



Legislation Details (With Text)

File #: 12311
Type: Resolution **Status:** Adopted
File created: 5/19/2023 **In control:** Board of County Commissioners
On agenda: 6/13/2023 **Final action:** 6/13/2023
Enactment date: 6/13/2023 **Enactment #:** RES-2023-122
Title: Petition Submitted by Hafcortez17, LLC, for Hardship Relief From Subdivision Regulations
Sponsors:
Indexes:
Code sections:

Attachments: 1. Application, 2. Minor Subdivision Survey, 3. Petition For Relief From Hardship, 4. Aerial, 5. Map, 6. Approval Resolution, 7. Denial Resolution, 8. Approved Resolution No. 2023-122

Date	Ver.	Action By	Action	Result
6/13/2023	1	Board of County Commissioners	adopted	Pass

TITLE

Petition Submitted by Hafcortez17, LLC, for Hardship Relief From Subdivision Regulations

BRIEF OVERVIEW

This subject property is Located on Commercial Way. The applicants, HafCortez17, LLC submitted a Class D Subdivision application to create two (2) parcels from the approximate 7.6-acre parcel; one parcel would be approximately five (2) 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 commercial zoning district shall meet the following:

- 1) Sec. 26-3(e) Class D (2) b.i Each lot must be created from a parent parcel with frontage on an existing county maintained street or private street built and maintained to county standards.

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 act 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.

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 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. 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.

It is further recommended that the Board approve and authorize the Chairman's signature on the attached associated resolution.