RESOLUTION 08-11971

A RESOLUTION DETERMINING A COASTAL CONSTRUCTION SETBACK LINE VARIANCE TO CONSTRUCT A SINGLE-FAMILY RESIDENCE, SWIMMING POOL, SPA, TRELILIS, DRIVEWAY, LANDSCAPING, AND EXTERIOR LIGHTING SEAWARD OF THE COASTAL CONSTRUCTION SETBACK LINE AT 50 6th AVENUE NORTH; PROVIDING FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 52-32 of the Land Development Code of the City of Naples establishes a Coastal Construction Setback Line; and

WHEREAS, Richard D. and Jennifer Housh have petitioned for a variance from the Coastal Construction Setback Line in order to construct a single-family residence, swimming pool, spa, trellis, driveway, landscaping, and exterior lighting seaward of the coastal construction setback line at 50 6th Avenue North; and

WHEREAS, following an advertised public hearing, as required by Chapter 46-36 of the Comprehensive Development Code, and taking into consideration the recommendation of the City staff, the City Council has determined that a variance from the City's Coastal Construction Setback Line should be granted at 50 6th Avenue North to carry out the above-referenced project west of the Coastal Construction Setback Line;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That a Coastal Construction Setback Line variance is hereby granted to construct a single-family residence, swimming pool, spa, trellis, driveway, landscaping, and exterior lighting seaward of the Coastal Construction Setback Line at 50 6th Avenue North; in accordance with the Site Plan prepared by Architectural Land Design, Incorporated, dated January 28, 2008, a copy of which is on file in the City Clerk's office for the property described below:

Lot 1 and the North 23 feet of Lot 2, Block 26, Tier 1, less and except the easterly 143 feet thereof, as shown on the Replat of Part of Tier One, Naples, According to the Plat Thereof as Recorded in Plat Book 1, Page 73 of the Public Records of Collier County, Florida, less and except the easterly 143 feet thereof.

Section 2. The City Council hereby finds that the petitioners have made an affirmative showing by clear and convincing evidence that their proposed construction line shall not adversely alter the natural state of the beach area protected by the present setback line; that it shall not accelerate, increase or aggravate natural erosion; that it shall not endanger upland properties; that beach and sand dune erosion shall be controlled; and that it shall not adversely affect the public health, safety and welfare.

Section 3. Should the design change, the Natural Resources Manager will prepare an analysis of the effect on this resolution and notify City Council whether it is of a magnitude that should require submission of a variance amendment.

Section 4. That local approval is hereby granted for the issuance of a permit by the State of Florida for construction seaward of the Coastal Construction Setback Line.
Resolution 08-11971

Section 5. This resolution shall take effect immediately upon adoption.


Bill Barnett, Mayor

Attest:

Tara A. Norman, City Clerk

M:\REF\COUNCIL\RES\2008\08-11971

Date filed with City Clerk: 3-27-08

See Supplemental Map Drawer #4 for site plan.