


November 13, 2023

**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  
November 13, 2023

---

For the Board's information, on November 13, 2023, 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 14, 2023, 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, December 13, 2023, (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, January 9, 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

**STAFF REPORT**

---

**HEARINGS:** Planning & Zoning Commission: October 9, 2023

**APPLICANT:** Frances M. Cain/POA c/o Karen S. Durand

**FILE NUMBER:** CU-23-11

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

**GENERAL LOCATION:** North side of Faber Drive, approximately 128' east of Honeysuckle Lane

**PARCEL KEY NUMBER:** 387717

---

**APPLICANT'S REQUEST:**

The petitioner is requesting a conditional use permit for a second residence on a 1.0 acre parcel. The petitioner has indicated the request is to house their son's family while he is in military training and awaiting his permanent assignment. Unfortunately, according to the petitioner, the family is unable to obtain military housing until such a time a permanent duty has been assigned. The petitioner is proposing to utilize a 10'x30' RV as the second home on the site.

**SITE CHARACTERISTICS:**

**Site Size:** 1.0 acres

**Surrounding Zoning/  
Land Uses:**

North:	PDP(SF); Undeveloped
South:	AR; Single family
East:	AR; Single family
West:	AR; Single family

**Current Zoning:** AR/(Agricultural Residential)

**Future Land Use  
Map Designation:** Residential

**Flood Zone:** C



**HEALTH DEPARTMENT REVIEW:**

The petitioner will be required to meet the Health Department Sanitation Regulations. This may include upgrades to the Onsite Sewage Treatment and Disposal System as necessary.

**ENGINEERING & TRANSPORTATION REVIEW:**

The subject site is located on the North side of Faber Drive, approximately 128' east of Honeysuckle Lane. The existing access to the property will continue to be utilized. The County Engineer has indicated no engineering related concerns.

**LAND USE REVIEW:**

Minimum Building Setbacks:

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 P&Z has the ability to grant a conditional use permit for a period up to two years if they determine that a hardship exists. Conditional use permits may be renewed or extended upon reapplication at the end of a two-year period.

**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 Concurrence. 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's 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 RECOMMENDATIONS:**

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 Second Residence for a period of up to two (2) 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. The petitioner shall remove the second residence upon termination of the permit, or when the hardship no longer exists.
3. Minimum Building Setbacks:  
Front: 50'  
Side: 10'  
Rear: 35'
4. The conditional use permit shall expire on October 9, 2025.

**P&Z ACTION:**

On October 9, 2023, the Planning and Zoning Commission voted 5-0 to continue the petitioners request for a Temporary Security Residence due to the required advertising signs not being posted. The application was continued to the November 13, 2023, Planning and Zoning hearing.

**P&Z ACTION:**

On November 13, the Planning and Zoning Commission voted 4-0 acknowledging the petitioner request to withdraw the application.

**STAFF REPORT**

---

**HEARINGS:** Planning & Zoning Commission: May 8, 2023

**APPLICANT:** William E Barnes

**FILE NUMBER:** CU-23-13

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

**GENERAL LOCATION:** Atlantis Ln, approximately 2,055' from its intersection with Mondon Hill Rd

**PARCEL KEY NUMBER:** 1317033

---

**APPLICANT'S REQUEST**

The applicant requests approval to place a second residence on their property, due to medical hardship. The petitioner has provided a physician's letter indicating the need for assistance in his daily activities; the letter is part of the public record file.

**SITE CHARACTERISTICS**

**Site Size:** 9.2 acres

**Surrounding Zoning  
& Land Uses:**

North: AG (Agricultural); Single Family Residence  
South: AG (Agricultural); Single Family Residence  
East: AG (Agricultural), Single Family Residence  
West: PDP(RUR)/Planned Development Project (Rural); Single Family Residence

**Current Zoning:** AG (Agricultural)

**Future Land Use  
Map Designation:** Residential

**UTILITIES REVIEW**

The Hernando County Utilities Department (HCUD) reviewed the application and provided the following comments:

- 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 requested Conditional Use Permit to allow a second mobile home on site so the applicant can provide necessary daily living assistance/supervision,



## P&Z CONDITIONAL USE RESULTS FROM NOVEMBER 13, 2023, PG. 6

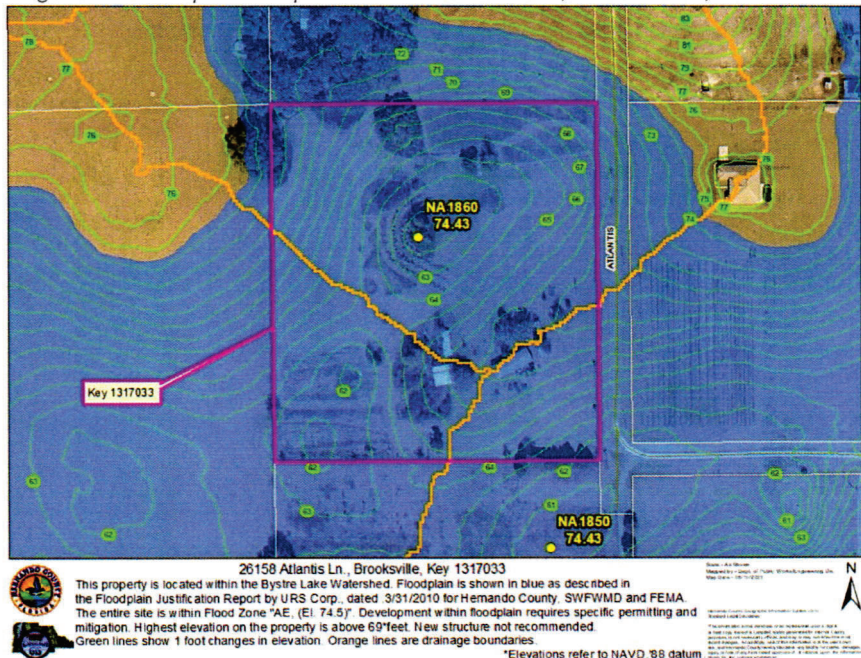
subject to Health Department approval of any improvements that may be necessary to the Onsite Sewage Treatment and Disposal System for the parcel due to increased usage.

### ENGINEERING REVIEW

The Engineering Department reviewed the request and provided the following comments:

- This property is entirely within the Zone "AE, (El. 74.5)" floodplain (see Floodplain map below).
- A new structure is not recommended within the floodplain.
- A 6-foot base flood elevation is required to remove the structure from the floodplain at the best location (not at the requested site).
- This property will require additional engineering and site preparation to place an additional structure.
- The applicant must use the existing driveway and entrance to the property. No additional access point shall be permitted.

Figure 1: Floodplain Map for 26158 Atlantis Ln, Brooksville, Florida.



**Comments:** The Engineering Department recommends against placing a new structure in the floodplain, and the applicant will need to elevate the new structure at least 6' to get it out of the floodplain at the highest point of the property; indicating other locations on the property will require the structure to be elevated more than 6' to remove it from the floodplain. Engineering is drawing attention to the fact that it will be expensive to place this secondary home on the property for such a short period of time (conditional use permits are good for 2 years, then a renewal application is required).

To address this concern, the applicant stated when the conditional use permit expires, the new structure they are bringing in will remain on the property while the mobile home that is currently on the property, and in the floodplain, will be the one that is removed.

### LAND USE REVIEW

Minimum Building Setbacks Required in the AG (Agricultural) District are as follows:

- Front: 75'



## **P&Z CONDITIONAL USE RESULTS FROM NOVEMBER 13, 2023, PG. 7**

---

- Side: 35'
- Rear: 50'

Any secondary residence placed on the subject property shall meet the setbacks of the 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 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 Concurrence. 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 Second Residence for a period of up to two (2) 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. A permit from the Department of Health is required to provide water and sewer to the parcel.
3. The applicant must use the existing driveway and entrance to the property. No additional access point shall be permitted.
4. The second residence shall meet the setbacks of the AG (Agricultural) zoning district.
  - Front: 75'
  - Side: 25'
  - Rear: 50'
5. The new structure shall not be built/placed within the floodplain.
6. No attachments or other permanent structures shall be erected on the property or attached to the second residence.
7. County personnel/inspectors 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 staff will occur within the thirty

---

**P&Z CONDITIONAL USE RESULTS FROM NOVEMBER 13, 2023, PG. 8**

---

(30) days immediately following the expiration of this permit to verify that the use has been discontinued.

8. The Conditional Use Permit shall expire on November 13, 2025.

**P&Z ACTION:**

On November 13, 2023, the Planning and Zoning Commission voted 4-0 to approve the request for a second residence for a period of up to two (2) years, with the following modified 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. A permit from the Department of Health is required to provide water and sewer to the parcel.
3. The applicant must use the existing driveway and entrance to the property. No additional access point shall be permitted.
4. The second residence shall meet the setbacks of the AG (Agricultural) zoning district.
  - Front: 75'
  - Side: 25'
  - Rear: 50'
5. The new structure mobile home, once placed shall not be built/placed within the floodplain.
6. No attachments or other permanent structures shall be erected on the property or attached to the second residence.
7. County personnel/inspectors 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 staff will occur within the thirty (30) days immediately following the expiration of this permit to verify that the use has been discontinued.
8. The Conditional Use Permit shall expire on November 13, 2025.
9. The petitioner shall be required to apply for all applicable permits within 30 days of the approval of this conditional use permit.
10. The existing RV, currently being utilized as the temporary second residence, may remain on the subject site until such time the proposed mobile home for a second residence receives a Certificate of Occupancy.