



City of Marco Island
 Community Affairs Department
 50 Bald Eagle Drive
 Marco Island, FL 34145
 Phone: 239-389-5000 or FAX: 239-393-0266

PF-38

APPEAL FROM ADMINISTRATIVE DECISION

Applicable Sections of the Marco Island Land Development, Division 2-Residential Single-Family Dwellings (RSF) Districts, Sec. 30-88 Structural and Site Design Guidelines

Petition number: **V**-_____ Date Received: _____

Planner: _____

ABOVE TO BE COMPLETED BY STAFF

Property Owner(s): _____

Owner's Address: _____

Telephone: _____ Fax: _____

Agent's Name: _____

Agent's Address: _____

Telephone: _____ Fax: _____

Site Information

Address: _____ Property ID #: _____

Subdivision: _____ Block: _____ Lot(s): _____

Is this a corner lot?: _____ Is this a waterfront lot?: _____

Setbacks Required:

Front: _____ ft Rear: _____ ft Side: _____ ft Side: _____ ft

Setbacks provided:

Front: _____ ft Rear: _____ ft Side: _____ ft Side: _____ ft

Zoning and Land Use

| Property | Zoning | Land Use |
|----------|--------|----------|
| Subject | _____ | _____ |
| N | _____ | _____ |
| S | _____ | _____ |
| E | _____ | _____ |
| W | _____ | _____ |

For appeal requests for *existing structure(s)*, please provide the following information:

1. What is the requested appeal?

2. When property owner purchased property?

3. What extenuating circumstances exist related to the existing or proposed structure(s) appeal?

4. Are there any life/safety concerns related to the existing or proposed structure(s)?

For appeal requests for *proposed structure(s)*, please provide the following information:

1. What is the proposed appeal?

2. Why is the appeal necessary?

3. What extenuating circumstances exist related to the existing or proposed structure appeal?

NATURE OF PETITION

Please note that staff and the Marco Island Planning Board shall be guided in their recommendation to City Council acting as the Board of Zoning Appeals, and that City Council shall be guided in its determination to approve or deny an appeal by the below listed criteria. Please provide a *narrative* response to the listed criteria and/or questions. Attach additional pages if necessary.

- 1. Are there special conditions and circumstances which are peculiar to the location, size and characteristics of the land, structure or building involved?

- 2. Are there special conditions and circumstances which do not result from the action of the applicant such as pre-existing conditions relative to the property which is the subject of the appeal request?

- 3. Will a literal interpretation of the provisions of this zoning code work unnecessary and undue hardship or create practical difficulties on the applicant?

- 4. Will granting the appeal requested confer on the petitioner any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district?

5. Will granting the appeal be in harmony with the intent and purpose of this zoning code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare?

6. Will granting the appeal be consistent with the growth management plan?

APPEAL PETITION

(For structures other than boat dock facilities)

APPLICATION SUBMITTAL CHECKLIST

This completed checklist is to be submitted with application packet

| REQUIREMENTS | # OF COPIES REQUIRED |
|---|--|
| Completed Application | 1 |
| Completed Owner/Agent affidavit, signed and notarized | 1 |
| Pre-application notes/minutes | 1 |
| Site Plan | 1 (please include 1 copies of any documentation in color or larger than 24x36 to be handed out at the Planning Board and City Council meetings) |
| Application fee, check shall be made payable to "The City of Marco Island" in the amount of \$1,000.00. | |

EXHIBIT A
DEVELOPMENT REVIEW AND PERMIT FEES

v. 3/7/16

Cost Recovery and Fee Schedule.

A. Consultants.

1. The City Manager and/or his/her designee as part of the review of any development application presented to the City, may refer any such application to such engineering, planning, legal, technical, environmental, or other professional(s) consultants employed or retained by the City ("consultant(s)") as the manager shall deem reasonably necessary to enable him/her to review such application as required by law.

2. Charges made by such consultants shall be made pursuant to an existing contractual agreement by and between the City and the consultant.

3. The consultant's services shall be charged at the hourly rates specified in the particular consultant's agreement with the City. Upon request the City shall provide the applicant with a copy of the consultant's invoice for any services charged.

B. Cost recovery established.

1. The City Manager and/or his/her designee may also charge an amount equal to or double the amount of the application fees.

2. Payment in full by the applicant for the City's cost recovery fees for review of the application shall be a written condition of any development order. These cost recovery fees shall be in addition to any and all other fees required by law, rule, or regulation of the City Code.

C. Review of consultant's charges. Upon a determination by the City Manager or his/her designee that there has been a miscalculation concerning a consultant's fees, the City Manager or his/her designee is authorized to review the charges and issue a credit or refund a portion of the fees.

D. Schedule of fees and cost recovery. No new development application shall be accepted, and no building permit or certificate of occupancy shall be issued for any property until all application fees and cost recovery fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in

full. If application is withdrawn for any reason payment is due in full at time of withdrawal.

E. Public/Legal Notices. In addition to the fees required herein, all costs of newspaper notices and required notices for public petitions shall be paid in full prior to a scheduled public hearing. If such payment is not received prior to a scheduled public hearing, the petition will be continued and rescheduled. Any additional cost associated with a rescheduled item shall also be paid in full prior to the public hearing. Advertising for public hearings shall be prepared by staff and submitted to the newspaper as required in the Marco Island Land Development Code (LDC).

Marco Island Code of Ordinances Section 30-8(a). Amended 1/17/2016

As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

Signature of Petitioner or Agent

Date

AFFIDAVIT

We/I, _____ being first duly sworn, depose and say that we/I am/are the owners of the property described herein and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, including the disclosure of interest information, all sketches, data, and other supplementary matter attached to and made a part of this application, are honest and true to the best of our knowledge and belief. We/I understand that the information requested on this application must be complete and accurate and that the content of this form, whether computer generated, or City printed shall not be altered. Public hearings will not be advertised until this application is deemed complete, and all required information has been submitted. We/I hereby also consent to access to the subject property (excluding entering any home or other enclosed structure) by City of Marco Island staff members, Planning Board members, and/or Board or Zoning Appeals members for the limited purpose of evaluating, observing, or understanding the subject property conditions as they relate to the petition. While the petition is pending, Staff members, Planning Board members, or Board of Zoning Appeals members will be allowed access upon the property provided they display a Marco Island City Photo ID or a Valid Driver's License.

As property owner we/I further authorize _____ to act as our/my representative in any matters regarding this Petition.

Signature of Property Owner

Signature of Property Owner

Printed Name of Property Owner

Printed Name of Property Owner

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____, who is personally known to me or has produced _____ as identification.

State of Florida
County of _____

Signature, Notary Public – State of Florida

(Seal)

Printed, Typed, or Stamped Name of Notary