RESOLUTION 08-12111

A RESOLUTION DETERMINING VARIANCE PETITION 08-V5 FROM SECTION 58-146(1) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, WHICH REQUIRES A FRONT SETBACK OF 40 FEET FOR ANY STRUCTURE IN ORDER TO ALLOW AN ENTRY STAIR AND ROOF EXTENSION ON THE FRONT OF THE EXISTING HOUSE, 25 FEET 4 INCHES FROM THE EAST PROPERTY LINE ON PROPERTY LOCATED AT 3800 GORDON DRIVE, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 58-146(1) of the Code of Ordinances of the City of Naples establishes a minimum 40 foot front yard setback in the R1-15 Residence district; and

WHEREAS, Terrance D. Aurini is the owner of the property and petitioner for this variance; and

WHEREAS, John Dyehouse, Dyehouse Comeriato Architect, has been authorized by the owner to act as the agent for this petition; and

WHEREAS, the petitioner has requested a variance from the front yard setback requirement in order to allow the existing stairs to be rebuilt 25 feet 4 inches from the front, east property line and a new roof overhang to extend over the stairs; 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 5 to 2 that Variance Petition 08-V5 be approved with conditions, 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-V5 is hereby granted from Subsection 58-146(1) of the Code of Ordinances of the City of Naples, which requires a front setback of 40 feet for any structure in order to allow an entry stair and roof extension on the front of the existing house 25 feet 4 inches from the east property line on property located at 3800 Gordon Drive, more fully described in Exhibit "A" attached hereto.

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

1. This variance applies only to the existing structures. Redevelopment of this site will be subject to the development standards in effect at that time.
Resolution 08-12111

2. The approval is based on the plans submitted by Dyehouse Comeriato Architect and labeled A1.0, A2.0, A3.0 dated 4-1-08, a copy of which are on file in the City Clerk's office.

Section 3. 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: 7-22-08

See Supplemental Map Drawer #4 for plans.
Resolution 08-12111

Exhibit“A”

Legal Descriptions

BEACH ESTATES, LOTS 21, 22 AND A PORTION OF LOTS 20 AND 23, COLLIER COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED IN OR. BOOK 2202 PAGE 0529 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

PARCEL “B”

THE NORTH 109.35 FEET (AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF GOVERNMENT LOT 2 OF SECTION 21, TOWNSHIP 50 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA) OF THE SOUTH 1075.74 FEET (AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID GOVERNMENT LOT 2) OF THE SUBDIVISION OF BEACH ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 66, COLLIER COUNTY PUBLIC RECORDS, COLLIER COUNTY, FLORIDA; BEING BOUNDED ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF GORDON DRIVE AND ON THE WEST BY THE WATERS OF THE GULF OF MEXICO; BEING ALL OF LOTS 21 AND 22 AND BEING PART OF LOTS 20 AND 23 OF SAID SUBDIVISION OF BEACH ESTATES, (PLAT BOOK 1 PAGE 66), COLLIER COUNTY, FLORIDA; SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD;

AND PARCEL “B-1”

ALL THAT PART OF THE WEST 30 FEET OF GORDON DRIVE RIGHT-OF-WAY AS VACATED BY THE CITY OF NAPLES RESOLUTION NO. 3571 AND RECORDED IN OFFICIAL RECORDS BOOK 877, PAGE 1344, COLLIER COUNTY PUBLIC RECORDS, COLLIER COUNTY, FLORIDA; BEING BOUNDED ON THE NORTH BY THAT LINE WHICH LIES 1075.74 FEET NORTH OF, (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE SOUTH LINE OF GOVERNMENT LOT 2 OF SECTION 21, TOWNSHIP 50 SOUTH, RANGE 25 EAST, COLLIER COUNTY FLORIDA; AND BEING BOUNDED ON THE SOUTH BY THAT LINE WHICH LIES 966.39 FEET NORTH OF, (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE SOUTH LINE OF GOVERNMENT LOT 2 OF SECTION 21, TOWNSHIP 50 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA; SUBJECT TO A UTILITY EASEMENT OVER AND ACROSS THE WESTERLY 15 FEET THEREOF; ALSO SUBJECT TO OTHER EASEMENTS AND RESTRICTIONS OF RECORD.