



**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: 06/24/2024	BCC Date: 07/16/2024
Case Number:	240704SU
CDP-AR:	31471
Type of Case:	Special Use Permit: Requesting permission to allow for one (1) enclosed barn that was built without permit on a vacant R-1 parcel.
Owner	Olivia O'Quinn & Marvin Davis
Applicant	Cyndi Volz
Street Address	Vacant (No address assigned)
Parcel Number	1072-002-002
Property Size	±0.34 acres
Future Land Use	Rural Land (RL)
Zoning Classification	Single-Family Dwelling (R-1)
Overlay Zone/Scenic Area	Secondary Springs Protection Zone
Staff Recommendation	Denial
P&ZC Recommendation	APPROVAL with Conditions
Project Planner	Xinyi Cindy Chen
Related Case(s)	Open code case 950152: 49'X40' barn (storage) without permit & no main structures R-1 zoning – property owner resides across the street.

I. ITEM SUMMARY

Cyndi Volz, on behalf of the owners Olivia O'Quinn & Marvin Davis, has filed an application for a Special Use Permit to request permission for one (1) enclosed barn that was built without a permit on a vacant single-family dwelling (R-1) parcel. Figure 1 is an aerial photograph showing the general location of the subject property. The Parcel Identification Number associated with the property is 1072-002-002, and a street address is not assigned. The legal description is displayed in the deed included in the application (See Attachment A). The subject property is ± 0.34 acres. The parcel is located within the Secondary Springs Protection Zone and in a Rural land use area. The applicant is applying for a Special Use Permit (SUP) because the owner wants to keep the unpermitted barn on the property across the street from their residence at 24356 NE 152nd Ln, Fort McCoy. Due to the size (approximately 2,000 SF) and placement of the subject barn, the applicant has effectively ensured that this entire parcel will never accommodate a principle structure, and is therefore a nonconforming use incompatible with the surrounding area. For these reasons, staff is recommending **DENIAL** of the Special Use Permit request.

Figure 1
Aerial Photograph of Subject Property

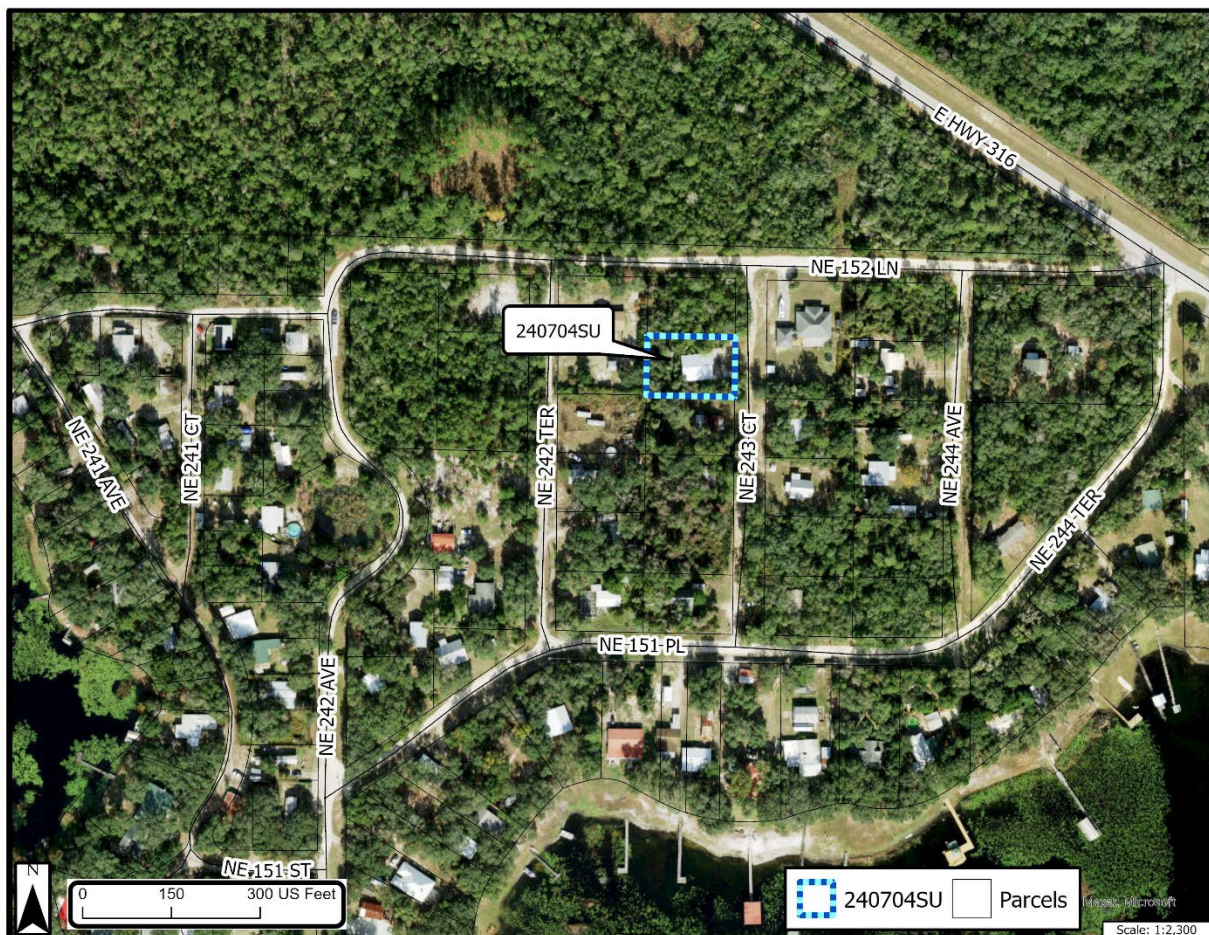


Figure 2
Concept Plan Submitted by Applicant

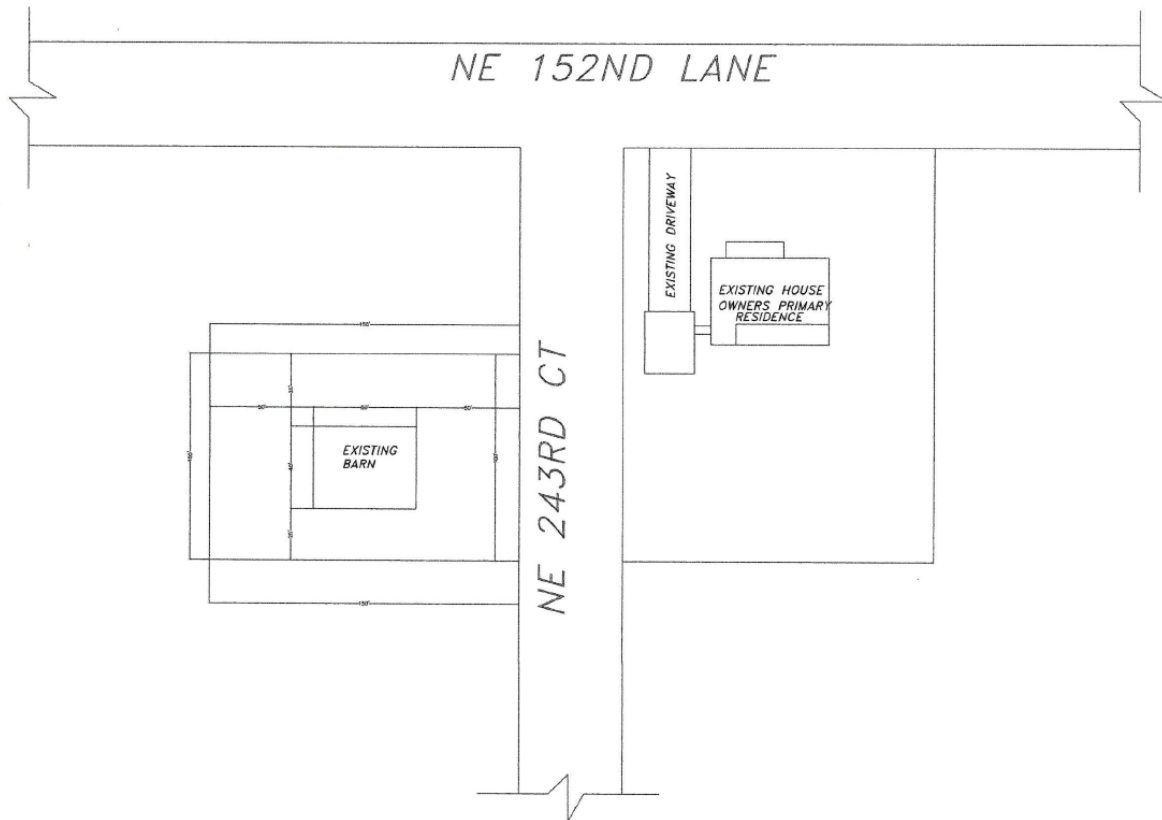


Figure 3
Barn Construction Drawing Submitted by Applicant

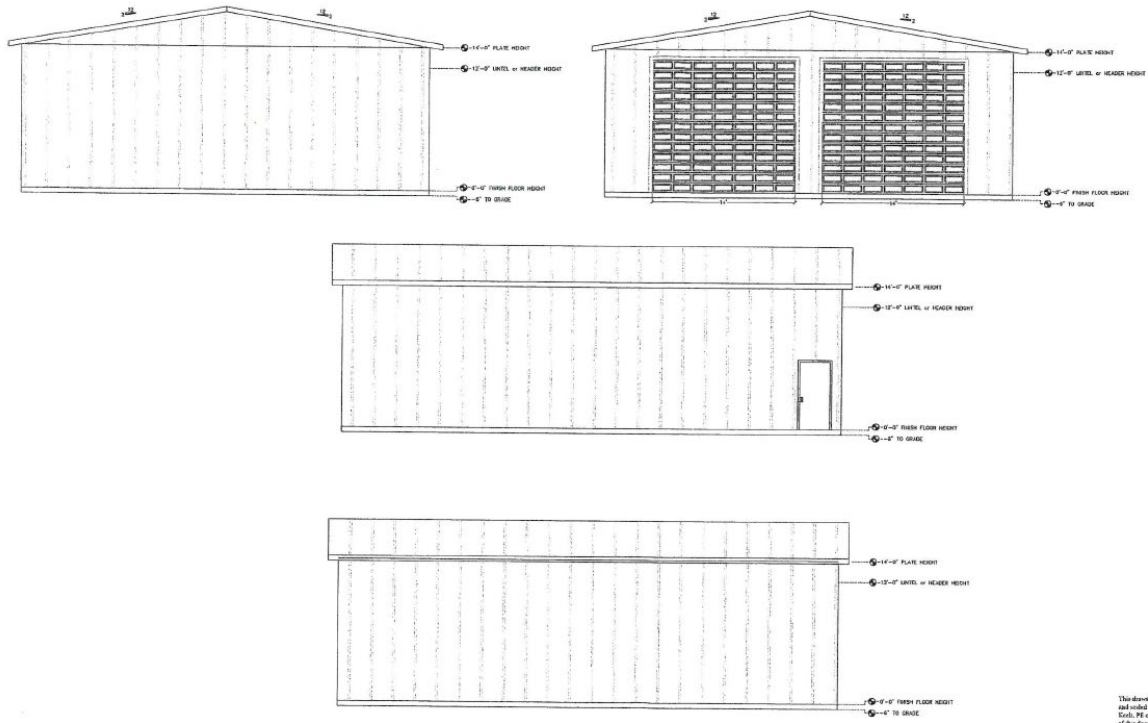


Figure 4
Aerial Overlay with Concept Plan Submitted by Applicant



Figure 5
Aerial Photo of the Barn and the House Across the Street
Submitted by Applicant



Figures 2 and 3 (Attachment A) show the conceptual plan, elevations of the barn, and aerial photo provided by the applicant. This shows the applicant's property, where the barn is placed, and also the owner's primary residence on the east side of the barn at NE 152nd Ln and NE 243rd Ct. The existing barn was built before the current owner purchased the property. It was situated on the subject property and surrounded by trees as shown in the aerial photo. The barn will be used as storage and a shop for the owner's personal use. The size of the barn is 40' in width, 50' in length and about 18' in height with gable roof, which is 2,000 sf.

