



Tuesday, September 13, 2022  
9:00 AM  
Council Chambers

**1. HEARINGS CALLED TO ORDER**

**2. HEARINGS**

- A. Case #VAR22-000033\*; Address: 2726 SW 38th Ter; Applicant: Quality Home Estate Inc.
- B. Case #RZN22-000024\*; Address: 1216, 1222 & 1302 SE 8th Place; Applicant: Centrum Place LLC

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

- A. Tuesday, September 27, 2022, 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.



## AGENDA REQUEST FORM

CITY OF CAPE CORAL

Item Number:	2.A.
Meeting Date:	9/13/2022
Item Type:	HEARINGS

**TITLE:**

Case #VAR22-000033\*; Address: 2726 SW 38th Ter; Applicant: Quality Home Estate Inc.

**REQUESTED ACTION:**

Approve or Deny

**SUMMARY EXPLANATION AND BACKGROUND:**

Quality Home Estate, Inc. is requesting a variance of 8.69 feet to the minimum 80-foot lot width at the building setback line as required in LDC, Table 4.1.3.B., to allow a site with a lot width of 71.31 feet in the Single-Family Residential (R-1) District. The site is located in an area dominated with single-family homes. A larger parent site was split by a former owner in 2004 without City review and approval. The current owner purchased the site in 2018. Staff's recommended findings show the applicant has met all seven variance standards found in LDC, Section 3.4.3. If granted, the variance will allow the owner of the site to construct a single-family home with a front setback of 32.7 feet.

**STRATEGIC PLAN ALIGNMENT:**

1. 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

**RECOMMENDATIONS:**

City Planning Staff Recommendation: Approval

**SOURCE OF ADDITIONAL INFORMATION:**

Vince Cautero, Director of Development Services, 574-0600

**FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:**

N/A

1. Will this action result in a Budget Amendment? No

**PREPARED BY:**

Brienne Cherry, Planning  
Technician

Division- City  
Planning

Department- Development  
Services

**ATTACHMENTS:**

- | Description     | Type            |
|-----------------|-----------------|
| 1. Novus Packet | Backup Material |



DEPARTMENT OF DEVELOPMENT SERVICES  
CITY PLANNING DIVISION

For Internal Use Only

Case \_\_\_\_\_

Date \_\_\_\_\_

Tel. (239) 574-0553

Fax (239) 574-0591

P.O. Box 150027

Cape Coral, FL 33915-0027

**VARIANCE APPLICATION**

**VARIANCE REQUIREMENTS**

1. ☒ **Application, Acknowledgement Form, Authorization to Represent.**
  - All forms must be filled out completely and legible.
  - All forms must be signed by the property owner(s) and must be notarized.
  - If the owner does not own the property in his/her personal name (e.g. LLC, trust, etc.), the owner must sign all applicable forms in his/her corporate capacity.
  - If the authorized representative is an attorney, the application and the Acknowledgement Form may be signed by the attorney, and an Authorization to Represent Property Owner Form is not required.
2. ☒ **Letter of intent stating the following (see page seven):**
  - Actual Request.
  - Why this request is being made.
  - How the request is consistent with the seven standards used for evaluating variances.
3. ☒ **Development plan (if applicable) drawn to scale (not less than 1" = 50') and containing the following:**
  - Site layout showing dimensions, boundary lines, North directional arrow and complete legal description of the property.
  - The location and dimensions of all existing and/or proposed buildings and structures, including additions, eaves, overhangs, porches, and patios.
  - The setback distance from all buildings, additions on structure to property lines. Indicate the square footage associated with each existing and proposed use of buildings.
  - Location and dimensions of driveways. Show parking areas with layout and number of spaces and traffic flow.
4. ☒ **Certified (as built) survey is required for all applications.**
5. ☐ **If the subject property is within 500 feet of any County properties, the applicant must provide a typewritten list of all affected property owners within the area. The list must be prepared in label format and contain the following information; name, address, city, state, and zip code.**

**FEES: 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. Should the variance be approved, 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.





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CITY PLANNING DIVISION

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**VARIANCE APPLICATION**

**PROPERTY INFORMATION**

Project Name: Meir Residence  
Location/Address 2726 SW 38th Ter, Cape Coral, FL 33914  
Strap Number 05-45-23-C4-04886.0560 Unit 74 Block 4886 Lot (s) 56 + 57  
Plat Book 22 Page 111-131 Future Land Use Residential Current Zoning R1-W

**PROPERTY OWNER (S) INFORMATION**

Owner WNCC Incorporation Address 804 Nicholas Pkwy E #1  
Phone +49 160 8981868 City Cape Coral  
Email anton.meir@t-online.de State FL Zip 33990  
Owner \_\_\_\_\_ Address \_\_\_\_\_  
Phone \_\_\_\_\_ City \_\_\_\_\_  
Email \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**APPLICANT INFORMATION (If different from owner)**

Applicant Qualilty Home Estate Inc. Address 2703 SW 43rd Ter  
Phone 239-202-1010 City Cape Coral  
Email qualityhomeestate@gmail.com State FL Zip 33914

**AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)**

Representative Maurizio Ferrara Address 3417 SW 15th Pl  
Phone 239-443-8202 City Cape Coral  
Email ferraraconstruction@live.com State FL Zip 33914



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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.

**(ALL SIGNATURE MUST BE NOTARIZED)**

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.

WNCC Incorporation  
CORPORATION/COMPANY NAME (IF APPLICABLE)

Anton Meir  
OWNER'S NAME (TYPE OR PRINT)

Anton Meir  
OWNER'S SIGNATURE

Christine Meir  
OWNER'S NAME (TYPE OR PRINT)

Christine Meir  
OWNER'S SIGNATURE

Maurizio Ferrara  
APPLICANT NAME (TYPE OR PRINT)

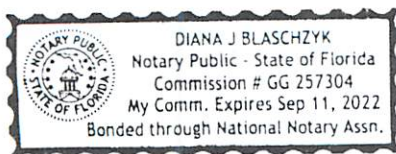
Maurizio Ferrara  
APPLICANT SIGNATURE

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.

STATE OF FL

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 20th day of APRIL, 2022 by Anton+Christine Meir who are is personally known to me or produced ✓ as identification.



Exp Date: 09/11/2022 Commission Number: GG 257304

Signature of notary Public:

Diana J. Blaschzyk

Printed Name of Notary Public:

DIANA J. BLASCHZYK





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CITY PLANNING DIVISION

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**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 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 and recording costs. All fees are to be submitted to the City of Cape Coral with the application.

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 20th Day of April, 2022.

WNCC Incorporation  
CORPORATION/COMPANY NAME

Anton Meir & Christine Meir  
OWNER'S NAME (TYPE or PRINT)  
Anton Meir, Christine Meir  
OWNER'S SIGNATURE

STATE OF FL

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 20th day of APRIL, 2022 by Anton+Christine Meir who ~~are~~ is personally known to me or produced /s/ as identification.



Exp Date: 09/11/2022 Commission Number: GG 257304

Signature of notary Public:

Diana J. Blaschzyk  
DIANA J. BLASCHZYK

Printed Name of Notary Public:



DEPARTMENT OF DEVELOPMENT SERVICES  
CITY PLANNING DIVISION

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P.O. Box 150027  
Cape Coral, FL 33915-0027

**AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)**

PLEASE BE ADVISED THAT Maurizio Ferrara

(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST BEFORE THE HEARING EXAMINER  
AND CITY COUNCIL.

UNIT 74 BLOCK 4886 LOT(S) 56 & 57 SUBDIVISION \_\_\_\_\_

OR LEGAL DESCRIPTION CAPE CORAL UNIT 74 BLK 4886 PB 22 PG 120 LOT 56 + POR 57 DE

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

WNCC Inc. / Anton Meir  
PROPERTY OWNER (Please Print)

Anton Meir  
PROPERTY OWNER (Signature & title)

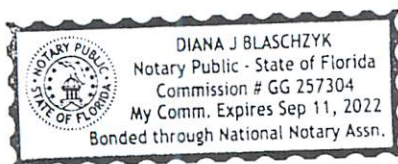
WNCC Inc. / Christine Meir  
PROPERTY OWNER (Please Print)

Christine Meir  
PROPERTY OWNER (Signature & title)

STATE OF FL

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online  
notarization, this 20<sup>th</sup> day of APRIL, 2022 by Anton+Christine Meir who  
are ~~is~~ personally known to me or produced \_\_\_\_\_ as identification.



Exp Date: 09/11/2022 Commission Number: GG 257304

Signature of notary Public:

Diana J. Blaschzyk

Printed Name of Notary Public:

DIANA J. BLASCHZYK

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





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DOCUMENTARY EVIDENCE (LDC, Section 3.1.11F.6)

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 three 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.

WNCC Incorporation

OWNER/APPLICANT  
(PLEASE TYPE OR PRINT)

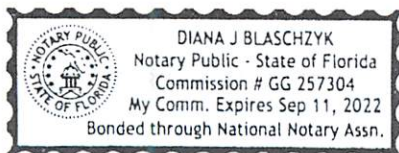
Anton + Christine Meir  
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 20th day of APRIL, 2022 by Anton + Christine Meir who are ~~is~~ personally known to me or produced 1/ as identification.



Exp Date: 09/11/2022 Commission Number: GG 257304

Signature of Notary Public: Diana J. Blaschzyk

Printed Name of Notary Public: DIANA J. BLASCHZYK



### VARIANCE REQUEST REGULATIONS

The following items must be included in the letter of intent filed with the variance application.

1. A clear statement identifying the variance request. For example: I am requesting a five-foot front setback from the minimum 25-foot front setback requirement in the R-1 District to allow a front setback of 20 feet.
2. An explanation of why the variance is requested.
3. An explanation as to why the requested variance is consistent with each of the seven standards identified below (items 3a.-3g.) that are used for evaluation variance request.
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
  - b. That the special conditions and circumstances do not result from the actions of the applicant;
  - c. That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, buildings, or structures in the same zoning district;
  - d. That literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these regulations and would cause or impart unnecessary and undue hardship on the applicant;
  - e. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
  - f. That granting the variance will not change the use to one that is not permitted in the zoning district or different from other land in the same district; and
  - g. That the granting of the variance will be in harmony with the general intent and purpose of these regulations, and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Please refer the Land Development Code, Section 3.4.3 Variances, adopted; August 5, 2019.





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AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Steven C. Hartsell, Esq.  
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST BEFORE THE HEARING EXAMINER  
AND CITY COUNCIL.

UNIT 74 BLOCK 4886 LOT(S) 56 & pt.57 SUBDIVISION Cape Coral Subdivision

OR LEGAL DESCRIPTION \_\_\_\_\_

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

WNCC Inc. Ante Meir  
PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

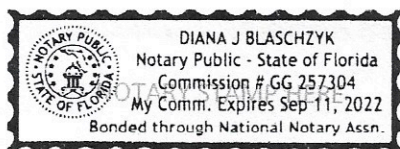
PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

STATE OF FLORIDA

COUNTY OF LEE

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online  
notarization, this 23<sup>rd</sup> day of AUGUST, 2022 by ANTON MEIR who  
is personally known to me or produced /. as identification.



Exp Date: 9/11/2022 Commission Number: GG 257304

Signature of notary Public:

Diana J. Blaschzyk

Printed Name of Notary Public:

DIANA J. BLASCHZYK

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

August 24, 2022

Mr. Mike Struve, AICP  
Planning Team Coordinator  
City of Cape Coral  
P. O. Box 150027  
Cape Coral, FL 33915-0027

*Via Email: [mstruve@capecoral.net](mailto:mstruve@capecoral.net)*

RE: VAR22-000033 – 2726 SW 38<sup>th</sup> Terrace (Our Client File #95154.001)

Dear Mike:

Thanks very much for the time you took on the telephone helping me get up to speed on the variance application filed for WNCC Incorporation for 2726 SW 38<sup>th</sup> Terrace. I represent the owners of the property who have engaged Quality Home Estate, Inc., as their builder.

As you discussed with Mr. Ferrara (Applicants' contractor) when he requested that the hearing be postponed, we understand (from the July 26, 2022, Case Report) that the staff needs additional information with regard to the fifth variance standard. Please let this letter serve to provide that additional information.

Cape Coral LDC §3.4.3 requires seven standards to be met for the granting of a variance. The case report reflects that six of the standards have been met but additional information is needed to respond to the standard:

5. That the variance granted is the minimum variance that will make possible to reasonable use of the land, building, or structure.

The applicants have requested a variance of 8.69 feet to the minimum 80-foot lot width at the building setback line as required in LDC, Table 4.1.3.B to allow a lot width of 71.31 feet. The proposed variance is the minimum that will allow a reasonable use of the property. The property is an irregularly shaped lot which resulted from an unapproved lot split (by previous owners, not the Applicants) in 2004 that resulted in a shared lot line between this property and the parcel to the west. That irregularly shaped property line resulted in two parcels where the minimum 80-foot lot with could not be met without creating unreasonably large front and back yards or an unreasonably small home.

In an effort to meet the regulations, the Applicants' builder and architect conferred with a member of the Cape Coral Planning/Building staff (Jim Cornue) and they believed that he supported a custom designed home that would meet the side and rear setbacks, while exceeding the required 25-foot front



setback (at over 32 feet). The house was designed so that it fell roughly in the middle between the 25-foot setback of the home adjacent to the east and the 54-foot setback of the home adjacent to the west. All the other setbacks were also met. While the home meets all of the required setbacks, as well as exceeding the minimum 1,400 square-foot living area required by the city, due to the irregular lot split property lines, even at the greater 32-foot front setback (where the lot width must be measured) it is only 71.31 feet wide.

Although the entity is a corporation, the home is owned by a family of five where all three children are already over 18 years old. The property was purchased by the parents, Anton and Christine Meir, with the intention of using it as a vacation home where the family could regularly gather. It requires four bedrooms to accommodate all the adults in individual rooms. Anticipating five adults (with the possibility of spouses or significant others, and even perhaps grandchildren) they planned for a correspondingly sized pool and outdoor terrace area as well.

Since the lot is irregularly shaped, it required a custom design to meet the setbacks at the various distances where the lot lines changed. After coordinating with city staff and believing that the proposed design had met all of the city requirements for size and setbacks, the owners believed that they were on their way to approval of the building permit. Because of all the delays recently experienced in getting building permits approved, and with the unrelated but often even longer delays associated with obtaining building materials (particularly those that are custom designed), the builders believed that it was reasonable to order those materials in advance of the actual permit approval in an effort to be prepared to start construction at the end of that long process. Consequently, they have made down-payments/full payments, entered into contracts for designs and materials, and purchased a significant amount of building materials that include the following which have been designed for this custom home and cannot simply be returned for a refund (See the attached Quality Home Cost Summary, showing \$101,852.51 paid so far, with exhibits):

Hayden Volz, Cinnamon Design	\$11,925 <sup>00</sup>
Calculation Computations, Inc.	\$250 <sup>00</sup>
Door Factory US, Inc.	\$16,821 <sup>44</sup>
Central Florida Trusses	\$25,500 <sup>00</sup>
Xtreme Windows, Mr. Glass	\$24,242 <sup>52</sup>
Marfa-Kitchen, Chicago	5,000 <sup>00</sup>
Cape Floors by Design	\$9,413 <sup>55</sup>
Unique Pools, Chris	\$5,000 <sup>00</sup>

Having designed a home that meets all the requirements of the city codes regarding setbacks, minimum size, and height, they were surprised to discover that the lot width measured at the front setback would be an impediment to the building permit, especially when the front setback exceeds the minimum required setback. The property to the west (the other half of the lot split) already has a home built on it and that lot suffers a similar problem with the lot width less than 80', so the Applicants cannot obtain additional land to increase the lot width.

These property owners were unaware that the lot split was nonconforming and are the innocent purchasers without knowledge of that problem. Now their only recourse is to apply for a variance. They submit that the variance requested based upon this home (which was custom designed to meet all the

Mr. Mike Struve  
August 24, 2022  
Page 3

setbacks related to the unusual irregular lot lines) is the minimum variance that makes possible the reasonable use of this land.

As mentioned, the owners appreciate the opportunities I've been given to provide additional information and would be happy to discuss it further or provide additional information if that becomes necessary. Please feel free to contact me if we can provide any additional information.


Very truly yours,  
*Signed & emailed in Mr. Hartsell's absence  
To avoid delay*

*Steven C. Hartsell*  
Steven C. Hartsell */elp*

SCH/llp

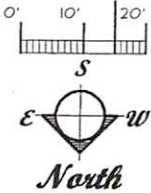
Attachments: As noted

cc: Client *via email*  
Hans Baechi, CEO, Quality Home Inc., *via email*

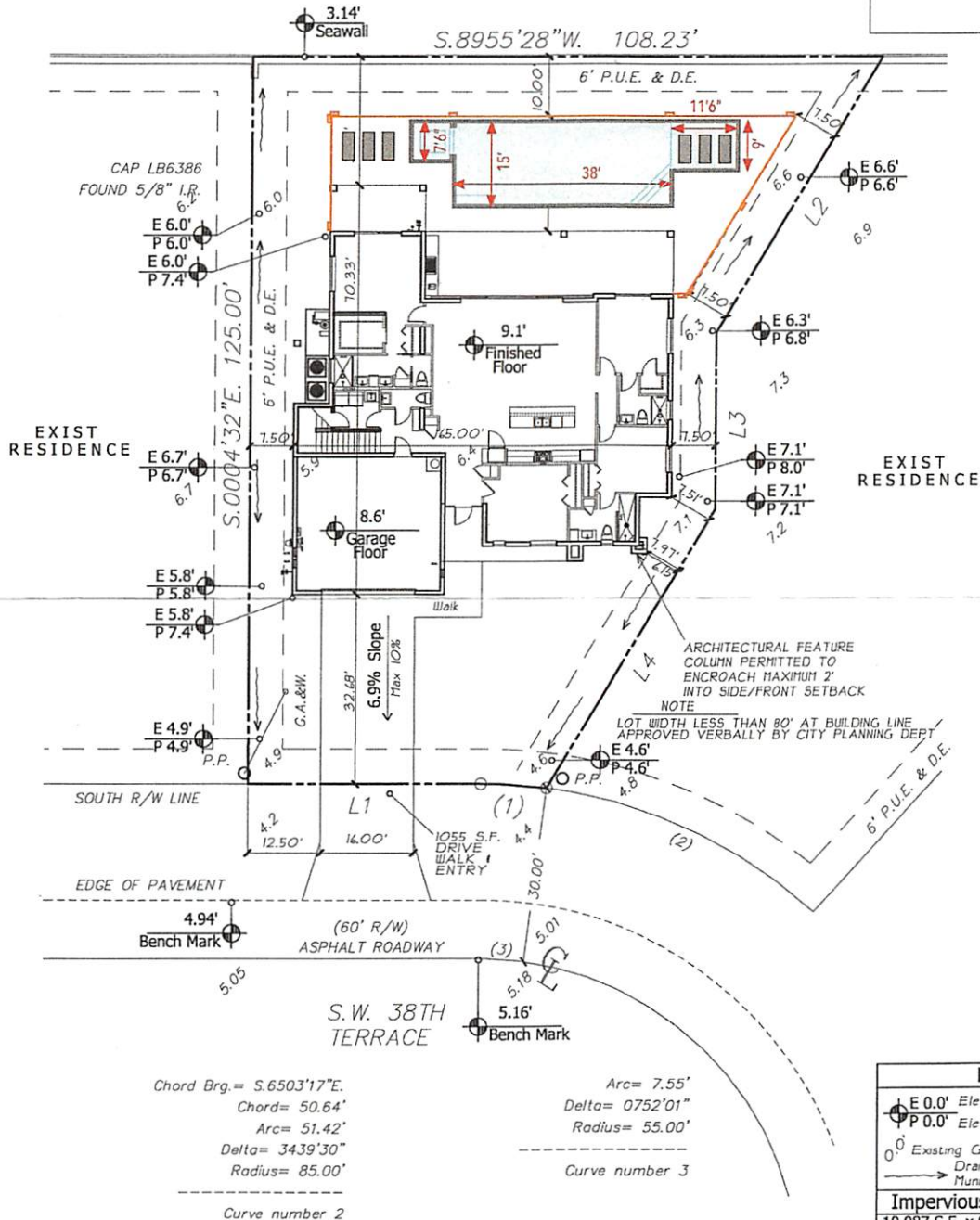
					Quality Home Estate Inc.	
		<b>Costs Villa Alany</b>	<b>2021/22</b>			
Pos.	Code	Description	Budget	Cost effective paid	Subcontracor	Status
		<b>2726 SW 38th Ter, Cape Coral, FL 33914</b>				
1	3005	Architect, Designer		\$ 9,925.00	Hayden Volz, Cinnamon Design	paid
2	3006	Engineering		\$ 2,000.00	Hayden Volz, Cinnamon Design	paid
3	3008	Calculations, Bookkeeping		\$ 500.00	Quality Home Estate Inc.	paid
4	3010	Energy-Calcs		\$ 250.00	Calculation Computations, Inc.	paid
5	3030	Survey		\$ 700.00	Harris Joergensen LLC	paid
6	3226	Trim Materials & Interior Doors	\$ 16,821.44	\$ 16,821.44	Door Factory US Inc.	ordered & paid
7	3230	Trusses (Delivery End of August 22)	\$ 25,500.00	\$ 25,500.00	Central Florida Trusses	ordered & paid
8	3370	Windows / Sliders. (delivered in storage)	\$ 34,814.07	\$ 24,242.52	Xtreme Windows, Mr. Glass	ordered & paid
9	3500	Kitchen (Design, ordered)	\$ 18,000.00	\$ 5,000.00	Marfa-Kitchen, Chicago	ordered & downpayment
10	3600	Tiles, Flooring (delivered in storage)	\$ 9,413.55	\$ 9,413.55	Cape Floors by Design	paid
11	3650	Pool-Contractor (Planning, Detail-Project ready)	\$ 142,800.00	\$ 5,000.00	Unique Pool, Chris	Downpayment Project
12	3999	Diverse		\$ 2,500.00	Diverse	paid
		<b>Total</b>		<b>\$ 101,852.51</b>		
		Status at:	8/15/22		Quality Home Estate Inc.	
					Hans Baechi, CEO	

## COST SUMMARY

2703 SW 43rd Ter, Cape Coral, FL 33914  
Phone +1(239)202-1010 / info@qualityhome.me



CORSICA CANAL



Legend	
$\oplus$ E 0.0'	Elevation Existing
$\odot$ P 0.0'	Elevation Proposed
0.0'	Existing Grade Elevation Per Survey
$\rightarrow$	Drainage Flow Per Local Municipality Requirements
<b>Impervious Surface Calculation</b>	
10,087 S.F. x 0.60 = 6052 s.f. Allowable	
Impervious Surface : 5382 s.f. (53.3%)	
Bldg. Footprint	3497 S.F.
Equipment Pads	44 S.F.
Driveway	523 S.F.
Walks	83 S.F.
Pool Deck	1015 S.F.
Total Impervious Area	5382 S.F.

