



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

PF-22

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): Donna DiPromessa, LLC
Owner's Address: 950 N. Collier Blvd. Suite 101, Marco Island FL 34145
Phone Number: (239) 394-7100 Email: fkramer@marcoislandlaw.com

AGENT INFORMATION

Agent's Name: Fred Kramer
Agent's Address: 950 N. Collier Blvd. Suite 101, Marco Island FL 34145
Phone Number: (239) 394-3900 Email: fkramer@marcoislandlaw.com

SITE INFORMATION

Address: 989 Winterberry Drive Property ID#: 57872120006
Subdivision: Marco Beach Subdivision Unit 10 Block: Block 348 Lot(s): 13-15
Is this a corner lot? : No (but on Muspa Way) Is this a waterfront lot? : No

Setbacks Required:

Front: n/a ft Rear: _____ ft Side: _____ ft Side: _____ ft

Setbacks provided:

Front: n/a ft Rear: _____ ft Side: _____ ft Side: _____ ft

Zoning and Land Use

Property Subject	Zoning	Land Use
	C-3C commercial	
N	C-3 commercial	
S	RSF-4 residential	
E	RSF-4 The Jewish Center of Marco Island	
W	C-3 commercial	

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

1. What is the requested encroachment?

n/a This variance request is made pursuant to Sec. 4-36. See attached.

2. When property owner purchased property?

November 7, 2011

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

Currently under construction; COMM-24-07013

4. How was existing encroachment created?

n/a

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

n/a

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

n/a

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

none

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

1. What is the proposed encroachment?

n/a This variance request is made pursuant to Sec. 4-36. See attached.

2. Why is the encroachment necessary?

n/a

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

n/a

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 site is seperated by Muspa Way from the Jewish Center of Marco Island (991 W *Winterberry*
Drive

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?

See attached.

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

See attached.

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?

See attached.

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

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

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?

No

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

Yes

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

Jan 28, 2026

Date

AFFIDAVIT

We/I, FRED KRAMER 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 FRED KRAMER to act as our/my representative in any matters regarding this Petition.

[Signature]
Signature of Property Owner

Signature of Property Owner

FRED KRAMER, MANAGER OF
Printed Name of Property Owner

DONNA D. PROMESSA, LLC
Printed Name of Property Owner

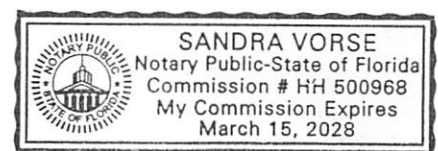
The foregoing instrument was acknowledged before me this 29 day of JANUARY, 2026 by FREDRICK C. KRAMER, who is personally known to me or has produced _____ as identification.

State of Florida
County of Collier

[Signature]
Signature, Notary Public, State of Florida

SANDRA VORSE
Printed, Typed, or Stamped Name of Notary

(Seal)



ATTACHMENT TO THE VARIANCE OF DONNA DiPROMESSA, LLC

The site at 989 Winterberry Drive (zoned C-3) is separated by the Muspa Way alley from a place of worship, the Jewish Center of Marco Island, located at 991 Winterberry Drive (Tract A of Marco Beach Unit Ten). This variance application is made pursuant to Section 4-36 of the Land Development Code (not Section 30-65) and seeks to allow a Florida Division of Alcoholic Beverages 2COP License permitting the sale of beer and wine for on-premises consumption within 500 feet of the Jewish Center. Of note, no elementary, middle, or high school, no child-care center, no public park nor playground is within 500 feet of the site. Further, the site is within the Collier Boulevard pedestrian tourist district which contains multiple existing restaurants with sales of alcoholic beverages for on-premises consumption.

Allowing the sale of beer and wine for on-premises consumption at the café is in harmony with the intent and purpose of the zoning code, is not detrimental to the public welfare, and is consistent with the growth management plan.