

RESOLUTION NO. 2026-040

WHEREAS, Hernando County has adopted subdivision regulations pursuant to Chapters 125, 163 and 177, *Florida Statutes*, which authorize the County to regulate the division of land in the unincorporated areas of Hernando County, Florida, and take action on the request herein; and,

WHEREAS, the Hernando County Board of County Commissioners (BOCC) considered the requested Petition for relief from the strict application of the subdivision regulations on the specified parcel(s) in Hernando County, Florida, due to **FAMILY HARDSHIP**, as more fully described below.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA AS FOLLOWS:

PETITIONER: Alfred P. Martucci and Sharon K. Martucci

FILE NUMBER: 1476652

PURPOSE: To divide 5.0 acres into two parcels creating Parcel 1 (4.0 acres) and Parcel 2 (1.0 acres)

GENERAL

LOCATION: A portion of Section 13, Township 22 South, Range 17 East 415 Ft. from Commercial Way

PARCEL KEY: 538948

REQUEST: The Petitioners were denied a Class D Subdivision to divide 5.0 acres into two parcels creating Parcel 1 (4.0 acres) Parcel 2 (1.0 acres) for failing to meet all of the requirements for a Class D Subdivision Section 26-3(e) of the Hernando County Ordinance Code. Therefore, the Petitioners requested relief from the strict application of the Class D Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code due to **FAMILY HARDSHIP**, pursuant to Section 26-3(g) of the Hernando County Ordinance Code.

FINDINGS

OF FACT: ALL of the facts and conditions presented to the BOCC in connection with this matter are incorporated herein by reference and made a material part of this Resolution as integral to the BOCC's Action. The BOCC finds that the testimony and record supporting APPROVAL of the Petitioner's request to be credible and to constitute competent substantial evidence. In further support thereof, the BOCC makes the following specific findings of fact:

1. The Petition meets the application requirements in Section 26-3(g) of the Hernando County Ordinance Code for relief due to **FAMILY**

HARDSHIP.

2. The strict application of the Class D Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code would place an undue burden on the Petitioners' ability to transfer land to family members.

In further support thereof, the BOCC makes the following additional specific findings of fact:

1. The Petitioners requested for relief from the strict application of the Class D Subdivision requirement for access to a county-maintained road in order to create a new 1.0-acre parcel from the center of the long rectangular 5.0-acre parent tract. The proposed division effectively bisected the property, resulting in the remaining 4.0 acres being separated into two (2) distinct 2.0-acre portions situation on either side of the newly created 1.0-acre parcel.
2. On May 14, 2024, the BOCC approved the Petitioners' request for relief from the strict application of the Class D Subdivision and created the 1.0-acre parcel, but determined that, due to its unique configuration, the remaining northern 2.0-acre portion was now a legal lot of record. Accordingly, the original 5.0-acre parcel was divided into three (3) parcels: Parcel 1 (2.0 acres), Parcel 2 (1.0 acres), and Parcel 3 (2.0 acres). The resolution was ratified on September 10, 2024, and is attached hereto as "**Exhibit A**".
3. This Resolution is to correct and affirm the BOCC's approval of the Petitioners request and the actions taken pursuant to that approval, as announced on May 14, 2024.

**CONCLUSIONS
OF LAW:**

The BOCC is authorized to act on this matter pursuant to Chapters 125, 163 and 177, *Florida Statutes*. Accordingly, after hearing testimony, being fully advised in the record, and based upon competent substantial evidence, the BOCC makes the following specific conclusions of law:

1. The Petition meets the application requirements in Section 26-3(g) of the Hernando County Ordinance Code for relief due to **FAMILY HARDSHIP**.
2. The strict application of the Class D Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code would place an undue burden on the Petitioners' ability to transfer land to family members.

ACTION:

Based upon the record in this matter and ALL of the findings of fact and conclusions of law above, the BOCC hereby APPROVES the Petitioner's

request for relief from the strict application of the Class D Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code due to **FAMILY HARDSHIP**, subject to the following conditions, pursuant to Section 26-3(g) of the Hernando County Ordinance Code:

1. All lots shall meet the minimum lot size of the zoning district in which the subdivision is located and shall conform with the policies of the comprehensive plan.
2. All lots shall have a minimum fifteen-foot access/utility easement to provide access to the parcel(s).
3. Each deed of conveyance entered into and executed shall contain a legend setting forth in bold type a reference to the subdivision regulations and a statement that "subject land is contained within a subdivision which has not been formally platted and said county has absolutely no obligation to maintain or improve roads and thoroughfares within the subdivision."
4. All lots shall be transferred to an immediate family member and shall provide for a reverter clause in the deed returning the land to the grantor if the transferred parcel does not remain in the ownership of a family member for a minimum of two (2) years from the date of transfer.

The three (3) parcels, as created by the Class D Subdivision, shall be divided as announced on May 14, 2024, and in accordance with the survey attached hereto as "**Exhibit B**". This Resolution shall take precedence over Resolution No. 2024-193, which is attached hereto as "**Exhibit A**".

ADOPTED IN REGULAR SESSION THE 3rd DAY OF March, 2026.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: Wenike Osungwa, Deputy Clerk
Douglas A. Chorvat, Jr.
Clerk of Circuit Court & Comptroller

By: Jerry Campbell
Jerry Campbell
Chairman



APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: Natasha Lopez Perez
County Attorney's Office

EXHIBIT A

INSTR #2024065837 BK: 4483 PG: 1287 Page 1 of 3
FILED & RECORDED 10/25/2024 11:18 AM KGG Deputy Clk
Doug Chorvat, Jr., HERNANDO County Clerk of the Circuit Court
Rec Fees: \$27.00

RESOLUTION NO. 2024 - 193

WHEREAS, Hernando County has adopted subdivision regulations pursuant to Chapters 125, 163 and 177, *Florida Statutes*, which authorize the County to regulate the division of land in the unincorporated areas of Hernando County, Florida, and take action on the request herein; and,

WHEREAS, the Hernando County Board of County Commissioners (BOCC) considered the requested Petition for relief from the strict application of the subdivision regulations on the specified parcel(s) in Hernando County, Florida, due to **FAMILY HARDSHIP**, as more fully described below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AS FOLLOWS:

PETITIONER: Alfred P. Martucci and Sharon K. Martucci

FILE NUMBER: 1476652

PURPOSE: To divide 5.0 acres into two parcels creating Parcel 1 (4.0 acres) and Parcel 2 (1.0 acres)

GENERAL LOCATION: A portion of Section 13, Township 22 South, Range 17 East 415 Ft. from Commercial Way

PARCEL KEY: 538948

REQUEST: The Petitioner was denied a Class D Subdivision to divide 5.0 acres into two parcels creating Parcel 1 (4.0 acres) Parcel 2 (1.0 acres) for failing to meet all of the requirements for a Class D Subdivision Section 26-3(e) of the Hernando County Ordinance Code. Therefore, the Petitioner requests relief from the strict application of the Class D Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code due to **FAMILY HARDSHIP**, pursuant to Section 26-3(g) of the Hernando County Ordinance Code.

**FINDINGS
OF FACT:**

ALL of the facts and conditions presented to the BOCC in connection with this matter are incorporated herein by reference and made a material part of this Resolution as integral to the BOCC's Action. The BOCC finds that the testimony and record supporting APPROVAL of the Petitioner's request to be credible and to constitute competent substantial evidence. In further support thereof, the BOCC makes the following specific findings of fact:

1. The Petition meets the application requirements in Section 26-3(g) of the Hernando County Ordinance Code for relief due to **FAMILY HARDSHIP**.
2. The strict application of the Class D Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code would place an undue burden on the Petitioners' ability to transfer land to family members.

**CONCLUSIONS
OF LAW:**

The BOCC is authorized to act on this matter pursuant to Chapters 125, 163 and 177, *Florida Statutes*. Accordingly, after hearing testimony, being fully advised in the record, and based upon competent substantial evidence, the BOCC makes the following specific conclusions of law:

1. The Petition meets the application requirements in Section 26-3(g) of the Hernando County Ordinance Code for relief due to **FAMILY HARDSHIP**.
2. The strict application of the Class D Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code would place an undue burden on the Petitioners' ability to transfer land to family members.

ACTION:

Based upon the record in this matter and ALL of the findings of fact and conclusions of law above, the BOCC hereby APPROVES the Petitioner's request for relief from the strict application of the Class D Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code due to **FAMILY HARDSHIP**, subject to the following conditions, pursuant to Section 26-3(g) of the Hernando County Ordinance Code:

1. The BOCC approved the petitioners request for a Class D Subdivision and the hardship for access to a County maintained road. The new 1.0-acre parcel bisected the long rectangular parent parcel by virtue of the split left a 4.0-acre parcel at the northern portion of the overall parent tract. The BOCC approved the Class D for the (2) two 1.0-acre parcels and determined the remnant 3.0-acre portion, due to its unique configuration, was now a legal lot of record.

2. All lots shall meet the minimum lot size of the zoning district in which the subdivision is located and shall conform with the policies of the comprehensive plan.
3. All lots shall have a minimum fifteen-foot access/utility easement to provide access to the parcel(s).
4. Each deed of conveyance entered into and executed shall contain a legend setting forth in bold type a reference to the subdivision regulations and a statement that "subject land is contained within a subdivision which has not been formally platted and said county has absolutely no obligation to maintain or improve roads and thoroughfares within the subdivision."
5. All lots shall be transferred to an immediate family member and shall provide for a reverter clause in the deed returning the land to the grantor if the transferred parcel does not remain in the ownership of a family member for a minimum of two (2) years from the date of transfer.

ADOPTED IN REGULAR SESSION THE 10th DAY OF September, 2024.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: Heidi Kugge, Deputy Clerk By: E. Narverud
for **Douglas A. Chorvat, Jr.** **Elizabeth Narverud**
Clerk of Circuit Court & Comptroller **Chairperson**



Approved as to Form and Legal Sufficiency

By: Victoria Anderson
County Attorney's Office

EXHIBIT B

SECTION 13 TOWNSHIP 22 S. RANGE 17 E. SCALE 1"=60'

N. 1/4 COR.
SEC. 13-22S-17E.
6" X 6" W/4
C.C.R.# 103298

NOTES

- NUMBERS SHOWN IN PARENTHESES INDICATE ELEVATIONS REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988. (10.00) DENOTES ELEVATION IN FEET ABOVE SEA LEVEL.
- UNDERGROUND INSTALLATIONS OR IMPROVEMENTS INCLUDING BUILDING FOUNDATIONS HAVE NOT BEEN LOCATED, EXCEPT AS SHOWN HEREON.
- THE PROPERTY SHOWN HEREON MAY BE SUBJECT TO THE RULES, REGULATIONS, ORDINANCES, AND/OR JURISDICTIONS OF LOCAL, STATE, AND/OR FEDERAL AGENCIES. THE REQUIREMENTS OF SAID RULES, REGULATIONS, ORDINANCES AND/OR THE LIMITS OF SAID JURISDICTIONS ARE NOT SHOWN HEREON UNLESS STATED OTHERWISE.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY BE SUBJECT TO EASEMENTS, RIGHT-OF-WAYS AND OTHER MATTERS OF RECORD.
- PRIOR TO THE CONSTRUCTION AND/OR RELIANCE ON THE FLOOD ZONE NOTE, THE BUILDING DEPARTMENT SHOULD BE CONTACTED FOR VERIFICATION OF FLOOD ZONE.
- PROPOSED BUILDING DIMENSIONS NOT TO BE RELIED UPON FOR USE DURING CONSTRUCTION PHASES.
- ALL EASEMENTS SHOWN HEREON ARE FOR DRAINAGE AND/OR UTILITIES UNLESS SHOWN OTHERWISE.
- ANGLES, BEARINGS, AND/OR DISTANCES DEPICTED HEREON ARE DESCRIBED AND MEASURED UNLESS SHOWN OTHERWISE.
- THIS DRAWING, SKETCH, PLAN OR MAP IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, AND CERTIFIES TO THE DATE OF FIELD WORK AND NOT THE SIGNATURE DATE.
- THIS SURVEY OR SKETCH DOES NOT REFLECT OR DETERMINE OWNERSHIP.
- THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE AND BENEFIT OF THE PARTIES LISTED HEREON. LIABILITY TO THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.
- THIS DRAWING MAY NOT BE TO SCALE DUE TO ELECTRONIC TRANSFER OR COPY.
- BEARING MERIDIAN ESTABLISHED FROM THE NORTH BOUNDARY LINE OF SEC. 13, TWP. 22 S., RANG. 17 E., WHICH HAS A GRID BEARING OF S89°42'10"E. THE GRID BEARINGS SHOWN HEREON REFER TO THE FLORIDA WEST ZONE OF THE FLORIDA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (2011).

DESCRIPTION: PARENT PARCEL AS RECORDED IN O.R.B.K. 1236, PG.1603

THE EAST 155 FEET OF THE N.W. 1/4 OF THE N.E. 1/4 OF SECTION 13, TOWNSHIP 22 SOUTH, RANGE 17 EAST, HERNANDO COUNTY, FLORIDA, LESS THE NORTH 50 FEET THEREOF;

AND
THE NORTH 138 FEET OF THE EAST 155 FEET OF THE S.W. 1/4 OF THE N.E. 1/4 OF SECTION 13, TOWNSHIP 22 SOUTH, RANGE 17 EAST, HERNANDO COUNTY, FLORIDA.
CONTAINING: 5.01 AC. M.O.L.