Finished Floor and Grading Elevations Must Be Verified By Contractor

**cinnamon design**  
1341 MIRAMAR STREET, SUITE 201, CAPE CORAL, FL 33904  
WWW.GETCINNAMON.COM Phone 231-540-8332

Drawn: H. VOLZ  
Date: 4-8-21  
Scale: 20  
Rev: 7-1-21, 7-14-21

Legal  
2124 S.W. 38th TERRACE, CAPE CORAL  
UNIT: 14 BLOCK: 1886  
LOT: 54 1/2 POR OF LOT 57  
STRP #05-45-23-C4-048840540

See Survey For Additional Information



DOOR FACTORY INC.  
4200 N 29th Ave Ste D  
Hollywood, FL 33020 US  
9544047808  
esp@doorfactory.us  
www.doorfactory.us



**ADDRESS**

HANS BAECHI (MO)  
QUALITY HOME ESTATE  
2703 SW 43RD TERRACE  
CAPE CORAL, FL 33914 USA

**SHIP TO**

HANS BAECHI (MO)  
QUALITY HOME ESTATE  
2703 SW 43RD TERRACE  
CAPE CORAL, FL 33914 USA

**Estimate 3526**

**DATE 12/27/2021**

**REFERENCE**  
VILLA CENTA

DATE	ACTIVITY	QTY	RATE	AMOUNT
12/16/2021	Unica LAM - Bianco Matt B011 Unica LAM - Bianco Matt B011- LAQUERED (UNICA 3A) FULL SET SWING DOORS INCLUDES: SET OF CASINGS, WOOD FRAME WITH RUBBER SOUND SEAL , CONCEALED HINGES, MORTISE MAGNETIC LOCK, PRIVACY OPTION , SOLID WOOD SLAB 1 3/4" THICKNESS, HANDLE AS BONUS	21 <i>22</i>	750.00	15,750.00T <i>AL Vert Alu stripe</i>
12/16/2021	Unica LAM - Bianco Matt B011 Unica LAM - Bianco Matt B011 FULL SET OF BARN DOOR INCLUDES, MECHANISM AND HARDWARE HEAVY DUTY , SLAB 1 3/4" THICKNESS AND RECEASED PULL HANDLES	1	750.00	750.00T
12/16/2021	Unica LAM - Bianco Matt B011 Unica LAM - Bianco Matt B011 FULL SET POCKET DOORS INCLUDES: LEAF, PULL HANDLE, PRIVACY OPTION. PLEASE NOTICED THAT THE FREE SPACE INSIDE THE WALL MUST BE 2 1/8". PLEASE NOTICED THAT ALL OUR SLABS THICKNESS IS 1 3/4" OR 44 MM. THIS PRICE DOES NOT INCLUDE THE POCKET FRAME STRUCTURE INSIDE THE WALL	<i>1</i>	750.00	750.00T
12/16/2021	<b>Delivery</b> Delivery (Curb Side)	1	500.00	500.00

"All prices are guaranteed for 30 days only"

Please note - the extensions and other products and services may not be included in this Estimate. Upon final measurements

SUBTOTAL

DISCOUNT

17,750.00

-2,000.00

Terms and condition. This invoice is part of an attached or emailed receipt for all products and services. All invoices, agreements etc. must be signed by client and copies provided to client. The signed documents are accepted as full understanding between Door Factory and the client.

All products are considered custom and are specially prepared to fit client's needs. All sales are FINAL



BARTOW OFFICE : 863-533-0821  
FAX : 863-533-9517

MELBOURNE OFFICE : 321-259-7507  
FAX : 321-242-8017

SARASOTA OFFICE : 941-371-5239  
FAX : 941-377-7788

Date : 9/1/2021

Bartow Office :  
P.O. Box 455  
Bartow , FL 33831

SALES REP :  
Kevin Witmer  
KRW@cftruss.com

## PROPOSAL / ESTIMATE

**CUSTOMER : QUALITY HOME ESTATE, INC.**

1222 SE 47th ST #C1

CAPE CORAL , FL 33904

**JOB : MEIR RESIDENCE (VILLA ALANY)**

LOT / BLK / SUBDIVISION :

STREET ADDRESS : 2726 SW 38th TERRACE  
CAPE CORAL , FL

FLOOR & ROOF TRUSSES PER LAYOUT # JDS2138

PRICE INCLUDES LUMBER TREATED WITH A MOLD INHIBITOR AT NO ADDITIONAL COST.

ALL TEMPORARY AND PERMANENT TRUSS BRACING SUPPLIED BY BUILDER.

INCLUDES ALL TRUSS TO TRUSS CONNECTIONS.

### NOTES :

SubTotal : \$24,033.02

0.50% County : \$25.00

6.00% State : \$1,441.98

Design Payment :

Total : \$25,500.00

Upon acceptance, this proposal is subject to the standard terms and conditions listed below :

- Truss orders built per this order cannot be changed or cancelled.
- Terms : Net 10 days
- Interest at the rate of 1 1/2 % per month will be charged on Past Due Accounts.
- No Changes or additions shall be regarded as binding here under unless reduced in writing and signed by a proper official of Central Florida Truss.
- All items selected or requested which are not specifically listed above shall be considered as extra and payable upon delivery.

ACCEPTED BY : \_\_\_\_\_ DATE : \_\_\_\_\_

\*\*\* PRICES SUBJECT TO CHANGE 30 DAYS FROM DATE OF PROPOSAL. \*\*\*



MELBOURNE  
(321) 258-2627  
FAX: (321) 242-8017

BARTOW  
(888) 532-8877  
FAX: (888) 532-8877

SARASOTA  
(841) 371-4239  
FAX: (841) 371-7788

**DESIGN CRITERIA**  
FBC 7th Ed. 2020 RESIDENTIAL  
WIND CODE : ACCE 7-16  
WIND SPEED : 110 MPH  
EXPOSURE : II  
RISK CATEGORY : ENCLOSED  
ENCLOSURE : INT. PRES. COEF. : +0.18

**ROOF DATA**  
T.C. PITCH : 35/12  
T.C. SIZE : 224  
O.A.H. : 24'  
OVERHANG : CANT  
O.C. : 15" O.C.

LOADING		LOADING	
CHORD	LINE LOAD TOTAL	CHORD	LINE LOAD TOTAL
TOP	20	TOP	40
BOTM	0	BOTM	0
TOTAL	20	TOTAL	40
DURATION FACTOR	1.25	DURATION FACTOR	1.00

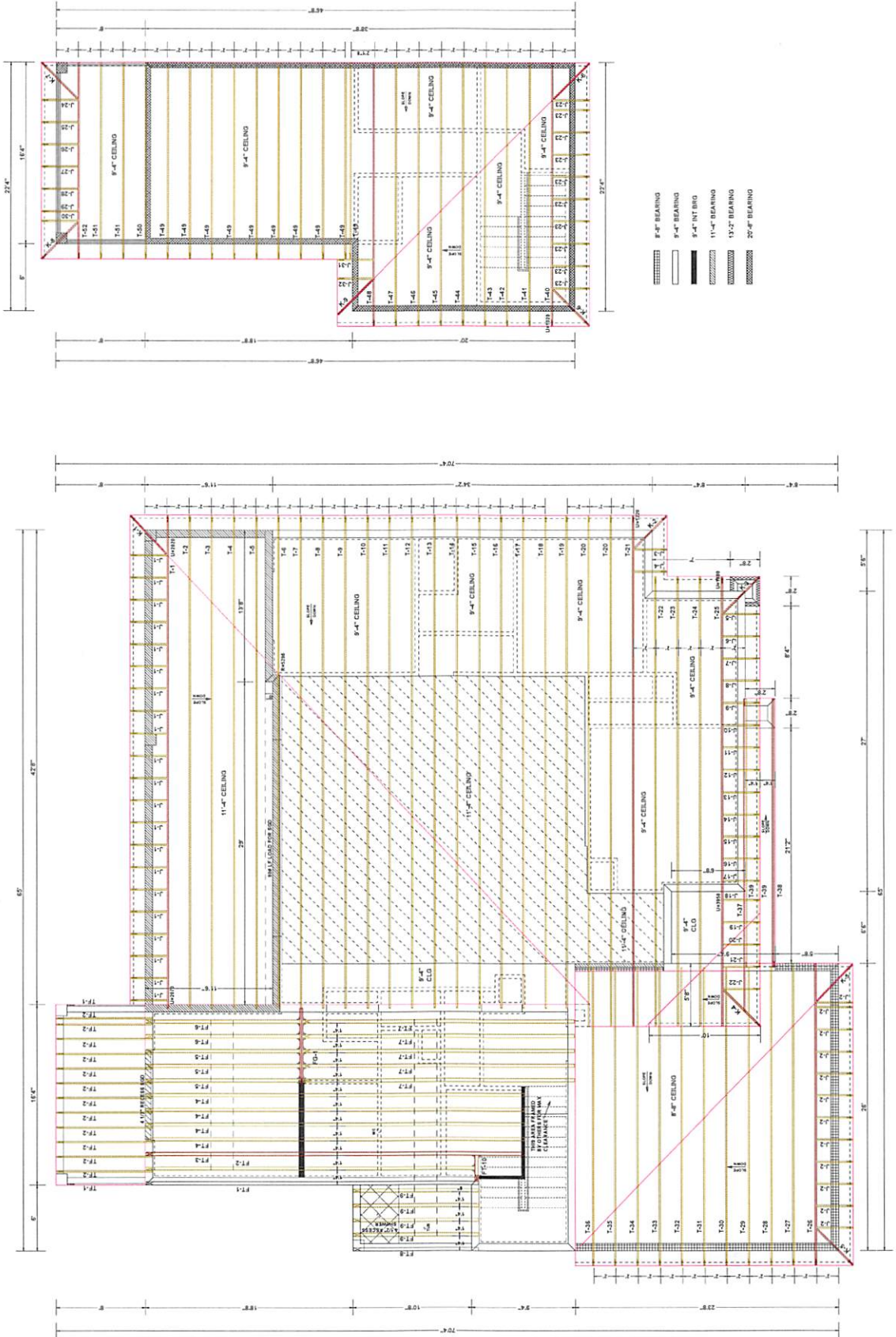
NOTES:  
DO NOT CUT OR ALTER TRUSSES IN ANYWAY WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER.  
ALL RECTIONS ARE LESS THAN 5000# AND UPLIFTS ARE LESS THAN 1000# UNLO.  
ALL TRUSSES ARE EXPOSED TO WIND.  
ALL SINGLE TRUSS-TO-TRUSS CONNECTIONS ARE SIMPSON HUS2 UNLO.

LAYOUT APPROVED BY :  
APPROVAL DATE :  
REQUESTED DELIVERY DATE :

Customer : QUALITY HOMES  
Project : MEIR RESIDENCE  
Address : 2726 SW 38th TERRACE  
City : CAPE CORAL  
County : LEE

LAYOUT BY : JDS  
DATE : 08 / 31 / 21

JDS2138  
PAGE 1 of 1







604 SW 18 ST CAPE CORAL, FL 33991  
 Phone: 239-290-8725  
 Fax: 000-000-0000  
 Email: xtremewindows3@gmail.com

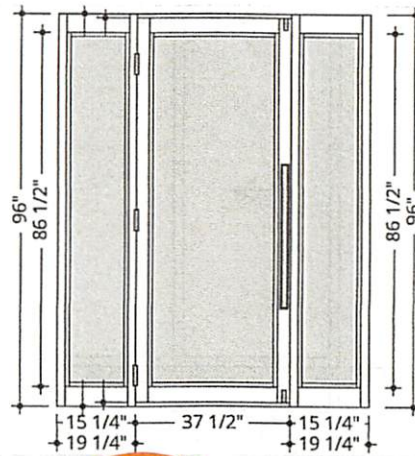
**Quote #**

**258284**

Prepared by: Xtreme Impact Windows And Doors Corp.  
 Job Name: VILLA CENTA-MEIR RESIDENCE-2726 SW 38th TERRACE CC ( QUALITY HOME ESTATES )  
 Rep: DP

Client Name: Erick Machado  
 Client Address: 604 SW 18 ST CAPE CORAL, FL 33991

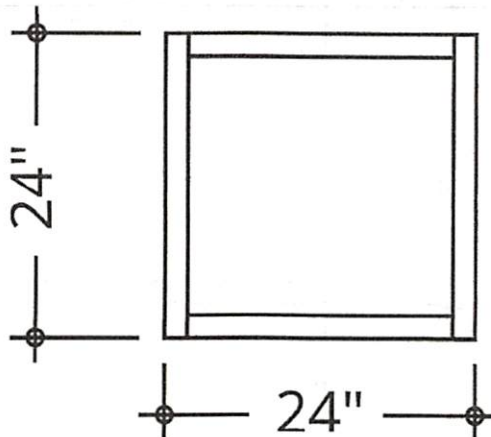
Mark	Qty	Product	Width	Height	Config.	Frame	90 Days Bluemax	Pressure
FRONTDOOR	1	Mg3000 LMI	76.0"	96.0"	OXO	White	No	+80/-80
Glass		3/16 CLEAR HS + 0.090 PVB (WHITE INTERLAYER) + 3/16 CLEAR HS						



Looking from the outside

Hinges	Three Point Lock	Two Point Lock	Flush Bolt	Handle	Sell each	Sell total
3	N/A	N/A	2	N/A Bar	\$2,375.21	\$2,375.21

Mark	Qty	Product	Width	Height	Config.	Frame	90 Days Bluemax	Flush Adapter	Pressure
BEDRM5FIXEDGLASS	1	Mg400 LMI	24.0"	24.0"	SQUARE	White	No	No	+65/-65
Glass		3/16 CLEAR HS + 0.090 PVB + 3/16 CLEAR HS							



Looking from the outside

Hardware	Sell each	Sell total
N/A	\$163.01	\$163.01





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 Email: xtremewindows3@gmail.com

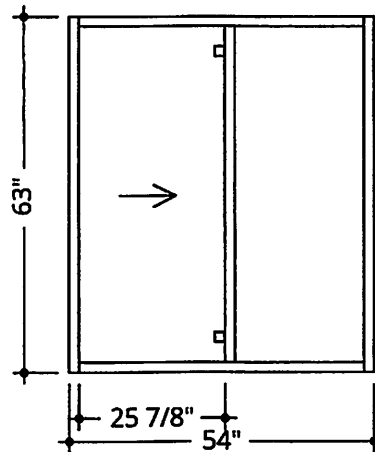
**Quote #**

**258284**

**Prepared by:** Xtreme Impact Windows And Doors Corp.  
**Job Name:** VILLA CENTA-MEIR RESIDENCE-2726 SW 38th TERRACE CC ( QUALITY HOME ESTATES )  
**Rep:** DP

**Client Name:** Erick Machado  
**Client Address:** 604 SW 18 ST CAPE CORAL, FL 33991

Mark	Qty	Product	Width	Height	Config.	Frame	Screen	90 Days Bluemax	Pressure
BEDRM5WINDOW	1	MG-300 LMI	54.0"	63.0"	XO	White	Yes	No	+80/ -80
Glass		1/8 CLEAR HS + 0.090 PVB + 1/8 CLEAR HS							



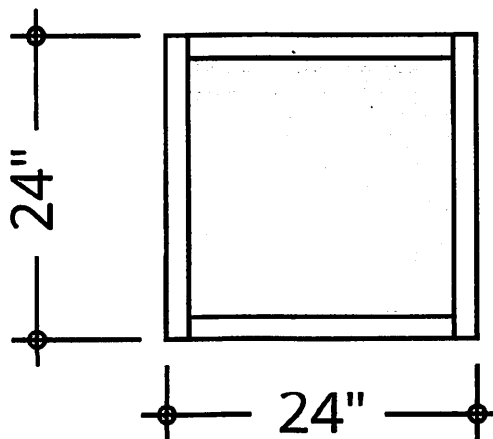
Looking from the outside

**Hardware**  
N/A

**Sell each**  
\$653.84

**Sell total**  
\$653.84

Mark	Qty	Product	Width	Height	Config.	Frame	90 Days Bluemax	Flush Adapter	Pressure
BATH4	2	Mg400 LMI	24.0"	24.0"	SQUARE	White	No	No	+65/ -65
Glass		3/16 CLEAR HS + 0.090 PVB (WHITE INTERLAYER) + 3/16 CLEAR HS							



Looking from the outside

**Hardware**  
N/A

**Sell each**  
\$173.07

**Sell total**  
\$346.14



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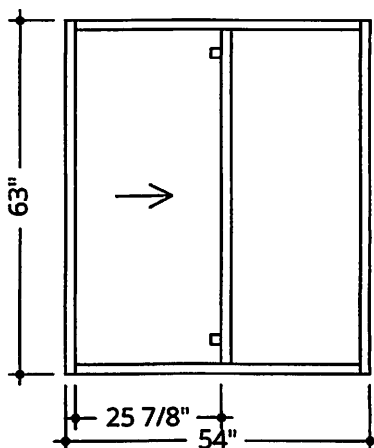
**Quote #**

**258284**

**Prepared by:** Xtreme Impact Windows And Doors Corp.  
**Job Name:** VILLA CENTA-MEIR RESIDENCE-2726 SW 38th TERRACE CC ( QUALITY HOME ESTATES )  
**Rep:** DP

**Client Name:** Erick Machado  
**Client Address:** 604 SW 18 ST CAPE CORAL, FL 33991

Mark	Qty	Product	Width	Height	Config.	Frame	Screen	90 Days Bluemax	Pressure
BEDROOM4	1	MG-300 LMI	54.0"	63.0"	XO	White	Yes	No	+80/ -80
Glass	1/8 CLEAR HS + 0.090 PVB + 1/8 CLEAR HS								



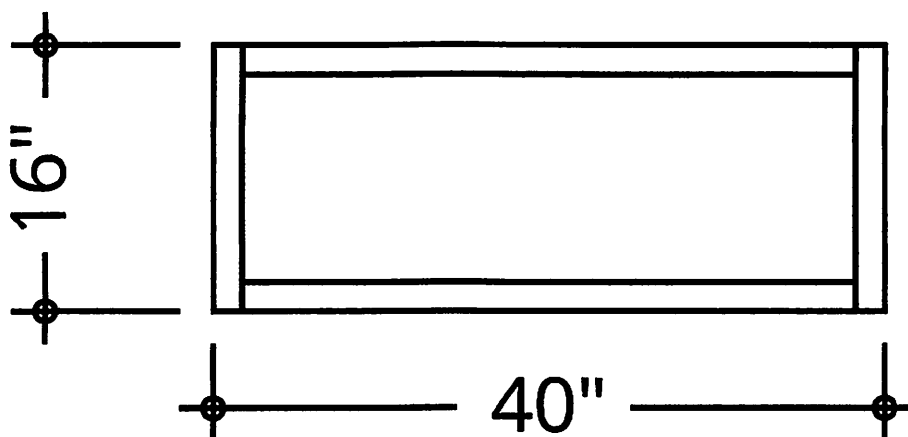
Looking from the outside

**Hardware**  
N/A

**Sell each**  
\$653.84

**Sell total**  
\$653.84

Mark	Qty	Product	Width	Height	Config.	Frame	90 Days Bluemax	Flush Adapter	Pressure
BATH3	1	Mg400 LMI	40.0"	16.0"	SQUARE	White	No	No	+65/ -65
Glass	3/16 CLEAR HS + 0.090 PVB + 3/16 CLEAR HS								



