



## Legislation Details (With Text)

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**On agenda:** 10/11/2022 **Final action:** 10/11/2022  
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**Title:** Petition Submitted by Fortunata Festante, Timothy Mobley, and Chelsea Mobley for Family Hardship Relief From Subdivision Regulations

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Denial Resolution - Festante, 2. Application for Creating Class C Subdivision, 3. Class C Denial Letter - Festante, 4. Appeal Letter, 5. Survey, 6. Aerial, 7. Map, 8. Approval Resolution - Festante, 9. Approved Resolution No. 2022-189

Date	Ver.	Action By	Action	Result
10/11/2022	1	Board of County Commissioners	adopted	Pass

### TITLE

Petition Submitted by Fortunata Festante, Timothy Mobley, and Chelsea Mobley for Family Hardship Relief From Subdivision Regulations

### BRIEF OVERVIEW

This subject property is approximately 3,954 feet west of Fort Dade Avenue and 2,665 feet east of the Suncoast Parkway and is currently approximately 40 acres. The applicant, Fortunata Festante, submitted a Class C Subdivision application to create three (3) parcels from the approximate 40-acre parcel; one parcel would be approximately 2.5 acres, the second parcel would be approximately 3.0561 acres, and the remainder would be an approximate 34.4152 acres.

Section 26-3(e) of the Hernando County Code of Ordinances requires that Class C Subdivisions created in a residential, agricultural-residential, or rural zoning districts shall meet the following:

1. Sec. 26-3(e) Class C (1) - The minimum access to a Class C subdivision is via a thirty-foot county-maintained and owned right-of-way.
2. Sec. 26-3(e) Class C (3) a. - A sixty-foot access and utility tract with a cleared and maintained right-of-way width of thirty (30) feet improved to the following minimum standards: a compacted limerock travel surface, or other surface acceptable to the county engineer, twelve (12) feet in width, and four (4) inches thick.

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

Should the Board determine that a family hardship is warranted, Section 26-3(g) of the Hernando

County Code of Ordinances requires compliance with items (1) through (4) listed in the Legal Note above, 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 family 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 C Subdivision regulations due to family hardship in accordance with Chapter 26, Article I, Section 26-3(g) 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 C 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 C Subdivision regulations have placed an undue burden on the petitioner's 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."

(4) All lots must be transferred to an immediate family member and must provide for a reverter clause in the deed returning the land to the grantor if the transferred parcel does not remain in the ownership of a family member for a minimum of two (2) years from the date of transfer.

## **RECOMMENDATION**

It is recommended that the Board, as the sole authority, determine whether the provisions of the Class C Subdivision regulations, if complied with, would place an undue burden on the petitioner's ability to transfer land to family members. Should the Board determine that a family hardship is warranted, Section 26-3(g) of the Hernando County Code of Ordinances requires compliance with items (1) through (4) listed above.