**COLLIER COUNTY**
**Collier County Hearing Examiner**

# AGENDA

Growth Management Department
Conference Rooms 609/610
2800 Horseshoe Drive North
Naples, FL 34104

**April 28, 2022**

**9: 00 AM**

**Andrew W. J. Dickman, Esq., AICP**
**Hearing Examiner**

Note: Individual speakers will be limited to 5 minutes unless otherwise waived by the Hearing Examiner. Persons Wishing to have written or graphic materials included in the hearing report packets must have that material submitted to County staff at Thomas.Clarke@CollierCountyFL.gov 10 days prior to the Hearing. All materials used during presentation at the hearing will become a permanent part of the record.

Any person who decides to appeal a decision of the Hearing Examiner will need a record of the proceedings pertaining thereto, and therefore may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Decisions of the Hearing Examiner are final unless appealed to the Board of County Commissioners.

Hearing Procedures will provide for presentation by the Applicant, presentation by staff, public comment and applicant rebuttal. The Hearing Examiner will render a decision within 30 days. Persons wishing to receive a copy of the decision by mail may supply County staff with their name, address, and a stamped, self-addressed envelope for that purpose. Persons wishing to receive an electronic copy of the decision may supply their email address.

**1. Pledge of Allegiance**

**2. Review of Agenda**

**3. Advertised Public Hearing**

**A. Petition No. VA-PL20210002610 - Request for a variance from section 5.03.06.E.6 of the Land Development Code to reduce the required western side setback for a boat dock facility from 7.5 feet to 6.3 feet for a lot with 51.05± feet of water frontage located at 5328 Barefoot Bay Court and is further described as Lot 7, Block A, Barefoot Bay, in Section 06, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 2**

**B. Petition No. BDE-PL20210002609 - Request for a 20.3-foot boat dock extension from the maximum permitted protrusion of 20 feet allowed by Section 5.03.06 of the Collier County Land Development Code for waterways greater than 100 feet in width, to allow construction of a boat docking facility protruding a total of 40.3 feet into a waterway that is 156.1 feet wide. The subject property is located at 5328 Barefoot Bay Court and is further described as Lot 7, Block A, Barefoot Bay, in Section 06, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 2**

**4. Other Business**

**5. Public Comments**

**6. Adjourn**

04/28/2022

**COLLIER COUNTY**
**Collier County Hearing Examiner**

**Item Number:** 3.A
**Item Summary:** Petition No. VA-PL20210002610 - Request for a variance from section 5.03.06.E.6 of the Land Development Code to reduce the required western side setback for a boat dock facility from 7.5 feet to 6.3 feet for a lot with 51.05± feet of water frontage located at 5328 Barefoot Bay Court and is further described as Lot 7, Block A, Barefoot Bay, in Section 06, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 2

**Meeting Date:** 04/28/2022

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**Prepared by:**
Title: Planner – Zoning
Name: John Kelly
04/06/2022 6:16 PM

**Submitted by:**
Title: – Zoning
Name: Mike Bosi
04/06/2022 6:16 PM

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**Approved By:**

Review:

| | | | | |
|---|---|---|---|---|
| Growth Management Operations & Regulatory Management | Kenneth Kovensky | | Review Item | Completed |
| Hearing Examiner (GMD Approvers) | Diane Lynch | Review Item | Completed | 04/07/2022 2:07 PM |
| Zoning | Ray Bellows | Review Item | Completed | 04/07/2022 3:57 PM |
| Zoning | Mike Bosi | Zoning Director Review | Completed | 04/07/2022 4:14 PM |
| Hearing Examiner | Andrew Dickman | Meeting Pending | 04/28/2022 9:00 AM | |

# STAFF REPORT

**TO:** COLLIER COUNTY HEARING EXAMINER

**FROM:** GROWTH MANAGEMENT DEPARTMENT
ZONING DIVISION- ZONING SERVICES SECTION

**HEARING DATE:** APRIL 28, 2022

**SUBJECT:** VA-PL20210002610, 5328 BAREFOOT BAY COURT,
COMPANION TO BDE-PL20210002609; ROSENBERG DOCK

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**PROPERTY OWNER/APPLICANT:**

Marc J. Rosenberg and Angela M. Rosenberg
5328 Barefoot Bay Ct.
Bonita Springs, FL 34134

**AGENT:**

Mark Oreus
Greg Orick II Marine Construction, Inc.
2815 Bayview Dr.
Naples, FL 34112

**REQUESTED ACTION:**

The petitioner requests a variance from Section 5.03.06.E.6 of the Collier County Land Development Code (LDC), to reduce the required eastern side/riparian setback for dock facilities on lots with water frontage of less than 60 feet from 7.5 feet to 6.3 feet, for a lot with 51.05± feet of water frontage for the benefit of the subject property.

**GEOGRAPHIC LOCATION:**

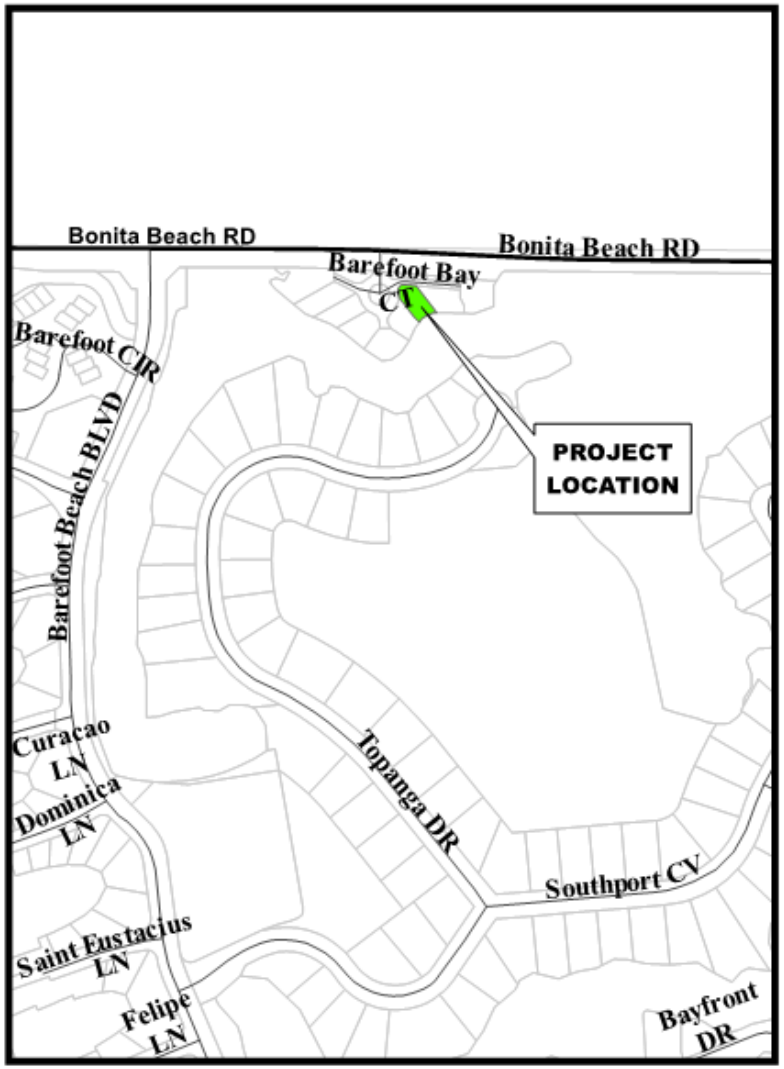
The subject property is located at 5328 Barefoot Bay Court and is further identified as Lot 7, Block A, Barefoot Bay, in Section 6, Township 48 South, Range 25 East. Collier County, Florida. *(See location map on the following page)*

**PURPOSE/DESCRIPTION OF PROJECT:**

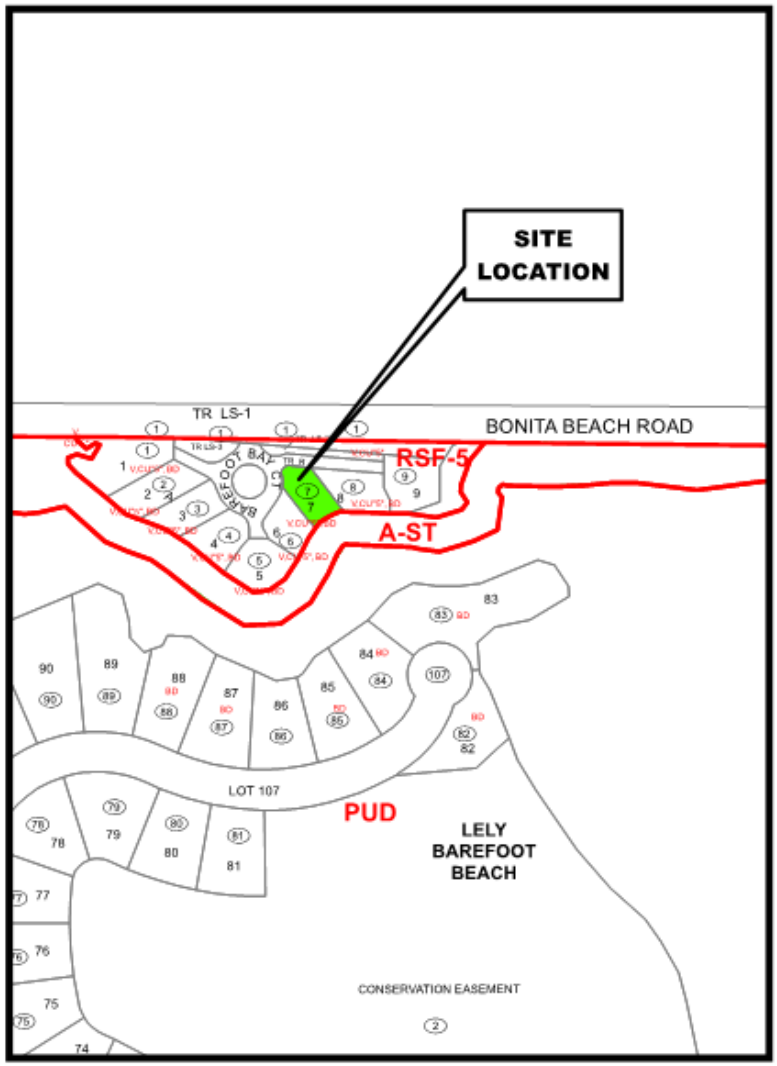
The subject property comprises 0.1± acres, improved with a single-family dwelling, located within a Residential Single-Family-5 (RSF-5) Zoning District. The applicant desires to replace the existing single-slip boat docking facility with a two-slip docking facility that is the subject of a companion Boat Dock Extension petition; BDE-PL20210002609. The proposed boat docking facility will encroach 1.2 feet into the required 7.5-foot western side/riparian setback; the eastern side setback will be satisfied. The subject property abuts a platted 10-foot conservation easement and natural mangrove shoreline.



Attachment: Staff Report 04052022 (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)




Location Map




Zoning Map

Petition Number: PL20210002610



Attachment: Staff Report 04052022 (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

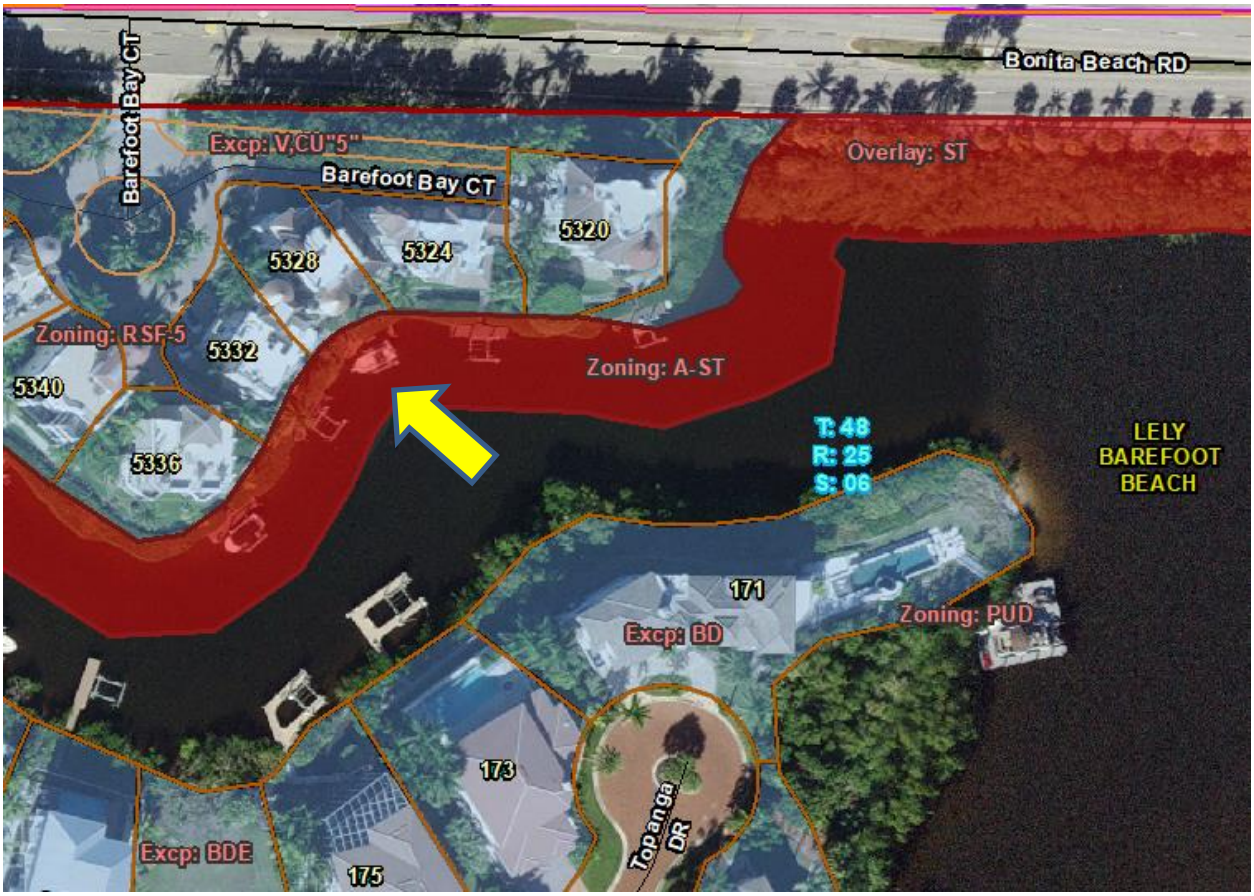
## SURROUNDING LAND USE & ZONING:

North: Barefoot Bay Court (Right-of-Way) then cul-de-sac located within a Residential Single-Family-5 (RSF-5) zoning district

South: A portion of Little Hickory Bay located within a Rural Agricultural District located within a Special Treatment Overlay (A-ST), then a portion of Little Hickory Bay located within the Lely Barefoot Beach PUD, followed by a single-family residential component of said PUD

East: Single-family residence located within an RSF-5 zoning district

West: Single-family residence located within an RSF-5 zoning district




**Collier County GIS**

## GROWTH MANAGEMENT PLAN (GMP) CONSISTENCY:

The subject property is in the Urban Designation, Urban Residential Subdistrict, land use classification and is within the Coastal High Hazard Area on the County's Future Land Use Map (FLUM). This land use category is designed to accommodate a variety of residential uses including single-family, multi-family, duplex, mobile home, and mixed-use projects. As previously noted, the subject petition seeks a variance for a proposed single-family boat dock facility which is an authorized use within this land use designation, therefore, the use is consistent with the FLUM.



Attachment: Staff Report 04052022 (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

The GMP does not address individual variance requests; the Plan deals with the larger issue of the actual land use.

**ZONING ANALYSIS:**

The applicant initially submitted their request believing that the required side/riparian setback was 15-feet; however, after further evaluation, it was determined the subject property has only 51.05± feet of water frontage thus requiring a 7.5-foot side/riparian setback. As proposed, the subject dock facility will satisfy the side setback on the east side but will encroach 1.2 feet into the western side setback. With respect to the Conservation Easement, a letter was received from Conservancy of Southwest Florida finding the proposed dock to be consistent with the Settlement Agreement that required it as long as the access ramp and/or walkway is no more than 4-foot wide; see Attachment D.

The decision to grant a variance is based on the criteria in LDC Section 9.04.03.A–H (in bold font below). Staff has analyzed this petition relative to these provisions and offers the following responses:

**a. 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 shape of the subject property shoreline and the fact it is a natural mangrove shoreline that cannot be removed or altered due to an overlaid Conservation Easement are the driving factors for this Variance request. The applicant's vessel, natural shoreline, shape of shoreline, and related riparian line locations create a pie shape buildable area that required the dock to protrude further out into the subject waterway. The applicant is opting to use a shore perpendicular design as opposed to a shore parallel design to compensate for the conditions; however, finds the proposed facility will still encroach slightly into the eastern setback.

**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 are the subject of the Variance request?**

Yes. As stated above, the property's natural shoreline, shape of the shoreline, and Conservation Easement necessitated the additional protrusion (Subject of companion BDE) due to the pie-shaped riparian lines. The proposed dock has been designed to compensate for the above and to accommodate the desired vessel size.

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

The applicant's agent states: "Yes, the denial of the Variance petition would not allow the owner to store any of their vessels at their property safely with the proposed dock and boat lifts." Staff agrees that a literal interpretation of the Code would compel a smaller dock,

Attachment: Staff Report 04052022 (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

thereby creating practical difficulties for the applicant with respect to allowing two boat slips.

**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, and welfare?**

The applicant's agent states: "Yes. The proposed docking facility has been reduced to the minimum size and still provide safe access. Also, the proposed docking facility is consistent with the other docking facilities along this shoreline as well as within the Little Hickory Bay that have been previously granted BDE's and some side yard setback variances." Staff agrees that the proposed dock has been designed to eliminate excess decking and that the 4-foot finger pier portion does not allow sufficient space for routine maintenance and safe loading/unloading of vessels thus necessitating the wider portion near the shoreline.

**e. Will granting the Variance confer on the applicant any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district?**

Yes. By definition, a Variance bestows some dimensional relief from the zoning regulations specific to a site. LDC Section 9.04.02 allows relief through the Variance process for any dimensional development standard. However, other properties facing a similar situation are entitled to make a similar request and would be conferred equal consideration on a case-by-case basis.

**f. Will granting the Variance be in harmony with the general intent and purpose of this Land Development Code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare?**

Yes. The granting of the subject variance request will be in harmony with the general intent and purpose of the LDC and will 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 courses, etc.?**

Yes. The subject docking facility is uniquely situated and compensates for existing dock facilities as well as an existing Conservation Easement and maintains the integrity of the natural mangrove shoreline.

**h. Will granting the Variance be consistent with the Growth Management Plan?**

Yes, approval of this Variance will not affect or change the requirements of the GMP with respect to density, intensity, compatibility, access/connectivity, or any other applicable provisions.

**ENVIRONMENTAL ADVISORY COUNCIL (EAC) RECOMMENDATION:**

Attachment: Staff Report 04052022 (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

The EAC does not normally hear variance petitions. Since the subject variance doesn't impact any preserve area, the EAC did not hear this petition.

**CONCURRENT LAND USE APPLICATIONS:**

Companion Petition No. BDE-PL20210002609, to allow the proposed boat dock facility to protrude a total of 40.3 feet into a waterway that is 156.1± feet wide.

**PUBLIC NOTICE:**

Notice Requirements for Variance petitions are contained within LDC Section 10.03.06.F.2. The required Agent Letter was sent to all property owners located within 150 feet of the subject property and the Barefoot Bay Property Owners Association on March 22, 2021, as evidenced by an executed Affidavit of Compliance contained within Attachment C.

Notice of the Hearing Examiner hearing was provided by newspaper advertisement, mailed notice to owners within 500 feet of the site, and posting of a public notice sign on the site at least 15 days prior to the hearing.

**RECOMMENDATION:**

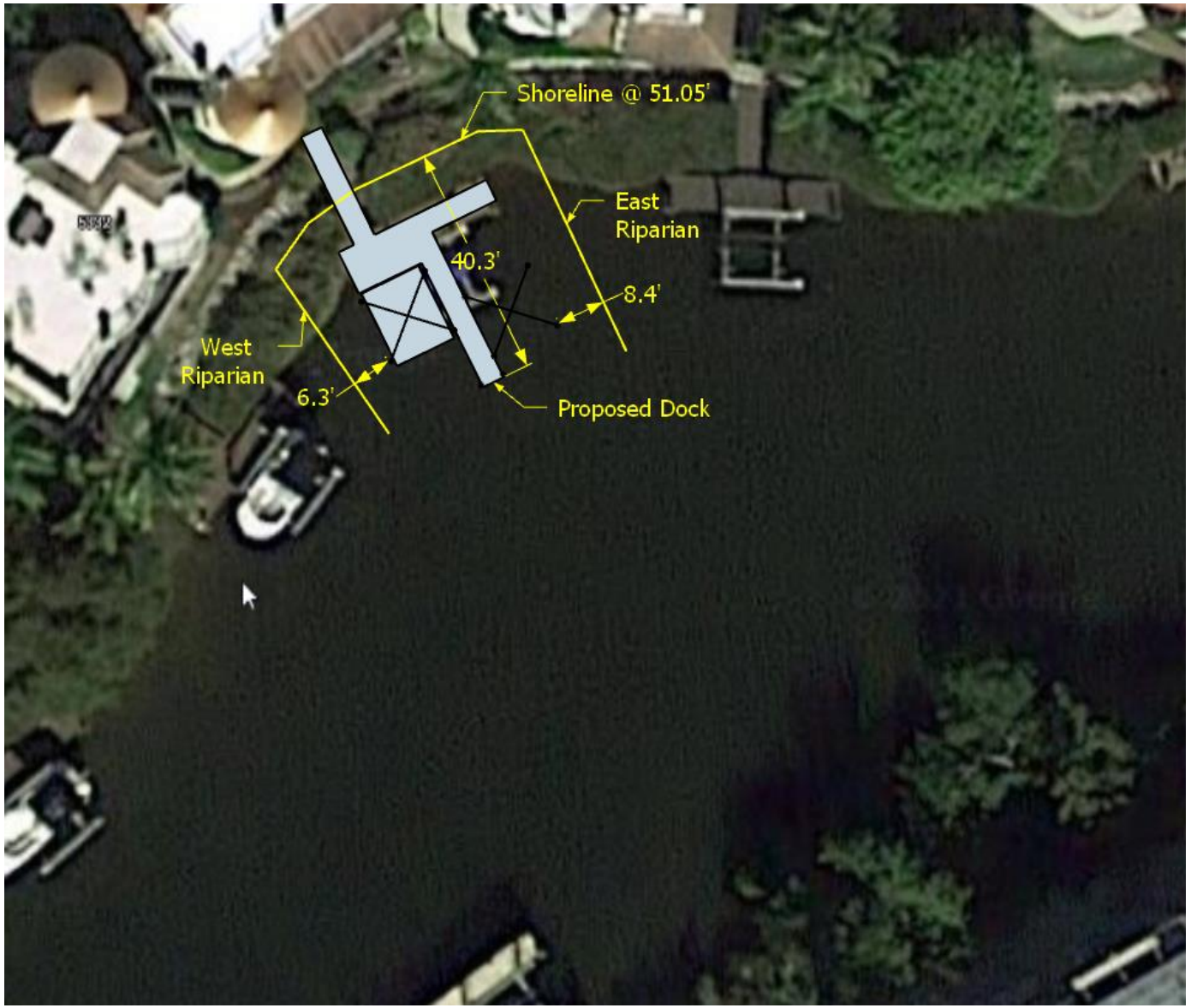
Staff recommends that the Collier County Hearing Examiner approve variance petition VA-PL20210002610 to reduce the minimum east side/riparian setback from 7.5 feet to 6.3 feet, thereby allowing for the construction of the dock facility depicted within Attachments A and B, for the benefit of the subject property.

Attachments:

A. Dock Site Plan
B. Proposed Dock and Site Survey
C. Public Hearing Sign Posting
D. Applicant's Backup: Application, Narrative, Agent Letter Info
E. HEX Hybrid Meeting Waiver

Attachment: Staff Report 04052022 (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

# Dock Site Plan

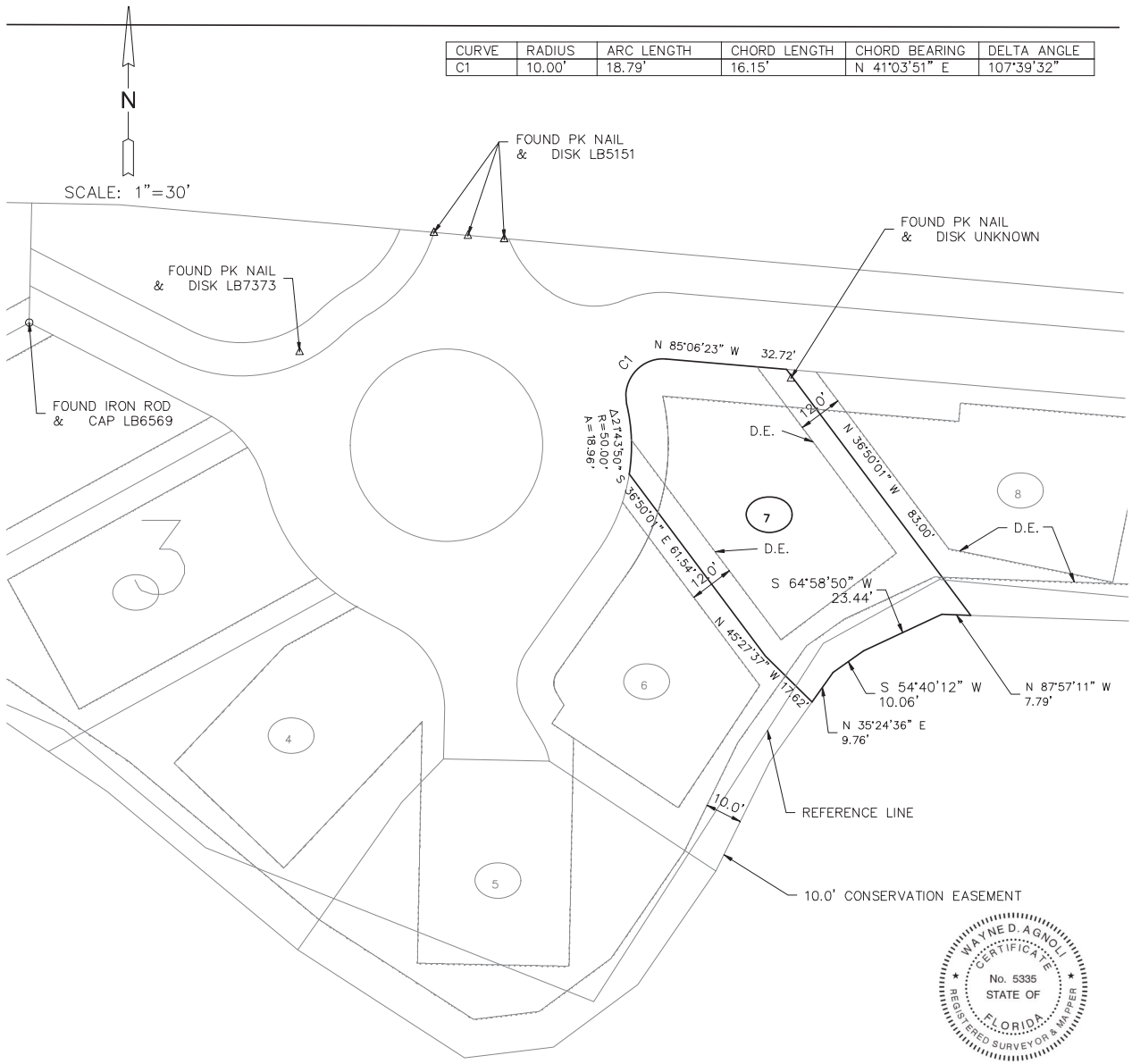



| | | |
|---|---|---|
| **GREG ORICK MARINE CONSTRUCTION, INC.**<br>**(239) 949-5588** | Name: **Marc Rosenberg**<br>Address: **5328 Barefoot Bay Ct**<br>**Bonita Springs, FL 34134**<br>Date: **2/14/2022** | Approved Signature: _____<br>Approved Date: _____ |

N
W E
S

Attachment: Attachment A - Dock Site Plan (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|---|---|---|---|---|---|
| C1 | 10.00' | 18.79' | 16.15' | N 41°03'51" E | 107°39'32" |




PREPARED FOR: MARC ROSENBERG

DATE OF FIELD SURVEY: OCTOBER 28, 2021

AGNOLI, BARBER & BRUNDAGE, INC.
PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS AND MAPP

BY Wayne D. Agnoli, R. S. M.

