

**Addendum to Attachment "A"**

**Narrative and Justification**

**Ehlen Floor Covering**

**Rear Yard Setback and Required Landscape Buffer Variance  
(Companion to SDP)  
July 13, 2023**

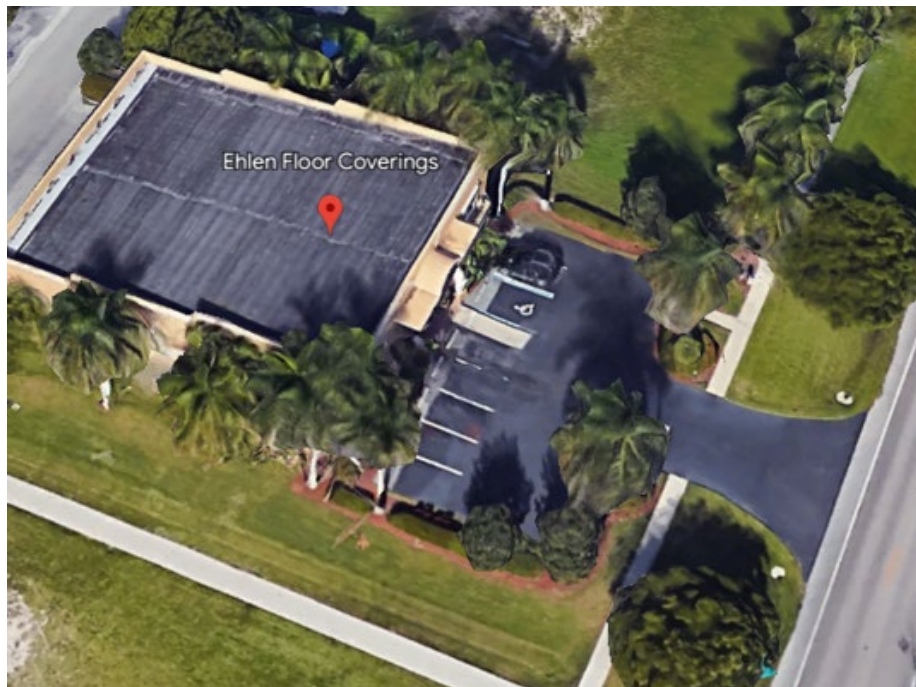
*Standards for approval of a variance.* Before any variance shall be recommended for approval to the city council, **the planning board shall consider and be guided by** the following standards in making a determination:

- a. That there are special conditions and circumstances existing which are peculiar to the location, size and characteristics of the land, structure, or building involved;

**There are special conditions and circumstances existing which are peculiar to the location, size, and characteristics of the proposed structure and in relation to the existing building and proposed addition.**

1. **The request for a 5-foot variance from the required 15-foot-wide buffer along Bald Eagle Drive (to allow a 10-foot-wide buffer).**

**The existing building (Ehlen Floor Covering Building) was built in 1997. It is a very attractive well-designed building.**



**Source: Google Earth (7-13-2023)**



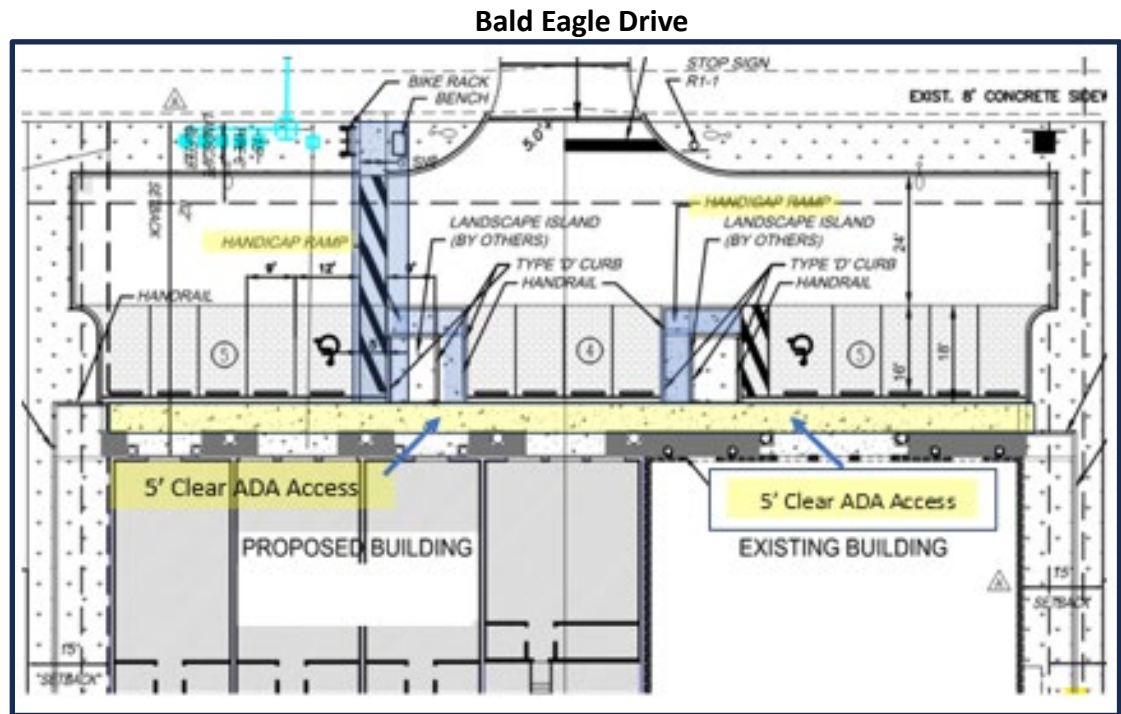
Source: Google Earth (7-13-2023)

