

THE HOGAN LAW FIRM®

We mean businessSM

August 31, 2023

SENT VIA EMAIL: mlmiller@co.hernando.fl.us

Ms. Michelle Miller
Planning Administrator
Planning Department
Hernando County Board of County Commissioners
1653 Blaise Drive
Brooksville, Florida 34601

RE: Request for Relief is a Special Exception Use Permit for a Reasonable Accommodation for a Service-Related Disability to have a pigeon aviary in an R1C Zoning District – Supplement to Prior Application

Dear Ms. Miller:

On August 3, 2023, we submitted an application for a Special Exception Use Permit (the “Application”) along with required ancillary documentation as required by the Hernando County Board of County Commissioners (the “County”) on behalf of Alejandro Crespo (the “Applicant”) for property located at 12483 Convent Garden Road, Brooksville, FL 34613 (the “Property”).

The Application was submitted in reference to Code Enforcement Case SMS Case No.: 4148727, Hernando County, Florida vs. Alejandro Crespo (the “Code Enforcement Case”). The Applicant through the Application has requested a special exception use permit to maintain a pigeon aviary within an R-1C Residential District. This letter serves as a supplemental to the Application regarding the lighting of the pigeon aviary and providing the Adjacent Property Ownership List (the “List”) as issued by the Hernando County Property Appraiser. The List is attached to this letter.

As part of resolving the compliance with the Code Enforcement Case, the Applicant originally had planned to remove the electricity from the accessory structure. Thus, in the Application’s narrative section, we originally indicated that no lightning would be used in the accessory structure. However, the County Inspector for the County confirmed that due to the building plans for the accessory structure contemplating the use of electricity, the electricity needed to be reinstalled. As such, the Applicant reinstalled the electricity in accordance with the building plans and the County’s requirements.

**HERNANDO COUNTY CONDITIONAL USE PERMIT
OR SPECIAL EXCEPTION USE PERMIT PETITION**



Application request (check one):

- ☐ Conditional Use Permit
☒ Special Exception Use Permit

PRINT OR TYPE ALL INFORMATION

Date: August 2, 2023

File No. _____ Official Date Stamp:

SE-23-08

Received

AUG 02 2023

Planning Department
Hernando County, Florida

APPLICANT NAME: Alejandro Crespo

Address: 12483 Convent Garden Road

City: Brooksville

State: Florida

Zip: 34613

Phone: (813) 435-0320 Email: alejandrocrespo47@outlook.com

Property owner's name: (if not the applicant) _____

REPRESENTATIVE/CONTACT NAME: Alejandro Crespo

Company Name: The Hogan Law Firm, LLC

Address: 20 S. Broad Street / PO Box 485

City: Brooksville

State: Florida

Zip: 34605

Phone: (352) 799-8423 Email: jrey@hoganlawfirm.com and/or iprater@hoganlawfirm.com

HOME OWNERS ASSOCIATION: ☐ Yes ☒ No (if applicable provide name) _____

Contact Name: _____

Address: _____ City: _____ State: _____ Zip: _____

PROPERTY INFORMATION:

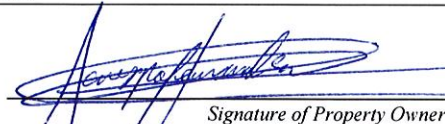
1. PARCEL(S) **KEY** NUMBER(S): 726888 and 726897
2. SECTION 09, TOWNSHIP 22, RANGE 18
3. Current zoning classification: R-1C Residential
4. Desired use: Use of a 372 square foot accessory building as a pigeon aviary normally allowed in A/R Districts.
5. Size of area covered by application: 40,902 Square Feet or .939 acre (Combination of two parcels)
6. Highway and street boundaries: Covent Garden Road
7. Has a public hearing been held on this property within the past twelve months? ☐ Yes ☒ No
8. Will expert witness(es) be utilized during the public hearings? ☒ Yes ☐ No (If yes, identify on an attached list.)
9. Will additional time be required during the public hearing(s) and how much? ☐ Yes ☒ No (Time needed: _____)

PROPERTY OWNER AFFIDAVIT

I, Alejandro Crespo, have thoroughly examined the instructions for filing this application and state and affirm that all information submitted within this petition are true and correct to the best of my knowledge and belief and are a matter of public record, and that (check one):

☐ I am the owner of the property and am making this application OR

☒ I am the owner of the property and am authorizing (applicant): Jennifer C. Rey and/or Jarrod D. Prater
and (representative, if applicable): The Hogan Law Firm, PLLC
to submit an application for the described property.


Signature of Property Owner

**STATE OF FLORIDA
COUNTY OF HERNANDO**

The foregoing instrument was acknowledged before me this 2nd day of August, 2023, by Alejandro Crespo who is personally known to me or produced FLDL as identification.


Signature of Notary Public

Effective Date: 11/8/16 Last Revision: 11/8/16



Notary Seal/Stamp

Special Exception Use Permit Application Narrative

August 2, 2023

REQUESTED ACTION:

The applicant requests the approval of a special exception use on the subject properties zoned as R-1C residential district to allow the applicant to keep and maintain a pigeon aviary or pigeon loft on the applicant's property as emotional support animals and to participate in competitive pigeon racing. The Hernando County Land Development Code provides for pigeon aviaries within agricultural/residential districts and the request seeks an exception to allow the aviary in the currently zoned R-1C property. This is a request for a reasonable accommodation for a qualifying service-related disability pursuant to the Fair Housing Act of 1988, 42 U.S.C. §3601, and the Florida Fair Housing Act, *Section 760.20, Florida Statutes*. While the applicant seeks a special exception use, it recognized the any approval of such use based on a reasonable accommodation would only be applicable to the property for so long as it is owned by the applicant, and would not otherwise run with the land.

OWNER/APPLICANT INFORMATION:

Property Owner(s) of Record: Alejandro Crespo
12483 Covent Garden Road
Brooksville, FL 34613

Proof of Ownership: The following deeds of record are referenced for establishing proof of ownership: Warranty Deed at OR Book 3574, Page 728, and OR Book 4135, Page 1355.

