

RESOLUTION NO. 98- 23

RELATING TO PETITION NUMBER V-98-7,
FOR A VARIANCE 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 City of Marco Island and Collier County have entered into an interlocal agreement by which Collier County staff is authorized to review and present Petition V-98-7 to the Marco Island City Council; and

WHEREAS, the Marco Island City Council, being the duly elected constituted Board of the area hereby affected, has held a public hearing after notice as in said regulations made and provided, and has considered the advisability of a 2.7-foot after-the-fact variance from the required 7.5 foot setback for a dock, to 4.8 feet as shown on the attached plot plan, Exhibit "A", in an RSF-4-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 unincorporated area of Collier County and on an interim basis for the City of Marco Island; 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 COUNCIL of Marco Island, Florida, that:

The Petition V-98-7 filed by Monte Lazarus of the Law Offices of William G. Morris, representing Martin G. Wolfe, with respect to the property hereinafter described as:

Lot 7, Block 188, Marco Beach Unit Seven, as recorded in Plat Book 6, Page 57, of the Public Records of Collier County, Florida.

be and the same hereby is approved for a 2.7-foot after-the-fact variance from the required 7.5 foot setback for a dock to 4.8 feet as shown on the attached plot plan, Exhibit "A", of the RSF-4-MIZO Zoning District wherein said property is located, subject to the following conditions:

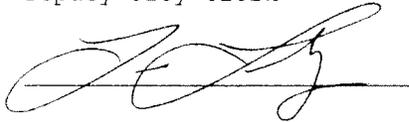
1. In the case of destruction of the encroaching structure, for any reason, to an extent equal to or greater than 50 percent of the actual replacement cost of the structure at the time of its destruction, any reconstruction shall confirm to the provisions of the applicable zoning code in effect at the time of reconstruction.
2. This variance is granted for the encroachment depicted in Exhibit "A" only. Any other encroachments shall require separate variances.

BE IT RESOLVED that this Resolution relating to Petition Number V-98-7 be recorded in the minutes of this Council and filed with the Marco Island City Clerk's Office.

This Resolution adopted after motion, second and majority vote.

Done this 10th day of August, 1998.

ATTEST:
Laura Litzan
Deputy City Clerk



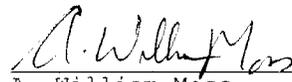
CITY COUNCIL
MARCO ISLAND, FLORIDA



HARRY J. COWIN, Chairman

Approved as to Form and Legality:



Kenneth B. Cuyler
City Attorney

A. William Moss
City Manager

f/V-98-7 RESOLUTION

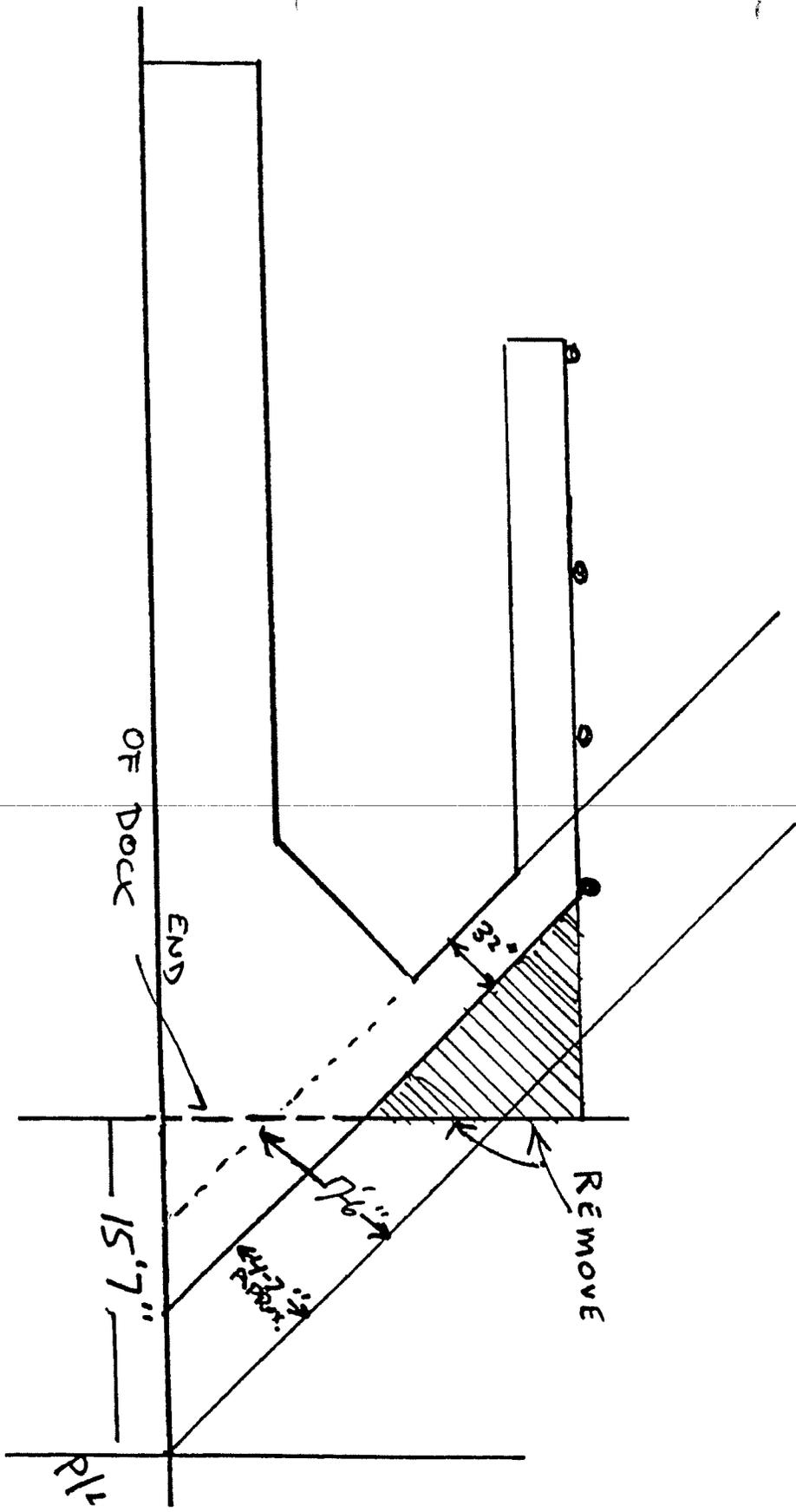
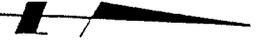


EXHIBIT "A"



LANDMARK
STREET

BIRCH COURT

LOT 9

LOT 8

LOT 7

LOT 6

LOT 10

LOT 11

BIRCH WATERWAY

