

**ADMINISTRATIVE APPROVAL (ASV) ADD2013-00146**

**ADMINISTRATIVE APPROVAL  
LEE COUNTY, FLORIDA**

WHEREAS, George and Donna Rainer, in reference to St. Moritz at Miromar Lakes, filed an application for administrative approval of a variance from Zoning Resolution Z-12-004 (Condition 2 Exhibit "D") that requires a 20-foot front setback for residential single-family uses to allow a 0.2-foot encroachment for development on property located at 10040 St. Moritz Drive, Fort Myers described more particularly as:

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

ATTACHED AS EXHIBIT "A"

WHEREAS, the applicant has indicated the property's current STRAP number is 25-46-25-06-0000A.0330; and

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

WHEREAS, the property is zoned Mixed Use Planned Development (MPD); and

WHEREAS, the property is within the Miromar Lakes Development of Regional Impact (DRI) originally approved per Zoning Resolution Z-99-029; and

WHEREAS, the Miromar Lakes DRI has been amended several times with the most recent zoning resolution approved per Z-12-004; and

WHEREAS, an application for approval of an administrative variance has been filed pursuant to LDC Section 34-268; and

WHEREAS, LDC Section 34-268(a)(4) allows administrative variances to legitimize minor errors in setbacks that occurred at time of construction; and

WHEREAS, property development regulations are per Condition 2 Exhibit "D" which include a 20-foot minimum building setback for single-family detached homes; and

WHEREAS, a single-family home was permitted on the subject property per RES2002-02173; and

WHEREAS, subsequent permits on the subject property include a pool enclosure per RES2002-06957 and a shed per RES2006-17355; and

WHEREAS, the single-family house was constructed 0.2 feet within the required front setback per the attached "Plot Plan for St. Moritz Lot 33" (Attachment "A"); and

WHEREAS, the applicant received two letters of no objection from neighbors located north and south of the subject property at 10048 St. Moritz Drive and 10032 St. Moritz Drive; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval; and

WHEREAS the following findings of fact are offered:

- (1) There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question;
- (2) The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to the property; and
- (3) The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for an administrative variance from Zoning Resolution Z-12-004 (Condition 2 Exhibit "D") that requires a 20-foot front setback for residential single-family uses to allow a 0.2-foot encroachment for development on property located at 10040 St. Moritz Drive, Fort Myers **is APPROVED, subject to the following conditions:**

1. **Approval is limited to a minimum 0.2 foot front yard setback from the north property line facing St. Moritz Drive of the existing single-family home as depicted on the "Plot Plan for St. Moritz Lot 33. See Attachment A.**
2. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

DULY PASSED AND ADOPTED ON 11/8/2013

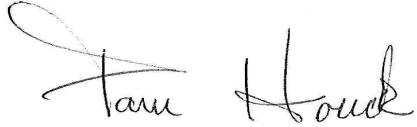
BY:   
\_\_\_\_\_  
Electronically Signed by  
Pam Houck, Director  
Division of Zoning  
Department of Community Development

Exhibit "A" – Approved Legal Description

Attachment "A" – Plot Plan for St. Moritz Lot 33

Attachment "B" – Letters of No Objection

## EXHIBIT A

Lot 33, Block A, MIROMAR LAKES – UNIT FOUR, according to the plat thereof as recorded in Plat Book 70, Pages 48 through 51, of the Public Records of Lee County, Florida.

**APPROVED**  
**ADD2013-00146**  
**Chick Jakacki, Planner**  
**Lee Co Division of Zoning**  
**10/30/2013**

Eric L.  
Solomon

Digitally signed by Eric L. Solomon  
DN: cn=Eric L. Solomon,  
o=Wollman, Gehrke & Solomon,  
P.A., ou, email=esolomon@wga-  
law.com, c=US  
Date: 2013.10.29 12:23:52 -04'00'