DESCRIPTION: PARCEL 1

THE EAST 155 FEET OF THE NORTH 815.00 OF THE N.W. 1/4 OF THE N.E. 1/4 OF SECTION 13, TOWNSHIP 22 SOUTH, RANGE 17 EAST, HERNANDO COUNTY, FLORIDA, LESS THE NORTH 30 FEET THEREOF FOR ROAD RIGHT OF WAY;

SUBJECT TO A 25.0 FOOT INGRESS EGRESS AND UTILITY EASEMENT ALONG THE EAST BOUNDARY LINE OF THE EAST 155 FEET OF THE SOUTH 565.0 FEET OF THE NORTH 815.0 FEET OF THE N.W. 1/4 OF THE N.E. 1/4 OF SECTION 13, TOWNSHIP 22 SOUTH, RANGE 17 EAST, HERNANDO COUNTY, FLORIDA.
CONTAINING: 2.0 AC. M.O.L.

DESCRIPTION: PARCEL 2

THE SOUTH 283.0 FEET OF THE NORTH 898.0 FEET OF THE EAST 155 FEET OF THE N.W. 1/4 OF THE N.E. 1/4 OF SECTION 13, TOWNSHIP 22 SOUTH, RANGE 17 EAST, HERNANDO COUNTY, FLORIDA.

TOGETHER WITH A 25.0 FOOT INGRESS EGRESS AND UTILITY EASEMENT ALONG THE EAST BOUNDARY LINE OF THE EAST 155 FEET OF THE SOUTH 565.0 FEET OF THE NORTH 815.0 FEET OF THE N.W. 1/4 OF THE N.E. 1/4 OF SECTION 13, TOWNSHIP 22 SOUTH, RANGE 17 EAST, HERNANDO COUNTY, FLORIDA.
CONTAINING: 1.0 ACRES M.O.L.

DESCRIPTION: PARCEL 3

THE EAST 155 FEET OF THE N.W. 1/4 OF THE N.E. 1/4 OF SECTION 13, TOWNSHIP 22 SOUTH, RANGE 17 EAST, HERNANDO COUNTY, FLORIDA, LESS THE NORTH 50 FEET THEREOF;

AND
THE NORTH 138 FEET OF THE EAST 155 FEET OF THE S.W. 1/4 OF THE N.E. 1/4 OF SECTION 13, TOWNSHIP 22 SOUTH, RANGE 17 EAST, HERNANDO COUNTY, FLORIDA.
LESS THE NORTH 898.00 FEET THEREOF.
CONTAINING: 2.0 ACRES M.O.L.

