



AGENDA FOR THE HEARING EXAMINER

Tuesday, June 5, 2018

9:00 AM

Council Chambers

1. HEARINGS CALLED TO ORDER

2. HEARINGS

- A. Case # VA18-0008*; Address: 2525 Gleason Parkway; Applicant: SC Homes LLC
- B. Case # VA18-0009*; Address: 4111 SW 13th Avenue; Applicant: Trond Schou
- C. Case # ZA18-0002*; Address: 2947 SW 8th Place, 2944 Skyline Boulevard; Applicant: Eaglestream Inc., MCI Florida Developments, LLC

3. DATE AND TIME OF NEXT HEARINGS

- A. Tuesday, June 26, 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: 6/5/2018
Item Type: HEARINGS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Case # VA18-0008*; Address: 2525 Gleason Parkway; Applicant: SC 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 2.6-foot variance to Section 2.7.3D of the City Land Use and Development Regulations (LUDR) that requires a minimum rear setback of 10 feet for pools in a Residential Development (RD) District, to allow a pool to remain 7.4 feet from the SE 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
<input type="checkbox"/> Backup Material	Backup Material



DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR VARIANCE

Questions: 239-574-0776

CASE # VA18-0008

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

SC HOMES, LLC

Address: 643 CAPE CORAL PKWY E / UNIT D
City: CAPE CORAL State: FL Zip 33904
Phone: 239.540.1499

APPLICANT

AQUADOL, INC.

EMAIL

FOUNTAINPOOLS@HOTMAIL.COM

Address: 12410 TAMiami TR.

City: PUNTA GORDA State: FL Zip 33955
Phone: 888.458.3701

AUTHORIZED REPRESENTATIVE

DAVID HABIG

EMAIL

FOUNTAINPOOLS@HOTMAIL.COM

Address: 12410 TAMiami TR.

City: PUNTA GORDA State: FL Zip 33955
Phone: 888.458.3701 / 239.634.0026

Unit 74 Block 4857 Lot(s) 84 Subdivision _____
Address of Property 2525 GLEASON PKWY
Current Zoning RESIDENTIAL Plat Book 22, Page 131
Strap Number 05-45-23-C2-04857.0840

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 # VA18-0008

DAVID HABIG
APPLICANT NAME (PLEASE TYPE OR PRINT)

[Signature]
APPLICANT'S SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL, COUNTY OF

CHARLOTTE

Sworn to (or affirmed) and subscribed before me this 23RD day of FEBRUARY, 2018 by

DAVID HABIG who is personally known or produced
as identification.

Exp. Date: 12/13/19 Commission Number: FF 923313

Signature of Notary Public:

Printed name of Notary Public:

[Signature]
FRED B. SCHROEDER



FRED B. SCHROEDER
MY COMMISSION # FF 923313
EXPIRES: December 13, 2019
Bonded thru Budget Notary Services



DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR VARIANCE

Questions: 239-574-0776

CASE # VA18-0008

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT

DAVID HABIG
(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 74 BLOCK 4857 LOT(S) 84 SUBDIVISION

OR LEGAL DESCRIPTION

CAPE CORAL UNIT 74 BLK 4857 LOT 84
GS 45 23 C2 04857-0840

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

ROBERT EKDAHL
PROPERTY OWNER (Please Print)

[Signature]
PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & Title)

STATE OF FL, COUNTY OF CHARLOTTE

Subscribed and sworn to (or affirmed) before me this 23rd day of FEBRUARY, 2018 by
ROBERT EKDAHL who is personally known or produced
as identification.

Exp. Date: 12/13/19 Commission Number:

FF923313

Signature of Notary Public:

Printed name of Notary Public:

[Signature]
FRED B. SCHROEDER

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



FRED B. SCHROEDER
MY COMMISSION # FF 923313
EXPIRES: December 13, 2019
Bonded Thru Budget Notary Services



DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR VARIANCE

Questions: 239-574-0776

CASE # VA18-0008

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)

SC HOMES, LLC
CORPORATION/COMPANY NAME

ROBERT EKDAHL
PROPERTY OWNER (PLEASE TYPE OR PRINT)

[Signature]
PROPERTY OWNER'S SIGNATURE

STATE OF FL, COUNTY OF CHARLOTTE

Sworn to (or affirmed) and subscribed before me this 23rd day of FEB, 2018 by

ROBERT EKDAHL who is personally known or produced
as identification.

Exp. Date: 12/13/19 Commission Number: FF 923313

Signature of Notary Public:

Printed name of Notary Public:

[Signature]
FRED B. SCHROEDER

Variance application 11/10/16



FRED B. SCHROEDER
MY COMMISSION # FF 923313
EXPIRES: December 13, 2019
Bonded Thru Budget Notary Services



DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR VARIANCE

Questions: 239-574-0776

CASE # VA18-0008

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.

ROBERT EKDAHL

OWNER/APPLICANT (PLEASE TYPE OR PRINT)

OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL COUNTY OF CHARLOTTE

Sworn to (or affirmed) and subscribed before me on this 23RD day of FEBRUARY, 20 18 by ROBERT EKDAHL, who is personally known or who has produced _____ as Identification.

Exp. Date 12/13/19
Commission # FF 923313

Signature of Notary Public

FRED B. SCHROEDER
Print Name of Notary Public



FRED B. SCHROEDER
MY COMMISSION # FF 923313
EXPIRES: December 13, 2019
Bonded Thru Budget Notary Services

Fountain Pools & water features

CPC057098 ~ SERVING ALL OF SOUTHWEST FLORIDA ~ 888-458-3701

Date: 02/27/18

Attn: **City of Cape Coral /Dept of Community Development**

Re: **Letter of Intent**

Pool Permit #: B17-14869

2525 Gleason Pkwy. – Variance Request

To Whom It My Concern:

The purpose of this letter is to respectfully request that a variance be granted to Aquadoc, Inc. for residential pool permit #: B17-14869, specifically the southern corner of the swimming pool deck, screen enclosure and rear portion of column, of which falls within the 10' rear setback of the property and is 15.68 sq. ft. in total area, but does not encroach into the 6' P.U.E. & D.E.

The most offending section of the encroachment is exactly 7.4' from the rear property line and 1.4' from the 6' P.U.E. & D.E.

The reason we are forced to request this variance is because the pool deck was designed and built to extend across the entire rear of the home, however the survey that was used to permit the project, which had the pool deck placed on it by the surveyor, showed the pool deck terminating at the southern corner of the lanai, resting exactly on the 10' setback.

This discrepancy was not realized by either the City or any other parties concerned, until the final survey was completed and the deck, column and screen were in place, at which point it was too late to make any corrections other than the ones I propose in this request.

However, I do not believe that this variance would have any adverse effect on any of the neighboring properties, which are currently undeveloped. The easement was not breached by the pool deck/screen enclosure so the intended purpose of the 6' maintenance easement has not been compromised and there is no adjoining canal or lake view that would in turn, be at risk of having the view obstructed, when and if homes are constructed on the adjoining lots. I have attached photos from the site, showing the lots as they currently are, in relation to the pool deck area.

Fountain Pools & water features

CPC057098 ~ SERVING ALL OF SOUTHWEST FLORIDA ~ 888-458-3701

The other option that is available to remedy this situation, is for us to remove, by saw cutting, the 15.68 sq. ft. area in question, basically clipping the southern deck corner off, along with a 6" corner of column, re-forming/re-pouring the section of footer removed and modifying the screen enclosure to fit within this area. This would be a detriment to the aesthetics of the home in question and in turn, would not fall into the architectural standard that the other homes in the area share.

I must accept the simple fact that the error was made first by our salesman and then by myself when I submitted this project for permit and did not see the discrepancy between the survey and the construction drawing. In the fifteen years that I have worked for Aquadoc, Inc., in this capacity; this is the first time that I have had to ask the City for anything of this nature.

That is why I, David Habig, will be attending the Hearing Examiner Meeting. Regardless of the outcome of this request, I do apologize for my actions and can only say that it was not, by any means, intentional.

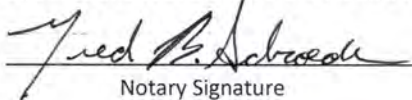
Sincerely,



David Habig
Operations Manager
Aquadoc, Inc. dba Fountain Pools & Water Features

State of Florida
County of Charlotte

Sworn to and subscribed before me this 27th day of February, 2018. By David Habig., who is personally known to me.



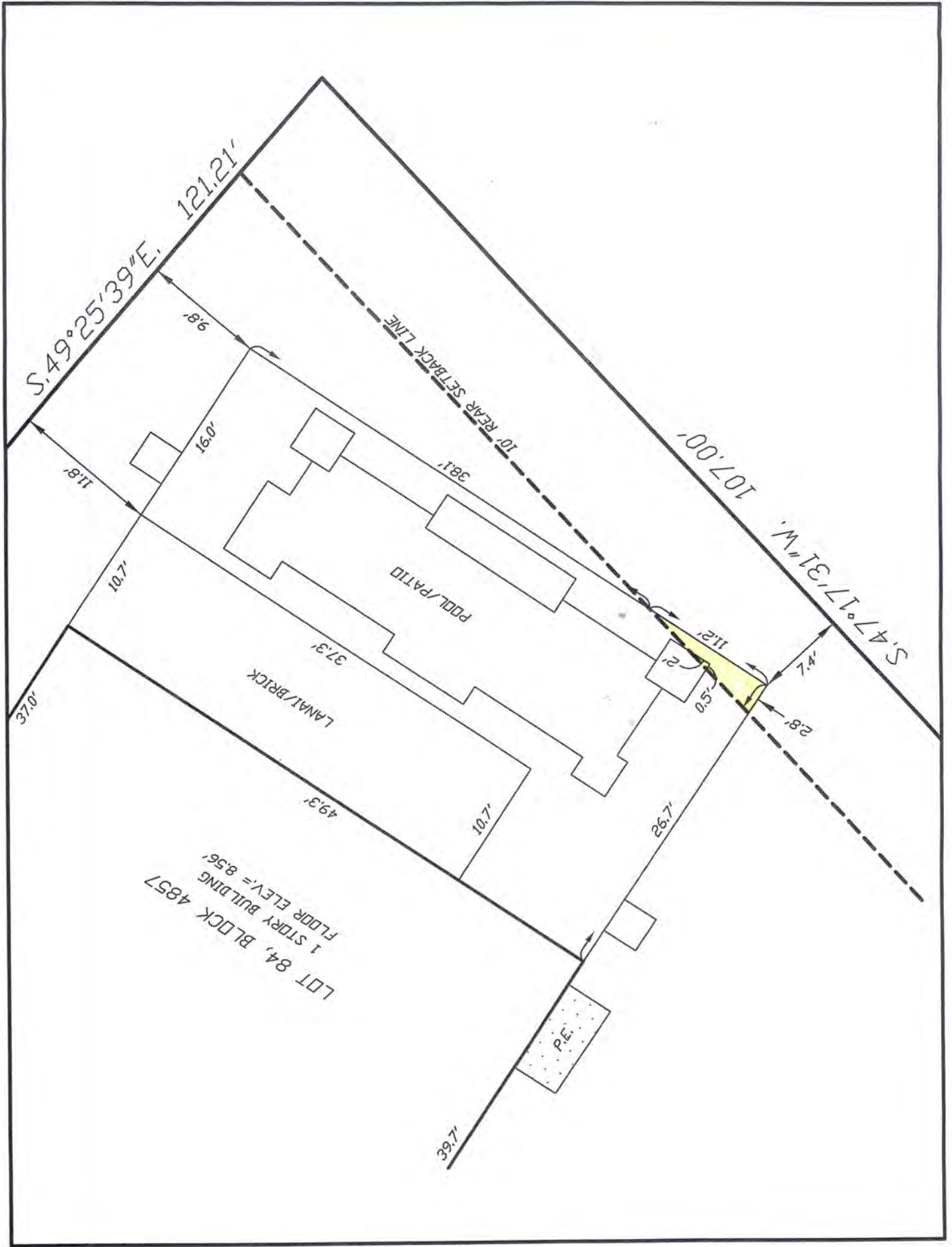
Notary Signature

Fred B. Schroeder

Notary Name



FRED B. SCHROEDER
MY COMMISSION # FF 923313
EXPIRES: December 13, 2019
Bonded Thru Budget Notary Services



LINE TABLE

Line Bearing Distance
L1 N.28°30'03"E. 20.24'

Curve number 1

Radius= 1065.00'
Delta= 06°26'30"
Arc= 119.74'
Chord= 119.67'
Chord Brg.= N.55°23'10"W.

Curve number 2

Radius= 25.00'
Delta= 87°05'50"
Arc= 38.00'
Chord= 34.45'
Chord Brg.= N.15°02'53"W.

Curve number 3

Radius= 25.00'
Delta= 72°53'27"
Arc= 31.80'
Chord= 29.70'
Chord Brg.= N.64°56'47"E.

Curve number 4

Radius= 60.00'
Delta= 60°49'09"
Arc= 63.69'
Chord= 60.74'
Chord Brg.= N.70°58'56"E.

AS-BUILT SURVEY OF LOT 84, BLOCK 4857 CAPE CORAL UNIT 74

SECTION 5, TOWNSHIP 45 SOUTH, RANGE 23 EAST
(PLAT BOOK 22, PAGE 111-131)
LEE COUNTY, FLORIDA

LEGEND:

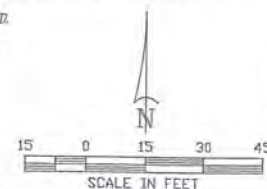
●	SET #4 IRON ROD (CAP LB #6921)	R/W.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (L.R.)	V.M.	WATER METER
□	CONCRETE MONUMENT (C.M.)	V.V.	WATER VALVE
P.R.M.	PERMANENT REFERENCE MONUMENT	F.H.	FIRE HYDRANT
P.C.P.	PERMANENT CONTROL POINT	D/H	OVERHEAD POWER
P.U.E.	PUBLIC UTILITY EASEMENT	P.P.	POWER POLE
D.E.	DRAINAGE EASEMENT	G.A.&V.	GUY ANCHOR & WIRE
L.M.E.	LAKE MAINTENANCE EASEMENT	E.B.	ELECTRIC BOX
P.C.	POINT OF CURVATURE	C.T.B.	CABLE TELEVISION BOX
P.T.	POINT OF TANGENCY	T.S.B.	TELEPHONE SERVICE BOX
O.R.	OFFICIAL RECORDS BOOK	N/D	NAIL & DISK
(S)	AS PER SURVEY	N/T.T.	NAIL & TINTAB
(M)	AS MEASURED	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
(D)	AS PER DEED	⊕	TYPICAL ELEVATION
(C)	CURVE NUMBER	A/C	AIR CONDITIONER
L1	LINE NUMBER	V.S.	WATER SYSTEM
R/W	RIGHT-OF-WAY	P.E.	POOL EQUIPMENT
CL	CENTERLINE	CONCRETE	CONCRETE

SURVEY NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE RECORD PLAT OF CAPE CORAL, UNIT 74, PLAT BOOK 22, PAGES 111-131.
2. FIELD NOTES IN CAPE CORAL, BLOCK 4857.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. 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 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 11X17, 30 SCALE DRAWING.
10. BENCHMARK DERIVED FROM CAPE CORAL BENCHMARK NUMBER 226-36-01, ELEVATION 7.03' NGVD29, 6.85' NAVD88.
11. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).

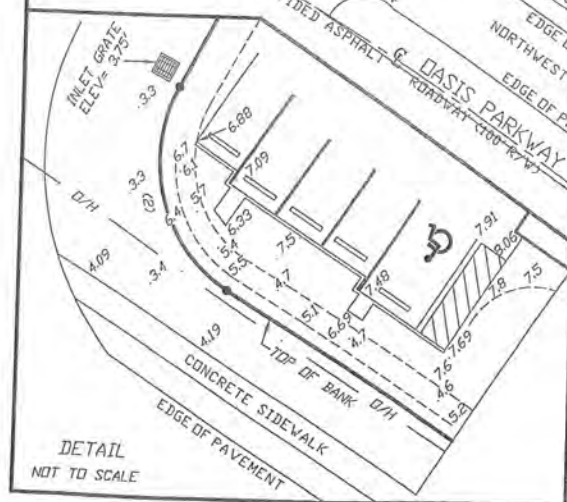
FLOOD ZONE: "AE" ELEVATION: 8.00' NAVD88.
COMMUNITY No: 125095 PANEL No: 0385
SUFFIX --- F REVISION DATE: 8/28/08
MAP NUMBER: 12071C0385F

THIS SURVEY IS CERTIFIED TO:
SC HOME, LLC
TITLE PROFESSIONALS OF FLORIDA



REVISED	DESCRIPTION	BY:
4/15/17	CORRECTED ELEVATIONS	FBH
5/23/17	FOUNDATION	RBH
2/17/18	FINAL SURVEY	FBH
DATE OF LAST FIELD WORK: 2/17/18		
DRAWN:	CHECK:	SCALE:
RLB	PHM	1"=30'
PROJECT # CC-U74-4857-84		
SURVEY DATE	FILE NO.	SHT. - 1
9/28/16	45-23-05	OF - 1
FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921		

Phillip M. Mould
PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
#6515 - STATE OF FLORIDA
HARRIS-JORGENSEN, INC.
3046 DEL PRADO BLVD. S. 3A
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921



DETAIL
NOT TO SCALE









VA18-0008

Review Date:	May 3, 2018
Owner:	SC Homes LLC.
Applicant:	Aquadoc, Inc.
Representative:	David Habig
Request:	The applicant requests a 2.6-foot variance to Section 2.7.3D of the City Land Use and Development Regulations (LUDR) that requires a minimum rear setback of 10 feet for pools in a Residential Development (RD) District, to allow a pool to remain 7.4 feet from the SE property line.
Location:	2525 Gleason Parkway Unit 74, Block 4857, Lot 84 Strap number: 05-45-23-C2-04857.0840
Prepared By:	Justin Heller, Planner
Reviewed By:	Mike Struve, AICP, Planning Team Coordinator
Approved By:	Robert Pederson, AICP, Planning Manager
Recommendation:	Approval

Property Description/Background:

The 15,700 sq. ft. site is in southwest Cape Coral. This site has a Single-Family (SF) Future Land Use Classification and Residential Development (RD) Zoning. All properties on the Block share the same zoning and future land use classifications. Properties to the south across Gleason Parkway, have Single-Family Residential (R-1B) Zoning.

A model home with a pool and parking lot was recently constructed on the site. A final survey was completed on February 2, 2018. It wasn't revealed until this survey, that a portion of the SE corner of the pool deck column, and cage was accidentally constructed 2.6 feet into the rear setback, in violation of the minimum rear setback requirement of 10 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.

Special conditions related solely to the land itself are not present. Special circumstances, however, exist that were beyond the control of the owner. Due to a discrepancy between the construction plans and the survey, there was an error by the pool contractor which was not discovered until the final survey was completed on February 2, 2018. This survey revealed that a small (15.68 sq. ft.) corner section of pool deck and cage were built in the rear setback. Because of construction that had previously occurred, corrective actions could not be made without a major disruption to the existing pool area.

Since this error occurred beyond the control of the owner, 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 pool that were reviewed for setback compliance by the City. A building permit for the pool 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. It was only when the final survey was completed that the error was discovered. Staff finds that the awarding of this variance will not confer special privileges to the owner as an unforeseen error necessitated this 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.

In an effort to avoid a variance, the alteration of this structure to achieve compliance with the City setback requirements would likely be costly and would require cutting out a portion

of the pool deck, and altering the column and pool cage to fit this area which could affect the aesthetics of the home.

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 applicant is the minimum variance necessary to allow the pool 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 modest variance requested by the applicant, staff finds the variance is unlikely to be detrimental to the public welfare. This setback encroachment will not be noticeable to most 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 condition:

1. The variance shall be limited to the southeastern corner of the pool cage. Except for this corner of the pool cage, this variance does not grant setback relief for other future improvements within the rear yard.
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.



NOTICE TO SURROUNDING PROPERTY OWNERS

CASE NUMBER: VA18-0008

REQUEST: The applicant requests a 2.6-foot variance to Section 2.7.3D of the City Land Use and Development Regulations (LUDR) that requires a minimum rear setback of 10 feet for pools in a Residential Development (RD) District, to allow a pool to remain 7.4 feet from the SE property line.

LOCATION: 2525 Gleason Parkway

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

PROPERTY OWNER(S): SC Homes LLC

AUTHORIZED REPRESENTATIVE: David Habig

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, June 5, 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. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

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

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

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

Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

TOLL-FREE
888-516-9220

Local #
239-335-0258

Email
FNPLegals@gannett.com

Customer: CITY OF CAPE CORAL_DEPT OF COM

Ad No.: 0002943817

Address: 1015 CULTURAL PARK BLVD
CAPE CORAL FL 33990
USA

Net Amt: \$352.55

Run Times: 1

No. of Affidavits: 1

Run Dates: 05/26/18

Text of Ad:

NOTICE OF PUBLIC HEARING

CASE NUMBER: VA18-0008

REQUEST: The applicant requests a 2.6-foot variance to Section 2.7.3D of the City Land Use and Development Regulations (LUDR) that requires a minimum rear setback of 10 feet for pools in a Residential Development (RD) District, to allow a pool to remain 7.4 feet from the SE property line.

LOCATION: 2525 Gleason Parkway

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

PROPERTY OWNER(S): SC Homes LLC

AUTHORIZED REPRESENTATIVE: David Habig

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, June 5, 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 # VA18-0008
AD# 2943817 May 26, 2018

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Aquadoc, Inc

APPLICATION NO: VA18-0008

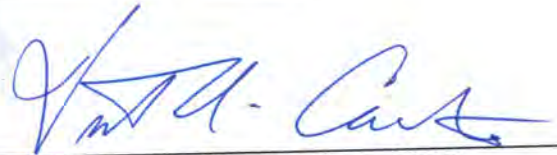
STATE OF FLORIDA)
) §
COUNTY OF LEE)

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

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

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

DATED this 29th day of May, 2018.

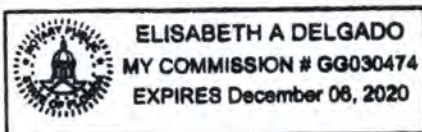


Vincent A. Cautero, AICP

STATE OF FLORIDA
COUNTY OF LEE

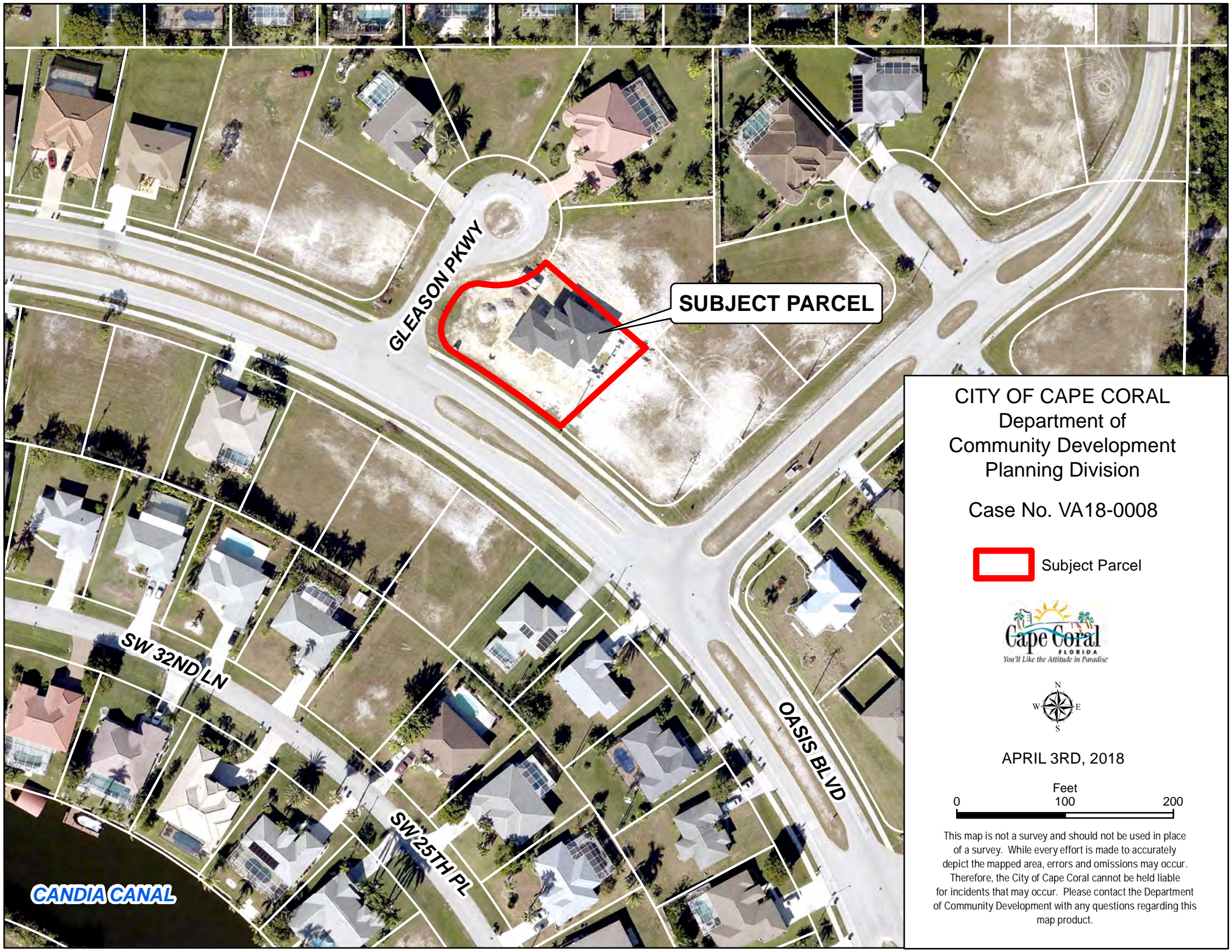
The foregoing instrument was acknowledged before me this 29th day of May, 2018, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # 66030474



Elisabeth A. Delgado
Signature of Notary Public

Elisabeth A. Delgado
Print Name of Notary Public



GLEASON PKWY

SUBJECT PARCEL

SW 32ND LN


OASIS BLVD

SW 25TH PL

CANDIA CANAL

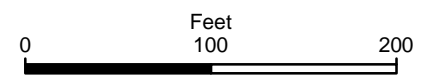
CITY OF CAPE CORAL
Department of
Community Development
Planning Division

