Julie Danielewski

From: Ennis, Audra <AEnnis@leegov.com>
Sent: Thursday, December 15, 2022 1:58 PM
To: Brad Smith <brad.smith@lennar.com>
Cc: McNulty, Shawn <SMcNulty@leegov.com>; Cavanaugh, Jennifer <JCavanaugh@leegov.com>; Rodriguez, Anthony <ARodriguez4@leegov.com>
Subject: RE: Oakview Zoning Rejection Help

Good Afternoon Brad,
I am touching back after providing Zoning Manager Anthony Rodriguez an opportunity to review the subdivision zoning and development order approvals to determine whether consideration of an administrative deviation to increase the allowable equipment pad encroachment may be an option. After review, I have been advised that an administrative amendment to deviate from the requirements of *LDC Sec. 34-2191(5)a.* may be considered, provided that the following information is submitted in support of the request:

- Documentation, prepared by a professional engineer, certifying that the proposed encroachment will not interfere with the drainage system for the subdivision; and
- Approval of the increased encroachment from the local fire department.

The application may be filed as an administrative amendment to the planned development, and the application fee will be $1,500.

Please reach out if you have further questions,
Audra

Lee County
Southwest Florida

Audra Ennis, CPM | Regulatory Review Manager

Department of Community Development

1500 Monroe St, Fort Myers, FL 33901
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email: AEnnis@leegov.com
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From: Brad Smith <brad.smith@lennar.com>
Sent: Tuesday, December 13, 2022 9:50 AM
To: Ennis, Audra <AEnnis@leegov.com>
Cc: McNulty, Shawn <SMcNulty@leegov.com>; Cavanaugh, Jennifer <JCavanaugh@leegov.com>
Subject: RE: Oakview Zoning Rejection Help

I don't believe it's possible and still have the appropriate equipment and equipment placement.

LENNAR

Brad Smith
Permit Manager
Southwest Florida
10481 Six Mile Cypress Pkwy.
Fort Myers, FL 33966
PH. 239.225.2102

From: Ennis, Audra <AEnnis@leegov.com>
Sent: Tuesday, December 13, 2022 9:46 AM
To: Brad Smith <brad.smith@lennar.com>
Cc: McNulty, Shawn <SMcNulty@leegov.com>; Cavanaugh, Jennifer <JCavanaugh@leegov.com>
Subject: FW: Oakview Zoning Rejection Help
Importance: High

Hello Brad,
I apologize, as I thought this was fully addressed when Shawn looped my team in several weeks ago. The Lee County Land Development Code (LDC) permits pads to encroach up to three feet into rear, side, or waterbody setbacks. The encroachments exceed the permitted threshold. Can you reduce encroachment to the permissible 3'?

Sec. 34-2191. - Measurement; permitted encroachments.

Setbacks are measured from the property line to the nearest point of a building or structure. Encroachments into a required setback are permitted as provided below. Encroachments into easements are prohibited.

(5) *Equipment Pads/platforms.*

a. Equipment pads/platforms, such as those for air conditioning and swimming pool equipment, may encroach up to three feet into side, rear or waterbody setbacks. The equipment pad/platform may not interfere with ingress and egress, or through-access for life safety equipment.

b. Equipment pads/platforms may be attached to a nonconforming building and will not be considered an extension or enlargement of a nonconformity as long as the building is properly zoned for its use and the requirements of section 34-2191(5)a. are met.

Kind Regards,

Lee County
Southwest Florida

Audra Ennis, CPM | Regulatory Review Manager

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From: Cavanaugh, Jennifer <JCavanaugh@leegov.com>
Sent: Tuesday, December 13, 2022 9:38 AM
To: Ennis, Audra <AEnnis@leegov.com>
Subject: FW: Oakview Zoning Rejection Help
Importance: High

Hello Audra

See Brad's request below

Thank you

Jennifer Cavanaugh | Supervisor Lee County Permitting
Department of Community Development
1500 Monroe St, Fort Myers, FL 33901
office: (239) 533-8333
email: JCavanaugh@leegov.com
web: www.leegov.com/dcd
Connect With Us On Social Media

From: Brad Smith <brad.smith@lennar.com>
Sent: Tuesday, December 13, 2022 9:33 AM
To: Cavanaugh, Jennifer <JCavanaugh@leegov.com>
Subject: FW: Oakview Zoning Rejection Help
Importance: High

Jennifer, can you help with getting this in front of Shawn? I've sent this many times to many individuals for over a month since we were suppose to start these homes. We need to be able to get these approved with pads in the easements as we do in a lot of communities.

RES2022-08785
RES2022-08787

Thank you,

LENNAR

Brad Smith
Permit Manager
Southwest Florida
10481 Six Mile Cypress Pkwy.
Fort Myers, FL 33966
PH. 239.225.2102

From: Steve Gabor <Steve.Gabor@Lennar.com>
Sent: Thursday, November 10, 2022 8:03 AM
To: Shawn McNulty (SMcNulty@leegov.com) <smcnulty@leegov.com>
Cc: Brad Smith <brad.smith@lennar.com>
Subject: FW: Oakview Zoning Rejection Help
Importance: High

Shawn, these are not in a drainage easement. We want to install the A/C pads like we do in all communities in the side setback. Thanks

From: Brad Smith <brad.smith@lennar.com>
Sent: Thursday, November 10, 2022 7:51 AM
To: McNulty, Shawn <SMcNulty@leegov.com>; Steve Gabor <Steve.Gabor@Lennar.com>
Subject: Oakview Zoning Rejection Help
Importance: High

Good Morning,

We're having zoning rejection issues with equipment pads in Oakview. I've included two site plans (attached) and the permit numbers below, as well as a screen shot of the rejection. We're hoping to avoid issues with submittals in Oakview and approved these as is, as we have done in other communities.

Any help is appreciated.

RES2022-08785
RES2022-08787

Zoning Review Comments:
According to LDC Sec. 34-2191. - Measurement; permitted encroachments. (5)Equipment Pads/platforms.a.Equipment pads/platforms, such as those for air conditioning and swimming pool equipment, may encroach up to three feet into side, rear or waterbody setbacks. The equipment pad/platform may not interfere with ingress and egress, or through-access for life safety equipment.

LENNAR

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