MARCO ISLAND CITY COUNCIL RESOLUTION NO. 07-62

A RESOLUTION APPROVING PETITION NUMBER V-07-07 FOR A 2.5 FOOT VARIANCE FROM THE SOUTHERN RIPARIAN LINE SETBACK OF 7.5 FEET TO 5 FEET, AND A ONE-FOOT VARIANCE FROM THE NORTHERN RIPARIAN LINE SETBACK OF 7.5 FEET TO 6.5 FEET, FOR RENOVATIONS TO A BOAT DOCK FACILITY ON PROPERTY LEGALLY DESCRIBED AS MARCO BEACH UNIT 11, BLOCK 352, LOT 19, COLLIER COUNTY, FLORIDA AND THE CITY OF MARCO ISLAND.

WHEREAS, Section 54-111(b) of the Marco Island Code of Ordinances established that the riparian line setback requirements for boat docking facilities shall be equivalent to 15 percent of the seawall length with a minimum setback requirement of 7.5 feet; and

WHEREAS, Edward and Christine Straubhaar are the owners of the following property that is the subject of the petition: Marco Beach Unit 11, Block 352, Lot 19, Collier County, Florida and the City of Marco Island; and

WHEREAS, the Petitioner's agent is Craig R. Woodward, Esq., Woodward, Pires & Lombardo, P.A.; and

WHEREAS, the petitioner has requested a 2.5 foot variance from the southern riparian line setback of 7.5 feet to 5 feet, and a one-foot variance from the northern riparian line setback of 7.5 feet to 6.5 feet for renovations to a boat dock facility on the subject property; 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-07-07; 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 2.5 foot variance from the southern riparian line setback of 7.5 feet to 5 feet, and a one-foot variance from the northern riparian line setback of 7.5 feet to 6.5 feet, for renovations to a boat dock facility on the subject property hereinafter described, and has found as a matter of fact that satisfactory provision and arrangement 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.

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 CITY OF MARCO ISLAND CITY COUNCIL that:

The variance petition filed by, Craig R. Woodward, Esq., Woodward, Pires & Lombardo, P.A., as agent for Edward and Christine Straubhaar, property owners, with respect to the property located at 850 Magnolia Court, Folio Number: 57923520005, which is legally described as Marco Beach Unit 11, Block 352, Lot 19, Collier County, and the City of Marco Island, Florida is hereby approved.

The subject variance authorizes a 2.5 foot variance from the southern riparian line setback of 7.5 feet to 5 feet, and a one-foot variance from the northern riparian line setback of 7.5 feet to 6.5 feet, for renovations to a boat dock facility (as shown on the attached site plan, Exhibit "A") in the RSF-4 zoning district where in said property is located.

BE IT FURTHER RESOLVED that this Resolution relating to Petition Number V-07-07 be recorded in the Minutes of this Board and filed with the Marco Island City Clerk's Office.

This Resolution adopted after motion, second, and majority vote.

Done this 5th day of November, 2007.

MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

By: _____
Michael F. Minozzi, Jr., Chairman

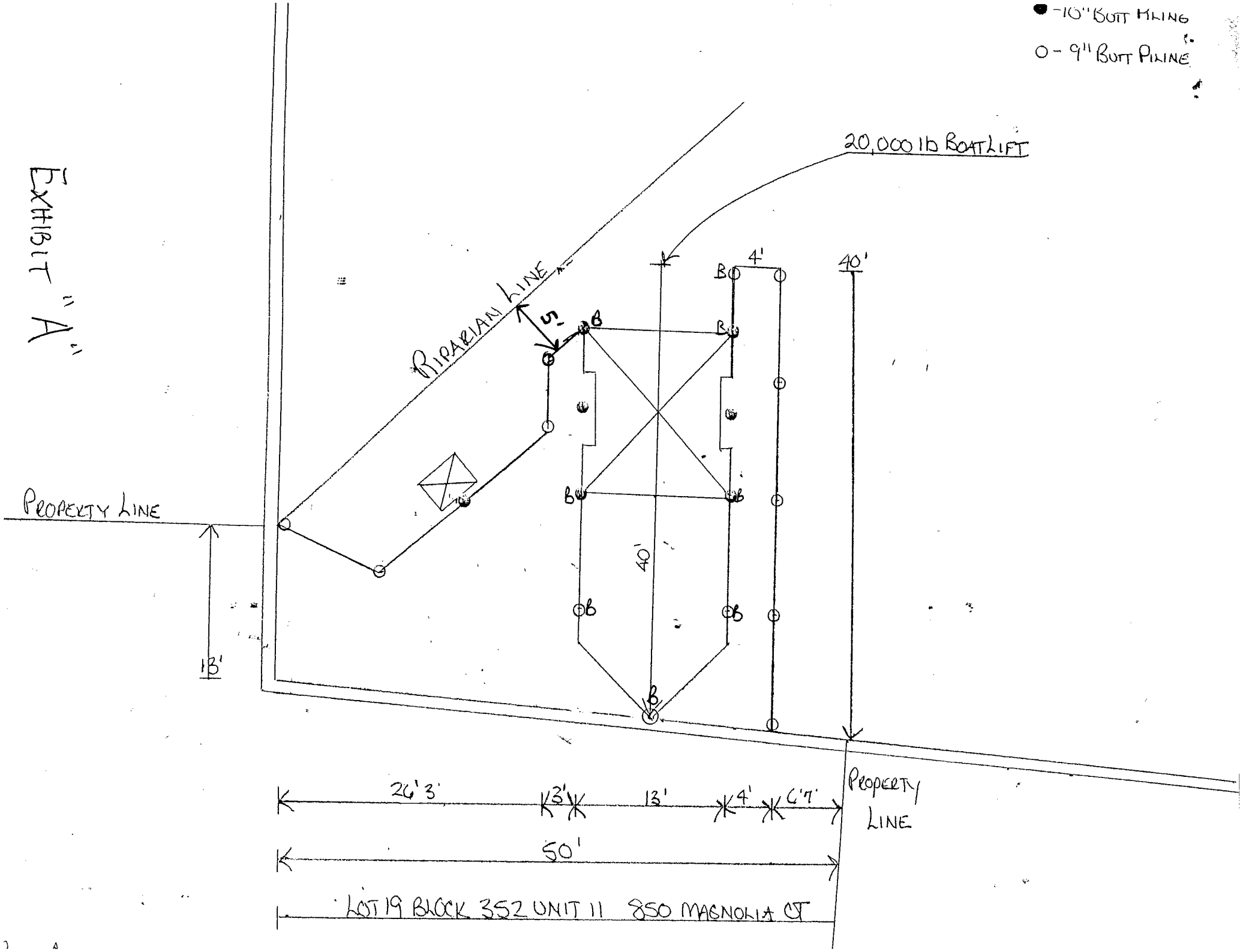
ATTEST:

_____
Laura Litzan
City Clerk

Approved as to form and legality:

_____
Alan L. Gabriel, Esq.
City Attorney

EXHIBIT "A"


● - 10" BUTT PILING
O - 9" BUTT PILING
20,000 lb BOATLIFT
RIPARIAN LINE
5'
4'
40'
40'
PROPERTY LINE
13'
26' 3'
3'
13'
4'
6' 7'
PROPERTY LINE
50'
LOT 19 BLOCK 352 UNIT 11 850 MAGNOLIA CT