

RESOLUTION 23-44

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING VARIANCE PETITION VP 23-000181 TO SEC. 30-245. (3). C., SEC. 30-441. (G). AND SEC. 30-485. (D) FOR 800 BALD EAGLE DRIVE, MARCO ISLAND, FLORIDA 34145, AS PROVIDED IN SECTION 30-85 OF THE CITY OF MARCO ISLAND LAND DEVELOPMENT CODE; PROVIDING FOR FINDINGS AND CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, Bald Eagle Trust of 1997, owner, (“Owner”), submitted a Variance Petition VP-23-000181 for 800 Bald Eagle Dr., Marco Island, Florida 34145 (the “Subject Property”); and

WHEREAS, the Subject Property is legally described as follows:

Marco Beach, Unit 11, Replat of Block 782, Lot 27
Parcel No. 57991400005; and;

WHEREAS, this site is under the same ownership as the lot and building to the south and the proposed development will be attached to and match the existing architecture of the existing structure. To accommodate the newer (post 1997) regulatory standards and keep the development pattern consistent, these variances are needed.; and

WHEREAS, the special conditions related to the land are not due to actions of the applicant; and

WHEREAS, the literal interpretation of the code would result in a visual disjointed development with more negatives than positives such as added driveway cuts onto Bald Eagle Dr.; and

WHEREAS, the requested variances are the minimum to make possible the reasonable use of the land, building and proposed building and it will promote health, safety and welfare by minimizing driveway cuts; and

WHEREAS, granting the variance will not confer special privilege ; and

WHEREAS, granting the variance will be in keeping with the neighborhood and the existing development patterns established; and

WHEREAS, granting this variance is in keeping with the current City of Marco Island Comprehensive Plan, Future Land Use Element, Goal 2 Community Character: Maintain Marco Island as a visually attractive, small town coastal community with a strong identifiable sense of place; and

WHEREAS, the City of Marco Island (“City”) staff has reviewed the application for the variance, and recommends approval; and

WHEREAS, the City’s Planning Board reviewed and recommended approval of Variance Petition VP 23-000181 at the City Planning Board’s August 4, 2023 meeting; and

WHEREAS, City Council does hereby approve Variance Petition VP 23-000181, 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. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true, correct and incorporated by this reference.

SECTION 2. Variance Approved. Based on the testimony and evidence presented to the City Council, the City Council finds that Variance Petition VP 23-000181 meets the requirements of Section 30-65(g)(3) of the City of Marco Island Land Development Code and hereby approves the variance subject to the below conditions:

1. SDP 22-000289 be approved in conjunction with this variance request. If not, the variance is null and void.

SECTION 3. Failure to Obtain Other Permits. That issuance of this approval by the City does not in any way create any right on the part of the Owner 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 fails to obtain the requisite 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 on the Subject Property. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

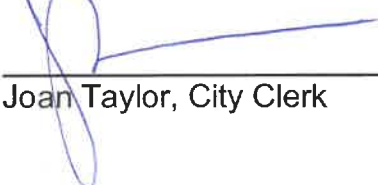
SECTION 4. Failure to Adhere to Resolution. That failure to adhere to the approval terms and conditions contained in this Resolution shall be considered a violation of this Resolution and the City Code, and persons found violating this Resolution shall be subject to the penalties prescribed by the City Code, including but not limited to the revocation of any of the approval(s) granted in this Resolution and any other approvals conditioned on this approval. The Owner understands and acknowledges that it must comply with all other applicable requirements of the City Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be

revoked by the City at any time upon a determination that the Owner is in non-compliance with the City Code.

SECTION 5. Effective Date. That this Resolution shall take effect immediately upon adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, this 5th day of September 2023.

ATTEST:



Joan Taylor, City Clerk

CITY OF MARCO ISLAND, FLORIDA
By: 

Gregory Folley, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney

