



## **AGENDA FOR THE HEARING EXAMINER**

Tuesday, May 7, 2019

9:00 AM

Council Chambers

### **1. HEARINGS CALLED TO ORDER**

### **2. HEARINGS**

- A. Case #VP18-0008; Address: 5088 and 5095 Sorrento Court; Applicants: Wilhem Vullriede and Jerome and Catherine Lievre
- B. Case #VP18-0010; Address: 1713 Savona Parkway West; Applicant: JBH Holdings, LLC.
- C. Case #ZA19-0004; Address: 244 Santa Barbara Blvd. South; Applicant: Cape Coral Lodge, No. 367
- D. Case #VA19-0002\*; Address: 3724/3726 SE 10th Ave; Applicant: Kenneth D. Gill and Karen L. Gill

### **3. DATE AND TIME OF NEXT HEARINGS**

- A. Friday, May 24, 2019, at 9:00 a.m., in Council Chambers

### **4. ADJOURNMENT**

In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons needing a special accommodation to participate in this proceeding should contact the City Clerk's Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0411 for assistance, if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8700 (v) for assistance.

If a person decides to appeal any decision made by the Board/Commission/Committee with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose, he 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 based.

### **PLEDGE OF CIVILITY**

We will be respectful of each other even when we disagree.

We will direct all comments to the issues. We will avoid personal attacks.

The hearing shall, to the extent possible, be conducted as follows:

1. The Clerk shall read into the record the Ordinance or Resolution Title and Number, or the Applicant's name, file number, and the subject matter to be decided if there is no ordinance or resolution.
2. The Applicant, staff, and all Participants requesting to speak or present evidence or both the hearing shall be collectively sworn by an oath or affirmation by the Clerk.
3. Staff will testify regarding proper notice of the Hearing in accordance with City requirements.
4. The Applicant may waive the Applicant's right to an evidentiary hearing if Applicant agrees with the staff recommendation and no one from the audience wishes to speak for or against the application. The Hearing Examiner shall rule on the matter or make a recommendation, based upon the staff report and any other materials contained within the official file. Regardless of a waiver by the Applicant, a Public Hearing shall be held for all decisions requiring an ordinance or resolution.
5. If there is an evidentiary hearing, the order of the presentation shall be as follows, unless the Hearing Examiner, determines to proceed in a different order, taking proper consideration of fairness and due process:
  - The Applicant shall make the Applicant's presentation, including offering any documentary evidence, and introduce any witnesses as Applicant desires. The Applicant shall present the Applicant's entire case in thirty (30) minutes.
  - Staff shall present a brief synopsis of the application; introduce any appropriate additional exhibits from the official file that have not already been transmitted to the Hearing Examiner with the agenda materials, as staff desires; summarize issues; and make a recommendation on the application. Staff shall also introduce any witnesses that it wishes to provide testimony at the hearing. Staff shall present its entire case in thirty (30) minutes.
  - Participants in opposition to or support of the application shall make their presentation in any order as determined by the Hearing Examiner. Each Participant shall present their argument in 5 minutes.
  - The Applicant may cross-examine any witness and respond to any testimony presented.
  - Staff may cross-examine any witness and respond to any testimony presented.
  - The Hearing Examiner may choose to allow Participants to respond to any testimony if the Hearing Examiner deems the response to be necessary to ensure fairness and due process.
  - The Hearing Examiner, may ask questions of the staff, Applicant, and Participants.
  - Final argument may be made by the Applicant, related solely to the evidence in the record.
  - Final argument may be made by the staff, related solely to the evidence in the record.
  - For good cause shown, the Hearing Examiner may grant additional time to any of the hereinabove time limitations.
  - The Hearing Examiner's, decisions must be based upon Competent Substantial Evidence in the record.

**Item Number: 2.A.**  
**Meeting Date: 5/7/2019**  
**Item Type: HEARINGS**

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Case #VP18-0008; Address: 5088 and 5095 Sorrento Court; Applicants: Wilhem Vullriede and Jerome and Catherine Lievre

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No  
If Yes, Priority Goals Supported are listed below.  
If No, will it harm the intent or success of the Strategic Plan? No

**Planning & Zoning Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

The applicants, Wilhem Vullriede and Jerome and Catherine Lievre, request the following: a vacation of plat for a portion of Sorrento Court right-of-way and underlying public utility and drainage easements located adjacent to Lots 37, 38, and 39, Block 101, Unit 2, Part 2, Cape Coral Subdivision; a vacation of plat for public utility and drainage easements associated with Lot 37, Block 101, Unit 2, Part 2, Cape Coral Subdivision, and a vacation of plat for a portion of Sorrento Court right-of-way located adjacent to Lots 36 and 37, Block 101, Unit 2, Part 2, Cape Coral Subdivision; properties located at 5088 and 5095 Sorrento Court.

**LEGAL REVIEW:**

**EXHIBITS:**

See attached "Backup Materials"

**PREPARED BY:**

Kristin                      Division- Planning                      Department- Community  
Kantarze                                                                Development

**SOURCE OF ADDITIONAL INFORMATION:**

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255,  
mstruve@capecoral.net



ATTACHMENTS:

Description	Type
▣ Case #VP18-0008	Backup Material



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VP18-0008

REQUEST TO PLANNING & ZONING COMMISSION AND COUNCIL FOR A VACATION OF PLAT

FEE: \$843.00 – In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4) Advertising costs must be paid prior to public hearing otherwise case will be pulled from public hearing.

Following the approval of your request, the applicant shall be responsible for reimbursing the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

OWNER OF PROPERTY

Wilhem Vullriede

Address: Kohimarkt 16/17 Vienna

City: Austria State:      Zip:     

Phone: +43-676-6080801

APPLICANT

Wilhelm Vullriede

Address: same as above

City:      State:      Zip:     

Phone:     

AUTHORIZED REPRESENTATIVE

Scott J. Hertz, Esq.

Address: 1222 SE 47th Street, Ste. C1

EMAIL shertz@is4law.com

City: Cape Coral State: FL Zip: 33904

Phone: 239-244-2346

Unit 2 Part 2 Block 101 Lot(s) 36-37 Subdivision Cape Coral

Address of Property 5088 Sorrento Court, Cape Coral, FL

Current Zoning R-1 Plat Book 11, Page 96-98

Strap Number 13-45-23-C4-00101.0360



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or the applicant, agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

(SIGNATURE MUST BE NOTARIZED)

Wilhelm Vullriede

APPLICANT NAME (PLEASE TYPE OR PRINT)

APPLICANT'S SIGNATURE

In agreement with the proposed division of the vacated land as shown on the attached site plan, signed on June 21, 2018.

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 28th day of June, 2018 by

Wilhelm Vullriede who is personally known or produced passport as identification.

Exp. Date: \_\_\_\_\_ Commission Number: \_\_\_\_\_

Signature of Notary Public: \_\_\_\_\_

Printed name of Notary Public: Scott J. Hertz



Scott J. Hertz  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG136888  
Expires 8/21/2021





DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I or my representative must attend any applicable meetings scheduled for the Hearing Examiner, Planning & Zoning Commission/Local Planning Agency, and City Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

CORPORATION/COMPANY NAME

Wilhelm Vullriede

PROPERTY OWNER (PLEASE TYPE OR PRINT)

PROPERTY OWNER'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 28th day of June, 2018 by

Wilhelm Vullriede who is personally known or produced passport as identification.



Scott J. Hertz  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG136888  
Expires 8/21/2021

Exp. Date: \_\_\_\_\_ Commission Number: \_\_\_\_\_

Signature of Notary Public: \_\_\_\_\_

Printed name of Notary Public: \_\_\_\_\_

(SIGNATURE MUST BE NOTARIZED)

Scott J. Hertz



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

**DOCUMENTARY EVIDENCE (LUDR, Section 8.3.1.C.6.f)**

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than two business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

Wilhelm Vullriede  
OWNER/APPLICANT (PLEASE TYPE OR PRINT)

*Wilhelm Vullriede*  
OWNER/APPLICANT SIGNATURE  
(SIGNATURE MUST BE NOTARIZED)

STATE OF FL COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me on this 28th day of June  
20 18 by Wilhelm Vullriede who is personally known or who has produced \_\_\_\_\_  
as identification.

Exp. Date \_\_\_\_\_  
Commission # \_\_\_\_\_

*Scott J. Hertz*  
Signature of Notary Public



Scott J. Hertz  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG136888  
Expires 8/21/2021

Scott J. Hertz  
Print Name of Notary Public





DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

REQUEST TO PLANNING & ZONING COMMISSION AND COUNCIL FOR A VACATION OF PLAT

FEE: \$843.00 – In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4) Advertising costs must be paid prior to public hearing otherwise case will be pulled from public hearing.

Following the approval of your request, the applicant shall be responsible for reimbursing the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

OWNER OF PROPERTY

Jerome and Catherine Lievre

Address: 1640 RHODE SAINT GENESE

City: BELGIUM State: FL Zip: 33904

Phone: \_\_\_\_\_

APPLICANT

Jerome Lievre

Address: 5095 Sorrento Court

EMAIL

City: Cape Coral State: FL Zip: 33904

Phone: \_\_\_\_\_

AUTHORIZED REPRESENTATIVE

Scott J. Hertz, Esq.

Address: 1222 SE 47th Street, STE C1

EMAIL shertz@is4law.com

City: Cape Coral State: FL Zip: 33904

Phone: 239-244-2346

Unit 2 part 2 Block 101 Lot(s) 38-39 Subdivision Cape Coral

Address of Property 5095 Sorrento Court, Cape Coral, FL 33904

Current Zoning R-1 Plat Book 11, Page 98

Strap Number 13-45-23-C4-00101.0380



DEPARTMENT OF COMMUNITY DEVELOPMENT

Case # \_\_\_\_\_

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or the applicant, agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

(SIGNATURE MUST BE NOTARIZED,

Jerome Lievre

APPLICANT NAME (PLEASE TYPE OR PRINT)

APPLICANT'S SIGNATURE

In agreement with the proposed division of the vacated land as shown on the attached site plan, signed on June 21, 2018.

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 28<sup>th</sup> day of June, 20  , by

Jerome Lievre who is personally known or produced Driver's License as identification.

Exp. Date: \_\_\_\_\_ Commission Number: \_\_\_\_\_

Signature of Notary Public: \_\_\_\_\_

Printed name of Notary Public: Scott J. Herz



Scott J. Herz  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG136888  
Expires 8/21/2021



# INTELLIGENT SOLUTIONS LAW FIRM, PLLC



1222 SE 47th Street  
Suite C1  
Cape Coral, FL 33904  
DIRECT DIAL: 239.244.2346  
shertz@is4law.com  
[www.is4law.com](http://www.is4law.com)

March 28, 2019

Mike Struve  
City of Cape Coral  
Planning Division  
1015 Cultural Park Boulevard  
Cape Coral, FL 33990  
Email: [mstruve@capecoral.net](mailto:mstruve@capecoral.net)

Re: Vacation of Plat application for 5088 Sorrento Ct, Cape  
Coral, FL 33904

Mr. Struve:

As you are aware, my client is applying for a vacation of plat for a cul-de-sac lot with the City of Cape Coral. This vacation will affect two portions of the lot as depicted in the attached sketches and site plan. We are requesting the right-of-way between lots 38-39 and 36-37 of Block 101 in Unit 2 Part 2 be vacated and split between those parcels as depicted and have labeled this as proposed Right-of-Way Vacation Area #1. Additionally, proposed Right-of-Way Vacation Area #2 will smooth out the curve of the road in front of lots 36-37 and enable the property to be properly developed. Neither proposed area is in active use by the City as right-of-way. The resulting condition will match what has been done on similar streets in this area of the City, and will not impact any of the current services, such as waste and recycling pickup that are currently being provided to residents on Sorrento Ct. There is not a request to vacate any implied or underlying easements associated with Vacation Area #2.

The underlying easements will remain on the portion of the Vacation Area #1 that is adjacent to 5095 Sorrento Court (Lot 39, Block 101) and as depicted in the Block 0101 (2018-08-01)(101-S-3)(Sketch) will remain, and the land will be deeded to Jerome and Catherine Lievre. This will provide for the existing catch basin and pipe in that area, as well as ensure access to the right-of-way for the Lievre property.

On the remaining portion of Vacation Area #1 as shown in the sketch labeled Block 0101 (2019-03-29)(PUE 101-V-3)(Sketch) all easements (platted and implied) are being vacated. Block 0101 (2018-08-01)(PUE 101-N-3)(Sketch) depicts the new Public Utility Easements and Drainage Easements being created to replace easements vacated with "PUE 101-V-3," along the perimeter of the new property line. Further as discussed, my clients have agreed to a condition requiring them to provide for storm water drainage from the adjoining parcel to the North. These requirements are to be established by the City as is normally done in new construction, when the site is at the proper stage for the City's Stormwater Division to determine same. Please find enclosed with this



March 28, 2019

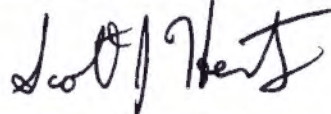
letter updated drawings and descriptions depicting the vacations and creations of easements, per the understanding we have of City Staff's comments regarding same.

Vacating the requested land will return this land to the tax rolls and improve the City by enabling full development of these parcels, thus increasing the value of the land and taxable income to the City. As the easements are being maintained, and there are no objections from any of the utilities using them, there will no negative impact to the City or any of the adjoining/neighborhood properties. The current right-of-way design is unusual, and the requested vacations will improve the use of the land without causing any detrimental effects.

We have previously provided all of the requested documents set forth in the application packet and look forward to working with the City to accomplish this vacation.

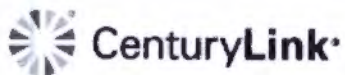
Very truly yours,

INTELLIGENT SOLUTIONS LAW FIRM, PLLC

A handwritten signature in black ink, appearing to read "Scott J. Hertz". The signature is stylized with a large, looped "S" and a cursive "Hertz".

Scott J. Hertz, Esq.

SJH/me



**Attention:**

Scott J. Hertz  
shertz@is4law.com  
1222 SE 47<sup>th</sup> St, STE C1  
Cape Coral, Florida 33904  
Phone: (239) 244-2346

**Subject:** - No Objection to vacation of ROW

**Site Address:** 5088 Sorrento Ct  
Strap# 13-45-23-C4-00101.0360

To whom it my concern

Regarding the referenced property above CenturyLink has **No Objection** to vacate of ROW. While still maintaining a 6' PUE along the new proposed road right-a-way.

Sincerely

*Justin Lane*

Local Engineer  
2820 Cargo St, Ft Myers  
Office: (239)-984-7009  
justin.lane@centurylink.com



**12600 Westlinks Drive Suite 4  
Fort Myers, FL 33913  
Phone: 239-432-1805**

August 16, 2018

Re: 5088 Sorrento Ct. Cape Coral

Dear Scott Hertz,

This letter will serve to inform you that Comcast has no objection to your proposed vacation of the address referenced above.

Should you require additional information or assistance, please feel free to contact me here at 432-1805.

Cordially,

A handwritten signature in black ink, appearing to read "Mark Cook".

Mark Cook  
Project Coordinator



Lee County Electric Cooperative, Inc.  
Post Office Box 3455  
North Fort Myers, FL 33918-3455  
(239) 995-2121 • Fax (239) 995-7904  
[www.lcec.net](http://www.lcec.net)

March 6, 2018

Mr. Kevin F. Jursinski, Esq.  
Law Office of Kevin F. Jursinski, P.A.  
15701 S. Tamiami Trail  
Ft. Myers, FL 33908

Re: Letter of No Objection to Vacation of Utility Easement for 5088 Sorrento Drive, Cape Coral, Florida; Owner: Wilhelm Vullreide, Married ; Strap#: 13-45-23-C4-00101.0360.

Dear Mr. Jursinski:

You have opened up negotiations, on behalf of your client, Wilhelm Vullreide and his wife, concerning the vacation of a certain portion of a cul-de-sac road right of way existing in front of Lots 37 and 38, Block 101, Cape Coral Subdivision Unit 2, Part 2, as recorded in Plat Book 11, Pages 96 through 98 amongst the Public records of Lee County, Florida. Vesting deed is located at Instrument number 2018000018509.

We have reviewed the Plat, the request submitted, and our internal records. LCEC has **no objection** to the vacation as submitted and reflected in the request.

Should there be any questions please call me at 239-656-2112, or, if you prefer, I can be reached by email at [russel.goodman@lcec.net](mailto:russel.goodman@lcec.net).

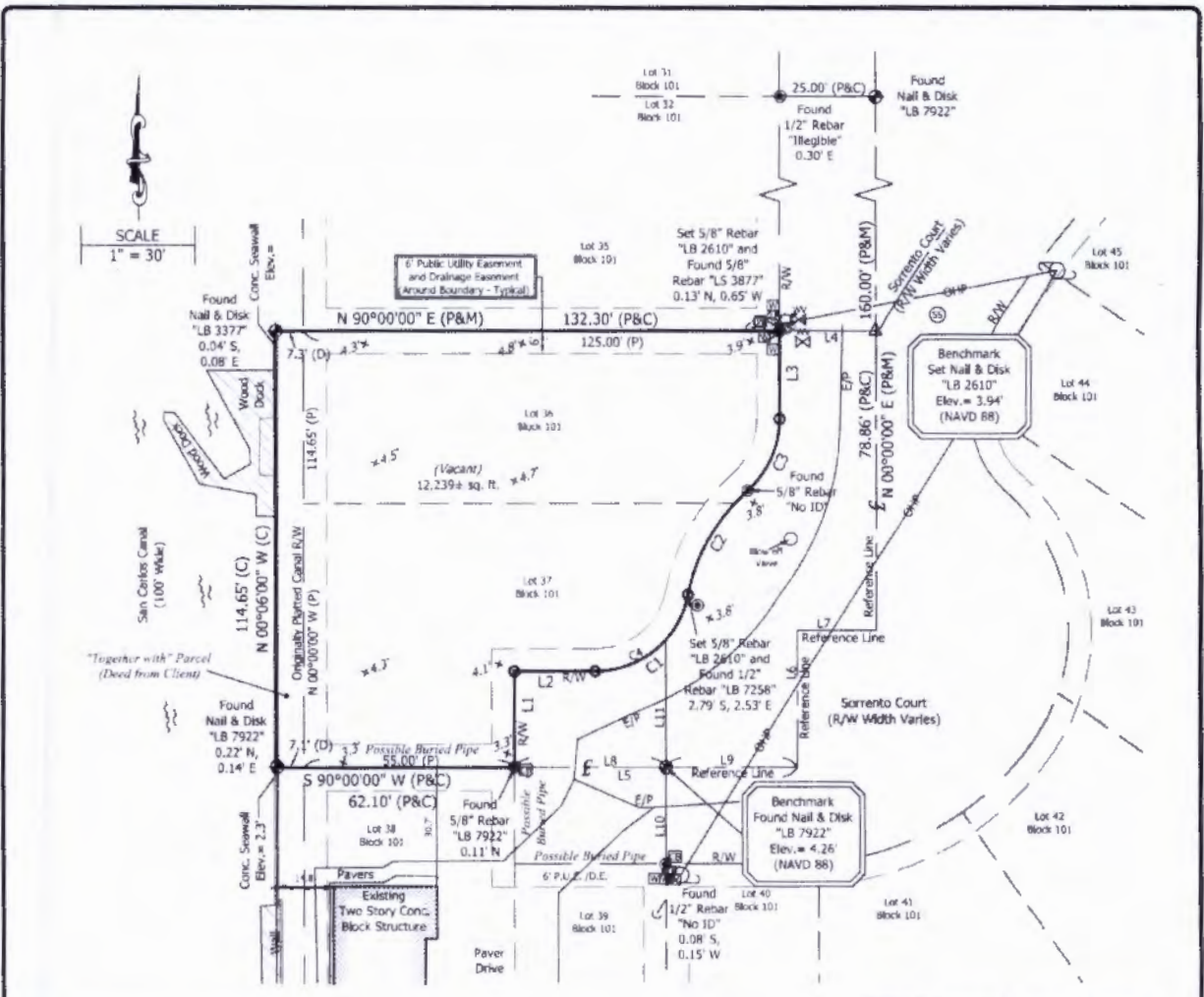
Very truly yours,

Russel Goodman,  
SR/WA

Digitally signed by Russel Goodman, SR/WA  
DN: cn=Russel Goodman, SR/WA, o=Lee  
County Electric Co-operative, ou=Design  
and Engineering,  
email=Russel.Goodman@lcec.net, c=US  
Date: 2018.03.06 10:06:23 -05'00'

Russel Goodman, SR/WA  
Senior Right of Way Agent





DATE	REVISION

**SURVEY NOTES:**

1. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT PLACED ON THE SURVEY. OTHERS SHOWN ARE NOT VALID WITHOUT SIGNATURE AND RAISED SEAL OF FLORIDA LICENSED SURVEYOR AND MAPPER (P.E.M.).
4. ELEVATIONS SHOWN HEREON ARE IN REFERENCE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.S.D.88) AND BASED ON CITY OF CAPE CORAL BENCHMARK (441-1-05).
5. THE NATIONAL FLOOD INSURANCE INFORMATION COMMUNITY NUMBER (FIRM) PANEL NUMBER 12071 C 0415.
6. SURVEY DATE: 06/28/2008.
7. BASE FLOOD ELEVATION: 7'.
8. DATE OF LAST FIELD WORK: FEBRUARY 04, 2018.
9. RECORDING INSTRUMENTS LISTED HEREON SHOULD BE CONSULTED AND REVIEWED FOR ADDITIONAL INFORMATION.
10. THIS SURVEY WAS COMPLETED WITHOUT BENEFIT OF AN UP-TO-DATE TOTAL STATION.
11. ADDITIONS TO OR DELETIONS FROM SURVEY OR REPORTS BY OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING, INC. OR THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2018, KING ENGINEERING, INC. ALL RIGHTS RESERVED. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING, INC.
12. THIS SURVEY WAS PREPARED ONLY FOR THE CLIENTS AS NAMED HEREON AND NO OTHER PARTY CERTIFICATION IS EXPRESSED OR IMPLIED.
13. ADJACENT FINISH FLOOR ELEVATIONS SHOWN HEREON ARE APPROXIMATES AND SHOULD BE FIELD VERIFIED.
14. OVERHEAD POWER LINES SHOWN HEREON ARE APPROXIMATE BASED ON CENTERLINE OF UTILITY ROWS AND ARE NOT REPRESENTATIVE OF THE NUMBER OF LINES.

LINE	BEARING	DISTANCE
L1	N 00°00'00" W	25.00'
L2	N 90°00'00" E	21.35'
L3	N 00°00'00" W	22.96'
L4	N 90°00'00" E	25.00'
L5	N 90°00'00" W	74.49'
L6	N 00°00'00" W	35.79'
L7	N 90°00'00" E	20.51'
L8	N 90°00'00" E	40.00'
L9	N 90°00'00" W	34.49'
L10	S 00°00'00" E	25.00'
L11	N 00°00'00" W	33.35'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.00'	34.51'	31.83'	S 50°27'29" W	79°05'02"
C2	50.00'	32.53'	31.96'	S 29°33'10" W	37°16'25"
C3	25.00'	21.03'	20.41'	N 24°05'41" E	48°11'23"
C4	25.00'	21.05'	20.43'	N 65°52'39" E	48°14'42"

**PARCEL DESCRIPTION:** (Provided By Client)  
 Lots 36 and 37, Block 101, Unit 2, Part 2, CAPE CORAL SUBDIVISION, according to the plat thereof as recorded in Plat Book 11, pages 96 through 98, inclusive, in the Public Records of Lee County, Florida.  
 Together with:  
 A parcel described by extending the lot line between Lots 35 and 36, a distance of 7.3 feet in the Westerly direction and by extending the lot line between Lots 37 and 38, a distance of 7.1 feet in the Westerly direction the area enclosed between the back lot line of Lots 36 and 37, and the two extensions previously described connected by the water face of the constructed seawall amounting to 825.5 square feet, more or less, all in Block 101, Unit 2, Part 2, of CAPE CORAL SUBDIVISION, according to the plat thereof, as recorded in Plat Book 11, pages 96 through 98, of the Public Records of Lee County, Florida.

**Boundary and Topographic Survey of**  
**5088 Sorrento Court,**  
 Lots 36-37, Block 101, Together with a Portion of San Carlos Canal,  
 Unit 2, Part 2 (AMENDED), Cape Coral Subdivision, According to  
 Plat Book 11, Page 96 through 98 of the Public Records of Lee  
 County, Florida

**CERTIFIED TO:**  
 Wilhelm Valtierra

JOB # 15-072 PREPARED FOR: Wilhelm Valtierra

SECTION 15, TOWNSHIP 45S, RANGE 22E

**STOUTENCRAMER**  
 A KING ENGINEERING COMPANY

**King**  
 ENGINEERING, INC.

CERTIFICATE OF AUTHORIZATION: LB2019  
 524 Nicholas Parkway West, Suite F, Cape Coral, FL 33904  
 Phone: (239) 675-9541 Fax: (239) 424-8181  
 www.kingengineering.com

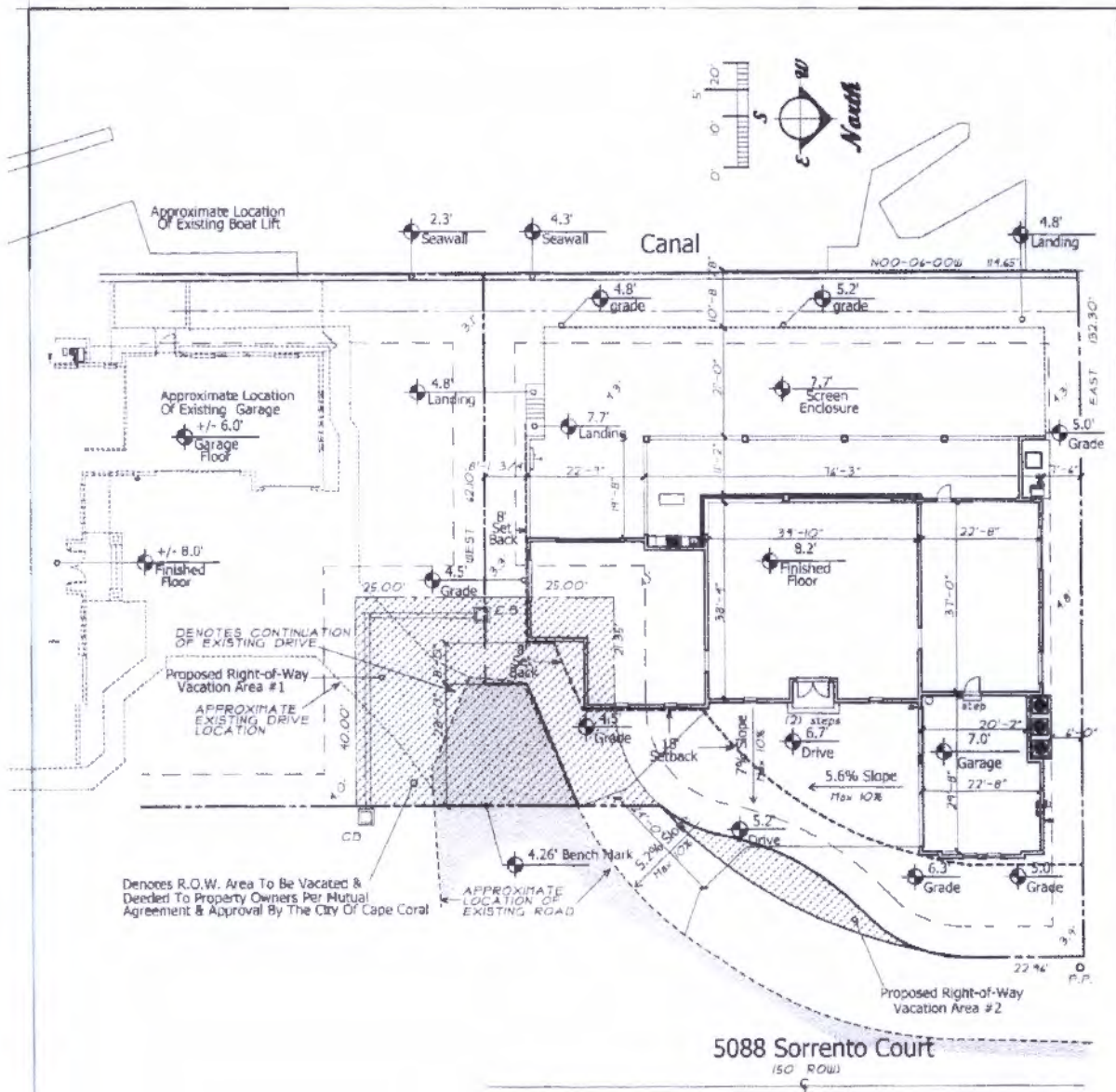
Previous Job No. 139-17: 139-33.

**LEGEND**

● FOUND NAIL AND TAG	SQ. FT. SQUARE FEET
▲ SET NAIL AND TAG "LB 2610"	CONC. CONCRETE
○ 3/8" IRON ROD & CAP	IRON. IRON/STEEL
○ 3/8" IRON ROD & CAP	R/W RIGHT OF WAY
○ 3/8" IRON ROD & CAP	E/P EDGE OF PAVEMENT
○ 3/8" IRON ROD & CAP	D.E. DRAINAGE EASEMENT
○ 3/8" IRON ROD & CAP	P.U.E. PUBLIC UTILITY EASEMENT
○ 3/8" IRON ROD & CAP	(P) PLAT MEASUREMENT
○ 3/8" IRON ROD & CAP	(M) FIELD MEASUREMENT
○ 3/8" IRON ROD & CAP	(C) CALCULATED MEASUREMENT
○ 3/8" IRON ROD & CAP	(D) DEED MEASUREMENT
○ 3/8" IRON ROD & CAP	CHP. OVERHEAD POWER LINES
○ 3/8" IRON ROD & CAP	UTILITY RISER
○ 3/8" IRON ROD & CAP	WATER METER
○ 3/8" IRON ROD & CAP	WATER VALVE
○ 3/8" IRON ROD & CAP	WOOD BURNER POLE
○ 3/8" IRON ROD & CAP	CATCH BASIN
○ 3/8" IRON ROD & CAP	STORM MANHOLE
○ 3/8" IRON ROD & CAP	SANITARY MANHOLE
○ 3/8" IRON ROD & CAP	CLEAN OUT
○ 3/8" IRON ROD & CAP	UTILITY RISER

I hereby certify that, to the best of my knowledge and belief, the survey represented herein, made under my direction on February 04th, 2018, is in accordance with the Code of Practice as set forth by the Florida Board of Professional Surveyors & Mapmakers in Chapter 55-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

DAVID KUTNER CRAMER (SIGN FIRM)  
 FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6605  
 NOT VALID WITH THE SIGNATURE AND THE ORIGINAL BASED  
 SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER



OK  
*[Signature]*  
 28<sup>th</sup> June 2018

SITE PLAN		PROJECT	
<b>SP-1</b>		<b>Vullriede Residence</b>	
DRAWN: R.VOLZ DATE: 2-24-18 Scale: 1"=20'-0" 2-26, 3-7, 3-20, 5-10, 5-11 5-12, 5-30, 4-12, 4-22, 4-25		5088 SORRENTO COURT, CAPE CORAL UNIT: 2 part 2 BLOCK: 101 LOTS: 36-37 plus quit claim area	
<b>cinnamon design</b> 1319 Miramar Street, Suite 201 Cape Coral, FL 33904 Ph. 239.5408332 www.getcinnamon.com		© COPYRIGHT 2015 CINNAMON DESIGN & DEVELOPMENT, INC.	



## Description

### Subject Parcel Description: (RW101-V)

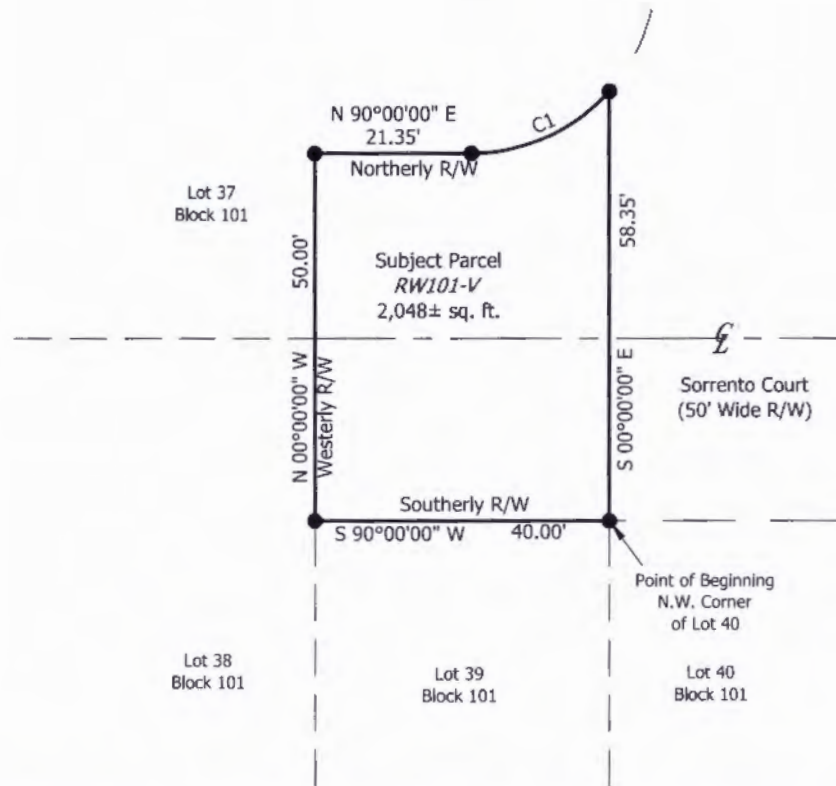
A Parcel of land lying in Unit 2, Part 2, (AMENDED) Cape Coral Subdivision, Lying in Section 13, Township 45 South, Range 23 East, as Recorded in Plat Book 11, Page 96 through 98 of the Public Records of Lee County, Florida, being more particularly described as follows:

Beginning at the northwest corner of Lot 40, Block 101 run S90°00'00" W along the Southerly Right of Way line of Sorrento Court for a distance of 40.00 feet; Thence leaving said Southerly Right of Way line run N00°00'00"W along the Westerly Right of Way line of said Sorrento Court for a distance of 50.00 feet; Thence leaving said Westerly Right of Way line run N90°00'00"E along the Northerly Right of Way line of said Sorrento Court for a distance of 21.35 feet to the point of curvature of a 25.00 foot radius curve to the left, having a central angle of 48°14'42", a chord bearing and distance of N65°52'39"E and 20.43 feet; Thence run along the arc of said curve for a distance 21.05 feet; Thence leaving said Northerly Right of Way line run S00°00'00"E for a distance of 58.35 feet to the Point of Beginning.

Said Parcel Contains 2,048 sq ft. (more or less)

<b>THIS IS NOT A SURVEY</b>	<b>Description to Accompany Sketch</b> <b>Parcel RW101-V</b> <i>A Portion of Right of Way to be Vacated lying in Unit 2, Part 2, (AMENDED) Cape Coral Subdivision, According to Plat Book 11, Page 96 Through 98 of the Public Records of Lee County, Florida.</i>	<i>Not Valid without Sheet 2 of 2</i>  I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on <b>March 2nd, 2018</b> is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.
<i>Sheet 1 of 2</i>	<b>STOUTENCRAMER</b> A KING ENGINEERING COMPANY <b>King</b> ENGINEERING ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION: LB2610 324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991 Phone: (239) 673-9541 Fax: (239) 424-8181 www.kingengineering.com	<b>DAVID KEITH CRAMER (FOR THE FIRM)</b> FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6655 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
JOB # 18-0972      PREPARED FOR: Wilhelm Vullriede SECTIONS 13, TOWNSHIP 45S, RANGE 23E		

## Sketch



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.00'	21.05'	20.43'	N 65°52'39" E	48°14'42"

### SURVEY NOTES:

1. BEARINGS ARE BASED ON SOUTHERLY RIGHT OF WAY LINE OF SORRENTO COURT, BEING S 90°00'00" W.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2018, KING ENGINEERING, INC., ALL RIGHTS RESERVED.
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING, INC.
6. NOT VALID WITHOUT SHEET 1 OF 2.

### Sketch to Accompany Description

#### Parcel RW101-V

A Portion of Right of Way to be Vacated lying in Unit 2, Part 2, (AMENDED) Cape Coral Subdivision, According to Plat Book 11, Page 96 Through 98 of the Public Records of Lee County, Florida.



**THIS IS NOT A SURVEY**

**STOUTENCRAMER**  
A KING ENGINEERING COMPANY

**King**  
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610  
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
www.kingengineering.com

JOB # 18-0972 PREPARED FOR: Wilhelm Vullriede

SECTIONS 13, TOWNSHIP 45S, RANGE 23E

DATE REVISION

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **March 2nd, 2018** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 51-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

See Sheet 1 of 2 for Signature and Seal

**DAVID KEITH CRAMER (FOR THE FIRM)**  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6655  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER



## Description

### Subject Parcel Description: (P.U.E. 101-V-3)

A Parcel of land lying in Unit 2, Part 2, (AMENDED) Cape Coral Subdivision, Lying in Section 13, Township 45 South, Range 23 East, as Recorded in Plat Book 11, Page 96 through 98 of the Public Records of Lee County, Florida, being more particularly described as follows:

Commencing at the northwest corner of Lot 40, Block 101 run N00°00'00"E for a distance of 25.00 feet to the originally platted centerline of Sorrento Court; Thence run S90°00'00"W along said originally platted centerline for a distance of 23.00 feet to the Point of Beginning. From said Point of Beginning continue running S90°00'00"W for a distance of 23.00 feet to a Point of Intersection with a line that is parallel with and 6.00 feet perpendicular to the Westerly Right of Way line of said Sorrento Court; Thence run N00°00'00"E along said line parallel with the Westerly Right of Way line for a distance of 31.00 feet to a Point of Intersection with a line that is parallel with and 6.00 feet perpendicular to the Northerly Right of Way line of said Sorrento Court; Thence run N90°00'00"E along said line parallel with the Northerly Right of Way line for a distance 27.35 feet to a Point of Curvature of a 19.00 foot radius curve to the left, having a central angle of 78°59'08", a chord bearing and distance of N50°30'26"E and 24.17 feet; Thence run along an arc that is parallel with and concentric to said Northerly Right of Way line of Sorrento Court for a distance of 26.19 feet; Thence leaving said concentric curve run S00°00'00"E for a distance of 28.32 feet; Thence run S66°23'47"W for a distance of 25.10 feet; Thence run S00°00'00"E for a distance of 8.00 feet to the Point of Beginning.

Said Parcel Contains 1,198 sq ft. (more or less)

**THIS IS NOT A SURVEY**

### Description to Accompany Sketch

#### Parcel P.U.E. 101-V-3

*A Portion of Public Utility and Drainage Easement to be Vacated lying in Unit 2, Part 2, (AMENDED) Cape Coral Subdivision, According to Plat Book 11, Page 96 Through 98 of the Public Records of Lee County, Florida.*

*Not Valid without Sheet 2 of 2*

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **August 1st, 2018** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

*Sheet 1 of 2*

**STOUTENCRAMER**  
A KING ENGINEERING COMPANY

**King**  
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610  
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
www.kingengineering.com

DAVID KEITH CRAMER (FOR THE FIRM)  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6655  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL  
OF A FLORIDA LICENSED SURVEYOR AND MAPPER

DATE

REVISION

03-28-19

Added Hatching of 6' P.U.E. / D.E. (Per Plat)

JOB # 18-0972

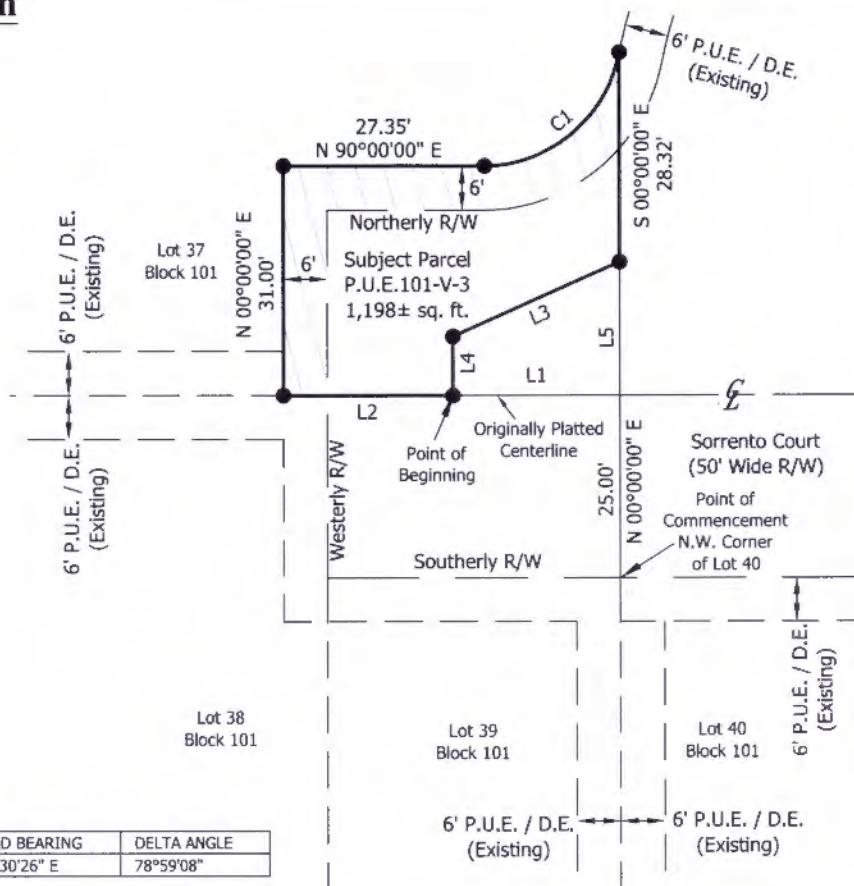
PREPARED FOR: Wilhelm Vullriede

SECTIONS 13, TOWNSHIP 45S, RANGE 23E

## Sketch



Portion of "P.U.E. 101-V-3" which represents the 6' P.U.E. / D.E. created via Plat Book 11, Page 96



LINE	BEARING	DISTANCE
L1	S 90°00'00" W	23.00'
L2	S 90°00'00" W	23.00'
L3	S 66°23'47" W	25.10'
L4	S 00°00'00" E	8.00'
L5	S 00°00'00" E	18.05'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	19.00'	26.19'	24.17'	N 50°30'26" E	78°59'08"

### SURVEY NOTES:

1. BEARINGS ARE BASED ON SOUTHERLY RIGHT OF WAY LINE OF SORRENTO COURT, BEING S90°00'00"W.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2018, KING ENGINEERING, INC., ALL RIGHTS RESERVED.
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING, INC.
6. NOT VALID WITHOUT SHEET 1 OF 2.

### Legend:

P.U.E. - Public Utility Easement  
D.E. - Drainage Easement  
R/W - Right of Way

## Sketch to Accompany Description

### Parcel P.U.E. 101-V-3

A Portion of Public Utility and Drainage Easement to be Vacated lying in Unit 2, Part 2, (AMENDED) Cape Coral Subdivision, According to Plat Book 11, Page 96 Through 98 of the Public Records of Lee County, Florida.



**THIS IS NOT A SURVEY**

**STOUTENCRAMER**  
A KING ENGINEERING COMPANY

**King**  
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610  
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
www.kingengineering.com

JOB # 18-0972	PREPARED FOR: Wilhelm Vullriede
SECTIONS 13, TOWNSHIP 45S, RANGE 23E	
DATE	REVISION
03-28-19	Added Hatching of 6' P.U.E. / D.E. (Per Plat)

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on August 1st, 2018 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 53-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

See Sheet 1 of 2 for Signature and Seal

DAVID KEITH CRAMER (FOR THE FIRM)  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6653  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Sheet 2 of 2



## Description

### Subject Parcel Description: (101-N-3)

A Parcel of land lying in Unit 2, Part 2, (AMENDED) Cape Coral Subdivision, Lying in Section 13, Township 45 South, Range 23 East, as Recorded in Plat Book 11, Page 96 through 98 of the Public Records of Lee County, Florida, being more particularly described as follows:

Commencing at the northwest corner of Lot 40, Block 101 run N00°00'00"E along an extension line of said Lot 40 for a distance of 25.00 feet to an intersection with the originally platted centerline of Sorrento Court; Thence run S90°00'00"W along said originally platted centerline for a distance of 23.00 feet to the Point of Beginning. From said Point of Beginning continue running S90°00'00"W along said originally platted centerline for a distance of 17.00 feet to the originally platted Right of Way line of said Sorrento Court; Thence leaving said originally platted centerline run the following three (3) course along the originally platted Right of Way line of said Sorrento Court: Run N00°00'00"E for a distance of 25.00 feet. Run N90°00'00"E for a distance of 21.35 feet to the Point of Curvature of a 25.00 foot radius curve to the left, having a delta angle of 48°14'42", a chord bearing and distance of N65°52'39"E and 20.43 feet. Run along the arc of said curve for 21.05 feet. Thence leaving said originally platted Right of Way line run S00°00'00"E for a distance of 15.30 feet; Thence run S66°23'47"W for a distance of 25.10 feet; Thence run S00°00'00"E for a distance of 8.00 feet to the Point of Beginning.

Said Parcel Contains 748 sq ft. (more or less)

**THIS IS NOT A SURVEY**

Description to Accompany Sketch

**Parcel 101-N-3**

*A Parcel of Land lying in Unit 2, Part 2,  
(AMENDED) Cape Coral Subdivision, According to  
Plat Book 11, Page 96 Through 98 of the Public  
Records of Lee County, Florida.*

*Not Valid without Sheet 2 of 2*

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **August 1st, 2018** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

*Sheet 1 of 2*

**STOUTENCRAMER**  
A KING ENGINEERING COMPANY

**King**  
ENGINEERING ASSOCIATES, INC.

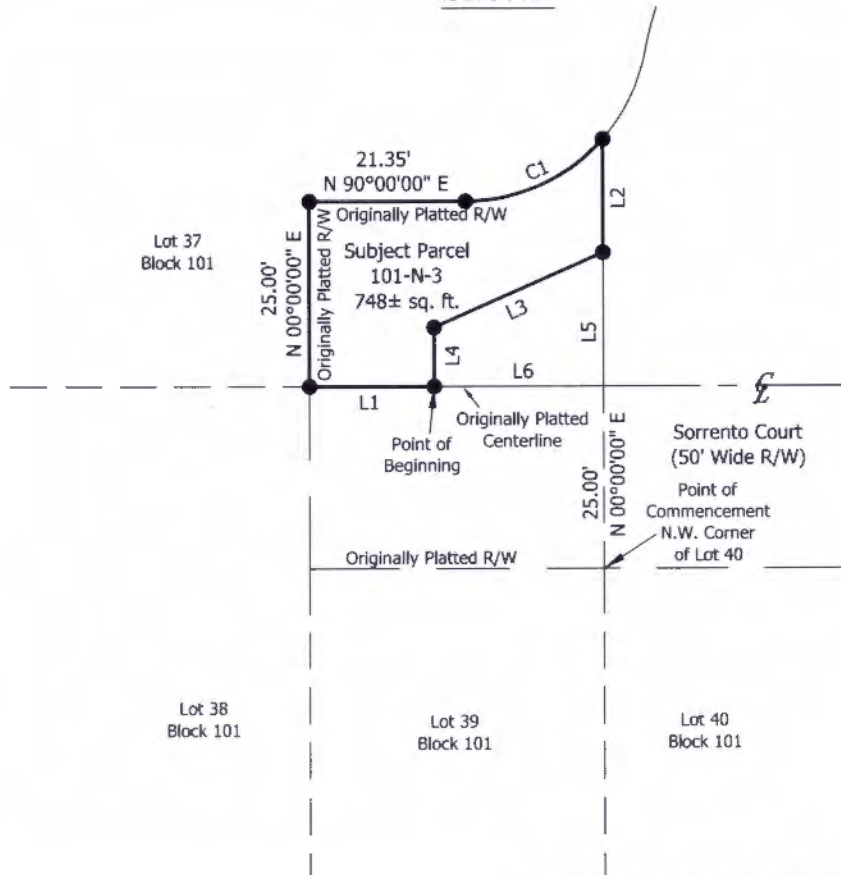
CERTIFICATE OF AUTHORIZATION: LB2610  
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
[www.kingengineering.com](http://www.kingengineering.com)

DAVID KEITH CRAMER (FOR THE FIRM)  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6655  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL  
OF A FLORIDA LICENSED SURVEYOR AND MAPPER

JOB # 18-0972 PREPARED FOR: Wilhelm Vullriede

SECTIONS 13, TOWNSHIP 45S, RANGE 23E

## Sketch



LINE	BEARING	DISTANCE
L1	S 90°00'00" W	17.00'
L2	S 00°00'00" E	15.30'
L3	S 66°23'47" W	25.10'
L4	S 00°00'00" E	8.00'
L5	S 00°00'00" E	18.05'
L6	S 90°00'00" W	23.00'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.00'	21.05'	20.43'	N 65°52'39" E	48°14'42"

### SURVEY NOTES:

1. BEARINGS ARE BASED ON SOUTHERLY RIGHT OF WAY LINE OF SORRENTO COURT, BEING S90°00'00"W.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2018, KING ENGINEERING, INC., ALL RIGHTS RESERVED.
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING, INC.
6. NOT VALID WITHOUT SHEET 1 OF 2.

