

STAFF REPORT

Planning & Zoning Commission: June 13, 2005

APPLICANT: Betty S. Box and Kim Russell **FILE NUMBER:** CU-05-08

PURPOSE: Conditional Use Permit for a Second Residence

GENERAL

LOCATION: North of Eskimo Curlew Road, approximately 1,200' north of Papercraft Avenue

LEGAL

DESCRIPTION: A portion of Section 4, Township 22 South, Range 18 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
Undeveloped
Mobile home
Undeveloped

SUMMARY OF REQUEST

The petitioner requests a conditional use permit for a second residence. The subject property is located north of Eskimo Curlew Road, approximately 1,200' north of Papercraft Avenue.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately ten (10) acres.
3. The site contains a manufactured home.
4. The site appears to contain no majestic or specimen trees.
5. The subject property has access via a private dirt access tract, to Eskimo Curlew 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 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 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 per 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 by mobile homes and undeveloped parcels.
13. The petitioner is requesting to place a second residence on this 10 acre AG parcel which is not allowed without obtaining a conditional use permit.

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 not identified the building types of the two residences. The County property appraiser's site identifies the primary residence as a manufactured home. The plan provided identifies the proposed second residence as an approximately 4,300 square foot unit. 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 has submitted a site plan which indicates that the existing manufactured home is located in the northeast corner of the property and the proposed second residence would be located in the northwest corner of the property. The narrative indicates the exact location for the second residence has not yet been determined. The ten (10) acre parcel has adequate space to accommodate the proposed second residence and comply with the dimension and area regulations for the AG district.

The subject property was created as part of a Class I subdivision approval. It is the only developed parcel within this subdivision. The subject property is one of six (6) lots that have access via a private access tract to Eskimo Curlew Road. The access tract is a one-lane dirt roadway. The quality of the access may impact the provision of emergency services to the subject property.

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

The Florida Turnpike Headquarters 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 on the adopted Future Land Use Map. Access to the property is via a private dirt access tract.

The area is characterized by mobile homes and undeveloped parcels. It is the staff's opinion that a temporary secondary residence at this location would not adversely affect the surrounding area.

Under the County LDRs, 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 shall meet the AG standards, including a minimum of 70' between buildings.

P&Z ACTION:

On June 13, 2005, 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 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 one of the two (2) residences ~~the second residence~~ upon termination of the permit, or when the hardship no longer exists.
3. The second residence shall meet the AG standards, including a minimum of 70' between buildings.