



Planning Board Staff Report

Meeting Date: February 6, 2026

TO: Marco Island Planning Board

FROM: Joshua G. Ooyman, Planner II – Growth Management

DATE: February 6, 2026

RE: Variance Petition 25-000205 1815 Woodbine Court, Marco Island
Screen Enclosure over Existing Swimming Pool and Deck

PROJECT DESCRIPTION:

The Applicant, Bailey Jenks, LLC Marco Series, is requesting a variance to allow construction of a screen enclosure over an existing swimming pool and pool deck at the property located at 1815 Woodbine Court, Marco Island. The Applicant has provided a site plan sketch of the pool area showing an existing 12'-4" setback from the pool deck edge to the rear property line. The current minimum accessory screen enclosure setback is 15 feet and the variance request is to encroach 2'-8" into the required setback.

Collier County issued a screen enclosure permit in 1992 when the rear accessory setback was 10 feet. The structure was subsequently destroyed prior to 2020, likely from Hurricane Irma in 2017, and never reconstructed. In 2022, the City's rear accessory setback was changed from 10 feet to 15 feet and any new screen enclosure must comply with the current regulation.

Relief is sought from the 15-foot setback requirement to construct the screen enclosure using the existing pool footings at 12'-4" from the rear property line. The Applicant seeks to provide safety and general welfare for their family by creating a safe area to maneuver between the pool shell and the screen enclosure.

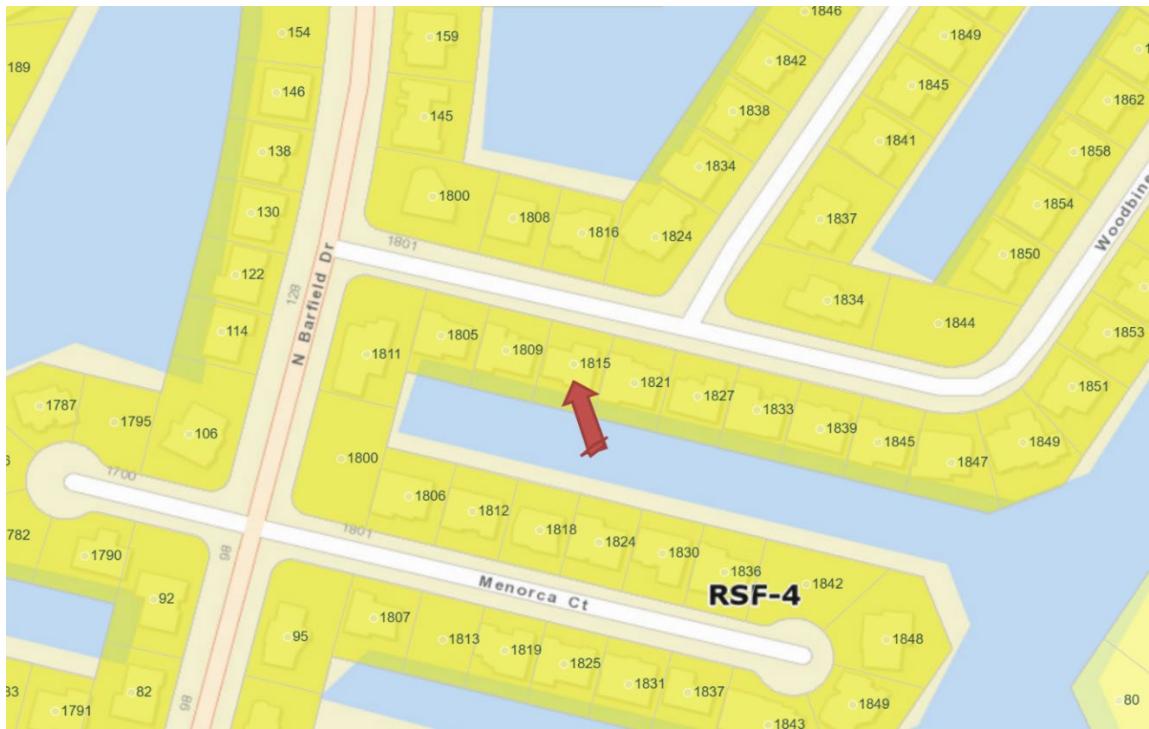
OWNER / APPLICANT:

