

**RESOLUTION NO. 01- 36**

**RELATING TO PETITION NUMBER V-01-09  
FOR VARIANCES ON PROPERTY  
HEREINAFTER DESCRIBED IN THE CITY OF MARCO ISLAND, FLORIDA**

WHEREAS, the Legislature of the State of Florida established the Charter of the City of Marco Island in Chapter 97-367, Laws of Florida (“City Charter”); and

WHEREAS, the City Charter provides that the Collier County Land Development Code in effect on August 28, 1997 (“Regulations”) shall remain in effect as the City of Marco Island’s transitional land development regulations; and

WHEREAS, the Marco Island City Council is acting as the Board of Zoning Appeals; and

WHEREAS, City Council, as the Board of Zoning Appeals, has held a public hearing after proper notice as provided in said Regulations was made, and has considered the advisability of a 5.5 foot after the fact variance from the required side yard setback of 15.0 feet to 9.5 feet for an existing tiki hut as shown on the attached plan Exhibit “A” in a RMF-16-MIZO zoning district for the 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 2.7.5 of the Zoning Regulations of said Land Development Code for the City of Marco Island.

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:

The petition V-01-09, filed by Rick Yacono of Resort Management, Inc., agent for the Maxime Club Condominium of Marco Island, with respect to the property described as 907 Panama Court, further described as Lots 7 and 8, Block 338, Marco Beach Unit 10, Section 20, Township 52 South, Range 26 East, City of Marco Island, Florida is hereby approved. The subject variance authorizes a 5.5 foot after the fact variance from the required side yard setback of 15.0 feet to 9.5 feet for an existing tiki hut as shown on the attached plot plan, Exhibit “A”, of the RMF-16-MIZO zoning district wherein said property is located, and subject to the following conditions:

- a. If for any reason the Tiki Hut is destroyed beyond 50% of it’s assessed value, it shall only be rebuilt in compliance with the setbacks and development regulations provided for in the subject zoning district.
- b. The subject variance shall apply only to the subject Tiki Hut, and shall not apply to any other principle, accessory, or incidental structures.

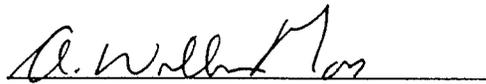
BE IT FURTHER RESOLVED that this Resolution relating to Petition Number V-01-09 be recorded in the City Council minutes and filed with the Marco Island City Clerk's Office.

Passed in open and regular session of the City Council of the City of Marco Island, Florida, this 17<sup>th</sup> day of September, 2001.

DATED: September 17, 2001.

ATTEST:

CITY OF MARCO ISLAND



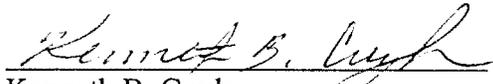
A. William Moss  
City Manager/City Clerk



E. Glenn Tucker, Chairman

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Approved as to form and legality:



Kenneth B. Cuyler  
City Attorney

