


October 9, 2023

**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 October 9, 2023**

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For the Board's information, on October 9, 2023, 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, October 10, 2023, 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, November 8, 2023, (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, December 12, 2023, (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: October 9, 2023

**APPLICANT:** Pamela J. Merrill

**FILE NUMBER:** CU-23-09

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

**GENERAL LOCATION:** Northwest corner of Croom Road and Scott William Trail

**PARCEL KEY NUMBER:** 01250256

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**APPLICANT'S REQUEST:**

On August 9, 2021, the Planning and Zoning Commission approved a request for a Conditional Use Permit for a Second Residence (CU2102). The petitioner's current request is for a renewal of the conditional use permit for the second residence on a 4.25 acre parcel. Due to the health of the petitioner's sister, a triple-wide mobile home has been placed on the property to provide the required assistance. The petitioner has provided a letter from a physician indicating that it would be beneficial for the petitioner's sister to live near family members. No changes from the previous approvals are requested.

**SITE CHARACTERISTICS:**

**Site Size:** 4.25 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:	AR; 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 has indicated the subject site is located within the City of Brooksville Utility Department's (CBUD) first right to serve district.

**HEALTH DEPARTMENT REVIEW:**

The Hernando County Health Department has reviewed the application and indicated that the petitioner will be required to meet the Health Department Sanitation Regulations.

**ENGINEERING & TRANSPORTATION REVIEW:**

The subject site is located on the northwest corner of Croom Road and Scott William Trail. The existing access to the property will continue to be utilized. The County Engineer has indicated no engineering related concerns.

**LAND USE REVIEW:**

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The P&Z has the ability to grant a conditional use permit for a period up to two years if they determine that a hardship exists. Conditional use permits may be renewed or extended upon reapplication at the end of a two-year period.

**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 continues to exist; if such a determination is made, the Planning and Zoning Commission may approve the request for a renewal for a second residence for a period of up to two (2) years. If approved, the conditional use permit should be contingent upon the following:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The petitioner shall remove the second residence upon termination of the permit, or when the hardship no longer exists.
3. The conditional use permit shall expire on October 9, 2025.

**P&Z ACTION:**

On October 9, 2023, the Planning and Zoning Commission voted 5-0 to approve the request for a renewal for a second residence for a period of up to two (2) years. If approved, the conditional use permit should be contingent upon the following:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The petitioner shall remove the second residence upon termination of the permit, or when the hardship no longer exists.
3. The conditional use permit shall expire on October 9, 2025.

**STAFF REPORT**

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**HEARINGS:** Planning & Zoning Commission: October 9, 2023

**APPLICANT:** Madeline Rivera Crouch & Thomas Crouch

**FILE NUMBER:** CU-23-10

**REQUEST:** Conditional Use Permit for Temporary Storage Containers

**GENERAL LOCATION:** Southwest corner of Primrose Lane and Atwood Drive

**PARCEL KEY NUMBER:** 29891

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**APPLICANT'S REQUEST:**

The petitioner is requesting a conditional use permit in order to store two shipping containers on the 0.98 acre subject site. The containers will store the petitioner's household items during the construction of the home. There are no active building permits and no timeline for construction has been provided.

**SITE CHARACTERISTICS:**

**Site Size:** 0.98 acres

**Surrounding Zoning/  
Land Uses:**

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

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

**Future Land Use  
Map Designation:** Residential

**Flood Zone:** C

**UTILITIES REVIEW:**

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel; water and sewer services are not available to this parcel.

**ENGINEERING REVIEW:**

The subject site is located on the southwest corner of Primrose Lane and Atwood Drive. The petitioner has not indicated a driveway location at this time. The County Engineer has reviewed the request and indicated no concerns with the requested zoning.

**LAND USE REVIEW:**

**Setbacks:**

Proposed Shipping Container Setbacks:

Atwood Drive:	25'
South:	10'

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The P&Z has the ability to grant a conditional use permit for a period up to two years if they determine that a hardship exists. Conditional use permits may be renewed or extended upon reapplication at the end of a two-year period.

**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



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## **P&Z CONDITIONAL USE RESULTS FROM OCTOBER 9, 2023, PG. 7**

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Commission may approve the request for a Conditional Use Permit for Temporary Storage Containers for a period of up to one (1) year with the following performance conditions:

2. 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 shipping Containers upon Certificate of Occupancy for the home, or by October 9, 2024, whichever comes first.
3. Minimum Shipping Container Setbacks:  
Atwood Drive: 25'  
South: 10'

### **P&Z ACTION:**

On October 9, 2023, the Planning and Zoning Commission voted 5-0 to approve the request for a Conditional Use Permit for Temporary Storage Containers 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. The petitioner shall remove the shipping Containers upon Certificate of Occupancy for the home, or by October 9, 2024, whichever comes first.
3. Minimum Shipping Container Setbacks:  
Atwood Drive: 25'  
South: 10'

**STAFF REPORT**

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**HEARINGS:** Planning & Zoning Commission: October 9, 2023

**APPLICANT:** Frances M. Cain/POA c/o Karen S. Durand

**FILE NUMBER:** CU-23-11

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

**GENERAL LOCATION:** North side of Faber Drive, approximately 128' east of Honeysuckle Lane

**PARCEL KEY NUMBER:** 387717

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**APPLICANT'S REQUEST:**

The petitioner is requesting a conditional use permit for a second residence on a 1.0 acre parcel. The petitioner has indicated the request is to house their son's family while he is in military training and awaiting his permanent assignment. Unfortunately, according to the petitioner, the family is unable to obtain military housing until such a time a permanent duty has been assigned. The petitioner is proposing to utilize a 10'x30' RV as the second home on the site.