Applicant: Alejandro Crespo
12483 Covent Garden Road
Brooksville, FL 34613

SITE LOCATION:

Parcel Key No. / Parcel No.: 726888/ R01-221-17-3340-0357-0130
726897/ R01-221-17-3340-0357-0140

Property Address: 14283 Covent Garden Road and TBD Covent Garden Road, Brooksville, Hernando County, Florida 34613-3847

Legal Description: The full legal description for the parcels are as follows:

Parcel Key No./ Parcel No.: 726888/ R01-221-17-3340-0357-0130

01025784

1 of 9

Alejandro Crespo

Lot 13, Block 357, Royal Highlands Unit No. 5, according to the plat thereof, as recorded in Plat Book 12, Pages 45 through 59, inclusive, of the Public Records of Hernando County, Florida.

Parcel Key No./ Parcel No.: 726897/ R01-221-17-3340-0357-0140

Lot 14, Block 357, Royal Highlands Unit No. 5, as per plat thereof recorded in Plat Book 12, Pages 45 through 59, Public Records of Hernando County, Florida.



SITE CHARACTERISTICS:

Property Size/Size of Area to Be Rezoned: .939 +/- Acres

Property Square Footage: 40,902 Square Feet +/-

Current Future Land Use Designation: Rural

Current Zoning: Residential (R1C)

Current Use: Residential/ Vacant

01025784

2 of 9

Alejandro Crespo

Surrounding Future Land Use Designation:

North	Rural
East	Rural
South	Rural
West	Rural

Surrounding Zoning:

North	Residential
East	Residential
South	Residential
West	Residential

Surrounding Uses:

North	Residential
East	Residential
South	Residential/Vacant
West	Vacant

PROJECT DESCRIPTION:

Building Description: The proposed use of the subject property includes the use of an existing accessory structure that is 372 square feet to house pigeons that compete in competitive pigeon racing. The structure is 31 feet long and 12 feet wide with a slanted roof. The roof is 13 feet high at its highest point and 9 feet high at its lowest point.

Building Setbacks: As an accessory structure to a principal residence the setbacks are 7.5 feet from the side lot line and 15 feet from the rear lot line. It should be noted that the structure is located on the West lot line adjacent to the second parcel owned by the applicant.

Landscape/Buffering: There is no landscaping or buffering around the structure.

Lighting: The accessory structure does not contain electricity, and therefore, there is no lighting.

Parking: There is no parking applicable to this use, as the use is solely for the property owner who will use the existing driveway and parking in the normal course of occupancy of his residence.

Transportation/Access: The property is accessed from a local street that connect to Sunshine Grove Road. No additional transportation impacts are anticipated for the requested use, and no specialty vehicles are planned to be used with the aviary or racing.

SPECIAL EXCPETION USE PERMIT:

Requested Special Exception Use Permit: The applicant seeks approval to use an existing accessory structure as a pigeon aviary or pigeon loft. The current structure is 372 square feet and sits on one parcel that is 20,457 square feet. The applicant owns another lot that is next door to primary parcel which is also 20,457 square feet. Taking both parcels into account the building accessory sits on a total of 40,914 square feet owned by the applicant. A survey and building plans are attached hereto as *Exhibit A*. This use would only be used while applicant owns the subject property.

Analysis in Support of Request:

Pursuant to Objective 4.01(A) and Objective 4.01(B) of the Hernando County Comprehensive Plan (HCCP), certain special exception uses may be allowed within certain residential districts to meet the needs of the “various segments of the population.” Strategy 4.01(A)(2), of the HCCP, provides:

“Provide within the Residential Category on the Future Land Use Map, a range of densities, lot sizes, setbacks, and a variety of housing types in locations convenient to the needs of various segments of the population.” (emphasis added)

Furthermore, Strategy 4.01B(3) provides:

“Hernando County should promote suitable locations for special needs populations with respect to proximity to services and computability of land uses. Housing for special needs populations will be regulated in the land development regulations as a permitted use or special exception in a variety of zoning districts throughout the County. (emphasis added)

This special exception use request is consistent with the County’s goals as outlined in the HCCP and is a request that must be granted as required by federal and state law as a reasonable accommodation under the Fair Housing Act of 1988, 42 U.S.C. §3601 and the Florida Fair Housing Act, Section 760.20, Florida Statutes.

Article IV Zoning District Regulations, Section 1. Establishment of Zoning Districts, A. Zoning District Designations, paragraph (3) of the Hernando County Land Development Code establishes the R-1C Residential District as follows:

"This district is designed to encourage and protect low-density, single-family development and is intended to be the district most utilized for regulating future single-family development within the county."

The R-1C zoning district is established pursuant to Article IV Zoning District Regulations, Section 2. Residential Districts, paragraph C. R-1C Residential District of the Hernando County Land Development Code. Pursuant to Article IV, Section 13. Agricultural/ Residential Districts. Paragraph A(1)(a)(vi.) states:

"Pigeon aviaries with a maximum of 1,500 square feet of area devoted to housing pigeons, per acre."

Under the Hernando County Land Development Code, Article IV, Section 13. Agricultural/ Residential Districts. Paragraph A(1)(a)(vi.), pigeon aviaries are a permitted use in all agricultural/ residential districts. The applicant is seeking to use an existing accessory structure on his property as a pigeon aviary that houses pigeons. The housing and care of pigeons serve as an "emotional support" to the applicant as part of his overall health care treatment plan for a service-related disability. Applicant has been diagnosed by a qualified health care provider with a post-traumatic stress disorder and as a result suffers from anxiety and isolation symptoms. The applicant's participation in the housing, care and racing of pigeons has mitigated various symptoms of PTSD as part of his overall treatment plan.

Reasonable Accommodation

This request for relief is not expressly provided for in the Hernando County Land Development Code. The request for relief is being sought as a reasonable accommodation for a deviation from the Hernando County Land Development Code pursuant to the Fair Housing Act of 1988, 42 U.S.C. §3601 (FHA), and the Florida Fair Housing Act, Section 760.20, Florida Statutes (FFHA). Generally, the FHA prohibits discrimination against an individual based on race, color, religion, sex, familial status, or national origin (the "Protected Groups"). Such acts of discrimination include refusing to sell or rent any dwelling, and publishing advertisements for the sale or rental of any dwelling that has a preference, limitation, or discrimination based on the Protected Groups' immutable characteristics. See generally 42 U.S.C. §3604(a)(b)(c)(d).

