

STAFF REPORT

Planning & Zoning Commission: October 13, 2003

APPLICANT: Joseph Edwin and Loretta Lynn Hamilton **FILE NUMBER:** CU-03-15

PURPOSE: Conditional Use Permit for a Second Residence

GENERAL

LOCATION: East side of Sunshine Grove Road, approximately 540' north of Hexam Road

LEGAL

DESCRIPTION: The west ½ of Lot 10, Unit 3, Gulf Florida Highlands, an unrecorded subdivision, located in a portion of Section 9, Township 22 South, Range 18 East, Hernando County, FL

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

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

Mobile home
Mobile home
Single family
Mobile home, single family

SUMMARY OF REQUEST

The petitioner requests a conditional use permit for a second residence. The subject property is located on the east side of Sunshine Grove Road, approximately 540' north of Hexam Road.

FINDINGS OF FACT

1. The property is currently zoned AG.
2. The subject property contains approximately 2.5 acres.
3. The subject property has been developed with a mobile home and a shed.
4. The site has access from Sunshine Grove 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 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 no WHPAs, 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 rural residential uses.
12. The petitioner has provided letters from the mother's and sister's physicians indicating their health issues.
13. Pursuant to the County LDRs, allowable development on the parcel is limited to one dwelling unit and the parcel can not be subdivided.

STAFF DISCUSSION

The petitioner has submitted a request for a conditional use permit for a second residence. The subject property has been developed with a 1,904 square foot mobile home and a shed. The 2.5 acre property is not entitled to further subdivision due to the parcel's size and zoning.

The petitioner proposes adding a 1,456 square foot mobile home to house his mother, sister and sister's minor daughter. The location of the proposed second mobile home appears to be located within the required setbacks for the AG zoning district. If the request is approved, the second residence must meet all of the applicable LDRs.

The petitioner indicates in the narrative that his mother's health is deteriorating and his sister is terminally ill and both require assistance. The petitioner has provided letters from physicians indicating the mother's and sister's health concerns.

The County Utilities Department has indicated central water and sewer service are not available to serve the subject property. The subject property is served by well and septic. The petitioner will

have to obtain the appropriate approvals from the Health Department to provide service for the second residence if the request 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.

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 characterized by rural residential uses.

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 exists and, if such a determination is made, the P&Z may approve the request for 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 receiving DRC approval for the proposed use.
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 exists and approved the request for the second residence on the parcel for a period of two (2) years 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 receiving DRC approval for the proposed use.
2. The petitioner shall remove the second residence upon termination of the permit, or when the hardship no longer exists.