

RESOLUTION NO. 2022 - 189

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:

PETITIONERS: Fortunata Festante, Timothy Mobley, and Chelsea Mobley

FILE NUMBER: 1440319

PURPOSE: To divide approximately 40 acres into three parcels creating Lot 1 at 2.5± acres, Lot 2 at 3.0561± acres, and the remainder as Lot 3 at 34.4152± acres.

GENERAL LOCATION: A portion of Section 23, Township 22 South, Range 18 East, located at the dead end of Sam C Road approximately 3,954 feet west of Fort Dade Avenue and approximately 2,665 feet east of the Suncoast Parkway.

PARCEL KEY: 344997

REQUEST: The Petitioner was denied a Class C Subdivision to divide 40 acres into three parcels creating a Lot 1 at 2.5± acres, Lot 2 at 3.0561± acres, and the remainder for Lot 3 at 34.4152± acres for failing to meet all of the requirements for a Class C Subdivision in Section 26-3(e) of the Hernando County Ordinance Code. Therefore, the Petitioner requests relief from the strict application of the Class C 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 C Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code would place an undue burden on the Petitioner's ability to transfer land to family members.

**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 C Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code would place an undue burden on the Petitioner's ability to transfer land to family members.

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 C 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 shall be transferred to an immediate family member and shall 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 11th DAY OF October 2022.

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

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

By: [Signature]
Steve Champion
Chairman



Approved as to Form and Legal Sufficiency

By: [Signature]
County Attorney's Office