


June 12, 2023

**MEMORANDUM**

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**VIA:** Jeffrey Rogers, County Administrator  
County Administrator's Office

**FROM:** Cesar Omar DePablo, Senior Planner   
Planning Department

**SUBJECT: Conditional Use Actions by the Planning and Zoning Commission on June 12, 2023**

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For the Board's information, on June 12, 2023, the Planning and Zoning Commission (P&Z) held a duly advertised public hearing to consider an advertised request for a Conditional Use Permit(s). Attached to this memorandum is (are) the staff report(s) and action(s) of the P&Z on the Conditional Use Permit request(s) at that scheduled public hearing.

A notification letter was sent on Tuesday, June 13, 2023, to inform the petitioner(s) of the P&Z action(s). According to Appendix A, Zoning, Article V, Section 4(H) of the Hernando County Code of Ordinances, the Board of County Commissioners, by a majority vote, may decide to review any conditional use permit decision rendered by the P&Z. If at least a majority (three (3) members) of the governing body do not vote to review the P&Z decision within thirty (30) days, which would be Wednesday, July 12, 2023, (calculated from the date of the P&Z decision), the P&Z decision shall be deemed final and subject only to review by the circuit court.

The review of decision by the BCC would occur on the regular BCC hearing date of Tuesday, August 8, 2023, (calculated from the date of the P&Z decision). "Public notice" for this hearing shall mean publication of notice of the time, place and purpose of such hearing one (1) time in a newspaper of general circulation in the county, such publication to be at least five (5) days prior to such hearing, and such notice shall be posted in a conspicuous place or places around such lots, parcels, or tracts of land as may be involved in the hearing. Affidavit proof of the required publication and posting of the notice shall be presented at the hearing.

The Board may affirm, modify or reverse the decision of the P&Z at the hearing.

**Copies:** Applicant's File

**STAFF REPORT**

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**HEARINGS:** Planning & Zoning Commission: May 8, 2023

**APPLICANT:** Anthony Joseph Prall, Jr

**FILE NUMBER:** CU-23-05

**REQUEST:** Conditional Use Permit for Second Residence

**GENERAL LOCATION:** West side of Daly Road, approximately 1,735' south of Lake Lindsey Road

**PARCEL KEY NUMBER:** 1519556

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**APPLICANT'S REQUEST**

The applicant is requesting approval to place a second residence on their property, specifically an RV where caregiver could reside, due to medical hardship. The petitioner has provided a physician's letter indicating the need for assistance in his daily activities; the letter is part of the public record file.

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The Commission can grant a conditional use permit for a period up to two years if they determine that a hardship exists. The temporary dwell unit being proposed as the second residence is strictly limited to medical hardship and must be removed after two years or when hardship ceases to exist.

**SITE CHARACTERISTICS**

**Site Size:** 8.7 acres

**Surrounding Zoning & Land Uses:** North: AG; Single Family  
South: AG; Undeveloped  
East: AG; Undeveloped  
West: AG; Single

**Current Zoning:** AG (Agricultural)

**Future Land Use Map Designation:** Rural

**UTILITIES REVIEW**

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. Water and sewer service are not available to this parcel. HCUD has no objection to the requested Conditional Use to allow a second RV dwelling on site for an individual to provide daily medical assistance needed by the applicant, subject to Health Department approval of any upgrades to the Onsite Sewage Treatment and Disposal System that may be necessary.

**ENGINEERING REVIEW**

The site is located on the West side of Daly Road, approximately 1,735' south of Lake Lindsey Road. The petitioner proposes utilizing the existing drive for the new home. The Engineering Department has reviewed the request and indicated no engineering-related concerns.

**LAND USE REVIEW**

Minimum Building Setbacks Required in the AG (Agricultural) District:

- Front (east): 75'
- Side (north and south): 35'
- Rear (west): 50'

**NOTICE OF APPLICANT RESPONSIBILITY**

*The conditional use permit process is a land use determination and does not constitute a permit for either construction, or use of, the property, or a Certificate of Concurrence. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.*

*The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowner associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.*

**STAFF RECOMMENDATION:**

It is recommended that the Planning and Zoning Commission determine whether a hardship exists; if such a determination is made, the Planning & Zoning Commission may approve the request for a Conditional Use Permit for a Second Residence for a period of up to two (2) year with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.

## **P&Z CONDITIONAL USE RESULTS FROM JUNE 12, 2023, PG. 4**

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2. No attachments or other structures shall be erected on the property or attached to the RV.
3. The RV must be placed in line with or behind the main living structure.
4. The RV shall not be rented out or used for any purpose other than to provide housing for a caregiver assisting the applicant with daily living activities.
5. The proposed RV shall meet the setbacks of the AG (Agricultural) zoning district.
  - Front (east): 75'
  - Side (north and south): 35'
  - Rear (west): 50'
6. Water shall be provided from the main house via hookup and septage shall be emptied and disposed of at a Health Department approved location.
7. The Conditional Use Permit shall expire on May 8, 2025.

### **P&Z ACTION:**

On June 12, 2023, the Planning and Zoning Commission voted 4-1 to approve the request for a Conditional Use Permit for a Second Residence for a period of up to one (1) year with the following modified performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. No attachments or other structures shall be erected on the property or attached to the RV.
3. The RV must be placed in line with or behind the main living structure.
4. The RV shall not be rented out or used for any purpose other than to provide housing for a caregiver assisting the applicant with daily living activities.
5. The proposed RV shall meet the setbacks of the AG (Agricultural) zoning district.
  - Front (east): 75'
  - Side (north and south): 35'
  - Rear (west): 50'
6. Water shall be provided from the main house via hookup and septage shall be emptied and disposed of at a Health Department approved location.
7. The Conditional Use Permit shall expire on May 8, ~~2025~~ 2024.