



**Marion County
Board of County Commissioners**

Growth Services

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-438-2600
Fax: 352-438-2601

**PLANNING & ZONING SECTION
STAFF REPORT**

P&ZC Date: 12/30/2024	BCC Date: 01/13/2025
Case Number:	250103SU
CDP-AR:	32154
Type of Case:	Special Use Permit: One (1) 40' X 40' accessory structure without a primary structure on 0.38-acre R-4 zoning vacant parcel
Owner	Mann Troy and Futch Dena
Applicant	Cyndi Volz
Street Address	21478 NE 136th St, Salt Springs, FL
Parcel Number	1132-012-003
Property Size	±0.38 acres
Future Land Use	Rural Land (RL)
Zoning Classification	Residential Mixed Use (R-4)
Overlay Zone/Scenic Area	Environmental Sensitive Overlay Zones, Secondary Springs Protection Zone
Staff Recommendation	Approval with Conditions
P&ZC Recommendation	Approval with Conditions (On Consent)
Project Planner	Xinyi Cindy Chen
Related Case(s)	N/A

I. ITEM SUMMARY

Cyndi Volz, on behalf of the owners Mann Troy and Futch Dena, has filed an application for a Special Use Permit to request permission for one (1) 40' X 40' accessory structure without a primary structure on 0.38-acre R-4 zoning vacant parcel. Figure 1 is an aerial photograph showing the general location of the subject property. The Parcel Identification Number associated with the property is 1132-012-003, and the street address is 21478 NE 136th St, Salt Springs. The legal description is displayed in the deed included in the application (See Attachment A). The subject property is ± 0.38 acres. The parcel is located within the Environmental Sensitive Overlay Zones and Secondary Springs Protection Zone. The future land use for the parcel is Rural Land. The applicant is applying for a Special Use Permit (SUP) because the owner wants to build an accessory structure to store recreational vehicles on the property across the street from their primary residential house. Considering the size (approximately 1,600 SF) and placement of the subject accessory structure, the parcel still has the potential to accommodate a principle structure, and is therefore a conforming use compatible with the surrounding area. For these reasons, staff is recommending **Approval with Conditions** of the Special Use Permit request.

Figure 1
Aerial Photograph of Subject Property



Figure 2
Concept Plan Submitted by Applicant

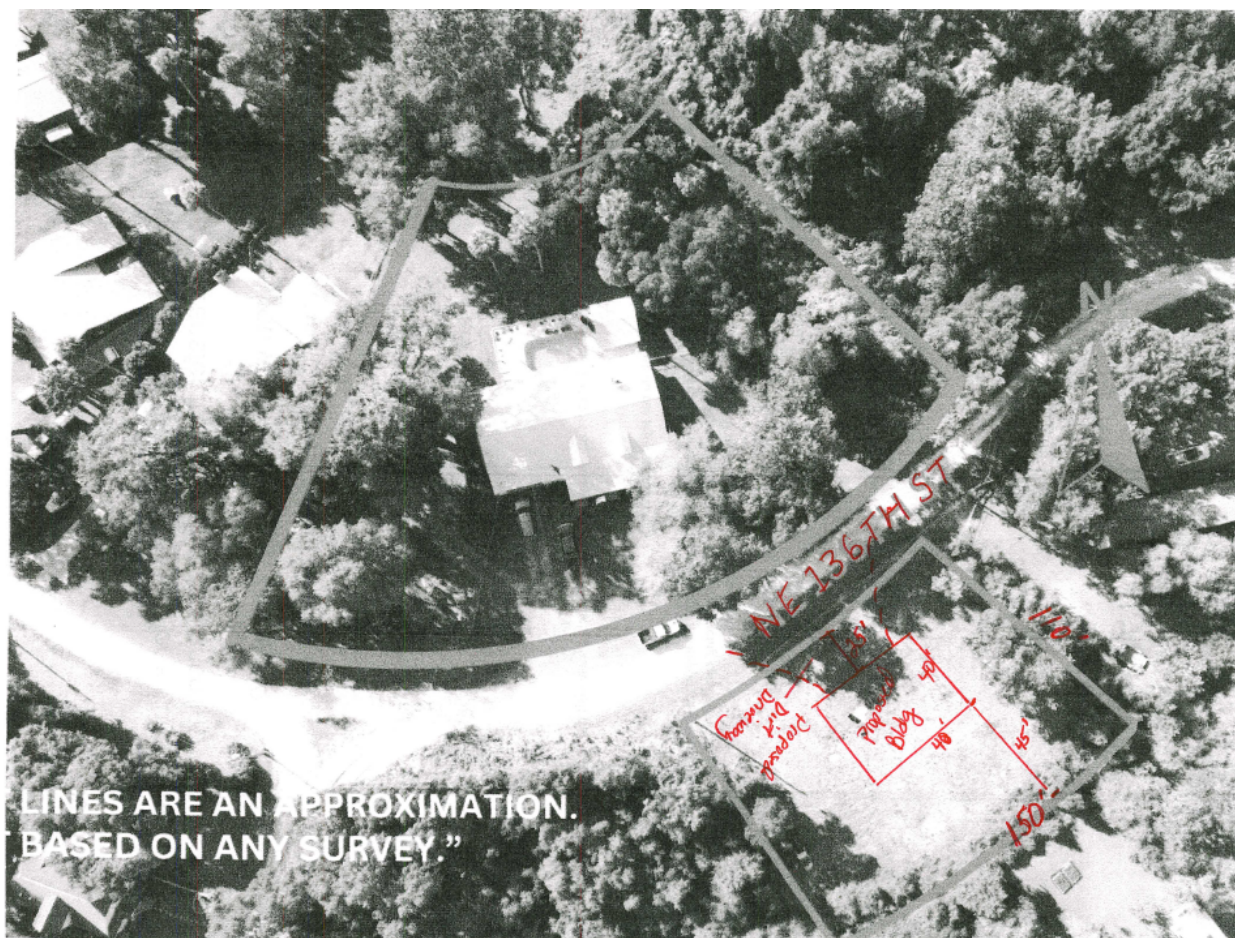


Figure 2 shows the conceptual plan with aerial photo overlay provided by the applicant. This shows the applicant's property, where the subject structure is placed, and also the owner's primary residence on the northwest side of the parcel at 21461 NE 136th St. The subject parcel is currently vacant. The proposed structure will be used as storage for the owner's personal use. The size of the barn is 40' in width, 40' in length and no more than 20' in height, which is about 1,600 sf.

II. STAFF SUMMARY RECOMMENDATION

Staff recommends **Approval with Conditions** as specified in Section VII.B. of this Staff Report. The recommended conditions are being imposed to address compliance with the requirements in Land Development Code (LDC) Sections 2.8.2.D and 2.8.3.B, in the event of approval.

III. NOTICE OF PUBLIC HEARING

Consistent with LDC Section 2.7.3.C, notice of public hearing was mailed to all property owners within 300 feet of the subject property on December 13th, 2024. Consistent with LDC Section 2.7.3.B, public notice was posted on the subject property on December 14th, 2024, where site photos were also collected (Attachment B) and consistent with LDC Section 2.7.3.E due public notice was published in the Ocala Star-Banner on December 16th, 2024. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received. Evidence of the above-described public notices are on file with the Growth Services Department and are incorporated herein by reference.

