

MARCO ISLAND CITY COUNCIL RESOLUTION NO. 99- 22

**RELATING TO PETITION NUMBER V-99-03
FOR MULTIPLE VARIANCES ON PROPERTY
HEREINAFTER DESCRIBED IN COLLIER COUNTY, 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 Board of Zoning Appeals, being the duly elected constituted Board of 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 a 17.0 foot variance from the required principal building separation requirement of 23.6 feet to 6.6 feet for buildings one and two; a 15.6 foot variance from the required principal building separation requirement of 23.6 feet to 8.0 feet for buildings two and three; a 7.6 foot variance from the required principal building separation requirement of 23.6 feet to 16.0 feet for buildings three and four; a 7.6 foot variance from the required principal building separation requirement of 23.6 feet to 16.0 feet for buildings four and five; a 3.0 foot variance from the required principal building separation requirement of 23.6 feet to 20.6 feet for buildings five and seven, a 7.6 foot variance from the required principal separation requirement of 23.6 feet to 16.0 feet for buildings six and seven; a 3.0 foot variance from the accessory structure separation requirement of 10 feet to 7.0 feet for buildings three and four; and 3.0 foot variance from the accessory structure separation requirement of 10 feet to 7.0 feet for buildings four and five; and a 3.0 foot variance from the accessory structure separation requirement of 10 feet to 7.0 feet for buildings six and seven, Exhibit “A”, in a RMF-12-MIZO 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 BOARD OF ZONING APPEALS of Marco Island, Florida, that:

The petition V-99-03, filed by Michelle Schmitt, owner, with respect to the property herein described as Exhibit “B” be the same is hereby approved for the subject

variances as referred to above as shown on the attached plot plan, Exhibit "A", of the RMF-12 MIZO zoning district wherein said property is located.

BE IT FURTHER RESOLVED that this Resolution relating to Petition Number V-99-03 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 7th day of June, 1999.

MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

By: David Brandt
David Brandt, Chairman

ATTEST:

Laura Litzan
Laura Litzan
Deputy City Clerk

A. William Moss
A. William Moss
City Manager

Approved as to Form and legality:

Kenneth B. Cuyler
Kenneth B. Cuyler
City Attorney

PROPERTY DESCRIPTION

BEING A LOTS 1, 2, 10, 11, 14 AND THOSE PORTIONS OF LOTS 3, 4, 12, AND 13, BLOCK 33, PLAT OF "MARCO BEACH UNIT ONE", AS RECORDED IN PLAT BOOK 6, PAGES 9 THROUGH 16 INCLUSIVE, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA AND WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF HARTLEY AVENUE (A 60 FEET WIDE RIGHT-OF-WAY) AND TALLWOOD STREET (A 60 FEET WIDE RIGHT-OF-WAY); THENCE SOUTH 1 DEGREE 06 MINUTES 27 SECONDS WEST ALONG THE CENTERLINE OF SAID TALLWOOD STREET, A DISTANCE OF 55.00 FEET; THENCE NORTH 88 DEGREES 53 MINUTES 33 SECONDS WEST, A DISTANCE OF 30.00 FEET TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF THE AFORESAID TALLWOOD STREET AND BEING THE POINT OF BEGINNING; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES; (1) SOUTH 1 DEGREE 06 MINUTES 27 SECONDS WEST, A DISTANCE OF 377.91 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 70.00 FEET AND A CENTRAL ANGLE OF 55 DEGREES 32 MINUTES 22 SECONDS; (2) THENCE SOUTHWESTERLY ALONG SAID CURVE, A DISTANCE OF 67.85 FEET TO THE POINT OF TANGENCY; (3) THENCE SOUTH 56 DEGREES 38 MINUTES 49 SECONDS WEST, A DISTANCE OF 118.01 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY, NORTH 33 DEGREES 21 MINUTES 11 SECONDS WEST, A DISTANCE OF 110.00 FEET; THENCE NORTH 27 DEGREES 27 MINUTES 41 SECONDS WEST, A DISTANCE OF 109.03 FEET; THENCE NORTH 62 DEGREES 12 MINUTES 06 SECONDS EAST, A DISTANCE OF 55.62 FEET; THENCE NORTH 27 DEGREES 27 MINUTES 41 SECONDS WEST, A DISTANCE OF 129.94 FEET; THENCE NORTH 20 DEGREES 35 MINUTES 00 SECONDS WEST, A DISTANCE OF 40.00 FEET; THENCE NORTH 69 DEGREES 25 MINUTES 00 SECONDS EAST, A DISTANCE OF 74.18 FEET; THENCE NORTH 20 DEGREES 35 MINUTES 00 SECONDS WEST, A DISTANCE OF 21.00 FEET; THENCE NORTH 69 DEGREES 25 MINUTES 00 SECONDS EAST, A DISTANCE OF 28.50 FEET; THENCE NORTH 20 DEGREES 35 MINUTES 00 SECONDS WEST, A DISTANCE OF 49.00 FEET, TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF SAID HARTLEY AVENUE; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING FOUR COURSES; (1) NORTH 69 DEGREES 25 MINUTES 00 SECONDS EAST, A DISTANCE OF 148.34 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 70.00 FEET AND A CENTRAL ANGLE OF 21 DEGREES 41 MINUTES 27 SECONDS; (2) THENCE EASTERLY ALONG SAID CURVE, A DISTANCE OF 26.50 FEET TO THE POINT OF TANGENCY; (3) THENCE SOUTH 88 DEGREES 53 MINUTES 33 SECONDS EAST, A DISTANCE OF 12.05 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS, AND A CHORD OF 35.36 FEET BEARING SOUTH 43 DEGREES 53 MINUTES 33 SECONDS EAST; (4) THENCE SOUTHEASTERLY ALONG SAID CURVE, A DISTANCE OF 39.27 FEET TO THE POINT OF BEGINNING.

TOGETHER AND WITH ALL OF VACATED, CLOSED AND ABANDONED DOW COURT, ABUTTING THE ABOVE MENTIONED LOTS, ACCORDING TO RESOLUTION NO. 79-13, AS RECORDED IN OFFICIAL RECORDS BOOK 795, PAGE 36, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 99,152.94 SQUARE FEET OR 2.28 ACRES MORE OR LESS.

SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS OF RECORD.

THE BEARINGS USED FOR THIS DESCRIPTION ARE BASED UPON AN ASSUMED BEARING OF SOUTH 1 DEGREE 06 MINUTES 27 SECONDS WEST FOR THE CENTERLINE OF THE ABOVE MENTIONED TALLWOOD STREET.

NOTE: PROPERTY DESCRIPTION DESCRIBES THAT SAME PROPERTY AS RECORDED IN O.R. BOOK 2318, PG. 438 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA

EXHIBIT "B"