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Reply to: Lakewood Ranch

June 3, 2015

Ms. Alaina Ray
Zoning Board of Adjustment
Town of Longboat Key
501 Bay Isles Road
Longboat Key, FL 34228

Re: Application for Variance - Petition No. 2-15
Re: LBK Association Inc.
Subject Property: 305 Gulf of Mexico Drive, Longboat Key, FL 34228

Dear Ms. Ray:

I have reviewed the application filed by LBK Association Inc. seeking a variance in accordance with the Town Code Section 158.026(F)(4) of the Longboat Key Zoning Ordinance on the above referenced subject property which is located at : 305 Gulf of Mexico Drive, Longboat Key, FL 34228.

It is my opinion that the Zoning Board of Adjustment has jurisdiction pursuant to Town Code Section 158.028(F)(4) to consider this request. Kindly forward this opinion to the Members of the Zoning Board of Adjustment.

Lakewood Ranch
6853 Energy Court
Lakewood Ranch, Florida 34240

Venice
217 Nassau Street S.
Venice, Florida 34285

Ms. Alaina Ray
June 3, 2015
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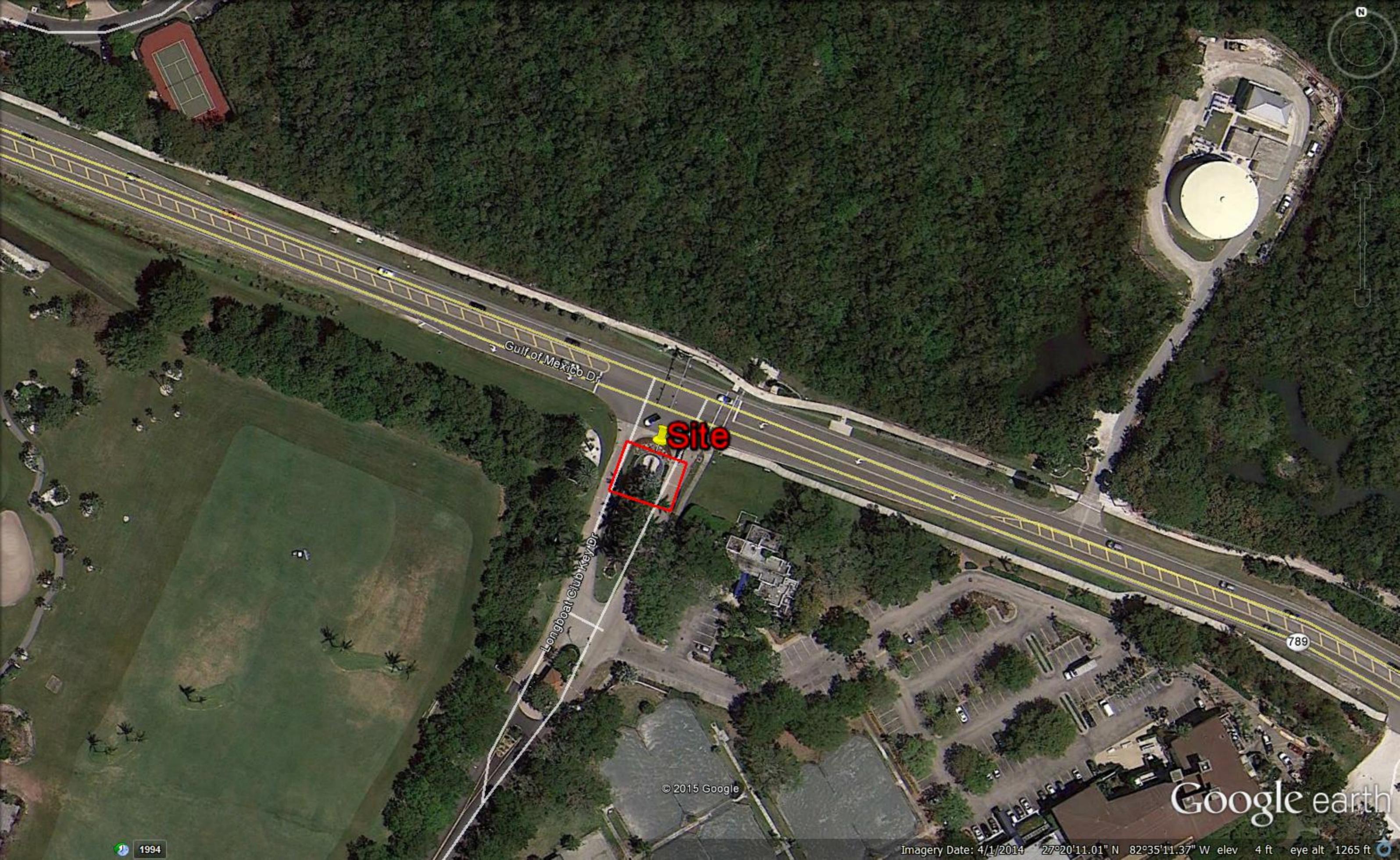
This letter is an opinion of jurisdiction and is not intended to address the merits of the application. Should you have any questions, please contact me.

Respectfully,


Maggie Mooney-Portale

MMP/vlg

cc: Donna Chipman
Assistant Town Attorney



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Google earth

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Imagery Date: 4/1/2014 27°20'11.01" N 82°35'11.37" W elev 4 ft eye alt 1265 ft

MEMORANDUM

MEETING DATE: June 11, 2015

TO: Zoning Board of Adjustment (ZBA)

FROM: Steve Schield, AICP, ASLA, CFM, Planner
Planning, Zoning and Building Department

THROUGH: Alaina Ray, AICP, Director
Planning, Zoning and Building Department

SUBJECT: VARIANCE PETITION 2-15, 305 Gulf of Mexico Drive

APPLICANT: LBK Association, Inc

AGENT: Sumner B. Gotlib

LOCATION: 305 Gulf of Mexico Drive
Longboat Key, Florida

ZONING DISTRICT: MUC 2 (Mixed Use Community Islandside District)

REQUEST: The subject variance is to increase the size of the entrance sign to The Resort of Longboat Key, located at 305 Gulf of Mexico Drive, from the maximum 42 square feet to 54.25 square feet.

BACKGROUND AND SUMMARY

The Town's Sign Code has existed for over 40 years. In 1996, after a detailed study by a Town-appointed committee, a more restrictive Sign Code was passed which required all existing signs to become compliant within three (3) years. The code promoted efficient communication and identification and its intent was to preserve the property values and the aesthetic quality of the Town of Longboat Key. In 2010, as a result of public input, there was another major revision to the Sign Code that increased the maximum size and the number of signs allowed under the code. There have been very few variances granted from the Town's Sign Code over the years, with the exception of variances for historically significant signs and a variance granted for height, due to a conflict with another nearby commercial sign.

The Resort at the Longboat Key Club has existed for over 30 years on its current site and all signs have been in compliance with the Town's Sign Code. The existing sign at the intersection of Longboat Club Road and Gulf of Mexico Drive is in full compliance with the Town's current sign regulations.

The applicant is requesting a variance to replace the existing 42 square foot sign with a larger 54.25 square foot sign at the current location, which is the median in the center of Longboat Club Road at the intersection of Gulf of Mexico Drive.

STAFF ASSESSMENT

Staff has reviewed the variance application for a larger ground sign located at the entrance to the Resort of Longboat Key Club and offers the following analysis:

Assessment of Existing Conditions

The Islandside Mixed-Use Community (MUC) Planned Unit Development (PUD) community contains 314.59 acres. The PUD has 17 separate parcels comprised of 11 residential parcels, one (1) tourism parcel (Inn on the Beach), two (2) recreational parcels (golf course and tennis complex), and one (1) commercial complex (Chart House). The original PUD was approved by Resolution 80-21. The entrance to The Resort of Longboat Key Club is located in the southeast corner of the site, at the traffic signal controlled southern intersection of Longboat Club Road and Gulf of Mexico Drive, approximately 400 feet north of the New Pass Bridge. An additional non-signalized entrance is located approximately 1.5 miles to the northern intersection of Longboat Club Road and Gulf of Mexico Drive.

The Chart House Restaurant and the Resort of Longboat Key Club offices are located to the south of the subject site. Quick Point Nature Preserve is located to the east across Gulf of Mexico Drive. The Islandside golf course is located to the north of the subject property.

An existing conforming sign for the Resort at Longboat Key Club is located within the median of Longboat Club Road at the southern intersection of Gulf of Mexico Drive. The existing freestanding ground sign is 42 square feet in size, which is the maximum size allowed under the Town's Sign Code.

Compliance with the Sign Code

The Town Sign Code allows one (1) freestanding ground sign per site, not to exceed 42 square feet in size. The applicant proposes to remove the existing conforming sign and replace it with a new 54.25 square foot freestanding ground sign in the same location. The proposed sign would exceed the maximum size allowance by 12.25 square feet.

Variance Authority Pursuant To Section 156.12

Pursuant to Section 156.12, the sign variance requirements are as follows:

(A) The zoning board of adjustment is authorized to grant variances to this chapter in accordance with the standards set forth in the zoning code. Additionally, in reviewing a request for a sign variance, the zoning board of adjustment may consider the following additional criteria and specific circumstances:

(1)Variances from the height and location provisions of this section in unusual circumstances involving demonstrated hardship.

(2)Variances for the protection of trees and shrubs, but in no case shall visibility of an existing sign serve as the basis for tree removal.

Variance Criteria

As per Town Code Section 158.029, the Zoning Board of Adjustment (Board) may authorize a variance from the sign code requirements if such variance is not contrary to the public interest and if compliance with Town codes will result in an unnecessary and undue hardship. In making such a determination to grant a variance, the Board must make specific findings of fact that each of the criteria set forth below has been met, along with additional criteria that is provided in the Sign Code, Section 156.12, *Variances*. To facilitate the Board's review and consideration of the subject variance petition, Staff has provided an assessment of the criteria.

RECOMMENDED FINDINGS OF FACT

1. *The variance **is** in fact a variance as set forth within this Chapter and within the jurisdiction of the Board.* Please see the Town Attorney's memo, attached, which confirms that the applicant's request would be a variance from the Town's Code and is under the jurisdiction of the Zoning Board of Adjustment.
2. *Special conditions and circumstances **do not** exist which are peculiar to the land, structure, or building, and which are not applicable to other lands, structures, or buildings in the same zoning district.* Other freestanding ground signs within the MUC zoning districts are required to conform to the Town's Sign Code. There are no special conditions or circumstances that prevent the applicant from complying with the Town's Sign Code.
3. *The special conditions and circumstances **do/do not** result from the actions of the applicant.* This finding of fact is not applicable, since there are no special conditions or circumstances that prevent the applicant from complying with the Town's Sign Code.
4. *Granting the variance requested **would** confer on the applicant special privilege that is denied by this Chapter to other lands, buildings or structures in the same zoning district.* The proposed variance would provide a special privilege on the applicant denied to other lands in the MUC zoning districts and other commercially zoned properties that are in compliance with the Town Sign Code.
5. *Literal interpretation of the provision of this Chapter **would not** deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and **would not** result in unnecessary and undue hardship on the applicant.* The applicant currently has a freestanding ground sign located at the intersection of Gulf of Mexico Drive and Longboat Club Road that is in full compliance with the Town's Sign Code. Complying with the Town's Sign Code, either by maintaining the existing sign or replacing it with

a new sign meeting the Code's size requirements, does not represent an unnecessary or undue hardship.

6. *The variance requested **would not be** the minimum variance that will make possible the reasonable use of the land, building or structure.* The applicant already enjoys reasonable use of the property with a 42 square foot freestanding ground sign, in compliance with the Town's Sign Code. No variance is necessary for the applicant to continue to enjoy reasonable use of the property.
7. *The granting of the variance for the additional sign **would not be** in harmony with the general intent and purpose of this Chapter.* The Town Sign Code was developed to reduce the size and the number of signs located on the island. The granting of this variance is disharmonious with the intent of Chapter 156, Sign Code, in providing consistent and fair regulation for signs located within the Town and to preserve the aesthetic quality of the Town of Longboat Key.

Additional criteria provided in the Sign Code, Section 156.12, Variances:

1. Variances from the height and location provisions of this section in unusual circumstances involving demonstrated hardship. The applicant **is not** requesting a variance for height or location.
2. Variances for the protection of trees and shrubs, but in no case shall visibility of an existing sign serve as the basis for tree removal. The applicant **is not** proposing the removal of any trees.

STAFF RECOMMENDATION

Based upon the review of Variance Petition 2-15, sufficient evidence has not been provided to persuade Staff that the variance request meets the variance criteria set forth in Section 158.029 (A) of the Town Zoning Code and Section 156.12 of the Town Sign Code. Staff cannot conclude that any hardship exists which would prevent the applicant from continuing to comply with the Town's Sign Code; therefore, Staff recommends **DENIAL** of the variance request.

ATTACHMENTS

Variance Petition and support documentation
Town Attorney Jurisdictional Letter

xc: Sumner B. Gotlib, Agent for the Property Owner
Maggie Mooney-Portale, Town Attorney



Variance Petition 2-15

The Resort of Longboat Key Club

Sign

305 Gulf of Mexico Drive

Zoning Board of Adjustment

June 11, 2015



Variance Request

Request to increase the size of the entrance sign to The Resort of Longboat Key, located at 305 Gulf of Mexico Drive, from the maximum 42 square feet to 54.25 square feet.

TOWN OF LONGBOAT KEY



LOCATION MAP



Existing Sign



View From South



View From Intersection



View From North Driveway



Proposed Sign





Staff Recommendation

Based upon the review of Variance Petition 2-15, Staff cannot conclude that any hardship exists which would prevent the applicant from continuing to comply with the Town's Sign Code; therefore, Staff recommends **DENIAL** of the variance request.



Planning, Zoning & Building Department
 501 Bay Isles Road
 Longboat Key, Florida 34228
 Fax Number: (941) 316-1970
 Web: <http://www.longboatkey.org>

(941) 316-1966

APPLICATION FOR VARIANCE

Date Filed 4-29-15 Receipt # (\$1000.00 deposit) _____ Petition No. _____
 (Application fee of \$450 will be deducted from deposit)

THE APPLICANT IS REQUIRED TO SUBMIT SEVENTEEN (17) (ORIGINAL PLUS SIXTEEN (16) COPIES) INDIVIDUAL, COLLATED SETS OF THIS APPLICATION, SUPPORTING PLANS AND DOCUMENTS.

(I) (We) LBK Association, INC, of 100 Sands Point Road #211
 (name) (mailing address)

Longboat Key, FL 34228 request a Variance from Section (s) 156.08

of the Town of Longboat Key Zoning Ordinance to Longboat Key Club monument sign to 54.25 sq ft
 from 42 sq ft

(brief description, i.e., to reduce side yard from 20' to 15')

Subject property is located at 305 Gulf of Mexico Drive
 (street number location)

The legal description is as follows: _____, _____, 7700 Inn on the Beach PH1
 (Lot(s)) (Block) (Subdivision or Plat)

or Parcel #65-0993117
 (if otherwise legally described)

LIST OF NAMES AND ADDRESSES OF ALL OWNERS OF PROPERTY WITHIN A DISTANCE OF 500 FT. FROM THE OUTSIDE EDGES OF THE PROPERTY INVOLVED WILL BE PROVIDED BY THE TOWN.

(I) (WE) believe that the Zoning Board of Adjustment should grant this Variance pursuant to Section 158.029 of the Town Code because all of the following criteria are factually supported in this petition:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
- (2) The special conditions and circumstances do not result from the actions of the applicant.
- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by Chapter 158 to other lands, buildings, or structures in the same zoning district.
- (4) Literal interpretation of the provisions of Chapter 158 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of Chapter 158 and would work unnecessary and undue hardship on the applicant.

APPLICATION FOR VARIANCE

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- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (6) The grant of the variance will be in harmony with the general intent and purpose of Chapter 158, and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

STATE SEPARATELY HOW EACH OF THE ABOVE SIX (6) CRITERIA ARE FACTUALLY PRESENT IN YOUR VARIANCE REQUEST:

See ATTACHMENT

(ATTACH EXTRA SHEET, IF NECESSARY)

(I) (WE) understand that this Petition becomes a part of the permanent records of the Zoning Board of Adjustment. (I) (WE) hereby certify that the above statements and the statements or showings made in any paper or plans submitted herein are true to the best of (my) (our) knowledge and belief.

Robert Goodman

(Signature of Owner)

Robert Goodman, President

(Please print or type Owner's Name)

Mailing address you wish information sent to and telephone number:

Interstate Signcrafters

130 Commerce Road

Boynton Beach, FL 33426

Phone # (561) 547-3760

Fax # (561) 547-3842

Sumner B. Gotlib

The Owner has hereby designated the above signed person to act as his agent in regard to this Petition. (To be executed when Owner designates another to act on his behalf.)

Print or type Agent Name

Notarization of Agent's Signature:

State of Florida

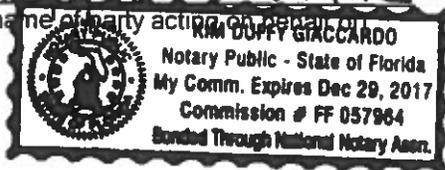
County of Sarasota

The foregoing instrument was acknowledged before me this 27th day of April, 2015

by Robert Goodman

as owner/President for Longboat Key Association Inc
(type of authority) (name of party acting on behalf of)

Kim Duffy Giaccardo
Notary Public



Kim Duffy Giaccardo
Name of Notary (print, typed or stamped)

Personally know OR produced identification Type of Identification _____

FOR STAFF USE ONLY

Application Fee: \$ 1000.00 deposit* _____ Receipt # _____
(Application fee will be deducted from deposit)

Application and Plans Accepted By: _____ Date: _____

File Code/Number: _____

**Deposit required at time of formal submission*

At the conclusion of your plan review by the Town, you will be billed for additional staff time, Town Attorney cost, cost of advertising, and any other miscellaneous costs incurred with the processing of your application(s). Costs will be deducted from initial deposit. If costs exceed the initial deposit, you will be billed for the remaining costs incurred; or you will be refunded the unused portion of the deposit.

LBK Association Inc.
100 Sands Point Road, Suite 211
Longboat Key, FL 34228

Sign Variance

- 1). Special conditions and circumstances exist which are peculiar to the land, structure, and multi-use buildings which are not applicable to other lands, structure or buildings in the same zoning area. This resort has over 400 acres, 18 buildings with multi businesses. Also two golf courses, tennis center, spa, and many restaurants.
- 2). The special conditions and circumstances do not result from actions of the applicant and the existing sign area with landscaping is approximately 25' setback from Gulf of Mexico Drive even though the code calls for only a 2' setback.
- 3). Granting the variance request will not confer on the applicant any special privilege due to the size of the property and multi uses would not effect other property owner in the area.
- 4). Literal interpretation of the provisions of chapter 158 would deprive the applicant of rights due to the size and unique use of the property including the setback of the sign area.
- 5). The variance granted is the minimum that will make possible for the new graphics, colors, and design which would greatly enhance the new look over the outdated existing design. The minimum additional size is only 12-1/4 sq. ft. larger than the code allows and is within the code not counting the decorative stonework. The graphics and logo only are within the required 42 sq. ft. of sign area. We are keeping the 8' height within code even though it allows for 12' multi use business.
- 6). The grant of the variance will be in harmony with the general intent and purpose of chapter 158 and the variance will not be injurious to the area involved or detrimental to the safety of the public welfare. It would be in fact helpful to the motoring public to identify the resort as a main entrance and would serve as a safety issue for the large number of non-residents looking for the resort.

