COLLIER COUNTY
Collier County Hearing Examiner

AGENDA

Growth Management Department
Conference Rooms 609/610
2800 Horseshoe Drive North
Naples, FL 34104

March 28, 2024

9: 00 AM

Andrew W. J. Dickman, Esq., AICP
Hearing Examiner

Note: Individual speakers will be limited to 5 minutes unless otherwise waived by the Hearing Examiner. Persons Wishing to have written or graphic materials included in the hearing report packets must have that material submitted to County staff at Ailyn.Padron@CollierCountyFL.gov 10 days prior to the Hearing. All materials used during presentation at the hearing will become a permanent part of the record.

Any person who decides to appeal a decision of the Hearing Examiner will need a record of the proceedings pertaining thereto, and therefore may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Decisions of the Hearing Examiner are final unless appealed to the Board of County Commissioners.

Hearing Procedures will provide for presentation by the Applicant, presentation by staff, public comment and applicant rebuttal. The Hearing Examiner will render a decision within 30 days. Persons wishing to receive a copy of the decision by mail may supply County staff with their name, address, and a stamped, self-addressed envelope for that purpose. Persons wishing to receive an electronic copy of the decision may supply their email address.

1. Pledge of Allegiance

2. Review of Agenda

3. Advertised Public Hearing

A. Petition No. PCUD-PL20230016127 – Optimus Traffic and Driving School – Request for a determination that the proposed use of an indoor only automobile driving instruction facility is comparable in nature to other permitted uses in 3.2.A(18), relating to Tract B, of the Wildwood Estates Planned Unit Development (PUD) adopted by Ordinance Number 81-27. The subject property is located at 7795 Davis Boulevard, Naples, FL 34104, also known as Unit 205, Del Mar Retail Center, a Commercial Condominium, in Section 4, Township 50 South, Range 26 East, Collier County, Florida. [Sean Sammon, Planner III] Commissioner District 1

B. Petition No. VA-PL20230010369 – Request for an after-the-fact variance for a 50-ft by 80-ft garage and a 31.9-ft by 31.9-ft open air/roof only carport that were built closer to the property lines than code allows; the variance is from LDC section 4.02.01.A, Table 2.1, to reduce the required rear yard setback from 75 feet to 38 feet and the eastern side yard setback from 30 feet to 29.4 feet for the garage and to reduce the required side yard setback from 30 feet to 7.9 feet for the carport, on a ±2.27 acre property located at 5261 Sycamore Drive, also known as the East 150 Feet of Tract 45, Golden Gate Estates Unit 32, in Section 9, Township 49 South, Range 26 East, Collier County, Florida. [Coordinator Eric Ortman, Principal Planner] Commissioner District 3

4. Other Business

5. Public Comments

6. Adjourn

03/28/2024

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.A
Doc ID: 28185
Item Summary: Petition No. PCUD-PL20230016127 – Optimus Traffic and Driving School – Request for a determination that the proposed use of an indoor only automobile driving instruction facility is comparable in nature to other permitted uses in 3.2.A(18), relating to Tract B, of the Wildwood Estates Planned Unit Development (PUD) adopted by Ordinance Number 81-27. The subject property is located at 7795 Davis Boulevard, Naples, FL 34104, also known as Unit 205, Del Mar Retail Center, a Commercial Condominium, in Section 4, Township 50 South, Range 26 East, Collier County, Florida. [Sean Sammon, Planner III] Commissioner District 1

Meeting Date: 03/28/2024

Prepared by:
Title: Principal Planner – Zoning
Name: Sean Sammon
02/28/2024 2:18 PM

Submitted by:
Title: Zoning Director – Zoning
Name: Mike Bosi
02/28/2024 2:18 PM

Approved By:

Review:

Growth Management Community Development Department		Diane Lynch	GMD Approver 03/04/2024 7:15 PM	Skipped
Operations & Regulatory Management	Michael Stark	Review Item	Completed	03/07/2024 1:11 PM
Hearing Examiner (GMD Approvers)	David Merino	Review Item	Completed	03/13/2024 11:35 AM
Unknown	Jaime Cook	GMCDD Reviewer	Completed	03/14/2024 5:00 PM
Zoning	Sean Sammon	Review Item	Skipped	02/28/2024 2:04 PM
Zoning	Ray Bellows	Review Item	Completed	03/14/2024 5:19 PM
Zoning	Mike Bosi	Division Director	Completed	03/15/2024 7:47 AM
Hearing Examiner	Andrew Dickman	Meeting Pending	03/28/2024 9:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: MARCH 28, 2024

SUBJECT: OPTIMUS TRAFFIC AND DRIVING SCHOOL, COMPARABLE USE DETERMINATION (PCUD), PCUD-PL20230016127

PROPERTY OWNER/APPLICANT:

Faisal Cure Orfale
Jacur Holding Group LLC
5600 SW 135 Ave., Ste 106
Miami, FL 33138

AGENT:

Heather Smallwood & Jose Chapman
Smallwood Solutions LLC
6336 Possum Ridge Rd.
Crestview FL, 32539

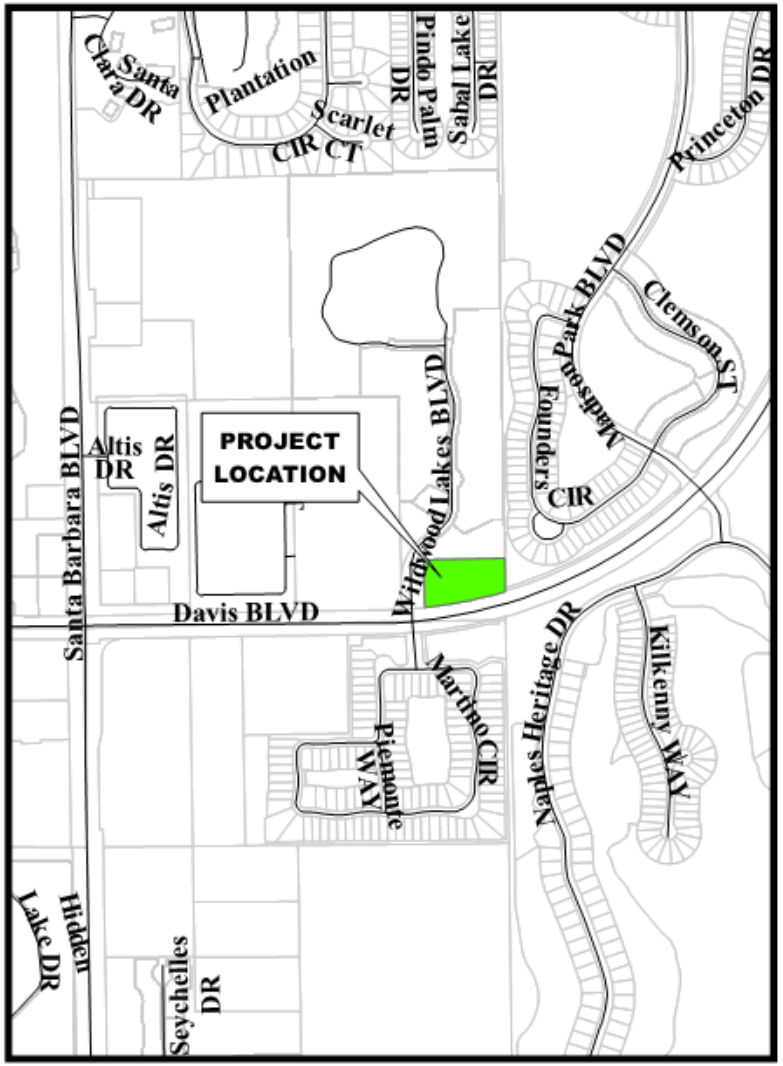
REQUESTED ACTION:

Request for a determination that the proposed use of an indoor-only automobile driving instruction facility is comparable in nature to other permitted uses in 3.2.A(18), relating to Tract B of the Wildwood Estates Planned Unit Development (PUD) adopted by Ordinance Number 81-27.

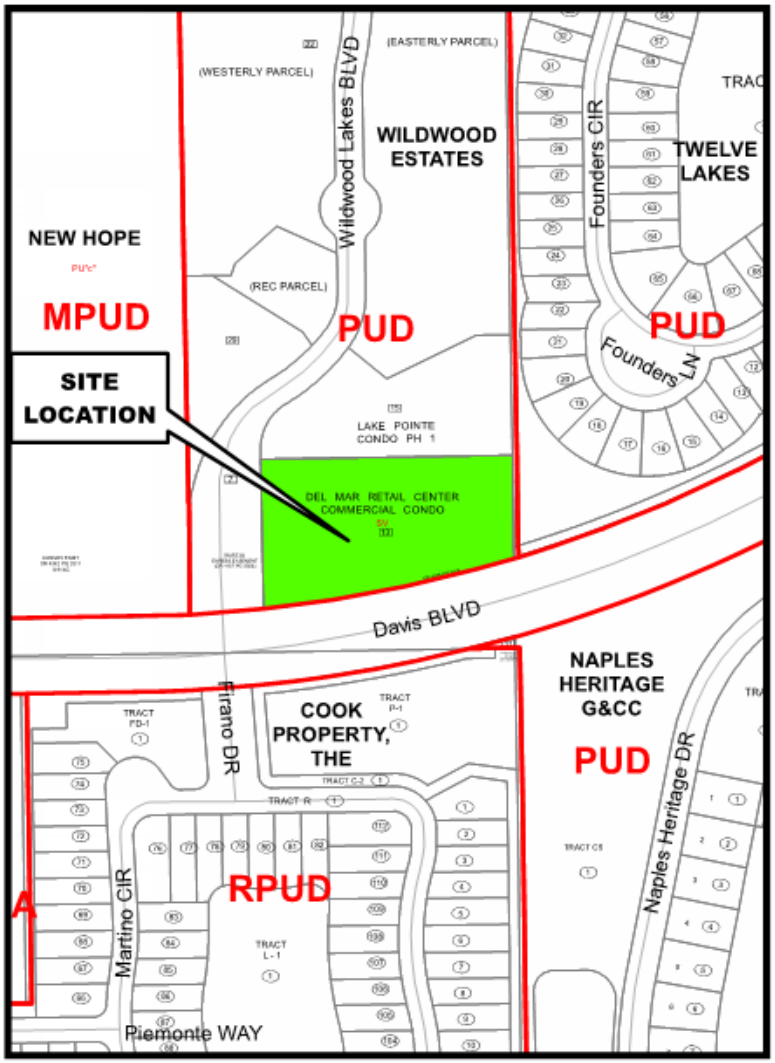
GEOGRAPHIC LOCATION:

The subject use will be housed in Unit 205 at the subject property located at 7795 Davis Boulevard, Naples, FL 34104. This property is approximately 2,200 feet east of Santa Barbara Boulevard and approximately 1.25 miles southwest of the Radio Road and Davis Boulevard intersection at the Del Mar Retail Center, a Commercial Condominium in Section 4, Township 50 South, Range 26 East, Collier County, Florida.

Attachment: PL20230016127 - Staff Report - Optimus Traffic and Driving School PCUD (28185 : PL20230016127 - Optimus Traffic and Driving



Location Map



Zoning Map

Petition Number: PL20230016127

SURROUNDING LAND USE AND ZONING:

This section of the staff report identifies the land uses and zoning classifications for properties surrounding the subject property, which is in the Wildwood Estates Planned Unit Development (PUD).

North: Developed Residential with a zoning designation of Planned Unit Development (PUD); Plantation PUD (west) and Sabal Lakes PUD (east)

East: Mix of preserve and developed residential with a zoning designation of Planned Unit Development (PUD); Twelve Lakes PUD

South: Davis Boulevard (R.O.W.) and developed residential with a zoning designation of a Residential Planned Unit Development (RPUD); The Cook Property RPUD

West: From adjacent north to south: existing Calusa Park Elementary School, developed multi-family residential, existing New Hope Ministries Church with the zoning designation of Residential and Community Facilities Planned Unit Development, Bembridge EMS Complex RPUD & CFPUD, and Mixed Use Planned Unit Development, New Hope MPUD

Collier County Property Appraiser

Attachment: PL20230016127 - Staff Report - Optimus Traffic and Driving School PCUD (28185 : PL20230016127 - Optimus Traffic and Driving

PURPOSE AND DESCRIPTION OF PROJECT:

The applicant is seeking confirmation that the intended use of an indoor-only driving school is comparable to other permitted uses in 3.2.A(18), relating to Tract B, permitted as a matter of right in the Wildwood Estates PUD. This will be an indoor-only traffic and driving school that will offer improvement for people needing to lower driver's insurance rates following the receipt of a traffic ticket or an accident to help the driver correct any points issued on their license. The facility will provide online and in-person classes, with an estimated number of between 5 and 10 people in the in-person classes.

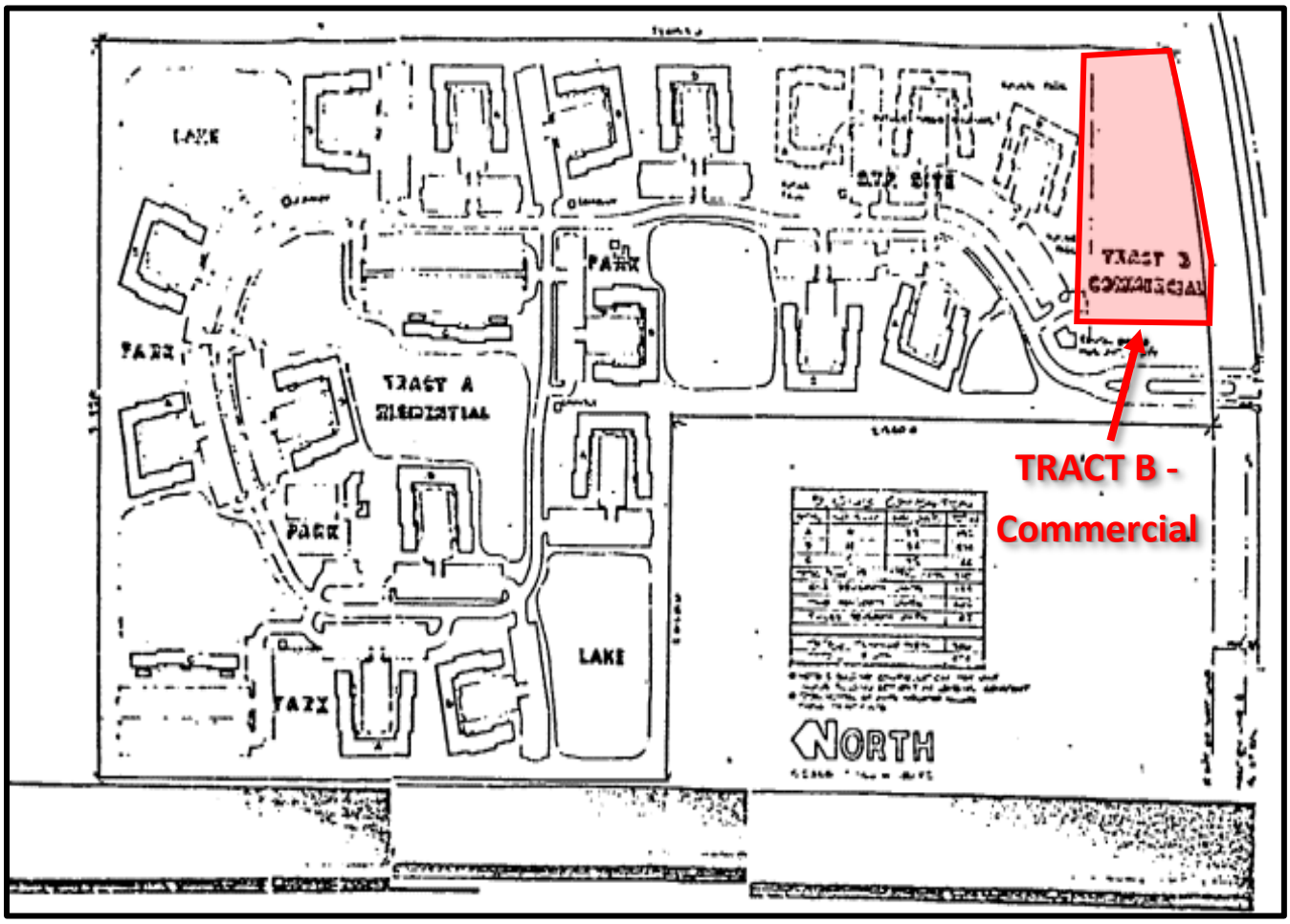
Wildwood Estates PUD is ±60 acres in size, was approved in 1981, and is fully developed north of Davis Boulevard. The attraction to the public is the existing retail shopping center consisting of multiple businesses, including Pelican Larry's. The proposed use will be housed in the building located at 7795 Davis Blvd within Unit 205 of the Pelican Larry Plaza. There was a Hearing Examiner (HEX) Decision, HEX No. 2015-32, that approved Judo/Karate instruction, Yoga, and Pilates as uses comparable in nature to other permitted commercial principal uses in Tract B of the Wildwood Estates PUD. The PUD Ordinance 81-27, Section III establishes the "Commercial Development Regulations" and lists the permitted uses and structures in Section 3.2.A. Of this, number 18, "Any other convenience commercial use which is comparable in nature with the foregoing uses and which the Director determines to be compatible in the district," would be the determining factor to allow the comparable use.

The comparable use is being identified as Standard Industrial Classification (SIC) Code 7999, identified as Amusement and Recreation Services, not elsewhere classified, in which Judo/Karate Instruction are included. The SIC code 7999 includes permitted and conditional uses in the Intermediate Commercial (C-3), General Commercial (C-4), and Heavy Commercial (C-5) zoning districts. The SIC Code that may be construed for this proposed use of an automobile driving instruction would be SIC code 8299, Schools and Educational Services, not elsewhere classified, and this SIC code is only permitted in the C-4 and C-5 zoning districts. The main difference between SIC code 8299 for automobile driving instruction and the proposed use for Optimus Traffic and Driving School, SIC Code 7999, is that the automobile driving instruction typically incorporates a field driving course and generates more vehicle trips. The proposed Optimus Traffic and Driving School will be an indoor instruction only since it will assist drivers, provide opportunities to lower their car insurance rates and decrease points on their licenses.

Optimus Traffic and Driving School will offer their clientele options such as:

- 4 Hour Basic Diver Course
- 8 Hour Basic Driver Course (sometimes judge-ordered)
- 12-hour Advanced Driver Improvement
- Traffic School online courses
- Traffic ticket classes

The proposed uses are compared directly to the existing on-site Judo/Karate class that offers instruction to approximately 10-15 students in each class. This is similar because the learning environments are indoor, in-person classes, and what is learned can be applied in the real world. Judo/Karate can be used for each student in self-defense situations, and the Optimus Traffic and Driving School can be applied for each student when operating a motor vehicle. Similar to the Judo/Karate studio, all instructions will occur indoors, and students will come and go as they may drive themselves or be dropped off. The proposed use will not cause excessive noise or odors to the shopping plaza. Instead, it will provide knowledge and resources for Florida licensed drivers seeking assistance while improving the safety of the roadways in the surrounding communities.



Wildwood Estates PUD Master Plan

STAFF ANALYSIS:

The subject property has a Future Land Use Designation of Urban Residential Subdistrict within the Residential Density Band in the Future Land Use Element (FLUE). "The purpose of this Subdistrict is to provide for higher densities in an area with fewer natural resource constraints and where existing and planned public facilities are concentrated. This Subdistrict comprises

Attachment: PL20230016127 - Staff Report - Optimus Traffic and Driving School PCUD (28185 : PL20230016127 - Optimus Traffic and Driving

approximately 93,000 acres and 80% of the Urban Mixed-Use District. Maximum eligible residential density shall be determined through the Density Rating System. Still, it shall not exceed 16 dwelling units per acre except in accordance with the Transfer of Development Rights Section of the Land Development Code."

The Wildwood Estates PUD permits a maximum of 710 multi-family residential dwellings on Tract A. On Tract B, it permits a wide range of commercial uses, including automobile service stations, baker shops, barber and beauty shops, bicycle sales and service, delicatessens, drug stores, dry cleaning, food markets, hardware stores, ice cream shops, ice sales, self-service laundries, meat markets, post offices, repair shops for small appliances, restaurants, veterinary clinics, and any other convenience commercial use or comparable in nature with the foregoing uses.

The HEX Decision 2015-32 was approved to allow Judo/Karate instruction, Yoga, and Pilates as uses comparable in nature to other permitted commercial principal uses in Tract B of the Wildwood Estates PUD. The unit that will house the proposed use is approximately 1,455 square feet, which is the average unit size, far less than the largest unit, unit 209, approximately 1,870 square feet, and there is no plan to expand the size of the unit for the proposed use. A typical Judo/Karate instruction studio for 10-15 students may occupy an average unit space of 1,500 to 2,000 square feet of space. The proposed use will be in the standard unit size in Pelican Larry's Plaza and will be a quieter use in comparison to Judo/Karate since this will be a sit-down instructional use and won't create a nuisance to the existing neighboring units.

The proposed use is comparable and compatible with existing uses allowed within the Wildwood Estates PUD, as evidenced by the previously issued approval of HEX Decision 2015-32. The proposed use also has less impact on the PUD's public facilities and trip generation.

Per LDC §10.02.06 K, a Comparable Use Determination (CUD) process is to be used to determine whether a specified use is comparable in nature with the list of permitted uses and the purpose and intent statement of the specified zoning district, overlay, or PUD. After staff evaluation of the criteria in LDC §10.02.06 K.2, the results are presented at a public hearing for the purposes of approval, approval with conditions, or denial.

LDC §10.02.06 K.2. Criteria listed in bold with the applicant's response in regular font and staff analysis in italics.

A. The proposed use possesses similar characteristics to other permitted uses in the zoning district, overlay, or PUD, including but not limited to the following:

Applicant Response: Much like any retail center, the Optimus Driving School will provide services similar to other comparable uses. HEX NO. 2015-32 which approved Judo/Karate instruction, Yoga, and Pilates is the focus for this comparable use. This HEX Decision was approved on August 25, 2015, in the Wildwood Estates PUD. The request for Optimus Traffic and Driving School to be approved to do business outside of its C-4 and C-5 Commercial and Business parks zoning districts as the county may see this use as "Automobile Driving Instruction," but this is not exactly what the school will offer.

Attachment: PL20230016127 - Staff Report - Optimus Traffic and Driving School PCUD (28185 : PL20230016127 - Optimus Traffic and Driving

Staff Response: The HEX Decision 2015-32 was approved on August 25, 2015, for a different use in Tract B and determined that a Judo/Karate instruction, Yoga, and Pilates is comparable and compatible with the uses allowed by right in the Tract B. Staff believes this proposed use in the subject property will involve operational characteristics for the Traffic and Driving School similar to the Judo/Karate instruction.

i. Operating Hours:

Applicant Response: Monday through Friday, 9 a.m. to 6 p.m.; there will be occasional classes on Saturdays.

Staff Response: These operating hours are consistent with the proposed use being offered. These proposed hours are comparable and consistent with other uses allowed in Tract B since other uses have opening and closing times between 8 a.m. and 7 p.m., and some units are open on Saturdays.

ii. Traffic Volume Generated/Attracted:

Applicant Response: The driving school has an average of 3-4 employees and 5-10 students, with a maximum of 10 students. It also offers courses online.

Staff Response: Staff supports the minimal traffic volume generated by the proposed use of the traffic and driving instruction being offered. The Transportation Review was included during the pre-application meeting, and contact information was offered for any necessary questions. The proposed use did not trigger the traffic volume necessary for a thorough review, and it is consistent and comparable with other allowed uses in Tract B, which won't generate a substantial increase in traffic volume. There is also no parking increase since the traffic volume will not include a substantial increase.

iii. Type of vehicles associated with the use:

Applicant Response: Students and employees may come and go like any other business in this plaza, either by drop-off, bus, and/or vehicle.

Staff Response: The vehicles to be used in association with the proposed use have minimal impact on the existing transportation facilities located at the subject property, especially Tract B. The parking provided may be sufficient for the proposed use since it will not add additional trips to what is already provided for the existing site. Regarding public transportation, there is an existing Collier Area Transit (CAT) Bus Stop on the northeast quadrant of Wildwood Lakes Blvd and Davis Blvd.

***iv.* Number and type of required parking spaces:**

Applicant Response: No additional spots are required for what is already zoned.

Staff Response: Staff supports and determines this is sufficient.

Attachment: PL20230016127 - Staff Report - Optimus Traffic and Driving School PCUD (28185 : PL20230016127 - Optimus Traffic and Driving

v. Business practices and activities:

Applicant Response: This is a traffic and driving school that assists with helping people lower the points on their license (if they have received a violation) as well as their car insurance rates. No driving will take place in the parking lot or facilities. It is all in-person or online learning.

Staff Response: Staff supports and determines this is sufficient for Tract B, specifically because this is indoor only for traffic and driving instruction.

B. The proposed use's effect on neighboring properties in relation to noise, glare, or odor shall be no greater than that of other permitted uses in the zoning district, overlay, or PUD.

Applicant Response: No odor effects shall be greater than that of other permitted uses in the zoning district, overlay, or PUD. No odors, smells, or additional noise will take place in the already permitted uses. We are comparing the traffic/driving school to a Judo/Karate school, which is much louder in nature than the traffic and driving school that is proposed to be housed in unit 205.

Staff Response: Since it will be interior to the existing facility with no proposed exterior changes, there will be no negative effects of noise, glare, or odor.

C. The proposed use is consistent with the GMP, meaning the applicable future land use designation does not specifically prohibit it; and, where the future land use designation contains a specific list of allowable uses, the proposed use is not omitted.

Applicant Response: Yes.

Staff Response: The proposed use is consistent with the GMP because it is located within the Urban Residential Subdistrict and within the Residential Density Band, which is also consistent with the FLUE.

D. The proposed use shall be compatible and consistent with the other permitted uses in the zoning district, overlay, or PUD.

Applicant Response: Yes.

Staff Response: The proposed use for an indoor-only Traffic and Driving School is consistent with and comparable to other uses allowed in Tract B, such as the Judo/Karate studio.

E. The proposed use shall be compatible with the surrounding neighborhood.

Applicant Response: Yes.

Staff Response: The proposed Traffic and Driving School is a small commercial use that is available to the public. It is not an exclusive private school; it is offered for anyone who needs to lower points on their driver's license or improve their insurance rates.

F. Any additional relevant information as may be required by the County Manager or designee.

Applicant Response: This is a request for the Optimus Traffic and Driving School to do business in the Wildwood Estates for commercial uses. The "Automobile Driving Instruction," which is SIC code 8299, is a conditional use in the C-3 and the Collier Boulevard/Interstate 75 Innovation Zone Overlay (CBIIZO), and it is a permitted use in the C-4 and C-5 commercial and the Business Park (BP) zoning districts in the county. As previously stated, this traffic and driving school is different because it will offer no traffic generators as the school is 100% inside. The requested use will not cause any excessive noise or odors to the shopping plaza, but instead, it will provide knowledge and resources for any Florida driver looking for assistance and provide safer roadways for Florida Drivers.

Staff Response: In comparison to the Judo/Karate instruction, SIC code 7999, this is a permitted and a conditional use in the Intermediate Commercial (C-3), General Commercial (C-4), and the Heavy Commercial (C-5) zoning districts. The proposed use for the Traffic and Driving School is comparable in nature by being an indoor-only instruction and will not increase traffic demand or parking compared to what already exists on site.

PUBLIC NOTICE:

Per the LDC and Administrative Code, a Neighborhood Information Meeting (NIM), posting of a sign on the subject property, and mailing to surrounding property owners are not required. The only notice required is a newspaper advertisement for the Hearing Examiner public meeting (Administrative Code, Chapter 3L, and LDC §10.03.06. O), which was posted in the Naples Daily News on Friday, March 8, 2024.

STAFF RECOMMENDATION:

Staff recommends that the Collier County Hearing Examiner determine that the proposed use of the Optimus Traffic and Driving School in Wildwood Estates PUD Tract B, Unit 205 at 7795 Davis Boulevard, Naples, FL 34104, is comparable and compatible with the list of permitted uses contained in Section 3.2.A.(18) of the Wildwood Estates PUD with the following condition:

1. The operating hours will be as follows: Monday through Friday from 9:00 a.m. to 6:00 p.m., and occasional Saturdays.

Attachment: PL20230016127 - Staff Report - Optimus Traffic and Driving School PCUD (28185 : PL20230016127 - Optimus Traffic and Driving

ATTACHMENTS:

A. Backup Package

B. Ordinance 81-27

C. HEX 15-32

D. Naples Daily News Advertisement, March 8, 2024

Attachment: PL20230016127 - Staff Report - Optimus Traffic and Driving School PCUD (28185 : PL20230016127 - Optimus Traffic and Driving

HEARING PACKAGE CHECKLIST Return this form with printed materials

A. Backup provided by the County Planner

The Planner is responsible for all required data included in the printed packets of information for the Hearing Examiner (Hex) or the Collier County Planning Commission (CCPC). DO NOT ACCEPT DUPLICATES OF ANY DOCUMENTS. MAKE SURE ONLY THE LATEST, ACCEPTED/APPROVED COPY OF THE BELOW DOCUMENTATION. PLEASE CONFIRM THE DOCUMENTS ARE IN THE ORDER DESCRIBED IN "BACKUP PROVIDED BY APPLICANT."

