


March 11, 2024

**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 March 11, 2024**

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For the Board's information, on March 11, 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.

A notification letter was sent on Tuesday, March 12, 2024, 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, April 10, 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, May 14, 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: March 11, 2024

**APPLICANT:** James and Kerrie McGregor

**FILE NUMBER:** CU-23-19

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

**GENERAL LOCATION:** West side of Allen Drive, approximately 500' north of Long Lake Drive

**PARCEL KEY NUMBER:** 1736214

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**APPLICANT'S REQUEST:**

The petitioner is requesting a Conditional Use Permit for the second residence on a 10.30 acre parcel. Due to the health of the petitioner's mother-in-law, a second residence will be placed on the property to provide daily assistance. The petitioner has not indicated what type of second residence will be provided, however a mobile home or RV may be utilized as the temporary residence. The petitioner has provided medical documentation indicating that it would be beneficial for the petitioner's relative to live near family.

**SITE CHARACTERISTICS:**

**Site Size:** 10.30 acres

**Surrounding Zoning/  
Land Uses:** North: AG; Single Family and Mobile Homes  
South: AG; Single Family and Mobile Homes  
East: AG; Single Family and Mobile Homes  
West: AG; Single Family and Mobile Homes

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

**Future Land Use  
Map Designation:** Residential

**Flood Zone:** C



**UTILITIES REVIEW:**

The Hernando County Utilities Department (HCUD) reviewed the application and provided the following comments:

- 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 second mobile home on site so the applicant can provide necessary daily living assistance/supervision, subject to Health Department approval of any improvements that may be necessary to the Onsite Sewage Treatment and Disposal System for the parcel due to increased usage.

**ENGINEERING & TRANSPORTATION REVIEW:**

The subject site is located on the west side of Allen Drive, approximately 500' north of Long Lake Drive. No access changes are being proposed for the subject site. The existing access to the property will continue to be utilized. The County Engineer has indicated no engineering related concerns.

**LAND USE REVIEW:**

Minimum Building Setbacks:

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

Any secondary residence placed on the subject property shall meet the setbacks of the 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 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's 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 & Zoning Commission may approve the request for a Conditional Use Permit for a Second 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. The petitioner shall remove the second residence upon termination of the permit, or when the hardship no longer exists.
3. Minimum Setbacks for the second residence:  
    Front: 75'  
    Side: 35'  
    Rear: 50'
4. The petitioner shall meet the requirements of the Health Department for waste management.
5. The conditional use permit shall expire on March 11, 2026.

**P&Z ACTION:**

At their March 11, 2024, meeting the Planning and Zoning Commission voted 5-0 approving the petitioner's request for a Conditional Use Permit for a Second Residence for a period of up to two (2) 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 second residence upon termination of the permit, or when the hardship no longer exists.
3. Minimum Setbacks for the second residence:
  - Front: 75'
  - Side: 35'
  - Rear: 50'
4. The petitioner shall meet the requirements of the Health Department for waste management.
5. The conditional use permit shall expire on March 11, 2026.



**STAFF REPORT**

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**HEARINGS:** Planning & Zoning Commission: March 11, 2024

**APPLICANT:** Harry Fortes Arriago

**FILE NUMBER:** CU-23-20

**REQUEST:** Conditional Use Permit for a Temporary Security Residence and Storage Associated with the Construction of a Home

**GENERAL LOCATION:** East side of Castleberry Drive, approximately 250' north of Richardson Boulevard

**PARCEL KEY NUMBER:** 617149

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**APPLICANT'S REQUEST**

The petitioner is requesting a Conditional Use Permit for a Temporary Security Residence, namely a 20'x20' RV and a 20'x18' storage container for construction material, in order to provide security and monitoring of their home during construction. The petitioner has indicated they will be constructing the home themselves. Proper water and septic utilities will be provided to meet County standards.

**SITE CHARACTERISTICS**

**Site Size:** 1.2 acres

**Surrounding Zoning & Land Uses:** North: R-1C; Single Family  
South: R-1C; Single Family  
East: R-1C; Single Family  
West: R-1C; Single Family

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

**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. The petitioner shall coordinate with the Health Department for the proper disposal of waste.

**ENGINEERING REVIEW**

East side of Castleberry Drive, approximately 250' north of Richardson Boulevard. The Engineering Department has reviewed the request and indicated no engineering related concerns with the security residence.

**LAND USE REVIEW**

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

- 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 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 Conditional Use Permit for a Temporary Security Residence and storage associated with the construction of a house, 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. A single 20'x18' storage container shall be permitted for the length of the Conditional Use Permit.

## **P&Z CONDITIONAL USE RESULTS FROM MARCH 11, 2024, PG. 8**

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4. The proposed RV and storage shall meet the setbacks of the R-1C (Residential) zoning district.
4. The petitioner shall meet the requirements of the Health Department for waste management.
5. The Conditional Use Permit shall expire on March 11, 2025.

### **P&Z ACTION**

At their March 11, 2024, meeting the Planning and Zoning Commission voted 5-0 approving the petitioner's request for a Conditional Use Permit for a Temporary Security Residence and storage associated with the construction of a house, 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. A single 20' x 18' storage container shall be permitted for the length of the Conditional Use Permit.
4. The proposed RV and storage shall meet the setbacks of the R-1C (Residential) zoning district.
4. The petitioner shall meet the requirements of the Health Department for waste management.
5. The Conditional Use Permit shall expire on March 11, 2025.