

MARCH 9, 1977

## MANATEE COUNTY BOARD OF ZONING APPEALS

The regular meeting of the Manatee County Board of Zoning Appeals was held on Wednesday, March 9, 1977 at 1:30 p.m. with Mr. Thomas Stewart, Chairman, presiding. Present were members Messrs. Kenneth Pfister, Lonnie Pullen, 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.

Minutes of the February 9, 1977 meeting were approved as presented.

Mr. Stewart said he would not re-open Public Hearing on A-386, Dr. Irving Zamokoff's request for variance, which had already received adequate time and explanation at previous hearings. He stated that he had received a phone call from Captain Slattery, who originally protested the granting of this variance, that he has now sold his residence and the purchaser is fully aware of the variance situation. He said also that Dr. Zamikoff had shown him a sketch with slight modification of screen enclosure, which is proposed, but that he has no active opposition to the request now that he has sold his home, but would request a time limit being put on any variance granted.

There was brief discussion and Mr. Stewart pointed out that there is no modification proposed to the lower portion of the cage but only the slanted roof portion, moving peak in about 4' to 8'. Mrs. Crosthwait commented that the cage is still not in conformation with the Zoning even after this proposed modification.

Dr. Zamikoff: The new owner has no objection.

Mr. Pullen: This is not what we asked for, no dimensions have been given.

Mr. Stewart: I agree, but the form of our request was vague, and I think we could work this out.

Dr. Zamikoff: I understood that all you requested was that I come to an agreement with Capt. Slattery, which I have done.

Mr. Stewart: We asked for changes that could be attached to variance if granted.

Mr. Pfister to Dr. Zamikoff: Is dotted line on sketch what now exists, and will be removed? Yes, the Dr. answered.

Mr. Pfister then moved for granting the variance which was seconded by Mr. Stewart, who added it would be contingent upon turning gable roof to hip roof, etc.

Voting was as follows: Pfister: Aye, Stewart: Aye, Crosthwait: Nay, Pullen: Nay, Whichel: Nay. Motion did not carry.

VARIANCE DENIEDRESOLUTION OF DENIAL

IN RE: A-386 DR. IRVING ZAMIKOFF, Property Owner, 1120 - 64th St. N. W., Bradenton, Fl. request for a variance to reduce setback 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 "F", Para. 2 of 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.

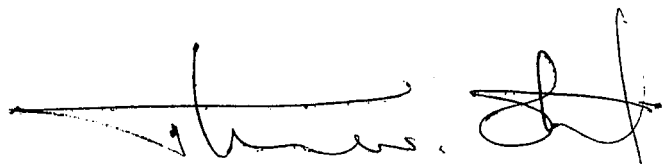
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Mr. Pfister moved for granting the variance, seconded by Mr. Stewart who added that it be contingent upon turning gable roof to hip roof, etc.


Mrs. Crosthwait voted Nay as did Mr. Pullen and Mr. Whichel. Motion did not carry and variance was denied.

# VARIANCE DENIED

DONE THIS 9th DAY OF MARCH, 1977

  
 CHAIRMAN, BOARD OF ZONING APPEALS  
 MANATEE COUNTY, FLORIDA

Attest:

  
 D. E. FULFORD, SECRETARY

Mr. Fulford read Proof of Publication on A-392.

A-392 DR. MARTIN AMUNDSON, Property Owner, 8120 Broughton St., Sarasota, Fl. request for a variance of 15 ft. to reduce the required setback from 40 ft. to 25 ft. on West side of 26th St. of proposed Medical Building. Section VI, Paragraph 27, Manatee County Major Thoroughfare Plan requires 40 ft. front setback and corner lots are considered to have 3 front yards. Property is described as: Lots 1 & 14, Block 21, 2nd Addition, Holiday Heights Replat, Bradenton, Fl. of Section 10, Township 35, Range 17 E. Property is located at 4705 - 26th St. W., Bradenton, Fl.