Digitally signed by Wayne D. Agno
DN: E=agnoliw@abbinc.com, CN=
Agnoli, R. S. M.", O="Agnoli, Barbe
Brundage, Inc.", L=Naples, S=Flor
Date: 2022.01.05 16:17:51-05'00'

WAYNE D. AGNOLI, R.S.M., NO. 5335 DATE _____

THIS SITE PLAN SURVEY MEETS THE STANDARDS OF PRACTICE ORTH
BY THE FLORIDA BOARD OF LAND SURVEYORS IN CHAPTER 5J- ORIDA
ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORID TUTES.

THIS SITE PLAN SURVEY IS NOT VALID WITHOUT THE SIGNATURE THE
ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR A PPER.
ADDITIONS
OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN SIGNING
PARTIES
WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PA IS
PROHIBITED BY
CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE.

THIS SITE PLAN SURVEY IS CERTIFIED AS TO THE DATE OF FIEL VEY, NOT
THE SIGNATURE DATE.

GENERAL NOTES:

1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

2. BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COOR E SYSTEM , EAST ZONE, NAD 83/90 DATUM AND REFERENCED TO THE EAST LINE OF LOT 7, BLOCK A, BAREFOOT BAY, SECTION 6, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, AS BEING NORTH 36° 50' 01" W

3. HORIZONTAL COORDINATES WERE DERIVED BY GPS OBSERVATI ISING A TRIMBLE DUAL FREQUENCY RECEIVER (MODEL R10), RECEIVING RECTIONS FROM TRIMBLE VRS NOW RTN (REAL TIME NETWORK)

4. VERTICAL: ELEVATIONS ARE BASED ON THE NORTH AMERICAN ICAL DATUM OF 1988 (NAVD 88).ELEVATIONS WERE ESTABLISHED USING L ERM OBSERVATIONS WITH A TRIMBLE (MODEL R10) DUAL FREQUEN CEIVER GPS (GLOBAL POSITIONING SYSTEM).

SURVEYOR'S NOTE: THE PURPOSE OF THE SURVEY IS TO LOC HE SEAWALL AND THE WATERWARD EXISTING CONDITIONS ONLY. NO UPLAN ROVEMENTS HAVE BEEN LOCATED UNDER THE SCOPE OF THIS SURVEY.

5328 BAREFOOT BAY CT.

for: MARC ROSENBERG

title: MAP OF SITE PLAN SURVEY OF LOT 7, BLOCK A
BAREFOOT BAY
SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 35 & PAGE 62)
COLLIER COUNTY, FLORIDA

| bk: | pg: | date: |
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| 1262 | 24 | JANUARY |
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| | | cogo #: 09-008 |

AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Land Surveyors & Landscape Architects
7400 Trail Blvd., Suite 200, Naples, FL 34108 Ph.: (239)597-3111
Certificate of Authorization Nos. LB 3664 , EB 3664 & LC26000620 Fax: (239)566-2203

| | |
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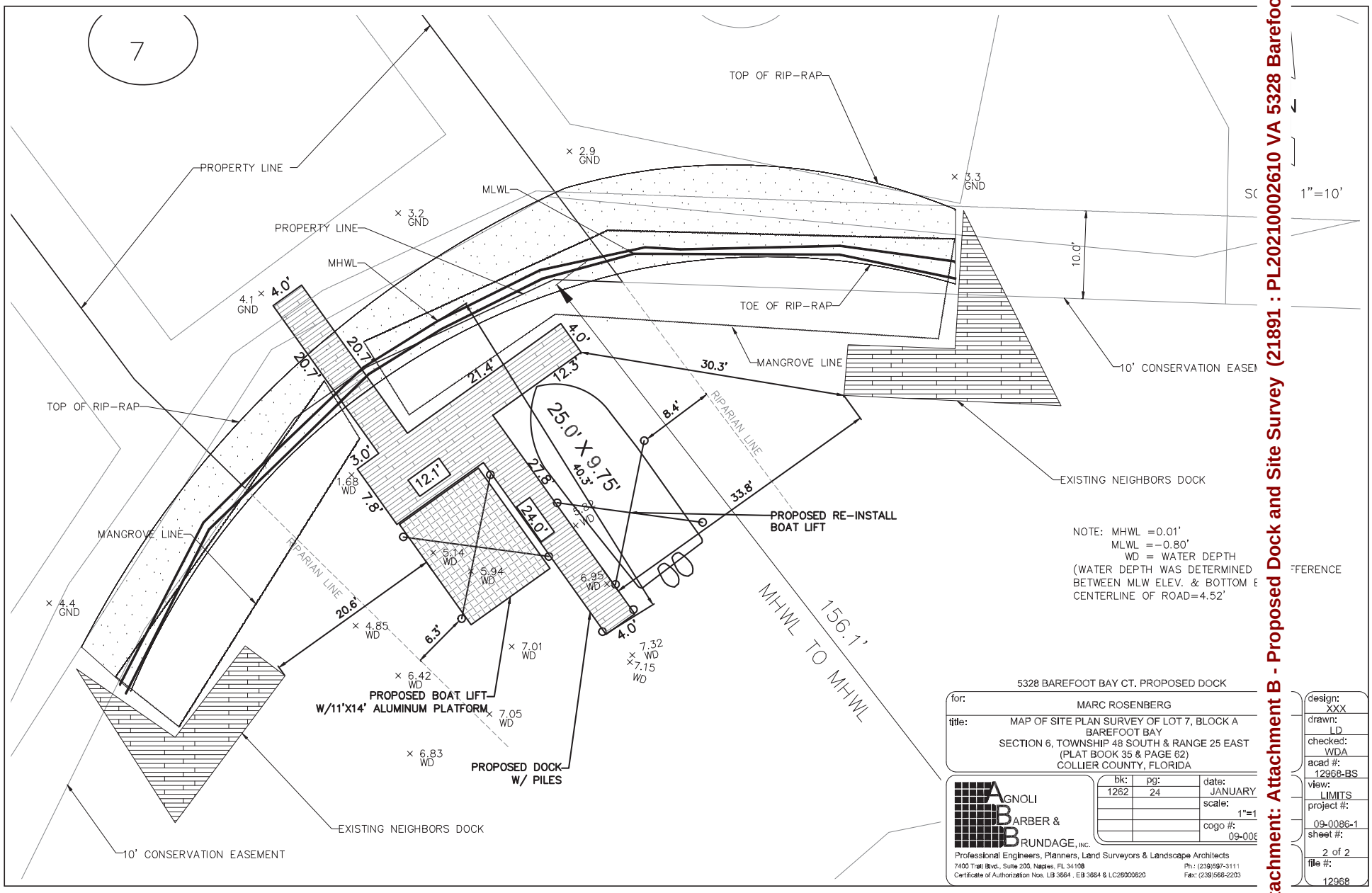
| design: | XXX |
| drawn: | LD |
| checked: | WDA |
| acad #: | 12968-BS |
| view: | LIMITS |
| project #: | 09-0086-1 |
| sheet #: | 1 of 2 |
| file #: | 12968 |

Attachment: Attachment B - Proposed Dock and Site Survey (21891 : PL20210002610 VA 5328 Barefoot




5328 BAREFOOT BAY CT. PROPOSED DOCK

for: MARC ROSENBERG

title: MAP OF SITE PLAN SURVEY OF LOT 7, BLOCK A
BAREFOOT BAY
SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 35 & PAGE 62)
COLLIER COUNTY, FLORIDA

| bk: | pg: | date: |
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| 1262 | 24 | JANUARY |
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| | | cogo #: 09-008 |

AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Land Surveyors & Landscape Architects
7400 Trail Blvd., Suite 200, Naples, FL 34108 Ph.: (239)597-3111
Certificate of Authorization Nos. LB 3664 , EB 3664 & LC26000620 Fax: (239)566-2203

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| drawn: | LD |
| checked: | WDA |
| acad #: | 12968-BS |
| view: | LIMITS |
| project #: | 09-0086-1 |
| sheet #: | 2 of 2 |
| file #: | 12968 |

Attachment: Attachment B - Proposed Dock and Site Survey (21891 : PL20210002610 VA 5328 Barefoot

## KellyJohn

**From:** KellyJohn
**Sent:** Monday, April 11, 2022 5:45 PM
**To:** KellyJohn
**Subject:** BDE-PL20210002609 and VA-20210002610 - 5328 Barefoot Bay Ct - Public Hearing Sign Posting HEX 4/28/2022
**Attachments:** BF25427B-9174-4258-8428-525625346DEA.jpeg; A08FE923-C08E-4722-8500-41FA3E22F060.jpeg; 2CEA3D59-572D-495C-B4AD-2ED1A0EB906C.jpeg; 2DEE27D4-488F-49E4-B2C4-2C1DFBE66EA1.jpeg; 15425A2A-FB8D-42B3-83A5-038569D2ED24.jpeg

I, John Kelly, hereby affirm that at approximately 3:20 PM, this date, I posted a Public Hearing sign to the front of the above described residence as required by both the Land Development Code and the Collier County Administrative Code for a Public Hearing to be conducted by the Hearing Examiner on April 28, 2022 as evidenced by the attached photographs.

Respectfully,
*John Kelly*
Senior Planner

***Zoning Division – Zoning Services Section***
**2800 North Horseshoe Drive, Naples Florida 34104**
**Phone: 239.252.5719 Fax: 239.252.6363**
**Email:** John.Kelly@colliercountyfl.gov

*Tell us how we are doing by taking our Zoning Division Survey at* http://bit.ly/CollierZoning

Collier County
*Growth Management Department*

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Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing.

Attachment: Attachment C - Sign Posting (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

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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):** ROSENBERG, MARC J & Angela M

**Name of Applicant if different than owner:** _____

**Address:** 5328 BAREFOOT BAY CT **City:** Bonita Springs **State:** Fl **ZIP:** 34134

**Telephone:** 239-949-5588 **Cell:** _____ **Fax:** _____

**E-Mail Address:** Permits@orickmarine.com

**Name of Agent:** Mark Oreus , Bill Nelson

**Firm:** Greg Orick II Marine Construction

**Address:** 2815 Bayview Dr **City:** Naples **State:** Fl **ZIP:** 34112

**Telephone:** 239-949-5588 **Cell:** _____ **Fax:** _____

**E-Mail Address:** permits@orickmarine.com

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

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

## 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:** 22899000228 **Section/Township/Range:** 06 / 48 / 25

**Subdivision:** 176150-Barefoot Bay **Unit:** _____ **Lot:** 7 **Block:** A

**Metes & Bounds Description:** _____ **Total Acreage:** .1

**Address/ General Location of Subject Property:** _____

5328 Barefoot Bay Court, Bonita Springs, FL - Just South of Bonita Beach Road SW and East of Barefoot Beach Blvd, on Barefoot Bay Ct.

## ADJACENT ZONING AND LAND USE

| | Zoning | Land Use |
|---|---|---|
| **N** | 54750201008 - LELY BAREFOOT BEACH UNIT ONE TRACT "R" OR 1308 PG 231 | 94 - RIGHT-OF-WAY, STREETS, ROADS, IRRIGATION |
| **S** | N/A | Little Hickory Bay |
| **E** | 22899000244 - BAREFOOT BAY BLK A LOT 8 | 1 - SINGLE FAMILY RESIDENTIAL |
| **W** | 22899000202 - BAREFOOT BAY BLK A LOT 6 | 1 - SINGLE FAMILY RESIDENTIAL |

**Minimum Yard Requirements for Subject Property:**

**Front:** _____ **Corner Lot:** Yes ☐ No ■

**Side:** 7.5 **Waterfront Lot:** Yes ■ No ☐

**Rear:** _____

**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.**

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

## 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:** Lely Barefoot Beach Master Association
**Mailing Address:** 195 Barefoot Beach POA Unit 1 **City:** Bonita Springs **State:** FL **ZIP:** 34134

**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:** _____

**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.

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
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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) | 1 | ☑ | ☐ |
| Pre-Application Meeting Notes | 1 | ☑ | ☐ |
| Project Narrative | 1 | ☑ | ☐ |
| Completed Addressing Checklist | 1 | ☑ | ☐ |
| Property Ownership Disclosure Form | 1 | ☒ | |
| Conceptual Site Plan 24" x 36" and one 8 ½ " x 11" copy | 1 | ☑ | ☐ |
| Survey of property showing the encroachment (measured in feet) | 2 | ☑ | ☐ |
| Affidavit of Authorization, signed and notarized | 2 | ☑ | ☐ |
| Deeds/Legal's | 3 | ☑ | ☐ |
| Location map | 1 | ☐ | ☑ |
| Current aerial photographs (available from Property Appraiser) with project boundary and, if vegetated, FLUCFCS Codes with legend included on aerial | 5 | ☑ | ☐ |
| Historical Survey or waiver request | 1 | ☐ | ☑ |
| Environmental Data Requirements or exemption justification | 3 | ☑ | ☐ |
| *Once the first set of review comments are posted,* provide the assigned planner the Property Owner Advisory Letter and Certification | 1 | ☑ | ☐ |
| Electronic copy of all documents and plans<br>*Please advise: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format. | 1 | ☑ | ☐ |

## 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.

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

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(239) 252-2400 FAX: (239) 252-6358

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

| | | | |
|---|---|---|---|
| ☐ | Bayshore/Gateway Triangle Redevelopment: Executive Director | ☐ | Historical Review |
| ☐ | City of Naples: Robin Singer, Planning Director | ☐ | Immokalee Water/Sewer District |
| ☐ | Conservancy of SWFL: Nichole Ryan | ☐ | Parks and Recreation: David Berra |
| ☐ | Emergency Management: Dan Summers; and/or EMS: Artie Bay | ☐ | School District (Residential Components): Amy Lockheart |
| ☒ | Other: Environmental | ☐ | |

## FEE REQUIREMENTS

- ☒ **Pre-Application Meeting:** $500.00
- ☒ **Variance Petition:**
  - ☒ **Residential-** $2,000.00
  - ○ **Non-Residential-** $5,000.00
  - ○ **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

Applicant Signature — 1/11/2022 Date

Mark Oreus
Printed Name



Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

GREG ORICK MARINE CONSTRUCTION
Family Owned and Operated For Over 30 Years
License #C28961

License #C28961

Tuesday, January 11, 2022

Collier County Growth Management

Zoning Division

2800 N Horseshoe Dr.

Naples, FL 34104

**Re: PL20210002609**

**5328 Barefoot Bay Ct**

To Whom It May Concern,

Please find attached a request for a variance for a proposed single-family docking facility located at 5328 Barefoot Bay Ct, Bonita Springs, Florida 34134. The property is located on the northwest side of Little Hickory Bay. The subject property is located within Section 06, Township 48 East, and Range 25 South in Collier County and can be identified by folio #722899000228.

The proposed project scope consists of constructing a new fixed dock with two boat lifts. The proposed dock will provide a 6.3' setback off the western riparian line and only a 8.4' setback from the eastern riparian line. The required side yard setbacks with Collier County are 7.5-feet on both east and west sides. The proposed project does not meet the minimum on the west side. Therefore, a request for a variance from the LDC Section 5.03.06.E.6 to reduce the side yard setback requirement from 7.5-feet to 6.3-feet on the western riparian for the proposed docking facility located at Lot 7, Barefoot Bay Blk A subdivision, also known as 5328 Barefoot Bay Ct in Section 06, Township 48 East, and Range 25 South in Collier County, Florida.

The shape of the subject property shoreline and the fact it is a natural mangrove shoreline which cannot be removed or altered due to the overlaid Conservation Easement and mangrove line are the driving factors for this variance request. The applicant's vessel, natural shoreline, shape of shoreline, associated riparian line locations creating a pie shape build able area that requires the dock to protrude further out into the subject waterway. That is why the subject dock does not meet the required side yard setback on the west side.

Please see uploaded documents for additional information and measurements. If you have any questions, please contact me via email (Permits@Orickmarine.com) or at the office number in the footer.

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

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## PROPERTY OWNERSHIP DISCLOSURE FORM

**This is a required form with all land use petitions, except for Appeals and Zoning Verification Letters.**

Should any changes of ownership or changes in contracts for purchase occur subsequent to the date of application, but prior to the date of the final public hearing, it is the responsibility of the applicant, or agent on his behalf, to submit a supplemental disclosure of interest form.

**Please complete the following, use additional sheets if necessary.**

a. If the property is owned fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest:

| Name and Address | % of Ownership |
|---|---|
| ROSENBERG, MARC J=& ANGELA M ,5328 BAREFOOT BAY CT | 100 |
| | |
| | |
| | |
| | |

b. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each:

| Name and Address | % of Ownership |
|---|---|
| | |
| | |
| | |
| | |
| | |

c. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with the percentage of interest:

| Name and Address | % of Ownership |
|---|---|
| | |
| | |
| | |
| | |
| | |



Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

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Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

d. If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners:

| Name and Address | % of Ownership |
|---|---|
| | |
| | |
| | |
| | |

e. If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners:

| Name and Address | % of Ownership |
|---|---|
| | |
| | |
| | |
| | |
| | |

**Date of Contract: _____**

f. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust:

| Name and Address |
|---|
| |
| |
| |
| |
| |

g. Date subject property acquired _____

☐ **Leased: Term of lease _____ years /months**

If, Petitioner has option to buy, indicate the following:

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

**Date of option:** _____

**Date option terminates:** _____, or

**Anticipated closing date:** _____

## AFFIRM PROPERTY OWNERSHIP INFORMATION

**Any petition required to have Property Ownership Disclosure, will not be accepted without this form. Requirements for petition types are located on the associated application form. Any change in ownership whether individually or with a Trustee, Company or other interest-holding party, must be disclosed to Collier County immediately if such change occurs prior to the petition's final public 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.

The completed application, all required submittal materials, and fees shall be submitted to:
Growth Management Department
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

Agent/Owner Signature

1-11-22
Date

Mark Oreus
Agent/Owner Name (please print)



Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

INSTR 5893012 OR 5787 PG 1473 RECORDED 7/14/2020 3:22 PM PAGES 2
CLERK OF THE CIRCUIT COURT AND COMPTROLLER, COLLIER COUNTY FLORIDA
DOC@.70 $10,587.50 REC $18.50 INDX $2.00
CONS $1,512,500.00



Prepared By:
John P. White, Esq.
Seaview Title Company, LLC
1575 Pine Ridge Road, Suite 10
Naples, Florida 34109
Strap/ Parcel No. 22899000228
Consideration: $1,512,500.00

(Space above this line for recording data)

# WARRANTY DEED

THIS INDENTURE made this 9th day of July, 2020, between **Anthony Bassam Askar, a/k/a Asker Bassam Asker, a/k/a Asker Asker,** joined by his spouse, **Vanessa Askar,** whose post office address is **8101 Richardson Road, Suite 101, Commerce Township, MI 48390-4115** (hereinafter referred to as "**Grantor**"), and **Marc J. Rosenberg and Angela M. Rosenberg, husband and wife,** whose post office address is **5328 Barefoot Bay Ct., Bonita Springs, FL 34134** (hereinafter referred to as "**Grantee**").

*(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, trusts and trustees and wherever used herein the plural includes the singular and the singular the plural).*

**WITNESSETH:**

**WITNESSETH** That Grantor, for Ten Dollars ($10.00) and additional valuable consideration, the receipt whereof is hereby acknowledged, hereby grants, bargains, releases and conveys unto the Grantee, and Grantee's heirs, successors and assigns forever, the following described land, situate, lying and being in **Lee** County, Florida, to wit:

**Lot 7, Block A, Barefoot Bay, a subdivision according to the plat thereof as recorded in Plat Book 35, pages 61 and 62, of the Public Records of Collier County, Florida.**

**SUBJECT TO:** (a) ad valorem and non ad valorem real property taxes for the current year, if unpaid, and subsequent years; (b) zoning, building code and other use restrictions imposed by governmental authority; (c) outstanding oil, gas and mineral interests of record, if any; and (d) restrictions, reservations, and easements common to the subdivision, if any.

**TOGETHER** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**AND** the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever

**TO HAVE AND TO HOLD**, the same in fee simple forever.

NOT CERTIFIED COPY

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

**IN WITNESS WHEREOF,** Grantor has caused these present to be executed the date and year first above written.

Witnesses (2)
**(Two separate disinterested witnesses required)**

x _____
↑ Witness #1 sign above ↑

Printed Name: John Dangelo

x _____
↑ Witness #2 sign above ↑

Printed Name: Brenda Briggs
(Notary may separately sign as a witness AND serve as the notary)

_____
**Anthony Bassam Askar, a/k/a Asker Bassam Asker, a/k/a Asker Asker**

_____
**Vanessa Askar**

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me by means of (X) physical presence or ( ) online notarization this 9th day of July, 2020, by **Anthony Bassam Askar, a/k/a Asker Bassam Asker a/k/a Asker Asker,** joined by his spouse, **Vanessa Askar,** [X] who are personally known to me or [ ] who have produced _____ as identification.

_____
Notary Public
My Commission Expires: 1/30/2025

BRENDA ANN BRIGGS
NOTARY PUBLIC
State of Michigan
My Commission Expires
January 30, 2025

OFFICIAL CERTIFIED COPY

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

# AFFIDAVIT OF AUTHORIZATION

**FOR PETITION NUMBERS(S)** PL20210002610

I, MARC ROSENBERG (print name), as OWNER (title, if applicable) of 5328 BAREFOOT BAY CT (company, if applicable), swear or affirm under oath, that I am the (choose one) owner [✔] applicant [ ] contract purchaser [ ] and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Collier County to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application; and that
4. The property will be transferred, conveyed, sold or subdivided subject to the conditions and restrictions imposed by the approved action.
5. We/I authorize GREG ORICK II MARINE CONSTRUCTION to act as our/my representative in any matters regarding this petition including 1 through 2 above.

*Notes:*

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trust, then they must include the trustee's name and the words "as trustee".*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, and then use the appropriate format for that ownership.*

**Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.**

Signature

7-14-21
Date

**STATE OF FLORIDA**
**COUNTY OF COLLIER**

The foregoing instrument was acknowleged before me by means of [X] physical presence or [ ] online notarization this 15 day of July, 2021, by (printed name of owner or qualifier) Marc Rosenberg.

Such person(s) Notary Public must check applicable box:

[X] Are personally known to me

[ ] Has produced a current drivers license _____

[ ] Has produced _____ as identification.

HILARY KING
Notary Public-State of Florida
Commission # GG 318480
My Commission Expires
April 1, 2023

Notary Signature: _____

CP\08-COA-00115\155
REV 3/4/2020

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

# AFFIDAVIT OF AUTHORIZATION

**FOR PETITION NUMBERS(S) PL20210002610**

I, Angela Rosenburg (print name), as OWNER (title, if applicable) of 5328 BAREFOOT BAY CT (company, If applicable), swear or affirm under oath, that I am the (choose one) owner [✔] applicant [ ] contract purchaser [ ] and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Collier County to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application; and that
4. The property will be transferred, conveyed, sold or subdivided subject to the conditions and restrictions imposed by the approved action.
5. We/I authorize GREG ORICK II MARINE CONSTRUCTION to act as our/my representative in any matters regarding this petition including 1 through 2 above.

**Notes:*

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trust, then they must include the trustee's name and the words "as trustee".*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, and then use the appropriate format for that ownership.*

**Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.**

**Signature** 1/6/2022 **Date**

**STATE OF FLORIDA**
**COUNTY OF COLLIER**

The foregoing instrument was acknowleged before me by means of [X] physical presence or [ ] online notarization this 6 day of January, 20 22, by (printed name of owner or qualifier) Angel a Rosenburg.

Such person(s) Notary Public must check applicable box:

[X] Are personally known to me

[ ] Has produced a current drivers license _____

[ ] Has produced _____ as identification.

Notary Signature: _____

MAKERBY OREUS
MY COMMISSION # HH 182779
EXPIRES: October 6, 2025
Bonded Thru Notary Public Underwriters

CP\08-COA-00115\155
REV 3/4/2020

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

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2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 252-5724

# ADDRESSING CHECKLIST

Please complete the following and email to GMD_Addressing@colliergov.net or fax to the Operations Division at 239-252-5724 or submit in person to the Addressing Section at the above address. Form must be signed by Addressing personnel prior to pre-application meeting, **please allow 3 days for processing.**

Not all items will apply to every project. Items in **bold type** are required. **FOLIO NUMBERS MUST BE PROVIDED.** Forms older than 6 months will require additional review and approval by the Addressing Section.

**PETITION TYPE** *(Indicate type below, complete a separate Addressing Checklist for each Petition type)*

- ☐ BL (Blasting Permit)
- ☐ BD (Boat Dock Extension)
- ☐ Carnival/Circus Permit
- ☐ CU (Conditional Use)
- ☐ EXP (Excavation Permit)
- ☐ FP (Final Plat
- ☐ LLA (Lot Line Adjustment)
- ☐ PNC (Project Name Change)
- ☐ PPL (Plans & Plat Review)
- ☐ PSP (Preliminary Subdivision Plat)
- ☐ PUD Rezone
- ☐ RZ (Standard Rezone)
- ☐ SDP (Site Development Plan)
- ☐ SDPA (SDP Amendment)
- ☐ SDPI (Insubstantial Change to SDP)
- ☐ SIP (Site Improvement Plan)
- ☐ SIPI (Insubstantial Change to SIP)
- ☐ SNR (Street Name Change)
- ☐ SNC (Street Name Change – Unplatted)
- ☐ TDR (Transfer of Development Rights)
- ■ VA (Variance)
- ☐ VRP (Vegetation Removal Permit)
- ☐ VRSFP (Vegetation Removal & Site Fill Permit)
- ☐ OTHER _____

**LEGAL DESCRIPTION** of subject property or properties *(copy of lengthy description may be attached)*

BAREFOOT BAY BLK A LOT 7 T48, R25, S06

**FOLIO (Property ID) NUMBER(s)** of above *(attach to, or associate with, legal description if more than one)*

22899000228

STREET ADDRESS or ADDRESSES *(as applicable, if already assigned)*

5328 BAREFOOT BAY CT, BONITA SPRINGS FL 34134

- **LOCATION MAP** must be attached showing exact location of project/site in relation to nearest public road right-of-way
- SURVEY (copy - needed only for unplatted properties)

CURRENT PROJECT NAME *(if applicable)*

MARC ROSENBERG - 5328 BAREFOOT BAY CT name not yet approved

PROPOSED PROJECT NAME *(if applicable)*

PROPOSED STREET NAMES *(if applicable)*

SITE DEVELOPMENT PLAN NUMBER *(for existing projects/sites only)*

SDP___-____ or AR or PL # _____

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

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NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 252-5724

Project or development names proposed for, or already appearing in, condominium documents (if application; indicate whether proposed or existing)

**Please Return Approved Checklist By:** ☑ Email ☐ Fax ☐ Personally picked up

**Applicant Name:** GREG ORICK II MARINE CONSTRUCTION

**Phone:** 239-949-5588 **Email/Fax:** PERMITS@ORICKMARINE.COM

Signature on Addressing Checklist does not constitute Project and/or Street Name approval and is subject to further review by the Operations Division.

