

March 20, 2024

City of Marco Island Growth Management Division  
Planning & Zoning Services  
50 Bald Eagle Drive  
Marco Island, FL 34145

**Subject: Marco Island Sheriff Sub Station  
Variance Petition (RELATED TO PERMIT #SEAW-23-05362)**

To Whom It May Concern,

**Please note, that this Variance Request is related to comments received to Building Permit# SEAW-23-05362, and being submitted per Section 6-38(c) "Variances" of the City of Marco Island Building Code. We respectfully request this request be scheduled with the Construction Board of Adjustments and Appeals as soon as possible.**

The below list of items is included for your review and consideration:

1. Cover Letter, including the Variance Criteria of Building Code Section 6-38
2. Completed Variance Petition (*The City's application template was updated for consistency with this request*)
3. Seawall and Dredge Plans
4. Warranty Deed
5. Survey
6. Resolution 12-16 (Adjacent Utility Site Variance)

**Variance Criteria, Section 6-38(c)(1)**

- a. Special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.  
***The 0.9-acre property is currently used by governmental agencies, including the Collier County Sheriff's Office, Marco Island Police Department, and FWC. The existing building has hurricane damage, and per recent Geotechnical data, there are also voids under the existing structure which can cause the building slab to collapse. Therefore, the site will be razed and redeveloped to meet the current requirements of the Florida Building Code and Marco Island LDC.***
- b. The special conditions and circumstances do not result from the action or inaction of the applicant.  
***Due to the size of the site (0.9-acres) and the redevelopment needs of the governmental agencies, the stormwater management system has been designed to be a combination of both surface level water management (dry detention area) and underground vaults, which allows for maximum development potential of the property. The underground vaults will be constructed along the western and southern property lines, underneath planned parking areas.***

*Per the requirements of the City of Marco's Code of Ordinances Section 6-85, the top of cap of a seawall cannot exceed a height of 4.2'. The control elevation of the site is 3' NAVD; therefore, stormwater management must be designed at 4' NAVD (1' above the control elevation); which would only allow 0.2' or 2.4-IN for stormwater storage.*

*To meet code requirements for a maximum seawall height of 4.2', the site design would include the construction of a retaining wall and 100% surface level water management (no vaults), resulting in the loss of the southernmost boat/trailer parking / maintenance area and the entire vehicular parking area along the western property line. Without functional operations or areas for these governmental services, which includes areas for emergency pick-ups, this site cannot provide the necessary essential or possibly life-saving services for the community.*

- c. Granting the variance requested will not confer on the applicant any special privilege that is denied by the technical codes to other buildings, structures or service systems.

*The literal interpretation of the provisions of the building code, related to maximum seawall height, create a site-specific unnecessary and undue hardship on the applicant. The granting of the variance request will not confer the petition any special privilege that is denied by the technical codes to other buildings, structures or service systems within the same zoning district. In fact, the adjacent utility site was also granted a variance to increase the maximum seawall height due to topography differences. Granting the variance will allow the governmental agency site to be redeveloped as needed to serve the community.*

- d. The variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.

*Yes, the variance being requested is the minimum variance needed to redevelop the site.*

- e. The grant of the variance will be in harmony with the general intent and purpose of those construction-related codes adopted by the city through article III of this chapter (technical codes) or chapter 26, article II (floodplain management), and will not be detrimental to the public health, safety and general welfare.

*Yes, due to the size of the site (0.9-acres) and the redevelopment needs of the governmental agencies, the stormwater management system has been designed to be a combination of both surface level water management (dry detention area) and underground vaults, which allows for maximum development potential of the property. The underground vaults will be constructed along the western and southern property lines, underneath planned parking areas.*

*Per the requirements of the City of Marco's Code of Ordinances Section 6-85, the top of cap of a seawall cannot exceed a height of 4.2'. The control elevation of the site is 3' NAVD; therefore, stormwater management must be designed at 4' NAVD (1' above the control elevation); which would only allow 0.2' or 2.4-IN for storage.*

***To meet code requirements for a maximum seawall height of 4.2', the site design would include the construction of a retaining wall and 100% surface level water management (no vaults), resulting in the loss of the southernmost boat/trailer parking / maintenance area and the entire vehicular parking area along the western property line. Without functional operations or areas for these governmental services, which includes areas for emergency pick-ups, this site cannot provide the necessary essential or possibly life-saving services for the community.***

- a. That the granting of the variance will be consistent with the comprehensive plan.  
***The granting of the variance for the increase in maximum seawall height is consistent with the comprehensive plan.***

To conclude, granting of this variance is compatible and consistent with surrounding properties. The adjacent City of Marco Island Utility site also went through a variance process, which approved an increase the site's seawall height from 4.5' NGVD to 10' NGVD (Resolution 12-16; attached for reference).

Should you have any questions, or require any additional information, please do not hesitate to contact me at 239.403.6751, or by email at [jharrelson@pen-eng.com](mailto:jharrelson@pen-eng.com).

Sincerely,



Jessica Harrelson, AICP  
Planning Manager