



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
Joshua Ooyman
04/25/2023 8:39:51 AM

Reviewed for code compliance
K Grigsby
04/28/2023 2:37:04 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): Bald Eagle Trust of 1997 (Ehlen Family)

Owner's Address: 800 Bald Eagle Drive

Phone Number: 239-294-0500 Email: ehlenconstruction@hotmail.com

AGENT INFORMATION

Agent's Name: Robert Mulhere, FAICP, President/CEO

Agent's Address: 950 Encore Way, Suite 200, Naples, FL 34110

Phone Number: 239-254-2000 Email: Bobmulhere@hmeng.com

SITE INFORMATION

Address: 800 Bald Eagle Drive (Marco) Property ID#: 57991400005

Subdivision: MARCO BCH UNIT 11 REPLAT Block: 782 Lot(s): 27

Is this a corner lot? : No Is this a waterfront lot? : No

Setbacks Required:

Front: 25' ft Rear: 25' ft Side: 0' ft Side: 15' ft

Setbacks provided:

Front: 25' ft Rear: 18' ft Side: 0' ft Side: 15' ft

Zoning and Land Use

Property Subject	Zoning	Land Use
	C-4 Vacant	
N	C-4 Strip Center (Bill Smith Appliances)	
S	C-4 Existing Ehlen Floor Covering and Platted Pedestrian Way (50')	
E	RMF-16 Herb Savage Way (Alley) then Court of Palm Condominium	
W	C-5/C-5 Retail/Office Building	

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

1. What is the requested encroachment?

No encroachment. This is not an after-the-fact request.

2. When property owner purchased property?

1997

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

Not applicable. Lot is vacant.

4. How was existing encroachment created?

No existing encroachment.

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

No Applicable.

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

Lot vacant, see Attachment "A" - Narrative and Justification

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

No

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

1. What is the proposed encroachment?

Variance from Sec. 30-245, to allow a setback of 18 feet, rather than 25 feet, and
a variance from LDC Sec. 30-485, to not require the 5' landscape buffer in the
rear. See Attachment "A" Narrative and Justification for detailed analysis
& information.

2. Why is the encroachment necessary?

See Attachment "A" Narrative and Justification for detailed analysis & information.

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

See Attachment "A" Narrative and Justification

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?

Yes, please see Attachment "A" Narrative and Justification for detailed analysis
& information.

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?

No.

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, please see Attachment "A" Narrative and Justification for detailed analysis
& information.

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.

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. Any other similarly zoned and situated parcel owner may request a similar variance, with justification.

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, if approved by City Council.

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

4/7/2023
Date

AFFIDAVIT

We/I, Edward Ehlen, Director 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 Robert J. Mulhere, FAICP, President/CEO to act as our/my representative in any matters regarding this Petition.


Signature of Property Owner

Signature of Property Owner

Edward Ehlen, Director

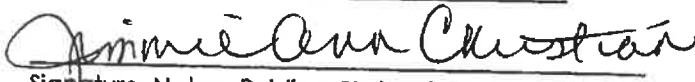
Printed Name of Property Owner
Ehlen Floor Covering, Inc.

Printed Name of Property Owner

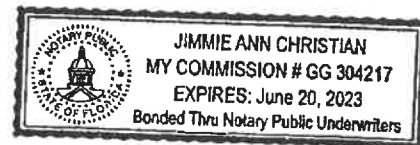
The foregoing instrument was acknowledged before me this 20th day of March, 2023
by Edward Ehlen, who is personally known to me or
has produced _____ as identification.

State of Florida

County of Collier


Signature, Notary Public - State of Florida

(Seal)



Printed, Typed, or Stamped Name of Notary

April 7, 2023

Mary P. Holden, Planning Manager
City of Marco Island
50 Bald Eagle Drive
Marco Island, FL 34145

**Re: Ehlen Floor Covering
Variance Petition
HM File No.: 2022.105**

Dear Ms. Holden:

On behalf of our client, Ehlen Floor Covering, we are pleased to submit the attached Variance Petition. For a detailed summary of our request, please see attached Exhibit A - Narrative and Justification.

We include the following:

- One (1) copy of Cover Letter (this is the Cover Letter);
- One (1) fee check in the amount of \$2,000;
- One (1) copy of Variance Application;
- One (1) copy of Owner/Agent Affidavit (signed and notarized); and
- One (1) copy of Exhibit A - Narrative and Justification.

An electronic copy of this application will be provided to the Marco Island Growth Management office. If you have any questions, please don't hesitate to contact me.

Very truly yours,

HOLE MONTES, INC.



Robert J. Mulhere, FAICP
President/CEO
RJM/sek

cc: Ed Ehlen w/enclosures
Tom Ehlen w/enclosures
Kevin Dowty, P.E. w/enclosures