



*Planning Board Staff Report*

**Meeting Date: August 7, 2020**

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**TO:** Marco Island Planning Board

**FROM:** Daniel J. Smith, AICP – Director of Community Affairs

**DATE:** July 24, 2020

**RE:** Variance Petition 20-000103 and 20-000102, Additional info

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Please find attached information provided late on Thursday, after the Staff report was completed and being reviewed by our City Attorney. We received it too late to incorporate into our Staff report but wanted to make sure the Planning Board had time to review the information.



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**-\_\_\_\_\_ Date Received: \_\_\_\_\_

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

### **ABOVE TO BE COMPLETED BY STAFF**

Property Owner(s): Andy Copp

Owner's Address: 1148 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: 1148 Edington Place Property ID #: 64610160004

Subdivision: Old Marco Village Block: 1 Lot(s): 10

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

### **Setbacks Required:**

Front: \_\_\_\_\_ ft Rear: \_\_\_\_\_ ft Side: 33 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>

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

There are a few factors driving this request which include the applicant's vessel size, the required side yard setbacks, as well as the existing neighboring docks. 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 neighboring docking facility.

**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?**

See attached

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**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?**

See attached

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**3. Will a literal interpretation of the provisions of this zoning code work unnecessary and undue hardship or create practical difficulties on the applicant?**

See attached

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

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See attached

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## **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

## **Nature of Petition**

1. Are there special conditions and circumstances existing which are peculiar to the location, size and characteristics of the land, structure, or building involved?

Yes. The property is located on the entrance waterway into Collier Bay which is the only access to almost a third of the island's waterways. All of the canals and waterways from San Marco Road north and Bald Eagle Drive west flow in and out of this access channel. The boat traffic and currents at this site are more relevant to docks along this waterway than anywhere else on the island. The dock placement and orientation to traffic and current are important design considerations. The design also has to take into account existing or potential structures which have been or could be built on adjacent properties.

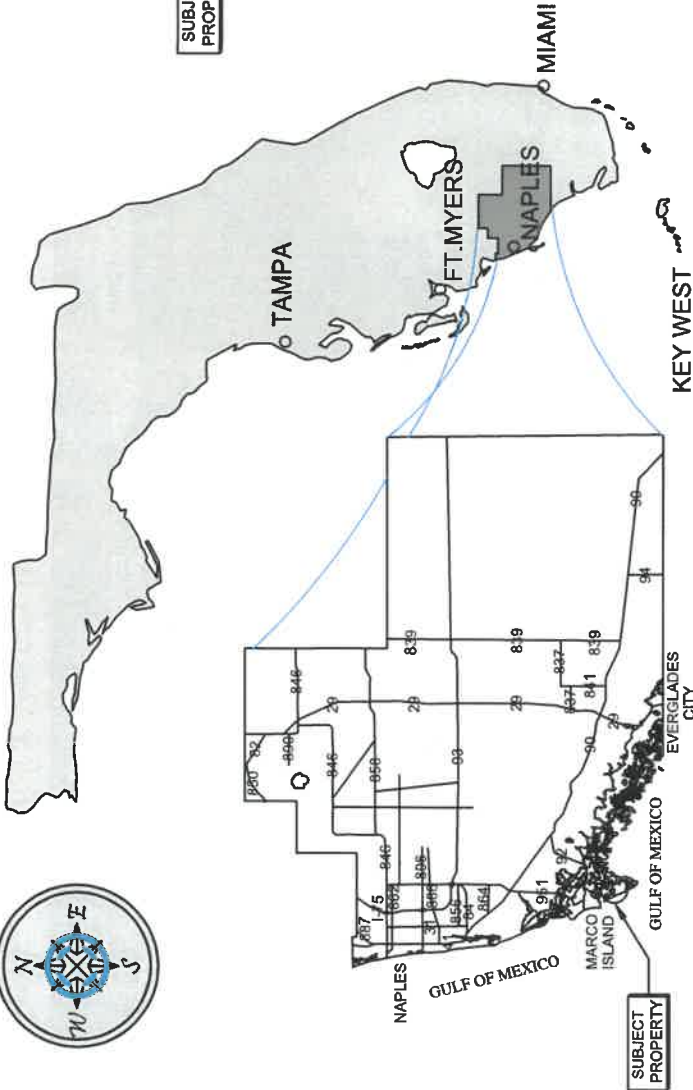
2. Are there special conditions and circumstances which do not result from the action of the applicant such as pre-existing conditions relative to the property which is the subject of the variance request?

Yes. The current which passes through this waterway can make mooring a vessel difficult. Mooring parallel to the current rather than perpendicular is easier and safer. The amount of vessel traffic which passes through this waterway also makes limiting protrusion better for navigation through the waterway as well as safer for the vessel. This drove the design for the dock to be a shore (and current) parallel mooring rather than a perpendicular or angled mooring, both of which would have required protrusion / extension variances. The location of the adjacent dock to the south and the vessel moored at that dock also drove the decision to try and place the dock as far north as possible to maximize the ingress and egress of that neighboring dock as well as this proposed dock. The willingness of the adjacent property owner to the north to utilize a complementary dock design also facilitated this request.

3. Will a literal interpretation of the provisions of this LDC works an unnecessary and undue hardship on the applicant or creates a practical difficulty on the applicant?

