



**Marion County
Board of County Commissioners**

Growth Services

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**ZONING SECTION STAFF REPORT
November 4, 2024
BOARD OF ADJUSTMENT PUBLIC HEARING**

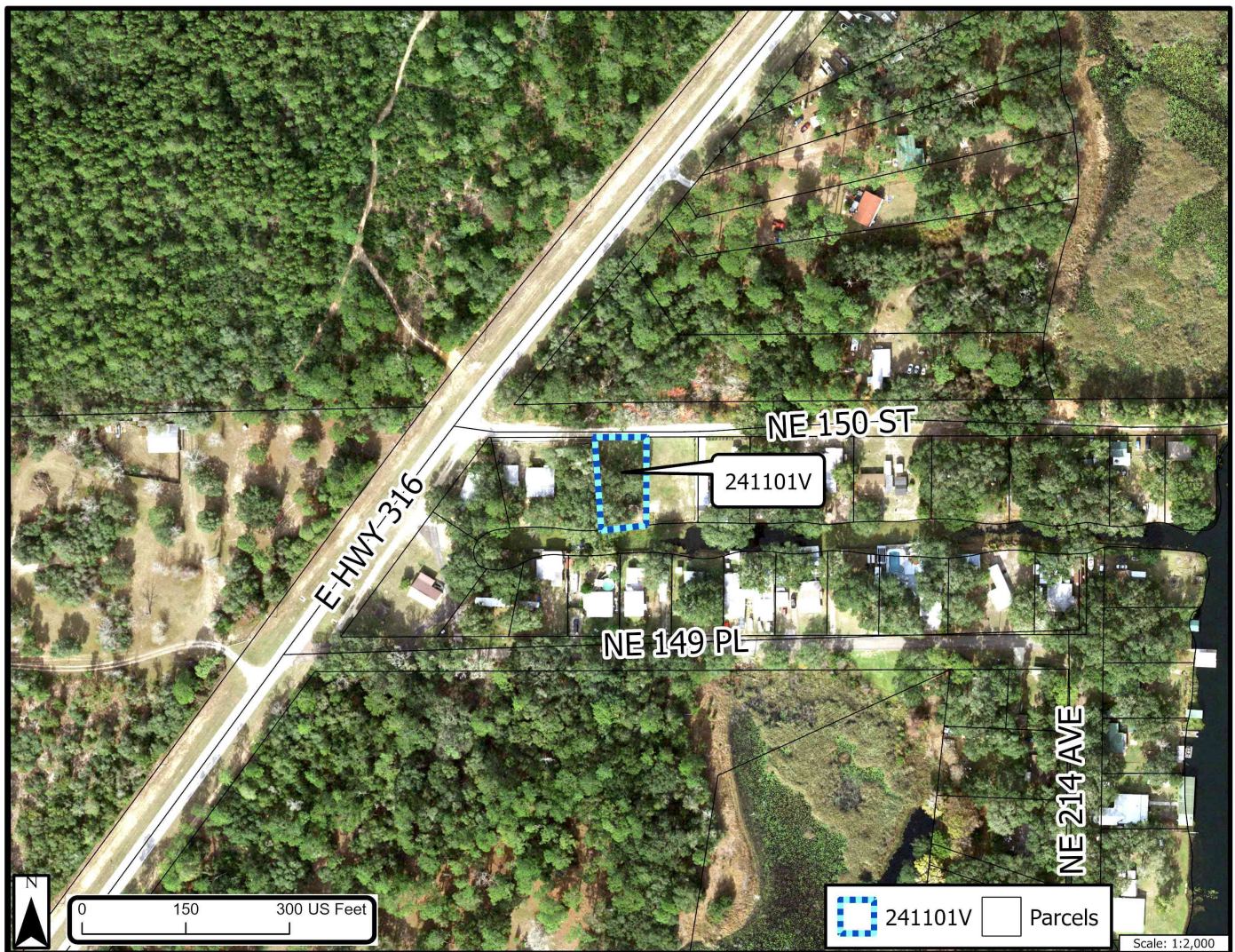
Case Number	241101V
Type of Case	Variance In accordance with Section 2.9 of the Marion County Land Development Code, a reduction of the waterfront setback from 75ft' to 42' for a proposed Singe Family Residence in a Residential Mixed Use (R-4) zone
AR	31924
Owner	Michael and Barbara Rowland
Applicant	Christopher Milton
Street Address	21250 NE 150 th St., Salt Springs, Florida
Parcel Number	11140-005-00
Property Size	±.23 acres
Future Land Use	Rural 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	2024061441 for a SFR

