

# Persson & Cohen, P.A.

Attorneys and Counselors At Law

David P. Persson  
Andrew H. Cohen  
Kelly M. Fernandez \*  
Maggie D. Mooney-Portale\*  
R. David Jackson, P.A.

Telephone (941) 306-4730

Facsimile (941) 306-4832

Email: [mmooney@swflgovlaw.com](mailto:mmooney@swflgovlaw.com)

\* Board Certified City, County and Local Government Law

*Reply to: Lakewood Ranch*

September 1, 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. 3-15  
Re: Alan and Cheryl Town  
Subject Property: 2837 Gulf of Mexico Drive, Longboat Key, FL 34228

Dear Ms. Ray:

I have reviewed the application filed by Alan and Cheryl Town dated July 28, 2015, 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 located at 2837 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 158.026(F)(4) to consider this request. Kindly forward this opinion to the Members of the Zoning Board of Adjustment.

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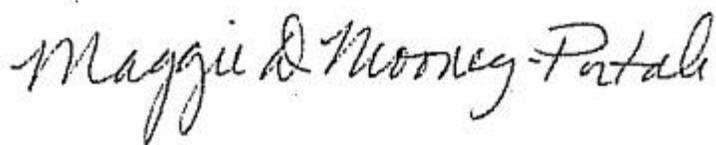
Lakewood Ranch  
6853 Energy Court  
Lakewood Ranch, Florida 34240

Venice  
217 Nassau Street S.  
Venice, Florida 34285

Ms. Alaina Ray  
September 1, 2015  
Page Two

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,

A handwritten signature in black ink that reads "Maggie Mooney-Portale". The signature is written in a cursive, flowing style.

Maggie Mooney-Portale

MDM-P/vlg

cc: Donna Chipman



## MEMORANDUM

MEETING DATE: September 17, 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 3-15

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APPLICANT: Alan and Cheryl Town

AGENT: Stephen W. Thompson, Najmy/Thompson, Attorneys at Law

LOCATION: 2837 Gulf of Mexico Drive  
Longboat Key, Florida

ZONING DISTRICT: R-3MX (Mixed Residential District (3 D.U./A.))

REQUEST: The applicant has requested a variance from Section 158.150(D)(1) of the Town Zoning Code to reduce the required gulf waterfront yard from 150 feet to 53 feet 4 inch as measured from the Town's Erosion Control Line.

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### **STAFF BACKGROUND AND SUMMARY**

The variance proposed is for the gulf waterfront lot located at 2837 Gulf of Mexico Drive (see attached location map). The property contains two (2) existing non-compliant single-family structures that are grandfathered regarding Federal Emergency Management Agency (FEMA), Florida Department of Environmental Protection (FDEP), and Florida Building Code grandfathered regulations. The home closest to the Gulf was constructed in 1954, prior to the establishment of the Town's Erosion Control Line (ECL). It is approximately 44 feet from the ECL. The applicant proposes to tear down both existing structures and construct one new home with 3,622 square feet of living area. The waterward balcony of the proposed structure would be located 53 feet 4 inch from the ECL.

The 2000-3000 Gulf of Mexico Drive block is one of the narrower areas west of Gulf of Mexico Drive. Seawalls and rock revetments were built behind these homes in the

1970s and 1980s because of beach erosion, until the Town-wide beach renourishment program began in the early 1990s. The Erosion Control Line was set at the Mean High Water Line that was located along these old seawalls and rock revetments at that time, which has created shallower lots west of Gulf of Mexico Drive. Twelve (12) variances have been granted to lots located in this area in the last ten (10) years, and all but one were granted for the construction of new homes; the exception was for a second story addition to an existing home.

### **VARIANCE AUTHORITY PURSUANT TO SECTION 158.150(D)(1)(e)**

Pursuant to Section 158.150(D)(1), the required gulf waterfront yard requirements are as follows:

*Every lot which abuts the Gulf of Mexico or an established erosion control line shall have, on the gulf-side, a required gulf waterfront yard. The required gulf waterfront yard shall be a minimum of 150 feet in depth. The seaward edge of the yard from which the depth shall be measured shall be the mean high water line; except that, where an erosion control line has been established, the depth shall be measured from that line.*

The Code provides for specific restrictions on variances from the gulf waterfront yard requirement. Pursuant to Section 158.150(D)(1)(e):

*No variance shall be granted from the requirements of this subsection (D), except that the Board of Adjustment may grant a variance for a single-family dwelling so long as the legal requirements for a variance are met, but the setback shall never be less than 50 feet from the mean high-water line or erosion control line, whichever is most landward. This provision shall not be construed to preclude decreases from the required gulf waterfront yard through the Planned Unit Development (PUD) process, if applicable, but the setback shall never be less than 50 feet from the mean high-water line or erosion control line, whichever is most landward.*

### **STAFF ASSESSMENT**

Staff reviewed the variance application for a reduction in the required gulf waterfront yard to allow for construction of the new structure. The following is Staff's assessment.

#### **Assessment of Existing Conditions**

The parcel is 131.48 feet deep at the north property line, 132.26 feet deep at the south property line, and 75 feet wide at the front of the lot. The existing structures are set back approximately 44 feet from the ECL and approximately 1 inch from the Gulf of Mexico Drive right-of-way. The existing two structure duplex residence has 1,962 square feet of living area, with a total area of 3,620 square feet.

A review of the site plan provided by the applicant confirms that the adjacent nonconforming structure to the south at 2833 Gulf of Mexico Drive is located approximately 30 feet 4 inches from the ECL and 22 feet from the side property line. It was constructed in 1972. A variance was granted in 1982 (Petition 6-82) to construct a single family house 50 feet from the ECL.

The nonconforming structure to the north at 2903 Gulf of Mexico Drive is located approximately 54 feet from the ECL and 16 feet from the side property line. It was granted a variance in 1983 (Petition 4-83) to reduce the gulf waterfront yard to 54 feet from the Mean High Water Line (now the ECL) to construct an addition to the existing single-family house.

### Compliance with the Zoning Code

The nonconforming section of the Zoning Code does not allow for the reconstruction of a nonconforming structure without meeting all zoning requirements, unless a variance is granted. In the case of the reconstruction of nonconformities in the event of involuntary destruction, a structure may be reconstructed to the same building cubic content and number of units prior to the casualty, in compliance with Town ordinances to the greatest extent possible.

The subject property is located in the mixed residential zoning district (R-3MX), which allows for multifamily or single-family dwelling units, at a maximum density of three (3) dwelling units per acre. The R-3MX zoning district requires a minimum 20-foot street yard, a minimum side yard of 10 feet and 25 feet combined, and a minimum gulf waterfront yard of 150 feet. The existing two (2) structure duplex does not meet the requirements for density, lot coverage, side yard setback, street setback or for the gulf waterfront yard.

As designed in the application, the applicant is proposing to construct a two-story, elevated, single-family structure that would meet all zoning requirements, except for the gulf waterfront yard.

### Compliance with the Comprehensive Plan

Granting the minimum variance for the reasonable use of the property is consistent with the policies set forth in the Comprehensive Plan.

### Variance Criteria

As per Town Code Section 158.029, the Zoning Board of Adjustment (Board) may authorize a variance from the zoning 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. To facilitate the Board's review and consideration of the subject variance petition, staff has provided an assessment of each of the seven (7) 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 (reference: Town Attorney's memo attached).
2. Special conditions and circumstances **do** 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. No buildable area exists on the subject lot without a variance, due to the 150-foot gulf waterfront yard and the R-3MX 20-foot street yard, with a depth of 131.48 feet on the north side yard, and a depth of 132.26 feet on the south side yard.
3. The special conditions and circumstances **do not** result from the actions of the applicant. The existing non-conforming grandfathered two structure duplex is approximately 44 feet from the Erosion Control Line. The applicant is proposing to voluntarily raze the existing nonconforming structures. The applicant's request will place the new structure 53 feet 4 inch from the ECL, or encroach into the gulf waterfront yard a distance of 96 feet 8 inches.
4. Granting the variance requested **would not** 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 not provide a special privilege on the applicant denied to other lands in the same zoning district that are required to maintain a gulf waterfront yard of 150 feet. This approval recognizes the special conditions of this lot.
5. Literal interpretation of the provision of this Chapter **would** deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and **would** result in unnecessary and undue hardship on the applicant. A replacement structure cannot be built on the property without a variance. The replacement structure is located as landward as possible on the lot (20'1") and provides a reasonable building pad area (3,135 square feet) to design a new structure. The applicant has shown that the proposed variance is the minimum required for the reasonable use of the property consistent with the rights enjoyed by other properties in the R-3MX District.
6. The variance requested **would be** the minimum variance that will make possible the reasonable use of the land, building or structure. Staff believes that the applicant has requested the minimum variance necessary. The proposed 3,135 square foot potential buildable area allows some design flexibility to create a more aesthetically-pleasing structure, while the gulf waterfront yard setback is consistent with the neighboring structures. The minimum required footprint of the house is 1,600 square feet and the maximum footprint is 2,470 sq. ft. (25% of the lot area).
7. The granting of the variance for the gulf waterfront yard **would be** in harmony with the general intent and purpose of this Chapter. The 53 feet 4 inches gulf waterfront yard is harmonious with the intent of Chapter 158, the Zoning Code, to

provide uniformity within the same zoning district and to maintain, through orderly growth and development, the character and stability of present and future land use and community development.

### **STAFF RECOMMENDATION**

Based upon the review of Variance Petition 3-15, staff has been presented with sufficient evidence that the variance request meets the variance criteria set forth in Section 158.029 (A) of the Town Zoning Code.

### **ATTACHMENTS**

Attached, please find a copy of the variance petition and support documentation upon which the staff assessment has been based. If you should have any questions, or desire additional information, please do not hesitate to contact the Planning, Zoning and Building Department.

xc: Stephen W. Thompson, Attorney, Agent for the Property Owner  
Maggie Mooney-Portale, Town Attorney  
Alaina Ray, AICP, Director – Planning, Building and Zoning Department



# Variance Petition 3-15

## Setback Variance

2837 Gulf of Mexico Drive

Zoning Board of Adjustment

September 17, 2015





## **Variance Request**

**The variance request is to reduce the required gulf waterfront yard from 150 feet to 53 feet 4 inch, as measured from the Town's Erosion Control Line.**

# TOWN OF LONGBOAT KEY



## Front of house



# TOWN OF LONGBOAT KEY



## Northern neighbor



# TOWN OF LONGBOAT KEY



## Southern neighbor



# TOWN OF LONGBOAT KEY



## Front cottage



# TOWN OF LONGBOAT KEY



## Gulf view from house



# TOWN OF LONGBOAT KEY



## Beach side of house



# TOWN OF LONGBOAT KEY



## Beach side of house



# TOWN OF LONGBOAT KEY



## Northern neighbor



# TOWN OF LONGBOAT KEY



## Southern neighbor





## **Staff Recommendations**

**Based on the review of the variance petition and applicable criteria, staff recommends APPROVAL of Variance Petition 3-15.**



NAJMY THOMPSON PL  
ATTORNEYS AT LAW

BRADENTON  
1401 8TH AVENUE WEST  
BRADENTON, FL 34205  
P (941) 748-2216 F (941) 748-2218

JOSEPH L. NAJMY\*  
STEPHEN W. THOMPSON  
LOUIS J. NAJMY  
RICHARD A. WELLER

MARK F. DAHLE, JR.\*  
MICHAEL J. SMITH\*  
RANDOLPH L. SMITH\*  
SEAN M. KELLY

OF COUNSEL:  
HARRY W. HASKINS\*<sup>Δ</sup>

OTHER OFFICES:

LAKWOOD RANCH (941) 907-3999  
SARASOTA (941) 907-3999  
ST. PETERSBURG (727) 498-8975

\*CERTIFIED PUBLIC ACCOUNTANT  
\*BOARD CERTIFIED IN CIVIL TRIAL  
AND BUSINESS LITIGATION  
•LL. M. MASTERS IN TAXATION  
ΔALSO ADMITTED IN IOWA  
◊ALSO ADMITTED IN MASSACHUSETTS  
▪ALSO ADMITTED IN NEW YORK  
◊ALSO ADMITTED IN RHODE ISLAND

July 29, 2015

VIA HAND DELIVERY

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

Re: Application for Variance

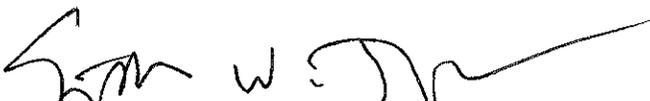
Dear Sirs:

This law firm represents owners, Alan and Cheryl Town, who are seeking a variance from the Town of Longboat Key's setback requirements. I have attached hereto a One Thousand Dollar (\$1000.00) deposit in addition to the seventeen (17) copies of the application.

Again, in reviewing the community's criteria, we believe that all of the criteria have been met with this application and within the application, we have provided a comprehensive response to each of the criteria and reasons why this property should be granted a variance.

We look forward to working with the Town of Longboat Key on this variance. If there or any questions or a need for any additional information, please do not hesitate to email me or give me a call.

Sincerely yours,



Stephen W. Thompson, Firm Principal  
Email: [sthompson@najmythompson.com](mailto:sthompson@najmythompson.com)

SWT/mgm

cc: Mr. and Mrs. Alan Town  
Enclosures



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 \_\_\_\_\_ 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 ) Alan and Cheryl Town of 15410 Anchorage Place, Lakewood Ranch, FL  
 (name) (mailing address)

request a Variance from Section (s) 158.150 (D),

of the Town of Longboat Key Zoning Ordinance to reduce required Gulf Waterfront Yard setback from 150 feet

(as measured from the erosion control line) to 53 feet, 4 inches, as proposed on architectural site plan

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

Subject property is located at 2837 Gulf of Mexico Drive, Longboat Key, FL 34228  
 (street number location)

The legal description is as follows: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
 (Lot(s)) (Block) (Subdivision or Plat)

or See attached survey with legal description on Sheet 1  
 (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.

- (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 "A".

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(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.

[Signature]  
 (Signature of Owner)

Cheryl Town / Alan Town  
 (Please print or type Owner's Name)

[Signature]

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.)

Stephen W. Thompson  
 Print or type Agent Name

Mailing address you wish information sent to and telephone number:

15410 Anchorage Pl  
Lakewood Ranch, FL 34202

Phone # 841) 545-7229

Fax # 841) 907-9391

**Notarization of Agent's Signature:**

State of Florida

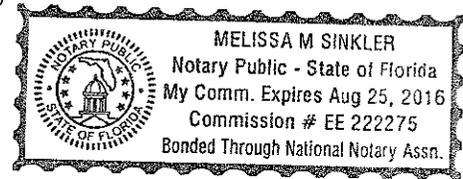
County of Manatee

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of July, 2015

by Stephen Thompson

as Agent for Alan & Cheryl Town  
(type of authority) (name of party acting on behalf of)

[Signature]  
 Notary Public  
**MELISSA M. SINKLER**



Name of Notary (print, typed or stamped)

Personally know  OR produced identification  Type of Identification \_\_\_\_\_



Town of Longboat Key  
Planning Zoning Building  
501 Bay Isles Road  
Longboat Key, FL 34228

941-316-1966  
941-316-1970 FAX

### Property Owner Affidavit

Authorized Agent

(I)(We) Alan and Cheryl Town, as owner(s) of the property whose address and legal description is (See attached Survey.) hereby appoint Stephen W. Thompson our \_\_\_\_\_ agent(s) to act on (my)(our) behalf for the request set forth below. ( I)(we) understand that the agent may incur costs and expenses on our behalf in connection with (my)(our) request and agree to pay those fees and expenses in accordance with the Code of Ordinances of the Town of Longboat Key.

The nature of (my)(our) request is Variance  
(Variance, Zoning Determination, Special Exception, Permitting, etc.)

*If this Affidavit is for an Association, please provide a copy of the Board Meeting minutes / authorization allowing the work to be completed.*

Alan Town  
Print or Type Property Owner's/Board Member

[Signature]  
Signature of Property Owner/Board Member

Cheryl Town  
Print or Type Property Owner's Name/Board Member

Mailing Address of Property Owner(s) / Association: \_\_\_\_\_  
15410 Anchorage Place, Lakewood Ranch, FL 34202

941-545-7229  
Telephone Number of Property Owner(s)/Association

941-907-9391  
Fax Number of Property Owner(s)/ Association

Mailing Address of Agent(s): Najmy Thompson, P.L.  
1401 8th Avenue West, Bradenton, FL 34205

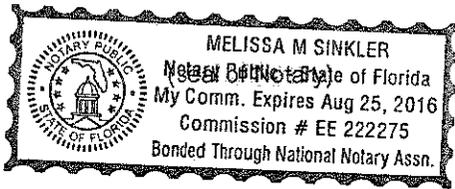
941-748-2216  
Telephone Number of Agent(s)

941-748-2218  
Fax Number of Agent(s)

State of Florida  
County of Manatee

The foregoing instrument was acknowledged before me this July 28, 2015, by Alan and Cheryl Town (name and title), who is personally known to me or who has produced \_\_\_\_\_ as identification.

[Signature]  
Signature of Notary  
MELISSA M. SINKLER  
Print Name of Notary



## ATTACHMENT "A"

The following addresses the criteria for a variance at 2837 Gulf of Mexico Drive:

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.

*The special condition and circumstance that exists for this specific property pertains to the actual limiting physical size of the buildable portion of the land itself. The site has an average depth of only 131.87 feet as measured from the street property line to the Town of Longboat Key Erosion Control Line, and therefore it is physically impossible to meet the 150' required gulf waterfront yard building setback on this property. If the waterfront setback was to be applied to this property, no new home could be constructed on this lot. Consequently, the application of the setback to this property imposes a special and unique circumstance that requires a variance. The failure to approve a variance would result in no use of this property. Other lands located within the same zoning district may be of differing sizes and greater potential buildable depth, affording them possible additional space for a greater gulf waterfront yard that this property simply isn't physically capable of supporting. In this case, the Board must recognize the configuration and size of this unique lot and determine that a variance is appropriate and necessary to allow for a new home on this lot.*

2. The special conditions and circumstances do not result from the actions of the applicant.

*This property is a legally buildable parcel of property located in the Town of Longboat Key, and it was recently legally and legitimately purchased by the Owner. The limiting lot size and the incredibly small buildable portion of the site as it is governed by required zoning building setbacks and coverage restrictions were not established nor are in any way influenced by this Owner. All special conditions and circumstances were pre-existing. The owner did not create these special conditions or circumstances.*

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.

*Granting this Variance will not confer on the applicant any special privilege. Other similar lands within the same zoning district have regularly been granted similar Variances to similar special conditions and circumstances. But this approval is only recognizing the special conditions of this lot.*

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.

*Literal interpretation of the provisions of Chapter 158, specifically Section 158.150(D)(1)(a), would render this property as unbuildable. It is physically impossible to provide a 150' gulf waterfront yard building setback when the entire effective property has an average depth of only 131.87 feet. The Owner wishes to remove the old and unsafe structures (2) which are currently located on the site, in order to permit and build a new strong and safe home which is properly built to the current FEMA and Southern Building Code hurricane safety standards. Not being able to build a new home would be an unnecessary and undue hardship to the applicant.*

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

*The proposed variance request, to reduce the required gulf waterfront yard building setback from a minimum of 150' building setback to a minimum 53'-4" building setback, is the absolute minimum variance necessary to make reasonable use of this property. The proposed new house design has been fundamentally developed and predicated on the absolute priority for keeping the entire new structure as far back from the erosion control line as feasibly possible.*

*In developing the architectural design, first, the front of the structure was located as close as possible to the 20' minimum street building setback, and the garage door was carefully situated and recessed to allow for an adequate back-up and turn around space in the front yard, so that the Owner is allowed to safely leave the property without having to back a car out onto Gulf of Mexico Drive. Front exterior entry stairs were sacrificed in order to keep the house massing even closer to the street. The massing of the home could not be more efficient. Then, the home was designed with a great room concept, eliminating the formal living room a breakfast room, and walk-in pantry in order to reduce the building foot print to bare minimum. A minimal number of bedrooms (three) have been provided, considering the value and location of the property. A rear exterior stairway was required by the Owner to provide a second means of egress for personal fire safety concerns, allowing egress from all levels to rear yard. All of the rooms and spaces in the entire home have been modestly sized, and there is no wasted space in any of the floor plans.*

*The rear required gulf waterfront yard building setback is being proposed as a requested variance to be 53'-4" as shown on the attached Architectural Site Plan. Again, through thoughtful and careful design, this line has been kept as far back as possible from the Town of Longboat key Erosion Control Line. For additional justification, this proposed waterfront building setback line has also been located to correspond and align with the*

*most limiting existing neighboring house structure (to the north) as shown on the Architectural Site Plan. Please notice that the existing neighboring house structure to the south is situated much closer to the erosion control line than the more restrictive building setback distance that we are proposing in this variance request. We are requesting the least amount of variance as reasonably necessary.*

*Also, please notice that we are proposing to remove the existing non-confirming old house structure(s) currently located on the property (shown noted and dashed on the Architectural Site Plan), and we are proposing that the new structure be located significantly further back from those previous, more intrusive existing conditions.*

*Based on the very small lot size and limiting zoning restrictions of 25% maximum building site coverage and a 58% side yard daylight plane restriction angle, the architect, Potvin Design Company confirms and certifies (based on extensive design studies) that this is the most size efficient and reasonable solution possible as necessary to situate an attractive and functioning modest home on this particular site.*

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.

*The proposed requested variance will certainly be in harmony with the general intent of Chapter 158, and will allow for a new building condition that will also be in harmony with all of the existing surrounding neighboring properties that have very similar matching site and building waterfront setbacks. The fact that the intent and effect of this Variance request has been granted and implemented in other nearby existing locations within the same zoning district is testament to the certainty that granting this variance will not in any way be injurious to the area, nor will it in any way be otherwise detrimental to the public welfare.*

## SURVEYOR'S REPORT:

1. DATE OF MOST RECENT FIELD SURVEY: 4-27-2015
2. IMPROVEMENTS SUCH AS, BUT NOT LIMITED TO, LANDSCAPE FEATURES, UNDERGROUND UTILITIES AND FOUNDATIONS NOT LOCATED OR SHOWN.
3. OWNERSHIP OF FENCES NOT DETERMINED BY SURVEYOR.
4. THIS SURVEY PERFORMED WITHOUT BENEFIT OF TITLE ABSTRACT.
5. BEARINGS BASED ON THE LINE FROM DNR MONUMENT 17-84-A03 TO DNR MONUMENT 17-84-A06 HAVING A BEARING OF S37°45'54"E AS CALCULATED AND MEASURED.
6. ELEVATIONS BASED ON DNR MONUMENT R-10 RESET, WITH A PUBLISHED ELEVATION OF 5.06, NGVD 1929 (4.04, NAVD 1988). ELEVATIONS SHOWN WERE CONVERTED TO NAVD 1988 DATUM USING CORPSCON6 CONVERSION SOFTWARE, RESULTING IN A NET CHANGE IN ELEVATION OF (-)1.02 FEET, NAVD88 VS 0.00 FEET NGVD 1929 DATUM. UNLESS OTHERWISE NOTED, ALL ELEVATIONS SHOWN ARE IN NAVD88 DATUM.
7. SUBJECT PROPERTY LOCATED IN FIRM ZONE V17(EL 13) AS SCALED FROM FEMA MAP PANEL #125126 0010 B, DATED 8/15/1983 (FIRM ZONE LEVELS BASED ON 1929 DATUM).
8. ALL COORDINATES SHOWN REFERENCED TO NAD 83/90 (U.S. SURVEY FOOT).
9. THIS SURVEY PERFORMED USING A TOPCON HIPER SR2 RECEIVER (ROVER) AND PROCESSED USING TOPCON GNSS SOFTWARE (L-NET RTK GPS NETWORK SERVICE).
10. EXPECTED ACCURACY FOR THIS SYSTEM IS 0.04' HORIZONTAL AND 0.07' VERTICAL.
11. THE PROCEDURES AND NETWORK DESIGN MEET THE GEODETIC ACCURACY STANDARDS AND SPECIFICATIONS FOR USING GPS RELATED POSITIONING AS SET FORTH BY THE FEDERAL GEODETIC CONTROL SUB-COMMITTEE IN THEIR MOST CURRENT PUBLICATION FOR 3RD ORDER CLASS 1 HORIZONTAL CONTROL SURVEY OR PROVIDE THE HORIZONTAL ACCURACY FOR ALL NEW POSITIONS ESTABLISHED AS A POSITIONAL TOLERANCE.
12. THE APPROXIMATE MEAN HIGH WATER LINE HAS BEEN SHOWN HEREON DUE TO IT'S BEING INCIDENTAL TO THE PURPOSE FOR WHICH THIS SURVEY WAS PREPARED. SAID APPROXIMATE MEAN HIGH WATER LINE IS NOT A TIDAL PROPERTY BOUNDARY, WAS NOT LOCATED IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN THE "COASTAL MAPPING ACT OF 1971" (CHAPTER 177, PART II OF THE FLORIDA STATUTES) AND/OR THE RULES OF THE DEPARTMENT OF NATURAL RESOURCES (CHAPTER FCM 16-3 OF THE FLORIDA ADMINISTRATIVE CODE) AND IS NOT TO BE USED AS, REPRESENTED TO BE, OR BE ADMISSIBLE AS A TIDAL BOUNDARY LINE BEFORE ANY ADMINISTRATIVE BODY OR COURT OF LAW.

## LEGAL DESCRIPTION:

LOT 24 AND THE NORTHERLY 1/2 OF LOT 25, BLOCK B, COQUINA BEACH, LESS THE NORTHEASTERLY 10 FEET OF SAID LOTS USED FOR WIDENING OF GULF OF MEXICO DRIVE, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 203, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.  
SUBJECT TO THAT CERTAIN BEACH RESTORATION EASEMENT RECORDED IN OFFICIAL RECORDS OF SARASOTA COUNTY, FLORIDA, INSTRUMENT NO. 2001125659.

## LEGEND AND ABBREVIATIONS:

C.B.	CONCRETE BLOCK
E/P	EDGE OF PAVEMENT
R/W	RIGHT-OF-WAY
(M)	MEASURED DIMENSION
(P)	PLAT DIMENSION
(C)	CALCULATED DIMENSION
F.F.	FINISHED FLOOR ELEVATION
DNR	DEPARTMENT OF NATURAL RESOURCES
CCCL	COASTAL CONSTRUCTION CONTROL LINE
GBSL	GULF BEACH SETBACK LINE
O/A	OVERALL
●	IRON ROD (I.R.) OR IRON PIPE (I.P.) FOUND
■	CONCRETE MONUMENT (C.M.) FOUND
▲	MAG NAIL FOUND
○	5/8" I. ROD SET W/CAP PSM#6333
∅	UTILITY POLE
4x5	SPOT ELEVATION

## OWNER:

ALAN B. & CHERYL L. TOWN  
15410 ANCHORAGE PLACE  
LAKEWOOD RANCH, FL 34202

## SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY TO:  
ALAN B. & CHERYL L. TOWN;  
THAT THIS BOUNDARY & TOPOGRAPHIC SURVEY WAS PREPARED UNDER MY DIRECTION AND SUPERVISION, THAT TO THE BEST OF MY KNOWLEDGE, IT IS A TRUE REPRESENTATION OF THE LANDS SHOWN HEREON AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA, CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

## INDEX OF SHEETS:

- 1 SURVEY REPORT
- 2 DETAIL OF GBSL AND 1989 CCCL
- 3 DETAIL OF BOUNDARY AND TOPO
- 4 TRANSECTS

JAMES B. AMBERGER DATE  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE No. 6333  
(NOT VALID WITHOUT SURVEYOR'S SIGNATURE  
AND EMBOSSED WITH SURVEYOR'S SEAL)

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## REPORT OF SURVEY NOT VALID WITHOUT MAP OF SURVEY BOUNDARY SURVEY

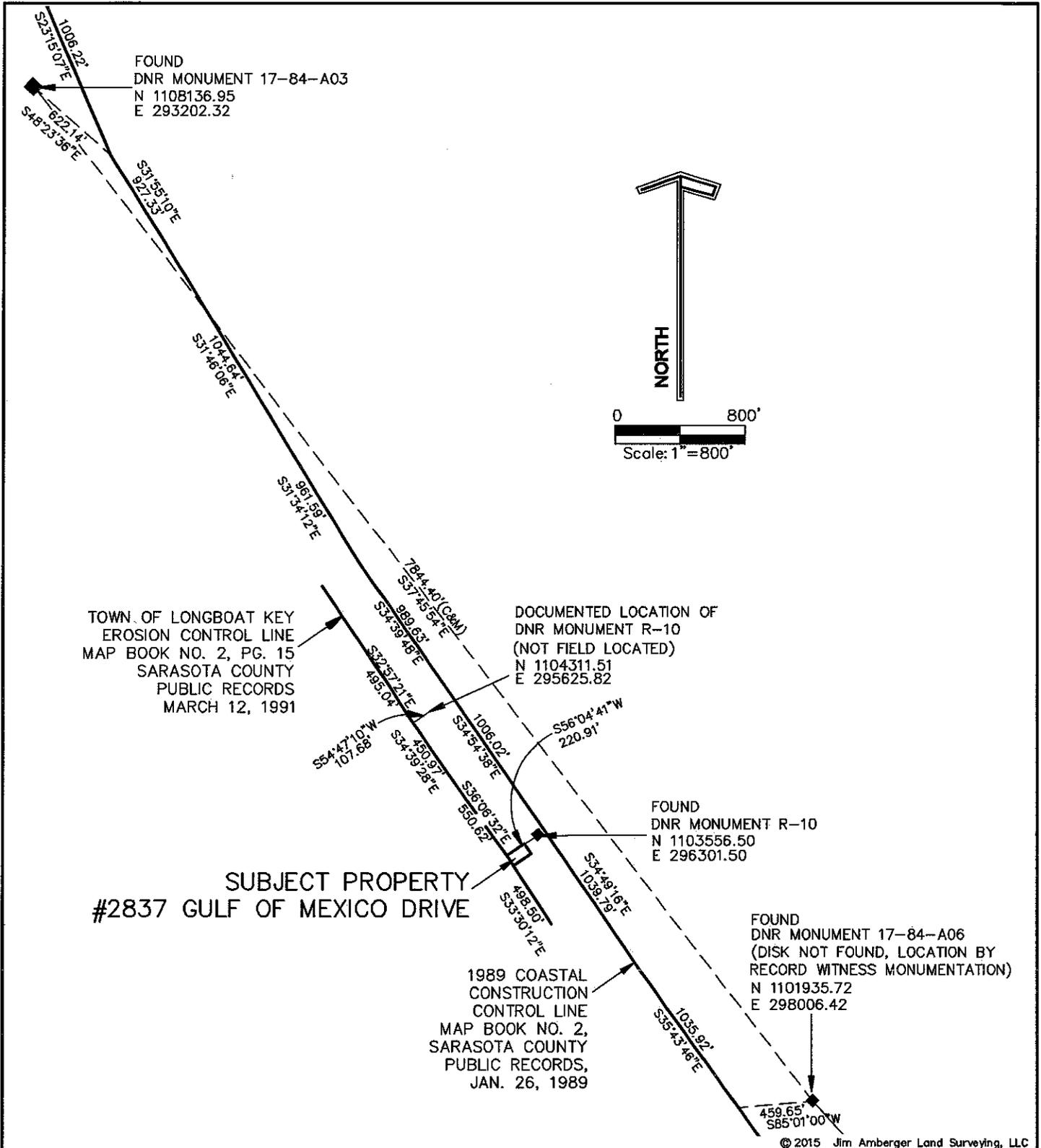
LOT 24 & THE NORTH 1/2 OF LOT 25, BLOCK B,  
LESS THE NORTHEASTERLY 10 FEET, COQUINA BEACH,  
PLAT BOOK 1, PAGE 203, SARASOTA COUNTY,  
TOWN OF LONGBOAT KEY, FLORIDA

**JIM AMBERGER**  
LAND SURVEYING, LLC

1055 South Tamiami Trail, Suite 110-B  
Sarasota, FL 34236  
Phone (941) 955-6333 bergertime@verizon.net  
Surveying & Mapping Business Authorization #LB7649

**SHEET 1 OF 4**  
REV.

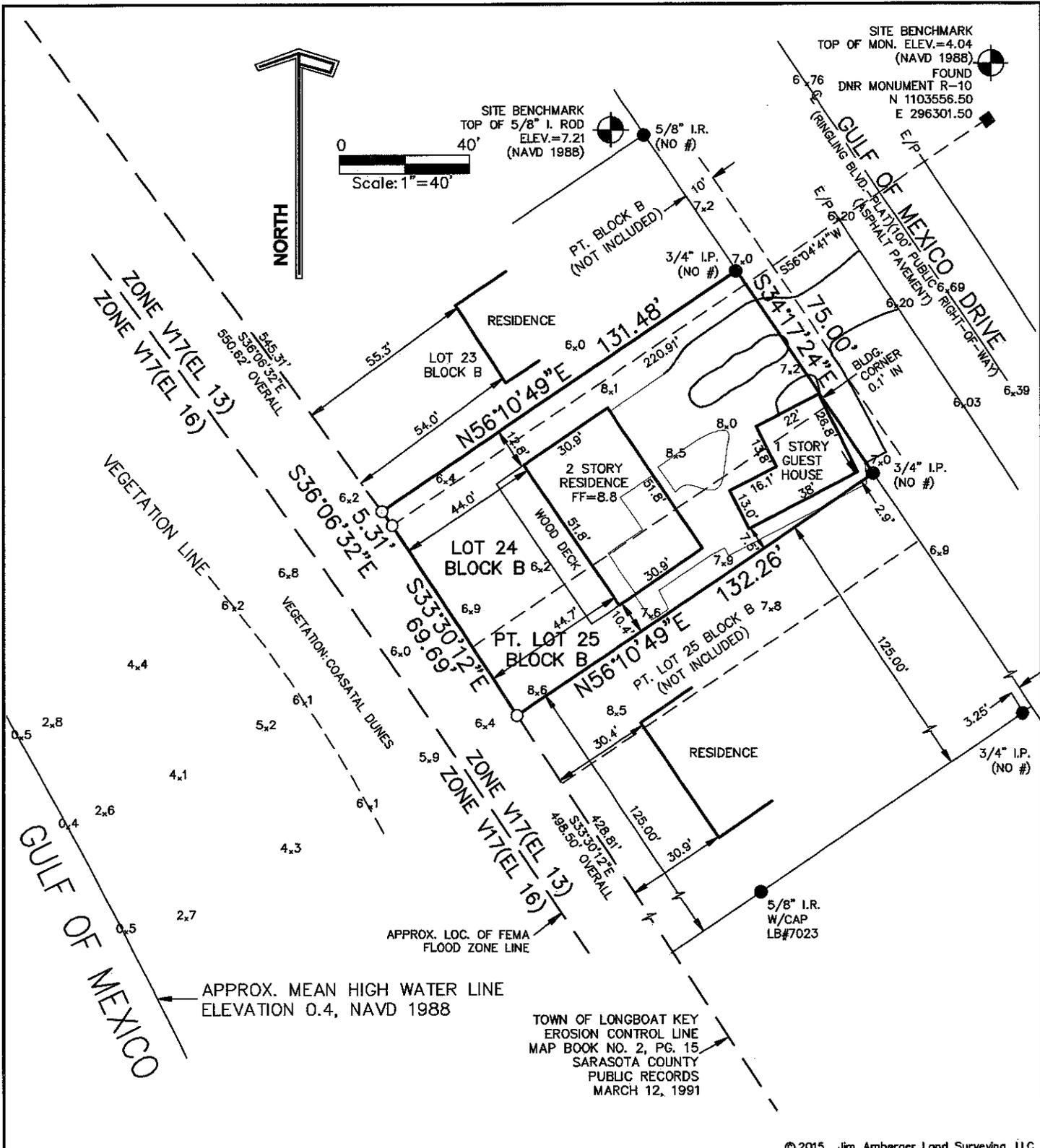
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JOB # 2015130  
DWG# B-15130  
DRAWN BY: JBA



**MAP OF SURVEY**  
NOT VALID WITHOUT REPORT OF SURVEY  
**BOUNDARY SURVEY**  
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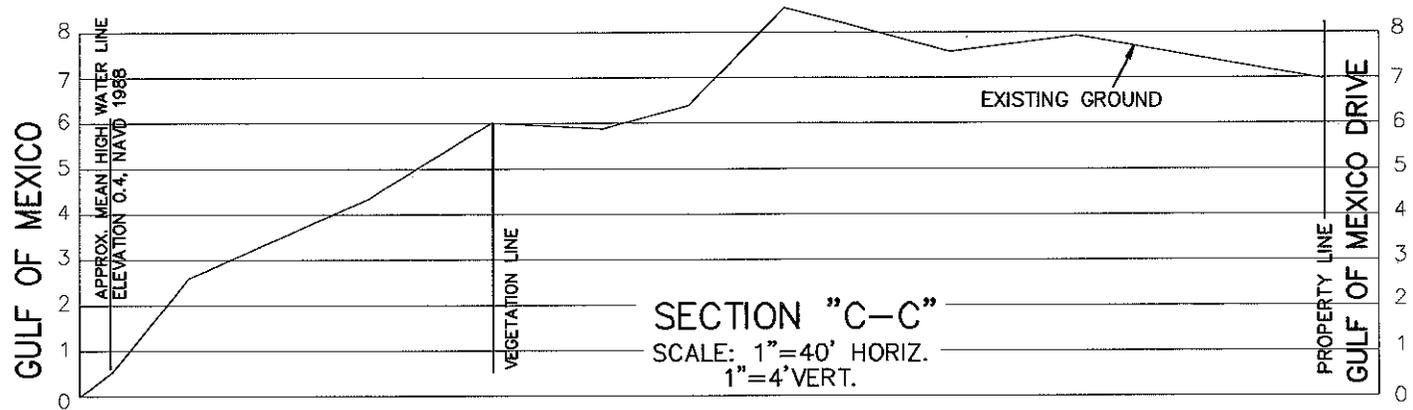
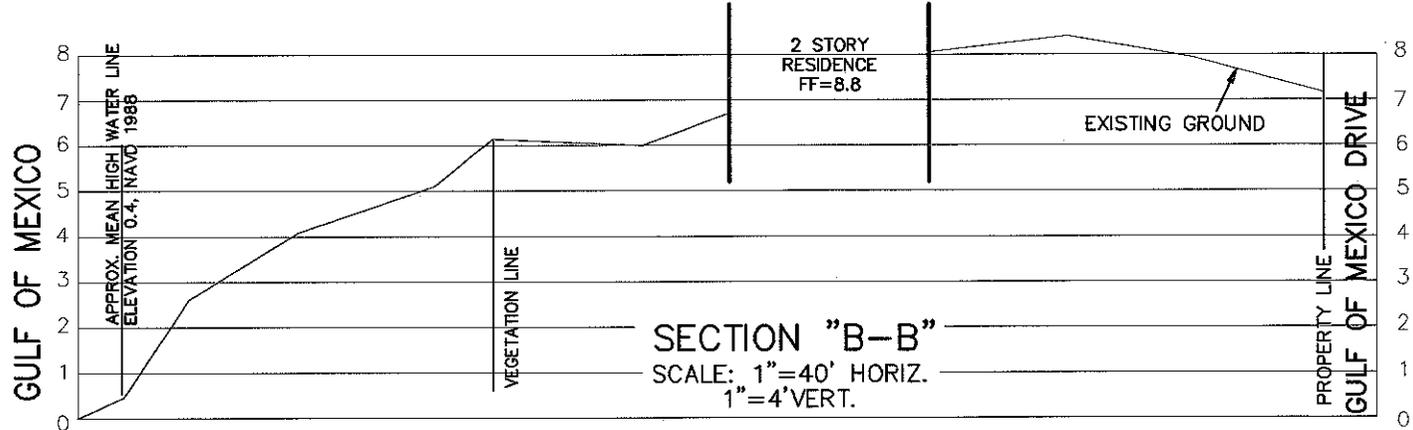
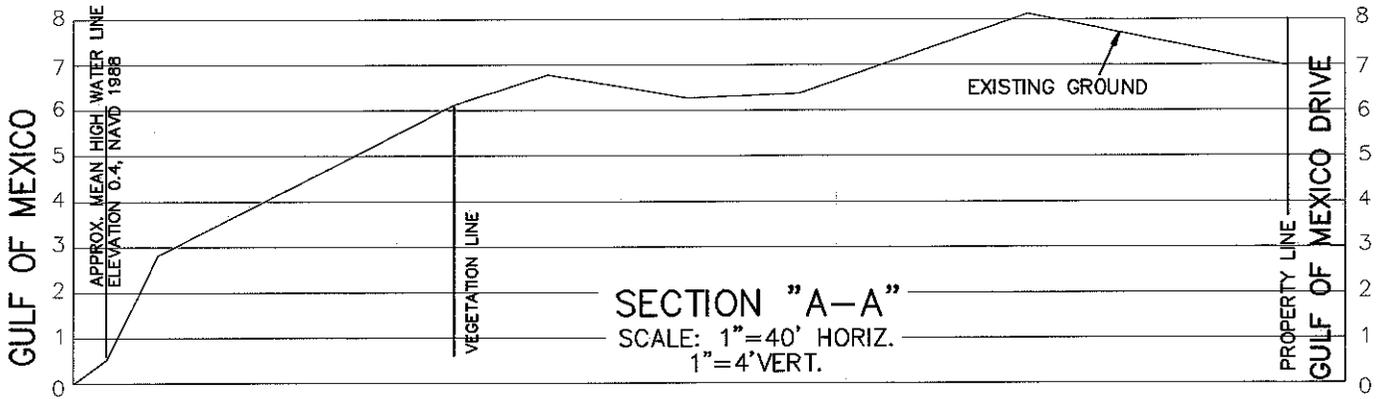


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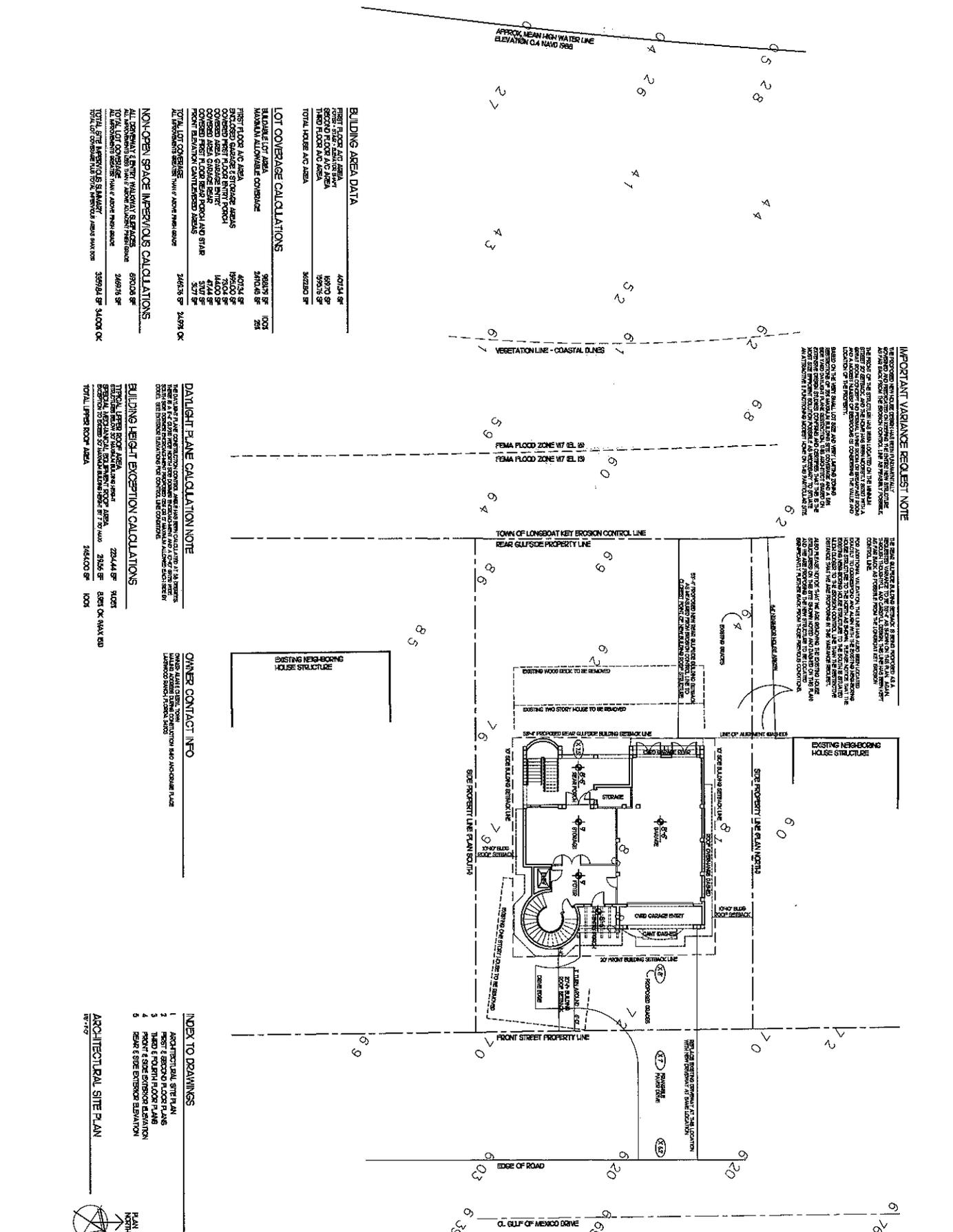


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**SHEET 4 OF 4**  
 REV.  
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 DWG# B-15130  
 DRAWN BY: JBA



**IMPORTANT VARIANCE REQUEST NOTE**

THE BOARD HAS REVIEWED THE VARIANCE REQUEST AND HAS DETERMINED THAT THE VARIANCE IS NECESSARY TO PERMIT THE PROPOSED DEVELOPMENT TO BE CONSTRUCTED IN ACCORDANCE WITH THE TOWN OF LONGBOAT ZONING ORDINANCES. THE BOARD HAS CONSIDERED THE FOLLOWING FACTORS IN MAKING THIS DETERMINATION:

1. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE TOWN OF LONGBOAT ZONING ORDINANCES.

2. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE TOWN OF LONGBOAT ZONING ORDINANCES.

3. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE TOWN OF LONGBOAT ZONING ORDINANCES.

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9. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE TOWN OF LONGBOAT ZONING ORDINANCES.

10. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE TOWN OF LONGBOAT ZONING ORDINANCES.

**BUILDING AREA DATA**

FIRST FLOOR AREA	4,074.4 SF
SECOND FLOOR AREA	1,679.0 SF
THIRD FLOOR AREA	9,251.5 SF
TOTAL HOUSE A/C AREA	15,004.9 SF

**LOT COVERAGE CALCULATIONS**

BLANKET LOT AREA	29,818 SF	100%
MAXIMUM ALLOWABLE COVERAGE	29,818 SF	100%
FIRST FLOOR A/C AREA	4,074.4 SF	13.6%
SECOND FLOOR A/C AREA	1,679.0 SF	5.6%
THIRD FLOOR A/C AREA	9,251.5 SF	31.0%
TOTAL A/C AREA	15,004.9 SF	50.2%

**NON-OPEN SPACE IMPERVIOUS CALCULATIONS**

ALL IMPERVIOUS SURFACES	3,687.5 SF
PERCENT IMPERVIOUS SURFACES	24.6%
TOTAL IMPERVIOUS SURFACES	3,687.5 SF

**DAYLIGHT PLANE CALCULATION NOTE**

THE BOARD HAS REVIEWED THE DAYLIGHT PLANE CALCULATION AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE TOWN OF LONGBOAT ZONING ORDINANCES.

**BUILDING HEIGHT EXCEPTION CALCULATIONS**

TOTAL UPPER FLOOR AREA	10,930.5 SF
PERCENT UPPER FLOOR AREA	72.8%
TOTAL UPPER FLOOR AREA	10,930.5 SF

**OWNER CONTACT INFO**

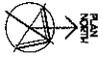
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 ADDRESS: [Address Redacted]  
 PHONE: [Phone Redacted]

**INDEX TO DRAWINGS**

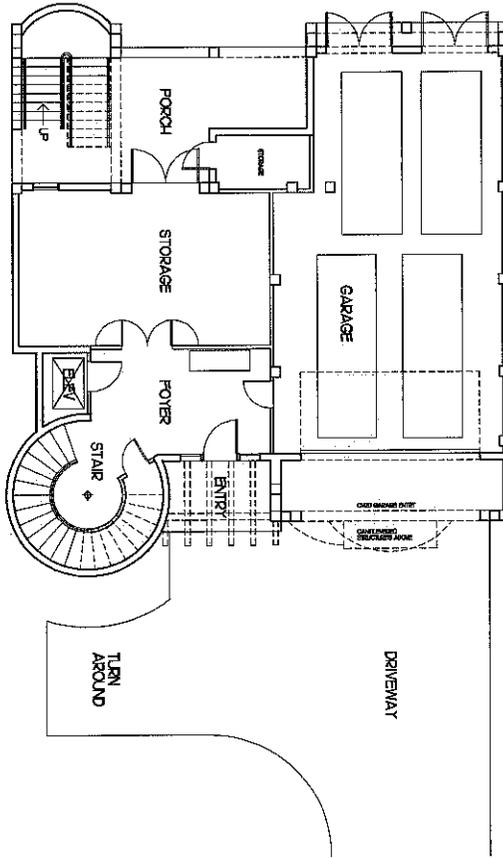
- 1 ARCHITECTURAL SITE PLAN
- 2 FIRST & SECOND FLOOR PLANS
- 3 THIRD FLOOR PLAN
- 4 REAR & SIDE ELEVATION
- 5 REAR & SIDE ELEVATION

**ARCHITECTURAL SITE PLAN**

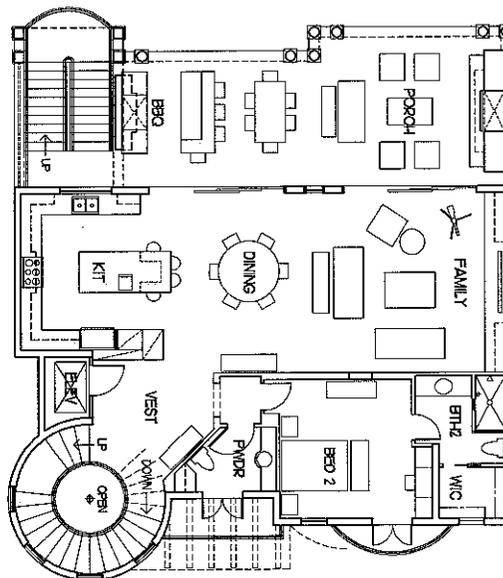




FIRST FLOOR PLAN  
3/16" = 1'-0"

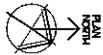
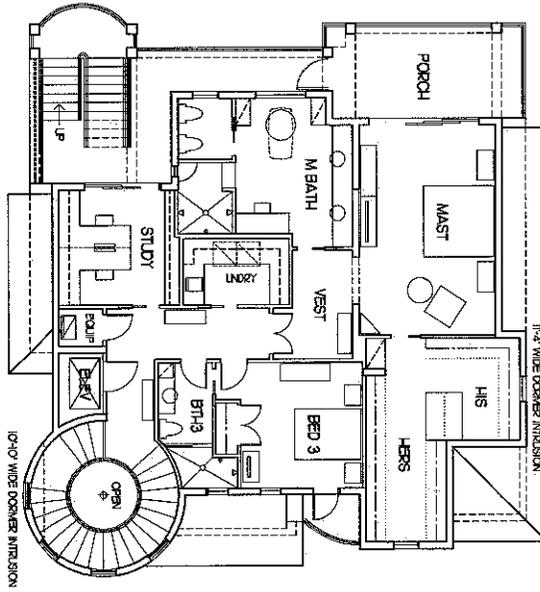


SECOND FLOOR PLAN  
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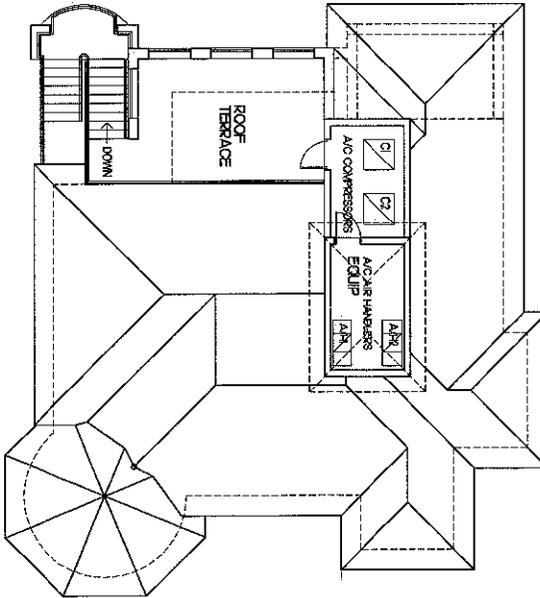


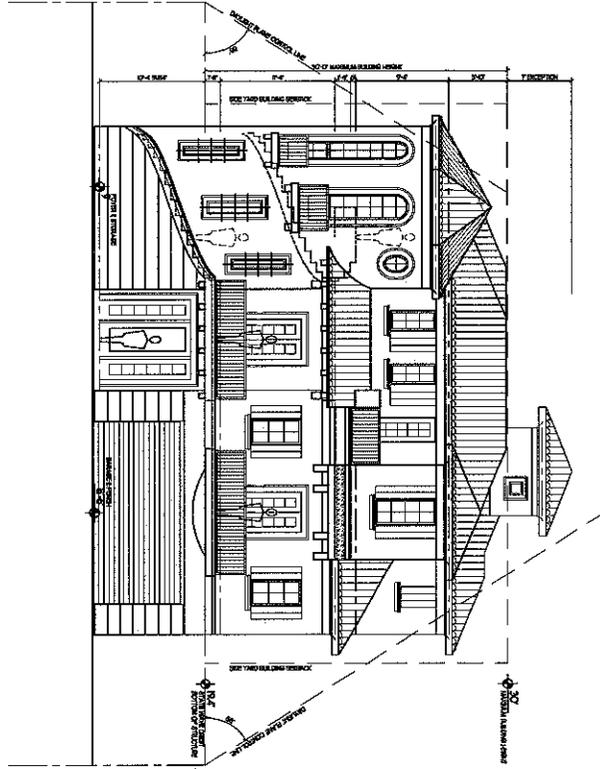


THIRD FLOOR PLAN  
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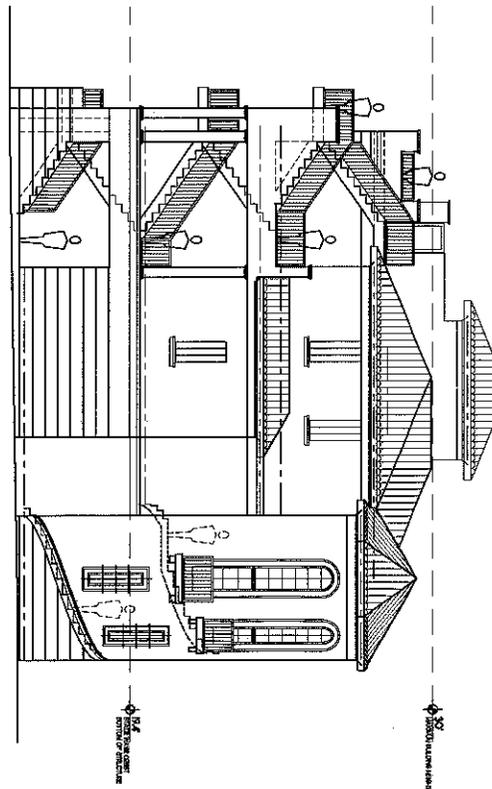


UPPER ROOF FLOOR PLAN  
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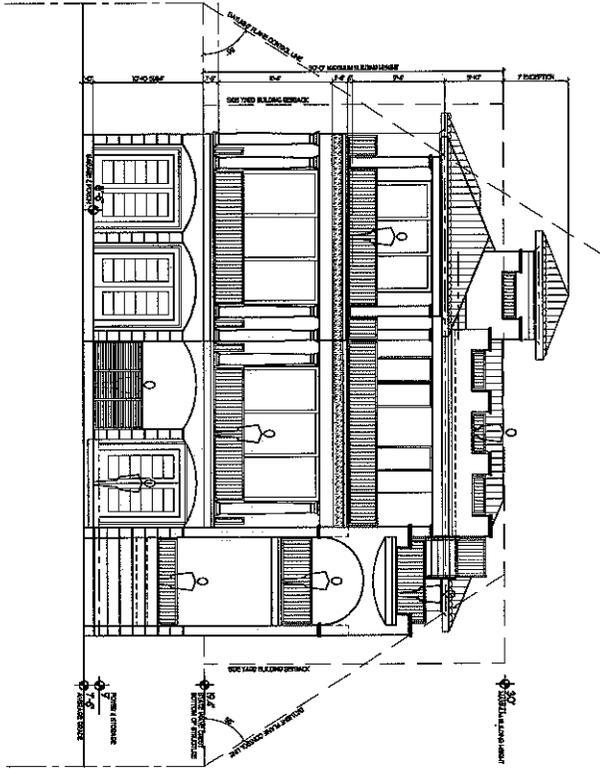




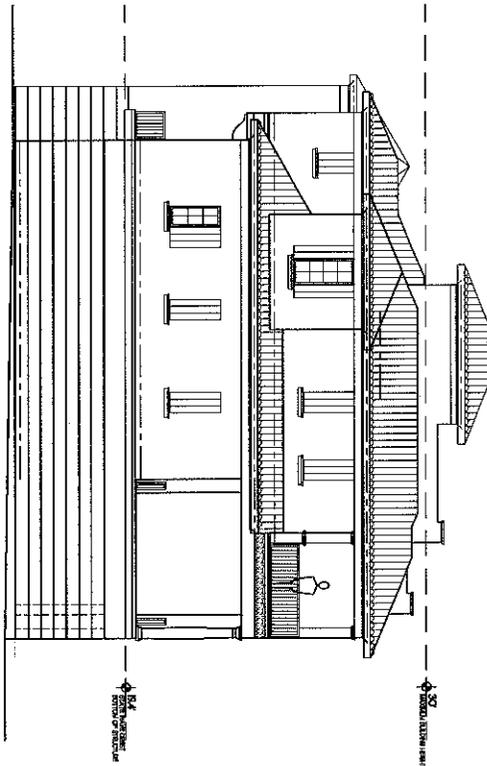
EAST (ROAD) EXTERIOR ELEVATION  
3/16" = 1'-0"



NORTH (SIDE) EXTERIOR ELEVATION  
3/16" = 1'-0"



WEST (GULF) EXTERIOR ELEVATION  
3/16" = 1'-0"



SOUTH (SIDE) EXTERIOR ELEVATION  
3/16" = 1'-0"