



Planning Board Staff Report

Meeting Date: September 5, 2025

TO: Marco Island Planning Board

FROM: Mary P. Holden, Planning Manager

DATE: August 15, 2025

RE: Variance Petition VP-25-000127, 673 Waterside Drive, to have a portion of the house encroach up to eight (8) feet into the required twenty-five (25) foot setback as indicated in the Hideaway Planned Unit Development (PUD) document, Section 4.04.04 Minimum Setbacks, A.4.

PROJECT DESCRIPTION:

The request is to allow for the rear corner of the residence to encroach up to 8 feet into the rear 25-foot setback. The application, plans, and written responses to the criteria are attached.

OWNER:

Quintero Font LLC
4533 Ponce de Leon Blvd.
Coral Gables, FL 33146

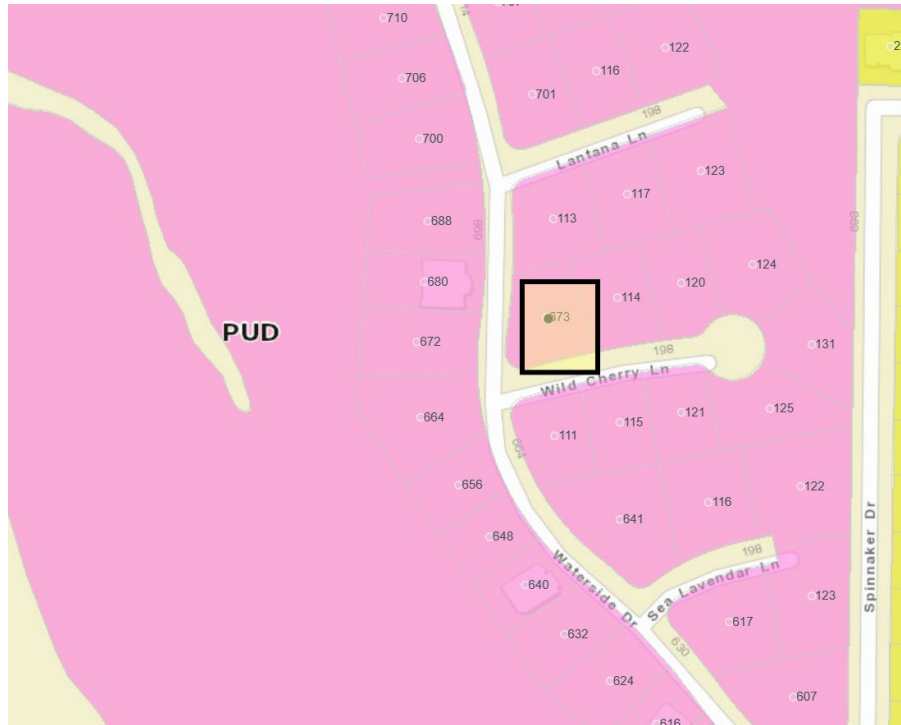
AGENT:

Javier Font
4533 Ponce de Leon Blvd.
Coral Gables, FL 33146

PROJECT ADDRESS:

| | |
|--------------------|---|
| Street Address: | 673 Waterside Dr. Marco Island, FL 33950 |
| Legal Description: | Hideaway Beach, Block 13, Lot 19 |
| Property ID# | 50035120002 |
| Zoning: | Planned Unit Development (PUD) |

SUBJECT PARCEL ZONING MAP:



SUBJECT PARCEL AERIAL:



STAFF ANALYSIS

Staff have no real concerns with the request. The Hideaway Beach Architectural Review Committee has signed off on the layout, design, and setback encroachment. The encroachment is minimal and does not run the length of the setback, but just a corner portion. Below is a snippet showing that the dimensional requirements from the Hideaway Beach PUD:

4.04.04 MINIMUM SETBACKS

A. Principal Structures

1. Front Setbacks

For one level structure 25'
For two level structure 30' for second level

2. Interior Side Setback

For one level structure 15'
For two level structure 20' for second level

3. Side Street Setback

For one level structure 20'
For two level structure 25' for second level

4. Rear Setback (non-beachfront lots)

For one level structure 25'
For two level structure 30' for second level

B. Roof Overhangs And Balconies

Roof overhangs may extend 8' beyond the principal structure setback line. Balconies may extend 4' beyond the principal structure setback line.

C. Accessory Structures

1. Front Setback 25'

Accessory structures 24" or more in height - measured above street grade, except for trellises, arbors and other landscape features, which have a minimum of 10' setback.

2. Interior Side Setback 10'

3. Side Street Setback 15'

4. Rear Setback 10'

-13-

The following is the staff's analysis of the variance application as it relates to the provisions of 30-65(g)(3) of the City's LDC:

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

Staff Comments: The Land Development Code provides corner lots to have two front yard setbacks and two side yard setbacks. The Hideaway Beach PUD does not have such allowances. This is a special condition specific to this lot and lots in Hideaway Beach.

(b) That there are 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.

Staff Comments: The Hideaway Beach PUD creates special circumstances. The Architectural guidelines allow two side yard setbacks on a corner lot; however, the PUD has not been updated to reflect the Architectural guidelines.

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

Staff Comments: The applicant designed the residence based on the Architectural guidelines, and upon review by the City for a building permit, it was found to be out of compliance with the PUD. A redesign of the residence would be needed and could create practical difficulties.

(d) That the variance, if granted, be the minimum variance that will make possible the reasonable use of the land, building, or structure and which promotes standards of health, safety, or welfare.

Staff Comments: The requested variance is the minimum necessary to allow for the use of the lot.

(e) That granting the variance requested will not confer on the petitioner any special privilege that is denied by this LDC to other lands, buildings, or structures in the same zoning district.

Staff Comments: Granting the variance will not confer any special privilege.

(f) That granting the variance will 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.

Staff Comments: Granting the variance will be in harmony with the intent and purpose of the Land Development Code since it is allowed in the Land Development Code.

(g) That there are natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation such as natural preserves, lakes, golf course, or similar circumstances.

Staff Comments: N/A

(h) That the granting of the variance will be consistent with the City of Marco Island's Comprehensive Plan.

Staff Comments: Granting this variance does not conflict with our Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends the Planning Board approve Variance Petition VP-25-000127, for 673 Waterside Dr., based upon the findings contained herein, and forward the recommendation for approval to the City Council:

Findings:

1. The Land Development Code provides corner lots to have two front yard setbacks and two side yard setbacks. The Hideaway Beach PUD does not have such allowances. This is a special condition specific to this lot and lots in Hideaway Beach.
2. The Hideaway Beach PUD creates special circumstances. The Architectural guidelines allow two side yard setbacks on a corner lot; however, the PUD has not been updated to reflect the Architectural guidelines.
3. The applicant designed the residence based on the Architectural guidelines, and upon review by the City for a building permit, it was found to be out of compliance with the PUD. A redesign of the residence would be needed and could create practical difficulties.
4. The requested variance is the minimum necessary to allow for the use of the lot.
5. Granting the variance will not confer any special privilege.
6. Granting the variance will be in harmony with the intent and purpose of the Land Development Code since it is allowed in the Land Development Code.
7. Granting this variance does not conflict with our Comprehensive Plan.