

1 **RESOLUTION NO. PZB 2018 - 06**
2 **ADMINISTRATIVE VARIANCE ADD2018-E004**

3
4 **ADMINISTRATIVE APPROVAL**
5 **VILLAGE OF ESTERO, FLORIDA**
6

7 **WHEREAS**, John Spear representing Nelson C. Harris Trustee for Harris Family
8 Trust, (“applicant”) filed an application for an administrative variance:
9

- 10 • An administrative variance from Section 34-268(a)(1)(f) of the Land Development
11 Code (LDC) for a front setback reduction from 20 feet to 19.56 feet.

12
13 **WHEREAS**, the property is located at 20699 Country Barn Drive and described
14 more particularly as: Strap Number: 27-46-25-E3-080A5.0010, with a legal description
15 as follows:
16

17 **LEGAL DESCRIPTION:** Lot 1, Block A-5, Villages at Country Creek, Unit 5
18 as recorded in Plat 68, Pages 30 – 35 of the public records of Lee County Florida;
19 and
20

21 **WHEREAS**, the property was originally rezoned with the adoption of Resolution
22 Number Z-86-34; and
23

24 **WHEREAS**, the subject property is zoned Residential Planned Development
25 (RPD) and is located in the Suburban Future Land Use Category of the Village of Estero
26 Comprehensive Plan; and
27

28 **WHEREAS**, The Land Development Code (LDC) provides for consideration of
29 an administrative variance to legitimize buildings and structures that are not compliant
30 with current setback regulations and can be proven to be permitted; and
31

32 **WHEREAS**, Nelson C. Harris Trustee for Harris Family Trust, the owner of the
33 subject parcel, has authorized John D. Spear, Esquire to act as agent to pursue this
34 application; and
35

36 **WHEREAS**, under the provisions of Ordinance 2015-01 of the Village of Estero,
37 the Planning and Zoning Board has been delegated the authority to make determinations
38 with respect to all applications for administrative actions; and
39

40 **WHEREAS**, the applicant is requesting an administrative variance from Section
41 34-268 (a) (1) (f) of the Land Development Code; and
42

43 **WHEREAS**, the following findings of fact are offered:
44

- 45 1. The existing front setback for the residential structure is 19.56 feet
46 whereas 20 feet is required by Resolution ZAB-86-34 and
47 Administrative Amendment PD-94-008.
48 2. The variance request is for the existing residential structure.

49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94

- 3. The granting of the variance will not detrimentally affect any adjacent properties or the public.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative variance is approved for a street setback reduction from 20 feet to 19.57 feet is approved with the following conditions:

- 1. The development must be in compliance with the survey prepared by Mark O Allen, Inc. dated May 3, 2018, LLC stamped received by the Village of Estero May 25, 2018.
- 2. The terms and conditions of the original zoning resolutions remain in full force and effect.

PASSED AND DULY ADOPTED this 19th day of June, 2018.

**VILLAGE OF ESTERO, FLORIDA
PLANNING AND ZONING BOARD**

Scotty Wood, Chairman

Attest:

By: _____
Kathy Hall, MMC, Village Clerk

Reviewed for legal sufficiency

By: _____
Nancy Stroud, Esq., Land Use Attorney

Vote:

Scotty Wood	Yes___	No___
Tim Allen, PhD	Yes___	No___
Anthony Gargano	Yes___	No___
Robert King	Yes___	No___
Marlene Naratil	Yes___	No___
James Tatooles	Yes___	No___
John Yarbrough	Yes___	No___

Exhibit:
A - Survey

FIELDBOOK See PAGE File DATE 5/3/18 SECTION 27 ,TWP 46 S,RGE 25 E

NORTH
ARROW



SCALE
1" = 20'

FOUNDATION LOCATION

FIELDBOOK PAGE

LEGEND

- SET CONC. MON. W/ CAP I.D. # 3553
- SET IRON PIN W/ CAP I.D. # 3553
- FD. CONC. MON. W/ CAP
- FD. CONC. MON.
- /● FD. IRON PIN
- ASSUMED ELEVATION
- ▲ BENCHMARK
- R RECORDED
- M MEASURED

CONT' REVERSE SIDE
FINAL SURVEY DATE

LEGAL DESCRIPTION
(AS PROVIDED BY CLIENT)

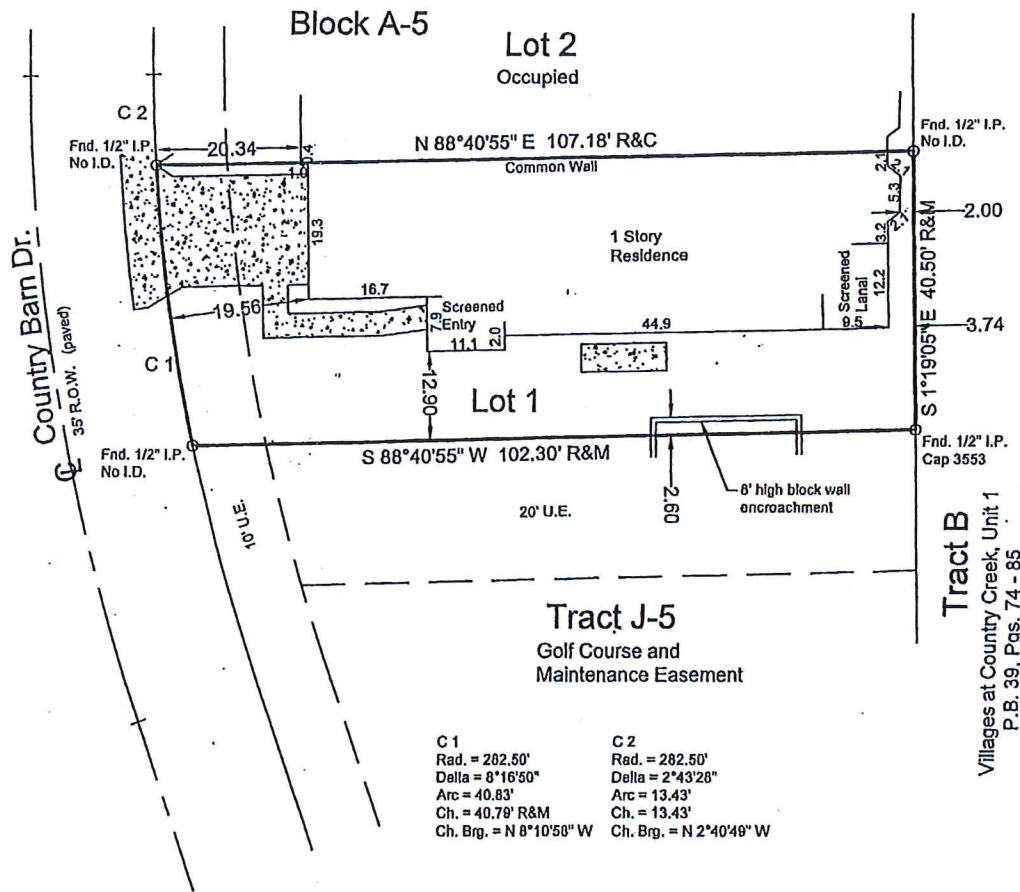
This is a boundary survey of the following : Lot 1, Block A-5, Villages at Country Creek, Unit 5 as recorded in Plat Book 68, Pages 30 - 35 of the Public Records of Lee County, Florida

The property address 20699 Country Barn Dr. as posted on the building by others.

This survey is certified to the following:

- Law Offices of John D. Spear, P.A.
- Old Republic National Title Insurance Company
- Mark S. Twombly and Susan J. Twombly
- Dane County Credit Union, ISAO/ATIMA

Setbacks
Front: 20 feet
Side: 5 feet (10' between)
Rear: 10 feet to other lot
Rear Accessory: 5 feet to other lot
0' to golf course



C 1
Rad. = 202.50'
Delta = 8°16'50"
Arc = 40.83'
Ch. = 40.79' R&M
Ch. Brg. = N 8°10'58" W

C 2
Rad. = 282.50'
Delta = 2°43'28"
Arc = 13.43'
Ch. = 13.43'
Ch. Brg. = N 2°40'49" W

NOTES

1. REPRODUCTION OF THIS SKETCH IS NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN.
3. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED.
4. BEARINGS SHOWN HEREON ARE BASED ON Centerline of Country Barn Dr. being N 1°19'05" W
5. THIS PROPERTY LIES IN FLOOD ZONE AE EL 17 NAVD88 PER F.I.R.M. PANEL NO. 12071C0580F, DATED 8/20/2008
6. LAST DATE OF FIELDWORK 5/3/18
7. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

CERTIFICATE

I hereby certify that the above described property was surveyed under my direction and the sketch of survey is true and correct to the best of my knowledge. This survey meets or exceeds the standards of practice set forth by the Florida Board of Land Surveyors, pursuant to Rule 5J-17 Florida Administrative Code, and pursuant to Section 472.027 Florida Statutes. There are no visible encroachments other than those shown hereon.

MOA P.L.S.

MARK O. ALLEN P.L.S. #3553
LB #8558

MARK O. ALLEN, INC.
PROFESSIONAL LAND SURVEYOR

10602 WOODS CIRCLE
BONITA SPRINGS, FL 34135

FAX: (239) 992-6070
TELE: (239) 992-8900

DWN. BY
MG

CHK'D BY

ORDERED BY
Mark & Susan Twombly

SHEET 1 OF 1
DWG. NO. 2018 - 61

RECEIVED
MAY 13 2018
VILLAGE OF ESTERO