



# Marion County Board of Adjustment

**Date: 3/8/2021**

**BOA Hearing: 05/03/2021**

**Item Number**  
**210503V**

**Type of Application**  
Variance

**Request**  
Proposed side setback reduction from 25' to 5' for a new office/warehouse building

**Applicant**  
Billy D. Cope

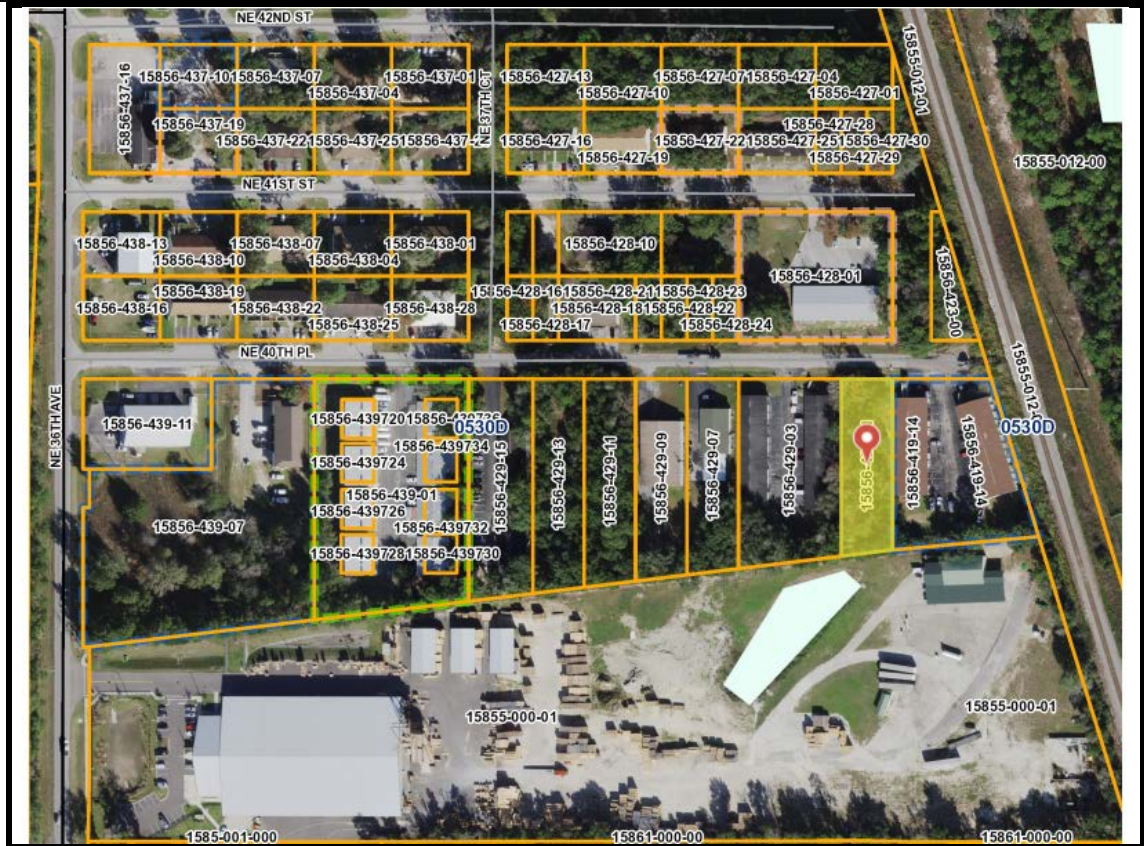
**Owner**  
Davis Dinkins, P.E.

**Parcel #** 15856-429-01  
**Acreage**  
.50+/-

**Existing Zoning**  
M-1 Light Industrial

**Existing Land Use**  
Specialized Commerce District

**Project Planner**  
Kathleen Brugnoli  
Zoning Tech



## Item Summary

This is a request to reduce the side setbacks for a proposed 100'X30' office/warehouse from 25' to 5'. This proposed structure requires a variance due to the size of the parcel and the setbacks required for M-1 zoning.

The Marion County Land Development Code (LDC), Section 4.2.27 E requires side setbacks to be a minimum of 25' from proposed structure to property lines.

This request is in accordance with the Marion County Land Development Code, Article 2, Division 9 "Variance", in M-1, Light Industrial Zoning Classifications. Subject property is located in the subdivision called George S. Mayo of Silver Springs Park, a platted and recorded subdivision. Requesting a reduction for side setbacks is consistent with development in the area as the structures to the East and West also have side setbacks of approximately 5'.

**Additional Information**

**Springs Protection Zone:**

Primary Zone

**Environmentally Sensitive Overlay Zone:**

No

**Farmland Preservation Area:**

No

**Flood Zone Designation:**

X

**Utilities:**

**Water:** Well

**Sewer:** Septic

**Previous Requests in the Surrounding Area:** See chart on page 3

**Code Enforcement Action:** NONE

**Location/Access**

North on NE 36<sup>th</sup> Ave., then right on NE 40<sup>th</sup> Pl. and site will be on the right.

**Land Development Code Requirements**

Section 4.2.27 E - M-1 Light Industrial setbacks are as follows:

Minimum Front Setback: 40'

Minimum Rear Setback: 25'

Minimum Side Setback: 25'

ADJACENT PROPERTIES			
Direction of Adjacency	Future Land Use Designation	Zoning	Existing Use/MCPA Property Class
North	High Density Residential	R-3 Multiple Family Dwelling	(72) School-College/Private
South	Specialized Commerce District	M-2 Heavy Industrial	(43) Lumber Yard/Sawmill
East	Specialized Commerce District	M-1 Light Industrial	(48) Warehouse/Distribution
West	Specialized Commerce District	B-5 Heavy Business	(48) Warehouse/Distribution

## Photographs



Property from the road



Property from the road





West Portion of Property



End of Property on West side and neighboring structure



East Portion of Property



End of property on East side and neighboring structure



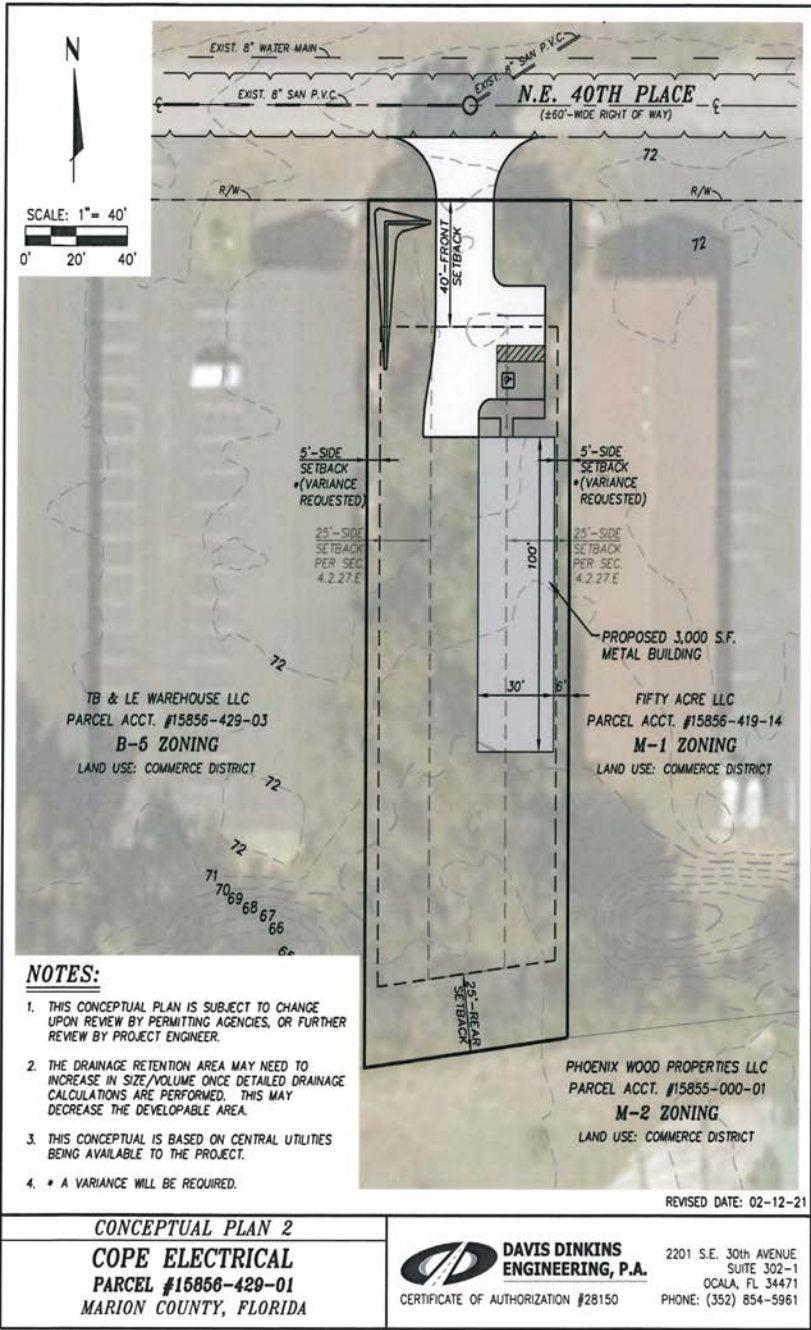
### Aerial View



### Previous Requests in the Surrounding Area

Properties on either side of this parcel did not require a variance for reduced setbacks as they were developed from 1984-1987, prior to our current Land Development code. These properties are being used for similar Heavy Commercial/Industrial Uses and have side setbacks of approximately 5' as well.

