



DEPARTMENT OF PLANNING AND ZONING
ZONING DIVISION

789 PROVIDENCE BOULEVARD BROOKSVILLE, FLORIDA 34601
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REQUEST FOR REVIEW OF VARIANCE DECISION

APPLICATION FOR PUBLIC HEARING
HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS

This application must be completed and returned, along with any additional data supporting your request for review of this petition, to this office before advertisement may be made for a public hearing before the Board of County Commissioners.

THE PERSON REQUESTING THE REVIEW IS REQUIRED TO APPEAR IN
PERSON AT THE PUBLIC HEARING.

DATE: 8/16/22 VARIANCE FILE NO. 1439877

PETITIONER NAME: JAN QUINTERO

1. Your name (please print) MATTHEW A. FOREMAN, Esq. c/o CARTER FOREMAN, PLLC

Mailing address 5308 SPRING HILL DR.

City SPRING HILL State FL Zip 34606 Phone (352) 686-6278

2. State your reasons for requesting a review of the variance decision:

PLEASE SEE ATTACHMENTS.

Attach additional pages if necessary to explain the reason you are requesting a review of this variance decision. Submit this form along with any additional documentation which you deem necessary to support your request. You will be notified in writing of the date and time scheduled for your appearance before the Board of County Commissioners.

SIGNATURE: Jan Quintero

REASONS FOR REQUESTING A REVIEW OF THE VARIANCE DECISION

Property Address: 3620 Eagle Nest Drive, Hernando Beach, FL 34607
Lot 3, Block 6 of Gulf Coast Retreats Unit No. 1

Ultimately, Ms. Quintero is requesting this review of the variance decision because she will suffer significant hardship if a variance is not granted – she will be required to remove the shed and an existing code enforcement action would proceed against her. The property was purchased by Ms. Quintero in October, 2020. The Hernando Property Appraiser's office records indicate that the shed has been attached to the property since 1999 or earlier. The Property Appraiser's records also demonstrate that the property has been transferred five times between 1999 and when Ms. Quintero took ownership in 2020, approximately 21 years post-installation of the shed. **See Exhibit "A" – Property Appraiser's Records.**

Since the construction of the shed in 1999, there have been significant changes and construction within the very small rear yard of the property, such as concrete walkways constructed in 2003, the installation of an inground pool and adjoining hot tub in 2011, the planting of beautiful Florida native shrubbery (now mature), and the laying of a stone/paver patio and walkways which cover virtually the remaining space in the rear yard. Each of these improvements to the rear yard have been made after installation of the shed in 1999, all completed by prior owners, and are recorded with the Hernando Property Appraiser's Office. **See Exhibit "B" – Photographs.**

While Ms. Quintero maintains the property in a manner complimentary to the community since her purchase in 2020, she has not made any changes to the rear yard during her ownership. Relocation of this shed or the building of a new shed would be significantly expensive and create an unnecessary burden to Ms. Quintero. Relocation of the existing shed would force the removal of a significant amount of latter improvements and would completely block the only access they have to the existing dock attached to the property, rendering the dock and waterfront edge of the property unusable and inaccessible. This walkway to the floating dock is located directly between the shed and the inground pool, extending the entire length of both the shed and pool. A literal enforcement of the provisions of the ordinance would not only cause undue hardship to Ms. Quintero, it would create significant financial burdens, and essentially block her from enjoyment of her property - where an approval of a reduction in the setback to allow for the existing shed to remain in place is neither materially detrimental to the public welfare, contrary to the public interest, nor would it be injurious to the property or adjacent properties.

The granting of the variance for a reduction in setback along the side of the shed would have no material effect on adjoining properties. This variance requested will not cause any detriment to the common good, but strict application of the applicable county setback requirements would not only be unnecessarily burdensome to Ms. Quintero, it would cause a substantial undue and unnecessary hardship.

A reduction in the setback along the side of the property where the shed lies is requested because of special conditions and circumstances not created by Ms. Quintero. The preexisting hardship was not an impermissible self-created hardship, rather the condition was created by a previous owner in possession of the property prior to 1999 and further complicated by others as title passed through several previous owners.

