



COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

VARIANCE PETITION APPLICATION
Variance from Setbacks Required for a Particular Zoning District
LDC section 9.04.00 & Code of Laws section 2-83 – 2-90
Chapter 3 J. of the Administrative Code

PROJECT NUMBER
PROJECT NAME
DATE PROCESSED

To be completed by staff

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): W R REAL ESTATE LLP

Name of Applicant if different than owner: _____

Address: 785 BALD EAGLE DR City: MARCO ISLAND State: FL ZIP: 34145

Telephone: 239-642-6764 Cell: 239-825-6065 Fax: _____

E-Mail Address: JWALKER@WALKERSMARINA.COM

Name of Agent: Gina R. Green, P.E.

Firm: Gina R. Green, P.A.

Address: 3310 1ST AVE NW City: NAPLES State: FL ZIP: 34120

Telephone: 239-348-0500 Cell: 239-229-6238 Fax: 866-720-4823

E-Mail Address: GGREENENG@AOL.COM

BE AWARE THAT COLLIER COUNTY HAS LOBBYIST REGULATIONS. GUIDE YOURSELF ACCORDINGLY AND ENSURE THAT YOU ARE IN COMPLIANCE WITH THESE REGULATIONS.



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PROPERTY INFORMATION

Provide a detailed legal description of the property covered by the application: (If space is inadequate, attach on separate page)

Property I.D. Number: 46372720001 Section/Township/Range: 18/52/27

Subdivision: GOODLAND ISLES Unit: Lot: Block: Y

Metes & Bounds Description: SEE ATTACHED Total Acreage: 1.67

Address/ General Location of Subject Property: 604 PALM AVE, GOODLAND, FL
34140, EAST END OF PALM AVENUE

ADJACENT ZONING AND LAND USE

	Zoning	Land Use
N	WATERWAY, THEN VR-GZO	SINGLE FAMILY RESIDENTIAL
S	WATERWAY-BLUE HILL CREEK	WATERWAY
E	C-4 - GZO	MULTI-FAMILY RESIDENTIAL
W	WATERWAY-BLUE HILL CREEK, THEN VR-GZO	COLLIER COUNTY PARK-BOAT RAMP-DOCKS

Minimum Yard Requirements for Subject Property:

Front: 25^{*} Corner Lot: Yes No

Side: 25^{**} Waterfront Lot: Yes No

Rear: 0' FOR MARINAS

*25' or 1/2 BH, whichever is greater, structures over 50' shall maintain 25' plus 1' for each foot over 50'

**25' from residential

Chapter 8 of the Administrative Code requires that the applicant must remove their public hearing advertising sign(s) after final action is taken by the Board of County Commissioners. Based on the Board's final action on this item, please remove all public hearing advertising sign(s) immediately.



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ASSOCIATIONS

Complete the following for all registered Association(s) that could be affected by this petition. Provide additional sheets if necessary. Information can be found on the Board of County Commissioner's website at <http://www.colliergov.net/Index.aspx?page=774>.

Name of Homeowner Association: Goodland Civic Association
Mailing Address: PO Box 806 **City:** Goodland **State:** FL **ZIP:** 34140

Name of Homeowner Association: Goodland Preservation Coalition, Inc.
Mailing Address: PO Box 691 **City:** Goodland **State:** FL **ZIP:** 34140

Name of Homeowner Association: _____
Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

Name of Homeowner Association: _____
Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

Name of Homeowner Association: _____
Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

NATURE OF PETITION

On a separate sheet, attached to the application, please provide the following:

1. A detailed explanation of the request including what structures are existing and what is proposed; the amount of encroachment proposed using numbers, i.e. reduce front setback from 25 ft. to 18 ft.; when property owner purchased property; when existing principal structure was built (include building permit number(s) if possible); why encroachment is necessary; how existing encroachment came to be; etc.
2. For projects authorized under LDC Section 9.04.02, provide a detailed description of site alterations, including any dredging and filling.
3. Pursuant to LDC section 9.04.00, staff shall be guided in their recommendation to the Hearing Examiner, and the Hearing Examiner shall be guided in the determination to approve or deny a variance petition by the criteria (a-h) listed below. Please address the following criteria:
 - a) Are there special conditions and circumstances existing which are peculiar to the location, size and characteristics of the land, structure, or building involved.



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- b) 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.
 - c) Will a literal interpretation of the provisions of this zoning code work unnecessary and undue hardship on the applicant or create practical difficulties on the applicant.
 - d) 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.
 - e) 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.
 - f) 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.
 - g) 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.
 - h) Will granting the variance be consistent with the Growth Management Plan?
4. Official Interpretations or Zoning Verifications: To your knowledge, has there been an official interpretation or zoning verification rendered on this property within the last year?