Looking from the outside

**Hardware**  
N/A

**Sell each**  
\$186.47

**Sell total**  
\$186.47



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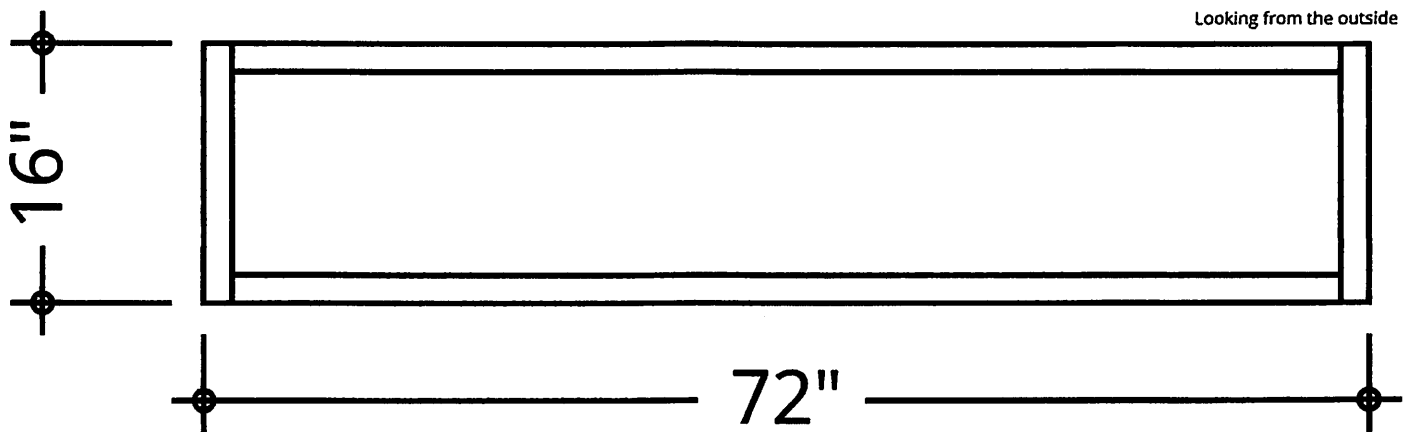
**Quote #**

**258284**

**Prepared by:** Xtreme Impact Windows And Doors Corp.  
**Job Name:** VILLA CENTA-MEIR RESIDENCE-2726 SW 38th TERRACE CC ( QUALITY HOME ESTATES )  
**Rep:** DP

**Client Name:** Erick Machado  
**Client Address:** 604 SW 18 ST CAPE CORAL, FL 33991

Mark	Qty	Product	Width	Height	Config.	Frame	90 Days Bluemax	Flush Adapter	Pressure
BEDRRROM3FG Glass	1	Mg400 LMI	72.0"	16.0"	SQUARE	White	No	No	+65/ -65
3/16 CLEAR HS + 0.090 PVB + 3/16 CLEAR HS									

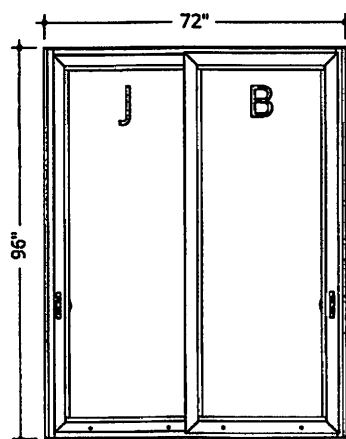


**Hardware**  
N/A

**Sell each**  
\$312.86

**Sell total**  
\$312.86

Mark	Qty	Product	Width	Height	Config.	Frame	Screen	90 Days Bluemax	Pressure
BEDRRROM3SGD Glass	1	MG-1000 LMI	72.0"	96.0"	XX	White	No	No	+70/ -80
1/4 CLEAR HS + 0.090 PVB + 1/4 CLEAR HS									



**Hardware**  
Sliding Glass Door Hardware

**Sell each**  
\$1,979.77

**Sell total**  
\$1,979.77





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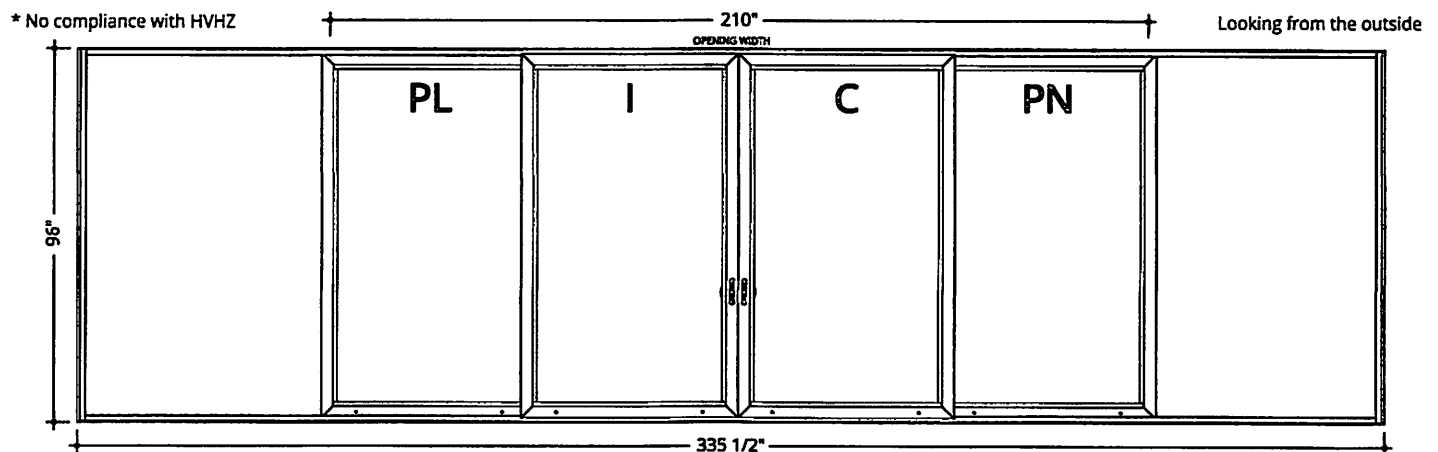
**Quote #**

**258284**

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**Job Name:** VILLA CENTA-MEIR RESIDENCE-2726 SW 38th TERRACE CC ( QUALITY HOME ESTATES )  
**Rep:** DP

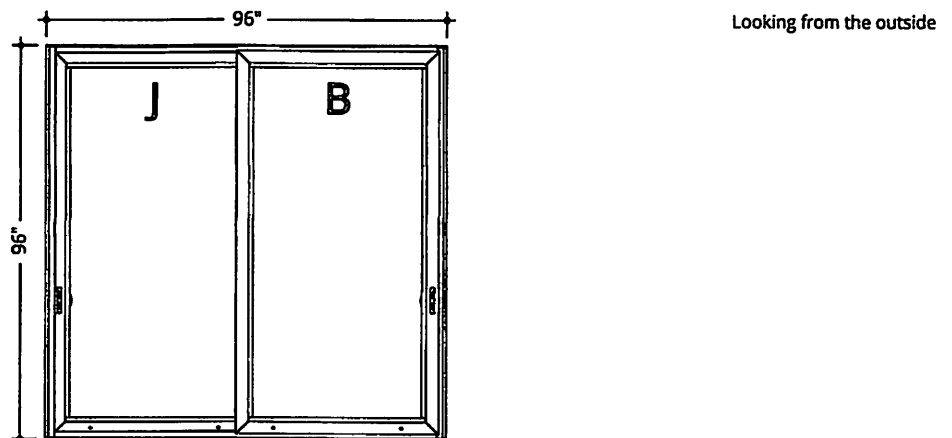
**Client Name:** Erick Machado  
**Client Address:** 604 SW 18 ST CAPE CORAL, FL 33991

Mark	Qty	Product	Opening width	SGD Height	Config.	Frame	Screen	90 Days Bluemax
GREATROOM	1	MG-1000 LMI	210.0"	96.0"	XXXX Pocket	White	No	No
Glass		1/4 CLEAR HS + 0.090 SGP + 1/4 CLEAR HS						



Hardware	Sell each	Sell total
Sliding Glass Door Hardware	\$6,359.43	\$6,359.43

Mark	Qty	Product	Width	Height	Config.	Frame	Screen	90 Days Bluemax	Pressure
BEDRM2JUNIOR	1	MG-1000 LMI	96.0"	96.0"	XX	White	No	No	+70/-80
Glass		1/4 CLEAR HS + 0.090 PVB + 1/4 CLEAR HS							



Hardware	Sell each	Sell total
Sliding Glass Door Hardware	\$2,341.18	\$2,341.18



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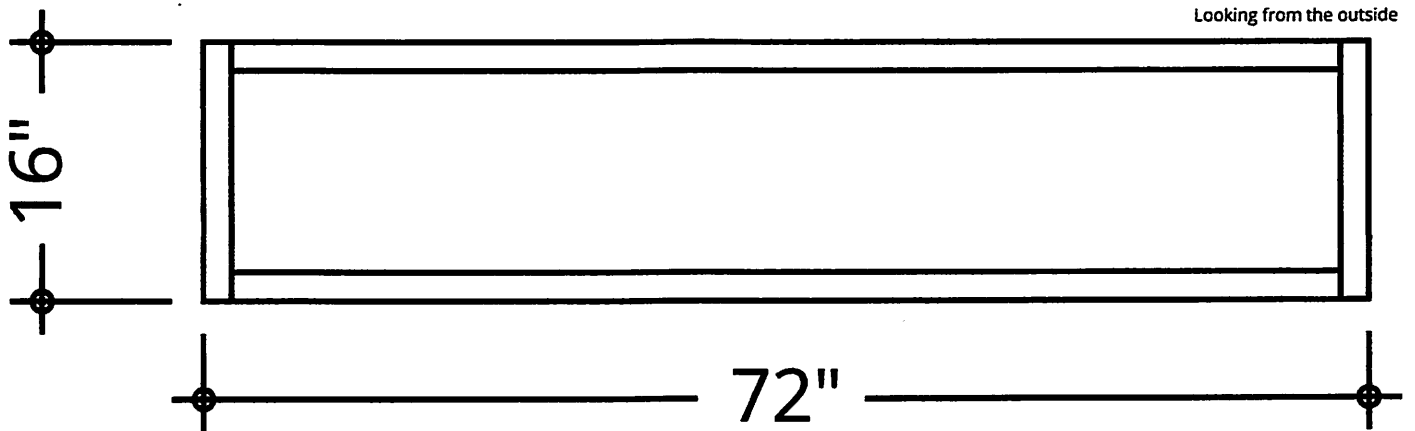
**Quote #**

**258284**

**Prepared by:** Xtreme Impact Windows And Doors Corp.  
**Job Name:** VILLA CENTA-MEIR RESIDENCE-2726 SW 38th TERRACE CC ( QUALITY HOME ESTATES )  
**Rep:** DP

**Client Name:** Erick Machado  
**Client Address:** 604 SW 18 ST CAPE CORAL, FL 33991

Mark	Qty	Product	Width	Height	Config.	Frame	90 Days Bluemax	Flush Adapter	Pressure
BEDRM2JUNIORFG Glass	1	Mg400 LMI 3/16 CLEAR HS + 0.090 PVB + 3/16 CLEAR HS	72.0"	16.0"	SQUARE	White	No	No	+65/ -65

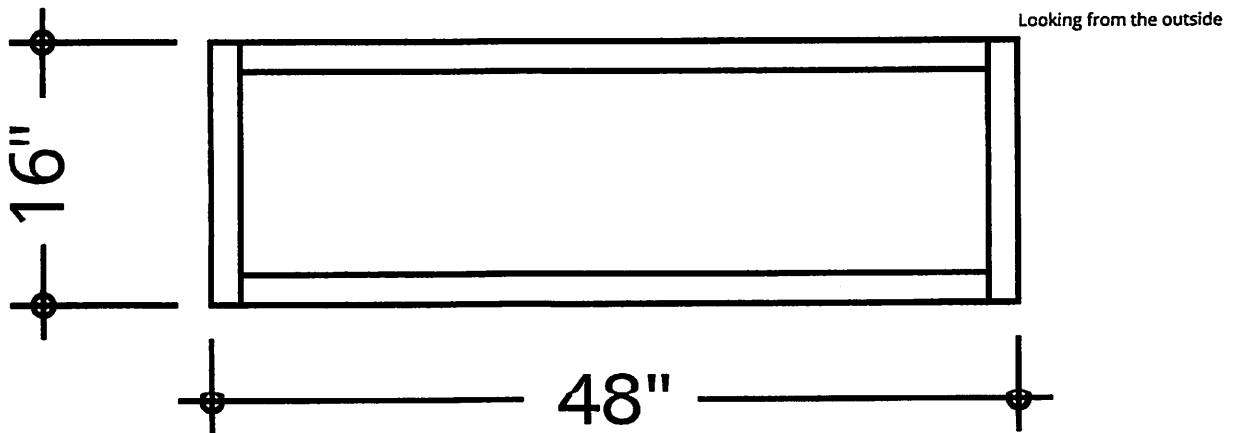


**Hardware**  
N/A

**Sell each**  
\$312.86

**Sell total**  
\$312.86

Mark	Qty	Product	Width	Height	Config.	Frame	90 Days Bluemax	Flush Adapter	Pressure
BATH2FG Glass	1	Mg400 LMI 3/16 CLEAR HS + 0.090 PVB + 3/16 CLEAR HS	48.0"	16.0"	SQUARE	White	No	No	+65/ -65



**Hardware**  
N/A

**Sell each**  
\$218.08

**Sell total**  
\$218.08



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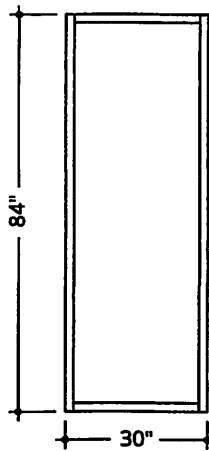
**Quote #**

**258284**

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**Job Name:** VILLA CENTA-MEIR RESIDENCE-2726 SW 38th TERRACE CC ( QUALITY HOME ESTATES )  
**Rep:** DP

**Client Name:** Erick Machado  
**Client Address:** 604 SW 18 ST CAPE CORAL, FL 33991

Mark	Qty	Product	Width	Height	Config.	Frame	90 Days Bluemax	Flush Adapter	Pressure
2NDFLOORFG3 Glass	5	Mg400 LMI 3/16 CLEAR HS + 0.090 PVB + 3/16 CLEAR HS	30.0"	84.0"	SQUARE	White	No	No	+65/ -65



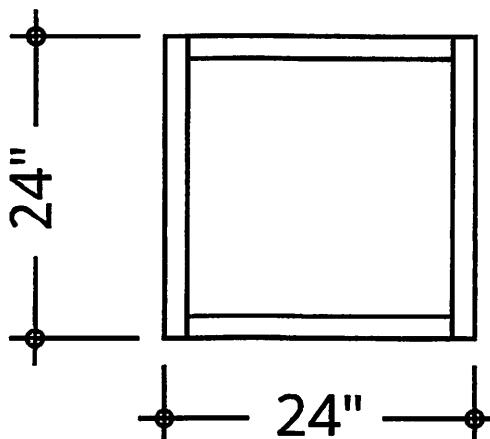
Looking from the outside

**Hardware**  
N/A

**Sell each**  
\$536.29

**Sell total**  
\$2,681.48

Mark	Qty	Product	Width	Height	Config.	Frame	90 Days Bluemax	Flush Adapter	Pressure
2NDFLOORFG4 Glass	2	Mg400 LMI 3/16 CLEAR HS + 0.090 PVB + 3/16 CLEAR HS	24.0"	24.0"	SQUARE	White	No	No	+65/ -65



Looking from the outside

**Hardware**  
N/A

**Sell each**  
\$163.01

**Sell total**  
\$326.02





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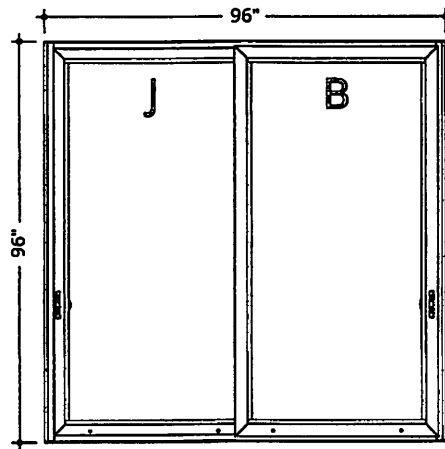
**Quote #**

**258284**

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**Job Name:** VILLA CENTA-MEIR RESIDENCE-2726 SW 38th TERRACE CC ( QUALITY HOME ESTATES )  
**Rep:** DP

**Client Name:** Erick Machado  
**Client Address:** 604 SW 18 ST CAPE CORAL, FL 33991

Mark	Qty	Product	Width	Height	Config.	Frame	Screen	90 Days Bluemax	Pressure
2NDFLOORBALCONY	1	MG-1000 LMI	96.0"	96.0"	XX	White	No	No	+70/ -80
Glass		1/4 CLEAR HS + 0.090 PVB + 1/4 CLEAR HS							



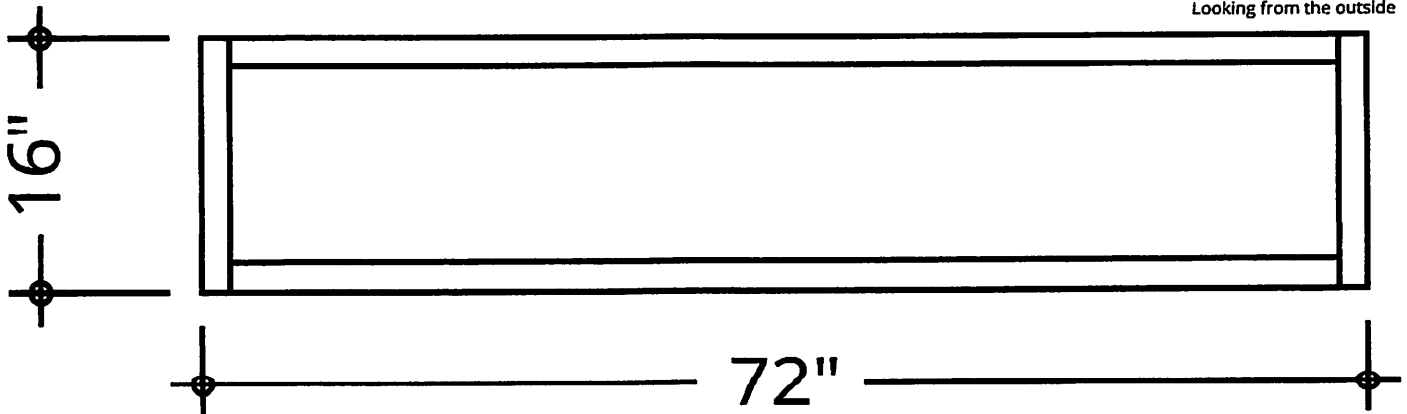
Looking from the outside

**Hardware**  
 Sliding Glass Door Hardware

**Sell each**  
 \$2,341.18

**Sell total**  
 \$2,341.18

Mark	Qty	Product	Width	Height	Config.	Frame	90 Days Bluemax	Flush Adapter	Pressure
2NDMASTERSUITEFG	1	Mg400 LMI	72.0"	16.0"	SQUARE	White	No	No	+65/ -65
Glass		3/16 CLEAR HS + 0.090 PVB + 3/16 CLEAR HS							



Looking from the outside

**Hardware**  
 N/A

**Sell each**  
 \$312.86

**Sell total**  
 \$312.86



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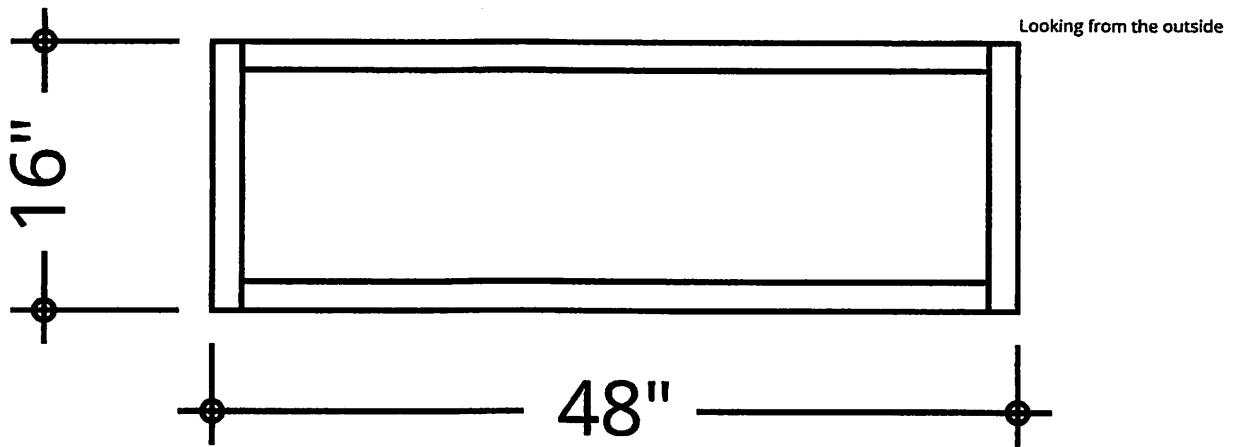
**Quote #**

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**Job Name:** VILLA CENTA-MEIR RESIDENCE-2726 SW 38th TERRACE CC ( QUALITY HOME ESTATES )  
**Rep:** DP

**Client Name:** Erick Machado  
**Client Address:** 604 SW 18 ST CAPE CORAL, FL 33991

Mark	Qty	Product	Width	Height	Config.	Frame	90 Days Bluemax	Flush Adapter	Pressure
2NDMASTERBATH Glass	1	Mg400 LMI 3/16 CLEAR HS + 0.090 PVB + 3/16 CLEAR HS	48.0"	16.0"	SQUARE	White	No	No	+65/-65

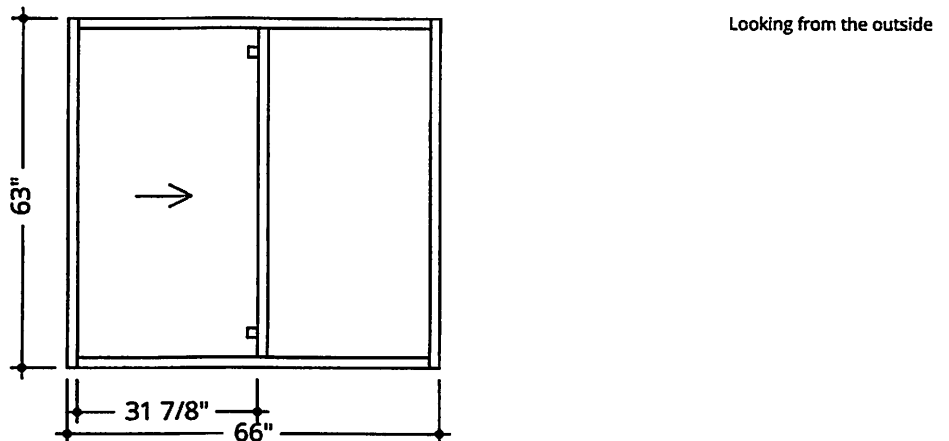


**Hardware**  
N/A

**Sell each**  
\$218.08

**Sell total**  
\$218.08

Mark	Qty	Product	Width	Height	Config.	Frame	Screen	90 Days Bluemax	Pressure
2NDMASTERBATHWINDOW Glass	1	MG-300 LMI 1/8 CLEAR HS + 0.090 PVB + 1/8 CLEAR HS	66.0"	63.0"	XO	White	Yes	No	+80/-80



**Hardware**  
N/A

**Sell each**  
\$757.30

**Sell total**  
\$757.30



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**Quote #**

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**Job Name:** VILLA CENTA-MEIR RESIDENCE-2726 SW 38th TERRACE CC ( QUALITY HOME ESTATES )  
**Rep:** DP

**Client Name:** Erick Machado  
**Client Address:** 604 SW 18 ST CAPE CORAL, FL 33991

## Installation

Mark	Description	Qty	Sell Each	Sell Total
DELIVERY	***DELIVERY***	1	\$400.00	\$400.00





604 SW 18 ST CAPE CORAL, FL 33991  
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**Quote #**

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Job Name: VILLA CENTA-MEIR RESIDENCE-2726 SW 38th TERRACE CC ( QUALITY HOME ESTATES )  
Rep: DP

Client Name: Erick Machado  
Client Address: 604 SW 18 ST CAPE CORAL, FL 33991

## Summary

### System Summary

Total Products	4
Sliding Glass Door (MG-1000)	4
Horizontal Roller (MG-300)	3
French Door (MG-3000)	1
Picture Window (Mg400)	16

### Sell Summary

Subtotal:	\$22,539.59
Installations:	\$400.00
Total:	\$22,939.59

### Sqft Summary

Sliding Glass Door (MG-1000)	320.83 sqft
Horizontal Roller (MG-300)	76.13 sqft
French Door (MG-3000)	50.67 sqft
Picture Window (Mg400)	146.61 sqft
Total Sqft	594.24 sqft

### Notes:

We are upgrading the software, please go to the NOA to check compliance

All rates apply, only line items mentioned are included. Customer agrees to pay all cost/expenses incurred collecting any amount due, including attorney's fees and associated expenses. A \$25 charge is added to checks returned and 1.5% monthly interest fee for past due balance. Quote valid for 30 days.

