

**VARIANCE NO. NO. VA-25-09  
Manatee County Lift Station Building  
PLN2510-0235**

**FINAL ORDER OF MANATEE COUNTY HEARING OFFICER KELLY FERNANDEZ ON BEHALF OF MANATEE COUNTY GRANTING VARIANCE NO. VA-25-09 TO ALLOW A VARIANCE TO THE SETBACK REQUIREMENTS IN THE NEIGHBORHOOD COMMERCIAL MEDIUM (NC-M) ZONING DISTRICT TO REDUCE THE REQUIRED REAR YARD SETBACK FROM 20 FEET TO 1.17 FEET AND THE REQUIRED WEST SIDE YARD SETBACK FROM 10 FEET TO 3.83 FEET, FOR A SITE LOCATED AT 8720 CORTEZ ROAD W, BRADENTON, 34210 (MANATEE COUNTY) ON APPROXIMATELY 0.18 ACRES (PARCEL ID 750061006); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Manatee County adopted the Manatee County Land Development Code (LDC), Manatee County Ordinance 15-17, as amended; and

**WHEREAS**, pursuant to the LDC, the Hearing Officer has the authority to grant variances; and

**WHEREAS**, Manatee County requested a Variance to reduce the rear yard and west side yard setbacks in the Neighborhood Commercial Medium (NC-M) zoning district from 20 feet to 1.17 feet for the required rear yard setback and from 10 feet to 3.83 feet for the required west side yard setback for a lift station due to bona fide staff error; and

**WHEREAS**, on April 20, 2026, the aforementioned Hearing Officer held a public hearing to receive the staff report, applicant, and public comment, and argument regarding the proposed Variance.

**NOW, THEREFORE**, after consideration of the application for Variance 25-09 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 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 subject property is in the P/SP-1 (Public/Semi-Public 1) Future Land Use Category.
- B. The subject property is in the Neighborhood Commercial Medium (NC-M) zoning district.
- C. The request is to approve a Variance to reduce the required rear yard setback from 20 feet to 1.17 feet and the required west side yard setback from 10 feet to 3.83 feet for a lift station.
- D. The building permit application was submitted in April 2024 and the building permit site plan was approved on August 8, 2024 with the incorrect setbacks.
- E. Not until nearly the time of final inspection were the setback errors identified.

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- F. Manatee County staff recommends approval of the Variance due to the bona fide staff error of approving the building permit application with the incorrect setbacks.
- G. The site lies in AE Zone, Panel #12081C0191F, effective 8/10/2021.

**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 Manatee County 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 LDC.
- B. The applicant has the burden of proving entitlement to the Variance sought. See *Gomez vs. City of St. Petersburg*, 550 So. 2nd 7 (Fla 2nd DCA 1989).
- C. The variance is not the type prohibited by Section 367.2 of the LDC.
- D. The variance meets the applicable criteria set forth in Section 367.5 of the LDC.
- E. There were bona fide staff errors in approving a building permit application that reflected incorrect setbacks.
- F. The conditions upon which the request for a variance is based are unique to the parcel, and do not appear to be applicable to other properties within the vicinity.
- G. The variance is not based on any conditions, including financial, occupational, or ability, which are personal to the applicant as applied to the property involved in the application.
- H. The alleged hardship was not created by any person presently having an interest in the property and was created, in part, as a result of a bona fide staff error.
- I. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity.
- J. The variance will not substantially increase the congestion in the public streets, or increase the danger of fire, or endanger public safety.
- K. The variance is the minimum variance that will make possible the reasonable use of the property given the bona fide error.

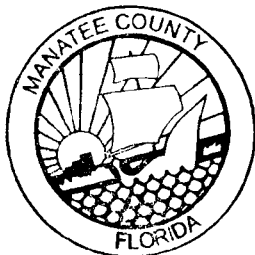
**Section 3. Order.** Based upon the foregoing, a Variance is hereby approved and issued to Manatee County for a property located at 8720 Cortez Road W, Bradenton, as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference, reducing the required rear yard setback from 20 feet to 1.17 feet and the required west side yard setback from 10 feet to 3.83 feet, subject to the following stipulation:

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 order is received by the Development Services Department.

**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 Variance 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 Building and Development Services Department.

ORDERED ON BEHALF OF MANATEE COUNTY this 2<sup>nd</sup> day of June, 2026.



MANATEE COUNTY, FLORIDA

BY: Kell S, as  
Hearing Officer for Manatee County

ATTEST: ANGELINA COLONNESO,  
Clerk of the Circuit Court

BY: Wabi Jessner  
Deputy Clerk

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**EXHIBIT "A"**

BEG AT SE COR OF GOVT LOT 1, TH RUN W ALG N R/W LN OF S R 684, A DIST OF 900 FT TO POB, TH CONT W ADJACENT TO & PARALLEL WITH SD R/W LN A DIST OF 100 FT, TH N & PARALLEL WITH E LN OF SEC 1, A DIST OF 80 FT, TH E & PARALLEL WITH SD S R R/W A DIST OF 100 FT, TH S & PARALLEL WITH SD SEC LN A DIST OF 80 FT TO POB AS DESC IN ORB 614 PG 928 PRMCF P-3-1 PI#75006.1000/6

