

ADMINISTRATIVE APPROVAL (ASV) ADD2025-00008

ADMINISTRATIVE APPROVAL
LEE COUNTY, FLORIDA

WHEREAS, Robert Marzzacco, in reference to Residential Accessory Structure, filed an application for administrative approval of a variance from Land Development Code (LDC) Section 34-1174(b)(1), which requires a minimum 100-foot street right-of-way setback for residential accessory structures that are located closer to the street than the principal structure, to allow a street setback of ± 48 feet from East 20th Street for a residential accessory structure (shed) on property located at 2002 Irving Ave, Alva, FL 33920, described more particularly as:

LEGAL DESCRIPTION: In Section 01, Township 44 South, Range 27 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the applicant has indicated the property's current STRAP number is 01-44-27-L3-03009.0110; and

WHEREAS, the subject property is zoned Residential Single-Family (RS-1) and is located Urban Community Future Land Use Category as designated by the Lee County Comprehensive Plan (Lee Plan); and

WHEREAS, the applicant has submitted a residential building permit, RES2024-11040, to permit the construction of a new detached residential accessory structure (shed); and

WHEREAS, the detached residential accessory structure was constructed closer to East 20th Street than the principal structure without a permit, and a violation was issued by County staff for the unpermitted construction (VIO2024-00636); and

WHEREAS, the referenced shed is classified as a residential accessory structure pursuant to Land Development Code (LDC) Section 34-2 and is permitted in the RS-1 Zoning District, pursuant to Land Development Code (LDC) Section 34-694; and

WHEREAS, Land Development Code (LDC) Section 34-1174(b)(1) establishes that accessory uses, buildings or structures in the RS-1 Zoning District may be closer to the street right-of-way line or street easement than the principal structure as long as a minimum setback of 100 feet is maintained; and

WHEREAS, the minimum rear setback for a residential accessory structure that is detached from the principal structure is 5 feet pursuant to Land Development Code (LDC) Section 34-1174(d)(2); and

WHEREAS, the applicant has provided a site plan depicting a rear setback of ± 14 feet and a street right-of-way setback of ± 48 feet from East 20th Street (see Exhibit "B"); and

WHEREAS, the applicant provided a narrative for the relief being requested, which provides information regarding vegetation located on the subject property, resulting in the placement of the residential accessory structure (see Exhibit "C"); and

WHEREAS, pursuant to the applicant's narrative, the requested relief will allow the existing vegetation to be left undisturbed and will also allow ease of access to maintain the existing vegetation (see Exhibit "C"); and

WHEREAS, the subject property is classified as a corner lot due to the property facing two street rights-of-way, the existing principal structure faces a street commonly known as Irving Avenue, which places the residential accessory structure behind the principal structure, but due to the subject property being classified as a corner lot, the residential accessory structure is closer to East 20th Street than the principal structure; and

WHEREAS, an application for approval of an administrative variance has been filed pursuant to LDC Section 34-174(a); and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval; and

WHEREAS the following findings of fact are offered:

- (1) There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question;
- (2) The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to the property; and
- (3) The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for an administrative variance from LDC Section 34-1174(b)(1), which requires a minimum 100-foot street right-of-way setback for residential accessory structures located in front of the principal building, to allow a street setback of ± 48 feet from East 20th Street for a residential accessory structure (shed) **is APPROVED, subject to the following conditions:**

- 1. The relief granted herein is limited to the accessory shed as depicted on the site plan,**

attached hereto as Exhibit "B". All other development must be in compliance with the Land Development Code.

2. Building permit approval must be obtained for the accessory shed to abate Notice of Code Violation VIO2024-00636.
3. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager 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.

