



AGENDA FOR THE HEARING EXAMINER

Tuesday, March 20, 2018

9:00 AM

Council Chambers

1. HEARINGS CALLED TO ORDER

2. HEARINGS

- A. Case # VA18-0004*; Address: 3433 Malagrotta Circle; Applicant: Lennar Homes, LLC

3. DATE AND TIME OF NEXT HEARINGS

- A. Tuesday, April 17, 2018, at 9:00 a.m., in Council Chambers

4. ADJOURNMENT

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

If a person decides to appeal any decision made by the Board/Commission/Committee with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

PLEDGE OF CIVILITY

We will be respectful of each other even when we disagree.
We will direct all comments to the issues. We will avoid personal attacks.

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

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

Item Number: 2.A.
Meeting Date: 3/20/2018
Item Type: HEARINGS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Case # VA18-0004*; Address: 3433 Malagrotta Circle; Applicant: Lennar Homes, LLC

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

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

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

The applicant requests a 0.2-foot variance to Section 2.7.1D of the City Land Use and Development Regulations (LUDR) that requires a minimum side setback of 7.5 feet for buildings in a Single-Family Residential (R-1B) District to allow a single-family home to remain 7.3 feet from the NE property line.

LEGAL REVIEW:

EXHIBITS:

See attached "Backup Materials"

PREPARED BY:

Kristin
Kantarze Division- Planning Department- Community Development

SOURCE OF ADDITIONAL INFORMATION:

Justin Heller, Planner, 239-574-0587, jheller@capecoral.net

ATTACHMENTS:

Description	Type
Backup Material	Backup Material



DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR VARIANCE

Questions: 239-574-0776

CASE #

VA18-0004

REQUEST TO HEARING EXAMINER FOR A VARIANCE

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

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

OWNER OF PROPERTY

Lennar Homes LLC

Address: 10481 Six Mile Cypress Pkwy

City: Fort Myers, State: FL Zip 33966

Phone: _____

APPLICANT

Lennar Homes LLC

Address: 10481 Six Mile Cypress Pkwy

EMAIL

City: Fort Myers State: FL Zip 33966

Phone: _____

AUTHORIZED REPRESENTATIVE

Banks Engineering

Address: 10511 Six Mile Cypress Pkwy, Suite 101

EMAIL

shewitt@bankseng.com

City: Fort Myers State: FL Zip 33966

Phone: 239-770-2527

Unit N/A Block 8010 Lot(s) 40 Subdivision Bella Vida

Address of Property 3433 Malagrotta Cir, Cape Coral, FL 33909

Current Zoning R-1B Plat Book _____, Page INST#2005-56034

Strap Number 21-43-24-C4-00110.0400

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

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

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



DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR VARIANCE

Questions: 239-574-0776

CASE # _____

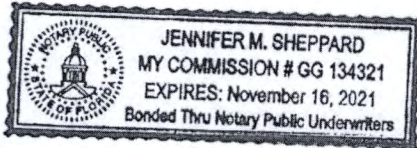
Lennar Homes LLC
Darin L. McMurray, Vice President

APPLICANT NAME (PLEASE TYPE OR PRINT)

APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF LEE (SIGNATURE MUST BE NOTARIZED)

Sworn to (or affirmed) and subscribed before me this 23 day of January, 2018, by
Darin L. McMurray who is personally known or produced _____
as identification.



Exp. Date: _____ Commission Number: _____

Signature of Notary Public:
Printed name of Notary Public:

Jennifer M. Sheppard
Jennifer M. Sheppard



DEPARTMENT OF COMMUNITY DEVELOPMENT

CASE # _____

APPLICATION FOR VARIANCE

Questions: 239-574-0776

ADDRESS THE FOLLOWING POINTS IN YOUR REQUEST:

Section 8.10

Before any variance may be granted, the Hearing Examiner must find that all five of the standards identified below have been met. Such findings shall be recorded, along with any imposed conditions or restrictions, in the Hearing Examiner's minutes and the records and issued in written form to the applicant to constitute proof of the variance:

a. Special Conditions

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

b. No Special Privilege

The granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings or structures in the same zoning district.

c. Hardship

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

d. Minimum Variance

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

e. Purpose and Intent; Public Interest

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

******* THESE FIVE STANDARDS MUST BE ADDRESSED IN LETTER OF INTENT *******



DEPARTMENT OF COMMUNITY DEVELOPMENT

CASE # _____

APPLICATION FOR VARIANCE

Questions: 239-574-0776

ACKNOWLEDGEMENT FORM

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

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

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

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

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

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

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

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

(SIGNATURE MUST BE NOTARIZED)

