

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
April 27, 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
Rachel Beasley, Planner
Scott Stone, Assistant County Attorney

PROCEEDINGS

HEARING EXAMINER STRAIN: Good morning, everyone. Welcome to the Thursday, April 27th 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: Thank you. We'll move right into the agenda.

Review of the agenda: There are three items initially scheduled for today. Item 4A (sic) and 4B will be moved to the Planning Commission. A date will be supplied by staff as soon as it's available. For the record, 4A is Petition No. VA-PL20160002424. I'm sorry. It's 4B and 4C. 4A is the one that was continued from last time.

So 4B is Petition No. BDE-20160001764, and 4C is Petition No. BDE-20160000481. Both of those are for dock extensions on Windover Avenue, by Windover, 258 6th, LCC (sic), and 254 6th, LCC (sic).

If you're here for those dock extensions today, they will not be heard today. They will be rescheduled with the Planning Commission at some time in the future.

That takes us to the approval of the prior meeting minutes. There are none to be approved, so we'll move right into the only advertised hearing today, and this is an item continued from the April 13th Hearing Examiner meeting. It's Item 4A, Petition No. VA-PL20160002424, the Monica Calvert Hawn Revocable Trust request for a variance for a rear yard setback.

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: This may be a rather short hearing on this particular item, I believe. It will depend on if there's anybody here in opposition to this rear yard setback in the -- it's Marathon -- 412 Marathon Court variance. Anybody opposing that?

(No response.)

HEARING EXAMINER STRAIN: Okay. For the benefit of the applicant, who I notice is here, I have reviewed all of the staff report. I reviewed the application. I do not have any questions. The staff report was very complete. Included in the staff report were four letters of support, and there were no letters of objection.

So I don't need a presentation. I don't have any questions of you. It's pretty open and shut as far as what you're requesting.

Rachel, from a staff's perspective, do you have a staff report, any staff comments?

MS. BEASLEY: Rachel Beasley, for the record.

There is a staff report that was submitted, and staff is recommending an approval of the request.

HEARING EXAMINER STRAIN: Are there -- I know that we've got four letters of support. Did you receive any communications of any kind in objections?

MS. BEASLEY: I received one phone call from someone across the body of water. Once they found out what it was, they had no issues.

HEARING EXAMINER STRAIN: Okay. Thank you.

As far as my disclosures, I have talked with staff about this a couple times, especially over the continuance. I've reviewed all the files that were sent and the plats and everything to do with property.

And I'm going to double-check to make sure I didn't have any notes down here that staff may have to address. No, I do not.

Is there any member of the public here who would like to speak on this matter?

(No response.)

HEARING EXAMINER STRAIN: Hearing none, we'll close that particular hearing, Petition No. VA-PL20160002424, and a decision will be rendered within 30 days; most likely within about a week to 10 days we'll have an answer to you. That's all there is to it.

So thank you all for attending. You showed up last time, and we had to continue it because of an advertising error, so I appreciate your attendance again today. Without the opposition, the petition is pretty straightforward, so there's no issue at this point.

Sir, if you want to use the microphone.

MR. HAWN: Sure. I just have a question.

HEARING EXAMINER STRAIN: Yeah. You have to identify yourself for the record.

MR. HAWN: My name is Michael Hawn. I happen to be married to the woman that owns the trust. And you mentioned within maybe a week's time. Will we be notified by mail or from Tatiana? From Mrs. Beasley?

HEARING EXAMINER STRAIN: You'll probably be sent an email; it usually comes out in email. The planner gets a copy. If there's an email for the applicant on record, which there usually is, we send a copy to that email address and maybe Tatiana, whoever filled out the application.

Rachel, do you know?

MS. BEASLEY: Generally the email goes out to me and the applicant with the decision that was rendered by the HEX, but --

MR. HAWN: Thank you.

MS. BEASLEY: -- regardless, I'll make sure that you get it once I receive it.

MR. HAWN: All right. Thanks.

HEARING EXAMINER STRAIN: Thank you. It's a clean application, so I appreciate your indulgence.

Okay. Is if there's anybody else wishing to talk on this particular item?

(No response.)

HEARING EXAMINER STRAIN: Okay. We'll close that public hearing. Now, there are no other public hearings today. Everything else has been continued or moved to the Planning Commission, and that is -- the other two items on the agenda were for the docks at -- I'm trying to -- the Windover docks at 258 and 254 6th, LLC, 6th Street, I think it is, LLC. Anybody have any questions on those docks?

(No response.)

HEARING EXAMINER STRAIN: I see there's two members of the public here.

Sir, they've been moved to the Planning Commission because of the heightened concern by the public in regards to the accessway and the docks' lengths into the waterway, and Rachel will establish a date for those hearing.

And what's the notice procedure for a rehearing -- for something that gets moved like that, Rachel?

MS. BEASLEY: It's the same procedure as the HEX, so it's a letter that goes out within 500 feet, and then also an advertisement in the Naples Daily News.

HEARING EXAMINER STRAIN: Okay. So if you gentlemen received notices in the past for this meeting, you'll receive notices again for the new rescheduled meeting.

Does anybody -- and that takes us to the end of our agenda. Is anybody here that has any -- would like to make any public comments?

(No response.)

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

April 27, 2017 HEX Minutes

There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 9:07 a.m.

COLLIER COUNTY HEARING EXAMINER



MARK STRAIN, HEARING EXAMINER

ATTEST

DWIGHT E. BROCK, CLERK

These minutes approved by the Hearing Examiner on 6-3-17, as presented ✓
or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF
U.S. LEGAL SUPPORT, INC.,
BY TERRI LEWIS, COURT REPORTER AND NOTARY PUBLIC.