

STAFF REPORT

Planning & Zoning Commission: March 12, 2007

APPLICANT: Cynthia Goforth **FILE NUMBER:** CU-07-03

PURPOSE: Conditional Use Permit for a Second Residence

GENERAL

LOCATION: East side of Brittle Road, approximately 1000' north of Raintree Drive

LEGAL

DESCRIPTION: A portion of Section 8, Township 21 South, Range 19 East, Hernando County, FL

FILE STATUS: All legal obligations have been completed.

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

STAFF FINDINGS:

Surrounding Zoning

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

Surrounding Land Uses

Conservation
Single family
Single family/Mobile home
Single family/Mobile home

FACTUAL INFORMATION

1. The property is currently zoned AG(Agricultural).
2. The property contains approximately 10.0 acres.
3. The site is currently developed with a single family home and barn.
4. The site may contain majestic or specimen trees.
5. The subject property has access from Brittle Road or Forest 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 is Kendrick Fine Sand and Arredondo Fine Sand

8. The property is located in flood zone C.
9. The Utilities Department has indicated water and sewer are not available to serve the subject property.
10. Adequate public facilities are available to serve limited development on the property.
11. The area contains a mix of mobile homes, single family homes and conservation.
12. The subject property does not contain any wetlands, WHPAs, or SPAs according to County data resources.

STAFF DISCUSSION

The subject request is for a conditional use permit for a second residence on a 10-acre AG(Agricultural) parcel. An approximate 950 square foot single family house along with a barn are located on the property. The narrative indicates a request for a 16' x 56' mobile home, so the mother can maintain her own residence in close proximity to the petitioner. The petitioners have provided a letter from a physician indicating the mother's health problems.

The subject property is served by well and septic. The Utilities Department has indicated the water and sewer are available; however, due to distance from utility infrastructure, it would not be economically feasible to require connection at this time. The petitioner will have to maintain the appropriate approvals from the Health Department to provide service for the second residence if the request is 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 Planning and Zoning has the ability to grant a conditional use permit 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 mix of mobile homes, single family homes and vacant parcels.

The Planning & Zoning Commission 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 exist and, if such a determination is made, the Planning & Zoning Commission 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 continue to 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.