

**CITY OF BONITA SPRINGS
ZONING ORDINANCE NO. 21-01**

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS; GRANTING A VARIANCE FROM LDC 4-1893, WHICH REQUIRES A STREET SETBACK OF 25 FEET, TO ALLOW A STREET SETBACK OF 20 FEET, AND FROM LDC 4-1894(B), WHICH REQUIRES A WATER BODY SETBACK OF 25 FEET, TO ALLOW A WATER BODY SETBACK OF 15 FEET FROM THE EAST, FOR A SINGLE FAMILY RESIDENCE AND ACCESSORY STRUCTURES, AND 6.5 FEET FROM THE NORTH FOR A SINGLE-FAMILY RESIDENCE, AND FROM LDC 4-489 WHICH REQUIRES A SIDE YARD SETBACK OF 7.5 FEET TO ALLOW A SIDE YARD SETBACK OF 6.5 FEET FOR A SINGLE FAMILY RESIDENCE AND ACCESSORY STRUCTURES, LOCATED AT 27783 HICKORY BOULEVARD, BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Sections 4-1893 and 4-1894 of the City's land development code ("LDC") require twenty-five foot setbacks from streets and waterbodies, respectively, as well as Section 4-489 which requires a side yard setback of seven and one-half feet; and

WHEREAS, the Applicant, Ashmore Design, is seeking variances pursuant to the aforementioned setback requirements to accommodate the construction of a new single-family structure; and

WHEREAS, a Public Hearing was advertised and heard on November 17, 2020 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case VAR20-71995-BOS who unanimously recommended approval after giving full and complete consideration of the record, consisting of the Staff Recommendation, the documents on file with the City and the testimony of all parties; and

WHEREAS, Section 4-225 of the LDC requires variances and special exceptions be processed as ordinances as opposed to resolutions; and

WHEREAS, City Council at their December 16, 2020 meeting considered the record of the Zoning Board on Case VAR20-71995-BOS and gave full consideration of the Staff Recommendation, the evidence and testimony provided during the public hearing.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bonita Springs, Lee County, Florida:

SECTION ONE: APPROVAL OF REQUEST

City Council of Bonita Springs hereby grants a variance from the setback requirements of Sections 4-1893, 4-1894 and 4-489 of the LDC, with the following conditions:

Conditions:

1. The variance is limited to the parcel in question, known as 27783 Hickory Blvd, STRAP No. 31-47-25-B4-002L0.0040, further described in the legal description, Exhibit A, attached hereto.

Setback Location	Requested
Front (Street – all structures)	20'
Side (all structures)*	6.5'
Waterbody (principal structure)	15' read and 6.5' side
Waterbody (elevated accessory structures)	15'

*7.5' side yard setback required for the northern most portion of the property

2. The use of the lot in its current configuration is limited to one single family home with accessory structures and shall be generally consistent with the site plan attached to the application.
3. Sound deadening material shall be used on any exterior alcove housing mechanical equipment.
4. The applicant shall make every effort to site the mechanical equipment in the least obtrusive position, relative to the existing single-family home to the south.
5. All other portions of the land development code and applicable building codes, unless specifically altered by this variance approval, remain in full force and effect.
6. All testimony and evidence presented before both the Zoning Board and City Council public hearings, including the application and staff report, are hereby incorporated as exhibits to this Ordinance.

Findings & Conclusions:

Based upon an analysis of the application and the standards for approval of a variance, Bonita Springs City Council makes the following findings and conclusions, as conditioned:

1. There are exceptional or extraordinary conditions or circumstances inherent to the property in question;
2. The exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding the adoption of the code from which this chapter is derived will not be considered self-created);
3. The variances granted are the minimum variances to will relieve the applicant of an unreasonable burdens caused by the application of the regulations in question to the subject property;
4. The granting of the variances will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
5. The condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of a general or recurrent nature so as to make it more reasonable and practical to amend the ordinance.

SECTION TWO: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 6th day of January, 2021.

