



City Hall Room 118
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135

DISASTER RELIEF REVIEW BOARD
MEETING AGENDA
Tuesday, July 11, 2023
10:00 a.m.

- I. Call to Order
- II. Roll Call
- III. Public Comment
- IV. Disaster Relief Request
 - a. 10950 Park Avenue Fence; ADD23-100844-BOS
 - b. 24866 Windward Blvd. Screen Room; ADD23-101264-BOS
- V. Board Member Items
- VI. Public Comment
- VII. Establish next meeting: (As needed)
- VIII. Adjournment

ANY PERSON REQUIRING SPECIAL ACCOMMODATIONS AT ANY OF THE MEETINGS BECAUSE OF A DISABILITY OR PHYSICAL IMPAIRMENT SHOULD CONTACT LISA ROBERSON, DIRECTOR OF FINANCE AT 239-949-6262, AT LEAST 48 HOURS PRIOR TO THE MEETING.

TWO OR MORE MEMBERS OF THE BONITA SPRINGS CITY COUNCIL MAY BE PRESENT AND MAY PARTICIPATE AT THE MEETING. THE SUBJECT MATTER OF THIS MEETING MAY BE AN ITEM FOR DISCUSSION AND ACTION AT A FUTURE BONITA SPRINGS CITY COUNCIL MEETING.

**POST DISASTER EMERGENCY REVIEW BOARD
BONITA SPRINGS, FLORIDA
COMMUNITY DEVELOPMENT DEPARTMENT
ZONING DIVISION
STAFF REPORT**

PROJECT NAME: PARK AVENUE FENCE REPLACEMENT—HURRICANE IAN

TYPE OF CASE: POST DISASTER RECOVERY ADMINISTRATIVE MODIFICATION

CASE NUMBER: ADD23-100844-BOS

BOARD MEETING DATE: July 11, 2023

PLANNER: MIKE FIIGON II

REQUEST AND STAFF RECOMMENDATION

A request to replace approximately 55 lineal feet of wooden fence damaged by Hurricane Ian.

Staff recommends **APPROVAL** of the request.

APPLICATION SUMMARY:

Applicant: Thomas Andrew Edwards, Owner

Location: 10950 Park Avenue, Bonita Springs, Florida 34135
STRAP: 35-47-25-B2-00900.0390

Request: To replace approximately 55 lineal feet of wooden fence damaged by Hurricane Ian.

BACKGROUND AND INFORMATIONAL ANALYSIS

The request is to replace approximately 55 lineal feet of damaged wooden fence as the result of the aftermath of Hurricane Ian. The fence is located along the southern property boundary, adjacent to the road right of way of Tussey Road. The fence is six (6) feet in height. Section 4-1467(b)(2)(a) of the Bonita Springs Land Development Code provides regulations for fences located closer to the right of way than the street setback line. The code allows a maximum fence height of three (3) feet if the fence is solid, or four (4) feet if constructed of open mesh or chain link. As a result, the fence is non-conforming in that it exceeds the allowable height under the current code.

Section 14-55 of the Bonita Springs City Code adopts the Lee County Code 13 ½-50 et. seq. by reference for standards for post-disaster recovery. The code allows for the reconstruction or

replacement of structures damaged by more than 50% of value. Structures may be reconstructed at (but not to exceed) the legally documented actual use, density and intensity existing at the time of destruction, thereby allowing those structures to be rebuilt or replaced to the size, style, and type of their original construction, including original square-footage; provided however, that the affected structure, as rebuilt or replaced, complies with all federal and state regulations, local building and life safety regulations, and other local regulations, which do not preclude reconstruction otherwise intended by Future Land Use Element Policy 1.5.1 as set forth in Section 14-55 of the Bonita Springs City Code.

The Applicant (Mr. Edwards) was unable to provide a prior approval or a permit for the pre-existing wooden fence. However, it was stated on the application that the fence had been in existence for the past 40 years. Aerials from 1998 suggest the fence existed prior to the incorporation of Bonita Springs, however, the earliest aerial where the fence is *clearly* visible is from 2002. A picture of the fence on-site prior to destruction is included as backup to this report.

While the fence is located within the street setback line of twenty (20) feet for Tussey Road, there is no driveway access to the property from that roadway. Access is provided from Park Avenue, on the north side of the property. The lack of access helps to alleviate potential vehicular and pedestrian conflicts with the property due to site visibility.

CONCLUSIONS AND RECOMMENDATIONS

It is evident that the fence existed prior to being destroyed by Hurricane Ian. The fence is clearly visible in aerials dating back to 2002, which was 21 years ago. Since there is no access to the site from Tussey Road (nor is there access to the neighboring property to the west), conflicts between pedestrians and vehicles as the result of visibility issues caused by the fence are largely alleviated.

Staff recommends **APPROVAL** of the request to replace approximately 55 lineal feet of wooden fence at six (6) feet in height, adjacent to the road right of way of Tussey Road, as conditioned:

CONDITIONS

1. A fence permit shall be obtained in order to document the exact location and lineal footage of the wooden fence.
2. Driveway access or pedestrian access shall not be established anywhere along this fence line or along the property's frontage along Tussey Road.
3. Approval of this action does not guarantee approval of a building permit.
4. Any request or modification not consistent with this approval will require additional approvals as outlined in the City of Bonita Springs City Code and Land Development Code.

EXHIBITS AND ATTACHMENTS

- A. Administrative Action Request
- B. Photograph of fence, prior to Hurricane Ian
- C. 2002 aerial photograph of the property in question
- D. Draft administrative approval document

If you have a disability and the format of this document interferes with your ability to access some information, please contact us at (239) 444-6150 during regular business hours (8:00am-5:00pm, Monday-Friday), and we'll gladly assist.

CITY OF BONITA SPRINGS

EXHIBIT A

Community Development Department
9220 Bonita Beach Road, Ste. 111
Bonita Springs, FL 34135
Phone: (239) 444-6150
email: permitting@cityofbonitaspringscd.org

RECEIVED
CITY OF BONITA SPRINGS
MAR 20 2023
COMMUNITY DEVELOPMENT
DEPARTMENT

ADMINISTRATIVE ACTION REQUEST (2023)

PART I ACTION REQUEST INFORMATION

1. Applicant/Owner's Authorized Representative Name: THOMAS ANDREW EDWARDS
Mailing Address: 10950 PARK AVE.
City: BONITA SPRINGS State: FL Zip: 34135
Phone Number: 239 249 2229 Ext: _____ E-mail Address: EDWARDSTom2@AOL

NOTE: The Applicant must sign the Applicant's Signature and Certification form [See "PART III"].