The proposed new building is to be attached to the north side of the existing building), and architecturally designed to match the design of the existing building.



The existing building has a covered walkway along the front façade, and there are structural columns supporting the architectural roof elements that extend over the walkway along the front of the building. When the existing building was constructed, it met the then applicable ADA design requirements. However, with the proposed addition, under current ADA requirements, there must

be a clear 5-foot path along the front of the building. That is, the 5-foot path along the building frontage is required to be “unobstructed.” As a result, access to the units cannot be obstructed by the structural columns for the roof overhang. See red circles above. The access to the building is also elevated to comply with required FEMA necessitating an ADA compliant ramp providing ADA access (see below).



As a result, with the 5' unencumbered ADA access along the front of the building for both existing and proposed), the roof overhangs and the elevated walkway extend 5 feet closer to Bald Eagle Drive. With the required parking stall depths and the 24' 2-way drive aisle required with, only 10 feet remains for the buffer along Bald Eagle Drive.

With respect to the requested rear setback variance (from 25" to 18") and the request to vary from the otherwise required 5-foot landscape strip along front of the ally parking, these requests are also driven by the existing conditions peculiar to the characteristics of the proposed structure in relation to the existing building.

- b. That there are special conditions and circumstances which do not result from the action of the applicant such as pre-existing conditions relative to the property which is the subject of the variance request;

See response to *Standard a.*, above. The current requirements for ADA and FEMA are not resultant from the action of the applicant. Moreover, we believe when viewed holistically, the requested variances make sense from a design perspective, and will result in benefits to the wider Marco Island Community (with the proposed mitigation, including landscaping the adjacent pedestrian way), and allow the single point in ingress and egress to Bald Eagle.

Redesigning the site with one way traffic with separate ingress and egress point creates greater conflict with pedestrians, cyclists, and vehicular traffic on Bald Eagle, which will increase as additional vacant lots develop.

- c. That a literal interpretation of the provisions of this LDC result is an unnecessary and undue hardship on the applicant or creates a practical difficulty on the applicant;

We believe a literal interpretation of the provisions of this LDC would result in an unnecessary and undue hardship and create practical difficulty on the applicant. That would require a building design that would “jog” away from the existing facade as depicted below. Given facts, including (1) the applicant’s desire to match the architectural design of the existing building, (2) the public benefit to retain the existing two-way access to/from Bald Eagle Drive versus a one-way design (requiring a separate ingress and egress on Bald Eagle Drive), and (3) the impacts of having to jog the proposed addition in 8 feet from the rear building line, the requested variances are reasonable and eliminate the practical difficulty in meeting these code requirements.

