

MARCO ISLAND CITY COUNCIL RESOLUTION NO. 05-66

A RESOLUTION APPROVING PETITION NUMBER V-05-04 FOR A 15-FOOT VARIANCE FROM THE REQUIRED 15-FOOT RIPARIAN LINE SETBACK TO ALLOW A ZERO-FOOT RIPARIAN LINE SETBACK PERMITTING A JOINED DOCKING FACILITY ON PROPERTY HEREINAFTER DESCRIBED IN THE CITY OF MARCO ISLAND, FLORIDA.

WHEREAS, Section 54-111(b) of the Marco Island Code of Ordinances establishes 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 15 feet; and

WHEREAS, Petitioners Frank and Dianne Troester are the owners of the following property that is the subject of the petition: Marco Beach Unit 6, Block 250, Lot 12, Collier County, Florida and the City of Marco Island; and

WHEREAS, the petitioner's agent is Woodward, Pires & Lombardo PA; and

WHEREAS, the petitioner has requested 15-foot variance from the southern side of said riparian line setback requirements in order to construct a boat dock facility with 0-foot riparian line setback on the southern side of the subject property; and

WHEREAS, the Marco Island Planning Board, following an advertised public hearing on March 25, 2005, 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 4-2 to recommend that the Marco Island City Council approve the petition V-05-04; 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 request of the 15-foot variance from the required riparian line setback of 15-feet to allow for a setback of 0-feet for a boat dock facility on 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; 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 CITY OF MARCO ISLAND CITY COUNCIL that:

The variance petition filed by WHEREAS, Woodward, Pires & Lombardo PA, on behalf of Frank and Dianne Troester, with respect to the property located at 309 Capistrano Court, which is legally described as Marco Beach Unit 6, Block 250, Lot 12, Collier County, and the City of Marco Island, Florida is hereby approved subject to the following condition:

The execution and recording in the Public Records, within thirty (30) days of the adoption of this Resolution, of the Joint Dock Agreement between Frank and Dianne Troester and Martin Frimberger in the form presented to the Board of Zoning Appeals. Following recording, said agreement shall not be terminated or materially altered from the form presented to the Board of Zoning Appeals.

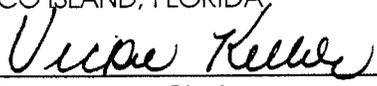
The subject variance authorizes a 15-foot reduction from the required riparian line setback of 15 feet to 0 feet for a boat dock facility as shown on the attached site plan, Exhibit "A," of the RSF-4 zoning district wherein said property is located.

BE IT FURTHER RESOLVED that this Resolution relating to Petition Number V-05-04 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 17<sup>th</sup> day of October, 2005.

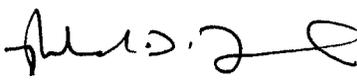
MARCO ISLAND CITY COUNCIL  
MARCO ISLAND, FLORIDA

By:   
Vickie Kelber, Chairwoman

ATTEST:

  
Laura Litzan  
City Clerk

Approved as to form and legal sufficiency:

  
Richard D. Yovanovich, Esq.  
City Attorney



