

MARCO ISLAND CITY COUNCIL RESOLUTION NO. 06-24

A RESOLUTION APPROVING PETITION V-06-02 FOR A 0.7-FOOT VARIANCE FROM THE SIX-FOOT SIDE YARD SETBACK TO ALLOW AN EXISTING AIR CONDITIONING PAD TO REMAIN 5.3 FEET FROM THE EASTERN PROPERTY LINE ON PROPERTY LEGALLY DESCRIBED AS MARCO BEACH UNIT 11, BLOCK 356, LOT 4, COLLIER COUNTY, FLORIDA AND THE CITY OF MARCO ISLAND.

WHEREAS, Section 30-85(a) of the Marco Island Land Development Code establishes that the minimum required side yard building setback for Residential Single Family Dwellings with 100 feet or more of street frontage shall be 8 feet; and

WHEREAS, Section 30-1004(a)(4) of the Marco Island Land Development Code establishes that the maximum encroachment for Air-Condition (A/C) pads into this setback shall be no greater than two feet for a six-foot setback; and

WHEREAS, Petitioner Carol A. Liddell is the owner of the following property that is the subject of the petition: Marco Beach Unit 11, Block 356, Lot 4, Collier County, Florida and the City of Marco Island; and

WHEREAS, the petitioner has requested a 0.7-foot variance from said side yard building setback to allow for a newly constructed A/C pad to remain 5.3 feet from the eastern side yard property line; 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 5 to 0 to recommend that the Marco Island City Council approve the petition V-06-02; 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 a variance request from the maximum side yard encroachment for A/C pads of six feet to allow for the 0.7-foot encroachment into the side yard building setback for a newly constructed A/C pad for the property hereinafter described, and has found as a matter of fact that satisfactory provision and arrangement has been made concerning all applicable matters

required by said regulations and in accordance with Section 30-85(a) 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 Carol A. Liddell, property owner, with respect to the property hereinafter described as:

Marco Beach Unit 11, Block 356, Lot 4, (Folio #: 57926120004), Collier County, Florida and the City of Marco Island, Florida,

is hereby approved for a 0.7-foot variance from the minimum permitted six-foot side yard building setback for A/C Pads to allow for a newly constructed Air-Conditioning pad (as shown Exhibit "A") in the RSF-4 zoning district where in said property is located, subject to the following conditions:

1. The site plan attached to this resolution, also referred to as Exhibit "A," shall be binding upon the property upon approval of the resolution. Any deviation from the approved site plan shall require further consideration by the Planning Board and City Council after properly noticed public hearings.
2. Prior to the issuance of a building permit for the construction of a single family home, the property owner shall provide the City of Marco Island with a copy of the recorded resolution of approval.

EXHIBIT A

SURVEYOR'S REPORT/NOTES

1. LAST DATE OF FIELD WORK: MAY 11, 2009.
(DATE OF SURVEY).
2. BASIS OF BEARING IS THE CENTRELINE OF ROADSPORT COURT AS BEING N. 75°48'57" W.
3. NO IMPROVEMENTS WERE LOCATED OTHER THAN HOUSE SLOTT.
4. ALL IMPROVEMENTS SUBJECT TO ANY FACTS THAT MAY BE REVEALED WITH A FULL AND ACCURATE TITLE SEARCH.
5. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, FIRM NO. 17030-C-0001, THE PROPERTY IS LOCATED IN FLOOD ZONE AE WITH A BASE FLOOD ELEVATION OF 12.3 FEET.
6. NO OTHER RECORDS OR EVIDENCE OTHER THAN THOSE LISTED AS EXCLUSIVE USES WERE FOUND ON THIS SURVEY.
7. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.
8. ALL EASEMENTS ARE PER PLAT, UNLESS OTHERWISE NOTED.
9. SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.
10. ELEVATIONS ARE BASED ON NATIONAL GEODETIC DATUM 1983.
11. UNLESS OTHERWISE NOTED, ALL ROADS AND CONVEYANCES WERE NOT TAKEN AND CONSIDERATION IN PREPARATION OF THIS SURVEY.
12. TIES AS SHOWN ARE TO FINISHED WALL OF HOUSE. PREVIOUS FOUNDATION LOCATION SURVEY INFORMATION IS SHOWN FOR COMPARISON. TIES TO 204-8783 DEPICTED TIES TO BLOCK FOUNDATION OF 23.0' ON THE SOUTH SIDE AND 81.7' ON THE WEST SIDE. FOUNDATION TIES BASED UPON COMPLETED CONSTRUCTION.

LEGAL DESCRIPTION

LOT 4, BLOCK 35A, MARCO BEACH UNIT 11, AS RECORDED IN PLAT BOOK 8, PAGE 80-88 OF PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