Planner responsible for providing the County Attorney-drafted Ordinance for PUDs and placing in backup materials. AGENTS DO NOT INCLUDE THE PUD DOCUMENT – STAFF PROVIDES THIS TO THE COUNTY ATTORNEY WHEN THE ORDINANCE IS DRAFTED FOR A PUD. THE FINAL PUD ORDINANCE/RESOLUTION IS THE FIRST ITEM AFTER THE STAFF REPORT. [FOR HEX, THE REQUESTED LANGUAGE/ PROPOSED PLAN IS THE FIRST ITEM AFTER THE STAFF REPORT]

B. Backup provided by Applicant:

PLEASE PROVIDE THE DOCUMENTS IN THE ORDER DESCRIBED BELOW. DO NOT PROVIDE DUPLICATES OF ANY DOCUMENTS. PROVIDE ONLY THE LATEST, ACCEPTED/APPROVED COPY OF THE BELOW DOCUMENTATION. IF THE BACKUP PROVIDED BY APPLICANT IS IN DISARRAY-MEANING IT IS NOT IN THE PROPER ORDER AND/OR THE APPLICANT PROVIDES MULTIPLE DUPLICATES-THE APPLICANT COULD LOSE ITS HEARING DATE.

- x Application, to include but not limited to the following:
  - x Narrative of request
  - x Property Information
  - x Property Ownership Disclosure Form
  - x Any other documents required by the specific petition type; such as a variance, a boat dock extension; PUD amendment, rezone request, etc.
- n/a Disclosure of Property Ownership Interest (if there is additional documentation aside from disclosure form)
- n/a Affidavit of Unified Control
- n/a Affidavit of Representation
- n/a Drawings (may include Cross-Section (for BDEs generally), proposed Boat Dock(s) with Water depth, location maps etc.)
- n/a NIM Information (Sign in sheet, notes, minutes and transcript/or summary)
  - ✓ Include 3 thumbnail drives of video and/or audio
- n/a Traffic Impact Study (TIS)
- n/a Environmental Data
- n/a Historical/Archeological Survey or Waiver
- n/a Utility Letter
- n/a Deviation Justifications

Attachment: ATTACHMENT A - BackupPackage (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

__n/a__ Boundary Survey

__n/a__ Other documents, as needed, on a case-by-case basis such as relevant prior Ordinances, Conditional Uses, historical documents, any "private or legal" agreements affecting the PUD etc.

__n/a__ Submerged Resource Surveys may be included here if required.

____ **CD with *only one* pdf file for all documents <u>in the same order as the</u> <u>packets are put together. They must be in the same order.</u>**

I understand that by submitting the above materials, it is the agent's/applicant's responsibility to ensure all materials are in the same order for all copies of backup materials to provide to the Hex/CCPC and the CD must contain the documents in one pdf file (not multiple files) in the same order as the printed materials. It is the agent's responsibility to ensure no documentation is left out.

_____ 2/21/24

Signature of Agent Representative — Date

Heather Smallwood

Printed Name of Signing Agent Representative

Attachment: ATTACHMENT A - BackupPackage (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

Collier County

Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

Comparable Use Determination

Land Development Code section 10.02.06 K
Chapter 3 L of the Administrative Code

☑ PUD Zoning District ☐ Standard Zoning District

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): JACUR LARRYS PELICAN PLAZA LLC

Name of Applicant if different than owner: Heather Smallwood and/or Jose Chapman

Address: 5600 SW 135 Ave suite 106 City: Miami State: FL ZIP: 33138

Telephone: 786-210-1499 Cell: 786-210-1499

E-Mail Address: chapman@aplusinternationalrealty.com

Name of Agent: Heather Smallwood and/or Jose Chapman

Firm: Smallwood Solutions LLC

Address: 6336 Possum Ridge Rd City: Crestview State: FL ZIP: 32539

Telephone: 5132936280 Cell:

E-Mail Address: smallwoodsolutions.h@gmail.com

PROPERTY INFORMATION

Site Address: 7795 Davis Blvd Unit 205 Folio Number: 29810000268

Property Owners Name: Optimus Traffic and Driving School-Clifford Nicholas

Attachment: ATTACHMENT A - BackupPackage (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

Collier County

Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

DETERMINATION REQUEST

The determination request and justification for the use must be done by a certified land use planner or a land use attorney. Provide the completed request on a separate attached sheet. Please be very specific and include the SIC Code, if known. The request should adhere to the following format:

"I request a determination from the Planning Manager and approval from the Office of the Hearing Examiner, that the use of see attached narrative. *is comparable and compatible with the permitted uses in the* Wildwood Estates *PUD or in the* _____ *Straight Zoning District."*

ASSOCIATIONS

Complete the following for all registered Home Owner / Civic Association(s) that could be affected by this petition and located within 1,000 feet of the subject property. Provide additional sheets if necessary. Information can be found on the **Civic Associations and Communities page** on the Board of County Commissioner's website. Applicant is responsible for and shall confirm the current mailing addresses for each association as registered by the Florida Department of State, Division of Corporations.

Name of Homeowner / Civic Association: _____
Mailing Address: _____ **City:** _____ **State:** ____ **ZIP:** _____

Name of Homeowner / Civic Association: _____
Mailing Address: _____ **City:** _____ **State:** ____ **ZIP:** _____

Name of Homeowner / Civic Association: _____
Mailing Address: _____ **City:** _____ **State:** ____ **ZIP:** _____

Name of Homeowner / Civic Association: _____
Mailing Address: _____ **City:** _____ **State:** ____ **ZIP:** _____

Name of Homeowner / Civic Association: _____
Mailing Address: _____ **City:** _____ **State:** ____ **ZIP:** _____

Attachment: ATTACHMENT A - BackupPackage (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

Collier County

Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

SUBMITTAL REQUIREMENTS CHECKLIST

See Chapter 3 G.6 of the Administrative Code for submittal requirements. The following items are to be submitted with the application packet. **Incomplete submittals will not be accepted or processed.**

REQUIREMENTS FOR REVIEW	REQUIRED	NOT REQUIRED
Completed Application	✓	
Affidavit of Authorization	✓	
Completed Addressing Checklist	✓	
Property Ownership Disclosure Form	✓	
Determination request and the justification for the use	✓	
PUD Ordinance and Development Commitment information		✓

FEE REQUIREMENTS

- ✓ **Pre-Application Meeting fee** $500.00
- ✓ **Comparable Use Determination Application fee:** $1,000.00
- ✓ **Estimated Legal Advertising fee:** $1,125.00
- ✓ **If applicable, an additional fee for Property Owner Notifications will be billed to the applicant after hearing date.** *(Variable)*

All fees are collected at the time of application. Property Notification Letters, if required by The Land Development Code, will be invoiced after the petition is heard by the Board of County Commissioners.

*As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition. *Additional fee for the 5th and subsequent re-submittal will be accessed at 20% of the original fee.*

***The completed application, all required submittal materials, and fees shall be submitted to:**

Growth Management Community Development Department | GMD Portal:
https://cvportal.colliercountyfl.gov/cityviewweb

Questions? Email: GMDclientservices@colliercountyfl.gov

HSmallwood
Applicant Signature

Heather Smallwood
Printed Name

12/28/23
Date

Attachment: ATTACHMENT A - BackupPackage (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

SMALLWOOD SOLUTIONS

Sean Sammon, Principal Planner
Collier County Growth Management
2800 North Horseshoe Drive
Naples FL 34104

Re: PL20230013770, PL20230016127- PCUD- PUD Comparable Use Determination for Certain Uses with the Wildwood Estates PUD (UNIT 205) Optimus Traffic and Driving School (PCUD)

Dear Mr. Sammons:

As you may recall in August of 2023, we submitted PL20230013770 and received an incomplete notice from Ray Bellows stating:

> Per our Zoning Manager, Ray Bellows, a driving school is not listed as a permitted use in the Wildwood Estates PUD, where the proposed unit is located. For the use to permissible, the PUD must be amended and will require a Pre-Application Meeting. Should you have any further questions regarding the PUD Amendment process, please contact our Client Services department at GMDClientServices@colliercountyfl.gov or 239-252-1036.

After the incomplete notice, I, Heather Smallwood reached out to Mr. Bellows who placed me in touch with Mr. Sammons. After having a Zoom Call with Ray Bellows and Sean Sammons a better description of the business's intentions in the Wildwood Estates PUD, it became clear that a comparable use should be applied for, which I will go into further detail below.

Outline

Section 3.2.A.18 "any other convenience commercial use which is comparable in nature with the foregoing uses and which the director determines to compatible in the district".

To be effective, the Comparable Use Determination shall be approved by the Hearing Examiner by decision, or Board of Zoning Appeals by resolution after CCPC recommendation to the BZA, at an advertised public hearing based on the following standards, as applicable:

a. The proposed use possesses similar characteristics to other permitted uses in the zoning district, overlay, or PUD, including but not limited to the following (See bold/italicized comments):

> i. Operating hours ***Monday thru Friday 9 a.m.-6 p.m.***
>
> ii. Traffic volume generated/attracted ***an Average of 3-4 employees and 5-10 students. 10 students being the maximum. The driving school also offers courses online.***

Address: 6336 Possum Ridge Rd. Crestview FL 32539 ***Phone:***513-293-6280 ***Email:*** Smallwoodsolutions.h@gmail.com

Attachment: ATTACHMENT A - BackupPackage (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

iii. Type of vehicles associated with the use ***Students and employees may come and go like any other business in this plaza either by drop off, bus, and/or their vehicle.***

iv. Number and type of required parking spaces; and ***No additional spots required for what is already zoned.***

v. Business practices and activities. ***This is a Traffic and Driving school that assists with helping people lower their points on their license (if they have received a violation) as well as their car insurance rates. No driving will take place in the parking lot or facilities. It is all in-person or online learning.***

b. The effect of the proposed use would have on neighboring properties in relation to the noise, glare, or : ***No odor effects shall be no greater than that of other permitted uses in the zoning district, overlay, or PUD. No odors, smells or additional noise will take place in the already permitted uses. We are comparing the traffic/driving school to a judo/karate school, which is much louder in nature than the Driving and Traffic school that we will have in unit 205.***

c. The proposed use is consistent with the GMP, meaning the applicable future land use designation does not specifically prohibit the proposed use, and, where the future land use designation contains a specific list of allowable uses, the proposed use is not omitted. **Yes**

d. The proposed use shall be compatible and consistent with the other permitted uses in the zoning district, overlay, or PUD. **Yes**

e. The proposed use shall be compatible with the surrounding neighborhood. **Yes**

f. Any additional relevant information as may be required by County Manager or Designee.

Background:

The PUD for Wildwood Estate, which was approved in 1981, is +/- 60 acres in size and fully developed off Davis Blvd. One of the major attractions in this commercial tract is the retail shopping center which has multiple businesses that serve the residents of Naples, Florida. One of the most commonly known retailers would be Pelican Larrys.

The PUD Document, in Section III, sets forth the “Commercial Development regulations”. Section 3.2 Lists the Permitted Uses and Structures see below:

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Address: 6336 Possum Ridge Rd. Crestview FL 32539 ***Phone:***513-293-6280 ***Email:*** Smallwoodsolutions.h@gmail.com

A. Permitted Principal Uses and Structures:
(1) Automobile service stations without repairs*.
(2) Baker shops - including baking only when incidental to retail sales from the premises.
(3) Barber and beauty Shops.
(4) Bicycle sales and service.
(5) Delicatessens.
(6) Drug Stores
(7) Dry Cleaning - collecting and delivery only.
(8) Food markets.
(9) Hardware stores.
(10) Ice Cream Shops.
(11) Ice sales (not including ice plants).
(12) Laundries, Self Service only.
(13) Meat Markets.
(14) Post Offices.
(15) Repair Shops- radio, TV, small appliances, shoe.
(16) Restaurants - not including drive-ins.
(17) Veterinary clinics - No outside kenneling.
(18) Any other convenience commercial use which is comparable in nature with the foregoing uses and which the Director determines to be compatible in the District.

B. Permitted Accessory Uses and Structures.
(1) Accessory uses and structures customarily associated with the uses permitted in this district.
(2) Caretaker's Residence*

C. Permitted Uses and Structures Subject to Site Plan Review:
(1) Recreational facilities not accessory to principal uses.

Much like any retail center. Optimus Driving School will provide services similar to other comparable uses. HEX NO. 2015-32 which approved Judo/Karate instruction, Yoga, Pilates is what we will focus our comparable use. This HEX was approved on August 13, 2015 in the Wildwood Estates PUD. See below:

DECISION:

The Hearing Examiner hereby approves Petition No. ZVL–PL20150000829, filed by Robert Mulhere, FAICP, representing Del Mar Retail Center Condominium Association, Inc., requesting approval of a zoning verification letter determining that the proposed uses of judo/karate instruction, yoga, pilates, fitness facility, gym, florist, art gallery, tanning salon, pet daycare, boarding and grooming with no outdoor kenneling, artificial flowers-retail, pet food store, pet shops, retail telephone services, retail picture frame shops, and kidney dialysis are comparable in nature to other permitted uses in Tract "B" under Section 3.2(a) of the Wildwood Estates PUD, Ordinance No. 81-27, on the property described herein, and affirms staff's determinations as stated in the Zoning Verification Letter attached as Exhibit "A", subject to the condition(s) set forth below.

We are requesting Optimus Traffic and Driving School be approved to do business outside of its C-4 and C-5 Commercial and Business parks zoning districts as the county see this use as "Automobile Driving Instruction" but this is not exactly what the school will offer. The business will be in Unit 205 of the Pelican Larry Plaza in the Wildwood Estates PUD (see photo):

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An “Automobile Driving Instruction” would fall more in line with a driving school to teach new drivers who are attempting to get their Florida Driver’s License. This specific Traffic school will offer improvement for people needing to lower their insurance rates after a “ticket” or “accident”. The owner will offer online and in-person classes, with 5-10 people maximum in an “in-person” class.

They offer courses like the below options:

- 4 Hour Basic Diver Course
- 8 Hour Basic Driver Course (sometimes judge-ordered)
- 12-hour Advance Drive Improvement
- Traffic School online courses
- Traffic ticket classes

According to Dragon Gym the average Judo class has about 10-15 students per class and they generally offer multiple classes in a tight space. The Judo/Karate setting is similar because you are learning by taking in-person classes that can be applied in the real world, much like taking the courses through Optimus Traffic and Driving School that can be applied in the real world when operating a motor vehicle.

Optimus Traffic and Driving School will operate normal business hours Monday through Friday 9 a.m.-6 p.m. with occasional classes on Saturdays. None of the classes will take place on the road as this is not a school

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operating to train students how to drive on the road for the first time. All instruction is indoors similar to a Judo/karate type studio and people will come and go. Some people may be dropped off or they may drive to the classes in their vehicle depending on their given situation (i.e. they might have a suspended license and need to take these courses to obtain their license).

This classroom style of learning has been around for centuries, but this idea of assisting normal drivers with an opportunity to lower their car insurance rates and be safer drivers is a win-win for anyone in the Naples Area.

Request:

We are requesting Optimus Traffic and Driving School to do business in the Wildwood Estates C-2 commercial uses. The "Automobile Driving Instruction" which is SIC code 8299, is a conditional use in the C-3 and the Collier Boulevard/Interstate 75 Innovation Zone Overlay (CBIIZO), and it is a permitted use in the C-4 and C-5 commercial and the Business Park (BP) zoning districts in the county. As previously stated, this Traffic and Driving school is different because it will offer no traffic generators as the school is 100% inside. The requested use will not cause any excessive noise or odors to the shopping plaza, but instead, it will provide knowledge and resources for any Florida driver looking for assistance and provide safer roadways for Florida Drivers.

An Expeditious response would be greatly appreciated as prospective tenants are waiting for this outcome.

Sincerely,

Heather Smallwood
Email: Smallwoodsolutions.h@gmail.com or
info@sspermits.com
Phone:513-293-6280 (call or text)

Sources:

What Is the Class Size and Ratio of Instructors to Students? Dragon Gym, www.dragongym.com/faqs/what-is-the-class-size-and-ratio-of-instructors-to-students cfm#:~:text=The%20ideal%20class%20size%20for%20a%20martial%20arts,around%2010-15%20students%20per%20instructor%20is%20considered%20ideal.

Attachment: ATTACHMENT A - BackupPackage (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

PROPERTY OWNERSHIP DISCLOSURE FORM

This is a required form with all land use petitions, except for Appeals and Zoning Verification Letters.

Should any changes of ownership or changes in contracts for purchase occur subsequent to the date of application, but prior to the date of the final public hearing, it is the responsibility of the applicant, or agent on his behalf, to submit a supplemental disclosure of interest form.

Please complete the following, use additional sheets if necessary.

a. If the property is owned 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:

Name and Address	% of Ownership

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

Name and Address	% of Ownership
Jacur Holding Group LLC 5600 SW 135 Ave suit 106R Miami FL	99%
Faisal Cure Orfale 5600 SW 135 Ave suit 106R Miami FL	1%
Garcia-Cohen Itamara 5600 SW 135 AVE STE 106R Maimi	
Diaz Sarmiento Gabriel C CPA 5600 SW 135 Ave Ste 106	

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

Name and Address	% of Ownership

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2800 North Horseshoe Drive, Naples, Florida 34104
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www.colliercountyfl.gov

d. If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners:

Name and Address	% of Ownership

e. If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners:

Name and Address	% of Ownership

Date of Contract: _____

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

Name and Address

g. Date subject property acquired 02/01/24

☒ **Leased: Term of lease** 3 **years /months**

If, Petitioner has option to buy, indicate the following:

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Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

Any petition required to have Property Ownership Disclosure, will not be accepted without this form. Requirements for petition types are located on the associated application form. Any change in ownership whether individually or with a Trustee, Company or other interest-holding party, must be disclosed to Collier County immediately if such change occurs prior to the petition's final public hearing.

As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

***The completed application, all required submittal materials, and fees shall be submitted to:**
Growth Management Community Development Department | GMD Portal:
https://cvportal.colliercountyfl.gov/cityviewweb

Questions? Email: GMDclientservices@colliercountyfl.gov

Agent/Owner Signature

12-30-23
Date

Heather Smallwood
Agent/Owner Name (please print)

Attachment: ATTACHMENT A - BackupPackage (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20230016127

I, Clifford Nicolas (print name), as Tenant (title, if applicable) of Unit 205 (company, If applicable), swear or affirm under oath, that I am the (choose one) owner [ ] applicant [ ] contract purchaser [✓] and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Collier County to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application; and that
4. The property will be transferred, conveyed, sold or subdivided subject to the conditions and restrictions imposed by the approved action.
5. We/I authorize Heather Smallwood and Jose Champman to act as our/my representative in any matters regarding this petition including 1 through 2 above.

**Notes:*

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trust, then they must include the trustee's name and the words "as trustee".*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, and then use the appropriate format for that ownership.*

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Signature 12/7/23 **Date**

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowleged before me by means of [ ] physical presence or [ ] online notarization this 7th day of December, 2023, by (printed name of owner or qualifier) Clifford Nicolas.

Such person(s) Notary Public must check applicable box:

[ ] Are personally known to me

[X] Has produced a current drivers license N242-100-92-020-0

[ ] Has produced _____ as identification.

Notary Seal

Notary Signature: ISNA TAVERNIER

ISNA TAVERNIER
Notary Public - State of Florida
Commission # HH 209470
My Comm. Expires Dec 19, 2025
Bonded through National Notary Assn.

CP\08-COA-00115\155
REV 3/4/2020

Attachment: ATTACHMENT A - BackupPackage (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20230016127

I, Faisal J. Cure Orfale (print name), as Authorized Manager (title, if applicable) of Jacur Larry's Pelican Plaza LLC. (company, If applicable), swear or affirm under oath, that I am the (choose one) owner [✓] applicant [ ] contract purchaser [ ] and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Collier County to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application; and that
4. The property will be transferred, conveyed, sold or subdivided subject to the conditions and restrictions imposed by the approved action.
5. We/I authorize Heather Smallwood and Jose Chapman to act as our/my representative in any matters regarding this petition including 1 through 2 above.

**Notes:*

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."*
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- *If the applicant is a trust, then they must include the trustee's name and the words "as trustee".*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, and then use the appropriate format for that ownership.*

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Signature 12-05-2023 **Date**

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowleged before me by means of [✓] physical presence or [ ] online notarization this 5th day of December, 2023 by (printed name of owner or qualifier) Faisal J. Cure Orfale.

Such person(s) Notary Public must check applicable box:

[✓] Are personally known to me

[ ] Has produced a current drivers license _____

[ ] Has produced _____ as identification.

Notary Signature: _____

NOTARY PUBLIC STATE OF FLORIDA
REBECA FONT-ROMERO
MY COMMISSION # HH 262312
EXPIRES: September 9, 2026

CP\08-COA-00115\155
REV 3/4/2020

Attachment: ATTACHMENT A - BackupPackage (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

Collier County
Growth Management
Community Development Department

ADDRESSING CHECKLIST

Please complete the following and upload via the CityView Portal with your submittal. Items marked with (*) are required for every application, other items are optional and may not apply to every project.

Forms are valid for 6 months following their submittal; an updated form will be required for a new submittal after that timeframe and any time the properties within the project boundary are modified.

Additional documents may be attached to this form and can include:

- * LOCATION MAP and/or SURVEY showing the proposed project boundary.
- List of additional folio numbers and associated legal descriptions.
- E-mail from Addressing Official for any pre-approved project and/or street names.

LOCATION INFORMATION

***FOLIO (Property ID) Number(s)** of subject property or properties. [Attach list if necessary]

29810000268

***LEGAL DESCRIPTION** of subject property or properties. [Attach list if necessary]

DEL MAR RETAIL CENTER A COMMERCIAL CONDOMINIUM UNIT 205

STREET ADDRESS(ES) where applicable, if already assigned.

7795 Davis BLVD 205

PROJECT INFORMATION

Acceptance of this form does not constitute project and/or street name approval and is subject to further review by the Addressing Official. Pre-Approval may be requested by contacting us at GMD_Addressing@colliercountyfl.gov or 239-252-2482 prior to your submittal.

CURRENT PROJECT NAME

PROPOSED PROJECT NAME

PROPOSED STREET NAME(s)

LATEST APPROVED PROJECT NUMBER [e.g., SDP-94-##, PPL-2002-AR-####, PL2017000####]

Attachment: ATTACHMENT A - BackupPackage (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

ORDINANCE 81-27

AN ORDINANCE AMENDING ORDINANCE 76-30, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF THE COASTAL AREA PLANNING DISTRICT BY AMENDING THE ZONING ATLAS MAP NUMBER 50-26-2 BY CHANGING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY FROM "A" AGRICULTURE TO "PUD" PLANNED UNIT DEVELOPMENT: PART OF SECTION 4, TOWNSHIP 50 SOUTH, RANGE 26 EAST; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, Wilson, Miller, Barton, Soll, and Peek, Inc., representing Don Bruns, Richard Kimbrel and R. Douglas Callander, has petitioned the Board of County Commissioners to change the Zoning Classification of the herein described real property;

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida:

SECTION ONE:

The Zoning Classification of the herein described real property located in Section 4, Township 50 South, Range 26 East, Collier County, Florida is changed from "A" Agriculture to "PUD" Planned Unit Development in accordance with the PUD Document attached hereto as Exhibit "A" which is incorporated herein and by reference made a part hereof. The Official Zoning Atlas Map Number 50-26-2, as described in Ordinance 76-30, is hereby amended accordingly.

FILED
AUG 17 4 22 PM '81
SECRETARY OF STATE

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CLERK OF BOARD
COLLIER COUNTY, FLORIDA

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COLLIER COUNTY, FLORIDA

PLANNED UNIT DEVELOPMENT DOCUMENT
FOR
WILDWOOD ESTATES RESIDENTIAL DEVELOPMENT

DOCUMENT PREPARED BY:

WILSON, MILLER, BARTON, SOLL & PEEK, INC.
(WAFAA F. ASSAAD, A.I.C.P.)

DATE ISSUED: June 3, 1981

DATE APPROVED BY CAPC: April 23, 1981
DATE APPROVED BY BCC: May 26, 1981

EXHIBIT "A"
CONTAINING 9 PAGES

BOOK 012 PAGE 358

Attachment: ATTACHMENT B - Ord. 81-27 (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

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Attachment: ATTACHMENT B - Ord. 81-27 (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

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COLLIER COUNTY, FLORIDA

SECTION I

STATEMENT OF COMPLIANCE & PROPERTY DESCRIPTION

1.1. STATEMENT OF COMPLIANCE:

The development of ±60 acres of property in Section 4, Township 50 South, Range 26 East, Collier County, Florida, as a Planned Unit Development, will comply with the Planning and Development Objectives of Collier County. These objectives are set forth in the Comprehensive Plan which includes the Land Use Element, the Housing Element and other growth policies, all of which were adopted by the Board of County Commissioners. In general, the Wildwood Estates Planned Unit Development is in compliance with all applicable policies and regulations.

1.2. LEGAL DESCRIPTION:

The East 1/2 of the East 1/2 of the Southwest 1/4 and the West 1/2 of the Northeast 1/4 of the Southwest 1/4, Section 4, Township 50 South, Range 26 East, Collier County, Florida, less road right-of-way.

BOOK 012 PAGE 360

Attachment: ATTACHMENT B - Ord. 81-27 (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

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COLLIER COUNTY, FLORIDA

SECTION II

RESIDENTIAL DEVELOPMENT REGULATIONS - TRACT "A"

2.1. PURPOSE:

The purpose of this section is to set forth the regulations for the development of Tract "A" of this Planned Unit Development (± 57 Acres).

2.2. PERMITTED USES AND STRUCTURES:

No building or structure, or part thereof, shall be erected, altered, or used, or land or water used, in whole or in part, for other than the following:

A. Permitted principal uses and structures

1) Multi-family dwellings
2) On-site sewage treatment & disposal facilities
3) Lakes and water management facilities
4) Project management offices and facilities
5) Manager's residence

B. Permitted accessory uses and structures

1) Customary accessory uses and structures
2) Signs
3) Recreation facilities
4) Maintenance and utility buildings and facilities

2.3. MAXIMUM NUMBER OF DWELLING UNITS:

A maximum of 710 dwelling units may be constructed on Tract "A".

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Attachment: ATTACHMENT B - Ord. 81-27 (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

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COLLIER COUNTY, FLORIDA

2.4. MINIMUM SETBACKS:

A. From Tract boundary lines, or from the edge of the pavement of a private road, Thirty (30) feet or a distance equal to one-half of the building height, which ever is greater.

B. Between any two principal structures, fifteen (15) feet or a distance equal to one-half (1/2) the sum of their heights, whichever is greater.

C. From edge of lake, twenty (20) feet.

2.5. MINIMUM FLOOR AREA OF PRINCIPAL STRUCTURES:

A. Residential: Five Hundred (500) square feet for each dwelling unit.

B. Non-Residential: No minimum requirement.

2.6. MAXIMUM HEIGHT OF STRUCTURES:

Six (6) Stories.

The maximum height of a structure shall be measured from the minimum base flood elevation required by the Flood Elevation Ordinance or from the finished grade of the lot whichever is higher.

BOOK 012 PAGE 362

Attachment: ATTACHMENT B - Ord. 81-27 (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

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CLERK OF BOARD
COLLIER COUNTY, FLORIDA

2.7. MINIMUM OFF-STREET PARKING:

A. Efficiency and one (1) bedroom dwelling units:

Two (2) off-street parking spaces per unit for the first fifty (50) dwelling units and one and one-half (1.5) off-street parking spaces for each additional dwelling unit thereafter.

B. Two (2) or more bedroom dwelling units:

Two (2) off-street parking spaces per dwelling unit.

2.8. LIMITATIONS ON SIGNS:

As permitted for multi-family zoning districts by the zoning ordinance in effect at time of application for building permit.

Attachment: ATTACHMENT B - Ord. 81-27 (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

RECORDED '81 AUG 10 PM 9 25 REAGAN CLERK BOARD COUNTY, FLORIDA

SECTION III

COMMERCIAL DEVELOPMENT REGULATIONS - TRACT "B"

3.1. PURPOSE
The purpose of this section is to set forth the regulations for the development of Tract "B" of this Planned Unit Development (± 3 Acres).

3.2. PERMITTED USES AND STRUCTURES:
No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

A. Permitted Principal Uses and Structures:
(1) Automobile service stations without repairs*.
(2) Baker shops - including baking only when incidental to retail sales from the premises.
(3) Barber and beauty Shops.
(4) Bicycle sales and service.
(5) Delicatessens.
(6) Drug Stores
(7) Dry Cleaning - collecting and delivery only.
(8) Food markets.
(9) Hardware stores.
(10) Ice Cream Shops.
(11) Ice sales (not including ice plants).
(12) Laundries, Self Service only.
(13) Meat Markets.
(14) Post Offices.
(15) Repair Shops- radio, TV, small appliances, shoe.
(16) Restaurants - not including drive-ins.
(17) Veterinary clinics - No outside kenneling.
(18) Any other convenience commercial use which is comparable in nature with the foregoing uses and which the Director determines to be compatible in the District.

B. Permitted Accessory Uses and Structures.
(1) Accessory uses and structures customarily associated with the uses permitted in this district.
(2) Caretaker's Residence*

C. Permitted Uses and Structures Subject to Site Plan Review:
(1) Recreational facilities not accessory to principal uses.

*In accordance with applicable supplementary district regulation of the zoning ordinance in effect at time of application for building permits.

Attachment: ATTACHMENT B - Ord. 81-27 (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

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CLERK OF BOARD
COLLIER COUNTY, FLORIDA

3.3. MINIMUM YARD REQUIREMENTS:

A. Depth of front yard setback - fifteen (15) feet in which no parking spaces shall be allowed.

B. Depth of side yard setback - none or a minimum of five (5) feet with unobstructed passage from front to rear yard.

C. Depth of rear yard setback - twenty-five(25) feet.

3.4. MINIMUM FLOOR AREA OF PRINCIPAL STRUCTURE:

One thousand(1,000) square feet per building on the ground floor.

3.5. MAXIMUM HEIGHT:

Twenty-Five (25) feet above the finished grade of the lot.

The maximum height of a structure shall be measured from the minimum base flood elevation required by the Flood Elevation Ordinance or from the finished grade of the lot whichever is higher.