I. ITEM SUMMARY

This is a request filed by applicant Christopher Milton, for owners Michael and Barbara Rowland, for a variance from Land Development Code (LDC) Section 2.9, a reduction of the waterfront setback from 75ft' to 42' for a proposed Single-Family Residence. Residential Mixed Use (R-4) has setbacks of 25ft from the front and rear property lines and 8ft from the side property lines except in an ESOZ zone in where the front setback is 75ft from the Ordinary High Water Line, 25ft rear property line and 8ft from the side property lines

Figure 1 is an aerial photograph displaying the general location of the subject property.

**FIGURE 1
GENERAL LOCATION MAP**



II. PUBLIC NOTICE

Notice of public hearing was mailed to (19) property owners within 300-feet of the subject property on October 18, 2024. A public notice sign was posted on the subject property on October 15, 2024 and notice of the public hearing was published in the Star Banner on October 21, 2024. Evidence of the public notice requirements are on file with the Department and are incorporated herein by reference.



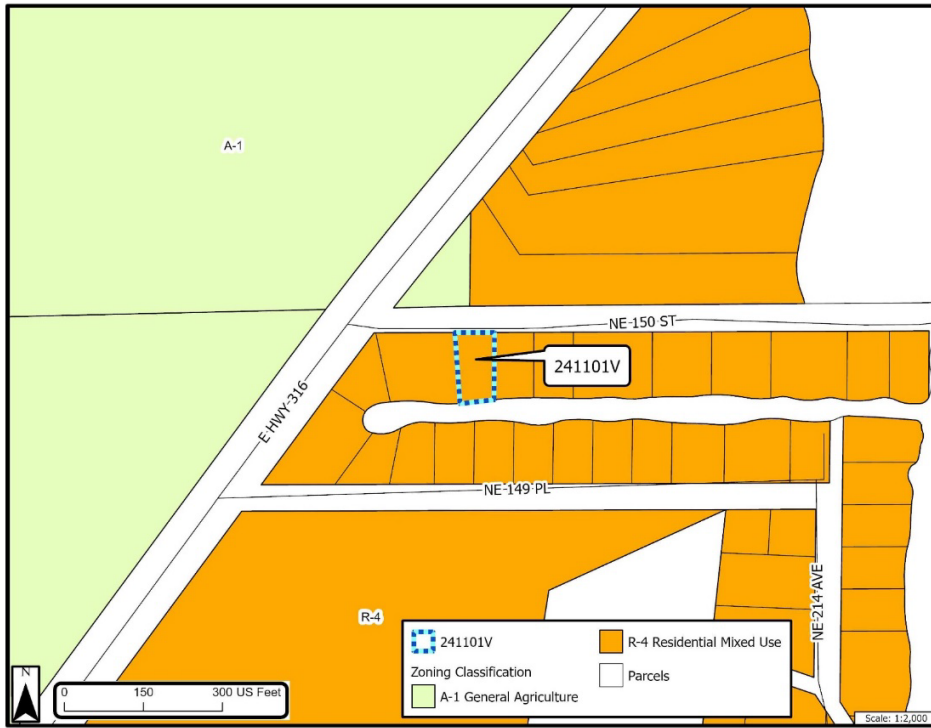
III. PROPERTY CHARACTERISTICS

This parcel is ±.23-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".

