

STAFF REPORT

Planning & Zoning Commission: September 8, 2003

APPLICANT: George and Margaret Ayala **FILE NUMBER:** CU-03-12

PURPOSE: Conditional Use Permit for a Second Residence

GENERAL

LOCATION: East side of Drew Street, approximately 500' north of Jacaranda Circle

LEGAL

DESCRIPTION: The south 1/2 of Tract 15 and the north 1/2 of Tract 16, Block E, Potterfield Garden Acres, Section JJJ, as per plat thereof recorded in Plat Book 5, Page 81, of the Public Records of Hernando County, Florida in Section 11, Township 23 South, Range 18 East

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: AR-2
South: AR-2
East: AR-2
West: AR-2

Surrounding Land Uses

Mobile home
Mobile home
Undeveloped
DRA and mobile home

STAFF DISCUSSION

The petitioner requests to renew a conditional use permit for a second residence. The subject property is located on the east side of Drew Street, approximately 500' north of Jacaranda Circle.

FINDINGS OF FACT

1. The property is currently zoned AR-2.
2. The property comprises two 2.5 acre sites, for a total of 5 acres.
3. The subject property has been developed with two mobile homes.
4. The site has access from Drew Street, an unimproved roadway.

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 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 subject property contains a WHPA-2, but no wetlands or SPAs according to County data resources.
9. The Utilities Department has indicated central water and sewer are not available to serve the subject property.
10. There are adequate public facilities available to serve a limited development on the subject property.
11. The surrounding area is characterized by mobile homes and undeveloped parcels.
12. The subject property comprises two 2.5 acre tract. One of the tracts has been developed with two mobile homes. Pursuant to the County LDRs, each tract could be developed with one dwelling unit with application for a building permit. The petitioner is requesting to continue the use of the second residence on the northern 2.5 acres which requires renewal of the CUP.

STAFF DISCUSSION

The petitioner has submitted a request to renew a conditional use permit for a second residence. The subject property has been developed with a double-wide mobile home (the primary residence) and a single-wide mobile home (the second residence). The petitioner has indicated the second residence is for her elderly grandmother. The petitioner states her grandmother has osteoporosis and a pacemaker and it is easier to care for her when she lives nearby. The petitioner has provided a letter from a physician indicating the grandmother has multiple medical problems and needs someone living nearby to supervise her activities.

The subject property is served by well and septic. The petitioner will have to maintain the appropriate approvals from the Health Department to provide service for the second residence if the request for the renewal is approved.

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The P&Z has the ability to grant a conditional use permit for a period up to two years.

County resources show this project falls within a WHPA-2 for a public supply well. Certain uses are prohibited within a WHPA-2. The proposed land use is allowed within this designation.

The Florida Turnpike Headquarters and the City of Brooksville have been notified of the petition; no responses have yet been received.

FINDINGS OF FACT

The subject property is located within a rural land use category on the adopted Future Land Use Map. The surrounding area is predominantly developed with mobile homes. The subject property is in an area which is rural residential in nature.

The P&Z has the ability under the County's LDRs to grant a conditional use permit upon making a determination that a hardship exists.

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.
2. The petitioner shall remove 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 renewal of the second residence on the parcel for a period of up to two (2) years 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.
2. The petitioner shall remove the second residence upon termination of the permit, or when the hardship no longer exists.