**FOR STAFF USE ONLY**

**Folio Number** 22899000228

**Folio Number**

**Folio Number**

**Folio Number**

**Folio Number**

**Folio Number**

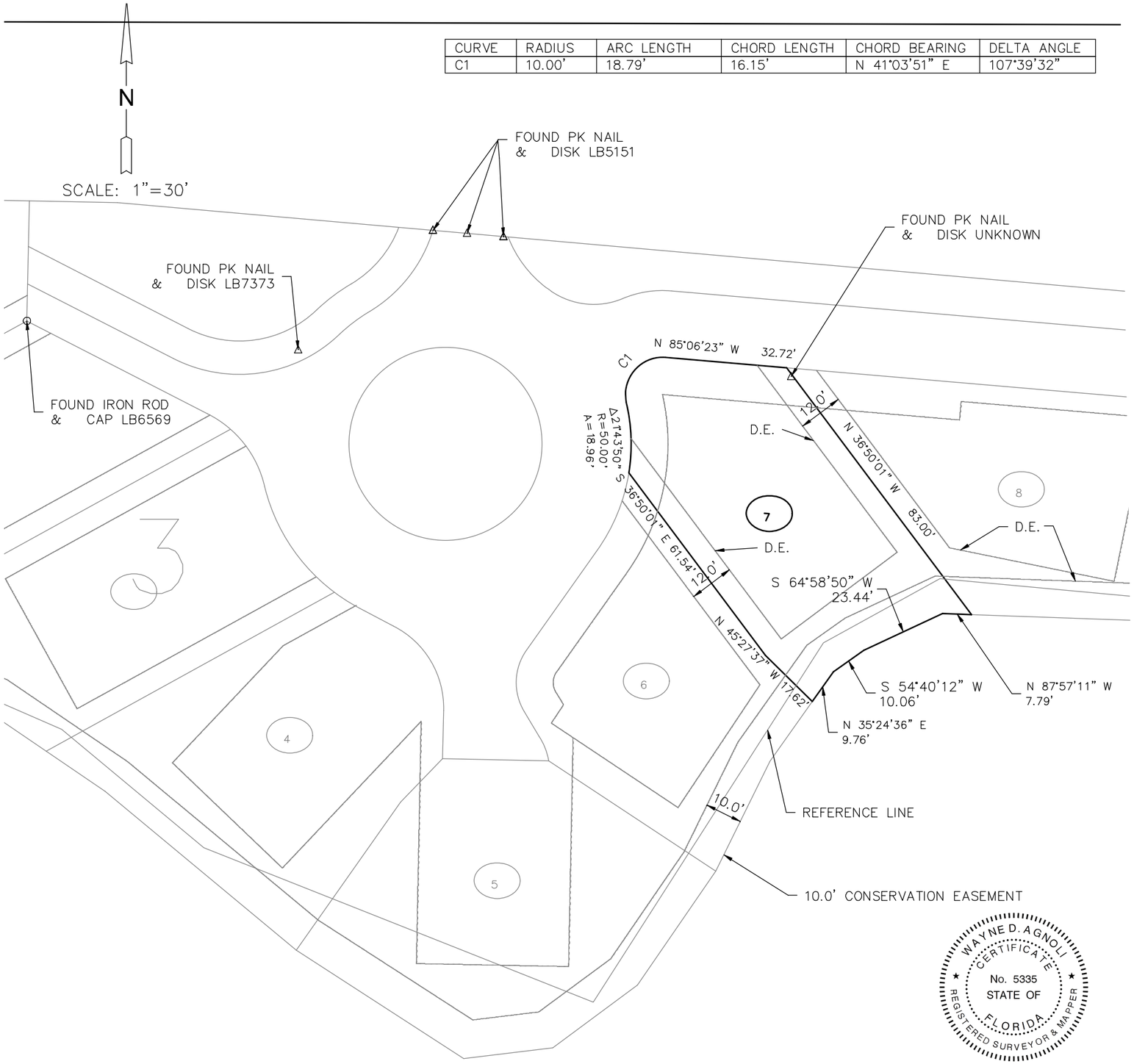
**Approved by:** L.L.H. **Date:** 10/13/2021

**Updated by:** **Date:**

**IF OLDER THAN 6 MONTHS, FORM MUST BE UPDATED OR NEW FORM SUBMITTED**

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|---|---|---|---|---|---|
| C1 | 10.00' | 18.79' | 16.15' | N 41°03'51" E | 107°39'32" |




PREPARED FOR: MARC ROSENBERG

DATE OF FIELD SURVEY: OCTOBER 28, 2021

AGNOLI, BARBER & BRUNDAGE, INC.
PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS AND MAPPERS

BY_____

WAYNE D. AGNOLI, R.S.M., NO. 5335 DATE _____

THIS SITE PLAN SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS IN CHAPTER 5J–17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

THIS SITE PLAN SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS
OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTIES
WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES IS PROHIBITED BY
CHAPTER 5J–17 FLORIDA ADMINISTRATIVE CODE.

THIS SITE PLAN SURVEY IS CERTIFIED AS TO THE DATE OF FIELD SURVEY, NOT THE SIGNATURE DATE.

GENERAL NOTES:

1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM , EAST ZONE, NAD 83/90 DATUM AND REFERENCED TO THE EAST LINE OF LOT 7, BLOCK A, BAREFOOT BAY, SECTION 6, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, AS BEING NORTH 36° 50' 01" WEST.
3. HORIZONTAL COORDINATES WERE DERIVED BY GPS OBSERVATIONS USING A TRIMBLE DUAL FREQUENCY RECEIVER (MODEL R10), RECEIVING CORRECTIONS FROM TRIMBLE VRS NOW RTN (REAL TIME NETWORK)
4. VERTICAL: ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).ELEVATIONS WERE ESTABLISHED USING LONG TERM OBSERVATIONS WITH A TRIMBLE (MODEL R10) DUAL FREQUENCY RECEIVER GPS (GLOBAL POSITIONING SYSTEM).

SURVEYOR'S NOTE: THE PURPOSE OF THE SURVEY IS TO LOCATE THE SEAWALL AND THE WATERWARD EXISTING CONDITIONS ONLY. NO UPLAND IMPROVEMENTS HAVE BEEN LOCATED UNDER THE SCOPE OF THIS SURVEY.

WAYNE D. AGNOLI CERTIFICATE No. 5335 STATE OF FLORIDA REGISTERED SURVEYOR & MAPPER

5328 BAREFOOT BAY CT.

for: MARC ROSENBERG

title: MAP OF SITE PLAN SURVEY OF LOT 7, BLOCK A
BAREFOOT BAY
SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 35 & PAGE 62)
COLLIER COUNTY, FLORIDA

| bk: | pg: | date: |
|---|---|---|
| 1262 | 24 | JANUARY 3, 2022 |
| | | scale: 1"=30' |
| | | cogo #: 09-0086-1 |

AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Land Surveyors & Landscape Architects
7400 Trail Blvd., Suite 200, Naples, FL 34108 Ph.: (239)597-3111
Certificate of Authorization Nos. LB 3664 , EB 3664 & LC26000620 Fax: (239)566-2203

design: XXX
drawn: LD
checked: WDA
acad #: 12968-BS
view: LIMITS
project #: 09-0086-1
sheet #: 1 of 2
file #: 12968

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

7

PROPERTY LINE

PROPERTY LINE

TOP OF RIP-RAP

TOP OF RIP-RAP

× 2.9 GND

× 3.2 GND

× 3.3 GND

MLWL

MHWL

4.1 × 4.0' GND

20.7

20.7

21.4'

4.0'

12.3'

30.3'

TOE OF RIP-RAP

MANGROVE LINE

10.0'

10' CONSERVATION EASEMENT

N

SCALE: 1"=10'

RIPARIAN LINE

8.4'

25.0' X 9.75'

40.3'

× 3.2 WD

33.8'

PROPOSED RE-INSTALL BOAT LIFT

EXISTING NEIGHBORS DOCK

3.0'

× 1.68 WD

7.8'

12.1'

27.8'

24.0'

MANGROVE LINE

RIPARIAN LINE

× 5.14 WD

× 5.94 WD

6.95 WD ×

× 4.4 GND

20.6'

× 4.85 WD

6.3'

× 7.01 WD

4.0'

× 7.32 WD

× 7.15 WD

× 6.42 WD

PROPOSED BOAT LIFT W/11'X14' ALUMINUM PLATFORM

× 7.05 WD

× 6.83 WD

PROPOSED DOCK W/ PILES

MHWL TO MHWL

156.1'

EXISTING NEIGHBORS DOCK

10' CONSERVATION EASEMENT

NOTE: MHWL =0.01'
MLWL =-0.80'
WD = WATER DEPTH
(WATER DEPTH WAS DETERMINED AS DIFFERENCE BETWEEN MLW ELEV. & BOTTOM ELEV.)
CENTERLINE OF ROAD=4.52'

5328 BAREFOOT BAY CT. PROPOSED DOCK

for: MARC ROSENBERG

title: MAP OF SITE PLAN SURVEY OF LOT 7, BLOCK A
BAREFOOT BAY
SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 35 & PAGE 62)
COLLIER COUNTY, FLORIDA

| bk: | pg: | date: |
|---|---|---|
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|---|---|
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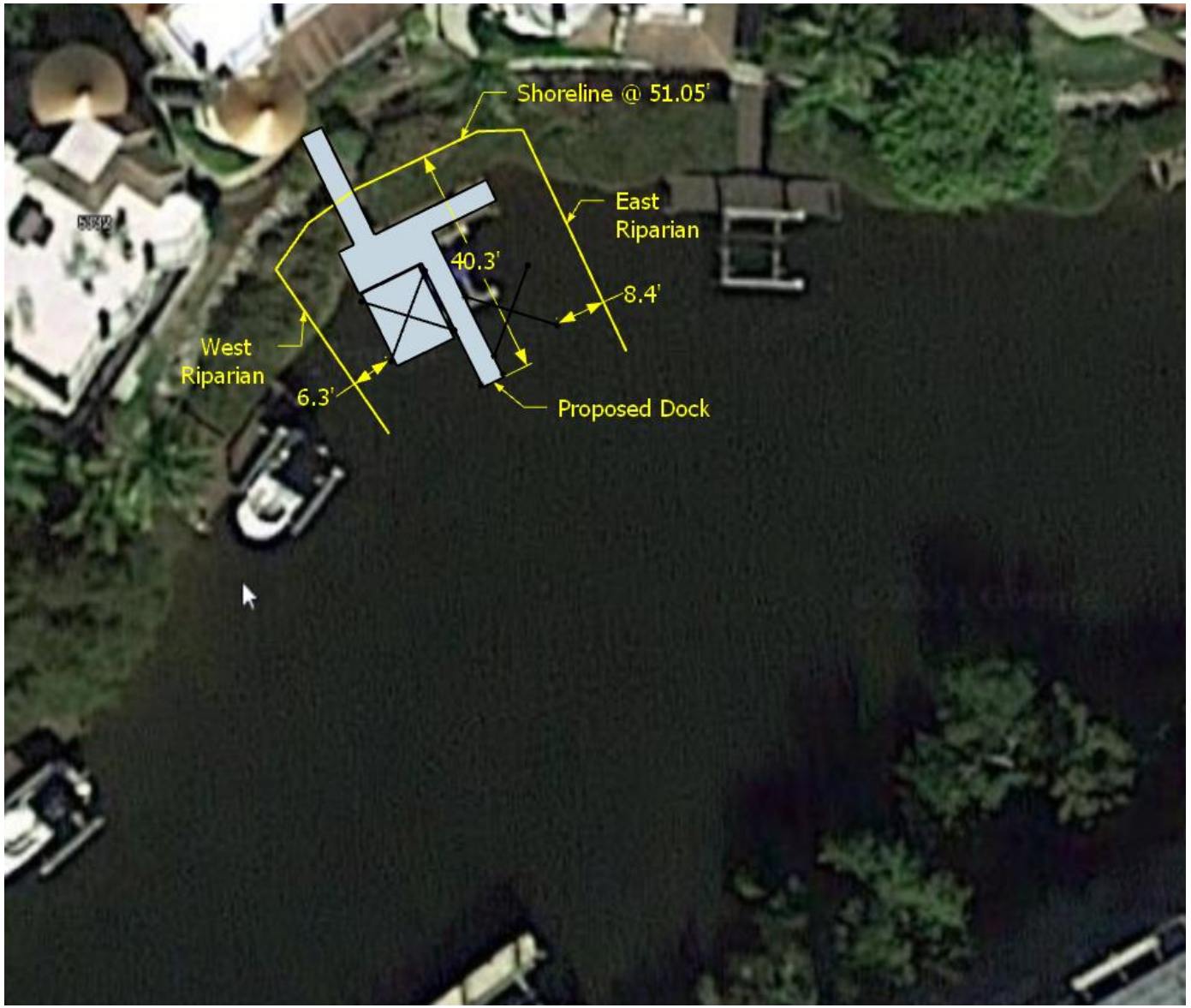
| drawn: | LD |
| checked: | WDA |
| acad #: | 12968-BS |
| view: | LIMITS |
| project #: | 09-0086-1 |
| sheet #: | 2 of 2 |
| file #: | 12968 |

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

# Dock Site Plan




| | | | |
|---|---|---|---|
| **GREG ORICK MARINE CONSTRUCTION, INC.**<br>**(239) 949-5588** | Name: **Marc Rosenberg**<br>Address: **5328 Barefoot Bay Ct**<br>**Bonita Springs, FL 34134**<br>Date: **2/14/2022** | Approved Signature: _____<br>Approved Date: _____ | N<br>W E<br>S |

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct

# AFFIDAVIT OF COMPLIANCE

I hereby certify that pursuant to Ordinance 2004-72, of the Collier County Land Development Code, I did give notice by mail at least 30 days after receipt of letter indicating that the application is sufficient to the following property owners and or condominium and civic associations whose members may be impacted by the proposed land use changes of an application request for a variance or parking exemption. *For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County and any other persons or entities who have made a formal request of the county to be notified.* The said notice contained the laymen's description of the site property of proposed change.

Per attached letters and or property owner's list, which are hereby made a part of this Affidavit of Compliance.

(Signature of Applicant)

State of Florida
County of Collier

The foregoing Affidavit of compliance was acknowledged before me this 21 day of March, 2010 by Mark Oreus, who is personally known to me or who has produced _____ as identification.

(Signature of Notary Public)

Yunet Ferro
Printed Name of Notary

(Notary Seal)

Yunet Ferro
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG301498
Expires 2/13/2023

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

GREG ORICK MARINE CONSTRUCTION
Family Owned and Operated For Over 30 Years
License #C28961

License #C28961

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

Tuesday, January 11, 2022

Mailing Address (TBD)

Naples, FL (TBD)

To Whom It May Concern:

Please be advised that the sender has made a formal application to Collier County for a variance, PL20210002610, from the requirements of the zoning regulations as they apply to the following described property:

**BAREFOOT BAY BLK A LOT 7 in Section 6, Township 48 South, Range 25 East, Collier County, Florida Also Known As: 5328 Barefoot Bay Ct, Folio: 22899000228**

It is our intent to ask the County to allow us to reduce the minimum side setback from the Western riparian line from 7.5 feet to 6.3 feet to accommodate the proposed docking facility and associated boatlifts. If you have any questions or concerns, please feel free to contact Greg Orick II Marine Construction using the contact information listed below.

Best Regards,

Greg Orick II
President
Greg Orick II Marine Constriction Inc
Info@Orickmarine.com

**Notice: This data belongs to the Collier County Property Appraiser's Office (CCPA). Therefore, the recipient agrees not to represent this data to anyone as other than CCPA provided data. The recipient may not transfer this data to others without consent from the CCPA.**

**Petition: PL20210002610 | Buffer: 150' | Date: 3/21/2022 | Site Location: 22899000228**

| NAME1 | NAME2 | NAME3 | NAME4 | NAME5 | NAME6 | FOLIO | ADDRESSTYP |
|---|---|---|---|---|---|---|---|
| ASKAR, KOUSAY | 1231 GALLEON DR | | | | NAPLES, FL 34102---0 | 22899000260 | U |
| BAREFOOT BAY INVESTMENTS LLC | 300 SPRUCE ST STE 110 | | | | COLUMBUS, OH 43215---0 | 22899000121 | U |
| BAREFOOT BAY PROPERTY | OWNERS ASSOCIATION INC | % GUARDIAN PROPERTY MGMT | 6704 LONE OAK BLVD | | NAPLES, FL 34109---0 | 22899000040 | U |
| BAREFOOT BAY PROPERTY | OWNERS ASSOCIATION INC | % GUARDIAN PROPERTY MGT | 6704 LONE OAK BLVD | | NAPLES, FL 34109---0 | 22899000024 | U |
| BAREFOOT BAY PROPERTY | OWNERS ASSOCIATION INC | % GUARDIAN PROPERTY MGT | 6704 LONE OAK BLVD | | NAPLES, FL 34109---0 | 22899000066 | U |
| BAREFOOT BAY PROPERTY | OWNERS ASSOCIATION INC | %GUARDIAN PROPERTY MGT | 6704 LONE OAK BLVD | | NAPLES, FL 34109---0 | 22899000082 | U |
| BAREFOOT BEACH MASTER ASSN INC | % ABILITY MANAGEMENT | 6736 LONE OAK BLVD | | | NAPLES, FL 34109---0 | 54750201008 | U |
| COWGER REVOCABLE TRUST | 5344 BAREFOOT BAY CT | | | | BONITA SPRINGS, FL 34134---0 | 22899000147 | U |
| DOUGLAS R OEHLER IRREV TRUST | 6161 GEORGES WAY | | | | CINCINNATI, OH 45233---0 | 74435007109 | U |
| GOLDBERG, DANIEL B | 5324 BAREFOOT BAY CT | | | | BONITA SPRINGS, FL 34134---0 | 22899000244 | U |
| KIESGEN, GARY A & DEBORAH J | 572 OAKBRIDGE DR | | | | ROCHESTER, MI 48066---0 | 22899000202 | U |
| PRUNSKY TR, BARBARA | B3 TRUST | 12649 W REGAN RD | | | MOKENA, IL 60448---8292 | 22899000189 | U |
| ROGER L BRANDLE REV TRUST | 5340 BAREFOOT BAY COURT | | | | BONITA SPRINGS, FL 34134---0 | 22899000163 | U |
| ROSENBERG, MARC J & ANGELA M | 5328 BAREFOOT BAY CT | | | | BONITA SPRINGS, FL 34134---6501 | 22899000228 | U |

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct

Étiquette de format 25 mm x 67 mm compatible avec Avery ®5160/8160
label size 1" x 2 5/8" compatible with Avery ®5160/8160



ASKAR, KOUSAY
1231 GALLEON DR
NAPLES, FL 34102---0

BAREFOOT BAY INVESTMENTS LLC
300 SPRUCE ST STE 110
COLUMBUS, OH 43215---0

BAREFOOT BAY PROPERTY
OWNERS ASSOCIATION INC
% GUARDIAN PROPERTY MGMT
6704 LONE OAK BLVD
NAPLES, FL 34109---0

BAREFOOT BAY PROPERTY
OWNERS ASSOCIATION INC
% GUARDIAN PROPERTY MGT
6704 LONE OAK BLVD
NAPLES, FL 34109---0

BAREFOOT BAY PROPERTY
OWNERS ASSOCIATION INC
% GUARDIAN PROPERTY MGT
6704 LONE OAK BLVD
NAPLES, FL 34109---0

BAREFOOT BAY PROPERTY
OWNERS ASSOCIATION INC
%GUARDIAN PROPERTY MGT
6704 LONE OAK BLVD
NAPLES, FL 34109---0

BAREFOOT BEACH MASTER ASSN INC
% ABILITY MANAGEMENT
6736 LONE OAK BLVD
NAPLES, FL 34109---0

COWGER REVOCABLE TRUST
5344 BAREFOOT BAY CT
BONITA SPRINGS, FL 34134---0

DOUGLAS R OEHLER IRREV TRUST
6161 GEORGES WAY
CINCINNATI, OH 45233---0

GOLDBERG, DANIEL B
5324 BAREFOOT BAY CT
BONITA SPRINGS, FL 34134---0

KIESGEN, GARY A & DEBORAH J
572 OAKBRIDGE DR
ROCHESTER, MI 48066---0

PRUNSKY TR, BARBARA
B3 TRUST
12649 W REGAN RD
MOKENA, IL 60448---8292

ROGER L BRANDLE REV TRUST
5340 BAREFOOT BAY COURT
BONITA SPRINGS, FL 34134---0

ROSENBERG, MARC J & ANGELA M
5328 BAREFOOT BAY CT
BONITA SPRINGS, FL 34134---6501

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

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Sent To: Daniel Goldberg

Street and Apt. No., or PO Box No.: 5354 Barefoot Bay Ct

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Barbara Pruski JR

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13694 W Regan RD

City, State, ZIP+4®
Manteno IL 60448

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Sent To
Douglas R Oehler Irrev. Tru

Street and Apt. No., or PO Box No.
616 Georges Way

City, State, ZIP+4®
Cincinnati OH 45233

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instru

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

GREG ORICK MARINE CONSTRUCTION
Family Owned & Operated For Over 25 Years
License #C28961

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

Tuesday,January 11, 2022

Re: Nature of Petition

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 subject property currently does contain a docking facility built in 2004 (0304-0047). The proposed work will entail the construction of a new designed docking facility with two boatlifts which will protrude 40.3' from the most restrictive point (MHWL) out into a section of waterbody which is Little Hickory Bay. It will be built outward to the existing shoreline and due to the design and mangrove overhang from shore a BDE has been applied for alongside this VA.

This variance petition seeks to reduce the riparian line setback on the west side of the proposed dock from the required 7.5-feet to 6.3-feet. The subject property is zoned Residential Single-Family 6 within the Barefoot Bay residential community with a single-family residence currently on the uplands (permit number **0108-0909)** and per the Collier County LDC a docking facility is allowed but requires 7.5-foot setbacks from both riparian lines. The shape of the subject property shoreline and the fact it is a natural mangrove shoreline which cannot be removed or altered due to the overlaid Conservation Easement are the driving factors for this variance request. The applicant's vessel, natural shoreline, shape of shoreline, associated riparian line locations creating a pie shape buildable area requires the dock to protrude further out into the subject waterway. That is why the subject dock does not meet the required side yard setback on the west side.

This was the only design that would allow for safe navigation of waterway while still allowing for property owners vessels to safely be stored and not imposing on the egress/ingress of neighboring docks. This design was also placed to allow for as little impact to mangroves and any critical habitats in the area.

2815 Bayview Dr ● Naples, FL 34112
Office: (239) 949 – 5588 ● Fax: (239) 301 – 2238 ● E-Mail: info@orickmarine.com
www.GregOrickMarineConstruction.com

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Family Owned & Operated For Over 25 Years License #C28961

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

The proposed design will only go through the mangrove at a maximum of 4-feet wide which is what dock access is allowed through a Conservation Easement. There will be no dredging on the entire proposed project.

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.**

Yes,The curve shaped shoreline limits what proposed docking facility can be introduced, additionally the conservation easement and presence of mangroves add even more of a restriction. Also with the presence of the docks at both neighboring properties, the property owner is very limited in which direction they can access the docking facility without causing any navigational issues.

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.**

Yes, As stated above, the property's natural shoreline, shape of shoreline, and Conservation Easement on the shoreline requires additional protrusion due to the pie shape riparian lines. Due to these factors and the property owners vessel size, these are the special conditions driving this side yard setback 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.**

Yes, The denial of the Variance petition would not allow the owner to store any of their vessels at the property safely with the proposed Dock design and boat lifts.

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.**

Yes. The proposed docking facility has been reduced to the minimum size and still provide safe access. Also, the proposed docking facility is consistent with the other docking facilities along this shoreline as well as within Little Hickory Bay that have been previously granted BDE's and some side yard setback variances

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**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.**

No. Several of the neighboring lots already contain similar docking facilities that also required a BDE and setback variances.

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**.

Yes, The variance is for a single-family docking facility that will not affect the functionality of any surrounding lots but allow this property to be consistent with the others along the same subject shoreline.

**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.**

The variance will allow the redesign of a private single-family docking facility, which will allow no impact to the natural mangrove shoreline within the Conservation easement.

**g) Will granting the variance be consistent with the Growth Management Plan?**

Yes. Besides the dock's side setbacks and protrusion, all other design criteria will be met.

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

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Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328

CONSERVANCY of Southwest Florida
OUR WATER, LAND, WILDLIFE, FUTURE.

*Protecting Southwest Florida's unique natural environment and quality of life ... now and forever.*

January 11, 2022

Mr. Mark Oreus
Permit Technician
Greg Orick Marine Construction, Inc.
2815 Bayview Drive, Naples, FL 34112

*Sent via email*

RE: Proposed Dock at 5328 Barefoot Bay Ct.

Dear Mr. Oreus:

Thank you for sending us the boat dock extension application package for 5328 Barefoot Bay Ct. for review. Pursuant to the Settlement Agreement between the Conservancy, Lely Estates, Inc., and Collier County pertaining to the Lely Barefoot Beach PUD, the Conservancy must be notified of any proposed construction activities within the conservation easement. Upon review of the site plan surveys dated January 3, 2021 (note: The survey map Page 1 is dated January 3, 2022, but survey map Page 2 is dated January 3, 2021 on the version the Conservancy reviewed) from Agnoli Barber & Brundage Inc. and the county application package for the dock extension, we do not see any inconsistencies with the plan in regards to the easement or settlement agreement. Per the settlement agreement, an access ramp or walkway through the conservation easement is permissible provided that the ramp or walkway is consistent with the DEP permits and it does not exceed 4 feet in width.

Sincerely,

Nicole Johnson

Nicole Johnson
Director of Environmental Policy

Attachment: Attachment D - HEX Backup FINAL (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

★★★★ CHARITY NAVIGATOR Four Star Charity

Conservancy of Southwest Florida has been awarded Charity Navigator's prestigious 4-Star top rating for good governance, sound fiscal management and commitment to accountability and transparency. Charity Navigator is America's largest and most respected independent evaluator of charities.

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

# Hybrid Virtual Quasi-Judicial Public Hearing Waiver

Emergency/Executive Order 2020-04
Hearing of the Collier County Hearing Examiner

For Petition Number(s): PL20210002610

Regarding the above subject petition number(s), Marc Rosenberg (Name of Applicant) elects to proceed during the declared emergency with hybrid virtual public hearing of the Collier County Hearing Examiner, and waives the right to contest any procedural irregularity due to the hybrid virtual nature of the public hearing.

Name: Marc Rosenberg

Date: 3/28/2022

Signature:

☑ Applicant*

☐ Legal Counsel to Applicant

* This form must be signed by either the Applicant (if the applicant is a corporate entity, this must be an officer of the corporate entity) or the legal counsel to the Applicant.

