

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

TUESDAY, August 7, 2018

COUNCIL CHAMBERS

9:00 A.M.

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

ALSO PRESENT: Justin Heller, Planner
John Naclerio, Assistant City Attorney

HEARINGS

Case # SE18-0004*; Address: 236 El Dorado Parkway East; Applicant: Edward Krassenstein

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.

Brian Hagg, with Windward Construction representing the applicant stated they are a high end residential custom home builder. He shared his concern about the neighborhood. He stated he had been building in Cape Coral for 25 years. He described the type of home that was being built. He stated the average traffic is 3 to 4 visitors a week. This will be a value to the neighborhood. They have built 10 to 15 homes in Cape Coral. He stated the location of the home is important to be able to sell the home. They use soft lighting and they typically spend about \$45,000 on landscaping.

Hearing Examiner Dalton questioned how they determine the amount of time they keep the home. She asked Mr. Hagg if he had an opportunity to address the email that was sent?

Mr. Hagg expressed his concern about the nearby neighbors. He shared a picture of the home on the overhead projector. He stated he had built homes near the Yacht Club and there are some on the river that he had built. This is a model home with a Polynesian flare. This will increase the property value for the neighborhood.

Hearing Examiner Dalton inquired about the sign location being on El Dorado.

Mr. Hagg replied in the affirmative.

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

Mr. Hagg replied in the affirmative.

Hearing Examiner Dalton inquired whether the applicant had read the letter dated August 1, 2018 from Thomas and Janice Hessney.

Mr. Hagg stated he reviewed the letter and we are not asking for a variance. This is a special exception and a big investment to increase the property value for the surrounding residents.

Mr. Heller presented a power point titled Case # SE18-0004 with the following slides:

- Subject parcel
- Background providing 5 parking spaces
- Aerial view showing landscape plan
- Analysis: LUDR, Section 8.8.5a-e
- Analysis, Cont'd
- Comprehensive Plan Policies 1.5, 1.6, and 1.8 Future Land Use.
- Correspondence 1 call and 1 email for additional information
- 1 letter in objection

Hearing Examiner Dalton requested to have the landscaping described in more detail

Mr. Heller stated Model Homes require a higher level of landscaping. He explained there is going to be a continuous hedge around the property.

Hearing Examiner Dalton stated some of the plants shown will grow quickly to hide the parking lot. Would that be true?

Mr. Heller replied in the affirmative.

Hearing Examiner Dalton asked Mr. Heller to explain the difference between a variance and a special exception.

Mr. Heller explained a special exception is specific, permitted Land Use that is allowed when clearly defined criteria and conditions contained in the Ordinance are met, and a variance would have to prove some type of hardship meeting our 5 standards.

Public hearing opened.

No speakers.

Public hearing closed.

Hearing Examiner Dalton asked the applicant if he had any further comments.

Mr. Hagg asked to display a picture of a former model on the overhead of the home, to show as an example of the landscaping and the lighting around the model home.

Hearing Examiner Dalton agreed.

Hearing Examiner Dalton stated she will grant the special exception with conditions as specified. She noted the sign is to be located on El Dorado Blvd.

Hearing Examiner Dalton stated she would get the order out as soon as possible.

Case # DE18-0016*; Address: 5612 Lancelot Lane; Applicant: James and Amy Graf

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.

Tony Wallis, with Stokes Marine Inc., representing the applicant showed an aerial of the dock on the overhead. The deviation request is to allow safe access around a second vessel being stored at this location without removing the existing dock. This lot has 165' of frontage. Based on the calculation used for the Cope Coral maximum square footage, they should be allowed to have 2,175 square feet of dock. The current dock has a steep angle. The purpose is to allow access around the outside of both vessels. He shared a drawing on the overhead to show the access point on the vessel. This is a large boat going in and out of the slip.

Hearing Examiner Dalton stated the letter dated June 22, 2018 is to allow a deviation access. She requested an explanation about the safe access?

Mr. Wallis showed an aerial view of the docks and explained the purpose is to have access around the outside of the vessels.

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

Mr. Wallis replied in the affirmative.

Mr. Heller presented a power point titled Case # DE18-0016 with the following slides

- Background
- Subject Parcel
- Analysis: Section 3.16.9.C LUDR
- Analysis: Regulation imposes a 1,200 sq. ft. limit on the dock area.
- Analysis: Conditions do not exist which are result of applicant
- Analysis: Literal enforcement of regulations would result in an undue hardship.
- Analysis: Effect of deviation on navigability of waterway.
- Analysis: Effect on extant marine improvements in the waterway.
- Comprehensive Plan Policy 1.3.5
- Recommendation approval with conditions; The dock shall be consistent with the sketch plan provided by Stokes Marine Inc.
- No Correspondence Received

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

Mr. Wallis replied in the affirmative.

Public hearing opened.

No speakers.

Public hearing closed.

Hearing Examiner Dalton stated she will get the order out as soon as possible.

Hearing Closed.

DATE AND TIME OF NEXT HEARING

A hearing of the Hearing Examiner was scheduled for Tuesday, August 21, 2018, at 9:00 a.m. in Council Chambers.

ADJOURNMENT

There being no further business, the hearing adjourned at 9:35 a.m.

Submitted by,



Patricia Sorrels
Recording Secretary