ADD2014-00070 Lee County ePlan



ADMINISTRATIVE APPROVAL
LEE COUNTY, FLORIDA

WHEREAS, Clifford Betts, in reference to Pump House Replacement, filed an application for administrative approval of a variance from Land Development Code (LDC) Section 34-1174 (b) (1) that requires a 100 foot setback for an accessory building located closer to the street than the principal building; and from LDC Section 34-1174(b) (3) d., that requires a 25 foot street setback, to allow a detached carport and shed to be 9± feet from Sierra Lane on property located at 23155 El Dorado Blvd., described more particularly as:

LEGAL DESCRIPTION: In Section 08, Township 47 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the applicant has indicated the property's current STRAP number is 08-47-25-01-00008.0080; and

WHEREAS, an application for approval of an administrative variance has been filed pursuant to LDC Section 34-268(a) (1) d. which allows the Director to administratively approve minor errors that occur at the time of construction; and

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

WHEREAS, the property is a 0.7± acre parcel that consists of Lots 7, 8 and 9 of El Dorado Acres, an unrecorded subdivision; and

WHEREAS, the property is zoned RS-1 (Residential Single-Family) and is developed with a 2-story single-family residence, a swimming pool, deck, and utility (pump) building built in 1976. The pump building covered the pump equipment for the pool and setback 25± feet from the edge of pavement of Sierra Lane; and

WHEREAS, the residence and pump building were built in 1976 when Sierra Lane was an unpaved road. The applicant believes that when the buildings were built, the setback was measured from the edge of pavement instead of the property line. There is 16± feet of land between the edge of pavement and the property line; and

WHEREAS, in 1997, Bonita Springs Utilities ran water and sewer lines to the property and paved Sierra Lane, which established the location of the 50 foot wide right-of-way; and

WHEREAS, the property is a corner lot fronting on El Dorado Boulevard and Sierra Lane and has two driveways off each road. Both roads are non-county maintained. The main entrance to the residence is from El Dorado Boulevard; and

WHEREAS, the applicant replaced the pump building with a 10 x 18 shed to cover the pump equipment because the existing building was deteriorating. The shed sets back 9± feet from the property line. The applicant also built a 14 x 18 detached carport next to the shed and the driveway. The carport sets back 15±feet from the property line, which is further back than the shed; and

WHEREAS, both the shed and carport were built without a building permit; and the applicant was cited by code enforcement (VIO2014-01659, see Exhibit B). This violation was scheduled on the April 28, 2014 Hearing Examiner agenda, see Exhibit C; however, the applicant signed an agreement with the County which extended the hearing date to June 18, 2014 where the applicant must either abate the violation or pay a fine of $25.00 per day with a $100.00 cost; and

WHEREAS, the applicant filed for a building permit (RES2014-01496, see Exhibit D) but was rejected because the carport and shed encroaches into the required street setback and is closer to the street than the principal structure (single family residence), see Exhibit E; and

WHEREAS, LDC Section 34-1174 (b) (1) allows an accessory building closer to the street than the principal building as long as a minimum setback of 100 feet is maintained; and LDC Section 34-1174(b) (3) d., allows a carport closer to the street than the principal building as long as the minimum street setback of 25 feet is maintained; and

WHEREAS, the applicant is seeking administrative relief to allow the carport and shed to be 9± feet from Sierra Lane and to be in front of the single family residence (principal structure); and

WHEREAS, the applicant obtained letters from the abutting property owner to the west and the property owners across Sierra Lane stating they do not object to the setback encroachment of the carport and shed from Sierra Lane, see Exhibit F; 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;

The existing pump building was built when the residence was built in 1976. At that time, it is believed that the setback was measured from the edge of pavement, not the property line. Measuring to the edge of pavement gives an additional 16 feet to the setback, which gives the pump building a setback of 25 feet.

The applicant replaced the existing pump building because it was deteriorating, with a

shed to continue to provide coverage of the pump equipment. The new shed is in the same location as the old pump building. The applicant also built a new carport that setbacks back 15 feet from the property line, which further back than the shed. The location of the shed is next to the swimming pool and the carport is next to the existing driveway.

(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

A pump building has existed at this location since 1976. The applicant replaced what was there with a shed and built a new carport further back then the shed. Granting the variance to allow the shed and carport to remain allows the pump equipment for the pool to be protected and improves the look of the neighborhood.

(3) The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Granting the variance will not be detrimental to the neighborhood. The applicant received letters of no objection from the abutting property owner to the west and the property owners across Sierra Lane. The neighbors said the new structures were an improvement to the old structure.

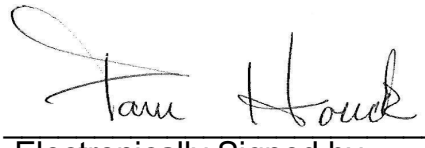
NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for an administrative variance from LDC Section 34-1174 (b) (1) that requires a 100 foot setback for an accessory building located closer to the street than the principal building; and from LDC Section 34-1174(b) (3) d., that requires a 25 foot street setback, to allow a detached carport and shed to be 9± feet from Sierra Lane **is APPROVED, subject to the following conditions:**

1. **The administrative variance is limited to the existing carport and shed only. Future improvements to the property must be in compliance with the Land Development Code. Redevelopment of the property or removal of the carport and shed requires compliance with the Land Development Code.**

2. **Within 30 days of this approval, the applicant must resubmit building permit RES2014-01496.**

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 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 5/9/2014

BY: 

Electronically Signed by
Pam Houck, Director
Division of Zoning
Department of Community Development

Exhibits
A – Legal description
B – VIO2014-01659 violation notice
C – Notice of hearing
D – RES2014-01496
E – Site plan
F – Letters of no objection

| FIELDBOOK 203 PAGE 69 DATE 3/12/14 | SECTION 8 ,TWP 47 S, RGE 25 E |
|---|---|

NORTH ARROW

FOUNDATION LOCATION | FIELDBOOK PAGE

SCALE 1"= 40'

## LEGAL DESCRIPTION

( AS PROVIDED BY CLIENT )

This is a boundary survey of the following : Lots 7, 8 & 9, Block 8, Eldorado Acres as recorded in Deed Book 310, Page 183 of the Public Records of Lee County, Florida.

