

MINUTES

MARION COUNTY BOARD OF ADJUSTMENT **April 4, 2022**

A public hearing of the Marion County Board of Adjustment was held on April 4, 2022 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 David Rubin, Members: Douglas Sherwood and Jack Stackman and Alternate: Rachel Sams. Staff members present were: Assistant County Attorney Russell G. Ward, Staff Assistant IV Darlene A. Pocock, Growth Services Administration Manager Jessica James, along with Planners Chris Rison, Kenneth Weyrauch and Kathleen Brugnoli.

David Rubin, gave the Invocation followed by leading the Pledge of Allegiance.

Atty. Russel Ward then explained the procedures for hearing variance requests.

Chris Rison 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.

1. **220401V** – Cyril and Salima Ramlakan, 3321 SW 153rd Place Road, Ocala, FL 34473, request a reduction of the rear setback from 25' to 11' for a proposed 24'x10' elite screen room on new and existing concrete, in an R-1 (Single-Family Dwelling) zoning classification on Parcel Account Number 8002-0075-09.

Mr. Kenneth Odom presented the case to the board and stated that the record shows that the subject property is .21 acres in size, located in Marion Oaks Unit II, and is situated at the intersection of SW 153rd Place Road and SW 34th Court Road with the address of 3321 SW 153rd Place Road. Mr. Odom explained that the home has been constructed on a 0.21 acre lot adjacent to a wet drainage retention area on the back side of the home. Mr. Odom continued to explain that this is the area proposed to build the 240 SF (24' x 10'), screened-in porch with a wall height of 7'.

Mr. Odom confirmed that 18 property owners were notified within 300 feet, with no letters of support nor objection received. Mr. Odom concluded that the owner and agent were present to answer questions.

Ms. Jess Crumrine, 2535 NE 36th Avenue, Ocala, FL 34470, Sauer and Sons Construction, the contractor for the screen enclosure, explained that when the house was built, the concrete patio was poured and the homeowners were told that there already was a variance in place for the proposed enclosure. Ms. Crumrine stated that their clients expressed that outdoor living is a big part of their culture and they want the indoor/outdoor enjoyment of their property that the screen enclosure will provide and was expecting when they purchased the home from the builder.

Ms. Crumrine answered the board's questions stating that there is no HOA approval board for modifications and with the large drainage area behind the home, it will not interfere with any adjacent property owners.

After board discussion and a review of a boundary map, Mr. Kenneth Odom confirmed that there is no variance for the existing home non-conformance of its rear setback of 21.5' and the home has been given a CO from the Building Safety Department. Mr. Odom continued that having had given notice to expand the porch, it could be a reasonable interpretation that the home setback is agreeable, and should be added to this variance request for clarification.

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.

Rachel Sams made a motion to approve *the variance as requested to 11' for the enclosure and also to reduce the rear setback for the existing SFR from 25' to 21.5'* 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.

Jack Stackman made the motion to second.

Motion for Approval - Passed 4 to 0

2. **220402V** – Maria E. Ramirez Family Rev. Trust, 3225 NE Jacksonville Road, Ocala, FL 34479, requests a reduction of the front setback from 40' to 23', for use of an existing building, in a B-2 (Community Business) and B-4 (Regional Business) zoning classification on Parcel Account Number 2473-002-001.

Mr. Kenneth Odom presented the case to the board and stated that the record shows that the subject property is .87 acres in size and is located on the southeast corner of NE Jacksonville Road and NE 32nd Place with the address being 3225 NE Jacksonville Road. Mr. Odom explained that the request for a reduction in front setback, from 40' to 23', is due to the existing building, while a historical structure that was constructed prior to the establishment of the Land Development Code, is not a conforming structure in the B-2 (Community Business) zone; which is the newly rezoned designation. Mr. Odom stated that the applicant has been working with the Growth Services department in order to convert the subject parcel from a residential use to a commercial one in order to establish a used car dealership in the commercial corridor. Mr. Odom concluded that the footprint of the building will not change, but the building will be repurposed from a residence to a commercial (sales) office for the dealership.