**SITE CHARACTERISTICS:**

**Site Size:** 1.0 acres

**Surrounding Zoning/  
Land Uses:**

North:	PDP(SF); Undeveloped
South:	AR; Single family
East:	AR; Single family
West:	AR; Single family

**Current Zoning:** AR/(Agricultural Residential)

**Future Land Use  
Map Designation:** Residential

**Flood Zone:** C



**HEALTH DEPARTMENT REVIEW:**

The petitioner will be required to meet the Health Department Sanitation Regulations. This may include upgrades to the Onsite Sewage Treatment and Disposal System as necessary.

**ENGINEERING & TRANSPORTATION REVIEW:**

The subject site is located on the North side of Faber Drive, approximately 128' east of Honeysuckle Lane. 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: 50'

Side: 10'

Rear: 35'

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The P&Z has the ability to grant a conditional use permit for a period up to two years if they determine that a hardship exists. Conditional use permits may be renewed or extended upon reapplication at the end of a two-year period.

**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 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 Building Setbacks:  
Front: 50'  
Side: 10'  
Rear: 35'
4. The conditional use permit shall expire on October 9, 2025.

**P&Z ACTION:**

On October 9, 2023, the Planning and Zoning Commission voted 5-0 to continue the petitioners request for a Temporary Security Residence due to the required advertising signs not being posted. The application was continued to the November 13, 2023, Planning and Zoning hearing.

**STAFF REPORT**

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**HEARINGS:** Planning & Zoning Commission: October 9, 2023

**APPLICANT:** Timothy Gunsteens and Judy Gunsteens

**FILE NUMBER:** CU-23-12

**REQUEST:** Conditional Use Permit for a Temporary Security Residence

**GENERAL LOCATION:** Cul-De-Sac Terminus of Liberator Court

**PARCEL KEY NUMBER:** 440874

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**APPLICANT'S REQUEST**

The petitioner has submitted a request for a conditional use permit for a temporary security residence on a 0.79 acre parcel for the construction of a homestead. The proposed security residence is 16' x 50'. The RV is proposed along the southwest corner of the subject site, approximately 100' from the Liberator Court. The parcel has an active building permit for the proposed home.

**SITE CHARACTERISTICS**

**Site Size:** 0.79 acres

**Surrounding Zoning & Land Uses:** North: PDP(SF); Single Family  
South: PDP(SF); Single Family  
East: PDP(SF); Single Family  
West: PDP(SF); Single Family

**Current Zoning:** PDP(SF)/Planned Development Project (Single Family)

**Future Land Use Map Designation:** Residential

**UTILITIES REVIEW**

The Hernando County Utilities Department (HCUD) supplies water to this parcel; sewer service on the account is currently inactive. HCUD has no objection to the requested Conditional Use Permit to allow a temporary RV residence on the parcel while the permanent residence is being built, subject to reactivation of the sewer account at time of vertical construction.

## **ENGINEERING REVIEW**

The site is located at the cul-de-sac terminus of Liberator Court. Access will be via a single family driveway. The County Engineer has reviewed the petitioners request and indicated no engineering related concerns.

## **LAND USE REVIEW**

Proposed RV Setbacks:

- Front: 100'
- Side: 6'
- Rear: 40'

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The Commission has the ability to grant a conditional use permit for a period up to two years if they determine that a hardship exists.

## **NOTICE OF APPLICANT RESPONSIBILITY**

*The conditional use permit process is a land use determination and does not constitute a permit for either construction, or use of, the property, or a Certificate of Concurrence. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.*

*The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowner associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.*

## **STAFF 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 Temporary Security Residence 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. The petitioner shall remove the security residence upon Certificate of Occupancy for the home, or by October 9, 2024, whichever comes first.
3. The petitioner shall apply for reactivation of the sewer account at time of vertical construction.
4. Minimum RV Setbacks:
  - Front: 100'
  - Side: 6'
  - Rear: 40'

**P&Z ACTION:**

On October 9, 2023, the Planning and Zoning Commission voted 5-0 to approve the request for a Conditional Use Permit for Second Residence 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. The petitioner shall remove the second residence upon termination of the permit, or when the hardship no longer exists.
3. Minimum Building Setbacks:
  - Front: 100'
  - Side: 6'
  - Rear: 40'
4. The conditional use permit shall expire on October 9, 2024.