

MARION COUNTY PLANNING DEPARTMENT

Date: 04-01-2012

ZC: 04-30-2012

BCC: 05-15-2012

APPLICATION # 120506SU

Parcel # 2091-008-003

Applicant: Fish Hawk Sprits LLC

Owner: Jacquelyn F. Brady

A request for a Special Use Permit in an A-1 (General Agriculture) zone on approximately 1.07 acres for the operation of an artisanal micro-distillery.

Marion County's Land Development Code (LDC), Article 2, Section 2.2 defines a "Special Use" as a use that would not be appropriate generally or without restriction throughout the particular zoning classification but which, if controlled as to number, area, location, or compatibility with the surrounding area, would not adversely affect the public health, safety, and general welfare.

Article 4, Sec. 4.6. of the LDC requires the Zoning Commission to make recommendations on Special Use Permits to the Board of County Commissioners. The Commission may recommend granting a Special Use Permit with appropriate conditions and safeguards. The Commission may recommend a denial of Special Use Permits when the use requested is not compatible with existing uses in the surrounding area, or will adversely affect the public interest, or the proposed use is not consistent with the Comprehensive Plan.

The Board of County Commissioners is under no obligation to approve a Special Use Permit unless and until the applicant meets their burden of demonstrating that:

1. The proposed use will not adversely affect the public interest; and
2. The proposed use is consistent with the Comprehensive Plan; and
3. The proposed use is compatible with land uses in the surrounding area.

Staff Recommendation: APPROVAL WITH CONDITIONS

Conditions:

1. The site shall be developed and operated consistent with the submitted conceptual plan and the conditions as provided with this approval.
2. Access to the site shall be from SW 20th Lane.
3. The artisanal micro-distillery functions shall be conducted in the 288SF accessory building, depicted on the submitted conceptual plan, and located in the southeastern section of the subject property.
4. No commercial sales and/or signage shall be allowed on-site.
5. The owner/operator shall reside on-site.
6. The Special Use Permit shall run with the owner/operator and not the property.
7. The Special Use Permit shall expire on May 15, 2015. The applicant may submit a new Special Use Permit application for consideration to renew and extend this permit in the future.

Findings:

1. Will not adversely affect the public interest.
2. Is consistent with the Marion County Comprehensive Plan.
3. Is compatible with the surrounding land uses.

Comments:**1. Will not adversely affect the public interest.**

The proposed use will not adversely affect the public interest. The subject property is 16350 SW 20th Lane in the Westwood Acres Subdivision. The proposed artisanal micro-distillery will be limited to an accessory building and operate as a “hobby use” for the owner residing on-site. No commercial traffic is expected and on-site commercial sales and advertising are not proposed or recommended. The applicant will also install a wooden privacy fence across the southern property line to further screen the distillery operation from the one residentially developed property adjacent to the site.

Road	Classification	Maintenance	Existing Conditions			
			Surface	No. Lanes	R/W Width	R/W Deficiency
SW 20 th Lane	Subdivision Local	County	unpaved	2	60'	0'

Access to the property is from SW 20th Lane.

Utility	Service Area
Water	Marion County Utilities
Sewer	Marion County Utilities

Water/Sewer services are to be provided on site by Applicant.

Code Enforcement Case:

Code Case #	Source	Open Date	Violation/Remarks	Status
684690	Citizen	10/2010	30 bags/garbage off roadway	Closed (citation)

2. Is consistent with the Marion County Comprehensive Plan.

Comprehensive Plan Designation: Rural Land (Subdivision of Record)

This designation is intended to preserve permanent open space and the character of the county's rural areas while allowing the clustering of rural development.

General Range of Uses: Agricultural and/or agricultural related uses including commercial and industrial uses that are functionally related to rural and/or agricultural activities, neighborhood commercial uses, residential development including detached single-family homes, mobile homes, and manufactured housing.

Density Restrictions: Dwelling Units/Gross Acre: Rural Lands may not exceed a maximum residential density of one (1) dwelling unit per ten (10) gross acres.

Maximum Nonresidential Intensity: Floor Area Ratio: N/A

FLUE Policy 1.2.5 acknowledges that certain portions of the County's population will desire to live in a rural setting and directs the County to protect areas where existing rural and equestrian character are suitable. While the site is within an urban style subdivision of record, the subdivision consists of larger lots/tracts which may accommodate limited agricultural activity consistent with FLUE Policy 1.2.5, and personal hobbies such as a micro-distillery.

3. Is compatible with the surrounding land uses.

The subject property is 16350 SW 20th Lane in the Westwood Acres Subdivision. The applicant is requesting a Special Use Permit to establish an artisanal micro-distillery in an accessory building on the residentially developed property. The accessory building is 288 SF located to the rear of the existing single family residence (1981:1152 SF). According to the applicant, the request will provide minimal pedestrian and/or traffic impact as no more than 4 trips to the site are anticipated on a weekly basis; off street parking and loading areas will not be required beyond the current household use; no odor, glare or noise will be generated from the distillery operation; and no customer or vendor traffic is anticipated.

