



Class D Subdivision Appeal: Petition for Relief from Hardship

This form is for developers seeking relief from hardship under Hernando County Code, Chapter 26, Article II, Section 26-3, Class D Subdivision, subsection (f). Relief is requested because compliance with the provisions of this Chapter is believed to place an undue burden upon the applicant.

1. Applicant/Developer Information

Field	Detail
Owner/Developer Name(s):	Joseph S. Lhotka
Mailing Address:	14500 Jacobs Way
City, State, Zip:	Brooksville FL 34601
Phone Number:	352 293-1234
Email Address:	c/o Darryl Johnston, Esq. dwj@djohnstonlaw.com
Name of Subdivision/Project:	N/A
Parcel Key # (if applicable):	332900
Parcel Location/Address:	Jacobs Way and Old Hunter Rd.

2. Description of Hardship

Please provide a detailed explanation of why complying with the provisions of Chapter 26 would place an undue burden upon the owner/developer.

See attached narrative.

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Hernando County Development Services
Zoning Division



3. Required Documentation

In accordance with Section 26-3(f), you must submit the following information as part of this petition:

A. Project Plans and Quality Assurance

- Check ONE:
 - Complete set of plans and specifications in accordance with which the construction has been or is being accomplished (attached).
 - General written explanation of the construction effort with a complete description of all provisions the developer is making to assure construction quality (attached).

B. Proposal for Completion (Desired Methods)

- Check ONE of the following options, and complete the requirements for the selected option:
 - Proposed Construction/Completion Plan (Required by Code Section 26-3(f)(2)): A Written proposal defining the developer's desired methods of completing the project is attached.
 - No Construction Schedule or Intent to Build Currently: The owner/developer is not currently pursuing construction and has no immediate construction schedule or method of completion to propose at this time.

4. Provisions Requested for Exception

This proposal must indicate specifically which provisions of Chapter 26 the developer wishes to be excepted from. Please check the boxes that apply to this request.

Chapter 26 Provision(s) Requested for Exception	Requested
(i) Lot Frontage on Existing County or Private Street Built to Standards. (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.)	see narrative
(ii) Access/Utility Easement Requirement. (One lot must front on an existing county/private street built to standards; the other must be provided access to it by a minimum 15-foot access and utility easement clear and passable by automobile traffic.)	see narrative



5. Certification and Signature

I, the undersigned developer, hereby certify that the information contained in this Petition for Relief from Hardship and all attached documentation is true and correct to the best of my knowledge. I understand that any misrepresentation of facts may result in the denial of this petition. I acknowledge that the Hernando County Board of County Commissioners may require additional data and information.

Darryl W. Johnston

Printed Name of Applicant/Authorized Agent

[Handwritten Signature]

Signature

4/8/26

Date

Please submit this appeal with the Filing Fee of \$150.00.

*Acceptable forms of payment include Cash, Check or Money Order Made Payable to Hernando County Planning Department.

Hernando County Planning Department

1653 Blaise Drive
Brooksville, FL 34601
(352)754-5057
Open: Monday – Friday
Lobby Hours: 7:30 AM – 3:30 PM

NARRATIVE – DESCRIPTION OF HARDSHIP

Joseph S. Lhotka is appealing the denial of his Class D Parcel Split application. Mr. Lhotka owns approximately 46 acres, and he sought to create a 10.264 acre parcel. The remainder parcel will be approximately 35.7 acres. The entire property is accessed from Hunter Road on the east and Jacob's Way on the west. The staff denial of the simple parcel split was due to a severing of property in the early 1990's, thus the subject parcel was no longer considered a parent parcel. A little background may be helpful.

Mr. Lhotka's grandfather, L.W. Jacobus, purchased the subject property in the 1950's. The property contained more acreage back then. The subject 46 acres has been in its current configuration for more than 30 years. As shown on the arial and surveys attached to the Class D Subdivision Appeal, there is a 60 foot wide strip at the north end that connects the west 35.7 acres to the east 10.264 acres. The reason this was done was that years ago a well on east 10.264 acres provided water to the western property. This is no longer an issue.

While all real property is unique, there is a particular undue burden to this property being connected by the 60' strip of land. That condition has been present for decades and probably could have been resolved before now, but this simple Class D parcel split will resolve it and allow full utility of the to be created parcel.

Mr. Lhotka is retired and no longer has a need for the additional 10.264 acres, so a simple Class D Parcel Split was proposed. There are no plans by Mr. Lhotka for construction on the 10.264 acre parcel to be created, but it will likely be a homesite. It is Mr. Lhotka's desire to sell the 10.264 acre parcel.