Lennar Homes LLC

CORPORATION/COMPANY NAME

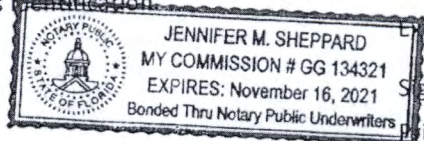
Darin L. McMurray, Vice President

PROPERTY OWNER (PLEASE TYPE OR PRINT)

PROPERTY OWNER'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 23 day of Jan, 2018 by Darin L. McMurray who is personally known or produced as identification.



Exp. Date:

Commission Number:

Signature of Notary Public:

Printed name of Notary Public:

Jennifer M. Sheppard
Jennifer M. Sheppard



DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR VARIANCE

Questions: 239-574-0776

CASE # _____

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT

Banks Engineering

(Name of person giving presentation)

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

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

UNIT _____ BLOCK 8010 LOT(S) 40 SUBDIVISION Bella Vida as described in Inst. No. 2005-56034

OR LEGAL DESCRIPTION Lot 40, Block 8010 Bella Vida

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

Lennar Homes LLC

Darin L. McMurray, Vice President

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & Title)

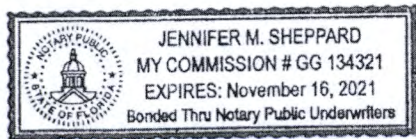
PROPERTY OWNER (Signature & Title)

STATE OF FL, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this

23 day of January, 2018 by

Darin L. McMurray who is personally known or produced
as identification.



Exp. Date: _____

Commission Number: _____

Signature of Notary Public:

Printed name of Notary Public:

Jennifer M. Sheppard
Jennifer M. Sheppard

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



DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR VARIANCE

Questions: 239-574-0776

CASE # _____

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

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

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

Lennar Homes LLC
Darin L. McMurray, Vice President

OWNER/APPLICANT (PLEASE TYPE OR PRINT)

OWNER/APPLICANT SIGNATURE

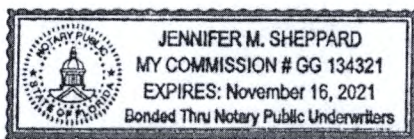
(SIGNATURE MUST BE NOTARIZED)

STATE OF FL COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me on this 23 day of January,
2018 by Darin L. McMurray, who is personally known or who has produced _____ as
Identification.

Exp. Date _____
Commission # _____

Jennifer M. Sheppard
Signature of Notary Public
Jennifer M. Sheppard
Print Name of Notary Public





Professional Engineers, Planners & Land Surveyors



JAN 24 18 16.08

January 5, 2018

City of Cape Coral
Department of Community Development
1015 Cultural Park Boulevard
Cape Coral, Florida 33990

Reference: **SINGLE-FAMILY VARIANCE REQUEST
BELLA VIDA LOT 40, BLOCK 8010
LETTER OF INTENT**

To Whom It May Concern:

It is the intent of our client, Lennar Homes, LLC, to request a minor side setback variance to correct an unintentional error that occurred during construction of an existing single-family home. This site comprises $0.16 \pm$ acres and is located at 3433 Malagrotta Circle. A minor error during construction has been discovered that results in a skewed minor $0.2' \pm$ variance to a side setback in the R-1B zoning district of 7.5 feet (Land Use and Development Regulations Section 2.7.1, Table R-1) to allow the existing 7.3 foot setback to the northeast corner of the house as shown on the attached foundation survey to be legitimized. The hardship is that the entire home is built with even the interior framing complete and enforcement of the regulation would require significant burden on the applicant in expenses and timing to demolish and rebuild the existing construction, so a minimal variance is requested.

Attached for your review the following information:

1. Completed Variance Application
2. Application Fee of \$150.00
3. Survey Plat Showing setbacks

The request is consistent with the five findings contained in Section 8.10.3 as follows:

- a. Special conditions. The special conditions and circumstances which exist which are peculiar to the land, structure or building involved is the minor construction error that occurred and which is not applicable to other lands, structures or buildings in the same zoning district since this is a minor error that will not be repeated. The error was not done intentionally, and the applicant is bringing forward the minor variance request as soon as the error was discovered. The area of the minor setback variance is adjacent to common area and not another residential lot.
- b. No special privilege. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district. The variance is a minimal request to allow a single minor variance due to a construction error.