IV. BACKGROUND/CHARACTER OF THE AREA

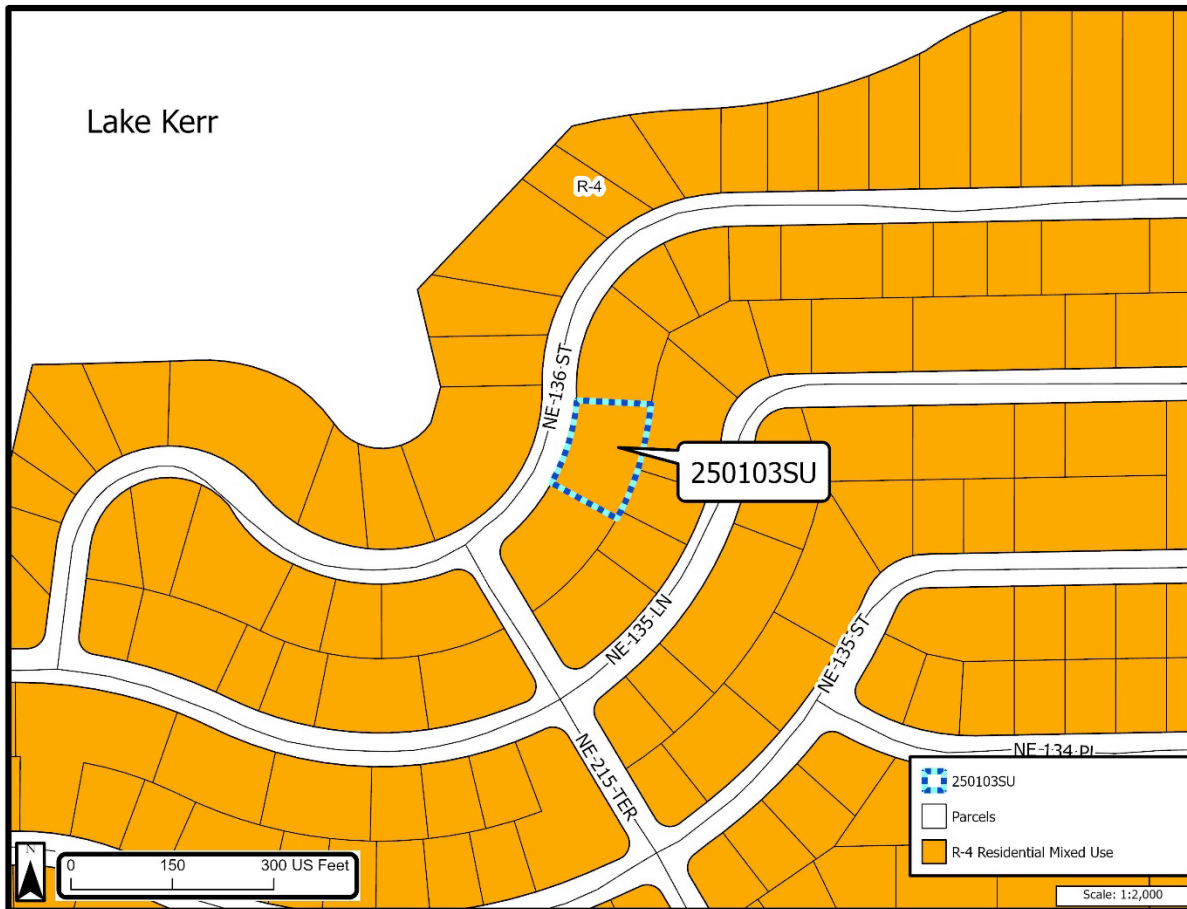
- A. *Existing site conditions.* Figure 3 shows that the property is currently vacant and will be used as an accessory use to the single-family dwelling across NE 136 St. Both parcels are in a rural area. The site is surrounded by other rural lands and low-density residential properties.

