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Certificate of Authorization # 29086

Administrative Deviation – Narrative of Request
ROC Wash – 2910 Lee Boulevard
Revised 11-1-2022

DEVIATION #1:

Seeks relief from the **LDC §10-296(d)(4)(c)** requirement for roadside swales within county street rights-of-way to have side slopes no steeper than four horizontals to one vertical and a minimum depth of 12 inches. Request to permit a roadside swale with side slopes of three horizontal to one vertical and a depth of 12 inches along 5th Street West.

JUSTIFICATION:

Per LDC §10-296(e) Table 7, the county requires the installation of an 8' wide pedestrian facility along 5th Street West, an urban minor collector. The pedestrian facility is required to have 1 foot of flat space on each side of the sidewalk. The platted right-of-way of 5th Street West is only 50 feet wide, limiting the area needed to comply with the street design and construction standards for urban collector streets. There is not adequate space to provide 10-foot travel lanes, sidewalks, 1-foot flat areas, 4:1 side slopes and the 1-foot deep swale. In order to comply with the LDC to the maximum extent possible, the Engineer of Record is requesting to provide 3:1 side slopes on a 1' deep swale with a sidewalk and 1' of flat space on each side.

The applicant is aware that LDC §10-256(b)(2)(d) permits alternative plan approval regarding on-site locations for sidewalks; however, there isn't room on-site for a sidewalk with easement. The applicant has already requested and been granted approval to reduce the buffer width along 5th Street West because of the size of the lot and proposed use/site layout. The paving, grading and drainage plans are included with this request. Those plans demonstrate that the drainage swale with reduced side slopes is adequate to provide the volume required. The reduced side slopes do not have any detrimental effects to the operation of the drainage system.

Granting of this deviation request is based on sound engineering practices, is not detrimental to the health, safety, and welfare of abutting landowners and the general public, and is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance, or any Lee Plan provision.

DEVIATION #2:

Seeks relief from the **LDC §10-296(e) Table 7** requirement to provide an 8' wide pedestrian facility along Minor Collector Roads in the Central Urban future land use category. Request to permit a 6' wide sidewalk along 5th Street West.

JUSTIFICATION:

The platted right-of-way of 5th Street West is only 50 feet wide, limiting the area needed to comply with the street design and construction standards for urban collector streets. There is not adequate

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space to provide 10-foot travel lanes, 8-foot wide pedestrian facilities, 1-foot flat areas, and drainage swales within the 50 feet. In order to comply with the LDC to the maximum extent possible, the Engineer of Record is requesting to provide 6-foot wide sidewalks. The applicant is aware that LDC §10-256(b)(2)(d) permits alternative plan approval regarding on-site locations for sidewalks; however, there isn't room on-site for a sidewalk with easement. The applicant has already requested and been granted approval to reduce the buffer width along 5th Street West because of the size of the lot and proposed use/site layout.

The proposed 6-foot wide sidewalk aligns with the future sidewalk to the east (DOS2021-00082). It was also approved to be a minimum of 6 feet wide.

Granting of this deviation request is based on sound engineering practices, is not detrimental to the health, safety, and welfare of abutting landowners and the general public, and is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance, or any Lee Plan provision.

Pursuant to **LDC Sec. 10-104(b)**, the criteria for administrative approval of the requested deviation have been met.

(1) The alternative proposed to the standards contained herein is based on sound engineering practices (not applicable to sections [10-352](#), [10-353](#) and division 7 of article III of this chapter);

The alternative proposed is based on sound engineering practices. The sidewalk and swale will still function as intended.

(2) The alternative is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested;

The alternative proposed is consistent with the approved development of the abutting property to the east. The alternative is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested.

(3) For division 7 of article III of this chapter, the required facility would unnecessarily duplicate existing facilities;

Not applicable.

(4) The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision; and

LDC Sec. 10-104(a) sets forth the provisions where the Directory is authorized to grant deviations from the technical standards of the chapter, including section 10-296(d)(4). Granting of the deviation is not inconsistent with any specific policy directive of the BOCC, any other ordinance, or any Lee Plan provision.

(5) For sections [10-352](#) and [10-353](#), the utility that would otherwise serve the development cannot provide the service at the adopted level of service standard due to an inadequate central facility.

Not applicable.

(6) For sections [10-329\(f\)](#) and [10-418\(4\)](#), the proposed use of hardened structures for restoration of existing lake bank slopes will be evaluated on a case by case basis. The application for the

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hardened structure must demonstrate this is the most appropriate and minimum stabilization technique necessary as designed and sealed by a licensed professional engineer. The application must also demonstrate compliance with [section 10-418](#)(3) for compensatory littorals as well as previously approved littoral and deep lake management plan requirements. However, existing lakes within the DR/GR may not utilize hardened structures through the administrative process.

Not applicable.