

**CITY OF MARCO ISLAND
PLANNING BOARD**

RESOLUTION NO. 24-_____

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A BOAT DOCK PROTRUSION APPLICATION BD-24-000149 FOR A 6.7' BOAT DOCK ENCROACHMENT INTO THE FIFTEEN FOOT (15') SIDE RIPARIAN SETBACK IN THE CONOVER WATERWAY FOR THE PROPERTY LOCATED AT 510 ALAMEDA COURT, MARCO ISLAND; MAKING FINDINGS FOR APPROVAL; PROVIDING FOR FAILURE TO OBTAIN OTHER DEVELOPMENT PERMITS; PROVIDING FOR FAILURE TO COMPLY WITH APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 54-115 of the of the Marco Island Waterways and Beaches Code relates to encroachments and protrusions into the riparian setback; and

WHEREAS, Bayshore Marine Consulting, LLC (the "Applicant"), on behalf of Sal Iannuzzi (the "Owner"), submitted a boat dock extension application (BD-24-000149) to request a 6.7' encroachment into the fifteen foot (15') side riparian setback into the Conover Waterway for the property located at 510 Alameda Court, Marco Island, Florida (the "Property"); and

WHEREAS, the City of Marco Island staff has reviewed BD-24-000149 for compliance with the provisions of the City's Land Development Code; and

WHEREAS, the existing boat docking facility meets the required side riparian setback on the southern side and meets protrusion requirements from both seawall faces; and

WHEREAS, the docking facility was approved by City Staff and was constructed pursuant to the approved plans, which are attached hereto as Exhibit "A." Subsequent to completion of the construction, it was discovered that the dock approval was in error as Staff inadvertently treated the subject property as a "shoulder lot", when it is in fact a "waterfront corner lot"; and

WHEREAS, the docking facility does not protrude more than 25 percent of the waterway width; and

WHEREAS, the portion of the dock dedicated to vessel mooring complies with protrusion and setback limitations. The western section of the dock is the subject of this variance request and does not appear to present any navigational obstructions; and

WHEREAS, the docking facility is located at the terminus of the canal and positioned in a manner that does not appear to present any visual obstructions to surrounding property owners; and

WHEREAS, the vessels utilized (27' LOA & 12' LOA) do not cumulatively make up 50 percent of the property's 160 feet of frontage. The area of dock encroaching into the side setback does not obstruct views of the channel of surrounding property owners; as the vessels are moored at another part of the dock; and

WHEREAS, the docking facility is located at the terminus of the canal and will not infringe upon the use of neighboring properties or dock facilities; and

WHEREAS, there are no seagrasses identified in the subject waterway

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, FLORIDA:

SECTION 1. Adoption. The Planning Board for the City of Marco Island hereby incorporates the above WHEREAS clauses and finds that the Owner/Applicant's application for the boat dock extension of 6.7' into the side riparian setback, as set forth on the Boat Dock Extension Plans for the Subject Property, which are attached hereto as Exhibit "A," is consistent with the City's Land Development Code requirements.

SECTION 2. Failure to Obtain Other Permits. That issuance of this approval by the City does not in any way create any right on the part of the Owner/Applicant 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 approval if the Owner/Applicant fails to obtain the requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in the violation of state or federal law. All applicable state and federal permits must be obtained before commencement of the Development on the Subject Property. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

SECTION 3. Failure to Adhere to Resolution. That failure to adhere to the approval terms and conditions contained in this Resolution shall be considered a violation of this Resolution and the City Code, and persons found violating this Resolution shall be subject to the penalties prescribed by the City Code, including but not limited to the revocation of any of the approval(s) granted in this Resolution and any other approvals conditioned on this approval. The Owner/Applicant understands and acknowledges that

it must comply with all other applicable requirements of the City Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the City at any time upon a determination that the Owner/Applicant is in non-compliance with the City Code.

SECTION 4. Effective Date. That this Resolution shall take effect immediately upon adoption.

ADOPTED BY THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, this 4th day of October, 2024.

CITY OF MARCO ISLAND, FLORIDA

By: _____
Jason Bailey, Chair

ATTEST:

By: _____
Joan Taylor, City Clerk

Reviewed for legal sufficiency:

By: _____
David N. Tolces, Assistant City Attorney