

TOWN OF LONGBOAT KEY  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF JULY 12, 2012 MEETING

The meeting of the Zoning Board of Adjustment was called to order by Secretary Charles Fuller at 9:30 a.m. on Thursday, July 12, 2012.

Members Present: Secretary Charles Fuller, Members Kenneth Schneier, Lee Riley, Thomas Bijou

Members Absent: Chairman Ben Feole, Vice Chairman Gaele Barthold, Member Kenneth Gorman

Also Present: David Persson, Town Attorney; Robin Meyer, Planning, Zoning & Building Director; Ric Hartman, Planner; Steve Schield, Planner; Donna Chipman, Office Manager

Approval of Minutes

**Mr. Schneier made a MOTION TO APPROVE THE MINUTES OF THE JUNE 14, 2012, ZONING BOARD OF ADJUSTMENT MEETING AS WRITTEN; seconded by Mr. Bijou and approved by a unanimous vote.**

Agenda Item 1. PETITION #3-12 by Stuart and Ellen Rothbaum requesting a Waiver from Section 158.153(C), Daylight Plane Regulations, of the Town of Longboat Key Zoning Code to increase the maximum allowable 57-degree Daylight Plane angle to 62 degrees to allow for a second story addition for property located at 3542 Fair Oaks Lane.

Ms. Chipman swore all those testifying at this hearing. Proof of Advertising in the *Sarasota Herald-Tribune*, the Town Attorney's Opinion and the Staff Report are part of the applicant's file. Stacy Fastiggi, representing the applicant, presented the Return Receipts to the Board.

Ric Hartman, Planner, provided an overview of the Daylight Plane regulations and the code requirements. He reviewed the staff report and the site plan noting the lot had a curved frontage, which made it unique and provided a larger street width. The home was built in 1995 and the Daylight Plane ordinance was enacted in 1997. One of the unique attributes of the lot was it had a common area adjacent so the waiver would not impact neighboring properties. He reviewed the criteria the board needed to consider in order to grant a waiver to the Daylight Plane, and the Findings of Fact included in the staff report.

Mr. Schneier asked if the side yard setback had been changed since the home was built. Mr. Hartman responded the code required an eight foot side yard setback, but this location was in a planned development (PD), and if they were to demolish the structure the seven foot setback was part of the PD requirements.

Mr. Fuller questioned the measurement to move the second story back. Mr. Hartman explained the structure had to be in compliance with the 57 degree Daylight Plane angle, and in previous applications, there was a desire to maintain the aesthetics, and the continuation of the wall area where it was to be in conformance with the house.

Charles Re, applicant, noted they had presented the return receipts to staff. He pointed out the need to maintain the foundation underneath the proposed addition.

No one else wished to be heard, and the hearing was closed.

The board discussed the petition noting they did not find any issues with the proposal.

**Mr. Bijou made a MOTION TO GRANT PETITION 3-12 BASED ON THE FINDINGS OF FACT SET OUT IN THE STAFF REPORT; seconded by Mr. Schneier and approved by a unanimous vote:**

<b>BIJOU:</b>	<b>AYE</b>	<b>FULLER:</b>	<b>AYE</b>
<b>RILEY:</b>	<b>AYE</b>	<b>SCHNEIER:</b>	<b>AYE</b>

Setting Future Meeting Date.

The next meeting was tentatively scheduled for Thursday, September 6, 2012.

Mr. Bijou and Mr. Riley noted they would not be available for the September meeting.

Adjournment.

The meeting was adjourned at 9:50 am.

Respectfully submitted,

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Charles Fuller, Secretary  
Zoning Board of Adjustment