

STAFF REPORT

Planning & Zoning Commission: April 14, 2003

APPLICANT: Alan & Lois Krasemann **FILE NUMBER:** CU-03-06

PURPOSE: Conditional Use Permit for a Second Residence

GENERAL

LOCATION: North side of Endsley Road, approximately 2100' west of Culbreath Road, approximately 800' east of Gold Hill Road

LEGAL

DESCRIPTION: A portion of Section 23, Township 23 South, Range 19 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

Pasture
Tree nursery
Undeveloped
Pasture

SUMMARY OF REQUEST

The petitioner has submitted a request for a conditional use permit for a second residence. The subject property is located on the north side of Endsley Road, approximately 2100' west of Culbreath Road and approximately 800' east of Gold Hill Road.

FINDINGS OF FACT

1. The property is currently zoned AG.
2. The property comprises approximately 5 acres.
3. The subject property is currently undeveloped.
4. The subject property has access from Endsley Road.

5. The subject property is located within a rural land use classification on the adopted Future Land Use Map.
6. According to the Hernando County Soil Survey, the on-site soil type is Micanopy loamy fine sand.
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 rural and rural residential in nature.
11. The subject AG property is allowed one dwelling unit. The petitioner has requested 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 conditional use permit for a temporary residence on this approximately 5 acre parcel. County development regulations permit, with P&Z approval, the issuance of a conditional use permit for a second residence in cases of extreme hardship for a maximum of two (2) years. Conditional use permits may be renewed or extended upon reapplication at the end of a two year period.

The second residence is for the petitioner's daughter and two grandchildren. The petitioner has indicated in the narrative that the daughter and grandchildren have medical problems and require the petitioner's assistance. The petitioner has provided a letter from a physician indicating it would be beneficial for the children to live in close proximity to, and on the same property as, their grandparents because they have frequent medical problems which can require hospitalizations and treatment.

The site is currently undeveloped. The site plan submitted shows a proposed 1,800 square foot primary residence (the petitioner verbally identified the building as a mobile home), a 1,500 square foot mobile home for the second residence and barn. The site plan submitted indicates that the proposed mobile homes and barn are closer than 70' to each other which is less than the setback requirement for the AG district. The P&Z has the ability to approve this deviation for the temporary second residence.

The subject property is in the process of being subdivided from the 15-acre parent tract. The subject property can not be further subdivided with its present AG zoning.

The Utilities Department has indicated central water and sewer service are not available to serve the subject property. The site will be served by well and septic. The petitioner would have to obtain the appropriate approvals from the Health Department to provide service for the second residence if it is approved.

The City of Brooksville has verbally indicated they have no comments regarding the petition.

FINDING OF FACT

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

The surrounding area is rural and 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 exists 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 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 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 exists 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 obtain 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.