



City of Marco Island
Growth Management Department
50 Bald Eagle Drive
Marco Island, FL 34145
Phone: 239-389-5000

PF-22

Reviewed for code compliance
M Holden
07/14/2025 3:21:21 PM

VARIANCE PETITION

Applicable Sections of the Marco Island Land Development Code Sec. 30-65 Procedures for obtaining variances

Petition number: V-_____ Date Received: _____

Planner: _____

Above to be completed by Staff

PROPERTY INFORMATION

Property Owner(s): Quintero Font LLC
Owner's Address: 4533 Ponce de Leon Blvd
Phone Number: (305) 740-5442 Email: Javier@beharfont.com

AGENT INFORMATION

Agent's Name: Javier Font
Agent's Address: 4533 Ponce de Leon Boulevard
Phone Number: (305) 740-5442 Email: Javier@beharfont.com

SITE INFORMATION

Address: 673 WATERSIDE DR Property ID#: 50035120002
Subdivision: Hideaway Beach Block: 13 Lot(s): 19
Is this a corner lot? : Yes Is this a waterfront lot? : No

Setbacks Required:

Front: 25' ft Rear: 25' ft Side: 15' ft Side: 20' ft

Setbacks provided:

Front: 25' ft Rear: 17'-0" ft Side: 15' ft Side: 20' ft

Zoning and Land Use

| Property Subject | Zoning | Land Use |
|------------------|--------|----------|
| | PUD | |
| N | PUD | |
| S | PUD | |
| E | PUD | |
| W | PUD | |

For variance requests for *existing structure(s)*, please provide the following information:

1. What is the requested encroachment?

2. When property owner purchased property?

3. When was the existing structure built (include building permit number if possible)?

4. How was existing encroachment created?

5. What is the certified cost estimate for bringing the existing structure(s) into compliance?

6. What extenuating circumstances exist related to the existing structures encroachment?

7. Are there any life/safety concerns related to the existing structure(s)?

For variance requests for *proposed structure(s)*, please provide the following information:

1. What is the proposed encroachment?

A rear setback encroachment from 25'-0" to 17'-0" with a total area of encroachment of 125 Sq.Ft. Please see attached plan and narrative.

2. Why is the encroachment necessary?

The encroachment is necessary due to an irregular lot configuration. Please see the attached narrative.

3. What extenuating circumstances exist related to the proposed structure encroachment?

The lot has an irregular lot configuration which limits available buildable space. Please see the attached narrative.

NATURE OF PETITION

Please note that staff and the Marco Island Planning Board shall be guided in their recommendation to City Council acting as the Board of Zoning Appeals, and that City Council shall be guided in its determination to approve or deny a variance petition by the below listed criteria. Please provide a *narrative* response to the listed criteria and/or questions. Attach additional pages if necessary.

1. Are there special conditions and circumstances existing which are peculiar to the location, size and characteristics of the land, structure or building involved?

The irregular lot configuration makes it difficult to accommodate the proposed structure. Please see the attached narrative.

2. Are there special conditions and circumstances which do not result from the action of the applicant such as pre-existing conditions relative to the property which is the subject of the variance request?

Yes. The conditions are pre-existing and not caused by the applicant. Please see the attached narrative.

3. Will a literal interpretation of the provisions of this zoning code work unnecessary and undue hardship or create practical difficulties on the applicant?

Yes. A literal interpretation would create practical difficulties and limit reasonable use of the property. Please see the attached narrative.

4. Will the variance, if granted, be the minimum variance that will make possible the reasonable use of the land, building or structure and which promote standards of health, safety or welfare?

Yes, the variance is only for a small wedge of the property with the total encroachment being 125 Sq.Ft. of building area while allowing for 1,594 Sq.Ft. of additional setback area. Please see the attached narrative.

5. Will granting the variance requested confer on the petitioner any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district?

No, the house proposed is only a 4,559 Sq.Ft. footprint where a 5,893 Sq.Ft. maximum footprint is allowed and all other regulations are met. Please see the attached narrative.

6. Will granting the variance be in harmony with the intent and purpose of this zoning code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare?

Yes because of the irregular lot configuration, the rear setback will vary from 17'-0" (25'-0") required to 40'-0" (25'-0" required) much greater than if the 25'-0" setback would be the built to line. Please see the attached narrative.

7. Are there natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation such as natural preserves, lakes, golf course, etc?

There are no natural conditions or physically induced conditions on the property.

8. Will granting the variance be consistent with the growth management plan?

Yes. The proposed residence is well below the allowed structure. It is a one story home where two stories are allowed and it is a total of 4,173 Sq.Ft. of air conditioned area where more than 10,000 Sq.Ft. would be allowed.

