

MARCO ISLAND CITY COUNCIL RESOLUTION NO. 01-08

RELATING TO PETITION NUMBER V-01-01 FOR A VARIANCE ON PROPERTY HEREINAFTER DESCRIBED IN THE CITY OF MARCO ISLAND, 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 Marco Island Planning Board held a public hearing on February 23, 2001 after proper notice as provided in said Regulations, and voted 6-0 to recommend approval of Petition V-01-01 to the City Council with the stipulations contained in this resolution; and

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

WHEREAS, City Council, as the Board of Zoning Appeals, has held a public hearing after proper notice as provided in said Regulations was made, and has considered the advisability of a 0.3 foot after-the-fact variance from the required 25 foot rear yard setback for an existing single-family residence, a 4.1 foot after-the-fact variance from the required 8 foot side yard setback for an existing house, privacy wall, and deck, and a 5 foot after-the-fact variance from the required 10 foot rear yard setback for an existing deck as shown on the attached site plan, Exhibit "A", 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 City of Marco Island.

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 MARCO ISLAND CITY COUNCIL that:

The petition filed by Craig R. Woodward representing Joseph Spaziani, property owner, with respect to the property herein described as 1257 Winterberry Avenue, and further described as Marco Beach Unit 5, Block 323, Lot 14, Collier County, and the City of Marco Island, Florida, is hereby approved.


The subject variance authorizes a 0.3 foot after-the-fact variance from the required 25 foot rear yard setback for an existing single-family residence, a 4.1 foot after-the-fact variance from the required 8 foot side yard setback for an existing house, privacy wall, and deck, and a 5 foot after-the-fact variance from the required 10 foot rear yard setback for an existing deck as shown on the attached site plan, Exhibit "A", of the RSF-3-MIZO zoning district wherein said property is located.

BE IT FURTHER RESOLVED that this Resolution relating to Petition Number V-01-01 be recorded in the Minutes of this Board and filed with the Marco Island City Clerk's Office.

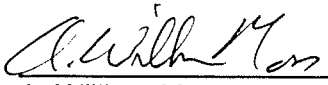
This Resolution adopted after motion, second, and majority vote.

Done this 2nd day of April 2001.

MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

By: 
E. Glenn Tucker, Chairman

ATTEST:


A. William Moss
City Manager/City Clerk

Approved as to form and legality:

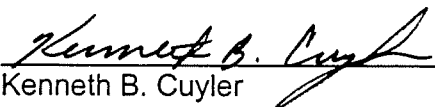
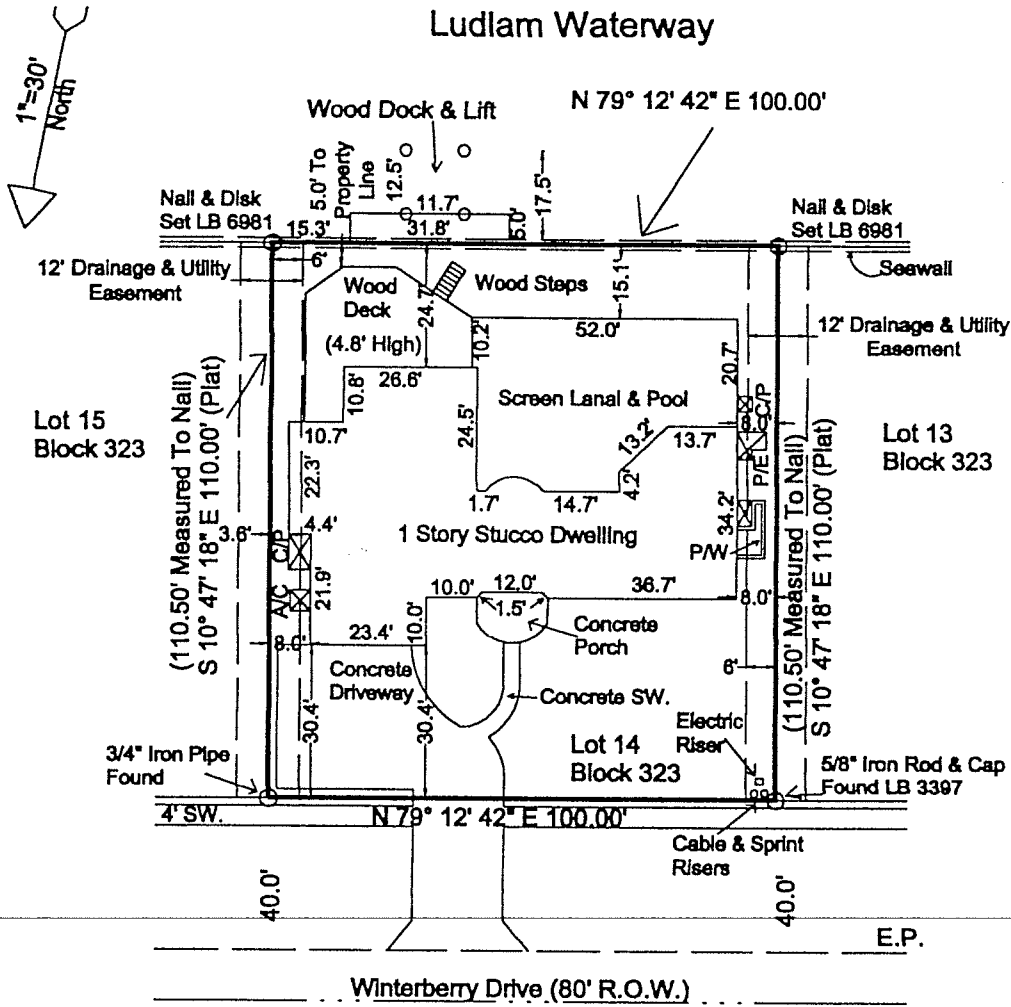

Kenneth B. Cuyler
City Attorney

EXHIBIT A

Ludlam Waterway



Legal Description:
 Lot 14 Block 323
 Marco Beach Unit Five
 As Recorded In Plat Book 6
 Pages 39-46 Of The Public
 Records Of Collier County,
 Florida

Boundary Survey

Date Of Survey:
September 11, 2000

Not Valid Without The
 Signature And Original Raised Seal
 Of A Florida Licensed
 Surveyor & Mapper
 Sudhakar Company, Inc.
 LB6981

ur Quinnell
 Professional Surveyor & Mapper #2422
 1292 Bayport Ave., Marco Island, FL
 P.O. Box 1835
 Marco Island, FL 34146

Notes:
 Bearings Based On Centerline
 Winterberry Drive Being N 79° 12' 42" E
 Per Plat
 Abstract Not Reviewed
 Legal Description Provided By Client
 Flood Zone= AE, Elev-10.0 According
 To F.E.M.A. Community Panel 120067-812-E
 Dated August 13, 1992
 Underground Utilities Were Not Located
 E.P.= Edge Of Pavement
 R.O.W.=Right Of Way
 SW.= Sidewalk
 A/C=Air Conditioner Paf
 C/P=Concrete Pad
 P/E=Pool Equipment Pad
 P/W=Privacy Wall

Street Address:
1257 Winterberry Avenue

Certified To:
Joe Spaziani.