

RESOLUTION 18-87

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A VARIANCE REDUCING THE REAR SETBACK FROM TWENTY-FIVE (25) FEET TO TWENTY-ONE (21) FEET FOR THE SOUTHWEST CORNER, FOR PROPERTY ZONED RSF 4, LOCATED AT 1049 FIELDSTONE DRIVE, MARCO ISLAND, FLORIDA 34145; PROVIDING FOR FINDINGS AND CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 30-65, of the Marco Island Land Development Code provides standards and regulations for the review and approval of variance procedures; and

WHEREAS, the Owner/Developer, submitted Variance Petition V18-005429 for the Subject Property located at 1049 Fieldstone Dr., Marco Island, Florida 34145; and

WHEREAS, the subject property is described as Marco Beach Unit 7, Block 185, Lot 7 according to the Records of Collier County, Florida, commonly referred to as 1049 Fieldstone Drive; ("Property"); and.

WHEREAS, Petitioner is requesting a variance to Section 30-85, of the Marco Island Land Development Code, the Dimensional Standards that apply to the RSF 4 minimum rear yard requirements, in particular the Southwest rear yard setback from twenty-five to twenty-one feet on the subject Property; and

WHEREAS, the granting the variance will not detrimentally affect the health, safety or welfare of the community.

WHEREAS, the granting the variance does not go against the overall intent and purpose of this zoning code, and is not injurious to the neighborhood, or otherwise detrimental to the public welfare; and

WHEREAS, the granting of this variance will not violate the City's Comprehensive plan; and

WHEREAS, the City of Marco Island ("City") staff have reviewed and recommend approval of Variance Petition V18-005429; and

WHEREAS, the City's Planning Board reviewed and recommended approval of Variance Petition V18-005429 at their October 5, 2018 meeting; and

WHEREAS, City Council does hereby approve Variance Petition V18-005429, subject to the conditions of approval as set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:

SECTION 1. Recitals/Definitions.

(a) The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, correct and incorporated by this reference.

(b) As used herein, unless the context or City Code of Ordinances requires to the contrary, the following terms will be defined as set forth below:

(1) "City" means the City of Marco Island, a Florida Municipal Corporation.

(2) "Development" is defined as set forth in Section 163.3164, Florida Statutes.

(3) "Owner/Developer" means David E. Fuhrmann and Sandra S. Fuhrmann Trust Revocable Trust of 2005, David E. Fuhrmann and Sandra S. Fuhrmann, Trustees, their successors and assigns, their respective successors and assigns.

(6) "Subject Property" is real property situate and lying in the State of Florida, County of Collier, City of Marco Island, to-wit: Lot 7, Block 185, Marco Beach Unit 7, according to the plat thereof, as recorded in plat book 6, Pages 55-62, Public Records of Collier County, Florida.

SECTION 2. Findings of Approval. This Resolution relating to Variance Petition V18-005429 is hereby by approved subject to the following findings of approval:

1. Granting the variance will not detrimentally affect the health, safety or welfare of the community.
2. Granting the variance does not go against the overall intent and purpose of this zoning code, and is not injurious to the neighborhood, or otherwise detrimental to the public welfare.
3. Granting the variance is not inconsistent with the Comprehensive Plan.

SECTION 3. Adoption and Approval. Variance Petition V18-005429 with respect to the Subject Property, for a four-foot variance from the required 25-foot rear yard setback as set forth in Section 30-85(a) of the Marco Island Land Development Code is hereby approved, subject to the below conditions. The location of the variance is shown on the attached exhibit, Sheet A-2.1, of the plan entitled "Addition for Fuhrmann Residence" prepared by HLevel Architecture Design Consulting of Naples, FL, Dated May 2, 2018 with last date of revision being March 23, 2018.

Section 4. Conditions of Approval. This Resolution relating to Variance Petition V18-005429 is hereby by approved subject to the following conditions of approval:

(a) The Owner/Developer/Petitioner is responsible for any private deed restriction approvals with the Marco Island Civic Association.

(b) That issuance of this approval by the City does not in any way create any right on the part of the Owner/Developer to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the approval if the Owner/Developer/Petitioner fails to obtain the required approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in the violation of state or federal law. All applicable state and federal permits must be obtained before commencement of the Development. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

SECTION 5. Effective Date. This Resolution shall be effective immediately upon adoption by the City Council.

Passed in open and regular session of the City Council of the City of Marco Island, Florida, this 13th day of November 2018.

ATTEST:



Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By 

Erik Brechnitz, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney

EXHIBIT