EXHIBIT 5

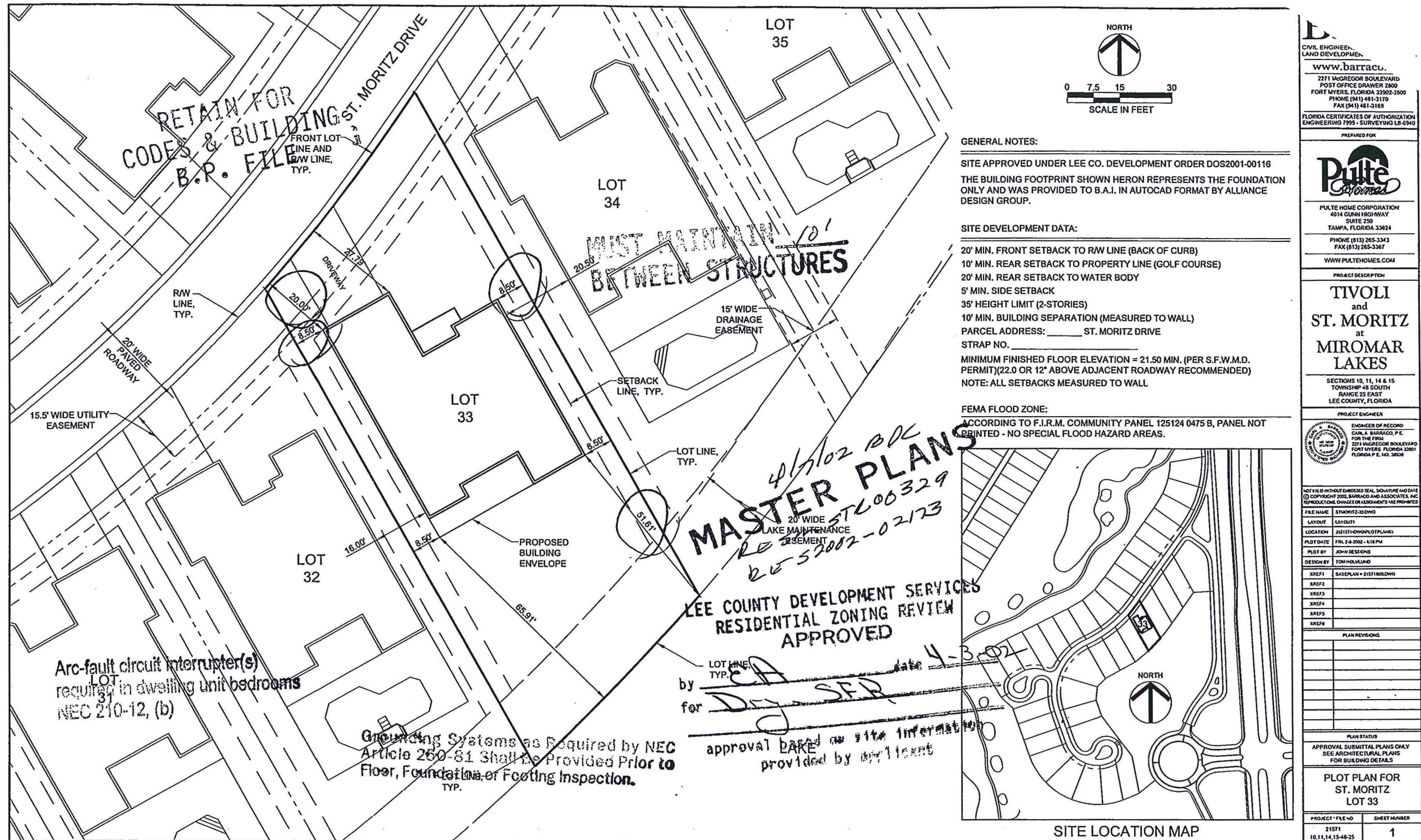


EXHIBIT 5

Eric L.  
Solomon

Digitally signed by Eric L. Solomon  
DN: cn=Eric L. Solomon, o=Wollman,  
Gehrke & Solomon, P.A., ou,  
email=esolomon@wga-law.com, c=US  
Date: 2013.10.29 12:25:35 -04'00'

## Attachment "B"

### EXHIBIT 7

#### NOTICE OF NO OBJECTION

An application has been filed by George Rainer and Donna Rainer requesting a variance to permit the most northwesterly corner of their house located at 10040 St. Moritz Drive, Fort Myers, FL 33913 (hereinafter "subject property"), to encroach into the front setback by 0.2 feet as it has since originally constructed.

We, Thomas E. Ryan and Diane J. Ryan, are the owners of property located at 10048 St. Moritz Drive, Fort Myers, FL 33913, which is adjacent to the subject property along the easterly property line.

By our signatures below, we are providing formal notification to any concerned parties that we have no objection to the request for such variance and furthermore encourage that it be granted by the County.

  
Thomas E. Ryan

  
Diane J. Ryan

Eric L.  
Solo  
mon

Digitally signed by  
Eric L. Solomon  
DN: cn=Eric L.  
Solomon,  
o=Wollman, Gehrke  
& Solomon, P.A., ou,  
email=esolomon@w  
ga-law.com, c=US  
Date: 2013.10.29  
12:24:58 -04'00'

EXHIBIT 7

NOTICE OF NO OBJECTION

An application has been filed by George Rainer and Donna Rainer requesting a variance to permit the most northwesterly corner of their house located at 10040 St. Moritz Drive, Fort Myers, FL 33913 (hereinafter "subject property"), to encroach into the front setback by 0.2 feet as it has since originally constructed.

I, Laura A. Hart am the owner of property located at 10032 St. Moritz Drive, Fort Myers, FL 33913, which is adjacent to the subject property along the westerly property line.

By my signature below, I am providing formal notification to any concerned parties that I have no objection to the request for such variance and furthermore encourage that it be granted by the County.



Laura A. Hart

Eric L.  
Solo  
mon

Digitally signed by  
Eric L. Solomon  
DN: cn=Eric L.  
Solomon,  
o=Wollman,  
Gehrke & Solomon,  
P.A., ou,  
email=esolomon@  
wga-law.com, c=US  
Date: 2013.10.29  
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