

# STAFF REPORT



**Hearings:** Planning & Zoning Commission:  
**Applicant:** Drew Moyer  
**File Number:** V-23-45 / 1470247  
**Request:** REDUCTION ON SIDE SETBACKS FROM 35' TO 15' AND REAR SETBACKS FROM 50' AND 35'  
**General Location:** 5060 CULBREATH ROAD BROOKSVILLE, FL 34601  
**Parcel Key:** 1486305

**Applicant's Request:** REDUCTION ON SIDE SETBACKS FROM 35' TO 15' AND REAR SETBACKS FROM 50' AND 35'

## Site Characteristics:

- **Site Size:** 611.84 \* 333.24
- **Surrounding Zoning & Land Uses:**
  - North: AG / Single Family
  - South: AG/ Single Family
  - East: AG/ Vacant
  - West: AG / Single Family
- **Current Zoning:** AG
- **Future Land Use Map Designation:** RUAR

## Land Use Analysis:

### Applicable Code(s):

APPENDIX A – ZONING, ARTICLE IV. - ZONING DISTRICT REGULATIONS, Section 6 - Rural districts. (7) Dimension and area regulations, (b)Single-family dwelling not accessory to the principal agricultural use of the premises, iv. Side yard: The minimum side yard requirement shall be thirty-five (35) feet. v .Rear yard: The minimum rear yard requirement shall be fifty (50) feet.

**Administrative Review:**

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

*Staff Analysis:* NA

2. That the special conditions and circumstances do not result from the actions of the applicant;

*Staff Analysis:* NA

3. The requested variance will not be detrimental to the development pattern in the neighborhood;

*Staff Analysis:* The applicant has requested a variance reduction on side setbacks from 35' to 15' and rear setbacks from 50' and 35' the main dwelling. It will remain within the property lines;

4. The requested variance will enable the petitioner to avoid building in the flood plain;

*Staff Analysis:* NA

5. The requested variance will enable the petitioner to protect one or more specimen trees;

*Staff Analysis:* NA

6. The requested variance is the result of a development plan proposing a more efficient and safe design through an access management plan approved by the development review committee.

*Staff Analysis:* NA

7. The requested variance is for a front yard corner lot and will not have any adverse impact on the established development pattern of the adjacent lots.

*Staff Analysis:* NA

8. The requested variance is for an addition for a building with an existing portion already encroaching into the yard and will not extend past a line established by the existing encroachment running parallel to the lot line.

**Staff Analysis:** NA

9. The requested variance will further the reconstruction, rehabilitation, or restoration of structures listed in or classified as contributing to a district listed in the National Register of Historic Places, the Local Register of Historic Places, or the State Inventory of Historic Places.

**Staff Analysis:** NA

**Staff Recommendation:**

Staff recommendation is to intend to approve/deny.



1470247 V-2345

OFFICE USE ONLY  
DATE REC'D \_\_\_\_\_

FILE NO. \_\_\_\_\_

HERNANDO COUNTY DEPARTMENT OF  
DEVELOPMENTAL SERVICES  
VARIANCE APPLICATION

This application must be completed and returned, with all exhibits and other items listed on page 1 of the instruction sheet, to this office before consideration for the request is reviewed and a determination made. Bear in mind that the variance request must be justified and the mere filing of the application or appearance at a public hearing, if needed, does not assure approval of said application. If a public hearing is necessary, the applicant or representative is required to appear in person at the hearing.

Applicant Name: Drew MayerDate: 9/27/23Mailing Address: 5048 Culbreath Rd Brooksville, 34601Phone No. 352-410-9032 Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Representative Name (if applicable): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone No. \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Address of Property: \_\_\_\_\_

Legal Description: R11 42319 0000 0050 00115048 Culbreath RoadKey No.: 1486305 Zoning District: AGHomeowners Association Yes \_\_\_\_\_ No ☒ If yes, name of HOA N/A

Contact Name: \_\_\_\_\_

Contact Address: \_\_\_\_\_ City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Variance being requested: Reduction in Side Setback from 35' to 30'  
(brief description of variance, i.e. reduce setback, increase bldg. height, etc.)Briefly state hardship justifying granting of the variance: Rear Setback from 50' to 35'  
(see hardship criteria listed on page 4. Give full explanation in written narrative, see No. 7 of instruction sheet)Pre existing Building  
Converting to garage to Home.

Signature of applicant or representative: \_\_\_\_\_

OWNER AFFIDAVIT

I, Drew Mayer, HEREBY STATE AND AFFIRM THAT:

P  
\_\_\_\_

I am the owner of the property and am making this application OR

I am the owner of the property and am authorizing the entity below to submit an application on the described property. The entity shall complete the affidavit below.

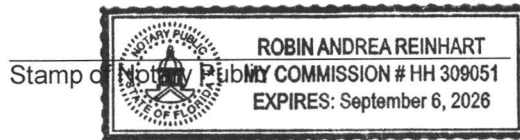
I have read the instructions for filing this application. All answers to the questions in said application, all sketches and data attached to and made part of this application are honest and true to the best of my knowledge and belief and are a matter of public record.

Drew Mayer  
Signature of property owner

STATE OF FLORIDA  
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this 27 day of September, 223  
by Drew Mayer, who is ( ) personally known to me or who ( P ) has produced  
DFL as identification.

Robin Reinhart  
Signature of Notary Public



\*\*\*\*\*

AGENT/REPRESENTATIVE AFFIDAVIT

I, \_\_\_\_\_, HEREBY STATE AND AFFIRM THAT:

\_\_\_\_\_  
I am the legal representative of the owner or lessee of the property described, which is the subject matter of the application. I have been authorized by the owner identified above to proceed with this application.

I have read the instructions for filing this application. All answers to the questions in said application, all sketches and data attached to and made part of this application are honest and true to the best of my knowledge and belief and are a matter of public record.

\_\_\_\_\_  
Signature of representative

STATE OF FLORIDA  
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_  
by \_\_\_\_\_, who is ( ) personally known to me or who ( ) has produced  
\_\_\_\_\_ as identification.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Stamp of Notary Public



## VARIANCE INFORMATION

A variance is a request to deviate from the strict application of the provisions of the zoning ordinance in order to proceed with a proposed development. Upon submittal of a completed application, the administrative official shall review all variances based on the criteria listed below. **Please check the criteria that applies to your request:**

- ☐ Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
- ☐ The special conditions and circumstances do not result from the actions of the applicant.
- ☒ The requested variance will not be detrimental to the development pattern in the neighborhood.
- ☐ The requested variance will enable the petitioner to avoid building in the flood plain.
- ☐ The requested variance will enable the petitioner to protect one or more specimen trees.
- ☐ The requested variance is the result of a development plan proposing a more efficient and safe design through an access management plan approved by the development review committee.
- ☐ The requested variance is for a front yard corner lot and will not have any adverse impact on the established development pattern of the adjacent lots.
- ☐ The requested variance is for an addition for a building with an existing portion already encroaching into the yard and will not extend past a line established by the existing encroachment running parallel to the lot line.
- ☐ The requested variance will further the reconstruction, rehabilitation, or restoration of structures listed in or classified as contributing to a district listed in the National Register of Historic Places, the Local Register of Historic Places, or the State Inventory of Historic Places.

The administrative official shall, following review of the request, issue a notice of intent, for either the approval or the denial of the variance.

(a) If the notice of intent is to approve the variance, a mailing shall be issued to the property owners within five hundred (500) feet of the property under consideration for the variance. This notice shall indicate that it is the administrative official's intent to approve the requested variance fifteen (15) calendar days after the date of the mailing if no appeal is filed.

(b) If no appeal is filed within fifteen (15) calendar days objecting to the administrative official's decision to approve the variance, the decision shall stand. If an appeal is filed by 4:30 pm on the fifteenth day, the administrative official shall schedule a public hearing for the governing body to hear the application for the variance.

(c) If the administrative official's intent is to deny the requested variance, the administrative official shall send notification letters to the applicant and the property owners within five hundred (250) feet of the property under consideration for the variance, indicating the administrative official's intent to deny the variance.

