

November 6, 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, Development Services Director  
Planning and Zoning Department

**SUBJECT: Conditional Use Actions by the Planning and Zoning Commission on  
November 4, 2024**

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For the Board's information, on November 4, 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, November 6, 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, December 4, 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, January 14, 2025, (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

**P&Z CONDITIONAL USE RESULTS FROM NOVEMBER 4, 2024**

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**STAFF REPORT**

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**HEARINGS:** Planning & Zoning Commission: November 4, 2024

**APPLICANT:** Leroy T. and Linda P. Oakes

**FILE NUMBER:** CU-24-12

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

**GENERAL LOCATION:** Northwestern corner of Birch Street and Pinewood Avenue

**PARCEL KEY NUMBER:** 422019

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**APPLICANT'S REQUEST**

The applicant is requesting approval to place a second residence, namely a mobile home, on their property due to medical hardship. The petitioner has provided a physician's letter indicating the need for assistance in his medical care and daily activities; the letter is part of the public record file.

**SITE CHARACTERISTICS**

**Site Size:** 0.85 acres

**Surrounding Zoning & Land Uses:**

North: R-1C; DRA

South: R-1C; Single-family home

East: R-1C; Single-family home

West: R-1C; Single-family home

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

**Future Land Use Map Designation:** Rural

**UTILITIES REVIEW**

Public water and sewer are currently supplied to this parcel. The petitioner is required to connect the second residence to public water and sewer, be it through the connection to the main house or direct connection to the system.

## P&Z CONDITIONAL USE RESULTS FROM NOVEMBER 4, 2024

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### ENGINEERING REVIEW

The site is located on the Northwestern corner of Birch Street and Pinewood Avenue. The subject property is located in flood zone X. The petitioner is required to apply for a driveway permit, and to construct a driveway on Birch Street that complies with County Standards.

### LAND USE REVIEW

Minimum Building Setbacks Required in the AG (Agricultural) District:

- Front (Birch St): 25'
- Second Front (Pinewood Ave): 25'
- Side (West): 10'
- Rear (North): 15'

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The Planning and Zoning Commission can grant a conditional use permit for a period of 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 conditional use permit for a period of up to two (2) years 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 install a driveway on Birch Street that meets County standards. No second driveway is permitted.
3. Public water and septic shall be connected to the second residence.
4. No attachments or other structures shall be erected on the property or attached to the RV. The proposed second residence shall meet the setbacks of the R-1C (Residential) zoning district.

- Front (Birch St): 25'

## P&Z CONDITIONAL USE RESULTS FROM NOVEMBER 4, 2024

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- Second Front (Pinewood Ave): 25'
  - Side (West): 10'
  - Rear (North): 15'
5. County personnel shall have the ability to inspect the property periodically for the duration of the permit to verify that performance conditions are being followed and the use has not been abandoned. A final inspection by county staff will occur within thirty (30) days immediately following the expiration of this permit to verify that the use has been discontinued.
  6. The Conditional Use Permit shall expire on November 4, 2026.

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

On November 4, 2024, Planning and Zoning Commission voted 5-0 to approve the request for a conditional use permit for a period of up to two (2) years 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 install a driveway on Birch Street that meets County standards. No second driveway is permitted.
3. Public water and septic shall be connected to the second residence.
4. No attachments or other structures shall be erected on the property or attached to the RV. The proposed second residence shall meet the setbacks of the R-1C (Residential) zoning district.
  - Front (Birch St): 25'
  - Second Front (Pinewood Ave): 25'
  - Side (West): 10'
  - Rear (North): 15'
5. County personnel shall have the ability to inspect the property periodically for the duration of the permit to verify that performance conditions are being followed and the use has not been abandoned. A final inspection by county staff will occur within thirty (30) days immediately following the expiration of this permit to verify that the use has been discontinued.
6. The Conditional Use Permit shall expire on November 4, 2026.

**P&Z CONDITIONAL USE RESULTS FROM NOVEMBER 4, 2024**

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**STAFF REPORT**

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**HEARINGS:** Planning & Zoning Commission: November 4, 2024

**APPLICANT:** Erisbel Blanco

**FILE NUMBER:** CU-24-13

**REQUEST:** Conditional Use Permit for storage building during construction of a single family home

**GENERAL LOCATION:** Eastern side of Perimeter Drive, approximately 575' north of its intersection with Citrus Way

**PARCEL KEY NUMBER:** 330797

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**APPLICANT'S REQUEST**

The petitioner requests approval of a Conditional Use Permit to place a 24'x8' RV on their property for the storage of tools and building material during the construction of their home. The County currently has an active permit for a single family home on the subject site.

**SITE CHARACTERISTICS**

**Site Size:** 0.41 acres

**Surrounding Zoning & Land Uses:**  
North: R-1C; Undeveloped  
South: R-1C; Single-family home  
East: AG; Undeveloped  
West: AR2; Undeveloped

**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 property is subject to Health Department approval of any Onsite Sewage Treatment and Disposal System that may be necessary.

