

## Scott Pickett - Crow's Nest Request for Variance to Remodel Upstairs Deck

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**From:** <BobE435@aol.com>  
**To:** <spickett@venicegov.com>  
**Date:** 8/21/2013 12:28 PM  
**Subject:** Crow's Nest Request for Variance to Remodel Upstairs Deck  
**Attachments:** Response to Public Hearing Notice for Crows Nest Variance Request and Hearing September 3, 2013.doc; Crow's Nest Landscaping to Hide First Floor of the Restaurant.jpg

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Dear Mr. Pickett

This is a copy of the letter we're mailing you with a copy of the photograph described in the letter. I have spoken with Mr. Harner and he supports maintaining the downstairs landscaping at the Crow's Nest to continue to hide the first floor of his restaurant from our condo, supports maintaining the new seating area and existing area to a maximum of twenty four people and to placing shutters on the side of the second floor of his restaurant to protect our privacy and reduce noise. He would like to have discretion as to when he serves dinner. I of course would like to exclude daily dinner service. Mr. Harner informed me he can't be at the Planning Commission hearing but will have a representative, his builder and architect there.

Bob and Cynthia Elsberg  
1585 Tarpon Center Drive, Unit #40  
Jetty Villas  
(415) 497-2665 (cell)

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**Robert and Cynthia Elsberg**



2250 Centro East Street ◆ Tiburon, California 94920-1947 ◆ U.S.A.  
And 1585 Tarpon Center Drive, Unit #40, Venice, California 34285

August 21, 2013

Planning Commission  
C/o Planning and Zoning Department  
401 W. Venice Ave, Venice, Florida 34285


Subject: Variance Petition No. 13-3VZ (Crow's Nest) :

Dear Sir:

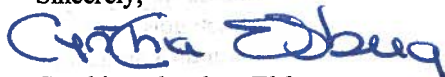
We own Unit #40 at the Jetty Villas, directly across the street from the Crow's Nest and, facing the proposed extension of the upstairs outdoor eating area. Mr. Harner, owner of the Crow's Nest, has indicated that he wants to maintain the maximum eating area to six tables seating twenty-four people. Unlike the current area, the new area will have a view of the water.

The Variance Petition was heard at the Planning Commission on August 6. Both Mr. Harner and I spoke at the Planning Commission hearing on the proposal. Additionally, Mr. Harner and I had met prior to the Planning Commission hearing and Mr. Harner viewed his restaurant from our roof deck which has a "front row balcony view" of his restaurant's proposed new deck. Mr. Harner at that time understood our concern. Mr. Harner's proposal could have a potential major privacy and noise problem to us if our concerns aren't addressed.

Based on our discussion and what was stated at the August 6 hearing, Mr. Harner and I agreed, and the Planning Commission approved, the variance subject to the following conditions:

1. The maximum seating for the new outdoor eating area will have a seating/eating capacity of 24 people.
2. The downstairs floor of the Crow's Nest currently has heavy landscaping between our unit and the restaurant located on Crow's Nest property. The landscaping will be maintained at that level by Mr. Harner to maintain the privacy and noise reduction to our unit. (It is understood that the landscaping may have to be removed during construction, but Mr. Harner has indicated that he will replace it upon the completion of the remodel). I have attached a photo of the landscaping currently in place to show how well the landscaping hides the lower level of the restaurant.
3. Shutters will be installed on the second floor of the restaurant facing our side of the street from near the landing to the proposed hexagon shaped deck facing our side of the street. This will substantially ~~facilitate~~  at reduction in noise from the restaurant and maintain privacy to our home.
4. Maintain the dinner service on the new deck to two days a year pursuant to the belief by Mr. Harner that was current practice. Mr. Harner had stated that the kitchen isn't able to provide dinners on a daily basis due to kitchen limitations. Subsequent to the approval of the above by the Planning Commission and supported by Mr. Harner and my wife and I, Mr. Harner determined there were other special occasions when dinner was served on the deck. Therefore a rehearing on the matter was set for September 3, 2013. We support the removal of the twice a year Restriction of dinner service on the deck approved on August 6, 2013, but would like to maintain dinner service at the current level. Mr. Harner has stated that he has no intention of providing dinners on the deck as a daily event but wants the ability to provide dinner during these special events. We support both the prevention of daily dinner service on the deck and his ability to serve dinner on special events. .  
Mr. Harner continues to support the other three conditions stated above with our strong support as it will reduce noise and increase privacy to both us and the restaurant. Thank you for your consideration of our concerns.

Sincerely,



Cynthia and Robert Elsberg