

Past

SPECIAL PERMIT NO. SP-99-09
Martha Ann Bradley

FILED FOR RECORD
R.D. SHOPE
CLERK CIRCUIT COURT
MANATEE CO. FLA.
DEC 13 2 12 PM '99

FINAL ORDER OF MANATEE COUNTY HEARING OFFICER
JAMES A. PAULMANN ON BEHALF OF MANATEE
COUNTY GRANTING SPECIAL PERMIT NO. SP-99-09, TO
ALLOW A TWO CHAIR BEAUTY SALON AS A HOME
OCCUPATION; 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 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, Martha Ann Bradley has requested a Special Permit to allow
a two-chair beauty salon as a home occupation; and

WHEREAS, on November 12, 1999 the aforementioned Hearing Officer
held a public hearing to receive the staff, applicant and public comment and argument
regarding the proposed Special Permit for a two-chair beauty salon as a home
occupation.

NOW, THEREFORE, the Final Order regarding Special Permit No. SP-99-09
requested by Martha Ann Bradley states 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 property contains a single-family home which is approximately 1,361 square feet.
- B. The Plot Plan shows a 184 square foot addition to be utilized for the beauty shop.
- C. A Home Occupation may not occupy more than twenty-five (25) percent or no more than 200 square feet of the residence, whichever is less.
- D. The beauty shop will be located in an existing residence which will maintain the residential characteristics of the home.
- E. The establishment of this two-chair beauty salon can be found to have

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no detrimental effect on the surrounding properties or on the public health, safety, or general welfare.

- F. The two-chair beauty salon, as proposed and conditioned within the staff report, should not impede the normal and orderly development of the area.

Section 2. Conclusions of Law. Based upon the prior Findings of Fact and considering the testimony, evidence, documentation and the staff report presented, 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 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 project as proposed and conditioned is consistent with the Manatee County Comprehensive Plan and Land Development Code.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Martha Ann Bradley for the property located at 311 21st Street West, and more particularly described in Exhibit "A" attached hereto and incorporated herein, for a two chair beauty salon, subject to the following conditions:

- A. 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 Planning, Permitting and Inspections Department.
- B. The site plan submitted with this application shall be part of this approval.
- C. The beauty shop is a home occupation, which shall be conducted completely within the single-family home, and which shall remain the residence of the principal practitioner.
- D. No signs (including mailbox signs) shall be erected for this home occupation.
- D. The beauty shop can occupy a maximum of 200 square feet of the residence.

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- E. Outdoor storage, display of goods, or outside storage of equipment is prohibited for this site.
- F. The exterior of the residence, including the proposed addition, shall maintain the residential character of the neighborhood.
- G. The beauty shop shall not employ more than 2 people who are not residents of the dwelling.

Section 4. Severability. In the event that any portion or section of this Order is determined to be invalid, illegal or unconstitutional by courts 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 Planning Department.

December ORDERED ON BEHALF OF MANATEE COUNTY this 13th day of _____
1999.

MANATEE COUNTY, FLORIDA

BY: _____

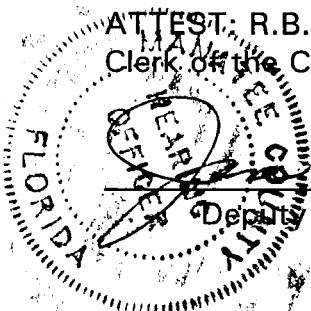


James A. Paulmann, as
Hearing Officer for Manatee County

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



Deputy Clerk



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EXHIBIT "A"

LEGAL DESCRIPTION: LOT 3, ENGLISH SUBDIVISION

EXHIBIT "B"

SITE PLAN SUBMITTED WITH APPLICATION

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R.B. SHORE CLERK OF CIRCUIT COURT MIAMI-DADE COUNTY FL.