


January 9, 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 January 9, 2023

For the Board's information, on January 9, 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, January 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, February 8, 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, March 14, 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

HEARINGS: Planning & Zoning Commission: January 09, 2023

APPLICANT: Jeff Powell

FILE NUMBER: CU-22-11

REQUEST: Conditional Use Permit to for a Temporary Security Residence

GENERAL LOCATION: Southeast side of Broad Street, approximately 155' north of its intersection with Kollar Street

PARCEL KEY NUMBER: 197815

APPLICANT'S REQUEST:

The petitioner has submitted a request for a conditional use permit for a temporary security residence on a 1.3-acre parcel for the construction of a homestead; the petitioner has previously received approval for a 6-month temporary travel trailer permit that has since expired. The proposed security residence is 8' x 25'. The RV will continue to provide security for the site and allow the petitioner to be near the home during its renovation / reconstruction over the next year.

SITE CHARACTERISTICS:

Site Size: 1.3 acres

Surrounding Zoning & Land Uses: North: R-1A (Residential-1A), Single-family home
South: R-1A (Residential-1A), Undeveloped
East: R-1A (Residential-1A), Single-family home
West: R-1B (Residential-1B), Single-family home

Current Zoning: R-1A (Residential-1A)

Future Land Use Map Designation: Residential

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) has reviewed the petitioner's request and indicated the following:

- 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 Permit to allow a travel trailer to be placed on site while home is being built, subject to Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System.

ENGINEERING REVIEW:

The Hernando County Engineering Department has reviewed the requested and indicated that the property is located outside the 1% annual chance floodplain.

LAND USE REVIEW:

Minimum County setbacks required in the R-1A (Residential-1) district are:

- Front: 25'
- Side: 10'
- 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 rezoning process is a land use determination and does not constitute a permit for either construction on, 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.
4. The conditional use shall expire on January 9, 2024. At this time the applicant may apply for a renewal for an additional two years.

P&Z ACTION:

On January 9, 2023, the Planning and Zoning Commission voted 5-0 to approve the petitioner's request for a conditional use permit for a temporary security residence for a period of 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.
4. The conditional use shall expire on January 9, 2024. At this time the applicant may apply for a renewal for an additional one year.

STAFF REPORT

HEARINGS: Planning & Zoning Commission: January 9, 2023

APPLICANT: Lowonder Jernigan

FILE NUMBER: CU-22-12

REQUEST: Conditional Use Permit for a Second Residence

GENERAL LOCATION: South side of Snow Hill Road, approximately 1,986' west of Brice Drive

PARCEL KEY NUMBER: 946276

APPLICANT'S REQUEST:

The applicant is requesting approval to place a second residence on the subject property due to a medical hardship. The petitioner has provided a physician's letter indicating the need of being near family to receive the necessary care; the letter is part of the public record file.

SITE CHARACTERISTICS:

Site Size: 1.0 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 and are not available to this parcel. HCUD has no objection to the request, subject to Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System.

ENGINEERING REVIEW:

The site is located on the south side of Snow Hill Road, approximately 1,986' west of Brice Drive. The petitioner has not indicated any additional driveways at this time. The Engineering Department has reviewed the request and indicated the following:

- Driveway must be improved to current County standards. Obtain Right of Way Use permit to install driveway apron for connection to paved County maintained roadway.

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 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 rezoning process is a land use determination and does not constitute a permit for either construction on, 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 second residence for a period of up to two (2) years 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

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either construction or use of the property, and complete all applicable development review processes.

2. The petitioner shall remove the second residence upon termination of the permit, or when the hardship no longer exists.
3. The conditional use shall expire on January 9, 2025. At this time the applicant may apply for a renewal for an additional two years.

P&Z ACTION:

On January 9, 2023, the Planning and Zoning Commission voted 5-0 to approve the petitioner's request for a conditional use permit for a second residence 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 second residence upon termination of the permit, or when the hardship no longer exists.
3. The conditional use shall expire on January 9, 2025.