Case No. VA18-0008

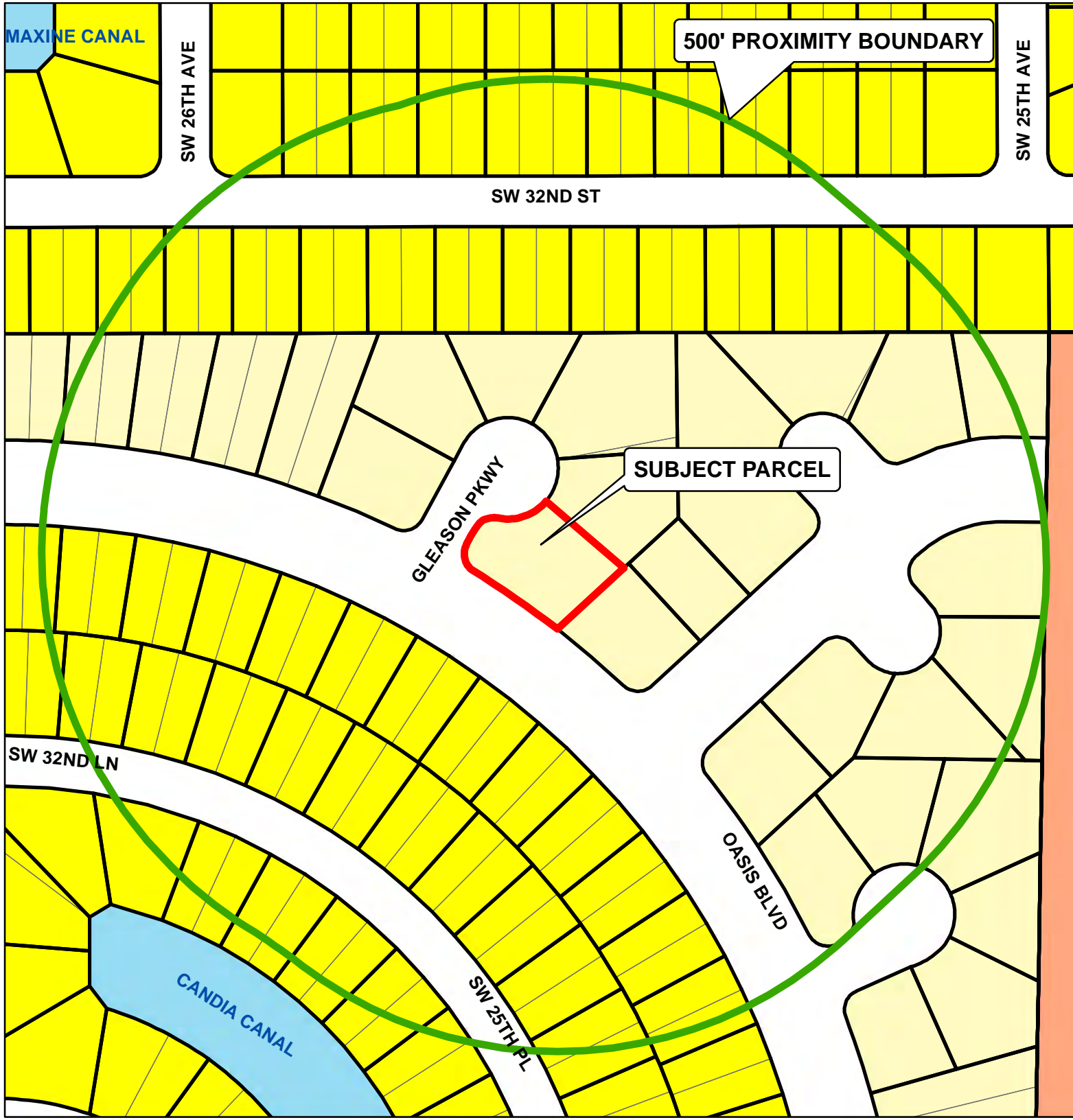
 Subject Parcel



APRIL 3RD, 2018



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





CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT ZONING MAP
500' Proximity Boundary

Case No. VA18-0008

LEGEND

 500' Proximity Boundary

 Subject Parcel

Zoning

 INST

 R-1B

 RD



APRIL 3RD, 2018



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

Item Number: 2.B.
Meeting Date: 6/5/2018
Item Type: HEARINGS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Case # VA18-0009*; Address: 4111 SW 13th Avenue; Applicant: Trond Schou

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, Catalyst Construction, Inc. requests two variances from the City of Cape Coral Land Use and Development Regulations, Section 2.7.3, Table RD: (1) a 2.7-foot variance to the 25-foot front setback requirement, and (2) a 0.1-foot variance to the 7.5-foot side setback requirement from the north property line for property described as Lots 9-10, Block 3351, Unit 65, Cape Coral Subdivision; property located at 4111 SW 13th Avenue.

LEGAL REVIEW:

EXHIBITS:

See attached "Backup Materials"

PREPARED BY:

Kristin
Kantarze Division- Planning Department- Community Development

SOURCE OF ADDITIONAL INFORMATION:

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

ATTACHMENTS:

Description	Type
Backup Material	Backup Material



DEPARTMENT OF COMMUNITY DEVELOPMENT
APPLICATION FOR VARIANCE

Questions: 239-574-0776

CASE # VA18-0009

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

Trond Schou

Address: 538 Coral Drive

City: Cape Coral State: FL Zip 33904

Phone: (239) 994-9474

APPLICANT

Catalyst Contracting, Inc.

Address: 1217 Cape Coral Pkwy. East

EMAIL

stan@catalystcontracting.net

City: Cape Coral State: FL Zip 33904

Phone: (239) 340-9957

AUTHORIZED REPRESENTATIVE

Stanley Sikora

Address: 1217 Cape Coral Pkwy. East

EMAIL

stan@catalystcontracting.net

City: Cape Coral State: FL Zip 33904

Phone: (239) 340-9957

Unit 65 Block 3351 Lot(s) 9 & 10 Subdivision Yes
Address of Property 4111 SW 13th Ave. Cape Coral, FL. 33914
Current Zoning Residential Plat Book 21 , Page 161
Strap Number 10-45-23-C1-03351.0090

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 # VA18-0009

Stanley Sikora

APPLICANT NAME (PLEASE TYPE OR PRINT)

APPLICANT'S SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL., COUNTY OF Lee

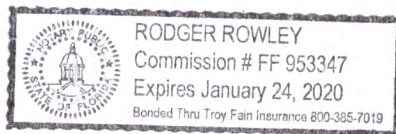
Sworn to (or affirmed) and subscribed before me this 16th day of April, 2018, by
Stanley Sikora who is personally known or produced Drivers License
as identification.

Exp. Date: Jan 24, 2020 Commission Number: FF953347

NOTARY STAMP HERE

Signature of Notary Public:
Printed name of Notary Public:

Rodger Rowley





DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR VARIANCE

Questions: 239-574-0776

CASE # VA18-0009

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)

Catalyst Contracting, Inc.
CORPORATION/COMPANY NAME

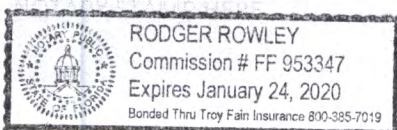
Trond Schou
PROPERTY OWNER (PLEASE TYPE OR PRINT)

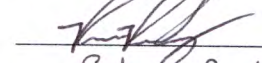

PROPERTY OWNER'S SIGNATURE

STATE OF FL., COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 16th day of April, 2018, by
Trond Schou who is personally known or produced Drivers License
as identification.

Exp. Date: Jan 24, 2020 Commission Number: FF953347



Signature of Notary Public: 
Printed name of Notary Public: Rodger Rowley



DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR VARIANCE

Questions: 239-574-0776

CASE # VA18-0009

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT

Stanley Sikora

(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 65 BLOCK 3351 LOT(S) 9 & 10 SUBDIVISION Yes

OR LEGAL DESCRIPTION 10-45-23-C1-03351.0090

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

Trond Schou

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 16th day of April, 2018, by
Trond Schou who is personally known or produced Drivers License
as identification.

Exp. Date: Jun 24, 2020 Commission Number: FF953347



Signature of Notary Public:

Printed name of Notary Public:

Rodger Rowley

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 # VA18 - 0009

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.

Stanley Sikora

OWNER/APPLICANT (PLEASE TYPE OR PRINT)

[Signature]
OWNER/APPLICANT SIGNATURE

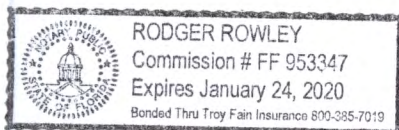
(SIGNATURE MUST BE NOTARIZED)

STATE OF FL. COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me on this 16th day of April
2018 by Stanley Sikora, who is personally known or who has produced Drivers License as
Identification.

Exp. Date Jan 24, 2020
Commission # FF953347

[Signature]
Signature of Notary Public
Rodger Rowley
Print Name of Notary Public



April 16, 2018

Dear Hearing Examiner,

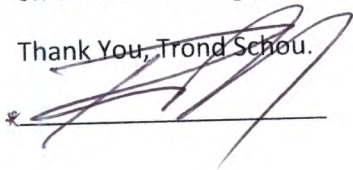
Please receive this letter as our request for variance and as grounds for our request we state as follows. We purchased the lot, located at 4111 SW 13th Avenue in November 2016 for the specific purpose of building our single-family home. Upon purchase, we hired Catalyst Contracting, Inc. to construct our home, who in turn contracted with third-party professionals and sub-contractors to permit and construct the home in accordance with our wishes, the engineering/architectural plans, the local codes and set-back requirements. We, as homeowners, had the reasonable expectation that these tasks would be performed accurately and in accordance to all applicable plans, codes and restrictions.

Unbeknownst to us, an unfortunate and unintentional error occurred in either the staking of the boundaries or the construction of the foundation, which was not discovered by us or others until after the completion of most of the home. This error was only recently discovered through the foundation survey, conducted 3/23/2018, which showed the foundation to be .1 foot to far North, .6 foot to far West and the third car garage bump out 2.7 feet to far West. This staking and/or construction error unfortunately creates a unique and unintentional intrusion onto the required set-backs.

Since the home was nearly completed prior to discovery of the set-back intrusion, correction would require the tearing down, altering and rebuilding of nearly the whole house, equating to hundreds of thousands of dollars in additional expenses and changing of the structural integrity of the home.

Please know that this error was unintentional, unknown and not visible to us from the street, was not done with our permission, consent or knowledge and was not a result of any personal acts by us. We respectfully ask for a small variance in the set-back requirements so that we may avoid the extreme and undue hardship. We further state that we do not believe that the variance will have a significant effect on the surrounding properties nor will it be a detriment to the public welfare.

Thank You, Trond Schou.



State of Florida
County of Lee

sworn to (or affirmed) and subscribed before
me this 16th day of April, 2018 by
Trond Schou. Personally Known.

 Rodger Rowley



ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name Trond Schou				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 4111 SW 13th Avenue				Company NAIC Number:	
City Cape Coral		State Florida		ZIP Code 33914	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Tax Id # 10-45-23-C1-03351.0090					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>Residential</u>					
A5. Latitude/Longitude: Lat. <u>26.575408</u> Long. <u>-82.00178</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number <u>1A</u>					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) <u>0</u> sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>0</u>					
c) Total net area of flood openings in A8.b <u>0</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
A9. For a building with an attached garage:					
a) Square footage of attached garage <u>665</u> sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>0</u>					
c) Total net area of flood openings in A9.b <u>0</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number Cape Coral, City of 125095			B2. County Name Lee		B3. State Florida
B4. Map/Panel Number 12071C 0385	B5. Suffix F	B6. FIRM Index Date 08/28/2008	B7. FIRM Panel Effective/ Revised Date 08/28/2008	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 7'
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input type="checkbox"/> FIS Profile <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

ELEVATION CERTIFICATEOMB No. 1660-0008
Expiration Date: November 30, 2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 4111 SW 13th Avenue			Policy Number:
City Cape Coral	State Florida	ZIP Code 33914	Company NAIC Number

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)C1. Building elevations are based on: ☐ Construction Drawings* ☒ Building Under Construction* ☐ Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: CCCBM 261-06-01 Vertical Datum: NGVD 1929

Indicate elevation datum used for the elevations in items a) through h) below.

☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.

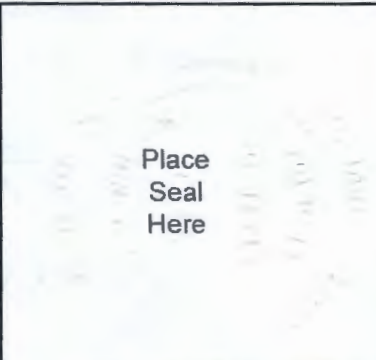
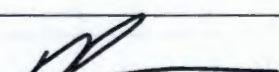
Check the measurement used.

- | | | | |
|---|-----|--|---------------------------------|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor) | 8.5 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| b) Top of the next higher floor | N/A | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| c) Bottom of the lowest horizontal structural member (V Zones only) | N/A | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| d) Attached garage (top of slab) | 8.0 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| e) Lowest elevation of machinery or equipment servicing the building
(Describe type of equipment and location in Comments) | N/A | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| f) Lowest adjacent (finished) grade next to building (LAG) | 7.5 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| g) Highest adjacent (finished) grade next to building (HAG) | 7.8 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support | N/A | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No ☐ Check here if attachments.

Certifier's Name Keith D. Clay	License Number LS 6267	 Place Seal Here
Title President		
Company Name Reliable Land Surveying, Inc.		
Address P.O. Box 1589		
City Fort Myers	State Florida	
Signature 	Date 03/26/2018	Telephone (239) 340-3318

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)

Longitude and Latitude were determined by Lee County GIS

Map in effect at time of building's construction: same

C2. Conversion (NGVD29 - 1.18' = NAVD88) VERTCON

C2. f) and g) are under construction grades and subject to change.

ELEVATION CERTIFICATEOMB No. 1660-0008
Expiration Date: November 30, 2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 4111 SW 13th Avenue			Policy Number:
City Cape Coral	State Florida	ZIP Code 33914	Company NAIC Number

**SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED)
FOR ZONE AO AND ZONE A (WITHOUT BFE)**

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
- a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ . _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ . _____ ☐ feet ☐ meters ☐ above or ☐ below the LAG.
- E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ . _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E3. Attached garage (top of slab) is _____ . _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is _____ . _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.

SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner or Owner's Authorized Representative's Name

Address City State ZIP Code

Signature Date Telephone

Comments

☐ Check here if attachments.

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 4111 SW 13th Avenue			Policy Number:	
City Cape Coral	State Florida	ZIP Code 33914	Company NAIC Number	
SECTION G – COMMUNITY INFORMATION (OPTIONAL)				
<p>The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.</p> <p>G1. <input type="checkbox"/> The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)</p> <p>G2. <input type="checkbox"/> A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.</p> <p>G3. <input type="checkbox"/> The following information (Items G4–G10) is provided for community floodplain management purposes.</p>				
G4. Permit Number		G5. Date Permit Issued		G6. Date Certificate of Compliance/Occupancy Issued
<p>G7. This permit has been issued for: <input type="checkbox"/> New Construction <input type="checkbox"/> Substantial Improvement</p> <p>G8. Elevation of as-built lowest floor (including basement) of the building: _____ <input type="checkbox"/> feet <input type="checkbox"/> meters Datum _____</p> <p>G9. BFE or (in Zone AO) depth of flooding at the building site: _____ <input type="checkbox"/> feet <input type="checkbox"/> meters Datum _____</p> <p>G10. Community's design flood elevation: _____ <input type="checkbox"/> feet <input type="checkbox"/> meters Datum _____</p>				
Local Official's Name		Title		
Community Name		Telephone		
Signature		Date		
Comments (including type of equipment and location, per C2(e), if applicable)				
<input type="checkbox"/> Check here if attachments.				