II. STAFF SUMMARY RECOMMENDATION

Staff recommends **DENIAL** 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 (20 property owners) within 300 feet of the subject property on June 7, 2024. Consistent with LDC Section 2.7.3.B, public notice was posted on the subject property on June 14, 2024, where site photos were also collected (Attachment C) and consistent with LDC Section 2.7.3.E due public notice was published in the Ocala Star-Banner on June 10, 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

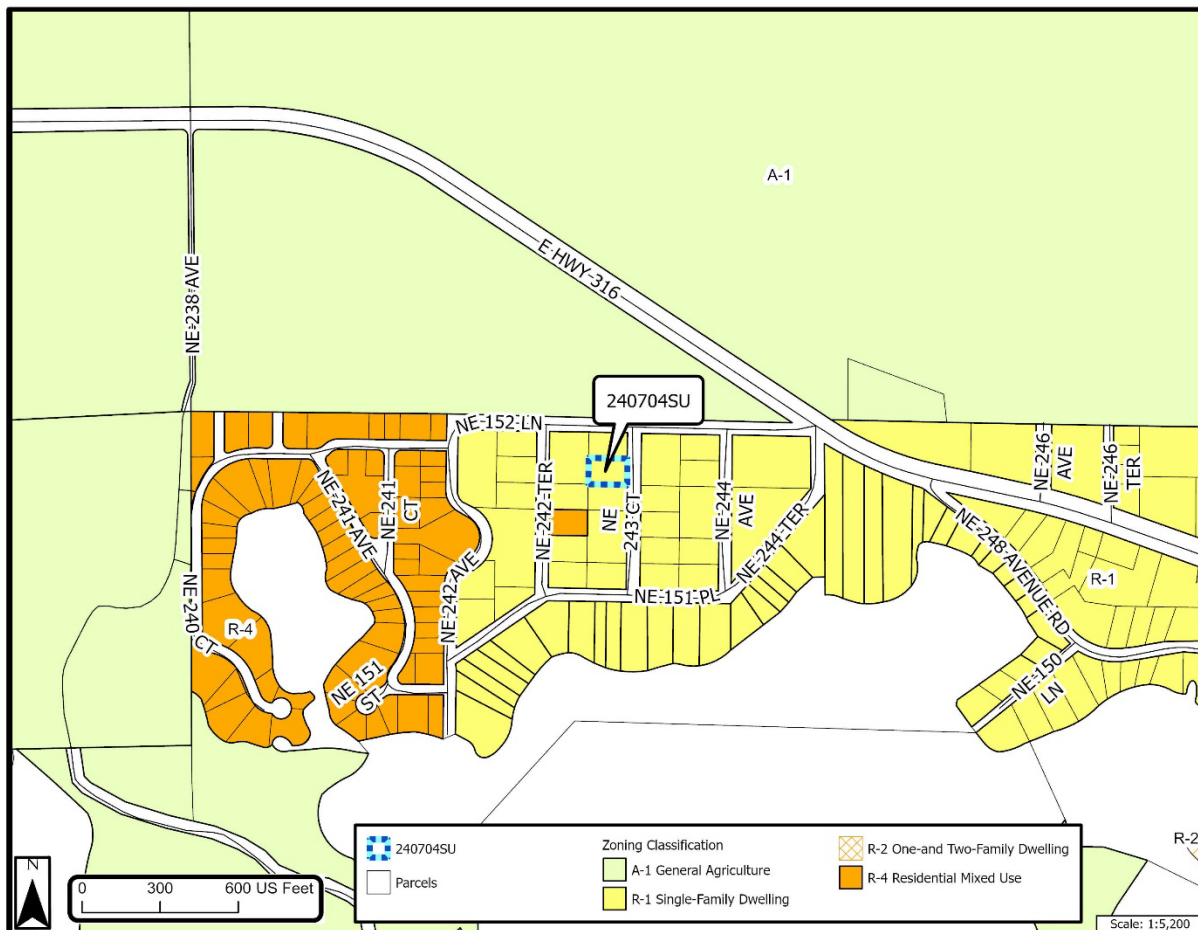
- A. *Existing site conditions.* The property card shows that the site is located in the Forest Acres, a platted & recorded neighborhood. Figure 6 shows that the property is currently used as an accessory use to the single-family dwelling across NE 243 Court. Both parcels are in a rural area. The site is surrounded by other rural lands and low-density residential properties, both developed and vacant.

