

MINUTES

MARION COUNTY BOARD OF ADJUSTMENT October 7, 2024

A public hearing of the Marion County Board of Adjustment was held on October 7th, 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, Members Thomas Phillips, Nathanael Ramos, Douglas Sherwood; and Alternate Samuel Hunt. Staff members present were: County Attorney Dana Olesky, Growth Services Director Chuck Varadin, Deputy Director Kenneth Weyrauch, Planner Kathleen Brugnoli, Administrative Assistant Autumn Williams, Staff Assistant IV Kelly Hill, along with Zoning Technicians Jeremy Craig, Christina Franco, Lynda Smith and Cindy Gaugh.

Douglas Sherwood gave the Invocation, followed by Thomas Phillips leading the Pledge of Allegiance.

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

Kathleen Brugnoli 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 **240802V** – Kenneth W. Laughery, requests a Variance in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the ESOZ front setback from 75’ to 31.5’ and reduce the south side setback from 8’ to 6.2’ for an existing shed, in a Residential Mixed Use (R-4) Zone, on Parcel Account Number 03870-003-18 addressed as 18505 NW 5th Court, Citra, FL 32113.

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

There is an open Code Case, #884298, initiated in 2022 for a prefabricated shed without the applicable building permit. Permit # 2023042378 has been pulled after the fact. The ESOZ and Zoning regulations went into effect in 1992. The shed was placed after these regulations were already in effect. Granting 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. 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.

There were 15 homeowners notified within 300’ of the parcel, with no letters of opposition nor support received.

The Applicant, Kenneth Laughery, stated there was no other place to set the shed on his property. His neighbor has a similar looking shed, which he believes adds value to the property. He was unaware at the time he purchased the shed that he needed a permit.

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.

Donald Barber 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 subject to the conditions that if anything happens to the shed, another one cannot be placed without procuring another variance.

Samuel Hunt made a motion to second.

Motion to Approve - Passed 3 to 2 with Thomas Phillips and Douglas Sherwood dissenting.

2.2 **240803V** – Gantner Family Trust: Roger D. and Noelene W. Gantner, Trustees, request a Variance in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the front setback from 75’ to 27’ for a proposed covered porch addition to an existing deck, in a Single-Family Dwelling (R-1) and Multiple-Family Dwelling (R-3) zone, on Parcel Account Number 49167-004-00 addressed as 13584 S Highway 25, East Lake Weir, FL 32133. **WITHDRAWN**

2.3 **241002V** – Christensen, Kevin, Chelsey, David and Kathryn, request a Variance in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the east side setback from 25’ to 10’ and reduce the rear setback from 25’ to 18’ for a proposed detached garage, in a General Agriculture (A-1) zone, on Parcel Account Number 29693-003-00, addressed as 1027 SE 50th Terrace, Ocala, FL 34471.

Cristina Franco and Jeremy Craig presented the case and read the report into the record.

The Applicant requests placement on the rear of the property because placement in the front would cause major blocking of the neighbor’s views and current residence. Due to low area on NW corner of the property, this would prevent placement on that area. Storm water department has been to the location to develop a water retention plan. The Applicant has received board approval (AR 31536), pending a final inspection for stormwater/retainment plan for the proposed structure. The septic being on the E side of the residence would prevent access into the garage if 10’ E setback is not granted. The building needs to be off of the NE corner due to the angle of the approach to allow access into the garage.

There were 14 homeowners notified within 300' of the parcel, with and no letters of opposition nor support received.

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.

Nathanael Ramos 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.

Thomas Phillips made a motion to second.

Motion to Approve - Passed 5 to 0.

OTHER BUSINESS:

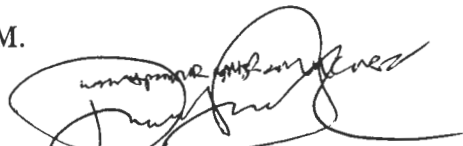
Next BOA hearing scheduled for November 4, 2024.

MINUTES:

The **September 9, 2024** Board of Adjustment Minutes were moved for Approval upon a motion by Donald Barber with a second by Thomas Phillips.

Motion for Approval - Passed 5 to 0.

ADJOURNED: The meeting adjourned at 3:10 PM.



Donald M. Barber, Chairman

Attest:



Kelly Hill, Staff Assistant IV

VARIANCE ACTION FORM

ITEM NO: 240802V

DATE OF PUBLIC HEARING: OCTOBER 7, 2024

OWNER NAME(s): **Kenneth W. Laughery**
18505 NW 5th Court
Citra, FL 32113

AGENT NAME(s): **Susan Bashant**
18505 NW 5th Court
Citra, FL 32113

LEGAL DESCRIPTION OF PROPERTY: Parcel Account No. **03870-003-18**, SEC 30 TWP 12 RGE 22, in Marion County, Florida.

VARIANCE REQUESTED: Request to reduce the ESOZ front (canal) setback from 75' to 31.5' and reduce the south side setback from 8' to 6.2' for an existing shed, in a Residential Mixed Use (R-4) zoning classification addressed as 18505 NW 5th Court, Citra, FL 32113.

FINDINGS OF BOARD OF ADJUSTMENT

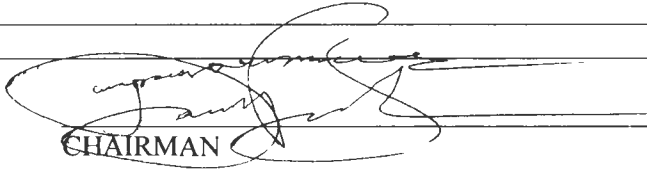
1. **Written Petition.** A written petition for a Variance has been submitted demonstrating that:
 - A. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings with the same zoning classification 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. X **GRANTED:** Based on the Board of Adjustment's finding that the requirements of Paragraph 1 above have been demonstrated by the applicant for Variance. 3-2

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.

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. _____

B. _____


CHAIRMAN

10-07-2024
DATE

VARIANCE ACTION FORM

ITEM NO: 241002V

DATE OF PUBLIC HEARING: OCTOBER 7, 2024

OWNER NAME(s):

Kevin, Chelsey, David & Kathryn Christensen
1027 SE 50th Terrace
Ocala, FL 34471

AGENT NAME(s):

N/A

LEGAL DESCRIPTION OF PROPERTY: Parcel Account No. **29693-003-00**, SEC 24 TWP 15 RGE 22, in Marion County, Florida.

VARIANCE REQUESTED: Request to reduce the East (side) setback from 25' to 10' and reduce the North side (rear) setback from 25' to 18' for a proposed detached garage, in a General Agriculture (A-1) zoning classification addressed as 1027 SE 50th Terrace, Ocala, FL 34471.

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

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.

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. _____

B. _____



CHAIRMAN

10-07-2024
DATE