

# LETTER OF OBJECTION

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

July 25, 2021

VIA CERTIFIED MAIL

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

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

To Board Members Swartz, Bailey, Vergo, Honig, Fahringer, Rivera, and Hogan:

We are homeowners of 980 Sundrop Court, Marco Island, FL 34145 and have lived at this property peacefully for years. This house was purchased by our family in the 90s and we have long enjoyed the views of the famous Marco Bridge, Marco River, and surrounding waterways. This stands to be significantly interrupted by petitioner's proposed dock extension to accommodate his 130-foot mega-yacht.

Chapter 54, Article IV of the Marco Island Code of Ordinances regulates boat docking facilities on Marco Island. § 54-110 only permits boat docking facilities when they comply with the criteria set forth in the statute. When a property owner seeks a boat dock extension, protrusion, or encroachment, he is not automatically entitled to a permit. The property owner bears the burden of special justification for an exemption. *See* § 54-115(b)(1) ("Petitioner must demonstrate justification for extension, protrusion or encroachment into the riparian setback requested and/or special conditions relative to the subject property").

The City Council expressly stated one of the purposes of its enactment of the statute regulating boat docking facilities: "It is the intent and purpose of this article to provide for...the use and view of the waterway by surrounding property owners." § 54-100. The Council expressly ensured that a permit for a boat dock facility might not issue when the views of surrounding property owners were encumbered.

Here, the application set forth by petitioner 986 Sundrop Court, Marco Island, FL 34145, Folio No. 56942480004 – Reference No. BD-21-000177 asks for an exemption to the criteria set forth in the statute – something petitioner is not automatically entitled to by right. Petitioner has not carried his burden to demonstrate that any special condition of the property justifies an exemption. *See* § 54-115(b)(1) (petitioner must show "special conditions relative to the subject property"); *see also* § 54-115(f)(3) (mandating the planning board consider "whether there are special conditions related to the subject property or waterway which justify the proposed dimensions and location of the proposed boat docking facility"). Petitioner wants a grand dock for his mega-yacht. However, a desire to have such a dock to facilitate a mega-yacht is not a

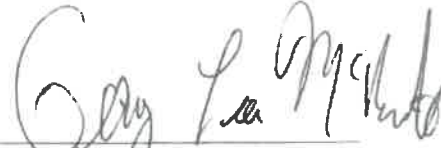
sufficient justification. If the statute allowed an exemption whenever a property owner had a large boat, the burden of the petitioner would almost always be met and this interpretation would render § 54-115(b)(1)'s special justification requirement futile, something the Council did not intend. Importantly, the statute requires "special conditions *related to the subject property*." See § 54-115(f)(3). Petitioner has identified no special condition of his property requiring such a grand dock that exceeds the standard limit by 15 feet. Petitioner does not demonstrate that other docking facilities in Marco Island are unable to house his mega-yacht and, even if other facilities were not so able, this circumstance would still not carry his burden.

In addition to failing to carry his burden, the Board must also consider the effect the proposed boat docking facility and mega-yacht would have on our view as surrounding property owners. See § 54-115(f)(6) (mandating the planning board consider "whether or not the proposed boat docking facility is of minimal dimensions and located to minimize the impact of view to the channel by surrounding property owners"); *see also* § 54-115(f)(7) (mandating the planning board consider the "adverse[] impact [to] the view to the channel by surrounding property owners" due to a proposed vessel that is in excess of 50 percent of the length of the water frontage). Our view would be diminished because the proposed dock with its associated mega-yacht (that is in excess of 50 percent of the length of the water frontage) would take away the view from our house and from our own dock. See generally § 54-115 (acknowledging harm to surrounding property owners' views in general, not limited to views from their houses). We have lived at this property for decades and bought the property in part because of its view of the Marco Island Bridge and the associated waterways. This proposed dock with its 130-foot long, 26-foot wide mega-yacht would substantially limit the view from our property, especially from our dock, which our late mother had built to ensure we would be able to see the Bridge from our property. The Council has indicated that limitations on surrounding property owners' views is a sufficient reason in and of itself to deny a permit, and we ask the Board to recognize the prejudice that would be caused to us (and others) from this proposed boat docking facility and the associated mega-yacht. See § 54-115(f)(7) (recognizing that the adverse impact of a proposed vessel, in addition to the dock itself, on surrounding property owners' views).

We respectfully ask the Board to deny the permit. We are not difficult neighbors; we are merely trying to preserve the view we have worked so hard to enjoy and have enjoyed for so many years. It is in the public interest that the views of peaceful property owners are not trampled by mega-yachts and their docks.

