

## RESOLUTION 26-12

**A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, APPROVING A VARIANCE REDUCING THE REAR ACCESSORY SETBACK FROM FIFTEEN (15) FEET TO TWELVE (12) FEET FOUR (4) INCHES FOR PROPERTY ZONED RSF 4, LOCATED AT 1815 WOODBINE COURT, MARCO ISLAND, FLORIDA 34145; PROVIDING FOR CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 30-65, of the City of Marco Island (“City”) Land Development Code provides standards and regulations for the review and approval of petitions for variances from the City’s Land Development Code; and

**WHEREAS**, Bailey Jenks LLC – Marco Series, (the “Owner and “Petitioner”), submitted Variance Petition VP-25-000205 for property located at 1815 Woodbine Court, Marco Island, Florida 34145 (the “Subject Property”); and

**WHEREAS**, the Subject Property is described as Marco Beach Unit 2, Block 66, Lot 21, according to the Records of Collier County, Florida, commonly referred to as 1815 Woodbine Court; and.

**WHEREAS**, Petitioner is requesting a variance to Section 30-1002(a), of the City of Marco Island Land Development Code, which is the accessory buildings and structures standard that applies to accessory structures and rear setbacks for the subject Property; and

**WHEREAS**, the subject pool, pool deck, and previous screen enclosure were developed under a less restrictive rear accessory setback requirement originally adopted by Collier County; and

**WHEREAS**, there exists a unique health, safety, and maneuverability hardship upon the Applicant that justifies this request; and

**WHEREAS**, the granting of this variance will not violate the City’s growth management plan; and

**WHEREAS**, the City of Marco Island staff have reviewed and recommend approval of Variance Petition VP-25-000205; and

**WHEREAS**, the City’s Planning Board reviewed and recommended approval of Variance Petition VP-25-000205 on February 6, 2026; and

**WHEREAS**, City Council, pursuant to the requirements of Section 30-65 of the City's Land Development Code, does hereby find that Variance Petition VP-25-000205, meets the criteria contained in Section 30-65(g), of the City's Land Development Code, and grants the petition, subject to the conditions of approval as set forth in this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:**

**SECTION 1. Recitals.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, correct and incorporated by this reference.

**SECTION 2. Adoption and Approval.** Consistent with the requirements of Section 30-65 of the City's Land Development Code, the City Council approves Variance Petition VP-25-000205 with respect to the Property located at 1815 Woodbine Court, Marco Island, Florida 34145, subject to the below conditions.

**SECTION 3. Conditions of Approval.** This Resolution relating to Variance Petition VP-25-000205 is hereby by approved subject to the following conditions of approval:

1. The Applicant/Contractor shall obtain a building permit prior to commencement of any construction.
2. The Owner/Developer/ Petitioner is responsible for any private deed restriction approvals with Marco Island Civic Association.
3. That issuance of this approval by the City does not in any way create any right on the part of the Owner/Developer to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the approval if the Owner/Developer / Petitioner fails to obtain the required approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in the violation of state or federal law. All applicable state and federal permits must be obtained before commencement of the Development. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

**SECTION 4. Effective Date.** This Resolution shall be effective immediately upon adoption by the City Council.

Passed in open and regular session of the City Council of the City of Marco Island, Florida, this 2<sup>nd</sup> day of March, 2026.

**ATTEST:**

\_\_\_\_\_  
Joan Taylor, City Clerk

**CITY OF MARCO ISLAND, FLORIDA**

BY: \_\_\_\_\_  
Darrin Palumbo, Chairman

Approved as to form and legal sufficiency:

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Alan L. Gabriel, City Attorney