



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: V- _____ Date Received: _____

Planner: _____

ABOVE TO BE COMPLETED BY STAFF

Property Owner(s): BRE SE Retail Holdings, LLC c/o Ryan LLC Tax Compliance

Owner's Address: PO Box 4900 - Dept 124, Scottsdale, AZ 85261-4900

Telephone: (602) 955-1792

Fax: (602) 955-4892

Agent's Name: Jack D. May, Jr.

Agent's Address: Magee Sign Service - 1511 20th Ave. East, Palmetto, FL 34221

Telephone: (941) 722-5391

Fax: (941) 722-6020

Site Information

Address: 1089 N Collier Blvd., Marco Island

Property ID #: 56930960002

Subdivision: _____

Block: _____ Lot(s): _____

Is this a corner lot?: No* (multiple street frontage)

Is this a waterfront lot?: No

Setbacks Required:

Front: _____ ft Rear: _____ ft Side: _____ ft Side: _____ ft

Setbacks provided:

Front: _____ ft Rear: _____ ft Side: _____ ft Side: _____ ft

Zoning and Land Use

Property Zoning
Subject C4

Land Use

16 - Community Shopping Centers

N

S

E

W

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

12/13/11

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

1974

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?**

Marco Island Town Center is undergoing a complete renovation which will occur in phases. Confusion regarding areas of egress and whether or not the individual stores are open or closed is a concern for both the retailers and their clients.

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. Due to the property size and configuration during the renovation, the limitation of the size and number of temporary signs (both directional and informational) can cause confusion for tenants and clients.

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 request for additional temporary signage (Drawings and Site Plan Attached) will direct and inform business owners their employees, delivery and service vehicles, and those shopping at Marco Town Center. This will create a safer and more pleasing experience for the neighborhood and all those who will enter the Center.

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. This is assuming any other petitioner under similar circumstance and zoning district would have equal opportunity to secure a variance.

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. The additional temporary signage ensures the public is informed about the renovation while acting as a guide while for safely entering and exiting the property. Placement of the signs and the quality of the graphics will give the Center a more visually appealing look, making interaction with the surrounding business community equally appealing.

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. The need for the temporary signage will be approximately one year and have no impact on the growth management plan.

However the renovation of Marco Town Center is completely consistent with the growth management plan.

VARIANCE PETITION

(For structures other than boat dock facilities)

APPLICATION SUBMITTAL CHECKLIST

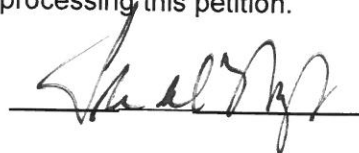
This completed checklist is to be submitted with application packet

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.

Jack D. May, Jr.
of Petitioner or Agent

12/9/2019
Date

 Signature

AFFIDAVIT

We/I, Matthew Ryan 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 Magee sign service to act as our/my representative in any matters regarding this Petition.

[Signature]
Signature of Property Owner

Signature of Property Owner

Matthew Ryan
Printed Name of Property Owner

Printed Name of Property Owner

The foregoing instrument was acknowledged before me this 13th day of December 2019, by Matthew Ryan, who is personally known to me or has produced N/A as identification.

State of ~~Florida~~ Georgia

County of Cobb

Alisha Sams
Signature, Notary Public – State of Florida

Alisha Sams
Printed, Typed, or Stamped Name of Notary

