

Wendi Bundy
301 North Shore Road
Longboat Key, FL 34228
March 30, 2014



Longboat Key
Planning Zoning & Building Department
501 Bay Isles Road
Longboat Key, FL 34228

Dear Zoning Board Members,

I live at 301 North Shore Road, abutting the lot that is petitioning for a variance: Petition No 5-15. Unfortunately I am unable to be at this meeting in person because of a work conflict out of state, but feel confident that the board will reject this petition based on a plethora of reasons, not the least, those outlined below.

First a brief background: I have seasonally lived on the North End of Longboat, West of GMD, for more than 15 years. I was originally enamored by the ten beautiful miles of this peaceful, elegant island, and then charmed by the wonderfully unique characteristics of the town and its residents.

I respect and appreciate that there are strict laws, policies, and building codes enforced as the home owners here know that these rules contribute not only to the infrastructure that makes this such a desirable place to live, but also to the safety and well-being of its residents. With that said, I purchased my current home at 301 North Shore Road two short years ago. We purchased the home for top dollar (the transaction made the front page of the Real Estate Section of the *Observer*), and we bought it contingent on the failure of a similar petitioned variance on the same piece of land next door. The petition was similar in that they wanted to increase the percentage of land usage so that a home with a larger foot print could be crammed between the two existing homes. When that petition was denied, we moved forward with investing our retirement nest egg into the North End. Imagine my deep shock, utter disappointment, and incredible sadness, to find out that a mere two years later, this non-conforming strip of land is once again the subject of a LBK Zoning Board petition.

Please consider:

- 1) The applicant states their number one reason for the request as "special conditions and circumstances exist which are peculiar to

the land. . . which are not applicable to other lands in the same zoning district.” It goes on to say this is a non-conforming lot.”

This is not a special condition or circumstance. If someone markets and sells a piece of land that does not meet requirements necessary to build a house, the buyer should not have bought it for that purpose. According to Chapter 158 of the LBK Zoning Law, a “lot” *is defined as a parcel of land of at least sufficient size to meet minimum zoning requirements, occupied or intended for occupancy by a building together with its accessory buildings, including the open space required under this chapter.* According to the definition of the zoning law, the petitioned property is actually a “lot remnant” defined as *too small to accommodate a building complying with the setback and building area requirements.*

Of course, I understand why the applicant would want to build on LBK, but plenty of builders and would-be-investors have seriously looked into purchasing the same parcel, but passed on it because it does not meet minimum building requirements. It goes without saying; there are plenty of buildable lots on the north end and throughout the area that the applicant could have purchased if they desired to build this home. There are several for sale right now for fair market value.

According to the Board bylaws, the Variance Request process is in place to address specific circumstances - none of which seem basis for this petition (economic hardship, land topography issues, etc).

- 2) The parcel of land is a mere 5000 some square feet; it is a long and narrow, bowling-alley, piece of land. Allowing building coverage to 30% on this lot remnant will create an unsightly, tall, row-house-like building crammed right up to the neighboring houses. As I am one of these neighboring houses, I worry about our expensive royal palm and professionally landscaped side yard that will be squeezed between the sides, the tall walls of the two buildings, and undoubtedly harmed by the lack of sun, rain, and fresh air.

I ask the Board to think through how, as home owners, they would like having a 44 foot wall, 10 feet away from their home. Our porch would be a handshake distance away from their porch; this seems preposterous for this island, and certainly not consistent with the North Shore Road neighborhood look and feel, and it does not seem consistent with the R-3MX zoning of low to medium density.

The look and proximity of single story homes closer together is much more pleasing than FEMA, flood zone regulated tall homes.

Allowing this massive variance, and increasing the build ratio by 20% would set a precedent in this beautiful area that is contrary to the Town of Longboat Key's Vision Plan, inconsistent with past board decisions, harmful to the natural look and feel of the environment, and possibly less important to the board, but paramount to me and my neighbors - allowing this variance would be a major blow to protecting our property values and the considerable investment we have made emotionally and financially in purchasing our homes.

- 3) Last but not least, please consider the precedent that this variance decision would set - **a slippery slope of petitions and variances for other would-be builders or investment flippers to claim foul of this board if not passed for them.** Again, this lot remnant was subject to a variance request to increase land coverage by a home previously and was denied.

It would not be fair to the previous petitioner - the effort and money they invested in bringing forth the variance and ultimately losing to have the board turn around and allow a similar variance. Nor would it be fair to the many people who considered purchasing the lot for development but did not because of the unbuildable restrictions and the previous denial. As a home owner on Longboat Key, I look to this Board to enforce zoning and planning rules fairly and consistently.

In conclusion, I respectfully ask that the board deny this variance. Thank you in advance for your responsible implementation and enforcement of our town's development regulations, and thank you, too, for your service and contribution to this beautiful Key we call home.

Sincerely yours,

A handwritten signature in black ink that reads "WENDI BUNDY". The letters are slanted and written in a cursive-like style.

Wendi Bundy

Planning, Zoning & Building Department
501 Bay Isles Road
Longboat Key, FL 34228

Attn: Zoning Board of Adjustment



Subject: Application for Variance, Dated 3/18/2014, 321 North Shore Road

I am building a new home at 431 North Shore Road.

I have been a frequent seasonal resident in this neighborhood for 35-40 years. I am familiar with the area, its stability, and its special environment. These are some of the elements that influenced me to purchase three lots and build a substantial home (planned to be my official residence). I have become acquainted with many of the neighbors and with the "issue" of the subject lot. I was aware and in agreement with the decision of the Town of Longboat Key (for a former purchaser of this lot) to deny a variance to allow building on this site that does not comply with the zoning and building requirements strictly applied and enforced.

The former decision of the Zoning Board regarding the subject lot – denial of variance – was a factor in my decision to purchase the lots on which I am now building my home.

My experience in planning and building my house involved a number of complex interactions with the permitting authorities. In each case the "authority" required that my architect and builder adhere to the code, rules and instructions of the code and "authority's" decisions. In a few cases we were disappointed with the failure to grant a minor variance and in one particular matter we were required to undertake a major redesign (the house – on three lots – exceeded the permissible occupancy of the building pad by 1% or 2%). We understood that the "authority's" strict requirements were universally applied to all properties for the good of the neighborhood and the larger community.

In response to applicant's Variance Request's 7 Criteria, I make the following comments.

1. I was advised that my three 50-foot lots were required to be ONE building site as there is a requirement of a 100' lot frontage and a certain minimum lot square footage. I was advised that I would not be permitted to build more than one residence on this (approx.) 150 x 120 foot lot. I could not contemplate building on two of the three lots (100 foot frontage) and reserve for future sale or development the third 50 foot lot. Such a condition made the land cost of my residence 50% higher than if I could have reserved one 50 foot lot for future development or sale. This economic reality made it advisable to invest in a larger house appropriate in land-construction proportion. Prior to building, my three 50 foot lots were not dissimilar to the applicant's subject lot. Why would the applicant's 50 foot lot be permitted a variance (under 100 foot of frontage) when my (formerly) potential 50 foot lot was not permissible?

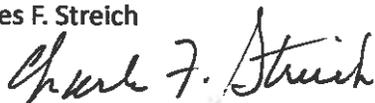
2. There was a well known issue about the subject lot and the Town's former denied request for a variance for the applicant's lot in recent years (to a former potential owner). The applicant with due diligence should have been aware of this potential issue and the former denial of variance to a prior (potential buyer). I see the applicant as failing this due diligence – an "action" of the applicant.
3. I refer the Zoning Board of Adjustment to my paragraph four (4), above, in which I describe the strict application of lot coverage requirement to my plans for 431 North Shore Road. That strict application of the rules (in my case involving 1% or 2% "excess" coverage – on a large property including three lots) required a costly redesign and additional costs. We complied with the "authority's" decision. It seems unfair to grant the applicant privileges and variances that were denied to me less than one year ago.
4. Within the published and well known requirement that does not permit building on the subject lot if the minimum first floor area is greater than 25% of the lot area, it is clear that the lot is not a permissible building site. The request for variance in building coverage is not 5%, as stated; a change from 25% to 30% is a 20% INCREASE. Such a substantial increase far exceeds more modest "overages" of building coverage requested in the past and usually denied by the controlling authority.
5. The lot conditions were known, or should have been known, to both the buyer and the seller as this was a recent issue and "denial" – on this subject site. The lot was understood, based on that previous zoning variance decision as "unbuildable".
6. I as "an owner" and "a neighbor" do not agree that an unusually large variance allowing construction of the proposed structure results in a building of "appropriate size with the neighborhood". To shoehorn a structure without proper setbacks and minimum open space requirement (possibly removing long-standing and valued vegetation providing neighbors privacy and shade) seems inappropriate and objectionable. Such a "project" may devalue adjacent neighbors' properties and reduce the quality of life on one of the nicest streets in the Town.
7. At the writing of this letter, I have little familiarity with the R-6SF zoning.

I am aware of a considerable amount of talk in our neighborhood and concern about the requested Application for Zoning Variance for the subject lot and the proposed non-conforming proposed structure.

I believe there may be additional issues -- i.e. regarding compliance with daylight plain and specimen vegetation -- that may be subjects of additional requests for variance and controversy in the future. I am sure the applicant and the neighbors would prefer to avoid such problems.

I respectfully request the Zoning Board of Adjustments consistently apply its rules, regulations and standards and deny the proposed zoning variance.

Charles F. Streich



April 1, 2014

Zoning Board of Adjustment
501 Bay Isles Road
Longboat Key, FL 34228
Fax 941-316-1970



Dear Zoning Board of Adjustment,

Subject: variance request
Property: 321 North Shore Road

I live at 380 North Shore Road, across the street from the proposed building site. I do not object to a home being built on the proposed site but I object to the variance request # 5-14 to increase the lot coverage ratio by 20% and if the zoning and building requirements cannot be met, the property should not be developed.

Sincerely,
David Valentine

David Valentine
380 North Shore Rd, Unit 2
Longboat Key
FL 34228



To the Zoning Board of Adjustment,

I own and reside at 301 North Shore Rd, a corner lot which borders 321 North Shore Road, the subject of the application for a variance (petition #5-15 submitted by Diane Goll). Unfortunately, I will not be able to attend the Variance Request Meeting due to a prior work commitment that requires that I be out of town.

Economic Harm to Me

I grew up on Anna Maria Island and have owned a home on the North end of Longboat Key for 15 years (on Firehouse Court). Two years ago I purchased a home at 301 North Shore Rd, Longboat Key. This was an existing home and was built approximately 8 years prior.

Before deciding to make a significant investment of my life's savings in this new residence on the north end, I wanted to have a degree of confidence that our town officials would not allow a variance to the adjoining lot to overbuild, as the lot was narrow, small and subject to a variance request at the time (Feb/March 2012).

That reassurance came when the Zoning Board denied the application for a variance to the lot (March 8, 2012). The neighbors opposed the variance and the Board respected the voice of the community and its own ordinances (requiring appropriate setbacks and firm percent building/lot ratios). When the variance was denied on the vacant lot, we purchased our home (on 3/20/12) for full market value. Had the variance request to expand building ratios on the lot been approved, we would not have purchased the home, as the value of the home would be worth considerably less and the natural surroundings, sunlight and privacy would have been much less desirable. It appears both unfair and inconsistent that the same lot would now be granted a variance.

As a single-family homeowner, we rely on the stewardship of the town officials to protect our environment, standard of living and financial real estate investments – with clear, consistent application of regulations.

LBK Development

We anticipate that the natural progression of the marketplace will encourage developers to combine small, narrow, non-conforming properties to build new homes that are larger and meet the current zoning requirements. This progression supports the longer-term vision of Longboat Key. This is already evident with the purchase of several smaller lots to build one home at 431 North Shore. The vision is not to have tall rows of oversized narrow homes filling smaller lots.

No Take Back Risk to the City

Offers on vacant lots in LBK (or any place in the US) require a bit of due diligence. If I buy a 5 acre farm it does not necessarily mean I can build on it – or necessarily farm on it. That is why buyers add contingency clauses to contracts and hire lawyers to thoroughly investigate zoning prior to purchasing.

That said, when the subject lot was for sale by the applicant this past year, we made an offer to buy the land at fair market value (through realtor Ben Bates) and for greater than the applicant's purchase price. Our stated intent was to keep the space open and combine it with current property to make conforming lots. This was a solution for the neighborhood and the town – and we thought the applicant. The applicant refused to consider the offer, but the offer still stands and the city should not have a take back risk, should the variance be denied.

The beauty of North Shore Road and the north west end of Longboat Key

As you know, mangroves and nature surround this north western tip of LBK. It is currently a far cry from the overbuilt feel of Bradenton Beach and newer developments of Holmes Beach. It is also not the village, where denser single-family housing may be more appropriate. A large, tall and narrow home with minimal room for landscape, wedged between two existing homes is unsightly, unhealthy for the land, and will block morning and afternoon sun for neighbors on all sides. North Shore Road is where visitors walk and drive to visit Greer Island, bird watch and fish the pass. We appreciate that the town's ordinances are developed and enforced to protect exactly why many of us choose LBK as a place to call home (and why many others choose to vacation here)- we appreciate space between homes for safety, sunlight, breeze, natural landscape and a casual communal, yet private, living environment.

Thank you for your consideration and I respectfully ask that the Board to oppose any variance that overbuilds the lot (reduces set backs or expands building to lot ratios) or otherwise diminishes the value of the north end.

Sincerely,



Maureen Merrigan
301 North Shore Rd