

**STAFF REPORT**

Planning & Zoning Commission: March 14, 2005

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**APPLICANT:** Laura and Louis Morelli **FILE NUMBER:** CU-05-05

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

**GENERAL**

**LOCATION:** Approximately 450' east of Grove Road, approximately 2,000' north of Cortez Boulevard

**LEGAL**

**DESCRIPTION:** A portion of Section 26, Township 22 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: 3

**STAFF FINDINGS:**

Surrounding Zoning

North: AR-2  
South: AR-2  
East: R-1C  
West: AR-2

Surrounding Land Uses

Mobile home  
Mobile home  
Single family, undeveloped  
Mobile home

**SUMMARY OF REQUEST**

The petitioner requests a conditional use permit for a second residence. The subject property is located approximately 450' east of Grove Road, approximately 2,000' north of Cortez Boulevard.

**FACTUAL INFORMATION**

1. The property is currently zoned AR-2.
2. The property comprises approximately 1.19 acres.
3. The site contains a mobile home.
4. The site contains/does not contain majestic and specimen trees.

5. The subject property has access from Grove Road, via an easement.
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 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 a flood zone C.
9. The subject property contains a WHPA-2, but no 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 single family homes and mobile homes, and the Brookridge Mobile Home Park.
13. The subject property is zoned AR-2 which would only allow one unit per acre. Placing an additional residence on the property is a deviation to the LDRs without approval of the conditional use permit.

#### **STAFF DISCUSSION**

The applicants are requesting a conditional use permit for a second residence in order to utilize a mobile home as a temporary residence for a caretaker. Access to the site is from Grove Road, via an easement. 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 second residence is for the use of a caretaker. The petitioners have provided a narrative indicating the petitioners are ill and in need of constant care for themselves and their young child. Faxed copies of a physician's certifications of total and permanent disability have been provided.

The petitioner has submitted a site plan which indicates that the applicant's 14' x 62' mobile home is located in the western half of the parcel. The second residence, a 2,040 square foot mobile home, is proposed to be located in the eastern half of the parcel. Both structures meet the dimension and setback requirements for the AR-2 zoning district.

County records indicate the subject property was not legally subdivided. The petitioner would be required to legally create the parcel through the County's subdivision process prior to obtaining a permit for the second residence.

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

The property lies within a WHPA-2 for public supply wells. The proposed use is allowed within this designation.

The City of Brooksville and the Florida Turnpike Headquarters have been notified of the request; no responses have yet been received.

### **FINDINGS OF FACT**

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

The surrounding area is characterized by single family and mobile homes, and the Brookridge Mobile Home Park. 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 petitioner shall be required to legally create the parcel through the County's subdivision process prior to obtaining a permit for the second residence.

**P&Z ACTION:**

The P&Z voted 5-0 to deny the conditional use permit for a second residence.