Mr. Odom confirmed that 18 property owners were notified within 300 feet, with no letters of support nor objection received. Mr. Odom concluded that the owners and the agent were present to answer questions.

Mr. Charles R. Forman, Esq., 1301 NE 14th Street Ocala, FL 34470, explained that the setback issue was brought forward after a DRC review of the approved Special Use Permit (SUP) #220115SU / 22-R-018. Mr. Forman also explained that when the road was widened and 4-laned, it cut down the frontage, but the building is on the site of an approved used car sales business and the building will function as the commercial business office.

Mr. Forman concluded that given the BCC approval of the SUP in January, it should prove that it is not injurious and is a consistent use with the other surrounding businesses on that corridor.

PUBLIC COMMENT:

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

Douglas Sherwood made a motion to approve 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.

Rachel Sams made the motion to second.

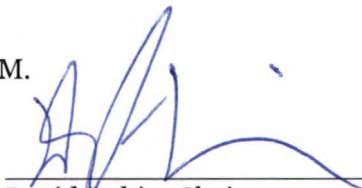
Motion for Approval - Passed 4 to 0

MINUTES:

The **February 7, 2022** and **March 7, 2022** Board of Adjustment Minutes were agreed for Approval upon a motion by Jack Stackman, with a second by Rachel Sams.

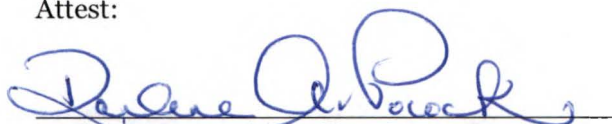
Motion for Approval - Passed 4 to 0.

ADJOURNED: The meeting adjourned at 2:40 PM.



David Rubin, Chairman

Attest:



Darlene A. Pocock, Staff Assistant IV

VARIANCE ACTION FORM

ITEM NO: 220401V

DATE OF PUBLIC HEARING: April 4, 2022

OWNER NAME(s):

Cyril and Salima Ramlakan
3321 SW 153rd Place Road
Ocala, FL 34473

AGENT NAME(s):

Sauer and Sons Construction, Inc.
2535 NE 36th Avenue
Ocala, FL 34470

LEGAL DESCRIPTION OF PROPERTY: Parcel Account No. **8002-0075-09**, SEC23 TWP 17 RGE 21, "Marion Oaks Unit 2", in Marion County, Florida.

VARIANCE REQUESTED: Requests a reduction of the rear setback from 25' to 11' for a proposed 24'x10' elite screen room (on a new and existing concrete foundation), in an R-1 (Single-Family Dwelling) zoning classification. *

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, is 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 or 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.

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. * with recognition of the existing reduced rear setback for the SFR of 21.5', based on the presence of central water and central sewer services.

CHAIRMAN

4-4-2022
DATE

VARIANCE ACTION FORM

ITEM NO: 220402V

DATE OF PUBLIC HEARING: April 4, 2022

OWNER NAME(s):

Maria E. Ramirez Family Rev. Trust
3225 NE Jacksonville Road
Ocala, FL 34479

AGENT NAME(s):

Charles R. Forman, Esq.
723 E. Fort King Street
Ocala, FL 34471

LEGAL DESCRIPTION OF PROPERTY: Parcel Account No. 2473-002-001, SEC 05 TWP 15 RGE 22, "Brentwood Estates", in Marion County, Florida.

VARIANCE REQUESTED: Requests a reduction of front setback from 40' to 23' for the use of an existing building, in a B-2 (Community Business) zoning classification.

FINDINGS OF BOARD OF ADJUSTMENT

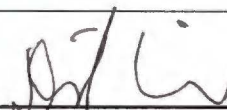
1. **Written Petition.** A written petition for a Variance has been submitted demonstrating that:
- A. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings with the same zoning classification 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, is 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 or 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.

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

4-4-2022
DATE