

**City of Bonita Springs
Board for Land Use Hearings & Adjustments
and Zoning Board of Appeals**

(Draft) Meeting Minutes

Tuesday, May 27, 2025

9:00 a.m.

1. CALL TO ORDER

Chairman Rascio called the meeting to order at 9:00 a.m.

2. PLEDGE OF ALLEGIANCE

Chairman Rascio led the Pledge of Allegiance.

3. ROLL CALL

The City Clerk called the roll:

Present – Rascio, Hershenson, Gambrell, Waterhouse, Benson, Galloway and Winn.

4. PUBLIC HEARINGS

EACH CASE WILL INCLUDE A PUBLIC COMMENT PERIOD AT THE CONCLUSION OF THE APPLICANT AND STAFF PRESENTATION

A. CASE NAME: BAY ROAD VARIANCE (VAR24-115852-BOS)

A VARIANCE FROM LDC 4-1894(B), WHICH REQUIRES A WATERBODY SETBACK OF 25 FEET ALONG THE NORTH SIDE, TO ALLOW A SETBACK OF 15 FEET FROM THE ABUTTING NORTH SIDE STREET RIGHT-OF-WAY FOR A PROPOSED SINGLE-FAMILY HOME ON A RESIDENTIAL PROPERTY IN BONITA SPRINGS.

City Attorney Rooney swore in all those who intended to give testimony. Mike Fiigon, Senior Planner with Community Development, introduced the case, providing a summary of the applicant's request along with the site's historical background. Platted in 1949, the site predates Lee County's zoning regulations and the incorporation of the City of Bonita Springs. The applicant is requesting a variance from the Land Development Code which requires a waterbody setback of 25 feet along the north side. They are requesting approval of a reduced setback of 15 feet from the abutting north side street right-of-way to accommodate the construction of a single-family home. Mr. Fiigon presented the staff report, outlining staff findings, conclusions, and conditions of approval. Staff determined the request meets standards for approval, and recommends approval. The applicant acknowledges that, should the variance be approved, there is no guarantee of a building permit. (Staff report on file in the City Clerk's office).

The applicant did not have a presentation, but was in attendance and available for questions.

*Chairman Rascio called for public comments. Seeing none, and with no further questions from board members, he called for a motion. Board Member Hershenson made a motion to approve the variance with the conditions proposed by staff; Seconded by Board Member Waterhouse. The Clerk recorded the vote by roll call. **The motion carried 7-0.***

5. APPROVAL OF MINUTES: Meeting of January 14, 2025

Board Member Waterhouse motioned to approve the minutes; Seconded by Board Member Gambrell. The motion carried 7-0.

6. UPDATE ON PREVIOUS CASES:

Provided by Mr. Fiigon.

7. PUBLIC COMMENT

Chairman Rascio called for any additional public comment. There were none.

8. NEXT MEETING: *The next meeting is scheduled for June 17, 2025.*

The City Clerk reminded members that their yearly ethics disclosure must be submitted through the State Ethics Commission online system by July 1, 2025. Additionally, a review of Sunshine and Ethic Laws will occur at an upcoming Zoning Board meeting.

9. ADJOURNMENT: *There being no further business, Chairman Rascio adjourned the meeting 9:17 a.m.*

Prepared by:

Teresa C. Grimes, Senior Records & Compliance Clerk

APPROVED:
BONITA SPRINGS ZONING BOARD:

Date: _____

AUTHENTICATED:

Anthony Rascio, Chairman

TABLE OF CONTENTS
VAR24-115852-BOS
26409 BAY ROAD VARIANCE

AERIAL	PAGE 1
STAFF REPORT	PAGE 2
REQUEST AND RECOMMENDATION	PAGE 2
APPLICATION SUMMARY	PAGE 2
BACKGROUND	PAGE 3
VARIANCE CRITERIA ANALYSIS	PAGE 5
COMPREHENSIVE PLAN CONSIDERATIONS	PAGE 8
FINDINGS AND CONCLUSIONS	PAGE 8
RECOMMENDATION	PAGE 9
EXHIBIT A: LEGAL DESCRIPTION AND SURVEY	PAGE 10
EXHIBIT B: SITE PLAN	PAGE 11
ATTACHMENT A: APPLICATION BACKUP (ONLINE ONLY)	PAGE 12



26395

Melody Ln

Bay Rd

Bay Rd

26409

26415

26411

26429

26421

26435

26427

Hickory Blvd

26435

Bay Rd

26451

**BONITA SPRINGS, FLORIDA
COMMUNITY DEVELOPMENT DEPARTMENT
ZONING DIVISION
STAFF REPORT**

PROJECT NAME: 26409 BAY ROAD

TYPE OF CASE: VARIANCE (SETBACK)

CASE NUMBER: VAR24-115852-BOS

HEARING DATE: MAY 27, 2025

PLANNER: MIKE FIIGON II, SENIOR PLANNER

REQUEST AND STAFF RECOMMENDATION

A variance from LDC Section 4-1894(b), which requires a waterbody setback of 25 feet, to allow a setback of 15 feet from the abutting north side street right of way for a proposed single-family home on a residential property in Bonita Springs.

Staff recommends **APPROVAL** of the variance as requested.

I. APPLICATION SUMMARY:

A. Applicant: TIR 6 LLC

B. Agent: Vicki Wright & Brian Weaver

C. Request: A variance from LDC 4-1894(b), which requires a waterbody setback of 25 feet along the north side, to allow a setback of 15 feet from the abutting north side street right of way for a proposed single-family home on a residential property in Bonita Springs.

D. Location: 26409 Bay Road, Bonita Springs, FL 34134

E. Future Land Use Plan Designation, Current Zoning and Use of Property:

Future Land Use: Moderate Density Residential

Current Zoning: RS-1, Single-Family

Current Use: Vacant

F. Surrounding Land Use:

<u>Existing Zoning & Land Use</u>	<u>Future Land Use Designation</u>
North: Melody Lane R/W, CPD, Hotel and Boat Rentals	Little Hickory Island Neighborhood Commercial
East: Waters of Hogue Channel/Estero Bay	N/A
South: RS-1, Single Family Residential; Single-Family Residence	Moderate Density Residential
West: Bay Road R/W, RS-1, Single Family Residential; Single-Family Residence	Moderate Density Residential

II. **BACKGROUND AND INFORMATIONAL ANALYSIS:**

Introduction/Synopsis

The property is located at 26409 Bay Road in Bonita Springs. It is located on the corner of Bay Road and Melody Lane, both of which are city-maintained roadways.

The property is a platted lot of record from 1949 known as Lot 24 of the Bonita Beach Addition (Plat Book 9, Page 14 of the Public Records of Lee County, Florida).

The zoning designation of the property is RS-1, Residential Single-Family. Pursuant to LDC 4-489, properties in the RS-1 zoning district should meet the following dimensional requirements:

Lot Width	75 feet, minimum
Lot Depth	100 feet minimum
Lot Area	7,500sf minimum

According to information supplied by the Applicant in the application, the property in question has the following dimensions:

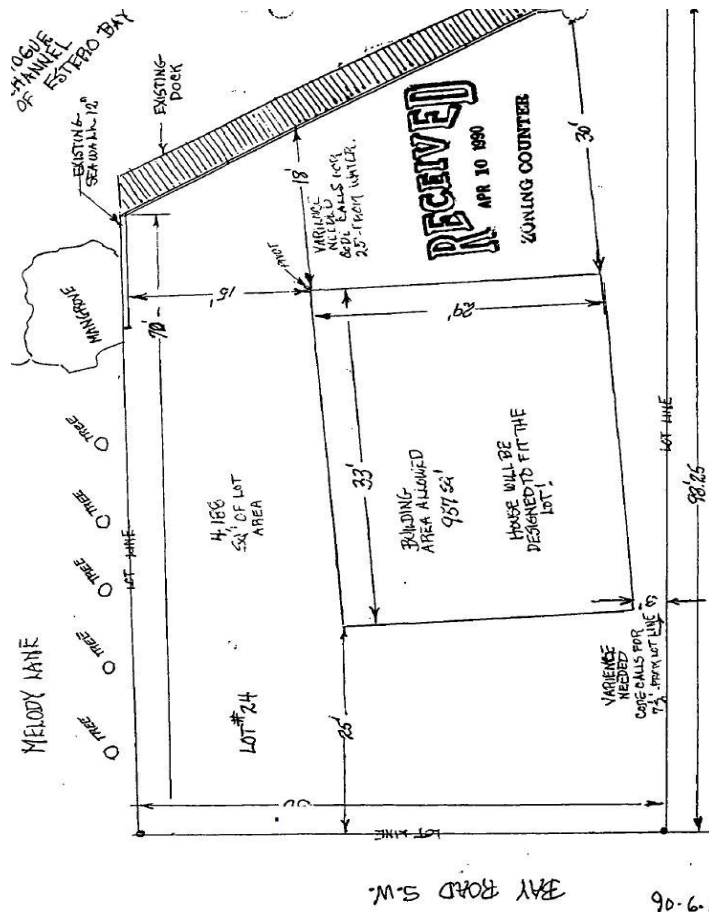
Lot Width	50 feet
Lot Depth	99.25 feet (deepest point); 72 feet (shallow point)
Lot Area	4,248sf

The lot is considered an undersized corner lot and does not meet the current zoning requirements. However, it is a platted lot of record and remains eligible for one (1) single-family residence.

Furthermore, pursuant to LDC 4-1893(b)(2)(b), corner lots that were created prior to January 28, 1983 and have a lot width of less than 100 feet can have a reduced side street setback of 15 feet (from 25 feet originally). In 2018, a zoning verification letter was issued by Community Development which provided the setbacks for the subject property. The plat was reviewed and a survey was provided. The survey nor the plat made reference to a mean high water line, so setbacks were provided for a corner lot that was created pre-1983.

The setback reduction found in LDC 4-1893(b)(2)(b) does not apply to properties abutting a body of water. The discrepancy in this case is that while the lot abuts the right-of-way of a side street (Melody Lane), there is also a boat ramp within said right-of-way, meaning that the setback requirement would be 15 feet from the edge of the right-of-way or 25 feet from the mean high water line, whichever is more restrictive. In this case, the more restrictive option and therefore the applicable setback would be 25 feet from the mean high water line. A setback of this scale on an already significantly-undersized lot could be considered a hardship through no fault of the Applicant.

In 1990, a hardship was accepted by Lee County and a setback variance was granted for a reduced waterbody setback to 18 feet and a reduced interior side setback to 3 feet pursuant to case number 90-6-14-V-4. The site plan (below) accepted as part of that case also showed a setback of 15 feet to the Melody Lane right-of-way. However, the variance was tied to a specific building footprint of 957sf. The current development pattern along Bay Road has yielded homes that are much larger than 957sf, and therefore the Applicant has requested a new variance in order to effectuate their proposed home design (Exhibit B).



(Site plan approved by Lee County: Case 90-6-14-V-4)

With this information, staff is able to provide the below analysis of the variance criteria based on the facts of the case, and the Applicant's analysis.

Variance Review Criteria – Analysis

As outlined in LDC 4-131(b)(3), the following standard of review is applied to variance cases:

- (3) *Findings. Before making a recommendation to grant any variance, the zoning board must find that all of the following exist:*
 - a. *There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question;*
 - b. *The exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding the adoption of the ordinance from which this chapter is derived will not be considered self-created);*

- c. *The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to their property;*
- d. *The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and*
- e. *The condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of a general or recurrent nature so as to make it more reasonable and practical to amend the ordinance.*

Criterion a: There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question:

Staff Analysis: The subdivision was created in 1949, which pre-dates Lee County's zoning regulations and pre-dates the incorporation of the City of Bonita Springs. The lot is undersized for its zoning designation through no fault of the Applicant. It is the Staff opinion that this is considered an exceptional condition that is inherent to the property in question.

Criterion b: The exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding the adoption of the ordinance from which this chapter is derived will not be considered self-created).

Staff Analysis: The Staff opinion is that the owner did not create a lot that does not conform to the current zoning regulations.

Criterion c: The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to their property.

Staff Analysis: The Applicant is proposing to meet all of the current setback regulations for the primary street (25 feet), interior side (5 feet) and rear waterbody (25 feet), but is seeking relief to be allowed to use the right-way-setback of 15 feet from Melody Lane as provided for in LDC 4-1893(b)(2)(b) in lieu of a required

waterbody setback of 25 feet on the same side. The application of a setback of 15 feet was previously utilized and accepted by Lee County as part of the 1990 variance case.

Criterion d: The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff Analysis: Previous variances for the property were granted for a different footprint. The proposed footprint is in line with the development pattern of the neighborhood and would not be considered injurious or detrimental to the public welfare. Granting the variance will not impact the use of the boat ramp or any other activities taking place within the Melody Lane right-of-way.

Criterion e: The condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of a general reoccurring nature so as to make it more reasonable to amend the ordinance.

Staff Analysis: Staff doesn't believe that amending the LDC is necessary, as this is not a common occurrence where a right of way and a waterbody are present on the same side of the property.

It is Staff's opinion the application has demonstrated compliance with all of the criteria listed above.

Surrounding Zoning

The zoning surrounding is residential (RS-1, single-family) and commercial (Commercial Planned Development—CPD [hotel and boat rental]). The requested use of a single-family home is consistent with the property's RS-1 zoning designation and is compatible with surrounding residential uses.

Neighborhood Compatibility

The owner's desire to construct a new single-family home is compatible with the zoning designation and the neighborhood. A home across the street (26411 Hickory Boulevard) received a variance approval from Lee County in 1998 for a setback reduction on three sides. This helps to further demonstrate that there are undersized lots in the area in which setback relief has been deemed to be appropriate.

Comprehensive Plan Considerations

The subject property is located in the Moderate Density Residential future land use category according to the City's Future Land Use Map. The Future Land Use Element of the Comprehensive Plan describes the Moderate Density Residential land use as follows:

Policy 1.1.7: Moderate Density Residential - Intended to accommodate and preserve single-family residential development at a maximum density of up to 5.8 dwelling units per gross acre and approximately 1,977 acres of gross land area in the land use category; planned unit developments at a maximum density of six units per acre; group homes and foster care facilities; public schools and other public, semi-public and recreational uses on a limited basis.

- a. Appropriate residential housing types include conventional and modular constructed single-family homes on permanent foundations.*
- b. Maximum allowable height of structures shall be 35 feet from the base flood elevation to the eaves.*

It is Staff's opinion that the requested variance does not conflict with the Moderate Density Residential future land use category.

Findings & Conclusions:

Based upon an analysis of the application and the standards for approval of a variance, Staff makes the following findings and conclusions:

1. There are exceptional or extraordinary conditions or circumstances inherent to the subject property, specifically width, depth, and lot area that renders the parcel undersized.
2. The exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance. This lot as configured was created in February 1949.
3. The variance, if granted, is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulations in question to the subject property.
4. The granting of the variance will not have deleterious effects on the neighborhood and public welfare.
5. The condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of a general or recurrent nature to make it more reasonable and practical to amend the ordinance.

III. **RECOMMENDATION:**

Staff recommends **APPROVAL** of the Applicant's requested variance from LDC 4-1894(b). This recommendation of approval is based on the *Findings & Conclusions* contained herein and is subject to the following conditions:

1. The variance is limited to a north side right-of-way setback of 15 feet in lieu of a 25-foot waterbody setback.
2. Development should be consistent with the attached site plan (Exhibit B).
3. All other zoning and development regulations remain in full force and effect.
4. Approval of this variance does not guarantee approval of a building permit.

IV. **SUBJECT PROPERTY**

The applicant indicates the STRAP number is: 25-47-24-B2-00200.0240

V. **EXHIBITS**

- A. Legal Description and Boundary Survey
- B. Proposed Site Plan

VI. **ATTACHMENTS**

- A. Application and Backup (online only)

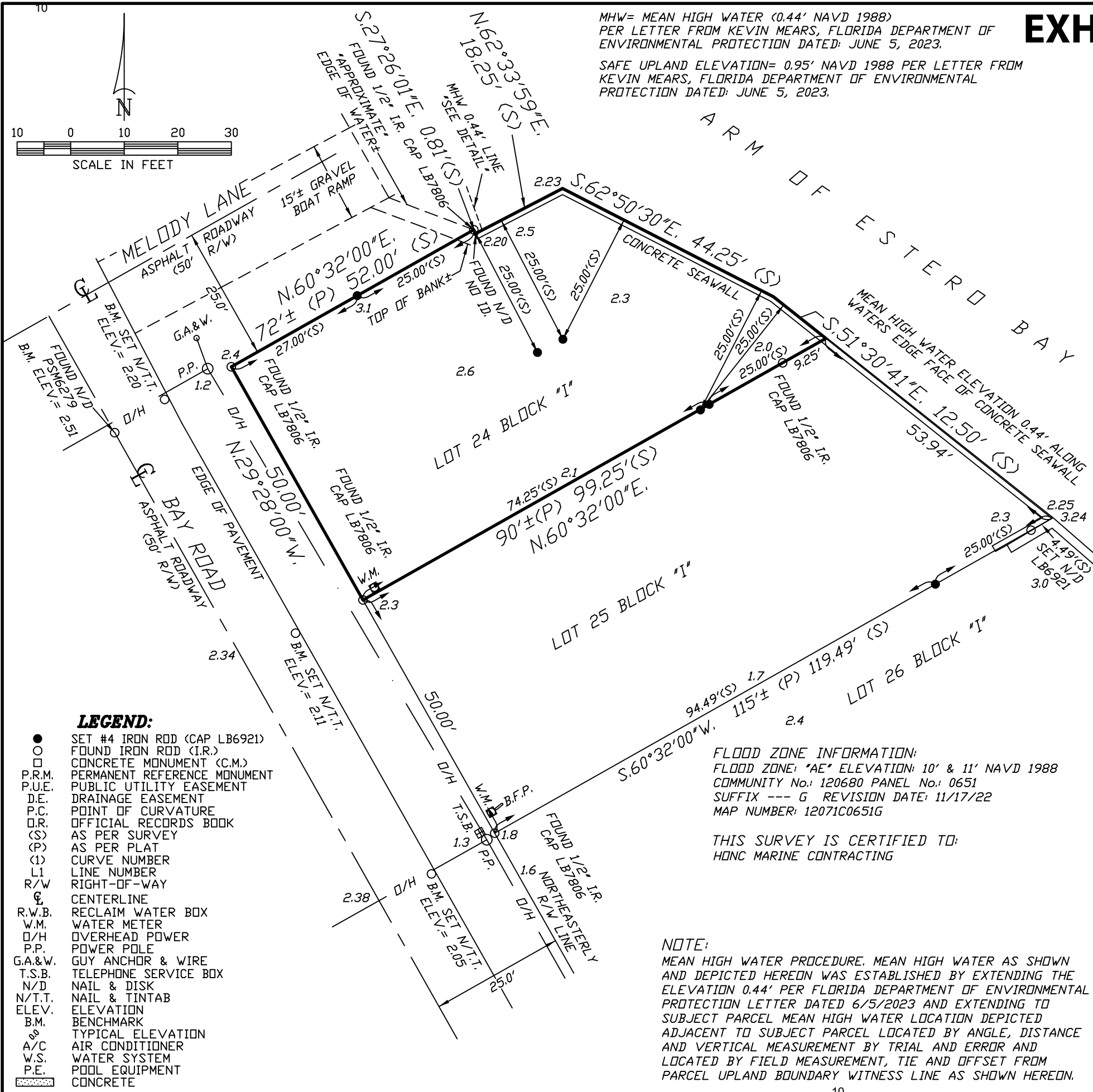
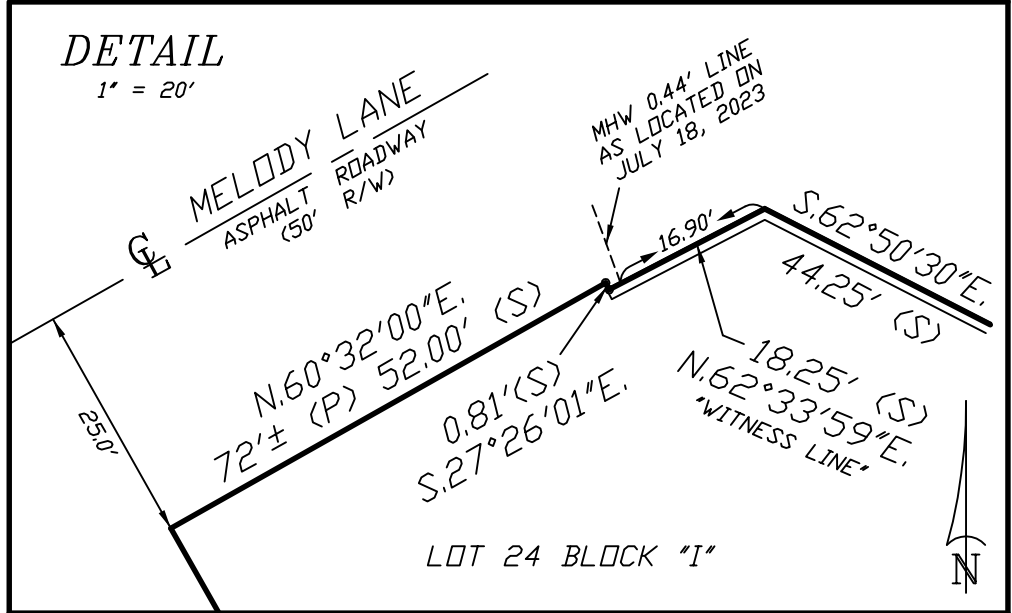


EXHIBIT A

BOUNDARY SURVEY OF
LOT 24,
ADDITION TO BLOCK "I"
OF BONITA BEACH,

(PLAT BOOK 9, PAGE 14)
SECTION 24, TOWNSHIP 47 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA



- SURVEY NOTES:**
1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE NORTHEASTERLY RIGHT-OF-WAY LINE OF BAY ROAD, AS BEING N.29°28'00"W.
 2. FIELD NOTES IN ADDITION TO BLOCK "I" OF BONITA BEACH.
 3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
 5. THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
 6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
 7. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
 9. ISSUANCE OF THIS DRAWING, FROM THIS FIRM SHALL NOT RELIEVE THE BUILDER AND/OR CONTRACTORS OF THE RESPONSIBILITY TO REVIEW AND VERIFY ALL NOTES, DIMENSIONS, ELEVATIONS, AND ADHERENCE TO APPLICABLE BUILDING CODES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION. BUILDER MAY NEED TO ADJUST ELEVATION AND/OR SETBACKS PRIOR TO CONSTRUCTION IF OTHER RESTRICTIONS EXIST.
 10. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 11X17, 20 SCALE DRAWING.
 11. BENCHMARK DERIVED FROM RTCM-REF 0103, ELEVATION 35.74 NAVD 1988.
 12. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988).

REVISED:	DESCRIPTION:		BY:	Phillip M Mould, LS6515, State of Florida PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER LS6515 - STATE OF FLORIDA HARRIS-JORGENSEN, LLC. 3048 DEL PRADO BLVD. S., SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
6/5/23	ADDED MHW INFORMATION:		RBH	
7/18/23	ADDED MHW LINE HEADED NORTH		RBH	
DATE OF LAST FIELD WORK: 7/18/2023				
DRAWN:	CHECK:	SCALE	PROJ. #	
RBH	PMM	1"=20'	BBA-I-24	
SURVEY DATE		FILE NO.	SHT.- 1	
8/22/2020		47-24-25	OF - 1	
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921				

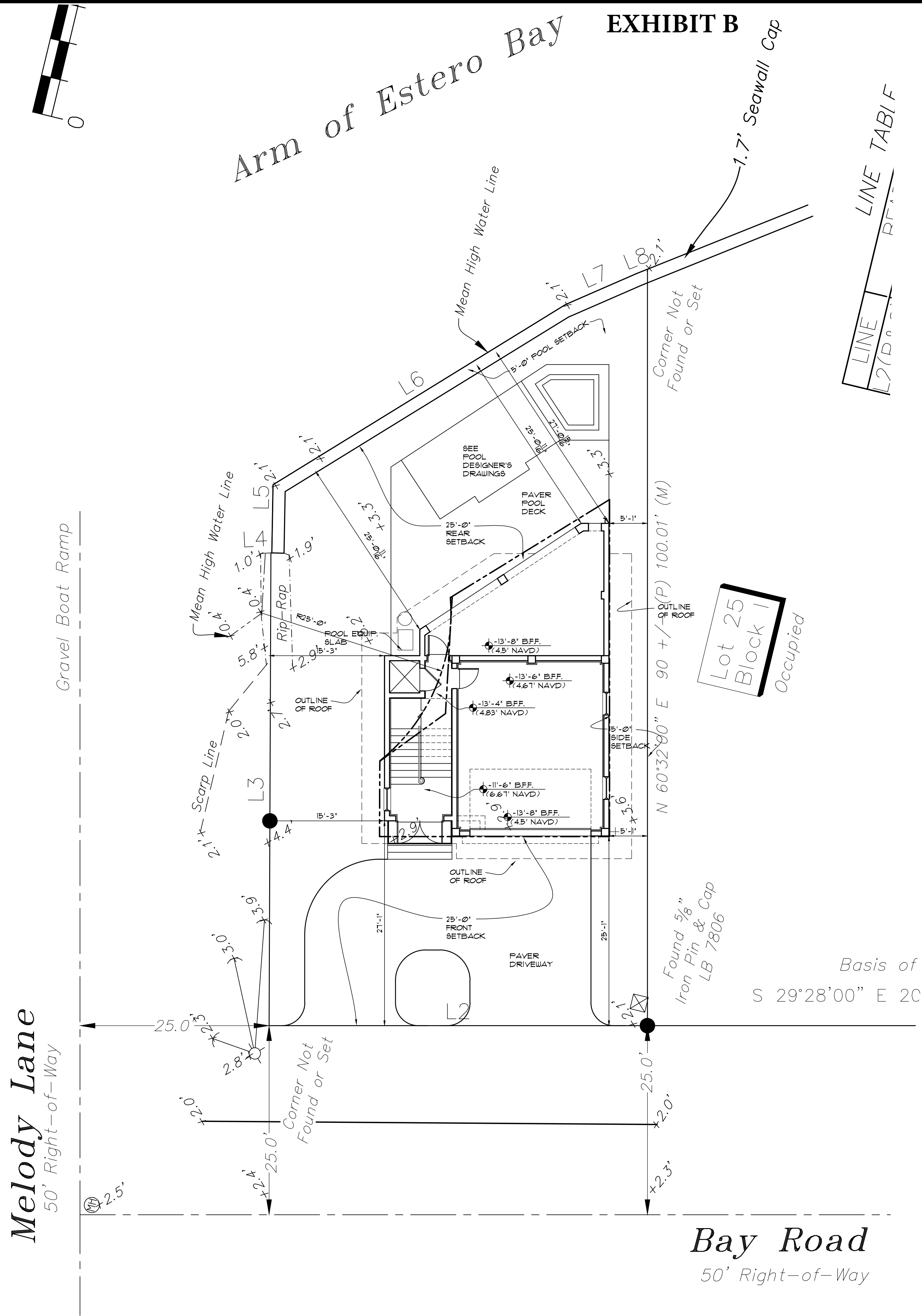


EXHIBIT B

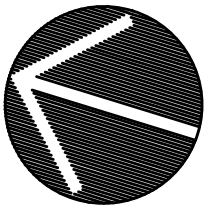
DRAWING INDEX	
A1	SITE PLAN
A2	GROUND FLOOR PLANS
A3	1ST LIVING LEVEL PLANS
A4	2ND LIVING LEVEL PLANS
A5	3RD LIVING LEVEL PLANS
A6	ELEVATIONS
A7	ELEVATIONS
A8	BUILDING SECTION
A9	TYPICAL WALL SECTION/SCHEDULES
A10	REFLECTED CEILING PLANS
A11	SLAB PLAN & FRAMING PLANS
A12	HIGH ROOF PLAN
A13	ARCHITECTURAL DETAILS
A14	ARCHITECTURAL DETAILS
A15	NOTES
A16	GND. FLR. & 1ST LIV. LEVEL ELECTRICAL PLANS
A17	2ND & 3RD LIV. LEVEL ELECTRICAL PLANS

BUILDING DATA	
OCCUPANCY:	R-3, SINGLE FAMILY RESIDENTIAL
NUMBER OF STORIES:	(4) 3 OVER PARKING/STORAGE
TYPE OF CONSTRUCTION:	V-B, SPRINKLERED, UNPROTECTED
ZONED BUILDING HEIGHT:	35'-0"
F.B.C. BUILDING HEIGHT (FROM GRADE PLANE TO MIDPOINT OF ROOF):	+/- 46'-6"
FEMA FLOOD ZONE:	VE-15 (15.0' NAVD BASE FLOOD ELEVATION)
F.B.C. DESIGN FLOOD ELEVATION:	16.0' NAVD
REQUIRED HEIGHT OF LOWEST STRUCTURAL MEMBER:	16.0' NAVD
FIRST HABITABLE FLOOR ELEV. PROVIDED:	18.1' NAVD

PROJECT DATA	
LOCATION:	LOT 24 BAY ROAD BONITA SPRINGS, FL.
BUILDING AUTHORITY:	CITY OF BONITA SPRINGS
LAND USE DESIGNATION:	ZONED: RS-1
ZONING RESTRICTIONS:	REQUIRED BUILDING SETBACKS:
FRONT:	=25'
REAR:	=25' (5' POOL)
SIDES:	=5' SOUTH, 15'-3" NORTH
MAX. BLDG. HGT. (FROM BOT. OF LOWEST MEMBER):	35'-0" MAX. TO MIDPOINT OF ROOF, 40'-0" MAX. TO ROOF PEAK

BUILDING COVERAGE	
SITE AREA =	4248 SF.
BUILDING COVERAGE =	975 SF.
MAX. BLDG. COVERAGE =	40% X 4248 = 1,699 SF.

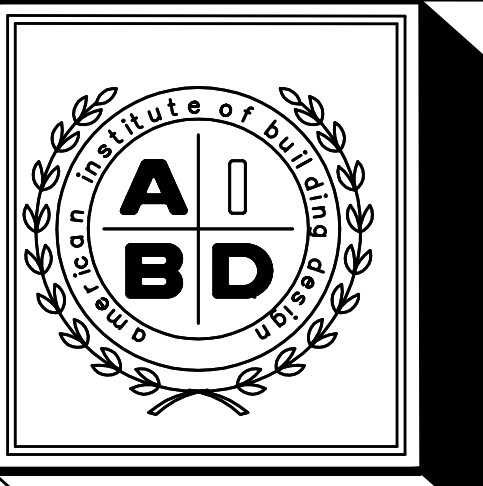
CODE COMPLIANCE STATEMENT:
THIS CONSTRUCTION SHALL COMPLY WITH ALL CITY OF BONITA SPRINGS LAND DEVELOPMENT CODES PERTAINING TO, BUT NOT LIMITED TO: SEA TURTLES, COASTAL CONSTRUCTION, AND FLOOD HAZARD REDUCTION.
THESE PLANS WERE PREPARED IN ACCORDANCE WITH THE 2017 FLORIDA BUILDING CODE AS WELL AS ANY COUNTY OR CITY AMENDMENTS.



