

**VARIANCE NO. VA-03-15 - SARABAY COUNTRY CLUB**

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**FINAL ORDER OF MANATEE COUNTY HEARING OFFICER,  
MARK D. SINGER ON BEHALF OF MANATEE COUNTY  
GRANTING VARIANCE NO. VA- 03-15 TO ALLOW SETBACK  
AND HEIGHT VARIANCES FOR INSTALLATION OF NETTING  
ADJACENT TO THE DRIVING RANGE; PROVIDING FOR  
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

CLERK  
MANATEE COUNTY COURT  
MANATEE CO. FLORIDA

**WHEREAS**, the Board of County Commissioners of Manatee County adopted the Manatee County Land Development Code, Manatee County Ordinance 90-01, as amended; and

**WHEREAS**, pursuant to the Land Development Code, Manatee County Ordinance 90-01, as amended, the Hearing Officer, Mark D. Singer, has the authority to grant Variances; and

**WHEREAS**, Sarabay Country Club has requested a Variance to allow a height variance of 15 feet to allow 50 ft. poles, and a setback variance of 25 feet to allow the poles to be set on the property line; and

**WHEREAS**, on August 18, 2004 the aforementioned Hearing Officer held a public hearing to receive the staff, applicant, and public comment and argument regarding the proposed Variance for height and setbacks for netting for the driving range at the country club.

**NOW, THEREFORE**, after consideration of the application for Variance No. VA-03-15 requested by Sarabay Country Club the Hearing Officer makes the following Findings of Fact and Conclusions of Law and issues this Final Order as follows:

Section 1. Findings of Fact. The aforementioned Hearing Officer, after considering comment, argument, evidence, documentation and staff report presented, as well as all other matters presented at the Public Hearing above referenced, hereby makes the following Findings of Fact:

- A. The driving range at the Sarabay Country Club has been in operation for at least 50 years.
- B. Due to growth in the area, changes in golf technology and other factors, there are an increasing number of homes and vehicles being hit by errant golf balls from the driving range creating concerns for the safety of the neighborhood, for pedestrians and for motor vehicles. The netting and poles have been proposed to reduce the number of golf balls in the right of way and on private property.
- C. The applicant has provided certification from an engineer that the design of the netting is such that in the event of a catastrophic wind event the poles will collapse into the driving range.

Section 2. Conclusions of Law. Based upon the prior Findings of Fact and considering the testimony, evidence, documentation, the staff report presented, and after a review of the applicable provisions of the Manatee County Comprehensive Plan and Land Development Code, the above referenced Hearing Officer hereby makes the following Findings of Law:

- A. This Hearing Officer has jurisdiction over the parties and subject matter in this proceeding pursuant to Section 509.5 of the Manatee County Land Development Code,

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as amended.

- B. The applicant has the burden of proving entitlement to the variance, Gomez v. City of St. Petersburg, 550 So. 2d. 7 (Fla 2<sup>nd</sup> DCA 1989)
- C. The variance is not of the type prohibited by Section 509.3 of the Land Development Code.
- D. The variance meets the criteria set forth in Section 509.5.3 of the Land Development Code

Section 3. Order. Based upon the foregoing, the requested variance, for an encroachment into the required 25 ft. front yard setback, and a 15 ft. height variance, to allow for 50 ft. tall poles, is hereby approved and issued to Sarabay Country Club for the property located at 7011 Willow Street and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference, subject to the following conditions:

- A. The variance shall run with the land.
- B. This variance 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 Department.
- C. Administrative approval of a Final Site Plan shall be required subsequent to the Hearing Officer's approval of the variance.
- D. The netting shall be dark green, brown or black in color.
- E. The poles shall be constructed in the same manner as certified by the engineer.

Section 4. Final Action. This order shall be Final after thirty days from the date of execution by the Hearing Officer has elapsed.

Section 5. Appeals. Appeals are governed by Section 304.7 of the Land Development Code.

ORDERED ON BEHALF OF MANATEE COUNTY this 25<sup>th</sup> day of August 2004.

MANATEE COUNTY, FLORIDA

BY:  as  
Hearing Officer for Manatee County

ATTEST: R.B. SHORE  
Clerk of the Circuit Court

By:   
Deputy Clerk

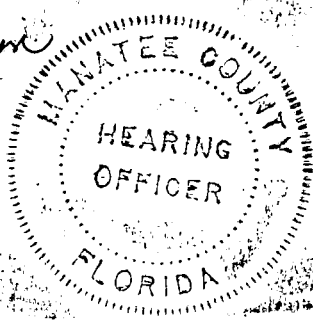


EXHIBIT "A"

LEGAL DESCRIPTION:

NE ¼ OF NE ¼ SEC 26 LESS TRACT N OF BOWLEES CR CONV TOKRAUSE IN DB 285 P 454 &  
LESS THAT PORTION CONV TO OTIS

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EXHIBIT "B"

SITE PLAN SUBMITTED WITH APPLICATION