

ADMINISTRATIVE APPROVAL (ASV) ADD2025-00049

ADMINISTRATIVE APPROVAL
LEE COUNTY, FLORIDA

WHEREAS, William Herker filed an application to seek relief from the following sections of the Lee County Land Development Code (LDC) to allow redevelopment of a previously existing mobile home park approved pursuant to Lee County Ordinance 86-36 with a new mobile-home residential development:

- Section 34-2015(2)d, requiring exiting vehicles to leave a parking lot in a forward motion, to allow parking spaces that require drivers to reverse into the proposed street;
- Section 10-351(d)(2), which requires fully or partially aboveground components of a sanitary sewage disposal facility to be set back at least 100 feet from any perimeter property line, to allow a setback from the northern property line of 71 feet for the processing equipment associated with the wastewater treatment package plant;
- Section 10-351(d)(3), which requires underground components of a sanitary sewage disposal facility to be set back at least 50 feet from the nearest residential lot to allow a setback of 34 feet from the nearest residential lot; and
- Section 34-2020(b), which requires ten (10) boat trailer parking spaces in conjunction with a boat ramp, to allow six (6) boat trailer parking spaces to serve an existing boat ramp on the subject property; and

WHEREAS, the subject property is generally located south of Main Street and west of Captains Drive, Bokeelia, and a legal description of the subject property is attached as Exhibit "A"; and

WHEREAS, the applicant has indicated the property's current STRAP Number is 25-43-21-L2-00006.0000; and

WHEREAS, the subject property is zoned Commercial (C-2) and is located in the Suburban Future Land Use Category as designated by the Lee County Comprehensive Plan (Lee Plan); and

WHEREAS, the subject property received relief from LDC Section 34-2013, which requires vehicles exiting a parking lot to enter the street right-of-way or easement in a forward motion, to allow the existing 13 parking spaces located along the north property line facing Charlotte Harbor by the fishing pier to back out onto Main Street on August 1, 2006, via ADD2004-00190; and

WHEREAS, the subject property consists of a portion of a mobile home park approved by Ordinance No. 86-36 known as Buttonwood and of the entirety of a mobile home park approved by Ordinance No. 86-36 known as Charlotte Harbor Resort; and

WHEREAS, the applicant has filed companion requests to amend the Buttonwood and Charlotte Harbor Resort mobile home park site plans approved by Ordinance No. 86-36 via ADD2025-00050 and ADD2025-00051, respectively, to create a unified development plan; and

WHEREAS, the applicant has applied for a development order (DOS2024-00033) to develop the site consistent with the 86-36 site plans approved via ADD2025-00050 and ADD2025-00051; and

WHEREAS, LDC Section 34-2015(2)d. requires parking lot spaces to be provided with sufficient maneuvering room to allow an exiting vehicle to leave the parking lot in a forward motion; and

WHEREAS, LDC Section 34-2013(a) allows the Director to administratively approve back-out parking into rights-of-way in residential developments, subject to limitations set forth by this provision; and

WHEREAS, the applicant has provided a site plan depicting parking spaces that back out directly into the street easement for Coastline Way, which are proposed to be provided for residential amenities, and the design of the proposed parking spaces complies with the limitations set forth in LDC Section 34-2013(a) (see Exhibit "B"); and

WHEREAS, LDC Section 10-351(d)(2) requires all aboveground or partially aboveground water or sewage facilities to be set back at least 100 feet from any perimeter property line; and

WHEREAS, the applicant is constrained in the location of the sewage treatment facility due to Florida Department of Environmental Protection regulations requiring belowground disposal facilities to be set back at least 100 feet from any waterbody; and

WHEREAS, the applicant has provided a conceptual plan depicting enclosure of aboveground utility structures associated with the sewage treatment facility within a building (see Exhibit "C"); and

WHEREAS, the proposed site plan depicts the sewage treatment facility building in compliance with all requisite setbacks for buildings from street easements and property lines pursuant to LDC Section 34-845 (see Exhibit "B"); and

WHEREAS, LDC Section 34-174(h)(1) limits the authority of the Director to administratively approve deviations to technical standards in LDC Chapter 10; and

WHEREAS, LDC Section 34-174(h)(1) does not grant the Director authority to administratively approve a deviation from LDC Section 10-351; and

WHEREAS, enclosure of the aboveground utility structures associated with the sewage treatment facility within a building renders the 100-foot setback requirement for

aboveground utility structures established by LDC Section 10-351(d)(2) moot; and

WHEREAS, LDC Section Section 10-351(d)(3) requires belowground disposal facilities to be no closer than 50 feet from the nearest residential lot; and

WHEREAS, LDC Section 10-1 defines “Lot” as a parcel of land considered as a unit; and

WHEREAS, the subject property consists of multiple sites within one parcel under single ownership; and

WHEREAS, sites within the subject parcel are not considered to be individual and separate lots; and

WHEREAS, the applicant has provided a site plan demonstrating that all belowground disposal facilities are further than 50 feet from the nearest abutting residential lots in compliance with LDC Section 10-351(d)(3) (see Exhibit “B”); and

WHEREAS, LDC Section 34-174(h)(1) does not grant the Director authority to administratively approve a deviation from LDC Section 10-351; and

WHEREAS, the applicant has filed the subject request to seek relief from LDC Section 34-2020(b), which requires a minimum of ten (10) parking spaces for boat ramps, to allow six (6) parking spaces to accommodate boat trailer parking for an existing boat ramp on the subject property; and

WHEREAS, the applicant’s justification for the requested parking reduction notes the restricted use of the existing boat ramp and indicates that a maximum of 27 of the 84 total slips (32 percent) will be available for lease as rental slips in conjunction with the vested marina use generally located on the eastern portion of the property (see Exhibit “E”); and

WHEREAS, the applicant’s justification also indicates that the existing boat ramp will not be open to the public and will be used primarily for initial launches, removals, and occasional maintenance of vessels owned by tenants of the rental slips; and

WHEREAS, the applicant proposes to provide six (6) boat trailer parking spaces on the northeast portion of the property (see Exhibit “B”); and

WHEREAS, the applicant has provided turning templates demonstrating that vehicles equipped with trailers will be able to safely maneuver into and out of the proposed boat trailer parking spaces without backing into the Main Street right-of-way (see Exhibit “D”); and

WHEREAS, Development Services staff reviewed the requested parking deviation and raised no objection to the request; 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 pertaining to the requested variance from LDC Section 34-2015(2)d:

- (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; and

WHEREAS, in accordance with LDC Section 34-2013(a), the following additional findings of fact are offered pertaining to the requested variance from LDC Section 34-2015(2)d:

- (1) Coastline Way is a privately owned and maintained, low-volume, local street;
- (2) All parking spaces are for amenities to the development; and
- (3) Parking spaces will comply with the parking space dimensions set forth by LDC Section 34-2016(1).

