

STAFF REPORT

HEARINGS: Planning & Zoning Commission: May 8, 2023

APPLICANT: William E Barnes

FILE NUMBER: CU-23-13

REQUEST: Conditional Use Permit for a Second Residence

GENERAL LOCATION: Atlantis Ln, approximately 2,055' from its intersection with Mondon Hill Rd

PARCEL KEY NUMBER: 1317033

APPLICANT'S REQUEST

The applicant requests approval to place a second residence on their property, due to medical hardship. The petitioner has provided a physician's letter indicating the need for assistance in his daily activities; the letter is part of the public record file.

SITE CHARACTERISTICS

Site Size: 9.2 acres

Surrounding Zoning & Land Uses:

North: AG (Agricultural); Single Family Residence

South: AG (Agricultural); Single Family Residence

East: AG (Agricultural), Single Family Residence

West: PDP(RUR)/Planned Development Project (Rural); Single Family Residence

Current Zoning: AG (Agricultural)

Future Land Use Map Designation: Residential

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) reviewed the application and provided the following comments:

- HCUD does not currently supply water or sewer service to this parcel.
- Water and sewer service are not available to this parcel.
- HCUD has no objection to the requested Conditional Use Permit to allow a second mobile home on site so the applicant can provide necessary daily living assistance/supervision,

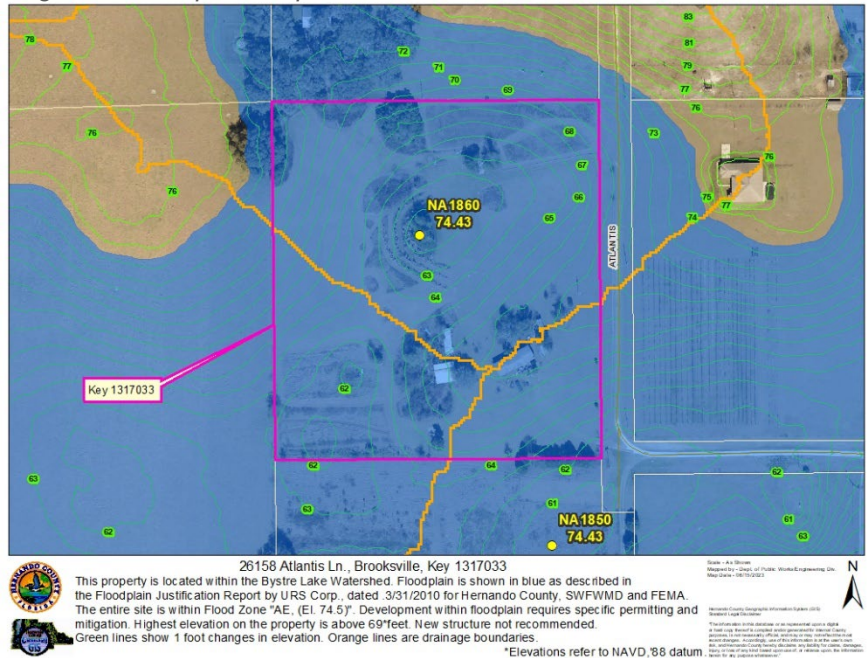
subject to Health Department approval of any improvements that may be necessary to the Onsite Sewage Treatment and Disposal System for the parcel due to increased usage.

ENGINEERING REVIEW

The Engineering Department reviewed the request and provided the following comments:

- This property is entirely within the Zone “AE, (El. 74.5)” floodplain (see Floodplain map below).
- A new structure is not recommended within the floodplain.
- A 6-foot base flood elevation is required to remove the structure from the floodplain at the best location (not at the requested site).
- This property will require additional engineering and site preparation to place an additional structure.
- The applicant must use the existing driveway and entrance to the property. No additional access point shall be permitted.

Figure 1: Floodplain Map for 26158 Atlantis Ln, Brooksville, Florida.



Comments: The Engineering Department recommends against placing a new structure in the floodplain, and the applicant will need to elevate the new structure at least 6' to get it out of the floodplain at the highest point of the property; indicating other locations on the property will require the structure to be elevated more than 6' to remove it from the floodplain. Engineering is drawing attention to the fact that it will be expensive to place this secondary home on the property for such a short period of time (conditional use permits are good for 2 years, then a renewal application is required).

To address this concern, the applicant stated when the conditional use permit expires, the new structure they are bringing in will remain on the property while the mobile home that is currently on the property, and in the floodplain, will be the one that is removed.

LAND USE REVIEW

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

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

Any secondary residence placed on the subject property shall meet the setbacks of the zoning district. 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 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. 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 Conditional Use Permit for a Second Residence for a period of up to two (2) year 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. A permit from the Department of Health is required to provide water and sewer to the parcel.
3. The applicant must use the existing driveway and entrance to the property. No additional access point shall be permitted.
4. The second residence shall meet the setbacks of the AG (Agricultural) zoning district.
 - Front: 75'
 - Side: 25'
 - Rear: 50'
5. The new structure shall not be built/placed within the floodplain.
6. No attachments or other permanent structures shall be erected on the property or attached to the second residence.
7. County personal/inspectors shall have the ability to inspect the property periodically for the duration of the permit to verify that performance conditions are being followed and the use has not been abandoned. A final inspection by county staff will occur within the thirty (30) days immediately following the expiration of this permit to verify that the use has been discontinued.
8. The Conditional Use Permit shall expire on November 13, 2025.