

**MICROFILMING INFORMATION SHEET**

TO: LASON  
4920 West Cypress Street, Suite 108  
Tampa Fl 34228

FROM: Town of Longboat Key  
Town Clerk Department  
501 Bay Isles Road  
Longboat Key Fl 34228

DATE: 06-11-01

SUBJECT: Microfilming

Please index the attached collection of records utilizing the following language and placing this language in the upper right hand corner of each image:

2045 Gulf of Mexico Drive

The database should include the following three fields:

VAR 897

Roll # 29

Image # 486

This collection of records should be placed on the following film type:

     16 mm

✓ 35 mm

Total number of pages in this collection: \_\_\_\_\_

If there are questions regarding the collection of records that are to be microfilmed please contact Jo Ann Dunay-Mixon, Deputy Clerk Records, at 941-316-1999.

DO NOT WRITE IN THIS SPACE. For Office Use Only

Petition No. 28-89 Date Filed 12/87  
 Fee Paid - Receipt No. 871964 Date Hearing Advertised 5-29-89  
 Date This Petition is Set for Public Hearing 6-13-89  
 The owner or his agent has X has not submitted a petition regarding  
 the subject property within the last year.

The applicant is required to submit twelve (12) sets of this application  
 supporting plans and documents.

## PETITION

(I) (We) Seaplace Association, Inc. of 2045 Gulf of Mexico Drive  
 (Name) (Mailing Address)

Longboat Key, Florida 34228 request that a determination be made  
 the Board of Adjustment of the Town of Longboat Key on the following app  
 from the ruling of the Administrative official on June 5, 1986.

This Petition concerns Section(s) 150-39 & 150-38 Paragraph(s) A - C  
 of the Town of Longboat Key Zoning Ordinance, for the reason that:

UNDERLINE EITHER A OR B WHICHEVER IS APPLICABLE.

- A. (Check or fill in pertinent blank spaces.) It is a request  
 for a variance relating to the \_\_\_\_\_ area, \_\_\_\_\_ front  
 age, \_\_\_\_\_ yard or open space, height or allow retention  
 (State if request  
 of wall constructed to preserve dune  
 for purpose other than those enumerated.)

- B. It is a request for a special exception, as provided in the  
 section of the Ordinance above referred to.

The description of the subject property is as follows:

It is located at 2045 Gulf of Mexico Drive  
 (Street Number Location)

The legal description is as follows: \_\_\_\_\_  
 (Lot(s))

\_\_\_\_\_  
 (Block) (Subdivision or Plat)

or \_\_\_\_\_  
 (if otherwise legally described)

Seaplace I	Declaration of Condominium recorded	OR 1021 pg 684
Seaplace II	Declaration of Condominium recorded	OR 1062 pg 357
Seaplace III	Declaration of Condominium recorded	OR 1194 pg 1383
Seaplace IV	Declaration of Condominium recorded	OR 1219 pg 569
Seaplace V	Declaration of Condominium recorded	OR 1258 pg 1334
Seaplace VI	Declaration of Condominium recorded	OR 1275 pg 1438

Lot Size \_\_\_\_\_ Present Zoning Classification \_\_\_\_\_

Present Use residential condominium

Present structures (type) and improvements upon the land condominium unit

The proposed use will be a wall to preserve dune structure

If this Petition is granted, the effect will be to preserve a dune  
~~structure, the dune being constructed with approval of Town of Longport Bay and DNR~~  
 (brief description - For example, to reduce side yard from 7 1/2 feet  
 to 2 feet)

(I) (We) believe that the Board of Adjustment should grant this Petition  
 because:

(State below the grounds for administrative review or special  
 exception if either of these forms of relief is requested.  
 However, if a variance is requested, include information also  
 showing that

1. a literal interpretation of the Ordinance would  
 create an undue hardship upon Applicant and that  
 the hardship is not the fault of the Applicant,  
 and
2. the hardship results from a special situation  
 peculiar to the Applicant's land, structure or  
 building.

Attach plans and other supporting data.

Attach additional sheets, as necessary.

1. 200 foot wall, 26 inches in height - 3 blocks with Cap. No footer supporting  
 wall so that wall is not hardening of the beach but is a breakaway wall.  
 Classified as a "minor structure" pursuant to Section 150.63 (L) of the  
 Town Code.
2. Attached

2. Seaplace Association, Inc. did file an "after the fact" building permit which was denied because the wall is seaward of the Coastal Construction Control Line and at that time the Controlling Ordinances of the Town of Longboat Key did not provide for a variance for structures such as this wall. The Code now allows for such a special exception.

The need for the retaining wall was established before the Town Code Enforcement Board which gave extensions to Seaplace Association, Inc. while the Town of Longboat Key was considering amending its ordinance to allow for the variance.

The granting of this special exception will not be contrary to the public interest as set forth in Ordinance Section 158.026(F) and is in keeping with Section 161.053, Fla. Stat. which establishes the authority for the Coastal Construction Control line.

Thus the new request for a special exception.

Has any previous application or appeal been filed within the last year in connection with these premises? Yes x No. If so, briefly state the nature of the application or appeal \_\_\_\_\_

Case for removal of wall was heard before Code Enforcement Board and no action was to be taken for one year. The year passed and additional extensions were granted a waiting approval of the variance ordinance.

What is the Applicant's interest in the premises affected? Condominium  
(Owner,

Association - agent for all owners  
agent, lessee, etc.)

