

## MANATEE COUNTY BOARD OF ZONING APPEALS

February 4, 1965

The regular meeting of the Board of Zoning Appeals was held on Thursday, February 4, 1965 at 1:30 P.M., with Vice-Chairman Wilder presiding. Board members present were: Messrs. Oscar Smith, Sr.; Verl Fielding; Frank Larsen; Kenneth Pfister; and D. Vincent Wilder. Also present was Mr. J. E. Hofmann, Ass't. Zoning Administrator.

Mr. Pfister moved, Mr. Smith seconded, that the Minutes of the meeting of January 21, 1965 be approved as submitted. Motion carried.

APPROVED.

PUBLIC HEARING

Mr. Wilder read the following Proof of Publication. Mr. Hofmann stated that all papers were in order and that one letter had been received from a surrounding property owner, stating that they had no objection to the petition.

1. A-182 ST. JOHN'S BAPTIST CHURCH, 108 17th St. East, (Memphis Road), Palmetto, Florida, by Willie Samuel, Trustee, petition for variance of Section VI, Par. 27, Official Road Plan Setbacks of the Manatee County Zoning Ordinance which requires a 100 foot right-of-way for 17th Street East, and Section V, R1 District, Par. D-1 which requires a 25 foot setback from the new right-of-way. Also variance of Section VI, Par. 19, Offstreet Parking, I (i) which requires one parking space for each three seats in the church. Petitioner requests a variance of fifteen (15) feet in the front setback to permit construction of a Sunday School building thirty-five (35) feet from the present front property line instead of fifty (50) feet. Also a variance to eliminate most of the required offstreet parking. Property is described as Lot 12, Block 1, Barwick's New Memphis Subdivision, Sec. 12, Twp. 34, Rge. 17E.

As Mr. Willie Samuel, Trustee, was not present, this petition was continued.

CONTINUED.

GAA337

Mr. Wilder read the following Proof of Publication.  
Mr. Hofmann stated that all papers were in order and that no correspondence had been received.

2. A-183 WILLARD H. JOHNSON, 925 Magellan Drive, Sarasota, Florida, petition for variance of Section V, R1C District, Par. D, 1 (b) of the Manatee County Zoning Ordinance which requires a front setback of thirty (30) feet and a variance of Par. E 6 of the same Section, that requires a residence to have a minimum of fifteen-hundred (1500) square feet of enclosed liveable floor area. Petitioner requests a variance of five (5) feet in the front setback to permit construction of a residence twenty-five (25) feet from the front property line. Also a variance of three-hundred (300) square feet of enclosed liveable floor area, to permit a residence of twelve-hundred (1200) square feet of enclosed liveable area.

Property is described as Lot.1, Block 78, Whitfield Country Club Addition, and is located at Magellan Drive and 67th Avenue West, in Manatee County, Florida.

Mr. Johnson stated that he was withdrawing his request to reduce the size of a dwelling from 1,500 square feet of living area to 1,200 square feet, however, he wished to continue with his request for a 5' variance from the front property line. He stated that the request was due to the irregular shaped lot and that it was situated on a curve.

Mr. Johnson stated that the lots were platted in 1955, which was prior to zoning.

The following persons appeared in opposition to the petition. Mr. Earl Slaughter, 3550 Tangier Terrace, Sarasota, Vice-President of Sarabay Country Club; (Mr. Slaughter presented a petition signed by 10 surrounding property owners, objecting to the petition. Petition in file); Mr. Harold Curtis, 920 Magellan Drive; Mr. W. P. Brownelle, 917 Magellan Drive; and Mr. Harold DeNier, representing Greenway Homes.

Mr. Larsen moved, Mr. Pfister seconded, that the matter for a request for a variance of 5 feet on the front setback be continued until definite plans were submitted, however, not beyond May 6, 1965. Motion carried.

CONTINUED UNTIL MAY 6, 1965.

Mr. Wilder read the following Proof of Publication. Mr. Hofmann stated that all papers were in order and that no correspondence had been received.

3. A-184 TURNER LEROY COVINGTON, by Clifford E. Smith, Agent, petition for variance of Section V, R1A District, Par. D 1 (a) of the Manatee County Zoning Ordinance which requires a setback of twenty-five (25) feet from the street. Petitioner requests a variance of four (4) feet to permit construction of a residence twenty-one (21) feet from 31st Street East, Palmetto, Florida. Property is described as Lot 22, Block 2, 1st Unit, Lake Park Subdivision and is located at 3104 9th Avenue Drive East and 31st Street East, Palmetto, Florida.

Mr. Smith stated that he designed the home for Mr. Covington and due to the fact that the lot is on a curve that there was no way it could be placed on the lot and still meet all the setbacks. He stated that the only way the house could be placed on the lot it would require a variance of 4 feet, as they could only meet a setback of 21 feet from 31st Street East.

Mr. Smith stated that Mr. Covington had a hardship as he had sold his present house and would soon be required to vacate.

Mr. Pfister moved, Mr. Smith seconded, that the public hearing be closed. Motion carried.

PUBLIC HEARING CLOSED.

Mr. Smith moved, Mr. Fielding seconded, that it is the finding of this Board, based upon the evidence and a personal visit to the area, that the granting of this variance will not materially change the character or quality of the neighborhood,

GAA337

and that the strict application of the provisions of the Zoning Ordinance would result in an unnecessary hardship to the applicant, inconsistent with the general purpose and intent of the Ordinance, it is, therefore, the decision of this Board that the variance as requested be granted, to wit:

That petitioner be permitted to construct a residence to within 21 feet of the south property line, instead of 25 feet as required by the Zoning Ordinance, and that the following Resolution be adopted.

Mr. Wilder polled the Board. Voting as follows: Smith-'Aye'; Fielding-'Aye'; Larsen-'Aye'; Pfister-'Aye'; Wilder-'Aye'. Motion carried.

APPROVED.

In Re: Petition Clifford E. Smith, Agent for  
Turner Leroy Covington

RESOLUTION OF VARIANCE

The above-styled matter coming on for Public Hearing before the Board pursuant to due Public Notice, and the Board having heard and considered the evidence presented by the Petitioner, and by members of the Public who desired to present the same, it is thereupon found:

1. That a literal enforcement of the Manatee County Zoning Ordinance would result in an unnecessary and undue hardship upon the Petitioner.

That the plight of the Petitioner is due to unique circumstances not created by the Petitioner or his predecessor in title.

3. That the variance sought will observe the spirit of the Zoning Ordinances of Manatee County, Florida, and will not be contrary to the Public interest.

It is, therefore, Resolved by the Board that the above-styled petition be and the same hereby is approved, and the variance sought be and the same hereby is granted, to wit:

A variance be granted permitting petitioner to construct a residence to within 21 feet of the south property line instead of 25 feet as required by the Zoning Ordinance.

DONE THIS 4th DAY OF February, 1965.

BY: Kenneth L. Pfister  
SECRETARY

#### DETERMINATION

The Board was asked for a determination as follows. 'What area comprises the site of the Race Track?' This is in connection with the request for a building permit for the erection of gasoline pumps on the parcel of land adjacent to the 'Kash 'n Karry' store at 5711 14th Street West, which was refused due to the fact that it was considered to be less than 500 feet from the site of an arena (the race track), which included the area used for parking.

Mr. Fielding moved, Mr. Pfister seconded, that it is the finding of the Board that the decision of the Zoning Administrator be upheld, as the entire area comprised the arena site. Motion carried.

#### APPROVED. DECISION OF ADMINISTRATOR UPHELD.

The Board requested that the Secretary of the Zoning Office mail copies of the ad to each Board member on the day the ad is sent to the papers, in order that they may be aware of the matters coming up for public hearing, in advance of receiving the agenda. This is to enable the members to investigate and perhaps visit the sites of the property concerned with the petition.

Meeting adjourned 2:30 P.M.

APPROVED:

BY: Kenneth L. Pfister  
Secretary

GAA337