



Legislation Details (With Text)

**File #:** ID 20-951      **Version:** 1      **Name:**

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**File created:** 7/29/2020      **In control:** Planning Board

**On agenda:** 8/7/2020      **Final action:** 8/7/2020

**Title:** RESOLUTION - A Variance Petition request (VP-20-000103) for a zero setback for a dock at 1152 Edington Place, Marco Island, FL 34145.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution 20-31, 2. Staff Report, 3. Application, 4. Independent Dock Letter, 5. Setback Agreement, 6. Setback Waiver 1148 to 1152, 7. Setback Waiver 1152 to 1156, 8. Updated Submittal 7/24/20

| Date     | Ver. | Action By      | Action   | Result |
|----------|------|----------------|----------|--------|
| 8/7/2020 | 1    | Planning Board | Approved | Fail   |
| 8/7/2020 | 1    | Planning Board | Approved | Pass   |

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| Agenda Item: 10(e)   | Prepared By: Daniel J. Smith, AICP, Director |
| Business: Resolution | Department: Growth Management                |

**Subject:**

RESOLUTION - A Variance Petition request (VP-20-000103) for a zero setback for a dock at 1152 Edington Place, Marco Island, FL 34145.

**BACKGROUND:**

The petitioners are asking for a 12-foot special permit (somewhat similar to a variance) to the required riparian setback (Sect. 54-111.(b)(1)) on the South end of their property along the waterfront for their dock having a 42-foot maximum size boat to have a zero-lot line setback. In conjunction with this request, the adjacent neighbor to the South is asking for the same setback for their dock and will also be considered at this meeting.

**FUNDING SOURCE / FISCAL IMPACT:**

The applicant has paid \$2,000.00 in applicable fees.

**RECOMMENDATION:**

Based on the criteria listed in Section 54-115 (f), Staff finds it difficult to offer a recommendation of approval. Staff understands that there is a demand for larger boats, however, 80-foot lots do have limitations. Therefore, Staff is offering a recommendation of denial based on the below findings:

**Findings for Denial:**

1. There do not appear to be any special conditions related to the property or waterway.
2. The vessel will exceed 50% of the length of the water frontage.
3. This request is to have zero setback which will infringe upon the adjacent property and future owners to the North.

Should the Planning Board approve the requested special permit, Staff recommends the Planning Board create findings of approval and add the below conditions:

**Conditions of Approval:**

- (1) The Owner/Developer/Petitioner is required to re-submit construction documents to the City's Building Department for review and approval prior to the commencement of development.
- (2) The Owner/Developer/Petitioner is responsible for any private deed restriction approvals with Marco Island Civic Association.
- (3) That issuance of this approval by the City does not in any way create any right on the part of the Owner/Developer to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the approval if the Owner/Developer/Petitioner fails to obtain the required approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in the violation of state or federal law. All applicable state and federal permits must be obtained before commencement of the Development. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.
- (4) Boat shall not exceed lengths depicted on plans submitted.
- (5) That failure to adhere to the special permit approval and the approval terms and conditions contained in this Resolution shall be considered a violation of this Resolution and the City Code, and persons found violating this Resolution shall be subject to the penalties prescribed by the City Code. The Owner/Developer understands and acknowledges that it must comply with all other applicable requirements of the City Code before they may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the City at any time upon a determination that the Owner/Developer is in non-compliance with the City Code.

**POTENTIAL MOTION:**

As deemed appropriate.