2. Applicant relationship to property: Owner Trustee Option holder Lessee Contract Purchaser
 Other (Indicate): _____

3. **Type of Request** (please check one):

- Administrative Variance (requires supplement A)
- Commercial Lot Split (requires supplement B)
- Consumption on Premises (requires supplement C)
- Minimum Use Determination (requires supplement D)
- Ordinance Interpretation (requires supplement E)
- Relief for Designated Historic Resources (requires supplement F)
- Easement Encroachment (requires supplement G)
- Administrative Amendment to a PUD or Planned Development (requires supplement H)
- Administrative Deviation from Chapter 3 of the LDC (requires supplement I)
- Placement of Model Home/Unit or Model Display Center (requires supplement J)
- Dock & Shoreline Structure (requires supplement K)
- Post Disaster Administrative Relief (requires supplement L)
- Community Gardens (requires supplement M)
- Joint Use of Parking (requires supplement N)
- Wireless (requires supplement O)
- Bed and Breakfast (requires supplement P)
- Remedy from a Temporary Moratorium (requires supplement Q)
- Final Plan Approval (no supplement, includes property within the Downtown District)

4. Nature of Request (please print): I WANTED TO REPLACE A FENCE THAT HAS EXISTED FOR 40+ YEARS PREVIOUS TO HURICANE "IAN"; IT
5. Project Name: WAS A 6' ~~FEET~~ WOOD FENCE HALF A FOOT INSIDE MY HIGH PROPERTY LINE

**PART II
PROPERTY INFORMATION**

Is this request specific to a particular tract of land? NO YES If yes, please complete the following:

1. Is this action being requested as a result of a violation notice? NO YES ?

a. If yes, date of notice: 3-10-23

b. Specific nature of violation: FENCE REQUEST TOO HIGH PER NEW CODES

2. Property Owner Name: THOMAS A. EDWARDS

Mailing Address: 10950 PARK AVE

City: BONITA SPRINGS State: FL Zip: 34135

Phone Number: 239 2492229 Ext: _____ E-mail Address: EDWARDSTom2@AOL

3. Legal Description: Is property description clearly shown within a platted subdivision recorded in the official Plat Books of Lee County?

NO Attach a legible copy of the legal description and certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code.

YES Property is identified as:

Subdivision Name: TUSSEYS UNRECORDED PLAT

Plat Book 19 Page 175 Unit _____ Block _____ Lot 39

4. STRAP Number: 35-47-25-132-00900.0390

5. Property Dimensions:

a. Area: 8451 SF square feet acres

b. Width along roadway: 122' feet

c. Depth: 69' feet

6. Property Location Address: 10950 PARK AVE

City: BONITA SPRING State: FL Zip: 34135

7. General Location of Property: CORNER PARK AVE AND TUSSEY AND MAYFAIR ST

**PART III
OWNERSHIP/AUTHORIZED AGENT AFFIDAVIT**

I, THOMAS A. EDWARDS, certify that I am the owner or owner's authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of the City of Bonita Springs to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

***** SIGN ONLY IN THE PRESENCE OF A NOTARY PUBLIC *****

STATE OF: FL COUNTY OF: LEE

Signature: *Thomas A. Edwards*

Signatory's Printed Name: THOMAS A EDWARDS

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 13th (day) of MARCH, (month) 2023 (year), by THOMAS A. EDWARDS (name of person making statement).

Signature of Notary Public - State of Florida: *Amanda Cueto*
Name of Notary Typed, Printed, or Stamped: AMANDA CUETO

Personally Known OR Produced Identification
Type of Identification Produced: DL E363-821-55-068-0




AMANDA CUETO
Commission # HH 135399
Expires May 27, 2025
Bonded Thru Budget Notary Services

**PART IV
LETTER OF AUTHORIZATION
TO CITY OF BONITA SPRINGS COMMUNITY DEVELOPMENT**

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as PARK AVE and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate THOMAS EDWARDS as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Bonita Springs.


(Signature of Owner*)

(Signature of Owner*)

(Signature of Owner*)

(Signature of Owner*)

THOMAS A EDWARDS
(Printed Name of Owner)

(Printed Name of Owner)

(Printed Name of Owner)

(Printed Name of Owner)

***** SIGN ONLY IN THE PRESENCE OF A NOTARY PUBLIC *****

STATE OF: FL COUNTY OF: LEE

Signature of Owner: 

Signatory's Printed Name: THOMAS A EDWARDS

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 13TH (day) of MARCH, (month) 2023 (year), by THOMAS A. EDWARDS (name of person making statement).

Signature of Notary Public - State of Florida: 

Name of Notary Typed, Printed, or Stamped: AMANDA CUETO

Personally Known OR Produced Identification

Type of Identification Produced: DL E363-824-55-068-0



AMANDA CUETO
Commission # HH 135399
Expires May 27, 2025
Bonded Thru Budget Notary Services

GENERAL EXPLANATORY NOTES

1. Applications for an Administrative Setback Variance from Chapter 4 (Zoning) of the Land Development Code must include this form plus the Administrative Action Request Supplement A form.
2. Applications for a Commercial Lot Split must include this form plus the Administrative Action Request Supplement B form.
3. Applications for an Administrative Approval for Consumption-On-Premises permit must include this form plus the Administrative Action Request Supplement C form.
4. Applications for a Minimum Use Determination must include this form plus the Administrative Action Request Supplement D form.
5. Applications for an Interpretation of the Land Development Code must include this form plus the Administrative Action Request Supplement E form.
6. Applications for Administrative Relief for Designated Historic Resources must include this form plus the Administrative Action Request Supplement F form.
7. Applications for Relief for Easement Encroachment must include this form plus the Administrative Action Request Supplement G form.
8. Applications for Administrative Amendment to a PUD or Planned Development must include this form plus the Administrative Action Request Supplement H form.
9. Applications for an Administrative Deviation from Chapter 2 (Development Standards) of the Land Development Code must include this form plus the Administrative Action Request Supplement I form.
10. Applications for Administrative Approval for the Placement of a Model Home/Unit or Model Display Center must include this form plus the Administrative Action Request Supplement J form.
11. Applications for Administrative Approval for the Placement of Docks and Shoreline Structures must include this form plus the Administrative Action Request Supplement K form.
12. Applications for Administrative Approval to Utilize Post Disaster Administrative Relief Regulations must include this form plus the Administrative Action Request Supplement L form.
13. Applications for Administrative Approval to for the Placement of a Community Garden must include this form plus the Administrative Action Request Supplement M form.
14. Applications for Administrative Approval for the Joint Use of Parking must include this form plus the Administrative Action Request Supplement N form.
15. Applications for Administrative Approval for Wireless Communication Facilities must include this form plus the Administrative Action Request Supplement O form.
16. Applications for Administrative Approval for a Bed and Breakfast must include this form plus the Administrative Action Request Supplement P form.
17. Applications for Administrative Approval seeking Remedy a Temporary Moratorium must include this form plus the Administrative Action Request Supplement Q form.
18. All Applicants must pay the Application Fee set forth in the City External Fees and Charges Manual.