(d) If no appeal is filed within fifteen (15) calendar days objecting to the administrative official's decision to deny the variance, the decision shall stand. If an appeal is filed by 4:30 pm on the fifteenth day, the administrative official shall schedule a public hearing for the governing body (board of county commissioners) to hear the application for the variance.

If a public hearing before the Board of County Commissioners is scheduled, the Zoning Division shall, after setting a date for the Public Hearing:

- (a) Prepare the required legal notice for publication in the local newspaper.
- (b) Mail a notice of the upcoming public hearing to all owners of property within 250 feet of the boundaries of the subject property.
- (c) Petitioner or representative will pick up the required signage for posting of the subject property.
  1. The petitioner shall post the property with sign provided by the Zoning Division at least fifteen days prior to the scheduled public hearing.
  2. After posting the sign, the petitioner will sign an affidavit certifying he has met the requirements of Item 1. above.
  3. The sign posting affidavit shall be delivered to the Zoning Division at least seven days prior to the scheduled public hearing date.
  4. The sign is to remain posted on the property until after the scheduled public hearing.

The Board of County Commissioners (BCC) has final authority for granting or denying requests for variances. The BCC may specify conditions for the granting of a variance.

A dimensional variance runs with the land: A dimensional variance applies to the property for which it is granted, and not to the individual who applies for it. A dimensional variance is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

A variance shall not be granted to allow a use not otherwise permitted in the zoning district.

An aggrieved party may appeal a final administrative order of the governing body to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the governing body. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.

Variance request for Drew Moyer

October 13, 2023

Hernando County Planning and Zoning Department  
1653 Blaise Dr  
Brooksville, FL 34601

Regarding: Drew Moyer  
Key Number: 1486305

*Property owner respectfully request a variance to Hernando County Code of Ordinances, Appendix A- Zoning ARTICLE IV. - ZONING DISTRICT REGULATIONS, Section 6. - Rural districts. (7)Dimension and area regulations, iv. Side yard: The minimum side yard requirement shall be thirty-five (35) feet. v. Rear yard: The minimum rear yard requirement shall be fifty (50) feet.*

Current Detached Garage was placed on the premises 2007 without a permit. Home owner is wishing to turn the detached garage in to a Primary Residence. The homeowner is wished for a reduction in setbacks on the side setback from 35' to 15' and the rear setback from 50' to 35'.

AFFECTED HOMEOWNERS ASSOCIATION (HOA) CONTACT AFFIDAVIT

Instructions

1. All information must be completed on this affidavit prior to being signed in the presence of a Notary Public.
2. This affidavit must be returned to the Hernando County Planning Department in order to deem the application complete. No hearing shall be scheduled until such time the affidavit has been returned.

Application Name: Drew Mayer

File Number: \_\_\_\_\_

☐ I met with the affected HOA on this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Before me, the undersigned authority, personally appeared \_\_\_\_\_  
(Print or Type Name)

who, being duly sworn deposeth and says that the affected HOA named below has been contacted pursuant to Board of County Commissioner's Policy No. 37-01

HOA Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

☒ There is no HOA to be contacted, pursuant to the Board of County Commissioner's Policy No. 37-01

Drew Mayer  
(Signature)

State of Florida

County of Hernando

NOTARY PUBLIC

SEAL OF OFFICE:

On this the 27 day of September, 20 23 before me,  
the undersigned Notary Public of the State of Florida, personally appeared

Drew Mayer  
(Name(s) of the Individual(s) who appeared before notary)

and whose name(s) is/are subscribed to the within instrument, and he/she/they  
acknowledge that he/she/they executed it.

WITNESS my hand and official seal.

Robin Reinhart  
NOTARY PUBLIC, STATE OF FLORIDA

\_\_\_\_\_  
(Name of Notary Public: Print, Stamp or Type as Commissioned)

~ Personally known to me, or

~ Produced Identification: FL DL  
(Type of Identification Produced)

~ DID take an oath, or ~ DID NOT take an oath.

