

MANATEE COUNTY BOARD OF ZONING APPEALS

August 18, 1980

The regular meeting of the Manatee County Board of Zoning Appeals was held on Monday, August 18, 1980, at 1:30 P.M. in County Commission Chambers, Manatee County Courthouse with Stanley Whichel presiding. Mr. Stewart and Mrs. Crosthwait were absent. Mr. D. E. Fulford of the Enforcement Branch of the Planning and Development Department was also present. The meeting was opened by the Pledge of Allegiance to the Flag.

Mr. Whichel asked if there were any additions or corrections to the minutes of May and June meetings. He moved for approval and Mr. Breeze seconded the motion. Motion carried unanimously.

Mr. Fulford read Proof of Publication on A-485.

A-485 DANIEL R. CAMPBELL, Property Owner, 516 - 27th Ave. West, Bradenton. Herbert W. Kennett, Agent. Request a variance of 15 feet on the north property line of 26th Avenue West to reduce the required front setback from 55 feet to 40 feet to allow construction of a residence. Property is located at 411 - 26th Ave. W., Bradenton.

Herbert W. Kennett: I live on Bay Drive in Bradenton. The reason for the request is the arterial roadway. We would like to move the variance to conform with the other houses and we would like to put a duplex on the lot.

Stanley Whichel: The depth of the lot is only 94 feet and you have two lots giving you 100' x 94'. I looked at the property and it shows the next property before you get to the City Limits; that's the one with the fence and the house on the back of the lot, due east of you. There is nothing on the lots you want to build on?

Mr. Kennett: That is correct.

Mr. Fulford advised there was no correspondence.

Mr. Pfister made a motion that the variance be granted for A-485. Dick Breeze seconded the motion.

A variance of 15 feet on the north property line of 26th Avenue West to reduce the required front setback from 55 feet to 40 feet to allow construction of a residence.

Motion carried unanimously in favor of granting the petition.

VARIANCE GRANTED

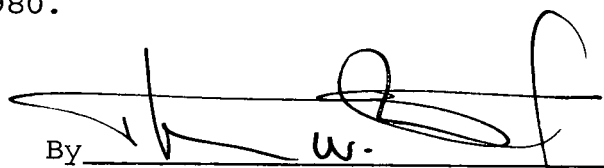
RESOLUTION OF VARIANCE

IN RE: DANIEL R. CAMPBELL, Property Owner, 516 - 27th Ave. West, Bradenton, Florida, Herbert W. Kennett, Agent. Request a variance of 15 feet on the north property line of 26th Avenue West to reduce the required front setback from 55 feet to 40 feet to allow construction of a residence. Section V, R-1AA and Section VI, Paragraph 27, of the Manatee County Zoning Ordinance requires 55 foot front setback. Property is described as: Lots 11 and 12, Block B, Florida Avenue Park Subdivision and located at 411 - 27th Ave. W., Bradenton, Florida.

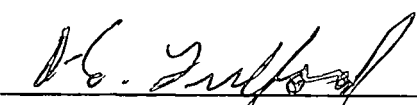
The above-styled matter coming on for Public Hearing before the Board pursuant to due Public Notice, and the Board having heard and considered the evidence presented by the petitioner and by members of the public who desired to present the same, it is , therefore, found that literal enforcement of the 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 15 feet to reduce the required front setback from 55 feet to 40 feet to allow construction of a residence.

DONE THIS 18th DAY OF AUGUST, 1980.

By 
CHAIRMAN, BOARD OF ZONING
APPEALS
MANATEE COUNTY, FLORIDA

ATTEST:


D. E. Fulford, Secretary

DDC709

Mr. Fulford read Proof of Publication on A-486.

A-486 STEPHEN L. BERKES, M.D., Property Owner, 4825 Riverview Boulevard West, Bradenton, Florida, John Mastry, Attorney, Agent. Request a variance of 2½ feet in height within the 30 foot required front yard, for construction of a wooden fence. Property is located at 4825 Riverview Blvd. W., Bradenton, Fla.

