

August 12, 2024

MEMORANDUM

TO: Honorable Chairman and Members of the Board of County Commissioners

VIA: Jeffrey Rogers, County Administrator
County Administrator's Office

FROM: Cesar Omar DePablo, Planning Administrator
Planning and Zoning Department

SUBJECT: Conditional Use Actions by the Planning and Zoning Commission on August 12, 2024

For the Board's information, on August 12, 2024, the Planning and Zoning Commission (P&Z) held a duly advertised public hearing to consider an advertised request for a Conditional Use Permit(s). Attached to this memorandum is (are) the staff report(s) and action(s) of the P&Z on the Conditional Use Permit request(s) at that scheduled public hearing.

A notification letter was sent on Wednesday, August 14, 2024, to inform the petitioner(s) of the P&Z action(s). According to Appendix A, Zoning, Article V, Section 4(H) of the Hernando County Code of Ordinances, the Board of County Commissioners, by a majority vote, may decide to review any conditional use permit decision rendered by the P&Z. If at least a majority (three (3) members) of the governing body do not vote to review the P&Z decision within thirty (30) days, which would be Tuesday, September 10, 2024, (calculated from the date of the P&Z decision), the P&Z decision shall be deemed final and subject only to review by the circuit court.

The review of decision by the BCC would occur on the regular BCC hearing date of Tuesday, October, 2024, (calculated from the date of the P&Z decision). "Public notice" for this hearing shall mean publication of notice of the time, place and purpose of such hearing one (1) time in a newspaper of general circulation in the county, such publication to be at least five (5) days prior to such hearing, and such notice shall be posted in a conspicuous place or places around such lots, parcels, or tracts of land as may be involved in the hearing. Affidavit proof of the required publication and posting of the notice shall be presented at the hearing.

The Board may affirm, modify or reverse the decision of the P&Z at the hearing.

Copies: Applicant's File

P&Z CONDITIONAL USE RESULTS FROM AUGUST 12, 2024

STAFF REPORT

HEARINGS: Planning & Zoning Commission: August 12, 2024

APPLICANT: William Camara & Stacy Thunder Camara

FILE NUMBER: CU-24-07

REQUEST: Conditional Use Permit for a Temporary Security Residence Associated with the Construction of a House

GENERAL LOCATION: Approximately 500' south of Necklace Warbler Road

PARCEL KEY NUMBER: 676227

APPLICANT'S REQUEST

The petitioner is requesting a Conditional Use Permit for a Temporary Security Residence, namely an RV, to provide security and monitoring of their home during construction. The petitioner has indicated proper water and septic utilities currently exist on the property.

SITE CHARACTERISTICS

Site Size: 1.0 acre

Surrounding Zoning & Land Uses: North: R-1C; Single Family
South: R-1C; Single Family
East: R-1C; Single Family
West: R-1C; Single Family

Current Zoning: R-1C (Residential)

Future Land Use Map Designation: Residential

LAND USE REVIEW

Minimum Building Setbacks Required in the R-1C (Residential) District:

- Front: 25'
- Side: 10'
- Rear: 20'

Comments: County personnel shall have the ability to inspect the property periodically for the duration of the permit to verify that performance conditions are being followed and the use has not been abandoned. A final inspection by county

P&Z CONDITIONAL USE RESULTS FROM AUGUST 12, 2024

staff will occur within thirty (30) days immediately following the expiration of this permit to verify that use has been discontinued.

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The Commission can grant a conditional use permit for a period up to two years if they determine that a hardship exists.

NOTICE OF APPLICANT RESPONSIBILITY

The conditional use permit process is a land use determination and does not constitute a permit for either construction, or use of, the property, or a Certificate of Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowner associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

STAFF RECOMMENDATION:

It is recommended that the Planning and Zoning Commission determine whether a hardship exists; if such a determination is made, the Planning & Zoning Commission may approve the request for a Conditional Use Permit for a Temporary Security Residence associated with the construction of a house, for a period of up to one (1) year with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. No attachments or other structures shall be erected on the property or attached to the RV.
3. The proposed RV shall meet the setbacks of the R-1C (Residential) zoning district.
4. The petitioner shall meet the requirements of the Health Department for waste management.
5. The Conditional Use Permit shall expire on August 12, 2025.

P&Z ACTION:

On August 12, 2024, the Planning and Zoning Commission voted 5-0 to approve the petitioner's request for a Conditional Use Permit for a Temporary Security Residence associated with the construction of a house, for a period of up to one (1) year with the following performance conditions:

P&Z CONDITIONAL USE RESULTS FROM AUGUST 12, 2024

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. No attachments or other structures shall be erected on the property or attached to the RV.
3. The proposed RV shall meet the setbacks of the R-1C (Residential) zoning district.
4. The petitioner shall meet the requirements of the Health Department for waste management.
5. The Conditional Use Permit shall expire on August 12, 2025.

P&Z CONDITIONAL USE RESULTS FROM AUGUST 12, 2024

STAFF REPORT

HEARINGS: Planning & Zoning Commission August 12, 2024

APPLICANT: Ryan Goodwin

FILE NUMBER: CU-24-08

REQUEST: Conditional Use Permit for a Temporary Security Residence Associated with the Construction of a House

GENERAL LOCATION: Corner of Brice Drive and Snow Hill Road.

PARCEL KEY NUMBER: 425356

APPLICANT’S REQUEST

The applicant is requesting approval to place a second residence on their property, specifically an RV, to provide security and monitoring of their home during construction. There is an existing well and pole barn on the property.

SITE CHARACTERISTICS

Site Size: 2.5 acres

Surrounding Zoning & Land Uses: North: AG; Single Family
South: AR; Single Family
East: AR; Single Family
West: AR; Single Family

Current Zoning: AR (Agricultural/Residential)

Future Land Use Map Designation: Rural

LAND USE REVIEW

Minimum Building Setbacks Required in the AR (Agricultural/Residential) District:

- Front: 50'
- Side: 10'
- Rear: 35'

Comments: County personnel shall have the ability to inspect the property periodically for the duration of the permit to verify that performance conditions are being followed and the use has not been abandoned. A final inspection by county

P&Z CONDITIONAL USE RESULTS FROM AUGUST 12, 2024

staff will occur within thirty (30) days immediately following the expiration of this permit to verify that use has been discontinued.

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The Commission can grant a conditional use permit for a period up to two years if they determine that a hardship exists.

NOTICE OF APPLICANT RESPONSIBILITY

The conditional use permit process is a land use determination and does not constitute a permit for either construction, or use of, the property, or a Certificate of Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowner associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

STAFF RECOMMENDATION:

It is recommended that the Planning and Zoning Commission determine whether a hardship exists; if such a determination is made, the Planning & Zoning Commission may approve the request for a Conditional Use Permit for a Temporary Security Residence Associated with the Construction of a House for a period of up to one (1) year with the following performance conditions:

4. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
5. No attachments or other structures shall be erected on the property or attached to the RV.
6. Please be advised that soil and habitat are suitable for gopher tortoise. Care should be taken to avoid gopher tortoise burrows while setting up the RV.
7. The proposed RV shall meet the setbacks of the AR/ (Agricultural/Residential) zoning district.
 - Front: 50'
 - Side: 10'
 - Rear: 35'
8. Water shall be provided from the main house via hookup and septage shall be emptied and disposed of at a Health Department approved location.
9. The Conditional Use Permit shall expire on August 12, 2025.

P&Z CONDITIONAL USE RESULTS FROM AUGUST 12, 2024

P&Z ACTION:

On August 12, 2024, the Planning and Zoning Commission voted 5-0 to approve the petitioner's request for a Conditional Use Permit for a Temporary Security Residence Associated with the Construction of a House for a period of up to one (1) year with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. No attachments or other structures shall be erected on the property or attached to the RV.
3. Please be advised that soil and habitat are suitable for gopher tortoise. Care should be taken to avoid gopher tortoise burrows while setting up the RV.
4. The proposed RV shall meet the setbacks of the AR/ (Agricultural/Residential) zoning district.
 - Front: 50'
 - Side: 10'
 - Rear: 35'
5. Water shall be provided from the main house via hookup and septage shall be emptied and disposed of at a Health Department approved location.
6. The Conditional Use Permit shall expire on August 12, 2025.

P&Z CONDITIONAL USE RESULTS FROM AUGUST 12, 2024

STAFF REPORT

HEARINGS: Planning & Zoning Commission: August 12, 2024

APPLICANT: Heather Swezey

FILE NUMBER: CU-24-09

REQUEST: Conditional Use Permit for a Temporary Security Residence Associated with the Construction of a House

GENERAL LOCATION: South side of Birmingham Avenue, approximately 160' east of Allen Drive.

PARCEL KEY NUMBER: 82314

APPLICANT'S REQUEST

The petitioner is requesting a Conditional Use Permit for a Temporary Security Residence, namely a Recreational Vehicle (RV), in order to provide security and monitoring of their home during construction. The petitioner has indicated that their home is currently under construction and is scheduled to be completed within the next 6 months.

SITE CHARACTERISTICS

Site Size: 1.8 acres

Surrounding Zoning & Land Uses:
North: PDP(SF); Single Family
South: R1C; Single Family
East: R1C; Single Family
West: R1C; Single Family

Current Zoning: R1C (Residential)

Future Land Use Map Designation: Residential

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. Water and sewer service are not available to this parcel. HCUD has no objection to the request, subject to Health Department approval of any upgrades to the Onsite Sewage Treatment and Disposal System that may be necessary.

P&Z CONDITIONAL USE RESULTS FROM AUGUST 12, 2024

ENGINEERING REVIEW

The site is located on the South side of Birmingham Avenue, approximately 160' east of Allen Drive. The Engineering Department has reviewed the request and indicated the following: This property is within Flood Zone "X", outside the 1% annual chance floodplain.

LAND USE REVIEW

Minimum Building Setbacks Required in the R1C District:

- Front: 25'
- Side: 10'
- Rear: 20'

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The Commission can grant a conditional use permit for a period up to two years if they determine that a hardship exists.