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval of variances from Land Development Code:

- a) Section 34-2015(2)d, requiring exiting vehicles to leave a parking lot in a forward motion to allow parking spaces that require drivers to reverse into the proposed street **is APPROVED**;
- b) Section 10-351(d)(2), which requires fully or partially aboveground components of a sanitary sewage disposal facility to be set back at least 100 feet from any perimeter property line, to allow a setback from the northern property line of 71 feet for the processing equipment associated with the wastewater treatment package plant **is WITHDRAWN based on the following findings:**

1. Land Development Code Sections 10-104 and 34-174 do not provide authority to grant an administrative relief from this regulation; and

2. Enclosure of the aboveground components of the proposed sanitary sewage disposal facility within a building renders the requested variance moot;
- c) Section 10-351(d)(3), which requires underground components of a sanitary sewage disposal facility to be set back at least 50 feet from the nearest residential lot, to allow a setback of 34 feet from the nearest residential lot **is WITHDRAWN based on the following findings:**
 1. Land Development Code Sections 10-104 and 34-174 do not provide authority to grant administrative relief from this regulation; and
 2. The underground components of the proposed sanitary sewage disposal facility are set back from abutting residential lots in compliance with this requirement; and
- d) Section 34-2020(b), which requires ten (10) boat trailer parking spaces in conjunction with a boat ramp, to allow six (6) boat trailer parking spaces to serve an existing boat ramp on the subject property **is APPROVED.**

The APPROVALS noted herein are subject to the following conditions:

1. Development must be in substantial compliance with site plan entitled Zoning Site Plan prepared by Greensite Engineering, Inc., last revised November 9, 2025, a copy of which is attached hereto as Exhibit "B."
2. The variance from LDC Section 34-2015(2)d is APPROVED subject to the following conditions:
 - a. Back-out parking is limited to the parking spaces along Coastline Way depicted on the site plan attached hereto as Exhibit "B". All other development must be in compliance with the Land Development Code.
 - b. Use of the parking spaces backing on to Coastline Way is limited to residents and guests of the development for access to the residential amenities. Parking space dimensions must be consistent with LDC Section 34-2016(1).
3. The variance from LDC Section 34-2020(b) is APPROVED subject to the following conditions:
 - a. Use of the existing boat ramp is limited to residents of the development and tenants of rental slips only. The use of the boat ramp for day launching, as a public boat launch, launching of commercial vessels, or other commercial activities is prohibited.

- b. Development order plans must depict a minimum of six (6) boat trailer parking spaces in substantial compliance with the exhibit entitled Vehicular Maneuvering Exhibit, Bokeelia Pointe prepared by Greensite Engineering, Inc., dated November 13, 2025, a copy of which is attached hereto as Exhibit “D.”
4. The above-ground sewage facilities must be enclosed within a building designed in substantial compliance with Conceptual Façade and Major Equipment Enclosure prepared by McDonald Group International, Inc. attached hereto as Exhibit “C.”
5. 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 12/04/2025
Anthony R. Rodriguez, AICP, CPM, Zoning Manager
Community Development

Exhibits

Exhibit A: Legal Description

Exhibit B: Site Plan

Exhibit C: Conceptual Façade and Major Equipment Enclosure

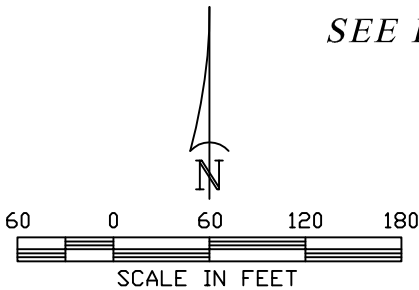
Exhibit D: Boat Trailer Parking Turning Templates

Exhibit E: Schedule of Variance Requests and Justifications

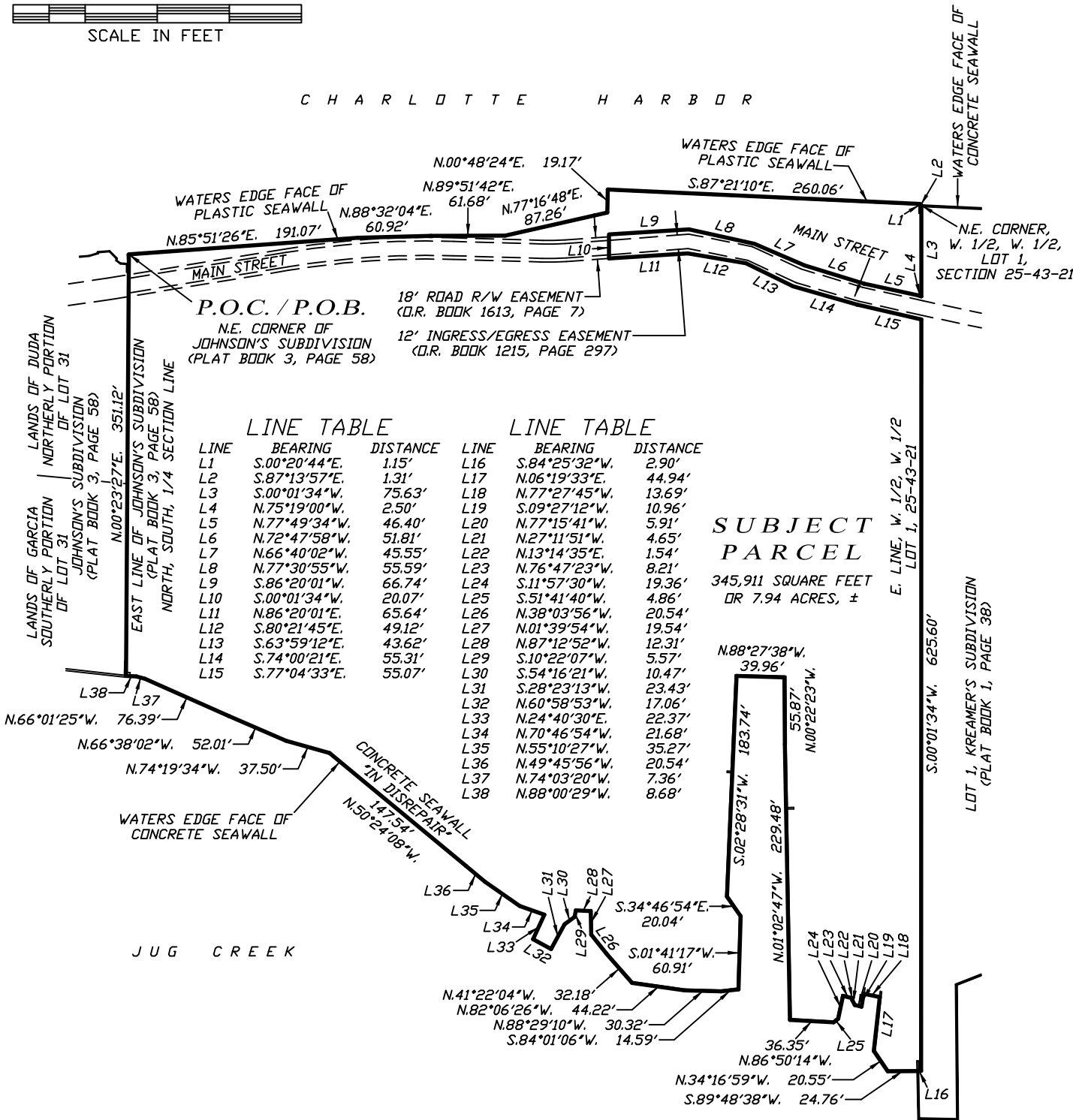
SKETCH TO ACCOMPANY DESCRIPTION: (PROPOSED)

A PARCEL OF LAND LYING IN SECTION 25,
TOWNSHIP 43 SOUTH, RANGE 21 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

SEE EXHIBIT "A", SHEET 2 OF 2 FOR DESCRIPTION
THIS IS NOT A BOUNDARY SURVEY



C H A R L O T T E H A R B O R



SKETCH / DESCRIPTION NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST BOUNDARY LINE OF JOHNSON'S SUBDIVISION, AS BEING N.00°23'27"E.
2. FIELD NOTES IN SECTION 25-43-21.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006; FS 668.50; FS 472.025; 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
6. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 120 SCALE DRAWING.

