

**MANATEE COUNTY HEARING OFFICER  
REGULAR MEETING  
COUNTY ADMINISTRATION BUILDING, FIFTH FLOOR, MANATEE ROOM  
1112 Manatee Avenue West  
Bradenton, Florida  
May 30, 2023**

Presiding was:

Kelly Fernandez, Hearing Officer

Also Present Were:

Camillo Soto, Assistant County Attorney

Jim Rigo, Planning Section Manager

Vicki Tessmer, Board Records Supervisor, Clerk of the Circuit Court

Julissa Santana, Board Records, Clerk of the Circuit Court

Ms. Fernandez called the meeting to order at 3:00 p.m.


All witnesses and staff giving testimony were duly sworn.


**AGENDA**


HO20230605DOC001


(Candace Gaveletto, Court Reporter, was present)


1. **SPECIAL PERMIT**


 A duly advertised public hearing was held to consider request for approval of SP-21-07-U-Haul of Lakewood Ranch/U-Haul Co of Florida (Owner), approval of a Special Permit with Preliminary Site Plan (PSP) allowing a vehicle sales, rental and leasing use; a 142,324 square foot “mini-warehouse” use with accessory 59 spaces for “outdoor storage” for vehicles, RV’s and boats, and associated infrastructure, on a 10-acre General Commercial (GC) zoned parcel. The subject parcel is located on the north side of State Road 64 East, and east of Lorraine Road/145th Street East, formally known as 14703 SR 64 East, Bradenton (Manatee County).

 Dave Thompson, applicant, requested approval for a special permit with a PSP allowing vehicle sales, rental, and leasing. A neighborhood meeting was held and no issues were presented.

 Dorothy Rainey, Planner, utilized a slide presentation to review the request, site information, aerials of the site, surrounding uses, site plan, positive and negative aspects, and mitigation measures. The request is in compliance with the Comprehensive Plan and Land Development Code (LDC).

 John Stresley expressed concern with the height and aesthetics of the proposed fence.


 Discussion ensued regarding the fence not being visible from public streets that surround the property, staff analysis indicates no proposed accessory buildings are located within 20-feet of any property line, and the applicants will have to meet various criteria with the fence to ensure compatibility with surrounding uses.


 There being no further public comment, Ms. Fernandez closed the public hearing. She was provided with a draft Notice of Intent and Final Order, and she does not need a transcript.


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
2. **VARIANCE**


HO MB FY22-23/9


 A duly advertised public hearing was held to consider request for approval of VA-23-01 Whitebridge Variance, approval of a rear yard encroachment into the rear Wetland Buffer and Conservation Easement in the Planned Development – Residential (PD-R) zoning district established by Ordinance PDR-89-05(G) (R10) [F.K.A. Z-84-81] – Unnamed Exclusive Golf and Country Club [N.K.A Whitebridge Court] to allow the rear slab on grade to encroach into the Wetland Buffer and Conservation Easement by a maximum of 11 feet.


 Jerry Brandy, applicant, requested a variance for a rear yard encroachment into the rear wetland buffer and Conservation Easement on his property. The site plan was approved due to a County staff error. The error was not found until after the building permit was issued and the work was completed.

 Loretta Merrill, Planner, utilized a slide presentation to review the request, history of the site, and site plans. It is staffs opinion that the provided analysis demonstrates that the request at hand meets the review criteria established in LDC Sections 367.2.J and 367.5.I.

 Nicole Price, University Park Community Association, opposed the variance due to the environmental impacts it could bring onto the wetland that is privately owned by the Association.


 Mr. Brandy stated he did not know the deck was encroaching when he purchased the property and believes the deck adds value to the community.


 Discussion ensued regarding Home Owners Association (HOA) regulations and a stipulation in the staff report that indicates, that the variance is not effective until the HOA provides written consent.


 There being no further public comments, Ms. Fernandez closed the public hearing. She was provided with a draft Notice of Intent and Final Order, and she does not need a transcript.


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### 3. **VARIANCE**


 A duly advertised public hearing was held to consider request for approval of VA-23-02-6440 Lincoln Road Variance for approval of a side yard setback variance to the setback requirements in the Residential Single-Family 6 (RSF-6) zoning district, reducing the eight-foot side yard setback to 6.3, this property being Lot 3, Marineland Addition, located at 6440 Lincoln Road, Bradenton (Manatee County) on approximately .247 acres.

 Susan Brown, applicant, explained her request of a variance to reduce the minimum side yard setback from 8-feet to 6.3-feet.

 Jim Rigo, Planning Section Manager, utilized a slide presentation to review the request, requirements for meeting the variance, aerials of the site, and zoning map. The request meets the review criteria established in Section 367.2 and the additional requirements in Section 367.5 of the Land Development Code.


 Discussion ensued regarding the neighbor's visibility not being affected, bringing the upper porch into compliance, the adjoining property owners within 100 feet received notice of the hearing, and the second story of the property has caused the encroachment into the setback.

 Tom Takach, neighbor to the applicant, requested the variance not be approved as it will set an unfair precedent for residents in the area, who have to adhere to the setback requirements.

 There being no further public comments, Ms. Fernandez closed the public hearing. She was provided with a draft Notice of Intent and Final Order, and she does not need a transcript.

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## **ADJOURN**

 There being no further business, Ms. Fernandez adjourned hearing at 4:05 p.m.

Minutes Approved: June 14, 2023