NOTICE OF APPLICANT RESPONSIBILITY

The conditional use permit process is a land use determination and does not constitute a permit for either construction, or use of, the property, or a Certificate of Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowner associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

STAFF RECOMMENDATION:

It is recommended that the Planning and Zoning Commission determine whether a hardship exists; if such a determination is made, the Planning & Zoning Commission may approve the request for a Conditional Use Permit for a Temporary Security Residence Associated with the Construction of a House for a period of up to one (1) year with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. No attachments or other structures shall be erected on the property or attached to the RV.
3. Please be advised that soil and habitat are suitable for gopher tortoise. Care should be taken to avoid gopher tortoise burrows while setting up the RV.

P&Z CONDITIONAL USE RESULTS FROM AUGUST 12, 2024

4. The proposed RV shall meet the setbacks of the R1C zoning district.
 - Front: 25'
 - Side: 10'
 - Rear: 20'
5. Water shall be provided from the main house via hookup and septage shall be emptied and disposed of at a Health Department approved location.
6. The Conditional Use Permit shall expire on August 12, 2025.

P&Z ACTION:

On August 12, 2024, the Planning and Zoning Commission voted 5-0 to approve the petitioner's request for a Conditional Use Permit for a Temporary Security Residence Associated with the Construction of a House for a period of up to one (1) year with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. No attachments or other structures shall be erected on the property or attached to the RV.
3. Please be advised that soil and habitat are suitable for gopher tortoise. Care should be taken to avoid gopher tortoise burrows while setting up the RV.
4. The proposed RV shall meet the setbacks of the R1C zoning district.
 - Front: 25'
 - Side: 10'
 - Rear: 20'
5. Water shall be provided from the main house via hookup and septage shall be emptied and disposed of at a Health Department approved location.
6. The Conditional Use Permit shall expire on August 12, 2025.

P&Z CONDITIONAL USE RESULTS FROM AUGUST 12, 2024

STAFF REPORT

HEARINGS: Planning & Zoning Commission: August 12, 2024

APPLICANT: Joan Hahn

FILE NUMBER: CU-24-10

REQUEST: Renewal of a Conditional Use Permit for a Second Residence

GENERAL LOCATION: West side of Valley Ridge Lane, approximately 1,250' north of Hayman Road

PARCEL KEY NUMBER: 1262626

APPLICANT'S REQUEST:

The petitioner has submitted a request for the renewal of a Conditional Use Permit for a second residence to continue meeting the daily needs of her special needs son. The petitioner has indicated her son requires supervision but benefits from being in his own home. The petitioner has provided a physician's letter indicating the benefits of her son being near family members to receive the necessary care; the letter is part of the public record file.

SITE CHARACTERISTICS:

Site Size: 9.6 acres

Surrounding Zoning & Land Uses:

North:	AG; Single Family
South:	AG; Single Family
East:	AG; Single Family
West:	AG; Single Family

Current Zoning: AG/(Agricultural)

Future Land Use Map Designation: Rural

Flood Zone: C

P&Z CONDITIONAL USE RESULTS FROM AUGUST 12, 2024

UTILITIES REVIEW:

The Utilities Department has indicated that they currently do not supply water or sewer services to this parcel. Water and sewer services are not available to this location.

ENGINEERING & TRANSPORTATION REVIEW:

The site is located on the west side of Valley Ridge Lane, approximately 1,250' north of Hayman Road. Access to the property is via private roads not owned or maintained by Hernando County. The internal subdivision roads connect to Hayman Road, a county owned and maintained roadway. The petitioner has indicated utilizing the existing driveway and proposes no changes to the access. The County Engineer has reviewed the subject request and indicated no engineering related concerns.

LAND USE REVIEW:

Minimum County Required AG/(Agricultural) Building Setbacks:

Front: 75'
Side: 35'
Rear: 50'

The subject request as shown on the petitioner's site plan meets the setbacks of the AG/(Agricultural) zoning district.

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The Commission has the ability to grant a conditional use permit for a period up to two years if they determine that a hardship exists.

NOTICE OF APPLICANT RESPONSIBILITY:

The conditional use permit process is a land use determination and does not constitute a permit for either construction, or use of, the property, or a Certificate of Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowner associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

P&Z CONDITIONAL USE RESULTS FROM AUGUST 12, 2024

STAFF RECOMMENDATIONS:

It is recommended that the Planning and Zoning Commission determine whether a hardship continues to exist; if such a determination is made, the Planning & Zoning Commission may approve the request for the renewal of a second residence for a period of up to two (2) years with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The petitioner shall remove the second residence upon termination of the permit, or when the hardship no longer exists.
3. The conditional use shall expire on August 12, 2026.

P&Z ACTION:

On August 12, 2024, the Planning and Zoning Commission voted 5-0 to approve the petitioner's request for the renewal of a second residence for a period of up to two (2) years with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The petitioner shall remove the second residence upon termination of the permit, or when the hardship no longer exists.
3. The conditional use shall expire on August 12, 2026.