


August 14, 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 August 14, 2023

For the Board's information, on August 14, 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, August 15, 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, September 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, October 10, 2023, (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 14, 2023

APPLICANT: Francisco Soto Jr.

FILE NUMBER: CU-23-08

REQUEST: Conditional Use Permit for a Temporary Security Residence Associated with the Construction of a House

GENERAL LOCATION: East of Jenkins Avenue, approximately 125' south of Wilson Boulevard

PARCEL KEY NUMBER: 199154

APPLICANT'S REQUEST

The petitioner is requesting a Conditional Use Permit for a Temporary Security Residence, namely an RV, in order to provide security and monitoring of their home during construction. The petitioner has indicated proper water and septic utilities will be provided to meet the County standards.

SITE CHARACTERISTICS

Site Size: 0.2 acres

Surrounding Zoning & Land Uses: North: R-1B; Single Family
South: R-1B; Single Family
East: R-1B; Single Family
West: R-1B; Single Family

Current Zoning: R-1B (Residential)

Future Land Use Map Designation: Residential

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) has indicated they currently do not supply water or sewer service to this parcel. Water and sewer service are not available to this parcel. HCUD has no objection to the request subject to Health Department approval/determination that the existing Onsite Sewage Treatment and Disposal System can handle the increased usage.

ENGINEERING REVIEW

The property is located on the East of Jenkins Avenue, approximately 125' south of Wilson Boulevard. The Engineering Department has reviewed the request and indicated no drainage or traffic issues.

LAND USE REVIEW

Minimum Building Setbacks Required in the R-1B (Residential) District:

- Front: 25'
- Side: 10'
- Rear: 20'

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 Temporary Security Residence associated with the construction of a house, for a period of up to one (1) 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. No attachments or other structures shall be erected on the property or attached to the RV.
3. The proposed RV shall meet the setbacks of the R-1B (Residential) zoning district.
 - Front: 25'
 - Side: 10'
 - Rear: 20'

P&Z CONDITIONAL USE RESULTS FROM AUGUST 14, 2023, PG. 4

4. The petitioner shall meet the requirements of the Health Department for waste management.
5. The Conditional Use Permit shall expire on August 14, 2024.

P&Z ACTION:

On August 14, 2023, the Planning and Zoning Commission voted 4-0 to approve the request for a Conditional Use Permit for a Temporary Security Residence associated with the construction of a house, for a period of up to one (1) year with the following unmodified performance conditions:

4. 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.
5. No attachments or other structures shall be erected on the property or attached to the RV.
6. The proposed RV shall meet the setbacks of the R-1B (Residential) zoning district.
 - Front: 25'
 - Side: 10'
 - Rear: 20'
4. The petitioner shall meet the requirements of the Health Department for waste management.
5. The Conditional Use Permit shall expire on August 14, 2024.