Duly passed, adopted, and electronically signed on 3/18/2025

Anthony R. Rodriguez, AICP, CPM, Zoning Manager

Exhibits

Exhibit A: Legal Description

Exhibit B: Applicant's Site Plan

Exhibit C: Narrative

Exhibit A

Legal Descriptions of STRAP Number 01-44-27-L3-03009.0110

L 10 BLK 9 U 3 LEHIGH ACRES SEC 1 TWN 44 SOUTH RNG 27 EAST:

Lot 10, Block 9, Unit 3, Section 1, Township 44 South, Range 27 East, Lehigh Acres, according to plat thereof as recorded in Plat Book 15, Page 3, of the Public Records of Lee County, Florida.

L 11 BLK 9 U 3 LEHIGH ACRES:

Lot 11, Block 9, Unit 3, Section 1, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, according to the map or plat thereof, as recorded in Plat Book 15, Page(s) 3, of the Public Records of Lee County, Florida.

L 12 BLK 9 U 3 LEHIGH ACRES SEC 1 TWN 44 SOUTH RNG 27 EAST:

East ½ of lot 12, Block 9, LEHIGH ACRES UNIT 3, Section 1, Township 44 South, Range 27 East, according to plat thereof as recorded in Deed Book 254, Page 100, of the Public Records of Lee County, Florida.

L 12 BLK 9 U 3 LEHIGH ACRES SEC 1 TWN 44 SOUTH RNG 27 EAST:

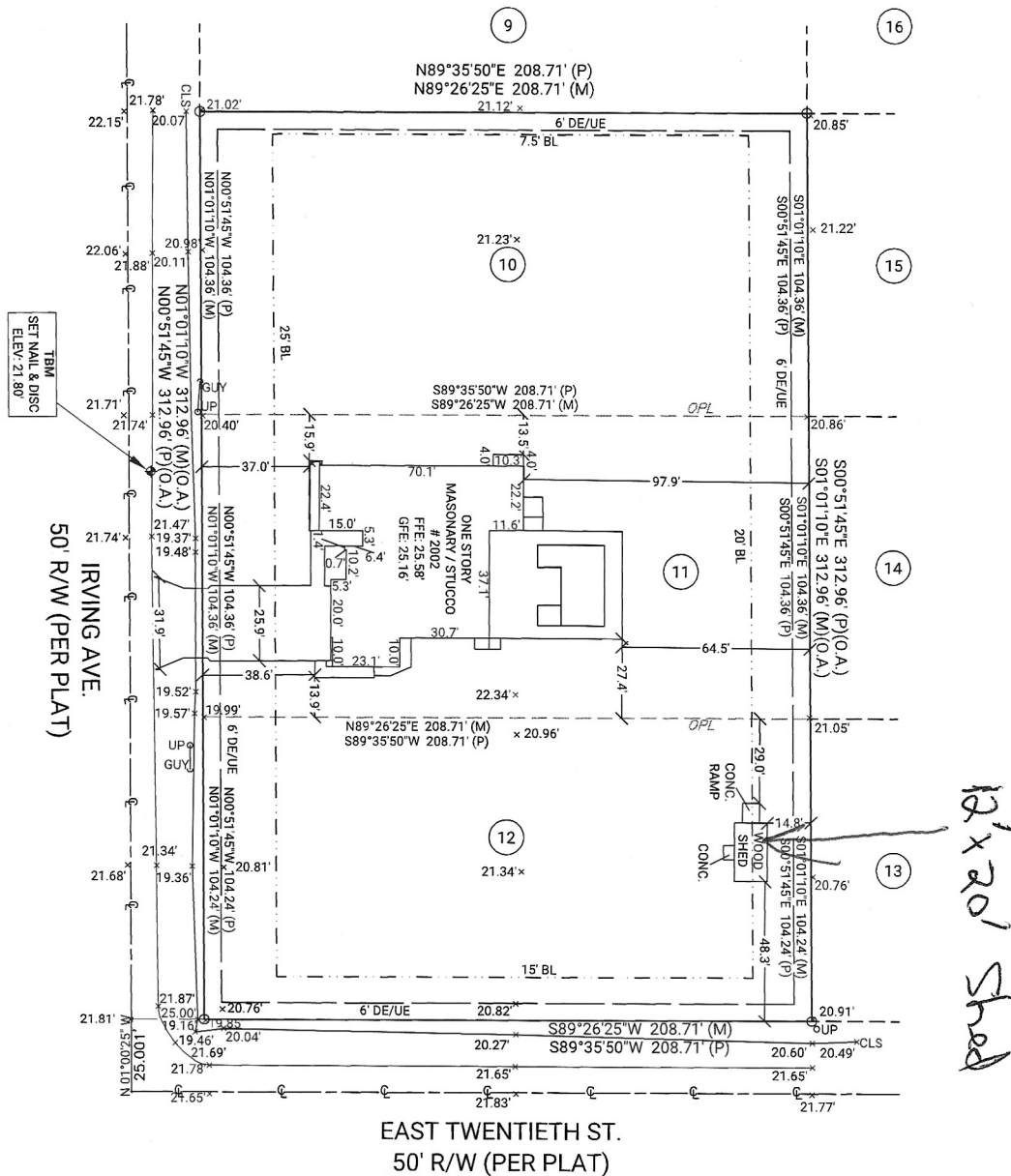
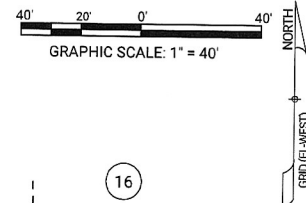
West ½ of lot 12, Block 9, Unit 3, Section 1, Township 44 South, Range 27 East, Lehigh Acres, according to the plat thereof, as recorded in Plat Book 15, Page(s) 3, of the Public Records of Lee County, Florida.

