

AUGUST 18, 1993

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, August 18, 1993, at 3:12 p.m.

Presiding was: James Paulmann

Also present were:

Mark P. Barnebey, Assistant County Attorney
Evelyn M. Lloyd, Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

News media notified, but not present.

All witnesses/staff giving testimony were duly sworn.

MINUTES

Mr. Paulmann approved the minutes for July 21, 1993.

(Court reporter, Joanne Zeck, present.)

SPECIAL PERMIT

Public hearing (Notice in The Bradenton Herald 7/30/93) was held to consider

SP-93-07 ERVIN BELL

Request: Special Permit to allow a manufactured home as a caretaker's residence in the A-1 zoning district on 5.07 located on the south side of Myakka-Wauchula Road between S.R. 64 and S.R. 70. If approved, staff recommended Conditions:

1. This Special Permit 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, Permitting and Inspections Department.
2. The plot plan submitted with this application shall be part of this approval.
3. This Special Permit shall be granted for a time period of three years.
4. The existing manufactured home on the site shall be replaced with a new manufactured home within 60 days of approval of this Special Permit and shall maintain a 300 foot building setback from the front property line and a 100 foot building setback from the sides and rear property lines.

Norm Luppino, Planning, Permitting and Inspections, pointed out the location of the subject property on a site map. He noted the future land use, the surrounding land uses, and the location of other mobile homes in the area.

He reported that this manufactured home was approved in 1977 (SE 999) and that the permit expired in 1982.

Mr. Luppino advised that this request would have to be approved as a caretaker's residence and as an accessory use to the principle use of agriculture. He defined "Use, Accessory" and stated the applicant has three horses on the property; however, staff does not feel that a mobile home as a caretaker's residence is accessory to such a limited number of agricultural animals. He also questioned whether the property owner could qualify as the caretaker of the residence.

Betsy Benac, Planning, Permitting and Inspections, stated that when the applicant applied for this permit, he had no animals on the site.

Mark Barnebey, Assistant County attorney, stated that in this case, "caretaker" is not a bona fide agricultural use.

Ms. Benac submitted a letter (6/2/93) from the applicant reporting on his planned future use of the property.

Mr. Luppino stated that staff finds this request to be incompatible with the zoning and predominant land uses in the area, and with the orderly development this area has been experiencing. He also stated that mobile homes are considered temporary uses in agricultural zoning.

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(Cont'd)

Ms. Benac recommended that if this request is considered, the maximum renewal period in Condition 3 be for two years.

Discussion: Special Permit Criteria 1, 2, and 3, referring to buffering/incompatibilities, and the terms "detrimental" and "impeding development."

Mr. Luppino stated that he does not consider this to be an agricultural operation, and that this request does not meet the requirements of Sections 703.2.36, 704.40, or Special Permit Criteria of Chapter 5 of the Code.

Rita Smith, Planning, Permitting and Inspections, testified that she was at the site approximately two months ago and did not see any agricultural operations on the site other than three horses and a cage that may have housed a rabbit.

Irene Medina, Planning, Permitting and Inspections, outlined the process whereby the applicant received notices and signs for posting. The procedures for sending the notices and posting the signs were explained to the applicant several times.

Mr. Barnebey submitted a draft copy of recommended Notice of Intent to Deny and proposed Final Order for consideration and advised that staff does not believe it meets the Code criteria as a security/caretaker residence but believes it to be the principle use of the property.

He stated staff does not believe the intended use, current use, or any use in the recent past, has been that of an agricultural operation. The A-1 zoning does not permit a mobile home as a principle use; therefore, it does not meet the criteria of either Chapter 5 or 7 of the LDC.


Mr. Paulmann reviewed the provisions of Section 502.6.6.7 of the LDC. He also advised he would not need a transcript of this hearing.

HEARING ADJOURNED

There being no further business, the hearing was adjourned.

Attest:

APPROVED:


 Clerk
 Adj. 3:40 p.m.
 /apm


 Hearing Officer 7/20/94