

MARCO ISLAND CITY COUNCIL RESOLUTION NO. 00- 72

RELATING TO PETITION NUMBER V-00-10 FOR A VARIANCE 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 of Marco Island has adopted Ordinance 00-04 which regulates the requirements for boat docking facilities on Marco Island; and

WHEREAS, the Marco Island Planning Board conducted a public hearing on October 20, 2000 to consider the advisability of an 11 foot variance from the required side yard setback of 15 feet for boat docking facilities and voted 5-1 to recommend that the Marco Island City Council approve the requested variance; and

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

WHEREAS, the Marco Island City Council, being the duly constituted Board of Zoning Appeals for the area hereby affected, has held a public hearing after proper notice as provided in said Regulations was made, and has considered the advisability of an 11 foot variance from the required side yard setback of 15 feet for boat docking facilities 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 CITY OF MARCO ISLAND CITY COUNCIL that:

The petition filed by Lisa Smith of Custom Dock and Repair, Inc. representing Islander Cove Condominium, property owner, with respect to the property herein described as 900 Collier Court, further described as Islander Cove Condominium, Collier County, and the City of Marco Island, Florida, is hereby approved.

The subject variance authorizes a reduction of the required side yard setback of 15 feet to 4 feet as shown on the attached site plan, Exhibit "A", of the RMF-16-MIZO zoning district wherein said property is located, and subject to the following conditions:

- A. In the event the City of Marco Island, or any contractor acting on behalf of the City, needs to make a repair to drainage that exists within the easement on the southwest property line, the owner of the subject boat slip is financially responsible for removing the boat and boatlift while the repairs are being conducted.

BE IT FURTHER RESOLVED that this Resolution relating to Petition Number V-00-10 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 8th day of January, 2001

MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

By: Harry Cowin
Harry Cowin, Chairman

ATTEST:

A. William Moss
A. William Moss
City Manager/City Clerk

Approved as to form and legality:

Kenneth B. Cuyler
Kenneth B. Cuyler
City Attorney

EXHIBIT A