Attachment: Attachment E - HEX Hybrid Meeting Waiver (VA) (21891 : PL20210002610 VA 5328 Barefoot Bay Ct Rosenberg Dock)

**COLLIER COUNTY**
**Collier County Hearing Examiner**

**Item Number:** 3.B
**Item Summary:** Petition No. BDE-PL20210002609 - Request for a 20.3-foot boat dock extension from the maximum permitted protrusion of 20 feet allowed by Section 5.03.06 of the Collier County Land Development Code for waterways greater than 100 feet in width, to allow construction of a boat docking facility protruding a total of 40.3 feet into a waterway that is 156.1 feet wide. The subject property is located at 5328 Barefoot Bay Court and is further described as Lot 7, Block A, Barefoot Bay, in Section 06, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 2

**Meeting Date:** 04/28/2022

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**Prepared by:**
Title: Planner – Zoning
Name: John Kelly
04/06/2022 6:19 PM

**Submitted by:**
Title: – Zoning
Name: Mike Bosi
04/06/2022 6:19 PM

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**Approved By:**

Review:

| | | | | |
|---|---|---|---|---|
| Growth Management Operations & Regulatory Management | Kenneth Kovensky | Review Item | Completed | |
| Hearing Examiner (GMD Approvers) | Diane Lynch | Review Item | Completed | 04/07/2022 2:08 PM |
| Zoning | Ray Bellows | Review Item | Completed | 04/07/2022 3:55 PM |
| Zoning | Mike Bosi | Zoning Director Review | Completed | 04/07/2022 4:09 PM |
| Hearing Examiner | Andrew Dickman | Meeting Pending | 04/28/2022 9:00 AM | |

# STAFF REPORT

**TO:** COLLIER COUNTY HEARING EXAMINER

**FROM:** GROWTH MANAGEMENT DEPARTMENT
ZONING DIVISION- ZONING SERVICES SECTION

**HEARING DATE:** APRIL 28, 2022

**SUBJECT:** BDE-PL20210002609, 5328 BAREFOOT BAY COURT, COMPANION TO VA-PL20210002610; ROSENBERG DOCK

---

**PROPERTY OWNER/APPLICANT:**

Marc J. Rosenberg and Angela M. Rosenberg
5328 Barefoot Bay Ct.
Bonita Springs, FL 34134

**AGENT:**

Mark Oreus
Greg Orick II Marine Construction, Inc.
2815 Bayview Dr.
Naples, FL 34112

**REQUESTED ACTION:**

The petitioner requests a 20.3-foot boat dock extension over the maximum permitted protrusion of 20 feet allowed by Section 5.03.06 of the Collier County Land Development Code for waterways greater than 100 feet in width, for a total protrusion of 40.3 feet into a waterway that is 156.1± feet wide, for the benefit of the subject property.

**GEOGRAPHIC LOCATION:**

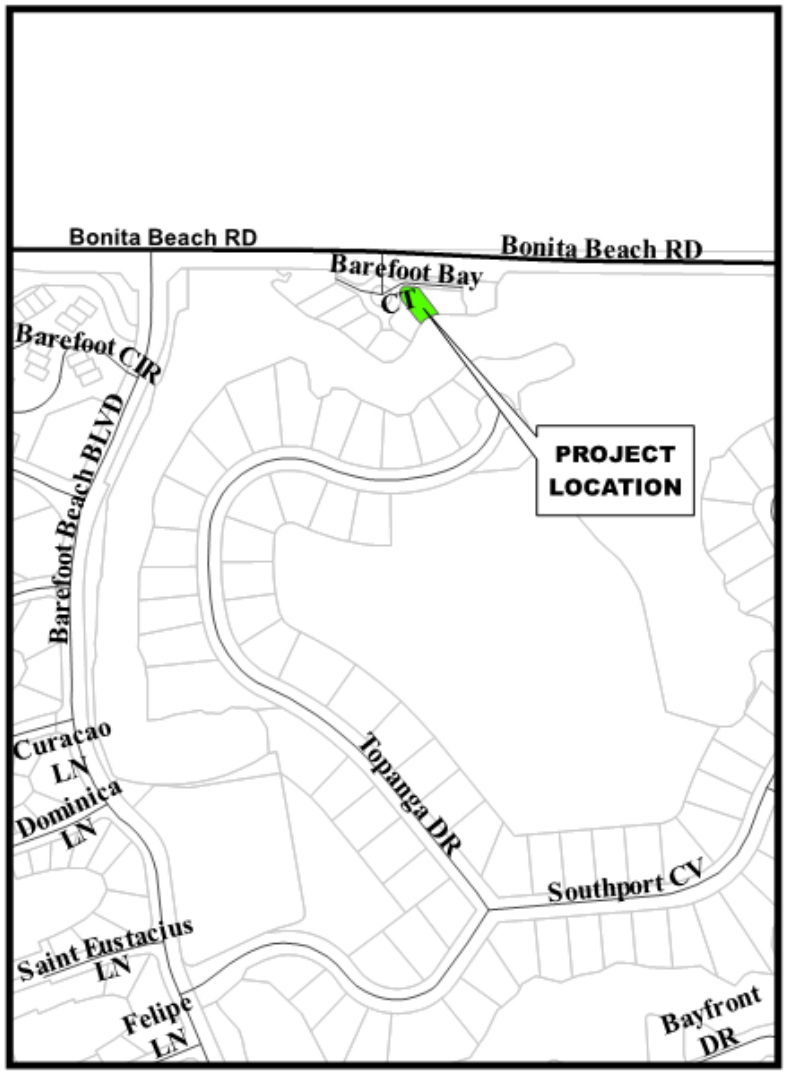
The subject property is located at 5328 Barefoot Bay Court and is further identified as Lot 7, Block A, Barefoot Bay, in Section 6, Township 48 South, Range 25 East. Collier County, Florida. *(See location map on the following page)*

**PURPOSE/DESCRIPTION OF PROJECT:**

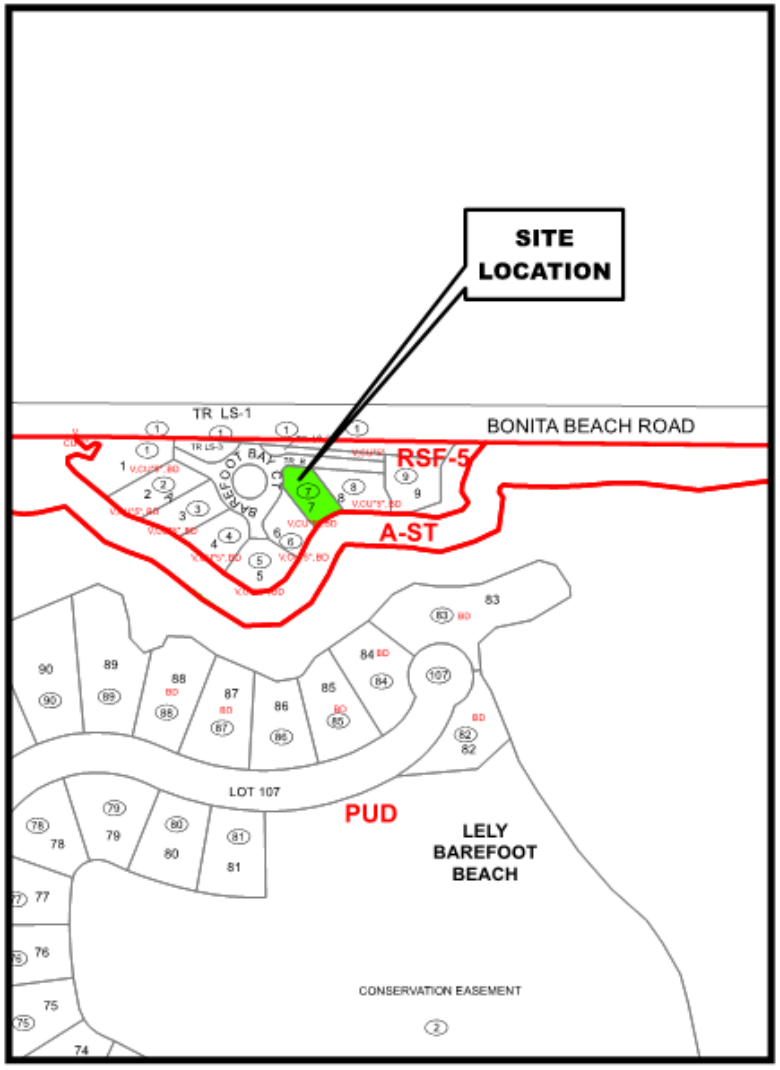
The subject property comprises 0.1± acres, with 51.05± feet of water frontage, that has been improved with a single-family dwelling located within a Residential Single-Family-5 (RSF-5) Zoning District. The applicant desires to replace an existing single-slip shore parallel boat docking facility with a shore perpendicular docking facility with two slips; one slip with a boat lift for a 25-foot vessel and the other with a platform lift for two 11-foot personal watercraft. As designed, the proposed dock facility will protrude 40.3± feet from the Mean High-Water Line (MHWL) (Continued on Page 3)



Attachment: Staff Report 04062022 (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)




Location Map




Zoning Map

Petition Number: PL20210002609



Attachment: Staff Report 04062022 (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

PURPOSE/DESCRIPTION OF PROJECT (Continued from Page 1):

which also serves as the platted property line. This subject BDE is requested to accommodate the desired dock design, vessel size, a natural mangrove shoreline, and a platted 10-foot Conservation Easement that exists landward of the MHWL for which the Conservancy of Southwest Florida has provided a letter finding the proposed dock to be consistent with the Settlement Agreement that required it, as long as the access ramp and/or walkway is no more than 4-foot wide; see Attachment E). The proposed boat dock facility will satisfy the required 7.5-foot side/riparian setback to the east however will encroach 1.2 feet into the required 7.5-foot western side/riparian setback for which a companion Variance petition (VA-PL20210002610) has been submitted.

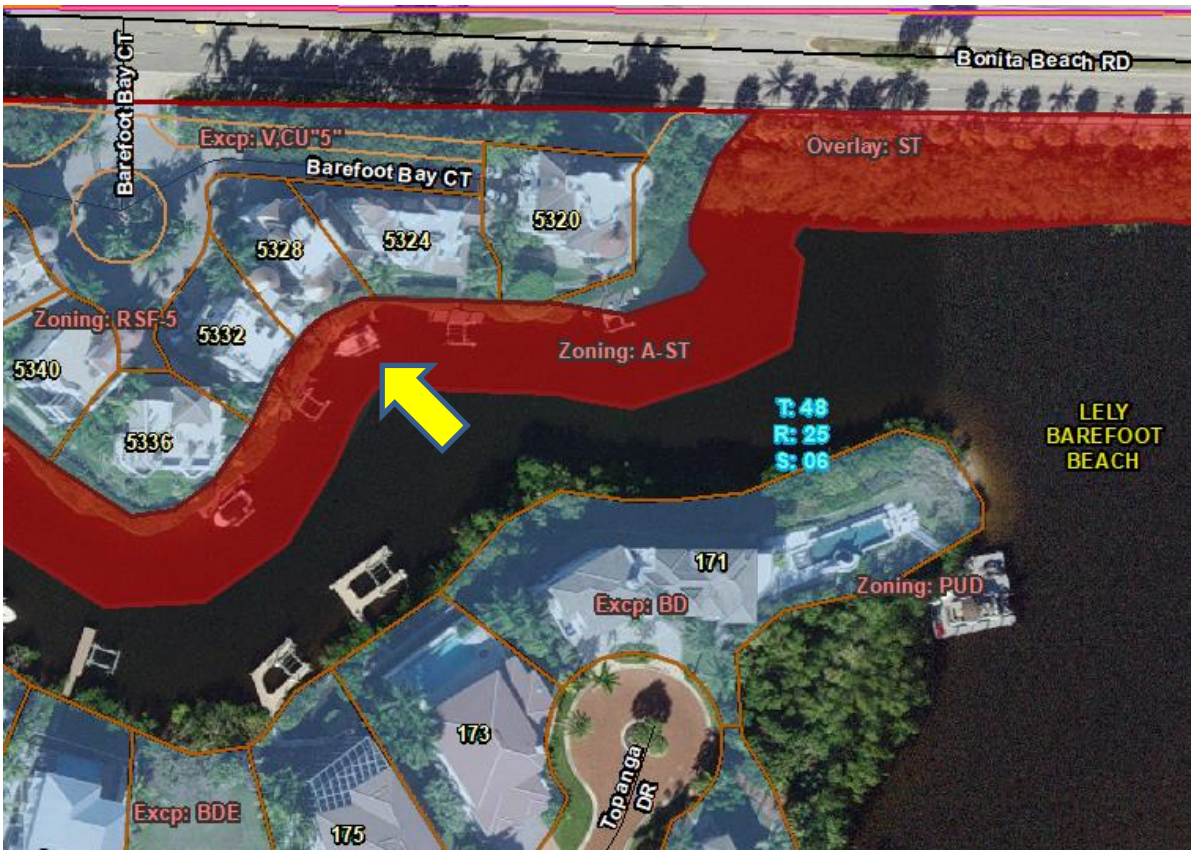
**SURROUNDING LAND USE & ZONING:**

North: Barefoot Bay Court (Right-of-Way) then cul-de-sac located within a Residential Single-Family-5 (RSF-5) zoning district

South: A portion of Little Hickory Bay located within a Rural Agricultural District located within a Special Treatment Overlay (A-ST), then a portion of Little Hickory Bay located within the Lely Barefoot Beach PUD, followed by a single-family residential component of said PUD

East: Single-family residence located within an RSF-5 zoning district

West: Single-family residence located within an RSF-5 zoning district




**Collier County GIS**

Attachment: Staff Report 04062022 (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

## ENVIRONMENTAL EVALUATION:

Environmental Planning Staff has reviewed this petition and has no objection to the granting of this request. The property is in a ST overlay zone, which will require an ST-permit for the proposed docking facilities prior to issuance of the building permits. The proposed docking facilities will be constructed waterward of the existing mangrove shoreline. A submerged resources survey provided by the applicant found no submerged resources in the area 200 feet beyond the proposed docking facility. Submerged Resources Survey (SRS-EIA) sheet 4 of 4 provides an aerial with a note stating that no seagrasses were observed within 200 feet.

This project does not require an Environmental Advisory Council Board (EAC) review, because this project did not meet the EAC scope of land development project reviews as identified in Chapter 2, Article VIII, Division 23, Section 2-1193 of the Collier County Code of Laws and Ordinances.

## STAFF ANALYSIS:

In accordance with LDC Section 5.03.06.H., the Collier County Hearing Examiner shall approve, approve with conditions, or deny a dock facility extension request based on certain criteria. In order for the Hearing Examiner to approve this request, at least four of the five primary criteria and four of the six secondary criteria must be met:

### Primary Criteria:

1. **Whether the number of dock facilities and/or boat slips proposed is appropriate in relation to the waterfront length, location, upland land use and zoning of the subject property. Consideration should be made of property on unbridged barrier islands, where vessels are the primary means of transportation to and from the property. (The number should be appropriate; typical single-family use should be no more than two slips; typical multi-family use should be one slip per dwelling unit; in the case of unbridged barrier island docks, additional slips may be appropriate.)**

   Criterion met. The subject property is located within an RSF-5 zoning district for which the LDC lists private docks and boathouses are an allowable accessory use subject to LDC Section 5.03.06. Said property is an irregular shaped lot with 51.05± feet of water frontage. The proposed boat docking facility has two slips, each with a boat lift, one for a 25-foot vessel and the other to accommodate two 11-foot personal watercraft. The proposed dock facility will replace an existing dock facility that required an 8-foot BDE that was approved by the Collier County Planning Commission in 2003 (CCPC Resolution No. 02-10); see Attachment D.

2. **Whether the water depth at the proposed site is so shallow that a vessel of the general length, type and draft as that described in the petitioner's application is unable to launch or moor at mean low tide (MLT). (The petitioner's application and survey should establish that the water depth is too shallow to allow launching and mooring of the vessel(s) described without an extension.)**

Attachment: Staff Report 04062022 (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

Criterion met. The existing shallow natural mangrove shoreline, further restricted by a 10-foot Conservation Easement, make it impossible to moor a vessel at Mean Low Water without a boat dock extension as is demonstrated in the attached bathymetric survey and cross-section contained within Attachments B and E.

3. **Whether the proposed dock facility may have an adverse impact on navigation within an adjacent marked or charted navigable channel. (The facility should not intrude into any marked or charted navigable channel thus impeding vessel traffic in the channel.)**

Criterion met. The applicant states that the proposed dock and lifts have been designed not to impede navigation and that protrusions are consistent with neighboring docks along the shoreline. Said boat dock facility does not intrude into any marked or charted navigable channel, thus there will be no adverse impact on navigation.

4. **Whether the proposed dock facility protrudes no more than 25 percent of the width of the waterway, and whether a minimum of 50 percent of the waterway width between dock facilities on either side is maintained for navigability. (The facility should maintain the required percentages.)**

Criterion met. The applicable waterway is 156.1± feet wide as measured from MHWL to MHWL, the requested protrusion is 40.3± feet; therefore, the proposed dock facility will occupy 25.8 percent of the waterway which leaves 74.2 percent of the waterway open for navigation. The residence on the opposite shoreline is allowed a single dock facility; said facility is located at a location that will not further decrease the available thread of navigation.

5. **Whether the proposed location and design of the dock facility is such that the facility would not interfere with the use of neighboring docks. (The facility should not interfere with the use of legally permitted neighboring docks.)**

Criterion met. The applicant's agent states: "Proposed dock extension does not interfere with neighboring docks as shown in the aerial drawing. The Neighboring dock to the West egress/ingress on their boatlift is parallel to their shoreline and the neighbor to the east dock and boat lift is located mainly on the east side of their property allowing easy launching." Staff does not entirely support the claims with respect to the property to the west which is also directly impacted by the companion variance request; however, it is noted that the petitioner has obtained a "Letter of Concurrence for Setback Waiver" from both adjoining property owners indicating they are fully aware of and have no objections to the proposed dock facility; see Attachment E. Staff notes that said letters were obtained in response to State of Florida requirements. Given said letters, Zoning Staff is compelled to find that this criterion has been satisfied.

**Secondary Criteria:**

1. **Whether there are special conditions not involving water depth, related to the subject property or waterway, which justify the proposed dimensions and location of the**

Attachment: Staff Report 04062022 (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

**proposed dock facility. (There must be at least one special condition related to the property; these may include type of shoreline reinforcement, shoreline configuration, mangrove growth, or seagrass beds.)**

Criterion met. The applicant's agent states the following: "The proposed dock facility is in an area of Little Hickory Bay that has well-developed mangroves that extend many feet beyond the county allowed dock protrusion of 20'. Also, due to the narrow shoreline configuration and presence of existing neighboring docks, a boat can only come in perpendicular to the shoreline. The proposed boat is 25' long, which is a typical size boat for the area, so it would protrude past the allowable 20' when docking perpendicular to the shoreline." Zoning staff concurs and notes that the recorded Conservation Easement extends 10 feet landward of the MHWL and requires the docking facility to be waterward of the mangrove fringe; together with the shape of the property's shoreline qualify as special conditions not related to water depth.

2. **Whether the proposed dock facility would allow reasonable, safe access to the vessel for loading/unloading and routine maintenance, without the use of excessive deck area not directly related to these functions. (The facility should not use excessive deck area.)**

Criterion met. The applicant's agent states: "Proposed dock facility allows reasonable and safe access to vessel without excessive deck area as shown in site plan survey. The design of the Proposed boat dock is for one dry slip recreational vessel, and one kayak/PWC lift to be maintained safely without incidence." Zoning Staff concurs and notes that the 4-foot walkways are required to transgress that Conservation Easement; the wider portions of the proposed dock facility are necessary for the staging of passengers and equipment required for maintenance.

3. **For single-family dock facilities, whether the length of the vessel, or vessels in combination, described by the petitioner, exceeds 50 percent of the subject property's linear waterfront footage. (The applicable maximum percentage should be maintained.)**

Criterion not met. The subject property has 51.05± feet of water frontage; vessels to be docked at this facility include a 25-foot vessel and two 11.7-foot personal watercraft with a combined measurement of 48.4 feet.

4. **Whether the proposed facility would have a major impact on the waterfront view of neighboring property owners. (The facility should not have a major impact on the view of a neighboring property owner.)**

Criterion met. The proposed dock has been designed within the designated riparian lines and is consistent with the existing docks along the subject shoreline. Additionally, as the subject property is located within the Coast High Hazard Area, as per the Future Land Use Map (FLUM), most residences are constructed well above grade with the habitable area being over parking.

Attachment: Staff Report 04062022 (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

5. **Whether seagrass beds will be impacted by the proposed dock facility. (If seagrass beds are present, compliance with subsection 5.03.06.J of the LDC must be demonstrated.)**

   Criterion met. The submerged resources survey provided indicates that no seagrass beds exist within 200-feet of the proposed dock. No seagrass beds will be impacted by the proposed dock facility.

6. **Whether the proposed dock facility is subject to the manatee protection requirements of subsection 5.03.06(E)(11) of this Code. (If applicable, compliance with section 5.03.06(E)(11) must be demonstrated.)**

   Criterion not applicable. The provisions of the Collier County Manatee Protection Plan do not apply to single-family dock facilities except for those within the seawalled basin of Port of the Islands; the subject property is not located within Port of the Islands.

Staff analysis finds this request complies with five of the five primary criteria and four of the six secondary criteria with the sixth criterion being not applicable.

**CONCURRENT LAND USE APPLICATIONS:**

Companion Petition No. VA-PL20210002610 for dock side/riparian a setback reduction on the east side from 7.5 feet to 6.3 feet.

**APPEAL OF BOAT DOCK EXTENSION TO BOARD OF COUNTY COMMISSIONERS:**

As to any boat dock extension petition upon which the Hearing Examiner takes action, an aggrieved petitioner may appeal such final action to the Board of County Commissioners. Such appeal shall be filed with the Growth Management Department Administrator within 30 days of the Decision by the Hearing Examiner. In the event that the petition has been approved by the Hearing Examiner, the applicant shall be advised that he/she proceeds with construction at his/her own risk during this 30-day period. Any construction work completed ahead of the approval authorization shall be at their own risk.

**STAFF RECOMMENDATION:**

Based on the above findings, staff recommends that the Hearing Examiner APPROVE Petition BDE-PL20210002609, to allow for the construction of the proposed dock facility as depicted within the plans contained within Attachments A and B, with the following condition:

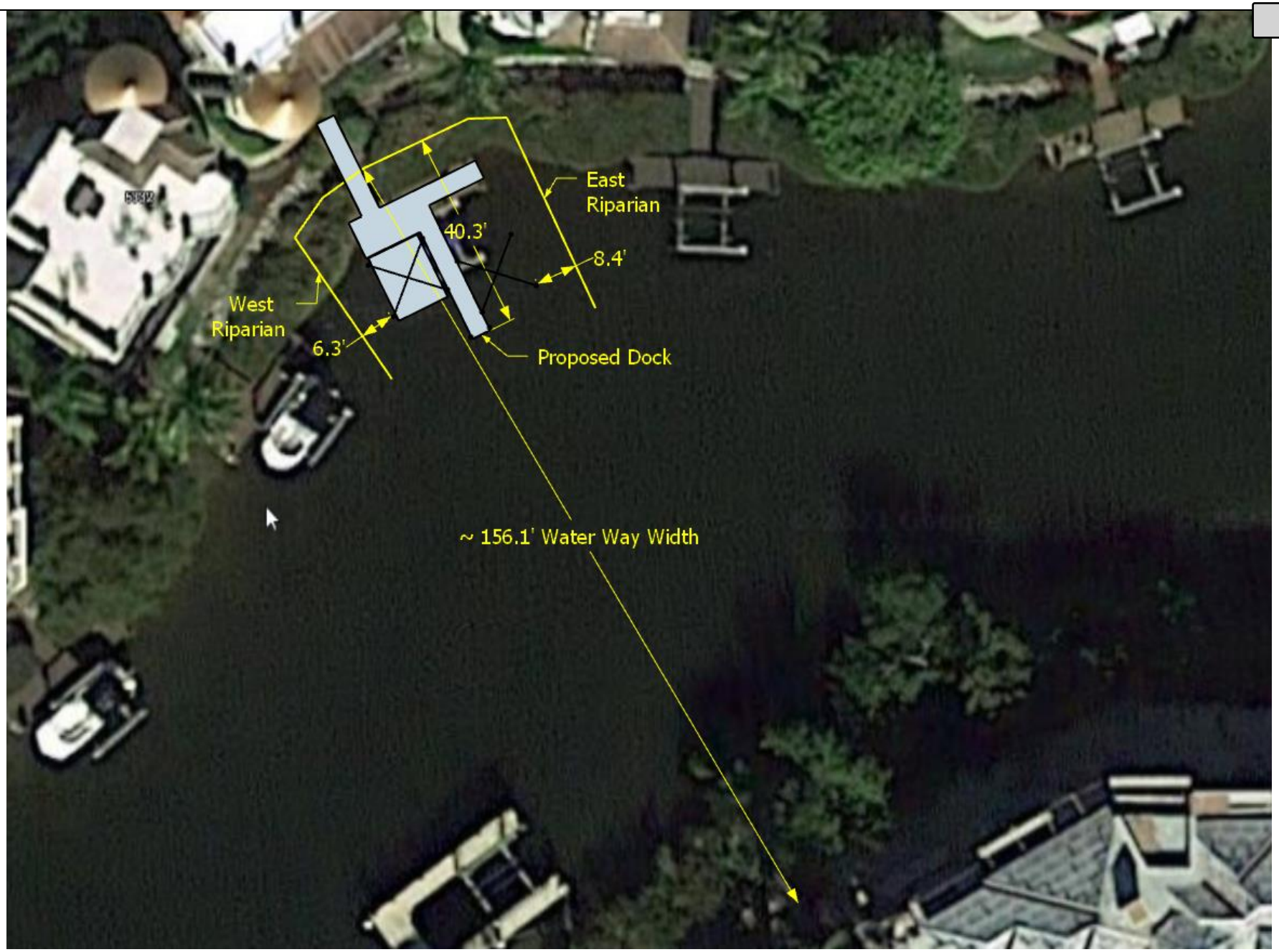
1. Companion Petition No. VA-PL20210002610 must be approved for the subject dock facility to be constructed within the setbacks provided herein; absent such approval, this BDE is rendered null and void.