SITE PLAN
SCALE: 1/8"=1'-0"

R.G. DESIGNS INC.
BUILDING DESIGN PLANNING
CORPORATE HEADQUARTERS
28071 VANDERBILT DRIVE
BONITA SPRINGS, FLORIDA 34134
OFFICE PHONE #839949-2329

DATE	REVISIONS
11/8/21	ZONING REVIEW COMMENTS
2/24/25	REVISE SIDE SETBACK



BUILDER: -
PROJECT: LOT 24 - SILBERSTEIN
LOT 24 BAY ROAD
BONITA SPRINGS, FLORIDA

PROJECT DATA:	
DATE	4_30_20
JOB #	-
DRAWN BY	JMH
CHECKED BY	
PROJECT	

A1

R.G. DESIGNS INC. HEREBY RESERVES ITS COMMON LAW COPYRIGHT. THE IDEAS, DESIGNS AND PLANS ARE NOT TO BE REPRODUCED OR CHANGED AND OR COPIED WITHOUT OBTAINING THE EXPRESSED WRITTEN CONSENT FROM R.G. DESIGNS INC. THESE PLANS SHALL BE IN ACCORDANCE WITH THE 2017 FLORIDA BUILDING CODE.

G. Authorized Agent(s): List names of authorized agents (submit additional sheets if necessary).

Brian Weaver
The Glendale Group
1919 Trade Center Way, Suite #2
Naples, FL 34109
Office: (239) 631-5459
Cellular: (239) 253-6139

PART II
GENERAL INFORMATION

A. Variance Request: (Check applicable answers)

- ☒ (Zoning) LDC Section: North setback adjustment
- ☐ (Docks and Shoreline) LDC Section: _____
- ☐ (Development Standards) LDC Section: _____
- ☐ (Signs) LDC Section: _____

B. Specific Variance Request (attach sheet if more space needed)

Ordinance Section: LDC Section 4-1894(b) Variance is:

FROM: setback of 25 feet from a canal or bay

TO: setback to 15 feet from the canal or bay

C. Is this hearing requested as a result of a code violation? ☒ NO ☐ YES

D. Has a Development Order application been filed on the subject property? ☒ NO ☐ YES

D.O. Number: _____

E. Legal Description and Boundary Sketch: Is property within a platted subdivision recorded in the official Plat Books of Lee County?

☒ NO. Attach a legible copy of the legal description (labeled Exhibit II-A-1.) and a certified sketch of description as set out in Chapter 5J-17.053., Florida Administrative Code, unless the subject property consists of one or more undivided platted lots. (labeled Exhibit II-A-2.) If the application includes multiple abutting parcels, the legal description must describe the perimeter boundary of the total area, but need not describe each individual parcel. However, the STRAP number for each parcel must be included.

☒ YES. Property is identified as:

Subdivision Name: ADDITION TO BLOCK "I" BONITA BEACH

Plat Book: 9 Page: 14 Unit: B2 Block: 00200 Lot: 24

Section: 25 Township: 47 Range: 24

Attach a copy of the Plat Book page with subject property clearly marked. Label this Exhibit II-B-3.

F. Project Street Address: 26409 Bay Rd

G. General Location of Property (referenced to major streets): On Bay Rd just off Melody and Hickory rd

H. Vehicular route to the site from the nearest arterial road: Take Melody from Hickory rd on to Bay rd

I. Present Use of Property: Is the property vacant? _____ NO ☒ YES

Except for City-initiated requests, if the property is not vacant, the owner or applicant's signature on this application indicates that the Owner agrees to either remove all existing buildings and structures, OR that the use of the building or structure(s) will be in compliance with all applicable requirements of the land development code.

Briefly describe current use of the property: _____

J. Property Dimensions

1. Width (average if irregular parcel): 50 Feet
2. Depth (average if irregular parcel): N72 S90 Feet
3. Frontage on road or street: 50 Feet on Bay rd
(Name of street)
4. Total land area: 4248sqft Acres or Square Feet

K. Facilities

1. Fire District: Bonita Springs
2. Sewer Service Supplier: BSU
3. Water Service Supplier: BSU

**PART III
AFFIDAVIT**

I, Tomas Novak, 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 Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

STATE OF: Florida COUNTY OF: Lee

Signature: _____

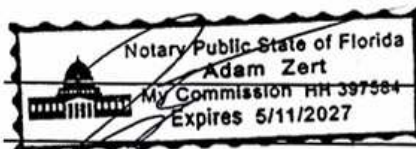
Signatory's Printed Name: TOMAS NOVAK

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence ☐ or online notarization, this

7th (day) of Mar, (month) 2024 (year), by TOMAS NOVAK (name of person making statement).

Signature of Notary Public - State of Florida: _____

Name of Notary Typed, Printed, or Stamped: _____



Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced: _____

PART IV - SUBMITTAL REQUIREMENTS

APPLICATION TYPE	COPIES	EXHIBIT	ITEM
All	1		Completed application
All	1		Application Fee
All	1	I-B-1	Notarized Authorization Form (if applicable)
All	1	I-F	Notarized Disclosure Form (if applicable)
All	1	II-A-1	Legal Description
All	1	II-A-2	Certified sketch of description (if applicable)
All	1	II-A-3	Plat Book Page (if applicable)
All	2	IV-A	Surrounding Property Owners List
All	1	IV-B	Property Owners Map
All	1	IV-C	Deed Restrictions & Narrative (if applicable)
All	1	IV-D	Narrative Regarding Request
All	1	IV-E	Site Plan
All	1	IV-F	Application and Exhibits on CD-ROM
Marine Facility Variance	1		Supplement A

EXPLANATORY NOTES GENERAL

1. ALL APPLICANTS FOR A VARIANCE FROM THE LAND DEVELOPMENT CODE (ZONING) MUST COMPLETE THIS FORM.

UPON WRITTEN REQUEST, THE DIRECTOR MAY MODIFY THE SUBMITTAL REQUIREMENTS CONTAINED IN THIS SECTION WHERE IT CAN BE CLEARLY DEMONSTRATED THAT THE SUBMISSION WILL HAVE NO BEARING ON THE REVIEW AND PROCESSING OF THE APPLICATION. THE REQUEST AND THE DIRECTOR'S WRITTEN RESPONSE MUST ACCOMPANY THE APPLICATION SUBMITTED AND WILL BECOME A PART OF THE PERMANENT FILE.

2. ALL APPLICANTS MUST PAY THE APPLICABLE APPLICATION FEE.

PART I – EXPLANATORY NOTES

- A. Applicant's Name: Application may be by the landowner or the authorized agent. 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) The property is subject to a land trust agreement, the trustee may initiate the application.
 - 3) The fee owner is a corporation; any duly authorized corporate official may initiate the application.
 - 4) The fee owner is a partnership; the general partner may initiate the application.
 - 5) The fee owner is an association; the association may appoint an agent to initiate the application on behalf of the association.
 - 6) The property is a condominium or time-share condominium, refer to Sec. 4-193(a)(1)b. for rules.
 - 7) The property is a subdivision, refer to Sec. 4-193(a)(1)c. for rules.
- B. 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. Label this submittal as Exhibit I-B.
- C. Name of owner (s): see F. below
- F. Name of Owner(s): A Disclosure Form (Exhibit I-F, attached) must be submitted for any entity whose interest in the property is other than solely equity interest(s) which are regularly traded on an established commodities market in the United States or another Country.
- G. Authorized Agents: If the owner or applicant has authorized agents to act on his/her behalf, list the agent(s) name, mailing address and phone number.

PART II – EXPLANATORY NOTES

- B. Explain the specific request. For example:

Ordinance Section: 4-488 Property Development Regulations

Variance is:

FROM: 7.5 foot side yard setback in the RS-1 district for a single family dwelling.

TO: 6.8 foot side yard setback for a single family dwelling

- E. Legal Description: If the property is not within a platted subdivision recorded in the official plat books of Lee County, a complete legal description must be attached which is sufficiently detailed and legible so as to be able to locate said property on county maps or aerial photographs. Also include the Section, Township, Range, and parcel number(s). 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 zoning requests are made on individual parcels. Label the legal description as Exhibit II-A-1.

A survey or a certified sketch of description as set out in Chapter 5J-17.053 F.A.C., Florida Administrative Code must be submitted, unless the subject property consists of one or more undivided platted lots. If the application includes multiple

abutting parcels, the legal description must describe the perimeter boundary of the total area, but need not describe each individual parcel. However, the STRAP number for each parcel must be included. Label the Sketch as Exhibit II-A-2.

If the request is owner-initiated and a boundary survey is required, the survey must include the location of any existing structures on the property. Label the Boundary Survey as Exhibit II-A-2.

The Director has the right to reject any legal description which is not sufficiently detailed or legible so as to locate said property, and may require a certified survey or boundary-survey prepared by a surveyor meeting the minimum technical standards for land surveying in the state, as set out in Chapter 5J-17.053, F.A.C. Boundaries must be clearly marked with a heavy line. The boundary line must include the entire area to be developed. If the request is owner-initiated the Federal Emergency Management Agency flood zone and required finished floor elevation must be shown as well as the location of existing structures on the property.

A copy of the plat may be purchased from the County Clerk's office.

- F. Project Street Address: If the street address is unknown, the address may be obtained from the Lee County E-911 Addressing Division at (239) 338-3200.
- G. General Location: The general location should reference known major streets so as to indicate to the general public the location of the property.
- H. Vehicular route: Briefly describe how to get to the property via vehicle from the nearest arterial street.
- I. Present Use of Property: Briefly describe the present use of the property.
- J. Property Dimensions: If the parcel is irregularly shaped, indicate the average width and depth of the property. Indicate the length of property abutting any existing street rights-of-way or easements. If property abuts more than one street, indicate frontage on each street.
- K.1. Fire District: Insert the name of the Fire District in which the property is located.
- K.2. Sewer Service Supplier: List the name of the utility company or package plant which will be providing sanitary sewer service to the project. If a new private disposal plant is proposed or if septic systems will be used, so indicate.
- K.3. Potable Water Service Supplier: List the name of the utility company which will provide potable water service to the project. Indicate if wells are to be utilized.

PART III – EXPLANATORY NOTES

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

PART IV – EXPLANATORY NOTES

- A. Property Owners List: A complete list of all property owners, and their mailing addresses, for all property within three hundred seventy-five (375) feet [five hundred (500) feet if a COP] of the perimeter of the subject property or the portion thereof that is the subject of the request. Names and addresses of property owners shall be deemed to be those appearing on the latest tax rolls of the County. The applicant is responsible for the accuracy of such list. This list is for

the purpose of confirming mailed notices by the applicant to property owners within 375 feet or 500 feet of the property described as set forth in Section 4-229. **[Sec 4-194(a)(6)]**. Label as Exhibit IV-A.

- B. Property Owners Map: A County Zoning map or other similar map displaying all of the parcels of property within three hundred seventy-five feet (375) [five hundred (500) feet if for a Consumption on Premises permit] of the perimeter of the subject parcel or the portion thereof that is the subject of the request, referenced by number or other symbol to the names on the property owners list. The applicant is to be responsible for the accuracy of the map. Label as Exhibit IV-B.
- C. Deed Restrictions: A copy of the deed restrictions on the subject property, if any, and a written statement as to how the deed restrictions may affect the requested action. Label as Exhibit IV-C.
- D. Narrative Statement: Label as Exhibit IV-D.

- 1) For a Zoning Variance or Marine Facilities variance, state the basis or reason(s) for the requested variance and include, at a minimum, the following issues:

The section number, and the particular regulation from which relief (variance) is requested; and
What extraordinary conditions or circumstances exist inherent in the land, structure, or building involved, which create a hardship on the property owner which is not generally applicable to other lands, structures or buildings; and

How a literal interpretation of the provisions of the section of the ordinance (from which the variance is sought) would deprive the applicant of rights commonly enjoyed by other properties in the same district; and why granting the variance will not be injurious to the neighborhood or otherwise be detrimental to the public welfare.

- 2. For Development Standards Variances (Sec. 3-81), state the basis or reason(s) for the requested variance and include, at a minimum, the following issues:

The section number, and the particular regulation from which relief (variance) is requested; and
The granting of the variance will not threaten the health, safety, welfare of abutting property owners or the general public; and

How the requested variance will not create an undue burden on essential public facilities; and
How the standard from which the variance is being requested is unreasonably burdensome, as applied to the applicant's property and development plans.

- E. Site Plans (Label as Exhibit IV-E): Every request for a variance must include a site plan detailing or illustrating:

- 1. Existing streets, easements, or other reservations of land within the site; and
- 2. All existing and proposed structures on the site (including structures over water, if applicable); and
- 3. All existing structures within one hundred (100) feet of the perimeter boundary of the site; and
- 4. The proposed variance from the adopted standards; and
- 5. Any other information requested by the Director commensurate with the intent and purpose of the regulations from which the variance is requested.

**EXHIBIT I-F
DISCLOSURE OF INTEREST FORM FOR:**

STRAP NO. 25-47-24-B2-00200.0240 **CASE NO.** _____

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

<u>Name and Address</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

<u>Name, Address, and Office</u>	<u>Percentage of Stock</u>
Tomas Novak, 26515 Hickory blvd, Bonita Springs, Managing memeber TIR 6	100%
Adam Zert, 27636 Franklin st, Bonita Springs, Manager	_____
_____	_____
_____	_____
_____	_____

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

<u>Name and Address</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

<u>Name and Address</u>	<u>Percentage of Ownership</u>

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

<u>Name, Address, & Office (if applicable)</u>	<u>Percentage of Stock</u>

Date of Contract: _____

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

<u>Name and Address</u>

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

STATE OF: Florida COUNTY OF: Lee

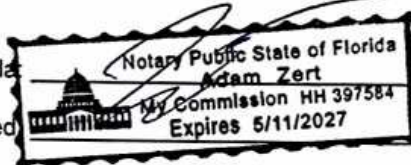
Signature: _____

Signatory's Printed Name: TOMAS NOVAK

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence ☐ or online notarization, this
7th (day) of May, (month) 2024 (year), by TOMAS NOVAK (name of
person making statement).

Signature of Notary Public - State of Florida

Name of Notary Typed, Printed, or Stamped



Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced: _____

PREPARED BY:
Tyler A. Gold, Esq.
Tyler A. Gold, P.A.
Cornerstone 5
1250 South Pine Island Road
Suite 200
Plantation, FL 33324
Record and Return to:
TITLE MASTERS, LLC
15701 S. TAMiami TRAIL
FT. MYERS, FL 33908
FILE NO.: 22-0079

WARRANTY DEED

THIS INDENTURE made on this 26 day of September, 2022, between **Cape Coral Acquisitions LLC, a Florida limited liability company**, whose mailing address is 2999 NE 191st St., #808, Aventura, FL 33180, "Grantor", and **TIR 6 LLC, a Florida limited liability company**, whose mailing address is 15701 S. Tamiami Trail, Ft. Myers, FL 33908, "Grantee".

WITNESSETH, That said Grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt of which is hereby acknowledged, has/have granted, bargained and sold to the Grantee and Grantee's heirs forever the following described land located in the County of Lee, State of Florida, to wit:

LOT 24, ADDITION TO BLOCK "I" BONITA BEACH, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED AT PLAT BOOK 9, PAGE 14, IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;

aka 26409 BAY RD., BONITA SPRINGS, FL 34134;

SUBJECT TO (1) Zoning and/or restrictions and prohibitions imposed by governmental authority; (2) Restrictions, Easements and other matters appearing on the Plat and/or common to the subdivision; and (3) Taxes for the year 2022 and subsequent years.

AND said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal on this 26 day of September, 2022.

Signed and sealed in the presence of:

[Signature]
Sylvia Friedman
(print name of witness)

[Signature]
Edmundo Tora
(print name of witness)

CAPE CORAL ACQUISITIONS LLC,
A FLORIDA LIMITED LIABILITY COMPANY

By: JORGE SILBERSTEIN, SR.
As: MANAGER

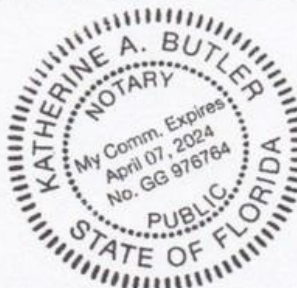
STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of physical presence on this 26 day of September, 2022, by JORGE SILBERSTEIN, SR., as MANAGER of CAPE CORAL ACQUISITIONS LLC, a Florida limited liability company, on behalf of the company. He/she/they is/are personally known to me or has/have produced _____ as identification.

[Signature]
Notary Public

Katherine A. Butler
(Printed Name)

My Commission expires: 4-7-2024



[Notary Seal]



25-47-24-B2-00200.0240

1990 Variance Decision

This document is part of the parcel history.

Following this building footprint

as detailed in the variance

decision would create a financial

burden for the Owner.

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER DECISION

VARIANCE: CASE 90-6-14-V-4
APPLICANT: LOREN E. HOSSLER
HEARING DATE: June 14, 1990

I. APPLICATION:

Filed by LOREN E. HOSSLER, 26415 Bay Road, Bonita Springs, FL 33923
(Applicant/Owner).

Requests in the RS-1 district are for:

- a) A variance from the minimum waterbody setback of 25 feet (Section 434.02.B.), to 18 feet; and
- b) A variance from the minimum side setback of 7.5 feet (Section 434.02.B.), to 3 feet.

The applicant intends to build a single family residence on the subject property.

The subject property is located at 26405 Bay Road (north on Hickory Blvd. from Bonita Springs to intersection of Hickory & Melody Lane, right on Melody Lane to SE corner of Bay Avenue & Melody Lane) Bonita Springs, in Section 25, Township 47 South, Range 24 East, Lee County, Florida. (District #3)

II. STAFF RECOMMENDATION: APPROVE WITH A CONDITION

The Department of Community Development Staff Report was presented at the hearing by Pamela Houck. The staff report is incorporated herein by this reference.

III. HEARING EXAMINER DECISION: APPROVE WITH A CONDITION

HEARING EXAMINER DISCUSSION: This Applicant desires to develop his very small, irregularly shaped lot in the Bonita Beach subdivision with a small week-end or vacation residence. The proposed structure's dimensions are approximately 29'x33', for an approximate area of 957 sq. ft. The Applicant's lot, platted in 1949, is a non-conforming, substandard "Lot of Record", as defined in Section 602.01 of the Zoning Ordinance. Section 602.01.B. of the ordinance allows development of such lots provided that "All other regulations of this ordinance are met".

Strict application of all ordinance setback requirements to the subject irregularly shaped lot would leave the Applicant a permissible area of only approximately 24.5'x26' and 637 sq. ft. within which to erect a residence. While many of the existing residences in the near vicinity of the Applicant's property are quite small, none are this small & a structure entirely conforming to the ordinance requirements would be incongruous & incompatible to an extreme with the community. Restricting the Applicant to an approximately 637 sq. ft. residence structure would be unreasonable. Such a size may be more appropriate for a garage or storage building.

The Applicant has made a clear effort to meet as many of the ordinance setback requirements as practical while planning for a minimum size structure which would be relatively compatible with the neighborhood. He has also proposed to cant the structure's placement so as to conform to the alignment of the residence on the adjoining property, for aesthetic purposes. The proposed structure's placement would meet the ordinance street setback requirements for Bay Road and Melody Lane under Section 202.18.B.2.

Staff has recommended approval of the application requests, conditioned on the placement of the proposed structure in accord with the site plan drawing supplied by the Applicant and marked Exhibit "C" in the Staff Report. The Hearing Examiner agrees with the Staff for the reasons noted in the Staff Report and as contained herein. There have been 3 letters received which oppose the requested variances, the content of which are set forth in the section following.

The undersigned Lee County Hearing Examiner approves the Applicant's request and hereby grants a variance from the minimum waterbody setback of 25 feet, to 18 feet; and a variance from the minimum side setback of 7.5 feet, to 3 feet for the real estate described in Section VII. Legal Description upon the condition that the location of the house is as reflected on Staff's Exhibit C.

- IV. PUBLIC PARTICIPATION: The following persons appeared at the hearing or became "parties of record" in this case by submitting written materials:

ADDITIONAL APPLICANT'S REPRESENTATIVES: NONE
FOR: NONE

AGAINST:

1. (Mr. & Mrs.) H.R. & Carolyn L. JOINER, 8546 Clematis Lane, Orlando, FL 32819
Letter 5/30/90: We are not in favor of granting these variances.

2. Francis A. McDONALD, 3205 Central Av., Sea Isles City, NJ 08243
Letter: As I just received in October a certificate of occupancy on my new home in Bonita and was compelled to take the 25' setback from waterbody, which caused me all kinds of trouble with my septic system, adding an additional 2500 to the cost for the septic system. If I had to go to this extra expense because of your rules then I think everyone else ought to have to comply with these ordinances. Whoever heard of a 3' side setback! This area is attractive because of the wide openness of the area. Please don't devalue our neighborhood by allowing 3' setbacks - you will be on the road to making a slum area! How are you going to put in a septic system with this ground being so close to water on 2 sides? I am 100% opposed to these changes!

3. (Mr. & Mrs.) Barney A. & Barbara E. WILLENS, 714 Tanglewood Drive, Springfield, OH 45504
Letter 6/8/90: We are concerned that the variance requested will allow construction of a very small dwelling on a very small piece of property. We recognize that Hickory Island is developing rapidly but we feel that trying to "shoehorn" an improvement on every square foot of the island is not in the best long range interest of the ecology of the island or of the property owners of the island. We hope that you will consider our views on this matter and thank you for the opportunity to submit them.

GENERAL:

1. Ms. Kathy BECKER, News-Press, 28441 Tamiami Trail, Suite 214, Bonita Springs, FL 33923

- V. STAFF PRESENTATION:

Pam Houck presented the staff report in this case and stated that the applicant is requesting 2 variance. One from the waterbody setback of 25' to 18' and one from the side setback requirement of 7.5' to 3'. This would be on the interior side lot line.

The subject property is 26406 Bay Road, on the corner of Bay Road and Melody Lane on Bonita Beach. The lot is approximately 50'x81' and contains about 4,188 square feet.

The applicant intends to construct a single family house on the subject property and has asked for the variances to permit the house in the configuration shown on the site plan. The applicant has designed the house on the building envelope to comply with the corner road setback, and the front setback off of Melody and Bay Roads. The house is angled slightly. The closest point would be 3' at the front corner of the house for the side setback. The closest point of the water setback would be 18', which would be on the rear corner side of the house.

The house has been angled slightly to parallel and encroach less on the interior lot line in order to be parallel with the neighbors' house. The lot has an irregular shape on the back which causes the difficulty in complying with the rear setback to the water. The lot is seawalled and has a dock along the bay. There are some mangroves existing.

Staff is recommending approval with a condition that the variances are limited to the location of the structure, as reflected on Attachment C to the staff report (Staff's Exhibit C). Staff has found that the peculiar conditions are inherent in the location of the lot, the shape of the lot, and the small platted size of the lot.

VI. APPLICANT PRESENTATION:

Mrs. Loren Hossler, applicant/owner, stated that it is necessary to obtain these variances in order to build even a house of minimum size. The gentleman who built the existing houses in 1954 had built them uneven in order to be straight with the seawall, thus causing everyone else's to be crooked. They came up quite a ways from the front side on one corner. If all the houses were where they should be they probably wouldn't need the 25' setback. Because of the way the houses are placed and the shape of the lot itself, it's almost a necessity in order to do anything at all with the property.

Mrs. Hossler stated that after researching this matter that this was the minimum size house they could construct. Also, in response to a question by the Hearing Examiner, Mrs. Hossler stated that this will not be a full time residence, but more of a vacation type home.

VII. LEGAL DESCRIPTION:

In Section 25, Township 47 South, Range 24 East, Lee County, Florida:

Lot 24, Bonita Beach Subdivision (Addition to Block I), as recorded in Plat Book 9, Page 14, of the Official Records of Lee County, Florida, lying in Section 25, Township 47 South, Range 24 East, Lee County, FL.

VIII. FINDINGS AND CONCLUSIONS:

Based upon the staff report, the testimony and exhibits presented in connection with this matter and personal inspection of the site, the undersigned Hearing Examiner makes the following findings and conclusions:

A. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and that do not apply generally to the other nearby properties in the same zoning district. The Plat map of the Section indicates that the subject parcel is probably the smallest in the subdivision, and the trapezoidal shape appears to be quite unique as compared to other lots in the vicinity.

B. That the exceptional or extraordinary conditions or circumstances are not the result of actions of the Applicant taken subsequent to the adoption of the ordinance. The shape and dimension of the lot was determined and set in 1949, long before any zoning regulations were in place.

C. That such variances as are requested are the minimum that will make possible the reasonable use of the land. The proposed structure's size is considered minimal for the purposes anticipated. Any smaller structure would be unreasonably incompatible with the residential use contemplated.

D. That the granting of the variances will not be injurious to the neighborhood or otherwise detrimental to public welfare. The requested setback variances are relatively minimal, and not inconsistent with apparent similar setback encroachments in the neighborhood that may have occurred prior to the adoption of the current regulations.

E. That the condition or situation of the specific property, or the intended use of said property, for which the variances are sought is not of so general or recurrent nature as to make it more reasonable and practical to amend the ordinance. These variances are uniquely related to the specific lot, which appears to be the smallest lot in the immediate community.

IX. APPEALS:

This decision will become final on July 5, 1990, unless the Lee County Board of County Commissioners assumes jurisdiction of this matter pursuant to Chapter IX of the Lee County Zoning Ordinance, as last amended. After the decision becomes final, all appeals must be taken to Circuit Court.

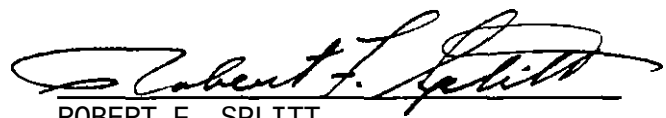
X. COPIES OF TESTIMONY AND TRANSCRIPTS:

A. Expanded summaries of the testimony presented at the hearing are available upon request at the Office of the Lee County Hearing Examiner, 2115 Main Street, Fort Myers, Florida. A complete verbatim transcript of the testimony presented at the hearing can be purchased from the Official Court Reporter, 20th Judicial Circuit, Lee County Justice Center, Fort Myers, Florida. The original documents and original file in connection with this matter are located at the Lee County Department of Community Development Office, 1831 Hendry Street, Fort Myers, Florida.

B. THE ORIGINAL FILE AND THE ORIGINAL DOCUMENTS USED AT THE HEARING WILL REMAIN IN THE CARE AND CUSTODY OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT. THE DOCUMENTS ARE AVAILIABLE FOR EXAMINATION AND COPYING BY ALL INTERESTED PARTIES DURING NORMAL BUSINESS HOURS.

This decision is rendered this 19th day of June, 1990. Copies of this decision will be delivered immediately to the offices of:

Commissioner John E. Manning
Commissioner Douglas St. Cerny
Commissioner Ray Judah
Commissioner Bill Fussell
Commissioner Donald Slisher



ROBERT F. SPLITT
LEE COUNTY HEARING EXAMINER
2115 Main Street
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: 813/335-2241

I P O R T A N T
A P P E A L R I G H T S

ANY interested person has the right to request that the Lee County Board of County Commissioners take the file and the record made by the Lee County Hearing Examiner in this case and make a decision in this matter which would REPLACE the decision of the Hearing Examiner set out above in this document.

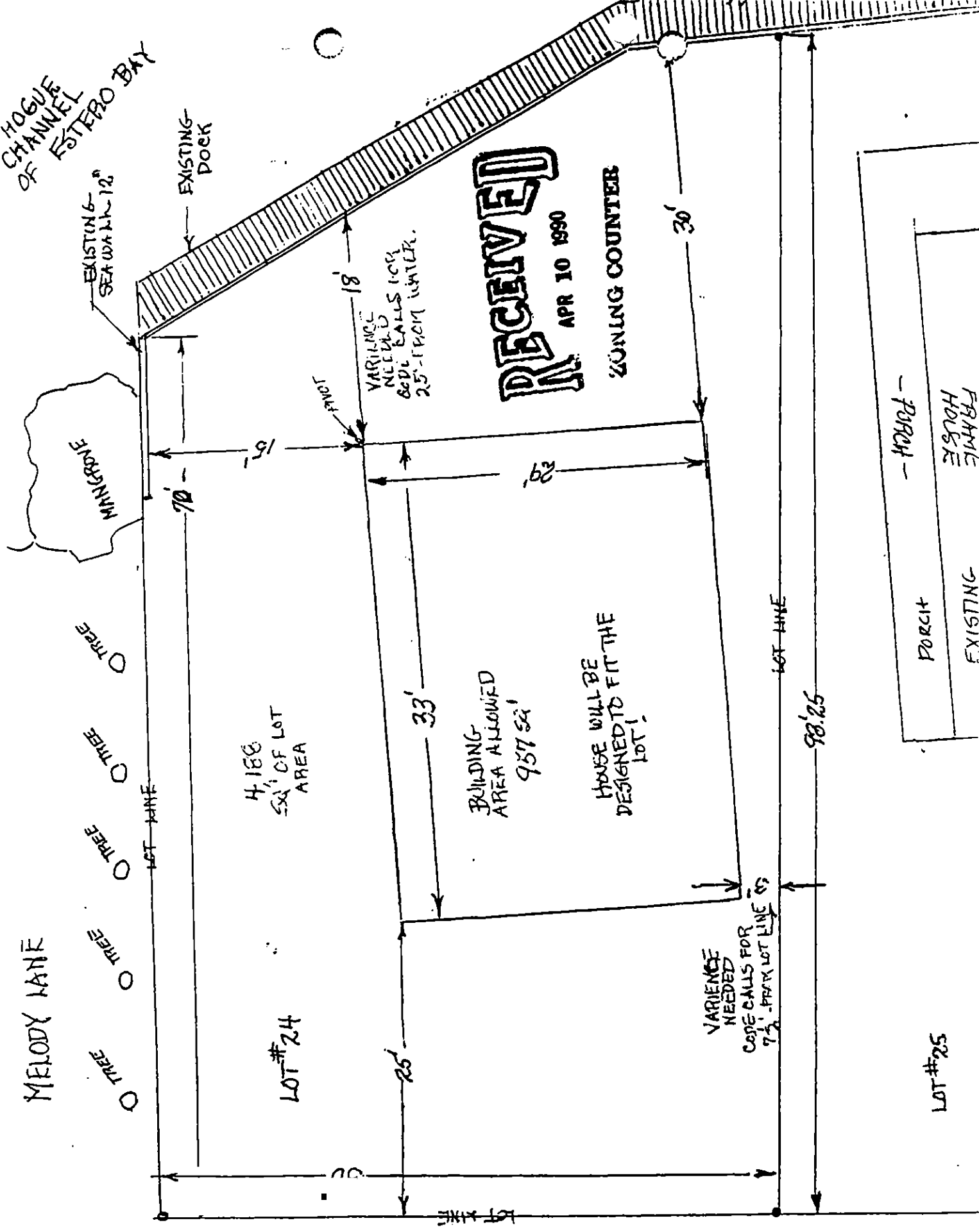
This RIGHT LASTS ONLY UNTIL THE DECISION BECOMES FINAL. This date is set out above in this decision. If you are interested in taking advantage of this procedure TWO Commissioners MUST request that the Lee County Board of County Commissioners take jurisdiction of this case. You must accomplish this before the date the decision becomes final. Each County Commissioner is given a form attached to each decision to use for this purpose.