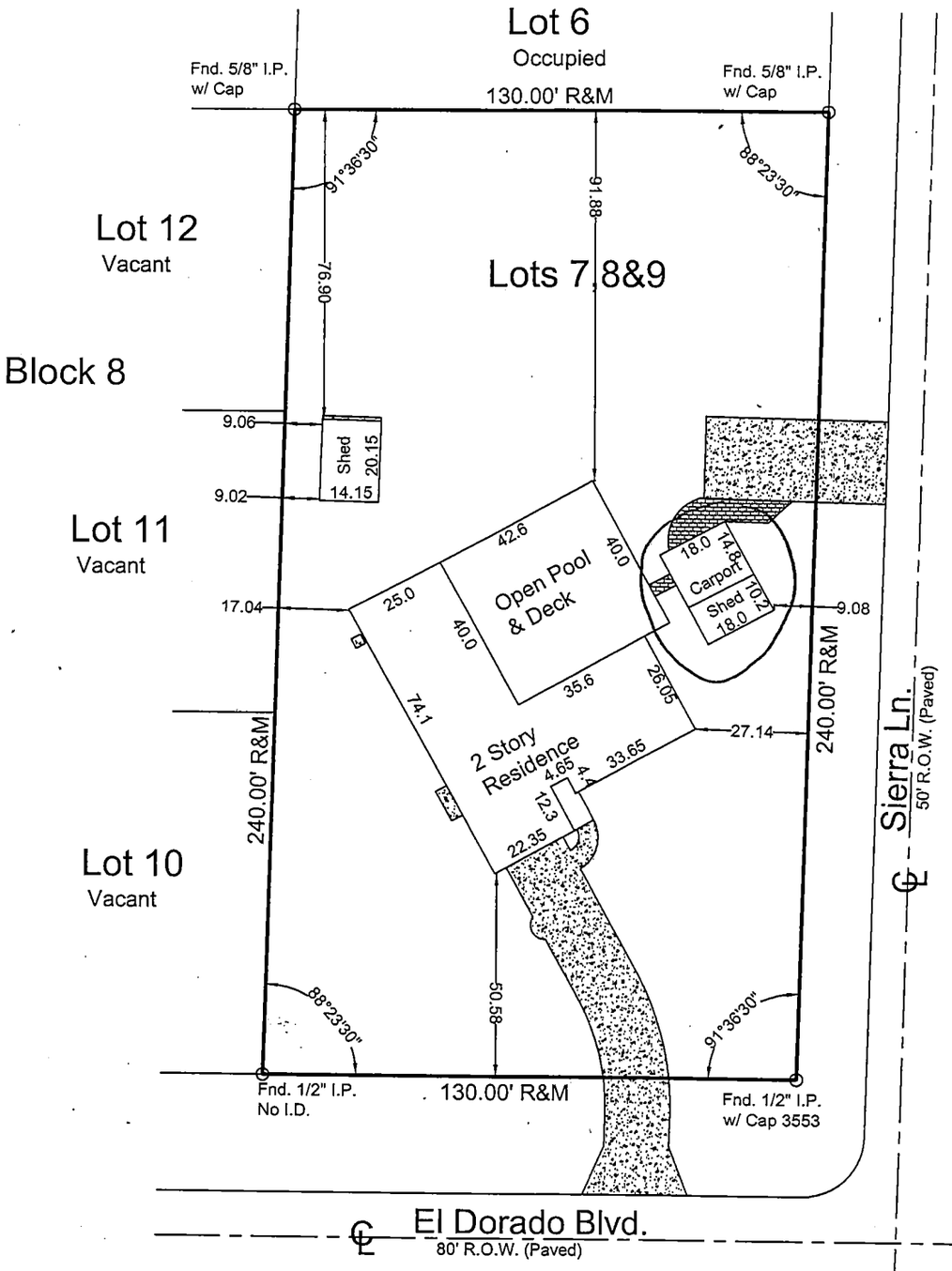
The property address is 23155 El Dorado Blvd. as posted on the building by others.

**LEGEND**

- ■ SET CONC. MON. W/CAP I.D.# 3553
- ○ SET IRON PIN W/CAP I.D. # 3553
- ◪ FD. CONC. MON. W/CAP
- □ FD. CONC. MON.
- ○ FD. IRON PIN
- EL. ASSUMED ELEVATION
- △ BENCHMARK
- R RECORDED
- M MEASURED

CON'T REVERSE SIDE

FINAL SURVEY DATE




APPROVED
ADD2014-00070
Chick Jakacki, Planner
Lee Co Division of Zoning
4/11/2014

EXHIBIT A

## NOTES

1. REPRODUCTION OF THIS SKETCH IS NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN.
3. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED.
4. BEARINGS SHOWN HEREON ARE BASED ON Angles are field measured
5. THIS PROPERTY LIES IN FLOOD ZONE X EL n/a PER F.I.R.M. PANEL NO. 12071C0589F , DATED 8/28/2008
6. LAST DATE OF FIELDWORK 3/11/14
7. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

## CERTIFICATE

I hereby certify that the above described property was surveyed under my direction and the sketch of survey is true and correct to the best of my knowledge. This survey meets or exceeds the minimum technical standards set forth by the Florida Board of Land Surveyors, pursuant to Rule 61G17 - 6 Florida Administrative Code, and pursuant to Section 472.027 Florida Statutes. There are no visible encroachments other than those shown hereon.

3-14-2014
MOA P.L.S.

MARK O. ALLEN P.L.S. #3553
LB #6558


**MARK O. ALLEN, INC.**
PROFESSIONAL LAND SURVEYOR
FAX: (239) 992-6070
TELE: (239) 992-8900
10602 WOODS CIRCLE
BONITA SPRINGS, FL 34135


| DWN. BY | CHK'D BY | ORDERED BY | SHEET 1 OF 1 |
|---|---|---|---|
| MG | | Christi Betts | DWG. NO. 2014-33 |

ADD2014-00070 Lee County ePlan

# NOTICE OF CODE VIOLATION
## No Permit

LEE COUNTY
SOUTHWEST FLORIDA

DEPT. OF COMMUNITY DEVELOPMENT
CODE ENFORCEMENT OFFICE
PO BOX 398
FORT MYERS, FL 33902-0398

**Case #** VIO2014-01659 **Date** 02/21/2014

BETTS CLIFFORD A + CHRISTI
23155 EL DORADO BLVD
BONITA SPRINGS FL 34134

Exhibit B

STRAP NO.: 08-47-25-01-00008.0080
RE: VIOLATION ADDRESS: 4609 SIERRA LN
(Located in Lee County, Florida)

Dear Property Owner/Tenant:

An inspection of the above-referenced property on 02/14/2014 disclosed the existence of a violation contrary to Lee County Land Development Code Section 6-111 adopting the Florida Building Code, as amended, Section 105.1 - No Permit. You are directed to abate or remedy this condition within 30 days of receipt of this notice by obtaining the required permit for the item(s) listed below and complying with all required inspections in order to receive a certificate of compliance/occupancy OR by removal of the work done/improvements made without a permit. For information on acquiring the necessary permit, please contact Lee County Building Department at 239-533-8329 M-F 7:30am-4:30pm.

ONCE THE VIOLATION HAS BEEN ABATED, PLEASE CONTACT THE CODE ENFORCEMENT OFFICER NAMED BELOW AT 239-850-5975.

If the violation is not corrected within the time frame specified above, this case may be scheduled before the Lee County Hearing Examiner, or you may be issued a citation to appear in County Court. You will be notified as to time, date and location of this hearing. **If the County goes forward to hearing and obtains a finding of violation, you may be responsible for the costs of prosecution even if the violation is abated prior to hearing.**

If this case is presented to the Hearing Examiner, under Florida Statutes Chapter 162 and Lee County Land Development Code Chapter 2, Article VII, the Hearing Examiner is required to allow you time to correct the violation. However, the Hearing Examiner may impose a fine of up to $250 per day for each day this violation continues to exist past the date for compliance given by the Hearing Examiner.

If the violation is abated and reoccurs, this case may still be scheduled before the Lee County Hearing Examiner. If the County goes forward to hearing and obtains a finding of violation, you may be responsible for the costs of prosecution even if the violation is abated prior to hearing.

In no event will any lien resulting from this case attach to the personal property or create personal liability against any person who is a debtor in a Bankruptcy proceeding under Title 11 of the United States Bankruptcy Code.

Violation: **NEW ALUMINUM CARPORT WITHOUT THE REQUIRED PERMITS**

Please contact Lee County Code Enforcement at 239-850-5975 with respect to any question you may have regarding this notice.

| | D. Crabtree |
|---|---|
| PRINTED NAME of Accepting Party | Code Enforcement Officer |
| SIGNATURE of Accepting Party DATE | Dave Crabtree<br>SIGNATURE of Code Enforcement Officer |

Acceptance of this document does not constitute an admission of responsibility, but does fulfill the statutory notice requirement of Florida Statute 162.12. The person accepting the document was informed of the contents at the time of delivery.

**********

I swear or affirm the above statements are true and correct to the best of my knowledge and belief.

| 7190 1012 5822 7788 1733 | |
|---|---|
| Certified Mail | INSPECTOR/AFFIANT DATE |

ADD2014-00070 Lee County ePlan

LEE COUNTY
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

March 31, 2014

John E. Manning
*District One*

Cecil L. Pendergrass
*District Two*

Larry Kiker
*District Three*

Brian Hamman
*District Four*

Frank Mann
*District Five*

Roger Desjarlais
*County Manager*

Richard Wm. Wesch
*County Attorney*

Donna Marie Collins
*Hearing Examiner*

Exhibit C

BETTS CLIFFORD A + CHRISTI
23155 EL DORADO BLVD
BONITA SPRINGS FL 34134

RE: **NOTICE OF HEARING** Case#: VIO2014-01659

ADDRESS OF VIOLATION: 23155 EL DORADO BLVD BONITA SPRINGS 34134
STRAP NO.: 08-47-25-01-00008.0080

Dear Property Owner:

Please be advised that a hearing has been scheduled before the Lee County Hearing Examiner with respect to a violation on the above-referenced property contrary to:

No Permit - Lee County Ordinance Section 6-111 adopting the Florida Building Code, as amended, Section 105.1

Violation: NEW ALUMINUM CARPORT WITHOUT THE REQUIRED PERMITS

The date, time and place of this hearing is as follows:

**Lee County Hearing Examiner's Office** 1500 Monroe Street, Fort Myers, Florida

**Date: 04/28/2014** **Time: 9:30 a.m.**

An inspection will be conducted by Lee County Code Enforcement on the previous business day before this hearing.

You are requested to attend this hearing. In defense against the cited violation, you or your representative are entitled to present evidence or argument and cross-examine witnesses. Should you or a representative fail to appear at this hearing, you will be deemed to have waived this right.

Whether or not you are present at this hearing, the Lee County Division of Codes and Building Services will go forward with the presentation of its case in support of the violation cited in the Notice of Code Violation previously received by you. At the conclusion of this hearing, Lee County will request the Hearing Examiner to enter an order finding a violation has occurred and imposing a fine.

If the Hearing Examiner finds you guilty of the violation as cited, a fine of up to $250 per day may be imposed for each day the violation continues past the date set for compliance. **Upon a finding of violation, the County is entitled to all costs incurred in prosecuting the case. This is in addition to any fine that may be imposed.**

Fine's imposed by the Hearing Examiner along with costs incurred by Lee County to prosecute this case will be recorded as a lien against the property referenced above and any other real or personal property you may own. In no event will any liens resulting from this case attach to the personal property or create personal liability against any person who is a debtor in a Bankruptcy proceeding under Title 11 of the United States Bankruptcy Code.

In the event this violation is corrected prior to the date set for hearing, it is in your best interest to contact Lee County Code Enforcement and request an inspection of the property to verify correction. **However, even if the violation is abated prior to the date set for hearing, Lee County may bring this case forward and seek a finding of violation. Upon a finding of violation, the County is entitled to all costs incurred in prosecuting the case. This is in addition to any fine which may be imposed.**

Please note, you may review your case file with respect to this violation upon reasonable notice to Lee County Code Enforcement located at 1500 Monroe Street, Fort Myers, Florida. You may also contact Code Enforcement with respect to any questions you may have at .

Paul E. Smith

Paul E. Smith
Code Enforcement Officer

Certified Mail # 7190 1012 5822 9768 9043
DTC

ADD2014-00070 Lee County ePlan

LEE COUNTY
SOUTHWEST FLORIDA

**DIVISION OF DEVELOPMENT SERVICES**
**ZONING REVIEW**

## NOTICE OF REJECTION

**OWNER** Betts **CONTRACTOR** Same

**REJECT DATE** 3/18/14 **STRAP NO.**

**CASE NUMBER** RES2014-01496 Carport and Shed

Please be advised that your application for a building permit has not been approved for the following reason (s) checked below. Kindly take the appropriate actions to correct and resubmit your plans to the Information/Resubmittal Desk located inside the permitting lobby on the first floor.

Please return this notice with your re-submittal.

_____ Plot Plan - **MUST BE TO SCALE** (with scale indicated on plan), per The Florida Building Codes (FBC) 10 104.2.1, 104.2.4, 104.3.1.1. A Plot Plan must show Lot Dimensions, All Existing and Proposed Structures, Setbacks to **ALL** Structures, Location of Streets/Roads, Canals, or Other Water Bodies.

X Setback Dimensions : Need to be 20' back from the property line on Sierra Lane.

_____ Lot Size - Incorrect/Insufficient

_____ Easement Encroachment .

_____ Show Proof When Lot Was Recorded and / or Split

_____ Density (needs minimum use provision)

X Other: This property is on a corner therefore El Dorado Blvd and Sierra Lane is considered all frontage. The shed cannot be placed in front of the house.

Exhibit D

**REVIEWED BY:** Dee Waldron 533-8597 X 48812

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# Exhibit E

FIELDBOOK 203 PAGE 69 DATE 3/12/14 | SECTION 8 ,TWP 47 S, RGE 25 E

NORTH ARROW

SCALE 1"= 40'

FOUNDATION LOCATION | FIELDBOOK PAGE

**LEGEND**

- ■ SET CONC. MON. W/CAP LD.# 3553
- ○ SET IRON PIN W/CAP LD. # 3553
- ⊡ FD. CONC. MON. W/CAP
- □ FD. CONC. MON.
- ○ FD. IRON PIN
- ⊙ ASSUMED ELEVATION
- Δ BENCHMARK
- R RECORDED
- M MEASURED

CON'T REVERSE SIDE

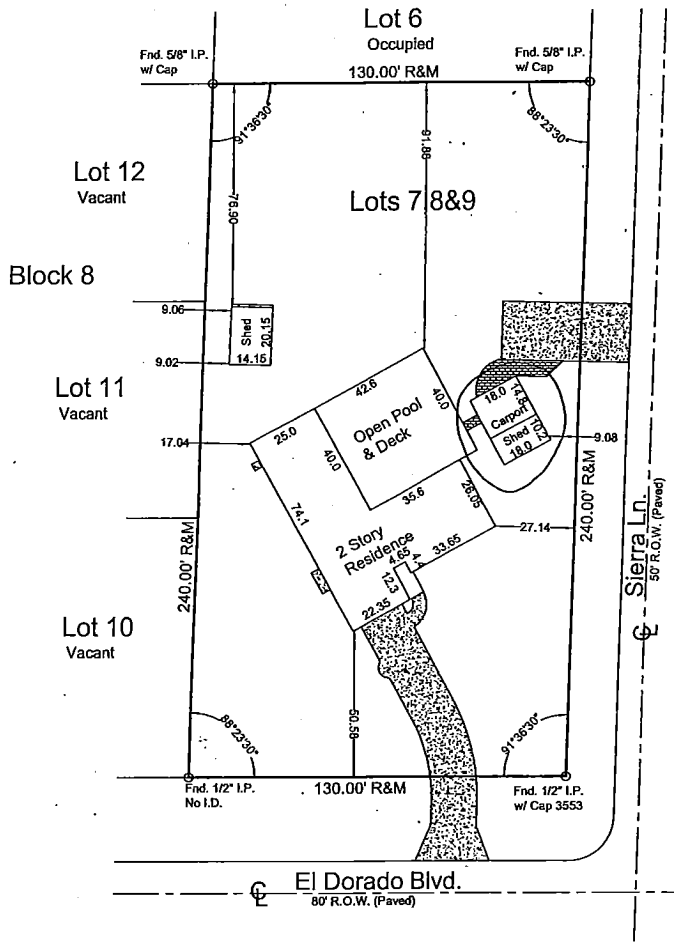
FINAL SURVEY DATE

## LEGAL DESCRIPTION

( AS PROVIDED BY CLIENT )

This is a boundary survey of the following : Lots 7, 8 & 9, Block 8, Eldorado Acres as recorded in Deed Book 310, Page 183 of the Public Records of Lee County, Florida.

The property address is 23155 El Dorado Blvd. as posted on the building by others.




## NOTES

1. REPRODUCTION OF THIS SKETCH IS NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN.
3. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED.
4. BEARINGS SHOWN HEREON ARE BASED ON Angles are field measured
5. THIS PROPERTY LIES IN FLOOD ZONE X EL n/a PER F.I.R.M. PANEL NO. 12071C0589F , DATED 8/28/2008
6. LAST DATE OF FIELDWORK 3/11/14
7. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

## CERTIFICATE

I hereby certify that the above described property was surveyed under my direction and the sketch of survey is true and correct to the best of my knowledge. This survey meets or exceeds the minimum technical standards set forth by the Florida Board of Land Surveyors, pursuant to Rule 61G17 -6 Florida Administrative Code, and pursuant to Section 472.027 Florida Statutes. There are no visible encroachments other than those shown hereon.

3-14-2014

MOA P.L.S.

MARK O. ALLEN P.L.S. #3553
LB #6558

**MARK O. ALLEN, INC.**
PROFESSIONAL LAND SURVEYOR
FAX: (239) 992-6070
TELE: (239) 992-8900
10602 WOODS CIRCLE
BONITA SPRINGS, FL 34135

| DWN. BY | CHK'D BY | ORDERED BY | SHEET 1 OF 1 |
|---|---|---|---|
| MG | | Christi Betts | DWG. NO. 2014-33 |

ADD2014-00070 Lee County ePlan

# Exhibit F

April 3, 2014

Lee County Zoning Department

My wife & I do not object to the new pump house & attached carport that the Betts Family had installed to replace the old pump house & canopy.

We live across the street and it does not bother us.

Sincerely

Richard L. Hmelick
4/9/2014

ADD2014-00070 Lee County ePlan

Eldridge APPRAISALS INC.

**The Beachway Building**
**3301 Bonita Beach Road, Suite 213**
**Bonita Springs, FL. 34134**

Telephone: 239-243-9163 AutoAppraiserASA@comcast.net Facsimile: 239-236-1443

April 3, 2014

Lee County Zoning Department
1500 Monroe St.
Fort Myers, FL 33901

**Re: Pump House / Carport Located at 23155 El Dorado Blvd – Bonita Springs, FL 34134**
**Betts, Clifford – (Strap 08-47-25-01-00008.0080)**

To Whom It May Concern:

I own property at 4626 Sierra Lane, Bonita Springs, FL. 34134 (Strap 08-47-25-01-00009.0130) that is adjacent to the abovementioned address owned by Clifford Betts. I have no issue or problem with the structure and it is visually pleasing.

Respectfully,

Morgan Worth Eldridge, ASA

ADD2014-00070 Lee County ePlan

April 3 2014

RE: Betts Pump House/Carport

To The Lee County Zoning Department

We have no objections to the new pump house/carport that has replaced the old pump house/canopy. This has been a big improvement over the original that was located on their property at 23155 EL Dorado Blvd in El Dorado Acres Bonita Springs.

Thank you for your time concerning this matter.

Sincerely

Brad A. Wynn 4625 Sierra Lane 4-3-14
Brad A Wynn

Mark Wynn 4625 Sierra Lane 4-3-14
Mark Wynn

ADD2014-00070 Lee County ePlan

4/3/14

Lee County Zoning Department

To whom it may concern:

I live at 4634 Sierra Lane and I understand there is an issue with the structure on the home of Clif and Christi Betts on 23155 El Dorado. In my opinion, the structure is not offensive or even unsightly and in fact is an improvement of the old structure.

If you have any questions, you can reach me at 239-994-3065.

Thank you,



Mayra Castro