

SUMTER COUNTY
PLANNING AND ZONING SPECIAL MASTER
January 4, 2021

CASE NO. S2020-0007

APPLICANT: Virginia Reagan

REPRESENTATIVE: Connie Mahan

REQUESTED ACTION: A minor special use permit to allow for an auto/truck transmission repair business, as a home occupation.

PARCEL NUMBERS: Q14-021

LEGAL DESCRIPTION: IN SEC 14, TWP 21 S, RNG 23 E: BEG AT NW COR OF NE1/4 OF NW1/4 RUN S 553.43 FT E 396.05 FT N 546.89 FT W 396 FT TO POB AND COMM AT NW COR OF NE 1/4OF NW 1/4 RUN S 0 DEG 09 MIN 51 SEC E 1051.03 FT TO POB CONT S 0 DEG 09 MIN 51 SEC E 220 FT TO N R/W LINE OF CR 558RUN N 89 DEG 45 MIN 11 SEC E 200 FT N 0 DEG 09 MIN 51 SEC W 220 FT S 89 DEG 45 MIN 11 SEC W 200 FT TO POB AND COMM ATNW COR OF NE 1/4 OF NW 1/4 S 90 DEG 00'00 E 396 FT TO POB CONT S 90 DEG 00'00 E 332.845 FT S 00 DEG 17 16 E785.04 FT S 89 DEG 45'11 W 107.20 FT S 00 DEG 09'51 E 172.03 FT S 89 DEG 45'11 W 157.54 FT S 00 DEG 09'51 EBEG AT NW COR OF NE1/4 OF NW1/4 RUN S 553.43 FT E 396.05 FT N 546.89 FT W 396 FT TO POB AND COMM AT NW COR OF NE 1/4OF NW 1/4 RUN S 0 DEG 09 MIN 51 SEC E 1051.03 FT TO POB CONT S 0 DEG 09 MIN 51 SEC E 220 FT TO N R/W LINE OF CR 558RUN N 89 DEG 45 MIN 11 SEC E 200 FT N 0 DEG 09 MIN 51 SEC W 220 FT S 89 DEG 45 MIN 11 SEC W 200 FT TO POB AND COMM ATNW COR OF NE 1/4 OF NW 1/4 S 90 DEG 00'00 E 396 FT TO POB CONT S 90 DEG 00'00 E 332.845 FT S 00 DEG 17 16 E785.04 FT S 89 DEG 45'11 W 107.20 FT S 00 DEG 09'51 E 172.03 FT S 89 DEG 09'51

CURRENT USE: Residential and agricultural

FUTURE LAND USE: Agricultural

ZONING: RR5C and RR1C

PARCEL SIZE: 15 acres MOL.

LOCATION: Center Hill area – Northeast corner of CR 558 and CR 571A (Map 1)

CASE SUMMARY:

The applicant is requesting a minor special use permit to allow the operation of a transmission repair shop as a home occupation. The business owners have recently closed their auto repair business and wish to continue working on transmissions as a home occupation. The applicant states that this business will be operated entirely indoors, within a 1200- sq.ft. structure. There will be no outdoor repairs, outdoor activities, or storage of vehicles owned by others. There will be no more than one customer at a time on the property.

The business will be operated by the landowner and a household member. She is requesting that they be permitted a helper to assist on an as needed basis.

The application site is located in a rural area surrounded by agricultural land and rural residential homesites. Surrounding properties are zoned RR5, RR1C and A10C. (Map 2). Access to the site is by means of a County maintained road.

CASE ANALYSIS:

Pursuant to Section 13-332, Sumter County Land Development Code, the proposed special use must meet the following requirements for approval (Staff's review of each of the findings is provided in *italic text*):

- a. The use must be in harmony with the purpose and intent of this chapter.
Home occupations conducted within enclosed structures are permitted within the Rural Residential zoning districts. The LDC prohibits auto body work or work that involves hazardous chemicals. The applicant states the business does not involve either body work or hazardous chemicals. There are no prohibitions on mechanical auto/truck repair.
- b. The use must be compatible with surrounding existing and anticipated uses.
The surrounding area is rural residential in nature with homes on acreage. A small shop with limited customer access and no outdoor work or storage would be compatible with the surrounding uses.
- c. The use must not adversely affect the public interest. Adequate traffic circulation, sanitary, utility, drainage, refuse management, emergency services and similar necessary facilities and services shall be available for the use. A use shall not create hazardous vehicular or pedestrian traffic conditions, or parking congestion, generate

traffic that exceeds the capability of roads and streets serving the use, or otherwise affect public safety.

The application has not addressed potential traffic. The house is located at the end of a paved road.

- d. The site must be suitable for the proposed use, considering flood hazard, drainage, soils, and other conditions which may pose a danger to life, health or property.

The property is physically suitable for the proposed use. There are no known drainage or floodzone issues on site.

- e. The development of the use shall have no more than a minimal adverse effect on the environment, public health, safety, and welfare.

The proposed facility will not pose an adverse effect on the environmental, public health, safety or public welfare.

- f. Proposed improvements and the level of cooperation by the developer shall be considered.

The applicant has been very cooperative.

- g. Unless specifically provided otherwise, the use shall comply with this code.

The proposed project will comply with LDC requirements. A site plan permit will be required for the improvements and to show compliance with any approval conditions.

The following additional requirements must be considered in reviewing special uses (Sec 13-232(2)).

- a. The use must not be detrimental to the neighborhood environment or unduly infringe on the rights of surrounding property owners.

The proposed home occupation will be conducted indoors within a workshop. It will not be detrimental to the neighborhood environment or rights of surrounding property owners.

- b. A vehicular parking or traffic problem must not be created, and the vehicular average daily traffic created on local roads must not be increased in such a manner as to degrade the established function of the roadway or create hazards to public health or safety. The commission and staff may rely on input from the Florida Department of Transportation, the Florida Highway Patrol and the sheriff's office in making this determination.

The proposed project will be limited to no more than one customer at a time. The applicant has stated that there will not be any tow trucks or heavy trucks utilizing the County Road. The impact on the County maintained road is inconsequential.

- c. Screening and buffering sufficient to minimize interference with the enjoyment of surrounding properties may be required.

No screening or buffers have been proposed.

Home occupations are addressed in Section 13-642 of the Sumter County Land Development Code. The stated intent of the section is to recognize and avoid potential adverse impacts while

allowing reasonable latitude in allowing citizens to pursue economic goals as accessory uses to residential usage. To grant approval, the PZSM must determine that the proposed use can be conducted without such impact on surrounding residents. The following criteria are provided for consideration:

LDC Sec 13-642 (b) – *Home Occupations, Location and Parcel Size*

- (1) Home occupations shall only be located on parcels fronting on roadways within the state or county maintained system.
The subject parcel fronts on CR 571A, a county-maintained roadway.
- (2) Due to the typical density of development in recorded and unrecorded subdivisions of record, the following minimum requirements shall apply thereto:
The subject property is zoned RR5C and is on unplatted acreage which allows for home occupations in accessory structures..
- (3) In addition to subsections (1) and (2), the appropriateness of a home occupation use in terms of location and parcel size shall be determined by the PZSM. The PZSM shall examine:
 - a. The size, location and nature of the subject and surrounding properties.
Surrounding properties are 2 to 10-acre rural residential home sites and agricultural land.
 - b. The function and nature of the servicing roadway,
CR 671 is a paved county-maintained roadway.
 - c. The potential for impact on surrounding properties,
The proposed activity will have little impact on surrounding properties.
 - d. The practical effectiveness of mitigation techniques.
No mitigation is required.
 - e. Any other circumstances which are relevant to the placement of the specific use applied for.
The proposed use is compatible with the rural residential neighborhood.

