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CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

**DENIAL OF SPECIAL PERMIT
NO. SP-02-15
SCOTT BARR/THE SAFE PLACE**

**FINAL ORDER OF MANATEE COUNTY HEARING OFFICER
MARK D. SINGER ON BEHALF OF MANATEE COUNTY
DENYING SPECIAL PERMIT NO. SP-02-15, FOR A SMALL
RECOVERY HOME AS A CONDITIONAL USE IN THE RSF-6
(RESIDENTIAL SINGLE FAMILY, SIX DWELLING UNITS PER
ACRE) ZONING DISTRICT; 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, Mark D. Singer, as the Hearing Officer has the authority to grant or deny Special Permits; and

WHEREAS, Scott Barr/The Safe Place has requested a Special Permit for a small recovery home as a conditional use in the RSF-6 (Residential Single Family, six dwelling units per acre) zoning district; and

WHEREAS, on April 21, 2004, the aforementioned Hearing Officer held a public hearing to receive the staff, applicant and public comment and argument regarding the proposed Special Permit for Scott Barr/The Safe Place.

NOW THEREFORE, after consideration of the application for Special Permit No. SP-02-15 requested by Scott Barr/The Safe Place, 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-6 Future Land Use Category.
- B. The property is occupied with an approximately 1,675 square foot single-family residence which will serve as the small recovery home.
- C. The site is completely surrounded by property zoned RSF-6. Residential single-family detached homes are on all sides as well. The site is near the center of the neighborhood rather than on the periphery.
- D. The site is currently accessed by two driveways off 46th Avenue W. Parking will be provided within these two driveways.
- E. The applicant is not proposing any changes to the residence or 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 inconsistent with Policy 2.1.2.7 which requires review of all proposed development for compatibility and appropriate timing, including considerations of existing development patterns.
- D. The proposed use is also found to be inconsistent with general standards of review for Special Permits in Sections 505.2.
- E. The proposed use is not consistent with the Comprehensive Plan.
- F. The proposed use will impede the normal and orderly development and improvements of the surrounding properties for uses permitted in the zoning district.
- G. A small recovery home use within the middle of the residential subdivision will have a detrimental effect on or endanger the surrounding properties or public health, safety, or general welfare.

Section 3. Order. Based upon the foregoing, the application for Special Permit for Scott Barr/The Safe Place is hereby denied.

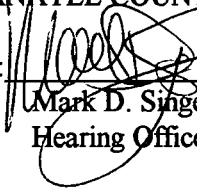
Section 4. Severability. In the event that any portion or section of this Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decisions shall in no manner affect the remaining portions or sections of the Special Permit which shall remain in full force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

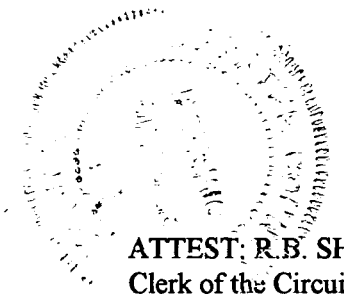
Section 5. Effective Date. The effective date of this denial of Special Permit shall be upon the recordation of an executed copy of this Order with the Clerk of the Circuit Court in and for Manatee County and receipt of a copy of the recorded Order by the Planning Department.

ORDERED ON BEHALF OF MANATEE COUNTY this 28th day of May, 2004.

MANATEE COUNTY, FLORIDA

BY: _____


Mark D. Singer, as
Hearing Officer for Manatee County


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


Deputy Clerk