

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: January 9, 2023

**APPLICANT:** Lowonder Jernigan

**FILE NUMBER:** CU-22-12

**REQUEST:** Conditional Use Permit for a Second Residence

**GENERAL LOCATION:** South side of Snow Hill Road, approximately 1,986' west of Brice Drive

**PARCEL KEY NUMBER:** 946276

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### APPLICANT'S REQUEST:

The applicant is requesting approval to place a second residence on the subject property due to a medical hardship. The petitioner has 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:** 1.0 acres

**Surrounding Zoning & Land Uses:** North: AG (Agricultural)  
South: AG (Agricultural)  
East: AG (Agricultural)  
West: AG (Agricultural)

**Current Zoning:** AG (Agricultural)

**Future Land Use Map Designation:** Rural

### UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel and are not available to this parcel. HCUD has no objection to the request, subject to Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System.

**ENGINEERING REVIEW:**

The site is located on the south side of Snow Hill Road, approximately 1,986' west of Brice Drive. The petitioner has not indicated any additional driveways at this time. The Engineering Department has reviewed the request and indicated the following:

- Driveway must be improved to current County standards. Obtain Right of Way Use permit to install driveway apron for connection to paved County maintained roadway.

**LAND USE REVIEW:**

Minimum Building Setbacks Required in the AG (Agricultural) District:

- Front: 75'
- Side: 35'
- Rear: 50'

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 has the ability to grant a conditional use permit for a period up to two years if they determine that a hardship exists.

**NOTICE OF APPLICANT RESPONSIBILITY:**

*The rezoning 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 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 exists; 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 January 9, 2025. At this time the applicant may apply for a renewal for an additional two years.

**P&Z ACTION:**

On October 31, 2022, the Planning and Zoning Commission voted 4-0 to approve the petitioner's request for a Conditional Use Permit for a Second Residence for a period of two (2) years with the following unmodified 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 October 31, 2024. At this time the applicant may apply for a renewal for an additional two years.
4. The driveway for the property shall be **Error! Reference source not found.** To accomplish this, the petitioner shall Driveway must be improved to current County standards. Obtain Right of Way Use permit to install driveway apron for connection to paved County maintained roadway.
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