



PF-23V

City of Marco Island  
Growth Management Department  
50 Bald Eagle Drive  
Marco Island, FL 34145  
Phone: 239-389-5000

## Variance Petition Process

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Dear Applicant:

The following information is intended to guide you through the process of a variance petition, from completing the application packet to the Board of Zoning Appeals Hearing. Currently the Marco Island City Council acts as the Board of Zoning Appeals.

Per City's Charter, land development is regulated by the City's Land Development Code. The Land Development Code defines a variance as "a relaxation of the terms of this Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Land Development Code would result in unnecessary and undue hardship. A variance is authorized only for height, area, and size of structure or size of yards, buffers, open space, landscaping, and parking/stacking/loading requirements. Establishment or expansion of a use otherwise prohibited or an increase in residential density shall not be allowed by variance nor shall a variance be granted because of the presence of non-conformities in the land use district or classification".

Staff's recommendation to the Marco Island Planning Board and the City Council to approve or deny a particular variance petition will depend on the applicant's ability to demonstrate a sufficient hardship associated with the property, and not due to any action by the applicant.

You are required to attend a pre-application meeting with Growth Management Staff. During this meeting the application packet and submittal requirements will be explained in detail.

The Growth Management Department will provide for newspaper advertising. The applicant is responsible for notification of surrounding property owners within 300 feet, including individual owners of condominiums. Your petition will be advertised in the local newspaper at least fifteen (15) days prior to the hearing dates. The first hearing will be before the Marco Island Planning Board (there are seven (7) voting members), and they will send your petition to the City Council (composed of seven (7) City Council Members) with a recommendation of approval or denial. The City Council will make the final decision on your petition. An approval requires four (4) affirmative votes.

If you have any further questions or need assistance completing the application, contact Growth Management Department at 389-5000.

Sincerely,

City of Marco Island, Florida