

STAFF REPORT

Planning & Zoning Commission: August 14, 2006

APPLICANT: Steve and Gay Owens **FILE NUMBER:** CU-06-17

PURPOSE: Conditional Use Permit for a Second Residence

GENERAL

LOCATION: East side of Benshoff Avenue, approximately 800' south of Malvern Street

LEGAL

DESCRIPTION: Lot 11, Forest Hills an unrecorded subdivision located in a portion of Section 5, Township 22 South, Range 20 East, Hernando County, FL

FILE STATUS: All requirements necessary to conduct the public hearing have been satisfied.

Citizen correspondence received as of the date of this report? Yes No

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

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

Single Family
Mobile Home
Undeveloped
Mobile Home

SUMMARY OF REQUEST

The petitioner has submitted a request for a conditional use permit for a second residence.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 5 acres.
3. The site has been developed with a residence.
4. The site may contain majestic and specimen trees.
5. The subject property has access from Benshoff 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 types are sparr and candler fine sands. 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 to serve the subject site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The petitioner is requesting to place a second residence on this 5 acre site which is only allowed one unit pursuant to the zoning of the property. The petitioner was advised that the property could be subdivided; however, they opted to submit a conditional use permit.

STAFF DISCUSSION

The petitioner has submitted a conditional use permit for a second residence. The second residence is for the petitioner's elderly mother who has health issues. The petitioner has provided a doctor's letter attesting to the mother's medical condition with an opinion that she should no longer reside alone.

The subject property has access from Benshoff Avenue, a county maintained limerock roadway.

The plan submitted indicates that the second residence will be a 15' x 64' mobile home. There is adequate area on this 5.0 acre site to accommodate the second residence. The subject property is served by well and septic. The petitioner would be required to obtain health department approval for the well and septic system for the second residence if approved.

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 SF/MHs and undeveloped parcels.

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 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:

It is recommended that 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 necessary 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.