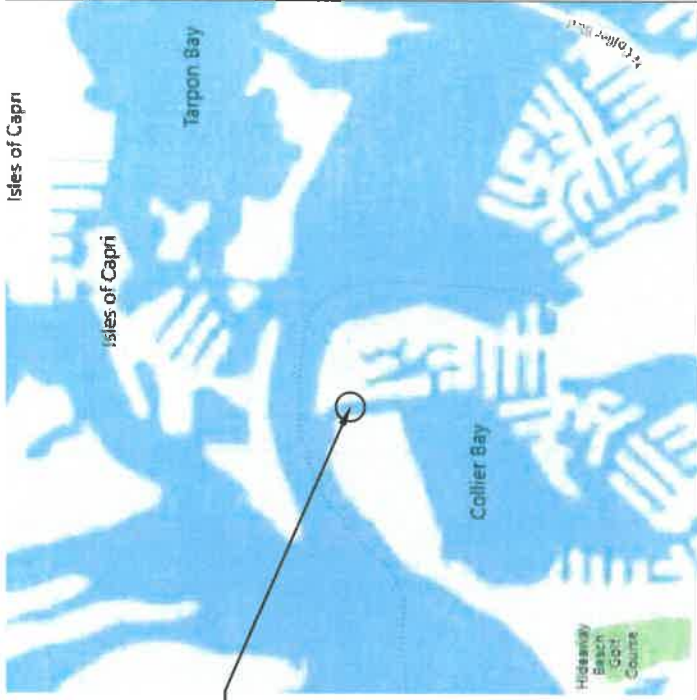
Yes. The provisions of the LDC will create a practical difficulty on the applicant. The LDC requires a setback of 15% of the width of the property or 12 feet for this 80 foot wide lot. That would allow 56 feet of mooring area between the setbacks if done without the variance and place the vessel between 12 to 18 feet from the southern riparian line. However, the neighboring vessel to the south is approximately 28 feet long and located about 13 feet from riparian line separating the properties. This would only allow for between 25 to 31 feet between the vessels. The industry recommended backing/maneuvering distance is 1.5 times the length of the vessel. A 40 foot vessel should preferably have 60 feet of backing area especially in high wind or current areas (a 28 foot vessel should have 42feet). A literal interpretation of the Code would allow for the mooring of the applicant's vessel but would not provide the safe ingress or egress access for the mooring of this vessel or for the existing neighboring vessel.

# STATE OF FLORIDA



## COLLIER COUNTY

## VICINITY MAP



## COUNTY AERIAL

### SITE ADDRESS:

<> 1148 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



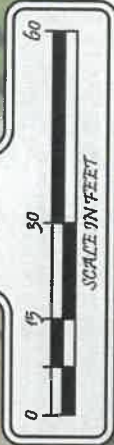
**Turrell, Hall & Associates, Inc.**  
Marine & Environmental Consulting  
3584 Exchange Ave. Naples, FL 34104-3732  
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

# COPP DOCK

## LOCATION

DESIGNED:	JR	DATE	DATE	DATE	DATE	PAGES
DRAWN BY:	LJT	01-07-20	JR	07-29-20	JR	PAGES 3, 4, 6
CREATED:	06-12-19	06-12-19	06-12-19	06-12-19	06-12-19	PAGES 3-4
JOB NO.:	10076	10076	10076	10076	10076	
SHEET NO.:	01 OF 07	01 OF 07	01 OF 07	01 OF 07	01 OF 07	
SECTION- 5	TOWNSHIP- 52 S	RANGE- 26 E				





**SITE ADDRESS:**  
1152 EDINGTON PL  
MARCO ISLAND, FL 34145

ADJACENT PROPOSED DOCK

**SITE ADDRESS:**  
1148 EDINGTON PL  
MARCO ISLAND, FL 34145

PLATFORM BOAT LIFT  
12' X 12'

RIPARIAN LINE

PROPOSED FIX DOCK

RIPARIAN LINE

**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: 08-27-2017
- 1148 EDINGTON PL
- APPLICANT OWNED SHORELINE (APPROX LF): 80'
- EXISTING OVERWATER STRUCTURE (APPROX SF): 482
- PROPOSED OVERWATER STRUCTURE (APPROX SF): 1332
- WIDTH OF WATERWAY, MHW TO MHW (APPROX): 280
- TOTAL PROTRUSION FROM MHWL: 35'
- TIDAL DATUM: +0.42'
- MHW (NAVD) = -1.83'
- MLW (NAVD) =

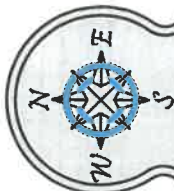
DESIGNED:	JR	1. RMJ	01-07-20	JR	REVISED DOCK
DRAWN BY:	LJT	2. RMJ	07-30-20	JR	ADDED VESSELS
CREATED:	05-12-19				
JOB NO:	19076	4.			
SHEET NO:	03 OF 07	5.			

# COPP DOCK

## PROPOSED DOCK

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





PROPERTY LINE

35'

30'

3'

9'

3'

15'

20,000 LB BOAT LIFT  
9' X 13'

DECKING

STRINGERS

CAP

PILE TO BE WRAPPED PVC 1'  
BELOW SEDIMENT LINE & 1' ABOVE  
MHWL

MHWL = +0.42'

MLWL = -1.63'

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**COPP DOCK**

**AA SECTION**

DESIGNED: JR  
DRAWN BY: JT  
CREATED: 06-12-19  
JOB NO.: 19076  
SHEET NO.: 05 OF 07

SECTION-5 TOWNSHIP-52 S RANGE-26 E



DESIGNED:	JR	10/25/14	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1	10/1
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# COPP DOCK

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