SHEET 1 OF 2

LEGEND:
R/W RIGHT-OF-WAY
CL CENTERLINE
P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
O.R. OFFICIAL RECORDS

DRAWN: <i>RBH</i>	CHECK: <i>PMM</i>	SCALE <i>1"=120'</i>	PROJ. # <i>8421MAINST</i>	<i>HARRIS-JORGENSEN, LLC. 3048 DEL PRADO BLVD. S., SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921</i>
SKETCH DATE <i>10/20/25</i>		FILE NO. <i>43-21-25</i>	SHT.- 1 OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921				

DESCRIPTION TO ACCOMPANY SKETCH

EXHIBIT "A"

(PROPOSED)

A PARCEL OF LAND LYING IN SECTION 25,TOWNSHIP 43 SOUTH, RANGE 21 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA**DESCRIPTION:**

A PLOT OR PARCEL OF LAND LYING IN SECTION 25, TOWNSHIP 43 SOUTH, RANGE 21 EAST, LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF JOHNSON'S SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 58, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING A POINT LYING ALONG THE NORTH, SOUTH, QUARTER (1/4) SECTION LINE AND A POINT LYING ALONG THE WATERS OF CHARLOTTE HARBOR, LYING ALONG THE WATERS EDGE FACE OF AN EXISTING PLASTIC SEAWALL, FOR A POINT OF BEGINNING; THENCE RUN ALONG SAID SEAWALL FOR THE FOLLOWING COURSES: N.85°51'26"E., FOR 191.07 FEET; N.88°32'04"E., FOR 60.92 FEET; N.89°51'42"E., FOR 61.68 FEET; N.77°16'48"E., FOR 87.26 FEET; N.00°48'24"E., FOR 19.17 FEET; S.87°21'10"E., FOR 260.06 FEET; S.00°20'44"E., FOR 1.15 FEET; THENCE DEPARTING FROM SAID PLASTIC SEAWALL, RUN S.87°13'57"E., ALONG THE WATERS EDGE FACE OF AN EXISTING CONCRETE SEAWALL TO THE NORTHEAST CORNER OF THE WEST HALF (W. 1/2) OF THE WEST HALF (W. 1/2) OF GOVERNMENT LOT 1, OF THE AFORESAID SECTION 25, FOR 1.31 FEET; THENCE RUN S.00°01'34"W ALONG THE EAST LINE OF SAID FRACTION OF LOT 1 TO THE EDGE OF EXISTING PAVEMENT OF MAIN STREET, BEING THE NORTH RIGHT OF WAY LINE, FOR 75.63 FEET; THENCE RUN N.75°19'00"W. ALONG SAID NORTH RIGHT OF WAY LINE, FOR 2.50 FEET; THENCE RUN N.77°49'34"W., FOR 46.40 FEET; THENCE RUN N.72°47'58"W., FOR 51.81 FEET; THENCE RUN N.66°40'02"W., FOR 45.55 FEET; THENCE RUN N.77°30'55"W., FOR 55.59 FEET; THENCE RUN S.86°20'01"W., FOR 66.74 FEET; THENCE RUN S.00°01'34"W. TO A POINT ALONG THE SOUTH RIGHT OF WAY LINE OF THE AFORESAID MAIN STREET, FOR 20.07 FEET; THENCE RUN N.86°20'01"E. ALONG SAID SOUTH RIGHT OF WAY LINE, FOR 65.64 FEET; THENCE RUN S.80°21'45"E., FOR 49.12 FEET; THENCE RUN S.63°59'12"E., FOR 43.62 FEET; THENCE RUN S.74°00'21"E., FOR 55.31 FEET; THENCE RUN S.77°04'33"E. TO A POINT ALONG THE EAST LINE OF THE AFORESAID OF LOT 1, FOR 55.07 FEET; THENCE RUN S.00°01'34"W. ALONG THE EAST LINE OF SAID FRACTION OF LOT 1, FOR 625.60 FEET; THENCE RUN S.84°25'32"W. TO THE WATERS OF JUG CREEK LYING ALONG THE WATERS EDGE FACE OF AN EXISTING CONCRETE SEAWALL, FOR 2.90 FEET, MORE OR LESS; THENCE RUN ALONG SAID SEAWALL FOR THE FOLLOWING COURSES: S.89°48'38"W., FOR 24.76 FEET; N.34°16'59"W., FOR 20.55 FEET; N.06°19'33"E. TO THE WATERS OF JUG CREEK, FOR 44.94 FEET, MORE OR LESS; THENCE DEPARTING FROM SAID SEAWALL, RUN N.77°27'45"W. ALONG THE AFORESAID MEAN HIGH WATERS OF JUG CREEK TO THE AFORESAID WATERS EDGE FACE OF AN EXISTING CONCRETE SEAWALL, FOR 13.69 FEET; THENCE RUN ALONG SAID SEAWALL FOR THE FOLLOWING COURSES: S.09°27'12"W., FOR 10.96 FEET; N.77°15'41"W., FOR 5.91 FEET; N.27°11'51"W., FOR 4.65 FEET; N.13°14'35"E., FOR 1.54 FEET; N.76°47'23"W., FOR 8.21 FEET; S.11°57'30"W., FOR 19.36 FEET; S.51°41'40"W., FOR 4.86 FEET; N.86°50'14"W., FOR 36.35 FEET; N.01°02'47"W., FOR 229.48 FEET; N.00°22'23"W., FOR 55.87 FEET; N.88°27'38"W., FOR 39.96 FEET; S.02°28'31"W., FOR 183.74 FEET; S.34°46'54"E., FOR 20.04 FEET; S.01°41'17"W., FOR 60.91 FEET; S.84°01'06"W., FOR 14.59 FEET; N.88°29'10"W., FOR 30.32 FEET; N.82°06'26"W., FOR 44.22 FEET; N.41°22'04"W., FOR 32.18 FEET; N.38°03'56"W., FOR 20.54 FEET; N.01°39'54"W. TO THE WATERS OF JUG CREEK, FOR 19.54 FEET, MORE OR LESS; THENCE DEPARTING FROM SAID SEAWALL, RUN N.87°12'52"W. ALONG THE AFORESAID MEAN HIGH WATERS OF JUG CREEK TO THE AFORESAID WATERS EDGE FACE OF AN EXISTING CONCRETE SEAWALL, FOR 12.31 FEET; THENCE RUN ALONG SAID SEAWALL FOR THE FOLLOWING COURSES: S.10°22'07"W., FOR 5.57 FEET; S.54°16'21"W., FOR 10.47 FEET; S.28°23'13"W., FOR 23.43 FEET; N.60°58'53"W., FOR 17.06 FEET; N.24°40'30"E., FOR 22.37 FEET; N.70°46'54"W., FOR 21.68 FEET; N.55°10'27"W., FOR 35.27 FEET; N.49°45'56"W., FOR 20.54 FEET; N.50°24'08"W., FOR 147.54 FEET; N.74°19'34"W., FOR 37.50 FEET; N.66°38'02"W., FOR 52.01 FEET; N.66°01'25"W., FOR 76.39 FEET; N.74°03'20"W., FOR 7.36 FEET; N.88°00'29"W. TO A POINT LYING ALONG THE AFORESAID NORTH, SOUTH, QUARTER (1/4) SECTION LINE, BEING THE EAST PLAT BOUNDARY LINE OF THE AFORESAID JOHNSON'S SUBDIVISION, ALSO BEING A POINT THAT LIES S.00°23'27"W. FROM THE POINT OF BEGINNING, FOR 8.68 FEET; THENCE RUN N.00°23'27"E. ALONG SAID QUARTER (1/4) SECTION LINE AND EAST BOUNDARY LINE, FOR 351.12, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 345,911 SQUARE FEET OR 7.94 ACRES, MORE OR LESS.

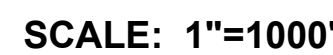
BEARINGS ARE BASED ON THE AFORESAID EAST BOUNDARY LINE OF JOHNSON'S SUBDIVISION, AS BEING N.00°23'27"E.

