

RESOLUTION NO. 2023- 246

WHEREAS, Hernando County has adopted zoning and land development regulations pursuant to Chapter 163 and Section 125.01(1), *Florida Statutes*, which authorize the County to regulate the use 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) conducted a duly advertised public hearing on Tuesday, December 12, 2023 to consider the requested dimensional variance on the specified parcel(s) in Hernando County, Florida, as more fully described below.

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

APPLICANT: **Drew Moyer**

FILE NUMBER: V-23-45 / 1470247

**GENERAL
LOCATION:** 5060 CULBREATH ROAD, BROOKSVILLE, FL 34601

**LEGAL
DESCRIPTION:** N1/2 OF NE1/4 OF SW1/4 OF NE1/4 LESS W 430 FT OF S253 FT
 THEREOF LESS W50 FT AKA PAR IN CLASS I SUB AS (S-94-043) & (S-
 98-113 A)

PARCEL KEY: **1486305**

REQUEST: The applicant is requesting a **DIMENSIONAL VARIANCE** to allow for a reduction of setbacks on the north side from 35' to 15' and rear setbacks from 50' and 35' for the main dwelling. The representations contained in the applicant's variance application are incorporated herein by reference and made a part hereof. For purposes herein, it is presumed that all requisite notice and advertising requirements have been satisfied.

The **DIMENSIONAL VARIANCE** requests a deviation from the requirements of Chapter 23, Article VI, Section 23-210 of the Hernando County Code of Ordinances

**FINDINGS
OF FACT:** ALL of the facts and conditions presented to the BOCC in connection with the public hearing in 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 requested dimensional variance to be credible and to constitute competent substantial

evidence. In further support thereof, the BOCC makes the following specific findings:

1. The requested **DIMENSIONAL VARIANCE** does not satisfy ALL of the following prerequisites set forth in Appendix A, Article V, Section 3, Hernando County Code of Ordinances:
 - (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district
 - (b) That the special conditions and circumstances does result from the actions of the applicant
 - (c) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings, or structures in the same zoning district.
 - (d) That literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant
 - (e) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - (f) That the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare
2. The requested **DIMENSIONAL VARIANCE** is NOT consistent with the County's adopted Comprehensive Plan and land development regulations.

CONCLUSIONS OF LAW:

The BOCC is authorized to act on this matter pursuant to Chapters 125 and 163, *Florida Statutes*, and Appendix A, Article V, Section 3, Hernando County Code of Ordinances. Accordingly, after public hearing and testimony, being fully advised in the record, and based upon competent substantial evidence, the BOCC makes the following specific conclusions of law:

1. The requested **DIMENSIONAL VARIANCE** is NOT consistent with the County's adopted Comprehensive Plan and land development regulations, subject to all conditions made a part of the public hearing in this matter and which conditions are incorporated herein by reference.

ACTION: After notice and public hearing, based upon the record in this matter and **ALL** of the findings of fact and conclusions of law above, the BOCC hereby **DENIES** the request for a **DIMENSIONAL VARIANCE**.

ADOPTED IN REGULAR SESSION THE 12th DAY OF December, 2023

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

Attest: Hiedi Kuyper, Deputy Clerk
Douglas A. Chorvat, Jr.
Clerk of the Circuit Court and Comptroller

By: E. Narverud
Elizabeth Narverud Chairperson

(SEAL)



Approved as to form and Legal Sufficiency

By: Kyle J. Berda
County Attorney's Office