

**TOWN OF LONGBOAT KEY  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF OCTOBER 17, 2019 MEETING**

The meeting of the Zoning Board of Adjustment was called to order by Chair Gaelle Barthold at 9:30 a.m. on Thursday, October 17, 2019.

Members Present: Chair Gaelle Barthold, Ann Roth, Secretary; Members Neal Colton, Aaron Kleiner, Kevin Magnus

Also Present: Regina Kardash, Assistant Town Attorney; Allen Parsons, Planning, Zoning & Building Director; Maika Arnold, Senior Planner; Tate Taylor, Planner; Donna Chipman, Senior Office Manager

**Administration of Oath**

Donna Chipman, Senior Office Manager/Notary Public, swore newly appointed member Kevin Magnus.

**Election of Officers**

**Chair**

**It was moved by Roth, seconded by Kleiner, to nominate Ms. Barthold as Chair of the Zoning Board of Adjustment.**

There were no other nominations, and the nominations were closed.

**Motion to appoint Ms. Barthold as Chair carried unanimously.**

**Vice Chair**

**It was moved by Barthold, seconded by Magnus, to nominate Mr. Colton as Vice Chair of the Zoning Board of Adjustment.**

There were no other nominations, and the nominations were closed.

**Motion to appoint Mr.Colton as Vice Chair carried unanimously.**

**Secretary**

**It was moved by Barthold, seconded by Colton, to nominate Ms. Roth as Secretary of the Zoning Board of Adjustment.**

There were no other nominations, and the nominations were closed.

**Motion to appoint Ms. Roth as Secretary carried unanimously.**

**Public to be Heard**

Opportunity for Public to Address Planning and Zoning Board  
No one wished to address the board.

## Approval of Minutes

**Ms. Roth made a MOTION TO APPROVE THE MINUTES OF THE MARCH 21, 2019, ZONING BOARD OF ADJUSTMENT MEETING AS AMENDED; seconded by Mr. Colton and approved by a unanimous vote.**

## Public Hearings

The public hearing was opened for Petition #PV19-0002 by Joseph and Nancy McNamara, property owner, requesting a Variance from Town Code Section 158.119(D)(3) of the Town of Longboat Key Code of Ordinances, to reduce the required side yard setback on the southeasterly side of their property from 10 feet to 4 feet to relocate the present air-conditioning equipment and the proposed pool equipment onto a new concrete pad, for property located at 3545 Fair Oaks Lane.

Regina Kardash, Assistant Town Attorney, asked if any members had any Ex Parte communications or conflicts of interest. There were no Ex Parte communications or conflicts of interest noted.

All those testifying at this hearing signed a '*Request to Be Heard*' form affirming their evidence or factual representation. Proof of Advertising in the *Sarasota Herald-Tribune*, the Town Attorney's Opinion and the Staff Report, including supporting documentation, are part of the applicant's file. Michael Furen, attorney representing the applicant, presented the Return Receipts to staff.

Tate Taylor, Planner, provided an overview of the petition as follows:

- The property is located in the Queens Harbor section of Bay Isles
- The applicant is requesting a reduction in the side yard setback on the southeasterly side of the property from 10 feet to four feet
- The request is to accommodate relocating air-conditioning equipment and proposed pool equipment onto a new concrete pad
- Pointed out the section on the land survey showing the location of the proposed request
- Noted there is an emergency access easement adjacent to the property
- The adjacent property's air-conditioning equipment is located on top of the garage, so the proposal would not impact the neighbors living/sleeping areas

Ms. Roth questioned the location of the proposed pool. Mr. Taylor responded the pool was in design at the moment, but believed the pool will be located within the backyard. Ms. Barthold asked if a variance was required for the pool. Mr. Taylor explained the applicant is being proactive in requesting this variance, and in discussions with the applicant, it was found there was difficulty with the location of existing air-conditioning equipment.

Mr. Kleiner referred to the easement and asked if the concrete pad encroached. Mr. Taylor discussed that the pad will slightly encroach into the utility easement; however, the Town's Public Works Department has indicated it would not be an impact. Mr.

Magnus questioned the location of the electrical and plumbing equipment. Mr. Taylor referred to the applicant to answer.

Michael Furen, attorney representing the applicant, thanked staff for their assistance. He explained that Mr. McNamara obtained support from the Queens Harbor's Homeowners Association, the adjacent neighbors, and the Bay Isles Association.

Joe McNamara, applicant, thanked staff for their assistance through the process. Chair Barthold asked Mr. McNamara to address the pool location. Mr. McNamara responded there is a patio where the air-conditioning equipment currently sits in the rear of the home. They will be removing the patio and then the pool will be located in the area of the removed patio.

Attorney Kardash requested the record reflect there were no public in attendance to speak in support or opposition to the petition.

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

**It was moved by Colton, seconded by Magnus, to approve Petition PV19-0002 as submitted and based on the board's agreement with the Findings of Fact as recommended by staff. Motion carried on roll call vote: Barthold, aye; Colton, aye; Kleiner, aye; Magnus, aye; Roth, aye.**

#### **Old Business**

There was no Old Business.

#### **New Business**

There was no New Business.

#### **Setting Future Meeting Date**

Allen Parsons, Planning, Zoning & Building Director, informed the board there were no petitions in process for the November meeting; therefore, the November meeting would be canceled. Chair Barthold questioned if there was anything scheduled for December. Mr. Parsons replied there were no applications submitted, and staff had not had any preliminary discussions with any applicants indicating the need for a December meeting. Chair Barthold noted it appeared the next meeting would be tentatively scheduled for January 16, 2020.

#### **Adjournment**

The meeting was adjourned at 9:54 am.

Respectfully submitted,

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Ann Roth, Secretary  
Zoning Board of Adjustment