

STAFF REPORT

Planning & Zoning Commission: February 10, 2003

APPLICANT: Ulric and Marilyn Dupuis **FILE NUMBER:** CU-03-03

PURPOSE: Conditional Use Permit for a Second Residence

GENERAL LOCATION: North side of Bourassa Boulevard, approximately 450' west of Melanie Avenue

LEGAL DESCRIPTION: Westerly 1/2 of lots 11 and 12, Block C, Melanie Heights, an unrecorded subdivision, located in Section 8, Township 22 South, Range 18 East

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AG	Mobile home
South: AG	Undeveloped
East: AG	Mobile home
West: AG	Undeveloped

SUMMARY OF REQUEST

The petitioners have submitted a request to renew a conditional use permit for a second residence on the property. The conditional use permit was originally approved in February 2001. The subject property is located on the north side of Bourassa Boulevard and approximately 450' west of Melanie Avenue.

FINDINGS OF FACT

1. The property is currently zoned AG.
2. The property comprises approximately 2.4 acres.
3. The site is currently developed with two (2) mobile homes.
4. The subject property has access from Bourassa Boulevard.
5. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
6. The on-site soil type is Candler fine sands which is suitable for the specified use. The soils and habitat are suitable for gopher tortoises. Since there is a 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 development.
7. The property is located in flood zone C.

8. The subject property is served by well and septic.
9. There are adequate public facilities available to serve a limited development on the subject property.
10. The petitioner has submitted a narrative which indicates that the renewal of the conditional use permit for the second residence is requested so that the petitioners may continue to provide care for elderly parents. A doctor's note has been provided indicating the parents suffer from multiple medical conditions and problems with memory.
11. Pursuant to the LDRs, the AG zoning would allow this site to be developed with one dwelling unit. The request for a second residence is a deviation from the LDRs.

STAFF DISCUSSION

The petitioners have submitted a request for a renewal of a conditional use permit for a temporary residence on a 2.4 acre parcel. The second residence is inhabited by the petitioner's elderly and infirm parents. The petitioners have indicated the parents need to be close to the petitioners in order to be properly cared for. The petitioners have provided a letter from a physician indicating the parents suffer from multiple medical conditions, including problems with memory, and that they require supervision of their home care.

The site plan submitted indicates that the two existing mobile homes are located adjacent to each other in the southwest corner of the subject property. The permanent single-family residence contains approximately 1780 square feet; the second residence contains approximately 1400 square feet.

The subject property is served by well and septic.

FINDING OF FACT

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

The surrounding property comprises largely rural land with some residential uses. It is the staff's opinion that the placement of a temporary second residence at this location would not be detrimental to the surrounding area.

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.

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 Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County Department(s) for the use, which may include review by the Development Review Committee (DRC).

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 renewal 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, including review of the proposed use through the DRC process.
2. The petitioner removing the second residence upon termination of the permit, or when the hardship no longer exists.

P&Z ACTION:

The Planning and Zoning Commission voted 5-0 to determine a hardship continues to exist and approved the second residence on the parcel for two (2) years. The conditional use permit is conditioned up the following:

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 including review of the proposed use through the DRC process.
2. The petitioner removing the second residence upon termination of the permit, or when the hardship no longer exists.