

MANATEE COUNTY BOARD OF ZONING APPEALS

April 1, 1965

The regular meeting of the Board of Zoning Appeals was held on Thursday, April 1, 1965, with Vice-Chairman Wilder presiding. Members present were: Messrs. Oscar Smith, Sr.; Verl Fielding; Kenneth Pfister; Frank Larsen and D. Vincent Wilder. Also present was Mr. Carroll L. LaMar, Ass't. Zoning Administrator.

Mr. Pfister moved, Mr. Smith seconded, that the Minutes of the meeting of March 18, 1965 be approved as submitted. Motion carried.

APPROVED.

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

PUBLIC HEARING

A-190 GEORGE L. KING, 5131 Manatee Avenue West, Bradenton, Florida, petition for variance from Sec. V, D - 1 (b) R-1B District, of the Manatee County Zoning Ordinance which requires front setback of 30 feet from the proposed right-of-way line. Petitioner requests a blanket variance of 17 feet to permit construction 30 feet from the existing right-of-way line, or 13 feet from the proposed right-of-way line. Property is described as follows: Lots 73, 74, 99, 100, 125, 126, 151 and 152, Fairway Acres, Unit 3, as recorded in Plat Book 11, Pages 11 and 12, Public Records of Manatee County, Florida.

Mr. George L. King was present. Mr. King stated that the comprehensive road study of West Bradenton designated 59th Street and 51st Street a proposed main arterial road from Manatee Avenue to Cortez Road and that this would require a setback of 47 feet. He stated that he had platted the lots on 51st Street extra large, but the lots on 59th Street were only 108 feet in depth. He stated that there was a restriction in Fairway Acres requiring a house of 1,400 square feet in area and also required a two-car garage or carporte. He stated that if he were required

to set back 47 feet that this would only leave 61 feet upon which to build a house and that this was not sufficient area upon which to build. He stated that he would be unable to sell these lots although there was a big demand for them.

Mr. Wilder stated that he had checked with the Engineering Department and that they stated that if such widening of 59th Street should take place that it would be at least 15 years before it would be done.

Mr. F. S. Wells, a general contractor, who has built several of the homes in Fairway Acres stated that it would be impossible to meet the required setbacks and construct the type of house required, the minimum width of which is 64 feet.

Mr. Larsen moved, Mr. Pfister seconded that the public hearing on A-190, George L. King, be closed. Motion carried.

PUBLIC HEARING CLOSED.

Mr. Smith moved, Mr. Pfister 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, 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, and that the following Resolution be adopted.

That on Lots 73, 74, 99, 100, 125, 126, 151 and 152 of Fairway Acres, Unit 3, Bradenton, Florida, be permitted to construct dwelling units to within 30 feet of the present right-of-way line of 59th Street instead of 47 feet from the present right-of-way line, upon the express condition that the building of a dwelling unit within the said forty-seven feet of the present right-of-way line shall constitute a waiver and release by the respective owners of said lots, for themselves,

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their successors and assigns, of any and all rights that they may have for damages in the event that additional property is taken from these lots for right-of-way purposes in the future caused by the fact that said dwelling units are located closer than forty-seven feet from the present right-of-way line.

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

APPROVED.

In Re: Petition of Geo. L. King

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.
2. That the plight of the Petitioner is due to unique circumstances not created by the Petitioner or by 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:

That on Lots 73, 74, 99, 100, 125, 126, 151 and 152 of Fairway Acres, Unit 3, Bradenton, Florida, be permitted to construct dwelling units to within 30 feet of the present right-of-way line of 59th Street, instead of 47 feet from the present right-of-way line, upon the express condition that the building of a dwelling unit within the said forty-seven feet of the present right-of-way line shall constitute a waiver and release by the respective owners of said lots, for themselves, their successors and assigns, of any and all rights that they may have for damages in the event that additional property is taken from these lots for right-of-way purposes in the future caused by the fact that said dwelling units are located closer than forty-seven feet from the present right-of-way line.

units are located closer than forty-seven feet from the present right-of-way line.

DONE THIS 1st DAY OF April, 1965.

BY

Kenneth L. Fielding
Secretary

BOARD OF ZONING APPEALS OF
MANATEE COUNTY, FLORIDA

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

A-190 R. A. JORDAN, Agent for E. L. Moon, 5102 11th Avenue West, Bradenton, Florida, petition for variance from Section V, D - 1 (a) R1A District, of the Manatee County Zoning Ordinance which requires setback of 25 feet from the proposed right-of-way line. Petitioner requests a blanket variance of 12 feet to permit construction 25 feet from the existing right-of-way line, or 13 feet from the proposed right-of-way line. Property is described as follows: Lot 1, Block A; Lot 1, Block B, Section 1, Elmco Heights Subdivision; Lot 26, Block B; Lots 2 and 3, Block C, Section 2, Elmco Heights Subdivision, as recorded in Plat Book 12, Page 96, Public Records of Manatee County, Florida.

Mr. Jordan was present. He stated this subdivision was platted prior to the adoption of the proposed arterial highway plan. He stated that all of the lots on which he was requesting a variance faced 59th Street with the exception of two, and that there were houses already behind these, therefore, that they had to utilize the land that is platted on these lots, and in order to do so they would have to face the houses on the Avenues. He stated that in order to do so they would require a variance permitting the construction 18 feet from the proposed right-of-way.

Mr. Fielding moved, Mr. Larsen seconded, that the public hearing on the portion of A-190, R. A. Jordan be closed. Motion carried.

PUBLIC HEARING CLOSED.

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Mr. Fielding moved, Mr. Smith 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, 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, and that the following Resolution be adopted. That on Lot 1, Block A; Lot 1, Block B; Section 1, Elmco Heights Subdivision; Lot 26, Block B; Lots 2 and 3, Block C, Section 2 Elmco Heights Subdivision, Bradenton, Florida, be permitted to construct dwelling units to within 25 feet of the present right-of-way line of 59th Street, instead of 42 feet from the present right-of-way line, upon the express condition that the building of a dwelling unit within the said forty-two feet of the present right-of-way line shall constitute a waiver and release by the respective owners of said lots, for themselves, their successors and assigns, of any and all rights that they may have for damages in the event that additional property is taken from these lots for right-of-way purposes in the future caused by the fact that said dwelling units are located closer than forty-two feet from the present right-of-way line.

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

APPROVED.

In Re: Petition of R. A. Jordan, Agent for E. L. Moon.

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.

2. That the plight of the Petitioner is due to unique circumstances not created by the Petitioner or by 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:

That on Lots 1, Bl. A, Sec. 1; Lot 1, Bl. B, Sec. 1; Lot 26, Bl. B, Sec. 2; Lot 2, Bl. C, Sec. 2; Lot 3, Bl. C, Sec. 2, Elmco Heights Subdivision, Bradenton, Florida, be permitted to construct dwelling units to within 25 feet of the present right-of-way line of 59th Street, instead of 42 feet from the present right-of-way line, upon the express condition that the building of a dwelling unit within the said forty-two feet of the present right-of-way line shall constitute a waiver and release by the respective owners of said lots, for themselves, their successors and assigns, of any and all rights that they may have for damages in the event that additional property is taken from these lots for right-of-way purposes in the future caused by the fact that said dwelling units are located closer than forty-two feet from the present right-of-way line.

DONE THIS 1st DAY OF April, 1965.

BY: Kenneth L. Oates
Secretary

BOARD OF ZONING APPEALS OF
MANATEE COUNTY, FLORIDA

Meeting adjourned: 3:10 P.M.

APPROVED:

Kenneth L. Oates
Secretary.

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