RESOLUTION 10-30

A RESOLUTION APPROVING PETITION NUMBER V-10-04 FOR A 0.23 FOOT VARIANCE FROM THE REQUIRED 8 FOOT SIDE YARD SETBACK AND A 1.21 FOOT VARIANCE FROM THE REQUIRED 8 FOOT SIDE YARD SETBACK FOR STRUCTURES LOCATED AT 467 KENDALL DRIVE, CITY OF MARCO ISLAND, FLORIDA.

WHEREAS, Section 30-85 of the Marco Island Code of Ordinances provides that the side setback requirement for principal and accessory structures located on RSF-3 zoned properties shall have minimum setback requirements of 8 feet; and

WHEREAS, Ernest W. Bracken and Catherine M. Stites, the petitioners herein, are the owners of the property located at 467 Kendall Drive; and

WHEREAS, the petitioners have requested a variance from the setback requirements for structures that have existed on the property since 2003, including a covered structure 7.77 feet from one side property line and a screen enclosure 6.79 feet from a side property line; and

WHEREAS, a 0.23 foot variance is requested from the required 8 foot side yard setback, and a 1.21 foot variance is requested from the required 8 foot side yard setback; and

WHEREAS, the Marco Island Planning Board, following an advertised public hearing, considered public input, the recommendation of the staff, and the standards and guidelines of Section 30-65, "Variance Procedures" of the Marco Island Code of Ordinances, and voted 6-0 to recommend that the Marco Island City Council approve the petition V-10-04; and

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

WHEREAS, the Marco Island City Council, has held an advertised public hearing and has considered the advisability of the 0.23 foot variance the 1.21 foot variance from the side yard setbacks, and has found as a matter of fact that satisfactory provisions and arrangements have been made concerning all applicable matters required by said regulations and in accordance with Section 30-65 of the Marco Island Code of Ordinances; and

WHEREAS, all interested parties have been given opportunity to be heard by this Board in public meeting assembled, and the Board having considered all matters presented;

NOW, THEREFORE BE IT RESOLVED, BY THE MARCO ISLAND CITY COUNCIL, ACTING AS THE BOARD OF ZONING APPEALS, THAT:

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

SECTION 2. Variance petition V-10-04, requested by Ernest W. Bracken and Catherine W. Stites, would authorize a 0.23 foot variance for an existing covered structure on the southeast side yard and a 1.21 foot variance for an existing pool cage on the southwest side yard, as shown on the attached survey marked "Exhibit A", in the RSF-3 zoning district where in said property is located.

SECTION 3. The City Council, as the Board of Zoning Appeals, finds that the variance petition meets the criteria of Section 30-65 of the LDC.

SECTION 4. Approval.
1. Variance petition V-10-04, with respect to the property located at 467 Kendall Drive, City of Marco Island, Florida, is hereby approved.
2. The following condition shall apply:
In the case of the destruction of the encroaching structures, for any reason, to an extent equal to or greater than 50% of the actual replacement cost of the structure at the time of its destruction, any reconstruction shall conform to the provisions of the land development code at the time of reconstruction.

SECTION 5. Effective Date. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was adopted this 7th day of September 2010.

Attest:

By: _____
Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: _____
Frank R. Recker, Chairman

Reviewed for legal sufficiency:

By: _____
Alan L. Gabriel, City Attorney

SKETCH OF BOUNDARY SURVEY

SURVEY #5714

BENCHMARK LAND SERVICES, INC.

1810 J. & C. Boulevard, Unit 3
Naples, Florida 34109
L.B. # 7502
Tel. 239-591-0778
Fax. 239-591-1195
BenchmarkLandServices.com

Property Address:
467 Kendall Drive
Marco Island, FL 34145

Certified To:
Ernest W Bracken; Catherine M. Stites; Royal Title of South Florida, Inc.; Fidelity National Title Insurance Company.

Legal Description As Furnished:
Lot 10, Block 594, MARCO BEACH, UNIT TWENTY-THREE, according to the plat thereof as recorded in Plat Book 8, Pages 81-83, inclusive, of the Public Records of Collier County, Florida.

AMENDED TIE. DATE: 03/01/2010.	
DATE OF SURVEY	DRAWN BY
02/19/2010	G.F.
COMPLETION DATE:	CHECKED BY
02/26/2010	K. SARRIO

Flood Zone Information:
Community Number: 120426 Panel: 0803 Suffix: G
Index Date: 11/17/2005 F.I.R.M. Date: 11/17/2005
Flood Zone: AE BFE:13.3' N.G.V.D. 1929

C-1 (P.)
Δ=90°00'00"
L=39.27'
R=25.00'
CH=35.36'
CHB=N 89°22'58" E

C-1 (M.)
Δ=89°41'50"
L=39.14'
R=25.00'
CH=35.26'
CHB=N 89°11'43" E

L-1= S 45°37'02" E 110' P. & 85.00' M.
L-2= N 45°37'02" W 110' P.
N 45°39'24" W 110.05' M.
L-3= N 44°32'27" E 84.99' M.