EXPLANATORY NOTES FOR PART I

1. Applicant's Name: Application may be by the landowner or his authorized agent.
2. Relationship of applicant to owner. If the applicant is not the owner of the property, a notarized authorization form from the owner to the applicant must be submitted.
3. Agent's Name: If the applicant will have other people representing him in processing this application, please indicate their name, address, and phone number.
4. Place check mark next to type of administrative action being requested.
5. State in general terms, the purpose of the requested action.

EXPLANATORY NOTES FOR PART II

Part II must be completed for all applications in which a particular tract or parcel of land is involved. **Applications for administrative interpretations of the ordinance which do not affect a particular parcel of land do not need to complete this part.**

1. If the request is due to a violation notice, please indicate the date it was issued, the type of notice (i.e. building code, zoning, etc.,) and what the violation was.
2. Relationship of applicant to owner: If the applicant is not the owner of the property, please state the relationship such as option holder, contract purchaser, lessee, trustee, agent, etc. A **notarized** authorization form from the owner to the applicant must be submitted.
3. If the applicant is the owner, write "same".
4. If the property is not fully described as a lot or lots in a platted subdivision, a complete, legible, legal description and certified sketch of description (as set out in Chapter 61G 17-6.006 Florida Administrative Code) must be submitted which is sufficiently detailed so as to be able to locate said property on city/county maps or aerial photographs. If the application includes multiple contiguous parcels, the legal description may describe the perimeter boundary of the total area, and need not describe each individual parcel, except where different requests are made on individual parcels. The Director may reject any legal description which is not legible or sufficiently detailed so as to locate said property.
5. If more than one parcel is involved, list all STRAP numbers. If the property is within an unofficial recorded subdivision, submit a copy of the O.R. Book and Page where the unofficial recorded subdivision is recorded.
6. Please provide a description of how to get to the property referenced to major streets.

EXPLANATORY NOTES FOR PART III

1. The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by the submittal of inaccurate or incomplete information will be the responsibility of the applicant.
2. All information submitted with the application becomes a part of the public record and will be a permanent part of the file.
3. All applications must be submitted in person. Mailed-in applications will not be processed.
4. All attachments and exhibits submitted must be of a size that will fit or conveniently fold to fit into a letter size (8 ½" x 11") folder.
5. The Department staff will review this application for compliance with requirements of the Bonita Springs Land Development Code. If any deficiencies are noted, the applicant will be notified.

EXPLANATORY NOTES FOR PART IV

Where there is more than one owner, either legal or equitable, then all such owners must jointly initiate the application. Exceptions to this are:

1. It is not required that both husband and wife initiate the application on private real property owned by them.
2. Where the property is subject to a land trust agreement, the trustee may initiate the application.
3. Where the fee owner is a corporation, any duly authorized corporate official may initiate the application.
4. Where the fee owner is a partnership, the general partner may initiate the application.
5. Where the fee owner is an association, the association may appoint an agent to initiate the application on behalf of the association.
6. Where the property is a condominium or time-share condominium, refer to Sec. 4-201(a)(1)b. for rules.
7. Where the property is a subdivision, refer to Sec. 4-201(a)(1)c. for rules.
8. Rezoning initiated by the City of Bonita Springs on property not owned by the city.

If you have a disability and the format of this document interferes with your ability to access some information, please contact us at (239) 444-6150 during regular business hours (8:00am-5:00pm, Monday-Friday), and we'll gladly assist.

CITY OF BONITA SPRINGS

Community Development Department
9220 Bonita Beach Road, Ste. 111
Bonita Springs, FL 34135
Phone: (239) 444-6150
email: permitting@cityofbonitaspringscd.org

**ADMINISTRATIVE ACTION REQUEST (2023)
POST DISASTER ADMINISTRATIVE RELIEF (SUPPLEMENT L)**

This administrative approval process may be requested by property owner(s) for structures which have been damaged by fire or other natural forces to the extent that the cost of their reconstruction or repair exceeds fifty (50) percent of the building's value (does not include land value) pursuant to Chapter 24, Floodplain Management, of the City of Bonita Springs City Code. These structures may be reconstructed at (but not to exceed) the legally documented actual use, density, and intensity existing at the time of destruction, thereby allowing those structure to be rebuilt or replaced to the size, style, and type of their original construction, including original square footage; provided, however, that the affected structure, as rebuilt or replaced, complies with all federal and state regulations, local building and life safety regulations, and other local regulations, which do not preclude reconstruction otherwise intended by Future Land Use Element Policy 1.5.1 as set forth in Bonita Springs City Code Chapter 14, Section 14-55.

Applicant's Name: T H O M A S A N D R E W E D W A R D S
Property Address: 10950 PARK AVE BONITA FL 34135
STRAP Number: 35-47-25-B2-00900.0390

Modifications to development regulations sought (See Explanatory Notes for Eligibility):

NEW CODES DON'T ALLOW A 6' HIGH WOOD FENCE, THE 6' HIGH FENCE THAT EXISTED FOR 40 YEARS WAS DESTROYED BY HURRICANE IAN, I JUST WANTED TO REPLACE WHAT HAS EXISTED FOR A LONG TIME.

ADDITIONAL SUBMITTAL REQUIREMENTS:

1. Provide documentation as to the actual uses, density and/or intensity in existence at the time of earlier construction before authorizing modifications to the requirements requested above. This can be done through such means as photographs, diagrams, plans, affidavits, permits, property appraiser records, utility bills, etc.

EXPLANATORY NOTES

1. For single-family, two-family and duplexes and their accessory structures—The emergency review board is authorized to apply and modify development regulations for lot area and dimension, setbacks, lot coverage, height, handicapped access, and open space.
2. For multiple family, commercial and industrial buildings—The emergency review board is authorized to modify development regulations for lot area and dimensions, setbacks, lot coverage, height, handicapped access, buffering, open space, loading space and parking.
3. Any modifications granted will be the minimum necessary. No modifications will be granted that completely eliminate buffering or open space, or that will allow buildings to exceed the special height limitations specified in Land Development Code, Chapter 4, Zoning, Division 30, Property Development Regulations, Subdivision II, Height.

4. The emergency review board is specifically authorized to modify street, rear, side, or waterbody setback requirements under the following circumstances:
 - a. Street, rear, side, or waterbody setbacks may be modified to permit the reconstruction of, or additions to, pre-existing structures that are nonconforming with regard to a specific setback as long as: [The reconstruction will not result in a further diminution of the setback, however, the emergency review board may approve bay windows, chimneys and similar architectural features that encroach further into a setback provided the encroachment does not protrude beyond the pre-existing overhang of the building.]
 - b. Prior to approving any modification of street or street easement setbacks, a determination will be made through consultation with Lee County Department of Transportation and City of Bonita Springs Public Works regarding future road widening requirements.
 - i. The reconstruction shall not result in a further diminution of the setback; however, the emergency review board may approve bay windows, chimneys and similar architectural features that encroach further into a setback, provided the encroachment does not protrude beyond the pre-existing overhang of the building; and
 - ii. Setbacks may be modified to allow the replacement of stairs or decking that will provide access into a dwelling unit.
 - c. The emergency review board is specifically authorized to modify the parking requirements under the following circumstances:
 - i. To improve ingress and egress to the site.
 - ii. To eliminate or reduce the instances where parked vehicles were required to back out onto thoroughfares to gain access to the roadway system.
 - iii. To provide on-site handicapped parking.
 - d. The emergency review board is specifically authorized to modify buffering requirements to accommodate modifications to parking or additional proposed parking.
 - e. The emergency review board may also consider other modifications, conditions, or variances necessary to reconstruct a pre-existing structure in a timely and expeditious manner, including requests for reconstruction not specifically set forth above.
 - f. The emergency review board may require documentation as to the actual uses, densities, and intensities in existence at the time of earlier construction through such means as photographs, diagrams, plans, affidavits, permits, etc., before authorizing modifications to the requirements referenced above.
5. No provision is made to redevelop property containing damaged structures for a more intense use or at a density higher than which existed prior to a major or catastrophic disaster. No redevelopment at a higher density or more intense use will be permitted unless appropriate zoning, development review, building permit and other applicable land development approvals are granted.
6. Once an application is deemed complete, the application will be scheduled for the next scheduled emergency review board meeting.

NOTE: ACCEPTANCE OF AN APPLICATION FOR POST DISASTER ADMINISTRATIVE MODIFICATION IN NO WAY GUARANTEES ITS APPROVAL. DECISIONS RENDERED BY THE EMERGENCY REVIEW BOARD MAY BE APPEALED TO THE CITY OF BONITA SPRINGS BOARD OF ZONING ADJUSTMENTS AND APPEALS.

EXHIBIT B



Parcel Search [X]

By Shape | By Value | Results

Features selected: 2 [More]

10603537 [X]
 STRAP: 234525P2110000030
 Owner: FORT MYERS GATEWAY LLC
 Address: 10950 PREACHERS COVE LN
 City: FORT MYERS
 Approx SqFt: 4360

10293209 [X]
 STRAP: 354725B2009000390
 Owner: EDWARDS THOMAS A
 Address: 10950 PARK AVE
 City: BONITA SPRINGS
 Approx SqFt: 8451



EXHIBIT C

354725

TUSSEY RD

MAYFAIR CT

PARK AVE

10949

00900
0190

10955/957

00900
0180

10961

00900
0170

10967

00900
0160

10973

10930

00900
0380

10950

00900
0390

10960/962

00900
0230

10970/972

00900
023A

00900
0360

27228

00900
0350

27236

00900
034A

27230/240

00900
0330

27231/233

00900
0240

EXHIBIT D

ADMINISTRATIVE ACTION PARK AVENUE FENCE REPLACEMENT ADD23-100844-BOS

ADMINISTRATIVE ACTION BONITA SPRINGS, FLORIDA

WHEREAS, Mr. Thomas Andrew Edwards, owner., has filed an application for an administrative approval seeking relief from the City of Bonita Springs Land Development Code (LDC) Section 4-1467(b)(2) to allow for the replacement of approximately 55 lineal feet of wooden fence to be replaced; and

WHEREAS, the subject property is located at 10950 Park Avenue in Bonita Springs, Florida, and has a STRAP number of: 35-47-25-B2-00900.0390, further described as

LOT 39, JAY TUSSEY'S UNRECORDED SUBDIVISION, AS FOUND IN OFFICIAL RECORDS BOOK 19, PAGE 175, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

WHEREAS, the subject property is located within the Medium Density Residential Future Land Use Category as designated in the Bonita Springs Comprehensive Plan; and

WHEREAS, the property is zoned Two Family Conservation (TFC-2) according to the official zoning map of the City of Bonita Springs; and

WHEREAS, an application for administrative approval has been filed; and

WHEREAS, the Applicant requests relief in order to build back a wooden fence six (6) feet in height, that was damaged as the result of Hurricane Ian; and

WHEREAS, the fence was located along the right-of-way line of Tussey Road; and

WHEREAS, LDC 4-1467(b)(2) states that the maximum height of a solid fence is three (3) feet when located between the minimum street setback and the street easement; and

WHEREAS, there is no driveway access onto Tussey Road from the Applicant's property, which largely alleviates potential conflicts of vehicle and pedestrian visibility to and from the Applicant's property; and

WHEREAS, Section 14-55 of the City Code adopts Lee County Code 13 ½-50 et. seq. by reference for standards for post-disaster recovery; and

WHEREAS, the code allows for the reconstruction or replacement of structures damaged by more than 50% of value and structures may be reconstructed at (but not to exceed) the legally documented actual use, density and intensity existing at the time of destruction, thereby allowing those structures to be rebuilt or replaced; and

WHEREAS, the Applicant has stated the fence has been on-site for over 40 years, which predates the incorporation of the City of Bonita Springs; and

WHEREAS, the City of Bonita Springs Disaster Relief Review Board has the authority to grant relief from the standards of the LDC in order to allow damaged structures to be rebuilt in accordance with Section 14-55 of the City Code and Lee County Code 13 ½-50 et. seq.; and

WHEREAS, the City of Bonita Springs Disaster Relief Review Board voted to approve the reconstruction of the fence on July 11, 2023; and

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative relief from the LDC is **APPROVED, subject to the following conditions:**

1. A fence permit shall be obtained in order to document the exact location and lineal footage of the wooden fence.
2. Driveway access or pedestrian access shall not be established anywhere along this fence line or along the property's frontage along Tussey Road.
3. Approval of this action does not guarantee approval of a building permit.
4. Any request or modification not consistent with this approval will require additional approvals as outlined in the City of Bonita Springs City Code and Land Development Code.

DULY signed this _____ day of _____, A.D., 2023

BY: _____
John Dulmer, AICP
Director of Community Development
Bonita Springs, Florida

**POST DISASTER EMERGENCY REVIEW BOARD
BONITA SPRINGS, FLORIDA
COMMUNITY DEVELOPMENT DEPARTMENT
ZONING DIVISION
STAFF REPORT**

PROJECT NAME: WINDWARD BOULEVARD SCREEN ROOM REPAIR—HURRICANE IAN

TYPE OF CASE: POST DISASTER RECOVERY ADMINISTRATIVE MODIFICATION

CASE NUMBER: ADD23-101264-BOS

BOARD MEETING DATE: July 11, 2023

PLANNER: MIKE FIIGON II

REQUEST AND STAFF RECOMMENDATION

A request to replace/repair a screen room on a mobile home lot, damaged by Hurricane Ian.

Staff recommends **APPROVAL** of the request.

APPLICATION SUMMARY:

Applicant: Russell Brown, Owner

Location: 24866 Windward Boulevard, Bonita Springs, Florida 34134
STRAP: 17-47-25-B4-00500.1740

Request: To replace/repair a screen room on a mobile home lot, damaged by Hurricane Ian

BACKGROUND AND INFORMATIONAL ANALYSIS

The request is to replace a screen room on a mobile home lot that was damaged by Hurricane Ian. The property is located in Spring Creek Village and the replacement was approved by the Architectural Control Committee of the Spring Creek Village Amenities Corporation. The standard required side setbacks for this park are at least five (5) feet from the side property lines. However, according to the plat (PB 29, PG 131), the property in question has a drainage and public utility easement (PUE) that is six (6) feet in width along the sides of each boundary. This would require a side yard setback of six (6) feet for the screen room replacement. However, it appears the previous screen room as well as the proposed screen room is 4.5 feet from the side property line. This is an encroachment of six (6) inches into the required setback and 1.5 feet into the easement.

CONCLUSIONS AND RECOMMENDATIONS

It is evident that the screen room was in existence prior to Hurricane Ian. It is clearly visible on aerials as far back as 2002 (attached) and referenced on the data page for the property posted on the website of the Lee County Property Appraiser. Staff does not object to the size-for-size replacement (approximately 128 square feet) of the screen room.

Staff recommends **APPROVAL** of the request to replace a screen room on a mobile home in Spring Creek Village, as conditioned:

CONDITIONS

1. A letter of no objection for encroachment into the easement needs to be obtained by the Applicant and provided as part of the resubmittal package for permit ACC23-100885-BOS. The Applicant will be required to reach out to the following agencies to obtain letters of consent:
 - a. City of Bonita Springs Public Works Department
 - b. Bonita Springs Utilities
 - c. Florida Power and Light

2. Approval of this action does not guarantee approval of a building permit.

3. Any request or modification not consistent with this approval will require additional approvals as outlined in the City of Bonita Springs City Code and Land Development Code.

EXHIBITS AND ATTACHMENTS

- A. Administrative Action Request
- B. 2002 aerial photograph showing the screen room
- C. Draft administrative approval document

If you have a disability and the format of this document interferes with your ability to access some information, please contact us at (239) 444-6150 during regular business hours (8:00am-5:00pm, Monday-Friday), and we'll gladly assist.

CITY OF BONITA SPRINGS
Community Development Department
9220 Bonita Beach Road, Ste. 111
Bonita Springs, FL 34135
Phone: (239) 444-6150
email: permitting@cityofbonitaspringscd.org

EXHIBIT A

101264

RECEIVED
CITY OF BONITA SPRINGS

APR 01 2023

COMMUNITY DEVELOPMENT
DEPARTMENT

ADMINISTRATIVE ACTION REQUEST (2023)

PART I

ACTION REQUEST INFORMATION

1. Applicant/Owner's Authorized Representative Name: RUSSELL BROWN
 Mailing Address: 24866 WINDWARD BLVD.
 City: BONITA SPRINGS State: FL Zip: 34134
 Phone Number: 248 894 9575 Ext: _____ E-mail Address: RWBROWN55@YAHOO.COM

NOTE: The Applicant must sign the Applicant's Signature and Certification form [See "PART III"].

2. Applicant relationship to property: Owner Trustee Option holder Lessee Contract Purchaser
 Other (Indicate): _____

3. **Type of Request** (please check one):

- Administrative Variance (requires supplement A)
- Commercial Lot Split (requires supplement B)
- Consumption on Premises (requires supplement C)
- Minimum Use Determination (requires supplement D)
- Ordinance Interpretation (requires supplement E)
- Relief for Designated Historic Resources (requires supplement F)
- Easement Encroachment (requires supplement G)
- Administrative Amendment to a PUD or Planned Development (requires supplement H)
- Administrative Deviation from Chapter 3 of the LDC (requires supplement I)
- Placement of Model Home/Unit or Model Display Center (requires supplement J)
- Dock & Shoreline Structure (requires supplement K)
- Post Disaster Administrative Relief (requires supplement L)
- Community Gardens (requires supplement M)
- Joint Use of Parking (requires supplement N)
- Wireless (requires supplement O)
- Bed and Breakfast (requires supplement P)
- Remedy from a Temporary Moratorium (requires supplement Q)
- Final Plan Approval (no supplement, includes property within the Downtown District)

4. Nature of Request (please print): REPLACE SCREEN ROOM DAMAGE
FROM IN

5. Project Name: _____

**PART II
PROPERTY INFORMATION**

Is this request specific to a particular tract of land? NO YES If yes, please complete the following:

1. Is this action being requested as a result of a violation notice? NO YES

a. If yes, date of notice: _____

b. Specific nature of violation: _____

2. Property Owner Name: SAME AS PART 1

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ Ext: _____ E-mail Address: _____

3. Legal Description: Is property description clearly shown within a platted subdivision recorded in the official Plat Books of Lee County?

NO Attach a legible copy of the legal description and certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code.

YES Property is identified as:

Subdivision Name: SPRING CREEK VILLAGE #3

Plat Book 27 Page 131 Unit ~~18~~ Block _____ Lot 174

4. STRAP Number: 17-47-25B4 08500 1740

5. Property Dimensions:

a. Area: 4,271.43 SF square feet acres

b. Width along roadway: 55.03' feet

c. Depth: 77.62' feet

6. Property Location Address: SAME AS OWNER

City: _____ State: _____ Zip: _____

7. General Location of Property: SEE PLOT PLAN

**PART III
OWNERSHIP/AUTHORIZED AGENT AFFIDAVIT**

I, RUSSELL BROWN, certify that I am the owner or owner's authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of the City of Bonita Springs to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

***** SIGN ONLY IN THE PRESENCE OF A NOTARY PUBLIC *****

STATE OF: _____ COUNTY OF: _____

Signature: [Handwritten Signature]

Signatory's Printed Name: RUSSELL BROWN

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 30TH (day) of MARCH, (month) 2023 (year), by RUSSELL BROWN (name of person making statement).

Signature of Notary Public - State of Florida: [Handwritten Signature]

Name of Notary Typed, Printed, or Stamped: DANIELLE GOLD

Personally Known OR Produced Identification

Type of Identification Produced: _____



DANIELLE GOLD
Notary Public
State of Florida
Comm# HH326077
Expires 10/26/2026

PART IV
LETTER OF AUTHORIZATION
TO CITY OF BONITA SPRINGS COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as 24866 WINDWARD BLVD. and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate _____ as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Bonita Springs.

[Signature]
(Signature of Owner*)

(Signature of Owner*)

(Signature of Owner*)

(Signature of Owner*)

RUSSELL BROWN
(Printed Name of Owner)

(Printed Name of Owner)

(Printed Name of Owner)

(Printed Name of Owner)

***** SIGN ONLY IN THE PRESENCE OF A NOTARY PUBLIC *****

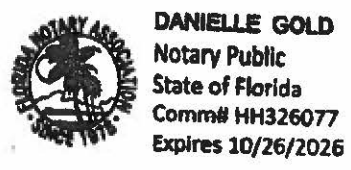
STATE OF: FLORIDA COUNTY OF: LEE

Signature of Owner: [Signature]
Signatory's Printed Name: RUSSELL BROWN

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 30TH (day) of MARCH, (month) 2023 (year), by RUSSELL BROWN (name of person making statement).

Signature of Notary Public - State of Florida: [Signature]
Name of Notary Typed, Printed, or Stamped: DANIELLE GOLD

Personally Known OR Produced Identification
Type of Identification Produced: _____



GENERAL EXPLANATORY NOTES

1. Applications for an Administrative Setback Variance from Chapter 4 (Zoning) of the Land Development Code must include this form plus the Administrative Action Request Supplement A form.
2. Applications for a Commercial Lot Split must include this form plus the Administrative Action Request Supplement B form.
3. Applications for an Administrative Approval for Consumption-On-Premises permit must include this form plus the Administrative Action Request Supplement C form.
4. Applications for a Minimum Use Determination must include this form plus the Administrative Action Request Supplement D form.
5. Applications for an Interpretation of the Land Development Code must include this form plus the Administrative Action Request Supplement E form.
6. Applications for Administrative Relief for Designated Historic Resources must include this form plus the Administrative Action Request Supplement F form.
7. Applications for Relief for Easement Encroachment must include this form plus the Administrative Action Request Supplement G form.
8. Applications for Administrative Amendment to a PUD or Planned Development must include this form plus the Administrative Action Request Supplement H form.
9. Applications for an Administrative Deviation from Chapter 2 (Development Standards) of the Land Development Code must include this form plus the Administrative Action Request Supplement I form.
10. Applications for Administrative Approval for the Placement of a Model Home/Unit or Model Display Center must include this form plus the Administrative Action Request Supplement J form.
11. Applications for Administrative Approval for the Placement of Docks and Shoreline Structures must include this form plus the Administrative Action Request Supplement K form.
12. Applications for Administrative Approval to Utilize Post Disaster Administrative Relief Regulations must include this form plus the Administrative Action Request Supplement L form.
13. Applications for Administrative Approval to for the Placement of a Community Garden must include this form plus the Administrative Action Request Supplement M form.
14. Applications for Administrative Approval for the Joint Use of Parking must include this form plus the Administrative Action Request Supplement N form.
15. Applications for Administrative Approval for Wireless Communication Facilities must include this form plus the Administrative Action Request Supplement O form.
16. Applications for Administrative Approval for a Bed and Breakfast must include this form plus the Administrative Action Request Supplement P form.
17. Applications for Administrative Approval seeking Remedy a Temporary Moratorium must include this form plus the Administrative Action Request Supplement Q form.
18. All Applicants must pay the Application Fee set forth in the City External Fees and Charges Manual.

EXPLANATORY NOTES FOR PART I

1. Applicant's Name: Application may be by the landowner or his authorized agent.
2. Relationship of applicant to owner. If the applicant is not the owner of the property, a notarized authorization form from the owner to the applicant must be submitted.
3. Agent's Name: If the applicant will have other people representing him in processing this application, please indicate their name, address, and phone number.
4. Place check mark next to type of administrative action being requested.
5. State in general terms, the purpose of the requested action.

EXPLANATORY NOTES FOR PART II

Part II must be completed for all applications in which a particular tract or parcel of land is involved. **Applications for administrative interpretations of the ordinance which do not affect a particular parcel of land do not need to complete this part.**

1. If the request is due to a violation notice, please indicate the date it was issued, the type of notice (i.e. building code, zoning, etc.,) and what the violation was.
2. Relationship of applicant to owner: If the applicant is not the owner of the property, please state the relationship such as option holder, contract purchaser, lessee, trustee, agent, etc. A **notarized** authorization form from the owner to the applicant must be submitted.
3. If the applicant is the owner, write "same".
4. If the property is not fully described as a lot or lots in a platted subdivision, a complete, legible, legal description and certified sketch of description (as set out in Chapter 61G 17-6.006 Florida Administrative Code) must be submitted which is sufficiently detailed so as to be able to locate said property on city/county maps or aerial photographs. If the application includes multiple contiguous parcels, the legal description may describe the perimeter boundary of the total area, and need not describe each individual parcel, except where different requests are made on individual parcels. The Director may reject any legal description which is not legible or sufficiently detailed so as to locate said property.
5. If more than one parcel is involved, list all STRAP numbers. If the property is within an unofficial recorded subdivision, submit a copy of the O.R. Book and Page where the unofficial recorded subdivision is recorded.
6. Please provide a description of how to get to the property referenced to major streets.

EXPLANATORY NOTES FOR PART III

1. The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by the submittal of inaccurate or incomplete information will be the responsibility of the applicant.
2. All information submitted with the application becomes a part of the public record and will be a permanent part of the file.
3. All applications must be submitted in person. Mailed-in applications will not be processed.
4. All attachments and exhibits submitted must be of a size that will fit or conveniently fold to fit into a letter size (8 ½" x 11") folder.
5. The Department staff will review this application for compliance with requirements of the Bonita Springs Land Development Code. If any deficiencies are noted, the applicant will be notified.

EXPLANATORY NOTES FOR PART IV

Where there is more than one owner, either legal or equitable, then all such owners must jointly initiate the application. Exceptions to this are:

1. It is not required that both husband and wife initiate the application on private real property owned by them.
2. Where the property is subject to a land trust agreement, the trustee may initiate the application.
3. Where the fee owner is a corporation, any duly authorized corporate official may initiate the application.
4. Where the fee owner is a partnership, the general partner may initiate the application.
5. Where the fee owner is an association, the association may appoint an agent to initiate the application on behalf of the association.
6. Where the property is a condominium or time-share condominium, refer to Sec. 4-201(a)(1)b. for rules.
7. Where the property is a subdivision, refer to Sec. 4-201(a)(1)c. for rules.
8. Rezoning initiated by the City of Bonita Springs on property not owned by the city.

if you have a disability and the format of this document interferes with your ability to access some information, please contact us at (239) 444-6150 during regular business hours (8:00am-5:00pm, Monday-Friday), and we'll gladly assist.

