

MANATEE COUNTY BOARD OF ZONING APPEALS

March 17, 1980

DDC709

The regular meeting of the Manatee County Board of Zoning Appeals was held on Monday, March 17, 1980, at 1:30 p.m. in County Commission Chambers, Manatee County Courthouse with Chairman Thomas Stewart presiding. All members of the Board were in attendance, with the exception of Mr. Pfister. Mr. Richard Breeze was in attendance, replacing Mr. Varner on the Board. Mr. D. E. Fulford of the Enforcement Branch of the Planning and Development Department and Mr. Charles C. Carrington, Director, Planning and Development Department were also present.

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

The minutes of the December 10, 1979 meeting were accepted as submitted.

Mr. Fulford read Proof of Publication of A-474.

A-474 MANUEL MORENO, Property Owner, 2808 - 72nd Avenue East, Palmetto, Florida. Bernardo Espinosa, Jr., Agent, 2808 - 72nd Avenue East, Palmetto, Florida, request a variance to reduce area size from one acre to 100 by 174 ft. lot. Property is located at 2804 - 72nd Avenue East, Palmetto, Florida. Section V, -A- (Agriculture) Paragraph C, Manatee County Zoning Ordinance. Minimum lot or parcel size: 1 acre in area as required in the Manatee County Zoning Ordinance.

Bernardo Espinosa, Jr., Agent appeared before the Board and said this property was bought in 1976 as Lots 1, 2 and 3 instead of 1 acre.

Mr. Stewart asked if Lots 1, 2 and 3 were all bought at the same time.

Mr. Espinosa said "Yes, and then they were changed to 1 acre."

Mr. Stewart asked what the zoning was at the time of purchase.

Mr. Fulford advised it was zoned Agriculture, and this required 100 by 100, and then in May of 1977 it was changed to 1 acre.

Mr. Stewart asked what happened to Lots 2 and 3.

Mr. Espinosa replied "On lot 2 we already have a house there built about in 1956."

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Mr. Stewart asked who owns the property just to the south.

Mr. Espinosa replied that he thought it was a "Mr. Norris".

Mr. Stewart: "I notice you are asking to cut the required area down to 1/3 of an acre or just a little bit over 1/3 and it's on the basis that you already have a house built on the other piece of property and you are caught in between by the change in the Zoning.

Public Hearing Closed.

Mrs. Crosthwait made a motion for approval of A-474. Mr. Whichel seconded the motion

A variance to reduce area size from 1 acre
to 100 by 174 ft. lot.

Motion carried unanimously in favor of granting the petition.

VARIANCE GRANTED

RESOLUTION OF VARIANCE

IN RE: MANUEL MORENO, Property Owner, 2808 - 72nd Avenue East, Palmetto, Florida. Bernardo Espinosa, Jr., Agent, 2808 - 72nd Avenue East, Palmetto, Florida, request a variance to reduce area size from one acre to 100 by 174 ft. lot. Section V, -A- (Agriculture), Paragraph C, Manatee County Zoning Ordinance. Minimum lot or parcel size: 1 acre in area as required in the Manatee County Zoning Ordinance. Property is described as Lot 1, Phillips Country Estates Subdivision of Section 10, Township 34, Range 18, and located at 2804 - 72nd Avenue East, Palmetto, Florida.

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, therefore, found that 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 granted, to wit:

A variance to reduce area size from
1 acre to 100 by 174 ft. lot.

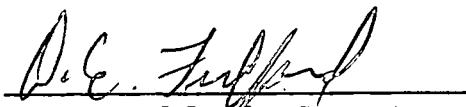
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DONE THIS 17th DAY OF MARCH, 1980

BY 

CHAIRMAN, BOARD OF ZONING APPEALS
MANATEE COUNTY, FLORIDA

ATTEST:


D. E. Fulford, Secretary

Interpretation of the application of the General Utilization (G.U.) Zoning District on property located in the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36, Township 34S, Range 17E.

Mr. Carrington: "Among the many duties of the Board of Zoning Appeals includes the right and authority to interpret the Ordinance at the request of the Administrative Official and, of course, our Ordinance is two-fold; it includes not just the text but the maps. In the beginning of your Zoning Ordinance the Rules of Interpretation, Section II, Item 8, states that "Where the street or property layout existing on the ground is at variance with that shown on the official zoning map, or in other circumstances not covered by Section 1 through 6 above, the Board of Zoning Appeals shall interpret district boundaries."

We have a situation on the boundary near Tropicana, City of Bradenton, that has been assumed for almost 8 years to have been annexed into the City of Bradenton. We learned in the last 45 days that through a quirk in the wording during the annexation process they "lessed out" this area so it was an annexation less this area. Since we found out the city does not own this property, we had to assign the appropriate zoning classification and prepare to receive applications on this property. The parcel in pink was zoned for Heavy Industrial and this will revert back to that. The parcel in green was zoned for Light Industrial and we have no problem with that reverting back to the Light Industrial. The portion shown in yellow on 13th Avenue was zoned G.U., a classification that no longer appears in the Zoning Ordinance. The recommendation I have for you would be a C-1 classification as when they thought this land was city property it was zoned as light or convenience commercial district."

Mr. Stewart asked if the yellow parcel was School Board property.

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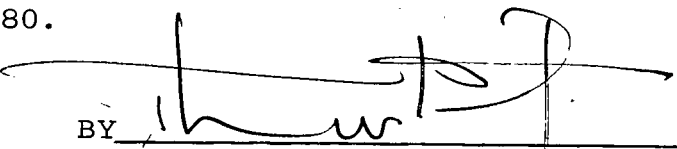
Mr. Fulford replied that this is correct. He said that C-1 allows for schools and colleges without a Special Exception.

Public Hearing Closed.

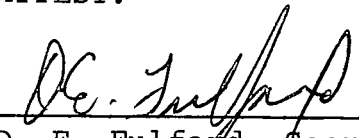
Mr. Stewart disqualified himself because of a possible conflict of interest as being attorney for the School Board.

Mrs. Crosthwait made a motion that the property located in the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36, Township 34S, Range 17E, presently occupied by Bradenton Middle School be allocated a zoning designation of C-1. Mr. Breeze seconded the motion. Motion carried unanimously.

DONE THIS 17th DAY OF MARCH, 1980.

BY 
CHAIRMAN, BOARD OF ZONING APPEALS
MANATEE COUNTY, FLORIDA

ATTEST:


D. E. Fulford, Secretary

Mr. Fulford read Proof of Publication of A-475.

A-475 FRED KATZ, Property Owner, 6010 Cortez Road West, Bradenton, Florida, request for a variance of 10 feet to reduce the width of lot at the building line from 70 ft. to 60 ft. for construction of a residence. Property is located at 3320 - 14th Street East, Bradenton, Florida. Section V, Paragraph C-2, Manatee County Zoning Ordinance requires 70 feet in width at the building line in R-1AA District. Property is described as: Lot 12, Block J, Glazier Gallup List Subdivision of Section 1, Township 35, Range 17.

Fred Katz appeared before the Board. He explained the reason for applying for a variance is that this lot is irregularly shaped. It abutts the railroad right-of-way and is wider on the north side than the south and would be about 70 feet from the north property line and at that point the width of the property would only be 60 ft.

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Mr. Stewart: "As I read the survey on the South you only have a width of 35 ft. and so you are going to face on to 14th Street East."

Mr. Katz: "Correct. I have 146 ft. frontage so I am going to set the building all the way to the north side of the property other than the 8 ft. setback and that is where I want to start the building. The building will be approximately 56 ft. long. With the 8 ft. setbacks I won't have enough frontage. I need 70 ft. frontage because it's a corner lot and there would only be approximately 60 ft. frontage."

OPPOSITION: Pete Arrant, 3303 - 14th Street East. "He has a ditch in the front of the house and it backs up to a ditch and part of his property line goes to the railroad. I don't think he has enough to build on and get enough drainage off of it."

Mr. Stewart advised that the Board has a survey that does not disclose an encroachment on this parcel of land by virtue of any spur or sidetrack. The question of drainage, I don't really think is one which this Board has any business considering. We are only trying to determine whether the strict application of the Zoning Ordinance, as we interpret it, would impose an undue hardship on this property.

Public Hearing Closed.

Mr. Whichel motioned that the variance be granted for A-475.
Mrs. Crosthwait seconded the motion.

A variance of 10 ft. to reduce the width of lot at the building line from 70 ft. to 60 ft. for construction of a residence.

Motion carried unanimously in favor of granting the petition.

VARIANCE GRANTED

DDC709

RESOLUTION OF VARIANCE

IN RE: FRED KATZ, Property Owner, 6010 Cortez Road West, Bradenton, Florida, request for a variance of 10 feet to reduce the width of lot at the building line from 70 feet to 60 feet for construction of a residence. Section V, Paragraph C-2, Manatee County Zoning Ordinance requires 70 feet in width at the building line in R-1AA District. Property is described as: Lot 12, Block J, Glazier Gallup List Subdivision of Section 1, Township 35, Range 17. Property is located at 3320 - 14th Street East, Bradenton, Florida.

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, therefore, found that 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 granted, to wit:

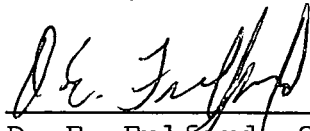
A variance of 10 feet to reduce the width of lot at the building line from 70 feet to 60 feet for construction of a residence.

DONE THIS 17th DAY OF MARCH, 1980

BY 

CHAIRMAN, BOARD OF ZONING APPEALS
MANATEE COUNTY, FLORIDA

ATTEST:


D. E. Fulford, Secretary

Late Item for Discussion Only.

Mr. Carrington: "Paul B. Stewart came in for a permit for a fence and he learned his lot was a double frontage lot and the section of the code, which states that lots running on more than one street, reads as follows: In cases of lots which abut more than one street, front yard shall conform to the front yard requirements of the Zoning

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District in which the lot is located. This section would restrict his rear yard to a front yard requirement. The house fronts on 54th Street and the rear of the property fronts on 55th Street. This is a paper street. Mr. Stewart has constructed a swimming pool and has the wood for a privacy fence around the rear of his property. The pool is almost complete and he is requesting a variance to increase the height of a privacy fence from 3½ ft. to 5 ft. This will not come up until the next meeting but he wants you aware of it so he can get some feel as to the concern of the Board.

Mr. Stewart asked what the name of the Subdivision was.

Mr. Fulford replied "Lake Forest Estates, formerly Wyman and Baum Subdivision."

Mr. Stewart present and advised his pool is to be filled and he does not want any child to drown and wants to get the fence up as soon as possible.

Thomas Stewart advised that from the pictures presented he tends to think that if this were submitted to the Board that the strict application of the setback really wasn't intended to apply to a situation of this type. All of the other Board members felt the same way.

Chairman Stewart declared the meeting adjourned at 2:10 P.M.

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