

**RESOLUTION NUMBER 2023- \_\_\_\_\_**

**WHEREAS**, Hernando County has adopted zoning and land development regulations pursuant to Chapter 163 and Section 125.01(1), *Fla. Stat.*, which authorize the County to regulate the use 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) conducted a duly advertised public hearing on Friday, March 3, 2023 to consider the requested dimensional variance on the specified parcel(s) in Hernando County, Florida, as more fully described below.

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

**APPLICANT:** Debra Rickle

**FILE NUMBER:** 1432578

**PURPOSE:** To reduce the rear setback from 15' to 5'

**LEGAL**

**DESCRIPTION:** Lot 6, Block 87, Hernando Beach Unit 7, Public Records of Hernando County, Florida

**PARCEL KEY:** 163361

**REQUEST:** Request for a **DIMENSIONAL VARIANCE** to allow the Petitioner to reduce the minimum rear setback from 15' to 5', in connection with the subject parcel located in the R1B (Residential) Zoning District. The representations contained in the Petitioner's variance application are incorporated herein by reference and made a part hereof. For purposes herein, it is presumed that all requisite notice and advertising requirements have been satisfied. The **DIMENSIONAL VARIANCE** is requested from the following requirement of the zoning ordinance:

- 1. Appendix A, Article IV, Zoning District Regulations; Section 2, Residential Districts R-1B; Subsection 4(e), Dimension and Area Regulations:*

*Minimum rear yard requirements: The minimum rear yard requirement shall be twenty (20) feet. Where lots are created prior to the adoption of the original Land Use Regulations, Ordinance No. 72-3, and the lots front on a street with a waterway to the rear, the rear yard requirement shall be fifteen (15) feet.*

**FINDINGS  
OF FACT:**

ALL of the facts and conditions presented to the BOCC in connection with the public hearing in 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 requested **DIMENSIONAL VARIANCE** conforms with the following:
  - (a) 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;
  - (b) That the special conditions and circumstances do not result from the actions of the applicant;
  - (c) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings, or structures in the same zoning district;
  - (d) That literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant;
  - (e) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
  - (f) That the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
2. The requested **DIMENSIONAL VARIANCE** is consistent with the County's adopted Comprehensive Plan and land development regulations, subject to any conditions made a part of the BOCC Action in this matter and which conditions, if any, are incorporated herein by reference.

**CONCLUSIONS  
OF LAW:**

The BOCC is authorized to act on this matter pursuant to Chapters 125 and 163, *Fla. Stat.*, and Appendix A, Article V, Section 3, Hernando County Code of Ordinances. Accordingly, after public hearing and testimony, being fully advised in the record, and based upon competent substantial evidence, the BOCC makes the following specific conclusions of law:

1. The requested **DIMENSIONAL VARIANCE** is consistent with the County's adopted Comprehensive Plan and land development regulations, subject to all conditions made a part of the public hearing in this matter and which conditions are incorporated herein by reference.

**ACTION:**

After notice and public hearing, based upon the record in this matter and ALL of the findings of fact and conclusions of law above, the BOCC hereby approves the requested variance.

1. Any condition made a part of the BOCC action in this matter are incorporated herein by reference.
2. Pursuant to Appendix A, Article V, Section 3.D.(1), the **DIMENSIONAL VARIANCE** granted herein applies to the property for which it is granted, and not to the individual who applied for it, and it is transferrable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

**ADOPTED IN REGULAR SESSION THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

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

Attest: \_\_\_\_\_

**Douglas A. Chorvat, Jr.**  
**Clerk of Circuit Court & Comptroller**

By: \_\_\_\_\_

**John Allocco**  
**Chairman**

Approved as to Form and Legal Sufficiency

By:  \_\_\_\_\_

County Attorney's Office