



# Town of Longboat Key Zoning Board of Adjustment

Town Hall, 501 Bay Isles Road

Longboat Key, FL 34228

[www.longboatkey.org](http://www.longboatkey.org)

Gaele Barthold, Chair; Neal Colton, Vice Chair;  
Ann Roth, Secretary; Kevin Magnus, Steven Berling

## AGENDA REGULAR MEETING OCTOBER 19, 2023 – 9:30 AM

1. **Administration of Oath:** New Member Steven Berling

2. **Call to Order**

3. **Roll Call**

4. **Public to be Heard**

Opportunity for Public to Address Zoning Board of Adjustment

At each meeting, the Zoning Board of Adjustment sets aside time for the public to address issues not on the agenda.

5. **Consent Agenda**

The purpose of the Consent Agenda is to expedite those items on an agenda that appear to be of a routine nature. Any item on the Consent Agenda can be removed from the Consent Agenda and placed on the Regular Meeting Agenda by any member of the Zoning Board of Adjustment without having to make a motion, receive a second, or submit to a vote. Otherwise, all items on the consent Agenda are voted upon in their totality by one action (motion, second and vote) and are not subject to discussion. A vote in the affirmative on the Consent Agenda is a vote of confirmation to the action noted in each item.

A. Approval of Minutes: June 16, 2022 Regular Meeting

B. Setting the Future Meeting Date: November 16, 2023

6. **Public Hearings**

### **PV23-0001, 6529 Gulfside Road, Variance Application (QUASI-JUDICIAL)**

The property owners, Karmen Kamla and Jeff Nalin, are requesting approval of a Variance from Town Zoning Code Section 158.094 (C) (1) of the Town of Longboat Key Code of Ordinances to reduce the required gulf waterfront yard from 150 feet to 100 feet for the construction of a residential addition with an enclosed garage to an existing single-family residence; and from 150 feet to 143.3 feet for a balcony addition, as measured from the Erosion Control Line (ECL), for property located at 6529 Gulfside Road.

7. **New Business**

8. **Staff Update**

9. **Adjournment**

No verbatim record by a certified court reporter is made of these proceedings. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at these proceedings upon which any appeal is to be based (see Section 286.0105, Florida Statutes). In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact the Town Clerk's office at 941-316-1999 seventy-two (72) hours in advance of this proceeding. If you are hearing impaired, please call 941-316-8719.



# APPROVAL OF MINUTES

**TOWN OF LONGBOAT KEY  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF REGULAR MEETING  
JUNE 16, 2022**

Members Present: Vice Chair Neal Colton, Secretary Ann Roth, Members Kevin Magnus, Rich Pearce

Members Absent: Chair Gaele Barthold

Also Present: Kelly Fernandez, Assistant Town Attorney; Allen Parsons, Planning, Zoning & Building Director; Maika Arnold, Senior Planner; Donna Chipman, Senior Office Manager

**1. Swearing in of Reappointed Member**

Trish Shinkle, Town Clerk, administered the Oath to reappointed member, Kevin Magnus.

**2. Call to Order**

The regular meeting of the Zoning Board of Adjustment was called to order at 9:30 AM by Vice Chair Neal Colton.

**3. Roll Call**

Senior Office Manager, Donna Chipman, called roll for attendance with a quorum present. Chair Barthold was absent.

**4. Election of Officers**

**It was moved by Roth, seconded by Magnus, to continue the Election of Officers until there was a full board in attendance. Motion carried unanimously.**

**5. Public to be Heard**

At each meeting, the Zoning Board of Adjustment (ZBA) sets aside time for the public to address issues not on the agenda. No one wished to address the board.

**6. Consent Agenda**

Allen Parsons, Planning, Zoning & Building Director, noted that no items were scheduled for the July meeting, and the next meeting was tentatively scheduled for August 18, 2022.

**It was moved by Roth, seconded by Pearce, to approve the May 19, 2022 Regular Meeting minutes and scheduling the next Regular Meeting on August 18, 2022.**

**Motion carried unanimously.**

**7. Public Hearings**

**Petition PV22-0002, 654 Jungle Queen Way, Variance Application**

The public hearing was opened for Petition PV22-0002 by Steve and Diane Said requesting a Variance from Town Code Section 158.063 of the Town of Longboat Key Code of Ordinances to maintain 168.2 square feet of structure (or 1.92 percent of additional lot coverage) for a total lot coverage of 31.92 percent, that was constructed on the property at 654 Jungle Queen Way, where the maximum lot coverage allowed is 30 percent.

All those testifying at this hearing submitted, and 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. Steve Said, property owner, previously presented the Return Receipts to staff.

Kelly Fernandez, Assistant Town Attorney, reminded the ZBA members of the legal requirements associated with quasijudicial meetings, and asked if any members had any Ex Parte communications or conflicts of interest. There were no Ex Parte communications or Conflicts of Interest noted.

Upon inquiry from Vice Chair Colton regarding precedence, Assistant Town Attorney Fernandez explained there would not be a precedential effect from this variance on any future variances as each are based on their own merit. Vice Chair Colton asked Assistant Town Attorney Fernandez to address the issue of having only four members present at this meeting and the effect on the vote. Assistant Town Attorney Fernandez provided an overview of Town Code Section 158.010(E), which addressed the process to follow if there was a tie-vote.

Maika Arnold, Senior Planner, provided an overview of the petition with reviewing the Staff Report and a PowerPoint presentation.

The following topics/issues were discussed:

- Whether the original calculations in the application were submitted by the general contractor, or the homeowner; staff noted at the time of application submittal, the general contractor provided; however, in 2019, the homeowner no longer used the general contractor and made himself the contractor
- Whether applicants meet with staff when they submit their original paperwork; it was noted that some applicants choose to meet and some do not
- In most cases, when a permit is reviewed for zoning compliance, and staff requires additional information, the applicant is provided with review comments
- When does the Town confirm the coverage calculations; staff indicated it would be at the point of the as-built survey; there is a point during construction when the contractor would provide a 'spot' survey
- Whether the issue of the canal was apparent to the contractor who submitted the permit; staff noted the Zoning Code does not allow the portion of the canal to be included in the calculations
- Whether the calculations were supported by a signed and sealed survey, and whether staff reviewed the survey, and calculations, for accuracy

- Staff relies on the information provided by the contractor, and did not re-verify their numbers as they are provided by licensed design professionals (engineer, architect, etc)

Steve Said, applicant, discussed:

- His belief that the process with the Town lacks checks and balances
- The survey shows the lot size different than what was submitted
- Staff should have reviewed the materials submitted
- The house was built in accordance with the issued permits
- He took over the project not knowing any of the permit documents submitted
- There were issues brought to his attention to fix and it was fixed
- He would have redesigned the deck if someone said it was not acceptable
- The existing new deck is steel, reinforced concrete and would be costly to remove
- He originally did not have lower deck in the plan, and decided to include the bottom area

Mr. Pearce asked if the original permit coverage calculations were submitted by the general contractor on Mr. Said's behalf. Mr. Said replied yes.

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

Ms. Roth voiced concern that an error may have been made by not reviewing the original permit application.

Vice Chair Colton re-opened the public hearing.

Discussion ensued on:

- Whether the Town staff have put new safeguards in place to prevent future issues
- When the calculation was discovered with staff noting it was during review of the as-built survey
- That the as-built survey also included a calculation of 12,500 square feet
- That the calculation was discovered due to the applicant providing a document that listed how it was calculated
- That lot coverage calculations are required, but how the surveyor provided the information was when the calculation was discovered
- That the Town may not have discovered the original calculations were in error if the additional information was not provided

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

Vice Chair Colton, who was chairing the meeting in Chair Barthold's absence, indicated his wish to make a motion. He handed the gavel to Ms. Roth, as Secretary, for the purpose of making the motion.

**IT WAS MOVED BY COLTON, SECONDED BY PEARCE, THAT PETITION 22-0002 BE GRANTED BASED ON THE FOLLOWING: HAVING CONSIDERED VARIANCE**

**PETITION 22-0002 OF STEVE AND DIANNE SAID FROM TOWN ZONING CODE SECTION 158.063 TO MAINTAIN 168.2 SQUARE FEET OF STRUCTURE, BEING 1.92 PERCENT OF ADDITIONAL LOT COVERAGE, FOR A TOTAL OF 31.92 PERCENT AT A NEWLY CONSTRUCTED HOME AT 654 JUNGLE QUEEN WAY, WHERE THE MAXIMUM ALLOWED LOT COVERAGE IS 30 PERCENT, THE STAFF ASSESSMENT, THE RECOMMENDED FINDINGS OF FACT AND THE STAFF RECOMMENDATION, AS WELL AS THE TESTIMONY OF INTERESTED PARTIES, AND HAVING CONCLUDED THAT:**

- 1. THE VARIANCE REQUESTED IS A VARIANCE AS SET FORTH IN THE ZONING CODE.**
- 2. SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST WHICH ARE PECULIAR TO THE BUILDING AT 654 JUNGLE QUEEN WAY AND NOT APPLICABLE TO OTHER BUILDINGS IN THE SAME ZONING DISTRICT, ATTRIBUTABLE TO THE FACT THAT WHEN THE EXISTING BUILDING WAS CONSTRUCTED IT WAS NOT CONSTRUCTED IN ACCORDANCE WITH ZONING CODE STANDARDS. THE SPECIAL CONDITIONS AND CIRCUMSTANCES DO NOT EXIST WITH REGARD TO THE LAND, HOWEVER.**
- 3. THE SPECIAL CONDITIONS AND CIRCUMSTANCES EXISTING IN THIS SITUATION ARE THE RESULT OF THE ACTIONS OF THE APPLICANT TO THE EXTENT THAT APPLICANT IS DEEMED TO BE RESPONSIBLE FOR ITS AGENT'S ERRORS AND/OR OMISSIONS IN THAT THE BUILDING IS LARGER THAN PERMITTED BY THE ZONING CODE EVEN THOUGH THE BUILDING IS IN ACCORDANCE WITH THE PERMIT ISSUED BY THE TOWN. THE PERMIT WAS ISSUED RELYING ON THE SINGLE-FAMILY COVERAGE CALCULATIONS DATED FEBRUARY 9, 2017 SUBMITTED ON BEHALF OF THE APPLICANT WHICH TURNED OUT TO BE INCORRECT. THE TOWN IS NOT REQUIRED NOR EXPECTED TO UNDERTAKE AN INDEPENDENT INVESTIGATION INTO THE ACCURACY OF COVERAGE CALCULATIONS SUBMITTED BY OR ON BEHALF OF AN APPLICANT. APPLICANT HAD NO KNOWLEDGE THAT THE COVERAGE CALCULATIONS SUBMITTED TO THE TOWN WERE INCORRECT, HOWEVER.**
- 4. GRANTING THE VARIANCE WILL CONFER A SPECIAL PRIVILEGE TO THE APPLICANT THAT IS DENIED TO OTHERS BY THE ZONING CODE TO OTHER LANDS, BUILDING OR STRUCTURES IN THE SAME ZONING DISTRICT. OTHER APPLICANTS WHO CONSTRUCT NEW SINGLE-FAMILY HOMES WILL BE OBLIGATED TO LIMIT BUILDINGS TO COVERAGE LIMITATIONS OF THE ZONING CODE. WE DO NOT FIND INTENTIONALITY ON THE PART OF THE APPLICANT, HOWEVER.**
- 5. LITERAL INTERPRETATION OF THE PROVISIONS OF THE ZONING CODE WOULD NOT DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT BUT WOULD RESULT IN UNNECESSARY AND UNDUE HARDSHIP ON THE APPLICANT.**
- 6. THE VARIANCE REQUESTED IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE BUILDING.**
- 7. THE GRANT OF THE VARIANCE WILL BE IN HARMONY WITH THE GENERAL INTENT AND PURPOSE OF THE ZONING CODE AND WILL NOT BE**

**INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE IN THAT THE BUILDING IS MINIMALLY LARGER THAN PERMITTED BY THE ZONING CODE AND THE ADJOINING PROPERTY OWNERS DO NOT OBJECT TO THE GRANT OF THE VARIANCE UNDER THE FACTS AND CIRCUMSTANCES AS PRESENTED BY THE APPLICANT.**

**AND SUBJECT TO THE CONDITION THAT THE APPLICANT BE REQUIRED TO CONSTRUCT A CIRCULAR DRIVEWAY AS PRESENTED ON THEIR SITE PLAN; MOTION CARRIED UNANIMOUSLY (4-0) ON ROLL CALL VOTE: COLTON, AYE; MAGNUS, AYE; PEARCE, AYE; ROTH AYE.**

**8. New Business**

There was no New Business.

**9. Staff Update**

There was no Staff Update.

**10. Adjournment**

The meeting was adjourned at 10:31 am.

Respectfully submitted

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Ann Roth, Secretary  
Zoning Board of Adjustment



PETITION PV23-0001



**PERSSON, COHEN, MOONEY, FERNANDEZ & JACKSON, P.A.**  
ATTORNEYS AND COUNSELORS AT LAW

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Maggie D. Mooney\*  
R. David Jackson\*  
Regina A. Kardash\*  
Lori M. Dorman  
Daniel P. Lewis

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Reply to: Lakewood Ranch

October 4, 2023

Mr. Allen Parsons  
Planning Director  
Zoning Board of Adjustment  
Town of Longboat Key  
501 Bay Isles Road  
Longboat Key, FL 34228

Re: Application for Variance – Petition No. PV23-0001  
Owner of Vacant Property: Karmen Kamla and Jeff Nalin  
Subject Property: 6529 Gulfside Road, Longboat Key, FL

Dear Mr. Parsons:

I have reviewed the application filed on behalf of the Town of Longboat Key, dated September 5, 2023, seeking a variance in accordance with Section 158.094(C)(1) of the Town Code on the above referenced subject property located at 6529 Gulfside Road, Longboat Key, FL 34228.

It is my opinion that the Zoning Board of Adjustment has jurisdiction pursuant to the above cited section of the Town's Zoning Code to consider this request. Kindly forward this opinion to the Members of the Zoning Board of Adjustment.

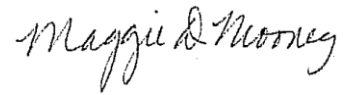
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**Lakewood Ranch**  
6853 Energy Court  
Lakewood Ranch, Florida 34240

**Venice**  
236 Pedro Street  
Venice, Florida 34285

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,

A handwritten signature in black ink that reads "Maggie D. Mooney". The signature is written in a cursive, flowing style.

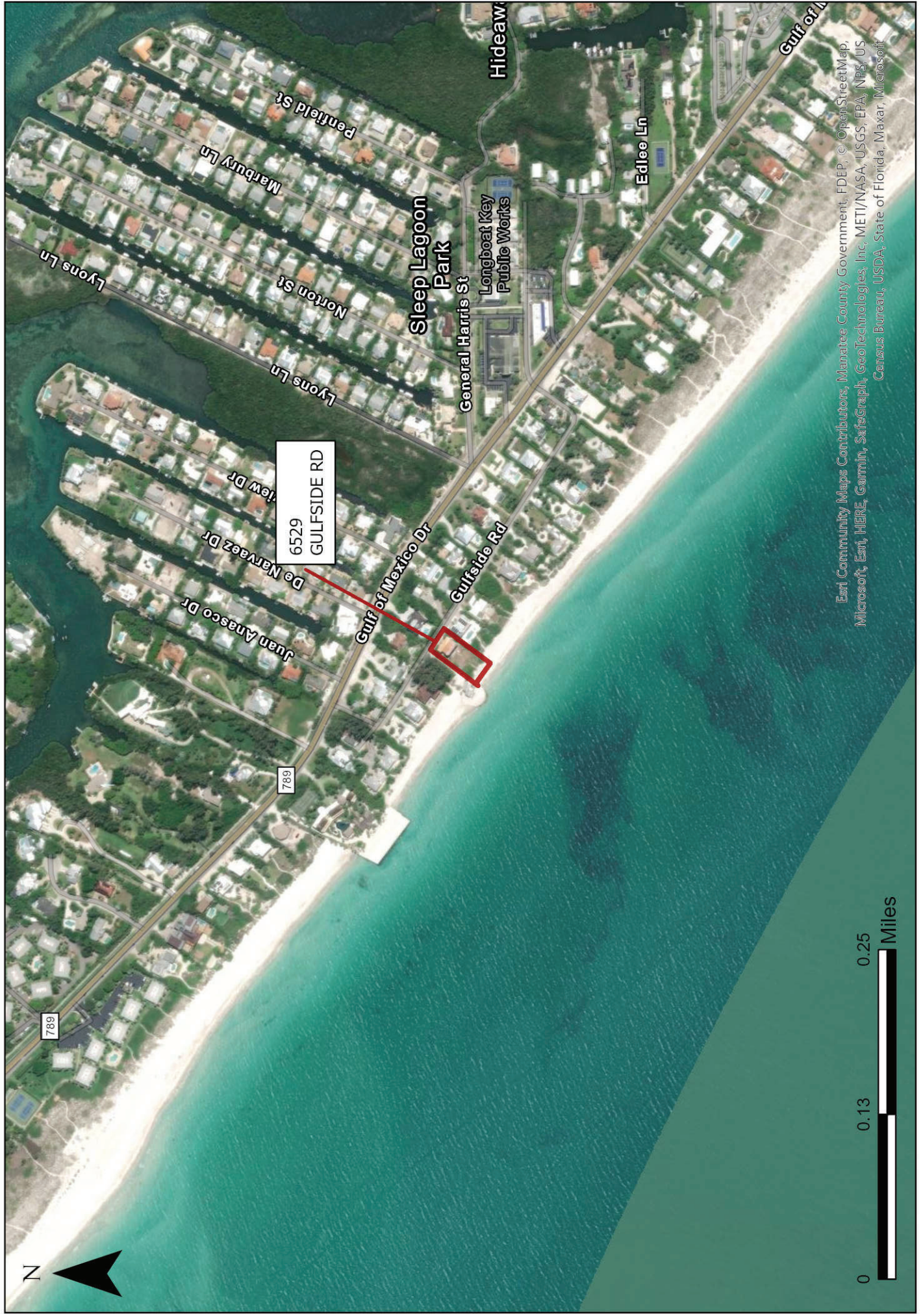
Maggie D. Mooney

Signed electronically

MDM/ag

cc: Donna Chipman

# Aerial Map



Esri Community Maps Contributors, Manatee County Government, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, Swisstopo, GEBCO, USGS, EPA, NPS, US Census Bureau, USDA, State of Florida, Maxar, Microsoft

## MEMORANDUM

TO: Zoning Board of Adjustment

FROM: Tate Taylor, AICP, PMP, Planner

THROUGH: Allen Parsons, AICP, Planning, Zoning and Building Director

SUBJECT: VARIANCE PETITION 23-0001

REPORT DATE: October 6, 2023

MEETING DATE: October 19, 2023

### APPLICANT INFORMATION

APPLICANT: Karmen Kamla and Jeff Nalin

AGENT: David Levin, Esq.

LOCATION: 6529 Gulfside Road  
Longboat Key, Florida 34228

ZONING  
DISTRICT: R-3SF (Single-Family Low-Medium-Density Residential District)

REQUEST: Variance from Town Zoning Code Section 158.094(C)(1), to construct a residential addition a distance of 100 feet, and a balcony addition 143.3 feet from the Erosion Control Line (ECL), for a Variance of 50 and 6.7 feet.

### BACKGROUND AND SUMMARY

The Applicant is seeking approval of a Variance of 50 and 6.7 feet from the Gulf Waterfront Yard setback requirements, to build a single-family home addition on property located at 6529 Gulfside Road.

The Town's Zoning Code, Section 158.094(C)(1), contains the following setback requirement of Gulf of Mexico fronting properties, "The required Gulf Waterfront Yard shall be a minimum of 150 feet in depth...where an erosion control line (ECL) has been established, the depth shall be measured from that line."

The Applicant is seeking a variance to construct a single-family home addition on the property 100 feet from the ECL, and a proposed balcony addition 143.3 feet from the ECL. As discussed further in the staff report and in the applicant's materials, the ECL adjacent to the subject property, is further landward in location relative to the locations of other properties in this area, which had hardened shorelines at the time the ECL was established by the State of Florida.

For example, the ECL follows a sharp curvature on the property immediately to the north due to the presence of a hardened seawall. Properties further to the south have an ECL

located further seaward due to the presence of a shoreline hardened with rip-rap as illustrated in the Applicant's Exhibit G map below.



The applicant has asserted that the seawalls that were constructed in the area have caused significant erosion to the neighboring unprotected properties such as 6529 Gulfside Road, and that the subsequent differences where the Erosion Control Line was drawn disadvantage the subject property.

### **VARIANCE AUTHORITY PURSUANT TO SECTION 158.010**

Section 158.010(F)(3) of the Zoning Code provides for specific restrictions on variances.

*To authorize upon appeal in specific cases and where not otherwise prohibited by the terms of this chapter a variance from the terms of this chapter as will not be contrary to the public interest, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary and undue hardship. As used in this chapter a variance can be authorized only for height, area and size of structure or size of yards and open spaces; but in no event may a variance be granted by the board of adjustment that would allow an increase in density.*

## STAFF ASSESSMENT

The current gulf-fronting developable area of the subject property, is related to the establishment of the ECL. The ECL dates back to 1992, when the Town applied to the State of Florida for permits to undertake a major beach nourishment project, which included this area west of Gulfside Road. As part of the beach nourishment permitting process, the Town was required to provide to the State a survey of the mean high-water line. The State, in turn, approved the provided mean high-water line survey as the ECL for the Town's beach nourishment project.

The Applicant provided information asserting that there was a disparity in the location where the ECL was established by the State along the shoreline with regard to this property and in this general area of this property due to varying methods of shoreline hardening (e.g. seawalls) that existed both north and south of the subject property at the time. This resulted in a relatively non-uniform ECL establishment in this area, and along the subject property's gulf frontage, where properties north and south of the subject property have widely differing Gulf Waterfront Yard setback implications.

The resulting disparity may be viewed as placing an undue hardship on this property that is not applicable to other properties in this area and that these disparities were not the result of actions of the applicant. By comparison, a number of homes to the north of the subject property are located approximately 100 feet or less from the ECL. (Applicant's Exhibit M below).



## EXHIBIT M

Granting the variance as requested, could be viewed as not conferring on the applicant a special privilege with regard to building setbacks that would otherwise be denied by this Chapter to other lands, building or structures in the same zoning district given the nearby location of similar structures. The Applicant further asserted that had the ECL been

similarly established at this property, as that found in the nearby shoreline hardened properties, no variance would be necessary for the proposed development on the subject property (Applicant's Exhibit H excerpt below).



The Applicant has provided an analysis demonstrating the reasonable use of the land, as compared to other properties in this area of Gulfside Road, utilizing the size of the existing structure and the proposed residential addition as compared with other newly constructed residential homes in the immediate area that were built after the establishment of 2001 FDEP (Florida Department of Environmental Protection) first habitable floor building elevation requirements. In this like-for-like analysis, the Applicant has included an argument that the subject property, after construction of the proposed residential addition, would be smaller in size than that of the comparable properties as to living area relative to parcel size. Therefore, the Applicant's Variance request includes plans providing a design of a single-family home with addition that is less than the living space area and size of the homes in the immediate area.

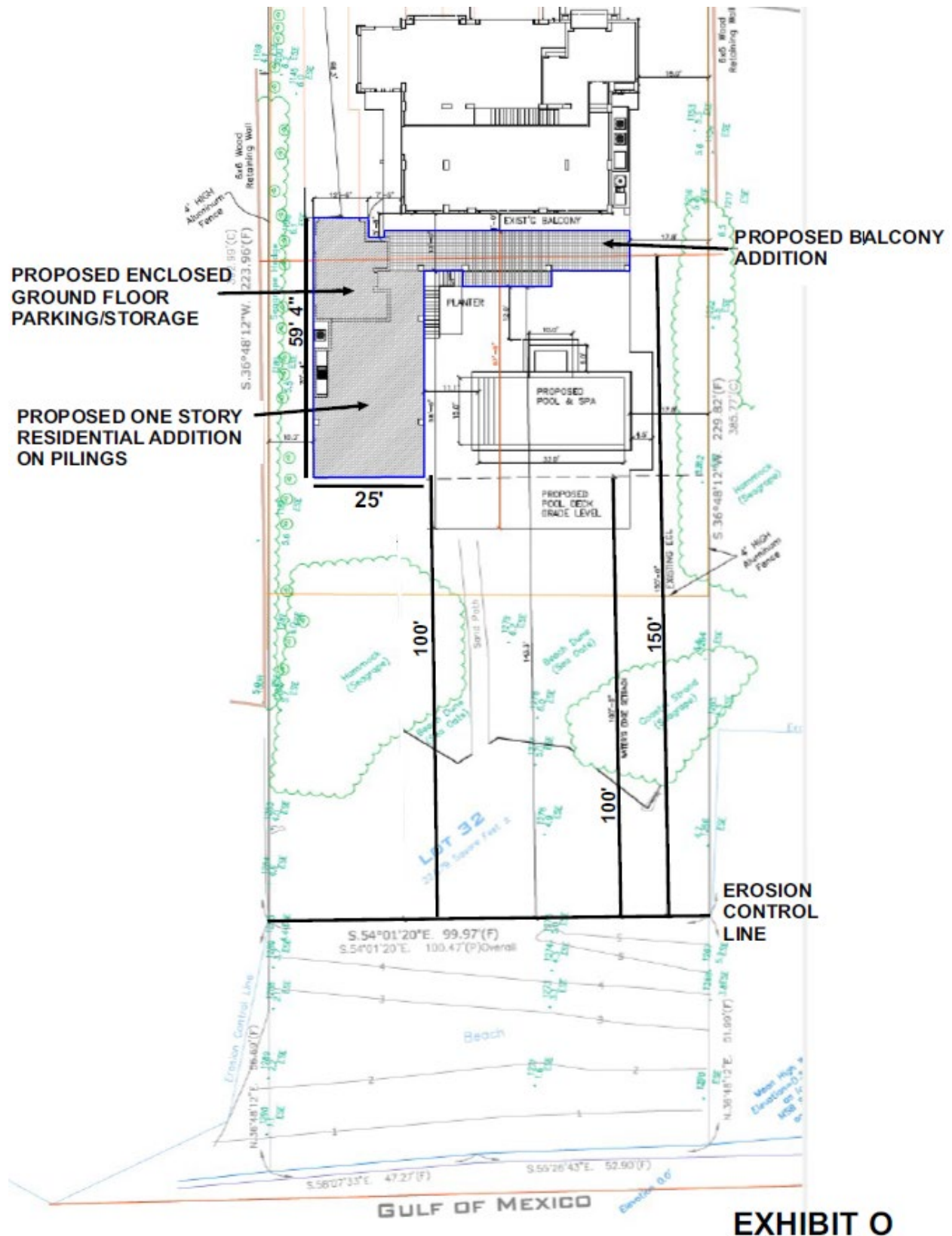
The Applicant's Variance request also includes plans proposing another design element in which the single-family home addition proposes a shore perpendicular structure. While seemingly counter to shoreline setback requirements, this design is due to and supported by State coastal construction requirements that encourage such construction to minimize shore-parallel structures that would otherwise pose obstructions to flood waters and potential damage to neighboring structures and properties. Further, the applicant explains that the existing structure was constructed in 1986 which required a much lower minimum elevation than State Coastal requirements today, making it impractical to construct the proposed addition adjacent to and parallel to the existing structure, and therefore parallel to the Gulf of Mexico shoreline.



Lastly, an additional design element of the proposed residential addition includes the location of the proposed enclosed garage area. While it may appear in the proposed design that the single-family home and garage addition could be designed to be located closer to Gulfside Road and therefore further back from the gulf frontage, to do so appears to make it extremely difficult if not unmanageable for vehicles to access the proposed garage from the street due to the narrow area between the existing single-family structure and the side property line. (Applicant's Exhibit N and O below).



**EXHIBIT N**



**EXHIBIT O**

The proposed design has demonstrated that it would have a Gulf Waterfront Setback that is setback 100 feet and 143.3 feet for a balcony addition which is further from the ECL than existing homes to the north. The proposed home is generally in keeping with the size of homes in the area. The proposed perpendicular versus shore parallel construction is

consistent with today's construction standards for gulf shoreline construction. Given the unique circumstances outlined above, staff is of the opinion that the proposed additions to the home have been designed to provide a minimum variance that makes possible the reasonable use of the land.

### **Assessment of Existing Conditions**

The Applicants' property at 6529 Gulfside Road, is a single-family constructed property. All other properties along the west and east side of Gulfside Road are also constructed with single-family residences.

### **Surrounding Conditions**

Existing single-family neighborhood.

### **Prior Variance Request**

A Variance to construct a single-family residence seaward of the Coastal Construction Control Line (CCCL) was approved on 01/07/1986. Construction seaward of the CCCL is now reviewed by the State of Florida, and is no longer a code standard that would require a Variance from the Town.

### **Compliance with the Zoning Code**

Section 158.094(C)(1), of the Town Code provide that the required Gulf Waterfront Yard shall be a minimum of 150 feet in depth.

### **Compliance with the Comprehensive Plan**

The purpose of the Gulf Waterfront setback is to minimize risk to habitable structures and in anticipation of continued sea level rise impacts expected in the future consistent with the following applicable policies set forth in the Comprehensive Plan.

**CCM OBJECTIVE 3.1:** Reduce the potential for damage to structures within the Coastal High Hazard Area (CHHA).

**CCM Policy 3.1.1:** Apply and enforce standards for the safety of structures.

**CCM Strategy 3.1.1.1:** The Town shall apply and enforce development principles and strategies that eliminate unsafe development in the CHHA and that are consistent with, or more stringent than, the flood-resistant construction requirements in the FBC and applicable flood plain management regulations, as set forth in 44 C.F.R. part 60, as may be amended.

**CCM OBJECTIVE 3.4:** Adopt, implement and update a Town-wide Comprehensive Adaptation Plan to address sea level rise and recurrent flooding.

**CCM Policy 3.4.1:** Pursue strategies recommended in the adopted and updated Comprehensive Adaptation Plan.

**CCM Strategy 3.4.1.1:** The Town shall encourage the integration of adaptation measures in projects and development by considering data referenced in the Sea Level Rise Projections map (as provided for in Appendix A) in future policy decisions.

### Variance Criteria

As per Town Code Section 158.020, the 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:** Please see the Town Attorney's memo, attached, which establishes the Board's jurisdiction.

2. **Special conditions and circumstances 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:**

**Staff Finding:** Special conditions and circumstances **do** appear to 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. As part of a request from the Town to the State of Florida for permits to undertake a major beach nourishment project in this area of Gulfside Road, the State of Florida approved the 1991 mean high water line survey as the Erosion Control Line (ECL) for the Town. This survey recognized differing conditions that were in place at the time, with regard to beach hardening via seawalls, that created a disparity in the location of where the ECL was established by the State along the shoreline in this area, and along the subject property in particular. This resulted in distinct setback differences for beach front properties in this area when the Gulf Waterfront Setback requirements are applied. The resulting disparity can be viewed as placing an undue hardship on this property that is not applicable to other properties in the Town. Had the ECL been similarly established at this property, reflecting beach hardening that was in place in 1991 like other properties in this area of Gulfside Road, it is possible that no Variance would be necessary for the proposed design on the subject property. In addition, the proposed single-family home addition is consistent with, and even further setback than the Gulf Waterfront Yard Setbacks of structures constructed on neighboring properties in the same zoning district.

3. **The special conditions and circumstances do not result from the actions of the applicant:**

**Staff Finding:** Special conditions and circumstances **do not** result from the actions of the applicant. The differing manner and location by which the State established the ECL in this area of Gulfside Road did not result from the actions of the Applicant. The variable location of the ECL across the subject property creates unique circumstances.

4. **Granting the variance requested will not confer on the applicant a special privilege that is denied by this Chapter to other lands, buildings or structures in the same zoning district:**

**Staff Finding:** Granting the variance requested **will not** confer on the applicant special privilege that is denied by this Chapter to other lands, building or structures

in the same zoning district. At the time of the establishment of the ECL, several properties west of Gulfside Road within the R-3SF Zoning District, including the subject property, were not awarded the same privilege that was granted upon the majority of the property owners in this area. The applicant has proposed a design that will result in a setback that is further from the ECL than nearby properties. In addition, the proposed design will not result in a larger structure than similar nearby properties in the same zoning district.

5. **Literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would result in unnecessary and undue hardship on the applicant:**

**Staff Finding:** 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 this Chapter and **would** result in unnecessary and undue hardship on the applicant. As described above, the ECL varies in distance along the gulf fronting side of the properties in this area, including the subject property, however, a majority of the property owners of the properties within the R-3SF Zoning District west of Gulfside Road, ultimately wound up with a more generous determination of shoreline ownership at the time of the establishment of the ECL, and therefore were able to construct homes upon their properties much closer to the Gulf Waterfront. This creates a unique circumstance. Based on the relatively widely varying ECL location in the vicinity the property is uniquely impacted.

6. **The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure:**

**Staff Finding:** Staff is of the opinion that the variance, if granted, **would** be the minimum variance that will make possible the reasonable use of the land, building or structure. The Applicant has provided an analysis of the reasonable use of the land as compared to other properties in this area of Gulfside Road. Utilizing the size of the existing structure, including the residential addition, as compared with other newly constructed residential homes in the immediate area, the Applicant has demonstrated that the subject property, after construction of the proposed residential addition, would be smaller in size than that of the comparable properties as to living area relative to parcel size. Further, the applicant explains that the existing structure was constructed in 1986 which required a much lower minimum elevation than State Coastal requirements today, making it impractical to construct the proposed addition adjacent to and parallel to the existing structure, and therefore parallel to the Gulf of Mexico shoreline. This further supports the design of the proposed addition which proposes a shore perpendicular structure residential addition due to coastal construction requirements that encourage such construction to minimize shore-parallel structures that would otherwise pose obstructions to flood waters and potential damage to neighboring structures and properties. While it appears in the proposed design that the home and garage addition could be designed to be located closer to Gulfside Road and therefore further back from the Gulf Beach, to do so may pose significant difficulty for vehicles to access the proposed garage due to the location of the existing structure and narrow access way between the existing structure and the side property line Staff is of the opinion that the proposed configuration of the home provides a reasonable use of the land.

7. **The grant of the variance will be in harmony with the general intent and purpose of this chapter, and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

**Staff Finding:** The granting of the variance **would be** in harmony with the general intent and purpose of this chapter and **would not** be injurious to the area involved or otherwise detrimental to the public welfare as the proposed home addition would have a Gulf Waterfront Yard Setback in alignment with the majority of residential structures along this area of Gulfside Road. In addition, the proposed home with addition is in keeping with the size of comparable homes in the immediate area, and has been designed to minimize shore parallel exposure and to be elevated above the FEMA flood elevation requirements.

### **STAFF RECOMMENDATION**

Based on the above assessment of Variance Petition 23-0001 and the variance criteria of Section 158.020(A), Staff recommends **Approval** of Variance Petition 23-0001.

### **ATTACHMENTS**

Variance petition and support documentation

cc: David Levin, Esq., Agent  
Maggie Mooney-Portale, Town Attorney  
Allen Parsons, AICP, Director – Planning, Building and Zoning Department

# APPLICANT'S APPLICATION

2033 Main Street  
Suite 600  
Sarasota, FL 34237  
941.366.8100  
Fax: 941.366.6384  
icardmerrill.com

September 6, 2023

Zoning Board of Adjustment  
Planning and Zoning Department  
Town of Longboat Key  
501 Bay Isles Road  
Longboat Key, FL 34228

Re: Application for Variance  
Reduction of 150 Foot Gulf Waterfront Yard Setback by 50 feet to  
Allow Construction of a Residential Addition to an Existing Single-  
Family Residence 100 Feet From the Erosion Control Line at 6529  
Gulfside Road

Dear Honorable Board Members:

The attached Application For Variance is being submitted by Karmen Kamla and Jeff Nalin, owners of an existing single-family residence located at 6529 Gulfside Road which was constructed in 1989. The purpose of the addition is to accommodate extended visits by their family.

The following is a detailed narrative stating how the six Variance Criteria provided in Section 158.020(A), Town of Longboat Key Code, will be satisfied.

***(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.***

In 1991, as part of the Town of Longboat Key's application for permits associated with its proposed beach nourishment project, Dr. Robert G. Dean of the University of Florida, prepared "An Independent Evaluation of the Longboat Key Beach Nourishment Project With Recommendations." Dr. Dean reported that the erosion experienced by the northern part of Longboat Key (which includes the area of Gulfside Road) was primarily caused by the Longboat Pass Inlet, and not sea level rise or storms.

According to Dr. Dean's report, the longshore transport of sand, generally from a north to south direction, is intercepted by the Longboat Pass Inlet. This results in the historic shoreline recession experienced on the northern part of the Key.

G. Matthew Brockway  
Kelly Pflugner Causey  
W. Andrew Clayton, Jr.  
Robert "Tad" Drean  
Bradley J. Ellis  
Michael L. Foreman  
Worth S. Graham  
Thomas F. Icard, Jr.  
Todd D. Kaplan  
N. Macaire King  
Jason A. Lessinger  
David M. Levin, LL.M.  
Robert G. Lyons  
Anthony J. Manganiello, III  
Bianca N. Manos  
William W. Merrill, III  
Lindsey A. Meshberger  
Robert E. Messick  
Alyssa M. Nohren  
Meghan E. O'Connell  
J. Geoffrey Pflugner  
Nicole M. Price  
Stephen D. Rees, Jr.  
Jordan J. Riccardi  
Patrick C. Seidensticker  
Jaime L. Wallace  
John J. Waskom  
Richard S. Webb, IV  
Telese L. Zuberer

Of Counsel  
Michael J. Furen



Prior to coastal development, the segment of beach in the vicinity of what is now Gulfside Road, reacted fairly uniformly as a geomorphic unit in response to the recessional trend. Attached hereto as Exhibit "A" is a composite of aerial photographs taken in 1940 and 1951 which includes the area of Gulfside Road, identified by the thin red lines. Measurements taken from the aerials suggest that between 1940 and 1951, the beach accreted in the area of Gulfside Road. Such accretion appears uniform within said area.

Attached hereto as Exhibit "B" is a composite of aerial photographs taken in 1951 and 1973. It is immediately apparent that the north end of Longboat Key, including the area of Gulfside Road, experienced a considerable amount of erosion during that time period.

Attached hereto as Exhibit "C" is an enlargement of the 1973 aerial. The Gulfside Road geomorphic unit is bounded on the north by the northwest corner of a large seawall (Point A), and on the south by the southwest corner of a seawall that fronts 8 properties (Point B). As shown in Exhibit "C", the shoreline in the vicinity of Gulfside Road was substantially modified since 1951 by the construction of numerous seawalls and coastal structures called "groins."

The structures installed along the shore within the Gulfside Road geomorphic unit significantly impacted the ability of the shoreline to respond uniformly to the natural coastal processes.

A report prepared by Applied Technology and Management, Inc. entitled "Preliminary Environmental Assessment of Longboat Key Beach Restoration Project," was submitted by the Town of Longboat Key in 1992 as part of its application for its Beach Nourishment Project. On Page 76, said report noted, "in areas of a retreating shoreline such as Longboat Key, the existence of a structure tends to rob the natural beach and nearshore profile of its upland supply of sand for cross-shore transport."

Said report, on Page 77, further noted that properties downdrift of seawalls, "if not hardened, are starved of sand required to maintain a healthy profile. In extreme cases, such as is occurring in Reach B [the area of Gulfside Road], the seawalled property with adjoining return walls may eventually act like a groin, providing major blockage of longshore transport to downdrift structures....Lastly, structures, especially seawalls, are prone to a phenomena called flanking. This is erosion caused by the wrapping (refraction and diffraction) of wave energy around the ends of a structure subjecting the sides of a property or adjacent properties to increased erosion....Flanking can have unfortunate effects on adjacent property if its shoreline is not protected in a similar manner."

Attached hereto as Exhibit "D" is a 1991 aerial photograph of the Gulfside Road geomorphic unit. The phenomena described in the Applied Technology and Management, Inc. report is clearly evident at Points A and B on Exhibit "D." The properties downdrift of the seawalls at those points have experienced the "unfortunate effects" of increased erosion caused by the adjacent structures.

As noted in the Applied Technology and Management, Inc. report, such effects could have been

avoided had a seawall similar to that in the lower right hand corner of Exhibit "D" been constructed extending from Points A to C. Clearly, however, such was never done. The Applicant's property is identified with the "X" on Exhibit "D."

In 1992, the Town of Longboat Key applied to the State of Florida for permits to undertake a major beach nourishment project north and south of 6529 Gulfside Road. Pursuant to the provisions of Section 161.161, Florida Statutes, as part of the beach nourishment permitting process, the Town was required to survey the "pre-fill" mean high water line. Attached hereto and incorporated herein as Exhibit "E" is the mean high water line survey conducted in 1991 on behalf of the Town of Longboat Key which includes the area north and south of 6529 Gulfside Road.

The Board of Trustees of the Internal Improvement Fund of the State of Florida, pursuant to the provisions of Section 161.161, Florida Statutes, approved the 1991 mean high water line survey as the Erosion Control Line for the Town's pending beach nourishment project. It should be noted that Section 161.161(6), Florida Statutes provides that the Board of Trustees, in locating the Erosion Control Line, "shall be **guided** by the existing line of mean high water, bearing in mind the requirements of proper engineering in the beach restoration project, the extent to which erosion or avulsion has occurred, **and the need to protect existing ownership of as much upland as is reasonably possible.**" (Emphasis Added).

Thus, the Erosion Control Line is not required to be precisely congruent with the surveyed mean high water line, but is intended to take into consideration reasonable consequences of the establishment of such line. Such considerations may explain some of the strange twists and turns of the established Erosion Control Line in the area of 6529 Gulfside Road. Attached hereto and incorporated herein as Exhibit "F" is a 1991 aerial the area in the vicinity of and including 6529 Gulfside Road (outlined in blue) with the 1991 approved Erosion Control Line superimposed thereon.

Several points are worth noting from what is depicted on Exhibit "F." It will be observed that in the area of Gulfside Road, as previously noted, a number of seawalls have preserved the adjacent uplands, but have caused significant erosion to the neighboring unprotected properties. It will also be observed that the properties protected by seawalls have the benefit of the Erosion Control Line being in a more waterward location than those properties which have lost land due to effects of the neighboring seawalls.

Attached hereto and incorporated herein as Exhibit "G" is an enlargement of that area depicted on Exhibit "F" in the vicinity of 6529 Gulfside Road. It will be observed that at points "A," "B," and "C," the Erosion Control Line was drawn "**to protect existing ownership of as much upland as is reasonably possible.**" However, the same "courtesy" was not afforded to the owners of the uplands between points "A" and "B," nor the owners between points "B" and "C." The result was to deprive the owners of the properties downdrift of the seawalls at points "A" and "B" of the opportunity to regain the lands lost due to the erosional impacts of the adjacent updrift properties.

The manner in which the Erosion Control Line was drawn was unfair to the owner of 6529

Gulfside Road.

The dashed blue line depicted on Exhibit "H," attached hereto and incorporated herein, represents the location of where the Erosion Control Line should have been drawn to be consistent with the location at points "A," "B," and "C," and to be fair and equitable to the owner of 6529 Gulfside.

Attached hereto and incorporated herein as Exhibit "I" is a comparison of the 150 foot Gulf Waterfront Yard setback as established (the red lines), and the more fair and equitable location of the 150 foot Gulf Waterfront Yard setback had the Erosion Control Line been properly drawn (the blue lines).

It is recognized that the Town of Longboat Key Zoning Board of Adjustment does not have the lawful authority to modify the location of the Erosion Control Line established by the State of Florida. However, said Board does have the authority to grant a Variance where owing to special conditions, a literal enforcement of the 150 foot Gulf Waterfront Yard setback from the Erosion Control Line will result in unnecessary and undue hardship. It is respectfully submitted that the inaccurate, unfair, and inequitable manner by which the State established the Erosion Control Line in the vicinity of 6529 Gulfside Road clearly justifies the granting of the requested Variance to avoid unnecessary and undue hardship.

Attached hereto and incorporated herein as Exhibit "J" is the location of the proposed residential addition in relation to the location of the 150 foot setback had the Erosion Control Line been properly established as depicted on Exhibit "I." Had the Erosion Control Line been established taking into consideration **the need to protect existing ownership of as much upland as is reasonably possible** with respect to 6529 Gulfside Road, no Variance would have been necessary.

Attached hereto and incorporated herein as Exhibit "K" is the location of 6529 Gulfside Road and the proposed residential addition in relation to existing structures along Gulfside Road in the vicinity of 6529. It will be observed that the structures proposed by this Variance request are located consistent with most of the existing structures in the area. In particular, it will be observed that the majority of structures located south of the seawall adjacent to 6529 Gulfside Road are located behind a seawall structure that was used to set the location of the Erosion Control Line in relation to those upland structures. Accordingly, the foregoing special Conditions and circumstances peculiar to 6529 Gulfside Road, are not applicable to the majority of other lands in the same zoning district.

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

The inaccurate, unfair, and inequitable manner by which the State established the Erosion Control Line in the vicinity of 6529 Gulfside Road, and which has created the need for a Variance, did 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.***

As noted above, when the Board of Trustees of the Internal Improvement Fund of the State of Florida established the Erosion Control Line for the Town's pending beach nourishment project, it was required to be take into consideration the protection of existing ownership of as much upland as is reasonably possible.

The granting of the requested Variance to allow construction at 6529 Gulfside Road would not confer on the Applicant "any special privilege," but would simply grant to the Applicant the same privilege that has already been conferred upon the majority of owners south of the seawall adjacent to 6529 Gulfside Road. Unlike the Applicant's property, the majority of such properties had the location of the Erosion Control Line set in such a manner as to protect existing ownership of as much upland as is reasonably possible.

***(4) Literal interpretation of the provisions of Chapter 158 would deprive the applicant 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.***

As noted above, the majority of the properties south of the seawall adjacent to 6529 Gulfside Road had the Erosion Control Line set in such a manner as to protect existing ownership of as much upland as is reasonably possible. On the other hand, because there was no functioning seawall protecting 6529 Gulfside Road from the erosion caused by the adjacent seawall, 6529 Gulfside Road was "penalized" by locating the Erosion Control Line significantly landward of the majority of properties in the area.

Thus, to deny Applicant a Variance from the literal interpretation of the provisions of Section 158.094(C)(1), Town of Longboat Key Code to improve the single-family residence waterward of the 150 foot Gulf Waterfront Yard Setback, and to align with the majority of existing structures south of the seawall adjacent to 6529 Gulfside Road, will deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district, and will 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.***

To ascertain what constitutes "the reasonable use of the land," it is necessary to consider what is viewed as the reasonable use of comparable properties in the vicinity of 6529 Gulfside Drive. To conduct a fair analysis of "comparable properties," the properties east and west of Gulfside Drive were selected for comparison purposes. Also to be representative of the reasonableness of use, new residences constructed since 2000 were selected.

Finally, the ratio of residential living area to parcel land area was selected for comparative

purposes. Eight residences fit the foregoing criteria. Based upon data obtained from the Manatee County Property Appraiser, the following reports the ratio of residential living area to parcel land area:

- 6553 Gulfside Drive (built 2010): 5.12
- 6517 Gulfside Drive (built 2017): 3.98
- 6477 Gulfside Drive (built 2002): 4.93
- 6525 Gulf of Mexico Drive (built 2020): 3.71
- 6473 Gulf of Mexico Drive (built 2001): 6.92
- 6461 Gulf of Mexico Drive (built 2003): 5.55
- 6430 Gulf of Mexico Drive (built 2017): 4.82
- 6381 Gulf of Mexico Drive (built 2021): 5.68

While not yet constructed, on May 19, 2022 the Zoning Board of Appeals granted a Variance for the construction of a new residence at 6489 Gulfside Drive. The ratio of residential living area to parcel land area for that proposed residence is 6.60.

The ratio of residential living area to parcel land area for the subject property after the construction of the proposed residential addition will be 4.15, on the low end of the ratios reported above. Accordingly, if the ratio of residential living area to parcel land area represents "the reasonable use of the land," the proposed construction may be found to be the minimum variance that will make possible the reasonable use of the land.

The Applicants purchased 6529 Gulfside Road to be their permanent residence to provide accommodations for themselves, visiting children, and aging parents. They have determined a need to expand the existing living area and to add a garage to address their situation.

The purpose of the foregoing analysis is intended to demonstrate the reasonableness of the proposed use of the subject property after the proposed construction by comparing "apples to apples." The analysis selected those residences built on or after 2001 because as of that date, the FDEP's current elevation requirements were established.

The data reflecting the living area on a parcel was obtained from the Manatee County Property Appraiser. Using the ratio of living area to parcel area rather than building footprint to parcel area, represents a more accurate use of the property to reflect the reasonableness of the proposed construction.

Attached hereto as Exhibit "L," is the location of the properties referenced in the narrative relating to the ratio of living space to parcel land area.

In view of the fact that the existing structure, constructed in 1986, was constructed pursuant to the then applicable State Coastal Construction Control Line Permitting minimum elevation requirements which were several feet lower than today's requirement of 19 feet above sea level, it would be impractical to construct the proposed addition adjacent to the seaward side of the existing structure.

Further, the proposed design of the residential addition oriented in a shore-perpendicular manner, is best suited for structures located within the coastal zone. Pursuant to Section 3109, 2020 Florida Building Code, Building, 7<sup>th</sup> Addition, habitable structures seaward of the Florida Coastal Construction Control Line are required to minimize shore-parallel structures which pose obstructions to flood waters which could exacerbate damage to neighboring structures and property.

The proposed new enclosed garage, which due to the present configuration of the existing structure, is required to be located a significant distance seaward of the street side facade of the present residence. This forces the residential addition, which is to be located seaward of the proposed garage, to extend to 100 feet from the Erosion Control Line. Given the necessity of locating the garage in its proposed location, it is not feasible to locate the additional residential living area needed by the owners more landward than proposed. Thus, the proposed variance is thus the minimum variance required.

Attached hereto as Exhibit "M" is a graphic depicting the proposed residential addition in relation to neighboring properties. It will be observed that the proposed residential addition is landward of what the Florida Department of Environmental Protection would describe as the "uniform line of construction." Attached hereto as Exhibit "N" is an enlargement of the subject property and proposed improvements as depicted on Exhibit "M."

Attached hereto as Exhibit "O" is the proposed site plan showing relevant dimensions of the proposed addition and its location relative to the Erosion Control Line.

When the foregoing information is considered, it may be concluded that the variance requested is that 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.***

In view of the fact that the proposed expanded single-family residence will align with the majority of residential structures south of the seawall adjacent to 6529 Gulfside Road, and will be greater than 150 feet from the Erosion Control Line if said line had been accurately, fairly, and equitably established, the grant of the requested 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.

Based upon the foregoing, it is respectfully requested that the Zoning Board of Adjustment grant the requested Variance.

Sincerely,



David M. Levin



**Town of Longboat Key  
Planning, Zoning and Building Department**

501 Bay Isles Road  
Longboat Key, Florida 34228  
941-316-1966  
941-316-1970 FAX

**APPLICATION FOR VARIANCE**

Application must be completed in its entirety, and owner's signature notarized.

**APPLICANT IS REQUIRED TO SUBMIT THIRTEEN (13) INDIVIDUAL, COLLATED SETS OF THIS APPLICATION, SUPPORTING PLANS AND DOCUMENTS ALONG WITH ONE (1) DIGITAL COPY OF ALL MATERIALS.**

**VARIANCE APPLICATION FEE: \$1,000.00 deposit**

(Application fee of \$450.00 will be deducted from deposit)

IF PAYING BY CREDIT CARD, PLEASE COMPLETE A CREDIT CARD AUTHORIZATION FORM

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.

**OFFICE USE ONLY:**

Date Filed: \_\_\_\_\_ Receipt No. \_\_\_\_\_ Petition# \_\_\_\_\_

**PETITION REQUEST:**

( I ) (We)  KARMEN KAMLA and JEFF NALIN

Mailing Address  12155 SW 89TH AVENUE

City:  MIAMI  State:  FL  Zip:  33176-5101

Request a Variance from Section (s)  158.094(C)(1)

of the Town of Longboat Key Zoning Ordinance to  ALLOW THE CONSTRUCTION OF A RESIDENTIAL ADDITION WITH AN ENCLOSED GARAGE TO AN EXISTING SINGLE-FAMILY RESIDENCE 100' INSTEAD OF 150' FROM THE ECL AND A BALCONY

(brief description, i.e., to reduce side yard from 20 feet to 15 feet)  ADDITION 143.3' FROM THE ECL

Subject property is located at:  6529 GULFSIDE ROAD, LONGBOAT KEY, FLORIDA

The legal description is as follows: Lot(s)  32  Block \_\_\_\_\_

Subdivision or Plat:  SLEEPY LAGOON

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

LIST OF NAMES AND ADDRESSES OF ALL OWNERS OF PROPERTY WITHIN A DISTANCE OF 500 FEET FROM THE OUTSIDE EDGES OF THE PROPERTY INVOLVED WILL BE PROVIDED BY THE TOWN.

**VARIANCE CRITERIA:**

**PLEASE ATTACH A DETAILED NARRATIVE STATING HOW EACH OF THE FOLLOWING SIX (6) CRITERIA ARE FACTUALLY PRESENT IN YOUR VARIANCE REQUEST.**

( I ) (We) believe that the Zoning Board of Adjustment should grant this Variance pursuant to Section 158.020 of the Town of Longboat Key Code of Ordinances 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.

**SIGNATURE OF PROPERTY OWNER(S)/AGENT**

(I) (WE) understand that this document becomes a part of the permanent records of the Town of Longboat Key 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.

Signature of Owner [Signature]  
Printed/Typed Name of Owner KARMEN KAMLA JEFF NALIN

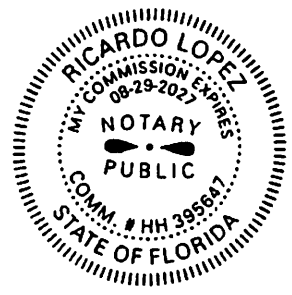
In addition to Owner's signature, please complete this section if the owner designates an agent to act on their behalf in regard to this application:

Signature of Agent [Signature]  
Printed/Typed Name of Agent DAVID M. LEVIN, ESQ.

Company/Firm: ICARDMERRILL  
Phone: 941.366.8100 Fax: 941.366.6384 Email: dlevin@icardmerrill.com  
Mailing Address: 2033 MAIN STREET, SUITE 600  
City: SARASOTA State: FL Zip: 34237

**NOTARIZATION OF OWNER'S SIGNATURE**

State of FLORIDA  
County of MIAMI-DADE  
The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of Sept 2023  
By Karmen Kamla, Jeff Nalin  
Signature of Notary Public [Signature]  
Printed/Stamped Name of Notary Public RICARDO LOPEZ  
Personally known  OR produced identification  Type of ID: DR. LICENSE





Return to:  
Kooontz & Assoc.

②

Prepared By & Return To:  
Jo Ann M. Koontz, Esquire  
Koontz & Associates, PL  
1613 Fruitville Road  
Sarasota, Florida 34236

File Number: 5475-4472

Purchase Price: \$3,450,000.00

## General Warranty Deed

Made this December 17, 2020 A.D. By **Mary Ellen MacIsaac**, whose post office address is: 160 wildwood Ct., Greeneville, TN 37745-0410, hereinafter called the Grantor, to **Jeff Nalin, as Co-Trustee of the Nalin Kamla Family Trust dated June 21, 2008, as amended, and Karmen Kamla, as Co-Trustee of the Nalin Kamla Family Trust dated June 21, 2008, as amended**, whose post office address is: 6529 Gulfside Rd., Longboat Key, Florida 34228, hereinafter called the Grantee:

(Whenever used herein the term "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**Witnesseth**, that the Grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in Manatee County, Florida, viz:

**Lot 32, Sleepy Lagoon Subdivision, as per plat thereof recorded in Plat Book 7, Page 14, of the Public Records of Manatee County, Florida.**

SUBJECT TO covenants, restrictions, easements, conditions and limitations of record, and taxes for 2020 and all subsequent years.

Peter A. Reardon and Mary Ellen MacIsaac were married continuously from a time prior to the acquisition of title to the property described above, through the date of death of Peter Reardon. This conveyance is to a bona fide purchaser for full and adequate consideration, which is equal to the value of the property.

Said property is not the homestead of the Grantor under the laws and constitution of the State of Florida in that neither Grantor or any members of the household of Grantor reside thereon nor on any property contiguous thereto.

Grantee is hereby conferred with the power and authority to protect, conserve, sell, lease, encumber, convey and otherwise manage and dispose of the above-described property pursuant to the provisions of Section 689.073, Florida Statutes.

Parcel ID Number: **7845300008**

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2019.

Prepared By & Return To:  
Jo Ann M. Koontz, Esquire  
Koontz & Associates, PL  
1613 Fruitville Road  
Sarasota, Florida 34236

File Number: 5475-4472


Purchase Price: \$3,450,000.00

**In Witness Whereof**, the said grantor has signed and sealed these presents the day and year first above written.

*Signed, sealed and delivered in our presence:*

Alice Carmen Burgos 

Witness Printed Name Alice Carmen Burgos

Mary Ellen MacIsaac 

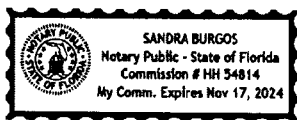
Mary Ellen MacIsaac (Seal)

Sandra Burgos 

Witness Printed Name Sandra Burgos

State of Florida  
County of Orange

The foregoing instrument was acknowledged before me by means of [ ] physical presence or  online notarization, this 16th day of December, 2020, by Mary Ellen MacIsaac, who is personally known to me or who has produced US Passport as identification.



Online Notary Public. This notarial act involved the use of online audio/video communication technology.

Sandra Burgos 

Notary Public  
Print Name: Sandra Burgos

My Commission Expires: 11/17/2024



1940



1951

GULFSIDE ROAD

EXHIBIT A



**1951**



**1973**

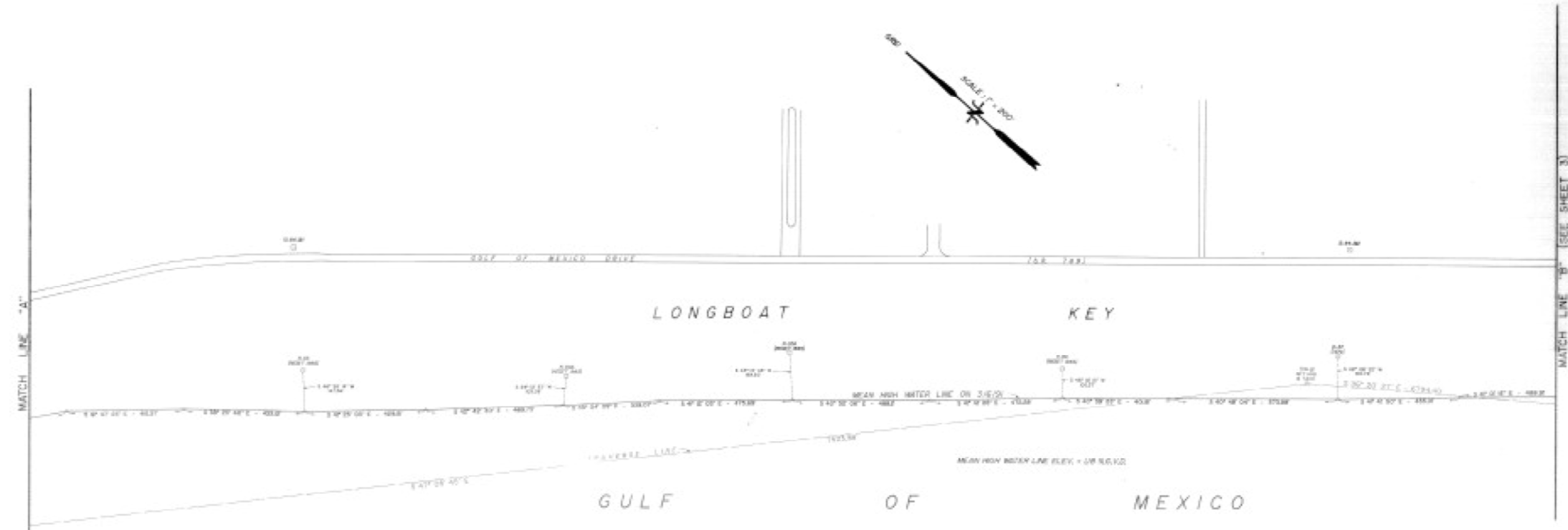
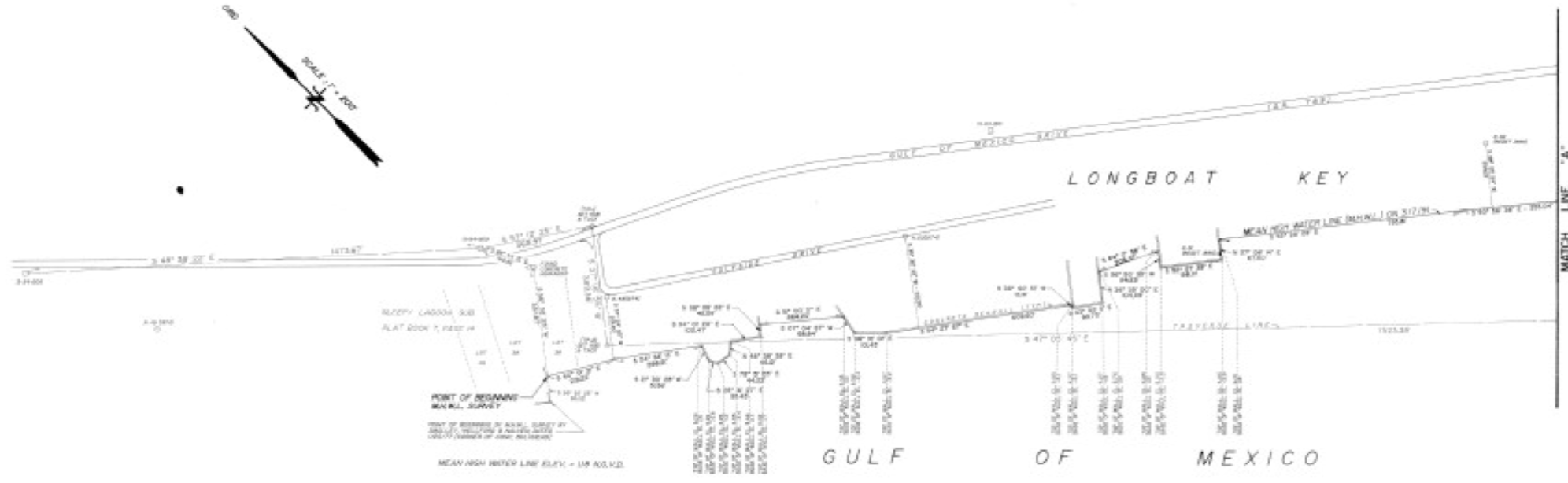
**EXHIBIT B**



**EXHIBIT C**



**EXHIBIT D**



**MORGAN & EKLUND, INC.**  
 PROFESSIONAL SURVEY CONSULTANTS

4516 20th STREET    1100 SE 3rd COURT    2340 BARBICO ST. NE  
 VERO BEACH, FL 32900    SUITE 202    SUITE 207  
 407-249-3318    BERKFIELD BEACH, FL 33441    PALM BAY, FL 32909  
 407-349-3480-388    305-621-6883    407-951-7300

STATEMENT OF SURVEYOR: I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS ACCURATE WITHIN THE LIMITS OF THE SURVEY AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF FLORIDA. I AM NOT PROVIDING THIS INFORMATION TO ANY OTHER PARTY WITHOUT THE WRITTEN PERMISSION OF MORGAN & EKLUND, INC.

*JRM*  
 JAMES R. MORGAN  
 SURVEYOR  
 STATE OF FLORIDA

A MEAN HIGH WATER LINE SURVEY - FOR - THE TOWN OF LONGBOAT KEY, FLORIDA EROSION CONTROL LINE			
COMMISSION NO.	2886.00	DATE	3/02/01
SCALE	1" = 200'	SURVEY PERIOD	2/27/01 - 3/7/01
DRAWN BY	W.M.Z.	CHECKED BY	JRM
FIELD BOOK #	1-1	NO. OF PAGES	1-1
DATE OF SURVEY	2/27/01 - 3/7/01	SHEET	2 OF 3



1991

EXHIBIT F





A

B

C

6529

EXHIBIT G



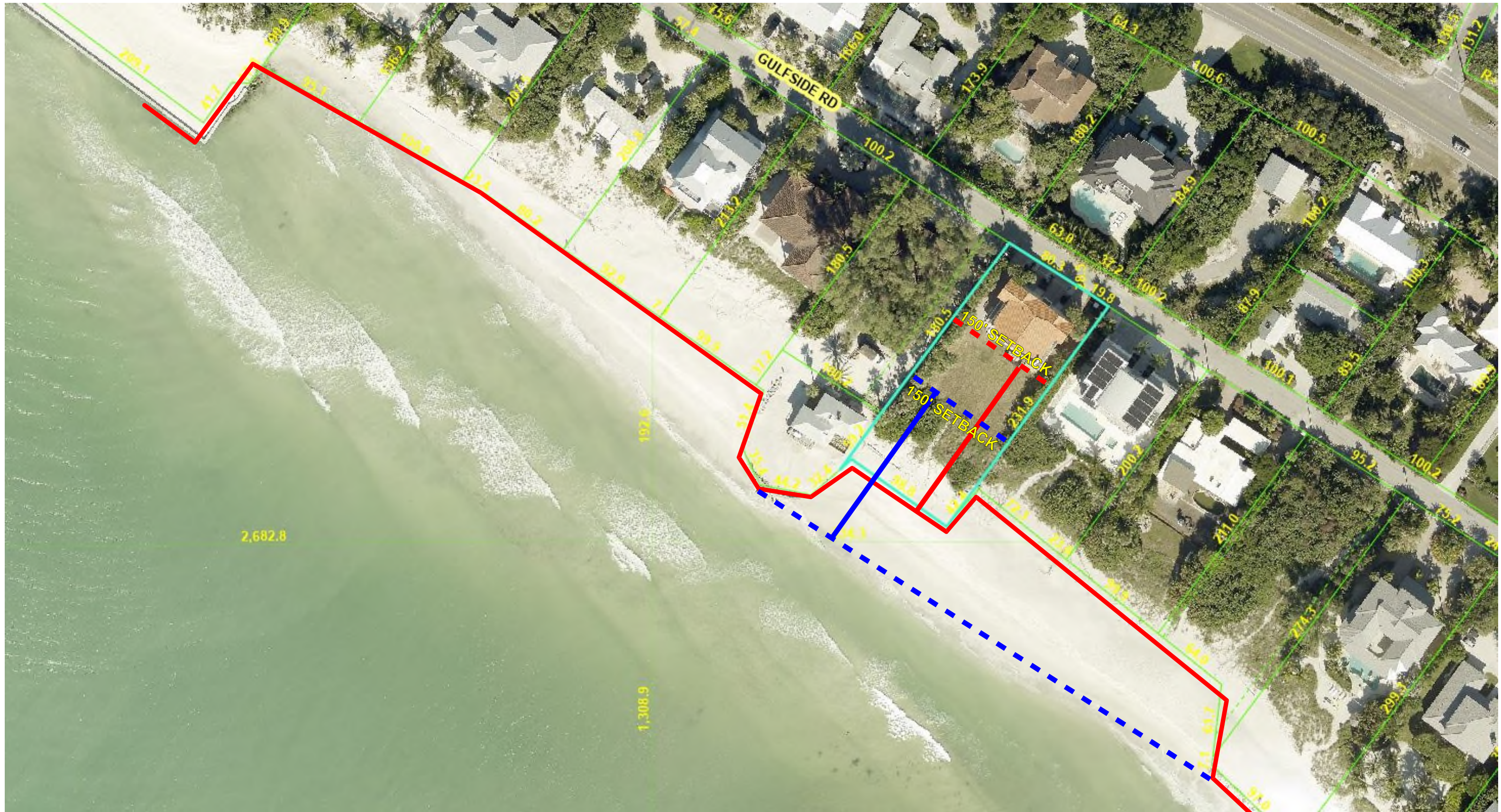
A

B

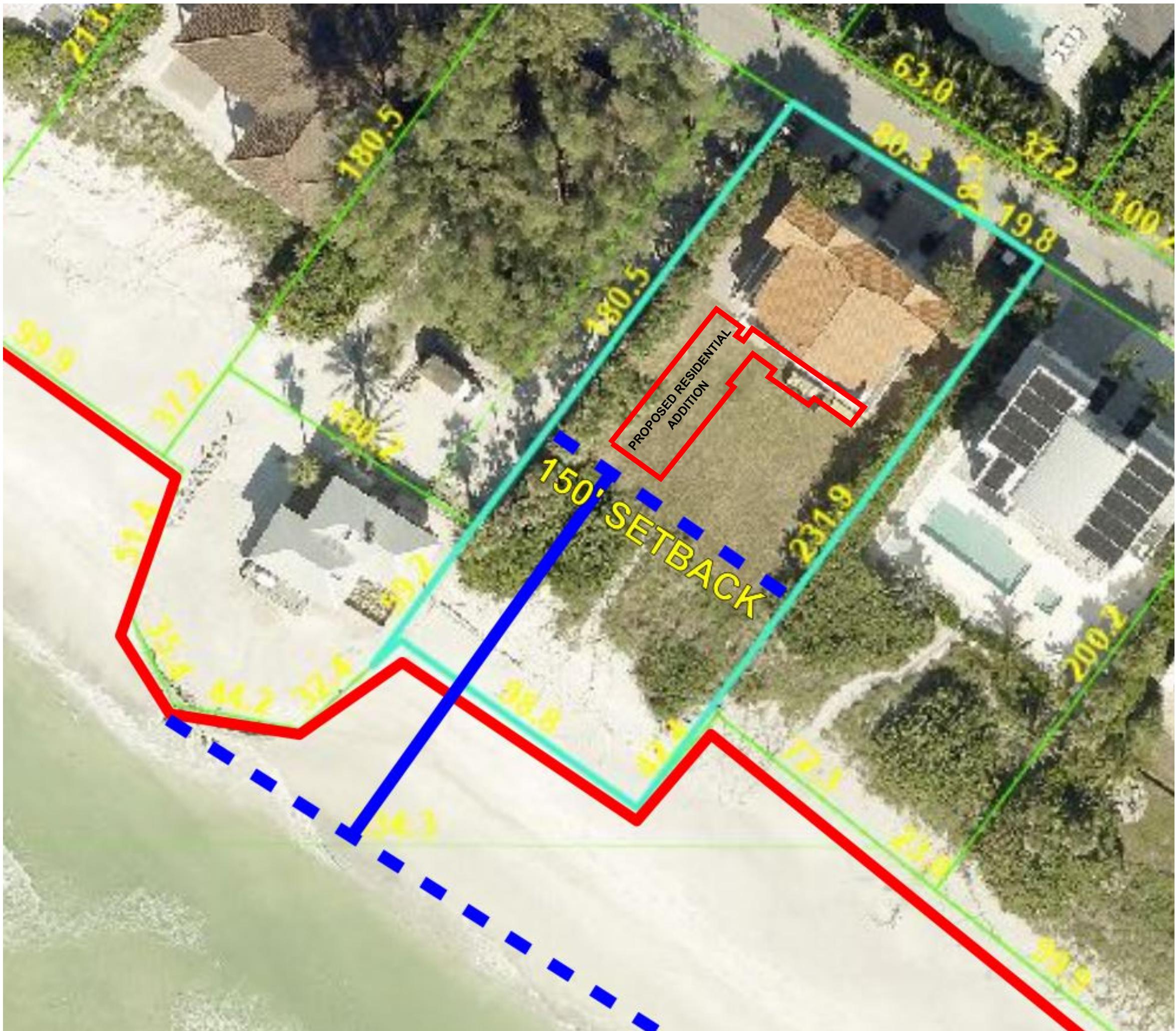
C

6529

EXHIBIT H



**EXHIBIT I**



**EXHIBIT J**



**EXHIBIT K**



**EXHIBIT L**

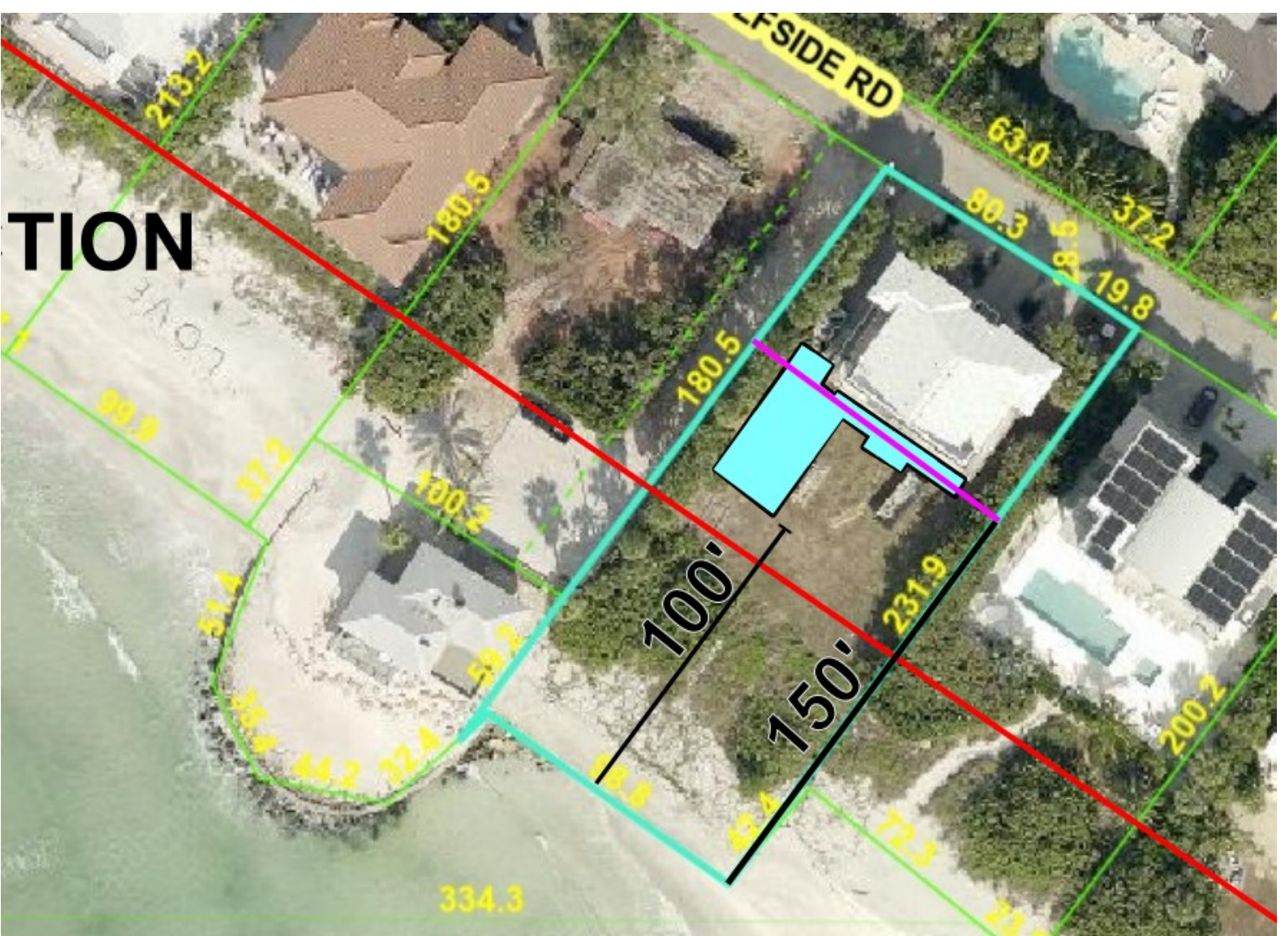
**LINE OF CONSTRUCTION**

Find any part of a

**EXHIBIT M**



**TION**



**EXHIBIT N**

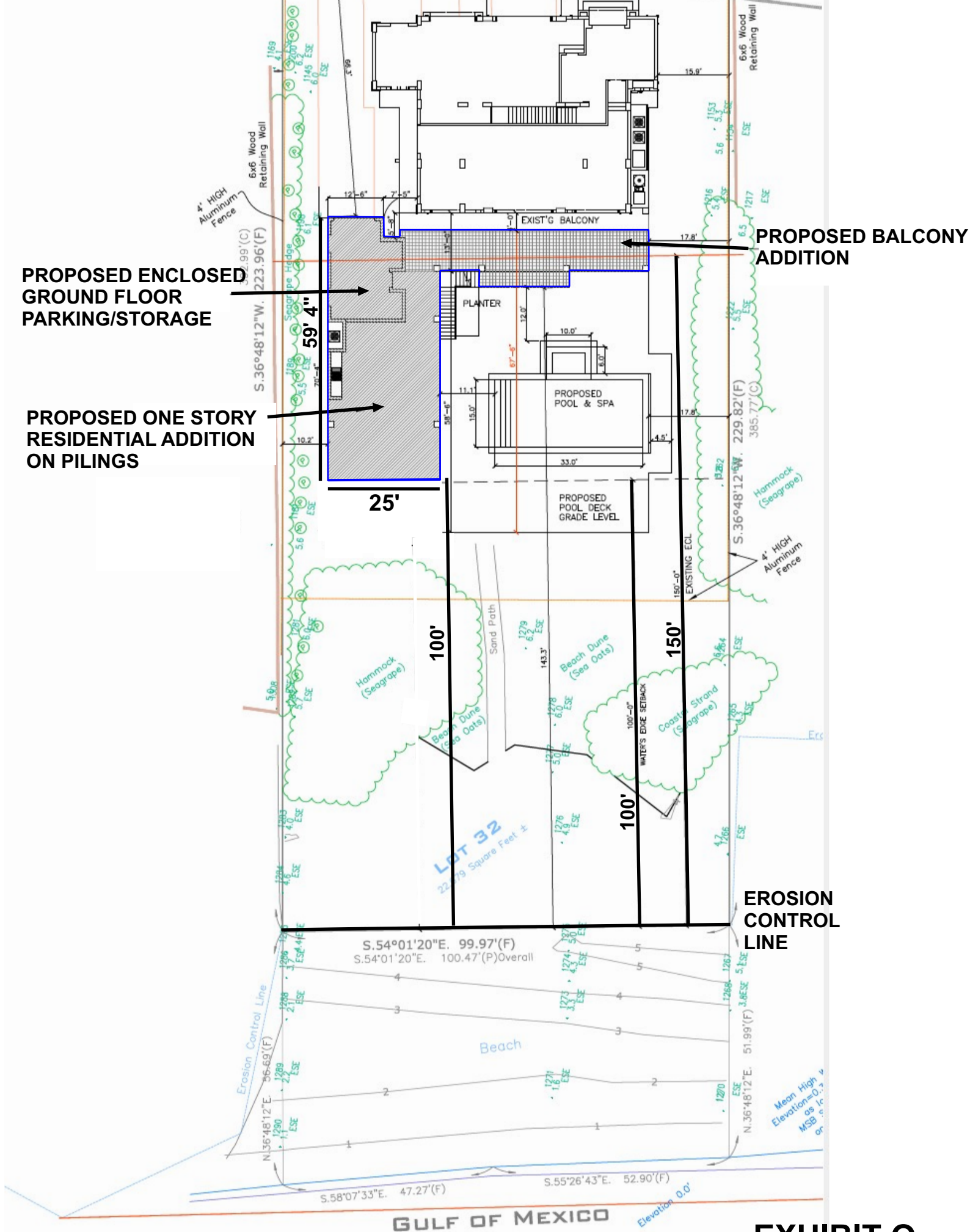


**PROPOSED ENCLOSED  
GROUND FLOOR  
PARKING/STORAGE**

**PROPOSED ONE STORY  
RESIDENTIAL ADDITION  
ON PILINGS**

**PROPOSED BALCONY  
ADDITION**

**EROSION  
CONTROL  
LINE**



**GULF OF MEXICO**

**EXHIBIT O**