

**SPECIAL PERMIT NO. SP-99-15
MARY HOUSE MINISTRY, INC.**

FILED FOR RECORD
F.B. SINGER
CLEARING ROOM
JUN 5 10 01 AM '00

**FINAL ORDER OF MANATEE COUNTY HEARING OFFICER
MARK D. SINGER ON BEHALF OF MANATEE COUNTY
GRANTING SPECIAL PERMIT NO. SP-99-15, TO ALLOW A
SMALL RECOVERY HOME; 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, Mary House Ministry, Inc. has requested a Special Permit to allow a Small Recovery Home; and

WHEREAS, on May 17, 2000 the aforementioned Hearing Officer held a public hearing to receive the staff, applicant and public comment and argument regarding the proposed Special Permit for Mary House Ministry, Inc.

NOW, THEREFORE, the Final Order regarding Special Permit No. SP-99-15 requested by Mary House Ministry, Inc., 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 site is zoned RDD-6 (Residential Duplex Dwelling - 6 Dwelling Units per Gross Acre)
- B. The property is located in the RES-9 (Residential - 9 Dwelling Units per Gross Acre) Future Land Use Category.
- C. The applicant has requested approval of a Special Permit to allow a Small Recovery Home for a maximum of 12 residents within an existing duplex.
- D. The facility is currently operating without Special Permit approval.
- E. The applicant is seeking approval of a Special Permit to legitimize the operation.
- F. The proposed use is defined as a residential support use by the Land Development Code.
- G. The facility has been operating since August of 1999 with no complaints from the surrounding residents.

- H. This recovery home will house women who have completed a drug-treatment program.

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 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. Based upon the conditions of approval, the proposed use is consistent with the Comprehensive Plan and meets all requirements of the Land Development Code.
- D. The proposed use, defined as a residential support use by the Land Development Code, can be found to be compatible with the existing neighborhood.
- E. Florida Statutes requires a 1,000 foot separation for some Residential Care Facilities. The property located to the east is developed with a Group Care Home. While the LDC classifies both a Group Care Home and a Recovery Home as Residential Care Facilities, Florida Statutes defines them differently and would not require the 1,000 foot separation between these two uses. The Planning Director has determined this separation is not required for this particular case based on the statute, and will propose a Code amendment to clarify this issue in the Land Development Code.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Mary House Ministry, Inc. for the property located at 1803 (A&B) 55th Avenue West, Bradenton, Florida, and more particularly described in Exhibit "A" attached hereto and incorporated herein, subject to the following conditions:

- A. This Special Permit will 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 Final Order is received by the Planning Department.
- B. The residential character of this structure shall be maintained consistent with the neighborhood.
- C. The site plan submitted with this application shall be part of this approval, but only be approved at the preliminary level. Administrative approval of the Final Site Plan shall be required subsequent to the Hearing Officer's approval of the Special Permit.

D. The number of residents and resident staff shall be limited to no more than eleven (11) persons.

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 by the Hearing Officer 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.

2000. ORDERED ON BEHALF OF MANATEE COUNTY this 5th day of June,

MANATEE COUNTY, FLORIDA

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

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

R. B. Shore
Deputy Clerk

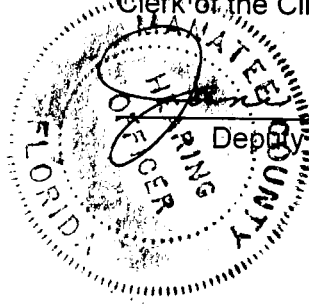


EXHIBIT "A"

LEGAL DESCRIPTION:

Legal Description: COMMENCE AT THE NE CORNER OF SECTION 15, TOWNSHIP 35 SOUTH RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION 15, A DISTANCE OF 1287.2 FEET, THENCE S 89°42' W 260.00 FEET TO AN IRON PIPE FOR A POB; THENCE CONTINUE S89° 42'W 70.0 FEET TO A CONCRETE MONUMENT; THENCE NORTH PARALLEL TO THE EAST LINE OF SAID SECTION 15, AND 330.0 FEET THEREFROM, A DISTANCE OF 319.15 FEET TO A CONCRETE MONUMENT; THENCE N 89° 42' EAST, A DISTANCE OF 70.0 FEET TO A CONCRETE MONUMENT; THENCE SOUTH PARALLEL TO THE EAST LINE OF SAID SECTION 15, AND 165.0 FEET THEREFROM, A DISTANCE OF 319.15 FEET TO THE POB.

EXHIBIT "B"

SITE PLAN SUBMITTED WITH APPLICATION

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