

**MINUTES OF THE HEARINGS OF
THE CITY OF CAPE CORAL
HEARING EXAMINER**

TUESDAY, June 5, 2018

COUNCIL CHAMBERS

9:00 A.M.

Madam Hearing Examiner Dalton called the hearings to order at 9:00 a.m.

ALSO PRESENT: Mike Struve, Planning Team Coordinator
Chad Boyko, Principal Planner
Justin Heller, Planner
John Naclerio, Assistant City Attorney

HEARINGS

Case # VA18-0008*; Address: 2525 Gleason Parkway; Applicant: SC Homes LLC.

Recording Secretary Sorrels read the case into the record and administered the oath.

Planner Heller confirmed the notice requirements had been met.

Hearing Examiner Dalton stated she found proper notice was given.

David Habig, Operations Manager, with Aquadoc, Inc. dba Fountain Pools & Water Feature, representing the applicant, stated that the error was made first by our salesman and then by himself when he submitted the project for a permit. They did not see the discrepancy between the survey and the construction drawing. He stated he has worked for the company for 15 years, and this is the first time he had to ask the City for anything of this nature. He explained the builder built a model home, and when the pool was built, the setback was not far enough back.

Hearing Examiner Dalton asked the applicant if he would like to incorporate the staff's report into his presentation.

Mr. Habig replied in the affirmative.

Mr. Heller presented a power point titled Case # VA18-0008 with the following slides:

- Owner/Applicant SC Homes LLC.
- Subject Parcel
- Aerial View
- Background 15,000 sq. ft. site is in SW Cape Coral.

- Analysis: 5 Standards, Section 8.10.3A-E
- Analysis: No Special Privilege – Standard Met
- Analysis: Hardship – Standard Met
- Analysis: Hardship – Minimum Variance – Standard Met
- Analysis: Purpose and Intent; Public Interest – Standard Met
- Analysis: Hardship – Standard Met
- Comprehensive Plan Policy 1.15.a of the Future Land Use Element
- Recommendation Approval
- Correspondence: Two calls for additional information

Hearing Examiner Dalton inquired whether Mr. Heller would be recommending any conditions and providing a sketch.

Mr. Heller stated he could provide a survey.

Hearing Examiner Dalton stated she will need a copy.

Public hearing opened.

No speakers.

Public hearing closed.

Hearing Examiner Dalton asked the applicant if he would like to incorporate the staff's report into his presentation.

Mr. Habig replied in the affirmative.

Hearing Examiner Dalton stated she reviewed the site and agreed with staff's recommendation and the applicant. She noted this is very minimum variance.

Hearing Examiner Dalton stated she will get the order out as soon as possible and is going to grant the variance.

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

Recording Secretary Sorrels read the case into the record and administered the oath.

Planner Heller confirmed the notice requirements had been met.

Hearing Examiner Dalton stated she found proper notice was given.

Stanley Sikora, Owner of Catalyst Contracting Inc., representing the applicant,

stated the house is 1 foot too far North and 6 feet too far West, and the third car garage bump out 2.7 feet too far West. The staking and the construction error unfortunately creates a unique and unintentional intrusion onto the required set-backs. He stated this was not noticed until the house was almost complete. He had pictures to show how the house is set back. The correction would require tearing down the home. This would be extremely expensive. He stated this is a request for two-variances.

Planner Heller presented a power point titled Case # VA18-0009 with the following slides:

- VA18-0009
- Subject Parcel
- Background
- Boundary Survey
- Analysis: (LUDR, Sections 2.723 and 8.10)
- No Special Privilege: Standard MET by the Applicant
- Hardship: Standard MET by the Applicant
- Minimum Variance: Standard MET by the Applicant
- Purpose and Intent; Public Interest: Standard MET
- Comprehensive Plan Policy 1.15.a
- Recommendation Staff recommends approval with conditions.
- Correspondence: One phone call – informational.

Public hearing opened.

No speakers.

Public hearing closed.

Hearing Examiner Dalton asked the applicant if he would like to incorporate the staff's report into his presentation.

Mr. Sikora replied in the affirmative.

Hearing Examiner Dalton stated she had reviewed the site and the home did not appear to be out of character with the homes in this area. She is going to grant the variance, and will get the order out as soon as possible.

Case # ZA18-0002*; Address: 2947 SW 8th Place, 2944 Skyline Boulevard; Applicant: Eaglestream Inc., MCI Florida Developments, LLC

Recording Secretary Sorrels read the case into the record and administered the oath.

