

**MANATEE COUNTY HEARING OFFICER
COUNTY ADMINISTRATION BUILDING, FIFTH FLOOR, MANATEE ROOM
1112 Manatee Avenue West
Bradenton, Florida
October 26, 2022**

Present were:


Kelly Fernandez, Hearing Officer

Also present were:

James Rigo, Principal Planner

Sarah Schenk, Assistant County Attorney

Robin Toth, Deputy Clerk, Clerk of the Circuit Court

 Ms. Fernandez called the meeting to order at 3:32 p.m.

All witnesses and staff giving testimony were duly sworn.

A Court Reporter was not present at this meeting.

CITIZEN COMMENTS

 There being no citizen comments, Ms. Fernandez closed citizen comments.


AGENDA


HO20221026DOC001


(Court Reporter, **, was present/there was no Court Reporter at this meeting)


1. **VA-22-05 CRUTCHMAN**


A duly advertised public hearing was held to consider request for approval of Variance VA-22-05,

 Jessica Ingram, John, King and Homes, representing the applicant, requested the Variance of side yard setback due to the location of the equipment careening wall and courtyard wall. Info was obtained from the Municipal Code and Lake Club guidelines

 Ms. Ingram **showed a slide presentation** - GET addressed 402.1, Planned Development District and Section 2., and 3., Planned Development restrictions. The lake club likes to keep their lots uniform and to make sure that equipment that is unsightly is uncovered and not seen by the public. It is a visual and sound barrier. The screening walls are free floating and are only there to screen. The Municipal Code states that equipment is exempt from setback requirements. They build side setbacks to 10 feet and MC required minimum side-yard setback of 8 feet.


 Under planned residential standards, they want to make sure everything is uniform. Lake Club has in their standards and construction guidelines;


 She reached out to Pam Banks, LWR Development on 3/15/2013, that the service walls required to screen the serve equipment AC, pool, etc., must be tall enough to completely screen the equipment along with landscape to screen walls. She addressed Section 401.3 - Bulk and Dimensional Standards, Subsection 2, Exempt Structures. This is under Section 401.3 and stated this is under standard bulk.

 Ms. Ingram requested approval and summarized that the Lake Club community must receive approval from the County prior to construction.

-  The walls are not attached to the roof or structure, but are free floating walls.
-  Ms. Ingram showed diagrams in her slide presentations. The Courtyard wall outside surrounding the tall windows on the structures.
-  Ms. Ingram showed the slide of the MST Courtyard and Utility walls which is the dark gray area is where the Variance is being required. Everything below the dotted line is being required a variance.
-  She showed a photo of two adjacent homes, one under construction showing that the windows in the bathroom walls is there the wall is shielding.
-  She is asking this variance be approved on circumstantial evidence.
-  She had a meeting with the Bill Palmer, Building Official, and the director **LISTEN**, staff was not aware this screening was required
-  She stated Mr. Palmer recommended a meeting be held with Development Services.
-  This Variance was submitted because Manatee County told The Lake Club they had to go through the Variance process. Three jobs are required to get a variance, including Item 2. All projects are very progressed into construction.
-  Ms. Ingram stated this request is six feet and only impact the western, right side yard setback. She reshown a slide showing the Crutchman home and the one on the left is Item 2. Karcha variance.
-  Chelsea Freeman, Development Services, used a slides- GET to review the request, site characteristics, chronological history of the request. She showed photos the 5/24/22 Code Enforcement, and Staff Recommendation of approval of the variance to the side yard setback, subject to the stipulation that is recorded in public record. CE Case and photos only depict the problem of the encroachment from the west side yard.
-  James Rigo, Principal Planner, stated the Sections 4013 E and F. use the same word, "Structures." This should be clearer. Not all AC pads are enclosed by structures. Section 3.E.2 eludes to the fact that AC apparatus on a pad, but does not address anything enclosed in a structure.
-  Ms. Fernandez stated all the wall structures regarding of the location, are in violation of this section of the Code. The E and W side would need an adjustment to the six feet.
-  Mr. Rigo stated this initially came in as a CE case, but this is being considered a bonafide error because it was not picked up by review staff. The 89/90 Code had zoning criteria changes but this development occurred well after the 1980 Code.
-  Jay Traverso, stated 150 homes that had walls built around the homes, which are their building design requirements. He is not looking to blame anyone to require this variance, but centers over two errors. This error was noted in May on Lot 46; the problem was made known to the County and Developer. This order was lifted. Why didn't this hearing occurred back in the year to make the changes rather than requesting a variance. This could negatively


impact the Lake Club guidelines. Changing the rules after the fact is concerning. He requested the variance requirements should not be such that it affects home construction and should only be a one-time variance.

 Mr. Rigo assured Mr. Traverso assured this is a one-time bonafide error and would not affect any construction in this development. It was not caught by the zoning division. There are not going to be any further approvals without County knowledge. Also, staff would be looking very carefully at the footprints the builder brings in so that these house and exterior structures fit in.


 Ms. Fernandez stated she was provided a Draft Notice of Intent and Draft Final Order. A transcript of today’s hearing was not necessary.


2. **VARIANCE VA-22-06 – KARCHA PROPERTY**


 Ms. Fernandez read the request.

 Jessica Ingram, Coordinator, stated this is the same situation as Item 1. She used a slide presentation and stated the equipment and pool are encroaching into the setback. Requesting a 5 foot variance that cannot be encroached.


 The project is now in the framing phase of construction, but far enough along requiring a significant amount of money to move.


 She pointed out photos in the slides of homes with screening walls in the Lake Development that also encroach into the setback requirements and affects all the builders currently building and construction already built.

 Chris Klepek, Development Services used slide to review the request to allow a 3-foot setback reduction, Site characteristics, aerial maps, a chronological timeline. The encroachment was identified by CE and a stop work order was issued. Slides continued on Building Permit Plans, a Survey of the home, property as constructed as of May 24, 2022, when Code Enforcement got on the site and issued the Stop Work Order.

 Mr. Klepek addressed staff conclusions that this request in compliance with the Code and the PDR, subject to Stipulation 1.

 Mr. Traverso stated that his comments from Item 1 to apply to Item 2.

 Ms. Fernandez closed the public hearing and was provided a Draft Notice of Intent and Draft Final Order. A transcript of today’s hearing was not necessary.

 Ms. Ingram requested that the Crutchman requested he go quickly – his CO will expire and
LISTEN

ADJOURN

There being no further business, Ms. Fernandez adjourned the meeting at 4:15 p.m.

Minutes Approved: _____