Attachments:

Attachment: Staff Report 04062022 (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

A. Dock Plans and Cross Section
B. Site Plan and Proposed Dock Survey
C. Public Hearing Sign Posting
D. CCPC Resolution No. 02-10
E. Applicant's Backup, application and supporting documents
F. Hybrid Meeting Waiver

Attachment: Staff Report 04062022 (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)




| | | |
|---|---|---|
| **GREG ORICK MARINE CONSTRUCTION, INC.**<br>**(239) 949-5588** | Name: **Marc Rosenberg**<br>Address: **5328 Barefoot Bay Ct**<br>**Bonita Springs, FL 34134**<br>Date: **2/14/2022** | Approved Signature: _____<br>Approved Date: _____ |

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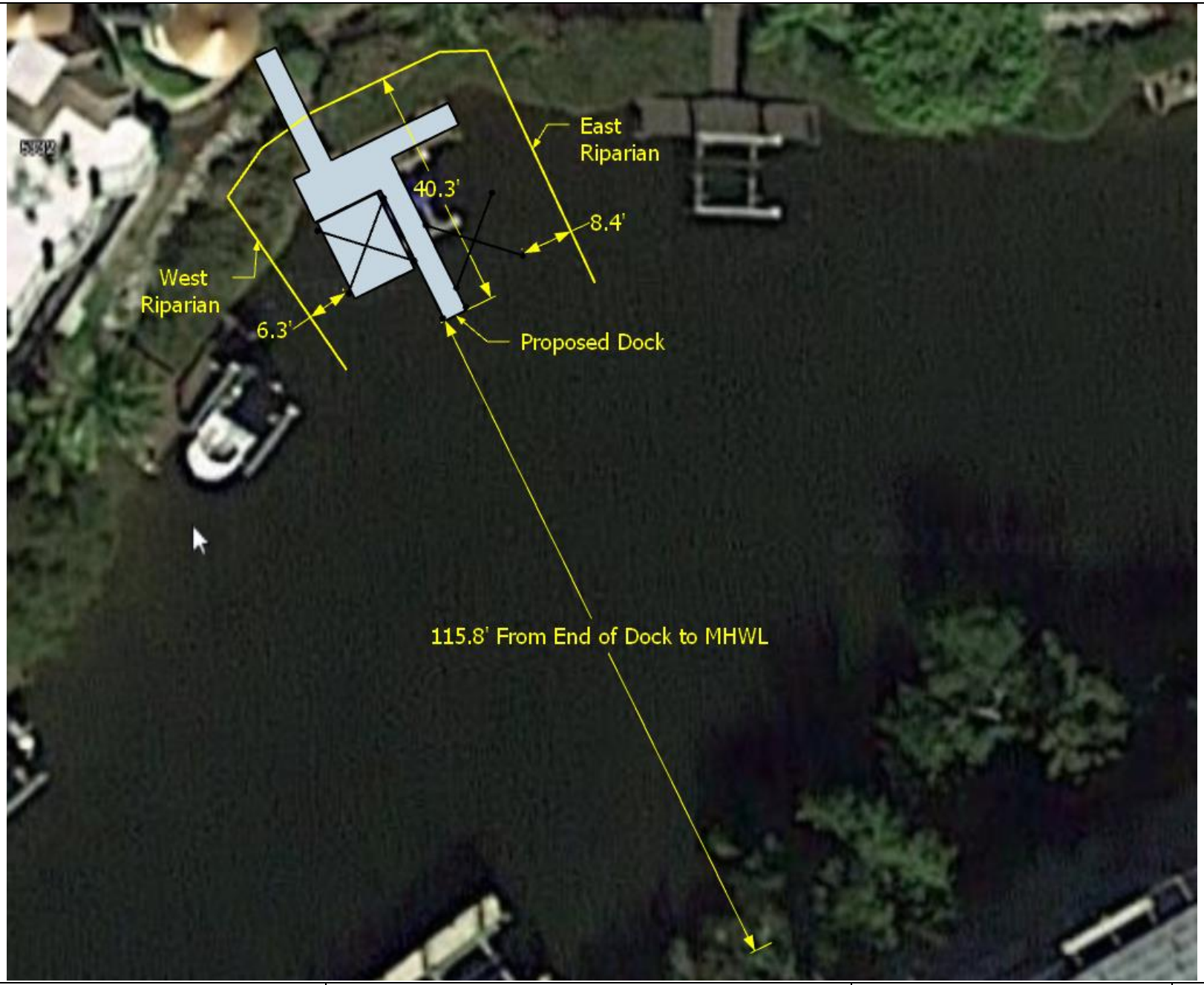
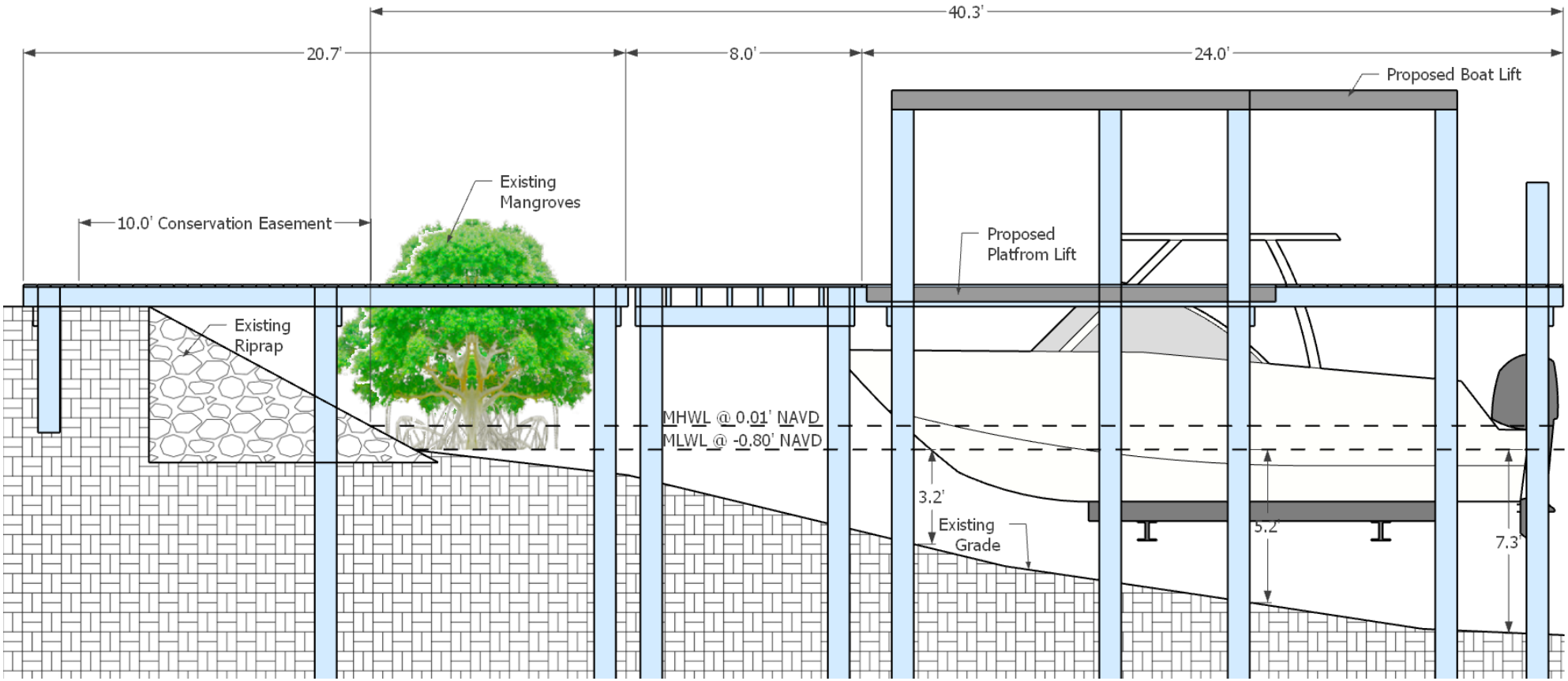
Attachment: Attachment A - Dock Plans and Cross-Section (21892 : PL20210002609 BDE 5328 Barefoot




| | | |
|---|---|---|
| **Greg Orick Marine Construction, Inc.**<br>**(239) 949-5588** | Name: **Marc Rosenberg**<br>Address: **5328 Barefoot Bay Ct**<br>**Bonita Springs, FL 34134**<br>Date: **2/16/2022** | Approved Signature: _____<br>Approved Date: _____ |

Attachment: Attachment A - Dock Plans and Cross-Section (21892 : PL20210002609 BDE 5328 Barefoot

# Dock Cross Section

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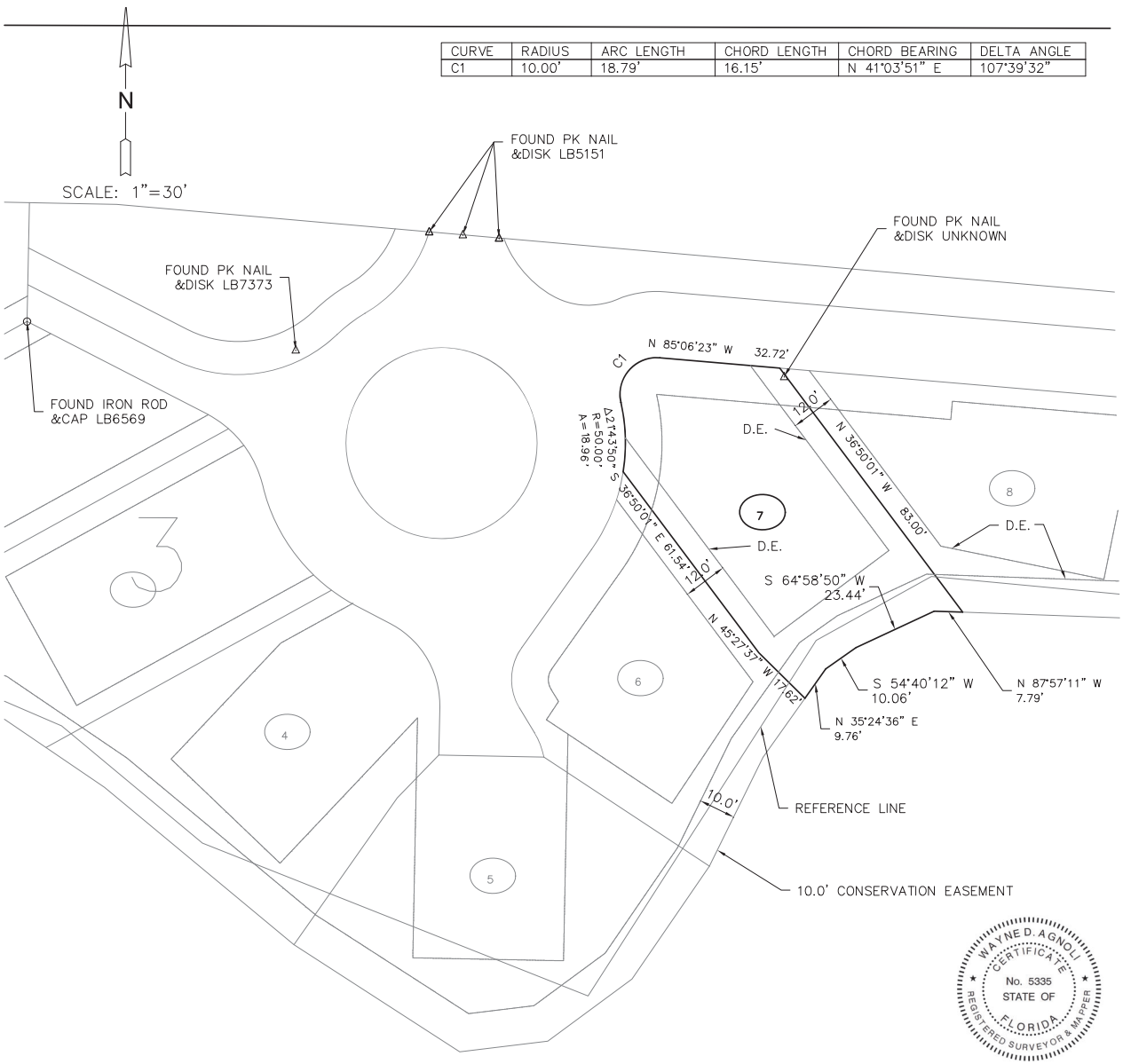
|---|---|---|
| **GREG ORICK MARINE CONSTRUCTION, INC.**<br>**(239) 949-5588** | Name: **Marc Rosenberg**<br>Address: **5328 Barefoot Bay Ct**<br>**Bonita Springs, FL 34134**<br>Date: **2/14/2022** | Approved Signature: _____<br>Approved Date: _____ |

Attachment: Attachment A - Dock Plans and Cross-Section (21892 : PL20210002609 BDE 5328 Barefoot

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|---|---|---|---|---|---|
| C1 | 10.00' | 18.79' | 16.15' | N 41°03'51" E | 107°39'32" |




PREPARED FOR: MARC ROSENBERG

DATE OF FIELD SURVEY: OCTOBER 28, 2021

AGNOLI, BARBER & BRUNDAGE, INC.
PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS AND MAPP

BY Wayne D. Agnoli, R. S. M.

Digitally signed by Wayne D. Agnoli, R.
DN: E=agnoliw@abbinc.com, CN="Way
Agnoli, R. S. M.", O="Agnoli, Barber &
Brundage, Inc.", L=Naples, S=Florida, C
Date: 2022.02.16 08:54:14-05'00'

WAYNE D. AGNOLI, R.S.M., NO. 5335 DATE _____

THIS SITE PLAN SURVEY MEETS THE STANDARDS OF PRACTICE S )RTH
BY THE FLORIDA BOARD OF LAND SURVEYORS IN CHAPTER 5J– ORIDA
ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA 'UTES.

THIS SITE PLAN SURVEY IS NOT VALID WITHOUT THE SIGNATURE THE
ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AN PPER.
ADDITIONS
OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN IGNING
PARTIES
WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PAR IS
PROHIBITED BY
CHAPTER 5J–17 FLORIDA ADMINISTRATIVE CODE.

THIS SITE PLAN SURVEY IS CERTIFIED AS TO THE DATE OF FIELI VEY, NOT
THE SIGNATURE DATE.

GENERAL NOTES:

1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COOR E SYSTEM ,
   EAST ZONE, NAD 83/90 DATUM AND REFERENCED TO THE
   EAST LINE OF LOT 7, BLOCK A, BAREFOOT BAY,
   SECTION 6, TOWNSHIP 48 SOUTH, RANGE 25 EAST,
   COLLIER COUNTY, FLORIDA, AS BEING NORTH 36° 50' 01" W
3. HORIZONTAL COORDINATES WERE DERIVED BY GPS OBSERVATI SING A
   TRIMBLE DUAL FREQUENCY RECEIVER (MODEL R10), RECEIVING ECTIONS
   FROM TRIMBLE VRS NOW RTN (REAL TIME NETWORK)
4. VERTICAL: ELEVATIONS ARE BASED ON THE NORTH AMERICAN CAL DATUM
   OF 1988 (NAVD 88).ELEVATIONS WERE ESTABLISHED USING LC RM
   OBSERVATIONS WITH A TRIMBLE (MODEL R10) DUAL FREQUENC EIVER GPS
   (GLOBAL POSITIONING SYSTEM).

SURVEYOR'S NOTE: THE PURPOSE OF THE SURVEY IS TO LOC HE SEAWALL
AND THE WATERWARD EXISTING CONDITIONS ONLY. NO UPLAN OVEMENTS
HAVE BEEN LOCATED UNDER THE SCOPE OF THIS SURVEY.

WAYNE D. AGNOLI CERTIFICATE No. 5335 STATE OF FLORIDA REGISTERED SURVEYOR & MAPPER

5328 BAREFOOT BAY CT.

for: MARC ROSENBERG

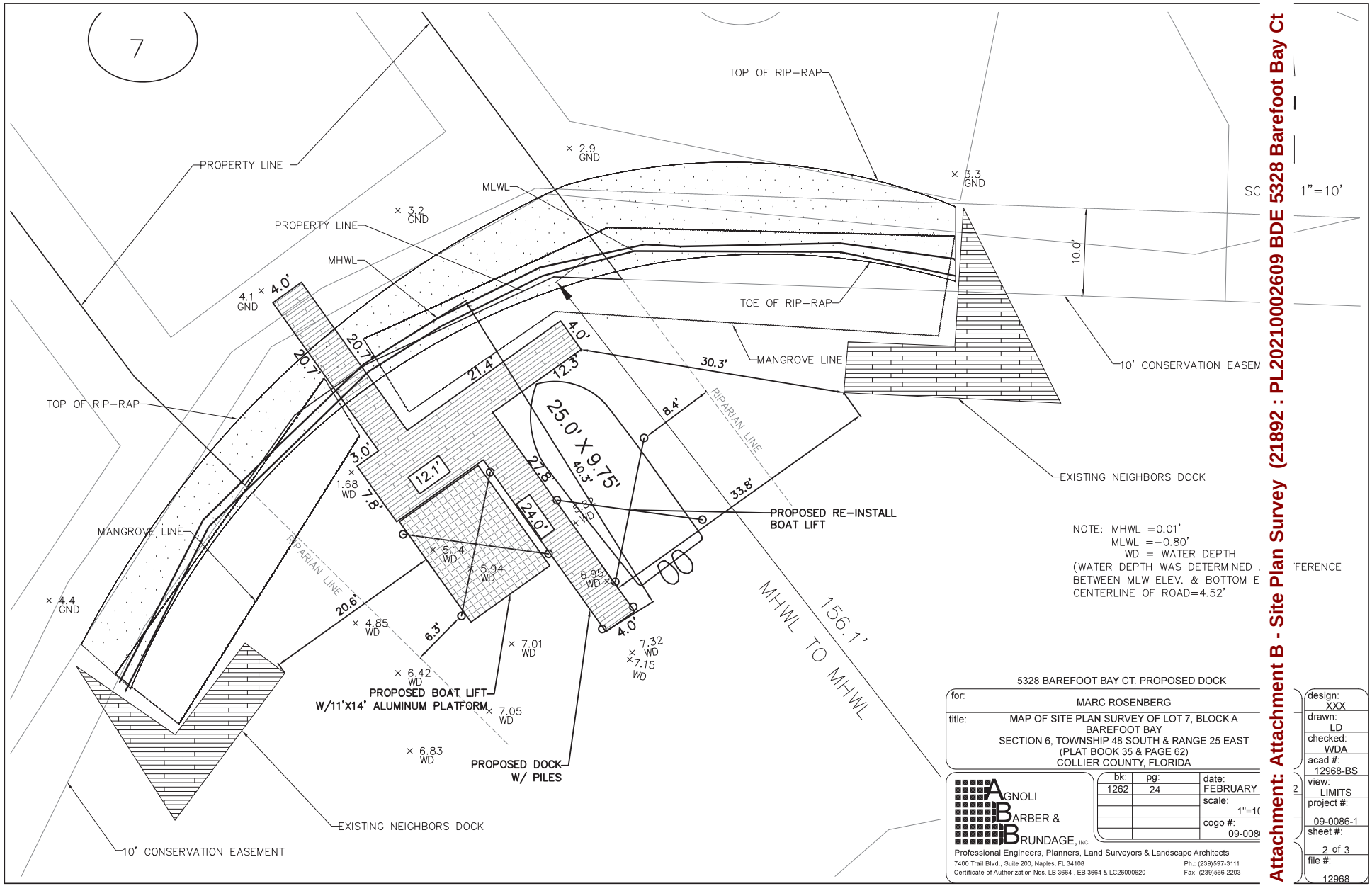
title: MAP OF SITE PLAN SURVEY OF LOT 7, BLOCK A
BAREFOOT BAY
SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 35 & PAGE 62)
COLLIER COUNTY, FLORIDA

| bk: | pg: | date: |
|---|---|---|
| 1262 | 24 | FEBRUARY |
| | | scale: 1"=30 |
| | | cogo #: 09-008 |

AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Land Surveyors & Landscape Architects
7400 Trail Blvd., Suite 200, Naples, FL 34108 Ph.: (239)597-3111
Certificate of Authorization Nos. LB 3664 , EB 3664 & LC26000620 Fax: (239)566-2203

| | |
|---|---|
| design: | XXX |
| drawn: | LD |
| checked: | WDA |
| acad #: | 12968-BS |
| view: | LIMITS |
| project #: | 09-0086-1 |
| sheet #: | 1 of 3 |
| file #: | 12968 |

Attachment: Attachment B - Site Plan Survey (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct




5328 BAREFOOT BAY CT. PROPOSED DOCK

for: MARC ROSENBERG

title: MAP OF SITE PLAN SURVEY OF LOT 7, BLOCK A
BAREFOOT BAY
SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 35 & PAGE 62)
COLLIER COUNTY, FLORIDA

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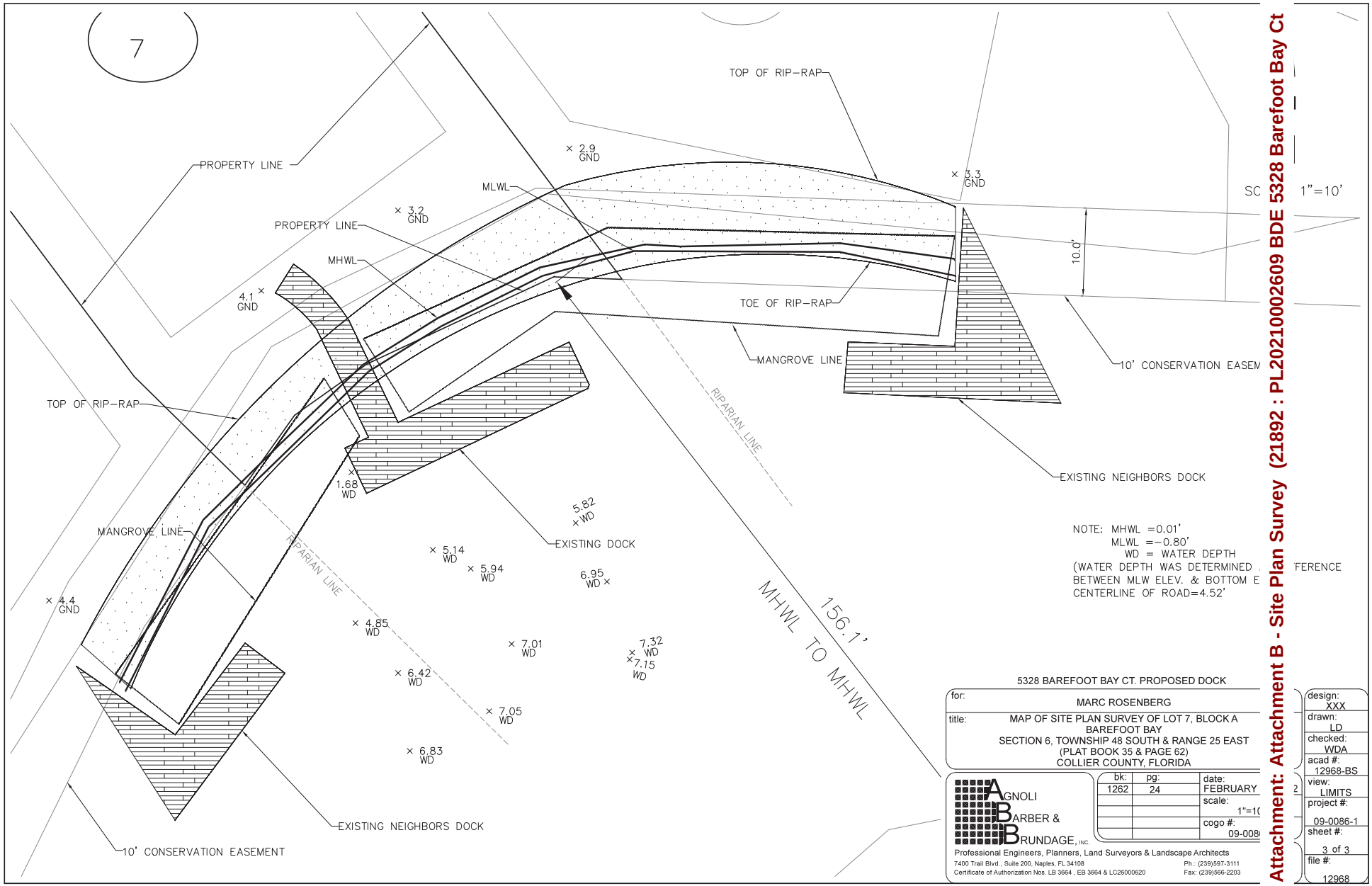


5328 BAREFOOT BAY CT. PROPOSED DOCK

for: MARC ROSENBERG

title: MAP OF SITE PLAN SURVEY OF LOT 7, BLOCK A
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SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
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| bk: | pg: | date: |
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| 1262 | 24 | FEBRUARY |
| | | scale: 1"=10 |
| | | cogo #: 09-008 |

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| design: | XXX |
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| view: | LIMITS |
| project #: | 09-0086-1 |
| sheet #: | 3 of 3 |
| file #: | 12968 |

Attachment: Attachment B - Site Plan Survey (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct

## KellyJohn

**From:** KellyJohn
**Sent:** Monday, April 11, 2022 5:45 PM
**To:** KellyJohn
**Subject:** BDE-PL20210002609 and VA-20210002610 - 5328 Barefoot Bay Ct - Public Hearing Sign Posting HEX 4/28/2022
**Attachments:** BF25427B-9174-4258-8428-525625346DEA.jpeg; A08FE923-C08E-4722-8500-41FA3E22F060.jpeg; 2CEA3D59-572D-495C-B4AD-2ED1A0EB906C.jpeg; 2DEE27D4-488F-49E4-B2C4-2C1DFBE66EA1.jpeg; 15425A2A-FB8D-42B3-83A5-038569D2ED24.jpeg

I, John Kelly, hereby affirm that at approximately 3:20 PM, this date, I posted a Public Hearing sign to the front of the above described residence as required by both the Land Development Code and the Collier County Administrative Code for a Public Hearing to be conducted by the Hearing Examiner on April 28, 2022 as evidenced by the attached photographs.

Respectfully,
*John Kelly*
Senior Planner

***Zoning Division – Zoning Services Section***
**2800 North Horseshoe Drive, Naples Florida 34104**
**Phone: 239.252.5719 Fax: 239.252.6363**
**Email:** John.Kelly@colliercountyfl.gov

*Tell us how we are doing by taking our Zoning Division Survey at* http://bit.ly/CollierZoning

Collier County
*Growth Management Department*

---

Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing.

Attachment: Attachment C - Sign Posting (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

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# COLLIER COUNTY GOVERNMENT

**Community Development and Environmental Services Division**

Planning Services Department • 2800 North Horseshoe Drive • Naples, Florida 34104


March 27, 2003

Scofield Marine Consulting
Attn: Miles Scofield
3584-B Exchange Ave.
Naples, Fl 34104

REFERENCE: BD-2002-AR-3203, DCS, Inc.

Dear Mr. Scofield:

On Thursday, March 20, 203, the Collier County Planning Commission heard and approved Petition No. BD-2002-AR-3203.

A copy of Resolution No. 02-10 is enclosed approving this use.

If you have any questions, please contact me at 403-2400.

Sincerely,

Ross Gochenaur
Planner

RG/sp

Enclosure

CC: DCS, INC.
Attn: Damon Warfel, President
1085 Business Lane, Ste #10
Naples, FL 34110
Land Dept. Property Appraiser
Minutes & Records (BD, PSP & PDI)
Customer Service
Addressing (Peggy Jarrell)
M. Ocheltree, Graphics
File



Attachment: Attachment D - CCPC Resolution 02-10 (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

CCPC RESOLUTION NO. 02-10

RELATING TO PETITION NUMBER BD-2002-AR-3203 FOR AN EXTENSION OF A BOAT DOCK ON PROPERTY HEREINAFTER DESCRIBED IN COLLIER COUNTY, FLORIDA.

WHEREAS, the Legislature of the State of Florida in Chapter 125, Florida Statutes, has conferred all counties in Florida the power to establish, coordinate and enforce zoning and such business regulations re necessary for the protection of the public; and

WHEREAS, the County pursuant thereto has adopted a Land Development Code (LDC) (Ordi ce 91–102, as amended) which establishes regulations for the zoning of particular geographic divisions ( he County, among which are provisions for granting extensions for boat docks; and

WHEREAS, the Collier County Planning Commission (CCPC), being duly appointed, has h a properly noticed public hearing and considered the advisability of an 8-foot extension for a boat dock fro he 20-foot length allowed by LDC § 2.6.21. to authorize a 28-foot boat dock facility in an RSF-5 zone f he property hereinafter described; and

WHEREAS, the CCPC has found as a matter of fact that satisfactory provision and arrangement ve been made concerning all applicable matters required by LDC Section 2.6.21.; and

WHEREAS, the CCPC has given all interested parties the opportunity to be heard, and consider all matters presented.

NOW, THEREFORE, BE IT RESOLVED BY the Collier County Planning Commission of C ier County, Florida, that:

Petition Number BD-2002-AR-3203, filed on behalf of DCS, Inc. by Miles Scofield of Scofield M ne Consulting, for the property hereinafter described as:

Lot 7, Block A, Barefoot Bay, as described in Plat Book 35 Page(s) 61-62 of the Public Records of Collier County, Florida,

be, and the same is hereby approved for, an 8-foot extension of a boat dock from the 20-foot length othe se allowed by LDC § 2.6.21., to authorize a 28–foot boat docking facility in the RSF-5 zoning district wherei uid property is located, subject to the following conditions:

1. Before Collier County will issue a permit to construct the approved extension, corresponding perm or letters of exemption, from the U.S. Army Corps of Engineers and the Florida Departme of Environmental Protection must be provided .

2. Prior to final approval of this dock extension, reflectors and house numbers of no less than fo 4) inches in height must be installed at the outermost end on both sides of all docks or mooring p gs, whichever protrudes the furthest into the waterway.

