

**VARIANCE NO. VA-20-04  
ALEX VALERIO VARIANCE PLN2006-0015**

**FINAL ORDER OF MANATEE COUNTY HEARING  
OFFICER KELLY M. FERNANDEZ ON BEHALF OF  
MANATEE COUNTY GRANTING VARIANCE NO.  
VA-20-04 TO ALLOW A VARIANCE TO THE  
SETBACK REQUIREMENTS ESTABLISHED IN THE  
RSF-6 (RESIDENTIAL SINGLE FAMILY, 6  
DWELLING UNITS PER ACRE)  
ZONING DISTRICT BY CHAPTER 4, TABLE 4-5 OF  
THE MANATEE COUNTY LAND DEVELOPMENT  
CODE (ORDINANCE 15-17, AS AMENDED) TO  
REDUCE THE MINIMUM FRONT YARD SETBACK  
FOR A FRONT-LOADED GARAGE FROM 25 FEET  
TO 20 FEET FOR A SITE LOCATED AT 1355 25<sup>TH</sup>  
AVENUE EAST, BRADENTON, ON  
APPROXIMATELY 0.2077 ACRES; PROVIDING FOR  
SEVERABILITY; AND PROVIDING AN EFFECTIVE  
DATE.**

**WHEREAS**, the Board of County Commissioners of Manatee County adopted the Manatee County Land Development Code, Manatee County Ordinance 15-17, as amended; and

**WHEREAS**, pursuant to the Land Development Code, Manatee County Ordinance 15-17, as amended, the Hearing Officer has the authority to grant variances; and

**WHEREAS**, Alex Valerio (the "applicant") requested a variance to reduce the minimum front yard setback for a front-loaded garage from 25 feet to 20 feet; and

**WHEREAS**, on September 16, 2020 the aforementioned Hearing Officer held a public hearing to receive the staff report, applicant, and public comment, and argument regarding the proposed variance.

**NOW, THEREFORE**, after consideration of the application for Variance No. VA-20-04 the Hearing Officer makes the following Findings of Fact and Conclusions of Law and issues the 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 site is in the RES-6 (Residential-6) Future Land Use Category.

- B. The site is on approximately 0.2077 acres zoned RSF-6 (Residential Single Family-6).
- C. The overall site lies in Zone X per FIRM Panel 12081C0306E, effective 3/17/2014.
- D. The request is to approve a variance to reduce the minimum front yard setback for a front-loaded garage from 25 feet to 20 feet.
- E. In January 2019, the applicant submitted as part of Building Permit Application BLD1901-0861 a site plan for the subject property showing a proposed house with a 25-foot front yard setback.
- F. The County acknowledged the site plan met the Land Development Code requirements; however, the County entered the front yard setback as 20 feet rather than 25 feet on the permit card.
- G. The contractor relied on the information on the permit card to locate the house on the subject property, which resulted in a constructed house and final survey with a front yard setback that does not meet the 25 feet requirement.
- H. The subject property is located at the end of a dead-end street.
- I. The variance is not of the type prohibited by Section 367.2 of the Land Development Code.
- J. A bona fide staff error led to the construction of a house that does not comply with the front yard setback requirement.
- K. The conditions upon which the request for a variance is based are unique to the parcel, and do not appear to be applicable to other properties within the vicinity.
- L. The alleged hardship was not created intentionally by the applicant and was the result of a bona fide error by the County staff.
- M. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity.
- N. The variance will not substantially increase the congestion in the public streets, or increase the danger of fire, or endanger public safety.
- O. The variance is the minimum variance that will make possible the reasonable use of the property given the bona fide error.

- P. The property cannot be put to a reasonable use which complies fully with the requirements of the Code unless the variance is granted due to the bona fide error.

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

- A. This Hearing Officer has jurisdiction over the parties and subject matter in this proceeding pursuant to the Land Development Code.
- B. The applicant has the burden of proving entitlement to the Variance it seeks. *See 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 367.2 of the Land Development Code.
- D. The variance meets the applicable criteria set forth in Section 367.5 of the Land Development Code.

**Section 3. Order.** Based upon the foregoing, a Variance is hereby approved and issued to Alex Valerio for property at 1355 25<sup>th</sup> Avenue East, Bradenton, as more particularly described in Exhibit "A" attached hereto and incorporated herein, for a variance to the setback requirements established by Chapter 4, Table 4-5 of the Manatee County Land Development Code (Ordinance 15-17), as amended, to reduce the minimum front yard setback for a front-loaded garage from 25 feet to 20 feet, subject to the following condition:

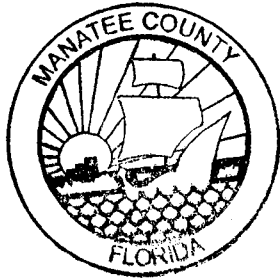
1. This Variance shall not be effective until it has been recorded in the Public Records of Manatee County, Florida by the applicant and a copy of the recorded order is received by the Building and Development Services Department.

**Section 4. Severability.** In the event that any portion or section of this Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decisions shall in no manner affect the remaining portions or sections of the Variance which shall remain in full force and effect.

**Section 5. Effective Date.** The effective date of this Variance shall be upon execution of this Order and its recordation in the Official Records by the applicant with the Office of the Clerk of the Circuit Court and receipt of a copy of the recorded Order by the Building and Development Services Department.

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ORDERED ON BEHALF OF MANATEE COUNTY this 21<sup>st</sup> day of October, 2020.



MANATEE COUNTY, FLORIDA

BY: Kelly I, as  
Hearing Officer for Manatee County

ATTEST: ANGELINA COLONNESO,  
Clerk of the Circuit Court

BY: Wicki Jassma  
Deputy Clerk

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**EXHIBIT "A"**  
**Legal Description**

LOT 10 & W 1/2 OF LOT 11 BLK B PINEALTOS PARK PI#46983.0000/3

# BRADENTON HERALD

Bradenton.com

## AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
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**Attention:**

MANATEE CO PLANNING DEPT  
PO BOX 1000  
BRADENTON, FL 34206

*Bobbi Roy*

September 2, 2020  
107-0006401

**THE STATE OF TEXAS  
COUNTY OF DALLAS**

Before the undersigned authority personally appeared VICTORIA RODELA, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **Public Notice**, was published in said newspaper in the issue(s) of:

1 Insertion(s)

Published On:  
September 02, 2020

**THE STATE OF FLORIDA  
COUNTY OF MANATEE**

Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*V Rodela*

(Signature of Affiant)

Sown to and subscribed before me this  
2nd day of September in the year of 2020



*Stefani*

SEAL & Notary Public

Extra charge for lost or duplicate affidavits.  
Legal document please do not destroy!

NOTICE OF ESTABLISHMENT  
OR CHANGE OF A REGULATION  
AFFECTING THE USE OF LAND  
IN UNINCORPORATED MANA-  
TEE COUNTY

NOTICE IS HEREBY GIVEN, that the Hearing Officer for Manatee County, will conduct a Public Hearing on **Wednesday, September 16, 2020 at 3:00 p.m. at the Manatee County Government Administrative Center, 1st Floor Honorable Patricia M. Glass Chambers, 1112 Manatee Avenue West, Bradenton Florida** to consider and act upon the following matters:

**SP-20-01 – RECREATIONAL COURSE – THUNDERCLOUD RANCH – PLN2003-0024**

Approval of a Special Permit to allow a recreational use and facilities (trap shooting, skeet or outdoor firing range) that includes an existing lodge for a bed and breakfast on a site located on the south side of SR 62 approximately 3.4 miles east of Saffold Road and 4.2 miles west of CR 39, Parrish (Manatee County); zoned A (General Agriculture) and within the Ag/R (Agriculture/Rural) Future Land Use Category; on approximately 145.22 acres and a part of a commonly owned 985.17 acre property; providing for severability and providing an effective date.

**VA-20-04 – ALEX VALERIO VARIANCE – PLN2006-0015**

Approval of a front yard setback variance to the setback requirements established in the RSF-6 (Residential Single Family, 6 dwelling units per acre) zoning district by Chapter 4, Table 4-5 of the Manatee County Land Development Code (Ordinance 15-17, as amended) to reduce the minimum front yard setback for a front-loaded detached garage from 25-feet to 20-feet for a site is located at 1355 25th Avenue East, Bradenton, (Manatee County), on approximately 0.2077 acres; providing for severability and providing an effective date.

Rules of Procedure for this public hearing are in effect pursuant to Section 312.8 of the Manatee County Land Development Code. Copies of this section of the Code are available for review at the Building and Development Services Department.

All interested parties are invited to appear at this Hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Hearing Officer and entered into the record.

Interested parties may examine the Official Zoning Atlas, the ap-

plication, related documents, and may obtain assistance regarding this matter from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, Florida, telephone number (941) 748-4501 ext. 6878 or email at: [planning.agenda@mymanatee.org](mailto:planning.agenda@mymanatee.org).

According to Florida Statutes, Section 286.0105, any person desiring to appeal any decision made by the Hearing Officer with respect to any matter considered at the Public Hearing will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

**Americans With Disabilities:**  
The Hearing Officer of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Hearing Officer's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Carmine DeMilio 941-792-8784 ext. 8303 or [carmine.demilio@mymanatee.org](mailto:carmine.demilio@mymanatee.org) or FAX 745-3790.

THE PUBLIC HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY HEARING OFFICER

Manatee County Building and Development Services Department

Manatee County, Florida