

CITY OF BONITA SPRINGS, FLORIDA
ZONING RESOLUTION NO. 04-05

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA: DENYING A VARIANCE REQUEST BY BONITA BUBBLES CAR WASH FROM SECTION 30-5 (18) OF THE LAND DEVELOPMENT CODE WHICH PROHIBITS ROOF SIGNS; ON LAND LOCATED AT 24296 S. TAMIAMI TRAIL, BONITA SPRINGS, FLORIDA (STRAP NO. 16-47-25-B2-00010.0060), ON 1.20 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Bonita Springs Zoning Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") gave full consideration to the evidence available, and recommended denial; and

WHEREAS, City Council held a public hearing and gave full and complete consideration of the record, consisting of the recommendation of staff, the zoning board, the documents on file with the City and the testimony of all interested parties.

NOW THEREFORE, BE IT RESOLVED 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 without prejudice.

Based upon an analysis of the application 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. There is an existing free-standing identification sign and a banner that provide adequate identification for the car wash.
2. The exceptional or extraordinary conditions or circumstances are the result of actions of the applicant taken subsequent to the adoption of the ordinance. The building was designed with a lot of window leaving no place for applicant to place wall signs and now the applicant wants the roof sign to provide additional signage for the car wash.
3. The variance 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 car wash has adequate signage on the existing identification sign and could place a "Car Wash" sign inside the lobby windows.
4. The granting of the variance will be injurious to the neighborhood or otherwise detrimental to the public welfare. Allowing the roof sign can set a precedent in the community.

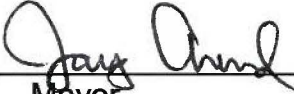
5. The condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of a general or recurrent nature so as to make it more reasonable and practical to amend the ordinance.

SECTION TWO: EFFECTIVE DATE

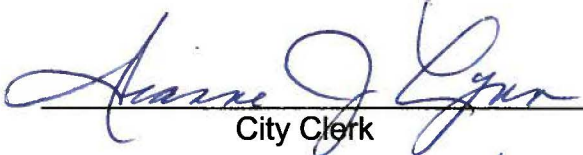
This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 25th day of October, 2004.

AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM: 

City Attorney

Vote:

Arend	Aye	Nelson	Aye
Edsall	Aye	Piper	Aye
Grantt	Aye	Wagner	Aye
Joyce	Aye		

Date filed with City Clerk: 10-26-04

TRASK ASSOCIATES, INC.

239-694-2335 phone
239-694-2355 fax
ktrask@traskassociates.com

S U R V E Y O R S
Florida Licensed Business No. LB7136

11543 Charles Terrace
Fort Myers, FL 33907

DESCRIPTION OF A PARCEL LYING IN SECTION 16, T-47-S, R-25-E, LEE COUNTY, FLORIDA

(PARENT "B")

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 16, TOWNSHIP 47 SOUTH, RANGE 25 EAST, BEING THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3323, PAGE 2105, LEE COUNTY PUBLIC RECORDS, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER SAID SECTION 16; THENCE S.00°14'55"E., ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 16, FOR 1500.47 FEET; THENCE CONTINUE S.00°14'55"E., ALONG SAID QUARTER SECTION LINE AND THE BOUNDARY OF SAID PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3323, PAGE 2105, FOR 300.99 FEET; THENCE N.89°03'19"E., ALONG SAID BOUNDARY, FOR 1028.77 FEET; THENCE N.10°11'44"W., ALONG SAID BOUNDARY AND ALONG THE WESTERLY RIGHT OF WAY LINE OF U.S. 41 (STATE ROAD 45), FOR 146.74 FEET TO THE POINT OF BEGINNING; THENCE S.89°00'20"W., FOR 307.50 FEET; THENCE N.01°44'34"W., ALONG THE FACE OF AN EXISTING BUILDING, FOR 41.84 FEET; THENCE S.88°09'51"W., ALONG THE FACE OF SAID EXISTING BUILDING, FOR 49.94 FEET; THENCE N.00°58'40"W., FOR 116.10 FEET; THENCE N.89°00'20"E., ALONG SAID BOUNDARY OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3323, PAGE 2105, FOR 332.54 FEET; THENCE S.10°11'44"E., ALONG SAID WESTERLY RIGHT OF WAY LINE OF U.S. 41 (STATE ROAD 45), FOR 159.05 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 52133 SQUARE FEET OR 1.20 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON SAID NORTH-SOUTH QUARTER SECTION LINE OF SECTION 16 AS BEARING S.00°Z14'55"E.

