

ADMINISTRATIVE AUTHORIZATION (UEE) ADD2010-00021

ADMINISTRATIVE APPROVAL
LEE COUNTY, FLORIDA

WHEREAS, Michael B. Elgin, Director of Planning, Miromar Lakes, LLC, has filed an application for administrative approval of a proposed eight inch roof overhang encroachment along the width of the 21 foot wide garage from the subject property (Costa Amalfi Lot 16) into Open Space, a Lake Management, Beach & Landscape Easement and a Drainage Easement, recorded as Tract 'B-1' of Miromar Lakes Unit XIII - Costa Amalfi Instrument #2008000338718; and

WHEREAS, the subject property is located at 11711 Via Savona Court, Miromar Lakes, and is more particularly described as:

LEGAL DESCRIPTION: In Section 13, Township 46 South, Range 25 East, Lee County, Florida:

Lot 16, Miromar Lakes Unit XIII-Costa Amalfi, a subdivision, located in Section 13, Township 46 South, Range 25 East, as described in Instrument Number 2008000338718 of the Public Records of Lee County, Florida.

WHEREAS, the Applicant has indicated the property's current STRAP number is 13-46-25-05-00000.0160; and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the property was originally rezoned in resolution number Z-95-094, with subsequent amendments in resolution numbers Z-99-029, Z-02-072 and Z-06-064 and administrative amendments ADD2008-00130 and ADD2009-00026; and

WHEREAS, the construction of infrastructure for a 16-lot single-family subdivision, to include; landscaping, streets, utilities, decorative entrance features, four dry models, a 9-slip boat dock, stormwater drainage facilities, and related site improvements was approved on December 1, 2008 in Development Order DOS2008-00112; and

WHEREAS, the applicant proposes to construct one single-family residence (building permit number RES2009-04530) on the subject property in accordance with the minimum setbacks required by resolution number Z-02-072 and the final plan approval granted by ADD2008-00130; and

WHEREAS, the proposed garage depicted on the Site Plan (see Attachment A) has a zero foot side setback as permitted by resolution number Z-02-072 and the final plan approval granted by ADD2008-00130; and

WHEREAS, the proposed garage is 21 feet wide and has an 8 inch roof overhang into adjacent Open Space, a Lake Management, Beach & Landscape Easement and a Drainage Easement, recorded as Tract 'B-1' of Miromar Lakes Unit XIII - Costa Amalfi Instrument #2008000338718 and assigned STRAP number 13-46-25-03-000B1.00CE; and

WHEREAS, the Open Space, Lake Management, Beach & Landscape Easement and Drainage Easement is adjacent to the west of the subject property and is approximately 13.87 feet wide; and

WHEREAS, the Open Space shown as Tract 'B-1' is dedicated to Miromar Lakes Master Association, Inc. and the Lake Maintenance Easements and Drainage Easements are dedicated to Miromar Lakes Master Association, Inc. and Miromar Lakes Community Development District and are recorded as Instrument #2008000338718; and

WHEREAS, letters of no objection to allow the 8 inch encroachment along the width of the 21 foot wide garage have been received and are attached hereto (see Attachment B) by the entities that hold the subject easements: Miromar Lakes Community Development District and Miromar Lakes Master Association; and

WHEREAS, the Lee County Land Development Code (LDC) Section 10-259 states that no buildings or structures shall be placed in easements where placing a building or structure in the easement is contrary to the terms of the easement or interferes with the use of the easement and LDC Section 10-328(a) states that open drainage easements must be kept clear by the property owners and have satisfactory vehicle access; and

WHEREAS, the proposed 8 inch roof encroachment into the Open Space, Lake Management, Beach & Landscape Easement and Drainage Easement along the width of the 21 foot wide garage will not interfere with the future maintenance or function of the easements; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Zoning Division in accordance with applicable regulations for compliance with all terms of the administrative authorization; and

WHEREAS, the following findings of fact are offered:

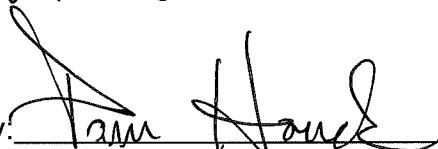
- A. The easement encroachment will be in harmony with the general appearance and character of the community.
- B. The easement encroachment will not be injurious to the area involved or otherwise detrimental to the public health, safety or welfare.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval of a proposed eight inch roof overhang encroachment along the width of the 21 foot wide garage from the subject property (Costa Amalfi Lot 16) into Open Space, a Lake Management, Beach & Landscape Easement and a Drainage Easement, recorded

as Tract 'B-1' of Miromar Lakes Unit XIII - Costa Amalfi Instrument #2008000338718 is **APPROVED, subject to the following conditions:**

1. **This approval is limited to an eight inch roof overhang encroachment along the width of the 21 foot wide garage from the subject property (Costa Amalfi Lot 16) into Open Space, a Lake Management, Beach & Landscape Easement and a Drainage Easement, recorded as Tract 'B-1' of Miromar Lakes Unit XIII - Costa Amalfi Instrument #2008000338718 (see Site Plan stamped RECEIVED MAR 03 2010 COMMUNITY DEVELOPMENT, Attachment A).**
2. **The terms and conditions of the original zoning resolutions, as subsequently amended, remain in full force and effect.**

DULY SIGNED this 8th day of March, A.D., 2010.

