

MINUTES

MARION COUNTY BOARD OF ADJUSTMENT November 4th, 2024

A public hearing of the Marion County Board of Adjustment was held on November 4th, 2024 at 2:00 pm in the Marion County Growth Services Training Room, 2710 E. Silver Springs Boulevard, Ocala, Florida.

The meeting was called to order at 2:00 pm. Members present creating a quorum were: Chairman Donald Barber; Vice Chairman C. Cadell Hager; Members Ernest Hemschot, Thomas Phillips, Nathanael Ramos, Douglas Sherwood, Jackie Alsobrook; and Alternate Samuel Hunt. Staff members present were: County Attorney Dana Olesky, Growth Services Deputy Director Kenneth Weyrauch, Staff Assistant IV Kelly Hill, along with Zoning Technician Lynda Smith.

Thomas Phillips gave the Invocation, followed by Cadell Hager leading the Pledge of Allegiance.

Chairman Barber and Atty. Dana Olesky explained the procedures for hearing variance requests and Atty. Olesky administered the Oath en masse.

Kenneth Weyrauch proceeded by reading the provided Affidavit of Publication and the Proof of Required Mailing and Posting of Notice, and advised that the meeting was properly noticed.

- 2.1 **241101V** – Barbara and Michael Rowland, request a Variance in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the ESOZ waterfront setback from 75' to 42' for a proposed Single-Family Residence in a Residential Mixed Use (R-4) zone, on an approximate 0.23 Acre Parcel, on Parcel Account Number 11140-005-00 addressed as 21250 NE 150th St, Salt Springs, FL 32134.

Lynda Smith presented the case and read the report into the record.

There were 19 homeowners notified within 300' of the parcel, and no letters of opposition nor support received.

This unrecorded subdivision was created in 1971, prior to the ESOZ and Zoning regulations going into effect. This parcel is currently vacant and owners are wishing to build. Most of the lots in this area do/will require a variance to be able to build structures on the surrounding lots/parcels. A reduction of the waterfront setback from 75' to 42' is the minimum variance that will allow the use of the land. 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.

PUBLIC COMMENT:

There was no one in the audience to speak for, or against, the request and the chair closed the public portion of the hearing.

Cadell Hagar made a motion to **approve** the variance as requested and moved that, having heard competent substantial evidence, the Board finds that: 1. A special condition or circumstance exists on the property that does not exist on other properties within the same zoning and land use area; 2. The applicant did not cause the special condition or circumstance; 3. Literal enforcement of the regulations would create unnecessary and undue hardship and deprive the applicant of rights commonly enjoyed by other properties within the same zoning and land use area; 4. The variance is the minimal variance that will allow reasonable use of the property; 5. The variance will not confer any special privilege on the applicant that is denied to other properties within the same zoning and land use area; and 6. The granting of the variance will not be injurious to the neighborhood or detrimental to the public welfare; And that the Board grant the variance.

Ernest Hemschot made a motion to second.

Motion to Approve - Passed 7 to 0.

OTHER BUSINESS:

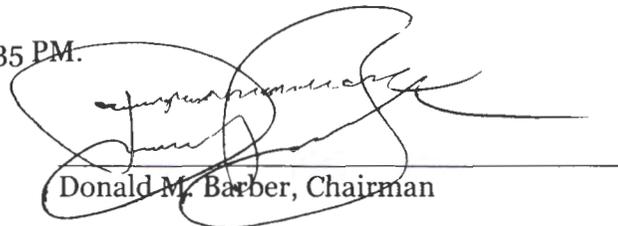
There are no December or January BOA cases. Next BOA hearing scheduled for February 3rd, 2025.

MINUTES:

The **October 7, 2024** Board of Adjustment Minutes were moved for Approval upon a motion by Ernest Hemschot with a second by Cadell Hager.

Motion for Approval - Passed 7 to 0.

ADJOURNED: The meeting adjourned at 2:35 PM.



Donald M. Barber, Chairman

Attest:



Kelly A. Hill, Staff Assistant IV

VARIANCE ACTION FORM

ITEM NO: 241101V

DATE OF PUBLIC HEARING: NOVEMBER 4, 2024

OWNER NAME(s): **Michael and Barbara Rowland**
5571 Citrus Hill Dr
Polk City, FL 33868

AGENT NAME(s): **A.L. Milton Construction, Inc.**
c/o Christopher Milton
2701 SE Maricamp Rd. #103
Ocala, FL 34471

LEGAL DESCRIPTION OF PROPERTY: Parcel Account No. **11140-005-00**, SEC 16 TWP 13 RGE 25, "Kerr's Breezy Shores" in Marion County, Florida.

VARIANCE REQUESTED: Request to reduce the waterfront setback from 75' to 42' for a proposed Single-Family Residence (SFR), in a Residential Mixed Use (R-4) zone.

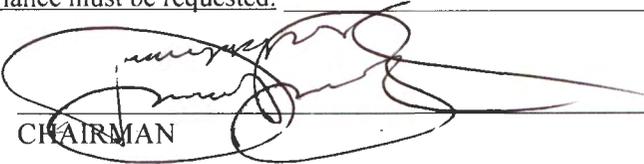
FINDINGS OF BOARD OF ADJUSTMENT

1. **Written Petition.** A written petition for a Variance has been submitted demonstrating that:
 - A. 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.
 - B. The special conditions and circumstances do not result from the actions of the applicant.
 - C. 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 of the applicant.
 - D. The Variance, if granted, in the minimum Variance that will allow the reasonable use of the land, building or structure.
 - E. Granting the Variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, buildings of structures in the same zoning classification and land use area.
 - F. The granting of the Variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

2. ✓ **GRANTED:** Based on the Board of Adjustment's finding that the requirements of Paragraph 1 above have been demonstrated by the applicant for Variance.
m-Hager

3. **DENIED:** Based on the Board of Adjustment's finding that the requirements of Paragraph 1 above have not been demonstrated by the applicant for Variance.
2nd-HemSchot

4. **CONDITIONS & SAFEGUARDS:**
A. Should the structure be removed for any reason, any replacement structure must meet the then required setbacks or a variance must be requested.



CHAIRMAN

11-04-2024
DATE