Figure 3
Existing Conditions Map



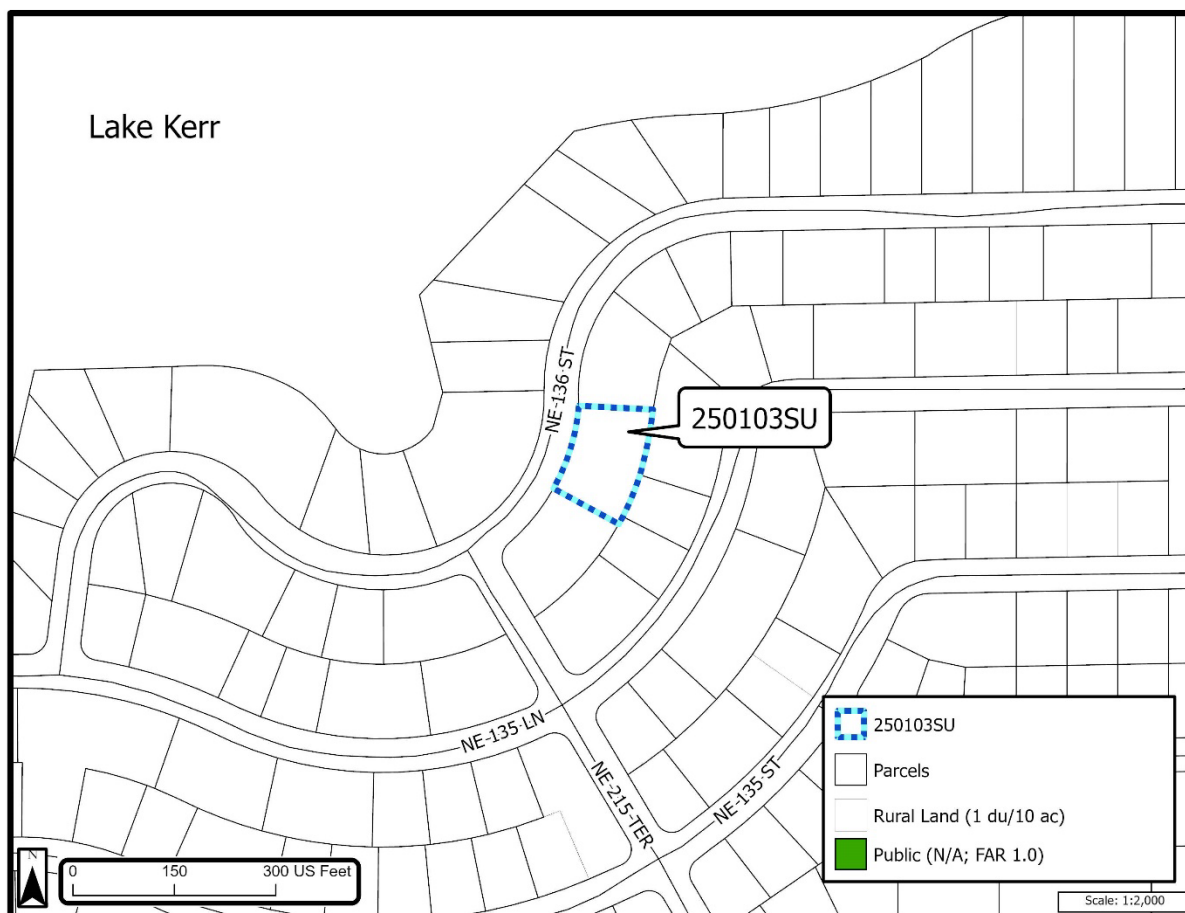
- B. *Zoning district map.* Figure 4 shows the subject property, and the surrounding properties are classified as R-4.

Figure 4
Zoning Classification



- C. *FLUMS designation.* Figure 5 is the FLUMS and it shows that the subject property and abutting properties are designated Rural Land (RL).

Figure 5
FLUMS Designations



V. ANALYSIS

LDC Section 2.8.2.D provides that in making a recommendation to the Board, the Planning and Zoning Commission shall make a written finding the SUP addresses nine (9) specific requirements. LDC Section 2.8.3.B requires consistency with the Comprehensive Plan. Staff's analysis of compliance with these ten (10) requirements are addressed below.

A. *Consistency with the Comprehensive Plan.*

1. Policy 2.1.5: **Permitted & Special Uses** – The county shall identify permitted and special uses for each land use designation and zoning classification, as further defined in the Comprehensive Plan, Zoning, and LDC.