The Westwood Acres Subdivision is a subdivision of record eligible for continued development, with the subject property and all surrounding properties are zoned A-1, General Agriculture. All immediately surrounding lots are currently vacant, with the exception of the lot located immediately south of the property which is developed with a mobile home. However, the applicant has indicated the intent to install a wooden privacy fence across the southern property line to further screen the distillery operation from adjacent/neighboring properties.

Direction	Adjacent		
	Zoning	Land Use Designation	Existing Use
North	A-1 (General Agriculture)	Rural Land (Subdivision of Record)	Vacant
South	A-1 (General Agriculture)	Rural Land (Subdivision of Record)	Mobile Home
East	A-1 (General Agriculture)	Rural Land (Subdivision of Record)	Vacant
West	A-1 (General Agriculture)	Rural Land (Subdivision of Record)	Vacant

Development of the site will be required to comply with the Land Development Code along with any other conditions of this Special Use Permit approval. The proposed use is compatible with the surrounding uses and will not adversely affect the public interest.

Attachments:

1. Existing Use & Land Use Designation Map
2. Photographs



Marion County Board of County Commissioners

Date: 10/28/2015

P&Z: 10/26/2015 **BCC:** 11/17/2015

Item Number
151103SU

Type of Application
Special Use Permit

Request
Renewal of 120506SU
for the operation of an
artisanal micro-
distillery.

Owner
Jacquelyn F. Brady

Applicant
Fish Hawk Spirits

Parcel #/Acreage
2091-008-003
1.07 Acres

Future Land Use
Rural

Existing Zoning
A-1 General
Agriculture

**Staff
Recommendation**
Approval with update
to conditions
extending expiration to
2025 and modifying
rear buffer

**P&Z
Recommendation:**
Recommended
Approval with Staff
Conditions
(on consent)



Item Summary

Staff is recommending Approval with the same conditions for a renewal of 120506SU. Operation of an artisanal micro-distillery on 1.07 acres, as requested in accordance with the Marion County Land Development Code, Article 2, Division 8 "Special Use Permit," in an A-1, General Agriculture, Zoning.

Public Notice

Notices of public hearing was mailed to **15** property owners within 300 feet of the subject property. No letters concerning this request have been received.

Background

Location

The subject property is 16350 SW 20th Lane in the Westwood Acres Subdivision.

Project Planner
Vanessa Angello
Planning Technician II

Additional Information

Comprehensive Plan Amendment:
N/A

Code Enforcement Action: None

Photographs



View of subject property's main entrance looking south from SW 20th Lane.



View of vacant parcels north of the subject property.



View of vacant parcels west of the subject property.

Attachment D

The following table summarizes adjacent future land use designations, zoning districts and existing uses:

ADJACENT PROPERTY CHARACTERISTICS			
Direction of Adjacency	Future Land Use Designation	Zoning	Existing Use/MCPA Property Class
North	Rural	A-1 General Agriculture	(00) Vacant
South	Rural	A-1 General Agriculture	(02) Mobile Home
East	Rural	A-1 General Agriculture	(00) Vacant
West	Rural	A-1 General Agriculture	(00) Vacant

Request

A request to renew an existing Special Use Permit in an A-1 (General Agriculture) zone on approximately 1.07 acres for the operation of an artisanal micro-distillery. There have been no code cases or complaints since the original special use permit was granted.

Analysis

In reaching its decision, the Planning & Zoning Commission must address the following:

- a. **1. Granting the proposed Special Use Permit change will not adversely affect the public interest.** The proposed use will not adversely affect the public interest. The subject property is 16350 SW 20th Lane in the Westwood Acres Subdivision. The proposed artisanal micro-distillery will be limited to an accessory building and operate as a "hobby use" for the owner residing on-site. No commercial traffic or on-site commercial sales and no advertising on the property.
- b. **2. The proposed special use permit is consistent with the current Comprehensive Plan.** The FLU Map 1: Marion County 2035 Future Land Use Map of the Comprehensive Plan designates this property as Rural Land. Agricultural and/or agricultural related uses including commercial and industrial uses that are functionally related to rural and/or agricultural activities, neighborhood commercial uses, residential development including detached single-family homes, mobile homes, and manufactured housing. No odor, glare or noise was being generated from the distillery operation at the time of the site visit.



View of vacant parcels east of the subject property.



View of distillery building.



View of chain length fence that surrounds the distillery.



View of privacy fence at rear.



View of fermenting vats.



View of bottling area.