BUILDING PHOTOGRAPHS**ELEVATION CERTIFICATE**

See Instructions for Item A6.

OMB No. 1660-0008

Expiration Date: November 30, 2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 4111 SW 13th Avenue			Policy Number:
City Cape Coral	State Florida	ZIP Code 33914	Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.



Photo One

Photo One Caption

Front View 03/21/2018



Photo Two

Photo Two Caption

Rear View 03/21/2018

BUILDING PHOTOGRAPHS**ELEVATION CERTIFICATE**

Continuation Page

OMB No. 1660-0008

Expiration Date: November 30, 2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.**FOR INSURANCE COMPANY USE**Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
4111 SW 13th Avenue

Policy Number:

City
Cape CoralState
FloridaZIP Code
33914

Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.

Photo One

Photo One Caption

Photo Two

Photo Two Caption

Street Address: 13010 Palm Beach Blvd., Ft. Myers, FL 33905
 eSurveying.com
 eveying.com












Certificate of
 Authorization No. LB 7373

LEGEND:

- BOB = BASIS OF BEARINGS
- CSP = COVERED SCREENED PORCH
- (D) = PER DEED
- DE = DRAINAGE EASEMENT
- EDFL = ESTIMATED DRAIN FIELD LOCATION
- FCM = FOUND CONCRETE MONUMENT
- FDH = FOUND DRILL HOLE
- FIP = FINISH FLOOR ELEVATION
- FIR = FOUND IRON PIPE
- FIR = FOUND IRON ROD
- FNad = FOUND NAIL & DISK
- FN = FOUND NAIL
- FNadT = FOUND NAIL & TAB
- GF = GARAGE FLOOR ELEVATION
- GI = INSIDE PROPERTY
- ICV = IRRIGATION CONTROL VALVE
- LM = LAKE MAINTENANCE EASEMENT
- (M) = AS MEASURED
- O/S = OFFSET
- (P) = PER PLAT
- PC = POINT OF CURVE
- PUE = PUBLIC UTILITY EASEMENT
- SEP = APPROXIMATE LOCATION OF SEPTIC TANK
- SIR = SET 1/2" IRON ROD & CAP STAMPED "LB 7373"
- SNad = SET NAIL & DISK STAMPED "LB 7373"
- SWIR = SET 1/2" IRON ROD & CAP STAMPED "WIT. COR. LB 7373"
- S/W = SEAWALL
- TBM = TEMPORARY BENCH MARK
- TUE = APPROXIMATE TOP BANK
- TUE = TECHNOLOGY UTILITY EASEMENT
- UE = UTILITY EASEMENT
- VG = VALLEY GUTTER
- X = OUTSIDE PROPERTY

Notes:

- 1) Parcel was surveyed from information supplied by the client or the clients agent.
- 2) Easements as shown hereon are from the recorded plat. Any other easement (s) pertaining to the hereon described parcel must be furnished to the surveyor by the client or the clients agent per Florida Administrative code 5J-17.052(2)(d).
- 3) This certification is only for the parcel described. It is not a certification of title, zoning, easement, freedom of encumbrance, ownership, or rights-of-ways.
- 4) Parcel subject to easements, restrictions, reservations, and rights-of-ways of record.
- 5) Abstract not reviewed.
- 6) Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without the written consent of the signing party or parties.
- 7) The survey depicted hereon is not valid without the signature and original raised seal of a Florida licensed surveyor and mapper.
- 8) Well locations, when shown, are approximate and based on field observed surface evidence, unless otherwise noted.
- 9) Septic and/or drain field locations, when shown, are approximate and based on surface evidence, subsurface probes, or a combination thereof.
- 10) Underground utilities, structures and/or improvements other than those shown, if any, were not located.
- 11) The survey depicted hereon may not be communicated or relied on by any party to which it has not been certified without the prior written consent of the signing party.

-  = WATER METER
 = STORM DRAIN
 = UTILITY BOX/RISER
 = LIGHT POLE
 = POWER POLE
 = FIRE HYDRANT
 = WATER VALVE
 = FENCE LINE
 = CONCRETE
 = OVERHEAD LINE
 = ELEVATION

Certified To:
Trond Schou
Tropical Shells Title, LLC
Old Republic National Title Insurance Company
Lake Michigan Credit Union

Revision:
Slab Location - 3/23/2018

Boundary Survey
W.O.# 16-3370
Date: 08 NOV 2016
DRAWN BY: DMO

Parcel Description:

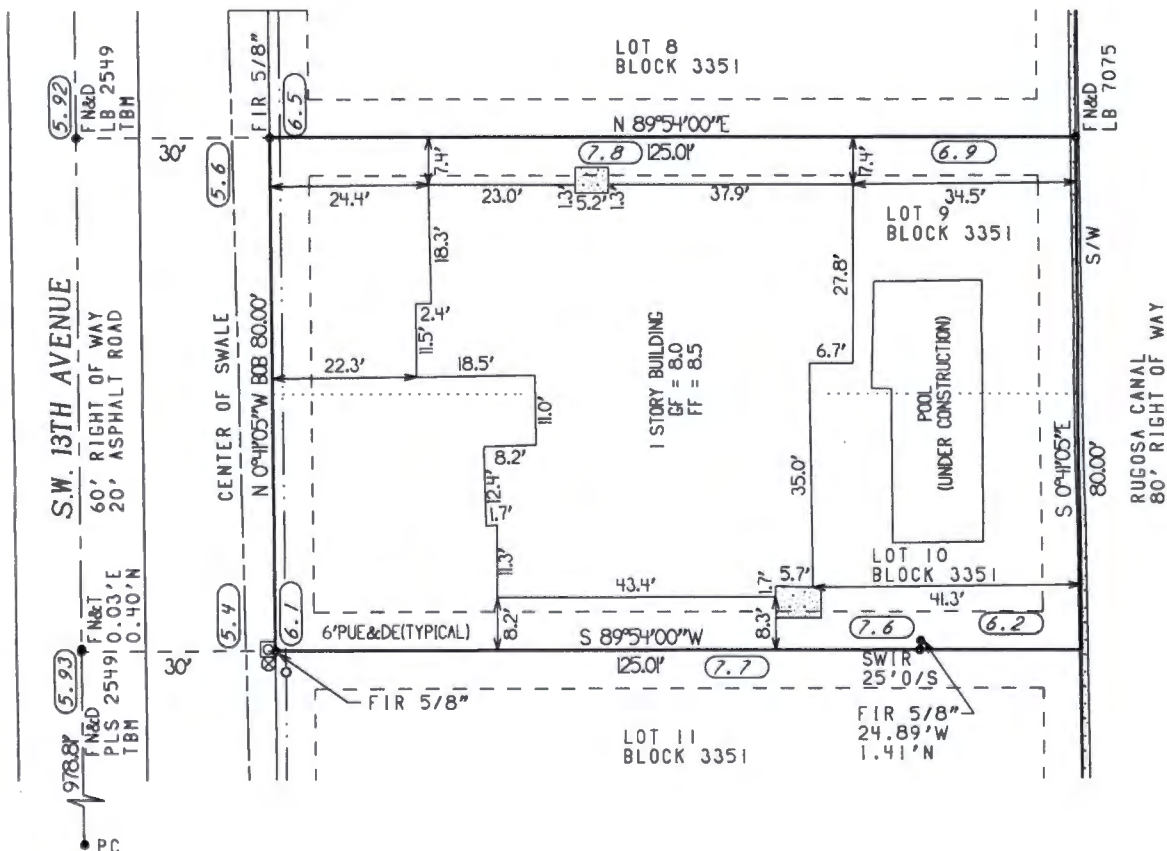
Lots 9 and 10, Block 3351, Unit 65, Cape Coral, a subdivision according to the map or plat thereof, on file and recorded in the Office of the Clerk of Circuit Courts, Lee County, Florida, at Plat Book 21, Pages 151 through 164, inclusive.

Flood Zone Information:

Parcel lies in Flood Zone AE Base Elevation - 7' as per FIRM # 12071C 0385 F, Dated: 8/28/08.

Elevation Information:

The Elevations as shown here are based on the NAVD 88 Datum.



Keith David Clay
Registered Surveyor & Mapper
Certificate No. 6267

© Copyright by Reliable Land Surveying, Inc. and Keith D. Clay, Fort Myers, Florida, 2016. Unauthorized use, publication, or reproduction of this survey map and/or data thereon is subject to criminal and civil prosecution.

Scale 1"=30'

Planning Division Case Report

VA18-0009

Review Date: May 16, 2018

Property Owner: Trond Schou
538 Coral Drive
Cape Coral, FL 33904

Applicant: Catalyst Construction, Inc.

Request: Two variances are requested from the dimensional requirements for the Residential Development (RD) Zoning District: (1) a 2.7-foot variance to the 25-foot front setback requirement, and (2) a 0.1-foot variance to the 7.5-foot side setback requirement from the north property line.

Location: 4111 SW 13th Avenue
Cape Coral, FL 33914
Strap number: 10-45-23-C1-03351.0090
Unit 65, Block 3351, Lots 9 and 10

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

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

Recommendation: **Approval of both variances with conditions**

Urban Service Area: Transition

Code Compliance Case: No

Right-of-Way Access: The site has access to SW 13th Avenue, a two-lane local street.

Background:

The 10,000-sq. ft. site is in south central Cape Coral and has water frontage along the Rugosa Canal. This site has a Single Family Future Land Use Classification and RD Zoning. All properties within 1,500 feet of this site share the same future land use classification and have either RD or Single-Family Residential (R-1B) Zoning.

A permit for a single-family home for the site was issued by the City on September 6, 2017. The perimeter of the site and foundation of the dwelling was staked and construction began. Setback infringements to the north and west property lines were discovered on March 23, 2018 when an in-progress elevation certificate was ordered prior to submitting a permit for a pool, deck, and retaining wall (Stanley Sikora,

personal communication on May 11, 2018). A variance application was submitted to the City on April 17, 2018 seeking side and front setback relief for the partially constructed dwelling.

Applicable Regulation:

The Land Use and Development Regulations (LUDR), Section 2.7.3, Table RD, requires a minimum front setback of 25 feet and a minimum side setback distance of 7.5 feet for buildings in the RD District.

Zoning History

The Future Land Use Classification of the site was changed from Single Family/Multi Family by PDP to Single Family by Ordinance 13-03.

The site has always had RD Zoning.

Analysis:

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

Staff has reviewed this application based on the five standards in LUDR, Section 8.10.3a-e. Both variances are analyzed together below.

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 a platted two-lot, 10,000 sq. ft. site that is rectangular. The site is relatively flat and is free of environmental or physical constraints. Special conditions related solely to the land itself are not present.

Special circumstances, however, exist that were beyond the control of the owner. Errors were made when the boundaries of the site or the foundation of the dwelling were initially established. These errors were discovered after an in-progress elevation certificate was ordered that showed the two setback infringements. By the time these errors were discovered, substantial construction of this dwelling had occurred. Since these errors occurred beyond the control of the owner, 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 boundary of the site and the perimeter of the foundation was identified by a professional surveyor prior to construction. The owner had a reasonable expectation that these tasks would be performed accurately. When the errors were discovered, construction activities ceased and a variance application was filed with the City. Staff finds that the awarding of these variances will not confer special privileges to the owner as unforeseen errors resulting from the actions of subcontractor created the need for the two setback variances.

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.

Without the variance, the wall and foundation of the structure along the west side of the site will need to be altered. More modest alterations would be required to the north side of the building because of the smaller setback infringement. It is unclear whether both sides of the building can be altered without adversely affecting the physical integrity of the building. These variances are not self-imposed as the applicant received a building permit from the City and constructed the foundation consistent with the perimeter of the structure that was identified and staked by the surveyor. Staff finds a hardship exists since the variances were not created by the owner, and strict compliance with both setback requirements will likely result in substantial alternations to this structure, particularly to the west side of the building.

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 variances requested by the applicant are the minimum variances necessary to allow the foundation and walls to remain in place and for construction to continue.

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.

Setback regulations ensure that the placement of a building does not infringe on the rights of neighboring property owners. A single-family home exists to the immediate north of the site on Lots 7 and 8. Based on the magnitude of the side setback variance sought (0.1 ft.), minor setback relief should not be noticeable to residents in the area, including the owner to the north. The front setback variance of 2.7 feet represents a variance of about 11% compared to the minimum standard established by the City. Since this variance involves setback relief for less than 50% of the frontage of this side of the building that faces a public street and not an adjoining property line, most observers viewing this property from SW 13th

Street may not be aware of this setback infringement. Both variances comply with the general intent and purpose of the LUDRs as this dwelling will not interfere or negatively affect the ability of the neighboring owners to use their property. Since these variances will not result in the construction of a dwelling that is conspicuously closer to the adjacent property to the north, and to the street to the west, then allowed by City regulations, neither variance should be harmful to the neighborhood.

Consistency with the Comprehensive Plan

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

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

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

Staff comment: This request is consistent with Policy 1.15.a as the site is ±10,000 sq. ft. and the site will have one single-family home. This equates to a density of 4.4 dwelling units per acre that is consistent with the maximum density allowed within this future land use classification.

Recommendation:

Staff recommends **approval** of both variances with the following conditions:

1. The variance for side setback relief is restricted to the north side of the building. This variance does not grant side setback relief from the south property line of the site.
2. Front setback relief shall be restricted to the northern-most 29.8 linear feet of the front of the building as shown on the Boundary Survey of the site prepared by Reliable Land Surveying, Inc., dated November 8, 2016, with a revision date of March 23, 2018.