If you need additional information concerning your rights and the requirements in connection with this procedure you may contact the Lee County Hearing Examiner's Office (813/335-2241).

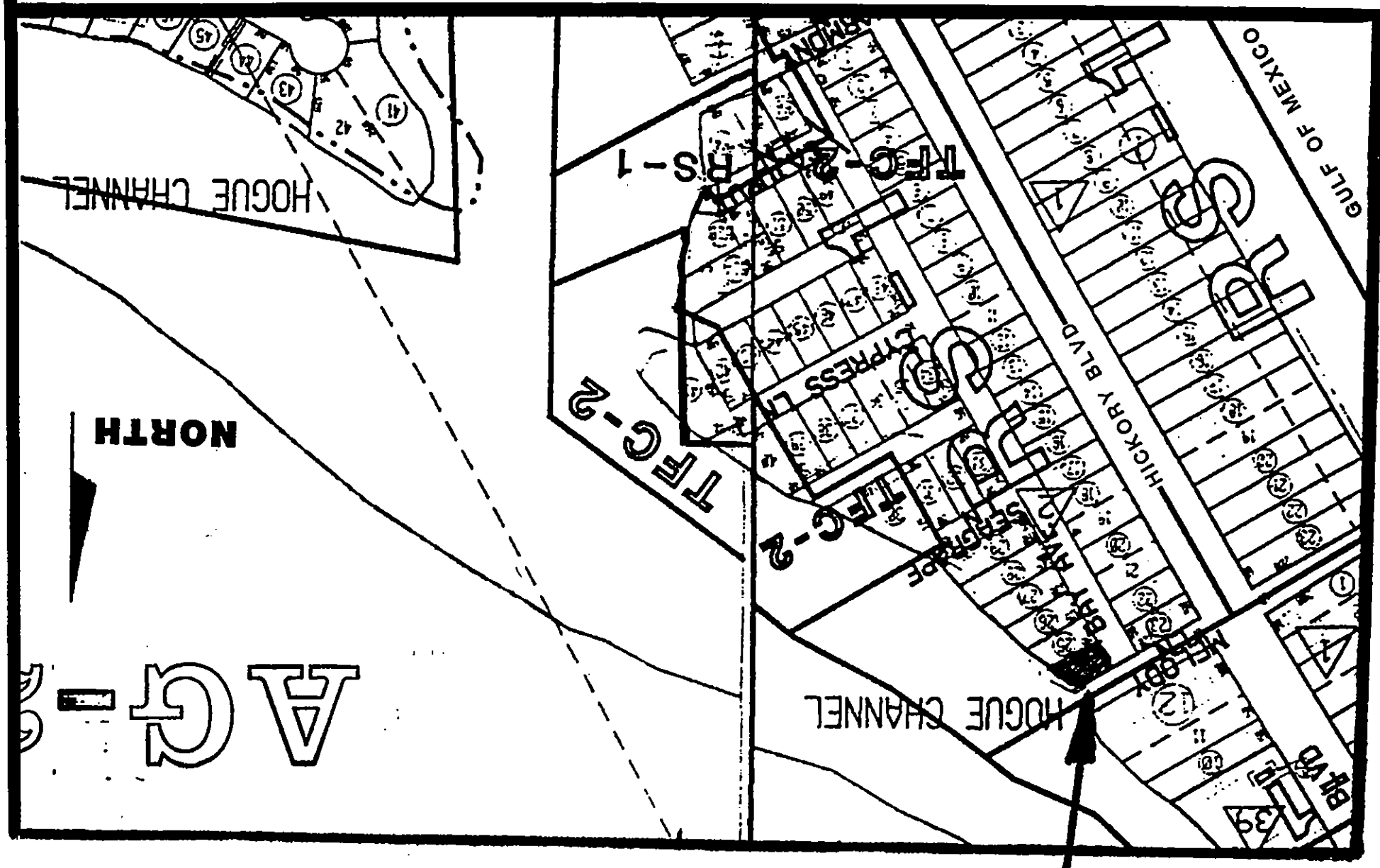
STAFF'S EXHIBIT
C
90-6-14-V-4

BAY ROAD S.W.

90-6-14-V-4

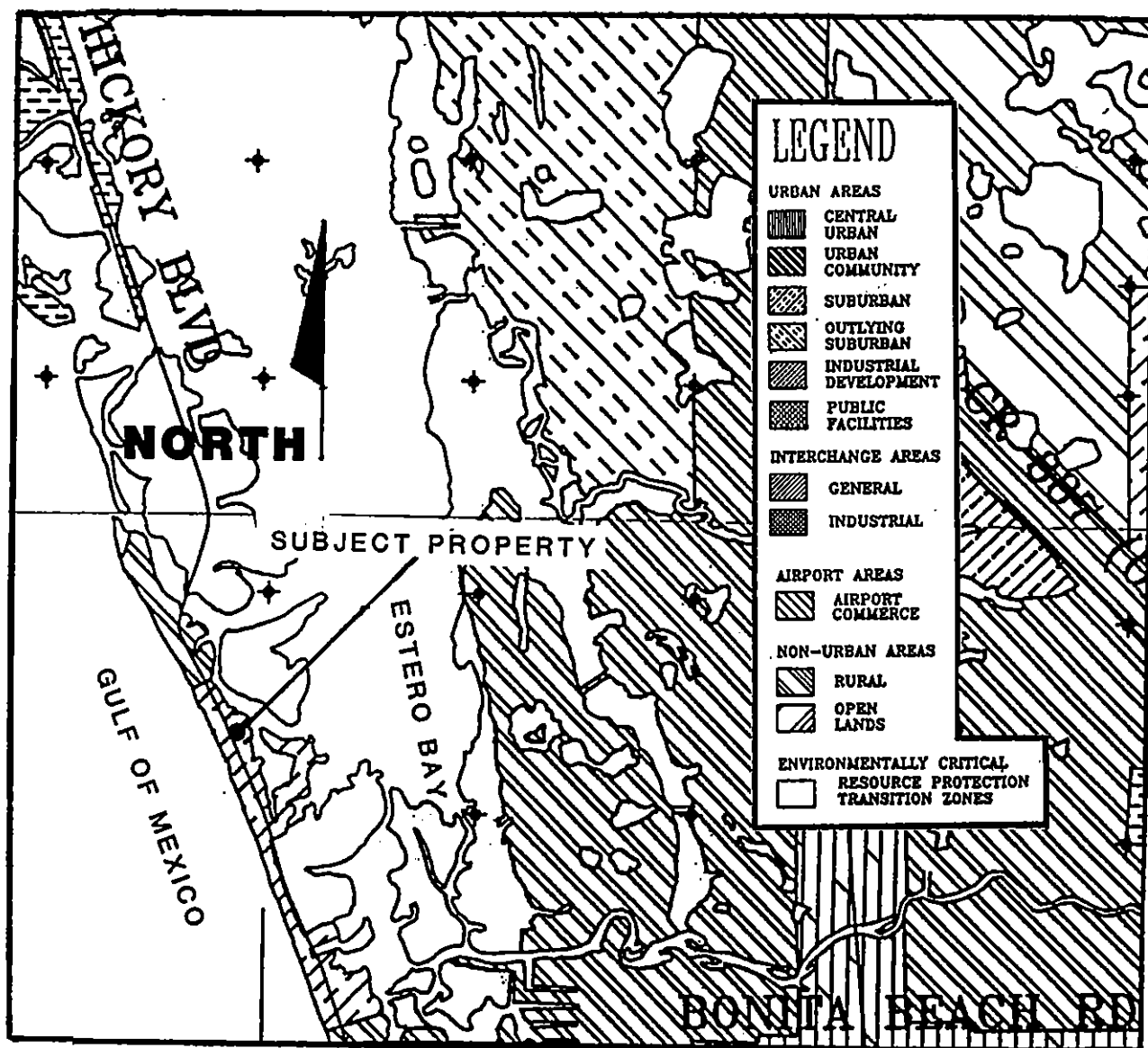


SUBJECT PROPERTY



A

90-6-14-V-4



B

Financial Burden

The decision to purchase
and develop Lot 24 was
based on information
provided by the Seller.

November 2018 Letter identifying the setbacks
Previously approved building permit application



November 9, 2018

Susan Walch TR
26415 Bay Rd.
Bonita Springs, FL 34134

Re: Zoning Letter Verification Request, **ZVL18-54694-BOS**
STRAP # 25-47-24-B2-00200.0250
26415 Bay Rd.
Bonita Springs, FL 34134

Dear Ms. Walch:

In response to your request stamped "received" October 25, 2018, the above-referenced property is zoned *Residential Single-Family (RS-1)*, subject to Chapter Four, Division Three of the Bonita Springs Land Development Code, attached herein. This code section contains a schedule of uses and development regulations, such as lot width, depth, area, height, setbacks, and lot coverage maximums. The subject property is identified as *Lots 24 & 25* in Lee County Plat Book 9, Page 14.

The subject parcel is located within the *Moderate Density Residential* land use category according to the Future Land Use Map of the City of Bonita Springs. The Moderate Density Residential land use category states the following:

Policy 1.1.7: Moderate Density Residential - Intended to accommodate and preserve single-family residential development at a maximum density of up to 5.8 dwelling units per gross acre and approximately 1,977 acres of gross land area in the land use category; planned unit developments at a maximum density of six units per acre; group homes and foster care facilities; public schools and other public, semi-public and recreational uses on a limited basis.

a. Appropriate residential housing types include conventional and modular constructed single-family homes on permanent foundations.

b. Maximum allowable height of structures shall be 35 feet from the base flood elevation to the eaves.

If a lot split were to occur, which reestablished the platted lot lines, the setbacks would be as follows:

Lot 24

STREET SETBACK (Bay Rd.): 25ft from the road-right-of-way

STREET SETBACK (Melody Ln.): 15ft from the road-right-of-way

SIDE SETBACK: 5ft

REAR SETBACK: 20ft from the rear property line or 25ft from the mean-high waterline, the more restrictive applies.

REAR ACCESSORY (pool, deck, patio, etc.): 5ft*

FEMA FLOOD CLASSIFICATION: VE-EL 15/****

****The setback given is for lots which have bank protection (sea wall, rip-rap) along a water body. For lots without bank protection, the accessory structure setback changes to 10ft (if located along an artificial body of water) or 25ft (if located along a natural body of water)***

9101 Bonita Beach Road
Bonita Springs, FL 34135
Tel: (239) 949-6262
Fax: (239) 949-6239
www.cityofbonitasprings.org

Peter Simmons
Mayor

Amelia Quaremba
Council Member
District One

Greg DeWitt
Council Member
District Two

Laura Carr
Council Member
District Three

Peter O'Flinn
Council Member
District Four

Michael Gibson
Council Member
District Five

Fred Forbes
Council Member
District Six

Arleen Hunter
City Manager
(239) 949-6267

Derek Rooney
City Attorney
(239) 949-6254

City Clerk
(239) 949-6247

Public Works
(239) 949-6246

Code Enforcement
(239) 949-6257

Parks & Recreation
(239) 992-2556

Community Development
(239) 444-6150

***For a lot that has multiple flood zone classifications, the flood zone with the highest corresponding number is the recognized flood zone of the property.*

****There are building code restrictions that may apply to structures, or, remodeling or additions to structures below the special flood hazard area.*

Lot 25

STREET SETBACK (Bay Rd.): 25ft from the road-right-of-way

SIDE SETBACK: 5ft

REAR SETBACK: 20ft from the rear property line or 25ft from the mean-high waterline, the more restrictive applies.

REAR ACCESSORY (pool, deck, patio, etc.): 5ft*

FEMA FLOOD CLASSIFICATION: VE-EL 15**/**

**The setback given is for lots which have bank protection (sea wall, rip-rap) along a water body. For lots without bank protection, the accessory structure setback changes to 10ft (if located along an artificial body of water) or 25ft (if located along a natural body of water)*

***For a lot that has multiple flood zone classifications, the flood zone with the highest corresponding number is the recognized flood zone of the property.*

****There are building code restrictions that may apply to structures, or, remodeling or additions to structures below the special flood hazard area.*

MAXIMUM BUILDING HEIGHT: 35', as measured from the base flood elevation**

LOT COVERAGE MAXIMUM: 40%

**** Section 4-1874(1) Applies to Little Hickory Island and Bonita Beach:**

a. The height of a structure may not exceed 35 feet above grade (base flood elevation or the lowest floor permitted to build under the required coastal elevation, whichever is applicable). The provisions of sections [4-1871](#), [4-1873](#) and [4-1874](#) do not apply to Bonita Beach and Little Hickory Island. No part of any building, including ornamental, mechanical or structural elements, may exceed 40 feet above the minimum required flood elevation and no variance or deviation from this height restriction may be granted.

b. For purposes of this subsection (1) only, the 35 feet height of the building is measured from the vertical distance from the minimum flood elevation to the highest point of the roof surface of a flat or Bermuda roof, to the deck line of a mansard roof, to the mean height level between eaves and the ridge of gable, hip or gambrel roofs, however under no circumstances may the total building height exceed 40 feet above the minimum required flood elevation, including the remainder of the gable, hip or gambrel roofs, or the ornamental, mechanical or structural elements.

**** On properties that contain more than one flood zone classification, FEMA stipulates that the most restrictive classification becomes the designated flood zone for the entire property.*

In addition, the subject property is located in the Coastal Building Zone, subject to the following Goals, Objectives and Policies:

Goal 5: Protection of Life and Property in Coastal High Hazard Areas. To protect human life and developed property from natural disasters.

Objective 5.1: *Development in Coastal High Hazard Areas - The City shall minimize flood risk that results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise by directing population concentrations away from the City's coastal high hazard area by limiting new development within the CHHA Category 1 hurricane evacuation area as defined by the SWFRPC hurricane evacuation study and using its land acquisition program to purchase vacant properties for open space, preservation or recreation uses.*

Policy 5.1.1: *Rezoning to allow higher densities shall not be permitted on barrier and coastal islands.*

Policy 5.1.2: *Shoreline development in V Zones shall be protected from flood risk, coastal erosion, wave action, and storms by vegetation, setbacks, and/or beach renourishment, rather than by seawalls or other hardened structures that tend to hasten beach erosion. Repairs of lawfully constructed, functional, hardened structures as defined in F. S. Chapter 161 may be allowed subject to applicable state and local review and approval.*

Policy 5.1.3(a): *Through the City's Comprehensive Plan amendment process, land use designations of undeveloped areas within Coastal High Hazard Areas shall be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding.*

Policy 5.1.3(b): *Comprehensive plan amendments within the CHHA must meet one of the following criteria in accordance with state statutory requirements in Section 163.3178(8)(a), F.S.*

1. The proposed amendment shall demonstrate that a 16-hour out of county hurricane evacuation time for a category 5 storm event, as measured on the Saffir-Simpson scale, is maintained; or

2. The proposed amendment shall demonstrate that a 12-hour evacuation time to shelter for a category 5 storm event is maintained, and ensure adequate shelter space is available to accommodate the additional residents of the development allowed by the proposed amendment; or

3. The proposed amendment shall provide mitigation to satisfy the provisions of evacuation time and shelter space, which may include payment of money, contribution of land, and/or construction of hurricane shelters and/or transportation facilities. The required mitigation shall be addressed in a binding agreement and shall not exceed the amount required to accommodate the impacts reasonably attributable to the development.

Policy 5.1.4: *Development in the CHHA Category 1 hurricane evacuation area, except as otherwise restricted by Policy 5.1.1 and the City's redevelopment project on Old U. S. 41, shall be infill only and shall not exceed the surrounding properties' density/ intensity except as allowed by existing zoning at the time of the adoption of this Comprehensive Plan.*

Policy 5.1.5: *The City shall continue to target its land acquisition program to provide public access to the estuary, open space, preservation and recreation, and shall consider vacant properties in the CHHA for public acquisition.*

Policy 5.1.6: *All development and major redevelopment in the CHHA shall conform to the City's Flood Damage Protection Ordinance and be consistent with the flood-resistant construction requirements in the Florida Building Code and applicable flood plan management regulations set forth in 44 C.F.R. part 60.*

Policy 5.1.7: *No new mobile home parks will be allowed within the CHHA.*

Policy 5.1.8: *Development seaward of the Coastal Construction Control Line (CCCL) shall require applicable State of Florida approval and will be consistent with Ch. 161, F.S.*

Policy 5.1.9: *New development requiring seawalls for protection from coastal erosion shall not be permitted.*

Policy 5.1.10: *Development in coastal areas shall consider site development techniques to reduce losses due to flooding and claims made under flood insurance policies issued in the state. These may include accommodation strategies, such as elevating structures, drainage improvements, or green infrastructure techniques that function to absorb or store water.*

Additional Comprehensive Plan language can be found here:

https://library.municode.com/fl/bonita_springs/codes/comprehensive_plan?nodeId=COCOMAEL_GOOBPO

An initial search shows no active code violations on the subject property. This can be confirmed by contacting Bonita Springs Neighborhood Services at 239-949-6257.

Copies of Certificates of Occupancy, site plans and violations can be obtained through an Open Records Request submittal to the Community Development Office online at the following web address:
<http://cityofbonitaspringscd.org/open-records-request/>

The information provided herein may be subject to change as ordinances are enacted and amended. The City may be contacted at (239) 444-6150 as to the status of those changes. Should you have any further questions, please do not hesitate to call our office.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Planning and Zoning Division

A handwritten signature in black ink that reads "Mary Zizzo". The signature is written in a cursive, flowing style.

Mary Zizzo, JD
Planner I

Subdivision II. - One- and Two-Family Residential Districts

Sec. 4-485. - Purpose and intent.

- (a) *RS residential single-family districts.* The purpose and intent of the RS residential single-family district is to provide opportunities for the suitable location of detached, conventionally built single-family dwelling units and for facilitation of the proper development and protection of the subsequent use and enjoyment thereof.
- (b) *TFC residential two-family conservation district.* The purpose and intent of the TFC residential two-family conservation district is to recognize and protect existing two-family residential developments, lots, structures and uses, previously permitted but not conformable to the regulations of the other two-family residential districts set forth in this chapter, and to accommodate residential use of existing lots that were nonconforming under previous zoning regulations. This district is not available for new developments, but may be used only by property owners in existing developments that comply with the property development regulations or by the city council upon its own initiative to achieve the purpose mentioned in this section.
- (c) *TF1 two-family district.* The purpose and intent of the TF1 two-family district is to designate suitable locations for residential occupancy of conventionally built duplex, two-family and single-family dwelling units and to facilitate the proper development and to protect the subsequent use and enjoyment thereof. The TF district is intended for use only within the future urban areas as designated by the comprehensive plan and subject to the range of densities for each land use category accommodating residential uses.

(Ord. No. 06-12; Ord. No. 11-02, § 3(4-691), 1-19-2011)

Sec. 4-486. - Applicability of use and property development regulations.

No land, body of water or structure may be used or permitted to be used and no structure may hereafter be erected, constructed, moved, altered or maintained in any one- or two-family residential district for any purpose other than as provided in section 4-488, pertaining to use regulations for one- and two-family residential districts, and section 4-489, pertaining to property development regulations for one and two-family residential districts, except as may be specifically provided for in article VII (nonconformities) of this chapter, or in section 4-406.

(Ord. No. 11-02, § 3(4-692), 1-19-2011)

Sec. 4-487. - Property development regulations for nonresidential uses.

- (a) All nonresidential uses in the one- and two-family residential districts shall comply with the minimum lot dimensions, setbacks, maximum lot coverage and height requirements set forth for single-family dwellings in the district in which located, and shall have sufficient lot area to satisfy all open space, buffering, drainage, retention, parking and other development requirements of this chapter and chapter 3.
- (b) Exceptions and modifications to property development regulations are set forth in article VI, division 30, of this chapter.

(Ord. No. 06-12; Ord. No. 11-02, § 3(4-693), 1-19-2011)

Sec. 4-488. - Use regulations table.

Use regulations for one- and two-family residential districts are as follows:

[illegible]

- (1) Permitted only when accessory to a lawfully permitted single-family dwelling unit.
- (2) New facilities of 50 or more beds, or the expansion of an existing facility that will bring the number of beds to 50 or more, requires PD zoning. See section 4-272 and Table 4-740.
- (3) Any new facility of ten or more acres or any expansion of an existing facility to ten or more acres, requires PD zoning. See section 4-272 and Table 4-740.
- (4) Accessory buildings and uses (to the main building) may be located closer to the front of the property than the main building but must comply with all other setback requirements for accessory buildings and uses.
- (5) Recreational halls require a special exception approval.
- (6) Real estate sales are limited to sales of lots, homes or units within the development. The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding three years from the date the certificate of occupancy for the sales office is issued. The director may grant one two-year extension. Additional time will require a new special exception approval.
- (7) Family day care home exemption. F.S. 166.0445 exempts family day care homes from needing the special exception. See section 4-195(e)(9).
- (8) Noncommercial only.
- (9) Redevelopment of an existing only golf course with residential buildings or structures requires PD zoning.
- (10) Public parking lots are those owned, operated or maintained by a governmental agency (city, county or state), which may or may not be charged a parking fee, used off-site from other uses adjacent to the public parking lot. Such public parking lots require a special exception approval, which will include the requirements of section 4-1729 through 4-1734 where feasible and practical, as determined in the conditions imposed by city council for this use.
- (11) Community residential homes will be sited in accordance with F.S. ch. 419.

Sec. 4-489. - Property development regulations table.

TABLE 4-489. PROPERTY DEVELOPMENT REGULATIONS FOR ONE- AND TWO-FAMILY RESIDENTIAL DISTRICTS

[illegible]

Single-family or duplex		6.5	7.5	10	12	15	15	6	7.5	7.5
Two-family		-	-	-	-	-	-	-	-	10 (2)
Rear yard (feet)	Note (1), 4-1892 et seq.	20	20	20	20	20	20	20	20	20
Water body (feet):	4-1892 et seq.									
Gulf of Mexico:		50	50	50	50	50	50	50	50	50
Other		25	25	25	25	25	25	25	25	25
Special regulations:		Refer to the section specified for exceptions or additions to the minimum setback requirements listed in this table.								
Animals, reptiles, marine life	4-1045 et seq.									
Consumption on premises	4-1020 et seq.									
Docks, seawalls, etc.	4-1588 et seq.									
Essential services	4-1362 et seq.									
Essential service facilities (4-408(c)(13))	4-1362 et seq.									
Fences, walls, gate-houses	4-1841 et seq.									
Nonroofed accessory structures	4-1894(c)(3)									
Railroad right-of-way	4-1895									

	4-1871 et seq.	35	35	35	35	35	35	35	35	35
Maximum height (feet)		Note: Special height limitations apply to all uses located within Bonita Beach and the Bonita Beach Road Corridor. See section 4-1874.								
Maximum lot coverage (percent of total lot area)		45%	40%	40%	40%	40%	40%	45%	40%	45%

Notes:

- (1) Modifications to required setbacks for collector or arterial streets, or for solar or wind energy purposes, are permitted by variance only. See section 4-1892 et seq.
- (2) Accessory buildings and uses can be located closer to the front of the property than the main building, but must comply with all other setback requirements for accessory building uses.
- (3) No side yard setback required from common side lot line for two-family attached.

(Ord. No. 03-15; Ord. No. 06-12; Ord. No. 07-18, § 1, 11-7-2007; Ord. No. 11-02, § 3(4-695), 1-19-2011)

Secs. 4-490—4-516. - Reserved.

PLAN REVIEW REPORT (RES20-72726-BOS)

Type:	BLD - Building (R)	Project:		App Date:	08/17/2020
Work Class:	Single Family	District:	District 3	Issue Date:	NOT ISSUED
Status:	Not Approved	Square Feet:	3,486.00	Exp Date:	NOT AVAILABLE
Assigned To:	Pete Haigis	Valuation:	\$337,549.38	Final Date:	NOT FINALED
Description:	4 story SFR [VE-15/LHM-16/FFE-18.17'NAVD] (PRIVATE PROVIDER/GFA)				
Parcel:	25-47-24-B2-00200.0240	Main	Address:	26409 Bay Rd (Gfa/Priv.Provider/Threshold) Suite: Lot 24 Bonita Springs, FL 34134	Main

Plan Review v.5

Review	Assigned To	Updated By	Status	Due	Completed
Drainage Review v.5	M.Jacobs	M.Jacobs	Did Not Review	7/15/21	7/16/21
Comments: SUBMITTAL CONTAINED WRONG PERMIT #, LOT #, ADDRESS					
Engineering Review v.5	T.Goff	M.Jacobs	Did Not Review	7/15/21	7/16/21
Comments: SUBMITTAL CONTAINED WRONG PERMIT #, LOT #, ADDRESS					

Plan Review v.4

Review	Assigned To	Updated By	Status	Due	Completed
Drainage Review v.4	M.Jacobs	M.Jacobs	Not Approved/Insufficient	6/23/21	7/2/21
Comments: Please refer to the external email from the Engineering Department.					
Engineering Review v.4	T.Goff	T.Goff	Not Approved/Insufficient	6/23/21	6/30/21

Plan Review v.3

Review	Assigned To	Updated By	Status	Due	Completed
FEMA V-Zone Review v.3	A.Williams	A.Williams	Approved/Sufficient	1/12/21	1/25/21
Comments: 1. The V Zone Design Certificate was not located in the project submittal. We've attached a blank copy for your convenience. • Attached 1. Accepted 1/25/2021, as-built V Zone Design Certificate must be submitted for C.O. 6. Sheet A16 Ground Floor Electrical Plan note that all proposed electric to be installed above the design flood elevation of 16' NAVD contradicts sheet A6 showing exterior wall-mounted light fixtures installed below the design flood elevation. • A16 note was added based on FEMA 1. NOTE: THE MINIMUM NECESSARY RECEPTACLES, SWITCHES, LIGHTS, AND OTHER COMPONENTS ARE PERMITTED TO BE LOCATED BELOW THE D.F.E. PROVIDED THE DISTRIBUTION PANEL IS LOCATED ABOVE THE D.F.E. UNLESS PROTECTED FROM FLOODWATERS ENTERING OR ACCUMULATING WITHIN THE PANEL BOX PER FEMA P-348 "PROTECTING BUILDING UTILITY SYSTEMS FROM FLOOD DAMAGE" 2. Accepted with conditions: One switch is at foyer entry is allowed below the design flood elevation for safety/access. All other devices must be installed above the design flood elevation.					
Drainage Review v.3	M.Jacobs	M.Jacobs	Not Approved/Insufficient	1/12/21	1/8/21
Comments: Please refer to the external email from the Engineering Department.					
Engineering Review v.3	T.Goff	M.Jacobs	Not Approved/Insufficient	1/11/21	1/8/21
Comments: 2 DRAINAGE REVIEW - DENIED From: Molly Jacobs Sent: Friday, January 8, 2021 11:02 AM To: 239diamond@gmail.com Cc: Permitting <permitting@cityofbonitaspringscd.org>; trisha goff <tgoft@cityofbonitaspringscd.org> Subject: FW: 26409 Bay Rd_RES20-72726_Drainage Review Dear Applicant, Be advised the submittal for the above listed permit cannot be approved at this time, due to the following reason(s): DRAINAGE REVIEW: 1. Please provide a drainage plan which illustrates how this structure (and all associated pads/structures) will drain, in accordance with the new Ordinance No. 19-12 Sec. 4-2224, adopted January 3rd, 2020. The signed and sealed Stormwater Drainage Plan must show how storm water drains offsite without impacting adjacent properties, road rights of ways, lakes and waterways. a. Provide distance of roof overhang from property line. i. Less than 10' will require gutters. ii. Provide details about the connection and location of the drainage apparatuses. 1. We highly recommend the use of bubblers due to the slope and setback along the sides of the property. b. Provide cross-sections from structure to property line, in at least four directions, and the location of the cross-sections on the drainage plan i. Be sure to also provide cross-section(s) showing the most restrictive structures to the property line. ii. Provide another cross-section along north west side, showing the transition from the concrete pad (???) to the property line. iii. Slopes shall not be greater than 5:1. c. Provide location of walkway from the rear side of the house/pool to the water, showing dimensions, and elevations on the cross section and drainage plan. d. Provide location of mechanical equipment with dimensions and elevation. i. Provide information about structure of the utility pad (cantilevered, pilings, etc.). What is below the pad? e. Provide all materials used for ground cover. f. Provide dimensions and details of all existing and proposed drainage solutions. ** If a pool is to be installed a pool drainage plan will be required with cross-sections, existing & proposed grades, and it will need to match the approved residential drainage plan. Please respond to the above comment(s) by submitting a "Revision/Resubmittal Form", along with three (3) copies of a revised drainage plan, and responses to the above listed items to the front counter. Until such time, this permit will remain on hold. Please let us know if you have any other questions or if there's anything else we may do to help. Regards, Molly Jacobs					

Plan Review v.2

PLAN REVIEW REPORT (RES20-72726-BOS)

Review	Assigned To	Updated By	Status	Due	Completed
Drainage Review v.2	M.Jacobs	M.Jacobs	Not Approved/Insufficient	8/27/20	8/20/20
<i>Comments: Please refer to the external email from the Engineering Department.</i>					
FEMA V-Zone Review v.2	A.Williams	M.Jacobs	Did Not Review	8/27/20	8/20/20

Plan Review v.1

Review	Assigned To	Updated By	Status	Due	Completed
Zoning Review v.1	D.Ortiz	D.Ortiz	Approved/Sufficient	8/24/20	8/18/20
Drainage Review v.1	M.Jacobs	A.Williams	Did Not Review	8/24/20	8/17/20
<i>Comments: NO DRAINAGE PLAN SUBMITTED</i>					
Electric Review v.1	P.Haigis	P.Haigis	Not Required	8/24/20	8/17/20
FEMA V-Zone Review v.1	A.Williams	A.Williams	Not Approved/Insufficient	8/24/20	8/17/20

Comments: Alejandro, The above referenced permit cannot be completed for the following reason(s): FEMA Floodplain Management Review 1.

The V Zone Design Certificate was not located in the project submittal. We've attached a blank copy for your convenience. 2. Sheet A2 elevator note 2 and Sheet S1 elevator note 2 are not consistent. The elevator power and drive equipment to be located at top of shaft (at or above the design flood elevation not the base flood elevation). 3. Sheet A2, A8 and Sheet S1 flood resistant construction notes are not consistent. All structural and non-structural components below the design flood elevation must be of flood resistant materials (not base flood elevation). 4. Sheet A15 contained Generator Notes however a proposed generator including location was not located on plans. 5. Sheet A2 and S1 regarding foyer flood openings are not consistent. Sheet A2 does not provide locations of flood openings. 6. Sheet A16 Ground Floor Electrical Plan note that all proposed electric to be installed above the design flood elevation of 16' NAVD contradicts sheet A6 showing exterior wall-mounted light fixtures installed below the design flood elevation. 7. Proposed window in stairwell below the design flood elevation will be reviewed after product approvals/specifications have been submitted. ADDITIONAL NOTES: • Private provider contract/documents were not located in permit submittal. • Copy of permit application could not be located. • Digital submittal of proposed project missing. • Roof outline not delineated from property lines, 4-2224 requires gutters and downspouts when roof overhand is less than 10' from the property line. • A completed and recorded non-conversion agreement must be presented as a requirement for C.O. https://cityofbonitaspringscd.org/forms/FEMA_Flood_Nonconversion%20Agreement_20190524.pdf • We were unable to locate ANY product approvals (such as windows and doors) in your submittal. • Setbacks for the structure and all equipment will be completed by the Zoning staff, comments will follow in a separate email. • There was no drainage plan located in your submittal to establish compliance with Bonita Springs City Code Sec. 4-2224. Should you have any questions or require additional information regarding the Floodplain Management Review you may contact me at the information below.

Mechanical Review v.1	P.Haigis	P.Haigis	Not Required	8/24/20	8/17/20
Plumbing Review v.1	P.Haigis	P.Haigis	Not Required	8/24/20	8/17/20
Structural Review v.1	P.Haigis	P.Haigis	Not Required	8/24/20	8/17/20

PLAN REVIEW REPORT (RES20-72726-BOS)

Type:	BLD - Building (R)	Project:		App Date:	08/17/2020
Work Class:	Single Family	District:	District 3	Issue Date:	NOT ISSUED
Status:	Not Approved	Square Feet:	3,486.00	Exp Date:	NOT AVAILABLE
Assigned To:	Pete Haigis	Valuation:	\$337,549.38	Final Date:	NOT FINALED
Description:	4 story SFR [VE-15/LHM-16/FFE-18.17'NAVD] (PRIVATE PROVIDER/GFA)				
Parcel:	25-47-24-B2-00200.0240	Main	Address:	26409 Bay Rd (Gfa/Priv.Provider/Threshold) Suite: Lot 24 Bonita Springs, FL 34134	Main

Plan Review v.6

Review	Assigned To	Updated By	Status	Due	Completed
Drainage Review v.6	M.Jacobs	M.Jacobs	Approved/Sufficient	7/29/21	7/26/21
Engineering Review v.6	T.Goff	M.Jacobs	Approved/Sufficient	7/29/21	7/26/21

Plan Review v.5

Review	Assigned To	Updated By	Status	Due	Completed
Drainage Review v.5	M.Jacobs	M.Jacobs	Did Not Review	7/15/21	7/16/21
Comments: SUBMITTAL CONTAINED WRONG PERMIT #, LOT #, ADDRESS					
Engineering Review v.5	T.Goff	M.Jacobs	Did Not Review	7/15/21	7/16/21
Comments: SUBMITTAL CONTAINED WRONG PERMIT #, LOT #, ADDRESS					

Plan Review v.4

Review	Assigned To	Updated By	Status	Due	Completed
Drainage Review v.4	M.Jacobs	M.Jacobs	Not Approved/Insufficient	6/23/21	7/2/21
Comments: Please refer to the external email from the Engineering Department.					
Engineering Review v.4	T.Goff	T.Goff	Not Approved/Insufficient	6/23/21	6/30/21

Plan Review v.3

Review	Assigned To	Updated By	Status	Due	Completed
FEMA V-Zone Review v.3	A.Williams	A.Williams	Approved/Sufficient	1/12/21	1/25/21
Comments: 1. The V Zone Design Certificate was not located in the project submittal. We've attached a blank copy for your convenience. • Attached 1. Accepted 1/25/2021, as-built V Zone Design Certificate must be submitted for C.O. 6. Sheet A16 Ground Floor Electrical Plan note that all proposed electric to be installed above the design flood elevation of 16' NAVD contradicts sheet A6 showing exterior wall-mounted light fixtures installed below the design flood elevation. • A16 note was added based on FEMA 1. NOTE: THE MINIMUM NECESSARY RECEPTACLES, SWITCHES, LIGHTS, AND OTHER COMPONENTS ARE PERMITTED TO BE LOCATED BELOW THE D.F.E. PROVIDED THE DISTRIBUTION PANEL IS LOCATED ABOVE THE D.F.E. UNLESS PROTECTED FROM FLOODWATERS ENTERING OR ACCUMULATING WITHIN THE PANEL BOX PER FEMA P-348 "PROTECTING BUILDING UTILITY SYSTEMS FROM FLOOD DAMAGE" 2. Accepted with conditions: One switch is at foyer entry is allowed below the design flood elevation for safety/access. All other devices must be installed above the design flood elevation.					
Drainage Review v.3	M.Jacobs	M.Jacobs	Not Approved/Insufficient	1/12/21	1/8/21
Comments: Please refer to the external email from the Engineering Department.					
Engineering Review v.3	T.Goff	M.Jacobs	Not Approved/Insufficient	1/11/21	1/8/21
Comments: 2 DRAINAGE REVIEW - DENIED From: Molly Jacobs Sent: Friday, January 8, 2021 11:02 AM To: 239diamond@gmail.com Cc: Permitting <permitting@cityofbonitaspringscd.org>; trisha goff <tgoff@cityofbonitaspringscd.org> Subject: FW: 26409 Bay Rd_RES20-72726_Drainage Review Dear Applicant, Be advised the submittal for the above listed permit cannot be approved at this time, due to the following reason(s): DRAINAGE REVIEW: 1. Please provide a drainage plan which illustrates how this structure (and all associated pads/structures) will drain, in accordance with the new Ordinance No. 19-12 Sec. 4-2224, adopted January 3rd, 2020. The signed and sealed Stormwater Drainage Plan must show how storm water drains offsite without impacting adjacent properties, road rights of ways, lakes and waterways. a. Provide distance of roof overhang from property line. i. Less than 10' will require gutters. ii. Provide details about the connection and location of the drainage apparatuses. 1. We highly recommend the use of bubblers due to the slope and setback along the sides of the property. b. Provide cross-sections from structure to property line, in at least four directions, and the location of the cross-sections on the drainage plan i. Be sure to also provide cross-section(s) showing the most restrictive structures to the property line. ii. Provide another cross-section along north west side, showing the transition from the concrete pad (???) to the property line. iii. Slopes shall not be greater than 5:1. c. Provide location of walkway from the rear side of the house/pool to the water, showing dimensions, and elevations on the cross section and drainage plan. d. Provide location of mechanical equipment with dimensions and elevation. i. Provide information about structure of the utility pad (cantilevered, pilings, etc.). What is below the pad? e. Provide all materials used for ground cover. f. Provide dimensions and details of all existing and proposed drainage solutions. ** If a pool is to be installed a pool					

PLAN REVIEW REPORT (RES20-72726-BOS)

Plan Review v.3

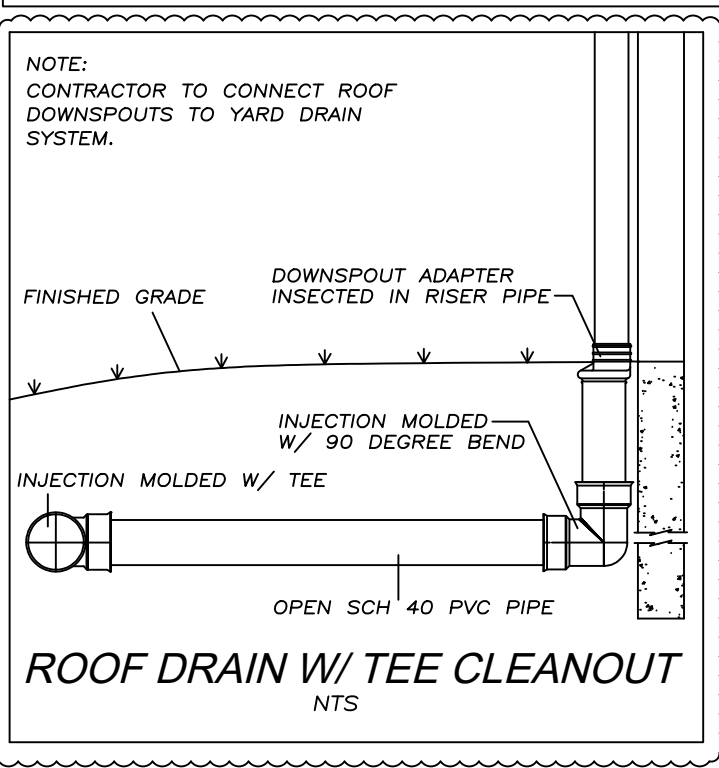
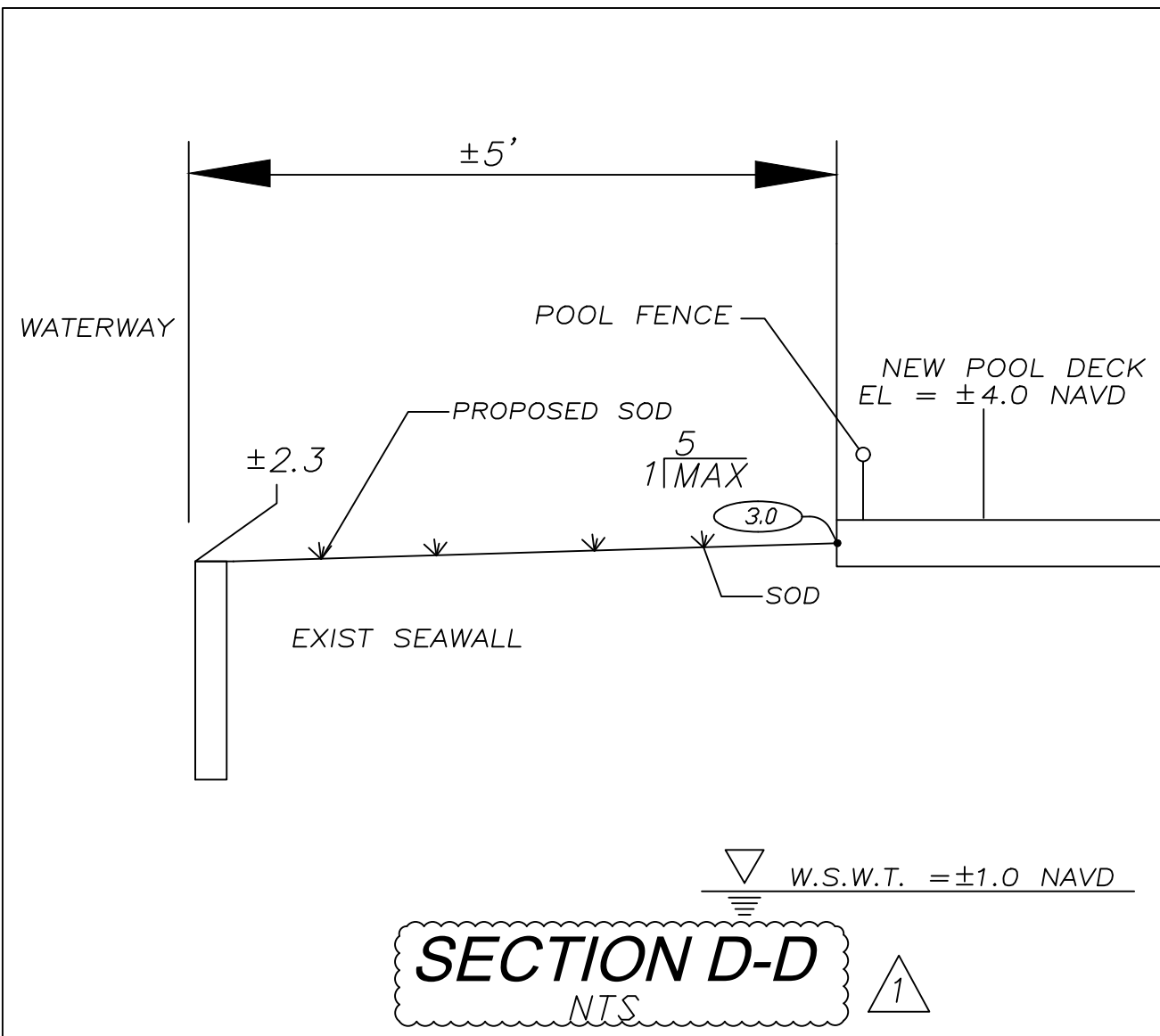
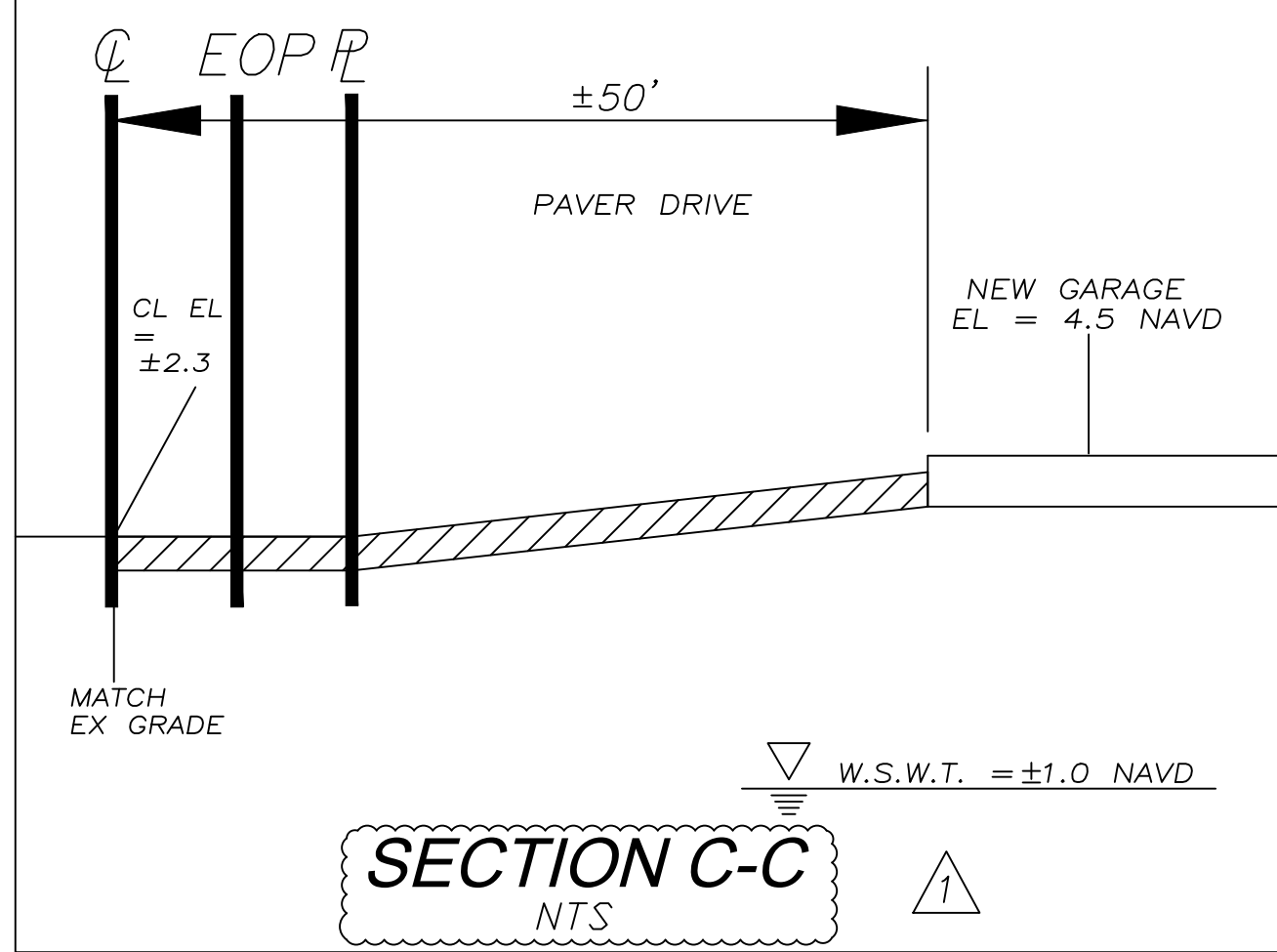
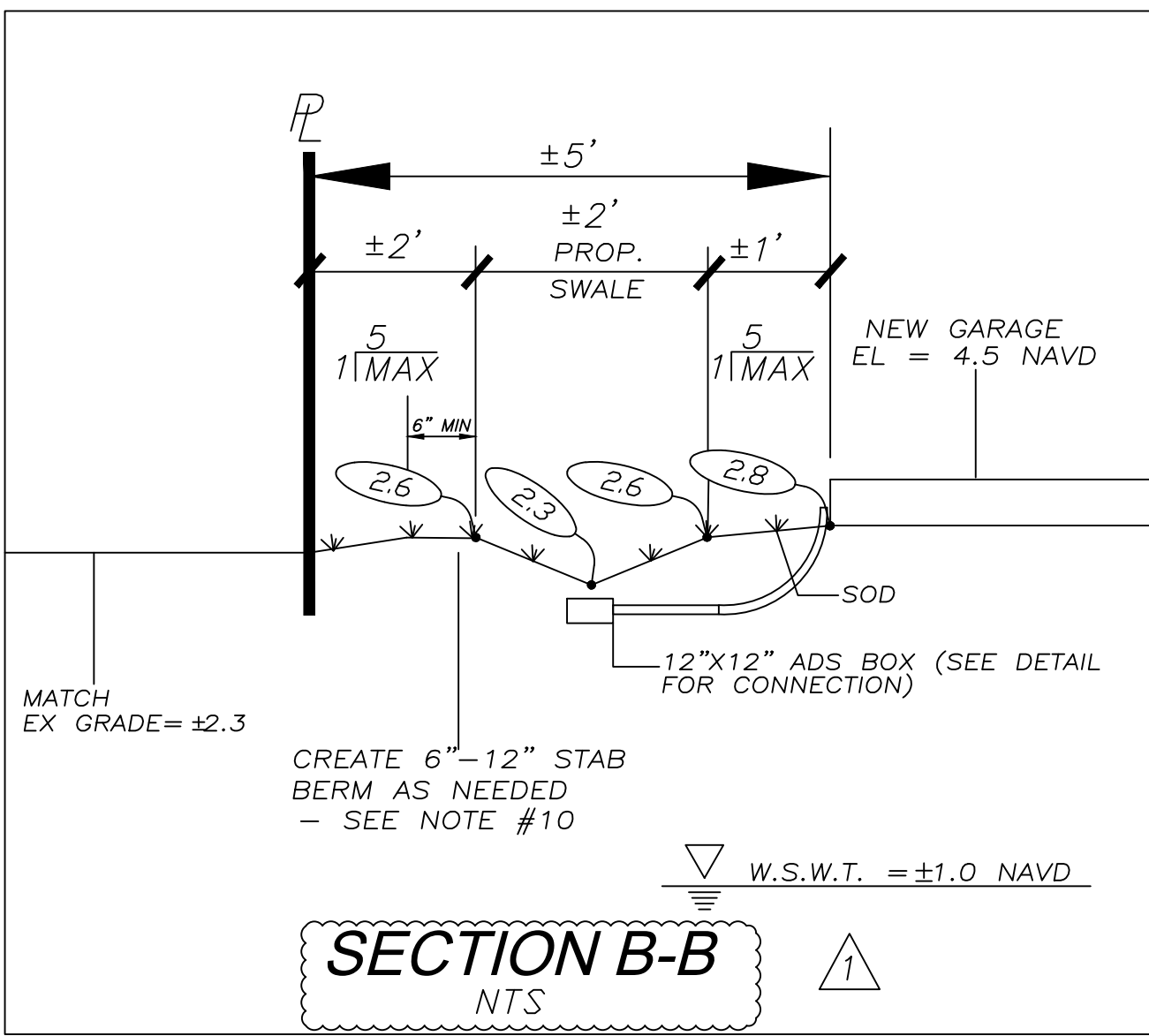
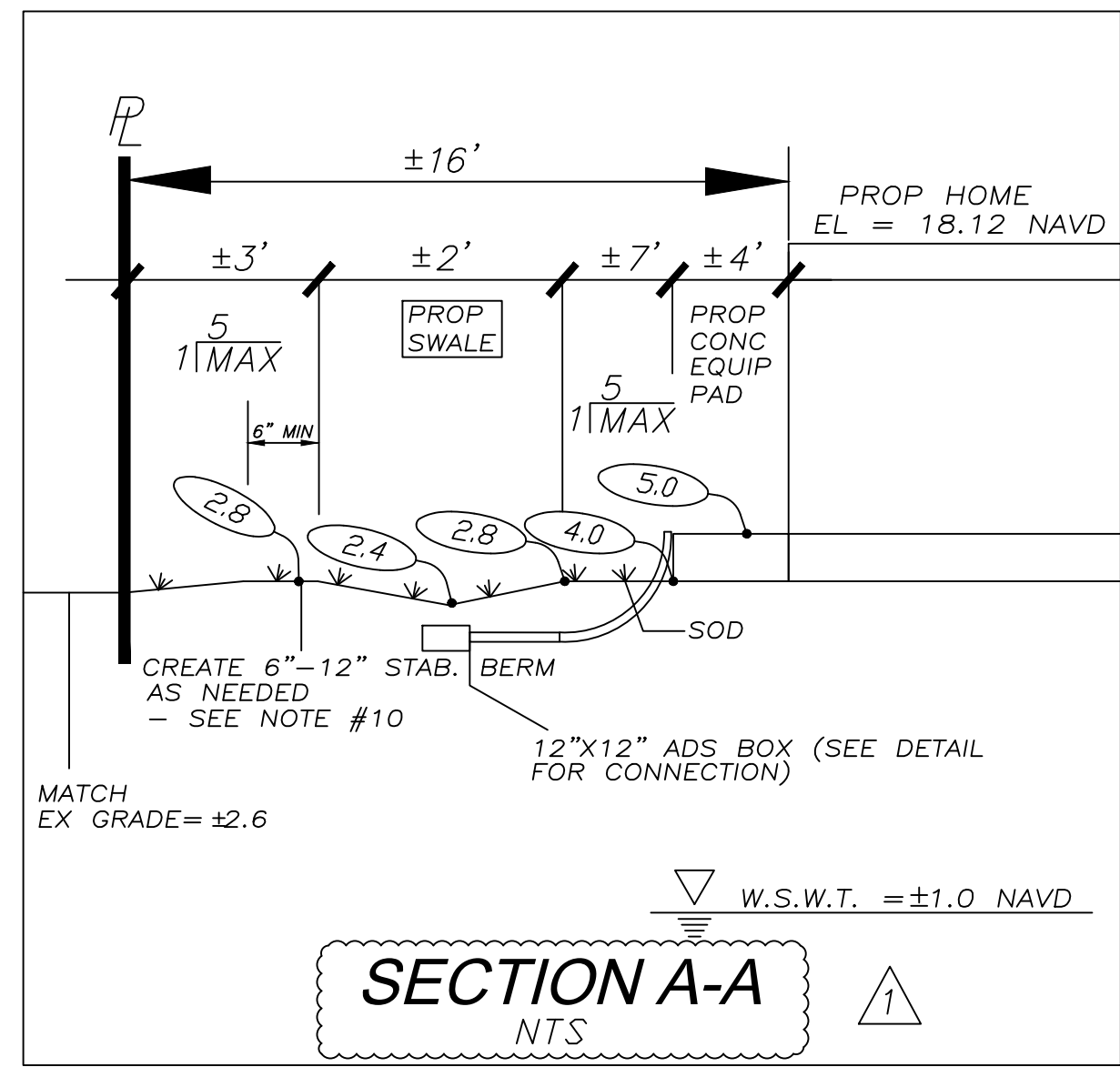
Review	Assigned To	Updated By	Status	Due	Completed
drainage plan will be required with cross-sections, existing & proposed grades, and it will need to match the approved residential drainage plan. Please respond to the above comment(s) by submitting a "Revision/Resubmittal Form", along with three (3) copies of a revised drainage plan, and responses to the above listed items to the front counter. Until such time, this permit will remain on hold. Please let us know if you have any other questions or if there's anything else we may do to help. Regards, Molly Jacobs					

Plan Review v.2

Review	Assigned To	Updated By	Status	Due	Completed
Drainage Review v.2	M.Jacobs	M.Jacobs	Not Approved/Insufficient	8/27/20	8/20/20
Comments: Please refer to the external email from the Engineering Department.					
FEMA V-Zone Review v.2	A.Williams	M.Jacobs	Did Not Review	8/27/20	8/20/20

Plan Review v.1

Review	Assigned To	Updated By	Status	Due	Completed
Zoning Review v.1	D.Ortiz	D.Ortiz	Not Approved/Insufficient	8/30/21	8/23/21
Comments: This permit requires additional review relative to mechanical equipment placement and water-body setback for principal and accessory structures (all sides). Specifically: (1): Water-body setback must be clearly delineated everywhere water-body exists and principal structure setback from water-body (all sides) clearly delineated and labeled (minimum 25ft required). (2): Mechanical equipment encroachment cannot encroach into a street setback (sides and rear only according to the LDC Sec. 4-1892). Specifically: Sec. 4-1892. – Measurement; permitted encroachments. All setbacks shall be measured to the nearest point of a building or structure. Notwithstanding this section, none of these encroachments may be placed if the structure will violate the state building code or the state fire prevention code. Encroachment into the setback shall be permitted as follows: (7) Mechanical equipment. Mechanical equipment that is placed on an exterior concrete pad may be permitted to encroach a maximum of 3½ linear feet into the rear or side yard setbacks provided that the setback is greater than 7½ feet. For purposes of this section, mechanical equipment includes heating, ventilating and air-conditioning (HVAC) units, swimming pool equipment and back-up electrical generators. It does not include chimneys or oven exhaust systems.					
Zoning Review v.1	D.Ortiz	D.Ortiz	Approved/Sufficient	8/24/20	8/18/20
Drainage Review v.1	M.Jacobs	A.Williams	Did Not Review	8/24/20	8/17/20
Comments: NO DRAINAGE PLAN SUBMITTED					
Electric Review v.1	P.Haigis	P.Haigis	Not Required	8/24/20	8/17/20
FEMA V-Zone Review v.1	A.Williams	A.Williams	Not Approved/Insufficient	8/24/20	8/17/20
Comments: Alejandro, The above referenced permit cannot be completed for the following reason(s): FEMA Floodplain Management Review 1. The V Zone Design Certificate was not located in the project submittal. We've attached a blank copy for your convenience. 2. Sheet A2 elevator note 2 and Sheet S1 elevator note 2 are not consistent. The elevator power and drive equipment to be located at top of shaft (at or above the design flood elevation not the base flood elevation). 3. Sheet A2, A8 and Sheet S1 flood resistant construction notes are not consistent. All structural and non-structural components below the design flood elevation must be of flood resistant materials (not base flood elevation). 4. Sheet A15 contained Generator Notes however a proposed generator including location was not located on plans. 5. Sheet A2 and S1 regarding foyer flood openings are not consistent. Sheet A2 does not provide locations of flood openings. 6. Sheet A16 Ground Floor Electrical Plan note that all proposed electric to be installed above the design flood elevation of 16' NAVD contradicts sheet A6 showing exterior wall-mounted light fixtures installed below the design flood elevation. 7. Proposed window in stairwell below the design flood elevation will be reviewed after product approvals/specifications have been submitted. ADDITIONAL NOTES: • Private provider contract/documents were not located in permit submittal. • Copy of permit application could not be located. • Digital submittal of proposed project missing. • Roof outline not delineated from property lines, 4-2224 requires gutters and downspouts when roof overhand is less than 10' from the property line. • A completed and recorded non-conversion agreement must be presented as a requirement for C.O. https://cityofbonitaspringscd.org/forms/FEMA_Flood_Nonconversion%20Agreement_20190524.pdf • We were unable to locate ANY product approvals (such as windows and doors) in your submittal. • Setbacks for the structure and all equipment will be completed by the Zoning staff, comments will follow in a separate email. • There was no drainage plan located in your submittal to establish compliance with Bonita Springs City Code Sec. 4-2224. Should you have any questions or require additional information regarding the Floodplain Management Review you may contact me at the information below.					
Mechanical Review v.1	P.Haigis	P.Haigis	Not Required	8/24/20	8/17/20
Plumbing Review v.1	P.Haigis	P.Haigis	Not Required	8/24/20	8/17/20
Structural Review v.1	P.Haigis	P.Haigis	Not Required	8/24/20	8/17/20



WATER QUALITY VOLUME CALCULATIONS PER CITY OF BONITA SPRINGS LDC 4-2224(d)

WATER QUALITY VOLUME REQUIRED

VOLUME OF SWALE (BOTH SIDE YARDS) = $\frac{1}{2} b \times h \times l$
NORTHWEST SWALE = $\frac{1}{2} \times (.5) \times (1) \times 67 \times 2 = 33.5$ CF
SOUTHEAST SWALE = $\frac{1}{2} \times (.5) \times (1) \times 92 \times 2 = 46$ CF
TOTAL RETENTION REQUIRED = 0 CF
TOTAL RETENTION PROVIDED = 79.5 CF

NOTES:

1. THERE ARE NO OFF SITE FEATURES PRESENT THAT WILL IMPACT THE DESIGN, BESIDES THE ONES DRAWN ON THE SITE PLAN.
2. THERE IS NO SIGNIFICANT SLOPE TO PROPERTY.
3. VERIFY STRUCTURE MEETS MINIMUM REQUIRED FLOOD ELEVATION AS WELL AS ALL APPLICATION ZONING AND ARCHITECTURAL CRITERIA PRIOR TO COMMENCEMENT OF CONSTRUCTION.
4. NO STORMWATER RUNOFF SHALL BE DISCHARGED TO NEIGHBORING PROPERTY.
5. SURVEY PROVIDED BY HARRIS-JORGENSEN, LLC.

6. DIRECT STORM WATER AWAY FROM HOME AND PROPOSED POOL/DECK VIA SHEET FLOW.
7. MATCH EXISTING GRADES AT PROPERTY LINES.
8. ALL ELEVATIONS REFERENCE NAVD.
9. ALL BERMS AND SITE GRADING SHALL NOT EXCEED 5:1 SLOPE.
10. ALL BERMS SHALL RANGE FROM 6" TO 1' IN HEIGHT AND 6" TO 1' WIDE.

DISTANCE FROM ROOF OVERHANG TO PROPERTY LINE = ±5.0'
ROOF GUTTERS SHALL BE PROVIDED ON BOTH SIDE YARD ROOF LINES, DIRECTING RUNOFF TO THE SIDE YARD DRAINS BY WAY OF DOWNSPOUTS.

SIDE YARDS AND REAR YARDS WILL BE SOD GROUND COVER, INCLUDING BETWEEN THE POOL & SEAWALL.

(BAY ROAD)
CROWN OF ROAD EL = ±2.51
(MELODY LANE)
CROWN OF ROAD EL = ±2.20

PROVIDE POSITIVE DRAINAGE FLOW AWAY FROM POOL AND DECK WHERE POSSIBLE.

APPROXIMATE LOCATION OF 6" PVC ROOF DRAIN (TYP)

PROVIDE SILT FENCE AROUND WORK AREA TO CONTAIN SEDIMENT AND RUNOFF. SILT FENCE TO REMAIN DURING CONSTRUCTION.

CONTRACTOR SHALL CONTAIN ALL STORMWATER ON SITE. NO DISCHARGE TO NEIGHBORING PROPERTY. PROVIDE STABILIZED SIDE YARD BERM AS NECESSARY

THE PROPOSED ROOF SHALL BE FITTED WITH A GUTTER SYSTEM. THE DOWNSPOUTS SHALL CONNECT DIRECTLY TO THE SIDE YARD SWALES BY WAY OF A PIPE AND YARD DRAIN (TYP).

LEGEND	
	DRAINAGE FLOW
	EXISTING GRADE
	PROPOSED GRADE
	STABILIZED BERM
	PAVERS
	6" PVC DOWNSPOUT CONNECTION

DESIGN	5				
DRAWN	4				
CHECKED	3				
DATE	7/15/21	REV PER CITY OF BONITA RA		B.A.F.	
NO.		REVISION		APPD BY	

NOT VALID FOR CONSTRUCTION UNLESS SIGNED IN THIS BLOCK	
--	--

Blair A. Foley, P.E., LLC
Civil Engineer / Development Consultant
120 Edgemere Way South - Naples, FL 34105
Phone (239) 263-1222 Cell (239) 289-4900 Fax (239) 263-0472 E-mail fols000@aol.com

LOT 24 Bay Road - 26409 Bay Road

STORMWATER DESIGN

LOT 24 Bay Road - 26409 Bay Road

STORMWATER DESIGN

CERT. OF AUTHORIZATION

FLORIDA REGISTERED ENGINEER

PROJ NO. 20.036

SCALE: 1"=10'

DATE: 11/2020

SHT: CIV-1 of 1

Narrative Regarding Request

City of Bonita Springs
Development Services Department
9101 Bonita Beach Rd SE,
Bonita Springs, FL 34135

We are writing to formally request a variance for the property located at 26409 Bay Rd, which we purchased in September 2022. We are seeking relief from the north setback requirement of a 25-foot radius from the mean high water line.

Upon purchasing this property, we were assured that obtaining the necessary permits was a mere formality, particularly as we had acquired the neighboring property and successfully obtained a building permit for it. However, the current setback requirement has presented an unforeseen hardship that jeopardizes the feasibility of our project.

Over the nearly two years of ownership, we have incurred significant costs associated with this project, totaling approximately \$660,000. These financial burdens are substantial, and without the variance, we will be unable to proceed with our project, effectively rendering the lot useless.

The lot was split with the approval and understanding that it would be a buildable lot, and we have ensured compliance with all other setbacks and regulations. The only remaining issue is the north setback, which was unexpectedly changed from a regular side setback of 15 feet to the current 25 feet requirement.

If the variance is not granted, the impact on our project and investment will be severe. We will be unable to build the intended structure, which will not only result in the loss of significant financial resources already invested but will also deprive us of potential future revenues from the property. Furthermore, the inability to develop this lot as intended will render it virtually useless, thereby devaluing the property and causing substantial financial harm. This would contradict the original intent and approval of the lot split, which was premised on the lot being buildable.

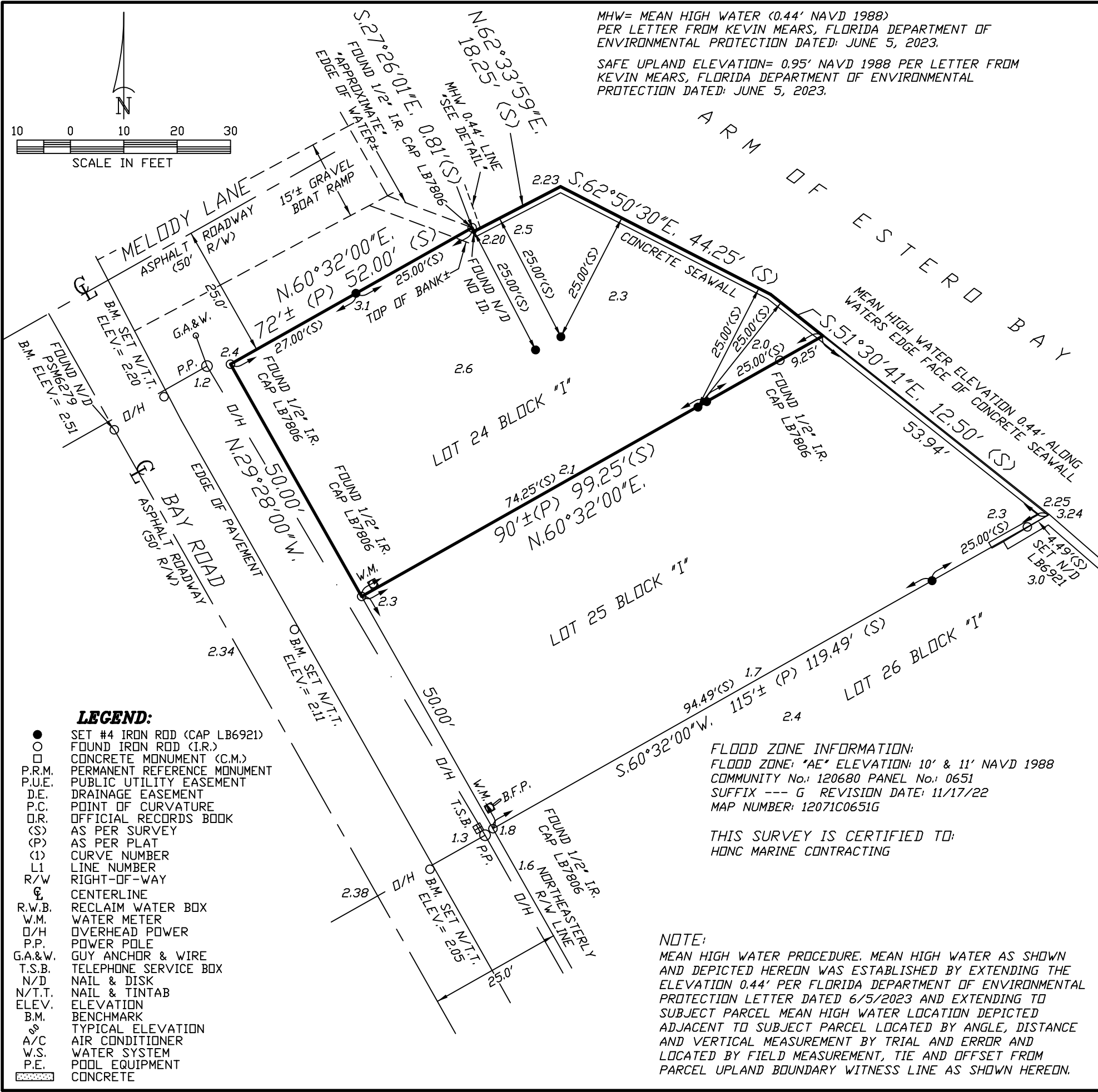
Granting this variance is crucial for the viability of our project. We respectfully request the City of Bonita Springs to consider our circumstances and provide the necessary relief from the setback requirement. We believe that the original intention of the lot split was to allow for building on this lot, and we seek your assistance in rectifying this situation.

Thank you for your time and consideration. We look forward to your favorable response.

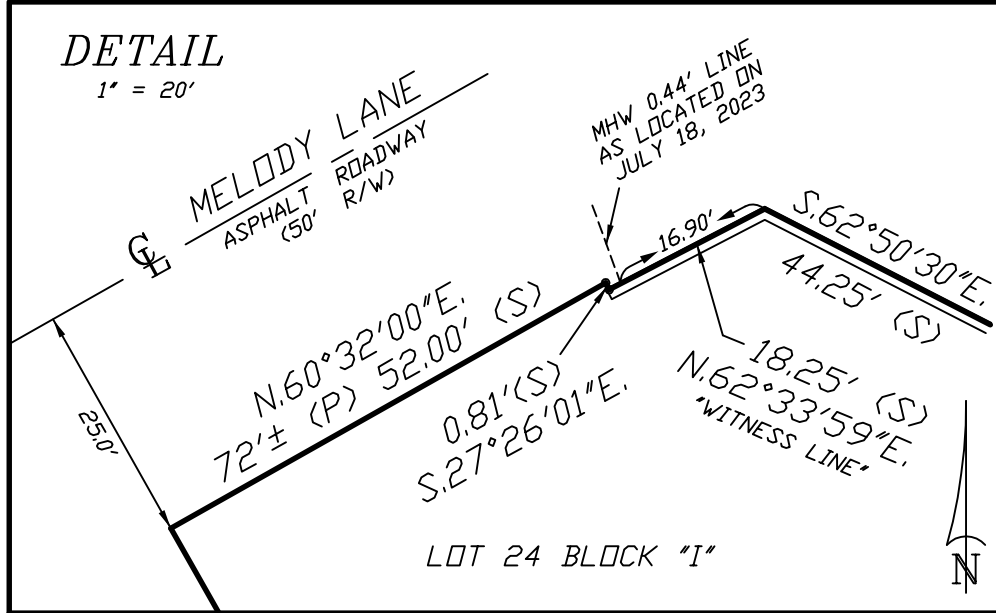
Sincerely,

In Bonita Springs on June 11th 2024

Tomas Novak
Managing Member
TIR 6 LLC



BOUNDARY SURVEY OF
LOT 24,
ADDITION TO BLOCK "I"
OF BONITA BEACH,
(PLAT BOOK 9, PAGE 14)
SECTION 24, TOWNSHIP 47 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA



- SURVEY NOTES:**
1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE NORTHEASTERLY RIGHT-OF-WAY LINE OF BAY ROAD, AS BEING N.29°28'00"W.
 2. FIELD NOTES IN ADDITION TO BLOCK "I" OF BONITA BEACH.
 3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
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 10. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 11X17, 20 SCALE DRAWING.
 11. BENCHMARK DERIVED FROM RTCM-REF 0103, ELEVATION 35.74 NAVD 1988.
 12. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988).

REVISED:		DESCRIPTION:		BY:	Phillip M Mould, LS6515, State of Florida PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER LS6515 - STATE OF FLORIDA	Digitally signed by Phillip M Mould, LS6515, State of Florida Date: 2023.07.18 11:30:55 -04'00'
6/5/23		ADDED MHW INFORMATION:		RBH		
7/18/23		ADDED MHW LINE HEADED NORTH		RBH		
DATE OF LAST FIELD WORK: 7/18/2023						
DRAWN:	CHECK:	SCALE	PROJ. #		HARRIS-JORGENSEN, LLC. 3048 DEL PRADO BLVD. S., SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921	
RBH	PMM	1"=20'	BBA-I-24			
SURVEY DATE		FILE NO.	SHT.- 1			
8/22/2020		47-24-25	OF - 1			
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921						

FLOOD ZONE INFORMATION:
FLOOD ZONE: "AE" ELEVATION: 10' & 11' NAVD 1988
COMMUNITY No.: 120680 PANEL No.: 0651
SUFFIX --- G REVISION DATE: 11/17/22
MAP NUMBER: 12071C0651G

THIS SURVEY IS CERTIFIED TO:
HONG MARINE CONTRACTING

NOTE:
MEAN HIGH WATER PROCEDURE. MEAN HIGH WATER AS SHOWN AND DEPICTED HEREON WAS ESTABLISHED BY EXTENDING THE ELEVATION 0.44' PER FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION LETTER DATED 6/5/2023 AND EXTENDING TO SUBJECT PARCEL MEAN HIGH WATER LOCATION DEPICTED ADJACENT TO SUBJECT PARCEL LOCATED BY ANGLE, DISTANCE AND VERTICAL MEASUREMENT BY TRIAL AND ERROR AND LOCATED BY FIELD MEASUREMENT, TIE AND OFFSET FROM PARCEL UPLAND BOUNDARY WITNESS LINE AS SHOWN HEREON.

2019 lot split documents



Mr. Jack Selig.
27161 Mora Road
Bonita Springs, Florida 34135

29 April 2020

Re: LDO19-26145-BOS, Bay Road Lot Split.

Dear Mr. Selig,

The above referenced Limited Review Development Order is hereby approved.

This approval is for a lot split, as shown on those Sketches of Legals prepared by Harrison-Jorgensen, LLC, signed and sealed by Phillip Mould, Professional Surveyor and Mapper (PSM #6515), dated 4/20/20, marked proj# BBA-I-24 consisting of 4 sheets. This approval reestablishes lots 24 & 25 ADDITION TO BLOCK "I" OF BONITA BEACH as recorded in Plat Book 9 Page 14 Lee County Florida.

This Limited Review Development approval is valid for a period of ninety (90) days and will to expire on 29 July 2020.

This approval must be finalized prior to its expiration date.

In order for this lot split to be finalized, the following must occur:

1. This letter and the stamped approved drawings (a copy of which is attached hereto, must be recorded with the Lee County Clerk of the Court.
2. Once recorded, a copy of the record document should be presented to the Lee County Property Appraisers office, for the parcels to be assigned STRAP numbers and to Lee County E911 for addressing.

Should you have any questions concerning this please feel free to contact me.

Regards,


Jay Sweet PSM AICP
Community Development Surveyor.

Cc: Jaqueline Genson, Stuart Smith,

9101 Bonita Beach Road
Bonita Springs, FL 34135
Tel: (239) 949-6262
Fax: (239) 949-6239
www.cityofbonitasprings.org

Peter Simmons
Mayor

Amy Quaremba
Council Member
District One

Jessie Purdon
Council Member
District Two

Laura Carr
Council Member
District Three

Chris Corrie
Council Member
District Four

Michael Gibson
Council Member
District Five

Fred Forbes, AIA
Council Member
District Six

Arleen M. Hunter
City Manager
(239) 949-6267

Derek P. Rooney
City Attorney
(239) 949-6254

City Clerk
(239) 949-6248

Public Works
(239) 949-6246

Neighborhood Services
(239) 949-6257

Parks & Recreation
(239) 992-2556

Community Development
(239) 444-6150

BOUNDARY SURVEY OF
LOT 24
ADDITION TO BLOCK "I"
OF BONITA BEACH

SECTION 24, TOWNSHIP 47 SOUTH, RANGE 24 EAST
(PLAT BOOK 9, PAGE 14)
LEE COUNTY, FLORIDA

SEE SHEET 2 OF 2 FOR SKETCH OF BOUNDARY SURVEY)

SURVEY NOTES:

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12. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.)

FLOOD ZONE: 'VE' ELEVATION: 15' N.A.V.D.

&

FLOOD ZONE: 'AE' ELEVATION: 14' N.A.V.D.

COMMUNITY No.: 120680 PANEL No.: 0651

SUFFIX --- F REVISION DATE: 8/28/08

MAP NUMBER: 12071C0651F

THIS SURVEY IS CERTIFIED TO:
DIAMOND GULF CONSTRUCTION, LLC.

SEE SHEET 2 OF 2 FOR SKETCH OF
BOUNDARY SURVEY TO ACCOMPANY THIS DESCRIPTION
(INCOMPLETE WITHOUT BOTH PARTS)

REVISED:	DESCRIPTION:		BY:
DATE OF LAST FIELD WORK: 11/2/19			
DRAWN:	CHECK:	SCALE	PROJ. #
RBH	PMM	1"=20'	BBA-I-24
SURVEY DATE		FILE NO.	SHT.- 1
11/2/19		47-24-25	OF - 2

Phillip M
Mould,
P.S.M.
6515
State of
Florida

Digitally signed
by Phillip M
Mould, P.S.M.
6515 State of
Florida
Date:
2020.04.20
14:39:11 -04'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA

HARRIS-JORGENSEN, LLC.
3048 DEL PRADO BLVD. S., SUITE 100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921



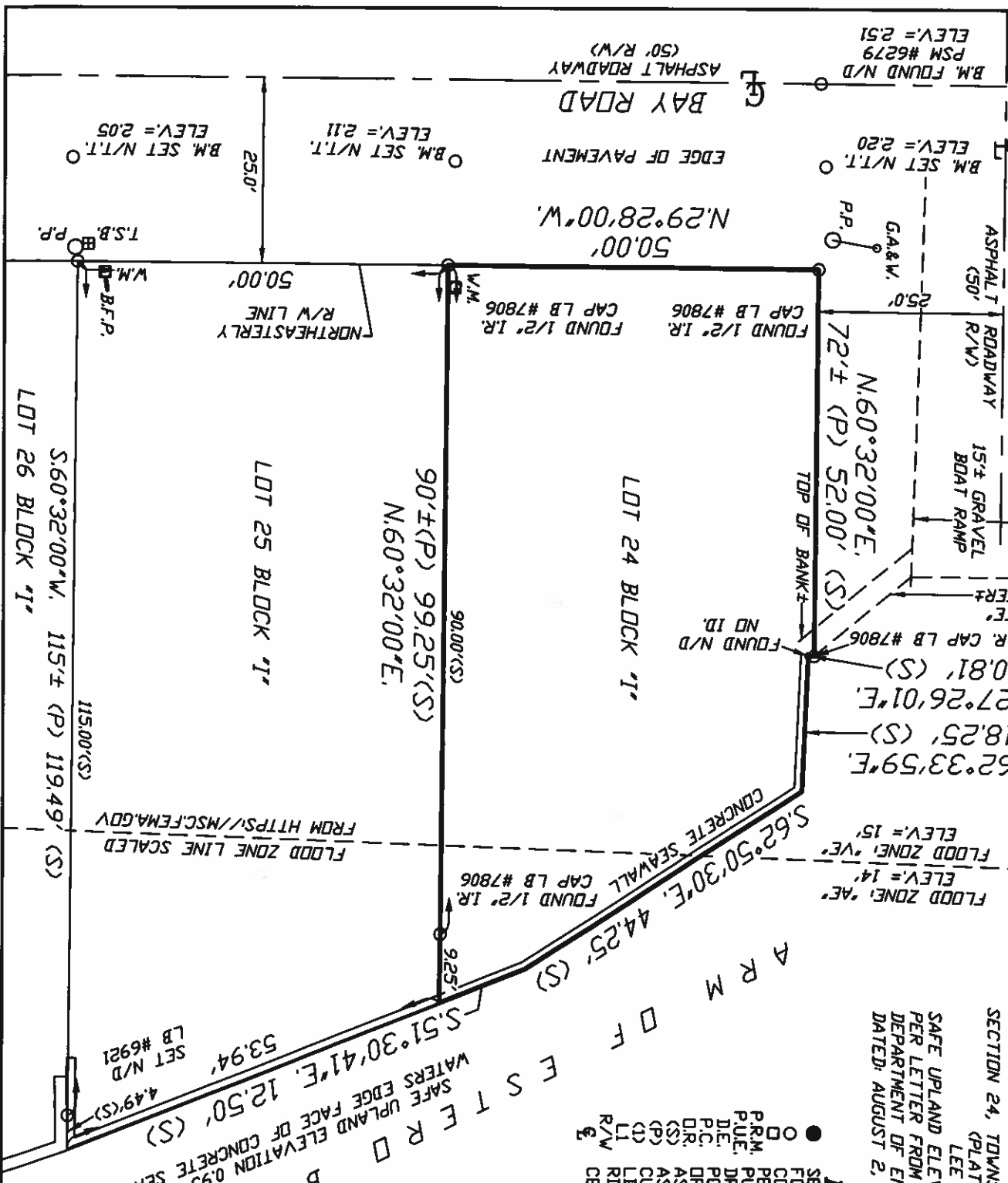
SEE SHEET 1 OF 2 FOR DESCRIPTION TO
ACCOMPANY THIS SURVEY SKETCH.
(INCOMPLETE WITHOUT BOTH PARTS)

ADDITION TO BLOCK "I" OF BONITA BEACH

SECTION 24, TOWNSHIP 47 SOUTH, RANGE 24 EAST
(PLAT BOOK 9, PAGE 14)
LEE COUNTY, FLORIDA
SAFE UPLAND ELEVATION = 0.95'
PER LETTER FROM LAMAR EVERS, FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DATED: AUGUST 2, 2019

- LEGEND:**
- SET #4 IRON ROD (CAP LB #6921)
 - FOUND IRON ROD (I.R.)
 - CONCRETE MONUMENT (C.M.)
 - PERMANENT REFERENCE MONUMENT
 - PUBLIC UTILITY EASEMENT
 - DRAINAGE EASEMENT
 - POINT OF CURVATURE
 - P.C. OFFICIAL RECORDS BOOK
 - D.R. AS PER SURVEY
 - AS PER PLAT
 - CURVE NUMBER
 - LINE NUMBER
 - RIGHT-OF-WAY
 - R/W
 - CENTERLINE

- R/W.B. RECLAIM WATER BOX
- W.M. WATER METER
- D/H OVERHEAD POWER
- P.P. POWER POLE
- G.A.W. GUY ANCHOR & WIRE
- T.S.B. TELEPHONE SERVICE BOX
- N/D NAIL & DISK
- N/T.T. NAIL & TINTAB
- ELEV. ELEVATION
- B.M. BENCHMARK
- TYPICAL ELEVATION
- A/C AIR CONDITIONER
- W.S. WATER SYSTEM
- P.E. POOL EQUIPMENT
- CONCRETE



SCALE	PROJ. #
1"=20'	BBA-1-24
FILE NO.	SHT.- 2
47-24-25	OF - 2

BOUNDARY SURVEY OF
LOT 25
ADDITION TO BLOCK "I"
OF BONITA BEACH

SECTION 24, TOWNSHIP 47 SOUTH, RANGE 24 EAST
(PLAT BOOK 9, PAGE 14)
LEE COUNTY, FLORIDA

SEE SHEET 2 OF 2 FOR SKETCH OF BOUNDARY SURVEY

SURVEY NOTES:

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FLOOD ZONE: "VE" ELEVATION: 15' N.A.V.D.

&

FLOOD ZONE: "AE" ELEVATION: 14' N.A.V.D.

COMMUNITY No.: 120680 PANEL No.: 0651

SUFFIX --- F REVISION DATE: 8/28/08

MAP NUMBER: 12071C0651F

THIS SURVEY IS CERTIFIED TO:
DIAMOND GULF CONSTRUCTION, LLC.

SEE SHEET 2 OF 2 FOR SKETCH OF
BOUNDARY SURVEY TO ACCOMPANY THIS DESCRIPTION
(INCOMPLETE WITHOUT BOTH PARTS)

REVISED:	DESCRIPTION:		BY:
DATE OF LAST FIELD WORK: 11/2/19			
DRAWN:	CHECK:	SCALE	PROJ. #
RBH	PMM	1"=20'	BBA-I-24
SURVEY DATE		FILE NO.	SHT.- 1
11/2/19		47-24-25	OF - 2

**Phillip M
Mould,
P.S.M.
6515
State of
Florida**

Digitally signed
by Phillip M
Mould, P.S.M.
6515 State of
Florida
Date:
2020.04.20
14:38:23 -04'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA

HARRIS-JORGENSEN, LLC.
3048 DEL PRADO BLVD. S., SUITE 100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921

Prepared by and return to:

Christine F. Wright, Esq.

Attorney at Law

Wright Law Firm, P.A.

923 Del Prado Blvd. S., Suite 106

Cape Coral, FL 33990

Quit Claim Deed

This Quit Claim Deed made this 12 day of **May, 2020** between **CAPE CORAL ACQUISITIONS, LLC, a Florida limited liability company** whose post office address is **2999 NE 191st Street, Suite 901, Miami, FL 33180**, grantors and **CAPE CORAL ACQUISITIONS, LLC, a Florida limited liability company** whose post office address is **2999 NE 191st Street, Suite 901, Miami, FL 33180**, grantee.

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable consideration to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim to the said grantee, and grantee's heirs and assigns forever, all the right, title, interest, claim and demand which grantor has in and to the following described land, situate, lying and being in **Lee County, Florida** to-wit:

Lot 24, addition to Block "I" of BONITA BEACH, according to the plat thereof as recorded in Plat Book 9, Page 14, Public Records of Lee County, Florida.

Parcel Identification Number 25-47-25-b2-00200.0250

Subject to easements, restrictions, reservations and limitations of record, if any, and taxes for the current year.

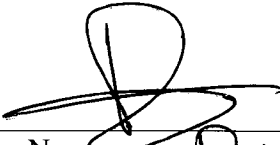
To Have and to Hold, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of grantors, either in law or equity, for the use, benefit and profit of the said grantee forever.

This deed prepared without title examination.

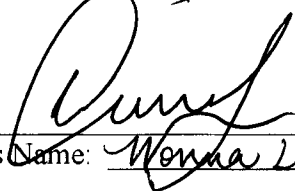
**This deed is being recorded to split the lot parcel numbers
for the above referenced parcel ID number.**

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Name: David Deyes


By: Jorge Silberstein, Jr., Manager

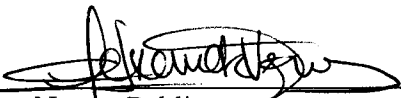

Witness Name: Wonna Lucia Cardona

State of Florida
County of LEE

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization, this 12 of May, 2020, by Jorge Silberstein as Manager, of Cape Coral Acquisitions, LLC, a Florida limited liability company, on behalf of the company, who is personally known to me or has produced (type of identification) as identification.



Alexandra B. Vega
Commission # GG310454
Expires: March 11, 2023
Bonded Thru Aaron Notary


Notary Public
My Commission Expires: 3/11/23



Mr. Jack Selig.
27161 Mora Road
Bonita Springs, Florida 34135

29 April 2020

Re: LDO19-26145-BOS, Bay Road Lot Split.

Dear Mr. Selig,

The above referenced Limited Review Development Order is hereby approved.

This approval is for a lot split, as shown on those Sketches of Legals prepared by Harrison-Jorgensen, LLC, signed and sealed by Phillip Mould, Professional Surveyor and Mapper (PSM #6515), dated 4/20/20, marked proj# BBA-I-24 consisting of 4 sheets. This approval reestablishes lots 24 & 25 ADDITION TO BLOCK "I" OF BONITA BEACH as recorded in Plat Book 9 Page 14 Lee County Florida.

This Limited Review Development approval is valid for a period of ninety (90) days and will to expire on 29 July 2020.

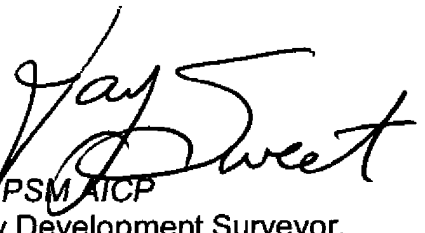
This approval must be finalized prior to its expiration date.

In order for this lot split to be finalized, the following must occur:

1. This letter and the stamped approved drawings (a copy of which is attached hereto, must be recorded with the Lee County Clerk of the Court.
2. Once recorded, a copy of the record document should be presented to the Lee County Property Appraisers office, for the parcels to be assigned STRAP numbers and to Lee County E911 for addressing.

Should you have any questions concerning this please feel free to contact me.

Regards,


Jay Sweet PSM AICP
Community Development Surveyor.

Cc: Jaqueline Genson, Stuart Smith,

9101 Bonita Beach Road
Bonita Springs, FL 34135
Tel: (239) 949-6262
Fax: (239) 949-6239
www.cityofbonitasprings.org

Peter Simmons
Mayor

Amy Quaremba
Council Member
District One

Jessie Purdon
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District Two

Laura Carr
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Chris Corrie
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Community Development
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BOUNDARY SURVEY OF
LOT 24
ADDITION TO BLOCK "I"
OF BONITA BEACH

SECTION 24, TOWNSHIP 47 SOUTH, RANGE 24 EAST
 (PLAT BOOK 9, PAGE 14)
 LEE COUNTY, FLORIDA

SEE SHEET 2 OF 2 FOR SKETCH OF BOUNDARY SURVEY

SURVEY NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE NORTHEASTERLY RIGHT-OF-WAY LINE OF BAY ROAD, AS BEING N.29°28'00"W.
2. FIELD NOTES IN ADDITION TO BLOCK "I" OF BONITA BEACH.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. ISSUANCE OF THIS DRAWING, FROM THIS FIRM SHALL NOT RELIEVE THE BUILDER AND/OR CONTRACTORS OF THE RESPONSIBILITY TO REVIEW AND VERIFY ALL NOTES, DIMENSIONS, ELEVATIONS, AND ADHERENCE TO APPLICABLE BUILDING CODES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION. BUILDER MAY NEED TO ADJUST ELEVATION AND/OR SETBACKS PRIOR TO CONSTRUCTION IF OTHER RESTRICTIONS EXIST.
10. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 11X17, 20 SCALE DRAWING.
11. BENCHMARK DERIVED FROM RTCM-REF 0103, ELEVATION 35.74 N.A.V.D. 1988
12. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.)

FLOOD ZONE: 'VE' ELEVATION: 15' N.A.V.D.

&

FLOOD ZONE: 'AE' ELEVATION: 14' N.A.V.D.

