



**Marion County
Board of County Commissioners**

Growth Services

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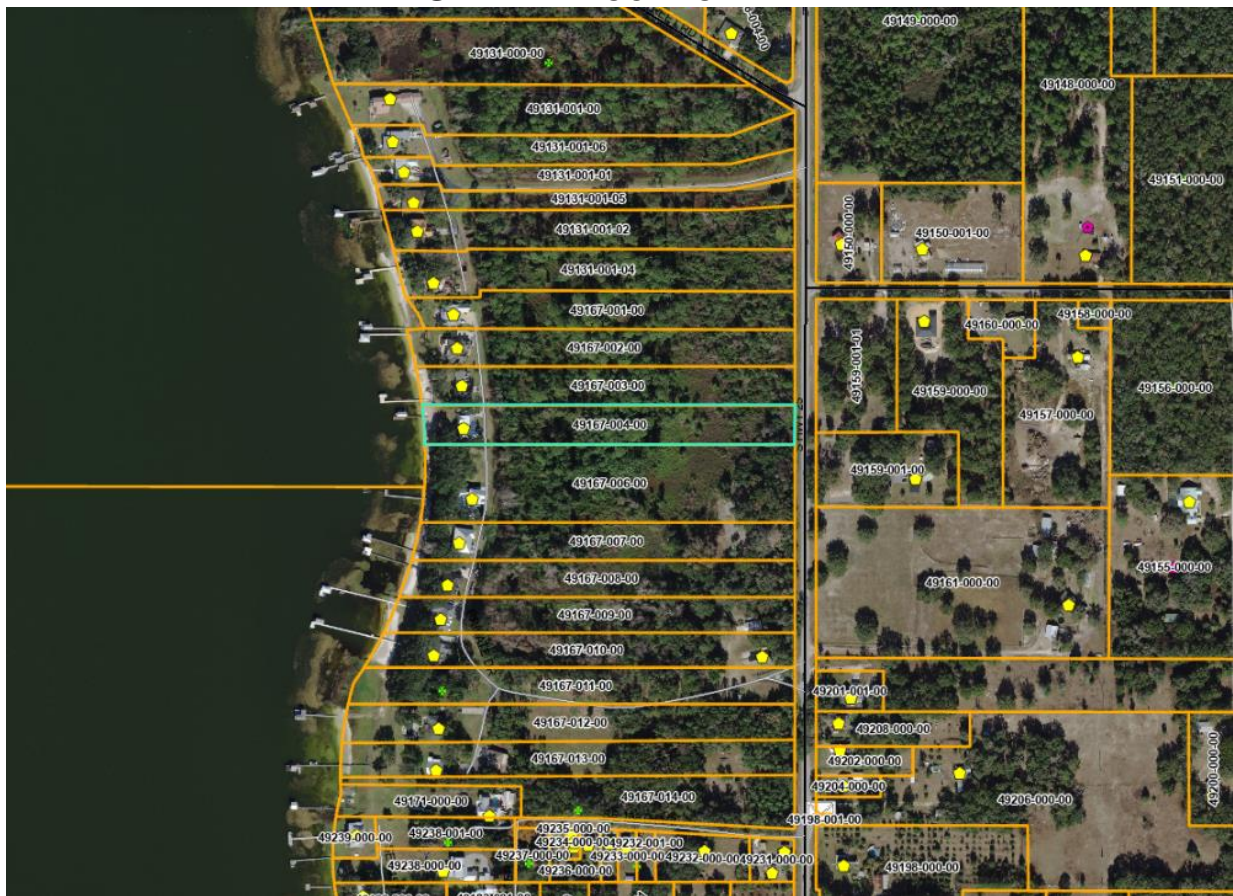
**ZONING SECTION STAFF REPORT
August 5, 2024
BOARD OF ADJUSTMENT PUBLIC HEARING**

