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RESOLUTION NO. 12-25

A RESOLUTION APPROVING PETITION FV-12-02. GRANTING A VARIANCE TO THE FLOOD ORDINANCE WHICH IS FOUND IN SECTION 26-31 OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES RESPECTIVELY; PERMITTING THE CONSTRUCTION OF A RESTROOM FACILITY AT THE EAGLES NEST BEACH RESORT, AND SUCH PROPERTY AS DESCRIBED HEREIN AS EXHIBIT "A".

WHEREAS, Section 26-31 of the City of Marco Island Code of Ordinance establishes flood zone controls and parameters for building and structural construction; and

WHEREAS, Petition FV-12-02, is a request for variance from the requirements prescribed in flood zone ordinance, Section 26-31 of the Code; and

WHEREAS, The Eagles Nest Beach Resort has petitioned the City for this variance to allow for the construction of a restroom facility; and

WHEREAS, the Marco Island Planning Board, following an advertised public hearing held on October 5th, 2012, considered public input, the recommendation of staff, and the standards and guidelines of Section 26-31 of the Code to consider the advisability of such a petition and voted 5 to 0 to recommend that the Marco Island City Council, acting as the Board of Zoning Appeals, approve the requested variance; and

WHEREAS, as part of its deliberation, the Planning Board found that the petition is consistent with the City's Comprehensive Plan, and in particular, the flood ordinance; and

WHEREAS, the requested improvements subject to this variance will benefit persons with disabilities, families and all other citizens, and are otherwise in the public interest; and

WHEREAS, the Marco Island City Council is acting as the Board of Zoning Appeals; and

WHEREAS, after considering the recommendation of the of the Planning Board and after providing the petitioner, staff, and the public an opportunity to present testimony and evidence, the City Council, as the Board of Zoning Appeals, finds as a matter of fact that satisfactory provision and arrangement have been made concerning all applicable matters required by City Ordinance, Section 26-31 of the Code; and

WHEREAS, all interested parties have been given opportunity to be heard by this Board in a public hearing assembled, and the Board has considered all matters presented.

NOW THEREFORE, be it resolved by the Marco Island City Council, that:

Section 1. Recitals. The above recitals are true and correct and incorporated into this resolution by this reference.

46 **Section 2. Approval.** Variance Petition FV-12-02, filed by The Eagles Nest Beach Resort, with
47 respect to the property legally described in Exhibit "A" attached hereto and made part hereof, is
48 hereby granted to allow for a variance from the Flood Zone Ordinance as provided by Section
49 26-31 of the Code, to allow for the construction of a restroom facility and supporting
50 infrastructure in the approximate locations as depicted in Exhibit "B".
51

52 **Section 3. Recordation Required.** This Resolution relating to Petition Number FV-12-02 shall
53 be recorded in the minutes of this Board and filed with the Marco Island City Clerk's Office.
54

55 **Section 4. Effective Date.** This Resolution shall take effect immediately upon adoption.
56

57 **PASSED IN OPEN AND REGULAR SESSION** of the Marco Island City Council acting as
58 the Board of Zoning Appeals on the 15th day of October 2012.
59
60

61
62 ATTEST:

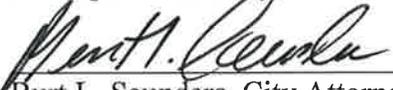
63 
64 _____
65 Laura Litzan, City Clerk
66

MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

By: 

Larry Magel, Chairman

67 Approved as to form
68 and legal sufficiency:

69 
70 _____
71 Burt L. Saunders, City Attorney
72

73 **EXHIBIT "A"**
74 **LEGAL DESCRIPTION OF SUBJECT PROPERTY**
75

76 Eagles Nest on Marco Beach, Section 17, Township 52, Range 26, City of Marco Island, Florida.