

**STAFF REPORT**

Planning & Zoning Commission: June 9, 2003

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**APPLICANT:** Carl Ratliff **FILE NUMBER:** CU-03-07

**PURPOSE:** Conditional Use Permit for a Second Residence

**GENERAL**

**LOCATION:** North side of Whitman Road, approximately 1 mile east of Broad Street

**LEGAL**

**DESCRIPTION:** A portion of Section 1, Township 22 South, Range 19 East, Hernando County, FL

**FILE STATUS:** All legal obligations have been completed.

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**CITIZEN RESPONSE:** FOR: 0 AGAINST: 0

**STAFF FINDINGS:**

Surrounding Zoning

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

Surrounding Land Uses

Pasture  
Mobile home  
Single family  
Single family

**STAFF DISCUSSION**

The petitioner is applying to renew a conditional use period for a period of two years. The permit was originally issued on December 13, 1993, by the Planning and Zoning Commission and has been subsequently renewed pursuant to the LDR's.

**FINDINGS OF FACT**

1. The property is currently zoned AG.
2. The petitioner owns 5 acres; however, the subject request is on the southern 2 ½ acres of the site.
3. The subject property contains a mobile home (the second residence) and a single family home.
4. Access to the site is via a 30' easement from Whitman Road.

5. The subject property is located within a rural land use classification on the adopted Future Land Use Map.
6. The on-site soil type is Flemington fine sandy loam.
7. The property is located in a flood zone C.
8. The site is served by well and septic.
9. There are adequate public facilities available to serve limited development on the subject property.
10. The surrounding development consists of a mixture of single-family and mobile homes.
11. The petitioner has provided a letter from the mother-in-law's physician indicating that she suffers from a medical condition and that such a residence would be advantageous to the mother-in-law's well being.

#### **STAFF DISCUSSION**

The petitioner has submitted a request to renew a conditional use permit for a temporary residence on the subject property. On December 13, 1993, the Planning & Zoning Commission determined that a hardship existed and granted the petitioner a conditional use permit for a second residence for the petitioner's mother-in-law. The permit has been renewed three (3) times. The petitioner is requesting the renewal for the same reason.

County development regulations allows the renewal of a conditional use permit for a second residence if the Planning and Zoning Commission makes the determination that a hardship continues to exist. The petitioner has presented a letter from the mother-in-law's doctor substantiating her medical condition.

The site plan submitted indicates the petitioner's five-acre property is divided into two halves by a fence. A pasture is located on the northern 2.5 acres; the southern 2.5 acres contains the petitioner's single family home and the 1,120 square foot mobile home in which his mother-in-law resides. The petitioner indicates the subject area of the request is the southern 2.5 acres.

The City of Brooksville has no comments about the request.

#### **FINDINGS OF FACT**

The proposed site is located in an area designated Rural on the adopted Future Land Use Map.

The surrounding properties are a combination of mobile and conventional homes. The site is located on Whitman Road, an improved County road. It is staff's opinion that the renewal of the temporary use would not have a detrimental affect on the surrounding land uses.

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 renewal of 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 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.