The FHA was amended to include in the Protected Groups individuals with a "handicap." The FHA has adopted the same definition of handicap as the Americans with Disabilities Act defining "disability." See 42 U.S.C. §3602(h) and *Bradgon v. Abbott*, 524 U.S. 624, 631 (1998). The ADA has defined "disability" as "a physical or mental impairment that substantially limits one or more major life activities of such individual; a record of such an impairment; or being regarded as an impairment. Furthermore, a person "being regarded as having such an impairment" will be regarded with a disability if the individual has been subjected to an action prohibited under the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity." 42 U.S.C §12102.

The FHA limits the ability of local governments to impose zoning and land use restrictions against a person based on a handicap. “A refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford a person equal opportunity to use and enjoy a dwelling” is a form of discrimination. 42 U.S.C. §3604(f)(3)(B). See also *Oconomowoc Res. Prog. v. City of Milwaukee*, 300 F. 3d 775, 782 (7th Cir. 2002). Thus, the County must grant an accommodation to an individual who makes a request for the accommodation if the County’s zoning ordinance prevents the location of an animal within a specific area and the individual needs that animal to aid with their disability.

The Department of Housing and Urban Development (HUD) has defined “assistance animal” as an animal that “works, provides assistance, or performs tasks for the benefit of a person with a disability, or that provides emotional support that alleviates one or more identified effects of a person’s disability.” See generally 24 C.F.R. § 100.204(b) and FHEO-2020-01, Issued January 28, 2020. See also https://www.hud.gov/program_offices/fair_housing_equal_opp/assistance_animals#_What_Is_a_n.

When a person meets the definition of a handicap and needs an assistance animal as part of their living arrangement under the FHA, the local government must provide a reasonable accommodation for a handicapped individual under federal law. When analyzing the accommodation, a federal court will look at three elements: necessity, equal opportunity of enjoyment, and reasonableness. As part of the requirements for a reasonable accommodation, federal courts will require that the requesting party show a necessity for the accommodation, “creating a causation inquiry that examines whether the requested accommodation would redress injuries that otherwise would prevent a disabled resident from enjoying the same property as a non-disabled person would.” *Hollis v. Chestnut Bend Homeowners Ass’n*, 760 F. 3d 531, 541 (6th Cir. 2014). Additionally, the requesting party must also show equal opportunity is achieved when the accommodation “ameliorates the effects of the disability such that the disabled individual can use and enjoy his residence the same as a non-disabled person.” *Id.* Courts have noted the second and first requirements usually go hand in hand. *Anderson v. City of Blue Ash*, 798 F. 3d 338, 362 (6th Cir. 2015). The final element to meet is reasonableness. To meet this standard federal courts will balance the burden imposed on a local government versus the benefits gained for disabled individuals. This balancing test is a “highly fact-specific inquiry.” Federal courts will consider a requested accommodation as reasonable unless it requires a “fundamental alteration in the nature of a program” or “imposes undue financial and administrative burdens.” *Southeastern Community College v. Davis*, 442 U.S. 397 (1979). See also *Shapiro v. Cadman Towers, Inc.*, 51 F. 3d 328, 334 (2d Cir. 1995). The accommodation must be granted if it imposes no fundamental alteration to a program or does not create an undue financial and administrative burden. *Anderson v. City of Blue Ash*, 798 F. 3d 338, 362 (6th Cir. 2015).

Florida law is also in lockstep with the federal law. The FFHA is designed to mirror and follow the federal FHA. Florida and federal courts have interpreted the FFHA in the same manner as the federal FHA.

“The Florida Fair Housing Act is the state counterpart to the federal Fair Housing Act. Like the federal statute, the Florida Fair Housing Act provides a private right of action for any person who claims to have been injured by a discriminatory housing practice. Furthermore, the Florida Fair Housing Act is patterned after the Fair Housing Act and courts have recognized that it is to be construed consistently with federal law. Accordingly, the Court’s discussion treats interchangeably the corresponding provisions of the federal and Florida fair housing statutes and case law interpreting the same.” *Noah v. Assor*, 379 F. Supp. 3d 1284, 1295-1296 (S.D. Fla. 2019). *See also Dornbach v. Hooley*, 854 So. 2d 211, 213 (Fla. 2d DCA 2002).

Handicap:

Under the definition of “handicap,” as defined by the FHA and FFHA, the applicant meets the definition of being service-related handicapped. Crespo has been diagnosed with a post-traumatic stress disorder (PTSD) resulting from his service in the United States military and overseas deployments. The Mayo Clinic has defined PTSD as a mental health condition that is triggered by a traumatic event resulting from directly experiencing the event or witnessing the event. Symptoms of PTSD may include flashbacks, nightmares, and severe anxiety, as well as uncontrollable thoughts about the event. This can result in difficulty in adjusting and coping for individuals with PTSD after experiencing a traumatic event. <https://www.mayoclinic.org/diseases-conditions/post-traumatic-stress-disorder/symptoms-causes/syc-20355967> . As provided in the Affidavit of Reasonable Accommodation and Letter from Dr. Cueva attached hereto as *Exhibits B and C*, Crespo’s PTSD is 70% service-related. Additionally, Crespo has other physical ailments from his military service that have rendered him 100% service-related handicapped. The symptoms of his PTSD have created a major impact on his life activities.

Emotional Support Animal:

Crespo has engaged in several treatments with the Department of Veterans Affairs (VA) for his PTSD. Dr. Cueva has indicated that the VA’s treatments have had limited success. However, to address the limitations of his treatments, Crespo has engaged in pigeon fancying or competitive pigeon racing as an additional treatment. Dr. Cueva’s letter states that the hobby is “extremely therapeutic” and “give him a purpose, serve as motivation and inspire him to interact with other people through pigeon clubs and competitive races.” Crespo’s pigeons serve as emotional support animals to alleviate his PTSD symptoms of anxiety and isolation. Prior to engaging in pigeon fancying, Crespo suffered from suicidal thoughts and alcoholic addiction. Pigeon fancying helped channel his mental health to remove his suicidal thoughts and eliminate alcohol as a coping mechanism. Crespo has indicated in his talks with Dr. Cueva that the threat of losing his pigeons has raised his anxiety and has created fear that he would return to those negative symptoms of his PTSD. Thus, the pigeons are required as an additional treatment for his PTSD and serve as emotional support animals. Dr. Cueva also confirms that the request to keep the pigeons can be treated as no different than having a dog or cat to provide comfort in their home.

