

FILED FOR RECORD  
R. B. SHORE

2008 JUL 28 PM 2:02

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

VARIANCE NO. VA-08-02  
CROSLEY CARRIAGE HOUSE

**FINAL ORDER OF MANATEE COUNTY HEARING OFFICER JOHN ROE ON BEHALF OF MANATEE COUNTY GRANTING/DENYING A VARIANCE NO. VA-08-02 TO ALLOW A VARIANCE OF APPROXIMATELY 3.8 FEET TO THE MINIMUM FLOOD ELEVATION REQUIREMENTS (LDC SECTION 718.6.1.7 C) TO ALLOW RESTORATION OF THE CROSLEY CARRIAGE HOUSE, WHERE THE EXISTING FLOOR IS AT ELEVATION 10.2 FEET IN A ZONE A 15 (ELEVATION 14') FLOOD ZONE (FIRM MAP COMMUNITY PANEL NUMBER 120153 0339 B) IN THE PD-PI/HA (PLANNED DEVELOPMENT PUBLIC INTEREST/HISTORICAL & ARCHAEOLOGICAL OVERLAY) ZONING DISTRICT AT 8374 NORTH TAMiami TRAIL, SARASOTA (± 16.5 ACRES); PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

OR BOOK 02268 PAGES 3970 - 3974  
MANATEE COUNTY CLERK COURT  
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**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 90-01, as amended, the Hearing Officer has the authority to grant Variances; and

**WHEREAS**, Manatee County requested a Variance of approximately 3.8 feet to the minimum flood elevation requirements (LDC Section 718.6.1.7 C) to allow restoration of the Crosley Carriage House, where the existing floor is at elevation 10.2 feet in a Zone A 15 (elevation 14') Floor Zone (FIRM Map Community Panel Number 120153 0339 B) in the PD-PI/HA (Planned Development Public Interest/Historical & Archaeological Overlay) zoning district; and

**WHEREAS**, on June 30, 2008, the aforementioned Hearing Officer held a public hearing to receive staff, applicant, and public comment and argument regarding the proposed Variance of approximately 3.8 feet to the minimum flood elevation requirements (LDC Section 718.6.1.7 C) to allow restoration of the Crosley Carriage House, where the existing floor is at elevation 10.2 feet in a Zone A 15 (elevation 14') Floor Zone (FIRM Map Community Panel Number 120153 0339 B) in the PD-PI/HA (Planned Development Public Interest/Historical & Archaeological Overlay) zoning district.

**NOW, THEREFORE**, after consideration of the application for Variance No. VA-08-02 requested by Manatee County the Hearing Officer makes the following Findings of Fact and Conclusions of Law and issues the Final Order 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 variance may not be the minimum necessary so as not to destroy the historic character and design or designation of the building. It is, however, the only option that affords Manatee County the ability to renovate and maintain the historic estate and structures thereon. The carriage house is also a contributing structure to the estate, which is listed on the National Register of Historic Places (Florida Master Site File # 8MA303).
- B. The request is unique to the parcel and would not be applicable, generally, to other property in the vicinity due to the historic significance of the structure in Manatee County.
- C. The Comprehensive Plan recognizes the need for flexibility and adaptive reuse of historic structures in order to promote historic preservation.
- D. This variance is permitted under Land Development Code Section 718.10.
- E. This variance is generally consistent with the applicable standards under Land Development Code Sections 509.3, 509.7, 718.10, 718.10.1., and 718.10.2.
- F. The variance is not of the type prohibited by Section 509.3 of the Land Development Code.
- G. The State of Florida's Division of Historical Resources, has indicated that this structure, at 8374 North Tamiami Trail, should be eligible to seek a National Flood Insurance variance for height requirements for the renovation of the carriage house. The site is listed on the National Register, and the carriage house is considered a contributing structure to the estate. The State Historic Preservation Officer states that the proposed work is in accordance with the *Secretary of the Interior's Standards for Rehabilitatin and Guidelines for Rehabilitating Historic Buildings*. Based on the information provided, the recommendation is that the Crosley Carriage House be exempted from the minimum flood elevation requirements in order to minimize the effect on the historic site. Elevation of the Crosley Carriage House, to meet standard requirements, would have an adverse effect on the Crosley Estate (8MA303).
- H. The applicant has received an approved Certificate of Appropriateness HPB-COA-08-01 (May 12, 2008).

Section 2. Conclusions of Law. Based upon the prior Findings of Fact and considering the testimony, evidence, documentation, and the staff report presented, and a review of the applicable provisions of the Manatee County Comprehensive Plan and Land Development Code, 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 the Land Development Code.
- B. The applicant has the burden of proving entitlement to the Variance, Gomez V. City of St. Petersburg, 550 So.2d 7 (Fla 2<sup>nd</sup> DCA 1989).
- C. The variance is not the type prohibited by Section 509.3 of the Land Development Code.
- D. The variance meets all of the criteria set forth in Section 509.6 of the Land Development Code.

Section 3. Order. Based upon the foregoing, the variance is hereby approved for the property at 8374 Tamiami Trail, Sarasota, and more particularly described in Exhibit "A" attached hereto and incorporated herein, to allow a variance of approximately 3.8 feet to the minimum flood elevation requirements (LDC Section 718.6.1.7 C) to allow restoration of the Crosley Carriage House, where the existing floor is at elevation 10.2 feet in a Zone A 15 (Elevation 14') Flood Zone (FIRM Map Community Panel Number 120153 0339 B), subject to the following conditions:

- 1. 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 Variance is received by the Planning Department.
- 2. The Variance shall not run with the land.
- 3. The Variance shall terminate should 50 percent or more of the historic structure be destroyed.
- 4. All construction on this site shall use flood resistant materials as approved by the Building Department.
- 5. The applicant shall be given a written Notice of Disclaimer signed by the Building Official. This Notice of Disclaimer shall be recorded by the applicant in the Clerk of the Circuit Courts office so that the Notice of Disclaimer runs with the land. This notice shall state the following: The variance does not run with the land and applies only to the current structure and use. Any change in the structure (substantial damage, etc.) or use may invalidate this Variance. The issuance of a Variance to construct a structure below the required elevation will result in increased insurance premium rates for flood insurance up to or exceeding twenty-five dollars (\$25.00) for every one hundred dollars (\$100.00) of coverage and such construction below the required elevation increases the risks to life and property.
- 6. A Floodplain Management Permit shall be required at Building Permit application.

7. No fill shall be used for structural support.

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

Section 5. Effective Date. The effective date of this order shall be upon execution of this Order and its recordation in the Official Records by the applicant with the Office of the Clerk of the Circuit Court and receipt of a copy of the recorded Order by the Planning Department.

ORDERED ON BEHALF OF MANATEE COUNTY this 28<sup>th</sup> day of July, 2008.

MANATEE COUNTY, FLORIDA

BY: [Signature], as  
Hearing Officer for Manatee County

ATTEST: R. B. Shore,  
Clerk of the Circuit Court

BY: [Signature]  
Deputy Clerk

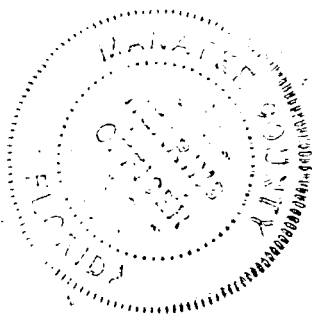


EXHIBIT "A"

LEGAL DESCRIPTION:

A portion of U.S. Government Lot 3, Section 35, Township 35 South, Range 17 East, Manatee County, Florida, described as follows:

Commence at a 5 inch Concrete Monument located at the intersection of the Easterly line of Section 35, Township 35 South, Range 17 East and the Southerly line of Seagate, recorded in Plat Book 5, Page 48 of the Public Records of Manatee County, Florida (vacated December 11, 1929, Deed Book 132, Page 35); thence S-89°-39'-35"-W along the Southerly line of said Seagate, a distance of 560.02 feet to the POINT OF BEGINNING; thence continue S-89°-39'-35"-W along said Southerly line a distance of 519.17 feet to the corner of an existing Seawall; (the following 3 calls are along the seaward side of said seawall); thence N-25°-05'-36"-W a distance of 245.73 feet to the P.C. of a curve to the right having a central angle of 24°-43'-25" and a radius of 130.96 feet; thence along the curve in a Northerly direction a distance of 56.51 feet; thence N-00°-22'-12"-W a distance of 122.75 feet; thence N-24°-47'-55"-W, leaving said Seawall and crossing an existing Lagoon, a distance of 117.03 feet to the seaward side of an existing Seawall on the Northerly side of said Lagoon; thence N-29°-19'-26"-W along said Seawall a distance of 40.34 feet to the end of said Seawall; thence in a Northwesterly direction along the Mean High Water Line a distance of 540 feet +/- to a point on the Southerly line of a Survey of a unrecorded Plat prepared for Walter S. Hardin Realty Company, Bradenton, Florida by George O. Kruse, Jr. dated April 23, 1949,\* and as shown on a Survey for Campeau Corporation, prepared by Smally, Wellford & Nalven, Inc. dated April 13, 1981, said point lying N-29°-23'-13"-W a distance of 539.22 feet from the end of said seawall; thence N-89°-53'-10"-E along said line a distance of 973.50 feet; thence S-00°-12'-00"-W along a line 560.00 feet Westerly of and parallel with the Easterly line of said Section 35, a distance of 1010.09 feet to the POINT OF BEGINNING.

EXHIBIT "B"

(Submitted with Application)