

MANATEE COUNTY BOARD OF ZONING APPEALS

October 6, 1980

The regular meeting of the Manatee County Board of Zoning Appeals was held on Monday, October 6, 1980, at 1:30 P.M. in County Commission Chambers, Manatee County Courthouse with Chairman Thomas Stewart presiding. All members were present. 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. Stewart introduced Mr. Sam Crosthwait as a new member of the Board and expressed the sorrow of the Board on the death of Mrs. Crosthwait.

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

A-487 W. R. GRACE CO., Property Owner, P.O. Box 471, Bartow, Florida. Dye, Cleary, Scott, Deitrich, Attorneys at Law, Agent. Applicant is appealing a determination made by the Manatee County Planning and Development Department. Paragraph 16, Sub-Paragraph 2-1, 3-3 of the Manatee County Zoning Ordinance. Property is located NW of S.R. 37, 5 miles North of Duette, Florida.

Patricia Petriff, from the law firm of Dye, Cleary, Scott and Deitrich. At a previous hearing Manatee County and W. R. Grace entered into a continuance of this proceeding for a period of 30 days or until the next Board of Zoning Appeals meeting. At this time we wish to enter into a further continuance which has been signed by the County and W. R. Grace. The way this matter is proceeding at the present time is that the parties involved have made the decision to proceed with consolidating this matter with the operating permit application and if you will note from the stipulation which has been given to you, we are requesting that this matter be continued for 45 days from the date that the operating permit was submitted to the County. That report was submitted about one week ago today.

Mr. Stewart: Mr. Fulford, we will note this as a continued matter. Please be sure that the parties are notified so that any further extension that may be necessary can be obtained in ample time.

Mr. Fulford read Proof of Publication on A-489.

DDC709

A-489 WILLIAM S. WIGHTMAN, Property Owner, 6707 - 28th Ave. E., Bradenton, Florida. Request a variance of 3 feet to reduce the required access from 20 feet to 17 feet to allow construction of a residence. Property is located at 904 - 60th Ave. Terr. W., Bradenton, Florida.

Tim Adams, Partner with William Wightman, presented this matter. We want to put up another duplex in the back of this property to put my daughter and granddaughter.

There was a discussion as to how many feet were required for this variance and Mr. Stewart advised there is an error here somewhere and advised that the applicants should go back to the Planning Department and get the correct information and return to the meeting later.

Mr. Fulford read Proof of Publication on A-490. There was no one present for this matter so it was passed until the end of the meeting.

Mr. Fulford read Proof of Publication on A-491.

A-491 R. HAZEL MILLER, Property Owner, 1010 - 7th Ave. E., Bradenton, Fla. Request a variance of 4 feet to reduce the front footage from 100 feet to 96 feet, and to reduce the area size from 1 acre to 1/2 acre to allow construction of a residence. Property is located at 6424 - 24th Ave. E., Bradenton, Fla.

Hazel Miller made a presentation. I was given this property on the death of my husband and I would like to build a house there. I did not know that there was a requirement of an acre.

Mr. Stewart: Did the person who owned this lot own the property on either side of this lot?

Hazel Miller: It was in an estate and an elderly man wanted to give me and my husband two acres. I didn't want to have to take care of two acres when my husband died - just a lot big enough to build a house on. I got this from Mr. Ozzie Williams.

Mr. Stewart: Does Mr. Williams own the lots on either side of you now?

Hazel Miller: He sold the lot to the west but he still owns the lot on the east.

Mr. Stewart: Have you asked him if it might be possible for him to deed another 4' to you so you would have the required 100' frontage?

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Mrs. Miller: He said he would do whatever needed to be done but it would take in where his barn is and that would cause taxes to go up for me and I don't need that much to take care of.

Public Hearing Closed.

Ken Pfister: I move that we grant a variance from one (1) acre to one-half ($\frac{1}{2}$) acre and continue the variance of four feet (4') in frontage pending an attempt by Mrs. Miller to have Mr. Williams deed here the other four feet (4') and if that won't help her then we will again hear from Mrs. Miller.

Mr. Whichel seconded the motion for

A variance to reduce the area size from 1 acre to 1/2 acre to allow construction of a residence.

Motion carried in granting the petition.

VARIANCE GRANTED

RESOLUTION OF VARIANCE

IN RE: R. Hazel Miller, Property Owner, 1010 - 7th Ave. E., Bradenton, Florida. Request a variance to reduce the area size from 1 acre to 1/2 acre to allow construction of a residence. Property is described as: Begin at the NW cor of Tract 67 of an unrecorded plat of Magnolia Manor, Section 35, Township 34 S, Rge 18 E, go thence 225.4 ft. E to the POB, th S 216.5 ft th E 96 ft., th N 216.5 ft, th W 96 ft, back to the POB, together with a 25.4 ft. wide easement for ingress and egress along the W side of the just described property, located at 6424 - 24th Ave. E., 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 to reduce the area size from 1 acre to 1/2 acre to allow construction of a residence.

DDC709

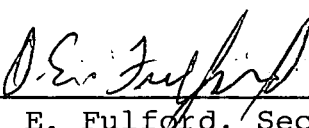
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DONE THIS 6th DAY OF OCTOBER, 1980.

By 

CHAIRMAN, BOARD OF ZONING APPEALS
MANATEE COUNTY, FLORIDA

ATTEST:


D. E. Fulford, Secretary

Mr. Fulford read Proof of Publication of A-492.

A-492 HERBERT PAOLINI, Property Owner, 6631 Case Ave., Bradenton, Fla. Request a variance to reduce the front setback from 25 feet to 16 feet for construction of a swimming pool and screen cage. Property is located at 6631 Case Ave., Bradenton, Fla.

Herbert Paolini, Property Owner, and Frank Reese with Starlight Pools present. Behind the house are the power lines and on the west side it is close to the lot line. The ideal spot for a pool would be off my screen porch. The house is on an angle and we really only need the variance for one corner. I have checked with all the neighbors and they have no objection.

Mr. Pfister: What will you put around it?

Mr. Paolini: A screen cage.

Mr. Fulford advised he has a petition with 6 signatures in FAVOR.

Public Hearing Closed.

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

A variance to reduce the front setback
from 25 feet to 16 feet for construction
of a swimming pool and screen cage.

Motion carried unanimously in favor of granting the petition.

VARIANCE GRANTED

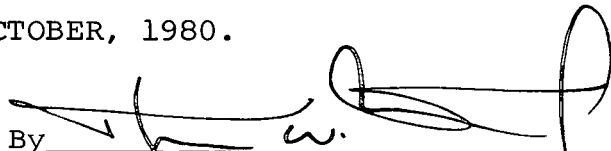
RESOLUTION OF VARIANCE

IN RE: Herbert Paolini, Property Owner, 6631 Case Ave., Bradenton, Fla. Request a variance of 10 feet to reduce the required setback from 25 feet to 16 feet for construction of a swimming pool and screen cage. Section V, Paragraph D.(1) Front Yard: R-1AB District, 25 feet per Manatee County Zoning Ordinance. Property is described as: Lot 3, Block B, Section 6, Bayshore Gardens Subdivision, located at 6631 Case Ave., 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 setback from 25 feet to 16 feet for construction of a swimming pool and screen cage.

DONE THIS 6th DAY OF OCTOBER, 1980.

By 
CHAIRMAN, BOARD OF ZONING APPEALS
MANATEE COUNTY, FLORIDA

ATTEST:


D. E. Fulford, Secretary

Mr. Fulford read Proof of Publication of A-493.

A-493 PHILIP W. & CATHERINE B. MYERS, Property Owners, 4420 - 20th Ave. W., Bradenton, Fla. Request a variance of 10 feet to reduce the required setback from 20 feet to 10 feet to allow construction of a residence. Section V, Paragraph D.(3) of the Manatee County Zoning Ordinance requires 20 feet rear setback. Property is described as: Lot 14, Taliescent Subdivision and located at 1112 - 73rd St. Circle, Bradenton, Fla.

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Catherine Myers: As you can see from the survey this is a very strange lot and I need the variance to construct my home.

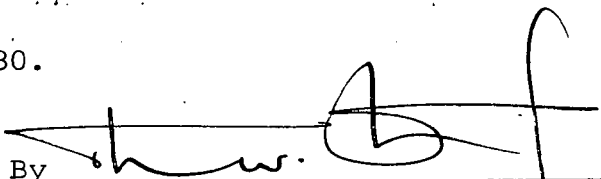
Dick Breeze: I believe this is a 24' easement on the west side of the property and on the survey it shows it is a 20 foot easement. However, you are going to find that you can't build over the drainage easement.

Mr. Stewart: We can't do anything about that because we can't vacate easements. We can reduce the required setback line but we can't tell you you can build on an easement. I think if you consult with an attorney he will probably tell you that the only way this can be avoided is if it is dedicated before the County Commission; they could probably vacate it, and probably wouldn't.


Public Hearing Closed.

Dick Breeze made a motion to deny A-493 because we do not have the right to grant a variance that would impliably permit building on an easement. Mr. Pfister seconded the motion and motion for denial carried unanimously.

DONE THIS 6th DAY OF OCTOBER, 1980.

By 
CHAIRMAN, BOARD OF ZONING APPEALS
MANATEE COUNTY, FLORIDA

ATTEST:


D. E. Fulford, Secretary

Mr. Fulford read Proof of Publication of A-494.

A-494 GEORGE HISKES, Property Owner, 5307 - 1st Ave. Dr. NW, Bradenton, Fla. Request a variance to reduce the front setback from 25 feet to 10 feet for construction of a swimming pool and screen cage. Property is located at 5307 - 1st Ave. Dr. NW, Bradenton, Florida.

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George Hiskes: We have a permit to put the pool in. As a matter of fact the shell is in. We are trying to get a permit to put the cage in in conjunction with the pool. We don't have a back yard but have two front yards. There is a road easement through there that is a drainage ditch.

Public Hearing Closed.

Mr. Pfister made a motion to grant the variance and Mr. Whichel seconded the motion.

A variance to reduce the front setback from 25 feet to 10 feet for construction of a swimming pool cage.

Motion carried unanimously in favor of granting the petition.

VARIANCE GRANTED

RESOLUTION OF VARIANCE

IN RE: George Hiskes, Property Owner, 5307 - 1st Ave. Dr. NW, Bradenton, Fla. Request a variance to reduce the front setback from 25 feet to 10 feet for construction of a swimming pool cage. Section V, Paragraph D.(1) Front Yard: R-1A District 25 feet, per Manatee County Zoning Ordinance. Property is described as: Lot 21, Harbor Woods Subdivision and located at 5307 - 1st Ave. Dr. NW 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 to the petitioner.

It is, therefore, RESOLVED BY THE BOARD that the above-styled petition be granted, to wit:

A variance to reduce the front setback from 25 feet to 10 feet for construction of a swimming pool cage.

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DONE THIS 6th DAY OF OCTOBER, 1980.

By 

CHAIRMAN, BOARD OF ZONING APPEALS
MANATEE COUNTY, FLORIDA

ATTEST:


D. E. Fulford, Secretary

Mr. Stewart advised that the Board would now return to application A-489.

Tim Adams and Tom Winter returned from the Planning Department with the following information.

Mr. Winter: In order to grant us a permit, the property will have to be cut - in other words, it will have to be two separate pieces of property, one for each duplex. For there to be legal access to the south duplex, a 20 foot flag will need to be deeded to the south duplex. They would still need an 8 foot easement on the west side of the north duplex. In other words, 20 feet plus 8 feet. There is only 24 feet so we are asking for a variance of a 4 foot setback on the existing duplex on the west side rather than the 8 foot that would allow the 20 foot driveway to the proposed duplex on the south part of the lot.

Mr. Stewart: Your request is that we grant a four foot variance reducing the required setback line on the west side of the existing house from 8 feet to 4 feet in order to permit 20 feet adjacent to the property line to be deeded as a part of the rear lot.

Public Hearing Closed.

Dick Breeze made a motion to approve the petition which was seconded by Kenneth Pfister for:

A variance to reduce the required width of the access strip from the usually required 20 ft. to 16 ft.

Motion carried unanimously in favor of granting the petition.

VARIANCE GRANTED

RESOLUTION OF VARIANCE

IN RE: William S. Wightman, Property Owner, 211 - 46th St. W. Bradenton, Fla. Request a variance of 4 feet to reduce the required access from 20 feet to 16 feet to allow construction of a residence. Section VI, Paragraph 4, of the Manatee County Zoning Ordinance requires at least 20 feet access for all lots or parcels of land. Property is described as: Lot 134, Sunny Lakes Estates Subdivision and located at 904 - 60th Ave. Terr. W., Bradenton, Fla.

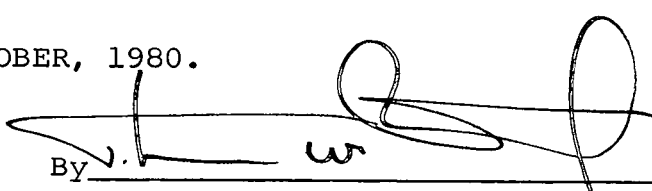
The above-styled matter coming on for Public Hearing before the Board pursuant to due Public Notice, and the Board having heard and considered the evidence presented by the petitioner and by members of the public who desired to present the same, it is, therefore, found that literal enforcement of the Manatee County Zoning Ordinance would result in an unnecessary and undue hardship to the petitioner.

It is, therefore, RESOLVED BY THE BOARD that the above-styled petition be granted, to wit:


A variance to reduce the required width of the access strip from the usually required 20 ft. to 16 ft.

DONE THIS 6th DAY OF OCTOBER, 1980.

By


CHAIRMAN, BOARD OF ZONING APPEALS
MANATEE COUNTY, FLORIDA

ATTEST:


D. E. Fulford, Secretary

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Mr. Stewart asked if there was now anyone present for application A490.

Mr. Fulford advised there was still no one present on this application.

Mr. Pfister made a motion to continue A-490 until the next meeting and Mr. Whichel seconded the motion. Motion carried unanimously.

DONE THIS 6th DAY OF OCTOBER, 1980.

By 

CHAIRMAN, BOARD OF ZONING APPEALS

ATTEST:



D. E. Fulford, Secretary

Mr. Stewart asked for any additions or corrections to the minutes of July 21, 1980. Hearing none he declared the minutes accepted as presented.

MEETING ADJOURNED AT 2:45 P.M.