**THIS QUOTE IS SUBJECT TO FIELD VERIFICATION.**

### ACCEPTED BY:

Print Name: Quality Home Estate Inc.  
Hans Baechi

Title: CEO

(please complete if party to this quote is a corporation only)

Date: 12/29/21

Signature:



# 2726 SW 38th St, Cape Coral, FL 33914

Hans Baechi  
CEO  
qualityhomeestate@gmail.com  
239-202-1010

Reference: 20211129-201434503

Quote created: November 29, 2021

Quote expires: January 13, 2022

Quote created by: Bulat Bakhtiyarov  
bulat@marfacabinets.com

## Products & Services

Item & Description	Quantity	Unit Price	Total
Kitchen Cabinets	1	\$11,166.11	\$11,166.11
Bathrooms&Laundry	1	\$7,293.93	\$7,293.93

## Subtotals

One-time subtotal	\$18,460.04
<b>Total</b>	<b>\$18,460.04</b>

## Purchase Terms

Designer contacts: Masha Shtraym / AS

## Questions? Contact me

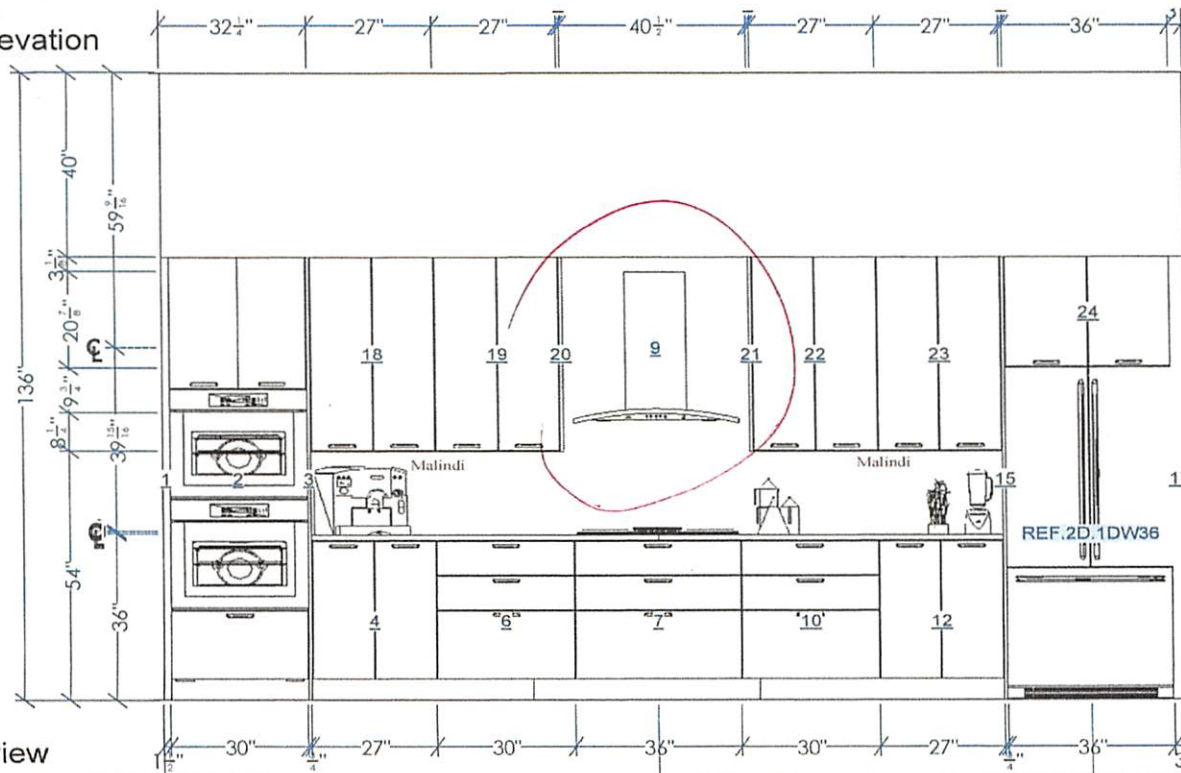


Bulat Bakhtiyarov  
bulat@marfacabinets.com

Marfa Cabinets Inc  
3426 W Touhy Ave,

<https://app.hubspot.com/quotes/Fad44T-Gr54sZO2LR>

Kitchen elevation



- Legend
- 1: F696
  - 2: OC309624
  - 3: PNL2596
  - 4: BFH27
  - 6: 3DB30
  - 7: 3DB36
  - 9: PV976NSS
  - 10: 3DB30
  - 11: PITCHERS
  - 12: BFH27
  - 13: BAMBOO
  - 15: PNL2596
  - 17: F696
  - 18: W2742
  - 19: W2742
  - 20: PNL1342
  - 21: PNL1342
  - 22: W2742
  - 23: W2742
  - 24: W362424

M A R F A  
C A B I N E T S



CAPE FLOORS BY DESIGN  
1211 Miramar st #2  
Cape Coral, FL 33909  
(951) 719-7899  
CAPEFLOORDESIGN@GMAIL.COM



BILL TO  
Quality Homes

INVOICE 1496

DATE 09/03/2021

ACTIVITY	QTY	RATE	AMOUNT
project house 9/2/2021			
<b>Products/Materials:Tile</b>	3,303	2.85	9,413.55
Tile Selection: 24x48 matte carrerra			
<b>Processing</b>	1	476.00	476.00
Processing Delivery and Freight			

50% Deposit on all orders with balance due on completion of installation. No  
returns on special order materials.

Signature: \_\_\_\_\_

TOTAL DUE

**\$9,889.55**

The greatest compliment we could receive is the referral to friends or family!

**UNIQUE WATER SOUNDS CUSTOM POOL & SPA, INC.**

2080 Cook Lane Alva, FL 33920

Phone (239) 872-3669

Fax (239) 226-1320

CPC 057134

**CONTRACT**

February 24, 2022

Quality Home Estate Inc.  
5324 Chiquita Blvd S #201  
Cape Coral, FL 33914

**Job Address:**

Meir Residence  
2726 SW 38<sup>th</sup> Ter  
Cape Coral

**Swimming Pool Features:**

Permitting and Hydraulic analysis  
Pneumatically applied concrete shell 15x49 with 12 inch back combo wall  
Sun Shelf with pods  
Swim out in deep end  
3ft to 5ft deep to 6ft deep  
2" to 2 1/2 schedule 40 PVC plumbing  
2-main drains with 4-wall returns, 1-vacuum line, and 1-skimmer  
6" x 6" waterline tile  
Coping travertine  
Shot retaining wall/ footer  
Travertine stone decking  
Screen enclosure (20x80) flat roof & two door  
Automation System  
2 LED Lights  
Transformer/J-box  
1 1/2 Hp Pump  
150 Cartridge filter  
Heat Pump  
Plaster color: Silver Pearl

**Spa Features:**

7 ft Spa	1 HP Blower
Flush with deck	LED light
6 Jets	Plaster to match

**Grand Total: \$142,800.00**

**Does Not include:**

Electric hook up/Dirt removal/Baby Barrier

# RE: 2726 SW 38th Ter - Meir Residence

---

From: **Hayden V** | haydenv@getcinnamon.com

Thursday, Jun 16, 10:05 AM

To: **Quality Home** | qualityhomeestate@gmail.com

Hans

Revised site plan adding information requested by the City for your variance.

Please note:

1. You are requesting a 8.69' variance to allow a 71.31' lot width at the budling setback
2. The 80' lot width at building setback will be at 47.26' from the front property line.

Let me know if you have any questions

Thank You,



Hayden Volz  
cinnamon design & development, Inc.  
1319 miramar street, suite 201  
cape coral, Fl. 33904  
ph 239.540.8332

[www.getcinnamon.com](http://www.getcinnamon.com)

*"A good designer, regardless of the discipline they work in, will make the difficult appear easy, efficient, and seamless proving to be an asset to the finished project."*

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## **EXHIBIT "A"**

### **Legal description of 2726 SW 38<sup>th</sup> Terrace**

LOT 56 AND 57, IN BLOCK 4886, OF CAPE CORAL SUBDIVISION, UNIT 74, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, AT PAGE 111 THROUGH 131, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LESS AND EXCEPT A PORTION OF SAID LOT 57, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 4"X4" CONCRETE MONUMENT MARKING THE NORTHEAST CORNER OF SAID LOT 57, SAID MONUMENT ALSO LIES ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTHWEST 38TH TERRACE (60 FEET WIDE); THENCE SOUTH 00 DEGREES 04 MINUTES 32 SECONDS EAST ALONG THE EASTERLY LINE OF SAID LOT 57 FOR 125 FEET TO THE SOUTHEAST CORNER OF SAID LOT 57; THENCE SOUTH 89 DEGREES 55 MINUTES 28 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID LOT 57 FOR 68.23 FEET; THENCE NORTH 30 DEGREES 43 MINUTES 19 SECONDS EAST FOR 55.14 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 32 SECONDS WEST FOR 30.38 FEET; THENCE NORTH 30 DEGREES 43 MINUTES 14 SECONDS EAST FOR 55.90 FEET TO A POINT ON A CURVE AND THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF SOUTHWEST 38TH TERRACE; SAID CURVE IS CONCAVE TO THE NORTH AND HAS THE FOLLOWING ELEMENTS, A RADIUS OF 85 FEET, A CENTRAL ANGLE OF 07 DEGREES 41 MINUTES 35 SECONDS, A CHORD DISTANCE OF 11.40 FEET AND A CHORD BEARING OF SOUTH 89 DEGREES 13 MINUTES 44 SECONDS EAST; THENCE EASTERLY ALONG SAID CURVE FOR 11.41 FEET TO A POINT OF TANGENCY AND THE POINT OF BEGINNING.



**2022 FLORIDA PROFIT CORPORATION ANNUAL REPORT**

DOCUMENT# P18000051015

**Entity Name:** WNCC INCORPORATION**Current Principal Place of Business:**804 NICHOLAS PKWY. E.  
STE. 1  
CAPE CORAL, FL 33990**Current Mailing Address:**804 NICHOLAS PKWY. E.  
STE. 1  
CAPE CORAL, FL 33990 US**FEI Number:** 83-0826225**Certificate of Status Desired:** No**Name and Address of Current Registered Agent:**HILL, THOMAS W  
804 NICHOLAS PKWY. E.  
STE. 1  
CAPE CORAL, FL 33990 US*The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.***SIGNATURE:**

Electronic Signature of Registered Agent

Date

**Officer/Director Detail :**Title P  
Name MEIR, ANTON  
Address LAERCHENWEG 4  
City-State-Zip: THIERHAUPTEN DE 86672Title D  
Name MEIR, STEFANIE  
Address LAERCHENWEG 4  
City-State-Zip: THIERHAUPTEN DE 86672Title D  
Name MEIR, MICHAEL  
Address LAERCHENWEG 4  
City-State-Zip: THIERHAUPTEN DE 86672Title VP  
Name MEIR, CHRISTINE  
Address LAERCHENWEG 4  
City-State-Zip: THIERHAUPTEN DE 86672Title D  
Name MEIR, TOBIAS  
Address LAERCHENWEG 4  
City-State-Zip: THIERHAUPTEN DE 86672Title S  
Name HILL, THOMAS W  
Address 804 NICHOLAS PKWY. E.  
STE. 1  
City-State-Zip: CAPE CORAL FL 33990

*I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.*

**SIGNATURE:** ANTON MEIR**PRESIDENT****01/16/2022**

Electronic Signature of Signing Officer/Director Detail

Date

DESCRIPTION: INSTRUMENT # 2018000178327  
LOT 56 AND 57, IN BLOCK 4886, OF CAPE CORAL SUBDIVISION, UNIT 74, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, AT PAGE 111 THROUGH 131, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LESS AND EXCEPT A PORTION OF SAID LOT 57, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 4"x4" CONCRETE MONUMENT MARKING THE NORTHEAST CORNER OF SAID LOT 57, SAID MONUMENT ALSO LIES ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTHWEST 38TH TERRACE (60 FEET WIDE); THENCE SOUTH 00 DEGREES 04 MINUTES 32 SECONDS EAST ALONG THE EASTERLY LINE OF SAID LOT 57 FOR 125 FEET TO THE SOUTHEAST CORNER OF SAID LOT 57; THENCE SOUTH 89 DEGREES 55 MINUTES 28 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID LOT 57 FOR 68.23 FEET; THENCE NORTH 30 DEGREES 43 MINUTES 19 SECONDS EAST FOR 55.14 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 32 SECONDS WEST FOR 30.38 FEET; THENCE NORTH 30 DEGREES 43 MINUTES 14 SECONDS EAST FOR 55.90 FEET TO A POINT ON A CURVE AND THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF SOUTHWEST 38TH TERRACE; SAID CURVE IS CONCAVE TO THE NORTH AND HAS THE FOLLOWING ELEMENTS, A RADIUS OF 85 FEET, A CENTRAL ANGLE OF 07 DEGREES 41 MINUTES 35 SECONDS, A CHORD DISTANCE OF 11.40 FEET AND A CHORD BEARING OF SOUTH 89 DEGREES 13 MINUTES 44 SECONDS EAST; THENCE EASTERLY ALONG SAID CURVE FOR 11.41 FEET TO A POINT OF TANGENCY AND THE POINT OF BEGINNING.

## LINE TABLE

Line	Bearing	Distance
L1	N.89°55'28"E.	40.00'
L2	N.30°43'19"E.	55.14'
L3	N.00°04'32"W.	30.38'
L4	N.30°43'14"E.	55.90'

### Curve number 1

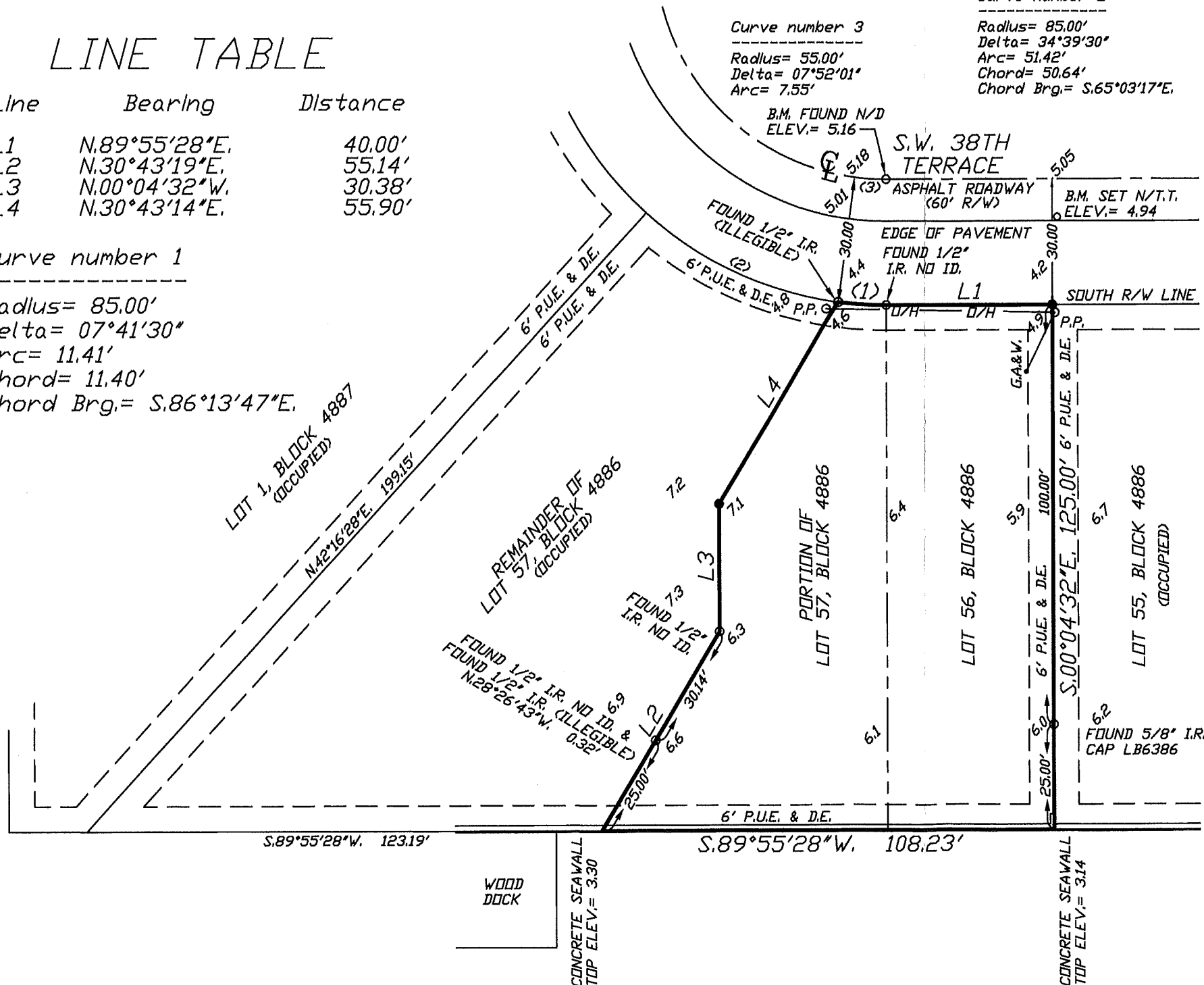
Radius= 85.00'  
Delta= 07°41'30"  
Arc= 11.41'  
Chord= 11.40'  
Chord Brg.= S.86°13'47"E.

### Curve number 2

Radius= 85.00'  
Delta= 34°39'30"  
Arc= 51.42'  
Chord= 50.64'  
Chord Brg.= S.65°03'17"E.

