



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: Jason Smalley

ABOVE TO BE COMPLETED BY STAFF

Property Owner(s): McDonald's Corporation

Owner's Address: 1855 Veterans Park Drive, Suite 203, Naples, FL 34109

Telephone: 786-779-1702 Fax: _____

Agent's Name: Albert Lopez, CPH, Inc.

Agent's Address: 2216 Altamont Avenue, Fort Myers, FL 33901

Telephone: 239-332-5499 Fax: _____

Site Information

Address: 899 N. Collier Blvd., Marco Island Property ID #: 57490120006

Subdivision: N/A Block: 797 Lot(s): 2 & 3

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

Setbacks Required:

Front: 25 ft Rear: 10' ft Side: 0-15 ft Side: 0-15 ft

Setbacks provided:

Front: 89.50 ft Rear: 57.58 ft Side: 54.96 (S) ft Side: 62.32 (N) ft

Zoning and Land Use

Property	Zoning	Land Use
Subject	<u>C-4 w/ Overlay District 1</u>	
N	<u>N. Collier Blvd</u>	
S	<u>C-4 w/ Overlay District 1</u>	
E	<u>C-4 w/ Overlay District 1</u>	
W	<u>C-4 w/ Overlay District 1</u>	

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

1. What is the requested encroachment?

The existing landscape buffers width does not meet the current Land Development Code requirements as the project was previously designed and constructed under an older code. Site developable area is maximized.

2. When property owner purchased property

September 1, 1988

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

1989 COUNTY 88-2493

4. How existing encroachment created?

Encroachment exists as a result of previous land development code in effect at the time of the original Site Plan approval.

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?

The existing site is fully developed; bringing the buffers up to new LDC compliance will eliminate all parking spaces along the site perimeter.

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

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?

The existing building, driveways and parking spaces required to support the Restaurant use are limiting the existing buffer areas impeding these to be brought to the current LDC buffer width requirements. However, the required landscape plant material will be met.

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?

The existing building, driveways and parking spaces required to support the Restaurant use are limiting the existing buffer areas impeding these to be brought to the current LDC buffer width requirements. However, the required landscape plant material will be met.

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

N/A

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?

It is our understanding that the existing landscape buffers are in compliance with a former version of the LDC. The existing health, safety or welfare will not be altered by this request.

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?

It is our understanding that granting the requested variance should not be considered a special privilege due to the nature of the pre-existing conditions previously mentioned.

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?

~~It is our understanding that granting this variance will not adversely affect the growth~~
management plan. The variance requested will not in any way alter the existing use of the property.
No major improvements affecting the existing building square footage are proposed.

VARIANCE PETITION

(For structures other than boat dock facilities)

APPLICATION SUBMITTAL CHECKLIST

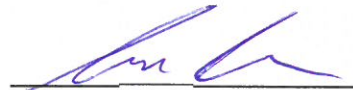
This completed checklist is to be submitted with application packet

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.

Albert Lopez
of Petitioner or Agent

April 8, 2020
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, McDonald's Corporation 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 Albert Lopez, CPH, Inc. to act as our/my representative in any matters regarding this Petition.

Vivian Valdivia
Signature of Property Owner

Signature of Property Owner

Vivian Valdivia
Printed Name of Property Owner

Printed Name of Property Owner

The foregoing instrument was acknowledged before me this 17th day of APRIL, 2020, by VIVIAN VALDIVIA, who is personally known to me or has produced _____ as identification.

State of Florida
County of LEE

Kelly Pearce
Signature, Notary Public – State of Florida

(Seal)

Printed, Typed, or Stamped Name of Notary