3. The proposed Special Use is compatible with land uses in the surrounding area. The Westwood Acres Subdivision is a subdivision of record eligible for continued development, with the subject property and all surrounding properties are zoned A-1, General Agriculture. All immediately surrounding lots are currently vacant, with the exception of the lot located immediately south of the property which is developed with a mobile home. Infrastructure

Access to the property is from NE 36th Avenue

Road	Classification	Maintenance	Existing Conditions			
			Surface	No. Lanes	R/W Min. Width	R/W Deficiency
SW 20th Lane	Subdivision Local	County	Unpaved	2	60'	0'

Water/Sewer services are to be provided on site by Applicant.

Utility	Service Area
Water	Private well
Sewer	OSTDS

Staff Recommendation: Changes to the 2012 conditions include extension to 2025 and modification of rear buffer to mimic site conditions.

1. The site shall be developed and operated consistent with the submitted conceptual plan and the conditions as provided with this approval.
2. Access to the site shall be from SW 20th Lane.
3. The artisanal micro-distillery functions shall be conducted in the 288SF accessory building, depicted on the submitted conceptual plan, and located in the southeastern section of the subject property.
4. No commercial sales and/or signage shall be allowed on-site.
5. The owner/operator shall reside on-site.
6. The Special Use Permit shall run with the owner/operator and not the property.
7. The Special Use Permit shall expire on **May 15, 2025**. The applicant may submit a new Special Use Permit application for consideration to renew and extend this permit in the future.

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MARION COUNTY GROWTH SERVICES

Date: 12/8/2021

P&Z: 11/29/2021 **BCC Adoption:** 12/21/2021

Item Number

211221SU

[CDP-AR# 27415]

Type of Application:

Special Use Permit (SUP)

Proposed Use:

Modify and renew existing SUP for an artisanal micro-distillery in A-1 to add a second acquired lot, expand the distillery operation and its facilities, add an open air gift shop/tasting room/area, and renew/extend the SUP.

Historic SUPs:

20120506SU, 2012-R-125

20151103SU, 2015-R-541

Future Land Use:

Rural Land

Zoning:

A-1, General Agriculture

Parcels #/Acreage:

2091-008-002/±1.06 ac.

2091-008-003/±1.07 ac.

TOTAL: ±2.13 ac.

Owner(s):

1) Jacquelyn F. Brady and
2) Fish Hawk Spirits, LLC
c/o J. H. Traynham

Applicant(s):

Joseph Faino, Mgr.
(Matthew Bagdanovich,
resident/director)

Location:

16350 SW 20th Lane, Ocala

Staff Recommendation:

DENIAL

P&Z Recommendation

DENIAL



Item Summary

Staff is recommending **DENIAL** for a Special Use Permit Application (SUP) to modify and renew an existing SUP for an artisanal micro-distillery to add a second acquired lot, expand the distillery operation and its facilities, add an open air gift shop/tasting room area, and renew/extend the SUP. The applicant proposes to add a second property to the SUP's micro-distillery operation, expand the distillery facilities, add a gift shop/tasting room, and further extend the SUP expiration date. This SUP Application represents the third request regarding the use submitted pursuant to Section 2.8.1 of the Marion County Land Development Code (LDC).

The proposed SUP site consists of two adjoining properties not in common ownership. The eastern property (Lot 3) is the site of the prior series of SUPs that includes a residence and the distillery's main facilities along with the access and parking. The property is owned by Jacquelyn F. Brady (October 2007) who resides off-site. Portions of property are then leased to Fish Hawk Spirits, Inc. for the distillery location and parking & driveway access, with the residential home being leased to Matthew Bagdanovich who resides on the property as an employee and identified as one of the Fish Hawk Spirits, LLC officers. The western property (Lot 2) is owned directly by Fish Hawk Spirits, LLC and was acquired in June 2018. The application proposes to expand the lands subject to the SUP to include Lot 2. The property has been used for producing agricultural products used in the distilling operation (corn, etc.). The SUP proposes to add a storage building on the lot for the distillery operation. Staff's site visit observed a shipping storage container located totally off-site to the east of Lot 3, the applicant has noted that Fish Hawk Spirits, LLC is seeking to purchase that property but recently has had difficulty in contact that owner. The western Lot 2 property may also be an alternative location for that container.