Case Number	240803V
CDP-AR	31565
Type of Case	Variance to allow for an ESOZ reduction of the front (lakeside) setback along the westerly boundary from 75' to 27' to add 4' to an existing deck and add a proposed porch cover over the same deck.
Owner	Gantner Family Trust: Roger Gantner Tr, Noelene Gantner Tr
Applicant	Gantner Family Trust: Roger Gantner Tr, Noelene Gantner Tr
Street Address	13584 S. Hwy 25 East Lake Weir, FL, 32133
Parcel Number	49167-004-00
Property Size	3.13 acres
Future Land Use	Rural Land Use (RL)
Zoning Classification	Multiple-Family Dwelling (R-3) – 1.7 acres closest to lake; Single-Family Dwelling (R-1) – 1.43 acres closest to S. Hwy 25.
Overlay Zone/Scenic Area	Environmentally Sensitive Overlay Zone (ESOZ) Secondary Springs Protection Zone (SSPZ)
Project Planner	Cindy Gaughf, Planning Tech II
Related Case(s)	060801V ESOZ @ 58' for SFR addition – approved 070502V ESOZ @ 60' for porch addition - approved 110602V ESOZ @ 30' convert deck to room addition – approved 200701V ESOZ @ 47' for mother-in-law suite & a pool - approved

I. ITEM SUMMARY

Roger & Noelene Gantner, property owners, have filed a request for a variance from Land Development Code (LDC) Section 5.2.4.(A) ESOZ. Development Standards. The applicants are requesting a setback reduction from 75' to 27' on the westerly property boundary to allow a 4' addition to an existing deck and to also add a proposed porch cover over the same deck (Attachment A). The subject property is located within unrecorded Lake Weir Landing Subdivision.

**FIGURE 1
GENERAL LOCATION MAP**



II. PUBLIC NOTICE

Notice of the public hearing was mailed to eight (8) property owners within 300 feet of the subject property on July 19, 2024. A public notice sign was posted on the subject property on June 25, 2024 (see Attachment B). Notice of the public hearing was published in the Star Banner on July 22, 2024. Evidence of the public notice requirements is on file with the Growth Services Department and is incorporated herein by reference.

