

# MINUTES

## **MARION COUNTY BOARD OF ADJUSTMENT May 5, 2025**

A public hearing of the Marion County Board of Adjustment was held on May 5<sup>th</sup>, 2025 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 Ernest Hemschot, Thomas Phillips, Len Racioppi; and Alternates Samuel Hunt and Zilca Diaz. Staff members present were: County Attorney Linda Blackburn, Growth Services Director Chuck Varadin, Staff Assistant IV Kelly Hill, Planner Kathleen Brugnoli, along with Zoning Technicians Lynda Smith, Cristina Franco and Rachel Kruger

Ernest Hemschot led the Pledge of Allegiance, followed by the Invocation given by Douglas Sherwood.

Chairman Barber and Atty. Linda Blackburn explained the procedures for hearing variance requests and Atty. Blackburn 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 250501V** - Gary Kromer, requests a Variance, Section 2.9, of the Marion County Land Development Code, to reduce the setback from 75' to 32' for a proposed 10' x 24' screened porch, in a Residential Mixed (R-4) zone, on an approximate 0.24 Acre Parcel, on Parcel Account Number 11140-029-00, Site Address 21268 NE 150<sup>th</sup> Street, Salt Springs, FL 32134

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

There were **20** homeowners notified within 300' of the parcel, and no letters of opposition nor support received.

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. 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.

## **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.

Samuel Hunt 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.

Len Racioppi made a motion to second.

**Motion to Approve - Passed 4 to 2 with Thomas Phillips and Ernest Hemschot dissenting.**

2.2     **250502V** - U-HAUL CO. of Florida, requests a Variance, Section 2.9, of the Marion County Land Development Code, to have seven (7) wall signs on Building A, and also three (3) wall signs on Building B, in a Community Business (B-2) zone, on an approximate 13.38 Acre Parcel, on Parcel Account Number 35485-001-04, Site Addresses 6615 and 6621 SW Highway 200, Ocala, FL 34476

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

There were **11** homeowners notified within 300' of the parcel, and no letters of opposition nor support received.

Applicant states that this business is a storage center that has a lot of vehicular traffic that is present with people coming and going to storage units, as well as loading and unloading. Larger signs are needed to make sure the customers are going to the correct building and entrance to the building for the safety of the customers. On such large buildings, the normal sign criteria does not allow for that.

## **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.

Samuel Hunt 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.

Zilca Diaz made a motion to second.

**Motion to Approve – Failed (3 to 3). Tie vote with Thomas Phillips, Ernest Hemschot and Len Racioppi dissenting.**

Len Racioppi made a motion to **deny** the variance as requested and moved that, having heard competent substantial evidence, the Board finds that: 1. No 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 caused the special condition or circumstance; 3. Literal enforcement of the regulations would not 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 not the minimal variance that will allow reasonable use of the property; 5. The variance is not necessary for reasonable use of the property; 6. The variance will confer a special privilege on the applicant that is denied to other properties within the same zoning and land use area; and 7. The granting of the variance will be injurious to the neighborhood or detrimental to the public welfare; And that the Board denies the variance.

Thomas Phillips made a motion to second.

**Motion to Deny - Passed 4 to 2 with Donald Barber and Zilca Diaz dissenting.**

2.3 **250503V** – Donna Ermscher, requests a Variance, Section 2.9, of the Marion County Land Development Code, to allow accessory structure 30' x 35' metal garage in the front yard, in a Residential Mixed (R-4) zone, on an approximate 0.49 Acre Parcel, on Parcel Account Number 3484-002-004, Site Address 18951 SW 109<sup>th</sup> Street, Dunnellon, FL 34432

Rachel Kruger presented the case and read the report into the record.

There were 22 homeowners notified within 300' of the parcel, and three letters of support were received. No letters of opposition received.

Applicant states they are requesting to put the 35'x30' garage structure in front of the existing mobile home as there is a 10' incline in grade from the front of the property to the rear of the property that prohibits the placement of the structure anywhere else on the property. Staff states if they were to bring fill onto existing grade they can meet the current code requirements. Applicant states if they were to bring in fill, the property would be too far built up and a retaining wall might then be required. They would also like to leave the woods in the front of the property.

**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.

Samuel Hunt 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.

Len Racioppi made a motion to second.

**Motion to Approve - Passed 5 to 1 with Thomas Phillips dissenting.**

OTHER BUSINESS:

Next BOA hearing scheduled for August 4<sup>th</sup>, 2025.

**MINUTES:**

The **February 3<sup>rd</sup>, 2025 and April 7<sup>th</sup>, 2025** Board of Adjustment Minutes were moved for Approval upon a motion by Thomas Phillips with a second by Samuel Hunt.

**Motion for Approval - Passed 7 to 0.**

ADJOURNED: The meeting adjourned at 3:12 PM.

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Donald M. Barber, Chairman

Attest:

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Kelly A. Hill, Staff Assistant IV