

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

**WHEREAS**, Hernando County has adopted subdivision regulations pursuant to Chapters 125, 163 and 177, *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) considered the requested Petition for relief from the strict application of the subdivision regulations on the specified parcel(s) in Hernando County, Florida, due to **HARDSHIP**, as more fully described below.

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

**PETITIONER:** Roy M. Bates and Karen J. Bates

**FILE NUMBER:** 1465276

**PURPOSE:** To divide 12.9 acres into two parcels creating Parcel 1 (6.0 acres) and Parcel 2 (6.9 acres)

**GENERAL**

**LOCATION:** A portion of Section 17, Township 23 South, Range 20 East, lying approximately 7218 feet south of Powell Road

**PARCEL KEY:** 1776206

**REQUEST:** The Petitioners were denied a Class D Subdivision to divide 12.9 acres into two parcels creating Parcel 1 (6.0 acres) and Parcel 2 (6.9 acres) for failing to meet all the requirements for a Class D Subdivision in Section 26-3(e) of the Hernando County Ordinance Code. Therefore, the Petitioner requests relief from the strict application of the Class D Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code due to **HARDSHIP**, pursuant to Section 26-3(f) of the Hernando County Ordinance Code.

**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 strict application of the Class D Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code would NOT place an

undue burden on the Petitioner.

**CONCLUSIONS  
OF LAW:**

The BOCC is authorized to act on this matter pursuant to Chapters 125, 163 and 177, *Florida Statutes*. Accordingly, after hearing testimony, being fully advised in the record, and based upon competent substantial evidence, the BOCC makes the following specific conclusions of law:

1. The strict application of the Class D Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code would NOT place an undue burden on the Petitioner.

**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 Petitioner's request for relief from the strict application of the Class D Subdivision regulations in Section 26-3(e) of the Hernando County Ordinance Code due to **HARDSHIP**.

**ADOPTED IN REGULAR SESSION THE 12th DAY OF SEPTEMBER 2023.**

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

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

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

(SEAL)

Approved as to Form and Legal Sufficiency

By:   
County Attorney's Office