



ADMINISTRATIVE APPLICATION FOR DEVIATION FROM CHAPTERS 10 AND 33 IN THE VILLAGE OF ESTERO [LDC Section 10-104 and Chapter 33]

Project Name: \_\_\_\_\_

Request: \_\_\_\_\_

1. Name of Applicant: \_\_\_\_\_
Company Name: \_\_\_\_\_
Address: \_\_\_\_\_
City, State, Zip: \_\_\_\_\_
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

2. Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form:
[ ] Applicant is the sole owner of the property. [34-201; 34-204]
[ ] Applicant has been authorized by the owner(s) to represent them for this action. [34-202; 34-204]

3. Authorized Agent: (If different than applicant) Name of the person who is to receive all Village of Estero-initiated correspondence regarding this application. [34-202; 34-204]
a. Company Name: \_\_\_\_\_
Contact Person: \_\_\_\_\_
Address: \_\_\_\_\_
City, State, Zip: \_\_\_\_\_
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

b. Additional Agent(s): Provide the names of other agents that the Village of Estero may contact concerning this application. [34-202; 34-204]

4. Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-201; 34-204]
Name: \_\_\_\_\_
Address: \_\_\_\_\_
City, State, Zip: \_\_\_\_\_
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

5. Disclosure of Interest [34-201; 34-204]:
[ ] Attach Disclosure of Interest Form. [34-201; 34-204]

6. STRAP Number(s) [34-204]: \_\_\_\_\_

7. Street Address of Property: \_\_\_\_\_

THE VILLAGE OF ESTERO DEPARTMENT OF COMMUNITY DEVELOPMENT
9401 Corkscrew Palms Circle • Estero, FL 33928
Phone (239) 221-5036

**8. Legal Description (must submit one):**

Legal description (metes and bounds) and sealed sketch of the legal description. **[34-204]**

**OR**

Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. **[34-204]**

**9. Use(s) of Property [34-204]:**

a. Current uses of property are:

b. Intended uses of property are:

**10. Comprehensive Plan (Future Land Use) Designation of Property [34-204]:**

**11. Current Zoning of Property [34-204]:**

**12. Property Dimensions [34-204]:**

a. Width (average if irregular parcel): \_\_\_\_\_ Feet

b. Depth (average if irregular parcel): \_\_\_\_\_ Feet

c. Total area: \_\_\_\_\_ Acres or square feet

**13. Current Use of the Adjacent Properties (briefly describe):**

**North:** \_\_\_\_\_

**East:** \_\_\_\_\_

**South:** \_\_\_\_\_

**West:** \_\_\_\_\_

**14. Public Hearings:** Has a public hearing for any purpose been held regarding the subject property within the last 12 months?

**NO**

**YES** – If **YES**, please provide the following information regarding the hearing:

a. Name of Applicant: \_\_\_\_\_

b. Date of Hearing: \_\_\_\_\_

c. Case Number: \_\_\_\_\_

d. Type of Request: \_\_\_\_\_

e. Result/Disposition of Hearing: \_\_\_\_\_

**15. Local Development Orders:** Has an application for a Development Order been filed with Lee County or the Village of Estero Department of Community Development?

**NO**

**YES** – If **YES**, please provide the following information:

a. Name of Applicant: \_\_\_\_\_

b. DO Application #: \_\_\_\_\_

c. Current Status of DO Application: \_\_\_\_\_

16. **Specific Request:** Indicate the Section(s) of the Village of Estero Land Development Code from which the administrative deviation approval is sought [please check the appropriate selection(s)]:

- Section 10-261 (refuse and solid waste disposal facilities)
- Section 10-283 (access streets)
- Section 10-285 (intersection separations)
- Section 10-296, Table 2 (ROW widths - County maintained streets)
- Section 10-296, Table 3 (ROW widths - private streets)
- Section 10-296(d)(3) (drainage and 10-296(e) through (i) road specifications)
- Section 10-296(l) (horizontal curves)
- Section 10-296(o) (intersection designs)
- Section 10-296(p) (cul-de-sacs)
- Section 10-322 (swale sections)
- Section 10-329(d)(1)a.2.&a.3 (Water excavation setbacks)
- Section 10-329(b)(4)a. (excavation bank slopes)
- Section 10-352 (public water)
- Section 10-353 (public sewer)
- Section 10-385(c) (water mains)
- Section 10-415(b)(5) (Indigenous native vegetation)
- Section 10-416(c) Landscaping of parking and vehicle use areas
- Section 10-418(3) (surface water management systems; limited to the prohibition of hardened structures behind single family residences for restriction of existing lake bank slopes as provided in section 10-329(d)(4)b)
- Section 10-441 (mass transit facilities)
- Section 10-610 (site design standards and guidelines for commercial developments)
- Section 10-716 (piping materials in right of way)
- Chapter 33 (if permitted) Section(s): \_\_\_\_\_

17. **Explanation and Justification of Request:** Explain the proposed request and why the administrative deviation is needed. For each deviation requested, provide an explanation as to how the deviation satisfies the criteria provided in 10-104(b). **[10-104]**

- (1) The request is based on sound engineering practices (not applicable to sections 10-352, 10-353 and division 7, article III, chapter 10);
- (2) The request is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested;
- (3) For division 7, article III, chapter 10, the required facility would unnecessarily duplicate existing facilities;
- (4) The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision; and
- (5) For sections 10-352 and 10-353, the utility that would otherwise serve the development cannot provide the service at the adopted level of service standard due to an inadequate central facility.

18. **Plans:**

- a. Provide a 24"x36" and 11" x 17" size plan that is sealed and dated by a registered professional engineer, that accurately reflects the applicant's alternative proposal {not required for deviations requested from LCLDC Sections 10-415(b)(5) or 10-416(c)}.
- b. **For indigenous open space and parking lot landscaping deviations**, {LCLDC Section 10-415(b)(3) and Section 10-416(c)}, provide a 24"x36" and 11" x 17" size plan signed, sealed and dated by a registered landscape architect, that accurately reflect the applicant's alternative proposal. **[10-104]**

19. **Public Meeting Requirements:** Provide a meeting summary document of the required public informational session. **[34-202(a)(10); 33-54(a) & (b)]**

20. **Other Requested Documentation:** Any other materials and/or calculations requested by the Director of Community Development Services to aid in the decision. **[10-104]**

## SUBMITTAL REQUIREMENT CHECKLIST

*Clearly label your attachments as noted in bold below.*

<input type="checkbox"/>	Completed application [34-204]
<input type="checkbox"/>	Filing Fee [34-204]
<input type="checkbox"/>	<b>Affidavit of Authorization</b> Form [34-204; 34-202]
<input type="checkbox"/>	<b>Additional Agents</b> [34-204; 34-202]
<input type="checkbox"/>	<b>Multiple Owners</b> List (if applicable) [34-201; 34-204]
<input type="checkbox"/>	<b>Disclosure of Interest</b> Form [34-204; 34-201]
<input type="checkbox"/>	<b>Legal description (must submit one)</b> [34-202, 34-204]
<input type="checkbox"/>	Legal description (metes and bounds) and sealed sketch of legal description
	<b>OR</b>
<input type="checkbox"/>	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click <a href="#">here</a> to see an example of a legal description with no metes and bounds.)
<input type="checkbox"/>	Explanation and <b>Justification</b> of Request [10-104]
<input type="checkbox"/>	<b>Alternate Proposal Plan</b> [10-104]
<input type="checkbox"/>	<b>Public Meeting Summary</b> [34-202(a)(10); 33-54(a) & (b)]
<input type="checkbox"/>	<b>Other</b> Requested Documentation (as may be required) [10-104]

**Note:** Please provide three (3) COLLATED paper copies and one (1) electronic copy of all submittal information.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file. Community Development Department staff will review this application for compliance with requirements of the Village of Estero Land Development Code. The applicant will be notified of any deficiencies. Acceptance of an application in no way guarantees its approval. The Planning and Zoning Board's decision on an administrative application for deviation from chapter 10 and 33 is final and cannot be appealed.

If it is determined that inaccurate or misleading information was provided to the Village or if the decision does not comply with the Land Development Code when rendered, then, at any time, the Village may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.