Phillip M Mould, Digitally signed by Phillip M
LS6515, State of Mould, LS6515, State of
Florida
Date: 2025.10.31 15:12:16
Florida -04'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER, LS6515
OCTOBER 20, 2025

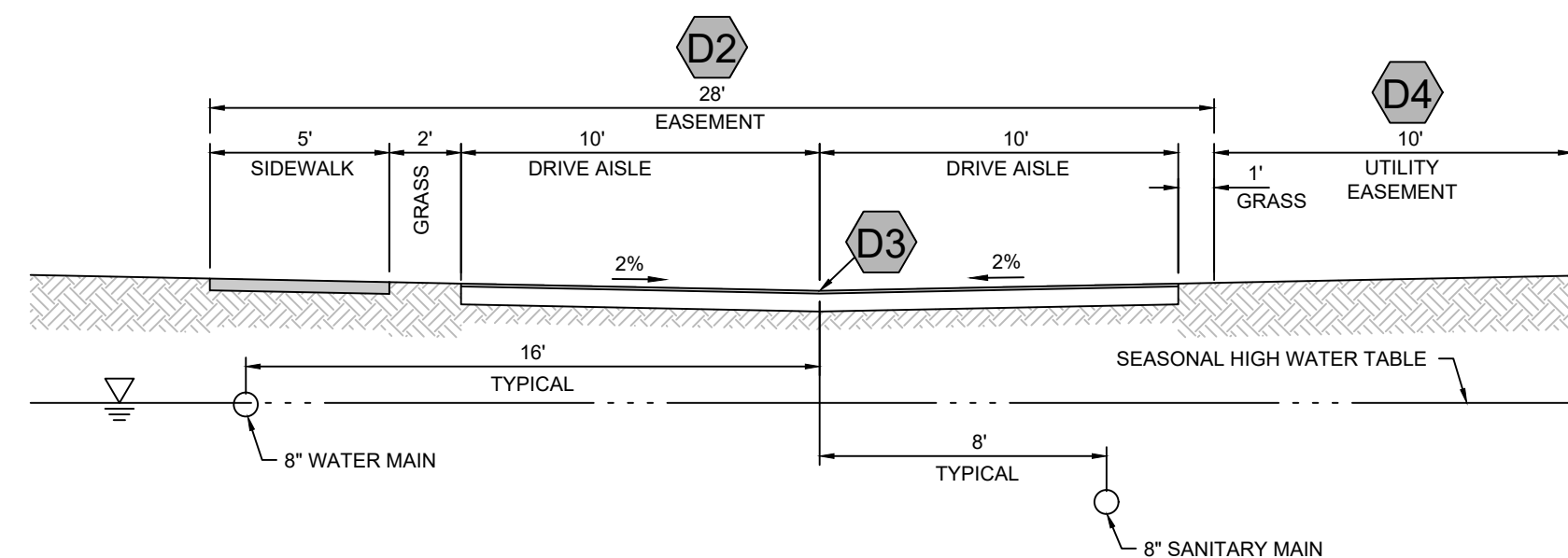
SHEET 2 OF 2

8421MAINST

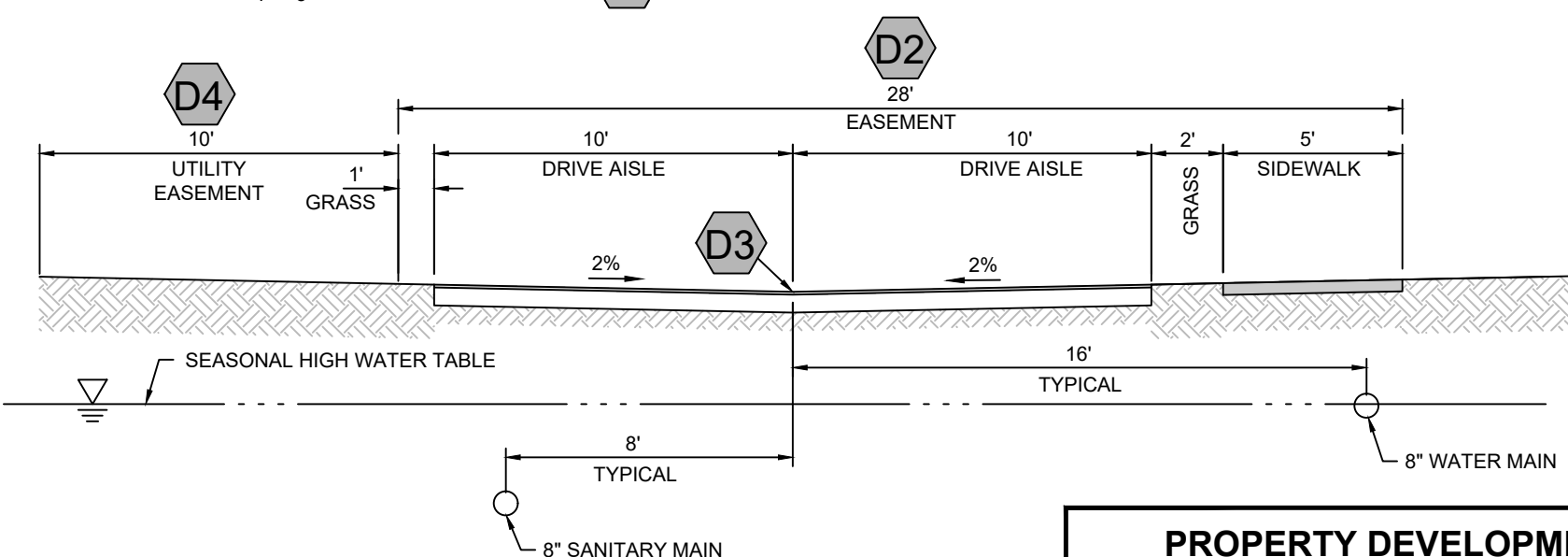


LEGEND	
PROPERTY LINE	
LOT OF RECORD NUMBER	
LOT OF RECORD LINE	
BUILDING SETBACK LINE	
WWTP SETBACK LINE	
EXISTING RIGHT-OF-WAY LINE	
EXISTING ACCESS EASEMENT LINE	
PROPOSED ACCESS EASEMENT LINE	
PROPOSED 10' PUE LINE	
PROPOSED SEAWALL (BY OTHERS)	
ASPHALT PAVEMENT	
CONCRETE PAVEMENT & WALKS	
WATER MANAGEMENT AREAS	

LAND USE SUMMARY			
COMPONENT	PROPOSED CONDITION		
	AREA		COV'G
	SF	AC	%
BUILDING AREA	54120	1.24	15.6%
ASPHALT AREA	58905	1.35	17.0%
CONCRETE AREA	18147	0.42	5.2%
GRAVEL SURFACE	18652	0.43	5.4%
WOOD DOCK/DECK	0	0.00	0.0%
RETENTION AREA	39225	0.90	11.3%
SUBMERGED LAND	4416	0.10	1.3%
PERVIOUS AREA	152446	3.50	44.1%
TOTAL	345911	7.94	100.0%



SECTION A-A (TYPICAL ROAD SECTION) 
1" = 5'