Figure 6
Existing Conditions Map



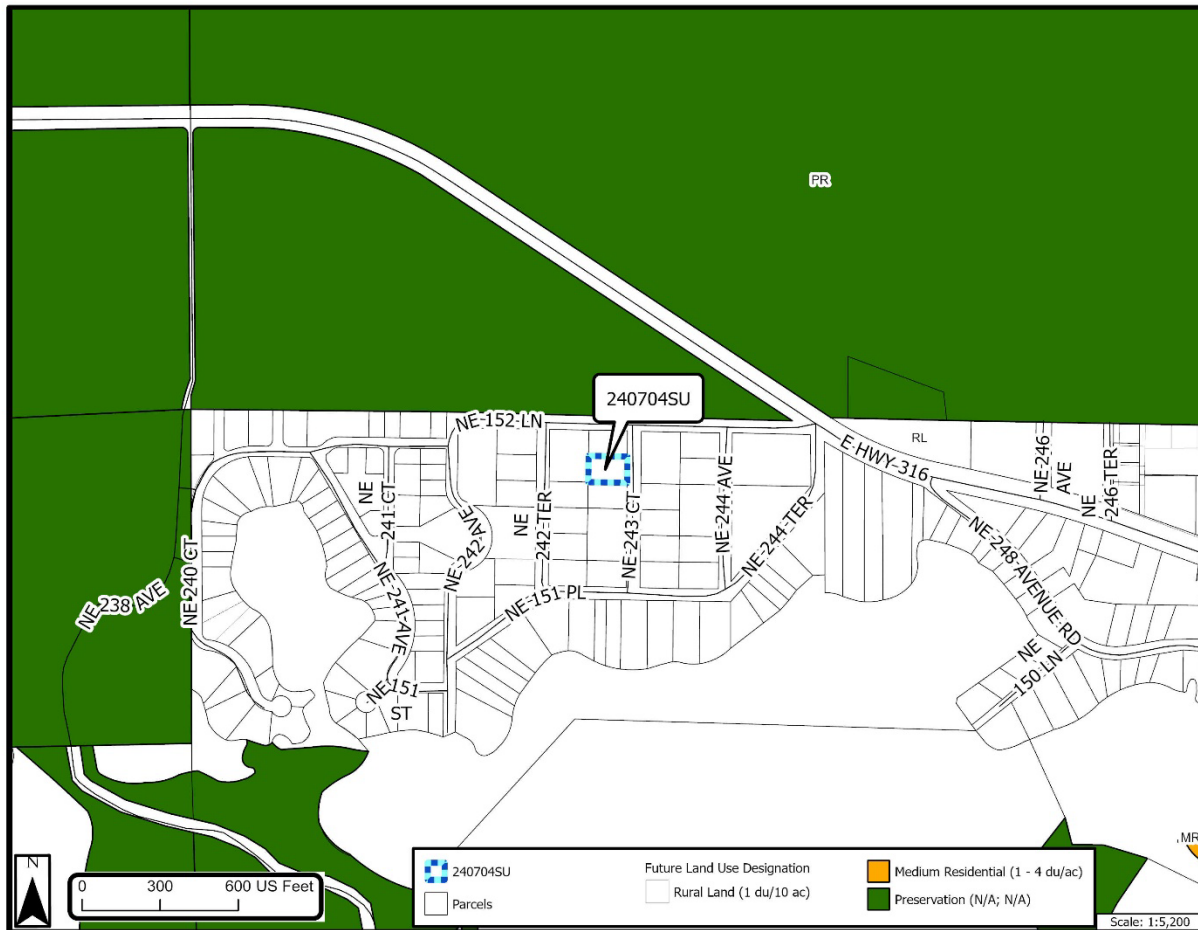
- B. *Zoning district map.* Figure 7 shows the subject property, and the surrounding properties are classified as R-1.

Figure 7
Zoning Classification



- C. *FLUMS designation.* Figure 8 is the FLUMS and it shows that the subject property and abutting properties are designated Rural Land (RL).

Figure 8
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-1 zone. The barn is considered as accessory use, and there is no principal structure on the property. According to the owner, the barn will be used as storage and a “shop”. The owner of the house across the street will maintain the barn property. Because of the size and placement of the barn, there is no potential for this property to accommodate a principal structure in the future, which makes the property not compliant with the LDC requirements and therefore the request is **inconsistent** with the Comprehensive Plan.

- 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: The site plan provided shows the site use and circulation will remain as existing, thus the basic operations and traffic flow are not changing. Access to the property is through NE 243rd Ct, a rural dirt road with minimal daily traffic and trips. The proposed special use, involving the barn and a shop, 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 barn. According to the applicant's Findings and Facts, the only loading area would be in front of the barn on the grass. The existing parking on the property (in the barn or in the grass east of the barn) and the adjacent primary residence across the street is deemed sufficient for the owner's daily use and has no economic, noise, glare or odor effects.

- 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 barn will remain unchanged, not altering the current operation. There will be no waste accumulated at this property.

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

Analysis: The site plan provided shows the property use will remain as existing with a barn for the owner's storage use, thus no change from current operation for residential use. There was no water found in the barn. As per the applicant's Findings and Facts (Attachment A), there are not any utilities on the property at this time, but there is a transformer on the pole at the neighbors house just south of the barn, that electric could be ran from in the future. In the event of approval, staff recommends the following conditions for the utilities:

- Utilities connections will be determined at the time of the permit.

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, West, and North side of the subject property. The east 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, west, and south perimeter of the property on which the barn is situated, as these boundaries border residential 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 light on the property for the additional horse. In the event of an approval, staff recommends the following condition for future signs and exterior lighting.

- No signs on the property.

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

Analysis: According to the applicant's Findings and Facts, approximately 87% of the land will remain undeveloped. The setback requirements are met for an accessory structure, however, the requirement that an accessory structure be in the side or rear yard of a principal structure cannot be met as there is no principal 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. Due to the size and placement of this accessory structure, 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. Based on the given information, staff concludes that the proposed use for a barn for owner's storage use is **incompatible** with the surrounding area.

- 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 specific garage submitted by the applicant under this special use permit.
- The Special Use Permit shall run with the subject property.
- The Special Use Permit shall expire if the structure is converted to a residence or removed.

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 **APPROVE AS CONDITIONED** 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 WITH AMENDED CONDITIONS** 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 **DENY** 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:
 - 1. Utilities connections will be determined at the time of the permit.
 - 2. Applicant is to maintain a minimal 5-foot no-touch buffer around the north, west, and south perimeter of the property on which the barn is situated, as these boundaries border residential properties.
 - 3. No signs on the property.
 - 4. The site shall be developed and operated consistent with the submitted site plan and the conditions as provided with this approval.
 - 5. The nonconforming use shall not be expanded.
 - 6. The Special Use Permit is granted for the specific garage submitted by the applicant under this special use permit.
 - 7. The Special Use Permit shall run with the subject property.
 - 8. The Special Use Permit shall expire if the structure is converted to a residence or removed

VIII. PLANNING AND ZONING COMMISSION RECOMMENDATION

Approval 6-0.

IX. BOARD OF COUNTY COMMISSIONERS' ACTION

To be determined.

X. LIST OF ATTACHMENTS

- A. SUP application was filed on April 24th, 2024. It includes application form, findings and facts, deed, property record card, and maps.
- B. Follow-up Email to request for additional information and response from the applicant with additional information on May 24th, 2024.
- C. Site Photos.
- D. DRC Comments.