



**Marion County
Board of County Commissioners**

Growth Services

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**ZONING SECTION STAFF REPORT
May 5, 2025
BOARD OF ADJUSTMENT PUBLIC HEARING**

Case Number	250501V
Type of Case	Variance The applicant requests variance from Section 5.2.4.A for a reduction of the waterfront setback from 75' to 32' for the single family home and 10'X 24' Screened Porch Mixed Residential (R-4) zone.
Owner	Gary Kromer
Applicant	Self/ Owner
Street Address	21268 NE 150 th St
Parcel Number	11140-029-00
Property Size	±.24 acres
Future Land Use	Medium Residential Land Use
Zoning Classification	Mixed residential (R-4)
Overlay Zone/Scenic Area	Environmentally Sensitive Overlay Zone (ESOZ), FEMA Designated Flood Zone AE, and Secondary Springs Protection Zone (SSPZ).
Project Planner	Lynda Smith, Zoning Technician I
Permit	No active permits at this time

I. ITEM SUMMARY

This is a request filed by applicant/owner Gary Kromer for a variance from Land Development Code (LDC) Section 5.2.4 A, a reduction of the waterfront setback from 75' to 32' for the SFR and a proposed 10'X24' Screened Porch in a Mixed Residential (R-4) zone. Previous Variance, 221101V, was approved 11/7/22 for a reduction of the waterfront setback from 75' to 42' for the SFR and 12'X25' shed. R-4 zoning has setbacks for accessory structures that are 8' from the rear property line and 8' from the side property lines except in an ESOZ zone where the front of the property faces the canal and setbacks are 75' from the Ordinary High-Water Line (Safe Upland Line), 8' from the rear property line and 8' from the side property lines for accessory structures. The accessory structure in an R-4 zoning must be either to the side of the SFR or to the rear of the SFR. Proposed structure can meet the rear and side setbacks of 8' but is unable to meet the front setback of 75' from the Ordinary High Water Line (Safe Upland Line), which is not the same as the rear setback.

Timeline:

- This subdivision was platted on January 26, 1971
- Variance 221101V approved 11/7/22
- Single-Family Residence was built in 2023
- ESOZ and Zoning regulations went into effect in 1992 with the adoption of the Marion County Land Development Code
- ESOZ Ordinary High Water Line regulations were changed in 2013 from 50ft to 75ft

FIGURE 1
GENERAL LOCATION MAP



II. PUBLIC NOTICE

Notice of the public hearing was mailed to 21 property owners within 300-feet of the subject property on April 18, 2025. A public notice sign was posted on the subject property on March 27, 2025, and notice of the public hearing was published in the Star Banner on April 21, 2025. Evidence of the public notice requirements are on file with the Department and are incorporated herein by reference.

Figure 2

Sign Placement



Figure 3

300ft Notification Zone



III. PROPERTY CHARACTERISTICS

This parcel is $\pm .24$ -acres with Rural land use (RL) and Mixed Residential (R-4) zoning classification. This parcel also lies in an Environmentally Sensitive Overlay Zone (ESOZ), and FEMA Flood Zone "AE".

FIGURE 4
AERIAL



FIGURE 5
ZONING MAP

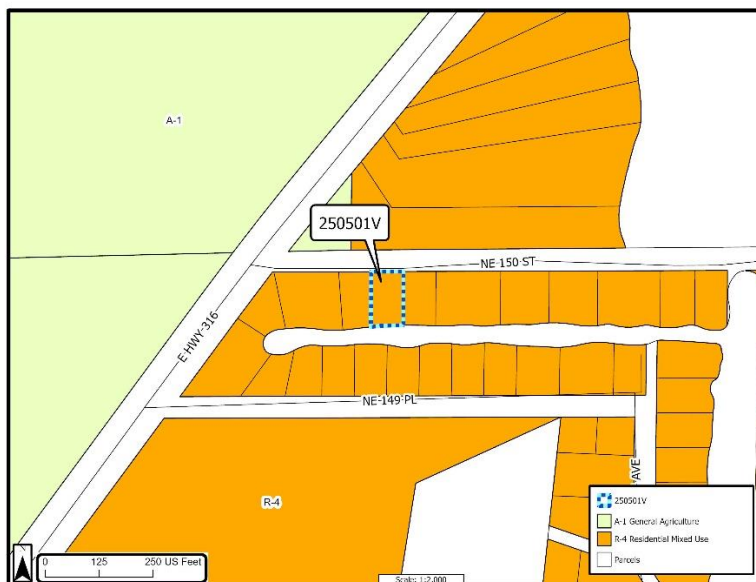


FIGURE 6
ESOZ AND FLOODPLAIN MAP

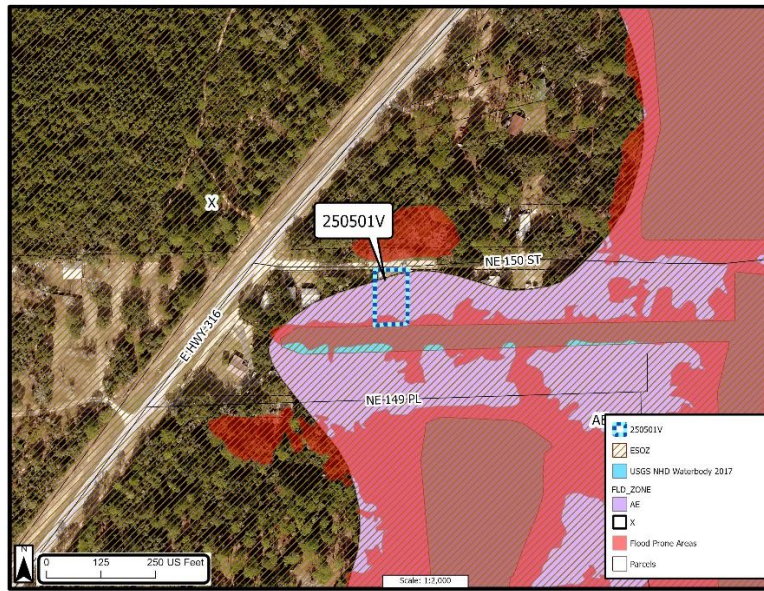
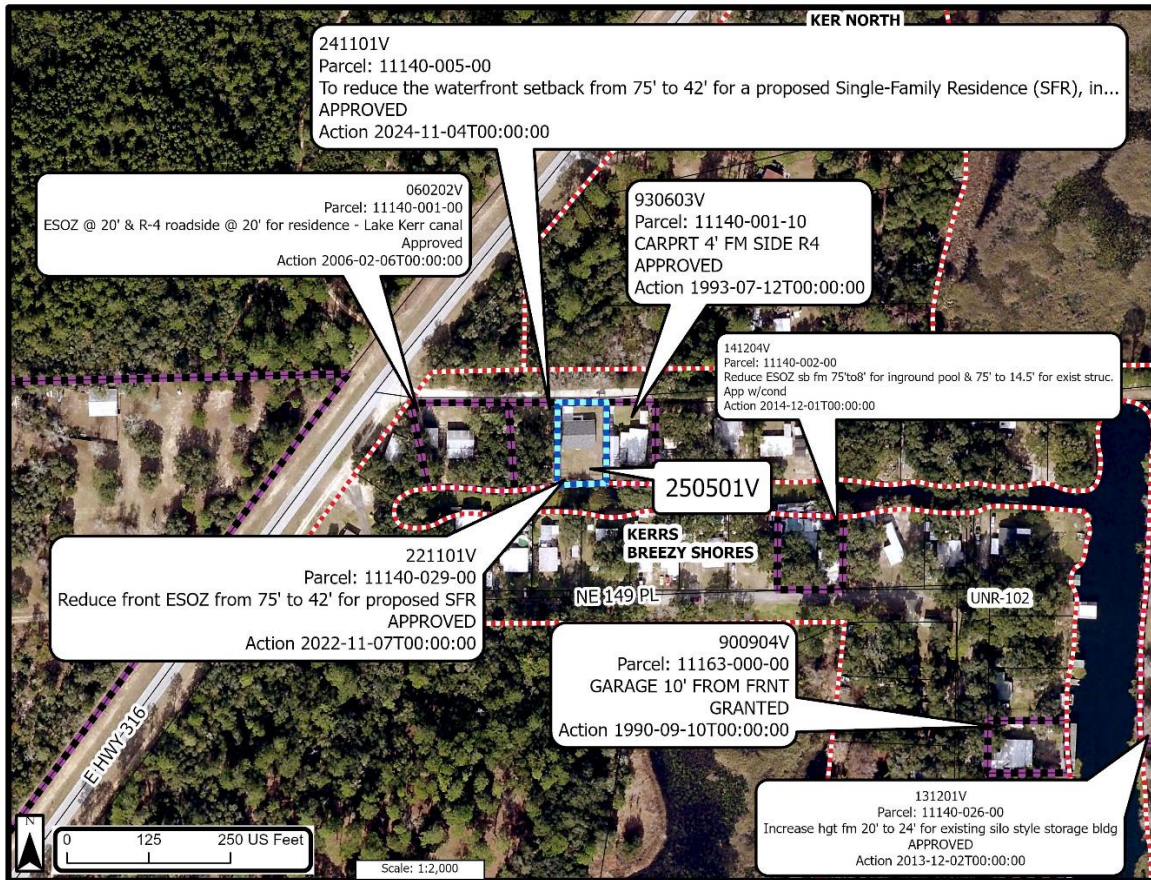


Figure 7
Land Use Map



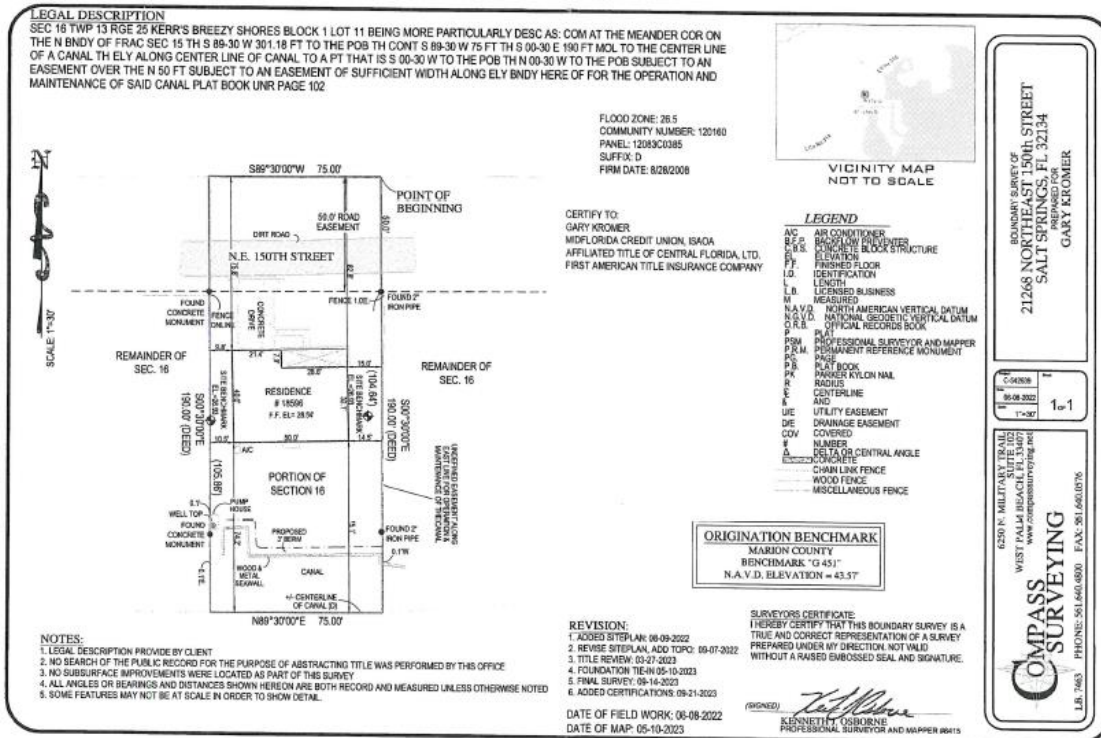
**Figure 8
Surrounding Variances Map**



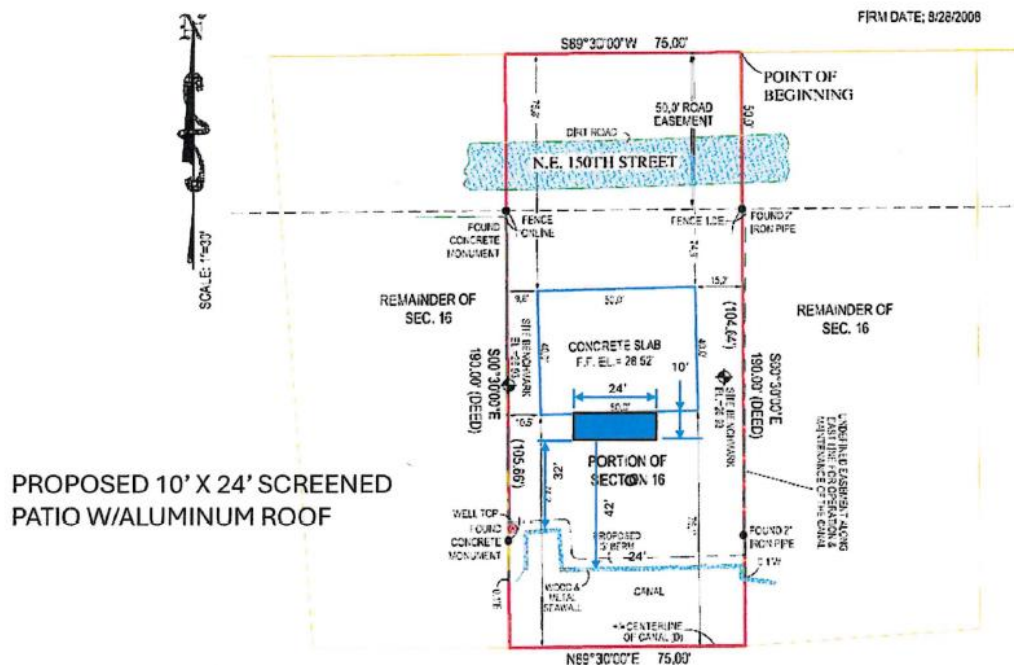
IV. REQUEST STATEMENT

Applicant/owner, Gary Kromer, requests a variance from Section 5.2.4.A in accordance with Section 5.2.4 A of the Marion County Land Development Code, a reduction of the waterfront setback from 75' to 32' for the SFR and proposed 10'X24' Screened Porch for a Mixed Residential (R-4) zone. R-4 zoning has setbacks for accessory structures 8' from the rear property line and 8' from the side property lines except in an ESOZ zone in which the front setback is 75' from the Ordinary High Water Line (Safe Upland Line), 8' from the rear property line and 8' from the side property lines for accessory structures.

**FIGURE 9
SURVEY**



**Figure 10
Site Plan**



V. ANALYSIS

LDC Section 2.9.2.E provides the Board of Adjustment shall not grant a variance unless the petition demonstrates compliance with the six (6) criteria. The six (6) criteria and staff's analysis of compliance with those criteria are provided below.

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings with the same zoning classification and land use area.

Analysis: In accordance to Section 5.2.4 A of the Marion County Land Development Code, a reduction of the waterfront setback from 75' to 32' at the canal side of property in R-4 zoning classification for the SFR and placement of a 10'X24' screened porch to the front of the SFR in order to better utilize the home enjoyment. Variance 221101V initially approved setbacks from 75' to 42' for an SFR and 12'X25' shed.

Staff: Finds this subdivision was created January 26, 1971, prior to the ESOZ and Zoning regulations going into effect in 1992. ESOZ Ordinary High Water Line regulations was changed in 2013 from 50' to 75'. This parcel currently has an SFR, built in 2023 with an approved variance 221101V for an SFR and 12'X25' shed and owners are wishing to build a screened front porch. 12'X25' Shed was never built and will not be built.

2. The special conditions and circumstances do not result from the actions of the applicant.

Analysis: Applicant states due to the dimensions of the parcel and its location of the canal feeding Lake Kerr, a variance is needed to add a 10'X24' screened porch to this existing home

Staff: The single-family residence was built in 2023, after approval for Variance 221101V. Also approved was a 12'-X25' shed which has not been built and will not be built. The special conditions and circumstances are not a result of the applicant. Most of the lots in this area do/will require a variance to be able to build structures on the surrounding lots/parcels due to size and ESOZ requirements.

