

FILED FOR RECORD
R. B. SHORE

**SPECIAL PERMIT NO. SP-02-18
SHELEEN D. STRIPLING/STRIPLING-OLSON BEAUTY SALON**

2003 MAY 22 PM 2: 01

FINAL ORDER OF MANATEE COUNTY HEARING OFFICER MARK D. SINGER, ON BEHALF OF MANATEE COUNTY GRANTING SPECIAL PERMIT NO. SP-02-18, FOR A ONE-CHAIR BEAUTY SHOP AS A CONDITIONAL HOME OCCUPATION IN THE RSF-6 (RESIDENTIAL SINGLE-FAMILY, SIX DWELLING UNITS PER ACRE) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

CLERK OF DISTRICT 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 Special Permits; and

WHEREAS, Sheleen D. Stripling/Stripling-Olson Beauty Salon has requested a Special Permit for a Beauty Shop as a conditional home occupation in the RSF-6 (Residential Single-Family, six dwelling units per acre) zoning district; and

WHEREAS, on May 1, 2003 the aforementioned Hearing Officer held a public hearing to receive the staff, applicant and public comment and argument regarding the proposed Special Permit for Sheleen D. Stripling/Stripling-Olson Beauty Salon.

NOW THEREFORE, after consideration of the application for Special Permit No. SP-02-18 requested by Sheleen D. Stripling/Stripling-Olson Beauty Salon, the Hearing Officer makes the following Finding 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 site is zoned RSF-6 and located in the RES-9 Future Land Use Category.
- B. The property is occupied with a 1,565 square foot single-family residence. The beauty salon will occupy 144 square feet.
- C. The site is adjacent to property zoned RSF-6, to the north, south, and west and RSF-4.5 to the east. Residential single-family detached homes are to the north and south. To the east is a railroad and to the west is a church.
- D. The site is currently accessed by a driveway off 51st Avenue East. A turning area and concrete sidewalk will be installed to allow proper maneuvering of a vehicle backing out of the driveway on to 51st Avenue East and to provide access to the primary entrance of the beauty salon.
- E. The applicant is not proposing any changes to the existing landscaping.

Section 2. Conclusions of Law. Based upon the prior Findings of Fact and considering the testimony, evidence, documentation, and the staff report presented and reviewing the applicable provisions of the Manatee County Comprehensive Plan and the 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 consistent with the intent of Comprehensive Plan Policy 2.2.1.13.1, which is to provide for a complement of residential support uses normally utilized during the daily activities of residents. It is also consistent with Policy 2.1.2.7 which requires review of all proposed development for compatibility and appropriate timing.
- D. Based upon the conditions of approval, the use is also found to be consistent with general standards of review for Special Permits in Sections 505.2 and complies with the home occupation conditional use criteria set forth in Sections 703.2.27.3, 703.2.27.4 through 703.2.27.4.8.2 and 724.3.26 of the Land Development Code.
- E. The Beauty shop as a conditional home occupation will not have a detrimental effect to or endanger the surrounding properties or public health, safety, or general welfare.
- F. The Special Permit meets the requirements of Section 510, Certificate of Level of Service Compliance. Applications for Certificate of Level of Service Compliance for sanitary sewer, solid waste, traffic, and transit have been reviewed and will be approved if the Special Permit is approved.
- G. Adequate measures have been taken to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets. A turning area will be installed to allow proper maneuvering of a vehicle backing out of the driveway on to 51st Avenue East.
- H. Adequate measures have been taken to ensure that the proposed use is consistent with the community character of the immediate neighborhood of the proposed development. No exterior or structural alterations will be made to the residence.
- I. There are no known archaeological, historical, or cultural resources on-site.
- J. No provisions have been made for buffers, or landscaping which would change the character of the residence.
- K. The proposed use meets all other applicable standards and requirements set forth

in the Land Development Code.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Stripling - Olson Beauty Salon for the property located at 1712 51st Avenue East, and more particularly described in Exhibit "A" attached hereto and incorporated herein, for Stripling-Olson Beauty Salon, subject to the following conditions:

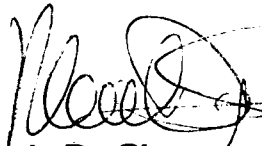
- A. This Special Permit shall not be effective until it has been recorded in the Public Records of Manatee County, Florida by the applicant and a copy of the recorded Order is received by the Planning Department.
- B. A turning area and concrete sidewalk shall be constructed off 51st Avenue East as shown on the Preliminary Site Plan.
- C. The beauty shop is a home occupation which is accessory to the principle use of the single-family home as a residence, and may not be established as a separate use from the single-family home.
- D. No signs (including mail box signs) shall be erected for this home occupation.
- E. The beauty shop is limited to the 144 square foot area shown on the site plan as the salon.
- F. The beauty salon shall not be visible from the street or neighboring properties.
- G. No alterations to the exterior of the single-family residence shall be permitted to change the residential character of the structure.
- H. A fire extinguisher shall be installed in the salon in accordance with NFPA #10 standards.
- I. Outdoor storage, display of goods, or outside storage of equipment is prohibited for this site.
- J. The beauty shop shall employ no person who is not a resident of the dwelling.
- K. The beauty shop is limited to one chair.

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.

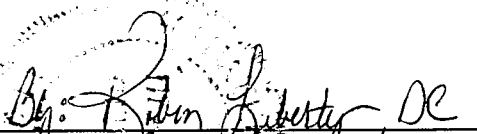
Section 5. Effective Date. The effective date of this Special Permit shall be upon the recordation of an executed copy of this Order with the Clerk of the Circuit Court in and for Manatee County and receipt of a copy of the recorded Order by the Planning Department.

ORDERED ON BEHALF OF MANATEE COUNTY this 22 day of May, 2003.

MANATEE COUNTY, FLORIDA

BY: 
Mark D. Singer, as Hearing Officer for
Manatee County

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


Deputy Clerk

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R.B. SHORE CLERK OF CIRCUIT COURT MANATEE COUNTY FL.