Project Planner Christopher Rison, Senior Planner Code Enforcement Action: None	Public Notice Notice of public hearing was mailed to twenty-two (22) property owners within 300 feet of the overall subject property. Location The site is 16350 SW 20th Lane in southeast Marion County in the Westwood Acres North Subdivision (Plat Book Q, Pages 101-107, July 1973) that generally consists of up to 391 lots wherein the lots range from 0.55 acres to just under 2.00 acres, with an average size of ± 1 acre. The site is located in the northeastern section of the subdivision that then lies north of, and is likely accessed through, the Lancala Farms Unit 2 and Westwood Acres South Subdivisions to the south; an approximate travel distance of 2.7 miles from the site to W. Hwy 40. Background/Request The applicant is requesting to modify and renew an existing SUP for an artisanal micro-distillery to expand the distillery operation and its facilities, add an open air gift shop/tasting room/area, and renew/extend the SUP. The original SUP (20120506SU; 2012-R-125) limited the micro-distillery operation to a 288 square foot (SF) accessory building that existed on the site at the time of the initial 2012 SUP approval, and that size limitation was maintained with 2015 SUP extension (20151103SU; 2015-R-541). The owner/applicant has made significant additions to the facilities to increase the distillery operation's production including adding a larger accessory structure that encompasses the original accessory structure shown on the original SUP concept plan. Other additions include 1) covered open-air gift shop/tasting area on the west side of the expanded structure, 2) small out-building for gift shop/tasting room/area restroom adjoining the existing privacy fence along the south side of the site, 3) and a series of structures for the distilling/bottling/tasting room activities supporting equipment at the rear/south of the building; these include an ice machine/chiller, smoker, grinding area, malt room, and cleaning area for distilling equipment. The conceptual plan provided indicates a now 38' x 32' (1,216 SF) distillery building, with the 24' x 32' (768 SF) open air gift shop/tasting room/area located adjoining the west side of the distillery building. The additional distillery covered structures are then shown along the south side of the site, 5' from the existing privacy fence provided by the project site. In addition to the indicated structures, there additional structures along the south side – proceeding westward are a covered lawn mower storage area, the tasting room restroom, added privacy fencing and behind the privacy fencing a metal storage building. The second parcel being added to the overall Special Use Permit is then located beyond the metal storage building and includes the additional distillery storage building indicated on the concept plan. The remainder of the second parcel north of the storage building is used for cultivating plant material for the distilling operation. No building permits were not obtained for these improvements, and Lot 3 of the site, while zoned A-1, is not identified by the Marion County Property Appraiser's Office (MCPA) as an agriculturally exempt property; however Lot 2 is identified as agriculturally exempt property by MCPA. The applicant has indicated an MCPA Agricultural Exemption application for Lot 3 has been submitted, and a determination on the status is due from MCPA in March/April 2022. The expansion of the distilling operation structure encroaches 15' into the required eastern 25' side yard setback as the building is now 10' from the property boundary. The structures along the south side adjoin an existing privacy fence "off-set" 10' internally from the actual property setback according to discussion with the owner. These structures along the south boundary, including the tasting room/area restroom thereby also encroach 15' into the required 25' rear yard setback. A companion Variance Application to obtain approval for the setback encroachments was submitted. On December 6, 2021, the Marion County Board of Adjustment (BOA)
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conducted a public hearing to consider the variance request. No written opposition to the request was received and no members of the public appeared in opposition. The BOA acted to grant variances for the currently existing distillery structures, including the main distillery building and the series of accessory distillery structures along the south parcel boundary. The variance granted includes the following conditions:

1. Should anything happen to the structure(s) for any reason, rebuild/replacement must meet the then required setbacks or variance(s) must be obtained; and
2. Any future/additional building(s) on this property must be done in accordance to all current codes then in effect at that time and have all properly approved permits prior to proceeding.

The existing property includes an existing residence (1981/1,152 SF) with the noted off-set privacy fence along the south side of the property. A series of raised planter beds used to produce materials used for the distilling operation extend along the east and west sides of the property. The site's existing unpaved driveway enters from SW 20th Lane where a series of undefined parking areas are provided along the west side of the driveway. Staff observed storage containers and materials along the east side of the site driveway; however aerial images indicate those containers encroach on to adjoining privately owned property. The applicant indicates the owners are pursuing purchase of that site; however negotiations are currently on hold due to an inability to reach that property owner.

At the time of staff's visit, the applicant indicated the facility currently has three (3) full time employees, one of whom resides on site with the owner. The distillery employs up to five (5) additional employees depending on particular activities being conducted as part of the distillery operation (e.g., harvesting, processing, bottling, tasting event, etc.). The applicant indicated day to day distillery operations are typically Monday through Friday 8 am to 4 pm, with additional hours also depending on particular activities being conducted as part of the distillery operation (e.g., harvesting, processing, bottling, etc.).