By: 
Pam Houck, Director
Division of Zoning
Department of Community Development

Attachments:

- A - Site Plan
- B - Letters of No Objection

NOTES

1. VERIFY WITH LANDSCAPE ARCHITECT'S DRAWINGS FOR REMOVAL OF EXISTING VEGETATION.
2. ALL DOORS & WINDOWS PROVIDING DIRECT ACCESS FROM THE HOME SHALL MEET THE RESIDENTIAL POOL SAFETY ACT.
3. ALL SCREEN DOORS ARE TO BE SELF LATCHING AND SELF CLOSING. LATCH MECHANISM SHALL BE MOUNTED @ 54".
4. ALARMS SHALL ALSO BE INSTALLED ON SCREEN DOORS, G.C. TO VERIFY THAT ALL EXITS TO THE BACKYARD MEET SWIMMING POOL SAFETY ACT.
5. G.C. TO VERIFY ALL EXISTING CONDITIONS ON SITE PRIOR TO COMMENCEMENT OF CONSTRUCTION. NOT ALL EXISTING CONDITIONS ARE NECESSARILY SHOWN ON THIS PLAN.
6. SEE SURVEY FOR EXISTING CONDITIONS.
7. SEE LANDSCAPE ARCHITECT'S DRAWING FOR ALL SITE DETAILS.
8. LOT IS LOCATED IN FLOOD ZONE X. ELEVATION OF HIGH WATER PLANE IS 18' ABOVE CROWN OF ROAD. FOR NAVD INFORMATION REFER TO SURVEY PROVIDED BY OWNER.

21' Overhang Encroachment @ East Side
of Garage. (See Overhang Detail)

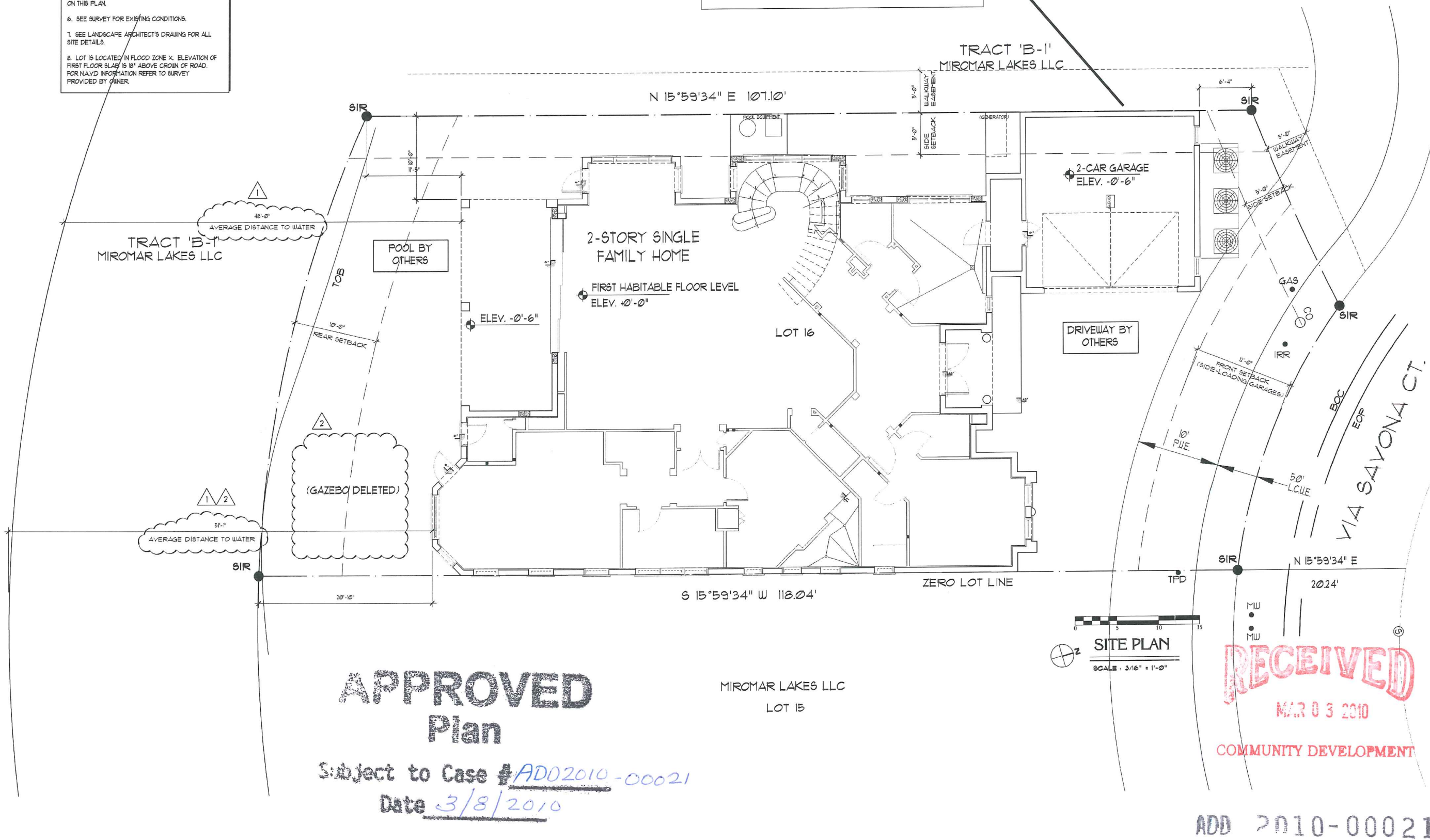
Revisions	Date
Per County Letter 2/10/9	12/15/09
Garzobo deleted	1/8/10

