

ADDENDUM TO: MCBRIDE LETTER OF OBJECTION

Gary & Lorraine McBride
Property Owners of:
980 Sundrop Court
Marco Island, FL 34145

August 25, 2021

VIA ELECTRONIC MAIL

Marco Island Planning Board
50 Bald Eagle Dr.
Marco Island, FL 34145

**Re: Addendum to Objection to Boat Dock Extension Application for 986
Sundrop Ct., Marco Island, FL, 34145, Folio No. 56942480004 – Reference No. BD-21-
000177**

To the Planning Board Members:

This addendum is to provide additional support in objection to the application set forth by petitioner 986 Sundrop Court, Marco Island, FL 34145, Folio No. 56942480004 – Reference No. BD-21-000177 seeking an exemption from the standard dimensional requirements of § 54-111 to build a dock that would house a 130-foot long mega-yacht.

First, petitioner makes the argument that because the boat dock would be at the end of a 2000-foot channel (the Marco River), it should be able to do build a dock for a mega-yacht. It claims this is a “special condition relative to the subject property” in line with § 54-115(b)(1). The problem with this argument is that it goes too far. This would allow any owner of a property at the end of a canal to build whatever kind of boat dock he or she pleases. When the City Council adopted this statute, the canals existed, yet they did not make any legislative exemption for lots at the end of canals. They enacted the dimensional requirements of § 54-111 for all proposed boat docks on the island. They provided a failsafe in § 54-115 if a specific lot had a strange or unique circumstance that required it to have an exemption. Even then, the presumption is that all property owners must comply with § 54-111 for a boat docking facility. That petitioner has a property at the end of a canal is not enough to carry his burden that there is a “*special* condition related to the subject property or waterway which justif[ies] the proposed dimensions and location of the proposed boat docking facility.” § 54-115(f)(3) (emphasis added). If petitioner thinks property owners at the end of canals on larger waterways should be allowed to build the docks of their choosing, it should suggest a legislative amendment to the Boat Docking Facilities Code.

Second, we emphasize the point that our views will be diminished. *See* Exhibit A (photographs showing current views). The dock and associated mega-yacht would encumber this view of the Bridge and the waters under and near the Bridge. *See* § 54-115(f)(7) (mandating the Board consider the views that may be adversely affected from significantly large vessels). In passing the Code, the City Council expressly mandated the Planning Board take into serious

account the diminished views of surrounding property owners, especially from abnormally large vessels greater than 50% of the length of the water frontage. *See id.* The Code does not limit what views are important enough for recognition, but rather it recognizes that all diminished views from the surrounding property owners' property should be considered, even if it is not a total view loss. *See* § 54-100 ("It is the intent and purpose of this article to provide for...the use and view of the waterway by surrounding property owners."). In this case, *both* directly surrounding property owners strenuously object on the grounds that their views will be diminished. Other property owners likely object as well, but, because it is summer time when many residents are up north, we have not been able to get in touch with all the property owners within 300 feet. It is likely that the notices sent to these property owners informing them about this meeting are sitting at the Post Office because many property owners are up north.

Third, our property values will be diminished by this obstruction of our view. *See* Mauricio Rodriguez, Ph.D., *Quantifying the Value of a View in Single-Family Housing Markets*, at 603, <http://sbuweb.tcu.edu/mrodriguez/research/viewppr.pdf> (conducting a multiple regression analysis and finding "a good view adds about 8% to the value of a single-family house"); *The Day*, *How much value does a good view add to your home?*, <https://www.theday.com/article/20141205/BIZ04/312059990> ("Water views are considered particularly valuable, with the site suggesting that these can increase a home's value anywhere from 15 percent to 80 percent."); Marilyn Lewis, MarketWatch, *"This is how much a home's view is worth"* <https://www.marketwatch.com/story/this-is-how-much-a-homes-view-is-worth-2018-05-09> (discussing how unobstructed views are desired and how obstructions and risks that views are unprotected decrease property values). Not only will our view be obstructed, but it will be obstructed by an unsightly mega-yacht. The Planning Board should not approve the request because doing so would be diminishing our property values, which is not respectful of our rights. *See* § 30-2 (explaining that the purpose of the land development code is to "respect [the] rights of private property owners"); § 54-115(j-k) (explaining that Chapter 54 should be read consistently with the standards in Chapter 30).

Fourth, there is a conflict with the 2009 Comprehensive Plan, Section V (Conservation & Coastal Management Element), Goal 3 because there is a risk of property loss if a hurricane hits the island with a mega-yacht directly beside our property and our boat dock.

Fifth, the Marco Island City Council, in both the 2009 Comprehensive Plan and proposed 2021 Comprehensive Plan, has stated that it desires to have a small-town feel. These words should not merely be adjectives in a dormant document, but should be brought into reality, here and now. Allowing a mega-yacht to be sheltered at private property rather than at a marina is the antithesis of a small-town feel. Marco Island is not the French Riviera and, as the City Council has recognized, it should not so become.

Sixth, we emphasize that it is the burden of petitioner to prove justification for the boat dock extension. *See* § 54-115(b)(1) ("Petitioner *must* demonstrate justification...") (emphasis added). It is not our burden. If there are equal arguments on both sides, the application must not be granted as the burden has not been carried.

For all of the foregoing reasons, we humbly request that the Board deny the application. Sincerely,


Lorraine K. McBride

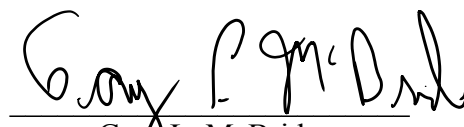

Gary L. McBride

EXHIBIT A

Photograph 1: The view looking towards the Marco Bridge and surrounding waterways. The proposed yacht would adversely affect our view of the Bridge, the waterways under and near the Bridge, and may impair sunrise views.



Photograph 2: The current view from the pool deck. We see the current boat, but it does not significantly diminish our view. A mega-yacht would block a significant portion of outward and rightward views.



Photograph 3: The petitioner's current yacht, which is being replaced with a larger mega-yacht.

