


October 31, 2022

**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, Senior Planner   
Planning Department

**SUBJECT:** **Conditional Use Actions by the Planning and Zoning Commission on October 31, 2022**

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For the Board's information, on October 31, 2022, 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 Tuesday, November 1, 2022, 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 Wednesday, November 30, 2022, (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, December 13, 2022, (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

**STAFF REPORT**

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**HEARINGS:** Planning & Zoning Commission: October 31, 2022

**APPLICANT:** Amber Stulley, Albert Allen Sr., Cynthia Allen

**FILE NUMBER:** CU-22-10

**REQUEST:** Conditional Use Permit for a Second Residence

**GENERAL LOCATION:** Southwest Corner of Grant Street and Star Road

**PARCEL KEY NUMBER:** 1026339

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**APPLICANT'S REQUEST:**

The applicant is requesting approval to place a second residence on their property due to a medical hardship, specifically to care for infirmed parents. The petitioner has provided a physician's letter indicating the need of being near family to receive the necessary care; the letter is part of the public record file.

**SITE CHARACTERISTICS:**

**Site Size:** 2.2 acres

**Surrounding Zoning & Land Uses:** North: AR-2 (Agricultural/Residential-2)  
South: AG (Agricultural)  
East: AG (Agricultural)  
West: AG (Agricultural)

**Current Zoning:** AG (Agricultural)

**Future Land Use Map Designation:** Rural

**UTILITIES REVIEW:**

The Hernando County Utilities Department (HCUD) has reviewed the petitioner's request and indicated the following:

- HCUD does not currently supply water or sewer service to this parcel.
- Sewer service is not available to this parcel.



## **P&Z CONDITIONAL USE RESULTS FROM OCTOBER 31, 2022, PG. 3**

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- There is an existing 2-inch water main that runs along the south side of Star Road in front of this property.

HCUD has no objection to the requested conditional use permit to allow a second residence on site to allow the residents' daughter to help with their health care, subject to the new residence connecting to the central water system at time of vertical construction.

### **ENGINEERING REVIEW:**

The site is located on the southwest intersection of Grant Street and Star Road. The site is above the floodplain- no drainage comments. The Hernando County Engineering Department has reviewed the requested and indicated the following:

- Relocate the existing driveway from Star Road to Grant Street away from the intersection.
- Obtain a right-of-way permit to install a driveway within the apron at Grant Street and construct this new entrance to meet current County standards.

### **LAND USE REVIEW:**

Minimum County setbacks required in the AG (Agricultural) district are:

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

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 rezoning process is a land use determination and does not constitute a permit for either construction on, 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 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 October 31, 2024. At this time the applicant may apply for a renewal for an additional two years.
4. The driveway for the property shall be relocated to Grant Street away from the intersection. To accomplish this, the petitioner shall obtain a right-of-way permit to install a driveway within the apron at Grant Street and construct this new entrance to meet current County standards.

**P&Z ACTION:**

On October 31, 2022, the Planning and Zoning Commission voted 4-0 to approve the petitioner's request for a Conditional Use Permit for a Second Residence for a period of two (2) years with the following unmodified 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 October 31, 2024. At this time the applicant may apply for a renewal for an additional two years.
4. The driveway for the property shall be relocated to Grant Street away from the intersection. To accomplish this, the petitioner shall obtain a right-of-way permit to install a driveway within the apron at Grant Street and construct this new entrance to meet current County standards.