

STAFF REPORT

Planning & Zoning Commission: February 13, 2006

APPLICANT: Linna B. Blevins **FILE NUMBER:** CU-06-05

PURPOSE: Conditional Use Permit for a Second Residence

GENERAL

LOCATION: West side of Sunshine Grove Road, approximately 1 mile north of Hexam Road

LEGAL

DESCRIPTION: A portion of Lot 10, of the unrecorded plat of Gulf Florida Highlands, Unit 1, in a portion of Section 4, Township 22 South, Range 18 East, Hernando County, FL

FILE STATUS: All requirements necessary to conduct the public hearing have been satisfied.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: AG
South: AG
East: AG
West: AG

Surrounding Land Uses

Mobile home
Mobile home
Retail plant sales under development
Mobile home

SUMMARY OF REQUEST

The petitioner requests a renewal of a conditional use permit for a second residence. The subject property is located on the west side of Sunshine Grove Road, approximately 1 mile north of Hexam Road.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 2.5 acres.
3. The site has been developed with two mobile homes.

4. The site does not contain majestic or specimen trees.
5. The subject property has access from Sunshine Grove Road.
6. The subject property is located within a rural land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Candler fine sand. Candler fine sand provides a habitat suitable for gopher tortoises. Since there is the potential for this listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations..
8. The property is located in a flood zone C.
9. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The Utilities Department has indicated that central water and sewer are not available to serve the subject site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by mobile homes residential development on 2.5 and 5 acre AG parcels, and a plant nursery under development to the east.
13. Under the County's LDRs the subject property is entitled to only one dwelling unit. The subject property was created from a 5 acre piece and cannot be further subdivided.

STAFF DISCUSSION

The applicant is requesting a Conditional Use Permit (CUP) for a period of two (2) years in order to utilize a second residence to house an elderly parent on this 2.5-acre parcel zoned AG. County development regulations permit the issuance of a conditional use permit for a second residence in cases of extreme hardship for a maximum of two (2) years. Conditional use permits may be renewed or extended upon reapplication at the end of a two year period.

The petitioner received CUPs in 1987, 1989, 1991 to utilize a mobile home as a third residence for the elderly parent on a 5 acre parcel. The petitioner subdivided the property and retained the east 2.5 acres which contains two (2) mobile homes. A CUP for a second mobile home was approved by the P&Z in 1994, 1996, 1998, 2000 and 2002. This is a request to renew the permit.

The petitioner's narrative indicates that her mother has a medical hardship, the petitioner is not able to provide full time care for her mother in her mobile home residence, her mother does not permanently reside in the second residence but occasional visits would be beneficial for her. The petitioner has provided a letter from a doctor indicating the elderly patient lives in an ALF and it is unrealistic that she will return to the mobile home to reside on a full-time basis, but will benefit from visits to the trailer.

FINDINGS OF FACT

The subject property is located within a rural land use classification.

The site is located adjacent to Sunshine Grove Road in an area characterized by mobile homes residential development on 2.5 and 5 acre AG parcels.

The P&Z has the ability under the County's LDRs to grant a conditional use permit upon making a determination that a hardship continues to exist.

The conditional use permit process is a land use determination and does not constitute a permit for either construction, or use of, the property, or a Certificate of Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowners associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

STAFF RECOMMENDATION:

The Planning staff recommends the Planning and Zoning Commission determine whether a hardship continues to exist and, if such a determination is made, the P&Z may approve the continuance of the second residence on the parcel for a period of up to two (2) years. If approved, the conditional use permit should be contingent upon:

1. The petitioner must maintain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The petitioner removing the second residence upon termination of the permit, or when the hardship no longer exists.

P&Z ACTION:

The P&Z voted 5-0 to approve a Conditional Use Permit for a second residence to be placed on the parcel addressed for a two (2) year time period with the following stipulations:

1. The petitioner must maintain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The petitioner removing the second residence upon termination of the permit, or when the hardship no longer exists.