Staff Contact Information

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



NOTICE TO SURROUNDING PROPERTY OWNERS

CASE NUMBER: VA18-0009

REQUEST:

The applicant, Catalyst Construction, Inc. requests two variances from the City of Cape Coral Land Use and Development Regulations, Section 2.7.3, Table RD: (1) a 2.7-foot variance to the 25-foot front setback requirement, and (2) a 0.1-foot variance to the 7.5-foot side setback requirement from the north property line for property described as Lots 9-10, Block 3351, Unit 65, Cape Coral Subdivision; property located at 4111 SW 13th Avenue.

LOCATION: 4111 SW 13th Avenue

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

PROPERTY OWNER(S): Trond Schou

AUTHORIZED REPRESENTATIVE: Stanley Sikora

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, June 5, 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 five days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

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

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

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

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

for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



The News-Press media group

news-press.com A GANNETT COMPANY

Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

TOLL-FREE
888-516-9220

Local #
239-335-0258

Email
FNPLegals@gannett.com

Customer: CITY OF CAPE CORAL_DEPT OF COM

Ad No.: 0002943759

Address: 1015 CULTURAL PARK BLVD
CAPE CORAL FL 33990
USA

Net Amt: \$371.00

Run Times: 1

No. of Affidavits: 1

Run Dates: 05/26/18

Text of Ad:

NOTICE OF PUBLIC HEARING

CASE NUMBER: VA18-0009

REQUEST:
The applicant, Catalyst Construction, Inc. requests two variances from the City of Cape Coral Land Use and Development Regulations, Section 2.7.3, Table RD: (1) a 2.7-foot variance to the 25-foot front setback requirement, and (2) a 0.1-foot variance to the 7.5-foot side setback requirement from the north property line for property described as Lots 9-10, Block 3351, Unit 65, Cape Coral Subdivision; property located at 4111 SW 13th Avenue.

LOCATION: 4111 SW 13th Avenue

CAPE CORAL STAFF CONTACT: Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255, mstruve@capecoral.net
PROPERTY OWNER(S): Trond Schou

AUTHORIZED REPRESENTATIVE: Stanley Sikora

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, June 5, 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 five days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

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

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

by order of
Rebecca van Deutekom, MMC
City Clerk
REF # VA18-0009
AD# 2943759 May 26, 2018

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Schou Trond

APPLICATION NO: VA18-0009

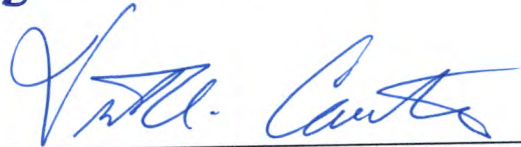
STATE OF FLORIDA)
) §
COUNTY OF LEE)

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 29th day of May, 2018.

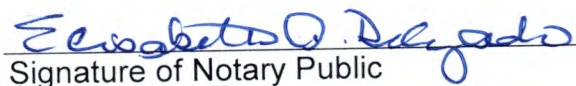
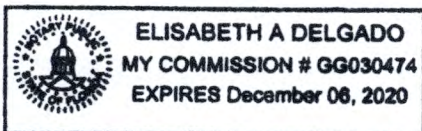


Vincent A. Cautero, AICP

STATE OF FLORIDA
COUNTY OF LEE

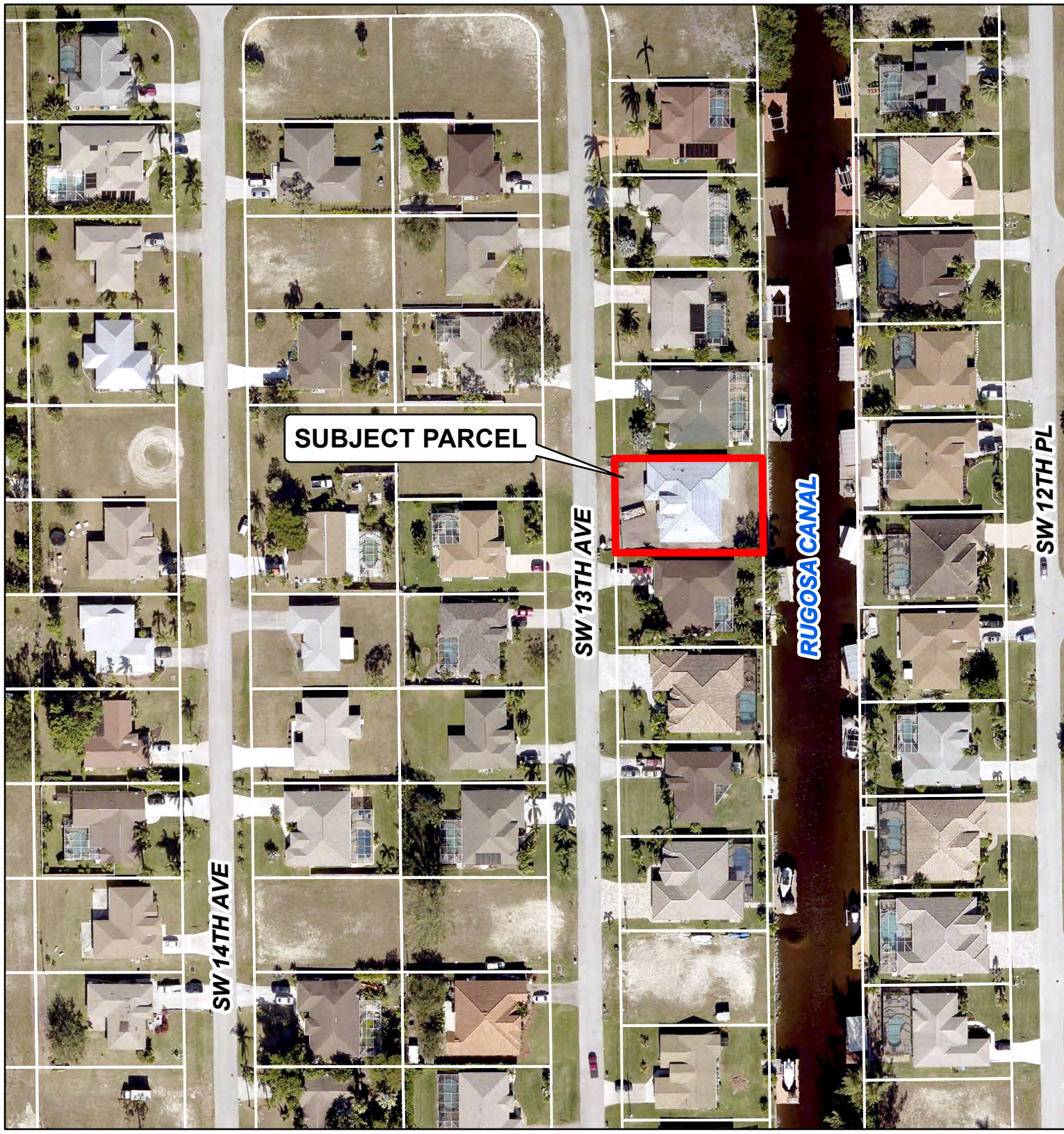
The foregoing instrument was acknowledged before me this 29th day of May, 2018, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/20 Commission # 66030474



Signature of Notary Public

Elisabeth A. Delgado
Print Name of Notary Public



SW 41ST ST

SW 12TH PL

SW 13TH AVE


SW 14TH AVE


RUGOSA CANAL


SUBJECT PARCEL

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

Case No. VA18-0009

 Subject Parcel





MAY 16TH, 2018

0 Feet 100 200

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.

SANTANITA CANAL

500' PROXIMITY BOUNDARY

SW 40TH TER

SUBJECT PARCEL

SW 13TH AVE

RUGOSA CANAL

SW 12TH PL

SW 40TH TER

SW 41ST ST

SW 41ST TER

SW 42ND ST

SW 14TH AVE


CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT ZONING MAP
500' Proximity Boundary

Case No. VA18-0009

LEGEND

 500' Proximity Boundary

 Subject Parcel

Zoning

 R-1B

 RD



MAY 16TH, 2018



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

Item Number: 2.C.
Meeting Date: 6/5/2018
Item Type: HEARINGS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Case # ZA18-0002*; Address: 2947 SW 8th Place, 2944 Skyline Boulevard; Applicant: Eaglestream Inc., MCI Florida Developments, 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 applicants request a rezone from Residential Development (RD) to Multi-Family Residential (R-3) for a site that is two undeveloped parcels totaling 1.26 acres (55,000 sq. ft.)

LEGAL REVIEW:

EXHIBITS:

See attached "Backup Materials"

PREPARED BY:

Kristin
Kantarze Division- Planning Department- Community Development

SOURCE OF ADDITIONAL INFORMATION:

Chad Boyko, Principal Planner, 239-573-3162, cboyko@capecoral.net

ATTACHMENTS:

Description	Type
Backup Material	Backup Material



**DEPARTMENT OF COMMUNITY DEVELOPMENT
REQUEST FOR REZONING APPLICATION**

Questions: 239-574-0776

Case # _____

PROCEDURE LIST FOR REZONING REQUEST

1. Applicant's portion of request shall be typewritten and signature notarized.
 - a) 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.
 - b) 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, state, and zip code.

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.

IT IS REQUIRED THAT APPLICANT AND/OR REPRESENTATIVE ATTEND BOTH THE HEARING EXAMINER AND CITY COUNCIL MEETINGS.



DEPARTMENT OF COMMUNITY DEVELOPMENT

REQUEST FOR REZONING APPLICATION

Questions: 239-574-0776

Case # _____

REQUEST FOR A REZONING

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

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

OWNER OF PROPERTY
EAGLESTREAM INC

Address: 4645 SE 11TH PL STE 103
City CAPE CORAL State: FL Zip 33904
Phone: 239-549-9949

Email: _____

AUTHORIZED REPRESENTATIVE
ANDRES BORAL, PE, MBA

Address: 9911 CORKSCREW RD STE 222
City ESTERO State: FL Zip 33928
Phone: 239-692-0509

Email: ANDRES@BORALENGINEERING.COM

Unit 66 Block 3215 Lot(s) 15-18 Subdivision N/A
Address of Property 2947 SW 8TH PL CAPE CORAL FL 33914
Current Zoning RD Plat Book 22, Page 20
Proposed Zoning R3 Strap Number 34-44-23-C3-03215.0150

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
REQUEST FOR REZONING APPLICATION
Questions: 239-574-0776

Case # _____

(SIGNATURE MUST BE NOTARIZED)

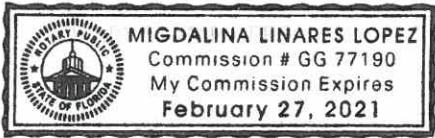
ANA HERNANDEZ
NAME (PLEASE TYPE OR PRINT)

ana hernandez
APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF Lee.

Sworn to (or affirmed) and subscribed before me this 18 day of May, 2018, by
_____ who is personally known or produced
as identification.

Exp. Date: 2/27/2021 Commission Number: GG 77190



Signature of Notary Public:

Printed name of Notary Public:

SIGNATURE MUST BE NOTARIZED)

Migdalina Linares Lopez
Migdalina Linares Lopez



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

Case # _____

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Andres Boral, PE, MBA
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE HEARING EXAMINER, OR CITY COUNCIL FOR
ZONING _____
(Type of Public Hearing – i.e., PDP, Zoning, Special Exception, Variance, etc.)

UNIT BLOCK LOT(S) SUBDIVISION

OR LEGAL DESCRIPTION CAPE CORAL UNIT 66, BLOCK 3215, LOTS 15 THRU 18 AS RECORDED IN
PLAT BOOK 22, PAGE 20, PUBLIC RECORDS, LEE COUNTY, FLORIDA

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

ANA HERNANDEZ FOR EAGLESTREAM, INC

PROPERTY OWNER (Please Print)

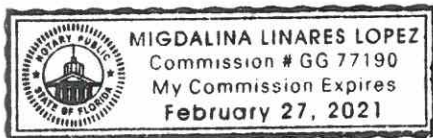
PROPERTY OWNER (Please Print)

Ana Hernandez
PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & Title)

STATE OF FLORIDA, COUNTY OF LEE

Subscribed and sworn to (or affirmed) before me this 18 day of May, 2018, by
_____ who is personally known or produced
as identification.



exp. Date: 2/27/2021 Commission Number: GG 77190

Signature of Notary Public:

Printed name of Notary Public:

Migdalina Linares Lopez

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



DEPARTMENT OF COMMUNITY DEVELOPMENT
REQUEST FOR REZONING APPLICATION

Questions: 239-574-0776

Case # _____

ACKNOWLEDGEMENT FORM

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

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

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

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

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

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

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

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

I hereby acknowledge that I have read and understood the above affidavit on the 18 day of May, 20 18

ANA HERNANDEZ FOR EAGLESTREAM INC

NAME (PLEASE TYPE OR PRINT)

APPLICANT'S SIGNATURE

STATE OF FL COUNTY OF

Lee

Subscribed and sworn to (or affirmed) before me this 18 day May, 20 18, by
who is personally known or
as identification.

Exp. Date: 2/27/2021

Commission Number: GG 77190

MIGDALINA LINARES LOPEZ
Commission # GG 77190
My Commission Expires
February 27, 2021

Signature of Notary Public:

Printed name of Notary Public:

Migdalina Linares Lopez



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

Case # _____

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

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

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

ANA HERNANDEZ FOR EAGLESTREAM, INC

OWNER/APPLICANT (PLEASE TYPE OR PRINT)

ana hernandez
OWNER/APPLICANT SIGNATURE
(SIGNATURE MUST BE NOTARIZED)

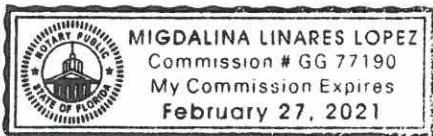
STATE OF Florida COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me on this 18 day of May, 2018
by _____, who is personally known or who has produced _____ as identification.

