


August 8, 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 August 8, 2022

For the Board's information, on August 8, 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, August 9, 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, September 8, 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, October 11, 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

HEARINGS: Planning & Zoning Commission: August 8, 2022

APPLICANT: Kenneth and Joan Hahn

FILE NUMBER: CU-22-08

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: 001262626

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 their special needs son. The petitioner has indicated their son requires supervision but benefits from being in his own home. The petitioner has provided a physician's letter indicating the benefits of their 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

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 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 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 8, 2024.

P&Z ACTION:

On August 8, 2022, the Planning and Zoning Commission voted 5-0 to approve the petitioner's request for the renewal of a conditional use permit for a second residence 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 8, 2024.

STAFF REPORT

HEARINGS: Planning & Zoning Commission: August 8, 2022

APPLICANT: Donna L. Smart

FILE NUMBER: CU-22-09

REQUEST: Conditional Use Permit for a Second Residence

GENERAL LOCATION: West of the intersection of Nodoc Road and Switchback Road

PARCEL KEY NUMBER: 01765842

APPLICANT'S REQUEST:

The petitioner has submitted a request a Conditional Use Permit for a second residence to meet the daily needs of their aging mother and son. The petitioner has indicated their son is recovering from a terminal illness and requires supervision and both the mother and son would benefit from being near relatives. 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: 2.0 acres

Surrounding Zoning & Land Uses:

North:	AR-2; Single Family, Mobile Home
South:	AR-2; Single Family, Mobile Home
East:	AR-2; Single Family, Mobile Home
West:	AR-2; Single Family, Mobile Home

Current Zoning: AR-2/(Agricultural Residential-2)

Future Land Use Map Designation: Rural

Flood Zone: C

UTILITIES REVIEW:

The Hernando County 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. HCUD has no objection to the request subject to Health Department approval of any upgrades that might be necessary to the current Onsite Sewage Treatment and Disposal System. Parcel Key #: 1765842.

ENGINEERING & TRANSPORTATION REVIEW:

The site is located on the west of the intersection of Nodoc Road and Switchback Road. The petitioner has indicated utilizing the existing driveway and proposes no changes to the access. Existing access to parcel is thru a private easement with a concrete driveway connection to Nodoc Road, a paved County maintained roadway. The County Engineer has reviewed the subject request and indicated no engineering related concerns.

LAND USE REVIEW:

Minimum County Required AR-2/(Agricultural Residential-2) 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 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.

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