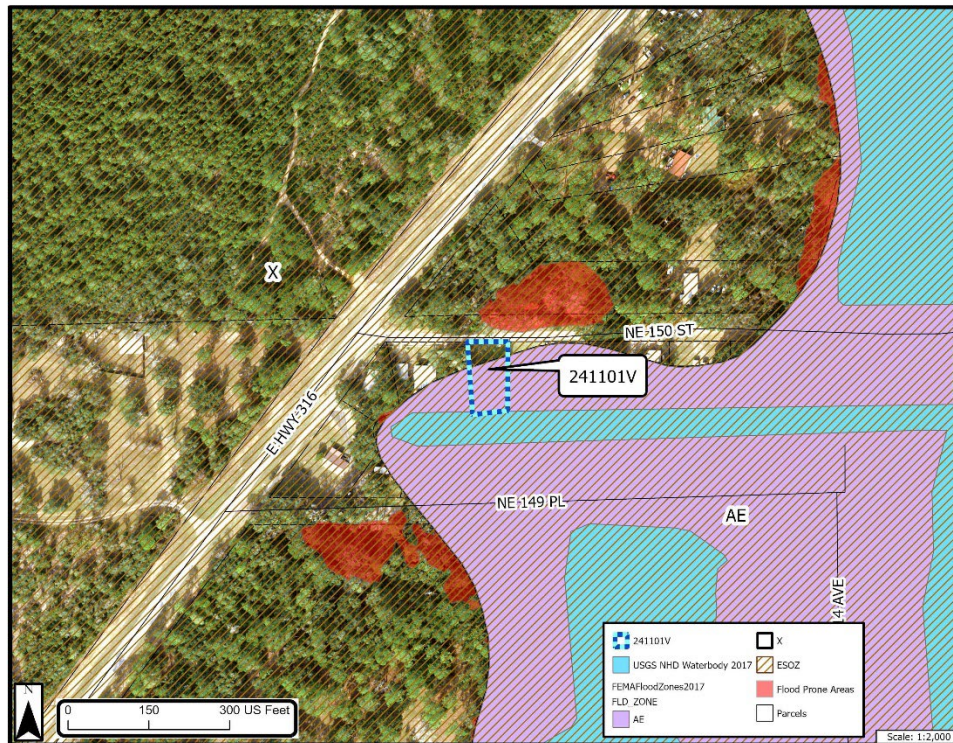
FIGURE 2
AERIAL



**FIGURE 3
ZONING MAP**



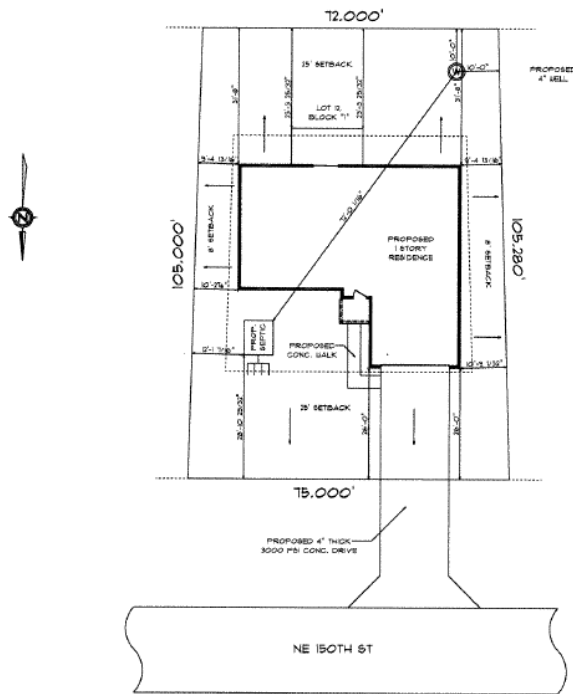
**FIGURE 4
ESOZ AND FLOODPLAIN MAP**



IV. REQUEST STATEMENT

Applicant, Christopher Milton, for owners, Michael and Barbara Rowland, requests a variance in accordance with Section 2.9 of the Marion County Land Development Code, a reduction of the waterfront setback from 75ft to 42ft for a proposed Single-Family Residence. In a Residential Mixed Use (R-4) zone, residential mixed use (R-4) has setbacks of 25ft from the front and rear property lines and 8ft from the side property lines except in an ESOZ zone in where the front setback is 75ft from the Ordinary High Water Line, 25ft rear property line and 8ft from the side property lines

**FIGURE 6
SURVEY/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 2.9 of the Marion County Land Development Code, a reduction of the waterfront setback from 75ft to 42' for a proposed Single Family Residence in a (R-4) zone, Environmentally Sensitive Overlay Zone (ESOZ), Secondary Springs Protection Zone (SSPZ) and FEMA Flood Zone "AE".

Staff: Finds 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

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

Analysis: The applicant states due to the dimensions of the lot, a 75ft OHWL setback cannot be met

Staff: The single-family residence is not yet built so 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

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 irregular to the area or adversely affect other home owners

Staff: Finds that ESOZ and Zoning regulations went into effect in 1992. This single-family residence has not yet been built. Literal interpretations of the provisions of applicable regulations would not 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: The reduction of waterfront setback to 42ft would allow construction of the single-family residence allowing for the rear setback of 25ft and 42ft front setback

Staff: Finds that the single-family residence is not yet built. A reduction of the waterfront setback from 75ft to 42ft 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. Aerial View
- G. Photos