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RESOLUTION 20-16

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA APPROVING A COASTAL CONSTRUCTION CONTROL LINE (CCCL) SETBACK VARIANCE; MAKING FINDINGS; APPROVING A VARIANCE FOR THE SUBJECT PROPERTY, LOCATED AT 594 SPINNAKER DRIVE, MARCO ISLAND, FLORIDA (LOT 2, BLOCK 389, MARCO BEACH UNIT 12, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGES 87091, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA); APPROVING SAID VARIANCE; PROVIDING THAT THE APPROVAL OF THE VARIANCE DOES NOT CREATE A VESTED RIGHT TO ANOTHER DEVELOPMENT PERMIT; PROVIDING FOR FAILURE TO COMPLY WITH THIS DEVELOPMENT PERMIT; AND PROVIDING AN EFFECTIVE DATE.

19 **WHEREAS**, Section 30-753, of the Land Development Code, provides the location
20 of a coastal construction control line (“CCCL”), and Sections 30-754 and 30-755 of the
21 LDC provides that no Development shall occur seaward of the CCCL without the grant of
22 a variance; and

23
24 **WHEREAS**, Section 30-755(1), of the Land Development Code, provides that a
25 variance may be granted “if in the immediate contiguous or adjacent area a ‘number of
26 existing structures’ have established a reasonably continuous and uniform construction
27 line closer to the line of mean high water than the [CCCL] line . . . , and if said existing
28 structures have not been unduly affected by erosion, a proposed structure may be
29 permitted along such line”; and

30
31 **WHEREAS**, the Owner/Developer submitted Variance Petition (VP-20-000117)
32 seeking a CCCL variance for the Subject Property located at 594 Spinnaker Drive, Marco
33 Island, Florida 34145; and

34
35 **WHEREAS**, the City of Marco Island staff has reviewed and recommend approval
36 of VP-20-000117 and the Variance Petition; and

37
38 **WHEREAS**, based on Section 30-755(1) of the LDC, the Planning Board finds that
39 in the immediate contiguous or adjacent area a number of existing structures on
40 Spinnaker Drive have established a reasonably continuous and uniform construction line
41 closer to the line of mean high water than the CCCL line, and that said existing structures
42 have not been unduly affected by erosion; and

43
44 **WHEREAS**, Policy 2.1.4. of the Comprehensive Plan Conservation & Coastal
45 Management Element states:
46

47 Policy 2.1.4: Proposed development and re-development
48 projects seaward of the Coastal Construction Control Line
49 may be permitted provided it complies with this
50 Comprehensive Plan and all state and local permitting
51 requirements.
52

53 **WHEREAS**, the Planning Board has reviewed the Comprehensive Plan and in
54 particular Conservation & Coastal Management Element Policy 2.1.4 and finds VP-20-
55 000117 to be consistent with the Comprehensive Plan; and
56

57 **WHEREAS**, the City's Planning Board hereby recommends approval of the
58 Variance Petition, VP-20-000117; and
59

60 **WHEREAS**, the City Council finds that the Variance Petition meets the
61 requirements of the City of Marco Island Code of Ordinances and should be approved,
62 subject to the conditions of approval set forth in this Resolution.
63

64 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY**
65 **OF MARCO ISLAND, FLORIDA:**
66

67 **SECTION 1. Recitals; Definitions.**
68

69 (a) That the foregoing "WHEREAS" clauses are ratified and confirmed
70 as being true and correct and are made a specific part of this Resolution.
71

72 (b) That as used herein, unless the context or City Code of Ordinances
73 requires to the contrary, the following terms will be defined as set forth below:
74

75 (1) "1974 CCCL" means the Coastal Construction Control Line as
76 recorded in Coastal Setback Line Book 1, Pages 1 through 12 inclusive, recorded October
77 31, 1974, as Clerk's Instrument No. 365665 of the Public Records of Collier County,
78 Florida.
79

80 (2) "City" means the City of Marco Island, a Florida Municipal
81 Corporation.
82

83 (3) "Development" is defined as set forth in Section 163.3164,
84 Florida Statutes.
85

86 (4) "Development Permit" is defined as set forth in Section
87 163.3164, Florida Statutes.
88

89 (5) "Development Plan" means the
90

91 (A) 2-page document entitled Christiansen Residence,
92 prepared by Outside Productions International, of Naples, FL, under Job or Project

