Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING STAFF REPORT

CASE NUMBER: REZ2026-00003 and SEZ2026-00003
TYPE OF CASE: Conventional Rezoning and Special Exception
CASE NAME: Waichulis Rezoning/Special Exception
TOTAL ACREAGE: +/-3.32 acres
SUFFICIENCY DATE: June 12, 2026
HEARING EXAMINER DATE: August 12, 2026
COMMISSIONER DISTRICT: 2 (Commissioner Pendergrass)

REQUEST

The applicant, Laura Teft of The Neighborhood Company, on behalf of property owners Bill and Susan Waichulis, is requesting to rezone a parcel totaling in approximately +/-3.32 acres, from Residential Single-Family District (RS-1) to Residential Single-Family District (RS-5). The applicant also requests a companion Special Exception to allow the keeping of equines and non-commercial poultry raising, together with a private stable. The property is within the Rural Future Land Use Category. The site is located at 15034/036 Briar Ridge Circle, Fort Myers, FL 33912. The site is further identified by the following STRAP number: 32-45-25-03-00000.0260.

SUMMARY

Staff recommends **APPROVAL** of the applicant's request, with conditions pertaining to the Special Exception.

BACKGROUND

The applicant is requesting to rezone a parcel totaling +/-3.32 acres from Residential Single-Family District (RS-1) to Residential Single-Family District (RS-5). The applicant also requests a companion Special Exception to allow the keeping of equines, including a private stable, and non-commercial poultry raising as an accessory use to the principal single-family residential use. The subject request, if approved, would rezone the subject property to a zoning district that allows the Special Exception request, as LDC Section 34-694 permits the keeping of equines, including private stables, and non-commercial poultry raising by Special Exception in the RS-5 zoning district. The subject property was originally rezoned via Resolution Z-73-163 from General Use District (GU) (RS-1, as converted) to Single-Family Residence District (RU-1) for the development and construction of residential homesites.

CHARACTER OF THE AREA

The subject property is in the Rural Future Land Use Category. The property is located at 15034/036 Briar Ridge Circle and is currently developed with a Single-Family residence, accessory dwelling unit, and other existing accessory structures. Lands to the north, east and west of the subject property are zoned Residential Single-Family District (RS-1) and are located in the Rural Future Land Use category. Land to the south is zoned Agricultural (AG-2) and is located in the Rural Future Land Use category.

ANALYSIS

LDC Section 34-145(d)(4) establishes the review criteria for requests for conventional rezoning. Before recommending approval of a conventional rezoning request, the Hearing Examiner must find the request:

a) Complies with the Lee Plan;
b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
c) Is compatible with existing and planned uses in the surrounding area;
d) Will provide access sufficient to support the proposed development intensity;
e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
g) Will be served by public services, defined in the Lee Plan, if located in a future urban area category.

The applicant has provided a request statement addressing the motive of rezoning and analysis of the decision-making criteria (see Attachment C). The following sections provide staff's analysis of the request, as measured against the review criteria. Specifically, staff finds the request:

a. Complies with the Lee Plan

The subject property is in the Rural future land use category. **Policy 1.4.1** of the Lee Plan describes these areas as areas that are to remain predominantly rural, that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. The Briar Ridge Subdivision was platted in 1979 and consists of 49 oversized lots with low density consistent with the Rural Future Land Use designation. The subject property contains an existing residence constructed in 1988 and an accessory dwelling unit constructed in 2020 and is within the density range calculated and allowed for property in the Rural Future Land Use category. Staff finds the request is consistent with **Policy 1.4.1** of the Lee Plan.

Standard 4.1.1 requires that if any proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4A), then the development must be connected to that utility. The subject property is within the Lee County Utilities Water Franchise Area for potable water for sanitary sewer. A letter

of potable water availability has been provided by LCU, and the subject property is currently served by existing potable water infrastructure for the established residence and accessory dwelling unit. The proposed rezoning will not create a significant increase in potable water demand and will not require the extension of additional water service infrastructure to the site (see Attachment "D"). **Standard 4.1.2** requires any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day to connect to a sanitary sewer system. The proposed rezone will not generate an increase in wastewater generation that would be in excess of the stated threshold 5,000 gallons per day. The subject property is currently served via on-site septic system associated with the existing single-family residence and accessory dwelling unit, and no additional wastewater infrastructure is proposed or required as part of this request (see Attachment "D"). Staff finds the request is consistent with **Standard 4.1.1 and Standard 4.1.2** of the Lee Plan.

Goal 5: Residential Land Uses this goal's intent is to accommodate the projected population of Lee County in the year 2045 in appropriate locations, guided by the Future Land Use Map, and in attractive and safe neighborhoods with a variety of price ranges and housing types. The rezone request is for an existing and improved single-family residential lot and primary use of the site as an established single-family residence will not change as a result of the rezoning request. The proposed rezoning to RS-5 allows for the applicant to seek the companion Special Exception to allow the keeping of equines and non-commercial poultry raising, which, as conditioned, is compatible with large lot single-family subdivisions; therefore, these uses are not anticipated to affect the character, size and density of the property or surrounding property. **Policy 5.1.5** intends to protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in the LDC, Chapter 10, are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a Planned Development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The requested rezoning and special exception, as conditioned, will not introduce any uses that are potentially destructive to the character and integrity of the community. The uses requested via special exception resulting from approval of this rezoning request will be accessory to the primary residential use. These private agricultural uses are consistent with the goals, objectives, and policies of the Rural future land use category contained within the Lee Plan. The RS-5 zoning district allows both non-commercial poultry raising, keeping of equines, and private stables through the special exception process. The proposed use will not encroach upon nearby residential development, and any future improvements must comply with applicable development regulations held in LDC Sections 34-1292, and requires minimum lot size of 40,000 square feet and setbacks of 35 feet for private stables and 34-1294 which requires structures for housing chickens or poultry be located no closer than 100 feet to any dwelling unit under separate ownership. Staff finds the request is consistent with **Goal 5, and Policy 5.1.5** of the Lee Plan.

Goal 61: Protection of Water Resources intends to protect the County's water resources through the application of innovative and sound methods of surface water management and by ensuring that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters. **Policy 61.3.6** intent is to require developments to provide surface water management systems, acceptable programs for operation and maintenance, and post-development runoff conditions that reflect the natural surface water flow rate, direction, quality, hydroperiod, and drainage basin. The property subject to this rezoning is located within a subdivision that has an established surface water management system. As noted in the Natural Resources Staff Report (see Attachment "G"), the subject property is governed by ERP 36-00147-S issued April 4th, 1979. As of, June 28th, 2024, the Florida Department of Environmental Protection has revised the rules for stormwater management, and the Department would determine under rule 62-330.315 F.A.C, if a modification is major or minor, and whether the modification will substantially alter the design, permit conditions, performance or environmental water quality as identified in ERP 6.2.1(d)AH Vol. 1. Currently the total amount of impervious surfaces appears to be about 1.2 acres. FDEP would determine if any proposed changes to the permitted stormwater management system are required. The applicant has stated that should any alterations of the site be necessary, the site is eligible under Section 403.814(12) of the Florida Statutes to file a Self-Certification for a "10-2" permit, which grants general permits for the construction, alteration and maintenance of a stormwater management system serving a project that involves qualifying activities in uplands having less than 10 acres of total project area and less than two acres of impervious surface. The applicant estimates that the subject property has approximately ±0.78 acres of impervious surface. The applicant has stated manure management, and other associated general maintenance activities will be conducted in a manner consistent with those Best Management Practices (BMP) applicable to the proposed uses. The BMPs proposed by the applicant will avoid impacts to adjacent properties and the surrounding water resources. **Policy 61.3.11** intends for runoff to be routed through retention or detention areas and vegetated swales in order to reduce flow velocity, allow for percolation, and trap and remove suspended solids and pollutants. The proposed accessory uses, consisting of non-commercial poultry raising and a private horse stable accessory to the existing single-family residence, will have negligible or no stormwater impacts on the site. Minimal site improvements are anticipated to accommodate these uses, and existing drainage patterns are expected to remain substantially unchanged. Stormwater runoff will continue to be conveyed through the existing retention and detention areas and vegetated swales serving the subdivision. Staff finds the request is consistent with **Goal 61, Objective 61.3.6**, **and Policy 61.3.11** of the Lee Plan.