Yes No If yes, please provide copies.



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**Pre-Application Meeting and Final Submittal Requirement Checklist for:
Variance
Chapter 3 J. of the Administrative Code**

The following Submittal Requirement Checklist is to be utilized during the Pre-Application Meeting and at time of application submittal. At time of submittal, the checklist is to be completed and submitted with the application packet. Please provide the submittal items in the exact order listed below with cover sheets attached to each section. **Incomplete submittals will not be accepted.**

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pre-Application Meeting Notes	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Project Narrative	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Completed Addressing Checklist	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Property Ownership Disclosure Form	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Conceptual Site Plan 24" x 36" and one 8 ½" x 11" copy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Survey of property showing the encroachment (measured in feet)	2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Affidavit of Authorization , signed and notarized	2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deeds/Legal's	3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location map	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Current aerial photographs (available from Property Appraiser) with project boundary and, if vegetated, FLUCFCS Codes with legend included on aerial	5	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Historical Survey or waiver request	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental Data Requirements or exemption justification	3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Once the first set of review comments are posted, provide the assigned planner the Property Owner Advisory Letter and Certification</i>	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Electronic copy of all documents and plans *Please advise: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format.	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

- Following the completion of the review process by County review staff, the applicant shall submit all materials electronically to the designated project manager.
- Please contact the project manager to confirm the number of additional copies required.



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Planners: Indicate if the petition needs to be routed to the following reviewers:

<input type="checkbox"/>	Bayshore/Gateway Triangle Redevelopment: Executive Director	<input type="checkbox"/>	Historical Review
<input type="checkbox"/>	City of Naples: Robin Singer, Planning Director	<input type="checkbox"/>	Immokalee Water/Sewer District
<input type="checkbox"/>	Conservancy of SWFL: Nichole Ryan	<input type="checkbox"/>	Parks and Recreation: David Berra
<input type="checkbox"/>	Emergency Management: Dan Summers; and/or EMS: Artie Bay	<input type="checkbox"/>	School District (Residential Components): Amy Lockheart
<input type="checkbox"/>	Other:	<input type="checkbox"/>	

FEE REQUIREMENTS

- Pre-Application Meeting:** \$500.00
- Variance Petition:**
 - o **Residential-** \$2,000.00
 - o **Non-Residential-** \$5,000.00
 - o **5th and Subsequent Review-** 20% of original fee
- Estimated Legal Advertising Fee for the Office of the Hearing Examiner:** \$1,125.00
- After The Fact Zoning/Land Use Petitions:** 2x the normal petition fee
- Listed Species Survey (if EIS is not required):** \$1,000.00


Fire Code Plans Review Fees are collected at the time of application submission and those fees are set forth by the Authority having jurisdiction. The Land Development Code requires Neighborhood Notification mailers for Applications headed to hearing, and this fee is collected prior to hearing.

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.

All checks payable to: Board of County Commissioners.

The completed application, all required submittal materials, and the permit fee shall be submitted to:

Growth Management Department
 Zoning Division
 ATTN: Business Center
 2800 North Horseshoe Drive
 Naples, FL 34104

DocuSigned by:

 99A464CCA33D47B...

Applicant Signature
 Gina R. Green, P.E.

Printed Name

10/29/20
 Date

Walker Coon Key Marina Nature of Variance Request

1. A detailed explanation of the request including what structures are existing and what is proposed; the amount of encroachment proposed using numbers, i.e. reduce front setback from 25 ft. to 18 ft.; when property owner purchased property; when existing principal structure was built (include building permit number(s) if possible); why encroachment is necessary; how existing encroachment came to be; etc.

The Variance Petition requests that the proposed reconstruction of Boat Storage Building #4 be reconstructed in its existing location prior to its partial destruction of the north end of the building in Hurricane Wilma and the total destruction of the balance of the building in Hurricane Irma. The original structure was located at a minimum side yard setback of 6 feet in 1988, which met the requirements in the Land Development Code in 1988. The current side setback code requirement is 25 feet due to the residential development located to the east of this site. The petition requests that we reduce the side yard setback from 25 feet to 6 feet.