3. In order to protect manatees, at least one (1) "Manatee Area" sign must be posted in a conspi us manner as close as possible to the furthest protrusion of the dock into the waterway.

4. All prohibited exotic species, as such term may now or hereinafter be established in the LDC, m be removed from the subject property prior to issuance of the required certificate of completion a he property must be maintained free from all prohibited exotic species in perpetuity.

Attachment: Attachment D - CCPC Resolution 02-10 (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

BE IT FURTHER RESOLVED that this Resolution be recorded in the minutes of this Commissio id filed with the County Clerk's Office.

This Resolution adopted after motion, second and majority vote.

Done this 20th day of March, 2003.

COLLIER COUNTY PLANNING COMMISSION
COLLIER COUNTY, FLORIDA

KENNETH L. ABERNATHY, Chairman

ATTEST:

Joseph K. Schmitt
Community Development and Environmental
Services Administrator

Approved as to Form and Legal Sufficiency:

Patrick G. White
Assistant County Attorney

BD-2002-AR-3203/RG/lo

Attachment: Attachment D - CCPC Resolution 02-10 (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

# DOCK FACILITY EXTENSION OR BOATHOUSE ESTABLISHMENT PETITION

LDC Section 5.03.06
Ch. 3 B. of the Administrative Code

**THIS PETITION IS FOR (check one):** ■ **DOCK EXTENSION** ☐ **BOATHOUSE**

**PROJECT NUMBER**
**PROJECT NAME**
**DATE PROCESSED**

*To be completed by staff*

## APPLICANT INFORMATION

**Name of Property Owner(s):** ROSENBERG, MARC J & Angela M

**Name of Applicant if different than owner:**

**Address:** 5328 BAREFOOT BAY CT **City:** BONITA **State:** FL **ZIP:** 34134

**Telephone:** 239-949-5588 **Cell:** **Fax:**

**E-Mail Address:** permits@orickmarine.com

**Name of Agent(s):** Bill Nelson, Mark Oreus

**Firm:** Greg Orick II Marine Construction

**Address:** 2815 Bayview Dr **City:** Naples **State:** FL **ZIP:** 34112

**Telephone:** 239-949-5588 **Cell:** **Fax:**

**E-Mail Address:** permits@orickmarine.com

## PROPERTY LOCATION

**Section/Township/Range:** 06 / 48 / 25 **Property I.D. Number:** 22899000228

**Subdivision:** 176150-Barefoot Bay **Unit:** **Lot:** 7 **Block:** A

**Address/ General Location of Subject Property:**

5328 Barefoot Bay Court, Bonita Springs, FL - Just South of Bonita Beach Road SW and East of Barefoot Beach Blvd, on Barefoot Bay Ct.

**Current Zoning and Land use of Subject Property:**

1 - SINGLE FAMILY RESIDENTIAL

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

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

## ADJACENT ZONING AND LAND USE

| | Zoning | Land Use |
|---|---|---|
| **N** | 54750201008 - LELY BAREFOOT BEACH UNIT ONE TRACT "R" OR 1308 PG 231 | 94 - RIGHT-OF-WAY, STREETS, ROADS, IRRIGATION |
| **S** | N/A | Little Hickory Bay |
| **E** | 22899000244 - BAREFOOT BAY BLK A LOT 8 | 1 - SINGLE FAMILY RESIDENTIAL |
| **W** | 22899000202 - BAREFOOT BAY BLK A LOT 6 | 1 - SINGLE FAMILY RESIDENTIAL |

## DESCRIPTION OF PROJECT

**Narrative description of project** (indicate extent of work, new dock, replacement, addition to existing facility, any other pertinent information):

Replacing existing dock facility as shown on aerial with 358 sqft decked area (307 sqft over water) with 1 boat lift and 1 Platform Kayak/PWC lift

extending 20.3' past the 20' allowable for a total dock protrusion of 40.3'

## SITE INFORMATION

1. **Waterway Width:**
   156.1 ft. Measurement from ☐ plat ■ survey ☐ visual estimate
   ☐ other (specify) _____
2. **Total Property Water Frontage:**
   51.05 ft.
3. **Setbacks:**
   Provided: 15' left/15' right ft.
   Required: 6.3' left/8.4' right ft.
4. **Total Protrusion of Proposed Facility into Water:**
   40.3 ft.
5. **Number and Length of Vessels to use Facility:**
   1. 25' ft.
   2. 2 ea. 11' long Kayak ft.
6. **List any additional dock facilities in close proximity to the subject property and indicate the total protrusion into the waterway of each:**
   74435007206 - 173 TOPANGA DR - 42' Protrusion
   74435007303 - 175 TOPANGA DR - 31' Protrusion
7. **Signs are required to be posted for all petitions. On properties that are 1 acre or larger in size, the applicant shall be responsible for erecting the required sign. What is the size of the petitioned property?** 0.1 Acres



Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

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**8. 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.

## PRIMARY CRITERIA

**The following criteria, pursuant to LDC section 5.03.06, shall be used as a guide by staff in determining its recommendation to the Office of the Hearing Examiner. The Hearing Examiner will utilize the following criteria as a guide in the decision to approve or deny a particular Dock Extension request. In order for the Hearing Examiner to approve the request, it must be determined that at least 4 of the 5 primary criteria, and at least 4 of the 6 secondary criteria, must be met. On separate sheets, please provide a narrative response to the listed criteria and/or questions.**

1. Whether or not the number of dock facilities and/or boat slips proposed is appropriate in relation to the waterfront length, location, upland land use, and zoning of the subject property; consideration should be made of property on unbridged barrier islands, where vessels are the primary means of transportation to and from the property. (The number should be appropriate; typical, single-family use should be no more than two slips; typical multi-family use should be one slip per dwelling unit; in the case of unbridged barrier island docks, additional slips may be appropriate.)

2. Whether or not the water depth at the proposed site is so shallow that a vessel of the general length, type, and draft as that described in the petitioner's application is unable to launch or moor at mean low tide (MLT). (The petitioner's application and survey should show that the water depth is too shallow to allow launch and mooring of the vessel (s) described without an extension.)

3. Whether or not the proposed dock facility may have an adverse impact on navigation within an adjacent marked or charted navigable channel. (The facility should not intrude into any marked or charted navigable channel thus impeding vessel traffic in the channel.)

4. Whether or not the proposed dock facility protrudes no more than 25 percent of the width of the waterway, and whether or not a minimum of 50 percent of the waterway width between dock facilities on either side of the waterway is maintained for navigability. (The facility should maintain the required percentages.)

5. Whether or not the proposed location and design of the dock facility is such that the facility would not interfere with the use of neighboring docks. (The facility should not interfere with the use of legally permitted neighboring docks.)

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

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## SECONDARY CRITERIA

1. Whether or not there are special conditions, not involving water depth, related to the subject property or waterway, which justify the proposed dimensions and location of the proposed dock facility. (There must be at least one special condition related to the property; these may include type of shoreline reinforcement, shoreline configuration, mangrove growth, or seagrass beds.)

2. Whether the proposed dock facility would allow reasonable, safe, access to the vessel for loading/unloading and routine maintenance, without the use of excessive deck area not directly related to these functions. (The facility should not use excessive deck area.)

3. For single-family dock facilities, whether or not the length of the vessel, or vessels in combination, described by the petitioner exceeds 50 percent of the subject property's linear waterfront footage. (The applicable maximum percentage should be maintained.)

4. Whether or not the proposed facility would have a major impact on the waterfront view of neighboring waterfront property owners. (The facility should not have a major impact on the view of either property owner.)

5. Whether or not seagrass beds are located within 200 feet of the proposed dock facility. (If seagrass beds are present, compliance with LDC subsection 5.03.06 I must be demonstrated.)

6. Whether or not the proposed dock facility is subject to the manatee protection requirements of LDC subsection 5.03.06 E.11. (If applicable, compliance with subsection 5.03.06.E.11 must be demonstrated.)

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

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## Pre-Application Meeting and Final Submittal Requirement Checklist for:

☐ Dock Extension
☐ Boathouse
Chapter 3 B. 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) | 1 | ☒ | ☐ |
| Property Ownership Disclosure Form | 1 | ☒ | ☐ |
| Signed and Sealed Survey | 1 | ☑ | ☐ |
| Chart of Site Waterway – IF AVAILABLE, NOT REQ'D | 1 | ☐ | ☑ |
| Site Plan Illustration with the following:<br>• Lot dimensions;<br>• Required setbacks for the dock facility;<br>• Cross section showing relation to MHW/MLW and shoreline (bank, seawall, or rip-rap revetment);<br>• Configuration, location, and dimensions of existing and proposed facility;<br>• Water depth where proposed dock facility is to be located;<br>• Distance of navigable channel;<br>• Illustration of the contour of the property; and<br>• Illustration of dock facility from both an aerial and side view. | 1 | ☑ | ☐ |
| Affidavit of Authorization, signed and notarized | 1 | ☒ | ☐ |
| Completed Addressing Checklist | 1 | ☒ | ☐ |
| Electronic copy of all required documents<br>*Please be advised: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format. | 1 | ☑ | ☐ |

**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.



Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

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**PLANNERS – INDICATE IF THE PETITION NEEDS TO BE ROUTED TO THE FOLLOWING REVIEWERS:**

| | | | |
|---|---|---|---|
| ☐ | Bayshore/Gateway Triangle Redevelopment: Executive Director | ☐ | Historical Review |
| ☐ | Addressing: Annis Moxam | ☐ | Parks and Recreation: David Berra |
| ☐ | City of Naples: Robin Singer, Planning Director | ☐ | School District (Residential Components): Amy Lockheart |
| ☑ | Conservancy of SWFL: Nichole Johnson | ☑ | Other: ENVIRONMENTAL |
| ☐ | Emergency Management: Dan Summers; and/or EMS: Artie Bay | ☐ | Other: |

**FEE REQUIREMENTS:**

- ☑ **Boat Dock Extension Petition:** $1,500.00
- ☑ **Estimated Legal Advertising fee for the Office of the Hearing Examiner:** $1,125.00
- ☑ **An additional fee for property owner notifications will be billed to the applicant prior to the Hearing Examiner hearing date.**

*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 fees shall be submitted to:

**Growth Management Department**
**Planning and Regulation**
**ATTN: Business Center**
**2800 North Horseshoe Drive**
**Naples, FL 34104**

Signature of Petitioner or Agent

1-6-22
Date



Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

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## PROPERTY OWNERSHIP DISCLOSURE FORM

**This is a required form with all land use petitions, except for Appeals and Zoning Verification Letters.**

Should any changes of ownership or changes in contracts for purchase occur subsequent to the date of application, but prior to the date of the final public hearing, it is the responsibility of the applicant, or agent on his behalf, to submit a supplemental disclosure of interest form.

**Please complete the following, use additional sheets if necessary.**

a. If the property is owned fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest:

| Name and Address | % of Ownership |
|---|---|
| ROSENBERG, MARC J=& ANGELA M ,5328 BAREFOOT BAY CT | 100 |
| | |
| | |
| | |
| | |

b. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each:

| Name and Address | % of Ownership |
|---|---|
| | |
| | |
| | |
| | |
| | |

c. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with the percentage of interest:

| Name and Address | % of Ownership |
|---|---|
| | |
| | |
| | |
| | |
| | |



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NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

d. If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners:

| Name and Address | % of Ownership |
|---|---|
| | |
| | |
| | |
| | |

e. If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners:

| Name and Address | % of Ownership |
|---|---|
| | |
| | |
| | |
| | |
| | |

**Date of Contract: _____**

f. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust:

| Name and Address |
|---|
| |
| |
| |
| |
| |

g. Date subject property acquired _____

☐ **Leased: Term of lease _____ years /months**

If, Petitioner has option to buy, indicate the following:

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

**Date of option:** _____

**Date option terminates:** _____, or

**Anticipated closing date:** _____

## AFFIRM PROPERTY OWNERSHIP INFORMATION

**Any petition required to have Property Ownership Disclosure, will not be accepted without this form. Requirements for petition types are located on the associated application form. Any change in ownership whether individually or with a Trustee, Company or other interest-holding party, must be disclosed to Collier County immediately if such change occurs prior to the petition's final public 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.

The completed application, all required submittal materials, and fees shall be submitted to:
Growth Management Department
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

Agent/Owner Signature

1-11-22
Date

Mark Oreus
Agent/Owner Name (please print)



Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

# AFFIDAVIT OF AUTHORIZATION

**FOR PETITION NUMBERS(S)** PL20210002609

I, MARC ROSENBERG (print name), as OWNER (title, if applicable) of 5328 BAREFOOT BAY CT (company, If applicable), swear or affirm under oath, that I am the (choose one) owner [✔] applicant [ ] contract purchaser [ ] and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Collier County to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application; and that
4. The property will be transferred, conveyed, sold or subdivided subject to the conditions and restrictions imposed by the approved action.
5. We/I authorize GREG ORICK II MARINE CONSTRUCTION to act as our/my representative in any matters regarding this petition including 1 through 2 above.

*Notes:*

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trust, then they must include the trustee's name and the words "as trustee".*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, and then use the appropriate format for that ownership.*

**Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.**

Signature

7-14-21
Date

**STATE OF FLORIDA**
**COUNTY OF COLLIER**

The foregoing instrument was acknowleged before me by means of [X] physical presence or [ ] online notarization this 15 day of July, 2021, by (printed name of owner or qualifier) Marc Rosenberg

Such person(s) Notary Public must check applicable box:

[X] Are personally known to me

[ ] Has produced a current drivers license

[ ] Has produced _____ as identification.

Notary Signature: _____

HILARY KING
Notary Public-State of Florida
Commission # GG 318480
My Commission Expires
April 1, 2023

CP\08-COA-00115\155
REV 3/4/2020

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

# AFFIDAVIT OF AUTHORIZATION

**FOR PETITION NUMBERS(S) PL20210002609**

I, Angela Rosenburg (print name), as OWNER (title, if applicable) of 5328 BAREFOOT BAY CT (company, If applicable), swear or affirm under oath, that I am the (choose one) owner [✔] applicant [ ] contract purchaser [ ] and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Collier County to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application; and that
4. The property will be transferred, conveyed, sold or subdivided subject to the conditions and restrictions imposed by the approved action.
5. We/I authorize GREG ORICK II MARINE CONSTRUCTION to act as our/my representative in any matters regarding this petition including 1 through 2 above.

**Notes:*

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trust, then they must include the trustee's name and the words "as trustee".*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, and then use the appropriate format for that ownership.*

**Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.**

Signature

1/6/2022
Date

**STATE OF FLORIDA**
**COUNTY OF COLLIER**

The foregoing instrument was acknowleged before me by means of [X] physical presence or [ ] online notarization this 6 day of January, 20 22, by (printed name of owner or qualifier) Angel a Ro sen bu rg.

Such person(s) Notary Public must check applicable box:

[X] Are personally known to me

[ ] Has produced a current drivers license _____

[ ] Has produced _____ as identification.

Notary Signature: _____

MAKERBY OREUS
MY COMMISSION # HH 182779
EXPIRES: October 6, 2025
Bonded Thru Notary Public Underwriters

CP\08-C●A-00115\155
REV 3/4/2020

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 252-5724

# ADDRESSING CHECKLIST

Please complete the following and email to GMD_Addressing@colliergov.net or fax to the Operations Division at 239-252-5724 or submit in person to the Addressing Section at the above address. Form must be signed by Addressing personnel prior to pre-application meeting, **please allow 3 days for processing.**

Not all items will apply to every project. Items in **bold type** are required. **FOLIO NUMBERS MUST BE PROVIDED.** Forms older than 6 months will require additional review and approval by the Addressing Section.

**PETITION TYPE** *(Indicate type below, complete a separate Addressing Checklist for each Petition type)*

- ☐ BL (Blasting Permit)
- ☒ BD (Boat Dock Extension)
- ☐ Carnival/Circus Permit
- ☐ CU (Conditional Use)
- ☐ EXP (Excavation Permit)
- ☐ FP (Final Plat
- ☐ LLA (Lot Line Adjustment)
- ☐ PNC (Project Name Change)
- ☐ PPL (Plans & Plat Review)
- ☐ PSP (Preliminary Subdivision Plat)
- ☐ PUD Rezone
- ☐ RZ (Standard Rezone)
- ☐ SDP (Site Development Plan)
- ☐ SDPA (SDP Amendment)
- ☐ SDPI (Insubstantial Change to SDP)
- ☐ SIP (Site Improvement Plan)
- ☐ SIPI (Insubstantial Change to SIP)
- ☐ SNR (Street Name Change)
- ☐ SNC (Street Name Change – Unplatted)
- ☐ TDR (Transfer of Development Rights)
- ☐ VA (Variance)
- ☐ VRP (Vegetation Removal Permit)
- ☐ VRSFP (Vegetation Removal & Site Fill Permit)
- ☐ OTHER _____

**LEGAL DESCRIPTION** of subject property or properties *(copy of lengthy description may be attached)*

BAREFOOT BAY BLK A LOT 7 T48, R25, S06

**FOLIO (Property ID) NUMBER(s)** of above *(attach to, or associate with, legal description if more than one)*

22899000228

STREET ADDRESS or ADDRESSES *(as applicable, if already assigned)*

5328 BAREFOOT BAY CT, BONITA SPRINGS FL 34134

- **LOCATION MAP** must be attached showing exact location of project/site in relation to nearest public road right-of-way
- SURVEY (copy - needed only for unplatted properties)

CURRENT PROJECT NAME *(if applicable)*

MARC ROSENBERG - 5328 BAREFOOT BAY CT name not yet approved

PROPOSED PROJECT NAME *(if applicable)*

PROPOSED STREET NAMES *(if applicable)*

SITE DEVELOPMENT PLAN NUMBER *(for existing projects/sites only)*

SDP___-____ or AR or PL # _____

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 252-5724

Project or development names proposed for, or already appearing in, condominium documents (if application; indicate whether proposed or existing)

**Please Return Approved Checklist By:** ☑ Email ☐ Fax ☐ Personally picked up

**Applicant Name:** GREG ORICK II MARINE CONSTRUCTION

**Phone:** 239-949-5588 **Email/Fax:** PERMITS@ORICKMARINE.COM

Signature on Addressing Checklist does not constitute Project and/or Street Name approval and is subject to further review by the Operations Division.

**FOR STAFF USE ONLY**

**Folio Number** 22899000228

**Folio Number**

**Folio Number**

**Folio Number**

**Folio Number**

**Folio Number**

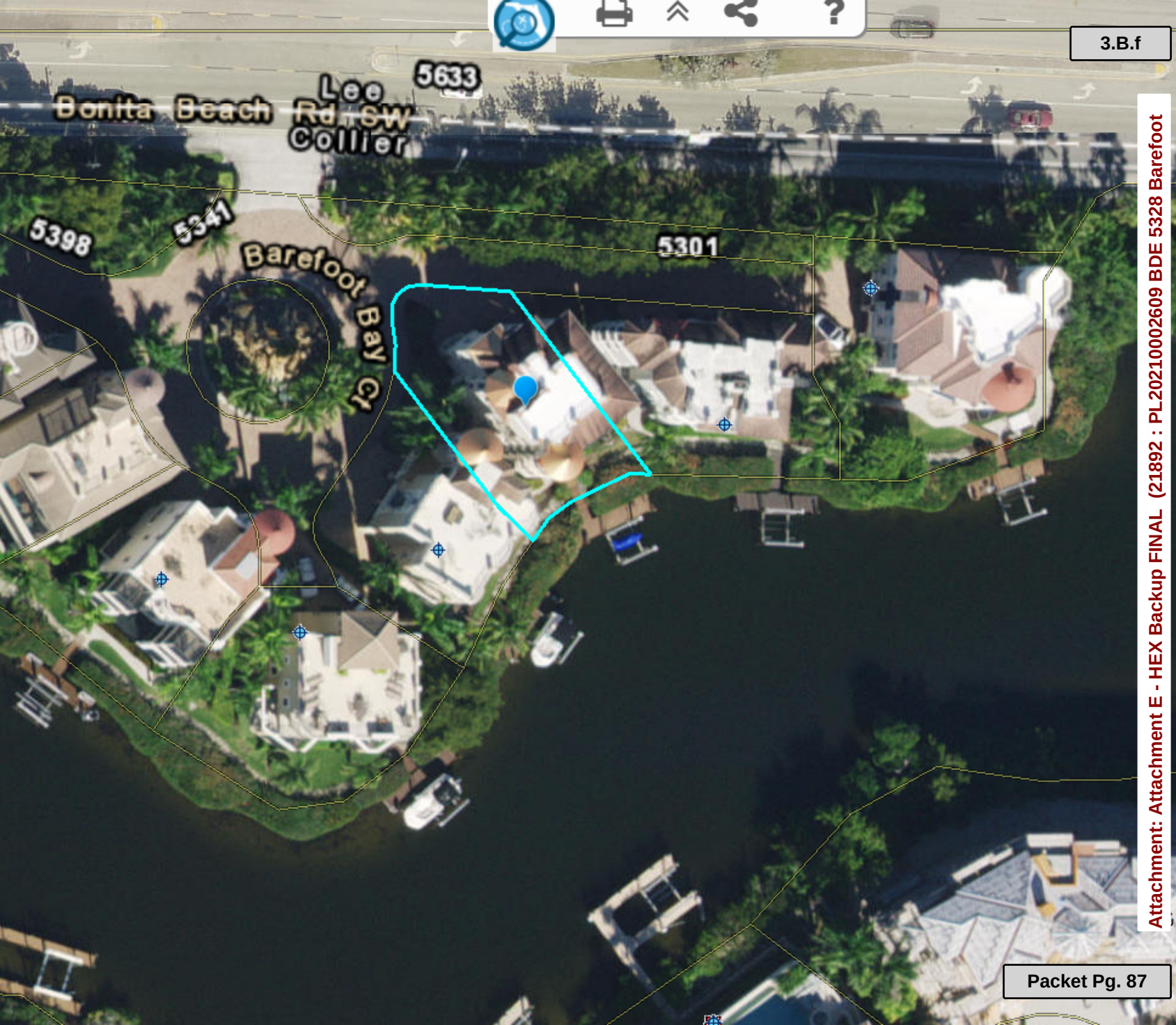
**Approved by:** L.L.H. **Date:** 10/13/2021

**Updated by:** **Date:**

**IF OLDER THAN 6 MONTHS, FORM MUST BE UPDATED OR NEW FORM SUBMITTED**

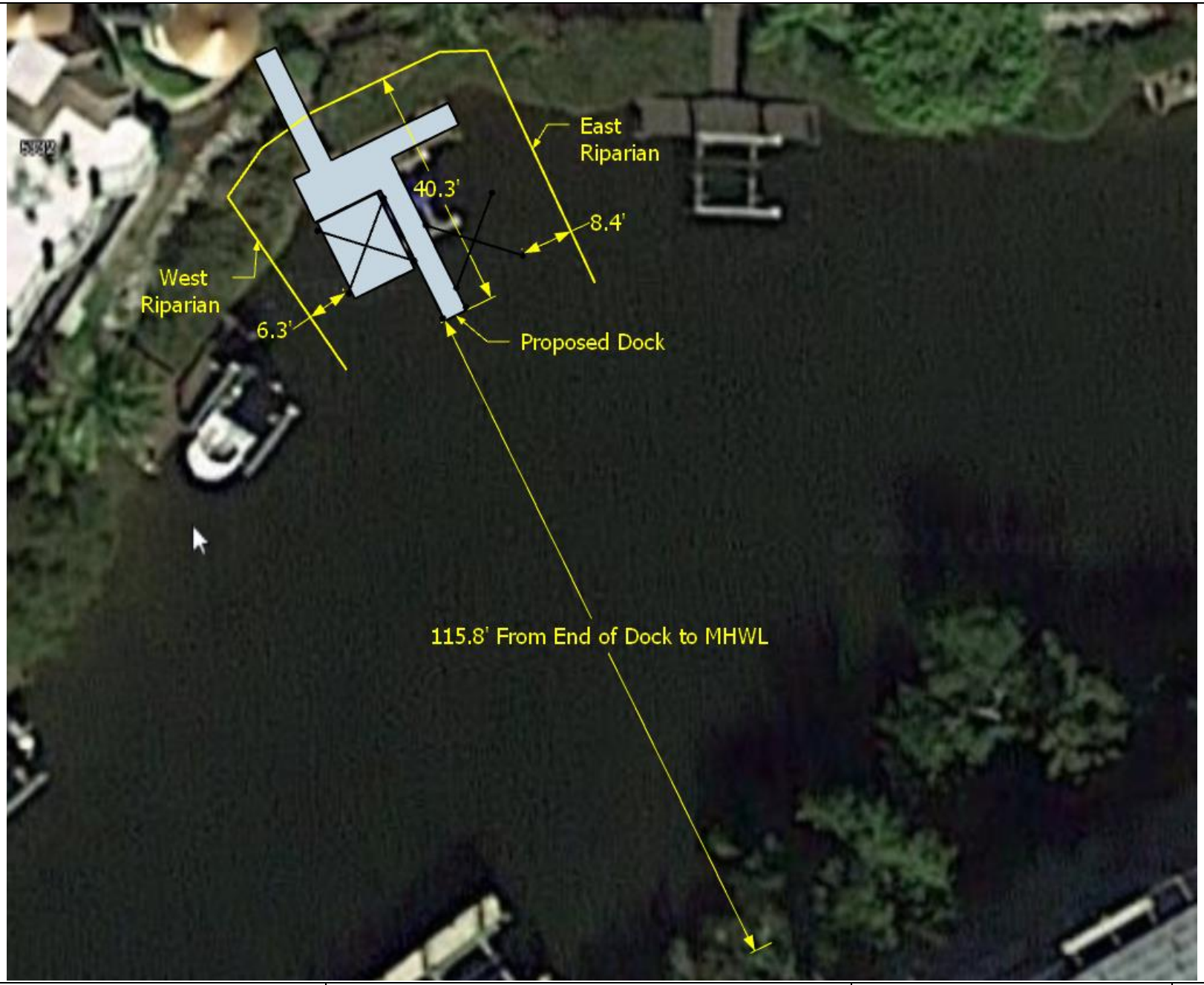
Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