S:\Jobs\16xx\1630L\Documents\1630L-Letter of Intent-Variance.doc

• SERVING THE STATE OF FLORIDA •

10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690

c. Hardship. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardships on the applicant by creating additional timing delays and costs for a very minimal variance of 0.2 feet. Although the City of Cape Coral Land Use and Development Regulations do not currently contain language that addresses minor variances of this nature; the current rewrite and update backup documents reflect discussions of amendments to the strict hardship criteria to allow for practical difficulties such as the subject application. For reference and perspective comparison only, the applicant notes that these minor errors in construction are often dealt with administratively in adjacent jurisdictions. They also administratively allow 10% or less setback variance administratively for proposed buildings or 20% for existing buildings. The requested variance is for only 0.2 feet or 3% of the 7.5 foot setback. It should be noted that other single-family developments within the same development have received approval for side setback deviations from the required 7.5' to allow 5 feet.

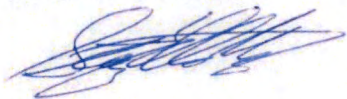
d. Minimum variance. The requested variance is the minimum variance that will make possible the reasonable use of the land, building or structure by allowing the existing construction to remain at 7.3' setback. The area of the minor setback variance is adjacent to common area and not another residential lot.

e. Purpose and intent; public interest. Granting of the variance will be in harmony with the general intent and purpose of this ordinance as it is only 0.2 feet, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Should you or your staff have any questions, or require additional information, please feel free to contact me at (239) 770-2527.

Sincerely,

BANKS ENGINEERING



Stacy Ellis Hewitt, AICP
Director of Planning

Planning Division Case Report
VA18-0004

Review Date: February 12, 2018

Owner/Applicant: Lennar Homes LLC.

Representative: Banks Engineering

Request: The applicant requests a 0.2-foot variance to Section 2.7.1D of the City Land Use and Development Regulations (LUDR) that requires a minimum side setback of 7.5 feet for buildings in a Single-Family Residential (R-1B) District to allow a single-family home to remain 7.3 feet from the NE property line.

Location: 3433 Malagrotta Circle
Cape Coral, FL 33909
Block 8010, Lot 40
Strap number: 21-43-24-C4-00110.0400

Prepared By: Justin Heller, Planner

Reviewed By: Mike Struve, AICP, Planning Team Coordinator

Approved By: Robert Pederson, AICP, Planning Manager

Recommendation: **Approval with conditions**

Property Description/Background:

The 7,150 sq. ft. site is in northeast Cape Coral in the Bella Vida Subdivision. This site has a Mixed Use (MX) Future Land Use Classification and Single Family Residential (R-1B) Zoning. All properties within 500 feet of this site share the same future land use designation. Properties to the north, west, and south have R-1B Zoning with R-3 Zoning to the east. The site is adjacent to a common area with tennis courts.

A single-family house is under construction on the site. When the foundation survey of the new house was completed on October 10, 2017, it was revealed that the NE corner of the house was constructed 7.3 ft. from the east property line, in violation of the minimum side setback requirement of 7.5 feet.

Analysis:

According to LUDR, Section 8.10.2, a variance is defined as *“a modification of the requirements of the City’s ordinance when such modification will not be contrary to the public interest where, because of conditions peculiar to the property involved and not the result of the actions of the applicant which occurred after the effective date of the ordinance, a literal interpretation of the ordinance would result in unnecessary and undue hardship.”*

The Planning Division has reviewed this application based on the five standards outlined within LUDR, Section 8.10.3a-e and offers the following analysis for consideration.

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

Staff determination and analysis: Standard MET by the applicant.

The site is flat and rectangular in shape. Special conditions related solely to the land itself are not present. Special circumstances, however, exist that were beyond the control of the applicant. An error was made when the stakes were originally placed identifying the boundaries of the foundation for the house. After the slab was poured and work began on the walls and roof of the house, a foundation survey revealed the foundation was constructed 0.2 ft. within the side setback along the NE property line. Since this error occurred beyond the control of the applicant, special conditions are present in this case.

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

Staff determination and analysis: Standard MET by the applicant.