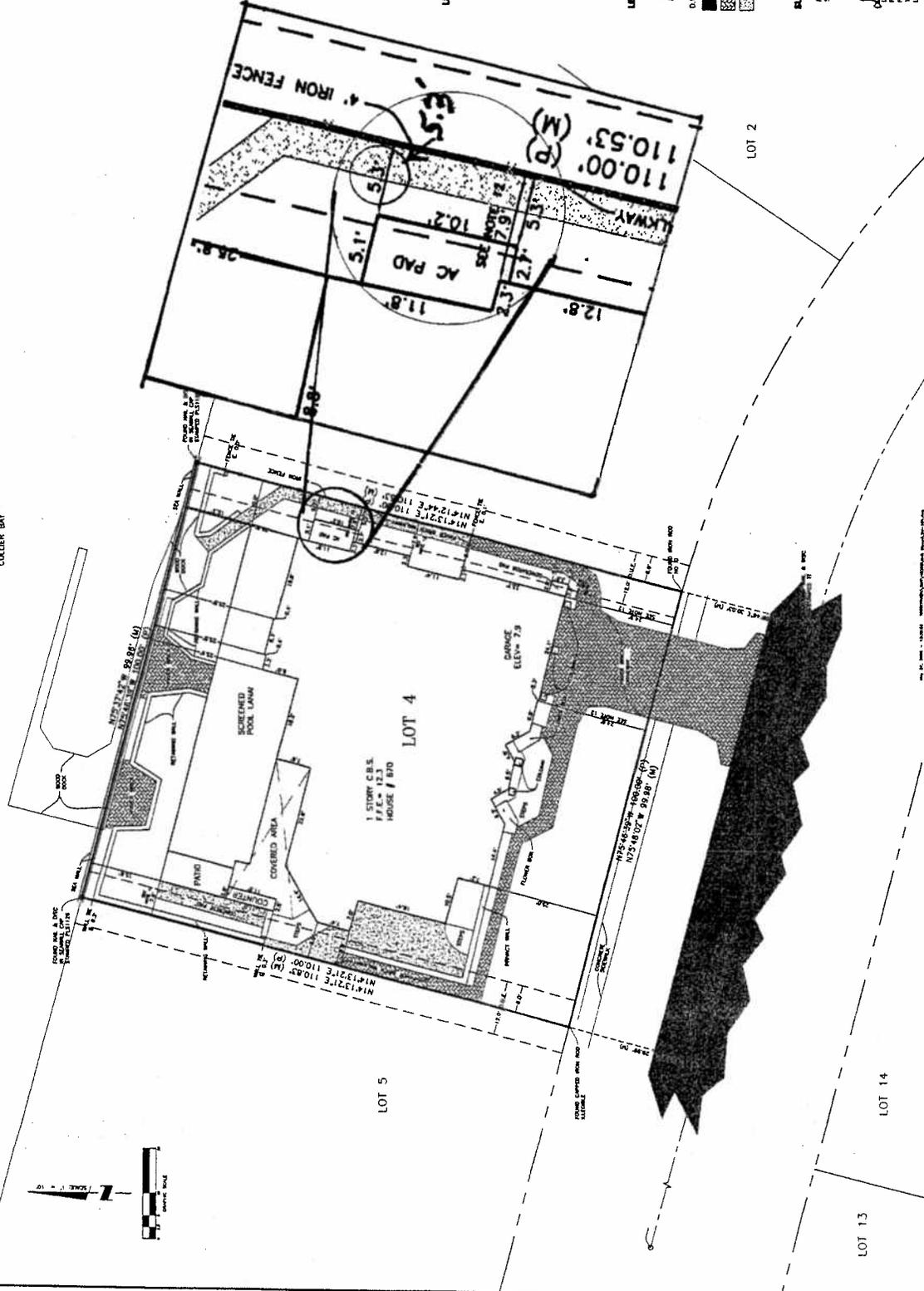
LEGEND

- (P) = PLAT
- (M) = MEASURED
- P/W = RIGHT-OF-WAY
- E = CENTERLINE
- D.U.E. = DRAINAGE & UTILITY EASEMENT
- [Pattern] = ASPHALT PAVEMENT
- [Pattern] = PAVER BRICK
- [Pattern] = CONCRETE AREA

SURVEYOR'S CERTIFICATE

FOR THE EXCLUSIVE USE OF: SHELL CONSTRUCTION

[Signature]
 I, *[Name]*, being the duly qualified and licensed Surveyor, do hereby certify that the foregoing is a true and correct copy of the original plat as recorded in the Public Records of Collier County, Florida.



CLIENT:		TITLE:	
NAME	ADDRESS	PROJECT NAME	DATE
MARKO BEACH UNIT 11, LOT 4, BLOCK 35A, COLLIER COUNTY, FLORIDA		BOUNDARY SURVEY	
DATE	SCALE	PROJECT NO.	DATE
05/11/09	AS SHOWN	1000000	05/11/09
BY	DATE	BY	DATE
[Signature]	05/11/09	[Signature]	05/11/09
CHECKED BY	DATE	CHECKED BY	DATE
[Signature]	05/11/09	[Signature]	05/11/09

WSP/Miller
 Professional Surveyors & Engineers
 1000000
 1000000

NO.	DESCRIPTION	DATE	BY	DATE
1	PREPARED TO BE PLOTTED	05/11/09	[Signature]	05/11/09
2	REVISED TO ADD TIES	05/11/09	[Signature]	05/11/09
3	REVISED TO ADD NOTE 12	05/11/09	[Signature]	05/11/09

BE IT FURTHER RESOLVED that this Resolution relating to Petition Number V-06-02 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 7th day of August 2006.

MARCO ISLAND CITY COUNCIL
CITY OF MARCO ISLAND, FLORIDA

By: Terri DiSciullo
Terri DiSciullo, Chairwoman

ATTEST:



Laura Litzan
City Clerk

Approved as to form and legal sufficiency:



Richard D. Yovanovich, Esq.
City Attorney