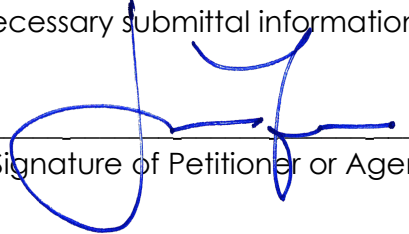
VARIANCE PETITION
(For structures other than boat dock facilities)

APPLICATION SUBMITTAL CHECKLIST

This completed checklist is to be submitted with application packet

| REQUIREMENTS | # OF COPIES REQUIRED |
|---|---|
| Completed Application | 1 |
| Completed Owner/Agent affidavit, signed and notarized | 1 |
| Pre-application notes/minutes | 1 |
| Site Plan | (please include 1 copy of any documentation in color or larger than 11x17 to be handed out at the Planning Board and City Council meetings) |
| Digital Copy of Site Plan | 1 |
| Application fee, check shall be made payable to "The City of Marco Island" in the amount of \$2,000.00. The after-the-fact variance fee is twice the variance petition fee. | |
| PUBLIC NOTICE REQUIREMENT: In addition to the fees required herein, all costs of newspaper notices and required notices for public petitions shall be paid in full prior to a scheduled public hearing. If such payment is not received prior to a scheduled public hearing, the petition will be continued and rescheduled. Any additional cost associated with a rescheduled item shall also be paid in full prior to the public hearing. Advertising for public hearings shall be prepared by staff and submitted to the newspapers as required in the Marco Island Land Development Code (LDC). If an application is filed for which a fee is not listed herein, staff shall assess the fee based upon actual time spent reviewing the petition. Marco Island Code of Ordinances Section 30-8(a). Amended 10/17/2005 | |

As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.



Signature of Petitioner or Agent

July 1, 2025

Date

DOCK FACILITY VARIANCE APPLICATION SUBMITTAL CHECKLIST

Required public hearing(s) will not be scheduled until the dock facility variance application package has been deemed by staff to be complete.

- ☐ Pre-application notes/minutes if required (Call 389-5000 to schedule a pre-application meeting)
- ☐ Completed application
- ☐ Completed Owner/Agent affidavit, signed and notarized
- ☐ Site plan, drawn to scale, illustrating all of the following:
 - ☐ Location map
 - ☐ Lot dimensions and land contour of subject property
 - ☐ Riparian line(s)
 - ☐ Required dock setbacks
 - ☐ Configuration and dimensions of decking, boatlifts, boat mooring areas of the (a) existing, (b) proposed, and (c) adjacent boat docking facilities.
 - ☐ Water depth survey, completed by a professional Florida engineer, licensed marine contractor, registered surveyor, or other person deemed to be qualified by the Community Development Director or his designee, using the format attached to the application form.
- ☐ Permit number and Certificate of Completion date for the original construction of existing boat docking facility, if applicable
- ☐ Resolution number and date of previous boat dock extension requests, if applicable
- ☐ Application fee (checks should be made payable to "City of Marco Island") in the amount of \$2,000.

PUBLIC NOTICE REQUIREMENT: In addition to the fees required herein, all costs of newspaper notices and required notices for public petitions shall be paid in full prior to a scheduled public hearing. If such payment is not received prior to a scheduled public hearing, the petition will be continued and rescheduled. Any additional cost associated with a rescheduled item shall also be paid in full prior to the public hearing. Advertising for public hearings shall be prepared by staff and submitted to the newspapers as required in the Marco Island Land Development Code (LDC). If an application is filed for which a fee is not listed herein, staff shall assess the fee based upon actual time spent reviewing the petition. **Marco Island Code of Ordinances Section 30-8(a). Amended 10/17/2005**

As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

I understand that, in addition to approval of this dock variance, a building permit is required prior to commencement of construction. I also understand that if the City of Marco Island City Council approves this dock variance, an affected property owner may file an appeal within 14 days of the hearing. If I proceed with construction during this time, I do so at my own risk.

Signature of Petitioner or Agent

Date

AFFIDAVIT

We/I, Javier Font being first duly sworn, depose and say that we/I am/are the owners of the property described herein and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, including the disclosure of interest information, all sketches, data, and other supplementary matter attached to and made a part of this application, are honest and true to the best of our knowledge and belief. We/I understand that the information requested on this application must be complete and accurate and that the content of this form, whether computer generated, or City printed shall not be altered. Public hearings will not be advertised until this application is deemed complete, and all required information has been submitted. We/I hereby also consent to access to the subject property (excluding entering any home or other enclosed structure) by City of Marco Island staff members, Planning Board members, and/or Board or Zoning Appeals members for the limited purpose of evaluating, observing, or understanding the subject property conditions as they relate to the petition. While the petition is pending, staff members, Planning Board members, or Board of Zoning Appeals members will be allowed access upon the property provided they display a Marco Island City Photo ID or a Valid Driver's License.

As property owner we/I further authorize Javier Font to act as our/my representative in any matters regarding this Petition.



Signature of Property Owner

Signature of Property Owner

Javier Font

Printed Name of Property Owner

Printed Name of Property Owner

The foregoing instrument was acknowledged before me this 1st day of July, 2025, by Javier Font, who is personally known to me or has produced _____ as identification.

State of Florida

County of Miami-Dade



Signature, Notary Public – State of Florida

Victoria Lara

Printed, Typed, or Stamped Name of Notary

