

2002 MAR 22 AM 11:46

VARIANCE NO. VA-01-08  
LAURA GRAY

CLERK OF COURT  
MANATEE COUNTY  
**FINAL ORDER OF MANATEE COUNTY HEARING OFFICER  
MARK SINGER ON BEHALF OF MANATEE COUNTY  
APPROVING VARIANCE NO. VA-01-08, TO ALLOW A  
REDUCTION OF THE MINIMUM FLOOD ELEVATION  
REQUIREMENT OF SECTION 718.6.1.7 OF THE LDC FOR AN  
HISTORIC STRUCTURE; PROVIDING FOR SEVERABILITY; AND  
PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Manatee County adopted the Manatee County Land Development Code, Manatee County Ordinance 90-01, as amended; and

**WHEREAS**, pursuant to the Land Development Code, Manatee County Ordinance 00-22, as amended, the Hearing Officer has the authority to grant Variances; and

**WHEREAS**, the Historic Preservation Board granted a Certificate of Appropriateness to Laura Gray on June 18, 2001; and

**WHEREAS**, Laura Gray has requested a Variance to allow a reduction of the minimum floor elevation for an historic structure; and

**WHEREAS**, on March 7, 2002 the aforementioned Hearing Officer held a public hearing to receive the staff report, applicant's presentation and public comment and argument regarding the proposed Variance to allow a reduction of the minimum floor elevation for an historic structure.

**NOW, THEREFORE**, the Final Order regarding Variance No. VA-01-08 requested by Laura Gray states as follows:

Section 1. Findings of Fact. The aforementioned Hearing Officer, after considering comment, argument, evidence, documentation, and staff report presented, as well as all other matters presented at the Public Hearing above referenced, hereby makes the following Findings of Fact:

- A. The zoning classifications for the subject property are LM/HA/CH (Light Manufacturing/Historical and Archaeological/Coastal High Hazard Overlay Districts).
- B. The application is for a variance to allow a reduction of the minimum flood elevation requirement for an historic structure without meeting the minimum floodplain elevation requirements of Land Development Code, Section 718.6.1.7
- C. The review criteria set forth in Section 509.5.3 of the Land Development Code must be met for a variance to be granted.
- D. The applicant met the standards for review of Section 509.5.3 of the Land Development Code for the following reasons:
  - 1. Elevation of structure would destroy its historic character and negatively impact the historic designation of the district, resulting in a particular hardship.

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2. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity.
  3. The granting of the variance will allow more storage space for Charlie's Net Camp.
  4. The site is located within a velocity flood zone and the structure is considered historic. These conditions make this request unique to the parcel and would not be applicable, generally to other properties within the vicinity, outside of the overlay districts.
- E. The application is consistent with the technical evaluation requirements of Section 718.10.2 of the Land Development Code for the following reasons:
1. The relocation of this structure will have no effect upon evacuation times.
  2. The structure will not create an additional threat to public safety. The building will be anchored and is not intended for habitable space.
  3. The request is not for a new use but for the relocation of a small accessory structure containing no habitable space.
  4. This small structure is the only option for an accessory structure that is compatible with existing development on site and the Historic Overlay District as a whole.
- F. The granting of this variance will not result in increased flood heights.

Section 2. Conclusions of Law. Based upon the prior Findings of Fact and considering the testimony, evidence, documentation, and the staff report presented, the above referenced Hearing Officer hereby makes the following Conclusions of Law:

- A. This Hearing Officer has jurisdiction over the parties and subject matter in this proceeding pursuant to Section 718.10.1 of the Manatee County Land Development Code, as amended.
- B. The applicant has the burden of proving entitlement to the Variance.
- C. The applicant has proved her entitlement to the variance request.

Section 3. Order. Based upon the foregoing, the variance requested by Laura Gray for the property located at 4515 125<sup>th</sup> Street West, and more particularly described in Exhibit "A" attached hereto and incorporated herein, to allow a reduction of the minimum flood elevation for a historic structure is hereby approved subject to the following conditions:

1. The historic structure will be used for storage only and is not considered habitable space.

2. The structure must meet all setback requirements for the LM zoning District. They are as follows:

|        |         |
|--------|---------|
| Front: | 25 feet |
| Sides: | 20 feet |
| Rear:  | 20 feet |
3. The variance shall not run with the land.
4. All variances issued for floodplain purposes shall be submitted to the Federal Insurance Administrator.
5. This approval shall be contingent upon compliance of any conditions stipulated by Manatee County Historic Preservation Board (HPB/COA 01-02).
6. This Variance shall not be effective until it has been recorded in the Public Records of Manatee County, Florida by the applicant and a copy of the recorded Order is received by the Planning Department.
7. The site plan submitted with this application shall be part of this approval, but only approved at the preliminary level. Administrative approval of the Final Site Plan shall be required subsequent to the Hearing Officer's approval of the Variance.

Section 4. Severability. In the event that any portion or section of this Order is determined to be invalid, illegal or unconstitutional by courts of competent jurisdiction, such decisions shall in no manner affect the denial of the Variance which shall remain in full force and effect.

Section 5. Effective Date. The effective date of this Variance shall be upon recording of this Order in the Public Records of Manatee County, Florida by the applicant and a copy of the recorded variance is received by the Planning Department.

ORDERED ON BEHALF OF MANATEE COUNTY this 22 day of March 2002.

MANATEE COUNTY, FLORIDA

BY: [Signature]

Mark Singer, as  
Hearing Officer for Manatee County

ATTEST: R.B. SHORE  
Clerk of the Circuit Court

[Signature]  
Deputy Clerk

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EXHIBIT "A"

LEGAL DESCRIPTION:

BEG AT NW COR OF LOT 4 SUB OF LOT 3 US SEC 3; TH S 545.67 FT, M/L TO SE COR OF INTER OF 45<sup>TH</sup> AVE W & 125<sup>TH</sup> ST W & TH CONT S 225 FT FOR POB; TH RUN E 82.5 FT, TH S & PARALLEL TO E LN OF 125<sup>TH</sup> ST W UNTO THE WATERS OF SARASOTA BAY (ANNA MARIA SOUND) TH RUN W ALG MEANDERING SHORE LN OF SARASOTA BAY TO ELY R/W OF 125<sup>TH</sup> ST W, TH RUN N TO POB, BEING PART OF W1/2 OF LOT 7 SUB OF LOT 3 US & ALL RIPARIAN RIGHTS APPERTAINING TO W 1/2 OF LOT 7. ALSO: BEG AT NW COR OF LOT 4 SUB OF LOT 3 US SEC 3, TH S 545.67 FT, M/L, TO SE COR OF INTER OF 45<sup>TH</sup> AVE W & 125<sup>TH</sup> ST W, TH CONT S 149 FT FOR POB; TH E 82.5 FT, TH S 76 FT, TH W 82.5 FT, TH N 76 FT TO POB, BEING A PORTION OF W 1/2 OF LOT 7, SUB OF LOT 3, U S IN SEC 3 & BEING FURTHER DESC (OR 1152 P 3367) PRMCF PI #76832.0000/5

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EXHIBIT "B"

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