



Planning Board Staff Report

Meeting Date: April 11, 2024

TO: Marco Island Planning Board
FROM: Mary P. Holden, Planning Manager
DATE: March 31, 2025
RE: Boat Docking Facility Extension Petition BD 24-000147, Request to allow for vessel to encroach into side yard/riparian setback for the property located at 831 Perrine Court

OWNERS/APPLICANT:

James and Cynthia Timmerman
831 Perrine Court/P.O. Box 1453
Marco Island, FL 34145

PROJECT ADDRESS/ LEGAL DESCRIPTION:

831 Perrine Court
Marco Beach, Unit 11, Block 350, Lot 7
Parcel Id Number: 57921160001
RSF-4 Zoning

PROJECT DESCRIPTION:

On April 5, 2024, the Planning Board approved BD-22-000210 for a two-foot encroachment into the west side yard/riparian setback for the property located at 831 Perrine Court. Once the Owner moored the vessel at the dock, it was discovered the encroachment was approximately 6 feet into the riparian setback. As a result, the Owners removed the vessel from the Property

The Owners have submitted a new Boat Docking Facility Extension Request to provide for the vessel to encroach 6.7 feet into the 8.7 west side yard/riparian setback. If granted the resulting setback would be a two-foot setback on the west side of the Property. While the Owners state in their request that the “. . . intent of this variance petition is to correct a Scrivener’s Error...,” City staff does not consider the request for the additional six foot (6’) encroachment into the side yard/riparian setback to be a “scrivener’s error.”

By way of background, the existing dock is a legal nonconforming since it was permitted, constructed and a certificate of occupancy issued under Collier County. The City of Marco Island current codes would require a 12-foot setback on both sides due to the lot frontage being 80 feet. This is not a variance request for a dock, but a request to permit the vessel to further encroach into the side yard/riparian setback. The application, survey, letters from neighbors and additional information are attached.

Aerial of the Site



Zoning Map



STAFF ANALYSIS:

City Staff’s primary concern regarding this application is with respect to the safe operation of this vessel in relation to the surrounding properties and vessels. It is difficult for City staff, based upon our limited experience and knowledge regarding the operation of marine watercraft to assess the safety issues related to the size of the proposed vessel at this location. Many of the neighboring owners have communicated that they have “no objection” to the application as presented.

As a reminder, the application relates only to the mooring of a vessel (not the dock), and whether the vessel may encroach 6.7 feet beyond the 8.7-foot setback of the existing dock on the west side of the Property. Many of the criteria contained in the applicable sections of Chapter 54 of the City Code, Waterways and Beaches Code, Article IV Boat Docking Facilities provisions apply to docking facilities, so some provisions are not applicable.

Below are the criteria contained in Section 54-115.(f). 1-10, of the City’s Waterways and Beaches Code that are utilized to review a boat dock protrusion, as it relates to the Owner’s request in this instance:

1. Whether or not the proposed boat docking facility meets the other standards set forth in this article.

As stated above, the application is requesting the approval to moor the proposed vessel in a manner that results in an encroachment into the west side yard/riparian setback of the subject property, and not the dock facility itself. With that being said as 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. The remaining dimensions of the existing dock are compliant with the east setback at 14.7 feet (12 feet is required) and the protrusion is 20 feet.

- 2. Whether or not the water depth where the proposed vessel(s) is to be located is sufficient (as a general guide, four feet mean low water is deemed to be sufficient) to allow for safe mooring of the vessel, thereby necessitating the extension, protrusion, or encroachment requested.**

The applicant has indicated the water depth is sufficient.

- 3. Whether there are special conditions related to the subject property or waterway which justify the proposed dimensions and location of the proposed boat docking facility.**

There are no special conditions related to the subject property or waterway.

- 4. Whether or not the proposed boat docking facility and moored vessel(s) protrude greater than 25 percent of the width of the navigable waterway, and whether or not a minimum of 50 percent of the waterway width between boat docking facilities and moored vessel(s) on the opposite side of the waterway is maintained in order to ensure reasonable waterway width for navigation. This requirement shall only be applicable for extension or protrusion requests.**

This is not applicable as the vessel will not protrude more than 25 feet into the waterway.

- 5. Whether or not the proposed boat docking facility is of the minimum dimensions necessary in order to adequately secure the moored vessel while providing reasonable access to the boat for routine maintenance without the use of excessive deck area.**

Again, this is not applicable since the variance request is for the vessel and not docking facility.

- 6. Whether or not the proposed boat docking facility is of minimal dimensions and located to minimize the impact of view to the channel by surrounding property owners.**

It is difficult to say if the vessel will impact the surrounding property owner's view. The property owner provided letters of no objection from some of the nearby neighbors. However, the adjacent neighbor to the west is objecting and their letter is included as part of this packet.

- 7. Whether or not the proposed vessel(s) are in excess of 50 percent of the length of the water frontage on the subject property such that the extension of the boat docking facility may adversely impact the view to the channel by surrounding property owners. In the case of multifamily developments and public marinas, the 50 percent provision may be exceeded. This requirement shall only be applicable for extension or protrusion requests.**

The vessel's overall length is 45.4 feet in length and the water frontage is 80 feet. The length of the vessel exceeds the 50% allocation as provided in this section of the City's Land Development Code.

- 8. Whether or not the proposed location and design of the boat docking facility and moored vessel(s) in combination is such that it may infringe upon the use of neighboring properties, including any existing boat docking facilities.**

It is difficult to say if the vessel will infringe upon the use of neighboring properties since Staff are not boat captains and docks can and are rebuilt. Current conditions show the access for docks on both sides of this particular location on the opposite sides.

9. Whether or not the seagrasses are located within 200 feet of the proposed boat docking facility.

This is not applicable.

10. Whether or not the proposed dock is subject to the manatee protection requirements set forth in section 54-117.

This is not applicable.

STAFF RECOMMENDATION AND FINDINGS:

Staff recommend the Planning Board deny the Owners' requested riparian encroachment based on the below findings:

1. 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. To approve this request will increase the non-conformity, and result in only a two-foot side yard/riparian setback on the west side of the Property.
2. There are no special conditions related to the subject property or waterway that justify the requested two-foot setback.
3. The vessel's overall length is 45.4 feet, and the water frontage for the Property is 80 feet. Based on these dimensions, the vessel's length exceeds the 50% allocation as provided in the Land Development Code, which would result in only leaving a two foot side yard/riparian setback from the west property line.