Goal 125: Water Quality intends to ensure that water quality is maintained or improved for the protection of the environment and people of Lee County. **Policy 125.1.4** intends for developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data. As the applicant states, the proposed uses are limited in scale, intended for private, non-commercial purposes, and are accessory to the existing residential use of the property. Potential impacts resulting from these uses would be de minimis in nature. Manure management and general maintenance activities associated with the proposed agricultural accessory uses will be conducted in a manner consistent

with the best applicable management practices to avoid adverse impacts to adjacent properties or surrounding water resources. No water quality monitoring should be necessary for the proposed accessory uses. Staff finds the request is consistent with **Goal 125, and Policy 125.1.4** of the Lee Plan.

b. Meets this Code and other applicable County regulations or qualifies for deviations;

No deviations or variances have been requested through this application. The project will be required to comply with all applicable LDC regulations. Through the review of the Site Plan (see Attachment "H") staff has determined that the Site Plan is compliant with LDC Section 34-1292 for private stables as the subject property meets the required lot size minimum of 40,000 square feet. The site plan also depicts a compliant setback for the proposed chicken coop as LDC Section 34-1294, requires a 100-foot setback from any dwelling unit under separate ownership and has provided a setback of 137 feet to the nearest dwelling unit under separate ownership. Future location of any private stable will be subject to LDC Section 34-1292.

c. Is compatible with existing and planned uses in the surrounding area;

The subject property is located within an existing large lot residential subdivision, in an area of Lee County that is currently developed with oversized residential lots. There are properties to the west that are zoned RS-5 located along Sweetwater Court, and there is also a property to the north along Briar Ridge Circle zoned RS-5. This zoning district allows for the proposed accessory uses through the Special Exception process. The Rural Future Land Use category designates areas to remain predominantly rural, that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. The proposed rezone is consistent with this intent and supports the continued residential use of this property with complementary private agricultural uses.

d. Will provide access sufficient to support the proposed development intensity;

Primary access for the established single-family residence is located on Briar Ridge Circle with secondary access from Briarcliff Road. The proposed rezone will not negatively affect access to the property.

e. The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

There are no anticipated additional negative impacts to Lee County's transportation facilities. A waiver has been submitted for the TIS requirement.

f. Will not adversely affect environmentally critical or sensitive areas and natural resources:

The subject property is located within a preexisting subdivision and is currently developed with a single-family residence, an accessory dwelling unit and other accessory structures. The proposed request will not adversely affect environmentally critical or sensitive areas and natural resources. The property development regulations for residential zoning districts does not require any open space for a single-family lot with a minimum lot size of 6,500 square feet, also does not require indigenous open space, or buffers when abutting other residentially zoned lots or street rights-of-way per LDC Section 10-415 and 10-416 (see Attachment "F").

g. Will be served by public services, defined in the Lee Plan, if located in a Future Urban area category.

Utilities

Lee County Utilities provided a Letter of Availability indicating potable water is available and sufficient capacity exists to serve the site. The site is served by an on-site septic system rated for the existing development totaling 300 gallons per day.

Fire and Medic

Fire protection and emergency services will be provided by South Trail Fire Station 63 located at 5531 Halifax Avenue ±7.8 mile from the subject property, and EMS services are to be provided by Medic # 90 located at 14752 Ben C Pratt Six Mile Cypress Parkway ±8 miles from the subject property.

Sheriff

Police protection is to be provided by the Lee County Sheriff's Office Main Headquarters located at 14750 Six Mile Cypress Parkway ±8 miles from the subject property.

Public Transit

The subject property is ±1.39 miles from the nearest public transit stop located at Plantation Road and Six Mile Cypress Parkway with a Stop ID 3278.

ANALYSIS (SPECIAL EXCEPTION)

The Residential Single-Family District (RS-5) allows for the keeping of animals, specifically equines and the non-commercial raising of poultry, as well as private stables via Special Exception in the RS-5 zoning district.

LDC Section 34-145(c) establishes the review criteria for Special Exception requests. Before approving a Special Exception request, the Hearing Examiner must find the request:

a) Is consistent with the goals, objectives, policies and intent of the Lee Plan;
b) Will protect, conserve or preserve environmentally critical and sensitive areas and natural resources, where applicable;
c) Will be compatible with existing and planned uses;

d) Will not be injurious to the neighborhood or detrimental to the public welfare; and
e) Will be in compliance with zoning regulations pertaining to the use and other applicable regulations.

a. Is consistent with the goals, objectives, policies and intent of the Lee Plan

The special exception request is consistent with the goals, objectives, and intent of the Lee Plan as detailed in the review throughout the section (a) above.

b. Will protect, conserve or preserve environmentally critical and sensitive areas and natural resources, where applicable.

Lee Plan Goal 61: Protection of Water Resources requires the protection of the Lee County's groundwater supplies from those activities having the potential for depleting or degrading those supplies. Lee Plan Goal 125: Water Quality states new development and additions to existing development must not degrade surface and ground water quality. The applicant has stated manure management, and other associated general maintenance activities will be conducted in a manner consistent with those Best Management Practices (BMP) applicable to the proposed uses. The BMPs proposed by the applicant will avoid impacts to adjacent properties and the surrounding water resources. The applicant has demonstrated compliance with both Lee Plan Goal 61 and 125.

c. Will be compatible with existing and planned uses.

The subject property is located within an existing subdivision, in an area of Lee County that is currently developed with oversized residential lots. There are properties to the west that are zoned RS-5, and this zoning district allows for the proposed accessory uses through the Special Exception process. The Rural Future Land Use category designates areas to remain predominantly rural, that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. The special exception request is consistent with this intent and supports the continued residential use of this property with complementary private agricultural uses.

d. Will not be injurious to the neighborhood or detrimental to the public welfare.

The subject property is located within a preexisting subdivision and is currently developed with a single-family residence, an accessory dwelling unit and other accessory structures. The subdivision the subject property is within is a subdivision of low density, large lots allowing the proposed use would not be detrimental to the existing neighborhood or the public welfare. There is a parcel within this subdivision that is zoned RS-5 to the north of the subject property demonstrating that the zoning district designation is one that is compatible with the existing neighborhood.

e. Will be in compliance with zoning regulations pertaining to the use and other applicable regulations.

The special exception site plan must comply with the property development regulations for Residential zoning districts, and future structures developed to accommodate the complementary agricultural uses proposed by this request will be subject to these requirements.

CONCLUSION

The requested rezoning from Residential Single-Family (RS-1) to Residential Single-Family (RS-5) and companion special exception request is consistent with the Lee Plan and Land Development Code. The proposed rezoning allows for continuation of compatible allowable residential uses, and the special exception request permits additional accessory uses that are agricultural in nature within the Rural Future Land Use is consistent with the LDC and the Lee Plan. Staff has concluded that the rezoning and special exception will not result in negative impacts to public services, infrastructure, or surrounding property. The subject property is sufficiently served by fire, police, and emergency services personnel. The request will not adversely affect environmentally critical or sensitive areas and natural resources and is compatible with surrounding uses. Therefore, staff recommends **APPROVAL** of the rezoning request and special exception request subject to the following conditions:

1. The development must be substantially compliant with the Site Plan (see Exhibit "H").
2. The uses approved by the Special Exception are limited to the keeping of equines, including a private stable, and the non-commercial raising of poultry. Uses must remain as accessory uses to the principal single-family residential use.
3. Manure management must be conducted in a manner consistent with the best applicable management practices to avoid adverse impacts to adjacent properties or surrounding water resources.

