



**SPECIAL PERMIT NO. SP-14-02
K & T HOME BEAUTY SHOP – DTS20140185**

FINAL ORDER OF MANATEE COUNTY HEARING OFFICER DENNIS STOTTS ON BEHALF OF MANATEE COUNTY GRANTING A SPECIAL PERMIT NO. SP-14-02 TO ALLOW A TWO-CHAIR BEAUTY SALON AS A CONDITIONAL HOME OCCUPATION IN THE PDMU (PLANNED DEVELOPMENT MIXED USE) ZONING DISTRICT. THE SITE IS ON THE WEST SIDE OF 33RD STREET EAST, APPROXIMATELY 350 FEET NORTH OF SR 70, AT 5220 33RD STREET EAST, BRADENTON, BRADENTON; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE (0.51 ± acres).

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 has the authority to grant Special Permits; and

WHEREAS, Tuyet Thi Anh Nguyen requested a Special Permit to allow a two-chair beauty salon as a conditional home occupation in the PDMU (Planned Development Mixed Use) zoning district; and

WHEREAS, on July 21, 2014, the aforementioned Hearing Officer held a public hearing to receive the staff, applicant, and public comment, and argument regarding the proposed Special Permit to allow a two-chair beauty salon as a conditional home occupation.

NOW, THEREFORE, after consideration of the application for Special Permit No. 14-02 requested by Tuyet Thi Anh Nguyen, 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 0.51± acre site is in the R/O/R (Retail/Office/Residential) Future Land Use Category (FLUC). The Manatee County Comprehensive Plan lists retail, wholesale, or office commercial uses that function in the marketplace as neighborhood, community, or regional serving in the Range of Potential uses for the R/O/R FLUC.

- B. The request is to allow a two-chair beauty salon as a conditional home occupation on a site zoned PDMU (Planned Development Mixed Use).
- C. The site is residential and under any circumstance the proposed home occupation shall not change the residential character thereof.
- D. The home occupation will occupy no more than 200 square feet of the residence, and there are no proposed expansions to the existing residential structure.
- E. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to the main residential use of the structure, and would be approved by Special Permit pursuant to LDC Section 703.2.28.3.

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 Special Permit it seeks. Irvine v. Duval County Planning Commission, 495 So.2d 167 (Fla. 1986); Florida Department of Transportation v. J.W.C. Company, Inc., 396 So.2d 778 (Fla. 1st DCA 1981).
- C. The proposed use is compatible with the area and can be found to be consistent with the Comprehensive Plan and the R/O/R (Retail/Office/Residential) Future Land Use Category.
- D. The applicant has met present requirements of the Manatee County Comprehensive Plan and present requirements for the issuance of a Special Permit pursuant to the Manatee County Land Development Code, Section 505, Special Permits.
- E. The proposed use will keep the exterior appearance of the building within the character of a residential dwelling to ensure consistency with the surrounding area.
- F. The applicant has met its burden of proof by competent evidence and is entitled to the Special Permit.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Tuyet Thi Anh Nguyen located on the west side of 33rd Street East, approximately 350 feet north of SR 70, at 5220 33rd Street East, Bradenton and more

particularly described in Exhibit "A" attached hereto and incorporated herein, to a two-chair beauty salon as a conditional home occupation in the PDMU (Planned Development Mixed Use) zoning district, subject to the following conditions:

1. This Special Permit 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.
2. The site plan submitted with this application shall be part of this approval.
3. The beauty salon is a home occupation, which is accessory to the principal use of the single-family home as a residence and may not be established as a separate use from the single-family home.
4. The beauty salon is limited to 200 square feet.
5. The interior beauty salon shall not be visible from the street or neighboring properties.
6. No additional square footage or bedrooms shall be added to the beauty salon without the applicant obtaining additional permit from the Manatee County Building and Development Services Department.
7. No signs shall be permitted for this home occupation.

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 Special Permit which shall remain in full force and effect.

Section 5. Effective Date. The effective date of this Special Permit 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.

ORDERED ON BEHALF OF MANATEE COUNTY this 11 day of August, 2014.

MANATEE COUNTY, FLORIDA

BY: *Donald M. Galt*, as
Hearing Officer for Manatee County

ATTEST: R. B. Shore,
Clerk of the Circuit Court



BY: *Rubin Liberty De*
Deputy Clerk

EXHIBIT "A
LEGAL DESCRIPTION

THE EAST 25' LOTS 43 & 44 ALL LOTS 53 & 54, CENTRAL GARDENS, PLAT BOOK
2 PAGE 159, PUBLIC RECORDS OF MANATEE COUNTY LESS ROW BOOK 1025,
PAGES 1681-1684

Clerk of the Circuit Court - Manatee County
R.B. "Chips" Shore
P.O. Box 25400 Bradenton FL 34206
Visit our website: "www.manateeclerk.com"

KIM ANH THI LUCIANO
COUNTER

RECEIPT
#1 of #1

Thank You - Rec.# 420237533 -
420237533
Case No: 2014 RC 000008 - 2014 RC 000008
Bk./Pg./Doc.# 2532/6366/3301120 -
2532/6370/3301120
08/18/2014 11:12:53
scaranza RECORDING CASH BOOK
CASH 44.00
Total 44.00
Receipt(s) Amount 44.00
Change 0.00

AR PAYOR: Book# Page#
DOC TYPE: NOT CALC AMOUNT: \$0.00
PAGES: 5 FILE#
Receipt: 420237533 8/18/14 11:10AM By: FGERNs

CODE	RECEIPT DESC.	FUND	ACCOUNT	QTY	FEEs
R	RECORDING TRUST	199	000000341150	0	3.00
R	RECORDING FEES	001	000000341100	0	21.00
R	CLERK CT TECH FUND	199	000000341160	0	9.50
R	FL ASSOC COURT CLERK	001	000000208911	0	0.50
R	BD OF COUNTY COMM	001	000000208912	0	10.00



RECEIPT TOTAL: \$44.00
GRAND TOTAL: \$44.00

Receipt#
420237533 thru 420237533

OFFICE HOURS *****8:30 AM - 5:00 PM
"Pride in Service with a Vision to the Future"

THIS RECEIPT MUST BE VALIDATED BY CENTRAL CASHIERING