REVIEWED
ADD2025-00008
Sophia Ludlam, GIS Planner
Lee County
1/15/2025

ADDRESS: 2002 IRVING AVENUE

BEING LOTS 10-12, BLOCK 9, ACCORDING TO THE PLAT OF LEHIGH ACRES, UNIT 3,
RECORDED IN PLAT BOOK 15, PAGES 1-101 IN THE PUBLIC RECORDS OF LEE COUNTY,
FLORIDA.

AREA: 65,315 S.F. ~ 1.500 ACRES

Exhibit B**GENERAL NOTES**

1. Bearings shown hereon are based Florida State Plane West Zone (0902) derived from static GPS observations recorded on (04/29/2024).
2. Elevations shown hereon are based on NAVD 88 GEOID18 derived from static GPS observations recorded on (04/29/2024).
3. This property lies within flood zone "X" according to FEMA FIRM #: 12071C0337F, effective on 08/28/2008. (NAVD88)
4. This plat has been calculated for closure and is found to be accurate within one foot in 10,000+ feet.

PI Point of Intersection
(A) Measured
(P) Platted
(O.A.) Overall
OPL Original Platted Line
A/C Air Conditioning
CONC Concrete

TBM Temporary Benchmark
GUY Guy Wire
UP Utility Pole
ID Identification
F Fence
TPED Telephone Pedestal
SS Stop Sign

LAN Lanai
CLS Center Line of Swale
CP Covered Patio
DE Drainage Easement
UE Utility Easement
PROP Proposed
FFE Finished Floor Elevation

TOF Top of Form
BL Building Line
R/W Right of Way
SF Square Feet
APL Approximate Property Line
EOP Edge of Pavement
CL Center Line

○ Rebar to be set
● Set 1/2" Rebar (LB#8075)
● Found Rebar
● Set Mag Nail
● Found Mag Nail
Not To Scale
→ Drainage Flow

