

STAFF REPORT

Planning & Zoning Commission: March 13, 2006

APPLICANT: Gwendolyn Clayton Gates **FILE NUMBER:** CU-06-07

PURPOSE: Conditional Use Permit for a Second Residence

GENERAL

LOCATION: West side of Mobley Road, approximately 1400' north of Wiscon Road

LEGAL

DESCRIPTION: A portion of Section 29, Township 22 South, Range 19 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

Surrounding Land Uses

North: AR-2
South: AR-2
East: AR-2
West: AR-2

Manufactured home
Manufactured home
Undeveloped
Manufactured home

SUMMARY OF REQUEST

The petitioner has submitted a request for a conditional use permit for a second residence. A conditional use permit can be approved for a period up to two years. A petitioner may reapply to extend the length of a conditional use permit; however, the maximum time frame allowed by the LDRs for each approval is two (2) years.

FACTUAL INFORMATION

1. The property is currently zoned AR-2.
2. The property comprises approximately 17,500 square feet.
3. The subject property has been developed with a manufactured home.
4. The site does not appear to contain specimen or majestic trees.

5. The subject property has access from Mobley 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 nobleton fine sands.
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 subject property is served with well and septic.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The surrounding area is characterized by rural/residential type development and undeveloped land.
13. The property is a substandard sized AR-2 parcel and would not be allowed additional dwelling units.

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 for the petitioner's daughter. The petitioner indicates due to health issues, she requires her daughter's assistance. 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's narrative indicates that she has medical issues which require that she have assistance doing everyday things. She has provided a letter from her doctor indicating that due to her medical illnesses, the petitioner needs someone with her most of the time.

The subject property is a substandard sized AR-2 parcel. The minimum lot size for the AR-2 district is one acre. The subject property comprises approximately 17,500 square feet. County records indicate that the subject property was part of a 1.01 acre parcel prior to 1990. The petitioner was granted a conditional use permit on the 1.01 acre parcel in 1990 in order to place a second residence on the property. The petitioner indicated that she had health problems and her sister would live in the second residence to provide her care. The conditional use permit was valid for a period of two

years and has never been renewed, nor the second residence removed. Subsequent to receiving the CUP approval in 1990, the petitioner transferred the portion of the property containing the second residence to a second party. The resultant configuration is three (3)- substandard AR-2 lots.

FINDINGS OF FACT

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

The site is located along Mobley Road. The surrounding area is partially developed with residential units on parcels ranging in size from 15,000 square feet to 2.5 acres. There is a large 60 acre tract located east of the site.

Under the County LDRs, the Planning & Zoning Commission determines whether a hardship continues to exist and, if such a determination is made, the Planning & Zoning Commission may approve the Conditional Use Permit for a second residence for a period of up to two (2) years.

Since the subject property is not a legal lot, it is the staff's opinion that it would be inappropriate to grant a second residence on this property.

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 Concurrence. 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 exists and, if such a determination is made, the P&Z may approve 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 obtain 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.