

**STAFF REPORT**

Planning & Zoning Commission: July 12, 2004

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**APPLICANT:** Kevin Reynolds **FILE NUMBER:** CU-04-13

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

**GENERAL**

**LOCATION:** Approximately 1,100' north of Roper Road, approximately 1,000' north of Boxwood Street, southeast of Halifax Road

**LEGAL**

**DESCRIPTION:** A portion of Section 34, Township 22 South, Range 20 East, Hernando County, FL

**FILE STATUS:** All requirements necessary to conduct the public hearing have been satisfied.

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

**STAFF FINDINGS:**

Surrounding Zoning

North: AG  
South: PDP(REC)  
East: AG  
West: AG

Surrounding Land Uses

Mobile home  
County park site  
Undeveloped  
Mobile home

**SUMMARY OF REQUEST:**

The petitioner has submitted a request for a conditional use permit for a second residence. The subject property is located approximately 1,100' north of Roper Road, approximately 1,000' north of Boxwood Street, southeast of Halifax Road.

**FACTUAL INFORMATION:**

1. The property is currently zoned AG.
2. The property comprises approximately 4.45 acres.
3. The site is developed with a mobile home.
4. The subject property has access from a private access tract accessing Boxwood Street.

5. The subject property is wooded and appears to contain no specimen or majestic trees.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Candler fine sand and Tavares 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 subject property is currently served by well and septic. The petitioner proposes to utilize well and septic for the second residence.
10. Adequate public facilities are available to serve a limited development on the property.
11. The area is characterized by residential uses and undeveloped parcels.
12. The subject property does not contain any WHPAs, wetlands 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 petitioner has submitted a request for a conditional use permit for a second residence. The plan submitted by the petitioner indicates the subject property is developed with a mobile home. The petitioner is requesting to place an approximately 720 square foot mobile home on the site for the property owner's girlfriend's mother.

The subject property is an AG parcel which has been developed with a mobile home. The County's LDRs would not allow a second residence on the subject property unless the property is rezoned and subdivided.

The narrative submitted by the petitioner indicates that the second residence is for the property owner's girlfriend's mother. The narrative indicates the mother is legally blind and her health has deteriorated. A letter has been provided by a nurse practitioner indicating that the patient has severe obstructive pulmonary disease, is legally blind, needs assistance caring for herself and should live close to a caretaker for safety reasons.

The site plan submitted indicates an approximately 1,200 square foot residence is located on the parcel. The petitioner has indicated the second residence will be placed between the primary residence and the front lot line, approximately 65' from the front lot line. The setbacks for the AG district are 75' from the front lot line, 35' from the side and 50' from the rear. If the second residence is approved, it will have to be located in a manner consistent with the AG district required minimum setbacks.

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 for the second residence is approved.

The subject property has access from an unpaved private access tract extending from Boxwood Street. The subject property is located approximately 700' north of the paved terminus of Boxwood Street. The staff has concerns regarding the provision of emergency services to this location because of the poor quality of the roadway, especially because the reason for the request is a medical hardship. The staff has requested the County Fire Chief to provide comments about the ability to access the property in the event of an emergency; no response has yet been received. The County Engineer is of the opinion that if the request is approved, the petitioner shall not access the subject property from Shaw or Halifax Roads, due to the poor quality and volume of complaints about those roadways.

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.

### **FINDINGS OF FACT**

The subject property is located within a residential land use classification on the adopted Future Land Use Map. The area contains a mixture of mobile homes, single family homes and undeveloped 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 Concurrence. 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, and complete all applicable development review processes.
2. The petitioner removing the second residence upon termination of the permit, or when the hardship no longer exists.
3. The petitioner shall not access the subject property from Shaw or Halifax Roads. The petitioner shall only access the subject property from Boxwood Street.

**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, and complete all applicable development review processes.
2. The petitioner removing the second residence upon termination of the permit, or when the hardship no longer exists.
3. The petitioner shall not access the subject property from Shaw or Halifax Roads. The petitioner shall only access the subject property from Boxwood Street.