93 Number 052-19, dated 10/11/2019, with no last date of revision for Sheet LS0.1 (CCCL
94 Variance Enlargement Plan) and Sheet LS0 (CCCL Variance Plan); and

95
96 (B) 1-page survey of the Subject Property entitled Ryan
97 Christiansen prepared by A. Trigo & Associates, of Naples, FL, under File No. C 19.0024
98 dated 2/21/2019; and

99 (C) 12-page document entitled Christiansen Residence,
100 prepared by Sea Glass Architecture LLC, of Naples, FL, under Job No. 19-04 dated
101 11/21/2019 without revision as to Sheets C-1(Site Plan and Project Information), A-1
102 (Lower Level Floor Plan and Slab Plan), A-2 (Main Level Floor Plan and Framing Plan),
103 A-3 (Upper Level Floor Plan and Framing Plan), A-4 (Roof Plan and Framing Plan), A-5
104 (Front and Right Side Elevation), A-6 (Rear and Left Side Elevation), A-7 (Building
105 Sections A&B), A-8 (Building Section C – Dr & WND Schedules), D (Wall Section), E-1
106 (Lower Level & Main Level Electrical Plan), and E-2 (Upper Level Electrical Plan).

107
108 (6) "LDC" means the City's Land Development Code as set forth
109 in Chapter 30, Code of Ordinances of the City of Marco Island, Florida.

110
111 (7) "Owner/Developer" means Ryan and Kathryn Christiansen,
112 Matthew Goodard, P.E., Humiston and Moore Engineers, P.A., a Florida Professional
113 Association.

114
115 (8) "Subject Property" means the following described parcel of
116 land, lying, situate and being in the State of Florida, County of Collier, City of Marco
117 Island, to-wit: Lot 2, Block 389, Marco Beach Unit 12, according to the plat thereof, as
118 recorded in Plat Book 6, Pages 87-91, Public Records of Collier County, Florida.

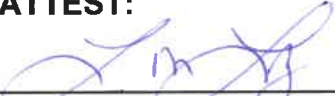
119
120 **SECTION 2. Adoption and Approval.** The Variance Petition (VP-20-000117)
121 granting a Coastal Construction Control Line Variance for the Subject Property is hereby
122 approved seaward of both the 1974 CCCL and the 1989 Coastal Construction Control
123 Line as recorded in Coastal Setback Line Book 1, Pages 26 through 36, inclusive, Public
124 Records of Collier County, Florida. The Variance shall not exceed a distance of 57 feet
125 and 4 inches feet seaward of the 1974 CCCL and shall run along a line as generally
126 depicted on Sheet LS0.1 (CCCL Variance Enlargement Plan) of the Development Plan.
127 This approval is specific as to the Subject Property and the Development Plan.

128
129 **SECTION 3. Development Permit Does Not Create a Vested right For Other**
130 **Development Permits.** That issuance of this approval by the City does not in any way
131 create any right on the part of the Owner/Developer to obtain a permit from a state or
132 federal agency and does not create any liability on the part of the City for issuance of the
133 approval if the Owner/Developer fails to obtain the requisite approvals or fulfill the
134 obligations imposed by a state or federal agency or undertakes actions that result in the
135 violation of state or federal law. All applicable state and federal permits must be obtained
136 before commencement of the Development. This condition is included pursuant to
137 Section 166.033, Florida Statutes, as amended.

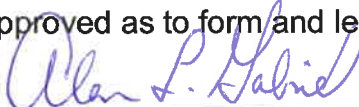
139 **SECTION 4. Failure to Comply With Resolution.** That failure to adhere to the
140 Variance approval and the approval terms and conditions contained in this Resolution
141 shall be considered a violation of this Resolution and the City Code, and persons found
142 violating this Resolution shall be subject to the penalties prescribed by the City Code.
143 The Owner/Developer understands and acknowledges that it must comply with all other
144 applicable requirements of the City Code before they may commence construction or
145 operation, and that the foregoing approval in this Resolution may be revoked by the City
146 at any time upon a determination that the Owner/Developer is in non-compliance with the
147 City Code.

148
149 **SECTION 5. Effective Date.** This Resolution shall be effective immediately
150 upon adoption.

151
152 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this 20th day of
153 July 2020.

154
155 **ATTEST:**
156 
157 _____
158 Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA
By: 
_____ Erik Brechnitz, Chairman

159
160
161 Approved as to form and legal sufficiency:
162 
163 _____
164 Alan L. Gabriel, City Attorney