



EST. 1971

# WOODWARD, PIRES & LOMBARDO, P.A.

ATTORNEYS AT LAW

December 18, 2025

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Mary Holden  
City of Marco Island  
50 Bald Eagle Drive  
Marco Island, FL 34145

**Subject: Response to Corrections Report for BD-25-000187**

Ms. Holden,

This resubmittal is on behalf of the Applicant, Marco River Marina, Inc. d/b/a Rose Marina, and in response to the Plan Corrections Report generated December 02, 2025, for BD-25-000187.

Applicant provides responses to the following correction comments as follows:

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**Planning Review v.1 Approved Joshua Ooyman email: jooyman@cityofmarcoisland.com Plans Review**

**Correction: General Correction - Mary Holden (12/2/25)- Not Resolved**

**Corrective Action: What is the hardship or justification for the zero setback? Same ownership is not a hardship.**

**RESPONSE:**

Applications for encroachment into the riparian set back under section 54-115, City of Marco Code of Ordinances, do not require proof of an unnecessary and undue hardship or a practical difficulty, unlike applications for a variance. See § 54-115(f), Code of Ordinances; *C.F.* § 30-65, LDC. Instead, the applications require justification in the form of the enumerated factors in section 54-115(f), Code of Ordinances.

These justifications were provided in the application and while staff's opinion may be that same ownership is not a hardship, it is a justification. The purpose of Article IV of Chapter 54 is stated as:

It is the intent and purpose of this article ***to provide for the adequate securing of moored vessels and to provide safe access by users for routine***

**MARK J. WOODWARD**  
Board Certified: Real Estate Law  
and in Condominium  
& Planned Development Law

**ANTHONY P. PIRES, JR.**  
Board Certified: City, County,  
and Local Government Law

**J. CHRISTOPHER LOMBARDO**

**ANTHONY J. DIMORA**  
Licensed in FL and OH

**LENORE T. BRAKEFIELD**

**KENNETH V. MUNDY**

**ZACHARY W. LOMBARDO**  
Board Certified: City, County,  
and Local Government Law

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**CRAIG R. WOODWARD**  
Senior Counsel

---

**CAMERON G. WOODWARD**

**ROSS E. SCHULMAN**  
Licensed in FL and NY

**F. SCOTT PAUZAR, III**

**CHANDLER A. KANSY**

**RYAN G. WELKER**  
Licensed in FL and OH

**LOGAN G. WARDLOW**

**TREVOR D. ALLEN**

REPLY TO:

3200 TAMIAMI TRAIL N.  
SUITE 200  
NAPLES, FL 34103  
239-649-6555  
239-649-7342 FAX

606 BALD EAGLE DRIVE  
SUITE 500  
MARCO ISLAND, FL 34145  
239-394-5161  
239-642-6402 FAX

WWW.WPL-LEGAL.COM

***maintenance and use while minimizing the impact on the navigability of the waterway, native marine habitat, manatees, and the use and view of the waterway by surrounding property owners.*** It is further the intent of this article to provide reasonable access for vessel, seawall, and dock maintenance.

It is recognized that specific waterway locations warrant special consideration due to severe access and navigational challenges, and community character and aesthetic impacts. City council may authorize the establishment of overlay districts, with district specific dimensional standards and regulations, to address boat docking facilities within the overlay area(s).

§ 54-100, Code of Ordinances (emphasis added).

The riparian setbacks exist to fulfill the purpose, which, as emphasized above, specifically takes into account the surrounding property owners. Additionally, and as further justification, removing the setback allows vessels to move farther into the Magnolia canal and further from existing homes on the Magnolia canal. Additionally, because the Applicant owns the lot from which the riparian setback sought to be reduced is calculated, there is no justification to keep the riparian setback.

This is no different than when the City allows for interior landscape buffers and or side lot line setbacks to be waived on a site development plan without any formal procedure, but instead the recording of a unity of title.

To that end, the Applicant agrees to record a unity of title as a condition of approval.

**What is the justification for removing the condition of approval from the 2003 resolution regarding two max on 100 foot boat or boat with 100 passengers?**

**RESPONSE:**

The referenced condition in the 2003 resolution, Resolution 03-13, only limits boats within the Factory Bay Area.

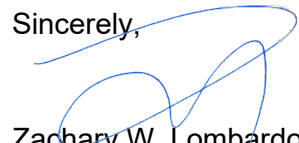
Factory Bay is comprised primarily of sovereignty submerged land. State law and Section 54-167, Code of Ordinances, allows for a certain amount of anchoring in Factory Bay, including commercial vessels. The result is the limitation does not allow Applicant the flexibility to moor vessels on docks and instead leads to a scenario where boats may anchor in Factory Bay as opposed to mooring on docks.

The overall layout of the docks limits the usage of the docks and is designed by the

operator of the Applicant to meet current demand and avoid safety issues.

After review of the above, please confirm staff has completed review of this application.

Sincerely,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke at the top.

Zachary W. Lombardo, Esq