

Tab 2

LAWRENCE WATSON VARIANCE
VAR-2010-01

**City of Palmetto
Watson Variance Staff Report**

Background

The address of the parcel is 112A Bahia Drive, Tropic Isles Co-op, which is located in west Palmetto, north of 10th Street West. The current use is Mobile Home. The parcel is approximately 32 feet x 60 feet or 1,920 square feet. The land to the north is Terra Ceia Bay. The property to the east is owned by Manatee Fruit Company, and is currently being used for storage by Tropic Isles Co-op. The property to the south and west is in use for mobile homes within Tropic Isles.

The Applicant wishes to replace the current mobile home with a new, double-wide mobile home on the site, and is requesting a Variance along the east side of the lot, which would be 7 inches at the north and 1 feet, 9 inches on the south (see attached Sketch). Please note that the application does not account for the required carport.

Code Requirement

Section 4.3 of the City Zoning Code requires a mobile home lot to be a minimum lot area of 4,000 square feet, with a minimum width of 50 feet. The City Code, Section 4.3, also requires front, side, and rear setbacks of 5 feet. Based upon the language provided in the City Code, Article 7 (7.1 to 7.7), it appears that the 4,000 square-foot lot requirement and the 50-foot lot width is not being complied with, which means that the lot is nonconforming at this time.

Section 7.7(e) states, "A dwelling made a nonconforming use by the adoption of this code or amendments thereto, which is the principal residence of the owner, may be replaced or reconstructed because of destruction or deterioration, notwithstanding the fact that the destruction or deterioration exceeds the fifty (50) percent standard contained in (d) above. This exception to the general rule contained in this article applies only to deterioration or destruction and is not intended to apply to the loss of nonconforming status due to cessation of use as described in (c) above."

In this case, we have no evidence that this provision applies to this Application.

The Code goes on to state,

"Section 7.8 Nonconforming structures other than signs:

A structure which is nonconforming, due to noncompliance with the dimensional requirements of the official schedule of district regulations of this code and which is used for a use permitted in the district in which it is located may remain, provided:

- (a) That any structural change to the structure shall not increase the degree of nonconformity. Structure changes which decrease or do not affect the degree of nonconformity shall be permitted.
- (b) A nonconforming structure, or a portion thereof, if damaged, deteriorated or destroyed to the extent of more than fifty (50) percent of its current assessed valuation, may only be reconstructed in accordance with the regulations of the district in which it is located.
- (c) Routine repairs and maintenance of a nonconforming structure, fixtures, wiring and plumbing or the repair or replacement of nonload bearing walls shall be permitted.

In this case, the proposed mobile home is substantially larger than the existing mobile home.

The City Code, Section 6.16(d), requires a carport, at least 12 feet x 20 feet, be provided adjacent to the mobile home as an accessory structure.

Analysis

A site inspection revealed that the Applicant's lot is located in the northeast corner of the Park, with Terra Ceia Bay to the north and a parcel owned by Manatee Fruit Company to the east. The Applicant has provided a Letter of No Objection from Manatee Fruit Company (see attached). A letter from the Co-Op Board of Directors is also required prior to a decision by the City. That letter was not available when the Staff Report was drafted.

City staff's concern regarding this application is two-fold. First, the Applicant is requesting to install a double-wide mobile home on this nonconforming lot. The existing structure appears to be in good condition and no signs of destruction or deterioration were observed. The second issue relates to the requirement in City Code, Section 6.16(d), for a carport. The only available area for a carport would be along the front of the mobile home unit. Based upon the provided sketched and the visual information in the photograph, it does not appear that there is a sufficient area for a carport in front of the mobile home. It appears that this is a case where the hardship is self imposed and that there may be reasonable alternatives that could be considered. Another potential issue is that approval of the Variance could set some precedence that could carry over to other mobile homes in the development.

Recommendation

City staff recommends denial of the Variance, finding that it is a self-imposed hardship and that the double-wide mobile home with required carport cannot reasonably be accommodated on the lot. In order to accommodate the carport on the front of the lot, the setback of the mobile home would be a minimum of 17 feet, rather than the 10 feet illustrated on the attached Sketch.

