

**STAFF REPORT**

Planning & Zoning Commission: December 13, 2004

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**APPLICANT:** Jackie or Helen Sartin **FILE NUMBER:** CU-04-18

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

**GENERAL**

**LOCATION:** West side of Oakfield Circle, approximately 560' south of Cyril Drive

**LEGAL**

**DESCRIPTION:** Lot 24, River Heights Estates Subdivision, Small Farms Division Second Addition, as per plat thereof recorded in Plat Book 5, Pages 87-90, of the Public Records of Hernando County, Florida in Section 9, Township 23 South, Range 21 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: AR-2	Undeveloped
South: AR-2	Mobile home
East: AR-2	Mobile home, single family
West: AR-2	Mobile home

**SUMMARY OF REQUEST**

The petitioner has submitted a request for a conditional use permit for a second residence. The request is a renewal of a conditional use permit which was originally approved in 1996 and was most recently approved in 2003. A petitioner may reapply to extend the length of a conditional use permit; however, the maximum time frame allowed by the LDRs for each approval is two (2) years.

**FACTUAL INFORMATION**

1. The property is currently zoned AR-2.
2. The property comprises approximately 2.5 acres.

3. The subject property is currently developed with a single family home, mobile home and barn.
4. The site appears to contain specimen trees.
5. The subject property has access from Oakfield Circle.
6. The subject property is located within a rural land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Sparr fine sands and Candler fine sands. The soils and habitat are 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 development.
8. The property is located in a flood zone C.
9. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The Utilities Department has indicated that central water and sewer are not available to serve the subject site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The petitioner has requested to continue the use of a second residence on this site which is a deviation from the County LDRs.

**STAFF DISCUSSION**

The applicant is requesting a renewal of a conditional use permit for a period of two (2) years in order to utilize a mobile home as a temporary second residence on this 2.5 acre parcel. The property is located in River Heights Estates, a platted AR-2 subdivision. Access to the site is via Oakfield Circle, a local street. County development regulations permit, with P&Z approval, the issuance of a conditional use permit for a second residence in cases of extreme hardship for a maximum of two (2) years. Conditional use permits may be renewed or extended upon reapplication at the end of a two year period. The petitioner received CUPs in 1996, 1998, 2000 and 2003 to utilize a mobile home as a second residence for the elderly parent on the subject property.

The second residence is for the continued use by an elderly parent. A letter was provided by the parent's doctor indicating that Mr. Sartin is disabled as a tetraplegic. The doctor indicates it is

medically necessary for the patient to reside proximate to family members who can provide assistance.

The petitioner has submitted a site plan which indicates that the applicant's permanent single-family residence is located in the center of the property. The second residence, a 784 square foot mobile home, is located behind the single family home. Both structures meet the dimension and setback requirements for the AR-2 zoning district.

**FINDINGS OF FACT**

The subject property is located within a rural land use classification.

The surrounding properties are developed with a mixture of single-family and mobile homes. It is the staff's opinion that the continued use of this temporary secondary residence at this location would not adversely affect the surrounding area.

Under the County LDRs, the Planning & Zoning Commission determines whether a hardship continues to exist and, if such a determination is made, the Planning & Zoning Commission may approve the Conditional Use Permit for a second residence for a period of up to two (2) years.

**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 continues to exist and, if such a determination is made, the P&Z may approve the continuance 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, 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.

**P&Z RECOMMENDATION:**

On December 13, 2004, 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 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, 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.