Dr. Martin Amundson, 8120 Broughton St., Sarasota, Fl. said he has offices at 1811 Bayshore Parkway, Fl. "I had an option to buy property early in December with purchase agreement to put medical building with adequate parking. I engaged Sidney Wilkinson, Architect to draw a plan which was conceptionally approved by Mr. Bill Swan in Planning. Floor plan and elevations were drawn by Mr. Meade. Later we found that the master road plan required 40 ft. setback rather than 25 ft. we understood was required. Another problem is the power line which bisects property. I have already invested \$2,300 so far, plus investment in the property. So, we contacted the Highway Dept. and they told us no plans to widen 26th St. The lot line is 3 ft. to 5 ft. of curb line and building will be 30 ft to 32 ft. away from curb line of road."

Mr. Pfister: Is there sidewalk?

Dr. Amundson: Yes, on 26th Street only.

Mr. Pfister: Are lots 120 ft. deep? Then he summed up what the setbacks would be and Mr. Pullen said these are the normal setbacks and I see nothing wrong with it.

Mr. Wilkinson then came forward and said that the plot plan was submitted and he received the signed copy saying it meets all requirements. He stated that he wanted to verify Dr. Amundson's statements. He was the only one who appeared in favor of the variance, and there was no opposition. The only correspondence was a letter from the Highway Department in which they verified that they have no plans for further widening of 26th St. West.

Public Hearing closed at 1:55 p.m.

Mr. Pullen made motion for approval as follows:

It is the finding of this Board, based upon the evidence and a personal visit to the site that, if the terms of the Ordinance were to be applied to the lots, it would materially reduce the value of the lots as no additional land is available to the petitioner, and to require petitioner to meet the setback regulations would be confiscatory and it is further determined that the granting of this variance would not be detrimental to the neighborhood, I therefore, move that the variance be granted to wit:

A variance of 15 ft. to reduce the required front setback from 40 ft. to 25 ft. on West side on 26th St. for Medical building.

Voting was unanimous in favor of granting the petition.

Public Hearing closed at 1:55 p.m.

VARIANCE GRANTED

RESOLUTION OF VARIANCE

IN RE: A-392 DR. MARTIN AMUNDSON, Property Owner, 8120 Broughton St., Sarasota, Fl. request for a variance of 15 ft. to reduce the required setback from 40 ft. to 25 ft. on West side on 26th St. of proposed Medical Building. Section VI, Paragraph 27, Manatee County Major Thoroughfare Plan requires 40 ft. front setback and corner lots are considered to have 3 front yards. Property is described as: Lots 1 & 14, Block 21, 2nd Addition, Holiday Heights Replat, Bradenton, Fl. of Section 10, Township 35, Range 17E. Property is located at 4705 - 26th St. W., Bradenton, Fl.

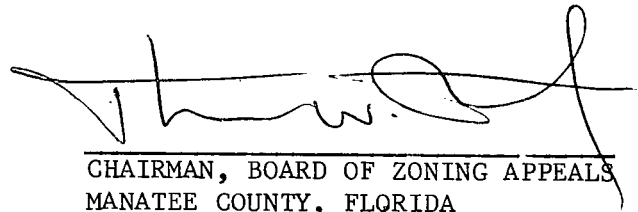
The above-styled matter coming on for Public Hearing before the Board pursuant to due Public Notice, and the Board having heard and considered the evidence presented by the petitioner and by members of the Public who desired to present the same, it is thereupon found that a literal enforcement of the Manatee County Zoning Ordinance as pertains to setbacks 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 sought be and the same hereby is granted, to wit:

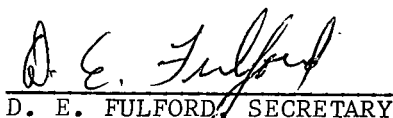
A variance of 15 ft. to reduce the required front setback from 40 ft. to 25 ft. on West side on 26th St. for Medical building.

VARIANCE GRANTED

DONE THIS 9th DAY OF MARCH, 1977

  
CHAIRMAN, BOARD OF ZONING APPEALS  
MANATEE COUNTY, FLORIDA

Attest:

  
D. E. FULFORD, SECRETARY

DDC709

Mr. Fulford read Proof of Publication on A-393.

A-393 ELMER HAACK, 112 - 62nd St. W., Bradenton, Fl. and JOEL SAINER, 1410 - 8th Ave. East, Property Owners, Agent-Architect SIDNEY R. WILKINSON, request for a variance of 10 ft. to reduce front setback from 25 ft. to 15 ft. on East Side of Recreation Hall at Belmont Part Apts. Section V, C-1 Commercial District, Para. D, MINIMUM YARD REQUIRED, front yard 25 ft. per Manatee County Zoning Ordinance. Property is described as: Lot 20, North 42 ft. Lot 21, Sharon Park Subdivision, of Section S $\frac{1}{2}$  2, Township 35, Range 17. Property is located at 1818 - Cortez Rd. West, Bradenton, Fl. (Belmont Park Apartments).

Mr. Sidney Wilkinson, Agent-Architect came up and said he is located at 3011 Manatee Ave. West, Bradenton, Fl. He explained they are asking for a 10 ft. variance to reduce the front setback from 25 ft. to 15 ft. on the East Side of Recreation Hall at Belmont Park Apts. for addition to Recreation Hall which is needed. He also said this would be used not only as a Recreation Hall, but also for Church Services. Then Mr. Wilkinson presented an aerial view of the Belmont development to the Board Members and pointed out that Apex Cleaners is to the Right, to the South the setback is 14 $\frac{1}{2}$  ft. and other buildings on the street are between 14 ft. and 17 ft. Across the street is a trailer and storage business, it's surrounded by commercial properties. Other setbacks are 15 ft. or less.

Mrs. Crosthwait: Will your building be about even with others. He answered, "yes".

No one was present in favor or opposition to A-393. No correspondence.

Public Hearing closed at 2:00 p.m.

Mr. Pullen made motion for approval, seconded by Mrs. Crosthwait.

Voting was unanimous in favor of granting the variance.

It is the finding of this Board, based on the evidence that, if the terms of the Ordinance were to be applied to the lots, it would materially reduce the value of the lots as no additional land is available to the petitioner, and to require the petitioner to meet the setback regulations would be confiscatory and it is further determined that the granting of this variance would not be detrimental to the neighborhood, I therefore move that the variance be granted to wit:

A variance of 10 ft. to reduce front setback from 25 ft. to 15 ft. on East side of Recreation Hall at Belmont Park Apts. for addition.

VARIANCE GRANTED

RESOLUTION OF VARIANCE

IN RE: A 393 ELMER HAACK, 112 - 62nd St. W., Bradenton, Fl. and JOEL SAINER, 1410 - 8th Ave. E., Property Owners, Agent-Architect SIDNEY R. WILKINSON, request for a variance of 10 ft. to reduce front setback from 25 ft. to 15 ft. on East Side of Recreation Hall at Belmont Park Apts. Section V, C-1 Commercial District, Paragraph D, MINIMUM YARD REQUIRED, front yard 25 ft. per Manatee County Zoning Ordinance. Property is described as: Lot 20, North 42 ft. Lot 21, Sharon Park Subdivision, of Section S $\frac{1}{2}$  2, Township 35, Range 17. Property is located at 1818 - Cortez Rd. West, Bradenton, Fl. (Belmont Park Apartments).

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

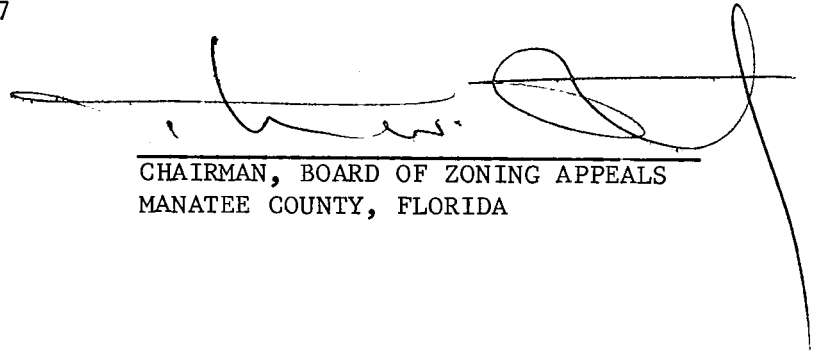
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It is, therefore, Resolved by the Board that the above-styled petition be and the same hereby is approved, and the variance sought be and the same hereby is granted, to wit:

A variance of 10 ft. to reduce front setback from 25 ft. to 15 ft.  
on East side of Recreation Hall at Belmont Park Apts. for addition.

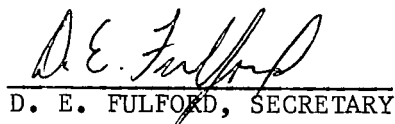
VARIANCE GRANTED

DONE THIS 9th DAY OF MARCH, 1977



CHAIRMAN, BOARD OF ZONING APPEALS  
MANATEE COUNTY, FLORIDA

Attest:



D. E. FULFORD, SECRETARY

Mr. Fulford read Proof of Publication on A-394

A-394 DENNIS E. LUTZ, 6043 - 11th St. Ct. E., Bradenton, Fl. and HERBERT & CATHERINE JENKINS, 1751 - 27th St., Sarasota, Fl., Property Owners, request for a variance of 9 ft. to reduce from 42 ft. to 33 ft. front setback for proposed residence. Section VI, Paragraph 27, Supp. Dist. Regulations requires 42 ft. front setback on 51st St. E. (Exhibited Streets and their required Right of Way, Manatee County Zoning Ordinance re. Major Thoroughfare Plan). This property is described as: Lot 6, Braden River Manor Subdivision of Section 3, Township 35, Range 18E. Property is located at 4211 - 51st St. East, Bradenton, Fl.

Dennis Lutz came forward and said he lives at 6043 - 11th St. Ct. E., Bradenton, Fl. and that he agreed to buy the property with Herbert & Catherine Jenkins provided they could get a setback variance. Apparently, they didn't know the road would be widened.

Mr. Fulford said a variance was granted on the house south of the property.

Brief discussion and the board members had no objection. No one present in favor or in opposition.

There was no correspondence.

Public Hearing closed at 2:05 p.m.

Mr. Pullen moved for approval as follows:

It is the finding of this Board, based upon the evidence and a personal visit to the site that, if the terms of the Ordinance were to be applied to the lots, it would materially reduce the value of the lots as no additional land is available to the petitioner, and to require petitioner to meet the setback regulations would be confiscatory and it is further determined that the granting of this variance would not be detrimental to the neighborhood, I therefore move that the variance be granted to wit:

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A variance of 9 ft. from 51st St. East to reduce from  
42 ft. to 33 ft. front setback for proposed residence.

Motion seconded by Kenneth Pfister. Voting was unanimous in favor of granting the  
variance

VARIANCE GRANTED

RESOLUTION OF VARIANCE

IN RE: DENNIS E. LUTZ, 6043 - 11th St. Ct. E., Bradenton, Fl. and HERBERT & CATHERINE  
JENKINS, 1751 - 27th St., Sarasota, Fl., Property Owners, request for a variance  
of 9 ft. to reduce from 42 ft. to 33 ft. front set back for proposed residence.  
Section VI, Paragraph 27, Supp. Dist. Regulations requires 42 ft. front setback  
on 51st St. E. (Exhibited streets and their required Right of Way, Manatee County  
Zoning Ordinance re. Major Thoroughfare Plan). This property is described as:  
Lot 6, Braden River Manor Subdivision, of Section 3, Township 35, Range 18E.  
Property is located at 4211 - 51st St., East, Bradenton, Fl.

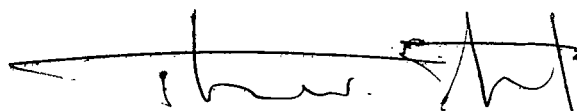
The above-styled matter coming on for Public Hearing before the Board pursuant to due  
Public Notice, and the Board having heard and considered the evidence presented by the  
petitioner and by members of the Public who desired to present the same, it is thereupon  
found that a literal enforcement 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 sought be and the same hereby is granted, to wit:

A variance of 9 ft. from 51st St. East to reduce from  
42 ft. to 33 ft. front setback for proposed residence.

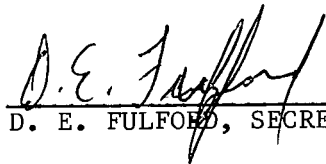
VARIANCE GRANTED

DONE THIS 9th DAY OF MARCH, 1977



CHAIRMAN, BOARD OF ZONING APPEALS  
MANATEE COUNTY, FLORIDA

Attest:



D. E. FULFORD, SECRETARY

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Mr. Fulford read Proof of Publication on A-395.

A-395 RIO BRANCO CORP., 6801 - 14th St. W. c/o Manatee T. V., Bradenton, Fl., property Owner, Agent Sidney H. Paley, 232 - Sea Gull Lane, Sarasota, Fl. request for a variance to use three (3) 50 ft. x 141.78 ft. lots as platted, for building purposes, each lot being 30 ft. less in width than required in R-1B Zoning District. Section V, Paragraph C-5, R-1B Page 11 & Section IV, Paragraph 1, Page 6 of Manatee County Zoning Ordinance which requires 80 ft. width in R-1B Zone. This property is described as Lots 8, 9 & 10, Block 6, Wintergarten Subdivision Unit 3, of Section 24, Township 35, Range 17 (N $\frac{1}{2}$ ). This property is located at 64th Ave. Dr. E. off 9th St. E., Bradenton, Fl.

Mr. Pullen requested that he be disqualified as he appraised property for Mr. Paley and Mr. Stewart consented.

Mr. Sidney H. Paley, 232 Sea Gull Lane, Sarasota, Fl., Agent for Rio Branco Corp. came forward and explained that he has built on 50 ft. lots all throughout the area. I then put in sewer at my own expense and the houses were built with no problem. I would like to build three more houses there. I will endeavor to put in the street at my own cost and expense. Col. Thomas of the Highway Department is in favor of this.

Mr. Stewart: You put in sewer from 9th to 7th? Are you talking about black topping satisfactory to County specifications?

Mr. Paley: Yes, and also put in the curb. He added that his expense had been much more than anticipated and he had already paid \$1,700 just for engineering.

No one appeared in favor of the requested variance. Several neighbors appeared in opposition and stated separately their objections as follows:

Mr. Diamond, Lincoln Road owns Lots 11 & 12 adjoining this property. He said it was his understanding that Mr. Paley had to change to 85 ft. lots. He said, I don't feel it's a benefit to the community to build on 50 ft. lots. Also, I think Mr. Paley is responsible for the way the road is since he installed the sewer.

Mrs. Grosthwait: You used 2 lots for your home, what is your objection? The road?

Mr. Diamond said he object to his use of 50 ft. lots, and also leaving the road in a deplorable condition.

Mr. Stewart asked: Putting aside the fact that Mr. Paley has been developing on 50 ft. lots, do you feel the houses he has built are in keeping with the neighborhood?

Mr. Diamond reluctantly answered, "Yes".

Mr. Stephen Rice came forward and said he lives across the street from these lots and feels it will hurt the neighborhood and that he wasn't aware when they started building they would have these problems. Now there is a 8 ft. hole in the street which is a danger to driving. He said he owns Lots 9 & 10, which are directly opposite the east end of Mr. Paleys 3 lots. (Block 7),

Mr. Stewart: Lots 11 & 12, are they in combined ownership? Mr. Diamond said, yes.

Discussion followed re sewer line.

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Mr. Ed Howard, 64th Ave. Dr. E. came forward and said he owns Lots 5, 6, 7, 8, & 9. between 7th and 9th, across from where Mr. Paley has built.

Mr. Stewart: Are any of your lots built on?

Mr. Howard: Yes, my house in on 2 lots. Then Mr. Howard said Mr. Paley asked him to pay \$400.00 to hook up to the sewer line. He said he then went to the County and they told him not to pay it. There was debate on this and it seemed somewhat of a misunderstanding as Mr. Paley said he never asked for any money for hook up, but told Mr. Howard that the County would charge that amount.

Mrs. Eleanor S. Sparkman, 64th & 9th next to Mr. Rice on Lots 11 & 12, said they dug up the street three times while putting in the sewer line. They made a mess of my yard and ruined the street.

Mrs. Sparkman said we have no consideration whether Mr. Paley builds three residences on 50 ft. widths. We bought our home because of the space, and I think this will affect the value of my property. Mr. Paley has built a row of identical homes that are not attractive at all and they look cheap and degrade the property.

Mr. Paley: I never asked for money, but I told them they would have to pay \$400.00 to Manatee County (tap-in-fee). I not only put in sewer, I put in lateral. As far as that hole is concerned, it's easy to say "It's your fault," but I put cement in the hole and tried to fix it, but Mr. Winters has a garage around the corner, and his son pulls up the street when he pulls into the garage. He said Lots 4, 5, 6, & 7 are connected to the sewer. I was granted immunity on these 4 lots so there was no charge by the County, but I don't know what will happen on the next ones.

Mr. Howard came up and said the houses have de-valuated his property. The sewer hook-up didn't hurt me, but I don't know why he says he didn't ask for the money. He won't say it on the outside.

Mr. Diamond said the road and sewer has nothing to do with it. He did this for his benefit. He says he put concrete in the hole in the road, but I have never seen it. I did not receive notice of the sewer hook-up.

The only correspondence on this was from Mr. Paley, letter on file.

Public hearing closed at 2:50 p.m.

Discussion followed and Mr. Pullen said the Board had allowed this to save the neighbors the cost of the sewer, and that Mr. Paley's offer before has benefited owners on the street. But, he said, he wasn't sure about the road proposition as a consideration. An absolute turn down is out of reason. It also seems Mr. Diamond, Mr. Rice, and Mr. Howard, and Mrs. Sparkman have some rights to be buffered from 50 ft. lots. Suggested some modification.

Mr. Pfister made a motion for modification allowing two homesites with 75 ft. frontage each.

Mrs. Crosthwait seconded. Voting was as follows; with Mr. Pullen voting for a decision: Whichel: Nay, Mr. Stewart: Aye, Mr. Pullen: Aye, Mrs. Crosthwait: Aye, Mr. Pfister: Aye. Motion passed and variance granted to wit:

A variance as requested on Lots 8, 9 & 10 only to the extent of 2 - 75 ft. frontage lots as building sites. A 5 ft. variance on each lot reducing from 80 ft. to 75 ft. width as required in R-1B Zone.

VARIANCE GRANTED AS AMENDED

Meeting adjourned at 3:00 p.m.



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RESOLUTION OF VARIANCE

IN RE: A-395 RIO BRANCO CORP., 6801 - 14th St. W. c/o Manatee T. V., Bradenton, Fl. Property Owner, Agent Sidney H. Paley, 232 - Sea Gull Lane, Sarasota, Fl. request a variance to use three (3) 50 ft. x 141.78 ft. lots as platted for building purposes, each lot being 30 ft. less in width than required in R-1B Zoning District. Section V, Paragraph C-5, R-1B District, Page 11 & Section IV, Paragraph 1, Page 6 of Manatee County Zoning Ordinance which requires 80 ft. width in R-1B Zone. This property is described as Lots 8, 9 & 10, Block 6, Wintergarten Subdivision Unit 3, of Section 24, Township 35, Range 17 (N $\frac{1}{2}$ ). This property is located at 64th Ave. Dr. E. off 9th St. E., Bradenton, Fl.

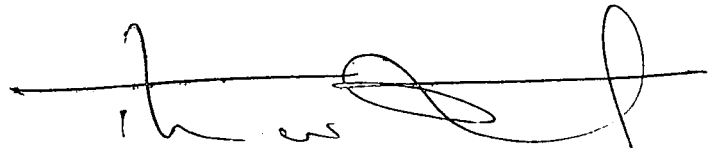
The above-styled matter coming on for Public Hearing before the Board pursuant to due Public Notice, and the Board having heard and considered the evidence presented by the petitioner and by members of the Public who desired to present the same, it is thereupon found that a literal enforcement of the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

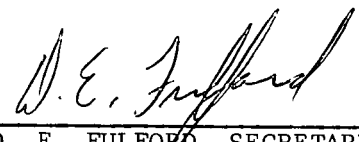
A variance as requested on Lots 8, 9 & 10 only to the extent of 2 - 75 ft. frontage lots as building sites. A 5 ft. variance on each lot reducing from 80 ft. to 75 ft. lot width as required in R-1B Zone.

VARIANCE GRANTED AS AMENDED

DONE THIS 9th DAY OF MARCH, 1977

  
\_\_\_\_\_  
CHAIRMAN, BOARD OF ZONING APPEALS  
MANATEE COUNTY, FLORIDA

Attest:

  
\_\_\_\_\_  
D. E. FULFORD, SECRETARY

DDC709