

STAFF REPORT

Planning & Zoning Commission: April 12, 2004

APPLICANT: Paul D. and Glenda E. Langworthy **FILE NUMBER:** CU-04-07

PURPOSE: Conditional Use Permit for a Second Residence

GENERAL

LOCATION: North side of Rester Drive, approximately 750' east of the Suncoast Parkway, east of Langworthy Drive

LEGAL

DESCRIPTION: A portion of Section 14, 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
Single family
Undeveloped
Mobile home

SUMMARY OF REQUEST

The petitioner requests a conditional use permit for a second residence. The subject property is located on the north side of Rester Drive, approximately 750' east of the Suncoast Parkway, east of Langworthy Drive.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property contains approximately a two and a half acres.
3. The site is currently developed with a single family home.
4. No majestic or specimen trees are visible on the property from Rester Drive.

5. The subject property has access from Rester Drive.
6. The subject property is located within a rural land use classification on the adopted Future land Use Map.
7. 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.
8. The property is located in flood zone C.
9. The County Utilities Department has indicated water and sewer are not available to serve the subject property.
10. Adequate public facilities are available to serve limited development on the property.
11. The area contains a mix of mobile homes, single family homes and vacant parcels.
12. The subject property does not contain any wetlands, WHPAs, or SPAs according to County data resources.
13. Based on the size of the parcel, only one unit is allowed without a conditional use permit for a second residence.

STAFF DISCUSSION

The subject request is for a conditional use permit for a second residence on a 2.5-acre AG parcel. An approximately 1,600 square foot single family house is located on the property. The narrative indicates the request is for a second residence to house the petitioner's mother, so the mother can maintain her own residence in close proximity to the petitioner. The narrative lists the mother's health problems. The petitioners have provided a letter from a physician indicating the mother's health problems.

The plan provided indicates the petitioner proposes to locate either a 960 square foot single wide mobile home or a 1,000 to 1,200 square foot double wide mobile home on the east side of the subject property. The plan provided indicates the proposed second residence can be located in a manner meeting the required setbacks for the AG district.

The subject property is served by well and septic. The plan indicates water will be supplied from an existing well and a septic system will be installed in the rear of the proposed second residence. The

petitioner will have to obtain the appropriate approvals from the Health Department to provide service for the second residence if the request for the second residence 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 if they determine that a hardship exists.

The subject property has access from Rester Drive, a county maintained roadway. Rester Drive is paved up to the corner of the subject property at which point it becomes a limerock road. The petitioner has verbally indicated the proposed second residence will be accessed via the existing driveway.

The City of Brooksville has been notified of the petition; no response has yet been received. The Florida Turnpike headquarters has indicated it has no comments regarding the request.

FINDINGS OF FACT

The subject property is located within a rural land use classification on the adopted Future Land Use Map. The area contains a mix of mobile homes, single family homes and vacant parcels.

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 proposed use.

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 receiving development review for the proposed use.
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 a period of up to 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 development review for the proposed use.
2. The petitioner removing the second residence upon termination of the permit, or when the hardship no longer exists.