

CITY OF MARCO ISLAND  
RESOLUTION 10-26

**A RESOLUTION APPROVING PETITION NUMBER V-10-02 FOR A 9 FOOT VARIANCE FROM THE REQUIRED 10 FOOT REAR YARD SETBACK AND A 14 FOOT VARIANCE FROM THE REQUIRED 15 FOOT SIDE YARD SETBACK FOR CONSTRUCTION OF A UTILITY SHED ON PROPERTY LOCATED AT 661 WEST ELKCAM CIRCLE, CITY OF MARCO ISLAND, FLORIDA.**

**WHEREAS**, Section 30-1002 (a) of the Marco Island Code of Ordinances provides that the rear and side setback requirements for accessory structures located on RMF-16 zoned properties shall have minimum setback requirements of 10 feet and 15 feet respectively; and

**WHEREAS**, the Smokehouse Bay Condominium Association is the owner of the property located at 661 West Elkcaml Circle; and

**WHEREAS**, the Smokehouse Bay Condominium Association is the petitioner herein; and

**WHEREAS**, the petitioner has requested a variance from the setback requirements for the purpose of constructing a maintenance storage shed on its premises, with the structure placement one foot from the property line; and

**WHEREAS**, a 9 foot variance is requested from the required 10 foot rear yard setback and a 14 foot variance is requested from the required 15 foot side yard setback, there being some ambiguity as to which set back would apply at that specific location; 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-10-02; 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 9 foot variance from the rear yard setback and the 14 foot variance from the side yard setback, along the commercial alley to the east and south of the subject property, 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-10-02, requested by the Smokehouse Bay Club Condominium Association, would authorize a 9 foot variance from the rear yard property setback of 10 feet and would authorize a 14 foot variance from the 15 foot side yard setback, as shown on the attached site plan, Exhibit "A", in the RMF-16 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.** Variance petition V-10-02, with respect to the property located at 661 West Elkcam Circle (Smokehouse Bay Club) City of Marco Island, Florida, is hereby approved, subject to the following conditions:

1. The Petitioner or its successors and assigns will maintain the landscaping adjacent to the storage shed and will replace vegetation as necessary, through proper application to the Public Works Department, to assure a uniform opaque buffer remains from the ground to 12 feet in height; and
2. The Petitioner or its successor and assigns will not have any direct access to the utility shed from the adjacent right of way.

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

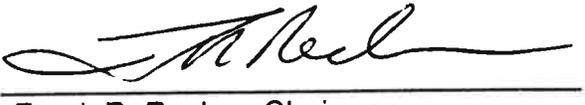
The foregoing Resolution was adopted this 19<sup>th</sup> day of July, 2010.

Attest:

CITY OF MARCO ISLAND, FLORIDA

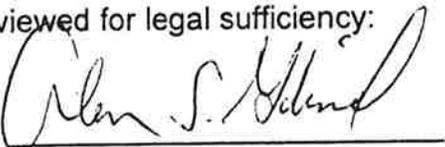
By: 

Laura M. Litzan, City Clerk

By: 

Frank R. Recker, Chairman

Reviewed for legal sufficiency:

By: 

Alan L. Gabriel, City Attorney