Concept Plan







Marion County  
Board of County Commissioners  
Growth Services  
2710 E. Silver Springs  
Blvd. Ocala, FL 34470  
Phone: 352-438-2675 Fax:  
352-438-2676

OFFICE USE ONLY

Received By: EM mailed in

Date Received: 2/26/21  
# 210503V

VARIANCE APPLICATION AR#: 26330

Application #: 210503V  
FOR COUNTY USE ONLY

PA#: 15856-429-01

Parcel Account Number of Subject Property

THE UNDERSIGNED REQUESTS A VARIANCE AS REFERENCED IN SECTION 2.9 OF THE MARION COUNTY LAND DEVELOPMENT FOR THE PURPOSE OF:

Proposed 3000 sq. ft. metal building  
Constructing office/warehouse building to support a Marion County based electrical contracting business.

asking for a 5' side setback in M1 zoning  
which requires 25' setback

Section of Code requesting variance from: 4.2.27.E

Legal Description (Please attach a copy of deed). Total Acreage of subject property: .50 +/- acres

Directions to subject property:

North on NE 36th Ave., then right on NE 40th PL and site will be on right.

Please Note: **Property owner must sign this application:** Otherwise he/she must attach to this application written authorization naming an agent to act in his/her behalf.

X Billy Cope c/o Billy D. Cope, Mgr. of  
AOW Cope Properties, LLC

(Print/Signature) Property Owner

2826 NE 32nd PL ✓

Address

Ocala, FL 34479

City, State, Zip Code

352.572.5164, billycope760@gmail.com

Contact Info: Phone, cell, e-mail address

Davis Dinkins, P.E.

(Print) Applicant or Agent

Davis Dinkins Engineering, P.A.  
2201 SE 30th Ave., Ste. 302-1

Address

Ocala, FL 34471

City, State, Zip Code

352-854-5961  
davis@dinkinsengineering.com

Contact Info: Phone, cell, e-mail address

THE FILING FEE IS \$ 550 NON-REFUNDABLE. WE RECOMMEND THAT THE OWNER, APPLICANT OR AGENT BE PRESENT AT THE HEARING. IF NO REPRESENTATIVE IS PRESENT AND THE BOARD REQUIRES ADDITIONAL INFORMATION. THEY MAY DECIDE TO POSTPONE OR DENY THE REQUEST. NOTICE OF SAID HEARING WILL BE MAILED TO THE ABOVE ADDRESS. ALL INFORMATION GIVEN MUST BE CORRECT AND LEGIBLE TO BE PROCESSED. PLEASE NOTE THAT A WRITTEN PETITION (REFER TO PAGE 2 & 3) MUST BE PROVIDED WITH THIS APPLICATION, ALONG WITH A SITE PLAN IN ORDER TO BE CONSIDERED COMPLETE. FOR FURTHER INFORMATION CONTACT THE MARION COUNTY GROWTH SERVICES.

prj. 2020 11 0047  
AR 26330

Sec. 35-14-22

Empowering Marion for Success

www.marioncountyfl.org

"George S. Mayo



**WRITTEN PETITION FOR VARIANCE**

**WRITE YOUR ANSWERS IN THE SPACE PROVIDED AFTER EACH STATEMENT. PLEASE COMPLETE ALL REPLIES USING A SENTENCE FORM.** A VARIANCE FROM THE TERMS OF THESE REGULATIONS SHALL NOT BE GRANTED BY THE BOARD OF ADJUSTMENT UNLESS A WRITTEN PETITION FOR A VARIANCE IS SUBMITTED JUSTIFYING THE FOLLOWING:

**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.**

*Applicant's justification:*

The existing lot is roughly +/- 80' wide which leaves only +/- 30' of wide directly in the middle, available for building placement.

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

*Applicant's justification:*

The subdivision was platted prior to adoption of the current code which includes the 25' side setback requirement (and a 200' wide minimum lot width).

**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 are under the terms of said regulations and would work unnecessary and undue hardship on the applicant.**

*Applicant's justification:*

Surrounding lots are already developed in a manor similar to requested variance, with building placement closer to side property lines.



**D.** The Variance, if granted, is the minimum Variance that will allow the reasonable use of the land, building or structure.

*Applicant's justification:*

**5' side yard setback**

**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.

*Applicant's justification:*

**Other lots within this subdivision are already developed in a similar manner.**

**F.** The granting of the Variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

*Applicant's justification:*

**Other lots within this subdivision are already developed in a similar manner.**



**Jimmy H. Cowan, Jr., CFA**  
**Marion County Property Appraiser**



501 SE 25th Avenue, Ocala, FL 34471 Telephone: (352) 368-8300 Fax: (352) 368-8336

# 210503V

## 2021 Property Record Card

**15856-429-01**

Prime Key: 1909147

MAP IT - BETA MAP IT+ -

Current as of 2/26/2021

### Property Information

**AOW COPE PROPERTIES LLC**

2826 NE 32ND PL

OCALA FL 34479-3086

### Taxes / Assessments:

Map ID: 211

Millage: 9001 - UNINCORPORATED

M.S.T.U.

