

JANUARY 12, 1977

MANATEE COUNTY BOARD OF ZONING APPEALS

The regular meeting of the Manatee County Board of Zoning Appeals was held on Wednesday, January 12, 1977 at 1:30 p.m. with Mr. Thomas Stewart, Chairman, presiding. Present were members Messrs. Lonnie Pullen and Mr. J. Stanley Whichel, and Mrs. Brenda Crosthwait. Also present were Mr. D. E. Fulford, Chief of Enforcement Division and Mr. Ralph Varner, Housing Inspector.

The meeting was opened by the Pledge of Allegiance to the Flag.

The minutes were not approved as they had not been presented, on the meeting of December 8, 1976.

Mr. Fulford read the Proof of Publication on A-386.

A-386 DR. IRVING ZAMIKOFF, Property Owner, 1120 - 64th St. N. W. Bradenton, Fl. request for a variance to reduce set back from 5 ft. to 2 ft. on west side and from 5 ft. to $\frac{1}{2}$ ft. on east side (north side of property) for pool cage. Section V, "F", Para. 2 of the Manatee County Zoning Ordinance requires screened cages may be located in rear yards, not closer than five feet to rear and side lot lines. Property is described as: Lot 12, Block A, West Bayou Subdivision of Section 20, Township 34, Range 17 (S $\frac{1}{2}$). Property is located at 1120 - 64th St. N. W., Bradenton, Fl.

Dr. Irving Zamikoff, property owner at 1120 - 64th St. N. W., Bradenton, Fl. came forward to explain the unique situation regarding his request for variance of 3 ft. on west side and $4\frac{1}{2}$ ft. on North side for pool cage. The pool is already in the ground and the cage where it is now gives us access around the North end of the pool. If the cage is moved it limits access and would endanger someone walking by there. It would be too dangerous to move the diving board, for anyone diving into the pool from another angle which would necessarily have to be in the shallow area could be injured. This is why we are asking for a variance. Dr. Zamikoff also presented pictures to the Board showing his pool with cage.

There was brief discussion regarding a fence located between the Slattery residence and Dr. Zamikoff, but it was determined that this was not the issue on the Agenda, rather the existence of the pool cage which is in violation of the side set back requirement on North wall.

Mrs. Crosthwait: At East end of North side of pool, there is only 2' 8", and rear clearance of 3' 26"?

Dr. Zamikoff: Yes or closer.

Mrs. Crosthwait: I called on neighbors to North and they have no view because of you putting up cage after Stop Order was issued.

Dr. Zamikoff: No, I was allowed to have it tied down.

Mr. Pullen: Did you get a permit?

Dr. Zamikoff: No, my contractor did.

Mr. William Bell, contractor for the pool came forward to explain that he built the pool entirely to regulations and that the pool cage was built by Climatrol out of Venice. He also stated that he could not move that diving board and meet the State's requirements of 8' of depth. Also, he said, a 6 ft. board is the smallest we can put on it, and it cannot be moved forward and still be safe in answer to Mrs. Crosthwait's question.

Mr. Stewart: Without the variance, you say you'd have to move the diving board and the passageway would be too narrow for safety to North end of pool. It seems the

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unique aspect depends on the necessity of people going past North end of pool to reach West side, rather than going around on the South side. Is this correct?

Dr. Zamikoff: I feel the request is legitimate for safety purposes as well as being able to go around the pool the most convenient way.

Capt. Frank Slattery of 1204 - 64th St. N. W. Bradenton, Fl. appeared in opposition to A-386 stating that when Dr. Zamikoff first planned to build pool, he had no plan for a cage, which I thought was unusual at the time. Later he decided he wanted a cage. My point of view is that the cage is very close to my bedroom side and cuts out the light and air to our home. When I called the Zoning Office and found out Dr. Zamikoff was in violation, I felt it was a willful violation. If anyone had an architect to build a pool and cage, these set back requirements should have been well known.

No one else appeared in favor or in opposition to A-386.

Mr. Fulford read letter from Helmut Schnettler, 2106 Parkman Rd., Warren, Ohio, owner of lots 44 thru 46, whose property backs up to Dr. Zamikoff's. He had no objection to the pool cage of Dr. Zamikoff's.

Mr. Fulford remarked that Capt. Slattery's letter of objection is in the file at the Planning & Development Office, 212 - 6th Ave. E., Bradenton, Fl.

Public Hearing closed at 2:03 p.m.

Discussion followed with Mr. Stewart commenting that he failed to see that this is unusual case although it has some unique aspects. Further, he said, Mr. Bell did everything right and since the Board had no information regarding the cage, he felt they could only grant a partial variance. Then he called for Capt. Slattery to come back up and they all discussed the possibility of a shorter diving board, which Mr. Bell said was impossible as it would be too dangerous.

Mr. Pullen then said there didn't seem to be much possibility of compromise and made a motion for postponement.

Mrs. Crosthwait: If we postpone, I suggest that we request application for cage that was approved by Permitting & Licensing by the next meeting. Then, she seconded the motion. She added that this case would then be 1st on the Agenda at next meeting. Voting was unanimous in favor of postponement.

HEARING POSTPONED

Mr. Fulford read Proof of Publication on A-387

A-387 WALTER L. ROYALL, Property Owner, 5004 - 26th Ave. W., Bradenton, Fl. 33505, request for a variance to reduce front set back from 50' to 25' and from 75' to 25' on East side of corner lot from center of road for construction of home. Section VI, Paragraph 27, Supp. Dist. Regulations requires 50' front set back on 16th Ave. Dr. and 75' on 27th St. E., corner lots are considered to have two front and two side yards, Exhibited streets and their required Right of Way, Manatee County Zoning Ordinance. Property is described as: Parcel 26-1 of Section 31, Township 34, Range 18 (N½). Property is located at 2624 - 16th Ave. Dr. E., Bradenton, Fl. 33505.

Mr. Pullen asked to disqualify himself from this case as he was the selling real estate broker on this property. Mr. Stewart agreed, and there was no objection to Mr. Pullen remaining in his chair.

Mr. Walter Royall, Property owner at 2624 - 16th Ave. Dr. E. Bradenton, Fl. came forward and explained that in checking with the Zoning Office regarding building a home on this

property, he found out that the 75 ft. set back was from center of road and not from property line. So, I need 25 ft. to utilize the property. Property is 115 ft. in width, and taking about 40 ft. off would leave me about 70 ft. which wouldn't be wide enough to construct home I have in mind. That is the reason I am asking for this variance.

Mr. Stewart: That 75' required set back along side of house fronts on private road, (16th Ave. Dr. E.)? And, you're asking for a variance from 75' to 25' on East side, but you show house setting back more than 32 ft. from East Side?

Mr. Royall: Originally I understood the 75' set back line was from side property line rather than from center of road. It's 35' set back from center of road.

Mr. Stewart: Set back is 75' from center of road? Yes, answered Mr. Royall. Basically, I'm asking 25' from house to property line to comply with set backs on corner lot. 16th Ave. Dr. is private road.

Mr. Stewart: You're asking to reduce from 75' to 60' on East side and on front of property which is the North side, a variance of 50' to 25' set back on private road. Where is 50' requirement measured from?

Mr. Fulford: From property line because it's corner lot, which is considered to have two front and two side yards.

Mr. Stewart then questioned Mr. Royall: Again, I'm confused, you show house setting back 35' which would be a variance from 50' to 35' instead of 50' to 25'.

Mr. Royall: Reason is then I would conform with requirement on corner lot, 25' either front or side, it does not necessarily mean I'd build on 25' line.

Mr. Pullen: 15 ft. is all you need to ask for, right?

Mr. Royal: Just the side line is all I need.

Mr. Stewart: If we give you a variance to set back 35' on North, that's all you need. We'll change it from 50' to 35'. You see, the more you set back from North line, the more justification we have to grant variance reducing set back on East side.

Mr. Stewart asked if any one present was in favor of or in opposition to this request. No one was present. There was a letter of opposition from the Manatee County Highway Department which was read by Mr. Fulford.

Mr. Pullen commented that this is a private road and not County, therefore the County has nothing to do with it.

Mr. Phil Maring explained that the County Engineer does not know that he, Mr. Maring owns this property and has reserved the Fee Title and given everyone an easement. He said that all properties were measured from the property line rather than center of road as questioned by Mr. Stewart.

Public Hearing closed at 2:48 p.m.

Mrs. Crosthwait: If there was a variance of 15 ft. on East side would that solve the problem?

Mr. Stewart: Yes, 15 ft. on North side to reduce from 50 ft. to 35 ft, that would solve the problem.

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Mr. Whichel made motion for approval, motion stated by Mr. Stewart to wit:

To reduce required set back on East side from 75 ft. to 60 ft.
To reduce required set back on North side (front) from 50 ft. to 35 ft.
for construction of home.

Motion was seconded by Brenda Crosthwait. Voting was unanimous in favor of granting the variance as revised by the Board.

VARIANCE GRANTED

RESOLUTION OF VARIANCE

IN RE: A-387 WALTER L. ROYALL, Property Owner, 5004 - 26th Ave. W., Bradenton, Fl. 33505 request for a variance to reduce front set back from 50' to 25' and from 75' to 25' on East side of corner lot from center of road for construction of home. Section VI, Paragraph 27, Supp. Dist. Regulations requires 50' front set back on 16th Ave. Dr. and 75' on 27th St. E., corner lots are considered to have two front and two side yards, Exhibited streets and their required Right of Way, Manatee County Zoning Ordinance. Property is described as: Parcel 26-1 of Section 31, Township 34, Range 18 (N $\frac{1}{2}$). Property is located at 2624 - 16th Ave. Dr. E., Bradenton, Fl. 33505.

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 that a literal enforcement of the Manatee County Zoning Ordinance would result in an unnecessary and undue hardship upon the petitioner.

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

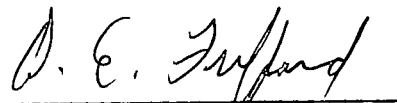
A variance to reduce required set back on East side from 75 ft. to 60 ft.
and a variance to reduce required set back on North Side (front) from
50 ft. to 35 ft. for construction of home.

DONE THIS 12th DAY OF JANUARY, 1977

BY 

CHAIRMAN, BOARD OF ZONING APPEALS
MANATEE COUNTY, FLORIDA

Attest:


D. E. FULFORD, SECRETARY

OFFICERS FOR THE YEAR 1977

THOMAS W. STEWART, CHAIRMAN

LONNIE PULLEN, VICE CHAIRMAN

BRENDA CROSTHWAIT, SECRETARY

Mr. Fulford read Proof of Publication on A-388

A-388 HERMAN VORHEES, Property Owner, 905 - 51st Ave. W. Bradenton, Fl. request for a variance of 4 ft. to reduce the side set back from 5 ft. to 1 ft. to accommodate 24 ft. Mobile Home. Section V - T Mobile Home Sub. District, Paragraph 1, MINIMUM YARDS REQUIRED, side set back of 5 ft., Manatee County Zoning Ordinance. Property is described as: Lot 139, Pictown Estates, Section 11, Township 35, Range 17 (S $\frac{1}{2}$). Property is located at 905 - 51st Ave. W., Bradenton, Fl.

Mr. Herman Vorhees, 905 - 51st Ave. W. Bradenton, Fl. appeared to explain his reason for requesting a variance. He said hindsight is better than foresight. He bought this property 13 years ago. Now, he found he needs more space on East side set back - 4 ft. is needed, reducing side set back from 5 ft. to 1 ft for 24 ft. wide Mobile Home. He said years ago, 9th St. Court owners of Pictown donated property which later the County wanted to sell 15 ft. back to owners, but they denied it. Col. Thomas came out and inspected property, and said they will have no objection provided we move 2 bushes which are an obstruction to visibility. This we are doing.

Mr. Stewart: Your lot is 40 ft. wide and 57 ft. deep. How far is it from West property line.

Mr. Vorhees: 39 ft. to 1 ft. set back, 5 ft. set back from West, and 13 ft. from edge of road to property line.

Mr. Stewart commented this is one road not on Arteriel Road Plan.

Mrs. Crosthwait: It's 13 ft. from edge of trailer to road.

Mr. Stewart: How much further East?

Mr. Vorhees: 4 ft. Mr. Vorhees presented pictures showing his corner lot.

Mr. Stewart asked if there were any other questions for Mr. Vorhees. There were none.

No one appeared in favor or in opposition to the variance, and there was no correspondence.

Public Hearing closed at 3:52 p.m.

Mr. Pullen: I see no objections, and I make a motion for approval, seconded by Mr. Whichel. Voting was unanimous in favor of granting the request.

It is the finding of this Board, based upon the evidence, 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:

A 4 ft. variance to reduce the required side set back from 5 ft. to 1 ft. on East side for Mobile Home.

VARIANCE GRANTED

Meeting adjourned at 3:55 p.m.

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RESOLUTION OF VARIANCE

IN RE: A-388 HERMAN VORHEES, Property Owner, 905 - 51st Ave. W., Bradenton, Fl. request for a variance of 4 ft. to reduce the side set back from 5 ft. to 1 ft. to accomodate 24 ft. Mobile Home. Section V - T Mobile Home Sub. District, Paragraph 1, MINIMUM YARDS REQUIRED, side set back of 5 ft. Manatee County Zoning Ordinance. Property is described as: Lot 139, Pictown Estates, Section 11, Township 35, Range 17 (S½). Property is located at 905 - 51st Ave. W., Bradenton, Fl.

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 that a literal enforcement of the Manatee County Zoning Ordinance would result in an unnecessary and undue hardship upon the petitioner.

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

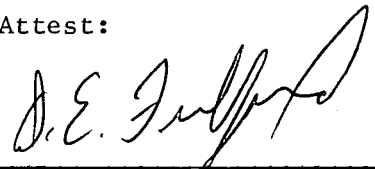
A variance of 4 ft. to reduce the required side set back from
5 ft. to 1 ft. on East side for Mobile Home.

DONE THIS 12th DAY OF JANUARY, 1977

BY 

CHAIRMAN, BOARD OF ZONING APPEALS
MANATEE COUNTY, FLORIDA

Attest:


D. E. FULFORD, SECRETARY