Lee County Community Development

APPLICATION FOR ADMINISTRATIVE VARIANCE IN UNINCORPORATED AREAS ONLY

[LDC Section 34-174(a)]

Project Name: MFCU Ft. Myers

Request: Administrative Vairance request to deviate from LCLDC Sec. 34-2013(a) - Access

1. **Name of Applicant:** MidFlorida Credit Union
   Contact Person: Chris Robertson
   Address: 129 South Kentucky Ave.
   City, State, Zip: Lakeland, FL 33801
   Phone Number: 863-904-2047 E-mail: crobertson@midflorida.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:** BBE-Boggs Engineering, LLC
   Contact Person: Paul Easton
   Address: 607 S Alexander St Sutie 101
   City, State, Zip: Plant City, FL 33563
   Phone Number: 813-747-9100 E-mail: peaston@boggseng.com

   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: MidFlorida Credit Union
   Address: 129 South Kentucky Ave.
   City, State, Zip: Lakeland, FL 33801
   Phone Number: 863-904-2047 E-mail: crobertson@midflorida.com

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

6. **STRAP Number(s) [34-203(a)(5)]:**
   23-45-24-00-00002.0050

7. **Street Address of Property:** 13550 South Tamiami Trail, Ft. Myers, FL 33912

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

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)]**

9. **Use(s) of Property:**
   - **a.** Current uses of property are:
   Restaurant
   - **b.** Intended uses of property are:
   Financial Institution with Drive Thru

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

11. **Current Zoning of Property:** CG

12. **Property Dimensions:**
   - **a.** Width (average if irregular parcel): 265 Feet
   - **b.** Depth (average if irregular parcel): 219.99 Feet
   - **c.** Total area: 1.34 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.]

LCLDC Sec. 34-2013(a) - Access

This administrative variance is needed to ensure that the parking for patrons with disabilities has the shortest accessible route to the primary entrance to the proposed financial institution along the existing frontage road for the development as required by ADA. To allow for this, the spaces will be required to enter the frontage easement in a backward motion. The existing development has been in place since 1986 and also has a portion of its parking spaces that enter the frontage road easement in a backward motion.

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?
   Subject parcel is part of an existing development that is 38 years old and is uniquely situated and spatially constrained. The subject parcel is a corner outparcel with an existing frontage roadway easement area located on the north and east sides that is 40-feet wide making it so that parking spaces to serve patrons with disabilities, if they were required to enter the frontage easement in a forward motion, would not be the shortest accessible route to the primary, accessible entrance to the proposed financial institute as required by the ADA.
   - **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. The existing development also includes parking spaces that enter the frontage roadway not in a forward motion

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)]**

    Other than the requested variance from LCLDC Sec. 34-2013(a) – Access, the proposed development complies with all other applicable zoning and development standards.

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*:** **South Fort Myers**
*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)

	SUBMITTAL REQUIREMENT CHECKLIST ***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.