

CITY OF MARCO ISLAND
RESOLUTION NO. 98¹¹

ORIGINAL

RELATING TO PETITION NUMBER V-97-8,
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-97-8 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 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 as shown on the attached plot plan, Exhibit "A", in an RSF-3-MIZ0 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 Council in public meeting assembled, and the Council having considered all matters presented;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL of Marco Island, Florida, that:

The Petition V-97-8 filed by Stefani Lyn O'Neill, representing Howard J. & Kay L. Krapf, with respect to the property hereinafter described as:

Lot 1, Krapf Subdivision, as recorded in Plat Book 25, Page 53,
of the Public Records of Collier County, Florida.

be and the same hereby is approved for a 17-foot variance from the
required rear setback of 25 feet to 8 feet as shown on the attached plot
plan, Exhibit "A", of the RSF-3-MIZO zoning district wherein said
property is located, subject to the following conditions:

1. The required yard for the western side yard shall be
25 feet for the principal structure, and 15 feet for
accessory structures.
2. This variance is granted for the encroachment depicted in
Exhibit "A" only. Any other encroachments shall require
separate variances.

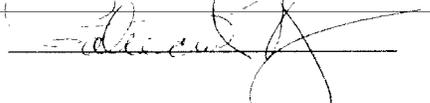
BE IT FURTHER RESOLVED that this Resolution relating to Petition
Number V-97-8 be recorded in the Minutes of this Council and filed with
the Marco Island City Clerk's Office.

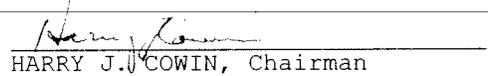
This Resolution adopted after motion, second and majority vote.

Done this 20th day of March, 1998.

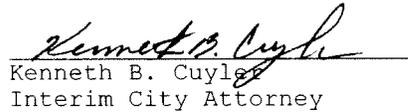
ATTEST:
Patricia L. Berry
Interim Assistant City Clerk

CITY COUNCIL
MARCO ISLAND, FLORIDA




HARRY J. COWIN, Chairman

Approved as to Form and Legality:


Kenneth B. Cuyler
Interim City Attorney


Charles McCool
Interim City Manager

f/ V-97-8 RESOLUTION

8/4/97

PROPOSED SITE PLAN

FOR JACLYN III

SCALE: 1"=15'

ROBERTS
DAY

LOT-1
BLOCK-309

200'

6' PROPOSED SETBACK

25' REQUIRED
SETBACK

SCREEN
ENCLOSURE

PROPOSED HOUSE

ENTRY

100'

LOT 1
TRACT B
RSF-3

LOT 2
TRACT B

25' SETBACK

25'
PROPOSED
SETBACK

V-97-8

200'

WINTERBERRY DRIVE

(BRIDGE)

RO

EXHIBIT "A"

ORIGINAL

EXECUTIVE SUMMARY

PETITION V-97-8, STEFANI LYN O'NEILL, REPRESENTING HOWARD J. & KAY L. KRAPF, REQUESTING A 17 FOOT VARIANCE FROM THE REQUIRED REAR SETBACK OF 25 FEET TO 8 FEET FOR PROPERTY LOCATED AT 1725 WINTERBERRY DRIVE, FURTHER DESCRIBED AS LOT 1, KRAPF SUBDIVISION, MARCO ISLAND, FL.

OBJECTIVE:

The petitioners request a variance of 17 feet from the required rear yard setback of 25 feet to 8 feet to allow construction of a single family home on a legal conforming lot.

CONSIDERATIONS:

The petitioners wish to construct a single-family dwelling on a legal conforming lot in the Krapf Subdivision on Marco Island. This two-lot subdivision was created from land originally intended as a buffer by the Deltona Corporation. Several such tracts exist along Winterberry Drive and other locations on Marco Island. These buffer tracts were never dedicated to any public or private entity, and remained under Deltona's control. In several instances, the Corporation sold the property to individuals for development. The subject property is zoned RSF-3. In 1995 the petitioners, Mr. And Mrs. Krapf, subdivided the large tract into two developable RSF-3 lots. The petitioners wish to locate this dwelling diagonally on the lot in such a way that the southernmost corner of the dwelling would encroach 17 feet into the required 25-foot rear yard setback. For a detailed staff analysis of this request, please refer to the attached Staff Report.

FISCAL IMPACT:

Approval of this petition would have no fiscal impact on the City.

GROWTH MANAGEMENT IMPACT:

The proposed variance is consistent with applicable provisions of the Collier County Growth Management Plan, as the effective Growth Management Plan for the City of Marco Island.

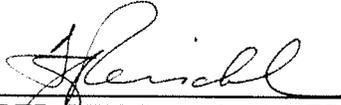
HISTORIC/ARCHAEOLOGICAL IMPACT:

Staff's analysis indicates that the petitioners' property is located within an area of historical and archaeological probability as referenced on the official Collier County Probability Map. So many archaeological/historical sites have been registered for Marco Island that the entire area is considered to be archaeologically sensitive except for lands created by filling; however, an Historical/Archaeological Survey and Assessment or waiver is not required for a variance or for a single-family building permit.

PLANNING BOARD RECOMMENDATION:

The Marco Island Planning Board reviewed this petition on January 9, 1998, and by a vote of 6 to 1, forwarded Petition V-97-8 to the Marco Island City Council with a recommendation of approval. The dissenting Board Member objected to the fact that the petitioner had created the subdivision with the existing setbacks and is now seeking a variance from those setbacks.

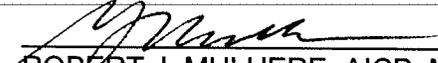
PREPARED BY:



FRED REISCHL, PLANNER II
CURRENT PLANNING SECTION

1-22-98
DATE

REVIEWED BY:



ROBERT J. MULHERE, AICP, MANAGER
CURRENT PLANNING SECTION

1-22-98
DATE



DONALD W. ARNOLD, AICP, DIRECTOR
PLANNING SERVICES DEPARTMENT

1/23/98
DATE



VINCENT A. CAUNTERO, AICP, ADMINISTRATOR
COMMUNITY DEVELOPMENT & ENVIRONMENTAL SERVICES DIVISION

1-27-98
DATE