



PF-22

City of Marco Island  
Growth Management Department  
50 Bald Eagle Drive  
Marco Island, FL 34145  
Phone: 239-389-5000

Reviewed for code compliance  
M Holden  
09/30/2025 11:27:35 AM

## **VARIANCE PETITION**

Applicable Sections of the Marco Island Land Development Code Sec. 30-65 Procedures for obtaining variances

Petition number: V-\_\_\_\_\_ Date Received: \_\_\_\_\_

Planner: \_\_\_\_\_

**Above to be completed by Staff**

### **PROPERTY INFORMATION**

Property Owner(s): **CITY OF MARCO ISLAND**  
Owner's Address: **50 BALD EAGLE DR**  
Phone Number: **239-389-3992** Email: **publicworks@cityofmarcoisland.com**

### **AGENT INFORMATION**

Agent's Name: **Zurima Luff - Public Works Department - City of Marco Island**  
Agent's Address: **50 BALD EAGLE DR**  
Phone Number: **239-389-3961** Email: **zluff@cityofmarcoisland.com**

### **SITE INFORMATION**

Address: **415 LILY CT, MARCO ISLAND 34145** Property ID#: **58970320008**  
Subdivision: **Marco Beach Unit 25** Block: \_\_\_\_\_ Lot(s): **Tract C**  
Is this a corner lot? : **N/A** Is this a waterfront lot? : **N/A**

Setbacks Required:

Front: **N/A** ft Rear: **N/A** ft Side: **N/A** ft Side: **N/A** ft

Setbacks provided:

Front: **N/A** ft Rear: **N/A** ft Side: **N/A** ft Side: **N/A** ft

## Zoning and Land Use

| Property Subject | Zoning                    | Land Use |
|------------------|---------------------------|----------|
|                  | PU SWTP                   |          |
| N                | P Mackle Park             |          |
| S                | RSF-4 Single family homes |          |
| E                | RSF-4 Single family homes |          |
| W                | RSF-4 Single family homes |          |

For variance requests for existing structure(s), please provide the following information:

1. What is the requested encroachment?

N/A

2. When property owner purchased property?

November 6, 2003

3. When was the existing structure built (include building permit number if possible)?

1977

4. How was existing encroachment created?

N/A

5. What is the certified cost estimate for bringing the existing structure(s) into compliance?

N/A

6. What extenuating circumstances exist related to the existing structures encroachment?

N/A

7. Are there any life/safety concerns related to the existing structure(s)?

No

For variance requests for proposed structure(s), please provide the following information:

1. What is the proposed encroachment?

N/A

---

---

---

2. Why is the encroachment necessary?

N/A

---

---

---

3. What extenuating circumstances exist related to the proposed structure encroachment?

N/A

---

---

---

#### **NATURE OF PETITION**

Please note that staff and the Marco Island Planning Board shall be guided in their recommendation to City Council acting as the Board of Zoning Appeals, and that City Council shall be guided in its determination to approve or deny a variance petition by the below listed criteria. Please provide a narrative response to the listed criteria and/or questions. Attach additional pages if necessary.

1. Are there special conditions and circumstances existing which are peculiar to the location, size and characteristics of the land, structure or building involved?

Please see attachment 1

---

---

2. Are there 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?

Please see attachment 1

---

---

3. Will a literal interpretation of the provisions of this zoning code work unnecessary and undue hardship or create practical difficulties on the applicant?

Please see attachment 1

---

---

4. Will the variance, if granted, 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?

Please see attachment 1

5. Will granting the variance requested confer on the petitioner any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district?

Please see attachment 1

6. Will granting the variance 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?

Please see attachment 1

7. Are there natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation such as natural preserves, lakes, golf course, etc?

Please see attachment 1

8. Will granting the variance be consistent with the growth management plan?

Please see attachment 1

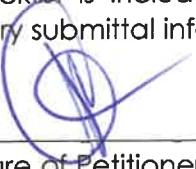
**VARIANCE PETITION**  
(For structures other than boat dock facilities)

**APPLICATION SUBMITTAL CHECKLIST**

*This completed checklist is to be submitted with application packet*

| REQUIREMENTS   | # OF COPIES REQUIRED  |
|--|---|
| <b>Completed Application</b>   | 1   |
| <b>Completed Owner/Agent affidavit, signed and notarized</b>   | 1   |
| <b>Pre-application notes/minutes</b>   | 1   |
| <b>Site Plan</b>   | (please include 1 copy of any documentation in color or larger than 11x17 to be handed out at the Planning Board and City Council meetings) |
| <b>Digital Copy of Site Plan</b>   | 1   |
| <b>Application fee, check shall be made payable to "The City of Marco Island" in the amount of \$2,000.00. The after-the-fact variance fee is twice the variance petition fee.</b>   |   |
| <p><b>PUBLIC NOTICE REQUIREMENT:</b> In addition to the fees required herein, all costs of newspaper notices and required notices for public petitions shall be paid in full prior to a scheduled public hearing. If such payment is not received prior to a scheduled public hearing, the petition will be continued and rescheduled. Any additional cost associated with a rescheduled item shall also be paid in full prior to the public hearing. Advertising for public hearings shall be prepared by staff and submitted to the newspapers as required in the Marco Island Land Development Code (LDC). If an application is filed for which a fee is not listed herein, staff shall assess the fee based upon actual time spent reviewing the petition.</p> |   |
| <p><b>Marco Island Code of Ordinances Section 30-8(a). Amended 10/17/2005</b></p>  |   |

