

RESOLUTION NO. 2022 - _____

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: Fortunata Festante, Timothy Mobley, and Chelsea Mobley

FILE NUMBER: 1440319

PURPOSE: To divide approximately 40 acres into three parcels creating Lot 1 at 2.5± acres, Lot 2 at 3.0561± acres, and the remainder as Lot 3 at 34.4152± acres.

GENERAL

LOCATION: A portion of Section 23, Township 22 South, Range 18 East, located at the dead end of Sam C Road approximately 3,954 feet west of Fort Dade Avenue and approximately 2,665 feet east of the Suncoast Parkway.

PARCEL KEY: 344997

REQUEST: The Petitioner was denied a Class C Subdivision to divide 40 acres into three parcels creating a Lot 1 at 2.5± acres, Lot 2 at 3.0561± acres, and the remainder for Lot 3 at 34.4152± acres for failing to meet all of the requirements for a Class C Subdivision in Section 26-3(e) of the Hernando County Ordinance Code. Therefore, the Petitioner requests relief from the strict application of the Class C 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 Petitioner's 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 C Subdivision regulations in Section

26-3(e) of the Hernando County Ordinance Code would NOT place an undue burden on the Petitioner's 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 C Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code would NOT place an undue burden on the Petitioner's 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 Petitioner's request for relief from the strict application of the Class C Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code due to **FAMILY HARDSHIP**.

ADOPTED IN REGULAR SESSION THE _____ DAY OF _____ 2022.

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

Attest: _____
Douglas A. Chorvat, Jr.
Clerk of Circuit Court & Comptroller

By: _____
Steve Champion
Chairman

(SEAL)

Approved as to Form and Legal Sufficiency

By: 
County Attorney's Office