POOL, ON LAND LOCATED AT 26541 HICKORY BOULEVARD, BONITA SPRINGS, FLORIDA, (STRAP NO. 25-47-24-B3-00200.0070), ON 6,000.00 +/- SQUARE FEET; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Love and Love Enterprises, LLC., has filed an application for a variance to allow a pool with a setback of 10 feet, where 25 feet is the minimum setback requirement, per Land Development Code section 34-1174(b)(2), and

WHEREAS, the subject property is located at 26541 Hickory Boulevard, Bonita Springs, Florida, and is described more particularly as:

Lot 7, Addition to Block 1, Bonita Beach, according to the plat thereof in Plat Book 9, Page 14, of the Public Records of Lee County, Florida

WHEREAS, a Public Hearing was advertised and heard on September 7, 2007 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case VAR 2007-00017 who gave full consideration to the evidence available and recommended denial (4-0-1 Bielski abstaining); and gave full and complete consideration of the record, consisting of the Staff Recommendation, the Zoning Board, the documents on file with the City and the testimony of all interested parties. The August 21, 2007 Staff Report prepared by Lee County Development Services Division and evidence submitted at the Zoning Board hearing is on file with the City Clerk.

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

SECTION ONE: DENIAL OF REQUEST

City Council of Bonita Springs hereby denies the zoning request. Based upon an analysis of the application and the standards of a variance, Bonita Springs City Council makes the following findings and conclusions:

1. There are no exceptional or extraordinary conditions or circumstances inherent to the property in question in relation to the 10 foot street setback.
2. The exceptional or extraordinary conditions or circumstances are the result of actions of the applicant taken subsequent to the adoption of the ordinance as the property is currently vacant. The applicant placed a structure too large for the property and now can not accommodate the pool.
3. The variance if granted is not the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the

regulation in question to his property. The applicant could have designed the proposed residence with a pool to comply with all setbacks.

4. The granting of the variance will be injurious to the neighborhood or otherwise detrimental to the public welfare. No other variances to required street setback have been approved on other lots in the vicinity, with existing residences maintaining the 25 foot street setback. Approval of the requested reduction in the setback may encourage requests for street setback reductions for additions or new residences on other lots in the area. The request is not typical of the Bay Road streetscape.
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 City Council of the City of Bonita Springs, Lee County, Florida, this 22nd day of October, 2007.

AUTHENTICATION:

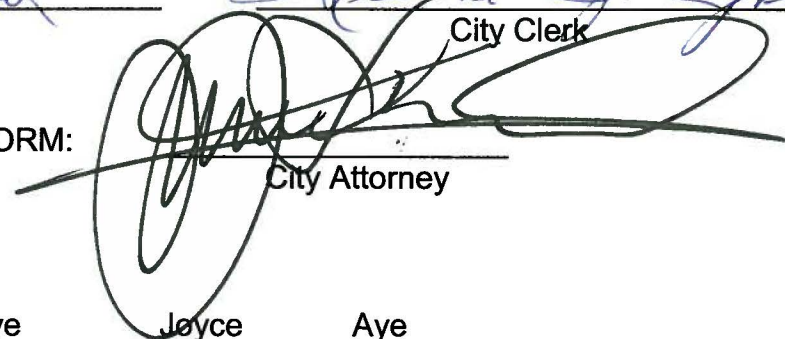


Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

Arend	Aye	Joyce	Aye
Ferreira	Aye	Simons	Aye
Grantt	Aye	Nelson	Aye
McCourt	Abstain		

Date filed with City Clerk: 10-23-07