**Section 30-624, Design Regulations, subsection (p) Off-street parking, subparagraph (1)e, reads as follows:**

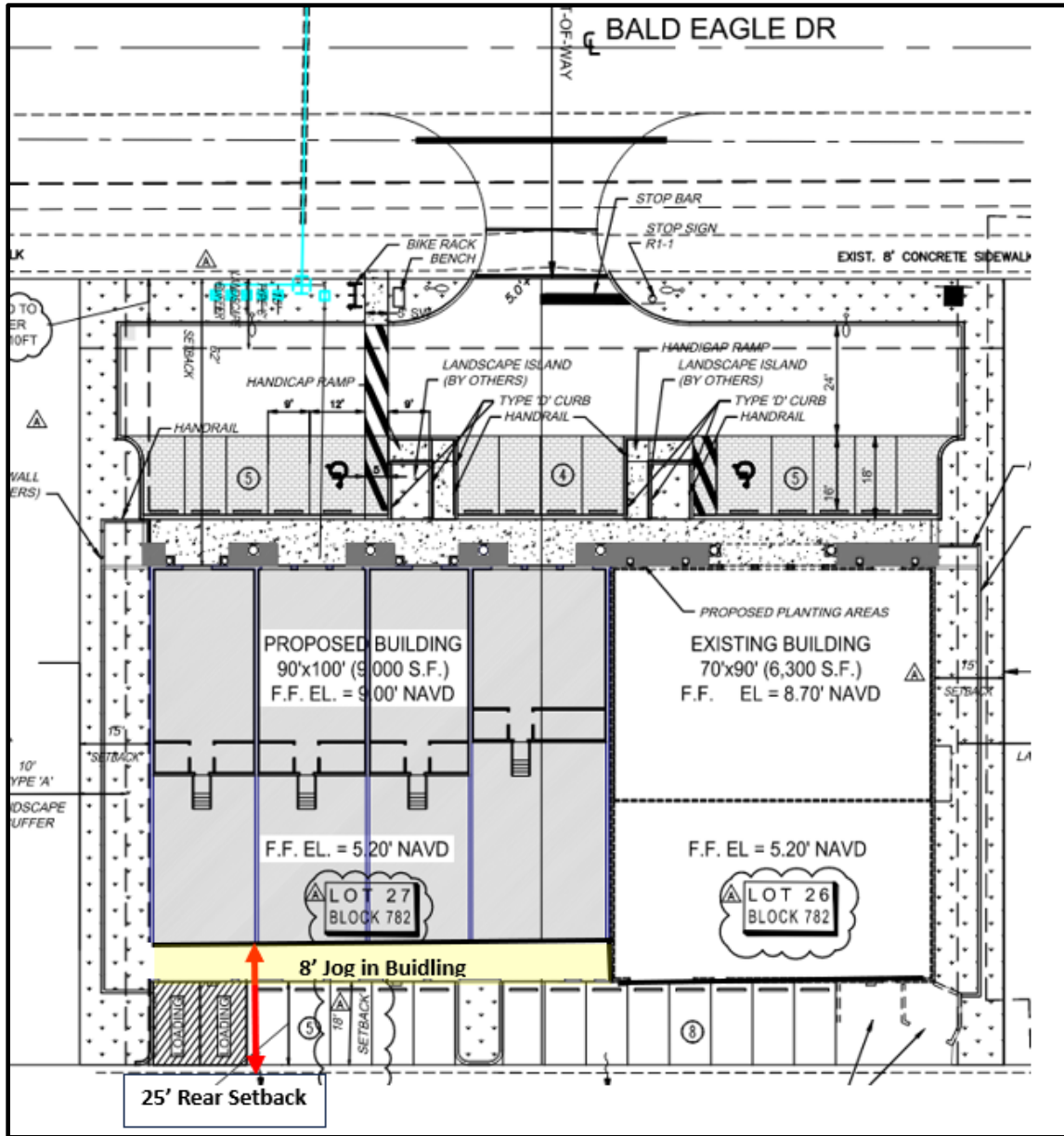
*Location—Alleys. Parking spaces that take direct access from an alley right-of-way shall be separated from the side yard property line by a ten-foot- wide landscape buffer island. **A five-foot wide (minimum) landscape buffer shall be placed along the front of these spaces when parking is directly accessed from the alley.** These landscaping requirements shall not apply to the Elkcam Circle Zoning Overlay. Parking spaces shall be provided entirely on the subject property and shall not encroach into the alley right-of-way. (See illustration 4.16.1.e, on file in the office of the city clerk.)*

**LDC Sec. 30-245. Dimensional standards, Paragraph (3), Minimum yard requirements (for C-4 zoning) requires the following rear yard setback:**

- c. *Rear yard: Ten feet. Principal and accessory buildings shall be setback a minimum of 25 feet from an alley right-of-way when vehicular parking spaces take direct access from the alley, or ingress/egress is provided into the building.*

