



City Council Staff Report

Meeting Date: April 22nd, 2024

TO: Marco Island City Council

FROM: Raul Perez, Chief Building Official

DATE: April 12, 2024

RE: Variance Petition, 990 N. Barfield Dr., Variance to Sec. 6-38(c), and Sec. 6-85(g) of the Marco Island Administrative Construction Code.

PROJECT DESCRIPTION:

Jessica Harrelson of Peninsula Engineering, on behalf of the owner, Collier County (the “Owner”) has submitted a variance request, in conjunction with SEAW 23-05362, to the below sections of the Administrative Construction Code.

Sec. 6-85.-

(g) The top of cap elevation for all replacement and new seawalls and top elevation for all other revetments shall be equal to or greater than 3.2 feet N.A.V.D. but not exceeding 4.2 feet N.A.V.D. If the top of a seawall cap is constructed at an elevation differing from the adjacent property owner top of cap elevation by greater than one foot, then a return wall is required to sufficiently provide for the break in grade at the property line.

The application requests a variance to Sec. 6-85 to permit the construction of a seawall cap at the subject property at an elevation of 5.5 feet N.A.V.D.

OWNER/APPLICANT:

Collier County
990 N. Barfield Dr.
Marco Island, FL 34145

AGENT:

Mr. Jessica Harrelson, AICP, Planning Manager
Peninsula Engineering
2600 Golden Gate Parkway
Naples, FL 34105

PROJECT ADDRESS:

Street Address: 990 N. Barfield Dr., Marco Island, FL 34145

Legal Description: Marco Beach, Unit 4, Replat of Block 781, Lot 1

SUBJECT PARCEL AERIAL:



STAFF ANALYSIS

Overall Staff has no concerns with the variances requested.

The following is the staff's analysis of the variance application as it relates to the provisions of 6-38(c), and of the City's Administrative Construction Code:

- (a) Special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.

Staff Comments: The existing building has hurricane damage, and pursuant to 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 the City of Marco Island's Land Development Code ("LDC").

- (b) The special conditions and circumstances do not result from the action or inaction of the applicant.

Staff Comments: 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.

Pursuant to 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 inches 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.

Staff Comments: The granting of the variance request to allow for the construction of a seawall cap at the Subject Property at an elevation of 5.5 N.A.V.D. 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.

Staff Comments: 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.

Staff Comments: 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. Pursuant to the requirements of the City of Marco Island 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 inches for stormwater storage.

STAFF RECOMMENDATION

Staff recommends the City Council find that Variance Petition for 990 N. Barfield Dr., meets the requirements of Sec. 6-38(c) of the City's Administrative Construction Code, and grant the requested variance to Sec. 6-85(g), of the Marco Island Administrative Construction Code to permit the construction of the seawall cap at the subject property up to an elevation of 5.5' N.A.V.D.