

**JANUARY 15, 2003**

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, January 15, 2003, at 4:00 p.m.

Presiding was: Susan Hartmann-Swartz

Also present were:

Jeffrey Steinsnyder, Deputy Chief Assistant County Attorney  
Quantana Acevedo, Deputy Clerk,  
representing R. B. Shore, Clerk of Circuit Court

All witnesses and staff giving testimony were duly sworn.

**AGENDA**

The agenda of January 15, 2003, and sign-up sheet.

[HO20030115DOC001](#)

(Court Reporter, Joanne Zeck, present)

**SPECIAL PERMITS**

Public hearing (continued from 1/2/03 and Notices in the *Bradenton Herald* 1/3/03 and *Sarasota Herald-Tribune* 1/5/03) was held to consider

**PDC-98-01/SP-02-03 53RD AVENUE CAFE**

Request: Special Permit for a 2-COP Alcoholic Beverage License as an accessory use for a restaurant within the Market Place West shopping center; on 16.28 acres located on the southwest corner of 34th Street West and 53rd Avenue West at 3550 53rd Avenue West; current zoning is PDC.

If approved, staff recommended 5 Stipulations.

Barney Salmon, Planning Department, reviewed the staff report.

**James Karas**, son of lessees Andy and Evelyn Karas, questioned whether all the contiguous properties had been properly noticed, especially the Manatee County School Board.

Discussion: Would the 2-COP license transfer to a new owner; what are the different types of beverage licenses; was West Glenn Homeowner's Association noticed; applicant's responsibility to provide notice by Ordinance; School Board has a right to object but no one is present to do so; the hearing could be continued in order to allow a representative from the School Board to be present; does Mr. Karas live within 500 feet of the establishment; any time constraints; etc.

Robert Pederson, Planning Department, stated that Mr. Karas was not required to be noticed because he lives 650 feet from the property. He clarified that the West Glenn Homeowners' Association was properly noticed via their agent at the address on file with the Property Appraiser's Office.

**Ed Vogler**, representing Randall Benderson 1993-1 Trust & WR-11 Associates, Ltd. (property owner), explained that, with respect to the proximity of the school, alcohol could be purchased at the 7-Eleven, Winn-Dixie or the Mobil on the Run stores. He reported that there have been difficulties between his client and the applicant with respect to who is responsible for securing the special permit.

**Michael Moran**, attorney for the Karas Family, stated that his client has a pending Circuit Court case that will be affected by the outcome of this hearing.

**Jeffrey Hromnak** questioned the rules and procedures for special permit hearings and stated he is opposed to the request.

Ms. Hartmann-Swartz requested a copy of the transcript from this hearing.

Mr. Pederson submitted a draft Notice of Intent and draft Final Order.

**HEARING ADJOURNED**

There being no further business, the hearing was adjourned.

Adj: 4:38 p.m.  
/qa

Minutes Approved: January 27, 2003