Necessity:

Crespo meets the definition of “handicapped” and his pigeons meet the definition of “assistance animals.” Crespo is entitled to make a request for an accommodation from the Hernando County Land Development Code. Under the first requirement of necessity, a court will examine whether or not Crespo’s handicap is redressed by the presence of the pigeons and participating in pigeon fancying. Despite receiving the treatments from the VA, Crespo’s need for the pigeons is established by the Letter from Dr. Cueva. Dr. Cueva’s letter confirms that the treatments from the VA by themselves have had limited success. He states that “while he has engaged in treatment with the VA, he has found it very difficult to live a fulfilling life.” Pigeon fancying has helped Crespo engage in a therapeutic lifestyle that has treated his PTSD symptoms. Without the pigeons, the negative side effects of Crespo’s PTSD would rear its ugly head. As noted above, Crespo suffered from suicidal thoughts and alcoholic addiction from his PTSD. Pigeon fancying has helped alleviate the negative symptoms of his PTSD.

Equal Opportunity:

Under the second requirement of equal opportunity, Crespo would need to show that the pigeons reduce his anxiety and increase his enjoyment of the Property the same as a non-disabled person could. Dr. Cueva’s letter and affidavit support this element.

Reasonableness:

Finally, under the reasonableness standard, Crespo would have to show that the accommodation does not materially alter the zoning ordinance or impose an undue financial burden or administrative burden on the County. Under federal case law, the mere presence of an animal by itself is insufficient to show a material altering of the zoning ordinance. *See generally Anderson v. City of Blue Ash*, 798 F. 3d 338 (6th Cir. 2015). *See generally Smith & Lee Assocs. v. City of Taylor*, 102 F. 3d at 781, 796 (6th Cir. 1996). Federal courts will look at the specific facts of the situation to determine the reasonableness. In the present matter, the facts of the size and shape of the accessory building, the use of the pigeons in competitive racing, and the frequency of bird release demonstrate that it does not materially alter the zoning ordinance nor create an administrative burden on the County to enforce the zoning restrictions.

The use of an accessory building is permitted under the Hernando County Land Development Code, however, use as a pigeon aviary in R1C is not permitted. However, without the presence of the aviary, Crespo would not be able to actively participate in pigeon racing or pigeon clubs. The Hernando County Code permits a pigeon aviary in agricultural/ residential districts provided the aviary does not exceed 1,500 square feet per acre. The accessory building here is much smaller sitting at a total of 372 square feet. Furthermore, the pigeon aviary is only 31 feet long and 12 feet wide. The pigeon roof is slanted. The roof is 13 feet high at its highest point and 9 feet high at its lowest point. The current building accessory sits on a parcel that is roughly half an acre, but the applicant also owns an additional parcel adjacent to this parcel that brings the total property to just below one full acre. A typical competitive pigeon aviary has around 150 pigeons that compete in racing. Crespo’s aviary houses 127 pigeons.

Additionally, the pigeon aviary is distinguishable from a chicken coop in several ways. Competitive racing pigeons are provided a specific organic food and dietary supplement that are

designed to eliminate the spread of germs and keep the pigeons in healthy conditions. Furthermore, the aviary is cleaned daily and any feces are removed from and disposed of with solid waste collection. The feces are placed into garbage bags and then into garbage pins that are picked up on the weekly regular schedule by the applicant's garbage disposal service to be disposed on County sanctioned landfills.

Pigeon racing is also not a year-round competitive season. The racing season usually runs from July to December. During the offseason, the pigeons are kept in the pigeon loft and are not released. The type of race distance will determine the type of training the pigeons will receive during the race season. If the race is for a period of 360 miles or greater, the pigeons will fly freely around the pigeon loft for a 45-minute period and will return to the loft at the same time. If the race ranges from 100 to 120 miles, the pigeons will be taken offsite to another location 60 to 70 miles away and released. The pigeons will return to the loft at varying times throughout the day, usually returning no later than 10:00 PM. Pigeon training is a limited technique designed to limit the impact on neighboring properties. Competitive racing pigeons are specifically trained to return to the loft from which they come, and not roost or otherwise linger in the surrounding area

Finally, other nearby properties with similar zoning to the applicant have pigeon lofts located on them. Attached as *Exhibit D* is a map with yellow dots showing the location of other pigeon aviaries on properties designated at R-1C residential districts. The number of lofts within a one mile radius demonstrate that the existence of a loft at the applicant's property is reasonable and would not otherwise fundamentally change the zoning scheme in the area.

Conclusion:

The FHA and FFHA require that Hernando County grant a reasonable accommodation for Crespo's pigeons, despite the violation of the Hernando County Land Development Code. Crespo's PTSD meets the definition of "handicap," and the pigeons also meet the broad definition of an "assistance animal," as the pigeons serve as emotional support animals. Crespo can show that the accommodation is reasonable and necessary to redress his PTSD symptoms and that such an accommodation provides an equal opportunity to enjoy his Property. Finally, the accommodation would be reasonable as courts do not consider the presence of animals in a residential zone as a fundamental change from the zoning ordinance, and it would not impose an undue burden, due to the lack of complaints and the lack of enforcement by the County against other neighboring aviaries. We respectfully request that the applicants request for relief be granted.

AFFIDAVIT OF REASONABLE ACCOMMODATION

BEFORE ME, the undersigned authority, personally appeared as Dr. David E. Cueva, PsyD of the Brooksville Community Based Outpatient Clinic that provides medical services to veterans for the United States Department of Veterans Affairs (VA), who being duly sworn according to the law, deposes and says:

1. Affiant is an employee and staff psychologist with the VA at the Brooksville Community Based Outpatient Clinic in Brooksville, Florida. Affiant has a caseload covering mental health disorders including Post-Traumatic Stress Disorder, Specific Phobias, marital issues, and life stage changes. Affiant's services include psychotherapy, evidence-based treatments, and structured group psychotherapy.