5301
ot Bay Cr



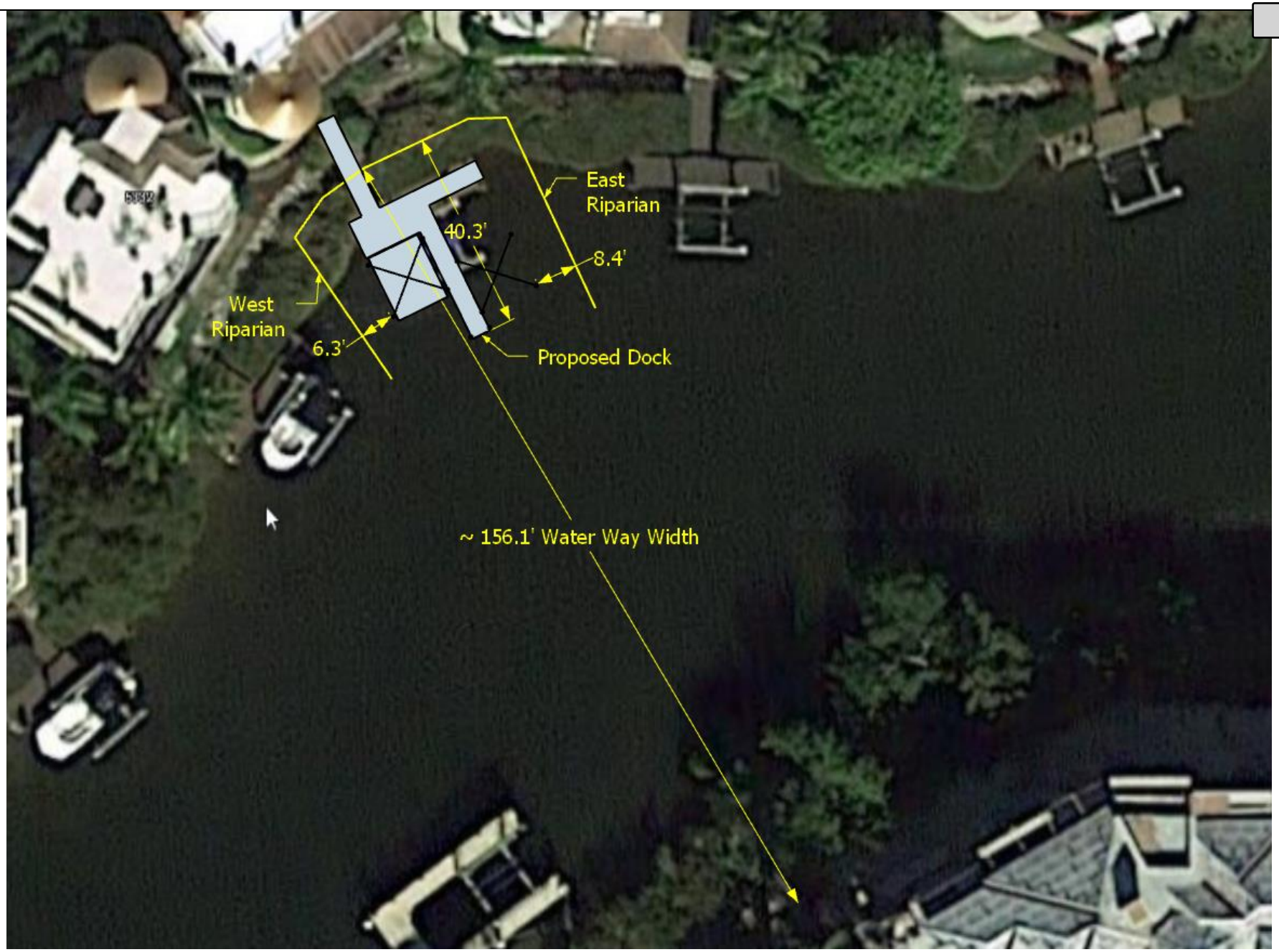

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328




| | | |
|---|---|---|
| **Greg Orick Marine Construction, Inc.**<br>**(239) 949-5588** | Name: **Marc Rosenberg**<br>Address: **5328 Barefoot Bay Ct**<br>**Bonita Springs, FL 34134**<br>Date: **2/16/2022** | Approved Signature: _____<br>Approved Date: _____ |

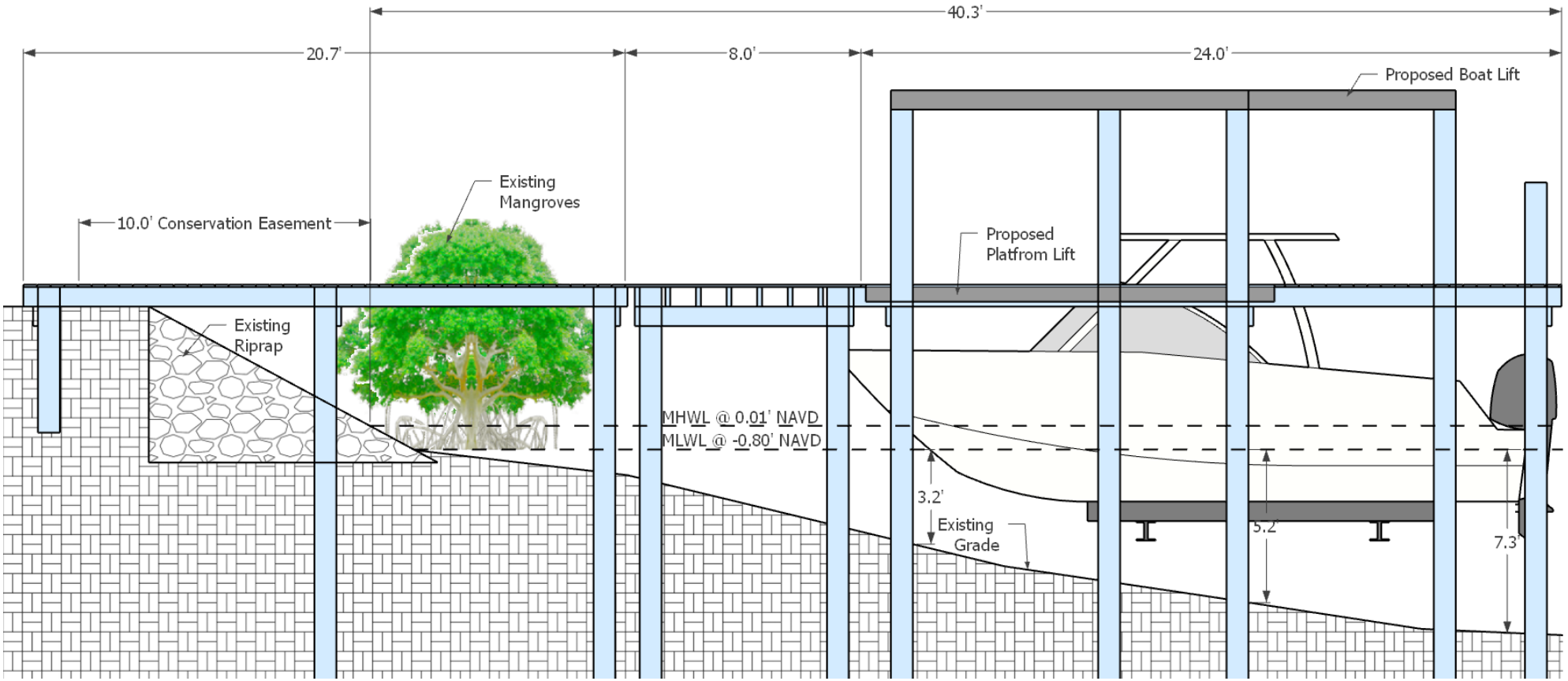
Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct




| | | |
|---|---|---|
| **GREG ORICK MARINE CONSTRUCTION, INC.**<br>**(239) 949-5588** | Name: **Marc Rosenberg**<br>Address: **5328 Barefoot Bay Ct**<br>**Bonita Springs, FL 34134**<br>Date: **2/14/2022** | Approved Signature: _____<br>Approved Date: _____ |

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct

# Dock Cross Section




| | | |
|---|---|---|
| **GREG ORICK MARINE CONSTRUCTION, INC.**<br>**(239) 949-5588** | Name: **Marc Rosenberg**<br>Address: **5328 Barefoot Bay Ct**<br>**Bonita Springs, FL 34134**<br>Date: **2/14/2022** | Approved Signature: _____<br>Approved Date: _____ |

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct

# Primary Criteria

1. **Whether or not the number of dock facilities and/or boat slips proposed is appropriate in relation to the waterfront length, location, upland land use, and zoning of the subject property; consideration should be made of property on unbridged barrier islands, where vessels are the primary means of transportation to and from the property. (The number should be appropriate; typical, single-family use should be no more than two slips; typical multi-family use should be one slip per dwelling unit; in the case of unbridged barrier island docks, additional slips may be appropriate.)**

**Response: Criteria met- The location has 51.05 feet of water frontage. The property is zoned for a single-family residence which allows two slips per LDC. Proposed dock consist of two slips with lifts attached to the single dock, which is appropriate for a single-family dwelling. We are requesting a 20.3-foot extension beyond the allowed 20-foot protrusion**

2. **Whether or not the water depth at the proposed site is so shallow that a vessel of the general length, type, and draft as that described in the petitioner's application is unable to launch or moor at mean low tide (MLT). (The petitioner's application and survey should show that the water depth is too shallow to allow launch and mooring of the vessel (s) described without an extension.)**

**Response: Criteria Met - Without the boat dock extension, a vessel would not be able to be moored or launched while at MLWL due to the water depth being 1.68' within a 20' protrusion of the MHWL/ property line, as shown in the bathymetric survey and Cross section.**

3. **Whether or not the proposed dock facility may have an adverse impact on navigation within an adjacent marked or charted navigable channel. (The facility should not intrude into any marked or charted navigable channel thus impeding vessel traffic in the channel.)**

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

**Response: Criteria Met - Proposed dock facility does not intrude into any marked or charted navigable channel, thus there will be no adverse impact on navigation. The proposed dock and lifts have been designed not to impede navigation and its protrusion is consistent with the neighboring docks along the shoreline.**

4. **Whether or not the proposed dock facility protrudes no more than 25 percent of the width of the waterway, and whether or not a minimum of 50 percent of the waterway width between dock facilities on either side of the waterway is maintained for navigability. (The facility should maintain the required percentages.)**

**Response: Criteria Not Met – Proposed Dock protrudes 40.3' from MHWL, The overall Protrusion is 25.8% of the 156.1' waterway width. The proposed dock leaves 74.2% of the waterway open.**

5. **Whether or not the proposed location and design of the dock facility is such that the facility would not interfere with the use of neighboring docks. (The facility should not interfere with the use of legally permitted neighboring docks.)**

**Response: Criteria Met - Proposed dock extension does not interfere with neighboring docks as shown in the aerial drawing. The Neighboring dock to the West egress/ingress on their boatlift is parallel to their shoreline and the neighbor to the east dock and boat lift is located mainly on the east of their property allowing easy launching.**

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

# Secondary Criteria

1. **Whether or not there are special conditions, not involving water depth, related to the subject property or waterway, which justify the proposed dimensions and location of the proposed dock facility. (There must be at least one special condition related to the property; these may include type of shoreline reinforcement, shoreline configuration, mangrove growth, or seagrass beds.)**

**Response: Criteria Met - The proposed dock facility is in an area of Little Hickory Bay that has well-developed mangroves that extend many feet beyond the county allowed dock protrusion of 20'. Also, due to the narrow shoreline configuration and presence of existing neighboring docks, a boat can only come in perpendicular to the shoreline. The proposed boat is 25' long, which is a typical size boat for the area, so it would protrude past the allowable 20' when docking perpendicular to the shoreline.**

2. **Whether the proposed dock facility would allow reasonable, safe, access to the vessel for loading/unloading and routine maintenance, without the use of excessive deck area not directly related to these functions. (The facility should not use excessive deck area.)**

**Response: Criteria Met - Proposed dock facility allows reasonable and safe access to vessel without excessive deck area as shown in site plan survey. The design of the Proposed boat dock is for one dry slip recreational vessel, and one Kayak/PWC lift to be maintained safely without incidence.**

3. **For single-family dock facilities, whether or not the length of the vessel, or vessels in combination, described by the petitioner exceeds 50 percent of the subject property's linear waterfront footage. (The applicable maximum percentage should be maintained.)**

**Response: Criteria Not Met - Vessel LOA combined is 48.4 feet (1 ea. 25' long Boat & 2 ea. 11.7'**

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

**long Kayak/PWC), which is more than 50 percent of the linear water frontage, being 51.05' long.**

4. **Whether or not the proposed facility would have a major impact on the waterfront view of neighboring waterfront property owners. (The facility should not have a major impact on the view of either property owner.)**

**Response: Criteria Met - Proposed dock facility will not have an impact on waterfront view of neighboring properties and will be consistent with existing dock facilities along shoreline as shown in the aerial drawing. The proposed dock facility is within the property's riparian lines and will not impact the view of the neighboring waterfront property owners.**

5. **Whether or not seagrass beds are located within 200 feet of the proposed dock facility. (If seagrass beds are present, compliance with LDC subsection 5.03.06 I must be demonstrated.)**

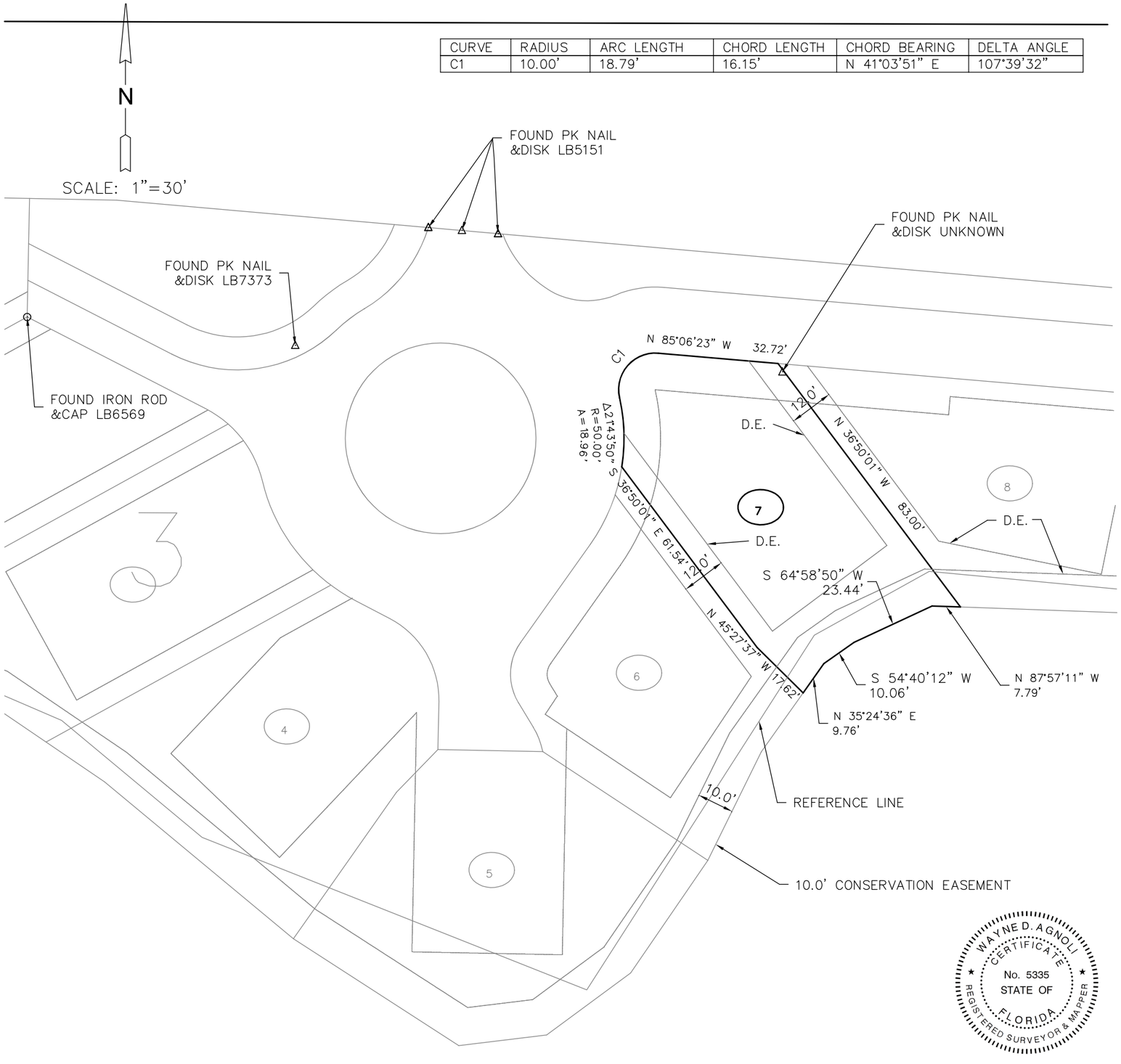
**Response: Criteria Met - There are no seagrass beds located near proposed dock facility in Little Hickory Bay as shown in the results of submerged resource survey conducted by Turrell, Hall & Associates and provided for review.**

6. **Whether or not the proposed dock facility is subject to the manatee protection requirements of LDC subsection 5.03.06 E.11. (If applicable, compliance with subsection 5.03.06.E.11 must be demonstrated.)**

**Response: This is a single family proposed dock, with one vessel boat lift and one Kayak/PWC lift located within Little Hickory Bay, thus it is not subject to the requirements of the Manatee Protection Plan as stated in the above referenced code of 5.03.06 E.11.**

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|---|---|---|---|---|---|
| C1 | 10.00' | 18.79' | 16.15' | N 41°03'51" E | 107°39'32" |




PREPARED FOR: MARC ROSENBERG

DATE OF FIELD SURVEY: OCTOBER 28, 2021

AGNOLI, BARBER & BRUNDAGE, INC.
PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS AND MAPPERS

BY_____

WAYNE D. AGNOLI, R.S.M., NO. 5335 DATE _____

THIS SITE PLAN SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS IN CHAPTER 5J–17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

THIS SITE PLAN SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS
OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTIES
WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES IS PROHIBITED BY
CHAPTER 5J–17 FLORIDA ADMINISTRATIVE CODE.

THIS SITE PLAN SURVEY IS CERTIFIED AS TO THE DATE OF FIELD SURVEY, NOT THE SIGNATURE DATE.

GENERAL NOTES:

1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM , EAST ZONE, NAD 83/90 DATUM AND REFERENCED TO THE EAST LINE OF LOT 7, BLOCK A, BAREFOOT BAY, SECTION 6, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, AS BEING NORTH 36° 50' 01" WEST.
3. HORIZONTAL COORDINATES WERE DERIVED BY GPS OBSERVATIONS USING A TRIMBLE DUAL FREQUENCY RECEIVER (MODEL R10), RECEIVING CORRECTIONS FROM TRIMBLE VRS NOW RTN (REAL TIME NETWORK)
4. VERTICAL: ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).ELEVATIONS WERE ESTABLISHED USING LONG TERM OBSERVATIONS WITH A TRIMBLE (MODEL R10) DUAL FREQUENCY RECEIVER GPS (GLOBAL POSITIONING SYSTEM).

SURVEYOR'S NOTE: THE PURPOSE OF THE SURVEY IS TO LOCATE THE SEAWALL AND THE WATERWARD EXISTING CONDITIONS ONLY. NO UPLAND IMPROVEMENTS HAVE BEEN LOCATED UNDER THE SCOPE OF THIS SURVEY.

WAYNE D. AGNOLI CERTIFICATE No. 5335 STATE OF FLORIDA REGISTERED SURVEYOR & MAPPER

5328 BAREFOOT BAY CT.

for: MARC ROSENBERG

title: MAP OF SITE PLAN SURVEY OF LOT 7, BLOCK A
BAREFOOT BAY
SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 35 & PAGE 62)
COLLIER COUNTY, FLORIDA

AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Land Surveyors & Landscape Architects
7400 Trail Blvd., Suite 200, Naples, FL 34108 Ph.: (239)597-3111
Certificate of Authorization Nos. LB 3664 , EB 3664 & LC26000620 Fax: (239)566-2203

| bk: | pg: | |
|---|---|---|
| 1262 | 24 | date: FEBRUARY 15, 2022 |
| | | scale: 1"=30' |
| | | cogo #: 09-0086-1 |

design: XXX
drawn: LD
checked: WDA
acad #: 12968-BS
view: LIMITS
project #: 09-0086-1
sheet #: 1 of 3
file #: 12968

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

7

PROPERTY LINE

TOP OF RIP-RAP

× 2.9 GND

× 3.3 GND

MLWL

PROPERTY LINE

× 3.2 GND

MHWL

4.1 × 4.0' GND

TOE OF RIP-RAP

MANGROVE LINE

10' CONSERVATION EASEMENT

SCALE: 1"=10'

N

10.0'

4.0'

20.7'

20.7'

21.4'

12.3'

30.3'

TOP OF RIP-RAP

25.0' X 9.75'

8.4'

RIPARIAN LINE

3.0'

× 1.68 WD

7.8'

12.1'

27.8'

40.3'

24.0'

33.8'

EXISTING NEIGHBORS DOCK

PROPOSED RE-INSTALL BOAT LIFT

× 5.82 WD

MANGROVE LINE

RIPARIAN LINE

× 5.14 WD

× 5.94 WD

6.95 WD ×

× 4.4 GND

20.6'

× 4.85 WD

6.3'

4.0'

× 7.01 WD

× 7.32 WD

× 7.15 WD

× 6.42 WD

PROPOSED BOAT LIFT W/11'X14' ALUMINUM PLATFORM

× 7.05 WD

× 6.83 WD

PROPOSED DOCK W/ PILES

156.1'

MHWL TO MHWL

EXISTING NEIGHBORS DOCK

10' CONSERVATION EASEMENT

NOTE: MHWL =0.01'
MLWL =-0.80'
WD = WATER DEPTH
(WATER DEPTH WAS DETERMINED AS DIFFERENCE BETWEEN MLW ELEV. & BOTTOM ELEV.)
CENTERLINE OF ROAD=4.52'

5328 BAREFOOT BAY CT. PROPOSED DOCK

for: MARC ROSENBERG

title: MAP OF SITE PLAN SURVEY OF LOT 7, BLOCK A
BAREFOOT BAY
SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 35 & PAGE 62)
COLLIER COUNTY, FLORIDA

AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Land Surveyors & Landscape Architects
7400 Trail Blvd., Suite 200, Naples, FL 34108 Ph.: (239)597-3111
Certificate of Authorization Nos. LB 3664 , EB 3664 & LC26000620 Fax: (239)566-2203

| bk: | pg: | date: |
|---|---|---|
| 1262 | 24 | FEBRUARY 15, 2022 |
| | | scale: 1"=10' |
| | | cogo #: 09-0086-1 |

design: XXX
drawn: LD
checked: WDA
acad #: 12968-BS
view: LIMITS
project #: 09-0086-1
sheet #: 2 of 3
file #: 12968

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

7

PROPERTY LINE

PROPERTY LINE

TOP OF RIP-RAP

TOP OF RIP-RAP

MLWL

MHWL

× 2.9 GND

× 3.2 GND

4.1 × GND

× 3.3 GND

TOE OF RIP-RAP

MANGROVE LINE

10' CONSERVATION EASEMENT

10.0'

N

SCALE: 1"=10'

RIPARIAN LINE

EXISTING NEIGHBORS DOCK

× 1.68 WD

5.82 × WD

EXISTING DOCK

MANGROVE LINE

RIPARIAN LINE

× 5.14 WD

× 5.94 WD

6.95 × WD

× 4.4 GND

× 4.85 WD

× 7.01 WD

7.32 × WD

× 7.15 WD

× 6.42 WD

× 7.05 WD

× 6.83 WD

156.1'

MHWL TO MHWL

EXISTING NEIGHBORS DOCK

10' CONSERVATION EASEMENT

NOTE: MHWL =0.01'
MLWL =-0.80'
WD = WATER DEPTH
(WATER DEPTH WAS DETERMINED AS DIFFERENCE BETWEEN MLW ELEV. & BOTTOM ELEV.)
CENTERLINE OF ROAD=4.52'

5328 BAREFOOT BAY CT. PROPOSED DOCK

for: MARC ROSENBERG

title: MAP OF SITE PLAN SURVEY OF LOT 7, BLOCK A
BAREFOOT BAY
SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 35 & PAGE 62)
COLLIER COUNTY, FLORIDA

| bk: | pg: | date: |
|---|---|---|
| 1262 | 24 | FEBRUARY 15, 2022 |
| | | scale: 1"=10' |
| | | cogo #: 09-0086-1 |

AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Land Surveyors & Landscape Architects
7400 Trail Blvd., Suite 200, Naples, FL 34108 Ph.: (239)597-3111
Certificate of Authorization Nos. LB 3664 , EB 3664 & LC26000620 Fax: (239)566-2203

| | |
|---|---|
| design: | XXX |
| drawn: | LD |
| checked: | WDA |
| acad #: | 12968-BS |
| view: | LIMITS |
| project #: | 09-0086-1 |
| sheet #: | 3 of 3 |
| file #: | 12968 |

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

# 5328 BAREFOOT BAY CT.
# BONITA SPRINGS, FL 34134
# FOLIO #22899000228

## SUBMERGED RESOURCE SURVEY REPORT
## JUNE 2021

PREPARED BY:

TURRELL, HALL & ASSOCIATES, INC.
Marine & Environmental Consulting

PHONE: 239-643-0166 WWW.THANAPLES.COM

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

# Table of Contents

1 Introduction ..... 1
2 Objective ..... 2
3 Methodology ..... 3
4 Results ..... 4
5 Conclusion ..... 5
6 Photos ..... 6

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

# 1 INTRODUCTION

Turrell, Hall & Associates, Inc. (THA) has been contracted to provide environmental services in the form of a Submerged Resource Survey (SRS) at a property addressed as 5328 Barefoot Bay Court in Naples, FL 34134 that can be identified by folio #22899000228. This resource survey will provide planning assistance to both the property owner and regulating agencies during the review process for the proposed project.

The subject property consists of a 0.1-acre parcel that can be found in Naples along Little Hickory Bay that connects to the Gulf of Mexico through Wiggins Pass. The parcel currently contains an existing docking facility with one boatlift. The property is neighbored to the east and west by single family residences, to the north by Bonita Beach Road, and to the south by submerged bottomlands.

The SRS was conducted on June 7, 2021, between approximately 3:30 p.m. and 4:25 p.m. Site conditions consisted of partially cloudy skies with a slight breeze. Water clarity was fair and allowed approximately 12-18 inches of visibility. The ambient air temperature was approximately 91 degrees Fahrenheit and wind speeds averaged 7 mph from the north. The average ambient water temperature was approximately 83 degrees Fahrenheit. High tide occurred before the site visit at approximately 11:27 a.m. and reached approximately 2.49 ft. above the Mean Low Water Mark. Low tide was achieved after the site visit at approximately 6:55 p.m., reaching approximately 0.07 feet above the Mean Low Water Mark.

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

# 2 OBJECTIVE

The objective of the SRS was to identify and locate any existing submerged resources within 200 feet of the proposed docking facility expansion. Ordinarily, if seagrasses are present within the vicinity of a project area, an analysis will be required regarding species, percent coverage, and impacts projected by the proposed project. The presence of seagrasses may be ample cause for re-configuration of the design for projects over surface waters in order to minimize impacts. The general scope of work performed during a typical submerged resource survey is summarized below:

- THA personnel will conduct a site visit and swim a series of transects within the project site in order to verify the location of any submerged resources.

- THA personnel will identify submerged resources within the vicinity of the site and produce an estimate of the percent coverage of any resources found.

- THA personnel will delineate the approximate limits of any submerged resources observed via a handheld GPS device.

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

# 3 METHODOLOGY

THA biologists intentionally designed the methodology of the SRS to cover not only the entire property shoreline for the proposed dock installation but also the area within 200 ft. of the proposed site. The components utilized for this survey included:

- Reviewing aerial photography of the surveyed area.
- Establishing survey transect lines (spaced approximately 10 feet apart) overlaid onto aerials. (See attached Exhibits)
- Physically swimming the transects, GPS locating the limits of any submerged resources found, and determining the percent coverage within the area.
- Documenting and photographing all findings

The surveyed area was evaluated systematically by following the established transect lines throughout the project site as shown on the attached exhibit. Neighboring properties, docking facilities, and other landmarks provided reference markers which assisted in maintaining correct positioning over each transect.

During this SRS, one THA staff member swam the transect lines using snorkel equipment while a second remained on the shore taking notes and compiling findings on an aerial of the project site. Ordinarily, if any resources are found, they are photographed, GPS located, delineated, and analyzed for percent coverage within the area via a half meter square quadrat.

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

# 4 RESULTS

The substrate found within the surveyed area consists of mangrove leaf litter, sandy material, and heavy shell debris. The oyster debris observed was consistent throughout the site. Depths increased gradually with distance from the shoreline to the middle of the waterway.

Trimmed mangroves and existing riprap comprises the shoreline. Barnacles and oysters were observed on the existing pilings. During the submerged portion of the survey, no seagrasses, oysters, or other resources were observed in any capacity. Accordingly, no impacts to submerged resources are expected to occur as the result of the proposed project. A list of species observed during the SRS can be seen below in Table 1.

