

ADMINISTRATIVE AMENDMENT (PD) ADD2021-00194

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Frank R Jenkins, Frank R. Jenkins Custom Homes filed an application for an administrative amendment to a Mixed Use Planned Development (MPD) to reduce the 10-foot required accessory rear lot line setback from 10 feet to 5 feet on an individual residential lot located within a project known as Avellino at Miromar Lakes, described more particularly as:

LEGAL DESCRIPTION: In Section 11, 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 11-46-25-L1-21000.0010; 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 was originally rezoned by Resolution Z-99-029 [with subsequent amendments in Resolutions Z-02-072, Z-06-064, Z-10-019, Z-12-004 and Z-13-020]; and

WHEREAS, Condition 1.c of Resolution Z-13-020 requires, as a prerequisite to approval of any local Development Order, a Final Plan Approval (FPA) that specifies the type, intensity and configuration of development for the particular site; and

WHEREAS, FPA Case Number ADD2020-00138 approved 22 single-family dwelling units on a project known as Avellino at Miromar Lakes; and

WHEREAS, the subject property is lot 1 of Avellino FPA (platted as Lot 1 of Costa Maggiore Phase 3) and is an irregularly shaped ± 0.33 -acre lot (see Exhibit "B"); and

WHEREAS, Resolution Z-13-20 establishes a 10-foot rear lot line setback for accessory uses, buildings and structures, and the applicant requests a reduced 5-foot rear lot line setback for the construction of a swimming pool; and

WHEREAS, in general, the Lee County Land Development Code establishes a 5-foot rear yard lot line setback for accessory buildings and structures pursuant to LDC Section 34-1174; and

WHEREAS, in the case of an irregular or triangular lot, a line 20 feet in length, entirely within the lot, parallel to or concentric with and at the maximum possible distance from the front lot line shall be the rear lot line pursuant to LDC Section 34-2; and

WHEREAS, due to the irregular/triangular shape of the subject property the rear lot line is a conceptual line, 20 feet in length, parallel with the Via Parma Way street right-of-way and located within the northernmost portion of the lot; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; 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 procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Mixed Use Planned Development to reduce the 10-foot required accessory structure rear lot line setback from 10 feet to 5 feet is **APPROVED**.

Approval is subject to the following conditions:

- 1. The 5-foot accessory structure rear lot line setback is limited to the construction of a swimming pool and deck on the subject property.**
- 2. The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**
- 3. 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 Zoning Manager 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, adopted, and electronically signed on 1/10/2022

Anthony R. Rodriguez, AICP, Zoning Manager

Exhibits:

- A – Legal Description
- B – Lot 1 Avellino

Exhibit A

Legal Description

A parcel of Land being Lot #1 of Miromar Lakes – Unit XX – Costa Maggiore – Phase 3 Plat, Instrument Number 2021000189545, of the public records of Lee County, Florida

Strap Number 11-46-25-L1-21000.0010

REVIEWED
ADD2021-00194
Rick Burris, Principal
Planner
Lee County DCD/Planning
1/11/2022

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