1 CITY OF MARCO ISLAND 2 **PLANNING BOARD** 3 4 **RESOLUTION NO. 25-**5 6 A RESOLUTION OF THE PLANNING BOARD OF THE CITY 7 OF MARCO ISLAND, FLORIDA, DENYING A BOAT DOCK 8 **EXTENSION** TO ALLOW **FOR** Α 7.5 **FOOT** 9 **ENCROACHMENT INTO THE REQUIRED 15 FOOT WEST** 10 SIDE YARD/RIPARIAN SETBACK LOCATED AT THE PROPERTY LOCATED AT 1695 LUDLOW ROAD, MARCO 11 12 ISLAND; MAKING NECESSARY FINDINGS; PROVIDING 13 FOR NON-COMPLIANCE WITH RESOLUTION: AND 14 PROVIDING AN EFFECTIVE DATE. 15 16 WHEREAS, Section 54-115 of the of the Marco Island Waterways and Beaches 17 Code, as contained within the City of Marco Island Land Development Code relates to 18 encroachments into the riparian setback of real property within City of Marco Island; and 19 20 WHEREAS, Terra Onken (the "Owner") submitted a Boat Docking Facility 21 Extension Petition, and are requesting the approval of a 7.5 foot encroachment into the 22 south side yard/riparian setback in order to permit a dock at the property located at 1695 23 Ludlow Road, Marco Island, Florida (the "Property"); and 24 25 WHEREAS, the City of Marco Island staff has reviewed the Boat Docking Facility 26 Extension Petition BD-25-000210; and 27 28 WHEREAS, the Planning Board finds that there are no special conditions related 29 to the Property or adjacent waterway that justifies the increase in the encroachment; and 30 31 WHEREAS, the boat docking facility adequately provides reasonable access, with 32 or without a variance: 33 34 WHEREAS, it is difficult to say if granting the variance will impact the surrounding 35 property owner's view. The property owner provided a letter of no objection from the 36 adjacent neighbor and this is at the end of canal; and 37 38 WHEREAS, it is difficult to say if the encroachment will infringe upon the use of 39 neighboring properties since Staff are not boat captains and docks can and are rebuilt 40 over time. The proposed dock location (area of requested encroachment) appears that 41 personal water craft will need to use a bit of the area in front of the neighbor to 42 maneuver into the space/lifts.

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45 NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE 46 **CITY OF MARCO ISLAND, FLORIDA:** 47 48 49 **SECTION 1. Adoption**. Based upon the testimony and evidence presented at the 50 December 5, 2025 public hearing, the Planning Board for the City of Marco Island hereby 51 incorporates the above WHEREAS clauses, and finds that the Owner/Developer's 52 application for the boat dock extension is not consistent with criteria contained in Section 53 54-115.(f). 1-10 of the Waterways and Beaches code. Therefore, the Planning Board for 54 the City of Marco Island denies the Owner's request for the encroachment as contained 55 in Boat Docking Facility Extension Petition BD-25-000210. 56 57 SECTION 2. Failure to Adhere to Resolution. That failure to adhere to the denial 58 contained in this Resolution shall be considered a violation of this Resolution and the City 59 Code, and persons found violating this Resolution shall be subject to the penalties 60 prescribed by the City Code. 61 62 **SECTION 3.** Effective Date. That this Resolution shall take effect immediately 63 upon adoption. 64 65 ADOPTED BY THE PLANNING BOARD OF THE CITY OF MARCO ISLAND, this day of ______, 2025. 66 67 68 CITY OF MARCO ISLAND, FLORIDA 69 By: _____ 70 71 Jason Bailey, Chair 72 73 ATTEST: 74 75 By: 76 Joan Taylor, City Clerk 77 78 Reviewed for legal sufficiency: 79 80 81 David N. Tolces, Assistant City Attorney 82