CITY OF BONITA SPRINGS

Community Development Department
9220 Bonita Beach Road, Ste. 111
Bonita Springs, FL 34135
Phone: (239) 444-6150
email: permitting@cityofbonitaspringscd.org

**ADMINISTRATIVE ACTION REQUEST (2023)
POST DISASTER ADMINISTRATIVE RELIEF (SUPPLEMENT L)**

This administrative approval process may be requested by property owner(s) for structures which have been damaged by fire or other natural forces to the extent that the cost of their reconstruction or repair exceeds fifty (50) percent of the building's value (does not include land value) pursuant to Chapter 24, Floodplain Management, of the City of Bonita Springs City Code. These structures may be reconstructed at (but not to exceed) the legally documented actual use, density, and intensity existing at the time of destruction, thereby allowing those structure to be rebuilt or replaced to the size, style, and type of their original construction, including original square footage; provided, however, that the affected structure, as rebuilt or replaced, complies with all federal and state regulations, local building and life safety regulations, and other local regulations, which do not preclude reconstruction otherwise intended by Future Land Use Element Policy 1.5.1 as set forth in Bonita Springs City Code Chapter 14, Section 14-55.

Applicant's Name: RUSSELL BROWN
Property Address: 24866 WINDWARD BLVD. BONITA SPRINGS, FL 34134
STRAP Number: 17-47-25 B4 00500 1740

Modifications to development regulations sought (See Explanatory Notes for Eligibility):

Side yard setback to 4'6" and encroachment into
6' PUE per PB 29 PG. 131. Replace existing
screen room damaged by Hurricane Ian. Aerials
provided. No access to mtg permit 199400652.

ADDITIONAL SUBMITTAL REQUIREMENTS:

1. Provide documentation as to the actual uses, density and/or intensity in existence at the time of earlier construction before authorizing modifications to the requirements requested above. This can be done through such means as photographs, diagrams, plans, affidavits, permits, property appraiser records, utility bills, etc.

EXPLANATORY NOTES

1. For single-family, two-family and duplexes and their accessory structures—The emergency review board is authorized to apply and modify development regulations for lot area and dimension, setbacks, lot coverage, height, handicapped access, and open space.
2. For multiple family, commercial and industrial buildings—The emergency review board is authorized to modify development regulations for lot area and dimensions, setbacks, lot coverage, height, handicapped access, buffering, open space, loading space and parking.
3. Any modifications granted will be the minimum necessary. No modifications will be granted that completely eliminate buffering or open space, or that will allow buildings to exceed the special height limitations specified in Land Development Code, Chapter 4, Zoning, Division 30, Property Development Regulations, Subdivision II, Height.

- 2
4. The emergency review board is specifically authorized to modify street, rear, side, or waterbody setback requirements under the following circumstances:
 - a. Street, rear, side, or waterbody setbacks may be modified to permit the reconstruction of, or additions to, pre-existing structures that are nonconforming with regard to a specific setback as long as: [The reconstruction will not result in a further diminution of the setback, however, the emergency review board may approve bay windows, chimneys and similar architectural features that encroach further into a setback provided the encroachment does not protrude beyond the pre-existing overhang of the building.]
 - b. Prior to approving any modification of street or street easement setbacks, a determination will be made through consultation with Lee County Department of Transportation and City of Bonita Springs Public Works regarding future road widening requirements.
 - i. The reconstruction shall not result in a further diminution of the setback; however, the emergency review board may approve bay windows, chimneys and similar architectural features that encroach further into a setback, provided the encroachment does not protrude beyond the pre-existing overhang of the building; and
 - ii. Setbacks may be modified to allow the replacement of stairs or decking that will provide access into a dwelling unit.
 - c. The emergency review board is specifically authorized to modify the parking requirements under the following circumstances:
 - i. To improve ingress and egress to the site.
 - ii. To eliminate or reduce the instances where parked vehicles were required to back out onto thoroughfares to gain access to the roadway system.
 - iii. To provide on-site handicapped parking.
 - d. The emergency review board is specifically authorized to modify buffering requirements to accommodate modifications to parking or additional proposed parking.
 - e. The emergency review board may also consider other modifications, conditions, or variances necessary to reconstruct a pre-existing structure in a timely and expeditious manner, including requests for reconstruction not specifically set forth above.
 - f. The emergency review board may require documentation as to the actual uses, densities, and intensities in existence at the time of earlier construction through such means as photographs, diagrams, plans, affidavits, permits, etc., before authorizing modifications to the requirements referenced above.
 5. No provision is made to redevelop property containing damaged structures for a more intense use or at a density higher than which existed prior to a major or catastrophic disaster. No redevelopment at a higher density or more intense use will be permitted unless appropriate zoning, development review, building permit and other applicable land development approvals are granted.
 6. Once an application is deemed complete, the application will be scheduled for the next scheduled emergency review board meeting.

NOTE: ACCEPTANCE OF AN APPLICATION FOR POST DISASTER ADMINISTRATIVE MODIFICATION IN NO WAY GUARANTEES ITS APPROVAL. DECISIONS RENDERED BY THE EMERGENCY REVIEW BOARD MAY BE APPEALED TO THE CITY OF BONITA SPRINGS BOARD OF ZONING ADJUSTMENTS AND APPEALS.

Spring Creek Village Amenities Corporation, Inc.

Alliant Association Management

Alliant Property Management

13831 Vector Ave.

Fort Myers FL 33907

(239) 454-1101

- Architectural Review Notice -

April 3, 2023

Russell W Brown

2701 Denton

Canton MI 48188

RE: 24866 Windward Blvd.

RE: Architectural Review Request

Dear Russell W Brown,

On behalf of the Spring Creek Village Amenities Corporation, Inc., the Architectural Control Committee has reviewed the information you submitted and **APPROVED** your request to proceed with the following:

Your ARC application for Screen Room repair as per original foot print size has been approved as submitted - 1' 6" overlapping to easement is approved based on original construction and ARC Committee to grandfather in placement of Screen Room.

Your approval is subject to the following:

- Approval valid for 180 days
- Site clean up

We reserve the right to make a final inspection of the change to make sure it matches the Request you submitted for Approval. Please follow the plan, style, and colors you submitted or submit an additional Request form if you cannot follow the original plan.

Please note that it is the homeowner's responsibility to follow all local building codes and setback requirements when making this change. A Building Permit may be needed. This can be applied for at the County offices.

This review is for aesthetic purposes only and does not certify compliance with relevant building codes or ordinances for which the owner is responsible.

This approval should not be taken as any certification as to the construction worthiness or structural integrity of the change you propose.

We appreciate your cooperation in submitting this Request for Approval. An attractive Community helps all of us get the full value from our homes when we decide to sell.

