



Legislation Details (With Text)

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**Title:** Resolution Ratifying Approval of Variance Petition Submitted by Charles Fernandez and Kerrie Best  
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**Attachments:** 1. 6080 Waverly Demolition Plan, 2. 6080 Waverly Proposed Site Plan, 3. Resolution - Fernandez and Best, 4. Approved Resolution No. 2024-029

Date	Ver.	Action By	Action	Result
1/23/2024	1	Board of County Commissioners	adopted	Pass

**TITLE**

Resolution Ratifying Approval of Variance Petition Submitted by Charles Fernandez and Kerrie Best

**BRIEF OVERVIEW**

The applicant has requested to reduce rear yard setback from 15' to 0' and to allow an encroachment of 3' for a portion of the deck that cantilevers over a triangulated section of the existing seawall.

**LOCATION**

Weeki Wachee Gardens 6 Replat Lot 14 Orb 649 Page 1648

**CURRENT ZONING**

R1A

**ORDINANCE STANDARDS**

Hernando County Code of Ordinances, Chapter 23, - Planning, Article 6 - Riverine Protection, Section 23-210 (b)(1)

**SURROUNDING ZONING & LAND USE**

North: Right of Way  
 South: River  
 East: Residential  
 West: Residential

**REQUEST**

The applicant has requested a variance to reduce rear yard setback from 15' to 0' and to allow an encroachment of 3' for a portion of the deck that cantilevers over a triangulated section of the existing seawall.

### Riverine Protection Ordinance (RPO) Review:

The Planning and Zoning Division completed an RPO review and had the following comments:

The new screen room (15' x 12') averages 15' from the leading edge of the seawall and can be considered to be outside of the riverine buffer. However, the deck that crosses the riverine buffer and cantilevers over the seawall (18' x14') has been expanded, enlarged, altered and is no longer non-conforming. The portion of this deck that encroaches within the riverine buffer should be removed and the affected portion of the riverine buffer restored with vegetation (grass, shrubs, ground cover, etc.). The site plan should be modified to comply with the riverine protection ordinance. A walkway to the river through the riverine buffer is allowed. Note, permits were not found within the current system for the existing decks.

### **CONCLUSION**

Upon review of the proposed variance, it appears that to reduce rear yard setback from 15' to 0' and to allow an encroachment of 3' for a portion of the deck that cantilevers over a triangulated section of the existing seawall is inconsistent with the ordinance for the zoned area and will be detrimental to the development pattern of the neighborhood and injurious to the surrounding community.

It is recommended that the Board review the request, take public comment, and make a finding that the request is not consistent with the review criteria Appendix A, Article V, Section 3.A(1) and Chapters 125 and 163, Florida Statutes.

### **BOCC Action:**

On June 13, 2023, the Board made a motion to remove the portion of the deck from the water to the white roof supports, reposition the deck support to be underneath the roof supports, create steps on the side, and add handrails, all to Florida Building Code specifications.

On January 9, 2024, the Board voted 5-0 to approve the June 13, 2023, changes to the Variance petition submitted by Kerrie Best and Charles Fernandez.

### **FINANCIAL IMPACT**

A matter of policy.

### **LEGAL NOTE**

The Board is authorized to act on this matter pursuant to Hernando County Code of Ordinances, Appendix A, Article V, Section 3.A(1) and Chapters 125 and 163, Florida Statutes.

### **RECOMMENDATION**

It is recommended that the Board review the variance, find the request is consistent with the review criteria of Chapter 23, - Planning, Article 6 - Riverine Protection, Section 23-210 (b)(1) and approve and authorize the Chairperson's signature on the attached associated resolution.