RESOLUTION 08-11981

A RESOLUTION DETERMINING VARIANCE PETITION 08-V2 FROM SECTION 58-296 OF THE LAND DEVELOPMENT CODE OF THE CITY OF NAPLES, WHICH REQUIRES A REAR SETBACK OF 20 FEET FOR ANY STRUCTURE IN ORDER TO ALLOW FOR COVERED PATIOS A MINIMUM OF 10 FEET FROM CURLEW CANAL, FOR PROPERTY LOCATED AT 1395, 1405, 1425 AND 1435 CURLEW AVENUE, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 58-296 of the Code of Ordinances of the City of Naples establishes a minimum 20 foot rear yard setback in the R3-12, Multifamily Residential District; and

WHEREAS, Members of the Granada Homes II Association are the owners of the property; and

WHEREAS, Ronald and Dorothy Gilmore, petitioners’ agents, have been authorized by the owners to file this petition; and

WHEREAS, the petitioner has requested a variance from the rear yard setback requirement in order to allow for covered patios a minimum of 10 feet from the Curlew Canal at 1395, 1405, 1425 and 1435 Curlew Avenue; and

WHEREAS, the Planning Advisory Board, following an advertised public hearing, considered public input, the recommendation of the staff, and the standards and guidelines of Subsection 46-37, “Variances,” and recommended by a vote of 6 to 0 that Variance Petition 08-V2 be approved, finding that the criteria have been met; and

WHEREAS, after considering the recommendation of the Planning Advisory Board and after providing the petitioner, staff and the public an opportunity to present testimony and evidence, the City Council finds that the criteria set forth in Section 46-37 of the Land Development Code for variances have been met and that the petition should be granted;

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

Section 1. That Variance Petition 08-V2 is hereby granted from Subsection 58-296 of the Code of Ordinances of the City of Naples, which requires a rear setback of 20 feet for any structure in order to allow for covered patios (either screened or glassed enclosure) a minimum of 10 feet from Curlew Canal, for property located at 1395, 1405, 1425 and 1435 Curlew Avenue, more fully described in Exhibit "A" attached herein:

Section 2. That this approval is subject to the following condition:

This variance applies only to the existing structures. Redevelopment of this site will be subject to the 20 foot rear setback required by the Land Development Code.

Section 3. This resolution shall take effect immediately upon adoption.
Resolution 08-11981


Bill Barnett, Mayor

Attest:
Tara A. Norman, City Clerk

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

Date filed with City Clerk: 4/8/08
Resolution 08-11981

Exhibit “A”

Legal Descriptions

1395 Curlew Avenue, Unit 3:

APARTMENT 3, BUILDING 4, GRANADA HOMES CONDO II, ACCORDING TO THE DECLARATION OF CONDOMINIUMS AS RECORDED IN O.R. BOOK 520, PAGES 944, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

1395 Curlew Avenue, Unit 4:

THAT CERTAIN CONDOMINIUM PARCEL COMPOSED OF (UNIT) APT #4, BUILDING FOUR, AND AN UNDIVIDED 1/16 SHARE IN THOSE COMMON ELEMENTS APPURTENANT THERETO IN ACCORDANCE WITH AND SUBJECT TO THE COVENANTS, CONDITIONS RESTRICTIONS, TERMS, AND OTHER PROVISIONS OF THAT DECLARATION OF CONDOMINIUM OF GRANADA CONDOMINIUM HOMES II, A CONDOMINIUM, AS RECORDED IN OFFICIAL RECORDS BOOK 353, PAGES 907 THROUGH 942, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

1405 Curlew Avenue, Unit 3:

APARTMENT 3, BUILDING 3, GRANADA CONDOMINIUM HOMES II, A CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF, OF RECORD IN OFFICIAL RECORD BOOK 353, PAGES 907-942, AS AMENDED, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, TOGETHER WITH AN UNDIVIDED SHARE IN THE COMMON ELEMENTS APPURTENANT THERETO.

1405 Curlew Avenue, Unit 4:

THAT CERTAIN CONDOMINIUM PARCEL COMPOSED OF APT. 4, BUILDING 3, GRANADA CONDOMINIUM HOMES II AND AN UNDIVIDED SHARE IN THE COMMON ELEMENTS APPURTENANT THERETO IN ACCORDANCE WITH AND SUBJECT TO THE COVENANTS, RESTRICTIONS, TERMS AND OTHER PROVISIONS OF THE DECLARATION THEREOF RECORDED IN OFFICIAL RECORDS BOOK 353, PAGES 907 THROUGH 942, INCLUSIVE, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, AND SUBSEQUENT AMENDMENTS THERETO.

1425 Curlew Avenue, Unit 3:

UNIT APT. 3, BUILDING TWO OF GRANADA CONDOMINIUM HOMES II, A CONDOMINIUM ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF, RECORDED IN OFFICIAL RECORDS BOOK 353, PAGE 907, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, AND ALL AMENDMENTS THERETO, TOGETHER WITH ITS UNDIVIDED SHARE IN THE COMMON ELEMENTS.

1425 Curlew Avenue, Unit 4:

THAT CERTAIN CONDOMINIUM PARCEL COMPOSED OF (UNIT) APARTMENT NO. 4, BUILDING TWO, AND AN UNDIVIDED 1/16 SHARE IN THOSE COMMON ELEMENTS APPURTENANT THERETO IN ACCORDANCE WITH AND SUBJECT TO THE COVENANTS, CONDITIONS, RESTRICTIONS, TERMS, AND OTHER PROVISIONS OF THAT DECLARATION OF CONDOMINIUM AND ALL
Resolution 08-11981

AMENDMENTS THERETO OF GRANADA CONDOMINIUM HOMES II, A CONDOMINIUM AS RECORDED IN OFFICIAL RECORDS BOOK 353, PAGES 907 THROUGH 942, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA (TOGETHER WITH AN UNDIVIDED 1/8 INTEREST IN AND TO BOAT DOCK #1). SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS OF RECORD AND TAXES FOR 1991 AND SUBSEQUENT YEARS.

1435 Curlew Avenue, Unit 3:

APARTMENT 3, BUILDING 1, GRANADA CONDOMINIUM HOMES II, A CONDOMINIUM ACCORDING TO THE DECLARATION OF CONDOMINIUM RECORDED IN OFFICIAL RECORDS BOOK 353, PAGE 907 THROUGH 942 AND AMENDMENTS THERETO, AND AS PER PLAT THEREOF, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

1435 Curlew Avenue, Unit 4:

APARTMENT NUMBER 4, BUILDING ONE, GRANADA CONDOMINIUM HOMES II, A CONDOMINIUM ACCORDING TO THE DECLARATION OF CONDOMINIUM RECORDED AT O.R. BOOK 353, PAGES 907 THROUGH 942, INCLUSIVE, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, TOGETHER WITH AN UNDIVIDED 1/8 INTEREST IN AND TO BOAT DOCK #1.