

STAFF REPORT

HEARINGS:	Planning & Zoning Commission: September 9, 2024
APPLICANT:	Donna L. Smart
FILE NUMBER:	CU-24-11
REQUEST:	Conditional Use Permit for a Second Residence
GENERAL LOCATION:	Northwest corner of Nodoc Road and Switch back Road
PARCEL KEY NUMBER:	1765842

APPLICANT'S REQUEST

The petitioner requests the renewal of the Conditional Use Permit for a second residence to meet the daily needs of an aging mother and terminally ill son. The petitioner provided a physician's letter indicating the need of being near family to receive the necessary care; the letter is part of the public record file.

SITE CHARACTERISTICS

Site Size:	2.0 acres
Surrounding Zoning & Land Uses:	North: AR-2; Single Family, Mobile Home South: AR-2; Single Family, Mobile Home East: AR-2; Single Family, Mobile Home West: AR-2; Single Family, Mobile Home
Current Zoning:	AR2 (Agricultural / Residential 2)
Future Land Use Map Designation:	Rural

UTILITIES REVIEW

The parcel has onsite well and septic, which is permitted through the Hernando County Health Department.

ENGINEERING REVIEW

The site is located approximately 50' north and approximately 300' west of the intersection of Nodoc Road and Switchback Road. The petitioner has indicated utilizing the existing driveway and proposes no changes to their access.

LAND USE REVIEW

Minimum Building Setbacks Required in the AR2 (Agricultural / Residential 2) District:

- Front: 50'
- Side: 10'
- Rear: 35'

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

NOTICE OF APPLICANT RESPONSIBILITY

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 Concurrence. 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. Homeowner 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; if such a determination is made, the Planning & Zoning Commission may approve the request for a second residence for a period of up to two (2) years with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies 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 shall remove the second residence upon termination of the permit, or when the hardship no longer exists.
3. The conditional use shall expire on September 9, 2026.