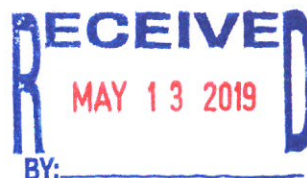




City of Marco Island
Community Affairs Department
50 Bald Eagle Drive
Marco Island, FL 34145
Phone: 239-389-5000 or FAX: 239-393-0266

PF-22



VARIANCE PETITION

Petition number: VP-19-000921 Date Received: _____

Planner: _____

ABOVE TO BE COMPLETED BY STAFF

Property Owner(s): Martin Judd; Carol Cienkus

Owner's Address: 3919 School Street, Downers Grove, IL 60515

Telephone: _____ Fax: _____

Agent's Name: Craig Woodward, Esq.; Zachary Lomabrdo, Esq.

Agent's Address: 606 Bald Eagle Drive, Marco Island, FL 34145

Telephone: (239)-394-5161 Fax: (239)-642-6402

Site Information 672

Address: 972 Crescent Street Property ID #: 57930800006

Subdivision: Marco Beach Unit II Block: 361 Lot(s): 1

Is this a corner lot?: Yes Is this a waterfront lot?: Yes

Setbacks Required:

Front: 25 ft Front: 25 ft Side: 8 ft Side: 8 ft

Setbacks provided:

Front: 25 ft Front: 25 ft Side: 8 ft Side: 8 ft

Zoning and Land Use

Property Subject	Zoning	Land Use
	RSF-3	Vacant Lot
N	RSF-3	House and Canal
S	RSF-3	Crescent Street and House
E	RSF-3	Thrush Street and House
W	RSF-3	House

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

1. **What is the requested encroachment?**

N/A

2. **When property owner purchased property**

N/A

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

N/A

4. **How 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)?**

N/A

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

1. **What is the proposed encroachment?**

N/A

2. **Why is the encroachment is 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?

See Supplement.

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 Supplement.

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 Supplement.

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 Supplement.

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?

See Supplement.

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?

See Supplement.

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?

See Supplement.

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

See Supplement.

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	1 (please include 15 copies of any documentation in color or larger than 11x17 to be handed out at the Planning Board and City Council meetings)
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.

ZACHARY W.
of Petitioner or Agent
LOMBARDO, ESR.

5/13/19
Date

 Signature

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 389-5013 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, Martin Judd and Carol Cienkus 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 Craig Woodward, Esq.; Zachary Lomabrdo, Esq. to act as our/my representative in any matters regarding this Petition.

Martin Judd
Signature of Property Owner

MARTIN JUDD
Printed Name of Property Owner

Carol Cienkus
Signature of Property Owner

CAROL CIENKUS
Printed Name of Property Owner

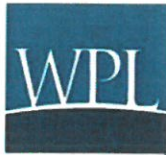
The foregoing instrument was acknowledged before me this 13th day of May, 2019, by Martin Judd & Carol Cienkus who are personally known to me or has produced an identification

State of ~~Florida~~ Illinois
County of Cook

Margaret C. Guerrero
Signature, Notary Public - State of ~~Florida~~ Illinois

Margaret C. Guerrero
Printed, Typed, or Stamped Name of Notary





EST. 1971

WOODWARD, PIRES & LOMBARDO, P.A.

ATTORNEYS AT LAW

CRAIG R. WOODWARD
Board Certified: Real Estate Law

MARK J. WOODWARD
Board Certified: Real Estate Law
Board Certified: Condominium
and Planned Development Law

ANTHONY P. PIRES, JR.
Board Certified: City, County,
and Local Government Law

J. CHRISTOPHER LOMBARDO
Board Certified: Marital
and Family Law

JENNIFER L. DEVRIES

JENNIFER M. TENNEY

LENORE T. BRAKEFIELD

JOSEPH M. COLEMAN

KENNETH V. MUNDY

ZACHARY W. LOMBARDO

ANTHONY J. DIMORA
Licensed in FL and OH

CAMERON G. WOODWARD

May 13, 2019

By email

Dan Smith
Mary Holden
City of Marco Island
50 Bald Eagle Drive
Marco Island, Florida 34145

dsmith@cityofmarcoisland.com

mholden@cityofmarcoisland.com

Re: Variance Petition
Judd & Cienkus – 672 Crescent Street

Dear Dan and Mary,

Enclosed please find the variance petition and all supporting
documentation as follows:

1. A Completed Variance Application
2. A Completed Owner/Agent affidavit, signed and notarized
3. Supplement to Variance Application
4. Site Plan

The City fees have been waived as agreed. Contact me if you have any
questions. I look forward to having this scheduled at the June hearing.

Sincerely,

Craig R. Woodward, Esq.
Zachary W. Lombardo, Esq.

Enclosures as noted
Copies to client

REPLY TO:

3200 TAMiami TRAIL N.
SUITE 200
NAPLES, FL 34103
239-649-6555
239-649-7342 FAX

606 BALD EAGLE DRIVE
SUITE 500
P.O. BOX ONE
MARCO ISLAND, FL 34146
239-394-5161
239-642-6402 FAX

WWW.WPL-LEGAL.COM