

**STAFF REPORT**

Planning & Zoning Commission: January 8, 2007

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**APPLICANT:** Anthony P. McGeough **FILE NUMBER:** SE-06-14

**PURPOSE:** Special Exception Use Permit for a Bed and Breakfast Establishment

**GENERAL**

**LOCATION:** West side of Gulf Winds Circle, approximately 890' southwest of Gulf View Drive

**LEGAL**

**DESCRIPTION:** Lot 7 and the southeasterly 5' of Lot 8, Gulf Coast Retreats, Unit No. 2, as per plat thereof recorded in plat book 6, page 89, public records of Hernando County, FL, in Section 14, Township 23 South, Range 16 East

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

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

**STAFF FINDINGS:**

Surrounding Zoning

Surrounding Land Uses

North: R-1B  
South: R-1B  
East: R-1B  
West: Gulf

Single Family  
Single Family  
Single Family  
Gulf of Mexico

**SUMMARY OF REQUEST**

The petitioner requests a special exception use permit for a bed and breakfast establishment. The subject property is located on the west side of Gulf Winds Circle, approximately 890' southwest of Gulf View Drive.

**FACTUAL INFORMATION**

1. The property is zoned R-1B(Residential).
2. The subject property contains approximately 0.215 acres.
3. The subject property is developed with a single family home.
4. The site is does not contain specimen or majestic trees.

5. The site has access from Gulf Wind Circle.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Arents-Urban land complex.
8. The property is located in flood zone VE.
9. The subject property contains no Well Head Protection Area (WHPA), wetlands or Special Protection Area (SPA), according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject property.
11. There are adequate public facilities available to serve the subject property.
12. The property is located adjacent to the Gulf of Mexico and residential uses.
13. The petitioner has not requested any deviations from the County's LDRs.

### **STAFF DISCUSSION**

The petitioner has submitted a request for a special exception use permit for a bed and breakfast establishment on a 0.215 acre parcel. County development regulations permit bed and breakfast establishments in the residential district as a special exception use.

The subject property is developed with a three (3) bedroom, two (2) bath home. The plan shows an approximate 2,526 square foot house located along the Gulf of Mexico. The petitioner has indicated that he will be residing in the home. The Land Development Regulations require that a bed and breakfast establishment is to be occupied by the owner or a lessee.

According to the County regulations defining bed and breakfast establishments, such establishments are to be situated where resources unique to the area are located and shall be compatible with any adjacent dwellings in the neighborhood. The subject property is located in a residential area. The surrounding area provides direct water access and boating.

The plan indicates that access to the property will be via Gulfwinds Circle. The petitioner has not submitted a parking plan. County parking regulations for bed and breakfast establishments stipulate that the petitioner would need to provide parking at the rate of one space per sleeping room and the parking area shall be buffered to blend into the area. One paved handicapped parking space must also be provided.

The County Engineer has indicated that the subject property does not demonstrate the ability to accommodate adequate parking. The zoning regulations indicate that the appearance and atmosphere of a bed and breakfast establishment is intended to convey a feeling of being in a home rather than an institutional environment. The required parking for the specified use would alter the look of the existing home and add additional traffic through an established residential neighborhood.

The Utilities Department has indicated that the subject property is currently supplied water and sewer from Hernando County Utilities Department. Capacity availability of the existing infrastructure is dependent on the engineer's estimated flows for this parcel. Existing water and sewer upgrades may be required to supply the proposed development.

The special exception use permit is a land use determination only. All applicable development rules will have to be met if the permit is approved. The Development Department has indicated that the bed and breakfast will be considered a rooming house under the County's building code. The proposed single family home will have to meet the rooming house standards. Additionally, all handicap requirements will have to be met. The development regulations stipulate that bed and breakfast signage shall not exceed four (4) square feet in size.

### **FINDINGS OF FACT**

The subject property is characterized and located within a residential land use classification as identified on the adopted Future Land Use Map.

A special exception use permit is an additional use which may be granted by the P&Z in accordance with the LDRs. As part of the review, the P&Z must determine that the tract of land is suitable for the type of special exception use proposed by virtue of its location, shape, topography and the nature of the surrounding development. The P&Z has the ability to assign reasonable conditions to the approval and may prescribe reasonable time limits for the special exception use permit.

The LDRs indicate the use shall be of a similar architectural scale to the existing neighborhood development or take advantage of an existing building for its purpose. The subject property contains 0.215 acres and is allowed to be developed with one residential unit. The parcels location and inability to accommodate the required parking, make it inconsistent with county LDRs.

The LDR standards for special exception uses indicate that the proposed use shall not attract inappropriate traffic volumes, noises or congestion. The standards also indicate that for special exception uses on local streets, traffic generation rates and traffic distribution rates associated with the proposed use will be reviewed to determine whether they exceed those typically associated with local street traffic. Additionally, the LDRs indicate visual and functional conflict between the proposed use and nearby uses, if existent, shall be minimal. The site is located to the rear of an existing single family subdivision, and the proposed bed and breakfast use requires traffic to travel through an established residential neighborhood.

A special exception use is a use which is appropriate in a zoning district if safeguards are imposed but which would impair the integrity and character of the district in which it is located, or in adjoining districts, unless restrictions or conditions on location, size, extent and character of development are imposed in addition to those imposed by the ordinance.

If approved the granting of the special exception does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowner Association or architectural review committees require submission of plans for review and approval.

Policy 1.01H(2):       Protect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment.

The subject property would be incompatible with the adopted Comprehensive Plan due to the limited size of the property, inadequate parking, and the location requiring traffic in excess of single family travel through an established residential neighborhood to get to the proposed site.

The special exception use is a land use determination only. All applicable development regulations would have to be met if the permit is approved.

The proposed special exception use is inappropriate based on the following conclusions:

1.       The proposed special exception use would be incompatible with the established residential neighborhood because of the limited size of the property, inadequate parking, and the location requiring traffic to travel through an established residential neighborhood.
2.       The size of the property makes it difficult for the applicant to demonstrate compliance with the County's LDR parking requirements and maintain a residential character.
3.       The request is inconsistent with Policy 1.01H(2) of the Comprehensive Plan.

**The special exception process is a land use determination and does not constitute a permit for either construction on, 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 deny the petitioner's request for a special exception use permit for a bed and breakfast establishment.