As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

  
\_\_\_\_\_  
Signature of Petitioner or Agent

8/26/2025

\_\_\_\_\_  
Date

## **DOCK FACILITY VARIANCE APPLICATION SUBMITTAL CHECKLIST**

Required public hearing(s) will not be scheduled until the dock facility variance application package has been deemed by staff to be complete.

- Pre-application notes/minutes if required (Call 389-5000 to schedule a pre-application meeting)
- Completed application
- Completed Owner/Agent affidavit, signed and notarized
- Site plan, drawn to scale, illustrating all of the following:
  - Location map
  - Lot dimensions and land contour of subject property
  - Riparian line(s)
  - Required dock setbacks
  - Configuration and dimensions of decking, boatlifts, boat mooring areas of the (a) existing, (b) proposed, and (c) adjacent boat docking facilities.
  - Water depth survey, completed by a professional Florida engineer, licensed marine contractor, registered surveyor, or other person deemed to be qualified by the Community Development Director or his designee, using the format attached to the application form.
- Permit number and Certificate of Completion date for the original construction of existing boat docking facility, if applicable
- Resolution number and date of previous boat dock extension requests, if applicable
- Application fee (checks should be made payable to "City of Marco Island") in the amount of \$2,000.

**PUBLIC NOTICE REQUIREMENT:** In addition to the fees required herein, all costs of newspaper notices and required notices for public petitions shall be paid in full prior to a scheduled public hearing. If such payment is not received prior to a scheduled public hearing, the petition will be continued and rescheduled. Any additional cost associated with a rescheduled item shall also be paid in full prior to the public hearing. Advertising for public hearings shall be prepared by staff and submitted to the newspapers as required in the Marco Island Land Development Code (LDC). If an application is filed for which a fee is not listed herein, staff shall assess the fee based upon actual time spent reviewing the petition. **Marco Island Code of Ordinances Section 30-8(a). Amended 10/17/2005**

As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

I understand that, in addition to approval of this dock variance, a building permit is required prior to commencement of construction. I also understand that if the City of Marco Island City Council approves this dock variance, an affected property owner may file an appeal within 14 days of the hearing. If I proceed with construction during this time, I do so at my own risk.

Zurima Luff

Signature of Petitioner or Agent

8/26/2025

Date

## AFFIDAVIT

We/I, City of Marco Island

being first duly sworn, depose and say that we/I am/are the owners of the property described herein and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, including the disclosure of interest information, all sketches, data, and other supplementary matter attached to and made a part of this application, are honest and true to the best of our knowledge and belief. We/I understand that the information requested on this application must be complete and accurate and that the content of this form, whether computer generated, or City printed shall not be altered. Public hearings will not be advertised until this application is deemed complete, and all required information has been submitted. We/I hereby also consent to access to the subject property

(excluding entering any home or other enclosed structure) by City of Marco Island staff members, Planning Board members, and/or Board or Zoning Appeals members for the limited purpose of evaluating, observing, or understanding the subject property conditions as they relate to the petition. While the petition is pending, staff members, Planning Board members, or Board of Zoning Appeals members will be allowed access upon the property provided they display a Marco Island City Photo ID or a Valid Driver's License.

As property owner we/I further authorize Zurima Luff to act as our/my representative in any matters regarding this Petition.

Michael A. McNees

Signature of Property Owner

Michael A. McNees

Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of September, 2025, by Michael A. McNees, who is personally known to me or has produced \_\_\_\_\_ as identification.

State of Florida

County of Collier

B. O. D. S.

Signature, Notary Public – State of Florida

Brandi Garwood

Printed, Typed, or Stamped Name of Notary

(Seal)



Brandi Garwood  
Comm. #H 339473  
Expires. March 22, 2026  
Notary Public - State of Florida

## **NATURE OF PETITION**

Please note that staff and the Marco Island Planning Board shall be guided in their recommendation to City Council acting as the Board of Zoning Appeals, and that City Council shall be guided in its determination to approve or deny a variance petition by the below listed criteria. Please provide a *narrative* response to the listed criteria and/or questions. Attach additional pages if necessary.

### **Variance Requested: “Plant Material”, LDC Section 30-435 (d) (4) and Predominant Exterior Building Material, LDC Section 30-624 (h) (2)**

**Variance 1 (Plant Material) (b), (c), (d):** The City of Marco Island requests a variance from the requirements of Sec 30-435, Plant material and installation standards, of the Land Development Code.