Bailey Jenks LLC – Marco Series
11N096 Johnstown Rd.
Elgin, IL 60124

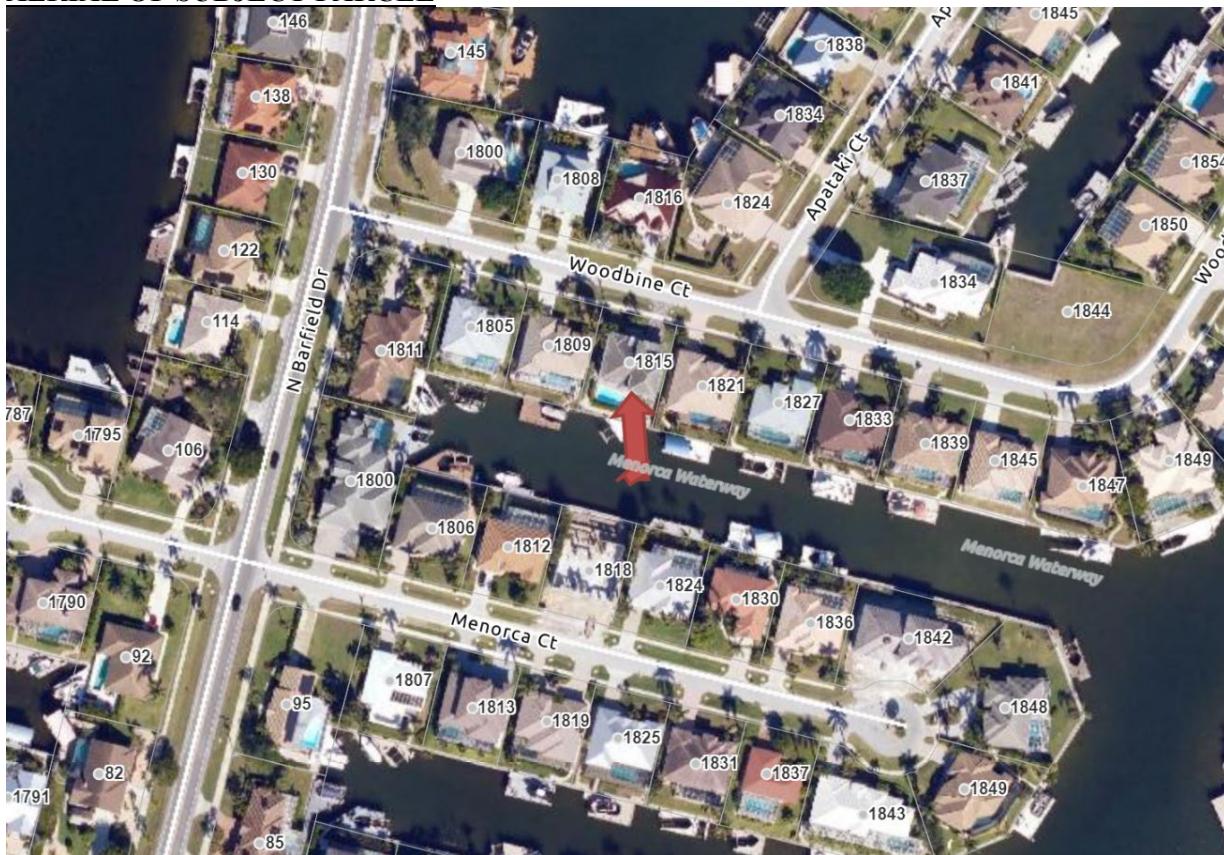
PROJECT ADDRESS:

Street Address: 1815 Woodbine Court, Marco Island, FL 34145
Zoning District: RSF-4
Legal Description: MARCO BCH UNIT 2, BLK 66, LOT 21
Folio Number: 56803600004

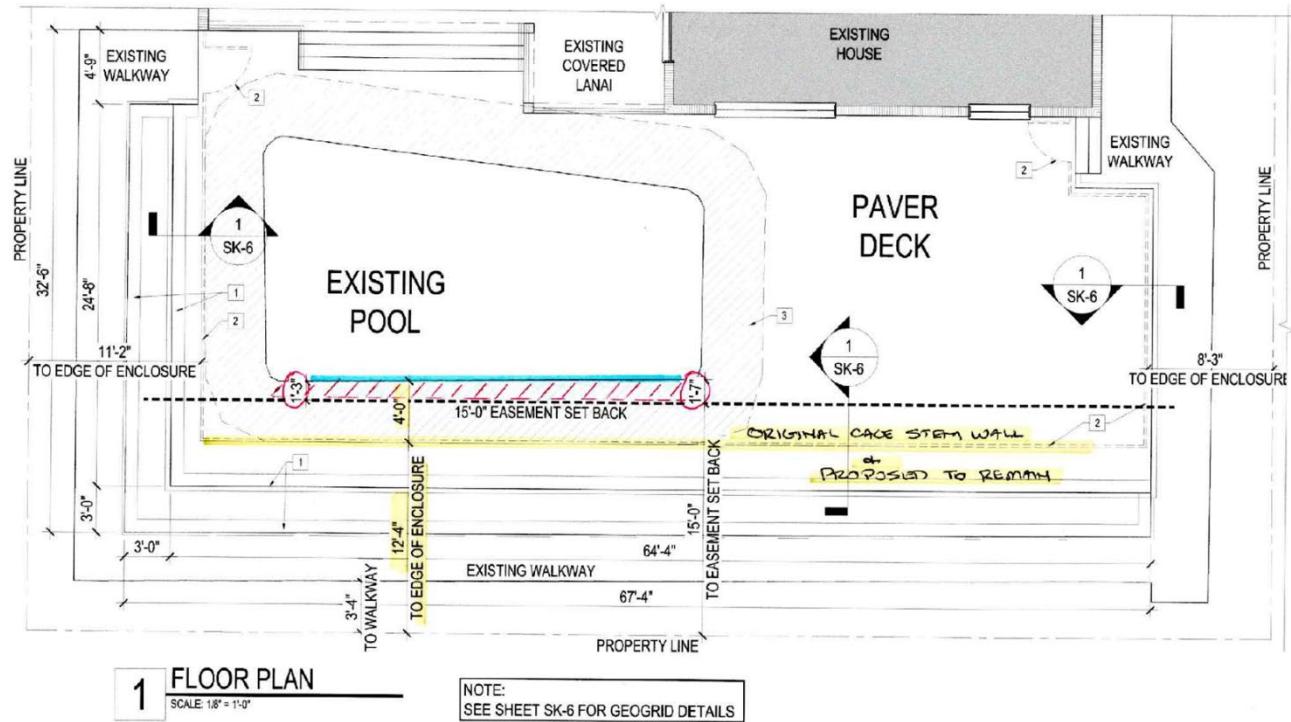
ZONING MAP OF SUBJECT PARCEL



AERIAL OF SUBJECT PARCEL



APPLICANT PROVIDED SKETCH OF EXISTING STRUCTURE



VARIANCE APPLICATION REQUIRED INFORMATION:

The Marco Island Variance Application poses several questions to the Applicant related to the subject site and the requested variance. The Applicant has provided brief comments in response to each of the application questions, which are repeated below exactly as provided by the Applicant.

(1) What is the proposed encroachment?

Applicant Comments: Rebuild cage on existing footprint, at 12'0" from rear property line, which was allowed under the ordinance at the time it was originally installed, which includes the necessary footings which still exist.

(2) Why is the encroachment necessary?

Applicants Comments: The existing pool and cage were built under a different setback. The new setback at 10' puts the edge of the cage at existing pool's water's edge.