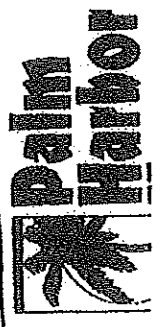
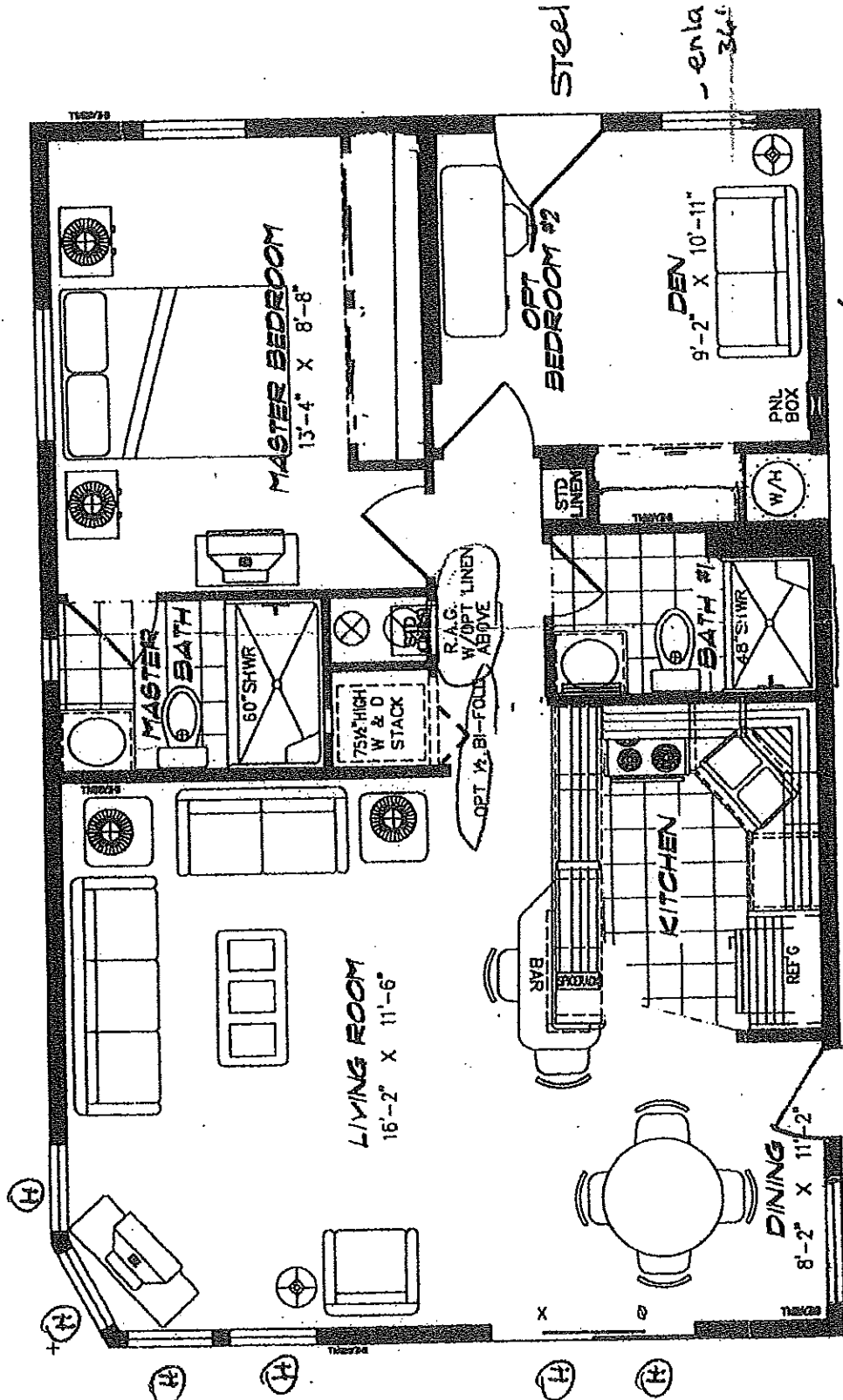
Specifically, the recommendation for denial is based upon the following:

1. No special conditions or circumstances were found to exist, which is particular to the land or structure and which are not particular to other land or structures in the same District.
2. The literal interpretation of the provisions of the City Code does not deprive the Applicant of rights commonly enjoyed by other properties in the same District.
3. There are no special conditions or circumstances related to this application.
4. Granting the Variance request would result in a "special privilege" for the Applicant.

