

RESOLUTION 16-45

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A VARIANCE REDUCING SIDE SETBACKS TO 7' 6" IN LIEU OF THE REQUIRED 10' SIDE SETBACKS FOR PROPERTY ZONED RMF-6, LOCATED AT 1160 EDINGTON PLACE, MARCO ISLAND, FLORIDA 34145; PROVIDING FOR CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 30-65, Article II, of the Marco Island Land Development Code provides standards and regulations for the review and approval of variance procedures; and

WHEREAS, A & A Warren Associates LLC, a Michigan limited liability company, whose address is 6900 North Rochester Road, Rochester Hills, Michigan 48306 ("Petitioner"), submitted Variance Petition V16-000960 for property located at **1160 Edington Place, Marco Island, Florida 34145**; and

WHEREAS, the subject property is described as Lot 8, Block 1, Old Marco Village, according to the plat thereof, as recorded in Plat Book 6, Page 3, Public Records of Collier County, Florida, commonly referred to as 1160 Edington Place (:Property"); and.

WHEREAS, Petitioner is requesting a variance to Section 30-105 (3), of the Marco Island Land Development Code, the Dimensional Standards that apply to the RMF-6 minimum side yard requirements, in particular the North and South side yard setbacks reducing the required North and South side yard setbacks from 10 feet 0 inches to 7 feet 6 inches for the subject Property; and

WHEREAS, the City of Marco Island ("City") staff have reviewed and recommend approval of Variance Petition V16-000960; and

WHEREAS, the City's Planning Board reviewed and recommended approval of Variance Petition V16-000960 on May 6, 2016; and

WHEREAS, City Council does hereby approve Variance Petition V16-000960, subject to the conditions of approval as set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:

SECTION 1. Recitals. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, correct and incorporated by this reference.

SECTION 2. Adoption and Approval. Variance Petition V16-000960 with respect to the Property located at 1160 Edington Place, Marco Island, Florida 34145 is hereby approved, subject to the below conditions.

SECTION 3. Conditions of Approval. This Resolution relating to Variance Petition V16-000960 is hereby by approved subject to the following conditions of approval:

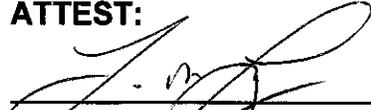
1. Only a single family home (Dwelling Unit as defined in Section 30-10, Code of Ordinances of the City of Marco Island) can be built on the Property, for as long as this Variance shall apply to this Property.
2. No portion of the single family home or Dwelling Unit can be segmented off and used as a separate rental unit.
3. This Variance is valid only for so as long as the Property is used as a single family home (Dwelling unit, as defined in Section 30-10, Code of Ordinances of the City of Marco Island). This Variance shall terminate if the Property is used for anything other than a single family home (Dwelling unit as defined in Section 30-10, Code of Ordinances of the City of Marco Island). If the use of the Property or structure ceases, or is discontinued, for any reason other than as a single family home/dwelling unit for a period of more than 180 consecutive days, this Variance shall expire and be deemed to have automatically terminated.
4. City Staff shall require the proposed court yard shown on Weber Design Group's Architectural Site Plan Sheet SP-1 be constructed of a pervious surface material.
5. The Petitioner shall develop and maintain the Property in compliance with and satisfy the City's Landscape Code Section 30-440. The Weber Design Group's Architectural Site Plan Sheet SP-1 prepared for the Variance to illustrate the side setbacks will not negate the Petitioner from meeting these City Code requirements.
6. The Petitioner shall develop and maintain the Property in compliance with and satisfy the City's Structural and site design guidelines as outlined in Section 30-440, Code of Ordinances of the City of Marco Island. The Weber Design Group's Architectural Site Plan Sheet SP-1 prepared for the Variance will not negate the Petitioner from meeting these City Code requirements, including but not limited to pool equipment location, air conditioning location, etc.
7. All other dimensions standards outlined in Section 30-105, Code of Ordinances of the City of Marco Island are applicable to this project and the Property.
8. Other Permits. Prior to the commencement of any actual construction or repair work as may be authorized or permitted by the City, the Petitioner/Owner must obtain any and all approvals from federal and state governmental agencies, including but not limited to the Department of Environmental Protection and Florida Fish and Wildlife Conservation Commission, if applicable.
9. The Petitioner is required to resubmit construction documents to the City of Marco Island Building Department for review and approval; a copy of the approved site improvement plan must be included as part of the submittal.

SECTION 4. Effective Date.

~~This Resolution shall be effective immediately upon adoption by the City Council.~~

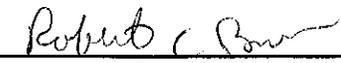
Passed in open and regular session of the City Council of the City of Marco Island, Florida, this 6th day of June 2016.

ATTEST:



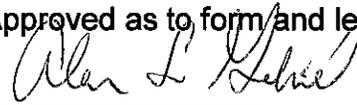
Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

BY: 

Robert C. Brown, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney

