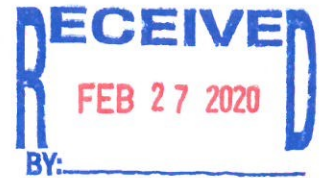




City of Marco Island
Community Affairs Department
50 Bald Eagle Drive
Marco Island, FL 34145
Phone: 239-389-5000 or FAX: 239-393-0266

PF-22



VARIANCE PETITION

Petition number: V-20-000103 Date Received: _____
Planner: _____

ABOVE TO BE COMPLETED BY STAFF

Property Owner(s): James & Kristen Schmunk
Owner's Address: 1152 Edington Place Marco Island, FL 34145
Telephone: _____ Fax: _____
Agent's Name: Jeff Rogers - Turrell, Hall & Associates, Inc.
Agent's Address: 3584 Exchange Ave Naples, FL 34104
Telephone: 239-643-0166 Fax: 239-643-6632

Site Information

Address: 1152 Edington Place Property ID #: 64610120002
Subdivision: Old Marco Village Block: 1 Lot(s): 9
Is this a corner lot?: No Is this a waterfront lot?: Yes

Setbacks Required:

Front: _____ ft Rear: _____ ft Side: 12 ft Side: 12 ft
Setbacks provided:
Front: _____ ft Rear: _____ ft Side: 0 ft Side: 12 ft

Zoning and Land Use

Property	Zoning	Land Use
Subject	<u>RSF-4</u>	<u>Residential Single-family</u>
N	<u>RSF-4</u>	<u>Residential Single-family</u>
S	<u>RSF-4</u>	<u>Residential Single-family</u>
E	_____	<u>Edington Place</u>
W	_____	<u>Collier Bay</u>

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

1. What is the requested encroachment?

2. When property owner purchased property

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

4. How existing encroachment created?

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

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

7. Are there any life/safety concerns related to the existing structure(s)?

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

1. What is the proposed encroachment?

The required side yard setback is 12' and as proposed the dock will provide a 0' setback from the south riparian line and a 12' setback from the north riparian line.

2. Why is the encroachment is necessary?

The proposed encroachment is necessary in order to accommodate the applicant's vessels on-site while not interfering with the neighbor's ingress/egress to their existing docking facility. The proposed design also provides safe access to the vessels from the dock.

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

There are a few factors driving this request which include the total length of shoreline, the required side yard setbacks, as well as the existing neighboring docks and finally the size of the applicant's owned vessels. This request is required in order to provide safe access to the vessels as well provide safe ingress/egress to the proposed boat slips as well as maintaining access to the existing neighboring docking facilities.

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 applicant is proposing a 0' setback along his shared southern riparian line as that neighbor is the applicant's brother in-law who is also proposing a 0' setback with his proposed docking facility. Based off their recorded agreement the setback will be met on the opposite property corner ensuring no interference with adjacent neighboring ingress/egress to their existing docking facility.

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 existing neighboring and proposed docking facilities limit design options that the applicant can propose that will fit within the required side yard setbacks and still provide enough area to moor/store 2 vessels on-site. The two neighboring docks and the existing width of waterway limit design options that will meet the City Code and still provide safe access as marginal mooring of the vessels is the only layout design that would be permitted by DEP, USACE and City of Marco Island due to protrusion limitations.

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 would not be able to moor/store his vessels on-site. The subject property is a single-family residential lot and therefore per the permitting agency rules is allowed 2 boat slips on-site which is what the applicant is proposing to be moored/stored on-site. Without a variance the applicant would not be able to store his vessels on-site due to the length of shoreline and width of waterway limitations on dock design options which would accommodate the applicant's vessels.

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, the requested setback variance for a 0' setback from the southern riparian line is the minimum variance the applicant can propose in order to accommodate his vessels, provide safe access to the vessels, and not interfere with the ingress/egress to the neighboring docking facility. The variance is for the southern riparian line setback as the proposed project is able to maintain the required setback from the northern riparian line.

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?

Yes, the variance would grant the applicant approval to construct their dock within the required side yard setback. This would not provide any additional privilege to the subject property that is not feasible for any other adjacent property owner to propose as long as they went through the same variance process.

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, granting the proposed variance would eliminate the required side yard setback from 12' to 0'. The applicant has had the directly affected adjacent property owner sign a recordable setback waiver to include with our submittal. This recorded agreement would then provide any future landowners with the option to modify the dock and void the agreement or leave it in place

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?

The limiting natural condition affecting this project is the width of waterway which limits the overall allowed protrusion of the dock.

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

Yes, granting the proposed variance would be consistent with the growth management plan. By approving the variance would only allow the docking facility to be built within the side yard riparian line setback but the proposed structure and vessels storage are consistent with all other waterfront single-family zoned properties.

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	1 (please include 15 copies of any documentation in color or larger than 11x17 to be handed out at the Planning Board and City Council meetings)
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.	
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.

Jeff Rogers
of Petitioner or Agent

2.26.20
Date

Jeff Rogers Signature

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 389-5013 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.



Signature of Petitioner or Agent



Date

AFFIDAVIT

We/I, James + Kristine Schmunke 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 Turrell, Hall & Associates, Inc to act as our/my representative in any matters regarding this Petition.

[Signature]
Signature of Property Owner

[Signature]
Signature of Property Owner

James Schmunke
Printed Name of Property Owner

Kristen Schmunke
Printed Name of Property Owner

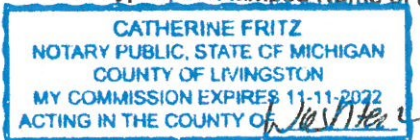
The foregoing instrument was acknowledged before me this 21 day of Feb, 2020, by James & Kristine Schmunke, who is personally known to me or has produced I.C. as identification.

Michigan
State of ~~Florida~~

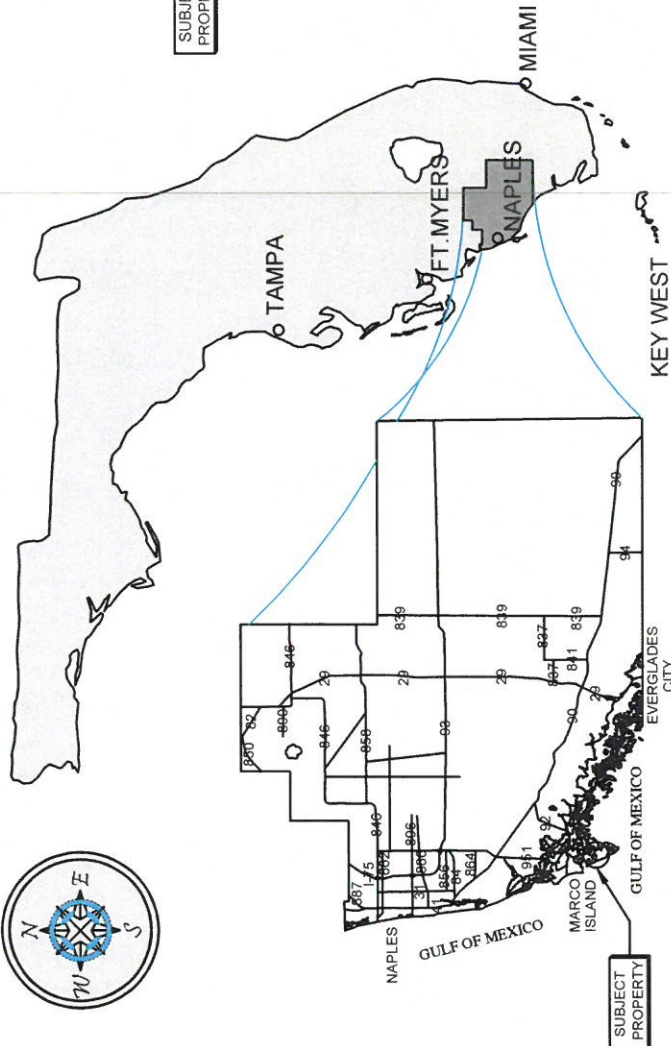
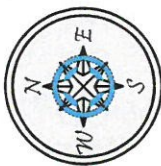
County of Washtenaw

Catherine Fritz
Signature, Notary Public - State of ~~Florida~~ Michigan (Seal)

Catherine Fritz
Printed, Typed, or Stamped Name of Notary



STATE OF FLORIDA



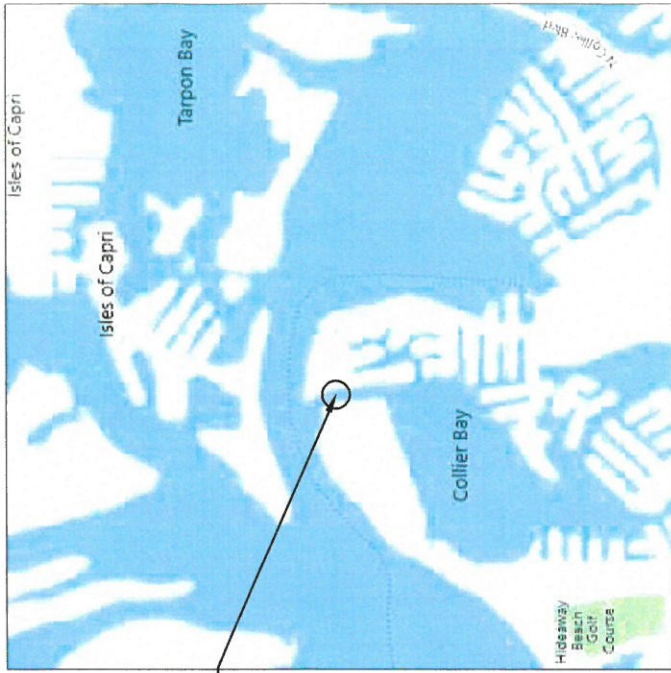
COLLIER COUNTY

SITE ADDRESS:
 <> 1152 EDINGTON PL
 MARCO ISLAND, FL 34145

NOTES:
 <> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY
 AND ARE NOT INTENDED FOR CONSTRUCTION USE.

<> LATITUDE: N 25.971280
 <> LONGITUDE: W -81.731359

VICINITY MAP



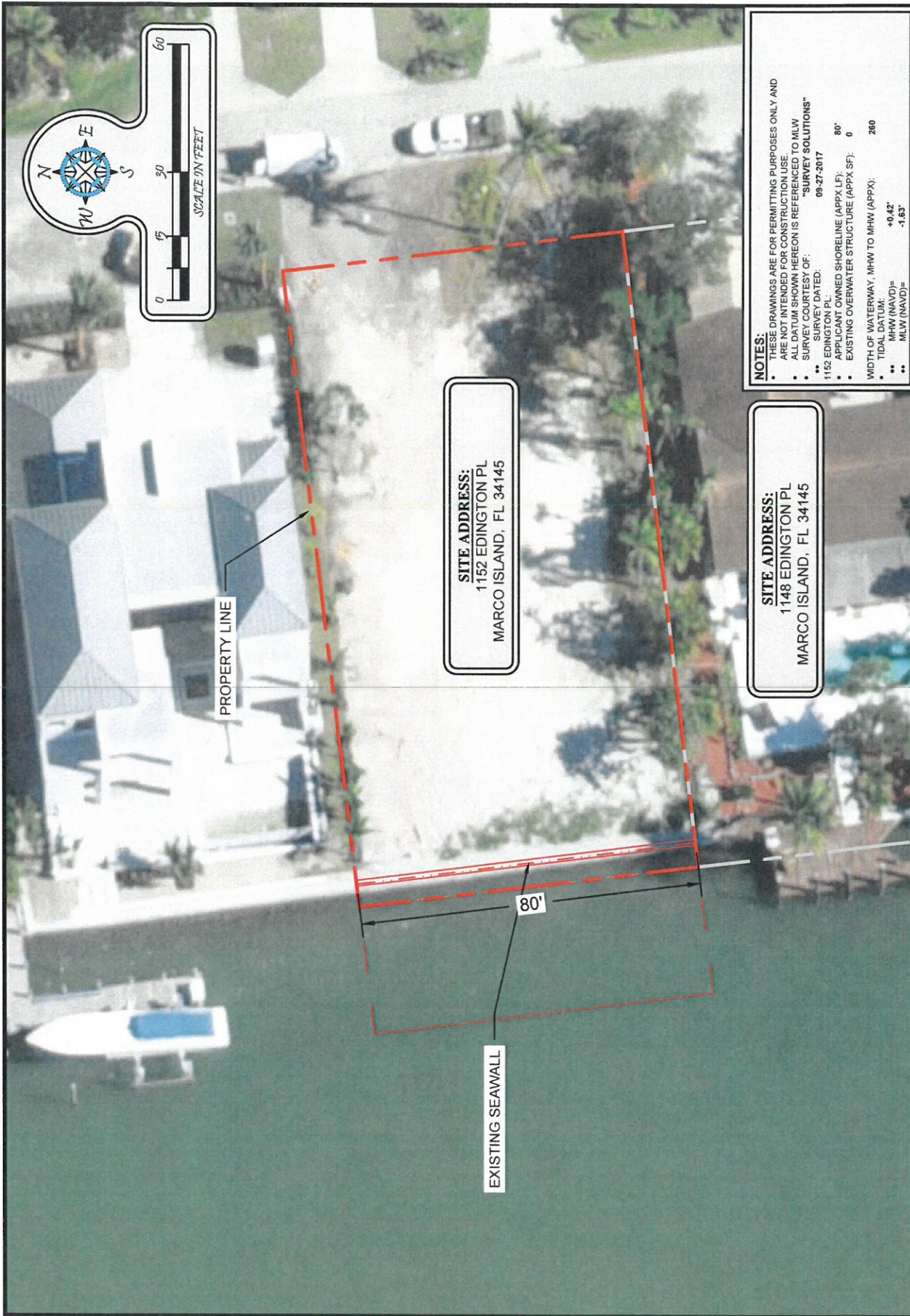
COUNTY AERIAL



Turrell, Hall & Associates, Inc.
 Marine & Environmental Consulting
 3584 Exchange Ave. Naples, FL 34104-3732
 Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

SCHMUNK DOCK
 LOCATION

DESIGNED:	JR	DATE: 06-12-19	SCALE: 1" = 100'	PROJECT: 19076
DRAWN BY:	UT			
CREATED:	06-12-19			
JOB NO:	19076			
SHEET NO:	01 OF 06			
SECTION-5	TOWNSHIP- 52 S			RANGE- 26 E



NOTES:

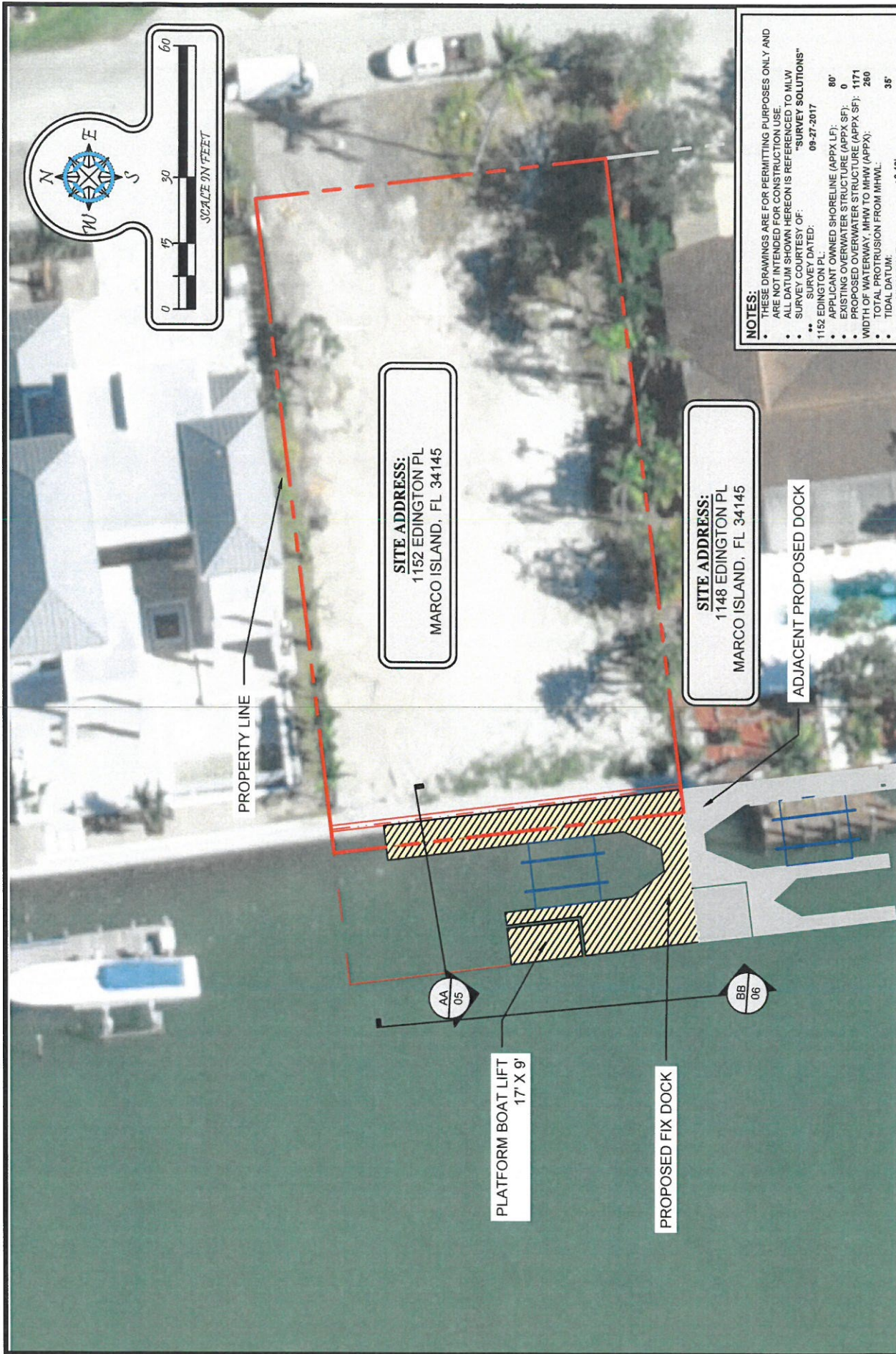
- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: "SURVEY SOLUTIONS"
- SURVEY DATED: 09-27-2017
- 1152 EDINGTON PL:
- APPLICANT OWNED SHORELINE (APPX LF): 80'
- EXISTING OVERWATER STRUCTURE (APPX SF): 0
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 260
- TIDAL DATUM: MHW (NAVD)= +0.42'
- MLW (NAVD)= -1.63'

DESIGNED BY:	JR	DATE: 09-27-2017
DRAWN BY:	UT	
CREATED:	08-12-19	
JOB NO.:	19076	
SHEET NO.:	02 OF 06	

SCHMUNK DOCK

EXISTING CONDITIONS

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632



NOTES:

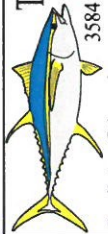
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- SURVEY DATED: 09-27-2017
- 1152 EDINGTON PL:
- APPLICANT OWNED SHORELINE (APPX LFT): 80'
- EXISTING OVERWATER STRUCTURE (APPX SF): 0
- PROPOSED OVERWATER STRUCTURE (APPX SF): 1171
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 250
- TOTAL PROTRUSION FROM MHWL: 35'
- TIDAL DATUM:
- MHW (NAVD)= +0.42'
- MLW (NAVD)= -1.63'

DESIGNED:	JR	DATE	BY	CHK BY	DATE
DRAWN BY:	UT				
CREATED:	06-12-19	3	-	-	-
JOB NO.:	19076	4	-	-	-
SHEET NO.:	03 OF 06	5	-	-	-
SECTION-5 TOWNSHIP- 52 S RANGE- 26 E					

SCHMUNK DOCK

PROPOSED DOCK

Turrell, Hall & Associates, Inc.
 Marine & Environmental Consulting
 3584 Exchange Ave. Naples, FL 34104-3732
 Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632



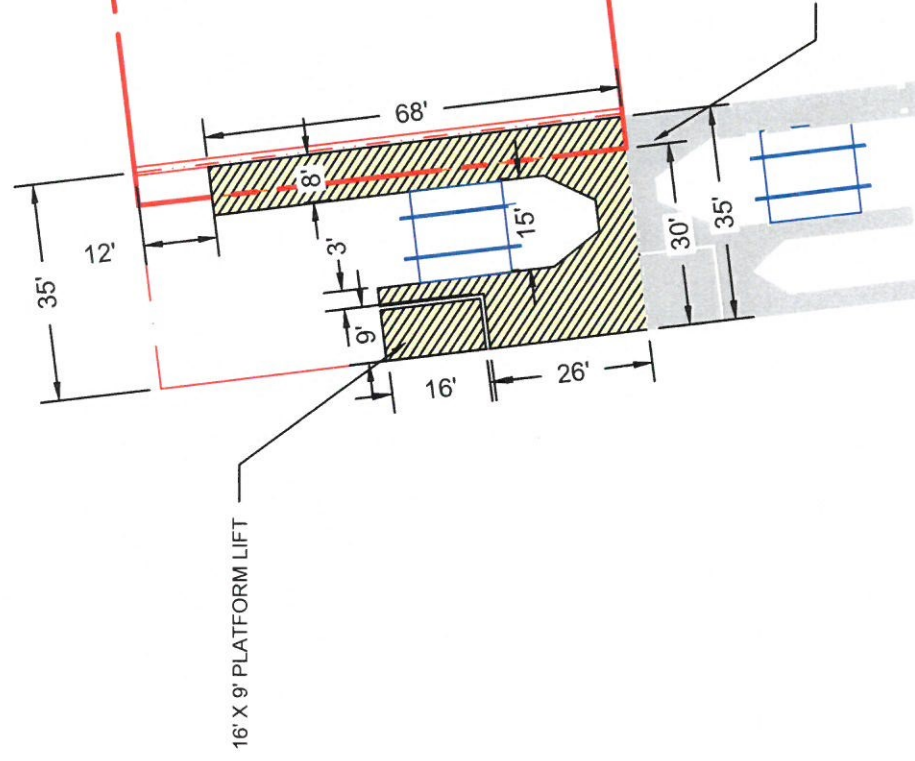
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SCHMUNK DOCK

PROPOSED DOCK DIMENSIONS

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DESIGNED:	JR	DATE:	CHECKED:	DATE:
DRAWN BY:	LJT			
CREATED:	06-12-19			
JOB NO.:	19076			
SHEET NO.:	04 OF 06			
SECTION-5 TOWNSHIP-52 S RANGE-26 E				

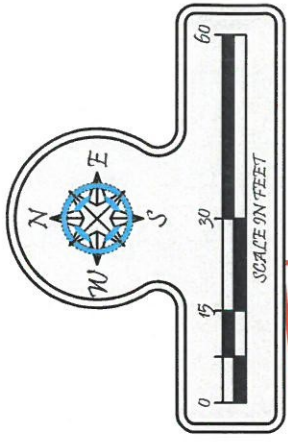


16' X 9' PLATFORM LIFT

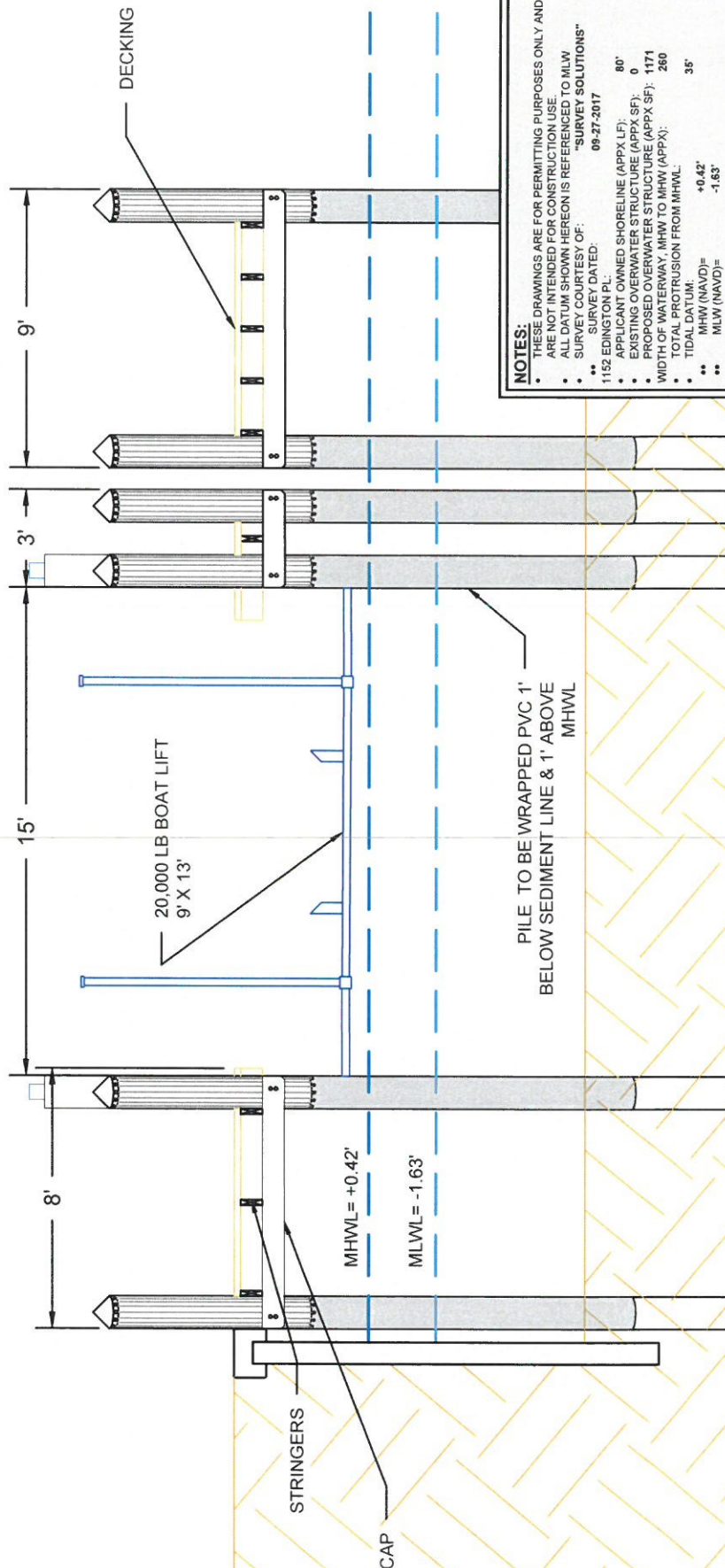
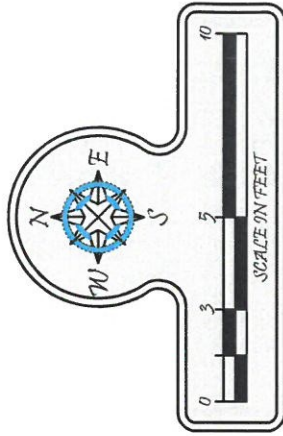
SITE ADDRESS:
1152 EDINGTON PL
MARCO ISLAND, FL 34145

SITE ADDRESS:
1148 EDINGTON PL
MARCO ISLAND, FL 34145

ADJACENT PROPOSED DOCK



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 - SURVEY COURTESY OF: "SURVEY SOLUTIONS"
 - SURVEY DATED: 09-27-2017
 - 1152 EDINGTON PL:
 - APPLICANT OWNED SHORELINE (APPX LF): 80'
 - EXISTING OVERWATER STRUCTURE (APPX SF): 0
 - PROPOSED OVERWATER STRUCTURE (APPX SF): 1171
 - WIDTH OF WATERWAY, MHW TO MHW (APPX): 260
 - TOTAL PROTRUSION FROM MHWL: 35'
 - TIDAL DATUM:
 - MHW (NAVD)= +0.42'
 - MLW (NAVD)= -1.63'



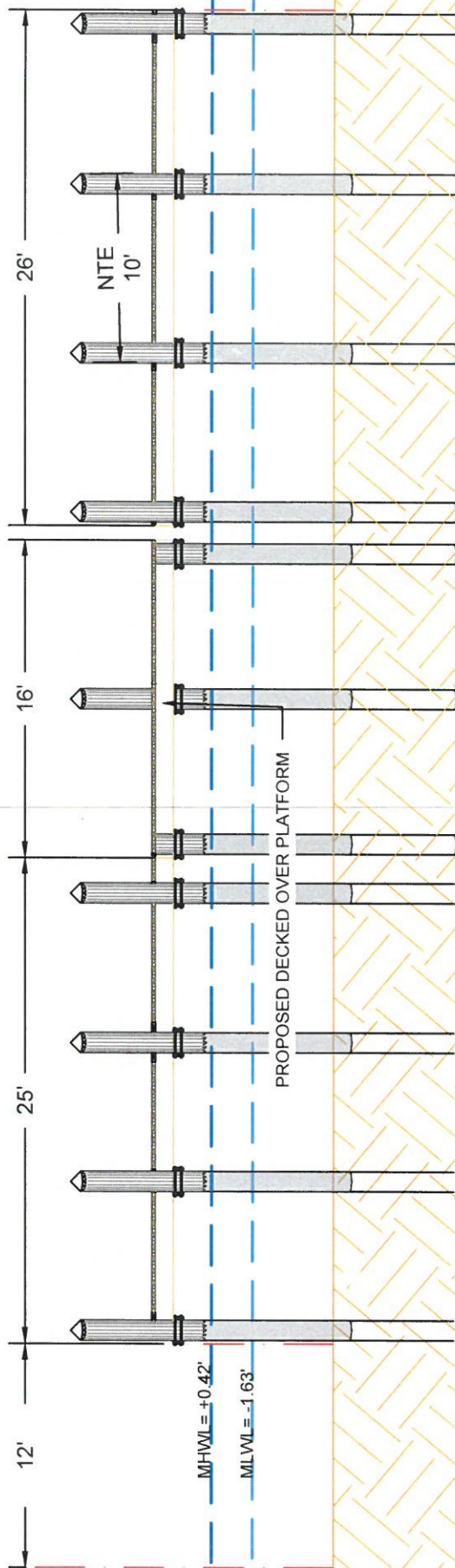
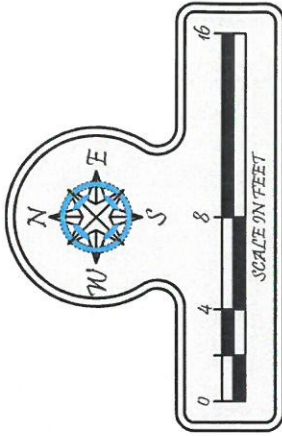
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SCHMUNK DOCK

AA SECTION

DESIGNED	JR	CHECKED	DATE	DATE	DATE
DRAWN BY	LJT				
CREATED	06-12-19				
JOB NO.	19076				
SHEET NO.	05 OF 08				
SECTION-5 TOWNSHIP-52 S RANGE-26 E					



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SCHMUNK DOCK

BB SECTION

DESIGNED:	JR	DATE:	BY:	DATE:
DRAWN BY:	UJT			
CREATED:	06-12-19			
JOB NO:	19076			
SHEET NO:	06 OF 06			

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SECTION-5 TOWNSHIP- 52 S RANGE- 26 E

