

MARCO ISLAND CITY COUNCIL RESOLUTION NO. 00- 54

RELATING TO PETITION NUMBER V-00-11 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 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 Planning Board held a public hearing on October 20, 2000 after proper notice as provided in said Regulations, and voted 6-0 to recommend approval of Petition V-00-11 to the City Council with the stipulations contained in this resolution; 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 17 foot variance from the required rear yard setback of 25 feet to 8 feet to allow for the construction of a single family residence and accessory structure as shown on the attached site plan, Exhibit "A", in a RSF-3 zone 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 that:

The petition filed by Tom Benedict of The Benedict Group representing Wesley and Ann Bates, property owners, with respect to the property herein described as 1558 South Barfield Court, further described as Marco Beach Unit 13, Block 302, Lots 3 and 4, Collier County, and the City of Marco Island, Florida, is hereby approved.

The subject variance authorizes a reduction of the required rear yard setback of 25 feet to 8 feet as shown on the attached site plan, Exhibit "A", of the RSF-3-MIZO zoning district wherein said property is located, and subject to the following conditions:

- A. The yard abutting the waterfront will be considered a rear yard, *with a 25' minimum yard requirement.*
- B. The full 17-foot rear yard variance shall run from the seawall to Point A (See attached Exhibit "A"), which is located 147 feet west of the common property line with Lot 2. From Point A the variance will be necessary to maintain a setback of 25 feet. Point B is located 59 feet west of the common property line with Lot 2.
- C. *No revisions to the proposed plan of development depicted in Exhibit A will be made that would result in any activity with the entertainment wing on Lot 4 being directed towards the north property line.*
- D. *Landscaping shall be provided along the north property line sufficient to screen the entertainment wing from the adjoining property. The landscape screening to be provided shall, within one (1) year of planting, be of at least the same size and quality as the landscaping currently located along the north property line of Lot 4.*

*Note that the structures shown on Exhibit "A" are conceptual in nature, and are subject to revision. Any further structure configuration permissible under the Code of Ordinances of the City of Marco Island shall be approved so long as the structures comply fully with the yards established by this resolution.

BE IT FURTHER RESOLVED that this Resolution relating to Petition Number V-00-11 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 6th day of November, 2000.

MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

By: Harry Cowin
Harry Cowin, Chairman

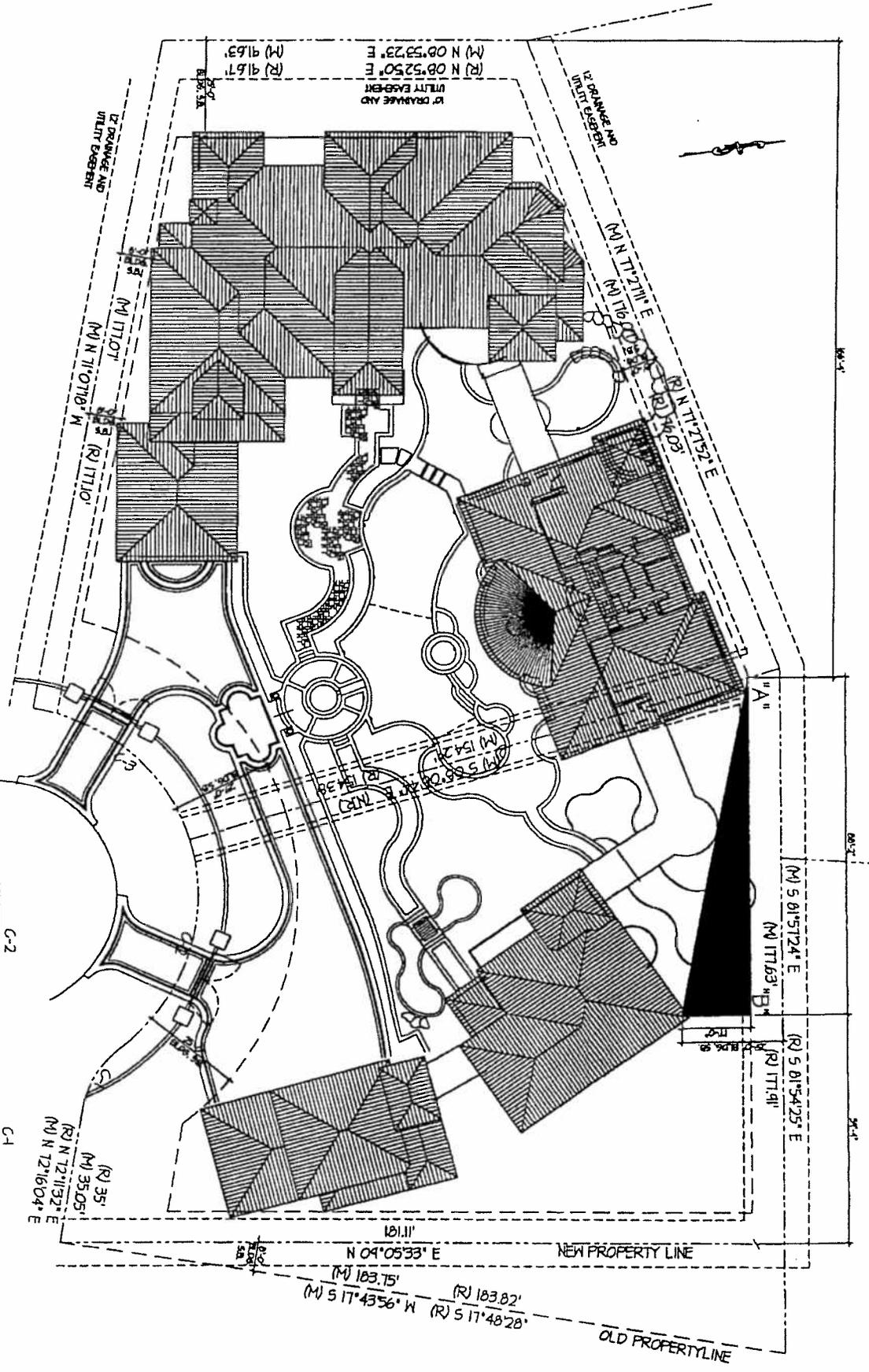
ATTEST:

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

Approved as to form and legality:

Kenneth B. Cuyler
Kenneth B. Cuyler
City Attorney

BATES RESIDENCE
 1558 SOUTH BARFIELD COURT
 MARCO ISLAND FLORIDA
 AY HOMES
 ENVI NORTH
 88
 NAPLES, FL 34108

- C-3
 R = 50.00'
 Δ = 63°00'36" (M)
 = 62°58'50" (R)
 A = 54.94' (M)
 (R)
- C-2
 R = 50.00'
 Δ = 68°40'36" (M)
 = 68°45'51" (R)
 L = 54.93' (M)
 = 60.01' (R)
 C = 58.41'
 C.B. = N 63°46'23" W
- C-1
 R = 25.00'
 Δ = 47°44'54" (M)
 = 42°50'00" (R)
 L = 18.64'
 C = 18.26'
 C.B. = S 50°51'05" E (M)
 = S 50°46'36" E (R)

C.B. = S 50°23'04" W