

RESOLUTION 25-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING VARIANCE PETITION VP 24-000249; PROVIDING FOR A VARIANCE FROM SECTION 30-441(G), OF THE CITY OF MARCO ISLAND LAND DEVELOPMENT CODE, FOR THE PROPERTY LOCATED AT 750 BALD EAGLE DRIVE, MARCO ISLAND, FLORIDA 34145, AS PROVIDED IN SECTION 30-85 OF THE CITY OF MARCO ISLAND LAND DEVELOPMENT CODE; PROVIDING FOR A REDUCTION IN THE FRONT YARD LANDSCAPE BUFFER TO TEN FEET; 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, United Church of Marco Island, Inc. (the “Owner”), submitted a Variance Petition (VP-24-000249) for the property located at 750 Bald Eagle Drive, 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 22 and 23
Parcel No. 57991200001;

and;

WHEREAS, the proposed new addition to be constructed at the Subject Property will be attached to and be part of the existing structure, which was constructed in 1998. The variance application indicates that due to the new flood elevation requirements and ADA requirements, the site improvements need to be pushed out for grading purposes. Specifically, the ADA requires an unobstructed 5-foot-wide walkway along the front of the new addition.; and

WHEREAS, in order to accommodate the newer, post 1998, regulatory standards, and maintain a consistent development pattern between the properties, the Owner submitted the requested variance application in order to provide for a reduction of the front yard buffer from the required twenty feet to ten feet at the Subject Property; and

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

WHEREAS, the applicant indicates without the variances, the new addition would not be built; and

WHEREAS, the requested variance is the minimum necessary to accommodate the proposed addition; and

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

WHEREAS, it does not appear that granting the variance will be injurious to the neighborhood, as similar variances granted to a nearby property have not resulted in injury to the neighborhood or public welfare. In addition, granting the variance is in keeping with the surrounding development patterns; and

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

Objective 4.1 of the Future Land Use Element: Direct new growth and redevelopment to those areas of the City where adequate public facilities exist, or are planned, and where compact and contiguous development patterns can be created, and which are located away from established low-density residential neighborhoods.

Objective 4.2 of the Future Land Use Element: Future redevelopment activities will be directed in appropriate areas, consistent with sound planning principles, the goals, objectives, and policies contained within this Plan, and where the desired community character will be upheld; 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 24-000249 at the Planning Board's July 11, 2025, meeting; and

WHEREAS, City Council does hereby approve Variance Petition VP 24-000249, 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 24-000249 meets the requirements of Section 30-65(g)(3) of the City of Marco Island Land Development Code, and hereby approves the variance to Section 30-441(g) of the City of Marco Island Land Development Code, to provide for a reduction in the front yard landscape buffer from twenty feet to ten feet at the Subject Property, subject to the below conditions:

1. SDP 24-000246 shall be approved in conjunction with this variance request. If SDP 24-000246 is not approved, the variance requested in Variance Petition VP 24-000249 shall be null and void.
2. The five (5) foot wide sidewalk in the front of the existing and new addition shall be maintained open and clear of any items

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 18th day of August 2025.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA

Joan Taylor, City Clerk

By: _____
Erik Brechnitz, Chairman

Approved as to form and legal sufficiency:

Alan L. Gabriel, City Attorney