



43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com
Certificate of Authorization # 29086

Administrative Deviation – Narrative of Request

ROC Wash – 2910 Lee Boulevard

DEVIATION REQUEST:

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 horizontal to one vertical and a minimum depth of 12 inches, and from **LDC §10-296(e) Table 7** which requires an 8' wide sidewalk. Request to permit a 6' wide sidewalk and a swale with side slopes of three horizontal to one vertical and a depth of 12 inches along 5th Street West.

JUSTIFICATION:

Per the LDC, the county requires the installation of an 8' wide sidewalk along 5th Street West. This sidewalk is required to have 1 foot of flat space on each side of the sidewalk. Given the width of the rights-of-way for this street is only 50' wide, there is not adequate space to provide the sidewalks, flat areas, 4:1 side slopes and the 1' deep swale. Therefore, we are requesting 3:1 side slopes on a 1' deep swale with a 6' wide sidewalk and 1' of flat space on each side.

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.

Schedule of Deviations

Page 2 of 2

(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 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.