



DEPARTMENT OF DEVELOPMENT SERVICES
PLANNING DIVISION

789 PROVIDENCE BOULEVARD ♦ BROOKSVILLE, FLORIDA 34601
P 352.754.4057 ♦ W www.HernandoCounty.us

*****You are receiving this notice because you own property located within 500 feet of property owned by the below-named applicant.*****

Date: September 29, 2023

**NOTICE OF INTENT
APPROVAL OF REQUEST FOR ZONING VARIANCE
FILE NO.**

This is to inform you that the Zoning Division has received a petition from:

Name: Drew Moyer

Location of Property: 5060 CULBREATH ROAD BROOKSVILLE, FL 34601

The petitioner is requesting to REDUCTION ON SIDE SETBACKS FROM 35' TO 15' AND REAR SETBACKS FROM 50' AND 35'

It is the intent of the Administrative Official to approve the requested variance fifteen (15) calendar days after the date of this mailing if no request for a review of the decision is filed. If you are opposed to the approval of this request, your response **must** be received in writing by this department no later than fifteen (15) calendar days from the date of this letter. Please fill in the form (see reverse side) and return to our office along with any additional data supporting your objection to this petition.

If no request for review is filed within fifteen (15) calendar days objecting to the Administrative Official's decision to approve the variance, the decision shall stand. If a request for review is filed by 4:30 p.m. on the fifteenth day, the Administrative Official shall schedule a public hearing for the Board of County Commissioners to hear the application for the variance. PLEASE NOTE THAT THE PERSON REQUESTING THE REVIEW IS REQUIRED TO APPEAR IN PERSON AT THE PUBLIC HEARING.

Should a hearing be necessary, a notice will be mailed at least ten (10) calendar days before the hearing to all property owners within 250 feet in any direction from the property lines of the land in question and shall be published in a newspaper of general circulation within the County no less than ten (10) days prior to the hearing. Those in favor or against the petition will have a chance to testify before the Board of County Commissioners. The Board will approve or deny the request for the petition.

If you have any questions regarding this matter, please feel free to contact the **Zoning Division** at (352) 754-4057, ext. 28051.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michelle Miller", is written over a horizontal line.

Michelle Miller
Planning and Zoning Administrator

****See reverse side for optional Public Hearing Form****



DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

1653 BLAISE DRIVE ♦ BROOKSVILLE, FLORIDA 34601
P 352.754.4057 ♦ F 352.754.4420 ♦ W www.HernandoCounty.us

REQUEST FOR REVIEW OF VARIANCE DECISION

APPLICATION FOR PUBLIC HEARING
HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS

This application must be completed and returned, along with any additional data supporting your request for review of this petition, to this office before advertisement may be made for a public hearing before the Board of County Commissioners.

THE PERSON REQUESTING THE REVIEW IS REQUIRED TO APPEAR IN PERSON
AT THE PUBLIC HEARING.

Date: 10/9/23

Variance File No.: not shown in

Petitioner Name: Drew moyer

County letter
1. Your name (please print) Douglas Davenport

Mailing Address 210809 Mandon Hill Rd.

City Brooksville State FL Zip 34601 Phone# 352-279-2980

2. State your reasons for requesting a review of the variance decision:

sets a bad precedence for other property
owners. no need for any change property
owners are aware of setbacks.

Attach additional pages, if necessary, to explain the reason you are requesting a review of this variance decision. Submit this form along with any additional documentation which you deem necessary to support your request. YOU will be notified in writing of the date and time scheduled for your appearance before the Board of County Commissioners.

SIGNATURE: [Signature]

October 9, 2023

Response to NOTICE OF INTENT, FILE NO. NOT LISTED

Dated September 29, 2023

Location of Property 5060 Culbreath Road, Brooksville FL 34601, Drew Moyer

I, Douglas Davenport, object to the request for reduction of side and rear setbacks as stated in the above noticed reference above.

A handwritten signature in blue ink, appearing to read 'Douglas Davenport', with a large, stylized initial 'D'.

Douglas Davenport

5071 Emerson Road
Brooksville, FL 34601

Mailing Address:
26809 Mondon Hill Road
Brooksville, FL 34601



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REQUEST FOR REVIEW OF VARIANCE DECISION

APPLICATION FOR PUBLIC HEARING
HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS

This application must be completed and returned, along with any additional data supporting your request for review of this petition, to this office before advertisement may be made for a public hearing before the Board of County Commissioners.

THE PERSON REQUESTING THE REVIEW IS REQUIRED TO APPEAR IN PERSON
AT THE PUBLIC HEARING.

Date: 10/6/2023

Variance File No.: None Listed

Petitioner Name: DREW MOYER
GREG HARGUS

1. Your name (please print) GREG HARGUS AND JOHANNA HARRINGTON

Mailing Address 5076 CULBREATH RD

City BROOKSVILLE State FL Zip 34601 Phone# 352.238.1636

2. State your reasons for requesting a review of the variance decision:

1. The location of the property listed on this form
is incorrect. This is confusing our neighbors
in an effort to understand where the location is
Drew Moyer owns 2 parcels on Culbreath Road.
5048 Culbreath, Key # 00381731, and a parcel
without an address, Key # 01486305. See attached

Attach additional pages, if necessary, to explain the reason you are requesting a review of this variance decision. Submit this form along with any additional documentation which you deem necessary to support your request. YOU will be notified in writing of the date and time scheduled for your appearance before the Board of County Commissioners.

SIGNATURE: [Signature]

John Hargus

pages and
photographs

REQUEST FOR REVIEW OF VARIANCE DECISION
CONTINUATION PAGE

RE: Drew Moyer

Property Address: 5060 Culbreath Road

Persons Requesting Review of the Variance:

Greg Hargus and Johanna Harrington, 5076 Culbreath Road, Brooksville

1. The property address provided for the location of the variance is incorrect. Per the property appraiser's website, no street number is listed. Drew Moyer owns two parcels on Culbreath Road, Key # 00381731 with an address of 5048 Culbreath Road, and Key # 01486305. The structure that this variance seeks to remedy lies on the parcel without an address and sits approximately 10 feet from our southern property boundary. When speaking with neighbors, many were confused as to what property the Notice actually pertained to because Google maps shows this address on a parcel with an address of 5142 Culbreath Road. The closest street number using Google maps would be 4831. Petitioner should be required to resubmit with the correct information so notice of this variance is properly given to the affected property owners.
2. The Notice of Intent is dated September 29, but the envelope is postmarked October 4, 2023 and not arriving at our residence until October 6, 2023 giving less than a week to prepare a response requesting review of the approval of the variance. Any official notices where time is of the essence and rights are lost as a result of untimeliness should be mailed on the date of the official notice regardless of what type of notice it is.
3. This variance will not cure Petitioner's problem. The structure that this variance seeks to remedy lies approximately 10 feet from our shared property boundary. Although the variance is couched as a "side setback" and "rear setback", it is really the *front setback* that the variance seeks to cure because the front door faces north, the side of the structure. A front setback for Agriculture and Country 2.5 is 75 feet. The garage door—not the man door—faces the road. Hence, approving this variance will not solve Petitioner's problem because the man door used for ingress and egress determines or should determine what is the front yard. With the carport addition, **it is within 10 feet of the boundary.** We have used a laser measuring device to determine the distance since we are the adjoining

property owners. This means even if these setback variances, the structure will still be encroaching. See photographs.

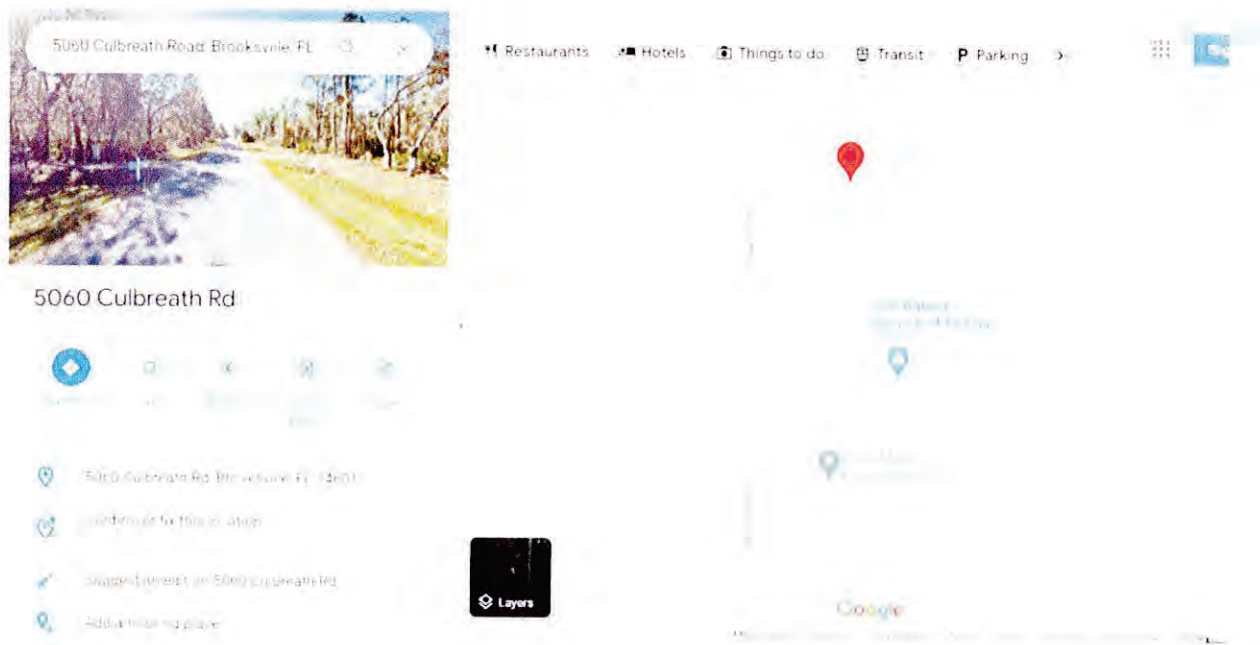
4. This variance destroys our backyard privacy. The structure is in the far corner of Petitioner's property overlooking our back yard. Our home sets back approximately 500 feet from the road destroying any privacy we previously enjoyed. The home existed decades before the structure was built. It is simply too close for the rural character of the neighborhood.
5. Bright lights are mounted on the structure destroying the quiet enjoyment of our property guaranteed by Florida's Property Owner Bill of Rights. Petitioner has mounted bright lights that make using our backyard impossible. The location of this structure makes it possible for these lights as well as cameras. Both the lights and cameras have forced us to raise tarps to block the lights and cameras. See photographs.
6. This encroachment significantly reduces our property value. We have already spoken to a realtor and real estate appraiser who has said in no uncertain terms that the it will make our property difficult to sell and reduce the sale price. He has indicated that we should seek a reduction in our tax assessed value from the property appraiser should this variance go forward and Petitioner's structure becomes a permitted residence.
7. Petitioner seeks to turn this structure into a residence. Petitioner has already applied to have it permitted as a residence. A residence is far more intrusive than a detached garage. He previously connected a septic system from this structure to his existing septic system across property lines without a permit despite being a licensed plumber. After reporting him to Code Enforcement, he began terrorizing us in many ways, including repeatedly calling 911 for target shooting, aiming lights and cameras at our backyard, aiming lights at our house, and filming us in our yard with cell phone cameras. This is not a complete list of his harassment, which is now the subject of a civil lawsuit. A residence is far more intrusive with noise, reasonable lighting, parking, guests, outdoor seating and other items associated with living than its current state as a detached garage. Petitioner has stated numerous times that he plans to live in the structure and there is nothing we can do about it. See photographs.