### Sketch to Accompany Description

**Parcel 101-N-3**  
A Parcel of Land lying in Unit 2, Part 2,  
(AMENDED) Cape Coral Subdivision, According to  
Plat Book 11, Page 96 Through 98 of the Public  
Records of Lee County, Florida.



**THIS IS NOT A SURVEY**

**STOUTENCRAMER**  
A KING ENGINEERING COMPANY

**King**  
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2010  
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
www.kingengineering.com

JOB # 18-0972 PREPARED FOR: Wilhelm Vullriede

SECTIONS 13, TOWNSHIP 45S, RANGE 23E

DATE REVISION

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **August 1st, 2018** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

See Sheet 1 of 2 for Signature and Seal

**DAVID KEITH CRAMER (FOR THE FIRM)**  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6655  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL  
OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Sheet 2 of 2



## Description

### Subject Parcel Description: (101-S-3)

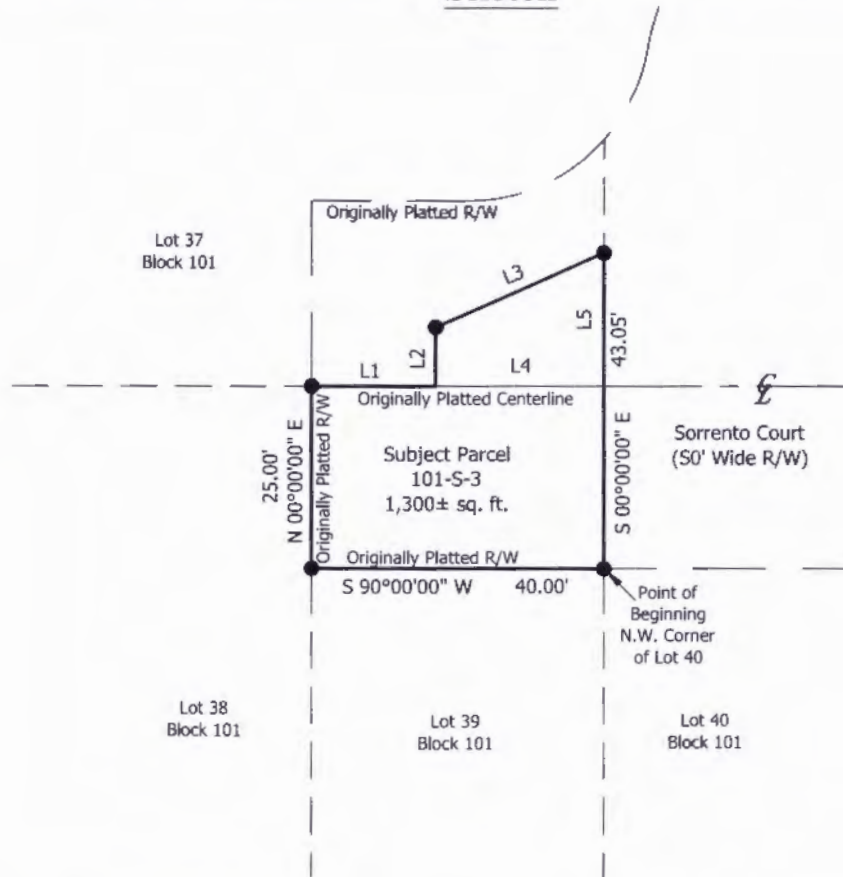
A Parcel of land lying in Unit 2, Part 2, (AMENDED) Cape Coral Subdivision, Lying in Section 13, Township 45 South, Range 23 East, as Recorded in Plat Book 11, Page 96 through 98 of the Public Records of Lee County, Florida, being more particularly described as follows:

Beginning at the northwest corner of Lot 40 Block 101, run the following two (2) courses along the originally platted Right of Way line of Sorrento Court: Run S90°00'00"W for a distance of 40.00 feet. Run N00°00'00"E for a distance of 25.00 feet to an intersection with the originally platted centerline of Sorrento Court. Thence leaving said originally platted Right of Way line run N90°00'00"E along said originally platted centerline for a distance of 17.00 feet; Thence leaving said originally platted centerline run N00°00'00"E for a distance of 8.00 feet; Thence run N66°23'47"E for a distance of 25.10 feet; Thence run S00°00'00"E for a distance of 43.05 feet to the Point of Beginning.

Said Parcel Contains 1,300 sq ft. (more or less)

<b>THIS IS NOT A SURVEY</b>	<b>Description to Accompany Sketch</b> <b>Parcel 101-S-3</b> <i>A Parcel of Land lying in Unit 2, Part 2, (AMENDED) Cape Coral Subdivision, According to Plat Book 11, Page 96 Through 98 of the Public Records of Lee County, Florida.</i>	<i>Not Valid without Sheet 2 of 2</i>
<i>Sheet 1 of 2</i>	<b>STOUTENCRAMER</b> A KING ENGINEERING COMPANY <b>King</b> ENGINEERING ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION: LB2610 324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991 Phone: (239) 673-9541 Fax: (239) 424-8181 www.kingengineering.com	I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on <b>August 1st, 2018</b> is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.
JOB # 18-0972      PREPARED FOR: Wilhelm Vullriede SECTIONS 13, TOWNSHIP 45S, RANGE 23E		<b>DAVID KEITH CRAMER (FOR THE FIRM)</b> FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6655 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

## Sketch



LINE	BEARING	DISTANCE
L1	N 90°00'00" E	17.00'
L2	N 00°00'00" E	8.00'
L3	N 66°23'47" E	25.10'
L4	S 90°00'00" E	23.00'
L5	S 00°00'00" E	18.05'



## Sketch to Accompany Description

### Parcel 101-S-3

A Parcel of Land lying in Unit 2, Part 2,  
(AMENDED) Cape Coral Subdivision, According to  
Plat Book 11, Page 96 Through 98 of the Public  
Records of Lee County, Florida.

**THIS IS NOT A SURVEY**

**STOUTENCRAMER**  
A KING ENGINEERING COMPANY

**King**  
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610  
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
www.kingengineering.com

JOB # 18-0972 PREPARED FOR: Wilhelm Vullreide

SECTIONS 13, TOWNSHIP 45S, RANGE 23E

DATE REVISION

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on August 1st, 2018 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

See Sheet 1 of 2 for Signature and Seal

DAVID KEITH CRAMER (FOR THE FIRM)  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 9655  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL  
OF A FLORIDA LICENSED SURVEYOR AND MAPPER

### SURVEY NOTES:

1. BEARINGS ARE BASED ON SOUTHERLY RIGHT OF WAY LINE OF SORRENTO COURT, BEING S90°00'00"W.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2018, KING ENGINEERING, INC., ALL RIGHTS RESERVED.
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING, INC.
6. NOT VALID WITHOUT SHEET 1 OF 2.

Sheet 2 of 2



## Description

### Subject Parcel Description: (RW101-V-2)

A Parcel of land lying in Unit 2, Part 2, (AMENDED) Cape Coral Subdivision, Lying in Section 13, Township 45 South, Range 23 East, as Recorded in Plat Book 11, Page 96 through 98 of the Public Records of Lee County, Florida, being more particularly described as follows:

Commencing at the northeast corner of Lot 36, Block 101 run S00°00'00"E along the Westerly Right of Way line of Sorrento Court for a distance of 22.95 feet to the Point of Beginning, also being the Point of Curvature of a 72.00 foot radius curve to the right, having a chord bearing and distance of S27°09'26"W and 65.73 feet and a central angle of 54°18'53". From said Point of Beginning, run along the arc of said curve for a distance 68.25 feet; Thence run N00°00'00"E for a distance of 0.13 feet to the originally platted Northerly Right of Way line of said Sorrento Court, also being a non-tangent Point of Curvature of a 25.00 foot radius curve to the left, to which a radial line bears S48°14'42"E, having a chord bearing and distance of N26°20'08"E and 13.29 feet, and a central angle of 30°50'20"; Thence run along the arc of said curve for a distance of 13.46 feet to a Point of Reverse Curvature of a 50.00 foot radius curve to the right, having a chord bearing and distance of N29°33'10"E and 31.96 feet, and a central angle of 37°16'25"; Thence run along said originally platted Northerly Right of Way line and the arc of said curve for a distance of 32.53 feet to a Point of Reverse Curvature of a 25.00 foot radius curve to the left, having a chord bearing and distance of N24°05'41"E and 20.41 feet, and a central angle of 48°11'23"; Thence run along said originally platted Northerly Right of Way line and the arc of said curve for a distance of 21.03 feet to the Point of Beginning.

Said Parcel Contains 348 sq ft. (more or less)

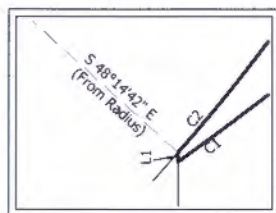
DATE	REVISION
01-09-19	Added Call to Point of Beginning (City Comment)

<b>THIS IS NOT A SURVEY</b>	<b>Description to Accompany Sketch</b> <b>Parcel RW101-V-2</b> <i>A Portion of Right of Way to be Vacated lying in Unit 2, Part 2, (AMENDED) Cape Coral Subdivision, According to Plat Book 11, Page 96 Through 98 of the Public Records of Lee County, Florida.</i>	<i>Not Valid without Sheet 2 of 2</i>
	<b>STOUTENCRAMER</b> A KING ENGINEERING COMPANY <b>King</b> ENGINEERING ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION: LB2610 324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991 Phone: (239) 673-9541 Fax: (239) 424-8181 www.kingengineering.com	I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on <b>May 24th, 2018</b> is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.  <b>DAVID KEITH CRAMER (FOR THE FIRM)</b> FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6655 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
<i>Sheet 1 of 2</i>		
JOB # 18-0972	PREPARED FOR: Wilhelm Vullriede .	
SECTIONS 13, TOWNSHIP 45S, RANGE 23E		

## Sketch

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	72.00'	68.25'	65.73'	S 27°09'26" W	54°18'53"
C2	25.00'	13.46'	13.29'	N 26°20'08" E	30°50'20"
C3	50.00'	32.53'	31.96'	N 29°33'10" E	37°16'25"
C4	25.00'	21.03'	20.41'	N 24°05'41" E	48°11'23"

LINE	BEARING	DISTANCE
L1	N 00°00'00" E	0.13'



Lot 35  
Block 101

Lot 36  
Block 101

Lot 37  
Block 101

Point of  
Commencement  
N.E. Corner  
of Lot 36

Point of  
Beginning

Subject Parcel  
RW101-V-2  
348± sq. ft.

Sorrento Court  
(50' Wide R/W)

Sorrento Court  
(50' Wide R/W)

S 48°14'42" E  
(From Radius)

Westerly R/W  
Northerly R/W

### SURVEY NOTES:

1. BEARINGS ARE BASED ON SOUTHERLY RIGHT OF WAY LINE OF SORRENTO COURT, BEING S90°00'00" W.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2018, KING ENGINEERING, INC., ALL RIGHTS RESERVED.
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING, INC.
6. NOT VALID WITHOUT SHEET 1 OF 2.

### Sketch to Accompany Description

#### Parcel RW101-V-2

A Portion of Right of Way to be Vacated lying in Unit 2, Part 2, (AMENDED) Cape Coral Subdivision, According to Plat Book 11, Page 96 Through 98 of the Public Records of Lee County, Florida.



SCALE

1" = 20'

**THIS IS NOT A SURVEY**

**STOUTENCRAMER**  
A KING ENGINEERING COMPANY

**King**  
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610  
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
www.kingengineering.com

JOB # 18-0972 PREPARED FOR: Wilhelm Vullriede

SECTIONS 13, TOWNSHIP 45S, RANGE 23E

DATE	REVISION
01-09-19	Added Call to Point of Beginning (City Comment)

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented herein, made under my direction on **May 24th, 2018** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 53-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

See Sheet 1 of 2 for Signature and Seal

**DAVID KEITH CRAMER (FOR THE FIRM)**  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6653  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Sheet 2 of 2



## Description

### **Subject Parcel Description: (P.U.E. 101-N-4)**

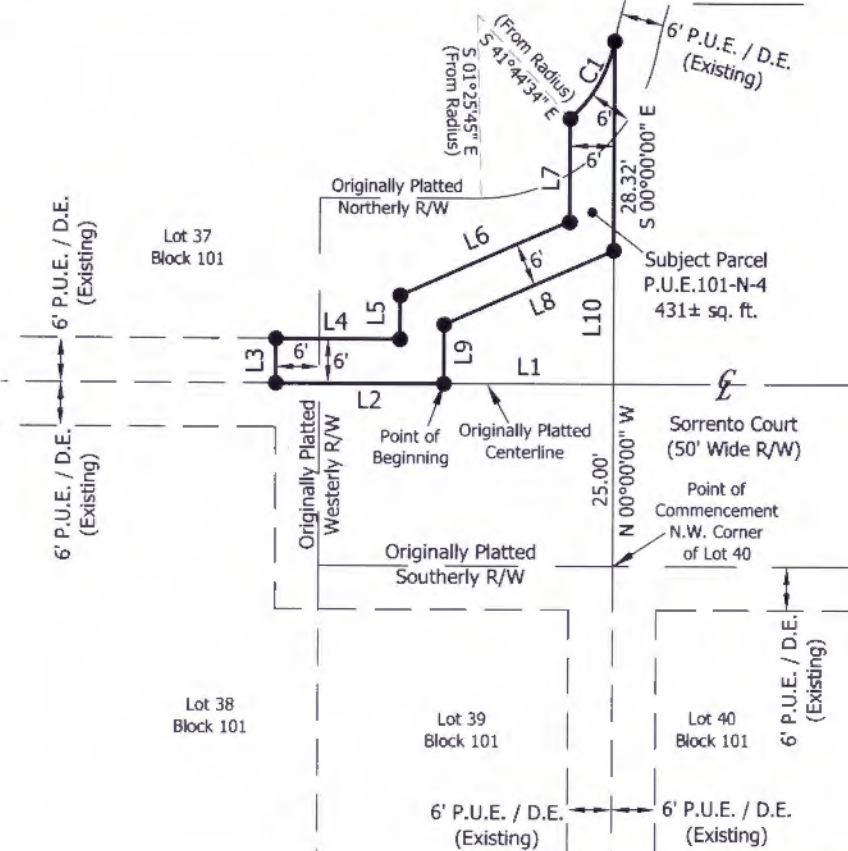
A Parcel of land lying in Unit 2, Part 2, (AMENDED) Cape Coral Subdivision, Lying in Section 13, Township 45 South, Range 23 East, as Recorded in Plat Book 11, Page 96 through 98 of the Public Records of Lee County, Florida, being more particularly described as follows:

Commencing at the northwest corner of Lot 40, Block 101 run N00°00'00"W along an extension line of said Lot 40 for a distance of 25.00 feet to the originally platted centerline of Sorrento Court; Thence run S90°00'00"W along said originally platted centerline for a distance of 23.00 feet to the Point of Beginning. From said Point of Beginning continue running S90°00'00"W for a distance of 23.00 feet to an intersection with a line that is parallel with, and 6.00 feet perpendicular to the originally platted Westerly Right of Way line of said Sorrento Court; Thence run N00°00'00"W along said line parallel with originally platted Westerly Right of Way line for a distance of 6.00 feet to an intersection with a line that is parallel with, and 6.00 feet perpendicular to said originally platted centerline; Thence leaving said line parallel with the originally platted Westerly Right of Way line run N90°00'00"E along said line parallel with the originally platted centerline for a distance of 17.00 feet; Thence leaving said line parallel with the originally platted centerline run N00°00'00"W for a distance of 5.93 feet; Thence run N66°23'47"E for a distance of 25.10 feet; Thence run N00°00'00"W for a distance of 13.85 feet to a non-tangent point of curvature of a 19.00 foot radius curve to the left, to which a radial line bears S41°44'34"E, said curve having a central angle of 37°14'33", a chord bearing and distance of N29°38'09"E and 12.13 feet; Thence run along the arc of said curve for a distance of 12.35 feet; Thence run S00°00'00"E for a distance of 28.32 feet; Thence run S66°23'47"W for a distance of 25.10 feet; Thence run S00°00'00"E for a distance of 8.00 feet to the Point of Beginning.

Said Parcel Contains 431 sq ft. (more or less)

<b>THIS IS NOT A SURVEY</b>	<b>Description to Accompany Sketch</b> <b>Parcel P.U.E. 101-N-4</b> <i>A Parcel of land lying in Unit 2, Part 2, (AMENDED) Cape Coral Subdivision, According to Plat Book 11, Page 96 Through 98 of the Public Records of Lee County, Florida.</i>	<i>Not Valid without Sheet 2 of 2</i>
<i>Sheet 1 of 2</i>	<b>STOUTENCRAMER</b> A KING ENGINEERING COMPANY <b>King</b> ENGINEERING ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION: LB2610 324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991 Phone: (239) 673-9541 Fax: (239) 424-8181 www.kingengineering.com	I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on <b>March 27th, 2019</b> is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter SJ-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.  <b>DAVID KEITH CRAMER (FOR THE FIRM)</b> FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6655 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

## Sketch



LINE	BEARING	DISTANCE
L1	S 90°00'00" W	23.00'
L2	S 90°00'00" W	23.00'
L3	N 00°00'00" W	6.00'
L4	N 90°00'00" E	17.00'
L5	N 00°00'00" W	5.93'
L6	N 66°23'47" E	25.10'
L7	N 00°00'00" W	13.85'
L8	S 66°23'47" W	25.10'
L9	S 00°00'00" E	8.00'
L10	S 00°00'00" E	18.05'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	19.00'	12.35'	12.13'	N 29°38'09" E	37°14'33"

### SURVEY NOTES:

1. BEARINGS ARE BASED ON SOUTHERLY RIGHT OF WAY LINE OF SORRENTO COURT, BEING S90°00'00" W.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2019, KING ENGINEERING, INC., ALL RIGHTS RESERVED.
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING, INC.
6. NOT VALID WITHOUT SHEET 1 OF 2.

### Sketch to Accompany Description

**Parcel P.U.E. 101-N-4**  
A Parcel of land lying in Unit 2, Part 2, (AMENDED)  
Cape Coral Subdivision, According to Plat Book 11,  
Page 96 Through 98 of the Public Records of Lee  
County, Florida.



**THIS IS NOT A SURVEY**

**STOUTENCRAMER**  
A KING ENGINEERING COMPANY

**King**  
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610  
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
www.kingengineering.com

JOB # 18-0972 PREPARED FOR: Wilhelm Vullniede

SECTIONS 13, TOWNSHIP 45S, RANGE 23E

DATE REVISION

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **March 27th, 2019** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 53-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

See Sheet 1 of 2 for Signature and Seal

**DAVID KEITH CRAMER (FOR THE FIRM)**  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 8655  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL  
OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Sheet 2 of 2



**Review Date:** April 23, 2019

**Property Owners:** Wilhelm Vullriede Jerome and Catherine Lievre

**Property Locations:** 5088 Sorrento Court 5095 Sorrento Court  
Cape Coral, FL 33904 Cape Coral, FL 33904  
Cape Coral, Unit 2, Part 2, Cape Coral, Unit 2, Part 2,  
Block 101, Lots 36-37 Block 101, Lots 38-39  
Strap No. 13-45-23-C4-00101.0360 13-45-23-C4-00101.0380

**Authorized Representative:** Scott J. Hertz, Esq.

**Request:** The following vacations are requested:  
1. 2,048 sq. ft. of Sorrento Court right-of-way (ROW) and 748 sq. ft. of underlying easements between Lots 37 and 39, Block 101.  
2. 450 sq. ft. of platted easements along the east property line of Lot 37, Block 101.  
3. 348 sq. ft. of ROW along the east property lines of Lots 36 and 37, Block 101.

**Prepared By:** Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator

**Approved By:** Robert H. Pederson, AICP, Planning Manager

**Recommendation:** Approval of all three requested vacations with conditions

**Urban Service:** Infill

**Site Visit:** February 19, 2019

**Property Description:**

Wilhelm Vullriede, one of the applicants in this case, and the lead petitioner, owns a ±12,235-sq. ft. site near the southern terminus of Sorrento Court in southern Cape Coral. The rear of the site has water frontage along the San Carlos Canal that has a platted width of 200 feet. The site has a Single Family Future Land Use Classification (FLUC) and Single Family Residential (R-1B) Zoning, and all properties within 2,000 feet of the site share the same future land use and zoning classifications.

In 2018 a single-family residence was demolished on the site. In meetings with City staff, Mr. Vullriede has stated the vacations are sought to provide greater flexibility in constructing a new single-family residence on the property. Permits and entitlements recently obtained by Mr. Vullriede for this site are summarized in Table 1.

**Table 1. Recent permitting activity associated with 5088 Sorrento Court.**

Type of Permit or Case	Number	Date of Issuance or Approval
House and pool demo	WEB18-02668	February 14, 2018
Replace 115 ft. of seawall	WEB18-03536	April 19, 2018
Cul-de-sac variance	CDS18-0004	September 20, 2018
Boat dock and lift	B18-32514	December 14, 2018
Boat canopy	WEB19-0374	February 28, 2019

**Requested Vacations**

Mr. Vullriede and Mr. and Mrs. Lievre request vacating 2,048 sq. ft. of Sorrento Court ROW and 748 sq. ft. of underlying easements between Lots 37 and 39, Block 101. This area is identified as Vacation Area #1 in Figure 1. In addition, Mr. Vullriede requests vacating 450 sq. ft. of platted easements associated with the east property line of Lot 37 (Area #2). Lastly, Mr. Vullriede requests vacating 348 sq. ft. of Sorrento Court ROW along the east property line of his site at 5088 Sorrento Court (Area #3).

**Figure 1. Aerial map showing the general location of the three requested vacations. Note: depicted areas are not drawn to scale.**





## **Zoning History**

Both 5088 and 5095 Sorrento Court have had a Single Family FLUC and R-1B Zoning since the adoption of the City Comprehensive Plan in 1989.

## **Analysis:**

Staff analyzed these requests with the Land Use and Development Regulations (LUDR), Section 8.11, *"Vacation of plats, rights-of-way and other property."* The Comprehensive Plan was also reviewed for policies on vacations.

### Request #1: Vacate ROW and Underlying Easements Between Lots 37 and 39, Block 101

The applicants, Wilhelm Vullriede and Jerome and Catherine Lievre, request vacating 2,048 sq. ft. of platted ROW and 748 sq. ft. of underlying easements between Lots 37 and 39. The applicants are eligible to seek these vacations as the petitioners have color of title to the land adjacent to the subject ROW and easements.

This request was prompted by Mr. Vullriede who is redeveloping the site at 5088 Sorrento Court with a new single-family residence. While the ROW vacation will enlarge both sites, the request will particularly benefit Mr. Vullriede by providing greater setback flexibility for a new dwelling as building setbacks will be measured from the "new" property lines following the vacation.

The ROW is at the end of Sorrento Court, a dead-end street, is not needed beyond providing access to several sites at the end of this street. The request will not negatively affect emergency management vehicles or service providers at these locations. The vacation has the potential to limit the use of the existing driveway at 5095 Sorrento Court. To address this concern, the owners have agreed to a split of the vacated ROW area that will not negatively affect the existing driveway to this site.

The applicants also request vacating 748 sq. ft. of easements underlying the northern half of this ROW. Century Link, Comcast, and LCEC lack facilities in these easements and do not object to this request. The City has a catch basin in this easement that conveys runoff through a pipe westward that discharges into the San Carlos Canal. The City recommends that the catch basin be relocated to an existing easement, and the drainage pipe either be extended or relocated in its entirety to connect to the catch basin for providing stormwater drainage for the area. All expenses associated with relocating these drainage facilities shall be borne by Mr. Vullriede.

## **Recommendation: Approval with conditions.**

### Request #2: Vacated Platted Easements Associated with the East Property Line of Lot 37, Block 101

Mr. Vullriede requests vacating 450 sq. ft. of platted easements along the east property line of Lot 37. Mr. Vullriede owns Lot 37 where this easement exists and is therefore eligible to request this vacation. If the ROW vacation involving Sorrento Court (Vacation #1) is approved, this easement will no longer occupy the perimeter of the newly expanded site. New replacement easements granted by Mr. Vullriede to the City will ensure the expanded site will have a continuous perimeter easement.



Century Link, Comcast, and LCEC lack facilities in these easements and do not object to this request. Staff recommends approval of this request provided the applicant provide new easements sufficient for maintaining a six-foot wide perimeter easement.

**Recommendation: Approval with conditions.**

Request #3: Vacate ROW and Underlying Easements Along the East Property Lines of Lots 36 and 37, Block 101

Mr. Vullriede requests vacating 348 sq. ft. of Sorrento Court ROW adjacent to two lots that he owns, Lots 36 and 37. This ROW is oblong and has a grass surface and is to the west of the paved street.

The vacation will provide the applicant with greater setback flexibility in redeveloping the site at 5088 Sorrento Court with a new single-family residence. All underlying public utility and drainage easements will be retained by the City. Letters of no objection have been provided by Century Link, Comcast, and LCEC.

Public Works has reviewed this request has determined that this ROW may be needed in the future should a redesign of this end of Sorrento Court be necessary to convert this street into a wider, fully functioning cul-de-sac. Staff believes this concern can be addressed, however, with the owner providing the City with a ROW easement for the vacated area. This easement will allow the City to add pavement or make other improvements in this area if deemed necessary in the future.

**Recommendation: Approval with conditions.**

**Consistency with the Comprehensive Plan**

The City lacks specific policies in the Comprehensive Plan for vacations involving residential-zoned lands.

This request is consistent with Policy 1.15 of the Future Land Use Element.

**Policy 1.15:** *Land development regulations adopted to implement this comprehensive plan will be based on, and will be consistent with, the standards for uses and densities/intensities as described in the following future land use classifications. In no case shall maximum densities allowable by the following classifications conflict with Policy 4.3.3 of the Conservation and Coastal Management Element regulating density of development within the Coastal High Hazard Area.*

- a. Single Family Residential: Sites of 10,000 square feet and greater, with densities not to exceed 4.4 units per acre.

**Staff comment:** This request is consistent with Policy 1.15.a as the site has R-1B Zoning that is consistent with the Single Family FLUC. The area of the Vullriede site is 12,235 and coupled with an additional 748 sq. ft. that is anticipated to be gained as a result of the ROW vacation associated with Request #1, the new area will be 12,983. This area once redeveloped with a single-family home will equate to a density of 3.36 dwelling units per acre, less than the maximum of 4.4 dwelling units per acre allowed in the Single Family FLUC.



**Recommendations:**

Staff recommends **approval** of all three vacations with the following conditions.

**Conditions of Approval**

1. The vacation of the 2,048 sq. ft. of ROW and 748 sq. ft. of underlying easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Stouten Cramer entitled "*Parcel RW 101-V*", dated March 2, 2018, and "*Parcel P.U.E. 101-V-3*", dated March 28, 2019, respectively.
2. The vacation of the 450 sq. ft. of platted easements occupying Lot 37 shall be consistent with that shown in the sketch and accompanying legal description prepared by Stouten Cramer entitled "*Parcel P.U.E. 101-V-3*", dated March 28, 2019.
3. Within 90 days from the date of adoption of this vacation, the owners of 5088 and 5095 Sorrento Court shall provide to the City easement deeds sufficient for providing a six-foot wide perimeter easement around each expanded site. The deeds shall be reviewed and determined to be sufficient by Public Works and the City Property Broker prior to acceptance and execution.
4. Within 90 days from the date of adoption of this vacation, the applicants shall record deeds splitting the two affected properties consistent with that shown in the sketches and accompanying legal descriptions prepared by Stouten Cramer entitled "*Parcel 101-N-3*" and "*Parcel 101-S-3*" both dated Augusts 1, 2018. No new building permits for either 5088 or 5095 Sorrento Court shall be issued without proof that this condition has been meet to the satisfaction of the City.
5. Within 90 days from the date of adoption of this vacation, the owner of 5088 Sorrento Court shall provide to the City an easement deed for ROW maintenance, drainage, and utility purposes for the 348 sq. ft. area shown in the sketch and accompanying legal description prepared by Stouten Cramer entitled "*RW 101-V-2*" dated January 9, 2019. The deed shall be reviewed and determined to be sufficient by Public Works and the City Property Broker prior to acceptance and execution.
6. Prior to the issuance of a certificate of occupancy (CO) for 5088 Sorrento Court, the owner shall modify or replace the existing stormwater conveyance system beginning at the adjacent property to the north at 5084 Sorrento Court as deemed necessary by the City to properly convey stormwater in this collection area to the adjacent canal system. These stormwater improvements shall be inspected by the City prior to the issuance of a CO.
7. Prior to the issuance of a CO for 5088 Sorrento Court, the owner shall design the foundation of the single-family home to demonstrate proper protection from water intrusion and erosion. Such a design may include, at the sole discretion of the City, the moving or replacing of the existing stormwater pipe along Lots 37 and 38 or removing or sealing the pipe and installing a swale for stormwater conveyance. At the sole discretion of the City, the applicant shall grant all necessary easements for any new or modified stormwater system if required. All aforementioned improvements shall be inspected by the City prior to the issuance of a CO.

8. This resolution shall be recorded with the Office of the Lee County Clerk of Court by the City of Cape Coral. The owners shall reimburse the City for all recording fees associated with this resolution and all easement deeds.

---

**Staff Contact Information**

Mike Struve, AICP, LEED Green Associate, Development Management Team Coordinator

PH: 239-242-3255/Email: [mstruve@capecoral.net](mailto:mstruve@capecoral.net)





## 500' NOTICE TO SURROUNDING PROPERTY OWNERS

**CASE NUMBER:** VP18-0008

**REQUEST:** The applicants, Wilhem Vullriede and Jerome and Catherine Lievre, request the following: a vacation of plat for a portion of Sorrento Court right-of-way and underlying public utility and drainage easements located adjacent to Lots 37, 38, and 39, Block 101, Unit 2, Part 2, Cape Coral Subdivision; a vacation of plat for public utility and drainage easements associated with Lot 37, Block 101, Unit 2, Part 2, Cape Coral Subdivision, and a vacation of plat for a portion of Sorrento Court right-of-way located adjacent to Lots 36 and 37, Block 101, Unit 2, Part 2, Cape Coral Subdivision; properties located at 5088 and 5095 Sorrento Court.

**CAPE CORAL STAFF CONTACT:** Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255, [mstruve@capecoral.net](mailto:mstruve@capecoral.net)

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, May 7, 2019 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available five days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

After Hearing Examiner has made a written recommendation, the case may be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision. You will receive another public hearing notice if this case is scheduled for a City Council hearing.

**DETAILED INFORMATION:** The case report and colored maps for this application are available at the City of Cape Coral website, [www.capecoral.net/publichearing](http://www.capecoral.net/publichearing) (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

**HOW TO CONTACT:** Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

**ADA PROVISIONS:** In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

**APPEALS:** If a person decides to appeal any decision made by the Hearing Examiner with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that,

for such purpose, he or she 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.



**Classified Ad Receipt**  
**(For Info Only - NOT A BILL)**

**Customer:** CITY OF CAPE CORAL\_DEPT OF COM

**Ad No.:** 0003520348

**Address:** 1015 CULTURAL PARK BLVD  
CAPE CORAL FL 33990  
USA

**Net Amt:** \$363.62

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 04/27/19

**Text of Ad:**

NOTICE OF PUBLIC HEARING  
ADVERTISEMENT

CASE NUMBER: VP18-0008

REQUEST: The applicants, Wilhelm Vullriede and Jerome and Catherine Lievre, request the following: a vacation of plat for a portion of Sorrento Court right-of-way and underlying public utility and drainage easements located adjacent to Lots 37, 38, and 39, Block 101, Unit 2, Part 2, Cape Coral Subdivision; a vacation of plat for public utility and drainage easements associated with Lot 37, Block 101, Unit 2, Part 2, Cape Coral Subdivision, and a vacation of plat for a portion of Sorrento Court right-of-way located adjacent to Lots 36 and 37, Block 101, Unit 2, Part 2, Cape Coral Subdivision; properties located at 5088 and 5095 Sorrento Court.

CAPE CORAL STAFF CONTACT: Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255, mstruve@capecoral.net

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, May 7, 2019 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available five days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

DETAILED INFORMATION: The case report and colored maps for this application are available at the City of Cape Coral website, [www.capecoral.net/publichearing](http://www.capecoral.net/publichearing) (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 A.M. and 4:30 P.M.

HOW TO CONTACT: Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027.

ADA PROVISIONS: In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park



Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

By Order Of  
Kimberly Bruns, CMC  
Interim City Clerk  
REF # VP18-0008  
AD#3520348, April 27, 2019

Department of Community Development  
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Wilhelm Vullriede

APPLICATION NO: VP18-0008

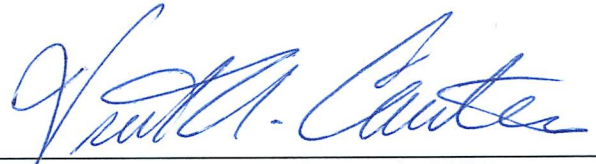
STATE OF FLORIDA       )  
                                      ) §  
COUNTY OF LEE        )

I, Vincent A. Cautero, AICP having first been duly sworn according to law, state on my oath the following:

That I am the Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

That pursuant to City of Cape Coral Code. Section 8.3.2A and Section 8.11.3.A all required written notice and publication has been provided. Also, posting of a sign has been done when applicable per Section 8.3.2A.

DATED this 29<sup>th</sup> day of April, 2019.

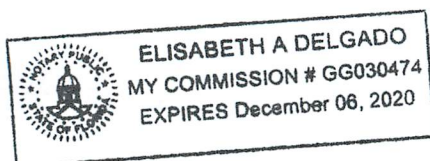


Vincent A. Cautero, AICP

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of April, 2019, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

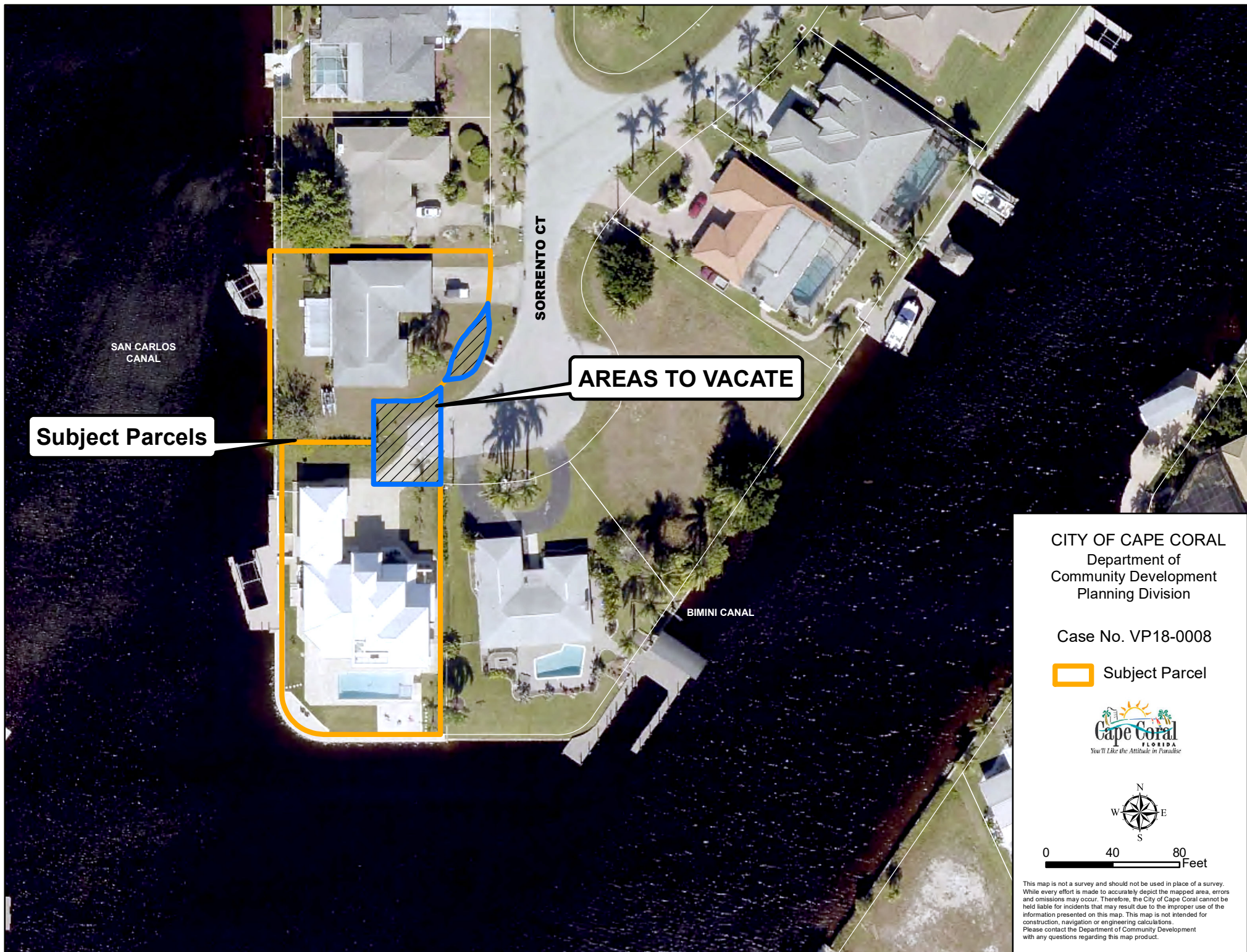
Exp. Date 12/16/20 Commission # 65030474



  
Signature of Notary Public

Elisabeth A. Delgado  
Print Name of Notary Public





SAN CARLOS  
CANAL

SORRENTO CT


AREAS TO VACATE

Subject Parcels

BIMINI CANAL

CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

Case No. VP18-0008

 Subject Parcel



0 40 80  
Feet

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations. Please contact the Department of Community Development with any questions regarding this map product.






# CITY OF CAPE CORAL

Department of  
Community Development  
Planning Division

CURRENT ZONING MAP  
500 Proximity Boundary

CASE #: VP18-0008

## LEGEND

-  Subject Parcels
-  500' Boundary
-  R-1B



APRIL 16, 2019

0 80 160 240 320 Feet

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations. Please contact the Department of Community Development with any questions regarding this map product.

KRKA



**Item Number:** 2.B.  
**Meeting Date:** 5/7/2019  
**Item Type:** HEARINGS

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Case #VP18-0010; Address: 1713 Savona Parkway West; Applicant: JBH Holdings, LLC.

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No  
If Yes, Priority Goals Supported are listed below.  
If No, will it harm the intent or success of the Strategic Plan? No

**Planning & Zoning Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

The applicant requests to vacate ±1,756 sq. ft. of right-of-way (ROW) and all underlying easements associated with the Perch Canal and ±678 sq. ft. of platted easements associated with Lot 41, Block 4687.

**LEGAL REVIEW:**

**EXHIBITS:**

See attached "Backup Materials"

**PREPARED BY:**

Kristin  
Kantarze                      Division- Planning                      Department- Community Development

**SOURCE OF ADDITIONAL INFORMATION:**

Justin Heller, Senior Planner, 239-574-0587, [jheller@capecoral.net](mailto:jheller@capecoral.net)

**ATTACHMENTS:**

Description	Type
□ Backup Materials	Backup Material







DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VP18-0010

REQUEST TO PLANNING & ZONING COMMISSION AND COUNCIL FOR A VACATION OF PLAT

FEE: \$843.00 – In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4) Advertising costs must be paid prior to public hearing otherwise case will be pulled from public hearing.

Following the approval of your request, the applicant shall be responsible for reimbursing the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

OWNER OF PROPERTY

JBH Holdings, LLC  
JACOB BEN-HAIM

Address: 1713 SAVONA PARKWAY WEST  
City: CAPE CORAL State: FL Zip: 33914  
Phone: \_\_\_\_\_

APPLICANT

JACOB845@AOL.COM  
EMAIL

Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: 5163764416

AUTHORIZED REPRESENTATIVE

JACOB BEN-HAIM  
EMAIL

Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_

Unit 70 Block 4687 Lot(s) 40941 Subdivision Cape Coral

Address of Property 1713 Savona Pkwy. W.

Current Zoning R-1B Plat Book 22, Page 84

Strap Number 04-45-23-C3-04687  
0400



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VP18-0010

ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I or my representative must attend any applicable meetings scheduled for the Hearing Examiner, Planning & Zoning Commission/Local Planning Agency, and City Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

JBH HOLDINGS  
CORPORATION/COMPANY NAME

Jacob Ben-Haim  
PROPERTY OWNER (PLEASE TYPE OR PRINT)

STATE OF FL, COUNTY OF

Lee

Sworn to (or affirmed) and subscribed before me this 12 day of Sept, 2018 by  
Jacob Ben-Haim who is personally known or produced  
as identification.

[Signature]  
PROPERTY OWNER'S SIGNATURE

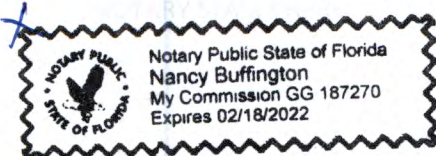
Exp. Date: 2/18/22

Commission Number: GG 187270

Signature of Notary Public:

Printed name of Notary Public:

(SIGNATURE MUST BE NOTARIZED)







DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VP15-0010

**DOCUMENTARY EVIDENCE (LUDR, Section 8.3.1.C.6.f)**

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than two business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

JBH Holdings, LLC  
Jacob Ben-Haim  
OWNER/APPLICANT (PLEASE TYPE OR PRINT)

[Signature]  
OWNER/APPLICANT SIGNATURE

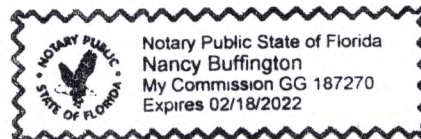
(SIGNATURE MUST BE NOTARIZED)

STATE OF Florida COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me on this 12 day of September,  
2018 by Jacob Ben-Haim, who is personally known or who has produced \_\_\_\_\_  
as identification.

Exp. Date 2/18/22  
Commission # GG 187270

[Signature]  
Signature of Notary Public  
Nancy Buffington  
Print Name of Notary Public







DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VR8-0010

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT

JACOB BEN HAIM  
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE PLANNING & ZONING COMMISSION/ LOCAL PLANNING AGENCY, BOARD OF ZONING ADJUSTMENTS AND APPEALS AND/OR CITY COUNCIL FOR

UNIT

BLOCK

LOT(S)

SUBDIVISION

OR LEGAL DESCRIPTION

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

Jacob Ben-Haim  
PROPERTY OWNER (Please Print)

Jacob Ben-Haim  
PROPERTY OWNER (Signature & Title)

[Signature]  
PROPERTY OWNER (Please Print)

[Signature]  
PROPERTY OWNER (Signature & Title)

STATE OF

FL

, COUNTY OF

Lee

Subscribed and sworn to (or affirmed) before me this

12

day of

September

, 2018, by

Jacob Ben-Haim who is personally known or produced  
as identification.

Exp. Date:

2/18/22

Commission Number:

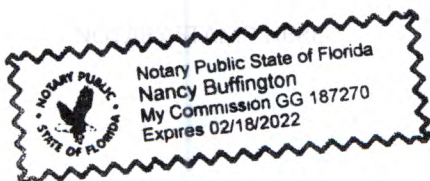
SG 187270

Signature of Notary Public:

[Signature]

Printed name of Notary Public:

Nancy Buffington



Note: Please list all owners. If a corporation, please supply the Planning Division with a copy of corporation paper.



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VP18-0010

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or the applicant, agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

(SIGNATURE MUST BE NOTARIZED)

SBH HOLDINGS LLC  
APPLICANT NAME (PLEASE TYPE OR PRINT)

[Signature]  
APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF Lee

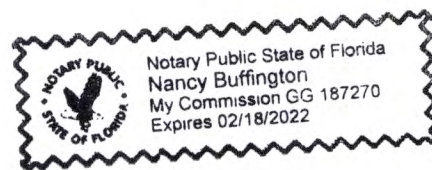
Sworn to (or affirmed) and subscribed before me this 12 day of September, 2018, by  
Jacob Ben-Haim who is personally known or produced  
as identification.

Exp. Date: 2/18/22 Commission Number: GG 87270

Signature of Notary Public:

Printed name of Notary Public:

[Signature]  
Nancy Buffington



October 15, 2018

City of Cape Coral  
Department of Community Development

We are looking to obtain a vacation on this property in order to build a seawall.

Any help you can give in this matter is greatly appreciated.

Sincerely,

  
Jacob Ben-Heim

5163764416



Prepared by and Return to Nancy Tracey ,  
an employee of First International Title, Inc.  
3046 Del Prado Blvd S  
Bldg 2 Suite 2F  
Cape Coral, FL 33904  
File No.: 126540-96

## **WARRANTY DEED**

This indenture made on July 5, 2018,

by **Fred Wilks Mohr, Jr., individually, a married man, and as Trustee of the Fred Wilks Mohr, Jr. Revocable Trust U/A dated December 7, 1995 as amended and restated**

whose address is: , ,

hereinafter called the "grantor",

to **JBH HOLDING'S LLC, a Florida limited liability company**

whose address is: 4828 SW 17th Pl Unit 8B, Cape Coral, FL 33914

hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

**Witnesseth**, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, **Florida**, to-wit:

Lots 40 and 41, Block 4687, Unit 70, CAPE CORAL SUBDIVISION, according to the Plat thereof, recorded in Plat Book 22, Page(s) 58 through 87, inclusive, of the Public Records of Lee County, Florida.

Parcel Identification Number: 04-45-23-C3-04687.0400

**The land** is not the homestead of the Grantor under the laws and Constitution of the State of Florida and neither the Grantor nor any person(s) for whose support the Grantor is responsible reside on or adjacent to the land.

**Subject to** all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

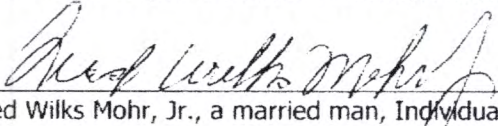
**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

**To Have and to Hold**, the same in fee simple forever.

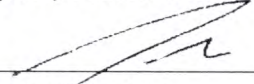
**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31st of 2017.


**In Witness Whereof**, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

Fred Wilks Mohr, Jr. Revocable Trust U/A dated December 7, 1995 as amended and restated

  
Fred Wilks Mohr, Jr., a married man, Individually and as Trustee

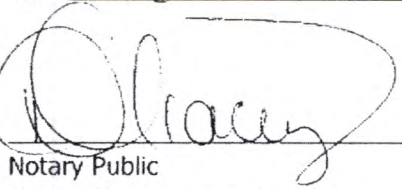
**Signed, sealed and delivered in our presence:**

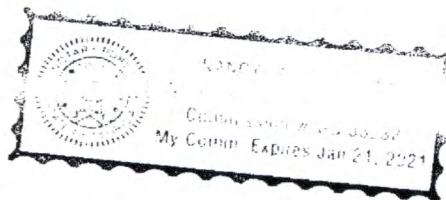
  
Witness Signature  
Print Name: Joseph Subella

  
Witness Signature  
Print Name: Nancy Tracey

State of FLORIDA  
County of Lee

**The Foregoing Instrument Was Acknowledged** before me on July 5th 2018, by **Fred Wilks Mohr, Jr., as Trustee of the Fred Wilks Mohr, Jr. Revocable Trust U/A dated December 7, 1995 as amended and restated**, who is/are personally known to me or who has/have produced a valid D.I. as identification.

  
Notary Public  
Printed Name: Nancy Tracey  
My Commission expires: 01/21/2021





Lee County Electric Cooperative, Inc.  
Post Office Box 3455  
North Fort Myers, FL 33918-3455  
(239) 995-2121 • Fax (239) 995-7904  
www.lcec.net

October 4, 2018

Ms. Nancy Buffington  
Sunrise Realty Network, Inc.  
Cape Coral, FL 33904

Re: Letter of No Objection to Vacation of Utility Easement 1713 Savona Parkway W., Cape Coral, FL 33914; Owners: JBH Holdings. LLC, a Florida limited liability company; Strap: 044523C304687.0400

Dear Ms. Buffington:

You have opened up negotiations, on behalf of your customer, JBH Holdings, LLC.

We have reviewed the sketch, the request submitted, and our internal records. LCEC has **no objection** to the request. However, LCEC requires a continuous perimeter easement surrounding your property in order to serve you. Therefore, in the after situation to the vacation, the petitioner will have to provide to the appropriate local jurisdiction, and impose a six-foot wide easements along the seawall and the side easements so that there is a continuous perimeter easement located upon the parcel.

Should no definitive action, or no approval by local jurisdiction be received by the petitioner, this letter will terminate upon six months from the date listed above.

Should there be any questions please call me at 239-656-2112, or, if you prefer, I can be reached by email at

Very truly yours,

**Russ Goodman,** Digitally signed by Russ Goodman, SR/WA  
**SR/WA** Date: 2018.10.04  
15:40:13 -04'00'

Russel Goodman, SR/WA  
Design & Engineering Coordinator – Land Rights





**Attention:**

JBH HOLDINGS LLC  
Jacob Ben-Haim  
1713 Savona Pkwy W  
Cape Coral, Fl 33914  
Phone: (717) 725-1311

**Subject:** - No Objection Request

**Site Address:** 1713 Savona Pkwy W Cape Coral, Fl 33914  
Strap# 04-45-23-C3-04687.0400

Dear Jacob Ben-Haim

In regard to the referenced property above CenturyLink has **No Objection** to the Vacation of Plat to build a sea wall in the 6' utility easement along the north and east side of the referenced property above and portion of the canal right of way of property.

Sincerely

A handwritten signature in cursive script that reads "Justin Lane".

THANK YOU!

Justin Lane  
OSP Engineering  
Office: (239)-984-7009  
justin.lane@centurylink.com



**12600 Westlinks Drive Suite 4  
Fort Myers, FL 33913  
Phone: 239-432-1805**

September 25, 2018

Re: 1713 Savona Pkwy. W (04-45-23-C3-04687.0400)

Dear Nancy Buffington

This letter will serve to inform you that Comcast has no objection to you extend of your seawall of the address referenced above.

Should you require additional information or assistance, please feel free to contact me here at 432-1805.

Cordially,

A handwritten signature in black ink, appearing to read 'Mark Cook'.

Mark Cook  
Project Coordinator

# Description

## Subject Parcel Description:

A Portion of Perch Canal Right of Way lying adjacent to Lot 41, Block 4687, Unit 70, Cape Coral Subdivision as recorded in Plat Book 22, Pages 58 through 87 of the Public Records of Lee County Clerk of Court, Lee County, Florida, being more particularly described as follows:

Commencing at the Southwest Corner of Lot 41, Block 4687, Unit 70, Cape Coral Subdivision as recorded in Plat Book 22, Pages 58 through 87 of the Public Records of Lee County Clerk of Court, Lee County, Florida run S89°59'48"E along the Northerly Right of Way line of Savona Parkway West for a distance of 46.90 feet to the Southeast Corner of said Lot 41, also being the Point of Beginning. From said Point of Beginning run N00°18'09"W along the Westerly Right of Way line of Perch Canal (80' Wide), also being the Easterly line of said Lot 41, for a distance of 125.00 feet; Thence leaving said Westerly Right of Way line run S12°58'53"E for a distance of 106.97 feet to the waterward face of a concrete headwall; Thence run S11°54'33"E along said concrete headwall for a distance of 21.22 feet to said Northerly Right of Way line; Thence run N89°59'48"W along said Northerly Right of Way line for a distance of 27.75 feet to the Point of Beginning.

Said Parcel Contains 1,756 sq ft. (more or less)

Bearings are based on Northerly Right of Way line of Savona Parkway West, being S89°59'48"E.

**THIS IS NOT A SURVEY**

### Description to Accompany Sketch Subject Parcel

*A Portion of Perch Canal Right of Way lying  
adjacent to Lot 41, Block 4687, Unit 70, Cape  
Coral Subdivision, Lee County, Florida*

*Not Valid without Sheet 2 of 2*

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **October 16th, 2018** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

*Sheet 1 of 2*

**STOUTENCRAMER**  
A KING ENGINEERING COMPANY  
**King**  
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610  
324 Nicholas Parkway West, Suite A, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
www.kingengineering.com

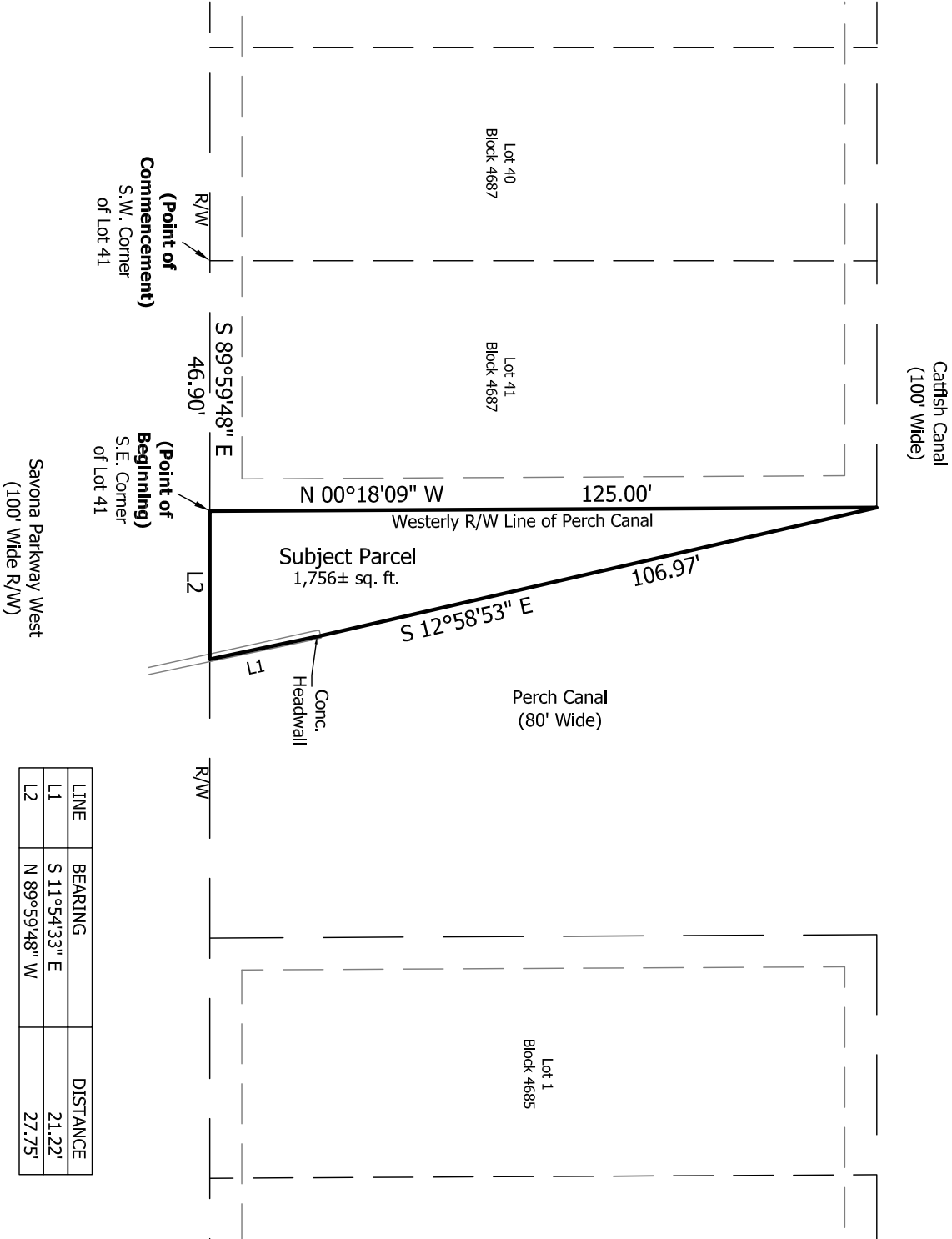
JOB # 18-6209 PREPARED FOR: Dalton Communities

SECTIONS 04, TOWNSHIP 45S, RANGE 23E

**DAVID KEITH CRAMER (FOR THE FIRM)**  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6655  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL  
OF A FLORIDA LICENSED SURVEYOR AND MAPPER



Sketch

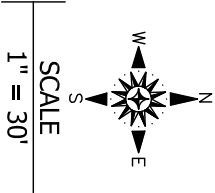


- SURVEY NOTES:
1. BEARINGS ARE BASED ON NORTHERLY RIGHT OF WAY LINE OF SAVONA PARKWAY WEST, BEING S89°59'48"E.
  2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
  3. **THIS IS NOT A SURVEY**
  4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. *COPYRIGHT 2018, KING ENGINEERING, INC., ALL RIGHTS RESERVED.*
  5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING, INC.
  6. NOT VALID WITHOUT SHEET 1 OF 2

Sketch to Accompany Description

**Subject Parcel**

*A Portion of Perch Canal Right of Way  
lying adjacent to Lot 41, Block 4687,  
Unit 70, Cape Coral Subdivision, Lee  
County, Florida*



THIS IS NOT A SURVEY

STOUTENCRAMER  
A KING ENGINEERING COMPANY

**King**  
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610  
324 Nicholas Parkway West, Suite A, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
www.kingengineering.com

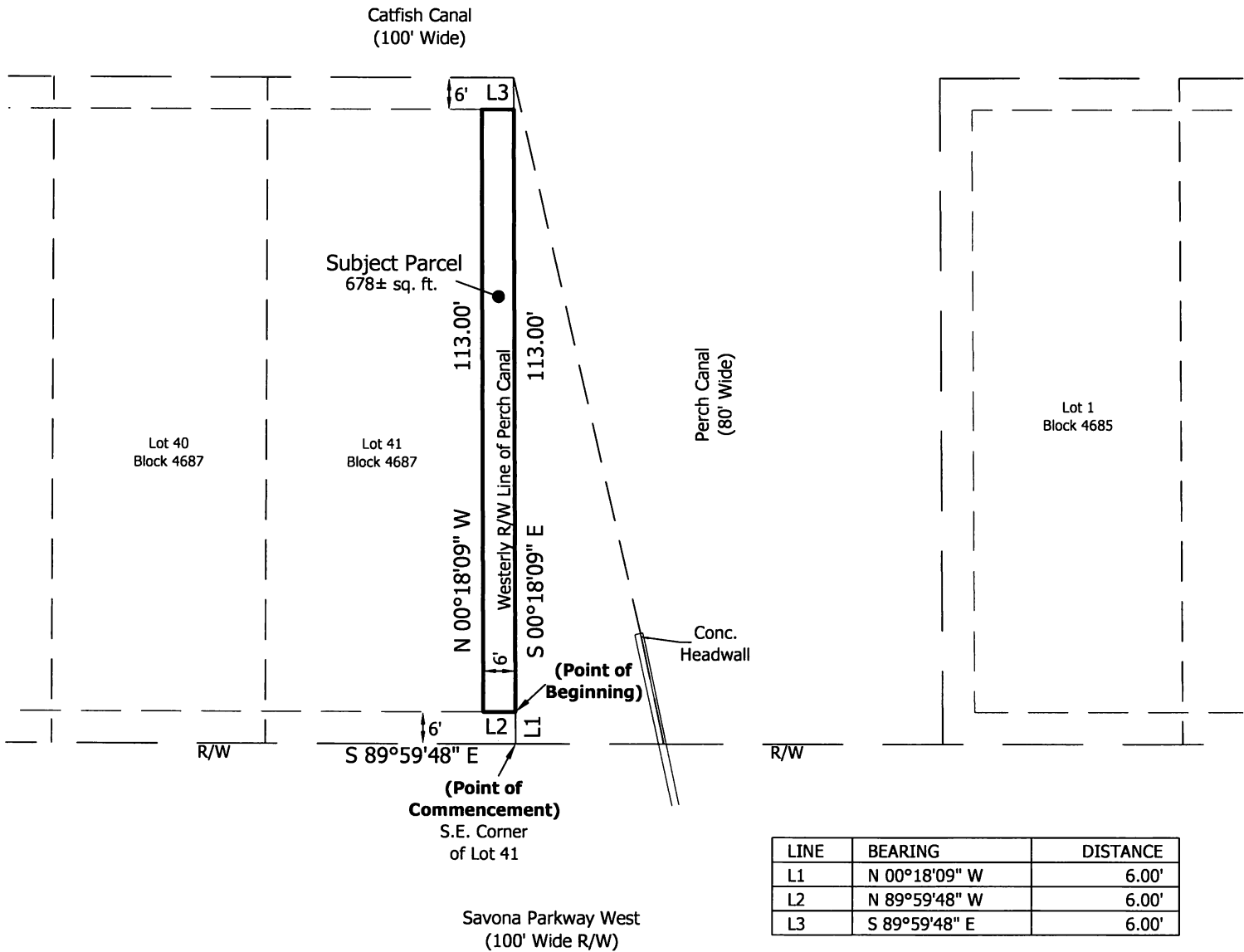
JOB # 18-6209	PREPARED FOR: Dalton Communities
SECTION 04, TOWNSHIP 45S, RANGE 23E	
DATE	REVISION

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **October 16th, 2018** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 51-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

See Sheet 1 of 2 for Signature and Seal

**DAVID KEITH CRAMER FOR THE FIRM**  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6655  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL  
OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Sketch

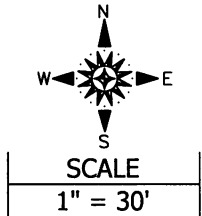


SURVEY NOTES:

1. BEARINGS ARE BASED ON NORTHERLY RIGHT OF WAY LINE OF SAVONA PARKWAY WEST, BEING S89°59'48"E.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. *COPYRIGHT 2018, KING ENGINEERING, INC., ALL RIGHTS RESERVED.*
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING, INC.
6. NOT VALID WITHOUT SHEET 1 OF 2

Sketch to Accompany Description

**Subject Parcel - 4687-PUE-V**  
*A Portion of Public Utility and  
Drainage Easement lying in Lot 41,  
Block 4687, Unit 70, Cape Coral  
Subdivision, Lee County, Florida*



**THIS IS NOT A SURVEY**

**STOUTENCRAMER**  
A KING ENGINEERING COMPANY  
**King**  
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610  
324 Nicholas Parkway West, Suite A, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
www.kingengineering.com

JOB # 19-1726 PREPARED FOR: Zak Yuna

SECTION 04, TOWNSHIP 45S, RANGE 23E

DATE REVISION

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **March 19th, 2019** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

*See Sheet 1 of 2 for Signature and Seal*

**DAVID KEITH CRAMER (FOR THE FIRM)**  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6655  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL  
OF A FLORIDA LICENSED SURVEYOR AND MAPPER

# Description

## Subject Parcel Description: (4687-PUE-V)

A Portion of Public Utility and Drainage Easement lying in Lot 41, Block 4687, Unit 70, Cape Coral Subdivision as recorded in Plat Book 22, Pages 58 through 87 of the Public Records of Lee County, Florida, being more particularly described as follows:

Commencing at the Southeast Corner of Lot 41, Block 4687, Unit 70, Cape Coral Subdivision as recorded in Plat Book 22, Pages 58 through 87 of the Public Records of Lee County, Florida run N00°18'09"W along the Easterly line of said Lot 41, also being the Westerly Right of Way line of Perch Canal, for a distance of 6.00 feet to an intersection with a line that is parallel with and 6.00 feet Northerly of the Northerly Right of Way line of Savona Parkway West, also being the Point of Beginning. From said Point of Beginning run N89°59'48"W, along said line parallel with said Northerly Right of Way line, for a distance of 6.00 feet to an intersection with a line that is parallel with and 6.00 feet Westerly of the said Westerly Right of Way line; Thence run N00°18'09"W, along said line parallel to said Westerly Right of Way line, for a distance of 113.00 feet, to an intersection with a line that is parallel with and 6.00 feet Southerly of the Northerly line of said Lot 41; Thence run S89°59'48"E, along said line parallel with said Northerly line, for a distance of 6.00 feet to said Easterly line of said Lot 41; Thence run S00°18'09"E, along said Easterly line, for a distance of 113.00 feet to the Point of Beginning.

Said Parcel Contains 678 sq ft. (more or less)

Bearings are based on Northerly Right of Way line of Savona Parkway West, being S89°59'48"E.

**THIS IS NOT A SURVEY**

Description to Accompany Sketch  
**Subject Parcel - 4687-PUE-V**  
*A Portion of Public Utility and Drainage  
Easement lying in Lot 41, Block 4687, Unit 70,  
Cape Coral Subdivision, Lee County, Florida*

*Not Valid without Sheet 2 of 2*

*Sheet 1 of 2*

**STOUTENCRAMER**  
A KING ENGINEERING COMPANY  
**King**  
ENGINEERING ASSOCIATES, INC.  
CERTIFICATE OF AUTHORIZATION: LB2610  
324 Nicholas Parkway West, Suite A, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
[www.kingengineering.com](http://www.kingengineering.com)

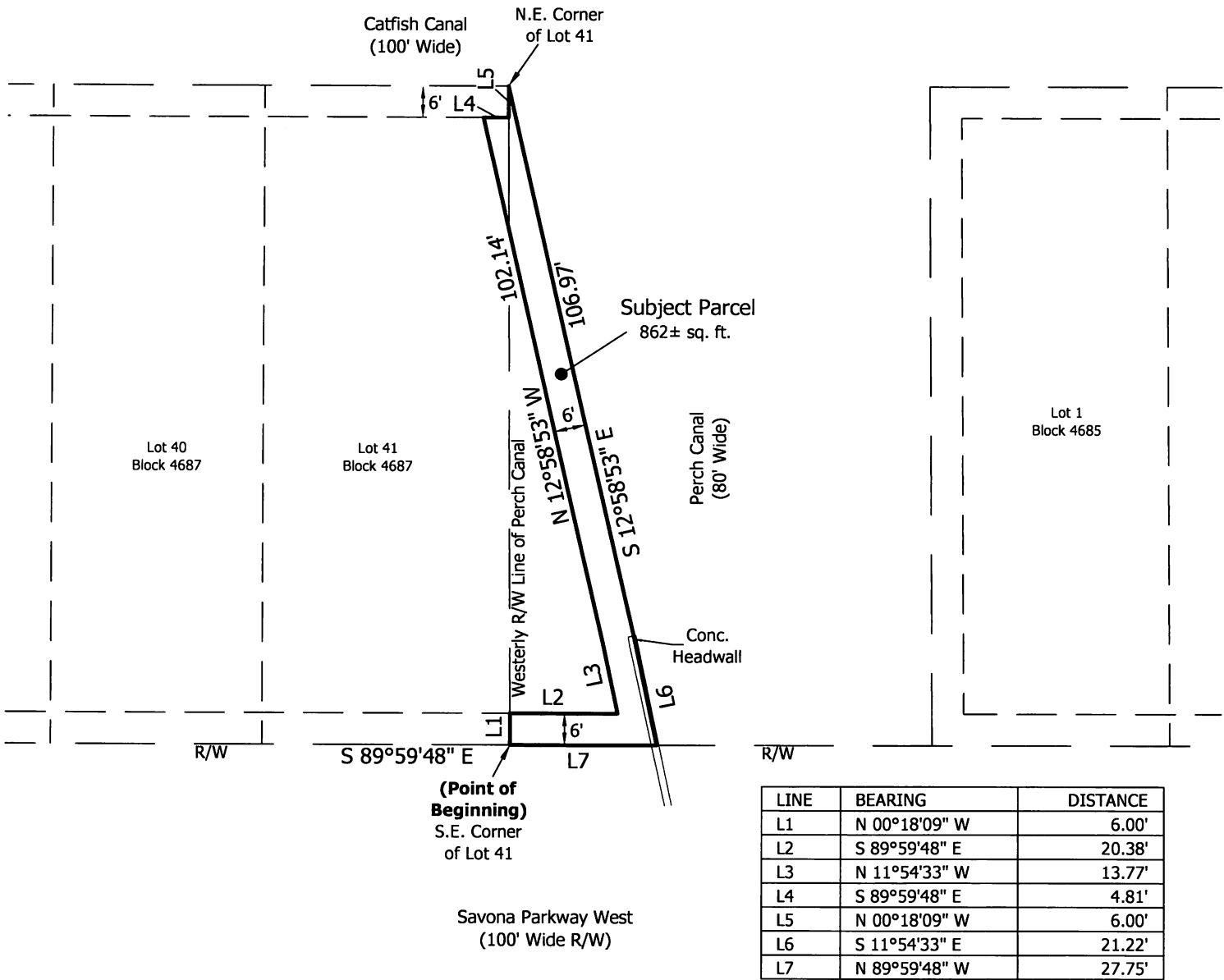
I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **March 19th, 2019** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.



**DAVID KEITH CRAMER (FOR THE FIRM)**  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6655  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL  
OF A FLORIDA LICENSED SURVEYOR AND MAPPER



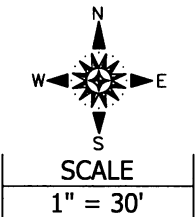
Sketch



- SURVEY NOTES:**
1. BEARINGS ARE BASED ON NORTHERLY RIGHT OF WAY LINE OF SAVONA PARKWAY WEST, BEING S89°59'48"E.
  2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
  3. **THIS IS NOT A SURVEY**
  4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. *COPYRIGHT 2018, KING ENGINEERING, INC., ALL RIGHTS RESERVED.*
  5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING, INC.
  6. NOT VALID WITHOUT SHEET 1 OF 2

Sketch to Accompany Description

**Subject Parcel - 4687-PUE**  
*A Portion of Land lying in and Adjacent to  
Lot 41, Block 4687, Unit 70, Cape Coral  
Subdivision, Lee County, Florida*



**THIS IS NOT A SURVEY**

**STOUTENCRAMER**  
A KING ENGINEERING COMPANY  
**King**  
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610  
324 Nicholas Parkway West, Suite A, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
www.kingengineering.com

JOB # 19-1726 PREPARED FOR: Zak Yuna

SECTION 04, TOWNSHIP 45S, RANGE 23E

DATE REVISION

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **March 19th, 2019** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

*See Sheet 1 of 2 for Signature and Seal*

**DAVID KEITH CRAMER (FOR THE FIRM)**  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6655  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL  
OF A FLORIDA LICENSED SURVEYOR AND MAPPER

# Description

## Subject Parcel Description: (4687-PUE)

A Portion of land lying in and adjacent to Lot 41, Block 4687, Unit 70, Cape Coral Subdivision as recorded in Plat Book 22, Pages 58 through 87 of the Public Records of Lee County, Florida ,being more particularly described as follows:

Beginning at the Southeast Corner of Lot 41, Block 4687, Unit 70, Cape Coral Subdivision as recorded in Plat Book 22, Pages 58 through 87 of the Public Records of Lee County, Florida run N00°18'09"W along the Easterly line of said Lot 41, also being the Westerly Right of Way line of Perch Canal, for a distance of 6.00 feet to an intersection with a line that is parallel with, and 6.00 feet Northerly of the Northerly Right of Way line of Savona Parkway West; Thence run S89°59'48"E, along said line parallel to said Northerly Right of Way line, for a distance of 20.38 feet; Thence, leaving said line parallel to said Northerly Right of Way line, run N11°54'33"W for a distance of 13.77 feet; thence N12°58'53"W for a distance of 102.14 feet to an intersection with a line that is parallel with, and 6.00 feet Southerly of the Northerly line of said Lot 41; Thence run S89°59'48"E, along said line parallel to said Northerly line of said Lot 41, for a distance of 4.81 feet to said Easterly line of said Lot 41; Thence run N00°18'09"W, along said Easterly line of said Lot 41, for a distance of 6.00 feet to the Northeast corner of said Lot 41; Thence, leaving said Easterly line of said Lot 41, run S12°58'53"E for a distance of 106.97 feet; Thence S11°54'33"E for a distance of 21.22 feet to said Northerly Right of Way line of Savona Parkway West; Thence run N89°59'48"W for a distance of 27.75 feet to the Point of Beginning;

Said Parcel Contains 862 sq ft. (more or less)

Bearings are based on Northerly Right of Way line of Savona Parkway West, being S89°59'48"E.