2. Affiant has personal knowledge of facts contained in this Affidavit including the treatment of Alejandro Crespo's ("Mr. Crespo") difficulties with military-related Post-Traumatic Stress Disorder (PTSD).

3. Affiant has personally worked with Mr. Crespo regarding the treatment of Mr. Crespo's PTSD and has determined that the PTSD is seventy percent (70%) service-connected, along with several other physical ailments rendering Mr. Crespo one hundred percent (100%) service-connected disabled.

4. Affiant has determined that Mr. Crespo suffers from anxiety symptoms related to his PTSD for many years. Though Mr. Crespo has engaged in treatment with the VA, Mr. Crespo has found it very difficult to live a fulfilling life, despite such treatments.

5. One method Mr. Crespo has engaged in to alleviate his anxiety symptoms for his PTSD is pigeon fancying. Mr. Crespo has revealed that his hobby of pigeon fancying is extremely therapeutic for him. Pigeon fancying has given him a purpose to serve as motivation to interact with other people through pigeon clubs and pigeon competitive racing.

6. Mr. Crespo's accommodation request is a necessity as Mr. Crespo's engagement with his pigeons, helps provide further treatment to alleviate the anxiety symptoms that Mr. Crespo suffers from due to his PTSD disability that the VA would not otherwise be able to provide.

7. If Mr. Crespo's accommodation request is granted it will also permit him to enjoy his home compared to a non-disabled person, as Mr. Crespo's neighbors and other neighboring properties also engage in local pigeon fancying clubs and pigeon racing in Hernando County, Florida. Mr. Crespo's interaction with his pigeons gives him a much more meaningful and fulfilling life.

8. Mr. Crespo's accommodation request is also reasonable as it can be thought of as a request for anyone who has a dog or cat that helps them feel less distressed and thus more comfortable in their home and around other people.

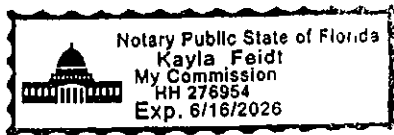
FURTHER AFFIANT SAYETH NOT.

Dated: 07/24/2023

David E. Cueva
Dr. David E. Cueva, PsyD
Brooksville Community Based
Outpatient Clinic
U.S. Department of Veterans Affairs

STATE OF FLORIDA
COUNTY OF HERNANDO

The foregoing instrument was sworn to and subscribed hereto before me by means of ☐ physical presence or ☐ online notarization this 24th day of July, 2023 by Dr. David E. Cueva, PsyD. He/she is ☐ personally known to me or ☒ has produced FL Driver's License as identification.



Kayla Feidt
Notary Public State of Florida
Print Name: Kayla Feidt
My Commission Expires 6/16/2026



Veterans Health Administration

Department of Veterans Affairs

James A. Haley Medical Center (VAMC)

Brooksville Community Based Outpatient Clinic (CBOC)

14540 Cortez Blvd, Suite 108, Brooksville, FL 34613, 352-597-8287

Department of Planning and Zoning

Code Enforcement

789 Providence Blvd, Brooksville, FL 34601

352-754-4056

April 6, 2023

To whom it may concern,

I am writing on behalf of Mr. Alejandro Crespo in support of his request for Reasonable Accommodations regarding his pigeons. I am a staff psychologist with the Department of Veterans Affairs (VA) at the Brooksville Community Based Outpatient Clinic in Florida. I have worked with Mr. Crespo related to his difficulties with military-related Post-Traumatic Stress Disorder (PTSD). In addition, Mr. Crespo is service connected for PTSD (70%) and he has a number of other physical issues totaling him 100% service connected disabled.

Mr. Crespo has suffered from anxiety related to his PTSD for many years and while he has engaged in treatment with the VA he has found it very difficult to live a fulfilling life. He has talked about the hobby of being a pigeon fancier as extremely therapeutic for him. His pigeons give him a purpose, serve as motivation and inspire him to interact with other people through pigeon clubs and competitive races. This request for Reasonable Accommodations is appropriate and can be thought of as a request for anyone who has a dog or cat that help them feel less distress and thus more comfortable in their home and around other people.

In closing, I have full confidence that Mr. Crespo will continue in his treatment. Granting his Reasonable Accommodation will only help him in his overall recovery. He lives a much more meaning and fulfilling life with the pigeons in his life. If I can be of any help, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "David E. Cueva PsyD".

David E. Cueva, PsyD

Staff Psychologist – Program Manager

James A. Haley Medical Center (VAMC)

Brooksville Community Based Outpatient Clinic (CBOC)

