

RESOLUTION 2024-

A RESOLUTION FOR THE PURPOSE OF DETERMINING PETITION 24-AA1, RELATING TO AN APPEAL OF AN ADMINISTRATIVE DECISION PURSUANT TO SECTION 2-84 OF THE LAND DEVELOPMENT CODE, FOR PROPERTY OWNED BY JOSEPH AND KELLY SALEMME AND LOCATED AT 5182 SAND DOLLAR LANE, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Joseph and Kelly Salemme are owners of the property located at 5182 Sand Dollar Lane; and

WHEREAS, pursuant to Section 58-176 of the Code of Ordinances, the petitioners submitted Variance Petition 24-V1 on January 2, 2024, requesting approval of a variance to allow for a pool, pool deck, and spa to encroach 10 feet into the 25-foot front yard for the property located at 5182 Sand Dollar Lane in the R1-10 Residence District; and

WHEREAS, the subject property abuts Sand Dollar Lane to the west and Seagate Drive to the east, and staff has determined, pursuant to the definition of yards Section 44-8 of the Code of Ordinances, that the property is double fronted and has applied the minimum front yard requirement to both the east and west sides of the property; and

WHEREAS, the Planning Advisory Board, serving as the local planning agency and following an advertised public hearing for Variance Petition 24-V1 on February 14, 2024, considered the public input, the recommendation of staff, and recommended by a vote of 7 to 0 that City Council reverse the administrative determination that Seagate Drive is a front yard and determine that for this property that abuts both Sand Dollar Lane and Seagate Drive, the yard abutting Seagate Drive will be considered and treated as a rear yard with the following conditions: 1) Staff provide a notice to the surrounding property owners notifying them of the appeal of the administrative decision (Petition 24-AA1), and 2) Staff will put an ad in the newspaper for the appeal; and

WHEREAS, Section 2-84(a) of the Code of Ordinances of the City of Naples contains a process for any petitioner to appeal the administrative decisions of the city manager regarding land development code matters to the City Council; and

WHEREAS, Joseph and Kelly Salemme filed an appeal pursuant to Section 2-84(a) of the Code of Ordinances; and

WHEREAS, pursuant to Section 2-84 of the Code of Ordinances, the petitioners have requested an appeal of an administrative determination of the required yards applicable to the subject property requesting that the east side of the property abutting Seagate Drive be considered a rear yard; and

WHEREAS, after considering the recommendation of the Planning Advisory Board and providing the petitioner, staff, and the public an opportunity to present

testimony and evidence, the City Council finds that the administrative appeal should be **APPROVED / DENIED**;

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

Section 1. That Administrative Appeal Petition 24-AA1 is hereby **APPROVED / DENIED** relating to an appeal pursuant to Section 2-84 of the Code of Ordinances of the City of Naples to reverse an administrative determination and requesting that the east side of the property abutting Seagate Drive be considered a rear yard, for the property owned by Joseph and Kelly Salemmme, and located at 5182 Sand Dollar Lane, more fully described as:

Lot No. 4, Seagate Subdivision, Unit One, according to the Plat thereof as recorded in Plat Book 3, Page 85, Public Records of Collier County, Florida.

Parcel Identification Number: 19135000089

Section 2. **(If Approved)** That approval of this Administrative Appeal Petition, pursuant to Section 2-84 is subject to the following conditions:

Section 2. **(If Denied)** That denial of this Administrative Appeal Petition, pursuant to Section 2-84 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.

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 4th DAY OF MARCH 2024.

Attest:

Patricia L. Rambosk, City Clerk

Date filed with City Clerk: _____

Teresa Lee Heitmann, Mayor

Approved as to form and sufficiency:

/s/ Ralf Brookes, Esq.

Ralf Brookes, Interim City Attorney

Date filed with City Clerk: _____