

TOWN OF LONGBOAT KEY
ZONING BOARD OF ADJUSTMENT
MINUTES OF FEBRUARY 13, 2014 MEETING

The meeting of the Zoning Board of Adjustment was called to order by Chair Ben Feole at 9:30 a.m. on Thursday, February 13, 2014.

Members Present: Chairman Ben Feole, Vice Chair Gaele Barthold; Secretary Charles Fuller; Member Jean White

Members Absent: Member Thomas Bijou

Also Present: Maggie Mooney-Portale, Town Attorney; Alaina Ray, Planning, Zoning & Building Director; Steve Schield, Planner; Jo Ann Mixon, Deputy Town Clerk

Ms. Barthold made a MOTION TO APPROVE THE MINUTES OF THE JANUARY 9, 2014, ZONING BOARD OF ADJUSTMENT MEETING AS WRITTEN; seconded by Ms. White and approved by a unanimous vote.

Agenda Item 1. PETITION #2-14 by The Pierre Condominium Association Requesting Special Exception approval from Section 158.127(E), *Accessory Use or Building, Tennis Courts*, of the Town of Longboat Key Zoning Code to expand the existing tennis courts approximately five (5) feet to the east, up to, but not beyond, the 20 foot property line setback, for property located at 455 Longboat Club Road.

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. Marge Suarez, representing the applicant, presented the Return Receipts to the Board.

Steve Schield, Planner, provided an overview of the request first reviewing a PowerPoint presentation noting the location and conditions of the site. He continued reviewing the petition commenting: 1) The applicant will be adding 15-20 Areca palms to provide an additional buffer; 2) All existing vegetation will remain, but they will be adding additional vegetation; and, 3) Perimeter fences will be 12 feet tall.

Mr. Schield continued with reviewing the conditions for approval as follows:

1. The screening of the tennis courts shall be provided by landscaping and fencing as per the attached plan received January 27, 2014.
2. The screening of the tennis courts from all adjacent properties and right-of-ways shall be maintained.
3. In the required yard, only an open-wire mesh fence shall be permitted not exceeding a height of 12 feet.
4. No tennis court lights shall be permitted.

5. The expansion of the tennis courts shall be limited to a minimum setback of 20 feet from the street property line.
6. The proposed use conforms to all applicable regulations governing the district in which it is located, and the approved Outline Development Plan.
7. The special exception to allow for the expansion of the tennis courts shall expire 12 months from the date of grant, unless appealed and extended by action of the Town Commission, if by that date the use for which the special exception was granted has not been commenced. An appeal for extension shall show that commencement of the use is being actively pursued by evidence of an application for a building permit, preliminary plat, or site and development plan, or other evidence satisfactory to the Town Commission; said extension shall not exceed six months.
8. Approval of the proposed special exception shall be subject to payment of all staff review charges.

Mr. Schield noted the courts were undersized, and the applicant was wishing to expand the courts an extra five feet for safety and to provide an additional foul area. He noted that it would still be short by eight feet for regulation play. Chair Feole asked if there were standards for spacing of courts if there were multiple courts. Mr. Schield replied there was, but he was not sure of the exact size. Ms. White had reviewed the request for the Special Exception where the applicant indicated it was to improve the safety, and asked if there was a minimum size for tennis courts. Mr. Schield noted the standard regulation size was 60 x 120 feet; the basic area of the court would be regulation, but the foul zones were slightly undersized from regulation. Mr. Fuller commented the 60 x 120 feet was not the lines for the court, but the whole area that a court was to be located.

Discussion ensued on the following:

- If the eastern court would be moved five feet to which staff replied yes
- Whether there were any other changes requested to which staff replied no
- In considering the spacing between courts and the overall spacing of two courts, when the courts were initially constructed, was any consideration given to the courts when seeking authorization to build; staff was unsure as they did not have the records showing that information
- That the applicant was moving the fence surrounding the courts five feet, which would leave a 7-8 foot wide grass strip to plant Areca Palms

Tim McGough, Board of Directors for the Pierre, discussed the proposal noting:

- Rather than requesting 13 feet, it was decided to reduce the request to five feet
- They had worked with a tennis court contractor to design the optimum layout
- The initial request was to build up to the full 120 feet
- The five foot extension was all that was allowed
- The eastern court would move five feet to allow more spacing between courts, which would provide additional safety for players

Ms. Barthold commented that she was assuming the 20 foot requirement was absolute and not subject to the exception. Mr. Schield responded it was the maximum allowed under a special exception. Chair Feole asked the applicant if the petition were granted, how long would they require to make the change. Mr. McGough explained their goal had been to begin last fall, but due to timing of this meeting, they will be waiting until after season and begin May 1st; it would take four weeks for completion.

Ms. White asked if this petition would set a precedent. Mr. Schield responded no; similar variances had been granted several other times reducing the setback in required yards for tennis courts, one being the training court at the Town's tennis center.

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

Board discussion ensued on the Areca Palms, their characteristics, and plant spacing. Chair Feole asked if there were any objections or comments from the neighbors. Mr. Schield replied no comments were received.

Ms. Barthold made a MOTION TO APPROVE PETITION 2-14 SUBJECT TO THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AS PREPARED BY STAFF AND IN ACCORDANCE WITH THE STAFF CONDITIONS; seconded by Mr. Fuller and approved by a unanimous vote.

Setting Future Meeting Date.

The next meeting was tentatively scheduled for Thursday, March 13, 2014.

Alaina Ray, Planning, Zoning & Building Director, informed the Board there were two petitions expected to be scheduled for the April 10, 2014, meeting.

Ms. Barthold asked if there was an indication as to whether appointments to the board would be made soon so there was a full board to prevent issues with obtaining quorums. Ms. Ray explained staff would be bringing several options to the Town Commission for discussion.

Chair Feole informed the Board that he would be submitting his resignation to the Town as a member of the Zoning Board of Adjustment (ZBA) following this meeting. He read his letter into the record. He understood one of the options being presented was to eliminate the ZBA, and rely on the Planning & Zoning (P&Z) Board to review petitions, which he believed was the wrong thing to do as the P&Z Board had a full workload. He did not wish to see the P&Z Board burdened with additional duties. He believed the ZBA provided an opportunity for citizens to participate in government activities, which was an essential part of being a member of the community. He proposed the Town retain the ZBA, as is, and provide people an opportunity to be members. Each ZBA member has been giving their best and a lot of their time willingly.

Ms. Barthold agreed and thanked Mr. Feole for his service. She commented that he was a model citizen and contributor to the community. She wished to pass on to the Town Commission that what Mr. Feole had stated was the sentiment from all the members.

She asked that the Town Commission make sufficient appointments soon, so the Board could function in an optimum way.

Discussion ensued on the number of members and a quorum; a suggestion to possibly reduce the number of board members; and, that the Town should not consider eliminating the board.

Adjournment.

The meeting was adjourned at 10:20 am.

Respectfully submitted,

Charles Fuller, Secretary
Zoning Board of Adjustment