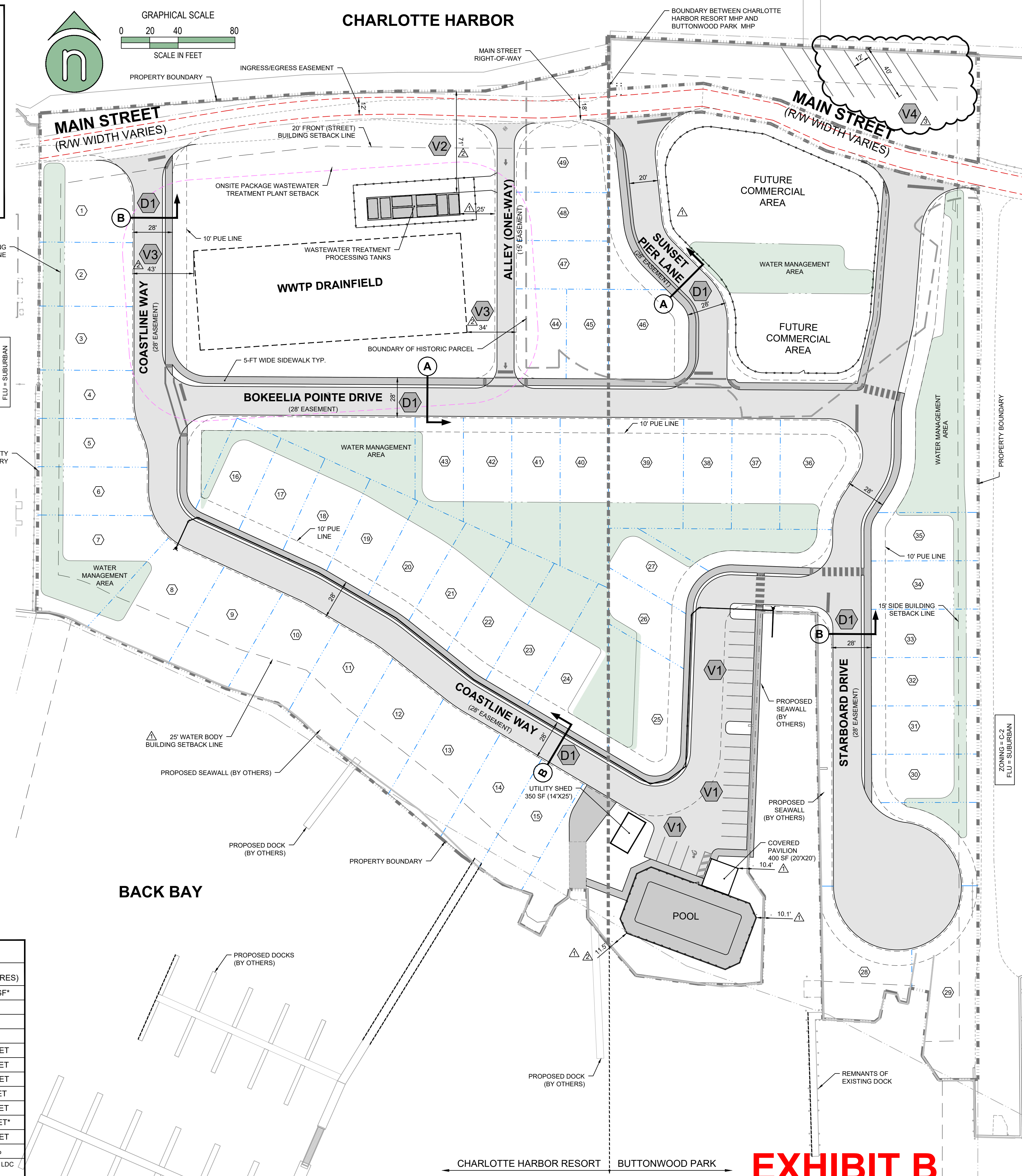


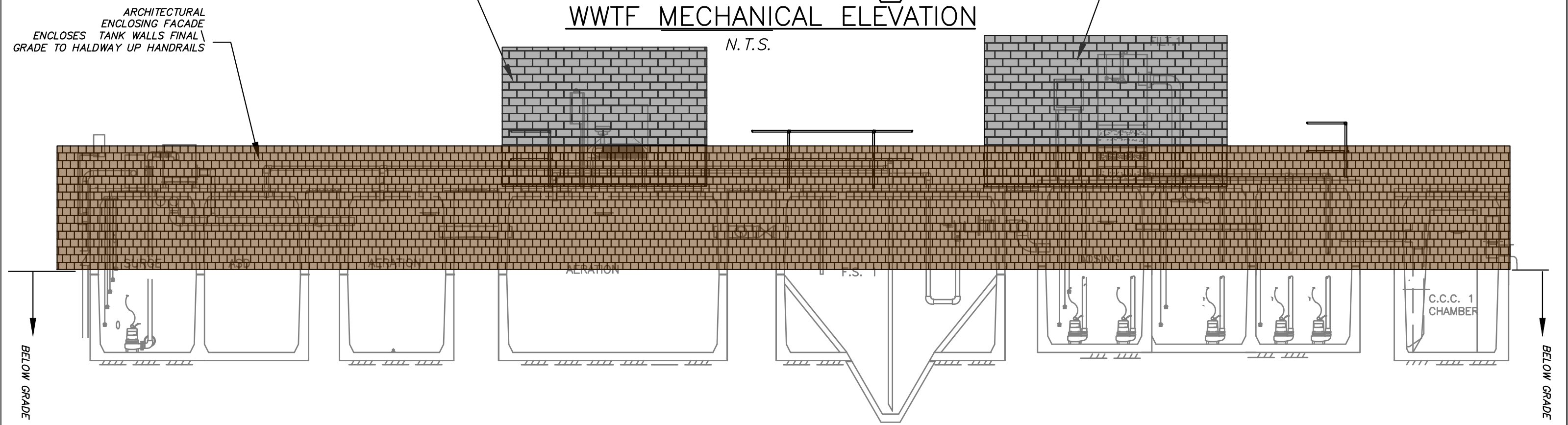
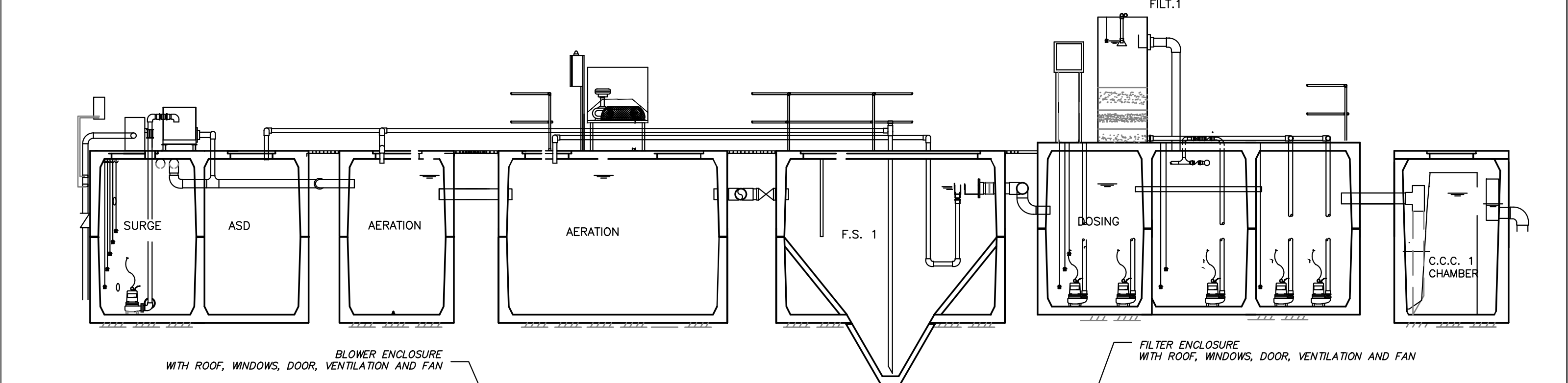
SECTION B-B (TYPICAL ROAD SECTION) 

PROJECT INFORMATION	
PARCEL NUMBER:	25-43-21-L2-00006.0000
SITE ADDRESS:	8421 MAIN STREET BOKEELIA, FL 33922
PARCEL AREA:	7.94 AC
SECTION/TOWNSHIP/RANGE:	25/43S/21E
ZONING:	C-2
FUTURE LAND USE:	SUBURBAN
FEMA PANEL:	12071C0210G (DATED 11/17/22)
FEMA FLOOD ZONE:	ZONE AE (BFE 8.0)

