

September 09, 2024

**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, Development Services Director 

**SUBJECT:** **Conditional Use Actions by the Planning and Zoning Commission on September 9, 2024**

---

For the Board's information, on September 9, 2024, 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 Wednesday, September 11, 2024, 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, 30 Days October 9, 2024, (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, November 8, 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

## **P&Z CONDITIONAL USE RESULTS FROM SEPTEMBER 9, 2024**

---

**HEARINGS:** Planning & Zoning Commission: September 9, 2024

**APPLICANT:** Donna L. Smart

**FILE NUMBER:** CU-24-11

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

**GENERAL LOCATION:** Northwest corner of Nodoc Road and Switch back Road

**PARCEL KEY NUMBER:** 1765842

---

### **APPLICANT'S REQUEST**

The petitioner requests the renewal of the Conditional Use Permit for a second residence to meet the daily needs of an aging mother and terminally ill son. The petitioner 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:** AR2 (Agricultural / Residential 2)

**Future Land Use Map Designation:** Rural

### **UTILITIES REVIEW**

The parcel has onsite well and septic, which is permitted through the Hernando County Health Department.

### **ENGINEERING REVIEW**

The site is located approximately 50' north and approximately 300' west of the intersection of Nodoc Road and Switchback Road. The petitioner has indicated utilizing the existing driveway and proposes no changes to their access.

## **P&Z CONDITIONAL USE RESULTS FROM SEPTEMBER 9, 2024**

---

### **LAND USE REVIEW**

Minimum Building Setbacks Required in the AR2 (Agricultural / Residential 2) District:

- 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 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 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.*

*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 continues to exist; if such a determination is made, the Planning & Zoning Commission may approve the request for 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 September 9, 2026.

**P&Z ACTION:**

On September 9, 2024, Planning and Zoning Commission voted 5-0 to approve the request for 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 September 9, 2026.