ATTACHMENTS

A. Lee County Expert Witness Information
B. Legal Description
C. Request Statement
D. Letter of Availability
E. Case Maps
F. Environmental Staff Report
G. Natural Resources Staff Report
H. Site Plan

LEE COUNTY STAFF EXPERT WITNESS INFORMATION
PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b(5)(F)3.

Case Number: **REZ2026-00003 and SEZ2026-00003**
Project Name: **Waichulis Rezoning/Special Exception**
Hearing Examiner Date: **August 12, 2026**

Kam Muhammad, Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Qualified as an expert witness by the Lee County Hearing Examiner. Current resume is not on file with the Hearing Examiner.
- Qualified as an expert witness in the Lee County Land Development Code and Lee Plan.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Lindsey Karczewski, Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Qualified as an expert witness in the Lee County Land Development Code and Lee Plan.
- Staff reviewed and provided comments for sufficiency. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Ally Hall, Plan Reviewer, Development Services, 1500 Monroe Street, Fort Myers, FL 33901

- Qualified as an expert witness in the Lee County Land Development Code and Lee Plan.
- Staff reviewed and provided comments for sufficiency. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Robert Price, Director, Department of Transportation, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Jillian Scholler, Deputy Director, Department of Transportation, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

William Lange, Environmental Planner (Natural Resources), Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Paige Carroll, Environmental Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: Environmental Staff Memorandum along with the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Attachment "B"

Exhibit A

CASE NUMBER: REZ2026-00003 & SEZ2026-00003

LEGAL DESCRIPTION

Lot 26, Briar Ridge, A Subdivision Lying in Section 32, Township 45 South, Range 25 East, According to the map or plat thereof on file in the Office of the Clerk of the Circuit Court, Recorded in Plat Book 33, Page 24, Public Records of Lee County, Florida.

STRAP NUMBER

32-45-25-03-00000.0260

REVIEWED
Project: REZ2026-00003 & SEZ2026-00003
By: Richard Burris
Dept: Legal Review
Date: 03/25/2026

Attachment "C"

15034 BRIAR RIDGE CIRCLE

Rezone and Special Exception

Project Request and Analysis Statement

BACKGROUND AND REQUEST

The subject property is located at 15034 & 15036 Briar Ridge Circle, Fort Myers, FL 33912. The property is identified as Lot 26, part of Briar Ridge Subdivision, which was recorded in the Public Records of Lee County in Plat Book 33, Page 26 (STRAP # 32-45-25-03-00000.0260) and is approximately 3.25 acres.

The property owner has submitted a rezoning application (REZ2026-00003) and a companion Special Exception application (SEZ2026-00003) for the subject property. The requests are to rezone the subject property from Residential Single-Family-1 to Residential Single-Family-5 and for a Special Exception to allow non-commercial poultry raising and the ability to have a private horse stable.

This project request and analysis statement is being provided in response to staff comments dated March 13, 2026, and is meant to support both applications.

The subject property is within the Rural Future Land Use (FLUM) category and within the Residential Single-Family-1 zoning district. The standard density for the Rural category, pursuant to Policy 1.4.1, is one dwelling unit per acre. The site is currently developed with a single-family residence and an accessory dwelling unit as approved through Administrative Approval (ASV) ADD2019-00176.

As shown on the enclosed site plan (Exhibit A), the proposed chicken coop shall be located no closer than 100 feet to any dwelling unit under separate ownership per Land Development Code (LDC) Section 34-1294. Although the property owners do not own horses and have no current plans for a horse stable, should one be constructed, it will be placed in the hatched area depicted on the enclosed site plan. It is understood that should a stable be constructed or should the current accessory garage structure be converted to a stable, the appropriate permits will be obtained, LDC Section 34-1294 requirements will be met and appropriate setbacks will be provided.

REZONING APPROVAL CRITERIA

The proposed rezoning request from Residential Single-Family– 1 (RS-1) to Residential Single Family– 5 (RS-5) must be found consistent with the established rezoning criteria provided for in LDC Section 34-145(c)(3)(a) & (d)(4), which are addressed as follows:

LEE PLAN CONSISTENCY

FUTURE LAND USE ELEMENT:

POLICY 1.4.1: The Rural Future Land Use category are areas that are to remain predominantly rural - that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. Maximum density in the Rural future land use category is one dwelling unit per acre (1 du/acre). See Policy 123.2.17 for a potential density incentive resulting from preservation and/or restoration of Rare and Unique Upland Habitat.

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Briar Ridge Subdivision was platted in 1979 and consists of 49 oversized lots with lower density consistent with the Rural Future Land Use designation. The subject property, which contains an existing residence constructed in 1988 and an accessory dwelling unit constructed in 2020, is consistent with the intent of POLICY 1.4.1 and the Rural Future Land Use category. The proposed rezoning will not increase the existing density and the property will remain consistent with the maximum permitted density of one dwelling unit per acre (1 du/acre). Furthermore, approval of the requested Special Exception will allow small scale non-commercial agricultural uses that are compatible with and the surrounding area, and consistent with the Comprehensive Plan's objective of preserving the predominantly rural character of this area.

***GOAL 4: GENERAL DEVELOPMENT STANDARDS**. Pursue or maintain land development regulations which protect the public health, safety and welfare, encourage creative site designs and balance development with service availability and protection of natural resources.*

STANDARD 4.1.1: WATER.

1. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Fla. Admin. Code R. 62-550).*
2. *If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4- A), then the development must be connected to that utility.*
3. *The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.*
4. *All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Fla. Admin. Code R. 62-555.*
5. *If a new development is located in a certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4-A), and the utility cannot provide the service or cannot provide the service except at a clearly unreasonable cost to the developer, the developer is encouraged to petition the appropriate regulatory agency to contract the service area so that the development may establish its own community water system or invite another adjacent utility to expand its service area in order to provide the required service.*
6. *If a development lies outside any service area as described above, the developer may:*
   - *request that the service area of Lee County Utilities or an adjacent water utility be extended to incorporate the property;*
   - *establish a community water system for the development; or*
   - *develop at an intensity that does not require a community water system.*
7. *Lee County Utilities may provide potable water service to properties not located within the future water service area when such potable water service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.*

The subject property is located within the Lee County Utilities potable water service area and is currently served by existing potable water infrastructure for the established residence and accessory dwelling unit. The proposed rezoning and Special Exception will not create a significant increase in potable water demand and will not require the extension of additional water service infrastructure to the site.

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STANDARD 4.1.2: SEWER.

1. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*
2. *If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within l/4 mile from any part of the development.*
3. *If there is not sufficient capacity nor adequate infrastructure within l/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.*
4. *If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.*
5. *If a development lies outside any service area as described above, the developer may:*
    - *request that the service area of Lee County Utilities or an adjacent sewer utility be expanded to incorporate the property;*
    - *establish a self-provided sanitary sewer system for the development;*
    - *develop at an intensity that does not require sanitary sewer service; or*
    - *if no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Fla. Admin. Code R. 64E-6 may be utilized, contingent on approval by all relevant authorities.*
6. *Lee County Utilities may provide sanitary sewer service to properties not located within the future sewer service area when such sanitary sewer service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.*
7. *Prohibit the installation of new onsite sewage treatment and disposal systems, as defined by State Statute, constructed within a basin management action plan area, a reasonable assurance plan, or a pollution reduction plan where connection to a publicly owned or investor-owned sewerage system is available as defined in F.S. 381.0065 (2)(a).*
8. *On lots of one acre or less within a basin management action plan area, a reasonable assurance plan, or a pollution reduction plan, where a publicly owned or investor-owned sewerage system is not available, the installation of enhanced nutrient-reducing onsite sewage treatment and disposal systems, as defined by State Statute, or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction is required.*

The proposed rezone and Special Exception will not generate an increase in wastewater demand. The subject property is currently served through previously permitted, on-site septic systems associated with the existing single-family residence and accessory dwelling unit, and no additional wastewater infrastructure is proposed or required as part of this request.