**THIS IS NOT A SURVEY**

Description to Accompany Sketch  
**Subject Parcel - 4687-PUE**  
*A Portion of Land lying in and Adjacent to  
Lot 41, Block 4687, Unit 70, Cape Coral  
Subdivision, Lee County, Florida*

*Not Valid without Sheet 2 of 2*

*Sheet 1 of 2*

**STOUTENCRAMER**  
A KING ENGINEERING COMPANY  
**King**  
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610  
324 Nicholas Parkway West, Suite A, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
[www.kingengineering.com](http://www.kingengineering.com)

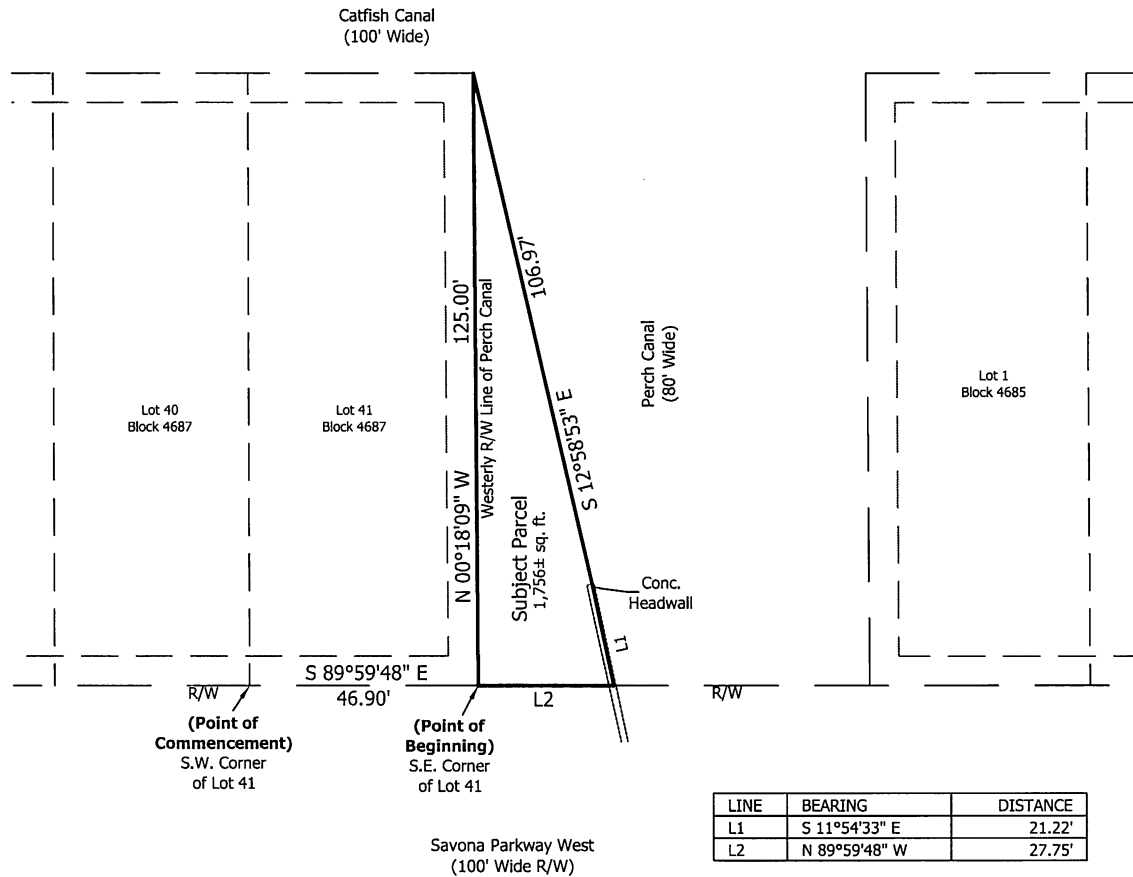
I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **March 19th, 2019** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter SJ-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.



**DAVID KEITH CRAMER (FOR THE FIRM)**  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6655  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL  
OF A FLORIDA LICENSED SURVEYOR AND MAPPER

JOB # 19-1726 PREPARED FOR: Zak Yuna  
SECTIONS 04, TOWNSHIP 45S, RANGE 23E

## Sketch



LINE	BEARING	DISTANCE
L1	S 11°54'33" E	21.22'
L2	N 89°59'48" W	27.75'

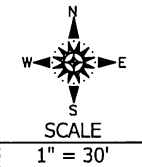
### SURVEY NOTES:

1. BEARINGS ARE BASED ON NORTHERLY RIGHT OF WAY LINE OF SAVONA PARKWAY WEST, BEING S89°59'48"E.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. THIS IS NOT A SURVEY
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2018, KING ENGINEERING, INC., ALL RIGHTS RESERVED.
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING, INC.
6. NOT VALID WITHOUT SURET 1 OF 2

Sketch to Accompany Description

### Subject Parcel

*A Portion of Perch Canal Right of Way lying adjacent to Lot 41, Block 4687, Unit 70, Cape Coral Subdivision, Lee County, Florida*



**THIS IS NOT A SURVEY**

**STOUTENCRAMER**  
A KING ENGINEERING COMPANY

**King**  
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610  
324 Nicholas Parkway West, Suite A, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
www.kingengineering.com

JOB # 18-6209 PREPARED FOR: Dalton Communities

SECTION 04, TOWNSHIP 45S, RANGE 23E

DATE REVISION

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on October 16th, 2018 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter SJ-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

*See Sheet 1 of 2 for Signature and Seal*

DAVID KEITH CRAMER (FOR THE FIRM)  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6655  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL  
OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Sheet 2 of 2



## Description

### Subject Parcel Description:

A Portion of Perch Canal Right of Way lying adjacent to Lot 41, Block 4687, Unit 70, Cape Coral Subdivision as recorded in Plat Book 22, Pages 58 through 87 of the Public Records of Lee County Clerk of Court, Lee County, Florida ,being more particularly described as follows:

Commencing at the Southwest Corner of Lot 41, Block 4687, Unit 70, Cape Coral Subdivision as recorded in Plat Book 22, Pages 58 through 87 of the Public Records of Lee County Clerk of Court, Lee County, Florida run S89°59'48"E along the Northerly Right of Way line of Savona Parkway West for a distance of 46.90 feet to the Southeast Corner of said Lot 41, also being the Point of Beginning. From said Point of Beginning run N00°18'09"W along the Westerly Right of Way line of Perch Canal (80' Wide), also being the Easterly line of said Lot 41, for a distance of 125.00 feet; Thence leaving said Westerly Right of Way line run S12°58'53"E for a distance of 106.97 feet to the waterward face of a concrete headwall; Thence run S11°54'33"E along said concrete headwall for a distance of 21.22 feet to said Northerly Right of Way line; Thence run N89°59'48"W along said Northerly Right of Way line for a distance of 27.75 feet to the Point of Beginning.

Said Parcel Contains 1,756 sq ft. (more or less)

Bearings are based on Northerly Right of Way line of Savona Parkway West, being S89°59'48"E.

<b>THIS IS NOT A SURVEY</b>	<b>Description to Accompany Sketch Subject Parcel</b> <i>A Portion of Perch Canal Right of Way lying adjacent to Lot 41, Block 4687, Unit 70, Cape Coral Subdivision, Lee County, Florida</i>	<i>Not Valid without Sheet 2 of 2</i>
<i>Sheet 1 of 2</i>	<b>STOUTENCRAMER</b> A KING ENGINEERING COMPANY <b>King</b> ENGINEERING ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION: LB2610 324 Nicholas Parkway West, Suite A, Cape Coral, FL 33991 Phone: (239) 673-9541 Fax: (239) 424-8181 www.kingengineering.com	I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on <b>October 16th, 2018</b> is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 51-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.  <b>DAVID KEITH CRAMER (FOR THE FIRM)</b> FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6655 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
JOB # 18-6209      PREPARED FOR: Dalton Communities  SECTIONS 04, TOWNSHIP 45S, RANGE 23E		



**Review Date:** April 18, 2019

**Owner:** JBH Holdings, LLC.

**Applicant:** Jacob Ben-Hiam

**Request:** The applicant requests to vacate ±1,756 sq. ft. of right-of-way (ROW) and all underlying easements associated with the Perch Canal and ±678 sq. ft. of platted easements associated with Lot 41, Block 4687.

**Location:** 1713 Savona Parkway West  
Unit 70, Block 4687, Lots 40-41

**Prepared By:** Justin Heller, Senior Planner

**Reviewed By:** Mike Struve, AICP, Planning Team Coordinator

**Approved By:** Robert Pederson, AICP, Planning Manager

**Recommendation:** Denial

**Property Description:**

The applicant owns an unimproved two-lot platted site at 1713 Savona Parkway West which is along the Perch Canal. The site has a Single Family Future Land Use Classification and Residential Development (RD) Zoning. Surrounding properties have the following future land use and zoning classifications.

	<b><i>Surrounding Zoning</i></b>	<b><i>Surrounding Future Land Use</i></b>
<b><i>North:</i></b>	Residential Development (RD)	Multi-Family (MF)
<b><i>South:</i></b>	Single-Family Residential (R-1B)	Single Family (SF)
<b><i>East:</i></b>	RD; Marketplace Residential (MR)	MF; Commercial Activity Center (CAC)
<b><i>West:</i></b>	RD; R-1B	SF

The site has about 86 feet of water frontage along the Perch Canal. However, a strip of canal ROW consisting of dry land exists between the property line on the eastern side of the site and the canal. For most platted water-front sites in the City, the property line typically extends to the edge of the waterbody. The site is adjacent to a bridge where Savona Parkway crosses over the Perch Canal. The property to the east and the two properties to the south across Savona Parkway all have side property lines that extend to the edge of the water of the canal. The



applicant seeks to vacate 1,756 sq. ft. of ROW to extend the site to the edge of the water to allow for the construction of a seawall.

**Analysis:**

This application was reviewed based on the Land Use and Development Regulations (LUDR), Section 8.11, "*Vacation of plats, rights-of-way and other property.*" The City Comprehensive Plan was also reviewed for policies on vacations.

Request No. 1: Vacate 1,756 sq. ft. of ROW Adjacent to the Perch Canal

This vacation involves the ROW between the property line along the east side of the site and the Perch Canal. This vacation if approved will enlarge the site by 1,756 sq. ft. and will provide uninterpreted ownership of land between the side property line and the edge of the canal. The vacation would also allow the property owner to construct a seawall along the canal. The vacation will also eliminate City maintenance responsibilities as the City maintains all ROW areas. The ROW currently lacks improvements other than a small section of seawall next to the bridge. The City Public Works Department has reviewed the request and determined that the vacation of this area would inhibit future bridge and canal improvements and therefore does not support this request.

Request No. 2: Vacate 1,756 sq. ft. of Easements Underlying the Subject ROW

All three utility providers lack facilities in these easements. None of these providers object to this request. The City also currently lacks facilities within this easement. However, the City Public Works Department has determined that the vacation of the easements will preclude any future bridge and canal improvements at this location. Since staff does not support the ROW vacation under Request No. 1, staff also does not support the requested easement vacation.

Request No. 3: Vacate 678 sq. ft. of Easements in Lot 41, Block 4687

All three utility providers lack facilities in these easements and do not object to this request. The City also lacks facilities within this easement. If the vacation is approved this easement will no longer be necessary as the owner will be providing the City with a six-foot wide replacement easement around the expanded site. If the request is denied, the platted easement will remain. Since staff does not support the vacation of the canal ROW and underlying easements, staff likewise does not support the vacation of the platted easements in Lot 41.

**Consistency with the Comprehensive Plan**

The City lacks specific policies in the Comprehensive Plan for vacations involving residential-zoned lands.

This request is consistent with Policy 1.15 of the Future Land Use Element.

**Policy 1.15:** *Land development regulations adopted to implement this comprehensive plan will be based on, and will be consistent with, the standards for uses and densities/intensities as described in the following future land use classifications. In no case shall maximum densities allowable by the following classifications conflict with Policy 4.3.3 of the Conservation and Coastal Management Element regulating density of development within the Coastal High Hazard Area.*

- a. *Single Family Residential:* *Sites of 10,000 square feet and greater, with densities not to exceed 4.4 units per acre.*

Staff comment: This request is consistent with Policy 1.15.a as the site is an estimated 10,821 sq. ft. following the ROW vacation and the property has one single-family home. This equates to a density of 4.0 dwelling units per acre. This density is less than the maximum 4.4 dwelling units per acre allowed within this future land use classification.

**Recommendation:**

When ROW is vacated, by convention of state law, the land reverts to the adjoining property owner or owners. The vacated area is no longer available to the City for a public purpose use. For this reason, the City reviews vacation requests carefully to determine if such ROW areas are needed in the future. When future use of a ROW is likely or even uncertain, staff believes it is prudent to continue to keep these ROW. Public Works has reviewed this case and concludes that the subject ROW in this case may be needed for future bridge and canal maintenance. For this reason, staff recommends denial of all three requested vacations.



## 500' NOTICE TO SURROUNDING PROPERTY OWNERS

**CASE NUMBER:** VP18-0010

**REQUEST:** The applicant requests to vacate  $\pm 1,756$  sq. ft. of right-of-way (ROW) and all underlying easements associated with the Perch Canal and  $\pm 678$  sq. ft. of platted easements associated with Lot 41, Block 4687.

**LOCATION:** 1713 Savona Parkway West  
Unit 70, Block 4687, Lots 40-41

**CAPE CORAL STAFF CONTACT:** Justin Heller, Senior Planner, 239-574-0587, [jheller@capecoral.net](mailto:jheller@capecoral.net)

**PROPERTY OWNER(S):** JBH Holdings, LLC.

**AUTHORIZED REPRESENTATIVE:** Jacob Ben-Hiam

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, May 7<sup>th</sup> 2019 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available 5 days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

After Hearing Examiner has made a written recommendation, the case may be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision. You will receive another public hearing notice if this case is scheduled for a City Council hearing.

**DETAILED INFORMATION:** The case report and colored maps for this application are available at the City of Cape Coral website, [www.capecoral.net/publichearing](http://www.capecoral.net/publichearing) (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

**HOW TO CONTACT:** Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

**ADA PROVISIONS:** In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

**APPEALS:** If a person decides to appeal any decision made by the Hearing Examiner with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that,

Department of Community Development  
Post Office Box 150027 • Cape Coral, Florida 33915-0027  
1015 Cultural Park Blvd. • Cape Coral, Florida 33990  
Email: [planningquestions@capecoral.net](mailto:planningquestions@capecoral.net)



for such purpose, he or she 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.



Department of Community Development  
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: JBH Holdings, LLC

APPLICATION NO: VP18-0010

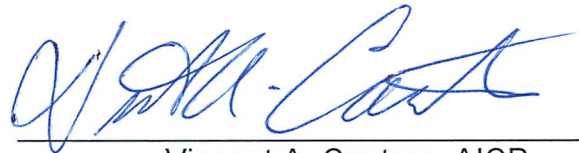
STATE OF FLORIDA       )  
                                      ) §  
COUNTY OF LEE        )

I, Vincent A. Cautero, AICP having first been duly sworn according to law, state on my oath the following:

That I am the Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

That pursuant to City of Cape Coral Code. Section 8.3.2A and Section 8.11.3.A all required written notice and publication has been provided. Also, posting of a sign has been done when applicable per Section 8.3.2A.

DATED this 29<sup>th</sup> day of April, 2019.

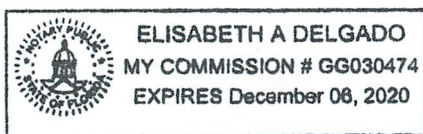


Vincent A. Cautero, AICP

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of April, 2019, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/16/20 Commission # 44030474



Signature of Notary Public

Elisabeth A. Delgado  
Print Name of Notary Public





**PERCH CANAL**

**CATFISH CANAL**

**SUBJECT PARCEL**

**CITY OF CAPE CORAL**  
Department of  
Community Development  
Planning Division

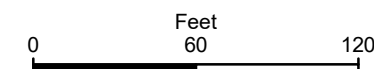
Case No. VP18-0010



Subject Parcel



DECEMBER 7TH, 2018



This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development with any questions regarding this map product.




CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

CURRENT ZONING MAP  
500' Proximity Boundary

Case No. VP18-0010

**LEGEND**

 500' Proximity Boundary

 Subject Parcel

**Zoning**

 C-1

 MR

 R-1A

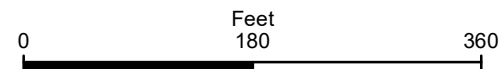
 R-1B

 R-3

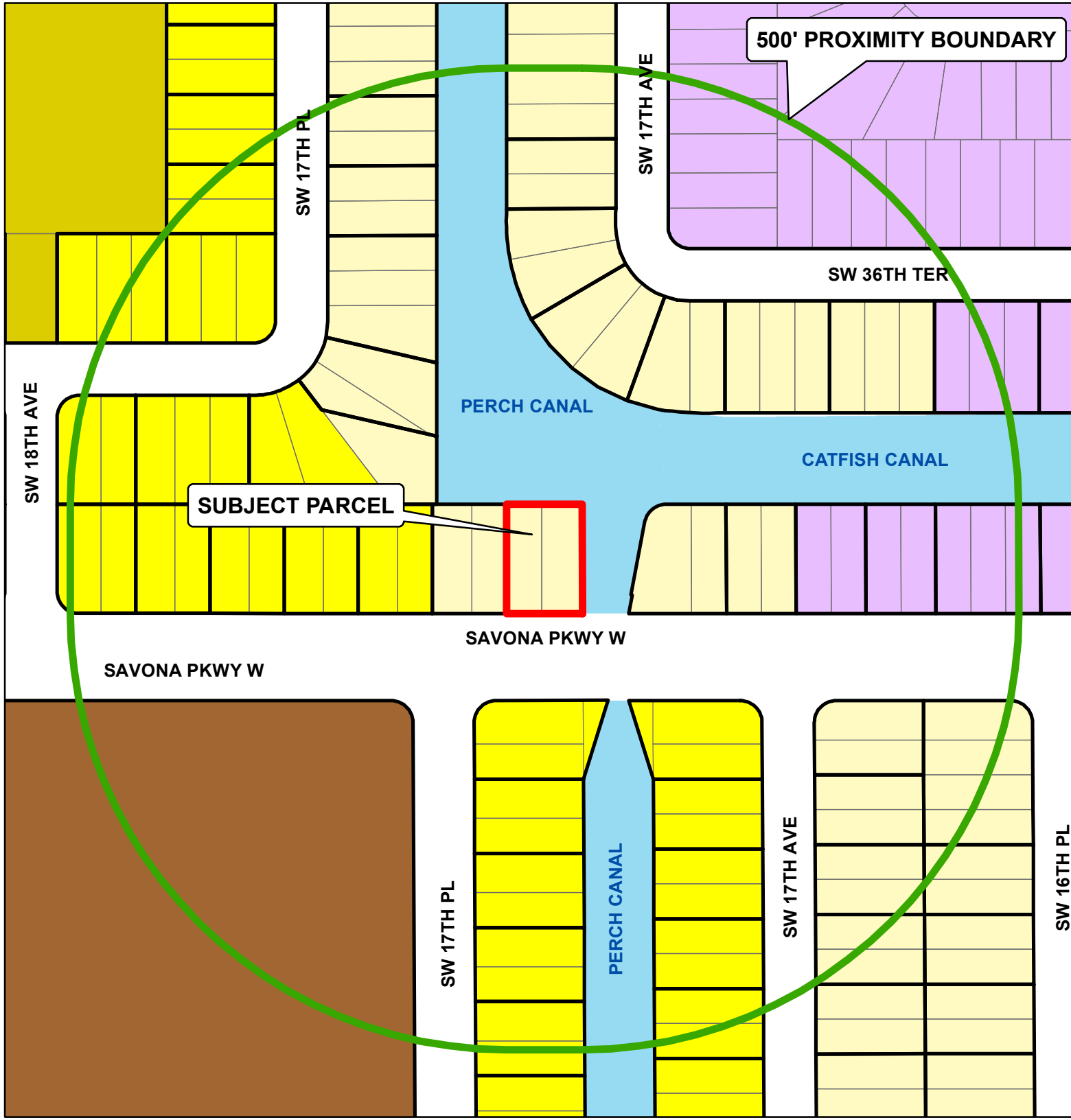
 RD



DECEMBER 7TH, 2018



This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development with any questions regarding this map product.



**Item Number:** 2.C.  
**Meeting Date:** 5/7/2019  
**Item Type:** HEARINGS

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Case #ZA19-0004; Address: 244 Santa Barbara Blvd. South; Applicant: Cape Coral Lodge, No. 367

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No  
If Yes, Priority Goals Supported are listed below.  
If No, will it harm the intent or success of the Strategic Plan? No

**Planning & Zoning Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

Privately-initiated rezone for one 3.63-acre property from the Single-Family Residential District (R-1B) to the Pedestrian Commercial District (C-1).

**LEGAL REVIEW:**

**EXHIBITS:**

See attached "Backup Materials"

**PREPARED BY:**

Kristin                      Division- Planning                      Department- Community  
Kantarze                                                                Development

**SOURCE OF ADDITIONAL INFORMATION:**

Wyatt Daltry, AICP, Planning Team Coordinator (239) 573-3160, wdaltry@capecoral.net

**ATTACHMENTS:**

Description	Type
□ Backup Materials	Backup Material



DEPARTMENT OF COMMUNITY DEVELOPMENT  
REQUEST FOR REZONING APPLICATION

Questions: 239-574-0776

Case # ZA19-0004

REQUEST FOR A REZONING

FEE \$2,050.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4). Advertising costs will be billed and must be paid prior to hearing.

Following the approval of your request, the applicant shall be responsible for paying the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

OWNER OF PROPERTY

CAPE CORAL LODGE NO 367

Address: 244 Santa Barbara Blvd  
City Cape Coral State: FL Zip 33991  
Phone: 239-443-6027

Email: Johnhardisson@yahoo.com

AUTHORIZED REPRESENTATIVE

John Hardisson

Address: 244 Santa Barbara Blvd  
City Cape Coral State: FL Zip 33991  
Phone: 239-443-6027

Email: Johnhardisson@yahoo.com

Unit 29 Block 10 Lot(s)

Subdivision C-3

Address of Property 244 Santa Barbara Blvd Cape Coral FL 33991

Current Zoning R1-D Plat Book , Page

Proposed Zoning Commercial Strap Number 23-14-44-C3-00010-0000

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

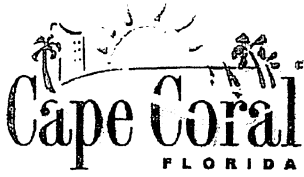
The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

Carrie Nelson  
RS678 dance@aol.com

Lara 305300 5012





DEPARTMENT OF COMMUNITY DEVELOPMENT  
REQUEST FOR REZONING APPLICATION  
Questions: 239-574-0776

Case # \_\_\_\_\_

(SIGNATURE MUST BE NOTARIZED)

Robin Dawn Ryan  
NAME (PLEASE TYPE OR PRINT)

[Signature]  
APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 28<sup>th</sup> day of March, 2019, by  
Robin Dawn Ryan who is personally known or produced  
as identification.

Exp. Date: 12/6/22 Commission Number: 66 282545

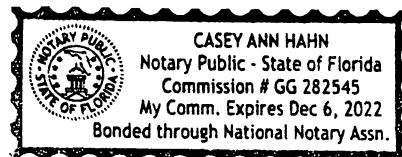
Signature of Notary Public:

[Signature]

Printed name of Notary Public:

Casey Ann Hahn

(SIGNATURE MUST BE NOTARIZED)





DEPARTMENT OF COMMUNITY DEVELOPMENT  
REQUEST FOR REZONING APPLICATION  
Questions: 239-574-0776

Case # \_\_\_\_\_

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT

John Hardisson  
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE HEARING EXAMINER, OR CITY COUNCIL FOR

\_\_\_\_\_  
(Type of Public Hearing – i.e., PDP, Zoning, Special Exception, Variance, etc.)

UNIT                      BLOCK                      LOT(S)                      SUBDIVISION

OR LEGAL DESCRIPTION

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

John Hardisson  
PROPERTY OWNER (Please Print)

\_\_\_\_\_  
PROPERTY OWNER (Please Print)

[Signature] Lodge Master  
PROPERTY OWNER (Signature & Title)

\_\_\_\_\_  
PROPERTY OWNER (Signature & Title)

STATE OF Fl, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 29<sup>th</sup> day of March, 2019, by

Florida Oh who is personally known or produced  
as identification. John Hardisson

Florida Oh

Exp. Date:

12/06/20

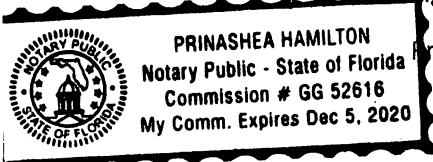
Commission Number:

9952616

Signature of Notary Public:

Printed name of Notary Public:

[Signature]  
Prinashea Hamilton



Note: Please list all owners. If a corporation, please supply the Planning Division with a copy of corporation papers.



