

Nature of the Petition

The property at 510 Alameda Ct. in Marco Island, owned by Sal Iannuzzi since March of 2021, is a shoulder-lot on the southwest corner of the intersection of Alameda Ct. and Collingswood Ave. The parcel is located within the Marco Beach Unit 9 subdivision and is approximately 140 feet wide and ranges between 150 and 200 feet deep. The lot has approximately 160 linear feet of seawall shoreline on the terminal corner of the Conover Waterway as recorded in Plat Book 6, Page 72 of Collier County records. The waterway (canal), which was originally dredged from uplands (like many of the interior canals on Marco Island), has a width of approximately 100' from MHWL to MHWL. The property is zoned RSF-4, which is intended for development with single-family residences. The property contains a single-family residence and a newly constructed dock facility with 2 boat lifts.

This dock facility is the subject of this petition, which will be for an after-the-fact approval. The dock currently provides a maximum of 25' of protrusion from the MHWL, and consists of a total of approximately 2,336 square feet of over water area. The provided east side setback is 15' and the provided west side setback is 8.3'. The dock plan as-built was originally approved under building permit application #DOCK-22-00045. The dock was then constructed to plan through early to mid-2023. However, at the final survey inspection, it was discovered that the project's provided west side setback of 8.3' did not meet the 15' required riparian side setback. Evidently, at time of permit issuance, it was thought that the required side setback for this side was 7.5'. This petition would therefore be for an after-the-fact approval of a 6.7' variance from the required 15' side setback from the west riparian line at this site so that the dock can remain as it has been built. All other aspects of the dock (including protrusion) meet the applicable codes of Marco Island's Land Development Code.

Each of the petition application's criteria have been addressed through the responses seen below.

1. Does the proposed boat docking facility meet the other standards (setbacks, height, etc.) set forth in Ordinance 03-?

The dock's provided maximum protrusion is 25', which is 25% the width of waterway, and the provided east riparian setback is 15'. Therefore, the only portion of the dock that does not meet code is the portion that encroaches on the west riparian setback.

2. Is there sufficient water depth where the proposed vessel(s) is to be located (as a general guide, -4 feet mean low water is deemed to be sufficient) to allow for safe mooring of the vessel??

The dock's existing slips occur within the usually allowed protrusion, and are largely irrelevant for the sake of the portion of dock that is the focus of this petition. However, there is adequate water depths for each of the boat lifts present.

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

The circumstances for why the need for this variance arose in the first place make it unique. That is to say, the plan as currently constructed was evidently originally approved by the city without indication that a setback variance would be needed. The need for a variance was discovered after the dock was completely built and a final inspection was ordered.

4. Does the proposed boat docking facility and moored vessel protrude greater than 25% of the width of the navigable waterway and is a minimum of 50% of the waterway width between dock structures/moored vessel(s) on the opposite side of the waterway maintained in order to ensure reasonable waterway width for navigability??

The dock's protrusion was specifically designed to comply with the city's land development code for protrusion, which is why the existing dock protrudes a maximum of 25' from the MHWL or 25% the width of waterway. This allows for a minimum of 50% of the waterway to remain open for public navigation.

5. Is the proposed dock of minimal 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 dock as constructed is one of the larger facilities within the Marco Island area. However, there are others that are still larger that serve the same type of private, recreational use. Furthermore, the dock is still located completely inside of the property owner's riparian area, and there appears to be no negative affects to any neighbors. And so, it would seem reasonable to allow the dock to remain as constructed so that it can be used for marine related activities (other than loading, unloading, and routine maintenance) such as launching non-motorized crafts, fishing, or general enjoyment of the outdoors.

6. Is the proposed structure of minimal dimensions and located (designed) to minimize the impact of view to the channel by surrounding property owners??

The portion of the structure requiring the variance is located at the end of a canal in such a position that it does not appear to obstruct the views of any riparian owners.

7. Is the moored vessel in excess of 50% of the length of the waterfrontage such that the addition of a dock structure will increase the impact on or negatively impact the view to the waterway by surrounding property owners? (In the case of multi-family developments and public marinas, the 50 percent provision may be exceeded).?

The vessels utilized (27' LOA +12' LOA) within the facility cumulatively do not make up 50% of the property's 160' of shoreline. The additional area of dock within the side setbacks does not obstruct views or navigation of any surrounding property owners.

8. Will the proposed location and design of the boat docking facility and moored vessel(s) be such that it may infringe upon the use of neighboring properties, including any existing dock structures??

No, the additional decked area within the side setback, which triggers the need for this BDE, will not infringe upon the use of any neighboring properties, including existing dock structures.

**9. Regarding existing benthic organisms in the vicinity of the proposed extension:
a. Are seagrasses located within 200 feet of the proposed dock?**

A seagrass survey was performed at the project site and no seagrasses were observed during the course of observation.

b. Is the proposed dock subject to the manatee protection requirements in Sec 10 of Ordinance 00-04?

The proposed dock facility is a 2-slip private, recreational dock for use at a single-family residence. In order to be subject to requirements of Collier County's manatee protection plan, the project must be a multi-slip marina with 10 or more slips or a marina facility under the definition of the plan. The proposed project does not have more than 10 slips and does not meet the definition of a marina facility and so is not subject to consistency review with the manatee protection plan.