Table 1: Observed species of wildlife and vegetation within the vicinity of the project site

| **Common Name** | **Scientific Name** |
|---|---|
| **Eastern mudminnow** | *Umbra pygmaea* |
| **Common barnacle** | *Balanus spp.* |
| **Eastern oyster** | *Crassostrea virginica* |

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

# 5 CONCLUSION

The submerged resource survey was conducted and completed throughout a 200-foot radius surrounding the project site and yielded few results. Mangroves are present along the shoreline and are trimmed regularly, and no seagrasses or other resources were observed anywhere within the vicinity of the project site. Accordingly, negative impacts to submerged resources are not expected as a result of the proposed project.

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

# 6 PHOTOS

*Photo 1: Typical view of the existing piling condition with barnacle growth.*

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

*Photo 2: Sandy material and shell debris found throughout the surveyed area.*

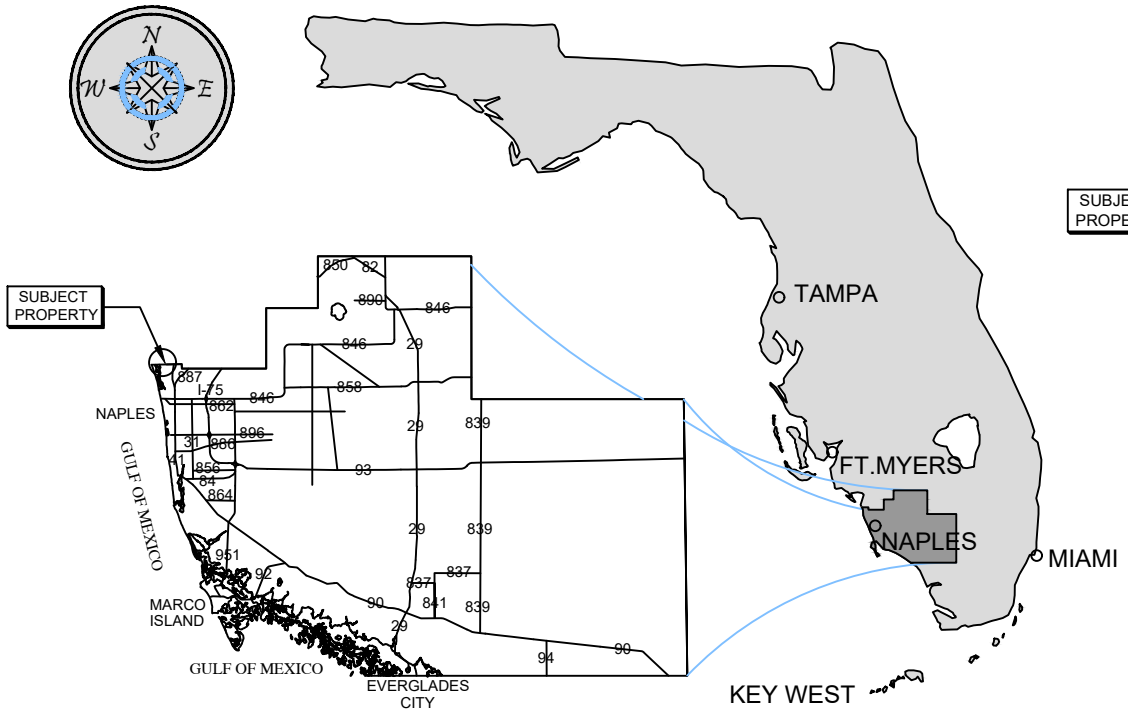
Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

*Photo 3: Typical view of trimmed mangroves along the shoreline.*

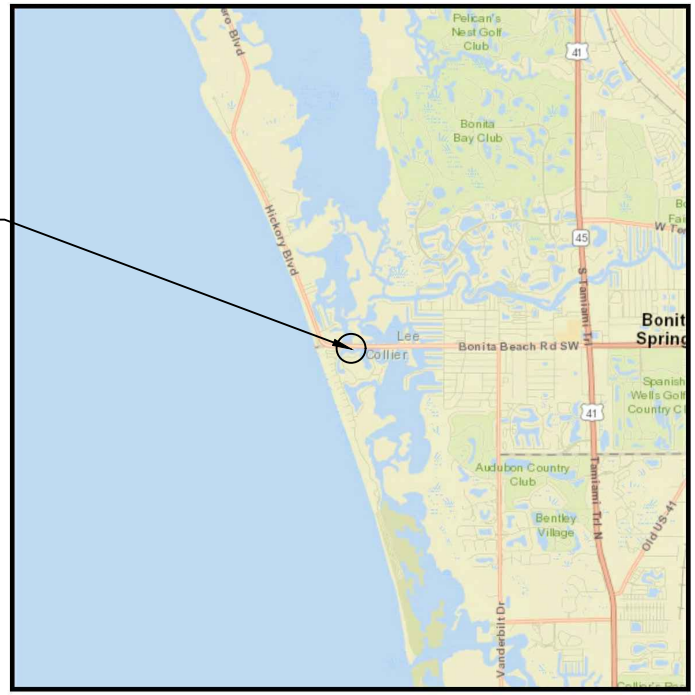
Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

p:\21099.00 5328 barefoot bay ct sns\CAD\EIA\21099-EIA.dwg LOCATION MAP 6/9/2021

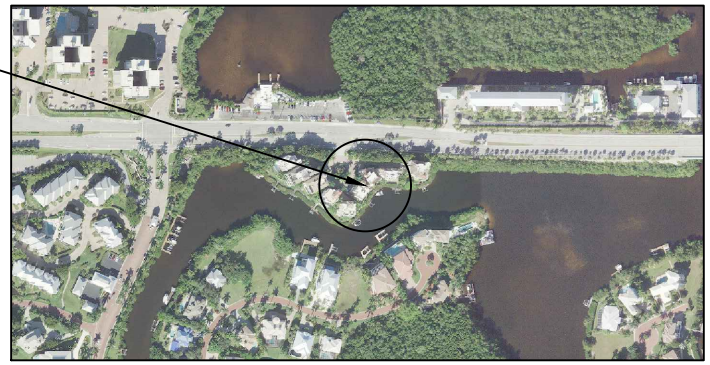
# STATE OF FLORIDA




## COLLIER COUNTY




## VICINITY MAP




## COUNTY AERIAL

**SITE ADDRESS:**

<> 5328 BAREFOOT BAY CT
NAPLES, FL 34134

<> LATITUDE: N 26.33038
<> LONGITUDE: W -81.840420

**NOTES:**

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

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

# 5328 BAREFOOT BAY CT

## LOCATION MAP

RY NO. 5875

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

| | | REV#: | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | CH | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 06-09-21 | 3. | - | - | - | - |
| JOB NO.: | 21099 | 4. | - | - | - | - |
| SHEET NO.: | 01 OF 04 | 5. | - | - | - | - |

SECTION- 6 TOWNSHIP- 48S

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct

p:\21099.00 5328 barefoot bay ct srs\CAD\EIA\21099-EIA.dwg FLUCFCS MAP 6/9/2021

| FLUCFCS | DESCRIPTION | AREA (AC) |
|---|---|---|
| 111 | FIXED SINGLE FAMILY UNITS <LESS THAN TWO DWELLING UNITS PER ACRE> | 0.10 |

| | |
|---|---|
| UPLAND (ACRES): | 0.10 |
| WETLAND (ACRES): | 0 |
| PROJECT (ACRES): | 0.10 |

**NOTES:**

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- SURVEY COURTESY OF: **"NO SURVEY DATA AVAILABLE"**
- SURVEY DATED: **MM-DD-YYYY**

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

# 5328 BAREFOOT BAY CT

## FLUCFCS MAP

RY NO. 5875

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| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | CH | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 06-09-21 | 3. | - | - | - | - |
| JOB NO.: | 21099 | 4. | - | - | - | - |
| SHEET NO.: | 02 OF 04 | 5. | - | - | - | - |

SECTION- 6 TOWNSHIP- 48S

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct

p:\21099.00 5328 barefoot bay ct sns\CAD\EIA\21099-EIA.dwg SOILS MAP 6/9/2021

| CODE | DESCRIPTION | HYDRIC |
|---|---|---|
| 35 | URBAN LAND-AQUENTS COMPLEX, ORGANIC SUBSTRATUM | |
| 99 | WATER | |

**NOTES:**

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- SURVEY COURTESY OF: **"NO SURVEY DATA AVAILABLE"**
- •• SURVEY DATED: **MM-DD-YYYY**
- SOIL DATA PROVIDED BY: **1998 UNITED STATES DEPT OF AGRICULTURE SOIL SURVEY OF COLLIER COUNTY AREA, FL**

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

# 5328 BAREFOOT BAY CT

## SOILS MAP

RY NO. 5875

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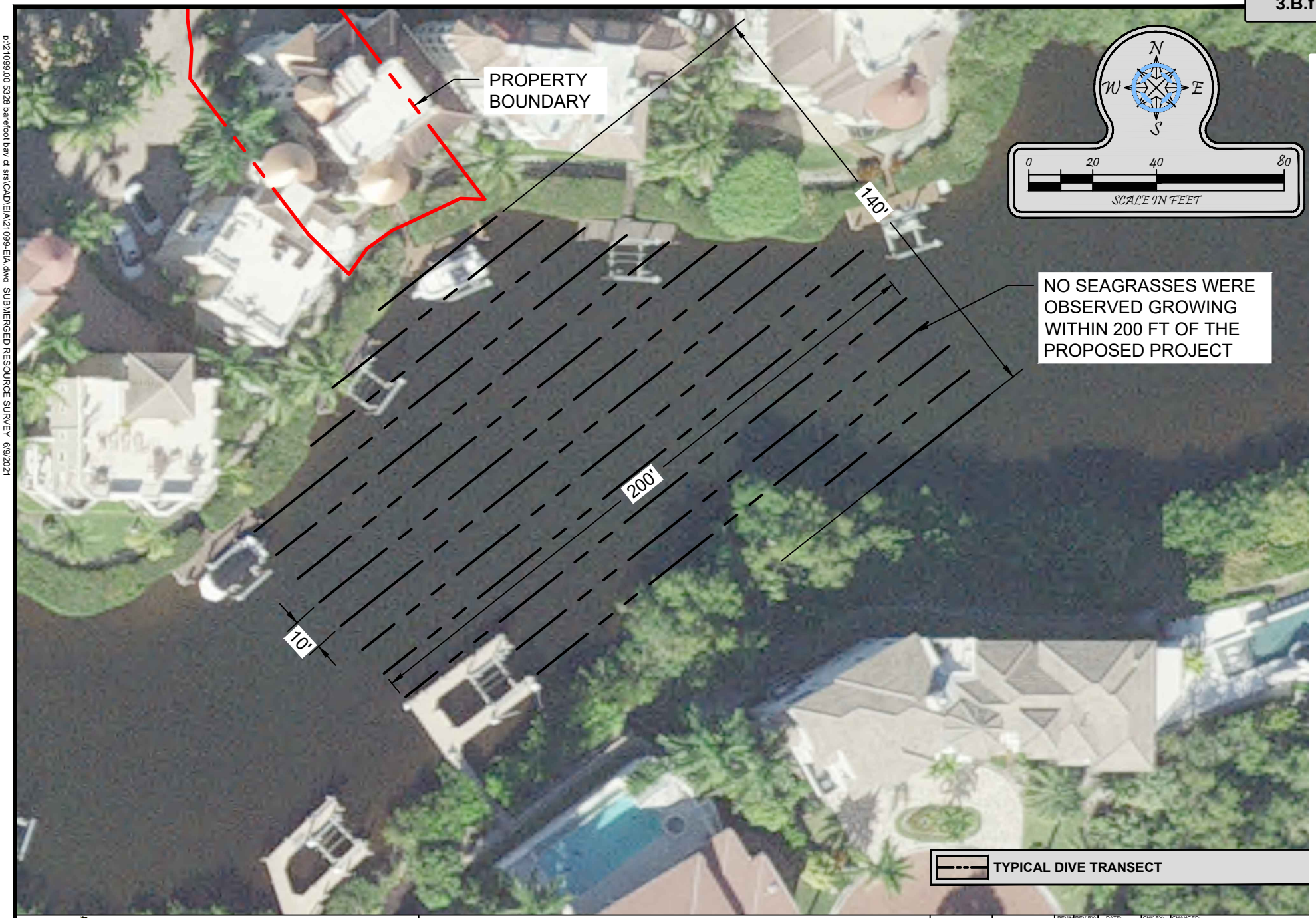
| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | CH | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 06-09-21 | 3. | - | - | - | - |
| JOB NO.: | 21099 | 4. | - | - | - | - |
| SHEET NO.: | 03 OF 04 | 5. | - | - | - | - |

SECTION-6 TOWNSHIP-48S

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct

p:\21099.00 5328 barefoot bay ct srs\CAD\EIA\21099-EIA.dwg SUBMERGED RESOURCE SURVEY 6/9/2021

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3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

# 5328 BAREFOOT BAY CT

## SUBMERGED RESOURCE SURVEY

RY NO. 5875

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | CH | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 06-09-21 | 3. | - | - | - | - |
| JOB NO.: | 21099 | 4. | - | - | - | - |
| SHEET NO.: | 04 OF 04 | 5. | - | - | - | - |

SECTION- 6 TOWNSHIP- 48S

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct

CONSERVANCY of Southwest Florida
OUR WATER, LAND, WILDLIFE, FUTURE.

*Protecting Southwest Florida's unique natural environment and quality of life ... now and forever.*

January 11, 2022

Mr. Mark Oreus
Permit Technician
Greg Orick Marine Construction, Inc.
2815 Bayview Drive, Naples, FL 34112

*Sent via email*

RE: Proposed Dock at 5328 Barefoot Bay Ct.

Dear Mr. Oreus:

Thank you for sending us the boat dock extension application package for 5328 Barefoot Bay Ct. for review. Pursuant to the Settlement Agreement between the Conservancy, Lely Estates, Inc., and Collier County pertaining to the Lely Barefoot Beach PUD, the Conservancy must be notified of any proposed construction activities within the conservation easement. Upon review of the site plan surveys dated January 3, 2021 (note: The survey map Page 1 is dated January 3, 2022, but survey map Page 2 is dated January 3, 2021 on the version the Conservancy reviewed) from Agnoli Barber & Brundage Inc. and the county application package for the dock extension, we do not see any inconsistencies with the plan in regards to the easement or settlement agreement. Per the settlement agreement, an access ramp or walkway through the conservation easement is permissible provided that the ramp or walkway is consistent with the DEP permits and it does not exceed 4 feet in width.

Sincerely,

Nicole Johnson

Nicole Johnson
Director of Environmental Policy

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

★★★★ CHARITY NAVIGATOR Four Star Charity

Conservancy of Southwest Florida has been awarded Charity Navigator's prestigious 4-Star top rating for good governance, sound fiscal management and commitment to accountability and transparency. Charity Navigator is America's largest and most respected independent evaluator of charities.

# LETTER OF CONCURRENCE FOR SETBACK WAIVER

TO: Gary and Deb Kiesgen (owner/applicant)
5332 Barefoot Bay Ct (address of project)
Bonita Springs, FL 34134

File No.:

FROM: Marc Rosenberg (adjacent property owner)
5328 Barefoot Bay Ct
Bonita Springs, FL 34134

Section 18-21.004(3)(d), Florida Administrative Code, provides:

> **Except as provided herein, all structures, including mooring pilings, breakwaters, jetties and groins, and activities must be set back a minimum of 25 feet inside the applicant's riparian rights lines. Marginal docks, however, must be set back a minimum of 10 feet. Exceptions to the setbacks are:** private residential single-family docks or piers associated with a parcel that has a shoreline frontage of less than 65 feet, where portions of such structures are located between riparian lines less than 65 feet apart, or where such structure is shared by two adjacent single-family parcels; utility lines; bulkheads, seawalls, riprap or similar shoreline protection structures located along the shoreline; structures and activities previously authorized by the Board; structures and activities built or occurring prior to any requirement for Board authorization; **when a letter of concurrence is obtained from the affected adjacent upland riparian owner;** or when the Board determines that locating any portion of the structure or activity within the setback area is necessary to avoid or minimize adverse impacts to natural resources.

I hereby state that I am the owner of the adjacent upland riparian property located to the (north / south / east / (west)) of the facility or activity proposed to be constructed or conducted by Marc Rosenberg (the applicant), as shown in the above referenced file (and on the attached drawing). **I understand that the subject project will be located entirely within the applicant's riparian rights area, and I do not object to the proposed structure or activity being located within the area required as a setback distance from the common riparian rights line, as required by Chapter 18-21.004(3)(d), F.A.C.** This file shows the structure will be located entirely within the applicant's riparian rights area and within _____ feet of the common riparian rights line between our parcels.

Gary Kiesgen
(Original signature of adjacent owner)

4-5-21
(Date signed)

GARY KIESGEN
(Printed name of adjacent owner)

**This form is not adopted by rule; therefore, any letter of concurrence of similar content may be accepted.**

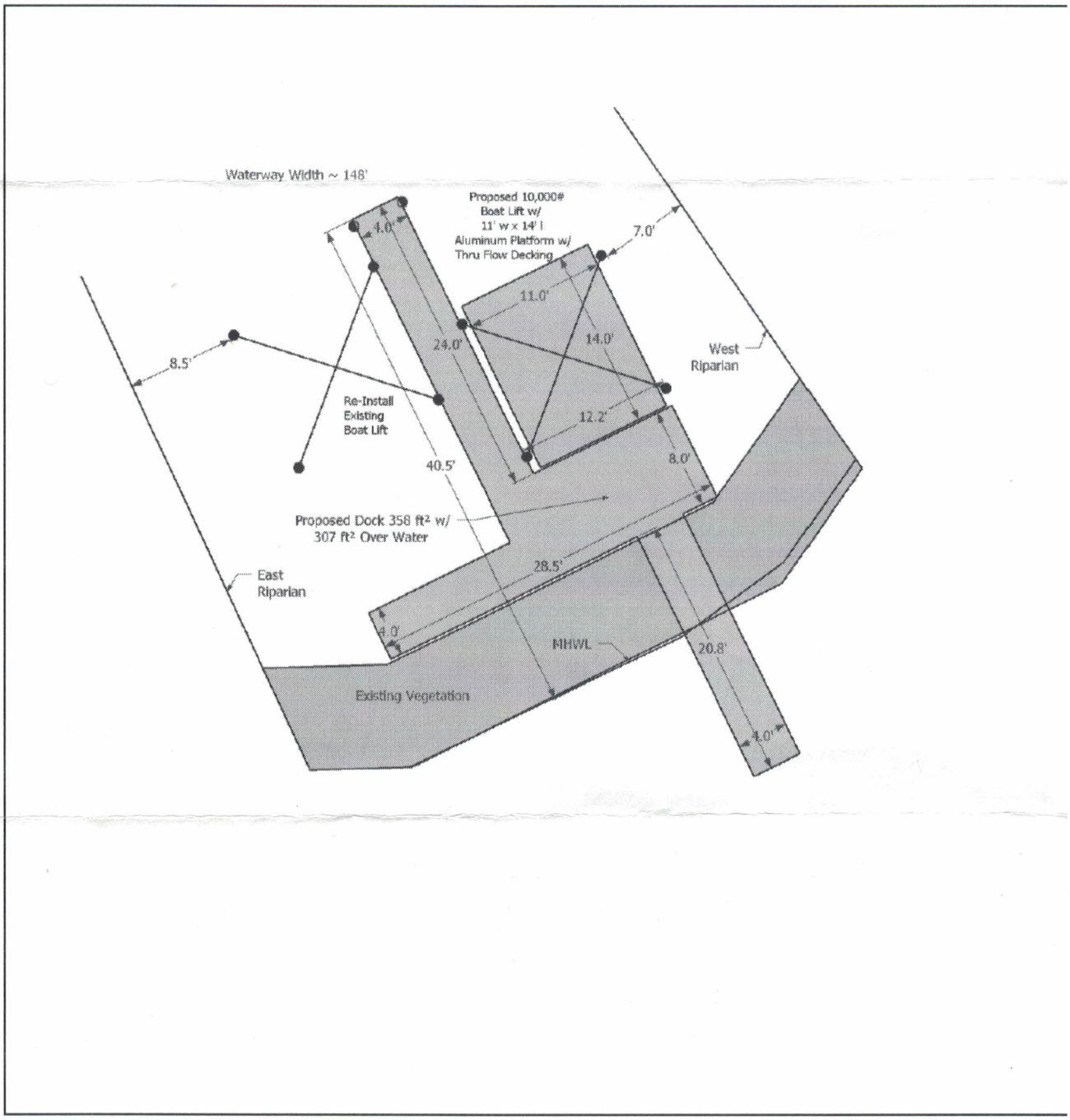
(1/30/03)



Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

# LETTER OF CONCURRENCE FOR SETBACK WAIVER

## PAGE 2 – DRAWING, SKETCH, OR SURVEY OF PROPOSED DOCK LOCATION




GK (Initials of adjacent owner)

4-5-21 (Date)

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

# LETTER OF CONCURRENCE FOR SETBACK WAIVER

TO: Ryan Levi (owner/applicant)
5324 Barefoot Bay Ct (address of project)
Bonita Springs, FL 34134

File No.:

FROM: Marc Rosenberg (adjacent property owner)
5328 Barefoot Bay Ct
Bonita Springs, FL 34134

Section 18-21.004(3)(d), Florida Administrative Code, provides:

> **Except as provided herein, all structures, including mooring pilings, breakwaters, jetties and groins, and activities must be set back a minimum of 25 feet inside the applicant's riparian rights lines. Marginal docks, however, must be set back a minimum of 10 feet. Exceptions to the setbacks are:** private residential single-family docks or piers associated with a parcel that has a shoreline frontage of less than 65 feet, where portions of such structures are located between riparian lines less than 65 feet apart, or where such structure is shared by two adjacent single-family parcels; utility lines; bulkheads, seawalls, riprap or similar shoreline protection structures located along the shoreline; structures and activities previously authorized by the Board; structures and activities built or occurring prior to any requirement for Board authorization; **when a letter of concurrence is obtained from the affected adjacent upland riparian owner;** or when the Board determines that locating any portion of the structure or activity within the setback area is necessary to avoid or minimize adverse impacts to natural resources.

I hereby state that I am the owner of the adjacent upland riparian property located to the (north / south / east / west) of the facility or activity proposed to be constructed or conducted by _____ (the applicant), as shown in the above referenced file (and on the attached drawing). **I understand that the subject project will be located entirely within the applicant's riparian rights area, and I do not object to the proposed structure or activity being located within the area required as a setback distance from the common riparian rights line, as required by Chapter 18-21.004(3)(d), F.A.C.** This file shows the structure will be located entirely within the applicant's riparian rights area and within _____ feet of the common riparian rights line between our parcels.

(Original signature of adjacent owner)

4/15/21
(Date signed)

RYAN LEVI
(Printed name of adjacent owner)

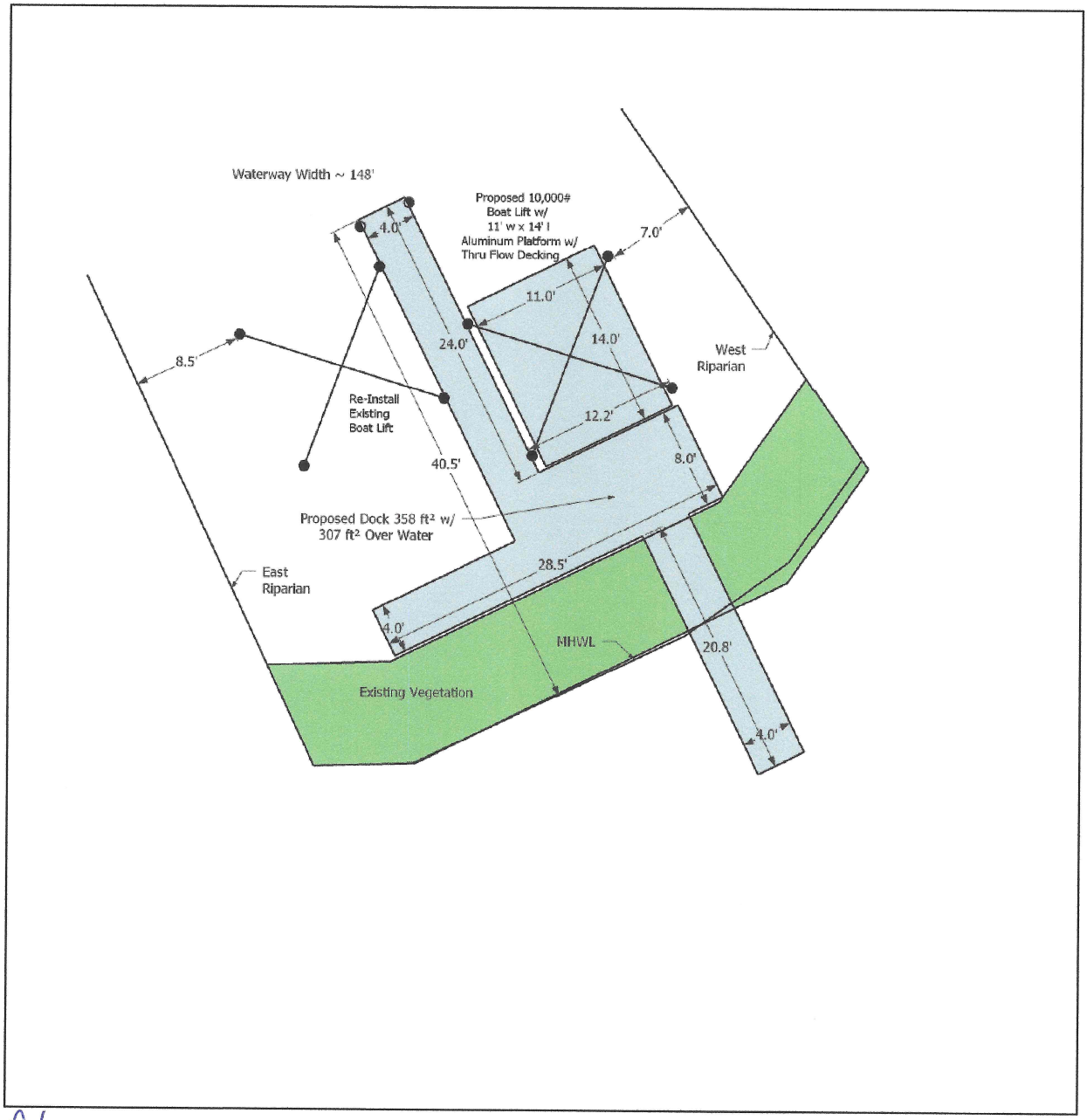
**This form is not adopted by rule; therefore, any letter of concurrence of similar content may be accepted.**

(1/30/03)

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

## LETTER OF CONCURRENCE FOR SETBACK WAIVER

## PAGE 2 – DRAWING, SKETCH, OR SURVEY OF PROPOSED DOCK LOCATION




BL (Initials of adjacent owner)

4/15/21 (Date)

Attachment: Attachment E - HEX Backup FINAL (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

# Hybrid Virtual Quasi-Judicial Public Hearing Waiver

Emergency/Executive Order 2020-04
Hearing of the Collier County Hearing Examiner

For Petition Number(s): PL20210002609

Regarding the above subject petition number(s), Marc Rosenberg (Name of Applicant) elects to proceed during the declared emergency with hybrid virtual public hearing of the Collier County Hearing Examiner, and waives the right to contest any procedural irregularity due to the hybrid virtual nature of the public hearing.

Name: Marc Rosenberg

Date: 3/28/2022

Signature:

☑ Applicant*

☐ Legal Counsel to Applicant

* This form must be signed by either the Applicant (if the applicant is a corporate entity, this must be an officer of the corporate entity) or the legal counsel to the Applicant.

Attachment: Attachment F - HEX Hybrid Meeting Waiver (BDE) (21892 : PL20210002609 BDE 5328 Barefoot Bay Ct Rosenberg Dock)