



Legislation Details (With Text)

File #: 11379
Type: Resolution **Status:** Adopted
File created: 11/7/2022 **In control:** Board of County Commissioners
On agenda: 11/29/2022 **Final action:** 11/29/2022
Enactment date: 11/29/2022 **Enactment #:** RES-2022-223
Title: Petition Submitted by Theodore Sauto and Christine Sauto for Hardship Relief from Subdivision Regulations
Sponsors:
Indexes:
Code sections:
Attachments: 1. Application, 2. Survey - Fort Dade Avenue, 3. Appeals, 4. Map, 5. Aerial, 6. Approval, 7. Denial, 8. Approved Resolution No. 2022-223

Date	Ver.	Action By	Action	Result
11/29/2022	1	Board of County Commissioners	adopted	Pass

TITLE

Petition Submitted by Theodore Sauto and Christine Sauto for Hardship Relief from Subdivision Regulations

BRIEF OVERVIEW

This subject property is approximately 1,001 feet south of Fort Dade Avenue and 4,957 feet east of Citrus Way and is currently approximately 10 acres. The applicants, Christine and Theodore Sauto, submitted a Class D Subdivision application to create two (2) parcels from the approximate 10-acre parcel; one parcel would be approximately five (5) acres and the second parcel would be five (5) acres, more or less. Section 26-3(e) of the Hernando County Code of Ordinances requires that Class D Subdivisions created in a residential, agricultural-residential, or rural zoning districts shall meet the following:

- 1) Sec. 26-3(e) Class D (2) a.i.: Each lot must be created from a parent parcel and each lot must have frontage on an existing county maintained street or private street built and maintained to county standards.
- 2) Sec. 26-3(e) Class D (2) a.ii.: One lot created from the parent parcel must front on an existing county-maintained street or private street built to county standards and the other lot created from the parent parcel must be provided access to the county-maintained street or private street built and maintained to county standards by an access and utility easement created for the purpose of providing access to all lots within the subdivision and shall be an express easement which inures to the benefit of any public or private utility company allowing for the placement of utilities within the easement. The minimum easement width is fifteen (15) feet. The access and utility easement created to comply with this section of the regulations shall be clear and passable by automobile traffic prior to the approval of the lot split.

The proposed parcels do not meet the above requirements and the parcel subdivision was denied. The petitioners seek approval by the Board for hardship relief from these requirements.

Should the Board determine that a hardship is warranted, Section 26-3(f) of the Hernando County Code of Ordinances requires compliance with items (1) through (3) listed in the Legal Note, and the Board should authorize the Chairman's signature upon the approval resolution, which will be recorded in the official records. Likewise, if the petition for hardship is denied, the Board should authorize the Chairman's signature on the denial resolution.

FINANCIAL IMPACT

There is no identified financial impact.

LEGAL NOTE

The Board has the authority to take action on the request for relief from the Class D Subdivision regulations due to hardship in accordance with Chapter 26, Article I, Section 26-3(f) of the Hernando County Code of Ordinances. A petition for such relief may be filed by any person who feels the provisions of the Class D Subdivision regulations, if complied with, would place upon them an undue burden on their ability to transfer land to family members. The governing body, upon review of the petition, may approve the subdivision provided the governing body has determined that the provisions of the Class D Subdivision regulations have placed an undue burden on the petitioners' ability to transfer land to family members and:

- 1) All lots proposed to be created under the Board of County Commissioner's approval meet the minimum lot size of the zoning district in which the subdivision is to be located and conforms with the policies of the comprehensive plan.
- 2) All lots have a minimum of a fifteen-foot access/utility easement to provide access to the parcel(s).
- 3) Each deed of conveyance entered into and executed shall contain a legend setting forth in bold type a reference to the subdivision regulations and a statement that the "subject land is contained within a subdivision which has not been formally platted and said county has absolutely no obligation to maintain or improve roads and thoroughfares within the subdivision."

RECOMMENDATION

It is recommended that the Board, as the sole authority, determine whether the provisions of the Class D Subdivision regulations, if complied with, would place an undue burden on the petitioners' ability to transfer land to family members. Should the Board determine that a hardship is warranted, Section 26-3(f) of the Hernando County Code of Ordinances requires compliance with items (1) through (3) as listed above.