RESOLUTION NO. 12-06

A RESOLUTION APPROVING PETITION CCCLV-12-01. GRANTING A VARIANCE TO THE COASTAL CONSTRUCTION CONTROL LINE SETBACK REQUIREMENTS WHICH ARE FOUND WITHIN ARTICLE XI OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES; PERMITING THE CONSTRUCTION OF A RESTROOM AND A DUNEWALK OVER "BOARDWALK" AT HIDEAWAY BEACH, AND SUCH PROPERTY IS DESCRIBED HEREIN AS EXHIBIT "A".

WHEREAS, Section 30-753 of the City of Marco Island Code of Ordinance ("Code") establishes the setback lines for coastal construction; and

WHEREAS, Petition CCCLV-12-01, is a request for a variance from the Coastal Construction Control Line setback requirements subject to the review for such variances under Section 30-756 of the Code; and

WHEREAS, John Barto petitioner and president of the Hideaway Beach Association has petitioned the City for this variance to allow for the construction of a restroom and boardwalk improvements at Hideaway Beach; and

WHEREAS, the petitioner has provided justification for this variance as required by Sections 30-775 and 30-756 of the Code, and has demonstrated "compliance with the City's Comprehensive Plan, Conservation and Coastal Management Element"; and

WHEREAS, the Marco Island Planning Board, following an advertised public hearing held on February 3rd, 2012, considered public input, the recommendation of staff, and the standards and guidelines of Section 30-756 of the Code to consider the advisability of such a petition and voted 7 to 0 to recommend that the Marco Island City Council, acting as the Board of Zoning Appeals approve the requested variance; and

WHEREAS, as part of its deliberation, the Planning Board found that the petition is consistent with the City's Comprehensive Plan, and in particular, the Conservation and Coastal Management Element; and

WHEREAS, the requested improvement subject to this variance will benefit persons with disabilities, families and all other citizens, and are otherwise in the public interest; and

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

WHEREAS, after considering the recommendation of the of the Planning Board and after providing the petitioner, staff, and the public an opportunity to present testimony and evidence, the City Council, as the Board of Zoning Appeals, finds as a matter of fact that satisfactory provision and arrangement have been made concerning all applicable matters required by City Ordinances, including Section 30-756 of the Code; and

WHEREAS, all interested parties have been given opportunity to be heard by this Board in a public hearing assembled, and the Board has considered all matters presented.

NOW THEREFORE, be it resolved by the Marco Island City Council, that:

Section 1. Recitals. The above recitals are true and correct and incorporated into this resolution by this reference.

Section 2. Approval. Variance Petition CCCLV-12-01 and filed by John Barto, petitioner and President for the Hideaway Beach Association, with respect to the property legally described in Exhibit "A" attached hereto and made part hereof, is hereby granted to allow for a variance from the Coastal Construction Control Line setback requirements as provided by Sections 30-753 of the Code, to allow for the construction of a restroom facility and dune walkover ("boardwalk") and supporting infrastructure in the approximate locations as depicted in Exhibit "B".

Section 3. Recordation Required. This Resolution relating to Petition Number CCCLV-12-01 shall be recorded in the minutes of this Board and filed with the Marco Island City Clerk's Office.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED IN OPEN AND REGULAR SESSION of the Marco Island City Council acting as the Board of Zoning Appeals on the 21st day of February 2012.

MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

By: _____
Gerard M. Gibson, Chairman

ATTEST:

_____
Laura Litzan, City Clerk

Approved as to form
and legal sufficiency:

_____
Burt L. Saunders, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION OF SUBJECT PROPERTY

Hideaway Beach Parcel 1, Conservation Tracts, Section 07, Township 52, Range 26, City of Marco Island, Florida.

PROPOSED RESTROOM FACILITY LOCATED IN SECTION 07, TOWNSHIP 52, RANGE 26, CITY OF MARCO ISLAND, FLORIDA

EXHIBIT "B"