

STAFF REPORT

Planning & Zoning Commission: December 11, 2005

APPLICANT: Deborah J. Owens **FILE NUMBER:** SE-06-11

PURPOSE: Special Exception Use Permit for a Home Occupation, namely a Massage Therapy Establishment

GENERAL

LOCATION: North side of Danforth Road, 175' north east of Waterfall Avenue

LEGAL

DESCRIPTION: Lot 7, Block 1389, Spring Hill, Unit 21, as per plat thereof recorded in Plat Book 9, Pages 81-96, of the Public Records of Hernando County, Florida in Sections 23, Township 23 South, Range 17 East

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(SF)

Single family

South: PDP(SF)

Single family

East: PDP(SF)

Single family

West: PDP(SF)

Single family

SUMMARY OF REQUEST

The petitioner requests a special exception use permit for a home occupation, namely a massage therapy establishment. The subject property is located on the North side of Danforth Road, 175' north east of Waterfall Avenue.

FACTUAL INFORMATION

1. The property is currently zoned PDP(SF)/Planned Development Project(Single Family).
2. The property comprises approximately 0.40 acres.
3. The site has been developed with a single family house.

4. The site contains no majestic or specimen trees.
5. The subject property has access from Danforth Road.
6. The subject property is located within a residential 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 contain no Well Head Protection Area(WHPA), wetlands or Special Protection Area (SPA), according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The surrounding area is characterized by residential uses.
13. The petitioner has not requested any deviations from the County LDRs.

STAFF DISCUSSION

The petitioner has submitted a request for a special exception use permit for a home occupation, namely a massage therapy establishment. Home occupations are special exception uses that may be approved in all residential zoning categories.

The floor plan provided indicates the single family home on the subject property contains a minimum of 2,290 square feet of living area. The structure is not out of character with the residential neighborhood and the petitioner has indicated that there are no plans to modify the residence.

The petitioner indicates in the narrative she proposes providing massage therapy Monday through Friday, 8:00 am - 6:00 pm. The petitioner's narrative further states she will be the only message therapist on staff.

The County LDRs permits home occupations to utilize up to twenty-five percent (25%) of the total floor area of the dwelling for a home occupation. The proposed massage therapy establishment would utilize 300 square feet (13%) of the dwelling unit.

The petitioner has indicated parking vehicles in the driveway and garage. The County Engineer has reviewed the submittal and indicated the driveway width may not be increased and no cars may be parked in the road ROW. The petitioner has demonstrated the ability to provide at least six (6) parking spaces if needed: two (2) parking spaces for the single family home and four (4) in the driveway.

The Utilities Department has indicate that the petitioner is an existing HCUD customer.

Spring Hill has established deed restrictions for this site. The deed restrictions on the subject property indicate the site is to be used for single family dwellings. Although the County does not enforce deed restrictions, it does take such restrictions into consideration when determining the character of the neighborhood.

FINDINGS OF FACT

The subject property is in an area of Spring Hill zoned PDP(SF). The character of the area is residential, with homes located on approximately 10,000 - 18,000 square foot lots.

A special exception use permit is an additional use which may be granted by the Planning and Zoning Commission in accordance with the LDRs. As part of the review, the P&Z must determine that the tract of land is suitable for the type of special exception use proposed by virtue of its location, shape, topography and nature of surrounding development. The P&Z has the ability to assign reasonable conditions to the approval, and may prescribe reasonable time limits for the special exception use permit.

A special exception use permit is a use which is appropriate in a zoning district if safeguards are imposed but which would impair the integrity and character of the district in which it is located, or in adjoining districts unless restrictions or conditions on location, size, extent and character of performance are imposed in addition to those imposed in the ordinance.

Policy 1.01H(2) of the Future Land Use Element instructs the County to “protect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment.” Home occupation, namely a massage therapy establishment would not be an inappropriate use at this location provided the residential character of the dwelling is maintained.

The special exception use permit is a land use determination only, all applicable development rules would have to be met if the permit is approved.

The proposed Home Occupation special exception use is appropriate, based on the following conclusion:

1. The proposed use will be compatible with the surrounding area and consistent with the County's LDR.
2. The applicant has demonstrated the ability to meet the required parking on site.

The special exception process is a land use determination and does not constitute a permit for either construction on, 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 approve the petitioner's request for a special exception use permit for a home occupation, namely a massage therapy establishment, with the following performance conditions:

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 shall be limited to two (2) or fewer clients at any one time.
3. The petitioner shall obtain all required permits and licenses from the applicable state agencies.
4. Hours of operation shall be limited to 8:00 am - 6:00 pm, Monday through Friday.
5. Parking spaces must be provided on driveway, with no increase in driveway width and no parking within the roadway ROW.
6. Petitioner shall be the only massage therapist on staff and no additional employees shall be permitted.