COMMUNITY No.: 120680 PANEL No.: 0651

SUFFIX --- F REVISION DATE: 8/28/08

MAP NUMBER: 12071C0651F

THIS SURVEY IS CERTIFIED TO:
 DIAMOND GULF CONSTRUCTION, LLC.

SEE SHEET 2 OF 2 FOR SKETCH OF
 BOUNDARY SURVEY TO ACCOMPANY THIS DESCRIPTION
 (INCOMPLETE WITHOUT BOTH PARTS)

REVISED:	DESCRIPTION:	BY:
DATE OF LAST FIELD WORK: 11/2/19		
DRAWN:	CHECK:	SCALE
RBH	PMM	1"=20'
SURVEY DATE		FILE NO.
11/2/19		47-24-25
		SHT.- 1
		OF - 2

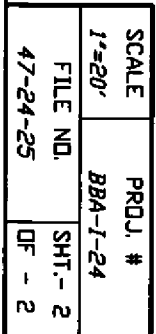
Phillip M
Mould,
P.S.M.
6515
State of
Florida

Digitally signed
 by Phillip M
 Mould, P.S.M.
 6515 State of
 Florida
 Date:
 2020.04.20
 14:39:11 -04'00'

PHILLIP M. MOULD
 PROFESSIONAL SURVEYOR AND MAPPER
 LS6515 - STATE OF FLORIDA

HARRIS-JORGENSEN, LLC.
 3048 DEL PRADO BLVD. S., SUITE 100
 CAPE CORAL, FLORIDA 33904
 PHONE: (239) 257-2624
 FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921





July 9, 2019

Jack Matthew Selig
27161 Mora Rd.
Bonita Springs, FL 34135

RE: LDO19-60738-BOS: 26415 Bay Rd. Lot Split

Dear Mr. Selig:

Your plans for the above-referenced project have been reviewed and cannot be approved at this time for the following reason(s):

Please see the attached Community Development review comments and stipulations. Please contact each staff reviewer as appropriate.

In accordance with Section 3-88 of the Bonita Springs Land Development Regulations, you may redraft and submit the required documents (showing the correction for specified deficiencies) to the City Manager's designee, City of Bonita Springs, Community Development Department, within 180 days of the date hereon or the application will be deemed withdrawn, and a new application along with appropriate fees will be required or you have thirty (30) calendar days from the date hereon to file an appeal of this decision to the City Manager's Office. Applications are available from the City of Bonita Springs Community Development Department.

Please indicate the above Limited Development Order number on any future correspondence.

Upon resubmittal, please provide three (3) complete sets of plans and three (3) sets of all documentation, in collated packets, with a CD/digital copy containing PDF's of all plans and documents submitted for review.

If you have any questions concerning this matter, please contact this office.

Sincerely,


Mary Zizzo, Esq.
Planner II

City of Bonita Springs
Community Development Department

220 Bonita Beach Rd Ste 111
Bonita Springs, FL 34135
Tel: (239) 444-6150
Fax: (239) 444-6140
www.cityofbonitaspringscd.org

Peter Simmons
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Bonita Springs Zoning Comments:

1. Provide three copies of a signed and sealed survey.
2. Provide digital copies of all documents.
3. Notarize application.
4. Provide separate surveys for each lot to illustrate the future split. These surveys need to be prepared to the following standards:
 - Sheet Size 8 1/2" x 11"
 - Minimum text size 1/10"
 - Minimum text size applies to all text including legends, notes etc....
5. Provide a title opinion indicating that there are no conditions on the lot to prevent a split.
6. A lot split cannot be approved that creates a non-conforming setback. This requires that the building on the southern parcel must be removed before an approval can be issued.

Please Contact: Mary Zizzo, Planner II

Phone: 239-444-6162

E-Mail: mzizzo@cityofbonitaspringscd.org

Or

Jay Sweet, AICP, Surveyor

Phone: 239-444-6178

E-mail: jsweet@cityofbonitaspringscd.org



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Code Enforcement
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Parks & Recreation
(239) 992-2556

Community
Development
(239) 444-6150

November 9, 2018

Susan Walch TR
26415 Bay Rd.
Bonita Springs, FL 34134

Re: Zoning Letter Verification Request, ZVL18-54694-BOS
STRAP # 25-47-24-B2-00200.0250
26415 Bay Rd.
Bonita Springs, FL 34134

Dear Ms. Walch:

In response to your request stamped "received" October 25, 2018, the above-referenced property is zoned *Residential Single-Family (RS-1)*, subject to Chapter Four, Division Three of the Bonita Springs Land Development Code, attached herein. This code section contains a schedule of uses and development regulations, such as lot width, depth, area, height, setbacks, and lot coverage maximums. The subject property is identified as *Lots 24 & 25* in Lee County Plat Book 9, Page 14.

The subject parcel is located within the *Moderate Density Residential* land use category according to the Future Land Use Map of the City of Bonita Springs. The Moderate Density Residential land use category states the following:

Policy 1.1.7: Moderate Density Residential - Intended to accommodate and preserve single-family residential development at a maximum density of up to 5.8 dwelling units per gross acre and approximately 1,977 acres of gross land area in the land use category; planned unit developments at a maximum density of six units per acre; group homes and foster care facilities; public schools and other public, semi-public and recreational uses on a limited basis.

a. Appropriate residential housing types include conventional and modular constructed single-family homes on permanent foundations.

b. Maximum allowable height of structures shall be 35 feet from the base flood elevation to the eaves.

If a lot split were to occur, which reestablished the platted lot lines, the setbacks would be as follows:

Lot 24

STREET SETBACK (Bay Rd.): 25ft from the road-right-of-way

STREET SETBACK (Melody Ln.): 15ft from the road-right-of-way

SIDE SETBACK: 5ft

REAR SETBACK: 20ft from the rear property line or 25ft from the mean-high waterline, the more restrictive applies.

REAR ACCESSORY (pool, deck, patio, etc.): 5ft*

FEMA FLOOD CLASSIFICATION: VE-EL 15/****

****The setback given is for lots which have bank protection (sea wall, rip-rap) along a water body. For lots without bank protection, the accessory structure setback changes to 10ft (if located along an artificial body of water) or 25ft (if located along a natural body of water)***

***For a lot that has multiple flood zone classifications, the flood zone with the highest corresponding number is the recognized flood zone of the property.*

****There are building code restrictions that may apply to structures, or, remodeling or additions to structures below the special flood hazard area.*

Lot 25

STREET SETBACK (Bay Rd.): 25ft from the road-right-of-way

SIDE SETBACK: 5ft

REAR SETBACK: 20ft from the rear property line or 25ft from the mean-high waterline, the more restrictive applies.

REAR ACCESSORY (pool, deck, patio, etc.): 5ft*

FEMA FLOOD CLASSIFICATION: VE-EL 15**/**

**The setback given is for lots which have bank protection (sea wall, rip-rap) along a water body. For lots without bank protection, the accessory structure setback changes to 10ft (if located along an artificial body of water) or 25ft (if located along a natural body of water)*

***For a lot that has multiple flood zone classifications, the flood zone with the highest corresponding number is the recognized flood zone of the property.*

****There are building code restrictions that may apply to structures, or, remodeling or additions to structures below the special flood hazard area.*

MAXIMUM BUILDING HEIGHT: 35', as measured from the base flood elevation**

LOT COVERAGE MAXIMUM: 40%

**** Section 4-1874(1) Applies to Little Hickory Island and Bonita Beach:**

a. The height of a structure may not exceed 35 feet above grade (base flood elevation or the lowest floor permitted to build under the required coastal elevation, whichever is applicable). The provisions of sections 4-1871, 4-1873 and 4-1874 do not apply to Bonita Beach and Little Hickory Island. No part of any building, including ornamental, mechanical or structural elements, may exceed 40 feet above the minimum required flood elevation and no variance or deviation from this height restriction may be granted.

b. For purposes of this subsection (1) only, the 35 feet height of the building is measured from the vertical distance from the minimum flood elevation to the highest point of the roof surface of a flat or Bermuda roof, to the deck line of a mansard roof, to the mean height level between eaves and the ridge of gable, hip or gambrel roofs, however under no circumstances may the total building height exceed 40 feet above the minimum required flood elevation, including the remainder of the gable, hip or gambrel roofs, or the ornamental, mechanical or structural elements.

**** On properties that contain more than one flood zone classification, FEMA stipulates that the most restrictive classification becomes the designated flood zone for the entire property.*

In addition, the subject property is located in the Coastal Building Zone, subject to the following Goals, Objectives and Policies:

Goal 5: Protection of Life and Property in Coastal High Hazard Areas. To protect human life and developed property from natural disasters.



Limited Review Development Order Type(s) C and D

Lot Split/Lot Recombination

Community Development Dept. | 9220 Bonita Beach Road, Suite 111 | Bonita Springs, FL 34135 | Phone: 239 444 6150 | Fax: 239 444 6140

Applicant Name: CAPE CORAL Phone #: 239.888.2098.
ADVENTURES, LLC

E-mail: 239 DIAMOND @ GMAIL. COM

Project Name: BAY RD - LOT 24 & 25

STRAP Number: 25-47-24-B2-00200.0250

Application For: ☒ Lot Split ☐ Lot Recombination

Future Land Use Category: MOD - DEN - RES

Current Land Use Classification: ~~RSM~~ RS-1

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

☐ NO. Attach a legible copy of the legal description and boundary survey.

☒ YES. Property is identified as:

Subdivision Name: _____

Plat Book: 9 Page: 14 Unit: _____ Block: "I" Lot: 24 & 25

B. Date the property was purchased: 6/3/19

C. Property Dimensions:

1. Width (average if regular parcel): 100 feet

2. Depth (average if irregular parcel): 96 feet

3. Frontage on Road or Street: 100 feet

4. Width along waterbody (if applicable): 108.19 feet

5. Total Land Area: 9350 SF. acres or square feet

PART II: APPLICATION TYPE



TYPE C

Any one-time subdivision of land into four or less lots for single-family detached dwelling unit of two-family detached dwelling units, where zoning district regulations permit such subdivision; subject to certain limitations (see opposite page for limitations) or the combination of (4) or fewer lots into (1) parcel.



TYPE D

Any subdivision of land for a use other than single-family detached dwelling units, two-family detached dwelling units or agricultural subject to certain limitations (see opposite page for limitations), or the combination of (4) lots or fewer into (1) parcel.

PART III: SUBMITTAL REQUIREMENTS for ALL LIMITED REVIEW REQUESTS

COPIES		SUBMITTAL DOCUMENT
SUB'D	REQ'D	ITEMS REQUIRED FOR SUBMITTAL [Bonita Springs Land Development Code Ord. 05-03]
✓	5	Completed application [Section 3.160.A.]
✓	5	Owner's Covenant of Unified Control and Authorization of Applicant [Section 3-154.B]
	5	Disclosure of Ownership Interest [3-153(1)]
✓	5	Legal Description [Section 3-136(3)] *
✓	5	Boundary Sketch (if applicable) [Section 3-136(5)] *
	5	Area Location Map, drawn to scale, which indicates where the property is located in relation to major roads.[Sec. 3-136(3)] *
	5	Aerial Photograph: A copy of an aerial photograph (most current available from the County) at a scale of one inch = 300 feet. [Sec. 3-160(4)] See note A. *
	5	Written Description of Proposed Development and the reasons why it should be approved. [Sec. 3-175.E.]
✓	5	A sealed survey or boundary sketch of the property, legal description and dimensions of the parent parcel and the location of the proposed splits(s). If structures exist on the parent parcel, show all sizes, locations, and setbacks from existing and proposed property lines. Include information on existing adjacent Roads (dimensions, elevations, gravel and paved width, etc.)
✓	5	The subdivision plan, drawn on 8.5 x 11 or 8.5 x 11 inch paper, sealed by the surveyor, and ready for recording.
✓	5	The legal descriptions, written on 8.5 x 11 or 8.5 x 14 inch paper, sealed by the surveyor, of each lot in the subdivision, and ready for recording.
✓	5	A site plan, drawn to scale, which shows the site and location of all buildings, structures, and other impervious areas on the property. See note B.

Sec. 4-489. - Property development regulations table.

Property development regulations for one- and two-family residential districts are as follows:

TABLE 4-489. PROPERTY DEVELOPMENT REGULATIONS FOR ONE- AND TWO-FAMILY RESIDENTIAL DISTRICTS

[illegible]

Fences, walls, gate-houses	4-1841 et seq.										
Nonroofed accessory structures	4-1894(c)(3)										
Railroad right-of- way	4-1895										
Maximum height (feet)	4-1871 et seq.	35	35	35	35	35	35	35	35	35	35
		Note: Special height limitations apply to all uses located within Bonita Beach and the Bonita Beach Road Corridor. See section 4-1874.									
Maximum lot coverage (percent of total lot area)		45%	40%	40%	40%	40%	40%	45%	40%	45%	

Notes:

- (1) Modifications to required setbacks for collector or arterial streets, or for solar or wind energy purposes, are permitted by variance only. See section 4-1892 et seq.
- (2) Accessory buildings and uses can be located closer to the front of the property than the main building, but must comply with all other setback requirements for accessory building uses.
- (3) No side yard setback required from common side lot line for two-family attached.

(Ord. No. 03-15; Ord. No. 06-12; Ord. No. 07-18, § 1, 11-7-2007; Ord. No. 11-02, § 3(4-695), 1-19-2011)

Prepared by:
D. Acquarulo
Elite Title I, LLC
3624 Del Prado Blvd South, Unit C
Cape Coral Florida 33904

19-112

General Warranty Deed

Made this 28th day of May, 2019 A.D. By Susan E. Walch, an unmarried person, Individually and as Trustee of the Lillian R. Hossler Trust f/b/o Susan E. Walch, whose post office address is: 26415 Bay Road, Bonita Springs, Florida 34134, hereinafter called the grantor, to Cape Coral Acquisitions LLC, a Florida Limited Liability Company, whose post office address is: 2999 NE 191 Street, Suite 901, Miami, Florida 33180, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

Lots 24 and 25, addition to Block "I" of BONITA BEACH, according to the plat thereof as recorded in Plat Book 9, Page 14, in the Public Records of Lee County, Florida.

Parcel ID Number: 25-47-24-B2-00200.0250

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2019.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Printed Name

Mario D Perez

Witness Printed Name

Wendy L Miller

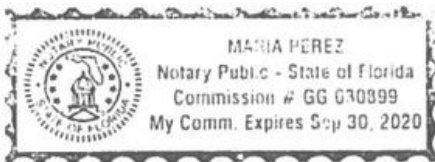
Susan E. Walch (Seal)
Susan E. Walch, Individually and as Trustee
26415 Bay Road
Bonita Springs, Florida 34134

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 28th day of May 2019, Susan E. Walch, Individually and as Trustee of the Lillian R. Hossler Trust f/b/o Susan E. Walch who has produced drivers license as identification

Notary Public
Print Name:

My Commission Expires:



POWER OF ATTORNEY

I, **JORGE SILBERSTEIN** as Manager Member of **CAPE CORAL ACQUISITIONS LLC** the undersigned, hereby appoint and make **ALEJANDRO GIBBS** as my representant, who shall have full power and authority to represent me and act on my behalf in regards to the property **26415 BAY RD, BONITA SPRINGS FL 34134 ONLY** for the following matters:

1. Lot split application by the Bonita Community Development department
2. Lot Deviation application for setback of building

This Power of Attorney shall be effective on the date of 8.23.19

This Power of Attorney shall terminate on the date of 12.31.19 unless it revoked sooner.

This Power of Attorney may be revoked by me at any time or in any manner.

CAPE CORAL ACQUISITIONS LLC

Name:

Jorge Silberstein

Signature:

[Signature]

STATE OF FLORIDA

COUNTY OF Lee

The foregoing instrument was acknowledged before me this 21 day of Aug, 2019, by Jorge Silberstein who is personally known or produced identification and who did take an oath.

[Signature]

NOTARY PUBLIC, STATE OF FLORIDA

Name of Notary Public:

Alexandra B. Vega

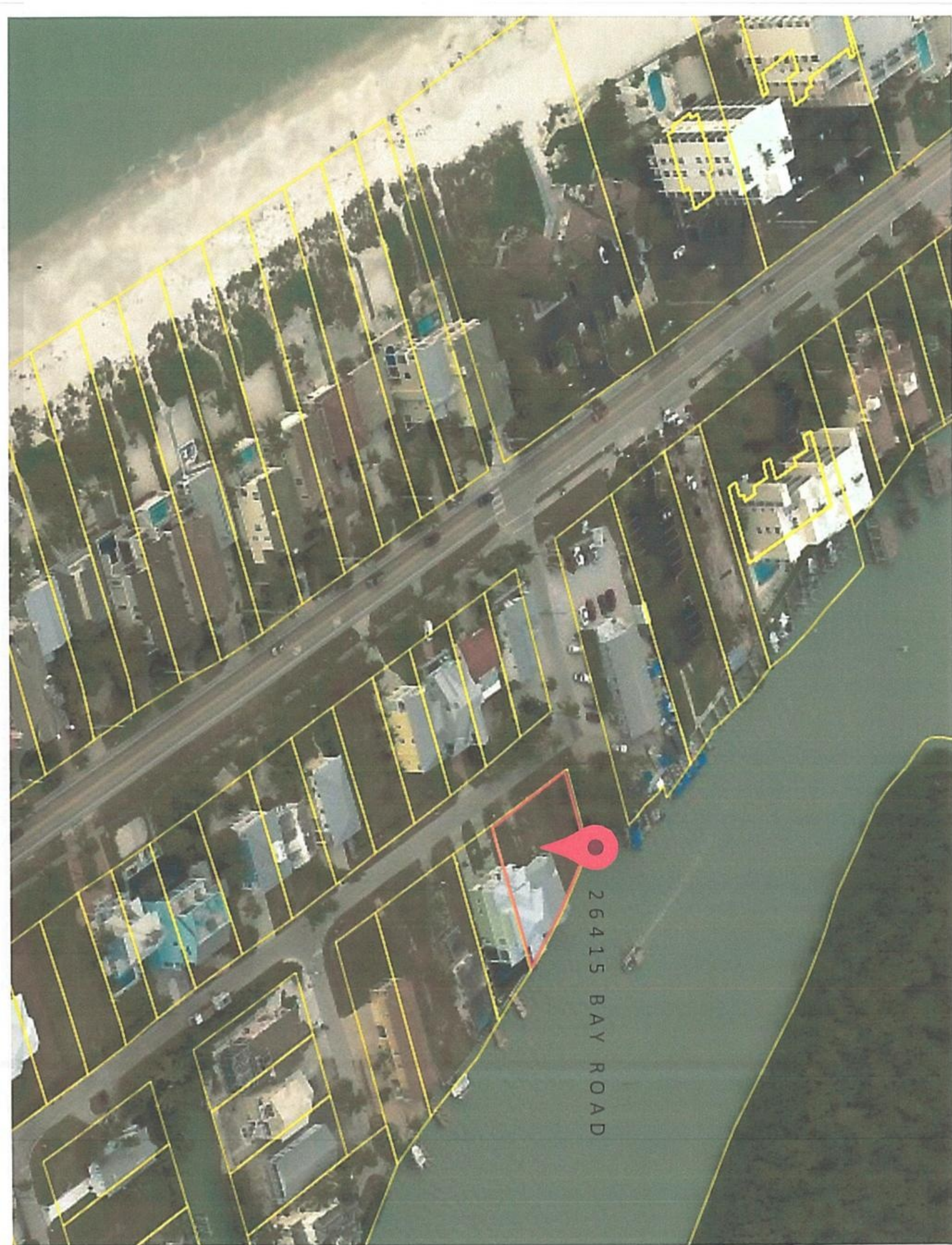
My Commission Expires:

March 11, 2023



Alexandra B. Vega
Commission # GG310454
Expires: March 11, 2023
Bonded Thru Aaron Notary





26415 BAY ROAD



Property Data

STRAP: 25-47-24-B2-00200.0240 Folio ID: 10235812

Note - This parcel is inactive. See the Parcel Numbering History section below to view the active parcel number.

Owner Of Record - Sole Owner

WALCH SUSAN E TR
FOR LILLIAN R HOSSLER TRUST
26415 BAY RD
BONITA SPRINGS FL 34134

Site Address

26409 BAY RD
BONITA SPRINGS FL 34134

Property Description

See text view for legal description

BONITA BEACH ADDN TO BLK 1 PB 9 PG 14 LOT 24

Classification / DOR Code

VACANT RESIDENTIAL / 00

[Tax Map Viewer] [View Comparables]



[Pictometry Aerial Viewer]

Current Working Values

Just 412,500 As Of 08/05/2009

Attributes

Land Units Of Measure	UT
Units	1.00
Total Number of Buildings	0
Total Bedrooms / Bathrooms	0
Total Living Area	0
1st Year Building on Tax Roll	N/A
Historic Designation	No

Image of Structure



Exemptions

Values (2019 Tax Roll)

TOGETHER WITH all the tenements, hereditaments, and appurtenances thereto belonging or otherwise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

The Grantor hereby fully warrants title to the Real Property and will defend the same against the lawful claims of all persons whomsoever; and that said real property is free of all encumbrances, except taxes for the calendar year 2004 and subsequent years; subject to reservations, restrictions, limitations and easements of record.

IN WITNESS WHEREOF, the Grantor has executed this Warranty Deed as of the day, month and year first above written.

Signed, sealed and delivered in our presence:

Amy E. Balding
Witness #1

Susan E. Walch
SUSAN E. WALCH, as Successor
Trustee

Amy E. Balding
Printed Name of Witness #1

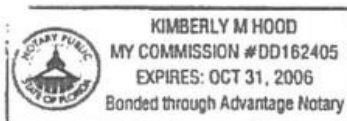
Amy M. Iacuzzo
Witness #2

Amy M. Iacuzzo
Printed Name of Witness #2

STATE OF FLORIDA
COUNTY OF

I HEREBY CERTIFY that on this 17th day of June, 2004, before me, an officer duly qualified to take acknowledgments, personally appeared SUSAN E. WALCH, as Successor Trustee of the Loren E. Hossler and Lillian R. Hossler Living Trust dated 10/3/90, who is personally known to me or has produced a drivers' license as identification.

Kimberly M. Hood
Notary Public



Prepared by and return to:

Christine F. Wright, Esq.

Attorney at Law

Wright Law Firm, P.A.

923 Del Prado Blvd. S., Suite 106

Cape Coral, FL 33990

Quit Claim Deed

This Quit Claim Deed made this 12 day of **May, 2020** between **CAPE CORAL ACQUISITIONS, LLC, a Florida limited liability company** whose post office address is **2999 NE 191st Street, Suite 901, Miami, FL 33180**, grantors and **CAPE CORAL ACQUISITIONS, LLC, a Florida limited liability company** whose post office address is **2999 NE 191st Street, Suite 901, Miami, FL 33180**, grantee.

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable consideration to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim to the said grantee, and grantee's heirs and assigns forever, all the right, title, interest, claim and demand which grantor has in and to the following described land, situate, lying and being in **Lee County, Florida** to-wit:

Lot 24, addition to Block "I" of BONITA BEACH, according to the plat thereof as recorded in Plat Book 9, Page 14, Public Records of Lee County, Florida.

Parcel Identification Number 25-47-25-b2-00200.0250

Subject to easements, restrictions, reservations and limitations of record, if any, and taxes for the current year.

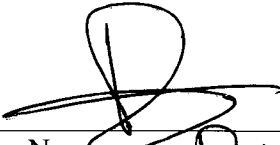
To Have and to Hold, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of grantors, either in law or equity, for the use, benefit and profit of the said grantee forever.

This deed prepared without title examination.

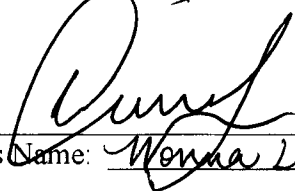
**This deed is being recorded to split the lot parcel numbers
for the above referenced parcel ID number.**

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Name: David Deyes


By: _____
Jorge Silberstein, Jr., Manager

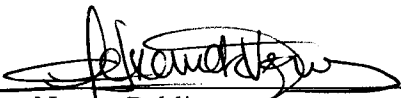

Witness Name: Wonna Lucia Cardona

State of Florida
County of LEE

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization, this 12 of May, 2020, by Jorge Silberstein as Manager, of Cape Coral Acquisitions, LLC, a Florida limited liability company, on behalf of the company, who is personally known to me or has produced (type of identification) as identification.



Alexandra B. Vega
Commission # GG310454
Expires: March 11, 2023
Bonded Thru Aaron Notary


Notary Public
My Commission Expires: 3/11/23



Mr. Jack Selig.
27161 Mora Road
Bonita Springs, Florida 34135

29 April 2020

Re: LDO19-26145-BOS, Bay Road Lot Split.

Dear Mr. Selig,

The above referenced Limited Review Development Order is hereby approved.

This approval is for a lot split, as shown on those Sketches of Legals prepared by Harrison-Jorgensen, LLC, signed and sealed by Phillip Mould, Professional Surveyor and Mapper (PSM #6515), dated 4/20/20, marked proj# BBA-I-24 consisting of 4 sheets. This approval reestablishes lots 24 & 25 ADDITION TO BLOCK "I" OF BONITA BEACH as recorded in Plat Book 9 Page 14 Lee County Florida.

This Limited Review Development approval is valid for a period of ninety (90) days and will to expire on 29 July 2020.

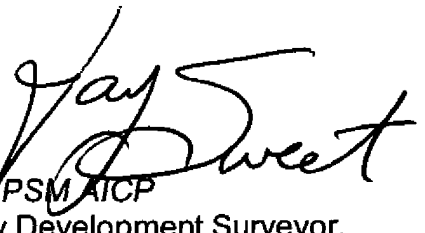
This approval must be finalized prior to its expiration date.

In order for this lot split to be finalized, the following must occur:

1. This letter and the stamped approved drawings (a copy of which is attached hereto, must be recorded with the Lee County Clerk of the Court.
2. Once recorded, a copy of the record document should be presented to the Lee County Property Appraisers office, for the parcels to be assigned STRAP numbers and to Lee County E911 for addressing.

Should you have any questions concerning this please feel free to contact me.

Regards,


Jay Sweet PSM AICP
Community Development Surveyor.

Cc: Jaqueline Genson, Stuart Smith,

9101 Bonita Beach Road
Bonita Springs, FL 34135
Tel: (239) 949-6262
Fax: (239) 949-6239
www.cityofbonitasprings.org

Peter Simmons
Mayor

Amy Quaremba
Council Member
District One

Jessie Purdon
Council Member
District Two

Laura Carr
Council Member
District Three

Chris Corrie
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Fred Forbes, AIA
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Parks & Recreation
(239) 992-2556

Community Development
(239) 444-6150

BOUNDARY SURVEY OF
LOT 24
ADDITION TO BLOCK "I"
OF BONITA BEACH

SECTION 24, TOWNSHIP 47 SOUTH, RANGE 24 EAST
 (PLAT BOOK 9, PAGE 14)
 LEE COUNTY, FLORIDA

SEE SHEET 2 OF 2 FOR SKETCH OF BOUNDARY SURVEY

SURVEY NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE NORTHEASTERLY RIGHT-OF-WAY LINE OF BAY ROAD, AS BEING N.29°28'00"W.
2. FIELD NOTES IN ADDITION TO BLOCK "I" OF BONITA BEACH.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
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11. BENCHMARK DERIVED FROM RTCM-REF 0103, ELEVATION 35.74 N.A.V.D. 1988
12. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.)

FLOOD ZONE: 'VE' ELEVATION: 15' N.A.V.D.

&

FLOOD ZONE: 'AE' ELEVATION: 14' N.A.V.D.

COMMUNITY No.: 120680 PANEL No.: 0651

SUFFIX --- F REVISION DATE: 8/28/08

MAP NUMBER: 12071C0651F

THIS SURVEY IS CERTIFIED TO:
 DIAMOND GULF CONSTRUCTION, LLC.

SEE SHEET 2 OF 2 FOR SKETCH OF
 BOUNDARY SURVEY TO ACCOMPANY THIS DESCRIPTION
 (INCOMPLETE WITHOUT BOTH PARTS)

REVISED:	DESCRIPTION:		BY:
DATE OF LAST FIELD WORK: 11/2/19			
DRAWN:	CHECK:	SCALE	PROJ. #
RBH	PMM	1"=20'	BBA-I-24
SURVEY DATE		FILE NO.	SHT.- 1
11/2/19		47-24-25	OF - 2

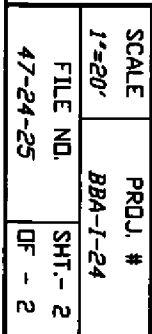
**Phillip M
 Mould,
 P.S.M.
 6515
 State of
 Florida**

Digitally signed
 by Phillip M
 Mould, P.S.M.
 6515 State of
 Florida
 Date:
 2020.04.20
 14:39:11 -04'00'

PHILLIP M. MOULD
 PROFESSIONAL SURVEYOR AND MAPPER
 LS6515 - STATE OF FLORIDA

HARRIS-JORGENSEN, LLC.
 3048 DEL PRADO BLVD. S., SUITE 100
 CAPE CORAL, FLORIDA 33904
 PHONE: (239) 257-2624
 FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921



SAFE UPLAND ELEVATION= 0.95'
PER LETTER FROM LAMAR EVERS, FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DATED: AUGUST 2, 2019

BOUNDARY SURVEY OF
LOT 25
ADDITION TO BLOCK "I"
OF BONITA BEACH
SECTION 24, TOWNSHIP 47 SOUTH, RANGE 24 EAST
(PLAT BOOK 9, PAGE 14)
LEE COUNTY, FLORIDA

LEGEND:

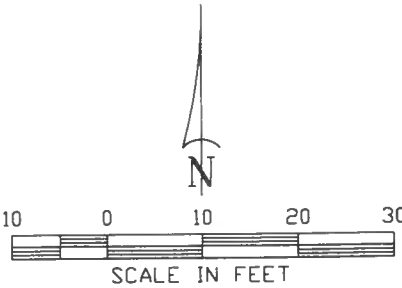
●	SET #4 IRON ROD (CAP LB #6921)	R.W.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (I.R.)	W.M.	WATER METER
□	CONCRETE MONUMENT (C.M.)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.&W.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	N/D	NAIL & DISK
O.R.	OFFICIAL RECORDS BOOK	N/T.T.	NAIL & TINTAB
(S)	AS PER SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
(1)	CURVE NUMBER	⊙	TYPICAL ELEVATION
L1	LINE NUMBER	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.S.	WATER SYSTEM
℄	CENTERLINE	P.E.	POOL EQUIPMENT
			CONCRETE

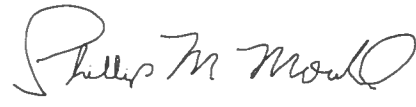
SURVEY NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE NORTHEASTERLY RIGHT-OF-WAY LINE OF BAY ROAD, AS BEING N.29°28'00"W.
2. FIELD NOTES IN ADDITION TO BLOCK "I" OF BONITA BEACH.
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FLOOD ZONE: "VE" ELEVATION: 15' N.A.V.D.
&
FLOOD ZONE: "AE" ELEVATION: 14' N.A.V.D.
COMMUNITY No.: 120680 PANEL No.: 0651
SUFFIX --- F REVISION DATE: 8/28/08
MAP NUMBER: 12071C0651F

THIS SURVEY IS CERTIFIED TO:
DIAMOND GULF CONSTRUCTION, LLC.



REVISED:	DESCRIPTION:	BY:	
DATE OF LAST FIELD WORK: 11/2/19			PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER LS6515 - STATE OF FLORIDA
DRAWN:	CHECK:	SCALE	PROJ. #
RBH	PMM	1"=20'	BBA-I-25
SURVEY DATE		FILE NO.	SHT.- 1
11/2/19		47-24-25	OF - 1
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921			

SAFE UPLAND ELEVATION= 0.95'
PER LETTER FROM LAMAR EVERS, FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DATED: AUGUST 2, 2019

BOUNDARY SURVEY OF
LOT 24
ADDITION TO BLOCK "I"
OF BONITA BEACH
SECTION 24, TOWNSHIP 47 SOUTH, RANGE 24 EAST
(PLAT BOOK 9, PAGE 14)
LEE COUNTY, FLORIDA

LEGEND:

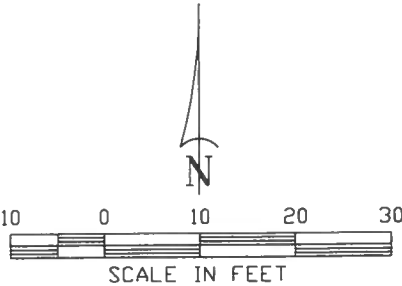
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○	FOUND IRON ROD (I.R.)	W.M.	WATER METER
□	CONCRETE MONUMENT (C.M.)	O/H	OVERHEAD POWER
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P.U.E.	PUBLIC UTILITY EASEMENT	G.A.&W.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	N/D	NAIL & DISK
O.R.	OFFICIAL RECORDS BOOK	N/T.T.	NAIL & TINTAB
(S)	AS PER SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
(C)	CURVE NUMBER	±	TYPICAL ELEVATION
L1	LINE NUMBER	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.S.	WATER SYSTEM
℄	CENTERLINE	P.E.	POOL EQUIPMENT
			CONCRETE

SURVEY NOTES:

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FLOOD ZONE: "VE" ELEVATION: 15' N.A.V.D.
&
FLOOD ZONE: "AE" ELEVATION: 14' N.A.V.D.
COMMUNITY No.: 120680 PANEL No.: 0651
SUFFIX --- F REVISION DATE: 8/28/08
MAP NUMBER: 12071C0651F

THIS SURVEY IS CERTIFIED TO:
DIAMOND GULF CONSTRUCTION, LLC.



REVISED:	DESCRIPTION:	BY:	
DATE OF LAST FIELD WORK: 11/2/19			PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER LS6515 - STATE OF FLORIDA
DRAWN: RBH	CHECK: PMM	SCALE: 1"=20'	PROJ. # BBA-1-24
SURVEY DATE 11/2/19	FILE NO. 47-24-25	SHT.- 1 OF - 1	HARRIS-JORGENSEN, LLC. 3048 DEL PRADO BLVD. S., SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921			

SAFE UPLAND ELEVATION= 0.95'
PER LETTER FROM LAMAR EVERS, FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DATED: AUGUST 2, 2019

BOUNDARY SURVEY OF
LOTS 24 & 25
ADDITION TO BLOCK "I"
OF BONITA BEACH
SECTION 24, TOWNSHIP 47 SOUTH, RANGE 24 EAST
(PLAT BOOK 9, PAGE 14)
LEE COUNTY, FLORIDA

LEGEND:

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○	FOUND IRON ROD (I.R.)	W.M.	WATER METER
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P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.&W.	GUY ANCHOR & WIRE
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O.R.	OFFICIAL RECORDS BOOK	N/T.T.	NAIL & TINTAB
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L1	LINE NUMBER	A/C	AIR CONDITIONER
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		CONCRETE	CONCRETE

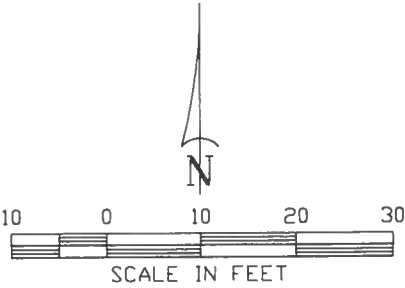
SURVEY NOTES:

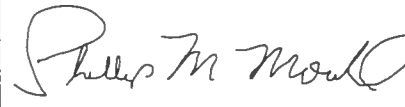
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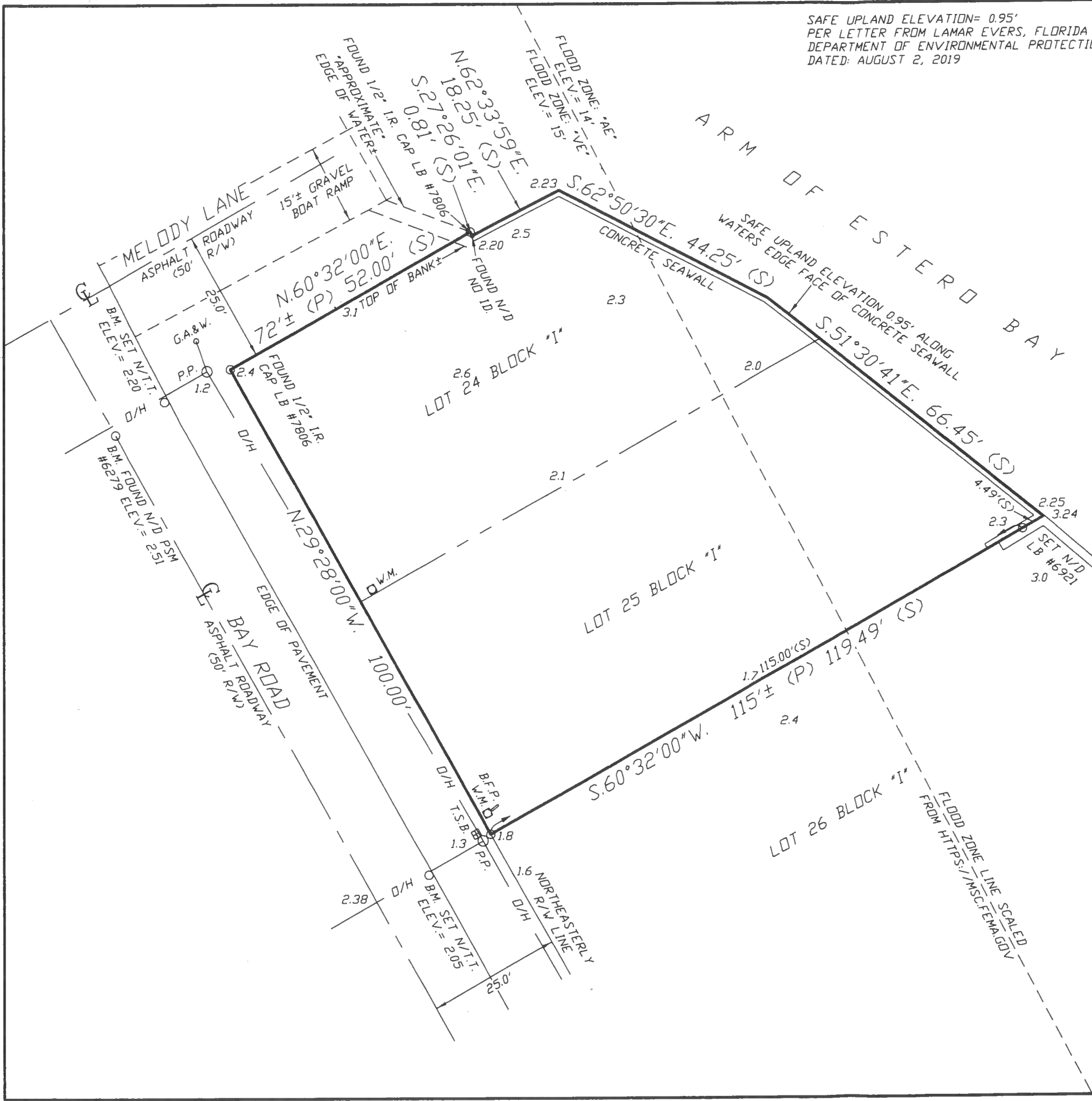
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COMMUNITY No.: 120680 PANEL No.: 0651
SUFFIX --- F REVISION DATE: 8/28/08
MAP NUMBER: 12071C0651F

THIS SURVEY IS CERTIFIED TO:
DIAMOND GULF CONSTRUCTION, LLC.



REVISED:	DESCRIPTION:	BY:	
DATE OF LAST FIELD WORK: 11/2/19			PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER LS6515 - STATE OF FLORIDA
DRAWN:	CHECK:	SCALE:	PROJ. #
RBH	PMM	1"=20'	BBA-1-24
SURVEY DATE		FILE NO.	SHT.- 1
11/2/19		47-24-25	OF - 1
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921			



Wright Law Firm, P.A.

Attorney at Law
923 Del Prado Blvd., Suite 106
Cape Coral, FL 33990
Phone: 239-542-9955 Fax: 239-829-0548

Christine F. Wright

January 14, 2020

City of Bonita Springs
220 Bonita Beach Road, Suite 111
Bonita Springs, FL 34135

Re: LDO19-60738-BOS; 26415 Bay Road, Lot Split

Dear Sir or Madam:

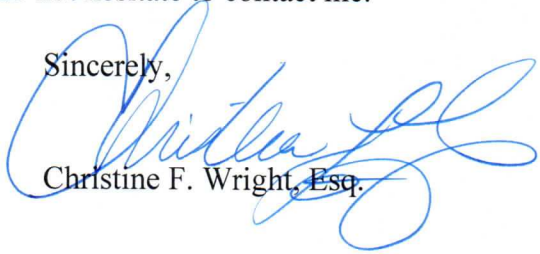
I have examined title to the real property located in Lee County, Florida, described as:

Lots 24 and 25, addition to Block "I" of BONITA BEACH, according to the Plat thereof recorded in Plat Book 9, Page 14, Public Records of Lee County, Florida.

From a review of the public records and basing our opinion on said records, we find the fee simple title to said property to be vested in Cape Coral Acquisitions, LLC, a Florida limited liability company. Additionally, I did not discover any conditions that would restrict your ability to split Lot 24 and Lot 25 into two separate parcels and strap numbers.

If you have any questions, please do not hesitate to contact me.

Sincerely,


Christine F. Wright, Esq.



July 9, 2019

9220 Bonita Beach Rd Ste 111
Bonita Springs, FL 34135
Tel: (239) 444-6150
Fax: (239) 444-6140
www.cityofbonitaspringscd.org

Peter Simmons
Mayor

Amy Quaremba
Council Member
District One

Greg DeWitt
Council Member
District Two

Laura Carr
Council Member
District Three

Peter O'Flinn
Council Member
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Parks & Recreation
(239) 992-2556

Community Development
(239) 444-6150

Jack Matthew Selig
27161 Mora Rd.
Bonita Springs, FL 34135

RE: LDO19-60738-BOS: 26415 Bay Rd. Lot Split

Dear Mr. Selig:

Your plans for the above-referenced project have been reviewed and cannot be approved at this time for the following reason(s):

Please see the attached Community Development review comments and stipulations. Please contact each staff reviewer as appropriate.

In accordance with Section 3-88 of the Bonita Springs Land Development Regulations, you may redraft and submit the required documents (showing the correction for specified deficiencies) to the City Manager's designee, City of Bonita Springs, Community Development Department, within 180 days of the date hereon or the application will be deemed withdrawn, and a new application along with appropriate fees will be required or you have thirty (30) calendar days from the date hereon to file an appeal of this decision to the City Manager's Office. Applications are available from the City of Bonita Springs Community Development Department.

Please indicate the above Limited Development Order number on any future correspondence.

Upon resubmittal, please provide three (3) complete sets of plans and three (3) sets of all documentation, in collated packets, with a CD/digital copy containing PDF's of all plans and documents submitted for review.

If you have any questions concerning this matter, please contact this office.

Sincerely,

Mary Zizzo, Esq.
Planner II

City of Bonita Springs
Community Development Department

Bonita Springs Zoning Comments:

1. Provide three copies of a signed and sealed survey.
2. Provide digital copies of all documents.
3. Notarize application.
4. Provide separate surveys for each lot to illustrate the future split. These surveys need to be prepared to the following standards:
 - Sheet Size 8 1/2" x 11"
 - Minimum text size 1/10"
 - Minimum text size applies to all text including legends, notes etc....
5. Provide a title opinion indicating that there are no conditions on the lot to prevent a split.
6. A lot split cannot be approved that creates a non-conforming setback. This requires that the building on the southern parcel must be removed before an approval can be issued.

Please Contact: Mary Zizzo, Planner II
Phone: 239-444-6162
E-Mail: mzizzo@cityofbonitaspringscd.org
Or
Jay Sweet, AICP, Surveyor
Phone: 239-444-6178
E-mail: jsweet@cityofbonitaspringscd.org

10.00
8.50
18.50

✓ THIS INSTRUMENT PREPARED
WITHOUT EXAMINATION OR
LEGAL OPINION OF TITLE BY:
JAMES R. NICI, ESQ.
Cox & Nici
1185 Immokalee Road, Suite 110
Naples, Florida 34110
239-254-0706 (phone)

INSTR # 6340265
OR BK 04351 Pgs 2873 - 2874; (2pgs)
RECORDED 06/30/2004 03:37:28 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
DEED DOC 0.70
DEPUTY CLERK K Crayton

Property Id. No.: 25-47-24-B2-00200.0250

TRUSTEE'S DISTRIBUTIVE DEED

THIS WARRANTY DEED, made this 17th day of June, 2004,
between SUSAN E. WALCH, as Successor Trustee of the Loren E. Hossler and
Lillian R. Hossler Living Trust dated 10/3/90, a Trust, with full power and
authority pursuant to Florida Statute §689.071 to protect, conserve, sell, lease or
encumber or otherwise to manage and dispose of all or any part of the real
property hereinafter described, having a mailing address of 26415 Bay Road,
Bonita Springs, Florida 34134, and SUSAN E. WALCH, as Trustee of the Lillian
R. Hossler Trust f/b/o Susan E. Walch, a Trust, with full power and authority
pursuant to Florida Statute §689.071 to protect, conserve, sell, lease or encumber
or otherwise to manage and dispose of all or any part of the real property
hereinafter described, having a mailing address of 26415 Bay Road, Bonita
Springs, Florida 34134, as "Grantee."

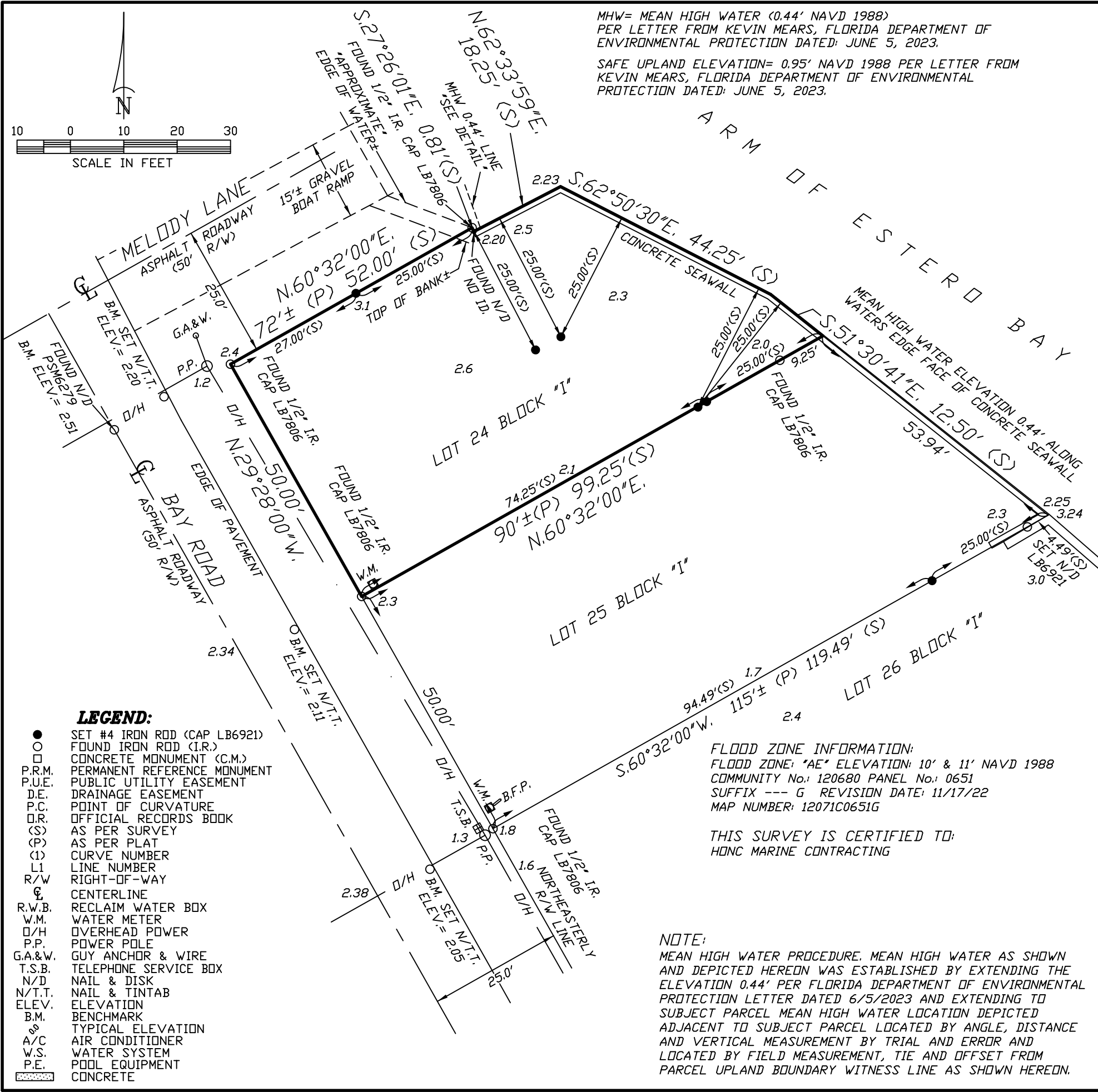
WITNESSETH:

That for and in consideration of ONE and No/100 DOLLARS (\$1.00), cash
in hand paid by the Grantee to the Grantor, and for other good and valuable
consideration, the receipt and sufficiency of which is hereby acknowledged by the
Grantor, the Grantor has bargained and sold and does hereby grant and convey
unto the Grantee and the Grantee's successors and assigns forever, in fee simple,
the following described real property located in Lee County, Florida (the "Real
Property"), to-wit:

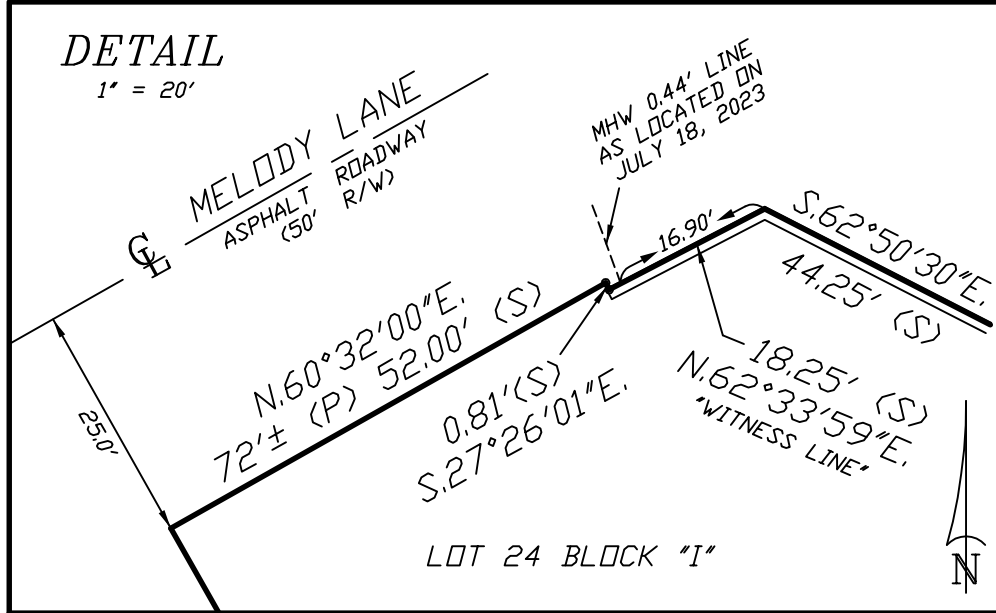
Lot 25, Addition to Block "I" Bonita Beach, according to
the plat thereof as recorded in Plat Book 9, at Page 14, in
the public records of Lee County, Florida.

Subject to reservations, restrictions, limitations,
easements of record and taxes for the calendar year 2004
and subsequent years.

THIS IS THE GRANTOR'S HOMESTEAD



BOUNDARY SURVEY OF
LOT 24,
ADDITION TO BLOCK "I"
OF BONITA BEACH,
(PLAT BOOK 9, PAGE 14)
SECTION 24, TOWNSHIP 47 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA



- SURVEY NOTES:**
1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE NORTHEASTERLY RIGHT-OF-WAY LINE OF BAY ROAD, AS BEING N.29°28'00"W.
 2. FIELD NOTES IN ADDITION TO BLOCK "I" OF BONITA BEACH.
 3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
 5. THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
 6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
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 8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
 9. ISSUANCE OF THIS DRAWING, FROM THIS FIRM SHALL NOT RELIEVE THE BUILDER AND/OR CONTRACTORS OF THE RESPONSIBILITY TO REVIEW AND VERIFY ALL NOTES, DIMENSIONS, ELEVATIONS, AND ADHERENCE TO APPLICABLE BUILDING CODES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION. BUILDER MAY NEED TO ADJUST ELEVATION AND/OR SETBACKS PRIOR TO CONSTRUCTION IF OTHER RESTRICTIONS EXIST.
 10. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 11X17, 20 SCALE DRAWING.
 11. BENCHMARK DERIVED FROM RTCM-REF 0103, ELEVATION 35.74 NAVD 1988.
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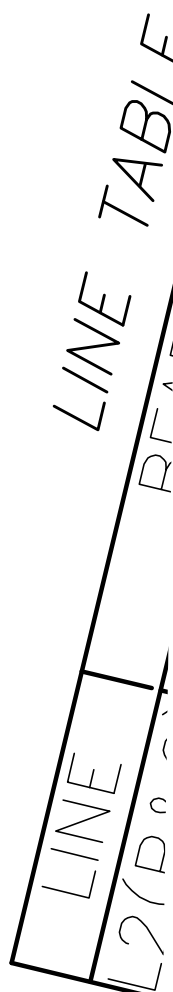
REVISED:		DESCRIPTION:		BY:	Phillip M Mould, LS6515, State of Florida PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER LS6515 - STATE OF FLORIDA	Digitally signed by Phillip M Mould, LS6515, State of Florida Date: 2023.07.18 11:30:55 -04'00'
6/5/23		ADDED MHW INFORMATION:		RBH		
7/18/23		ADDED MHW LINE HEADED NORTH		RBH		
DATE OF LAST FIELD WORK: 7/18/2023						
DRAWN:	CHECK:	SCALE	PROJ. #		HARRIS-JORGENSEN, LLC. 3048 DEL PRADO BLVD. S., SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921	
RBH	PMM	1"=20'	BBA-I-24			
SURVEY DATE		FILE NO.	SHT.- 1			
8/22/2020		47-24-25	OF - 1			
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921						

FLOOD ZONE INFORMATION:
FLOOD ZONE: "AE" ELEVATION: 10' & 11' NAVD 1988
COMMUNITY No.: 120680 PANEL No.: 0651
SUFFIX --- G REVISION DATE: 11/17/22
MAP NUMBER: 12071C0651G

THIS SURVEY IS CERTIFIED TO:
HONG MARINE CONTRACTING

NOTE:
MEAN HIGH WATER PROCEDURE. MEAN HIGH WATER AS SHOWN AND DEPICTED HEREON WAS ESTABLISHED BY EXTENDING THE ELEVATION 0.44' PER FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION LETTER DATED 6/5/2023 AND EXTENDING TO SUBJECT PARCEL MEAN HIGH WATER LOCATION DEPICTED ADJACENT TO SUBJECT PARCEL LOCATED BY ANGLE, DISTANCE AND VERTICAL MEASUREMENT BY TRIAL AND ERROR AND LOCATED BY FIELD MEASUREMENT, TIE AND OFFSET FROM PARCEL UPLAND BOUNDARY WITNESS LINE AS SHOWN HEREON.

- LEGEND:**
- SET #4 IRON ROD (CAP LB6921)
 - FOUND IRON ROD (I.R.)
 - CONCRETE MONUMENT (C.M.)
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 - P.U.E. PUBLIC UTILITY EASEMENT
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 - ⊙ TYPICAL ELEVATION
 - A/C AIR CONDITIONER
 - W.S. WATER SYSTEM
 - P.E. POOL EQUIPMENT
 - CONCRETE



BONITA SPRINGS Planning and Zoning

Sufficiency Comments:

1. The survey/sketch provided appears to be a copy of what was submitted as part of a 2019 lot split application. Please provide a certified copy with a raised seal, and an electronically stamped copy.
2. Application Page 2, Part B has been left blank. It appears the request is a variance from the waterbody setback requirements of LDC Section 4-1894(b), which requires a setback of 25 feet from a canal or bay. Please include the proposed setback request.
3. The surrounding property owner's map and list appear to be inaccurate. Please run a variance report to include all owners within 375 feet of the subject property. This can be done by utilizing the Lee County Property Appraiser's website, which will provide you with a list and a map. Our analysis shows 46 properties are within 375 feet of the subject property.
4. The document labeled "Site Plan and Building Design" does not include a site plan. While the structural details are helpful, a variance request requires a site plan that shows all lot lines and the proposed building footprint with the proposed setbacks clearly marked.

Substantive Comments:

1. Additional comments may be forthcoming once additional information is provided by the Applicant.

Please contact: Mike Fiigon II, Senior Planner
Phone: 239.444.6151
E-mail: mfiigon@cityofbonitaspringscd.org



September 27, 2024

Mr. Adam Zert
TIR 6, LLC
15701 S. Tamiami Trail

Re: 26409 Bay Road Variance – VAR24-115852 – BOS, Insufficiency #1

Dear Mr. Zert:

The Zoning Division has reviewed the information provided and supplemented for the above-referenced variance request. Additional support documentation is required for the application to be deemed sufficient. Please provide comments for each requirement not satisfied on the attached checklist.

Please submit the aforementioned items in order for the City to process your application effectively. If the requested items are not provided within sixty (60) calendar days of the date of this letter, this application will be considered **withdrawn**.