8. We lose farming rights when this structure becomes a residence.

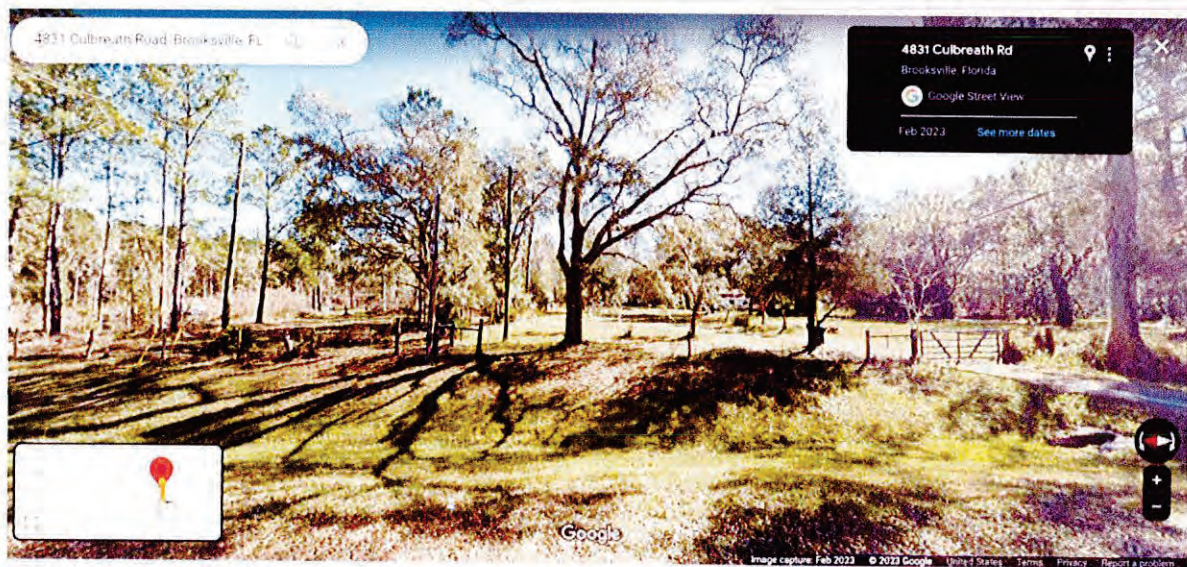
Petitioner's ultimate goal is to have this encroaching structure be a residence despite living at 5048 Culbreath Road. We will no longer be able to keep animals in the barn despite our barn not encroaching the setback because of Code Ordinance, Appendix A, Article IV, Section 6, 5(a) which says no odor or dust producing substance may be permitted within 100 feet of an adjoining parcel containing a residence. Chickens, goats, turkeys et cetera are odor or dust producing "substances". Our barn has been home to various livestock for more than five years and we should not be penalized because Petitioner built his structure in the setback.

Granting this variance request not only will 1) destroy our privacy, 2) reduce our property values, 3) reduce the overall property values of this section of Culbreath Road, 4) ruin our quiet enjoyment of our property, 5) encroach on our farming rights in Agriculture Zoning, but it will also reward bad behavior and will make it easier for Petitioner to harass us.

Justice requires that this Board reject the variance requested by the Petitioner.



Drew Moyer's application and the Notice of Intent Approval of Request for Zoning Variance lists the incorrect address. 5060 Culbreath Road is not the correct address. Google is actually marking 5142 Culbreath Road, which is confusing us and our neighbors as to where the variance request is.



The property owned by Drew Moyer where the encroaching structure actually lies has no site address with the Property Appraiser and Google maps identifies it as "4831 Culbreath Road". The key number is 01486305. You cannot see the structure in this picture because it is so far back, but see the Property Appraiser's GIS Map for this structure.





