

**RESOLUTION NO. 2023 - \_\_\_\_\_**

**WHEREAS**, Hernando County has adopted zoning and land development regulations pursuant to Chapters 125 and 163, *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) *may* authorize a variance from the terms of the zoning ordinance that will not be contrary to the public interest when due to special conditions, a literal enforcement of the provisions of the zoning ordinance would result in unnecessary and undue hardship, and the BOCC has considered the request for a **DIMENSIONAL VARIANCE** from the terms of the zoning ordinance, as requested herein.

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

**APPLICANT:** Allan L. Da Fonte & Michelle M. Rogers

**FILE NUMBER:** 1445268

**PURPOSE:** To increase distance in waterward from 27' to 33' for piling to secure vessel.

**LEGAL**

**DESCRIPTION:** Hernando Beach, Unit 7, Blk 84, Lots 13 & 14, ORB 2024 PGS 1432-33 according to Public Records of Hernando County, Florida

**PARCEL KEY:** 162834

**REQUEST:** Request for a **DIMENSIONAL VARIANCE** to allow the Petitioner to increase distance in waterward from 27' to 33' in connection with the subject parcel located in the R1B (Residential) Zoning District. The representations contained in the Petitioner's application are incorporated herein by reference and made a part hereof. For purposes herein, it is presumed that all requisite notice and advertising requirements have been satisfied. The **DIMENSIONAL VARIANCE** is requested from the following requirement of the zoning ordinance:

1. **Chapter 8, Building & Building Regulations, Article 5, Marine Construction Code, Section 8-247, Standards #11:**

*Single pilings (mooring) shall not extend beyond the side setback or beyond the maximum distance into a waterbody twenty (20) percent, or thirty (30) feet, whichever is less. Single pilings (mooring) shall be installed and maintained with reflective material visible from all directions.*

**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 DENIAL

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 requested **DIMENSIONAL VARIANCE** does NOT conform with the following:
  - (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
  - (b) That the special conditions and circumstances do not result from the actions of the applicant;
  - (c) That granting of the variance requested will not confer on the applicant any special privilege that is denied by the zoning ordinance to other lands, buildings, or structures in the same zoning district;
  - (d) That literal interpretation of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the zoning ordinance and would work unnecessary and undue hardship on the applicant;
  - (e) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
  - (f) That the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
2. The requested **DIMENSIONAL VARIANCE** is NOT consistent with the County's adopted Comprehensive Plan and land development regulations.

**CONCLUSIONS  
OF LAW:**

The BOCC is authorized to act on this matter pursuant to Chapters 125 and 163, *Florida Statutes*, and Appendix A, Article V, Section 3, *Code of Ordinances, Hernando County, Florida*. Accordingly, after public hearing and testimony, being fully advised in the record, and based upon competent substantial evidence, the BOCC makes the following specific conclusions of law:

1. The requested **DIMENSIONAL VARIANCE** is NOT consistent with the County's adopted Comprehensive Plan and land development regulations.

**ACTION:**

Based upon the record in this matter and ALL of the findings of fact and conclusions of law above, the BOCC hereby DENIES the request for a **DIMENSIONAL VARIANCE**.

ADOPTED IN REGULAR SESSION THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

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

Attest: \_\_\_\_\_  
**Douglas A. Chorvat, Jr.**  
**Clerk of Circuit Court & Comptroller**

By: \_\_\_\_\_  
**John Allocco**  
**Chairman**

Approved as to Form and Legal Sufficiency

By:   
County Attorney's Office