

MINUTES  
MANATEE COUNTY BOARD OF ZONING APPEALS  
DECEMBER 9, 1985

A regular meeting of the Manatee County Board of Zoning Appeals was held on December 9, 1985, at 1:30 p.m. in the County Commission Chambers of the Manatee County Courthouse, Chairman Richard Breeze presiding.

Members present were Richard Breeze, Chairman, David Montgomery, Albert Conyers, Frank Eldridge, and John Sands. Also present were Barbara Levin, (Asst. County Attorney), and Betsy Benac, Richard Ploughe, Kay Swanner, and Jane Oliver of the Planning Department.

The meeting opened with a Pledge of Allegiance to the Flag.

A motion was made to approve the minutes of April 29, June 10, June 14, August 5, September 9, and October 14, 1985, by David Montgomery and seconded by Albert Conyers. Motion carried unanimously.

The Chairman then proceeded to agenda business.

I. REQUEST FOR INTERPRETATION

Barbara Levin, Assistant County Attorney, made the presentation stating that new construction does not include repair, reconstruction or improvement to an "existing structure as stated in the letter from FEMA dated December 2, 1985. When there is a proposal to repair, reconstruct or improve an "existing structure", the determination must be made whether or not it is a substantial improvement. The letter further states the Code may not be stringent enough to achieve the objectives originally intended and a community may wish to impose a 25% limit instead of a 50% limit on the determination of appraised value.

David Montgomery made a motion to grant the request for interpretation and interpret two questions - First: Whether the addition of new poured area to existing structure is classified as new construction. The motion would be to the negative. An addition would not constitute new construction. Second: Is new floor area to existing structure classified as non-substantial improvement? I think it would have to be a case by case determination based on value (the 50% rule). This was seconded by John Sands and unanimously carried.

1. VA-86-02 - ROBERT AND ELIZABETH DODT

Barbara Levin questioned how the decision on the 50% interpretation would influence the outcome of VA-86-02 ROBERT AND ELIZABETH DODT. Betsy Benac stated that what they were requesting was an

addition less than 50% of appraised value. It is a non-substantial improvement from what was just determined and therefore they do not need a variance.

David Montgomery made a motion that we indefinitely defer VA-86-02 and if for some reason later they need a variance we can entertain it at that time.

George Harrison approached the Board representing Dr. & Mrs. Dodt. His question was: By the action taken today by the Board was it no longer necessary to ask for the Variance? Mr. Breeze at this time re-opened the public hearing. Mr. Harrison's main concern was loss of flood insurance; without which would have a substantial effect both if they would ever try to sell the property or would have it refinanced. His next question was: If it would be amended this would be in effect some date down the line, so they would be in compliance under the current regulations and assumed they could go ahead and apply for their permit.

Richard Ploughe wanted to clarify that since the application was found to be unnecessary, it would be withdrawn. Would it be the direction of the Board to refund the full amount?

John Sands made a motion to refund any fees and permits that have been paid in-referenced to this and was seconded by Albert Conyers. This motion was unanimously carried.

## II. REQUEST FOR RECONSIDERATION

### 1. VA-85-21 - FLYNN AUCHY

Betsy Benac advised this request has been withdrawn.

### 2. VA-86-01 - CLAYTON SUTTON

Betsy Benac made the staff presentation for the record.

The applicant was present to make a presentation on his own behalf and answer any questions. His strong point being the sign was changed in no way to increase it's life span but was only moved 20' east of its original location.

Betsy Benac stated there was one letter received today in the negative from Mr. William Nixon. The letter stated this sign had and would continue to obstruct Mr. Nixon's property.

No further correspondence or comments were submitted, and the public hearing portion of the meeting was closed.

A motion to DENY was made by David Montgomery and seconded by Albert Conyers and carried unanimously. Reasoning for this action being not considered a hardship. Motion carried unanimously.

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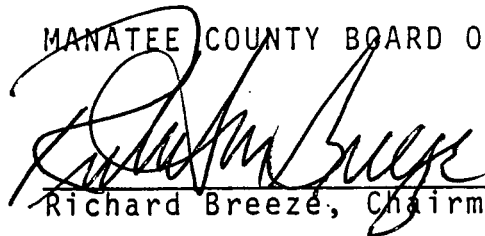
Betsy Benac advised that future meetings would be the first Monday of each month. The Board would be notified if any meetings were canceled

There was a general discussion on these regulations and Barbara Levin advised that the Board could defer this item to the next agenda if they so desired.


David Montgomery made a motion to defer this item to the next meeting and requested to have someone in authority from FEMA present to answer questions. John Sands seconded the motion. Motion carried unanimously.

Meeting Adjourned at 3:45 p.m.

MANATEE COUNTY BOARD OF ZONING APPEALS

  
Richard Breeze, Chairman

ATTEST:

  
Secretary