AUTHENTICATION:

Paul Steinberg Mayor Debra Lepich City Clerk

APPROVED AS TO FORM:

[Signature]
City Attorney

Vote:

Carr	Aye	Corrie	Aye
Purdon	Aye	Quaremba	Aye
Forbes	Aye	Steinmeyer	Aye
Gibson	Aye		

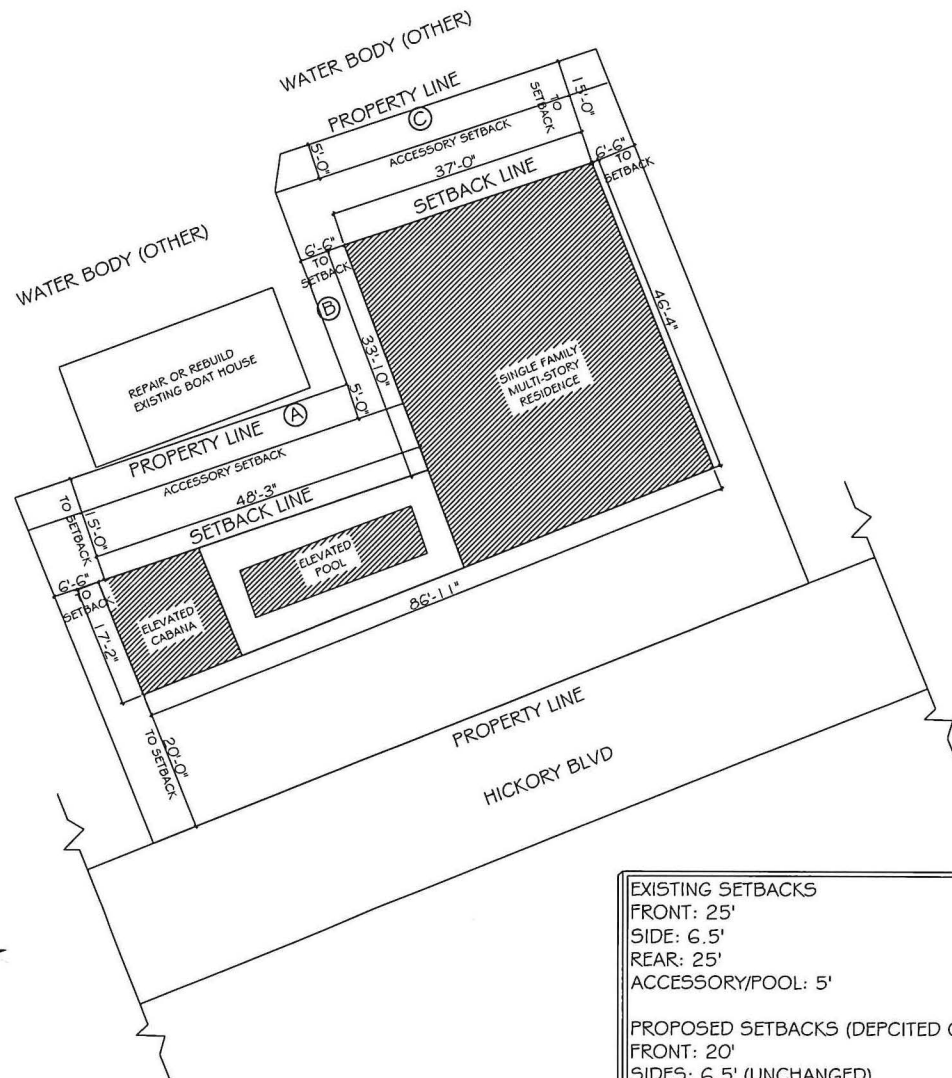
Date filed with City Clerk:

1/6/2021

ATTACHMENT A

EXHIBIT IV-E

SITE PLAN
FOR PLACEMENT PURPOSE ONLY.
CERTIFIED SURVEYOR TO VERIFY
SETBACKS AND PLACEMENT.



EXISTING SETBACKS
FRONT: 25'
SIDE: 6.5'
REAR: 25'
ACCESSORY/POOL: 5'

PROPOSED SETBACKS (DEPICED ON PLAN):
FRONT: 20'
SIDES: 6.5' (UNCHANGED)
REAR: 15' @ A & C
REAR/SIDE: 6.5' @ B
ACCESSORY/POOL: 5' (UNCHANGED)



2749 ADVIEW CENTER BLVD
BONITA SPRING, FL 34134
334.444.8780
www.ashmore.com

J.C. KOSING ENGINEERING, INC.
JOSSELYN C. KOSING, P.E.
11 W. ALZOOK
FL 34419
LEASO COUNTY TOWN HWY
FOMI HWYS, FLORIDA, 33500

SEAL
FOR PRELIMINARY
PURPOSES ONLY

THIS PLAN HAS BEEN PREPARED BY THE SURVEYOR AND ENGINEER AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR AND ENGINEER.

SEARS RESIDENCE
27783 HICKORY BLVD
BONITA SPRINGS, FL

REVISIONS
NO. DATE DESCRIPTION

JOB NO: A20-3401
DATE: 7/14/2020
DRAWN BY: FR
CHKD BY:

PROPOSED SITE PLAN

SHEET NUMBER

SP

LEGAL DESCRIPTION AND CERTIFICATION

Lots 3 and 4, Block L, Bonita Beach First Addition, according to the Plat thereof, as recorded in Plat Book 8, Page 70, of the Public Records of LEE County, Florida.

EXHIBIT II-A-1

Community Number: 120680 Panel: 12071C0650 Suffix: F Flood Zone: VE(NAVD88) Field Work: 3/4/2020

Certified To:
JAMES SEARS














Property Address:
27783 HICKORY BOULEVARD
BONITA SPRINGS, FL 34134

Survey Number: 406875

ABBREVIATION DESCRIPTION:

A.E. ANCHOR EASEMENT	F.F. EL. FINISH FLOOR ELEVATION	O.R.B. OFFICIAL RECORDS BOOK
A/C AIR CONDITIONER	F.I.P. FOUND IRON PIPE	(P) PLAT
B.M. BENCH MARK	F.I.R. FOUND IRON ROD	P.B. PLAT BOOK
B.R. BEARING REFERENCE	F.P.K. FOUND PARKER-KALON NAIL	P.C. POINT OF CURVATURE
(C) CALCULATED	(L) LENGTH	P.C.C. POINT OF COMPOUND CURVE
Δ CENTRAL / DELTA ANGLE	L.A.E. LIMITED ACCESS EASEMENT	P.O.B. POINT OF BEGINNING
CH CHORD	L.M.E. LAKE MAINTENANCE EASEMENT	P.O.C. POINT OF COMMENCEMENT
(D) DEED / DESCRIPTION	(M) MEASURED / FIELD VERIFIED	P.R.C. POINT OF REVERSE CURVE
D.E. DRAINAGE EASEMENT	M.H. MANHOLE	P.T. POINT OF TANGENCY
D.H. DRILL HOLE	N&D NAIL & DISK	R/W RIGHT-OF-WAY
D/W DRIVEWAY	N.R. NOT RADIAL	(R) RADIAL / RADIUS
E.O.W. EDGE OF WATER	N.T.S. NOT TO SCALE	S.I.R. SET IRON ROD
F.C.M. FOUND CONCRETE MONUMENT	O.H.L. OVERHEAD UTILITY LINES	T.O.B. TOP OF BANK
		U.E. UTILITY EASEMENT

SYMBOL DESCRIPTIONS:

	= CATCH BASIN		= MISC. FENCE
	= CENTERLINE ROAD		= PROPERTY CORNER
	= COVERED AREA		= UTILITY BOX
+ x.xx	= EXISTING ELEVATION		= UTILITY POLE
	= HYDRANT		= WATER METER
	= MANHOLE		= WELL
	= METAL FENCE		= WOOD FENCE

GENERAL NOTES:

- 1) LEGAL DESCRIPTION PROVIDED BY OTHERS
- 2) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- 3) UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- 4) WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- 5) ONLY VISIBLE ENCROACHMENTS LOCATED.
- 6) DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- 7) FENCE OWNERSHIP NOT DETERMINED.
- 8) ELEVATIONS INDICATED HEREON ARE IN FEET AND DECIMALS REFERENCED TO N.G.V.D. 1929
- 9) IN SOME INSTANCES, GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES, DIMENSIONS SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.