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GOAL 5: RESIDENTIAL LAND USES. *To accommodate the projected population of Lee County in the year 2045 in appropriate locations, guided by the Future Land Use Map, and in attractive and safe neighborhoods with a variety of price ranges and housing types.*

OBJECTIVE 5.1: All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan.

POLICY 5.1.1: Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as Planned Developments except if located within the Mixed Use Overlay.

The rezone is for an existing and improved single-family residential lot. The primary use of the site as an established single-family residence will not change as a result of the rezoning and Special Exception requests. The proposed rezoning to RS-5 and companion Special Exception request will only allow limited, private, and non-commercial accessory uses compatible with large lot single-family subdivisions and will not affect the character, size and density of the property.

The rezoning of the property does not constitute a Development of County Impact and will not have a negative effect upon the health, safety and welfare of the citizens of Lee County or upon its natural resources and is consistent with Policy 5.1.1.

POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

Consistent with Policy 5.1.2 the established development on the subject property does not currently contain, nor is it anticipated to create physical constraints or hazards that may endanger the surrounding residential community.

POLICY 5.1.3: During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities.

The proposed rezone is will not permit high-density residential development. The primary use for the subject property will remain the same as it is currently, single-family residential, and will remain limited to 1 dwelling unit per acre thereby maintaining consistency with Policy 5.1.3.

POLICY 5.1.4: Residential development, except for caretaker residences, is prohibited in the Industrial Development, Commercial, and Tradeport future land use categories and in Airport Noise Zone B.

The subject property is not located within the Industrial Development, Commercial, and Tradeport future land use categories, nor is it within Airport Noise Zone B.

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in the LDC, Chapter 10, are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a Planned Development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The LDC will continue to require appropriate buffers for new developments.

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The subject property is consistent with Goal 5, Policies 5.1.1 through 5.1.5, in that it contains an established single-family residential use that will be maintained. Via the proposed rezoning to RS-5 and Special Exception the applicant seeks approval for non-commercial poultry raising and private horse stable uses. Those uses will be accessory to the primary residential use and will complement the large lot rural character of this property. These private agricultural uses are consistent with the goals, objectives, and policies of the Rural Future Land Use Category contained within the Lee Plan. Properties located south of the subject site, across Briarcliff Road, are zoned AG-2, and select properties to the north and west are zoned RS-5. The AG-2 zoning designation permits agricultural uses, and the RS-5 zoning designation allows both noncommercial poultry raising and private horse stables through Lee County's Special Exception process.

Additionally, the proposed use will not encroach upon nearby established residential development. Any future improvements will comply with applicable development regulations including but not limited to LDC Sections 34-1292 & 34-1294. The subject property is already developed and obtained the appropriate permits for construction of the single-family residential and accessory dwelling unit structures.

GOAL 61: PROTECTION OF WATER RESOURCES. *To protect the County's water resources through the application of innovative and sound methods of surface water management and by ensuring that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters.*

POLICY 61.3.6: Require developments to provide surface water management systems, acceptable programs for operation and maintenance, and post-development runoff conditions that reflect the natural surface water flow rate, direction, quality, hydroperiod, and drainage basin.

The property subject to the proposed rezone is located within an improved subdivision with established surface water management. The approval of the Special Exception for non-commercial poultry and a private horse stable will have negligible impact on the lot's water management. Should any alterations of the site be necessary, the site is eligible under Section 403.814(12) of the Florida Statutes to file a Self-Certification for a "10-2" permit which grants general permits for the construction, alteration and maintenance of a stormwater management system serving a project that involves qualifying activities in uplands having less than 10 acres of total project area and less than two acres of impervious surface. It is estimated that the subject property has approximately 0.78 acres of impervious surface.

POLICY 61.3.11: Runoff must be routed through retention or detention areas and vegetated swales in order to reduce flow velocity, allow for percolation, and trap and remove suspended solids and pollutants.

The subject property associated with the rezoning and Special Exception requests is located within the established Briar Ridge Subdivision. The proposed accessory agricultural uses, consisting of non-commercial poultry raising and a potential private horse stable accessory to the existing single-family residence, will have negligible or no stormwater impacts on the site. Minimal site improvements are anticipated to accommodate these uses, and existing drainage patterns are expected to remain substantially unchanged. Stormwater runoff will continue to be conveyed through the existing retention and detention areas and vegetated swales serving the subdivision, consistent with the requirements and intent of Policy 61.3.11. Should the county have any runoff concerns those can be addressed at time of permitting.

GOAL 125: WATER QUALITY. *To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County.*

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www.theneighborhood.company

POLICY 125.1.4: Developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data.

The subject property associated with the requested rezoning is located within the established Briar Ridge Subdivision and is currently developed with an existing single-family residence and accessory dwelling unit, both of which were previously approved and constructed pursuant to applicable permitting requirements. The proposed rezoning and Special Exception requests will not generate impacts that would lower existing water quality below applicable state or federal standards. The proposed uses are limited in scale, intended for private, non-commercial purposes, and are accessory to the existing residential use of the property. Potential impacts resulting from those uses would be de minimus in nature.

Any minor site improvements or accessory structures associated with these uses will be reviewed, as applicable, during the permitting process to ensure compliance with all relevant stormwater management, environmental protection, and water quality regulations. In addition, manure management and general maintenance activities associated with the proposed agricultural accessory uses will be conducted in a manner consistent with applicable best management practices to avoid adverse impacts to adjacent properties or surrounding water resources. Accordingly, the proposed rezoning and Special Exception will not adversely affect public health, safety and existing water quality. No water quality monitoring should be necessary for the proposed accessory agricultural uses.

CONCLUSIONS AND FINDINGS

Pursuant to LDC Section 34-145 (d)(4)a, to recommend approval of the requested rezoning from RS-1 to RS-5, the Hearing Examiner must find:

1. **The request complies with the Lee Plan**
   The narrative provided demonstrates the requests' consistency and compliance with the Lee Plan as amended through December 2025.

2. **Meets this Code and other applicable County regulations or qualifies for deviations.**
   No deviations are requested through this application. The project will abide by applicable LDC regulations.

3. **Is compatible with existing and planned uses in the surrounding are.**
   As described above, the subject property is located within an existing subdivision, in an area of Lee County that is currently developed with oversized residential lots. The property to the south is zoned AG-2 and properties within the existing subdivision and to the west are zoned RS-5. Both zoning designations allow agricultural use as proposed through the Special Exception request. The Rural Future Land Use category designates areas to remain predominantly rural - that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. The proposed rezone and Special Exception are consistent with this intent and support and the continued residential use of this property with complementary private agricultural uses.

   It should also be noted that the applicant has obtained letters of support from neighboring property owners demonstrating support from and compatibility with surrounding uses.

4. **Will provide access sufficient to support the proposed development intensity.**

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Primary access for the established single-family residence is located on Briar Ridge Circle with a secondary access from Briarcliff Road. The proposed rezone and Special Exception will not affect access to the property. No additional density or intensity is proposed as part of the rezone and Special Exception.

5. **The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval.**
   There will be no additional impacts on Lee County's transportation facilities through the approval of the requested rezone and Special Exception applications. A waiver has been submitted for the TIS requirement.