14540 Cortez Blvd, Suite 103

Brooksville, FL 34613

david.cueva@va.gov

352-597-8287 x4153

MR. ALEJANDRO CRESPO
12483 CONVENT GARDEN RD.
SPRING HILL, FL 34613

LEGEND

—  **PROPERTY LINE**

—  **PERMANENTLY FLOODED**

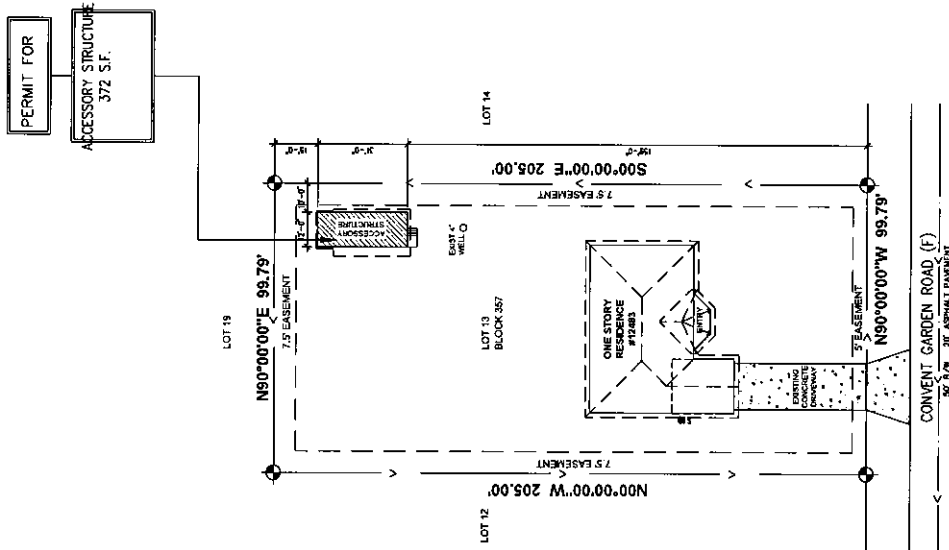
FLOOD ZONE INFORMATION*

COMMUNITY: HERNANDO COUNTY 120110

MAP/PANEL NO. 12053001580

FIRM DATE: 02/02/2012

NOTE:
THERE ARE NO PERTINENT FEATURES ON
ADJACENT PROPERTIES AND ACROSS THE STREET
THAT MAY AFFECT ONSITE SEWAGE TREATMENT
AND DISPOSAL SYSTEM INSTALLATION.



SITE PLAN
Scale 1"=20'-0"

A-1	Site Plan	S-1	Fixtures & Foundation Plan
A-2	Floor Plan	S-2	Sections & Details Plan
A-3	Elevations & Roof Plan	S-3	Notes & Details Plan
E-1	Electrical Plan	S-4	Flashing Details Plan

[illegible]

LEGAL DESCRIPTION

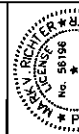
LOTS 17 AND 18, BLOCK 6, MAP OF HILLSBORO HEIGHTS SOUTH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10 AT PAGE 28 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

THIS PERMIT UNDER FBC 2020, 7th EDITION

TYPE OF CONSTRUCTION	V
OCCUPANCY CLASSIFICATION	GROUP R-3
HEIGHT OF BUILDING	13'-4"
NO. OF STORES	ONE(1)
AREA PER FLOOR (SF)	372 S.F.

11	22
33	44

LUISA ALONSO & ASSOCIATES, LLC.
 LIC. No. CGC1513685
 1024 W HILLSBOROUGH AVE, TAMPA, FL 33603
 Ph: (813)-735-6398
 e-mail: laalassociates@yahoo.com



DRAWINGS AND SPECIFICATIONS, AS INSTRUMENTS OF SERVICE, ARE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT, WHETHER THE PROJECT FOR WHICH THEY ARE MADE IS COMPLETED OR NOT. THEY ARE NOT TO BE USED BY ANYONE ELSE ON OTHER PROJECTS WITHOUT THE ARCHITECT'S WRITTEN CONSENT. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE PROTECTION, ACCEPT BY AGREEMENT IN WRITING AND WITH APPROPRIATE COMPENSATION TO THE ARCHITECT.

CONSULTANTS		REG.NO.	DISELINE	DRAWN	NAME	TEL.NG.
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="border: 1px solid black; padding: 5px; transform: rotate(-90deg); transform-origin: left top;"> NATIONAL FLORIDA SYSTEMS CORPORATION </div> <div> MR. ALVARADO 033520 </div> <div> 01-27-73 </div> </div>						
A-1						
<div style="display: flex; justify-content: space-between;"> <div> 153-158 175-200 </div> <div> 153-158 175-200 </div> </div>						

THE HOGAN LAW FIRM®

We mean businessSM

August 2, 2023

Ms. Michelle Miller
Planning Administrator
Planning Department
Hernando County Board of County Commissioners
1653 Blaise Drive
Brooksville, Florida 34601

RE: Request for Relief is a Special Exception Use Permit for a Reasonable Accommodation for a Service Related Disability to have a pigeon aviary in an RIC Zoning District.

Dear Ms. Miller:

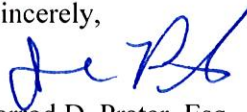
Enclosed is an application for a Special Exception Use Permit (the "Application") along with the required ancillary documentation as required by the Hernando County Board of County Commissioners (the "County") on behalf of Alejandro Crespo (the "Applicant") for property located at 12483 Covent Garden Road, Brooksville, FL 34613 (the "Property").

This Application is submitted in reference to Code Enforcement Case SMS Case No.: 418727, Hernando County, Florida vs. Alejandro Crespo (the "Code Enforcement Case"). The Code Enforcement Case is still pending and has been continued from the July 26, 2023 hearing date, while the Applicant pursues a special exception use permit to maintain a pigeon aviary within a R-1C Residential District. The Applicant keeps and maintains the pigeon aviary to house his pigeons that serve as emotional support animals to help treat his service-related handicap of Post-Traumatic Stress Disorder (PTSD).

The County's Land Development Code does not have a specific mechanism or an express written procedure to submit reasonable accommodation requests. After consulting with Kyle Benda, Assistant County Attorney, it was suggested to proceed with an Application as a Special Exception Use Permit.

Please contact our office with any questions or comments that may be necessary to submit a complete application.

Sincerely,



Jarrod D. Prater, Esq.
Attorney-At-Law

cc: Alejandro Crespo, Applicant
Kyle Benda, Assistant County Attorney
Rachel Boymer, Code Enforcement Officer



AS BUILT ACCESSORY STRUCTURE FOR:
12483 CONVENT GARDEN RD.,
SPRING HILL, FL 34613
MR. ALEJANDRO CRESPO
PHONE: (813) 355-3333

NO.	DESCRIPTION	DATE	BY	CHECKED
1	FOUNDATION	11/11/2019	AL	AL
2	FRAMING	11/11/2019	AL	AL
3	ROOFING	11/11/2019	AL	AL
4	MECHANICAL	11/11/2019	AL	AL
5	ELECTRICAL	11/11/2019	AL	AL
6	PLUMBING	11/11/2019	AL	AL
7	PAINTING	11/11/2019	AL	AL
8	LANDSCAPING	11/11/2019	AL	AL
9	FINAL	11/11/2019	AL	AL

12483 CONVENT GARDEN RD.,
SPRING HILL, FL 34613
MR. ALEJANDRO CRESPO
PHONE: (813) 355-3333

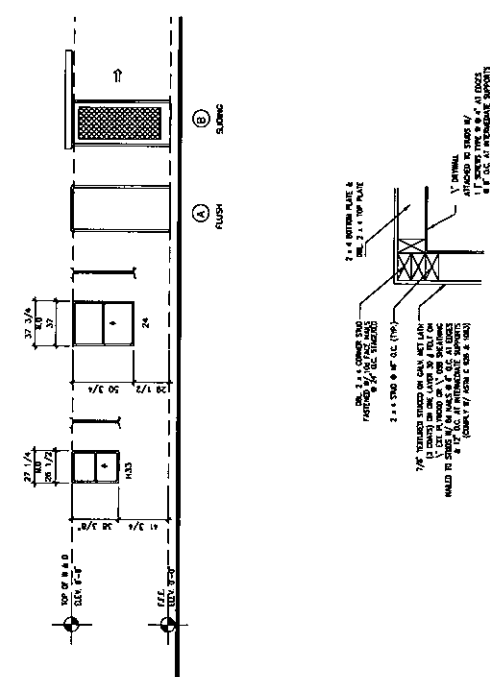
01-27-23
A-2
JOB NO. 023-003

FLORIDA BUILDING CODE 7TH EDITION (2020)

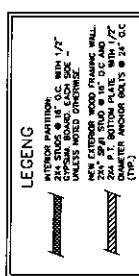
ROOM FINISH SCHEDULE					
AREA	FLOOR	BASE	WALL	CEILING	HEIGHT
STORAGE	TILE	---	---	---	7'-4"

DOOR SCHEDULE					
NO.	SPACING	WIDTH	HEIGHT	TH TYPE	TH TYPE
1	3'-0"	3'-0"	8'-0"	1"	A
2	3'-0"	3'-0"	8'-0"	1"	A
3	3'-0"	3'-0"	8'-0"	1"	A

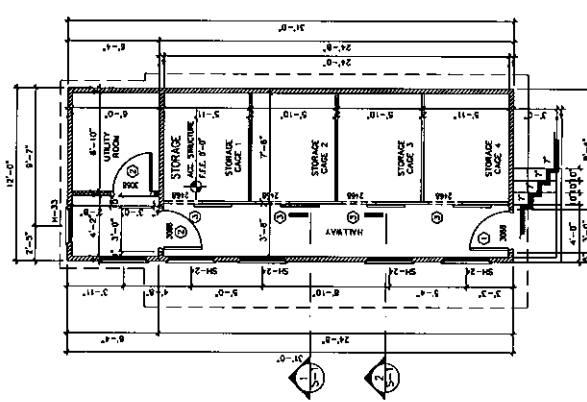
SINGLE HUNG



CORNER WALL DETAIL



AREAS:	
EXIST. RESIDENCE LIVING SPACE	1955 S.F.
EXIST. RESIDENCE NO LIVING SPACE	483 S.F.
NEW ACCESSORY STRUCTURE	372 S.F.
TOTAL BUILDING COVERED: 2,810 S.F.	



FLOOR PLAN

GENERAL CONTRACTOR:
THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE COORDINATION OF ALL TRADES WITH THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

STAGES ON FULL:
1. FOUNDATION
2. FRAMING
3. ROOFING
4. MECHANICAL
5. ELECTRICAL
6. PLUMBING
7. PAINTING
8. LANDSCAPING
9. FINAL

STUCCO ON METAL LATH:
STUCCO SHALL BE APPLIED TO METAL LATH IN TWO COATS. THE FIRST COAT SHALL BE 1/2 INCH THICK AND THE SECOND COAT SHALL BE 1/2 INCH THICK. THE STUCCO SHALL BE FINISHED TO A SMOOTH SURFACE.

WALL HUNG EXTERIOR:
WALL HUNG EXTERIOR SHALL BE 2x4 STUDS WITH 1/2 INCH GYPSUM BOARD. THE WALL HUNG EXTERIOR SHALL BE FINISHED TO A SMOOTH SURFACE.

INTERIOR PARTITION:
INTERIOR PARTITION SHALL BE 2x4 STUDS WITH 1/2 INCH GYPSUM BOARD. THE INTERIOR PARTITION SHALL BE FINISHED TO A SMOOTH SURFACE.

CONDENSATE LINES AND ROOF DOWNSPOUTS:
CONDENSATE LINES AND ROOF DOWNSPOUTS SHALL BE INSTALLED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE. THE CONDENSATE LINES SHALL BE INSTALLED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE. THE ROOF DOWNSPOUTS SHALL BE INSTALLED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE.

BUILDING CATEGORY _____
RISK CATEGORY _____

[illegible]

ALL WORK SHALL BE IN ACCORDANCE WITH THE FLORIDA BUILDING CODE 719.2020 LOCAL ORDINANCES AND REGULATIONS

DOOR AND WINDOW NOTE:
IN WINDOWS EXCEEDING 130 MPH (ULTIMATE) THE DOORS AND WINDOWS SHALL BE IMPACT RESISTANT.
PROJECTS IN 140 MPH WINDZONES AND GREATER: GLAZED OPENING PLYWOOD (SEE DETAIL ON THE SHEET D-3) CONTING OR SHATTERED FOR PROTECTION.

15	1.00	1.21
20	1.00	1.29
25	1.00	1.35
30	1.00	1.40
35	1.00	1.45

EFFECTIVE WIND AREA (A_E)	ROOF ($C_{pe} = +.7$, .18)	WALL ($C_{pe} = +.7$, .18)
10	37.9	40.5
20	36.0	38.7
50	34.6	36.2
100	33.6	34.4
500		30.2

NOTES: 1. FOR EXPOSURE CATEGORIES OF WIND SYSTEM EXPOSURE, WIND DIRECTION, AND/OR WIND SPEED, THE FOLLOWING TABLES MAY BE INTERPOLATED. OTHERWISE, USE THE LEAST ASSOCIATED WITH THE LOWER EXPOSURE CATEGORY.

2. TABLE VALUES SHALL BE ADJUSTED FOR HEIGHT AND EXPOSURE CATEGORY BY APPLYING THE ADJUSTMENT COEFFICIENTS IN TABLE A501.2(3).

