



Legislation Details (With Text)

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Title: Petition Submitted by Charles Donley and Christine Donley for Family Hardship Relief From Subdivision Regulations

Sponsors:

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Attachments: 1. Application, 2. Appeal Letter, 3. Survey, 4. Aerial, 5. Class D Denial Letter, 6. Approval Resolution, 7. Denial Resolution, 8. Approved Resolution No. 2022-159

Date	Ver.	Action By	Action	Result
8/23/2022	1	Board of County Commissioners	adopted	Pass

TITLE

Petition Submitted by Charles Donley and Christine Donley for Family Hardship Relief From Subdivision Regulations

BRIEF OVERVIEW

The subject property is approximately 3,026 feet east of Broad Street and is currently 9.94 acres. The applicants, Charles and Christine Donley, submitted a Class D Subdivision application to create two (2) parcels from the approximate 9.94 acre parcel; one parcel would be approximately 4.97 acres and the second parcel would be approximately 4.97 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:

- 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 requirements and the parcel subdivision was denied. The petitioners seek 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 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 Chairmans 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 request 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 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 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 petitioners' 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.