PC: 40

Acres: .50

## Current Values NOT Available

Ex Codes:

### History of Assessed Values

Year	Land Just	Building	Misc Value	Mkt/Just	Assessed Val	Exemptions	Taxable Val
2020	\$22,869	\$0	\$0	\$22,869	\$22,869	\$0	\$22,869
2019	\$21,735	\$0	\$0	\$21,735	\$21,735	\$0	\$21,735
2018	\$21,735	\$0	\$0	\$21,735	\$21,735	\$0	\$21,735

### Property Transfer History

Book/Page	Date	Instrument	Code	Q/U	V/I	Price
<u>7215/1405</u>	06/2020	07 WARRANTY	4 V-APPRAISERS OPINION	Q	V	\$20,000
<u>5447/0397</u>	11/2010	62 DISTR	0	U	V	\$100
<u>IM87/0383</u>	11/1987	EI E I	0	U	V	\$16,243
<u>1217/0592</u>	05/1984	07 WARRANTY	0	U	V	\$12,500

### Property Description

**SEC 35 TWP 14 RGE 22**

**PLAT BOOK A PAGE 016**

**GEORGE S MAYO OF SILVER SPRINGS PARK**

**BLK 429 LOTS 1.2.29.30 PT LOTS 1.2. BLK 430**

**AN THAT PT OF NE 39TH LYING BETWEEN BLK 429 & 430**

**DESC AS FOLLOWS: BEG AT NE COR OF LOT 1 BLK 429 TH**

**S 00-03-49 W 265.87 FT TH S 83-11-26 W 80.58 FT TH**

**N 00-03-49 E 275.54 FT TH S 89-55-14 E 80 FT TO POB**

**Parent Parcel: 15855-008-00**

### Land Data - Warning: Verify Zoning

Use	CUse	Front	Depth	Zoning	Units Type	Rate	Loc	Shp	Phy	Class	Value	Just Value
GISF	4000	80.0	271.0	M1	21,780.00	SF						
Neighborhood 9983 - COMM-NE 36TH AVE N OF SR 40												
Mkt: 2 70												

### Miscellaneous Improvements

## Detail by Entity Name

210503V

Florida Limited Liability Company

AOW COPE PROPERTIES LLC

### Filing Information

**Document Number** L20000135954  
**FEI/EIN Number** 85-1239203  
**Date Filed** 05/19/2020  
**Effective Date** 05/20/2020  
**State** FL  
**Status** ACTIVE

### Principal Address

2826 NE 32ND PL  
OCALA, FL 34479

### Mailing Address

2826 NE 32ND PL  
OCALA, FL 34479

### Registered Agent Name & Address

COPE, BILLY D  
2826 NE 32ND PL  
OCALA, FL 34479

### Authorized Person(s) Detail

#### **Name & Address**

Title MGR

COPE, BILLY D  
2826 NE 32ND PL  
OCALA, FL 34479

### Annual Reports

Report Year	Filed Date
2021	01/20/2021

### Document Images

01/20/2021 -- ANNUAL REPORT

[View image in PDF format](#)

05/19/2020 -- Florida Limited Liability

[View image in PDF format](#)