The tasting area sessions are conducted by appointment only for up to 16 persons as the tasting area provides seating for up to 16 persons. The applicant indicated that tasting events are limited to Thursday through Sunday and typically occur from 3:30 pm to 8 pm. No formal handicapped seating or accommodations were observed by staff which is a concern in regards to the parking, access to the tasting area, and restroom. As noted, an existing parking area is indicated; however formal parking spaces are not indicated and were not apparent with the site inspection. Accommodating 16 guests with the tasting room/area, observing a parking ratio similar to a bar/nightclub average (1 space per 3.5 seats), would require five (5) formal parking spaces would be necessary, along with two (2) parking for the continuing residence, for a total of seven (7) parking spaces. It is not clear if the existing parking area may readily accommodate the needs of a tasting function as the specific number of spaces is not evident on the plan or with the staff site visit.

Staff notes that artisanal or craft distilleries are regulated by the state of Florida, including volume of distilled spirits that may be produced. Recent changes to Florida Statutes have provided for increased sales allowances for artisanal/craft distilleries in relation to their gift shop/tasting room/areas. However, those provisions pertain to the relationship of the distillery and gift shop/tasting room/areas and sales volumes. Distilleries are generally identified by Marion County as commercial uses suited to the Urban Area in the Employment Center or Commerce District land use designations. Past distillery or similar approvals granted by Special Use Permit as an accessory extension of a rural agricultural property have limited the scope of such uses to maintain compatibility with the surroundings. Many such operations have been located on paved roadways, and operations which have grown larger than their established limits have adjusted operations to provide urban setting opportunities, a

primary example of which is the Katya Vineyards site that now features a retail store front operation located within the City of Ocala.

Infrastructure

The property is located in the Rural Lands and outside the Urban Growth Boundary in an existing rural neighborhood subdivision of generally 1-to-2 acre lots. The roadway travel distance to the site from W. Hwy 40 is approximately 2.5 miles, and the route is not a direct connection route requiring three (3) turns for access to and from the site. None of the subdivision roadways are currently paved, although the roadways are in a stabilized form and maintained by the Marion County Office of the County Engineer; however, the roadways are subject to environmental conditions between county maintenance actions with uneven surfaces apparent with staff's site visit. While the overall subdivision is part of a larger grouping of rural neighborhood subdivisions, it is not evident if, or when, further roadway improvements may be warranted. A commercial gift shop/tasting room/area would increase traffic to the site, along with the continuing traffic of the distillery operation.

The residence is served by on-site well and septic tank/drainfield and Marion County Utilities has noted that any additional development of this parcel including generating additional water or wastewater flows requires connection to MCU's utility system, by extension at Owner's expense unless waiver(s) applied for by, and granted to Owner for utility connection(s). The Office of the County Engineer Stormwater division similarly noted that any additional development of this parcel increasing impervious surface amounts will be subject to Major Site Plan review.

Analysis

In reaching its decision, the Commission must address the following:

1. **Granting the proposed use will adversely affect the public interest.** The site consists of two $\pm$ 1-acre lots surrounded by similar parcels that make up the Westwood Acres North Subdivision consisting of 391 lots. The expansion and renewal of the proposed use would further increase and expand the production capabilities of a typically urban commercial use and initiate customer visitation into the surrounding rural neighborhood subdivisions which lack infrastructure of an urban nature such as paved roadways and street lighting for key intersections. Further, the now existing improvements were completed in conflict with the original and current SUP and have resulted in unauthorized setback encroachments that are ineligible for variance as they are the result of unpermitted improvements that provide inadequate accommodations for the general public in regards to parking, accessibility, and potential public safety. The proposed use, as recommended, will adversely affect the public interest.
2. **The proposed zoning change is not consistent with the current Comprehensive Plan.** The FLU Map 1: Marion County 2035 Future Land Use Map of the Comprehensive Plan designates the site as Rural Land. The expansion and renewal of the proposed use would further increase and expand the production capabilities of a typically urban commercial use and initiate customer visitation into the surrounding rural neighborhood subdivisions inconsistent with Future Land Use Element Policies 2.1.6 and 3.1.4. The proposed use, as recommended, is not consistent with the Comprehensive Plan.
3. **The proposed use is not compatible with land uses in the surrounding area.** The site consists of two $\pm$ 1-acre lots surrounded by similar parcels that make up the Westwood Acres North Subdivision

consisting of 391 lots. The expansion and renewal of the proposed use would further increase and expand the production capabilities of a typically urban commercial use and initiate customer visitation into the surrounding rural neighborhood subdivisions which lack infrastructure of an urban nature such as paved roadways and street lighting for key intersections. Further, the now existing improvements were completed in conflict with the original and current SUP and have resulted in unauthorized setback encroachments that are ineligible for variance as they are the result of unpermitted improvements that provide inadequate accommodations for the general public in regards to parking, accessibility, and potential public safety. The proposed use, as recommended, is not compatible with the surrounding area.