3. PLUS AND MINUS SIGN SHOWS PRESSURES ACTING TOWARD AND AWAY FROM THE BUILDING SURFACES.

2 TABLE VALUES SHALL BE ADJUSTED FOR HEIGHT AND EXPOSURE
BY MULTIPLYING BY ADJUSTMENT COEFFICIENTS IN TABLE R601.2(3)
OF THE FLORIDA BUILDING CODE 7TH EDITION 2010
3 PLUS AND MINUS SHORT DOWRY PRESSURES ACTING TOWARD
AND AWAY FROM THE BUILDING SURFACES.

**THE GENERAL, COM-
STRUCTURAL, MEME**

[illegible]

ALL THEORETICAL CONNECTIONS, REINFORCING PLANS NOT SHOWN ON STRUCTURAL DRAWINGS SHALL BE PROVIDED BY THE FABRICATOR AND DETAILED ON HIS SHOP DRAWINGS.

ALL MATERIALS AND CONNECTIONS ARE SUBJECT TO THE APPROVAL OF THE STRUCTURAL ENGINEER.

PROVIDE PLASTIC WOOD STRIPS, AS REQUIRED BY LOCAL BUILDING CODE, TO PREVENT WOOD FROM BEING EXPOSED TO WEATHER.

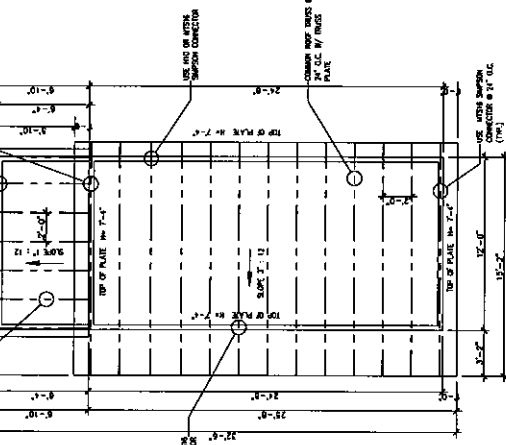
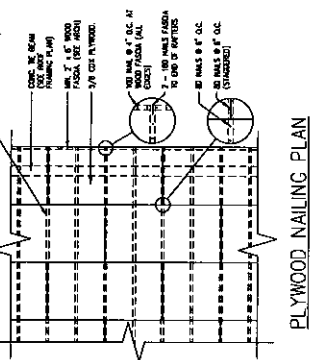
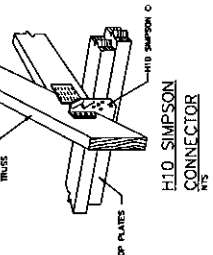
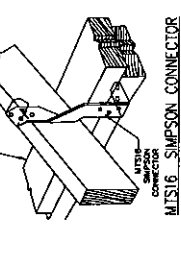
PLYWOOD ROOF SHEATHING:
SHEATHING SHALL BE 5-0 EXPOSURE SHEATHING PANEL, INDEX 32/48 MM, RATED FOR EXPOSURE 1, MIN. THICKNESS 11/32".
EXISTING SHEATHING CONTIGUOUS OVER TWO OR MORE SPANS WITH FANS CORNER CONNECTIONS AT THE SUPPORT.

EXPANSION BOLTS:
ON EXPANSION BOLTS, NOTED IN PLANS, ARE TO BE 1/2" TYPE EXPANSION BOLTS OR EQUIV. FOR SUBSTITUTION, SUBJECT TO ARCHITECT / ENGINEER FOR REVIEW AND HIS APPROVAL.

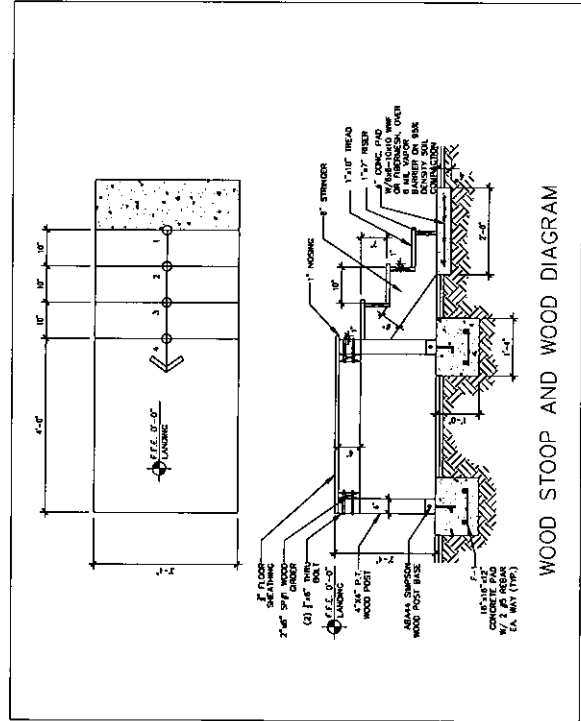
ITEM NO.	CAT. NO.	NO. OF FASTENERS	UP/LFT	LOAD	REMARKS
①	MTA18	12-10a π 1/2"	1980 #		SEE DETAIL
②	MTS18	14-10a π 1/2" 16-10a π 1/2"	1000	1000	SEE DETAIL
③	MTS20	10-10a π 1"	995 #		
④	H10	8-8a π 1"	805 #		SEE DETAIL

①	AB144	5/8" MONS 12" ML TO POST	2200	MONS 4mm	8.00 (10-43mm)
①	BC8	12-16d	1050	2000	SEE DETAIL

ITEM NO.	CAT. NO.	NO. OF FASTENERS	UP/LIFT	LOAD	REM.
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[illegible]

SCALE 1/4" = 1'-0"



August 3, 2023

Omar DePablo
Hernando Co Planning Department
6153 Blaise Dr
Brooksville, FL 34601

Re: Alejandro Crespo

Please see the enclosed check for payment of the Special Exception Use Permit.
If you have any questions, please contact the office.

Sincerely,



Christie Williams
Office | Marketing Manager
Hogan Law Firm
(352) 799-8423 Office
(352) 540-7494 Direct
(352) 737-2782 Cell
Christie@HoganLawFirm.com