

Opponents' Exhibit 9: The City apparently has a Flood Policy for homes that need to be raised. The question is: Why wasn't the Flood Policy disclosed at the public hearing held by the Zoning Board? Why wasn't it disclosed at the BOR's February 25th meeting on this matter?

See the attached email from James Minor to James Lunney, dated August 6, 2010, well before Super Storm Sandy (October 29/30 2012). The email states:

“[I]t is ok for you to allow a person to raise a flood damaged house or a house in the flood plain without a variance as long as the house remains the same, even it does not meet the setbacks [i.e., nonconforming].”

New Construction – Zoning Application Sets Very Bad Precedent

Approving the Zoning Application will set very bad precedent. Besides the Cullman/Kirby property there are 3 other undeveloped, waterfront properties within 500 feet of the Murphys' home. No municipality would approve such a policy setting Zoning Application (increased height and bulk with increased flood heights and velocities) without input from at least the neighbors affected. But like everything else, the guiding principle of the City's Land Use Bureau is that public meetings on serious issues are to be avoided.

Lunney, James

From: Minor, James
Sent: Friday, August 06, 2010 12:08 PM
To: Lunney, James
Subject: RE: lifting house in floodplain without variance

Jim

In answer to your question- yes, it is ok for you to allow a person to raise a flood damaged house or a house that is in the flood plain without a variance as long as the house remains the same, even if it does not meet the setbacks. It does not illegally expand a non-conforming use (house that doesn't meet setbacks) if the owner lifts the house the amount need to be out of the flood plain, as long as it remains in the exact location, but just at a different elevation. Also this does not add additional volume, square footage or usable space by such raising (excluding the height added to an existing basement that already has sufficient head height). This is true even though a structure that was 25 feet tall and encroaching into the setback is now 30 feet tall and still encroaching.

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