

TOWN OF LONGBOAT KEY  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF SEPTEMBER 17, 2015 MEETING

The meeting of the Zoning Board of Adjustment was called to order by Vice Chair Larry Linhart at 9:30 a.m. on Thursday, September 17, 2015.

Members Present: Vice Chair Larry Linhart; Secretary Charles Fuller; Members Ann Roth, Jean White

Members Absent: Chair Gaele Barthold

Also Present: Maggie Mooney-Portale, Town Attorney; Alaina Ray, Planning, Zoning & Building Director; Steve Schield, Planner; Maika Arnold, Planner; Donna Chipman, Office Manager

Administration of Oath

Jo Ann Mixon, Deputy Town Clerk, swore reappointed member Ann Roth.

Approval of Minutes

**Ms. White made a MOTION TO APPROVE THE MINUTES OF THE JUNE 11, 2015, ZONING BOARD OF ADJUSTMENT MEETING AS WRITTEN; seconded by Ms. Roth and approved by a unanimous vote.**

Agenda Item 1. The public hearing was opened for Petition #3-15 by Alan and Cheryl Town requesting a Variance from Section 158.150(D) of the Town of Longboat Key Code of Ordinances to reduce the required Gulf Waterfront Yard setback from 150 feet, as measured from the Erosion Control Line, to 53 feet, 4 inches, as proposed on site plan, for property located at 2837 Gulf of Mexico Drive.

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. Stephen Thompson, attorney representing the applicant, presented the Return Receipts to the Board.

Maggie Mooney-Portale, Town Attorney, asked if any members had any Ex Parte communications. Ms. Roth, Mr. Fuller, and Mr. Linhart mentioned they did not have any Ex Parte communications, but had driven by the site for a number of years and had looked at the site recently. Ms. White noted she had no Ex Parte Communications and had not been to the site. No conflicts of interest were noted.

Steve Schield, Planner, reviewed the staff report noting:

- The variance requested was to reduce the required Gulf Waterfront Yard from 150 feet to 53 feet, 4 inches from the Erosion Control Line (ECL);

- The house was between 150 feet and 200 feet from the Mean High Water Line (MHWL), but Town Code required the measurement be taken from the ECL, which was established in 1991
- The home consisted of a larger principal residence further back on the lot and a small, studio apartment that sat right on the Gulf of Mexico Drive (GMD) and side property lines
- Reviewed PowerPoint showing photographs of the site
- The house to the north received a variance to build to 54 feet from the ECL
- The southern neighbor exists 30 feet from the ECL and received a variance in the 1980s for 50 feet from the ECL if they wished to rebuild
- The minimum that could be requested was 50 feet from ECL
- The proposal would push house back from its current location
- The new house will line up with the existing northern neighbor
- The new house will be back 20 feet from the southern home
- Reviewed Findings of Fact with the board

Mr. Fuller noted there was a substantial dwelling that existed presently, and questioned the 'undue hardship.' Mr. Schield explained the home was built in the 1950s, so there were major non-conformities with the foundation, and there were currently two dwelling units. He pointed out that with the new construction, it would eliminate any FEMA, building code, and zoning code non-conformities with the building of one structure.

Alaina Ray, Planning, Zoning & Building Director, pointed out that if the home was torn down the applicant could not build in the same place. The property does not meet flood codes, so insuring the property was difficult and extremely expensive. They need to elevate the property to comply with flood codes. The hardship was not allowing them to build a home that complied with FEMA requirements and hurricane requirements could also be considered a hardship.

Stephen Thompson, attorney representing the applicant, introduced their development team and commented that when they began the process, they reviewed the criteria and ensured what they were requesting was the minimum that was allowed. He also indicated they agreed with staff's presentation.

Mr. Linhart asked if the Town had received documentation that the required notifications had been mailed for the petition. Mr. Thompson and Ms. Chipman replied yes. Mr. Fuller commented that frequently the staff recommended certain restrictions on an approval and asked if there were any for this property. Mr. Schield responded not for this application.

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

**Ms. Roth made a MOTION TO GRANT PETITION 3-15 AS PRESENTED; seconded by Ms. White and approved by a roll call vote:**

**FULLER:     AYE  
LINHART:    AYE  
ROTH:       AYE  
WHITE:      AYE**

New Business. No new business was noted.

Setting Future Meeting Date. The next meeting was tentatively scheduled for October 15, 2015.

Adjournment.

The meeting was adjourned at 9:54 am.

Respectfully submitted,

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Charles Fuller, Secretary  
Zoning Board of Adjustment