

STAFF REPORT

Planning & Zoning Commission: November 14, 2005

APPLICANT: Charles S. & Janet T. Wright **FILE NUMBER:** CU-05-14

PURPOSE: Conditional Use Permit for a Second Residence

GENERAL

LOCATION: North side of Moore Road, approximately 480' east of Endsley Road

LEGAL

DESCRIPTION: A portion of Section 14, Township 23 South, Range 19 East, Hernando County, FL

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

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

Undeveloped
Mobile home
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 Moore Road, approximately 480' east of Endsley Road.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 5 acres.
3. The site contains a mobile home.
4. The site contains specimen, but no majestic, trees.
5. The subject property has access from Moore Road.

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 Flemington fine sandy loam.
8. The property is located in a flood zone C.
9. The subject property contains no WHPAs, wetlands 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 area is characterized by rural residential development, including single family homes and mobile homes, and undeveloped parcels.
13. The petitioner requests to place a second residence on this 5 acre AG parcel which is not allowed without obtaining a conditional use permit. The subdivision regulations would allow this parcel to be subdivided.

STAFF DISCUSSION

The applicant is requesting a conditional use permit for a second residence for her daughter. The narrative provided indicates the daughter has medical concerns. A letter from a physician attesting to the medical hardship has been provided. The petitioner has verbally indicated the second residence will be a mobile home. 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 five (5) acre parcel has adequate space to accommodate the proposed second residence and comply with the dimension and area regulations for the AG district. The minimum side lot setback for the AG district is 35'; consequently, the minimum separation between residences would be 70'. The petitioner proposes locating the second residence within 38' of the primary residence in order to utilize the existing driveway, parking area and connections to electrical service and plumbing. The staff would recommend the petitioner be required to provide 70' separation between the second residence and the primary residence. If the P&Z approves the plan as proposed, the separation distance would be a deviation to the rules.

The Utilities Department has indicated that central water and sewer are/are not available to serve the subject site.

The City of Brooksville has been notified of the request; no response has yet been received.

FINDINGS OF FACT

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

The surrounding area is characterized by single family and mobile homes. It is the staff's opinion that 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 exists 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 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 must be a minimum of 70' from the primary structure.

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 second residence must be a minimum of 70' from the primary structure.