

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

**CITY OF MARCO ISLAND  
PLANNING BOARD**

**RESOLUTION NO. 25-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, FLORIDA, DENYING A BOAT DOCK EXTENSION TO ALLOW FOR A 6.7 FOOT ENCROACHMENT INTO THE 8.7 FOOT WEST SIDE YARD/RIPARIAN SETBACK IN ORDER TO PERMIT THE MOORING OF A 45.4 FOOT VESSEL AT THE DOCK LOCATED AT THE PROPERTY LOCATED AT 831 PERRINE COURT, MARCO ISLAND; MAKING NECESSARY FINDINGS; ; PROVIDING FOR NON-COMPLIANCE WITH RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 54-115 of the of the Marco Island Waterways and Beaches Code, as contained within the City of Marco Island Land Development Code relates to encroachments into the riparian setback of real property within City of Marco Island; and

**WHEREAS**, James and Cynthia Timmerman (the "Owner/Developer") submitted a Boat Docking Facility Extension Petition, and are requesting the approval of a 6.7 foot encroachment into the west side yard/riparian setback in order to permit the mooring of a 45.4 foot vessel at the dock located at the property located at 831 Perrine Court, Marco Island, Florida (the "Property"); and

**WHEREAS**, the City of Marco Island staff has reviewed the Boat Docking Facility Extension Petition BD-24-000147; and

**WHEREAS**, based on the testimony and evidence presented, the Planning Board finds that 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 side; and

**WHEREAS**, if the Planning Board were to approve the requested encroachment, there would only be a two-foot setback remaining on the west side of the Property; and

**WHEREAS**, the Planning Board finds that there are no special conditions related to the Property or adjacent waterway that justifies the increase in the encroachment which result in only a two-foot setback remaining on the west side of the Property; and

**WHEREAS**, based on the testimony and evidence presented, the vessel to be moored at the Property has an overall length of 45.4 feet in length, and the water frontage for the Property is 80 feet; therefore, the vessel's length is over 50 of the water frontage,

45 and will only be 2 feet from the west riparian line, and would likely adversely impact the  
46 view to the channel by the adjacent property owners.

47  
48 **NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE**  
49 **CITY OF MARCO ISLAND, FLORIDA:**

50  
51  
52 **SECTION 1. Adoption.** Based upon the testimony and evidence presented at the  
53 April 11, 2025 public hearing, the Planning Board for the City of Marco Island hereby  
54 incorporates the above WHEREAS clauses, and finds that the Owner/Developer's  
55 application for the boat dock extension is not consistent with criteria contained in Section  
56 54-115.(f). 1-10 of the City's Land Development Code. Therefore, the Planning Board for  
57 the City of Marco Island denies the Owner's request for the encroachment as contained  
58 in Boat Docking Facility Extension Petition BD-24-000147

59  
60 **SECTION 2. Failure to Adhere to Resolution.** That failure to adhere to the denial  
61 contained in this Resolution shall be considered a violation of this Resolution and the City  
62 Code, and persons found violating this Resolution shall be subject to the penalties  
63 prescribed by the City Code.

64  
65 **SECTION 3. Effective Date.** That this Resolution shall take effect immediately  
66 upon adoption.

67  
68 ADOPTED BY THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, this \_\_\_\_  
69 day of \_\_\_\_\_, 2025.

70  
71 CITY OF MARCO ISLAND, FLORIDA

72  
73 By: \_\_\_\_\_  
74 Jason Bailey, Chair

75  
76 ATTEST:

77  
78 By: \_\_\_\_\_  
79 Joan Taylor, City Clerk

80  
81 Reviewed for legal sufficiency:

82  
83  
84 By: \_\_\_\_\_  
85 David N. Tolces, Assistant City Attorney