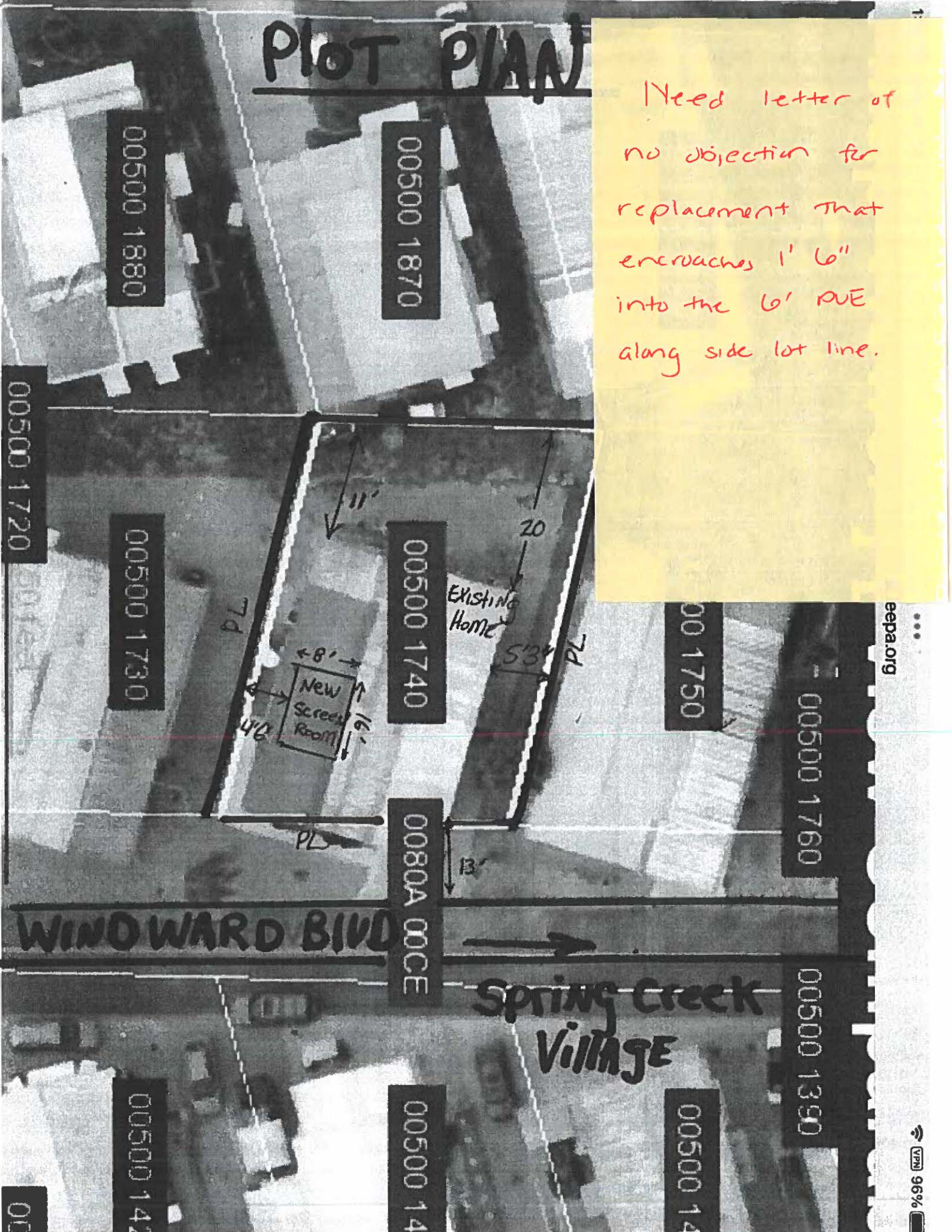
Please retain this letter for your records.

Thank you,

**Lisa Kiefer, CAM
Alliant Association Management**

PLOT PLAN

Need letter of
no objection for
replacement that
encroaches 1' 6"
into the 6' RVE
along side lot line.



Parcel Search

By Shape By Value Results

Features selected: 1

10280608
STRAP: 174725B4005001740
Owner: BROWN RUSSELL W L/E
Address: 24866 WINDWARD BLVD
City: BONITA SPRINGS
Approx SqFt: 4008

EXHIBIT B



SOUTH SEAS BLVD

WINDWARD BLVD

TAHITI DR

174725

EXHIBIT C

ADMINISTRATIVE ACTION WINDWARD BOULEVARD SCREEN ROOM REPLACEMENT ADD23-101264-BOS

ADMINISTRATIVE ACTION BONITA SPRINGS, FLORIDA

WHEREAS, Mr. Russell Brown, owner, has filed an application for an administrative approval seeking relief from the City of Bonita Springs Land Development Code to allow for the replacement of a screen room damaged by Hurricane Ian; and

WHEREAS, the subject property is located at 24866 Windward Boulevard in Bonita Springs, Florida, and has a STRAP number of: 17-47-25-B4-00500.1740, further described as

LOT 174 SPRING CREEK VILLAGE NO. 3, AS RECORDED IN PLAT BOOK 29, PAGE 131
OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

WHEREAS, the subject property is located within the Medium Density Multi-Family Residential Future Land Use Category as designated in the Bonita Springs Comprehensive Plan; and

WHEREAS, the property is zoned Mobile Home (MH-1) according to the official zoning map of the City of Bonita Springs; and

WHEREAS, an application for administrative approval has been filed; and

WHEREAS, the Applicant requests relief in order to build back an attached 128 square foot screen room, that was damaged as the result of Hurricane Ian; and

WHEREAS, the required side yard setback for the lot in question is five (5) feet; and

WHEREAS, according to the recorded plat, an easement six (6) feet in width is reserved along the sides of each boundary; and

WHEREAS, the screen room would be encroaching approximately six (6) inches in to the setback and 1.5 feet in to the easement; and

WHEREAS, Section 14-55 of the City Code adopts Lee County Code 13 ½-50 et. seq. by reference for standards for post-disaster recovery; and

WHEREAS, the code allows for the reconstruction or replacement of structures damaged by more than 50% of value and structures may be reconstructed at (but not to exceed) the legally documented actual use, density and intensity existing at the time of destruction, thereby allowing those structures to be rebuilt or replaced; and

WHEREAS, aerials suggest the screen room existed prior its destruction by Hurricane Ian; and

WHEREAS, the City of Bonita Springs Disaster Relief Review Board has the authority to grant relief from the standards of the LDC in order to allow damaged structures to be rebuilt in accordance with Section 14-55 of the City Code and Lee County Code 13 ½-50 et. seq.; and

WHEREAS, the City of Bonita Springs Disaster Relief Review Board voted to approve the reconstruction of the screen room on July 11, 2023; and

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative relief from the LDC is **APPROVED, subject to the following conditions:**

1. A letter of no objection for encroachment into the easement needs to be obtained by the Applicant and provided as part of the resubmittal package for permit ACC23-100885-BOS. The Applicant will be required to reach out to the following agencies to obtain letters of consent:

City of Bonita Springs Public Works Department
Bonita Springs Utilities
Florida Power and Light

2. Approval of this action does not guarantee approval of a building permit.
3. Any request or modification not consistent with this approval will require additional approvals as outlined in the City of Bonita Springs City Code and Land Development Code.

DULY signed this _____ day of _____, A.D., 2023

BY: _____

John Dulmer, AICP
Director of Community Development
Bonita Springs, Florida