

MANASOTA AND SANDPIPER KEY

ADVISORY COMMITTEE

MEETING MINUTES

February 15, 2012

The meeting was called to order by Chairman Wayne Largent at 9:00am. In attendance were all members of the committee; Jack Landis, Tom Dignam, Wayne Largent, Betty Sue Carroll, BJ Galberaith and Andrea Barber. Chris Schmidt, Zoning Tech, Shaun Cullinan, Zoning Director and Derek Rooney, Assistant County Attorney represented Charlotte County. The audience included 32 residents and newspaper reporters.

Wayne welcomed the audience and county representatives.

The minutes from the January 18, 2012 meeting were approved.

Wayne rearranged the agenda to allow Derek Rooney to present the SMH Group LLC settlement to the committee and the audience.

SMH settlement is a Burt Harris Jr. Act claim against Charlotte Co. The property purchased in June of 2003 is located at 1780 Gulf Blvd. on Manasota Key. Derek explained he had handled several suits stemming from the approval of the Manasota Key plan. The settlement was approved and signed by the SMH Group but not by the County Commissioners. It was also explained the initial 2005 claim was amended after the courts reduced the threshold for Burt Harris claims. The court determined an applicant must be denied approval before they were allowed to file a claim. Because of this ruling, SMH applied for a variance in June 2010. Their variance requested an increase in height and number of stories, reduced side yard setbacks, allowed obstructions in the side yard buffer areas, and reduced off-street parking.

The Board of Zoning Appeals (BZA) denied their request for additional height and stories, reduced side setbacks and obstructions in the side yard buffer areas. The BZA approve the request for reduced off street parking. The Burt Harris claim was refilled March, 2011 and Charlotte Co. was required to offer a settlement within 180 days. The settlement did not offer a monetary settlement, was not transferable and required a building permit within 3 years for the plans reviewed by the BZA.

The committee and the audience asked several questions. After an hour's discussion Jack Landis made a motion for the Advisory Committee to make a recommendation to the Board of County Commissioners (BCC). The recommendation would request the BCC to offer and present the option of allowing SMH Group to build under the county codes and Waterfront ordinance in effect when SMH Group applied for DRC approval in 2004. The motion did not pass with a 3-3 split in the members.

Derek agreed to consider the option and residents were welcome to send comments to himself or the BCC.

ARC Applications

2450 N. Beach Rd., Sunburst Condominium request for a fence was approved providing it was reduced to 4 ft. in height with wildlife openings.

135 Sandollar storage shed was approved.

Chris Schmidt presented the Shediac application, 1280 Shoreview. His concerns were:

1. the site design did not provide measurements for the driveway and parking spaces
2. The contemporary building did not have trim around windows and doors
3. The garage doors exceeded the Manasota Key ordinance of 10 ft. in height
4. The entrance was not clearly defined because house numbers were absent from the design
5. An outside lighting plan was absent showing fixtures and fixture height
6. A landscape plan was absent

Chris affirmed the builder had agreed to change the garage door height and include house numbers. BJ stated she had spoken with the previous Zoning Official and Nicole Dozier had agreed to provide a special exception for window and door trim. Chris reported there was nothing in the file regarding window and door trim. BJ commented she believed the committee had previously recommended approval of the Shediac application. Chris stated this information was not in the file.

The committee was then presented with Growth Management's major concern. Shaun stated the building was a lateral addition and additions were limited by the 50% rule located in the Manasota Key Overlay. The new building was 4,000 square feet and the original duplex is 2,000 square ft. BJ asked if the two buildings were separate and Shaun stated the application was for a lateral addition.

Jack Landis made a motion and Tom Dignam seconded to recommend denial for Chris's 6 listed concerns. The motion passed 5-1.

Wayne read an Email requesting an appointment with our committee from Gayle Moore for Dan Quick and Shaun. Wayne will respond.

Shaun stated Growth Management expected the new County Code design would be put out for public comment by late May.

Tina Bern-Cohen presented a comparison of existing Overlay and Staff Proposals to the committee. The 25 page study she graciously produced includes graphs and questions for the committee's review and discussion at our next regular meeting. The comparison addresses deleted codes and revised or modified sections of the Overlay. Tina has agreed to meet again with the committee to define major concerns and help integrate the intent of the Overlay into the new County Code.

The next Advisory meeting will be March 21, 2012 and the next ARC meeting will be March 7, 2012 providing there are applications to be reviewed.

The meeting adjourned at 11:45am.

Respectfully submitted,

BJ Galberaith

A handwritten signature in blue ink, appearing to read "Wg" followed by a stylized signature, likely representing BJ Galberaith.