**COPE ELECTRICAL**  
**PARCEL #15856-429-01**  
 MARION COUNTY, FLORIDA

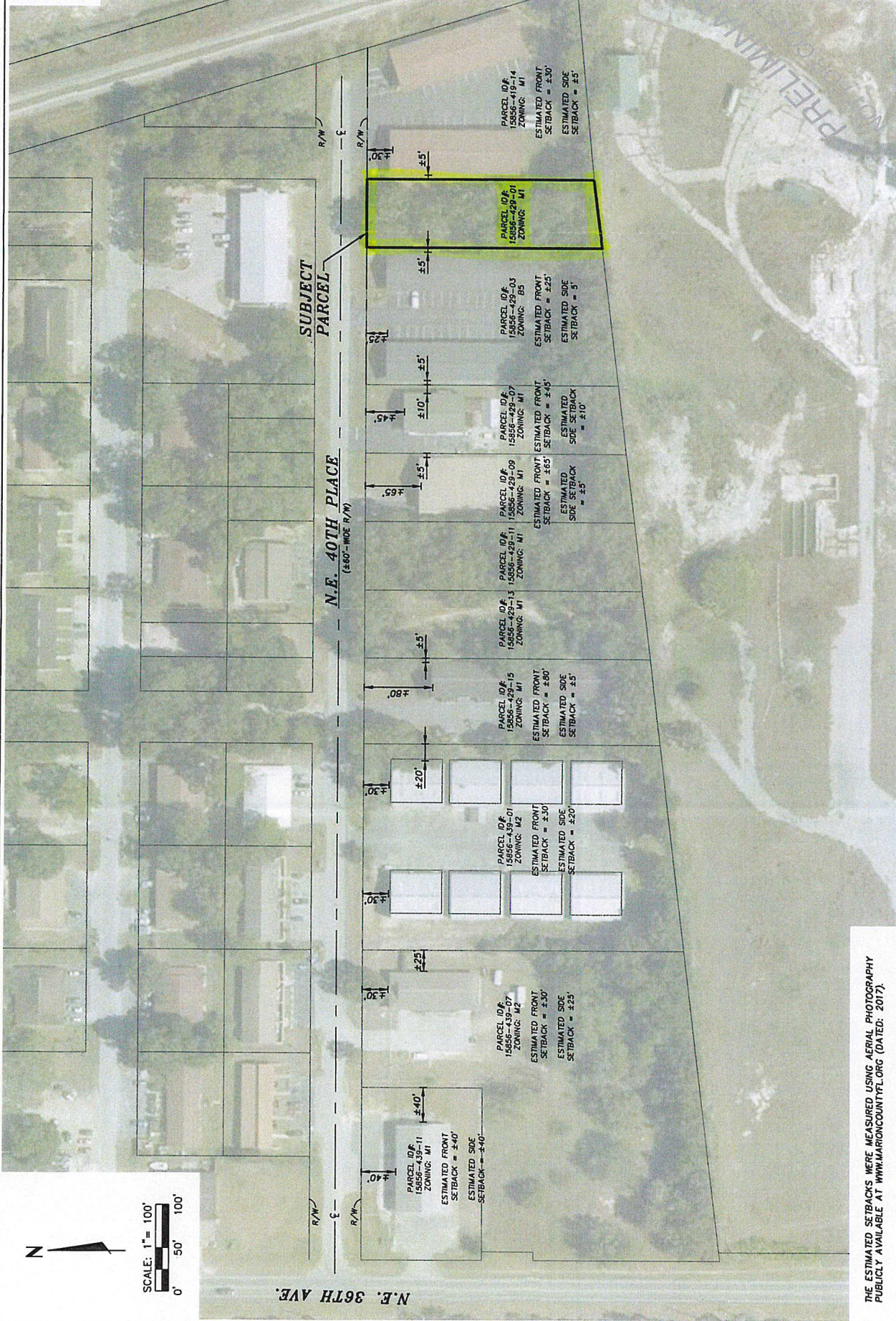
EXHIBIT

**DAVIS DINKINS**  
**ENGINEERING, P.A.**

2201 S.E. 30TH AVENUE  
 SUITE 302-1  
 OCALA, FL 34471  
 PHONE: (352) 854-5961

CERTIFICATE OF AUTHORIZATION #28150

DATE: 02-15-21

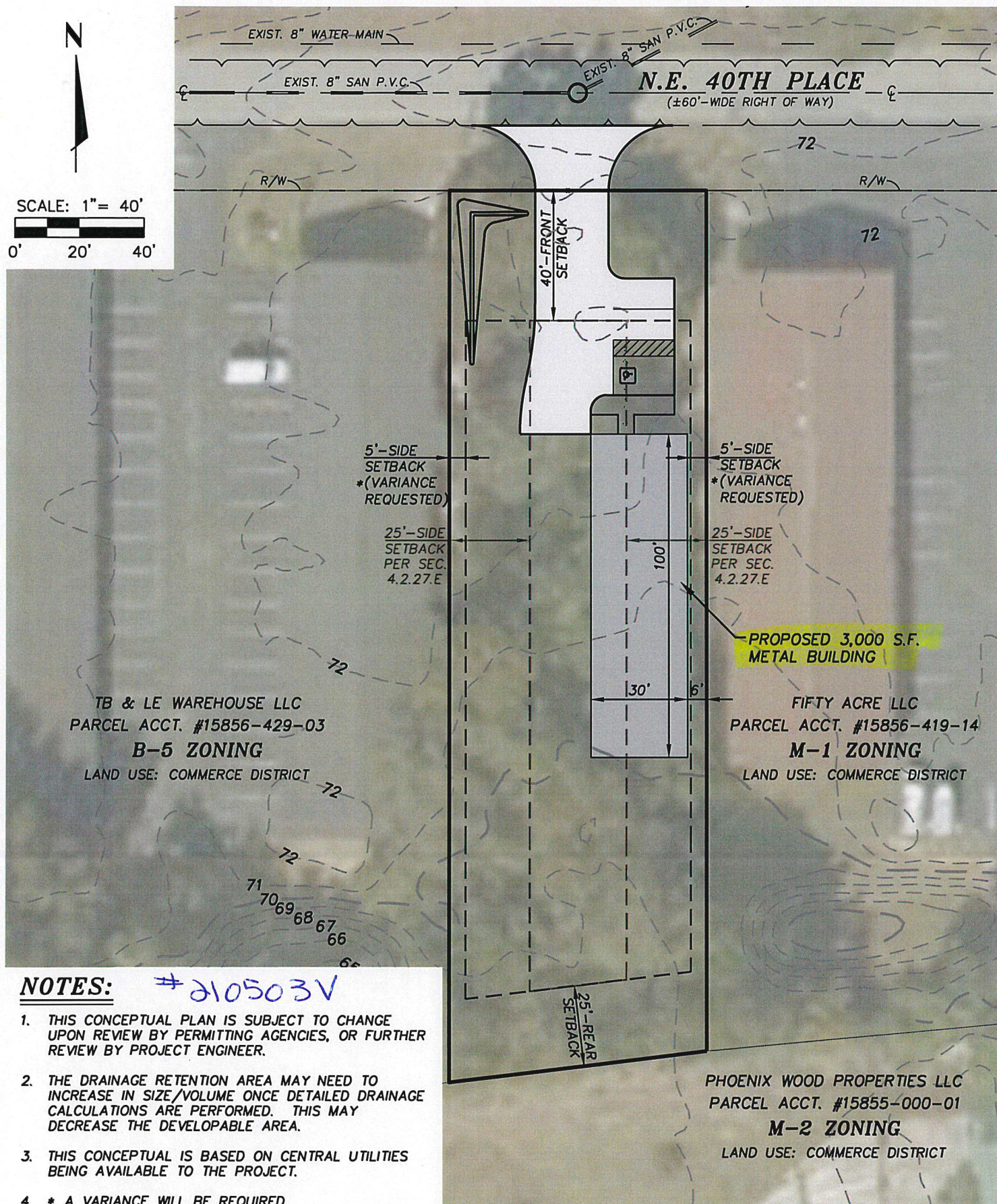
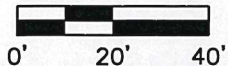