### Curve number 3

Radius= 55.00'  
Delta= 07°52'01"  
Arc= 7.55'



SEASONAL HIGH WATER AS DETERMINED BY STAINING  
ON WATERS FACE OF SEAWALL ELEVATION= 1.3'±

C O R S I C A C A N A L

## BOUNDARY SURVEY OF LOTS 56 & A PORTION OF 57, BLOCK 4886, CAPE CORAL, UNIT 74,

(PLAT BOOK 22, PAGES 111-131)  
(O.R. BOOK 4406, PAGE 1163)  
SECTION 5, TOWNSHIP 45 SOUTH, RANGE 23 EAST  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

### LEGEND:

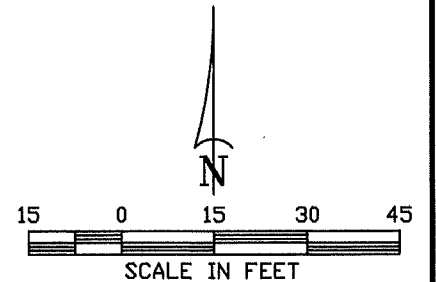
●	SET 1/2" IRON ROD (CAP LB6921)	R.W.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (I.R.)	W.M.	WATER METER
□	CONCRETE MONUMENT (C.M.)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.&W.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	N/D	NAIL & DISK
O.R.	OFFICIAL RECORDS BOOK	N/T.T.	NAIL & TINTAB
(S)	AS PER SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
(1)	CURVE NUMBER	\$	TYPICAL ELEVATION
L1	LINE NUMBER	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.S.	WATER SYSTEM
CL	CENTERLINE	P.E.	POOL EQUIPMENT
		CONCRETE	CONCRETE

### SURVEY NOTES:

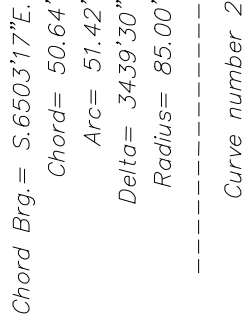
1. BASIS OF BEARING SHOWN HEREDON TAKEN FROM THE SOUTH RIGHT-OF-WAY LINE OF S.W. 38TH TERRACE, AS BEING N.89°55'28"E.
2. FIELD NOTES IN CAPE CORAL, BLOCK 4886.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREDON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006, FS 668.50, FS 472.025, 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. ISSUANCE OF THIS DRAWING, FROM THIS FIRM SHALL NOT RELIEVE THE BUILDER AND/OR CONTRACTORS OF THE RESPONSIBILITY TO REVIEW AND VERIFY ALL NOTES, DIMENSIONS, ELEVATIONS, AND ADHERENCE TO APPLICABLE BUILDING CODES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION. BUILDER MAY NEED TO ADJUST ELEVATION AND/OR SETBACKS PRIOR TO CONSTRUCTION IF OTHER RESTRICTIONS EXIST.
10. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 11X17, 30 SCALE DRAWING.
11. BENCHMARK DERIVED FROM CAPE CORAL BENCHMARK NUMBER 382-73-01, ELEVATION 6.90 NAVD89, 5.72 NAVD88.
12. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).





FLOOD ZONE: "AE" ELEVATION: 8' NAVD88  
COMMUNITY No. 125095 PANEL No. 0385  
SUFFIX --- F REVISION DATE: 8/28/08  
MAP NUMBER: 12071C0385F

THIS SURVEY IS CERTIFIED TO:  
QUALITY HOME ESTATE INC.



REVISED	DESCRIPTION	BY	DATE
		Phillip M Mould, P.S.M. 6515	State of Florida
		State of Florida	
		PHILLIP M. MOULD	PROFESSIONAL SURVEYOR AND MAPPER
		LS6515 - STATE OF FLORIDA	
		DATE OF LAST FIELD WORK: 11/12/2020	
		DRAWN: FBH	CHECK: PMM
		SCALE: 1"=30'	PROJ. #: CC-U74-4886-56
		SURVEY DATE: 11/12/2020	FILE NO.: 45-23-5
			SHT. - 1
			OF - 1
			FLORIDA CERTIFICATE OF AUTHORIZATION LB6921



Legend	
	E 0.0' Elevation Existing
	P 0.0' Elevation Proposed
	Existing Grade Elevation Per Survey
	Drainage Flow Per Local Municipality Requirements
Impervious Surface Calculation	
10,087 S.F. x 0.60 = 6052 s.f. Allowable	
Impervious Surface : 5382 s.f. (53.3%)	
Bldg. Footprint	3697 S.F.
Equipment Pads	64 S.F.
Driveway	523 S.F.
Walks	83 S.F.
Pool Deck	1015 S.F.
Total Impervious Area	5382 S.F.

## Finished Floor and Grading Elevations Must Be Verified By Contractor

**cinnamon**  
design

1319 MIRAMAR STREET, SUITE 201, CAPE CORAL, FL. 33904  
WWW.GETCINNAMON.COM Phone 239-540-8332

Drawn: H. VOLZ
Date: 4-8-21
Scale: 20
Rev: 7-1-21, 7-16, 8

2124 S.W. 38th TERRACE, CAPE CORAL  
UNIT: 14 BLOCK: 1886  
LOT: 56 & POR OF LOT 57  
51 RP #05-45-22-C4-0488.0560  
22

3-C4-04886.0260  
See Survey For Additional Information

## City Planning Division Case Report

VAR22-000033

**Review Date:** September 1, 2022

**Property Owner:** WNCC Incorporation  
804 Nicholas Parkway East #1  
Cape Coral, FL 33990

**Applicant:** Quality Home Estate, Inc.

**Request:** The applicant requests a variance of 8.69 feet to the minimum 80-foot lot width at the building setback line as required in LDC, Table 4.1.3.B. to allow a site with a lot width of 71.31 feet in the Single-Family Residential (R-1) District.

**Location:** 2726 SW 38<sup>th</sup> Terrace  
Cape Coral, FL 33914  
Lot 56 and a portion of Lot 57, Block 4886, Unit 74, Cape Coral Subdivision<sup>1</sup>  
Strap number: 05-45-23-C4-04886.0560

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

**Approved By:** Amy Yearsley, AICP, Acting City Planning Division Manager

**Recommendation:** **Approval**

**Urban Service Area:** Transition

**Code Compliance Case:** No

**Right of Way Access:** The site has frontage limited to SW 38<sup>th</sup> Terrace, a local street.

### Background:

The ±10,087-sq. ft. site is in southwest Cape Coral about 0.4 miles west of the intersection of Oasis Boulevard and SW 38<sup>th</sup> Terrace. The site has water frontage along the Corsica Canal, which is a saltwater canal with a platted width of 134.85 feet. This site has a Single-Family Future Land Use Classification (FLUC) and Single Family Residential (R1) Zoning. All properties within 2,000 feet of the site share the same FLUC and zoning designation.

The original parent parcel consisting of Lots 56 and 57 was split in 2004 by the owner at that time, HWSFLA, LLC. In retrospect, this split was not consistent with Florida Statutes as the property should have been replatted because the division of the site did not occur along platted lot lines.

---

<sup>1</sup> A legal description of the site appears in Exhibit "A".



Around 2015 the City of Cape Coral and the Lee County Property Appraiser's Office developed a coordinated review process for reviewing applications involving the splitting and recombining of sites. Previously, some property owners chose to bypass a City review of such actions by filing deeds with the Lee County Property Appraiser's Office. Such actions occasionally resulted in the creation of lots that did not meet City dimensional standards or resulted in setback violations for pre-existing buildings and structures.

A chronology is provided below covering the period beginning when the parent parcel was split to when this variance application was filed with the City.

Timeline:

June 30, 2004:	HWSFLA, LLC acquired Lots 56 and 57 from Michael and Donna K. Waechter.
August 26, 2004:	HWSFLA, LLC split Lots 56 and 57 into two sites. One site contained Lot 56 and a portion of Lot 57. The second site contained a portion of Lot 57.
November 4, 2004:	A portion of Lot 57 was sold by HWSFLA, LLC to Samuel Blitz and Larain Black.
December 29, 2004:	Lot 56 and a portion of Lot 57 (addressed as 2726 SW 38 <sup>th</sup> Terrace) was sold by HWSFLA, LLC to Seawind Properties, LLC
March 6, 2007:	A house on a portion of Lot 57 (addressed as 2728 SW 38 <sup>th</sup> Terrace) by Samuel Blitz received a certificate of occupancy.
July 20, 2018:	Lot 56 and a portion of Lot 57 (addressed as 2726 SW 38 <sup>th</sup> Terrace) was sold by Seawind Properties, LLC to WNCC, Inc.
November 23, 2021:	Maurizio Ferrara, on behalf of WNCC, Inc., applied for a single-family residential building permit for 2726 SW 38 <sup>th</sup> Terrace.
April 27, 2022:	Maurizio Ferrara of Quality Home Estate, Inc., filed a variance application for WNCC, Inc. for relief from the minimum building width at the setback line requirement for 2726 SW 38 <sup>th</sup> Terrace.

**Zoning History:**

The FLUC of the site was amended from Single-Family and Multi-Family to Single Family by Ordinance 39-02.

The site has always had single-family residential zoning.

**Similar Requests in the Surrounding Area:**

In 2005 the owner of 2728 SW 38<sup>th</sup> Terrace requested an 11-foot variance to the 80-foot minimum lot width requirement to construct a single-family residence on a lot 69 feet wide at the building line in a

Single-Family Residential (R-1B) District. This property abuts the subject site to the west. The Board of Zoning Adjustment and Appeals denied this request on December 6, 2005, by a vote of 5-2.

### Analysis:

A variance is defined in LDC, Article 11 as *"A departure from the terms of this ordinance pertaining to height, width, depth and area of structures and size of yards, and parking space and sign requirements, where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the actions of the applicant, the literal enforcement of this ordinance would result in unnecessary and undue hardship."*

Staff has reviewed this application based on the seven standards in LDC, Section 3.4.3 for variances. The Comprehensive Plan was also reviewed for policies germane to this application.

1. *That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.*

The site is irregular compared to most platted homesites due to a previous split of this site from a larger parent property (Figure 1). While the site has sufficient area and depth, the site lacks the required width at the 25-foot front setback line. Since the configuration of this site lacks sufficient width to allow development at or immediately behind the front setback line, special conditions exist that are not applicable to most properties in the R-1 District.

**Recommended finding:** Standard MET by the applicant

**Figure 1. Aerial of the subject property outlined in red along with surrounding sites.**



2. *That the special conditions and circumstances do not result from the actions of the applicant.*

The subject site was unlawfully created by splitting a larger parent property in 2004 by a previous property owner without City approval. The applicant acquired the site in 2018 and apparently was unaware of the history involving the alternation of the original boundaries of the site. Since the boundaries of the site were altered by a previous owner, special conditions and circumstances exist that do not result from the actions of the applicant.

**Recommended finding:** Standard **MET** by the applicant

3. *That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, buildings, or structures in the same zoning district.*

The granting of the variance will not constitute a special privilege. Due to the narrowness of this altered residential property in conjunction with the minimum width at the building line requirement, these two factors collectively contribute to a larger front setback for the subject property in absence of a variance when compared to most residential sites. These conditions set this property apart from most similarly zoned parcels in the City.

**Recommended finding:** Standard **MET** by the applicant

4. *That literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these regulations and would cause or impart unnecessary and undue hardship on the applicant.*

Without the variance, the single-family dwelling will be required to achieve a minimum setback of 47.26 feet to comply with the minimum width at the building line requirement. This setback is 1.89 times the minimum setback standard that is considerably greater than most R-1-zoned sites. As the depth of the site is 125 feet, which represents the standard depth for most platted homesites in Cape Coral, the increased setback required to achieve compliance with the minimum 80-foot lot width at the building setback will substantially diminish the pool area shown on the site plan.

While general house plans for many sites can be altered with no or little additional cost borne by the owner, in this instance the applicant has incurred documented expenses of about \$100,000 towards the design of the house and purchase of construction-related materials that is further discussed under Standard #5. below. The loss of this money should a redesign of the house be required would constitute an undue financial hardship on the applicant.

**Recommended finding:** Standard **MET** by the applicant

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

Based on the applicant's Letter of Intent, the homebuilder met with Planning staff to discuss dimensional requirements for the site. After meeting with City staff, the homebuilder

apparently believed the house could be designed to comply with City dimensional standards. A custom design was commissioned for the site consistent with desires expressed by the client. During this period, the homebuilder ordered materials coinciding with the filing of a building permit with the City on November 23, 2021. This action was taken so materials would be available once the permit was issued by the City. The building permit, however, was later rejected by the City because the site did not have adequate width at the proposed setback line. This rejection occurred after the homebuilder had spent a considerable amount of money on the design of the house and the purchase of construction-related materials.

The applicant has provided records showing \$101,852.51 has been spent to date on the design and materials associated with the house. Since this project involves a custom house, the design and materials of the house cannot be easily transferred to another site or prospective buyer. Given the substantial investment demonstrated by the applicant that involves nonrefundable services and materials, the applicant's request constitutes the minimum variance necessary to make reasonable use of the land. While it appears a new house design could be ordered to achieve compliance with all dimensional standards of the site, this action would be unreasonable given the expenses already incurred towards the construction of the proposed house as well as the added expenses required for additional building materials and a new design. Should the requested variance be denied, the applicant would incur an unreasonable financial hardship for the reasons outlined above if compliance with the 80-foot minimum lot width requirement is imposed.

**Recommended finding:** Standard **MET** by the applicant

6. *That granting the variance will not change the use to one that is not permitted in the zoning district or different from other land in the same district.*

The variance will not result in a change in the use of the property. As single-family dwellings are a permitted use in the R-1 District, this variance will not result in the permitting of a use on the site that is prohibited in this zoning district.

**Recommended finding:** Standard **MET** by the applicant

7. *That the granting of the variance will be in harmony with the general intent and purpose of these regulations, and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

The granting of the variance will be in harmony with the general intent and purpose of the Land Development Code. The applicant will meet all other dimensional requirements including all building setbacks. The applicant proposes a front setback of 32.68 feet that is 1.3 times the minimum setback required for sites with R-1 zoning. This variance, if granted, should not have an adverse effect on properties in the immediate vicinity of the site.

**Recommended finding:** Standard **MET** by the applicant



## Consistency with the Comprehensive Plan

This request is consistent with the following objective and policy.

### 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. Table 1 shows the zoning districts which are consistent with and implement the respective future land use map classifications...*

**Staff comment: Table 1 appearing in Policy 1.15 shows that the R-1 District is consistent with the Single Family FLUC.**

*Policy 1.15a: Single Family Residential: Densities not to exceed 4.4 units per acre, except for micro-cottage communities.*

**Staff comment: The site is ±10,087 sq. ft. and following the issuance of a certificate of occupancy will have one single-family dwelling that equates to a density of 4.3 units per acre that is less than the maximum of 4.4 units per acre allowed by the Single Family FLUC.**

### **Recommendation:**

Since the variance meets all seven standards for considering such requests, staff recommends **approval** of the requested variance with the following conditions.

### **Conditions of Approval**

1. The variance grants the property owner relief from the minimum 80-foot lot width at the building setback line requirement. This variance does not grant the applicant relief from any other dimensional standard appearing in the LDC for the R-1 District.
2. The Petitioner shall reimburse the City of Cape Coral for the cost of recording this variance with the Office of the Lee County Clerk of Court.
3. The City shall record this resolution with the Office of the Lee County Clerk of Court following the receipt of the recording fees from the Petitioner.

---

### **Staff Contact Information**

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator



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





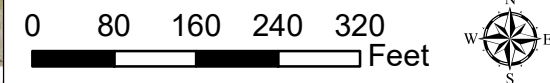
**City of Cape Coral**  
Department of  
Development Services  
City Planning Division  
**2021 Aerial Map**  
**VAR22-000033**

**Legend**

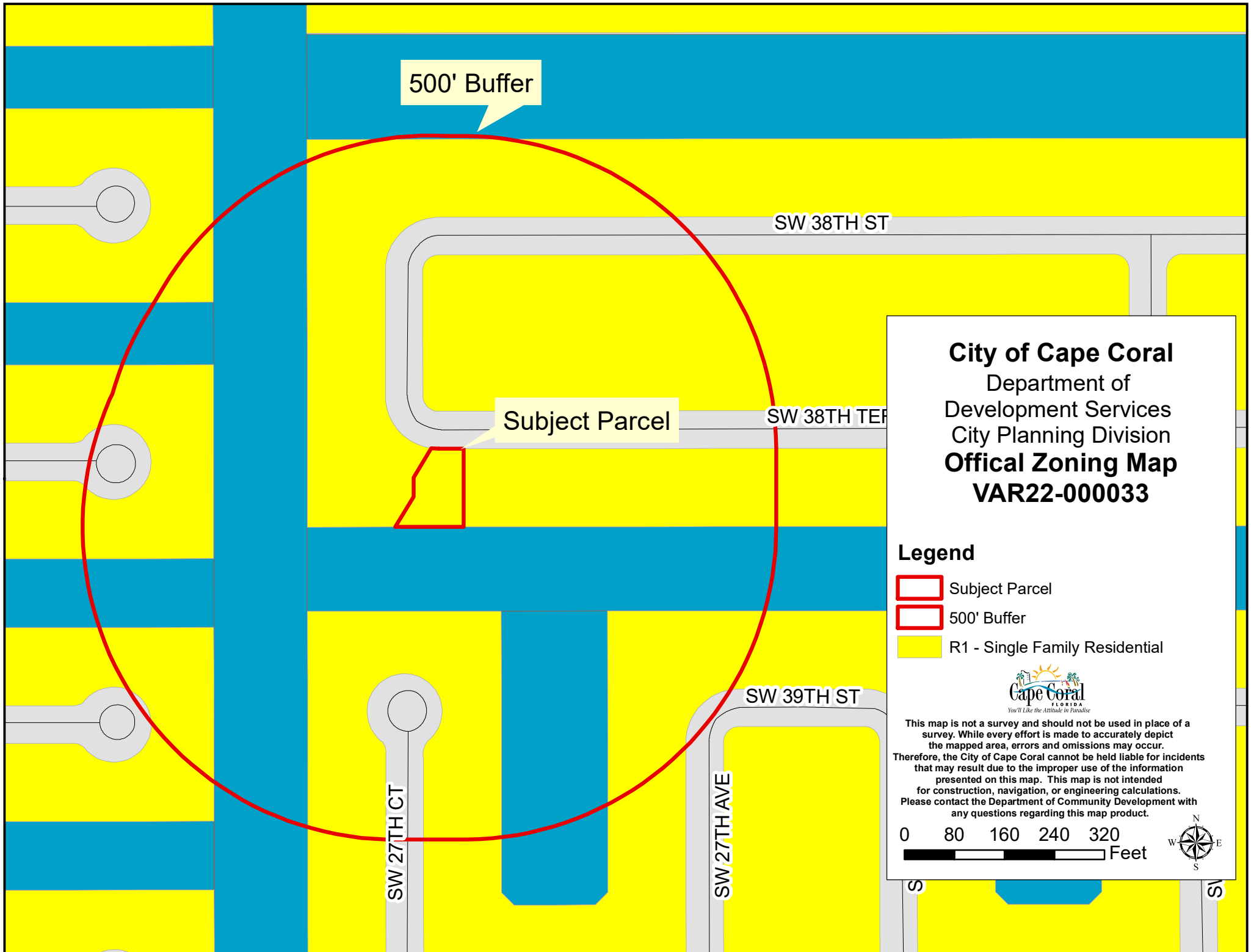
-  Subject Parcel
-  500' Buffer



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.







500' Buffer

SW 38TH ST

Subject Parcel

SW 38TH TER




SW 39TH ST

SW 27TH CT

SW 27TH AVE

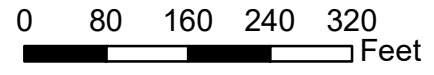
**City of Cape Coral**  
Department of  
Development Services  
City Planning Division  
**Official Zoning Map**  
**VAR22-000033**

**Legend**

-  Subject Parcel
-  500' Buffer
-  R1 - Single Family Residential



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.





## AGENDA REQUEST FORM

CITY OF CAPE CORAL

Item Number:	2.B.
Meeting Date:	9/13/2022
Item Type:	HEARINGS

**TITLE:**

Case #RZN22-000024\*; Address: 1216, 1222 & 1302 SE 8th Place; Applicant: Centrum Place LLC

**REQUESTED ACTION:**

Approve or Deny

**SUMMARY EXPLANATION AND BACKGROUND:**

RZN22-000024 is a applicant initiated request for rezoning three parcels from Professional (P) zoning to Multi-family Low (RML) zoning. The three parcels total an area of +/- 40,992 sq. ft., or 0.94 Acres, and are addressed as 1216, 1222, and 1302 SE. 8<sup>th</sup> PL.

**STRATEGIC PLAN ALIGNMENT:**

1. 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

**RECOMMENDATIONS:**

City Planning Staff Recommendation: Approval

**SOURCE OF ADDITIONAL INFORMATION:**

Vince Cautero, Director of Development Services, 574-0600

**FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:**

N/A

1. Will this action result in a Budget Amendment? No

**PREPARED BY:**

Brienne Cherry, Planning  
Technician

Division- City  
Planning

Department- Development  
Services

**ATTACHMENTS:**

- | Description                 | Type            |
|-----------------------------|-----------------|
| 1. Novus Packet             | Backup Material |
| 2. Power Point Presentation | Backup Material |





DEPARTMENT OF DEVELOPMENT SERVICES  
CITY PLANNING DIVISION

For Internal Use Only

Case

Date

RZ122-000024

6-24-22

Tel. (239) 574-0553  
Fax (239) 574-0591  
P.O. Box 150027  
Cape Coral, FL 33915-0027

JUN 23 '22 PM 1.97 \*

**REZONING APPLICATION**

**NOTE TO APPLICANT:** The completed application must be legible, and all items must be provided at the time of submission.

**REZONING REQUIREMENTS**

1. ☒ **Applicant's portion of request shall be typewritten, and signature notarized.**
  - All forms (Application, Acknowledgement Form, Authorization to Represent) must be signed by the property owner or the applicant. If the Authorized Representative is an attorney, the application and the Acknowledgement Form may be signed by the attorney and an Authorization to Represent Form is not required.
  - If there are any deed restrictions on the property, a copy of the restrictions will be required.
2. ☒ **Letter of intent stating the actual request and why the request is being made.**
3. ☐ **Certified survey done within past six (6) months MAY be required.**
4. ☐ **If the subject property is within 500 feet of any County properties, the applicant must provide a typewritten list of all affected property owners within the area. The list must be prepared in label format and contain the following information; name, address, city, and zip-code.**
5. ☒ **Please refer to Rezones Section 3.4.6. (page 7) for additional required documentation.**

**NOTE:** In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 3.4.6.). 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.