STAFF RECOMMENDATION: DENIAL

**PLANNING & ZONING COMMISSION RECOMMENDATION:
DENIAL (4-1)**

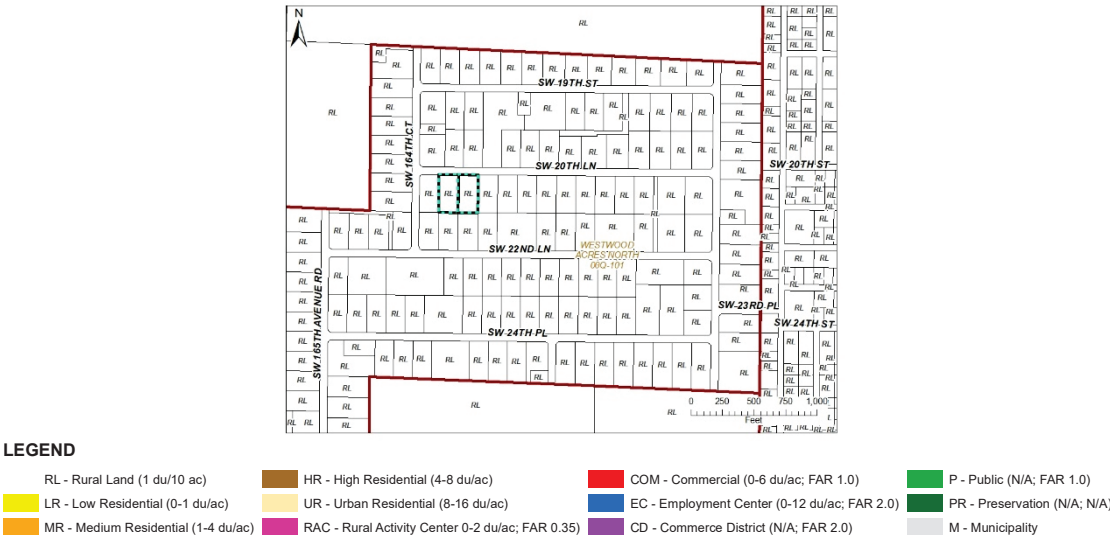
ALTERNATIVE APPROVAL CONDITIONS:

1. The site shall be developed and operated consistent with the Special Use Permit Application, the submitted conceptual plan, and the conditions as provided with this approval.
2. Access to the site shall be from SW 20th Lane.
3. The artisanal micro-distillery structures and operations shall be conducted consistent with following:
 - a. On PID# 2091-008-002:
 - i. Distillery storage building (DSP Bonded Storage) – 8' x 26' = 208 SF
 - b. On PID# 2091-008-003:
 - i. Main distillery building (SDP General Premise and DSP Bonded Production) – 38' x 32' = 1,216 SF
 - ii. Gift shop/tasting room – 24' x 32' = 768 SF
 - iii. South accessory/processing areas:
 1. Ice Machine & Chiller – 8 x 11' = 88 SF
 2. Smoker Area – 20' x 11' = 220 SF
 3. Grinding Area – 11' x 11' = 121 SF
 4. Malt Room (shed) – 11'2" x 11' = 123 SF
 5. Cleaning Area – 2'9" x 11' = 30 SF
 6. Gift shop/tasting room single-stall restroom – (currently ±4' x SF ±4' = ±16 SF),
 - iv. SW Corner - Metal storage shed – ±10' x ±12' = 120 SF
4. Within thirty (30) days of approval of this Special Use Permit, the applicant shall submit the following plans for review and approval through the County's appropriate review processes:
 - a. Site plan to address site development requirements for both parcels, including but not limited to, stormwater, fire safety, utilities, parking & traffic design, etc. that coincide with the proposed use(s), and
 - b. Building Permit(s) to insure the site's structures comply with Florida Building; in the event the owner/applicant fails to file the required plans, the Special Use Permit will expire.
5. The applicant shall obtain satisfactory final inspections for the site plan and Building Permit(s) for existing structures within ninety (90) days of approval of this Special Use Permit; in the event the owner/applicant fails to obtain the required final inspections, the Special Use Permit will expire.
6. Tasting room events shall be conducted by appointment only, with a maximum of (sixteen) 16 participants per tasting event. Tasting events will be limited to one event per day, Thursday through Sunday, and all tasting events will conclude at or before 8 p.m.

7. All gift shop operations and sales shall be conducted as part of the tasting room operation/experience; no independent commercial sales shall occur on-site.
8. No commercial signage shall be allowed on-site.
9. A corporate business officer and/or partner in Fish Hawk Spirits, LLC, shall reside on-site on Parcel Number 2091-008-003.
10. The Special Use Permit shall run with the owners (Jacquelyn F. Brady and Fish Hawk Spirits, LLC) and leasing operator, Fish Hawk Spirits, LLC, and not the property. In the event Jacquelyn F. Brady sells the property to Fish Hawk Spirits, LLC the Special Use Permit will remain valid with Fish Hawk Spirits, LLC then identified as the owner/operator. Any other change in ownership and/or any change in the leasing operator shall cause the Special Use Permit to expire; however a new Special Use Permit Application to modify the ownership and leasing operator requirements may be submitted for consideration through the Special Use Permit review process (or review process equivalent at that time).
11. The Special Use Permit shall expire on **December 29, 2024**; however it may be renewed administratively up to two (2) times, in five-year increments, by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:
 - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
 - b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
 - c. The Growth Services Manager determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).



