

**STAFF REPORT**

Planning & Zoning Commission: May 8, 2006

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**APPLICANT:** Donald Montgomery **FILE NUMBER:** CU-06-10

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

**GENERAL**

**LOCATION:** South side of Croom Road, approximately 1600' east of Weatherly Road

**LEGAL**

**DESCRIPTION:** A portion of Section 8, Township 22 South, Range 20 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: 0

**STAFF FINDINGS:**

Surrounding Zoning

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

Surrounding Land Uses

Rural residential  
Undeveloped  
Rural residential  
Rural residential

**SUMMARY OF REQUEST**

The petitioner has submitted a request for a conditional use permit for a second residence. The subject property comprises approximately 10 acres and is located on the south side of Croom Road, approximately 850 east of Weatherly Road.

**FACTUAL INFORMATION**

1. The property is currently zoned AG.
2. The property comprises approximately 22 acres.
3. County records indicate there is a single family, greenhouse and accessory building on the property.
4. The site contains does not appear to contain majestic and specimen trees.

5. The subject property has access from Croom 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 are arredondo fine sands.
8. The property is located in a flood zone C.
9. The subject property does not contain any wetlands or WHPAs. County's generalized mapping indicates a SPA on the south end of the property.
10. Central water and sewer are not available to serve the subject site.
11. There are adequate public facilities available to serve limited the subject property.
12. The surrounding area is characterized by large AG parcels with rural and rural/residential usage.
13. Pursuant to the County's land development regulations, the subject property is entitled to 3 single family residences

**STAFF DISCUSSION**

The applicant is requesting a Conditional Use Permit (CUP) for a period of two (2) years in order to place a second residence on the property for a farm manager. The application states that the petitioner has had double knee replacement and cannot conduct his agricultural business without a farm manager on the property. County land development regulations permit 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 subject property has been developed with a single family home, greenhouse, and barn. The plan and narrative submitted indicates that the second residence will be a mobile home. The mobile is proposed to be located behind the existing residence at the southeast corner of the property. The plan submitted indicates that the second residence will be placed 50' from the rear property line, and 24' from the east line. The minimum dimension and area regulations are 75' front, 35' side and 50' rear. The second residence would have to meet the minimum setbacks for the AG district. There appears to be more than adequate room on the parcel at the proposed location to accommodate a second residence in accordance with the LDRs.

The subject property is within a Special Protection Area (SPA) associated with an existing excavated pit to the south. The proposed use is allowable within this designation.

**FINDINGS OF FACT**

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

The site is located along Croom Road and is characterized by rural and rural/residential uses.

The P&Z has the ability under the County's LDRs to grant a conditional use permit upon making a determination that a hardship exists.

**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 second residence shall meet the minimum area and dimension regulations for the AG district.