

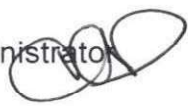
**P&Z CONDITIONAL USE RESULTS FROM APRIL 8, 2024**

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**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, Planning Administrator   
Developmental Services Department

**SUBJECT: Conditional Use Actions by the Planning and Zoning Commission on April 8, 2024**

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For the Board's information, on April 8, 2024, 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.

Due to the network interruption a notification letter will be sent as soon as possible, 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 May 8, 2024, (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, June 11, 2024, (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: April 8, 2024

**APPLICANT:** Robin L Connizzaro and Deborah A Cappola

**FILE NUMBER:** CU-24-02

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

**GENERAL LOCATION:** North side of Halsey Road, approximately 1,180' west of Spring Lake Highway

**PARCEL KEY NUMBER:** 01292023

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**APPLICANT'S REQUEST:**

The petitioner is requesting a Conditional Use Permit for a second residence on a 10.10 acre parcel due to the health of an elderly mother. The petitioner was previously approved on January 10, 2022, for the use of a second residence. The request is for a 38' RV as a second residence for their relative. The petitioner has provided a letter from a physician indicating that it would be beneficial for the petitioner's mother to live near family. Water will be provided from the main house via hookup and septage will be via the RV's holding tanks which will be emptied and dumped at a local campground.

**SITE CHARACTERISTICS:**

**Site Size:** 10.10 acres

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

**Current Zoning:** AG/(Agricultural)

**Future Land Use Map Designation:** Residential

**Flood Zone:** AE and C

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**UTILITIES REVIEW:**

The Hernando County Utilities Department (HCUD) has indicated that water and sewer services are not available to the site at this time. HCUD has no objection to the request subject to Health Department approval that the proposed Disposal System is adequate.

**FLORIDA DEPARTMENT OF HEALTH REVIEW:**

According to the Florida Department of Health in Hernando County, the petitioner will be permitted to dispose of waste off-site by pumping out the holding tank; however, best handling practices should be in place to avoid spillage and ground contamination.

**ENGINEERING & TRANSPORTATION REVIEW:**

The subject site is located on the north side of Halsey Road, approximately 1,180' west of Spring Lake Highway. The petitioner has indicated utilizing the existing driveway and proposes no changes to the existing access. The County Engineer has reviewed the subject request and indicated no engineering related concerns.

**LAND USE REVIEW:**

Minimum County Required AG/(Agricultural) Building Setbacks:

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

**Comments:** The proposed RV must meet the setbacks of the AG/ (Agricultural) zoning district.

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 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 RECOMMENDATIONS:**

It is recommended that the Planning and Zoning Commission approve the request for a Conditional Use Permit for a Second Residence for a period of up to two (2) years. If approved, the Conditional Use Permit should be contingent upon the following:

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: 35'
  - 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 April 8, 2026.

**P&Z ACTIONS:**

On April 8, 2024, the Planning and Zoning Commission voted 4-0 to approve the request for a Conditional Use Permit for a Second Residence for a period of up to two (2) years 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

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attached to the RV.

3. The proposed RV shall meet the setbacks of the AG/ (Agricultural) zoning district.
  - Front: 75'
  - Side: 35'
  - 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 April 8, 2026.

**STAFF REPORT**

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**HEARINGS:** Planning & Zoning Commission: April 8, 2024

**APPLICANT:** Glen Zydorski

**FILE NUMBER:** CU-24-01

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

**GENERAL LOCATION:** Southwest corner of Thrasher Avenue and Bronx Avenue

**PARCEL KEY NUMBER:** 1459941

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**APPLICANT’S REQUEST:**

The petitioner has submitted a request for a Conditional Use Permit for a second residence, due to medical hardship. The petitioner was previously approved on April 11, 2022, for the use of a second residence. The petitioner has indicated the hardship continues to exist and is making the request to continue accommodating the needs of his elderly mother. The petitioner has submitted a letter from a physician recommending that the petitioner’s mother should have a caretaker living nearby. The second residence is a 1,344 square foot mobile home to be served by well and septic.

**SITE CHARACTERISTICS:**

**Site Size:** 2.5 acres

**Surrounding Zoning & Land Uses:**

North:	AR-2; Undeveloped
South:	AR-2; Undeveloped
East:	R-1C; Single Family, Undeveloped
West:	AR-2; Single Family

**Current Zoning:** AR-2/(Agriculture Residential)

**Future Land Use Map Designation:** Rural

**UTILITIES REVIEW:**

The Utilities Department indicates that central water and sewer are not provided to this parcel and that no central services are available in this area at this time. The Utilities Department also has no objection to the petitioner's request. The petitioner has specified that the second residence will be served by well and septic.

**ENGINEERING & TRANSPORTATION REVIEW:**

The County Engineer has reviewed the petitioner's request and indicated no engineering related concerns.

**LAND USE REVIEW:**

The Agricultural/Residential zoning district allows both single family dwellings and mobile homes. The second dwelling must meet the setbacks for the AR-2 zoning district.

Minimum County Required AR-2/(Agriculture Residential) Building Setbacks:

Front: 50'

Side: 10'

Rear: 35'

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 RECOMMENDATIONS:**

It is recommended that the Planning and Zoning Commission determine whether a hardship exists; if such a determination is made, the Planning and Zoning Commission may approve the request for a second residence for a period of up to two (2) years. If approved, the Conditional Use Permit should be contingent upon the following:

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; and
3. The Conditional Use Permit shall expire on April 18, 2026.

**P&Z ACTIONS:**

On April 8, 2024, the Planning and Zoning Commission voted 4-0 to approve the request for a Conditional Use Permit for a Second Residence for a period of up to two (2) years 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 second residence upon termination of the permit, or when the hardship no longer exists; and
3. The Conditional Use Permit shall expire on April 18, 2026.