Exp. Date 2/27/2021
Commission # 6677190

Migdalina Linares Lopez
Signature of Notary Public

Migdalina Linares Lopez
Print Name of Notary Public





DEPARTMENT OF COMMUNITY DEVELOPMENT
REQUEST FOR REZONING APPLICATION

Questions: 239-574-0776

Case # 2A18-0002

REQUEST FOR A REZONING

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

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

OWNER OF PROPERTY

MCI FLORIDA DEVELOPMENTS

Address: 14270 HICKORY LINKS CT #2125

City FT MYERS State: FL Zip 33912

Phone: 239-400-9693

Email:

AUTHORIZED REPRESENTATIVE

ANDRES BORAL, PE, MBA

Address: 9911 CORKSCREW RD SUITE 222

City ESTERO State: FL Zip 33928

Phone: 239-692-0509

Email: ANDRES@BORALENGINEERING.COM

Unit 66 Block 3215 Lot(s) 32-38 Subdivision CAPE CORAL

Address of Property 2944 SKYLINE BLVD

Current Zoning RD Plat Book 22 , Page 20

Proposed Zoning R3 Strap Number 344423C3032150320

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
REQUEST FOR REZONING APPLICATION
Questions: 239-574-0776

Case # 2A18-0002

(SIGNATURE MUST BE NOTARIZED)

Adam Panag
NAME (PLEASE TYPE OR PRINT)

[Signature]
APPLICANT'S SIGNATURE

STATE OF Florida, COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 2 day of JANUARY, 2018 by
ADAM PANAG who is personally known or produced FLORIDA DRIVERS LICENSE
as identification.

Exp. Date: 03/23/2018 Commission Number: *FF090399



Signature of Notary Public:

[Signature]
Printed name of Notary Public: JEFFREY S. FINNEY

(SIGNATURE MUST BE NOTARIZED)



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

Case # ZA18-0002

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT

Andres Boral, PE MBA
(Name of person giving presentation)

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

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

UNIT BLOCK LOT(S) SUBDIVISION

OR LEGAL DESCRIPTION 66 BLOCK 3215 LOTS 32-38 CAPE CORAL

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

MCI FLORIDA DEVELOPMENTS LLC
PROPERTY OWNER (Please Print)

PROPERTY OWNER (Please Print)

[Signature] V.P.
PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & Title)

STATE OF FLORIDA COUNTY OF LEE

Subscribed and sworn to (or affirmed) before me this 02 day of JANUARY, 2018, by
ADAM PANAG who is personally known or produced FLORIDA DRIVERS LICENSE
as identification.

Exp. Date: 03/23/2018 Commission Number: FF 090399



Signature of Notary Public:
Printed name of Notary Public:

[Signature]
JEFFREY S. FINNEY

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



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

Case # 2A18-0002

ACKNOWLEDGEMENT FORM

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

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

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

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

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

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

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

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

I hereby acknowledge that I have read and understood the above affidavit on the 2nd day of January, 20 18

Adam Panag
NAME (PLEASE TYPE OR PRINT)

[Signature]
APPLICANT'S SIGNATURE

STATE OF FLORIDA . COUNTY OF LEE

Subscribed and sworn to (or affirmed) before me this 02 day JANUARY, 2018, by ADAM PANAG who is personally known or FLORIDA DRIVERS LICENSE as identification.

Exp. Date: 03/23/2018 Commission Number: #FF 090399



Signature of Notary Public: [Signature]

Printed name of Notary Public: JEFFREY S. FINNEY



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

Case # 2A18-0002

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.

MCI FLORIDA DEVELOPMENTS LLC
OWNER/APPLICANT (PLEASE TYPE OR PRINT)

[Signature] V.P.
OWNER/APPLICANT SIGNATURE

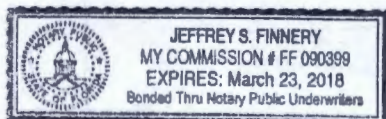
(SIGNATURE MUST BE NOTARIZED)

STATE OF Florida COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me on this 02 day of JANUARY, 2018
by ADAM BRAG, who is personally known or who has produced Florida Driver's License as identification.

Exp. Date 03/23/2018
Commission # FF090319

[Signature]
Signature of Notary Public
JEFFREY S. FINNERY
Print Name of Notary Public





February 16, 2018

Mr. Vincent A. Cautero, AICP, Director
Department of Community Development
City of Cape Coral
1015 Cultural Park Boulevard
Cape Coral, Florida 33990

PROJECT: 2947 SW 8TH PLACE, 2944 SKYLINE BOULEVARD

SUBJECT: Zoning Amendment From RD, to R3 for 2947 SW 8th Place, & 2944 Skyline Boulevard, Cape Coral, FL. 33914

Dear Mr. Vincent A. Cautero:

On behalf of my clients, EagleStream Inc., Alejandro Gibbs, and MCI Florida Developments, LLC, Adam Panag, we request a zoning amendment for a 20,000 square foot, vacant parcel at 2947 SW 8th Place, and a 35,000 square foot vacant parcel at 2944 Skyline Boulevard, Cape Coral, Florida 33914 from Residential Development (RD) to Multi-Family (R-3). The Future Land Use code is Multi-Family (MF).

SW 8TH STREET VIEW

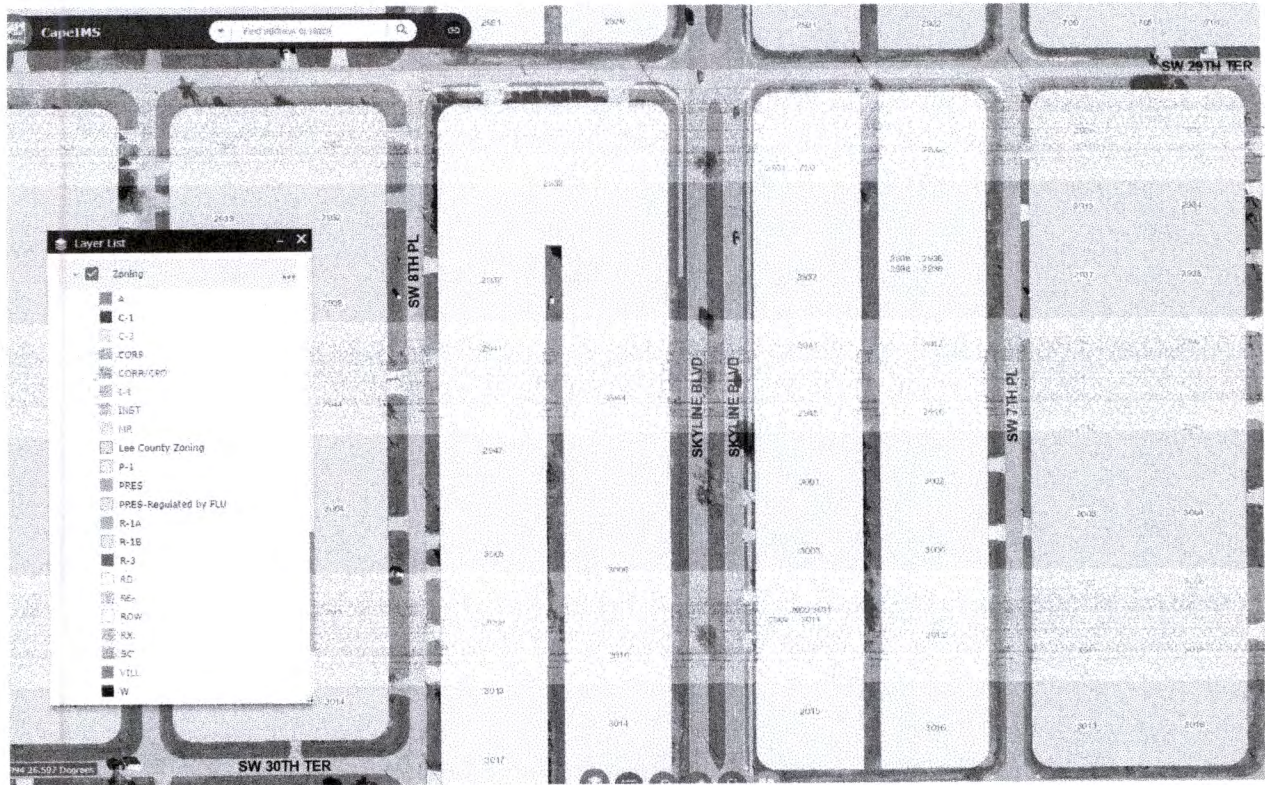


2944 SKYLINE BOULEVARD





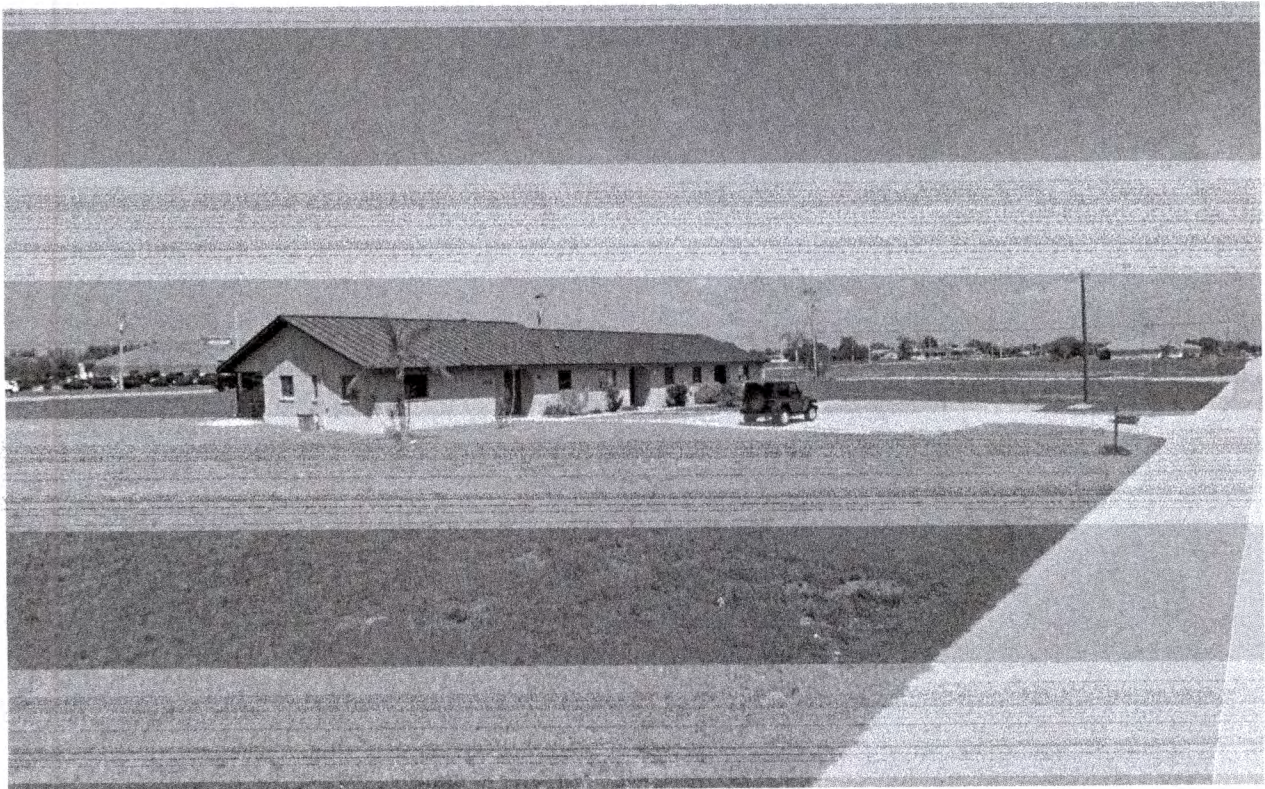
City of Cape Coral GIS Zoning Map





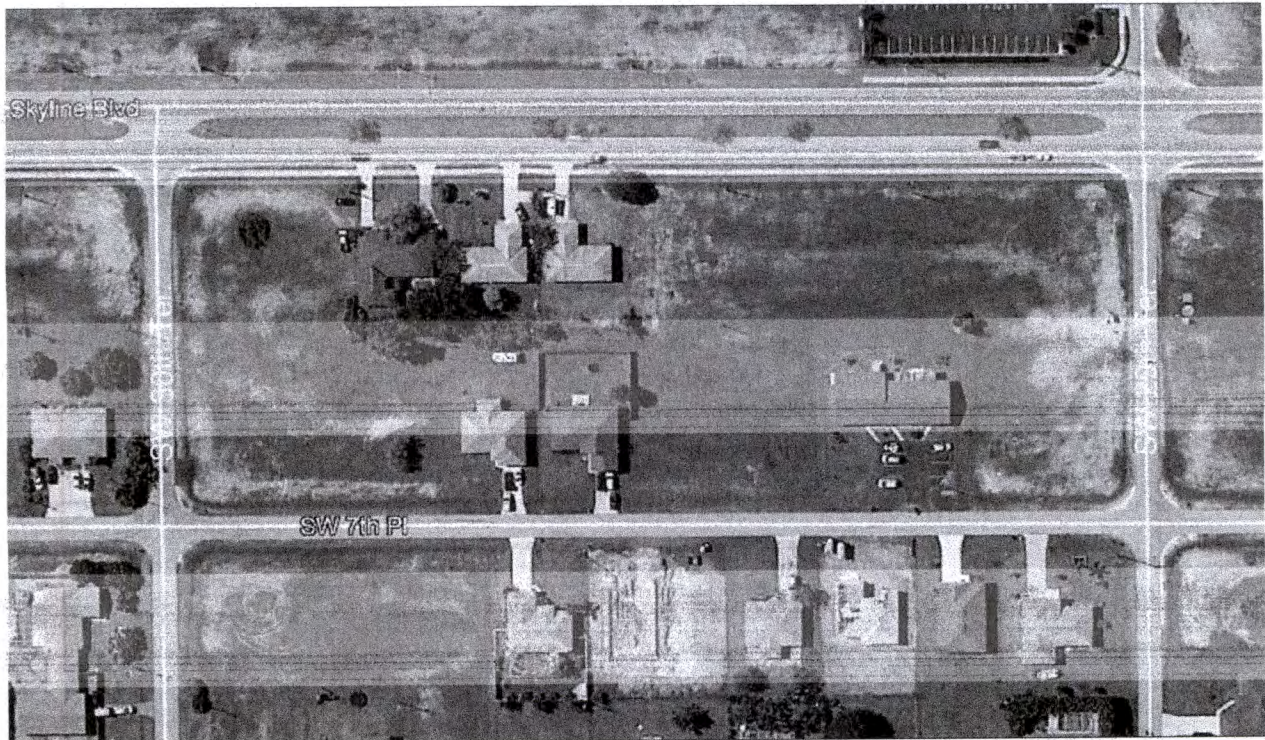
PLANNING RATIONALE

The adjacent block to the east, has a mix of residential uses ranging from single family to multi-family dwellings. 3938 SW 7th Place, pictured below, is currently developed as multi-family residential, similar to what our clients intend to develop once the properties are rezoned to R3.





