

**TOWN OF LONGBOAT KEY
ZONING BOARD OF ADJUSTMENT
MINUTES OF MARCH 11, 2010 MEETING**

The meeting of the Zoning Board of Adjustment was called to order by Chairman Goldner at 9:30 a.m. on Thursday, March 11, 2010.

Members Present: Chairman Laurin Goldner, Vice-Chairman Ben Feole, Secretary Charles Fuller, Members Andrew Aitken, Gaele Barthold, Sally Boynton

Members Absent: Tom Murphy

Also Present: David Persson, Town Attorney; Monica Simpson, Planning, Zoning & Building Director, Ric Hartman, Planner; Donna Chipman, Office Manager

Agenda Item 1.

Ms. Boynton referred to page 5 of the February 11, 2010, minutes, second paragraph, first sentence, which stated that, "*Mr. Ellis suggested that the board grant the variance for the 12 slips, and if the two property owners did not sign the agreement, then it would be reduced to eight slips; the two property owners would be on their own,*" and noted that she had made that suggestion, not Mr. Ellis.

Ms. Barthold made a MOTION TO APPROVE THE MINUTES OF THE FEBRUARY 11, 2010, ZONING BOARD OF ADJUSTMENT MEETING AS AMENDED; seconded by Mr. Feole and approved by a unanimous vote.

Agenda Item 3. The Public Hearing was opened for Petition 2-10 by William and Cathy Bishop requesting a Variance from Sections 158.151(D) and 158.145 of the Town of Longboat Key Zoning Code to: 1) reduce the required setback for mechanical equipment from the required ten feet to 6.9 feet; and, 2) increase the allowable lot coverage from 30 percent to 32.86 percent, with the addition of a 34.80 square foot equipment platform to allow for the installation of two air conditioning units, for property located at 3390 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. William Bishop presented the Return Receipts to the Board.

Ric Hartman, Planner, reviewed the staff report noting that the variance request was to permanently install an elevated platform and two air conditioning units less than ten feet from the side property line, and installation of a platform that would increase the structural coverage of the lot area to 32.86 percent. He commented that the current residence was 10.9 feet from the side property boundary, and no area had been set aside for mechanical equipment. The Island Court residences were originally designed to have air conditioning equipment under the rear patio area, but when replacing the units, the applicant's contractor informed him that for the size unit needed for the residence, it would not fit in the previous location underneath and had to be placed external to the structure. He continued with reviewing a PowerPoint presentation showing photos of the existing site.

Ms. Barthold asked if the picture was showing the location where the new units would be installed. Mr. Hartman responded that the units shown in the photograph were in the proposed location and were temporarily installed in order to provide the homeowner with air conditioning. Ms. Barthold questioned how the units were allowed to be installed prior to a variance being requested and granted. Mr. Hartman reiterated that because the homeowner needed the air conditioning units, as the previous units were no longer functioning, the Town allowed the applicant to temporarily install the units. However, he pointed out that if the variance was not granted, then the applicant would be required to remove the units and install them in another location. Ms. Goldner noticed that the air conditioning units to the south of the applicant's residence were outside the structure, and asked if that was allowed by a variance. Mr. Hartman replied no. He explained what had occurred was that the buildings had different side setbacks where they were located. The units to the right (in the photograph) had a different setback which was further from the side property line than the applicant's residence. He had reviewed the original approved plans from 1988, and the buildings were placed where they were approved to be placed. Mr. Hartman commented that the applicant had stated that if the variance was granted, he would be screening the equipment; he did not wish to provide screening at this time as he was not sure if the variance would be approved.

Mr. Hartman reviewed the other requested variance for lot coverage noting that the current coverage was at 32.44 percent, and the installation of the platform would increase the coverage by approximately 32 square feet. He continued with reviewing the Findings of Fact from the staff report. He noted that staff had questioned why the units could not be placed in the rear yard area, where there was sufficient room, but the applicant had supplied staff with a determination from the professional contractor that indicated, for various reasons (safety, efficiency of placing the piping, etc.), that placing the unit near the existing fence near their pool would not be an efficient area.

Ms. Barthold asked if the ZBA approved the variance, would they need to include a condition for the screening, or would it be covered by other code sections. Mr. Hartman responded that he had not included that issue as a condition, because it was required by code. Ms. Boynton asked if staff did "due diligence" regarding the expert's opinion that this was the only location that the units could be placed. Mr. Hartman commented that he had discussed the issue with the Town's mechanical inspector/plans examiner, and the inspector agreed with the statement submitted by the applicant's contractor. Mr. Aitken asked if there were any issues raised by the adjacent residents. Mr. Hartman commented that no one had come forward, and there were minutes from the homeowner's association supporting the request.

Mr. Feole asked if there were alternatives to installing units of a similar size that would fit in the original location. Mr. Hartman explained that issue was raised by staff, but the size of the unit required for this size structure was the minimum size available for the amount of power and energy efficiency designated for this structure. He noted that staff had questioned it, which was the reason for the information from the contractor. Mr. Feole asked if the variance was not granted would the home have to go un-air conditioned. Mr. Hartman replied not necessarily; they would have to place the unit in the rear yard or get it custom fitted. Monica Simpson, Planning, Zoning & Building Director, pointed out that the applicant might be able to get smaller units, but they would be substandard for the size of the structure.

Mr. Feole commented that in terms of placing the units in the side yard, he questioned the aesthetics and sound. He asked if staff examined the request from the degree of noise created or the aesthetics. Mr. Hartman commented that no one had come forward and complained, but had come forward in support. He pointed out that the units located at the structure to the right (in the photo) had two air conditioning units that were heavily landscaped. Mr. Aitken noted that he had visited the site and noticed that all the air conditioning units were located on the sides of the structures.

William Bishop, applicant, mentioned that he had worked with staff for the past several months to complete his variance request and wished to ensure compliance with the Town's rules and regulations.

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

Ms. Barthold made a MOTION TO GRANT PETITION 2-10 BASED ON THE FINDINGS OF FACT IN THE STAFF REPORT; seconded by Mr. Feole and approved by a roll call vote:

AITKEN:	AYE	BARTHOLD:	AYE
BOYNTON:	AYE	FEOLE:	AYE
FULLER:	AYE	GOLDNER:	AYE

Setting Future Meeting Date.

The next regular meeting was scheduled for Thursday, April 8, 2010.

Adjournment.

The meeting was adjourned at 9:53 AM.

Respectfully submitted,

Charles Fuller, Secretary
Zoning Board of Adjustment