Analysis: LDC Section 4.2.9.C requires a special use permit to allow accessory uses on non-contiguous vacant lot on R-4 zone. The structure for storing recreational vehicles is considered an accessory use, and there is no principal structure on the property. According to the owner, the accessory structure will be used as storage. The owner of the house across the street will maintain the barn property. The applicant has indicated the staff that this subject parcel will not be developed for residential in the future and only the accessory structure for personal storage will be built and used by the owner to support the primary residence across the street.

- B. *Provision for **ingress and egress** to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.*

Analysis: Access to the property is through NE 136th Ct, a rural dirt road with minimal daily traffic and trips. The proposed special use involving the storage, is not anticipated to affect the ingress and egress to the property or the surrounding neighborhood.

- C. *Provision for **off-street parking and loading areas**, where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the SUP on adjoining properties and properties generally in the surrounding area.*

Analysis: All parking remains within the subject parcel, and there is no need for additional off-street parking or loading areas for the special use of a storage structure. According to the applicant's Findings and Facts, the only loading area would be in front of the barn on the grass.

- D. *Provisions for **refuse and service area**, with particular reference to the items in (1) and (2) above.*

Analysis: The provided site plan indicates that the structure will be only used for storing vehicles and boats. There will be no waste accumulated at this property.

- E. *Provision for **utilities**, with reference to locations, availability, and compatibility.*

Analysis: As per the applicant's Findings and Facts (Attachment A), there are not any utilities on the property at this time. There is a powerline that runs down NE 136th St that feeds the rest of the houses in the neighborhood. According to the phone call with applicant on 12/16/2024, electricity will be needed for the storage barn. No well or septic system will be needed for this purpose on the subject parcel. In the event of approval, staff recommends the following conditions for the utilities:

- If utilities are to be altered, changed, or added, coordinate with Marion County Utilities for review and permits.
- If water and sewer are to be added, it will require permits through the Department of Health in Marion County.

- F. *Provision for **screening and buffering** of dissimilar uses and of adjacent properties where necessary.*

Analysis: The site visit and aerial shows that the site has a dense scrub forest on the South and East side of the subject property. The northwest fronts on a dirt road, facing to the primary residence across the road. The existing vegetation functions as good buffering from neighbors. In the event of approval, staff recommends the following condition to ensure all current and proposed residences surrounding the barn/shop continue to be screened/buffered.

- Applicant is to maintain a minimal 5-foot no-touch buffer around the north, south, and southeast perimeter of the property on which the barn is situated, as these boundaries border residential properties between adjacent properties.

- G. *Provision for **signs**, if any, **and exterior lighting** with consideration given to glare, traffic safety, economic effects, and compatibility and harmony with properties in the surrounding area.*

Analysis: The applicant has indicated that there will be no signage or exterior light on the property. In the event of an approval, staff recommends the following condition for future signs and exterior lighting.

- No signs or exterior lighting on the property.

- H. *Provision for **required yards and other green space**.*

Analysis: According to the applicant's Findings and Facts, approximately 75% of the land will remain undeveloped. The setback requirements are met for an accessory structure.

- I. *Provision for general **compatibility** with adjacent properties and other properties in the surrounding area.*

Analysis: Compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Figure 1 is an aerial photograph displaying existing and surrounding properties. The property is located within a vast rural landscape, surrounded by both occupied and vacant residential rural lands. This property will always only ever be used as an accessory to the parcel across the street, though it is its own parcel and can be sold or transferred separate and apart from the parcel across the street. However, to accommodate the possibility of constructing a primary structure on the site in the future, the proposed storage structure shall be positioned at the rear of the property, leaving space at the front for a primary house. Staff recommends the following condition to ensure the compatibility with adjacent properties:

- The Special Use Permit is limited to one (1) barn with size limitation of 40'L x 40'W x 20'H. The use for this barn is to store owner's personal boat, vehicles, and items as an accessory use to the owner's primary residence located on 21461 NE 136th St, Salt Springs.
- To accommodate the possibility of constructing a primary structure on the site in the future, the proposed storage structure shall be positioned at the rear of the property, leaving space at the front for a primary house.