Principal Planner Boyko confirmed the notice requirements had been met.

Hearing Examiner Dalton stated she found proper notice was given.

Andres Boral, Civil Engineer, with Boral Engineering & Design representing Eaglestream Inc., and MCI Florida Developments LLC, appeared to represent both property owners.

Hearing Examiner Dalton stated all the information needs to be provided prior to the hearing. Our regulations will not allow the information to be shown.

Mr. Boral stated he provided the information to staff prior to the meeting. He received an email with confirmation that he did not need to submit a hard copy.

Hearing Examiner Dalton stated she did not receive the information, and asked Mr. Boyko to address the issue.

Mr. Boyko stated they did receive a large plan and could not reduce the plan to download into Novus.

Hearing Examiner Dalton stated in the future we need the applicants to provide a reduced copy. This information can be presented and there are several people here that have not testified, and have not been able to review this site plan. Anything that the applicant brings to the hearing she will need to see before the hearing.

Mr. Boral stated this is for future land use to rezone the property from RD to R3. This is to develop an 8-unit multifamily. Based on our research there are similar developments near the site, and this would be consistent with nearby developments.

Hearing Examiner Dalton inquired whether the applicant had reviewed the staff report.

Mr. Boral stated he had not seen any of the documents, and he had only received the invoice.

Hearing Examiner Dalton stated you are required to review the standards that apply to a rezoning.

Recessed at 9:35 a.m. and reconvened at 9:45 a.m.

Hearing Examiner Dalton asked the applicant if he would like to incorporate the staff's report into his presentation.

Mr. Boral replied in the affirmative.

Principal Planner Boyko presented a power point titled Case # ZA18-0002 with the following slides:

- ZA18-0002

- Aerial and Future Land Use (Subject Parcels)
- Current Zoning and Proposed Zoning
- Finding of Fact
- Analysis (multifamily, etc.) allow for a max of 20 Units.
- Regional Plan Analysis
- Recommendation approval
- Correspondence received 2 emails in opposition of the rezone.

Mr. Boyko stated staff reviewed both sites. The Land Use is Multi Family residential, and they had not considered them separately.

Public hearing opened.

Craig Johnson appeared in opposition to the rezoning.

Hearing Examiner Dalton stated this hearing is for the rezoning only.

Rosario Horodwitz appeared in opposition of the rezoning.

Hearing Examiner Dalton asked Assistant City Attorney Naclerio about submission of a petition on this matter.

Mr. Naclerio stated the Clerk's Office will accept a letter or documentation. He suggested submitting information and the earlier you do this, the better for Council to review the information.

Public hearing closed.

Hearing Examiner Dalton stated she had two emails of opposition, and she will be providing the information to the Clerk's Office. She inquired whether the applicant had any further concerns.

Mr. Boral stated he is concerned about the opposition. He noted that out of the 20 units 12 of the units will have access from Skyline. All the units will not have access from SW 8th Place. There is a daycare facility on this block and this multifamily will not bring as much traffic as commercial development would.

Hearing Examiner Dalton stated this hearing today is for rezoning, and not for what is being built on the property. She shared her concern about the residents not receiving notification.

Principal Planner Boyko explained the process for advertising the information to the public. He offered to share the map to show the radius around the property. He stated that the

applicant would receive an increase in property value.

Hearing Examiner Dalton stated she was going to call for a 5-minute recess to allow the applicants to review the map.

Recessed at 10:12 a.m. and reconvened at 10:17 a.m.

Mr. Boyko stated Ms. Horodwitz is outside of the radius, and she would not have received the letter.

Hearing Examiner Dalton asked Mr. Boyko if he had any further information or questions.

Mr. Boyko stated he had no further comment.

Hearing Examiner Dalton asked Mr. Boral if he had any further information or questions.

Mr. Boral stated he had no further comment.

Hearing Examiner Dalton stated she will get the recommendation out as soon as possible. A copy of the recommendation will be provided upon request.

Hearing Closed.

DATE AND TIME OF NEXT HEARING

A hearing of the Hearing Examiner was scheduled for Tuesday, June 26, 2018, at 9:00 a.m. in Council Chambers.

ADJOURNMENT

There being no further business, the hearing adjourned at 10:20 a.m.

Submitted by,



Patricia Sorrels
Recording Secretary