

**STAFF REPORT**

Planning & Zoning Commission: June 12, 2006

---

**APPLICANT:** Anna Belle Bonnell **FILE NUMBER:** CU-06-15

**PURPOSE:** Conditional Use Permit for a second residence

**GENERAL**

**LOCATION:** South side of Arizona Street, approximately 200' west of Fort Dade Avenue

**LEGAL**

**DESCRIPTION:** Lot 37, Potterfield Garden Acres as recorded in Plat Book 5, Pages 28-30 in Section 25, 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: AR-2  
South: R-1A  
East: R-1A  
West: AR-2

Undeveloped  
Mobile home  
Mobile home  
Mobile home

**SUMMARY OF REQUEST:**

The petitioner has submitted a request to renew a previously approved conditional use permit for a second residence. The subject property is located on the south side of Arizona Street, approximately 200' west of Fort Dade Avenue.

**FACTUAL INFORMATION:**

1. The property is currently zoned AR-2.
2. The property comprises approximately two and one-half (2 ½ ) acres.
3. The site is developed with a mobile home and an RV as the second residence.
4. The subject property has access from Arizona Street.

5. The subject property is wooded and appears to contain no majestic or specimen trees.
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.
8. The property is located in flood zone C.
9. The subject property is currently served by well and septic. Petitioner proposes to utilize well and septic for the second residence.
10. Adequate public facilities are available to serve a limited development on the property.
11. The area is characterized by residential and undeveloped parcels.
12. The subject property does not contain any WHPAs, wetlands or SPAs according to County data resources.
13. The petitioner is requesting to place an RV approximately 395 square feet for continued use as a second residence on this 2.5 acre AR-2 zoned property. The minimum housing size is 600 square feet.

### **STAFF DISCUSSION**

The petitioner has submitted a request to renew a previously approved conditional use permit for a second residence. The plan submitted by the petitioner indicates the subject property is developed with a single family home. The petitioner is requesting to place an approximately 395 square foot RV on the site for the property owner's grandmother.

The subject property is a platted AR-2 zoned parcel which has been developed with a mobile home. The County's LDRs would not allow a second residence on the platted subject property unless the property is subdivided. Additionally, the second residence proposed is substandard with regards to minimum living area which is also a deviation to the rules.

The narrative submitted by the petitioner indicates that the second residence is for the property owner's grandmother. The grandmother has suffered a stroke. A current letter has been provided by the grandmother's doctor indicating that the patient has had a stroke and it would be in her best interest to be with her family.

The site plan submitted indicates an approximately 1,300 square foot residence is located on the triangular shaped parcel. The petitioner has indicated the RV will be placed 10' to the west of the existing home. The RV is situated in conformance with the AR-2 district.

The subject property is served by well and septic.

The subject property has access from Arizona Street, a County-maintained limerock roadway. The County Engineer has no comments about the proposed use.

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The P&Z has the ability to grant the renewal for a period up to two years if they determine that a hardship exists.

### **FINDINGS OF FACT**

The subject property is located within a rural land use classification on the adopted Future Land Use Map. The area contains a mixture of mobile homes and undeveloped parcels.

The P&Z has the ability under the County's LDRs to grant a renewal of the 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 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 continues to exist 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 maintain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, including receiving development review for the proposed use.
2. The petitioner removing the second residence upon termination of the permit, or when the hardship no longer exists.
3. The second residence is approved as a substandard sized unit.