

RESOLUTION NO. 2023 - 122

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 **HARDSHIP**, as more fully described below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AS FOLLOWS:

PETITIONER: Hafcortez17 LLC

FILE NUMBER: 1458451

PURPOSE: To divide 7.37 acres into two parcels, creating Parcel A (2.0 acres) and Parcel B (5.374 acres)

GENERAL

LOCATION: A portion of Section 2, Township 23 South, Range 17 at the corner of Cortez Boulevard and Commercial Way

PARCEL KEY: 1353671

REQUEST: The Petitioner was denied a Class D Subdivision to divide 7.37 acres into two parcels, Parcel A (2.0 acres) and Parcel B (5.374 acres), for failing to meet all of the requirements for a Class D Subdivision in Section 26-3(e) Class D (2)(b)(i) of the Hernando County Code of Ordinances. Therefore, the Petitioner requests relief from the strict application of the Class D Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code due to **HARDSHIP** pursuant to Section 26-3(f) 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 APPROVAL of the Petitioner's request to be credible and to constitute competent substantial evidence.

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 Petition meets the application requirements in Section 26-3(f) of the Hernando County Ordinance Code for relief due to **HARDSHIP**.
2. The strict application of the Class D Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code would place an undue burden on the Petitioner.

ACTION:

Based upon the record in this matter and ALL of the findings of fact and conclusions of law above, the BOCC hereby APPROVES the Petitioner's request for relief from the strict application of the Class D Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code due to **HARDSHIP**, subject to the following conditions, pursuant to Section 26-3(f) of the Hernando County Ordinance Code:

1. All lots shall have a minimum fifteen-foot access/utility easement to provide access to the parcel(s).
2. Each deed of conveyance entered into and executed shall contain a legend setting forth in bold type a reference to the subdivision regulations and a statement that "subject land is contained within a subdivision which has not been formally platted and said county has absolutely no obligation to maintain or improve roads and thoroughfares within the subdivision."

ADOPTED IN REGULAR SESSION THE 13th DAY OF June 2023,

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

Attest:

Heidi Kruppe, Deputy Clerk
Douglas A. Chorvat, Jr.
Clerk of Circuit Court & Comptroller

By:

John Allocco
John Allocco
Chairman

(SEAL)



Approved as to Form and Legal Sufficiency

By:

K. G. Johnson
County Attorney's Office