

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.