RESOLUTION 08-11935
Meeting of 01/23/08

A RESOLUTION OF THE NAPLES CITY COUNCIL, SITTING AS THE CITY OF NAPLES BOARD OF APPEALS, DETERMINING APPEAL OF ALAN MENGEL, FROM THE ADMINISTRATIVE DECISION OF THE BUILDING OFFICIAL REGARDING THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON PROPERTY LOCATED AT 50 BROAD AVENUE SOUTH, NAPLES, FLORIDA IN CONFORMANCE WITH SECTION 16-112 AND SECTION 16, ARTICLE IV OF THE CODE OF ORDINANCES, OF THE CITY OF NAPLES, MORE FULLY DESCRIBED HEREIN; PROVIDING FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sections 2-83 and 16-82 of the Code of Ordinances of the City of Naples provide that the City Council sitting as the Board of Appeals, shall hear and decide appeals from the decisions of the Building Official in the application and interpretation of applicable building codes pertaining to flood plain management; and

WHEREAS, Section 16-112 of the Code of Ordinances of the City of Naples has adopted the Florida Building Code in that the provisions of Chapter 1, Administration, shall govern the administration and enforcement of the Florida Building Code; and

WHEREAS, Section 16, Article IV, entitled Flood Damage Prevention, of the Code of Ordinances of the City of Naples was adopted to ensure the public health, safety and general welfare of its citizens is protected from flood damage; and

WHEREAS, Alan Mengel contends that the construction of a single-family home to be built on his property located at 50 Broad Avenue South is consistent with the true intent and meaning of the Florida Building Code and the City of Naples Flood Damage Prevention Ordinance; and

WHEREAS, after careful consideration, the Building Official has determined that the proposed construction of a single-family home at 50 Broad Avenue South as submitted, does not meet the requirements of the Florida Building Code and the Flood Damage Prevention Ordinance as adopted by the City of Naples; and

WHEREAS, the petitioner has appealed the decision of the Building Official in the application and interpretation of the Florida Building Code and Flood Damage Prevention Ordinance; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA, SITTING AS THE CITY OF NAPLES BOARD OF APPEALS:

Section 1. After considering the requirements of the Naples City Code, the testimony and evidence concerning the relevant issues, and after providing the appellant, the Building Official and administrative staff and the public an opportunity to present testimony and evidence, the City Council, sitting as the City of Naples Board of Appeals, reverses the decision of the Building Official.
Resolution 08-11935

Section 2. That the appeal is hereby granted from Section 16-112 and Section 16 Article IV of the Code of Ordinances of the City of Naples to allow for the construction of a single-family home at 50 Broad Avenue South as submitted.

Section 3. This resolution shall take effect immediately upon adoption.


Attest:
Tara A. Norman, City Clerk

Approved as to form and legality:
Robert D. Pritt, City Attorney

Date filed with City Clerk: 1/24/08