



BJM Consulting, Inc.

Joe Mazurkiewicz, Jr.
President
P O Box 101655
Cape Coral, FL 33910

Telephone 239-470-5778
Email: joe@bjmconsult.com

March 20, 2019

David Loveland, AICP, Director
Lee County Community Development
1500 Monroe St.
Fort Myers, FL 33901

RE: Explanation and Justification of Administrative Deviations for Athenian –Three Oaks Charter School

Mr. Loveland:

BJM Consulting, Inc. has been retained by LAI Construction Management, Inc. to assist them in gaining approval of four necessary Administrative Deviations for their Charter School project in Three Oaks.

All the deviations have to do with the continuation of the existing Oaks Center Drive. Oak Center Drive, and its existing cross section, was approved by previous action of the County Commission, and was built and approved by the County. It is our intent to continue the existing cross section further to the south to provide access to the newly proposed charter school and adjacent out parcels.

Specifically we are requesting the following Administrative Deviations:

- 10-296(e)(2)h (planting strip)
- 10-296(d)(4) (drainage-inverted crown)
- 10-296(k)(1)(b&c) (cul-de-sac ROW)
- 10-296(e)(cross-section)

All the Deviations are shown on the attached exhibits: Master Drainage Plan and Cross-Section A-A

As you will see all the requested Deviations are associated with our request to extend the new section of Oaks Center Drive to match the existing section.

All of our requests are based on sound engineering practices to allow the new roadway and drainage to match what is existing on site. If we were to construct the roadway and drainage as require by current regulations it would present challenges where the new construction meets the existing infrastructure, both during construction and when used by the general public.

Further supporting our request is Florida Statutes covering charter school construction and development. The Statutes state:

The local governing authority shall not adopt or impose and local building requirements or site-development restrictions, such as parking and site size criteria, student enrollment, and occupant load, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. A local governing authority must treat charter schools equitably in comparison to similar requirements, restrictions and site planning process imposed upon public schools that are not charter.

Following the guidance of this language if the County would not make the Lee County School District make these off-site improvements they cannot make this Charter School make them

Our requests are no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviations are being requested, rather they mimic the existing improvements already serving the abutting landowners and general public.

The granting of the deviations are not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision.

Based on the above we respectfully request we are granted the Administrative Deviations laid out in this application.

Sincerely,

Joe Mazurkiewicz, Jr.

Joe Mazurkiewicz, Jr.
President, BJM Consulting, Inc.