

**MANATEE COUNTY HEARING OFFICER
REGULAR MEETING
COUNTY ADMINISTRATION BUILDING, FIFTH FLOOR, MANATEE ROOM
1112 Manatee Avenue West
Bradenton, Florida
June 28, 2023**

Present was:


Kelly Fernandez, Hearing Officer

Also present were:

Camilo Soto, Assistant County Attorney

James Rigo, Planning Section Manager

Robin Toth, Deputy Clerk, Clerk of the Circuit Court

 Ms. Fernandez called the meeting to order at 3:02 p.m.

All witnesses and staff giving testimony were duly sworn.

CITIZEN COMMENTS


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


AGENDA


HO20230628DOC001

(Michelle Parks, Court Reporter, was present)


1. **VARIANCE VA-22-04 – EVYS OTERO COMMUNITY RESIDENTIAL HOME**


 A duly advertised public hearing was held to consider request for approval of a variance to the specific standard for residential care facilities established in the Land Development Code, Chapter V, Section 531.45.B reducing required distance between residential care facilities from one thousand feet (1,000 feet) to zero (0 feet), measured from property line to property line, subject to approval of a concurrent minor subdivision application. The site is located at the northwest corner of the intersection of 36th Avenue East (Ellenton-Gillette Road) and 41st Street East, approximately 2,200 feet south of Experimental Farm Road, Harmony Oaks Subdivision), known as 4211 36th Avenue East, Palmetto, on approximately six acres; providing for severability; and providing for an effective date.


 Ms. Fernandez stated she reviewed the agenda materials in the agenda package.


 Mark Barnebey, Attorney for applicant, utilized a slide presentation to review the request, photographs of the existing home, proposed second home, and directional photographs along Ellenton-Gillette Road with existing right-of-way and a dense buffer.


The property has been a successful community residential home on the site. There is a smaller, second building on the same site that was previously used as a similar home. Mr. Otero would like to use the second building as a community residential home. Both facilities are planned to serve as community residential homes for up to a maximum of ten residents.


 Evys Otero, applicant, stated the building on Lot 3 is currently being used as a community residential home. The building on Lot 2 has been remodeled and is ready to be occupied pending approval of the variance in order to apply to the Agency for Persons with Disabilities (APD) to get residents in the facility.

 Ms. Fernandez questioned if this variance was for just Lots 2 and 3, if there is intention in the future to use Lot 1 as a community residential home, and if this variance would apply.

 Mr. Barnebey stated the Variance applies to Lots 2 and 3. Lot 1 may be sold in the future.

 Camilo Soto, Assistant County Attorney, stated the current community residential home is on Lot 3.


 The site is in a rural area of Manatee County. Upon approval of VA-22-04, the two homes would be owned by the same property owner. The nature of the residents will not generate significant trips, nor have significant impact on Ellenton-Gillette Road or county utilities.


 Laura Gonzalez, Planner, utilized a slide presentation, stating the request is for two group homes for developmentally disabled persons, operated by Harmony Land Group Home LLC, on a six-acre site located on 36th Avenue East, in Palmetto. The site is in the RES-6 Future Land Use Category and Agricultural Suburban zoning district. Special Permit SP-86-83 was granted in September 1986, to allow a group care home for a total of 12 residents (10 clients and 2 staff). A second building was built in 1997, and the owner and the license was granted by the APD. The owner decided to renovate the older building, but could not get the license based upon the distance restriction in Florida Administrative Code (FAC) Rule 65G-2.015(4).


The FAC allows only one group home facility on a single parcel of land, and no more than three facilities in different parcels within a radius of 1,000 feet. The purpose of the FAC rule is to prevent a cluster of community residential homes affecting a single neighborhood. The FAC provides an exception to the 1,000 foot rule if a variance is first granted by the appropriate local government.

Currently, both buildings are within the same parcel, but the applicant introduced a minor subdivision application in May 2022, to comply with the FAC, requiring only one group home per parcel. If the subdivision is approved, the community residential homes would be on adjoining lots and the distance, measured from property line to property line, would be zero, representing more than a 30 percent reduction, which qualifies as a variance.

Mr. Barnebey stated correspondence in his slide presentation from Kimberly Walsh, ADP, states the agency routinely accepts variances from local government regarding the 1,000-foot requirement between community residential homes, as long as the license applicant has an approved variance from local government. The purpose of the 1,000-foot requirement is to not have adequate distance to overwhelm a neighborhood. The current residential home on Lot 3 is occupied by ten people; the second home have a maximum occupancy of ten people.

 Staff recommends approval with two Stipulations and noted this variance is subject to the approval of the requested minor subdivision, which will allow the community facility and place conditions on driveway access to service the facilities.

 Mr. Barnebey stated neighbors were present at this hearing, but left once the variance request was explained.

 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 did not need a transcript.

HO20230628DOC002

ADJOURN

There being no further business, Ms. Fernandez adjourned the meeting at 3:30 p.m.

Minutes Approved: September 13, 2023