Attachments

1. Sketch
2. Manatee Fruit Company's No Objection Letter

FLIP WINDOWS ON WEST

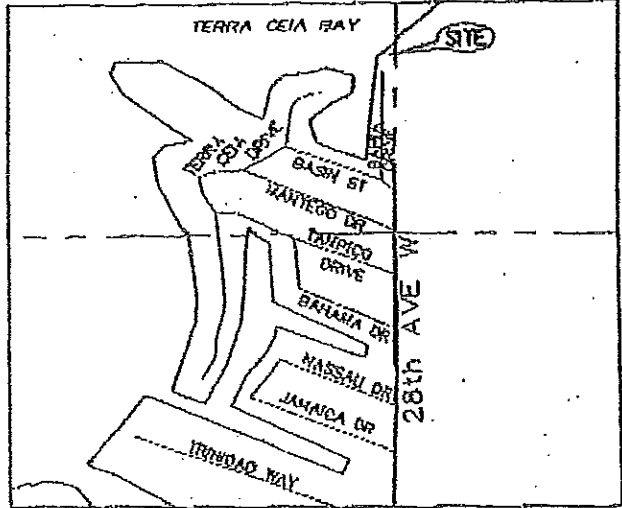


Relig Case
Model #L236A5 - 1800 Series
 Size 23'-4" X 40"
 A 5mm 5m Ft A/C RAN • Gross 840

LOTS 122A BLOCK
 SUBDIVISION TROPIC ISLES CO-OP
 ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK NO. PAGE
 SECTION 9 TOWNSHIP 34 SOUTH, RANGE 17 EAST
 PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA
 FOR THE EXCLUSIVE USE OF: JIM AND LOIS WATSON
 ADDRESS: 122A BAHIA DRIVE PALMETTO, FLORIDA

SURVEYOR'S CERTIFICATE
 BY: *Leo Mills*
LEO MILLS
 REGISTERED STATE OF FLORIDA PROFESSIONAL
 SURVEYOR & MAPPER NO. 1735
 DATE OF SURVEY: 05/23/07
 *NOT VALID WITHOUT THE SIGNATURE AND
 HARDED SEAL OF A FLORIDA LICENSED SURVEYOR
 AND MAPPER.
 THIS SURVEY/REPORT IS PROVIDED IN DIGITAL
 FORMAT ONLY. ALL GRAPHIC AND TEXT DATA
 COPYRIGHTED.