3. Literal interpretation of the provisions of applicable regulations would deprive the applicant of rights commonly enjoyed by other properties with the same zoning classification and land use area under the terms of said regulations and would work unnecessary and undue hardship on the applicant.

Analysis: Applicant states that granting this variance would not be in any way irregular to the surrounding area. This also would not adversely affect any property owners in the area.

Staff: Finds that ESOZ and Zoning regulations went into effect in 1992. This single-family residence was built in 2023, after approval of variance 221101V. Also approved was a 12'X25' shed which has not been built and will not be built.

Literal interpretations of the provisions of applicable regulations may deprive the applicant's rights commonly enjoyed by other properties with the same zoning classification and land use.

4. The variance, if granted, is the minimum variance that will allow the reasonable use of the land, building or structure.

Analysis: Applicant states a reduction of this setback and approval of the addition of the 10'X24' screened porch will allow reasonable use of my single-family home.

Staff: A reduction of the waterfront setback from 75' to 32' is the minimum variance that will allow the use of the land.

5. Granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, buildings or structures in the same zoning classification and land use area.

Analysis: Owner states that this is true. This request will not confer on the applicant any special privilege that is denied by these regulations to other lands, buildings or structures in the same zoning classification and land use area.

Staff: Finds that granting of the request will not confer on the applicant special privilege. Many parcels in these areas require ESOZ reductions because these parcels were created prior to the ESOZ regulations going into effect.

6. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Analysis: Owner states that this is true. Granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare

Staff: Finds that if the variance is granted, it would not be injurious to the neighborhood as long as the applicant pulls the correct permits and gets them approved.

VI. LIST OF ATTACHMENTS

- A. Application
- B. Marion County Property Appraiser Property Record Card, 2024 Certified Assessment Roll
- C. Site Plan
- D. Deed
- E. 300' Mailing Map
- F. Survey
- G. Photos
- H. Variance 221101V
- I. Exhibit A