Sincerely,

  
Lorraine Kay McBride

  
Gary Lee McBride

McBrude  
980 Sundrop Ct  
Marco Island, FL 34145

RECEIVED

AUG 16 2021

CITY OF MARCO ISLAND

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

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## **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 justifi[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).

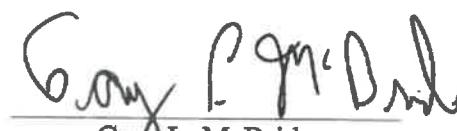
*Fourth*, there is a conflict with the 2009 Comprehensive Plan, Section V (Conservation & Coastal Management Element), Goal 3 because there is a risk of property loss if a hurricane hits the island with a mega-yacht directly beside our property and our boat dock.

*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.

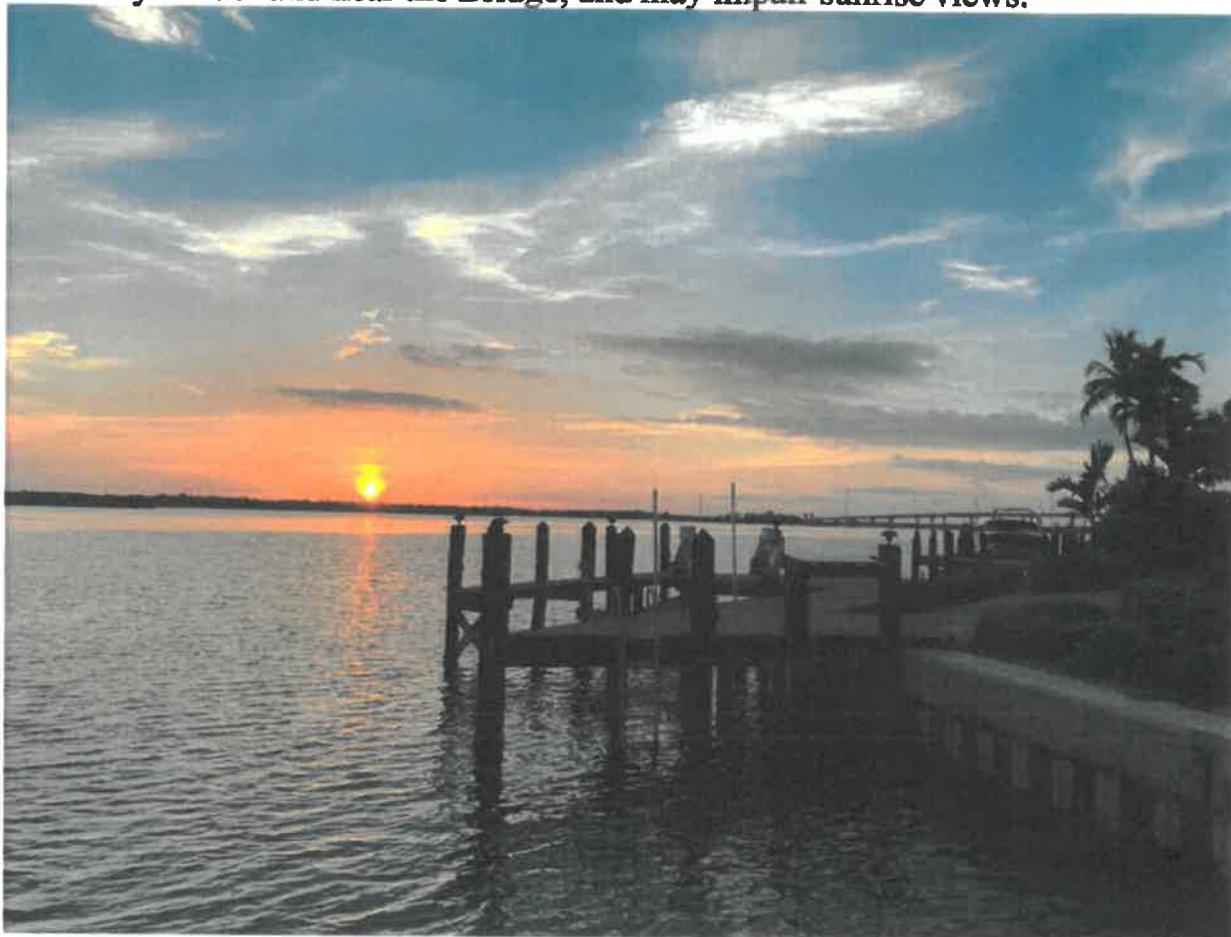
For all of the foregoing reasons, we humbly request that the Board deny the application.  
Sincerely,

  
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.**

