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3 **RESOLUTION NO. 12-24**

4 **A RESOLUTION APPROVING PETITION CCCLV-12-02. GRANTING A VARIANCE**
5 **TO THE COASTAL CONSTRUCTION CONTROL LINE SETBACK REQUIREMENTS**
6 **WHICH ARE FOUND WITHIN ARTICLE XI OF THE CITY OF MARCO ISLAND**
7 **CODE OF ORDINANCES; PERMITTING THE CONSTRUCTION OF A RESTROOM**
8 **FACILITY AT THE EAGLES NEST BEACH RESORT, AND SUCH PROPERTY AS**
9 **DESCRIBED HEREIN AS EXHIBIT "A".**

10 **WHEREAS**, Section 30-753 of the City of Marco Island Code of Ordinance establishes the
11 setback lines for coastal construction; and

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13 **WHEREAS**, Petition CCCLV-12-02, is a request for a variance from the Coastal Construction
14 Control Line setback requirements subject to the review for such variances under Section 30-756
15 of the Code; and

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

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20 **WHEREAS**, the petitioner has provided justification for this variance as required by Sections
21 30-775 and 30-756 of the Code, and has demonstrated "compliance with the City's
22 Comprehensive Plan, Conservation and Coastal Management Element"; and

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24 **WHEREAS**, the Marco Island Planning Board, following an advertised public hearing held on
25 October 5th, 2012, considered public input, the recommendation of staff, and the standards and
26 guidelines of Section 30-756 of the Code to consider the advisability of such a petition and voted
27 5 to 0 to recommend that the Marco Island City Council, acting as the Board of Zoning Appeals
28 approve, the requested variance; and

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30 **WHEREAS**, as part of its deliberation, the Planning Board found that the petition is consistent
31 with the City's Comprehensive Plan, and in particular, the Conservation and Coastal
32 Management Element; and

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

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

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39 **WHEREAS**, after considering the recommendation of the of the Planning Board and after
40 providing the petitioner, staff, and the public an opportunity to present testimony and evidence,
41 the City Council, as the Board of Zoning Appeals, finds as a matter of fact that satisfactory
42 provision and arrangement have been made concerning all applicable matters required by City
43 Ordinances, including Section 30-756 of the Code; and

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

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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 reference.

Section 2. Approval. Variance Petition CCCLV-12-02 and filed by The Eagles Nest Beach Resort, with respect to the property legally described in Exhibit "A" attached hereto and made part hereof, is hereby granted to allow for a variance from the Coastal Construction Control Line setback requirements as provided by Sections 30-753 of the Code, to allow for the construction of a restroom facility and supporting infrastructure in the approximate locations as depicted in Exhibit "B".

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

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

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

ATTEST:



Laura Litzan, City Clerk

MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

By: 

Larry Magel, Chairman

Approved as to form
and legal sufficiency:



Burt L. Saunders, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION OF SUBJECT PROPERTY

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