**TARGET
SURVEYING, LLC**

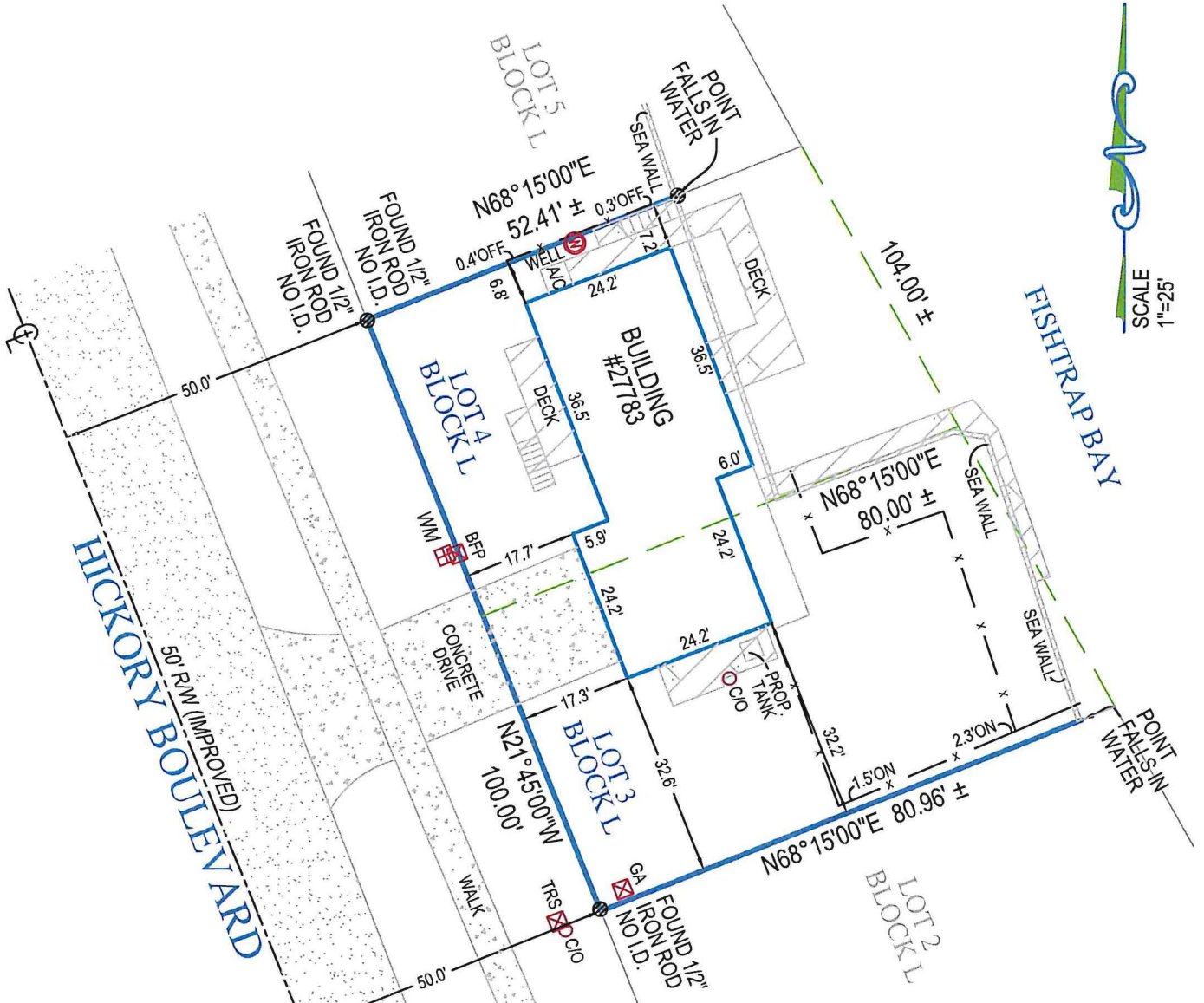
LB #7893

SERVING FLORIDA

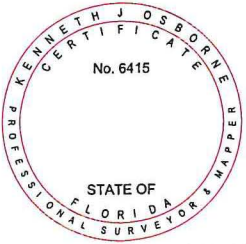
6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: <http://targetsurveying.net>

BOUNDARY SURVEY

EXHIBIT II-A-2



SURVEY NOTES
 CONCRETE DRIVE CROSSING INTO R/W
 ON WESTERLY SIDE OF LOT.
 THERE ARE FENCES NEAR THE BOUNDARY
 OF THE PROPERTY.
 SEAWALL CROSSES INTO BOUNDARY ON
 NORTHERLY SIDE OF LOT.



SURVEYORS CERTIFICATE
 I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY
 IS A TRUE AND CORRECT REPRESENTATION OF A
 SURVEY PREPARED UNDER MY DIRECTION.
 NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC
 SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL,
 OR A RAISED EMBOSSED SEAL AND SIGNATURE.

Kenneth J. Osborne
 (SIGNED)

KENNETH J. OSBORNE
 PROFESSIONAL SURVEYOR AND MAPPER #6415

Kenneth Osborne
 Digitally signed by Kenneth Osborne
 Date: 2020.03.05 10:25:00 -05'00"

PAGE 2 OF 2 PAGES
 (NOT COMPLETE WITHOUT PAGE 1)



TARGET SURVEYING, LLC
 LB #7893

SERVING FLORIDA
 6250 N. MILITARY TRAIL, SUITE 102
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 PHONE (561) 640-4800
 STATEWIDE PHONE (800) 226-4807
 STATEWIDE FACSIMILE (800) 741-0576
 WEBSITE: <http://targetsurveying.net>

Petition to Vacate
Petition No: 95-02-249.01R
Description: Drainage Easement
See CCMB
Date of Approval: 05/17/95
Resolution No: 95-05-24
CCMB: 1995R Page: 325
Recorded on: 06/14/95 OR Book: 2608 Page: 2032-2038

BONITA BEACH

FIRST ADDITION

DESCRIPTION

Beginning at the northeast corner of block A Bonita Beach as recorded in Lee County Plat book B on page 65 Lee County, Florida, Records, thence north 68°15' East 100 feet to the point of beginning of land herein described, thence north 21° 45' West 1050 feet, thence north 23°20' West 1452.8 feet, thence north 66°40' East 750 feet, thence south 23°20' East 1100 feet, thence south 66°40' West 340.3 feet, thence south 21° 45' East 1414 feet, thence south 68°15' West 400 feet to the point of beginning, said land being a part of Section 31 in T₄ S. R. 25 E. Lee County, Florida.

CERTIFICATE OF SURVEY

I the undersigned certify that the plat as shown is a correct representation of the land platted, and that permanent reference monuments have been placed as shown Feb 25 1941

Nancy K. Dawson
State Registered Civil Engineer No. 80

CERTIFICATE OF OWNERSHIP

This is to certify that the undersigned are the owners of the land herein described and have caused said land to be subdivided into lots, blocks, Drives, Parks and Places as shown, and said Drives, Parks and Places are hereby dedicated to the public forever.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF US:-

Witness Frank L. Ridgeway
Witness [Signature]

[Signature] Seal
[Signature] Seal

STATE OF FLORIDA }
COUNTY OF LEE } SS.

This plat accepted this _____ day of _____ 1941 in open meeting of the Board of County Commissioners of Lee County, Florida

[Signature] Chairman
[Signature] Clerk

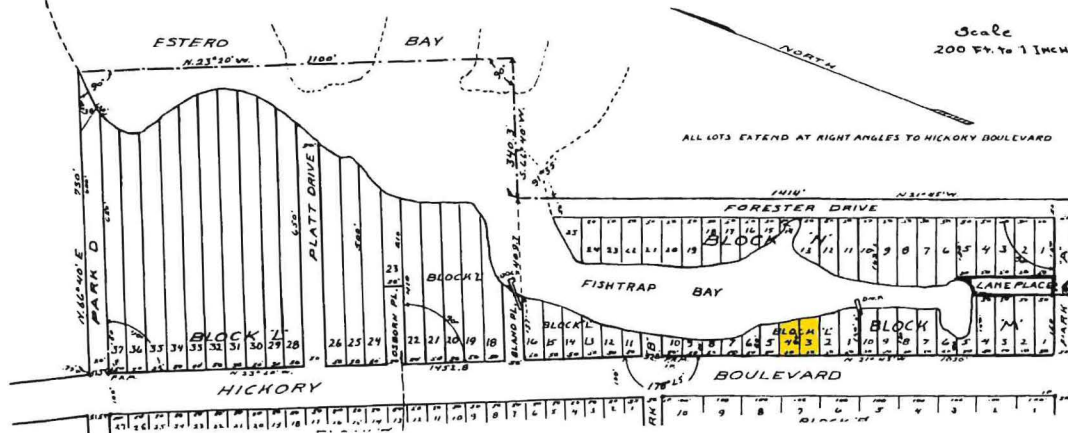
I DO HEREBY CERTIFY that on this 20th day of March, AD 1941 personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, L. ENGVALSON and CAROL ENGVALSON his wife, both well known to me, as the persons making the foregoing dedication, and they severally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein mentioned, and the said CAROL ENGVALSON the wife of the said L. ENGVALSON upon an examination taken separately and apart from her said husband did acknowledge that she executed the foregoing dedication freely, voluntarily and without any constraint, apprehension, fear or compulsion of or from her said husband.

Witness my hand and official seal the date last aforesaid.

[Signature]
My Commission Expires August 5, 1943.

Seal

Petition to Vacate
Petition No: 93-25
Description: Drainage easement; See CCMB
Date of Approval: 08/04/93
Resolution No: 93-08-20
CCMB: 1993R Page: 601
Recorded on: 08/16/93 OR Book: 2415 Page: 2591-2593



FILED IN THE OFFICE OF THE
Clerk of the Circuit Court,
LEE COUNTY, FLA.
On this _____ day of _____
& A. 19____ and recorded in Book
_____ on page _____
[Signature]

Plat Book Vacated 316
C.C.M. Book 12
S.J. Jan

Petition to Vacate
Description: Vacation of Lane Place
Date of Approval: 03-6-57
CCMB: 13 Page: 306 & 307