Overall View of Adjacent Block East



Please let me know if you have any questions or if I need to provide additional information.

Sincerely,
Boral Engineering & Design, Inc.

Andres Boral, P.E.
Florida License Number: 80373

PLANNING DIVISION STAFF REPORT
ZA18-0002

SITE ADDRESSES 2947 SW 8th Place and 2944 Skyline Boulevard	APPLICANTS/PROPERTY OWNERS Eaglestream Inc. MCI Florida Developments, LLC
AUTHORIZED REPRESENTATIVE Andres Boral, P.E.	

SUMMARY OF REQUEST The applicants request a rezone from Residential Development (RD) to Multi-Family Residential (R-3) for a site that is two undeveloped parcels totaling 1.26 acres (55,000 sq. ft.)	 <p>CITY OF CAPE CORAL Department of Community Development Planning Division Case No. ZA18-0002</p> <p>Subject Parcels</p> <p>MARCH 15TH, 2018</p> <p>0 100 200 Feet</p> <p><small>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 subject area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for inaccuracies that may occur. Please contact the Department of Community Development with any questions regarding this map product.</small></p> <p>MAP SOURCE</p>
--	--

STAFF RECOMMENDATION: **Approval**

Positive Aspects of Application:	Rezone would allow for multi-family development along a major arterial and provide more consistency between future land use designation and zoning designation.
Negative Aspects of Application:	No existing multi-family development in subject block.
Mitigating Factors:	Site has frontage along arterial roadway. City has documented need for multi-family housing units.

SITE INFORMATION

Location: 2947 SW 8th Place and 2944 Skyline Boulevard
Unit 66. Block 3215. Lots 15-18 and Lots 32 through 38.
South of Veterans Parkway and West of Skyline Boulevard.

STRAP Numbers: 2947 SW 8th Place – 34-42-23-C3-03215.0150
Skyline Boulevard – 34-44-23-C3-03215.0320

Site Area: 1.26 acres (55,000 sq. ft.)

Site:	Future Land Use	Zoning
Current:	Multi-Family Residential (MF)	Residential Development (RD)
Proposed:	N/A	Multi-Family Residential (R-3)
	Surrounding Future Land Use	Surrounding Zoning
North:	MF	RD
South:	MF	RD
East:	MF	RD
West:	Single-Family Residential (SF)	Single-Family Residential (R-1B)

Urban Service

Area: Transition

City Water/Sewer: Yes

FINDINGS OF FACT

The 1.26 acre rezone site is 10 lots in Block 3215 in southwestern Cape Coral. The application covers two separately owned sites; the parcel along Skyline Boulevard is 35,000 sq. ft., while the parcel along SW 8th Place is 20,000 sq. ft. These parcels have separate ownership and are undeveloped. Existing development in Block 3215 consists of childcare facility at the north end of the block, while the remainder of the block is either undeveloped or developed with single-family homes. To the west are several blocks of single-family homes. Separating the parcels is a 20-foot wide unimproved alley right-of-way (ROW) that runs through the middle of Block 3215. Block 3215 has retained the Multi-Family Residential (MF) future land use designation since 2006 and the block has been zoned Residential Development (RD) since 1990.

The applicant is seeking the amendment to allow for multi-family residential development. The current future land use and zoning designation would only allow construction of single-family homes¹. The rezone would allow single-family homes, duplexes, or multi-family residential units.

¹ Multi-Family and Duplexes are allowed with three acres or more.

ANALYSIS

Comprehensive Plan

The site has a future land use designation of Multi-Family Residential (MF) which is described as:

Multi-Family Residential

Not more than 16 units per acre. (Exception: The City may permit as many as 20 units per acre as an incentive for the assembly of large parcels). The development of multiple-family projects in the Urban Services Reserve Area is also subject to the terms of Policies 7.7 and 7.8, below.

Response: The site is within the Urban Services Transition Area and municipal utilities to are available to the site. The site is not large enough to constitute incentives for large parcels. The maximum density is 16 dwelling units per acre and if the site is developed with both parcels, which would include vacation of the alley, a maximum of 20 multi-family units would be permitted. If the sites are developed separately, 19 dwelling units would be allowed (7 units on the smaller site and 19 units on the larger site).

Land Use and Development Regulations

The Planning Division reviewed this request based on the ten General Standards in LUDR, Section 8.7.3.B and offers the following analysis for consideration:

1. The extent to which the property is diminished by the proposed zoning of the property:

Response: The rezone should increase the value of the property. The R-3 zoning district permits more allowed uses than the RD zoning district and has less restrictions on development such as minimum size requirements. The increased range of uses should increase development flexibility.

2. The extent to which the removal of a proposed change in zoning depreciates the value of other property in the area:

Response: Most nearby development is single-family homes and while the rezone is likely to result in multi-family development, the rezone should not have a negative effect on the surrounding properties. The overall site has frontage on an arterial roadway and most units in a potential development will likely be on that parcel. Planning staff also finds that a daycare facility is developed at the northern end of the block, therefore, a mix of uses has been introduced to this area.

3. The suitability of the property for the zoning purpose:

Response: Planning staff finds that the site is suited for R-3 zoning due to many factors such as parcel size, frontage on an arterial road, and current Future Land Use. The site is over an acre in size and has some full block depth. The surrounding area is predominantly residential and the site has had a future land use designation of Multi-Family Residential (MF) for several years.

4. The character of the neighborhood, existing uses, zoning of nearby and surrounding properties, and compatibility of the proposed zoning:

Response: The surrounding neighborhood has residential dwelling units to the west and south, a childcare facility to the north, along with scattered undeveloped parcels. Skyline Boulevard is east of the site and east of Skyline Boulevard is a variety of single and multi-family dwellings along with undeveloped parcels. The proposed rezone will likely result in construction of residential dwelling units, which is compatible with the surrounding neighborhood.

5. The relative gain to the community as compared to the hardship, if any imposed, from rezoning said property:

Response: The City of Cape Coral has a documented need for multi-family housing. The rezone will add land available for multi-family development at a location that is suitable for multi-family units. The rezone will also increase consistency between the site's future land use designation and the zoning designation.

6. The community need for the use proposed by the zoning:

Response: The City of Cape Coral has a documented need for multi-family housing as reported by a study conducted in 2016. The study determined that the City needs 1,500 multi-family units over the next five years in order to meet demands. The rezone will allow up to 20 dwelling units, which could provide Cape Coral with additional multi-family residential housing.

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

Response: Block 3215 has retained the Multi-Family Residential (MF) future land use designation since 2006 and the block has been zoned Residential Development (RD) since 1990.

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

Response: The proposed R-3 zoning will be consistent with the City's Comprehensive Land Use Plan and the change will provide additional area for multi-family residential at an appropriate location. The proposed rezone should not negatively affect the health, safety, or welfare of the community because similar zoning already exists in general proximity to the subject property.

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

Response: The site is in the City Urban Service Transition Area. Water, sewer, and irrigation are available. Future development will be required to connect to City utility system.

10. Whether the proposed zoning is consistent with the City of Cape Coral's Comprehensive Land Use Plan.

Response: The proposed rezone is consistent Comprehensive Plan Policy 1.15 as the proposed Future Land Use classification is MF. Properties with the MF future land use are compatible with the R-3 district. Staff finds that the requested R-3 zoning is appropriate for the site.

ECONOMIC DEVELOPMENT MASTER PLAN ANALYSIS

The rezone is supported by the City Economic Development Master Plan. The site is not within an Economic Opportunity Area, however, the amendment will potentially result in additional multi-family housing which is identified as a need in Cape Coral.

PUBLIC NOTIFICATION

This case will be publicly noticed as required by LUDR, Section 8.3.2.A and 8.3.4 as further described below.

Publication: A display ad will be prepared and sent to the *News-Press* announcing the intent of the petitioners to amend the land use of the property described within this report. The ad will appear in the *News-Press* a minimum of 10 days prior to the public hearing scheduled before the Planning and Zoning Commission. Following the public hearing before the Commission, the display ad announcing the final public hearing before the City Council will appear once in the *News-Press*. The ad will appear in the newspaper not less than 10 days prior to the date of the final public hearing before the City Council. The display ads will not be published in the legal section of the *News-Press*.

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

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

RECOMMENATION

Through the analysis of the Cape Coral Comprehensive Plan and specifically the Future Land Use Element, the proposed rezone to Multi-Family Residential zoning is consistent with the Comprehensive Plan and compatible with the surrounding area, therefore, Planning Division staff recommends **approval** of the proposed rezone request.

The News-Press media group

news-press.com A GANNETT COMPANY

Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

TOLL-FREE
888-516-9220

Local #
239-335-0258

Email
FNPLegals@gannett.com

Customer: CITY OF CAPE CORAL_DEPT OF COM

Ad No.: 0002943850

Address: 1015 CULTURAL PARK BLVD
CAPE CORAL FL 33990
USA

Net Amt: \$382.07

Run Times: 1

No. of Affidavits: 1

Run Dates: 05/26/18

Text of Ad:

NOTICE OF PUBLIC HEARING

CASE NUMBER: ZA18-0002

REQUEST: The applicants request a rezone from Residential Development (RD) to Multi-Family Residential (R-3) for a site that is two undeveloped parcels totaling 1.26 acres (55,000 sq. ft.)

LOCATION: 2947 SW 8th Place
2944 Skyline Boulevard

CAPE CORAL STAFF CONTACT: Chad Boyko, Principal Planner, 239-573-3162, cboyko@capecoral.net

PROPERTY OWNER(S): Eaglestream Inc.
MCI Florida Developments, LLC

AUTHORIZED REPRESENTATIVE: Andres Boral, P.E.

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, June 5, 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.

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

DETAILED INFORMATION: The case report and colored maps for this application are available at the City of Cape Coral website, www.capecoral.net/publichearing (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 # ZA18-0002
AD# 2943759 May 26, 2018

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: EagleStream, MCI

APPLICATION NO: ZA18-0002

STATE OF FLORIDA)
) §
COUNTY OF LEE)

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

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

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

DATED this 29th day of May, 2018.

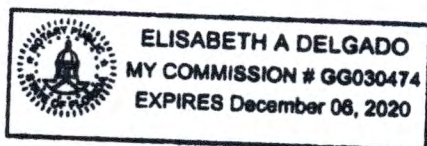


Vincent A. Cautero, AICP

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 29th day of May, 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 # GG030474



Elisabetta D. Delgado
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 Buffer

Case No. ZA18-0002

LEGEND

 500' Proximity Boundary

 Subject Parcels

Zoning

 R-1B

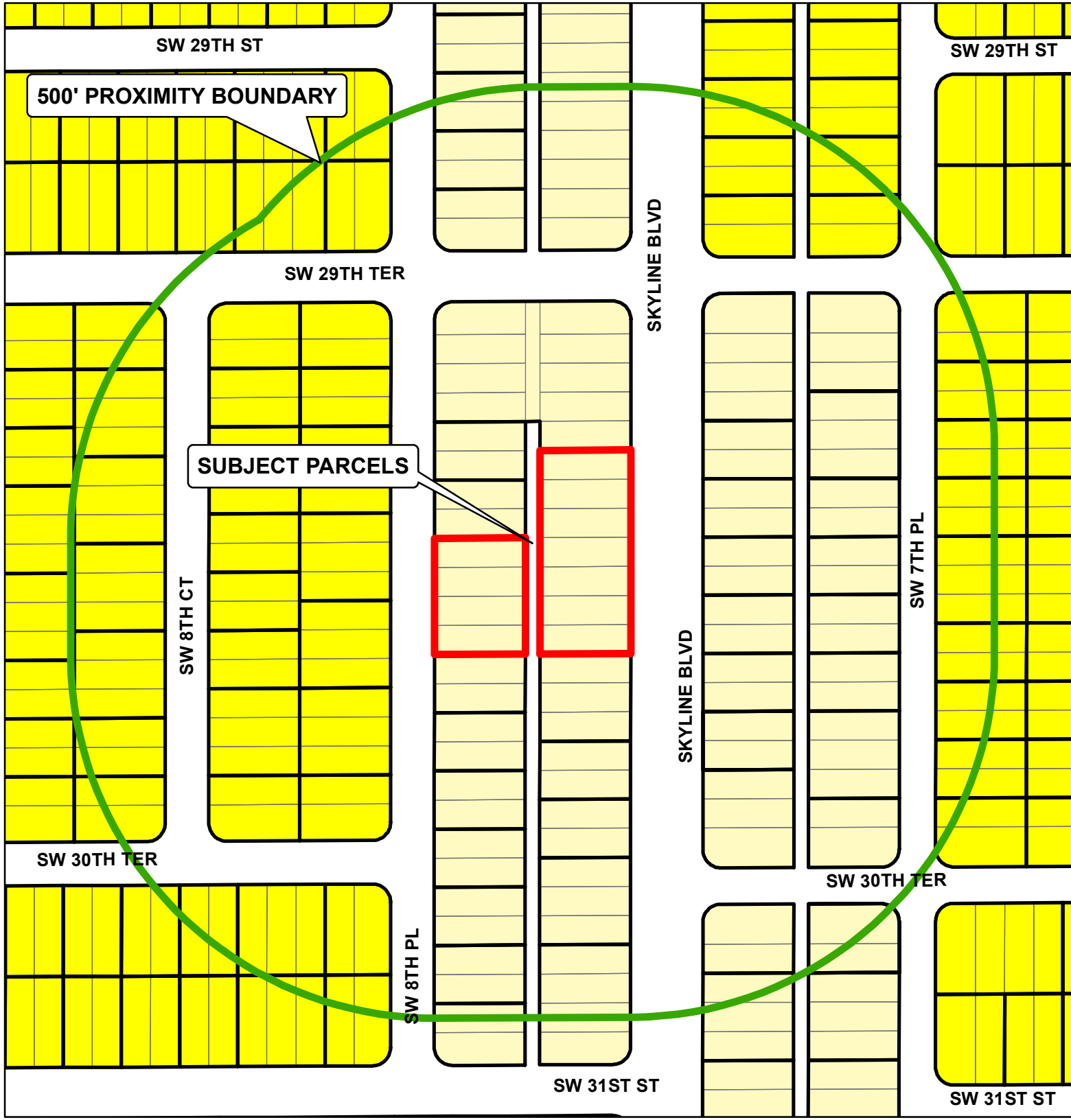
 RD



MARCH 15TH, 2018



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




CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT FUTURE
LAND USE MAP
500' Proximity Boundary

