

STAFF REPORT

Planning & Zoning Commission: March 10, 2003

APPLICANT: Sharon R. Heckathorn **FILE NUMBER:** CU-03-04

PURPOSE: Conditional Use Permit for a Second Residence

GENERAL

LOCATION: Approximately 450' north of Goodway Drive and approximately 450' west of La Dora Drive

LEGAL

DESCRIPTION: A portion of Section 35, Township 22 South, Range 20 East, Hernando County, FL

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: AG
South: AG
East: AG
West: AG

Surrounding Land Uses

Mobile home/Undeveloped
Mobile Home
Mobile Home
Undeveloped

SUMMARY OF REQUEST

The petitioner has submitted a request for a renewal of a conditional use permit. The permit was initially approved in 1996.

FINDINGS OF FACT

1. The property is currently zoned AG.
2. The property comprises 2 ½ acres.
3. The subject property is currently developed with two (2) mobile homes.
4. The subject property has access from an easement off of Goodway Drive.

5. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
6. The on-site soil types 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.
7. The property is located in flood zone C.
8. The Utilities Department has indicated that central water and sewer are not available to serve the subject property.
9. There are adequate public facilities available to serve a limited development on the subject property.
10. The surrounding area is generally rural residential in nature.
11. The subject AG property is allowed one dwelling unit. The petitioner has requested to continue the use of a second residence on this site which is a deviation from the County LDRs.

STAFF DISCUSSION

The petitioner has submitted a request for a renewal of a conditional use permit for a temporary residence on a 2.5 acre parcel. The permit was originally granted in February 1996. The second residence is inhabited by the petitioner's mother and sister. The petitioner has indicated the mother and sister need to continue to live in the second residence on the property so that the petitioner can provide care for them. The petitioner has provided a letter from a physician indicating the petitioner's mother's health would benefit if she is allowed to reside on her daughter's property.

The site plan submitted indicates that the two existing mobile homes are located adjacent to each other in the southeast corner of the subject property. The permanent single-family residence contains approximately 2400 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 area is generally rural residential in nature. 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 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, 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.