

MINUTES

MARION COUNTY BOARD OF ADJUSTMENT April 1, 2024

A public hearing of the Marion County Board of Adjustment was held on April 1, 2024 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 and Vice-Chairman Jack Stackman, Members: Ernest Hemschot, Thomas Phillips, Nathanael Ramos and Douglas Sherwood. Alternate Samuel Hunt attended as an Observer for his 1st meeting. Staff members present were: Chief Assistant County Attorney Dana Olesky, Growth Services Deputy Director Kenneth Weyrauch, Staff Assistant IV Darlene A. Pocock, along with Planner II Kathleen Brugnoli, Zoning Technician Lynda Smith and Code Enforcement Officer Gabino Cortez.

Thomas Phillips gave the Invocation, followed by Nathanael Ramos leading the Pledge of Allegiance.

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

Kathleen Brugnoli 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 **240301V** – John C. and Laura M. Hubbard, request a **Variance** in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the SW side setbacks from 25' to 9.9' for an existing 12'x20' shed (A), from 25' to 23.9' for an existing 12'x20' shed (B) and from 25' to 9.11' for an existing 10'x10' shed (C), all with concrete slabs, in a General Agriculture (A-1) zone on Parcel Account Number 2970-003-002 addressed as 5450 SE 17th Street, Ocala, FL 34480.

Lynda Smith presented the case and read the report into the record stating that this request is for the 3 existing sheds.

There were 9 homeowners notified within 300' of the parcel, with 2 letters of support received (1 adjacent neighbor and a HOA approval letter) and no letters of opposition received.

John Hubbard, 5450 SE 17th Street, Ocala, FL 34480, stated that there were 2 sheds on site (sheds B & C) and no issues were reported from the realtor when he had purchased the property. Mr. Hubbard explained that shortly thereafter he had gone away for an extended time to care for both of his elderly parents. When his father had passed, he started planning to move his mother down into his new home and had hired a shed company to install a shed for some of her belongings. Mr. Hubbard continued to explain that he has signed documents that the shed company was to pull

permits, prepare a concrete pad and install the shed accordingly. Mr. Hubbard concluded that he did contact the company after it was brought to his attention that the shed was unpermitted and he was only refunded a portion of the money that he had originally paid for the permit.

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 with *Conditions and Safeguards. (**“Should the structure be removed for any reason, any replacement structure must meet the then required setbacks or a variance must be requested.”*)

Nathanael Ramos made a motion to second.

Motion to Approve - Passed 5 to 1 with Donald Barber dissenting.

MINUTES:

The **March 4, 2024** Board of Adjustment Minutes were moved for Approval upon a motion by Douglas Sherwood with a second by Ernest Hemschot.

Motion for Approval - Passed 6 to 0.

ADJOURNED: The meeting adjourned at 3:16 PM.

Donald M. Barber, Chairman

Attest:

Darlene A. Pocock, Staff Assistant IV