3.6. MINIMUM OFF-STREET PARKING & OFF-STREET LOADING REQUIREMENTS:
As required by zoning ordinance in effect at time of application for building permits.

3.7. MINIMUM LANDSCAPING REQUIREMENTS:
As required by zoning ordinance in effect at time of application for building permits.

3.8. LIMITATION ON SIGNS:
As permitted for convenience Zoning Districts by zoning ordinance in effect at time of application for building permits.

3.9. MERCHANDISE STORAGE AND DISPLAY:
Unless specifically permitted for a given use, outside storage or display of merchandise is prohibited.

Attachment: ATTACHMENT B - Ord. 81-27 (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

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CLERK ... BOARD
COLLIER COUNTY, FLORIDA

SECTION IV
DEVELOPMENT COMMITMENT

4.1 WATER SUPPLY:
Potable water shall be supplied by the extension of the existing system located on Radio Road West of the site. The extension of the water main from Radio Road to the project site shall be coordinated and approved by the Utility Division.

4.2. SANITARY SEWAGE TREATMENT & DISPOSAL:
An on-site sewage treatment and disposal facilities shall be provided until such time as an area wide system is made available.

The on-site water distribution and sewage collection facilities shall be deeded to the County and, where necessary, leased back to the Development, prior to any connections being made to these water and sewer facilities; and connection to County owned central sewer facilities will be made when such facility is made available. Prior to the issuance of any building permits, all applicable water and sewer system development charges will be paid.

The sanitary sewage system shall be provided to comply with all applicable local and state requirements.

4.3. WATER MANAGEMENT:
The Water Management System shall comply with the requirements of the South Florida Water Management District and Collier County. The final water management system design shall be reviewed and approved by the County Engineer prior to commencement of development.

4.4. TRAFFIC IMPROVEMENTS:
The developer shall construct at no expense to the County, the following traffic improvements:

A. A left turn storage lane and a right turn deceleration lane on Davis Boulevard for traffic entering the development.

B. A two lane divided boulevard entrance to the development with landscaped island(s).

C. Subject to FDOT approval, the developer shall pay his appropriate share as determined by the County Engineer for cost of the installation of a traffic signal on Davis Boulevard when deemed warranted by the County Engineer. The signal shall be owned, operated and maintained by Collier County.

Attachment: ATTACHMENT B - Ord. 81-27 (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

D. The only access to the commercial tract shall be via the main entrance to the development.

E. Sidewalks shall be located on both sides of the entrance road up to the east/west loop road and along one side of the loop road.

4.5. FIRE PREVENTION:

The Wildwood Estates Development shall comply with all applicable codes and regulations.

4.6. DEVELOPMENT PLAN:

A. The proposed PUD Master Plan Exhibit "A" "Preliminary Development Plan", illustrates the tentative development, uses and locations of certain facilities.

B) The design criteria and layout illustrated on Exhibit "A" shall be understood as flexible so that, the final design may best satisfy the project and comply with all applicable requirements.

C) All necessary easements, dedications, or other instruments shall be granted to insure the continued operation and maintenance of all service utilities.

D) Minor design changes, such as but not limited to, location of buildings, distribution of dwelling units, building types..etc., shall be permitted subject to the staff approval.

E) Prior to the issuance of building permits, a final site plan shall be submitted to the Zoning Department for their review and approval.

The final site plan shall be drawn at an appropriate scale and shall show the proposed placement of structures on the property; provisions for ingress and egress parking areas; and required yards and other open spaces.

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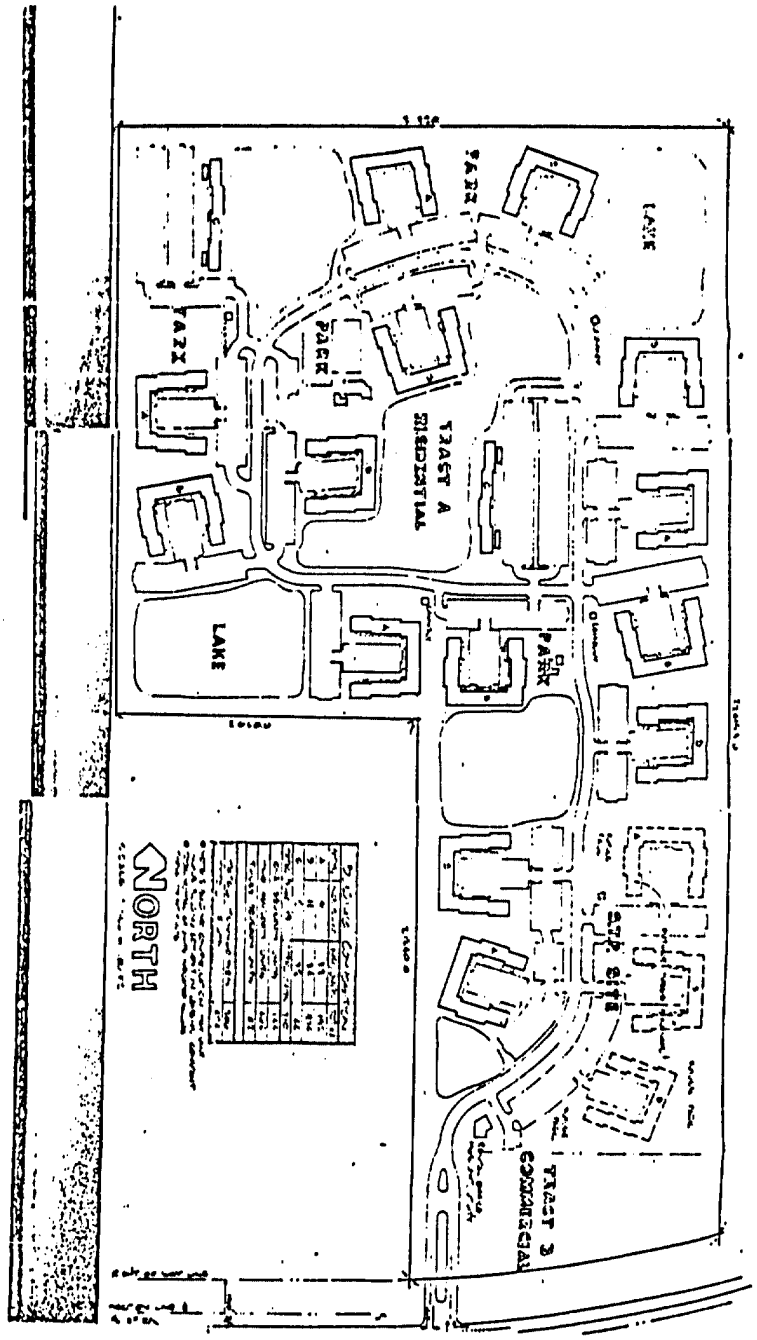
CLERK
COLLIER COUNTY, FLORIDA

Attachment: ATTACHMENT B - Ord. 81-27 (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

RECORDER'S MEMO: Legibility of writing, Typing or Printing unsatisfactory in this document when received.



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COLLIER COUNTY, FLORIDA

Attachment: ATTACHMENT B - Ord. 81-27 (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

SECTION TWO:

This Ordinance shall become effective upon receipt of notice that it has been filed with the Secretary of State.

DATE: August 11, 1981

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: John A. Pistor

ATTEST:
WILLIAM J. REAGAN, CLERK

RECEIVED
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WILLIAM J. REAGAN
CLERK OF BOARD
COLLIER COUNTY, FLORIDA

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, WILLIAM J. REAGAN, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true original of:

ORDINANCE NO. 81-27

which was readopted by the Board of County Commissioners during Regular Session via emergency procedure on August 11, 1981.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 11th day of August, 1981.

WILLIAM J. REAGAN
Clerk of Courts and Clerk
Ex officio to Board of
County Commissioners

By Virginia Magri
Virginia Magri, Deputy Clerk

This ordinance filed with the Secretary of State's Office the 17th day of August, 1981 and acknowledgement of that filing received this 20th day of August, 1981.

BY: Lonnie Chesonis
Deputy Clerk

BOOK 012 PAGE 369

Attachment: ATTACHMENT B - Ord. 81-27 (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

HEX NO. 2015 – 32

HEARING EXAMINER DECISION

PETITION NO. ZVL-PL20150000829 – Del Mar Retail Center Condominium Association, Inc. requests affirmation of a zoning verification letter issued by the Planning and Zoning Division pursuant to LDC Section 10.02.06, in which County staff determined that the proposed uses of judo/karate instruction, yoga, pilates, fitness facility, gym, florist, art gallery, tanning salon, pet daycare, boarding and grooming with no outdoor kenneling, artificial flowers-retail, pet food store, pet shops, retail telephone services, retail picture frame shops, and kidney dialysis are comparable in nature to other permitted commercial principal uses in Tract "B" under Section 3.2(A) of the Wildwood Estates PUD, Ordinance No. 81-27, as amended. The subject property is located on the north side of Davis Boulevard, approximately one-quarter mile east of Santa Barbara Boulevard, in Section 4, Township 50 South, Range 26 East, Collier County, Florida, consisting of 3± acres.

DATE OF HEARING: August 13, 2015

STAFF RECOMMENDATION: Approval.

FINDINGS:

1. The Hearing Examiner has jurisdiction to hear this matter pursuant to Section 2-87 of the Code of Laws and Ordinances, and Section 3.G.6. of the Administrative Code for Land Development.

2. Based on the applicant's written petition, testimony at the hearing of the applicant, and the recommendation of staff, the Hearing Examiner finds that the criteria set forth in Section 10.02.06.J of the Land Development Code has been met and the petition is approved.

DECISION:

The Hearing Examiner hereby approves Petition No. ZVL–PL20150000829, filed by Robert Mulhere, FAICP, representing Del Mar Retail Center Condominium Association, Inc., requesting approval of a zoning verification letter determining that the proposed uses of judo/karate instruction, yoga, pilates, fitness facility, gym, florist, art gallery, tanning salon, pet daycare, boarding and grooming with no outdoor kenneling, artificial flowers-retail, pet food store, pet shops, retail telephone services, retail picture frame shops, and kidney dialysis are comparable in nature to other permitted uses in Tract "B" under Section 3.2(a) of the Wildwood Estates PUD, Ordinance No. 81-27, on the property described herein, and affirms staff's determinations as stated in the Zoning Verification Letter attached as Exhibit "A", subject to the condition(s) set forth below.

Attachment: ATTACHMENT C - HEX 15-32 (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

ATTACHMENTS: Exhibit A - Zoning Verification Letter ZVL– PL20150000829

LEGAL DESCRIPTION: See Ordinance No. 81-27, the Wildwood Estates PUD.

CONDITIONS:

1. Each requested use shall be limited to 20% of gross building floor area, except SIC 7991 (limited to fitness facility/gym) and SIC 7999 (limited to judo and/or karate instruction, yoga, and pilates) shall each be limited to 25%.

2. Each use within SIC 0752 (limited to pet daycare, boarding and grooming) shall be "indoor only".

APPEALS:

This decision becomes effective on the date it is rendered. Pursuant to Ordinance 2013-25, as amended, a Hearing Examiner Decision may be appealed to the Board of County Commissioners or the Board of Zoning Appeals, as appropriate. Appeals must be filed within 30 days of the date the Hearing Examiner Decision is rendered.

RECORD OF PROCEEDINGS AND EXHIBITS: SEE CLERK OF COURT, MINUTES AND RECORDS DEPARTMENT. DECISIONS OF THE HEARING EXAMINER FOR VARIANCES, CONDITIONAL USES, AND BOAT DOCK EXTENSIONS SHALL BE NOTED ON THE ZONING MAP FOR INFORMATIONAL PURPOSES.

8-25-2015
Date

Mark Strain, Hearing Examiner

Approved as to form and legality:

Scott A. Stone
Assistant County Attorney

Attachment: ATTACHMENT C - HEX 15-32 (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

Collier County
Growth Management Department
Zoning Division

May 21, 2015

Robert J. Mulhere, FAICP
Mulhere & Associates, LLC
430 Robin Hood Circle, Suite 102
Naples, FL 34104

Re: Zoning Verification Letter ZVL (CUD)-PL20150000829; Wildwood Estates PUD, Collier County, Florida, Multiple Folio Numbers

Dear Mr. Mulhere:

Thank you for your request for a Comparable Use Determination. The subject property is zoned Wildwood Estates Planned Unit Development (PUD).

You requested a determination that the following uses are comparable with the permitted uses in the PUD: judo/karate instruction, yoga, pilates, fitness facility, gym, florist, art gallery, tanning salon, pet daycare, boarding & grooming with no outdoor kenneling, artificial flowers – retail, pet food store, pet shops, retail telephone stores, retail picture frame shops and kidney dialysis.

Your request states that these uses are limited in size and scale and that the traffic impacts would not substantially affect the existing retail center and surrounding areas.

Staff agrees that most of the uses are permitted in the C-3 zoning district and would be compatible with the other uses in the PUD. The uses of judo/karate instruction, yoga, pilates and kidney dialysis are permitted uses in the C-4 district; however, Staff agrees that they can operate without impacts to the size and scale and traffic of the neighborhood.

The Zoning Division has issued four Zoning Verification Letters between 2006 and 2014 requesting comparable use determinations (attached). In addition, The Zoning Director issued an Official Interpretation in 2012 (attached).

Based on the research above and in the application, the Planning Manager has determined that the requested uses are comparable and compatible to the other permitted uses in the PUD and are therefore permitted uses. This determination shall be affirmed by the Hearing Examiner to become valid.

Attachment: ATTACHMENT C - HEX 15-32 (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

Please be advised that the information presented in this verification letter is based on the LDC and/or Growth Management Plan in effect as of this date. It is possible that subsequent amendment(s) to either of these documents could affect the validity of this verification letter. It is also possible that development of the subject property could be affected by other issues not addressed in this letter, such as, but not limited to, concurrency related to the provision of adequate public facilities, environmental impact, and other requirements of the LDC or related ordinances.

Should you require further information or have any questions, please do not hesitate to contact me at (239) 252-4211 or fredreischl@colliergov.net.

Researched and prepared by:

Fred Reischl, AICP, Principal Planner
Planning & Zoning

Reviewed by:

Raymond V. Bellows, Zoning Manager
Planning & Zoning

cc: Laurie Beard, PUD Monitoring
Anis Moxam, Addressing

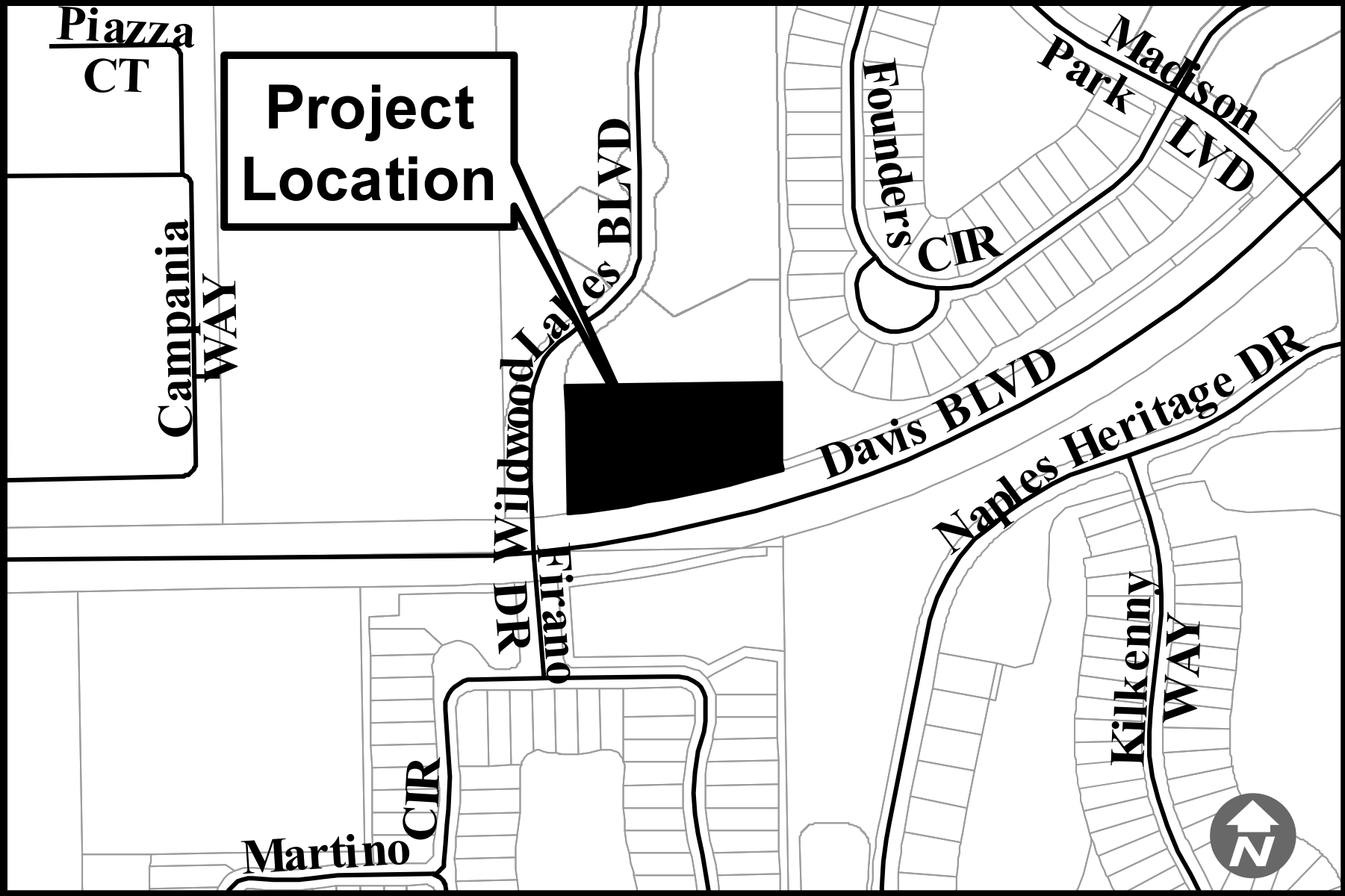
Attachment: ATTACHMENT C - HEX 15-32 (28185 : PL20230016127 - Optimus Traffic and Driving School PCUD)

Wildwood Estates PUD

SIC	Requested Use	Permitted in
7999	Amusements (judo, karate,yoga, pilates	C-4 (CU)
7991	Physical Fitness (fitness facility, gym)	C-3
5992	Retail (florist)	C-3
8412	Museums (art gallery)	C-3
7299	Personal Services (tanning salon)	C-4
0752	Animal Specialty (pet daycare, indoor boarding, grooming)	C-3
5999	Retail (artificial flowers, pet food, pet shop, telephone sales, frames)	C-3
8092	Health (kidney dialysis)	C-4

Exhibit A
Page 3 of 3

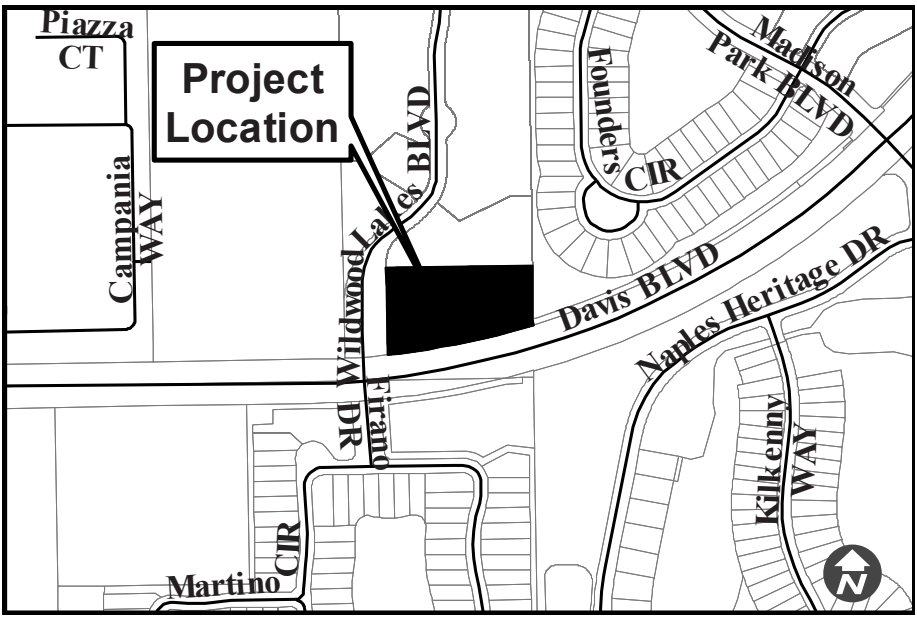
Attachment: ATTACHMENT C - HEX 15-32 (28185 : PL20230016127 - Optimus Traffic and Driving School


Piazza CT
Project Location
Campania WAY
Lakes BLVD
Wildwood DR
Firano
Founders CIR
Madison Park LVD
Davis BLVD
Naples Heritage DR
Kilkenny WAY
Martino CIR
N

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the **Collier Cou earing Examiner (HEX)** at **9:00 A.M., March 28, 2024**, in the Hearing Examiner's Meeting Room, at 2800 North Horseshoe Drive, Room 609/610, Naples FL 34104, to consider:

PETITION NO. PCUD-PL20230016127 – OPTIMUS TRAFFIC AND DRIVING SCHOOL – REQUEST FOR A DETERMINATION THAT THE PROPOSED USE OF AN INDOOR ONLY AUTOMOBILE DRIVING INSTRUCTION FACILITY IS COMPARABLE IN NATURE TO OTHER PERMITTED USES IN 3.2.A(18), RELATING TO TRACT B, OF THE WILDWOOD ESTATES PLANNED UNIT DEVELOPMENT (PUD) ADOPTED BY ORDINANCE NUMBER 81-27. THE SUBJECT PROPERTY IS LOCATED AT 7795 DAVIS BOULEVARD, NAPLES, FL 34104, ALSO KNOWN AS UNIT 205, DEL MAR RETAIL CENTER, A COMMERCIAL CONDOMINIUM, IN SECTION 4, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.



All interested parties are invited to appear and be heard. All materials used in presentation before the Hearing Examiner will become a permanent part of the record.

Copies of staff report are available one (1) week prior to the hearing. The file can be reviewed at the Collier County Growth Management Community Development Department, Zoning Division, 2800 North Horseshoe Drive, Naples, FL 34104.

As to any petition upon which the Hearing Examiner takes action, an aggrieved petitioner may appeal such final action. Such appeal shall be filed per Section 2-88 of the Collier County Code of Laws and Ordinances within 30 days of the decision by the Hearing Examiner. An aggrieved non-party may appeal a decision by the Hearing Examiner to the Circuit Court of Collier County within 30 days of the decision. In the event that the petition has been approved by the Hearing Examiner, the applicant shall be advised that he/she proceeds with construction at his/her own risk during this 30-day period. Any construction work completed ahead of the approval authorization shall be at their own risk.

As part of an ongoing initiative to encourage public involvement, the public will have the opportunity to provide public comments remotely, as well as in person, during this proceeding. Individuals who would like to participate remotely should register through the link provided within the specific event/meeting entry on the Calendar of Events on the County website at www.colliercountyfl.gov/our-county/visitors/calendar-of-events after the agenda is posted on the County website. Registration should be done in advance of the public meeting, or any deadline specified within the public meeting notice. Individuals who register will receive an email in advance of the public hearing detailing how they can participate remotely in this meeting. Remote participation is provided as a courtesy and is at the user's risk. The County is not responsible for technical issues. For additional information about the meeting, please call Geoffrey Willig at 252-8369 or email to Geoffrey.Willig@colliercountyfl.gov.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Collier County Zoning Division located at 2800 N. Horseshoe Dr, Naples, Florida 34104, (239) 252- 2400, at least two (2) days prior to the meeting.

Andrew W. J. Dickman, Esq., AICP
Chief Hearing Examiner
Collier County, Florida

ND-38841773

03/28/2024

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.B
Doc ID: 28208
Item Summary: Petition No. VA-PL20230010369 – Request for an after-the-fact variance for a 50-ft by 80-ft garage and a 31.9-ft by 31.9-ft open air/roof only carport that were built closer to the property lines than code allows; the variance is from LDC section 4.02.01.A, Table 2.1, to reduce the required rear yard setback from 75 feet to 38 feet and the eastern side yard setback from 30 feet to 29.4 feet for the garage and to reduce the required side yard setback from 30 feet to 7.9 feet for the carport, on a ±2.27 acre property located at 5261 Sycamore Drive, also known as the East 150 Feet of Tract 45, Golden Gate Estates Unit 32, in Section 9, Township 49 South, Range 26 East, Collier County, Florida. [Coordinator Eric Ortman, Principal Planner] Commissioner District 3

Meeting Date: 03/28/2024

Prepared by:
Title: Principal Planner – Zoning
Name: Eric Ortman
03/04/2024 8:19 AM

Submitted by:
Title: Zoning Director – Zoning
Name: Mike Bosi
03/04/2024 8:19 AM

Approved By:

Review:

Growth Management Community Development Department		Diane Lynch	GMD Approver 03/04/2024 7:16 PM	Skipped
Operations & Regulatory Management	Michael Stark	Review Item	Completed	03/12/2024 1:53 PM
Hearing Examiner (GMD Approvers)	David Merino	Review Item	Completed	03/15/2024 8:36 AM
Zoning	Ray Bellows	Review Item	Completed	03/15/2024 1:32 PM
Zoning	James Sabo	Review Item	Skipped	03/15/2024 3:17 PM
Zoning	Eric Ortman	Review Item	Skipped	03/05/2024 11:09 AM
Unknown	David Merino	GMCDD Reviewer	Skipped	03/15/2024 3:39 PM
Zoning	Mike Bosi	Division Director	Completed	03/19/2024 11:06 AM
Hearing Examiner	Andrew Dickman	Meeting Pending	03/28/2024 9:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: GROWTH MANAGEMENT DEPARTMENT
ZONING DIVISION – ZONING SECTION

HEARING DATE: MARCH 28, 2024

SUBJECT: VA-PL-20230010369, 5261 SYCAMORE DRIVE, GARAGE

PROPERTY OWNER/APPLICANT:

Jamie and Carol Lawrence
5261 Sycamore Drive
Naples, FL 34119

AGENT:

Noel Davies, Esq.
Davies Duke, PLLC
1415 Panther Lane, #442
Naples, FL 34109

REQUESTED ACTION:

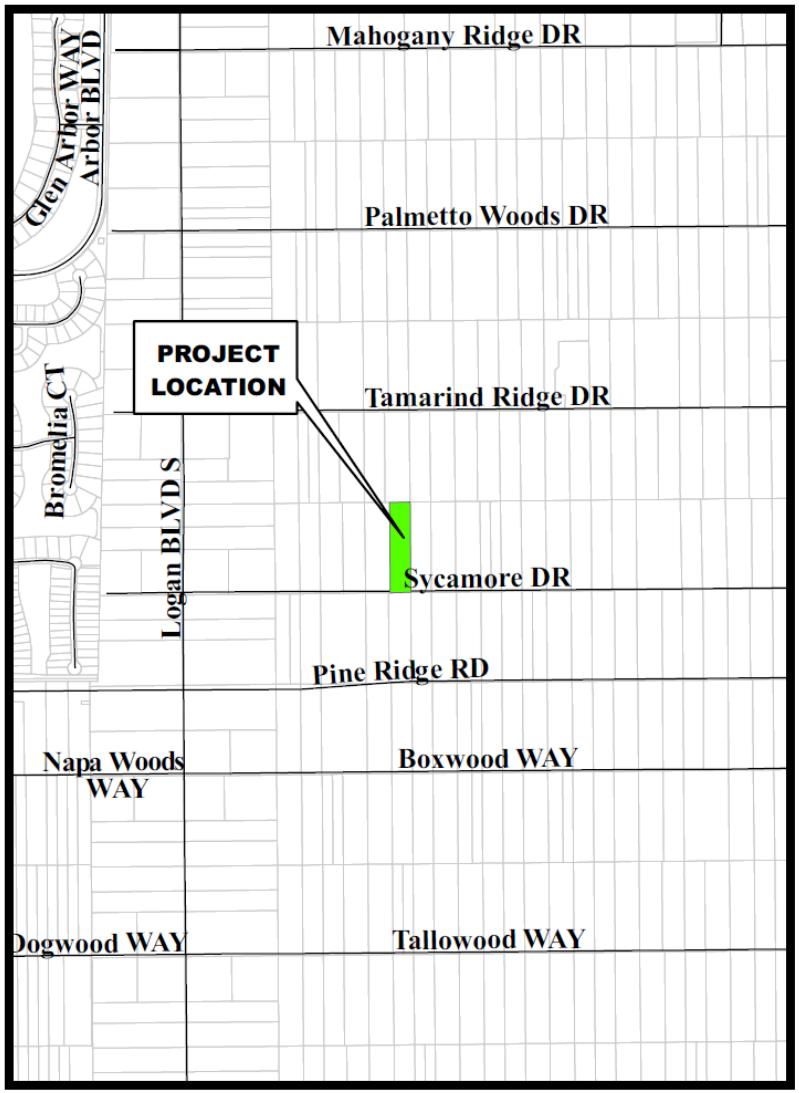
The petitioner requests a variance from LDC §4.02.01.A.Table2.1 to reduce the required rear yard setback from 75 feet to 38 feet, and to reduce the required side yard setback from 30 feet to 29.4 feet to allow for the continued existence of an 80-foot by 50-foot garage that was built closer to the property line than allowed.

The applicant also requests a variance from LDC §4.02.01.A.Table2.1 to reduce the required side yard setback from 30 feet to 7.9 feet to allow for the continued existence of a 32-foot by 32-foot open-air/roof-only carport that was constructed without a permit and built closer to the property line than allowed. The applicant has submitted an after-the-fact building permit for the structure that is being reviewed.

GEOGRAPHIC LOCATION:

The subject property is at 5261 Sycamore Drive, approximately 1.4 miles east of I-75 and 1,500 feet east of Logan Boulevard, and roughly 650 feet north of Pine Ridge Road. The property (Folio #38283000006) is identified as Golden Gate Estates Unit 32 East 150 Feet of Tract 45 in Section 9, Township 49 South, Range 26 East, and consists of ±2.27 acres in unincorporated Collier County, Florida. (*See location map on page 2 and aerial of property on page 3.)*

Attachment: Staff Report VA-PL20230010369 Sycamore Circle 03012024 (28208 : PL20230010369 Sycamore Variance)



Location Map

Zoning Map

Petition Number: PL20230010369

Attachment: Staff Report VA-PL20230010369 Sycamore Circle 03012024 (28208 : PL20230010369

Collier County Zoning Map

PURPOSE/DESCRIPTION OF PROJECT:

The applicant, Mr. Lawrence, applied for and was granted a building permit (PRCP20221046220) for an 80-foot by 50-foot steel building with two 16-foot roll-down steel doors on an Estates zoned lot where the front and rear setbacks are 75 feet and the side yard setbacks are 30 feet. Mr. Lawrence elected to construct the building using a private provider. When a private provider is used, "*the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent provided in said law*", i.e., F.S. 553.791. The private provider is responsible for all inspections which are to be uploaded to CityView. The County does not visit the property until the final

Attachment: Staff Report VA-PL20230010369 Sycamore Circle 03012024 (28208 : PL20230010369 Sycamore Variance)

inspection for issuance of the Certificate of Occupancy. The building has been completed; several activities remain before a Certificate of Occupancy may be granted, including final building inspection (Code#115), site drainage (Code#801), and exotic vegetation removal (Code#810). The applicant has not uploaded/submitted a spot survey for this permit, though it should have been done after the slab was poured but before construction of the building commences. When this variance petition was submitted, it included a spot survey dated May 15, 2023, which showed the encroachment of both buildings that are the subject of this petition.

SURROUNDING LAND USE & ZONING:

The subject property is surrounded by Estates (E) zoned property on all four sides.

Collier County GIS Zoning Map

GROWTH MANAGEMENT PLAN (GMP) CONSISTENCY:

Per the Future Land Use Element (FLUE) of the Growth Management Plan (GMP), the subject property has a future land use label of Estates Designation, Mixed Use District, and Residential Estates Subdistrict. FLUE Policy 4.2 references the Golden Gate Area Master Plan (GGAMP) for siting criteria and development standards in Estates designated lands. Per the GGAMP, permitted uses in the Residential Estates Subdistrict are limited to single-family residences at a maximum density of 1 DU/2.25 acres, exclusive of guesthouses. Uses that are accessory and incidental to the uses permitted by right are also permitted in the Estates. The principal structure on the property is a single-family residence; a garage is an accessory use to this permitted use. Since the GGAMP permits single-family dwellings and complimentary accessory uses, the garage in this case, the use must be found consistent with the GMP. Additionally, the GMP does not address individual dimensional variances but refers variances to the Land Development Code. The garage is consistent with the GMP.

Attachment: Staff Report VA-PL20230010369 Sycamore Circle 03012024 (28208 : PL20230010369 Sycamore Variance)

STAFF ANALYSIS:

Building Permit Application

In Section E.2 of the building permit application, the applicant selected "carport/shed"; other choices in Section E.2 included aluminum structure, building, and detached garage. See page three of *Attachment 1* and an excerpt from the application below. The declared value for the building is $150,000. The stated use of the building is to store boats, jet skis, and four-wheel-type vehicles.

For Contractors: *The above email address is my preferred method of contact for all correspondence regarding this permit.* ☑ Yes

Section E. Permit Information **Building Permit Type includes: New Construction, Addition, Alteration, Chickee/Tiki Hut, Dumpster Enclosure, Pergola, Tenant Build-out, etc.* **E.1. Declared Value: $** 150 K

E.2. Permit Type: ☐ Aluminum Structure ☐ Awnings ☐ Building* ☒ Carport/Shed ☐ Cell Tower ☐ Demolition ☐ Detached Garage ☐ Electrical ☐ Fence ☐ Fire ☐ Gas ☐ Marine ☐ Mechanical ☐ Plumbing ☐ Pool ☐ Roof ☐ Shutters/Doors/Windows ☐ Sales/Const. Trailer ☐ Screen Enclosure ☐ Solar ☐ Sign/Flagpole ☐ Water Feature

E.3. Description of Work: *The Description of work must convey an account of work identified on the construction plans.*

Alum Structure, Shed Added to personal property Detached From Home. Carport/Shed

With an existing 32-foot by 32-foot carport/shed on the property and a stated value of $150,000 for this 80-foot by 50-foot metal structure with two 16-foot steel roll-down doors, staff classifies the building, shown to the right, as a garage.

Building Permit and Private Provider

The project was built using a private provider, Naples Design and Consulting, Inc. (*Attachment 2*). Page two of the Private Provider Notice to Building Official states, "I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law." (The law being referenced is F.S. §553.791.) The notice also states, "*It is the responsibility of the Private Provider and Contractor to ensure that a spot survey & elevation certificate is provided to this department in a timely manner*." The final approved site plan for the garage (*Attachment 3*) shows the garage having a rear setback of 75.5 feet and a side setback of 35.5 feet. A spot survey has not been submitted in connection with this permit.

Variance Application

Though a signed/sealed survey has not been submitted in conjunction with the garage's building permit, a May 15, 2023, digitally signed survey (*Attachment 4*) was included in the submittal for this variance. The survey shows that the garage encroaches 37 feet into the rear yard setback and 0.6 feet into the eastern side yard setback. The survey also shows the presence of an

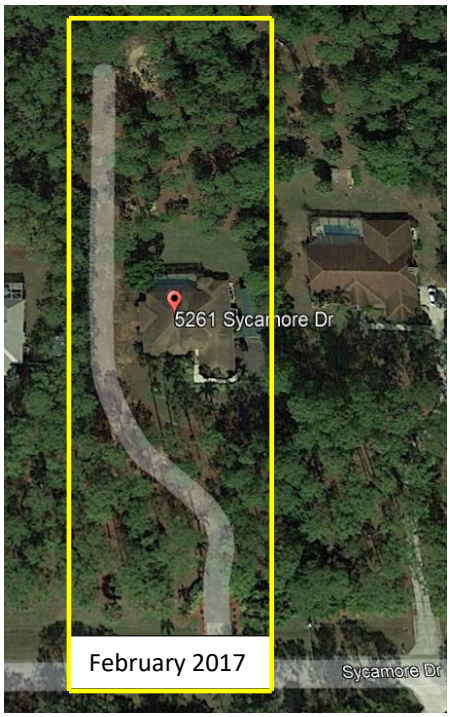
Attachment: Staff Report VA-PL20230010369 Sycamore Circle 03012024 (28208 : PL20230010369 Sycamore Variance)

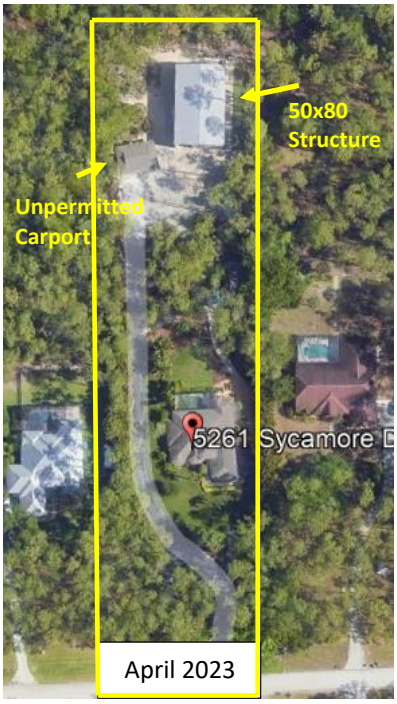
unpermitted building that encroaches 22.1 feet into the 30-foot, western side yard setback. Staff provided the agent with a couple of suggestions that he could investigate and potentially use to show land-based hardship. However, nothing in the record shows that there is a land-based hardship or that existing conditions required the applicant to move the location of the garage.

Outstanding Code Enforcement Cases

CESD20230009659 (11/1/23) is for two unpermitted structures: a pergola attached to the side of the house (see graphic to the right) and a 32-foot by 32-foot carport/shed in the rear year. The pergola is no longer attached to the house and is now, therefore, a canopy tent. The applicant has applied for an after-the-fact building permit.

PRCP20240101481 is for the carport/shed. The permit is currently in rejection status for multiple reasons. The carport/shed has been included in this variance petition. Code Enforcement was unable to take a picture of the carport/shed. As shown in the two Google Earth images below, the current owner built the unpermitted building. As seen below, the left aerial is from February 2017 and shows the subject property as it appeared after July 6, 2016, when the current owner purchased it. The photo to the right is from April 2023.





Attachment: Staff Report VA-PL20230010369 Sycamore Circle 03012024 (28208 : PL20230010369 Sycamore Variance)

Closed Code Enforcement Cases

CEROW20230008942 (10/12/23) was for wooden posts with chains between them, stone around driveway entrance and the East section of the swale, and a palm tree and decorative vegetation all within the swale/right-of-way. The items were subsequently removed, and the case was closed.

Applicant's Actions Prior to Construction of 80-foot by 50-foot Garage

1. Constructed a 32-foot by 32-foot carport without a permit resulting in a code violation. The carport was constructed 22 feet into the west side yard setback where the setback is 30 feet.
2. Constructed a pergola without a permit which resulted in a code violation; the pergola is in the process of being removed.
3. Placed decorative items and plants in the road right-of-way which resulted in a code violation. The items and plants were removed, and the code case was closed out.

Applicant's Actions During Construction of 80-foot by 50-foot Garage

1. Constructed a garage that encroached 37 feet into the 75-foot rear yard setback.
2. Hired a private provider who has not yet submitted a spot survey. Final inspection (Code 115), site drainage (Code 801) and exotic vegetation removal (Code 810) are all pending.
3. Has letters of no objection from each of the five abutting neighbors.

The decision to grant a variance is based on the criteria in LDC Section 9.04.03. Staff has analyzed this petition relative to these criteria and offers the following responses:

A. Are there special conditions and circumstances peculiar to the location, size, and characteristics of the land, structure, or building involved?

In the first submittal, the applicant stated that the encroachment of the garage was due to an "inadvertent error." The applicant also stated that the encroachment of the unpermitted 32-foot by 32-foot open-air/roof-only carport was due to an "inadvertent error."

Subsequent justification for the location of the garage was 1) to accommodate existing native vegetation to the south of the building; such vegetation cannot be seen in a recent aerial as the land south of the building has been cleared; 2) removal of exotic vegetation; removal of exotic vegetation would increase the buildable area, not decrease it and would not negatively impact the location of the structure; and 3) that the "*applicant was directed by multiple County representatives to construct the structure in its current location*." The project was done with a private provider; therefore, staff had no input into the structure's location.

Criteria "a" and "b" in LDC 9.04.03 provide an opportunity for the applicant/agent to present arguments/evidence supporting a land-based hardship and/or circumstances and actions

Attachment: Staff Report VA-PL20230010369 Sycamore Circle 03012024 (28208 : PL20230010369 Sycamore Variance)

taken by others that presented the need to locate the structure halfway into the setback. Staff offered various avenues to the agent that might be useful in determining a land-based hardship. Nothing in the record shows that there is a land-based hardship that was not created by the applicant or that actions by others have impeded the applicant from locating the garage outside of the setback. By using a private provider to manage the project, the County was precluded from offering any oversight or assistance, particularly prior to the garage being built.

B. Are there special conditions and circumstances that do not result from the applicant's action, such as preexisting conditions relative to the property, that are the subject of the variance request?

Staff suggested several circumstances that might qualify as a land hardship and justification for granting a variance. Aside from what is listed in "a" above, the applicant provided no evidence of special conditions or circumstances which did not result from their actions.

C. Will a literal interpretation of the provisions of the LDC work unnecessary and undue hardship on the applicant or create practical difficulties for the applicant?

Should the variance be denied, the applicant will be required to remove the structure from the setback. The structure is a prefabricated metal building that was put together on-site. The structure could either be dismantled and reassembled elsewhere on the property, or the entire structure could be moved with a crane. Staff recognizes that either scenario for moving the structure, particularly with the use of a crane, would entail a not inconsequential amount of money; however, this hardship is self-imposed by the applicant for not following the standard procedure of submitting a spot survey prior to erecting the structure and using a private provider thereby bypassing any county inspections or oversight.

D. Will the variance, if granted, be the minimum variance that will make possible the reasonable use of the land, building, or structure and which promote standards of health, safety, and welfare?

Granting the variance, which would allow for the permanent existence of a 22-foot encroachment for the carport and a 37-foot encroachment for the garage, would be the minimum amount of variance to bring the structures into compliance. A reasonable use of the land could also be achieved by moving the structures out of the setbacks and meeting the minimum yard setbacks.

E. Will granting the variance confer on the applicant any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the ame zoning district?

By building both structures significantly into the setbacks and not obtaining a permit to construct the carport, the applicant gains a special privilege relative to anyone who adheres to the zoning regulations.

F. Will granting the Variance be in harmony with the general intent and purpose of the Land Development Code and not be injurious to the neighborhood or otherwise detrimental to the public welfare?

Setbacks are established to provide a safety zone where no building may occur, to improve aesthetics, and to mitigate the impacts of noise and unwanted views. In Collier County,

Attachment: Staff Report VA-PL20230010369 Sycamore Circle 03012024 (28208 : PL20230010369 Sycamore Variance)

setback distances vary widely depending on the type of development, with smaller setbacks for commercial development and denser residential areas and larger setbacks in agricultural zones and properties in the Estates. Granting encroachments of 74 percent (22 feet) for the unpermitted carport and 49 percent (37 feet) for the garage is not in keeping with the general intent and purpose of the LDC.

G. Are there natural conditions or physically induced conditions that ameliorate the regulation's goals and objectives, such as natural preserves, lakes, golf courses, etc.?

The closest neighboring home is 200 feet from the garage. Mature vegetation provides a visual barrier to the homes immediately abutting to the east and west, and a complete visual barrier to other residences along Sycamore Drive and Tamarind Ridge Road to the north. If the usage of the garage is to store items, noise would be a non-issue. Other customary uses for similar types of garages could result in a disagreeable amount of noise.

The applicant has submitted letters of no objection from each of the five properties that abut the applicant's property on the northern side of Sycamore Drive (Attachment 5).

1) 5281 Sycamore
2) 5300 Tamarind
3) 5270 Tamarind
4) 5250 Tamarind
5) 5253 Sycamore

H. Will granting the variance be consistent with the GMP?

The Growth Management Plan (GMP) does not address individual variance requests related to dimensions. Approval of this variance will not affect or change the requirements of the GMP with respect to density, intensity, access/connectivity, or other applicable land use provisions but may negatively impact compatibility with properties abutting to the east and west, if not the current owners, then perhaps future owners.

ENVIRONMENTAL ADVISORY COUNCIL (EAC) RECOMMENDATION:

The EAC does not normally hear variance petitions. Since the subject variance doesn't impact any preserve area, the EAC did not hear this petition.

RECOMMENDATION:

Based on the facts stated above, staff recommends that the Collier County Hearing Examiner **deny** variance petition VA-PL-20230010369 to 1) reduce the required rear yard setback from 75 feet to 38 feet, 2) reduce the required side yard setback from 30 feet to 29.4 feet for a garage, and 3) to reduce the side yard setback from 30 feet to 7.9 feet for an open-air/roof only carport.

Attachment: Staff Report VA-PL20230010369 Sycamore Circle 03012024 (28208 : PL20230010369 Sycamore Variance)

Attachments:

1. Building permit application for 80-foot by 50-foot metal structure
2. Private provider package from Naples Design and Consulting, Inc.
3. Approved site plan January 19, 2023
4. May 15, 2023, digitally signed survey submitted with the petition.
5. Letters of no objection
6. Applicant's backup documents
7. Legal ad and signposting

Attachment: Staff Report VA-PL20230010369 Sycamore Circle 03012024 (28208 : PL20230010369 Sycamore Variance)

Attachment 1

Building Permit Application for 50’ x 80’ Metal Structure

Attachment: Attachment 1 - Permit Application (28208 : PL20230010369 Sycamore Variance)

#3

COLLIER COUNTY GOVERNMENT

GROWTH MANAGEMENT DEPARTMENT | BUSINESS CENTER
2800 N. Horseshoe Drive, Naples FL 34104 | Phone (239) 252-2400

Initial Incomplete Notice
Incomplete Initial Submittal Notice

October 11, 2022

Janette Clotworthy

RE:
Permit Number: PRCP20221046220
Description: NEW ALUM STRUCTURE SHED/CARPORT ADDED TO PROPERTY, DETACTED FROM HOME.

5261 Sycamore DR, Naples, Single Family

A sufficiency review of the submittal package for the above referenced application indicates the following items are deficient. These items will need to be submitted as soon as possible so that we may continue to process your application:

Reviewed By: Maria Becerra
Phone: (239) 252-2935 Email: Maria.Becerra@colliercountyfl.gov

Contractor

1. **Application Form -** ***CLARIFY IF THIS IS A OWNER BUILDER OR CONTRACTOR PERMIT.***
2. **Site Planning Document -** ***UNABLE TO VERIFY DIGITAL SIGNATURE.***

   *****PLEASE BE ADVISED, CHANGING THE NAME OF THE ORIGINAL DOCUMENT ADDING OR EXTRACTING PAGES AFTER THE DOCUMENT HAS BEEN DIGITALLY SIGNED WILL MAKE THE DIGITAL SIGNATURE DISAPPEAR OR INVALID*****
3. **Private Provider Package -** ***PROVIDE THE PRIVATE PROVIDER PACKAGE.***

A final sufficiency review for permit application PRCP20221046220 has been completed and deemed insufficient. Failure to respond to this notice within 7 calendar days will result in a Final Incomplete Notice that allows for an additional 7 days to respond. Failure

Attachment: Attachment 1 - Permit Application (28208 : PL20230010369 Sycamore Variance)

Permit Application - Submitted

Application Number: PRCP20221046220

Print This Page

You have successfully submitted your application. You will receive correspondence regarding your submittal when processing is complete. Have Questions? Please call (239) 252-2400. Thank you for using Electronic Plan Submittal!

Permit Information

Permit Type: Carport/Shed

Category of Work: Addition

Description of Work: NEW ALUM STRUCTURE SHED/CARPORT ADDED TO PROPERTY, DETACTED FROM HOME.

Locations: Address
5261 Sycamore DR, Naples, Single Family

Property
38283000006

Contacts: Property Owner
LAWRENCE, JAMIE & CAROL, Address:5261 SYCAMORE DR

Owner Builder
LAWRENCE, JAMIE & CAROL, Address:5261 SYCAMORE DR

Applicant
Janette Clotworthy, Address:5435 Jaeger Road

Permit Application Details (portal)

Building Use: Mixed-Use

Is this a private provider inspection?: Yes

Is this a private provider review?: No

Owner Builder

Is the property owner doing work?: ~~Yes~~ No Contractor

Does this application require a Change of Use (Portal)

Change of Use: No

Is this permit related to a natural disaster (Portal)

Related to a Natural Disaster: No

Permit: Carport/Shed

Declared Construction Cost: $150,000.00

Is declared value of work > 25% of structure's improved value?: No

Work Item Description	Units	Quantity
Carport, Shed - Commercial	SF	

Documents & Images

Date Uploaded	File Type	Document Name
10/06/2022	Conceptual Site Plan	DS Lawrence Metal Building permit 8-15-122 THIS ONE.pdf
10/06/2022	Construction Plans	LAWRENCE ALUM SHED -THIS ONE.pdf
10/06/2022	Applications	LAWRENCE ALUM SHED PERMIT APPLICATION correction notice dated 10_6_2022 - THIS ONE.pdf

Please print this page or record the application number for future reference. You will need it in order to view the status of your application online.

Please select a link below to access the Collier County Web Portal.

Apply for Permit
View the status of my application
Portal Home

Attachment: Attachment 1 - Permit Application (28208 : PL20230010369 Sycamore Variance)

Tm PPR 20220084863
uploaded 10/5/22

Collier County
Growth Management Department

BUILDING PERMIT APPLICATION

2800 North Horseshoe Drive, Naples, FL 34104 (239) 252-2400
PermittingDept@CollierCountyFL.gov

Directions: Applicants must complete all fields. Please follow the *Building Permit Application Instructions* to complete this Application.

Section A. Permit Number A.1. Permit # *(Staff to Provide)*:

Section B. Permit Information B.1. Primary Permit # *(if any)*: B.2. Master Permit #:

B.3. Building Type: ☑ 1&2 Family Dwelling/Townhouse ☐ Res. 3+ Units/Multi-Family ☐ Commercial ☐ Mobile/Manufactured Home ☐ Guest Hou

Section C. Property Information

C.1. Parcel/Folio #: 38283000006 C.6. Subdivision Lot #:

C.2. Job Street Address: 5261 Sycamore Dr. Naples FL 34119 C.7. Project Name:

C.3. Owner Name: Jamie Lawrence C.8. SDP/PL#:

C.4. Owner Phone: 239-571-9072 C.9. Jurisdiction: ☑ Collier County ☐ City of Everglade

C.5. Email: Jamie@Elitecabinetrynaples.com

Section D. Contractor Information D.1. Permittee Type: ☑ Contractor ☐ Design Professional ☐ Owner-Builde

D.2. Contact Name: Jamie Lawrence D.3. License: CBC1262985

D.4. Company Name: Elite Construction OF Naples, LLC

D.5. Company Address: 5435 Jaeger Road, #101 Naples, FL 34109 D.9. Company Phone:

D.6. Qualifier Name: Dmitry Peresetsky D.10. Fax #: None

D.7. Email: Janette@Elitecabinetrynaples.com

For Contractors: *The above email address is my preferred method of contact for all correspondence regarding this permit.* ☑ Yes

Section E. Permit Information **Building Permit Type includes: New Construction, Addition, Alteration, Chickee/Tiki Hut, Dumpster Enclosure, Pergola, Tenant Build-out, etc.* E.1. Declared Value: $ 150 K

E.2. Permit Type: ☐ Alum Structure ☐ Awnings ☐ Building* ☒ Carport/Shed ☐ Cell Tower ☐ Demolition ☐ Detached Garage ☐ Electrical ☐ Fence ☐ Fire ☐ Gas ☐ Marine ☐ Mechanical ☐ Plumbing ☐ Pool ☐ Roof ☐ Shutters/Doors/Windows ☐ Sales/Const. Trailer ☐ Screen Enclosure ☐ Solar ☐ Sign/Flagpole ☐ Water Feature

E.3. Description of Work: *The Description of work must convey an account of work identified on the construction plans.*

Alum Structure, Shed Added to personal property Detached From Home. Carport/Shed

E.4. Occupancy Type: Shed/Carport *See Instruction*

E.5. Construction Type: ☐ IA ☐ IB ☐ IIA ☐ IIB ☐ III A ☐ III B ☐ IV ☐ VA ☐ VB *See Instruction*

E.6. Is Structure in a Flood Zone: ☒ No ☐ Unknown ☐ Yes, additional form required. *See Instruction*

E.7. Is Structure Fire Sprinkled: ☒ No ☐ Yes

E.8. Type of Water Supply: ☐ Collier County ☐ Well ☐ City of Naples ☐ Ave Maria ☐ City of Everglades ☐ Immokalee ☐ Other

E.9. Type of Sewage Disposal: ☐ Sewer ☐ Septic

E.10. Vegetation Removal: ☐ Yes ☒ No A Vegetation Removal Affidavit is required for any new structure of addition **on all parcels larger than 1 acre.**

E.11. Private Provider: ☐ No ☒ Yes ☐ Plan Review & Inspections ☒ Inspections Only

E.12. Threshold Building: ☒ No ☐ Yes

E.13. Repairs from Disaster Event: ☒ No ☐ Yes *Name of Disaster Event:*

E.14. Change of Occupancy: ☒ No ☐ Yes

E.15. Is this a Permit by Affidavit: ☐ No ☐ Yes

E.16. Subcontractors: *Check All that Apply:* ☐ Electrical ☐ Plumbing ☐ Mechanical ☐ Roofing ☐ Septic ☐ Electric from hous

Section F. Area of Construction Activity (Work Area Only)

Total Number of Stories: 1 one Floor (Story) work is being performed on: one # Bedrooms: 0 # Bathrooms: 0

Living /Int. Sq. Ft.: — Addt'l. Sq. Ft.: — Non-Living/Ext. Sq. Ft.: 4,000 Total Sq. Ft.: 4,000

PLEASE DO NOT WRITE BELOW, FOR STAFF USE ONLY

PMR Date: _____ Days Review: _____ Sets of Plans: _____

Attachment: Attachment 1 - Permit Application (28208 : PL20230010369 Sycamore Variance)

Collier County
Growth Management Department

BUILDING PERMIT APPLICATIO

2800 North Horseshoe Drive, Naples, FL 34104 (239) 252-2
PermittingDept@colliercountyfl.g

Secton I. A Required Page for **ALL** Building Permit Applicatons

ACKNOWLEDGEMENT OF COLLIER COUNTY REGULATIONS BY **OWNER OR AGENT OF OWNER**

NOTICE OF ADDITIONAL RESTRICTIONS: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that m be found in the public records of this County, and there may be additional permits required from other governmental enties such as the Water Managem District, State agencies, or Federal agencies.

WARNING OF POSSIBLE DEED RESTRICTIONS: The land subject to this permit may be subject to deed, and other restrictions that may limit or impair t landowner's rights. Collier County is not responsible for the enforcement of these restrictions, nor are Collier County employees authorized to provide legal business advice to the public relative to these restrictions. The landowner or any applicant acting on behalf of the landowner is cautioned to seek professior advice.

WARNING OF WORK IN THE COUNTY RIGHT-OF-WAYS: This permit does not authorize construction or installation of any structure or utility, above or belc ground, within any right of way or easement reserved for access, drainage or utility purposes. This restriction specifically prohibits fencing, sprinkler system landscaping other than sod, signs, water, sewer, cable and drainage work therein. If such improvements are necessary, a separate permit for that purpose mu be obtained from the Growth Management Department.

NOTICE OF CLEARING RESTRICTIONS: The issuance of a building permit for a single-family dwelling allows up to one (1) acre of native vegetation to be cleare Clearing more than one (1) acre may be allowed for accessory structures and requires a separate Vegetation Removal Permit. Properties located in the followir zoning district overlays may not be allowed to clear one (1) acre: Rural Fringe Mixed Use District (RFMU), Big Cypress Area of Concern (ACSC), and Speci Treatment Overlay (ST). There may be additional restrictions related to clearing native vegetation and impacts to wetlands or protected species found on the propert State and Federal agency permits may be required. Contact the Growth Management Department's Environmental Services at (239) 252-2400 for additiona information. Issuance of a Demolition Permit for a structure does not authorize removal of vegetation beyond the footprint of the structure. A Demo Permit is nc a clearing permit.

WORK IN THE SPECIAL FLOOD HAZARD AREA: Be advised that Substantial Damage/Substantial Improvement requirements will apply to structures locate in the Special Flood Hazard Area with Finished Floor Elevations below the Base Flood Elevation.

CERTIFICATION: Application is hereby made to obtain a permit to do the work and installations as indicated. I, **THE OWNER OR AGENT OF OWNER**, certif that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulatin construction in this jurisdiction. The permit or application fee may have additional fees imposed for failing to obtain permits prior to commencement o construction. The approved permit and/or permit application expires if work is not commenced within 180 days from the date of issuance. I, **THE OWNER OF AGENT OF OWNER** understand that only licensed contractors may be employed and that the structure cannot be used or occupied until a certificate of occupancy is issued. By signing this permit applications, I, **THE OWNER OR AGENT OF OWNER**, agree that I have retained the contractor identified on this application t provide contracting services for the trade for which he or she is listed. I understand it is the responsibility of the property owner to notify the Building Plan Review an Inspection Division should the contractor responsible for providing said contracting services no longer be willing to provide his or her services. I, **THE OWNER OR AGENT OF OWNER**, understand the review and issuing of this permit does not exempt me from complying with all County Codes and Ordinances. Furthermore I, **THE OWNER OR AGENT OF OWNER** understand the owner is responsible for all construction work on the property.

Job Street Address: 5267 Sycamore Dr. Naples FL 34119

Jamie A Lawrence
Signature of Owner or Agent of Owner (An original signature is required)

Jamie Lawrence
Print Name of Owner or Agent of Owner

State of Florida County of Collier

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 5 day of October, 20 22, by (printed name of owner or agent of owner) Jamie Lawrence

Such person(s) Notary Public must check applicable box:

☒ Are personally known to me
☐ Has produced a current drivers license
☐ Has produced _____ as identification.

Notary Signature: Janette Clotworthy

Must Comply with Notarial Law

Notary Public State of Florida
Janette Marie Clotworthy
My Commission HH 134184
Expires 06/27/2025

NOTICE OF COMMENCEMENT INFORMATION

Per Florida Statutes 713.135, a Notice of Commencement (NOC) is required for construction of improvements totaling more than $2,500 between an owner and a contractor related to improvements to real property consisting of single or multiple family dwellings up to and including four units. For A/C repairs or replacements, a notice of commencement is required for improvements more than or equal to $15,000. The applicant shall file with the issuing authority prior to the first inspection either a certified copy of the recorded NOC or a notarized statement that the NOC has been filed for recording, along with a copy thereof. In order to comply with the state requirement, permits will be placed in inspection hold until proof of the NOC is filed with the building permitting and inspection department. The issuing authority shall not perform or approve subsequent inspections until the applicant files by mail, facsimile, hand delivery, email or any other means such as a certified copy with the issuing authority.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION IF YOU INTEND TO OBTAIN FINANCING.

Attachment: Attachment 1 - Permit Application (28208 : PL20230010369 Sycamore Variance)

Collier County
Growth Management Department

BUILDING PERMIT APPLICATION

2800 North Horseshoe Drive, Naples, FL 34104 (239) 252-24
PermittingDept@colliercountyfl.g

Secton I. A Required Page for **ALL** Building Permit Applicatons

ACKNOWLEDGEMENT OF COLLIER COUNTY REGULATIONS BY **THE QUALIFIER**

NOTICE OF ADDITIONAL RESTRICTIONS: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that m be found in the public records of this County, and there may be additional permits required from other governmental enties such as the Water Manageme District, State agencies, or Federal agencies.

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Job Street Address: 5264 Sycamore Drive Naple FL 34119

Signature of Qualifier (An original signature is required) — Dmitry Peresetsky (Print Name of Qualifier)

State of Florida County of Collier

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 5 day of October, 20 22, by (printed name of qualifier) Dmitry Peresetsky

Such person(s) Notary Public must check applicable box:

☒ Are personally known to me
☐ Has produced a current drivers license _____
☐ Has produced _____ as identification.

Notary Signature: _____

Must Comply with Notarial Law

NOTARY PUBLIC STATE OF FLORIDA
Notary Public State of Florida
Janette Marie Clotworthy
My Commission HH 134184
Expires 06/27/2025

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Attachment: Attachment 1 - Permit Application (28208 : PL20230010369 Sycamore Variance)

Attachment 2

Private Provider Package from Naples Design and Consulting, Inc.

Attachment: Attachment 2 - Private Provider Package (28208 : PL20230010369 Sycamore Variance)

Collier County
Growth Management
Community Development Department
Building Plan Review & Inspection Division

2800 North Horseshoe Drive,
Naples, FL 34104
239-252-2400
www.CollierCountyFL.gov

PRIVATE PROVIDER – Notice to Building Official

Project Name: 5261 Sycamore Dr. Naples, FL 34119

Parcel Tax Id: 38283000006

Services to be provided:

☐ **Plan Review** **and/or** ☑ **Inspections** ☐ **utilizing inspections as determined by Collier County**

Note: If the notice applies to either private plan review or private inspection services, the Building Official may require, at his or her discretion, the private provider be used for both services pursuant to Section 553.791(2) Florida Statute. If private provider plan review is performed, all required inspections must also be performed by the private provider.

All Electrical Service (Temporary Power), (503, 504 & 505) Electrical Inspections will be completed by Collier County Electrical Inspector's and notation to all serving utilities will only be made by the Collier County Building Review Staff, once approved.

I Jamiz Lawrence **, the fee owner, affirm I have entered into a contract with the Private Provider, indicated below, to conduct the services indicated above. This notice is valid for the life of the primary permit.**

Private Provider Firm: NAPLES DESIGN AND CONSULTING, INC.

Private Provider Name: SANDEEP S DASARI, BU 1785, All Rights Reserved Without Prejudice

Address:

Telephone: (239) 777-3190 **Fax:**

Email Address: admin@ndcnaples.com

Florida License, Registration or Certificate #: BU1785

Optional: _____ (initials) I acknowledge this Notice to Building Official can be applied to subsequent permits associated with the primary permit for the above referenced Parcel Tax I

The following documents are to be submitted with building permit application, as required:

Forms approved by the Building Official are provided as part of this package. Forms provided in this package must be used on each occurrence of the event identified by the forms. No substitute forms will be accepted.

1. **Letter of Acceptance** on company letterhead from private provider stating services provided to fee owner.
2. **Inspection Checklist,** for all trades (4 pages), if not using County selected inspections.
3. **Plan Compliance Affidavit,** signed & notarized, if Private Provider is providing plan review.
4. **Spot Survey Affidavit,** signed & notarized, if spot survey required.
5. **General Contractor Spot Survey Affidavit,** signed & notarized, if spot survey is required.
6. **Private Provider must submit signed and sealed plans** when required by the *Florida Building Code* per Collier County Building Blocks/Bulletins for the type of construction or project being built.

Attachment: Attachment 2 - Private Provider Package (28208 : PL20230010369 Sycamore Variance)

Collier County
Growth Management
Community Development Department
Building Plan Review & Inspection Division

2800 North Horseshoe Drive,
Naples, FL 34104
239-252-2400
www.CollierCountyFL.gov

PRIVATE PROVIDER – Notice to Building Official

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application.

I understand the Building Official retains authority to review plans, make required inspections, and enforce the applicable codes within his or her charge pursuant to the standards established by § 553.791, Florida Statutes. If I make any changes to the listed private providers or the services to be provided by those private providers, I shall, within 1 business day after any change, update this notice to reflect such changes. The building plans review and/or inspection services provided by the private provider is limited to building code compliance and does not include review for fire code, land use, environmental, FEMA requirements or other codes.

Check ONE Section Below

INDIVIDUAL ✓ **CORPORATION** ____ **PARTNERSHIP** ____

Name of Individual or Fee Owner, Corporation, or Partnership: Jamie Lawrence

Address: 5261 Sycamore Dr. Naples FL 34119

Name of Agent, Authorized Signatory: ____

Phone: 239-571-9072

Signature: Jamie A. Lawrence

State of Florida County of Collier

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 5 day of October, 2022, by (printed name of owner or qualifier) Jamie Lawrence

Such person(s) Notary Public must check applicable box:

☑ Are personally known to me
☐ Has produced a current driver's license ____
☐ Has produced ____ as identification.

Notary Signature: Janette Clotworthy

Must Comply with Notarial

Notary Public State of Florida
Janette Marie Clotworthy
My Commission HH 134184
Expires 06/27/2025

Attachment: Attachment 2 - Private Provider Package (28208 : PL20230010369 Sycamore Variance)

Collier County
Growth Management
Community Development Department
Building Plan Review & Inspection Division

2800 North Horseshoe Drive,
Naples, FL 34104
239-252-2400
www.CollierCountyFL.gov

PRIVATE PROVIDER – Private Provider Spot Survey Affidavit

Name of Project Owner: Jamie Lawrence

NOTICE TO PRIVATE PROVIDER

It is the responsibility of the Private Provider and Contractor to ensure that a spot survey & elevation certificate is provided to this department in a timely manner. **Per the direction of the building official, no Inspection activity is allowed after the slab inspection has been PASSED, until a spot survey & under construction elevation certificate has been submitted to and approved by Collier County.**

Private Provider/Contractor must notify Collier County within 48 hours of passing slab inspection. Notification is to include date of approval.

No further construction activity will occur until the survey and elevation certificate are approved and conditions resolved. Upon completion of the project, a final elevation certificate or flood proofing certificate & final survey must be submitted to this department in order to receive a CO (certificate of occupancy).

I understand that I am subject to enforcement action by this department if the above directives are not adhered to in the time frames specified in this affidavit. I also understand that any permit issued by Collier County Building Plan Review and Inspection Division pursuant to this affidavit holds the Private Provider and Contractor responsible for maintaining compliance with this policy.

Parcel Tax ID: 38283000006

Private Provider Name: SANDEEP S DASARI
All rigths reserved. Without Prejudice.

License #: BU1785

Private Provider Signature: SANDEEP S DASARI
All rights reserved. Without Prejudice.

State of Florida County of Collier

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 23rd day of August, 20 22, by (printed name of owner or qualifier) Sandeep S Dasari

Such person(s) Notary Public must check applicable box:

☒ Are personally known to me
☐ Has produced a current driver's license
☐ Has produced as identification.

Notary Signature: LS Luebbe

NOTARY PUBLIC STATE OF FLORIDA
LINDA SUE LUEBBE
Commission # HH 016543
Expires July 18, 2024
Bonded Thru Troy Fain Insurance 800-385-7019

Attachment: Attachment 2 - Private Provider Package (28208 : PL20230010369 Sycamore Variance)

Collier County
Growth Management
Community Development Department
Building Plan Review & Inspection Division

2800 North Horseshoe Drive,
Naples, FL 34104
239-252-2400
www.CollierCountyFL.gov

PRIVATE PROVIDER – General Contractor Spot Survey Affidavit

Name of Project Owner: Jamie Lawrence

NOTICE TO GENERAL CONTRACTOR

It is the responsibility of the Private Provider and Contractor to ensure that a spot survey & elevation certificate is provided to this department in a timely manner. **Per the direction of the building official, no Inspection activity is allowed after the slab inspection has been PASSED, until a spot survey & under construction elevation certificate has been submitted to and approved by Collier County.**

Private Provider/Contractor must notify Collier County within 48 hours of passing slab inspection. Notification is to include date of approval.

No further construction activity will occur until the survey and elevation certificate are approved and conditions resolved. Upon completion of the project, a final elevation certificate or flood proofing certificate & final survey must be submitted to this department in order to receive a CO (certificate of occupancy).

I understand that I am subject to enforcement action by this department if the above directives are not adhered to in the time frames specified in this affidavit. I also understand that any permit issued by Collier County Building Plan Review and Inspection Division pursuant to this affidavit holds the Private Provider and Contractor responsible for maintaining compliance with this policy.

Parcel Tax ID: 38283000006

General Contractor Name: Elite Construction of Naples LLC **License #:** CBC1262985

Signature of Qualifier or Authorized Representative:

State of Florida County of Collier

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 5 day of October, 20 22, by (printed name of owner or qualifier) Dmitriy Peresetsky

Such person(s) Notary Public must check applicable box:

☒ Are personally known to me
☐ Has produced a current driver's license
☐ Has produced _____ as identification.

Notary Signature:

Must Comply with Notarial

Notary Public State of Florida
Jarlette Marie Clotworthy
My Commission HH 134184
Expires 06/27/2025

Attachment: Attachment 2 - Private Provider Package (28208 : PL20230010369 Sycamore Variance)

COLLIER COUNTY GOVERNMENT

GROWTH MANAGEMENT DEPARTMENT | BUSINESS CENTER
2800 N. Horseshoe Drive, Naples FL 34104 | Phone (239) 252-2400

Initial Incomplete Notice
Incomplete Initial Submittal Notice

October 11, 2022

Janette Clotworthy

RE:
Permit Number: PRCP20221046220
Description: NEW ALUM STRUCTURE SHED/CARPORT ADDED TO PROPERTY, DETACTED FROM HOME.

5261 Sycamore DR, Naples, Single Family

A sufficiency review of the submittal package for the above referenced application indicates the following items are deficient. These items will need to be submitted as soon as possible so that we may continue to process your application:

Reviewed By: Maria Becerra
Phone: (239) 252-2935 Email: Maria.Becerra@colliercountyfl.gov

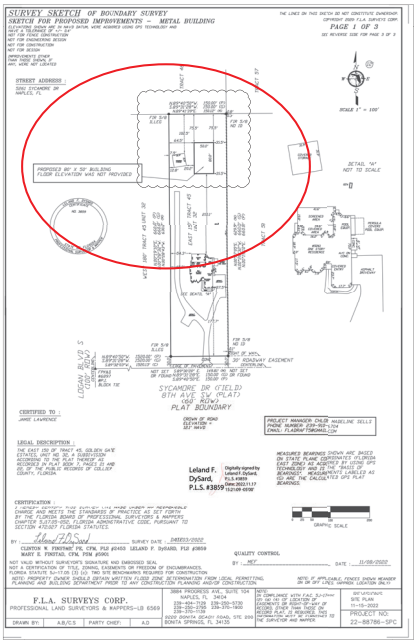
1. **Application Form -** ***CLARIFY IF THIS IS A OWNER BUILDER OR CONTRACTOR PERMIT.***
2. **Site Planning Document -** ***UNABLE TO VERIFY DIGITAL SIGNATURE.***

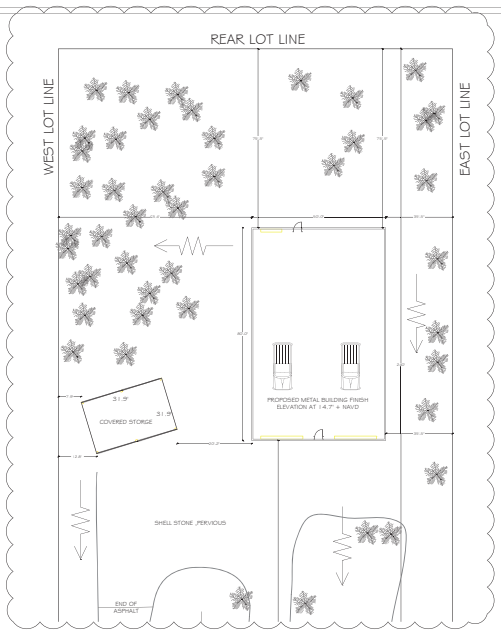
   *****PLEASE BE ADVISED, CHANGING THE NAME OF THE ORIGINAL DOCUMENT ADDING OR EXTRACTING PAGES AFTER THE DOCUMENT HAS BEEN DIGITALLY SIGNED WILL MAKE THE DIGITAL SIGNATURE DISAPPEAR OR INVALID*****
3. **Private Provider Package -** ***PROVIDE THE PRIVATE PROVIDER PACKAGE.***

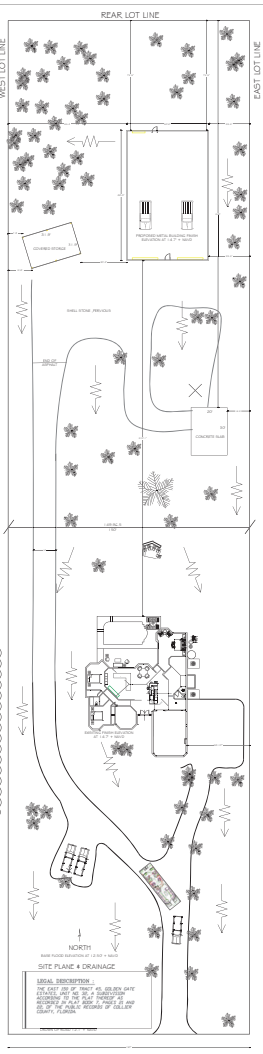
   uploaded on 10/10/22
   Also 10/13/22

A final sufficiency review for permit application PRCP20221046220 has been completed and deemed insufficient. Failure to respond to this notice within 7 calendar days will result in a Final Incomplete Notice that allows for an additional 7 days to respond. Failure

Attachment: Attachment 2 - Private Provider Package (28208 : PL20230010369 Sycamore Variance)







CABINETRY NOTES:

1. ALL DIMENSIONS SHOWN ARE FINISHED MATERIAL TO FINISHED MATERIAL, UNLESS OTHERWISE NOTED

2. ALL ELECTRICAL, VENTING & PLUMBING SHALL BE THE RESPONSIBILITY OF THE CLIENT, UNLESS OTHERWISE NOTED.
3. ELITE CABINETRY, INC. WILL INSTALL ANY DECOR PANELS AND/OR CUT OPENINGS FOR APPLIANCES IN CABINETRY.

4. ELITE CABINETRY, INC. WILL FIELD MEASURE ALL CONDITIONS PRIOR TO FABRICATION. ELITE CABINETRY, INC. WILL NOT BE RESPONSIBLE FOR JOB SITE OR APPLIANCE CHANGES AFTER APPROVAL.

GENERAL CONDITIONS:

1. ALL APPLIANCES, COUNTERTOPS, FLOORING, LIGHTING, SPECIALTY GLASS, MIRRORS AND PLUMBING FIXTURES TO BE SUPPLIED AND INSTALLED BY OTHERS UNLESS OTHERWISE NOTED.

2. ANY CHANGES TO THE WALLS TO SUPPORT THE CABINETRY DESIGN TO BE PERFORMED BY OTHERS UNLESS OTHERWISE NOTED
3. ELITE CABINETRY, INC. WILL FURNISH ONLY THE MILLWORK AND ARCHITECTURAL ORNAMENTATION CLEARLY DELINEATED IN OUR SHOP DRAWINGS. ALL ADDITIONAL CADEWORK, TO BE SUPPLIED, INSTALLED AND FINISHED BY OTHERS UNLESS OTHERWISE NOTED.

4. FINISH FLOORING MATERIALS TO BE INSTALLED BY OTHERS BEFORE CABINET INSTALLATION TO COMMENCE.

PROPRIETARY NOTES:

1. ELITE CABINETRY, INC. HEREBY RESERVES ITS COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE DESIGNS & IDEAS. PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY, ALL PLANS THAT ARE SHOWN HERE ARE A COMPLETE SET OF DRAWINGS.

2. THE PLANS REMAIN THE PROPERTY OF ELITE CABINETRY, INC. AND CANNOT BE USED WITHOUT WRITTEN PERMISSION FROM ELITE CABINETRY, INC.

3. ELITE CABINETRY, INC. ASSUMES NO RESPONSIBILITY FOR THE LAYOUT OF THIS FLOOR PLAN, UNLESS THE WORK IS CONTRACTED BY ELITE CABINETRY, INC.

Elite Cabinetry
Kitchens & Millwork
5255 Fagan Rd. Naples, FL 34109
Office: 239.566.1144 Fax: 239.566.1145
Cell: 239.263.2011 Fax: 239.263.2013
Designed by: Kenneth W. NICHOLS

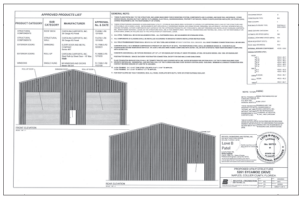
LAWRENCE RESIDENCE

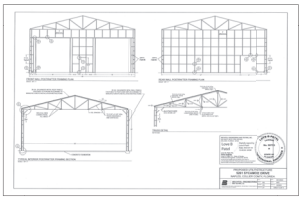
JOB ADDRESS: 5351 Sycamore Dr
CITY, STATE: Naples, FL
DESIGNER: J. Lawrence

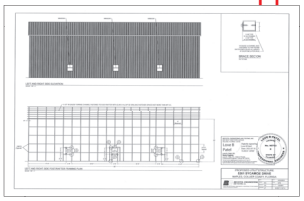
LEGEND:

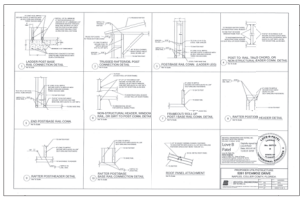
REVISIONS
NO. DATE
1 CASE 1 FOR REVIEW
2 CASE 2 PLANNING BOARD
3 CASE 3 ADDITIONAL DIRECTIONS
4 CASE 4 FINAL CORRECTIONS

SCALE: N/A = 1-0"
DRAFTER: JAL
DATE: 8-15-2022
SHEET: 01 OF 01









COMPLIANCE STATEMENT

I, DON CAHILL, A FLORIDA REGISTERED ARCHITECT (#5000488) HAVE PREPARED THESE PLANS IN COMPLIANCE WITH SECTION 1609 AND THE ENTIRE SEVENTH EDITION OF THE FLORIDA BUILDING CODE 2020.

TO THE BEST OF MY KNOWLEDGE, THIS BUILDING WAS DESIGNED TO COMPLY WITH THE WIND LOADS AS CALCULATED BY ITS MPH WINDS, WIND EXPOSURE CATEGORY B, AND INTERNAL PRESSURE COEFFICIENT, .18 (ENCLOSED). THE ARCHITECT DOES NOT WISH THESE PLANS TO BE MASTERED AND REPETITIVE USE IS RESTRICTED TO SPECIFIC APPLICATION OF THE PLANS FOR EACH LOCATION.

DON CAHILL Architect AIA
dcahillarchitect@gmail.com
701 110th Ave N (7th St. entrance)
Naples FL 34108 ● 239-597-6266

DON CAHILL Architect AIA AR0004488 State of Florida
Digitally signed by DON CAHILL Architect AIA AR0004488 State of Florida
Date: 2023.01.19 15:27:46 -05'00'

Calculations for Lot Area, Impervious (Existing & Proposed) Area

Information from Property Appraiser Website 2.27 Acres = 43,560 SF+98,881 SF

Residence	2,485 SF
Alum Screen Enclosure	1,897 SF
Swimming Pool	336 SF
Keystone Deck	654 SF
	4,972 SF

Existing: Covered Storage 31.5' x 3.5'=	1,018 SF
Concrete Slab 30' x 18'=	609 SF
Asphalt driveway SF	9,689 SF
Proposed: metal building 50'x90'=	4,500 SF
Gravel driveway pervious	0 SF
	16,817 SF

Total Impervious 20,999 SF

98,881 lot size
=20,999 impervious=21.3%

Attachment 3 - Approved Site Plan 01192023

SURVEY SKETCH OF ASBUILT SURVEY
FINAL ON 80' X 50' BUILDING ADDITION

ELEVATIONS SHOWN ARE IN NAVD DATUM, WERE ACQUIRED USING GPS TECHNOLOGY AND HAVE A TOLERANCE OF +/- 0.4'
NOT FOR FENCE CONSTRUCTION
NOT FOR ENGINEERING DESIGN
NOT FOR CONSTRUCTION
NOT FOR DESIGN

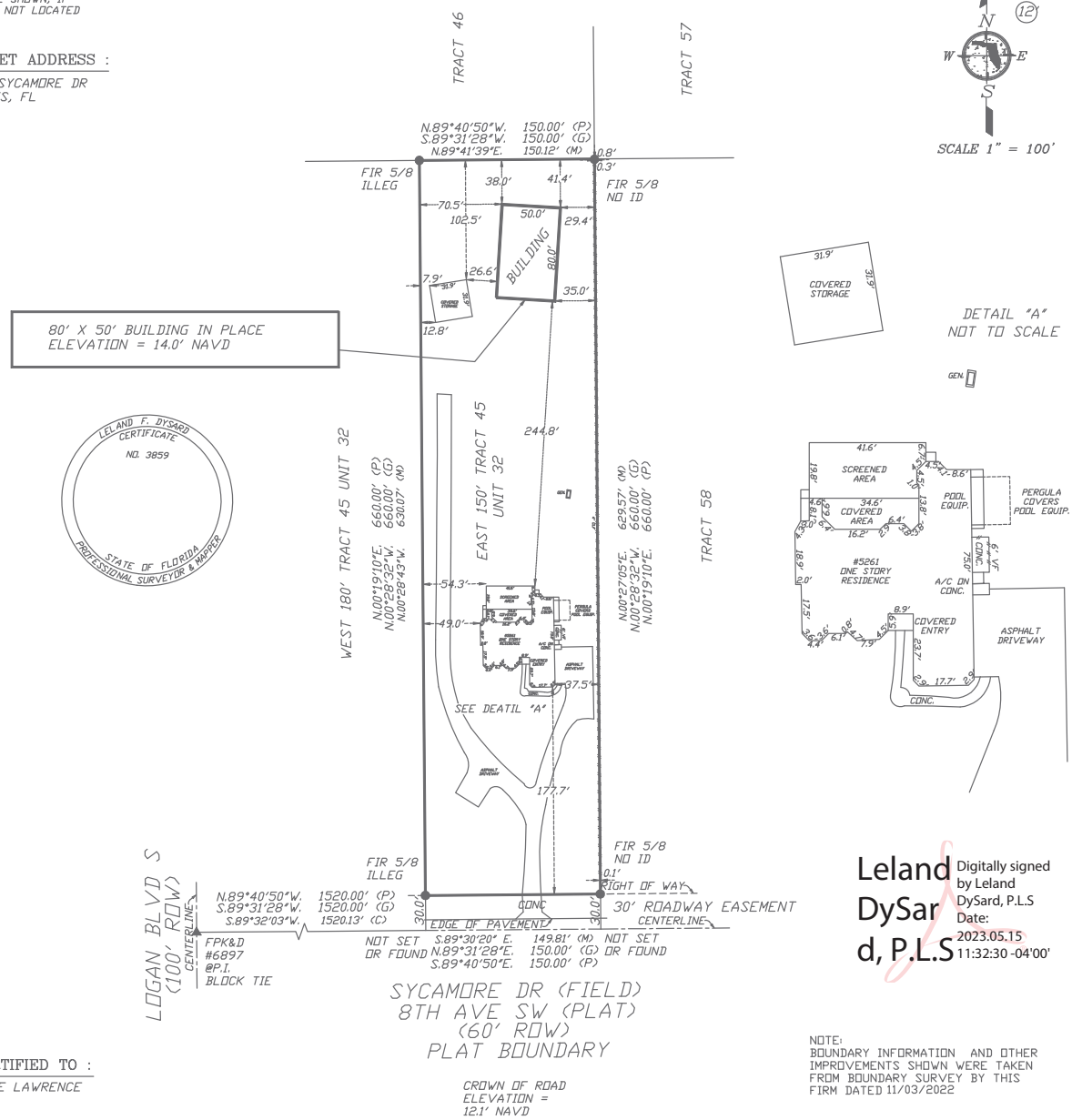
IMPROVEMENTS OTHER THAN THOSE SHOWN, IF ANY, WERE NOT LOCATED

THE LINES ON THIS SKETCH DO NOT CONSTITUTE OWNERSHIP.
COPYRIGHT 2023: F.L.A. SURVEYS CORP.

SEE REVERSE SIDE FOR PAGE 3 OF 3

Attachment 4 - May 12, 2023 Survey
Submitted with Variance Application

STREET ADDRESS :
5261 SYCAMORE DR
NAPLES, FL



Leland DySard, P.L.S
Digitally signed by Leland DySard, P.L.S
Date: 2023.05.15 11:32:30 -04'00'

NOTE:
BOUNDARY INFORMATION AND OTHER IMPROVEMENTS SHOWN WERE TAKEN FROM BOUNDARY SURVEY BY THIS FIRM DATED 11/03/2022

CERTIFIED TO :
JAMIE LAWRENCE

LEGAL DESCRIPTION :
THE EAST 150 OF TRACT 45, GOLDEN GATE ESTATES, UNIT NO. 32, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGES 21 AND 22, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

MEASURED BEARINGS SHOWN ARE BASED ON STATE PLANE COORDINATES (FLORIDA EAST ZONE) AS ACQUIRED BY USING GPS TECHNOLOGY AND IS THE "BASIS OF BEARINGS". MEASUREMENTS LABELED AS (G) ARE THE CALCULATED GPS PLAT BEARINGS.

CERTIFICATION :
I HEREBY CERTIFY THIS SURVEY WAS MADE UNDER MY RESPONSBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS CHAPTER 5J17.05-052, FLORIDA ADMINSTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

GRAPHIC SCALE: 0 25 50 100 200

BY : Leland F. DySard SURVEY DATE : 05/11/2023
CLINTON W. FINSTAD, PE, CFM, PLS #2453 LELAND F. DySARD, PLS #3859
MARY E. FINSTAD, CFM, PSM #5901

QUALITY CONTROL
BY : MEF DATE : 05/12/2023

NOT VALID WITHOUT SURVEYOR'S SIGNATURE AND EMBOSSED SEAL
NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.
FLORIDA STATUTE 5J-17.05 (3) (c): TWO SITE BENCHMARKS REQUIRED FOR CONSTRUCTION

NOTE: PROPERTY OWNER SHOULD OBTAIN WRITTEN FLOOD ZONE DETERMINATION FROM LOCAL PERMITTING, PLANNING AND BUILDING DEPARTMENT PRIOR TO ANY CONSTRUCTION PLANNING AND/OR CONSTRUCTION.

NOTE: IF APPLICABLE, FENCES SHOWN MEANDER ON OR OFF LINES. (APPROX. LOCATION ONLY)

F.L.A. SURVEYS CORP.
PROFESSIONAL LAND SURVEYORS & MAPPERS-LB 6569
3884 PROGRESS AVE., SUITE 104
NAPLES, FL 34104
239-404-7129 239-250-5730
239-250-2795 239-370-1139
9220 BONITA BEACH ROAD, STE 200
BONITA SPRINGS, FL 34135

DRAWN BY:	ES	PARTY CHIEF:	DD

NOTE: IN COMPLIANCE WITH F.A.C. 5J-17.052 (2) (d) (4) (IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLAT, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER.

