

# MINUTES

## **MARION COUNTY BOARD OF ADJUSTMENT February 3rd, 2025**

A public hearing of the Marion County Board of Adjustment was held on February 3rd, 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; Vice Chairman C. Cadell Hager; Members Ernest Hemschot, Thomas Phillips, Douglas Sherwood, Jackie Alsobrook; and Alternate Samuel Hunt. Staff members present were: County Attorney Dana Olesky, Growth Services Director Chuck Varadin, Growth Services Deputy Director Kenneth Weyrauch, Staff Assistant IV Kelly Hill, along with Zoning Technicians Lynda Smith, Jeremy Craig, Cristina Franco and Danielle Nabbie.

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

Chairman Barber and Atty. Dana Olesky explained the procedures for hearing variance requests and Atty. Olesky administered the Oath en masse.

Kenneth Weyrauch 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     **250201V** - Daniel Gray requests a Variance, Section 2.9, of the Marion County Land Development Code, to reduce the ESOZ waterfront setback from 75' to 38.8' for a proposed 30' x 32' Storage Building, in a Single-Family Dwelling (R-1) zone, on an approximate 0.40 Acre Parcel, on Parcel Account Number 48764-000-00, Site Address 12455 SE 135<sup>th</sup> Terr., Ocklawaha, FL, 32179

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

There were 21 homeowners notified within 300' of the parcel, and no letters of opposition nor support received.

This Single-Family Residence was built in 1943, prior to the ESOZ regulations going into effect. A reduction of the waterfront setback from 75' to 38.8' is the minimum variance that will allow for the placement on a 30' x 32' storage building. Trees and other structures prohibit placement anywhere else. Granting of the request will not confer on the applicant special privilege. Many parcels in these areas require ESOZ reductions because these parcels were created prior to the ESOZ regulations going into effect.

## **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.

Ernest Hemschot 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.

Cadell Hager made a motion to second.

## **Motion to Approve - Passed 6 to 1 with Thomas Phillips dissenting.**

- 2.2     **250202V** - Scott and Terri Blocker request a Variance, Section 2.9, of the Marion County Land Development Code, to reduce the front setback from 75' to 49' for a proposed Screened Porch, in a Mixed Residential (R-4) zone, on an approximate 0.23 Acre Parcel, on Parcel Account Number 05664-001-05, Site Address 18632 NE 238<sup>th</sup> Ave, Fort McCoy, FL, 32134

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

There were 23 homeowners notified within 300' of the parcel, and no letters of opposition nor support received.

This unrecorded subdivision was created in 1970, prior to the ESOZ and Zoning regulations going into effect. A reduction of the waterfront setback from 75' to 49' is the minimum variance that will allow for the proposed screened porch. Granting of the request would not be irregular to the surrounding area and will not confer on the applicant special privilege. Many parcels in these areas require ESOZ reductions because these parcels were created prior to the ESOZ regulations going into effect.

## **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.

Cadell Hager 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.

Samuel Hunt made a motion to second.

**Motion to Approve - Passed 7 to 0.**

- 2.3     **250203V** - David and Rachelle Williamson request a Variance, Section 2.9, of the Marion County Land Development Code, to reduce the rear setback from 8' to 4.5' for a proposed screen enclosure, in a Planned Unit Development (PUD) zone, on an approximate 0.14 Acre Parcel, on Parcel Account Number 7021-001-021, Site Address 11516 SW 69<sup>th</sup> Cir., Ocala, FL, 34476

Ken Weyrauch presented the case and read the report into the record.

There were 32 homeowners notified within 300' of the parcel, and four letters of support were received. No letters of opposition received.

This home is positioned deeper within the lot, leaving less room on the back. This parcel is currently vacant and owners are wishing to build. A reduction of the setback from 8' to 4.5' is the minimum variance that will allow the proposed screen enclosure. Granting of the request will not confer on the applicant special privilege.

**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.

Douglas Sherwood 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.

Cadell Hager made a motion to second.

**Motion to Approve - Passed 7 to 0.**

## **OTHER BUSINESS:**

Jackie Alsobrook has questions about updating the code for Legally Non-Conforming structures. Alsobrook mentions that many of the Variances that are brought before the board, and granted, are due to the same ESOZ setback requirements. Discussion amongst board members on topic.

Attorney Dana Olesky stated the code for ESOZ hasn't been changed since 2013, and she explains the process as it relates to changes to the Land Development Code and gives a brief list of items that are currently being addressed with the board. Dana will continue to discuss with staff upcoming changes. Dana then provides an explanation of the Variance process and its purpose.

There are no March BOA cases. Next BOA hearing scheduled for April 7th, 2025.

## **MINUTES:**

The **November 4, 2024** 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 3:35 PM.

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Donald M. Barber, Chairman

Attest:

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Kelly A. Hill, Staff Assistant IV