

RESOLUTION 25-49

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING VARIANCE PETITION VP 25-000127; PROVIDING FOR A VARIANCE FROM ORDINANCE NO.92-11, EXHIBIT A, PLANNED UNIT DEVELOPMENT DOCUMENT FOR HIDEAWAY BEACH, SECTION 4.04.04 MINIMUM SETBACKS FOR REAL PROPERTY LOCATED AT 673 WATERSIDE DRIVE, MARCO ISLAND, FLORIDA, SECTION 30-441(G), OF THE CITY OF MARCO ISLAND; 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, Quintero Font LLC. (the “Owner”), submitted a Variance Petition (VP-25-000127) for the property located at 673 Waterside Drive, Marco Island, Florida 34145 (the “Subject Property”); and

WHEREAS, the Subject Property is legally described as follows:

Hideaway Beach, Block 13, Lot 19
Parcel No. 50035120002;

and;

WHEREAS, the Land Development Code provides corner lots to have two front yard setbacks and two side yard setbacks. The Hideaway Beach PUD does not have such allowances. This is a special condition specific to this lot and lots in Hideaway Beach; and

WHEREAS, the Hideaway Beach PUD creates special circumstances. The Architectural guidelines allow two side yard setbacks on a corner lot; however, the PUD has not been updated to reflect the Architectural guidelines; and

WHEREAS, the applicant designed the residence based on the Architectural guidelines, and upon review by the City for a building permit, it was found to be out of compliance with the PUD. A redesign of the residence would be needed and could create practical difficulties.; and

WHEREAS, the requested variance is the minimum necessary to allow for the use of the lot; and

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

WHEREAS, granting the variance will be in harmony with the intent and purpose of the Land Development Code since it is allowed in the Land Development Code; and

WHEREAS, the requested variance is consistent with the following provisions of the City's Comprehensive Plan:

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 25-000127 at the Planning Board's September 5, 2025, meeting; and

WHEREAS, City Council does hereby approve Variance Petition VP 25-000127, 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 25-000127 meets the requirements of Section 30-65(g)(3) of the City of Marco Island Land Development Code, and hereby approves the variance to provide for a reduction in the rear yard setback.

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 6th day of October 2025.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA

Joan Taylor, City Clerk

By: _____
Stephen Gray, Vice-Chairman

Approved as to form and legal sufficiency:

Alan L. Gabriel, City Attorney