The applicant submitted building plans for a single-family home that were reviewed for setback compliance by the City. A building permit for the house was approved and issued. The perimeter of the foundation was identified and staked by a professional surveyor prior to construction. The homebuilder had a reasonable expectation that this task was performed accurately, and constructed the foundation consistent with these stakes. It was only when the foundation survey was completed that the error was discovered. Staff finds that the awarding of this variance will not confer special privileges to the applicant as an unforeseen error resulted in the need for this minor variance. As a result, Staff finds that no special privilege exists.

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

Staff determination and analysis: Standard MET by the applicant.

The literal interpretation of this ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district and would cause unnecessary or undue hardships on the applicant. Without the variance, the applicant will likely encounter difficulties in selling this property as prospective purchasers would be made aware of this setback infringement. In an effort to avoid a variance, the alteration of this structure to achieve compliance with the City setback requirements may be costly and could disrupt the integrity of the structure as the foundation of the house would require modification.

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

Staff determination and analysis: Standard MET by the applicant.

The variance requested by the applicants is the minimum variance necessary to allow the home to remain as constructed.

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

Staff determination and analysis: Standard MET by the applicant.

The City setback regulations help ensure the use of a property does not infringe on the rights of neighboring property owners. Due to the small magnitude of the requested variance, staff finds this request consistent with the intent of the City side setback requirements. In addition, Staff finds that the proposed variance is unlikely to be detrimental to public welfare. This setback encroachment will not be noticeable to the most casual viewers of this property. As a result, Staff finds that the variance is consistent with the intent of the City setback regulations and the future development of the surrounding area will not be adversely affected by the granting of this variance.

Recommendation:

Given that the variance meets all five standards outlined within LUDR, Section 8.10.3a-e discussed above, the Planning Division recommends approval with the following conditions:

1. This variance shall only apply to the existing house. This house shall not be expanded any further into the side setback area.
2. This Variance shall be recorded with the Office of the Lee County Clerk of Court by the City of Cape Coral. This Variance shall not become effective until the applicant reimburses the Department of Community Development for all recording fees.

The News-Press media group

news-press.com A GANNETT COMPANY

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888-516-9220

Local #
239-335-0258

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FNPLegals@gannett.com

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Ad No.: 0002782075

Address: 1015 CULTURAL PARK BLVD
CAPE CORAL FL 33990
USA

Net Amt: \$359.93

Run Times: 1

No. of Affidavits: 1

Run Dates: 03/10/18

Text of Ad:

NOTICE OF PUBLIC HEARING

CASE NUMBER: VA18-0004

REQUEST: The applicant requests a 0.2-foot variance to Section 2.7.1D of the City Land Use and Development Regulations (LUDR) that requires a minimum side setback of 7.5 feet for buildings in a Single-Family Residential (R-1B) District to allow a single-family home to remain 7.3 feet from the NE property line.

LOCATION: 3433 Malagrotta Circle

CAPE CORAL STAFF CONTACT: Justin Heller, Planner, 239-574-0587, jheller@capecoral.net

PROPERTY OWNER(S): Lennar Homes, LLC

AUTHORIZED REPRESENTATIVE: Banks Engineering

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, March 20, 2018 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

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

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

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

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

by order of
Rebecca van Deutekom, MMC
City Clerk
REF # VA18-0004
AD# 2782075 Mar. 10, 2018

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Lennar Homes LLC

APPLICATION NO: VA18-0004

STATE OF FLORIDA)
) §
COUNTY OF LEE)

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

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

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

DATED this 12th day of March, 2018.

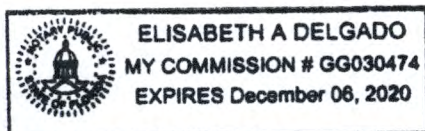


Vincent A. Cautero, AICP

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 12th day of March, 2018, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # 66030474




Signature of Notary Public



Elisabeth A. Delgado
Print Name of Notary Public

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT ZONING MAP
500' Proximity Boundary

