

STAFF REPORT

Planning & Zoning Commission: April 11, 2005

APPLICANT: Elinor LoCastro **FILE NUMBER:** CU-05-06

PURPOSE: Conditional Use Permit for a Second Residence

GENERAL

LOCATION: West side of Hagen Avenue, approximately 850' south of Northcliffe Boulevard

LEGAL

DESCRIPTION: A portion of Section 12, Township 23 South, Range 17 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: PDP(SF)
South: AG
East: AG
West: R-1C

SF homes
SF home
SF under construction
Undeveloped

SUMMARY OF REQUEST

The petitioner is requesting a conditional use permit for a second residence. The subject property is located approximately 125' south of Hagen Avenue, approximately 850' south of Northcliffe Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned Agricultural (AG).
2. The property comprises approximately 2.7 acres.
3. The property is developed with a single family home, green house and sheds.
4. The site does not appear to contain majestic and specimen trees.

5. The subject property has access from Hagen Avenue, a private easement.
6. The subject property is located within a 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-1, but no wetlands or SPAs, according to County data resources.
10. The Utilities Department has indicated that central water and sewer are not available by ordinance 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 predominately by single family homes, mobile home and office uses, and undeveloped parcels.
13. The petitioner is requesting to place a second residence on this 2.7 Agriculturally zoned property site which is not allowed without obtaining a conditional use permit.

STAFF DISCUSSION

The applicant is requesting a conditional use permit for a second residence in order to place a mobile home as a temporary second residence for a family member. Access to the site is via Hagen Road, which is a private roadway. 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 an elderly family member. The family member is the mother of one of the residents of the existing home on the property. The mother is 87 years old, no longer drives and needs assistance with her day to day care. The petitioner has provided a letter from mother's doctor indicating that she requires assistance with her care.

The petitioner has submitted a site plan which indicates that the permanent home is located at the front of the property. A 32' x 60' mobile home is proposed on the south side of the property, behind the principal residence. The plan depicts the mobile home at 10' from the property line which does not meet the minimum 35' setback for AG zoning. There appears to be adequate space to move the mobile home and comply with the dimension and area regulations for the AG district.

The Utilities Department has indicated that central water and sewer capacity are available to serve the subject property; however, they would not be deemed available by ordinance because of the cost associated with the hook-up. The HCUD has indicated that the goal would be to serve the overall area with central water and sewer service given that there are existing facilities approximately 125' to the east at Keysville Avenue, but they note the cost associated with the hook-up would be impractical.

The subject property is served by well and septic. The appropriate Health Department approvals will be required at the time of permitting of the mobile home.

The subject property lies within a WHPA-1 for a public supply well. The proposed use is allowable within this designation.

FINDINGS OF FACT

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

The surrounding area is characterized predominately by single family uses, office use, mobile home, and undeveloped parcels. 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 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 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 location of the second residence is approved behind the primary structure as indicated on the site plan; however, must be moved to comply with the required 35' side setback requirement.

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 location of the second residence is approved behind the primary structure as indicated on the site plan; however, must be moved to comply with the required 35' side setback requirement.