

STAFF REPORT

Planning & Zoning Commission: August 14, 2006

APPLICANT: Paul and Dona Arbuckle **FILE NUMBER:** CU-06-16

PURPOSE: Conditional Use Permit for a Second Residence

GENERAL

LOCATION: West side of Sweet Peach Road, approximately 330' south of Peach Bloom Road

LEGAL

DESCRIPTION: Tract 46, Peach Orchard Estates Class I subdivision located in a portion of Section 11, Township 22 South, Range 18 East, Hernando County, FL

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

Citizen correspondence received as of the date of this report? Yes No

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

North: PDP(RUR)
South: PDP(RUR)
East: PDP(RUR)
West: PDP(RUR)

Undeveloped
Mobile Home
Undeveloped
Undeveloped

SUMMARY OF REQUEST

The petitioner has submitted a request for a conditional use permit for a second residence.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 2.3 acres.
3. The site has been developed with a residential structure.
4. The site does not appear to contain majestic and specimen trees.
5. The subject property has access from Sweet Peach Rd, a privately maintained limerock 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 Candler Fine Sands. 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 or WHPAs, but does contain SPA according to County data resources.
10. The Utilities Department has indicated that water and sewer are not available to serve the subject property.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The petitioner is requesting to place a second residence on this 2.3 acre site which is only allowed one unit pursuant to the zoning of the property.

STAFF DISCUSSION

The petitioner has submitted a request for a conditional use permit for a second residence due to a hardship.

The property is owned by the Arbuckles. Currently, a residence has been placed on the site which is being occupied by the Arbuckle's daughter and son-in-law. The second residence is being requested for the Arbuckles to live in. A doctor's note was provided indicating that Mrs. Arbuckle suffers from Osteoporosis, and Mr. Arbuckle is on disability for heart and back problems. The narrative provided by the daughter and son-in-law indicate that it is necessary for a second residence to be on the property so that they can help the parents.

The plan submitted indicates that the second residence will be a 26' x 56' mobile home. There is adequate area on this 2.3 acre site to accommodate the second residence. The subject property is served by well and septic. The petitioner would be required to obtain health department approval for the well and septic system for the second residence if approved.

The subject property is part of a Rural Planned Development Project comprising approximately 300 acres approved in 1998. The project was approved with a maximum 50 lots. All uses allowed in the

AG zoning district are permitted on the property. Mobile homes are allowable uses in the AG district.

The subject property has access from Sweet Peach Road, a privately maintained unimproved roadway. Sweet Peach Road is approximately ½ mile from a county maintained roadway. The County Engineer expressed concerns regarding the ability of emergency services to access the property based on the condition of the surroundings roadways.

The property contains a SPA associated with mining. The requested conditional use is allowed within this designation.

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The P&Z has the ability to grant the renewal for a period up to two years if they determine that a hardship exists.

FINDINGS OF FACT

The subject property is located within a rural land use classification on the adopted Future Land Use Map. The area contains a mixture of MHs and undeveloped 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 exists.

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:

It is recommended that 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, including receiving development review for the proposed use.
2. The petitioner removing the second residence upon termination of the permit, or when the hardship no longer exists.