J. *Provision for meeting any **special requirements** required by the site analysis for the particular use involved.*

Analysis: Staff notes that unlike a variance, which runs with the land and is recorded in the public records, a special use permit is not recorded. As a result, a subsequent owner will not have notice of the requirements. Staff has recommended denial, however, in the event of an approval, staff recommends the following conditions that will void the SUP if the property changes hand.

- The site shall be developed and operated consistent with the submitted site plan and the conditions as provided with this approval.
- The nonconforming use shall not be expanded.
- The Special Use Permit is granted for the barn on the subject parcel. The allowance for the barn is limited to the specific barn submitted by the applicant under this special use permit.
- The Special Use Permit shall run with the Owner, Troy Mann and Dena Futch, and the subject property.
- In the event of a change of ownership of the subject property and/or the primary residence on 21461 NE 136th St, Salt Springs, the Special Use Permit shall be terminated upon the change of ownership of the parcels.
- The Special Use Permit shall expire on January 13th, 2030; however, it may be renewed administratively three times for up to 5 years each by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:
 1. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
 2. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
 3. The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).

Based on the above findings, Staff concludes the SUP is consistent with LDC Sections 4.2.28 provided conditions to address the ten (10) requirements are imposed.

VI. ALTERNATIVE RECOMMENDATIONS

- A. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance to **DENY** the special use permit.
- B. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, amend the findings and conclusions contained herein so as to support the approval of the Ordinance with amended conditions, and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance to **APPROVE AS CONDITION AMENDED** the special use permit.
- C. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, identify any additional data and analysis needed to support a recommendation on the proposed Ordinance, and make a recommendation to the Board of County Commissioners to **TABLE** the application for up to two months in order to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

VII. STAFF RECOMMENDATION

- A. Staff recommends the Planning and Zoning Commission enter into the record the Staff Report and all other competent substantial evidence presented at the hearing and make a recommendation to the Board of County Commissioners to adopt a proposed Ordinance to **APPROVE WITH CONDITIONS** the special use permit.
- B. To address compliance with LDC Sections 2.8.2.D and 2.8.3.B, the following conditions are imposed:
 - The Special Permit is limited to one (1) barn with size limitation of 40'L x 40'W x 20'H. The uses for this barn are to store owner's personal boat, vehicles, and items as an accessory use to the owner's primary residence located on 21461 NE 136th St, Salt Springs.
 - To accommodate the possibility of constructing a primary structure on the site in the future, the proposed storage structure shall be positioned at the rear of the property, leaving space at the front for a primary house.
 - If utilities are to be altered, changed, or added, coordinate with Marion County Utilities for review and permits.

- If water and sewer are to be added, it will require permits through the Department of Health in Marion County.
- Applicant is to maintain a minimal 5-foot no-touch buffer around the north, south, and southeast perimeter of the property on which the barn is situated, as these boundaries border residential properties between adjacent properties.
- No signs or exterior lighting on the property.
- The site shall be developed and operated consistent with the submitted site plan and the conditions as provided with this approval.
- The nonconforming use shall not be expanded.
- The Special Use Permit is granted for the storage structure on the subject parcel. The allowance for the structure is limited to the specific barn submitted by the applicant under this special use permit.
- The Special Use Permit shall run with the Owner, Troy Mann and Dena Futch, and the subject property.
- In the event of a change of ownership of the subject property and/or the primary residence on 21461 NE 136th St, Salt Springs, the Special Use Permit shall be terminated upon the change of ownership of the parcels.
- The Special Use Permit shall expire on January 13th, 2030; however, it may be renewed administratively three times for up to 5 years each by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:
 1. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
 2. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
 3. The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).

VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION

Approval with Conditions (On Consent).

IX. BOARD OF COUNTY COMMISSIONERS' ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. SUP application.
- B. Site Photos.
- C. DRC Comments.