



## *Planning Board Staff Report*

**Meeting Date: October 4, 2024**

**TO:** Marco Island Planning Board

**FROM:** Josh Ooyman, Planner II

**DATE:** September 25, 2024

**RE:** Boat Dock Extension 24-000149, 510 Alameda Court to allow a 6.7-foot encroachment into the riparian setback

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### **PROJECT DESCRIPTION:**

Bayshore Marine Consulting, LLC (“Applicant”), on behalf of Sal Iannuzzi (“Owner”) is requesting authorization for an existing boat docking facility to enroach 6.7’ into the 15-foot side riparian setback in the Conover Waterway. This is a waterfront corner lot with 160 feet of seawall frontage, requiring 15-foot side riparian setbacks on both sides. The 15-foot setback on the south side is met, but the western riparian setback is reduced to 8.3 feet. The application, plans and additional information are attached.

### **OWNER:**

Sal Iannuzzi  
510 Alameda Court  
Marco Island, FL 34145

### **APPLICANT:**

Bayshore Marine Consulting, LLC  
2025 Monroe Avenue  
Naples, FL 34112

### **PROJECT ADDRESS/ LEGAL DESCRIPTION:**

510 Alameda Court  
Marco Beach, Unit 9, Block 309, Lot 1  
Parcel Id Number: 57804480002  
RSF-3 Zoning

Aerial of the Site



Zoning Map



**STAFF ANALYSIS:**

Staff recognizes that the dock was approved in error due to inadvertently considering the subject property is a “shoulder lot”, in which 7.5-foot side riparian setbacks are permitted. The facility is also located at the terminus of the canal with no apparent visual or navigational obstructions. The docking facility across the canal is orientated in a manner that the subject dock does not interfere with the use of that facility.

Below are the criteria contained in Section 54-115.(f). 1-10, of the City’s Land Development Code that are utilized to review a boat dock protrusion:

**1. Does the proposed docking facility meet the other standards set forth in the City’s Land Development Code?**

The existing boat docking facility meets the required side riparian setback on the southern side and meets protrusion requirements from both seawall faces.

**2. Is the water depth where the proposed vessel(s) is to be located 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 requested?**

The applicant indicates there is sufficient water depth.

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

The docking facility was approved by City Staff and was constructed pursuant to the approved plans. It was later discovered that the dock approval was in error as Staff inadvertently treated the subject property as a “shoulder lot”, when it is in fact a “waterfront corner lot”. The difference is that a shoulder lot has a property line extending into the waterway, and the subject property does not, and shoulder lots typically have only 50 feet of seawall frontage.

**4. Does 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?**

The docking facility does not protrude more than 25 percent of the waterway width.

**5. Is the proposed boat docking facility 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?**

The portion of the dock dedicated to vessel mooring complies with protrusion and setback limitations. The western section of the dock is the subject of this variance request and does not appear to present any navigational obstructions.

**6. Is the proposed boat docking facility of minimal dimensions and located to minimize the impact of view to the channel by surrounding property owners?**

The facility is located at the terminus of the canal and positioned in a manner that does not appear to present any visual obstructions to surrounding property owners.

**7. Are the proposed vessel(s) 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?**

The applicant states that the vessels utilized (27' LOA & 12' LOA) do not cumulatively make up 50 percent of the property's 160 feet of frontage. The area of dock encroaching into the side setback does not obstruct views of the channel of surrounding property owners; as the vessels are moored at another part of the dock.

**8. Is the proposed location and design of the boat docking facility and moored vessel(s) in combination such that it may infringe upon the use of neighboring properties, including any existing boat docking facilities?**

The docking facility is located at the terminus of the canal and will not infringe upon the use of neighboring properties or dock facilities.

**9. Are there seagrasses located within 200 feet of the proposed boat docking facility?**

The applicant states that a seagrass survey was conducted and there are no seagrasses in the area.

**10. Is the proposed dock subject to the manatee protection requirements set forth in Section 54-117 of the City's Boat Docking Facilities Code?**

This is not subject to the manatee protection requirements.

**STAFF RECOMMENDATION AND FINDINGS:**

Staff recommends the Planning Board approved BD 24-000149 for a 6.7-foot encroachment into the 15-foot side riparian setback, based on the below findings:

1. The existing boat docking facility meets the required side riparian setback on the southern side and meets protrusion requirements from both seawall faces.

2. The docking facility was approved by City Staff and was constructed consistent with the approved plans. It was later discovered that the dock approval was in error as Staff inadvertently treated the subject property as a “shoulder lot”, when it is in fact a “waterfront corner lot”.
3. The docking facility does not protrude more than 25 percent of the waterway width.
4. The portion of the dock dedicated to vessel mooring complies with protrusion and setback limitations. The western section of the dock is the subject of this variance request and does not appear to present any navigational obstructions.
5. The docking facility is located at the terminus of the canal and positioned in a manner that does not appear to present any visual obstructions to surrounding property owners.
6. The vessels utilized (27’ LOA & 12’ LOA) do not cumulatively make up 50 percent of the property’s 160 feet of frontage. The area of dock encroaching into the side setback does not obstruct views of the channel of surrounding property owners; as the vessels are moored at another part of the dock.
7. The docking facility is located at the terminus of the canal and will not infringe upon the use of neighboring properties or dock facilities.
8. There are no seagrasses identified in the subject waterway.