

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

**Tuesday, December 17, 2024**

**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  
Justin Heller, Senior Planner  
Cody Vaughan-Birch, Assistant City Attorney

**Case#: DEV24-000004\*; Address: 127 Bayshore Dr.; Applicant: WB Williamson Bros Inc.**

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

Senior Planner Heller confirmed the notice requirements had been met.

Hearing Examiner Dalton found that proper notice had been met.

Nancy Coxe, WB Williamson Bros Inc., applicant's representative, stated she reviewed Staff's notes and report and agreed with their findings.

Hearing Examiner Dalton asked Ms. Coxe to provide information regarding her request.

Ms. Coxe responded with the following information:

- Measurement read incorrectly by crew
- Dock built further than the proposed and maximum projection
- Navigability of canal
- Neighbors Egress/ingress
- Request

Hearing Examiner Dalton asked Ms. Coxe if she wanted to include Staff's Report into her presentation.

Ms. Coxe responded in the affirmative.

Hearing Examiner Dalton asked Ms. Coxe if the as-built drawing is what she wanted considered.

Ms. Coxe responded in the affirmative.

Hearing Examiner Dalton asked Ms. Coxe if she had any further comments.

Ms. Coxe responded they did not receive any feedback from neighbors, so there appears to be no objections.

Senior Planner Heller presented the following displayed slides:

- DEV24-000004
- Owner, Applicant/Rep, Location, Request
- Background
- Aerial Photo
- Site Plan
- Analysis: Section 5.4.11.A.2.c (5 slides)
- Comp Plan / Recommendation: Approval with conditions
- Conditions

Hearing Examiner Dalton asked Mr. Heller if there was a Code Compliance case on this matter.

Senior Planner Heller responded in the negative.

Hearing Examiner Dalton asked Mr. Heller if he wished to incorporate Staff's Report into his presentation.

Senior Planner Heller responded in the affirmative.

Public Hearing opened.

No speakers.

Public Hearing closed.

Hearing Examiner Dalton asked Ms. Coxe if she wished to incorporate Staff's testimony into her presentation.

Ms. Coxe responded in the affirmative.

Hearing Examiner Dalton asked Ms. Coxe if she agreed with the conditions proposed by Staff.

Ms. Coxe responded in the affirmative.

Hearing Examiner Dalton asked Mr. Heller if he had any further testimony.

Senior Planner Heller responded in the negative.

Hearing Examiner Dalton stated she will grant the deviation as requested and will try to get the order out as soon as possible.

Hearing closed.

**Case#: DEV24-000007\*; Address: 4312 NW 23rd Ter.; Applicant: Hickcox Brothers Marine**

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

Senior Planner Heller confirmed the notice requirements had been met.

Hearing Examiner Dalton found that proper notice had been met.

Brandon Townsend, Hickcox Brothers Marine, applicant's representative, presented the following information:

- Property Owner combined parcels
- Request to build dock further into the lake
- No effect on navigability

Hearing Examiner Dalton asked Mr. Townsend if he or the owner received any comments from the neighbors.

Mr. Townsend responded in the negative, it will have no impact on the neighbors, and requested to include Staff's report into his testimony.

Senior Planner Heller presented the following displayed slides:

- DEV24-000007
- Owner, Applicant/Rep, Location, Request
- Background
- Aerial Photo
- Site Plan
- Analysis: Section 5.4.11.A.2.c (5 slides)
- Comp Plan / Recommendation: Approval with conditions
- Conditions

Hearing Examiner Dalton asked Mr. Heller if he would be agreeable to an additional condition of attaching the site plan and incorporating that by reference into the deviation.

Senior Planner Heller responded in the affirmative.

Hearing Examiner Dalton asked Mr. Heller if he wished to incorporate Staff's Report into his presentation.

Senior Planner Heller responded in the affirmative.

Public Hearing opened.

No speakers.

Public Hearing closed.

Hearing Examiner Dalton asked Mr. Townsend if he agreed with the additional condition of attaching the site plan to the order.

Mr. Townsend responded in the affirmative.

Hearing Examiner Dalton asked Mr. Townsend if he wished to incorporate Staff's testimony into his presentation.

Mr. Townsend responded in the affirmative.

Hearing Examiner Dalton asked Mr. Townsend if he had any further testimony.

Mr. Townsend responded in the negative.

Hearing Examiner Dalton asked Mr. Heller if he had any further testimony.

Senior Planner Heller responded in the negative.

Hearing Examiner Dalton stated she will grant the deviation with the addition of the condition attaching the site plan to the order and will try to get it out as quickly as possible.

Hearing closed.

**Case#: RZN24-000009\*; Address: 723 Nelson Rd N.; Applicant: City of Cape Coral**

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

Planning Team Coordinator Struve confirmed the notice requirements had been met.

Hearing Examiner Dalton found that proper notice had been met.

Planning Team Coordinator Struve requested to be recognized as an expert.

Hearing Examiner Dalton recognized Mr. Struve as an expert based on his credentials and similar testimony in prior hearings.

Planning Team Coordinator Struve presented the following displayed slides:

- RZN24-000009
- Applicant, Owner, Request, Location
- Official Site Aerial Map
- FLU Map
- Current Zoning
- Proposed Zoning
- Background
- Analysis (LDC, Section 3.4.6.) (3 slides)

Hearing Examiner Dalton asked Mr. Struve if he thought the NC district would fade out over time.

Planning Team Coordinator Struve responded he thinks it will either fade out or Staff will bring changes before Council to make it more appropriate for suburban areas of the city and continued presenting the following displayed slides:

- Analysis (LDC, Section 3.4.6.) (5 slides)
- Recommendation: Approval / Correspondence: None
- Property Owner does not oppose the zoning request

Public Hearing opened.

No speakers.

Public Hearing closed.

Hearing Examiner Dalton asked Mr. Struve if he had any further testimony.

Planning Team Coordinator Struve responded in the negative.

Hearing Examiner Dalton asked Mr. Struve if he wished to incorporate Staff's Report into his presentation.

Planning Team Coordinator responded in the affirmative.

Hearing Examiner Dalton stated she will recommend the rezone go forward as requested and will try to get it out as quickly as possible.

Hearing closed.

**DATE AND TIME OF NEXT HEARING**

The next Hearing Examiner Hearings have been scheduled for Tuesday, January 14, 2025, at 9:00 a.m. in Council Chambers.

**ADJOURNMENT**

There being no further business, the hearing adjourned at 9:39 a.m.

Submitted by,



Sheri Rhine  
Recording Secretary