

# 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 Hagar 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.

  
\_\_\_\_\_  
Donald M. Barber, Chairman

Attest:



Kelly A. Hill, Staff Assistant IV



**VARIANCE ACTION FORM**

ITEM NO: 250201V

DATE OF PUBLIC HEARING: FEBRUARY 3, 2025

OWNER NAME(s):

Daniel Gray  
12455 SE 135<sup>th</sup> Ter  
Ocklawaha, FL 32179

AGENT NAME(s):

N/A

LEGAL DESCRIPTION OF PROPERTY: Parcel Account No. 48764-000-00, SEC 15 TWP 17 RGE 24, in Marion County, Florida.

VARIANCE REQUESTED: Request to reduce the waterfront setback from 75' to 38.8' for a proposed Storage Building, in a Single-Family Dwelling (R-1) zone.

\*\*\*\*\*

**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. ✓  
Hemshot  
Heager

**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

02-03-2025  
DATE

**VARIANCE ACTION FORM**

ITEM NO: 250202V

DATE OF PUBLIC HEARING: FEBRUARY 3, 2025

OWNER NAME(s):

Scott & Terri Blocker  
18632 NE 238<sup>th</sup> Ave.  
Fort McCoy, FL 32134

AGENT NAME(s):

N/A

LEGAL DESCRIPTION OF PROPERTY: Parcel Account No. **05664-001-05**, SEC 26 TWP 12 RGE 25, in Marion County, Florida.

VARIANCE REQUESTED: Request to reduce the front setback from 75' to 49' for a proposed Screened Porch, in a Mixed Residential (R-4) zone.

\*\*\*\*\*

**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 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. 7-0

**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. \_\_\_\_\_

Hager  
Hunt

CHAIRMAN

02-03-2025  
DATE

**VARIANCE ACTION FORM**

ITEM NO: 250203V

DATE OF PUBLIC HEARING: FEBRUARY 3, 2025

OWNER NAME(s):

David & Rachelle Williamson  
11516 SW 69<sup>th</sup> Cir  
Ocala, FL 34476

AGENT NAME(s):

N/A

**LEGAL DESCRIPTION OF PROPERTY:** Parcel Account No. **7021-001-021**, SEC 32 TWP 16 RGE 21, in Marion County, Florida.

**VARIANCE REQUESTED:** Request to reduce the rear setback from 8' to 4.5' for a proposed Screen Enclosure, in a Planned Unit Development (PUD) zone.

\*\*\*\*\*

**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.

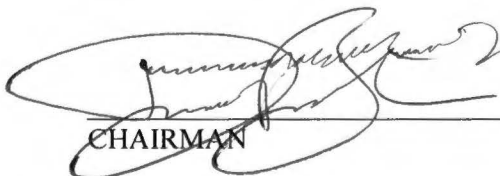
2. ✓ **GRANTED:** Based on the Board of Adjustment's finding that the requirements of Paragraph 1 above have been demonstrated by the applicant for Variance.

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

02-03-2025  
DATE

Sherwood  
Hager  
7-0