



Planning Board Staff Report

Meeting Date: April 5, 2024

TO: Marco Island Planning Board

FROM: Mary P. Holden, Planning Manager

DATE: July 27, 2020

RE: Boat Dock Extension 22-000210, Request to allow for vessel to encroach into side setback

OWNERS/APPLICANT:

James and Cynthia Timmerman
831 Perrine Court/P.O. Box 1453
Marco Island, FL 34145

PROJECT ADDRESS/ LEGAL DESCRIPTION:

831 Perrine Court
Marco Beach, Unit 11, Block 350, Lot 7
Parcel Id Number: 57921160001
RSF-4 Zoning

PROJECT DESCRIPTION:

James and Cynthia Timmerman have submitted a request to allow for the mooring of a 41.8-foot boat at their residence that will extend into the setback (8.7 feet approved by Collier County) by 2 feet with the vessel 6.7 feet from the west property/riparian line. This is not a variance request for a dock, just the vessel. The application, survey, letters of support and additional information are attached.

Aerial of the Site



Zoning Map



STAFF ANALYSIS:

City Staff's primary concern regarding this application is with respect to the safe operation of this vessel in relation to the surrounding properties and vessels. It is difficult for City staff, based upon our experience and knowledge regarding the operation of marine watercraft to assess the safety issues related to the size of the proposed vessel at this location. Many of the neighboring owners have communicated that they have "no objection" to the application as presented.

As a reminder, the application relates only to the mooring of a vessel, and the vessel to encroach 2 feet beyond the 8.7-foot setback of the existing dock on the west. The application is not seeking approval of a dock facility. Many of the criteria contained in the applicable sections of the City's Land Development Code, as more fully stated below, relate to a docking facility and not the vessel. The City's Land Development Code provisions apply to docking facilities in addition to the vessel to be moored at the dock facility.

Below are the criteria contained in Section 54-115.(f). 1-10, of the City's Land Development Code that are utilized to review a boat dock protrusion:

1. Does the proposed docking facility meet the other standards set forth in the City's Land Development Code?

As stated above, the application is requesting the approval to moor the proposed vessel in a manner that results in an encroachment into the west side yard setback of the subject property and not the dock facility itself. With that being said as the current docking facility is a legal non-conforming structure as it was approved by Collier County with an 8.7-foot side yard setback on the west, the application meets the standards set forth in the City's Land Development Code. The remaining dimensions of the existing dock are compliant with the east setback at 14.7 feet (12 feet is required) and the protrusion is 20 feet.

2. Is the water depth where the proposed vessel(s) is to be located sufficient (as a general guide, four feet mean low water is deemed to be sufficient) to allow for safe mooring of the vessel, thereby necessitating the extension requested?

The applicant has indicated the water depth is sufficient.

3. Are there special conditions related to the subject property or waterway which justify the proposed dimensions and location of the proposed boat docking facility?

There are no special conditions related to the subject property or waterway.

- 4. Does the proposed boat docking facility and moored vessel(s) protrude greater than 25 percent of the width of the navigable waterway, and whether or not a minimum of 50 percent of the waterway width between boat docking facilities and moored vessel(s) on the opposite side of the waterway is maintained in order to ensure reasonable waterway width for navigation?**

This is not applicable as the vessel will not protrude more than 25 feet into the waterway.

- 5. Is the proposed boat docking facility of the minimum dimensions necessary in order to adequately secure the moored vessel while providing reasonable access to the boat for routine maintenance without the use of excessive deck area?**

Again, this is not applicable since the variance request is for the vessel and not docking facility.

- 6. Is the proposed boat docking facility of minimal dimensions and located to minimize the impact of view to the channel by surrounding property owners?**

It is difficult to say if the vessel will impact the surrounding property owner's view. The property owner provided the neighbors' approval from the surrounding properties.

- 7. Are the proposed vessel(s) in excess of 50 percent of the length of the water frontage on the subject property such that the extension of the boat docking facility may adversely impact the view to the channel by surrounding property owners?**

The vessel is 41.8 feet in length and the water frontage is 80 feet. The vessel is just over the 50% mark.

- 8. Is the proposed location and design of the boat docking facility and moored vessel(s) in combination such that it may infringe upon the use of neighboring properties, including any existing boat docking facilities?**

It is difficult to say however, the property owner provided the approval of surrounding neighbors in the area.

- 9. Are there seagrasses located within 200 feet of the proposed boat docking facility?**

This is not applicable.

- 10. Is the proposed dock subject to the manatee protection requirements set forth in section 54-117 of the City's Boat Docking Facilities Code?**

This is not applicable.

STAFF RECOMMENDATION AND FINDINGS:

Should the Planning Board approve this request, we recommend the below findings:

1. The dock is legally non-conforming as the docking facility was approved by Collier County with an 8.7-foot side yard setback on the westside property line. The remaining dimensions of the docking facility are compliant with the east setback at 14.7 feet (12 feet is required) and the protrusion is 20 feet as provided in the City's Land Development Code.

2. The applicant has indicated the water depth is sufficient for the mooring of the vessel.
3. The vessel will not protrude more than 25 feet into the waterway.