PROPERTY DEVELOPMENT REGULATIONS		
SITE COMPONENT	VALUE (COM)	VALUE (RES)
MINIMUM LOT AREA	10000 SF	1200 SF*
MINIMUM LOT WIDTH	75 FEET	---*
MAXIMUM DENSITY	---	---*
SETBACKS:		
FRONT (MAIN ST - PVT LOCAL RD)	20 FEET	20 FEET
SIDE	15 FEET	15 FEET
REAR / WATER BODY	25 FEET	25 FEET
ACCESSORY (NON-ROOFED)	5 FEET	5 FEET
ACCESSORY (ROOFED)	10 FEET	10 FEET
MINIMUM BUILDING SEPARATION	---	10 FEET*
MAX BUILDING HEIGHT (LDC SEC 34-2175)	33 FEET	33 FEET
MAXIMUM BUILDING COVERAGE	40%	40%

* - EXISTING MOBILE HOME PARK GOVERNED BY AN APPROVED 86-36 SITE PLAN AND LDC, SEC. 34-3274(1)

[illegible]



WWTF MECHANICAL ELEVATION

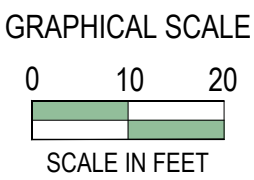
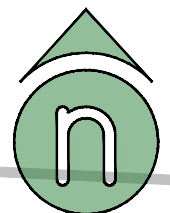
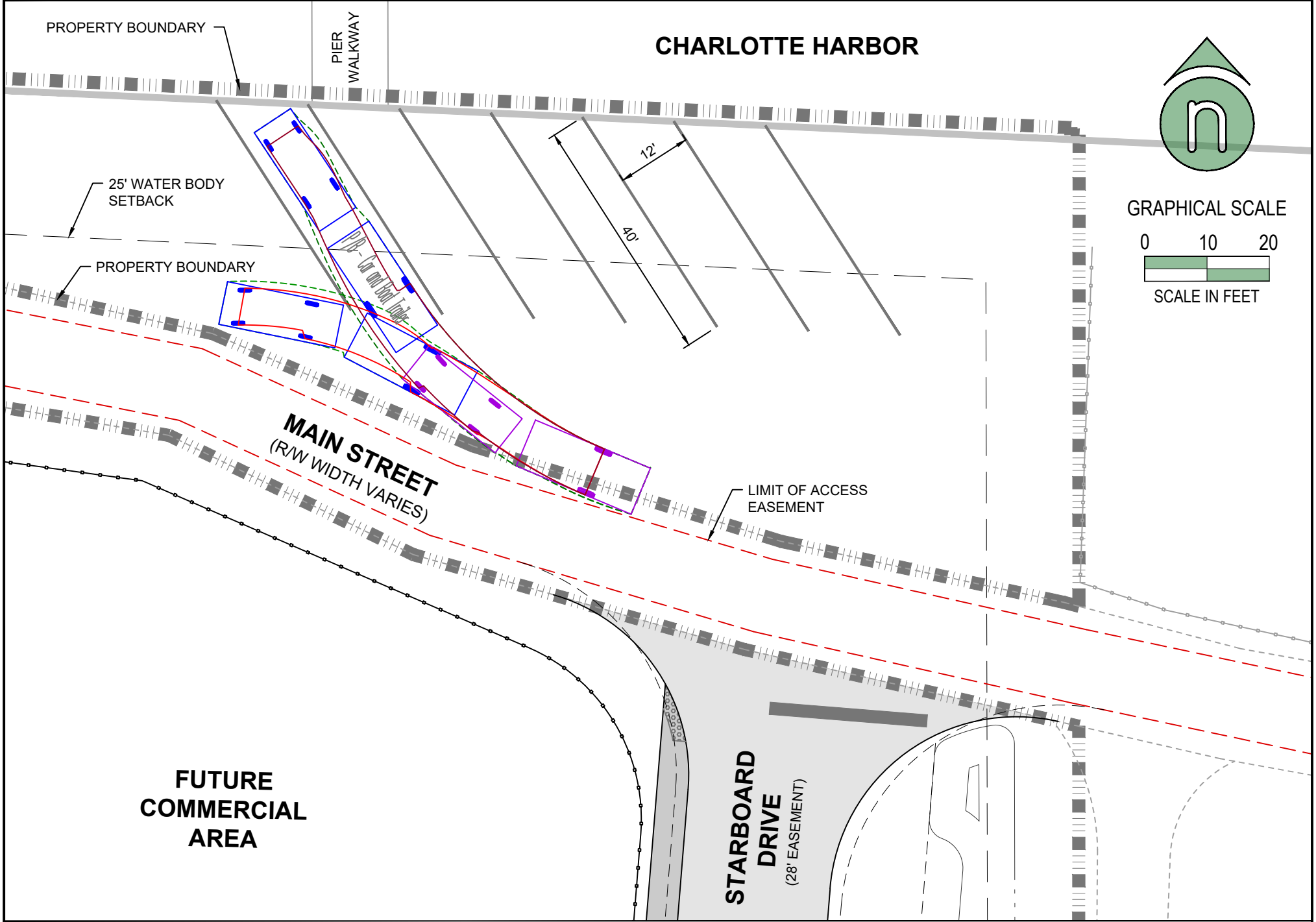
N.T.S.

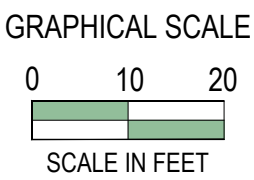
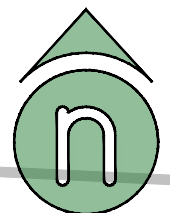
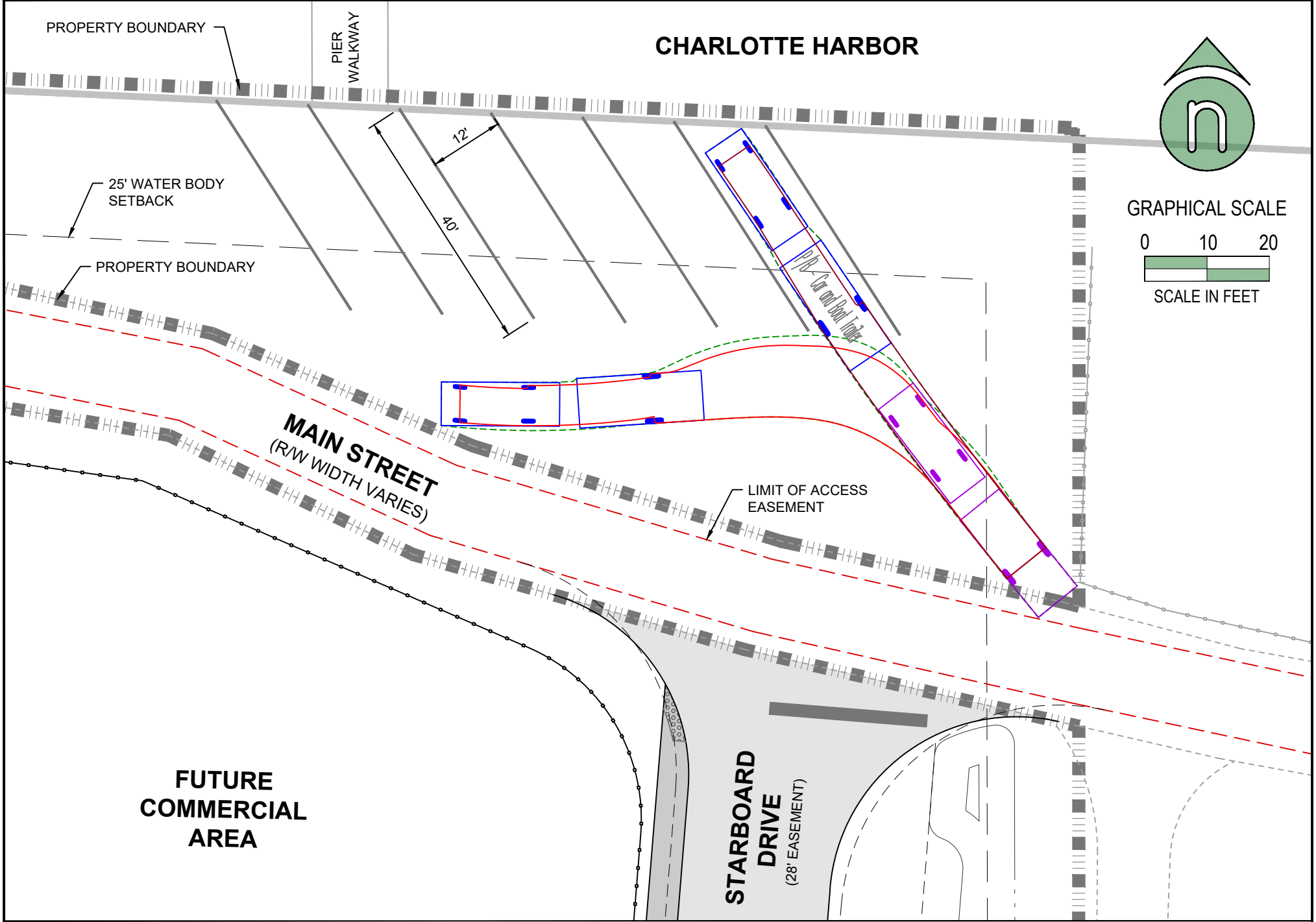
CONCEPT FACADE AND MAJOR EQUIPMENT ENCLOSURE

