RESOLUTION 08-11984
Meeting of 3/19/08

A RESOLUTION DETERMINING A COASTAL CONSTRUCTION SETBACK LINE VARIANCE TO CONSTRUCT A SINGLE-FAMILY RESIDENCE, SWIMMING POOL, SPA, DRIVEWAY, LANDSCAPING, AND EXTERIOR LIGHTING SEAWARD OF THE COASTAL CONSTRUCTION SETBACK LINE AT 45 32nd AVENUE SOUTH; PROVIDING FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, Lexa Homes, LLC, has petitioned for a variance from the Coastal Construction Setback Line in order to construct a single-family residence, swimming pool, spa, driveway, landscaping, and exterior lighting seaward of the coastal construction setback line at 45 32nd Avenue South; 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 45 32nd Avenue South 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, driveway, landscaping, and exterior lighting seaward of the Coastal Construction Setback Line at 45 32nd Avenue South, in accordance with the Site Plan prepared by Architectural Land Design, Incorporated, dated December 26, 2007, a copy of which is on file in the City Clerk's office, for the property described below:

Ocean View Addition, Block 3, Lots 1 through 22 less the East 5 feet of Lot 1, Section 16, Township 50S, Range 25E, City of Naples, Collier County, according to the Map or Plat thereof Recorded in Plat Book 1, Page 3, of the Public Records of Collier County, Florida.

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


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

See Supplemental Map Drawer #4 for site plan.