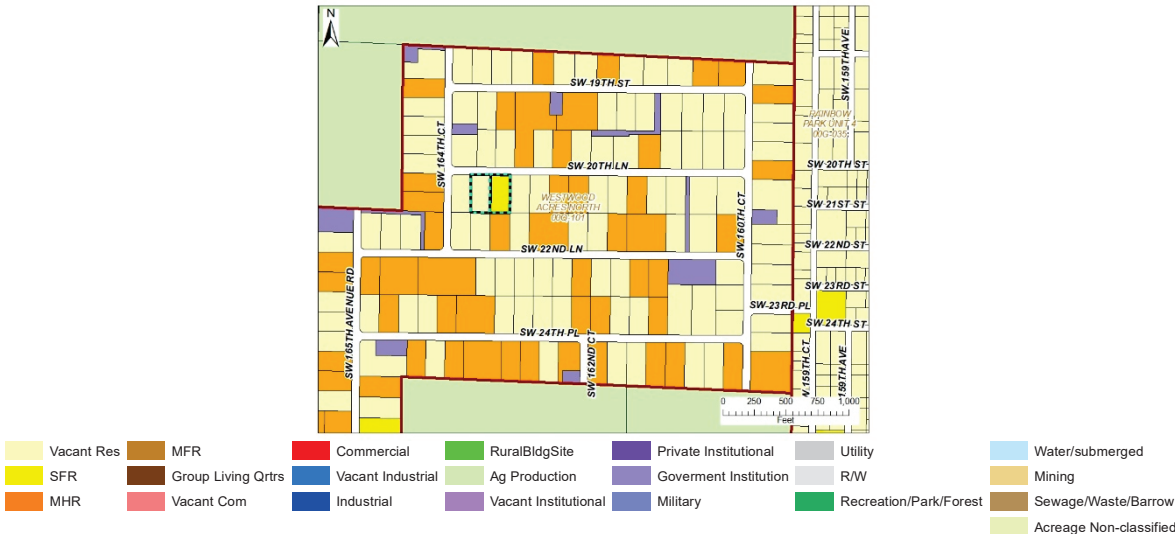
EXISTING FUTURE LAND USE DESIGNATION



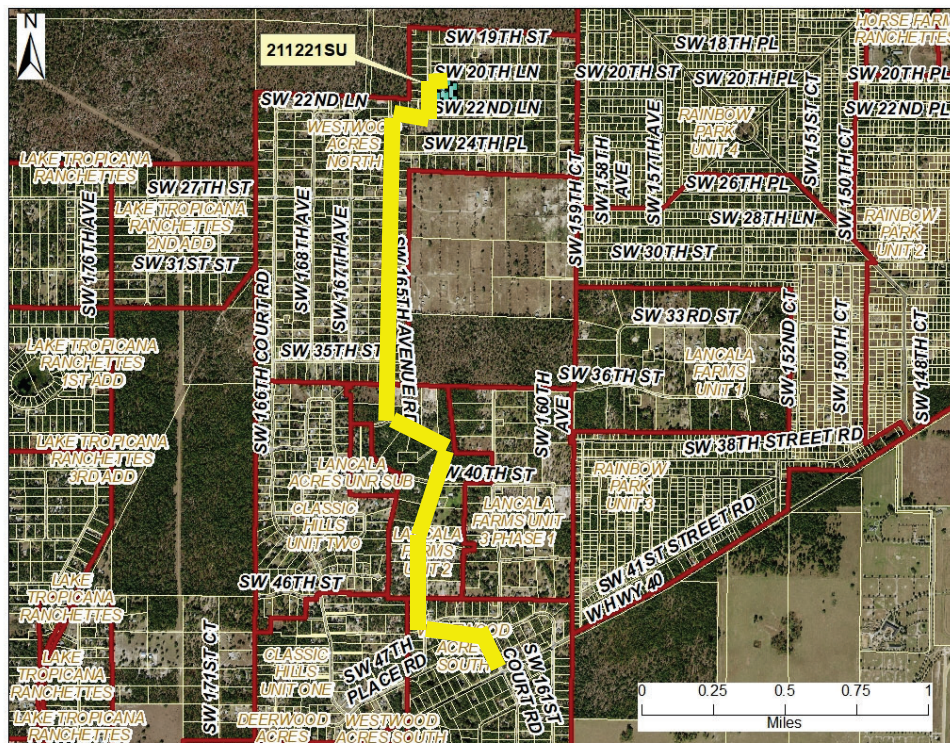
EXISTING ZONING



EXISTING USE PER MARION COUNTY PROPERTY APPRAISER'S OFFICE PROPERTY CODE



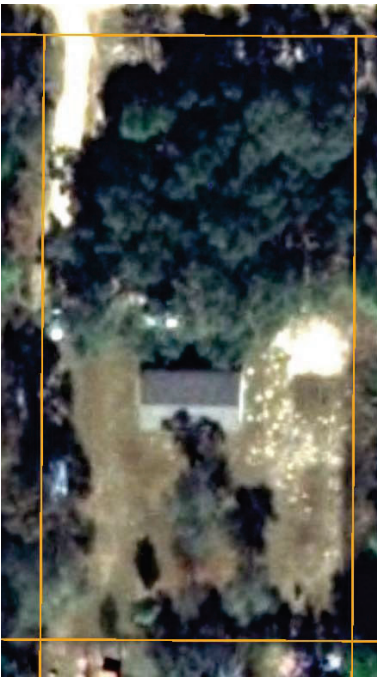
EXPANDED AERIALS



Travel route to site from W. Hwy 40 is marked with yellow line.

AERIAL PHOTO HISTORY (ORIGINAL PARCEL)

SOURCE: MARION COUNTY GEOGRAPHIC INFORMATION SYSTEM/FLOIDA DEPARTMENT OF TRANSPORTATION



2011



2013



2015



2017



2019

SOURCE: GOOGLE EARTH (EST. ORIGINAL PARCEL IN YELLOW, 2ND PARCEL IS TO RIGHT)



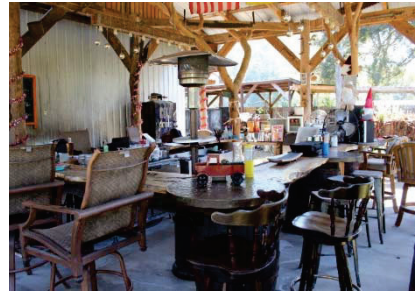
2021 SITE PHOTOS



1. View of enlarged distillery building



Views of gift shop/tasting room/area



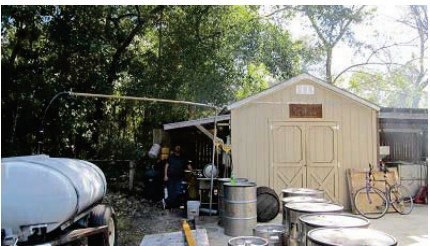
2. Views of gift shop/tasting room/area and rear accessory distilling operation area



3. Views of gift shop/tasting room/area restroom and south fence line and rear accessory distilling operation area



4. Views of rear accessory distilling operation area from west side.



5. Views of rear accessory distilling operation area from east side



6. View of original distillery structure enclosed by new building, with interior view of original structure.



7. Views of new building area to the west/right of the original distillery structure.



8. Views of new building area to the east/left of the original distillery structure.



9. View north from new building northwest to north/northeast. Storage container to right beyond ATV is "off-site."