ABBREVIATIONS

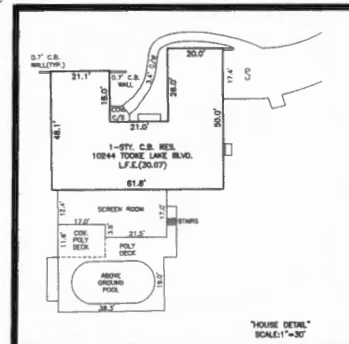
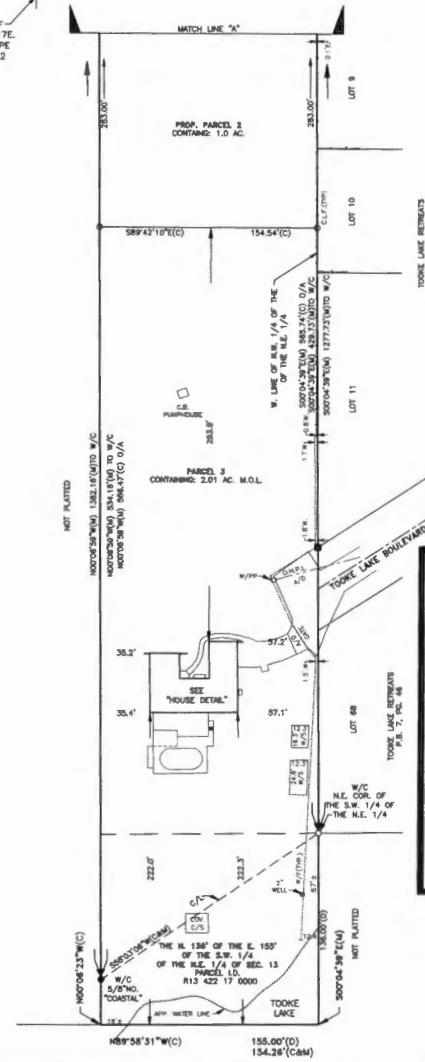
SEC. = SECTION	ST. = STREET	BRNG. = BEARING	CHD. = CHORD	8/9' = BRICK PAVERS	W.C.S.L. = WETLAND CONSERVATION AREA SETBACK LINE
TWP. = TOWNSHIP	DA. = DRIVE	POB. = PORTION	DIA. = DIAMETER	R/8' = RIGHT-OF-WAY	L.F.E. = LOWEST FLOOR ELEVATION
RNG. = RANGE	RD. = ROAD	G.W. = GUY WIRE	COL. = COLUMN	W/C = WITNESS CORNER	P.C.P. = PERMANENT CONTROL POINT
(F) = FIELD	NO. = NO. OF	NO. = NO. OF	STY. = STORY	R/P = REFERENCE POINT	P.C.C. = POINT OF COMPOUND CURVATURE
(P) = PLATTED	LA. = LAINE	M/S = METAL SHED	FL. = FLOOR	P.C. = POINT OF CURVATURE	P.R.C. = POINT OF REVERSE CURVATURE
(D) = DESCRIBED	CR. = CIRCLE	P/2 = PLASTIC SHED	EL. = ELEVATION	P.I. = POINT OF INTERSECTION	P.R.M. = PERMANENT REFERENCE MONUMENT
(M) = MEASURED	CT. = COURT	W/T = WOOD FENCE	PG. = PAGE	P.O.B. = POINT OF BEGINNING	L.U.B.M. = LINE USED FOR BEARING MERIDIAN
(C) = CALCULATED	AVE. = AVENUE	S/P = SCREEN PORCH	P.S. = PLAT BOOK	C.L.P. = CHAIN LINK FENCE	L.S. = LAND SURVEYOR
EL. = ELEVATION	BLVD. = BOULEVARD	C/C = CONCRETE CURB	BOB. = BOUNDARY	C/L = CLOSURE LINE	L.B. = LICENSED BUSINESS
NO. = NUMBER	COV. = COVERED	C/S = CONCRETE SLAB	COR. = CORNER	A/C = AIR CONDITIONING	P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER
N/H = NO NUMBER	GAR. = GARAGE	C/W = CONCRETE WALK	E.O.P. = EDGE OF PAVEMENT	S.W.F.M.D. = SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT	
ENC. = ENCROACHMENT	BLDG. = BUILDING	C/D = CONCRETE DRIVE	B.M. = BENCHMARK	C.B. = CONCRETE BLOCK	
± = CENTERLINE	TYP. = TYPICAL	CIV. = CABLE T.V. RISER	APR. = APPROXIMATE	T.O.B. = TOP OF BANK	
			P.R. = PHONE RISER	E.T. = ELECTRIC TRANSFORMER	
				WPP = WOOD POWER POLE	



SCALE IN FEET
60 0 60

LEGEND

- SET 1/2" IRON ROD (NO. L.B. 8340)
- ⊙ SET DISK (1-1/4" NO. L.B. 8340 UNLESS OTHERWISE NOTED)
- ⊕ FOUND IRON ROD (SIZE AND NO. AS NOTED)
- ⊖ FOUND IRON PIPE (SIZE AND NO. AS NOTED)
- ⊗ FOUND NAIL AND DISK (SIZE AND NO. AS NOTED)
- ⊘ FOUND CONC. MONUMENT (4"x4" UNLESS OTHERWISE NOTED)
- ⊙ FOUND NAIL
- ⊗ FOUND "X" CUT
- ⊕ SET WOODEN HUB
- ⊖ NOT TO SCALE
- ⊗ WOOD POWER POLE



THE EXISTING RESIDENCE AND/OR THE LOT AREA APPEARS TO BE IN "X", "Z" & "A" FLOOD ZONE ON THE NATIONAL FLOOD MAP NO. 12053C0158 D COMMUNITY PANEL NO. HERNANDO CO. LINING 120110 DATED 02/02/12. THE BASE FLOOD ELEVATION IS SHOWN TO BE 20.4, 20.7, 22.4 FEET.

DJT LAND SURVEYING LLC (L.B. 8340)
PHONE: (352) 842-7833 / EMAIL: DONJ@DJTLANDSURV.COM
8017 FOLKSTONE ST. BROOKSVILLE, FL 34613

SENT TO AND CERTIFIED FOR: ALFRED P. MARTUCCI & SHARON K. MARTUCCI	DRAWN BY: K.W.B.	CERTIFICATION NOT VALID AFTER 90 DAYS FROM DATE OF SURVEY OR UPDATE
CHECKED BY: D.J.T.	DATE: 01/03/23	REVISIONS
ORDER NO. 23-101	MAP NO. C-2375	DATE: 2025.06.19 11:04:37-0400'

DONALD J. TRUCKENBROD P.S.M. NO. 8505
NOT VALID WITHOUT DIGITAL SEAL