N.T.S.

REVISIONS			REVISIONS			McDONALD GROUP INTERNATIONAL, INC. 9030 S. BRITTANY PATH INVERNESS FLORIDA 34452 (352) 637-1652, FAX (888) 523-0884 info@mcdonaldaroup.com CA-0007580	BOLEELIA POINTE CLUB		WWTF MECHANICAL ELEVATION	SHEET NO.
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION		COUNTY	CLIENT PROJECT		M2
							LEE	WASTEWATER SYSTEM IMPROVEMENTS		

EXHIBIT C





VEHICULAR MANEUVERING EXHIBIT (EAST SPACE)
BOKEELIA POINTE

BOKEELIA POINTE, LLC

SCHEDULE OF VARIANCE REQUESTS AND JUSTIFICATIONS

CHAPTER 34 ADMINISTRATIVE VARIANCE REQUESTS:	
V1.	Deviate from LDC Section 34-2015(2)(d) requiring exiting vehicles to leave a parking lot in a forward motion; to allow parking spaces that require drivers to reverse into the proposed street. JUSTIFICATION: The proposed site configuration has been designed to maximize the number of parking spaces serving the development. Please note the commercial component of the development, the previous restaurant and gift shop destroyed by Hurricane Milton and subsequently removed, has been removed from this request to allow the applicant to redesign this corner of the property in the future. The parking spaces earmarked to serve the commercial building have also been removed, leaving the parking spaces by the pool area and basin as the sole location not conforming with LDC 34-2015(2)(d). Exceptional circumstances of the development: The overall shape of the property and presence of the existing basin introduces challenges from a layout perspective. The proposed configuration seeks to balance the required number of parking for these uses with the requirements for vehicular access, but the existing site constraints (predominantly the basin carved into the property) does not afford the creation of an isolated parking lot without consuming a significant portion of the property. These parking spaces have therefore been integrated into the low volume roadways serving the mobile home park. The isolated location of this property at the termination of Bokeelia and the relatively low density proposed for a mobile home development (49 units on 8 acres of land) generates fewer-than-typical trips through Bokeelia Pointe’s internal roadway system. Degree of intensity of request: Granting this variance for parking spaces that back out onto internal roadways with low traffic volume is preferred over not providing sufficient parking. Inadequate parking will force vehicles to patrol the parking areas in search for an open space, increasing the use of the local private roads by guests accessing the pool or rental boat slips. Furthermore, visibility in these areas allows parked vehicles to exit these spaces with full view by other drivers. These parking spaces are located in unobstructed areas, allowing each driver to clearly see the other without vehicular conflicts. Accessing these parking spaces from a low volume private road places minimal burden on the street network and vehicular traffic patterns. Detrimental effect on public safety: Granting this variance will not adversely impact the functionality or enjoyment of the neighborhood by the residents nor will result in detrimental impacts to the safety and welfare of the general public. The isolated location of Bokeelia Pointe is not expected to create spontaneous or pass-by traffic – vehicles visiting Bokeelia Pointe will do so for a specific purpose. Therefore, granting this variance for the pool and slip visitor parking spaces will affect an extremely limited subset of the general population.

EXHIBIT E

CHAPTER 10 ADMINISTRATIVE VARIANCE REQUESTS:	
V2.	Deviate from LDC Section 10-351(d)(2) that requires fully or partially aboveground components of a sanitary sewage disposal facility to be set back at least 100 feet from any perimeter property line; to allow a setback from the northern property line of 71 feet for the processing equipment associated with the wastewater treatment package plant. JUSTIFICATION: This variance request seeks to memorialize the location of the wastewater treatment package plant as approved in this project's Florida Department of Environmental Protection (FDEP) permit. Exceptional circumstances of the development: Designed by a wastewater engineer who specializes in package treatment plants, this plant received its FDEP permit in February 2024, initiating the start of the Development Order permit application process. The plant was configured to comply with FDEP separation and setback requirements. While FDEP requires the drainfields to maintain a 100-foot setback from nearby bodies of water, there is no specific setback requirement pertaining to the processing equipment. The design team explored relocating the processing equipment to the south side of the drainfields to achieve this setback. However, the wastewater engineer's professional opinion does not recommend this alternative, citing a direct visual impact and potential noise and odor impacts to a greater number of homesites. The current location of the processing equipment allows a greater separation from nearby homesites, whereas the alternative location south of the drainfields could place it as close as 50 feet from several homesites. The alternative location would be directly viewable by 6-8 homesites, whereas the current location is directly viewable by 2 homesites. The current location is surrounded by more green space and with the required vegetative buffering, is more easily screened from view by the residents as well as traffic on Main Street. While the potential for noise and odor is present for any wastewater treatment plant, this is not an incessant issue. The current location minimizes this possibility by isolating the equipment from residents to the greatest feasible extent. Additionally, Bokeelia Pointe's treatment plant was designed for 55 homesites. The site planning process lowered the unit count to 49, reducing the burden on the treatment plant. This statement is not implying the plant is oversized but rather suggests the demand on the plant has decreased and may result in reduced noise and odor levels from the system during its operation. The location of the processing equipment requires a balance between its distance from the property line and its ultimate surroundings. Placing the processing equipment within 100 feet from the property line but in a relatively isolated area surrounded by green space and vegetative buffering is preferable to placing it more than 100 feet away but shoehorned in a spot interior and more visible to the residences. Degree of intensity of request: Granting this variance to allow the processing equipment to sit within 100 feet of the northern perimeter property line is much less intensive than an encroachment by the drainfields. The wastewater treatment package plant was designed to comply with FDEP standards, which require a 100-foot setback of the drainfields from any water bodies but has no setback for the processing equipment. The most critical and

