

STAFF REPORT

Planning & Zoning Commission: May 8, 2006

APPLICANT: Dudley and Amanda Bond **FILE NUMBER:** CU-06-12

PURPOSE: Conditional Use Permit for a Second Residence

GENERAL

LOCATION: South side of Lake Lindsey Road, approximately 850' east of Ponce de Leon Boulevard

LEGAL

DESCRIPTION: A portion of Section 29, Township 21 South, Range 19 East, Hernando County Florida

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

Undeveloped
Undeveloped
SF
SF

SUMMARY OF REQUEST

The request is a renewal of a conditional use permit which was originally approved in 2001 and was most recently renewed in 2004. The property is located on the south side of Lake Lindsey Road, approximately 850' east of Ponce de Leon Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 2.5 acres.
3. The property contains two single family homes, and accessory buildings.

4. The site may contain majestic and specimen trees.
5. The subject property has access from Lake Lindsey 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 wauchula fine sands.
8. The property is located in a flood zone C.
9. County data resources indicate that there are wetlands at the south end of the property. The subject property is within a SPA, but no WHPAs.
10. Central water and sewer are not available to serve the subject site.
11. There are adequate public facilities available to serve limited development of the subject property.
12. The subject property is characterized by rural residential development.
13. Pursuant to the County's LDRs, the subject property is allowed one primary residence. The petitioner is requesting the second residence which is allowed only by approval of a conditional use permit.

STAFF DISCUSSION

The applicant is requesting a renewal of 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 AG zoned parcel. 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 initially received CUP approval in January 2001, and then again in February 2004. The existing conditional use permit has expired. This is a request to renew the permit.

The subject property is developed with an old two story home, and a new single family dwelling. The elderly parent lives in the older home on the property. Representation has been made that the older home is in poor condition; consequently when the second residence is no longer needed, the home will be removed.

The petitioner has submitted a narrative which indicates that the elderly parent is in poor health. He has suffered a stroke and has severe emphysema. The petitioner has provided a letter from the father's doctor indicating that he should have someone live close to him for assistance.

FINDINGS OF FACT

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

The site is located in an area characterized by rural residential uses on large AG zoned 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 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 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.
3. The petitioner may not make improvements to the original dwelling other than those relating to health, safety, and welfare issues.