It is required that applicant and/or representative attend both the hearing examiner and city council meetings.



DEPARTMENT OF DEVELOPMENT SERVICES  
CITY PLANNING DIVISION

Tel. (239) 574-0553  
Fax (239) 574-0591  
P.O. Box 150027  
Cape Coral, FL 33915-0027

**REZONE REQUEST**

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. 3.4.6). Advertising costs will be billed and must be paid prior to hearing.

**PROPERTY INFORMATION**

Location/Address 1216 & 1222 & 1302 SE 8th Place

Strap Number See attached list Unit 22 Block 808 Lot (s) 7-14

Plat Book 14 Page 5 Future Land Use Mixed Use (MX)

Current Zoning Professional (P) Proposed Zoning Multifamily Low(RML)

**PROPERTY OWNER (S) INFORMATION**

Owner Centrum Place LLC Address 13155 SW 42nd Street #200

Phone 305-632-5383 City Miami

Email manclar@bellsouth.net State FL Zip 33175

Owner \_\_\_\_\_ Address \_\_\_\_\_

Phone \_\_\_\_\_ City \_\_\_\_\_

Email \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**APPLICANT INFORMATION (If different from owner)**

Applicant \_\_\_\_\_ Address \_\_\_\_\_

Phone \_\_\_\_\_ City \_\_\_\_\_

Email \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)**

Representative Joe Mazurkiewicz/BJM Consulting Address PO Box 101655

Phone 239-470-5778 City Cape Coral

Email joe@bjmconsult.com State FL Zip 33910





DEPARTMENT OF DEVELOPMENT SERVICES  
CITY PLANNING DIVISION

Tel. (239) 574-0553  
Fax (239) 574-0591  
P.O. Box 150027  
Cape Coral, FL 33915-0027

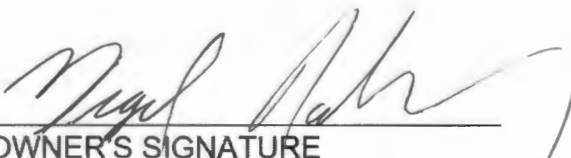
If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

**(ALL SIGNATURE MUST BE NOTARIZED)**

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.

Centrum Place, LLC  
CORPORATION/COMPANY NAME (IF APPLICABLE)

Miguel Rodriguez  
OWNER'S NAME (TYPE OR PRINT)

  
OWNER'S SIGNATURE

\_\_\_\_\_  
OWNER'S NAME (TYPE OR PRINT)

\_\_\_\_\_  
OWNER'S SIGNATURE

\_\_\_\_\_  
APPLICANT NAME (TYPE OR PRINT)

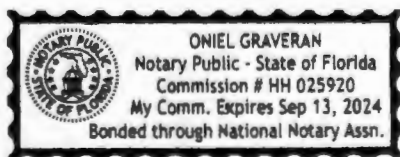
\_\_\_\_\_  
APPLICANT SIGNATURE

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.

STATE OF Florida

COUNTY OF Manatee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 29 day of April, 2022 by Miguel Rodriguez who is personally known to me or produced \_\_\_\_\_ as identification.



Exp Date: 09/13/2024 Commission Number: HH 025920

Signature of notary Public: 

Printed Name of Notary Public: ONIEL GRAVERAN



DEPARTMENT OF DEVELOPMENT SERVICES  
CITY PLANNING DIVISION

Tel. (239) 574-0553  
Fax (239) 574-0591  
P.O. Box 150027  
Cape Coral, FL 33915-0027

**AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)**

PLEASE BE ADVISED THAT Joe Mazurkiewicz/BJM Consulting  
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST BEFORE THE HEARING EXAMINER  
AND CITY COUNCIL.

UNIT 22 BLOCK 808 LOT(S) 7-14 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION \_\_\_\_\_

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

Centrum Place, LLC  
PROPERTY OWNER (Please Print)

[Signature]  
PROPERTY OWNER (Signature & title)

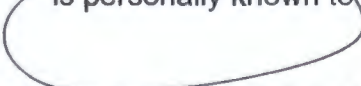
Miguel Rodriguez  
PROPERTY OWNER (Please Print)

[Signature]  
PROPERTY OWNER (Signature & title)

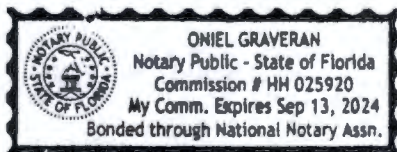
STATE OF FLORIDA

COUNTY OF MIAMI DADE

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online  
notarization, this 29th day of April, 2022 by Miguel Rodriguez who  
is personally known to me or produced \_\_\_\_\_ as identification.



Exp Date: 09/13/2024 Commission Number: HH 025920



Signature of notary Public: [Signature]

Printed Name of Notary Public: ONIEL GRAVERAN

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



DEPARTMENT OF DEVELOPMENT SERVICES  
CITY PLANNING DIVISION

Tel. (239) 574-0553  
Fax (239) 574-0591  
P.O. Box 150027  
Cape Coral, FL 33915-0027

**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 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 and recording costs. All fees are to be submitted to the City of Cape Coral with the application.

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.

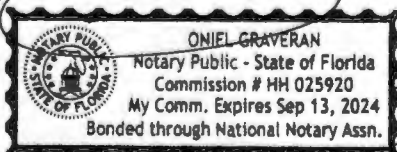
I hereby acknowledge that I have read and understood the above affidavit on the 29 Day of April, 2022.

Centrum, LLC  
CORPORATION/COMPANY NAME

MIGUEL RODRIGUEZ  
OWNER'S NAME (TYPE or PRINT)  
[Signature]  
OWNER'S SIGNATURE

STATE OF Florida  
COUNTY OF Miami-Dade

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 29 day of April, 2022 by Miguel Rodriguez who is personally known to me or produced \_\_\_\_\_ as identification.



Exp Date: 9/13/2024 Commission Number: HH025920  
Signature of notary Public: [Signature]

Printed Name of Notary Public: Oniel Graveran





DEPARTMENT OF DEVELOPMENT SERVICES  
CITY PLANNING DIVISION

Tel. (239) 574-0553  
Fax (239) 574-0591  
P.O. Box 150027  
Cape Coral, FL 33915-0027

DOCUMENTARY EVIDENCE (LDC, Section 3.1.11F.6)

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 three 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.

Centrum Place, LLC

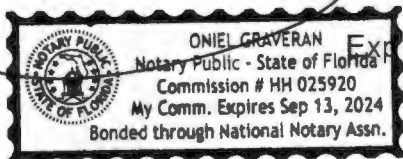
OWNER/APPLICANT  
(PLEASE TYPE OR PRINT)

*[Signature]*  
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF Florida  
COUNTY OF Miami Dade

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 29 day of April, 2022 by Miguel Rojas who is personally known to me or produced \_\_\_\_\_ as identification.



Exp. Date: 9/13/24 Commission Number: HH025920

Signature of Notary Public: *[Signature]*

Printed Name of Notary Public: Oniel Graveran



**DEPARTMENT OF DEVELOPMENT SERVICES  
CITY PLANNING DIVISION**

Tel. (239) 574-0553  
Fax (239) 574-0591  
P.O. Box 150027  
Cape Coral, FL 33915-0027

**REZONES REGULATIONS**

A. Manner of Initiation. Applications for a change in zoning may be initiated in the following manner:

1. The City Council upon its own motion;
2. The Planning and Zoning Commission upon its own motion;
3. The property owner(s) of at least fifty-one percent of the land in the proposed rezone area;
4. The City Manager for a City initiated rezone; or
5. The Community Development Department, following approval of a similar use determination.

B. Review Criteria. An application for a rezone shall be reviewed in accordance with the following criteria:

1. Whether the proposed zoning district proposed is consistent with the City Comprehensive Plan;
2. Whether the full range of uses allowed in the proposed zoning district will be compatible with existing uses in the area under consideration;
3. Whether the range of uses allowed in the proposed zoning district will be compatible with existing and potential uses in the area under consideration;
4. Whether the proposed zoning district will serve a community need or broader public purpose;
5. The characteristics of the proposed rezone area are suitable for the uses permitted in the proposed zoning district; and
6. Whether a zoning district other than the district requested will create fewer potential adverse impacts to existing uses in the surrounding area.

C. Effective date of approval. A rezone shall take effect upon City Council adoption of the ordinance approving the rezone.

D. New application after denial. No application for a rezone which has been previously denied by the City Council shall be accepted for at least one year after the date of denial. An application to rezone property to a designation that is different than the designation which was denied by the City Council, will be accepted and considered without consideration of time since the previous application was denied.

# Cape Coral ArcGIS Web Map



6/23/2022, 10:51:38 AM

Zoning  RML  Ownership  
 P

1:1,128  
0 0.01 0.01 0.03 mi  
0 0.01 0.03 0.05 km

University of South Florida, County of Lee, FL, Esri, HERE, Garmin,  
GeoTechnologies, Inc., USGS, EPA, USDA

Web AppBuilder for ArcGIS  
University of South Florida, County of Lee, FL, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA |

## Straps for Rezoning for 1216 & 1222 & 1302 SE 8<sup>th</sup> Place

19-44-24-C4-00808.0070

19-44-24-C4-00808.0100

19-44-24-C4-00808.0130



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

**Detail by Entity Name**

Florida Limited Liability Company  
CENTRUM PLACE, LLC

Filing Information

**Document Number** L05000103453  
**FEI/EIN Number** 20-3988002  
**Date Filed** 10/20/2005  
**State** FL  
**Status** ACTIVE  
**Last Event** CANCEL ADM DISS/REV  
**Event Date Filed** 11/09/2006  
**Event Effective Date** NONE

Principal Address

13155 SW 42 STREET  
STE. 201  
MIAMI, FL 33175

Changed: 04/28/2011

Mailing Address

13155 SW 42 STREET #200  
MIAMI, FL 33175

Changed: 07/05/2017

Registered Agent Name & Address

KLEIN, RONALD G  
4340 SHERIDAN STREET  
STE. 201  
HOLLYWOOD, FL 33021

Address Changed: 04/28/2011

Authorized Person(s) Detail

**Name & Address**

**Title** MGR

KLEIN, RONALD G  
4340 SHERIDAN STREET, SUITE 102  
HOLLYWOOD, FL 33021



Title MGR

RODRIGUEZ, MIGUEL  
12861 SOUTHWEST 74TH STREET  
MIAMI, FL 33183

Title Manager

San Roman, Eduardo, Sr.  
13155 SW 42 STREET #200  
MIAMI, FL 33175

Annual Reports

Report Year	Filed Date
2019	04/08/2019
2020	06/09/2020
2021	05/31/2021

Document Images

<a href="#">05/31/2021 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">06/09/2020 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/08/2019 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/28/2018 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">07/05/2017 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/20/2016 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
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<a href="#">03/22/2013 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
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<a href="#">08/18/2008 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">06/06/2007 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">11/09/2006 -- REINSTATEMENT</a>	<a href="#">View image in PDF format</a>
<a href="#">10/20/2005 -- Florida Limited Liabilites</a>	<a href="#">View image in PDF format</a>



Lee County Property Appraiser

Tax Year 2021 ▾

Previous Parcel Number Next Parcel Number Tax Estimator Cape Coral Fees Tax Bills  
Print

**Property Data**

STRAP: 19-44-24-C4-00808.0070 Folio ID: 10171227

Generated on 6/23/2022 10:42 AM

Owner Of Record - Sole Owner

[\[Change Address\]](#)

CENTRUM PLACE LLC  
13155 SW 42ND ST #200  
MIAMI FL 33175

Site Address

Site Address maintained by E911 Program Addressing

1216 SE 8TH PL  
CAPE CORAL FL 33990

Property Description

Do not use for legal documents!

CAPE CORAL UNIT 22  
BLK 808 PB 14 PG 5  
LOTS 7 8 + 9

[\[Tax Map Viewer\]](#) [\[View Comparables\]](#)[\[Pictometry Aerial Viewer\]](#)

Current Working Values

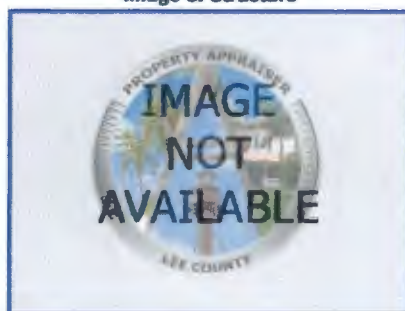
**Just**

46,116

Attributes

Land Units Of Measure	SF
Units	15372.00
Total Number of Buildings	0
Total Bedrooms / Bathrooms	0
1st Year Building on Tax Roll	N/A
Historic Designation	No

Image of Structure

**Exemptions**

Generated on 6/23/2022 10:42 AM

**Values (2021 Tax Roll)**

Generated on 6/23/2022 10:42 AM

**Taxing Authorities**

Generated on 6/23/2022 10:42 AM

**Sales / Transactions**

Generated on 6/23/2022 10:42 AM



Lee County Property Appraiser

Tax Year 2021

Previous Parcel Number Next Parcel Number Tax Estimator Cape Coral Fees Tax Bills Print

### Property Data

STRAP: 19-44-24-C4-00808.0100 Folio ID: 10171228

Generated on 6/23/2022 10:44 AM

Owner Of Record - Sole Owner

[Change Address]



CENTRUM PLACE LLC  
13155 SW 42ND ST #200  
MIAMI FL 33175

Site Address

Site Address maintained by E911 Program Addressing

1222 SE 8TH PL  
CAPE CORAL FL 33990

Property Description

Do not use for legal documents!



CAPE CORAL UNIT 22  
BLK 808 PB 14 PG 5  
LOT 10 THRU 12

[Tax Map Viewer] [View Comparables]



[Pictometry Aerial Viewer]



Current Working Values



Just

46,116

Attributes

Land Units Of Measure

SF

Units

15372.00

Total Number of Buildings

0

Total Bedrooms / Bathrooms

0

1st Year Building on Tax Roll

N/A

Historic Designation

No

Image of Structure



### Exemptions

Generated on 6/23/2022 10:44 AM



Values (2021 Tax Roll)



Generated on 6/23/2022 10:44 AM

### Taxing Authorities

Generated on 6/23/2022 10:44 AM

### Sales / Transactions

Generated on 6/23/2022 10:44 AM





Lee County Property Appraiser

Tax Year 2021

Previous Parcel Number Next Parcel Number Tax Estimator Cape Coral Fees Tax Bills  
Print

**Property Data**

STRAP: 19-44-24-C4-00808.0130 Folio ID: 10171229

Generated on 6/23/2022 10:47 AM

Owner Of Record - Sole Owner

[\[Change Address\]](#)

CENTRUM PLACE LLC  
13155 SW 42ND ST #200  
MIAMI FL 33175

Site Address

Site Address maintained by **E911 Program Addressing**

1302 SE 8TH PL  
CAPE CORAL FL 33990

Property Description

Do not use for legal documents!



CAPE CORAL UNIT 22  
BLK.808 PB 14 PG 5  
LOTS 13 + 14

[\[Tax Map Viewer\]](#) [\[View Comparables\]](#)[\[Pictometry Aerial Viewer\]](#)

Current Working Values

**Just****30,744****Attributes**

Land Units Of Measure	SF
Units	10248.00
Total Number of Buildings	0
Total Bedrooms / Bathrooms	0
1st Year Building on Tax Roll	N/A
Historic Designation	No

Image of Structure

**Exemptions**

Generated on 6/23/2022 10:47 AM

**Values (2021 Tax Roll)**

Generated on 6/23/2022 10:47 AM

**Taxing Authorities**

Generated on 6/23/2022 10:47 AM

**Sales / Transactions**

Generated on 6/23/2022 10:47 AM

# BJM Consulting, Inc.

Joe Mazurkiewicz, Jr.  
President  
P O Box 101655  
Cape Coral, FL 33910

Telephone 239-470-5778  
Email: joe@bjmconsult.com

June 23, 2022

Mr. Vince Cautero, Director  
Department Community Development  
City of Cape Coral  
PO Box 150027  
Cape Coral FL 33915-0027

RE: Centrum Place, LLC Zoning Request

Dear Mr. Cautero,

BJM Consulting, Inc. represents Centrum Place, LLC, the owner of a parcel of land located in Southeast Cape Coral. The address of the property is 1216& 1222 SE 8<sup>th</sup> Place. Please accept this as our Letter of Intent for a request to change the Zoning from Professional (P) to Multifamily RMM.

The site is made up of two parcels both fronting on SE 8<sup>th</sup> Place and is 40,992 sq. ft. , .94 +/- acres, its future land use is MX (Mixed Use), and existing zoning is Professional (P). The site is located in the Infill area and is serviced by all three utilities.

We are requesting a zoning change of the entire site from the existing Professional (P) (Multifamily to RML (Multifamily 16 units/acre). The site is just south of Nicholas Parkway and part of the area known as City Centrum. The site and is surrounded on three sides by Multifamily (RML) zoning and developments with professional zoning and uses to the north. As such this application will allow for a project to be built that is extremely compatible with the surrounding community.

The site meets all six of the review criteria to support the rezoning to RML.



- The proposed rezoning is consistent with the comprehensive plan and the underlying land use of MX (Multifamily) and the site does not meet the one acre requirement necessary to support RMM rezoning.
- The site fronts on SE 8<sup>th</sup> Place and is surrounded by existing multifamily developments.
- The full range of multifamily uses allowed in the RML zoning are consistent and compatible with the surrounding existing developments.
- The RML zoning will help meet the identified need for market priced apartments with the Cape.
- The development allowed by the RML zoning will be compatible with the existing surrounding developments.
- The RML zoning as one of the residential zoning categories allowed in the MX mixed use land use, and assembly of the three parcels into one site for development, will allow for less driveways along SE 8<sup>th</sup> Place and provide a development with fewer potential adverse impacts on the surrounding uses.

The location of the parcel along with its limited size make it a well-qualified candidate for the RML Zoning.

Please let us know if you have any questions or concerns regarding this application.

Sincerely,

*Joe Mazurkiewicz, Jr.*

Joe Mazurkiewicz, Jr. Ph.D.  
President, BJM Consulting, Inc.



# PLANNING DIVISION STAFF REPORT

Wednesday, August 10, 2022

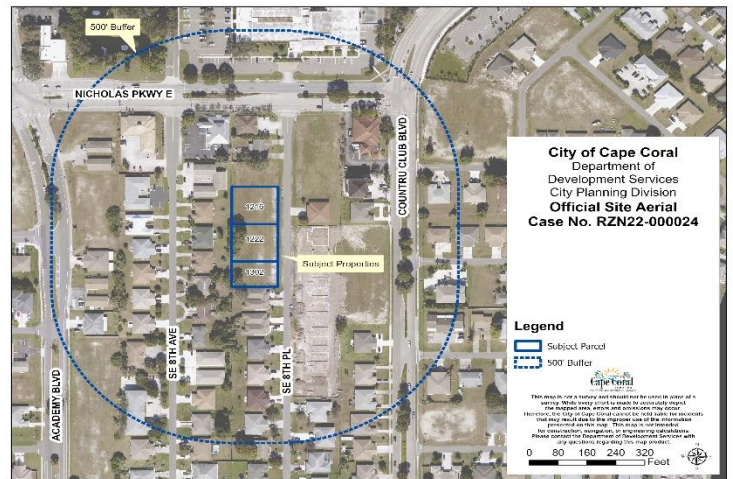
Case No.:	RZN22-000024	Prepared By:	Anthony Santora, Associate Planner
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Property Location:	1216 & 1222 & 1302 SE 8 <sup>th</sup> Place	Applicant / Property Owner	
Authorized Representative		Name:	Centrum Place LLC
Name:	Joe Mazurkiewicz / BJM Consulting	Address:	13155 SW 42 <sup>nd</sup> Street, #200
Address:	PO Box 101655, Cape Coral, FL. 33910	Miami, FL. 33175	
Phone No.:	239-470-5778	Phone No.:	305-632-5383
		Email:	manclar@bellsouth.net

## SUMMARY OF REQUEST:

This is an applicant-initiated request for re-zoning.

The applicant has requested re-zoning from the current Professional (P) zoning to a proposed Multifamily Low (RML) zoning for (3) parcels totaling +/- 40,992 SF or 0.94 Acres.



MAP SOURCE: City of Cape Coral

Existing Zoning	Existing Land Use	Proposed Zoning	Site Improvements	Size of Property
<b>Professional (P)</b>	<b>Mixed Use (MX)</b>	<b>Multi-Family Low (RML)</b>	<b>None</b>	<b>40,992 SF 0.94 Acres</b>

**STAFF RECOMMENDATION:** | **Approval**

Conditions: | **None**

## CASE OVERVIEW

Background:	<ul style="list-style-type: none"> <li>All parcels in question share a single owner (the Applicant)</li> <li>Parcels were originally zoned multi-Family and no change to the FLU is being proposed</li> </ul>
Positive Aspects of Application:	<ul style="list-style-type: none"> <li>The proposed use will create more opportunity for multifamily housing in the city</li> <li>Proposed use will fit character of neighborhood (residential)</li> </ul>
Negative Aspects of Application:	<ul style="list-style-type: none"> <li>Loss of potential commercial development</li> </ul>
Mitigating Factors:	<ul style="list-style-type: none"> <li>Lots are not on Arterial or Collector Roadway (Local Road frontage)</li> <li>Properties have low depth not suited for commercial development</li> </ul>



# PLANNING DIVISION STAFF REPORT

Wednesday, August 10, 2022

## SITE INFORMATION

Street Addresses: 1216 & 1222 & 1302 SE 8<sup>th</sup> Place

Urban Service Area: Infill

City Water & Sewer: City Water: Yes

City Sewer: Yes

Right-of-Way Access: The site(s) are accessible from SE 8<sup>th</sup> Place, a paved (2) lane local roadway.