The proposed Public Works facility is located within a water treatment plant. The treatment plant site contains a fully mature landscape buffer along the entire perimeter of the site, which buffers or obscures the improvements within the site from the surrounding properties. The proposed building is not visible from the street or neighboring properties. Therefore, there is no need to buffer or soften the appearance of the proposed building with foundation plantings since it is internal to a treatment plant. Furthermore, landscaping around the building will hinder the operational functions of the facility. Existing utilities such as overhead power lines, retaining walls, chain-link fencing, underground electric, water and sewer mains, and an electrical easement significantly reduce the available planting area. These conditions prevent the site from accommodating the landscape planting required under Section 30-345(b) and 30-435(c).

Granting this variance will not be contrary to the public interest, as the intent of the Code to provide appropriate visual screening and environmental enhancement is achieved to the maximum extent practical by the existing perimeter landscape buffer of the site.

**Variance 2 Predominant Exterior Building Material, LDC Section 30-624 (h) (2):** The City of Marco Island requests a variance from the requirements of Sec 30-424 (h) (2) of the Land Development Code, which limits corrugated metal to roofing or five percent of a building façade.

The proposed Public Works facility is designed to serve as a functional operations building for municipal services. Corrugated metal siding is consistent with the other existing buildings within the treatment plant site and will provide

a uniform appearance while meeting the operational needs of the City. The proposed Public Works facility is located within a water treatment plant. The treatment plant site contains a fully mature landscape buffer along the entire perimeter of the site which buffers or obscures the improvements within the site from the surrounding properties. Granting the variance will not negatively impact the surrounding community, since the building is consistent with other utility-related structures on the site.

**1. Are there special conditions and circumstances existing which are peculiar to the location, size, and characteristics of the land, structure, or building involved?**

The Public Works facility is located within the City's water treatment plant property, a site designed and zoned primarily for utility and service operations, rather than commercial or residential use. The building must meet operational and security needs, which require durable functional structures for equipment storage and maintenance. The location of the facility within the treatment plant means that it will not be seen from the street or adjacent residential properties. The treatment plant has a perimeter landscape buffer with fully grown landscaping thereby aiding to shield the building from surrounding roads or properties. This shielding provided by the treatment plant negates the need for building foundation planting and special architectural treatments.

**2. Are there 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?**

The property consists of an existing fully developed water treatment plant with large water tanks, a membrane filtration building, a warehouse, pump houses, odor control equipment, fuel tanks, and other infrastructure. The new building will replace temporary trailers on the site which are currently serving as the field crew operations center. The site has limited flexibility for building placement and landscape areas. The functional needs of a municipal facility, circulation, parking, and drainage conveyances, restrict the areas available for landscape installation. The request reflects these inherent site limitations rather than the result of any action by the applicant.

**3. Will a literal interpretation of the provisions of this zoning code work unnecessary and undue hardship or create practical difficulties on the applicant?**

Yes, a literal interpretation of the landscaping requirements would obligate the installation of plant material in locations where it is not practical or feasible due to operational needs for site circulation, equipment and vehicle storage, and site drainage. Likewise, the prohibition of corrugated metal roof and siding will result in unnecessary additional costs for a building within an existing treatment plant that is buffered from surrounding properties.

**4. Will the variance, if granted, be the minimum variance that will make possible the reasonable use of the land, building, or structure and which promotes standards of health, safety, or welfare?**

Yes, the variance is limited to only two elements: (1) the exterior material of the building, and (2) the building perimeter landscape planting requirements. Both requests are the minimum necessary to allow the facility to be constructed and serve its public function. All other applicable codes will be met.

The site will maintain its perimeter landscaping buffer and will meet all other zoning, stormwater, and safety requirements. This represents the minimum relief necessary to make reasonable use of the site.

5. Will granting the variance requested confer on the petitioner any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district?

No, the variance does not confer special privilege. It recognizes the unique operational needs of a municipal public works facility, which differ significantly from commercial or residential properties. The requested relief is specific to the site's use and conditions.

6. Will granting the variance 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?

Yes, granting the variance will remain consistent with the overall intent of the zoning code, which is to ensure safe, functional, and orderly development. The variances requested are limited in scope and do not alter the essential use of the property as a municipal facility. The project will meet applicable regulations and operate in a manner that is compatible with the surrounding areas. Approval of the variance will not be detrimental to adjacent properties or the public welfare.

7. Are there natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation, such as natural preserves, lakes, golf courses, etc?

The site contains existing features such as fencing and walls that already provide buffering and help achieve the intent of the regulations. These elements, combined with the proposed landscaping where feasible, ensure that the overall goals of the code are still supported.

**8. Will granting the variance be consistent with the growth management plan?**

Yes, the variance supports the City's growth management plan by enabling the development of critical public infrastructure that ensures effective service delivery. While specific design standards are modified, the overall project remains consistent with the City's long-range objectives for public facilities and community services.