PARCEL SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

TRASK ASSOCIATES, INC.

JUNE 25, 2003

Kenneth E. Trask
KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. LS4684

VAR 2004-00029

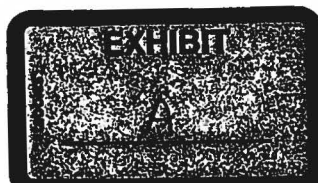
" Exhibit 11-A-1 "

Applicant's Legal Checked

by AG June 23, 2004.

RECEIVED
JUN 21 2004

PERMIT COUNTER



WALDEN CENTER ROAD (60' WIDE)
24' ASPHALT PUBLIC ROAD

N.-S. QUARTER SECTION LINE
S.00°14'55"E. 1500.47'

P.O.C.
N.1/4 CORNER
SECTION 16-47-25

P.O.B.
PARENT PARCEL
PARCEL A

100' FLORIDA POWER & LIGHT EASEMENT
D.B. 227, PG. 417

Division of Development Services
Initial Review Development Order

APPROVED

By LLK Date 7-9-03

For LOT SPLIT

VAR 2003-0026

Parcels type OS

Zoning FE.M.A.

Approved based on site information
supplied by applicant.

PARCEL "A"
PART OF
R. 3323, PG. 2105

LINE TABLE

LINE	BEARING	DISTANCE
L1	N.01°44'34"W.	41.64'
L2	S.88°09'51"W.	49.94'
L3	N.00°59'40"W.	116.10'

COMMON DRIVEWAY & UTILITY EASEMENT
O.R. 2398, PG. 1126
24' ASPHALT ROAD

S.89°00'20"W. 975.96'

149.4'
EXISTING ONE STORY BUILDING
149.2'

PROPERTY LINE
ALONG BUILDING
LINE

PARCEL "B"
PART OF
O.R. 3323, PG. 2105

EXISTING ONE STORY BUILDING
104.7'

S.89°00'20"W. 307.50'

ACCESS EASEMENT
O.R. 3061, PG. 3911

P.O.B.
PARCEL B

U.S. 41 (S.R. 45)
6 LANE DIVIDED HIGHWAY

N.89°03'19"E. 1028.77'

NOTES:

THIS IS NOT A BOUNDARY SURVEY.
O.R. OFFICIAL RECORDS BOOK
D.B. DEED BOOK
PG. PAGE
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT



Applicant's Survey Checked
By [Signature] June 23, 2004.

VAR 2004-00029

Exhibit
11-A-2

RECEIVED
JUN 21 2004

PERMIT COUNTER

SHEET 4 OF 4

SKETCH

OF A PARCEL LYING IN
SECTION 16, T-47-S, R-25-E,
LEE COUNTY, FLORIDA.

TRASK ASSOCIATES, INC.
SURVEYORS

11543 CHARLES TERRACE
FORT MYERS, FLORIDA 33907
239-694-2335
FLORIDA LICENSED
BUSINESS NO. LB7136

DATE:	6-25-2003
SCALE:	1"=100'
DRAWN BY:	KT
CHECKED BY:	
S-T-R	16-47-25
JOB NO.	BUBSK
SHEET 4 OF 4	

[Signature]
KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 154684
6-25-03
DATE SIGNED: