

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
April 13, 2017

LET IT BE REMEMBERED, that the Collier County Hearing Examiner, in and for the County of Collier, having conducted business herein, met on this date at 9:00 a.m., in REGULAR SESSION at 2800 North Horseshoe Drive, Room 609/610, Naples, Florida, with the following people present:

HEARING EXAMINER MARK STRAIN

ALSO PRESENT: Raymond V. Bellows, Zoning Manager
Daniel Smith, Principal Planner
Rachel Beasley, Planner
Scott Stone, Assistant County Attorney

PROCEEDINGS

HEARING EXAMINER STRAIN: Good morning, everyone. Welcome to the Thursday, April 13th meeting of the Collier County Hearing Examiner's Office.

If everybody will please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

HEARING EXAMINER STRAIN: A few notices. Individual speakers will be limited to five minutes unless otherwise waived. Decisions are final unless appealed to the Board of County Commissioners, and a decision will be rendered within 30 days.

In reviewing the agenda, we have two items that are being modified. Item 4A will be readvertised for another date. It's Petition No. VA-PL20160002992. It's the Mark Adrian Williams and Donna Maria Delvecchio variance for Ordinance No. 81-29, and Item 4C will be continued to our next meeting date here on 4/27. 4C is Petition No. VA-PL20160002424. It's a variance for Monica Calvert Hawn Revocable Living Trust. That's in -- by Lakewood subdivision.

Is anybody here for either one of those items?

(No response.)

HEARING EXAMINER STRAIN: Okay. We'll move into the approval of the prior meeting minutes. Two minutes were submitted for March 9th and March 23rd. They're approved as submitted. They're ready to be recorded.

That takes us directly into our advertised public hearings. Before I read either one of the public hearings, are there any members of the public here who are not part of the applicant's teams to hear either of these?

(No response.)

HEARING EXAMINER STRAIN: Well, that will certainly expedite today's meeting since no members of the public are here.

I will call each petition up, and we will -- there will not be a need for a formal presentation. I have read all the material. There might be a couple questions. I'll need some statements for the record, and then we'll move on.

***The first one up is Petition No. BD-PL20160002220. That's Item 4B. It's Brian Coe who's requesting a 24-foot boat dock extension over the maximum 20 feet allowed, and it's in a project called Landings at Bear's Paw.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

(The speakers were duly sworn and indicated in the affirmative.)

HEARING EXAMINER STRAIN: Disclosures on my part: I have talked with the applicant just very briefly. I've had two letters of opposition and general statements regarding the particular application, and I believe those have been passed on by staff to the applicant.

And with that, Jeff, good morning.

MR. ROGERS: Good morning. For the record, my name is Jeff Rogers with Turrell, Hall & Associates representing the public, Brian Coe.

I'm basically here today requesting a 24-foot boat dock extension from the allowed 20 feet where a protrusion is 29 feet into the waterway from the mean high-water line, which in this case is the most restrictive point for the Landings at Bear's Paw.

This is the second BDE that has been requested. The first one was approved and is the adjacent neighbor to the west of this subject property, and they have gotten a 26-foot extension approved back in September of last year.

We are following the same dock footprint that was approved originally; however, due to the shoreline not being 100 percent straight, we are -- our protrusion's a little bit less than what was previously approved for

the other dock. So, therefore, our protrusion to the waterway is two feet shorter than the previous BDE approved on the shoreline.

The width of the waterway is 120 feet; therefore, we are inside the 25 percent width of the waterway with the dock as proposed.

We've read through the staff report. We meet all the criteria. There was a question, however, about excessive decking. We are proposing the same dock footprint and design as the previous one. We are storing some kayaks and paddleboards on the dock so, therefore, there is, in staff's opinion, some excessive decking.

Happy to answer any questions that you might have pertaining to any of it. Other than that, 24-foot extension from the allowed 20, 44 feet from the top of bank, and 29 feet from the mean high-water line; one vessel, 33 feet long. Any questions, happy to answer them.

HEARING EXAMINER STRAIN: Okay. Just a couple clarifications. The two letters that were received, one of them was kind of ambiguous about why any more docks need to be in the canal.

MR. ROGERS: Right.

HEARING EXAMINER STRAIN: Basically, I checked that homeowners' address, they're on the north side of the golf course in a two-story unit or a condo unit facing the golf course.

MR. ROGERS: Okay.

HEARING EXAMINER STRAIN: So they don't seem to be directly impacted by this. I did check the second one. It's a gentleman who owns a piece of property down the river a ways and off another canal and tributary. His concern was that he felt it was -- it should be measured like everybody else, from the mean high-water line. I don't think he understood that the advertisement took it back to the property line.

MR. ROGERS: Right.

HEARING EXAMINER STRAIN: But your clarification on the distance from the mean high-water line certainly helps that particular issue.

MR. ROGERS: Okay.

HEARING EXAMINER STRAIN: Also the other thing that I wanted to make sure is clear, these docks in this entire development, all have or are going to have a similar issue regarding the riprap that's there. The riprap comes out from the property line and goes a certain distance out into the water. And I can't tell exactly how far out from the drawings you provided, but I noticed that your dock that you will butt up to with the boat starts within a foot or two inside the riprap toe of slope and goes out to a point where you've got some depth to provide a lift and a boat.

I can't see how you could tighten that up any and still make sure the boat's not rubbing up against the rock during a low tide. So from that perspective, your drawing seems practical, and I don't have any issues there, but I wanted to make that clarification in my review of it.

MR. ROGERS: Yes.

HEARING EXAMINER STRAIN: And other than that, I don't have any other questions, Jeff.

MR. ROGERS: Okay.

HEARING EXAMINER STRAIN: Thank you.

MR. ROGERS: Thank you very much. Appreciate it.

HEARING EXAMINER STRAIN: Is there a staff report?

MR. SMITH: Yes, thank you.

Based on the above findings, staff recommends the Hearing Examiner approve Petition BDE-PL20160002220 subject to the following conditions: Eliminate the kayak deck storage and reduce the dock width from 51 feet to 36 feet.

HEARING EXAMINER STRAIN: Okay. Anybody else in the audience who may want to discuss this? Any items? Any comments?

(No response.)

HEARING EXAMINER STRAIN: Okay. Jeff, I'm satisfied with your submittal. I will render a

decision within 30 days and it will be -- we'll close the hearing on this matter.

MR. ROGERS: Thank you, Mark.

HEARING EXAMINER STRAIN: Thank you.

***The next item up is Petition -- it's 4D, Petition No. BDE-PL20160002607, Joseph Castrogiovanni for a 22-foot boat dock extension on the Isles of Capri.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.
(The speakers were duly sworn and indicated in the affirmative.)

HEARING EXAMINER STRAIN: Disclosures on this: I have talked on a speakerphone to Jeff, and I think Patrick was in the room as well, maybe Tim at one time. That's all with Turrell & Associates. I've not spoke to anybody else except for staff on this matter, and I did receive a clarification after our discussion with a new outline.

If you have that with you, could one of you place it on this overhead. There you go. That will work.

And, Patrick, I guess this is the first time you've been here, and I see Jeff is there to make sure nothing goes wrong. I don't know how it could.

But I have read the entire staff report. I have a few questions. There's no need for presentation unless you want to add something to the record.

MR. SCHEELE: Well, thank you.

HEARING EXAMINER STRAIN: You need to pull yourself to the mike; identify yourself for the record, please.

MR. SCHEELE: For the record, my name is Patrick Scheele. I'm a staff engineer for Turrell, Hall & Associates here representing Joe Castrogiovanni. If you don't need a presentation, then I'm happy to not give one.

HEARING EXAMINER STRAIN: You learn fast.

I do have some questions, and it will result from the visual that we have on the overhead showing the recently submitted changes.

Right now we're looking at two boats, and the previous application had the boat on the left side, a longer configuration than the reduction today. That actually brings the total length of both boats down to 52 feet, which is much more in line with one of the staff criteria that was questioned.

So part of the outcome of this would be a stipulation limiting the total boat lengths to 52 feet. Do you have any objection to that?

MR. SCHEELE: No, sir.

HEARING EXAMINER STRAIN: Okay. The deck -- the decking on this one -- now, it was interesting. The staff report and your box in the lower right-hand corner originally had a decking of about 1,500 square feet, which definitely raised some questions. You've since clarified it with this particular drawing and also the elevated deck -- the elevated lift and the manner in which that's built, I haven't seen that before either in the 16 years on the Planning Commission or since this office has been opened.

The information you sent was excellent. I think it's a smart way to store a boat from now on. If I was a property owner, I wouldn't think of anything less than that. It's a good system. So from that perspective, I didn't have any issues.

Your deck's square footage is, according to your calculations, 278 (sic) square feet, and you're willing to have that as a stipulation as well; is that correct?

MR. SCHEELE: I believe it's 678.

HEARING EXAMINER STRAIN: Six hundred -- I'm sorry; 678 feet.

MR. SCHEELE: Yes. The original square footage was a mistake on our end. That was including the slips, so that's been corrected to 678.

HEARING EXAMINER STRAIN: Well, that sure brought a lot of attention to this, at least from my part.

The other item, I wanted to make sure there's a staff recommendation on this one. It's -- let me read it to you: "Subject to the approval of the building permit and the CO for a single-family dwelling unit." Are you in agreement with that?

MR. SCHEELE: Yes, sir.

HEARING EXAMINER STRAIN: I don't have anything else at this time, so thank you, and I'll move to staff for a staff report.

Rachel?

MR. SCHEELE: Thank you.

MS. BEASLEY: Rachel Beasley, for the record.

A staff report was submitted, and staff is recommending approval given the stipulation that you just stated.

HEARING EXAMINER STRAIN: And does staff have any problems with this configuration?

MS. BEASLEY: No, staff does not.

HEARING EXAMINER STRAIN: Okay. Are there any members of the public here for this item? (No response.)

HEARING EXAMINER STRAIN: Okay. Hearing none, we'll close the public hearing, and a decision will be rendered within 30 days.

Thank you very much. Nice to meet you, Patrick.

There's no other business for today's meeting.

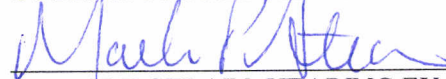
Is there any members of the public here wishing to comment?

(No response.)

HEARING EXAMINER STRAIN: Okay. Then hearing none, this meeting is adjourned. Thank you, all.

There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 9:11 a.m.

COLLIER COUNTY HEARING EXAMINER



MARK STRAIN, HEARING EXAMINER

ATTEST

DWIGHT E. BROCK, CLERK

These minutes approved by the Hearing Examiner on 5-4-17, as presented ✓ or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF
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