

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY HEARING EXAMINER  
Naples, Florida  
January 23, 2020

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  
John Kelly, Senior Planner  
Heidi Ashton-Cicko, Managing Assistant County Attorney

PROCEEDINGS

HEARING EXAMINER STRAIN: Good morning, everyone. Welcome to the Thursday, January 23rd 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 announcements. 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. Because of circumstances with this particular meeting, they'll be -- they should be issued by the end of this month.

Which takes us to the review of the agenda. There are currently four items listed on the advertised public agenda. One of them, 9D. 9D is Petition No. VA-PL20190000357. It's the Barefoot Beach Master Association, Inc., and the Barefoot Beach Property Owners Association requesting a sign variance. That item has been withdrawn by the applicant, so it will no longer be heard.

Which will take us directly into our public hearings. The first one is Item 3A. It's Petition VA-PL20190001712, William Winn requesting a variance from a setback of 75 feet to 67.29 feet on Coach House Lane.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter. If you're going to speak, please stand up, and that includes the applicant. The applicant's going to have to say something, so please stand up. Thank you.

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

HEARING EXAMINER STRAIN: And I think before the meeting, Ray, you showed me a speaker slip. And, Melvin, if you're intending to speak, you'll need to be sworn in.

MR. ENGEL: I'm sorry?

HEARING EXAMINER STRAIN: If you're intending to speak, you'll need to be sworn in, because you submitted a speaker slip.

MR. ENGEL: I'm sorry.

HEARING EXAMINER STRAIN: No problem.

(The speaker was duly sworn and indicated in the affirmative.)

HEARING EXAMINER STRAIN: Okay. With that, before I move forward, is there anybody here opposing this application, opposing the request for a reduction in the setback?

(No response.)

HEARING EXAMINER STRAIN: Okay. The reason I ask that is if you have opposition, I generally ask the applicant to do a presentation about their request. I've read everything, so it's not for my benefit you would need to have done a presentation; it would have been for those in the audience who were opposed.

I don't have any issues. If you want to come up, just identify yourself for the record to let us know you're here, and that's all I'll probably need from you. Your application's pretty straightforward. Staff's already reviewed it. So whoever's representing the applicant, and that is Mr. Winn --

MR. WINN: Yes.

HEARING EXAMINER STRAIN: -- would you mind coming up and identifying yourself for the record, please.

MR. WINN: I am Bill Winn, 2600 Coach House Lane. And I bought this house three years ago. It was in receivership. And I think if you -- we're on that street. You notice that it was -- in fact, one builder told me to tear it down.

So, anyway, we've rebuilt the house, and all new landscaping and that type of thing, but one of my hobbies is automobiles. And I've got a little one-car garage in back with a '57 Oldsmobile in it that I've owned since 1975, I think, and my family owned it before that. I'd like to get at it before I die, so...

HEARING EXAMINER STRAIN: Can't blame you there.

MR. WINN: Give me some more room. And so the building -- and there -- I bought a motor home that I want to store back there as well.

So the reason to move it back, the garage is sitting next to a huge tree, several trees back there, and I don't want to cut them down. You know, it's just, to me, making a piece of property naked so that I can make setbacks and all that kind of stuff. It didn't make a lot of sense to me.

So we're trying to save the tree. I did build a pond for some -- we had some flooding back there. A lot of it's come off my neighbor's property, but it was ending up in my driveway. And we built a little pond.

If I had to go back to the 75 feet, my motor home wouldn't make the turn and then back in to the garage without running into the pond, so I'd have to move the pond as well. So with all the things that we were up against, I thought that a variance was the smartest thing to do.

HEARING EXAMINER STRAIN: And I think you've applied properly. I reviewed your request. I don't see any issues that I have to ask of you any further than what you've explained.

I have one question, though. Are you restoring that vehicle?

MR. WINN: I hope to, yes.

HEARING EXAMINER STRAIN: I just got done restoring an old tractor.

MR. WINN: Is that right?

HEARING EXAMINER STRAIN: It was one of the most fun things I've ever done. So you'll have a good time.

MR. WINN: I've been looking forward to this for a long time. By the way, I do have letters from neighbors on both sides of me. Neither one of them have any problems. In fact, one of them is Ed Rumsberger on the east side. He lets me use his driveway to get my motor home back and forth because I can't make the circle turn into my driveway. So everybody in the neighborhood's, you know, been supportive.

And I think we have another gentleman here that is on Coach House, and he wants to change maybe his setback, too. He's in agreement with this change.

HEARING EXAMINER STRAIN: And this happens frequently, so we're used to dealing with it. So thank you. And if you have letters of no objection, it's not going to change anything, but it would help to have those on record. So could you supply a copy of them to the court reporter -- how many copies did you bring with you? Or did you bring copies with you?

MR. WINN: I just have one from each. Who do I turn that into?

HEARING EXAMINER STRAIN: Yes. It might be useful. If you don't need the originals --

MR. WINN: No.

HEARING EXAMINER STRAIN: Okay. If you could provide them to this lady here. That way they'll be recorded as support of your request.

MR. WINN: Thank you.

HEARING EXAMINER STRAIN: Thank you very much, sir. I appreciate your time.

Melvin, if you have something you want to add, you're more than welcome to come up. You've been sworn in. Just please identify yourself for the record, and we'll be glad to hear you. It's good to see you after all these years.

MR. ENGEL: I'm still around. Still kicking like you.

I'm Melvin Engel. My wife and I are building a new home on Coach House. And, you know, I'm getting older, and I want a garage in the back, and I'm in for a permit right now for a garage on the back of my property. And I told my wife when we were doing it, it would be great if we could push it back into -- because we have a 75-foot setback in the back, and that's a big setback. And you've got a 75-foot setback in the front. And because these are expensive lots, you know, when you build a home in there, we're building bigger homes for return on investment.

So I, too -- when my wife and I were talking about if we could -- if we could push the garage back further into the setback, it would work better for what -- our design. It's going to make it more difficult for us. You know, seven-and-a-half feet, eight feet, what this gentleman's looking for, would make a big difference to me, too, as far as maneuvering in the back.

My wife and I have visions of also getting a motor home and stuff like that. But pushing it back that much -- and like I said, 75 feet, I'm sure this is an old PUD that was put together when it was farmland probably.

HEARING EXAMINER STRAIN: Actually, I think it's straight zoning that's here.

MR. ENGEL: Is it?

HEARING EXAMINER STRAIN: Yeah. It's Estates zoning. Estates required.

MR. ENGEL: So I'm in favor of it. I think it makes the properties in there more useful to the buyers and the people living there to be able to put another structure there, whether it's a garage or whether it's a mother-in-law house in the back. I think -- so I'm in favor of it.

HEARING EXAMINER STRAIN: A lot of the urbanized estates areas have asked for this kind of relief. The process this gentleman went through is the right process, so it will have to be a variance.

This is my last hearing, so you might be dealing with someone different down the road. Hopefully they'll have the same understanding of the situation and it will go easy for you.

MR. ENGEL: Thank you for your time.

HEARING EXAMINER STRAIN: Thank you. Good seeing you again.

Are there any other public speakers on this matter?

(No response.)

MR. BELLOWS: No other speakers.

HEARING EXAMINER STRAIN: Ray or John, you have got a staff report you'd like to mention anything? Add anything?

MR. KELLY: For the record, John Kelly, senior planner.

I have -- they seem to have a rather strong neighborhood involvement in that area. I received a number of telephone calls. One person desiring to be a good neighbor just asked that I express that they would like to see additional landscaping in the rear on the side property lines should this variance be approved. And I have had assurance from the applicant and the property owner that they do intend to put in additional landscaping, of which at this point in time it's sparse to the rear. But it's understandable why; they would only have to remove it to put in the improvements.

So I just said to the person that -- to the one person that I would express that concern.

HEARING EXAMINER STRAIN: Okay. And I notice in your staff report there are no specific recommendations; is that true?

MR. KELLY: Correct.

HEARING EXAMINER STRAIN: Okay. Anything else you want to add, John?

MR. KELLY: The staff recommends that the Hearing Examiner approve variance Petition VA-PL20190001712 to reduce the minimum rear yard setback from 75 feet to 67.29 feet

to allow for the permitting of the garage addition as depicted within the exhibits.

HEARING EXAMINER STRAIN: Okay. I have no other questions. Are there any members of the public that have any other comments?

(No response.)

HEARING EXAMINER STRAIN: Hearing none, we'll close this case, and a decision will be rendered by the end of next week. I can't tell you what day it will be recorded, but it will be issued by the end of next week. That way it will be recorded shortly thereafter. So that should wrap it up for your issues on this.

Thank you very much for your attendance today. And good luck with that car you're restoring. The Internet is a wonderful thing when you're trying to restore because you'll find all kinds of parts there.

MR. WINN: It sure is.

HEARING EXAMINER STRAIN: The next item up is -- actually, there's two items for the same location. They'll be discussed together, but there'll be separate decisions issued on each one. The first one is 3B, Petition BDE-PL20180003700, Michael and Rebecca Campbell requesting a boat dock extension, and the second one is Petition No. VA-PL20170001588, Michael and Rebecca Campbell, request for a variance at that same location for the boat docks.

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: Thank you.

Is there anybody here opposing either of these applications?

(No response.)

CHAIRMAN SAUNDERS: Okay. Would the applicant mind coming up, identifying themselves for the record?

MR. STOKES: Good morning. I'm Brent Stokes. I'm the owner of Stokes Marine, marine contractor.

HEARING EXAMINER STRAIN: Representing the applicant?

MR. STOKES: Application for this project.