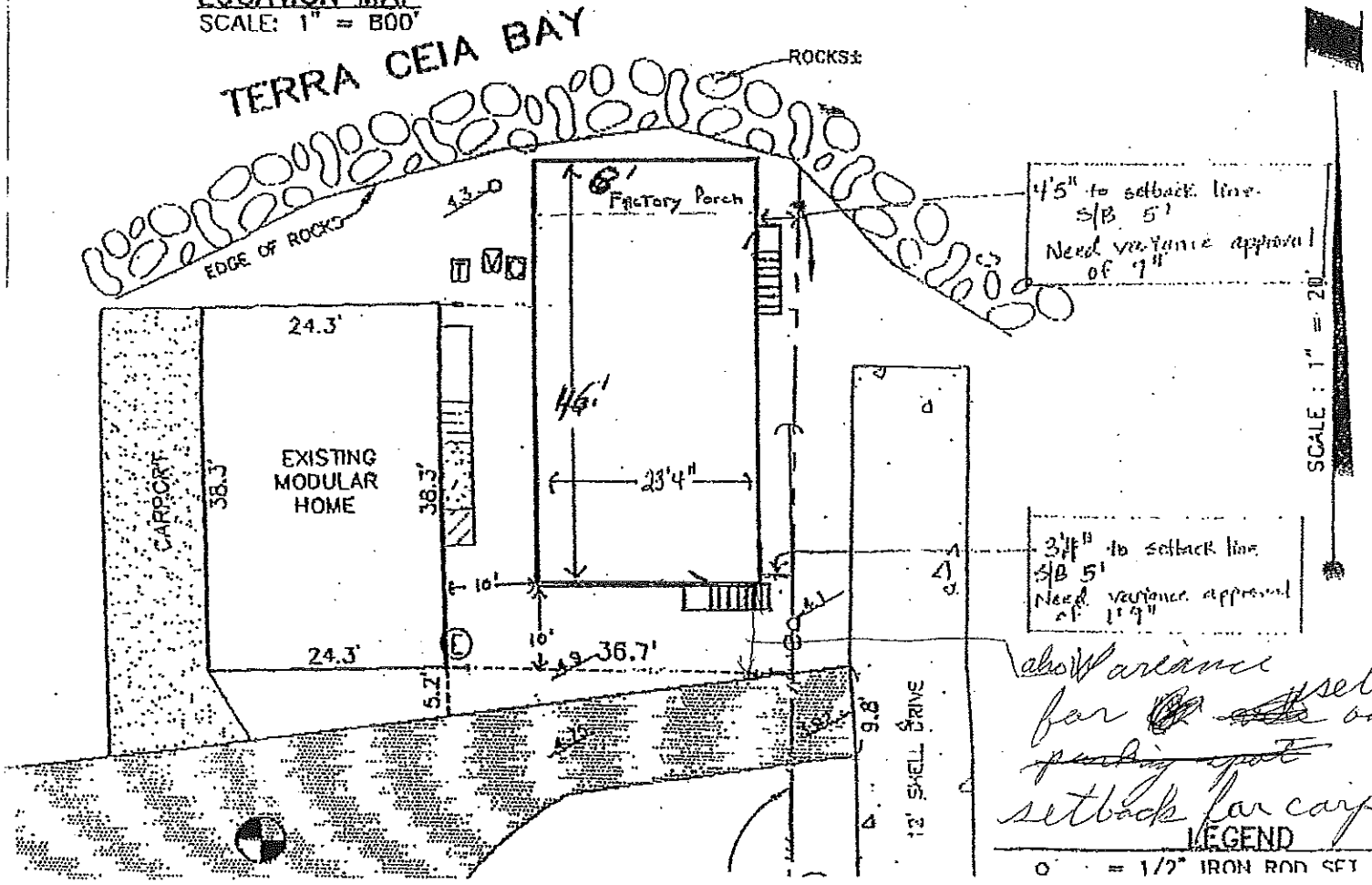
CONTROL SURVEY
 FOR VERTICAL CONTROL
 (SEE NOTE #1)



LOCATION MAP
 SCALE: 1" = 800'

NOTES:

1. TOPOGRAPHY SHOWN HEREON FOR THIS CONTROL SURVEY LIMITED TO THAT REQUIRED TO OBTAIN LOCAL PERMITS.
2. ELEVATIONS SHOWN HEREON REFER TO NATIONAL GEODETIC VERTICAL DATUM 1929 AND ARE UNDERLINED.
3. THE SUBJECT LAND LIES IN ZONE A10 OF THE FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY-PANEL NUMBER 120159-001 (DATED 11/16/83). BASE FLOOD ELEVATION OF 11 FEET RE BY FEMA. SUBJECT TO VERIFICATION.



allow variance for setback on parking spot
setback for carport
LEGEND
 0' = 1/2" IRON ROD SET



November 20, 2009

Mr. Tom McCollum
City Planner
City of Palmetto
516 8th Avenue West
Palmetto, Florida 34221

RE: Jim and Louis Watson- 122ABahia Drive, Tropic Isles

Dear Tom,

This letter notifies the City of Palmetto that Manatee Fruit Company has no objection allowing Mr. & Mrs. Jim Watson to erect a new manufactured home located at 122A Bahia Drive, Tropic Isles. The placement of the new manufactured home will allow the Watson's to erect the new home with a final set back 3 to 4 feet verses the 5 foot required setback.

Please see the attached plot plan drawn on a survey provided by the Watson's to show the location of the new home on the property. The non objection letter is specific to this new structure as shown on the attached survey and does not address any other rights or requirements provided.

Sincerely,

A handwritten signature in black ink, appearing to read "Whiting Preston", written over a circular stamp or mark.

Whiting Preston
Manatee Fruit Company

Post Office Box 31
Bradenton, Florida 34206
Phone 941 721 0600
or 721 0712
Fax 941 721 0805

Tropic Isles Architectural & Dock Review Committee

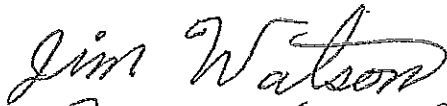
March 10, 2008

The Request By Jim & Lois Watson of 122A Bahia Dr. to remove the dwelling at that address and replace it with a double-wide mobile home with dimensions of 23' 4" wide and 46' long is approved with the following conditions:

1. Mr. Watson must produce a variance from the City of Palmetto that permits his home to be 4'5" from the East property line at the North end of the building and 3'3" on the South end of to building before demolition of the current building may begin.
2. Mr. Watson acknowledges that the plan as it exists will prevent excavating equipment from the North side of his proposed building making maintenance or the stone sea wall difficult and agrees to maintain the sea wall to the same condition that his neighbor's seawall is maintained by the co-op. This provision shall be passed on to the new owner when the share is sold and all subsequent owners.
3. Before construction may begin, the builder must submit a plan to the A.R.C., to dispose of all water that has landed on the building roof and paved areas to prevent wash-out of his and his neighbor's lot and street flooding.
4. The Height of the building must meet minimum city requirements.

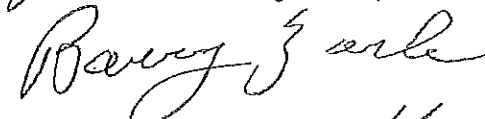
Jim Watson

Requestor



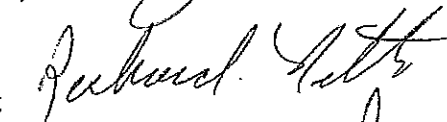
Barry Zarle

President



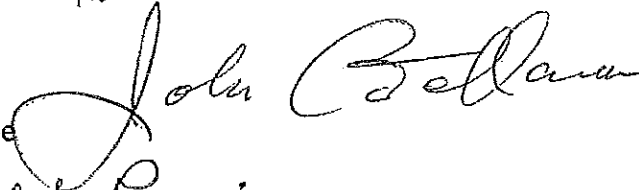
Richard Nitti

Vice President



John Castellana

Architectural Review Committee

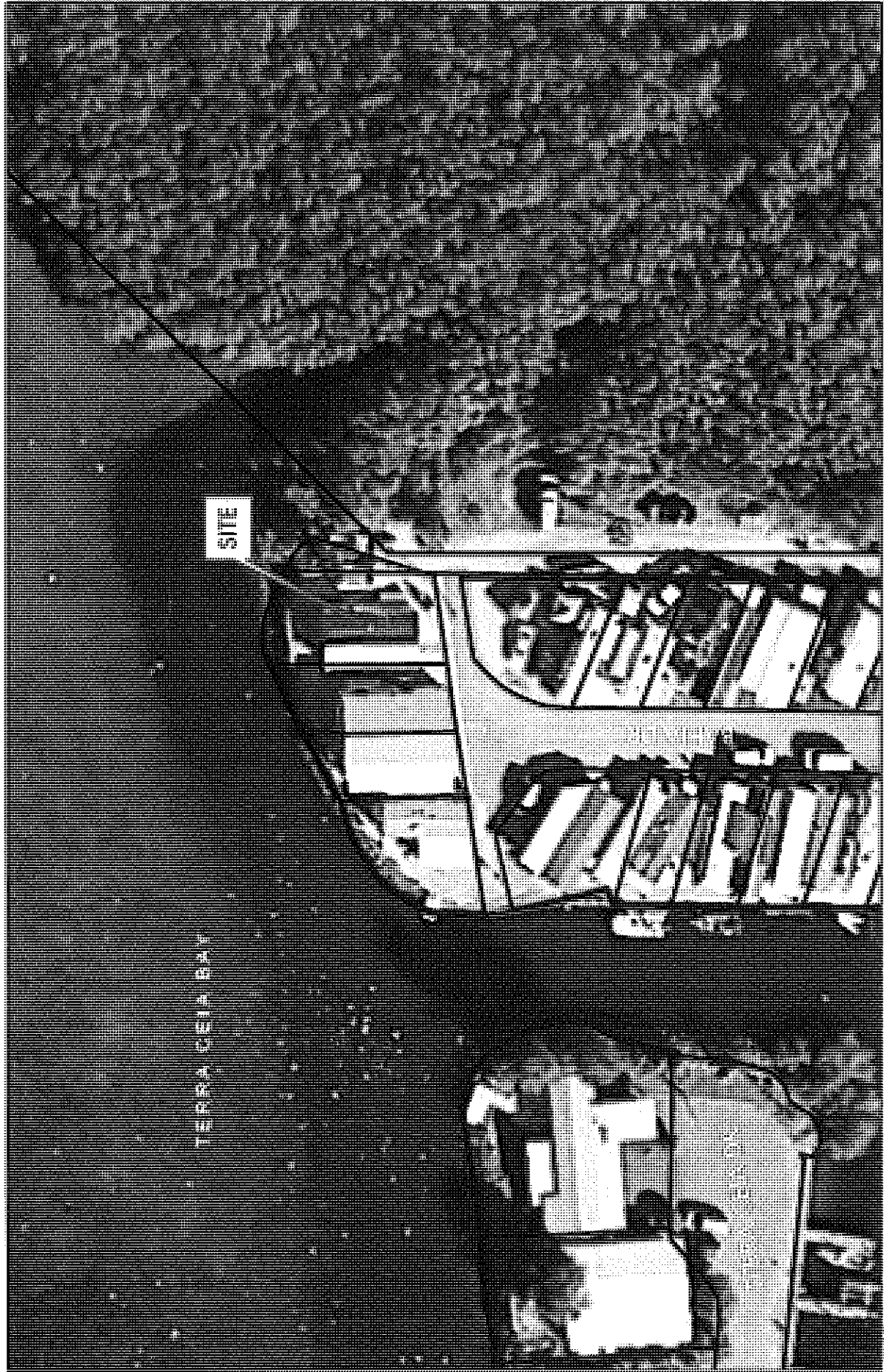


Wendell Piper

Architectural Review Committee



AERIAL



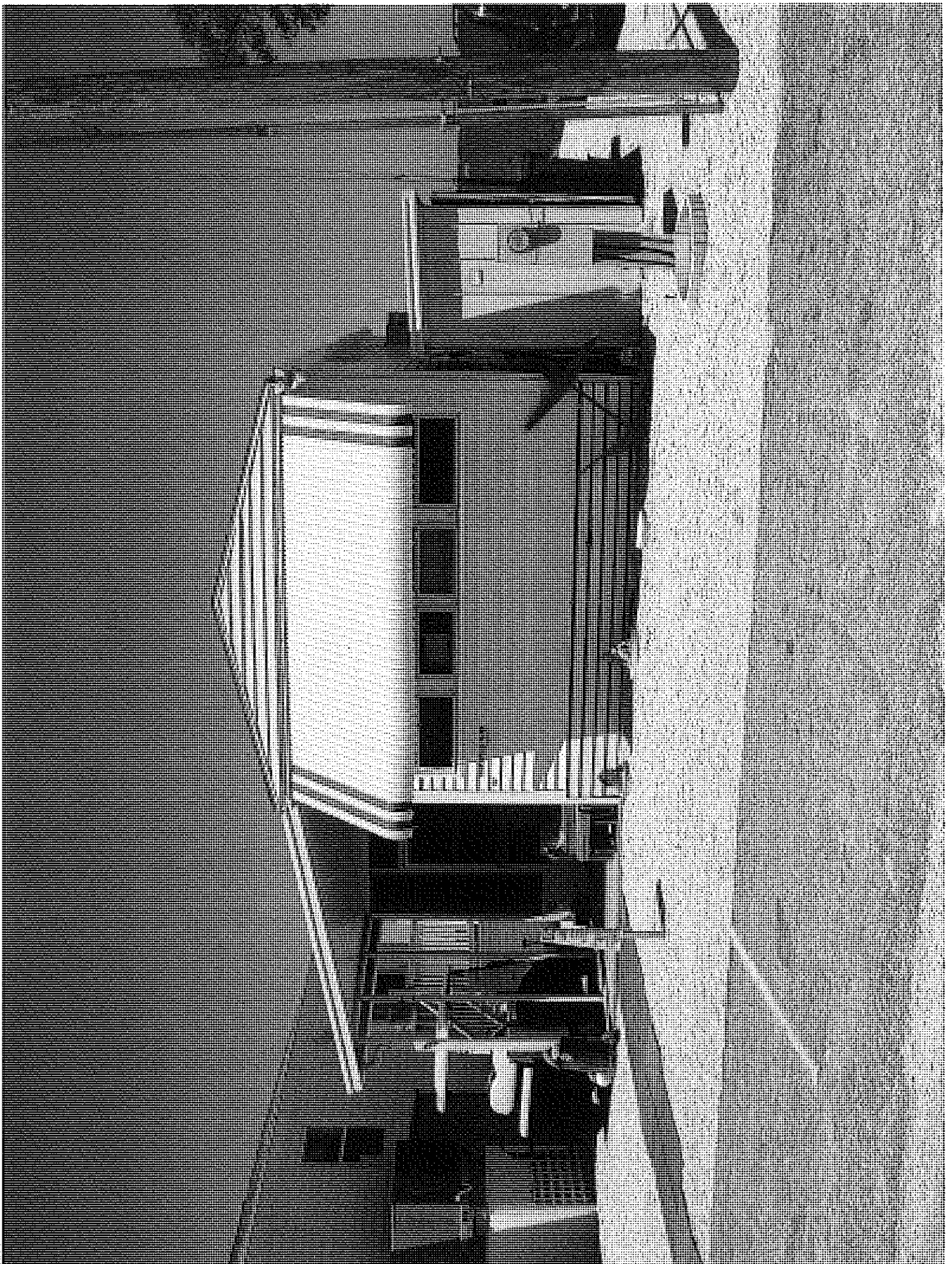
THIS MAP IS PROVIDED FOR GRAPHICAL REPRESENTATION AND GENERAL REFERENCE ONLY. THE DATA CONTAINED HEREIN IS SUBJECT TO CHANGE AND IS NOT WARRANTED.

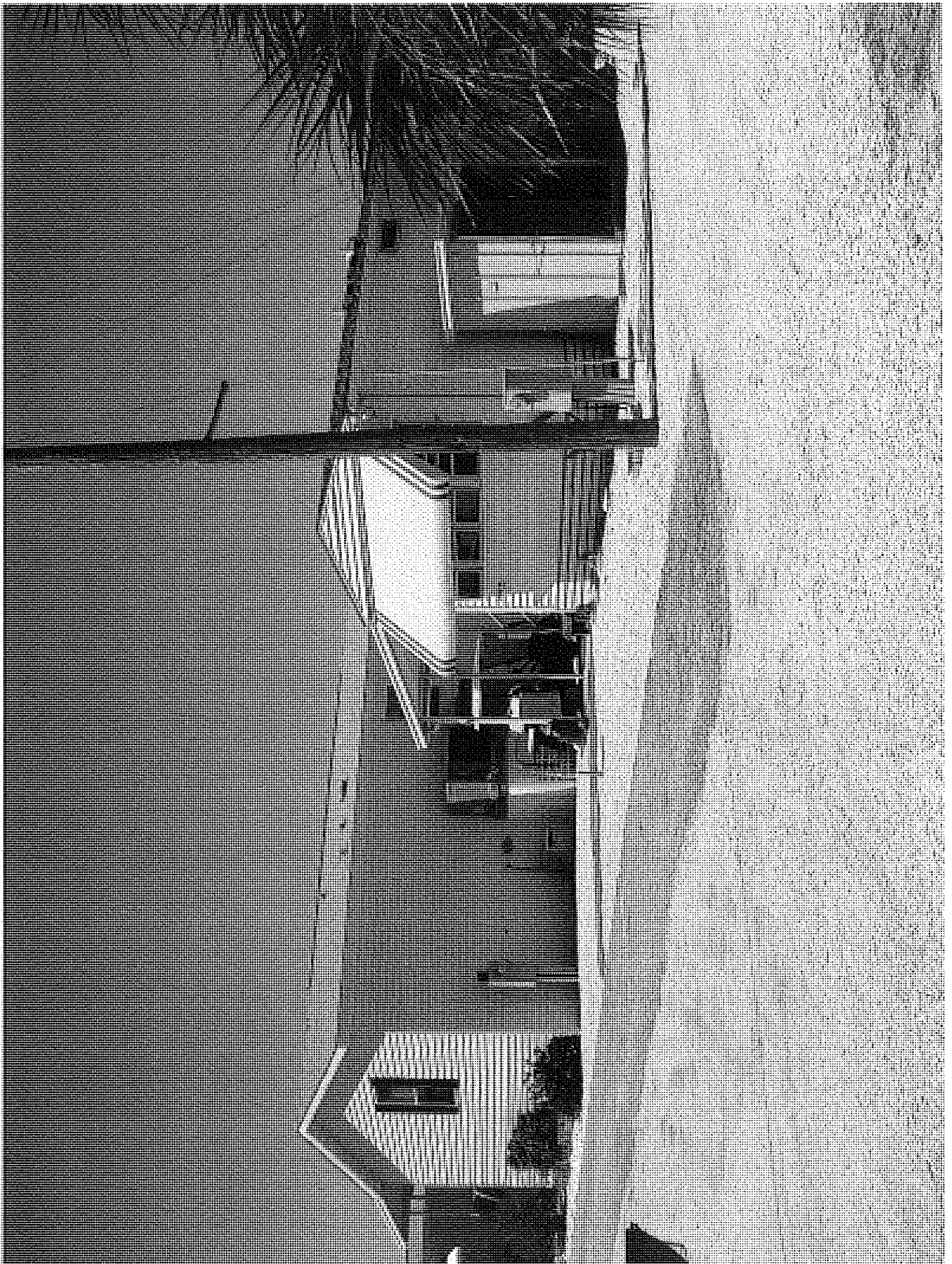
WATSON VARIANCE

SCALE: 1" = 50'
SOURCE: MANATEE COUNTY

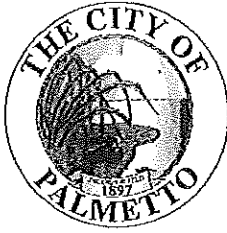


201 SILAS BEECHER BLVD. SUITE 100
KNOXVILLE, TENNESSEE 37921
TELEPHONE: 941.748.8000 FAX: 941.748.3116





VAR-2010-01



City of Palmetto Florida Variance Requests

ID	Variance ID
	VAR 2010-01

Owner Information

Prefix	First Name	Last Name		
MR	LAWRENCE	WATSON		
Suffix	Title	Organizational Name		
Address				
122 BAHIA DR				
City	State	County	Postal Code	
PALMETTO	FL	MANATEE	34221	
Home Phone	Work Phone	Fax Number	E-mail Address	
941-779-6279			LJW129@HOTMAIL.COM	

Property Information

Property Address			
122 BAHIA DR			
Property Size			
32 X 60' DEEP			
DPID	Property Section	Property Township	Property Range
2925504559			
Property Blocks	Property Lots	Existing Use	

Legal Description:

<i>Attach if Necessary</i>
Unit 122A Tropic Isles Co-OP x lnc. P1 # 292550455/9

Current Future Land Use Classification	Proposed City Future Land Use Classification	Current Zoning Classification	Proposed City Zoning Classification
Site:	Site:	Site:	Site:
North:	North:	North:	North:
South:	South:	South:	South:
East:	East:	East:	East:
West:	West:	West:	West:

Variance from what?
Project description
INSTALL A 24'X44' DOUBLE WIDE

Please include the following with the application:

Written Statement Demonstrating:

Special conditions or circumstances, which are peculiar to the land, structure or building, which are not applicable to others in the same district.

--

That interpretation of the provisions of this code would deprive the applicant rights commonly enjoyed by other properties in the same district.

--

That the special conditions and circumstances do not result from the action of the applicant.

--

That granting the variance will not confer on the applicant any special privilege that is denied by this ordinance to others in the same district.

--

Survey Map Showing Property and Vicinity (to scale)/Site Plan

Copy of Deed

Owner Authorization

Fee (\$200)

Shall pay advertising costs

The names and addresses can be obtained by providing the Property Appraiser's Office, 915 4th Ave. W. in Bradenton, FL 34205. Ph: 941-748-8208 and FAX 941-742-5664, with the Data Processing Number (Parcel ID) of your property.

The owner of this property and the undersigned agree to conform to all applicable laws of the City of Palmetto and to all applicable Federal, State, and County laws.

Lawrence J. Watson

Signature of Applicant or Agent

Date

Date public notified

Date of hearing