## P&Z CONDITIONAL USE RESULTS FROM NOVEMBER 4, 2024

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### ENGINEERING REVIEW

The site is located on the Eastern side of Perimeter Drive, approximately 575' north of its intersection with Citrus Way. The County Engineer has reviewed the request and indicated the property is within Flood Zone "X".

### LAND USE REVIEW

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

- Front (west): 25'
- Side (north and south): 10'
- Rear (east): 15'

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 of 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 Conditional Use Permit for a storage building associated 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. The proposed storage building shall meet the setbacks of the R-1C (Residential) zoning district.
  - Front: 25'
  - Side: 10'
  - Rear: 20'
3. County personnel shall have the ability to inspect the property periodically for the duration of the permit to verify that performance conditions are being followed and the use has not been abandoned. A final inspection by county staff will occur within thirty (30) days

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immediately following the expiration of this permit to verify that the use has been discontinued.

4. The Conditional Use Permit shall expire on November 4, 2025.

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

On November 4, 2024, Planning and Zoning Commission voted 5-0 to approve the request for a Conditional Use Permit for a storage building associated 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. The proposed storage building shall meet the setbacks of the R-1C (Residential) zoning district.
  - Front: 25'
  - Side: 10'
  - Rear: 20'
3. County personnel shall have the ability to inspect the property periodically for the duration of the permit to verify that performance conditions are being followed and the use has not been abandoned. A final inspection by county staff will occur within thirty (30) days immediately following the expiration of this permit to verify that the use has been discontinued.
4. The Conditional Use Permit shall expire on November 4, 2025.

**P&Z CONDITIONAL USE RESULTS FROM NOVEMBER 4, 2024**

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**STAFF REPORT**

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**HEARINGS:** Planning & Zoning Commission: November 4, 2023

**APPLICANT:** David and Ana Phillipsen

**FILE NUMBER:** CU-24-14

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

**GENERAL LOCATION:** East side of Spanish Bayonet Drive approximately 190' south of its intersection with Hermosa Boulevard

**PARCEL KEY NUMBER:** 173920

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**APPLICANT'S REQUEST**

The petitioner requests approval of a Conditional Use Permit for a Temporary Security Residence, to provide security and monitoring of their home during construction. The subject site is located in Hernando Beach and the petitioner has indicated they will utilize a camper or a construction trailer as a second residence during the duration of the home's construction. Proper water and septic utilities will be provided to meet County standards. The petitioner currently has an active single family permit on the subject site.

**SITE CHARACTERISTICS**

**Site Size:** 0.16 acres

**Surrounding Zoning & Land Uses:** North: R-1B; Undeveloped  
South: R-1B; Undeveloped  
East: Canal, R-1B; Single family home  
West: R-1B; Undeveloped

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

**Future Land Use Map Designation:** Residential

**ENVIRONMENTAL**

**Water Quality:** The subject parcel is in the Weeki Wachee Basin Action Management Plan (BMAP).

**Comment:** Florida Friendly Landscaping™ should be used for the property as applicable. Florida-Friendly Landscaping™ Program information and



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information on the County's Fertilizer Ordinance and fertilizer use is available through Hernando County Utilities Department.

**Hydrologic Features:** The subject parcel is in a karst sensitive area.

**Flood Zone:** VE with a 13' Base Flood Elevation (BFE)

### UTILITIES REVIEW

Public water and sewer are available for this parcel. The petitioner shall be required to connect the home, once built, to public water and sewer.

### ENGINEERING REVIEW

The site is located on the East side of Spanish Bayonet Drive approximately 190' south of its intersection with Hermosa Boulevard. The flood zone is VE which designates the property as a coastal area with an increased chance of flooding due to storm waves and tidal surges. The base flood elevation for the property is 13'.

### LAND USE REVIEW

The setbacks for the subject property are:

- Front: 25'
- Side: 10'
- Rear: 15'

**Comments:** The maximum building coverage for the lot is 35%, and the maximum building height is 35' or 2 ½ stories.

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The Planning and Zoning Commission may grant a conditional use permit for a period of 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.*

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### 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 approval 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 proposed RV shall meet the setbacks of the R-1B (Residential) zoning district.
  - Front: 25'
  - Side: 10'
  - Rear: 15'
3. County personnel shall have the ability to inspect the property periodically for the duration of the permit to verify that performance conditions are being followed and the use has not been abandoned. A final inspection by county staff will occur within thirty (30) days immediately following the expiration of this permit to verify that the use has been discontinued.
4. The Conditional Use Permit shall expire on November 4, 2025.

### P&Z ACTION:

On November 4, 2024, Planning and Zoning Commission voted 5-0 to approve the request for a Conditional Use Permit approval for a Temporary Security Residence for a period of up to one (1) year with the following modified 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 proposed RV shall meet the setbacks of the R-1B (Residential) zoning district.
  - Front: 25'
  - Side: 10'
  - Rear: 15'
3. County personnel shall have the ability to inspect the property periodically for the duration of the permit to verify that performance conditions are being followed and the use has not been abandoned. A final inspection by county staff will occur within thirty (30) days immediately following the expiration of this permit to verify that the use has been discontinued.
4. The Conditional Use Permit shall expire on November 4, 2025, or upon the issuance of the Certificate of Occupancy for the primary home.