


May 13, 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 May 13, 2024**

For the Board's information, on May 13, 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 Wednesday, May 15, 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, June 12, 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, July 9, 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

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STAFF REPORT

HEARINGS:	Planning & Zoning Commission: May 13, 2024
APPLICANT:	Jeffrey Hughes
FILE NUMBER:	CU-24-03
REQUEST:	Conditional Use Permit for a Second Residence
GENERAL LOCATION:	North side of Pine Cone Street, approximately 300' west of Weeping Willow
PARCEL KEY NUMBER:	422625

APPLICANT'S REQUEST:

The petitioner is requesting a Conditional Use Permit for a second residence on a 0.41 acre parcel due to the health needs of their father-in-law. The request is for a 12'x30' RV as a second residence. The petitioner has provided a letter from a physician indicating that it would be beneficial for the petitioner's father to live near family. Water and septage have not been determined at this time by the petitioner. And will be found to meet the minimum requirements of the county Health Department.

SITE CHARACTERISTICS:

Site Size:	0.41 acres
Surrounding Zoning & Land Uses:	North: AG; Single Family South: R-1C; Single Family East: R-1C; Single Family West: AG; Single Family
Current Zoning:	R-1C (Residential)
Future Land Use Map Designation:	Rural

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Flood Zone: C

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 Pine Cone Street, approximately 300' west of Weeping Willow. 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 R-1C (Residential) Building Setbacks:

Front: 25'
Side: 10'
Rear: 20'

Comments: The proposed RV must meet the setbacks of the R-1C (residential) 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 Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the

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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 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 R-1C (Residential) zoning district.

Front:	25'
Side:	10'
Rear:	20'
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 May 13, 2026.

PLANNING & ZONING ACTION:

At their May 13, 2024, meeting the Planning and Zoning Commission voted 4-0 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 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

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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 R-1C (Residential) zoning district.

Front:	25'
Side:	10'
Rear:	20'
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 May 13, 2026.

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STAFF REPORT

HEARINGS:	Planning & Zoning Commission: May 13, 2024
APPLICANT:	Michelle Melady and Brian Ramsey
FILE NUMBER:	CU-24-04
REQUEST:	Conditional Use Permit for a Temporary Security Residence with the Construction of a Home
GENERAL LOCATION:	South side of Thames Ave, approximately 1,200' east of Downing Street
PARCEL KEY NUMBER:	418444

APPLICANT'S REQUEST

The petitioner is requesting a Conditional Use Permit for a Temporary Security Residence, in order to provide security and monitoring of their home during construction. The petitioner has indicated they will utilize an RV as a second residence during the duration of the home's construction and a 10'x20' shed will also be placed on the property for building supplies. Proper water and septic utilities will be provided to meet County standards.

SITE CHARACTERISTICS

Site Size:	1.15 acres
Surrounding Zoning & Land Uses:	North: PDP(SF); Seville Subdivision South: R-1C; Single Family East: R-1C; Single Family West: PDP(SF); Seville Subdivision
Current Zoning:	R-1C (Residential)

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

The subject site is located on the south side of Thames Ave, approximately 1,200' east of Downing Street. The petitioner has indicated utilizing a single access for the site. The

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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 with the Construction of a Home, 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. The proposed RV 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.

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5. The Conditional Use Permit shall expire on May 13, 2025.

PLANNING & ZONING COMMISSION ACTION:

At their May 13, 2024, meeting the Planning and Zoning Commission voted 4-0 approving the petitioner's request for a Conditional Use Permit for a Temporary Security Residence with the Construction of a Home, 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. The proposed RV 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 May 13, 2025.

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STAFF REPORT

HEARINGS: Planning & Zoning Commission: May 13, 2024

APPLICANT: Frank and Vilmarie Fraser

FILE NUMBER: CU-24-06

REQUEST: Conditional Use Permit for a Second Residence

GENERAL LOCATION: Northeast corner of Yontz Road and Cheever Road

PARCEL KEY NUMBER: 1283890

APPLICANT'S REQUEST:

The petitioner is requesting a Conditional Use Permit for a second residence on a 3.2 acre parcel due to the personal needs of their daughter. The request is for a 12'x48' RV as a second residence. The petitioner has provided documentation attesting to the needs hardship of their daughter and the benefits of their daughter living near family.

SITE CHARACTERISTICS:

Site Size:	3.2 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:	Rural
Flood Zone:	C

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UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) has indicated the subject site is located within the City of Brooksville Service area.

Comments: The request will be subject to Health Department approval for an adequate Disposal System.

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 northeast corner of Yontz Road and Cheever Road. 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.

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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 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 in accordance with the Health Department standards.
5. The Conditional Use Permit shall expire on May 13, 2026.

PLANNING & ZONING COMMISSION ACTION:

At their May 13, 2024, meeting the Planning and Zoning Commission voted 4-0 approving the petitioner's 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

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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 in accordance with the Health Department standards.
5. The Conditional Use Permit shall expire on May 13, 2026.