SUB: LEHIGH ACRES UNIT: 3
LOTS: 10-12 BLOCK: 9

Section 01, T44S - R27E
Lehigh Acres, Lee County, Florida

**BOUNDARY AND
TOPOGRAPHIC SURVEY FOR:**

**APRIL R. MARZZACCO &
ROBERT C. MARZZACCO**

FIELD WORK DATE: 04/29/2024
PLAT DATE: 04/30/2024

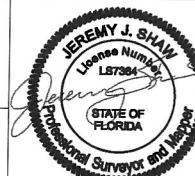
20240212363 SWFL FC: KS



CARTER + CLARK
SURVEYORS • PLANNERS • ENGINEERS

Carter & Clark Land Surveyors is unable to warrant the accuracy of boundary information, structures, easements, and buffers that are illustrated on the subdivision plat. This property may be subject to additional easements or restrictions of record. Adjoiners shown are per plat of record. The existence of utilities within utility easements have not been field verified by surveyor. Contact utility contractor for location prior to construction (if applicable). Dimensions from house to property lines should not be used to establish fences. This plat is for exclusive use by client. Use by third parties is at their own risk. The field data upon which this plat is based has a closure precision of one foot in 10,000+ feet and an angular error of 7 seconds per angle point and was adjusted using the compass rule. Equipment used: Leica Total Station-12. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without the written consent of the signing party or parties.

237 Aucilla Road
Monticello, FL 32344
www.carterandclark.com
LICENSED BUSINESS # 8075



PROFESSIONAL
SURVEYOR & MAPPER IN
RESPONSIBLE CHARGE

JEREMY JAMES SHAW,
FLORIDA CERTIFICATE NO.
LS 7364

Jeremy
J Shaw

This item has been electronically signed and sealed by Jeremy Shaw, PSM on 05/03/2024 using a digital signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.
I HEREBY CERTIFY THAT THE BOUNDARY SURVEY DEPICTED HEREON WAS CONDUCTED BY PERSONS UNDER MY DIRECT SUPERVISION AND MEETS OR EXCEEDS THE STANDARDS OF PRACTICE ESTABLISHED BY THE STATE OF FLORIDA AS OUTLINED IN S-17 FAC.

Exhibit C

Robert Marzzacco
2002 Irving Avenue
Alva, FL 33920
239.200.0689 - zocs1@yahoo.com

January 9, 2025

Department of Community Development, Zoning Section
Lee County Government
1500 Monroe Street
Fort Myers, FL 33901

Subject: Request for Variance – Shed Location – Section 34-1174

Dear Members of the Zoning Board,

I am writing to formally request a variance for the location of a proposed shed on my property located at 2002 Irving Ave., Alva, FL 33920. After carefully reviewing the zoning regulations in section 34-1174, we understand the required setbacks and understand the importance of following these guidelines. However, we believe that a variance is necessary in this case due to the unique characteristics of the property and our intent to preserve important environmental features.

As indicated on the submitted site plans, the shed has been proposed for a specific location on the property that will allow us to maintain the integrity of our landscape, particularly the pool area and several mature oak trees. The location suggested by the zoning department for the shed would place it directly where our pool and trees are situated. These trees are well-established, and we are committed to preserving them due to their ecological and aesthetic value. Removing or damaging these trees would significantly alter the natural environment of our property and diminish the overall character of the area.

The proposed shed location on the plans, as shown, has been carefully selected to avoid disturbing any of the mature oak trees. This location allows us to keep the existing landscape intact, minimizing any environmental impact, and ensuring that the pool area and trees remain undisturbed. The preservation of these trees is not only a matter of personal preference, but also reflects our desire to contribute positively to the neighborhood by maintaining green space and supporting local wildlife.

In conclusion, the variance request is made with the aim of ensuring that the shed can be placed in a manner that avoids the destruction of mature oak trees and allows for the continued enjoyment of the pool area, while still adhering to the functional needs of the property. We ask for your consideration in granting this variance to help us preserve the natural beauty and ecological value of our property.

Thank you for your time and understanding. We look forward to your favorable response and are happy to provide any additional information or clarification needed.

Sincerely,

Robert Marzzacco