DEVELOPMENT SERVICES DEPARTMENT STAFF CONCLUSIONS:

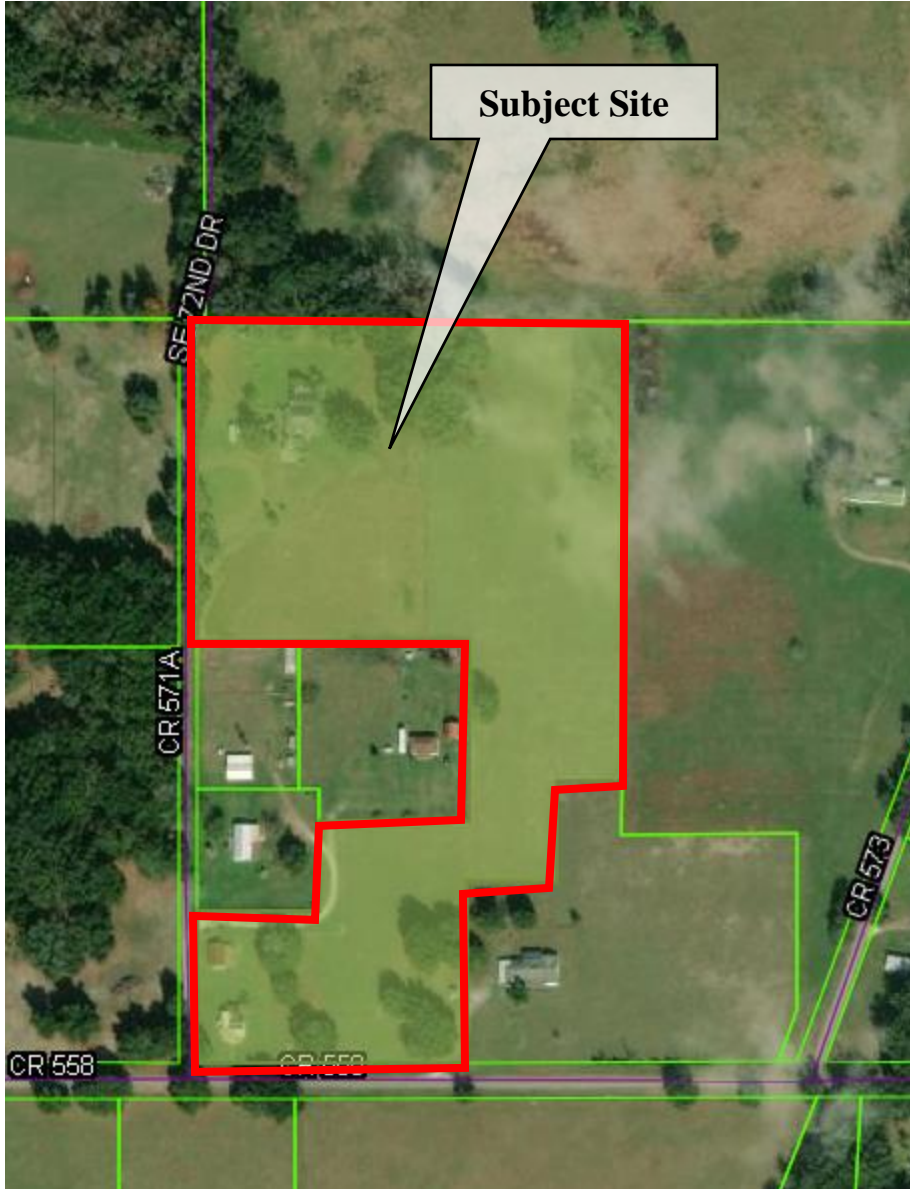
Staff has deemed the requested application in compliance with the minimum application requirements of the Sumter County Land Development Code and recommends approval with the following conditions:

1. This Special Use Permit approval is for the operation of a transmission repair shop in conjunction with the residential use of the property. The area under use as the home occupation, including the accessory structure, must be retained as part of the same parcel as the residence.

2. The business shall be located within an enclosed structure. There shall be no outdoor business activity or storage. Vehicles associated with the business shall not be parked or stored outdoors.
3. There shall be no more than ten (10) new vehicle trips per day associated with the business.
4. One sign, not to exceed ten (10) square feet in area and without illumination, shall be allowed.
5. County personnel shall be allowed to access the site during operating hours to perform unscheduled monitoring inspections;
6. This special use permit may be suspended or revoked by the Board of County Commissioners consistent with Section 13-333(e), Sumter County Land Development Code.

Notices Sent: 12 (No Objection) 0 (Objection) 8

Map 1 General Location



Map 2 Surrounding Zoning



Attachment 1