Case No. VA18-0004

LEGEND

-  500' Proximity Boundary
-  Subject Parcel

Zoning

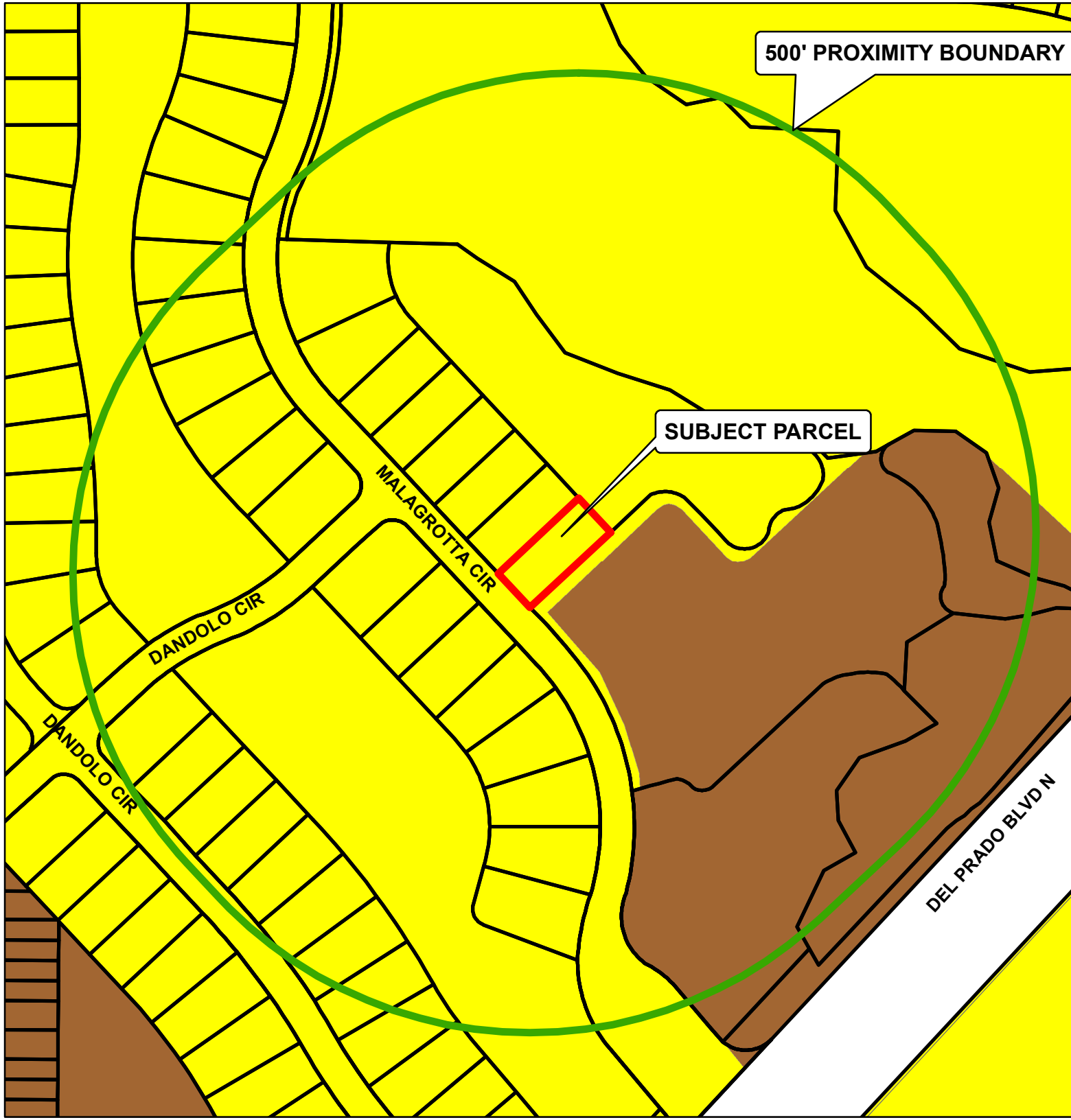
-  R-1B
-  R-3



FEBRUARY 21ST, 2018



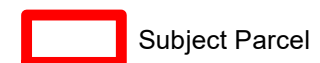
This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development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



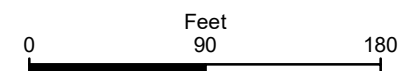


CITY OF CAPE CORAL
Department of
Community Development
Planning Division

Case No. VA18-0004



FEBRUARY 21ST, 2018



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Item Number:	3.A.
Meeting Date:	3/20/2018
Item Type:	DATE AND TIME OF NEXT MEETING

**AGENDA REQUEST
FORM**
CITY OF CAPE CORAL



TITLE:

Tuesday, April 17, 2018, at 9:00 a.m., in Council Chambers

REQUESTED ACTION:

STRATEGIC PLAN INFO:

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

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

LEGAL REVIEW:

EXHIBITS:

PREPARED BY:

Division- Department-

SOURCE OF ADDITIONAL INFORMATION: