



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

PF-22

### VARIANCE PETITION

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

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

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

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Above to be completed by Staff

#### PROPERTY INFORMATION

Property Owner(s): United Church of Marco Island

Owner's Address: 320 N. Barfield, Marco Island, FL 34145

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

#### AGENT INFORMATION

Agent's Name: Michael J. Delate, P.E. - RDA Consulting Engineers, LLC

Agent's Address: 791 10th S

Phone Number: 239.649-1551 Email: MDelate@rdafl.com

#### SITE INFORMATION

Address: 750 Bald Eagle Drive Property ID#: 57991200001

Subdivision: \_\_\_\_\_ Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_

Is this a corner lot? : No Is this a waterfront lot? : No

Setbacks Required:

Front: 25 ft Rear: 10 ft Side: 15 ft Side: 15 ft

Setbacks provided:

Front: 80 ft Rear: 10 ft Side: 75 ft Side: 15 ft

## Zoning and Land Use

Property Subject	Zoning	Land Use
	C-4	
N	C-4 vacant	
S	C-4 bank	
E	ROW (road)	
W	Alley ROW (alley)	

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

1. What is the requested encroachment?

Reducing front yard landscape buffer from 15 ft to 10 ft 

Reducing rear yard alley buffer from 10 ft to 0 ft. 

2. When property owner purchased property?

June 16, 2010

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

Proposed structure addition. Existing bldg was constructed in 1995???? 

4. How was existing encroachment created?

Proposed

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

NA

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

NA

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?

Reducing front yard landscape buffer from 15 ft to 10 ft

Reducing rear yard alley buffer from 10 ft to 0 ft.

2. Why is the encroachment necessary?

The existing building and proposed addition need to meet the min FFE elevation + which is significantly above grade. To meet ADA slope requirements, there needs + to be sufficient room in the front of the building to accomodate an ADA ramp. This + pushes the needed parking forward, which takes up some of the required buffer. +

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

The building is existing and the site has to meet FEMA FIRM requirements and + necessary ADA access.

#### **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?

The site is in a FEMA flood zone which requires an elevated finished floor + significantly above the road grade. This necessitates an ADA ramp.

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 applicant has no control over the FEMA FIRM elevation and ADA access is required by code. The existing building was not subject to more stringent code requirements for those items.

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, the applicant will not be able to expand to meet the needs of the residents for donattion and resale items.

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?

Yes, no additional variance is needed in regards to landscaping. ☒

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. In 2023 Ehlen Floor Coverings was granted the same landscaping variances. ☒

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, the front landscape buffer will still be extensive and the same amount of ☒  
landscape material will be provided. The rear buffer on the existing building is  
not present and has not been detrimental to 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 course, etc?

No.

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

Yes, as the granting of the variance will allow for the general welcoare of the  
community for ADA access.

## 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
Completed Application	1
Completed Owner/Agent affidavit, signed and notarized	1
Pre-application notes/minutes	1
Site Plan	(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)
Digital Copy of Site Plan	1
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>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. <b>Marco Island Code of Ordinances Section 30-8(a). Amended 10/17/2005</b>	

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.

Michael J  
Delate

Digitally signed by Michael J  
Delate  
Date: 2025.03.20 16:15:29  
-04'00'

Signature of Petitioner or Agent

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.

**Michael J Delate** Digitally signed by Michael J Delate  
Date: 2025.03.20 16:14:39 -04'00'

Signature of Petitioner or Agent

\_\_\_\_\_  
Date

**AFFIDAVIT**

We/I, Samantha A. Kopren 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 RDA Consulting Engineers, LLC to act as our/my representative in any matters regarding this Petition.

  
Signature of Property Owner

Samantha A. Kopren

Printed Name of Property Owner

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

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

The foregoing instrument was acknowledged before me this 20 day of MARCH, 2021, by SAMANTHA A. KOPREN, who is personally known to me or has produced DRIVER LIC. as identification.

State of Florida

County of COLLIER

  
Signature, Notary Public - State of Florida

JIRI MIKULINEC  
Printed, Typed, or Stamped Name of Notary

(Seal)