If applicable, what is the approximate cost of the work involved: \_\_\_\_\_

Following are the names and addresses of all owners of property within a distance of three hundred (300) (1,000) feet from the outside edges of the property involved in this Petition:

Name

Address

Aquarius Club Condominium

1701 Gulf of Mexico Drive

Sunset Beach Condominium

2109 Gulf of Mexico Drive

(Attach extra sheet, if necessary)

(I) (We) understand that this Petition becomes a part of the permanent records of the Board of Adjustment. (I) (We) hereby certify that the above statements and the statements or showings made in any paper or plan submitted herewith are true to the best of (my) (our) knowledge and belief. Seaplace Association, Inc.

By: \_\_\_\_\_

(Signature of Owner) as manager

Mailing address you wish information sent to and telephone number:

2045 Gulf of Mexico Drive

Longboat Key, FL 34228

(813) 383-5568

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.)

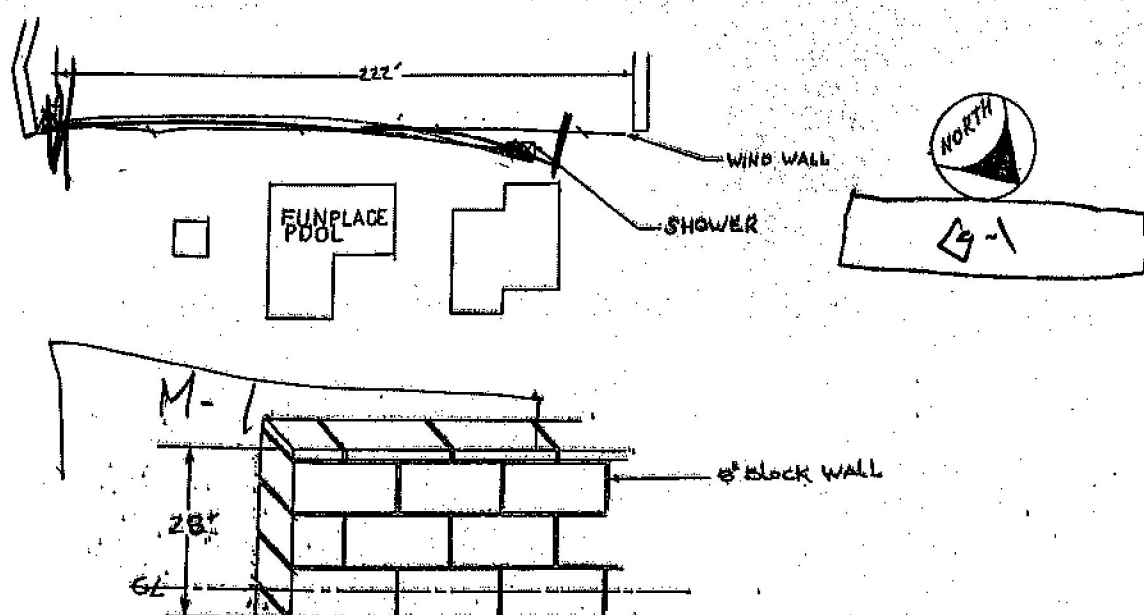
The contents of this Petition are sworn and subscribed before me this 30 day of November

19 87.

Gloria T. De Vries  
Notary Public

Notary Public, State of Florida at Large  
My Commission Expires June 25, 1988

# WIND WALL



LAW OFFICES

KANETSKY, MOORE, DEBOER & WHATLEY, P.A.

227 NOKOMIS AVENUE S.  
VENICE, FLORIDA 34285

P.O. BOX 1767  
VENICE, FLORIDA 34284-1767

813/485-1571

TELECOMMER:  
813/484-7228

MURRAY KANETSKY  
ROBERT L. MOORE  
ROBERT J. DEBOER  
JAMES W. WHATLEY  
ERIK R. LIEBERMAN  
LORRAINE O'CONNOR  
BRIAN L. DEAN  
SHARON VANDER WULP

BOARD CERTIFIED REAL ESTATE  
BOARD CERTIFIED CIVIL TRIAL LAW  
ALSO ADMITTED IN PENNSYLVANIA  
ALSO ADMITTED IN NEW YORK AND  
NEW JERSEY

August 16, 1988

Mr. Jay Brady AICP  
Planning Director  
Town of Longboat Key  
501 Bay Isles Road  
Longboat Key, FL 33548

Re: Seaplace Windwall  
Our File No. 3055

Dear Mr. Brady:

We represent Seaplace Association, Inc. and in connection with that representation we have just been asked to respond to your letter of March 7, 1988. Our client has supplied us with a copy of your letter and a copy of Section 158.126 and Section 158.150 of the Longboat Key Zoning Code.

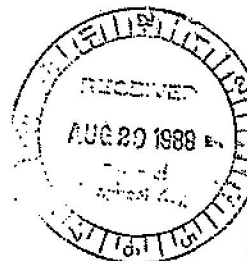
On behalf of our client, we would submit the enclosed Addendum to Application in response to the questions raised in your letter. If this is insufficient, please contact our office.

Very truly yours,

*Robert L. Moore*  
Robert L. Moore

RIM/pcf

Enclosure



## ADDENDUM TO APPLICATION FOR SPECIAL EXCEPTION

I. PETITIONER: Seaplace Association, Inc.

II. REASON FOR APPLICATION: To permit continuance of previously constructed wind wall.

III. COMPLIANCE WITH ZONING ORDINANCE:

A. The wind wall complies with the requirements of Section 158.126, Zoning Code of the Town of Longboat Key as follows:

1. It complies with the provisions of the Comprehensive Plan as it is located in a fully developed area, it is not built adjacent to any property other than that owned by the unit owners of Seaplace and it is not a hardening of the beach.

