



APPLICATION FOR ADMINISTRATIVE VARIANCE IN UNINCORPORATED AREAS ONLY

[LDC Section 34-268]

Project Name: St. Moritz at Miromar Lakes

Request: Administrative Variance per LDC Section 34-268

1. **Name of Applicant:** George and Donna Rainer
 Address: 10040 St. Moritz Drive
 City, State, Zip: Fort Myers, FL 33913
 Phone Number: (516) 848-0871
 E-mail Address: Grainer2@optimum.net

2. **Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form. Attach as Exhibit 1:**
☒ Applicant is the sole owner of the property. [34-201(a)(1)a.1.; 34-204(a)(5)]

 Applicant has been authorized by the owner(s) to represent them for this action: [34-202(b)(1)c.; 34-204(a)(5)]

3. **Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(b)(1)c.; 34-204(a)(5)]**
 - a. **Company Name:** Wollman, Gehrke & Solomon, P.A.
 Contact Person: Eric Solomon or Cheryl Mourning
 Address: 2335 Venetian Court, #5
 City, State, Zip: Naples, FL 34109
 Phone Number: 239-435-1533
 E-mail address: esolomon@wga-law.com; cmourning@wga-law.com

 - b. Additional Agent(s): The names of other agents that the County may contact concerning this application are attached as **Exhibit 2.** [34-202(b)(1)c.; 34-204(a)(5)]

4. **Single owner (if different than applicant): [34-201(a)(1)a.1.; 34-204(a)(5)]**
 Name: _____
 Address: _____
 City, State, Zip: _____
 Phone Number: _____
 E-mail address: _____

5. **Multiple owners (Corporation, partnership, trust, association) [34-201(a)(1); 34-204(a)(5)]:**
 Disclosure of (Ownership) Interests Form is attached as **Exhibit 3.** [34-201(b)(2); 34-204(a)(5)]

6. **STRAP Number(s) [34-204(a)(2)]:**
25-46-25-06-0000A.0330

7. **Street Address of Property:** 10040 St. Moritz Drive, Fort Myers, FL 33913

LEE COUNTY COMMUNITY DEVELOPMENT
PO BOX 398 (1500 MONROE STREET, FORT MYERS, FL 33902
PHONE (239) 533-8585

8. **Legal Description** (Attach as **Exhibit A – two copies needed if not submitted electronically**):
- ☒ Legal description (on 8½" x 11" paper). **[34-204(a)(1)]** OR
Sealed sketch of the legal description **[34-204(a)(1)]**
- ☒ The property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records (or Plat Books) of Lee County. **[34-204(a)(1)]**
9. **Boundary Survey** (Attach as **Exhibit B**):
- ☒ A Boundary survey, tied to the state plane coordinate system. **[34-202(a)(2); 34-204(a)(5)]**
The property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records (or Plat Books) of Lee County. **[34-202(a)(2); 34-204(a)(5)]**
10. **Use(s) of Property [34-204(a)(5)]:**
- a. Current uses of property are:
Single Family Residential
- b. Intended uses of property are:
Single Family Residential
11. **Lee Plan Designation.** Provide the Comprehensive Plan Land Use Designation for the subject property:
RPD
12. **Current Zoning of Property:**
Residential
13. **Property Dimensions [34-204(a)(5)]:**
- | | | |
|---|------------------|-------------|
| a. Width (average if irregular parcel): | <u>65.0</u> | Feet |
| b. Depth (average if irregular parcel): | <u>160.6</u> | Feet |
| c. Total area: | <u>10,443.50</u> | Square feet |
14. **Variance(s).** List the specific section number(s) of the Lee County Land Development Code {and their name(s)} from which the relief is sought. Also explain why the administrative variance is needed. **[34-268(c)(3)]** [Attach extra sheets if additional space is needed; Label as **Exhibit 4**]:
LDC Section 34-268
House was originally constructed 0.2 feet in the front setback.
15. **Variance Criteria.** Before approving any administrative variance, the Director must find that all of the following exist. Explain how the request(s) meet this criteria. **[34-268(c)(1)]** [Attach extra sheets if additional space is needed; Label as **Exhibit 4**]:
- a. What are the exceptional or extraordinary conditions or circumstances that are inherent to the property in question?
House was originally constructed within front setback by 0.2 feet
- b. Is the requested variance the minimum that will relieve the applicant of an unreasonable burden caused by the regulation in question? If not, what is the minimum variance?
Yes
- c. Will the granting of the variance be injurious to the neighborhood or otherwise detrimental to the public welfare?
No
16. **Site Plan.** Submit a site plan on 11"x17" paper and on 36"x24" paper, to scale, illustrating existing and proposed lot lines, buildings and uses, streets, accessways, off-street parking, water management facilities, buffering, open space, and any structures on adjacent property which may be affected by the requested variance. The location of the requested variance must be clearly indicated on the site plan. **[34-268(c)(2)]**
Label as **Exhibit 5**.
17. **LDC Compliance:** When applicable, submit pertinent calculations which demonstrate that the overall development complies with zoning and development standards. **[34-268(c)(4)]** Label as **Exhibit 6**.

18. **Letters of No Objection:** Letters of No Objection from all adjacent property owners, including those separated from the subject property by any right-of-way easements, or as required by the Director. [34-268(c)(5)] Label as **Exhibit 7**.
19. **Planning Community or Community Plan Area*:** _____
 *If in Page Park [34-1203] or Captiva [33-1612], attach meeting summary from informational meeting. Label as **Exhibit 8**.
20. **Other documentation:** Other relevant documentation such as copies of permits or other approvals applicable to the requested administrative variance. [34-204(a)(5)] Label as **Exhibit 9**.
Eminent Domain Properties: If the taking has been signed by a Lee County Circuit Court judge, a copy of the Order of Taking is required.
Photographs of the subject property and surrounding area. (Optional)

SUBMITTAL REQUIREMENTS	
<i>Residential: One copy is required for submittal (unless otherwise noted)</i> <i>Commercial: Three copies are required for submittal (unless submitted electronically)</i>	
EXHIBIT	SUBMITTAL ITEMS
	Completed application for [Administrative Variance] [34-204(a)]
	Filing Fee - [34-204(a)(8)]
ADDITIONAL SUBMITTAL ITEMS	
1	Affidavit of Authorization Form [34-204(a)(5); 34-202(b)(1)c]
2	Additional Agents [34-204(a)(5); 34-202(b)(1)c.]
3	Disclosure of Interest Form [34-204(a)(5); 34-201(b)(2)a]
4	Variance Request(s) and Justification
5	Site Plan (11"x17" and 36"x24")
6	LDC Compliance Calculations (if applicable)
7	Letters of No Objection
8	Meeting Summary (if applicable)
9	Other Documentation
A	Sealed sketch of legal description or copy of plat (2 copies needed if not submitted electronically) [34-204(a)(1)]
B	Boundary Survey or plat [34-202(a)(2); 34-204(a)(5)]

Note: All information submitted with the application becomes a part of the public record and will be a permanent part of the file. Department staff will review this application for compliance with requirements of the Lee County Land Development Code. The applicant will be notified of any deficiencies.

Acceptance of an application for an administrative variance in no way guarantees its approval. If the Director determines that the requested variance is beyond the scope of Land Development Code Section 34-268 and that a public hearing for the variance is necessary, then all fees paid toward the administrative application may be applied toward an application for public hearing of the requested variance.

The Director's decision on an administrative variance is final and cannot be appealed. In the event the Director denies the request, the applicant's only recourse is to apply for a public hearing variance. No fees paid for the administrative variance will be refunded or applied towards the public hearing.

If it is determined that inaccurate or misleading information was provided to the county or the decision does not comply with the Land Development Code 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.