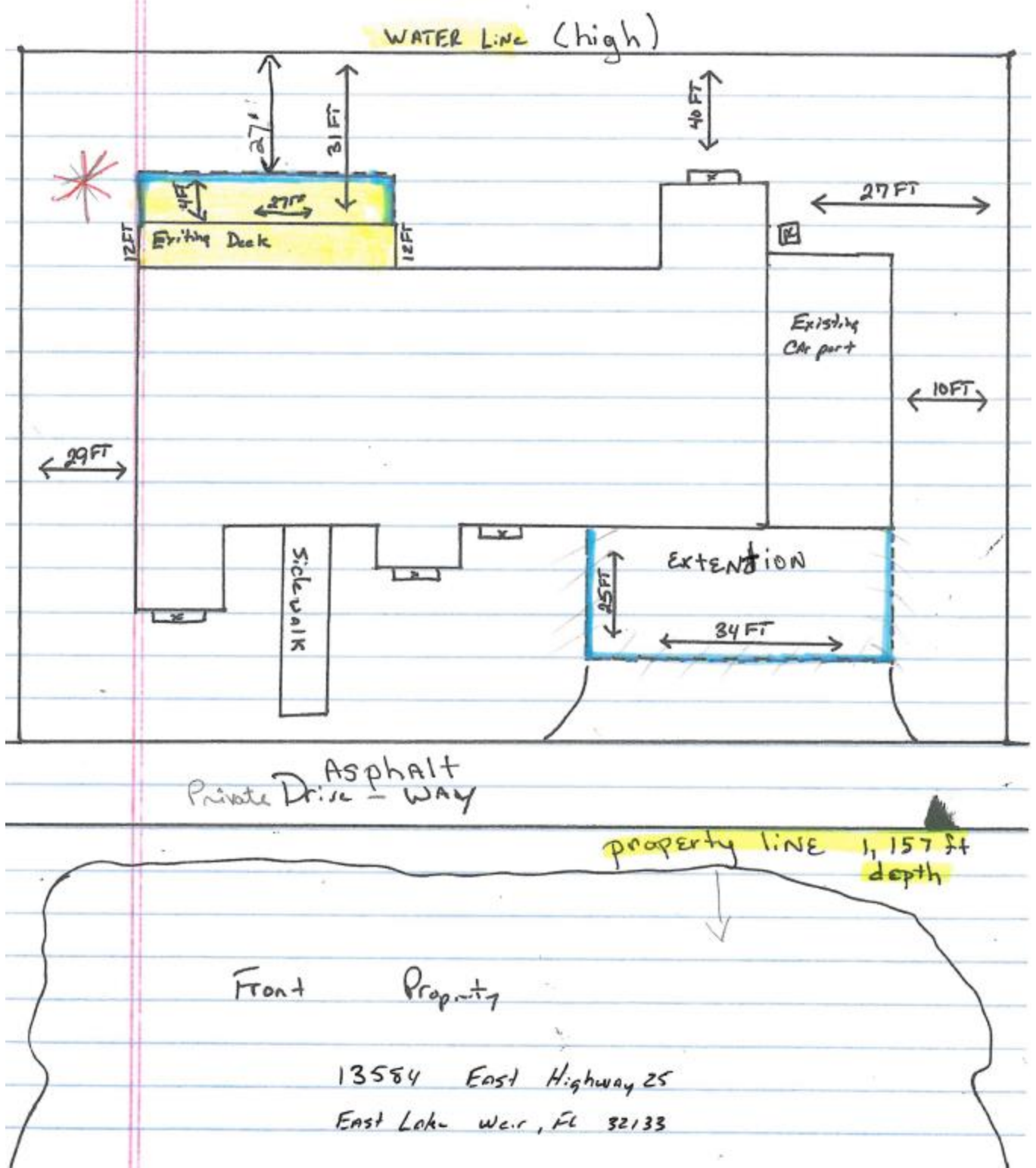
III. PROPERTY CHARACTERISTICS

The subject 3.13-acre property is located within the Rural Density (RL) Future Land Use Map Series (FLUMS) with Multiple-Family Dwelling (R-3) zoning and Single-Family Residential (R-1) zoning. The residence and deck are located within the R-3 portion of the property. The subject property consists of Lot 4 within the Lake Weir Landing UNR Subdivision. The aerial shows in Figure 1 that this rectangular-shaped property has 122' frontage along Lake Weir (Attachment C).

**FIGURE 2
SURVEY**



FIGURE 3
SITE PLAN



III. REQUEST STATEMENT

The applicant requests a variance from Land Development Code (LDC) Section 5.2.4.(A) ESOZ Design Standards. The applicants are requesting a setback reduction from 75' to 27' on the westerly property boundary to allow a 4' addition to an existing deck and also add a proposed porch cover over the same deck as shown in the site plan above in Figure 3 (Attachment D).

IV. ANALYSIS

LDC Section 2.9.2.E provides the Board of Adjustment shall not grant a variance unless the petition demonstrates compliance with six (6) criteria. Marion County Staff analysis of compliance with the six (6) criteria is provided below.

1. 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.

Analysis: The applicants state they are requesting a setback reduction from 75' to 27' from the high water line mark on the westerly property boundary to allow a 4' addition to an existing deck and also add a proposed porch cover over the same deck for shade. The home was developed in it's current located to avoid a designated wetland area that encompasses the rest of the subject parcel to east. The development area for this subdivision is limited by ESOZ setbacks and this wetland area.

2. The special conditions and circumstances do not result from the actions of the applicant.

Analysis: The applicants state that the variance request will not move trees or land and is only adding on to existing deck and extending deck 4'. Staff finds the wetland area on-site would limit land capable of being developed to the current location.

3. 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 cause unnecessary and undue hardship on the applicant.

Analysis: Granting of this variance would not be irregular to the surrounding area. This would not adversely affect any property owners. As shown below several lots in this area have also received approved variances. The applicant states it would follow suit to the neighbor's additions that were granted.

- ❖ **060801V** ESOZ @ 58' for SFR addition – **approved**
- ❖ **070502V** ESOZ @ 60' for porch addition **approved;**
- ❖ **110602V** ESOZ @ 30' convert deck to room addition – **approved**
- ❖ **200701V** ESOZ @ 47' for mother-in-law suite & a pool **approved**

4. The variance, if granted, is the minimum variance that will allow the reasonable use of the land, building or structure.

Analysis: The applicants state that the request for the reduction in setbacks from 75' to 27' for the front (lakeside) to the high water line mark for a 4' addition to the existing deck and the proposed covered porch over the same deck is the minimum needed to develop at the desired location on an ESOZ body of water and provide ample coverage over the deck to allow for a proper amount of shade.

5. 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.

Analysis: Applicants state that the variance will not confer on the applicants any special privilege than other owners in the area since so many variances as shown above have been approved for similar requests.

6. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Analysis: Applicants state this would not adversely affect any of the surrounding parcels since there are so many other parcels that were granted similar variances. Granting of this variance should not be injurious to the neighborhood or otherwise detrimental to the public welfare.

V. LIST OF ATTACHMENTS

- A. Application
- B. Public Notice Sign
- C. Survey
- D. Site Plan
- E. Aerial
- F. Deed
- G. Property Card
- H. Variances in Area