6. **Will not adversely affect environmentally critical or sensitive areas and natural resources.**
   The subject property is located within a legally approved and long-established subdivision. The site is currently developed with an existing single-family residence and an accessory dwelling unit. Any improvements to the property will occur within already cleared areas, existing vegetation will not be disturbed and all applicable local and state regulations will be met. As such, the proposed requests will not adversely affect environmentally critical or sensitive areas and natural resources.

7. **Will be service by public services, defined in the lee Plan, if located in a Future Urban area category.**
   The subject property is currently served by LCU for water service and through previously permitted and constructed on-site septic system for sewer services. No additional services will be needed for the proposed rezone and special exception.

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Attachment "D"

Clear Form

LEE COUNTY UTILITIES
COMMITMENT TO PROVIDE POTABLE WATER

Print Form

Lee County Utilities
1500 Monroe St 1st Floor
Fort Myers, FL 33901

RE: *(2) Single Family Units - Zoning Request*

STRAP NUMBER: *32-45-25-03-00000.0260*

LOT: *26* BLOCK: SUBDIVISION: *Briar Ridge S/D*

William S & Susan M Waichulis has requested potable water service for

15034-36 Briar Ridge Cir (Lot 26) Fort Myers FL 33912

Water mains have been installed and are in operation adjacent to the project. Static water pressure in the main exceeds 20 PSI at the point where service will be provided to the project. Lee County Utilities has sufficient capacity at its *Corkscrew Water Treatment Plant* to provide 250 gallons per day to this project.

****NECESSARY CAPACITY FEES HAVE BEEN PAID AS REQUIRED****

EXISTING ACCOUNT OR PREMISE#: *60000035306 & 60000054469*

RESIDENTIAL		COMMERCIAL
SINGLE FAMILY ✓		IRRIGATION
MULTI-FAMILY	UNITS:	NON-IRRIGATION
RV	UNITS:	COMMERCIAL
MOBILE HOME	UNITS:	

ACCOUNT TYPE

WATER ✓

WATER PLANT

Corkscrew WTP

DATE: *February 12, 2026*

APPROVED BY: Judi Overbee Digitally signed by Judi Overbee Date: 2026.02.12 11:45:51 -05'00'

LEE COUNTY UTILITIES
COMMITMENT TO PROVIDE POTABLE WATER

Clear Form

Print Form

Lee County Utilities
1500 Monroe St 1st Floor
Fort Myers, FL 33901

RE: *(2) Single Family Units - Zoning Request*

STRAP NUMBER: *32-45-25-03-00000.0260*

LOT: *26* BLOCK: SUBDIVISION: *Briar Ridge S/D*

William S & Susan M Waichulis
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Water mains have been installed and are in operation adjacent to the project. Static water pressure in the main exceeds 20 PSI at the point where service will be provided to the project. Lee County Utilities has sufficient capacity at its *Corkscrew Water Treatment Plant* to provide 250 gallons per day to this project.

****NECESSARY CAPACITY FEES HAVE BEEN PAID AS REQUIRED****

EXISTING ACCOUNT OR PREMISE#: *60000035306 & 60000054469*

RESIDENTIAL		COMMERCIAL
SINGLE FAMILY ✓		IRRIGATION
MULTI-FAMILY	UNITS:	NON-IRRIGATION
RV	UNITS:	COMMERCIAL
MOBILE HOME	UNITS:	

ACCOUNT TYPE

WATER ✓

WATER PLANT

Corkscrew WTP

DATE: *February 12, 2026*

APPROVED BY: Judi Overbee Digitally signed by Judi Overbee Date: 2026.02.12 11:45:51 -05'00'

STATE OF FLORIDA
DEPARTMENT OF HEALTH
ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM
CONSTRUCTION INSPECTION AND FINAL APPROVAL

APPLICATION #: AP1431817
PERMIT #: 36-SA-75360
DOCUMENT #: FI1450669
DATE PAID: 11/26/2019
FEE PAID: 75.00
RECEIPT #: 36-PID-4239077

Violation Number	Comment

Comments

The system is sized for 3 bedrooms with a maximum occupancy of 6 persons (2 per bedroom), for a total estimated flow of 300 gpd. 35 Arc24 chambers.

STATE OF FLORIDA
DEPARTMENT OF HEALTH
ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM
CONSTRUCTION INSPECTION AND FINAL APPROVAL

APPLICATION #: AP1431817
PERMIT #: 36-SA-75360
DOCUMENT #: FI1450669
DATE PAID: 11/26/2019
FEE PAID: 75.00
RECEIPT #: 36-PID-4239077

APPLICANT: William Waichulis
AGENT:
PROPERTY ADDRESS: 15036 Briar Ridge Cir Fort Myers, FL 33912
LOT: 26 BLOCK: 33
SUBDIVISION: Unincorp S. of Caloosahachee ID#: 32452503000000260

CHECKED [X] ITEMS ARE NOT IN COMPLIANCE WITH STATUTE OR RULE AND MUST BE CORRECTED.

TANK INSTALLATION

[IN]	[01]	TANK SIZE	[1] 1050.00 [2]
[IN]	[02]	TANK MATERIAL	Concrete
[IN]	[03]	OUTLET DEVICE	
[IN]	[04]	MULTI-CHAMBERED	[Y / N]
[IN]	[05]	OUTLET FILTER	Tuf-Tite EF-4
[IN]	[06]	LEGEND	1. 28-031-09DC4 2.
[IN]	[07]	WATERTIGHT	
[IN]	[08]	LEVEL	
[IN]	[09]	DEPTH TO LID	

DRAINFIELD INSTALLATION

[IN]	[10]	AREA	[1] 525 [2] SQFT
[IN]	[11]	DISTRIBUTION	BOX HEADER X
[IN]	[12]	NUMBER OF DRAINLINES	1. 7.00 2.
[IN]	[13]	DRAINLINE SEPARATION	
[IN]	[14]	DRAINLINE SLOPE	
[IN]	[15]	DEPTH OF COVER	
[IN]	[16]	ELEVATION	[ABOVE / BELOW] BM 1.48
[IN]	[17]	SYSTEM LOCATION	
[N/]	[18]	DOSING PUMPS	
[N/]	[19]	AGGREGATE SIZE	
[N/]	[20]	AGGREGATE EXCESSIVE FINES	
[N/]	[21]	AGGREGATE DEPTH	

FILL / EXCAVATION MATERIAL

[IN]	[22]	FILL AMOUNT	
[IN]	[23]	FILL TEXTURE	
[IN]	[24]	EXCAVATION DEPTH	
[IN]	[25]	AREA REPLACED	
[IN]	[26]	REPLACEMENT MATERIAL	

SETBACKS

[IN]	[27]	SURFACE WATER	100+	FT
[IN]	[28]	DITCHES	78.5	FT
[N/]	[29]	PRIVATE WELLS		FT
[N/]	[30]	PUBLIC WELLS		FT
[IN]	[31]	IRRIGATION WELLS	100+	FT
[IN]	[32]	POTABLE WATER	55	FT
[IN]	[33]	BUILDING FOUNDATIONS	6.5	FT
[IN]	[34]	PROPERTY LINES	15.8	FT
[N/]	[35]	OTHER		FT

FILLED / MOUND SYSTEM

[IN]	[36]	DRAINFIELD COVER
[IN]	[37]	SHOULDERS
[IN]	[38]	SLOPES
[IN]	[39]	STABILIZATION

ADDITIONAL INFORMATION

[IN]	[40]	UNOBSTRUCTED AREA	
[IN]	[41]	STORMWATER RUNOFF	
[N/]	[42]	ALARMS	
[N/]	[43]	MAINTENANCE AGREEMENT	
[IN]	[44]	BUILDING AREA	
[IN]	[45]	LOCATION CONFORMS WITH SITE PLAN	
[IN]	[46]	FINAL SITE GRADING	
[IN]	[47]	CONTRACTOR	(*A Gator Septic Service)
[IN]	[48]	OTHER	ADS ARC 24

ABANDONMENT

[N/]	[49]	TANK PUMPED	
[N/]	[50]	TANK CRUSHED & FILLED	

Comments: Comments are on page 2.

