

RESOLUTION NO. 2024 - 152

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

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

PETITIONER: TIMOTHY & HYE KENNEDY

FILE NUMBER: 1481095

PURPOSE: To divide 19.3 acres into two parcels creating Parcel 1 (8.33 acres) and Parcel 2 (10.95 acres)

GENERAL LOCATION: A portion of Section 28, Township 23 South, Range 19 East, lying on Ayers Road.

PARCEL KEY: 1227513

REQUEST: The Petitioners were denied a Class D Subdivision to divide 19.3 acres into two parcels creating Parcel 1 (8.33 acres) and Parcel 2 (10.95 acres) for failing to meet all the requirements for a Class D Subdivision in Section 26-3(e) of the Hernando County Ordinance Code. 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 **FAMILY HARDSHIP**, pursuant to Section 26-3(g) 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. In further support thereof, the BOCC makes the following specific findings of fact:

1. The Petition meets the application requirements in Section 26-3(g) of the Hernando County Ordinance Code for relief due to **FAMILY 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.
3. All lots proposed to be created meet the minimum lot size of the zoning district in which the subdivision is located and conform with the policies of the comprehensive plan.
4. All proposed lots have a minimum fifteen-foot access/utility easement to provide access to the parcel(s).
5. Petitioner warrants that each deed of conveyance entered into and executed will 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."
6. Petitioner warrants that all lots will be transferred to an immediate family member and such transfers will provide for a reverter clause in the deed returning the land to the grantor if the transferred parcel does not remain in the ownership of a family member for a minimum of two (2) years from the date of transfer.

**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(g) of the Hernando County Ordinance Code for relief due to **FAMILY 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 **FAMILY HARDSHIP**, subject to the following conditions, pursuant to Section 26-3(g) of the Hernando County Ordinance Code:

1. All lots shall meet the minimum lot size of the zoning district in which the subdivision is located and shall conform with the policies of the comprehensive plan.
2. All lots shall have a minimum fifteen-foot access/utility easement to provide access to the parcel(s).
3. 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."
4. All lots will be transferred to an immediate family member and such transfers will provide for a reverter clause in the deed returning the land to the grantor if the transferred parcel does not remain in the ownership of a family member for a minimum of two (2) years from the date of transfer.

ADOPTED IN REGULAR SESSION THE 25th DAY OF June 2024.

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

Attest: Heidi Kuyper, Deputy Clerk
Douglas A. Chorvat, Jr.
Clerk of Circuit Court & Comptroller

By: Elizabeth Narverud
Elizabeth Narverud
Chairwoman

(SEAL)



Approved as to Form and Legal Sufficiency

By: [Signature]
County Attorney's Office