



Legislation Text

File #: 12310, **Version:** 1

TITLE

Petition Submitted by Steve Dumala and Mary Dumala for Family Hardship From Subdivision Regulations

BRIEF OVERVIEW

This subject property is approximately 3,353 feet from Goldsmith Road and is currently 5.0 acres (key no. 893304). The applicants, Steve and Mary Dumala, submitted a Class D Subdivision application to create two (2) parcels from the 5-acre parcel; each parcel would be 2.52 acres.

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:

- 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.

The proposed parcels do not meet the above requirement; therefore, 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 below, and the Board should authorize the Chairman's signature upon the attached 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 attached denial resolution.

FINANCIAL IMPACT

There is no identified financial impact.

LEGAL NOTE

The Board has the authority to take action on the requests for relief from the Class D 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 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 petitioner's ability to transfer land to family members and:

- 1) All lots proposed to be created under the Board'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 parcels(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 D 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.

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