

July 16, 2024

RE: Variance Application for 230 Polynesia Ct; SF-22-02623; **Follow on to Resolution 24-26**

Dear City Council and Staff,

This follow-on variance request is related to the approved City Resolution 24-26 and presented by Kevin Williams Construction, Inc. (CBC 1254223) on behalf of our client, and the owners of 230 Polynesia Court, the Kristen Evans Living Trust.

We are seeking a Variance of 0.4 feet to seek relief from the City of Marco Administrative Construction Code Sec 26-90 (b) (2) required 9 foot NAVD design flood elevation pertaining specifically to the mechanical equipment and pads. This home and associated mechanical equipment meets the criteria in Sec 26-90 (b) (1) and (b) (3). As with Resolution 24-26, this request is a result of an inadvertently erroneous boundary survey and topography that was provided to Kevin Williams Construction, Inc. (KWC) prior to the start of construction. The elevations provided to KWC by Marco Surveying & Mapping, signed and sealed by David Hyatt, were discovered to be in error. See attached survey with elevations from 6/23/2022. The benchmark, set by this surveyor, used to build the Evans' home was unintentionally set 0.5' higher than it should have been. When we had Marco Surveying & Mapping provide the Spot Survey and Elevation Certificate, we believed that we had built the house to a slab elevation of 9.1' NAVD and submitted those documents to the City, as required.

We appreciate the City Council's approval of Resolution 24-26 granting the 0.4 foot variance related to the finished floor elevation. We are now requesting a similar variance for the mechanical equipment and would like to address concerns about the mechanical systems. The provided photos and implemented safety features demonstrate that the mechanical systems do not pose any danger to surrounding areas. Current safety features include mechanically fastened straps holding secure the mechanical equipment and a mechanically fastened equipment enclosure surrounding the machinery with a proper locking mechanism. We believe these efforts have mitigated the concern that any real danger exists in approving this variance request.

KWC has operated on Marco Island since 1985 and we are known for building exceptional homes. This house is built to our typical high standards and meets or exceeds all relevant building codes, including the Florida Building Code requirement of 1 foot NAVD of freeboard in relation to the permitted base flood elevation. Thank you for your serious consideration of this variance request. Below are answers to Sec. 26-37 (f) (1-10):

1. **The danger that materials and debris may be swept onto other lands resulting in further injury or damage:**
 - No. Attached are photos that provide strong evidence of the safety features currently in place to prevent any injury or damage. The photos show that the machinery is mechanically fastened into the cement pad, and the surrounding louvered metal enclosure provides additional protection for the area.

2. **The danger to life and property due to flooding or erosion damage:**
 - There is no danger to life or property due to flooding or erosion because the machinery is safely anchored onto an elevated cement pad with surrounding equipment enclosure anchored into the concrete pad and walls.
3. **The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners:**
 - The susceptibility to flood damage is comparable to the majority of properties on Marco Island.
4. **The importance of the services provided by the proposed development to the community:**
 - This is a completed single-family home built in an RSF-3 district
5. **The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion:**
 - This is a completed single-family home permitted under an AE 7 flood zone, with the finished floor at 8.6 foot NAVD, exceeding the 1-foot freeboard required by the Florida Building Code. Equipment pads are at the finished floor elevation of 8.6 foot NAVD.
6. **The compatibility of the proposed development with existing and anticipated development:**
 - No compatibility issues exist. This is a custom home built alongside neighboring custom homes in a residential district.
7. **The relationship of the proposed development to the comprehensive plan and floodplain management program for the area:**
 - This is a completed single-family home permitted under an AE 7 flood zone, with the finished floor at 8.6 foot NAVD, exceeding the 1-foot freeboard required by the Florida Building Code.
8. **The safety of access to the property in times of flooding for ordinary and emergency vehicles:**
 - There are no unique access issues for this property in times of flooding
9. **The expected heights, velocity, duration, rate of rise, and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site:**
 - The conditions regarding floodwater and wave action at this site are not expected to differ from those affecting the surrounding properties.
10. **The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges:**
 - The costs of providing governmental services for this property during and after flood conditions are expected to be similar to those for surrounding properties.

Sincerely,

Ryan Williams
President – Owner
Kevin Williams Construction, Inc.
1857 San Marco Rd., Ste 214
Marco Island, FL 34145
CBC 1254223

Attachments (3):

1. City Resolution 24-26
2. Mechanical Equipment & Enclosure photos
3. David Hyatt, PSM Letter of Explanation

