

# **Board of County Commissioners**

## **Agenda Request**

Date of Meeting: February 1, 2010

Date Submitted: January 15, 2010

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator  
Lindsay Stevens, Assistant County Administrator  
Melissa Corbett, Planner II

Subject: Application for Temporary Use TU09-22  
Hines Family Enclave Agreement  
(James Lynn and Julia M. Hines, Owners)

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### **Statement of Issue:**

This agenda item provides the Commission with an Application for Temporary Use, to allow for the creation of a Family Enclave Agreement between Wakulla County and James Lynn and Julia M. Hines and Jake and Barbara Hines.

### **Background:**

The Hines' own a 5.26 acre parcel located at 757 Bob Miller Road. Their son and daughter-in-law, Jake and Barbara Hines, have been residing in a second dwelling on the Subject Property. It is important to note that the zoning of the parcel only allows one residential unit, as will be further described in the Land Development section below, and two residential units currently existing on the site. Therefore, as this second 648 square foot home was constructed in 1974 and pre-dates the requirements of the code it is considered a nonconforming use per Section 5-5 of the Wakulla County Land Development Code (Attachment 1). The regulations for non-conforming uses require that no use be enlarged to occupy a greater area of land than what was existing in 1985, when the Land Development Code was adopted. Thus, upon attempting to replace this 648 square foot residence with a larger dwelling unit, staff informed the Hines that a replacement unit must not exceed the size of the existing 648 square foot structure. Per the applicant, this size dwelling did not meet the needs of their family and thus, they began to explore other options.

As one of the property owners is experiencing health issues and desires the relatives to continue to live close by and provide necessary assistance, the property owners have submitted an Application for a Family Enclave Agreement, which is processed as a Temporary Use. If the Family Enclave Agreement is approved, the family will be permitted to replace the second dwelling with a larger mobile home for the period of one year. Upon the conclusion of the one year period, the mobile must be removed from the Subject Property. Staff notes that the Family Enclave Agreement allows for reapplication after the

one year period and on a showing of good cause of a continued hardship, the Agreement may be extended by the Wakulla County Board of County Commissioners for an additional one year term (Attachment #2).

The Planning Commission considered the Application at their January 19, 2010 public hearing. The Applicants were present for the meeting and no citizens spoke against the item. At the conclusion of the hearing, the Planning Commission voted unanimously to recommend approval of the request.

**Analysis:**

**Comprehensive Plan:**

The Future Land Use Map (FLUM) designation for the property is Rural 1. Rural 1 allows for a density of 1 dwelling unit per 10 acres of land, where access is through a dirt roadway. In areas where access is provided via a paved State or County roadway, the allowable density is 1 dwelling unit per 5 acres of land. Commercial development under the Rural 1 land use is prohibited (Attachment #3).

**Land Development Code:**

The current zoning district for the property is AG. This zoning district allows for many types of agricultural uses to occur on the property. Additionally, this district allows one dwelling unit per 5 acres of land. As noted in the Background section, the Subject Property is only eligible for one dwelling unit because the zoning allows one home per 5 acres and this total property encompasses 5.26 acres (Attachment #4).

**Site Conditions:**

The FEMA flood zone designation for the property is zone “C”. Zone “C” is an area of minimal flooding. Currently, the site has two dwelling units located on it. A private well and on-site septic system currently services the site (Attachment #5).

**Adjacent Parcels:**

Abutting parcels are zoned AG (Agriculture) and RR-1 (Semi-Rural Residential). The AG district allows for the same permissible uses as discussed above. The RR-1 district allows for residential density of 1 dwelling unit per acre of land (Attachment #6).

**Public Notification:**

This request has been noticed and advertised in accordance with the provisions of the Wakulla County Land Development Code. The Planning Department also posted appropriate signage on the property indicating the request. The Wakulla County Code does not require written notice to adjacent property owners for requests of this type. To date, the Planning Department has not received any written

responses to the notice.

The advertisement for this public hearing appeared in The Wakulla News on December 24, 2009 (Attachment #7).

**Additional Issues:**

Previously, Family Enclave Agreements have been reviewed and approved solely by the Board of County Commissioners following the requirements of the Family Enclave Agreement Policy and Procedures adopted in 1998. However, with the adoption of a revised Temporary Use Ordinance in 2008, Family Enclave Agreements are now required to be processed as Temporary Use Applications, which have public hearings before the Planning Commission and Board of County Commissioners.

**Options:**

1. Conduct the second of two public hearings and vote to approve the Application for Temporary Use TU09-22, based upon the recommendation of the Planning Commission and the findings of fact and conclusions of law made by the Board and any evidence submitted at the Hearing hereon.
2. Conduct the second of two public hearings and vote to deny the Application for Temporary Use TU09-22, based on the findings of fact and conclusions of law made by the Board and any evidence submitted at the Hearing hereon.
3. Board direction.

**Recommendation:**

- Option # 1. The Planning Commission recommended approval of TU09-22, as the Local Planning Agency pursuant to Section 24.037, Wakulla County Code and Section 163.3174, Florida Statutes.

**Attachments:**

1. Wakulla County Land Development Code Section 5-5
2. Family Enclave Agreement
3. FLUM Policy 1.2.3
4. Section 5-25, LDC
5. Site Photos
6. Tax and Zoning Maps
7. Advertisement