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December 20, 2021

Mr. Adam Mendez
Zoning Section Plan Reviewer
Lee County Development Services
PO Box 398
Fort Myers, FL 33902-0398

**RE: Miromar Lakes- Avellino Lot #1
ADD2021-00194
HM Project No. 2021.146**

Dear Mr. Mendez:

This letter is in response to your correspondence of December 10, 2021, for the above referenced project. The following are responses to your comments.

Legal Review:

Section 34-203. Submittal requirements for administrative action applications.

STRAP (Section, Township, Range, Area, Parcel) number for the subject property. This number is used by the Property Appraiser to identify the subject property. If the subject property includes a portion of property within one STRAP, than in addition to the STRAP number, a metes and bounds legal description must also be submitted as follows:

A metes and bounds legal description along with a sketch of the legal description, prepared by a Florida Licensed Surveyor and Mapper, must be submitted, unless the property consists of one or more undivided lots within a subdivision platted in accordance with F.S. ch. 177. If the subject property is one contiguous parcel, the legal description must specifically describe the entire continuous perimeter boundary of the property subject to the zoning action with accurate bearings and distances for every line. If the application seeks to rezone undivided, platted lots, then a complete legal description (i.e., lot, block, subdivision name, public records recording information) of the platted subject property is required. The Director has the right to reject any legal description that is not sufficiently detailed so as to locate the property on County maps

Staff Comment

The legal description provided has an incorrect instrument number and does not contain a STRAP number (see the example linked to the application) The correct instrument number is 2021000189545

RESPONSE: The parcel is a platted lot created with the recording of the Miromar Lakes – Unit XX – Costa Maggiore – Phase 3 plat. We have revised the legal description to correct the instrument number and to provide the strap number of the parcel.

Zoning Review

Setback Amendment Consideration

1. The request is to permit a 5-foot rear yard setback limited to accessory structures in lieu of the 10-foot accessory rear setback requirement per Resolution Z-13-020. Staff acknowledges the shape of the lot and surrounding tracts create uncommon lot line assessments, and therefore, corresponding setback assessments. Pool Permit request POL2021-02014 is currently waiting on applicant to address setback deficiencies for a particular pool design on Lot #1, Avellino. As part of this application, staff has peer-reviewed the site plan and recognizes that in order to permit the swimming pool, as originally proposed, this amendment request would require a proposal of a rear and side yard setback of 1-foot and depending on the height of the finished pool deck over the crown of the adjacent roadway, a deviation from LDC Section 34-1176 (Swimming Pools and Other Similar Recreational Facilities). Attached with this letter is the current pool permit site plan with staff mark-ups superimposed to relay the setback assessment based on the definition of lot lines which comprise the subject property. Please review this assessment and determine what setbacks are necessary to support the proposed pool design and other contemplated accessory structures on Lot #1.

RESPONSE: We have prepared an exhibit that utilizes the landscape plan provided by the home builder that shows the limits of the pool. The paver deck comes within 1.2' of the property line but there are no plans to construct a pool enclosure. Based on the information provided the 5 ft setback for the pool is accurate.

2. **Site Plan.** Staff recommends attaching a conceptual site plan to depict the proposed accessory use(s) which may utilize the proposed setback reduction for substantive review, decision rendering, and to streamline the subsequent building permit process.

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If you need further information, please do not hesitate to contact me at 239-985-1200.

Very truly yours,

HOLE MONTES, INC.



Charles L. Krebs
Sr. Project Manager
FL# 56823

CLK/jlo