REVISIONS

PROJECT NO 23-88252-S

Attachment: Attachment 4 - Survey Submitted with Variance Application 5-12-23 [Revision 1] (28208 : PL20230010369 Sycamore Variance)

SURVEY SKETCH OF BOUNDARY SURVEY

NOT FOR FENCE CONSTRUCTION
NOT FOR CONSTRUCTION
NOT FOR DESIGN
NOT FOR ENGINEERING DESIGN

PHOTO PAGE

F.L.A. SURVEYS CORP.
PROFESSIONAL LAND SURVEYORS & MAPPERS - LB 6569

3884 PROGRESS AVE., SUITE 104
NAPLES, FLORIDA 34104

9220 BONITA BEACH ROAD, STE. 200
BONITA SPRINGS, FLORIDA 34135

REVISIONS

PROJECT NO.
23-88252-3

DRAWN BY: LFD | PARTY CHIEF: | N/A

Attachment: Attachment 4 - Survey Submitted with Variance Application 5-12-23 [Revision 1] (28208 : PL20230010369 Sycamore Variance)

PAGE 3 OF 3
NOT VALID WITHOUT PAGES 1 AND 2 OF 3
GENERAL NOTES
ABSTRACT NOT REVIEWED

N = NORTH
S = SOUTH
E = EAST
W = WEST, OR ANY COMBINATION THEREOF

1. ° = DEGREES
2. ' = MINUTES WHEN USED IN A BEARING
3. " = SECONDS WHEN USED IN A BEARING
4. ' = FEET WHEN USED IN A DISTANCE
5. " = INCHES WHEN USED IN A DISTANCE
6. ± = "MORE OR LESS" OR "PLUS OR MINUS"
7. A = ARC DISTANCE
8. AC = ACRES
9. A/C = AIR CONDITIONING PAD
10. AE = ACCESS EASEMENT
11. AF = ALUMINUM FENCE
12. AMUE = AVE MARIA UTILITY EASEMENT
13. B.E. = BUFFER EASEMENT
14. BM = BENCHMARK
15. BOB = BASIS OF BEARING
16. BRG = BEARING
17. C# = CURVE NUMBER
18. C = CALCULATED
19. CB = CATCH BASIN
20. CHB = CHORD BEARING
21. CHD = CHORD
22. CLF = CHAINLINK FENCE
23. CM = CONCRETE MONUMENT
24. CO = CLEAN OUT
25. COL = COLUMN
26. CONC = CONCRETE
27. CPP = CONCRETE POWER POLE
28. CSW = CONCRETE SIDEWALK
29. CTV= CABLE TV RISER
30. CUE= COLLIER COUNTY UTILITY EASEMENT
31. D = DEED
32. DE= DRAINAGE EASEMENT
33. DH = DRILL HOLE
34. DI = DROP INLET
35. ELEC= ELECTRIC
36. EOP = EDGE OF PAVEMENT
37. EOR = EDGE OF ROAD
38. EOW = EDGE OF WATER
39. F= AS LABELED OR FOUND IN THE FIELD
40. F.A.C. = FLORIDA ADMINISTRATIVE CODE
41. FCC = FOUND CROSS CUT
42. FCM = FOUND CONCRETE MONUMENT
43. FEMA = FEDERAL EMERGENCY MANAGEMENT AGENCY
44. FDH = FOUND DRILL HOLE
45. FFE = FINISH FLOOR ELEVATION
46. FH = FIRE HYDRANT
47. FIP = FOUND IRON PIPE
48. FIR = FOUND IRON ROD
49. FN = FOUND NAIL
50. FND = FOUND
51. FN&D = FOUND NAIL & DISC
52. FPK = FOUND PK NAIL
53. FPK&D = FOUND PK NAIL AND DISC
54. GCE = GOLF COURSE EASEMENT
55. HCP = HANDICAP PARKING
56. IE = IRRIGATION EASEMENT
57. LB = LICENSED BUSINESS
58. LBE = LANDSCAPE BUFFER EASEMENT
59. LE = LANDSCAPE EASEMENT
60. LME = LAKE MAINTENANCE EASEMENT
61. LP = LIGHT POLE
62. M = MEASURED
63. ME = MAINTENANCE EASEMENT
64. MH = MANHOLE
65. N.A.V.D. = NORTH AMERICAN VERTICAL DATUM
66. N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
67. NO ID = NO IDENTIFYING MARKINGS
68. (NR) = NON-RADIAL
69. NTS= NOT TO SCALE
70. OHP= OVERHEAD POWER
71. OHU = OVERHEAD UTILITY LINE
72. O.R. = OFFICIAL RECORD BOOK
73. O/S = OFFSET
74. P = PLAT
75. PBIDDE = PELICAN BAY IMPROVEMENT DISTRICT DRAINAGE EASEMENT
76. PC = POINT OF CURVATURE
77. PCC POINT OF COMPOUND CURVATURE
78. PCP = PERMANENT CONTROL POINT
79. PG = PAGE
80. PI = POINT OF INTERSECTION
81. PK = PARKER KALON NAIL
82. PLS = PROFESSIONAL LAND SURVEYOR
83. POB = POINT OF BEGINNING
84. POC = POINT OF COMMENCEMENT
85. PP = POWER POLE
86. PRC = POINT OF REVERSE CURVE
87. PRM = PERMANENT REFERENCE MONUMENT
88. PSM= PROFESSIONAL SURVEYOR AND MAPPER
89. PU & DE = PUBLIC UTILITY & DRAINAGE EASEMENT
90. PUE = PUBLIC UTILITY EASEMENT
91. PT = POINT OF TANGENCY
92. PVS = PAVERS
93. Q.W.P.E. = QUAIL WEST PERPETUAL EASEMENT
94. (R) = RADIAL
95. R = RADIUS
96. RING = ITEM DETECTED BY METAL DETECTOR BUT NOT RECOVERED
97. RNG= RANGE
98. ROW = RIGHT-OF-WAY
99. RR SPK = RAILROAD SPIKE
100. SAT= SATELLITE DISH
101. SDE = STREET DRAINAGE EASEMENT
102. SEC = SECTION
103. SDH = SET DRILL HOLE, NO ID
104. SIR = SET 5/8" IRON ROD WITH LB NUMBER OF CORPORATION
105. SPK&D = SET PK WITH DISC WITH LB NUMBER
106. TBM TEMPORARY BENCH MARK
107. TEL = TELEPHONE FACILITIES
108. TOB = TOP OF BANK
109. TP = TRANSMITTER PAD
110. TWP= TOWNSHIP
111. UE = UTILITY EASEMENT
112. VF = VINYL FENCE
113. VLV = VALVE
114. W = WATER SERVICE
115. WB = WATER BOX
116. WF= WOOD FENCE
117. WPP= WOOD POWER POLE
118. Δ = DELTA OR CENTRAL ANGLE OF CURVE
119. DIMENSIONS ARE IN FEET AND IN DECIMALS THEREOF
120. ELEVATIONS SHOWN HEREON ARE N.A.V.D. UNLESS OTHERWISE STATED
121. ALL PHYSICAL IMPROVEMENTS SHOWN WITHOUT DIMENSIONS ARE FOR INFORMATIONAL PURPOSES ONLY. THAT THEY DO EXIST, BUT WERE NOT NECESSARILY MEASURED IN THE FIELD.
122. NOTE: LEGAL DESCRIPTION IS FROM LATEST DEED OF RECORD UNLESS OTHERWISE NOTED.
123. EASEMENTS AND RIGHT OF WAYS SHOWN ARE PER RECORDED PLAT OR AS FURNISHED BY THE CLIENT
124. FOUNDATION LINE BELOW THE SURFACE OF THE GROUND IS NOT REFLECTED
125. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES UNDER ANY CONDITION UNLESS OTHERWISE STATED
126. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED
127. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAYS, AND/OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN
128. THERE ARE NO VISIBLE ENCROACHMENTS EXCEPT THOSE AS DELINEATED ON THIS PLAT OF SURVEY
129. TIES ARE TO FIELD LINES UNLESS OTHERWISE NOTED
130. THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR EASEMENTS THAT ARE NOT RECORDED ON SAID PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY
131. FENCES MEANDER ON AND OFF LINE, APPROXIMATE LOCATION ONLY UNLESS STATED OTHERWISE.
132. THE LINES ON THIS SKETCH DO NOT CONSTITUTE OWNERSHIP
133. THE INTENT OF THIS SURVEY IS FOR TITLE TRANSFER ONLY UNLESS STATED OTHERWISE
134. FLORIDA STATUTE 61G17-6.004: TWO SITE BENCHMARKS ARE REQUIRED FOR CONSTRUCTION.
135. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
121. F.E.M.A. FLOOD HAZARD MAPPING: THIS DATE PRODUCT WAS NOT DESIGNED TO MAKE PRECISE IN/OUT FLOOD RISK DETERMINATIONS. THIS PRODUCT IS NOT SUITABLE FOR ENGINEERING APPLICATIONS AND CANNOT BE USED TO DETERMINE ABSOLUTE DELINEATIONS OF FLOOD BOUNDARIES. CALL 1-877-FEMAMAP OR EMAIL A MAP SPECIALIST AT WWW.FEMA.ORG/MIT/TSD/FQ-MAP17.HTM.
137. PROPERTY OWNER SHOULD OBTAIN WRITTEN FLOOD ZONE DETERMINATION FROM LOCAL PERMITTING, PLANNING AND BUILDING DEPARTMENT PRIOR TO ANY CONSTRUCTION PLANNING AND/OR CONSTRUCTION
138. IN COMPLIANCE WITH F.A.C. 61G17-6.0031 (4) (E) – IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLAT, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER.
139. IF APPLICABLE, FENCES SHOWN MEANDER ON OR OFF LINES (APPROXIMATE LOCATION ONLY)
140. ARCHITECTURAL FEATURES, SUCH AS FURRING STRIPS, SIDING, CORNICES, STUCCO, ETC., OUTSIDE THE LINE OF THE STRUCTURE HAVE BEEN TAKEN INTO ACCOUNT WHEN GIVING TIES FROM THE STRUCTURE TO THE LOT LINES.
141. ATTENTION IS DIRECTED TO THE FACT THAT THIS SURVEY MAY HAVE BEEN REDUCED OR ENLARGED IN SIZE DUE TO REPRODUCTION. THIS SHOULD BE TAKEN INTO CONSIDERATION WHEN OBTAINING SCALED DATA.

Attachment: Attachment 4 - Survey Submitted with Variance Application 5-12-23 [Revision 1] (28208 : PL20230010369 Sycamore Variance)

Attachment 5

Letters of No Objection

Attachment: Attachment 5 - Letters of No Objection (28208 : PL20230010369 Sycamore Variance)

DAVIES | DUKE

1415 Panther Lane, Suite 442
Naples, FL 34109

www.DaviesDuke.com
Offices: Naples, Bonita Springs, Fort Myers

Noel J. Davies, Esq.
239.216.2792
Noel.Davies@DaviesDuke.com

November 20, 2023

Tyler C. Norton Living Revocable Trust
5300 Tamarind Ridge Dr.
Naples, FL 34119

Re: 5261 Sycamore Dr., Naples, FL 34119

Dear Trustee:

This Firm represents Jamie and Carol Lawrence, the owners of the above-referenced property, in their application for a variance from the Land Development Code regarding required setbacks for the garage structure.

Mr. Lawrence has indicated that you do not object to the requested variance, allowing him to keep the garage in its current location.

Please sign below indicating that you do not object to Mr. and Mrs. Lawrence's variance request.

Sincerely,

DAVIES DUKE, PLLC

Noel J. Davies, Esq.

I, _____ as Trustee of the Tyler C. Norton Revocable Living Trust, residing at 5300 Tamarind Ridge Dr., do not object to the current location of the garage on the property located at 5261 Sycamore Dr.

_____
Signature

Tyler C. Norton
Print Name

_____
Date

Attachment: Attachment 5 - Letters of No Objection (28208 : PL20230010369 Sycamore Variance)

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November 20, 2023

Jack Segerdahl
Lyette Segerdahl
5281 Sycamore Dr.
Naples, FL 34119

Re: 5261 Sycamore Dr., Naples, FL 34119

Dear Mr. and Ms. Segerdahl:

This Firm represents Jamie and Carol Lawrence, the owners of the above-referenced property, in their application for a variance from the Land Development Code regarding required setbacks for the garage structure.

Mr. Lawrence has indicated that you do not object to the requested variance, allowing him to keep the garage in its current location.

Please sign below indicating that you do not object to Mr. and Mrs. Lawrence's variance request.

Sincerely,

DAVIES DUKE, PLLC

Noel J. Davies, Esq.

I, Jack Segerdahl, residing at 5281 Sycamore Dr., do not object to the current location of the garage on the property located at 5261 Sycamore Dr.

Jack R Segerdahl
Signature

JACK R. SEGERDAHL
Print Name

November 28, 2023
Date

I, Lyette Segerdahl, residing at 5281 Sycamore Dr., do not object to the current location of the garage on the property located at 5261 Sycamore Dr.

Lyette Segerdahl
Signature

Lyette Segerdahl
Print Name

NOVEMBER 28, 2023
Date

Attachment: Attachment 5 - Letters of No Objection (28208 : PL20230010369 Sycamore Variance)

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November 20, 2023

Maria Yrene Poklemba
5253 Sycamore Dr.
Naples, FL 34119

Re: 5261 Sycamore Dr., Naples, FL 34119

Dear Ms. Poklemba:

This Firm represents Jamie and Carol Lawrence, the owners of the above-referenced property, in their application for a variance from the Land Development Code regarding required setbacks for the garage structure.

Mr. Lawrence has indicated that you do not object to the requested variance, allowing him to keep the garage in its current location.

Please sign below indicating that you do not object to Mr. and Mrs. Lawrence's variance request.

Sincerely,

DAVIES DUKE, PLLC

Noel J. Davies, Esq.

I, Maria Yrene Poklemba, residing at 5253 Sycamore Dr., do not object to the current location of the garage on the property located at 5261 Sycamore Dr., Naples, FL 34119.

Signature

MARIA YRENE Poklemba
Print Name

11/29/2023
Date

Attachment: Attachment 5 - Letters of No Objection (28208 : PL20230010369 Sycamore Variance)

DAVIES | DUKE

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239.216.2792
Noel.Davies@DaviesDuke.com

November 20, 2023

Jon Ebert
Vivian Ebert
5270 Tamarind Ridge Dr.
Naples, FL 34119

Re: 5261 Sycamore Dr., Naples, FL 34119

Dear Mr. and Ms. Ebert:

This Firm represents Jamie and Carol Lawrence, the owners of the above-referenced property, in their application for a variance from the Land Development Code regarding required setbacks for the garage structure.

Mr. Lawrence has indicated that you do not object to the requested variance, allowing him to keep the garage in its current location.

Please sign below indicating that you do not object to Mr. and Mrs. Lawrence's variance request.

Sincerely,

DAVIES DUKE, PLLC

Noel J. Davies, Esq.

I, Jon Ebert, residing at 5270 Tamarind Ridge Dr., do not object to the current location of the garage on the property located at 5261 Sycamore Dr.

Signature

Jon Ebert
Print Name

11/28/23
Date

I, Vivian Ebert, residing at 5270 Tamarind Ridge Dr., do not object to the current location of the garage on the property located at 5261 Sycamore Dr.

Vivian Ebert
Signature

VIVIAN EBERT
Print Name

11-28-23
Date

Attachment: Attachment 5 - Letters of No Objection (28208 : PL20230010369 Sycamore Variance)

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Noel J. Davies, Esq.
239.216.2792
Noel.Davies@DaviesDuke.com

November 20, 2023

Charles Sauer
Kristine Sauer
5250 Tamarind Ridge Dr.
Naples, FL 34119

Re: 5261 Sycamore Dr., Naples, FL 34119

Dear Mr. and Ms. Sauer:

This Firm represents Jamie and Carol Lawrence, the owners of the above-referenced property, in their application for a variance from the Land Development Code regarding required setbacks for the garage structure.

Mr. Lawrence has indicated that you do not object to the requested variance, allowing him to keep the garage in its current location.

Please sign below indicating that you do not object to Mr. and Mrs. Lawrence's variance request.

Sincerely,

DAVIES DUKE, PLLC

Noel J. Davies, Esq.

I, Charles Sauer, residing at 5250 Tamarind Ridge Dr., do not object to the current location of the garage on the property located at 5261 Sycamore Dr.

Signature

Charles Sauer
Print Name

11/30/23
Date

I, Kristine Sauer, residing at 5250 Tamarind Ridge Dr., do not object to the current location of the garage on the property located at 5261 Sycamore Dr.

Signature

Kristine Sauer
Print Name

11/30/23
Date

Attachment: Attachment 5 - Letters of No Objection (28208 : PL20230010369 Sycamore Variance)

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

VARIANCE PETITION APPLICATION

Variance from Setbacks Required for a Particular Zoning District

LDC section 9.04.00 & Code of Laws section 2-83 – 2-90
Chapter 3 J. of the Administrative Code

PROJECT NUMBER
PROJECT NAME
DATE PROCESSED

To be completed by staff

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): Lawrence, Jamie & Carol

Name of Applicant if different than owner: Jamie Lawrence c/o Noel J. Davies, Esq., Davies Duke, PLLC

Address: 1415 Panther Lane, #442 **City:** Naples **State:** FL **ZIP:** 34109

Telephone: 239-216-2792 **Cell:** _____ **Fax:** _____

E-Mail Address: Noel.Davies@DaviesDuke.com

Name of Agent: Noel J. Davies, Esq.

Firm: Davies Duke, PLLC

Address: 1415 Panther Lane, #442 **City:** Naples **State:** FL **ZIP:** 34109

Telephone: 239-216-2792 **Cell:** _____ **Fax:** _____

E-Mail Address: Noel.Davies@DaviesDuke.com

BE AWARE THAT COLLIER COUNTY HAS LOBBYIST REGULATIONS. GUIDE YOURSELF ACCORDINGLY AND ENSURE THAT YOU ARE IN COMPLIANCE WITH THESE REGULATIONS.

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

COLLIER COUNTY GOVERNMENT
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PROPERTY INFORMATION

Provide a detailed legal description of the property covered by the application: (If space is inadequate, attach on separate page)

Property I.D. Number: 38283000006 **Section/Township/Range:** 9 / 49 / 26

Subdivision: Golden Gages Estates Unit 32 **Unit:** _____ **Lot:** _____ **Block:** _____

Metes & Bounds Description: Please see attached Warranty Deed **Total Acreage:** 2.27

Address/ General Location of Subject Property: 5261 Sycamore Dr., north of Pine Ridge Rd., East of Logan Blvd. S.

ADJACENT ZONING AND LAND USE

	Zoning	Land Use
N	Estate / E (Agricultural)	Residential
S	Estate / E (Agricultural)	Residential
E	Estate / E (Agricultural)	Residential
W	Estate / E (Agricultural)	Residential

Minimum Yard Requirements for Subject Property:

Front: 75 ft **Corner Lot:** Yes ☐ No ☒

Side: 30 ft **Waterfront Lot:** Yes ☐ No ☒

Rear: 75 ft

Chapter 8 of the Administrative Code requires that the applicant must remove their public hearing advertising sign(s) after final action is taken by the Board of County Commissioners. Based on the Board's final action on this item, please remove all public hearing advertising sign(s) immediately.

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

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ASSOCIATIONS

Complete the following for all registered Association(s) that could be affected by this petition. Provide additional sheets if necessary. Information can be found on the Board of County Commissioner's website at http://www.colliergov.net/Index.aspx?page=774.

Name of Homeowner Association: N/A
Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

Name of Homeowner Association: _____
Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

Name of Homeowner Association: _____
Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

Name of Homeowner Association: _____
Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

Name of Homeowner Association: _____
Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

NATURE OF PETITION

On a separate sheet, attached to the application, please provide the following:

1. A detailed explanation of the request including what structures are existing and what is proposed; the amount of encroachment proposed using numbers, i.e. reduce front setback from 25 ft. to 18 ft.; when property owner purchased property; when existing principal structure was built (include building permit number(s) if possible); why encroachment is necessary; how existing encroachment came to be; etc.

2. For projects authorized under LDC Section 9.04.02, provide a detailed description of site alterations, including any dredging and filling.

3. Pursuant to LDC section 9.04.00, staff shall be guided in their recommendation to the Hearing Examiner, and the Hearing Examiner shall be guided in the determination to approve or deny a variance petition by the criteria (a-h) listed below. Please address the following criteria:

   a) Are there special conditions and circumstances existing which are peculiar to the location, size and characteristics of the land, structure, or building involved.

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

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b) Are there special conditions and circumstances which do not result from the action of the applicant such as pre-existing conditions relative to the property which is the subject of the variance request.

c) Will a literal interpretation of the provisions of this zoning code work unnecessary and undue hardship on the applicant or create practical difficulties on the applicant.

d) Will the variance, if granted, be the minimum variance that will make possible the reasonable use of the land, building or structure and which promote standards of health, safety or welfare.

e) Will granting the variance requested confer on the petitioner any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district.

f) Will granting the variance be in harmony with the intent and purpose of this zoning code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

g) Are there natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation such as natural preserves, lakes, golf course, etc.

h) Will granting the variance be consistent with the Growth Management Plan?

4. Official Interpretations or Zoning Verifications: To your knowledge, has there been an official interpretation or zoning verification rendered on this property within the last year?

☐ Yes ☒ No If yes, please provide copies.

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

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Pre-Application Meeting and Final Submittal Requirement Checklist for: Variance Chapter 3 J. of the Administrative Code

The following Submittal Requirement Checklist is to be utilized during the Pre-Application Meeting and at time of application submittal. At time of submittal, the checklist is to be completed and submitted with the application packet. Please provide the submittal items in the exact order listed below with cover sheets attached to each section. **Incomplete submittals will not be accepted.**

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	☐	☐	☐
Pre-Application Meeting Notes	1	☐	☐
Project Narrative	☐	☐	☐
Completed Addressing Checklist	1	☐	☐
Property Ownership Disclosure Form	1	☒	
Conceptual Site Plan 24" x 36" and one 8 ½ " x 11" copy	☐	☐	☐
Survey of property showing the encroachment (measured in feet)	2	☐	☐
Affidavit of Authorization, signed and notarized	2	☐	☐
Deeds/Legal's	3	☐	☐
Location map	1	☐	☐
Current aerial photographs (available from Property Appraiser) with project boundary and, if vegetated, FLUCFCS Codes with legend included on aerial	5	☐	☐
Historical Survey or waiver request	1	☐	☐
Environmental Data Requirements or exemption justification	3	☐	☐
Once the first set of review comments are posted, provide the assigned planner the Property Owner Advisory Letter and Certification	1	☐	☐
Electronic copy of all documents and plans *Please advise: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format.	1	☐	☐

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

- Following the completion of the review process by County review staff, the applicant shall submit all materials electronically to the designated project manager.
- Please contact the project manager to confirm the number of additional copies required.

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

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(239) 252-2400 FAX: (239) 252-6358

Planners: Indicate if the petition needs to be routed to the following reviewers:

☐	Bayshore/Gateway Triangle Redevelopment: Executive Director	☐	Historical Review
☐	City of Naples: Robin Singer, Planning Director	☐	Immokalee Water/Sewer District
☐	Conservancy of SWFL: Nichole Ryan	☐	Parks and Recreation: David Berra
☐	Emergency Management: Dan Summers; and/or EMS: Artie Bay	☐	School District (Residential Components): Amy Lockheart
☐	Other:	☐	

FEE REQUIREMENTS

- ☐ **Pre-Application Meeting:** $500.00
- ☐ **Variance Petition:**
  - **Residential-** $2,000.00
  - **Non-Residential-** $5,000.00
  - **5th and Subsequent Review-** 20% of original fee
- ☐ **Estimated Legal Advertising Fee for the Office of the Hearing Examiner:** $1,125.00
- ☐ **After The Fact Zoning/Land Use Petitions:** 2x the normal petition fee
- ☐ **Listed Species Survey (if EIS is not required):** $1,000.00

Fire Code Plans Review Fees are collected at the time of application submission and those fees are set forth by the Authority having jurisdiction. The Land Development Code requires Neighborhood Notification mailers for Applications headed to hearing, and this fee is collected prior to hearing.

As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

All checks payable to: Board of County Commissioners.

The completed application, all required submittal materials, and the permit fee shall be submitted to:

Growth Management Department
Zoning Division
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

Applicant Signature Agent

08/16/2023
Date

Noel J. Davies, Esq.
Printed Name

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

DAVIES | DUKE

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Naples, FL 34109

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Noel J. Davies, Esq.
239.216.2792
Noel.Davies@DaviesDuke.com

NARRATIVE STATEMENT

5261 SYCAMORE DR., NAPLES, FL 34119
VARIANCE PETITION APPLICATION

Please allow this document to serve as the Applicant's Narrative Statement for the above-referenced Variance Petition Application.

Narrative

This is a Variance Application for an after-the-fact variance from Section 4.02.01.A. Table 2.1 Minimum Yard Requirements (Setbacks), from minimum side yard and minimum rear yard requirements for two accessory structures, a large garage and an open air/roof-only carport:

1. A large garage: a side yard variance from 30 feet to 29.4 feet.
2. A large garage: a rear yard variance from 75 feet to 38 feet.
3. An open air/roof-only carport: a side yard variance from 30 feet to 7.9 feet.

This request is to allow the continued existence of a 50' x 80' steel structure with two 16-foot steel roll-up doors and a 31.9' x 31.9' shed at 5261 Sycamore Drive, Naples, Florida 34119, also known as The East 150 feet of Tract 45, Golden Gate Estates Unit No. 32, in Section 9, Township 49 South, Range 26 East, Collier County, Florida. The proposed and current uses of this structure is the storage of boats, jet skis, and four-wheel type vehicles.

Specifically, this request is to allow the continued existence of a steel structure garage constructed 29.4 feet from the eastern property line and 38 feet from the northern property line. The condition was created as a result of an inadvertent mistake by the applicant, and the Applicant desires to reach compliance with the Code through the variance process. The subject request is for relief from (1) a side yard setback for an existing steel structure garage from 30 feet to 29.4 feet on the northeast corner of the subject property and (2) a rear yard setback from 75 feet to 38 feet on the northern property line (as depicted on the attached survey).

Additionally, this request is to allow the continued existence of an open air/roof only carport constructed 7.9 feet from the western property line. The condition was created as a result of an inadvertent mistake by the applicant, and the Applicant desires to reach compliance with the Code through the variance process. The subject request is for relief from (3) a side yard setback for an existing open air/roof-only carport from 30 feet to 7.9 feet (as depicted on the attached survey).

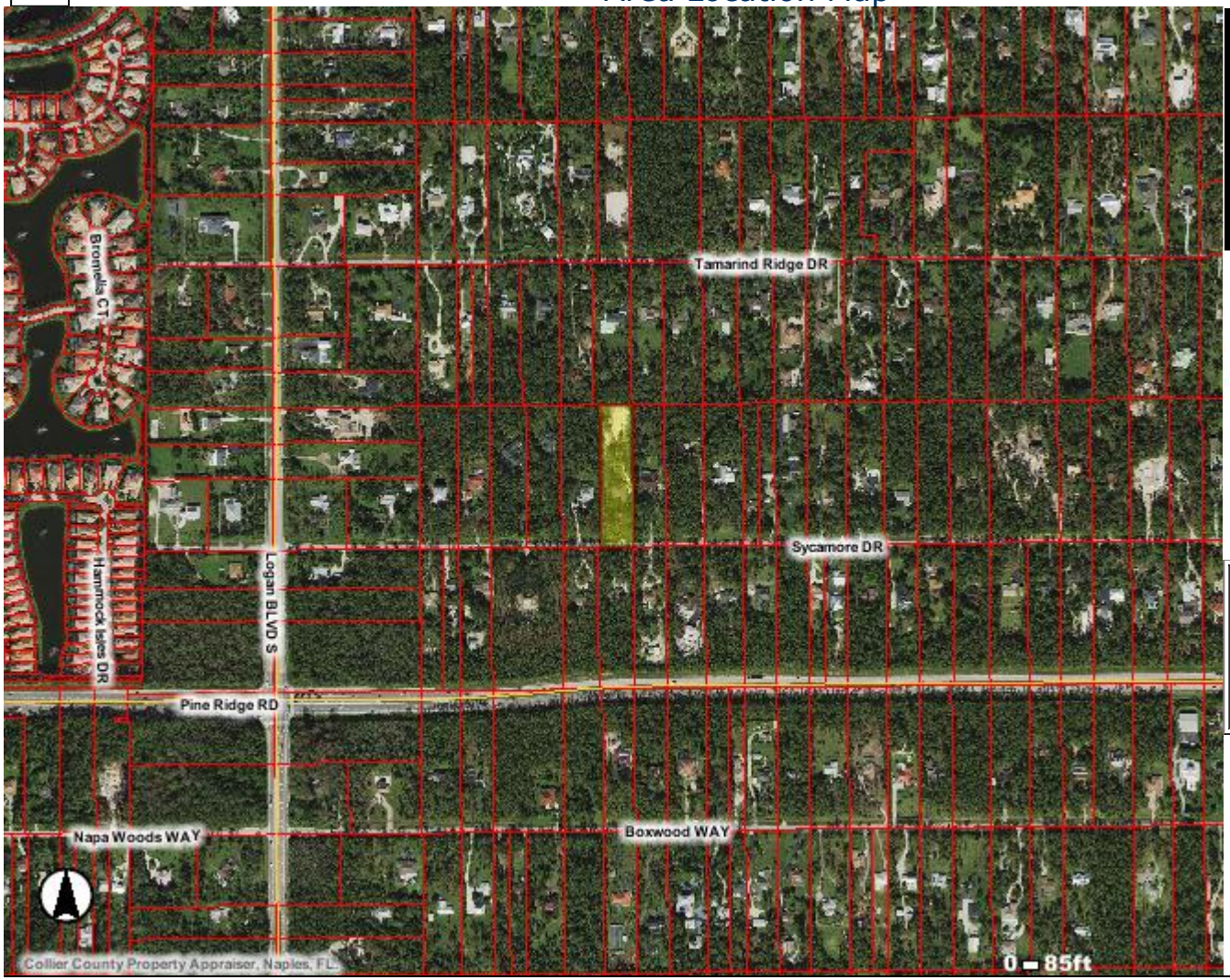
Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

Should the variance not be granted, the applicant would suffer undue hardship by having to relocate the subject structures. None of the abutting property owners object to this application and no harm would result from granting the subject request. The Applicant believes it meets the governing criteria set forth in Section 9.04.03 of the Collier County Land Development Code and Chapter 3.J. of the Collier County Administrative Code.

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

Print

Area Location Map



MAP LEGEND

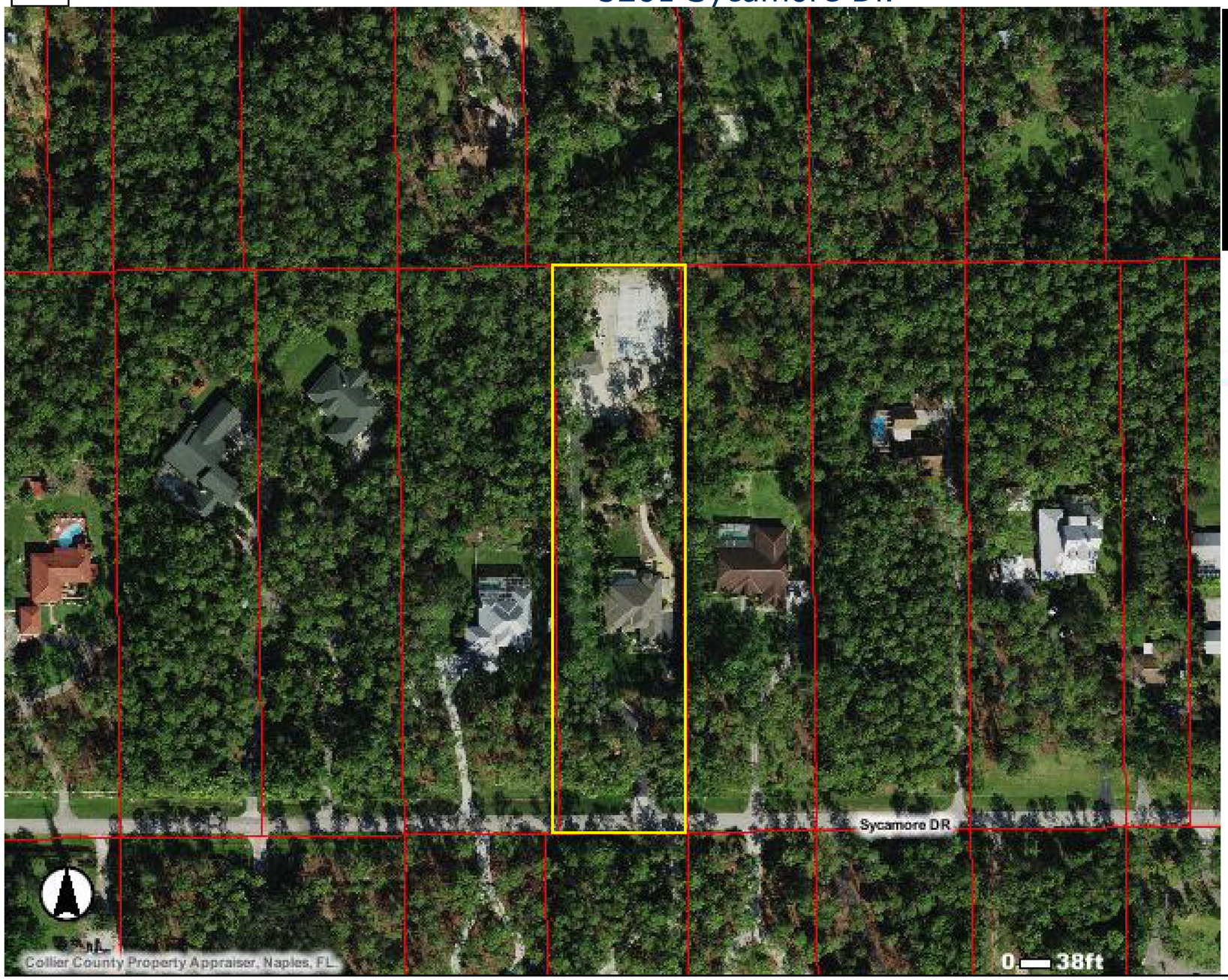
- Major Roads
- Street Names
- Parcels
- Aerials 2023 Rural [2FT]
- Collier County

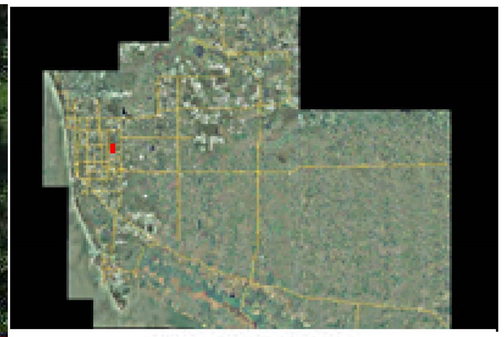
Folio Number: 38283000006
Name: LAWRENCE, JAMIE=& CAROL
Street# & Name: 5261 SYCAMORE DR
Build# / Unit#: 45 / 0
Legal Description: GOLDEN GATE EST UNIT 32 E 150FT OF TR 45

2004. Collier County Property Appraiser. While the Collier County Property Appraiser is committed to providing the most accurate and up-to-date information, no warranties expressed or implied are provided for the data herein, its use, or its interpretation.

Print

5261 Sycamore Dr.





MAP LEGEND

- Major Roads
- Street Names
- Parcels
- Aerials 2023 Urban [6IN]
- Aerials 2023 Rural [2FT]
- Collier County

2004. Collier County Property Appraiser. While the Collier County Property Appraiser is committed to providing the most accurate and up-to-date information, no warranties expressed or implied are provided for the data herein, its use, or its interpretation.

Collier County

Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

PROPERTY OWNERSHIP DISCLOSURE FORM

This is a required form with all land use petitions, except for Appeals and Zoning Verification Letters.

Should any changes of ownership or changes in contracts for purchase occur subsequent to the date of application, but prior to the date of the final public hearing, it is the responsibility of the applicant, or agent on his behalf, to submit a supplemental disclosure of interest form.

Please complete the following, use additional sheets if necessary.

a. If the property is owned 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:

Name and Address	% of Ownership
Jamie and Carol Lawrence, 5261 Sycamore Dr., Naples FL 34119	100%, tenants by the entirety

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

Collier County

Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

d. If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners:

Name and Address	% of Ownership

e. If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners:

Name and Address	% of Ownership

Date of Contract: _____

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

Name and Address

g. Date subject property acquired _____

☐ **Leased: Term of lease _____ years /months**

If, Petitioner has option to buy, indicate the following:

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

Collier County

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2800 North Horseshoe Drive, Naples, Florida 34104
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Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

Any petition required to have Property Ownership Disclosure, will not be accepted without this form. Requirements for petition types are located on the associated application form. Any change in ownership whether individually or with a Trustee, Company or other interest-holding party, must be disclosed to Collier County immediately if such change occurs prior to the petition's final public hearing.

As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

***The completed application, all required submittal materials, and fees shall be submitted to:**
Growth Management Community Development Department | GMD Portal:
https://cvportal.colliercountyfl.gov/cityviewweb

Questions? Email: GMDclientservices@colliercountyfl.gov

Jamie A. Lawrence
Agent/Owner Signature

08/03/2023
Date

Jamie Lawrence
Agent/Owner Name (please print)

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) VA-PL20230010369 - 5261 Sycamore Dr. (VA)

I, Jamie Lawrence (print name), as Owner (title, if applicable) of 5261 Sycamore Dr., Naples, FL 34119 (company, If applicable), swear or affirm under oath, that I am the (choose one) owner [X] applicant [ ] contract purchaser [ ] and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Collier County to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application; and that
4. The property will be transferred, conveyed, sold or subdivided subject to the conditions and restrictions imposed by the approved action.
5. We/I authorize Noel J. Davies, Esq., Davies Duke, PLLC to act as our/my representative in any matters regarding this petition including 1 through 2 above.

Notes:

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trust, then they must include the trustee's name and the words "as trustee".*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, and then use the appropriate format for that ownership.*

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Jamie A Lawrence
Signature Jamie Lawrence

08.03.2023
Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowleged before me by means of [✓] physical presence or [ ] online notarization this 03 day of August, 2023, by (printed name of owner or qualifier) Jamie Lawrence.

Such person(s) Notary Public must check applicable box:

[ ] Are personally known to me

[✓] Has produced a current drivers license L652421701670

[ ] Has produced _____ as identification.

Notary Signature: _____

BRENDA LORENZO-VALLE
Notary Public - State of Florida
Commission # HH 302394
My Comm. Expires Aug 18, 2026

CP\08-COA-00115\155
REV 3/4/2020

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

INSTR 5287877 OR 5292 PG 1715 RECORDED 7/11/2016 8:50 AM PAGES 2
DWIGHT E. BROCK, CLERK OF THE CIRCUIT COURT, COLLIER COUNTY FLORIDA
DOC@.70 $4,725.00 REC $18.50
CONS $675,000.00

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

NOT CERTIFIED COPY

WARRANTY DEED

THIS DEED, made this 6 day of July, 2016, between ROBIN WICKER and PAOLA WICKER, Husband and Wife, Grantors and JAMIE LAWRENCE and CAROL LAWRENCE, Husband and Wife, Grantees, , respectively and whose post office address is 521 Sycamore Drive, Naples, Fl. 34119.

Grantors for and in consideration of the sum of Ten dollars ($10.00), and other good and valuable consideration to said Grantors in hand paid by said Grantees, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantees, and Grantees heirs and assigns forever, the following described real property with tax identification number 38283000006 lying and being in Collier County, Florida, to wit:

> The East 150 feet of Tract 45, Golden Gate Estates Unit No. 32, according to the plat thereof recorded in Plat Book 7, pages 21 and 22, of the Public Records of Collier County, Florida.

subject to restrictions, reservations and easements of record, and taxes for current and subsequent years.

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

IN WITNESS WHEREOF, Grantors have set Grantors hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:

Elizabeth A. Cross
Witness
Typed Name: Elizabeth A. Cross

ROBIN WICKER

Witness
Typed Name: Holly Chernoff

PAOLA WICKER

STATE OF FLORIDA
COUNTY OF COLLIER

Before me personally appeared ROBIN WICKER known to me personally or identified to me FL DL, as the persons described in and who, after being sworn and under oath given by me, executed the foregoing instrument, and acknowledged to and before

me that they executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal this 6 day of July, 2016.

HOLLY CHERNOFF
MY COMMISSION # FF 160235
EXPIRES: January 1, 2019
Bonded Thru Notary Public Underwriters

Print Name: _____

Seal: _____

Commission No. _____

STATE OF FLORIDA
COUNTY OF COLLIER

Before me personally appeared PAOLA WICKER known to me personally or identified to me FLDL, as the persons described in and who, after being sworn and under oath given by me, executed the foregoing instrument, and acknowledged to and before me that they executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal this 6 day of July, 2016.

HOLLY CHERNOFF
MY COMMISSION # FF 160235
EXPIRES: January 1, 2019
Bonded Thru Notary Public Underwriters

Print Name: _____

Seal: _____

Commission No. _____

NOT A CERTIFIED COPY

This instrument prepared by:
Holly B. Chernoff, Esq.
3033 Riviera Drive, Suite 202
Naples, FL 34103
(239) 261-6560
hollychernoffmediation@gmail.com

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

SURVEY SKETCH OF ASBUILT SURVEY
FINAL ON 80' X 50' BUILDING ADDITION

ELEVATIONS SHOWN ARE IN NAVD DATUM, WERE ACQUIRED USING GPS TECHNOLOGY AND HAVE A TOLERANCE OF +/- 0.4'
NOT FOR FENCE CONSTRUCTION
NOT FOR ENGINEERING DESIGN
NOT FOR CONSTRUCTION
NOT FOR DESIGN

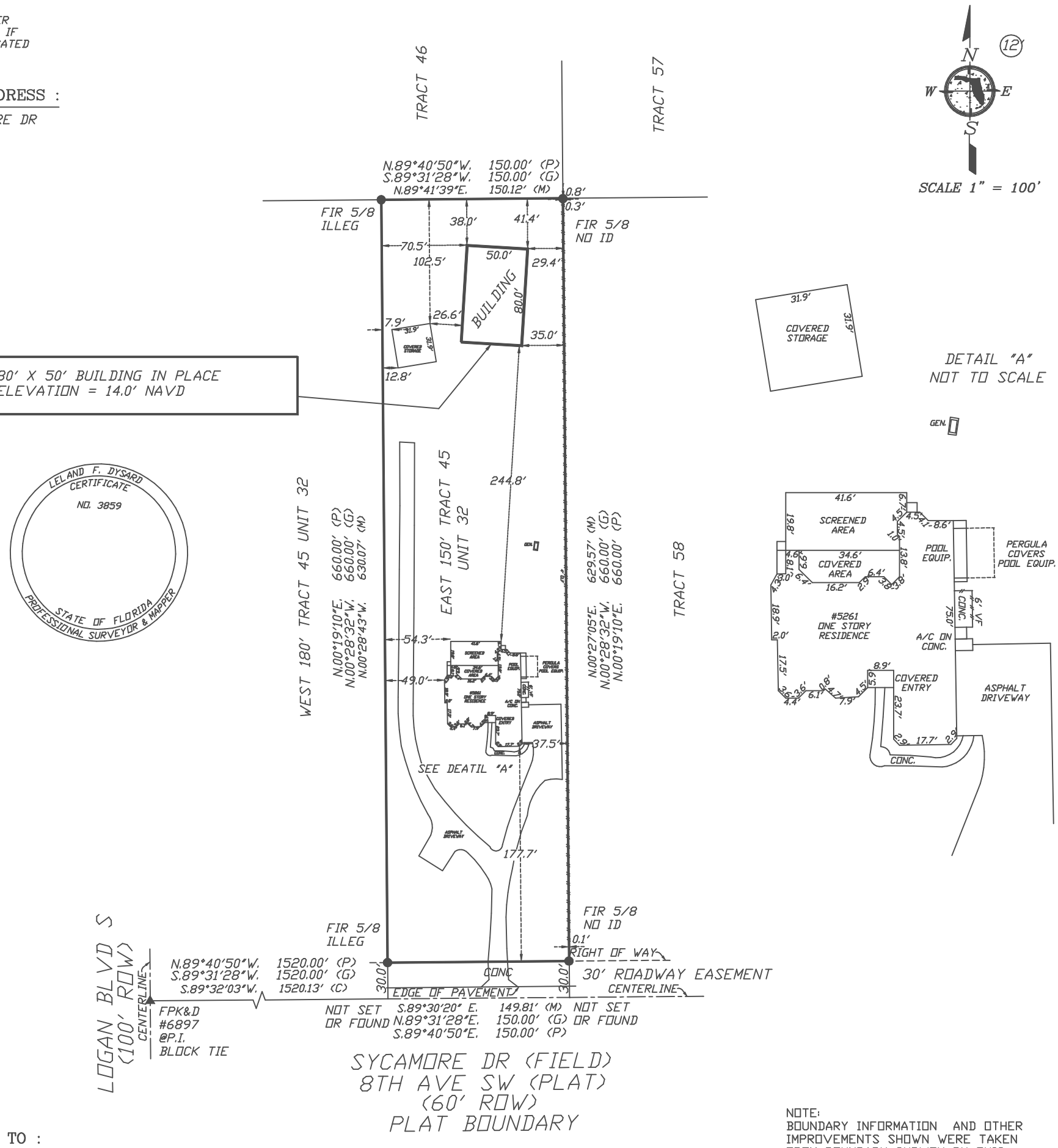
IMPROVEMENTS OTHER THAN THOSE SHOWN, IF ANY, WERE NOT LOCATED

THE LINES ON THIS SKETCH DO NOT CONSTITUTE A
COPYRIGHT 2023: F.L.A. SURV

SEE REVERSE SIDE FOR PAGE 3 OF 3

STREET ADDRESS :

5261 SYCAMORE DR
NAPLES, FL



LELAND F. DYSARD
CERTIFICATE
NO. 3859
STATE OF FLORIDA
PROFESSIONAL SURVEYOR & MAPPER

CERTIFIED TO :

JAMIE LAWRENCE

NOTE:
BOUNDARY INFORMATION AND OTHER IMPROVEMENTS SHOWN WERE TAKEN FROM BOUNDARY SURVEY BY THIS FIRM DATED 11/03/2022

LEGAL DESCRIPTION :

THE EAST 150 OF TRACT 45, GOLDEN GATE ESTATES, UNIT NO. 32, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGES 21 AND 22, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

MEASURED BEARINGS SHOWN ARE BASED ON STATE PLANE COORDINATES (FLORIDA EAST ZONE) AS ACQUIRED BY USING GPS TECHNOLOGY AND IS THE "BASIS OF BEARINGS". MEASUREMENTS LABELED AS (G) ARE THE CALCULATED GPS PLAT BEARINGS.

CERTIFICATION :

I HEREBY CERTIFY THIS SURVEY WAS MADE UNDER MY RESPONSBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS CHAPTER 5J17.05-052, FLORIDA ADMINSTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

GRAPHIC SCALE: 0 25 50 100 200

BY : Leland F. DySard SURVEY DATE : 05/11/2023

CLINTON W. FINSTAD, PE, CFM, PLS #2453 LELAND F. DySARD, PLS #3859
MARY E. FINSTAD, CFM, PSM #5901

QUALITY CONTROL

BY : MEF DATE : 05/12/2023

NOT VALID WITHOUT SURVEYOR'S SIGNATURE AND EMBOSSED SEAL
NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.
FLORIDA STATUTE 5J-17.05 (3) (c): TWO SITE BENCHMARKS REQUIRED FOR CONSTRUCTION

NOTE: PROPERTY OWNER SHOULD OBTAIN WRITTEN FLOOD ZONE DETERMINATION FROM LOCAL PERMITTING, PLANNING AND BUILDING DEPARTMENT PRIOR TO ANY CONSTRUCTION PLANNING AND/OR CONSTRUCTION.

NOTE: IF APPLICABLE, FENCES SHOWN MEANDER ON OR OFF LINES. (APPROX. LOCATION ONLY)

F.L.A. SURVEYS CORP.
PROFESSIONAL LAND SURVEYORS & MAPPERS-LB 6569

3884 PROGRESS AVE., SUITE 104
NAPLES, FL 34104
239-404-7129 239-250-5730
239-250-2795 239-370-1139
9220 BONITA BEACH ROAD, STE 200
BONITA SPRINGS, FL 34135

NOTE:
IN COMPLIANCE WITH F.A.C. 5J-17.052 (2) (d) (4) (IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLAT, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER.

REVISIONS

PROJECT NO: 23-88252-SPC

DRAWN BY:	ES	PARTY CHIEF:	DD

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

SURVEY SKETCH OF BOUNDARY SURVEY

NOT FOR FENCE CONSTRUCTION

NOT FOR CONSTRUCTION

NOT FOR DESIGN

NOT FOR ENGINEERING DESIGN

PHOTO PAGE

F.L.A. SURVEYS CORP.

PROFESSIONAL LAND SURVEYORS & MAPPERS - LB 6569

3884 PROGRESS AVE., SUITE 104

NAPLES, FLORIDA 34104

9220 BONITA BEACH ROAD, STE. 200

BONITA SPRINGS, FLORIDA 34135

REVISIONS

PROJECT NO.
23-88252-3

DRAWN BY: LFD	PARTY CHIEF:	N/A

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

PAGE 3 OF 3

NOT VALID WITHOUT PAGES 1 AND 2 OF 3

GENERAL NOTES

ABSTRACT NOT REVIEWED

N = NORTH
S = SOUTH
E = EAST
W = WEST, OR ANY COMBINATION THEREOF

1. º = DEGREES
2. ‘ = MINUTES WHEN USED IN A BEARING
3. “ = SECONDS WHEN USED IN A BEARING
4. ‘ = FEET WHEN USED IN A DISTANCE
5. “ = INCHES WHEN USED IN A DISTANCE
6. ± = “MORE OR LESS” OR “PLUS OR MINUS”
7. A = ARC DISTANCE
8. AC = ACRES
9. A/C = AIR CONDITIONING PAD
10. AE = ACCESS EASEMENT
11. AF = ALUMINUM FENCE
12. AMUE = AVE MARIA UTILITY EASEMENT
13. B.E. = BUFFER EASEMENT
14. BM = BENCHMARK
15. BOB = BASIS OF BEARING
16. BRG = BEARING
17. C# = CURVE NUMBER
18. C = CALCULATED
19. CB = CATCH BASIN
20. CHB = CHORD BEARING
21. CHD = CHORD
22. CLF = CHAINLINK FENCE
23. CM = CONCRETE MONUMENT
24. CO = CLEAN OUT
25. COL = COLUMN
26. CONC = CONCRETE
27. CPP = CONCRETE POWER POLE
28. CSW = CONCRETE SIDEWALK
29. CTV= CABLE TV RISER
30. CUE= COLLIER COUNTY UTILITY EASEMENT
31. D = DEED
32. DE= DRAINAGE EASEMENT
33. DH = DRILL HOLE
34. DI = DROP INLET
35. ELEC= ELECTRIC
36. EOP = EDGE OF PAVEMENT
37. EOR = EDGE OF ROAD
38. EOW = EDGE OF WATER
39. F= AS LABELED OR FOUND IN THE FIELD
40. F.A.C. = FLORIDA ADMINISTRATIVE CODE
41. FCC = FOUND CROSS CUT
42. FCM = FOUND CONCRETE MONUMENT
43. FEMA = FEDERAL EMERGENCY MANAGEMENT AGENCY
44. FDH = FOUND DRILL HOLE
45. FFE = FINISH FLOOR ELEVATION
46. FH = FIRE HYDRANT
47. FIP = FOUND IRON PIPE
48. FIR = FOUND IRON ROD
49. FN = FOUND NAIL
50. FND = FOUND
51. FN&D = FOUND NAIL & DISC
52. FPK = FOUND PK NAIL
53. FPK&D = FOUND PK NAIL AND DISC
54. GCE = GOLF COURSE EASEMENT
55. HCP = HANDICAP PARKING
56. IE = IRRIGATION EASEMENT
57. LB = LICENSED BUSINESS
58. LBE = LANDSCAPE BUFFER EASEMENT
59. LE = LANDSCAPE EASEMENT
60. LME = LAKE MAINTENANCE EASEMENT
61. LP = LIGHT POLE
62. M = MEASURED
63. ME = MAINTENANCE EASEMENT
64. MH = MANHOLE
65. N.A.V.D. = NORTH AMERICAN VERTICAL DATUM
66. N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
67. NO ID = NO IDENTIFYING MARKINGS
68. (NR) = NON-RADIAL
69. NTS= NOT TO SCALE
70. OHP= OVERHEAD POWER
71. OHU = OVERHEAD UTILITY LINE
72. O.R. = OFFICIAL RECORD BOOK
73. O/S = OFFSET
74. P = PLAT
75. PBIDDE = PELICAN BAY IMPROVEMENT DISTRICT DRAINAGE EASEMENT
76. PC = POINT OF CURVATURE
77. PCC POINT OF COMPOUND CURVATURE
78. PCP = PERMANENT CONTROL POINT
79. PG = PAGE
80. PI = POINT OF INTERSECTION
81. PK = PARKER KALON NAIL
82. PLS = PROFESSIONAL LAND SURVEYOR
83. POB = POINT OF BEGINNING
84. POC = POINT OF COMMENCEMENT
85. PP = POWER POLE
86. PRC = POINT OF REVERSE CURVE
87. PRM = PERMANENT REFERENCE MONUMENT
88. PSM= PROFESSIONAL SURVEYOR AND MAPPER
89. PU & DE = PUBLIC UTILITY & DRAINAGE EASEMENT
90. PUE = PUBLIC UTILITY EASEMENT
91. PT = POINT OF TANGENCY
92. PVS = PAVERS
93. Q.W.P.E. = QUAIL WEST PERPETUAL EASEMENT
94. (R) = RADIAL
95. R = RADIUS
96. RING = ITEM DETECTED BY METAL DETECTOR BUT NOT RECOVERED
97. RNG= RANGE
98. ROW = RIGHT-OF-WAY
99. RR SPK = RAILROAD SPIKE
100. SAT= SATELLITE DISH
101. SDE = STREET DRAINAGE EASEMENT
102. SEC = SECTION
103. SDH = SET DRILL HOLE, NO ID
104. SIR = SET 5/8" IRON ROD WITH LB NUMBER OF CORPORATION
105. SPK&D = SET PK WITH DISC WITH LB NUMBER
106. TBM TEMPORARY BENCH MARK
107. TEL = TELEPHONE FACILITIES
108. TOB = TOP OF BANK
109. TP = TRANSMITTER PAD
110. TWP= TOWNSHIP
111. UE = UTILITY EASEMENT
112. VF = VINYL FENCE
113. VLV = VALVE
114. W = WATER SERVICE
115. WB = WATER BOX
116. WF= WOOD FENCE
117. WPP= WOOD POWER POLE
118. Δ = DELTA OR CENTRAL ANGLE OF CURVE
119. DIMENSIONS ARE IN FEET AND IN DECIMALS THEREOF
120. ELEVATIONS SHOWN HEREON ARE N.A.V.D. UNLESS OTHERWISE STATED
121. ALL PHYSICAL IMPROVEMENTS SHOWN WITHOUT DIMENSIONS ARE FOR INFORMATIONAL PURPOSES ONLY. THAT THEY DO EXIST, BUT WERE NOT NECESSARILY MEASURED IN THE FIELD.
122. NOTE: LEGAL DESCRIPTION IS FROM LATEST DEED OF RECORD UNLESS OTHERWISE NOTED.
123. EASEMENTS AND RIGHT OF WAYS SHOWN ARE PER RECORDED PLAT OR AS FURNISHED BY THE CLIENT
124. FOUNDATION LINE BELOW THE SURFACE OF THE GROUND IS NOT REFLECTED
125. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES UNDER ANY CONDITION UNLESS OTHERWISE STATED
126. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED
127. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAYS, AND/OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN
128. THERE ARE NO VISIBLE ENCROACHMENTS EXCEPT THOSE AS DELINEATED ON THIS PLAT OF SURVEY
129. TIES ARE TO FIELD LINES UNLESS OTHERWISE NOTED
130. THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR EASEMENTS THAT ARE NOT RECORDED ON SAID PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY
131. FENCES MEANDER ON AND OFF LINE, APPROXIMATE LOCATION ONLY UNLESS STATED OTHERWISE.
132. THE LINES ON THIS SKETCH DO NOT CONSTITUTE OWNERSHIP
133. THE INTENT OF THIS SURVEY IS FOR TITLE TRANSFER ONLY UNLESS STATED OTHERWISE
134. FLORIDA STATUTE 61G17-6.004: TWO SITE BENCHMARKS ARE REQUIRED FOR CONSTRUCTION.
135. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
121. F.E.M.A. FLOOD HAZARD MAPPING: THIS DATE PRODUCT WAS NOT DESIGNED TO MAKE PRECISE IN/OUT FLOOD RISK DETERMINATIONS. THIS PRODUCT IS NOT SUITABLE FOR ENGINEERING APPLICATIONS AND CANNOT BE USED TO DETERMINE ABSOLUTE DELINEATIONS OF FLOOD BOUNDARIES. CALL 1-877-FEMAMAP OR EMAIL A MAP SPECIALIST AT WWW.FEMA.ORG/MIT/TSD/FQ-MAP17.HTM.
137. PROPERTY OWNER SHOULD OBTAIN WRITTEN FLOOD ZONE DETERMINATION FROM LOCAL PERMITTING, PLANNING AND BUILDING DEPARTMENT PRIOR TO ANY CONSTRUCTION PLANNING AND/OR CONSTRUCTION
138. IN COMPLIANCE WITH F.A.C. 61G17-6.0031 (4) (E) – IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLAT, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER.
139. IF APPLICABLE, FENCES SHOWN MEANDER ON OR OFF LINES (APPROXIMATE LOCATION ONLY)
140. ARCHITECTURAL FEATURES, SUCH AS FURRING STRIPS, SIDING, CORNICES, STUCCO, ETC., OUTSIDE THE LINE OF THE STRUCTURE HAVE BEEN TAKEN INTO ACCOUNT WHEN GIVING TIES FROM THE STRUCTURE TO THE LOT LINES.
141. ATTENTION IS DIRECTED TO THE FACT THAT THIS SURVEY MAY HAVE BEEN REDUCED OR ENLARGED IN SIZE DUE TO REPRODUCTION. THIS SHOULD BE TAKEN INTO CONSIDERATION WHEN OBTAINING SCALED DATA.

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

DAVIES | DUKE

1415 Panther Lane, Suite 442
Naples, FL 34109

www.DaviesDuke.com
Offices: Naples, Bonita Springs, Fort Myers

Noel J. Davies, Esq.
239.216.2792
Noel.Davies@DaviesDuke.com

November 20, 2023

Tyler C. Norton Living Revocable Trust
5300 Tamarind Ridge Dr.
Naples, FL 34119

Re: 5261 Sycamore Dr., Naples, FL 34119

Dear Trustee:

This Firm represents Jamie and Carol Lawrence, the owners of the above-referenced property, in their application for a variance from the Land Development Code regarding required setbacks for the garage structure.

Mr. Lawrence has indicated that you do not object to the requested variance, allowing him to keep the garage in its current location.

Please sign below indicating that you do not object to Mr. and Mrs. Lawrence's variance request.

Sincerely,

DAVIES DUKE, PLLC

Noel J. Davies, Esq.

I, _____ as Trustee of the Tyler C. Norton Revocable Living Trust, residing at 5300 Tamarind Ridge Dr., do not object to the current location of the garage on the property located at 5261 Sycamore Dr.

_____
Signature

Tyler C. Norton
Print Name

_____
Date

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

DAVIES | DUKE

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239.216.2792
Noel.Davies@DaviesDuke.com

November 20, 2023

Jack Segerdahl
Lyette Segerdahl
5281 Sycamore Dr.
Naples, FL 34119

Re: 5261 Sycamore Dr., Naples, FL 34119

Dear Mr. and Ms. Segerdahl:

This Firm represents Jamie and Carol Lawrence, the owners of the above-referenced property, in their application for a variance from the Land Development Code regarding required setbacks for the garage structure.

Mr. Lawrence has indicated that you do not object to the requested variance, allowing him to keep the garage in its current location.

Please sign below indicating that you do not object to Mr. and Mrs. Lawrence's variance request.

Sincerely,

DAVIES DUKE, PLLC

Noel J. Davies, Esq.

I, Jack Segerdahl, residing at 5281 Sycamore Dr., do not object to the current location of the garage on the property located at 5261 Sycamore Dr.

Jack R Segerdahl
Signature

JACK R. SEGERDAHL
Print Name

November 28, 2023
Date

I, Lyette Segerdahl, residing at 5281 Sycamore Dr., do not object to the current location of the garage on the property located at 5261 Sycamore Dr.