CONSTRUCTION [APPROVED / DISAPPROVED]: Environmental Supervisor 1 Dessy A Owiti (Florida Department of Heal Lee CHD DATE: 01/06/2020

FINAL SYSTEM [APPROVED / DISAPPROVED]: John P Burnette (Land Perc, Inc.) Lee CHD DATE: 07/20/2020

(Explanation of Violations on following page)

DH 4016, 08/09 (Obsoletes all previous editions which may not be used)
Incorporated: 64E-6.003, FAC

SEPTIC SYSTEM PERMIT

36-SA-75360

Application #: AP1431817

CHAPTER 381, FLORIDA STATUTES & 64E-6, FLORIDA ADMINISTRATIVE CODE

Date Issued: 11/21/2019

THIS PERMIT CARD MUST BE POSTED ON SITE

CONSTRUCTION PERMIT FOR:

[X] New System [ ] Existing System [ ] Holding Tank [ ] Innovative Other

[ ] Repair [ ] Abandonment [ ] Temporary [ ] _____

APPLICANT: William Waichulis

PROPERTY STREET ADDRESS: 15036 Briar Ridge Cir Fort Myers, FL 33912

SEPTIC CONTRACTOR: _____

LOT: 26 BLOCK: 33 SUBDIVISION: Unincorp S. of Caloosahe

PROPERTY ID #: 32452503000000260 [Section/Township/Range/Parcel No.] [OR TAX ID NUMBER]

See System Construction Permit for System Specifications

EXCAVATION INSPECTION APPROVED: ☐ **YES** ☐ **NO** **BY:** _____ **DATE:** _____

INITIAL INSPECTION

OK TO COVER/DATE: _____

E.H.SPECIALIST: _____

CALL FOR FINAL INSPECTION AFTER:

- ☐ roof is guttered
- ☐ mound is stablized:4' shoulder all sides max.____:1 slopes, 6"-18" soil cover, Tank Soil Cap: Max 8" sod installed over entire mound slope
- ☐ well is constructed
- ☐ inlet
- ☐ _____

CONSTRUCTION NON-COMPLIANCE DATE: _____

REASON(S): _____

E.H.SPECIALIST: _____

FINAL INSPECTION

APPROVAL / DATE: _____

E.H. SPECIALIST: _____

APPROVAL #: _____

APPROVAL DENIED / DATE: _____

REASON(S): _____

E.H. SPECIALIST: _____

There is a $75.00 fee for any additional inspections or reinspections after a disapproval

QUESTIONS? 239-690-2100

NOTICE OF RIGHTS

A party whose substantial interest is affected by this order may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. Such proceedings are governed by Rule 28-106, Florida Administrative Code. A petition for administrative hearing must be in writing and must be received by the Agency Clerk for the Department, within twenty-one (21) days from the receipt of this order. The address of the agency clerk is 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. The Agency Clerk's email is agency_clerk@FloridaDEP.gov.

Mediation is not available as an alternative remedy.

Your failure to submit a petition for hearing within 21 days from receipt of this order will constitute a waiver of your right to an administrative hearing, and this order shall become a 'final order'.

Should this order become a final order, a party who is adversely affected by it is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings may be commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Department of Environmental Protection and a second copy, accompanied by the filing fees required by law, with the Court of Appeal in the appropriate District Court. The notice must be filed within 30 days of rendition of the final order.

STATE OF FLORIDA
DEPARTMENT OF HEALTH
ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM
CONSTRUCTION PERMIT

PERMIT #: 36-SA-75360
APPLICATION #: AP1431817
DATE PAID:
FEE PAID:
RECEIPT #:
DOCUMENT #: PR1268886
OSTDS #: 06-06026-E

CONSTRUCTION PERMIT FOR: OSTDS New

APPLICANT: William Waichulis

PROPERTY ADDRESS: 15036 Briar Ridge Cir Fort Myers, FL 33912

LOT: 26 BLOCK: 33 SUBDIVISION: Unincorp S. of Caloosahachee

PROPERTY ID #: 32452503000000260 [SECTION, TOWNSHIP, RANGE, PARCEL NUMBER] [OR TAX ID NUMBER]

SYSTEM MUST BE CONSTRUCTED IN ACCORDANCE WITH SPECIFICATIONS AND STANDARDS OF SECTION 381.0065, F.S., AND CHAPTER 64E-6, F.A.C. DEPARTMENT APPROVAL OF SYSTEM DOES NOT GUARANTEE SATISFACTORY PERFORMANCE FOR ANY SPECIFIC PERIOD OF TIME. ANY CHANGE IN MATERIAL FACTS, WHICH SERVED AS A BASIS FOR ISSUANCE OF THIS PERMIT, REQUIRE THE APPLICANT TO MODIFY THE PERMIT APPLICATION. SUCH MODIFICATIONS MAY RESULT IN THIS PERMIT BEING MADE NULL AND VOID. ISSUANCE OF THIS PERMIT DOES NOT EXEMPT THE APPLICANT FROM COMPLIANCE WITH OTHER FEDERAL, STATE, OR LOCAL PERMITTING REQUIRED FOR DEVELOPMENT OF THIS PROPERTY.

SYSTEM DESIGN AND SPECIFICATIONS

T [900] GALLONS / GPD Septic tank CAPACITY
A [ ] GALLONS / GPD N/A CAPACITY
N [ ] GALLONS GREASE INTERCEPTOR CAPACITY [MAXIMUM CAPACITY SINGLE TANK:1250 GALLONS]
K [ ] GALLONS DOSING TANK CAPACITY [ ]GALLONS @[ ]DOSES PER 24 HRS #Pumps [ ]

D [500] SQUARE FEET Drainfield SYSTEM
R [ ] SQUARE FEET N/A SYSTEM
A TYPE SYSTEM: [ ] STANDARD [ ] FILLED [x] MOUND [ ]
I CONFIGURATION: [ ] TRENCH [x] BED [ ]
N
F LOCATION OF BENCHMARK: 100ft (assumed) C/L of Briar Ridge Cir near the NW property corner
I ELEVATION OF PROPOSED SYSTEM SITE [0.15][INCHES / FT] [ABOVE / BELOW]BENCHMARK/REFERENCE POINT
E BOTTOM OF DRAINFIELD TO BE [1.48][INCHES / FT] [ABOVE / BELOW]BENCHMARK/REFERENCE POINT
L
D FILL REQUIRED: [34.00] INCHES EXCAVATION REQUIRED: [72.00] INCHES

O
T
H
E
R

Infiltrative surface elevation: 101.48 ft (Assumed)

SPECIFICATIONS BY: Raul Amaya TITLE: PE

APPROVED BY: Dessy A Owiti TITLE: Environmental Supervisor 1 Lee CHD

DATE ISSUED: 11/21/2019 EXPIRATION DATE: 04/30/2021

DEP 4015, 06-21-2022 (Obsoletes previous editions which may not be used)
Incorporated 62-6.004, FAC

v 1.1.4 AP1431817 SE1217837

Attachment "E"

REZ2026-00003
SEZ2026-00003

N
W E
S

0 1,000 2,000
US Feet

PLANTATION RD
EAGLE RIDGE DR
FIDDLESTICKS BLVD
BRIARCLIFF RD
MICHAEL G RIPPE PKWY
S TAMIAMI TRL
ISLAND PARK RD
ORIOLE RD
THREE OAKS PKWY EXT



