RESOLUTION 2017-

A RESOLUTION DETERMINING VARIANCE PETITION 16-V4 FOR A VARIANCE FROM SECTION 58-175, MINIMUM LOT WIDTH, TO ALLOW THE DEVELOPMENT OF A PROPERTY THAT IS 66.67 FEET WIDE WHERE A MINIMUM LOT WIDTH OF 75 FEET IS REQUIRED IN THE R1-10 RESIDENCE DISTRICT ON PROPERTY OWNED BY FORESITE 599, LLC, AND LOCATED AT 599 9TH AVENUE SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Foresite 599, LLC, owner, has requested approval of Variance Petition 16-V4 to allow the development of a property that is approximately 66.67 feet wide where a minimum lot width of 75 feet is required in the R1-10 Single Family Zoning District for property located at 599 9th Avenue South; and

WHEREAS, the Planning Advisory Board, following an advertised public hearing on April 13, 2016, considered the public input, the recommendation of staff, and recommended by a vote of 4 to 0 that Variance Petition 16-V4 be granted; 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, City Council finds that the criteria set forth in Section 46-37 of the Code of Ordinances for variances, namely:

“(c) Variance criteria.

(1) General.

a. If, upon consideration of the variance criteria set out in this subsection and (c)(2) below, it is determined that the case for approving a variance clearly outweighs the case for denial, the variance may be approved, providing that:

1. The variance does not permit the establishment or enlargement of any use or structure devoted to a use which is not permitted in the district in which the variance is requested.

2. The variance will be consistent with the comprehensive plan.

(2) Specific.
a. Prior to approving, approving with conditions, or denying a variance, city council shall consider and determine, based upon substantial competent evidence, the following criteria:

1. Whether the plight of the applicant is due to unique circumstances not created by the applicant, an agent of the applicant or a predecessor in title of the applicant.

2. Whether special conditions or circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same neighborhood or district.

3. Whether the failure to grant the variance would result in unnecessary and undue hardship to the property.

4. Whether the failure to grant the variance would deprive the owner of the reasonable use of the property.

5. Whether the variance will promote, or will not be inimical to, the health, safety and welfare of the community.

6. Whether the variance will be otherwise consistent with and in harmony with the general intent and purpose of the land development code.

7. Whether the variance is the most practical or logical solution to the need for relaxation of the literal requirements of the land development code.

8. Whether the variance will be injurious to the surrounding neighborhood or adjacent properties.

9. Whether the construction resulting from the variance will be compatible in character and scale with the surrounding neighborhood, preserve natural resources, and preserve historic structures by maintaining the architectural character of the original building in keeping with the period in which it was built.”,
HAVE BEEN / HAVE NOT BEEN met and that the petition should be GRANTED / DENIED;

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

Section 1. That Variance Petition 16-V4 to allow the development of a property that is approximately 66.67 feet wide where a minimum lot width of 75 feet is required in the R1-10 Single Family Zoning District is hereby GRANTED / DENIED, for property located at 59 9th Avenue South, more fully described as:

Lots 19 and 20, Block 12, Tier 1, Town of Naples, according to the map or Plat thereof as recorded in Plat Book 1, Page 8, Public Records of Collier County, Florida.

Section 2. That approval of this Variance Petition is pursuant to the survey submitted with the petition prepared by Johnson Engineering dated 3/10/14.

Section 2. (If Denied) That denial of this Variance Petition, pursuant to Section 46-37 of the Code of Ordinances, is based upon the following:

Section 3. Disclaimer and Permit Condition (applicable only if federal or state permits are required): Issuance of a development permit by the City does not create any right to obtain a permit from a State or Federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a State or Federal agency or undertakes actions that result in a violation of State or Federal law. If applicable, all other State or Federal permits must be obtained before commencement of the project.

Section 4. That this resolution shall take effect immediately upon adoption.

Attest:

Patricia L. Rambosk, City Clerk

Bill Barnett, Mayor

Approved as to form and legality:

Robert D. Pritt, City Attorney

Date filed with City Clerk:____________