(3) What extenuating circumstances exist related to the proposed structure encroachment?

Applicants Comments: In order to provide for safety and general welfare of our special needs daughter, we want to rebuild the cage with the 2020 screen protecting her from bugs/no see ums. With the new setback of 15', it creates a safety issue putting the edge of the cage on water's edge, with no walkway, making that side of the pool a safety hazard.

STANDARDS FOR APPROVAL OF A VARIANCE:

Section 30-65 of the City of Marco Island Code sets forth standards that are used to guide the review of a variance request. For the Applicant's requested variance, we have provided those standards below along with staff's comments on each standard and any applicable comments made by the applicant on each standard. The Applicant has provided comments to each of the required findings. These are repeated below exactly as provided by the Applicant.

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

Applicant Comments: Yes, the new setback of 15' vs. location of existing pool installed in 1982 leaves the edge of the pool close to the setback, making a cage to follow a peculiar footprint.

Staff Comments: The ordinance creating an increased accessory setback in 2022 creates a special circumstance, as the swimming pool and previous screen enclosure were permitted under less restrictive standards.

- (2) 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?

Applicant Comments: Pre-existing location of pool and prior setback allowed for a walkway around the entire pool, whereas the new 10' setback does not.

Staff Comments: The applicant references the "new 10' setback" above, but the new setback is 15'. As mentioned by Staff in the previous comment, the existing pool and deck were permitted prior to incorporation and prior to the Applicant owning the property.

- (3) 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?

Applicant Comments. Yes whereas the hardship of following these provisions causes a roadblock in egress path needed around the pool.

Staff Comments: A literal interpretation of the zoning code does create practical difficulties for the safety and maneuverability of the Applicant's daughter. Adherence to the 15-foot setback would result in a very narrow area to maneuver between the pool shell and the screen enclosure.

- (4) 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?

Applicant Comments: Yes, we are simply asking to encroach the minimum distance to meet code with a 4' walkway around the pool.

Staff Comments: It appears clear that health, safety and welfare standards would be promoted by approval of this variance, allowing for a 4' walkway around the pool.

(5) 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?

Applicant Comments: N/A

Staff Comments: The Applicant is requesting relief from the strict interpretation of the code from which other properties in the RS-4 zoning district must adhere to when developing or redeveloping. Nonetheless, there exists a unique health and safety hardship upon the Applicant that justifies this request.

(6) 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?

Applicant Comments: Yes, this will not have any impact on neighborhood or public welfare otherwise.

Staff Comments: The proximity of the proposed structure to the public waterway is 12'-4", 11'-2" to the west side property line, and 8'-3" to the east side property line. Other than the subject variance request, all other setback requirements are met. There are no concerns that the granting of this variance is injurious to the neighborhood or public welfare.

(7) 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?

Applicant Comments: N/A

Staff Comments: There are no natural or physically induced conditions present.

(8) Will granting the variance be consistent with the growth management plan?

Applicant Comments: Yes.

Staff Comments: Granting this variance will not violate the City's growth management plan as contained in the City's Comprehensive Plan.

DISCUSSION:

The existing pool deck (and previous screen enclosure) were compliant with setbacks at the time of installation. Subsequent setback regulation revisions have rendered the enclosure footing location nonconforming to current setbacks. Moreover, in the interest of safe maneuverability on all sides of the swimming pool, Staff feels the variance request is warranted to ensure the reasonable enjoyment of the pool area by the Applicant.

As of this date there have been no objections from either adjacent neighbor.

STAFF RECOMMENDATION:

Staff recommends the Planning Board forward their recommendation of approval to the City Council with the findings below and conditions of approval:

Finding of Approval:

- (1) The subject pool, pool deck, and previous screen enclosure were developed under less restrictive rear accessory setback requirements.
- (2) There exists a unique health, safety, and maneuverability hardship upon the Applicant that justifies this request.
- (3) Granting this variance will not violate the City's growth management plan (Comprehensive Plan).

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.