

MARCO ISLAND CITY COUNCIL RESOLUTION NO. 06- 21

A RESOLUTION APPROVING PETITION V-06-01 FOR A 7.5-FOOT VARIANCE FROM THE FRONT YARD SETBACK OF 25 FEET TO ALLOW FOR A NEWLY CONSTRUCTED HOME ON PROPERTY LEGALLY DESCRIBED AS MARCO BEACH UNIT 25 REPLAT, BLOCK 780, LOT 9, 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 rear yard building setback for Residential Single Family Dwellings shall be 25 feet; and

WHEREAS, Petitioners Robert S. and Diana C. Winterhalter are the owners of the following property that is the subject of the petition: Marco Beach Unit 25 Replat, Block 780, Lot 9, Collier County, Florida and the City of Marco Island; and

WHEREAS, the petitioner has requested a 7.5-foot variance from said front yard building setback to allow for a newly constructed home; 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 3-1 to recommend that the Marco Island City Council approve the petition V-06-01; 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 front yard building setback of 25-feet to allow for the 7.5-foot encroachment into the front yard building setback for a newly constructed home 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 Robert S. and Diana C. Winterhalter, property owners, with respect  
to the property hereinafter described as:

Marco Beach Unit 25 Replat, Block 780, Lot 9, (Folio #: 59021720006), Collier  
County, Florida and the City of Marco Island, Florida,

is hereby approved for a 7.5-foot variance from the minimum permitted 25-foot front yard  
building setback to allow for a newly constructed home (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.

BE IT FURTHER RESOLVED that this Resolution relating to Petition Number V-06-01 be recorded in the Minutes of this Board and filed with the Marco Island City Clerk's Office.

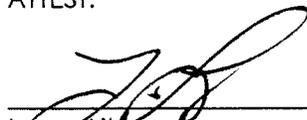
This Resolution adopted after motion, second, and majority vote.

Done this 15<sup>th</sup> day of May 2006.

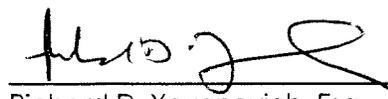
MARCO ISLAND CITY COUNCIL  
MARCO ISLAND, FLORIDA

By: Terri DiSciullo  
Terri DiSciullo, Chairwoman

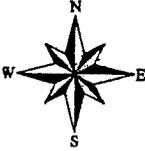
ATTEST:

  
\_\_\_\_\_  
Laura Litzan  
City Clerk

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Richard D. Yovanovich, Esq.  
City Attorney

**EXHIBIT A**



**SOUTH  
FLORIDA**

**ARCHITECTURAL ASSOCIATES, INC.**  
1207 UNIVERSITY BLVD., SUITE 200, MIAMI, FL 33136

Scale: 1" = 20'

**WINTERHALTER RESIDENCE**

**1455 DELBROOK WAY**