THE ESTIMATED SETBACKS WERE MEASURED USING AERIAL PHOTOGRAPHY  
 PUBLICLY AVAILABLE AT [WWW.MARIONCOUNTYFLORIDA.GOV](http://WWW.MARIONCOUNTYFLORIDA.GOV) (DATED: 2017).





SCALE: 1" = 40'



**NOTES:**

#210503V

1. THIS CONCEPTUAL PLAN IS SUBJECT TO CHANGE UPON REVIEW BY PERMITTING AGENCIES, OR FURTHER REVIEW BY PROJECT ENGINEER.
2. THE DRAINAGE RETENTION AREA MAY NEED TO INCREASE IN SIZE/VOLUME ONCE DETAILED DRAINAGE CALCULATIONS ARE PERFORMED. THIS MAY DECREASE THE DEVELOPABLE AREA.
3. THIS CONCEPTUAL IS BASED ON CENTRAL UTILITIES BEING AVAILABLE TO THE PROJECT.
4. \* A VARIANCE WILL BE REQUIRED.

REVISED DATE: 02-12-21

**CONCEPTUAL PLAN 2**  
**COPE ELECTRICAL**  
**PARCEL #15856-429-01**  
**MARION COUNTY, FLORIDA**

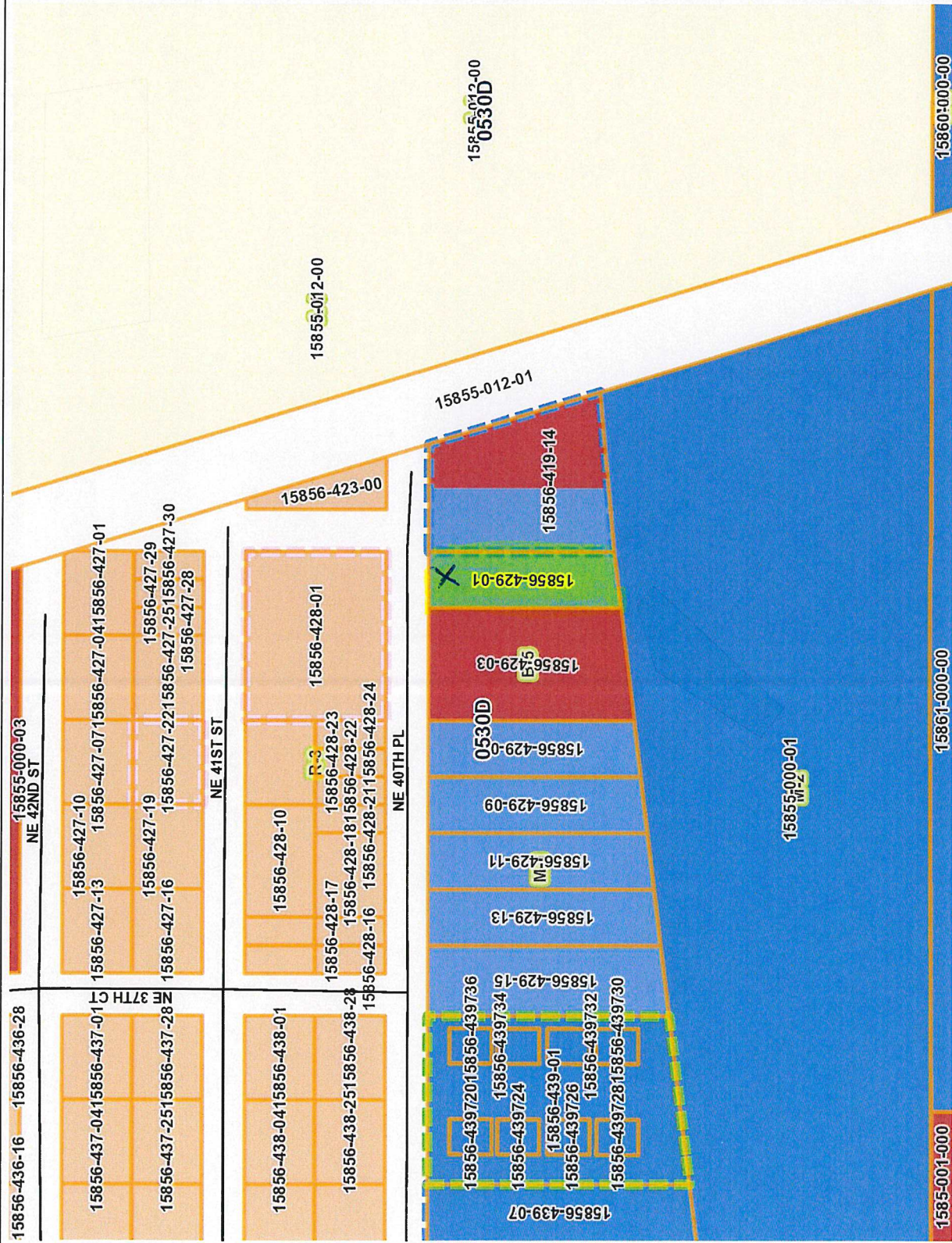
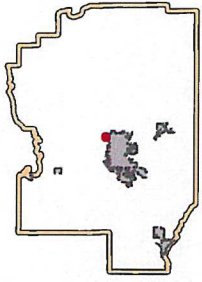


