



DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING & ZONING DIVISION

789 PROVIDENCE BOULEVARD ■ BROOKSVILLE, FLORIDA 34601

P 352.754.4048 www.HernandoCounty.us

August 25, 2022

Fortunata Festante
15950 Sam C Road
Brooksville, FL 34613

RE: Key No. 344997
Section 23, Township 22 South, Range 18 East
File No: 1440319 Class C Subdivision

Dear Mrs. Festante,

This letter is the formal notice to you of County denial of your request to create a Class C subdivision requesting the creation of three (3) parcels. Your request is denied because the proposed subdivision does not meet Hernando County's Ordinance regarding Class C subdivision, to-wit:

1. **Sec. 26-3(e) Class C (1) – The minimum access to a Class C subdivision is via a thirty-foot county-maintained and -owned right-of-way.**
2. **Sec. 26-3(e) Class C (3) a. – A sixty-foot access and utility tract with a cleared and maintained right-of-way width of thirty (30) feet improved to the following minimum standards: a compacted limerock travel surface, or other surface acceptable to the county engineer, twelve (12) feet in width, and four (4) inches thick.**

Under Chapter 26 of the Hernando County Ordinance Code, there is a mechanism in the subdivision regulations by which you may appeal this denial to the Board of County Commissioners. Chapter 26-3(f) states:

(f) Petition for relief from hardship. A petition for relief from hardship shall be made by any developer who feels the provisions of this chapter, if complied with, would place upon them an undue burden. The petition shall include all data and other information required by the board of county commissioners including at least the following:

- (1) A complete set of plans and specifications in accordance with which the construction has been or is being accomplished, if such exists, or a general written explanation of the construction effort with a complete description of all provisions the developer is making to assure construction quality.
- (2) A written proposal defining the developer's desired methods of completing the project. The proposal shall indicate specifically which provisions of this chapter the developer wishes to be excepted from.

The governing body, upon review of the petition, may approve the subdivision provided the governing body has determined that the ordinance has placed an undue hardship upon the developer and:

- (1) All lots proposed to be created under the board of county commissioner's approval meet the minimum lot size of the zoning district in which the subdivision is to be located and conforms with the policies of the comprehensive plan.

(2) All lots have a minimum of a fifteen-foot access/utility easement to provide access to the parcel.

(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.**"

(g) Petition for relief from family hardship. A petition for relief from family hardship may be filed by any person who feels the provisions of this chapter, if complied with, would place upon them an undue burden on their ability to transfer land to family members. The petition shall include all data and other information required by the board of county commissioners including at least the following:

(1) A map on which is indicated an accurate representation of the proposed subdivision. The map shall clearly indicate the access to be provided and any improvements to be provided in the project. The petition will include the prospective recipient of each tract and his/her relationship to the grantor.

The governing body, upon review of the petition, may approve the subdivision provided the governing body has determined that the ordinance has placed an undue hardship upon the family and:

(1) All lots proposed to be created under the board of county commissioner's approval meet the minimum lot size of the zoning district in which the subdivision is to be located and conforms with the policies of the comprehensive plan.

(2) All lots have a minimum of a fifteen-foot access/utility easement to provide access to the parcel.

(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 must be transferred to an immediate family member and must 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.**

If you appeal the denial to the Board of County Commissioners, please submit the following:

1. A letter requesting to appeal the denial to the Board with the requirement as indicated above; and
2. A filing fee of \$ 100.00.

If an appeal is filed and approved by the Board of County Commissioners, conditions as stated above will be included in the resolution as well as the following:

1. Provide a final original signed/sealed survey including the flood hazard areas delineated and existing structure setback compliance prior to final subdivision approval. Must also contain the

necessary changes required by the Department of Public Works. Full legal descriptions for each lot, not just the lot being created.

2. Subsequent lot owners should be advised of potential for listed protected species and state/federal permit requirements. Prior to site development of each lot, a gopher tortoise burrow survey by a qualified professional is required to determine presence or absence. If present, follow FWC permitting and regulation requirements.

If I may be of further assistance in this matter, please contact me.

Sincerely,

Jennifer Soch

Digitally signed by
Jennifer Soch
Date: 2022.08.25 15:26:50
-04'00'

Jennifer Soch, CFM
Zoning Manager

