

STAFF REPORT

Planning & Zoning Commission: November 13, 2006

APPLICANT: Diana Williams **FILE NUMBER:** CU-06-21

PURPOSE: Conditional Use Permit for a Second Residence

GENERAL

LOCATION: Approximately 475' east of Salome Street, approximately 475' north of Hexam Road

LEGAL

DESCRIPTION: The east 1/2 of Lot 26, Gulf Florida Highlands Unrecorded Subdivision, Unit 3, located in Section 10, 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: AG
South: AG
East: AG
West: AG

Single family
Undeveloped
Single family
Mobile home

SUMMARY OF REQUEST:

The petitioner has submitted a request for a renewal of a conditional use permit for a second residence. The subject property is located approximately 475' east of Salome Street and approximately 475' north of Hexam Road.

FACTUAL INFORMATION:

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

4. The site does not appear to contain either majestic or specimen trees.
5. The subject property has access via an easement from Salome Street.
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 flood zone C.
9. The Utilities Department has indicated that central water and sewer are not available to serve the subject property.
10. Adequate public facilities are available to serve limited development on the property.
11. The area is characterized by rural residential uses and undeveloped parcels.
12. The subject property does not contain any WHPAs, wetlands or SPAs according to County data resources.
13. The petitioner has submitted a narrative which indicates that the second residence is requested so that the petitioner's mother can reside on the property. Due to her mother's health, the petitioner maintains that she requires assistance. The petitioner has provided a letter from her mother's doctor indicating that it would be beneficial for her to live near family members.
14. The County LDRs would allow one dwelling unit on this 2.5 acre parcel. The property can not be subdivided. The only mechanism to allow placement of a second residence on the property is the conditional use permit.

STAFF DISCUSSION

The petitioner has submitted a request for a renewal of a conditional use permit for continued placement of an additional mobile home on this 2.5 acre parcel. The petitioner owns a total of 5 acres, including the 2.5 acre subject property. The petitioner has indicated that her mother has difficulty walking. The petitioner has provided a letter from a physician attesting to the medical condition.

The site plan submitted indicates that the second dwelling unit is located along the southern portion of the subject property. The property has access via an easement from Salome Street. The second residence location as depicted on the site plan meets the minimum setbacks for the AG district.

The subject property is served by well and septic.

The City of Brooksville has no comments regarding the request.

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 a conditional use permit for a period up to two years if they determine that a hardship exists. Conditional use permits may be renewed or extended upon reapplication at the end of a two year period. A CUP for a second residence was approved by the P&Z in 2000, 2002, and 2004. This is a request to renew the permit.

FINDINGS OF FACT

The subject property is located within a rural land use classification on the adopted Future Land Use Map. The area is characterized by rural residential uses 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 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 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.