

STAFF REPORT

Planning & Zoning Commission: February 14, 2005

APPLICANT: Ulric & Marilyn Dupuis **FILE NUMBER:** CU-05-02

PURPOSE: Conditional Use Permit for a Second Residence

GENERAL

LOCATION: North side of Bourassa Boulevard, 450' west of Melanie Avenue

LEGAL

DESCRIPTION: Westerly 1/2 of lots 11 and 12, Block C, Melanie Heights, an unrecorded subdivision, located in Section 8, Township 22 South, Range 18 East

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

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

Surrounding Land Uses

Mobile home
Undeveloped
Mobile home
Undeveloped

SUMMARY OF REQUEST

The petitioner requests to renew a conditional use permit for a second residence on the property. The conditional use permit was originally approved in February 2001 and subsequently in 2003. The subject property is located on the north side of Bourassa Boulevard, 450' west of Melanie Avenue.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 2.4 acres.
3. The site is currently developed with two (2) mobile homes.
4. The site does not contain majestic or specimen trees.

5. The subject property has access from Bourassa Boulevard.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Candler fine sands which is suitable for the specified use. The soils and habitat are suitable for gopher tortoises. Since there is a 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 subject property is served by well and septic.
11. There are adequate public facilities available to serve a limited development on the subject property.
12. The petitioner has submitted a narrative which indicates that the renewal of the conditional use permit for the second residence is requested so that the petitioners may continue to provide care for an elderly parent. A doctor's note has been provided indicating the parent suffers from multiple medical conditions and problems with memory.
13. Pursuant to the LDRs, the AG zoning would allow this site to be developed with one dwelling unit. The request for a second residence is a deviation from the LDRs.

STAFF DISCUSSION

The petitioners have submitted a request for a renewal of a conditional use permit for a temporary residence on a 2.4 acre parcel. The second residence is inhabited by the petitioner's elderly and infirm mother. The petitioners have indicated the parent needs to be close to the petitioners in order to be properly cared for. The petitioners have provided a letter from a physician indicating the parent suffers from multiple medical conditions, including problems with memory, and requires supervision at home.

The site plan submitted indicates that the two existing mobile homes are located adjacent to each other in the southwest corner of the subject property. The permanent single-family residence contains approximately 1780 square feet; the second residence contains approximately 1,000 square feet.

The subject property is served by well and septic.

FINDINGS OF FACT

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

The surrounding property comprises largely rural land with some residential uses. It is the staff's opinion that the placement of a temporary second residence at this location would not be detrimental to 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 renewal 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 ACTION:

On February 14, 2005, the Planning and Zoning Commission voted 5-0 to approve the renewal of the second residence on the parcel for a period of up to two (2) years, with the following performance conditions:

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.