John Mastry, Agent: All of the fences requested here are already constructed. Dr. Berkes was unaware of the ordinance at the time he hired a contractor to construct the fence. After it was up for a period of time he was advised he was in violation of the ordinance. On the front is where the existing cement block fence is it does comply with the ordinance. On the east and west boundary lines it goes for a distance of 11 feet and then the cement block wall stops and then he constructed a 6 foot wooden fence. That, for some 19 feet would violate the ordinance. Mr. Fulford advises that some portions exceed the 6 foot limitation. We don't want to ask for a variance on that as we don't want to exceed 6 feet. The fence is not obstructing any traffic. If the street is ever widened and it is found that it would be obstructing a view we would be willing to make an adjustment, reduce the fence and move it on back.

Dave Fulford read a letter from Patricia Carrington.

Kenneth Pfister: How long has the fence been up?

John Mastry: A number of months. He was vandalized in March of 1980 and he told me after that date he had that fence constructed.

Kenneth Pfister: How did the question come up?

Dave Fulford: We got a complaint on it and I sent the doctor a letter of violation and thats when he requested a variance.

Kenneth Pfister: The complainant was identified as the adjoining property owner?

Dave Fulford: Yes sir.

Dick Breeze: Do you have anything to indicate that property owner still objects to this fence.

Dave Fulford: No sir. That was the adjoining property I just read the letter from and they have no objection to the six foot in height.

Page 4

Public Hearing Closed.

Dick Breeze made a motion to approve the variance, seconded by Kenneth Pfister.

A variance of 2½ feet in height, within the 30 foot required front yard, for construction of a wooden fence.

Motion carried unanimously in favor of granting the petition.

VARIANCE GRANTED

RESOLUTION OF VARIANCE

IN RE: STEPHEN L. BERKES, M.D., Property Owner, 4825 Riverview Blvd. W., Bradenton, Fla., John Mastry, Agent. Request a variance of 2½ feet in height, within the 30 foot required front yard, for construction of a wooden fence. Section V, R-1B, Paragraph G, of the Manatee County Zoning Ordinance: G. Fences and Walls: Fences and walls located on lot lines or within eight feet thereof shall not exceed a height of three feet, six inches when located in a required front yard, excluding chain link or wire fences with 100% see-through visibility. Property is described as Tract 5, Woodlands Subdivision and located at 4825 Riverview Blvd. W., Bradenton, Fla.

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 2½ feet in height, within the 30 foot required front yard, for construction of a wooden fence.

DONE THIS 18th DAY OF AUGUST, 1980.

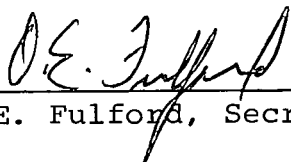
By  w.

CHAIRMAN, BOARD OF ZONING APPEALS
MANATEE COUNTY, FLORIDA

DDC709

Page 5

ATTEST:



D. E. Fulford, Secretary

Mr. Fulford advised the attorney has agreed that all permits will be obtained.

Mr. Whichel advised that the next order of business will be A-488.

Mr. Fulford read proof of publication on A-488.

A-488 WILLIAM M. LEVERETTE, Property Owner, 6211 - 8th Ave. Dr. W., Bradenton, Fla. Request a variance to reduce the rear setback from 5 feet to 0 feet for construction of a swimming pool cage. Property is located at 6211 - 8th Ave. Dr. W., Bradenton, Fla.

William M. Leverett: The pool was installed some years ago before I bought the house. We have a little 18 month old daughter and we have a fence around our yard and we are requesting the variance because if we don't put up a screen she has no place to play. It would help keep out the trash and we have pine trees on the side.

James Keloren: I am building the property in back of him. I would like to help him out. His cage would come up against the fence and it would be of no consequence.

Dave Fulford advised there was no correspondence.

Public Hearing Closed.

Kenneth Pfister made a motion that the variance be granted and it was seconded by Dick Breeze.

A variance to reduce the rear setback
from 5 feet to 0 feet for construction
of a swimming pool cage.

Motion carried unanimously in favor of granting the petition.

VARIANCE GRANTED

Page 6

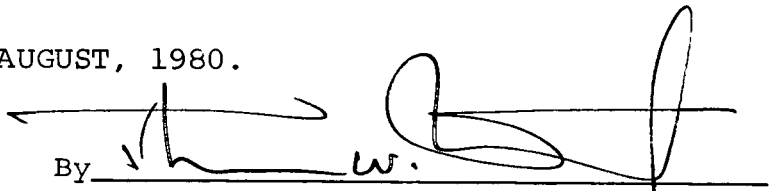
RESOLUTION OF VARIANCE

IN RE: WILLIAM M. LEVERETT, Property Owner, 6211 - 8th Ave. Dr. W., Bradenton, Fla., Request a variance to reduce the rear setback from 5 feet to 0 feet for construction of a swimming pool cage. Section V, Paragraph F.(2) Yard Encroachments: Screen cages may be located in rear yards, but not closer than five feet to rear and side lot lines, per Manatee County Zoning Ordinance. Property is described as: Lot 27, Block F, Section 2, Elmco Heights Subdivision, located at 6211 - 8th Ave. Dr. W., Bradenton, Fla.

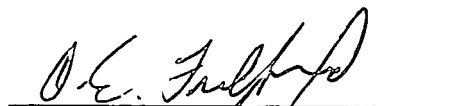
The above-styled matter coming on for Public Hearing before the Board pursuant to due Public Notice, and the Board having heard and considered the evidence presented by the petitioner and by members of the public who desired to present the same, it is, therefore, found that literal enforcement of the 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 the rear setback from 5 feet to 0 feet for construction of a swimming pool cage.

DONE THIS 18th DAY OF AUGUST, 1980.

By 
CHAIRMAN, BOARD OF ZONING APPEALS
MANATEE COUNTY, FLORIDA

ATTEST:


D. E. Fulford, Secretary

Mr. Fulford read Proof of Publication on A-487.

A-487 W. R. GRACE & CO., Property Owner, P.O. Box 471, Bartow, Fla. Dye, Cleary, Scott, Deitrich, Attorneys at Law, Agent. Applicant is appealing a determination made by the Manatee County Planning and Development Department that the appellant is in violation of Section III, Paragraph 1, Section VI, Paragraph 16,

DDC709

Page 7

Subparagraphs 2-1 and 3-3 of the Manatee County Zoning Ordinance. Property is described as: Sections, 2, 3 & 4, Township 33, Range 33, located northwest of State Road 37, 5 miles north of Duette, Fla.

William Swan: Approximately a month ago, the County notice some pre-mining activities on the property; some grading, some site preparation and some activities which were above and beyond what was approved. W. R. Grace has a Special Exception approval for a mining operation in the northeast corner of Manatee County and along with that they have to get an operating permit, which is actually a construction permit, approved by the Board of County Commissioners. They are in the process of getting this operating permit approved. We felt these activities were not part of the normal procedures we allow. We put them in violation approximately a month ago and they have appealed the decision of the Planning Director that the appellant is in violation of the provisions of the Manatee County Zoning Ordinance. We have worked with W. R. Grace and there is an agreement that we are working towards an amicable resolution to this alleged zoning violation. They are asking for a continuance for approximately 30 days so we might be able to work out some kind of agreement. The County is agreeably to this request.

Stanley Whichel said he would rather have a full board or at least four members before making any comment.

Dick Breeze: I think this is in capable hands. He made a motion to grant the extension requested, seconded by Mr. Pfister and motion carried unanimously.

Meeting adjourned at 1:55 P.M.