REZ2026-00003
SEZ2026-00003

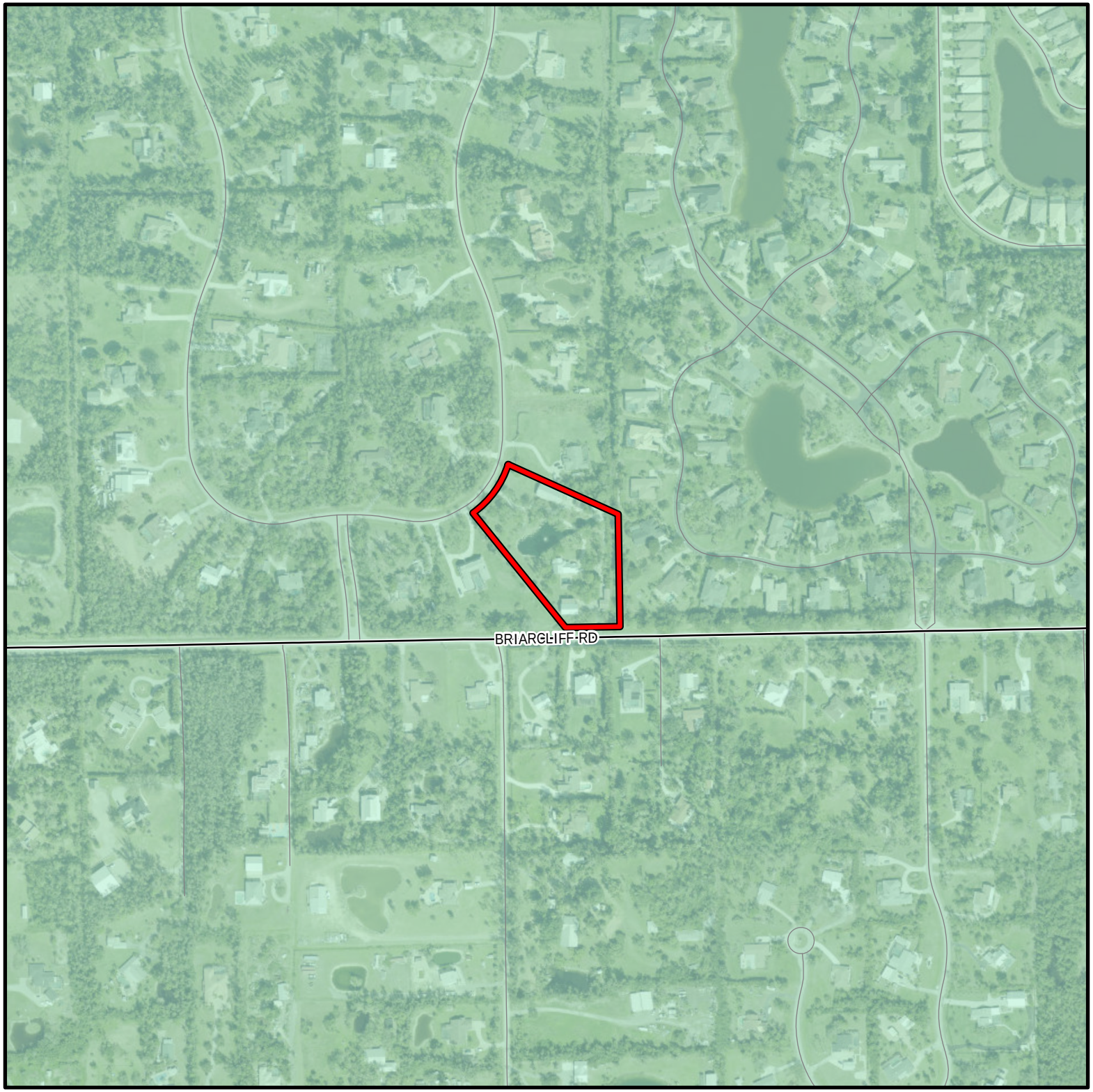
Aerial

Subject Property

N
W E
S

0 500
Feet

Lee County
Southwest Florida



REZ2026-00003
SEZ2026-00003

Future Land Use

Subject Property

Rural

N

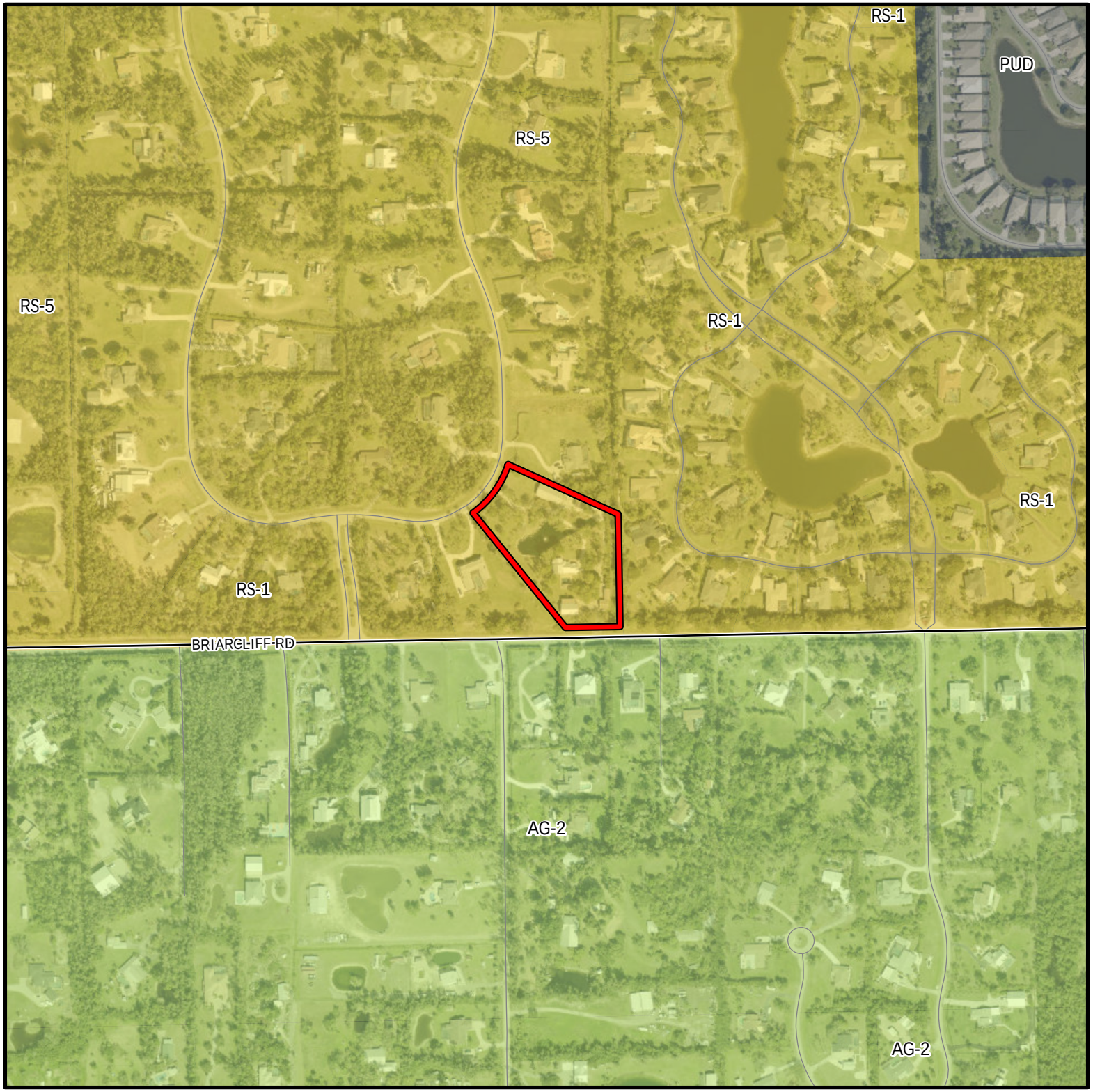
W E

S

0 500

Feet

Lee County
Southwest Florida



REZ2026-00003
SEZ2026-00003

Zoning

Subject Property

N
W
E
S

0
500
Feet

Lee County
Southwest Florida

Attachment "F"