STRAP Number(s): 19-44-24-C4-00808.0070 | 19-44-24-C4-00808.0100 | 19-44-24-C4-00808.0130

Block / Lot(s): Block: 808

Lot(s): 7-14

Subdivision: Cape Coral

Site Area: SQ. FT. (+/-): 40,992

Acres (+/-): 0.94

Case Planner: Anthony Santora, Associate Planner

Review Approved By:

## FUTURE LAND USE AND ZONING INFORMATION

Site:	Future Land Use	Zoning
Current:	Mixed Use (MX)	Professional (P)
Proposed:	N/A (No Change)	Multifamily Low (RML)
	Surrounding Future Land Use	Surrounding Zoning
North:	Commercial Professional (CP)	Professional (P)
South:	Mixed Use (MX) Multiple Family Residential (MF)	Residential Multifamily Low (RML)
East:	Mixed Use (MX)	Residential Multifamily Low (RML) Professional (P)
West:	Mixed Use (MX)	Residential Multifamily Low (RML) Professional (P)

## PURPOSE OF REQUEST

The applicant has requested this re-zoning so as to allow for the development of new multi-family housing products which are more consistent with the existing character of the surrounding neighborhood.

## ZONING HISTORY

Block 808, Lot 7:	R-3 (1989) -> R-3 to P1 per Ord. 61-90 (1990) -> (FLU) MF to MX per Ord. 61-05 (2005)
Block 808, Lot 8-9:	R-3 (1989) -> (FLU) MF to MX per Ord. 61-05 (2005) -> R-3 to P1 per Ord. 138-07 (2007)
Block 808, Lot 10-14:	R-3 (1989) -> (FLU) MF to MX per Ord. 62-03 (2003) -> R-3 to P1 pr Ord. 138-07 (2007)

The properties being analyzed were originally zoned R-3 (Multifamily Residential) in 1969 and maintained that zoning when the zoning was officially adopted in 1989. Block 808, Lot 7 was converted to P1 (Professional) in 1990 with the remainder of the lots being converted in 2007. Additionally, the properties were converted from a Future Land Use of MF (Multifamily) to MX (Mixed Use) in 2003, for lots 10-14, and in 2005, for lots 7-9.





# PLANNING DIVISION STAFF REPORT

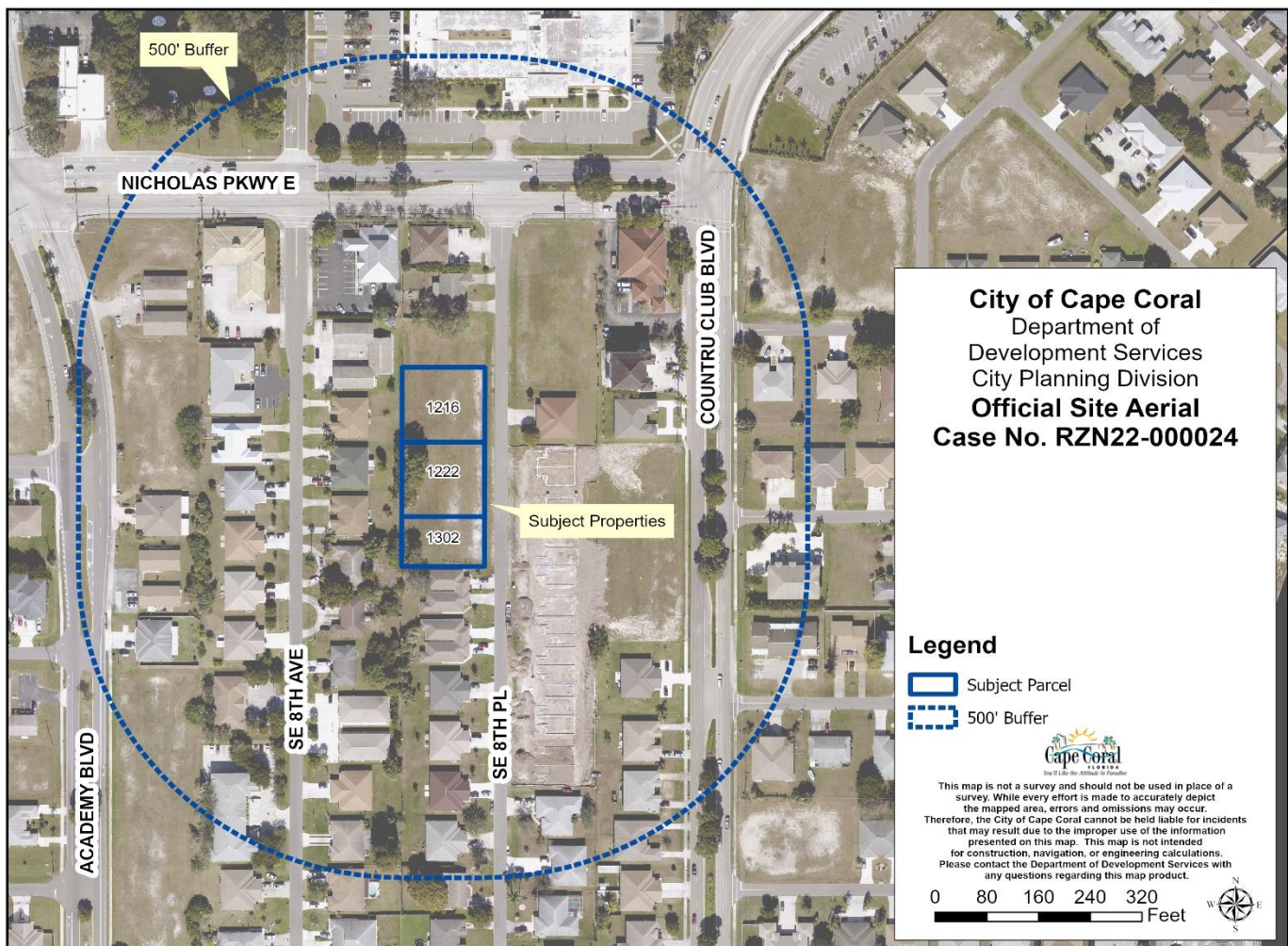
Wednesday, August 10, 2022

## BACKGROUND

This is an applicant-initiated request where the applicant is the property owner of at least (51) fifty-one percent of the land in the proposed rezone area. The applicant is the property owner of all (3) three parcels within the rezone and is seeking to rezone the property to allow for new multi-family development to take place.

The parcels were originally zoned R-3 when the zoning code was adopted in 1989, and were modified at various times until the present, refer to Zoning History above. The lots have remained vacant with no primary or accessory structures developed. The surrounding RML properties around the area have developed with primarily duplex uses and single-family homes in the remainder. Additionally, the commercial properties to the north have developed with smaller scale commercial and professional developments. Both developments have created a residential feel and character from the intersection of SE 8<sup>th</sup> PL. heading south. New developments of Duplex units along the East of SE 9<sup>th</sup> PL. leave few vacant lots along the street and within the neighborhood.

## Aerial Map

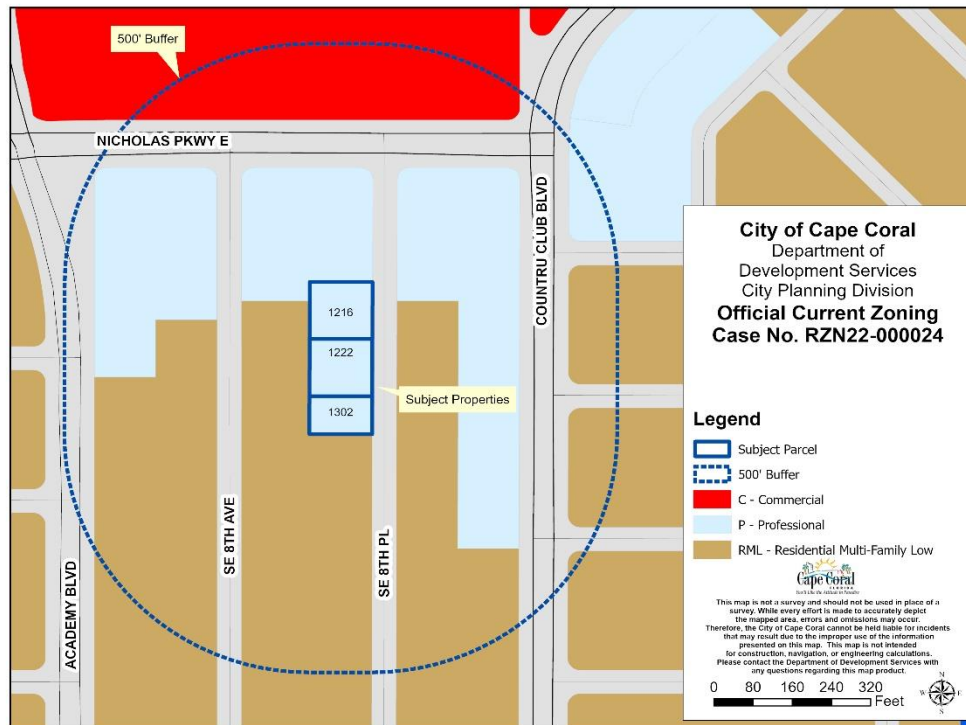




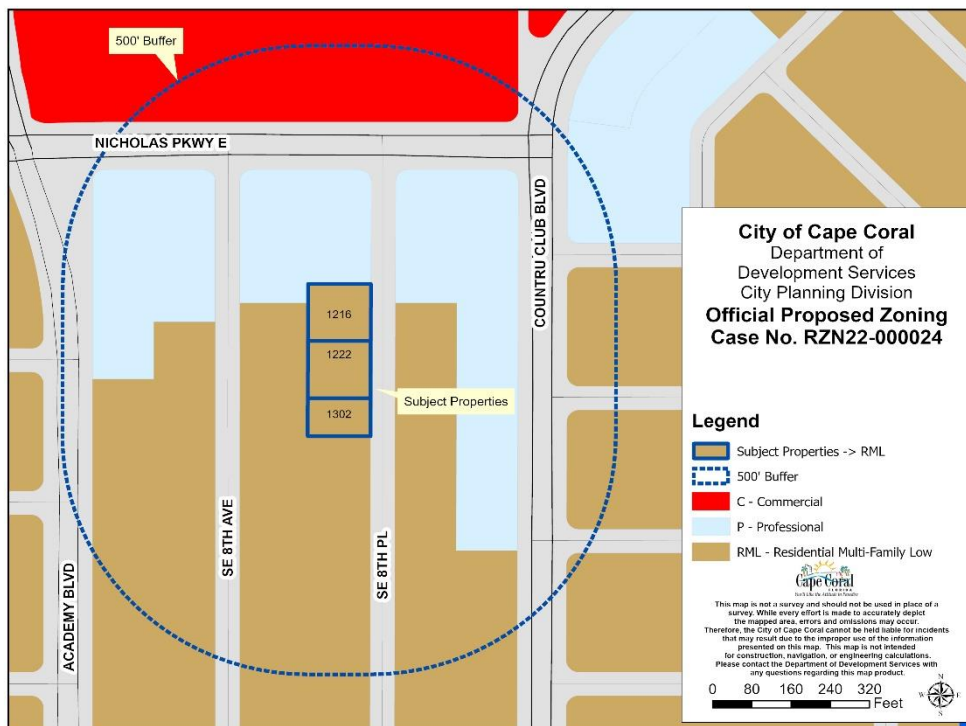
# PLANNING DIVISION STAFF REPORT

Wednesday, August 10, 2022

## Current Zoning Map



## Proposed Zoning Map







# PLANNING DIVISION STAFF REPORT

Wednesday, August 10, 2022

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## APPLICATION ANALYSIS

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### Land Development Code Analysis:

Staff reviewed this application based on the review criteria found in the City of Cape Coral Land Development Code, Section 3.4.6 for evaluating rezones. This application was also reviewed based on the provisions of the Residential Multi-Family Low (RML) district. Below will be found a breakdown of review criteria as well as an in-depth analysis of the proposed rezoning in based upon conformance with the criteria:

1. *Whether the proposed zoning district is consistent with the City Comprehensive Plan;*

The proposed rezoning is consistent with the Mixed-Use Future Land Use classification as well as the goals and policies of the City Comprehensive Plan. Refer below for a breakdown of Comp. Plan compliance.

2. *Whether the full range of uses allowed in the proposed zoning district will be compatible with existing uses in the area under consideration;*

The area around the proposed rezoning is currently both Professional (P) to the North and Residential Multi-family Low (RML) to East, South and West. To the north, most sites are already developed with small scale commercial along Nicholas Parkway with a combination of small-scale multi-family and single-family uses progressing moving south.

The RML allows for a variety of residential uses, including single family and duplex units, with a low maximum density and limits on pervious surfaces which is compatible with the existing uses in the area and would maintain the character of the area if/when developed.

3. *Whether the range of uses allowed in the proposed zoning district will be compatible with the existing and potential uses in the area under consideration;*

The area around the proposed rezoning has been primarily built out with only a few vacant parcels remaining, and of those remaining vacant parcels, the majority are zoned Professional (P) and are either along Nicholas Parkway, Country Club Blvd., or Academy Blvd. The interior area consists of zoned RML uses and is close to 100% developed consisting of small-scale multi-family and single family uses.

The uses allowed in the proposed RML district are in line with those established in the adjacent RML district, offering flexibility of product dependent on developer interest and market. The allowed uses in the proposed RML district are consistent with the character of the small-scale commercial uses allowable in the Professional zoning district to the North as well. Additionally, as the area continues to develop into the future, the proposed RML use will continue to be compatible with both the adjacent Professional uses and RML uses surrounding it; sharing the same use as the internal neighborhood, RML, while simultaneously matching the character of the uses allowable in the Profession district.

4. *Whether the proposed zoning district will serve a community need or broader public purpose;*

The city has a documented need for multi-family housing product as evidenced by Policy 1.7 of Chapter 4 of the City of Cape Coral Comprehensive Plan. The proposed rezoning will allow for a more diverse multi-family housing product to be provided which would increase this stock adding to a net benefit for the community.



## PLANNING DIVISION STAFF REPORT

Wednesday, August 10, 2022

5. *The characteristics of the proposed rezone area are suitable for the uses permitted in the proposed zoning district;*

The site is situated with frontage on SE 8<sup>th</sup> Pl, a local roadway, and is removed from the main intersection at a distance of +/- 250'-0". The surrounding area is primarily multi-family (mainly duplexes) with single family interspersed and contains small scale commercial development to the North, along or in close proximity to Nicholas Parkway. The uses which are allowable in the RML zoning district will be in line with the not only the characteristics of the multi-family and single-family residential character of the neighborhood, but the small-scale commercial to the north as well.

6. *Whether a zoning district other than the district requested will create fewer potential adverse impacts to the existing uses in the surrounding area.*

Given the surrounding character of the neighborhood, mainly small-scale multi-family (duplexes) and small-scale commercial (professional offices), there is no other zoning district which would meet the character of the neighborhood and allow for the maximum amount of flexibility in uses consistent with that character then the RML being proposed. The only other zoning district which allows for multi-family by right is the RMM (Residential Multi-Family Medium), however, this zoning district allows for both a greater density as well as a greater allowable height, both which would be out of scale with the neighborhood. Additionally, the RMM district prohibits the development of single family and duplex, which constitute a majority of the makeup of the current neighborhood fabric and the min. lot size of RMM is 43,560, or 1 acre, which this property does not qualify for. Given these factors the proposed zoning district of RML creates the least amount of potential adverse impact to the surrounding neighborhood.

### Comprehensive Plan Analysis:

Staff reviewed this application for compliance with Section 3.4.6(1) of the Land Development Code of the City of Cape Coral and for consistency with the Goals, Objectives and Policies of the Comprehensive Plan. Below will be found an in-depth analysis of the proposed rezoning based upon the applicable Goals, Objectives and Policies:

Chapter 3, Housing Element Goal: To provide good quality housing in safe, clean neighborhoods, offering a broad choice of options in both type (single family and multi-family) and tenure (owner and renter occupied) to meet the needs of present and future residents of the City, regardless of age or income status.

**Analysis:** The proposed rezoning to a RML district will allow for the new development of by right residential uses as well as the flexibility to develop a wide range of said residential uses on the site. This will include the ability to produce single family developments as well as multi-family developments dependent on developer choice and market needs. This overall increase in housing availability and diversity is consistent with the goal of Chapter 3, Housing Element, of the City Comprehensive Code.

Chapter 4, Future Land Use Element, Policy 1.7: The City has identified a shortfall of multi-family residential housing stock in the community. To provide better guidance in identifying properties which are appropriate for multi-family residential develop, to reduce this shortfall, locational guidelines have been developed. The following locational guidelines are as follows:

- 1.) Proximity to Major Roadways.

To prevent the establishment of multi-family residential development far in the middle of predominantly single-family neighborhoods, an appropriate location for multi-family



## PLANNING DIVISION STAFF REPORT

Wednesday, August 10, 2022

residential development is adjacent to or within ¼ mile of major roadways such as arterial and collector roadways, as identified in Figure 7 City Roadway Classifications.

### 2.) Proximity to non-residential land uses.

An important consideration for siting multi-family residential development is the need for multi-family residential uses to be in proximity to major employment centers. Providing housing near commercial uses can result in shorter trips, lessen traffic generation by workers, and providing multiple transportation mode options (walking, bicycling, automobile, bus) for employees.

An appropriate location for multi-family residential development is adjacent to or within ¼ mile of non-residential land uses such as the Commercial/Professional, Light Industrial, Mixed Use, Downtown Mixed, Pine Island Road District, or Commercial Activity Center future land use classifications.

### 3.) Transitioning from commercial uses to less intense uses.

Multi-family residential uses have traditionally provided a role in buffering single-family uses or neighborhoods from nearby commercial development. Multi-family residential development is often self-contained with parking lots which provide a physical barrier visually separating commercial uses, particularly the lighting and loading areas, from single-family residential uses, which is a benefit to the community.

Therefore, an appropriate location for multi-family residential development is physically between single-family development and non-residential land uses, such as the Commercial/Professional, Light Industrial, Mixed Use, Downtown Mixed, Pine Island Road District, or Commercial Activity Center future land use classifications.

### 4.) Assemblage opportunities and adjacency to existing multi-family residential.

Single, isolated pre-platted parcels provide little opportunity for larger scale multi-family residential development and contribute to the same ills that strip center commercial development offer; a proliferation of driveways onto major roadways.

Therefore, an appropriate location for multi-family residential development is a collection of properties of 3-acres or greater which provide multi-family assemblage opportunities, or for properties which alone are 3-acres or greater in size. Furthermore, consideration will be given to logical extensions from existing multi-family residential designated properties.

**Analysis:** The proposed rezoning to RML meets all (4) four of the guidelines for multi-family zoning locations in the City of Cape Coral. The proposed site sits 250' (+/-) from an Arterial Roadway and is situated directly adjacent to both existing commercial uses (Professional, P) to the North and existing residential multi-family (RML) to the South, East and West. The site also has the ability to serve as a buffer use to the neighborhood, as it transitions from the Commercial uses along Nicholas Parkway into the core residential neighborhood. Additionally, the site, which consists of multiple standard or over standard lot sizes, is assembled under a single owner allowing for larger scale development of multi-family. When taken as an extension of the existing neighborhood, the site offers an assemblage opportunity greater than 3 acres.

Furthermore, when examined through the Commercial Siting Guidelines of Policy 1.14 of Chapter 4 of the Comprehensive Plan, the possibilities for commercial development on the site lack necessary items to conform to the comprehensive plan. The site while in close proximity to (2) two major intersections (+/- 600') the site lacks



## PLANNING DIVISION STAFF REPORT

Wednesday, August 10, 2022

both the necessary access off of a City Parking area or an arterial or collector street. The site also lacks the ideal 250' of depth to accommodate commercial development and while small scale commercial development could occur, the resultant, given the narrow layout of the parcels, would be a more strip center style which is in conflict with the goal of Policy 1.13, the discouragement of "strip commercial" development. Assemblage is also limited provided that the site is owned by a single entity and the surrounding adjacent sites are individually owned and a majority of them are already developed, inhibiting the inclusion of the site into a larger commercial development.

### Impact Analysis:

#### Police & Fire Impacts:

**Fire:** Property is served by Fire Station #2 district. Proposed development is expected to generate less than (15) fifteen call(s) annually. **Minimal impact** to the department with no negative effects on service delivery.<sup>1</sup>

**Police:** Property is served by police patrol zone CZ2. Proposed development is expected to generate (12) twelve call(s) for service annually. **Minimal impact.**<sup>2</sup>

### Conclusion:

Given the analysis conducted in regard to the requested re-zoning application, the proposed re-zoning application seeking to change (3) three parcels from Professional (P) to Residential Multi-Family Low (RML) is consistent with the requirements for re-zoning from the LDC as well as the guidelines and policies of the Comprehensive Plan. The proposed re-zoning request will be beneficial to the neighborhood with minimal adverse impacts and serves to maintain or enhance the health, safety, and welfare of the community.

Therefore, it is the recommendation of staff that the proposed re-zoning application request be approved as submitted.

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<sup>1</sup> Fire Impact determined through the City of Cape Coral Fire Department, 8/4/22.

<sup>2</sup> Police Impact determined through the City of Cape Coral Police Department, 8/4/22.





