

October 11, 2018 HEX Meeting

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
October 11, 2018

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
Gil Martinez, Principal Planner
Scott Stone, Assistant County Attorney
Heidi Ashton-Cicko, Managing Assistant County Attorney

PROCEEDINGS

HEARING EXAMINER STRAIN: Good morning, everyone. Welcome to the Thursday, October 11th meeting of the Hearing Examiner's Office.

Please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

HEARING EXAMINER STRAIN: Okay. How many members of the public are here other than the applicant?

(No response.)

HEARING EXAMINER STRAIN: And I can tell there's only one person here, and he seems to be with the applicant.

So with that, we'll dispense with the housekeeping matters and move right into the agenda, review of the agenda. We have one item, 3A, Petition No. BDE-PL20180000143, Kyle and Kimberly Witwer.

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 staff, and that's all, actually, and got some clarifications that have been submitted for the record concerning the discrepancy between the survey and some of the graphics on this.

Will the applicant's representative please come up and identify yourself for the record.

MR. NELSON: Hello. My name is Bill Nelson, and I'm representing the owners in this matter, and I work with Greg Orick Marine Construction.

HEARING EXAMINER STRAIN: Thank you. And I know we've talked to you before.

The distance that you're looking for is 48.65 from the property line, which also happens to be the mean high-water line.

MR. NELSON: Yes.

HEARING EXAMINER STRAIN: And the discrepancy I found was on the survey, on page -- the last page of the staff report that said you were a 50.9-foot total protrusion distance from lot line to end of dock. That is an error, and I understand the new one's been submitted.

MR. NELSON: Yes. The original survey we submitted with the first application was dated February 6th and, in error, the surveyor made the dimension line from the CEC traverse line instead of the mean high-water line, and it added that 2.25 feet to make it 50.9 when it should have been measured from the mean high-water line.

And when I submitted the corrections letter in July, I accidentally included the old survey from February instead of the updated survey from March. So it was an error on my part. But we did have the updated survey measured from the correct property feature.

HEARING EXAMINER STRAIN: And the updated survey will reflect the 48.65?

MR. NELSON: Yes, it does.

HEARING EXAMINER STRAIN: Okay. And I believe, Gilbert, you had circulated that, but I didn't have a copy to bring today, so you provided a copy to the court reporter?

MR. MARTINEZ: Yes, I have.

HEARING EXAMINER STRAIN: Do you have a copy you could just put on the overhead or not, the corrected survey; if you don't mind.

Okay. That's the one I looked at from the email that was sent to me. Then there's your corrections both on the bottom and on the dimension that's on the graphic, so that will work. And the reason I wanted to make sure it came out like it did, that will be used for a backup exhibit to the decision.

MR. STONE: Mr. Hearing Examiner, just to be clear in my own mind, the survey that was included with that staff report wasn't incorrect. It was just measuring from the wrong line?

HEARING EXAMINER STRAIN: Well, there was a statement on the survey that was included that made it incorrect. The measurement from the line at 50.9 feet that they called out was the correct distance

from that line.

MR. STONE: Right.

HEARING EXAMINER STRAIN: But the way it read was that the 50.9 feet was the total protrusion distance from the lot line to the end of the dock. Actually, that's not true. It was from the traverse line, not the lot line.

MS. ASHTON-CICKO: Mr. Strain, I would like the site plan that is attached to your decision to include both the measurement that was advertised as well as the most restrictive measurement that you're discussing today.

HEARING EXAMINER STRAIN: Well, it turns out they're the same now.

MS. ASHTON-CICKO: Oh, they are the same now? Okay.

HEARING EXAMINER STRAIN: Yeah. The traverse line is not the lot line. And what happened is the plat identifies the mean high-water line as the lot line.

MS. ASHTON-CICKO: Okay.

HEARING EXAMINER STRAIN: And so they end up actually being the same, so that simplified the advertising.

MS. ASHTON-CICKO: Okay. Thank you.

HEARING EXAMINER STRAIN: And those two graphics will be what will be attached to the decision.

I don't have anything else. I've read everything, and those are the only points that really needed to be clarified. So at this point we're good on those issues.

Do you have anything else you want to add?

MR. NELSON: No. Like I said, I brought an extra signed/sealed copy if you'd like me to leave it with you guys.

HEARING EXAMINER STRAIN: Do you have a signed/sealed copy, Gilbert, or just electronic?

MR. BELLOWS: We should have one.

MR. MARTINEZ: Yes, I'd like to have it.

HEARING EXAMINER STRAIN: Okay. Then we're good.

MR. NELSON: Thank you.

HEARING EXAMINER STRAIN: Then, Gilbert, is there any staff report?

MR. MARTINEZ: Yeah. The staff finds this petition to be consistent with the GMP and with the LDC and, hence, recommends approval.

HEARING EXAMINER STRAIN: Okay. Everything seems in order. I appreciate it. Thank you very much.

And there's no members of the public here, so with that, we'll end the public hearing on this, and a decision will be rendered within 30 days but most likely rather quickly.

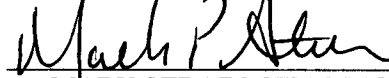
Let me make sure -- I think that's the last thing on the agenda. We have no other business. There's no public here for comment.

This meeting's adjourned. Thank you.

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There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 9:05 a.m.

COLLIER COUNTY HEARING EXAMINER



MARK STRAIN, HEARING EXAMINER

ATTEST
CRYSTAL K. KINZEL, CLERK

These minutes approved by the Hearing Examiner on 10-19-18, as presented or as corrected _____.

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