Please feel free to contact me if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Mike Fiigon II

Mike Fiigon II
Senior Planner

Copy:
Derek Rooney, City Attorney
John Dulmer, AICP, Community Development Director
Jacqueline Genson, Planning & Zoning Manager
Cynthia Vargas, Administrative Assistant

9220 Bonita Beach Road
Suite 111
Bonita Springs, FL 34135
Tel: (239) 444-6150
Fax: (239) 444-6140
www.cityofbonitaspringscd.org

Rick Steinmeyer
Mayor

Jamie A. Bogacz
Council Member
District One

Jesse Purdon
Council Member
District Two

Laura Carr
Council Member
District Three

Chris Corrie
Council Member
District Four

Nigel P. Fullick
Council Member
District Five

Fred Forbes, AIA
Council Member
District Six

Arleen M. Hunter
City Manager
(239) 949-6267

Derek P. Rooney
City Attorney
(239) 949-6254

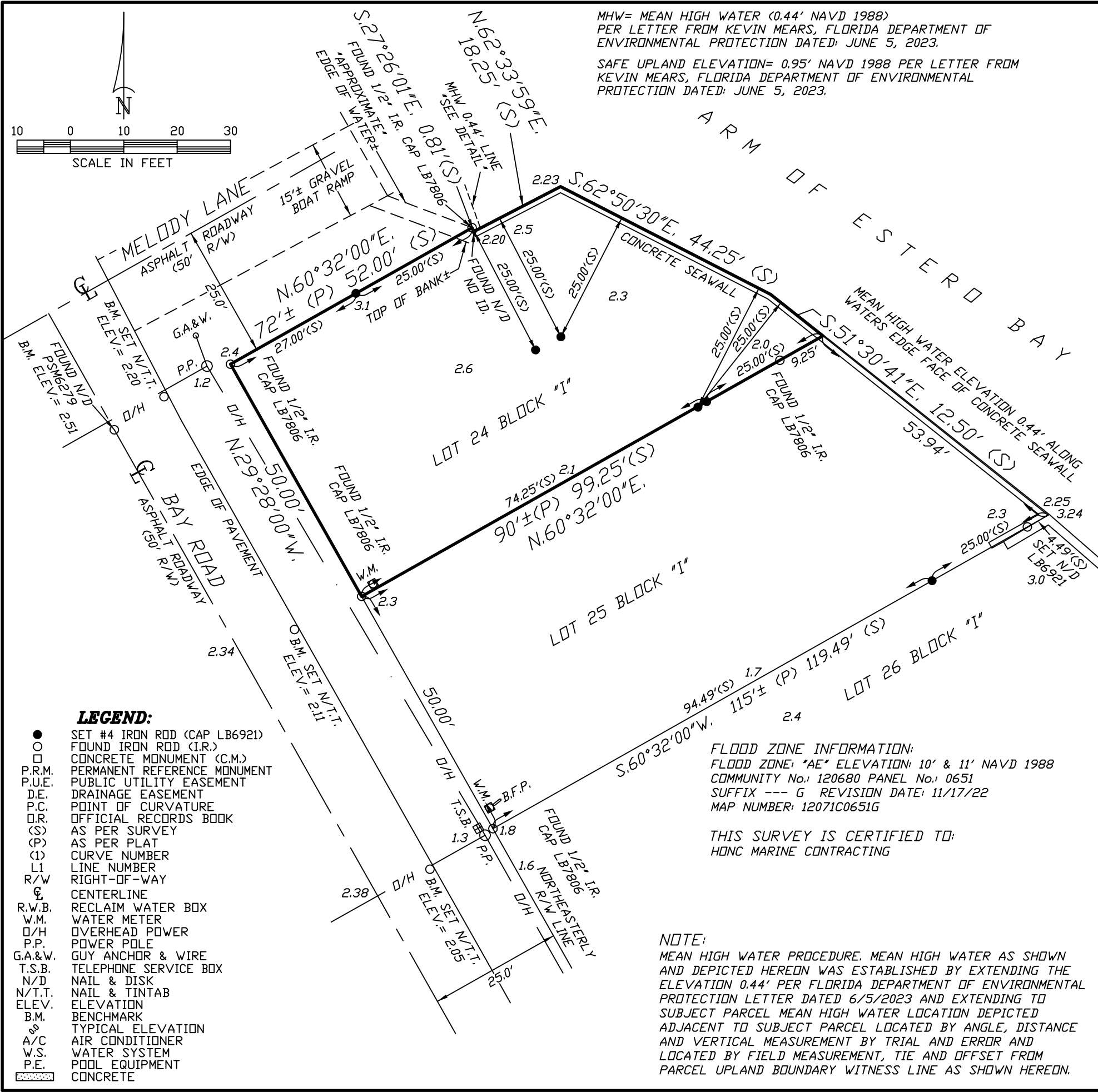
City Clerk
(239) 949-6248

Public Works
(239) 949-6246

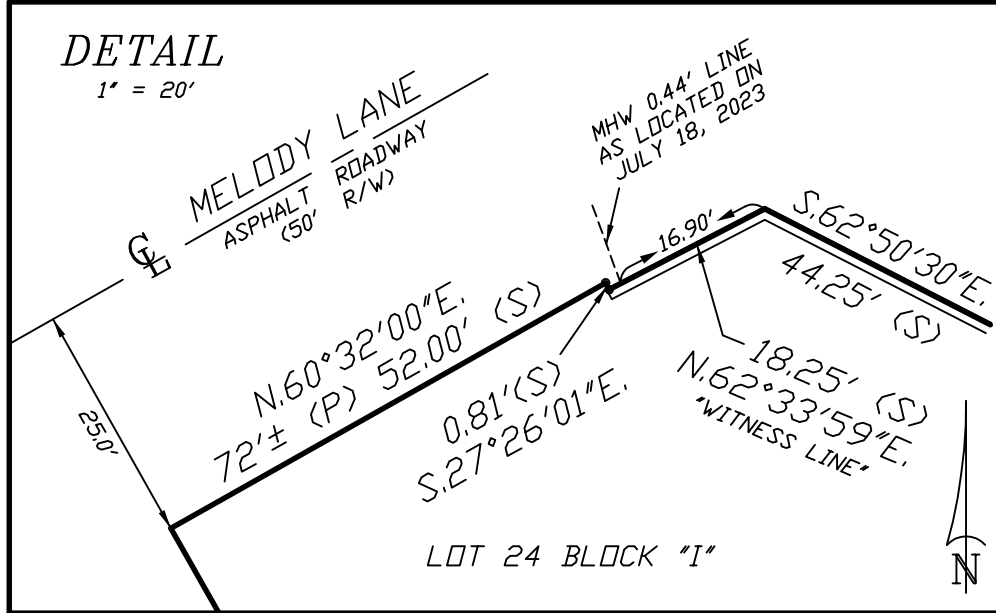
Code Enforcement
(239) 949-6257

Parks & Recreation
(239) 992-2556

**Community
Development**
(239) 444-6150



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 - P.E. POOL EQUIPMENT
 - CONCRETE

**PART II
GENERAL INFORMATION**

A. Variance Request: (Check applicable answers)

- ☒ (Zoning) LDC Section: North setback adjustment
- ☐ (Docks and Shoreline) LDC Section: _____
- ☐ (Development Standards) LDC Section: _____
- ☐ (Signs) LDC Section: _____

B. Specific Variance Request (attach sheet if more space needed)

Ordinance Section: LDC Section 4-1894(b) Variance is:

FROM: setback of 25 feet from a canal or bay

TO: setback to 15 feet from the canal or bay

C. Is this hearing requested as a result of a code violation? ☒ NO ☐ YES

D. Has a Development Order application been filed on the subject property? ☒ NO ☐ YES

D.O. Number: _____

E. Legal Description and Boundary Sketch: Is property within a platted subdivision recorded in the official Plat Books of Lee County?

☒ NO. Attach a legible copy of the legal description (labeled Exhibit II-A-1.) and a certified sketch of description as set out in Chapter 5J-17.053., Florida Administrative Code, unless the subject property consists of one or more undivided platted lots. (labeled Exhibit II-A-2.) If the application includes multiple abutting parcels, the legal description must describe the perimeter boundary of the total area, but need not describe each individual parcel. However, the STRAP number for each parcel must be included.

☒ YES. Property is identified as:

Subdivision Name: ADDITION TO BLOCK "I" BONITA BEACH

Plat Book: 9 Page: 14 Unit: B2 Block: 00200 Lot: 24

Section: 25 Township: 47 Range: 24

Attach a copy of the Plat Book page with subject property clearly marked. Label this Exhibit II-B-3.

F. Project Street Address: 26409 Bay Rd

G. General Location of Property (referenced to major streets): On Bay Rd just off Melody and Hickory rd

H. Vehicular route to the site from the nearest arterial road: Take Melody from Hickory rd on to Bay rd



WOHLFAHRT HOLDINGS LLC
1270 NORTH PRICE
OLIVETTE MO 63132

COMMONS CLUB AT THE BROOKS INC
9930 COCONUT RD
BONITA SPRINGS FL 34135

BONITA BEACH RESORT MOTEL INC
26395 HICKORY BLVD
BONITA SPRINGS FL 34134

SILVIO BATTISTA TRUST
LORETA VALONE
15396 BRIAR RIDGE CIR
FORT MYERS FL 33912

JACKSON NANCY NEWLON L/E
138 NEWLON FARM DR
MORGANTOWN WV 26508

JONES CHRISTOPHER A &
26452 HICKORY BLVD
BONITA SPRINGS FL 34134

KIRSCHBAUM HOWARD TR
595 HILLSIDE DR
HIGHLAND PARK IL 60035

KONCIKOWSKI DAWN
PO BOX 751
LAKE GEORGE NY 12845

HOFFMANN WILLIAM J TR
1440 BUENA PARK DR
FRISCO TX 75033

PODLESNY THOMAS R & SUSAN P
5119 POST OAK LN
NAPLES FL 34105

RUEHLOW KATHLEEN M TR
32307 W OAKLAND RD
NASHOTAH WI 53058

COMMONS CLUB AT THE BROOKS INC
9930 COCONUT RD
BONITA SPRINGS FL 34135

ROSE JAMES B & KIA N
26476 BAY RD
BONITA SPRINGS FL 34134

GONZALEZ JOHN JOSEPH II &
26470 BAY RD
BONITA SPRINGS FL 34134

BOLEN BRUCE & JANE
5421 CASCADE ROAD SE
GRAND RAPIDS MI 49546

LAY SCOTT W & BRENDA S
28598 SICILY LOOP
BONITA SPRINGS FL 34135

SCHWABENBAUER ALBERT JOHN &
22001 NATURES COVE CT
ESTERO FL 33928

CALDWELL LANCASTER COMPANY LLC
6860 LAKE DEVONWOOD DR
FORT MYERS FL 33908

MAY JAMES
3490 TIMBERLINE DR
QUINCY IL 62305

HEMPHILL FAMILY LC
26572 HICKORY BLVD
BONITA SPRINGS FL 34134

LUCAS KATHRYN S TR
3500 OLD GUN RD W
MIDLOTHIAN VA 23113

TIR 5 LC
15701 S TAMAIMI TRAIL
FORT MYERS FL 33908

RUELLE HEIKE TR
6008 CAJEPUT LANE
BONITA SPRINGS FL 34134

ARGEO BAY RD LLC
26548 HICKORY BLVD
BONITA SPRINGS FL 34134

MYERS WILLIAM R & MARY JO TR
26451 BAY RD
BONITA SPRINGS FL 34134

MCCOURT MARGARET M TR
6000 SEAGRAPE LN
BONITA SPRINGS FL 34134

MCDONALD PATRICIA P TR
411 BEAUMONT CIR
WEST CHESTER PA 19380

BUSS RANDALL WILLIAM TR
6016 SEAGRAPE LN
BONITA SPRINGS FL 34134

KARASEV MIKHAIL A & STACY M
4961 TAMARIND RIDGE DR
NAPLES FL 34119

WINDSONG CONDO
GOLDEN PROPERTY MANAGEMENT
PO BOX 7068
NAPLES FL 34110

BEACHWOOD ON THE BAY
26371 HICKORY BLVD
BONITA SPRINGS FL 34134

PLUMMER PROPERTIES LLC
311 SALISBURY ST
REHOBOTH BEACH DE 19971

BOSWORTH MICHAEL & TAMMY
150 HAWTHORNE ST APT 7M
BROOKLYN NY 11225

NEUKOMM STEVEN T +
1986 MARSHALL RD
SAINT LOUIS MO 63122

LAROCHE JANE G +
1 LAURIE LN
WESTMINSTER MA 01473

CATTS RUSSELL BYARD
105 CORNWALL RD
REHOBOTH BEACH DE 19971

FIGUN SHARON P
314 SWEDES ST
REHOBOTH BEACH DE 19971

MACKARVICH ALYSIA ANN TR
28741 S CARGO CT
BONITA SPRINGS FL 34135

THE GLAKAS FAMILY TRUST
11438 NORWEGION MILL CT
OAKTON VA 22124

401 402 PROPERTIES LLC
16480 OAKVIEW CIR
ALVA FL 33920

MEISLING BRADLEY E & ANNE M
26371 HICKORY BLVD #402
BONITA SPRINGS FL 34134

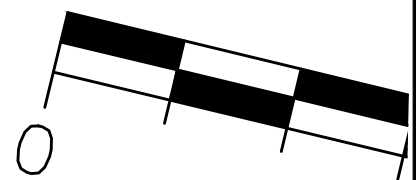
PLUMMER BARBARA A
311 SALISBURY ST
REHOBOTH BEACH DE 19971

BERGERT RHEA J L/E
26371 HICKORY BLVD #404
BONITA SPRINGS FL 34134

ROSETTI VINCENT &
479 PHEASANT LN
FAIRLESS HILLS PA 19030

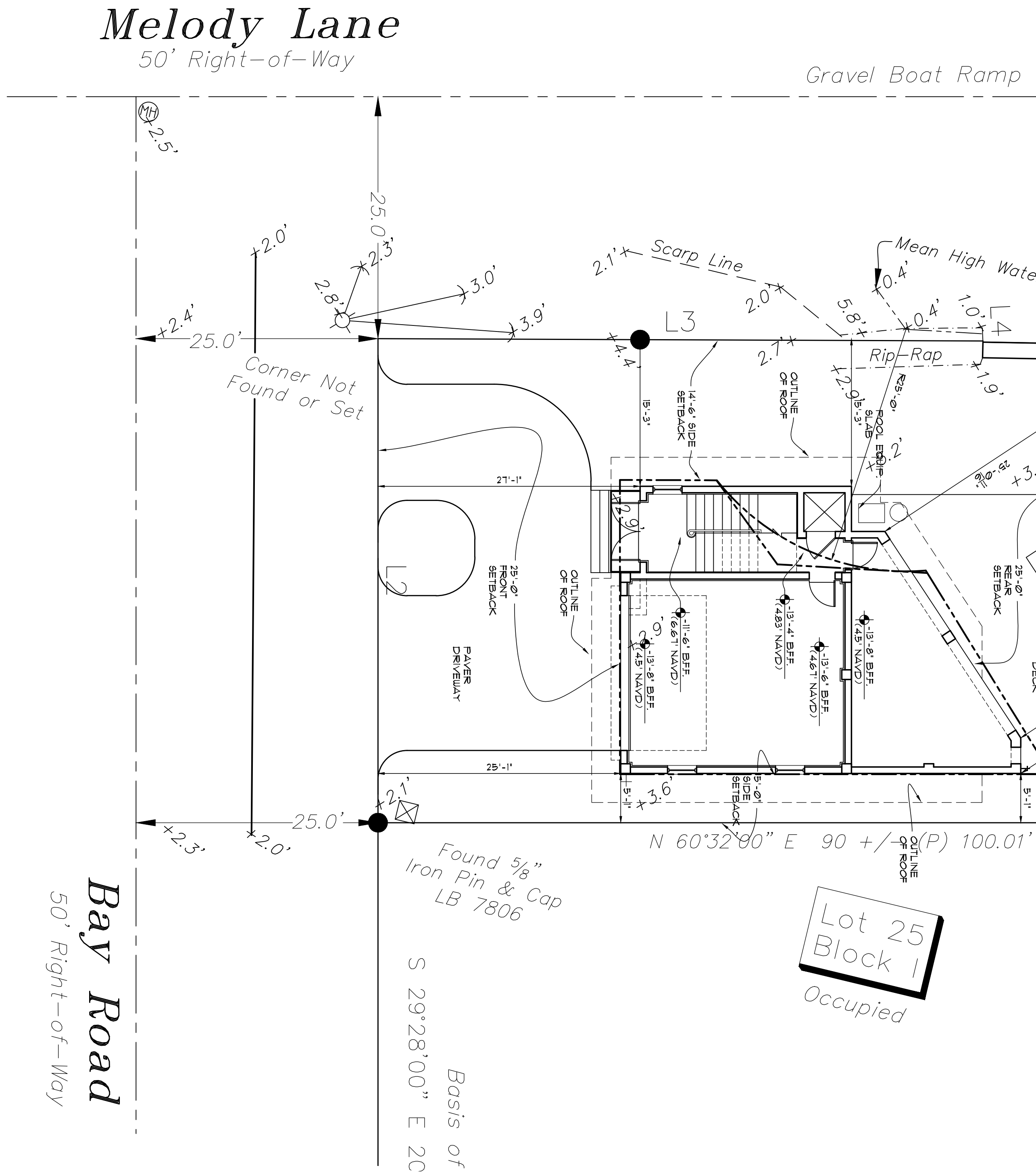
STENABAUGH CARL D &
16 KIRBYS WAY
HUNTSVILLE ON P1H 2M5
CANADA

DUKE LINDA K
PO BOX 970617
MIAMI FL 33197



Arm of Estero Bay

LINE TABLE
L2 (P) REAR



Bay Road
50' Right-of-Way

Lot 25
Block 1
Occupied

DRAWING INDEX

- A1 SITE PLAN
- A2 GROUND FLOOR PLANS
- A3 1ST LIVING LEVEL PLANS
- A4 2ND LIVING LEVEL PLANS
- A5 3RD LIVING LEVEL PLANS
- A6 ELEVATIONS
- A7 ELEVATIONS
- A8 BUILDING SECTION
- A9 TYPICAL WALL SECTION/SCHEDULES
- A10 REFLECTED CEILING PLANS
- A11 SLAB PLAN & FRAMING PLANS
- A12 HIGH ROOF PLAN
- A13 ARCHITECTURAL DETAILS
- A14 ARCHITECTURAL DETAILS
- A15 NOTES
- A16 GND. FLR. & 1ST LIV. LEVEL ELECTRICAL PLANS
- A17 2ND & 3RD LIV. LEVEL ELECTRICAL PLANS

BUILDING DATA

OCCUPANCY: R-3, SINGLE FAMILY RESIDENTIAL
NUMBER OF STORIES: (4) 3 OVER PARKING/STORAGE
TYPE OF CONSTRUCTION: V-B, SPRINKLERED, UNPROTECTED
ZONED BUILDING HEIGHT: 35'-0"
F.B.C. BUILDING HEIGHT (FROM GRADE PLANE TO MIDPOINT OF ROOF): +/- 48'-6"
FEMA FLOOD ZONE: VE-1B (150' NAVD BASE FLOOD ELEVATION)
F.B.C. DESIGN FLOOD ELEVATION: 16.0' NAVD
REQUIRED HEIGHT OF LOWEST STRUCTURAL MEMBER: 16.0' NAVD
FIRST HABITABLE FLOOR ELEV. PROVIDED: 18.1' NAVD

PROJECT DATA

LOCATION:
LOT 24 BAY ROAD
BONITA SPRINGS, FL.
BUILDING AUTHORITY:
CITY OF BONITA SPRINGS
LAND USE DESIGNATION:
ZONED: RS-1
ZONING RESTRICTIONS:
REQUIRED BUILDING SETBACKS:
FRONT: #25'
REAR: #25' (5' POOL)
SIDES: #5' SOUTH 14'-6" NORTH
MAX. BLDG. HGT. (FROM BOT. OF LOWEST MEMBER): 35'-0" MAX. TO MIDPOINT OF ROOF, 40'-0" MAX. TO ROOF PEAK

BUILDING COVERAGE

SITE AREA = 4,248 SF.
BUILDING COVERAGE = 975 SF.
MAX BLDG. COVERAGE = 40% X 4,248 = 1,699 SF.

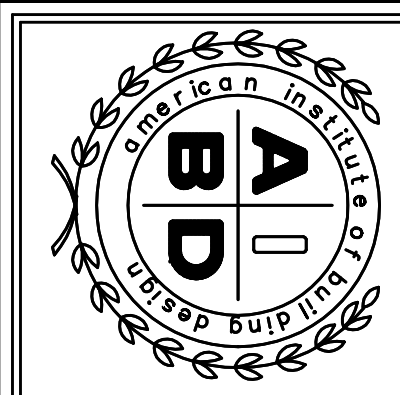
CODE COMPLIANCE STATEMENT:
THIS CONSTRUCTION SHALL COMPLY WITH ALL CITY OF BONITA SPRINGS LAND DEVELOPMENT CODES PERTAINING TO, BUT NOT LIMITED TO, SEA TURTLES COASTAL CONSTRUCTION, AND FLOOD HAZARD REDUCTION.
THESE PLANS WERE PREPARED IN ACCORDANCE WITH THE 2017 FLORIDA BUILDING CODE AS WELL AS ANY COUNTY OR CITY AMENDMENTS.



SITE PLAN
SCALE: 1/8"=1'-0"

R.G. DESIGNS INC. HEREBY RESERVES ITS COMMON LAW COPYRIGHT, THE IDEAS, DESIGNS AND PLANS ARE NOT TO BE REPRODUCED OR CHANGED AND OR COPIED WITHOUT OBTAINING THE EXPRESSED WRITTEN CONSENT FROM R.G. DESIGNS INC. THESE PLANS SHALL BE IN ACCORDANCE WITH THE 2017 FLORIDA BUILDING CODE.

R.G. DESIGNS INC.
BUILDING DESIGN PLANNING
CORPORATE HEADQUARTERS
28071 VANDERBILT DRIVE
BONITA SPRINGS, FLORIDA 34134
OFFICE PHONE #239)949-2929



DATE	REVISIONS
11/8/21	ZONING REVIEW COMMENTS

BUILDER:
PROJECT:
LOT 24 - SILBERSTEIN
LOT 24, BAY ROAD
BONITA SPRINGS, FLORIDA

PROJECT DATA
DRAWN BY: JAH
CHECKED BY:
PROJECT:

A1

Date: 4/11/2024

Case Number: PRE24-111521-BOS

Case Name: 26409 Bay Road Home

Attendees: Mike Fiigon, Amber Andrade, Charlie White, Vicki Wright (Applicant), Richard Guzman (Applicant)

Zoning:

- Required minimum setbacks:
 - Front (Bay Road): 25 feet
 - Side: 5 feet (interior); 25 feet (Melody Lane/water body)
 - Rear/water body: 25 feet

Accessory structure can be 5 feet from the rear
If the pool or pool deck is elevated more than 42 inches from the crown of the road, principal structures shall be adhered to (25 feet)

Maximum overhang encroachment of 3 feet
- Based on proposed plan, all setbacks appear to be met, with the exception of the north side setback (Melody Lane).
 - While the platted ROW setback would permit 15ft, the proposed plan (as well as the plans attached to the previous permit (RES20-72726-BOS)) show that a portion of that ROW is a boat ramp and gets inundated with water. This would alter the setback from a 15ft ROW setback to a 25ft waterbody setback requirement
 - Lee County approved a variance in 1990 (attached).
 - Variance was for a specific footprint and layout
- Option One: Request a new variance for proposed footprint and layout
 - 3-4month timeframe (can be longer depending on Applicant's ability to provide Staff the required information on the application)
- Option Two: Build to what was approved as part of the 1990 variance, which would allow setback of 15 feet along Melody Lane, but would restrict footprint to 957sf and must be placed on the property in accordance with Exhibit C of the variance.

Contact Information:

Mike Fiigon II, Senior Planner: 239-444-6151; mfiigon@cityofbonitaspringscd.org

Amber Andrade, Planning Technician: 239-444-6165; aadrade@cityofbonitaspringscd.org

Charles White, Development Services Reviewer/Inspector: 239-444-6171;

cwhite@cityofbonitaspringscd.org

Ayita Lonergan, Floodplain/Plans Examiner: 239-444-6154;

alongergan@cityofbonitaspringscd.org



9220 Bonita Beach Road
Suite 111
Bonita Springs, FL 34135
Tel: (239) 444-6150
Fax: (239) 444-6140
www.cityofbonitaspringscd.org

Mike Gibson
Mayor

Jamie A. Bogacz
Council Member
District One

Jesse Purdon
Council Member
District Two

Laura Carr
Council Member
District Three

Chris Corrie
Council Member
District Four

Nigel P. Fullick
Council Member
District Five

Jim Fitzpatrick
Council Member
District Six

Arleen M. Hunter
City Manager
(239) 949-6267

Derek P. Rooney
City Attorney
(239) 949-6254

City Clerk
(239) 949-6248

Public Works
(239) 949-6246

Code Enforcement
(239) 949-6257

Parks & Recreation
(239) 992-2556

**Community
Development**
(239) 444-6150

March 7, 2025

Mr. Adam Zert
TIR 6, LLC
15701 S. Tamiami Trail
Fort Myers, FL 33908

Re: 26409 Bay Road Variance Request - VAR24-115852-BOS Sufficiency

Dear Mr. Zert:

The Zoning Division has reviewed the information provided and supplemented for the above referenced variance request. The application has been found sufficient, and the following request language is being proposed.

A variance from LDC Section 4-1894(b) which requires a water body setback of 25 feet, to allow a setback of 15 feet for a proposed single-family home on a residential property in Bonita Springs.

Please notify the City in writing by March 21, 2025, if the above language is sufficient or if modifications are requested.

Pursuant to LDC Sec. 4-28, a post-sufficiency neighborhood meeting shall be held within 30 days of the date of sufficiency. A notice of the meeting shall be provided to the City.

Please note that City of Bonita Springs Ordinance 22-03 has updated the public noticing requirements, where it is now the responsibility of the Applicant to send notices to the surrounding property owners of the hearing dates. These notices are required and are no longer a courtesy. A copy of the notice to be mailed will be provided by Staff to the Applicant, but it remains the Applicant's responsibility to mail the notices in accordance with the adopted regulations. Please review Ordinance 22-03 for additional information. Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Mike Fiigon

Mike Fiigon II
Senior Planner

Copy:
Derek Rooney, City Attorney
John Dulmer, Director of Community Development
Jacqueline Genson, Planning & Zoning Manager
Cynthia Vargas, Planning & Zoning Administrative Assistant





AFFIDAVIT OF POSTING NOTICE

Community Development Department | 9220 Bonita Beach Road, Suite 111 | Bonita Springs, FL 34135 | Phone: (239) 444-6150 | Fax: (239) 444-6140

INSTRUCTIONS

A zoning sign must be posted on the parcel subject to any zoning application for a minimum of fifteen CALENDAR (15) days in advance of a Public Hearing and maintained through the City of Bonita Springs Public Hearing, if any. This sign will be provided by the Zoning Division in the following manner:

- a. Signs for case # VAR24-115852-BOS must be posted by Sign Posted 4/23/25.
- b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest right-of-way or easement.
- c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
- d. The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
- e. If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Zoning Division, and obtain duplicate copies of the sign from the Zoning Division.
- f. The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

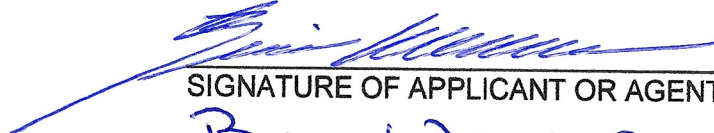
When a parcel abuts more than one (1) street, the applicant must post signs along each street. When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF THE POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE INITIAL HEARING DATE TO CITY OF BONITA SPRINGS ZONING DIVISION, 9220 BONITA BEACH ROAD, SUITE 109, BONITA SPRINGS, FL 34135.

(Return the completed Affidavit below to the Zoning Division as indicated in previous paragraph.)

STATE OF FLORIDA
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED _____
WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 4-
229(B) OF THE CITY OF BONITA SPRINGS LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN
THE ZONING APPLICATION REFERENCED BELOW:

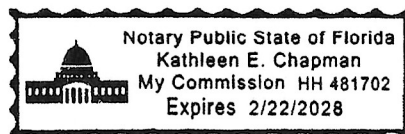

SIGNATURE OF APPLICANT OR AGENT
Brian Weaver
NAME (TYPED OR PRINTED)
Lot 24 26409 Bay Rd.
ST. OR P.O. BOX
Bonita Springs FL 34134
CITY, STATE & ZIP

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 23rd day of April, 2025,
by Brian Weaver, personally known to me or who produced
_____ as identification and who did/did not take oath.


Signature of Notary Public
Kathleen E. Chapman
Printed Name of Notary Public

My Commission Expires:
(Stamp with serial number)



RETURN TO:
City of Bonita Springs
Community Development Department
Attn: Mike Fiigon
9220 Bonita Beach Road, Suite 109
Bonita Springs, FL 34135
mfiigon@cityofbonitaspringscd.org

Support _____ Oppose X

Application: VAR24-115852-BOS: 26409 Bay Road Variance

Adjacent boat launch is used by neighborhood
residents. Allowing this variance will infringe
on future use of this ramp.

DATE: 5.2.2025

NAME: _____

PHONE: 313-530-5373

ADDRESS: 6001 Cypress Ln

CITY/STATE/ZIP: Bonita Springs, FL 34134

RECOMMENDATIONS AND POSTPONEMENTS: The Board may accept, reject or modify staff recommendations and take other appropriate and lawful action including continuing said public hearings.

CONDUCT OF HEARINGS: These hearings are quasi-judicial and must be conducted to afford all parties due process. Any communication that Council Members have outside of the public hearing must be fully disclosed at the hearing. Anyone who wishes to speak at the hearing will be sworn in and may be subject to questions by the board, city staff or applicant. Public comment is encouraged, and all relevant information should be presented to the Board so a fair and appropriate decision can be made. Tapes are limited to three (3) minutes in length and are to be submitted to the Zoning Division one week prior to the meeting date for review. All tapes/information submitted for the public record will not be returned.

GROUP REPRESENTATIVES: Any person representing a group or organization must provide written authorization to speak on behalf of that group. The representative shall inform Staff prior to the hearing of their intent to speak on behalf of a group and provide staff the name of that group.

I will have a representative at the Zoning Board Hearing and/or City Council. My representative's name, address, and phone are:

NAME: _____

PHONE: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

APPEALS: If a person decides to appeal any final decision made by the City Council, with respect to any matter considered at such hearing, they are responsible at their own expense for ordering from a court reporter to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence on which the appeal is to be based.

RETURN TO:
City of Bonita Springs
Community Development Department
Attn: Mike Fiigon
9220 Bonita Beach Road, Suite 109
Bonita Springs, FL 34135
mfiigon@cityofbonitaspringscd.org

Support _____ Oppose ✓

Application: VAR24-115852-BOS: 26409 Bay Road Variance

absolutely not. They should conform
as we all did.
That lot is too small, too close to the water
and the public ramp.

DATE: 5.5.25
NAME: Patricia Dimugno PHONE: 239.789.0996
ADDRESS: 6008 Cypress La CITY/STATE/ZIP: Bonita Springs 34134

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RETURN TO:
City of Bonita Springs
Community Development Department
Attn: Mike Filgon
9220 Bonita Beach Road, Suite 109
Bonita Springs, FL 34135
mfilgon@cityofbonitaspringscd.org

Support _____ Oppose ☒

Application: VAR24-115852-BOS: 26409 Bay Road Variance

DATE: May 5 '25
NAME: Jeff Dimugno PHONE: 860.559.0876
ADDRESS: 600 Cypress Ln CITY/STATE/ZIP: Bonita FL 34134

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mfiigon@cityofbonitaspringscd.org

Support _____ Oppose X

Application: VAR24-115852-BOS: 26409 Bay Road Variance

We oppose this variance based on concerns about uniformity in the neighborhood. Twice we abided by 25 foot setbacks as have all neighbors. To allow this owner a more lenient setback would be discriminatory. Also a concern re the impact on waterway. No valid reason for this owner to have special variance. Keep the environment + the neighborhood safe!

DATE: 5/9/25
NAME: JOHN + CATHLEEN GONZALEZ PHONE: 516/315-3598 631/766-3462
ADDRESS: 26470 BAY RD CITY/STATE/ZIP: BONITA SPRINGS FL 34134

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Community Development Department
Attn: Mike Fiigon
9220 Bonita Beach Road, Suite 109
Bonita Springs, FL 34135
mfiigon@cityofbonitaspringscd.org

Support _____ Oppose ✓

Application: VAR24-115852-BOS: 26409 Bay Road Variance

I believe that zoning ordinances are important to set standards for a community, preserve good practices in development, ensure development to those standards, and should only be compromised for obvious hardships. Unfortunately, I can not attend the scheduled meeting, but I would not be inclined to support a variance to allow a bigger house, more lot coverage, etc.

DATE: *4/29/25*

NAME: *Talricia McDonald* PHONE: *610-696-4114 / 484-888-8305*

Mail ADDRESS: *411 Beaumont Cir.* CITY/STATE/ZIP: *N. Chester, Pa 19380*
FL Residence @ 6012 Seagrape Lane

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Attn: Mike Fiigon
9220 Bonita Beach Road, Suite 109
Bonita Springs, FL 34135
mfiigon@cityofbonitaspringscd.org

Support _____ Oppose ☒

Application: VAR24-115852-BOS: 26409 Bay Road Variance

DATE: May 9, 2025
NAME: Carolyn J. Preston PHONE: 1-239-292-0503
ADDRESS: 1013 Cypress Lane CITY/STATE/ZIP: Bonita Springs FL 34134

RECOMMENDATIONS AND POSTPONEMENTS: The Board may accept, reject or modify staff recommendations and take other appropriate and lawful action including continuing said public hearings.

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