DEPARTMENT OF COMMUNITY DEVELOPMENT  
REQUEST FOR REZONING APPLICATION  
Questions: 239-574-0776

Case # \_\_\_\_\_

ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Hearing Examiner, Planning & Zoning Commission/Local Planning Agency, and City Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I have read and understood the above affidavit on the 28 day of March, 2019

Robin Dawn Ryan  
NAME (PLEASE TYPE OR PRINT)

[Signature]  
APPLICANT'S SIGNATURE

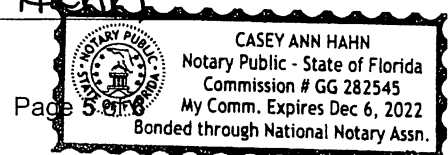
STATE OF FL COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 28<sup>th</sup> day of March, 2019, by  
Robin Dawn Ryan who is personally known or Personally Known  
as identification.

Exp. Date: Dec 6 2022 Commission Number: GG 282545

Signature of Notary Public: [Signature]

Printed name of Notary Public: Casey Ann Hahn







DEPARTMENT OF COMMUNITY DEVELOPMENT  
REQUEST FOR REZONING APPLICATION  
Questions: 239-574-0776

Case # \_\_\_\_\_

**DOCUMENTARY EVIDENCE (LUDR, Section 8.3.1.C.6.f)**

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than two business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

Robin Dawn Ryan [Signature]  
OWNER/APPLICANT (PLEASE TYPE OR PRINT) OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

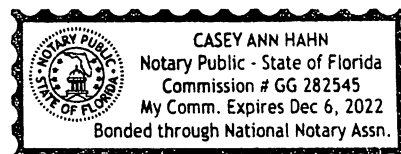
STATE OF Florida COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me on this 28<sup>th</sup> day of March, 2019  
by Robin Dawn Ryan, who is personally known or who has produced personally known as identification.

Exp. Date Dec 6 2022  
Commission # GG 282545

[Signature]  
Signature of Notary Public

Casey Ann Hahn  
Print Name of Notary Public



April 17, 2019

City of Cape Coral

Department of Community Development

P O BOX 150027

Cape Coral FL 33915

RE: LOI for rezoning application1

To whom it may concern:

My name is Robin Dawn Ryan and I am the owner of the Robin Dawn Academy of the Performing Arts where for the past 44 years I have been serving this community with my passion for the Arts. I currently run my business out of 932 Country Club Blvd where for the past 11 years, I have been leasing a roughly 6500 square foot building.

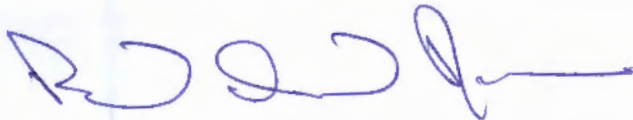
Through the years my business has grown and so has my clientele hence why I have decided to buy a property that can meet my needs. For years, I have sought a property that can handle my clientele but have fallen short partly because in an effort to get the appropriate place, there are many different aspects to consider which include but are not limited to necessary room space for my classrooms, teachers and even enough parking lot spaces. Based on my current class roll, my staff and I feel confident that a building between a square footage area of 13,000 to 15,000 would be ideal for our needs. Therefore, I chose to enter into a contract with the Masonic Lodge in November 2018 to purchase their property located at 244 Santa Barbara Blvd, Cape Coral, FL. That property meets the criteria of what I am looking for. I have had the honor of visiting the property several times and it's the ideal building for me, my staff and my dancers.

Shortly after going into contract, we have had several setbacks including our failure to close on March 31, 2019 as we had agreed to simply because the rezoning has been postponed time and time again. Having exhausted all extensions, I feel that applying for the rezoning on my own was my last option.

Fortunately, both the bank and the Lodge have extended their deadlines until June 30<sup>th</sup>, 2019. However, both parties have made it clear that this will be the last extension. Therefore, I stand to lose a great rate that I've been able to lock and worse, lose the opportunity to own this property. That deadline is crucial because should we not be able to close by that date everything that we have worked so far to do will be null and void. Therefore, I am respectfully asking that you approve this rezoning application in order not to lose this contract.

I thank you for your time and consideration and I hope that you will approve this request which would not only be beneficial to all parties but to the Community of Cape Coral.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Robin Dawn Ryan', with a long horizontal stroke at the end.

Robin Dawn Ryan

Owner



---

**STAFF REPORT**

ZA19-0004

Cape Coral Lodge, No. 367

DOCKET/CASE/APPLICATION NUMBER

APPLICANT/PROPERTY OWNER

Wyatt Daltry, AICP, Planning Team  
Coordinator (239) 573-3160,  
wdaltry@capecoral.net

244 Santa Barbara Blvd. South  
Cape Coral, FL 33991

STAFF PLANNER

PROPERTY ADDRESS/LOCATION

---

**SUMMARY OF REQUEST**

Privately-initiated rezone for one 3.63-acre property from the Single-Family Residential District (R-1B) to the Pedestrian Commercial District (C-1).



---

**STAFF RECOMMENDATION:****APPROVAL**

<b>Positive Aspects of Application:</b>	<ul style="list-style-type: none"><li>• Request conforms with Commercial/Professional Future Land Use (recently approved on 4/1/19)</li><li>• Current use of property is membership club, which is permitted in proposed district</li><li>• Property is adjacent to Pine Island Corridor-zoned properties to north, with frontage on Santa Barbara Boulevard</li><li>• Applicant intends to sell property to new owner that would develop use which is consistent with proposed zoning district</li></ul>
<b>Negative Aspects of Application:</b>	<ul style="list-style-type: none"><li>• None.</li></ul>
<b>Mitigating Factors:</b>	<ul style="list-style-type: none"><li>• None</li></ul>

Additional Applicant Information

**Applicant's Representative:** John Hardisson  
244 Santa Barbara Blvd.  
Cape Coral, FL 33991  
239-443-6027

Additional Site Information

**Urban Service Area:** Transition

**City Water and Sewer:** The area is serviced by City water and sewer.

**Street Access:** The site is accessible from Santa Barbara Blvd, a major arterial roadway.

**STRAP Number:** 14-44-23-C3-00010.0000

**Block/Lot(s):** N/A; unplatted property

**Subdivision:** N/A; unplatted property

Zoning and Land Use Information:

<b>Subject Property:</b>	<b>Future Land Use</b>	<b>Zoning</b>
<i>Current:</i>	Commercial/Professional (CP)	Single-Family Residential (R-1B)
<i>Proposed:</i>	N/A	Pedestrian Commercial (C-1)

<b>Surrounding Areas</b>	<b>Future Land Use</b>	<b>Zoning</b>
<i>North:</i>	Pine Island Road District (PIRD)	Corridor (CORR)
<i>South:</i>	CP	Worship (W) and R-1B
<i>East:</i>	Single-Family Residential (SF)	R-1B
<i>West:</i>	CP	Single-family Residential (R-1A)

---

## Background

The area surrounding the site consists of a mixture of commercial, civic, and residential uses. Aside from a miniature golf development located north of the property, the surrounding area has been developed for a minimum of 15 years, with some current uses in operation for 30 years.

The subject site consists of a Masonic Lodge, established in 1975. The lodge has been in the process of selling the property for the last few months but has been waiting for city-initiated efforts such as the large-scale Future Land Use Map Amendment (Ordinance 2-19) and mass rezone (Ordinance 4-19) to be completed. While the large-scale Future Land Use Map Amendment has recently been adopted, the mass rezone will not be presented for final adoption until August 2019. Therefore, the applicant has proposed this rezone, with the intention of receiving approval before August 2019.

## Comprehensive Plan Analysis

Staff analyzed the Comprehensive Plan to determine what policies apply to the proposed rezone.

C-1 zoning is consistent with the CP future land use map classification. The rezone is consistent with Objective 2 of the Future Land Use Element.

**OBJECTIVE 2:** Location of New Commercial Development: New commercial development shall be so located to provide minimal vehicle trip lengths, at or near transportation nodes, and compatible with neighboring residential uses.

*If developed, this site would be in close proximity to an established professional employment center which is anchored by government uses, while providing commercial development adjacent to existing commercial development. This proposed rezone is consistent with this Objective of the Comprehensive Plan.*

## Land Use and Development Regulations -- Section 8.7 Amendments:

Staff reviewed this request in accordance with Section 8.7 Amendments, .3 Consistency with Comprehensive Plan and General Standards, B. 1.-10. of the Land Use and Development Regulations and provides the following analysis. This section is used for future land use map amendments, comprehensive plan amendments, and for rezone requests.

1. The extent to which the value of the property is diminished by the proposed land use restriction or zoning of the property.

A rezone from R-1B to C-1 **would not** diminish the land value because this property has incompatible land use and zoning. The C-1 zoning district permits the re-development of the site, which would increase its value.

2. The extent to which the removal of a proposed land use restriction or change depreciates the value of other properties in the area.

The proposal is **not anticipated** to depreciate the value of other properties in the area. Nearby commercial uses have been in operation for decades, and the proposed usage of the site is that of a dance studio.

3. The suitability of the property for the zoning purpose or land use restriction imposed on the property as zoned.
-



The proposed zoning district will be consistent with the land use classification of the Commercial/Professional Future Land Use Map Classification. The site is small, at 3.63 acres, but is adjacent to existing Corridor-zoned properties, which permit commercial uses. Therefore, the request is **suitable**.

4. The character of the neighborhood, existing uses, zoning of nearby and surrounding properties, and compatibility of the proposed land use restriction or zoning.

The surrounding area has a commercial character to the north. Public institutional uses, such as a charter school and a church, are present to the west and south. Residential uses are located to the east, across Santa Barbara Boulevard, a six-lane major arterial roadway. The proposed rezone is **compatible** with some of the surrounding area.

5. The relative gain to the community as compared to the hardship, if any imposed, by the proposed land use restrictions or from rezoning said property.

The effect of this rezoning is to slightly increase the City's commercial stock in an area consisting mostly of non-residential uses. As a result, this proposed rezone is **likely positive** to the community.

6. The community need for the use proposed by the zoning or land use restriction.

Providing consistency between the future land use and the zoning is valuable to the community. The City has a long-standing commercial square-footage shortfall; while small, the proposed rezone would help to reduce this deficiency. The proposed rezone has a **positive** effect on the needs of the community.

7. Length of time the property proposed to be rezoned has been vacant, as zoned, when considered in the context of the City of Cape Coral Comprehensive Land Use Plan for the development of the proposed property and surrounding property.

The property has been developed since 1975.

8. The extent to which the proposed land use restriction or zoning promotes the health, safety, morals, or general welfare of this community.

Approval of this rezone should have a **negligible effect** upon the health, general welfare, safety, or morals of the community due to the lack of effect upon the surrounding area. Providing a zoning designation that is consistent with the future land use map classification should have a **positive effect** on the general welfare for the community.

9. The extent to which the proposed land use, land use restriction, or zoning will impact the level of service standards for public facilities as specified in the Comprehensive Plan.

Impacts on infrastructure for development on this site will be **negligible** as facility capacity exists for the transportation and utility infrastructure network.

10. Whether the proposed land use restriction, removal of a restriction, or zoning is consistent with the City of Cape Coral Comprehensive Land Use Plan.
-

The proposed C-1 zoning designation is **consistent** with the CP future land use classification.

---

### **Public Notification**

This case will be publicly noticed as required by LUDR, Section 8.3.2.A as further described below.

Publication: A legal ad will be prepared and sent to the *News-Press* announcing the intent of the petitioners to rezone the property described within this report. The ad will appear in the *News-Press* a minimum of 10 days prior to the public hearing scheduled before the Hearing Examiner. Following the public hearing before the Hearing Examiner, the ad announcing the final public hearing before the City Council will appear once in the *News-Press*. The ad will appear in the newspaper not less than 10 days prior to the date of the final public hearing before the City Council.

Written notice: Property owners located within 500 feet from the property line of the land which the petitioners request to rezone will receive written notification of the scheduled public hearings. These letters will be mailed to the aforementioned parties a minimum of 10 days prior to the public hearing scheduled before the Hearing Examiner.

Posting of a Sign: A large sign identifying the case and providing salient information will be posted on the property, as another means of providing notice of the rezoning request.

### **Recommendation:**

Planning staff has reviewed this request in accordance with Section 8.7 Amendments, .3 Consistency with the Comprehensive Plan and General Standards A., B. 1.-10 of the Land Use and Development Regulations and the City's Comprehensive Plan. Planning Division recommends **approval** of the rezone request.

---

**Staff Contact Information:**

Wyatt Daltry, AICP  
Planning Team Coordinator  
Department of Community Development  
Planning Division  
(239) 573-3160  
email: [wdaltry@capecoral.net](mailto:wdaltry@capecoral.net)

---





## NOTICE TO SURROUNDING PROPERTY OWNERS

**CASE NUMBER:** ZA19-0004

**REQUEST:** Privately-initiated rezone for one 3.63-acre property from the Single-Family Residential District (R-1B) to the Pedestrian Commercial District (C-1).

**LOCATION:** 244 Santa Barbara Blvd. South, Cape Coral, FL 33991

**CAPE CORAL STAFF CONTACT:** Wyatt Daltry, AICP, Planning Team Coordinator (239) 573-3160, [wdaltry@capecoral.net](mailto:wdaltry@capecoral.net)

**PROPERTY OWNER(S):** Cape Coral Lodge, No. 367

**AUTHORIZED REPRESENTATIVE:** John Handisson

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M on Tuesday, May 7, 2019 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available 5 days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

After Hearing Examiner has made a written recommendation, the case may be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision. You will receive another public hearing notice if this case is scheduled for a City Council hearing.

**DETAILED INFORMATION:** The case report and colored maps for this application are available at the City of Cape Coral website, [www.capecoral.net/publichearing](http://www.capecoral.net/publichearing) (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

**HOW TO CONTACT:** Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

**ADA PROVISIONS:** In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

**APPEALS:** If a person decides to appeal any decision made by the Hearing Examiner with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that,

for such purpose, he or she 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.



**Classified Ad Receipt**  
**(For Info Only - NOT A BILL)**

**Customer:** CITY OF CAPE CORAL\_DEPT OF COM

**Ad No.:** 0003520372

**Address:** 1015 CULTURAL PARK BLVD  
CAPE CORAL FL 33990  
USA

**Net Amt:** \$393.14

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 04/27/19

**Text of Ad:**

NOTICE OF PUBLIC HEARING  
ADVERTISEMENT

CASE NUMBER: ZA19-0004

REQUEST: Privately-initiated rezone for one 3.63-acre property from the Single-Family Residential District (R-1B) to the Pedestrian Commercial District (C-1).

LOCATION: 244 Santa Barbara Blvd. South, Cape Coral, FL 33991

CAPE CORAL STAFF CONTACT: Wyatt Daltry, AICP, Planning Team Coordinator (239) 573-3160, wdaltry@capecoral.net

PROPERTY OWNER(S): Cape Coral Lodge, No. 367

AUTHORIZED REPRESENTATIVE: John Handisson

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M on Tuesday, May 7, 2019 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available 5 days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

After Hearing Examiner has made a written recommendation, the case may be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision. You will receive another public hearing notice if this case is scheduled for a City Council hearing.

DETAILED INFORMATION: The case report and colored maps for this application are available at the City of Cape Coral website, [www.capecoral.net/publichearing](http://www.capecoral.net/publichearing) (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM

HOW TO CONTACT: Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.



ADA PROVISIONS: In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

By Order Of  
Kimberly Bruns, CMC  
Interim City Clerk  
REF # ZA19-0004  
AD#352, April 27, 2019

Department of Community Development  
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Cape Coral Lodge #367

APPLICATION NO: ZA19-0004

STATE OF FLORIDA       )  
                                      ) §  
COUNTY OF LEE        )

I, Vincent A. Cautero, AICP having first been duly sworn according to law, state on my oath the following:

That I am the Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

That pursuant to City of Cape Coral Code. Section 8.3.2A and Section 8.11.3.A all required written notice and publication has been provided. Also, posting of a sign has been done when applicable per Section 8.3.2A.

DATED this 29<sup>th</sup> day of April, 2019.

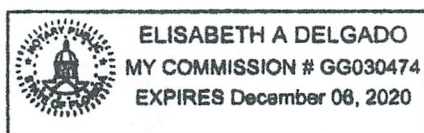


Vincent A. Cautero, AICP

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of April, 2019, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # GG030474



Signature of Notary Public


Elisabeth A. Delgado  
Print Name of Notary Public





CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

Case No. ZA19-0004

 Subject Parcel



0 90 180  
Feet

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations. Please contact the Department of Community Development with any questions regarding this map product.







# CITY OF CAPE CORAL

Department of  
Community Development  
Planning Division

## CURRENT ZONING MAP 500 Proximity Boundary

Case No. ZA19-0004

### LEGEND

-  Subject Parcel
-  500' Boundary
-  CORR
-  R-1A
-  R-1B
-  VILL
-  W



APRIL 4, 2019

0 110 220 330 440 Feet

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations. Please contact the Department of Community Development with any questions regarding this map product.

KRKA

SUBJECT PARCELS

500' PROXIMITY BOUNDARY

MID CAPE TER

W KENNEDY DR

CADMAN CANAL



# CITY OF CAPE CORAL

Department of  
Community Development  
Planning Division

## PROPOSED ZONING MAP 500 Proximity Boundary

Case No. ZA19-0004

### LEGEND

-  Proposed C-1
-  500' Boundary
-  CORR
-  R-1A
-  R-1B
-  VILL
-  W



APRIL 4, 2019

0 110 220 330 440 Feet

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations. Please contact the Department of Community Development with any questions regarding this map product.

KRKA

SUBJECT PARCELS

500' PROXIMITY BOUNDARY

MID CAPE TER

W KENNEDY DR

CADMAN CANAL

# CITY OF CAPE CORAL

Department of  
Community Development  
Planning Division

## FUTURE LAND USE MAP

500 Proximity Boundary

Case No. ZA19-0004

### LEGEND

-  Subject Parcel
-  500' Boundary
-  SF
-  MF
-  PIRD
-  CP
-  PF
-  PK

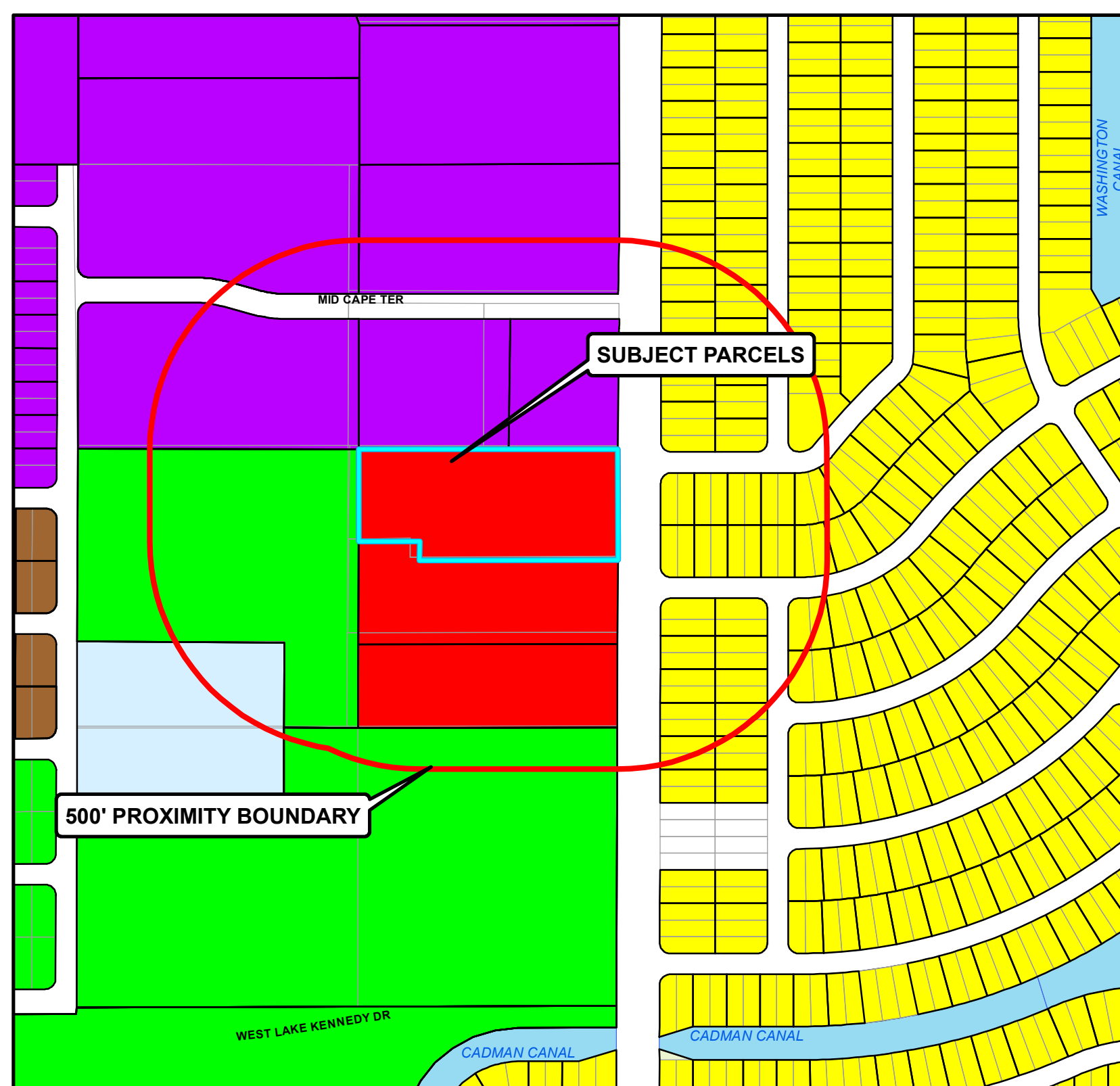


APRIL 30, 2019

0 125 250 375 500 Feet

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations. Please contact the Department of Community Development with any questions regarding this map product.

KRKA



**Item Number:** 2.D.  
**Meeting Date:** 5/7/2019  
**Item Type:** HEARINGS

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Case #VA19-0002\*; Address: 3724/3726 SE 10th Ave; Applicant: Kenneth D. Gill and Karen L. Gill

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No  
If Yes, Priority Goals Supported are listed below.  
If No, will it harm the intent or success of the Strategic Plan? No

**Planning & Zoning Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

The applicant requests a Variance to allow a portable pool in a side yard.

**LEGAL REVIEW:**

**EXHIBITS:**

See attached "Backup Materials"

**PREPARED BY:**

Kristin  
Kantarze      Division- Planning      Department- Community Development

**SOURCE OF ADDITIONAL INFORMATION:**

Katherine Woellner, Planner, 239-574-0605, kwoellner@capecoral.net

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Backup Materials	Backup Material





DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR VARIANCE

Questions: 239-574-0776

CASE #

VA19-0002

REQUEST TO HEARING EXAMINER FOR A VARIANCE

FEE: SINGLE-FAMILY RESIDENTIAL USE \$150.00 (\$150.00 PER EACH ADDITIONAL REQUEST) ALL OTHER USES \$673.00. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4). Advertising costs will be billed and must be paid prior to hearing.

Following the approval of your request, the applicant shall be responsible for paying the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

OWNER OF PROPERTY

Kenneth O Gill

Address:

3726 SE 10th AVE

City:

CAPE CORAL

State:

FL

Zip

33904

Phone:

239-603-1704

APPLICANT

Ken Gill

Address:

3726 SE 10th AVE

EMAIL

KGill33904@hotmail.com

City:

CAPE CORAL

State:

FL

Zip

33904

Phone:

239-603-1704

AUTHORIZED REPRESENTATIVE

Address:

EMAIL

City:

State:

Zip

Phone:

Unit

14

Block

487

Lot(s)

33-34

Subdivision

Address of Property

3726 SE 10th AVE

Current Zoning

Plat Book

13

Page

66

Strap Number

06-45-24-C4-00487-0330

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or the applicant, agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.



DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR VARIANCE

Questions: 239-574-0776

CASE # \_\_\_\_\_

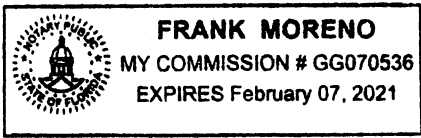
Kenneth D. Gill  
APPLICANT NAME (PLEASE TYPE OR PRINT)

Kenneth D. Gill  
APPLICANT'S SIGNATURE

STATE OF Lee, COUNTY OF \_\_\_\_\_  
(SIGNATURE MUST BE NOTARIZED)

Sworn to (or affirmed) and subscribed before me this 18 day of March, 2019, by Kenneth D. Gill who is personally known or produced as identification.