BEARINGS SHOWN HEREON ARE BASED UPON AN ASSUMED BEARING OF N 45°37'02" W FOR THE SOUTH R/W OF KENDALL DRIVE.

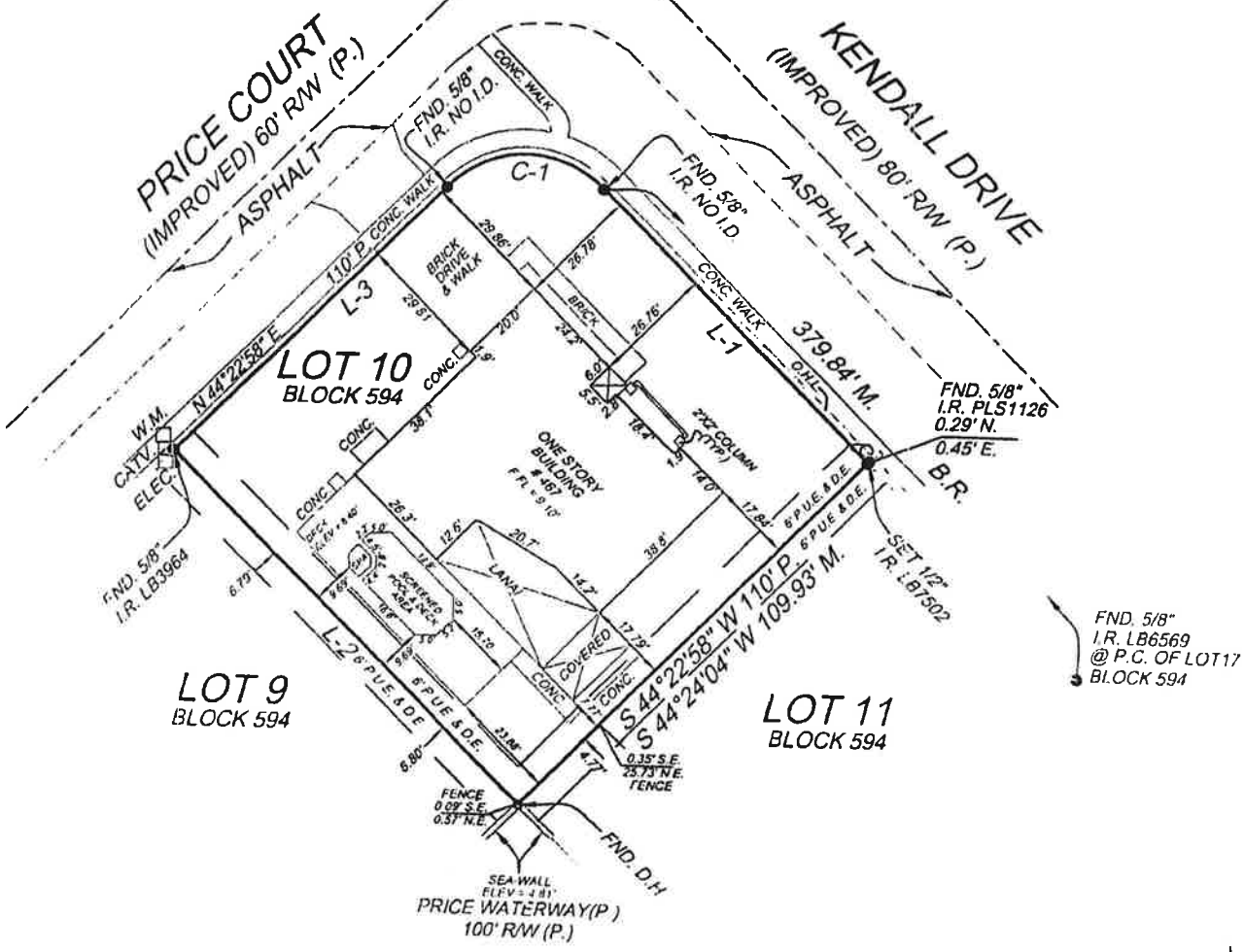

Exhibit "A"

N

* LEGAL DESCRIPTION PROVIDED BY OTHERS. NO EXAMINATION OF TITLE MADE BY SURVEYOR. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT

P.O.I. POINTS OF INTEREST: