

**STAFF REPORT**

Planning & Zoning Commission: August 9, 2004  
Planning & Zoning Commission: September 13, 2004  
Planning & Zoning Commission: September 27, 2004  
Planning & Zoning Commission: October 4, 2004

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**APPLICANT:** Janet Harper **FILE NUMBER:** CU-04-14

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

**GENERAL**

**LOCATION:** East side of California Street, west side of DeSales Street, approximately 700' south of Forzando Avenue

**LEGAL**

**DESCRIPTION:** A portion of Section 1, Township 23 South, Range 18 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:**

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AG	Landscaping business
South: AG	Single family
East: AR-2	Undeveloped
West: AR-2	Single family, vacant

**SUMMARY OF REQUEST:**

The petitioner has submitted a request for a conditional use permit for a second residence. The subject property is located on the east side of California Street, west side of DeSales Street, approximately 700' south of Forzando Avenue.

**FACTUAL INFORMATION:**

1. The property is currently zoned AG.
2. The property comprises approximately 5 acres.

3. The site is developed with a mobile home, a travel trailer and a garage.
4. The subject property has access from California Street and DeSales Street.
5. The subject property contains no specimen or majestic trees.
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 subject property is currently served by well and septic. The second residence is being served by well and septic.
10. Adequate public facilities are available to serve a limited development on the property.
11. The area is characterized by commercial and rural residential uses and undeveloped parcels.
12. The subject property does not contain any WHPAs, wetlands or SPAs according to County data resources.
13. The conditional use is requested for a 28 year-old, 384 square foot travel trailer that is currently being used as a second residence on the 5 acre AG-zoned property. The minimum housing size is 600 square feet.

**STAFF DISCUSSION**

The petitioner has submitted a request for a conditional use permit for a second residence. The narrative indicates the second residence is a one bedroom, 12' x 32' trailer, 384 square feet in size. The minimum housing size is 600 square feet. Staff noted a mobile home, a travel trailer with a pop-out and a garage (identified as “shop”) during our visit to the site. The petitioner verbally indicated that the second residence is a 28 year old travel trailer and it is currently on the subject property.

The Development Department has indicated that the existing travel trailer will be required to comply with the County’s building process for set up of the travel trailer which includes ensuring adequate electric and water service.

The subject property is a five (5) acre AG parcel. 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 the second residence is for the representative to assist the property owner with her medical and personal needs. The narrative indicates the property owner is elderly and very ill. A letter has been provided by a physician indicating the property owner has medical complaints, is currently in the hospital undergoing surgery and needs a caregiver nearby to provide constant care.

The site plan submitted shows the locations of the mobile home, a second mobile (which is the travel trailer) and garage on the property. 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 California Street, a functionally classified collector roadway, and DeSales Street, an unpaved local roadway. The County Engineer has no comments.

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 rural 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 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, 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 second residence is approved as a substandard sized unit.

**P&Z ACTION:**

On August 9, 2004, the Planning and Zoning Commission voted 5-0 to postpone this petition until the September 13, 2004, P&Z meeting at 9:00 A.M.

On September 13, 2004, the Planning and Zoning Commission voted 5-0 to postpone this petition until the September 27, 2004, P&Z meeting at 9:00 A.M. due to the threat of Hurricane Ivan.

On September 27, 2004, the Planning and Zoning Commission voted 3-0 to postpone this petition until the October 4, 2004, P&Z meeting at 9:00 A.M. due to the on-going recovery efforts from Hurricane Jeanne.

On October 4, 2004, the Planning and Zoning Commission voted 4-0 to determine a hardship exists and approved 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, 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 second residence is approved as a substandard sized unit.