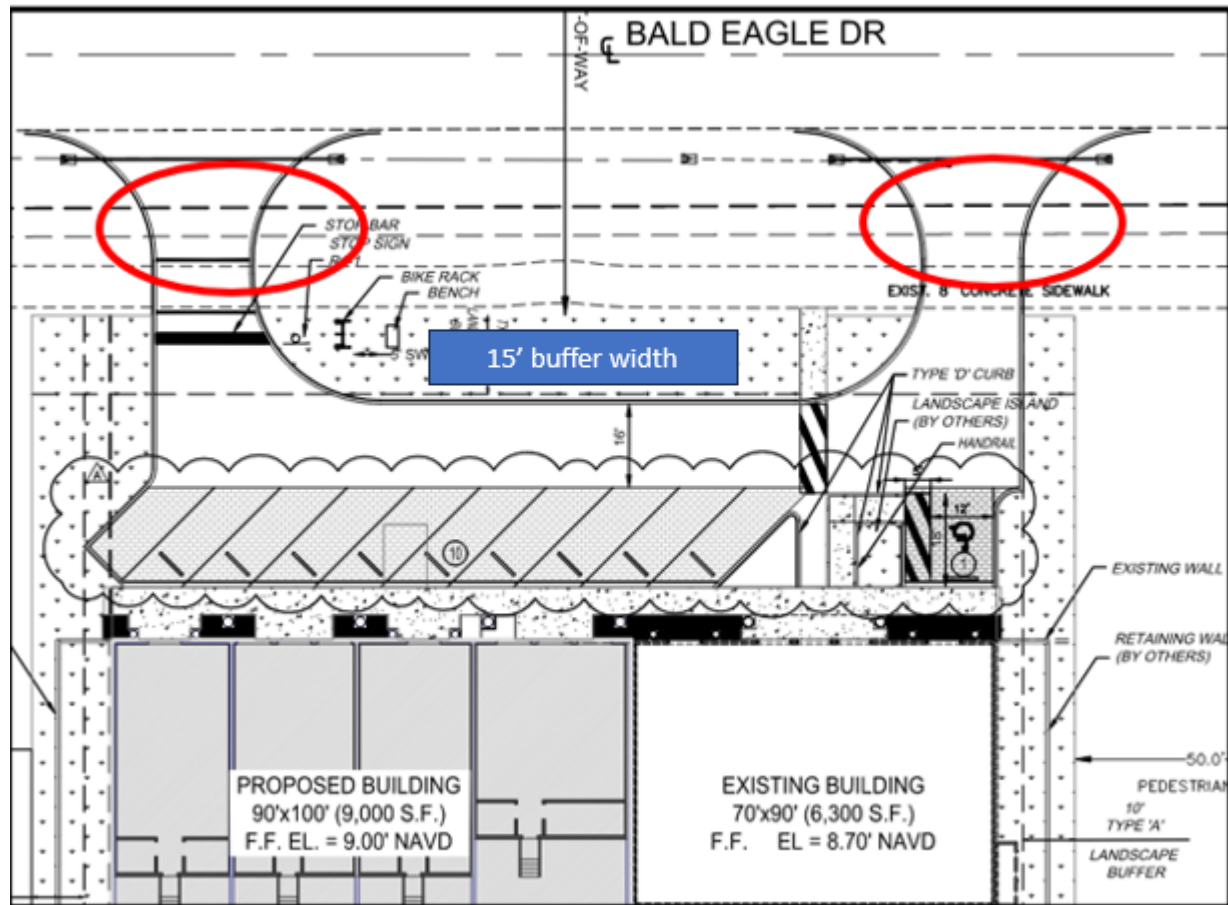
**This would result in a design for the addition as follows:**





- d. That the variance, if granted, will be the minimum variance that will make possible the reasonable use of the land, building or structure and which promote standards of health, safety or welfare;

The requested variances related to the rear setback and 5-foot buffer along the front of the alley parking are the minimum that will make possible a design of the attached addition. In terms of the request for a 10-foot buffer width rather than a 15-foot buffer width along Bald Eagle Drive, a 15-foot buffer width can be accommodated by a one-way drive aisle. See below.



Angled Parking One-Way Drive Aisle

- e. That granting the variance requested will not confer on the petitioner any special privilege that is denied by this LDC to other lands, buildings, or structures in the same zoning district;

**Granting the variance requested will not confer on the petitioner any special privilege that is denied by this LDC to other lands, buildings, or structures in the same zoning district, as the circumstances are unique should a similar circumstance arise.**

- f. That granting the variance will be in harmony with the intent and purpose of this zoning code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare;

**Granting the variance will be in harmony with the intent and purpose of this zoning code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare. In fact, with the mitigation proposed, there will be beneficial impacts to the public welfare.**

- g. That there are natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation such as natural preserves, lakes, golf course, or similar circumstances; and

**There are no natural conditions that promulgate the request.**

- h. That the granting of the variance will be consistent with the comprehensive plan.

**That the granting of the variance will be consistent with the comprehensive plan, in that it will not result in any conflict with the comprehensive plan goals, objectives or policies, and with the proposed mitigation, will have a beneficial impact on the public at large.**

**Conclusion:**

**The requested variances are driven by impacts from various code changes, including FEMA, ADA, and the City's LDC. Given that the applicant desires to add to the existing building and employ a consistent architectural design and is providing mitigation this request will result in better design, and public benefit.**