

STAFF REPORT

Planning & Zoning Commission: November 13, 2006

APPLICANT: Janet Harper **FILE NUMBER:** CU-06-20

PURPOSE: Conditional Use Permit for a Second Residence

GENERAL

LOCATION: East side of California Street, approximately 1 mile south of Wiscon Road

LEGAL

DESCRIPTION: A portion of Section 1, Township 23 South, Range 18 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

North: AG
South: AG
East: AR-2
West: AR-2

Surrounding Land Uses

Landscaping business
Single family
Undeveloped
Single family, vacant

SUMMARY OF REQUEST:

The petitioner has submitted a request for the renewal of a conditional use permit for a second residence. The subject property is located on the east side of California Street, west side of DeSales Street, approximately 700' south of Forzando Avenue.

FACTUAL INFORMATION:

1. The property is currently zoned AG.
2. The property comprises approximately 5 acres.
3. The site is developed with a mobile home, a travel trailer and a garage.
4. The subject property has access from California Street and DeSales Street.

5. The subject property contains no specimen or majestic 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. 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 flood zone C.
9. The subject property is currently served by well and septic. The second residence is being served by well and septic.
10. Adequate public facilities are available to serve limited development on the property.
11. The area is characterized by commercial and rural residential uses and undeveloped parcels.
12. The subject property does not contain any Well Head Protection Area (WHPA), wetlands or Special Protection Area (SPA) according to County data resources.
13. The conditional use is requested for the continued use of a 28 year-old, 384 square foot travel trailer that is currently being used as a second residence on the 5 acre AG-zoned property. The minimum housing size is 600 square feet.

STAFF DISCUSSION

The petitioner has submitted a request for a renewal of a conditional use permit for continued placement of a second residence due to a hardship.

The property is owned by Ms. Harper. Currently, a residence has been placed on the site which is being occupied by the Harper's. The second residence being requested is for Ms. Harper's care giver. A doctor's note has been provided indicating that Ms. Harper suffers from conditions that make it necessary for a care giver to be present 24 hours a day, seven days a week. The narrative provided by the care giver indicates that it is necessary for a second residence to be on the property to meet the full time needs of Ms. Harper.

The application submitted indicates that the second residence is a 32' x 12', one-bedroom travel trailer. Mobile homes are allowable uses in the Agriculture (AG) district.

The site plan submitted shows the locations of the mobile home, a second residence (which is the travel trailer) and garage on the property. The setbacks for the AG district are 75' from the front lot line, 35' from the side, and 50' from the rear.

The subject property is served by well and septic. The petitioner will have to maintain the appropriate approvals from the Health Department to continue service for the second residence if the request for the second residence is approved.

The subject property has access from California Street, a functionally classified collector roadway, and DeSales Street, an unpaved local roadway. The County Engineer has no comments.

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 a conditional use permit for a period up to two years if they determine that a hardship exists. Conditional use permits may be renewed or extended upon reapplying at the end of a two year period. The petitioner requests to renew a conditional use permit initially granted in 2004.

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, single family 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 continues to exist.

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 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.