

May 10, 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 May 8, 2023**

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For the Board's information, on May 8, 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 Wednesday, May 11, 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, June 7, 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, July 11, 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:** Gilles Pierce

**FILE NUMBER:** CU-22-13

**REQUEST:** Conditional Use Permit for a Temporary Security Residence

**GENERAL LOCATION:** North side of Grindstone Drive, approximately 115' from its intersection with Table Rock Drive

**PARCEL KEY NUMBER:** 833726

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**APPLICANT'S REQUEST**

The petitioner has submitted a request for a conditional use permit for a temporary security residence on a 0.5-acre parcel for the construction of a homestead. The proposed security residence is 8' x 30'. The RV will continue to provide security for the site and allow the petitioner to be near the home during its completion over the next year.

**SITE CHARACTERISTICS**

**Site Size:** 0.5 acres

**Surrounding Zoning & Land Uses:** North: R-1C (Residential)  
South: R-1C (Residential)  
East: R-1C (Residential)  
West: R-1C (Residential)

**Current Zoning:** R-1C (Residential)

**Future Land Use Map Designation:** Residential

**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 occupancy of a temporary RV dwelling on site during final months of construction of the permanent residence being built.



**ENGINEERING REVIEW**

The site is located on the north side of Grindstone Drive, approximately 115' from its intersection with Table Rock Drive. The Engineering Department has reviewed the request and indicated the following: This site is entirely within Flood Zone "AE, (El. 65.0)", Access is limited by flooding.

**LAND USE REVIEW**

Minimum Building Setbacks Required in the R-1C (Residential) District:

- Front: 25'
- Side: 7'
- Rear: 20'

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 has the ability to grant a conditional use permit for a period up to two years if they determine that a hardship exists.

**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 Concurrency. 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 Temporary Security Residence for a period of up to one (1) 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.
2. The petitioner shall remove the security residence upon termination of the permit, or when the hardship no longer exists.
3. The petitioner must receive Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System. This approval shall be provided to the zoning department as a part of the conditional use permit.

## **P&Z CONDITIONAL USE RESULTS FROM MAY 8, 2023, PG. 4**

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4. The conditional use shall expire on May 8, 2024. At this time the applicant may apply for a renewal for an additional two years.

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

On May 8, 2023, the Planning and Zoning Commission voted 4-0 to approve the request for a Conditional Use Permit for Temporary Security Residence for a period of up to one (1) year with the following unmodified 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. The petitioner shall remove the security residence upon termination of the permit, or when the hardship no longer exists.
3. The petitioner must receive Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System. This approval shall be provided to the zoning department as a part of the conditional use permit.
4. The conditional use shall expire on May 8, 2024. At this time the applicant may apply for a renewal for an additional two years.

**STAFF REPORT**

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

**APPLICANT:** Penny Johnson

**FILE NUMBER:** CU-23-02

**REQUEST:** Conditional Use Permit for Temporary Security Residence and a Temporary Storage Shed

**GENERAL LOCATION:** East side of 8th Isle Dr., approximately 111' from its intersection with Gulf Coast Dr.

**PARCEL KEY NUMBER:** 163780

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**APPLICANT'S REQUEST**

The petitioner has submitted a request for a conditional use permit for a temporary security residence on a 0.2 acre parcel for the construction of their home, and a temporary storage shed for safe storage of building materials.

**SITE CHARACTERISTICS**

**Site Size:** 2.4 acres

**Surrounding Zoning & Land Uses:** North: R-1B (Residential)  
South: R-1B (Residential)  
East: Water, R-1B (Residential)  
West: R-1B (Residential)

**Current Zoning:** R-1B (Residential)

**Future Land Use Map Designation:** Residential

**UTILITIES REVIEW**

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. There is an existing 2-inch water main on the west side of 8<sup>th</sup> Isle Drive. There is an existing 8-inch sewer gravity main in 8<sup>th</sup> Isle Drive. HCUD has no objection to the request subject to connection to the central water and sewer systems at time of vertical construction of the permanent residence.

**NOTE:** If sewer service is desired while RV is on site, please contact HCUD Sewer Operations for details.



**ENGINEERING REVIEW**

The site is located on the East side of 8th Isle Dr., approximately 111' from its intersection with Gulf Coast Dr. The Engineering Department has reviewed the request and indicated the following: This property is located in Coastal Zone "AE, (EI.13)", on the coastal side of the Limit of Moderate Wave Action Line (LiMWA).

**LAND USE REVIEW**

Minimum Building Setbacks Required in the R-1B (Residential) District where parcels were 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:

- Front: 20'
- Side: 10'
- Rear: 15'

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.

**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 Concurrency. 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 Temporary Security Residence for a period of up to one (1) 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.
2. The proposed RV shall meet the setbacks of the R-1B (Residential) zoning district.
  - Front: 20'
  - Side: 10'
  - Rear: 15'

## P&Z CONDITIONAL USE RESULTS FROM MAY 8, 2023, PG. 7

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3. The Conditional Use Permit shall expire on May 8, 2024.
4. The petitioner shall be required to connect to the central water and sewer systems at time of vertical construction of the permanent residence. If sewer service is desired while RV is on site, the petitioner shall coordinate with HCUD Sewer Operations for details.

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

On May 8, 2023, the Planning and Zoning Commission voted 4-0 to approve the request for a Temporary Security Residence for a period of up to one (1) year with the following unmodified 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. The proposed RV shall meet the setbacks of the R-1B (Residential) zoning district.
  - Front: 20'
  - Side: 10'
  - Rear: 15'
3. The Conditional Use Permit shall expire on May 8, 2024.
4. The petitioner shall be required to connect to the central water and sewer systems at time of vertical construction of the permanent residence. If sewer service is desired while RV is on site, the petitioner shall coordinate with HCUD Sewer Operations for details.

**STAFF REPORT**

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

**APPLICANT:** Robert Perry

**FILE NUMBER:** CU-23-03

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

**GENERAL LOCATION:** South side of Hiawatha Blvd., across from its intersection with Oakview Dr.

**PARCEL KEY NUMBER:** 1385

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**APPLICANT'S REQUEST**

The applicant is requesting approval to place a second residence on their property, specifically an RV, 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.

**SITE CHARACTERISTICS**

**Site Size:** 2.4 acres

**Surrounding Zoning**

**& Land Uses:** North: AG (Agricultural)  
South: AG (Agricultural)  
East: AG (Agricultural)  
West: AG (Agricultural)

**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 request 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 South side of Hiawatha Blvd., across from its intersection with Oakview Dr.. The Engineering Department has reviewed the request and indicated the following: This property is within Flood Zone "X", outside the 1% annual chance floodplain.

**LAND USE REVIEW**

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

- Front: 75'
- Side: 35'
- Rear: 50'

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.

**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 Concurrency. 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 Temporary Security 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.
2. No attachments or other structures shall be erected on the property or attached to the RV.
3. Please be advised that soils and habitat are suitable for gopher tortoise. Care should be taken to avoid gopher tortoise burrows while setting up the RV.

## **P&Z CONDITIONAL USE RESULTS FROM MAY 8, 2023, PG. 10**

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4. The proposed RV shall meet the setbacks of the AG (Agricultural) zoning district.
  - Front: 75'
  - Side: 25'
  - Rear: 50'
4. Water shall be provided from the main house via hookup and septage shall be emptied and disposed of at a Health Department approved location.
5. The Conditional Use Permit shall expire on May 8, 2025.

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

On May 8, 2023, the Planning and Zoning Commission voted 4-0 to approve the request for a Temporary Security Residence for a period of up to two (2) year with the following unmodified performance conditions:

5. 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.
6. No attachments or other structures shall be erected on the property or attached to the RV.
7. Please be advised that soils and habitat are suitable for gopher tortoise. Care should be taken to avoid gopher tortoise burrows while setting up the RV.
8. The proposed RV shall meet the setbacks of the AG (Agricultural) zoning district.
  - Front: 75'
  - Side: 25'
  - Rear: 50'
4. Water shall be provided from the main house via hookup and septage shall be emptied and disposed of at a Health Department approved location.
5. The Conditional Use Permit shall expire on May 8, 2025.

**STAFF REPORT**

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

**APPLICANT:** Jason Tippin

**FILE NUMBER:** CU-23-04

**REQUEST:** Renewal of a Conditional Use Permit for a Second Residence

**GENERAL LOCATION:** East side of Wishbone Rd. approximately 383' from its intersection with Mondon Hill Rd.

**PARCEL KEY NUMBER:** 1336307

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**APPLICANT'S REQUEST**

The petitioner has submitted a request for the renewal of a conditional use permit for a second residence on a 1.9-acre parcel for the construction of a homestead on a separate property. The request is due to unforeseen delays in construction. Originally the builder provided a completion timeline of 270 days after "start of construction." Since the commencement of the contract the completion date has been moved out three times with the new date at the end of March. The petitioner is requesting an extension to cover the overlap in the Conditional Use Permits' date and provide an additional buffer should construction be delayed once again.

**SITE CHARACTERISTICS**

**Site Size:** 1.9 acres

**Surrounding Zoning & Land Uses:** North: AG (Agricultural)  
South: AG (Agricultural)  
East: AG (Agricultural)  
West: AG (Agricultural)

**Current Zoning:** AG (Agricultural)

**Future Land Use Map Designation:** Rural

**UTILITIES REVIEW**

The Hernando County Utilities Department (HCUD) has indicated that they do 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 extension allowing a temporary RV dwelling on site due to the delayed construction of the permanent residence being built.



**ENGINEERING REVIEW**

The site is located at the East side of Wishbone Rd. approximately 383' from its intersection with Mondon Hill Rd. The Engineering Department has reviewed the request and indicated that they have no concerns about this request.

**LAND USE REVIEW**

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

- Front: 75'
- Side: 25'
- Rear: 50'

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 has the ability to grant a conditional use permit for a period up to two years if they determine that a hardship exists.

**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 Concurrency. 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 Temporary Security Residence for a period of up to one (1) 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.
2. No attachments or other structures shall be erected on the property or attached to the RV.
3. The proposed RV shall meet the setbacks of the AG/ (Agricultural) zoning district.
  - Front: 75'
  - Side: 25'
  - Rear: 50'

## **P&Z CONDITIONAL USE RESULTS FROM MAY 8, 2023, PG. 13**

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4. Water shall be provided from the main house via hookup and septage shall be emptied and disposed of at a Health Department approved location.
5. The Conditional Use Permit shall expire on May 8, 2024.

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

On May 8, 2023, the Planning and Zoning Commission voted 4-0 to approve the request for a Temporary Security Residence for a period of up to one (1) year with the following unmodified 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 proposed RV shall meet the setbacks of the AG/ (Agricultural) zoning district.
  - Front: 75'
  - Side: 25'
  - Rear: 50'
4. Water shall be provided from the main house via hookup and septage shall be emptied and disposed of at a Health Department approved location.
5. The Conditional Use Permit shall expire on May 8, 2024.