2. It is a permitted Special Exception use pursuant to Section 158.150(d) of the Zoning Code;

3. It does not affect ingress or egress to the property or interfere in any way with traffic flow;

4. It does not increase off-street parking requirements;

5. It does not affect refuse and service areas;

6. It does not affect utilities;

7. It does not require screening or buffering as it is not visible from any other adjacent property and is usually covered by sand on the seaward side of the wall.

8. It does not contain signage or lighting;

9. The required yards and open space are not affected.

10. The use will conform with applicable regulations governing the district where it is located as it is not a permanent structure and is not a hardening of the beach;



## 11. The wind wall will:

(a) not be contrary to the land use plan and have an adverse effect on the Comprehensive Plan;

(b) not be incompatible with established land use patterns, other such walls have been approved in similar situations;

(c) not affect population density or public facilities;

(d) be advantageous to the community as it protects and enhances the preservation of the dune line;

(e) not adversely affect living conditions in the neighborhood as it does not constitute a hardening of the beach;

(f) not affect traffic or public safety;

(g) not create a drainage problem;

(h) not reduce the flows of light or air to adjacent areas;

(i) not adversely affect property values in the adjacent area but will enhance property values by stabilizing the dune system.

(j) not deter development of adjacent property which is fully developed;

(k) not be out of scale with the needs of the town.

B. The wind wall complies with the requirements of Section 158.150(d) as follows:

1. Site plan has been filed;

2. It protects private property of Seaplace from erosion but does so by preserving the dune line which is the purpose for the Coastal Construction Control Line. Without the wind wall the dune would be lost (see letter from Passalacqua Engineering Associates and Horticultural Systems, Inc. attached hereto);

3. Natural approaches have been used by placing sand seaward of the wall and planting appropriate vegetation. Seaplace has spent hundreds of thousands of dollars renourishing the beach and the wind wall is part of that effort;

4. The wind wall protects a recreation area and pool but if it was removed the dune system would be destroyed and not only would the recreation area be in danger but the inhabited structures adjacent to the recreation area would be endangered.


5. The wind wall plans are attached and have previously been filed. There is no footer and the wind wall is not a hardening of the beach;

6. The wind wall is placed as far landward as possible and as near the structure it is protecting as possible;

7. The wind wall does not jeopardize the stability of the natural beach and dune system but, without the wind wall, the dune system would be severely threatened, (see letters attached hereto);

IV. CONCLUSION: The Seaplace wind wall is not a structure which hardens the beach but it is a structure which helps to preserve a delicate dune system. As such, the wind wall meets all the requirements of Section 158.126 and 158.150 of the Zoning Code and the special exception should be granted.

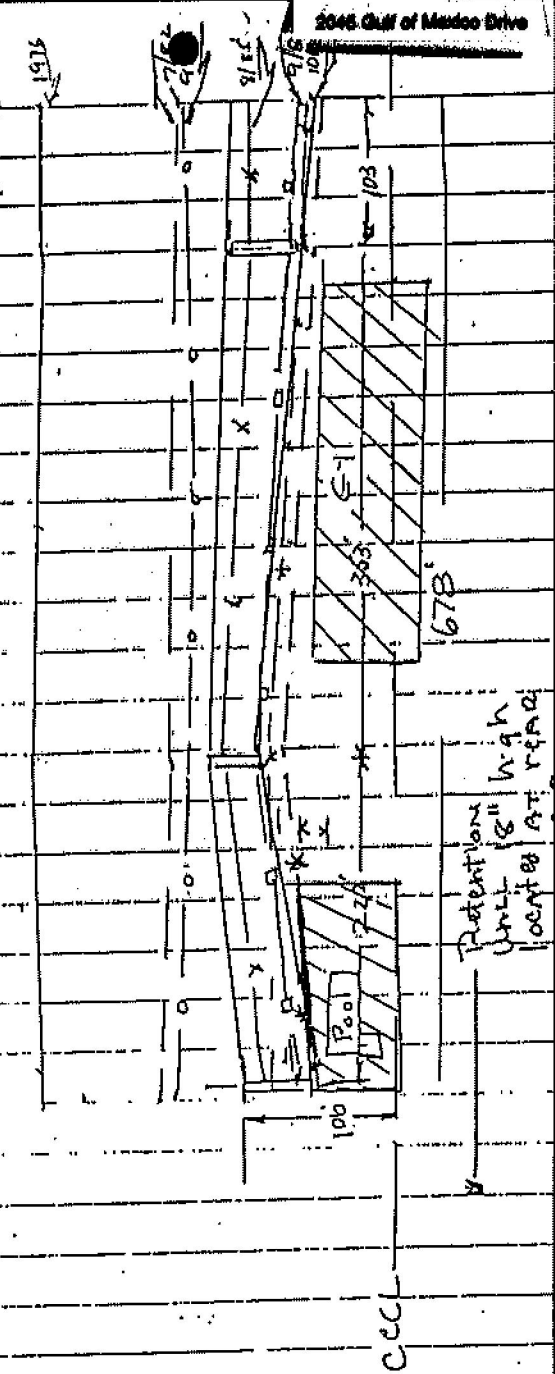
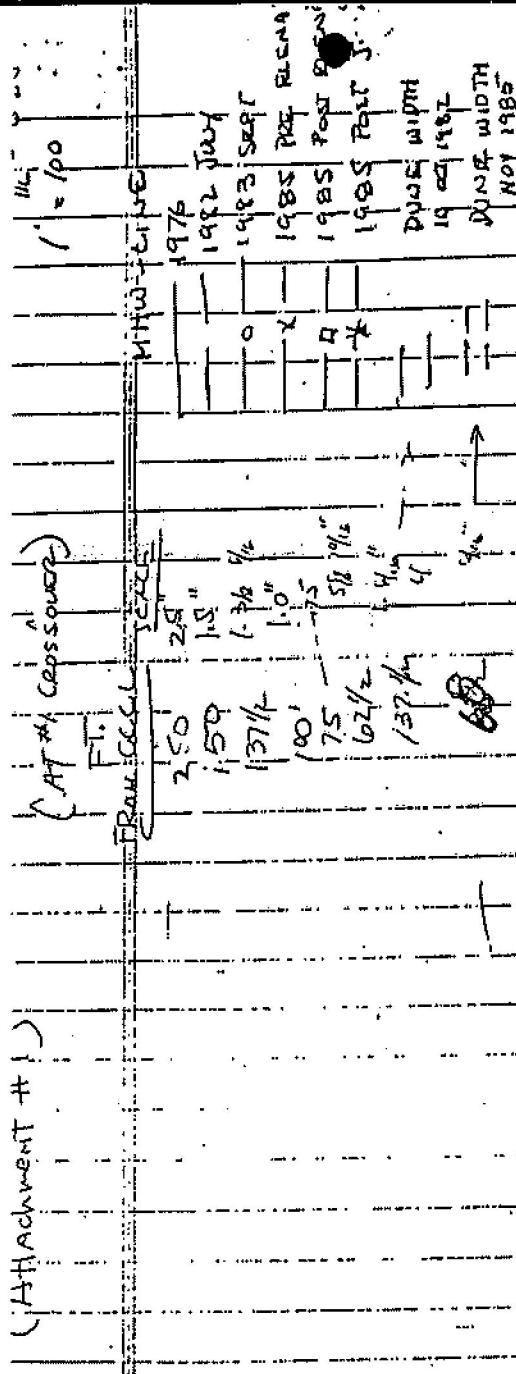
Respectfully submitted,

By:   
Robert L. Moore, Esq.  
Khanetsky, Moore, DeBoer  
& Whatley, P.A.  
227 Nokomis Avenue South  
P. O. Box 1877  
Venice, Florida 34284-1767

Attorneys for Seaplace  
Association, Inc.

(Attachment #1)

(At #1 Cesspool)



2045 Cliff of Madoc Drive

Retention  
Unit 18" high  
located at rear

## 2045 Gulf of Mexico Drive

PROJECT

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29

## PASSALACQUA ENGINEERING ASSOCIATES

CONSULTING ENGINEERS  
SURVEYORS

1870 STICKNEY PT. RD.

SARASOTA, FLORIDA 33581

TEL. 813-924-8379

5 June 1986

Mr. Robert Moore, Esq.  
227 Nokomis Avenue South  
Venice, Florida 33595

Re: Seaplace Condominium  
Longboat Key, Florida

Dear Mr. Moore:

I have field inspected the beach dune system at Seaplace Condominium, more particularly the 200'± of low 8" concrete block retaining wall constructed landward of the man-made dune system in the vicinity of the Funplace Pool and Recreation Area.

I comment as follows:

1. The man-made dune system is well designed, constructed, and vegetated and appears to be a commendable and conscientious effort for beach preservation.
2. The gentle landward backslope of the dune system evident elsewhere along the dune system cannot be constructed at Funplace Pool and Recreation Area because of space restrictions of Dune Walkover walkway access and pool decks. Such restrictions have been logically compromised by the construction of the retaining wall which permits most of the seaward face of the dune profile height to be retained by minimizing landward dune erosion from rainfall and winds.
3. The retaining wall is constructed of 8" concrete masonry, 24" high, probably constructed on a minimum footer which in turn is constructed on beach sand.
4. I am of the opinion that said retaining wall is not capable of withstanding wave action and as such, and of its location, cannot be considered a "hardening" of the beach line as would a vertical faced seawall. Said retaining wall is not unlike a retaining wall one would construct to contain a planting bed elsewhere and indeed is for the same purpose.
5. In the unfortunate event that future wave action would destroy the dune system, it is very probable that the wall would collapse by the same wave ferocity and so would not be a cause contributing to increased erosion.

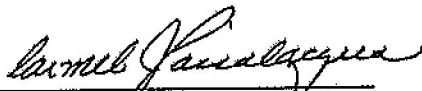
Mr. Robert Moore, Esq.

5 June 1986

Page 2 of 2

6. Again, the wall, as constructed, serves its intended function and that is, minimizing wind and water erosion on the backslope which in turn helps preserve the dune system and its shore protection.

Certified By:



Carmel J. Passalacqua, P.E., Pres.  
P.E. #8329

CJP/clc

**Horticultural Systems, Inc.**

P.O. Box 70

Parrish, Florida 33564

Phone: (813) 776-1760 or 776-2410

May 9, 1986

Seaplace Association, Inc.  
2045 Gulf of Mexico Drive  
Longboat Key, Florida 33548

Re: Sand and Wind Retainer Wall, Funplace Pool Area,  
Seaplace Condominium, Longboat Key, Florida

At the request of the Seaplace Condominium Association, Inc., Horticultural Systems, Inc. has been asked to write a letter interpreting the function of the low energy retainer-wall placed in the dune in front of Funplace pool and recreation area.

Retainer-Wall Description

The cement block wall is three blocks high and 200 feet long. The wall is not placed on a cement footing.

Purpose of the Retainer-Wall

The retainer-wall has three primary functions.

1. To allow for the placement of an increased volume of sand in a critical portion of the dune system.

At present, with the retainer-wall in place, there is approximately 2.59 to 3.50 cubic yards of sand per linear foot, in the dune. This was the quantity of sand that was lost during the last three hurricanes that passed by Longboat Key in 1985, Elena, Juan and Kate.

Seaplace has renourished their beach and dune systems with .80 cubic yards per linear foot in 1984 and 3.33 cubic yards per linear foot in 1985. Your dune systems requires this level for minimum quantities to retain its integrity.

As in front of Building G, to the north of Funplace, the Association increased the base of the dune field and sand volume by covering the sidewalk and moving the dune closer to the buildings, in the process giving up grass area to retain dune integrity.

This action was not able to be taken in front of the pool area at Funplace. The same effect was attempted by placing the tear-away retainer-wall at the rear of the dune.

Dune space is at a premium and your dune base line survey will indicate changes for the better or not.

2. The low energy retainer-wall was also placed to reduce the ammont of wind blown sand that would move up the beach and not allowed to move out of the dune system on to the pool side area.
3. Reduce water and wind erosion at the rear of the dune and increase the sand area, in this critical portion of the dune system, permitting more native dune plants to be planted.

It is proposed that this tear-away will not constitute a structure that will cause toe-scour because it will breakup when impacted by a low energy force. The sidewalk around the pool should be a greater cause of toe-scour.

Your approach has been to initiste your own site specific base line survey. The survey has been in place since October 22, 1985. It was engineered by Bennett and Bishop, Consulting Engineers and Surveyors, Sarasota, Florida.

It is anticipated with your approach to beach monitoring program through your survey program, that a more efficient management program is forth coming.

Consideration should be given to your varience request for the low energy retainer-wall on a site specific basis.

Your past action and intentions have always reflected a positive and protective position when you have carried out a beach renourishment and vegetation program and this is no exception.

Respectively submitted,

  
Otto H. Bundy  
President

Horticultural Systems, Inc.

## MEMORANDUM

2045 Gulf of Mexico Drive

DATE: May 25, 1989

TO: MR. ALBERT T. COX, JR., TOWN MANAGER  
 FROM: MR. JAY BRADY, PLANNING DIRECTOR *JB*  
 SUBJECT: PROCESSING OF DEVELOPMENT PROPOSALS: Seaplace Condominium, 2045 Gulf of Mexico Drive, Site Plan Amendment

The Planning & Zoning Board has recommended approval with conditions of the above referenced project at their May 25, 1989 meeting. Please place this project on the agenda of the June 26, 1989 Town Commission Workshop or the next available scheduled Town Commission Workshop. The necessary project information is attached. Thank you very much.

cc: Public Works, Town Clerk, Project File, Reading File

## Attachments

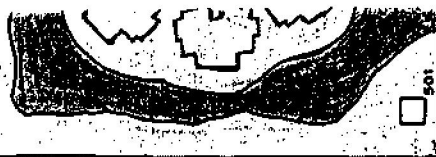
## NOTES:

## PROJECT PROCESSING DATES

- |     |                |                                                                                                                                            |
|-----|----------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | <u>5/16/89</u> | Application found complete                                                                                                                 |
| 2.  | <u>5/25/89</u> | P&Z Board receives application                                                                                                             |
| 3.  | <u>N/A</u>     | P&Z Board Must Take Action By                                                                                                              |
| 4.  | <u>6/26/89</u> | First scheduled Town Commission WORKSHOP following P&Z action                                                                              |
| 5.  | <u>10/2/89</u> | First scheduled regular Town Commission MEETING following Town Commission WORKSHOP where application can be received from P&Z              |
| 6.  | <u>N/A</u>     | Public Hearing Notice Out By (if applicable)                                                                                               |
| 7.  | <u>N/A</u>     | Public Hearing Must Be Held By (if applicable)                                                                                             |
| 8.  | <u>11/6/89</u> | Town Commission Must Take Action if received by Town Commission above date and if no extension granted (Site Plan Review only)             |
| 9.  | <u>N/A</u>     | Town Commission Must Take Action Following Public Hearing (Outline Development Plan only)                                                  |
| 10. | <u>N/A</u>     | Town Clerk must certify & file written Outline Development Plan (ODP) Resolution & certified copy sent to applicant                        |
| 11. | <u>N/A</u>     | Applicant receives copy of written resolution from Town Commission (ODP only)                                                              |
| 12. | <u>N/A</u>     | Applicant must notify Town Commission in writing of acceptance or refusal of all conditions, if any, or plan approval is denied (ODP only) |

Longboat Key Planning Dept. 1/89

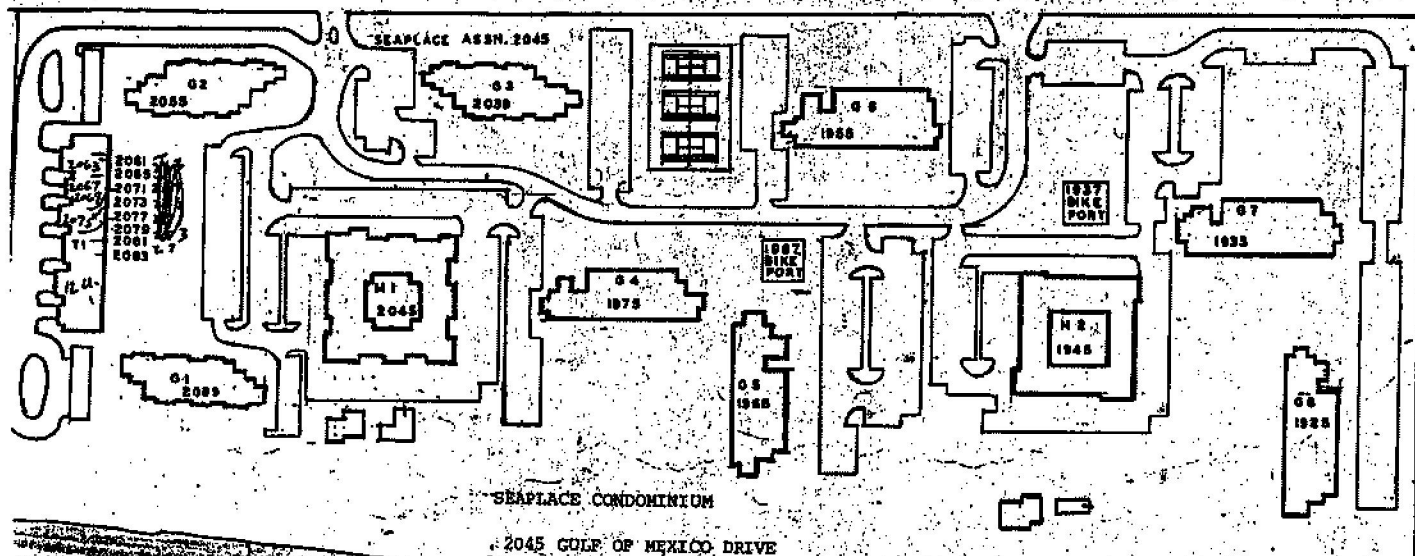
2045 Gulf of Mexico Drive



GULF

OF

MEXICO



LF

OF

ME

## RESOLUTION NO. 89-29

WHEREAS, Applicant has applied to the Town for approval of a site plan amendment for Seaplace Condominium, 2045 Gulf of Mexico Drive, Longboat Key, Florida 34228; and

WHEREAS, the Planning and Zoning Official has in timely fashion accepted the Application and referred same to the Planning and Zoning Board along with documentation and staff recommendations; and

WHEREAS, the Planning and Zoning Board has reviewed the Application and has recommended to the Town Commission along with their findings that the proposed development be approved with conditions; and

WHEREAS, the Town Commission makes these conclusions and findings of fact:

- (a) The plan is consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located.
- (b) The plan conforms with all applicable zoning regulations.
- (c) The plan conforms with the Town's subdivision regulations and all other applicable requirements relating to streets, utility facilities and other essential services.
- (d) The plan is consistent with good design standards in respect to all external relationships.
- (e) The plan conforms to Town policy respecting (a) sufficiency of ownership, and (b) guarantees for completion of all required improvements and continued maintenance in that the developer shall be required to provide a Developer's Completion, Payment and Maintenance Bond or other assurance satisfactory to the Town guaranteeing completion of all infrastructure improvements and maintenance of such improvements for a period of one (1) year after acceptance or final approval of the improvements.

## RESOLUTION NO. 89-29 (Cont.)

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF LONGBOAT KEY: That the site plan amendment for Seaplace Condominium, 2045 Gulf of Mexico Drive, Longboat Key, Florida 34228 be and is hereby approved subject to the conditions attached hereto marked "Conditions Requisite for Approval", Seaplace Condominium, 2045 Gulf of Mexico Drive, Longboat Key, Florida 34228, and dated concurrently with this Resolution.

ADOPTED at a meeting of the Town Commission of the Town of Longboat Key on the \_\_\_\_\_ day of \_\_\_\_\_, 1989.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Town Clerk

## RESOLUTION NO. 89-29

CONDITIONS REQUISITE FOR APPROVAL  
SITE PLAN AMENDMENT REVIEW  
SEAPLACE CONDOMINIUM

1. All landscaping work activities shall not only meet the conditions of this development order but also the provisions of the Town's Tree Ordinance. Sea oats and other dune stabilizing vegetation shall be placed immediately seaward of the windwall throughout the length of the windwall. A landscaping plan shall be approved by the Town Planning Department prior to the issuance of a building permit.

2. Approval of utilities, stormwater system, all site work and required bonds, as may be applicable, must be received from the Public Works Department prior to the commencement of any work.

3. Work to be accomplished within the development phases specified below shall be as follows:

PHASES	DESCRIPTION	Complete application for the issuance of building permits to be submitted and a building permit issued on or before the following dates:*
I	All site work	June 25, 1990

\*A complete building permit application must be filed at least 30 calendar days prior to the building permit issuance deadline.

4. Approval of the proposed Site Plan shall be subject to payment of all staff review charges.

5. All necessary outside agency permits shall be obtained prior to issuance of a building permit.

6. The provisions of the site plan application for the subject property dated November 27, 1987, and received on March April 4, 1988, as amended by the revised application dated August 16, 1988 and received on August 29, 1988, as further amended by revisions dated October 20, 1988 and received on May 12, 1989, and as finally amended by revisions dated and received on May 16, 1989 shall be complied with unless waived or modified by the above conditions or by written agreement between the Town and the applicant or amended pursuant to the code.

All work stated in these conditions shall be completed prior to issuance of a temporary Certificate of Occupancy or Certificate of Occupancy (C.O.) if the former has not been issued, unless otherwise indicated above.

## M E M O R A N D U M

DATE: 06/13/89

TO: ALBERT T. COX, TOWN MANAGER  
✓ FROM: LEN SMALLY, DIRECTOR OF PUBLIC WORKS  
SUBJECT: SPECIAL EXCEPTION - WINDWALL - SEAPLACE

---

During the meeting of June 13, 1989 the Zoning Board of Adjustment granted a Special Exception to permit a windwall at Seaplace, 2045 Gulf of Mexico Drive, as follows:

DR. KLINGER MADE A MOTION TO GRANT PETITION #28-89 BY SEAPLACE ASSOCIATION FOR A SPECIAL EXCEPTION TO ALLOW A WIND WALL AT 2045 GULF OF MEXICO DRIVE, AS PER SKETCH ON FILE AND SUBJECT TO THE PAYMENT OF ALL STAFF REVIEW CHARGES. Seconded by Mrs. Sanders and passed by the following vote:

Dr. Rosenthal:	Yes	Dr. Klinger:	Yes
Mr. Bosse:	Yes	Mrs. Sanders:	Yes
Mr. Moore:	Yes		

(Members Borten and Seidman, absent)

/cmm

## LONGBOAT KEY PLANNING DEPARTMENT

## SPECIAL EXCEPTION AND

## SITE PLAN AMENDMENT REVIEW

## "SEAPLACE CONDOMINIUM"

Applicant: Seaplace Association, Inc.  
2045 Gulf of Mexico Drive

Site Location: 2045 Gulf of Mexico Drive  
Longboat Key, FL 34228

Existing Zoning: R-6MX -- High Density Mixed  
Residential District (6 dwelling units  
per acre)

Existing Land Use  
Designation: RH-6 -- High Density Single  
Family/Mixed Residential (6 dwelling  
units per acre)

Existing Use: Multifamily Residential

Proposed Change: Applicant seeks a special exception  
for a windwall and site plan amendment  
approval for the windwall including  
partial relocation of a destroyed  
portion of the windwall contingent on  
approval of the concurrently filed  
special exception application.

Date: May 16, 1989

## SPECIAL EXCEPTION

Staff Comments and Recommendations to the Board.

Comments. The applicant seeks a special exception to permit a windwall in accordance with the gulfside waterfront yard requirements (Section 158.150(b)(1)(d)). The original windwall was constructed without a building permit and in violation of Section 158.150(b)(1)(b) of the Zoning Code. The applicant was ordered to remove the wall, but chose not to and was brought before the Code Enforcement Board, who tabled the violation pending Town Commission adoption of Ordinance No. 87-26, which allows windwalls by special exception.

Since that time, and since the filing of the applications for the special exception and site plan amendment, the windwall was partially destroyed by wind and wave action. The applicant has

revised the applications and seeks approval for not only that portion of the existing windwall that remains, but also to reconstruct the destroyed portion of the wall and relocate it further landward.

In accordance with Section 158.150(D)(1)(d) of the Town Code, staff finds that the special exception would not be adverse to the public interest and finds and concludes the following:

1. The protection of private property outweighs any significant public benefits which may be realized.
2. Natural approaches have been utilized, to the extent practicable, to protect property prior to the granting of the special exception.
3. The windwall is to be erected specifically for the purpose of protecting structures from wind and/or water driven sand with a preference being given to inhabited structures, as opposed to uninhabited structures.
4. The windwall shall be built as a minor structure, not a marine structure, not to exceed three feet in height, with minimum penetration into the ground necessary to support the wall.
5. The windwall shall be located as far landward as possible and as near as possible to the structure(s) it is to protect.
6. The windwall does not jeopardize the stability of the natural beach and dune system, contribute to beach erosion, and/or adversely impact upon upland property.
7. Efforts have been made to use natural approaches, to the extent practicable, in conjunction with the windwall to further enhance the protection of the structures and the natural environment in a manner which is consistent with best coastal management practices.

Recommendations. Staff recommends approval of the above referenced special exception with the following condition:

1. Approval of the proposed special exception shall be subject to payment of all staff review charges.

#### SITE PLAN AMENDMENT REVIEW

#### Staff Comments and Recommendations to the Board

Comments. Contingent on the approval of the special exception petition by the Zoning Board of Adjustment, the applicant has requested consideration of a site plan for an existing windwall and reconstruction and relocation of that portion of the windwall recently destroyed.

In accordance with Section 158.103 of the Town Code staff finds that the site plan would not be adverse to the public interest and finds and concludes the following:

(A) The plan is consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located.

(B) The plan is in conformance with all applicable regulations of the zoning district in which it is located.

(C) The plan is in conformance with the town's subdivision regulations, Chapter 157, and all other applicable town requirements.

(D) The plan is consistent with good design standards in respect to all external relationships, including but not limited to relationship to adjoining properties; internal circulation, both vehicular and pedestrian; disposition and use of open space, provision of screening and buffering, and preservation of existing natural features including trees; size and apparent bulk of structures; and building arrangements both between buildings in the proposed development and those adjoining the site.

(E) The plan is in conformance with town policy in respect to sufficiency of ownership, guarantees for completion of all required improvements, and, if private, the guarantees for continued maintenance.

Recommendations. Staff recommends approval of the above referenced Site Plan with the following conditions:

1. All landscaping work activities shall not only meet the conditions of this development order but also the provisions of the Town's Tree Ordinance. Sea oats and other dune stabilizing vegetation shall be placed immediately seaward of the windwall throughout the length of the windwall. A landscaping plan shall be approved by the Town Planning Department prior to the issuance of a building permit.

2. Approval of utilities, stormwater system, all site work and required bonds, as may be applicable, must be received from the Public Works Department prior to the commencement of any work.

3. Work to be accomplished within the development phases specified below shall be as follows:

PHASES	DESCRIPTION	Complete application for the issuance of building permits to be submitted and a building permit issued on or before the following dates:*
I	All site work	June 14, 1990

\*A complete building permit application must be filed at least 30 calendar days prior to the building permit issuance deadline.

4. Approval of the proposed Site Plan shall be subject to payment of all staff review charges.

5. All necessary outside agency permits shall be obtained prior to issuance of a building permit.

6. The provisions of the site plan application for the subject property dated November 27, 1987, and received on March April 4, 1988, as amended by the revised application dated August 16, 1988 and received on August 29, 1988, as further amended by revisions dated October 20, 1988 and received on May 12, 1989, and as finally amended by revisions dated and received on May 16, 1989 shall be complied with unless waived or modified by the above conditions or by written agreement between the Town and the applicant or amended pursuant to the code.

All work stated in these conditions shall be completed prior to issuance of a temporary Certificate of Occupancy or Certificate of Occupancy (C.O.) if the former has not been issued, unless otherwise indicated above.

**Seaplace Association, Inc.**

2045 Gulf of Mexico Drive  
Longboat Key, Florida 34228  
Admin. Off. (813) 383-4441 Bus. Off. (813) 383-4568



May 17, 1989

Mr. John A. (Jay) Brady, Jr. AICP  
Planning Director  
Town of Longboat Key  
501 Bay Isles Road  
Longboat Key, FL 34228

Dear Mr. Brady:

In reference to Seaplace Association, Inc.'s application for approval of the wind wall repair, please delete reference to the dune relocation and the cart path extension beyond the Funplace building through said dune. Additionally, we will need to relocate one palm tree which will be replanted in close proximity to its present location.

Thank you very much for your consideration of these requests.

Sincerely,

A handwritten signature in dark ink, appearing to read "James M. Quinn". The signature is fluid and cursive, with a prominent loop at the end.  
James M. Quinn, CBA  
Resident Manager

## STAFF REVIEW

ZONING BOARD OF ADJUSTMENT  
PETITION #28-89

Applicant: Seaplace Association, Inc.  
Address: 2045 Gulf of Mexico Drive  
Zoning District: R-GMX

Request: Special Exception to allow the construction of a wind wall  
200 feet by 26 inches in the Gulfside waterfront yard.

The applicant seeks a Special Exception to permit a windwall in accordance with the gulfside waterfront yard requirements (Section 158.150(D)(1)(d)). The original windwall was constructed without a building permit and in violation of Section 158.150(D)(1)(b) of the Zoning Code. The applicant was ordered to remove the wall, but chose not to and was brought before the Code Enforcement Board, who tabled the violation pending Town Commission adoption of Ordinance 87-26, which allows windwalls by Special Exception.

Since that time, and since the filing of the application for the Special Exception, the windwall was partially destroyed by wind and wave action. The applicant has revised the application and seeks approval for not only that portion of the existing windwall that remains, but also to reconstruct the destroyed portion of the wall and relocate it further landward.

In accordance with Section 158.150(D)(1)(d) of the Town Code, Staff finds that the Special Exception would not be adverse to the public interest and recommends approval.

SS:cmh  
6/6/89

2045 Gulf of Mexico Drive

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☐ Show to whom, date and address of delivery.  
2. ☐ Restricted Delivery.

3. Article Addressed to:

President  
The Aquarium Club  
1701 Gulf of Mexico Dr.  
Longboat Key, FL 34228

4. Type of Service:

☒ Registered ☐ Insured  
☐ Certified ☐ COD  
☐ Express Mail

Article Number

P748 986 580

Always obtain signature of addressee or agent and  
**DATE DELIVERED.**

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

5/30/87

8. Addressee's Address (ONLY if requested and fee paid)

DOMESTIC RETURN RECEIPT

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☐ Show to whom, date and address of delivery.  
2. ☐ Restricted Delivery.

3. Article Addressed to:

Secretary  
The Aquarium Club  
1701 Gulf of Mexico Dr.  
Longboat Key, FL 34228

4. Type of Service:

☒ Registered ☐ Insured  
☐ Certified ☐ COD  
☐ Express Mail

Article Number

P748 986 587

Always obtain signature of addressee or agent and  
**DATE DELIVERED.**

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

5/30/87

8. Addressee's Address (ONLY if requested and fee paid)

DOMESTIC RETURN RECEIPT

PS Form 3811, July 1985 447-268

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☐ Show to whom, date and address of delivery.  
2. ☐ Restricted Delivery.

3. Article Addressed to:

President  
Sunset Beachon Longboat Key, Fla  
2001 Gulf of Mex. Dr.  
Longboat Key, FL 34228

4. Type of Service:

☐ Registered ☐ Insured  
☐ Certified ☐ COD  
☐ Express Mail

Article Number

P748 986 57.

Always obtain signature of addressee or agent and  
**DATE DELIVERED.**

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

5/31

8. Addressee's Address (ONLY if requested and fee paid)

Street and No. 2101 Gulf of Mex. Dr.	
P.O., State and ZIP Code Longboat Key, FL 34228	
Postage	25
Certified Fee	85
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	91
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	2.00
Postmark or Date	

P 748 986 580

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to President The Aquarius Club	
Street and No. 1701 Gulf of Mex. Dr.	
P.O., State and ZIP Code Longboat Key, FL 34228	
Postage	25
Certified Fee	85
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	90
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	2.00
Postmark or Date	

Street and No. 2101 Gulf of Mex. Dr.	
P.O., State and ZIP Code Longboat Key, FL 34228	
Postage	25
Certified Fee	85
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	90
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	2.00
Postmark or Date	

P 748 986 587

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to Secretary The Aquarius Club	
Street and No. 1701 Gulf of Mex. Dr.	
P.O., State and ZIP Code Longboat Key, FL 34228	
Postage	25
Certified Fee	85
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	90
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	2.00
Postmark or Date	

2045 Gulf of Mexico Drive