Case No. ZA18-0002

LEGEND

 500' Proximity Boundary

 Subject Parcels

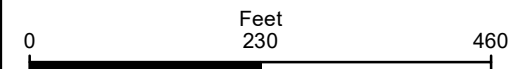
Future Land Use

 SF

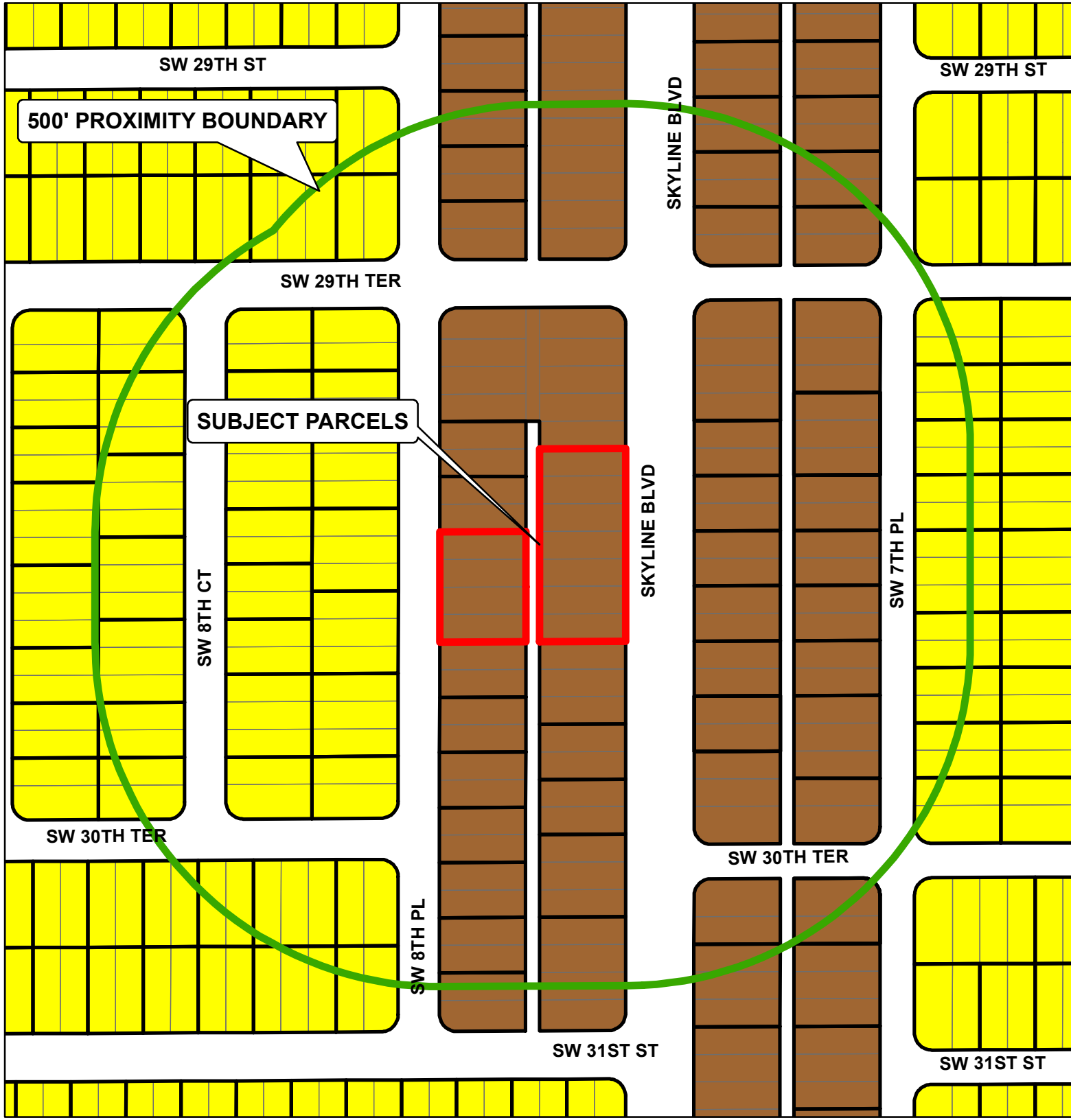
 MF



MARCH 15TH, 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

PROPOSED ZONING MAP
500' Proximity Buffer

Case No. ZA18-0002


LEGEND

 500' Proximity Boundary

 Subject Parcels

Zoning

 R-1B

 RD

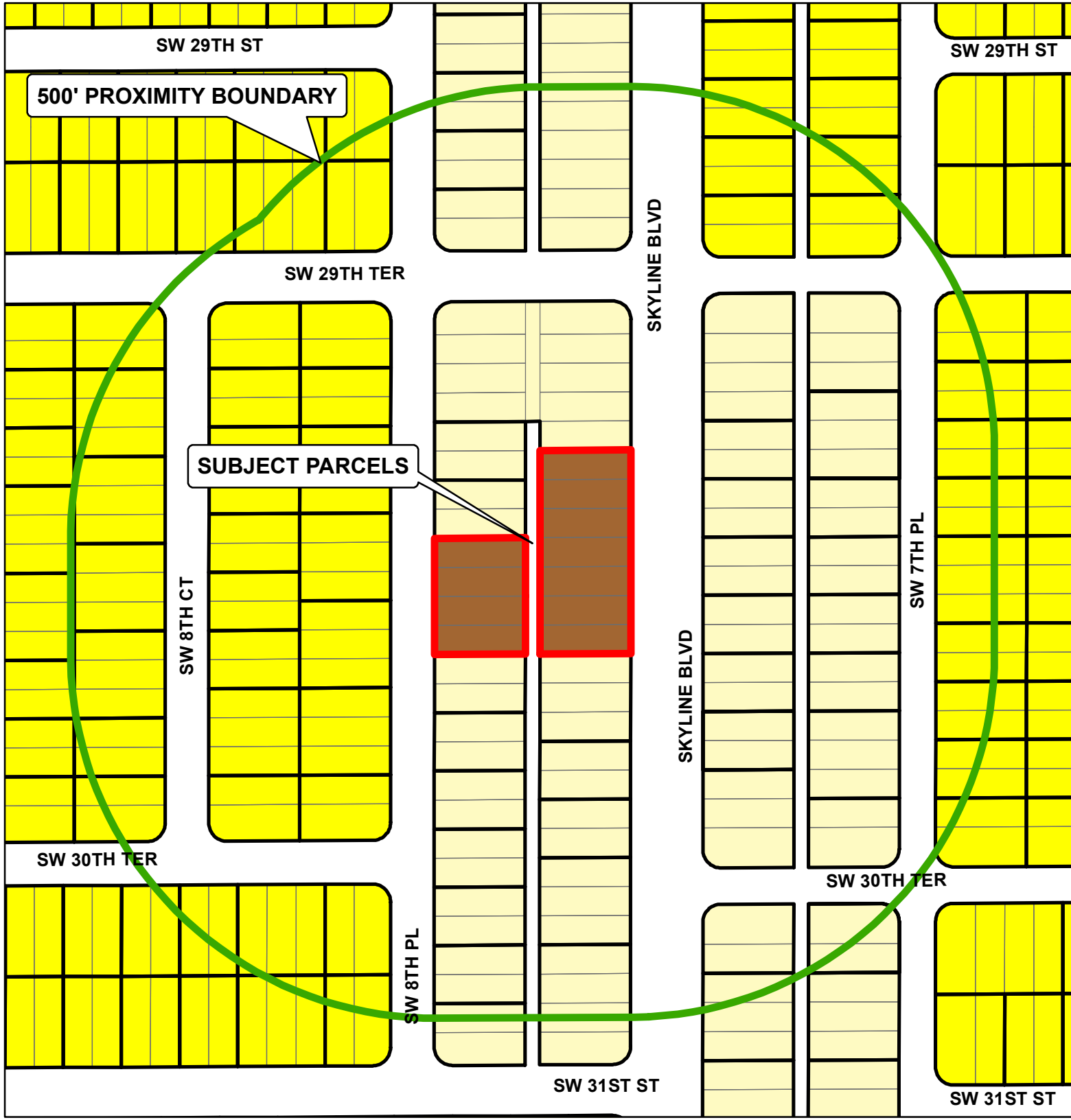
 R-3

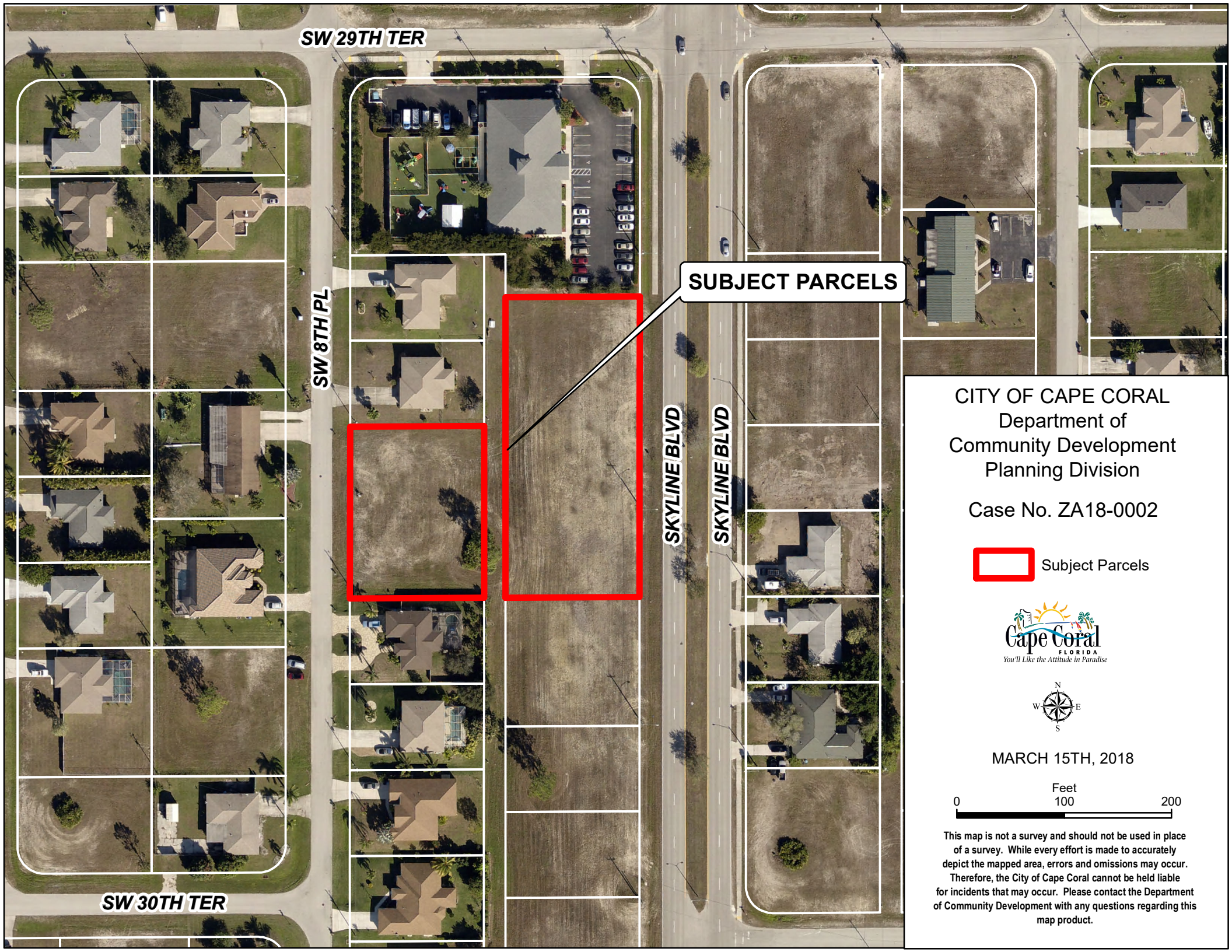


MARCH 15TH, 2018



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.





SW 29TH TER

SW 8TH PL

SKYLINE BLVD


SKYLINE BLVD

SW 30TH TER

SUBJECT PARCELS

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

Case No. ZA18-0002

 Subject Parcels



MARCH 15TH, 2018



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

Item Number:	3.A.
Meeting Date:	6/5/2018
Item Type:	DATE AND TIME OF NEXT MEETING

**AGENDA REQUEST
FORM**
CITY OF CAPE CORAL



TITLE:

Tuesday, June 26, 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:

WHAT THE ORDINANCE ACCOMPLISHES:

LEGAL REVIEW:

EXHIBITS:

PREPARED BY:

Division- Department-

SOURCE OF ADDITIONAL INFORMATION: