Lee County
Southwest Florida

# APPLICATION FOR ADMINISTRATIVE VARIANCE IN UNINCORPORATED AREAS ONLY

**[LDC Section 34-174(a)]**

**Project Name:** ~~Mother in law~~ Accesory Structure

**Request:** Administrative variance to seek relief from the 50% limitation.

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1. **Name of Applicant:** William Waichulis
   Contact Person: Susan & William Waichulis
   Address: 15036 Briar Ridge Circle
   City, State, Zip: Fort Myers FL 33912
   Phone Number: 239 872-5914 E-mail: bwaichulis@boykin.com

2. **Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form:**
   ☒ Applicant is the sole owner of the property. **[34-201(a)(1)a.1.]**
   ☐ Applicant has been authorized by the owner(s) to represent them for this action. **[34-203(a)(3)]**

3. **Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-203(a)(4)]**

   a. **Company Name:**
   Contact Person:
   Address:
   City, State, Zip:
   Phone Number: E-mail:

   b. **Additional Agent(s):** Provide the names of other agents that the County may contact concerning this application. **[34-203(a)(4)]**

4. **Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-203(a)(2)]**
   Name: William Waichulis
   Address: 15036 Briar Ridge Cir
   City, State, Zip: Fort Myers FL 33912
   Phone Number: 239-872-5914 E-mail: bwaichulis@boykin.com

5. **Disclosure of Interest [34-201; 34-203(a)(2)]:**
   ☒ Attach Disclosure of Interest Form.

6. **STRAP Number(s) [34-203(a)(5)]:** 32-45-25-03-00000.0260

7. **Street Address of Property:** 15036 Briar Ridge Circle Fort Myers FL 33912

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

RECEIVED
OCT 24 2019
COMMUNITY DEVELOPMENT
ADD 2019-00176

8. **Legal Description (must submit one):**
   - ☐ Legal description (metes and bounds) and sealed sketch of the legal description. **[34-203(a)(5)]**

   **OR**

   - ☒ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.) **[34-203(a)(5)]**

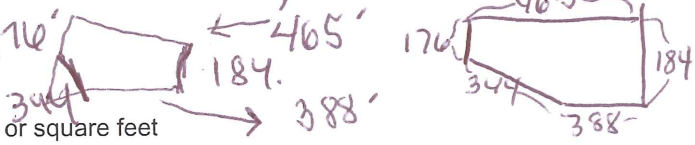
Briarridge Subdivision Pb 33 Pg 26 lot 26

9. **Use(s) of Property:**
   a. Current uses of property are: Primary Home
   b. Intended uses of property are: ~~Mother in law Apt.~~ Accessary Structure

10. **Lee Plan (Future Land Use) Designation:** _____

11. **Current Zoning of Property:** SF Residential / 01

12. **Property Dimensions:**
   a. Width (average if irregular parcel): _____ Feet
   b. Depth (average if irregular parcel): _____ Feet
   c. Total area: 3.26 Acres or square feet




13. **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. **[34-202(b)(6)]** [Attach extra sheets if additional space is needed.]

34-1177

14. **Variance Criteria:** Before approving any administrative variance, the Director must find that all of the following exist. Explain how the request(s) meet these criteria. Attach extra sheets if additional space is needed. **[34-202(b)(6)(a)]**
   a. What are the exceptional or extraordinary conditions or circumstances that are inherent to the property in question? location Property Size community Structure
   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

15. **Site Plan:** Submit a site plan (24"x36"), to scale, illustrating at a minimum: 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(s) of the requested variance(s) must be clearly indicated on the site plan. **[34-202(b)(6)(b)]**

16. **LDC Compliance:** Submit pertinent calculations which demonstrate that the overall development complies with all other applicable zoning and development standards. **[34-202(b)(6)]**

17. **Letters of No Objection:** Submit 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. **[34-203(a)(7)]**

18. **Planning Community or Community Plan Area*:** N/A
*If in Page Park **[33-1203]** or Captiva **[33-1612]**, attach meeting summary from informational meeting.

19. **Other Documentation:** Other relevant documentation such as copies of permits or other approvals applicable to the requested administrative variance. **[34-202(b)(6)(c)]**
- ☐ **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).
- ☑ conversations w/ Audra Ennis, Zoning manager.
- ☑ Notice of rejection RES 2019-07490 dated 10/17/19. & letter dated 9/30/19.

| | SUBMITTAL REQUIREMENT CHECKLIST<br>*Clearly label your attachments as noted in bold below.* |
|---|---|
| ☐ | Completed application [34-203(a)(1)] |
| ☐ | Filing Fee - [34-201(d)] |
| ☒ | **Affidavit of Authorization** Form [34-203(a)(3)] |
| ☐ | **Additional Agents** [34-203(a)(4)] |
| ☐ | **Multiple Owners** List (if applicable) [34-203(a)(2)] |
| ☒ | **Disclosure of Interest** Form [34-203(a)(2)] |
| ☐ | **Legal description (must submit one)** [34-203(a)(5)] |
| | ☐ Legal description (metes and bounds) and sealed sketch of legal description |
| | **OR** |
| | ☒ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.) |
| ☒ | **Variance Request** (if applicable) [34-203(b)(3)] |
| ☐ | **Variance Criteria** [34-268] (if applicable) [34-202(b)(6)(a)] |
| ☒ | **Site Plan** (36"x24") [34-202(b)(6)(b)] |
| ☐ | **Compliance Calculations** (if applicable) |
| ☐ | **Letters of No Objection** [34-203(a)(7)] |
| ☐ | **Meeting Summary** (if applicable) |
| ☐ | **Other Documentation** [34-202(b)(6)(c)] |

**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 application in no way guarantees its approval. If the Director determines that a public hearing is necessary, then all fees paid toward the administrative application may be applied toward an application for public hearing.

The Director's decision on an administrative request is final and can not be appealed. In the event the Director denies the request, the applicant's only recourse is to apply for a public hearing. No fees paid for the administrative application 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.

# AFFIDAVIT OF AUTHORIZATION

## APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, William Wachdis (name), as owner (owner/title) of property (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

*Notes:*

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then they must include their title of "trustee."*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.*

**Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.**

**Signature** 10/24/19 **Date**

**************NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS**************
**ALL OTHER APPLICATION TYPES MUST BE NOTARIZED**

**STATE OF FLORIDA**
**COUNTY OF LEE**

The foregoing instrument was sworn to (or affirmed) and subscribed before me on _____ (date) by _____ (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

**STAMP/SEAL** **Signature of Notary Public**

# DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared William Wachulis, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 15036 Briar Ridge Circle and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

| Name and Address | Percentage of Ownership |
|---|---|
| | |
| | |
| | |
| | |
| | |
| | |

**Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.**

Property Owner

William Wavichulis

Print Name

************NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS************
**ALL OTHER APPLICATION TYPES MUST BE NOTARIZED**

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on _____ (date) by _____ (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

**STAMP/SEAL**

**Signature of Notary Public**