633 Ninth Street North, Suite 300 • Naples, Florida 34102 • (239) 262.7677 • Delray Beach, Florida • (561) 243.0799

Scale:	AS NOTED	
Job No.	0906-09N	
Date:	12.14.09	Cesar
Sheets:	2 of 12	

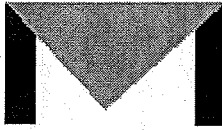


PERMIT SET



ATTACHMENT B

M I R O M A R



February 19, 2010

Mary Ellen Duane
1500 Monroe Street
Fort Myers, FL 33901
phone 533-8389
fax 485-8344

Attention: Mary Ellen Duane,

Reference: Costa Amalfi Lot #16, RES2009-04530 Miromar Lakes

Dear Mary Ellen,

Please find this Letter of No Objection to the encroachment on the Tract B-1 Parcel of the Miromar Lakes Unit XIII – Costa Amalfi Plat, Instrument Number 2008000338718 and recorded 12/30/2008 in the Lee County Records.

The encroachment onto Tract B-1 consists of a 21 foot by 8 inch long overhang as detailed in Exhibit A and shown on the Site Plan shown on Exhibit B. The encroachment will not have an adverse impact on the future maintenance activities which may be necessary within the easement. The easement is 3.87 feet wider than the typical easement width required by Lee County (10'-0") and is therefore more than sufficient in width to accommodate any future needs for access and use of the easement.

Thank you for your cooperation in this matter. Should you have any further questions, please do not hesitate to contact me.

Sincerely,

Tim Byal
President, Miromar Lakes Master Association

cc: Jerry Schmoyer, Miromar Development
Mark Geschwendt, Miromar Development
Ken Gebert, Michelangelo Homes

RECEIVED
MAR 03 2010

COMMUNITY DEVELOPMENT

ADD 2010-00021

MIROMAR LAKES
COMMUNITY DEVELOPMENT DISTRICT

6131 Lyons Road, Suite 100; Coconut Creek, FL 33073
(954)-426-2105 (954) 426-2147 (fax)

February 19, 2010

Lee County Government
Attn: Mary Ellen Duane
1500 Monroe Street
Fort Myers, FL 33901

Re: Costa Amalfi Lot #16, RES2009-04530 Miromar Lakes

Dear Ms. Duane:

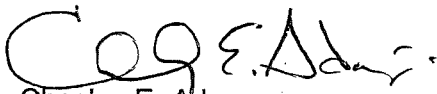
I am the Manager of Miromar Lakes Community Development District (the "District") and this letter pertains to the encroachment on the Tract B-1 as shown on the plat of Miromar Lakes Unit XIII – Costa Amalfi, Instrument Number 2008000338718 and recorded 12/30/2008 in the Lee County Records.

The encroachment onto Tract B-1 consists of a 21 foot by 8 inch long overhang as detailed in Exhibit A and shown on the Site Plan shown on Exhibit B. The District has been dedicated a Lake Maintenance Easement and Drainage Easement over and across Tract B-1. Management of District has reviewed the encroachment and believes that the encroachment should not have an adverse impact on the future maintenance activities which may be necessary within the easement. The easement is 3.87 feet wider than the typical easement width required by Lee County (10'-0") and therefore should be sufficient in width to accommodate any future needs for access and use of the easement by the District. The matter will be presented to the District's Board of Supervisors for action at its upcoming meeting and consideration of a partial vacation of the District's easement interests.

Thank you for your cooperation in this matter. Should you have any further questions, please do not hesitate to contact me.

Sincerely,

Miromar Lakes Community Development District


Chesley E. Adams

Manager

RECEIVED

MAR 03 2010

COMMUNITY DEVELOPMENT

ADD 2010-00021

cc: Board of Supervisors, Miromar Lakes Community Development District
Jerry Schmoyer, Miromar Development
Mark Geschwendt, Miromar Development
Michael Elgin, Miromar Development