

OCTOBER 7, 1993

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, October 7, 1993, at 3:05 p.m.

Presiding was: James Paulmann

Also present were:

Mark P. Barnebey, Assistant County Attorney
Susan G. French, Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

News media notified, but not present.

All witnesses/staff giving testimony were duly sworn.

(Court Reporter, Joanne Zeck present)

SPECIAL PERMIT

Public hearing (Notice in The Bradenton Herald 9/20/93) was held (reopened) to consider

SP-93-07 ERVIN BELL

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

If approved, staff recommended the following 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.

The public hearing was reopened by request of Mr. Paulmann because there were concerns about public hearing procedures, special permit process regarding manufactured homes, and issues relating to Mr. Bell presenting his case to indicate compliance with Land Development Code (LDC).

Betsy Benac, Planning, Permitting and Inspections, addressed notification requirements, in particular, whether or not Mr. Bell had received adequate public notice of the staff report. The report was mailed to the address provided on the application by Mr. Bell.

Norm Luppino, Planning, Permitting and Inspections, addressed major issues in the letter (dated 8/27/93) from J. Darryl Head, representing Ervin Bell, applicant.

Discussion: Code conformance; expired permit; Code Enforcement action on expired mobile homes; A-1 zoning only allows mobile homes for a caretaker; definition of a caretaker; accessory to an active agricultural operation.

Darryl Head, representing Mr. Bell, outlined the history of the property. At the time the prior permit (SE-999) expired, Mr. Bell did not own the property. He purchased the property in 1987 with a clear title. Mr. Bell owns three horses and an individual lives on the property as a caretaker. Mr. Head stated the applicant has met all the conditions, with the exception of the 850-foot setback from a single-family residence.

Discussion: Number of horses; caretaker; requirement that there be a bona fide agricultural use; definition of agricultural; administrative permit; etc. bonafide

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(Cont'd)

Ms. Benac advised that staff recommended denial since there was not a bona fide agricultural operation on the site.

Recess/Reconvene.

Mark Barnebey, Assistant County Attorney, advised the mobile home could qualify for a caretaker's residence, assuming the applicant is granted the special permit.

Mr. Paulmann addressed concerns on how Manatee County is dealing with the equity issue of mobile homes and whether or not the special permit process should be necessary.


Mr. Paulmann reviewed the provisions of Section 502.6.6.8 of the LDC and requested a transcript of the hearing.


HEARING ADJOURNED

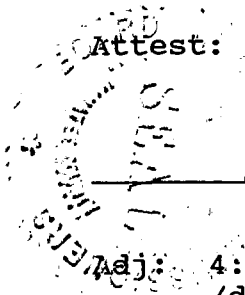
There being no further business, the hearing was adjourned.

Attest:

APPROVED:



Clerk

Hearing Officer 7/20/94

Adj: 4:00 p.m.
/dmo