



Legislation Details (With Text)

File #: ID 19-690 **Version:** 1 **Name:**
Type: Resolution **Status:** Passed
File created: 1/3/2020 **In control:** City Council
On agenda: 1/21/2020 **Final action:** 1/21/2020
Title: Resolution Approving a Variance Petition request (VP-19-0101040) to allow for a four (4) foot cantilevered encroachment into the thirty (30) foot landscape buffer, required by the Hideaway Beach Planned Unit Development at the rear of 261 Hideaway Circle S., Marco Island, FL 34145

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution 20-04, 2. Staff Report, 3. Application, 4. Collier County Property Appraiser Data, 5. Site Plan, 6. Architectural Renderings, 7. Landscape Plan, 8. Hideaway PUD Landscape Buffer, 9. Resident Letter of Concern

Date	Ver.	Action By	Action	Result
1/21/2020	1	City Council	Approved	Pass
1/21/2020	1	City Council	Approved	

Agenda Item: 12(b)	Prepared By: Daniel J. Smith, AICP, Director
Business: Resolution	Department: Growth Management

Subject:

Resolution Approving a Variance Petition request (VP-19-0101040) to allow for a four (4) foot cantilevered encroachment into the thirty (30) foot landscape buffer, required by the Hideaway Beach Planned Unit Development at the rear of 261 Hideaway Circle S., Marco Island, FL 34145

BACKGROUND:

Mr. Michael Hajjar, agent for the owner, Raymond A. Jean, as trustee or his successor in trust of the Raymond A. Jean Revocable Living Trust dated June 16, 1975, and as amended February 21, 2003, has submitted a variance petition to allow a cantilevered pool deck and screen enclosure to encroach four feet for a length of 85-89 feet into a thirty-foot deep landscape buffer along the rear of the property. The thirty (30) foot deep landscape buffer was required as part of the original approval of the Hideaway PUD approved in 1979 and runs along the rear of 36 Hideaway lots adjacent to the existing residential lots on Kendall Dr., Colonial Ave, and Spinnaker Dr., which lots are in a different subdivision.

The applicant has provided an application that includes the responses to the criteria for review of a variance, site plan, landscape plan and modeled renderings of what the deck will look like. All are attached to this Staff report.

Staff has included a copy of that portion of the Hideaway PUD indicating the required thirty (30) foot landscape buffer.

PLANNING BOARD SUMMARY AND RECOMMENDATION:

The Planning Board held a public hearing and considered the variance petition at their January 3, 2020 meeting. Discussion included the distinction between an easement and setback; the distinction between the Hideaway PUD document and the Hideaway Architectural Guidelines; and the intent of the landscape buffer being for the benefit of both properties (in Hideaway and along Colonial). Mr. Jean, owner of the lot, presented the variance and reasoning for the request. Mr. Hajjar made a power point presentation outlining the variance request. More discussion ensued surrounding hedging to reduce noise and landscaping to reduce the visual impact of a 26-foot-high screen enclosure. A question was posed if a single-story screen enclosure could be constructed. Two adjacent neighbors spoke against the variance citing the two-story screen enclosure. It was suggested the encroachment be limited to the area of the pool and not the entire length proposed. After discussion, the Planning Board voted 7-0 to recommend approval of a variance with the below finding and conditions:

Finding:

1. The variance will be consistent with Comprehensive Plan.

Conditions:

1. Reduce screen enclosure to a single story.
2. Reduce the length of overhang (encroachment into buffer) by 20 feet.
3. Agree to place a minimum of a six (6) foot high, opaque landscape screen along the rear property line in addition to the proposed landscape plan submitted with the application.

FUNDING SOURCE / FISCAL IMPACT:

Applicant has paid \$2,000.00 in applicable fees.

RECOMMENDATION:

Staff recommends the City Council approve Resolution 20-04 with the following finding and conditions:

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1. The variance will be consistent with Comprehensive Plan.

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POTENTIAL MOTION:

“I move to approve Resolution 20-04.”