**DAVIS DINKINS**  
**ENGINEERING, P.A.**

CERTIFICATE OF AUTHORIZATION #28150

2201 S.E. 30th AVENUE  
SUITE 302-1  
OCALA, FL 34471  
PHONE: (352) 854-5961





**Legend**

- Urban Growth Boundary
- Prescriptive\_Roads
- Judgement\_Roads
- Address Search Results
- Streets
- Special Flood Hazard Areas - Chance Flood
- A - No Base Flood Elevation Determination
- AE - Base Flood Elevation Determination
- AH - Area of Ponding 1-3 ft
- Other Areas
- X - 0.2% Annual Chance Flood
- X - 1% Annual Chance Flood Less
- X - Areas Outside 0.2% Annual Chance Flood
- 2008 FIRM Panel
- Parcels
- Environmentally Sensitive Overlays
- Family Divisions



**Notes**

This map was produced by a Marion County employee using an online internal mapping viewer. All GIS features provided through the Marion County online internal mapping viewer are to be considered a generalized spatial representation which is subject to revisions. The GIS features shown hereon are not to be used as legal descriptions. For confirmation of details related to the GIS features, please contact the appropriate department or constitutional office.

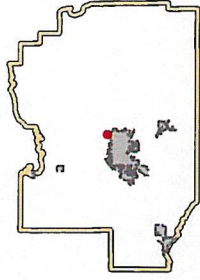
0.1 0 0.04 0.1 Miles

Projected Coordinate System: NAD\_1983\_StatePlane\_Florida\_West\_FIPS\_0902\_Feet

Created By:

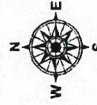
Creation Date: 2/26/2021





**Legend**

- Urban Growth Boundary
- Address Search Results
- Streets
- Parcels
- Municipalities
- Marion County



