

Tab 4

BLANTON VARIANCE (VAR-2011-01)
249 Aloha Dr. Tropic Isles

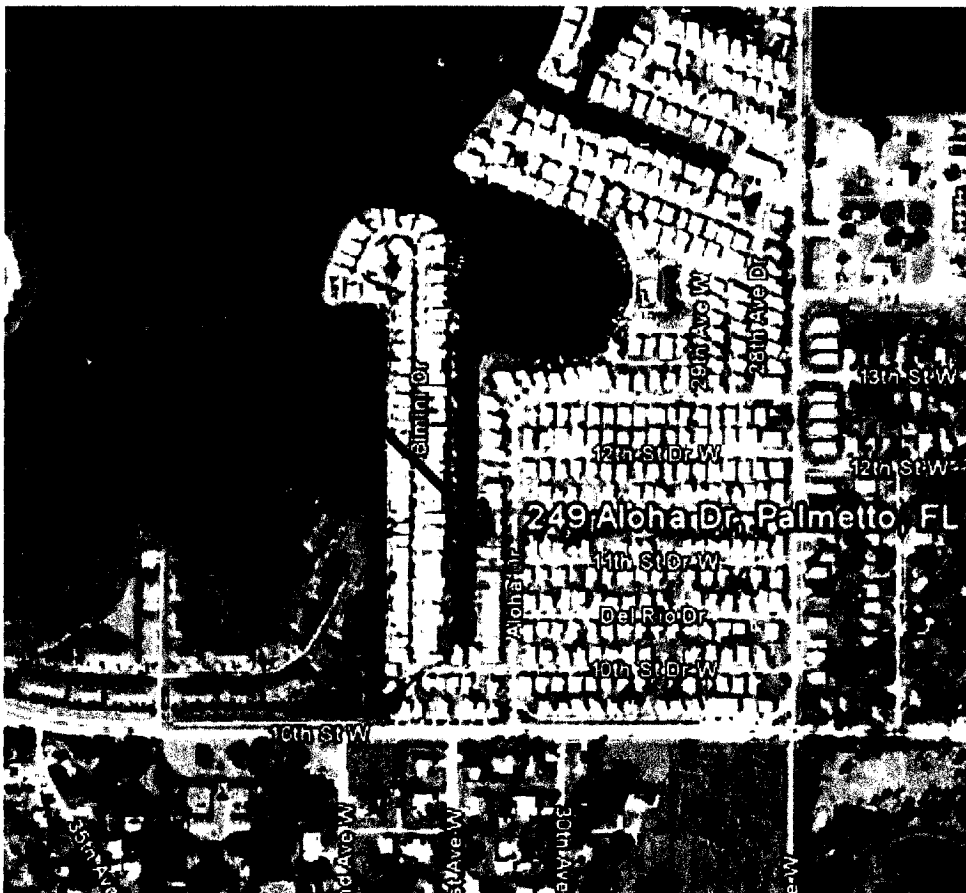
**Staff Report
Variance (VAR-2011-01)
249 Aloha Drive
Tropic Isles MHP**

BACKGROUND:

Randy Blanton, the owner of a mobile home at 249 Aloha Drive, is requesting a side setback variance of 5 foot 4 inches from the required 10 foot side setback requirement for a proposed carport replacement that will be 4 foot 8 inches from the adjacent mobile home unit to the east.

GENERAL LOCATION/PARCEL SIZE:

Location: 249 Aloha Drive in Tropic Isles MHP
Parcel ID: 2925517509; S34-T17-R16



*VAR-2011-01
249 Aloha Drive
Tropic Isles MHP
January 12, 2011*

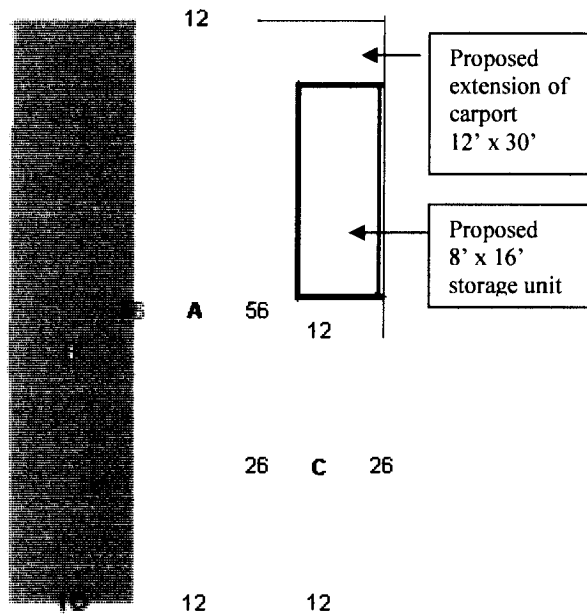
EXISTING LAND USE/ZONING CATEGORY:

Future Land Use: RES-10
Zoning: MHP-1

ACTION REQUESTED

The applicant is requesting a variance from the required 5 foot side yard setback from each mobile home unit to construct a carport with metal awning and to add a storage shed beneath the carport.

According to the information provided by the applicant, the lot is approximately 40 by 100 feet. Of the 40 foot width, the existing mobile home takes up 22 feet and Section 6.16(d) of the Code requires a 12 foot wide carport leaving 6 feet. Section 4.3 of the Code requires a 5 foot side yard setback resulting in 10 feet between mobile home units. The application shows a separation of 6'6" and 4'8" from the neighboring mobile homes to the west and east respectively while the Code requires 10 feet on each side. The applicant indicated that there was existing encroachment into his side setback when he purchased the mobile home in 2009. This would be difficult to confirm since the applicant does not own the lot/land and the setback line is vague.



- A: Original mobile home
- B: Originally a porch that was enclosed as additional living space in 2009

VAR-2011-01
249 Aloha Drive
Tropic Isles MHP
January 12, 2011

C: Existing carport

Sec. 6.16 - Mobile home park requirements.

(d) *All lots upon which mobile homes are placed or setup shall have carports twelve (12) feet by twenty (20) feet or larger, with a driveway constructed of asphalt, concrete, brick, or paver block. All awnings must have tie-downs.*

(f) *No boats, boat trailers, utility trailers or travel trailers shall be placed on any individual lot within this district; except that owners of such lots may keep them in carports.*

Sec. 4.3 - Schedule of area, height, and placement regulations.

	Minimum Lot		Required Yards (Ft.)	Corner	Maximum		
	Area	Width				Height	
District	(Sq. Ft.)	(Ft.)	Front	Side	Rear	Corner	(Ft.)
MHP-1	4,000	50	5	5	5	5	35

Sec. 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. Structural 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.

According to the Craig Smoot, Community Association Manager of Tropic Isles Co-operative Association, the mobile home park was founded in 1955. Chapter 16, Sec. 16-19 (adopted in 1966) required a minimum lot width of 50 feet and a minimum setback of 5 feet on all sides. Therefore, there were 11 years of unregulated placement of mobile homes resulting in numerous legal nonconformities and additional nonconformities created over the years by property owners who neglected to secure building permits. Consequently, the existing lot sizes within Tropic Isles MHP that are less than 50 feet

wide are probably legal nonconforming.

The applicant's justification for this request is attached to this Staff Report.

VARIANCE PROCEDURES

In accordance with Section 13.6, Appendix B: the Zoning Code, the following procedures must be met for approval:

(a) A written application for a variance is submitted to the zoning administrator demonstrating:

(1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, buildings, or structures in the same district;

Tropic Isles Mobile Home Park is one of the City's oldest mobile home parks containing numerous nonconforming lots. The lot frontage along Aloha Drive is predominantly 40 feet wide which makes it difficult to meet setbacks designed for a 50 foot wide lot. These are special conditions peculiar to the subject property that are not applicable to other lots in other mobile home parks.

(2) That literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code;

It appears that numerous substandard lots exist throughout this mobile home park which may have preceded the adoption of zoning. The applicant provided photographs showing other examples of development along Aloha where side yard setbacks are less than the required 10 feet. A cursory review of variance applications within Tropic Isles MHP revealed another application for setback variances that was approved in 2010.

