

**CITY OF BONITA SPRINGS, FLORIDA
ZONING RESOLUTION NO. 02-03**

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA: DENYING A ZONING REQUEST BY ROBERT PRITT FOR PATRICIA CHURCH, TRUSTEE IN REF TO 26420 HICKORY BLVD. IN CASE NO. VAR 2002-00027; FOR A VARIANCE FROM THE BONITA SPRINGS LAND DEVELOPMENT CODE (LDC) SECTION 34-1575, TO ALLOW AN ABOVE GROUND POOL AND SPA 10.4' SEAWARD OF THE 1988 COASTAL CONSTRUCTION CONTROL LINE OF PROHIBITION (CCCL), ON LAND LOCATED AT 26420 HICKORY BLVD., BONITA SPRINGS, FLORIDA (STRAP NO. 25-47-24-B2-00101.0220) ON 13,500 ± SQUARE FEET; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Robert Pritt for Patricia Church, Trustee in ref. to 26420 Hickory Blvd. has filed an application for a variance from Bonita Springs Land Development Code (LDC) Section 34-1575, to allow a major structure to encroach a maximum of 10.4' seaward of the 1988 Coastal Construction Control Line of Prohibition (CCCL), for an above ground pool and spa (partially constructed) in a Residential Single-Family (RS-1) zoned lot;

WHEREAS, the subject property is located at 26420 Hickory Blvd., Bonita Springs, Florida, and is described more particularly as:

"See Schedule A"

WHEREAS, a Public Hearing was advertised and heard on September 6, 2002 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case VAR 2002-00027 who gave full consideration to the evidence available and recommended a tie vote; 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 22, 2002 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 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. City Council makes the following findings of fact:

1. There are no exceptional or extraordinary conditions or circumstances inherent to the property in question.
2. The exceptional or extraordinary conditions or circumstances are the result of actions of the applicant taken subsequent to the adoption of this resolution.


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.
4. The granting of the variance will be injurious to the neighborhood or otherwise detrimental to the public welfare.
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 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. Consistent with this Resolution, the property owner shall repair the dune system that was disrupted by construction activity prior to the denial of this Variance.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 28th day of October, 2002.

AUTHENTICATION:



 Mayor



 City Clerk

APPROVED AS TO FORM:



 City Attorney

Vote:

Arend	AYE	Piper	AYE
Edsall	AYE	Wagner	AYE
Nelson	AYE	Warfield	AYE
Pass	NAY		

Date filed with City Clerk: 10-31-02

EXHIBIT "A"
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DESCRIPTION OF PROPERTY

IN SECTION 25, TOWNSHIP 47 SOUTH, RANGE 24 EAST, AS SHOWN IN PLAT BOOK 8,
PAGE 65, BONITA BEACH SUBDIVISION, BLOCK 1, LOT 22, PUBLIC RECORDS OF LEE
COUNTY, FLORIDA.

Applicant's Legal Checked
by [Signature] 6/14/02