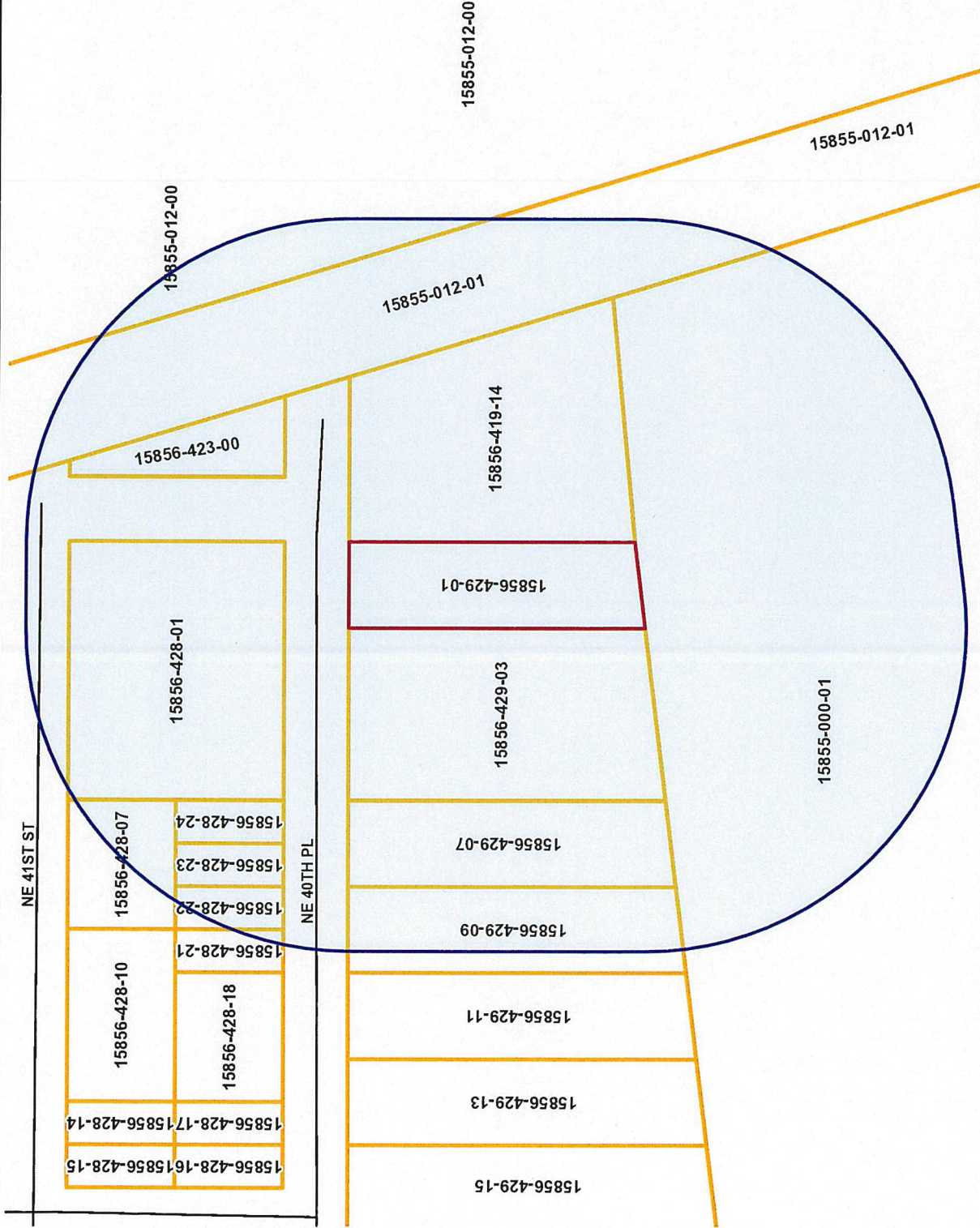
1: 1,730

1 in = 0.03 Miles

**Notes**

C/O: BILLY D. COPE, MGR  
AGENT: DAVIS DINKINS, PE

Creation Date: 3/16/2021



0.1 Miles

0.03

0

0.1

Projected Coordinate System: NAD\_1983\_StatePlane\_Florida\_West\_FIPS\_0902\_Feet

Created By: dp

This map was produced by a Marion County employee using an online internal mapping viewer. All GIS features provided through the Marion County online mapping viewer are to be considered a generalized spatial representation which is subject to revisions. The GIS features shown hereon are not to be used as legal descriptions. For confirmation of details related to the GIS features, please contact the appropriate department or constitutional office.





#210503V

Prepared by  
Christine Tippet, an employee of  
**First American Title Insurance Company**  
1808 East Silver Springs Blvd  
Ocala, Florida 34470  
(352)690-1787

Return to: Grantee

File No.: 14203-2641904  
Consideration: \$20,000.00

### **WARRANTY DEED**

This indenture made on **June 24, 2020 A.D.**, by

**Shirley Linda Evans**

whose address is: **PO Box 638 Belleview, FL 34421-0638**  
hereinafter called the "grantor", to

**AOW Cope Properties, LLC, a Florida limited liability company**

whose address is: **2826 NE 32nd Place Ocala, FL 34479**  
hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

**Witnesseth**, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Marion County, Florida**, to-wit:

ALL of Lots 1, 2, 29, and 30, Block 429 and a portion of Lots 1 and 2, of Block 430, of GEORGE S. MAYO SUBDIVISION OF SILVER SPRINGS PARK, as per plat thereof recorded in Plat Book A, Page 16, of the Public Records of Marion County, Florida; TOGETHER WITH that portion of N. E. 39th Lane, lying between above mentioned Block 429 and 430 being more particularly described as follows:

Begin at the NE corner of above described Lot 1, Block 429 thence S.0°03'49"W., along the East boundary of said Lot 1, a distance of 265.87 feet, thence S.83°11'26"W., a distance of 80.58 feet, thence N.0°03'49"E., a distance of 275.54 feet to the South right of way line of N. E. 40th Place, thence S.89°55'14"E., along said South right of way line a distance of 80.00 feet to the Point of Beginning.

Parcel Identification Number: **15856-429-01**

**The land** is not the homestead of the Grantor under the laws and constitution of the State of Florida and neither the Grantor nor any person(s) for whose support the Grantor is responsible reside on or adjacent to the land.

**Subject to** all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

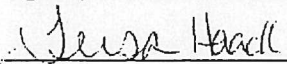
**To Have and to Hold**, the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31st of 2019.


**In Witness Whereof**, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

  
Shirley Linda Evans

*Signed, sealed and delivered in our presence:*

  
Witness Signature

Print Name: Teresa Harrell

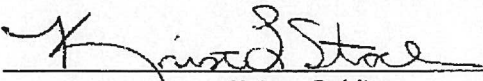
  
Witness Signature

Print Name: Kristin L Stockton

State of **FL**

County of **Marion**

**The Foregoing Instrument Was Acknowledged** before me by means of ☒ physical presence or ☐ online notarization, on June 24th, 2020, by **Shirley Linda Evans** who is/are personally known to me or who has/have produced a valid driver's license as identification.

  
Notary Public

Kristin L Stockton  
(Printed Name)

My Commission expires: 10/03/2022