# PLANNING DIVISION STAFF REPORT

Wednesday, August 10, 2022

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## PUBLIC NOTIFICATION

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This case will be publicly noticed as required by the City of Cape Coral Land Development Code, Section 3.1.10 as well as Florida Statute Chapter 163 and Chapter 166 (*as applicable*) and 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) ten 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 News-Press not less than (10) ten days prior to the date of the final public hearing before the City Council.

Written Notice: Property Owners located within (500) five hundred feet from the property line(s) of the land which the petitioner(s) 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) ten 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 public notice of the rezoning request.

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## RECOMMENDATION

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Planning staff has reviewed this request in accordance with Section 3.4.6 of the Land Development Code of the City of Cape Coral as well as the City of Cape Coral Comprehensive Plan. Through analysis of the proposed request and analysis of compliance with applicable criteria the Planning Division staff recommends **Approval** of the rezone request.

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### Staff Contact Information

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Anthony Santora, Associate Planner  
Department of Community Development  
Planning Division  
Phone: (239) 573-3125  
Email: [asantora@capecoral.gov](mailto:asantora@capecoral.gov)



500' Buffer

NICHOLAS PKWY E

COUNTRY CLUB BLVD

1216

1222

1302

Subject Properties

SE 8TH AVE

SE 8TH PL

ACADEMY BLVD

**City of Cape Coral**  
Department of  
Development Services  
City Planning Division  
**Official Site Aerial**  
**Case No. RZN22-000024**

**Legend**

-  Subject Parcel
-  500' Buffer



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 Development Services with any questions regarding this map product.

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Feet





500' Buffer

NICHOLAS PKWY E

COUNTRY CLUB BLVD

1216

1222

1302

Subject Properties






SE 8TH AVE

SE 8TH PL

ACADEMY BLVD

**City of Cape Coral**  
Department of  
Development Services  
City Planning Division  
**Official Current Zoning**  
**Case No. RZN22-000024**

**Legend**

-  Subject Parcel
-  500' Buffer
-  C - Commercial
-  P - Professional
-  RML - Residential Multi-Family Low



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0 80 160 240 320 Feet



500' Buffer

NICHOLAS PKWY E

COUNTRY CLUB BLVD

1216

1222

1302

Subject Properties






SE 8TH AVE

SE 8TH PL

ACADEMY BLVD

**City of Cape Coral**  
Department of  
Development Services  
City Planning Division  
**Official Proposed Zoning**  
**Case No. RZN22-000024**

**Legend**

-  Subject Properties -> RML
-  500' Buffer
-  C - Commercial
-  P - Professional
-  RML - Residential Multi-Family Low



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 Development Services with any questions regarding this map product.

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# RZN22-00024 Cape Coral Hearing Examiner



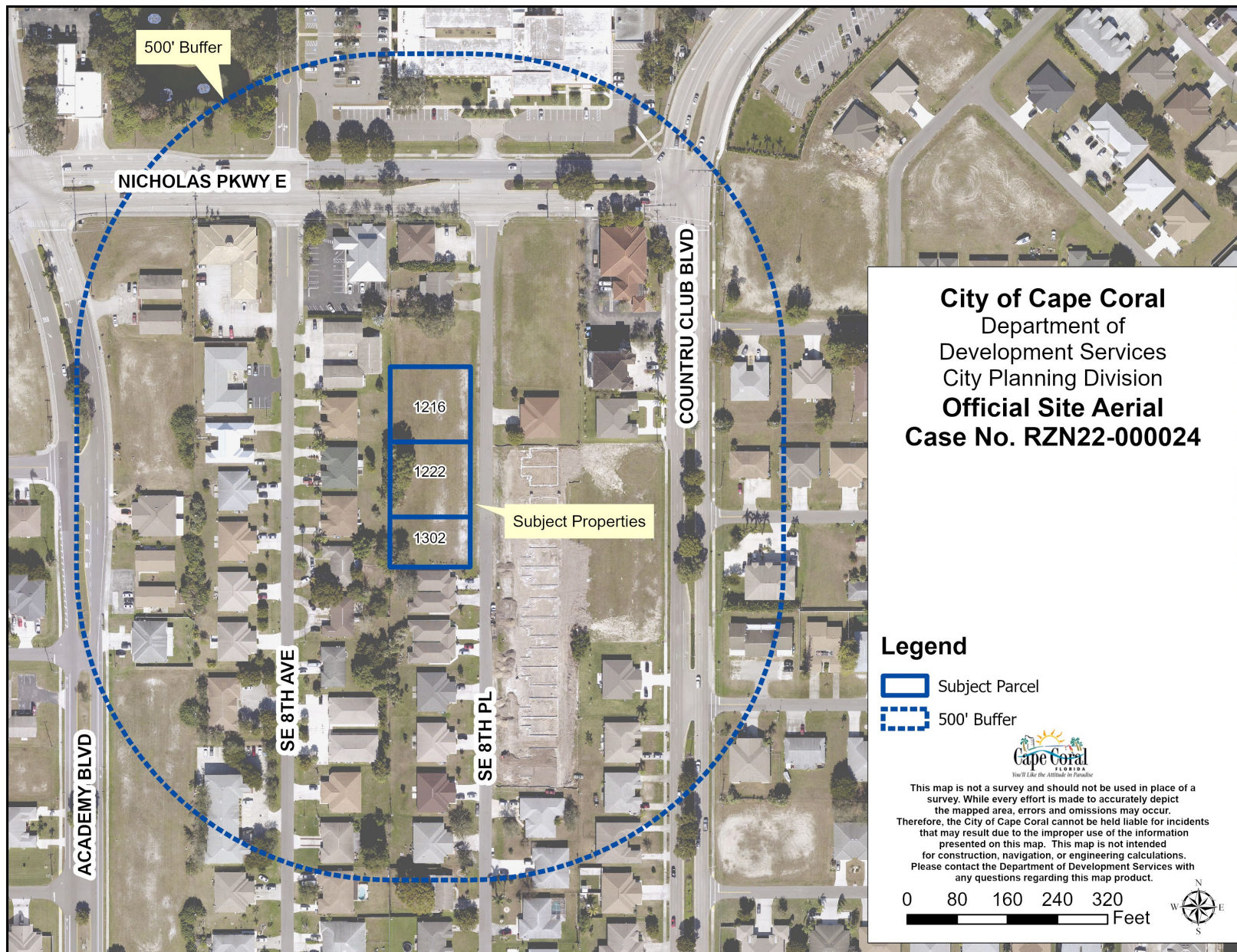


# RZN22-00024

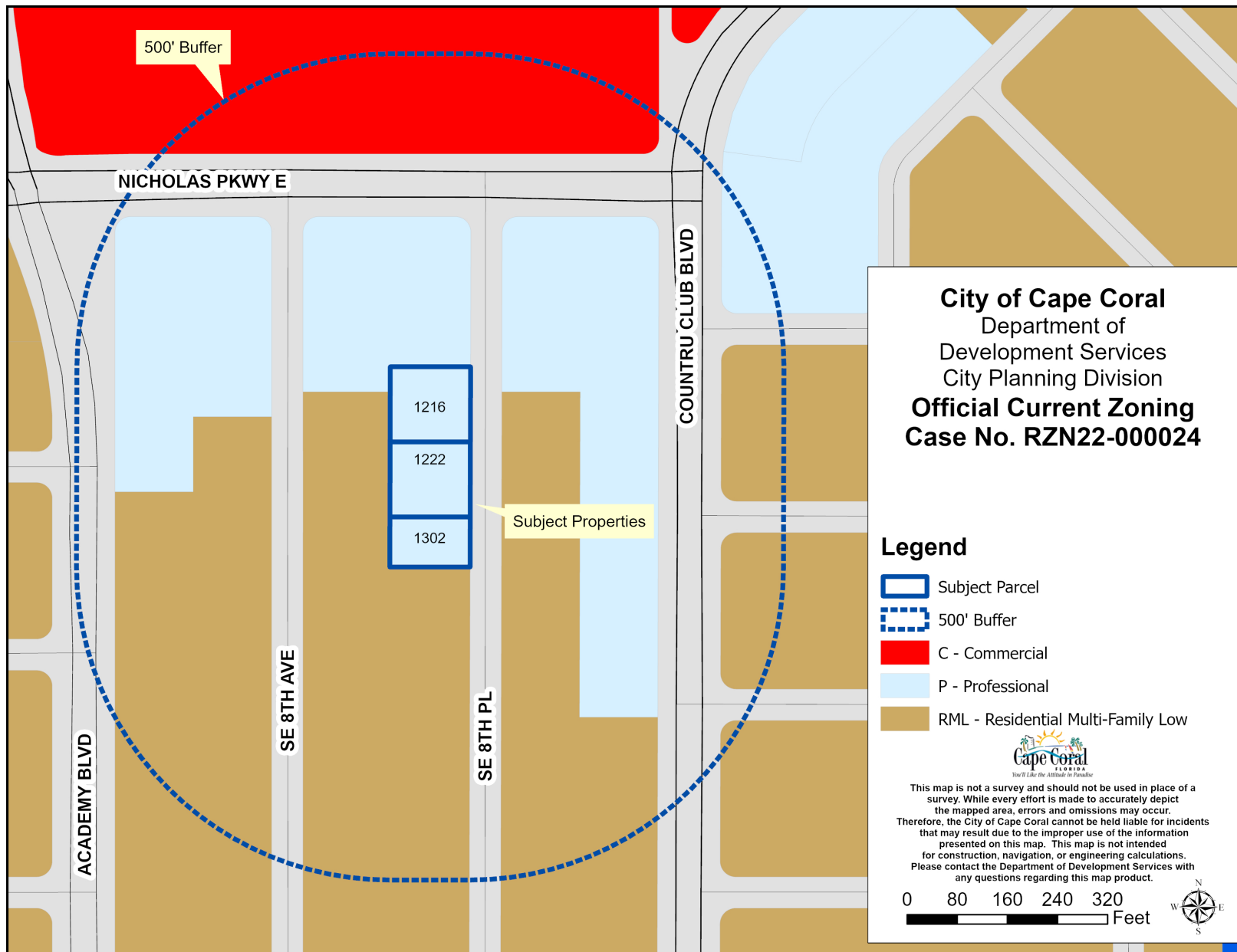
- ❑ **Applicant:** Single Applicant / Property Owner(s)
- ❑ **Address:** 1216, 1222 & 1302 SE 8<sup>th</sup> PL.
- ❑ **Location:** Along SE 8<sup>th</sup> PL., near Nicholas PKWY E.
- ❑ **Size:** +/- 40,992 SF. | +/- 0.94 Acres
- ❑ **Urban Services:** Infill
- ❑ **Request:** A rezone from P (Professional) to RML (Residential Multi-family Low)

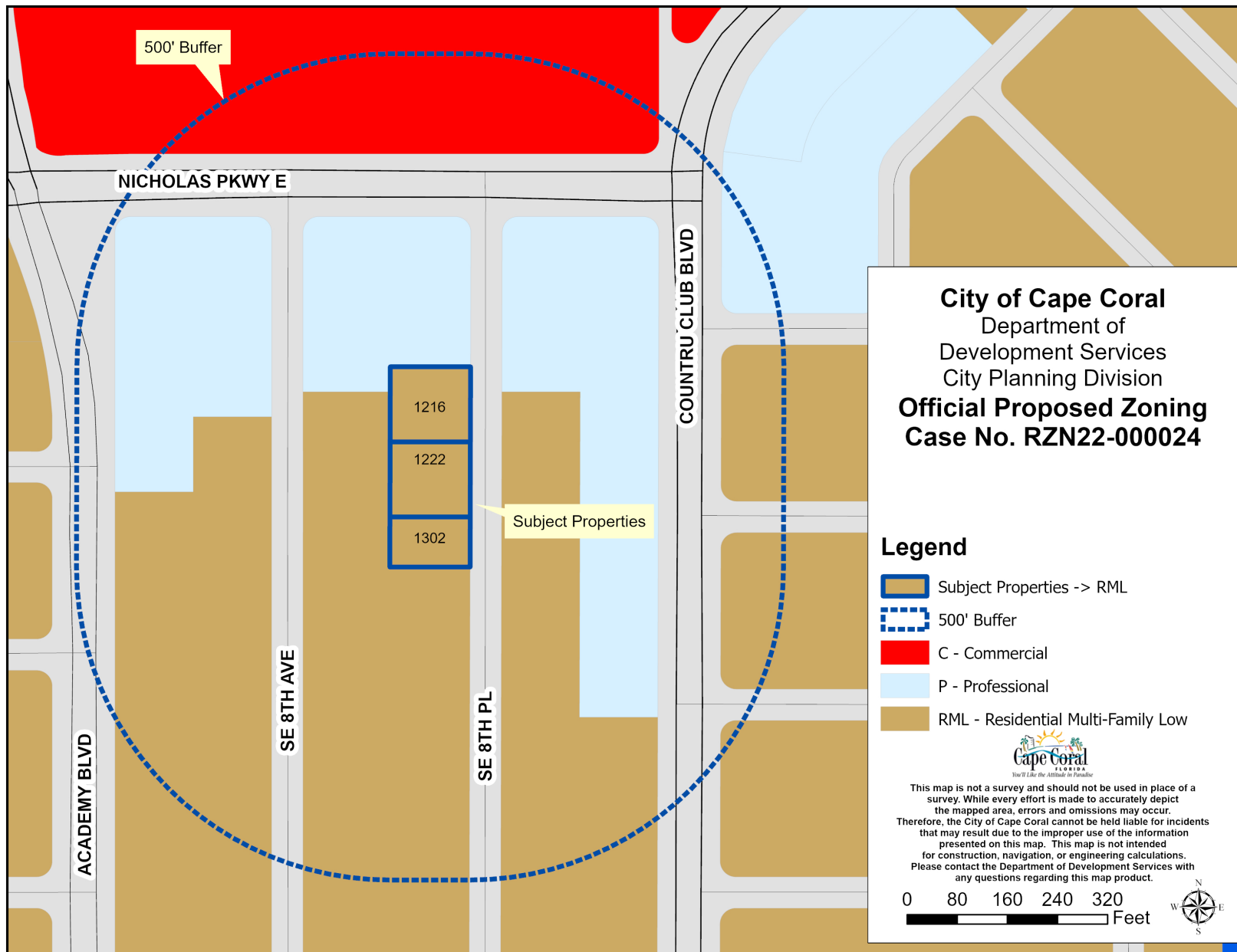
# Background Information

- ❑ Site is (3) parcels in Central Cape Coral.
- ❑ Site is located along a local roadway, SE 8<sup>th</sup> PL.
- ❑ All (3) parcels currently vacant and undeveloped.
- ❑ Site has access to Water, Sewer and Electrical Services.
- ❑ Zoning: amended from R-3 to P in 1990 & 2007
- ❑ FLU: amended from MF to MX in 2003 & 2005
- ❑ Applicant LOI states that future development will be new multi-family housing (market priced apartments).









# Analysis – Land Development Code

- ❑ **Whether the proposed zoning district is consistent with the City Comprehensive Plan**
  - **Staff Response:** The proposed zoning (RML) is consistent with the current FLUM classification (MX) as well as the goals and policies of the City Comprehensive Plan.
- ❑ **Whether the full range of uses allowed in the proposed zoning district will be compatible with existing uses in the area under consideration**
  - The RML district allows low density residential development including single family detached, single family semi-detached, duplexes and multi-family.
  - Area to the south, west and east is predominantly RML and developed with low density residential units, mainly duplexes.
  - Area to the north is predominately P and developed with low density professional & commercial uses.
  - Rezone **will be compatible** with existing uses in area under consideration.

# Analysis – Land Development Code

- ❑ *Whether the range of uses allowed in the proposed zoning district will be compatible with existing and potential uses in the area under consideration*
  - Majority of adjacent RML parcels already developed, with most P sites being developed with low scale commercial/professional uses.
  - Low scale residential development allowable by RML on the site would complete infill in the core of the neighborhood with similar scale and type development.
  - The RML district **will be compatible** with existing and potential uses in the area.
- ❑ *Whether the proposed zoning district will serve a community need or broader public purpose*
  - The City has a well documented need for multi-family development.
  - The RML zoning will allow the development of new low density residential stock, allowing for a more diverse stock in the city.
  - The RML district **will serve to provide for a community need.**



# Analysis – Land Development Code

- ❑ ***The characteristics of the proposed rezone area are suitable for the uses permitted in the proposed zoning district***
  - The site is an assemblage of (3) parcels for 0.94 Acres, along a local 2 lane roadway.
  - Site is removed from the main intersection of a Minor Arterial (Nicholas PKWY E) by +/- 250'-0" and buffered by Professional (P) zoned sites.
  - The characteristics of the proposed area **are suitable** for the uses permitted.
- ❑ ***Whether a zoning district other than the district requested will create fewer potential adverse impacts to existing uses in the surrounding area***
  - Surrounding neighborhood is low scale residential and zoned RML.
  - Only other district allowing multi-family residential is RMM which allows denser developments and greater allowable height.
  - The proposed RML district **creates the least potential adverse impacts** on the existing uses in the surrounding area.

# Analysis – Comprehensive Plan

## Chapter 3, Housing Element Goal

*To provide good quality housing in safe, clean neighborhoods, offering a broad choice of options in both type (single family and multi family) and tenure (owner and renter occupied) to meet the needs of present and future residents of the City, regardless of age or income status.*

- Proposed RML district will allow for new development of residential uses on the site.
- Such uses include single-family as well as multi-family development.
- RML zoning will create an increase in overall housing availability and diversity in City.
- **Consistent** with the Goal of Chapter 3, Housing Element.

# Analysis – Comprehensive Plan

## Chapter 4, Policy 1.7

*The City has identified a shortfall of multi-family residential housing stock in the community. To provide better guidance in identifying properties which are appropriate for multi-family residential development, to reduce this shortfall, a locational guidelines have been developed. The following locational guidelines are as follows.*

- 1.) Proximity to Major Roadway**
- 2.) Proximity to non-residential land uses**
- 3.) Transitioning from Commercial uses to less intensive uses.**
- 4.) Assemblage opportunities and adjacency to existing multi-family residential.**

# Analysis – Comprehensive Plan

## Chapter 4, Policy 1.7

### 1.) Proximity to Major Roadways

*To prevent the establishment of multi-family residential development far in the middle of predominately single-family neighborhoods, an appropriate location multi-family residential development is adjacent to or within ¼ mile of major roadways such as arterials and collector roadways, as identified in Figure 7 City Roadway Classifications.*

- Proposed RML site is +/- 250'-0" from a minor Arterial Roadway (Nicholas Pkwy E).
- Proposed RML site is also within ¼ mile of (2) major intersections, one to the East (County Club BLVD & Nicholas PKWY) and one to the West (Cultural Park BLVD & Academy BLVD)
- **Consistent** with the Guideline 1 of Policy 1.7



# Analysis – Comprehensive Plan

## Chapter 4, Policy 1.7

### 2.) Proximity to non-residential uses

*An appropriate location for multi-family residential development is adjacent to or within ¼ mile of non-residential land uses such as Commercial/Professional, Light Industrial, Mixed Use, Downtown Mixed, Pine Island Road District, or Commercial Activity Center future land use classifications.*

- Proposed RML site is within ¼ mile of non-residential land uses, being directly adjacent to Commercial/Professional Future land uses to the north.
- **Consistent** with the Guideline 2 of Policy 1.7

# Analysis – Comprehensive Plan

## Chapter 4, Policy 1.7

### 3.) Transitioning from commercial uses to less intensive uses

*Therefore, an appropriate location for multi-family residential development is physically between single-family development and non-residential land uses, such as the Commercial/Professional, Light Industrial, Mixed Use, Downtown Mixed, Pine Island Road District, or Commercial Activity Center future land use classifications.*

- Proposed RML site is situated directly between current non-residential future land uses to the north (CP) and residential land uses to the south.
- Most of the residential land uses to the south are multi-family, however there existing single-family units and the zoning classifications allow for single family units to be constructed in the future.
- **Consistent** with the Guideline 3 of Policy 1.7

# Analysis – Comprehensive Plan

## Chapter 4, Policy 1.7

### 4.) Assemblage opportunities and adjacency to existing multi-family residential

*Therefore, an appropriate location for multi-family residential development is a collection of properties of 3-acres or greater which provide multi-family assemblage opportunities, or for properties which alone are 3-acres or greater in size. Furthermore, consideration will be given to logical extensions from existing multi-family residential designated properties.*

- The current site is +/- 0.94 acres and all owned by a single entity.
- Area to the south, east and west, abutting the property is shares the RML zoning and when combined as an extension and/or collection with the surrounding zoning, said area exceeds 3-acre size.
- **Consistent** with the Guideline 4 of Policy 1.7

# Analysis – Comprehensive Plan

## Chapter 4, Policy 1.13 & 1.14

### Commercial Siting Guidelines

- *Major Intersection*
  - *Adequate Depth*
  - *Compactness*
  - *Integration*
  - *Assembly*
  - *Intrusion*
  - *Access*
  - *Ownership Pattern*
- The site is consistent with (3) components of the guidelines:
    - Major Intersection, Assembly, Intrusion
  - The site is inconsistent with (5) components of the guidelines:
    - Adequate Depth, Compactness, Integration, Access, Ownership Pattern
  - The site is a poor candidate for commercial/professional development



# Recommendation

Given the analysis conducted regarding the requested re-zoning application, the proposed re-zoning application seeking to change (3) parcels from Professional (P) to Residential Multi-Family Low (RML) is consistent with the requirements for re-zoning from the LDC as well as the guidelines and policies of the Comprehensive Plan. The proposed re-zoning request will be beneficial to the neighborhood with minimal adverse impacts and serves to maintain or enhance the health, safety and welfare of the community.

Therefore, it is the recommendation of staff that the proposed re-zoning application requested be **approved** as submitted.

# THANK YOU

any questions?