This Variance petition requests that the separation of structures to be a minimum of 15 feet instead of $\frac{1}{2}$ of the sum of the building heights or 15' minimum. The proposed Boat Storage Building #4 has a height of 59 feet but stores less boats than the original storage building. This is due to the change in the market for boat storage. In 1988, the market for boat storage were smaller boats without any sort of canopies for shade, or if shades existed, there were retractable or folding for storage and transport purposes. The current boat storage market is larger boats with fixed canopies that cannot be retracted or folded for storage. The storage racks need greater vertical separation to store the same amount of boats. Small boats are the minority in the storage facilities, with owners choosing to store at home and trailer for use to the public boat ramps. This building stored 62 boats in its original configuration and the new building stores 60 boats. This added height meets the maximum height of requirements of 75 feet, but the separation of structures cannot meet the $\frac{1}{2}$ the sum of the building height. This existing separation of structures needs to be maintained as constructed due to maneuverability of the forklift to service the boats for launch into the water.

The present owner purchased the Marina on August 15, 2003.

The existing Boat Storage Building #4 was destroyed partially in Hurricane Wilma (2005) and totally in Hurricane Irma (2017). The original structure was constructed in 1988 with the north end addition in 1990 under building permit nos. 88-4060 & 90-1853, respectively.

The encroachment is necessary due to the need to maintain the 50 foot separation from Boat Storage Building #2 for the maneuverability of the fork lift used to transport the boats from the building to the dock for use by the customers.

The existing location of the building was not an encroachment when the original structure was erected based upon the Land Development Code at the time of construction in 1988 and 1990. The minimum side yard setback was none or 5' minimum with unobstructed passage from front to rear. The reconstructed building will encroach due to a change to the code for setback to adjacent residential development. The adjacent residential was constructed in 1983 and was a minimum of 11' +/- from this common side property line.

2. For projects authorized under LDC Section 9.04.02, provide a detailed description of site alterations, including any dredging and filling.

The site is an operating marina and boat storage facility with an existing Site Development Plan in affect. Minor deviations have already been requested via a Site Plan with Deviations due to minor code changes from the Land Development Code in place in 1988 and current Land Development Code (LDC) for landscaping. These will be heard in a companion item at the HEX hearing.

3. Pursuant to LDC section 9.04.00, staff shall be guided in their recommendation to the Hearing Examiner, and the Hearing Examiner shall be guided in the determination to approve or deny a variance petition by the criteria (a-h) listed below. Please address the following criteria:

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

The site was permitted and developed under the January 1982 LDC standards. The development standards for this zoning district were less restrictive in that version of the LDC compared to the current LDC. The existing side setback of 6 feet needs to be maintained for the functional aspect of the site. The 50 feet between the storage buildings is at a minimum for maneuverability of the forklift to launch the boats into the water. Any reduction to this area will deem it non-functional. The 1982 LDC required a minimum 15' separation between structures with no correlation to the height of the building.

- b) 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 storage buildings on the site were destroyed by Hurricanes Wilma and Irma. The building is proposed to be located in the same location as the previous building.

- c) Will a literal interpretation of the provisions of this zoning code work unnecessary and undue hardship on the applicant or create practical difficulties on the applicant.

A literal interpretation will create a monetary hardship on the applicant if the building cannot be constructed as proposed. The number of boats stored would be greatly reduced which would make the site monetarily infeasible. Maintaining a 25 foot setback on the easterly property line will create a practical hardship for the forklift to maneuver the boats from the buildings to the water for launch.

- d) 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.

If this variance is granted, it is the minimum variance needed to maintain the functional use of the land. Any side setback greater than 6 feet will render the site unusable for this boat storage use and make the business financially infeasible.

- e) 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.

The need for this variance was created by a natural disaster (Hurricanes Wilma & Irma) that render this site and business destroyed. Granting this variance will allow this site to be reconstructed and operate as it did before the natural disaster. The County Commissioners allow for this type of relief to all business that are destroyed or damaged by natural disasters. Therefore, the granting will not confer any special privileges.

- f) 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.

The need for boat storage facilities are a necessity in Collier County. The County is deficient in marina and storage facilities compared to the demands for boat storage. This facility has been a storage facility for over 30 years and this community has relied upon its existence. It is harmonious with the intent of this code as this is a commercially zoned property. The buildings are separated from Residentially zoned properties by waterways that provide access to this facility and the residential lots. It is not injurious to the neighborhood or the public welfare. It provides a needed recreational element to allow people to access and enjoy our coastal waters without the inconvenience of driving long distances to other marina facilities located in the County.

- g) 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.

Other than the easterly property line, this facility is separated from other development by waterways that allow for water access to this property and those properties on the opposite banks.

- h) Will granting the variance be consistent with the Growth Management Plan?

Since the use of this land as a Marina and Storage facility is an existing use, the granting of the variance is consistent with the Growth Management Plan.