Lyette Segerdahl
Signature

Lyette Segerdahl
Print Name

NOVEMBER 28, 2023
Date

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

DAVIES | DUKE

1415 Panther Lane, Suite 442
Naples, FL 34109

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Noel J. Davies, Esq.
239.216.2792
Noel.Davies@DaviesDuke.com

November 20, 2023

Maria Yrene Poklemba
5253 Sycamore Dr.
Naples, FL 34119

Re: 5261 Sycamore Dr., Naples, FL 34119

Dear Ms. Poklemba:

This Firm represents Jamie and Carol Lawrence, the owners of the above-referenced property, in their application for a variance from the Land Development Code regarding required setbacks for the garage structure.

Mr. Lawrence has indicated that you do not object to the requested variance, allowing him to keep the garage in its current location.

Please sign below indicating that you do not object to Mr. and Mrs. Lawrence's variance request.

Sincerely,

DAVIES DUKE, PLLC

Noel J. Davies, Esq.

I, Maria Yrene Poklemba, residing at 5253 Sycamore Dr., do not object to the current location of the garage on the property located at 5261 Sycamore Dr., Naples, FL 34119.

Signature

MARIA YRENE Poklemba
Print Name

11/29/2023
Date

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

DAVIES | DUKE

1415 Panther Lane, Suite 442
Naples, FL 34109

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Offices: Naples, Bonita Springs, Fort Myers

Noel J. Davies, Esq.
239.216.2792
Noel.Davies@DaviesDuke.com

November 20, 2023

Jon Ebert
Vivian Ebert
5270 Tamarind Ridge Dr.
Naples, FL 34119

Re: 5261 Sycamore Dr., Naples, FL 34119

Dear Mr. and Ms. Ebert:

This Firm represents Jamie and Carol Lawrence, the owners of the above-referenced property, in their application for a variance from the Land Development Code regarding required setbacks for the garage structure.

Mr. Lawrence has indicated that you do not object to the requested variance, allowing him to keep the garage in its current location.

Please sign below indicating that you do not object to Mr. and Mrs. Lawrence's variance request.

Sincerely,

DAVIES DUKE, PLLC

Noel J. Davies, Esq.

I, Jon Ebert, residing at 5270 Tamarind Ridge Dr., do not object to the current location of the garage on the property located at 5261 Sycamore Dr.

Signature

Jon Ebert
Print Name

11/28/23
Date

I, Vivian Ebert, residing at 5270 Tamarind Ridge Dr., do not object to the current location of the garage on the property located at 5261 Sycamore Dr.

Vivian Ebert
Signature

VIVIAN EBERT
Print Name

11-28-23
Date

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

DAVIES | DUKE

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Naples, FL 34109

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Offices: Naples, Bonita Springs, Fort Myers

Noel J. Davies, Esq.
239.216.2792
Noel.Davies@DaviesDuke.com

November 20, 2023

Charles Sauer
Kristine Sauer
5250 Tamarind Ridge Dr.
Naples, FL 34119

Re: 5261 Sycamore Dr., Naples, FL 34119

Dear Mr. and Ms. Sauer:

This Firm represents Jamie and Carol Lawrence, the owners of the above-referenced property, in their application for a variance from the Land Development Code regarding required setbacks for the garage structure.

Mr. Lawrence has indicated that you do not object to the requested variance, allowing him to keep the garage in its current location.

Please sign below indicating that you do not object to Mr. and Mrs. Lawrence's variance request.

Sincerely,

DAVIES DUKE, PLLC

Noel J. Davies, Esq.

I, Charles Sauer, residing at 5250 Tamarind Ridge Dr., do not object to the current location of the garage on the property located at 5261 Sycamore Dr.

Signature

Charles Sauer
Print Name

11/30/23
Date

I, Kristine Sauer, residing at 5250 Tamarind Ridge Dr., do not object to the current location of the garage on the property located at 5261 Sycamore Dr.

Signature

Kristine Sauer
Print Name

11/30/23
Date

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

AFFIDAVIT OF COMPLIANCE
AGENT LETTER
Variance Petition for 5261 Sycamore Dr., Naples FL 34119
PL20230010369

I hereby certify that pursuant to Sec. 10.03.05.E. of the Collier County Land Development Code, I did give notice by mail to the following property owners and or condominium and civic associations whose members may be impacted by the proposed land use changes of an application request for a variance. *For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County and any other persons or entities who have made a formal request of the county to be notified.* The said notice contained the laymen's description of the site property of proposed change.

A copy of the agent letter (dated November 30, 2023) and a copy of the mailing list date-stamped November 30, 2023, by the U.S. Post Office are attached hereto.

(Signature of Applicant)

STATE OF FLORIDA)
) SS.
COUNTY OF COLLIER)

The foregoing instrument was acknowledged before me by means of __X__ physical presence or _____ online notarization, on this ___5TH___ day of December, 2023 by Noel J. Davies, who __X__ is personally known to me or _____ produced a valid driver's license as identification.

(S E A L)

NOTARY PUBLIC STATE OF FLORIDA
MORGAN BOYD
Commission # HH 322006
Expires February 13, 2027

Name: _____
Notary Public, State of Florida
My Commission Expires: Feb 13, 2027

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

DAVIES | DUKE

1415 Panther Lane
Suite 442
Naples, FL 34109

www.DaviesDuke.com
Offices: Naples, Bonita Springs, Fort Myers

Noel J. Davies, Esq.
239.216.2792
Noel.Davies@DaviesDuke.com

November 30, 2023

38394120008
BOYAS, NICK
1520 OAKES BLVD
NAPLES FL 34119

Re: Variance Petition for 5261 Sycamore Dr., Naples FL 34119

Dear Property Owner:

Please be advised that this firm represents Jamie and Carol Lawrence, owners of the property at 5261 Sycamore Drive. The Lawrences have made a formal application to Collier County for a variance from the requirements of the zoning regulations as they apply to their property.

The Lawrences have asked the County to grant them an after-the-fact variance from Section 4.02.01.A. Table 2.1 Minimum Yard Requirements (Setbacks), from minimum side yard and minimum rear yard requirements for two accessory structures, a large garage and an open air/roof-only carport: (1) A large garage: a side yard variance from 30 feet to 29.4 feet; (2) A large garage: a rear yard variance from 75 feet to 38 feet; (3) An open air/roof-only carport: a side yard variance from 30 feet to 7.9 feet. Specifically, this request is to allow the continued existence of a 50' x 80' steel structure with two 16-foot steel roll-up doors and a 31.9' x 31.9' shed. [PL20230010369]

You are encouraged to contact the sender of this letter in the event you would like additional explanation or further information. In any event, please be advised that we are interested in assuring you that our request should not adversely affect your property interest.

Sincerely,

DAVIES DUKE PLLC

Noel J. Davies, Esq.

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

AGENT LETTER
VARIANCE PETITION FOR 4261 SYCAMORE DR., NAPLES FL 34119
PL20230010369

38394120008
BOYAS, NICK
1520 OAKES BLVD
NAPLES FL 34119

38394121007
CHRISTMAN, RANDOLPH S
LAURIE E CHRISTMAN
5374 SYCAMORE DR
NAPLES FL 34119

38394160000
DE LADURANTEY, CHRISTOPHER C
JOAN L DE LADURANTEY
5350 SYCAMORE DR
NAPLES FL 34119

38283080000
EBERT, JON & VIVIAN
5270 TAMARIND RIDGE DR
NAPLES FL 34119

38283960007
POKLEMBA, MARIA YRENE
5253 SYCAMORE DR
NAPLES FL 34119

38283840004
SAUER, CHARLES & KRISTINE
5250 TAMARIND RIDGE DR
NAPLES FL 34119

38283040008
SEGERDAHL, JACK & LYETTE
5281 SYCAMORE DR
NAPLES FL 34119

38283120009
TYLER C NORTON LIV REV TRUST
5300 TAMARIND RIDGE DR
NAPLES FL 34119

ERIC ORTMAN
PRINCIPAL PLANNER, ZONING DIVISION
COLLIER COUNTY GROWTH MANAGEMENT
2800 NORTH HORSESHOE DRIVE
NAPLES, FL 34104

UNITED STATES POSTAL SERVICE®
0000

U.S. POSTAGE PAID
BONITA SPRINGS, FL
34135
NOV 30, 23
AMOUNT
$5.13
R2305E123747-06

BONITA SPRINGS FL 34135
NOV 30 2023
USPS

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

UNITED STATES POSTAL SERVICE.

BONITA BEACH ROAD
9071 BONITA BEACH RD SE
BONITA SPRINGS, FL 34135-9974
(800)275-8777

11/30/2023 02:24 PM

Product	Qty	Unit Price	Price
PurpleHeartMedal	9	$0.66	$5.94
CTOM - Firm - Domestic	9		$5.13

Grand Total: $11.07

Credit Card Remit $11.07
Card Name: VISA
Account #: XXXXXXXXXXXX5045
Approval #: 00731G
Transaction #: 767
AID: A0000000031010 Contactless
AL: VISA CREDIT
CHASE VISA

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

Preview your Mail
Track your Packages
Sign up for FREE @
https://informeddelivery.usps.com

All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

Tell us about your experience.
Go to: https://postalexperience.com/Pos
or scan this code with your mobile device.

or call 1-800-410-7420.

UFN: 110901-0405
Receipt #: 840-53350140-2-7262097-1
Clerk: 06

Attachment: Attachment 6 - Applicant's Backup Documentation (28208 : PL20230010369 Sycamore Variance)

Notice: This data belongs to the Collier County Property Appraiser's Office (CCPA). Therefore, the recipient agrees not to represent this data to anyone as other than CCPA provided data. The recipient may not transfer this data to others without consent from the CCPA.

Petition: PL20190000336 | Buffer: 150' | Date: 11/9/2023 | Site Location: 38283000006

NAME1	NAME2	NAME3	NAME6	FOLIO	ADDRESSTYPE
BOYAS, NICK	1520 OAKES BLVD		NAPLES, FL 34119---0	38394120008	U
CHRISTMAN, RANDOLPH S	LAURIE E CHRISTMAN	5374 SYCAMORE DR	NAPLES, FL 34119---3922	38394121007	U
DE LADURANTEY, CHRISTOPHER C	JOAN L DE LADURANTEY	5350 SYCAMORE DR	NAPLES, FL 34119---3922	38394160000	U
EBERT, JON & VIVIAN	5270 TAMARIND RIDGE DR		NAPLES, FL 34119---2834	38283080000	U
LAWRENCE, JAMIE & CAROL	5261 SYCAMORE DR		NAPLES, FL 34119---3919	38283000006	U
POKLEMBA, MARIA YRENE	5253 SYCAMORE DR		NAPLES, FL 34119---3919	38283960007	U
SAUER, CHARLES & KRISTINE	5250 TAMARIND RIDGE DR		NAPLES, FL 34119---2834	38283840004	U
SEGERDAHL, JACK & LYETTE	5281 SYCAMORE DR		NAPLES, FL 34119---0	38283040008	U
TYLER C NORTON LIV REV TRUST	5300 TAMARIND RIDGE DR		NAPLES, FL 34119---2836	38283120009	U

Attachment 7

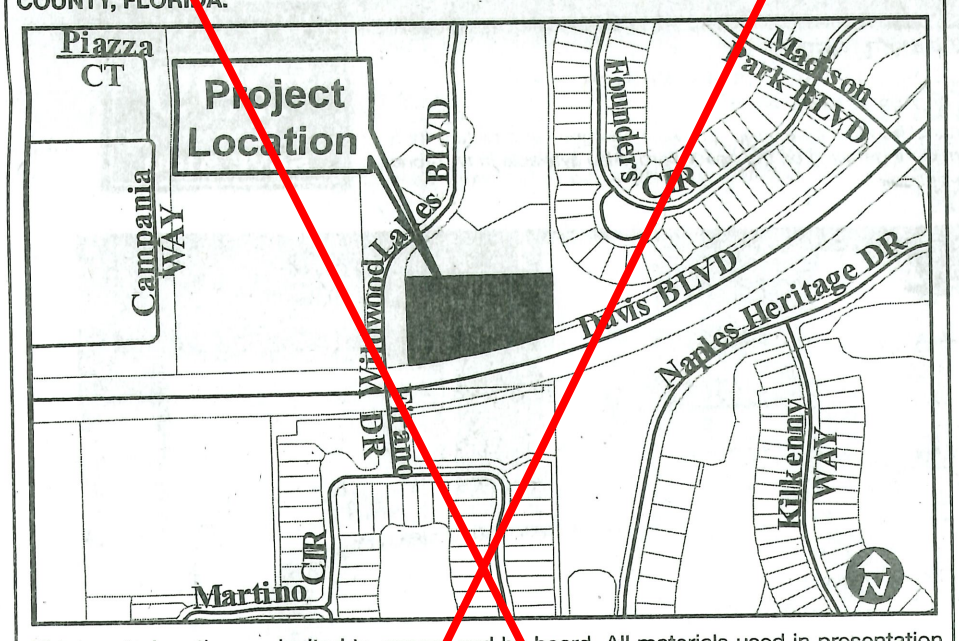
Legal Advertisement and Sign Posting

Attachment: Attachment 7 - Legal Ad and Sign Posting (28208 : PL20230010369 Sycamore Variance)

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the **Collier County Hearing Examiner (HEX)** at **9:00 A.M., March 28, 2024**, in the Hearing Examiner's Meeting Room, at 2800 North Horseshoe Drive, Room 609/610, Naples FL 34104, to consider:

PETITION NO. PCUD-PL20230016127 – OPTIMUS TRAFFIC AND DRIVING SCHOOL – REQUEST FOR A DETERMINATION THAT THE PROPOSED USE OF AN INDOOR ONLY AUTOMOBILE DRIVING INSTRUCTION FACILITY IS COMPARABLE IN NATURE TO OTHER PERMITTED USES IN 3.2.A(18), RELATING TO TRACT B, OF THE WILDWOOD ESTATES PLANNED UNIT DEVELOPMENT (PUD) ADOPTED BY ORDINANCE NUMBER 81-27. THE SUBJECT PROPERTY IS LOCATED AT 7795 DAVIS BOULEVARD, NAPLES, FL 34104, ALSO KNOWN AS UNIT 205, DEL MAR RETAIL CENTER, A COMMERCIAL CONDOMINIUM, IN SECTION 4, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.



All interested parties are invited to appear and be heard. All materials used in presentation before the Hearing Examiner will become a permanent part of the record.

Copies of staff report are available one (1) week prior to the hearing. The file can be reviewed at the Collier County Growth Management Community Development Department, Zoning Division, 2800 North Horseshoe Drive, Naples, FL 34104.

As to any petition upon which the Hearing Examiner takes action, an aggrieved petitioner may appeal such final action. Such appeal shall be filed per Section 2-88 of the Collier County Code of Laws and Ordinances within 30 days of the decision by the Hearing Examiner. An aggrieved non-party may appeal a decision by the Hearing Examiner to the Circuit Court of Collier County within 30 days of the decision. In the event that the petition has been approved by the Hearing Examiner, the applicant shall be advised that he/she proceeds with construction at his/her own risk during this 30-day period. Any construction work completed ahead of the approval authorization shall be at their own risk.

As part of an ongoing initiative to encourage public involvement, the public will have the opportunity to provide public comments remotely, as well as in person, during this proceeding. Individuals who would like to participate remotely should register through the link provided within the specific event/meeting entry on the Calendar of Events on the County website at www.colliercountyfl.gov/our-county/visitors/calendar-of-events after the agenda is posted on the County website. Registration should be done in advance of the public meeting, or any deadline specified within the public meeting notice. Individuals who register will receive an email in advance of the public hearing detailing how they can participate remotely in this meeting. Remote participation is provided as a courtesy and is at the user's risk. The County is not responsible for technical issues. For additional information about the meeting, please call Geoffrey Willig at 252-8369 or email to Geoffrey.Willig@colliercountyfl.gov.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Collier County Zoning Division located at 2800 N. Horseshoe Dr, Naples, Florida 34104, (239) 252- 2400, at least two (2) days prior to the meeting.

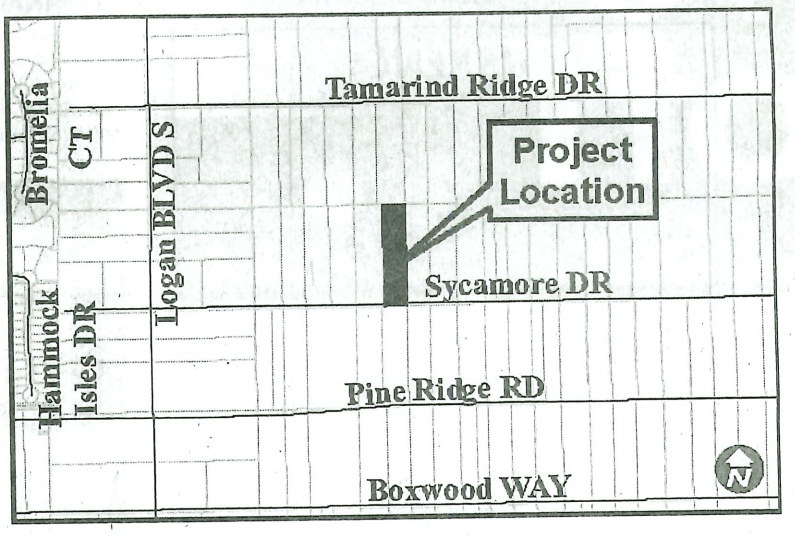
Andrew W. J. Dickman, Esq., AICP
Chief Hearing Examiner
Collier County, Florida

ND-3884177

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the **Collier County Hearing Examiner (HEX)** at **9:00 A.M., March 28, 2024**, in the Hearing Examiner's Meeting Room, at 2800 North Horseshoe Drive, Room 609/610, Naples FL 34104, to consider:

PETITION NO. VA-PL20230010369 – REQUEST FOR AN AFTER-THE-FACT VARIANCE FOR A 50-FT BY 80-FT GARAGE AND A 31.9-FT BY 31.9-FT OPEN AIR/ROOF ONLY CARPORT THAT WERE BUILT CLOSER TO THE PROPERTY LINES THAN CODE ALLOWS; THE VARIANCE IS FROM LDC SECTION 4.02.01.A, TABLE 2.1, TO REDUCE THE REQUIRED REAR YARD SETBACK FROM 75 FEET TO 38 FEET AND THE EASTERN SIDE YARD SETBACK FROM 30 FEET TO 29.4 FEET FOR THE GARAGE AND TO REDUCE THE REQUIRED SIDE YARD SETBACK FROM 30 FEET TO 7.9 FEET FOR THE CARPORT, ON A ±2.27 ACRE PROPERTY LOCATED AT 5261 SYCAMORE DRIVE, ALSO KNOWN AS THE EAST 150 FEET OF TRACT 45, GOLDEN GATE ESTATES UNIT 32, IN SECTION 9, TOWNSHIP 49 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.



All interested parties are invited to appear and be heard. All materials used in presentation before the Hearing Examiner will become a permanent part of the record.

Copies of staff report are available one (1) week prior to the hearing. The file can be reviewed at the Collier County Growth Management Community Development Department, Zoning Division, 2800 North Horseshoe Drive, Naples, FL 34104.

As to any petition upon which the Hearing Examiner takes action, an aggrieved petitioner may appeal such final action. Such appeal shall be filed per Section 2-88 of the Collier County Code of Laws and Ordinances within 30 days of the decision by the Hearing Examiner. An aggrieved non-party may appeal a decision by the Hearing Examiner to the Circuit Court of Collier County within 30 days of the decision. In the event that the petition has been approved by the Hearing Examiner, the applicant shall be advised that he/she proceeds with construction at his/her own risk during this 30-day period. Any construction work completed ahead of the approval authorization shall be at their own risk.

As part of an ongoing initiative to encourage public involvement, the public will have the opportunity to provide public comments remotely, as well as in person, during this proceeding. Individuals who would like to participate remotely should register through the link provided within the specific event/meeting entry on the Calendar of Events on the County website at www.colliercountyfl.gov/our-county/visitors/calendar-of-events after the agenda is posted on the County website. Registration should be done in advance of the public meeting, or any deadline specified within the public meeting notice. Individuals who register will receive an email in advance of the public hearing detailing how they can participate remotely in this meeting. Remote participation is provided as a courtesy and is at the user's risk. The County is not responsible for technical issues. For additional information about the meeting, please call Geoffrey Willig at 252-8369 or email to Geoffrey.Willig@colliercountyfl.gov.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Collier County Zoning Division located at 2800 N. Horseshoe Dr, Naples, Florida 34104, (239) 252- 2400, at least two (2) days prior to the meeting.

Andrew W. J. Dickman, Esq., AICP
Chief Hearing Examiner
Collier County, Florida

ND-3884195

Attachment: Attachment 7 - Legal Ad and Sign Posting (28208 : PL20230010369 Sycamore Variance)

SIGN POSTING INSTRUCTIONS

(CHAPTER 8, COLLIER COUNTY ADMINISTRATIVE CODE FOR LAND DEVELOPMENT)

A zoning sign(s) must be posted by the petitioner or the petitioner's agent on the parcel for a minimum of fifteen (15) calendar days in advance of the first public hearing and said sign(s) must be maintained by the petitioner or the petitioner's agent through the Board of County Commissioners Hearing. Below are general guidelines for signs, however these guidelines should not be construed to supersede any requirement of the LDC. For specific sign requirements, please refer to the Administrative Code, Chapter 8 E.

1. The sign(s) must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
2. The sign(s) 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.
3. The petitioner or the petitioner's agent must maintain the sign(s) in place, and readable condition until the requested action has been heard and a final decision rendered. If the sign(s) is destroyed, lost, or rendered unreadable, the petitioner or the petitioner's agent must replace the sign(s

NOTE: AFTER THE SIGN HAS BEEN POSTED, THIS AFFIDAVIT OF POSTING NOTICE SHOULD BE RETURNED NO LATER THAN TEN (10) WORKING DAYS BEFORE THE FIRST HEARING DATE TO THE ASSIGNED PLANNER.

- -

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF COLLIER

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED Jamie Lawrence WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 10.03.00 OF THE COLLIER COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN PETITION NUMBER VA-PL20230010369.:

SIGNATURE OF APPLICANT OR AGENT

5261 Sycamore Dr.
STREET OR P.O. BOX

Jamie Lawrence
NAME (TYPED OR PRINTED)

Naples, FL 34119
CITY, STATE ZIP

#

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was sworn to and subscribed before me this 12 day of March, 2024, by Jamie Lawrence, personally known to me or who produced Florida Driver License as identification and who did/did not take an oath.

Notary Public State of Florida
Kimberly Krzysik
My Commission HH 363060
Expires 6/9/2027

Signature of Notary Public

Kimberly Krzysik
Printed Name of Notary Public

My Commission Expires:
(Stamp with serial number) 6/9/2027

Rev. 3/4/2015

Attachment: Attachment 7 - Legal Ad and Sign Posting (28208 : PL20230010369 Sycamore Variance)

PUBLIC HEARING NOTICE
5261 Sycamore Drive – Rear and Side Variance
Petition No. VA-PL20230010369
HEX: MARCH 28, 2024 – 9:00 a.m.
Growth Management Building
2800 N. Horseshoe Dr., Naples, FL 34104
Planner Eric Ortman: 239-252-1032

DAVIES | DUKE

1415 Panther Lane
Suite 442
Naples, FL 34109

www.DaviesDuke.com
Offices: Naples, Bonita Springs, Fort Myers

Noel J. Davies, Esq.
239.405-8033
Noel.Davies@DaviesDuke.com

March 7, 2024

Mike Bosi, Division Director
Michael.Bosi@colliercountyfl.gov

Ray Bellows, Manager – Planning
Ray.Bellows@colliercountyfl.gov

Eric Ortman, Planner III
Eric.Ortman@colliercountyfl.gov

Growth Management Department
2800 Horseshoe Drive N.
Naples, FL 34104

Re: VA-PL20230010369 - 5261 Sycamore Dr. (VA)

Dear Mr. Bosi, Mr. Bellows and Mr. Ortman:

Following my meeting with Zoning Director Bosi and Mr. Davies' site visit to the Subject Property, as well as detailed discussions with the Applicant, I would like to please supplement the record with the attached Affidavit which outlines in detail numerous mitigating factors which justify the granting of the subject variance application, and proves there is no detriment to the surrounding property owners.

In addition to the Affidavit, please recall that all adjacent property owners have issued letters of no objection which have been previously submitted.

For your reference, I have outlined below all of the mitigating factors that justify granting this variance.

<u>Mitigating Factors</u>

1. A significant amount of exotic vegetation, including but not limited to, Brazilian Peppers were removed to construct the existing structure.

2. If the structure is required to be located in the location requested by the County, a large amount of Cypress trees, Pine trees and other native vegetation would have to be removed.

Attachment: Attachment 8 - Lawrence Variance (28208 : PL20230010369 Sycamore Variance)

3. Affiants are willing to condition any approval of the Variance Application by the Hearing Examiner as follows:

   a. The subject carport that encroaches into the side yard setback shall be removed immediately.

   b. Affiants will plant a row hedge of Clusia and/or Bamboo along the entirety of the length of the rear of the subject structure to further shield the structure from neighbors.

4. All water for the subject structure will be retained on site; there will be no adverse impact or flow onto any neighboring property.

5. Affiants submitted the requisite permit application and supporting documents prior to commencing construction. Affiants have consistently operated in good faith. It was represented to Affiants by the County and the private provider that the subject structure could be built in its current location so the footer was poured and the building was erected. It was only upon final inspection that Affiants were informed that it was erected in the incorrect location. Affiants were not trying to circumvent the permitting system or setback requirements; Affiants believed in good faith that the structure was erected in the correct location.

6. It would be a significant hardship on Affiants to move the structure (several hundred thousand dollars). Further, the additional hardship that would result from relocating the structure includes removal of significant amounts of native vegetation, relocation of the septic system on the property and removal/relocation of a large propane tank, all of which make relocation of the subject structure impracticable.

7. There is no harm to the surrounding property owners if the structure is allowed to remain in its current location; none of the neighbors were aware that the structure was constructed because of the existing dense vegetation on Affiants' property and the neighbors' property and all of the neighbors executed letters of no objection.

Sincerely,

DAVIES DUKE, PLLC

Noel J. Davies, Esq.

cc: Jamie and Carol Lawrence

Attachment: Attachment 8 - Lawrence Variance (28208 : PL20230010369 Sycamore Variance)

AFFIDAVIT
OF
JAMIE LAWRENCE AND CAROL LAWRENCE

STATE OF FLORIDA
COUNTY OF Collier

Before me, the undersigned authority, personally appeared Jamie Lawrence and Carol Lawrence (the "Affiants") who being by me first duly sworn on oath, depose and say:

1. Affiants are the owners of property located at 5261 Sycamore Drive, Naples, FL 34119 and currently have a Variance Petition Application (Petition Number VA-PL20230010369) before Collier County.

2. Affiants are over the age of 18 years of age and competent to testify to the matters stated herein on personal knowledge.

3. As a supplement to the Narrative Statement provided with the Variance Petition Application, the letters of no objection from all adjacent neighbors, and the previously submitted Affidavit from Affiants, Affiants state that the below are mitigating factors that prove no detriment to the surrounding property owners and justify the granting of the subject Variance Petition Application.

a. A significant amount of exotic vegetation, including but not limited to, Brazilian Peppers were removed to construct the existing structure.

b. If the structure is required to be located in the location requested by the County, a large amount of Cypress trees, Pine trees and other native vegetation would have to be removed.

c. Affiants are willing to condition any approval of the Variance Application by the Hearing Examiner as follows:

   i. The subject carport that encroaches into the side yard setback shall be removed immediately.

   ii. Affiants will plant a row hedge of Clusia and/or Bamboo along the entirety of the length of the rear of the subject structure to further shield the structure from neighbors.

d. All water for the subject structure will be retained on site; there will be no adverse impact or flow onto any neighboring property.

e. Affiants submitted the requisite permit application and supporting documents prior to commencing construction. Affiants have consistently operated in good faith. It was represented to Affiants by the County and the private provider that the subject structure could be built in its current location so the footer was poured and the building was erected. It was only upon final inspection that Affiants were informed that it was erected in the incorrect location. Affiants

Attachment: Attachment 8 - Lawrence Variance (28208 : PL20230010369 Sycamore Variance)

were not trying to circumvent the permitting system or setback requirements; Affiants believed in good faith that the structure was erected in the correct location.

f. It would be a significant hardship on Affiants to move the structure (several hundred thousand dollars). Further, the additional hardship that would result from relocating the structure includes removal of significant amounts of native vegetation, relocation of the septic system on the property and removal/relocation of a large propane tank, all of which make relocation of the subject structure impracticable.

g. There is no harm to the surrounding property owners if the structure is allowed to remain in its current location; none of the neighbors were aware that the structure was constructed because of the existing dense vegetation on Affiants' property and the neighbors' property and all of the neighbors executed letters of no objection.

4. Affiants further state that Affiants are familiar with the nature of an oath, and with the penalties as provided by the laws of the State of Florida for falsely swearing to statements made in an instrument of this nature. Affiants further certify that Affiants have read the full facts of this affidavit and understands its context.

Jamie Lawrence 3-6-24
Jamie Lawrence

Carol Lawrence 3-6-24
Carol Lawrence

STATE OF FLORIDA
COUNTY OF Collier

The foregoing instrument was sworn to and subscribed before me by means of X physical presence or online notarization, on this 6th day of March, 2024, by Jamie Lawrence and Carol Lawrence, and who _____ are personally known to me or X produced a valid driver's license as identification.

[Notary Seal]

Print Name: Justin Dixon
My commission expires: 11/20/2027

Notary Public State of Florida
Justin Dixon
My Commission HH 466549
Expires 11/20/2027

Attachment: Attachment 8 - Lawrence Variance (28208 : PL20230010369 Sycamore Variance)