

**RESOLUTION NO. 2024 - \_\_\_\_\_**

**WHEREAS**, Hernando County has adopted subdivision regulations pursuant to Chapters 125, 163 and 177, *Florida Statutes*, which authorize the County to regulate the division of land in the unincorporated areas of Hernando County, Florida, and take action on the request herein; and,

**WHEREAS**, the Hernando County Board of County Commissioners (BOCC) considered the requested Petition for relief from the strict application of the subdivision regulations on the specified parcel(s) in Hernando County, Florida, due to **FAMILY HARDSHIP**, as more fully described below.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AS FOLLOWS:**

**PETITIONERS:** Alfred P. & Sharon K. Martucci

**FILE NUMBER:** 1476652

**PURPOSE:** To divide 5.0 acres into two parcels creating Parcel 1 (4.0 acres) and Parcel 2 (1.0 acres)

**GENERAL**

**LOCATION:** A portion of Section 13, Township 22 South, Range 17 East 415 Ft. from Commercial Way

**PARCEL KEY:** 538948

**REQUEST:** The Petitioners were denied a Class D Subdivision to divide 5.0 acres into two parcels creating Parcel 1 (4.0 acres) and Parcel 2 (1.0 acres) for failing to meet all of the requirements for a Class D Subdivision in Section 26-3(e) of the Hernando County Ordinance Code. Therefore, the Petitioners request relief from the strict application of the Class D Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code due to **FAMILY HARDSHIP**, pursuant to Section 26-3(g) of the Hernando County Ordinance Code.

**FINDINGS**

**OF FACT:** ALL of the facts and conditions presented to the BOCC in connection with this matter are incorporated herein by reference and made a material part of this Resolution as integral to the BOCC's Action. The BOCC finds that the testimony and record supporting DENIAL of the Petitioners' request to be credible and to constitute competent substantial evidence. In further support thereof, the BOCC makes the following specific findings of fact:

1. The strict application of the Class D Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code would NOT place an undue burden on the Petitioners' ability to transfer land to family

members.

**CONCLUSIONS  
OF LAW:**

The BOCC is authorized to act on this matter pursuant to Chapters 125, 163 and 177, *Florida Statutes*. Accordingly, after hearing testimony, being fully advised in the record, and based upon competent substantial evidence, the BOCC makes the following specific conclusions of law:

1. The strict application of the Class D Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code would NOT place an undue burden on the Petitioners' ability to transfer land to family members.

**ACTION:**

Based upon the record in this matter and ALL of the findings of fact and conclusions of law above, the BOCC hereby DENIES the Petitioners' request for relief from the strict application of the Class D Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code due to **FAMILY HARDSHIP**.

**ADOPTED IN REGULAR SESSION THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

**BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA**

Attest: \_\_\_\_\_  
**Douglas A. Chorvat, Jr.**  
Clerk of Circuit Court & Comptroller

By: \_\_\_\_\_  
**Elizabeth Narverud**  
Chairwoman

(SEAL)

Approved as to Form and Legal Sufficiency

By: Kyle J. Benda  
County Attorney's Office