Exp. Date: 2/7/2021 Commission Number: \_\_\_\_\_



Signature of Notary Public: Frank Moreno  
Printed name of Notary Public: FRANK MORENO



DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR VARIANCE

Questions: 239-574-0776

CASE # \_\_\_\_\_

ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I or my representative must attend any applicable meetings scheduled for the Hearing Examiner, and City Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

(SIGNATURE MUST BE NOTARIZED)

CORPORATION/COMPANY NAME

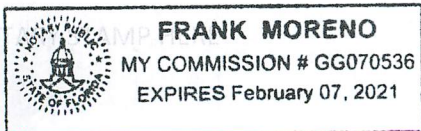
Kenneth O. Grier  
PROPERTY OWNER (PLEASE TYPE OR PRINT)

Kenneth O. Grier  
PROPERTY OWNER'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 18 day of 3, 2019, by Kenneth O. Grier who is personally known or produced 74 Dh as identification.

Exp. Date: 3/2/21 Commission Number: \_\_\_\_\_



Signature of Notary Public: Frank Moreno

Printed name of Notary Public: FRANK MORENO





DEPARTMENT OF COMMUNITY DEVELOPMENT

CASE # \_\_\_\_\_

APPLICATION FOR VARIANCE

Questions: 239-574-0776

**DOCUMENTARY EVIDENCE (LUDR, Section 8.3.1.C.6.f)**

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than two business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

Kenneth OGill  
OWNER/APPLICANT (PLEASE TYPE OR PRINT)

Kenneth OGill  
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

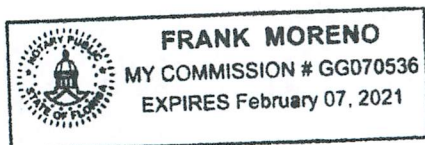
STATE OF FL COUNTY OF Dee

Sworn to (or affirmed) and subscribed before me on this 18 day of 3,  
2019 by Kenneth OGill, who is personally known or who has produced FL DL as  
Identification.

Exp. Date \_\_\_\_\_  
Commission # \_\_\_\_\_

Frank Moreno  
Signature of Notary Public

FRANK MORENO  
Print Name of Notary Public





Point A – Why – my request is to be permitted to leave the pool where it is currently located in the “side” yard. Code specs that pools cannot be within 18 feet of power lines. The pool cannot be relocated to the back yard as it would be directly under said power lines.

Point B – Special Circumstance - in this case is that the property is situated to really have no usable back yard for a pool – above ground or otherwise. The “side” yard is more than big enough to accommodate a medium size above ground pool.

Point C – Hardship - the neighborhood is zoned so that above ground pools are allowed within 4 foot fence. The entire yard has such a fence. All gates can and will be changed to self-locking gates if variance is granted.

Point D – Minimum Variance -

Point E – if the variance is granted the yard can be made completely aesthetically pleasing by putting landscaping to road side of the pool, which would be a much greener option than a privacy fence of any kind.

Dated: March 19<sup>th</sup> 2019

Dear Sir or Madame -

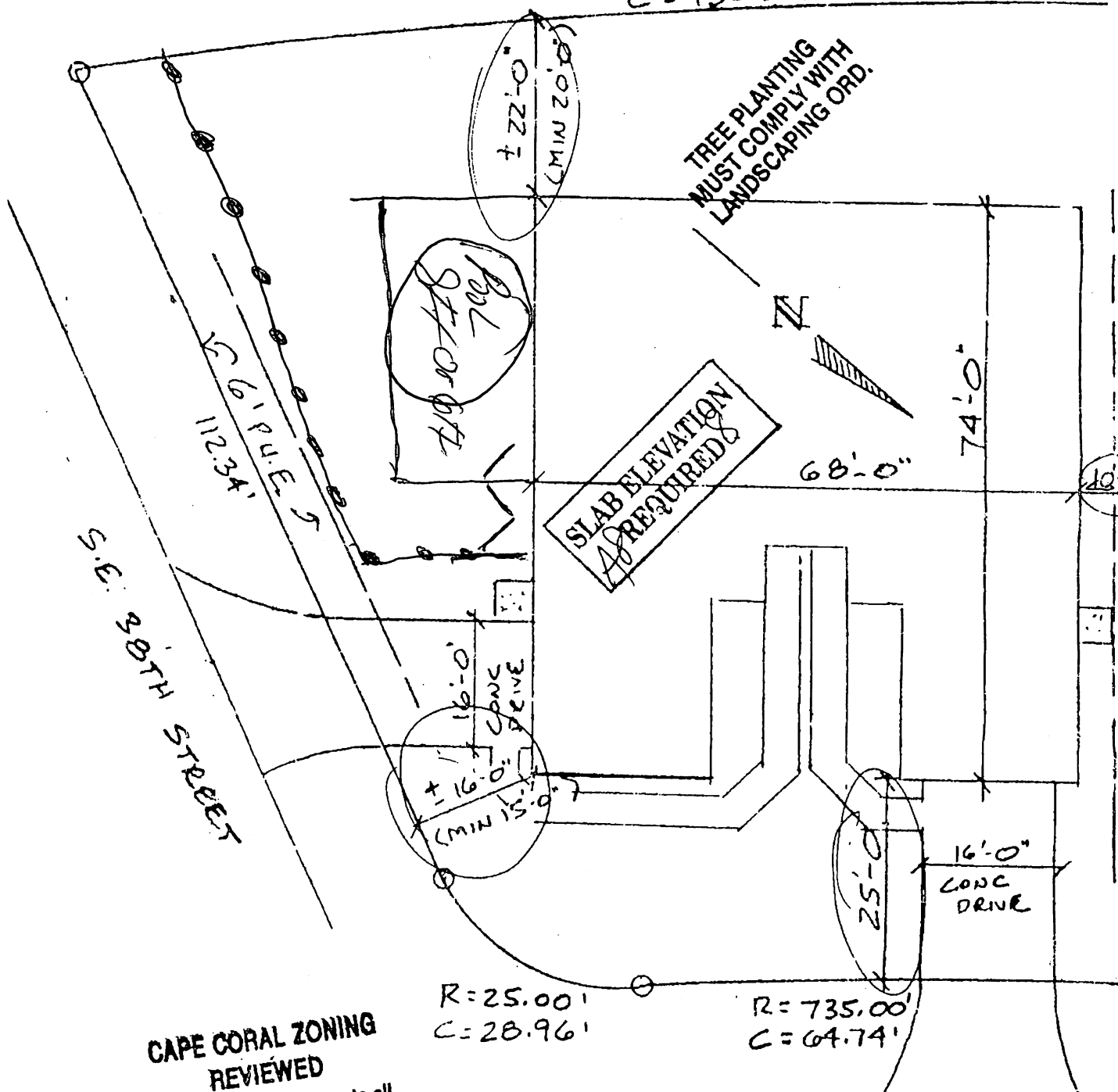
My intention for asking for this variance is to be permitted to leave the pool I have put up where it is and not be instructed to move it. Being there is virtually no place in my 'back yard' to put it – due to both lack of space and over head power lines.

It is also my intention to make the pool both safe for and less intrusive to my neighbors. I will install self locking safety gates as well as landscaping around the perimeter of the pool.

And furthermore it is my intention to use this pool for ONLY my personal relaxation.

Thank you in advance for your time and consideration -

Kennet D. Dill

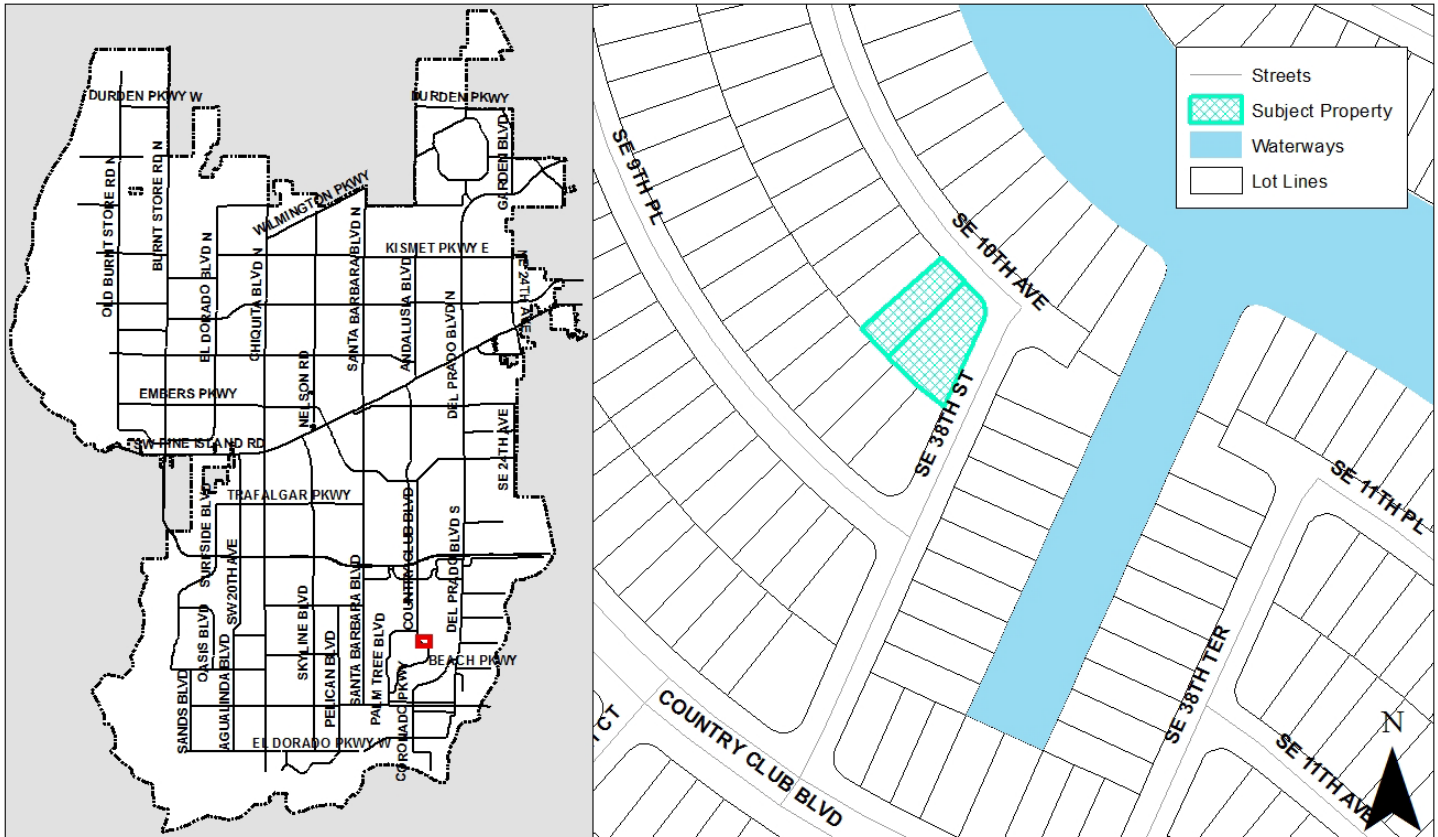
$$R = 2600.00$$
$$C = 136.24$$


CAPE CORAL ZONING  
REVIEWED

Subject to conformance to all  
Local, State and National Codes

Date 2-17-02 By FRANK DIM

ALL SETBACK DIMENSIONS  
ARE FROM PROPERTY LINES



**REVIEW DATE:** April 8, 2019

**REQUEST:** A variance to allow a portable pool in a side yard.

**APPLICANT(S):** Kenneth Gill

**PROPERTY OWNER(S):** Kenneth D. Gill

Karen L. Gill

3724/3726 SE 10<sup>th</sup> Ave.

Cape Coral, FL 33904

**AUTHORIZED REPRESENTATIVE(S):** N/A

**SITE ADDRESS:** 3724/3726 SE 10<sup>th</sup> Ave.

Cape Coral, FL 33904

**STRAP NUMBER:** 06-45-24-C4-00487.0330

**LEGAL DESCRIPTION:** Cape Coral Unit 14 BLK.487 PB 13 PG 66 LOTS 33 + 34

**RIGHT-OF-WAY ACCESS:** The subject property is a corner lot with frontage along SE 10<sup>th</sup> Ave. and SE 38<sup>th</sup> St. Primary access to the site is off SE 10<sup>th</sup> Ave.

**URBAN SERVICE AREA:** Infill

**CODE COMPLIANCE CASE:** Yes (CE19-006211)

**PREPARED BY:** Katherine Woellner, Planner

**APPROVED BY:** Robert H. Pederson, AICP, Planning Division Manager

**RECOMMENDATION:** Denial



## BACKGROUND

The 13.66± sq. ft. subject property is a corner lot in the southeastern portion of the City. The property is two platted lots which host a duplex built in 2002. The duplex meets all the required setbacks and the property meets all dimensional standards for the Multi-Family Residential (R-3) District. The R-3 Zoning consistent with the Multi-Family Future Land Use Classification of the site.

A Code Compliance Case was started on February 28, 2019 regarding a portable swimming pool. The owner was cited for placing a pool in the side yard and for not properly anchoring the structure for the structure. The property owner did not apply for a building permit prior to constructing the pool.

Since the Code Compliance case was started, the property owner has applied for a permit for a six ft. tall wooden fence and a variance to allow the pool to remain in its current location.

The only structures existing on the site is the duplex, built by the property owner, and a four ft. tall chain-link fence surrounding the side and rear yards.

## APPLICABLE REGULATION(S)

The variance request is to allow a portable pool in the side yard. Per LUDR Section 3.10.2:

*“Portable swimming pools are prohibited in the front or the side of any residential lot. Portable swimming pools capable of holding 24 inches in depth or more of water shall be anchored into the ground sufficiently to prohibit movement during a hurricane. Portable pools shall be enclosed by a fence or other protective material, or otherwise shall be covered, when not in use, by a protective cover so that a child cannot accidentally enter the pool. Drainage of pools so as to permit the water to run onto property of other people is prohibited. Wading or splash pools not capable of holding 12 inches or more of water are exempt from the provisions of this subsection.”*

The definitions section of the code states that “yards” are:

*“The open space surrounding the principal building on any lot, unoccupied and unobstructed by a portion of that building from the ground to the sky except where specifically permitted by this ordinance...”*

Pools have specific setbacks per LUDR, Section 2.7.2, Table R-3.b:

*“(b) Single-family or duplex: Opened or enclosed pools or screen enclosures are permitted no closer than ten feet from any rear lot line. Open or enclosed pools or screen enclosures shall be placed at the rear of the structure and may not extend more than ten feet beyond the side of the structure or into the required setback. Any part of a pool or screen enclosure covered by a roof or enclosed by side walls over six feet in height shall be covered by the limitations regarding location of the structure. The minimum distance requirement from a lot line shall be measured from the exterior of the screen enclosure for a screen enclosure or an enclosed pool and from the waterline of an unenclosed pool. In no instance shall any pool, pool enclosure, or screen enclosure be placed within a utility or drainage easement. (See Article III, [§ 3.10.](#)) ”*

## ANALYSIS

A variance is defined as a modification of the requirements of the City ordinance when such modification will not be contrary to the public interest where, because of conditions peculiar to the property involved and not the result of the actions of the applicant which occurred after the effective date of the ordinance, a literal interpretation of the ordinance would result in unnecessary and undue hardship.

Staff has reviewed this application based on the regulations regarding accessory uses in LUDR, Section 3.1, and the five standards for variances in LUDR, Section 8.10.3a-e and offers the following analysis:

1. ***Special Conditions: The special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structure or buildings in the same zoning district; that the special conditions and circumstances do not result from the actions of the applicant.***

**Staff Comment:** The R-3 District requires a minimum front setback of 25 ft., a side setback of 7.5 ft., and rear setback of 20 ft. The survey of the property depicts a front setback of 25 ft., side of 10 ft., and rear of 22 ft. The frontage along SE 38<sup>th</sup> Street requires a 10 ft. setback and the survey shows the closest point of the house 16 ft. from the property line. None of the setbacks are nonconforming.

The subject property is about 13,669 sq. ft. and a duplex in the R-3 District requires a minimum area of 10,000 sq. ft. The site exceeds the minimum lot area requirement by 3,669 sq. ft.

The duplex has two separate dwelling units. The applicant only resides in one unit of the duplex. Because two dwelling units exist on one property, yard access is split between the two occupants.

The lot shape is trapezoidal instead of rectangular, meaning the duplex is closer to one side than the other. This shape creates a large side yard on one side of the property and a smaller, linear rear yard and interior side yards.

The lot size and setbacks of the structure do not create any special conditions on the property; however, the lot shape and duplex configuration does.

**Determination:** Standard **MET** by the applicant

2. ***No Special Privilege: The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district.***

**Staff Comment:** Granting the variance would allow a pool in, what is currently considered, a side yard which is specifically prohibited per the swimming pool code. Granting the variance would confer special privileges on the applicant.

**Determination:** Standard **NOT MET** by the applicant

3. ***Hardship: That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardships on the applicant.***

**Staff Comment:** The subject property is a corner lot with large side setbacks and a long, narrow back yard. As currently configured, the duplex sits about 22 ft. from the rear property line. The zoning code

states that pools cannot be within 10 ft. from the rear property line, leaving about 12 ft. for a pool, deck, and enclosure.

It is a reasonable expectation to place a swimming pool, especially a portable swimming pool, on a residential property and the literal interpretation of the regulations prohibit the placement of such a pool on this site.

**Staff determination and analysis:** Standard **MET** by the applicant

**4. *Minimum Variance: That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.***

**Staff Comment:** The applicant is proposing a 15 ft. diameter aboveground pool (portable pool) towards the rear of the existing side yard which will be screened by a 6 ft. wood fence. The variance requested by the applicant is the minimum necessary to allow for a pool on the property.

**Determination:** Standard **MET** by the applicant

**5. *Purpose and Intent; Public Interest: That the granting of the variance will be in harmony with the general intent and purpose of this ordinance, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.***

**Staff Comment:** The City's pool regulations and definitions of yards have created a development pattern of pools located behind the primary structure. Granting a variance for a pool in the side yard would be counter to the pattern seen throughout the city.

**Determination:** Standard **NOT MET** by the applicant

## RECOMMENDATION

Staff finds that is variance meets **THREE** of the **FIVE** standards established for variances. Since this request does not meet all five standards staff recommends **DENIAL**.

---

### Staff Contact Information

Katherine Woellner, Planner

PH: 239-574-0605

Email: [kwoellner@capecoral.net](mailto:kwoellner@capecoral.net)



## 500' NOTICE TO SURROUNDING PROPERTY OWNERS

**CASE NUMBER:** VA19-0002

**REQUEST:** The applicant requests a Variance to allow a portable pool in a side yard.

**LOCATION:** 3724/3726 SE 10<sup>th</sup> Ave.

**CAPE CORAL STAFF CONTACT:** Katherine Woellner, Planner, 239-574-0605, [kwoellner@capecoral.net](mailto:kwoellner@capecoral.net),

**PROPERTY OWNER(S):** Kenneth D. Gill and Karen L. Gill

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, May 7<sup>th</sup>, 2019 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available 5 days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

**DETAILED INFORMATION:** The case report and colored maps for this application are available at the City of Cape Coral website, [www.capecoral.net/publichearing](http://www.capecoral.net/publichearing) (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

**HOW TO CONTACT:** Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

**ADA PROVISIONS:** In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

**APPEALS:** If a person decides to appeal any decision made by the Hearing Examiner with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she 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.



**Classified Ad Receipt**  
**(For Info Only - NOT A BILL)**

**Customer:** CITY OF CAPE CORAL\_DEPT OF COM

**Ad No.:** 0003520380

**Address:** 1015 CULTURAL PARK BLVD  
CAPE CORAL FL 33990  
USA

**Net Amt:** \$337.79

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 04/27/19

**Text of Ad:**

NOTICE OF PUBLIC HEARING  
ADVERTISEMENT

CASE NUMBER: VA19-0002

REQUEST: The applicant requests a  
Variance to allow a portable pool in a  
side yard.

LOCATION: 3724/3726 SE 10th Ave.

CAPE CORAL STAFF CONTACT: Kather-  
ine Woellner, Planner, 239-574-0605, k  
woellner@capecoral.net,

PROPERTY OWNER(S): Kenneth D. Gill  
and Karen L. Gill

UPCOMING PUBLIC HEARING: Notice is  
hereby given that the City of Cape Cor-  
al Hearing Examiner will hold a public  
hearing at 9:00 A.M. on Tuesday, May  
7th, 2019 on the above mentioned  
case. The public hearing will be held in  
the City of Cape Coral Council Cham-  
bers, 1015 Cultural Park Boulevard,  
Cape Coral, FL.

All interested parties are invited to ap-  
pear and be heard. All materials pre-  
sented before the Hearing Examiner  
will become a permanent part of the  
record. The public hearing may be con-  
tinued to a time and date certain by  
announcement at this public hearing  
without any further published notice.  
Copies of the staff report will be avail-  
able 5 days prior to the hearing. The  
file can be reviewed at the Cape Coral  
Community Development Department,  
Planning Division, 1015 Cultural Park  
Blvd., Cape Coral, FL.

DETAILED INFORMATION: The case re-  
port and colored maps for this applica-  
tion are available at the City of Cape  
Coral website, [www.capecoral.net/publ  
ichearing](http://www.capecoral.net/publ<br/>ichearing) (Click on 'Public Hearing In-  
formation', use the case number refer-  
enced above to access the informa-  
tion); or, at the Planning Division coun-  
ter at City Hall, between the hours of  
7:30 AM and 4:30 PM.

HOW TO CONTACT: Any person may  
appear at the public hearing and be  
heard, subject to proper rules of con-  
duct. You are allowed sufficient time  
to write or appear at the public hear-  
ing to voice your objections or appro-  
val. Written comments filed with the  
Director will be entered into the re-  
cord. Please reference the case number  
above within your correspondence and  
mail to: Department of Community  
Development, Planning Division, P.O.  
Box 150027, Cape Coral, FL 33915-0027.  
The public hearing may be continued  
to a time and date certain by an-  
nouncement at this public hearing  
without any further published notice.

ADA PROVISIONS: In accordance with  
the Americans With Disabilities Act,  
persons needing a special accommoda-  
tion to participate in this proceeding  
should contact the Human Resources  
Department whose office is located at  
Cape Coral City Hall, 1015 Cultural Park  
Boulevard, Cape Coral, Florida; tele-  
phone 1-239-574-0530 for assistance; if  
hearing impaired, telephone the Flori-  
da Relay Service Numbers, 1-800-955-  
8771 (TDD) or 1-800-955-8770 (v) for  
assistance.

By Order Of  
Kimberly Bruns, CMC  
Interim City Clerk  
REF # VA19-0002  
AD#3520380, April 27, 2019

Department of Community Development  
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Kenneth D. Gill

APPLICATION NO: VA19-0002

STATE OF FLORIDA       )  
                                      ) §  
COUNTY OF LEE        )

I, Vincent A. Cautero, AICP having first been duly sworn according to law, state on my oath the following:

That I am the Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

That pursuant to City of Cape Coral Code. Section 8.3.2A and Section 8.11.3.A all required written notice and publication has been provided. Also, posting of a sign has been done when applicable per Section 8.3.2A.

DATED this 29<sup>th</sup> day of April, 2019.

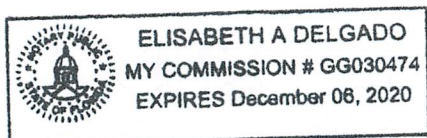


Vincent A. Cautero, AICP

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of April, 2019, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # G6030474

  
Signature of Notary Public


Elisabeth A. Delgado  
Print Name of Notary Public





CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

Case No. VA19-0002

 Subject Parcel



0 30 60  
Feet

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations. Please contact the Department of Community Development with any questions regarding this map product.



# CITY OF CAPE CORAL

Department of  
Community Development  
Planning Division

CURRENT ZONING MAP  
500 Proximity Boundary

Case No. VA19-0002

## LEGEND

-  Subject Parcel
-  500' Boundary
-  R-1B
-  R-3



APRIL 11, 2019

0 75 150 225 300 Feet

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations. Please contact the Department of Community Development with any questions regarding this map product.

KRKA

SE 9TH PL

RUBICAN CANAL

HOYA CANAL

SE 38TH TER

SUBJECT PARCELS

500' PROXIMITY BOUNDARY

Item Number:	3.A.
Meeting Date:	5/7/2019
Item Type:	DATE AND TIME OF NEXT MEETING

**AGENDA REQUEST  
FORM**  
CITY OF CAPE CORAL



**TITLE:**

Friday, May 24, 2019, at 9:00 a.m., in Council Chambers

**REQUESTED ACTION:**

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment?

2. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below.

If No, will it harm the intent or success of the Strategic Plan?

**Planning & Zoning Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

WHAT THE ORDINANCE ACCOMPLISHES:

**LEGAL REVIEW:**

**EXHIBITS:**

**PREPARED BY:**

Division- Department-

**SOURCE OF ADDITIONAL INFORMATION:**