(3) That the special conditions and circumstances do not result from the actions of the applicant; and

The applicant purchased an existing non-conforming lot with a nonconforming structure that did not meet dimensional/setback requirements of the MHP-1 district regulations. There are no records on file at the Building Department indicating that permits were pulled for the original structures. The applicant was in the process of making improvements in the proper manner when he was informed by the Building Official that a variance would be required to extend the existing carport. Tropic Isles Co-Op Inc. Rules and Regulations require the shed/utility building to be

attached to the carport roof which would in turn require the carport extension.

(b) No petition for a variance may be considered by the Planning and Zoning Board until public notice has been given of a public hearing.

Public notice requirements of the public hearing have been met.

(c) The Planning and Zoning Board shall make findings that the above notice requirements have been met.

Public noticing requirements have been met.

(d) The Planning and Zoning Board shall make findings that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The existing carport is set back 4' 8" from the adjacent mobile home on the east. This existing nonconformity extends 26 feet, the length of the existing carport. The proposed variance is to extend the 4' 8" setback (nonconformity) another 30 feet to the back of the mobile home so that a storage unit (8' by 16') can be constructed as part of the carport.

Reasonable use of the land would be denied without the approval of this variance as the applicant would not be able to meet the carport requirements of Tropic Isles Co-Op Inc. Since this variance request is an extension of pre-existing nonconforming (4' 8" setback), it is staff's opinion that the extended carport with the attached storage unit would result in a neater, more compact mobile home unit that would be an improvement over the current arrangement with a free standing storage unit.

ACTION REQUESTED

The Planning and Zoning Board shall make findings that the granting of the variance will be in harmony with the general purpose and intent of this code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The applicant's justification for the variance notes that the majority of mobile home units on Aloha Drive cannot meet the 5 foot side setbacks in addition to Tropic Isles' carport requirements.

Staff recommends Approval for the following reasons:

- (1) There is undue hardship from the legal nonconforming lot involved.**
- (2) There are conditions peculiar to the land. The owner does not own the land so there are no distinct property lines.**
- (3) The applicant has proceeded in good faith to improve his property and comply with the Tropic Isles' carport requirements. However, this variance is required to extend the carport and install the storage building.**
- (4) The proposed structural change will extend the 4' 8" setback that is already established with the existing carport. The variance would allow the storage building to be attached to the carport, as required by Tropic Isles' Co-Op Inc.**

STAFF RECOMMENDATION:

Staff recommends approval of variances recognizing the existing 6'6" and 4'8" side yard setbacks to the west and east respectively.

PLANNING AND ZONING BOARD DECISION:

The Planning and Zoning shall **APPROVE, APPROVE WITH CONDITION(S) or DENY** the proposed Variance.

VAR 2011-01



City of Palmetto Florida Variance Requests

ID	Variance ID
	VAR 2011-01

Owner Information

Prefix	First Name	Last Name	
	Bandy	Blanton	
Suffix	Title	Organizational Name	
Address			
249 Aloha Dr			
City	State	County	Postal Code
Palmetto	FL	Manatee	34221
Home Phone	Work Phone	Fax Number	E-mail Address
813-741-1956	813-625-3391		Jabshaba@msn.com

Property Information

Property Address			
249 Aloha Dr			
Property Size			
40' x 100' Approx. mate			
DPID	Property Section	Property Township	Property Range
Property Blocks	Property Lots	Existing Use	

Legal Description:

<p><i>Attach if Necessary</i></p> <p>SEC: 16 TASHP: 34 S RAG 17E Unit: 249 Tropic Isles Co-op inc PI # DAD 249 Aloha Dr 29535.1750/9 2985517509</p>
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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?
 5'4" Variance in lieu of 10' requirement for side setback for carport

Project description
 Concrete slab with metal awning + Storage shed built underneath

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.

The majority of the home owners in the park have this setup (extended carport + storage shed)

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

Majority of residents in Park have extended carports with storage shed underneath. This is a stipulation in Tropic Isles Rules + Regulation (3.6)

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

When we purchased the mobile home, the neighbor's mobile home is already 2'6" too close to our side setback

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.

This setup is a Tropic Isles requirement + this addition has been approved by Tropic Isles Architectural Committee.

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

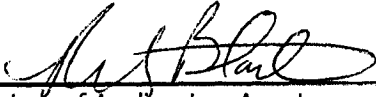
Copy of Deed

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.



Signature of Applicant or Agent

12-2-2010

Date

Date public notified

Date of hearing

← CANAL →

24'
SLN
NTS

PORCH

STORAGE
UNIT
8' x 16'

SHED

EXTG
MOBILE HOME
12' x 56'

EXTEND CARPORT
12' x 30'

NEXT
STRUCTURE

NEW
ADDITION
10' x 56'

CARPORT

6'6"

4'8"

EXTG
CARPORT
12' x 26'

SITE PLAN: 1/8" = 1'0"

RANDY BLANTON
249 ALOHA DR
PALMETTO, FL 34221

26'
SLN
NTS

← ALOHA DRIVE →

Front

248 Aloha



249 Aloha



250 Aloha

250 Aloha



Back

249 Aloha



248 Aloha

Extension of carport + construction of non combustible storage shed
Removal of free standing metal shed

Other residents on
Aloha Drive with
This Setup



RULES & REGULATIONS

of

TROPIC ISLES CO-OP, INC.

A 55+ Mobile Home Community

Adopted by the Board of Directors

September 24, 2008

3.3 **Set Up Requirements.** Newly installed mobile homes and park models must be set up to include the following appurtenances within thirty (30) days from the date of placement on the Unit:

- A. Carport and/or garage;
- B. Concrete driveway or brick pavers to the street;
- C. Utility building;
- D. Concrete foundation to support skirting;
- E. Split block, horizontal siding or decorative skirting around the Dwelling that allows ventilation under the Dwelling. No fiber board, plywood or decorative paneling may be used.
- F. Fully sodded lawn and/or other approved alternative landscaping materials.

3.4 **Standards.** All mobile homes, park models and recreational vehicles within the Community must meet, at any time and from time to time, the then current Association –established standards respecting the maintenance of mobile homes, park models and recreational vehicles, fire standards, health standards, and any and all other standards as further imposed respecting the manufacture of mobile homes and recreational vehicles (if applicable) by federal and state agencies, Florida Statutes §719 and §723, inclusive of the Department of Housing and Urban Development.

3.5 **Exterior.** Installation of utility buildings, steps, porches, canopies and other exterior accessories must be approved by Management before installation as to the size, material, location, color and construction in compliance with both the current City Code and Association requirements. No new structures or exterior renovations or additions to existing structures will be allowed until Resident submits drawings and specifications to Management and receives written approval to make said renovations or changes.

Requests may be disapproved solely on the basis of aesthetic standards established at the discretion of the Association. If a Resident is not doing the work himself, the work must be completed by a licensed contractor. All work performed by either the Resident or a licensed contractor must meet current City and County Regulations, and all required permits must be obtained and displayed. Contractors (other than those approved by Management) must file proof of Worker's Compensation Insurance and financial responsibility with Management.

3.6 **Sheds, Carports, Driveways, etc.** Only one (1) utility building per dwelling may be installed and it must be attached to the carport roof (except in the case of park models or recreational vehicles). All carports must be covered by an awning. All materials, including screening, steps and skirting must be new materials unless approved by Management. No lockers or shelving may be used in the carport. All garage or storage cabinet additions must be approved by Management.

June 14, 2010

**Mr. Blanton
249 Aloha
Palmetto FL 34221**

Dear Mr. Blanton

The Architectural Review Committee has reviewed your request to make renovations to your unit.

We are happy to approve your request to extend your carport and add a new shed and your room addition. And new roof over

The contractor must be licensed, insured and have workman compensation papers on file in the Tropic Isles office prior to starting work.

Please note that you and your contractor are responsible for obtaining all permits necessary and you must adhere to all City of Palmetto, Manatee County and State of Florida codes and regulations.

You are responsible for any damages to any utilities or any other properties near your unit.

Any deviation from the new drawings/photos submitted will null and void this approval.

Sincerely,

**Richard Fahrenholz, Chairman
Barry Zarle, Member
Tex Rau, Member
Loretta Clemmer, Member
Ann Miller
John Stuart**