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\* Board Certified City, County and Local Government Law

*Reply to: Lakewood Ranch*

September 24, 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. 4-15  
Re: Tom Leonard - The Shore Restaurant  
Subject Property: 800 Broadway St., Longboat Key, FL 34228

Dear Ms. Ray:

I have reviewed the application filed by Tom Leonard dated August 26, 2015, and amended September 22, 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 800 Broadway Street, 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 24, 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,



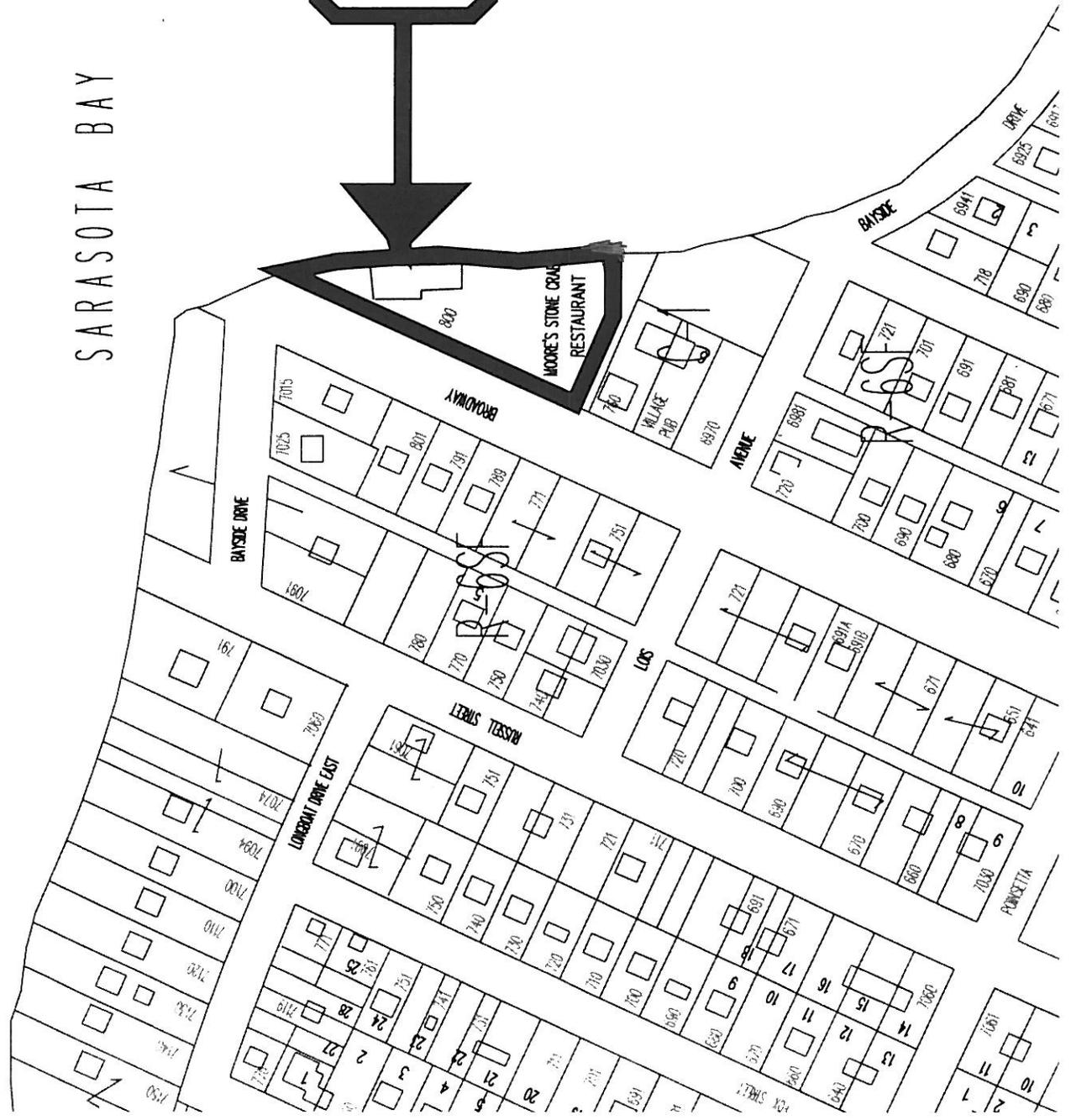
Maggie Mooney-Portale

MDM-P/vlg

cc: Donna Chipman

SARASOTA BAY

Site



## MEMORANDUM

DATE: October 5, 2015

TO: Zoning Board of Adjustment (ZBA)

FROM: Maika Arnold, Planner  
Planning, Zoning and Building Department

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

SUBJECT: VARIANCE PETITION 4-15

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APPLICANT: 800 Broadway, LLC

AGENT: Peter Dailey

LOCATION: 800 Broadway St.  
Longboat Key, Florida

ZONING DISTRICT: C-1 (Limited Commercial)

REQUEST: The applicant has requested a variance from Section 158.155 (A)(4)(b) of the Town Zoning Code to construct a dock 192.6 feet from the Mean High Water Line, for a variance of 142.6 feet.

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### **BACKGROUND AND SUMMARY**

The subject property is a bayside waterfront lot located at 800 Broadway. The property is the site of the former Moore's Stone Crab Restaurant, constructed in 1967. The new owner of the property, 800 Broadway LLC, has proposed to reconstruct a restaurant on the site, which includes a reconstructed dock. The existing dock is considered a legal non-conforming structure, since it currently extends 150.6 feet from the Mean High Water Line (MHWL). The variance request is intended to establish the allowable projection for reconstruction of the dock farther than 50 feet from the MHWL, as allowed by Code. The applicant is requesting to construct a dock 192.6 feet from the MHWL, for a variance of 142.6 feet.

Variance Petition 2-15 was granted on February 2, 2015, to allow a reconstructed restaurant to have a 0 foot waterfront yard setback and a 20 foot setback from

Broadway Street. The property was also re-zoned from R-6SF to Limited Commercial (C-1) and received a FLU change from RH6 to CL in May 2015.

Moore's Stone Crab Restaurant was an historic asset to the community, which provided waterfront access to the public. The reconstructed restaurant and dock will continue to provide waterfront access for residents and patrons. The Town's adopted Vision Plan recognizes waterfront dining as one of the amenities that makes Longboat Key a special place. The Town's Vision Plan also states that the Town will strive to support restaurants on the island, encouraging viability and diversification, as well as waterfront dining options.

### **VARIANCE AUTHORITY PURSUANT TO SECTIONS 158.155 (A)(4)(b)**

Pursuant to Section 158.155(A)(4)(b), the maximum projection into the water is as follows:

*For properties abutting Sarasota Bay, a dock, boat lift, piling or pile-mounted davit shall project into the water no more than 50 feet, measured from the mean high-water line.*

### **STAFF ASSESSMENT**

Staff reviewed the variance application, with consideration of the required maximum projection of the dock, to allow for the reconstruction of the existing docking structure. The following is a staff's assessment.

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

The existing dock projects 150.6 feet from the Mean High Water Line (MHWL). Seagrass beds extend approximately 90 feet from the MHWL. The water depths surrounding the existing dock range from 6 to 9 feet, with some additional variations due to high and low tides. Deep water extends approximately 550 feet from the existing dock, which provides adequate navigable area for boaters.

The existing dock contains two structures; a large docking structure with a walkway and a smaller docking structure that was previously used as a dolphin pen. The smaller docking structure will be removed prior to reconstruction of the proposed dock.

The size of the proposed dock area also requires the applicant to apply for a Special Exception from the Planning and Zoning Board to increase the square footage of dock area from the maximum allowed of 500 square feet to 4,116.5 square feet. The existing dock is 4,069 square feet. The public hearing for the Special Exception is scheduled for the October 20, 2015 Planning and Zoning Board meeting.

### Surrounding Conditions

The Mar Vista Restaurant, adjacent to the subject property, at 760 Broadway, has a dock that extends 171.2 feet from the Mean High Water Line. The proposed extension of the reconstructed dock is 153 feet from the Mar Vista dock, so it will not impact navigation into the Mar Vista dock.

### Compliance with the Zoning Code

The applicant has submitted applications to the Town requesting that the reconstructed dock be allowed to extend 192.6 feet from the Mean High Water Line. The existing, legal non-conforming, dock extends 150.6 feet from the Mean High Water Line. The nonconforming section of the Zoning Code does not allow for significant renovation and/or reconstruction of the existing nonconforming structure without meeting all zoning requirements, with certain limited allowances related to involuntary destruction.

The water depths surrounding the outer edge of the proposed dock are approximately 10 feet, and range from 6 to 9 feet on the inner edge of the mooring area, depending on tides and sea floor. The water depths surrounding the outer edge of the mooring areas range from 8 to 11 feet.

The proposed dock would be an improvement upon the existing structure. Removal of the smaller docking structure will aid in the growth of the seagrass area that is currently inhibited by the dock. Elimination of mooring on the inside of the dock will help to preserve and restore the seagrasses, and the proposed configuration promotes easier navigation into and out of the docking area.

### 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. The location and configuration of seagrasses is unique to each area of the Bay.
3. The special conditions and circumstances **do not** result from the actions of the applicant. The location of seagrasses was not caused by any action of the applicant.
4. Granting the variance requested **will not** confer on the applicant special privilege that is denied by Town Code Section 158.029 to other lands, buildings or structures in the same zoning district. The Mar Vista Restaurant, adjacent to the subject property, at 760 Broadway, has a dock that extends 171.2 feet from the Mean High Water Line.
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 Town Code Section 158.029 and **would** result in unnecessary and undue hardship on the applicant. The location of the seagrass beds prohibits the applicant from constructing a dock that meets the Code, while also protecting, preserving, and encouraging additional growth of critical seagrasses. The Mar Vista Restaurant adjacent to this property also has a dock that is constructed further than 50 feet from the Mean High Water Line, for the purpose of preserving seagrasses and allowing adequate navigation.
6. The variance, if granted, **would** be the minimum variance that will make possible the reasonable use of the land, building or structure. The existing seagrass beds extend considerably further than 50 feet from the Mean High Water Line.
7. The granting of the variance **would be** in harmony with the general intent and purpose of Town Code Section 158.029.

### **STAFF RECOMMENDATION**

The historic restaurant has occupied its current location since 1967. Along with its neighbor, the Mar Vista Restaurant, it has served as the historic commercial center and gathering place for the Longbeach Village area and provides waterfront access to the public, both residents and visitors. Reconstructing the restaurant and dock will provide residents and visitors the opportunity to continue to enjoy waterfront access the historic restaurant provided.

Based on the above assessment of Variance Petition 4-15 and the variance criteria of Section 158.029(A), Staff recommends **APPROVAL** of Variance Petition 4-15, with the following conditions:

1. The applicant shall install railings on the northwestern sides of the walkway portions of the dock, with signage to prohibit docking within the seagrass areas.

2. The applicant shall apply for a building permit, through the Town of Longboat Key Planning, Zoning and Building Department. The plans submitted shall be in accordance with the proposed design submitted to the Town on September 22, 2015, as described in staff's report.
3. The applicant shall apply for and receive approval from all applicable state and federal agencies, for the proposed structures over water prior to applying for a building permit. Photocopies of any final permits, as-built plans, engineer's certification, etc. required by the subject agencies shall be submitted to the Town.
4. The variance will be null and void if the applicant does not receive a Special Exception from the Planning and Zoning Board for a 4,116.5 square foot dock within 90 days of this variance.

### **ATTACHMENTS**

Attached, please find a copy of the variance petition and support documentation upon which the staff assessment has been based.

xc: Peter Dailey, Dailey Design Group, Inc.  
Maggie Mooney-Portale, Town Attorney  
Alaina Ray, AICP, Director – Planning, Building and Zoning Department



**Variance Petition 4-15**  
**Dock Projection Variance**  
**800 Broadway Street**

**Zoning Board of Adjustment**  
**October 15, 2015**



**Variance Request**

**Request to construct a dock 192.6 feet from the Mean High Water Line, located at 800 Broadway St., for a variance of 142.6 feet.**

# TOWN OF LONGBOAT KEY



## SITE



# TOWN OF LONGBOAT KEY



## Existing Dock



# TOWN OF LONGBOAT KEY



## Existing Dock



# TOWN OF LONGBOAT KEY



Walkway of existing dock



# TOWN OF LONGBOAT KEY



## Northern extension of existing dock



# TOWN OF LONGBOAT KEY



## Southern extension of existing dock



# TOWN OF LONGBOAT KEY

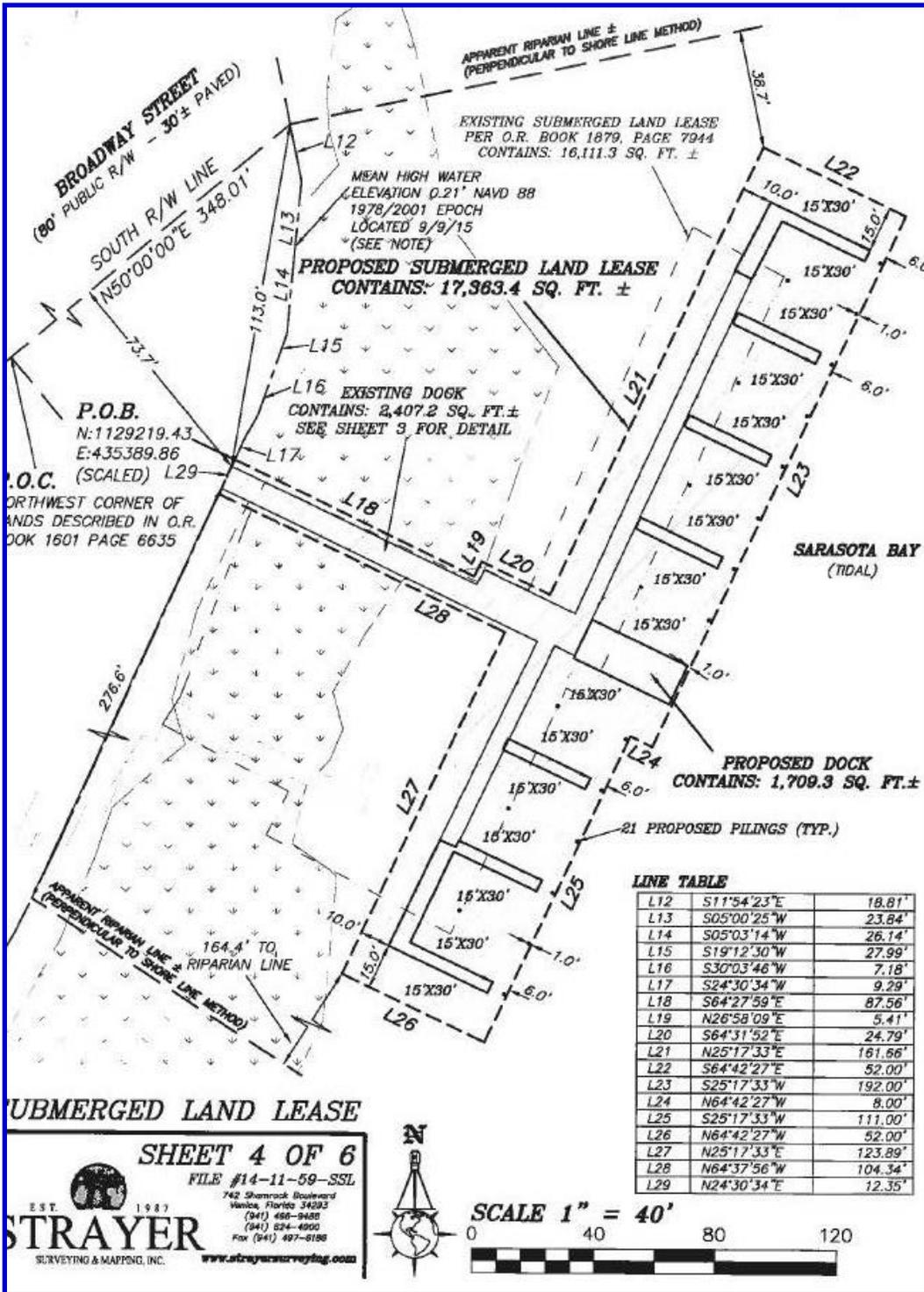


Existing dock to be removed





## PROPOSED DOCK





## Staff Recommendations

### Staff recommends APPROVAL of Variance Petition 4-15 subject to the following conditions of approval:

1. The applicant shall install railings on the northwestern sides of the walkway portions of the dock, with signage to prohibit docking within the seagrass areas.
2. The applicant shall apply for a building permit, through the Town of Longboat Key Planning, Zoning and Building Department. The plans submitted shall be in accordance with the proposed design submitted to the Town on September 22, 2015, as described in staff's report.
3. The applicant shall apply for and receive approval from all applicable state and federal agencies, for the proposed structures over water prior to applying for a building permit. Photocopies of any final permits, as-built plans, engineer's certification, etc. required by the subject agencies shall be submitted to the Town.
4. The variance will be null and void if the applicant does not receive a Special Exception from the Planning and Zoning Board for a 4,116.5 square foot dock within 90 days of this variance.



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 8-26-15 Receipt # (\$1000.00 deposit) P561371 Petition No. 4-15  
 (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) TOM LEONARD 800 BROADWAY, LLC of 800 BROADWAY ST LONGBOAT  
 (name) (mailing address)

KEY FLORIDA 34228 request a Variance from Section (s) 158-155(A)(A)(B)

of the Town of Longboat Key Zoning Ordinance to ALLOW A DOCK TO EXTEND AN ADDITIONAL 142.6 FEET FURTHER THAN THE 50 FOOT ALLOWANCE BY CODE, FOR A DOCK WHICH WILL EXTEND A TOTAL OF 192.6 FEET FROM THE MAHWK.  
 (brief description, i.e., to reduce side yard from 20' to 15')

Subject property is located at 800 BROADWAY ST, LONGBOAT KEY FL 34228  
 (street number location)

The legal description is as follows: 1, 2, 3, + E 1/4 1 Parcel of Long Beach  
 (Lot(s)) (Block) (Subdivision or Plat)

or \_\_\_\_\_  
 (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 ATTACHED APPENDIX 1+2

(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.

X [Signature]  
(Signature of Owner)

TOM LEONARD  
(Please print or type Owner's Name)

Mailing address you wish information sent to and telephone number:

3941 Butler Ave  
SARASOTA FL 34234  
DAILEYDESIGN1@GMAIL.COM  
Phone # ( )

Fax # ( )

PETER M DAILEY  
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.)  
X [Signature]  
Print or type Agent Name SIGNATURE

**Notarization of Agent's Signature:**

State of FLORIDA

County of SARASOTA

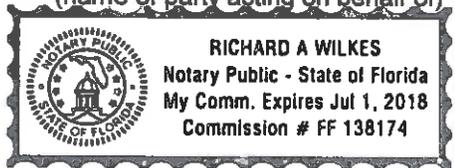
The foregoing instrument was acknowledged before me this 25 day of August, 2015

by TOM LEONARD + PETER DAILEY

as \_\_\_\_\_ for \_\_\_\_\_  
(type of authority) (name of party acting on behalf of)

[Signature]  
Notary Public

RICHARD A WILKES  
Name of Notary (print, typed or stamped)



Personally know \_\_\_\_\_ OR produced identification  Type of Identification FLORIDA DRIVERS LICENSE

**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.



Planning, Zoning & Building Department  
 501 Bay Isles Road  
 Longboat Key, Florida 34228  
 Fax Number: (941) 373-7938  
 Web: <http://www.longboatkey.org>

(941) 316-1966

**VERIFIED STATEMENT AND CERTIFICATE OF OWNERSHIP**

Pursuant to Sections 158.095 and 158.097(C), Town of Longboat Key Town Code, I am submitting the following Verified Statement and Certificate of Ownership. This Verified Statement and Certificate of Ownership reflects each and every individual person having a legal ownership, interest in the subject property except publicly held corporations whose stock is traded on a nationally recognized stock exchange, in which case the name and address of the corporation and principal executive officers will be sufficient.

I hereby verify and certify that as of July 27, 2015, the following are all  
(date)

persons and/or entities having a legal ownership interest in the real property located at

800 BROADWAY ST LONGBOAT KEY FL 34228  
(legal address)

Property Owners and/or shareholders:

1. TOM LEONARD 2. \_\_\_\_\_

3. \_\_\_\_\_ 4. \_\_\_\_\_  
(Please attach additional sheets if necessary)

The undersigned does hereby state under oath that the foregoing information is true and correct.

X [Signature]  
 Signature

TOM LEONARD  
 Print Name

MANAGING PARTNER  
 Title

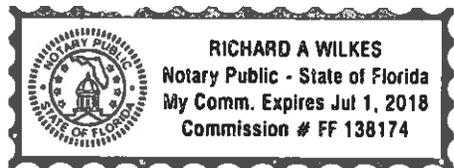
State of FLORIDA  
 County of SARASOTA

The foregoing instrument was acknowledged before me this August 25, 2015, by Tom Leonard & Peter Daisey (name and title), who is personally known to me or who has produced Florida Drivers License as identification.

[Signature]  
 Signature of Notary

RICHARD A WILKES  
 Print Name of Notary

(seal of Notary)





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) Tom Leonard & Peter Dailley LLC as owner(s) of the property whose address and legal description is 800 BROADWAY ST Lots 1, 2, 3, + 1/2 of LONG BEACH BEACH PLAT hereby appoint PETER M DAILLEY 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 FROM 158.535(A) 4b  
 (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.**

Tom Leonard  
 Print or Type Property Owner's/Board Member

[Signature]  
 Signature of Property Owner/Board Member

Print or Type Property Owner's Name/Board Member

Signature of Property Owner/Board Member

Mailing Address of Property Owner(s) / Association: 800 BROADWAY, LLC  
465 JOHN RINGLING BLVD, #200 SARASOTA FL 34236  
907-485-6001  
 Telephone Number of Property Owner(s)/Association Fax Number of Property Owner(s)/ Association

Mailing Address of Agent(s): 3941 Butler Ave, SARASOTA FL 34234  
941-302-1500  
 Telephone Number of Agent(s) Fax Number of Agent(s)

State of FLORIDA  
 County of SARASOTA

The foregoing instrument was acknowledged before me this August 25, 2015, by Tom Leonard & Peter Dailley (name and title), who is personally known to me or who has produced FLORIDA Drivers License as identification.

[Signature]  
 Signature of Notary  
RICHARD A WILKES  
 Print Name of Notary



## APPLICATION FOR VARIANCE – Appendix 1

Planning, Zoning & Building Department (941) 316-1966 501 Bay Isles Road Longboat Key, Florida 34228 Fax Number: (941) 316-1970 Web: <http://www.longboatkey.org>

A great deal of history exists with the parcel of land identified with this Town of Longboat Key variance request application per Ordinance 158.155(A)(4)(b) & 158.126. The new land owner - 800 Broadway LLC, seeks to dramatically improve the property's assets. These improvements for purposes of this variance application will focus on current and proposed reconfigured docking structure and shallow water marine ecosystem enhancement & management.

Preface - In efforts to provide the honorable Commissioners of the Town of Longboat Key, Staff, and the public at large, this preface will enlighten those interested with the past, current, and proposed enhancements to the Sarasota Bay frontage of the property identified by the Manatee County Property Appraisers Identification number 77661000007 which possess the mailing address of 800 Broadway Street, Longboat Key, FL 34228.

Moore's Stone Crab Restaurant has been a seafood icon on the northern end of Longboat Key since its inception in 1967. The Moore family obtained a dolphin that had been trained for the show Flipper, the dolphin's name was Jack or Jackie. Jack was kept behind the bayfront restaurant within a netted overwater structure (docks and boardwalks). Jack was released by Mother Nature herself as a storm that swept across the SW Florida coast in 1990.

The overwater structures that are (most of which) still in place today are referenced in the provided data below. In the late 60's and early 70's the permitting requirements for 'keeping' a dolphin as a pet within a 'cage' were lax at best, as were the permitting requirements for such an overwater structure. The subject property's historic non-conforming overwater upland access walkway structure currently extends over 128 linear feet along the upland access walkway into Sarasota Bay waters. The proposed docking structure would extend another 35 feet along the upland access walkway over the historic overwater configurations. The furthest point from the Mean High Water Line (MHWL) of the existing overwater structure is 150.6 feet; the proposed dock reconfiguration would extend another 42 feet from existing or a total of 192.6 linear feet from MHWL. **800 Broadway LLC requests a Town of Longboat Key variance for 158.155(A)(4)(b) to allow the reconfigured dock to project into Sarasota Bay waters at the furthest point from MHWL an additional 42 feet beyond the existing overwater structure for a total projection of 192.6 linear feet from MHWL.**

The benefits of authorizing the proposed reconfigured docking structure are numerous; a few that will benefit the surrounding marine environment are identified below as well as answers to the questions that were provided through LBK Staff review.

An addition benefit of the proposed reconstructed overwater structure is the elevation of the dock structure over MHWL. As set forth by study compliances of the United States Army Corps of Engineers, Evaluation of Regulatory Guidelines to Minimize Impacts to Seagrasses from Single Family Residential Dock Structures in Florida and Puerto Rico, 2008 (page 8, 10-13), the minimum dock height of five feet above MHWL in Florida is recommended to enhance seagrass habitat by enlarging the photic zone. The proposed docking structure will elevate the existing nonconforming structure in all areas as identified in the included survey (Appendix 3, sheet 6 of 6).

- (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 existing docking structures, along with other non-conforming over water structures as defined by Town of Longboat Key Ordinance, 158.155 were used for less than ideal purposes of today's regulations with regard to human safety & marine ecosystems. A large benefit of the existing historic overwater docking structures projection in excess of 50 feet from the Mean High Water Line (MHWL) is the formation of seagrass beds. Florida is host to the most extensive seagrass communities in continental North America. (What are seagrasses?, 2012) The benefits of seagrasses are numerous and continue to grow through research. A few to note – provide and maintain water clarity, bottom (benthic) stabilization & shelter, and provide a key link in a diverse food web of marine and mammal species. Seagrass meadows are one of the most productive ecosystems in the biosphere. They are known as the “lungs of the sea” because one square meter of seagrass can generate 10 liters of oxygen every day! (Seagrass and Seagrass Beds, 2015)

The identified seagrass bed development at the subject site exists from -1.5 to -3.5 mlw between the lateral walkways of the dock and the shoreline. Like all autotrophic plants, seagrasses photosynthesize so are limited to growing in the submerged photic (sunlight) zone, and most occur in shallow and sheltered coastal waters anchored in sand or mud bottoms. The proposed dock reconstruction and ecologically designed dock finger extensions will not move the docking structure closer to shore, which will allow further seagrass development and not shade out any existing photic zones. Even though seagrass beds can be seasonal the area of development requires large amounts of UVA & UVB radiation all year long. It is estimated that 29% of the world's seagrass meadows have died off in the past century, with 1.5% more disappearing each year. The main culprit is runoff, often including nutrients, fertilizers & pollutants causing algal blooms which block the necessary sunlight from reaching the seafloor. (Seagrass and Seagrass Beds, 2015)

Each waterfront property with Riparian Rights (F.S. 253.141) is unique to the surrounding environments and/or legal boundaries. The existing and peculiar marine habitats adjacent to & within proximity of this property are of large concern to the landowner. This landowner wishes to preserve and enhance these ecological systems while providing unique educational opportunities to the general public through the protected Riparian Rights as associated. **800 Broadway LLC requests a Town of Longboat Key variance for 158.155(A)(4)(b) to allow the reconfigured dock to project into Sarasota Bay waters at the furthest point from MHWL an additional 42 feet beyond the existing overwater structure for a total projection of 192.6 linear feet from MHWL (Appendix 3, sheet 2 of 6).**

The square footage of the overwater structure of the subject property's shoreline with the authorized docking reconfiguration will increase slightly (Appendix 3, sheet 3 of 6). Separate from this application, **800 Broadway LLC requests a Town of Longboat Key special exception (under separate cover) for 158.155(C) for increasing the overwater square footage by 47.5 square feet (Appendix 3, sheet 3 of 6).**

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

As aforementioned, the special conditions and circumstances are a result of the desires and overall objectives of the landowner to maintain the existing benthic photic zone. Therefore, the landowner wishes to extend docking fingers perpendicular from the lateral access walkway into deeper navigable waters.

The landowner also wishes to restrict motorized vessel utilization between the lateral access structures and the shoreline. The proposed modeled reconstructed docking structure will aid in preventing propeller scaring or hull scapping of the sensitive habituated benthic regions.

- (3) Granting the variance request 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.

Each property within the Town of Longboat Key that possesses Riparian Rights is unique and as such if a circumstance to enhance marine habitat and improve water quality exists, it is the ethical responsibility of the Planning, Zoning, & Building Department of the Town of Longboat Key to provide such special privilege and advise the Commission of the Town of Longboat Key of such, which will enhance property values as well as habitats.

- (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.

Regarding “rights commonly enjoyed by other properties in the same zoning district...” the property identified by the Manatee County PID # 7766300052, the Mar Vista Restaurant directly adjacent and West of subject property, provides a direct comparable as related to this variance application.

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

True. The variance will create a longer walk for patrons of the commercial property to the business; however the landowner does not wish to inhibit further development of the existing seagrass beds. If the docking structure were to be moved closer to the shore less light will reach the benthic zone due to shading from the docking 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.

True. Longboat Key Town Staff have expressed concerns that the docking structure will inhibit navigation to the docking structure of the parcel identified by PID # 7766300052. As presented on Appendix 2 the navigable area of adjacent Bay waters will not be impeded.

APPLICATION FOR VARIANCE – Appendix 2, Aerial Image of bay waters surrounding dock

APPLICATION FOR VARIANCE – Appendix 3, Engineered survey of proposed docking structure

APPLICATION FOR VARIANCE – Appendix 4, Answers to Town of Longboat Key review questionnaire for variance.

Widgets



800 BROADWAY, LONGBC



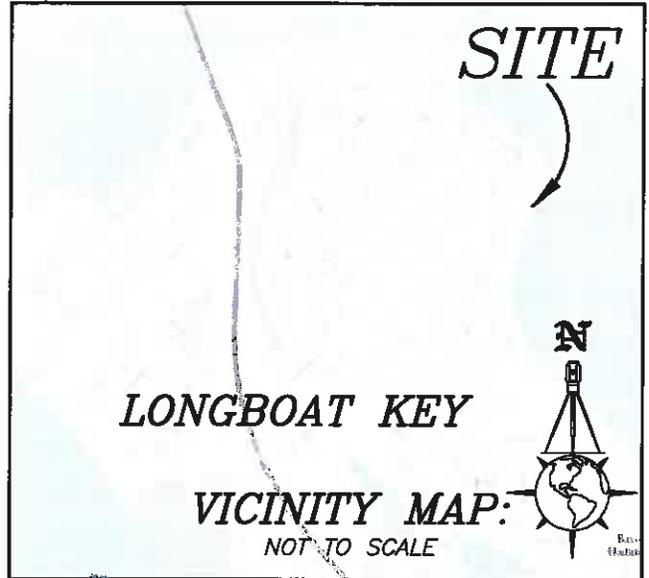
**SHEET INDEX:**

- SHEET 1 .... NOTES AND VICINITY MAP
- SHEET 2 .... FIELD SURVEY
- SHEET 3 .... DOCK DETAIL
- SHEET 4 .... SUBMERGED LAND LEASE SKETCH
- SHEET 5 .... SUBMERGED LAND LEASE DESCRIPTION
- SHEET 6 .... CROSS SECTIONS OF DOCKS

**LEGEND**

- |  |                         |
|--|-------------------------|
| □ = CONCRETE MONUMENT FOUND. (SIZE & I.D. NOTED) | (TYP.) = TYPICAL        |
| ⊗ = 5/8" IRON ROD FOUND (I.D. NOTED)             | CONC. = CONCRETE        |
| ● = 5/8" CAPPED IRON ROD SET (L.B. #6639)        | I.D. = IDENTIFICATION   |
| ⊙ = NAIL & DISK (I.D. NOTED)                     | EL., ELEV. = ELEVATION  |
| ○ = 1/2" IRON PIPE FOUND (NO I.D.)               | L.S. = LAND SURVEYOR    |
| (P) = PLAT DIMENSION                             | C.M. = CONC. MONUMENT   |
| (M) = MEASURED DIMENSION                         | R/W = RIGHT-OF-WAY      |
| (C) = CALCULATED DIMENSION                       | C/L = CENTER LINE       |
| (D) = DEEDED DIMENSION                           | INV. = INVERT ELEVATION |
| U. & D. = UTILITY & DRAINAGE                     |                         |
| L.B. = LICENSED SURVEYOR BUSINESS                |                         |
| T.B.M. = TEMPORARY BENCH MARK                    |                         |
| 2.00 = DEPTH RELATIVE TO MEAN LOW WATER          |                         |
| N.A.V.D. = NORTH AMERICAN VERTICAL DATUM         |                         |

SECTION 15, TOWNSHIP 35S., RANGE 15E.



**SURVEYORS NOTES:**

THIS IS NOT A BOUNDARY SURVEY.

THE FIELD SURVEY WAS CONDUCTED ON 9/9/15.

THE SURVEY AS SHOWN HEREON WAS MADE WITHOUT BENEFIT OF ABSTRACT OF TITLE, AND THEREFOR THE UNDERSIGNED AND STRAYER SURVEYING AND MAPPING, INC. MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREIN PERTAINING TO EASEMENTS, CLAIMS OF EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, OVERLAPS, BOUNDARY LINE DISPUTES, AGREEMENTS, RESERVATIONS OR OTHER SIMILAR MATTERS WHICH MAY APPEAR IN THE ABSTRACT, BUT IF THE SAME, OR ANY OF THEM ACTUALLY (IS) ARE IN EXISTENCE ON THE LAND SURVEYED, THEN IN THAT EVENT, THE SAME (IS) ARE SHOWN HEREON.

THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE RESULT OF A SURVEY PERFORMED ON THE INDICATED DATE AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS AT THAT TIME.

THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A PREVIOUS SURVEY COMPLETED BY: LOMBARDO, FOLEY & KOLARIK, INC., JOB # 9771, DATED 03/19/09 AND WAS PROVIDED BY THE CLIENT.

THE APPROXIMATE MEAN HIGH WATER LINE AS SHOWN ON THIS PLAT IS NOT A TIDAL PROPERTY BOUNDARY, WAS NOT LOCATED IN ACCORDANCE WITH PROCEDURES SPECIFIED IN THE "COASTAL MAPPING ACT OF 1974" (CHAPTER 177, PART II OF THE FLORIDA STATUTES), AND THE "RULES OF THE DEPARTMENT OF NATURAL RESOURCES" (CHAPTER 16-3 OF THE FLORIDA ADMINISTRATIVE CODE) AND IS NOT TO BE USED AS, REPRESENTED TO BE, OR BE ADMISSIBLE AS A TIDAL PROPERTY LINE BEFORE ANY ADMINISTRATIVE BODY OR COURT OF LAW. THE APPROXIMATE MEAN HIGH WATER LINE HAS BEEN USED DUE TO IT BEING INCIDENTAL TO THE PURPOSE TO WHICH THIS PLAT HAS BEEN PREPARED.

THE APPROXIMATE MEAN HIGH WATER LINE ELEVATION WAS DETERMINED USING PUBLISHED INFORMATION FROM THE FLORIDA DEPARTMENT OF NATURAL RESOURCES LAND BOUNDARY INFORMATION INTERACTIVE WEBSITE. TIDE INTERPOLATION POINT NO. 393, HAVING A MEAN HIGH WATER ELEVATION OF 0.21' (N.A.V.D. 1988)

ELEVATIONS SHOWN HEREON ARE BASED ON THE N.A.V.D. 1988 VERTICAL DATUM, UNLESS OTHERWISE SPECIFIED. ELEVATIONS SHOWN HEREON ARE BASED ON A MANATEE COUNTY GIS STATION #M-107, ELEVATION 5.73' (N.A.V.D. 1988)

TIDAL DATA OBTAINED FROM THE LAND AND BOUNDARY INFORMATION SYSTEMS (LABINS.ORG) WEBSITE, TIDE INTERPOLATION POINT #393. MEAN HIGH WATER = 0.21' NAVD 88, MEAN LOW WATER -1.17' NAVD 88.

VEGETATION TYPES INDICATED WERE IDENTIFIED TO THE BEST OF ABILITY OF STRAYER SURVEYING & MAPPING. HOWEVER, A PROFESSIONAL ENVIRONMENTAL ENGINEER SHOULD BE CONSULTED FOR EXACT VEGETATION IDENTIFICATION.

BEARINGS SHOWN HEREON ARE BASED ON THE RECORD PLAT OF LONG BEACH, REPLAT OF LONG BEACH, THE SOUTH R/W LINE OF BROADWAY, BEING N.50°00'00"E.

COORDINATES SHOWN HEREON ARE BASED ON FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE AS REFERENCED TO NAD(83)-(2011)-(EPOCH 2010.0000) AND ARE SCALED.

SYMBOL CHARACTERS AND OR POSITIONS MAY NOT BE DEPICTED TO SCALE FOR CLARIFICATION PURPOSES.

SURVEY IS NOT VALID UNLESS ALL SHEETS (SHEET 1 TO 6) ARE PRESENT.

**SPECIFIC PURPOSE SURVEY OF:**

THE SUBMERGED LANDS LYING UNDER A PORTION OF SARASOTA BAY AND LYING ADJACENT TO:  
 LOTS 1, 2, 3 AND NORTHEAST 1/2 OF LOT 4, LONG BEACH, REPLAT OF LONG BEACH, RECORDED IN PLAT BOOK 1, PAGES 306 AND 329, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; ALSO THAT PART OF BAYSIDE DRIVE (VACATED) ADJACENT TO THE ABOVE LOTS BOUNDED ON THE NORTH BY AN EXTENSION OF THE SOUTHEASTERLY LINE OF BROADWAY TO SARASOTA BAY AND BOUNDED ON THE SOUTH BY EXTENSION OF THE SOUTHWESTERLY LINE OF LOT 4, EXTENDED TO SARASOTA BAY, TOGETHER WITH ALL RIPARIAN RIGHTS.

**CERTIFIED TO:**

800 BROADWAY LLC  
 THE BOARD OF TRUSTEES OF THE INTERNAL  
 IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

**REVISION:**

09/10/15: UPDATED MHWL PER FIELD VISIT

THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE "STANDARDS OF PRACTICE FOR SURVEYS" SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND IS NOT INTENDED TO MEET ANY OTHER MUNICIPAL OR NATIONAL STANDARD OR REQUIREMENT UNLESS NOTED.

STRAYER SURVEYING & MAPPING, INC.  
 LICENSED SURVEYOR BUSINESS NO. 6639

**SHEET 1 OF 6**

FILE #14-11-59-SSL

742 Shamrock Boulevard  
 Venice, Florida 34293  
 (941) 496-9488  
 (941) 624-4900  
 Fax (941) 497-6186

**DATE OF FIELD SURVEY**

12/01/2014, 09/09/2015

**FIELD BOOK:** 627,660

**PAGE:** 60-61,26

**CHECKED BY:** R.S.S.

**DRAWN BY:** M.S.P.

**FILE #:** 14-11-59-SSL

**RUSSELL S. STRAYER**  
 FLORIDA SURVEYOR & MAPPER REG'N NO. 6890

"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER."

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EXISTING DOCK  
CONTAINS 1,685.3 SQ. FT. ±

APPARENT RIPARIAN LINE ±  
(PERPENDICULAR TO SHORE LINE METHOD)

CHANNEL MARKER

L.B. #2241  
"WITNESS CORNER"

FOUND 5/8"  
IRON ROD, NO CAP  
"WITNESS CORNER"

EXISTING SUBMERGED LAND LEASE  
PER O.R. BOOK 1678, PAGE 7944  
CONTAINS: 16,111.8 SQ. FT. ±

N34°11'33"E 81' ±  
TO APPROXIMATE EDGE  
OF MARKED CHANNEL

NORTHWEST CORNER OF  
O.R. BOOK 1601, PAGE  
6635 FOUND 1" IRON  
PIPE NO CAP

**BROADWAY STREET**  
(80' PUBLIC R/W - 30' ± PAVED)  
BEARING-BASIS  
N50°00'00"E (D&C) 348.01' ± (C)  
310.92' (M) SOUTH R/W LINE

EXISTING WOOD LAMPI  
SEE SHEET 3 FOR  
DETAIL

EXISTING DOCK  
SEE SHEET 3 FOR DETAIL

**SUBJECT SITE**  
NOW OR FORMERLY LANDS OF:  
MOORE-HICKS LIMITED PARTNERSHIP  
O.R. BOOK 1126 PAGE 2652 & BOOK  
1601, PAGE 6633  
#800 BROADWAY STREET

**SARASOTA BAY**  
(TIDAL)

EXISTING DOCK  
SEE SHEET 3 FOR DETAIL

NORTHWEST CORNER OF O.R.  
BOOK 1601, PAGE 6635  
FOUND 1" IRON PIPE NO CAP

T.B.M. ⊕  
ELEV. = 2.15'  
FOUND 5/8" IRON  
ROD L.B. #2241  
"WITNESS CORNER"

21 PROPOSED PILINGS (TYP.)

PROPOSED DOCK  
SEE SHEET 3 FOR DETAIL

MEAN HIGH WATER  
ELEVATION 0.21' NAVD 88  
1978/2001 EPOCH  
AS LOCATED 09/19/15  
(SEE NOTE)

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	N32°56'54"E	36.16'
L2	N29°13'13"E	23.00'
L3	N32°46'29"E	25.36'
L4	N30°47'20"E	31.89'
L5	N25°57'41"E	29.11'
L6	N24°30'34"E	151.22'
L7	N30°03'46"E	7.18'
L8	N19°12'30"E	27.99'
L9	N05°03'14"E	26.14'
L10	N05°00'25"E	23.84'
L11	N11°54'23"W	18.81'

NOW OR FORMERLY LANDS OF:  
MARVISTA GROUP INC THE  
O.R. BOOK 1288 PAGE 3343  
#760 BROADWAY ST.

WOOD PILING  
(TYP.)

APPARENT RIPARIAN LINE ±  
(PERPENDICULAR TO SHORE LINE METHOD)

EXISTING DOCK  
CONTAINS 1,685.3 SQ. FT. ±

**FIELD SURVEY**

**SHEET 2 OF 6**

FILE #14-11-59-SSL

742 Shamrock Boulevard  
Venice, Florida 34293  
(941) 496-9488  
(941) 624-4900  
Fax (941) 497-8186

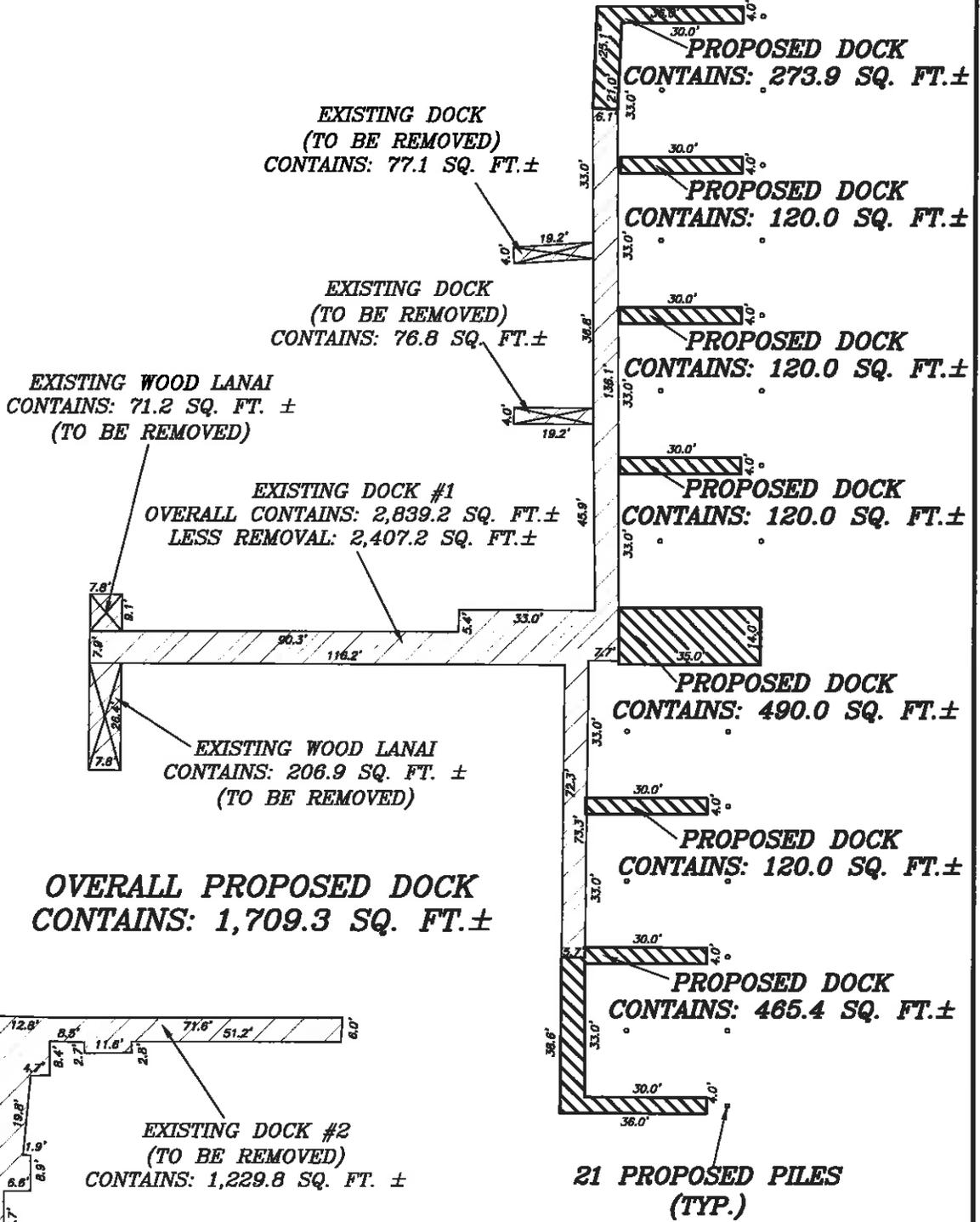
EST. 1987  
**STRAYER**  
SURVEYING & MAPPING, INC.

www.strayersurveying.com

SCALE 1" = 60'



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NOTE: ELEVATION OF PROPOSED DOCK IS 8.0' AT UPLAND ACCESS AND 4.0' AT TERMINAL PLATFORM PER CLIENT

**DOCK DETAIL**

SHORELINE TABULATIONS  
SHORELINE ALONG LEASE AREA: 10' ± RIP-RAP

**SHEET 3 OF 6**

FILE #14-11-59-SSL

742 Shamrock Boulevard  
Venice, Florida 34293  
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(941) 624-4900  
Fax (941) 497-6186

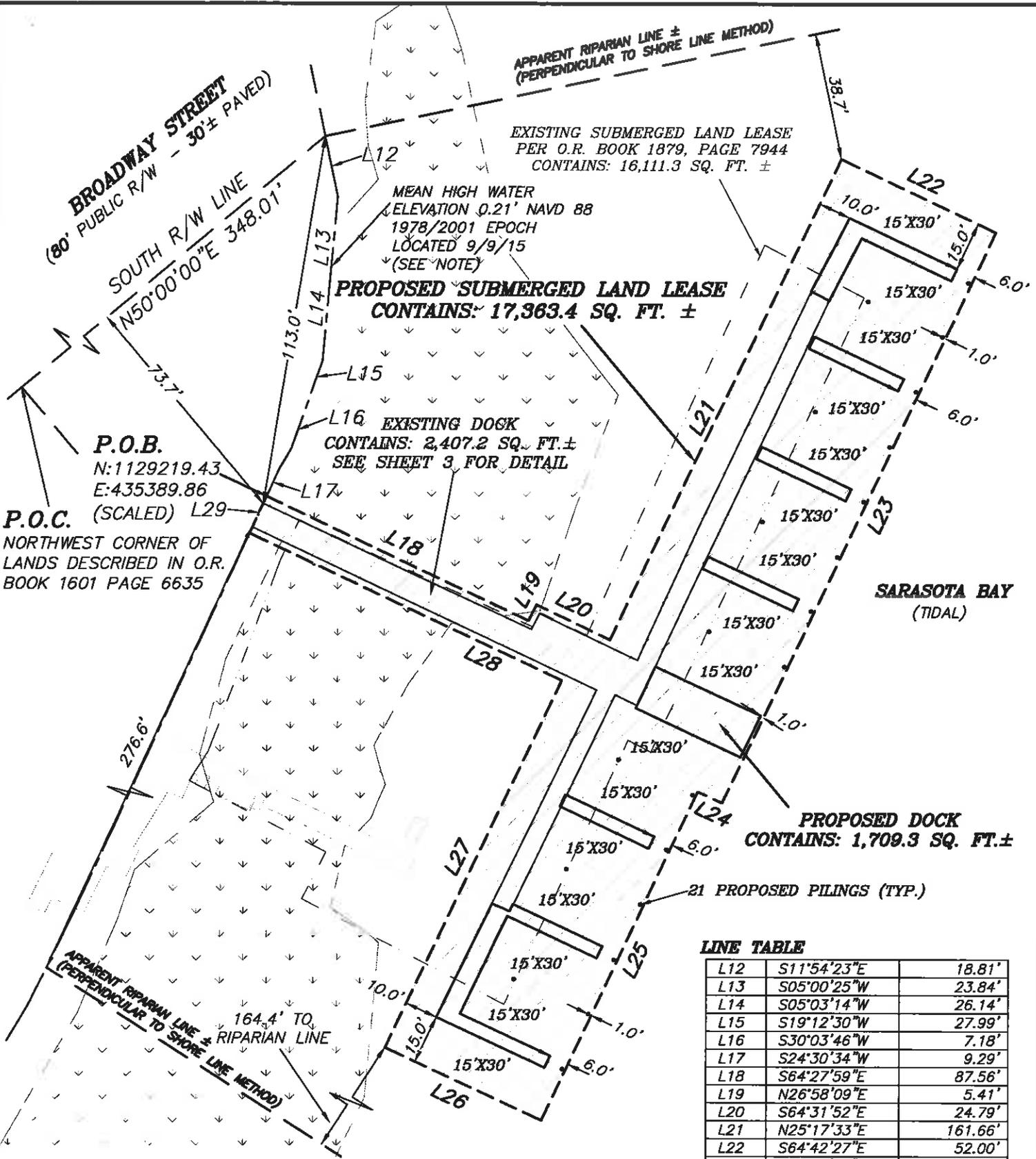


[www.strayersurveying.com](http://www.strayersurveying.com)

**SCALE 1" = 40'**



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**LINE TABLE**

L12	S11°54'23"E	18.81'
L13	S05°00'25"W	23.84'
L14	S05°03'14"W	26.14'
L15	S19°12'30"W	27.99'
L16	S30°03'46"W	7.18'
L17	S24°30'34"W	9.29'
L18	S64°27'59"E	87.56'
L19	N26°58'09"E	5.41'
L20	S64°31'52"E	24.79'
L21	N25°17'33"E	161.66'
L22	S64°42'27"E	52.00'
L23	S25°17'33"W	192.00'
L24	N64°42'27"W	8.00'
L25	S25°17'33"W	111.00'
L26	N64°42'27"W	52.00'
L27	N25°17'33"E	123.89'
L28	N64°37'56"W	104.34'
L29	N24°30'34"E	12.35'

**SUBMERGED LAND LEASE**

**SHEET 4 OF 6**

FILE #14-11-59-SSL

742 Shamrock Boulevard  
Venice, Florida 34293  
(941) 498-9488  
(941) 824-4900  
Fax (941) 497-6186

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SCALE 1" = 40'



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**DESCRIPTION:**

ALL THOSE SOVEREIGNTY SUBMERGED LANDS LYING WITHIN THE FOLLOWING DESCRIBED PARCEL:

A PARCEL OF SUBMERGED LANDS LYING AND BEING IN SECTION 15, TOWNSHIP 35 SOUTH, RANGE 16 EAST, MANATEE COUNTY, FLORIDA; BEING THAT PART OF THE FOLLOWING DESCRIBED PARCEL LYING BELOW THE MEAN HIGH WATER LINE OF SARASOTA BAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1601, PAGE 6635, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ON THE SOUTH RIGHT-OF-WAY LINE OF BROADWAY STREET (80 FEET WIDE PUBLIC RIGHT-OF-WAY) N50°00'00"E, 348.01 FEET, TO THE MEAN HIGH WATER LINE OF SARASOTA BAY; THENCE ON SAID MEAN HIGH WATER LINE S11°54'23"E, 18.81 FEET; THENCE S05°00'25"W, 23.84 FEET; THENCE S05°03'14"W, 26.14 FEET; THENCE S19°12'30"W, 27.99 FEET; THENCE S30°03'46"W, 7.18 FEET; THENCE S24°30'34"W, 9.29 FEET, FOR A POINT OF BEGINNING; THENCE S64°27'59"E, 87.56 FEET; THENCE N26°58'09"E, 5.41 FEET; THENCE S64°31'52"E, 24.79 FEET; THENCE N25°17'33"E, 161.66 FEET; THENCE S64°42'27"E, 52.00 FEET; THENCE S25°17'33"W, 192.00 FEET; THENCE N64°42'27"W, 8.00 FEET; THENCE S25°17'33"W, 111.00 FEET; THENCE N64°42'27"W, 52.00 FEET; THENCE N25°17'33"E, 123.89 FEET; THENCE N64°37'56"W, 104.34 FEET; THENCE N24°30'34"E, 12.35 FEET, TO SAID POINT OF BEGINNING.

SAID SUBMERGED LANDS CONTAINING 17,363.4 SQUARE FEET OR 0.399 ACRES, MORE OR LESS.

**SUBMERGED LAND  
LEASE DESCRIPTION**

**SHEET 5 OF 6**

FILE #14-11-59-SSL

742 Shamrock Boulevard  
Venice, Florida 34293  
(941) 496-9488  
(941) 624-4900  
Fax (941) 497-6186

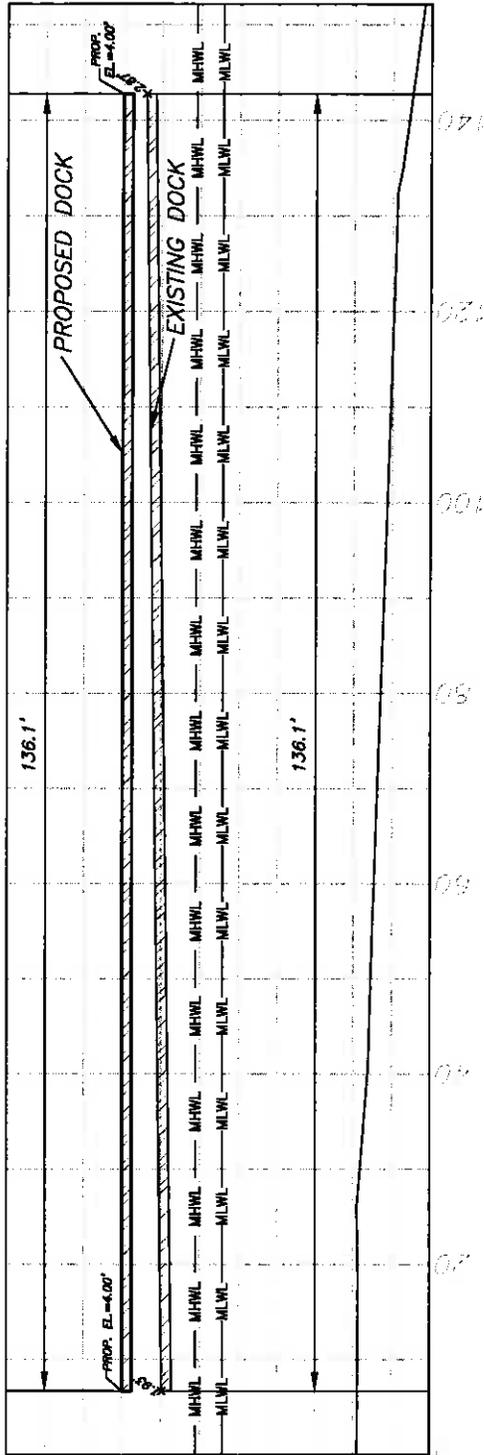


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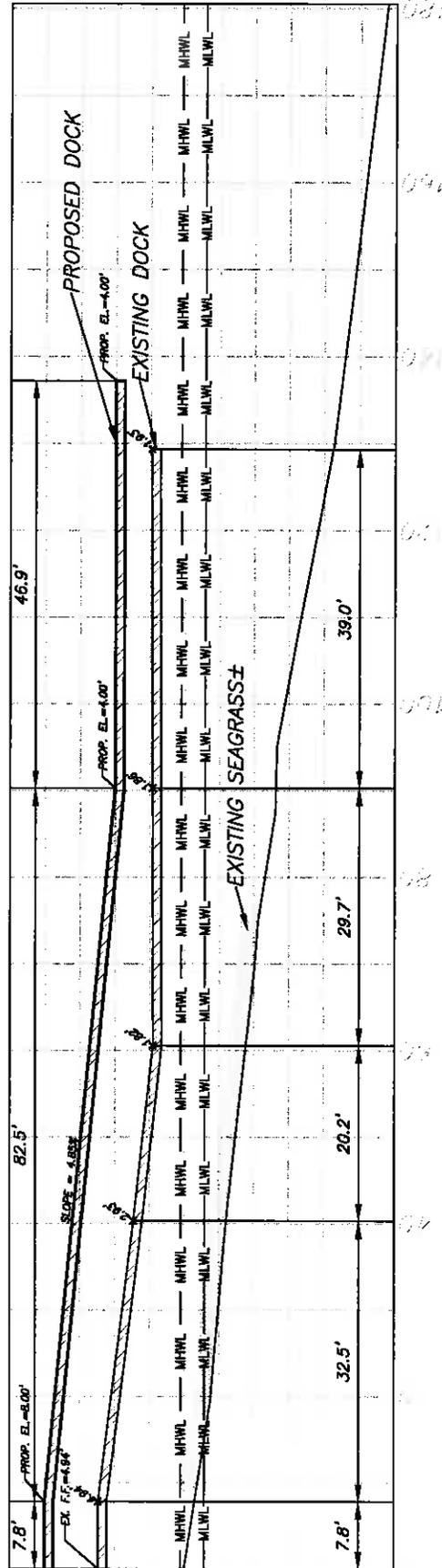
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**TERMINAL PLATFORM EAST**



**PROFILE OF TERMINAL PLATFORM**  
 Horizontal Scale = 1 : 20  
 Vertical Scale = 1 : 10  
 "B-B"

**TERMINAL PLATFORM**



**PROFILE FROM UPLAND ACCESS TO TERMINAL PLATFORM**  
 Horizontal Scale = 1 : 20  
 Vertical Scale = 1 : 10  
 "A-A"

**TERMINAL PLATFORM WEST PROFILE**

**SHEET 6 OF 6**

FILE #14-11-59-SSL

742 Shamrock Boulevard  
 Venice, Florida 34293  
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 (941) 624-4900  
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**UPLAND ACCESS**

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09/21/15 Appendix 4

Dock Variance request per Longboat Key Code of Ordinances ,Variance application answers to questions provided by Town of LBK Staff review of 800 Broadway LLC

158.155(A)(4)(b) & 158.126 – Structures over water. 158.155(C) will be addressed through a Special Exception application authored by Mr. Peter Dailey.

1. The variance requested applies to Town of Longboat Key ordinance 158.155(A)(4)(b) & 158.126. The existing historic non-conforming docking structure over Sovereign Submerged Lands of the State of Florida extends 128.4 feet from (MHWL), or 78.4 additional feet from the 50 foot threshold along the upland access walkway. The proposed reconstructed dock will extend a total of 163.5 feet or exactly 113.5 additional feet from the 50 foot threshold, or an additional 35.1 feet from the historic dock configuration along the upland access walkway. The furthest point of the existing historic non-conforming dock from MHWL is 150.6 feet or 100.6 feet beyond the 50 foot threshold. The proposed reconfigured docking structure would possess a projected distance at a location on the northeastern terminal access walkway, beyond the finger slip a piling would exist at 192.6 feet from MHWL or 142.6 feet beyond the 50 foot threshold, or 42 feet beyond the current historic non-conforming overwater structure.  
**Therefore a Town of Longboat Key variance is requested for 158.155(A)(4)(b) to allow the reconfigured dock to project into Sarasota Bay waters an additional 42 feet beyond the existing non-conforming overwater structure or a total of 192.6 linear feet from MHWL.** Please reference Appendix 3 for survey representations of all areas, benthic depths, square footage, Riparian allowances & neighboring Riparian infringement, as well as linear distances as existing and proposed. In reference to a special exception for 158.155(C) please reference #4 & #5 answers as well as Appendix 1, questions 1-6. The special exception is authored by Mr. Peter Dailey as consultant to 800 Broadway LLC.
2. Appendix 3 also illustrates all associated proposed dock modification setbacks as provided below (Riparian property boundaries defined by F.S. 253.141) regarding variance application for 158.155(A)(4)(b) & 158.126 .
  - a. 113.0 linear feet to the northern MHW Riparian line & 276.6 linear feet to the southern MHW Riparian line.

- b. 56.7 feet to the northern waterward Riparian line & 153.4 to the southern docking structure which exceeds the the neighboring property's waterward Riparian line.  
Distance to the southern waterward Riparian line – although not navigable due to recently permitted dock extension into subject property's Riparian Rights as identified on enclosed survey Appendix 3, is 180.6 linear feet.
3. The existing overwater structures of subject property do not possess identified slip vessel access, but will allow 14 to 18, average vessel docking access of 25 feet. The reconfiguration of the existing and construction of the proposed structure will provide identified docking facilities for 16 vessels. Therefore utilizing the lower range of unidentified current vessel docking allowances of 14 the proposed vessel dock access will increase by two.
4. Total existing non-conforming historic overwater structures possess 4069.0 sq ft.
5. Total addition square footage of reconfigured proposed dock = 47.5 sq ft for a total of 4116.5 square feet. Please note, 1661.8 sq ft of existing non-conforming overwater structure to be removed with permitted dock proposal (Appendix 3, sheet 3 of 6). **800 Broadway LLC is requesting a Town of Longboat Key special exception to 158.155(C) for a de minimis increase over existing historic non-conforming overwater docking configuration of 47.5 square feet.** The existing grandfathered historic configuration of the dilapidated overwater structures will be removed. Existing Dock 1 will be reconstructed as identified through included survey documents. Existing Dock 2 and Existing overwater Wood Lanai will be removed (sheet 3 of 5, Appendix 3). As previously commented upon in Appendix 1, sunlight is a requirement for the maintenance and development of seagrass beds, the removal of these overwater structures that are positioned over shallow depths will increase seagrass habitat. Please reference Appendix 1, question numbers 1-6 as applicable to variance request per 158.155(A)4b & 158.126.
6. The proposed reconstructed docking structure will allow kayaks and canoes utilization of the northern side of the terminal docking walkway. No additional docking square footage added, nor will there be any vehicular parking for kayak or canoe launch. All docking facilities are for patron use only.