	environmentally sensitive component, the drainfields, maintain this 100-foot setback from the property line (and Charlotte Harbor). Requesting the variance for the processing equipment's enclosed structure is far less intensive than a variance for elements that interact directly with the underlying ground and groundwater. Detrimental effect on public safety: Granting this variance does not adversely impact the safety and welfare of the general public because the sewage disposal facility components less than 100 feet from the exterior property line are fully enclosed and contained. This request is comparable to a gravity sewer pipe, force main, or lift station less than 100 feet from a property line. The location of the equipment enclosure is set back from Main Street far enough to not pose a visibility issue and vegetative buffering around the structure will screen it from direct view by passing traffic. The property owner plans to provide enhanced landscaping beyond the minimum required by the LDC, ensuring the structure is effectively screened and blends with the surrounding residential character of this segment of Bokeelia. In closing, granting this variance incurs not only a negligible impact to the surrounding community but also provides an aesthetic and environmentally friendly benefit when viewed from a bird's-eye perspective. Allowing the current configuration greatly improves the community's sewage disposal and treatment processes by incorporating a centralized treatment system in lieu of the individual septic tanks and drainfields previously scattered throughout the mobile home park. The proposed plant protects the water quality of adjacent Charlotte Harbor by reducing the possibility of leaching nutrients into the water, directly supporting Lee County's environmental protection goals.
V3.	Deviate from LDC Section 10-351(d)(3) that requires underground components of a sanitary sewage disposal facility to be set back at least 50 feet from the nearest residential lot; to allow a setback of 34 feet from a nearby residential lot.
	JUSTIFICATION: This variance request seeks to memorialize the location of the wastewater treatment package plant approved in this project's FDEP permit and demonstrate the variance will not impact the residents in the area. Exceptional circumstances of the development: The Bokeelia Pointe development occurs on an individual parcel that will remain under single ownership. While the residents will purchase the units from the property owner, the property owner will retain ownership of the underlying land. As such, this project was designed similar to other types of projects that propose multiple dwellings on a single piece of land. The individual units require 10 feet of separation from adjacent units but are not otherwise encumbered by building setbacks except for those units located around the perimeter of the overall property. Because this property has two approved Ordinance 86-36 site plans that govern the minimum lot sizes and setbacks (Buttonwood Park and Charlotte Harbor Resort), the Zoning Department requires Bokeelia Pointe to establish "lots of record" to confirm each homesite complies with the previously approved Ordinance 86-36 site plan. These lots will not be platted and will not be individually owned. Bokeelia Pointe was configured in a manner to provide the 50-foot setback from the edge of the drainfield to the nearest edge of any proposed residential structure. However, the introduction of the Ordinance 86-36 site plan

	requirement dictated the establishment of these “lots of record” that subsequently do not meet the 50-foot setback. Additionally, FDEP requires a setback distance of 50 feet from the drainfields to any buildings that are not part of the treatment facility if high-level disinfection measures are incorporated. The mobile home units in Bokeelia Pointe were sited to provide this 50-foot setback to the leading edge/corner of adjacent mobile home units, consistent with FDEP’s regulations. Degree of intensity of request: Granting this variance impacts 7 homesites (#1, 2, 3, 44, 47, 48, and 49). Homesite #44 has the largest encroachment at nearly 16 feet, but the average encroachment for the 7 homesites measures under 9 feet. Because the mobile home units are not configured to encroach into this 50-foot setback, the spirit of the requirement will be met (which is also consistent with FDEP’s requirements). Detrimental effect on public safety: Granting this variance does not adversely impact the safety and welfare of the general public because the building structures are configured to adhere to the setback. If not for the Ordinance 86-36 site plan requirement to establish lots of record, the variance wouldn’t be necessary. Therefore, granting this variance will not change the manner in which Bokeelia Pointe will operate from a logistical standpoint. In closing, this variance is borne from the unique “lots of record” requirement in the site plan approval process under Ordinance 86-36 and does not represent an actual encroachment into dwelling units. The Ordinance 86-36 site plan process revealed that accessory structures would not be allowed at the homesites, so the 50-foot setback is met for the dwelling units. The only infrastructure that will be located in the 50-foot setback would be driveway coverage and underground utility lines (which is not prohibited). As mentioned in the justification for variance V2 above, this system provides a greatly enhanced benefit to the property and surrounding areas by substituting the individual septic tanks and drainfields for a centralized treatment plant. Unlike individual systems, the plant employs modern technology to treat the generated effluent and also includes safeguards and ongoing maintenance to ensure it operates within local and state performance standards and protects this coastal location.
V4.	Deviate from LDC Section 34-2020(b) that requires ten (10) boat trailer parking spaces measuring 12’x40’ for each boat ramp; to allow six (6) boat trailer parking spaces measuring 12’x40’ to serve the boat ramp in the extreme southeast corner of the development.
	JUSTIFICATION: The basis for this variance request is based largely on the restricted use of this existing boat ramp. This ramp, located on the former Buttonwood Park, is the only onsite property authorized to operate a marina use with commercial activities (i.e., rental of boat slips). The remaining boat slips belong to the residents of the mobile home park, who will store any boat trailers on their property or at an offsite facility. At the time of this request, a total of 27 slips are accessed from the former Buttonwood Park parcel and are allocated for rental usage.

Exceptional circumstances of the development: The overall shape of the property and its bifurcation by Main Street present challenges to accommodate ten 40-foot-long trailer parking spaces near the boat ramp location and also within the former Buttonwood Park parcel. The existing boat ramp will not be open to the public, so its use is restricted to those renting boat slips from the property owner.

Degree of intensity of request: Granting this variance for the reduced trailer parking spaces provides a parking ratio of 1 trailer space per 4.5 boat rental slips since the existing marina use is only allowed on the former Buttonwood Park parcel that provides access to slips 58 through 84 (a total of 27 slips). Given the slips will be outfitted with lifts, the use of trailers is expected to be used only for initial launches, removals, and occasional maintenance of the owners' boats. The probability of more than 6 rental slip owners needing trailer parking at the same time is unlikely.

Detrimental effect on public safety: Granting this variance will not adversely impact the functionality or enjoyment of the boat ramp by the lessees of these slips nor will result in detrimental impacts to the safety and welfare of the general public. The six proposed trailer spaces allow the drivers to exit in a forward motion onto Main Street, while the development's internal roadways provide full traffic circulation from these spaces to launch and remove boats.



Department of Community Development
Zoning
P.O. Box 398
Fort Myers, FL 33902

Consolidated Review Comments

Record Number: [ADD2025-00049](#)

Click the record number to open it in the eConnect/ACA portal.

Report Date: 10/08/2025

Record Type: Administrative Approval

Address: 8421 MAIN ST, BOKEELIA, FL 33922

Project Name: BOKEELIA POINTE AD VAR REQUESTS

Record Description: ADMINISTRATIVE VARIANCE REQUESTS FROM LDC 34 REGULATIONS FOR PROPOSED MOBILE HOME PARK COMMUNITY.

GENERAL COMMENTS:

The information below is an advisory summary of any significant issues identified for the project.

<u>Corrections</u>	<u>Review Comments</u>	<u>Reviewer</u>	<u>Status</u>	<u>Comment ID</u>
<u>Legal Review</u>				
Yes	Legal Sec. 34-203(a). - Submittal requirements for administrative action applications. (5)STRAP (Section, Township, Range, Area, Parcel) number for the subject property. The line description for the line beginning at the NE corner of the W½ of the W½ of Lot 1 is missing the direction call. The direction call is listed on the sketch. Please update the description to include the directional call.	Richard Burris	Open	1

CORRECTIONS NEEDED:

Items marked Yes must be resolved before the plan review can be approved. Items marks "No" may be deferred to subsequent submittals and are not required to be addressed prior to approval of plans and documents.

Document: Legal Desc Sketch Overall Property_20250524.pdf

<u>Corrections</u>	<u>Page Ref</u>	<u>Review Comments</u>	<u>Reviewer</u>	<u>Status</u>	<u>Comment ID</u>
<u>Legal Review</u>					
Yes	2	Previous comment was not addressed	Richard Burris	Open	4
Yes	2	Clip from Sketch	Richard Burris	Open	5

REVIEWER CONTACT INFORMATION:

<u>Reviewer Name</u>	<u>Reviewer Email</u>	<u>Reviewer Phone</u>
Richard Burris	rburris@leegov.com	239-533-8526