10. View northwest to west from original site – Left is property to be added to site (used for crop area); on-site residence is on right.



11. Views of storage building, ag. equipment and storage shed along south boundary of property to be added to the site.

2015 SPECIAL USE PERMIT SITE PHOTOS



1.
View of chain link fence that surrounds the distillery.



2.
View of fermenting vats on east/left side distillery building.



3.
View of distillery building.



4.
View of bottling area on west/right side of distillery building.



5.
View of privacy fence at rear of distillery building.

VARIANCE ACTION FORM

ITEM NO: 211205V

DATE OF PUBLIC HEARING: December 6, 2021

OWNER NAME(s):

Jacquelyn F. Brady
1180 SW 158th Avenue
Ocala, FL 34481

AGENT NAME(s):

Joseph Fiano – c/o: Fish Hawk Spirits, LLC.
16350 SW 20th Lane
Ocala, FL 34481

LEGAL DESCRIPTION OF PROPERTY: Parcel Account No. 2091-008-003, SEC 21 TWP 15 RGE 19, "Westwood Acres North", in Marion County, Florida.

VARIANCE REQUESTED: Requests a reduction of the (East) side setback from 25' to 1, and a reduction of the (South) rear setback from 25' to 5' for an existing distillery building and accessory structures for artisanal craft micro-distillery (Fish Hawk Spirits, LLC), in an A-1 (General Agriculture) 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, 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. X **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) Any future/additional building(s) on this property must be done in accordance to all current codes and must have all properly approved permits to proceed.

CHAIRMAN

12-6-2021

DATE