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ENVIRONMENTAL STAFF REPORT

CASE NUMBER: REZ2026-00003 & SEZ2026-00003
TYPE OF CASE: Rezone and Special Exception
CASE NAME: Waichulis
TOTAL ACREAGE: 3.32 ±
SUFFICIENCY DATE: 06/12/2026
HEARING EXAMINER DATE: August 12, 2026

Request:
The applicant is requesting to rezone a 3.32± acres from Residential Single-Family (RS-1) to Residential Single-Family (RS-5) to allow for limited agricultural uses such as keeping of horses and chickens on the subject property.

Existing Conditions:
The subject property is located in the Rural Future Land Use category.

The site is already developed and has two structures on the property and a pond.

Open Space, Indigenous Open Space, and Buffers:

Property development regulations for Residential zoning districts does not require any open space for a single-family lot with a minimum lot size of 6,500 square feet, indigenous open space, or buffers when abutting other residentially zoned lots or street rights-of-way per LDC Section 10-415 and 10-416.

Attachment "G"

Date: July 1, 2026

To: Khalil Muhammad, Planner

From: William Lange, Environmental Planner
239.533.8126
wlange@leegov.com

Subject: SEZ2026-00003 and REZ2026-00003
Natural Resources Staff Report and Conditions for Waichulis Special Exception and Rezoning
STRAP# 32-45-25-03-00000.0260

The subject property is governed by ERP 36-00147-S issued April 4th, 1979. As of, June 28th, 2024, the Florida Department of Environmental Protection has revised the rules for stormwater management, and the Department would determine under rule 62-330.315 F.A.C, if a modification is major or minor, and whether the modification will substantially alter the design, permit conditions, performance or environmental water quality as identified in ERP 6.2.1(d)AH Vol. 1. Currently the total amount of impervious surfaces appears to be about 1.2 acres. FDEP would determine if any proposed changes to the permitted stormwater management system are required.

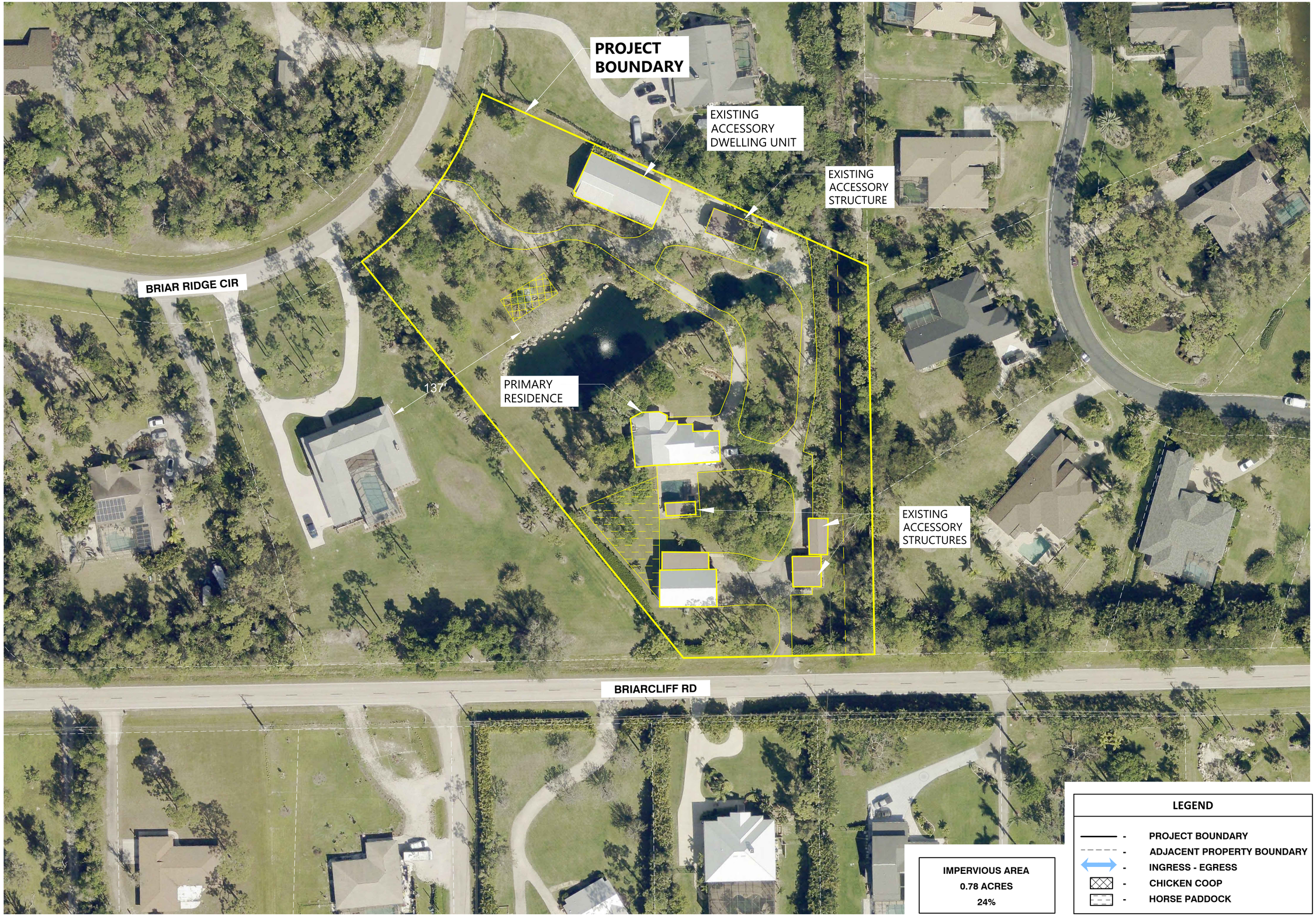
Lee Plan Goal 61: Protection of Water Resources requires the protection of the Lee County's groundwater supplies from those activities having the potential for depleting or degrading those supplies. Lee Plan Goal 125: Water Quality states new development and additions to existing development must not degrade surface and ground water quality. The applicant has stated manure management, and other associated general maintenance activities will be conducted in a manner consistent with those Best Management Practices (BMP) applicable to the proposed uses. The BMPs proposed by the applicant will avoid impacts to adjacent properties and the surrounding water resources. The applicant has demonstrated compliance with both Lee Plan Goal 61 and 125.

The applicant has the limited the special exception request to:

- To allow non-commercial poultry raising and the ability to have a private horse stable.

The application was reviewed by the Lee County Natural Resource Planning Staff in accordance with Lee Plan.

Attachment "H"



0 40 80

#	REVISION	DRAWN	DATE

THE NEIGHBORHOOD COMPANY
5618 WHISPERING WILLOW WAY | FORT MYERS, FL 33908
WWW.THENEIGHBORHOOD.COMPANY

CLIENT: WAICHULIS RESIDENCE

PROJECT: 15034 & 15036 BRIAR RIDGE CIRCLE

TITLE: SPECIAL EXCEPTION SITE PLAN

PROJECT NO: 26007.01.01
DATE: 05/26
DRAWN: F.L.
DESIGN: K.G.
SHEET NUMBER: 1 OF 1