The property was purchased by Ms. Quintero in October of 2020. The Hernando Property Appraiser's office records indicate that the shed has been attached to the property since 1999 or earlier. A copy of the Hernando County, Florida Property Record Card from 2008 shows the shed clearly on the February 2008, GIS Aerial. A copy of that card is included in Exhibit "A" hereto.

When Ms. Quintero researched the area, fell in love with and purchased her home in 2020, there was no indication that the shed was unpermitted or that it was too close to the property lines according to the current setback requirements. Rather, an inspection of the Hernando Property Appraiser's site showing the shed listed as a feature of the home since 1999, aerial views dated since 2008 showing the shed (and other improvements in the rear yard), and the shed displayed on the recorded survey of the property, led Ms. Quintero to believe that all features of the home were appropriately permitted or had appropriate variances already granted. Additional homes within the development or community have similarly placed sheds, so its location within just under one foot of the west side of the rear yard, along the fence line, did not raise any suspicion that its placement in 1999 did not conform to today's required setbacks. Additionally, the thick shrubbery of the neighboring lot, along the fence only enforced the belief that the shed was appropriately placed.

A removal and/or a relocation of the shed would cause a significant undue hardship to Ms. Quintero – with the additional features build into the rear yard of the property, a relocation of the shed would not be possible due to the placement of the inground pool directly in the center of the rear yard and the sidewalk located directly between the pool and shed, providing access to the floating dock. This sidewalk between the pool and the shed is the only access to the floating dock, so relocation of the shed is not possible because it would interfere with access to the dock.

The shed was very well built in 1999 and has maintained its structure and appearance throughout the years – tearing down and rebuilding the existing shed would cost a significant amount, causing an undue burden upon Ms. Quintero. Additionally, the shed is an essential feature of the property where Ms. Quintero keeps tools used primarily for the upkeep and regular maintenance of the property. No other location is available on the property to relocate the shed and the home does not have a garage. Removal of the shed would cause even more of a significant hardship, requiring off-site storage of tools used for upkeep and maintenance – potentially reducing her opportunity to continue to maintain the property in a manner that is complimentary to the community. Ms. Quintero did not cause these circumstances - a literal enforcement of the provisions of the ordinance would cause an undue hardship to Ms. Quintero.

Ms. Quintero respectfully requests a reduction in the size of the setback specifically along the side of the existing shed (the granting of a variance) due to circumstances she did not cause or create during her ownership and enjoyment of the property.

The requested variance will not be detrimental to the development pattern in the neighborhood. Properties within the same development have similarly sized and similarly located sheds in the rear yards, so granting a variance would not be detrimental to the development pattern in the neighborhood. The shed is barely visible from the front yard of the property like other sheds in the neighborhood. The existing shed is similar in size and distance to the rear boarder of the property, so it again is situated similarly to other sheds within the neighborhood. The variance requested, a reduction in setback along the side of the rear yard where the existing shed was constructed in 1999, would do substantial justice to the owner.

The requested variance is consistent with the spirit and purpose of the Zoning Ordinance as the shed blends in the community and surrounding properties. Several homes within the subdivision have similarly located sheds, which have either been previously granted a variance or otherwise. A literal enforcement of the terms of the ordinance would deprive Ms. Quintero of rights commonly enjoyed by other neighbors and residents of the community and would cause an undue hardship to her. The expense of either tearing down the shed, moving the shed, or replacing the shed with a similar quality shed would be significant and extraordinary. Granting of this variance will not adversely affect the zoning scheme as a whole, as the property is well kept, the shed has maintained its integrity since constructed in 1999, and has a similar, if not more attractive appearance of other sheds within the community. The proposed variance is legal and not beyond the authority of Hernando County. The approval of a variance would not adversely affect neighboring land, as space still remains between the existing shed and the fence (which follows the property line between Ms. Quintero's property and her neighbor).

The variance is not in derogation of the intent, purpose, general plan of the zoning regulations and will not impermissibly alter or injure the essential character of the community or interfere with rights of other owners. The variance will not be contrary to the public interest. Ms. Quintero respectfully requests approval of a reduction in setback specifically for the existing shed located within the rear yard of their property because without this variance, and through a literal enforcement of the ordinance, it would cause a significant undue hardship to the family due to a circumstance and condition Ms. Quintero did not create. The reduction of a setback for the existing shed would not be detrimental to the development pattern of the neighborhood.