HEARING EXAMINER STRAIN: Okay. There are just a couple of questions. I don't need a presentation. No member of the public here that -- no public here that does, so we'll just move forward.

There are three staff recommendations on each one of these applications. They're both the same recommendations. Do you have any objections to the recommendations?

MR. STOKES: I don't. The only one I wanted to further clarify was the right-of-way permit. There's plenty of parking on site at this location, but if it's just a matter of the formality of recognizing that there's going to be vehicles parked for accessing the boats and then docks on site, then, obviously, we're happy to facilitate that.

HEARING EXAMINER STRAIN: Well, you'll have to get the right-of-way permit pursuant to our code. There's no doubt about that. These standards were developed for the other sites that already have the same permissions that you have. They came through collectively. So they're pretty much standardized.

On your boat dock -- on the application, you provided a colorful picture showing the distances, the mean high-water line, and all the other elements that were needed, but wasn't -- I need a copy in black and white.

And it was -- John, what exhibit is that you specifically -- you called -- so we get the right exhibit. I showed it to you.

MR. KELLY: Page P, as in Paul, 6 in the proposed dock overview.

HEARING EXAMINER STRAIN: That would be used as an exhibit to your -- to the decisions. But when you record something, those lighter types don't come through on the recordation. It's only black and white. So the yellow and blues get faded out. I would like you -- we'll need that whole document redone just in black -- black and white, black typeset. Do you have any problem getting that to us?

MR. STOKES: No problem. That's easy.

HEARING EXAMINER STRAIN: When will you be able to do that?

MR. STOKES: Today.

HEARING EXAMINER STRAIN: Good, because I need to get this done before I leave, and today's one of my last -- nearing my last day. So if you could do that, that would be helpful. And I have no other questions. And unless you've got something, then, then I'll move to staff report.

MR. STOKES: I agree. Staff's done a great job with the report. We have plenty of detail here. So I was only here to answer any questions if you had any.

HEARING EXAMINER STRAIN: No. There's a lot of -- there's way too much detail for this kind of action. I was hoping that we could simplify it in the future, but we'll have to see. Thank you.

MR. STOKES: Thank you.

HEARING EXAMINER STRAIN: I appreciate it.  
John, staff report?

MR. KELLY: John Kelly, senior planner.

I needed to correct Attachment A of each document, and I have supplied correct plans to the court reporter and to you as well. So with those corrections, staff recommends, in fact, you approve Petition BDE-PL20180003700 and Petition VA-PL20170001588 with the three conditions listed as staff recommendations.

HEARING EXAMINER STRAIN: Okay. And the reason for the corrections, John, is one of the documents that got into the packet was not the most latest document; is that correct?

MR. KELLY: Correct?

HEARING EXAMINER STRAIN: And would you make sure when you get that black-and-white copy that I get a copy of it immediately?

MR. KELLY: Absolutely.

HEARING EXAMINER STRAIN: With that, is there any members of the public here that would like to speak on this issue?

(No response.)

HEARING EXAMINER STRAIN: Hearing none, this case is closed and -- both cases will be closed, and a decision will be rendered on both of them technically within 30 days but, practically, by the end of next week.

So thank you all for your attention today, and that wraps up those items for today's meeting.

MS. ASHTON-CICKO: Before you close it, I'd just like, on behalf of the County Attorney's Office, to thank you for all your hard work and efforts and expertise that you've brought to the county, diligent review of the projects to resolve problems before they get to next development order stage. So I just wanted to recognize your outstanding effort.

HEARING EXAMINER STRAIN: Thank you. And I could not do it without you, and I was going to say something to all of you. Go ahead.

MR. BELLOWS: I would also like to provide my sincere appreciation for your hard work

and efforts. You made us a better division, and --

HEARING EXAMINER STRAIN: Thank you, Ray.

MR. BELLOWS: -- the process was -- could not have worked better, I don't think. And I hope that the next person has your same understandings.

HEARING EXAMINER STRAIN: Well, it's been a privilege to work with all of you, and I -- you know, I went from being a volunteer for 13 years to working in-house, and I learned a lot, and we've had a lot of good times and a lot of good efforts together, and I want to thank all of you for everything you've done for me.

With that, we are wrapping up the final meeting of my office until somebody else comes in and maybe, like typically, redoes everything all over again. So hopefully it works out well for everybody.

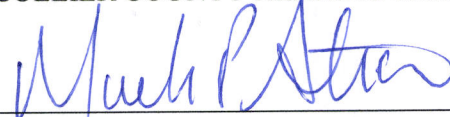
There is no other business, and there are no public comments. And with that, this meeting's adjourned. Thank you all.

(Applause.)

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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 9:17 a.m.

COLLIER COUNTY HEARING EXAMINER



MARK STRAIN, HEARING EXAMINER

These minutes approved by the Hearing Examiner on 2-6-20, as presented ✓  
or as corrected \_\_\_\_\_.

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